



AMENDED AGENDA
BREVARD CITY COUNCIL – REGULAR MEETING
Monday, June 20, 2016 – 7:00 P.M.
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Pastor Larry Davis, Bethel A Baptist Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. May 16, 2016 Meeting Minutes4
2. May 23, 2016 Budget Workshop Minutes 18

G. Certificates / Awards / Recognition

1. Proclamation – Arts and Culture Celebration 2016 22
2. Recognition of Terrell Scruggs Scholarship Recipients 23

H. Public Hearing(s)

1. Non-Contiguous Annexation and Zoning Designation, Challenge Foundation Properties of Brevard, LLC 27
2. City of Brevard Fiscal Year 2016-2017 Budget Ordinance and Fee Schedule 69
3. Short Term Rentals 86
**City Attorney and Staff recommends Council continue the Short Term Rental Public Hearing.*

I. Public Participation

J. Special Presentation(s)

1. Brevard Housing Authority Presentation 90

K. Consent and Information

- 1. Staff Reports:
 - a. Financial Report May 2016 102
 - b. Public Works April 2016 122
- 2. Prudential 457 NC Plan for Employees 141
- 3. Transylvania Wellness Center 148
- 4. Ordinance – National Night Out Street Closure 162
- 5. Interlocal Contract Agreement with Houston-Galveston Area Council 164
- 6. Ordinance – Traffic Schedule Amendment, Oakdale Street No Parking 187
- 7. Form Base Code Update 193
- 8. Kings Creek Phase II 20-Year Loan Update 195
- 9. City-County Joint Parks and Recreation Strategic Plan, Set date Sept. 26, 2016..... 197
- 10. Zika Virus Information..... 198
- 11. Ordinance – Fourth of July Festival Street Closure..... 200
- 12. Correspondence (*No Action. Offered as information only.*)
 - a. ABC Board Proposed FY2016-2017 Budget 202
 - b. Heart of Brevard July 4th Celebration Information 205
 - c. Transylvania Pollinator Day, June 25th 206
 - d. Brevard Music Center Celebrates 80th Anniversary 207

L. Unfinished Business - None

M. New Business

- 1. Ordinance – Non-Contiguous Annexation and Zoning Designation, Challenge Foundation Properties 213
- 2. Ordinance – FY 2015-16 Budget Ordinance Amendment No. Four 215
- 3. French Broad Community Center Policy 220
- 4. Resolution – Kings Creek Phase II Bid Award 229
- 5. Ordinance – Amended Probart Street Sidewalk Project Budget Ordinance 247
- 6. Ordinance – Amend Ord. 2016-11 Downtown Parking Lot 250
- 7. Ordinance – FY 2016-17 Budget 251
- 8. Board and Committee Appointment(s)
 - Brevard ABC Board of Directors 268

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

- 1. Economic Development: GS § 143-318.11. (a)(3)(4)
- 2. Potential Litigation: GS § 143-318.11. (a)(3)
- 3. Personnel and/or Employment: GS § 143-318.11. (a)(3)(5)(6)

P. Adjourn

Media & Sunshine List: 6/14/2016; [Amended 6/16/2016](#)
 Posted: 6/14/2016; [Amended 6/16/2016](#)
 Website: 6/14/2016; [Amended 6/16/2016](#)
 D. Perry, City Clerk

Approval of Minutes

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
May 16, 2016 – 7:00 PM

The Brevard City Council met in regular session on Monday, May 16, 2016, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

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

Absent – Mayor Pro Tem Mac Morrow

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, City Clerk Desiree Perry, Special Project Director Josh Freeman, Planning Director Daniel Cobb, Public Works Director David Lutz, Code Enforcement Officer Paul Ray, Planner Aaron Bland, HR Director Derrick Swing, HR Specialist & Deputy Clerk Jill Murray, Accounting Clerk Tom Whitlock, Fire Chief Craig Budzinski, Parks and Property Management Director Lynn Goldsmith and Police Chief Phil Harris.

Press – Kevin Fuller, Transylvania Times

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

B. Invocation – Mayor Harris offered an Invocation.

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

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

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

F. Approval of Minutes – Ms. Hollingsworth moved, seconded by Mr. Jones, the April 18, 2016, meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

Recognition of Planner Aaron Bland - Mayor Harris and Council recognized Planner Aaron Bland for his completion of the UNC School of Government County & Municipal Administration Course.

H. Public Hearing

H-1. Proposed Nonresidential Building or Structure Code – The public hearing was properly advertised on May 2nd and 9th, 2016.

Mayor Harris opened the public hearing at 7:11 P.M.

Mr. Fatland stated at Council's Retreat staff was asked to check into how the City could bring about needed repairs and perhaps demolition of nonresidential structures. He then called upon Mr. Cobb to present the staff report.

Mr. Cobb explained the City has a residential housing code. The proposed code will enable the City to address non-residential buildings or structure that fail to meet minimum standards of maintenance, sanitation and safety as established by the governing body. The code includes procedures that are to be followed with respect to the complaint, hearing, order, and ordinance. Proposed code would become City Code

Article VI, following Article V which is the City's minimum housing code. Staff recommends approval of the drafted Ordinance.

Discussion:

- The time frame an owner would be provided to make repairs to a structure found to be in violation is two years.
- If a structure is near a City street and poses an immediate safety concern, with the assistance of the City Attorney, there are options or steps that can be taken in order to bring about a quicker (than two years) remedy.
- Should the City take action and have a structure removed, if needed, the City can recover costs for its removal through the lien process.
- A structure is first deemed to be posing a public safety concern in order to be subject to the proposed Code.

Public Hearing Public Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:28 P.M.

I. Public Participation

Ms. Pamela M. Harpootlian, Director Brevard Duplicate Bridge Club, requested Council change the French Broad Community Center Use Policy to: (a) allow FBCC to be booked for continuous use on Friday, Saturday, Sunday and Monday; (b) amend to allow continuous use for up to 6 months and would also allow for renewal at the end of 6 months; and, (c) policy change that will allow Brevard Duplicate to have their own key to the FBCC rather than checking the key in and out from the Police Department.

Ms. Katinka Rennus, Pisgah Forest, understood an environmental study has recently been done on the City's new property (Tannery Park), and requested that Council soon provide an update on the status of possibility of having a Dog Park at the property.

Staff advised Ms. Rennus a meeting to discuss having a dog park has been scheduled for May 23rd at 2:00 PM at City Hall.

Mr. Bill Christie, 8 Pintail Court, spoke in opposition to proposed text changes for short term rentals. He read aloud his prepared comments:

“The Planning Board has been considering short-term rentals for some months now. City staff have worked very hard to craft compromise language that respects the rights of property owners to use their property as they wish while at the same time protecting the character of our residential neighborhoods. The document which emerged from the Planning Board and was presented to the City Council last month was a good and balanced document that met these needs.

Nevertheless, since the last meeting a radical change has been introduced into the proposed text that was not prompted by any directions I heard from the Council at that meeting. If you will look at Section 3.34.B.4 of the proposed text, you will see that an important restriction on parking has been removed. The original proposal from the Planning Board required that parking for homestays in GR districts be provided to the side or rear of the structure. There was nothing new about this requirement. It is already in effect for home bed and breakfasts as provided for in Section 3.9.G of the Unified Development Ordinance. As with bed and breakfasts, this restriction was introduced to prevent visitors' cars from being lined up in front of the property so that a General Residential neighborhood would not start looking like a strip shopping mall. I would strongly urge that the original language, justified by experience with bed and breakfasts, be restored. The reference to Chapter 10 of the Ordinance simply does not provide enough protection. The restrictions in Section 10.7.D and E apply only to new parking lots, and the language in Section 10.8.H allowing the administrator to “impose any other condition necessary to protect the residential character of the

neighborhood in which the parking lot is located” is not the best way to do things. A good rule of thumb is that you can give administrators some authority to waive restrictions in certain cases, but you never give administrators discretionary authority to impose additional restrictions. That is just asking for trouble from our litigious society.

At the last Council meeting, a citizen raised a concern about older neighborhoods without off-street parking. This concern could easily be addressed by adding language exempting properties where off-street parking has never existed so long as no safety hazard is created by on-street parking. But the sweeping change from the language crafted by the Planning Board strips away an essential protection that experience in my own neighborhood shows that we very much need.”

Mr. Richard Fallis, 25 Pintail Court, stated he agrees with Mr. Christie’s request and asked Council to reinstate the previous language on short term rental off-street parking as it is essential to maintaining residential neighborhoods. Homestays are like B&B’s and require additional parking for guests; parking should be provided to the side or rear and shielded by landscaping. Have heard some say these “short term rental businesses” should be left alone and not have any regulations. All other businesses in Brevard, including B&B’s, have regulations to follow and believes these businesses should as well.

Ms. Jill Cutler, 116 W Probart Street, expressed concerns with short term rentals. While there are some who would operate a STR with little or no negative impact upon a neighborhood, that is not always true. There are already examples of ones that have been rented out having too many people staying in the house, who were loud and had too many cars and are a negative impact upon the neighborhood. If STR’s are allowed, how many would be allowed within a block of one another or within a neighborhood? Multiple STR’s will change the character of the neighborhood. If allowed and one is in violation, concerned with the time frame it would take for the City to be able to remedy any violations.

Ms. Mary Ernst, 364 Big Bend Road, spoke in favor of short term rentals. Stated she is a short term rental owner and operator, and as an operator she does not want cars parked on the yard, and does not have too many people staying at a time that would cause a negative impact upon her neighborhood. While her guests are staying here they frequent local businesses and it also enables her to get a small piece of the tourism revenue.

Ms. Susan Andersen, 111 Waterford Lane, spoke in opposition of text changes proposed for short term rentals. She stated she strongly endorses what Bill Christie said about parking, and read aloud her prepared comments: “Parking restrictions are the single most important element in preserving the character of residential neighborhoods, yet the City has softened the language on parking recommended by the Planning Board. The language that was cut out has worked for bed and breakfasts and needs to be put back in for homestays in General Residential districts. Several of these categories require special use permits issued by the Board of Adjustment. Because of the Board’s schedule and the large number of operations in the City, that process could take over a year. There has been talk of allowing these rentals to stay in operation once their applications have been submitted, pending action by the Board of Adjustment. That is fine except for properties that are not in compliance with these proposed regulations. The Planning Department needs to have the means and the authority to proceed immediately with code enforcement against any properties that clearly do not meet the requirements of the ordinance. Without this authority, non-compliant properties could stay in operation for a year or more until the Board of Adjustment gets around to considering their applications. Please do not simply grant a blanket waiver while applications are pending, but give the Zoning Administrator authority to act when it is clear that properties are not in compliance.”

Ms. Denise Darcy, 314 Big Bend Road, spoke in favor of short term rentals. Stated one of her neighbors operates a short term rental and it has not had any negative

impacts upon their neighborhood. Parking problems in their neighborhood are caused by the neighbors, not by the short term rental operators or their guests.

Mr. Michael Curtis, 58 Hazel Court, spoke in opposition to short term rentals. Explained he purchased his home located in a cul-de-sac in and moved to Brevard in order that he and his family could be part of a community. They now have two SRT's within their cul-de-sac. Concerned the SRT situation steals the community that Brevard has, that drew him here, and that he and his family want to be a part of and build here. Is Brevard wanting to create a transient community? He understands the SRT's interest; it is revenue to the business owner within a residential neighborhood. Asked Council to say "No" to SRT's and allow Brevard's residential neighborhoods to stay the beautiful and wonderful place they are.

Mr. Kevin Jones signed up to speak; however, declined doing so when he was called upon.

Mr. Bryan Watten stated he is an operator of a short term rental and has received letters from the City advising him of STR discussion meetings. He questioned how the City identified him as a STR owner to put him upon the mailing list.

Mayor asked staff if the information was obtained from County Occupancy Tax data. Mr. Cobb replied data was not obtained from occupancy tax information. Most, if not all, was obtained by internet searches of VRBO and Air B&B listings.

Ms. Carole Deddy requested Council consider tonight, or very soon, to amend the French Broad Community Center Policy. As a retiree she volunteers a lot and the lack of her ability to plan her volunteer schedule due to the uncertainty of whether or not the bridge club can be assured of their ability to play on Friday's poses a problem for her.

J. Special Presentation(s)

Mr. Fatland presented his proposed Fiscal Year 2016-2017 Budget, pursuant to NCGS 159-11, for Council review and consideration. A copy of the Manager's presentation and power point slides are included by reference. (Exhibit A)

The FY17 recommended budget for the General Fund totals \$9,443,445 or 8.9% more than the FY16 budget of \$8,668,450. State law GS 159-11 requires municipalities to publish the "revenue neutral" tax rate, which would produce the same revenue as the prior year. The City's current tax rate is \$.4725. With assessed valuation declining, the revenue neutral tax rate would be \$.4800.

Budget Summary:

- i. Recommends $\frac{3}{4}$ Cent Tax Increase; Revenue increase of \$69,174
 - Fire Department – Adding evening staffing 5 PM to Midnight
 - Extrication Equipment
- ii. Utility Fund
 - Lower Minimum water/sewer to 500 gallons; revenue increased \$300,000

Council members did not have any questions and thanked the Manager for his presentation.

~~ At 8:34 PM 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 Harris suggested Council consider moving the New Business Items to the Consent Agenda. Mr. Jones moved, seconded by Mr. Landreth, to amend the Consent

Agenda by adding New Business Items #1, #2, #3, #4, #5, #6 and #7, and to approve the Consent Agenda as amended. Motion carried unanimously.

K-1. Staff Reports:

- a. Finance Department April 30, 2016 Monthly Report
- b. Public Works Monthly Report, March 2016
- c. Fire Department Quarterly Report
- d. Police Department Quarterly Report
- e. Human Resources – Status Report on County Clinic

K-2. Correspondence (No action. Offered and accepted as information only.)

- a. NCLM Town Hall Day, June 8, 2016
- b. White Squirrel Festival, May 27, 28 and 29, 2016

K-3. (M-1) Certificate of Sufficiency and Resolution – Council accepted the Certificate of Sufficiency on the Challenge Foundation Properties of Brevard, LLC, non-contiguous annexation Petition, and, adopted **Resolution No. 2016-09** Fixing a Date of Public Hearing on the Question of Annexation Pursuant to NCGS 160A-58.2, As Amended.

Certificate of Sufficiency

I, Desiree D. Perry, City Clerk, do hereby certify that I have investigated the petition submitted by **Challenge Foundation Properties of Brevard, LLC**, PIN 9507-02-3649-000 and 9507-02-3957-000 containing 10.98 acres more or less, and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with NCGS 160A-58.2.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Brevard this 16th day of May, 2016.

Desiree D. Perry, CMC, NCCMC
City Clerk

RESOLUTION NO. 2016-09

A RESOLUTION FIXING A DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION PURSUANT TO NCGS 160A-58.2, AS AMENDED

WHEREAS, a petition regarding annexation of the non-contiguous area described herein has been received; and,

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

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by Challenge Foundation Properties of Brevard, LLC, will be held at Brevard City Hall at 7:00 P.M. on the 20th day of June, 2016.

Section 2. The area proposed for annexation is described as follows:

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

Metes and Bounds Property Description:

Beginning at a #4 rebar and cap located in Boyd Township, Transylvania County, North Carolina, on the southern margin of the 150' right-of-way for New Hendersonville Highway (US-Hwy 64); said rebar being located S 12°53'13" E a ground distance of 54.92' from North Carolina Geodetic Survey Monument "Dill", which monument has the NC Grid NAD 83 (2005) Coordinates of N= 573,662.68' and E= 900,528.98';

thence running with the property line established in Plat File 12, Slide 378 as recorded in the Transylvania County Registry and shown on recombination Plat File 16, Page 667 as recorded in said registry S 56°00'57" E a distance of 27.01' to a #4 rebar and cap; thence N 89°17'24" E a distance of 11.85' to a #4 rebar and cap in the western margin of Glade Creek Road; thence S 13°24'31" E a total distance of 113.13' to a 2" iron pipe, passing a #4 rebar at 82.97'; thence leaving the margin of Glade Creek Road and with the line of Jack Thomas (trustee) as recorded in Deed Book 97, Page 837 in said registry the following six (6) calls: S 83°53'59" W a distance of 92.89' to a calculated point; thence S 34°50'54" W a distance of 69.11' to a calculated point; thence S 24°02'20" E a distance of 27.95' to a calculated point; thence S 02°44'42" E a distance of 60.47' to a calculated point; thence S 05°05'18" W a distance of 98.55' to a calculated point; thence S 03°47'42" E a distance of 143.87' to a calculated point; thence with the line of Larry and Rebecca Wyke (trustee) as recorded in Deed Book 613, Page 148 in said registry the following two (2) calls: S 08°24'12" E a distance of 159.86' to a calculated point; thence S 12°10'42" E a distance of 88.05' to a calculated point; thence with the line of Lionel Gash as recorded in Deed Book 295, Page 517 in said registry and with the line of Zilla Gash as recorded in Deed Book 295, Page 515 in said registry the following two (2) calls: N 83°26'09" W a distance of 43.79' to a #8 rebar; thence S 07°16'57" E a distance of 588.84' to a 2" iron pipe; thence with the line of Neal Anders as recorded in Deed Book 343, Page 201 in said register S 08°30'41" E a distance of 12.43' to a #8 rebar; thence with the line of John and Karen Kiser as recorded in Deed Book 434, Page 146 in said registry the following two (2) calls: N 72°49'24" W a distance of 113.04' to a #4 rebar; thence S 82°35'02" W a distance of 112.01' to a #4 rebar; thence with the Eugene Mathis line as recorded in Deed Book 50, Page 129 in said registry N 04°32'56" W a distance of 322.40' to a #4 rebar; thence with the Blue Ridge Gardens of Memory, LLC as recorded in Deed Book 597, Page 269 in said registry to following six (6) calls: N 23°01'20" W a distance of 18.66' to a #4 rebar; thence N 25°22'39" W a distance of 10.00' to a #4 rebar; thence N 27°48'49" W a distance of 407.23' to a #4 rebar; thence N 06°49'19" W a distance of 128.66' to a #4 rebar and cap; thence N 06°45'07" W a distance of 351.58' to a #4 rebar; thence N 05°54'38" W a distance of 135.24' to a #4 rebar being

located in the southern margin of the 150' right-of-way for New Hendersonville Highway (US-Hwy 64); thence N 00°31'27" W a distance of 75.00' to calculated point in the center of said right-of-way; thence with the center of said right-of-way to following two (2) calls: N 89°28'33" E a distance of 152.07' to a calculated point; thence N 87°27'38" E a distance of 343.81' to a calculated point; thence leaving the centerline of said right-of-way S 02°32'28" E a distance of 75.00' which is the point of beginning. The total area for annexation is 10.98 acres or 478,113 square feet, plus or minus.

Section 3. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.

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

Adopted and approved this the 16th day of May, 2016.

K-4. (M-2) Ordinance No. 2016-08 An Ordinance Declaring a Road Closure For Olde Time Street Dances

ORDINANCE NO. 2016-08

AN ORDINANCE DECLARING A ROAD CLOSURE FOR OLDE TIME STREET DANCES

WHEREAS, Brevard City Council acknowledges the tradition of public gatherings with traditional music and dancing for the pleasure and enjoyment of its citizens and visitors; and,

WHEREAS, Brevard City Council acknowledges these gatherings provide an opportunity for the celebration of the heritage; and,

WHEREAS, Brevard City Council acknowledges these street dances require a portion of Main Street (US Highway 276) to be closed for setup, activities, and cleanup;

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

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

Dates: June 21st and 28th; July 5th, 12th, 19th, and 26th; August 2 and 9th
Time: 6:30PM – 9:00PM
Route Description: Main Street (US 276) from Broad Street (US 64) to Gaston Street.

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

Adopted and approved this the 16th day of May, 2016.

K-5. (M-3) Ordinance No. 2016-09 An Ordinance Amending Brevard City Code Part II – Chapter 18 Subsections 153-173 Nonresidential Building or Structure Code

ORDINANCE NO. 2016-09

**AN ORDINANCE AMENDING BREVARD CITY CODE
PART II - CHAPTER 18 SUBSECTIONS 153 - 173
NONRESIDENTIAL BUILDING OR STRUCTURE CODE**

WHEREAS, Brevard City Council desires to adopt an ordinance granting authority to the Zoning Administrator to cause non-residential building(s) that fail to meet minimum standards of maintenance, sanitation and safety, to be repaired, closed, and/or demolished.

WHEREAS, the City of Brevard Planning Department Staff have recommended that Brevard City Code, Chapter 18, be amended to adopt a nonresidential building or structure code; and,

WHEREAS, Brevard City Council finds that these proposed amendments are consistent with the City of Brevard Comprehensive Plan and other plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, May 16, 2016, by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Part II, Chapter 18 be amended as shown in Attachment B.

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

SECTION 01. Brevard City Code, Part II, Chapter 18 is hereby amended to read as shown in Exhibit A.

SECTION 02. As to any conflict between this Ordinance and any parts of existing Ordinances, the provisions of this Ordinance shall control.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. The enactment of this Ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 08. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 16th day of May, 2016.

K-6. (M-4) Ordinance No. 2016-10 An Ordinance Ordering the Demolition of an Unsafe Structure at 99 North Lane.

ORDINANCE NO. 2016-10

**AN ORDINANCE ORDERING THE DEMOLITION OF
AN UNSAFE STRUCTURE AT 99 NORTH LANE**

WHEREAS, the Senior Code Enforcement Officer has determined that the building located at 99 North Lane, Brevard, NC 28712 has suffered significant structural damage due to rot and decay resulting in prolonged water infiltration, causing further damage to the walls and flooring system, the structure is both open and vacant, plumbing and electrical systems have been removed; and,

WHEREAS, the structure is both dangerous and constitutes a public nuisance as defined by City Ordinance (Chapter 18, Article V, Section 18-132); and,

WHEREAS, the owner has been given notice of the inspection, pursuant to NCGS Sec. 160A-425; has been given notice of a hearing, held pursuant to NCGS Sec. 160A-428; and was ordered to repair or demolish the building and has failed to take action; and,

WHEREAS, it is the desire of this Council, in accordance with NCGS 160A-443, to cause the building to be demolished and removed.

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

SECTION 1: That the Senior Code Enforcement Officer is hereby ordered to proceed with, arrange for, and initiate all reasonable measures, to solicit bids for demolition and removal of the unsafe structure located at 99 North Lane, Brevard, NC 28712 based on the finding of this Council that it is necessary for the City of Brevard to cause such demolition to protect the health, safety and general welfare of the citizens.

SECTION 2: That the City Manager is hereby authorized to enter an agreement with or contract for the service of a demolition contractor, as necessary to secure the services of such a demolition contractor recommended by the Senior Code Enforcement Officer, to provide for and proceed with the razing and removal of the unsafe structure located at 99 North Lane, Brevard, NC 28712.

SECTION 03. This Ordinance shall be in full force and effect from and after the date of its adoption.

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

K-7. (M-5 a-d) Community Development Block Grant – Moose Tracks and D. D. Bullwinkel’s Outdoors Project. Council adopted the following four **Resolution Numbers 2016-10, 2016-11, 2016-12 and 2016-13** along with their associated Exhibits.

RESOLUTION NO. 2016-10

RESOLUTION FOR THE CITY OF BREVARD APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE MOOSE TRACKS & D.D. BULLWINKEL’S OUTDOORS PROJECT

WHEREAS, Brevard City Council has previously indicated its desire to assist in economic development efforts within the City of Brevard; and,

WHEREAS, Brevard City Council has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit Moose Tracks & D.D. Bullwinkel’s Outdoors; and,

WHEREAS, Brevard City Council intends for the City of Brevard to pursue a formal application for Community Development Block Grant funding to benefit Moose Tracks & D.D. Bullwinkel’s Outdoors; and will invest monies into the project as committed to in the application; and,

WHEREAS, Brevard City Council certifies it will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Brevard, North Carolina, that:

Section 01. City Manager of the City of Brevard is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development to benefit Moose Tracks & D.D. Bullwinkel's Outdoors.

Section 02. The City Manager is authorized to execute such contracts and agreements as are necessary to effectuate the purpose of this resolution.

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

**RESOLUTION NO. 2016-11
RESOLUTION TO ADOPT LANGUAGE ACCESS PLAN**

WHEREAS, The City of Brevard has received funding through the State of North Carolina's Community Development Block Grant Program, and;

WHEREAS, The City of Brevard has agreed, by acceptance of the CDBG funds (CDBG No. _____), to abide by the various regulations governing the administration of the Community Development Block Grant Program;

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

Section 1. The City of Brevard hereby officially adopts the Language Access Plan; which is included herein and incorporated by reference as Exhibit A, whereby the City of Brevard must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying persons with limited English proficiency (LEP) equal access to benefits and services for which such persons qualify.

Section 2. This resolution shall take effect immediately and be effective for the life of the grant (CDBG No. _____).

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

**RESOLUTION NO. 2016-12
CITY OF BREVARD PROCUREMENT PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
MOOSE TRACKS & D.D. BULLWINKEL'S**

WHEREAS, the City of Brevard is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and,

WHEREAS, a Procurement Policy is required for the City's CDBG project;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Brevard, North Carolina, that:

Section 01. Brevard City Council hereby adopts the attached Procurement Policy (Exhibit A) to be used throughout the implementation of this Community Development Block Grant project.

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

**RESOLUTION NO. 2016-13
RESOLUTION ENACTING CERTAIN POLICIES PERTAINING TO THE
COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE
MOOSE TRACKS & D.D. BULLWINKEL'S OUTDOORS PROJECT**

WHEREAS, the City of Brevard must enact and adhere to certain policies to ensure compliance with Federal and State regulations associated with the community development block grant program.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Brevard, North Carolina, that:

Section 01. Brevard City Council hereby adopts and enacts the following policies:

- Exhibit A. Equal Opportunity Plan
- Exhibit B. Residential Antidisplacement & Relocation Plan
- Exhibit C. Anti-Displacement Certification
- Exhibit D. Fair Housing Complaint Procedure, English
- Exhibit E. Fair Housing Complaint Procedure, Spanish
- Exhibit F. Section 3 Plan
- Exhibit G. Recipient's Plan to Further Fair Housing

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

K-8. (M-6) Acceptance of FEMA 2015 Assistance to Firefighters Grant – Council accepted the FEMA Assistance to Firefighters Grant in the amount of \$40,000. City's local match will be \$2,000 to be paid from the Fire Department Special Revenue Fund Balance. Grant funding will be used to replace the City's Self Contained Breathing Apparatus breathing air compressor.

K-9. (M-7) Ordinance No. 2016-11 An Ordinance Authorizing Development of Downtown Parking Lot. (Jordan and S. Caldwell Streets)

ORDINANCE NO. 2016-11

AN ORDINANCE AUTHORIZING DEVELOPMENT OF DOWNTOWN PARKING LOT

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

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

WHEREAS, the Brevard City Council now desires to establish a project budget to account for the revenues and expenditures associated with the development of a Downtown Parking Lot at the corner of Jordan and Caldwell Streets; and

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

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

REVENUE	
Downtown Master Plan Fund	\$100,000
Transfer from General Fund	<u>\$300,000</u>
Total Revenue	\$400,000

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

EXPENDITURES	
Property Purchase	\$300,000
Building Demolition	\$20,000
Grading and Paving	<u>\$80,000</u>

Total Expenditures

\$400,000

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

Section 4. The City Manager is hereby authorized and instructed to take appropriate actions to implement this Ordinance, including but not limit to the execution of contracts and agreements.

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

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

L. Unfinished Business

L-1. Short Term Rentals – At Council’s April 18th meeting staff made a presentation and review of the proposed text for a short term rental ordinance. Council also heard from several citizens on the subject. Staff has revised the text to include changes Council requested resulting from that meeting.

Mr. Fatland asked that the comments contained within the email addressed and sent to Mayor Harris dated Monday, May 16, 2016 at 2:16 PM from Mr. Jason Lefler, a copy of which has been provided to each member of Council, be added into the record:

“The purpose of this email is to express my concern about the substantial increase in traffic on my street. One of the main reasons my wife and I chose to purchase a home on a street terminating in a cul de sac was because we have 4 children, and we knew this would limit the amount of traffic up and down the street, thus providing a safer environment for ids on bicycles, running after basketballs, etc. Over the last few months, the traffic has increased drastically, and we have noticed a disturbing trend of driver who are speeding when they reach our end of the street in a way that has never happened in the past.

I have been informed that there is property at the end of our street that is being rented on a short term basis to large numbers of people, and this has led to the increase in traffic. As a property owner, I am gravely concerned about this, not only with regards to risks of increased traffic, but also for the future value of my home. I have heard of some nightmarish situations unfolding around overfilled short term rentals, and I hope there are some zoning restrictions in place concerning these types of arrangements.

Please feel free to share this email with whomever you deem necessary in order to address my concerns.”

Mr. Fatland called upon Mr. Cobb to present the staff report.

Mr. Cobb offered the main purpose and intent of the amendments continues to be the protection of the peace and tranquility of residential neighborhoods, as well as the safety of Brevard’s residents and visitors. Changes to the draft language reflect Council’s desire of a simple ordinance that accomplishes this goal with the least amount of regulation, as well as, clarifying the difference between STRs that require a special use permit versus those permitted with standards (approved by Staff) and the difference between the two in terms of annual renewal of permits. (See also staff report on file.)

Review and discussion included the following:

Proposed Changes:

Chapter 3 – Additional Standards.

A. Intent. It is the intent of this ordinance and standards below to preserve and protect the long-established, traditional single-family neighborhoods within the City while allowing those desiring to operate short-term rentals or homestays to do so without detriment to those neighborhoods.

B. ~~Operational~~ General requirements

B. 3. Appearance: Dwelling units used as short-term rentals or homestays in GR or RMX zoning districts shall maintain their residential character and outside appearance. No signs shall be permitted. All exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.

B. 4. Parking: Parking requirements shall be provided for the type of dwelling unit, per Chapter 10 of this ordinance.

E. Duration of Permits

E. 1. Rentals permitted with standards (PS)

E. 2. Rentals permitted with the issuance of a Special Use Permit (SUP)

a. Per 16.11.D, the effect of approval of a special use permit by the Board of Adjustment is binding on the property, and all subsequent development and use of the property must be in accordance with the approved plan and conditions. Special use permits do not need to be renewed annually.

b. Per 16.11.F, the Board of Adjustment may revoke an approved special use permit upon finding that a violation of Brevard City Code, the City of Brevard Unified Development Ordinance, or a specific condition or requirement of the Board of Adjustment has occurred.

Discussion:

- a. Parking. Previously, the draft language required STR off-street parking be provided within the side or rear yard area of the property and to be buffered. Amendment still requires off-street parking is required (in accordance with UDO Chapter 10); however, will not require STR parking to be in side or rear, but will allow it to be provided in front yard area of property.
- b. Residential dwelling unit requires 2 off-street parking spaces.
- c. STR – One parking space per bedroom or suite is proposed.
- d. Occupancy and number of bedrooms. Number is to be as specified upon the Transylvania County Tax Records. Amend to be included within draft text.
- e. Issue of how to limit STR is an important piece; however, it is not included in the draft text. Believe it should be included within the draft text to allow review and discussion by Council, and for Council to then decide if it should or should not be included.
- f. Discussed whether Council would like to call for a public hearing at their June 20th meeting, or, wait until a later date. City Attorney explained Council could choose to call for and hold the public hearing at their June meeting and would have the ability to make minor modifications to the draft ordinance following the hearing provided that any modification is generally included and covered within the Notice of Public Hearing. Any proposed modification not in keeping with the advertised Notice, will require re-advertising and holding another (second) public hearing at a later date.

Considerations:

- g. Much has been talked about on the subject of STR and home stays. Discussed tonight was the “fabric” of our community. What happens to the fabric of our schools, teams, clubs, churches, as the community begins to accommodate tourists to the point that we are over-weighted or under-weighted with permanent residents? We at least need to consider if that matters to us as a community.
- h. Interested in a policy exploration on a limit for STR; however, not necessarily to include home stays as they are owner-occupied.
- i. Fabric of our community. There are questions that cannot be answered by data. Transient population. Benefit of additional lodging weighed out by impact upon residential neighborhoods. Boils down to a policy direction and the way this community wants to go.
- j. Impact of STR upon rental housing market?

- k. Separation requirements be it the distance between STR or number allowed within a neighborhood should be considered.
- l. Parking. Should it be added back to require location be in side or rear yards? Questions and concerns arose from citizens last month and tonight with respect to the number of parking spaces needed based upon the number of bedrooms and the impact of having these additional parking spaces in the front portion of property would have upon their neighborhood.
- m. Parking. UDO provides for that already; some people can only park in the front of their property. Important to allow all to have the same rights.

Mr. Landreth moved, seconded by Ms. Hollingsworth, a public hearing on the issue of Short Term Rentals be advertised and held at Council's June 20th meeting.

Discussion: Staff asked Council for clarification on what they desire to have included in the draft Ordinance for the public hearing.

- 1. Potential number limiting of STR;
- 2. Text indicating the County Tax Office data will be used to determine number of bedrooms is to be added; and,
- 3. Spacing needs to be addressed. The fabric of our City needs to be protected. Separation and number go hand in hand.

Mayor Harris called for a vote on the motion. Motion carried unanimously.

M. New Business – All items were moved and approved upon Consent Agenda.

N. Remarks by Officials / Future Agenda Considerations

Mayor Harris shared Dr. Ephraim Brevard was one of the original signers of the Mecklenburg Declaration of Independence, and our City was named in his honor. On Friday, May 20th at Noon he will be attending the unveiling of a statute in honor of Dr. Brevard, ceremony will take place at the Settlers' Cemetery in Charlotte, NC.

Mr. Jones asked if the "free speech zone" has been identified for the White Squirrel Festival.

Chief Harris replied, "Yes". The area is located upon the County Courthouse lawn.

Mr. Jones shared he had been planning for the NC Black Elected Officials Summer Retreat to be held here this summer; however, because of occupancy issues it cannot be held in Brevard. Disappointed as it would have been historic to hold the summer conference here in our small town.

Mr. Landreth shared pieces of the French Broad Community Center Use Policy need to be changed and he desires staff to be authorized to do so. Bridge Club should be supported. We value organizations in our community and we want to assist them with their regular and ad hoc events. If they need more time then provided by a 3-month reservation, what's the matter with allowing booking of a 9-month or 1-year continuous reservation? Why is Sunday excluded? Would add some flexibility to some groups that would like to meet on a Sunday. However, there may be some staffing issues on having it open on Sundays.

Ms. Hollingsworth suggested rather than provide a key to the Bridge Club to consider having a key pad installed to allow access for users of the FBCC.

Mr. Landreth moved, seconded by Ms. Hollingsworth, the matter be referred to staff to review and suggest policy changes. The motion carried unanimously.

City Clerk shared the two-hour NC State Ethics Training requirements have been met by Council Members Landreth, Jones and Daniel.

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

Closed Session #1 - At 9:37 p.m. Mr. Jones moved, seconded by Mr. Landreth, Council go into closed session to discuss an economic development matter. Motion carried unanimously. (A seven minute break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session – At 10:20 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Closed Session #2 – At 10:20 p.m. Mr. Landreth moved, seconded by Mr. Jones, Council go into a second closed session to discuss a potential litigation matter. Motion carried unanimously.

Council Returned to Regular Session – At 10:34 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, Mr. Landreth moved, seconded by Mr. Jones, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 10:35 P.M.

Jimmy Harris
Mayor

Desiree D. Perry
City Clerk

Minutes Approved: _____

MINUTES
BREVARD CITY COUNCIL
Budget Work Session #1
May 23, 2016 – 5:30 P.M.

The Brevard City Council met on Tuesday, May 23, 2016, starting at 5:00 p.m. with a light dinner. The scheduled budget work session started at 5:30 p.m. in City Council Chambers with Mayor Jimmy Harris presiding.

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

Staff Present: City Manager and Finance Director Jim Fatland, City Clerk Desiree Perry, Project Director Josh Freeman, Planning Director Daniel Cobb, Fire Chief Craig Budzinski, Police Chief Phil Harris, Public Works Director David Lutz, Parks and Property Management Director Lynn Goldsmith, HR Director Derrick Swing, HR Specialist and Deputy City Clerk Jill Murray, WWTP ORC Emory Owen, Water Plant ORC Dennis Richardson and Finance Dept. Accounting Clerk Tom Whitlock.

Press: Kevin Fuller, Transylvania Times

A. Welcome – Mayor Harris called the meeting to order and welcomed those present to the regular scheduled budget work session.

B. Quorum – City Clerk certified a quorum present.

C. Agenda – Mr. Morrow moved, seconded by Ms. Hollingsworth the Agenda be accepted as presented. Motion carried unanimously.

D. Proposed FY 2016-17 Budget Review

Mr. Fatland introduced Finance Department Accounting Clerk Tom Whitlock.

A draft of the proposed budget was provided to Council members at their May 16th meeting. Mr. Fatland offered in an effort to cover most, if not all, of the items listed upon the Agenda, he would like for Council to review each item as listed. Department Directors are in attendance to answer any questions specific to their Departments. Upon review and discussion, if there are no requested changes they will move on to the next item. Council agreed.

Below are action items and/or changes to the proposed budget that resulted from the budget work session:

1. (Action Item) Parks & Property Management – Mayor Harris asked what plans, if any, the City or County have made to get ready for mosquito season and concerns related to Zika Virus. Wants to get this on the table for discussion. He requested that Staff investigate with County Health Department and report back to Council.
2. (Action Item) Requested data on fees collected at the Franklin Park Pool be provided to show what differences, if any, resulted from the City modifying the fee schedule last year to provide for a family rate. Did number of users increase?
3. Non-Profit Requests – Chamber of Commerce. If the City continues with \$10,000 support as has been done the past few years, the City will be recognized as being a diamond member.

Council questioned if amount to Chamber of Commerce should be reduced from \$10,000 to \$3,000. The initial partnership contract with the Chamber was for economic development and was specific to needs stated; however, the recent submitted Contract proposal from the Chamber does not meet City needs. City's landscape has changed and a contract of four years ago is not what we need right now. City is looking for return on investment, and, Chamber support was not intended to be an automatic \$10,000 grant each year. Any contract needs to be something special, unique, and benefit to the City.

4. Consensus: Chamber of Commerce - Budget to include funding of \$3,000. If Chamber comes to the City with a project or event the City finds value in, we can then consider additional funding.
5. Non-Profit Request – Bread of Life - Increase funding to \$5,000
6. Non-Profit Request – Transylvania Heritage Museum and Pisgah Legal Service – No funding.
7. Brevard Music Center – Provide \$5,000 in support of BMC 80th Anniversary Celebration and special events associated with the anniversary.
8. (Action Item) Capital Equipment – Suggested Staff check to see if there is a State contract price for purchase of the needed WWTP and Parks and Property Mgmt. tractors; if not, perhaps could receive a better price by having one company to give price for both.
9. (Action Item) Capital Equipment – Mayor Harris asked Mr. Lutz of the possibility of his seeking/ requesting a safety grant to replace the tire changing machine.
10. Revenue Neutral – Agreed to keep the Heart of Brevard tax rate the same at .2250
11. Fire Department Evening Staffing – Transylvania County waiting on final report on the County-wide Study of fire and emergency services before answering if they will or will not fund evening staffing. City will fund evening staffing for a two-month period and will then re-evaluate after County Study is complete; funding to come from Fund Balance.
12. (Action Item) Fire Staff asked to consider extending hours of shift in order to help provide some evening coverage.
13. Fire Department Extrication Equipment – Initially requested extrication equipment for one truck; however, all three trucks need this equipment. Finance Director recommends it would be better to buy all three now and finance over the next five years as the cost is the same. Council agreed.

~~ At 7:41 PM Mayor Harris called for a ten minute break. ~~

14. Tax Rate – Manager recommended a tax rate of .4800 for revenue neutral, and the Heart of Brevard rate to remain the same at .2250
15. Pick-Up Fees – Discussed the City’s current rate of \$20 for a single item and \$30 for a truck load is too low. Consensus: Charge at least \$35 for a pickup of two or more items.
16. (Action Item) Mayor would like for the City Attorney to check into possibility of the City having the ability to pick up items left at the curb and charge for the pickup on the customer’s utility bill. (Would only do so when one places items at curb but does not call or pay for a pickup – frequently items stay at the curb for weeks or months.)
17. (Action Item) French Broad Community Center – Manager will provide his suggested use policy changes for Council review at the June 20th meeting.
18. (Action Item) Would like Staff to look into changes to the political sign standards and, if possible, amend to prevent political signs from being posted for 6 months or longer. Suggested was to allow them to be placed 45 to 60 days prior to primary, remove, and then allow to be replaced 45 to 60 days prior to election.
19. Street Banners – Increase fee from \$200 to \$250
20. Fire False Alarm Charges – Proposed is a \$20 fee charge when the Fire Dept. receives in excess of three false alarm calls in a month (to the same business) seems to be too low of a charge as it does not begin to cover costs, and, a business would find it easier and less expensive to pay the charge rather than to repair their fire alarm system. Suggested an increase in fee, or, perhaps rather than 3 per month to charge \$20 when a business has more than 3 in a year.

Mayor and Council Members thanked Mr. Fatland and staff for their hard work on the budget.

Mayor asked Council members if they want Staff to respond to the various action items/staff reports discussed at the next scheduled workshop, or, if receiving at the June 20th regular meeting would be all right. All agreed waiting until the June 20th meeting would be fine.

Budget Work Sessions #2 and #3 Cancelled – Mayor Harris suggested since Council has completed review of the proposed budget that the two Budget Work Sessions scheduled for June 6th and June 13th be cancelled. Ms. Hollingsworth moved, seconded by Mr. Jones, the two scheduled budget work sessions be cancelled. Motion carried unanimously.

E. Adjourn – There being no further business or discussion, a motion was made by Mr. Jones and seconded by Ms. Hollingsworth the meeting be adjourned. Work Session was adjourned at 9:30 p.m.

\

Jimmy Harris
Mayor

Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: _____

Certificates / Awards / Recognition



Proclamation No. 2016-08
Arts and Culture Celebration 2016
June 24 – July 4, 2016
City of Brevard, North Carolina

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

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

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

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

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

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

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

Jimmy Harris, Mayor

ATTEST:

Desiree Perry, City Clerk

AGENDA ITEM

CERTIFICATES / AWARDS / RECOGNITION

DATE: June 20, 2016
TO: Mayor and City Council Members
CC: Jim Fatland, CPFO, City Manager
FROM: Joshua S. Freeman, Community Development / Special Projects Director
SUBJECT: 2016 Terrell L. Scruggs Scholarship Awards

APPROVED BY: Jim Fatland, CPFO, City Manager

BACKGROUND: The Terrell L. Scruggs Scholarship was established in 2013 to honor the memory of former Finance Director Terry Scruggs. Altogether, the Terrell L. Scruggs Scholarship Committee has awarded \$28,500 to 26 graduating seniors from Brevard High School, Rosman High School, and Davidson River School.

The 2016 scholarship recipients listed below, were selected from a pool of over 30 applicants

LAST NAME	FIRST NAME	SCHOOL	SCHOLARSHIP AMT
ARANT	TYLER	Rosman	\$1,000
CONTRERAS	MARLENE	Brevard	\$1,000
FIELD	HANNAH	Brevard	\$1,000
FOSTER	BRYCE	Brevard	\$1,000
GALLOWAY	ALEXANDRIA	Rosman	\$1,000
MCCALL	NICHOLAS	Rosman	\$1,000
MCCATHERN	CAMERON	Brevard	\$1,000
NICHOLS	CARVER	Brevard	\$1,000
ROBARTS	TAYLOR	Rosman	\$1,000
STROUP	ZACHARY	Rosman	\$1,000
VAN GORES	AUDRIANNA	Brevard	\$1,000

A list of all previous scholarship recipients is attached hereto.

RECOMMENDATION: Not applicable.

FISCAL IMPACT: The total value of all 2016 scholarships is \$11,000. The Terrell L. Scruggs Scholarship is funded by donations and proceeds raised via an annual golf tournament and other fundraising events.

Terrell L. Scruggs Scholarship Award Recipients

<u>Year</u>	<u>Name</u>	<u>High School</u>	<u>College</u>	<u>Award</u>
2013	Hunter Reese	RHS	Southern Wesleyan Univ.	\$1500
2013	Holly Phillips	BHS	Carson Newman	\$1500
2014	Renee Martinez	RHS	BRCC	500
2014	Jenah McCall	RHS	UNC-CH	\$1500
2014	Caleb Perry	RHS	WCU	\$1500
2014	Lauren McGee	BHS	Brevard College	500
2014	Cheyenna Phelps	BHS	UNC-CH	\$1500
2015	Suzannah Palumbo	BHS	ASU	\$1500
2015	Yahir Galarza	BHS	ASU	\$1000
2015	Haley Putnam	BHS	Brevard College	\$1000
2015	Meleah Owens	BHS	BRCC	\$1000
2015	Elizabeth Bailey	BHS	ASU	\$1000
2015	Jon Miller	RHS	Furman Univ.	\$1000
2015	Hannah Sanders	RHS	WCU	\$1000
2015	Mary Grace Morrow-Johnson	RHS	Brevard College	\$1500
2016	Tyler Arant	RHS	WCU	\$1000
2016	Nicholas McCall	RHS	WCU	\$1000
2016	Taylor Robarts	RHS	Berea College	\$1000
2016	Zach Stroup	RHS	Brevard College	\$1000
2016	Alexandria Galloway	RHS	North Green.Univ	\$1000
2016	Marlene Pulido Contreras	RHS	UNC-C or WCU ?	\$1000
2016	Hannah Field	RHS	ASU	\$1000
2016	Bryce Foster	BHS	Brevard College	\$1000
2016	Carver Nichols	BHS	Univ. of Georgia	\$1000
2016	Audrianna Van Gores	BHS	UNC-G or ASU	\$1000
2016	Cameron McCathern	BHS	BRCC	\$1000

Total: 26 Terrell L. Scruggs Scholarship recipients

TOTAL \$28,500

Public Hearing(s)

STAFF REPORT

City Council, June 20, 2016

Title: **Brevard Academy Voluntary Noncontiguous Annexation (AX16-000001) and Rezoning (RZ16-000003)**

Staff will present an ordinance for the annexation and rezoning of 1110 New Hendersonville Highway.

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

Background

In March of 2016, the City Clerk received an application materials (Attachment A) from Challenge Foundation Properties of Brevard LLC (property owner) for a voluntary, noncontiguous annexation of a parcel of land located at the intersection of Hendersonville Highway and Glade Creek Road. See Attachments B and C for location reference.

The subject property, 1110 New Hendersonville Highway, is to be used for the new location of Brevard Academy, a K-8 public charter school. Mark C. Brooks of Brooks Engineering Associates is the authorized agent for the property owner. Challenge Foundation Properties of Brevard LLC and Mr. Brooks are collectively referred to as "Applicant."

Because this property is currently located outside the City's planning jurisdiction, it is subject to Transylvania County zoning ordinances and must be rezoned by the City concurrently with the annexation. The proposed zoning district is Institutional Campus (IC); see Attachments D and E for current and future zoning maps, and Attachment F for the table of permitted uses in the IC district.

Prior to this annexation request, the Applicant secured zoning and building permits from Transylvania County and construction is currently underway on site.

The Planning Board discussed both the annexation and rezoning at their meeting on May 16, 2016 and unanimously voted to recommend approval of both. The Planning Board's discussion focused on the potential for negative traffic impacts at the entrance of the property along Highway 64. Following the Planning Board meeting, Staff spoke with Carl Ownbey, Engineering Technician with NCDOT, regarding traffic impacts and learned that the school's driveway permit has been approved, there will be a right turn lane installed for eastbound traffic, and busses enter the school via Glade Creek Road.

Discussion

The financial and service delivery impacts of annexation are determined to be fairly minimal at the present time. The property owner is expected to file for tax-exempt status, therefore negating any possible General Fund revenues for the City by means of property tax revenue. Refer to the annexation report (Attachment G) for the full financial and service impact analysis.

In considering a change of zoning, Council should consider the following factors and Staff comments:

- *Is the request consistent with adopted land use plans?*

The proposed rezoning is inconsistent with the Future Land Use Map of the 2002 City of Brevard Land Use Plan, which classifies this property as mixed-use boulevard (see Attachment H), which is defined as:

A thoroughfare is defined as “a major road or highway; a passage or way through.” In contrast, a boulevard is “a broad avenue in a city, often landscaped or lined with trees.” This Plan recommends that the City embark on a new way of looking at street design and the transport of people, goods and services along its existing major roads, specifically Asheville Highway to the north and Broad St./Rosman Highway to the south. A mixed use-boulevard designation is envisioned with: more transportation choices; better access management; more efficient use of land; landscaping; improved appearance; and design standards which encourage buildings to be close to the street, with parking to the side or rear. Development should be encouraged toward “nodes,” typically at main intersections (see map) while leaving some green/undeveloped areas. Standard strip commercial centers should be discouraged.

A future land use designation of Public/Semi-Public would be much more consistent with the intended use of the property. However, there are elements of the Mixed Use – Boulevard category that are consistent, specifically developing “nodes” of activity at key intersections along major highways.

If Council elects to move forward with the proposed rezoning, then Council must, in its motion, acknowledge this discrepancy and provide a basis for its decision.

- *What is the relationship between the range of proposed uses and existing uses within the vicinity of the Subject Parcel?*

The subject parcel was formally an automotive dealership, as well as a rental car service. The surrounding properties are a mix of uses. Residential properties abut to the east, along Glade Creek Road, along with a few undeveloped parcels. To the west is the Blue Ridge Gardens of Memory cemetery. To the north, across Hendersonville Highway, is an automotive repair shop.

- *Is the size of the tract “reasonable” within the context of the proposed zoning district, the configuration of adjacent zoning districts, and surrounding land uses?*

Yes. The subject property is rather large at 10+ acres and surrounding land uses are a mix of commercial, residential, and semi-public community facilities.

- *What is the balance of benefits and detriments to both the Applicant/property owner and the public at large?*

The subject property is currently partially zoned by Transylvania County as Corridor Mixed Use and is therefore open to many commercial uses. Additionally, the site has historically been used commercially. Annexation would bring the site under the City’s development regulations and subsequent development or expansion would be subject to screening and buffering requirements intended to mitigate impacts of non-residential uses on neighboring residential properties. There are several examples in the city of Institutional Campus zones abutting residential areas with minimal conflict or negative impacts.

Policy Analysis

The enabling legislation for noncontiguous annexations, North Carolina General Statute §160A-58.1, puts a limit on the noncontiguous area that can be annexed by a municipality. NCGS §160A-58.1(b)(5) states that the combined area of all satellite annexations “may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.” The City is currently at 6.51% out of the 10% limit, and this proposed annexation would raise the City to 6.84%.

While the rezoning as proposed is inconsistent with the current Land Use Plan, as discussed above, it does address an objective of the City’s Comprehensive Plan. The annexation, and rezoning, of this property for the relocation and expansion of a K-8 school is in harmony with an objective of the City’s Comprehensive Plan in the “Economic Development” element:

***OBJECTIVE 2.3:** Retention and expansion of institutions, programs, and services that expand the knowledge, skills, and abilities of our citizens.*

Per North Carolina General Statutes governing zoning, Council must approve a written statement describing whether the action is consistent with the adopted comprehensive plan. Council is not required to follow adopted plans, but must adopt a statement explaining the rationale for their decision. The statement must also address why Council considers the action taken to be reasonable and in the public interest.

If Council elects to adopt or reject the proposed rezoning, then Council must, as a part of the motion to adopt the proposed zoning amendment, address the consistency of the proposed annexation and rezoning; an example consistency statement is included as Attachment I.

Staff Recommendation

Staff recommends approval of the annexation and rezoning as presented. The rezoning as proposed is inconsistent with the City’s adopted land use plan. However, as stated above, such a rezoning is harmonious with specific objectives set forth in the latest update to the City’s Comprehensive Plan, adopted November 2015.

Council’s options are as follows:

1. Denial of the proposed annexation and rezoning as presented.
2. Approval of the proposed annexation and rezoning as presented.
3. Approval of the proposed annexation as presented and the rezoning to a lesser district.
4. Request more information from Staff and continue the discussion until Council’s next meeting.

Fiscal Impact

Refer to the attached annexation report for a financial and service impact analysis of the proposed annexation.

Attachments:

- | | |
|--------------------------|------------------------------------|
| A. Application Materials | F. Table of Permitted Uses Excerpt |
| B. Site Map | G. Annexation Report |
| C. Vicinity Map | H. Land Use Plan Excerpt |
| D. Current Zoning | I. Consistency Statement |
| E. Proposed Zoning | J. Ordinance |

received
3-17-2016

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION
G.S. 160A-58.1 (As Amended)

Date: 1-22-16

To the City Council of the City of Brevard:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Brevard.
2. The area to be annexed is non-contiguous to the City of Brevard and the boundaries of such territory are as follows:

Transylvania County Property Identification Number(s): 9507-02-3649-000, 9507-02-3957-000

Street Address: 1110 NEW HENDERSSVILLE HIGHWAY

(ATTACH A METES AND BOUNDS PROPERTY DESCRIPTION AS "ATTACHMENT A")

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Brevard. (ATTACH MAP AS "ATTACHMENT B", including the Tax Map PIN)
4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Property Owner(s) Do you declare vested rights? Yes No

a. Name CHALLENGER FOUNDATION PROPERTIES OF BREVARD, LLC
 Address 150 FAYSTEVILLE ST. Box 1011
RALEIGH, NC 27601
 Telephone 704-813-7919 Email MHARRIN687@AOL.COM
 Signature W. U. Harrington PRESIDENT

b. Name _____
Address _____
Telephone _____ Email _____
Signature _____

c. Name: _____
Address: _____
Telephone _____ Email _____
Signature: _____

d. Name: _____
Address: _____
Telephone _____ Email _____
Signature: _____

AGENT:

Name: BROOKS ENGINEERING ASSOCIATES, P.A.
Address: 17 ARWINGTON ST.
ASHEVILLE, NC 28801
Telephone 828-232-4700 Email MBLANKS@BROOKSEA.COM

Petition along with a copy of the property Deed, Metes and Bounds description (Attachment A), and Map / Survey (Attachment B) is to be returned to:

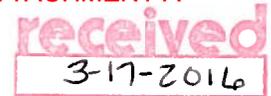
City Clerk, City of Brevard
95 West Main St., Brevard, NC 28712
828-885-5614

Exhibit "C"
Vested Rights

The applicant declares the following vested rights related to zoning, erosion and sedimentation and erosion control and all other development regulations based upon the following:

1. Transylvania County Zoning Permit 2016-1-PFZ (see attached). Pursuant to N.C. Gen. Stat. §143-755 and N.C. Gen. Stat. §160A-360.1, applicant is vested with the development rules pertaining to this permit.
2. North Carolina Department of Environment and Natural Resources Erosion & Sedimentation Control Permit # TRANS-2016-003(see attached). Pursuant to N.C. Gen. Stat. §143-755 and N.C. Gen. Stat. §160A-360.1, applicant is vested with the development rules pertaining to this permit.
3. County building permit issued on 2/12/2016 (see attached). Pursuant to N.C. Gen. Stat. §160A-385(b), statutory vested rights exists, entitling the project to be completed in accordance with the County's development rules.
4. In addition to the above, the applicant has common law vested rights having incurred substantial expenditures or substantial contractual obligations after the approval of the County zoning permit and in reliance thereof.

4811-2494-2639, v. 1



Annexation Legal Description:

Beginning at a #4 rebar and cap located in Boyd Township, Transylvania County, North Carolina, on the southern margin of the 150' right-of-way for New Hendersonville Highway (US-Hwy 64); said rebar being located S 12°53'13" E a ground distance of 54.92' from North Carolina Geodetic Survey Monument "Dill", which monument has the NC Grid NAD 83 (2005) Coordinates of N= 573,662.68' and E= 900,528.98'; thence running with the property line established in Plat File 12, Slide 378 as recorded in the Transylvania County Registry and shown on recombination Plat File 16, Page 667 as recorded in said registry S 56°00'57" E a distance of 27.01' to a #4 rebar and cap; thence N 89°17'24" E a distance of 11.85' to a #4 rebar and cap in the western margin of Glade Creek Road; thence S 13°24'31" E a total distance of 113.13' to a 2" iron pipe, passing a #4 rebar at 82.97'; thence leaving the margin of Glade Creek Road and with the line of Jack Thomas (trustee) as recorded in Deed Book 97, Page 837 in said registry the following six (6) calls: S 83°53'59" W a distance of 92.89' to a calculated point; thence S 34°50'54" W a distance of 69.11' to a calculated point; thence S 24°02'20" E a distance of 27.95' to a calculated point; thence S 02°44'42" E a distance of 60.47' to a calculated point; thence S 05°05'18" W a distance of 98.55' to a calculated point; thence S 03°47'42" E a distance of 143.87' to a calculated point; thence with the line of Larry and Rebecca Wyke (trustee) as recorded in Deed Book 613, Page 148 in said registry the following two (2) calls: S 08°24'12" E a distance of 159.86' to a calculated point; thence S 12°10'42" E a distance of 88.05' to a calculated point; thence with the line of Lionel Gash as recorded in Deed Book 295, Page 517 in said registry and with the line of Zilla Gash as recorded in Deed Book 295, Page 515 in said registry the following two (2) calls: N 83°26'09" W a distance of 43.79' to a #8 rebar; thence S 07°16'57" E a distance of 588.84' to a 2" iron pipe; thence with the line of Neal Anders as recorded in Deed Book 343, Page 201 in said register S 08°30'41" E a distance of 12.43' to a #8 rebar; thence with the line of John and Karen Kiser as recorded in Deed Book 434, Page 146 in said registry the following two (2) calls: N 72°49'24" W a distance of 113.04' to a #4 rebar; thence S 82°35'02" W a distance of 112.01' to a #4 rebar; thence with the Eugene Mathis line as recorded in Deed Book 50, Page 129 in said registry N 04°32'56" W a distance of 322.40' to a #4 rebar; thence with the Blue Ridge Gardens of Memory, LLC as recorded in Deed Book 597, Page 269 in said registry to following six (6) calls: N 23°01'20" W a distance of 18.66' to a #4 rebar; thence N 25°22'39" W a distance of 10.00' to a #4 rebar; thence N 27°48'49" W a distance of 407.23' to a #4 rebar; thence N 06°49'19" W a distance of 128.66' to a #4 rebar and cap; thence N 06°45'07" W a distance of 351.58' to a #4 rebar; thence N 05°54'38" W a distance of 135.24' to a #4 rebar being located in the southern margin of the 150' right-of-way for New Hendersonville Highway (US-Hwy 64); thence N 00°31'27" W a distance of 75.00' to calculated point in the center of said right-of-way; thence with the center of said right-of-way to following two (2) calls: N 89°28'33" E a distance of 152.07' to a calculated point; thence N 87°27'38" E a distance of 343.81' to a calculated point; thence leaving the centerline of said right-of-way S 02°32'28" E a distance of 75.00' which is the point of beginning.

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



**Energy, Mineral
and Land Resources**
ENVIRONMENTAL QUALITY

PAT MCCRORY

Governor

DONALD R. VAN DER VAART

Secretary

TRACY DAVIS

Director

February 25, 2016

LETTER OF APPROVAL

Challenge Foundation Properties of Brevard, LLC
ATTN: Mr. Michael Harrington
817 East Todd Dr.
Tempe, AZ 85283

RE: Project Name: BREVARD ACADEMY ADDITIONS & RENOVATIONS
Acres Approved: 5.5
Project ID: TRANS-2016-003
County: Transylvania
City: Brevard
Address: 64 Hwy.
River Basin: French Broad
Stream Classification: B
Submitted By: Mr. Travis Maxwell, PE
Date Received by LQS: January 14, 2016
Revision Date Received by LQS: February 24, 2016
Plan Type: Institutional

Dear Mr. Harrington:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. The enclosed Certificate of Approval must be posted at the job site. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.

Please be aware that your project will be covered by the enclosed NPDES Construction Stormwater General Permit NCG010000. Please become familiar with all the requirements and conditions of this permit in order to achieve compliance.

Division of Energy, Mineral, and Land Resources
Energy Section • Geological Survey Section • Land Quality Section
2090 U.S. HIGHWAY 70 SWANNANOVA, NC 28778 • Phone: 828-296-4500 • FAX: 828-299-7043
Internet: <http://portal.ncdenr.org/web/lr/>

An Equal Opportunity \ Affirmative Action Employer – 50% Recycled \ 10% Post Consumer Paper

Letter of Approval
Mr. Michael Harrington
February 25, 2016
Page 2 of 2

Title 15A NCAC 4B .0118(a) requires that a copy of the approved erosion control plan be on file at the job site. Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to insure compliance with the approved plan.

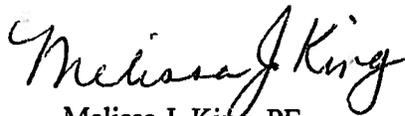
North Carolina's Sedimentation Pollution Control Act is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to insure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form, which you provided. You are requested to file an amended form if there is any change in the information included on the form. In addition, it would be helpful if you notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference.

Your cooperation is appreciated.

Sincerely,



Melissa J. King, PE
Assistant Regional Engineer
Land Quality Section

Enclosures: Certificate of Approval
NPDES Permit

cc: Mr. Travis Maxwell, PE tmaxwell@brooksea.com



TRANSYLVANIA COUNTY
PISGAH FOREST COMMUNITY ZONING

GENERAL APPLICATION FORM

(Permit Number if Approved 2016-1-PFZ)

Permit Requested: CMX Zoning _____ Vested Right _____ Special Use/PUD _____

Owner Challenge Foundation Owner (if different) Same

Address Properties of Brevard, LLC Address _____
c/o Mike Harrington
817 E. Todd Dr.
Tempe, AZ 85283

E-mail mharrin607@aol.com E-mail _____

Telephone 704-813-7919 Telephone _____

Legal Relationship of applicant to property owner same

Planned Use of Property School K-8th grade

Name & Description of Business Brevard Academy

Property location (street address) 1110 New Hendersonville Highway

PIN 9507-02-3649-006 Parcel Size 10.12 acres District Pisgah Forest

No. of buildings to remain 2 Gross floor area (s.f.) to remain 16,218 s.f.

No. of buildings proposed 2 Gross floor area of proposed buildings 23,643

Land area (s.f.) to be disturbed 237,190 s.f. Site Plan Attached previously submitted

Estimated cost of project \$ \$4M Current Tax Value \$ \$1,610,020

The owner of the property grants the members of the Transylvania County Zoning Board of Adjustment, the Zoning Administrator and staff, the right to enter onto the property for purposes of making a site inspection in connection with this proceeding. This right of entry shall not extend to any of the interior of any structures or enclosures on the property.

Michael O. Harrington
Signature of Owner
MICHAEL O. HARRINGTON

Signature of Applicant (if different)

For Office Use Only

Received by Joy Fields Date Received 1/13/16Zoning Fee Received: Yes No Total Received \$ 50 Date 1/13/16Site Plan (circle one) Approved / Denied (Decision for denial detailed on reverse or attached)

Approval Comments / Conditions: They have sent plans showing the required plantings to screen project from neighbors. They have sent stormwater plans and have indicated that the project will only expand the impervious surface by 23% since building and much of the parking is existing. Brevard Academy is working with NC DEQ who is issuing an erosion control permit. They are also working with NC DOT, Mr. Carl Ownbey, for driveway permits and turning lanes. This application is approved with the condition that they meet the requirements of NC DEQ + NC DOT.

Decision by: Joy Fields Date: 1/20/2016



Transylvania County Building Permitting and Enforcement
Phone: (828) 884-3209 www.transylvaniacounty.org

Date Issued: 02/12/2016
Permit Number: BCRA16-9
Owner: Brevard Academy
 1115 Hendersonville Hwy.
 Pisgah Forest, NC 28768

Project Description: Renovation, Addition

Contractors:

R & W Inc.	274-4305
Dotson Plumbing and Heating Co.	253-4429
Cooper Construction Co. Inc.	692-7238
Fountain, Ron Electric	667 2702

Fees:	Date	Reason	Amount
Building	01/27/2016		\$24,430.00

Receipts:	Date	Reason	Amount
Cooper	02/12/2016	BCRA	\$24,430.00

I hereby agree to conform to applicable Transylvania County ordinances and laws of North Carolina. Approved plans must be retained on the job site and the permit posted until the final inspection is made. Such building shall not be occupied until Certificate of Occupancy is issued. The permit expires if work is not commenced within 6 months. In addition, the permit will expire if the time between last inspection exceeds 12 months.

 Signature of Contractor

 Date



Transylvania County Building Permitting and Enforcement
Phone: (828) 884-3209 www.transylvaniacounty.org

Date Issued: 01/19/2016

Permit Number: CST16-17

Owner: Brevard Academy
 817 East Todd Dr.
 Tempe, AZ 85283

Project Description: Demolition

Contractors:

Cooper Construction Co. Inc. 692-7238

Fees:	Date	Reason	Amount
Demolition Permit	01/19/2016		\$150.00

Receipts:	Date	Reason	Amount
Cooper Construction	01/19/2016	CST	\$150.00

I hereby agree to conform to applicable Transylvania County ordinances and laws of North Carolina. Approved plans must be retained on the job site and the permit posted until the final inspection is made. Such building shall not be occupied until Certificate of Occupancy is issued. The permit expires if work is not commenced within 6 months. In addition, the permit will expire if the time between last inspection exceeds 12 months.

 Signature of Contractor

 Date



Transylvania County Building Permitting and Enforcement
Phone: (828) 884-3209 www.transylvaniacounty.org

Owner: Brevard Academy
Permit Number: CST16-17

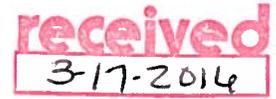
Inspections shall be requested by 4:00 pm the business day prior. A \$75 fee shall apply to partial inspections.

Inspection	Approved By	Date
Water Line:	_____	_____
Sewer Line:	_____	_____
Gas Piping:	_____	_____
Electrical Final:	_____	_____
Mechanical Final:	_____	_____
Plumbing Final:	_____	_____
Miscellaneous:	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



Planning & Project Management / Civil Engineering
 Surveying / Environmental Engineering & Services

17 Arlington Street / Asheville NC 28801
 www.brooksea.com / 828-232-4700



City of Brevard
 City Manager's Office
 95 West Main Street
 Brevard, NC 28712

Attention: Desiree Perry, City Clerk

Regarding: Brevard Academy
 City Annexation Application
 Response to Comments
 BEA Project No. 422315

Dear Ms. Perry:

Brooks Engineering Associates, P.A. (BEA) appreciates the City's review of the Annexation Application submitted on behalf of the Challenge Foundation for the Brevard Academy site. You provided a response to our submittal via email on January 11, 2016. The following comments/requests from the referenced email are provided below in italics with the response in bold regular font. The supporting information is provided as indicated. All supporting documentation is provided as enclosures.

1. *Challenge Foundation Properties of Brevard, LLC - Petition is signed by Michael O. Harrington. Is he the Managing Member? If so, I believe our City Attorney will need for the Petition to be amended to reflect same.*

Mr. Harrington is the President of the Foundation and has signed the petition with his title. Refer to the enclosed revised petition.

2. *Brevard Academy - Petition is not signed by the property owner.*

There were originally two parcels involved in the project, one owned by the Challenge Foundation the other owned by Brevard Academy. To simplify this and other permitting process, Brevard Academy deeded the rear parcel to the Challenge Foundation and they have been combined in to a single parcel per the recombination plat record on Book 16 Page 667. The revised application reflects on the single parcel to be annexed owned by the Challenge Foundation.

3. *Vested Rights - Property owner(s) question, "Do you declare vested rights?" has not been answered upon the Petition.*

Vested rights are being declared. Per your instructions we have enclosed a statement from the owner's attorney describing the basis for this declaration along with supporting documentation.

4. *Agent - If it is Challenge Foundation Properties and Brevard Academy's desire for you to serve as their Agent, they need to indicate same upon the Petition.*

Brooks Engineering is listed as the Agent on the revised application.

5. *Deed - A copy of the property deed(s) have not been provided.*

A copy of the deed for the original parcel and the recently recombined parcel are enclosed.

6. *Metes and Bounds description - A copy of the metes and bounds description for the two tracts has not been provided.*

A legal description is enclosed.

Annexation Plat Comments:

1. *The size of the submitted mylar exceeds the size accepted for recording by the Transylvania County Register of Deeds Office. Maximum recording size is 18"x24"; your submittal is 24"x36".*

18"x24" mylar is enclosed.

2. *Owner Certification - Mylar has been signed by Challenge Foundation; however, it has not been signed by Brevard Academy. A date and signature line needs to be added for Brevard Academy, and then signed by them.*

No parcels included in the application by Brevard Academy. See above statements.

3. *Petition requires one mylar plat, one plat on disk (electronic pdf acceptable), and five paper copies of the plat. Only one mylar plat has been submitted.*

One disc, one mylar plat, and five paper copies of the plat are enclosed.

4. *Required area proposed for annexation in relation to the primary corporate limits of the City of Brevard is not shown.*

Plat has been amended to provide this information.

5. *If the area to be annexed is separated from the municipal boundary, then the annexation area boundary shall be drawn to include to the center of the road or street right-of-way, center of creek or river, railroad right-of-way or other public service corporation, lands owned by the municipality or some other political subdivision or owned by the State of North Carolina. {GS 160A-31 (f)}.*

Center of Roadway included on Plat.

6. *Plat needs to be amended clearly delineate the proposed annexation boundary will be to the centerline of New Hendersonville Highway; Plat Legend to be amended to include.*

Plat amended as advised.

Brooks Engineering Associates appreciates your review of the revised application and supporting materials. Please let us know if any of these items require additional clarification and perhaps minor items can be addressed via phone, email or fax. We look forward to your response.

Sincerely,

Brooks Engineering Associates, P.A.

A handwritten signature in black ink, appearing to read "Mark Brooks". The signature is fluid and cursive, written in a professional style.

Mark C. Brooks, P.E.

cc: Mark Beebe, Lancer & Beebe
Michael Harrington, Challenge Foundation

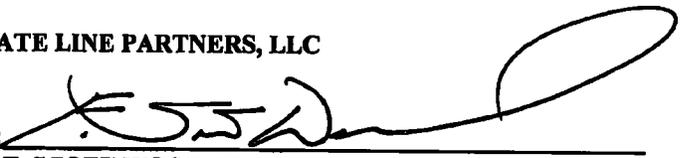
Enclosures: Revised Annexation Petition
Exhibit C – Vested Rights declaration and supporting documentation
Revise Plat, 5 copies, and disc
Copies of deeds
Metes and bounds description

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

STATE LINE PARTNERS, LLC

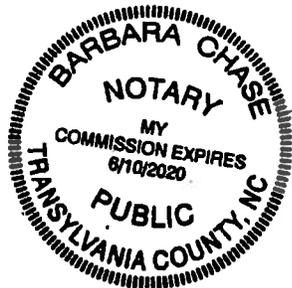
By: 
F. SCOTT WOOD, Member/Manager

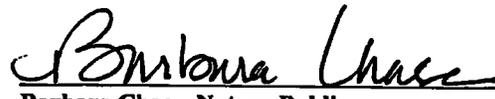
STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, the undersigned Notary Public of the County and State aforesaid, certify that F. SCOTT WOOD personally came before me this day and acknowledged that he is the Member/Manager of STATE LINE PARTNERS, LLC, a North Carolina Limited Liability Company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal this 7th day of August, 2015.

(Affix Seal)




Barbara Chase, Notary Public
My Commission Expires: 06-10, 2020

**NORTH CAROLINA GENERAL WARRANTY DEED FROM STATE LINE PARTNERS, LLC
TO CHALLENGE FOUNDATION PROPERTIES OF BREVARD, LLC.**

EXHIBIT 'A'

Being all of Tract A containing 4.108 acres as shown on a plat of a survey by Clarence A. Jenkins, PLS, dated April 13, 2006, revised April 26, 2006, revised September 26, 2007, and recorded in Plat File 12, Slide 378, Records of Plats for Transylvania County, reference to which is hereby made for a more complete description thereof.

Subject to all matters shown on the plat hereinabove referred to and to the rights-of-way of all roads that my presently traverse the property, to all road rights-of-way that may presently appear of record, to the rights-of-way of all utility lines that may presently traverse the property and to all the rights-of-way for public utilities that may presently appear of record.

Subject to all restrictions appearing of record and all amendments thereto.

ATTACHMENT A
received
3-17-2016



2016000824

TRANSYLVANIA CO, NC FEE \$26.00

NO TAXABLE CONSIDERATION

PRESENTED & RECORDED
02-23-2016 01:43:32 PM

CINDY M OWNBEY
REGISTER OF DEEDS
BY BETH C LANDRETH
ASSISTANT

BK: DOC 755

PG: 736-738

NORTH CAROLINA NON-WARRANTY DEED

Excise Tax \$ 0.00

Parcel Identifier No. 9507-02-3649

Mail after recording to Van Winkle, Buck, Wall, Starnes & Davis, P.A. Attorney's Initials: LPT
Post Office Box 7376, Asheville, NC 28802-7376

This instrument was prepared by: Van Winkle, Buck, Wall, Starnes & Davis, P.A. (representing grantee only)

Brief description for the Index: Tract B Plat Book 12/Slide 378

THIS DEED made this 11 day of FEBRUARY, 2016, by and between:

GRANTOR	GRANTEE
<p>Brevard Academy, a North Carolina non-profit corporation</p>	<p>Challenge Foundation Properties of Brevard, LLC, a North Carolina limited liability company</p>
<p>15 Millridge Drive Brevard, NC 28712</p>	<p>817 East Todd Dr. Tempe, AZ 85283</p>

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Boyd Township, Transylvania County, North Carolina, and more particularly described as follows (the "Property"):

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

**NO TITLE EXAMINATION WAS PERFORMED BY THE PREPARER OF THIS DEED.
THIS PROPERTY DOES NOT INCLUDE THE GRANTOR'S PRINCIPAL RESIDENCE.**

The Property was acquired by Grantor by instrument recorded in Deed Book DOC 735, Page 846.

A map showing the Property is recorded in Plat Book 12, Page 378.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

The Grantor makes no warranty, express or implied, as to title to the Property.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its corporate name by its duly authorized officer by authority of its Board of Directors, the day and year first above written.

BREVARD ACADEMY

By: [Signature] (SEAL)
W. Warren Alston, Chairman of the Board of Directors

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: **W. Warren Alston**

Date: February 11 2016

[Signature]
Notary Public
Benjamin D Upton II
(Printed Name of Notary)
My Commission Expires: 11-17 2018

PLACE NOTARY SEAL INSIDE THIS BOX ONLY!

**BENJAMIN D. UPTON II
NOTARY PUBLIC
Transylvania County, NC**

EXHIBIT A

Being all of Tract B containing 6.049 acres as shown on a plat of a survey by Clarence A. Jenkins, PLS, dated April 13, 2006, revised April 26, 2006, revised September 26, 2007, and recorded in Plat File 12, Slide 378, Records of Plats for Transylvania County, reference to which is hereby made for a more complete description thereof.

Subject to all matters shown on the plat hereinabove referred to and to the rights-of-way of all roads that may presently traverse the property, to all road rights-of-way that may presently appear of record, to the rights-of-way of all utility lines that may presently traverse the property and to all the rights-of-way for public utilities that may presently appear of record.

Subject to all restrictions appearing of record and all amendments thereto.

received
3-17-2014



Letter of Transmittal

To: Desiree Perry, City Clerk City of Brevard 95 West Main Street Brevard, NC 28712 828-885-5602 <i>(need telephone no. if Fedex, no P.O. Box)</i>	From: Mark Brooks	Date: March 16, 2016
	cc: <i>(need telephone no. if Fedex, no P.O. Box)</i> File	
Project Name Brevard Academy		
Project No: 421515		

Mail
 Deliver
 Overnight*
 Other _____
*must use street address & include phone number

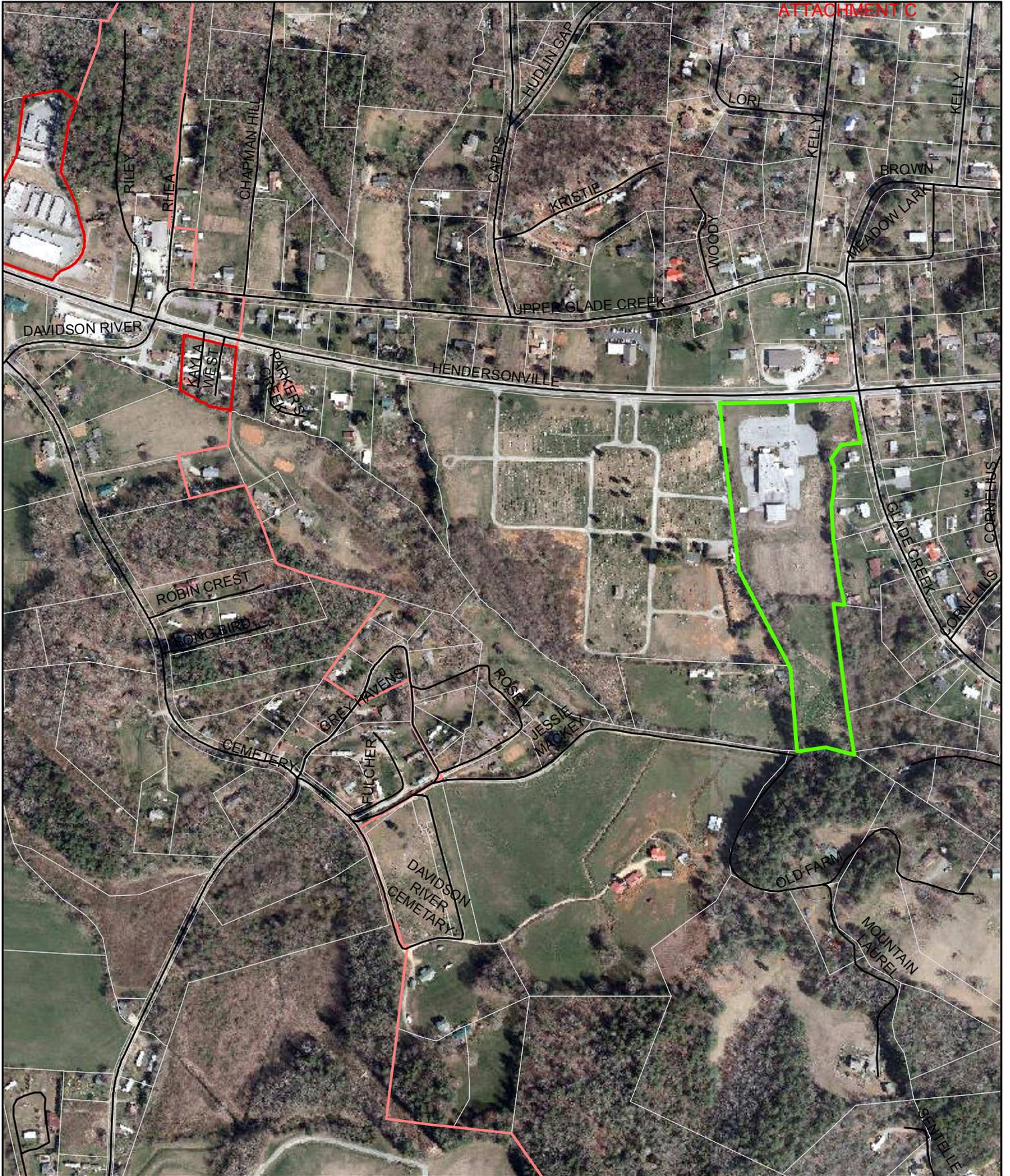
Document Description:	Date:	Copies:
Annexation Plat & 5 copies		
Cover Letter addressing comments		
Revised Annexation Petition with Vested Rights docs		
Deed copy		
Legal Description		
Comments: Ms. Perry - Enclosed are the revised the Annexation forms and plat as requested for the Brevard Academy. Please let us know if anything else is needed. Thanks.		



- Subject Parcel
- Streets
- City Limits
- ETJ
- Parcels

SITE MAP

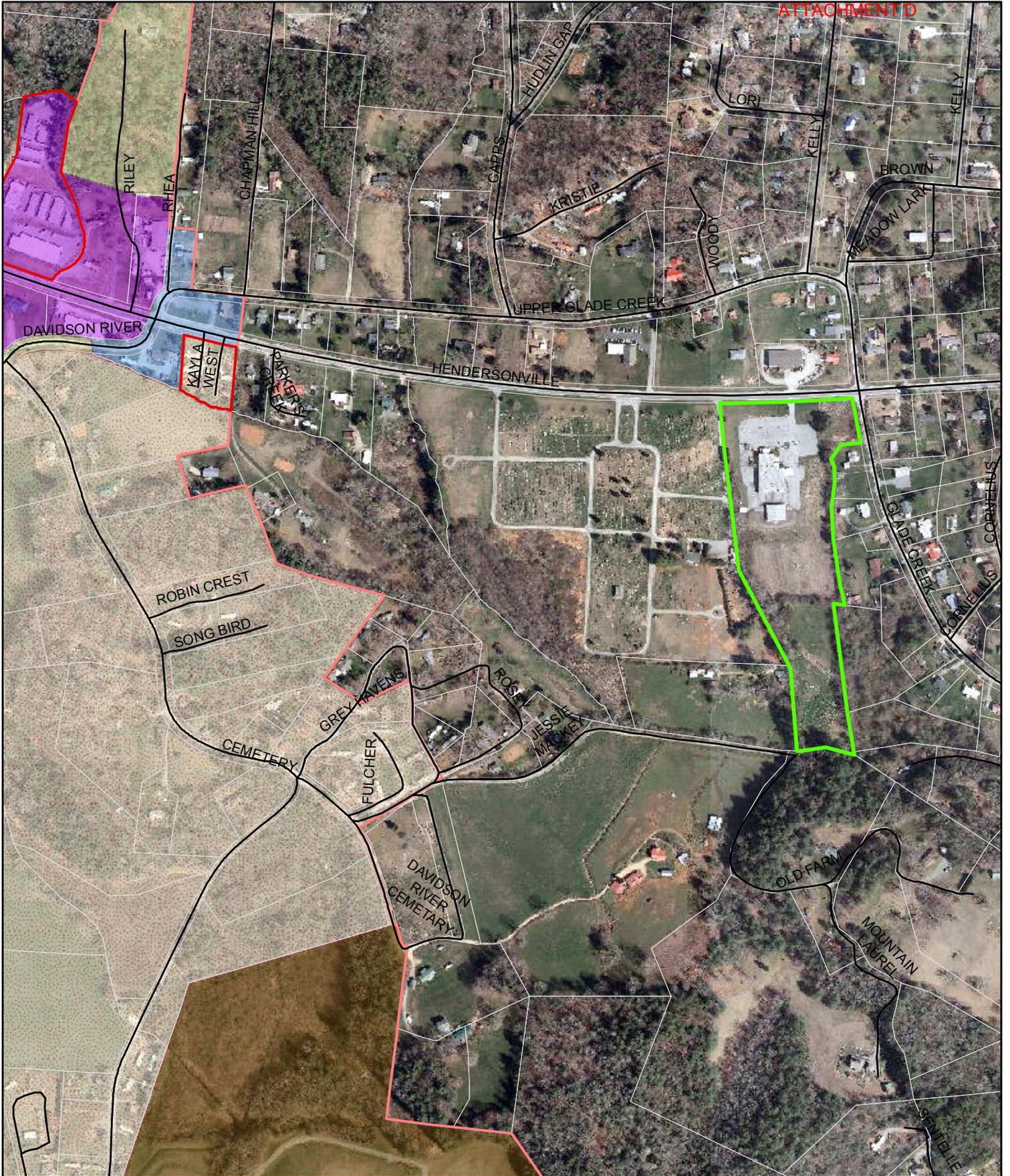




- Subject Parcel
- Streets
- City Limits
- ETJ
- Parcels

VICINITY MAP

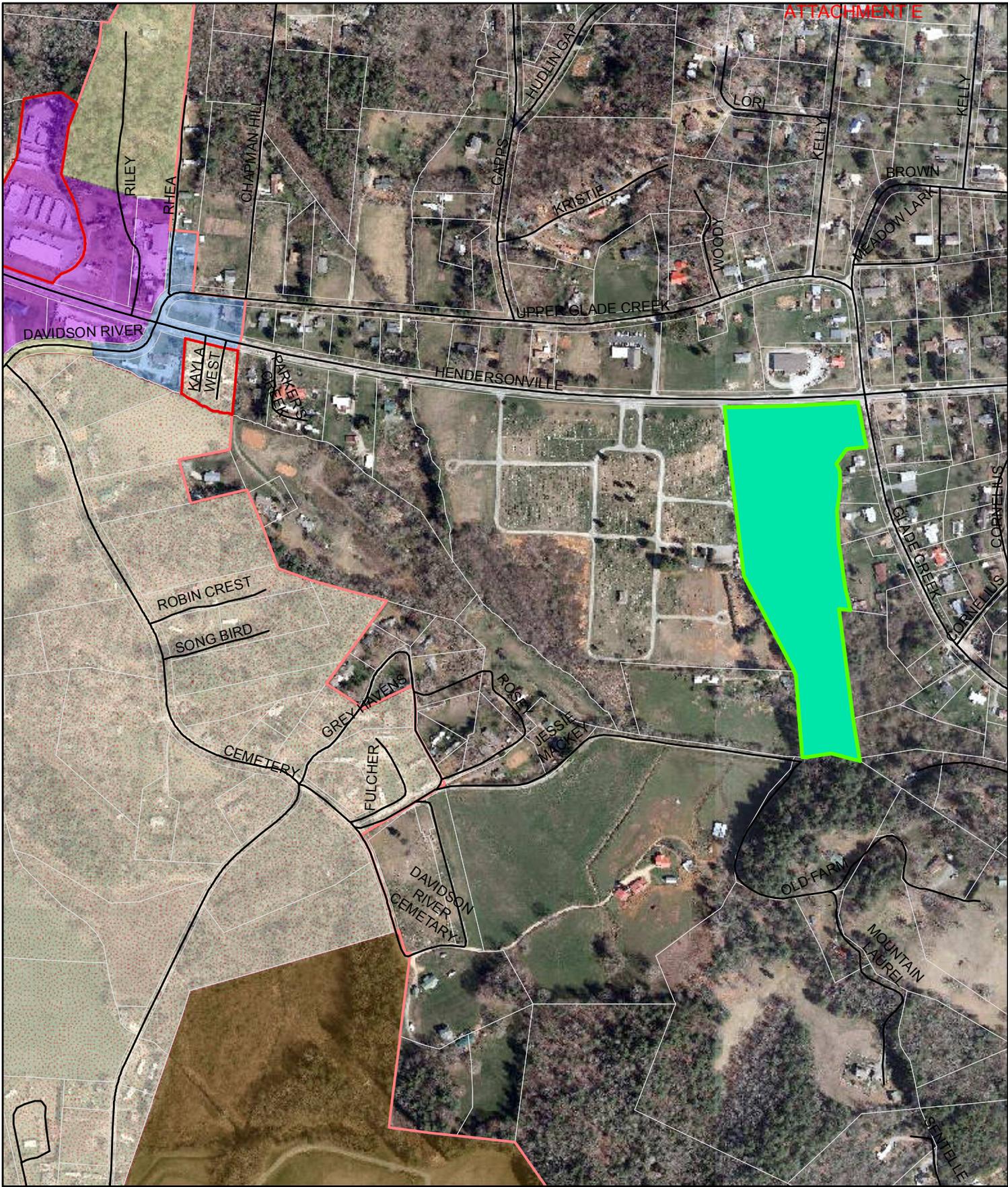




- Subject Parcel
- Streets
- City Limits
- ETJ
- Parcels
- Manufacture Home Overlay
- Corridor Mixed Use
- Downtown Mixed Use
- General Industrial
- General Residential (4)
- General Residential (6)
- Institutional Campus
- Neighborhood Mixed Use
- Residential Mixed Use
- Special District

CURRENT ZONING





- Subject Parcel (Institutional Campus)
- General Industrial
- Streets
- General Residential (4)
- City Limits
- General Residential (6)
- ETJ
- Institutional Campus
- Parcels
- Neighborhood Mixed Use
- Residential Mixed Use
- Manufacture Home Overlay
- Special District
- Corridor Mixed Use
- Downtown Mixed Use

PROPOSED ZONING



2.2. - Use categories and tables of permitted uses.

BASE DISTRICT	GR	RMX	NMX	DMX	CMX	IC	GI
Residential							
Dwelling—Single Family (Site-built) ^(a)	P	P	—	—	—	P	—
Dwelling—Duplex	P	P	P	—	—	P	—
Dwelling—Town Home or Condominium Structure	GD	P	P	P	P	P	
Dwelling—Multifamily 3—4 units/bldg, not including Condominium Buildings or multiple structures	SUP	P	P	P	P	P	—
Dwelling—Multifamily more than 4 units/bldg	—	P	P	P	P	P	—
Dwelling—Secondary	PS	PS	PS	PS	PS	PS	—
Family Care Home (Less than 6 residents)	P	P	P	P	P	P	—
Home Occupation	PS	PS	P	P	P	P	—
Housing Service for the Elderly	SUP	P	P	P	P	P	—
Live-Work Units	Please see Subsection (e) below						—
Manufactured Home (single unit) ^(b)	MHD	MHD	MHD	MHD	MHD	MHD	
Manufactured Home Park	SUP	SUP	—	—	—	—	—
Recreational Vehicle	—	—	—	—	—	—	—
Lodging							
Bed and Breakfast Home	PS	PS	PS	PS	PS	PS	—
Bed and Breakfast Inns	SUP	PS	PS	PS	PS	PS	—
Accessory Rental Cottage/Cabins ^(c)	PS	PS	PS	—	—	—	—
Hotels/Motels/Inns	—	—	—	P	P	P	—
Rooming or Boarding House	—	—	P	P	P	P	—
Recreational Vehicle Park	—	—	—	—	—	—	—
Office/Service							
Animal Services	—	—	P	P	P	P	P
Artist Workshop	—	P	P	P	P	P	P
ATM	—	—	P	P	P	P	—
Banks, Credit Unions, Financial Services	—	—	P	P	P	P	P
Business Support Services	—	SUP	P	P	P	P	P
Adult/Child Day Care Home (Less than 6)	PS	PS	PS	PS	PS	PS	—
Adult/Child Day Care Center (6 or more)	—	PS	PS	PS	PS	PS	PS
Community Service Organization	—	SUP	P	P	P	P	P

Drive Thru Service	—	—	SUP	SUP	P	—	—
Equipment Rental	—	—	—	—	P	—	P
Funeral Homes	—	—	PS	PS	PS	PS	—
Group Care Facility (6 or more residents)	—	P	P	P	P	P	—
Government Services	—	P	P	P	P	P	P
Kennels	—	—	SUP	—	PS	—	PS
Medical Services—Clinic, Urgent Care Center	—	SUP	SUP	P	P	P	—
Medical Services—Doctor office	—	P	P	P	P	P	—
Post Office	—	—	P	P	P	P	—
Professional Services	SUP	P	P	P	P	P	P
Personal Services	—	P	P	P	P	P	—
Studio—Art, Dance, Martial Arts, Music	—	P	P	P	P	P	—
Vehicle Services—Major Repair/Body Work	—	—	—	—	PS	—	PS
Vehicle Services—Minor Maintenance/Repair ^(d)	—	—	SUP	SUP	PS	PS	PS
Retail/Restaurants							
Accessory Retail	—	—	—	—	—	—	PS
Alcoholic Beverage Sales Store	—	—	SUP	P	P	—	—
Auto / Mechanical Parts Sales	—	—	—	P	P	—	P
Bar/Tavern/Night Club	—	—	SUP	P	P	—	—
Drive-Thru Retail/Restaurants	—	—	SUP	SUP	PS	—	—
Gas Station	—	—	SUP	SUP	PS	—	PS
General Retail	—	—	P	P	P	P	—
Restaurant	—	—	P	P	P	P	P
Shopping Center - Neighborhood Center	—	—	GD	GD	GD	—	—
Shopping Center - Community Center	—	—	—	—	GD	—	—
Vehicle/Heavy Equipment Sales - Outdoor	—	—	—	—	PS	—	PS
Vehicle/Heavy Equipment Sales - Indoor	—	—	PS	PS	PS	—	PS
Entertainment/Recreation							
Amusements, Indoor	—	—	SUP	P	P	SUP	P
Amusements, Outdoor	—	—	SUP	SUP	P	—	P
Cultural or Community Facility	SUP	P	P	P	P	P	—
Meeting Facilities	—	SUP	P	P	P	P	—
Recreation Facilities, Indoor	SUP	SUP	SUP	P	P	P	P

Recreation Facilities, Outdoor	SUP	P	P	P	P	P	P
Theater, Movie	—	—	—	P	P	—	—
Theater, Live Performance	—	SUP	SUP	P	P	P	—
Manufacturing/Wholesale/Storage							
Inert Debris Storage or Disposal Facilities	—	—	—	—	—	—	PS
Junkyard	—	—	—	—	—	—	SUP
Laboratory—Medical, Analytical, Research and Development	—	—	—	—	SUP	SUP	P
Laundry, Dry Cleaning Plant	—	—	—	—	SUP	P	P
Manufacturing, Light	—	—	—	—	SUP	—	P
Manufacturing, Neighborhood	—	—	P	P	P	P	P
Manufacturing, Heavy	—	—	—	—	—	—	SUP
Media Production	—	—	P	P	P	P	P
Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	P	—	P
Mini-Warehouses	—	—	—	—	SUP	—	P
Recycling—Small Collection Facility	—	—	—	—	SUP	SUP	P
Research and Development	—	—	—	P	P	P	P
Storage—Outdoor Storage Yard as a Primary Use	—	—	—	—	SUP	—	P
Storage—Warehouse, Indoor Storage	—	—	—	—	SUP	—	P
Wholesaling and Distribution	—	—	—	—	P	—	P
Civic/Institutional							
Campground/Artist Colony/Summer Camp	SUP	SUP	SUP	—	—	SUP	—
Cemeteries	PS	PS	PS	PS	PS	PS	—
Colleges/Universities	—	—	SUP	P	P	P	—
Hospital	—	—	—	P	P	P	—
Jail	—	—	SUP	SUP	P	P	P
Public Safety Station	SUP	SUP	P	P	P	P	P
Religious Institutions	SUP	P	P	P	P	P	—
Schools—Elementary and Secondary	SUP	P	P	P	P	P	—
Schools—Vocational/Technical	SUP	P	P	P	P	P	P
Infrastructure							
Wireless Telecommunication Facility—Stealth	P	P	P	P	P	P	P
Wireless Telecommunication Facility—Tower	—	—	—	—	SUP	—	PS
Utilities—Class 1 and 2	P	P	P	P	P	P	P

Utilities—Class 3	—	—	—	—	—	—	P
Miscellaneous Uses							
Adult Establishment	—	—	—	—	—	—	SUP
Outdoor Firing Range	—	—	—	—	—	—	SUP
Indoor Firing Range	—	—	—	SUP	SUP	SUP	SUP
Agriculture	P	—	—	—	P	P	P
Parking	PS	P	P	P	P	P	P
Swimming Pool—Residential Accessory Use	PS	PS	PS	PS	PS	PS	—
Swimming Pool—Primary Use	—	SUP	SUP	PS	PS	PS	—
Fences	PS	PS	PS	PS	PS	PS	PS
Human Crematories	—	—	PS	PS	PS	P	P
Temporary Uses and Structures							
Carnivals or Circus	—	—	—	—	PS	PS	PS
Farmers Market	—	—	PS	PS	PS	PS	—
Religious Meeting	PS	PS	PS	PS	PS	PS	PS
Contractor's Office and Equipment Shed	PS	PS	PS	PS	PS	PS	PS
Seasonal Structures	PS	PS	PS	PS	PS	PS	PS
Satellite Real Estate Sales Office	PS	PS	PS	PS	PS	PS	PS
Special Event	PS	PS	PS	PS	PS	PS	PS
Temporary Vendors	—	—	PS	PS	PS	—	—
Vending Pushcarts	—	—	—	PS	—	—	—
Mobile Food Vendors	—	—	PS	PS	PS	PS	PS

- (a) Within NMX, DMX, and CMX districts, single family structures are permitted only as town homes or multi-family structures; on the second or higher floor of any structure where the ground floor is used for non-residential purposes; or as part of a group development, or conditional district, in which event they shall not be subject to the foregoing limitation.
- (b) Manufactured homes are permitted with standards in the Manufactured Home Overlay District.
- (c) Accessory rental cottage/cabins are permitted with standards in association with approved bed and breakfasts.
- (d) Vehicle services are permitted within institutional campuses only for the purposes of maintaining vehicles associated with the operation of the campus and for instructional classes. For example, a college may operate a maintenance shop for the campus fleet, as well as, for instructional classes. Other vehicle service operations shall not be permitted within institutional campuses.
- (e) Non-residential uses within a live-work unit must be listed within Chapter 2, Section 2.2 (C. Use Matrix) as a permissible use within the district in which the live-work unit is proposed. and such non-residential use must be approved by means of the appropriate permitting process. Non-residential enterprises and residential units within any live-work unit that is located within a General Residential District shall have a common tenant. In districts where residential building types are not permitted. live-work units may be permitted within pre-existing non-conforming residential structures.

(Ord. No. 13-07, § 1, 9-17-07; Ord. No. 3-08, § 1, 3-17-08; Ord. No. 14-08, § 1, 11-17-08; Ord. No. 15-08, § 3, 12-5-08; Ord. No. 07-10, § 1(Exh. A, D), 4-5-10; Ord. No. 03-2011, § 1, 3-21-11; Ord. No. 19-2011, § 1(Exh. A), 8-1-11; Ord. No. 24-11, § 3(Exh. A), 9-19-11; Ord. No. 2012-25, § 1(Exh. A), 11-5-12; Ord. No. 2013-13, § 01.b)(Exh. A), 10-21-13; Ord. No. 2014-24, § 01(Exh. A), 11-17-14)

**- NONCONTIGUOUS ANNEXATION REPORT -
Challenge Foundation Properties of Brevard, LLC
1110 New Hendersonville Highway, Pisgah Forest, NC**

Date: May 17, 2016

Property Description:

PIN: 9507-02-3957-000
 Owner: CHALLENGE FOUNDATION PROPERTIES OF BREVARD LLC
 817 EAST TODD RD
 TEMPE, AZ 85283
 Deed book/page: 735/843 & 755/736
 Plat file/page: 16/667

Background:

Challenge Foundation Properties of Brevard, LLC (property owner) requests voluntary non-contiguous annexation of the subject property described herein. Brooks Engineering Associates/Mark C. Brooks is the authorized agent for the property owner. The property owner and agent are collectively referred to as “applicant.”

Governing Statutes:

Voluntary, noncontiguous annexations are governed by North Carolina General Statute §160A-58.1. The subject property qualifies for annexation under NCGS §160A-58.1(b).

Service Delivery Impact Analysis

Administration/Finance/Human Resources:

Future development upon the subject properties will be connected to City water and waste water. This will result in additional meter reading and billing duties for the Finance Department. Impact is deemed to be negligible.

Law Enforcement Services:

The proposed annexation will bring the subject property within the law enforcement jurisdiction of the Brevard Police Department. At the present time it not expected that this will result in a measurable impact.

The sole area of concern is the issue of traffic safety at the Hendersonville Highway/Glade Creek Road intersection as current site plans show all traffic entering and exiting on Hendersonville Highway. Research by the Police Department found that this intersection does not have a history of accident or speeding problems. However, the increase in traffic from the school is a concern, but it is assumed that typical school zone signs and speed limit reductions per NCDOT guidelines will be sufficient safety tools.

Fire Services:

The proposed annexation is currently within the Little River Fire District. If brought into the City’s corporate limits, the Brevard Fire Department will be the primary provider of emergency services to the site.

Solid Waste Collection & Recycling:

The proposed annexation may or may not result in an additional solid waste collection point. Presently, Public Works has not received a request from Brevard Academy for commercial collection services, and it is possible that the school will choose to hire a private collection company.

If the City's services are requested, then service to the subject property would result in additional time needed for the Tuesday/Friday collection route. As the City already serves commercial customers on Hendersonville Highway this impact is deemed to be minimal.

Street & Sidewalk Maintenance:

None. Hendersonville Highway and Glade Creek Road are maintained by NCDOT.

Street Lighting:

N/A

Water Production & Distribution:

Capacity exists for the production and distribution of water at the proposed buildout. There will be a new water line installed to be maintained by the City approximately 2,400 feet in length.

Wastewater Collections and Treatment:

Capacity exists for the collection and treatment of wastewater at the proposed buildout. The pump station located near the Pisgah Fish Camp Restaurant will have approximately 100 gpm of capacity remaining after the addition of Brevard Academy to the system. The property will be served by a sewer line extending from the City's sewer system at Davidson River Road; this line will be a private line owned and maintained by the applicant.

Parks & Property Management:

N/A

Planning Services:

The property is currently located outside of the City's Extra-Territorial Jurisdiction, and therefore is out of the City of Brevard's planning jurisdiction. The proposed annexation would bring the parcel within the scope of the City's zoning, subdivision, floodplain regulations as set forth in the Unified Development Ordinance. The annexation would also bring the property under the City's vegetation and health/sanitation regulations set forth in City Code of Ordinances.

Minor increases to the workload of Planning Staff may result from code complaints and/or future applications for additions, renovations, or additional structures on the property. Given that the proposed annexation is a single property, these impacts are expected to be minimal.

The subject property is within the scope of the City's 2002 Land Use Plan and therefore long-range planning of this site is established. The proposed annexation and zoning of the property will not impact the long-range planning function of the Planning Department.

Financial Summary:

REVENUE SOURCE	ANNUAL FISCAL IMPACT/REVENUE
Estimated Future Tax Revenues	\$ 0.00 ⁽¹⁾
Water Collections	\$ 13,573.80 ⁽²⁾
Sewer Collections	\$ 10,873.80 ⁽²⁾
Garbage Collections & Disposal	To be determined
Recycling Collections	To be determined
Powell Bill Revenues	\$ 0.00
Total Estimated Annual General Fund Revenues	\$ 0.00 ⁽³⁾
Total Estimated Annual Utility Fund Revenues	\$ 24,447.60 ⁽⁴⁾

(1) Property expected to apply for property tax exemption.

(2) Based on current utility rates, calculated at 20 days per month.

(3) General Fund estimates do not include miscellaneous revenue streams that could be impacted by the proposed annexation.

(4) Utility Fund estimates do not include one-time impact fees.

SERVICE AREA	ANNUAL FISCAL IMPACT/EXPENDITURE
Administration/Finance/HR	None
Law Enforcement	None
Fire Protection	To be determined
Solid Waste & Recycling	To be determined
Street & Sidewalk Maintenance	None
Street Lighting	None
Water Distribution	New water line: 2,400' x \$ 1.11/foot = \$2,664 ⁽¹⁾
Wastewater Collection	None
Water Plant	None
Wastewater Plant	None
Parks & Property Management	None
Planning & Zoning	None
Total	\$ 2,664.00

(1) Average annual cost of \$1.11 per foot applied.

Vested Rights:

The applicant of the proposed annexation has declared to following vested rights:

- Transylvania County Zoning Permit 2016-1-PFZ. Pursuant to NCGS §143-755 and §160A-360.1, the applicant is vested with the development rules pertaining to this permit.
- North Carolina Department of Environment and Natural Resources Erosion & Sedimentation Control Permit #TRANS-2016-003. Pursuant to NCGS §143-755 and §160A-360.1, the applicant is vested with the development rules pertaining to this permit
- County building permit #BCRA-16-9. Pursuant to NCGS §160A-385(b) statutory vested rights exist, entitling the project to be completed in accordance with the County's development rules and regulations.
- Common law vested rights having incurred substantial expenditures and/or contractual obligations after obtaining approval of zoning and building permits from Transylvania County.

Copies of the permits referenced above are included with the Annexation Petition in Attachment A.

The property is currently not zoned by the City, so there will be no impact related to current zoning entitlements.

Other Concerns:

The enabling legislation for noncontiguous annexations, North Carolina General Statute §160A-58.1, puts a limit on the noncontiguous area that can be annexed by a municipality. NCGS §160A-58.1(b)(5) states that the combined area of all satellite annexations “may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.”

The City is currently at 6.51% out of the 10% limit, and this proposed annexation would raise the City to 6.84%.

Planning Board Recommendation:

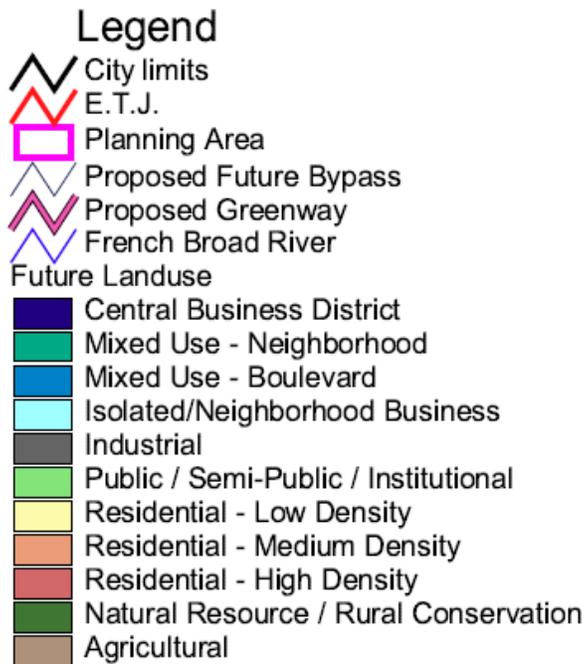
To be determined.

Staff Recommendation:

Staff recommends approval of the proposed annexation as submitted.

City of Brevard Land Use Plan (Excerpt)

Adopted August 19, 2002



MIXED USE – BOULEVARD

A thoroughfare is defined as *“a major road or highway; a passage or way through.”* In contrast, a boulevard is *“a broad avenue in a city, often landscaped or lined with trees.”* This Plan recommends that the City embark on a new way of looking at street design and the transport of people, goods and services along its existing major roads, specifically Asheville Highway to the north and Broad St./Rosman Highway to the south. A mixed-use boulevard designation is envisioned with: more transportation choices; better access management; more efficient use of land; landscaping; improved appearance; and design standards which encourage buildings to be close to the street, with parking to the side or rear. Development should be encouraged toward “nodes,” typically at main intersections while leaving some green/undeveloped areas. Standard strip commercial centers should be discouraged.

STATEMENT OF CONSISTENCY WITH CITY POLICIES AND PLANS

NCGS 160A-383 requires that the City's review of the proposed zoning map amendment include a written statement as to the consistency of the amendment with adopted plans and policies of the City. The Brevard City Council approves this zoning map amendment with the finding that it is **consistent** with the following elements of the City's adopted plans and policies:

2015 Comprehensive Plan:

OBJECTIVE 2.3: Retention and expansion of institutions, programs, and services that expand the knowledge, skills, and abilities of our citizens.

2002 City of Brevard Land Use Plan:

Minor aspects of the "Mixed Use – Boulevard" land use category, such as encouraging developing "nodes" of activity at key intersections along major highways.

NCGS 160A-383 requires that the City's review of the proposed zoning map amendment include a written statement as to the consistency of the amendment with adopted plans and policies of the City. The Brevard City Council approves this zoning map amendment with a finding that it is **inconsistent** with the following elements of the City's adopted plans and policies:

- a) The *2002 City of Brevard Land Use Plan, Future Land Use Map* recommends use of this property for Mixed Use – Boulevard rather than Public/Semi-Public.

The Plan text contains the following language describing the boulevard mixed-use land use category:

Mixed-Use Boulevard – A thoroughfare is defined as "a major road or highway; a passage or way through." In contrast, a boulevard is "a broad avenue in a city, often landscaped or lined with trees." This Plan recommends that the City embark on a new way of looking at street design and the transport of people, goods and services along its existing major roads, specifically Asheville Highway to the north and Broad St./Rosman Highway to the south. A mixed use-boulevard designation is envisioned with: more transportation choices; better access management; more efficient use of land; landscaping; improved appearance; and design standards which encourage buildings to be close to the street, with parking to the side or rear. Development should be encouraged toward "nodes," typically at main intersections (see map) while leaving some green/undeveloped areas. Standard strip commercial centers should be discouraged.

ORDINANCE NO. 2016-_____

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

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

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

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

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

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

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

Said property is more fully described as follows:

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

Metes and Bounds Property Description:

Beginning at a #4 rebar and cap located in Boyd Township, Transylvania County, North Carolina, on the southern margin of the 150' right-of-way for New Hendersonville Highway (US-Hwy 64); said rebar being located S 12°53'13" E a ground distance of 54.92' from North Carolina Geodetic Survey Monument "Dill", which monument has the NC Grid NAD 83 (2005) Coordinates of N= 573,662.68' and E= 900,528.98'; thence running with the property line established in Plat File 12, Slide 378 as recorded in the Transylvania County Registry and shown on recombination Plat File 16, Page 667 as recorded in said registry S 56°00'57" E a distance of 27.01' to a #4 rebar and cap; thence N 89°17'24" E a distance of 11.85' to a #4 rebar and cap in the western margin of Glade Creek Road; thence S 13°24'31" E a total distance of 113.13' to a 2" iron pipe, passing a #4 rebar at 82.97'; thence leaving the margin of Glade Creek Road and with the line of Jack Thomas (trustee) as recorded in Deed Book 97, Page 837 in said registry the following six (6) calls: S 83°53'59" W a distance of 92.89' to a calculated point; thence S 34°50'54" W a distance of 69.11' to a calculated point; thence S 24°02'20" E a distance of 27.95' to a calculated point; thence S 02°44'42" E a distance of 60.47' to a calculated point; thence S 05°05'18" W a distance of 98.55' to a calculated point; thence S 03°47'42" E a distance of 143.87' to a calculated point; thence with the line of Larry and Rebecca Wyke (trustee) as recorded in Deed Book 613, Page 148 in said registry the following two (2) calls: S 08°24'12" E a distance of 159.86' to a calculated point; thence S 12°10'42" E a distance of 88.05' to a calculated point; thence with the line of Lionel Gash as recorded in Deed Book 295, Page 517 in said registry and with the line of Zilla Gash as recorded in Deed Book 295, Page 515 in said registry the following two (2) calls: N 83°26'09" W a distance of 43.79' to a #8 rebar; thence S 07°16'57" E a distance of 588.84' to a 2" iron pipe; thence with the line of Neal Anders as recorded in Deed Book 343, Page 201 in said register S 08°30'41" E a distance of 12.43' to a #8 rebar; thence with the line of John and Karen Kiser as recorded in Deed Book 434, Page 146

in said registry the following two (2) calls: N 72°49'24" W a distance of 113.04' to a #4 rebar; thence S 82°35'02" W a distance of 112.01' to a #4 rebar; thence with the Eugene Mathis line as recorded in Deed Book 50, Page 129 in said registry N 04°32'56" W a distance of 322.40' to a #4 rebar; thence with the Blue Ridge Gardens of Memory, LLC as recorded in Deed Book 597, Page 269 in said registry to following six (6) calls: N 23°01'20" W a distance of 18.66' to a #4 rebar; thence N 25°22'39" W a distance of 10.00' to a #4 rebar; thence N 27°48'49" W a distance of 407.23' to a #4 rebar; thence N 06°49'19" W a distance of 128.66' to a #4 rebar and cap; thence N 06°45'07" W a distance of 351.58' to a #4 rebar; thence N 05°54'38" W a distance of 135.24' to a #4 rebar being located in the southern margin of the 150' right-of-way for New Hendersonville Highway (US-Hwy 64); thence N 00°31'27" W a distance of 75.00' to calculated point in the center of said right-of-way; thence with the center of said right-of-way to following two (2) calls: N 89°28'33" E a distance of 152.07' to a calculated point; thence N 87°27'38" E a distance of 343.81' to a calculated point; thence leaving the centerline of said right-of-way S 02°32'28" E a distance of 75.00' which is the point of beginning.

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

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

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

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

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

Adopted and approved the _____ day of _____, 2016.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

ORDINANCE NO. 2016__

**CITY OF BREVARD
FY 2016-2017 BUDGET ORDINANCE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

Property Tax Rates

City-Wide	0.4800 4725 / \$100 Valuation
Heart of Brevard MSD	0.2250 / \$100 Valuation

ABC Licensing

Fees regulated by the State of North Carolina for the sale of beer and wine.

The license year for the following runs from May 1 through April 30 (NCGS 105-113.70(b)). License is not to be pro-rated.

Code	NCGS	Business Activity	Rate
		Beer & Wine (Copy of ABC Permit required.)	
D-101		On premise malt	\$15.00
D-102		Off premise malt	\$5.00
D-103		Wholesale beer	\$37.50
D-104		On premise wine	\$15.00
D-105		Off premise wine	\$10.00
D-106		Wholesale wine	\$37.50
D-107		Wholesale beer & wine	\$62.50

Taxi Licensing

Tax regulated by North Carolina General Statutes 20-97 and NCGS 160A-211

Code B-146 – NCGS 20-97 – Taxicabs . *Requires Approval.	Rate: \$15 per vehicle
---	------------------------

*Taxi / Vehicles for Hire. City of Brevard Code of Ordinances, Chapter 78

Solid Waste Removal

Residential Garbage Collection	\$9.75 plus \$7.25 County Disposal Fee / \$17.00 per month total
Commercial Dumpster	\$8.50 plus \$8.50 County Disposal Fee times number of monthly pickups / \$17.00 per month total
Small Commercial Collection	\$9.75 plus \$7.25 County Disposal Fee times number of monthly pickups / \$17.00 per month total
Special Refuse Pick Up (Includes appliances & furniture)	\$20.00 per single item \$30 35.00 per load
Television / Computer Monitor Collection	19" or larger - \$10 each Less than 19" - \$5 each

Recycling

Residential Recycling Fee	\$3.00 per month
Commercial Recycling Fee	\$4.00 per month (Additional 96 gallon containers \$4.00 each)
Commercial Cardboard Recycling	\$10.00 per month all commercial customers
Mulch Fee	Pickup truck loads, City Residents - \$0 All other loads - \$10 per yard

Franklin Pool

Admission	\$2.00 per day per individual
Individual Season Pass	\$50 per season
Family Season Pass	\$150 per season
Family Day Pass	\$7.00 per day
Party / Event Rental	\$100

Planning / Zoning

Category I Applications	Fee ¹
Dedication Plats for Category I Applications	No Fee
Recombination Plats	No Fee
Minor Subdivision Plat: No new public infrastructure except sidewalks	\$75 + \$20/lot
Non-Residential New Construction	\$200 per structure
Non-Residential Interior Remodels, Additions, Accessory & Concomitant Structures, Incidental Improvements and Other Substantial Improvements or Significant Improvements ² to Existing, Individual Structures.	\$100
Non-Residential Change of Use and Incidental Improvements to Existing Structures (Awnings, Handicapped Ramps, Decks, Etc.),	\$50
Home Occupation	\$200
Residential Dwelling New Construction and Manufactured Home Setup on New Space (not including new manufactured home parks)	\$100 per Dwelling Unit

¹ When applicable, applicants must submit a check, made out to the Transylvania County Register of Deeds, to cover document recordation fees. Recordation fees are determined by Transylvania County. Please refer to the adopted fee schedule of the Transylvania County Register of Deeds for more information.

² **Significant Improvement:** Any combination of repairs, reconstruction, rehabilitation, addition, or other modification or improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 25 percent of the market value of the structure as of the date the improvement was permitted (or, in the absence of any permit, as of the date of start of construction of the improvement). In the absence of any information pertaining to market value, the Administrator shall utilize the assessed value of the structure.

³ **Incidental Improvement:** Any improvement that does not meet the definition of substantial or significant improvement, as defined above. Incidental improvements include installation of handicapped ramps and entryways, awnings, unenclosed decks and patios, and lighting improvements and other minor, non-structural changes of an incidental nature.

Residential Interior Remodels and Manufactured Home Replacement on Existing Space, Additions, Accessory Structures & Incidental Improvement ³ to a Structure or Manufactured Home	\$50
Fence	\$10
Driveway / Curb Cut / Encroachment	\$50
Tree Removal	\$25
Demolition, Grading & Other Land Disturbance: The Administrator may waive bonds for demolition, grading and other land disturbance upon determination that such bond would serve no useful purpose. Also, Administrator may require a bond in excess of \$500 if such is deemed necessary in the interests of public health or safety. These bonds shall be prepared and administered in accordance with the improvement guarantee procedures set forth in the Procedure for the Installation & Dedication of Public Improvements. The Administrator may require a demolition, grading, or land disturbance bond in association with any development activity for which such bond is relevant.	\$50 + \$500 reimbursable bond per structure or lot up to one acre. Bonds exceeding \$500 shall be based upon a qualified professional's estimate of cleanup clean cost + 25%
Parking Lots, Resurface	\$0
Parking Lots, New & Reconfiguration	\$50
Carnivals, Circuses	\$500 per location and permit period ⁴
Farmers Markets, Tailgate Markets, & Flea Markets	\$200 per year per location and permit period. Individual permits are not required for authorized individual vendors operating within the permitted market area.
Food Truck Site	\$100
Food Truck Vendor	\$50 (permit to be renewed annually)
Temporary Vendors, Agricultural (Does not include Farmers Markets or Tailgate Markets. Includes all forms of roadside / mobile / temporary purveyors of seasonal horticultural, agricultural, aquacultural or forest products, including but not limited to raw fruits, vegetable, perennials, annuals bulbs, dried flowers, Christmas trees, and similar products)	\$200 per location and permit period
Temporary Vendors, Non-Agricultural (Does not include Flea Markets. Includes all forms of roadside / sidewalk / downtown / pushcart / mobile / itinerant merchants / temporary purveyors of non-agricultural products.	\$200 per location and permit period ⁵
Special Events, Private Property	\$0
Special Events, Public Property (Festivals, parades, use of public parks, and similar)	\$200 (minimum) + \$500 reimbursable bond ^{5a}
Public Street / Sidewalk / Parking Space Closure	\$50+\$500 ⁶
Temporary Uses, All Other	\$50 ⁵
Zoning Consistency Determination	\$25

Category II Applications	Fee ¹
Dedication Plats for Category II Applications	\$50
Dedication Plats	\$50
Minor Subdivision: New public infrastructure	\$500 + \$20 per lot or structure up to \$2000
Group Developments	\$500 + \$20 per lot or structure up to \$2000

⁴The Administrator may assess fees for the actual cost of services provided by City forces (i.e., personnel, deployment of fire apparatus, solid waste removal, provision of barricades, State Fire Code inspections, and etc.) in support of special events or temporary uses. Refer to the Departmental Cost of Services section below, for a schedule of additional "cost of service" fees.

Wireless Communication Facilities, Co-Location & Stealth	\$200
Wireless Communication Facilities / Towers, All Other	\$1,000

Category III Applications	Fee ¹
Dedication Plats for Category III Applications	\$50
Major Subdivision: Phased subdivisions and subdivisions with 25 or more lots	\$500 + \$20 per lot or structure
Manufactured Home Park	\$500 + \$20 per space
Conditional Zoning District	\$200 + \$20 per lot or structure
Traditional Neighborhood Development	\$500 + \$20 per lot or structure
Planned Development Overlay District	\$500 + \$20 per lot or structure
Map Amendment (Rezoning)	\$500 + true cost of professional services (see below)
Text Amendment	\$200 + true cost of professional services (see below)
Vested Right	\$500 + true cost of professional services (see below)
Voluntary Annexation	Actual Cost
Street / Right-of-Way / Easement Abandonment	\$500 + Actual Cost
Variance - Zoning	\$200
Variance - Floodplain Development	\$500 + true cost of professional services (see below)
Appeal	\$0
Special Use Permit - Zoning	\$200 250
Special Use Permit - Floodplain Development	\$500 + true cost of professional services (see below)

Signage	Fee
Political Signs	\$50 per candidate / campaign + \$250 reimbursable bond
Signs , Wall & Marquee	\$100
Signs , Ground	\$200
Signs , Electronic (Including Message & Reader Boards)	\$1,000
Signs , Neighborhood Entrance, Projection / Suspended, Identification, Wayfinding , Menu Board, Building Identification, and A-Frame Signs	\$100
Street Banners	\$200 250
Signs / Banners, Special Event & Temporary ⁵	\$0
Special Event	\$50 + 200 reimbursable bond
Signs , Panel Replacement / Reface / Resurface	\$50
Signs , All Other for Which Permit is Required	\$50

Miscellaneous Fees	Fee	
Custom Mapping	\$40 Per Hour + cost of map (see below)	
Color Printing / Photocopying	8.5"x11" – 11"x17" (1 sheet)	No Fee
	8.5"x11" – 11"x17" (>1 sheet)	50 cents per page
	Larger than 11"x17"	\$25 per copy
Black & White Printing / Photocopying	8.5"x11" – 11"x17" (1 sheet)	No Fee
	8.5"x11" – 11"x17" (>1 sheet)	10 cents per page
	Larger than 11"x17"	\$25 per copy
Fees In Lieu	Sidewalk Fee in Lieu	Actual Cost X 1.25%
	Stormwater Fee in Lieu	Refer to Fee Calculator
	Parking	\$500 Per Parking Space

⁵ The Administrator may issue a single, "blanket" permit with one fee for all banners associated with Special Events.

⁶ [Reimbursable bonds required for closures lasting longer than seven \(7\) calendar days.](#)

<p>Improvement Guarantee for Public Improvements: The Administrator, in consultation with the City Manager and City Attorney, may accept an improvement guarantee / surety bond for public improvements associated with any development. Improvement guarantees shall be prepared and administered in accordance with the Procedure for the Installation & Dedication of Public Improvements.</p>	<p>Actual Cost X % As Set Forth in Chapter 16, UDO</p>
<p>Construction Bond: The Administrator may require and accept a construction bond upon determination that such is necessary to protect existing public infrastructure from damages associated with any development activity. The Administrator may accept a construction bond for landscaping in accordance with Chapter 8 of the City of Brevard Unified Development Ordinance. Construction bonds shall be prepared and administered in accordance with the improvement guarantee procedures set forth in the Procedure for the Installation & Dedication of Public Improvements.</p>	<p>Actual Cost X 1.25%</p>
<p>Professional Services: The Administrator may secure the services of a qualified professional (e.g., licensed architect, attorney, engineer, landscape architect, arborist, surveyor, or planner) in the review of any application. Professional services purposes include but are not limited to: the review of floodplain development proposals, proposed public infrastructure or stormwater systems, traffic impact analyses, specialized legal services, and etc. The actual cost of professional services shall be the responsibility of the applicant. The applicant shall be informed in advance of the City's intention to secure professional services. The applicant shall be provided any and all reports generated by qualified professionals, and copies of all statements / receipts. The applicant shall reimburse the City for professional services expenditures prior to the issuance of a certificate of occupancy or final zoning / project approval.</p>	

Traffic Violations

Parking Ticket	\$10 per violation
Fire Hydrant, Fire Lane Obstruction	\$50
Vehicle Towing	True cost of towing.

Departmental Cost of Service Fees for Special Events & Temporary Uses

The following fees are intended to recoup cost for the delivery of services in support of Special Events, Temporary Uses, and unique emergency situations (including but not limited to bomb threats, hazardous materials events, manhunts, and other unique calls for service). The specific mechanism and timing of fee recovery will be determined by the applicable department heads on a case-by-case basis.

Fire Department Inspections for City Permits	Fee
Carnivals / Fairs	\$100 per event
Explosives	\$50 per 48 hours or \$100 per 30 days
Use of Outdoor Fireworks (Does not include standby apparatus or personnel)	\$100 per event
Open Burning & Open Flame Use	\$50
Pyrotechnics Special Effects	\$50
Fireworks Tent	\$300 per 30 days
Assembly Tent	\$75 per 30 days

Fire Department, Deployment of Personnel, Apparatus & Equipment	Fee
Chief Officer	\$30 per hour
Firefighter	\$25 per hour
Light Duty Quick Response Vehicle / Boat / Support Vehicle	\$20 per hour
Fire Engine	\$200 per hour
Rescue Truck	\$250 per hour
Ladder Truck	\$300 per hour

Public Services Department, Deployment of Personnel & Equipment	Fee
Special Dumpster Service	\$50

Police Department, Deployment of Personnel & Equipment	Fee
Officer	\$25 per hour

Alarm System Fees

The following fees are intended to recoup cost for the delivery of services in support alarm systems which may be installed, operated and maintained within the emergency communications center situated in the city police department.

Alarm System Connection Application Fee	\$25
Subscriber Charge for Failure to Appear Within 30 Minutes of Notification	\$10 per event
False Alarm Charge	\$20 per false alarm in excess of three per month
Alarm System Original Installation Fee	\$100 (one-time fee)

Miscellaneous Fees

Return Check Fee	\$30 per check per occurrence
------------------	-------------------------------

Water Rates

Residential, Commercial and Institutional:

Gallons	Purchase Range	In City	Out City
Min. 1,000 500 gal.	(0-1,000) 500	\$13.65	\$20.50
Over 1,000 500 gal.	(1,000+) 500	\$7.50 / 1,000	\$11.27 / 1,000

Industrial*:

Gallons	Purchase Range	In City	Out City
Min. 1,000 500 gal.	(0-1,000) 500	\$13.65	\$20.50
Over 1,000 500 gal.	(1,000+) 500+	\$6.60 / 1,000	\$9.92 / 1,000

*Industrial water users are manufacturers as defined and described in the 2012 North American Industry Classification System, Sectors 31-33 (refer to the following United States Census website: <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2012>).

Sewer Rates

Residential, Commercial, Institutional and Industrial:

Gallons	Purchase Range	In City	Out City
Min. 1,000 500 gal.	(0-1,000) 500	\$13.65	\$20.50
Over 1,000 500 gal.	(1,000+) 500	\$7.50 / 1,000	\$11.27 / 1,000

All multi-family dwellings, including apartments and condominiums, shall pay \$27.29 per unit or the meter reading, whichever is greater.

Economic Development Utility Rates:

City Council may, as a means of supporting economic development within the City of Brevard and Transylvania County, authorize a business to receive a 30% reduction in utility rates, subject to an agreement that such business achieve certain economic development performance measures.

Meter Fees: \$2.70 per month for all meters.

Water Tap Fees

Tap Size (inches)	Tap and Meter Setting Fee⁶
3/4	\$1,000 plus capacity impact fee
1	\$1,400 plus capacity impact fee
2	\$3,500 plus capacity impact fee
Charges for taps greater than 2" will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, meters, materials and equipment, plus 35 percent of the direct labor charge; however, no fee for a tap larger than two inches shall be less than \$2,440.00 plus capacity impact fee.	
Water Capacity Impact Fee ⁷	\$375 per impact unit

Sewer Tap Fees

Tap Size (inches)	Tap Fee⁵
Up to 6" Tap	\$1,000 plus capacity impact fee
Charges for taps greater than 6" will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, materials and equipment, plus 35 percent of the direct labor charge; however, no fee for a tap larger than two inches shall be less than \$955.00 plus capacity impact fee.	
Sewer Capacity Impact Fee ⁶	\$375 per impact unit

Sewer Tap Relocation Fee	Fee
Minimum Fee	\$500
Maximum Fee	\$1000
Charges for sewer tap relocations will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, materials and equipment, plus 35 percent of the direct labor charge. The minimum and maximum sewer tap relocation fees are set forth above.	

Septage Pretreatment Charges

0 – 1,300 Gallons	\$75.00 Per Load
1,301 Gallons or Greater	\$150.00 Per Load
All out of County haulers will be charged double the above amounts	
Annual Hauler License Fee	\$100.00

⁶ The Public Services Director may impose additional fees to recover the true cost of water &/or sewer tap installation when such is warranted by site conditions. In such cases, fees shall be computed at the sum total of the cost of labor, materials and equipment necessary for completion of the work plus 35 percent of the direct labor charge.

⁷ Capacity Impact Fees shall be calculated in accordance with Chapter 70 of Brevard City Code.

Deposit fees for New Utility Accounts

Use	Fee	
Residences (including residential renters)	\$ 60.00	
Commercial users except those otherwise listed	\$ 50.00	
Apartment houses, motels and trailer courts:	Up to 25 units	\$ 75.00
	25 units or more	\$ 100.00
	With pool, add	\$ 25.00
Service stations without carwash	\$ 40.00	
Service stations with carwash	\$ 100.00	
Beauty shops	\$ 50.00	
Laundromats	\$ 200.00	
Carwashes	\$ 100.00	
Restaurants	\$ 75.00	
Industrial uses: An amount equal to 60 days' estimated consumption or a minimum of \$200.00, whichever is greater.		

Surcharge Rates for the Collection and Treatment of High Strength Wastewater

Parameters	Rates
BOD 5	\$0.39/lb. BOD 5
Suspended solids	\$0.37/lb. SS
Leachate	\$0.05/gallon

Miscellaneous Utility Fees

Late Payment Fee	\$5 applied on the 21st day of each month
Cut-Off / Cut-On Fee	\$25 applied on the 28th day of each month
Return Check Fee	\$30 per check per occurrence
Meter Location	\$25 per occurrence
Meter Location Change	\$250
Fire Hydrant Flow Test (two or more hydrants)	\$250
Well Permit ⁸	\$1,000
Tanker Truck Access Fee	\$25
Others as specified in Chapter 70 Sec. 70-38 of the Brevard City Code	

⁸ Wells to be permitted in accordance with Chapter 70 of City Code.

STAFF REPORT

City Council, June 20, 2016

Title: Short-Term Rentals

City Council will conduct a public hearing to consider text amendments regarding short-term rentals.

Speaker: Daniel Cobb AICP, Planning Director

From: Daniel Cobb AICP, Planning Director

Prepared by: Daniel Cobb AICP, Planning Director

Approved by: Jim Fatland, City Manager

Background

At their August 17, 2015 meeting City Council requested information regarding the issue of short-term rentals (STRs), much like those offered on websites such as Airbnb.com and VRBO.com. Staff presented basic background information in September 2015 and Council directed Staff to take the issue to Planning Board to explore possible changes to the Unified Development Ordinance (UDO) that would allow for short-term rentals but also mitigate potential negative impacts on residential neighborhoods.

The Planning Board began its discussions at their October 20, 2015 meeting, and held further discussions during regular meetings in November, January, February, and March. The Board approved its recommended draft ordinance language at their meeting on March 15, 2016.

The Planning Board's proposed draft language was presented to Council on April 18th and again on May 16th (with Council-directed changes). Council scheduled a public hearing during the May meeting, for June 20, 2016.

Discussion

Following Council's May 16th meeting Staff met with the City's attorney to discuss options for the proposed ordinance changes and needs additional time to prepare such changes.

Policy Analysis

None at this time. Short-term rentals, which are most closely related to *rooming or boarding houses* as defined in the UDO, are currently prohibited in residential districts.

Staff Recommendation

Under advice from the City's attorney, Staff recommends City Council open the public hearing as scheduled, then call for a motion to continue the hearing until August. At which time Staff and the City's attorney will present additional information for consideration.

Fiscal Impact

To be determined.



CITY of BREVARD

Office of City Clerk
(828) 885-5614

Please run the following ad in the Legal Notices section of the Transylvania Times. Thank You.

**Notice of Public Hearing
City of Brevard
Proposed Amendments to Unified Development Ordinance**

The Brevard City Council will hold a public hearing on Monday, June 20, 2016. The hearing will begin at 7:00 p.m. or as soon thereafter as possible in the Council Chambers of the Municipal Building located at 95 West Main Street to consider the following:

Requests for text amendments to the following sections of Brevard City Code, Unified Development Ordinance. Proposed is to create new land use types and regulations to provide for short-term rentals.

Chapter 2 – District Provisions

Chapter 3 – Additional Use Standards

Chapter 10 – Parking Standards

Chapter 19 – Definitions

The public is invited to attend this public hearing and make comment, either in favor of or in opposition to the proposed text amendments. The proposed text amendments are available for review and are on file in the Brevard Planning Department and available for public inspection during normal hours, Monday-Friday, 8:30 a.m. - 5:00 p.m. For additional information you may call the City Planning Department at (828) 885-5630.

This 1st day of June, 2016.

Desiree D. Perry, CMC, NCCMC
City Clerk

Legal Ad:

Transylvania Times – Please advertise two consecutive weeks: **Monday, June 6, 2016**
Monday, June 13, 2016

Editor: Please provide an Affidavit of Publication for the above Public Hearing Notice. Thank you.

Public Participation

Special Presentation(s)



Brevard Housing Authority

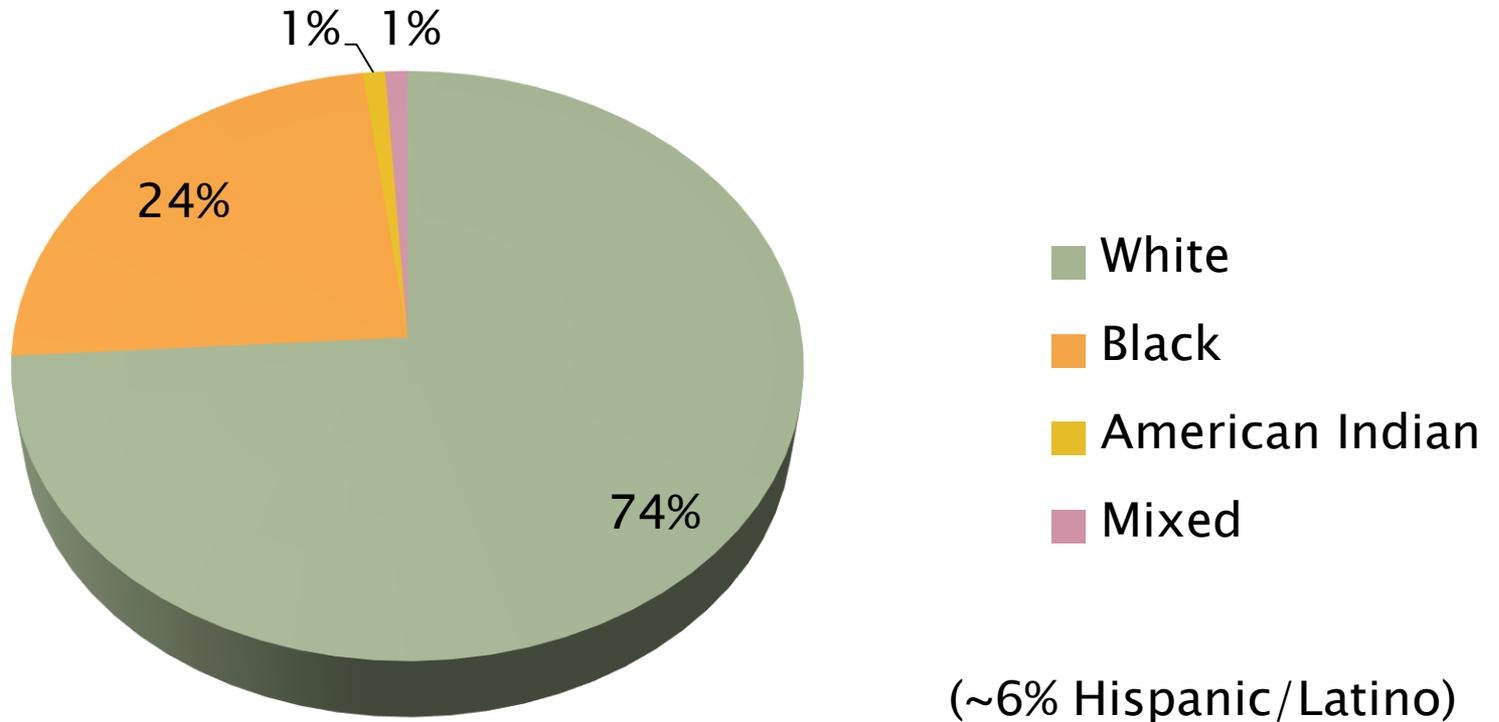
Presentation to City Council
June 20, 2016

Who Are We?

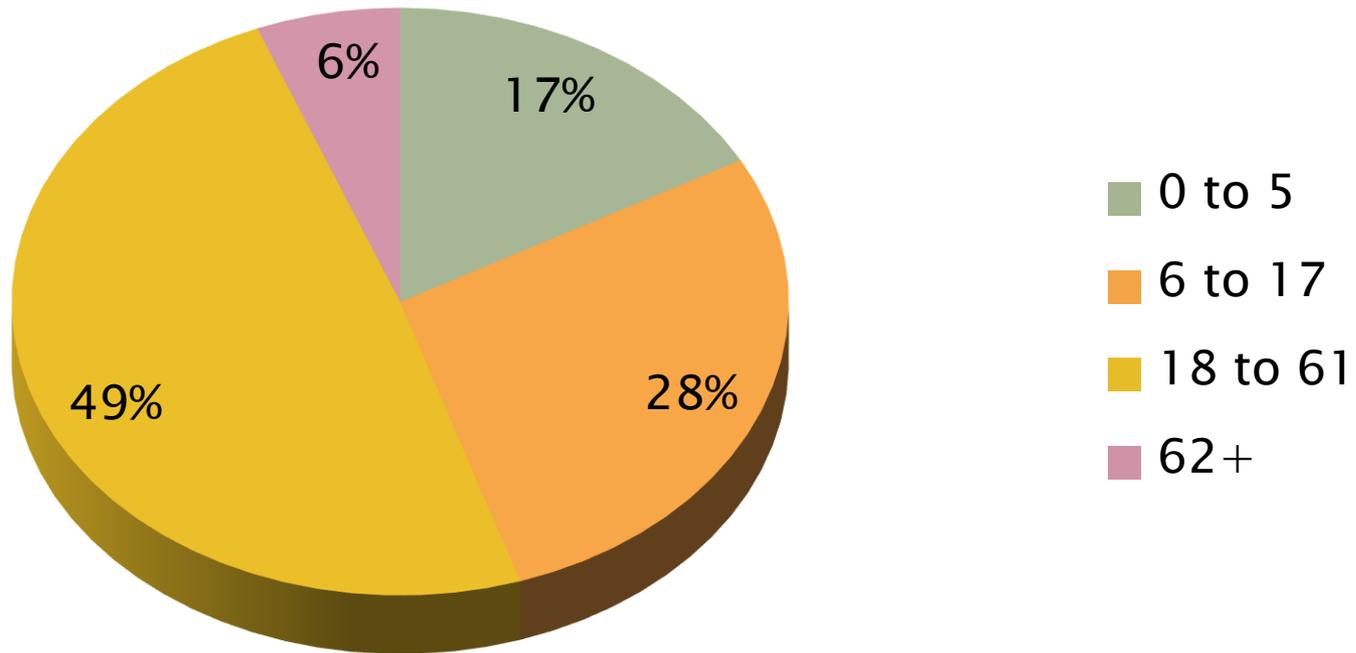
- ▶ 360 residents living in five small neighborhood properties, including 161 children and youth.
- ▶ Strong local staff, led by a community-centered board appointed by the City. One board member is a resident.
- ▶ Technical assistance and executive leadership under long-standing contract with Asheville Housing Authority.



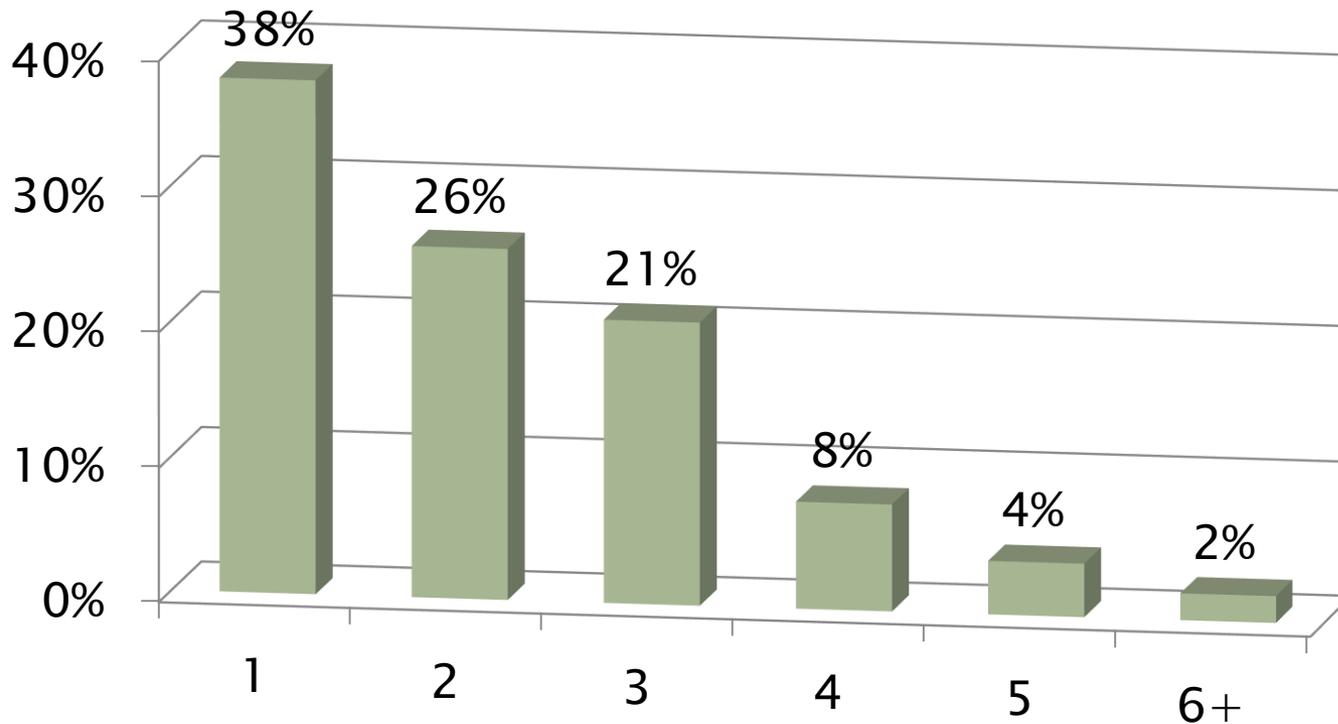
Demographics – Race/Ethnicity



Demographics – Age



Demographics – Family Size



Demographics – More

- ▶ 78% of families have extremely low incomes (<30% of median; \$16,020 for a family of two).
- ▶ 37% rely on SSI/SS/Pension income (SSI is \$8,796 annually).
- ▶ Average tenant payment is \$230/month.
- ▶ 31% of families have at least one disabled member.
- ▶ Only 32% have wages from employment.
- ▶ 105 applicants on the waiting list; wait time averages about one year.



Priorities / Accomplishments

▶ Management

- Staff have achieved and are maintaining a 98% occupancy rate
- Worked closely with the Chief of Police to minimize crime – calls are down 70% from five years ago.
- Updated wait list preferences, including expansion of the homeless preference to those meeting the school definition (doubled up with others), if they have a six-month commitment of supportive services from another local agency.



Priorities / Accomplishments

▶ Community Outreach

- Collaborating with the Haven to end homelessness for those experiencing it.
- Working with Sharing House and other agencies on financial assistance for residents as needed.
- Providing space for AARP to help residents and others with annual tax filings.
- Coordinating with Pisgah Legal Services on living wills for seniors and health insurance coverage for other residents.



Priorities / Accomplishments

▶ Property Improvements

- Completing a \$1.2 million energy performance contract this month, reducing water usage, updating HVAC systems, weatherizing, and significantly improving overall efficiency.
- All but 8 units will now have central A/C and those 8 are prioritized for the coming year.
- Replaced exterior building envelope at Pine Crest.



Challenges

- ▶ Parking lots are in need of significant improvement for stability and curb appeal.
- ▶ Need a collaborative partner to help non-disabled, non-elderly, non-working residents get back to work (about 30% of households).
- ▶ Please link to and spread the word about our new website – www.brevardhousing.org



Questions?



David Nash: 828-507-7697
Rhodney Norman: 884-2146

Consent and Information



CITY of BREVARD

The mission of the City of Brevard is to promote a high quality of life, support economic prosperity, and cultivate community while honoring its heritage and culture.

Finance Department
(828) 885-5600

FINANCE REPORT FOR MONTH ENDED MAY 31, 2016

JIM FATLAND, CPFO, NCCLGFO, CITY MANAGER

CITY OF BREVARD											
FY16 APPROVED BUDGET											
ALL FUNDS SUMMARY											
REVENUE & EXPENDITURE REPORT											
FOR MONTH ENDED MAY 31, 2016											
	BEGINNING	APPROVED	ACTUAL	APPROVED	ACTUAL	APPROVED	ACTUAL	APPROVED	ACTUAL	ENDING	
	FUND	BUDGET	REVENUE	BUDGET	REVENUE	BUDGET	EXPENSES	BUDGET	EXPENSES	FUND	
	BALANCE	REVENUE	MAY 31	EXPENSES	MAY 31	EXPENSES	MAY 31	EXPENSES	MAY 31	BALANCE	
GENERAL FUND	\$3,366,739	\$9,252,755	\$8,222,212	\$9,252,755	\$8,393,964	\$3,194,987					
UTILITY FUND	\$1,426,117	\$5,278,483	\$4,541,317	\$5,278,483	\$4,672,130	\$1,295,304					
UTILITY PROJECTS FUND	\$0	\$7,819,034	\$2,522,828	\$7,819,034	\$3,604,896	-\$1,082,068					
CAPITAL RESERVE FUND	\$1,082,248	\$645,000	\$50,463	\$645,000	\$625,000	\$507,711					
FIRE DEPARTMENT FUND	\$37,270	\$648,530	\$649,105	\$648,530	\$613,911	\$72,464					
T.L.SCRUGGS SCHOLARSHIP FUND	\$11,546	\$11,500	\$19,694	\$11,500	\$6,512	\$24,728					
BJERG TRUST FUND	\$60,143	\$100	\$0	\$100	\$0	\$60,143					
OPEB TRUST FUND	\$156,485	\$18,750	\$18,776	\$18,750	\$0	\$175,261					
HEALTH INSURANCE RESERVE FUND	\$280,833	\$1,298,000	\$1,204,423	\$1,298,000	\$1,284,296	\$200,960					
HEART OF BREVARD	\$0	\$130,700	\$121,457	\$130,700	\$121,450	\$6					
HOUSING TRUST FUND	\$53,522	\$26,536	\$13,204	\$26,536	\$0	\$66,726					
BRACKEN MTN PROJECT FUND	\$18,268	\$18,268	\$0	\$18,268	\$17,807	\$461					
MULTI USE PATHS PROJECT FUND	\$209,735	\$615,196	\$408,196	\$615,196	\$630,630	-\$12,699					
NARCOTICS TASK FORCE FUND	\$151,664	\$45,100	\$37,370	\$45,100	\$32,628	\$156,407					
ROSENWALD REVITALIZATION FUND	\$86,037	\$491,674	\$330,637	\$491,674	\$288,292	\$128,381					
DOWNTOWN MASTER PLAN FUND	\$799,784	\$811,167	\$191,000	\$811,167	\$754,674	\$236,110					
TOTAL ALL FUNDS	\$7,740,391	\$27,110,793	\$18,330,681	\$27,110,793	\$21,046,189	\$5,024,883					

CITY OF BREVARD				
FY16 APPROVED BUDGET				
GENERAL FUND				
REVENUE & EXPENDITURE REPORT				
FOR MONTH ENDED MAY 31, 2016				
		APPROVED		
		FY16	THRU	PERCENT
		BUDGET	MAY 31	TO DATE
BEGINNING FUND BALANCE			\$3,366,739	
REVENUE				
Property Taxes		\$4,524,700	\$4,545,553	100.5%
Privilege Licenses		\$0	\$1,350	0.0%
Interest Earned on Investments		\$5,000	\$5,876	117.5%
Rental Income		\$25,000	\$24,805	99.2%
Miscellaneous		\$6,000	\$5,500	91.7%
911 Funding		\$64,000	\$48,425	75.7%
Zoning Administration		\$20,000	\$32,452	162.3%
Utilities Franchise		\$595,000	\$307,649	51.7%
Wine & Beer Tax		\$30,000	\$34,404	114.7%
Powell Bill		\$222,000	\$225,824	101.7%
Sales Taxes		\$1,325,000	\$876,865	66.2%
ABC Net Revenue		\$125,000	\$120,619	96.5%
Court Costs & Fees		\$2,500	\$2,664	106.6%
Parking Violation Penalties		\$1,500	\$1,375	91.7%
Donations to Police Department		\$2,400	\$2,400	100.0%
Refuse Collection & Recycling		\$877,000	\$833,819	95.1%
Sales of Fixed Assets		\$8,196	\$11,332	0.0%
Recreation		\$18,000	\$9,636	53.5%
Grants-Police Dept		\$9,709		
County Vehicle Mtce		\$431,650	\$256,663	59.5%
Transfers from Other Funds				
Utility Fund		\$575,000	\$575,000	100.0%
Bjerg Trust Fund		\$100	\$0	0.0%
Transfer from Pedestrian Fund		\$300,000	\$300,000	100.0%
Fund Balance Appropriated				
Capitla Budget		\$85,000		
TOTAL REVENUE		\$9,252,755	\$8,222,212	88.9%

CITY OF BREVARD			
GENERAL FUND			
FY16 APPROVED BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	MAY 31	TO DATE
EXPENDITURES			
Governing Board	\$413,268	\$399,680	96.7%
Administration	\$607,656	\$562,667	92.6%
Finance	\$689,998	\$620,647	89.9%
Legal	\$63,000	\$56,335	89.4%
Planning	\$696,276	\$683,653	98.2%
Buildings & Grounds	\$644,997	\$562,920	87.3%
Police	\$2,614,280	\$2,376,675	90.9%
Public Services Administration	\$320,938	\$310,572	96.8%
Public Works Garage	\$571,461	\$378,773	66.3%
Streets-Local	\$659,217	\$615,644	93.4%
Streets-Powell	\$222,000	\$212,039	95.5%
Sanitation	\$722,024	\$635,558	88.0%
Recreation	\$98,316	\$59,274	60.3%
Non Departmental (Debt)	\$860,324	\$852,527	99.1%
Economic Development	\$69,000	\$67,000	97.1%
Contingency	\$0		
TOTAL EXPENDITURES	\$9,252,755	\$8,393,964	90.7%
ENDING FUND BALANCE		\$3,194,987	

CITY OF BREVARD			
UTILITY FUND			
FY16 APPROVED BUDGET			
REVENUE & EXPENDITURES REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	MAY 31	TO DATE
BEGINNING FUND BALANCE		\$1,426,117	
REVENUE			
Miscellaneous Utility Fees	\$0	\$1,805	0.00%
Water Charges	\$2,350,000	\$2,068,437	88.0%
Sewer Charges	\$2,120,000	\$1,820,343	85.9%
Meter Charges	\$136,000	\$124,462	91.5%
Tap & Connection Fees-Water	\$10,000	\$24,200	242.0%
Tap & Connection Fees-Sewer	\$2,500	\$7,500	300.0%
Transfer From Capital Reserve	\$425,000	\$425,000	100.0%
Reconnection Fees	\$40,000	\$39,270	98.2%
Septage Pretreatment Facility	\$20,000	\$30,300	151.5%
Fund Balance Appropriated	\$174,983	\$0	
Loan Proceeds--New Equipment	\$0	\$0	
TOTAL REVENUE	\$5,278,483	\$4,541,317	86.0%
EXPENDITURES			
On Line/Credit Card Fees	\$20,000	\$18,420	92.1%
Reimbursement to General Fund	\$575,000	\$575,000	100.0%
Debt Service Payments	\$513,457	\$365,430	71.2%
OPEB Transfer	\$6,750	\$6,750	100.0%
Transfer to Utility Capital Projects Fund	\$0	\$0	
Transfer to Health Insurance Reserve Fund	\$31,000	\$31,000	100.0%
Water Treatment Plant	\$1,063,405	\$875,764	82.4%
Water Distribution	\$492,974	\$479,535	97.3%
Wastewater Treatment Plant	\$1,644,896	\$1,565,381	95.2%
Wastewater Collection System	\$771,332	\$754,850	97.9%
Transfer to Water & Sewer Capital Projects			
Contingency	\$159,669		
TOTAL EXPENDITURES	\$5,278,483	\$4,672,130	88.5%
ENDING FUND BALANCE		\$1,295,304	

CITY OF BREVARD			
WATER & SEWER CAPITAL PROJECTS FUND (31)			
FY16 APPROVED BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	MAY 31	TO DATE
BEGINNING FUND BALANCE	\$0	\$0	
REVENUE			
Transfer from Utility Fund			
Transfer from Capital Reserve Fund	\$0		
CG & Loan Burrell Mountain Water Tank	\$600,000	\$823,540	137.3%
Sewer 6 Inch Upgrade Loan	\$1,738,600	\$681,529	39.2%
King Creek Sewer PH II Loan	\$1,435,784		
King Creek Sewer PH III Loan	\$1,484,150		
Radio Read Meter Loan	\$1,360,500	\$1,017,759	74.8%
Neely Rd. PS/FM/EQ TANK Loan	\$1,200,000		
TOTAL REVENUE	\$7,819,034	\$2,522,828	32.3%
EXPENDITURES			
Water Tank Burrell Mountain	\$600,000	\$829,177	138.2%
Kings Creek Sewer Project Phase 2	\$1,435,784	\$58,893	4.1%
Kings Creek Sewer Project Phase 3	\$1,484,150	\$105,587	7.1%
Sewer Upgrade 6 Inch to 8 Inch	\$1,738,600	\$1,185,670	68.2%
AMR Purchase & Installation	\$1,360,500	\$1,159,065	85.2%
Neely Rd. PS/FM/EQ/ TANK Loan	\$1,200,000	\$247,709	20.6%
Brevard Academy		\$18,796	
TOTAL EXPENDITURES	\$7,819,034	\$3,604,896	46.1%
ENDING FUND BALANCE		-\$1,082,068	

CITY OF BREVARD			
CAPITAL RESERVE FUND (FUND 35)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	MAY 31	TO DATE
BEGINNING FUND BALANCE		\$1,082,248	
REVENUE			
Transfer From Utility Fund	\$0	\$0	0.0%
Interest on Investments		\$56	
Impact Fees--Water	\$10,000	\$25,454	254.5%
Impact Fees--Sewer	\$10,000	\$24,954	249.5%
Sidewalks In-Lieu	\$0	\$0	
Fees In Lieu of Infrastructure		\$0	
Contribution from Developer	\$0		
Fund Balance Appropriated	\$625,000		
TOTAL REVENUE	\$645,000	\$50,463	7.8%
EXPENDITURES			
Transfer to Rosenwald Fund	\$200,000	\$200,000	100.0%
Transfer to Water Treatment	\$125,000	\$125,000	100.0%
Transfer to Sewer Treatment	\$300,000	\$300,000	100.0%
Increase in Fund Balance	\$20,000		
TOTAL EXPENDITURES	\$645,000	\$625,000	96.9%
ENDING FUND BALANCE		\$507,711	

CITY OF BREVARD			
FIRE DISTRICT FUND (FUND 40)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	MAY 31	TO DATE
BEGINNING FUND BALANCE		\$37,270	
REVENUE			
Misc. Revenue		\$575	
Fire District Taxes--County	\$308,700	\$308,700	100.0%
Transfer from City General Fund	\$339,830	\$339,830	100.0%
Sale of Fixed Assets	\$0	\$0	
Grant Revenue	\$0	\$0	
Fund Balance Appropriated	\$0	\$0	
TOTAL REVENUE	\$648,530	\$649,105	100.1%
EXPENDITURES			
Fire Department Operations & Debt	\$648,530	\$613,911	94.7%
TOTAL EXPENDITURES	\$648,530	\$613,911	94.7%
ENDING FUND BALANCE		\$72,464	

CITY OF BREVARD			
T.L. SCRUGGS SCHOLARSHIP FUND (FUND 50)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED	THRU	
	FY16	MAY 31	PERCENT
	BUDGET		TO DATE
BEGINNING FUND BALANCE		\$11,546	
REVENUE			
Fund Balance Appropriated			
Interest Earned on Investments			
Donations	\$11,500	\$19,694	171.2%
TOTAL REVENUE	\$11,500	\$19,694	171.2%
EXPENDITURES			
Scholarships Awarded	\$5,500		
Fund Raising Expenses	\$6,000	\$6,512	108.5%
TOTAL EXPENDITURES	\$11,500	\$6,512	56.6%
ENDING FUND BALANCE		\$24,728	

CITY OF BREVARD			
BJERG TRUST FUND (FUND 51)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED FY16 BUDGET	THRU MAY 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$60,143	
REVENUE			
Interest on Investments	\$100	\$0	0.00%
TOTAL REVENUE	\$100	\$0	0.00%
EXPENDITURES			
Transfer to General Fund	\$100		0.00%
TOTAL EXPENDITURES	\$100	\$0	0.00%
ENDING FUND BALANCE		\$60,143	

CITY OF BREVARD			
RESERVE FOR OPEB (FUND 52)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	MAY 31	TO DATE
BEGINNING FUND BALANCE		\$156,485	
REVENUE			
Transfer from Other Funds	\$18,750	\$18,750	100.00%
Interest on Investments	\$0	\$26	0.00%
TOTAL REVENUE	\$18,750	\$18,776	100.14%
EXPENDITURES			
Increase in fund balance	\$18,750		
TOTAL EXPENDITURES	\$18,750		
ENDING FUND BALANCE		\$175,261	

CITY OF BREVARD			
HEALTH INSURANCE RESERVE (FUND 53)			
APPROVED FY16 BUDGET			
REVENUE & EXPENITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED		
	BUDGET	THRU	PERCENT
		MAY 31	TO DATE
BEGINNING FUND BALANCE		\$280,833	
REVENUE			
Fund Balance Appropriated	\$90,000		
Dependent Dental & Retiree Premiums	\$67,000	\$63,495	94.8%
Department Charges for Group Medical	\$1,014,500	\$1,014,428	100.0%
Transfer from General Fund	\$95,500	\$95,500	100.0%
Transfer from Utility Fund	\$31,000	\$31,000	100.0%
TOTAL REVENUE	\$1,298,000	\$1,204,423	92.8%
EXPENDITURES			
Third Party Administrator	\$20,000	\$25,125	125.6%
Medical Insurance Broker	\$21,000	\$31,851	151.7%
Cobra Administrator	\$1,600	\$0	0.0%
Med Cost UR/PPO	\$6,800	\$17,339	255.0%
Aggregate Insurance Premiums	\$191,400	\$173,502	90.6%
Claims Paid	\$951,500	\$923,928	97.1%
Employee Assistance Program	\$3,500	\$3,880	110.8%
Wellness Programs	\$75,000	\$79,295	105.7%
Life AD & D	\$14,500	\$15,558	107.3%
Life Dependents	\$700	\$678	96.9%
Short Term Disability	\$12,000	\$13,140	109.5%
TOTAL EXPENDITURES	\$1,298,000	\$1,284,296	98.9%
ENDING FUND BALANCE		\$200,960	

CITY OF BREVARD			
HEART OF BREVARD (FUND 70)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED FY16 BUDGET	THRU MAY 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$0	
REVENUE			
Tax Penalties	\$0	\$478	
District Tax Collections	\$130,700	\$120,979	92.6%
Fund Balance Appropriation	\$0		
TOTAL REVENUE	\$130,700	\$121,457	92.9%
EXPENDITURES			
Contracted Services	\$130,700	\$121,450	92.9%
Transfer To General Fund	\$0	\$0	
TOTAL EXPENDITURES	\$130,700	\$121,450	92.9%
ENDING FUND BALANCE		\$6	

CITY OF BREVARD			
HOUSING TRUST FUND (FUND 76)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED FY16 BUDGET	THRU MAY 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$53,522	
REVENUE			
Interest on Investments	\$13,332		0.0%
Developer Loan Payment	\$13,204	\$13,204	100.0%
TOTAL REVENUE	\$26,536	\$13,204	49.8%
EXPENDITURES			
Increase in Fund Balance	\$26,536		
TOTAL EXPENDITURES	\$26,536		
ENDING FUND BALANCE		\$66,726	

CITY OF BREVARD			
BRACKEN MTN PROJECT (FUND 77)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURES REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED FY16 BUDGET	THRU MAY 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$18,268	
REVENUE			
Interest on Investments	\$0		
NCDENR	\$0		
Transfer from General Fund	\$0		
Fund Balance Appropriated	\$18,268		
TOTAL REVENUE	\$18,268		
EXPENDITURES			
Trail Design & Construction	\$18,268	\$17,807	97.5%
TOTAL EXPENDITURES	\$18,268	\$17,807	97.5%
ENDING FUND BALANCE		\$461	

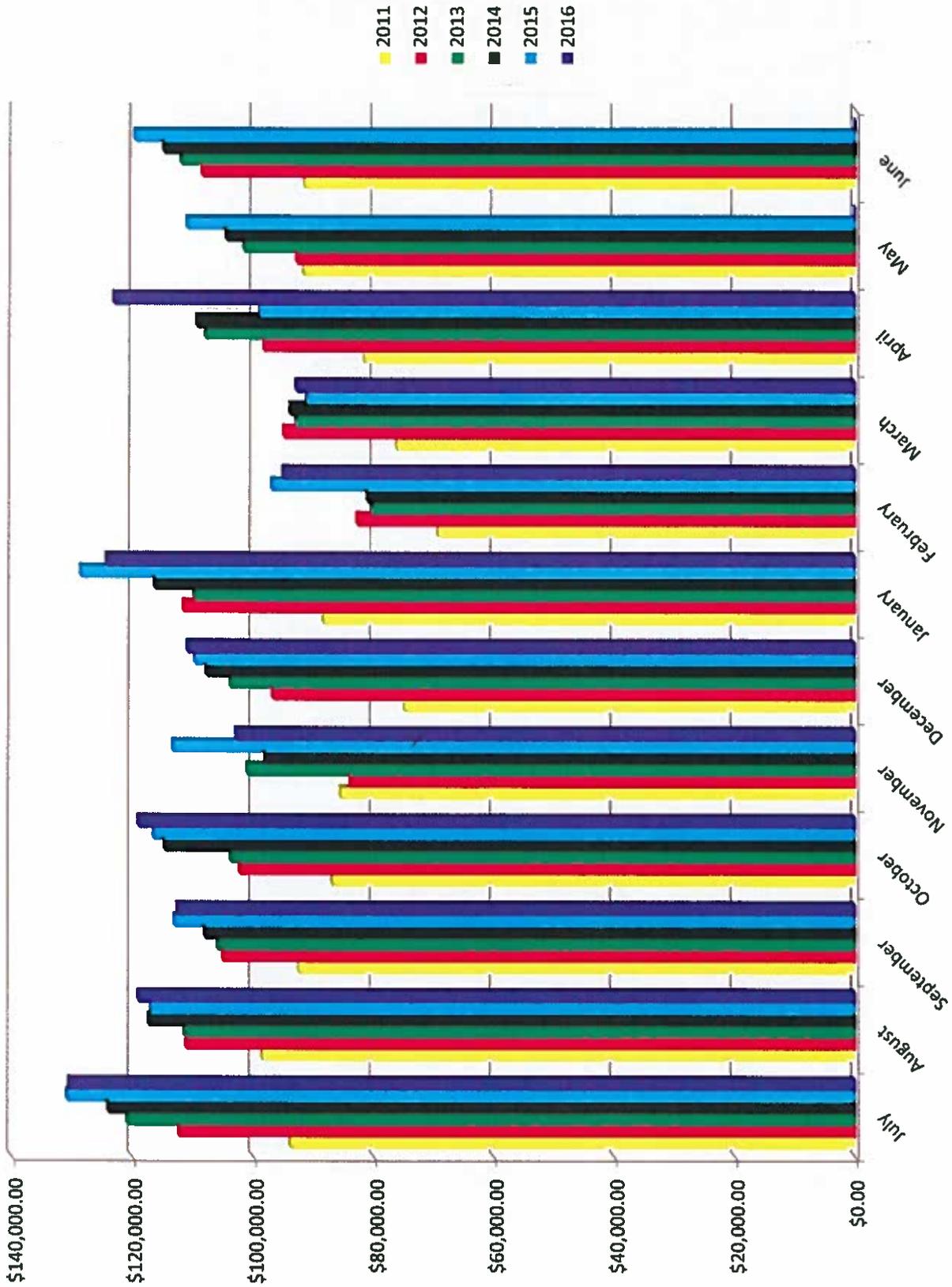
CITY OF BREVARD			
MULTI USE PATHS (FUND 78)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURES REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	MAY 31	TO DATE
BEGINNING FUND BALANCE		\$209,735	
REVENUE			
SRTS Grant Reimbursement			
Transfer from Capital Reserve Donation			
Transfer Fees in Lieu C Reserve			
Transfer from General Fund	\$108,196	\$108,196	100.0%
Recreation Trails Grant			
Transfer Cap Reserve			
Transfer from DTMP	\$300,000	\$300,000	100.0%
Fund Balance Appropriated	\$207,000		
TOTAL REVENUE	\$615,196	\$408,196	66.4%
EXPENDITURES			
Pedestrian / Bike Path			
Pedestrian / Bike Improvements	\$108,196	\$100,389	92.8%
TOTAL Pedestrian / Bike Path	\$108,196	\$100,389	92.8%
West Loop Phase I			
	\$0		
Design & Construction	\$107,000	\$95,205	89.0%
TOTAL WEST LOOP	\$107,000	\$95,205	89.0%
Railroad Avenue Project Area			
	\$100,000	\$135,035	135.0%
TOTAL RAILROAD PROJECT AREA	\$100,000	\$135,035	135.0%
Transfer to General Fund	\$300,000	\$300,000	100.0%
TOTAL EXPENDITURES	\$615,196	\$630,630	102.5%
ENDING FUND BALANCE		-\$12,699	

CITY OF BREVARD			
NARCOTICS TASK FORCE (FUND 81)			
FY16 APPROVED BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED FY16 BUDGET	THRU MAY 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$151,664	
REVENUE			
Interest on investments	\$100	\$129	129.4%
Received from Transylvania County	\$15,000	\$15,140	100.9%
Received from Brevard Police Department	\$15,000	\$15,000	100.0%
Clerk of Court Funds		\$0	0.0%
Miscellaneous Revenue		\$1,866	0.0%
Federal Asset Funds-Police	\$5,000	\$0	0.0%
State Controller Payments	\$10,000	\$5,235	52.3%
Fund Balance Appropriated	\$0		
TOTAL REVENUE	\$45,100	\$37,370	82.9%
EXPENDITURES			
Expenditures	\$40,100	\$32,628	81.4%
DEA Fed Fund BPD	\$5,000	\$0	0.0%
TOTAL EXPENDITURES	\$45,100	\$32,628	72.3%
ENDING FUND BALANCE		\$156,407	

ROSENWALD REVITALIZATION (FUND 82)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED FY16 BUDGET	THRU MAY 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$86,037	
REVENUE			
Fund Balance Appropriated	\$86,037		
PARTF Grant	\$205,637	\$130,637	
Transfer from Capital Reserve	\$200,000	\$200,000	100.0%
Transfer from General Fund (Local Match)	\$0	\$0	
TOTAL REVENUE	\$491,674	\$330,637	67.2%
EXPENDITURES			
Land Acquisition	\$291,674	\$288,292	98.8%
Environmental Cleanup & Park Improv.	\$200,000		
TOTAL EXPENDITURES	\$491,674	\$288,292	58.6%
ENDING FUND BALANCE		\$128,381	

CITY OF BREVARD			
DOWNTOWN MASTER PLAN (FUND 83)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED MAY 31, 2016			
	APPROVED FY16 BUDGET	THRU MAY 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$799,784	
REVENUE			
Interest on Investments			
HOB	\$11,000	\$11,000	100.0%
Appropriated Fund Balance	\$620,167	\$0	0.0%
Transfer from Capital Reserve Fund	\$0	\$0	
Transfer from General Fund	\$180,000	\$180,000	100.0%
NCDOT - Caldwell	\$0	\$0	
Patton Donation	\$0	\$0	
TOTAL REVENUE	\$811,167	\$191,000	23.5%
EXPENDITURES			
DTMP Design	\$511,167	\$454,674	88.9%
Clemson Park & Downtown Improvements	\$0		
Transfer to Pedestrian Fund	\$300,000	\$300,000	100.0%
Caldwell Street	\$0		
TOTAL EXPENDITURES	\$811,167	\$754,674	93.0%
ENDING FUND BALANCE		\$236,110	

FY 2011 - 2016 Monthly Sales Tax Comparison



STAFF REPORT

City Council, Monday, June 20, 2016

Public Works Monthly Staff Report

Council will receive the attached staff report for work performed during April, 2016. 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



**Public Works Department
Staff Report
April, 2016**

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 April; 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.
 - Continued Sewer Collections System inflow and infiltration elimination work included the following locations during April:
 - A discovered hole was inspected on Colwell Drive for a possible inflow site. No such I&I issues were found.

- Another large hole in a Resada Drive yard was inspected. The area was not near a sewer line and was caused by storm water flow. It was determined that work will be scheduled to install a catch basin to improve drainage in this area.
- Video inspected 353' of 8" sewer main for point identification (L4) of aerial photo between manhole #PF-029, #PF-030 and #PF-031 on Hillside Heights. No inflow or leaks were visible during inspection.
- Other points identified from aerial photos were inspected at thirteen (13) additional locations.
 - Six (6) locations were storm drain or culverts.
 - One (1) location was a Brevard College storm drain.
 - One (1) location was a raised sewer cleanout.
 - Three (3) locations were elevated manholes.
 - One (1) location was an actual water leak and scheduled for repair on Whitmire Street.
 - One (1) location was a container used for feeding horses.

2. We foster economic development by ensuring our infrastructure is constantly maintained and replaced to serve existing and future business.

- **Street infrastructure improvements during April included:**

- Raised brick pavers in a section of sidewalk at the intersection of S. Broad Street and Morgan Street.
- Replaced a concrete driveway located on Hampton Road reference a previous water leak repair.
- Inspected slope of a driveway located on South-view Drive for a handicapped customer. It was determined asphalt material could be placed where the driveway meets the street to allow for wheel chair access.



Hampton Road driveway section replacement.

- Video inspected 80' of an 18" storm drain pipe along Turnpike Road. It was determined a section was in need of replacement; and twenty-eight (28) feet of storm drain pipe was replaced near residence #117.
- Removed a fallen power line from Sunset Drive and alerted Duke Energy of issue.
- Inspected an open valve covering and hole on the Rosman Highway. The valve was determined to be on a gas main and Public Service Gas was notified.



Street sweeping curb and gutters.

- Replaced a concrete handicap ramp at the intersection of E. French Broad Street and Alumni Drive. The ramp was damaged during a recent water line installation for Brevard College.
- Painted a concrete traffic island at the intersection of Green Acres Avenue and Asheville Highway with yellow traffic paint.
- Cut grass along street edges and utility strips.
- Ran the street sweeper along curb and gutters.
- Removed gravel washed from a driveway along Carver Street and Cunningham Drive.
- Measured and calculated a block retaining wall installation on Hospital Drive.
- Stop bars were painted at fifteen (15) street intersections.
- Bike path bridge repair began on sections of the pathway near the intersection of Asheville Highway and Jackson Court. Improvements of structures along the path were worn due to age and weather.
 - Replaced two hundred twenty-four (224) feet of handrail.
 - Replaced one hundred sixty-six (166) decking boards.



Bike path bridge repair near Asheville Highway and Jackson Court.



- **The new bridge allowing access to the bike path at Allison Road is now complete.**
 - **JLS Paving, Inc. completed asphalt installation between street and bridge.**
 - **A bollard was installed to ensure pedestrian or bike travel only across the bridge.**
 - **Sections of split rail fence with reflectors were installed on the Allison Road side of the bridge access.**
 - **Final site restoration including placing river rock along the creek bank; and grass seed and straw placed along the pathway edge.**



Allison Road bike path bridge.



- **Utility cuts and potholes were patched or leveled on Azalea Avenue, Chestnut Street, E. French Broad Street, Hawthorne Drive and Whitmire Street.**
- **Sign maintenance included:**
 - **Removed a fallen street sign from N. Rice Street.**
 - **Removed an old *no parking* sign from S. Gaston Street.**
 - **Removed five (5) old *no parking* signs from E. & W. Main Streets.**
 - **Straightened a *play street* sign on S. Johnson Street.**
 - **Removed nine (9) old civic organization signs from a deteriorated structure on Highway 276 near Brevard Elementary School.**



Old civic organization signs removed on Greenville Highway.

- **A section of E. Jordan Street was re-opened. The closure between S. Broad Street and S. Gaston Street served as a construction access site for several months. Contractors removed fencing and equipment and the street was cleaned by city crews.**



E. Jordan Street cleaned after closure period ended.

- **The Sanitation Division collected garbage, commercial recycling, brush and bagged yard waste during April.**
 - **Four (4) commercial businesses requested containers and began participating in the recycle program. Carts or bins were provided for:**
 - **Cradle of Forestry**
 - **Dr. Frank Trozzo / Brevard Chiropractic Center**
 - **One Main Financial**
 - **Squatch Bikes & Brews**

April Sanitation Activities

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

- **Met with a customer in McCrary Acres subdivision regarding brush collection and storm drain issues. The customer was not aware that some areas of property in the subdivision were privately owned and not maintained by the city.**
- **Obtained monthly temperature readings for the mulch pile storage on the lower yard at the Public Works facility.**

- **Collections System infrastructure maintenance consisted of the following noted items during April:**
 - **Video inspection of sewer mains and service lines were performed on a total of 6,322' to determine condition, verify location or depth, or in search of suspected inflow and infiltration sites.**
 - **System personnel responded to three (3) reported sewer line blockages during the month; three (3) of which were actual blockages and were cleared on Kilpatrick Street, Wilson Drive, and W. French Broad Street.**
 - **Cleaned a total of 1,100' of sewer mains during the month:**
 - **Ecusta Road—1,000' of 8" force main pipe.**
 - **Kilpatrick Street—100' of 10" pipe from manhole #KC-208.**
 - **Sewer lift station maintenance included:**
 - **Monthly inspection of facility buildings and safety equipment.**
 - **Cleaned wet wells at the Neely Road and Sycamore Flats lift stations.**
 - **Mowed grass and sprayed week killer at each lift station facility.**
 - **Replaced 10' of 4" sewer service line and installed a cleanout at a W. French Broad Street residence.**
 - **Repaired a service line cleanout on White Oak Lane. The box was excavated and leveled with surrounding yard; and the site was restored with dirt, grass seed and straw.**
 - **Lowered a sewer cleanout at a residence on North Lane Street.**
 - **Two (2) yards were restored on Old Hendersonville Highway and on Turnpike Road where utility work was performed. The yards were leveled with dirt, grass seed and straw.**
 - **Met with a property owner reference a utility easement on Overlook Drive. Concerns regarding plant replacement were relayed to the utility contractor.**



W. French Broad Street sewer service line replacement.

- Inspected manhole #KC-157A near the entrance to Ingles on N. Broad Street. The manhole was found in good condition and level with surrounding pavement.
- The Water Distribution maintenance and repair of the water system infrastructure included the following items in April:
 - There were nineteen (19) inspections for reported water leaks during April; eight (8) of which were actual water leaks and were repaired on Elm Bend Road, Hazel Court, Hampton Road, Oakdale Road, Old Highway 64, S. Broad Street, S. Caldwell Street and S. Rice Street.
 - An extensive leak search continued in the Hampton Road, Whitmire Street and Reservoir Road area. No leak was found.
 - Suspected leak locations found during infrared scanning were inspected throughout the city. It was determined that two (2) locations were a storm drain pipe and no water line ruptures on Excelsior Drive and Straus Parkway.
 - Assisted a customer on Pine Mountain Trail with a leak search. No leak was found.



Oakdale Road water leak.



Chestnut Street water leak repair.

- Replaced a 2' section of 3/4" water service line during a leak repair at a residence on Old Highway 64.

- Replaced 1' of 1" water service line during a leak repair on Hazel Court. The jobsite was restored with grass seed and straw.
- Replaced fire hydrant #200-17 and painted top white. This replacement included 2' of 6" steel pipe and site restoration on Country Club Road.
- Flushed a water post hydrant on Cardinal Drive and inspected chlorine content.
- Performed a well disconnect for a residence on Elm Bend Road.
- Inspected a water quality issue at commercial building on S. Broad Street. Discolored water and air were flushed from the service line and was a result of recent fire hydrant flushing in the area.



S. Broad Street water leak repair.

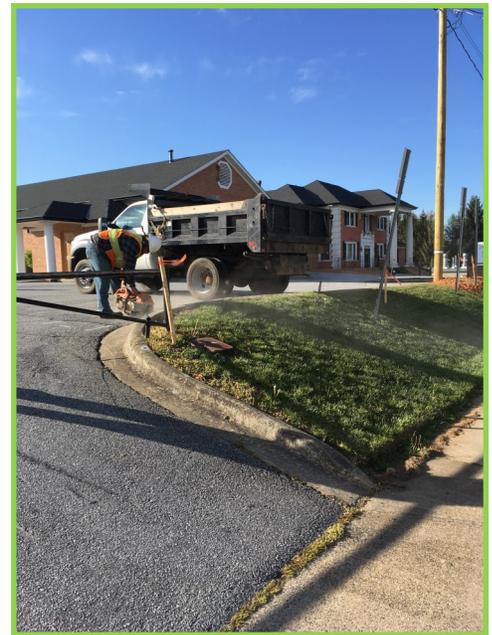


Country Club Road fire hydrant replacement.

- **Water tank and pump station facility maintenance included:**
 - Dirt was hauled and used to repair storm water damage from heavy rains at reservoir property. The site was sown with grass and straw was placed to secure until stabilized.
- **Meter and meter box maintenance included:**
 - 3/4" water meters were replaced at:
 - American Legion building on E. Jordan Street.
 - 658 N. Country Club Road
 - 222 Broadview Circle

- Repaired a water meter register on Robinson Avenue.
- Replaced one (1) - 2" water meter on N. Caldwell Street.
- Relocated a 3/4" water meter behind sidewalk along W. French Broad Street.
- Tightened a crown nut on a backflow preventer on Fox Cross Drive.
- Meter boxes or box lids were replaced on Broadview Circle, Cemetery Road, Commerce Street, Elm Bend Road, Fox Cross Drive, N. Country Club Road, Neely Road, Recreation Department Drive, Stone Drive, Summerplace Court, Warren Lane, and Wilson Drive.
- Meter boxes were raised on Azalea Avenue and Robinson Avenue.
- Cut and removed tree roots that had disturbed a water meter box on Excelsior Drive.
- Attempted to locate an existing water meter requested by a city meter reader at property off Owen Street; however the owner (Jon Green) barred access to the property.
- Inspected water pressure at a residence on Neely Road and a commercial building on E. Main Street.
- Installed backflow preventers at Appletree Street and Elm Bend Road residences.
- Inspected a water quality complaint regarding sediment in a toilet on E. Main Street. Sediment was minimal and due to a recent water meter installation by Ferguson.
- Met with a customer on Highway 276 reference discolored water and found issue was due to recent Fire Department hydrant flushing.
- Inspected lots on Camptown Road to verify if meters or taps existed for a new customer.
- Turned two (2) seasonal meters on for Brevard Music Center.
- Turned two (2) water meters on for residential customers reference billing issues.
- Performed a fire flow water pressure test for Civil Solutions for Brookside Subdivision on Neely Road.
- Inspected fire hydrant #25-03. Removed an operating nut; oiled and replaced for future use.

- Inspected fire hydrant #15-06 on S. Broad Street. It was determined during recent Fire Department testing and flushing of hydrants that this hydrant needed repair or replacement. Further inspection found a broken stem and will be scheduled for replacement.
- Fire Hydrant #15-02 was repaired on S. Broad Street to correct a leak discovered during Fire Department testing.
- Distribution infrastructure was relocated along S. Caldwell Street as preparations for NC D.O.T.'s street widening project continued:
 - Relocated three (3)— 3/4" water meters and meter boxes on S. Caldwell Street reference NC D.O.T.'s street widening project.
 - Fire hydrant #25-22 was relocated at the intersection of Oakdale Street and S. Caldwell Street.
 - Fire hydrant #20-10 was removed from the distribution system.



Preparation for meter relocation on S. Caldwell Street.

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

- Public Works Facility and Operations Center maintenance included the following items during April:
 - Cleaned service trucks and re-stocked with utility supplies.
 - Cleaned out a shed bay for storing a chat spreader.
 - Installed a carbon monoxide alarm in a conference room.
 - Prepared quarterly Sewer Collections spare part inventory.
 - Updated safety MSDS books.
- Public notices were issued regarding residential recycling dates for collection.

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.

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

- The director attended meetings regarding various Public Works issues, a few of which included:
 - 6" Sewer Upgrade Project Monthly Meeting.
 - Agenda Preview Meeting.
 - AMI Project Progress Meeting.
 - Brown Consultants reference City Wide 6" Sewer Line Upgrade Project.
 - Brown Consultants reference Kings Creek Phase II & Phase III Projects.
 - Brown Consultants reference Waste Water Treatment Project Review.
 - Brown Consultants reference Job Corp Lift Station.
 - City Council Meeting.
 - City Manager reference Straus Park Street Issues
 - City Manager reference Poplar Street Bike Path Bridge Repair.
 - Department Supervisors Meeting reference Work Order Documentation.
 - Eastern E&I Sales Meeting.
 - Kings Creek Phase II Pre-Construction Meeting.
 - Sidewalk Maintenance Program Demonstration.
 - Weekly Staff Meetings.
- Assistance was provided to Blue Ridge Community College with a drainage repair. Streets Division staff replaced 20' of 24" corrugated storm drain and installed a catch basin to correct a storm water issue on the campus between the Asheville Highway and Oak Park Drive.
- New residential service connections were installed for Bill Maddux on Camptown Road. This work included installation of a 3/4" water tap, 40' of 3/4" water service line, angle valve, meter box; a 4" sewer tap, 10' of 4" SDR40 sewer service line, clean check and backflow preventer.

- New residential service connections were installed for Jorge Cuevas & Sons Construction on Osborne Road. This work included a 3/4" water tap, 40' of 3/4" water service line, angle valve, backflow preventer; a 4" sewer tap, 10' of 4" sewer service line, check valve and sewer valve box installed at this location.
- Forty-nine (49) 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.

Utility Locates

- Bill Maddux (1)
- Comporium (10)
- Distribution Construction (1)
- Duke Energy (1)
- Foremost Pipelines (17)
- Ingles Plaza (1)
- Larry Gates (1)
- Maurice Jones (1)
- PSNC Gas (15)
- Sumter Utilities (1)



Osborne Road new water meter box and site restoration.

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

- Brush was removed from Johnson Street, E. Jordan Street and Gaston Street prior to a community event held in the city (*One Billion Rising March—April 9, 2016*).
- Provided a garbage dumpster for *Assault On The Carolinas* event. The dumpster was removed when the event ended on April 9, 2016.
- Provided recycle carts and orange mesh fencing for the *Kids Go Festival*. Brush was removed from Varsity Street prior to this event.

- Provided recycle carts for *The Legacy Run Event*.
- Street banners were erected or removed as scheduled for the following community events:
 - Black Mountain Home—*Bloomin' Plant Sale*
 - Boy Scouts Troop #701—*100 Year Celebration*
 - City of Brevard—*Kids Go Festival*
 - Transylvania County Schools—*TCS Kindergarten Registration*
 - United Way of Transylvania—*Volunteer Opportunity Fair*
 - WCCA—*Kindergarten Rally*

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

- Employee activities and opportunities during April included:
 - An employee attended an appointment at Asheville DMV for commercial driver's license testing.
 - Safety Incentive Luncheon.
 - Streets Division employee Barry Conley retired at the end of April after ten (10) years of service in the Streets and Sanitation Divisions. A small breakfast gathering was held at Public Works on his last day of employment.



Mayor Jimmy Harris spoke at retirement gathering for Barry Conley.

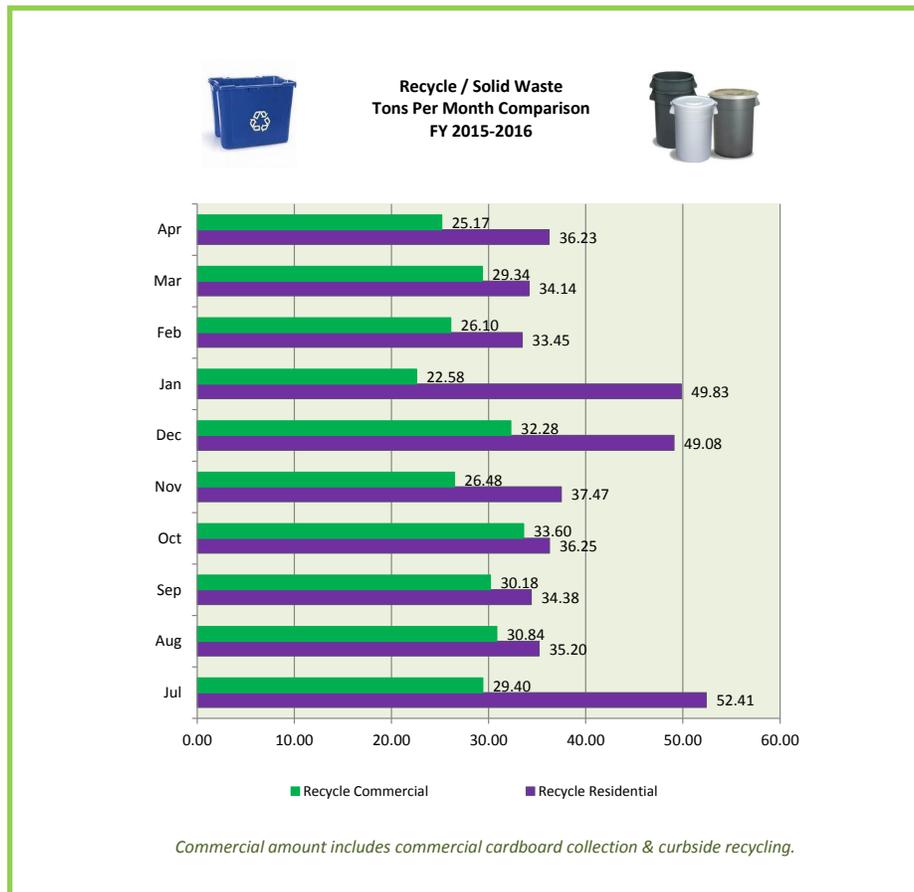
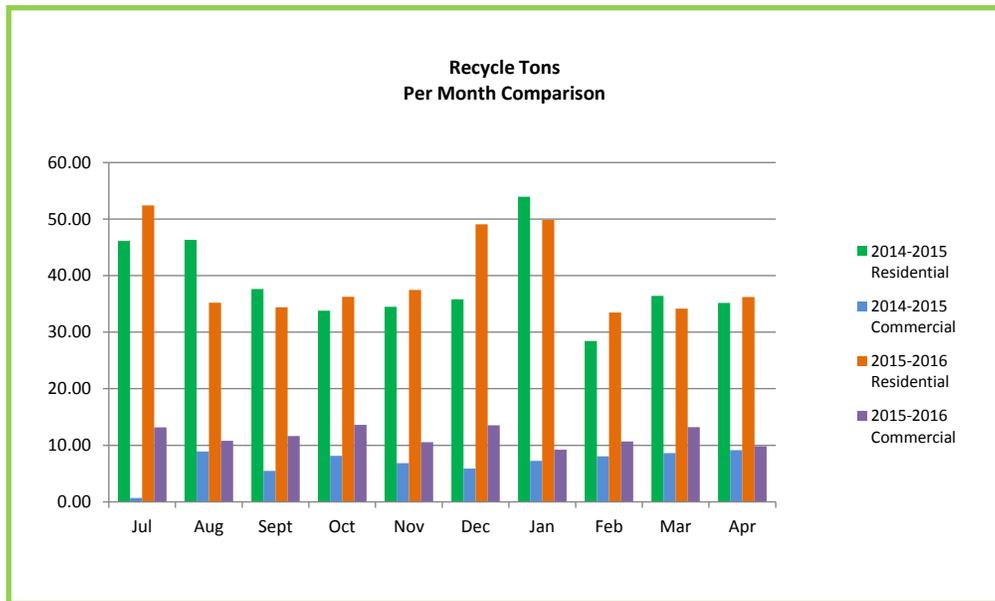
APPENDIX I: April Departmental Statistics

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

Item	Previous Month (March)	Current Month (April)	Year To Date (July - April)	Previous FY Year Total 2014-15
Commercial Cardboard	16.15	15.35	169.75	192.21
Electronics	4	2	27.00	69
Recycle Bin Delivery Residential	1	2	25.00	61
Recycle Bin Delivery Commercial	0	0	6.00	29
Recycle Cart Delivery Residential	4	16	140.00	257
Recycle Cart Delivery Commercial	4	4	40.00	157
Commercial Recycling	13.19	9.82	116.22	100.10
Residential Recycling	34.14	36.23	398.44	459.35
Solid Waste Collection	232.56	212.00	2,332.54	2,820.80
Special Collections	10	13	126.00	142
Special Collection - Single Item	2	7	23.00	20
Television - Large (\$10)	10	3	43.00	37
Television - Small (\$5)	0	0	13.00	6
Barricade / Event Item Delivery	0	5	20.00	21
Street Banners	3	11	65.00	57
Potholes	9	4	82.00	95
Sidewalk Footage (Length)	0.00	0.00	269.00	422.90
Utility Cuts	2	2	68.00	75
Fleet Service - City	159	118	1,327.00	1,498
Fleet Service - County	71	75	692.00	908
I&I Video Inspection (Length)	660	6,322	21,683.00	24,107
Sewer Blockages	5	3	45.00	79
Sewer Tap New Commercial	0	0	4.00	4
Sewer Tap New Residential	1	2	9.00	8
Sewer Taps Repaired	0	1	24.00	27
Utility Locates	37	49	237.00	189
Water Leaks	14	19	119.00	175
Water Meter Boxes	3	26	66.00	60
Water Meters New	4	2	13.00	11
Water Meters Other	18	21	121.00	131
Water Tap New Commercial	6	0	12.00	6
Water Tap New Residential	0	2	10.00	10
Water Taps Repaired	1	0	26.00	6

APPENDIX II: April Sanitation Statistics

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



APPENDIX III: April 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	\$6,741.00
Expense	\$4,473.04
Net Profit or Loss	\$2,267.97

APPENDIX IV: April Fuel Use Statistics

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

- April fuel use decreased 2.8% from the previous month of March in gallons; however increased by 6.7% in expense due to a slight increase in fuel price per gallon.
- Current Unleaded Fuel Price: \$1.541 / last purchase on April 22, 2016
- Current Diesel Fuel Price: \$1.416 / last purchase on April 22, 2016

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	5,480.70	5,601.40	-120.70	\$7,342.02	\$6,841.59	\$500.43	-2.2	7.3
County Vehicles	8,986.30	9,276.10	-289.80	\$12,108.77	\$11,379.39	\$729.38	-3.1	6.4
Narcotics Task Force	10.00	12.60	-2.60	\$13.22	\$14.24	-\$1.02	-20.6	-7.2
Totals	14,477.00	14,890.10	-413.10	\$19,464.01	\$18,235.22	\$1,228.79	-2.8	6.7



The City of
Brevard
North Carolina

AGENDA ITEM

DATE: June 9, 2016

TO: Mayor and City Council Members

SUBJECT: Approval of Prudential NC 457 Plan for employee elective participation

PREPARED BY: Derrick Swing, Human Resources Director

APPROVED BY: Jim Fatland, CPFO, City Manager

BACKGROUND: The City of Brevard currently offers employees a variety of investment options including the Prudential 401K plan and a Nationwide 457 plan. The Prudential NC 457 Plan is a deferred compensation plan available exclusively to those NC public employees whose employers offer the plan. This includes full-time, part-time, and temporary employees. The plan is also available to elected officials and rehired retired employees. The plan offers: penalty-free withdrawals; ability to stop or change contributions at any time; 100% vesting from the first contribution to the last; multiple investment choices; and online planning tools.

The addition of the Prudential NC 457 Plan could benefit all employees by giving another option for retirement savings.

RECOMMENDATION: Authorize the City Manager to add the Prudential NC 457 Plan to its investment offerings to City employees.

FISCAL IMPACT: There is no fiscal impact other than administrative time processing additional employee deductions.



The NC 457 Plan

The NC 457 Plan is a deferred compensation plan available exclusively to those North Carolina public employees whose employers offer the plan. This includes full-time, part-time and temporary employees. The plan is also available to elected and appointed officials, along with rehired retired employees. North Carolina state and local government employers offer this plan to help you reach your retirement savings goals by taking advantage of:

- **Automatic payroll deductions.** Contributions to the NC 457 Plan are made through payroll deduction.
- **You may change or stop your contribution at any time, and no minimum contribution is required.**
- **Contribution limits.** The maximum contribution is \$18,000, unless you are age 50 or older this year. In that case, you could contribute an additional \$6,000, for a total of \$24,000. Employer contributions, if applicable, reduce the annual maximum that you may contribute.
- **The potential for employer contributions.** More than 450 plan employers offer an employer contribution. To find out if your employer offers a contribution toward your NC 457 Plan account, contact your Human Resources or Benefits Office.
- **100% vesting.** You are fully vested in the plan from your first contribution to your last. To be “vested” means to own, which means the money is always yours.
- **Penalty-free withdrawals.** Withdrawals from your NC 457 Plan account are **never** subject to a 10% federal income tax penalty, regardless of your age at the time of withdrawal. However, state and federal income taxes may still apply, depending on the source of your withdrawal. Unless it is a qualified withdrawal from your NC 457 Plan Roth balance, taxes would be based upon the tax rates in effect the year in which the withdrawal is taken.
- **Convenient asset consolidation.** To simplify your financial life, the NC 457 Plan allows for rollovers from other retirement plans you may have from former employers, including 401(k), 401(a), 403(b), governmental 457 and TSP plans, and some IRAs.
- **Multiple investment choices.** You can invest in vehicles that range from potentially high growth to highly conservative, so you can make the most appropriate choice to help you meet your savings goals.
- **Simple investing with GoalMaker®.** GoalMaker is an optional, easy-to-use asset allocation program available at no additional cost that automatically offers you an age-appropriate investment mix based on your investor style. Keep in mind that application of asset allocation and diversification concepts does not assure a profit or protect against loss in a declining market. **It is possible to lose money by investing in securities.**
- **Quarterly statements to keep you informed.** Statements are provided after the end of a quarter to help you monitor activity in your account. Statements are either mailed to the address on record or provided electronically.
- **One-on-one help.** The NC 457 Plan has knowledgeable Retirement Education Counselors* strategically located throughout North Carolina to answer your retirement questions and help you to get the most from your participation in the plan**. These representatives are a resource available to plan members by phone, email or in person.
- **Online retirement planning tools.** You may access your account 24 hours a day, 7 days a week for account inquiries and changes to your contribution amount, investments, mailing address or beneficiary information. You may also access a host of information, interactive calculators and other resources. To learn more, visit NCPlans.prudential.com.



North Carolina | 457
Total Retirement Plans

Flexible ways to contribute – choose one or both of the following contribution options:

• Traditional pre-tax contributions

Pre-tax contributions are automatically deducted from your paycheck **before** any current federal or state income taxes are taken out, therefore, reducing your taxable income. As a result, your take-home pay is not impacted by the full amount of your contribution. Additionally, these contributions grow tax-deferred until withdrawal. At that point, federal and state income taxes will be incurred.

• Roth after-tax contributions

Roth contributions are automatically deducted from your paycheck **after** current taxes are paid and therefore reduce your take-home pay dollar for dollar. Roth contributions and earnings grow tax-deferred and can benefit members who anticipate being in a higher tax bracket while in retirement and would rather pay taxes at today's tax rate. Qualified distributions are federal income tax free.*

You save per month	\$25	\$100	\$200	\$300
10 years	\$4,327	\$17,308	\$34,617	\$51,925
15 years	\$7,924	\$31,696	\$63,392	\$95,089
20 years	\$13,023	\$52,093	\$104,185	\$156,278
30 years	\$30,499	\$121,997	\$243,994	\$365,991

Assumes 7% annual return. Data shown is for illustrative purposes only and is not intended to represent performance of any specific investment, which may fluctuate. **It is possible to lose money by investing in securities.** No taxes are considered in the calculations; generally, withdrawals are taxable at ordinary rates.

Special “One-Time” Contributions

If you wish to defer additional compensation that will be deducted for only one payroll cycle for reasons such as longevity payments, or final payouts of unused vacation and/or bonus leave, you may coordinate this deduction with your payroll office. You can obtain a One-Time Contribution form by visiting the Tools and Resources tab at NCPlans.prudential.com. Submit the completed form directly to your payroll office. Total annual contributions may not exceed IRS limits.

Consolidate with Rollovers into the NC 457 Plan

The plan accepts rollovers from other qualified retirement plans you may have from former employers, including 401(k), 401(a), 403(b), governmental 457 plans and TSP Plans, as well as Traditional, Conduit, SIMPLE and SEP IRAs. Under current IRS guidelines, Roth IRAs are not eligible for rollover into the plan. All rollover requests must receive pre-approval from the plan before funds can be received.

Initiating a rollover into your NC 457 Plan is easy, and it offers many benefits, including:

- The simplicity of all your retirement savings reported on one quarterly statement and on the Annual Benefits Statement, making it easier to monitor your accounts and stay on track toward your retirement savings goals.
- The potential to save money through reduced plan fees.
- The convenience of managing all of your retirement savings through one website, one phone number, and with one point of contact for your retirement account questions.
- The ease of asset allocation, since it's simpler to maintain an investment strategy among your various investments when you can see how they work together.

Before rolling over assets from other retirement plans, you should contact the current plan provider to inquire about fees or other surrender charges that may be assessed.

For assistance with a rollover into the NC 457 Plan, contact your Retirement Education Counselor, or log in to your NC 457 Plan account at NCPlans.prudential.com, view details and click on “Roll Money In,” or call 866-NCPlans (866-627-5267).

*There are two separate sets of rules for taking distributions from your NC 457 Roth account on a tax-free basis. The first NC 457 Plan rule states you can only take a distribution after you: (i) separate from service; or (ii) attain age 70½ while still in service. The second, an IRS rule, defines what is considered a “qualified” distribution from a Roth Account in order to be tax free. ** Taken together, this means that you can withdraw money from your NC 457 Roth Account tax free once you meet the following criteria: The first Roth contribution to your account must remain in your account for at least five tax years; AND: a) you have separated from service and are 59½ or older; or b) you have separated from service due to a death or disability retirement; or c) you are still working and are at least age 70½. If your withdrawal does not meet these conditions, then the Roth earnings – but not the Roth contributions – may be subject to state and federal income taxes.

**The criteria outlined by the IRS is for tax-free treatment for federal income tax purposes. Your withdrawal may also be eligible for state tax-free treatment.

Choose from a lineup of investment options or have GoalMaker do it for you!

Investment Options

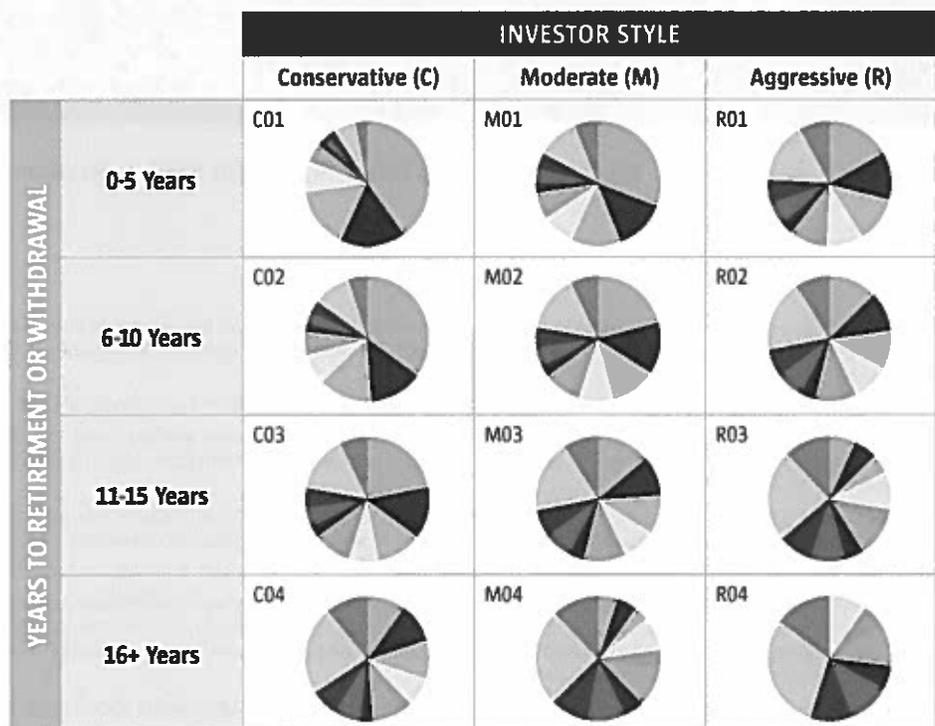
When it comes to making investment decisions, you can take one of two approaches. You can create your own mix of funds or you can elect GoalMaker, an optional, easy-to-use asset allocation program available at no additional cost. Using your years to retirement and your investment risk tolerance, GoalMaker helps guide you to a model portfolio that is right for you

PORTFOLIOS***		C01	C02	C03	C04	M01	M02	M03	M04	R01	R02	R03	R04
		0-5 yrs	6-10 yrs	11-15 yrs	16+ yrs	0-5 yrs	6-10 yrs	11-15 yrs	16+ yrs	0-5 yrs	6-10 yrs	11-15 yrs	16+ yrs
INVESTMENT OPTIONS	■ NC Stable Value	40%	35%	22%	10%	31%	21%	14%	5%	17%	13%	7%	0%
	■ NC Fixed Income Index	17%	14%	13%	10%	13%	13%	10%	5%	12%	10%	6%	0%
	■ NC Fixed Income	16%	14%	12%	10%	13%	12%	10%	4%	12%	10%	5%	0%
	■ NC Inflation Responsive	8%	8%	8%	8%	9%	9%	9%	9%	10%	10%	10%	10%
	■ NC Large Cap Index	4%	4%	7%	8%	5%	7%	7%	10%	7%	7%	8%	11%
	■ NC Large Cap Value	1%	2%	3%	3%	2%	3%	4%	5%	3%	4%	5%	6%
	■ NC Large Cap Growth	1%	2%	3%	3%	2%	3%	4%	5%	3%	4%	5%	6%
	NC Small Mid Cap Index	This Fund is available as standalone investment option only and is not included within the GoalMaker portfolios.											
	■ NC Small Mid Cap Value	2%	3%	5%	7%	4%	5%	7%	10%	6%	7%	9%	11%
	■ NC Small Mid Cap Growth	2%	3%	5%	7%	4%	5%	7%	10%	6%	7%	9%	11%
	■ NC Global Equity	6%	10%	15%	23%	11%	15%	19%	25%	16%	19%	24%	30%
	NC International Index Fund	This Fund is available as standalone investment option only and is not included within the GoalMaker portfolios.											
	■ NC International	3%	5%	7%	11%	6%	7%	9%	12%	8%	9%	12%	15%

GoalMaker Portfolios

If you're already in the NC 457 Plan, you can enroll in GoalMaker by calling 866-NCPlans (866-627-5267), by logging in to your account at NCPlans.prudential.com or by working with your Retirement Education Counselor.

***Investment of your account balance according to a GoalMaker portfolio can and will be cancelled at any time if you direct Prudential to invest your account according to an investment allocation of your own design. The GoalMaker portfolios are subject to change as directed by your plan administrator, including, for example, the replacement of investment options and the change of investment options as a percentage of the portfolio. You will be notified in writing in advance of any such changes.



Accessing your money while you are employed

We understand that there may be times when you need to access the funds in your retirement account sooner rather than later. The NC 457 Plan gives you the flexibility to do this through:

- **Loans¹.** Active employees may be eligible to borrow money from their account for any purpose. Loans are repaid through payroll deduction, with the interest paid directly to your account. The minimum loan is \$1,000, and the maximum loan is 50% of your account value, up to \$50,000. You have up to five years to repay a loan. There's also a 15-year repayment allowed for the purchase of a primary residence. You may only have one loan outstanding at any time.
There is a \$60 processing fee for taking out a loan.
- **Low account value/inactive account exception.** You are allowed to withdraw your funds after 24 consecutive months with no contributions and an account value of less than \$5,000 without penalty, but the amount may be subject to ordinary income tax.
- **In-service distributions².** Plan members who are 70½ or older can withdraw or roll over all or part of an account balance to another qualified retirement savings vehicle, like an IRA. In addition, and regardless of age, members may elect to roll over all or a portion of their balance to the North Carolina Retirement Systems to purchase service credits—this type of distribution is NOT subject to ordinary income tax.
- **Hardship withdrawals.** There are several types of hardship withdrawals available, depending on the circumstances. Qualifying hardship withdrawals include:
 - Medical expenses not covered by insurance for you, your spouse or dependents
 - Payments to prevent eviction from your principal residence, or foreclosure on the mortgage of your principal residence
 - Funeral/burial expenses for a parent, spouse, child or other dependent
 - Certain expenses relating to the repair of damage to your principal residence

When you leave employment, you can choose what to do with your money in the NC 457 Plan

- **Leave your funds in the plan.** Contributions to the plan stop when you leave employment, but the investments in your account remain invested and continue to work for you. Federal rules require that you must begin taking minimum distributions by April 1 in the year following the year that you turn age 70½, provided you are no longer working for the plan sponsor (employer).
- **Take a systematic withdrawal (periodic payments to fit your need).** You can opt to receive monthly, quarterly, semiannual or annual installment payments.
- **Take a full or partial lump-sum withdrawal³.** This option allows you to withdraw all or a portion of your entire account balance on an as-needed basis at your discretion.*
- **Roll over all or a part of your balance to an eligible employer-sponsored retirement plan or to an Individual Retirement Account (IRA)³.** A rollover to a qualified plan is not subject to taxes or penalties, provided the check is made payable to the financial institution receiving the funds.
- **Generate monthly lifetime income.** Transfer all or a portion of your pre-tax account balance to the North Carolina's Teachers' and State Employees' Retirement System (TSERS) or the Local Government Employees' Retirement System (LGERs), where it can be paid as a monthly benefit for your lifetime and/or the lifetime of your designated survivor. At or after retirement with TSERS or LGERs, plan members can select from a variety of income stream options in addition to their monthly pension benefit. This one-time, (irrevocable) transfer is only applicable to pre-tax contributions, including funds rolled into the plan and any employer contributions.

*Please note that if you terminate from service, requests for withdrawals or distributions from your account (not associated with retirement) will not be processed for 60 days.

Questions?

Call 866-NCPlans (866-627-5267) or visit the plan website at NCPlans.prudential.com.

NC Plans Processing Center • P.O. Box 5340 • Scranton, PA 18505

PRUDENTIAL RETIREMENT®

¹If you leave employment with an outstanding loan balance, the entire balance must be paid within 90 days of the date you separate from service. Any balance that remains unpaid after that time will be considered "defaulted" and will be reported to the IRS as taxable income, unless you contact Prudential Retirement to re-amortize the loan for a fee.

²Amounts rolled over to another qualified retirement savings vehicle or used to purchase service credits are not subject to current income tax.

³You can indirectly roll over funds within 60 days of receipt, but the payment made to you will be subject to 20% mandatory federal income tax withholding on the taxable portion of your withdrawal, so you would need to make up that amount from other funds in order to roll over the entire amount and continue to defer taxation.

Prudential Retirement provides the communications and recordkeeping services for the NC Total Retirement Plans 401(k)|457. Investments offered to you within the plan(s) are not offered by or affiliated with Prudential Financial or any of its companies or businesses. Prudential Retirement is a Prudential Financial business. North Carolina Total Retirement Plans and the North Carolina Total Retirement Plans logo are service marks of the North Carolina Department of State Treasurer. Information and interactive calculators are made available to you as self-help tools for your independent use and are not intended to provide investment advice. We cannot and do not guarantee their applicability or accuracy in regards to your individual circumstances. All examples are hypothetical and are for illustrative purposes. We encourage you to seek personalized advice from qualified professionals regarding all personal finance issues. We do not provide investment OR tax advice; please consult a tax advisor for more information.

© 2016 Prudential Financial, Inc. and its related entities. Prudential, the Prudential logo and the Rock symbol are service marks of Prudential Financial, Inc. and its related entities, registered in many jurisdictions worldwide. Agenda Packet-Brevard City Council Meeting June 20, 2016

The NC 401(k) Plan and the NC 457 Plan: Two great plans to help build retirement savings

Saving for retirement is an important step toward living out a financially secure future. As a public employee in North Carolina, you are fortunate to have the NC 401(k) Plan and the NC 457 Plan available to you. While they are similar in many ways, there are some unique differences between the two Plans, as the chart below illustrates.

Provision	NC 457 Plan		NC 401(k) Plan ¹	
	Traditional Pre-Tax Contributions	Roth After-Tax Contributions	Traditional Pre-Tax Contributions	Roth After-Tax Contributions
Eligibility	<ul style="list-style-type: none"> Employer offers NC 457 Plan Full-time, temporary or part-time employees Elected or appointed officials Rehired retired employees 		Contributing members to one of the North Carolina public employees Retirement Systems including: <ul style="list-style-type: none"> Teachers' and State Employees' Retirement System (TSERS) Local Governmental Employees' Retirement System (LGERS) Legislative Retirement System Consolidated Judicial Retirement System 	
Contributions	<ul style="list-style-type: none"> Pre-tax contributions and/or Roth after-tax contributions Made by payroll deduction No minimum Maximum is \$18,000 in 2016 (amount is not reduced by rollovers into the Plan from other eligible retirement plans) 		<ul style="list-style-type: none"> Pre-tax contributions and/or Roth after-tax contributions Made by payroll deduction No minimum Maximum is \$18,000 in 2016 (amount is not reduced by rollovers into the Plan from other eligible retirement plans) 	
Age 50+ Catch-Up Contributions	If age 50 or older by December 31, 2016, the member may contribute an additional \$6,000 to the Plan for a total maximum deferral of \$24,000 <i>Cannot be used in conjunction with the three-year catch-up contribution</i>		If age 50 or older by December 31, 2016, the member may contribute an additional \$6,000 to the Plan for a total maximum deferral of \$24,000	
Three-year Catch-Up Contributions	Available to members who are within three years of the taxable year in which normal retirement age is attained and who did not contribute the maximum allowed in prior years. Maximum contribution is \$36,000 in 2016. <i>Cannot be used in conjunction with the Age 50+ catch-up provision</i>		Not available	
Employer Contributions	Employer contributions, if applicable, reduce the annual maximum employee contribution allowance		Employer contributions, if applicable, do not reduce the annual maximum employee contribution allowance	
Savers Tax Credit¹	A nonrefundable tax credit is available to eligible taxpayers who make contributions to qualifying retirement plan(s). Depending on the member's adjusted gross income (AGI), the credit ranges from 10 to 50% of the first \$2,000 in eligible contributions. Generally, this credit would be available to joint filers with an AGI of up to \$61,500, head-of-household filers with an AGI of up to \$46,125, and single filers with an AGI of up to \$30,750.			
Rollovers into the Plan	Pre-tax rollovers are accepted from eligible retirement plans, including 401(k), 401(a), 403(b), governmental 457(b) plans; and many Individual Retirement Accounts (IRAs), including Traditional, Rollover (Conduit), SEP and SIMPLE plans	Roth after-tax rollovers are accepted from eligible retirement plans such as governmental 457(b), 401(k) and 403(b) plans, but not from Roth IRAs	Pre-tax rollovers are accepted from eligible retirement plans, including 401(k), 401(a), 403(b), governmental 457(b) plans; and many Individual Retirement Accounts (IRAs), including Traditional, Rollover (Conduit), SEP and SIMPLE plans	Roth after-tax rollovers are accepted from eligible retirement plans such as 401(k), 403(b) and governmental 457(b) plans, but not from Roth IRAs
Loan Provision	Loans may be taken for any reason, provided funds are available in the member's account, and are repaid with interest through payroll deduction(s). May take up to five years to repay with no prepayment penalty. Only one loan may be outstanding at a time.			
401(k) Plan Hardship Withdrawals and 457 Plan Unforeseen Emergency Withdrawals	Available in the following circumstances: <ul style="list-style-type: none"> For medical expenses not covered by insurance for the member, spouse or dependents To prevent eviction or foreclosure on a primary residence To cover funeral/burial expenses for the member's immediate family member To repair damage to the member's principal residence that qualifies as a casualty deduction <i>Employer contributions, if applicable, may not be used to fund a hardship withdrawal.</i>		Available in the following circumstances as defined by the IRS: <ul style="list-style-type: none"> For medical expenses not covered by insurance for the member, spouse or dependents To provide a down payment on a primary residence For college tuition, room, board and some related educational expenses for member, spouse or dependents To prevent eviction or foreclosure on a primary residence To cover funeral/burial expenses for a member's immediate family member To repair damage to the member's principal residence that qualifies as a casualty deduction <i>Employer contributions, if applicable, may not be used to fund a hardship withdrawal.</i>	

¹ 2016 AGI amounts, indexed for inflation.

Provision	NC 457 Plan		NC 401(k) Plan*	
	Traditional Pre-Tax Contributions	Roth After-Tax Contributions	Traditional Pre-Tax Contributions	Roth After-Tax Contributions
Withdrawals & Rollovers while Employed	<ul style="list-style-type: none"> Available upon reaching age 70½ Transfer to the NC Retirement System to purchase service credit, if eligible for purchase Allowed if the account balance is less than \$5,000 and no contributions have been made for a period of two years 	<ul style="list-style-type: none"> Available upon reaching 70½, and in order to receive favorable tax treatment, the first contribution must be at least five tax-years old Allowed if the balance is less than \$5,000 and no contributions have been made for a period of two years 	<ul style="list-style-type: none"> Available upon reaching age 59½ Transfer to the NC Retirement System to purchase service credit, if eligible for purchase 	<ul style="list-style-type: none"> Available upon reaching age 59½ and in order to receive favorable tax treatment the first contribution must be at least five tax-years old
Options upon Termination or Retirement¹	<ul style="list-style-type: none"> Leave funds in the Plan(s), subject to federal rules on minimum required distributions Begin making withdrawals (lump sum, partial payments or systematic payout options) Annuitize all or a portion Roll all or a portion of the balance to another qualified retirement plan or IRA At or after retirement, members may move balance to the NC TSERS or LGERS to increase their monthly benefit 	<ul style="list-style-type: none"> Leave funds in the Plan, subject to federal rules on minimum required distributions Begin making withdrawals (lump sum, partial payments or systematic payout options) Roll all or a portion of the balance to another Roth 401(k), Roth 403(b), Roth IRA or Roth 457 	<ul style="list-style-type: none"> Leave funds in the Plan, subject to federal rules on minimum required distributions Begin making withdrawals (lump sum, partial payments or systematic payout options) Roll all or a portion to an annuity Roll all or a portion of the balance to another qualified retirement plan or IRA At or after retirement, members may move balance to the NC TSERS or LGERS to increase their monthly benefit 	<ul style="list-style-type: none"> Leave funds in the Plan, subject to federal rules on minimum required distributions Begin making withdrawals (lump sum, partial payments or systematic payout options) Roll all or a portion of the balance to another Roth 401(k), Roth 457, Roth 403(b) or Roth IRA
Tax Considerations	<ul style="list-style-type: none"> Withdrawals of pre-tax funds are subject to federal and state income taxes for the year in which the distribution(s) is/are processed Rollovers to other qualified plans or IRAs are not taxable events 	<p>Withdrawals are NOT subject to federal or state income taxes provided:</p> <ul style="list-style-type: none"> The first Roth contribution has been in the account for at least five tax years The member is 59½ or older, disabled or deceased 	<ul style="list-style-type: none"> Withdrawals of pre-tax funds are subject to federal and state income taxes for the year in which the distribution(s) is/are processed Rollovers to other qualified plans or IRAs are not taxable events 	<p>Withdrawals are NOT subject to federal or state income taxes provided:</p> <ul style="list-style-type: none"> The first Roth contribution has been in the account for at least five tax years The member is 59½ or older, disabled or deceased
Additional Tax Penalties on Withdrawals	Regardless of age at withdrawal, no additional penalties will apply	Regardless of age at withdrawal, no additional penalties will apply	Withdrawals prior to age 59½ may be subject to an additional 10% federal income tax penalty. This penalty can be avoided if the member: <ul style="list-style-type: none"> Separates from service in the calendar year they turn 55, or later Elects to receive substantially equal payments based on life expectancy Is disabled or deceased Are deemed a qualified public safety employee and separate from service in, or after the year, they turn age 50 	Withdrawals prior to age 59½ may be subject to an additional 10% federal income tax penalty. This penalty can be avoided if the member: <ul style="list-style-type: none"> Separates from service in the calendar year they turn 55, or later Elects to receive substantially equal payments based on life expectancy Is disabled or deceased
Required Minimum Distributions	The federal government dictates that minimum withdrawals must begin by age 70½, provided a member is no longer employed by the sponsoring employer. Failure to receive this annual minimum required distribution (MRD) may result in significant tax penalties.			

For questions please refer to NCPlans.prudential.com or call 866-NCPlans (866-677-5267).

*Amounts withdrawn before age 59½ may be subject to a 10% federal income tax penalty, applicable taxes and plan restrictions. Withdrawals are taxed at ordinary income tax rates. Neither Prudential Financial nor any of its representatives are tax or legal advisors and encourage you to consult your individual legal or tax advisor with any specific questions. Rollover assets may be assessed fees or other surrender charges. Please contact the current account provider for this information.

¹Please note that if you terminate from service, requests for withdrawals or distributions from your account (not associated with retirement) will not be processed for 60 days.

Prudential Retirement provides the communications and recordkeeping services for the NC Total Retirement Plans 401(k)|457. Investments offered to you within the plan(s) are not offered by or affiliated with Prudential Financial or any of its companies or businesses. Prudential Retirement is a Prudential Financial business.

North Carolina Total Retirement Plans and the North Carolina Total Retirement Plans logo are service marks of the North Carolina Department of State Treasurer.

© 2016 Prudential Financial, Inc. and its related entities. Prudential, the Prudential logo, the Rock symbol and Bring Your Challenges are service marks of Prudential Financial, Inc. and its related entities, registered in many jurisdictions worldwide. Prudential Retirement is a Prudential Financial Company.



The City of Brevard North Carolina

STAFF REPORT - AGENDA ITEM

DATE: June 9, 2016

TO: Mayor and City Council Members

SUBJECT: 1) Memorandum of Understanding (MOU) with Transylvania County for Wellness Center partnership
2) Contract for Wellness Center with Blue Mountain Medicine

APPROVED BY: Jim Fatland, CPFO, City Manager

PREPARED BY: Derrick Swing, Human Resources Manager

BACKGROUND: In the spring of 2016, the City of Brevard began discussing a partnership with Transylvania County regarding their existing employee Wellness Center. The Wellness Center is operated on a contract basis by Dr. Anthony Fisher of Blue Mountain Medicine in coordination with Transylvania County management. Transylvania County Human Resources Director Sheila Cozart and Dr. Fisher have both been receptive to the idea of adding the Brevard employee population to their patient base. Both parties see the potential partnership as a “win/win”. For the past three years, Transylvania County has operated the Wellness Center to provide routine health care, annual physicals and biometric laboratory work, first aid, medication evaluation and prescribing, and additional services to those individuals who are participants in their health insurance plan. Employees, retirees, and their dependents over 12 years old who are covered under the medical insurance plan are eligible to receive care at the County facility. Eligible individuals pay no fee and make no claim on their insurance as a result of a visit to the Wellness Center. The facility is currently open Monday, Wednesday, and Fridays each week.

Brevard employees and their dependents 12 and older will enjoy consistent and quality health care while saving untold amounts by avoiding visits to other health care providers where they may pay the full cost until their deductible is met. The Wellness Center is expanding the hours of operation by opening on Tuesday and Thursday mornings in order to accommodate Brevard employees, thus giving both employee populations more flexible hours of service. The City and County plan to partner on Wellness educational opportunities and friendly health related competitions.

Human Resources and the City Manager have received support for this partnership from the HR/Finance Council Committee during their March and April 2016 meetings.

The contract with Dr. Fisher and the MOU with Transylvania County have been reviewed by City Attorney Michael Pratt and approved by all parties. Both documents are attached.

RECOMMENDATION:

- 1) Authorize the City Manager to enter into a Memorandum of Understanding with Transylvania County beginning July 1st, 2016 and ending June 30th, 2017 to be renewed annually by consent of both parties.
- 2) Approve the City Manager to enter a 2 year contract for medical related services with Blue Mountain Medical represented by Dr. Anthony Fisher for year ending June 30th, 2018.

FISCAL IMPACT:

- 1) The MOU establishes that the City will pay \$4400 annually (10% of its contracted cost with Blue Mountain Medicine - currently \$44,000) for basic utility and operating costs of the running the facility. The expense will be charged to the employee medical fund.
- 2) Total Contract fee with Blue Mountain Medicine is \$44,000 annually which is budgeted in the employee medical fund.

#Draft

**Memorandum of Understanding
Partnership Between Transylvania County and City of Brevard
Employee Wellness Clinic**

This agreement, entered into as of the 23rd day of May, 2016 is by and between Transylvania County and the City of Brevard, hereafter referred to in this document as "the County" and "the City".

Whereas, the purpose of this Memorandum of Understanding is to guide and direct the parties respecting their affiliation, cooperation, working relationship and respective authorities, inclusive of anticipated future arrangements in furtherance thereof; and

Whereas, this agreement exists due to the mutual commitment to provide access to a Wellness Center for County and City employees; and

Whereas, the County agrees to allow the City to partner with the Transylvania County Employee Wellness Clinic. Employees of the City will receive the same types of services and care as County Employees. In order to provide for the additional demand for services, the hours of the Employee Wellness Clinic will be expanded to include Tuesday and Thursday from 8 a.m. until 12 p.m. All County and City employees will have access during all hours in which the clinic is open, prioritized by emergencies, confirmed appointments and then first-come-first-serve basis; and

Whereas, since the expansion of the clinic is due to the addition of City employees and dependents, the City will establish an independent agreement with Blue Mountain Medicine for the costs of the expansion services. In order for the City employees to have access to services the contract must be executed between the two parties; and

Whereas, annually the County and City representatives will meet to discuss the outcomes of the Wellness Clinic and determine the initiatives for the following year. For 2016/17 the City has agreed to follow the pre-determined initiatives set forth by the County, which are: participation at the Wellness Clinic by completing a health screening, consultation & biometric evaluation and meet 2 of 4 biometrics: Hemoglobin A1c ≤ 6.4 , BP 140/80; cholesterol ratio of 5.5 or waist circumference for a male of 40" and female 35"; and

Whereas, in exchange for the County providing space, maintenance, upkeep, housekeeping services, technology, utilities, phones and operational needs; the City will pay a fee equal to 10% of the contracted annual amount with Blue Mountain Medicine. The amount will be determined annually based on that agreement and shall be paid in one lump sum by August 31st; and

Whereas, this agreement has a term of one year beginning July 1, 2016 and ending June 30, 2017 and shall be renewed annually by both parties. Either party may, with 90 days prior written notice to the other, terminate this agreement. Notwithstanding the foregoing, either party may terminate this MOU in the event the other party defaults in the performance of its obligations and fails to cure the default within a reasonable time after receiving written show cause notice.

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed by their duly authorized officers as of the day and date first above written.

City of Brevard

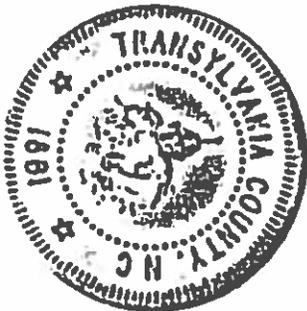
By: _____
Jim Fatland
City Manager

Attest: _____

Transylvania County

By: Jairre Laughter
Jairre Laughter
County Manager

Attest: Juska M. Hogan



* Draft *

CITY OF BREVARD

**WELLNESS
AGREEMENT**

2016-2018

**PREPARED BY
Blue Mountain Medicine
April 2016**

CITY OF BREVARD WELLNESS AGREEMENT

This Agreement is made as of 2016 (exact contract date to coincide with new facility opening, or another mutually agreeable date) between Anthony Fisher DBA Blue Mountain Medicine (Provider) and City of Brevard (City), with reference to Transylvania County (County).

BACKGROUND

- A. The County has established a Wellness Center (WC), which is operated by Provider for the benefit of employees of the County and those family members of said employees twelve years of age and up who are covered by the County's insurance plan.
- B. The City has contacted the County and the Provider with an interest in maintaining a combined Wellness Center.
- C. The County and the Provider are receptive to the proposed concept.
- D. The following **TERMS** assume that City and County and Provider work together on the proposed concept.
- E. This contract constitutes a proposal and contract for the City and the Provider. The City and Provider may each enter into separate contracts with the County.
- F. The initiation of this contract will be a date agreed upon by City and Provider and will coincide approximately with the opening of the new dedicated health care facility currently under construction on East Morgan Street, or at another mutually agreeable time.

TERMS

- 1. Provider agrees to provide to City those Services required of Provider as specified in **Exhibit A**. The provision of such Services shall be as is necessary and appropriate for the City to obtain the benefits of the Wellness Center. All City employees who have health insurance through the City and their family members ages 12 and older who have health insurance through the City (Clients) will be eligible to use the Wellness Center.
- 2. Provider agrees to provide a Practitioner, which will be one of the following: a Physician licensed in the state of North Carolina, or a Physician's Assistant licensed in the state of North Carolina, or a Nurse Practitioner licensed in the state of North Carolina. The Practitioner will render professional services consistent with reasonable and appropriate standards of a community based

wellness center. The Practitioner will be at the Wellness Center during all hours of operation.

3. Provider agrees to provide a Nurse, which will be one of the following: a Registered Nurse licensed in the state of North Carolina, or a Licensed Practical Nurse licensed in the state of North Carolina, or a Certified Nurse Assistant licensed in the state of North Carolina, or a Paramedic licensed in the state of North Carolina, or a Medical Assistant licensed in the state of North Carolina. All Nursing personnel will possess the necessary professional skills to perform required Services. The Nurse will be at the Wellness Center during all hours of operation.
4. The Provider agrees to provide a Receptionist, who will possess the necessary professional skills to perform required Services. The Receptionist will be at the Wellness Center during all hours of operation.
5. The Wellness Center will encourage all patients to have a primary care physician (PCP). The Wellness Center will function solely as an ancillary health care source for Clients. The Wellness Center will not be a substitute for a primary care facility or a PCP. Any and all use of, and visits to the Wellness Center by Clients will be entirely voluntary.
6. Provider shall facilitate the procurement of reasonable and relevant laboratory testing for Clients. Provider may interface with any and all vendors to accomplish this task. Provider and City will agree on procurement of cost effective laboratory testing. City shall be solely responsible for costs incurred due to laboratory testing, **other than as listed in Exhibit A, attached hereto**. The cost of these tests will be billed to the City on a monthly basis. The Provider will schedule visits and obtain blood samples as an annual and episodic service for the Clients and City.
7. The Provider will not participate in any Workers' Compensation insurance cases. The Provider will render first aid in such cases as appropriate and advise the patient on appropriate medical care.
8. The Wellness Center will be open for operation according to the hours and days as set forth in **Exhibit B**. Wellness Center hours will follow County office delay and closure schedule, such as in case of inclement weather.
9. Provider shall create and maintain Medical Records in paper and / or electronic format. Provider shall store paper records in a locked file cabinet at the Wellness Center. Provider shall have exclusive access to said locked file cabinet. Provider shall store any electronic medical records in an industry standard Electronic Health Record (EHR) software program according to industry standard privacy regulations. The City will bear the cost of any EHR software, after mutual agreement with Provider regarding benefit and cost of said software.

10. The City and Provider will mutually determine the frequency and content of Reports for the City. The parties acknowledge and agree that the purpose of such Reports is to assist City in managing health risk by reducing health care expenditures and decreasing lost work time due to illness-related absences, and by improving Clients' health. The parties further acknowledge that Provider may not provide Reports or other information to City, which includes Client health information other than on a de-identified basis such that no Client can be identified by the nature or form of the information furnished by Provider to City.
11. Provider and City each agree to appoint a representative to meet as necessary to review this relationship, and to implement proposals to ensure that the covenants and objectives of this Agreement are mutually respected and executed.
12. Provider will comply with all applicable laws in its provision of Services at the Wellness Center. The Provider will carry medical malpractice insurance in such amounts as required by the North Carolina State medical licensing authority.
13. It is expressly understood and agreed that in the performance of Services under this Agreement, the Practitioner shall at all times act as an independent service provider with respect to the City, practicing the profession of medicine, and not as an employee or agent of the City. The City shall have no right whatsoever to exercise control over the Provider or Practitioner or Wellness Center staff, or the diagnosis and treatment of illness or injury rendered to Clients by the Practitioner, or as to the professional methods and means by which the Practitioner performs his work.
14. The term of this Agreement shall be for a period of one (1) year, beginning on the Effective date, to be determined around the opening date of the new facility, and may renew automatically on that specified date annually until that specified date in 2018, at which time the parties may extend the existing contract or enter into a new contract.
15. If either party shall default in the performance of any of its obligations as set forth in this contract, and such default continues and is not corrected within thirty (30) days after receipt of written notice of such default from the non-defaulting party, then in such event the non-defaulting party may, at its option, terminate this Agreement by delivery of written notice of its intention to terminate, to be effective seven (7) days after the expiration of the thirty (30) day period.
16. Notwithstanding any other provision of the Agreement, either party may terminate this Agreement with or without cause to the other party upon ninety (90) days written notice.
17. City shall provide payment to Provider in the amount of forty four thousand (44,000) dollars during the twelve month contract period. City will provide payment in twelve (12) payments as shown in **Exhibit C**.

- 18.** City will provide additional payment to Provider on monthly basis for all Wellness Center laboratory testing, except as provided by Provider in **Exhibit A**. City and Provider shall collaborate on laboratory testing, in order to determine a balance of cost and medical benefit.
- 19.** Provider shall look solely to City for any compensation for Services provided pursuant to this Agreement.
- 20.** Provider agrees to defend, indemnify and hold harmless City from and against any and all losses, judgments, claims, demands, liabilities, damages, costs and expenses (including, but not limited to, reasonable attorneys fees, court costs and costs of settlement) which directly or indirectly result from or arise from any errors, omissions, negligent acts or breach by Provider of any of its representations, warranties, covenants or obligations in this Agreement or its acts or omissions in carrying out this Agreement.
- 21.** City agrees to defend, indemnify and hold harmless Provider from and against any and all losses, judgments, claims, demands, liabilities, damages, costs and expenses (including, but not limited to, reasonable attorneys fees, court costs and costs of settlement) which directly or indirectly result from or arise from any errors, omissions, negligent acts or breach by City of any of its representations, warranties, covenants or obligations in this Agreement or its acts or omissions in carrying out this Agreement.
- 22.** Each party shall give the other notice in writing by certified mail of the existence of any such action, claim or demand giving rise to a claim for indemnity under this Agreement within thirty (30) days of receipt of such written assertion of a claim or liability; however, the failure to give such notice shall affect the indemnitor's obligations hereunder only to the extent the indemnitor is materially prejudiced by such failure. The indemnitor shall not, without the prior written consent of the indemnitee, settle or compromise any claim or consent to the entry of any judgment without the consent of the indemnitee. All indemnifications made by the parties shall survive the termination of the Agreement.
- 23.** Each party agrees to use its commercially reasonable best efforts to cooperate in the investigation, mitigation, defense and settlement of any third-party claim; to permit the cooperation and participation of the other parties in any such claim or action; and to promptly notify the other parties of the occurrence of any indemnified event or material developments or amounts due respecting any indemnified event.
- 24.** In the event either party to this Agreement, in consultation with counsel, develops a good faith concern that any provision of the agreement or any activity of any other party is in violation of any applicable federal, state or local laws or any regulation, order or policy issued under any such laws, such party shall immediately notify the other party, in writing of such concern and the specific activities giving rise to such concern and the reasons therefor. If an agreement on a method for resolving such concern is not reached within thirty (30) days of such written notice, the activities described in the notice will cease

or be appropriately altered until the concern is resolved. If the parties cannot agree on a method of resolving the concern, the Agreement may be terminated.

25. The word, "ancillary," and the phrases, "ancillary services," and "ancillary lab testing," as used herein, shall mean medical services provided by the Provider for City clients as defined in Section 1, on an outpatient basis, as outlined or described herein. The word or phrase shall not be construed as to put any precondition or limitation on the providing of the services described herein, such limitations and conditions being only those specifically imposed by the terms of this Wellness Agreement.

26. This Agreement shall be interpreted according to the laws of the State of North Carolina.

CITY OF BREVARD

By: _____

Title: _____

**Anthony Fisher MD DBA
Blue Mountain Medicine**

Exhibit A

COUNTY will provide:

1. Physical location of Wellness Center
2. Appropriate liability and property insurance on the Wellness Center
3. Utilities for the Wellness Center
4. Appropriate renovations
5. All maintenance, interior and exterior
6. All furnishings
7. Telephones and telephone service, including fax service
8. Appropriate electronic equipment
9. Wireless internet service
10. Janitorial service
11. Signage
12. Window treatments

PROVIDER will provide:

1. Wellness Center personnel consisting of one Practitioner and two ancillary staff members for a total of three (3) staff members during hours of operation.
2. Provider will obtain CLIA waiver for appropriate laboratory testing and certification to collect pre-employment urine drug screens.
3. **PROVIDER will provide the following services, including, but not limited to:**
4. Ancillary medical care for all **CLIENTS**, including, but not limited to:
 - a. Preventive health care education
 - b. Routine physicals by appointment
 - c. Sick-patient visits by appointment
 - d. Drop-ins: First aid and limited emergency treatment will be provided without prior appointment; but for serious injuries, all clients should report to the Emergency Room and not to Provider, for immediate and necessary evaluation and treatment
 - e. Evaluation, treatment and management of work-related injuries, as appropriate
 - f. Pre-employment urine drug screens
 - g. Allergy shots as appropriate provided that the patient is responsible for arranging for the Provider to have ready access to the patient's prescribed serum in order to administer the shots
 - h. Minor wound care
 - i. Wellness checks
 - j. Specialty and primary care referrals as appropriate
 - k. Ordering and interpreting appropriate radiological studies
 - l. Ordering and interpreting appropriate laboratory tests

- m. Accumulating, organizing and sharing biometric data with **CITY** while maintaining patient privacy.
 - n. Formulating creative approaches to improving **CLIENTS** health.
5. **PROVIDER** will provide the following medical equipment, including, but not limited to:
- a. Examination table
 - b. Ophthalmoscope
 - c. Otoscope
 - d. Stethoscope
 - e. Sphygmanometer, electronic
 - f. Sphygmanometer, manual
 - g. Lamp
 - h. Scale
 - i. Vision Chart
 - j. Thermometer
6. **PROVIDER** shall provide all necessary medical supplies.
7. **PROVIDER** shall provide all office supplies.
8. **PROVIDER** shall provide the following lab tests at the Wellness Center, free of charge, including, but not limited to:
- a. Blood glucose
 - b. Dipstick urinalysis
 - c. Rapid Strep

CITY and PROVIDER will collaborate as needed:

1. To address any pertinent health issues that may arise, and may affect **CLIENTS** and **CITY**.

Exhibit B

Hours of Operation

**Monday, Wednesday, Friday
8am - 12am & 1pm -- 4pm**

**Tuesday, Thursday
8am—12am**

- **The Wellness Center will follow County policy concerning delays and closures, such as in the case of inclement weather.**
- **The Wellness Center will observe all County observed holidays and closures.**

Exhibit C

Fee Schedule

- **Monthly payments from CITY to PROVIDER due on or before the first Friday of each month for the period of the contract for \$3,367.**
- **Additional variable monthly payment from CITY to PROVIDER to cover the cost of ancillary lab testing incurred by PROVIDER.**

STAFF REPORT

City Council, June 20, 2016

Title: **Special Event Road Closure – National Night Out**

City Council will consider an ordinance declaring a road closure for this year's National Night Out event.

Speaker: Daniel Cobb AICP, Planning Director

From: Daniel Cobb AICP, Planning Director

Prepared by: Daniel Cobb AICP, Planning Director

Approved by: Jim Fatland, City Manager

Background

The North Carolina Department of Transportation (NCDOT) issued guidelines in July of 2015 for the process of closing or repurposing of state-owned highways for special events.

Discussion

The NCDOT guidelines state the local municipality must pass an ordinance for each street closure of City-sponsored events. The State will neither approve nor deny such requests for closures, they will however, recommend alternative routes should they have a project scheduled for the same day as a special event. The attached ordinance is for this year's annual National Night out event. This event is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, better places to live.

Policy Analysis

The City has been sponsoring and permitting special events for several years. The passing of an ordinance only applies to City-sponsored special events on state roads. Permits sponsored by individuals or non-profits are permitted differently and do not require an ordinance.

Staff Recommendation

Staff recommends approval of the ordinance as presented (Exhibit A).

City Council's options are as follows:

1. Approve the ordinance as presented.
2. Approve the ordinance with modifications.
3. Deny the ordinance as presented.

Fiscal Impact

None.

Attachments

- Exhibit A – Ordinance

ORDINANCE NO. 2016-__

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

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

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

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

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

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

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

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

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

Adopted and approved this the _____ day of _____, 2016.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

STAFF REPORT: New Business

Date: June 20, 2016

Title: Houston-Galveston Area Council

Speaker: Craig F. Budzinski, Fire Chief

From: Craig F. Budzinski, Fire Chief

Prepared by: Craig F. Budzinski

Approved by: Jim Fatland, City Manager

Executive Summary:

Council will consider entering into an interlocal contract agreement for purchasing of equipment and vehicles.

Background:

The City of Brevard Fire Department requests council enter into an interlocal agreement with the Houston-Galveston Area Council for purchasing equipment for the City of Brevard. Its enabling legislation allows for HGACBuy to act nationwide on behalf of local governments, special districts and private non-profits providing a government service. Currently, over 5000 jurisdictions in 48 states have executed interlocal agreements (ILC) with HGAC. This allows them to use any of HGACBuy's competitively procured contracts for goods and services. Through this relationship, the purchaser is covered by the HGACBuy procurement.

Fiscal Impact:

No Impact.

Policy Impact:

None

Staff Recommendation:

Enter into the local agreement.



**INTERLOCAL CONTRACT
FOR COOPERATIVE PURCHASING**

ILC
No.: _____
Permanent Number assigned by H-GAC

THIS INTERLOCAL CONTRACT ("Contract"), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the "Act"), by and between the Houston-Galveston Area Council, hereinafter referred to as "H-GAC," having its principal place of business at 3555 Timmons Lane, Suite 120, Houston, Texas 77027, and * _____, a local government, a state agency, or a non-profit corporation created and operated to provide one or more governmental functions and services, hereinafter referred to as "End User," having its principal place of business at * _____

W I T N E S S E T H

WHEREAS, H-GAC is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

WHEREAS, End User has represented that it is an eligible entity under the Act, that its governing body has authorized this Contract on * _____ (Date), and that it desires to contract with H-GAC on the terms set forth below;

NOW, THEREFORE, H-GAC and the End User do hereby agree as follows:

ARTICLE 1: LEGAL AUTHORITY

The End User represents and warrants to H-GAC that (1) it is eligible to contract with H-GAC under the Act because it is one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), or a combination of two or more of those entities, a state agency (an agency of the State of Texas as defined in Section 771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and (2) it possesses adequate legal authority to enter into this Contract.

ARTICLE 2: APPLICABLE LAWS

H-GAC and the End User agree to conduct all activities under this Contract in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Contract.

ARTICLE 3: WHOLE AGREEMENT

This Contract and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 4: PERFORMANCE PERIOD

The period of this Contract shall be for the balance of the fiscal year of the End User, which began * _____ and ends * _____. This Contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the End User may make any payment due an H-GAC contractor beyond the fiscal year in which such obligation was incurred under this Contract.

ARTICLE 5: SCOPE OF SERVICES

The End User appoints H-GAC its true and lawful purchasing agent for the purchase of certain products and services through the H-GAC Cooperative Purchasing Program. End User will access the Program through HGACBuy.com and by submission of any duly executed purchase order, in the form prescribed by H-GAC to a contractor having a valid contract with H-GAC. All purchases hereunder shall be in accordance with specifications and contract terms and pricing established by H-GAC. Ownership (title) to products purchased through H-GAC shall transfer directly from the contractor to the End User.

(over)

ARTICLE 6: PAYMENTS

H-GAC will confirm each order and issue notice to contractor to proceed. Upon delivery of goods or services purchased, and presentation of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay H-GAC's contractor the full amount of the invoice. All payments for goods or services will be made from current revenues available to the paying party. In no event shall H-GAC have any financial liability to the End User for any goods or services End User procures from an H-GAC contractor.

ARTICLE 7: CHANGES AND AMENDMENTS

This Contract may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Contract which are required by changes in Federal and State law or regulations are automatically incorporated into this Contract without written amendment hereto and shall become effective on the date designated by such law or regulation.

H-GAC reserves the right to make changes in the scope of products and services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

ARTICLE 8: TERMINATION PROCEDURES

H-GAC or the End User may cancel this Contract at any time upon thirty (30) days written notice by certified mail to the other party to this Contract. The obligations of the End User, including its obligation to pay H-GAC's contractor for all costs incurred under this Contract prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Contract, until performed or discharged by the End User.

ARTICLE 9: SEVERABILITY

All parties agree that should any provision of this Contract be determined to be invalid or unenforceable, such determination shall not affect any other term of this Contract, which shall continue in full force and effect.

ARTICLE 10: FORCE MAJEURE

To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with H-GAC.

ARTICLE 11: VENUE

Disputes between procuring party and Vendor are to be resolved in accord with the law and venue rules of the State of purchase.

THIS INSTRUMENT HAS BEEN EXECUTED BY THE PARTIES HERETO AS FOLLOWS:

*

Name of End User (local government, agency, or non-profit corporation)

*

Mailing Address

*

City State ZIP Code

*By: _____
Signature of chief elected or appointed official

*

Typed Name & Title of Signatory Date

Houston-Galveston Area Council
3555 Timmons Lane, Suite 120, Houston, TX 77027

By: _____
Executive Director

Attest: _____
Manager

Date: _____

**Denotes required fields*

rev. 12/15

***Request for Information**

Please sign and return the Interlocal Contract, along with this completed form, to H-GAC by emailing it to cpcontractfax@h-gac.com or by faxing it to 713-993-2424. The contract may also be mailed to:

H-GAC Cooperative Purchasing Program
P.O. Box 22777, Houston, TX 77227-2777

Name of End User Agency: _____ County Name: _____
(Municipality/County/District/etc.)

Mailing Address: _____
(Street Address/P.O. Box) (City) (State) (ZIP Code)

Main Telephone Number: (_____) _____ FAX Number: (_____) _____

Physical Address: _____
(Street Address, if different from mailing address) (City) (State) (ZIP Code)

Web Site Address: _____

Official Contact: _____
(Point of Contact for HGACBuy Interlocal Contract)

Mailing Address: _____
(Street Address/P.O. Box)

(City) (State) (ZIP Code)

Title: _____

Ph No.: (_____) _____ - _____

Fx No. : (_____) _____ - _____

E-Mail Address: _____

Authorized Official: _____
(Mayor/City Manager/Executive Director/etc.)

Mailing Address: _____
(Street Address/O.O. Box)

(City) (State) (ZIP Code)

Title: _____

Ph No.: (_____) _____ - _____

Fx No. : (_____) _____ - _____

E-Mail Address: _____

Official Contact: _____
(Purchasing Agent/Auditor etc.)

Mailing Address: _____
(Street Address/O.O. Box)

(City) (State) (ZIP Code)

Title: _____

Ph No.: (_____) _____ - _____

Fx No. : (_____) _____ - _____

E-Mail Address: _____

Official Contact: _____
(Public Works Director/Police Chief etc.)

Mailing Address: _____
(Street Address/O.O. Box)

(City) (State) (ZIP Code)

Title: _____

Ph No.: (_____) _____ - _____

Fx No. : (_____) _____ - _____

E-Mail Address: _____

Official Contact: _____
(EMS Director/Fire Chief etc.)

Mailing Address: _____
(Street Address/O.O. Box)

(City) (State) (ZIP Code)

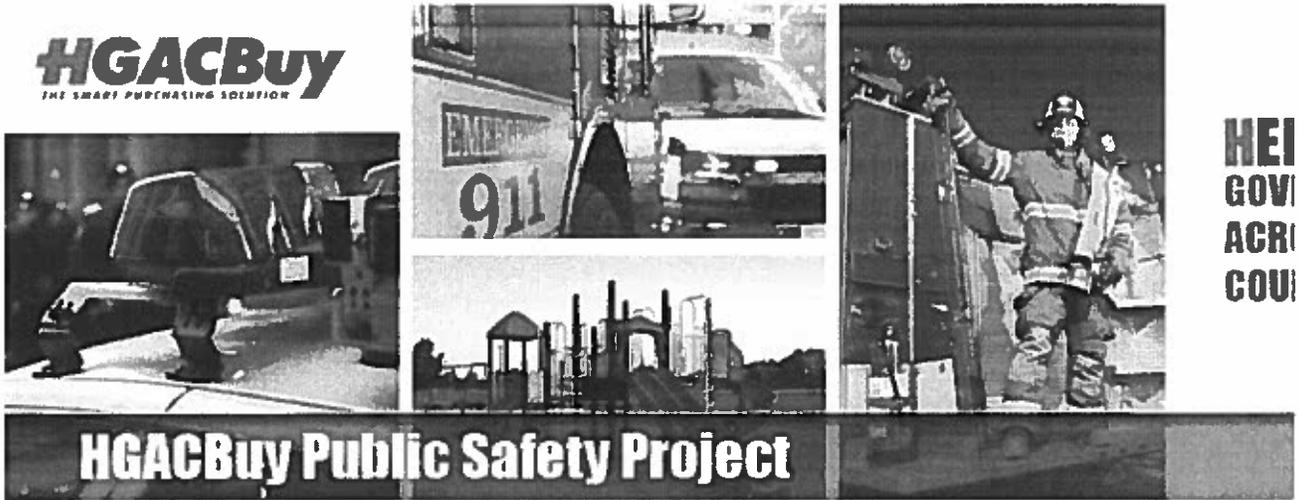
Title: _____

Ph No.: (_____) _____ - _____

Fx No. : (_____) _____ - _____

E-Mail Address: _____

*** denotes required fields**



1

HGACBuy is a government-to-government cooperative purchasing program. It has operated under the local government authority of the Houston Galveston Area Council for 40 years!

Its enabling legislation allows for HGACBuy to act nationwide on behalf of local governments, special districts and private non-profits providing a government service. Currently, over 5000 jurisdictions in 48 states have executed interlocal agreements (ILC) with H-GAC. This allows them to use any of HGACBuy's competitively procured contracts for goods and services. Through this relationship, the purchaser is covered by the HGACBuy procurement. Over the years, HGACBuy has developed an enviable working relationship with its members and is recognized for its knowledgeable and outstanding customer service. HGACBuy's procurement process includes research, preparation of specifications, prebid and preproposal conferences, legal notice posting and advertising, bid/proposal review and contract execution. End User Purchase Orders are confirmed to contract. Complete documentation is available to the end user at any time upon request.



Criminal Justice Planning has been one of Houston Galveston Area Council's activities since it was formed in 1966. Following 9/11 this was expanded to include Homeland Security and All Hazards Planning. H-GAC has been involved throughout the years in the planning, system engineering, design and purchase of sophisticated public safety communications equipment and services. Through the H-GAC Public Services Department, sophisticated and experienced public safety planning is teamed up with the HGACBuy Contracts to offer its members nationwide access to all manner of public safety communications equipment and services. Emergency Management, Response and Recovery Planning.

About the Project:

The HGACBuy Public Safety Project plan is to work with local governments to Coordinate use of existing towers and infrastructure so industry can improve/augment coverage and bandwidth. Identify appropriate equipment to address expanded requirements during extraction operations and plan for longer term objectives. Assist with HGACBuy purchases and help follow up after purchase.

In this project,

We: Do Planning

- Encourage Public Private Cooperation & Coordination
- Help with Public Safety Communication Planning
- Identify gaps that could be filled with outside funding through broad community based planning
- We assist in designing systems to monitor and track grant funds and equipment

We don't do:

- Economic Development
- Environment Impact Studies

- Provide boots on the ground
- Replace local professional staff

Staff Contact

Deidre Vick

Director of Public Services

(P):713-993-4540

(F):713-993-4548

Deidre.Vick@h-gac.com

Ronnie Barnes

Program Manager, Cooperative Purchasing

(P):713-499-6665

(F):713-993-4548

Ronnie.Barnes@h-gac.com

Madeline McGallion

Program Manager, Public Safety

(P):713-993-2427

(F):713-993-4548

Madeline.Mcgallion@h-gac.com

Faye Prevot

Regional Homeland Security Coordinator

(P):713-993-2442

(F):713-993-4548

Faye.Prevot@h-gac.com

John Ferro

Public Services Project Manager

(P):832-681-2604

(F):713-993-4548

John.Ferro@h-gac.com

Santosh Puttappa

Public Services Systems Operations Specialist

(P):832-681-2569

(F):713-993-4548

Santosh.Puttappa@h-gac.com

Types of Participating End Users:

- Municipalities, Cities, Counties and State Agencies
- Councils of Government
- Schools, School Districts, Colleges, Universities
- Hospitals and Hospital Districts
- Emergency Medical Services and Services Districts
- Volunteer Fire Departments and Rural Fire Prevention Districts
- Special Law Enforcement Jurisdictions
- Judicial Courts & Districts
- Emergency Communications Districts
- Utility Districts (MUDs, WCIDs, Irrigation, etc.)
- Special Districts
- Authorities (Airport, Port, River, Water, Toll Road, etc.)
- State Agencies
- Not-for-Profit Corporations [501(c)(3)] providing government functions and services. (Special requirements apply: See Program Info/Executing an Interlocal Contract with HGACBuy)

The Texas Interlocal Cooperation Act

Most States in the United States have either Interlocal Cooperation or Joint Powers authority to allow local governments in those states to join and participate in programs like HGACBuy. Click on Authorizing Statutes on the HGACBuy web site to see what cooperative purchasing statutes exist in each state to allow for participation in HGACBuy.

In 1971, the Texas Legislature passed the Interlocal Cooperation Act [Texas Government Code, Title 7, Chapter 791] to promote activities among local governments across Texas. Any local government or non-profit providing government services may contract or agree with one or more local governments under the terms of this Act to conduct purchasing and other administrative functions. The following excerpt from the Act states that... "The Interlocal Cooperation Act's purpose is to improve the efficiency and effectiveness of local governments by authorizing the fullest possible range of inter-governmental contracting authority at the local level including contracts between all political subdivisions of the state and agencies of the state.

Legal Authority

Governmental entities join HGACBuy by execution of an Interlocal Contract (ILC) which can be found on the HGACBuy website under Program Info.

By executing the ILC, the End User represents and warrants to H-GAC that (1) it is eligible to contract with H-GAC under the Act because it is one of the following: a qualifying non-profit corporation, county, municipality, special district, or other political subdivision of the State of Texas, or another state, and (2) it possesses adequate legal authority to enter into this Contract.

Scope of H-GAC's Professional Services

When participating in HGACBuy, members make their purchase orders out to, and directly pay, the HGACBuy contractor. However, H-GAC does act as the designated purchasing agent on behalf of participating End Users by performing specific services including, but not limited to:

- Conducting research and surveys
- Developing specifications for each product/service
- Soliciting vendor participation
- Issuing specifications documents
- Conducting pre-bid/pre-proposal conferences
- Opening bid/proposal responses
- Evaluating responses
- Issuing Vendor Contracts awarded by the H-GAC Board of Directors
- Certifying contract validity
- Contracts Administration

Interlocal Contract Renewals

Provisions of the Interlocal Cooperation Act provide for annual renewal of Interlocal Contracts. The contract document issued by HGACBuy contains a provision for automatic annual renewal. Unless an updated contract document is requested, or statutory change occurs, the initial enactment could remain in effect in perpetuity. A permanent identification number is assigned to each End User contract.

Purchasing Statutes Applied to H-GAC Competitive Bid Process

Products offered through HGACBuy have been subjected to either the competitive bid or competitive proposal format based on Texas statutes for Councils of Governments under the Local Government Code Chapter 252. The 76th Legislature, Regular Session, added language that stipulates Councils of Governments shall specifically use "municipal bidding statutes". As administrator, H-GAC's rules of governance apply. In evaluating bid and proposal responses, HGACBuy takes into account any prospective contractor's ability to meet performance requirements. Factors considered include number and location of sales/service facilities, depth of staff, qualifications of technical support personnel, and business continuity. Contractors are expected to service all End Users participating in the Program wherever possible, practical, and not contrary to franchise or dealership agreements.

H-GAC Board of Directors Awards All Contracts

The Board of Directors composed of 35 elected officials awards all H-GAC cooperative purchasing contracts. As a political subdivision of the State of Texas, Board agenda are publicly posted in advance of public meetings. Board meetings are customarily held on the third Tuesday of each month in H-GAC Conference Room A, Second floor, 3555 Timmons Lane, Houston. The Houston-Galveston Area Council is one of Texas' 24 regional councils of governments.

Steps To Placing Purchase Orders Through HGACBuy

Step 1: (first time only)

Execute the "Interlocal Contract" (ILC) found on the HGACBuy website under Program Info, and return to H-GAC. H-GAC will sign two copies and return one to the End User for their records. The ILC may be faxed to 713-993-4548 for expedited processing.

Step 2:

Obtain specific product details from the HGACBuy website, www.HGACBuy.org. Then, contact the contractor's nearest representative for additional assistance and a definitive price quotation. Contractor information can be found at the bottom of each contracts web page under Products Available.

Step 3:

Prepare and submit your purchase order directly to the relevant HGACBuy contractor, after completing consultation with the contractor's representative. A copy of the order along with a copy of the contractor's written quotation shall be faxed or mailed to HGACBuy at FAX: 713-993-4548. Orders should include specific details regarding the purchase (i.e., name of the End User's contact person, shipping/delivery instructions, and installation details, if any). HGACBuy contractors will then invoice End User for all purchases, and End User will pay the contractor directly following delivery and acceptance.

NOTE: Performance Bond

HGACBuy's contractual requirements no longer include a Performance Bond, and bid pricing should reflect this cost saving. However, Contractor must be prepared to offer a Performance Bond to cover any specific order, if so requested by End User. Contractor shall quote a price to End User for provision of any requested Performance Bond. If Performance Bond is requested by End User for a particular order, Contractor agrees to furnish the Performance Bond within ten (10) days of receipt of End User's purchase order.

HGACBuy Order Confirmation

When the copy of a purchase order and contractor's written quotation are received by HGACBuy (see Step 3 above), an Order Confirmation is prepared and sent to the Member and the Contractor - authorizing the Contractor to proceed with the order.

Remitting End User Payments For Products and Services Rendered

The prompt payment requirements for products and services rendered through cooperative purchasing states that "...upon delivery of the goods and services purchased, and presentation by HGACBuy contractor of a properly documented invoice, the End User shall promptly, and in any

case within thirty (30) days, pay the HGACBuy contractor the full amount of the invoice.

All contracts between HGACBuy and its contractors require prompt payment upon delivery of products/services to an End User.

Ownership Passes Directly From Contractors to End Users

HGACBuy does not at any time take title to any product. Contractors assign ownership directly to End Users.

Reimbursement of HGACBuy's Operational Costs

The HGACBuy program is solely funded through the assessment of an administrative fee paid by the contractor on each order.

End Users Invited to Attend Pre-Bid Conferences

HGACBuy schedules publicly announced pre-bid/pre-proposal specification conferences with manufacturers, distributors, representatives, and dealers for the various product categories offered. These conferences, held throughout each year, are widely attended by the various industry groups represented in the Program. End Users are invited to attend these conferences also. See a listing of scheduled pre-bid conferences on the HGACBuy website under Bid Notices.

3-Way Partnership At Work

The three-way partnership between HGACBuy, Program End Users, and Contractors is a very important relationship that provides vital links to ensure effective cooperative results. Clear, concise communication is essential to making the partnership effective and successful. The contact path includes all three parties: HGACBuy, End User, and Contractor.

H-GAC's Role: HGACBuy's role is to conduct product research and surveys, write technical specifications, conduct pre-bid conferences, open bids, and evaluate responses. After contracts are awarded by the H-GAC Board, HGACBuy certifies contract validity, and administers contracts.

The End User's Role: End Users are expected to consult with Contractors' representatives for the purpose of determining the exact requirements needed to serve constituents. End Users work with Contractor's representatives to detail and complete all documentation required when submitting purchase orders.

The Contractor's Role: HGACBuy relies upon its Contractors to quickly respond to End User inquiries that provide detailed product information and pricing, including priced options for specific products. Contractors' representatives work closely with each End User to meet specific constituent needs.

H-GAC's Bid Notices

The Program's Coordinator for Specifications & Bids directs the bid/proposal cycle for products and services that HGACBuy desires to place under contract on behalf of Members. The near term schedule of procurements is posted on the HGACBuy website under Bid Notices.

Distribution of H-GAC Product Specifications

Product/service specifications and Invitations To Submit Competitive Bids/Proposals are distributed by email to all prospective responders that HGACBuy is aware of. The documents are also posted on the HGACBuy website, and the legally required notices are posted in newspapers, including minority-emphasis publications.

End User Benefits

HGACBuy offers significant benefits to participating End Users whether large, medium, or small size.

- Expedited procurement
- Volume purchasing discounts
- On-duty professional staff assistance
- Research and development of technical specifications
- Contract administration

H-GAC Web Site

Information on products under contract through HGACBuy can be accessed through the web site. The web site contains the following:

- Product categories with base bid prices
- Contractors' representatives with telephone numbers
- H-GAC staff telephone numbers and e-mail addresses
- Listing of Specifications Conferences
- Listing of Bid opening dates for each product category

Contacting HGACBuy

3555 Timmons Ln, Suite 120
Houston, TX 77027

Phone: 800-926-0234

Fax: 713-993-4548

Web: www.HGACBuy.org

Individual staff phone numbers and emails may be found on the HGACBuy website under Program Staff.

End Users North Carolina

City

North Carolina

Aston Park Health Care Center Inc. (NC)
Bill:s Creek Volunteer Fire Department (NC)
Brodden Rual Fire Department, Inc. (NC)

Asheville
Lake Lure
Smithfield

Buncombe County (NC)

Asheville

Burke County (NC)

Morganton

Cabarrus County (NC)

Concord

Caldwell County (NC)

Lenoir

Catawba County (NC)

Newton

Cherokee County (NC)

Murphy

City of Albemarle (NC)

Albemarle

City of Asheboro (NC)

Asheboro

City of Asheville (NC)

Asheville

City of Belmont (NC)

Belmont

City of Bessemer City (NC)

Bessemer City

City of Burlington (NC)

Burlington

City of Charlotte (NC)

Charlotte

City of Claremont (NC)

Claremont

City of Concord (NC)

Concord

City of Conover (NC)

Conover

City of Durham (NC)

Durham

City of Elizabeth City (NC)

Elizabeth City

City of Fayetteville (NC)

Fayetteville

City of Gastonia (NC)

Gastonia

City of Goldsboro (NC)

Golsboro

City of Graham (NC)

Graham

City of Greensboro (NC)

Greensboro

City of Greenville (NC)

Greenville

City of Havelock (NC)

Havelock

City of Hendersonville (NC)

Hendersonville

City of Hickory (NC)

Hickory

City of High Point (NC)

High Point

City of Jacksonville (NC)

Jacksonville

City of Kings Mountain (NC)

Kings Mountain

City of Kinston (NC)

Kinston

City of Lenoir (NC)	Lenoir
City of Lumberton (NC)	Lumberton
City of Mebane (NC)	Mebane
City of Monroe (NC)	Monroe
City of Morganton (NC)	Morganton
City of Mount Airy (NC)	Mount Airy
City of New Bern (NC)	New Bern
City of Newton (NC)	Newton
City of Raeford (NC)	Raeford
City of Raleigh (NC)	Raleigh
City of Reidsville (NC)	Reidsville
City of Rocky Mount (NC)	Rocky Mount
City of Roxboro (NC)	Roxboro
City of Salisbury (NC)	Salisbury
City of Sanford (NC)	Sanford
City of Shelby (NC)	Shelby
City of Southport (NC)	Southport
City of Washington (NC)	Washington
City of Whiteville (NC)	Whiteville
City of Wilmington (NC)	Wilmington
City of Wilson (NC)	Wilson
City of Winston-Salem (NC)	Winston-Salem
Clay County (NC)	Hayesville
Colington Volunteer Fire Department, Inc. (NC)	Kill Devil Hills
County of Ashe (NC)	Jefferson
County of Camden (NC)	Camden
County of Carteret (NC)	Beaufort
County of Chowan (NC)	Edenton
County of Currituck (NC)	Currituck
County of Dare (NC)	Manteo
County of Davie (NC)	Mocksville
County of Moore (NC)	Carthage
County of Scotland (NC)	Laurinburg
County of Surry (NC)	Dobson
County of Warren (NC)	Warrenton
Craven County (NC)	New Bern
Cumberland County (NC)	Fayetteville
Davidson County (NC)	Lexington

Eno Fire and Emergency Services, Inc. (NC)	Durham
Fayetteville Public Works Commission (NC)	Fayetteville
Gamewell Volunteer Fire Department (NC)	Lenoir
Henderson County, NC	Hendersonville
Housing Authority of the City of Goldsboro (NC)	Goldsboro
Iredell County (NC)	Statesville
Junaluska Community Volunteer Fire Department Inc. (NC)	Waynesville
Leland Volunteer Fire Rescue Department, Inc. (NC)	Leland
Lincoln County (NC)	Lincolnton
Macon County (NC)	Franklin
Mecklenburg County (NC)	Charlotte
Mecklenburg EMS Agency (NC)	Charlotte
Mountain Mobility-Buncombe County Government (NC)	Asheville
Nash County (NC)	Nashville
Navassa Volunteer Fire Department (NC)	Navassa
New Hanover County (NC)	Wilmington
North Carolina Department of Agriculture and Consumer Services	Raleigh
North Carolina Housing Coalition, Inc. (NC)	Raleigh
North Carolina State University (NC)	Raleigh
North Lenoir Fire Protection Assoc., Inc. (NC)	Kinston
OE Enterprises, Inc.	Hillsborough
Orange County (NC)	Hillsborough
Orange Rural Fire Department No. 1 Inc. (NC)	Hillsborough
Randolph County (NC)	Asheboro
Roanoke Rapids Sanitary District (NC)	Roanoke Rapids
Rockingham County (NC)	Reidsville
Rutherford County (NC)	Rutherfordton
Statesville Christian School (NC)	Statesville
Stokes County (NC)	Danbury
Telamon Corporation (NC)	Raleigh
Town of Ahoskie (NC)	Ahoskie
Town of Apex (NC)	Apex
Town of Atlantic Beach (NC)	Atlantic Beach
Town of Carrboro (NC)	Carrboro
Town of Cary (NC)	Cary
Town of Chapel Hill (NC)	Chapel Hill
Town of Clayton (NC)	Clayton
Town of Cornelius (NC)	Cornelius

Town of Cramerton (NC)	Cramerton
Town of Elkin (NC)	Elkin
Town of Elon (NC)	Elon
Town of Franklin (NC)	Franklin
Town of Fuquay-Varina(NC)	Fuquay-Varina
Town of Gibsonville (NC)	Gibsonville
Town of Hillsborough (NC)	Hillsborough
Town of Holly Springs	Holly Springs
Town of Hope Mills (NC)	Hope Mills
Town of Indian Beach (NC)	Indian Beach
Town of Kernersville (NC)	Kernersville
Town of Kill Devil Hills (NC)	Kill Devil Hills
Town of Kitty Hawk (NC)	Kitty Hawk
Town of Knightdale (NC)	Knightdale
Town of Mayodan (NC)	Mayodan
Town of Mooresville (NC)	Mooresville
Town of Morehead City (NC)	Morehead City
Town of Morrisville (NC)	Morrisville
Town of Mount Olive (NC)	Mount Olive
Town of Mount Pleasant (NC)	Mount Pleasant
Town of Nags Head (NC)	Nags Head
Town of North Wilkesboro (NC)	North Wilkesboro
Town of Oak Island (NC)	Oak Island
Town of Pinetops(NC)	Pinetops
Town of Robbins (NC)	Robbins
Town of Robersonville (NC)	Robersonville
Town of Rose Hill (NC)	Rose Hill
Town of Shallotte (NC)	Shallotte
Town of Smithfield (NC)	Smithfield
Town of Sunset Beach (NC)	Sunset Beach
Town of Tarboro (NC)	Tarboro
Town of Wadesboro (NC)	Wadesboro
Town of Wake Forest (NC)	Wake Forest
Town of Waynesville (NC)	Waynesville
Town of Weaverville (NC)	Weaverville
Town of White Lake (NC)	White Lake
Town of Windsor (NC)	Windsor
Town of Zebulon (NC)	Zebulon

Transylvania County (NC)
Tri-Beach Volunteer Fire Department
Union County (NC)
Village of Pinehurst (NC)
Wake County Government (NC)
Western Piedmont Regional Transit Authority (NC)
Winston-Salem Transit Authority (NC)

Breard
Supply
Monroe
Pinehurst
Raleigh
Lenoir
Winston-Salem

2

THE VALUE IN THE VALUELESS
Some cities are cutting costs and saving revenue by diverting residential food waste from landfills

6

CONNECTING THE DOTS
Cities are rearranging street-side furniture to jumpstart smart community progress

AMERICAN CITY & COUNTY

Serving government leaders since 1909

May 2016



STRONGER TOGETHER

Cooperative purchasing allows local governments to pool their buying power and command the greatest value from suppliers | 10

Powered by Penton[®]

HBXNPTCF *****CNR-RT L01**C-004
#272385014 1# AC 003 100
MVA ACC 1 MAY16 0001 #128 #15928#
JIM FARLAND - CITY MANAGER
BREVARD CITY OF
95 N MAIN ST
BREVARD NC 28712-3648

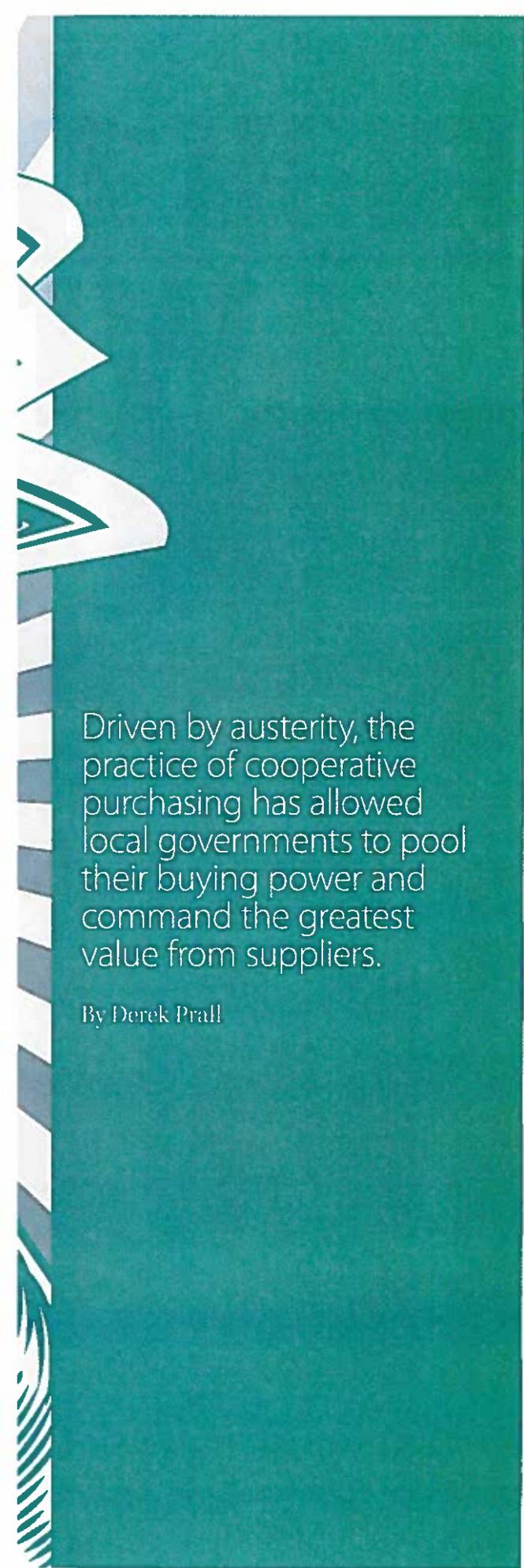


GPN:
Products at Work | 19

PERIODICAL

STRONGER TOGETHER





Driven by austerity, the practice of cooperative purchasing has allowed local governments to pool their buying power and command the greatest value from suppliers.

By Derek Prall

Government co-ops – it’s a term many city and county officials have heard, but few outside of the public procurement profession really understand intimately. And while it may not be important for every government worker’s day-to-day job, billions of dollars pass through these organizations annually. Knowing how and why these entities work will only grow in importance as they become more popular. So what are government co-ops, how do they function, and how are they impacting the way governments deliver goods and services?

COOPERATIVE PURCHASING: A CRASH COURSE

Generally speaking, cooperative buying practices in the public sector goes back to the 1930s, but became popular with the advent of the General Services Administration’s Multiple Award Schedule. The practice of pre-qualifying suppliers was an important first step for the development of modern cooperative contracting practices, says Brent Maas, the executive director of business strategy and relationships for the National Institute of Governmental Purchasing (NIGP).

But to really understand co-ops, Maas says one needs to understand two key ideas – joint solicitations and piggybacking.

Joint solicitations started when agencies in a given region pretended together to increase their need – and by extension, their buying power – to command better offers from vendors. This practice, Maas says, is very intentional. “You know the parties to the agreement at the front end, and the supplier then knows who it is they will be servicing and what the anticipated need it.”

Piggybacking is a similar concept, but differs in a fundamental way, Maas says. The idea refers to the language of the contract itself, in which clauses are included where outside, unnamed agencies can utilize the contract after the initial services have been rendered. There is no obligation for other agencies to use the contract, but including a piggybacking clause in the contractual language increases the buying power of the agency drafting it, and can draw out better pricing and services. “It’s a non-guaranteed expectation of substantial use above and beyond the needs of the contracting entity,” Maas says.

In the 90s, co-ops hit their stride using these two practices, Maas says. It was during this period that U.S. Communities, one of the largest co-ops in the country, was able to demonstrate that it’s possible

to offer a contract for use that would be relevant to agencies across the nation. Since that time, numerous co-ops have emerged, from regional to national, small to large, some focused on particular goods, others more general. But they all have similar goals, such as consolidating the buying power of local government agencies. "Programs like these, although they are not the original contracting organization, are third party aggregators," Maas says. "What they're doing is aggregating market need, market demand and arguably market consumption for use of a particular contract."

But, what has made co-ops so attractive in recent years? Jean Clark, president of NIGP Code and Consulting Services for Periscope Holdings, says that as co-ops primarily grew out of the need of local governments to do more with less. Clark was formerly a state and local procurement officer for three decades, most recently as

Arizona's procurement director.

"When you start seeing budget reductions there isn't necessarily a reduction in the workload," Clark says. "You'd think that [in procurement] because you have less to spend, now you have less work." However often the opposite is true. Agencies' workloads stay the same, but they are required to make their resources stretch. Recent periods of austerity, Clark explains, drove the demand for cooperative solutions.

Harold Good, president and CEO of the Procurement Pros Group and former director of procurement and contracting for Palm Springs, Calif., agrees. As resources stretch, Good says, "it's almost a folly" to rely exclusively on singular solicitations, especially as cooperative offerings increase. "Not only do [agencies] not have the manpower to compete everything, but on an economy of scale if they tie in with a larger solicitation they can get a better price."



Benefits aren't guaranteed unless due diligence is preformed from the very beginning of the contracting process.

DOGIPOT
The Smart Solution to Dog Pollution.
Keeping Dog Friendly Areas Cleaner Since 1994
Providing Aesthetically Pleasing Commercial Duty Products

DOGIPOT products shown include:
 - Junior Bag Dispenser 1002-2
 - Header Pak Dispenser 1002HP-4
 - Pet Station 1003-L
 - Poly Pet Station 1010
 - Poly Junior Bag Dispenser 1007-2
 - Header Pak 1402HP
 - Roll Bags 1402

All Dispensers & Trash Receptacles Include FREE Standard Preloaded SMART Litter Pick Up Bags™ & SMART Liner Trash Bags™. Hardware & Specification/Instruction Sheets Included.

DOGIPOT.com 800.364.7681
Ask about the all inclusive DOGIPOT DOGVALETS.

COOPERATIVE PURCHASING'S BENEFITS

There are two main benefits of purchasing through a co-op, Maas says— cost savings and time savings. Both are important considerations, but aren't guaranteed unless due diligence is preformed from the very beginning of the contracting process.

With a basic understanding of economics, the first benefit is fairly straightforward. The greater the buying power of the contract, the lower prices will be. If a contract will serve only one unique agency, it's unlikely that agency will get the lowest price or best service terms. However, by making that contract more competitive through piggybacking and/or joint solicitation, suppliers will be more interested in securing it, and more willing to offer lower prices.

The second benefit is slightly more complicated. When purchasing

through a co-op, the contracts already are written and less time will be spent selecting the best one versus drafting and soliciting a bid from scratch. However, that's not the extent of the time savings offered.

"Here's what often gets overlooked," Maas says. "If you're not the contracting agency, the burden of contract management and supplier management is substantially less."

That doesn't mean that going through a co-op will drastically diminish the agency's relationship with the supplier, but it does mean the responsibility of holding the supplier accountable to the terms of the contract isn't the sole responsibility of the one agency. The reduced administrative overhead associated with the establishment and maintenance of a contractual relationship is where major time savings comes into play, Maas says.

Good suggests that there is a third, peripheral benefit to purchasing through a co-op. "Another added advantage which people don't often talk about is the fact that you can look at the experience of others who have bought the product or service before," Good says. "In a cooperative environment, you can touch base with who has bought it before and see what their experience was. This leads to an intelligent, best-value decision."

But this doesn't mean cooperative purchasing is right in every situation. There are limits to the practice's efficacy. According to an NIGP position paper, *Cooperative Procurement: Great Value (Great Confusion)*, limitations include contract pricing that may not be optimal due to the inability of an agency to accurately predict their orders, less flexibility in the base contract, and a possible decline in opportunities for small, local or disadvantaged suppliers. Because of this, Maas says it's important for officers to view contracting case-by-case and select which method is best for the agency at the time.

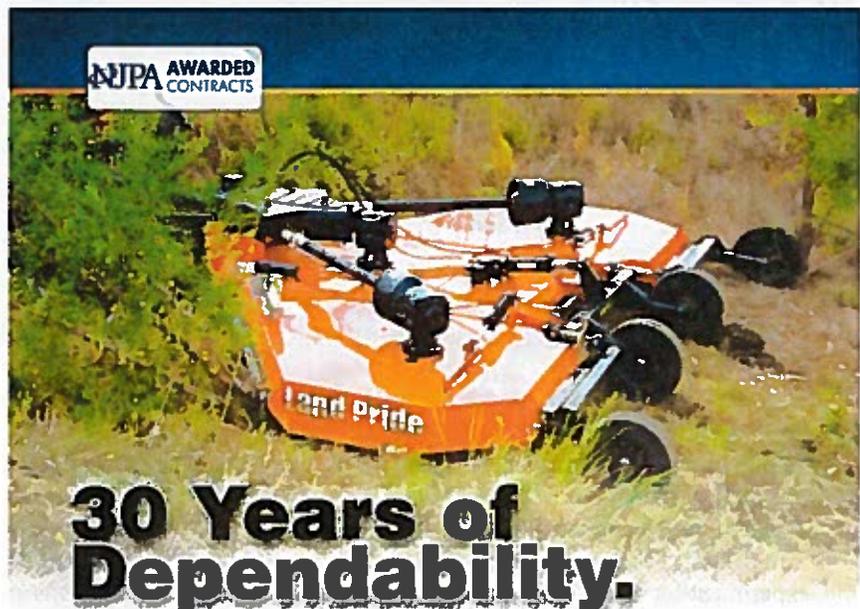
TRENDS SHAPING TODAY'S MARKETPLACE

The cooperative marketplace is currently in a state of flux. It's growing quickly and dynamically adapting to myriad factors. First and foremost, according to Clark, is an increasing acceptance of the legitimacy of cooperative procurement and contracting.

"Some agencies potentially don't have language in their policies

that provide them the breadth of opportunity [cooperatives offer], Clark says. "I think there's a continued focus to expand so that agencies have a capability to use a broader range of cooperatives, so that they aren't limited."

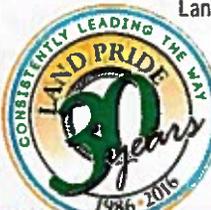
This increased acceptance has, in turn, led to a dramatic increase in the number of co-ops to choose from. Marcheta Gillespie, director of procurement in Tucson, Ariz., says

30 Years of Dependability.

Build something that is dependable and that becomes its reputation. So it is with Land Pride Folding Rotary Cutters. They're made in America's heartland with heavy-duty gearboxes, up to Cat 6 drivelines, and a variety of tire and axle configurations. Land Pride's family of Folding Cutters are built to last. More than just words, they are backed by a 1-year hitch-to-axle warranty and a up to a 7-year gearbox warranty.*

Whether you're the largest city or the smallest township, Land Pride has a deal for you. NJPA members receive great discounts and a quality product in quantities from 1 to 100. Find your local dealer at landpride.com and ask for an NJPA Quote.



*see your local dealer for complete warranty details by model.

OVER 300 PRODUCTS TO FIT YOUR LIFESTYLE



www.landpride.com

CONSISTENTLY LEADING THE WAY...

In a cooperative environment you can touch base with who has bought it before and see what their experience was. This leads to an intelligent, best-value decision."

hat in the past five years there has "really been a spike in the number of groups coming into the marketplace." She adds that while this has increased the options available to procurement professionals, it's also increased confusion. Education and due diligence are becoming increasingly important as the market expands, she says. "There is no one right solution or any one agency nor is there even a consistent always right partner for any one agency."

As the market has expanded, so too has its offerings. Until recently, cooperative contracts have mainly been used to procure goods rather than services. "If it's a commodity, there's probably a cooperative contract in place for it," Maas says. However, this is shifting.

In the past five years, some co-ops have been experimenting with service contracts, although those types of contracts present their own set of challenges. First, service contracts are generally more specific to the issuing agency – sometimes prohibitively so. For example, it's far more difficult to write a universally applicable contract for something like financial auditing services than it is for copy paper.

Another challenge is that there are few national service suppliers that can guarantee pricing and delivery nationwide, because of varying labor prices. Finding or discovering enough suppliers who could compete at that level within itself is a challenge," Maas says. "If you only have a couple of suppliers... do you really get a competitive process? You need a competitive marketplace to drive the value."

However, Clark believes that as the marketplace evolves, co-ops who wish to become leaders will discover the types of services that lend themselves well to cooperative contracting versus those that don't. Generally speaking, contracts for simpler services such as custodial or temp work are easier to make universal, lending themselves well to co-op solutions.

Transparency is another trend guiding the market.. Maas explains that the most recent emphasis on this notion came about during the economic crisis, with a heightened level of scrutiny on how governments

were allocating resources. "Because of that, there has been momentum toward this thing called open government or transparency and open reporting of government activity," Maas says. "I think that spirit contributes to a bit more commitment and conviction around the importance of transparency."

Maas adds that recently, the notion of transparency has become folded in with the status quo, and while it hasn't reached it's ideal yet, agencies are pushing towards it. Because of this, organizations that wish to do business with these governments must themselves be transparent in their practices, creating a strengthened sense of integrity in the marketplace.

Maas says that, "in the last two years, increasingly if you go to a cooperative program's website, there's a better likelihood that you'll be able to more immediately access contract documents – and not just the contract, but the documents that underlie the contract that's established – so you'll see the actual RFP document, you'll see all the solicitation material... I think we're stating to see more programs be more up front about what they're providing to the marketplace."

THE FUTURE OF CO-OPS

Clark says that the co-ops have reached a critical mass and foresees a leveling out of the marketplace, with the key players digging in and defining their unique appeals, and other areas that differentiate them from their competition.

One of these differentiators will be increased transparency. Already, some of the larger organizations are looking for the best ways to clarify their practices so they can be better compete in a market increasingly concerned with openness.

In a similar vein, groups like the NIGP have recently offered programs to certify co-ops along a standardized list of guidelines. "The onus of the assessment is on the contracting process and the management of the contracting agency," Maas says. "First and foremost it's about the contract, secondarily its the contracting agency's management practices, and third it's how the cooperative manages itself." The hope is to provide a standard that can be referenced and folded into the procurement officer's process of due diligence.

In a similar vein, last July, three of the largest public agency procurement programs, educational institutions and non-profit organizations established the National Coalition for Public Procurement (NCPP) "to drive best practices in public cooperative procurement, including transparency, competition, integrity, auditability and process," according to Coalition documents.

While the world of cooperative purchasing is expanding, procurement professionals should approach it with some caution. "This is a really interesting period and a nexus point in the practice of cooperative procurement and cooperative use of contracts," Maas says.

STAFF REPORT

City Council, June 20, 2016

Title: Traffic Schedule Amendment – No Parking on Portion of Oakdale Street
Staff will present an ordinance to designate a portion of Oakdale Street as no parking.

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

Background

Planning Staff received a request from Deputy Police Chief Shawn Miller to amend the Traffic Schedule to designate both sides of Oakdale Street, between Duckworth Avenue and Hemphill Circle, as a no parking zone. See Attachment A for location information.

Oakdale Street is a city maintained street approximately 1/3 of a mile (1,760 feet) long that connects Broad Street with Carver Street. Discussion with the Police Department revealed concerns regarding the topography of this particular section of Oakdale. Between Duckworth Avenue and Hemphill Circle Oakdale goes over a hill, which results in diminished visibility of oncoming traffic for vehicles traveling in either direction. On-street parking forces motorists to enter the oncoming lane while they are unable to see potential oncoming traffic over the hill. Attached photos demonstrate this dangerous situation of a moving vehicle maneuvering around a parked vehicle.

Police data show no incidents on this section of Oakdale in the past five years. The limited sight distance is also demonstrated by the need for a residential driveway near the crest of the hill to be signed as a "Hidden Drive."

Discussion

The Police and Fire Departments both support this request. Failing to adopt the amendment will allow the potentially unsafe situation created by parked cars in this area of limited visibility to continue to occur. Adopting the amendment will provide the Police with cause for the removal of unsafely parked vehicles that create dangerous driving conditions.

Fiscal Impact

Negligible. The City will need to install approximately four "No Parking" signs to effectively sign both sides of the street as a no parking area given the topography that prevents clear visibility of signs. Cost of signs is estimated at \$50 per sign/post.

Policy Analysis

The Traffic Schedule currently has designated no parking zones on various streets. It is common for streets within the City's jurisdiction to be designated as no parking, especially streets with limited sight distance.

Additionally, ensuring motorist safety on topographically challenging streets is harmonious with the following goal of the Infrastructure Element of the City's 2015 Comprehensive Plan update:

With a robust and balanced transportation system, Brevard will:

- *Have interconnected neighborhoods with access to services and amenities via multiple modes of transportation.*
- *Enjoy safe and efficient travel around and through the City.*

Staff Recommendation

Staff recommends that Council take action to enact of AN ORDINANCE AMENDING THE TRAFFIC SCHEDULE & BREVARD CITY CODE TO ESTABLISH A “NO PARKING” ZONE ALONG BOTH SIDES OF OAKDALE STREET, BETWEEN DUCKWORTH AVENUE AND HEMPHILL CIRCLE, WITHIN THE JURISDICTION OF THE CITY OF BREVARD.

Staff recommends the following motion:

I hereby move that AN ORDINANCE AMENDING THE TRAFFIC SCHEDULE & BREVARD CITY CODE TO ESTABLISH A “NO PARKING” ZONE ALONG BOTH SIDES OF OAKDALE STREET, BETWEEN DUCKWORTH AVENUE AND HEMPHILL CIRCLE, WITHIN THE JURISDICTION OF THE CITY OF BREVARD, be approved and enacted as presented.

Council’s options include adopting or denying the amendment as presented, modifying the amendment, or continuing the discussion.

Attachments

- A. Vicinity Map
- B. Photos
- C. Ordinance



Proposed no parking area

Vicinity Map

0 50 100 200 300 400 Feet

Page 189 of 272



Westbound (towards Cashiers Valley Road)



Eastbound (towards Caldwell)



ORDINANCE NO. 2016 - ____

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

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

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

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

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

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

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

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

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

STAFF REPORT

City Council, June 20, 2016

Title: Form-Based Code Update
Information provided for City Council's review.

Speaker: Daniel Cobb AICP, Planning Director

From: Daniel Cobb AICP, Planning Director

Prepared by: Daniel Cobb AICP, Planning Director

Approved by: Jim Fatland, City Manager

Background

Staff has been working with Demetri Baches of the consulting firm Metrocology since June of 2015 on updating and revising the City's development standards. Brevard has had a zoning ordinance since May of 1946, that ordinance has been updated several times over the last seven decades. The current version is known as the Unified Development Ordinance, which was adopted in April 2006. This version of amendments will result in a code that is commonly referred to as a "Form-Based Code."

Discussion

One of the main objectives of this project is to modify the existing regulations to more precisely fit Brevard. Over the last several years there have been challenges implementing the City's development standards due to inherent conflicts with the built environment and overall development patterns which are slightly different than what the code requires. Many of these challenges are magnified because of Brevard's restricted growth areas due to topography, floodplain, and state law.

Over the next four months there are six opportunities for direct public input. A schedule of those events is listed below:

- June 22, 2016 – Meyers Dining Hall – Brevard College
 - 10:00 – 12:00PM
 - 6:00 – 8:00PM
- August 17, 2016 – Rogow Room – Transylvania County Library
 - 10:00 – 12:00PM
 - 6:00 – 8:00PM
- September 13, 2016 – Rogow Room – Transylvania County Library
 - 10:00 – 12:00PM
 - 6:00 – 8:00PM

In addition to the specific dates and times above, a Facebook page has been created to accept comments, as well as a website www.codebrevard.com. Visitors can also log on to www.cityofbrevard.com/formcodes for the same information. As the project continues Staff

will work with the consultant and members of the stakeholder group to conduct various meetings and presentations targeted at specific groups including local realtors and builders for example.

Policy Analysis

Form-based codes are an alternative form of zoning that use the physical form of development as the organizing principle for the code, as opposed to the traditional separation of uses, in order to emphasize predictable development. Form-based codes focus on the relationships between buildings and the public areas of a city, such as sidewalks. An individual site is viewed as a piece of the larger unified design of the district it is in, and the city as a whole. This ensures that development fits the desired character by regulating building height, placement, orientation, mass, and scale.

This process will not increase or decrease regulations, the plan is to modify those already existing. For example, stormwater management is currently necessary for all forms of commercial development. A potential outcome of this process may be to encourage density by requiring less stormwater management in certain areas of town, while discouraging development in environmentally sensitive areas (floodplains or very steep slopes).

Staff Recommendation

Report submitted for informational purposes only, no action necessary.

Fiscal Impact

None at this time.



The City of
Brevard
North Carolina

95 West Main Street, Brevard, NC 28712
(828) 885-5601

AGENDA ITEM

DATE: June 20, 2016

TO: Mayor and City Council Members

SUBJECT: Grant/Loan Financing for Kings Creek Sewer Phase II

PREPARED BY: Jim Fatland, CPFO, Finance Director
David Lutz, Public Services Director

BACKGROUND: The City of Brevard had received approval for a 2% loan for 20-years for the Kings Creek Phase II Project. Subsequent to this approval, the City received a no interest loan for 20-years for Kings Creek Phase III.

The City requested that the NCDENR consider a no interest loan for the Kings Creek Phase II Project. On Friday June 10, 2016, NCDENR notified the City that they approved a no interest loan for Kings Creek Phase II. This will save the City \$301,515 in interest cost over the 20-year loan period.

RECOMMENDATION: No Action Required

FISCAL IMPACT: The City will save \$301,515 in interest cost over the 20-year loan period.



The City of
Brevard
North Carolina

Mr. Kim H. Colson, PE, Chief
NCDEQ – DWI
1633 Mail Service Center
Raleigh, NC 27699-1633

Re: Kings Creek Phase II
Project CS270476-06

Dear Mr. Colson,

The City is requesting that your agency review your February 7, 2014 loan offer of \$1,435,784 at 2% to fund referenced project. We are requesting this action because the October 8, 2015 loan offer from your agency to fund the Kings Creek Phase III project; DWI No. CS370476-07, was for \$1,484,150 at 0%.

The basis of our request is that these are identical scope of work projects in the City (under identical economic conditions) and therefore we do not understand why both project loans are not at 0% interest.

We ask that your agency consider a 0% loan for the Kings Creek Phase II project also.

Sincerely,

Jim Fatland, CPFO
City Manager

Cc: Mayor and Council
Brown Consultants, PA

Please note that this correspondence is subject to the North Carolina Public Records Law and may be disclosed to third parties.

AGENDA ITEM

NEW BUSINESS

DATE: June 20, 2016

TO: Mayor and City Council Members

CC: Jim Fatland, CPFO, City Manager

FROM: Joshua S. Freeman, Community Development / Special Projects Director

SUBJECT: Transylvania County / City of Brevard Joint Parks & Recreation Strategic Plan

APPROVED BY: Jim Fatland, CPFO, City Manager

BACKGROUND: City Council & the Transylvania County Board of Commissioners jointly funded the development of a shared Parks & Recreation Strategic Plan in Fiscal Years 2014-2015 & 2015-2016. Barge Waggoner Sumner & Cannon, Inc., who was selected to prepare the plan via a competitive bidding process, has completed a public input process and has prepared a fourth draft of the plan document. City / County Staff request a joint meeting of Brevard City Council & the Transylvania County Board of Commissioners to receive a presentation of the draft plan.

RECOMMENDATION: City / County Staff recommends that Brevard City Council & the Transylvania County Board of Commissioners take action to schedule a joint meeting on September 26, 2016, 7:00 PM, in the Commissioners Meeting Room.

FISCAL IMPACT: Not applicable.

STAFF REPORT

City Council, June 20, 2016

Title: Zika Virus Information
Information provided for City Council's review.

Speaker: Daniel Cobb AICP, Planning Director

From: Daniel Cobb AICP, Planning Director

Prepared by: Daniel Cobb AICP, Planning Director

Approved by: Jim Fatland, City Manager

Background

Zika virus disease (Zika) is a disease caused by the Zika virus, which is spread to people primarily through the bite of an infected *Aedes* species mosquito. The most common symptoms of Zika are fever, rash, joint pain, and conjunctivitis (red eyes). The illness is usually mild with symptoms lasting for several days to a week after being bitten by an infected mosquito. People usually do not get sick enough to go to the hospital, and they very rarely die of Zika. For this reason, many people might not realize they have been infected. However, Zika virus infection during pregnancy can cause a serious birth defect called microcephaly, as well as other severe fetal brain defects. Once a person has been infected, he or she is likely to be protected from future infections.

Source: Centers for Disease Control and Prevention

Discussion

Zika virus was first discovered in 1947 and is named after the Zika Forest in Uganda. In 1952, the first human cases of Zika were detected and since then, outbreaks of Zika have been reported in tropical Africa, Southeast Asia, and the Pacific Islands. Zika outbreaks have probably occurred in many locations. Before 2007, at least 14 cases of Zika had been documented, although other cases were likely to have occurred and were not reported. Because the symptoms of Zika are similar to those of many other diseases, many cases may not have been recognized.

In May 2015, the Pan American Health Organization (PAHO) issued an alert regarding the first confirmed Zika virus infection in Brazil. On February 1, 2016, the World Health Organization (WHO) declared Zika virus a Public Health Emergency of International Concern (PHEIC). Local transmission has been reported in many other countries and territories. Zika virus will likely continue to spread to new areas. If traveling, please visit the CDC Travelers' Health site for the most updated travel information.

As of June 1, 2016 there were reports of active transmissions in Mexico, Central, and South America. However, there were only 618 cases of travel-associated cases of Zika within the United States, there were no reports of locally acquired cases. In North Carolina there were 12

travel-associated cases, and no known cases of locally acquired vector-borne cases. Travel associated cases come from travelers returning from affected areas, their sexual contacts, or infants infected in utero.

Source: Centers for Disease Control and Prevention

Policy Analysis

In addition to wearing long-sleeved shirts and long pants, other preventive measures include staying indoors with air conditioning, placing screens in windows and doors, and removing any standing or stagnant water on your property. Brevard City Code Section 38-32 (1) prohibits any condition which constitutes a breeding ground or harbor for rats, mosquitos, harmful insects, or other pests. Additionally City Code Section 38-44 specifically prohibits the accumulations of stagnant water.

In conjunction with routine code enforcement activities, Staff has been working to target areas historically known to hold standing water. Examples include properties previously cited for nuisance violations, abandoned or unoccupied homes, and other areas known to house open containers or other vessels that could hold water. Further, Staff has added information to the City's website and Facebook page informing the public of the risk of the Zika virus. As of the date of this report there were no confirmed violations of the City's nuisance ordinances related to standing or stagnant water.

Staff Recommendation

Staff recommends maintaining current levels of activity related to proactive code enforcement of standing and stagnant water.

Fiscal Impact

None at this time. Should the need arise to abate a nuisance, funds may be expended. Each of these instances is reviewed on a case-by-case basis.

STAFF REPORT

City Council, June 20, 2016

Title: **Special Event Road Closure – Fourth of July Festival**

City Council will consider an ordinance declaring a road closure for this year's Fourth of July Festival.

Speaker: Daniel Cobb AICP, Planning Director

From: Daniel Cobb AICP, Planning Director

Prepared by: Aaron Bland AICP, Planner & Asst. Zoning Administrator

Approved by: Jim Fatland, City Manager

Background

The North Carolina Department of Transportation (NCDOT) issued new guidelines in July of 2015 for the process of closing or repurposing of state-owned highways for special events.

Discussion

The new NCDOT guidelines state the local municipality must pass an ordinance for each street closure of City-sponsored events. The State will neither approve nor deny such requests for closures, they will however, recommend alternative routes should they have a project scheduled for the same day as a special event. The attached ordinance is for this year's annual Fourth of July Festival. Council previously passed ordinances for City-sponsored festivals in 2015 the 2016 White Squirrel Festival. Subsequent ordinances will be presented to Council as applications are received for Halloween Fest and Twilight Tour.

Policy Analysis

The City has been sponsoring and permitting special events for several years. The passing of an ordinance only applies to City-sponsored special events on state roads. Permits sponsored by individuals or non-profits are permitted differently and do not require an ordinance.

Staff Recommendation

Staff recommends approval of the ordinance as presented (Exhibit A).

City Council's options are as follows:

1. Approve the ordinance as presented.
2. Approve the ordinance with modifications.
3. Deny the ordinance as presented.

Fiscal Impact

None.

Attachments

- A. Closure Ordinance

ORDINANCE NO. 2016-__

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

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

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

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

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

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

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

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

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

Adopted and approved this the _____ day of _____, 2016.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney



Alcoholic Beverage Control Board
PO Box 1610 (828) 883-8128
Brevard, NC 28712 abcstore@comporium.net

Mark Balding

Budget Statement

General Manager

May 31st, 2016

Dear City and County Residents,

The annual budget for the upcoming fiscal year (July 1, 2016 through June 30, 2017) has been prepared in accordance with North Carolina General Statute 18B-702 “Financial operations of local boards”. Budget preparation and implementation are critical to any organization. This process is not only for estimating revenues and expenses, but also for prioritizing the needs of the Brevard ABC Board so we can continue our mission to effectively control the sale of alcoholic beverages while maximizing the financial contribution that we make to the community throughout the year. As you will see, this budget accomplishes those goals.

FY2016-2017 Budget Overview

Revenue and Income

The budget reflects revenue from the sale of spirituous liquor and wine to be \$3,330,500. We will end FY2016 with a projected revenue increase of \$100,000 or 4.3% at our downtown location. This is a very positive trend. Since the opening of a second retail store on 6/1/13, the downtown store was down in revenue as the second location was simply pulling sales out of downtown for the first two years of operation. Another positive trend is that our second store in Pisgah Forest continues to grow sales. Store 2 will see a revenue increase of approximately \$77,000 or 8.5% this fiscal year. Overall we should end the fiscal year on June 30th, up approximately 5.5% in overall revenue. This FY2017 budget has a projected revenue increase of 3%, which we feel is a very conservative and realistic growth increase.

Profit Distributions

The Brevard ABC Board has budgeted \$187,379.00 to go to the City of Brevard’s general fund and \$62,460.00 to the County’s general fund. As the Brevard ABC Board continues to take a more active role in our community in the way of alcohol education with the main focus on the prevention of underage drinking, this budget reflects the allowable 5% of profit that the appointing authority

authorizes the Board to spend. This money may or may not be expended as the Board is currently reviewing optional alcohol education programs and activities at the present time. \$13,880.00 is budgeted for State required law enforcement services provided by the Brevard City Police and the Transylvania County Sheriffs Department.

Human Resources / Employee Compensation

The Brevard ABC Board operates two retail outlets and employees 11 people (4 full-time and 7 part-time employees). The Board currently is made up of (5) City appointed members. Additional employee compensation in the upcoming budget is based on a "Pay for Performance" only basis and reflects additional funds for this employee performance incentive plan. Traditional Christmas and longevity bonuses for full time employees were eliminated this past year.

This outlines our proposed budget. The Board and Staff of the Brevard ABC Board appreciate the opportunity to serve the City of Brevard and Transylvania County.

Sincerely,

Mark Balding

General Manager

Cameron Austin

ABC Board Chairperson

BREVARD ABC BOARD

Proposed FY2016-2017 Budget

	2017 Budget	
Estimated Revenues:		
Retail Sales		3,330,000
Other Income	\$	500
Total Revenue	\$	3,330,500
Appropriations:		
Taxes Based on Revenue		783,000
Cost of Goods Sold:		1,681,902
Operating Expenses		
Wages		285,000
Board Member Per Diem		11,250.00
Employer Payroll Tax		27,000
Retirement		17,000
Rent/Lease		54,000
Business Insurance		64,000
Repairs & Maintenance Agreements		16,500
Utilities / Phone / Internet		22,500
Store and Office Supplies		15,000
Legal and Audit	\$	17,000
Travel / Education	\$	1,750
Dues and Subscriptions		2,000
Bank and Credit Card Charges		38,500
Miscellaneous / Contingency		16,500
Total Operating Expense	\$	588,000
Total Estimated Expenses	\$	3,052,902
Profit	\$	277,598
Percent Profit		8.30%
Profit Distributions		
Law Enforcement 5%		13,880
Alcohol Education 5%		13,880
Adjusted Profit	\$	249,838
City of Brevard (75%)	\$	187,379
Transylvania County (25%)	\$	62,460
Total:	\$	277,598
Total Expense, Distribution & Reserve	\$	3,330,500

The below information has been provided by the Heart of Brevard.

4th of July Music Events
Bring a chair or your dancing shoes!
At the Gazebo

10:00a-10:45a	Pyramid Brass
11:00a-11:45a	Mike Sweet
12:00p-12:45p	Brevard Ballet Performance
1:00p-1:45p	Bradford Carson & John Rollins
2:00p-2:45p	Roots & Dore
3:00p-3:30p	Break - flag raising ceremony
3:30p-5:00p	Unpaid Bill and the Bad Czechs

In celebration of America's 240th Anniversary
Oskar Blues and Heart of Brevard
present
Ameri★CAN★niversary
an evening of Music, Food and Fun
"Party like it's your birthday, America!"

Amigo★
★ **Sinners and Saints** ★
★ **Asheville Country Music Revue** ★

Starting at 6:30 - Brevard College Porter Center Amphitheater

HEART OF BREVARD would like to thank its

PARTNERS
City of Brevard
Transylvania Tourism Authority

PLATINUM SPONSORS
Oskar Blues
Looking Glass Realty
Steve Owen

GOLD SPONSORS
Comporium D.D. Bullwinkel's
Domokur Architects NAMI-TA
Theophilus United Community Bank

SILVER SPONSORS
Brevard College Brevard Music Center Gutter Dome
Platt Architecture Sam's Club The Transylvania Times
Think It Studio Transylvania County

BRONZE SPONSORS
Asheville Citizen-Times
Baldrige Insurance and Financial
Brevard Brewing Co. Broad Street Wines Outdoor Africa
Bath Fitter Leaf Filter Paradise Home Improvement
WSQL 102FM Radio

FRIENDS
Eldridge Motors First Citizen's Bank Water Oak Suites

2016
4TH OF JULY IN BREVARD

8:00a	Brevard Rotary Firecracker Run American Legion Hall
8:00a-12:00p	Transylvania Farmers Market Comporium Parking lot
9:00a-5:00p	Heart of Brevard Street Festival Main St. and Broad St.
9:00a-5:00p	TCarts Fine Arts Show West Main Block
9:00a	Humane Society Pet Parade Silvermont Museum
10:00a-4:30p	Music at the Courthouse Gazebo
10:00a-3:00p	Transylvania Cruisers 23rd Annual Auto Show South Broad St.
1:00p	Sycamore Cycles Bike Decorating Contest Water Oak Suites
2:00p-4:00p	Brevard Music Center – Pendergrast Family Patriotic Pops Concert Brevard Music Center
2:30p	Flag raising-Connestee and Brevard FD Center of Town
3:00p	Reading of Declaration of Independence Center of Town
4:00p	Rocky's 7th Annual Hot Dog Eating Contest In front of Rocky's Soda Shop
6:00p	TCarts Duck Race for Kreative Kids Brevard College
6:30p	AmeriCANNiversary Brevard College
9:00p	WSQL Radio Fireworks Music-102FM
9:30p	Fireworks of Transylvania Brevard College

★ ★ ★ ★ ★

TRANSYLVANIA POLLINATOR DAY - 25 JUNE!

SCAVENGER HUNT:

Pollinators & Plants

8– Noon @ Farmers' Market

Bee and Monarch Demonstrations

WINGS OF LIFE:

THE WORLD OF POLLINATORS

5:30 @ CES Conference Room

98 E. Morgan St, Brevard

Pollinator plants available for a donation

- Limited supply

SPONSORS: Food Matters, Ingles, Lowe's, Gaia Herbs, Healthy Harvest, Bee Cool Bee Supply, Master Gardeners, NC Native Plant Society.

Brevard Music Center celebrates 80 years

Hayley Benton, hbenton@citizen-times.com 2:35 p.m. EDT June 2, 2016



(Photo: Courtesy photo)

BREVARD - As the light begins to fade, the music begins. Soft at first, a crescendo builds with the addition of each new instrument — light timpani percussion, a soloist on upright bass. Strings join section by section, followed by the warmth of woodwind.

The sounds of summer evenings infiltrate the silences left by the symphony — the chirping of crickets, the rustle of leaves, the *tap-tap-tap* of rain falling over the Pisgah National Forest.

Some nights, artistic director Keith Lockhart leads the orchestra, performing on stage at the Brevard Music Center. He eyes each section from his rostrum, commanding the tempo. The volume and intensity follow his wave of constant motion. An alumnus of the institute, Lockhart conducts both the BBC Concert Orchestra and the Boston Pops when he's not directing the 200-plus orchestra students at BMC.

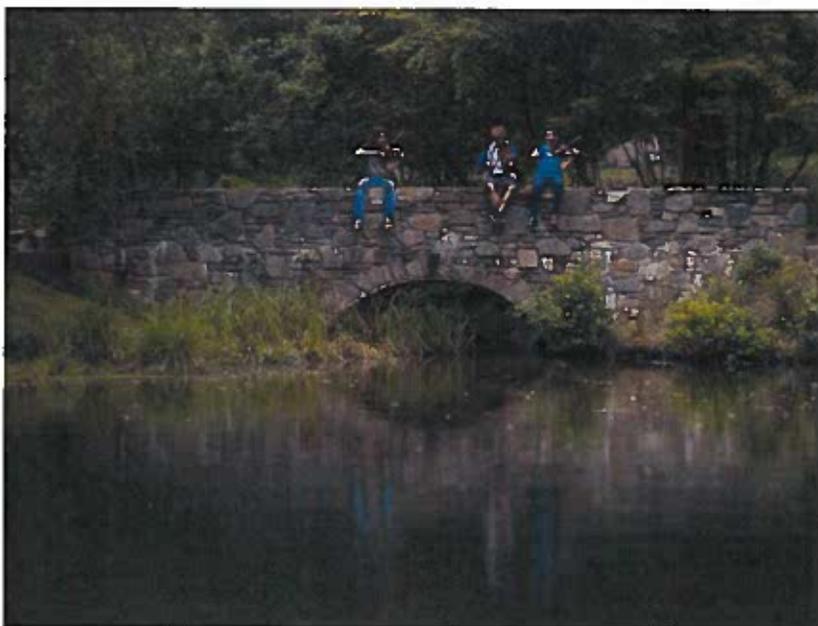
"Several years ago, someone told me about a Mahler piece Keith was directing. They said it's not to be missed," said Karen Tessier, president of Market Connections and fan of the music center. "So I went to this concert by myself. It was a very hot night — so hot that I remember Keith's black shirt was stuck to his body — and there were lightning bugs above people's heads in the audience.

"I was crying by the end of that performance," Tessier said. "I drove back to Asheville sobbing because I don't think I'd ever heard anything more beautiful. When you're at the Music Center and you have a world famous soloist on stage and a thunderstorm rolls in — the rain hits the roof and the orchestra is building up — there is just this magic that isn't like anywhere else. It's just this magic about everything coming together out there."

Celebrating its 80th year as an institute for exceptional music education and performance, the Brevard Music Center's 180-acre campus will soon come alive with young talent, bringing in 425 orchestra, jazz, piano and opera students and 80 instructors for a ten-week plunge into the life of professional music.

Originally named the Davidson Music School for Boys, the center opened in 1936 just outside of Charlotte at Davidson College. Founder James Christian Pfohl moved the school to its present location in 1944. Under a new name, the Transylvania Music Camp, he opened the program up to young women. In 1946, it held its first summer music festival, and in 1955, the center took on its present name.

"In terms of significance, there are very few nonprofit organizations that have lasted for 80 years," Brevard Music Center President Mark Weinstein said. "There's something really working here when I can say that: Over the last 10 years, every single year has been better than the last — and this will be the best year ever in our 80 years of existence."



"Music comes from every nook and cranny on campus," said marketing director Cally Jamis Vennare. (Photo: Courtesy photo)

For one thing, the center's signature indoor-outdoor stage, the Whittington-Pfohl Auditorium, just got a \$2.5 million renovation, which will be unveiled later this month.

Built in 1964, the auditorium now features an acoustical shell, which can change position and shape the music being performed on the stage.

"Our acoustics were very, very good up until now — for all these years," Weinstein said. "But now they'll be incredible. It's a series of panels that move around on a puff of air and can be brought down (in size) to be used for a piano and a flute or expand back to use all of the panels" for the 301-person closing performance.

Cally Jamis Vennare, the music center's marketing director, explained that the center's small year-round staff is amazed each year by the number of people drawn to campus for the program, a summer intensive for aspiring musicians of ages 14-29.

"You leave work one night and there's 14 of you (on campus)," she said. "You come to work the next day, and there's 400-some students, 80 faculty, and you have 31,000 people in the audience over the course of the summer. So the campus just swells to hundreds and hundreds of people overnight — music coming out of every nook and cranny on campus."

Lockhart attended the school for two summers, in 1974 and 1975, and the experience stuck with him through the years. He returned in 1996 as a guest conductor. And, though Weinstein never attended the school, he explained that music has had a huge influence on his life path.

"My background is business," he said. "I have an MBA from Harvard, and I was going down the business route. But all my life, I was singing in glee clubs and choruses: I was the only Jewish kid in high school who volunteered to sing in a Catholic church choir. I fell in love with Handel's 'Messiah.' I always sung on the side.

"One day," he said, "I just ran away to the ski lodge, so to speak. But instead of becoming a ski bum, for me, it was music. I quit my job working in strategic planning in Washington, D.C., took a 78 percent pay cut and spent the next 38 years of my life running the opera."

Weinstein has been the executive director of the New York City Opera and the Washington National Opera, the general director of the Pittsburgh Opera and the president and CEO of the Dallas Center for the Performing Arts.

"This is the most rewarding job I've ever had," Weinstein said. "It was fun to work with Beverly Sills and Domingo, but it's nothing like working with the incredibly talented students that are here. It's kind of like going to a very talented college team's basketball game and watching that, rather than watching the pros. You can tell everyone's giving it everything they have. Everyone's trying their heart out — this is their aspiration in life — and to be part of that is very rewarding. That's the feeling you get here."

That said, the program isn't a music camp for beginners or casual players: It's designed to prepare gifted musicians for a lifelong passion or career — "the Aspen or Juilliard of the South," as Tessier described. For the upcoming season, the Brevard Music Center received more than 2,000 applications from all over the world, and, through a highly competitive process, it selects around 230 for the college-level course, 180 high school students and 42 students for the jazz institute, the center's newest program.



Page 2 of 4
Lockhart conducts the symphony orchestra at the Brevard Music Center. (Photo by [unreadable])

June 20, 2016

"Many of the kids who come here are the best where they're from," Weinstein explained. "So one student is from Birmingham, Ala., and nobody in Birmingham, Ala. has ever seen anyone play the piano like this kid. Or another is from Cleveland, where there are a lot of people who play piano, and this student is the best in the state.

"A lot of their peers are interested in sports and other kind of things," and maybe, he continued, they don't fit in, "because they like Beethoven and Shostakovich. And they come here and sit in our cafeteria — the one place where *everyone* here eats three meals, every day — and they'll be sitting next to the concert master of the Cleveland Orchestra or they'll be sitting next to Yo-Yo Ma. And they'll all be talking Beethoven and Mozart and how to approach that high note — things nobody is interested in back home. But they are here."

As part of their studies, the student musicians join their instructors on stage for the summer live music series — 80 performances over a seven-week period from June to August every year.

Live performances are important learning experiences that can't be replicated in a studio or classroom, Weinstein said.

"If they come here to these mountains and they go off and perform to no one, it's like the proverbial tree falling in the forest. It doesn't matter if it makes a sound if there's no one around to hear it. Performing a live performance is such an exhilarating experience not only for the audience but for the performer especially — the feedback, the mistakes, how you *move on* after a mistake. It's all part of this system, like an ecosystem, where each part depends on the other."

Opening weekend of this summer's series is one of the highlights of the season, including "An American In Paris" on June 24 with world-class French pianist Jean-Yves Thibaudet, the 80th Anniversary Spectacular show on June 25 with Grammy-winner Amy Grant backed by the orchestra, Sunday's performance of Shostakovich 5 with Emmanuel Tjeknavorian on violin and a unique banjo concerto performance by Béla Fleck on June 28.

"It's one amazing thing after another," Weinstein said, including "the first world premiere of an opera ever done here: the opera-noir horror 'Falling Angel.' I'm not sure I had ever heard of an opera-noir before, let alone an opera horror-noir."

"Falling Angel" will premiere at Brevard College's Porter Center on June 30, with an encore performance on July 2.

"You know, what looks to the public like just a concert series is, for our students, their summer curriculum," said Jason Posnock, director of artistic planning and educational programs. "These are important pieces of repertoire they need to learn to play. They're also the greatest works ever written for orchestra, and audiences like them too. ... It's also an opportunity to introduce our students and our audiences to new pieces — pieces that were either written recently or pieces that are not part of the common repertoire, but are still great pieces in their own right."

Of the 80 performances at the Brevard Music Center, half are free — and, for those 17 and younger, watching performances from the lawn is free when accompanied by a paying adult. For a full schedule of the summer series, which ranges from classical to bluegrass to gospel to pop, visit brevardmusic.org (<http://brevardmusic.org>).

"Although they all have the talent, not everyone who comes here goes on to become a professional musician," Weinstein said. "But the training they get here is invaluable in their lives — how to practice, what practice means, what perfection means and when you can and can't achieve it, working together in an ensemble, in a team. So many lessons of life are taught here. And for those that *do* go on to a career: Although it's hard to be a professional musician, cobbling together lots of different jobs in order to make a living, it's probably the most rewarding thing that any of these people can think of. They have a fire in their belly to work with music and to pass on to other people with the talent that they have."



CITIZEN TIMES

Brevard Festival celebrates 80th anniversary in style

(<http://www.citizen-times.com/story/entertainment/music/2016/02/08/brevard-festival-celebrates-80th-anniversary-style/79837186/>)



Musicians from all over the world attend the Brevard Music Center in the summer. *(Photo. Courtesy photo)*

Read or Share this story: [http //avne.ws/1sPjHn](http://avne.ws/1sPjHn)

Unfinished Business

New Business

ORDINANCE NO. 2016-_____

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

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

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

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

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

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

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

Said property is more fully described as follows:

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

Metes and Bounds Property Description:

Beginning at a #4 rebar and cap located in Boyd Township, Transylvania County, North Carolina, on the southern margin of the 150' right-of-way for New Hendersonville Highway (US-Hwy 64); said rebar being located S 12°53'13" E a ground distance of 54.92' from North Carolina Geodetic Survey Monument "Dill", which monument has the NC Grid NAD 83 (2005) Coordinates of N= 573,662.68' and E= 900,528.98'; thence running with the property line established in Plat File 12, Slide 378 as recorded in the Transylvania County Registry and shown on recombination Plat File 16, Page 667 as recorded in said registry S 56°00'57" E a distance of 27.01' to a #4 rebar and cap; thence N 89°17'24" E a distance of 11.85' to a #4 rebar and cap in the western margin of Glade Creek Road; thence S 13°24'31" E a total distance of 113.13' to a 2" iron pipe, passing a #4 rebar at 82.97'; thence leaving the margin of Glade Creek Road and with the line of Jack Thomas (trustee) as recorded in Deed Book 97, Page 837 in said registry the following six (6) calls: S 83°53'59" W a distance of 92.89' to a calculated point; thence S 34°50'54" W a distance of 69.11' to a calculated point; thence S 24°02'20" E a distance of 27.95' to a calculated point; thence S 02°44'42" E a distance of 60.47' to a calculated point; thence S 05°05'18" W a distance of 98.55' to a calculated point; thence S 03°47'42" E a distance of 143.87' to a calculated point; thence with the line of Larry and Rebecca Wyke (trustee) as recorded in Deed Book 613, Page 148 in said registry the following two (2) calls: S 08°24'12" E a distance of 159.86' to a calculated point; thence S 12°10'42" E a distance of 88.05' to a calculated point; thence with the line of Lionel Gash as recorded in Deed Book 295, Page 517 in said registry and with the line of Zilla Gash as recorded in Deed Book 295, Page 515 in said registry the following two (2) calls: N 83°26'09" W a distance of 43.79' to a #8 rebar; thence S 07°16'57" E a distance of 588.84' to a 2" iron pipe; thence with the line of Neal Anders as recorded in Deed Book 343, Page 201 in said register S 08°30'41" E a distance of 12.43' to a #8 rebar; thence with the line of John and Karen Kiser as recorded in Deed Book 434, Page 146

in said registry the following two (2) calls: N 72°49'24" W a distance of 113.04' to a #4 rebar; thence S 82°35'02" W a distance of 112.01' to a #4 rebar; thence with the Eugene Mathis line as recorded in Deed Book 50, Page 129 in said registry N 04°32'56" W a distance of 322.40' to a #4 rebar; thence with the Blue Ridge Gardens of Memory, LLC as recorded in Deed Book 597, Page 269 in said registry to following six (6) calls: N 23°01'20" W a distance of 18.66' to a #4 rebar; thence N 25°22'39" W a distance of 10.00' to a #4 rebar; thence N 27°48'49" W a distance of 407.23' to a #4 rebar; thence N 06°49'19" W a distance of 128.66' to a #4 rebar and cap; thence N 06°45'07" W a distance of 351.58' to a #4 rebar; thence N 05°54'38" W a distance of 135.24' to a #4 rebar being located in the southern margin of the 150' right-of-way for New Hendersonville Highway (US-Hwy 64); thence N 00°31'27" W a distance of 75.00' to calculated point in the center of said right-of-way; thence with the center of said right-of-way to following two (2) calls: N 89°28'33" E a distance of 152.07' to a calculated point; thence N 87°27'38" E a distance of 343.81' to a calculated point; thence leaving the centerline of said right-of-way S 02°32'28" E a distance of 75.00' which is the point of beginning.

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

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

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

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

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

Adopted and approved the _____ day of _____, 2016.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney



The City of Brevard North Carolina

AGENDA ITEM

DATE: June 20, 2016
TO: Mayor and City Council Members
FROM: Jim Fatland, City Manager / CPFO
SUBJECT: FY16 Budget Ordinance Amendment No. Four
PREPARED BY: Tom Whitlock, Finance Department

BACKGROUND: The FY16 Budget Amendment No. Four reflects changes in revenue and expenditures for the following funds: General Fund, Water & Sewer Fund, Fire District Fund, Multi-Use Path Fund, and the Health Insurance Fund. Comments on the Proposed FY16 Amendment No. Four follows.

General Fund Expenditures Increased \$930,428 from \$9,252,755 to \$10,183,183

Planning Department	\$ 76,604
Streets - Powell Bill (Contracted Services)	\$ 3,824
Transfer to Pedestrian Fund	\$800,000
Transfer to Health Reserve Fund	<u>\$ 50,000</u>
Total Expenditures	\$930,428

General Fund Revenue Increased \$930,428 from \$9,252,755 to \$10,183,183. A breakdown of increased revenue and fund balance appropriated is shown below.

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

Planning Department –increased \$76,604 for the Form Based Code and Pisgah Small Area.

Streets – Powell Bill – Revenues increased \$3,824 to reflect actual revenue received. Powell Bill is restricted for streets, sidewalks and drainage repairs and improvements.

Non Departmental – Increased \$850,000 for the following:

Transfer to Pedestrian Fund	\$800,000
Transfer to Health Insurance Fund	<u>\$ 50,000</u>
TOTAL	\$850,000

Water & Sewer Fund Expenditures are increased or decreased resulting in no increase to the total budget. This is shown below.

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

Water Distribution – Expenditures for brush removal, Automatic Meter Infrastructure and employee overtime exceeded budget.

Wastewater Treatment Plant – Expenditures for maintenance and repairs exceeded budget. Additional chemicals were needed to keep the plant in compliance and unanticipated repairs were required to keep the plant running.

Wastewater Collections – Expenditures for force main breaks, engineering fees and brush removal exceeded budget.

Fire District Fund Revenue and Expenditures increased \$20,000 from 648,530 to \$668,530.

Revenue is generated from Fire District Fund Balance Appropriated. The Fire Department has responded to a high call volume increasing expenditures requiring additional funding.

Multi-Use Path Fund Revenue and Expenditures Increased \$800,000 from \$615,196 to \$1,415,196.

Revenues increased through \$150,000 transfer from General Fund for West Loop and Railroad Avenue Projects and a \$650,000 loan from the General Fund for Probart Street Sidewalk Project.

Health Insurance Fund Revenue and Expenditures increased \$225,000 from \$1,298,000 to \$1,523,000.

The Health Insurance Fund has experienced a high claim year where expenditures will exceed budget. Source of funds is a transfer from the General Fund and an appropriation from the Health Insurance Fund Balance. The City expects reimbursement from the stop loss insurance carrier for large claims paid. The exact amount has not been determined as of this date.

Terrell Scruggs Scholarship Fund Revenue and Expenditures increased \$8,000 from \$11,500 to \$19,500.

Contributions and donations exceeded budget providing additional scholarship funds.

RECOMMENDATION: Approve FY16 Budget Amendment No. Four Ordinance

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

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2015-13), Budget Ordinance Amendment No. One (Ordinance No. 2015-14); Budget Ordinance Amendment Two (Ordinance No. 2016-01); Budget Ordinance Amendment Three (Ordinance No. 2016-07) and

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

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

SECTION 01) General Fund Expenditures are hereby increased \$930,428 from \$9,252,755 to \$10,183,183 as shown as follows:

Planning	\$ 76,604
Streets – Powell Contracted Services	\$ 3,824
Transfer to Pedestrian Fund	\$800,000
Transfer to Health Insurance Fund	<u>\$ 50,000</u>
TOTAL EXPENDITURES	\$930,428

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

General Fund	\$10,183,183
Water & Sewer Fund	\$ 5,278,483
Utility Capital Projects Fund	\$ 7,819,034
Capital Reserve Fund	\$ 645,000
Heart of Brevard MSD Fund	\$ 130,700
Bjerg Trust Fund	\$ 100
Fire District Fund	\$ 668,530

Multi-Use Paths Fund	\$ 1,415,196
Narcotics Task Force Fund	\$ 45,100
Downtown Master Plan Fund	\$ 811,167
Other Post-Employment Benefits Fund	\$ 18,750
Bracken Mountain Project Fund	\$ 18,268
Health Insurance Fund	\$ 1,523,000
Housing Trust Fund	\$ 26,536
T.L. Scruggs Scholarship Trust Fund	\$ 19,500
Rosenwald Revitalization Fund	<u>\$ 491,674</u>
TOTAL BUDGET APPROPRIATION	\$29,094,221

Adopted and approved this _____ day of _____, 2016.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

STAFF REPORT

City Council, June 20, 2016 Meeting

Title: **French Broad Community Center Use Policy**
Council will consider adopting changes to the French Broad Community Center Use Policy.

Date: June 9, 2016

Prepared by: Desiree Perry, City Clerk

Approved by: Jim Fatland, City Manager/Finance Director

Background: At Council's May 16, 2016, staff was directed to review the French Broad Community Center Use Policy and recommend changes; keeping in mind the requests made by the Brevard Duplicate Bridge Club.

Attached is the proposed amended use policy and application form for use. Also provided is general information on the French Broad Community Center, including photographs of the Center. Proposed amendments to the current Policy are shown in **blue**.

Discussion:

Fiscal Impact: None

Staff Recommendation: Staff recommends Council approve by motion the proposed amended French Broad Community Center Use Policy.



FRENCH BROAD COMMUNITY CENTER

Use Policy and Rental Agreement

Applicant Information	
Applicant Name/Contact Person	
Name of Organization	
Mailing Address	
Daytime Phone	Evening Phone
Email Address	

Event Information	
Date(s) Requested	
Time(s) Requested	
Continuous Reservation	Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]
Type of Event	

ASSUMPTION OF LIABILITY

For and in consideration of the use of the French Broad Community Center, our organization agrees to indemnify and hold harmless the City of Brevard, a local government entity, from and against any and all loss, damage, claim, demand, liability, or expense by reason of any damage or injury to property or person which may be claimed to have arisen as a result of or in connection with our organization's occupancy or use of said premises. Furthermore, I and/or our organization hereby agrees to reimburse the City of Brevard for any and all costs to repair any and all damage that may be caused directly or indirectly to the facility during the time period of occupancy and/or use of said premises.

Failure to follow the rules and regulations as described in attached Use Policy and Rental Agreement will result in forfeiture of deposit. Applicant will be responsible for all cost associated with damage incurred to the facility and grounds in excess of the security deposit.

I, the above applicant, have read and understand the rules and regulations stated within the Usage Policy:

Signature of Applicant	Date
------------------------	------

FRENCH BROAD COMMUNITY CENTER USE POLICY AND RENTAL AGREEMENT

281 East French Broad Street, Brevard, NC

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

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

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

Reservations

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

Continuing Reservations

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

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

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

5. Security deposit will be forfeited when a group fails to cancel their reservation at least seven (7) days prior to their reserved time.

Key to FBCC

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

Parking

1. Ten (10) paved off-street parking spaces are provided at the FBCC.
2. Keep all vehicles off of the adjoining property owner's lawns.
3. On-street parking on French Broad, Appletree or Franklin Streets shall not be permitted incidental to the use of the FBCC.
4. There shall be no parking in the driveways or in any manner so as to interfere with the use of private drives.

Prohibited

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

Using FBCC

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

Clean Up

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

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

I, the applicant or group representative, have read and understood the above French Broad Community Center Use Policy and Rental Agreement.	
Signature of Applicant	Date

FBCC Use Policy Adopted by City Council: November 17, 1980
Policy Revised:
January 18, 1982
January 3, 2984
February 2, 1987
June 20, 2016

FRENCH BROAD COMMUNITY CENTER
281 East French Broad Street, Brevard, NC

Building Information:

Built: 1955
Heated Square Feet: 1413
Occupancy Maximum: 90 People
Number of Off-Street Parking Spaces: 10

The French Broad Community Center (FBCC) is a one-story concrete block structure with wood laminate flooring in the meeting area; heat & air conditioning; two restrooms (tile flooring) and a full tile floor kitchen complete with stove, refrigerator, double-sink and microwave.

In August 1972 the FBCC, formerly known as the Silversteen Community Center, was donated by the late Dorothy S. Bjerg. *"The Will of Dorothy S. Bjerg makes numerous specific bequests and devises, but makes no specific devise of the property upon which the Silversteen Community Center is located."* (Source: Trial Memorandum, Transylvania Superior Court Division File No. 78 CVS 40)

In 1980 Council established the FBCC Policy, including: *"The FBCC will be available for use by any non-profit civic, professional, social, recreational, community oriented clubs and organizations in the City of Brevard, provided that the membership thereof is not restricted on the grounds of race, color, religion or national origin."*

Most recent improvements to the facility include: (2010-2015 total \$24,031)
Refurbished bathrooms and waste disposal - \$2,270
Replaced ceiling in main room - \$8,791
Replaced kitchen tiles and installed new counters - \$6,050
Replaced Heating and Air Conditioning Unit - \$5,490
Installed flooring (wood laminate), painted inside, window blinds - \$1,430

Average monthly costs for utilities: Electric \$106; Gas \$70; Telephone \$43 (\$219 month)

Cleaning: Parks and Property Management Staff cleans three or four times a week at 1.5 hours per cleaning.

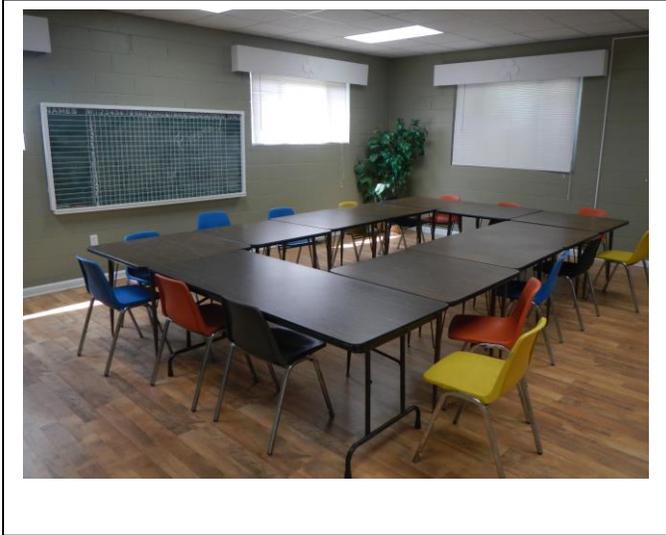
2015-16 Users – Continuous Reservation

Alcoholics Anonymous, Mon & Wed 4:30-7 PM
Narcotics Anonymous, Tues 6-8 PM
Wordsmiths Writers Group; 2nd & 4th Tues 11 AM-1 PM
Eastern Star, 1st & 3rd Thurs 5-10 PM
Brevard Duplicate Bridge, Thurs 12-5 PM, Fri 11:30 AM-4:30 PM
Silvermont Dance Club, 3rd Saturday, Noon-10 PM

2015-2016 Users

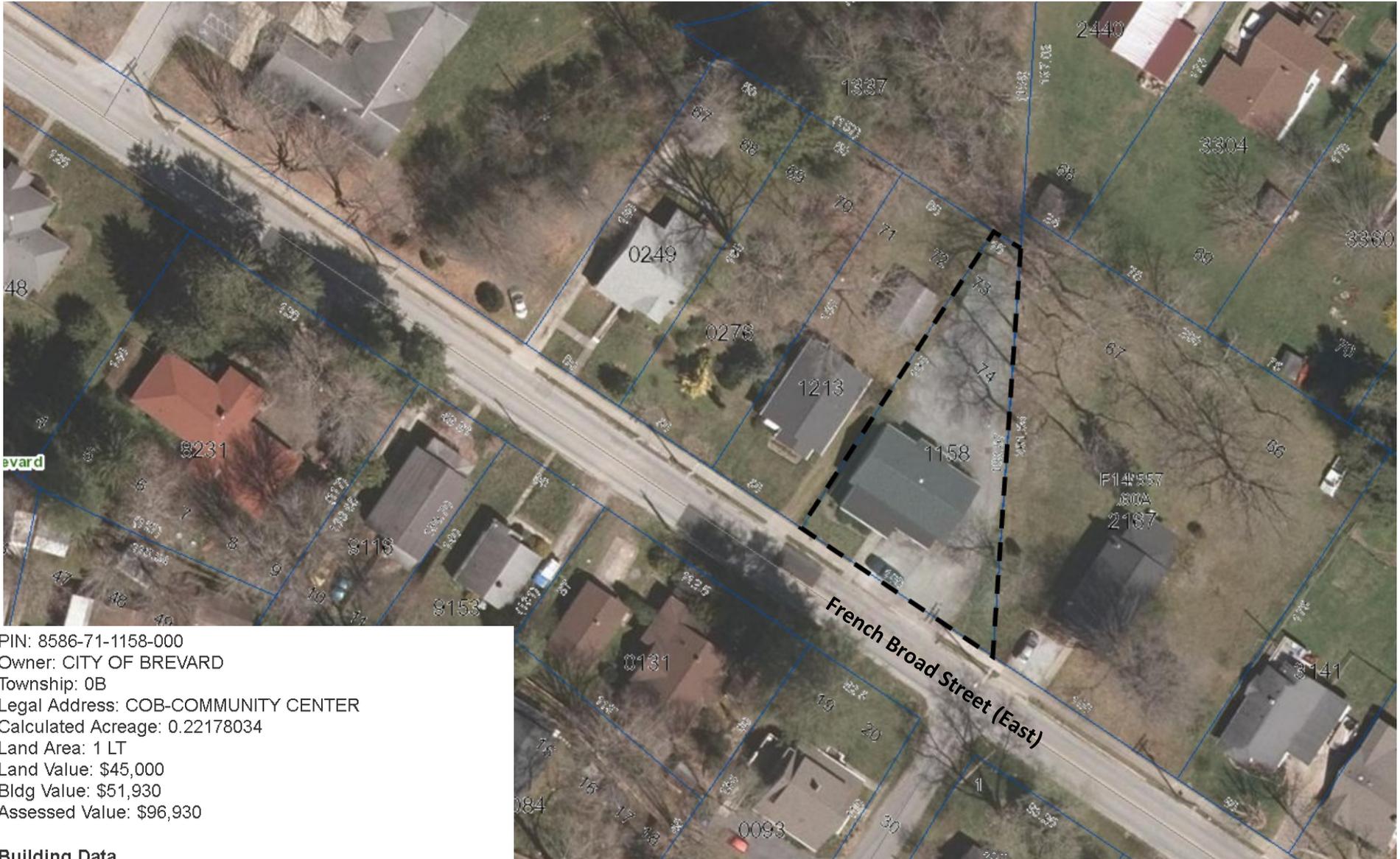
S.A.F.E.	Transylvania Civitan Club	Democratic Party
Brevard College	Mountain Roots	Sapphire Manor Assoc.
Oxford House	Brevard Community Church	
Young Life	Transylvania Garden Club	

PHOTOS OF THE CENTER





FRENCH BROAD COMMUNITY CENTER



PIN: 8586-71-1158-000
 Owner: CITY OF BREVARD
 Township: 0B
 Legal Address: COB-COMMUNITY CENTER
 Calculated Acreage: 0.22178034
 Land Area: 1 LT
 Land Value: \$45,000
 Bldg Value: \$51,930
 Assessed Value: \$96,930

Building Data

Card	Year Built	Heated Sq.Ft.	Bsmt	Bed-rooms	Baths	Half Baths	Fire-place
1	1955	1413	N	0	1	0	1

RESOLUTION NO. 2016-_____

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

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

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

WHEREAS, The City of Brevard has secured funding for The Project through a secured loan from NCDEQ - DWI in the amount of \$1,435,784 towards The Project; and

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

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

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

WHEREAS, in accordance with G.S. 143-129, the City of Brevard received formal proposals for the Kings Creek Phase II Gravity Sewer Upgrade Project at 11:00 A.M. on Thursday, June 2, 2016, at Brevard Public Works Conference Room; and,

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

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

1. A contract for the Kings Creek Phase II Gravity Sewer Upgrade Project (CWSRF Project No. CS370476-06) is hereby awarded to Dillard Excavating Company, Incorporated, NC License #8893, 9411 August Road, Pelzer, SC 29669, for the bid price of \$1,054,000.00, all in accordance with the City's bid documents for this Project.
2. The City Manager, upon award approval from the NCDEQ DWI, is authorized and directed to sign a contract with Dillard Excavating Co. Inc.
3. The City Manager is authorized and directed to take all necessary actions required by the NCDEQ DWI to complete The Project, including all close out documents.
4. The City Manager is authorized and directed to process and approve any required change orders up to The Project's budget limit that may be needed to complete The Project.
5. The City Manager shall advise the Board periodically on the status of completion of The Project.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the _____ day of _____, 2016.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk



June 13, 2016

Memorandum of Bid Award Recommendation

To: James Fatland, Manager
City of Brevard

From: Harlow L. Brown, PE
Chief Engineer

Cc: Mike Pratt, Esq.
City Attorney

David Lutz, Public Services Director
City of Brevard

Kent Dillard, President
Dillard Excavating Co. Inc.
P. O. Box 269
Pelzer, SC 29669



Re: **Bid Award Recommendation**
City of Brevard, Transylvania County, NC
Kings Creek Phase II
CWSRF Project No. CS370476-06

An advertisement for bids was placed in The Asheville Citizen Times on October 22, 2015 Asheville, NC. A certified copy of the advertisement is attached.

Six (6) contractors purchased plans for this project and five (5) bids were received.

Bids were taken on December 15, 2015 @ 11:00 AM, City of Brevard Public Works conference room, publicly opened and read aloud. A copy of the sign-in register of all persons in attendance of the public bid opening is attached. Five (5) bids were submitted as follows; listed from lowest to highest:

- | | |
|---|----------------|
| 1. L-J, Inc, Columbia, SC | \$ 997,598.90 |
| 2. Iron Mountain Construction, Mountain City, TN | \$1,217,783.36 |
| 3. Carolina Specialties Construction Hendersonville, NC | \$1,332,607.48 |

1/17

- | | |
|---|----------------|
| 4. Dillard Excavating Co. Inc. Pelzer, SC | \$1,337,815.00 |
| 5. Steppe Construction Mill Spring, NC | \$1,476,986.40 |

L-J Inc. was the low bidder, was awarded the project, subsequently provided the required Payment and Performance bonds, and signed the contract. On May 16, 2016 a Request to Withdraw their Bid was received from L-J Inc., copy attached. This letter was submitted after the preconstruction conference; but, before any work was performed. The City, City’s Attorney, NCDEQ-DWI, and UNC School of Government conferred and agreed to dissolve the contract with L-J Inc because no work had even started. Attached is the letter from the City of Brevard to L-J Inc. dissolving the contract.

In accordance with NC School of Government recommendation, the project was re-bid, because the time, ninety (90) days, had exceeded to negotiate with the other bidders.

The re-bidding process followed NC Public Contracting Statues, and a re-advertisement for re-bidding was placed in The Asheville Citizen Times on May 22, 2016 Asheville, NC. A certified copy of the re-advertisement is attached. There were no changes made to the original issued bid documents, plans, nor addendums issued.

No additional contractors purchased plans for this project; re-bids were taken on June 2, 2016 @ 11:00 AM, Brevard Public Works Conference Room, publicly opened and read aloud. A copy of the sign-in register of all persons in attendance of the public bid opening is attached. Two (2) bids were submitted. Under NC Bidding Rules, on a re-bid, the rule requiring three (3) bids maybe waived. The bids were as follows; listed from lowest to highest:

- | | |
|---|----------------|
| 1. Dillard Excavating Co. Inc. | \$1,175,615.00 |
| 2. Steppe Construction, Mill Spring, NC | \$1,610,481.00 |

All bidders are licensed and qualified to perform the work.

All bids taken were above the construction and contingency budget amount of \$1,128,325. In order to get the project within budget, the Public Work Director and Engineer agreed to eliminate less priority lines from the project that could be postponed to a future time. The Engineer and City entered into negotiations with the low bidder, Dillard Excavating. Dillard agreed to pull his bids for the lines proposed to be postponed. The resulting price of \$1,054,000.00 is now within the budgeted funding.

The renegotiated bid tabulation, signed by Kent Dillard President of Dillard Excavating is attached.

Dillard Excavating Co. Inc. is a licensed NC Unlimited, Grading and Excavating, Public Utility Sewer and Public Utility Water Contractor, NC license 8893 and is qualified to

2/17

perform the work under the laws of North Carolina. Proof of contracting licensure is attached.

Qualifications submitted with the bid show that Dillard Excavating Co. Inc. has successfully completed many projects similar to this project, including the 6" sewer upgrade for City of Brevard. There were no references that would lead to a conclusion that Dillard Excavating Co. Inc. is not a responsible contractor.

An Affidavit submitted with the bid for Minority Business Participation exceeded the minimum of 50 points based upon State of North Carolina scoring requirements, and if awarded the project, Dillard Excavating Co. Inc. will subcontract to a MBE material supplier \$155,000 and a WBE paving contractor.

Analysis of the bids received, and of the qualifications required, Brown Consultants, PA, recommends award of the project to Dillard Excavating Co. Inc. in the amount of \$1,054,000. This amount is within the scope of the overall project budget for construction which is \$1,128,355.

Brown Consultants will be available for a personal presentation of this bid and award process at the Council Meeting when the formal award will be considered.

Dillard Excavating Co. Inc.'s complete original bid is on file with Brown Consultants.

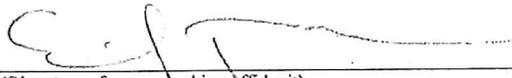
AFFIDAVIT OF PUBLICATION

BUNCOMBE COUNTY

SS.
 NORTH CAROLINA

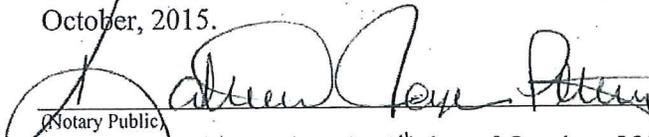
Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified and authorized by law to administer oaths, personally appeared **Emily Thomas**, who, being first duly sworn, deposes and says: that she is the **Affidavit Clerk of The Asheville Citizen-Times**, engaged in publication of a newspaper known as **The Asheville Citizen-Times**, published, issued, and entered as first class mail in the City of Asheville, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in **The Asheville Citizen-Times** on the following dates: October 22nd, 2015. And that the said newspaper in which said notice, paper, document or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

Signed this 22nd day of October, 2015

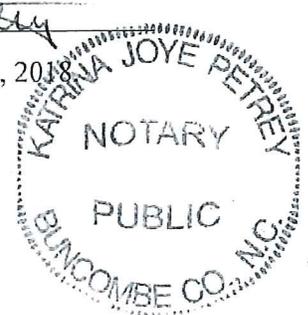


 (Signature of person making affidavit)

Sworn to and subscribed before me the 22nd day of
 October, 2015.



 (Notary Public)
 My Commission expires the 5th day of October, 2018



(828) 232-5830 | (828) 253-5092 FAX

14 O. HENRY AVE. | P.O. BOX 2090 | ASHEVILLE, NC 28802 | (800) 800-4204



4/17

ADVERTISEMENT FOR FORMAL BIDS

Project Name: City of Brevard - Kings Creek Phase II

Project Description: The replacement of approximately 8,500 lf of 8" clay sewer line with 8" PVC in multiple areas inside City Limits

Location: Multiple areas inside City Limits

Owner: City of Brevard
 ATTN: David Lutz, Public Works Director
 95 West Main Street
 Brevard, NC 28712

Engineer: Brown Consultants PA
 30 Ben Lippen School Road
 Asheville, NC 28806
 828-350-7683; FAX 828-350-7684

Bids Due: The City will receive bids for the project until 11:00 AM on Tuesday December 15, 2015 at the City of Brevard Public Works conference room, 232 Cashiers Valley Rd, Brevard, NC 28712.

Bidding Documents: The information for Bidders, Bid Form, Contract, Plans, Specifications, and other contract documents may be examined at the following locations: Brevard Public Services Department, Office of the Public Works Director, and the office of Brown Consultants, PA. A complete set of plans, bidding and contract documents must be purchased, nonrefundable, for \$100 from the engineer.

Bid Security: A 5% bid security is required for this project.

Qualifications: Contractors offering a bid on the project must be licensed to perform Utility work in the State of North Carolina in accordance with North Carolina General Statutes and the General Requirements of the NCDEQ, OWI Contract Special Conditions. The contractor will be required to provide proof of work successfully performed of similar type as this project.

NCDEQ, DWI Requirements: This project is funded with SRF funds. Both bid and post bid submittals to meet all MBE/WBE requirements apply to this project.

Award Requirements: The project will be awarded to the qualified bidder submitting the lowest bid total. Upon award of the project, the successful bidder will be required to provide Payment and Performance Bonds, and proof of general liability and workman's compensation insurance for this project.

Withdraw of Bid and Informalities: No bidder may withdraw his bid within 90 days after the actual date of the opening thereof. The Owner reserves the right to waive any informalities or to reject any or all bids.

Authorized Official: City of Brevard Jim Faland City Manager
 October 22, 2015 (3402)

Bid Opening Attendance Sheet:

Project: Kings Creek Phase II

Time/Date: 11:00 A.M. December 15, 2015 City of Brevard Public Works conference room

Owner: City of Brevard

Engineer: Brown Consultants, PA

Please Sign-in Acknowledging Bid Opening Attendance

Name	Signature	Representing
Harlow L. Brown		BROWN CONSULTANTS
Dennis Willis		Iron min const
Bill Williams		Dillard
Tonja Brown		L-3 inc. / BlueRidge
Robert Smith		Brown Consultants
Brian Kirk		Dillard
Brian Nuhn		Carolina specialties const
CHRIS CORNINE		CAROLINA SPECIALTIES CONST
Anthony Cornine		City Brevard
David Zetz		city of Brevard

L-J, Inc.

GENERAL CONTRACTORS

220 STONERIDGE DR., SUITE 405
COLUMBIA, SC 29210
PHONE (803) 929-1181
FAX (803) 929-7625

May 16, 2016

Harlow L. Brown, PE
Brown Consultants PA
30 Ben Lippen School Road
Asheville, NC 28806

Re: Kings Creek Phase II Sewer

Dear Mr. Brown:

We are unable to meet the schedule for the above referenced project therefore since we have not started the project, we would like to withdraw from the Contract.

Should you have any further questions, please give me a call at (803) 929-1181.

Sincerely,



David Jordan
President

cc: Mike Lever
Hugh Wilson

6/17



The City of
Brevard
North Carolina

95 West Main Street, Brevard, NC 28712
(828) 885-5601

Mr. David Jordan, President
L-J, Inc
220 Stoneridge Dr.
Columbia, SC 29210

Re: **Request to Withdraw from Contract**
Kings Creek Phase II Sewer Replacement
City of Brevard, NC

Dear Mr. Jordan,

Your May 16, 2016 request to withdraw from the contract for referenced project, addressed to our consulting engineer, Mr. Harlow L. Brown PE, of Brown Consultants PA, copy attached, has been received via Mr. Brown, and this letter is the city's response to your request.

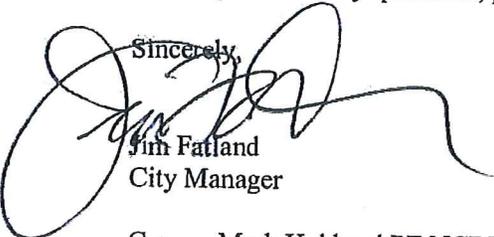
We have conferred with our attorney, NCDEQ-DWI, the project's funding agency, the UNC School of Government, and our consulting engineer as to options that the City can take on your request.

Based upon the fact no work has even started, but a legal binding contract was signed, the City has the right to take legal action against your Company seeking damages for lost expenses to get the project to this point. However, that course of action will not be taken, and the City therefore mutually agrees with L-J, Inc. to dissolve the contract.

The project will be re-bid. The city considers L-J, Inc. not a responsible contractor on this project and therefore will not accept any future bids from L-J, Inc. on this project or other future projects.

Should you have any questions, please contact our consulting engineer, Mr. Brown.

Sincerely,


Jim Fatland
City Manager

Cc: Mark Hubbard PE NCDEQ-DWI
Michael K. Pratt, City Attorney
Harlow L. Brown PE

AFFIDAVIT OF PUBLICATION

BUNCOMBE COUNTY

SS.
 NORTH CAROLINA

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified and authorized by law to administer oaths, personally appeared **Kelly Loveland**, who, being first duly sworn, deposes and says: that she is the **Staff Accountant of The Asheville Citizen-Times**, engaged in publication of a newspaper known as **The Asheville Citizen-Times**, published, issued, and entered as first class mail in the City of Asheville, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in **The Asheville Citizen-Times** on the following date: **May 22nd 2016**. And that the said newspaper in which said notice, paper, document or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statues of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

Signed this 23rd day of May, 2016

Kelly Loveland

(Signature of person making affidavit)

Sworn to and subscribed before me the 23rd day of May, 2016.

Kairina Joye Petrey

(Notary Public)

My Commission expires the 5th day of October, 2018.

RE- ADVERTISEMENT FOR FORMAL BIDS
 Project Name: City of Brevard - Kings Creek Phase II

Project Description:
 The replacement of approximately 8,500 lf of 8" clay sewer line with 8" PVC in multiple areas inside City Limits

Location: Multiple areas inside City Limits

Owner:
 City of Brevard
 ATTN: David Lutz, Public Works Director
 95 West Main Street
 Brevard, NC 28712

Engineer:
 Brown Consultants PA
 30 Ben Lippen School Road
 Asheville, NC 28806
 828-350-7683; FAX 828-350-7684

Bids Due: The City will receive bids for the project until 11:00 AM on Thursday June 2, 2016 at the City of Brevard Public Works conference room, 232 Cashiers Valley Rd. Brevard, NC 28712.

Bidding Documents: The information for Bidders, Bid Form, Contract, Plans, Specifications, and other contract documents may be examined at the following locations: Brevard Public Services Department, Office of the Public Works Director, and the office of Brown Consultants, PA. A complete set of plans, bidding and contract documents must be purchased, non-refundable, for \$100 from the engineer.

Bid Security: A 5% bid security is required for this project.

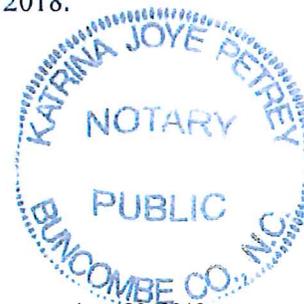
Qualifications: Contractors offering a bid on the project must be licensed to perform Utility work in the State of North Carolina in accordance with North Carolina General Statutes and the General Requirements of the NCDEQ, DWI Contract Special Conditions. The contractor will be required to provide proof of work successfully performed of similar type as this project. Contractor shall not subcontract more than 50% of the work unless approved by Engineer.

NCDEQ, DWI Requirements: This project is funded with SRF funds. Both bid and post bid submittals to meet all MBE/WBE requirements apply to this project.

Award Requirements: The project will be awarded to the qualified, responsible and responsive bidder submitting the lowest bid total. Upon award of the project, the successful bidder will be required to provide Payment and Performance Bonds, and proof of general liability and workman's compensation insurance for this project.

Withdraw of Bid and Informalities: No bidder may withdraw his bid within 90 days after the actual date of the opening thereof. The Owner reserves the right to waive any informalities or to reject any or all bids.

Authorized Official: City of Brevard
 Jim Fatland
 City Manager
 May 22, 2016 (2830)



(828) 232-5830 | (828) 253-5092 FAX

14 O. HENRY AVE. | P.O. BOX 2090 | ASHEVILLE, NC 28802 | (800) 800-4204



8/17

Bid Opening Attendance Sheet:

Project: Kings Creek Phase II

Time/Date: 11:00 A.M. June 2, 2016 City of Brevard Public Works conference room

Owner: City of Brevard

Engineer: Brown Consultants, PA

Please Sign-in Acknowledging Bid Opening Attendance

Name	Signature	Representing
HARLOW BROWN	<i>Harlow Brown</i>	BROWN CONSULTANTS
COREY KNOX	<i>Corey Knox</i>	BROWN CONSULTANTS
David Harman	<i>David Harman</i>	Fortiline Waterworks
Bill Williams	<i>Bill Williams</i>	Dillard
David Lutz	<i>David Lutz</i>	City of Brevard

Note: Items marked in RED have been removed from the project bid.

Item	Description	Quantity	Dillard Excavating Bid		Dillard Excavating Revised Bid	
			Unit Price	Total Price	Unit Price	Total Price
1	Mobilization	N/A	N/A	\$49,769.00	N/A	\$49,769.00
		Subtotal		\$49,769.00		\$49,769.00
Line # 1 Gillespie Circle						
2	12" CIPP	855	\$65.00	\$55,575.00	\$65.00	\$55,575.00
3	Manhole Interior Cleaning Repair & Liner Application	90	\$150.00	\$13,500.00	\$150.00	\$13,500.00
4	Repair - Rebuild Invert & Bench	5	\$750.00	\$3,750.00	\$750.00	\$3,750.00
5	Cut in services	10	\$100.00	\$1,000.00	\$100.00	\$1,000.00
6	12" DIP 0 -8' Depth	200	\$167.00	\$33,400.00	\$167.00	\$33,400.00
7	4'- 8' Manhole	1	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
8	8' - 12' Manhole	1	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
				\$112,725.00		\$112,725.00
Line # 2 N. Country Club Road						
9	8' DIP - 4' to 8' Depth	450	\$90.00	\$40,500.00	\$90.00	\$40,500.00
10	0'-4' Manhole	2	\$2,400.00	\$4,800.00	\$2,400.00	\$4,800.00
11	4'- 8' Manhole	1	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
12	Inside Drop (Manhole)	1	\$2,900.00	\$2,900.00	\$2,900.00	\$2,900.00
13	57 Stone	100	\$45.00	\$4,500.00	\$45.00	\$4,500.00
14	ABC Stone	50	\$40.00	\$2,000.00	\$40.00	\$2,000.00
15	Asphalt Binder	110	\$135.00	\$14,850.00	\$135.00	\$14,850.00
16	Asphalt Milling	10,000	\$0.60	\$6,000.00	\$0.60	\$6,000.00
17	Asphalt	120	\$150.00	\$18,000.00	\$150.00	\$18,000.00
18	Grassing and Clean-up	1	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
19	Service	10	\$600.00	\$6,000.00	\$600.00	\$6,000.00
		Subtotal		\$104,050.00		\$104,050.00

10/17

Line # 3 Henderson Alley						
20	8" DIP - 0' to 6' Depth	105	\$119.00	\$12,495.00	\$119.00	\$12,495.00
21	8" PVC - 5' to 10' Depth	250	\$103.00	\$25,750.00	\$103.00	\$25,750.00
22	8" CIPP	520	\$36.00	\$18,720.00	\$36.00	\$18,720.00
23	Cut in Services	8	\$100.00	\$800.00	\$100.00	\$800.00
24	4'- 8' Manholes	1	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
25	57 Stone	70	\$45.00	\$3,150.00	\$45.00	\$3,150.00
26	Manhole Interior Cleaning Repair & Liner Application	35	\$150.00	\$5,250.00	\$150.00	\$5,250.00
27	Repair - Rebuild Invert & Bench	5	\$750.00	\$3,750.00	\$750.00	\$3,750.00
28	Grassing and Clean-up	1	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
29	Water-tight manhole cover and vent	1	\$400.00	\$400.00	\$400.00	\$400.00
Subtotal				\$74,815.00		\$74,815.00
Line # 4 Batson Road						
30	8" PVC - 4' to 14' Depth	1100	\$69.00	\$75,900.00	\$69.00	\$75,900.00
31	4'- 8' Manhole	6	\$2,500.00	\$15,000.00	\$2,500.00	\$15,000.00
32	8' - 12' Manhole	1	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
33	12' - 16' Manhole	1	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
34	Service	16	\$400.00	\$6,400.00	\$400.00	\$6,400.00
35	57 Stone	240	\$45.00	\$10,800.00	\$45.00	\$10,800.00
36	ABC Stone	120	\$40.00	\$4,800.00	\$40.00	\$4,800.00
37	Asphalt Binder	60	\$135.00	\$8,100.00	\$135.00	\$8,100.00
37.1	Water-tight manhole cover and vent	1	\$400.00	\$400.00	\$400.00	\$400.00
Subtotal				\$128,400.00		\$128,400.00

15/17

Line # 5 Willow Drive & Grove Street						
38	10" PVC - 4' to 8' Depth	455	\$76.00	\$34,580.00	\$76.00	\$34,580.00
39	0'- 4' Manhole	2	\$2,400.00	\$4,800.00	\$2,400.00	\$4,800.00
40	4'-8' Manhole	3	\$2,500.00	\$7,500.00	\$2,500.00	\$7,500.00
41	Service	5	\$400.00	\$2,000.00	\$400.00	\$2,000.00
42	10" CIPP	815	\$33.00	\$26,895.00	\$33.00	\$26,895.00
43	Manhole Interior Cleaning Repair & Liner Application	30	\$150.00	\$4,500.00	\$150.00	\$4,500.00
44	Repair - Rebuild Invert & Bench	3	\$750.00	\$2,250.00	\$750.00	\$2,250.00
45	Cut in Services	15	\$100.00	\$1,500.00	\$100.00	\$1,500.00
46	57 Stone	50	\$45.00	\$2,250.00	\$45.00	\$2,250.00
47	ABC Stone	100	\$40.00	\$4,000.00	\$40.00	\$4,000.00
48	Asphalt Binder	25	\$135.00	\$3,375.00	\$135.00	\$3,375.00
Subtotal				\$93,650.00		\$93,650.00
Line #5B Grove Circle						
49	8" PVC - 4' to 8' Depth	295	\$79.00	\$23,305.00	\$79.00	\$23,305.00
50	4'- 8' Manhole	2	\$2,500.00	\$5,000.00	\$2,500.00	\$5,000.00
51	Service	4	\$400.00	\$1,600.00	\$400.00	\$1,600.00
52	57 Stone	65	\$45.00	\$2,925.00	\$45.00	\$2,925.00
53	ABC Stone	323	\$40.00	\$12,920.00	\$40.00	\$12,920.00
54	Asphalt Binder	16	\$135.00	\$2,160.00	\$135.00	\$2,160.00
Subtotal				\$47,910.00		\$47,910.00
Line # 6 Turnpike Road						
55	8" CIPP	160	\$44.00	\$7,040.00	\$44.00	\$7,040.00
56	Cut in Services	2	\$100.00	\$200.00	\$100.00	\$200.00
57	Manhole Interior Cleaning Repair & Liner Application	6	\$150.00	\$900.00	\$150.00	\$900.00
58	Repair - Rebuild Invert & Bench	1	\$750.00	\$750.00	\$750.00	\$750.00
Subtotal				\$8,890.00		\$8,890.00

12/17

Line #7 N. Country Club							
59	8" PVC - 4' to 8' Depth	585	\$78.00	\$45,630.00	\$78.00	\$45,630.00	
60	0'-4' Manhole	3	\$2,400.00	\$7,200.00	\$2,400.00	\$7,200.00	
61	4'-8' Manhole	3	\$2,500.00	\$7,500.00	\$2,500.00	\$7,500.00	
62	Service	7	\$400.00	\$2,800.00	\$400.00	\$2,800.00	
63	57 Stone	60	\$45.00	\$2,700.00	\$45.00	\$2,700.00	
64	ABC Stone	30	\$40.00	\$1,200.00	\$40.00	\$1,200.00	
65	Asphalt Binder	65	\$135.00	\$8,775.00	\$135.00	\$8,775.00	
66	Asphalt Milling	6192	\$0.50	\$3,096.00	\$0.50	\$3,096.00	
67	Asphalt	75	\$150.00	\$11,250.00	\$150.00	\$11,250.00	
68	Grassing and Clean-up	1	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	
		Subtotal		\$92,151.00		\$92,151.00	
Line # 7B Monroe Street							
69	8" PVC - 4' to 6' Depth	140	\$94.00	\$13,160.00	\$94.00	\$13,160.00	
70	4'- 8' Manhole	2	\$2,500.00	\$5,000.00	\$2,500.00	\$5,000.00	
71	Service	3	\$400.00	\$1,200.00	\$400.00	\$1,200.00	
72	57 Stone	15	\$45.00	\$675.00	\$45.00	\$675.00	
73	ABC Stone	30	\$40.00	\$1,200.00	\$40.00	\$1,200.00	
74	Asphalt Binder	10	\$135.00	\$1,350.00	\$135.00	\$1,350.00	
		Subtotal		\$22,585.00		\$22,585.00	
Line # 8 Ashworth Ave.							
75	12" CIPP	100	\$76.00	\$7,600.00	\$76.00	\$7,600.00	
76	Manhole Interior Cleaning Repair & Liner Application	15	\$150.00	\$2,250.00	\$150.00	\$2,250.00	
77	Repair - Rebuild Invert & Bench	2	\$750.00	\$1,500.00	\$750.00	\$1,500.00	
		Subtotal		\$11,350.00		\$11,350.00	

13/17

Line # 9A Maple Street						
78	8" DIP - 4' to 8' Depth	240	\$90.00	\$21,600.00	\$90.00	\$21,600.00
79	0'-4' Manhole	1	\$2,400.00	\$2,400.00	\$2,400.00	\$2,400.00
80	4'-8' Manhole	1	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
81	Service	3	\$600.00	\$1,800.00	\$600.00	\$1,800.00
82	57 Stone	55	\$45.00	\$2,475.00	\$45.00	\$2,475.00
83	ABC Stone	28	\$40.00	\$1,120.00	\$40.00	\$1,120.00
84	Asphalt Binder	15	\$135.00	\$2,025.00	\$135.00	\$2,025.00
		Subtotal		\$33,920.00		\$33,920.00
Line # 9B Maple Street						
85	8" DIP - 4' to 8' Depth	505	\$95.00	\$47,975.00	\$95.00	\$47,975.00
86	4'-8' Manhole	2	\$2,500.00	\$5,000.00	\$2,500.00	\$5,000.00
87	Service	11	\$600.00	\$6,600.00	\$600.00	\$6,600.00
88	57 Stone	110	\$45.00	\$4,950.00	\$45.00	\$4,950.00
89	ABC Stone	55	\$40.00	\$2,200.00	\$40.00	\$2,200.00
90	Asphalt Binder	30	\$135.00	\$4,050.00	\$135.00	\$4,050.00
		Subtotal		\$70,775.00		\$70,775.00
Line # 10A Maple Street						
91	8" DIP - 4' to 8' Depth	330	\$95.00	\$31,350.00	\$95.00	\$31,350.00
92	4'-8' Manhole	2	\$2,500.00	\$5,000.00	\$2,500.00	\$5,000.00
93	Service	7	\$600.00	\$4,200.00	\$600.00	\$4,200.00
94	57 Stone	75	\$45.00	\$3,375.00	\$45.00	\$3,375.00
95	ABC Stone	40	\$40.00	\$1,600.00	\$40.00	\$1,600.00
96	Asphalt Binder	20	\$135.00	\$2,700.00	\$135.00	\$2,700.00
		Subtotal		\$48,225.00		\$48,225.00

14/17

Line # 10B Maple Street									
97	8" DIP - 4' to 8' Depth		1000		\$79.00	\$79,000.00	\$79.00	\$79,000.00	
98	0'- 4' Manhole		1	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
99	4'- 8' Manhole		3	\$4,000.00	\$12,000.00	\$12,000.00	\$4,000.00	\$12,000.00	\$12,000.00
100	Service		21	\$400.00	\$8,400.00	\$8,400.00	\$400.00	\$8,400.00	\$8,400.00
101	57 Stone		220	\$45.00	\$9,900.00	\$9,900.00	\$45.00	\$9,900.00	\$9,900.00
102	ABC Stone		110	\$40.00	\$4,400.00	\$4,400.00	\$40.00	\$4,400.00	\$4,400.00
103	Asphalt Binder		55	\$135.00	\$7,425.00	\$7,425.00	\$135.00	\$7,425.00	\$7,425.00
						Subtotal	\$123,625.00	\$123,625.00	\$123,625.00
Line # 11 Wilson Drive									
104	8" PVC - 6' to 15' Depth		200	\$144.00	\$28,800.00	\$28,800.00	\$144.00	\$28,800.00	\$28,800.00
105	4' - 8' Manhole		1	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
106	12' - 16' Manhole		1	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
107	Service		4	\$400.00	\$1,600.00	\$1,600.00	\$400.00	\$1,600.00	\$1,600.00
108	57 Stone		45	\$45.00	\$2,025.00	\$2,025.00	\$45.00	\$2,025.00	\$2,025.00
109	ABC Stone		25	\$40.00	\$1,000.00	\$1,000.00	\$40.00	\$1,000.00	\$1,000.00
110	Asphalt Binder		15	\$135.00	\$2,025.00	\$2,025.00	\$135.00	\$2,025.00	\$2,025.00
						Subtotal	\$41,950.00	\$41,950.00	\$41,950.00
Line # 12 Wilson Drive									
111	8" PVC - 3' to 12' Depth		300	\$94.00	\$28,200.00	\$28,200.00	\$94.00	\$28,200.00	\$28,200.00
112	4'- 8' Manhole		2	\$2,500.00	\$5,000.00	\$5,000.00	\$2,500.00	\$5,000.00	\$5,000.00
113	8'-12" Manhole		1	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
114	Service		3	\$400.00	\$1,200.00	\$1,200.00	\$400.00	\$1,200.00	\$1,200.00
115	57 Stone		65	\$45.00	\$2,925.00	\$2,925.00	\$45.00	\$2,925.00	\$2,925.00
116	Grassing and Clean-up		1	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
117	Doghhouse manhole		1	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
						Subtotal	\$44,825.00	\$44,825.00	\$44,825.00

15/17

	Project Wide					
118	Traffic Control	1	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
119	ABC Stone	200	\$40.00	\$8,000.00	\$40.00	\$8,000.00
120	#57 Stone	200	\$45.00	\$9,000.00	\$45.00	\$9,000.00
121	Select Earth Backfill	200	\$10.00	\$2,000.00	\$10.00	\$2,000.00
122	Asphalt Binder	200	\$135.00	\$27,000.00	\$135.00	\$27,000.00
		Subtotal		\$66,000.00		\$66,000.00
Total Bid				\$1,175,615.00		\$1,054,000.00

I agree and accept the adjusted bid above:

Dillard Excavating Co. Inc.


 Kent Dillard

President 6-9-16
 Title Date

16/17



CLOSE SEARCH WINDOW



RETURN TO SEARCH RESULTS

License Detail

NUMBER 8893
 STATUS Valid
 RENEWAL DATE 2016-01-01

Name Dillard Excavating Company, Inc.

Address P. O. Box 991
 Sylva, NC 28779-0991

County Jackson

Telephone (828) 586-8728

Limitation Unlimited

Classifications H(Grading & Excavating) PU(Sewer Lines) PU(Water Lines)

Qualifiers Dillard, Johnny Kent

17/17

NEW BUSINESS AGENDA ITEM

DATE: June 20, 2016
TO: Mayor and City Council Members
CC: Jim Fatland, CPFO, City Manager
FROM: Joshua S. Freeman, Community Development / Special Projects Director
SUBJECT: Probart Street Sidewalk Project Budget Ordinance

APPROVED BY: Jim Fatland, CPFO, City Manager

BACKGROUND: City Council authorized and directed the construction of a sidewalk along Probart Street on January 19, 2016, via adoption of Ordinance Number 2016-02. Since that date, the City Staff and the consulting engineer have been working to complete engineering and design, securing necessary utility easements, negotiating the relocation of Duke Energy and Comporium Communications infrastructure, negotiating site-specific issues with property owners along the corridor, and other necessary steps.

Staff initially solicited bids for construction via the informal bidding process. However, it quickly became apparent that the project would exceed the statutory limitations for informal bids (\$500,000). After a second round of bidding consistent with the statutory requirements for formal bids, Cooper Construction was identified as the lowest qualified and responsive bidder. Staff is currently working to finalize the contract document; the City Manager is authorized to execute such contract.

Additional project funds are required due to higher than expected bids and other, unanticipated costs. An amended project budget ordinance is attached for Council's consideration. This ordinance allocates additional funds to the project from the General Fund in the form of a 0% interest loan, which will be repaid according to the payment schedule as set forth in the ordinance document.

RECOMMENDATION: Staff recommends that Council approve AN ORDINANCE AMENDING ORDINANCE NO. 2016-02 AUTHORIZING CONSTRUCTION OF THE PROBART STREET SIDEWALK.

FISCAL IMPACT: The estimated project cost is \$722,000.

ORDINANCE NO. 2016-__

**AN ORDINANCE AMENDING
ORDINANCE NO. 2016-02
AUTHORIZING CONSTRUCTION OF THE
PROBART STREET SIDEWALK**

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

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

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

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

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

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

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

REVENUE (as amended)

10-3990-0000 Fund Balance Appropriated	\$530,000
Total Revenue	\$530,000
78-3990-000 Fund Balance Appropriated	\$72,000
Loan from General Fund	\$650,000
Total Revenue	\$722,000

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

EXPENDITURES (as amended)

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

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

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

Payment Schedule:

<u>YEAR</u>	<u>PAYMENT</u>	<u>REMAINING BALANCE</u>
2017.....	\$45,000.....	\$605,000
2018.....	\$45,000.....	\$560,000
2019.....	\$45,000.....	\$515,000
2020.....	\$45,000.....	\$470,000
2021.....	\$45,000.....	\$425,000
2022.....	\$45,000.....	\$380,000
2023.....	\$45,000.....	\$335,000
2024.....	\$45,000.....	\$290,000
2025.....	\$45,000.....	\$245,000
2026.....	\$45,000.....	\$200,000
2027.....	\$45,000.....	\$155,000
2028.....	\$45,000.....	\$110,000
2029.....	\$45,000.....	\$65,000
2030.....	\$45,000.....	\$20,000
2031.....	\$20,000.....	\$0

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

Section 7. The City Manager is hereby authorized and instructed to take appropriate actions to implement this Ordinance, including but not limit to the execution of contracts and agreements.

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

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

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

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

AN ORDINANCE AUTHORIZING DEVELOPMENT OF DOWNTOWN PARKING LOT

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

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

WHEREAS, the Brevard City Council now desires to establish a project budget to account for the revenues and expenditures associated with the development of a Downtown Parking Lot at the corner of Jordan and Caldwell Streets; and

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

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

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

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

EXPENDITURES	
Property Purchase	\$300,000
Building Demolition	\$20,000
Grading and Paving	<u>\$80,000</u>
Total Expenditures	\$400,000

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

Section 4. The City Manager is hereby authorized and instructed to take appropriate actions to implement this Ordinance, including but not limit to the execution of contracts and agreements.

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

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

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

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

ORDINANCE NO. 2016__

**CITY OF BREVARD
FY 2016-2017 BUDGET ORDINANCE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

Property Tax Rates

City-Wide	0.4800 4725 / \$100 Valuation
Heart of Brevard MSD	0.2250 / \$100 Valuation

ABC Licensing

Fees regulated by the State of North Carolina for the sale of beer and wine.

The license year for the following runs from May 1 through April 30 (NCGS 105-113.70(b)). License is not to be pro-rated.

Code	NCGS	Business Activity	Rate
		Beer & Wine (Copy of ABC Permit required.)	
D-101		On premise malt	\$15.00
D-102		Off premise malt	\$5.00
D-103		Wholesale beer	\$37.50
D-104		On premise wine	\$15.00
D-105		Off premise wine	\$10.00
D-106		Wholesale wine	\$37.50
D-107		Wholesale beer & wine	\$62.50

Taxi Licensing

Tax regulated by North Carolina General Statutes 20-97 and NCGS 160A-211

Code B-146 – NCGS 20-97 – Taxicabs . *Requires Approval.	Rate: \$15 per vehicle
---	------------------------

*Taxi / Vehicles for Hire. City of Brevard Code of Ordinances, Chapter 78

Solid Waste Removal

Residential Garbage Collection	\$9.75 plus \$7.25 County Disposal Fee / \$17.00 per month total
Commercial Dumpster	\$8.50 plus \$8.50 County Disposal Fee times number of monthly pickups / \$17.00 per month total
Small Commercial Collection	\$9.75 plus \$7.25 County Disposal Fee times number of monthly pickups / \$17.00 per month total
Special Refuse Pick Up (Includes appliances & furniture)	\$20.00 per single item \$30 35.00 per load
Television / Computer Monitor Collection	19" or larger - \$10 each Less than 19" - \$5 each

Recycling

Residential Recycling Fee	\$3.00 per month
Commercial Recycling Fee	\$4.00 per month (Additional 96 gallon containers \$4.00 each)
Commercial Cardboard Recycling	\$10.00 per month all commercial customers
Mulch Fee	Pickup truck loads, City Residents - \$0 All other loads - \$10 per yard

Franklin Pool

Admission	\$2.00 per day per individual
Individual Season Pass	\$50 per season
Family Season Pass	\$150 per season
Family Day Pass	\$7.00 per day
Party / Event Rental	\$100

Planning / Zoning

Category I Applications	Fee ¹
Dedication Plats for Category I Applications	No Fee
Recombination Plats	No Fee
Minor Subdivision Plat: No new public infrastructure except sidewalks	\$75 + \$20/lot
Non-Residential New Construction	\$200 per structure
Non-Residential Interior Remodels, Additions, Accessory & Concomitant Structures, Incidental Improvements and Other Substantial Improvements or Significant Improvements ² to Existing, Individual Structures.	\$100
Non-Residential Change of Use and Incidental Improvements to Existing Structures (Awnings, Handicapped Ramps, Decks, Etc.),	\$50
Home Occupation	\$200
Residential Dwelling New Construction and Manufactured Home Setup on New Space (not including new manufactured home parks)	\$100 per Dwelling Unit

¹ When applicable, applicants must submit a check, made out to the Transylvania County Register of Deeds, to cover document recordation fees. Recordation fees are determined by Transylvania County. Please refer to the adopted fee schedule of the Transylvania County Register of Deeds for more information.

² **Significant Improvement:** Any combination of repairs, reconstruction, rehabilitation, addition, or other modification or improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 25 percent of the market value of the structure as of the date the improvement was permitted (or, in the absence of any permit, as of the date of start of construction of the improvement). In the absence of any information pertaining to market value, the Administrator shall utilize the assessed value of the structure.

³ **Incidental Improvement:** Any improvement that does not meet the definition of substantial or significant improvement, as defined above. Incidental improvements include installation of handicapped ramps and entryways, awnings, unenclosed decks and patios, and lighting improvements and other minor, non-structural changes of an incidental nature.

Residential Interior Remodels and Manufactured Home Replacement on Existing Space, Additions, Accessory Structures & Incidental Improvement ³ to a Structure or Manufactured Home	\$50
Fence	\$10
Driveway / Curb Cut / Encroachment	\$50
Tree Removal	\$25
Demolition, Grading & Other Land Disturbance: The Administrator may waive bonds for demolition, grading and other land disturbance upon determination that such bond would serve no useful purpose. Also, Administrator may require a bond in excess of \$500 if such is deemed necessary in the interests of public health or safety. These bonds shall be prepared and administered in accordance with the improvement guarantee procedures set forth in the Procedure for the Installation & Dedication of Public Improvements. The Administrator may require a demolition, grading, or land disturbance bond in association with any development activity for which such bond is relevant.	\$50 + \$500 reimbursable bond per structure or lot up to one acre. Bonds exceeding \$500 shall be based upon a qualified professional's estimate of cleanup clean cost + 25%
Parking Lots, Resurface	\$0
Parking Lots, New & Reconfiguration	\$50
Carnivals, Circuses	\$500 per location and permit period ⁴
Farmers Markets, Tailgate Markets, & Flea Markets	\$200 per year per location and permit period. Individual permits are not required for authorized individual vendors operating within the permitted market area.
Food Truck Site	\$100
Food Truck Vendor	\$50 (permit to be renewed annually)
Temporary Vendors, Agricultural (Does not include Farmers Markets or Tailgate Markets. Includes all forms of roadside / mobile / temporary purveyors of seasonal horticultural, agricultural, aquacultural or forest products, including but not limited to raw fruits, vegetable, perennials, annuals bulbs, dried flowers, Christmas trees, and similar products)	\$200 per location and permit period
Temporary Vendors, Non-Agricultural (Does not include Flea Markets. Includes all forms of roadside / sidewalk / downtown / pushcart / mobile / itinerant merchants / temporary purveyors of non-agricultural products.	\$200 per location and permit period ⁵
Special Events, Private Property	\$0
Special Events, Public Property (Festivals, parades, use of public parks, and similar)	\$200 (minimum) + \$500 reimbursable bond ^{5a}
Public Street / Sidewalk / Parking Space Closure	\$50+\$500 ⁶
Temporary Uses, All Other	\$50 ⁵
Zoning Consistency Determination	\$25

Category II Applications	Fee ¹
Dedication Plats for Category II Applications	\$50
Dedication Plats	\$50
Minor Subdivision: New public infrastructure	\$500 + \$20 per lot or structure up to \$2000
Group Developments	\$500 + \$20 per lot or structure up to \$2000

⁴The Administrator may assess fees for the actual cost of services provided by City forces (i.e., personnel, deployment of fire apparatus, solid waste removal, provision of barricades, State Fire Code inspections, and etc.) in support of special events or temporary uses. Refer to the Departmental Cost of Services section below, for a schedule of additional "cost of service" fees.

Wireless Communication Facilities, Co-Location & Stealth	\$200
Wireless Communication Facilities / Towers, All Other	\$1,000

Category III Applications	Fee ¹
Dedication Plats for Category III Applications	\$50
Major Subdivision: Phased subdivisions and subdivisions with 25 or more lots	\$500 + \$20 per lot or structure
Manufactured Home Park	\$500 + \$20 per space
Conditional Zoning District	\$200 + \$20 per lot or structure
Traditional Neighborhood Development	\$500 + \$20 per lot or structure
Planned Development Overlay District	\$500 + \$20 per lot or structure
Map Amendment (Rezoning)	\$500 + true cost of professional services (see below)
Text Amendment	\$200 + true cost of professional services (see below)
Vested Right	\$500 + true cost of professional services (see below)
Voluntary Annexation	Actual Cost
Street / Right-of-Way / Easement Abandonment	\$500 + Actual Cost
Variance - Zoning	\$200
Variance - Floodplain Development	\$500 + true cost of professional services (see below)
Appeal	\$0
Special Use Permit - Zoning	\$200 250
Special Use Permit - Floodplain Development	\$500 + true cost of professional services (see below)

Signage	Fee
Political Signs	\$50 per candidate / campaign + \$250 reimbursable bond
Signs , Wall & Marquee	\$100
Signs , Ground	\$200
Signs , Electronic (Including Message & Reader Boards)	\$1,000
Signs , Neighborhood Entrance, Projection / Suspended, Identification, Wayfinding , Menu Board, Building Identification, and A-Frame Signs	\$100
Street Banners	\$200 250
Signs / Banners, Special Event & Temporary ⁵	\$0
Special Event	\$50 + 200 reimbursable bond
Signs , Panel Replacement / Reface / Resurface	\$50
Signs , All Other for Which Permit is Required	\$50

Miscellaneous Fees	Fee	
Custom Mapping	\$40 Per Hour + cost of map (see below)	
Color Printing / Photocopying	8.5"x11" – 11"x17" (1 sheet)	No Fee
	8.5"x11" – 11"x17" (>1 sheet)	50 cents per page
	Larger than 11"x17"	\$25 per copy
Black & White Printing / Photocopying	8.5"x11" – 11"x17" (1 sheet)	No Fee
	8.5"x11" – 11"x17" (>1 sheet)	10 cents per page
	Larger than 11"x17"	\$25 per copy
Fees In Lieu	Sidewalk Fee in Lieu	Actual Cost X 1.25%
	Stormwater Fee in Lieu	Refer to Fee Calculator
	Parking	\$500 Per Parking Space

⁵ The Administrator may issue a single, "blanket" permit with one fee for all banners associated with Special Events.

⁶ [Reimbursable bonds required for closures lasting longer than seven \(7\) calendar days.](#)

<p>Improvement Guarantee for Public Improvements: The Administrator, in consultation with the City Manager and City Attorney, may accept an improvement guarantee / surety bond for public improvements associated with any development. Improvement guarantees shall be prepared and administered in accordance with the Procedure for the Installation & Dedication of Public Improvements.</p>	<p>Actual Cost X % As Set Forth in Chapter 16, UDO</p>
<p>Construction Bond: The Administrator may require and accept a construction bond upon determination that such is necessary to protect existing public infrastructure from damages associated with any development activity. The Administrator may accept a construction bond for landscaping in accordance with Chapter 8 of the City of Brevard Unified Development Ordinance. Construction bonds shall be prepared and administered in accordance with the improvement guarantee procedures set forth in the Procedure for the Installation & Dedication of Public Improvements.</p>	<p>Actual Cost X 1.25%</p>
<p>Professional Services: The Administrator may secure the services of a qualified professional (e.g., licensed architect, attorney, engineer, landscape architect, arborist, surveyor, or planner) in the review of any application. Professional services purposes include but are not limited to: the review of floodplain development proposals, proposed public infrastructure or stormwater systems, traffic impact analyses, specialized legal services, and etc. The actual cost of professional services shall be the responsibility of the applicant. The applicant shall be informed in advance of the City's intention to secure professional services. The applicant shall be provided any and all reports generated by qualified professionals, and copies of all statements / receipts. The applicant shall reimburse the City for professional services expenditures prior to the issuance of a certificate of occupancy or final zoning / project approval.</p>	

Traffic Violations

Parking Ticket	\$10 per violation
Fire Hydrant, Fire Lane Obstruction	\$50
Vehicle Towing	True cost of towing.

Departmental Cost of Service Fees for Special Events & Temporary Uses

The following fees are intended to recoup cost for the delivery of services in support of Special Events, Temporary Uses, and unique emergency situations (including but not limited to bomb threats, hazardous materials events, manhunts, and other unique calls for service). The specific mechanism and timing of fee recovery will be determined by the applicable department heads on a case-by-case basis.

Fire Department Inspections for City Permits	Fee
Carnivals / Fairs	\$100 per event
Explosives	\$50 per 48 hours or \$100 per 30 days
Use of Outdoor Fireworks (Does not include standby apparatus or personnel)	\$100 per event
Open Burning & Open Flame Use	\$50
Pyrotechnics Special Effects	\$50
Fireworks Tent	\$300 per 30 days
Assembly Tent	\$75 per 30 days

Fire Department, Deployment of Personnel, Apparatus & Equipment	Fee
Chief Officer	\$30 per hour
Firefighter	\$25 per hour
Light Duty Quick Response Vehicle / Boat / Support Vehicle	\$20 per hour
Fire Engine	\$200 per hour
Rescue Truck	\$250 per hour
Ladder Truck	\$300 per hour

Public Services Department, Deployment of Personnel & Equipment	Fee
Special Dumpster Service	\$50

Police Department, Deployment of Personnel & Equipment	Fee
Officer	\$25 per hour

Alarm System Fees

The following fees are intended to recoup cost for the delivery of services in support alarm systems which may be installed, operated and maintained within the emergency communications center situated in the city police department.

Alarm System Connection Application Fee	\$25
Subscriber Charge for Failure to Appear Within 30 Minutes of Notification	\$10 per event
False Alarm Charge	\$20 per false alarm in excess of three per month
Alarm System Original Installation Fee	\$100 (one-time fee)

Miscellaneous Fees

Return Check Fee	\$30 per check per occurrence
------------------	-------------------------------

Water Rates

Residential, Commercial and Institutional:

Gallons	Purchase Range	In City	Out City
Min. 1,000 500 gal.	(0-1,000) 500	\$13.65	\$20.50
Over 1,000 500 gal.	(1,000+) 500	\$7.50 / 1,000	\$11.27 / 1,000

Industrial*:

Gallons	Purchase Range	In City	Out City
Min. 1,000 500 gal.	(0-1,000) 500	\$13.65	\$20.50
Over 1,000 500 gal.	(1,000+) 500+	\$6.60 / 1,000	\$9.92/ 1,000

*Industrial water users are manufacturers as defined and described in the 2012 North American Industry Classification System, Sectors 31-33 (refer to the following United States Census website: <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2012>).

Sewer Rates

Residential, Commercial, Institutional and Industrial:

Gallons	Purchase Range	In City	Out City
Min. 1,000 500 gal.	(0-1,000) 500	\$13.65	\$20.50
Over 1,000 500 gal.	(1,000+) 500	\$7.50 / 1,000	\$11.27/ 1,000

All multi-family dwellings, including apartments and condominiums, shall pay \$27.29 per unit or the meter reading, whichever is greater.

Economic Development Utility Rates:

City Council may, as a means of supporting economic development within the City of Brevard and Transylvania County, authorize a business to receive a 30% reduction in utility rates, subject to an agreement that such business achieve certain economic development performance measures.

Meter Fees: \$2.70 per month for all meters.

Water Tap Fees

Tap Size (inches)	Tap and Meter Setting Fee⁶
3/4	\$1,000 plus capacity impact fee
1	\$1,400 plus capacity impact fee
2	\$3,500 plus capacity impact fee
Charges for taps greater than 2" will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, meters, materials and equipment, plus 35 percent of the direct labor charge; however, no fee for a tap larger than two inches shall be less than \$2,440.00 plus capacity impact fee.	
Water Capacity Impact Fee ⁷	\$375 per impact unit

Sewer Tap Fees

Tap Size (inches)	Tap Fee⁵
Up to 6" Tap	\$1,000 plus capacity impact fee
Charges for taps greater than 6" will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, materials and equipment, plus 35 percent of the direct labor charge; however, no fee for a tap larger than two inches shall be less than \$955.00 plus capacity impact fee.	
Sewer Capacity Impact Fee ⁶	\$375 per impact unit

Sewer Tap Relocation Fee	Fee
Minimum Fee	\$500
Maximum Fee	\$1000
Charges for sewer tap relocations will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, materials and equipment, plus 35 percent of the direct labor charge. The minimum and maximum sewer tap relocation fees are set forth above.	

Septage Pretreatment Charges

0 – 1,300 Gallons	\$75.00 Per Load
1,301 Gallons or Greater	\$150.00 Per Load
All out of County haulers will be charged double the above amounts	
Annual Hauler License Fee	\$100.00

⁶ The Public Services Director may impose additional fees to recover the true cost of water &/or sewer tap installation when such is warranted by site conditions. In such cases, fees shall be computed at the sum total of the cost of labor, materials and equipment necessary for completion of the work plus 35 percent of the direct labor charge.

⁷ Capacity Impact Fees shall be calculated in accordance with Chapter 70 of Brevard City Code.

Deposit fees for New Utility Accounts

Use	Fee	
Residences (including residential renters)	\$ 60.00	
Commercial users except those otherwise listed	\$ 50.00	
Apartment houses, motels and trailer courts:	Up to 25 units	\$ 75.00
	25 units or more	\$ 100.00
	With pool, add	\$ 25.00
Service stations without carwash	\$ 40.00	
Service stations with carwash	\$ 100.00	
Beauty shops	\$ 50.00	
Laundromats	\$ 200.00	
Carwashes	\$ 100.00	
Restaurants	\$ 75.00	
Industrial uses: An amount equal to 60 days' estimated consumption or a minimum of \$200.00, whichever is greater.		

Surcharge Rates for the Collection and Treatment of High Strength Wastewater

Parameters	Rates
BOD 5	\$0.39/lb. BOD 5
Suspended solids	\$0.37/lb. SS
Leachate	\$0.05/gallon

Miscellaneous Utility Fees

Late Payment Fee	\$5 applied on the 21st day of each month
Cut-Off / Cut-On Fee	\$25 applied on the 28th day of each month
Return Check Fee	\$30 per check per occurrence
Meter Location	\$25 per occurrence
Meter Location Change	\$250
Fire Hydrant Flow Test (two or more hydrants)	\$250
Well Permit ⁸	\$1,000
Tanker Truck Access Fee	\$25
Others as specified in Chapter 70 Sec. 70-38 of the Brevard City Code	

⁸ Wells to be permitted in accordance with Chapter 70 of City Code.

STAFF REPORT

City Council, June 20, 2016 Meeting

Title: **Board Appointments – ABC Board of Directors**
Council will consider making an appointment to the Brevard ABC Board of Directors to fill a coming vacancy.

Date: June 9, 2016

Prepared by: Desiree Perry, City Clerk
Approved by: Jim Fatland, City Manager/Finance Director

Background: In October 2012, Mr. Brain P. Philips was appointed to serve as a member, has been reappointed with the completion of his second term set to expire July 2016.

ABC Board - The ABC Board meets monthly and reviews the business operations of the local ABC Store in keeping with the NC State Alcohol Beverage Commission operation requirements. This is a 5 member board to which Council appoints city residents. Meetings are held at the City Hall Administrative Conference Room on the fourth Wednesday of the month at 8:30 A.M. Meetings are open to the public.

<u>ABC Member Roster:</u>	<u>Term Expires</u>
Brian P. Philips	July 2016 (second term)
Cameron Austin, Chair	July 2017 (second term)
Dr. Bill Riecke	July 2017 (first term)
Tim Robinson	July 2018 (first term)
Geraldine Dinkins	July 2018 (first term)

Discussion: There are two applications for appointment consideration on file. On July 31, 2015, Mr. LeRoy Cowan submitted an application, and, on June 6, 2016, Dr. Allen Delzell submitted an application. Both applications are attached for Council’s review and consideration.

Fiscal Impact: None

Staff Recommendation: Staff does not make recommendations on appointments or re-appointments to citizen advisory boards.



received
7-31-2015

CITY OF BREVARD Board/Committee Appointment Application

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board • Board of Adjustment • Brevard Housing Authority
- Community Appearance Commission • Planning and Zoning Board • Terrell Scruggs Scholarship Committee
- Western Carolina Community Action Board

Name of Board or Committee Interested In: ABC BOARD
* List only one per Appointment Application form.

Date 7/31/15

Name LEROY H. COWAN

Home Address 95 CAMBRIDGE DR. BREVARD

Phone (home) (828) 884-7169 ^{CELL} (828) 553-3570
_(WORK)

Occupation RETIRED E-Mail ROYCOWAN@ICLOUD.COM

May you be contacted at work? _____ Do you live within the corporate City Limits? YES

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:
NONE PRESENTLY

Educational background, special qualifications (i.e., civic memberships, related work experience, etc.). (Use back of sheet if additional space is needed.)

BSIE; OWNED OWN BUSINESS, PREVIOUS ABC BOARD EXP

Based on your qualifications and experiences, briefly describe why your services on this board/committee would be beneficial to the City of Brevard:

PREVIOUS BUSINESS EXPERIENCE WOULD ASSIST THIS

*Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.

BOARD OF THE CITY

L. H. Cowan
Signature of Applicant

Please return this application to:

City of Brevard
Attn: Desiree D. Perry, City Clerk
95 West Main Street
Brevard, North Carolina 28712

Phone: 828-885-5614
Fax: 828-883-2853
e-mail: dperry@cityofbrevard.com

received
6-6-2016

CITY OF BREVARD

Board/Committee Appointment Application

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board of Directors • Board of Adjustment • Brevard Housing Authority Board of Directors
- Community Appearance Commission • City Council Downtown Master Plan Committee
- City Council Parks, Trails and Recreation Committee • City Council Public Works & Utilities Committee
- Planning and Zoning Board • Terrell Scruggs Scholarship Committee
- Western Carolina Community Action Board

Name of Board or Committee Interested In: ABC Board of Directors
** List only one per Appointment Application form.*

Date 6/1/2016

Name Allen W. Delzell

Home Address 303 Stone Creek Trail, Brevard, NC 28712

Phone (home) (828) 885-8494 (work) retired

Occupation Retired Family Physician E-Mail ladel61@hotmail.com

May you be contacted at work? NA Do you live within the corporate City Limits? yes

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:

None. Just came off 6 yrs on Brevard Bd of Adjustment

Educational background, special qualifications (i.e., civic memberships, related work experience, etc.). (Use back of sheet if additional space is needed.)

B.S. in Medicine (S. Dak. Univ), MD. degree U. of Wash. (Seattle)
Chief of Staff, Unity Hosp. Mpls MN

Based on your qualifications and experiences, briefly describe why your services on this board/committee would be beneficial to the City of Brevard:

I am strongly motivated to help keep Brevard the terrific community I believe it to be.
*Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.

Allen W. Delzell
Signature of Applicant

Please return this application to: City of Brevard Attn: Desiree D. Perry, City Clerk
95 W Main Street, Brevard, NC 28712
Phone: 828-885-5614 - Fax: 828-883-2853 - Email: dperry@cityofbrevard.com

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.