MINUTES
BREVARD CITY COUNCIL
Regular Meeting
March 5, 2012 – 7:00 PM

The City Council of the City of Brevard met in regular session on Monday, March 5, 2012 in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present: Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Rodney Locks, Charlie Landreth, Wes Dickson and Maurice Jones.

Staff Present: City Manager Joe Moore, City Attorney Mike Pratt, Asst. Planning Dir. Brad Burton, Public Service Dept. Anthony Coward, Fire Dept. Bradley Elmore, Finance Director Jim Fatland, Planning Dir. Josh Freeman, Bldg & Grounds Dir. Lynn Goldsmith, Police Chief Phil Harris, Public Service Dir. David Lutz, Planner Sarah Lutz-Petersen, HR Dir. LeAnn McCraw, Executive Assistant Jeanette Owen and City Clerk Desiree Perry.

Press: Derek McKissock of Transylvania Times

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

Invocation and Pledge of Allegiance to Flag – Mayor Harris offered an invocation and led in the Pledge of Allegiance to the Flag.

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

Agenda – Mr. Locks moved, seconded by Mr. Jones the Agenda be approved as presented. Motion carried unanimously.

Special Presentations - City Hall Lobby/Renovations

Mr. Doug Harris, AIA, Harris Architects, provided a background of the project and a review of the findings from the public input questionnaire, described project goals and various options in the renovating of City Hall that would make more efficient use of the space and improve service to the community.

- Option 1 - Could be accomplished most easily creating an inviting lobby and provide an area for a receptionist, better work flow area in the Finance Department staying within the existing footprint of the building by repurposing the space.
- Option 2 - Create inviting lobby and expand main floor allowing Planning, Administration, Finance and Fire Department connectivity along with common areas and access to City Hall from both the front and rear (Jordan Street). Second level (current Planning Dept.) could serve as office space for the Manager, HR Director and provide for much needed storage space.
- Option 3 - Create inviting lobby, Planning remain where it is, Administration area expanded to allow for a multi-purpose work area and connectivity to Planning via a ramp, as well as, lobby would link allowing for both front and rear access.
- Exterior - The skin of the building is in good shape; however, dated. Screen panels, timber rackets and columns, updated entrance canopy, wetland garden and a multi-purpose plaza options were presented.

Council Discussion:

- Option 2 appears to be most consistent with the needs as identified by staff and would likely provide for current needs and flexibility.
- Color renderings of interior and exterior options would be helpful.

- Liked the multi-purpose plaza with plantings and benches/tables that could be removed allowing it to be used daily and could also serve as a breakout or gathering area.
- Mr. Locks expressed concern Public Services and Building and Grounds Departments have not been included.
- Improvements would provide citizens and visitors a more customer friendly public building.

Public Participation - Regular Session

Mr. Don Richardson, 577 Windover Drive, read aloud "Proposed Resolution to Eliminate Corporate Personhood" (on file) and asked Council to consider adoption at their next meeting.

Mr. Ryan Lytle, Schenk Job Corps Student. Explained he and fellow students are working on going green projects and they would like the opportunity to work with the City in exploring ways to accomplish, including recycling bins.

Public Participation - Budget Public Input Session

Mayor shared there are three ways in which citizens may provide input in the upcoming budget: (1) Public participation at Council meeting; (2) City hotline 885-5609; and (3) Submit comments/concerns via the City website.

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

Mr. Locks moved, seconded by Mr. Morrow, the Consent Agenda be amended to include New Business items M-2 and M-3 Game Room License applications for phone card sweepstakes, subject to the applicants obtain all required licenses. Further moved the three items on the Consent Agenda be approved. Motion carried unanimously.

Consent Item K-1 – **Resolution No. 2012-06** Creating The Brevard OPEB Trust (Amendment #1 to Resolution No. 2011-12).

RESOLUTION NO. 2012-06

A RESOLUTION CREATING THE BREVARD OPEB TRUST
{Amendment #1 to Resolution No. 2011-12}

WHEREAS, the City of Brevard participates in a state post-employment benefit related program called the OTHER POST-EMPLOYMENT BENEFITS TRUST, which allows certain assets to be invested with the State Treasurer;

WHEREAS, The purpose of the Trust is to hold assets from which to satisfy the Employer's commitment to provide post-employment benefits (other than pension benefits), as offered by the Employer to its employees in accordance with the Employer's policies and/or applicable collective bargaining agreements.

WHEREAS, until now, the investment could be made directly with the State Treasurer, but now the Office of the State Treasurer's Fiscal Management Section has indicated that such direct investment will no longer be allowed, and has recommended the creation of a local trust to make such investments;

WHEREAS, a copy of the letter from the Fiscal Management Section is attached hereto, and a copy of the proposed Trust Agreement prepared by the City Attorney from a template provided by the State Treasurer's Office is also attached hereto; and

WHEREAS, after due deliberation and discussion, City Council has determined to create the Brevard OBED Trust, as recommended by the Office of Fiscal Management.

BE IT NOW, THEREFORE, RESOLVED THAT:

1. The Proposed Trust Agreement attached hereto shall be executed, funded and managed per its terms;

2. The initial co-trustees shall be, and are hereby designated as Joe Moore and Jim Fatland;

3. City Council shall appoint a Plan Administrator, Employer Agent and Investment Advisory Committee (consisting of no less than five persons, but which may include the Plan Administrator and the Employer Agent) upon hearing recommendations from the City Manager and City Finance Officer with regard to the names of persons to serve in those positions;

4. The said Trust shall be tax exempt, shall use the City's EIN and shall be considered a subpart of the City of Brevard for all tax related concerns;

5. The Mayor is hereby authorized and directed to sign the Trust Agreement by and on behalf of the City of Brevard.

6. This Resolution shall be effective immediately upon adoption by City Council.

Adopted this the 5th day of March, 2012.

Consent Item K-2 (M-2) – Game Room License Application for Phone Card Sweepstakes at Mr. Pete's Market, 165 Asheville Highway. Approved subject to applicant to obtain all required licenses.

Consent Item K-2 (M-3) - Game Room License Application for Phone card Sweepstakes at Triangle Stop Food Store #217, 1210 Asheville Highway. Approved subject to applicant to obtain all required licenses.

New Business

NB Item M-1 - Amend Traffic Schedule. **Ordinance No. 2012-06** An Ordinance Amending the Traffic Schedule and Brevard a City Code to Limit Parking along Probart Street, England Street, Loeb Drive and Keith Court.

Mr. Freeman presented the staff report (on file) explaining many streets within Brevard are narrow and were not designed for on-street parking thus creating difficulty with traffic, especially with respect to larger emergency vehicles. In order to post "no parking" or "parking this side only" signs, the City's Traffic Schedule must be amended. Probart and England Streets (sections of) are included to insure an emergency vehicle travel route for the Fire Department. During Special Events, when Main Street is closed, England/Probart is the Fire Department's primary route. Loeb Drive and Keith Court are included due to a significant number of complaints received because of on-street parking on both sides of the street. Staff recognizes there is a need for a more comprehensive look at City's Traffic Schedule as it relates to on-street parking in residential neighborhoods.

Council members agreed a more comprehensive look at how to best address on-street parking throughout residential neighborhoods is needed. While understanding the two streets named are complaint driven, they are hesitant to address the situation one or two streets at a time. Policy to address public parking on streets seems more appropriate.

Mr. Locks moved to table all action, seconded by Mr. Jones.

Discussion: Motion to table was to provide time for a parking policy.

Mayor Harris suggested consider adopting the no parking on England/Probart Streets in order to ensure a safe travel route for Fire Department, especially during special events.

Vote on Motion to Table:
Aye: Mr. Locks and Mr. Jones Nay: Mr. Morrow, Mr. Landreth and Mr. Dickson
Motion to table failed.

Mr. Morrow moved, seconded by Mr. Landreth the Ordinance be adopted as presented.
Aye: Mr. Morrow and Mr. Landreth Nay: Mr. Locks, Mr. Dickson and Mr. Jones
Motion failed.

Mr. Jones stated he is in support of staff recommendations with respect to England and Probart Street and therefore moved, seconded by Mr. Dickson, to amend **Ordinance No. 2012-06** by striking paragraphs C, D, E and F from Section 1, and to approve as amended. Motion carried unanimously.

ORDINANCE NO. 2012-06

AN ORDINANCE AMENDING THE TRAFFIC SCHEDULE AND BREVARD CITY CODE TO LIMIT PARKING ALONG PROBART AND ENGLAND STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT THE TRAFFIC SCHEDULE AND THE BREVARD CITY CODE SHALL BE AMENDED AS FOLLOWS:

Section 1. Chapter 66, Article I, Section 66-122 of the Brevard City Code and the City's Traffic Schedule 1 is hereby amended as described below:

a) Probart Street is designated as a no parking area on both sides of the street, from its intersection with Caldwell Street, westward to the City of Brevard Corporate Limits.

b) England Street is designated as a no parking area on both sides of the street, from its intersection with Probart Street, southward to its intersection with West Jordan Street.

Section 2. 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 I to reflect the change as set forth herein.

Section 3. 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 4. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this 5th day of March, 2012.

Remarks By Officials

Mayor Harris shared upon hearing of the tornado in Murphy, he called and spoke with Mayor Hughes to offer Brevard's support and willingness to come and help if needed. Mayor Hughes was appreciative for the offer.

Mr. Morrow commended Mayor Harris for contacting NC DOT, bringing attention to the need for French Broad Street to be repaved and for their subsequent action.

Mr. Moore introduced Mr. Jay Johnston, Director of Engineering and Utilities, who started working with the City today.

Mr. Johnston shared he is glad to be here and is ready to serve.

Adjourn - There being no further business before Council, Mr. Morrow moved, seconded by Mr. Jones the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 8:48 p.m.

Jimmy Harris, Mayor

Desiree D. Perry, City Clerk

Minutes Approved: April 2, 2012