

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
September 17, 2012 – 7:00 PM

The City Council of the City of Brevard met in regular session on Monday, September 17, 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, Police Chief Phil Harris, Finance Director Jim Fatland, Public Service Rep. Wesley Shook, Building & Grounds Director Lynn Goldsmith, Planning Director Josh Freeman, Assistant Planning Director Brad Burton, City Engineer Jay Johnston, Fire Chief Craig Budzinski, and Executive 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 - Pastor Richard Jennings, Joy Outreach Fellowship Church, offered an invocation. Mayor Harris led in the Pledge of Allegiance to the Flag.

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

Approval of Agenda - Mr. Morrow moved, seconded by Mr. Landreth, the Agenda be amended to remove the second closed session (Item O-2) and approved as amended. Motion passed unanimously.

Approval of Minutes - Mr. Landreth moved, seconded by Mr. Jones, the August 20, 2012 Minutes be corrected by removing "Water Treatment Plant Capital Improvements" from page seven, line four, and approved as amended. Motion passed unanimously.

Certificates / Awards / Recognition - None

Special Presentation

2012 Transylvania Regional Hospital Annual Report - Mr. Bob Bednarek, CEO, presented the Transylvania Regional Hospital 2012 Annual Report. He shared the community hospital is a not for profit organization and the values that drive the hospital are: (1) Patient Focused and Centered; (2) Teamwork; (3) Committed to Excellence; (4) Accountability; and, (5) Trust. Included in the presentation was a four-page fact sheet provided to members of Council, a copy is on file.

Public Hearing - None

Public Participation

Mr. Tom Cabe, 8 East Main Street, asked that appropriations be made in next year's budget for maintenance of the sculptures that artists have donated to the City.

Mr. Ed Madden, 165 Maple Street, signed up to speak on the chicken Ordinance but deferred his time to Ms. Kim McCrary to speak on the subject.

Ms. Kim McCrary, 166 Maple Street and property owner of 25 Minor Street, representing herself and others spoke in opposition to the recently adopted Ordinance allowing the raising of chickens within the City limits. She voiced concerns with respect to sanitation, public health and economic impact. In advance of the meeting she provided Council with printed information in support of her concerns (on file), and, at the meeting she provided additional information using power-point (copy of slides on file). Requested Council to repeal the Ordinance or place a moratorium until the issues described are addressed.

Ms. Donna Alstead, 153 Maple Street, spoke in opposition to the recently adopted Ordinance allowing the raising of chickens within the City limits describing health concerns related to salmonella, number of chickens allowed per household, coop distance to property line is too close, and a permit to have chickens should be required. She provided one copy of her suggested new rules and regulations and associated information. (On file.) {Mayor directed the Clerk to make copies to distribute to Council members after the meeting. }

Ms. Leslie Logemann, 223 West Jordan Street, spoke in favor of the recently adopted Ordinance allowing chickens. She stated she understands the concerns brought tonight, offered to make herself available to answer questions and to be a contact should problems arise, and extended an invitation to attend the upcoming meetings that will likely answer the concerns raised. Brevard is an agricultural community and Transylvania County does not have issues with salmonella and mites and she does not anticipate we will have such problems within the City.

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. Morrow moved, seconded by Mr. Landreth, the Consent Agenda be amended to add New Business Items M1 and M2 and approve as amended.

Discussion: Mr. Jones stated the By-Laws included with the Human Relations Council (HRC) appointment consideration information appear to be out-of-date and needs revisiting. Mr. Morrow added the HRC is a joint City/Council board and any revisions or amendments need to be consistent with the County too. No official action was taken.

Vote on Motion: Unanimous. The following four (4) items were approved:

Consent Item K-1 - (a) Public Services Department Staff Report; (b) Financial Report. (On file.)

Consent Item K-2 - Appointment to Human Relations Council. Mr. Charles Baxter was reappointed to serve a second term that will expire May 2015.

Consent Item K-3 (M-1) - **Resolution No. 2012-21 Accepting Dedication and Ownership of Public Sculptures** ("Cow" sculpture by Aaron Alderman)

RESOLUTION NO. 21-2012

A RESOLUTION ACCEPTING DEDICATION AND OWNERSHIP OF PUBLIC SCULPTURES

WHEREAS, City Council has previously approved Resolution No. 24-03 providing for the participation of the City in a public sculpture program; and

WHEREAS, the Community Appearance Commission, City Manager and City Attorney have complied with the provisions of Resolution No. 24-03 in providing an appropriate location for the first two sculptures (the Elk and Red Wolf) and has accepted by Resolution Nos. 26-04, 59-04, 65-04, 73-04, 8-07, 11-09 and 16-09, the formal offer of dedication and ownership from the legal owner, the Community Focus Foundation, of the Elk sculpture by Aaron Alderman, the Red Wolf sculpture by Richard Merrill and Chris Worley, Golden Eagle by Chris Worley, Brother Bear by Richard Merrill, Butterflies Roosting by

Aaron Alderman, White Squirrel by Kathryn A. Wilson, Bobcat by Stephen L. Fox; Pisgah Ravens by Christine Kosiba, Panther by Chris Worley, Blue Heron / Bench by Chris Worley, Deer by Richard Merrill; Fox by Christine Kosiba, Raccoons by Ann DeGara; and, the Chipmunks by Christine Kosiba; and, the Turkey by Christine Kosiba; and

WHEREAS, the City has received a formal offer of dedication and ownership from the legal owner, the Community Focus Foundation, of the Cow sculpture by Aaron Alderman.

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

Section 1. The City Council hereby accepts dedication and ownership of the Cow sculpture by Aaron Alderman, from the legal owner - the Community Focus Foundation, as offered in a letter dated April 24, 2012 from Susan Threlkel, Treasurer of the Community Focus Foundation.

Section 2. The City Manager is directed and authorized to oversee all aspects of the approved public sculpture program, working in conjunction with the City Attorney, Community Appearance Commission, City staff and the appropriate artist.

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

Adopted and approved this the 17th day of September, 2012.

Consent Item K-4 (M-2) - New North Carolina law enacted during 2012 legislative session that will affect Law Enforcement operations. Accepted as information the staff report from Police Chief Phil Harris describing the new laws and their affect on how law enforcement is conducted in our community (on file).

Unfinished Business - None

New Business - None

Remarks by Officials

Mayor Harris shared our community has had the benefit of another successful Brevard Music Center season, the Mountain Song Festival was nice, and, he continues to hear good things about Bracken Mountain.

Mr. Locks shared he recently became aware that most of the City Boards and Committees, example ABC Board, only allow City residents to serve as members and suggested staff be directed to look into this to see if expanding to allow County residents to serve upon City boards should be considered.

Motion - Mr. Locks moved, seconded by Mr. Landreth, the Manager direct staff to investigate to see if expanding to allow County residents to serve upon City boards and committees should be considered and to report the findings to Council.

Discussion: Mr. Moore asked if the direction is intended for staff to review the ABC Board membership only, or, all City boards and committees.

Mr. Locks explained his motion is intended to include all City boards and committees.

Vote on Motion: Unanimous

Mr. Locks stated a lot of information on the issue of chickens in the City was received tonight and asked if Council is interested in asking staff to review the information provided. He and Mr. Jones expressed an interest; however, no motion for action was offered.

Closed Session- Mayor Harris asked City Attorney if it would be appropriate to convene two closed sessions for the purpose to discuss two **potential litigation** matters. City Attorney advised it would be appropriate pursuant to **GS § 143-318.11. (a)(3)** and instructed a motion, second and vote would be required to discuss the first matter, Council would then need to return to regular session, and then

offer a second motion, second and vote to enter into a second closed session. Separate minutes of the closed sessions are to be written.

At 8:21 p.m. Mr. Jones moved, seconded by Mr. Dickson, Council go into closed session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the Manager, Clerk, Josh Freeman, Brad Burton and Jay Johnson. {A three minute recess took place in order to allow all who were not authorized to remain to leave Council Chambers.}

Adjourn Closed Session to Regular Session – At 8:56 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the Closed Session are authorized to be sealed.

At 8:56 p.m. Mr. Jones moved, seconded by Mr. Landreth, Council go into a second closed session to discuss potential litigation. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager, Clerk, Josh Freeman and Brad Burton.

Adjourn Closed Session to Regular Session – At 9:15 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the Closed Session are authorized to be sealed.

Adjourn - There being no further business before Council, Mr. Morrow moved, seconded by Mr. Landreth, the meeting be adjourned. Motion carried. Meeting adjourned at 9:15 p.m.

s/Jimmy Harris
Mayor

s/Desiree D. Perry, NCCMC
City Clerk

Minutes Approved: October 1, 2012