

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
April 4, 2011 – 7:00 PM**

The City Council of the City of Brevard met in regular session on Monday, April 4, 2011 at 7:00 PM in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

The following were present: Mayor Jimmy Harris, Council Members Larry Canady, Rodney Locks, Mack McKeller, Mayor Pro Tem Mac Morrow and Dee Dee Perkins; City Manager Joe Moore, City Attorney Mike Pratt, and City Clerk Desiree Perry.

Staff: Firefighter Bradley Elmore, Planning Dir. Josh Freeman, Bldg & Grounds Dir. Lynn Goldsmith, Police Chief Phil Harris, Executive Assistant Jeanette Owen, Finance Dir. Terry Scruggs and Public Service Rep. Wesley Shook.

Press: Derek McKissock, Transylvania Times

Welcome - Mayor Harris called the meeting to order, welcomed those present and introduced council members and staff.

Invocation and Pledge – Mayor Harris offered the invocation and then led in the Pledge of Allegiance.

Certification of Quorum – The City Clerk certified a quorum present.

Agenda – Ms. Perkins moved, seconded by Mr. Canady, the Agenda be approved as presented. Motion carried unanimously.

Approval of Minutes – Mr. Morrow moved, seconded by Mr. McKeller, the February 21, 2011 meeting minutes be approved as presented. Motion carried unanimously.

Certificates and Awards – Mayor Harris presented a Proclamation declaring April 14, 2011 as "Arbor Day in the City of Brevard" to Lynn Goldsmith. Ms. Goldsmith described the requirements the City has met in order to be recognized as a Tree City USA.

Public Hearings – None

Public Participation – Prior to the meeting the following person(s) signed-up to speak:

Mr. Randall Blythe, 192 Fox Hole Run, Pisgah Forest. Mr. Blythe thanked Council for the discussion held two weeks ago about the Blue Sox Travel Baseball Team and shared some of the 80's and 90's history of the Little League ball fields, stating that they were established by Ecusta and greatly improved by both financial and labor donations made by local businesses. Ball fields were established in order to allow all children to play upon them. His son played in the Little League and was noticed by a travel baseball team, which then led to his baseball abilities being noticed by a college, resulting in his playing on the college team and opened doors for him to receive college education in his career choice of engineering. The Blue Sox Travel Baseball Team has been named in honor of his deceased son, Josh.

Consent Agenda – Mayor Harris explained Consent Agenda items are considered routine and are enacted by one motion. He read aloud the one (1) item listed and asked if Council desired to remove a listed item for discussion.

Mr. McKeller moved, seconded by Mr. Canady, the Consent Agenda item be approved as presented. Motion carried unanimously. The following item was approved:

Consent Item #1 – Planning Department Staff Report, March 25, 2011 Update.

Unfinished Business – None

New Business - None

Remarks by Officials

Mayor Harris thanked those who participated in the bowling event held on March 26th. The American Red Cross proceed dollars raised will stay local.

Mr. Canady encouraged participation in the "Assault on the Carolina's" that will take place this weekend. It is anticipated there will be 700 participants and that entertainment will be provided. This year, the event will start and finish in Downtown Brevard.

Closed Session - Mayor Harris asked the City Attorney if it would be appropriate to convene a closed session to discuss **pending litigation**. City Attorney advised it would with the appropriate motion, second and vote pursuant to **GS § 143-318.11. (a)(3)** to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. The public body may consider and give instructions to an attorney concerning the handling of settlement of a claim, judicial action, mediation, arbitration, or administrative procedure.

Upon motion by Ms. Perkins, seconded by Mr. Morrow, and unanimously passed a closed session to discuss pending litigation, **Glade Homes vs City of Brevard**, was called at 7:19 PM and to convene upon clearing Council Chambers. Authorized to remain in closed session with the City Attorney and Council members were: City Manager Joe Moore, Planning Director Josh Freeman and City Clerk Desiree Perry.

A seven (7) minute recess took place in order to allow all who were not authorized to remain to leave Council Chambers.

No official action was taken in closed session and Minutes of the Closed Session are authorized to be sealed.

Adjourn Closed Session to Regular Session – At 7:30 PM, Ms. Perkins moved, seconded by Mr. Canady, the closed session be adjourned into regular session. Motion carried unanimously.

Adjourn - There being no further business before Council, Mr. Morrow moved, seconded by Mr. Locks, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 7:37 PM.

Desiree D. Perry
City Clerk

Jimmy Harris
Mayor

Minutes Approved:
April 18, 2011