

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
November 21, 2011 – 7:00 PM**

The City Council of the City of Brevard met in regular session on Monday, November 21, 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, Mayor Pro Tem Mac Morrow, Mack McKeller and Dee Dee Perkins; City Manager Joe Moore, City Attorney Mike Pratt, and City Clerk Desiree Perry.

Staff: Fire Chief Craig Budzinski, Planning Dir. Josh Freeman, Bldg & Grounds Dir. Lynn Goldsmith, Police Chief Phil Harris, Public Service Dir. David Lutz, HR Dir. LeAnn McCraw, and Executive Assistant Jeanette Owen.

Press: Derek McKissock, Transylvania Times

Others: Council Candidates Elect Wes Dickson, Maurice Jones and Charlie Landreth

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

Invocation and Pledge – Pastor Marshall Erwin, Bethel Baptist Church, offered the invocation. Mayor Harris led in the Pledge of Allegiance to the Flag.

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

Agenda – Mayor Harris suggested Council add Closed Session for potential land acquisition to the Agenda. Mr. Canady moved the Agenda be amended as recommended to add a Closed Session and approved. Motion was seconded by Mr. Locks and passed unanimously.

Approval of Minutes – Mayor noted the Clerk has corrected the draft September 19th Minutes to show Mr. McKeller was present. Mr. McKeller moved, seconded by Ms. Perkins, the September 6th, September 19th (as corrected) and October 10th meeting Minutes be adopted as presented. Motion carried unanimously.

Special Presentation – 2011 Transylvania Regional Hospital Community Benefit Report Mr. Bob Bednarek, CEO, presented Transylvania Regional Hospital's annual report. The community hospital is a not for profit organization whose mission is to promote wellness and provide access to quality health services for the people of our region. Included in his presentation was a four-page fact sheet provided to members of Council, a copy of which is on file in the Clerk's office.

Special Presentation – Brevard-Pietroasa Sister City Update Mr. Tom Bertrand, Coordinator of the Transylvania Alliance for International Outreach, provided an update on the Sister City relationship between Brevard and Pietroasa, Romania. Power point slides provided an overview of the Sister City relationship and photos of improvements made to a prominent park in Pietroasa by art sculpted and contributed by Brevard artist, Aaron Alderman, while he was on an extended visit to Pietroasa.

Proclamation Honoring Voicu Bojan with Honorary Citizenship - Mayor Harris welcomed and introduced Mr. Voicu Bojan, a prominent Romanian writer and photographer who is visiting Brevard to interview Brevard citizen and famous architect Mr. Constantin (Mike) Micuda. In keeping with the practice established during the Romanian delegation visit in 2009, Mayor Harris conferred honorary citizenship upon Mr. Bojan, and gave him a City of Brevard lapel pin. Mr. Bojan will be taking some photographs during tonight's Council meeting.

City of Brevard, North Carolina
Proclamation
Welcoming Distinguished Romanian Journalist
Voicu Bojan

WHEREAS, a rich collaborative relationship has existed for more than two years between the City of Brevard and Comuna Pietroasa in Bihor County of the Transylvanian Region of Romania, a relationship humanized by six citizen-to-citizen visits between the two cities and formalized in the signing of a sister city agreement in a gala ceremony in Pietroasa in June 2010, attended by distinguished leaders of both nations, including the United States Ambassador to Romania; and

WHEREAS, this sister city relationship was enhanced earlier this year during the two-month residency of talented Brevard sculptor Aaron Alderman in Comuna Pietroasa, during which time he designed and fabricated a group of sculptures that now grace the memorial park of that community; and

WHEREAS, a distinguished Romanian author, journalist, and photographer, Voicu Bojan of the Transylvanian city of Cluj-Napoca, has traveled from Romania to the City of Brevard to interview and write about our beloved fellow citizen, the Romanian-American architect Constantin (Mike) Micuda, and to spend several days absorbing the life and culture of our city in this, our Transylvania; and

WHEREAS, Voicu Bojan has become a legend in entertaining citizens of Brevard in his home in the ancient Roman city of Cluj-Napoca with the best of Romanian hospitality and *vivacitate*;

NOW, THEREFORE, on this 21st day of November, 2011, I, Jimmy Harris, Mayor of the City of Brevard, North Carolina, do hereby proclaim Voicu Bojan, as an honorary citizen of the City of Brevard and call on all citizens to join me in welcoming him to our community with matching *vivacitate*.

Given under my hand and the Seal of the City of Brevard, this 21st day of November, 2011.

Mayor Harris called introduced Mr. Constantin (Mike) Micuda, and his daughter Ms. Octavia Thomas, and thanked them for coming sharing Mr. Micuda's career as an architect includes the design and supervision of the Silverdome Stadium in Pontiac, Michigan, as well as, Brevard's Paul Porter Center located on the campus of Brevard College.

Mayor Harris welcomed and introduced Ms. Ana Marie Motataianu, who is originally from Romania and the mother of local physician Dr. Carman Kelling, and who just recently scored 100% on her citizenship test and will go to Charlotte tomorrow to become an American citizen. Mayor Harris and all present applauded Ms. Motataianu, and a City of Brevard lapel pin was presented to her.

Public Hearing – Historic Landmark Designation, The Henry House located at 148 West Probart Street

At 8:01 PM the properly advertised and noticed public hearing to receive comments on the historic landmark designation of The Henry House located at 148 West Probart Street began. Mr. Moore explained per NCGS 160A-400.6, no ordinance designating a historic building, structure, site or object as a landmark may be adopted until a preservation commission makes an investigation and report, and the governing body holds a public hearing.

Mr. Henning Meyn, Chairman of the Transylvania County Joint Historic Preservation Commission (JHPC) and Mr. Mark Burrows, County Planning Director, were present. Mr. Meyn presented a power point presentation detailing the landmark designation process, the features specific to the Henry House warranting the requesting landmark designation, and, on behalf of the JHPC recommended Council adopt an Ordinance designating the Henry House as an historic landmark. A hard copy of the power point slides were provided to Council in advance of the meeting and are on file in the Clerk's office.

Public Hearing - Public Participation Comments: No one had signed up to speak and no one present offered comment.

Public Hearing Closed – With no questions or comments from Council or the public, Mayor Harris closed the hearing at 8:14 PM.

Public Participation

Mr. Pete Peters shared he believes the City needs to offer recycling pickup for commercial businesses. Expressed concern over action at Council's recent meeting (November 15th) which is to serve as a guide and will have impact upon next years budget was made without benefit of the recently elected new Council members, and that he believes new Council members should not be expected to accept this when they had nothing to say about it.

Consent Agenda – Mayor Harris explained Consent Agenda items are considered routine and are enacted by one motion. He read aloud the seven (7) items listed upon the Consent Agenda and asked if Council desired to remove an item for discussion, or, add an item(s) to the Consent Agenda. Recommendation offered that New Business items M-1 and M-2 be added to the Consent Agenda.

Ms. Perkins moved, seconded by Mr. Canady, the Consent Agenda be amended to include New Business Items M-1 and M-2 and approved. Motion carried unanimously. The following nine (9) items were approved:

Consent Item K-1 – **Resolution No. 29-2011** Awarding Badge and Service Sidearm to Retiring Deputy Police Chief Robert Dean Galloway.

RESOLUTION NO. 29-2011

AWARDING BADGE AND SERVICE SIDEARM TO RETIRED POLICE OFFICER DEPUTY CHIEF ROBERT DEAN GALLOWAY

WHEREAS, NC GS 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, NC GS 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring members; and

WHEREAS, Deputy Chief Robert Dean Galloway has served the Brevard Police Department with twenty years of service and has retired at the rank of Deputy Chief;

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

The City Manager's designee, Police Chief J. Phillip Harris, Jr., is hereby authorized, in accordance with the provisions of NC GS 20-187.2, to transfer to Deputy Chief Robert Dean Galloway the badge worn by him during his service with the Brevard Police Department and his service sidearm, a Glock Model 22 Generation 4, Caliber 40, and Serial Number RTN722.

Adopted and approved this 21ST day of November, 2011.

Consent Item K-2 – Staff Reports: (a) Public Services Department; (b) Planning Department (On File)

Consent Item K-3 – **Resolution No. 30-2011** Recognizing November 24th as Glenda Sansosti Day within the City of Brevard.

RESOLUTION NO. 30-2011

A RESOLUTION RECOGNIZING NOVEMBER 24TH AS GLENDA WALDROP SANSOSTI DAY WITHIN THE CITY OF BREVARD

WHEREAS, Glenda Waldrop Sansosti began her career with the City of Brevard as a member of the Brevard Police Department on July 24, 1973 and subsequently advanced to the City Clerk position, and

WHEREAS, Glenda Waldrop Sansosti served the City of Brevard with distinction and exemplary dedication as the City Clerk, and

WHEREAS, Glenda Waldrop Sansosti during her tenure of thirty-seven years epitomized a loyal and professional member of the City of Brevard staff, and

WHEREAS, Glenda Waldrop Sansosti through the performance of her duties and responsibilities, has made excellent contributions to our City, and

WHEREAS, Glenda Waldrop Sansosti has dedicated her life to the community and demonstrated her deep and genuine appreciation for the city and its people through her numerous endeavors, and

WHEREAS, it is appropriate and befitting to honor such a distinguished individual permanently and perpetually for her contributions to the City of Brevard, and

WHEREAS, to recognize and honor these contributions, on December 7, 2009, by Resolution No. 47-09, the Brevard City Council designated November 24th of each year to recognize our former City Clerk Glenda Waldrop Sansosti;

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

Section 1: In honor of Glenda Waldrop Sansosti, it is hereby declared and proclaimed that November 24th be known as “**City Clerk Glenda Waldrop Sansosti Day**” within the City of Brevard.

Section 2: The City of Brevard is hereby authorized and directed to record this Resolution into the official records.

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

Adopted and approved this the 21st day of November, 2011.

Consent Item K-4 – Resolution No. 28-2011 Municipal Service Agreement between the City of Brevard and NCDOT for the Reinspection of Bridges on the Municipal Street System.

RESOLUTION NO. 28-2011

A RESOLUTION APPROVING A MUNICIPAL SERVICE AGREEMENT BETWEEN THE CITY OF BREVARD AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE REINSPECTION OF BRIDGES ON THE MUNICIPAL STREET SYSTEM

WHEREAS, the City of Brevard has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the reinspection and analysis of all public bridges on the Municipal Street System in the City of Brevard; and

WHEREAS, the City of Brevard proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a Consulting Engineering firm retained by the Department of Transportation will reinspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

WHEREAS, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the City of Brevard shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration.

NOW, THEREFORE, BE IT RESOLVED that the agreement for the hereinabove referenced bridge inspection work a) the Cherry Street Bridge and b) the Railroad Avenue Bridge is hereby formally approved by the City Council of the City of Brevard and the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the required agreement between the City of Brevard and the Department of Transportation.

Adopted and approved this the 21st day of November, 2011.

Consent Item K-5 – Appointment to Brevard Housing Authority. Mr. John G. Lampert who was appointed to the Brevard Housing Authority on August 14, 2010, filling the unexpired term of former member Mr. Howard Boyd, was re-appointed for first full term, which will expire November 2016.

Consent Item K-6 – Appointment to Board of Adjustment. Mr. Parker Platt resigned from the Board of Adjustment effective October 12, 2011. Mr. Michael “Mike” Young, who is currently serving as an alternate member, was appointed to fill the unexpired term of Mr. Platt, which will expire in November 2012.

Consent Item K-7 – Resolution No. 31-2011 Authorizing Grant Applications for the City of Brevard Wayfinding System Project.

RESOLUTION NO. 31-2011

A RESOLUTION AUTHORIZING GRANT APPLICATIONS FOR THE CITY OF BREVARD WAYFINDING SYSTEM PROJECT

WHEREAS, the City of Brevard intends to develop a wayfinding signage system that will direct tourists and citizens alike to various amenities and destinations within Brevard and Transylvania County; and,

WHEREAS, the City of Brevard seeks funds to augment City resources in the design, permitting, fabrication and installation of such signage system.

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

Section 1. The City Manager is hereby authorized to act on behalf of the City to apply for, accept, and administer any and all grants for the design, permitting, fabrication and installation of the City of Brevard Wayfinding System.

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 21st day of November, 2011.

Consent Item K-8 (New Business Item #M-1) – Ordinance No. 28-2011
Designation The Henry House, Located at 148 West Probart Street as an Historic Landmark.

ORDINANCE NO. 28-2011

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK CERTAIN PROPERTY KNOWN AS THE HENRY HOUSE AND MORE SPECIFICALLY DESCRIBED IN THE TRANSYLVANIA COUNTY REGISTER OF DEEDS OFFICE, DEED BOOK 541, PAGE 111, AND BEING DATED 2010, SAID PROPERTY BEING OWNED BY MARTHA R. JENKINS; THE PARCEL OF LAND BEING ESPECIALLY DESIGNATED IS THE ENTIRE PARCEL OF LAND LISTED UNDER TAX PARCEL NO. 8586-41-7725-000 IN THE TRANSYLVANIA COUNTY TAX OFFICE, BREVARD, NORTH CAROLINA.

WHEREAS, all the prerequisites to the adoption of this Ordinance described in Chapter 160A, Article 19, as amended of the North Carolina General Statutes and Ordinance No. 26-97 of the City of Brevard have been fully completed; and

WHEREAS, the City Council has taken into full consideration all statements and information presented during a public hearing held November 21, 2011 on the question of designating certain property known as The Henry House as an historic landmark; and

WHEREAS, The Henry House was built in or near the year 1904 as a residence; and

WHEREAS, The Henry House possesses special significance in terms of its architecture and local history; and

WHEREAS, the property known as The Henry House is presently owned by Martha R. Jenkins.

NOW, THEREFORE, be it ordained by the City Council of Brevard, North Carolina;

1. That the property known as The Henry House (including the entire exterior of the building and the entire parcel of land upon which the building structure is located, listed under Tax Parcel No. 8586-41-7725-000) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the North Carolina General Statutes and Ordinance No. 26-97 of the City of Brevard. The location of said landmark is hereby noted as being situated at 148 West Probart Street, Brevard, North Carolina. The exterior features of The Henry House are more completely described in the Application for Local Historic Landmark Status, dated October 1, 2011.

2. That said designated historic landmark may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Joint Historic Preservation Commission. With regard to issuance of any Certificate of Appropriateness, the provisions of Ordinance 26-97 of the City of Brevard shall control.

3. This Ordinance shall not be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature in the event that a building inspector or similar official certifies to the

Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed or interpreted to prevent the owner of the historic landmark from making any use not prohibited by other statutes, ordinance or regulations, including the zoning ordinance of the City of Brevard.

4. A suitable sign may be posted on the property with the owners’ permission or near the property in the city right-of-way, indicating that said property has been designated as an historic landmark, and containing any other appropriate information. Such sign must comply with the Sign Ordinance of the City of Brevard.

5. The owner of the historic landmark known as The Henry House shall be given notice of this Ordinance as required by law, and a certified copy of this Ordinance shall be filed and indexed in the offices of the Transylvania County Register of Deeds and Brevard City Clerk.

6. The Henry House, hereby designated as an historic landmark, shall be subject to the provisions of Chapter 160A, Article 19, as amended, of the North Carolina General Statutes, as well as any subsequent amendments thereto, and Ordinance No. 26-97 of the City of Brevard, as well as any subsequent amendments thereto.

This Ordinance shall be effective upon its adoption and approval.

Adopted and approved this 21st day of November, 2011.

Consent Item K-9 (New Business Item #M-2) – Resolution No. 25-2011 Delegating Authority to Sign One Year Leases to the City Manager.

RESOLUTION 25-2011

**A RESOLUTION DELEGATING AUTHORITY TO SIGN
ONE YEAR LEASES, TO THE CITY MANAGER**

NOW COMES THE CITY COUNCIL for the City of Brevard, and says:

Whereas, City Council, after due deliberation, has determined that it is in the best interest of the City of Brevard that the City Manager have authority to sign leases for one year or shorter terms without first bringing them before City Council;

Whereas, General Statute Section 160A-272, paragraph two, authorizes such delegation to be made;
and

Whereas, City Council desires to make that delegation;

BE IT NOW, THEREFORE, RESOLVED THAT:

1. The City Manager is hereby authorized to sign, on behalf of the City of Brevard, leases of one year or shorter terms without first bringing them before City Council;
2. This Resolution shall be effective immediately upon adoption by City Council.

Adopted this the 21st day of November, 2011.

Remarks by Officials

Mayor Harris extended his appreciation to Mr. Bojan, Mr. Micuda, Ms. Thomas, Dr. Kelling and Ms. Motataianu for their attendance at tonight’s meeting.

Mayor Harris stated at Council’s next regular meeting three new Council members will begin serving. He thanked Mr. McKeller for his years of service on Council and commended him for always being prepared and appreciation for his having a sharp eye for the many details brought before Council. He thanked Ms. Perkins for her years of service and commended her too for coming to the meetings well prepared and for being a strong advocate for residents and downtown businesses. He thanked Mr. Canady for his service and the value his years of experience as a local businessman provided and appreciation for his willing to ask questions on an issue before voting upon it. He concluded by sharing this has been the best Council he has had the privilege to serve with.

Mr. Locks shared he agrees with and echo’s everything Mayor Harris has shared, adding without the help, vision and leadership of Dee Dee, Mack and Larry we would not be where we are today, and that it has been a pleasure working with them.

Mr. Morrow shared he too agrees with and echo's everything Mayor Harris and Mr. Locks have shared.

Mr. McKeller agreed with Mayor Harris' and Mr. Locks and commended Ms. Perkins and Mr. Canady for their service and extended his appreciation for the opportunity to serve with them. He also extended his appreciation to the City staff, stating they are outstanding professionals who have a vision, and it is a blessing to have them serving Brevard. It's the staff who does the heavy plowing.

Mr. McKeller shared the "**Transylvania County KICKERS Special Olympics Soccer Team**" went to the State soccer tournament this week and won five matches bringing home the Gold Metal! It was his privilege to be present and to see the team members joy as they have worked hard and toiled for a long time for their accomplishment. It reminded him of Council working for a long time on various projects and City business, and the joy when accomplished and completed.

Mr. Canady agreed with comments shared extending his appreciation for the service and contributions of Mack and Dee Dee while serving on Council, and his appreciation for the opportunity to on Council. He congratulated the candidates and commended them for a fine race.

Ms. Perkins shared she is humbled by the kind words of the Mayor and Council members, and that it has been her honor and privilege to serve the past eight years, she's learned a lot and is a better person for having served. She too extended her thanks and appreciation to the City's staff sharing Brevard has the finest employees from management level, department heads, to the many employees who serve throughout the City. She extended her congratulations to the newly elected Council Members, Wes Dickson, Maurice Jones and Charlie Landreth, thanking them for their willingness to serve and her confidence they will serve the City well.

Ms. Perry expressed to Dee Dee, Mack and Larry her pleasure serving with them and that she will miss them.

Mr. Pratt shared it's been a pleasure and honor to serve with Dee Dee, Mack and Larry as City Attorney, and while serving on Council may often seem to be a thankless job, there are many things they have achieved which they should be very proud of, such as the City's Unified Development Ordinance with its long range thinking, and the bike/hike paths which have made Brevard a nicer place to live, to name a few.

Mr. Moore stated, on behalf of staff, we thank Council for their professionalism and non-partism, and he too expressed his appreciation for City staff members.

Mr. Moore explained to Mr. Peters that one Council is not bound by the preceding Council, and that we would have been remiss to not reap the benefit of those who have been serving on Council. *{Community Development Strategy}*

Closed Session - Mayor Harris asked the City Attorney if it would be appropriate to convene a closed session to discuss potential land acquisition. City Attorney advised it would with the appropriate motion, second and vote pursuant to **GS § 143-318.11. (a)(5)** to instruct public body's staff in negotiating price, terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

Upon motion by Ms. Perkins, seconded by Mr. Locks, and unanimously passed a closed session to discuss potential land acquisition was called at 8:47 PM and to convene upon clearing Council Chambers. Authorized to remain in closed session with Council and the City Attorney were: City Manager Joe Moore, Planning Director Josh Freeman and City Clerk Desiree Perry.

An eleven (11) 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 9:17 PM, Mr. Locks moved, seconded by Mr. McKeller, the closed session be adjourned into regular session. Motion carried unanimously.

Adjourn - There being no further business before Council, Mr. Locks moved, seconded by Mr. McKeller the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:17PM.

Desiree D. Perry
City Clerk

Jimmy Harris
Mayor

Minutes Approved: December 5, 2011