**MINUTES**
**BREVARD CITY COUNCIL**
**Regular Meeting**
**August 19, 2013 – 7:00 PM**

The Brevard City Council met in regular session on Monday, August 19, 2013 at 7:00 p.m. 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, Planning Director Josh Freeman, Finance Director Jim Fatland, Public Service Director David Lutz, HR Director Christine Caldwell, Bldg & Grounds Director Lynn Goldsmith, Planner Aaron Bland, Police Chief Phil Harris, Planner Sarah Lutz, Assistant Planning Dir. Brad Burton, Planner Daniel Cobb, Director of Utilities Jay Johnston, PE, and Executive Assistant Jeanette Owen.

**Press -** Derek McKissock, Transylvania Times

**A. Welcome and Call to Order** - Mayor Harris called the meeting to order, welcomed those present and introduced council members and staff.

**B. Invocation -** Reverend Tommy Crocker, First Baptist Church, offered an invocation.

**C. Pledge of Allegiance** - Mayor Harris led in the Pledge of Allegiance.

**D. Certification of Quorum -** The City Clerk certified a quorum with all six members present.

**E. Approval of Agenda -** Mr. Jones moved, seconded by Mr. Landreth, the Agenda be approved as presented. Motion carried unanimously.

**F. Approval of Minutes -** Mr. Morrow moved, seconded by Mr. Landreth, the July 15, 2013 meeting minutes be approved as presented. Motion carried unanimously.

**G. Public Hearing**

**G-1 <u>Proposed City Code Text Amendment, Chapter 70 (Impact Fees)</u>**

At 7:10 p.m. the properly advertised and notice public hearing to receive comments on the proposed text amendments began. Mr. Burton explained the current Code language has water and sewer impact fees deposited into capital reserve fund for improvements to the water or sewer plant. Proposed is to amend language will allow for expanded use of the funds.

Text to be deleted shown in ~~strikethrough~~, proposed text shown in *italic*:

Chapter 70 Utilities, Article II Water, Section 70-35(c): Water capacity impact fees are to be deposited in the city's capital reserve fund ~~for improvements at the water plant~~ *to recover costs associated with water system capacity development*.

Chapter 70 Utilities, Article II Sewer, Section 70-97(e): Sewer capacity impact fees are to be deposited in the city's capital reserve fund ~~for improvements at the sewer plant~~ *to recover costs associated with sewer system capacity development*.

Mr. Locks recommended that staff add the definition of capacity development, as verbalized by Mr. Burton, to the proposed Ordinance.

<u>Public Hearing - Public Participation Comments</u> - None

Public Hearing Closed – With no further questions or comments from Council or the public, Mayor Harris closed the hearing at 7:14 p.m.

**H. Certificates / Awards / Recognition**

Brevard Cares Recognition - Mayor and Chief Harris recognized and presented Certificates of Appreciation to Reverend Frederick Gordon, Bethel A Baptist Church, Pastor Dema Barishikov, Destiny Christian Fellowship, and, Elder Jim Arnold, Church of Jesus Christ of Latter-Day Saints for their participation and executing this year's Brevard Cares project.

Hispanic Heritage Month Proclamation - Mayor Harris read aloud the Proclamation declaring September 15 - October 15, 2013 as Hispanic Heritage Month, and then presented it to Judith West, Teresa Rocha, Dolores Contreras and Benito Contreras.

Constitution Week Proclamation - Mayor Harris read aloud the Proclamation declaring September 17 - 23, 2013 as Constitution Week, and then presented it to representatives of the Daughters of the American Revolution, Chapter Regent Molly Tart, accompanied by Pamela Harrison, Debby West, Gloria Gunther and Judy Potter.

**I. Public Participation** - None

**J. Special Presentations**

**J-1 Annual Settlement Report of Tax Collector** - 2012 Transylvania County Tax Settlement Report - Ms. Charlene Stone, TC Tax Administrators Office, presented the annual Report showing current year taxes collected was $4,129,244.83, with $16,712.53 uncollected, for an overall 99.60% collection rate.

Ms. Stone shared the County offers a payroll deduction payment plan to County employees to satisfy their taxes. If the City is interested in offering a similar employee payroll deduction, she is open to discuss further.

Re-Evaluation Update - Ms. Annette Raines presented a re-evaluation update sharing the tax base has grown 8.5 million dollars since the 2009 Evaluation. City has lost about 7 million dollars in value since 2009, in part by an increase in exemptions such as those provided for the disabled, elderly, and historic properties that takes away 50% of the property value. At present, things are selling for just a little less than what the County has them valued at. Next scheduled evaluation will be January 2016.

Tag and Tax - Beginning September 2013 citizens will no longer pay their vehicle tax to the County Tax Office, but will pay it to NC DMV office when paying for their vehicle tax.

County Tax Assessor David Reid explained both the City and County have held up better than many other places in our State. To have revenue neutral would likely mean raising the tax rate by 2%, which would be a decision of the tax authority, be it the City, County or Town of Rosman.

A copy of the Settlement Report is on file. Council accepted the Report and applauded the Tax Office staff for their excellent work and collection rate.

**J-2 Elm Bend Road Sidewalk Project Closeout** - Ms. Lutz described the sidewalk project as fulfilling the first priority for sidewalk construction in the City's adopted Brevard Comprehensive Pedestrian Plan. Ms. Lutz, PS Director D. Lutz and Mr. Michael Goforth, PE, High Country Engineering, presented a series of power-point slides describing the background of the project, geographic limits, financing, projects multiple partners, and design and construction aspects of the project. Mr. Lutz shared some Public Service employees performed work on the project (utilities, concrete work, etc.)

that both provided opportunities for employee cross-training and saved on construction costs to the City.

Mr. Moore shared City staff overseeing the project, utilizing City employee skills, and realizing a 21% savings is monumental. This project is a really sound model.

Council thanked staff for the presentation and expressed their appreciation for the hard work and good results.

**J-3 Caldwell Street Widening Project** - Ms. Lutz and Mr. Cobb provided background information on the Project and presented an update on the second phase of the two-phase implementation of the unbalanced couplet project along Caldwell Street.

> Excerpt from Staff Report: "Currently, Planning staff and NCDOT Division Staff are working together to craft a Municipal Agreement which will clearly lay out the responsibilities of both the City and NCDOT for the remainder of the project, known as U-5104. This agreement is likely to hold the City responsible for relocating City owned utilities, in this case water services and hydrants that are in the project path, as well as for a portion of the sidewalk construction. These responsibilities will be the City's "match" against NCDOT funds for the project; the "match" is now a typical requirement of STIP projects.
>
> This project represents the importance of long-term planning and commitment by City Council to these types of projects as evidenced by the fact that it has taken over ten years to bring all three phases to fruition."

Public Information Session - A public information session where the public may review plans for this project and ask questions of staff has been scheduled for September 9, 2013 at 6:00 p.m. in the Rogow Room.

Mr. Locks shared the concepts, such as creation of middle lane on Main Street for loading and unloading, providing a lane to allow motorist to turn left from Caldwell onto Main, and from Main onto Broad, were a part of the unbalanced couplet concept to improve traffic situation; however, it's not working very well. Questioned when the West Loop is added to this whole process, how then will the traffic be?

Ms. Lutz explained a traffic analysis is in process.

Mr. Jones noted recognition to previous Council, staff, County and NCDOT, is warranted as together they identified traffic needs and solutions.

*~~ At 8:33 p.m. Mayor Harris called for a ten minute break. ~~*

**J-4 Economic Development "Business Friendly" Initiatives Update** - Mr. Freeman presented his staff report (on file). He explained the City is involved in a number of initiatives to support economic development in Transylvania County and to ensure that City ordinances and processes are as "business friendly" as possible without compromising their underlying objectives. Initiatives fall into two categories: collaborations with community partners, and internal initiatives.

Collaborations with Community Partners include: Heart of Brevard Economic Restructuring Community; Market/Gap Analysis; Entrepreneurism Support Initiative; Product Development Task Force; and, Nonprofit Funding

Internal Initiatives include: Forms/Procedures Update; Development Process/Requirements Evaluation; and, City Code Amendments (a) Impact Fees [Oct 7, 2013 Workshop]; (b) Architectural Design Requirements [Mar 3, 2014 Workshop]; (c) Stormwater Management [Mar 3, 2014 Workshop]; (d) Signage [April 7, 2014 Workshop]; (e) Special Events

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

Mr. Landreth moved, seconded by Mr. Morrow, that New Business Item M-1 Water Treatment Plant Design Change and Budget Adjustment, and New Business Item M-3 Text Amendments to Brevard City Code Chapter 70 (Impact Fees) be added to the Consent Agenda and the Consent Agenda be approved as amended. Motion carried unanimously. The following items were approved:

**K-1 Department Staff Reports**
(a) Finance: Year End Finance Report (Unaudited)
(b) Fire Department Quarterly Report
(c) Human Resources: The Affordable Health Care Act
(d) Public Services Monthly Report
(e) Planning Department Report:
i. Comprehensive Plan Update
ii. Retail Market Analysis and Economic Development Strategy
iii. Feasibility Study to Establish a Permanent Farmers Market
iv. **Resolution No. 2013-21** Adopting The 2012-2013 Downtown Brevard Parking Needs Assessment
(f) Administration: State Budget and Tax Reform Update

The above listed reports are on file in the respective Department.

**RESOLUTION NO. 2013-21**

**RESOLUTION ADOPTING THE 2012-2013 DOWNTOWN BREVARD PARKING NEEDS ASSESSMENT**

WHEREAS, parking in downtown Brevard has been identified as an issue of high importance by the citizens of the City of Brevard; and,

WHEREAS, ensuring an effective parking system within the downtown area of the City of Brevard is necessary to encourage and sustain a vibrant economy for both residents and visitors; and

WHEREAS, the City Council of the City of Brevard has commissioned a study entitled the Downtown Brevard Parking Needs Assessment, which identified and recommends certain actions, which are necessary to improve the parking system in downtown Brevard.

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

Section 1: The 2012-2013 Downtown Brevard Parking Needs Assessment, which is incorporated by reference and a part of this Resolution, is hereby adopted as Policy of the City of Brevard.

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

Approved and adopted this the 19th day of August, 2013.

**K-2 Advisory Board Appointments** - Human Relations Council
Reappointed Mr. David Lee Carr, Jr., and, Mr. Eurial "JR" Turner to the Human Relations Council; terms will expire May 2016

**K-3 Resolution No. 2013-22** Recognizing and Honoring S. Ellis Hankins, Executive Director, NC League of Municipalities

**RESOLUTION NO. 2013-22**

**A RESOLUTION RECOGNIZING AND HONORING S. ELLIS HANKINS, EXECUTIVE DIRECTOR NORTH CAROLINA LEAGUE OF MUNICIPALITIES**

WHEREAS, S. Ellis Hankins, Executive Director of the North Carolina League of Municipalities, a leader in municipal government and leadership for nearly thirty years, has announced his retirement; and

WHEREAS, S. Ellis Hankins began his career with the League in October, 1982 as Assistant General Counsel and was promoted to Associate General Counsel; and

WHEREAS, S. Ellis Hankins was promoted to General Counsel and chief legislative lobbyist in 1987 and served in that position until departing the League staff in 1994; and

WHEREAS, S. Ellis Hankins returned to the North Carolina League of Municipalities as its Executive Director in 1997; and

WHEREAS, S. Ellis Hankins is only the fifth full-time Executive Director of the North Carolina League of Municipalities in the 105-year history of the membership association representing nearly every municipality 8in the State of North Carolina; and

WHEREAS, the work of S. Ellis Hankins benefitted the citizens of the cities and towns in the State of North Carolina; and

WHEREAS, S. Ellis Hankins has worked to promote good government in North Carolina through the League's offering non-partisan advocacy, insurance, and other services as directed by the membership; and

NOW, THEREFORE, BE IT RESOLVED the Brevard City Council, hereby honors S. Ellis Hankins, of the North Carolina League of Municipalities for his faithful service and lasting contributions to municipal government.

BE IT FURTHER RESOLVED, that this Resolution be made a part of the permanent records of the City of Brevard and that a copy be forwarded to S. Ellis Hankins.

Adopted and approved this 19th day of August, 2013.

**K-4 Resolution No. 2013-23** Wayfinding and Signage Bid Award

**Resolution No. 2013-23**

**A RESOLUTION AWARDING A CONTRACT FOR THE FABRICATION, DELIVERY, AND INSTALLATION OF THE CITY OF BREVARD'S WAYFINDING AND SIGNAGE PROGRAM**

WHEREAS, in September 2007 the City Council of Brevard adopted (via Resolution No. 48-07) the Wayfinding and Signage as a policy of the City of Brevard to guide the establishment of a community signage and wayfinding system; and,

WHEREAS, the Wayfinding and Signage Program was referred to the City Manager for implementation; and,

WHEREAS, after proper advertisement the City received a total of 5 (five) bids for the fabrication, delivery, and installation of the City's wayfinding signage program; and,

WHEREAS, the apparent low bid from Signs Etc. of Charlotte, North Carolina totaled $247,750.

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 enter into a contract agreement with Signs Etc. of Charlotte, North Carolina for the fabrication, delivery, and installation of the City's wayfinding and signage program in the amount of $247,750.

Section 2. The City manager and successors so titled, is further authorized and directed to make changes or modifications during the course of the project to ensure project completion.

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

Adopted and approved this the 19th day of August, 2013.

**K-5 (NB M-1) Water Treatment Plant Design Change and Budget Adjustment -** Approved $83,500 budget amendment from Utility Fund Balance to improve longevity, performance and operating cost for planned filter and settled water enclosure at the water treatment plant.

**K-6 (NB M-3) Ordinance No. 2013-08** Text Amendment to Brevard City Code, Chapter 70 (Impact Fees)

**ORDINANCE NO. 2013-08**

**AN ORDINANCE AMENDING BREVARD CITY CODE, CHAPTER 70 UTILITIES**

WHEREAS, City Staff has recommended certain amendment to Brevard City Code, which will serve to clarify certain ordinances; and,

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

SECTION 01. Certain amendments to Brevard City Code, Chapter 70 Utilities, Article II. Water, Section 70-35. – Connection charges, are hereby enacted and shall read as set forth in Exhibit A to this Ordinance, which is attached hereto and incorporated herein.

SECTION 02. Certain amendments to Brevard City Code, Chapter 70 Utilities, Article III. Sewer, Section 70-97. – Sewer connection charges, are hereby enacted and shall read as set forth in Exhibit B to this Ordinance, which is attached hereto and incorporated herein.

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 19th day of August, 2013.

**L. Unfinished Business** - None

**M. New Business**

**M-2 Capacity Development Communications and Outreach Plan -** Mr. Johnson presented his staff report (on file). He shared since Council Retreat, staff has developed a Communication and Outreach Plan. Projections prepared by consultants and City staff, independently, clearly indicate future water demand is in excess of our current capacity. Such capacity limitations will eventually restrict growth and economic development possibilities. Planning for capacity development is essential and takes time and community involvement.

The purpose of the Outreach Plan is to (a) provide opportunity to offer accurate information to the public about the City's water needs, that will probably mean developing a water body for water supply that is not currently classified for water supply, which would involve reclassification; and, (b) at the same time, to listen to public concerns and address those concerns.

Mr. Johnson presented a series of power-point slides staff has prepared as an aid to illustrate the look and feel of various watershed versions based upon a variety of example intake locations. He explained the State requires that all jurisdictions within a watershed are to have a Watershed Ordinance.

Following the presentation, Mr. Locks suggested that when meeting with County and Rosman representatives, the detail provided in the slides will be expected and needed. However, he suggested consideration be made to not go into such detail at the early citizen Outreach sessions but rather to focus upon sharing the need to have an alternate water supply source. Need to communicate to help citizens understand this is a need, important to begin with why we are doing this is because we are on a critical path. We are almost at the point that if someone comes to Brevard, we can't commit to them we have the water they need as we have already committed to our max. With the citizens understanding of the need, support will likely follow.

Mr. Landreth added there are two different audiences. An audience of land owners who will have questions about what a watershed ordinance does, how it would apply and impact them, if it would it keep them from using their land, place restrictions upon their land, etc. There is the audience of County and Rosman elected officials who will seek to know what a watershed ordinance will do with respect to economic development, taxes, etc. Details help a commissioner, planning board, developer and investor to better understand the economic development impact of a watershed ordinance.

County Commissioner Larry Chapman and County Economic Director Mark Burrows were in attendance and expressed the County's interest and willingness to meet and to discuss the matter.

Staff's recommendation to Council was to: (1) Receive the Communication and Outreach Plan; (2) Schedule a September 30, 2013 Council Workshop to discuss capacity development and various policies relating to utility extension; and, (3) To authorize staff to initiate discussions with Transylvania County and Town of Rosman to begin sharing the outreach message.

Mr. Landreth moved, seconded by Mr. Jones, Council approve staff's recommendation and schedule a workshop for September 30th to discuss capacity development and policies related to utility extensions. Motion carried unanimously.

Mr. Morrow moved, seconded by Mr. Landreth, Council grants permission/authorizes staff to make the outreach presentation to elected officials either on one to one, or, two on two, with their executive directors in attendance. Motion carried unanimously.

*~~ At 10:18 p.m. Mayor Harris called for a ten minute break. ~~*

**M-4 NCDOT Municipal Agreement to Replace Railroad Avenue Bridge**

Mr. Landreth moved, seconded by Mr. Dickson, text within the drafted Resolution and Ordinance be amended as follows: (Deleted text shown in ~~strikethrough~~, added/amended text in *italic*.)

> Resolution, third paragraph: "WHEREAS, the North Carolina Department of Transportation will provide project oversight and participate in inspections. Reimbursements shall be made ~~every sixty days until completion of the project~~ *as per the Municipal Agreement."*

Ordinance, fourth paragraph: "WHEREAS, the City has ~~the Municipal Agreement and the terms and conditions set forth by NCDOT and Brevard City Council intends to complete the project, including providing local funds required to meet the overall project costs~~; *approved the execution of the Municipal Agreement by Resolution 2013-24 and the terms and conditions set forth by NCDOT; and*

Add new fifth paragraph: "*WHEREAS, Brevard City Council intends to complete the project and has approved funding to meet the overall project cost; and,*

Motion carried unanimously.

**RESOLUTION NO. 2013-24**

**A RESOLUTION APPROVING A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF BRIDGE #102 ALONG RAILROAD AVENUE**

WHEREAS, the North Carolina Department of Transportation and the City of Brevard have agree to participate in the replacement of Bridge #102 along Railroad Avenue as TIP Project B-5550; and,

WHEREAS, the City of Brevard shall be responsible for the administration of the Municipal Agreement, including project oversight of engineering, design, environmental documents, right-of-way acquisition, utility relocation, and construction for which the City shall be reimbursed eighty percent (80%) of cost; and

WHEREAS, the North Carolina Department of Transportation will provide project oversight and participate in inspections. Reimbursement shall be made as per the Municipal Agreement.

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

Section 1: Project B-5550 in Transylvania County is hereby formally approved by the City Council of the City of Brevard and that the City Manager and City Clerk of the City of Brevard are hereby empowered to sign and execute the Agreement with the Department of Transportation.

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

Adopted and approved this the 19th day of August, 2013.

**ORDINANCE NO. 2013-09**

**AN ORDINANCE ESTABLISHING A PROJECT BUDGET FOR THE REPLACEMENT OF BRIDGE #102 ALONG RAILROAD AVENUE**

WHEREAS, in accordance with the applicable provisions of the North Carolina Local Government Budget and Contract Act; and,

WHEREAS the City of Brevard requires certain fiscal actions to effectively provide continued and improved service to its customers; and

WHEREAS, the City of Brevard has requested funding assistance through the North Carolina Department of Transportation's Transportation Improvement Program (TIP) and has received a municipal agreement for said funding; and,

WHEREAS, the City has approved the execution of the Municipal Agreement by **Resolution 2013-24** and the terms and conditions set forth by NCDOT; and

WHEREAS, Brevard City Council intends to complete the project and has approved funding to meet the overall project cost; and, WHEREAS, Brevard City Council now desires to establish a project budget to account for the receipt and disbursement of funds for the replacement of Bridge #102 along Railroad Avenue, otherwise known as the "West Loop Bridge" project, and for a conceptual design to the West Loop.

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

Section 1. Effective the date of passage of this Ordinance, the City of Brevard Fiscal Year 2013-2014 Budget is hereby amended as described in Section 3, below, and a multi-year project budget for the West Loop Bridge project, including is hereby established.

Section 2. Revenues for this project are budgeted as follows:

| REVENUES | |
|---|---|
| City of Brevard Pedestrian Bikeway Fund | $300,000 |
| NCDOT STIP B-5550 | $832,000 |
| TOTAL REVENUES | $1,132,000 |

Section 3. Projected expenditures are budgeted as follows:

| EXPENDITURES | |
|---|---|
| Conceptual Plan- West Loop Alignment (ineligible cost) | $92,000 |
| Engineering & Design | $240,000 |
| Right-of-way acquisition/Utility Relocation | $150,000 |
| Bridge Construction | $650,000 |
| TOTAL EXPENDITURES | $1,132,000 |

Section 4. This ordinance shall remain in effect until the completion of the West Loop Bridge Project and West Loop Conceptual Design.

Section 5. The Finance Officer and City Manager are instructed to take appropriate actions to implement this ordinance.

Section 6. This Ordinance shall become effective upon its adoption and approval.

Section 7. This Ordinance shall be on file in the office of the City Clerk and will be maintained according to the Municipal Records Retention and Disposition Schedule.

Adopted this the 19th day of August, 2013.

## N. Remarks By Officials

Mayor Harris recently met with Taylor and Kate of Native Eyewear and they shared with him they are very impressed with Brevard and Transylvania County.

Mr. Landreth reported GrowNC Steering Committee has published their final draft of the strategic plan and is available for public review through August. It is a great tool and he encouraged folks to take a look at it.

Mr. Dickson expressed appreciation for the Elm Bend presentation and that it is great to see our staff getting more and more training.

Mr. Locks expressed appreciation for the reports presented tonight, and that he especially liked the one on economic development. Another key thing for our community is education, and rather than just protesting about what is going on at the State level, he encouraged folks to consider giving to education foundations, to individual schools, etc. Suggested Council authorize the City Manager to talk with Mr. McDaris to see how the City can be helpful to the school system.

Mr. Locks moved, seconded by Mr. Landreth, the City Manager to engage in conversation with TC Board of Education Superintendent Jeff McDaris to ask how the City can be helpful. Motion carried unanimously.

Ms. Perry reminded Council members of their invitation to the annual Transylvania Partnership meeting, and, it is now time for those desiring to attend the NC League of Municipalities Annual Conference to register.

Mr. Moore shared the City Pay Plan program has started, employees are seeing rewards of it, and the program seems to be doing really well.

**O. Closed Session-** Mayor Harris asked the City Attorney if it would be appropriate to convene three closed sessions for the purpose to discuss (1) potential property acquisition; (2) pending litigation of Edward Ernest Reinhart, Janelle Marie Blanchard and Timothy Reinhart vs City of Brevard; and, (3) personnel matter. City Attorney advised it would be appropriate pursuant to **GS § 143-318.11. (a)(5) (3) and (6).** Each closed session will require a separate motion, second and vote to discuss the matter. Council will enter and exit regular session for each closed session.

At 10:49 p.m. Mr. Landreth moved, seconded by Mr. Morrow, Council go into closed session to discuss potential property acquisition. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the Manager, Planning Director and City Clerk. *(A two minute break was taken to allow citizens and staff to leave Council Chambers.)*

Council Returned to Regular Session – At 11:00 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 11:00 p.m. Mr. Morrow moved, seconded by Mr. Landreth, Council pending litigation of Edward Ernest Reinhart, Janelle Marie Blanchard and Timothy Reinhart vs City of Brevard. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the Manager and City Clerk.

At 11:21 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 11:21 p.m. Council dismissed the City Clerk to hold a closed session to discuss a personnel matter. City Attorney will provide Minutes of the closed session, and will provide to the Clerk the record of Council's return to regular session and actions (if any) taken, and adjournment.

Council came out of closed session at ______p.m. 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. ______________ moved, seconded by Mr. __________________, the meeting be adjourned. Motion carried. Meeting adjourned at ______ p.m.

| | |
|---|---|
| s/Jimmy Harris | s/Desiree Perry |
| Jimmy Harris | Desiree D. Perry, CMC, NCCMC |
| Mayor | City Clerk |

Minutes Approved: September 16, 2013