

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
July 16, 2012 – 7:00 PM**

The City Council of the City of Brevard met in regular session on Monday, July 16, 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, Wes Dickson, Maurice Jones and Charlie Landreth.

Staff Present - City Manager Joe Moore, City Attorney Mike Pratt, City Clerk Desiree Perry, Fire Chief Craig Budzinski, Planner Daniel Cobb, Public Service Director David Lutz, Planning Director Josh Freeman, Building & Grounds Director Lynn Goldsmith, Human Resource Director LeAnn McCraw, and Exec. Assistant Jeanette Owen.

Press - Derek McKissock, Transylvania Times

Call to Order and 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 - Reverend Gary Stephens, First Church of the Nazarene offered an invocation. Troup 701 Boy Scouts Kevin Elliott, Thomas Richmond and Daniel Richmond led in the Pledge of Allegiance to the Flag.

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

Approval of Agenda - Mr. Jones moved, seconded by Mr. Morrow, the Agenda be amended to reverse the order by moving Item H Certificates/Awards/Recognition to follow the approval of Minutes. Motion passed unanimously.

Approval of Minutes - Mr. Morrow moved, seconded by Mr. Landreth, the June 4th workshop, June 4th regular meeting and June 18th, 2012 Minutes be approved as presented. Motion passed unanimously.

Certificates / Awards / Recognition

Mark O. Walker Achievement Recognition - Mayor Harris and PS Director David Lutz commended Public Service Department staff member Mark Walker for his achievement of obtaining NC State Water Distribution Operation Certification, and presented to him the Certificate.

Special Presentation(s)

Fluoridation of Drinking Water - Transylvania County Health Department Director Mr. Steve Smith, Board of Health members Pharmacist Mark Creasman, RPh and Dr. Sim Cozart, DDS thanked Council for revisiting the issue of adding fluoride into the City water supply and allowing the Health Department to evaluate the question. Evaluation was done by the Board with assistance from a few doctors, nurse, pharmacist, as well as had support from other local physicians, dentists and the NC State Health Director. Upon completion, it is their recommendation the City return to the previous practice of adding fluoridation to the City's water supply at the amount of .7 parts per million. This recommendation is not based because other States and communities have done so, but rather following their investigation they have formed their recommendation based upon their research. Believe adding fluoride would save our community dollars in dental health care for Brevard citizens. A power point presentation, documentation of the evaluation process and letters of support to add fluoride were provided (on file with meeting materials).

Discussion / Comments:

1. City began adding fluoride in 1980 and stopped in 2007, would prefer having data showing the dental health difference that resulted with and without fluoride.
2. How does the fact that Brevard's water supply is obtained from the headwaters factor in?
3. Do other communities that have benefit of obtaining their water supply from headwaters add fluoride?
4. Would like the Oak Ridge Report done a few years back to be included within the evaluation.
5. Report indicates most water sources naturally has fluoride in varying levels. That being so, what measures would be needed in order to insure that no more than .7 parts per million would result?
6. Knowing that natural fluoridation levels are common, does the City's water plant have the ability to calculate the natural fluoridation level of the Cathey's Creek water supply, and, the precision to add to the water supply whereby no more than .7 million parts is the result for the consumers ? Costs?
7. Majority of County residents use private or well water supply. There were several years the City added fluoride. Does data support there is or has been more dental decay by County residents than residents served by the City's water supply? Data to support there has been an increase in dental health decay due to and since the City stopped adding fluoride?
8. In addition to considering the pros and cons of adding fluoride into public water supply for human consumption, what would the impacts be upon businesses who use the City's water supply to produce their products?

Council thanked Mr. Smith, Mr. Creaseman and Dr. Cozart for their presentation.

Public Hearing - Proposed Text Amendments to the City of Brevard Code of Ordinances. (a) Game Room Licensing and Permitting, (b) Inherited Property Subdivisions, and (c) Conservation Subdivisions.

At 7:59 p.m. the properly advertised and noticed public hearing to receive comments on three proposed text amendments began. Planning Director Josh Freeman briefly described the purposes for the proposed text amendments:

(a) Game Room License - Proposed would make license review an administrative review by staff rather than review by City Council.

(b) Inherited Property Subdivisions - Will allow staff to approve a subdivision of inherited properties division designated within a will/estate that may or may not be in keeping with local subdivision and zoning laws. Also proposed is text to allow a window of time for attorneys and estate planners to be aware of the amendment and of their responsibility to create future documents (wills) that comply with City Code. Existing wills and those created between now and the decided upon window of time will be grandfathered.

Mr. Pratt disclosed he drafted the text and did not charge either the City or a client for his services in this matter. Planning Board reviewed his drafted text and believed his draft was too tight and therefore they modified to relax some of his proposed standards. He shared recently he had three clients in similar estate situations and while he was able to resolve two, one he found difficulty to craft a right-of-way for the inherited land that meets City Code. He disclosed he wants Council to be aware of a potential conflict of interest and of their option to table and ask questions of another attorney, perhaps Mr. Mike Egan who serves as Council to the City's Board of Adjustment.

(c) Conservation Subdivision - Will allow for the creation of conservation and environment containment parcels without requiring the owner to meet and dedicate the minimum street frontage and ROW access requirements. To do so is not necessary

or beneficial when no City services will be provided to such a lot or parcel that is held in a permanent conservation.

Public Hearing - Public Participation Comments: None

Public Hearing Closed – With no questions or comments from Council or the public, Mayor Harris closed the hearing at 8:30 p.m.

~~~ At 8:30 p.m. Mayor Harris called for a ten minute recess. ~~~

### **Public Participation**

Harrison Friedman, 8 Laurel Ridge Road, shared he is 11 years old who likes to skateboard. With the recent closing of the skate board park (Zero Gravity) he and his friends now find it difficult to find a place to skate. With the closing the skate park, he has been doing some skating uptown and trying to do so in a way to not disturb businesses.

Kevin Smith, 54 Red Oak Street. Since the closing of the private owned skate park (Zero Gravity) more than 500 have signed a petition saying they would support having a skate park in the City, a skate park by skaters and for skaters. They are in the very early stages of organizing, appreciate the opportunity to come tonight to share with Council and the public, and will return in the near future once they have had opportunity to formulate more of a plan. Their website is: [www.sk8brevard.com](http://www.sk8brevard.com)

Kim Provost, Heart of Brevard President. Thanked Council for looking at the HOB as a strong economic engine. Shared she is the mother of an avid skater and with the closing of the skate park (Zero Gravity), some skaters are now using Franklin Street - which is not a safe place. Like football, baseball, soccer, biking, etc., skating is another sport important to a growing segment of our youth and asked consideration for the skating youth of our community.

**Consent Agenda** - 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, add an item(s) to the Consent Agenda.

Mr. Locks moved, seconded by Mr. Landreth, the Consent Agenda be amended to add New Business item M-1; add item M-2 including item M2b (Exhibit A, Section 2) be modified by changing the document execution date from September 30, 2012 to July 16, 2013; and, remove Consent Agenda Item K-1 in order to allow for discussion. Motion carried unanimously. The following six (6) items were approved:

Consent Item K-2 - Finance Department Staff Report (on file).

Consent Item K-3 - Public Services Staff Report (on file).

Consent Item K-4 - **Resolution No. 2012-15** Accepting A Grant From The Transylvania County Tourism Development Authority (TDA) for Implementation of the City of Brevard's Wayfinding & Graphic Communication System.

### **RESOLUTION NO. 2012-15**

#### **A RESOLUTION ACCEPTING A GRANT FROM THE TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY FOR IMPLEMENTATION OF THE CITY OF BREVARD'S WAYFINDING & GRAPHIC COMMUNICATION SYSTEM**

WHEREAS, Brevard City Council has adopted a master plan implementation of a Wayfinding & Graphic Communication System, which, upon implementation, will provide directional information to visitors and highlight the community's key destinations an assets; and,

WHEREAS, Brevard City Council has allocated funds for the implementation of the Wayfinding & Graphic Communication System, and has directed Staff to seek additional funding sources; and,

WHEREAS, the Transylvania County Tourism Development Authority has offered a generous grant of \$50,000, to be provided in two annual installments of \$25,000; for the implementation of the Wayfinding & Graphic Communication System; and,

WHEREAS, Brevard City Council desires to accept such grant.

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

SECTION 01. Brevard City Council hereby accepts a \$50,000 grant from the Transylvania County Tourism Development Authority for the implementation of a community Wayfinding & Graphic Communication System.

SECTION 02. Brevard City Council hereby extends its most sincere gratitude and appreciation for the Transylvania County Tourism Development Authority's generosity and willingness to partner with the City to advance the shared goal of furthering the economic growth and prosperity within Transylvania County.

SECTION 03. The City Manager is hereby authorized to enter into such agreements as are necessary to implement the Wayfinding & Graphic Communication System, including the acceptance of the aforementioned grant from the Transylvania County Tourism Development Authority.

SECTION 04. This resolution shall be in full force and effect from and after the date of its adoption.

Adopted and approved this 16th day of July, 2012.

**Consent Item K-5 (M-1) - Ordinance No 2012-19 Establishing The Bracken Preserve As A Public Park and Enacting Management Rules**

**ORDINANCE NO. 2012-19**

**AN ORDINANCE ESTABLISHING THE BRACKEN PRESERVE AS A PUBLIC PARK  
AND ENACTING MANAGEMENT RULES**

WHEREAS, Brevard City Council has adopted a master plan for the development of the City of Brevard's former water supply watershed, known as the Bracken and Brushy Creek Watershed, for conservation, education and recreation purposes; and,

WHEREAS, Brevard City Council has entered into a conservation easement agreement with the State of North Carolina, under the administration of the North Carolina Clean Water Management Trust Fund, to preserve the Bracken and Brushy Creek Watershed in perpetuity for the purpose of providing water quality protection, public open space, public recreation space, wildlife habitat, for the protection of rare and endangered species, and other similar purposes; and,

WHEREAS, Brevard City Council has endeavored to develop a system of trails that will facilitate the use of the Bracken and Brushy Creek Watershed for public recreation and education; and,

WHEREAS, Brevard City Council desires to establish a set of rules governing the public use of the Bracken and Brushy Creek Watershed; and,

WHEREAS, the Bracken Master Plan Steering Committee has recommended that the Bracken and Brushy Creek Watershed be officially named the Bracken Preserve.

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

SECTION 01. Pursuant to the North Carolina General Statutes, Chapter 160A. Cities and Towns, Article 18. Parks and Recreation, the Bracken Preserve is hereby established as a public park within the City of Brevard's parks and recreation system.

SECTION 02. The rules and regulations for the management of the Bracken Preserve are hereby enacted and shall read as set forth in Exhibit A to this Ordinance, which is attached hereto and incorporated herein.

SECTION 03. The City Manager is hereby authorized to enact and administer such administrative rules and procedures, and apply for and accept such grants on behalf of the City, as are necessary to effectuate the purpose of this ordinance, the conservation easement, and the property master plan.

SECTION 04. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Brevard City Code, Chapter 1. General Provisions, Sec. 1-8. - General penalty; other remedies.

SECTION 05. As to any conflict between this ordinance and any parts of existing ordinances, the provisions of this ordinance shall control.

SECTION 06. 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 07. 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 16th day of July, 2012.

**Consent Item K-6 (M-2a) - Ordinance No. 2012-20** Amending Code of Ordinances, Chapter 10. Amusements, Article III Game Rooms

**ORDINANCE NO. 2012-20**

**AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES,  
CHAPTER 10. AMUSEMENTS, ARTICLE III GAME ROOMS**

WHEREAS, City Council desires to realize the more efficient, expeditious and consistent administration of City ordinances by removing the elected body from routine administrative matters, including the issuance of permits and licenses.

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended a number of text amendments to the City of Brevard Code of Ordinances; and,

WHEREAS, after review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard to approve the amendments as recommended.

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

SECTION 01. The City of Brevard Code of Ordinances, Chapter 10. Amusements, Article III. Game Rooms, Sections 10-82, 10-83 and 10-86 are hereby amended to read as set forth in Exhibit A of this ordinance, which is attached hereto and incorporated herein.

SECTION 02. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Brevard City Code, Chapter 1 General Provisions, Section 1-8.

SECTION 03. As to any conflict between this ordinance and any parts of existing ordinances, the provisions of this ordinance shall control.

SECTION 04. 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 05. 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 06. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this 16th day of July, 2012.

**Consent Item K-7 (M-2b) - Ordinance No. 2012-21** Amending the City of Brevard Code of Ordinances, Unified Development Ordinance To Add Subdivision of Inherited Property and Conservation Subdivision

**ORDINANCE NO. 2012-21**

**AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES,  
UNIFIED DEVELOPMENT ORDINANCE TO ADD SUBDIVISION OF INHERITED PROPERTY AND  
CONSERVATION SUBDIVISION**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended a number of text amendments to the City of Brevard Code of Ordinances; and

WHEREAS, after review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard to approve the amendments as recommended.

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

SECTION 01. Subdivision of Inherited Properties.

- a) WHEREAS, City Council, after due discussion and deliberation, has recognized that there is intrinsic value in honoring the ability of heirs and devisees to divide inherited properties, even when the division may not completely conform to the City Code;
- b) WHEREAS, Council has determined that strict adherence to the present Unified Development Ordinance can place an undue burden on certain heirs and devisees;
- c) WHEREAS, this Ordinance is intended to provide a reasonable degree of relief to those persons, while ultimately upholding the City Code over the long term.
- d) The City of Brevard Code of Ordinances, Unified Development Ordinance, Chapter 4. General Lot & Structure Provisions, Section 4.7 Miscellaneous Provisions, is hereby amended to include Subsection E. Subdivision of Inherited Property, which shall read as set forth in Exhibit A of this ordinance, which is attached hereto and incorporated herein.
- e) The City Clerk shall mail by First Class Mail a copy of this Ordinance to every attorney listed in the current Comporium telephone book in the "Attorney" sections of the Yellow Pages as having offices in North Carolina with addresses noted therein, within thirty (30) days of its enactment, with a letter making specific reference to the termination date as set forth in Section 2 of Exhibit A, to provide reasonable notice of the termination date of this Ordinance.
- f) The City Clerk shall publish a notice to the public at large in the Transylvania Times one time, summarizing this Ordinance and referring to the termination date of this Ordinance, to provide notice of the termination date as set forth in Section 2 of Exhibit A, to as many property owners as possible and the public at large.

SECTION 02. Conservation Subdivisions.

- a) WHEREAS, City Council desires to promote the protection of sensitive natural areas and opens spaces within the City of Brevard and its Extra Territorial Jurisdiction, in order to maintain a healthy environment and a high quality of life within Brevard and Transylvania County; and,
- b) WHEREAS, City Council intends to amend the subdivision regulations of the City of Brevard to allow the establishment of parcels of land that are intended to be set aside for the purpose of conservation or environmental remediation.
- c) The City of Brevard Code of Ordinances, Unified Development Ordinance, Chapter 4. General Lot & Structure Provisions, Section 4.7 Miscellaneous Provisions, is hereby amended to include Subsection F. Conservation Subdivisions, which shall read as set forth in Exhibit B of this ordinance, which is attached hereto and incorporated herein.

SECTION 03. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Chapter 18 of the City of Brevard Unified Development Ordinance.

SECTION 04. As to any conflict between this ordinance and any parts of existing ordinances, the provisions of this ordinance shall control.

SECTION 05. 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 06. 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 07. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this 16th day of July, 2012.

**EXHIBIT A  
(Ordinance Number 2012-21)**

1. The City of Brevard Code of Ordinances, Unified Development Ordinance, Chapter 4. General Lot & Structure Provisions, Section 4.7 Miscellaneous Provisions, is hereby amended to include Subsection E. Subdivision of Inherited Property, which shall read as follows.

**4.7 Miscellaneous Provisions**

**E. Subdivision of Inherited Property**

**1. Applicability:**

a. These provisions for the subdivision of inherited properties shall only be applicable to inherited properties as defined in Chapter 19, Section 19.3 of this Ordinance.

**2. Process for Subdivision**

a. A survey in recordable form shall be provided in accordance with the Administrator's standards for the submittal of a plat of minor subdivision.

b. Each heir or devisee shall be allowed to make any use allowed by the zoning designation of the property on his or her individual tract.

c. Nothing herein shall be construed to prohibit the owners from marketing their inherited tracts.

d. When the surveyor of the subdivision of inherited properties certifies that the right of way or access to the properties, or any of the tracts therein, will not meet City Code requirements due to width or slope, then no dedication of such right of way shall be required.

e. No further subdivision of the inherited property will be allowed unless or until the owners all comply with all subdivision requirements applicable to the property but for this ordinance.

f. A provision acknowledging the applicability of this Ordinance shall be included on the subdivision plat covering all of the inherited property, upon recordation following the owner's death.

**3. Access Allowed by Right of Way**

a. Access to inherited properties for the purpose of providing City services may, in the owners' discretion, be requested upon the proposed dedication of a right of way no less than 50 feet in width, providing each parcel within the subdivision access to a public road, dedicated to and accepted by the City, even if the right of way does not otherwise meet the requirements of the City Code of Ordinances. In such cases, the Administrator shall make a determination as to whether it is practicable and feasible to utilize the right of way to provide City services, taking into account the slope and other conditions applicable to the right of way, and the request shall be honored or denied, as the Administrator may deem appropriate.

b. Upon any request that the City provide services including water, sewer, fire protection, police protection and garbage and recycling, the City Planner or his designee shall review such request based on the conditions for access to the property at that time, and may require upgrade to meet its standards before providing such services, or may deny the request.

2. The City of Brevard Code of Ordinances, Unified Development Ordinance, Chapter 19. Definitions, Section 19.3 Definitions, is hereby amended to include the definition of "Inherited Property", which shall read as follows.

**19.3 Definitions**

**Inherited Property:**

1. An inherited property is defined for this ordinance specifically, as a zoned parcel to be subdivided per the terms of a document described in (2), following the death of the owner or person who executed the document, and which is to be divided by the terms of such document into two or more separate tracts, to the end that each heir or devisee is to receive a separate tract.

2. Documents requiring the division of inherited properties include wills, trusts, deeds subject to life estates, deeds with rights of survivorship, or other documents requiring that the property be divided upon the death of the owner or person who executed the document. Such documents shall have been executed on or before July 16, 2013.

## Unfinished Business - None

## New Business

**NB Item M-1 (K-1) Terrell L. Scruggs Memorial Scholarship** - The loss of former Finance Director Terrell "Terry" Scruggs was great. Proposed in honor of and appreciation for his many contributions is to establish a memorial scholarship trust. Mayor Harris read aloud the introduction to the proposed Ordinance.

A revised copy of the proposed Ordinance was provided to Council members prior to the start of the meeting replacing the text reading "Governing Board" to read "Scholarship Committee".

Mr. Locks moved, seconded by Mr. Morrow, **Ordinance No. 2012-18** establishing the Terry Scruggs Scholarship Trust be adopted. Motion carried unanimously.

### ORDINANCE NO. 2012-18

#### AN ORDINANCE CREATING THE TERRELL L. SCRUGGS SCHOLARSHIP TRUST

Now comes City Council, and after due discussion and deliberation, has determined that it is right, honorable and proper to create a Scholarship Fund in honor and memory of TERRELL L. SCRUGGS, who loyally served the City of Brevard with integrity and enthusiasm in the Office of Finance Director, from September 26, 1994, through September 13, 2011, and also as Interim City Manager, from February 26, 2009, through September 1, 2009;

Witnesseth:

Whereas City Council has determined that the scholarship fund shall be held in a Trust Fund separate from the General Fund, but subject to all standard budgeting, auditing and accounting requirements;

Whereas, City Council intends to create a Scholarship Committee to act and to operate with near independence from Council or Manager control, but does believe it appropriate to retain such control as is by law required over City Funds;

Whereas, the purpose of the Scholarship Fund is to receive, invest and manage donations and other income, and for the Scholarship Committee to award such scholarships as it sees fit, all in honor and memory of TERRELL L. SCRUGGS, and with grateful appreciation for his service to the City of Brevard and the community;

NOW, THEREFORE, be it hereby ordained that:

Section 1: A Scholarship Trust Fund is hereby established for the purposes set forth herein, said Scholarship Trust Fund to be included as an accounting item separate from the City's General Fund.

Section 2: The Finance Director shall manage and invest the Scholarship Trust Fund, as any other City owned fund.

Section 3: The Scholarship Committee shall serve as volunteers, without pay. The Scholarship Committee shall meet at least annually, but as often as a majority of the Committee should determine. Meetings shall be subject to the same Open Meetings Laws that apply to all City boards and committees. The Committee shall elect its Chairman, who shall serve as Chairman for a three year term, and its Secretary, who shall serve as Secretary for a three year term. Committee members shall serve three year terms, subject to two term limits. One half of the initial Committee shall serve one year terms and one half shall serve three year terms, so that there will be the presence of continuity on the Committee instead of all Committee members' terms expiring at the same time. City Council shall appoint Committee members.

Section 4: The initial Scholarship Committee members are Shirley Hutchins, Josh Freeman and Phil Harris who shall serve one year terms, and Betty Scruggs, LeAnn McCraw and Adam Hugey, who shall serve three year terms. The first meeting shall be convened at City Hall on August 1, 2012, at 3 O'clock, and the first order of business shall be the election of Chairman and Secretary. The Chairman, or in his absence, the Secretary, shall conduct the Committee meetings. The Secretary shall keep minutes in compliance with the Open Meetings Law.

Section 5. The City shall accept on behalf of the Scholarship Fund, all donations presented, and shall promptly place them into the Scholarship Fund Trust account or accounts, to be held, managed and invested under the same rules of law as other City monetary accounts. The Finance Director shall make

an annual report of income, expenditures, distributions for scholarships and other financial information to the Scholarship Committee, but the Scholarship Committee, the City Manager and the City Council may also ask for and are entitled to such information at any time, on reasonable notice to the Finance Director. Section 6: The Scholarship Committee shall award such scholarships as it sees fit, upon review of applications and majority vote. The Scholarship Committee, in its award of scholarships, shall:

- (a) Not exclude city employees or relatives of city employees, but nor shall it give any favorable or deferential treatment to city employees or relatives of city employees;
- (b) Recuse from discussion and vote related to all pending scholarship applications, any Committee member whose parent, spouse, son, daughter, grandson, granddaughter or sibling has a pending application for a scholarship;
- (c) Not allow any sitting member to apply for a scholarship;
- (d) Allow City residents to have a priority over non-residents, or not, in its discretion, but all applicants must be residents of Transylvania County;
- (e) Establish as a rule that scholarship applicants may be received only from seniors enrolled in Brevard High School, if it so chooses;
- (f) Determine whether a scholarship may be renewed from year to year, or whether it may be used only during the student's first year or first semester, post-high school, if it so chooses;
- (g) Set forth in writing all of the other matters to be considered for the award of a scholarship, such as (but not limited to) academic record, athletic achievements, participation in extracurricular activities, volunteerism, personal integrity, financial need, and other scholarships and grants awarded to the applicant, all in its complete discretion; provided, however, that such matters to be considered will not be changed between the time for applications to be filed and the time of awards to be made, both of which dates shall be duly noted on all scholarship applications;
- (h) Otherwise, award or refuse to award scholarships in its complete discretion;
- (i) Provide all pertinent information sought by the Finance Director in connection with any awarded scholarship, to the Trustee no less than thirty (30) days prior to the announcement of any scholarship awarded.

Section 7: The Finance Director shall make all checks from scholarships awarded, jointly to the student and the school in which the student is enrolled. Scholarships shall be for tuition and fees only, and shall not exceed the total amount thereof.

Section 8. The Finance Director shall present such Budgets or Budget Amendments as shall be proper under the circumstances for approval by City Council, and shall distribute the scholarships awarded when it is legal and appropriate to do so.

Section 9: This Ordinance shall be effective immediately upon its adoption.

Adopted and approved this the 16th day of July, 2012.

**NB Item M-3 Fluoride Evaluation Update** - At their March 7, 2011 meeting, Council directed Staff to cooperate with Transylvania County Health Department in developing a process to evaluate the health aspects of fluoride in Brevard's drinking water. This process was developed and completed. The Board of Health evaluation focused on the health-related aspects of this issue. Operational and economic aspects of this issue have not been discussed and require the opportunity for City Staff to report back to Council's questions. Also, while public input session conducted by the Board of Health was necessary for their charge, it was not intended to take place of a public forum in front of the governing body.

The question before Council is how to proceed in response to tonight's Board of Health presentation. Options for Council's consideration:

- 1. Declare the evaluation complete by not changing practice
- 2. Declare the evaluation complete by changing practice
- 3. Continue the evaluation by seeking additional or clarifying information
  - a. Request additional information from the Board of Health
  - b. Request information from City Staff
  - c. Request feedback from citizens through a public hearing

Council briefly discussed some of their previously mentioned questions of how, if decided to reintroduce fluoride, would the City monitor in order to insure no greater than .7 parts per million would result; data showing how much fluoride is within other water supplies in our County (Town of Rosman, Conneestee Falls, private wells, etc.); Oak Ridge report; questions on the impact adding fluoride would have upon businesses as they produce their products, etc., to name a few.

Mr. Landreth moved, seconded by Mr. Locks, Council adopt Staff recommendation of Council to direct operational questions to Staff and clarifying health-based questions to the Board of Health, and coordinate the response to these questions to coincide with a public hearing. At that time Council can make a more informed decision regarding the current water treatment practice. Motion carried unanimously.

### **Remarks by Officials**

Mayor Harris encouraged attendance at the Bracken Preserve Grand Opening scheduled for Friday, July 27th at 2:00 p.m. Unfortunately he will be out of town; however, Mayor Pro Tem Morrow and other Council members will be present.

Mr. Jones expressed his appreciation to the Board of Health for their research and presentation on the issue of fluoride. Expressed appreciation to the youth who came to speak out on what they believe - that a skate park is needed.

Mr. Dickson expressed appreciation for the July 10th Volunteer Appreciation Day, commended the work of the Planning Staff, and to Brevard citizens for all the work and involvement that they have invested in Bracken Preserve as it has allowed all to take ownership and has increased the value of the project.

Mr. Locks thanked the Health Department for their presentation, and thanked the youth and Ms. Provost for speaking up. They shared that ten percent (10%) of our school population are skaters - that is a significant number of kids.

### **Closed Session- None**

**Adjourn** - There being no further business before Council, Mr. Morrow moved, seconded by Mr. Landreth, the meeting be adjourned. Motion carried. Meeting adjourned at 9:18 p.m.

s/Jimmy Harris, Mayor

s/Desiree D. Perry, City Clerk

Minutes Approved: August 20, 2012