

MINUTES
BREVARD CITY COUNCIL
Organizational and Regular Meeting
December 5, 2011 – 7:00 PM

The City Council of the City of Brevard met in regular session on Monday, December 5, 2011 at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present: Mayor Jimmy Harris, Council Members Larry Canady, Rodney Locks, Mayor Pro Tem Mac Morrow, Mack McKeller and Dee Dee Perkins

Staff Present: City Manager Joe Moore, City Attorney Mike Pratt, City Clerk Desiree Perry, Fire Chief Craig Budzinski, Asst. Planning Dir. Brad Burton, Planner Daniel Cobb, Financial Advisor Jim Fatland, 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; Leigh Kelly, Times News

Others: Council Candidates Elect Wes Dickson, Maurice Jones and Charlie Landreth; Transylvania County Commissioner Larry Chapman; Bob Caldwell, former WLOS newsman.

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

Invocation and Pledge – Dr. Keith Thompson, Brevard Davidson-River Presbyterian Church, offered the invocation. Ms. Kaden Galloway, daughter of retiring Deputy Police Chief Dean Galloway led in the Pledge of Allegiance to the Flag.

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. Locks moved, seconded by Ms. Perkins, the October 17th, November 15th and November 21st meeting Minutes be adopted as presented. Motion carried unanimously.

Certificates and Awards – Awarding of Badge and Service Sidearm to retired Deputy Police Chief Robert Dean Galloway. Mayor Harris and Council expressed their appreciation to retiring Deputy Chief Dean Galloway. Police Chief Phil Harris thanked Deputy Chief Galloway for his contributions and service and then presented him his badge and service sidearm. Family and friends were in attendance and joined Council and City staff members in applauding Deputy Chief Galloway for his service.

Certificates and Awards – Recognizing Roland Owens, Public Service Department, retiring with 40 years of service. Mayor Harris and Council expressed their appreciation to retiring Public Service employee Roland Owens and presented him with a Certificate of Appreciation for his 40 years of service. Public Service Director David Lutz thanked Roland for his years of service and for the good example he has been to many, and then presented to him an engraved wood clock. Family and friends were in attendance and joined Council and City staff members in applauding Mr. Owen for his service.

Acknowledge receipt of the Transylvania County Board of Election abstract of Votes for the Municipal Election November 8, 2011. Results of the 2011 Municipal Election have been certified and the following were elected to the office of

City Council Member: Mr. Charlie Landreth (4 years), Mr. Wes Dickson (4 years) and Mr. Maurice Jones (4 years). (Exhibit A)

Special Presentation – Departing Council Members Dee Dee Perkins, Mack McKeller and Larry Canady. Mayor Harris expressed appreciation to the three departing Council Members Dee Dee Perkins, Mack McKeller and Larry Canady and for their many contributions while serving on Council. Each were presented an engraved wood plaque showing their years of service, and, a gift of a desk clock complete with a hygrometer and a compass in appreciation for the time and direction they have each provided while serving on Council.

Ms. Perkins, Mr. McKeller and Mr. Canady expressed their appreciation to the citizens for the opportunity to serve on City Council, thanked City staff and employees for their dedication and work, and, expressed appreciation to their families for their support while serving on Council.

Organizational Meeting – Induction of Council Members

Administration of the Oath of Office to City Council Member Charlie Landreth – Council Member Charlie Landreth, accompanied by his wife Andi and their son Noah, was administered the Oath of Office by City Clerk Desiree Perry. (Originals are filed in Transylvania County Clerk of Superior Court and City Clerk’s offices.)

State of North Carolina County of Transylvania City of Brevard
I, <u>Charlie Landreth</u> , do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are, or may be established for the Government thereof; and that I will endeavor to support, maintain and defend the Constitution of the United States to the best of my knowledge and ability; and that I will faithfully and impartially discharge the duties of the <u>City Council Member of Brevard, North Carolina</u> , imposed upon my by law, so help me God.
Charlie Landreth
Oath Administered by: Desiree D. Perry City Clerk
<u>December 5, 2011</u>

Administration of the Oath of Office to City Council Member Wes Dickson - Council Member Wes Dickson, accompanied by his wife Ashley and their daughter Hannah, was administered the Oath of Office by City Clerk Desiree Perry. (Originals are filed in Transylvania County Clerk of Superior Court and City Clerk’s offices.)

State of North Carolina County of Transylvania City of Brevard
I, <u>Wes Dickson</u> , do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are, or may be established for the Government thereof; and that I will endeavor to support, maintain and defend the Constitution of the United States to the best of my knowledge and ability; and that I will faithfully and impartially discharge the duties of the <u>City Council Member of Brevard, North Carolina</u> , imposed upon my by law, so help me God.
Wes Dickson
Oath Administered by: Desiree D. Perry City Clerk
<u>December 5, 2011</u>

Administration of the Oath of Office to City Council Member Maurice Jones – Council Member Maurice Jones, accompanied by his father Spencer Jones, was administered the Oath of Office by City Clerk Desiree Perry. (Originals are filed with Transylvania County Clerk of Superior Court and City Clerk’s offices.)

State of North Carolina
County of Transylvania
City of Brevard

I, Maurice Jones, do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are, or may be established for the Government thereof; and that I will endeavor to support, maintain and defend the Constitution of the United States to the best of my knowledge and ability; and that I will faithfully and impartially discharge the duties of the City Council Member of Brevard, North Carolina, imposed upon my by law, so help me God.

Maurice Jones

Oath Administered by:
Desiree D. Perry
City Clerk

December 5, 2011

Election of Mayor Pro Tem – Mr. Locks nominated Mac Morrow to be reappointed as Mayor Pro Tem, nomination was seconded by Mr. Jones. Nomination carried unanimously.

Adoption of City Council 2012 Meeting Calendar – Mr. Morrow moved, seconded by Mr. Locks, the 2012 Meeting Calendar be adopted as presented. Motion carried unanimously.

Brevard City Council
2012 Regular Meeting Schedule

Monday, January 23, 2012
Thursday, February 9 - Saturday, February 11, 2012 – Annual Council Retreat
Monday, February 20, 2012
Monday, March 5, 2012
Monday, March 19, 2012
Monday, April 2, 2012
Monday, April 16, 2012
Monday, May 7, 2012
Monday, May 21, 2012
Monday, June 4, 2012
Monday, June 18, 2012
Monday, July 16, 2012
Monday, August 20, 2012
Monday, September 17, 2012
Monday, October 1, 2012
Monday, October 15, 2012 at 5:30 PM, Work Session/Workshop
Monday, November 5, 2012
Monday, November 19, 2012 at 5:30 PM, Work Session/Workshop
Monday, December 3, 2012

Appointment to Land of Sky Regional Council Rural Planning Organization. Mr. Morrow moved, seconded by Mr. Landreth, Council Member Maurice Jones be appointed to replace former Council Member Mack McKeller. Motion carried unanimously.

Appointment to Tourism Development Authority – Mr. Locks moved, seconded by Mr. Jones, Council Member Wes Dickson be appointed to replace former Council Member Dee Dee Perkins. Motion carried unanimously.

Public Hearing – None

Public Participation

Transylvania Commissioner Larry Chapman thanked Ms. Perkins, Mr. McKeller and Mr. Canady for their service, welcomed the three new Council members and shared he is looking forward to the opportunity to working with them.

Consent Agenda – Mayor Harris explained Consent Agenda items are considered routine and are enacted by one motion. He read aloud the three (3) 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 (a), (b) and (c) be added to the Consent Agenda.

Mr. Locks moved, seconded by Mr. Morrow, the Consent Agenda be amended to include New Business Items (a), (b) and (c) and approved. Motion carried unanimously. The following six (6) items were approved:

Consent Item (a) Staff Reports: Planning Department and Police Department

Consent Item (b) 2011 Annual Certification of Fire Fighters (On file in City Clerks Office with Agenda materials.)

Consent Item (c) Appointment to Fireman's Relief Fund. Meredith Baldrige was appointed to the Fireman's Relief Fund replacing former member Terry Scruggs.

Consent Item (d) (New Business [a]) **Resolution No. 32-2011** Resolution of Appreciation for Council Member Dee Dee Perkins.

**Resolution No. 32-2011
Resolution of Respect and Appreciation for
Dee Dee Perkins, Council Member**

WHEREAS, former Council Member Dee Dee Perkins has provided Brevard City Council with dedicated service and active support during her tenure on Brevard City Council; and

WHEREAS, having served from 2003-2011, Dee Dee Perkins is leaving the Council with a record of positive achievements over the past eight years; and

WHEREAS, Dee Dee Perkins' contributions to the furtherance of local government in this City has benefited the members of Brevard City Council and its citizens; and

WHEREAS, Brevard City Council desires to recognize and express appreciation of Dee Dee Perkins for her invaluable service provided to Brevard City Council and to the community which she served;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Brevard, North Carolina, that the Mayor and City Council, express to you, Dee Dee Perkins, on behalf of our citizens and officials, our respect, appreciation and gratitude for your unselfish, devoted and invaluable service and contributions rendered to the City of Brevard and its citizens.

BE IT FURTHER RESOLVED that we offer you our very best wishes for success, happiness, prosperity and good health in your future endeavors. This Resolution shall be incorporated into the official Minutes of the City Council, and shall be in full force and effect from and after this 5th day of December, 2011.

Consent Item (e) (New Business [b]) **Resolution No. 33-2011** Resolution of Appreciation for Council Member Mack McKeller.

**Resolution No. 33-2011
Resolution of Respect and Appreciation for
Mack McKeller, Council Member**

WHEREAS, former Council Member Mack McKeller has provided Brevard City Council with dedicated service and active support during his tenure on Brevard City Council; and

WHEREAS, having served from 2005-2011, Mack McKeller is leaving the Council with a record of positive achievements over the past six years; and

WHEREAS, Mack McKeller's contributions to the furtherance of local government in this City has benefited the members of Brevard City Council and its citizens; and

WHEREAS, Brevard City Council desires to recognize and express appreciation of Mack McKeller for his invaluable service provided to Brevard City Council and to the community which he served;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Brevard, North Carolina, that the Mayor and City Council express to you, Mack McKeller, on behalf of our citizens and officials, our respect, appreciation and gratitude for your unselfish, devoted and invaluable service and contributions rendered to the City of Brevard and its citizens.

BE IT FURTHER RESOLVED that we offer you our very best wishes for success, happiness, prosperity and good health in your future endeavors. This Resolution shall be incorporated into the official Minutes of the City Council, and shall be in full force and effect from and after this 5th day of December, 2011.

Consent Item (f) (New Business [c]) **Resolution No. 34-2011** Resolution of Appreciation for Council Member Larry Canady.

**Resolution No. 34-2011
Resolution of Respect and Appreciation for
Larry Canady, Council Member**

WHEREAS, former Council Member Larry Canady has provided Brevard City Council with dedicated service and active support during his tenure on Brevard City Council; and

WHEREAS, having served from 2007-2011, Larry Canady is leaving the Council with a record of positive achievements over the past four years; and

WHEREAS, Larry Canady's contributions to the furtherance of local government in this City has benefited the members of Brevard City Council and its citizens; and

WHEREAS, Brevard City Council desires to recognize and express appreciation of Larry Canady for his invaluable service provided to Brevard City Council and to the community which he served;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Brevard, North Carolina, that the Mayor and City Council express to you, Larry Canady, on behalf of our citizens and officials, our respect, appreciation and gratitude for your unselfish, devoted and invaluable service and contributions rendered to the City of Brevard and its citizens.

BE IT FURTHER RESOLVED that we offer you our very best wishes for success, happiness, prosperity and good health in your future endeavors. This Resolution shall be incorporated into the official Minutes of the City Council, and shall be in full force and effect from and after this 5th day of December, 2011.

New Business

Noise Ordinance - City Attorney Pratt explained that about two years ago a District Court opinion has prompted the City to review its Noise Ordinance. Staff has looked at some other communities' ordinances and, using what they believe to be the best of them including parts from our existing Noise Ordinance, have completed the presented draft for Council consideration. Council has the option to enact tonight if Council so desires, may table to take action in the future and, has the option to say no to the presented draft.

Police Chief Harris presented the Staff Report and further described the ways in which alleged noise violations are measured.

Following a brief discussion, Mr. Locks moved, seconded by Mr. Dickson, Council table until their next meeting and that Council be provided a copy of the City's existing Noise Ordinance. Motion carried unanimously.

Remarks by Officials

Mayor Harris shared throughout this past year more than 75 events to celebrate the County's 150th Celebration have taken place with the last ceremony being held last Saturday, and recognized Mr. Bob Caldwell, former WLOS newsman, who was in attendance.

Mr. Morrow welcomed the new Council members and shared he was encouraged by their rapid response and desire to attend the Essentials of Municipal Government course in January.

Mr. Locks welcomed the new Council members and shared all Council members are to express themselves as each have a view and their opinion counts, will agree to disagree, which is what is needed and has worked well for the previous Council.

Mr. Dickson expressed appreciation to voters and that it is an honor to be a part of Council.

Mr. Jones expressed his thanks to the former Council members for their service and expressed appreciation to voters and for the trust they have placed in the three new members.

Mr. Landreth expressed appreciation to voters and that it is an honor to be a part of Council, and shared it was exciting to be in attendance at the Bracken Mountain Trail groundbreaking event held on the 2nd.

Mr. Pratt and Mr. Moore congratulated the new Council members and assured them that they and City staff stand ready to assist them as they serve on Council.

Adjourn - There being no further business before Council, Mr. Landreth moved, seconded by Mr. Jones the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 8:17 p.m.

Desiree D. Perry
City Clerk

Jimmy Harris
Mayor

Minutes Approved: January 23, 2012

EXHIBIT A

Minutes - Brevard City Council - December 5, 2011 Meeting

GENERAL ELECTION
November 8, 2011
ABSTRACT OF VOTES
FOR
STATE OF NORTH CAROLINA

INSTRUCTIONS

THREE COPIES are to be made. One copy is to be signed by the County Board of Elections and delivered by them, when the canvass is concluded, to the City Clerk (GS 163-300). One copy is to be retained by the County Board of Elections. One copy is to be mailed on canvass day to the Chairman of the State Board of Elections, Raleigh, North Carolina (GS 163-182.6).

| STATE OF NORTH CAROLINA
COUNTY OF Transylvania

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the above is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 15th day of November 2011

4/10/2016

John R. Hudson, Jr.
John R. Hudson, Jr.
David P. Monon

This day personally appeared before me, John R. Hudson, Jr., Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

| IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed My notarial seal this the 15th day of November, 2011.

John R. Hudson, Jr.
(Seal)

My Commission (if any) Expires: 4/10/2016

GENERAL ELECTION
November 8, 2011
ABSTRACT OF WRITE-IN VOTES
STATE OF NORTH CAROLINA

INSTRUCTIONS

THREE COPIES are to be made. One copy is to be delivered to the Clerk of Superior Court. One copy is to be retained by the County Board of Elections. One copy is to be mailed on canvass day to the Chairman of the State Board of Elections, Raleigh, North Carolina (GS 163-182.6).

STATE OF NORTH CAROLINA
COUNTY OF

Write-in votes must be accounted for if an individual receives 5 or more votes. All other write-in votes shall be accumulated and placed under Miscellaneous

OFFICE: <u>BREVARD COUNCIL</u>	TOTAL WRITE-IN VOTES: 10
NAME: WRITE-IN VOTES:	
NAME: WRITE-IN VOTES:	
NAME: WRITE-IN VOTES:	
NAME: WRITE-IN VOTES:	
MISCELLANEOUS VOTES: 10	
OFFICE: <u>ROSMAN MAYOR</u>	TOTAL WRITE-IN VOTES: 0
NAME: WRITE-IN VOTES:	
NAME: WRITE-IN VOTES:	
NAME: WRITE-IN VOTES:	
NAME: WRITE-IN VOTES:	
MISCELLANEOUS VOTES: 0	
OFFICE: <u>ROSMAN ALDERMAN</u>	TOTAL WRITE-IN VOTES: 4
NAME: WRITE-IN VOTES:	
NAME: WRITE-IN VOTES:	
NAME: WRITE-IN VOTES:	
NAME: WRITE-IN VOTES:	
MISCELLANEOUS VOTES: 4	

