

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
February 18, 2013 – 7:00 PM

The City Council of the City of Brevard met in regular session on Monday, February 18, 2013 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, Planner Daniel Cobb, Fire Chief Craig Budzinski, Director of Engineering & Utilities Jay Johnston PE, Firefighter Bradley Elmore, Building & Grounds Director Lynn Goldsmith, HR Director Christine Caldwell, Public Service member Wesley Shook, Finance Director Jim Fatland, Police Chief Phil Harris, and Bldg & Ground Rep. Alex Marquez.

Press - Derek McKissock, Transylvania Times

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

Invocation and Pledge of Allegiance - Pastor David Blackburn, Brevard Wesleyan 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. Locks moved, seconded by Mr. Morrow, the Agenda be approved as presented. Motion carried unanimously.

Approval of Minutes - Mr. Morrow moved, seconded by Mr. Jones the October 15, 2012, November 5, 2012, December 3, 2012, January 4, 2013 and January 22, 2013 Minutes be approved as presented. Motion carried unanimously.

Certificates / Awards / Recognition - None

Public Participation

Mr. Jim Rowe, 88 S. College Row, shared that twenty-three years ago he led a group of downtown businesses that resulted in the creation of the Heart of Brevard (HOB). In the recent newspaper article following Council's Retreat, he read discussion of managing HOB in house by the City of Brevard. That was an option considered years ago and it was decided by an overwhelming response to not do so as it takes more than an administrator - to do it best, it takes a whole village. Reminded Council that a contract between the City and Heart of Brevard was approved and signed 23 years ago. Asked if Council has a collective expectation of what they expect from the HOB, and if so, has that been communicated to the HOB?

Former City Council member and past HOB President Larry Canady, 36 West Main Street, asked Council if other non-profits that receive grant funds from the City are under the same scrutiny the HOB is receiving? Measures are being asked of the HOB; however, no one has fully explained what these measures are. Can Council give specifics that they feel are not being met by the HOB? Are there specific Council set goals that the HOB should be made aware of? Believe the HOB has done a great deal for the City - things which can be measured. Many a business owner has given much of themselves through the HOB. Asked Council to let the HOB know what is expected of

them, and expressed appreciation for the grants the City has provided HOB in the past.

Special Presentation - None

Public Hearing - Fluoridation of Public Drinking Water

At 7:26 p.m. the properly advertised and noticed public hearing to receive comments and public input on the topic of fluoridation of the City's public water supply began. Mr. Moore explained at Council's July 16, 2012 meeting they received information from the Transylvania County Board of Health on the health-related aspects of fluoridated drinking water. At the conclusion of the presentation, Council directed more detailed health-related questions to Health Department staff, and new operational and economic based questions to Staff. Council further directed the response to these questions occur in a public hearing format to give the general public an opportunity to hear this information and share their perspective on the subject.

Mr. Johnston explained public water systems are not required to fluoridate the water; however, if choosing to do so there are guidelines to be followed. In 2007 the City ceased adding fluoride at 1 part per million to the public water supply. If the City should choose to begin again to add fluoride the new guidelines is .8 parts per million, and the budget estimate to do so would be as much as \$30,000 the first year to set the system up and \$20,000 or so per year to continue.

Mr. Steve Smith, Transylvania County Health Department Director, shared the information he has provided (included in Agenda packet) are answers in follow-up to his previous time before Council in July. He extended his appreciation to Council for revisiting this issue and express his support to the adding of fluoride to the City's water supply in order to benefit the health of our citizens, especially young children.

Mr. Locks asked Mr. Smith if the EPA's limit for fluoride is .8 parts per million.

Mr. Smith replied, no, the EPA allows up to 4.0.

Public Hearing - Public Participation Comments:

Mayor Harris explained Ms. Nilsa Lodell, 136 Miner Street, came to City Hall earlier and spoke with the Clerk explaining she cannot be in attendance tonight to voice her support and asked that the written material she provided be distributed to the Council members. (Information was provided to Council and is on record with the Agenda materials.)

Dr. Gerry Kilpatrick, 276 Joree Lane, spoke in support of adding fluoride sharing as a board certified pediatrician for over forty years he is here as an advocate for children. Having cared for patients in areas that have had the benefit of fluoride added to the water, and in areas that did not fluoridate the water, he has seen the positive difference in children's dental health from fluoridated water.

Dr. Matthew Young, 909 5th Avenue West, spoke on opposition of adding fluoride explaining after having served as a Dentist for about thirty years, and that learned of the dangers of fluoride he ceased using fluoridated water in his practice as the dental benefit of fluoride acts topically, not systemically. Explained a health website lists more than 50 reasons why a community should not add fluoride to their water supply. He cited his top ten health risks of fluoridated water that included risks to patients with kidney disease, fluoride can elevate blood lead levels, fluoride attacks the thyroid, fluoride is toxic, and to add fluoride without informed consent by water customers is a major ethical flaw.

Mr. Mal Johnson, 22 Lake View Drive, spoke in opposition of adding fluoride explaining it is not a service the City is required to do, believes it is a violation of 7,000 people in the City who may not want or need fluoride in their water. He stated if what is really being advocated is to take measures to address the need or importance of

fluoride for a child's dental health, that would be better addressed by education and instruction.

Ms. Kathleen Barnes, 392 Sunny Acre Lane, a local resident and author of many health articles stated she is opposed to the adding of fluoride because of the health risks. Explained to ingest fluoride does not benefit prevention of cavities and that the most beneficial and cost effective way to do so is to use toothpaste that has fluoride. If there has been a decline in child dental health since the City ceased adding fluoride, it is most likely the result of poor dental hygiene or the increased consumption of soft drinks and foods high in sugar, or both. Adding the toxic substance of fluoride to our water is not the answer.

Dr. Morris Jenkins, 148 West Probart Street, spoke in support of adding fluoride explaining as a family physician he has cared for patients who have and have not had the benefit of fluoride added to their water, and he has seen the positive difference resulting from fluoridated water for his patients. Often as a society we have taken measures to do the most good for the most people while doing the less harm, such as our practice of adding vitamin D to milk, iodine to salt, etc., which has resulted in reduction of various health risks. Believes fluoride should be viewed in this same manner.

Mr. Paul Buchman, 36 Gladiola Drive, spoke in opposition to adding fluoride sharing he is an Acupuncturist who moved to Brevard about six years ago and who owns and operates his business in the City, he does not believe the City should be administering fluoride to its businesses and residents without it being their choice. It is his choice whether or not to take vitamins, iodine, etc., and it should also be his choice whether or not to drink water that does or does not have fluoride added and that forcing folks to drink fluoridated water should not be done, and concluded by expressing his appreciation to Council for their bringing this issue to a public forum allowing him and others to voice their opposition or support before a decision is made.

Ms. Ann Buchman, 36 Gladiola Drive, spoke in opposition to adding fluoride asserting the addition of fluoride is not appropriate. We count upon the City to keep our water clean, not to medicate it for us. Fluoride is classified as an unapproved drug and the adding of fluoride would be involuntary medication. If there is a dental problem in our community we need to address it by education; the teaching of proper dental care and nutrition. Suggested we put our hearts and energy in the right place by creating educational programs that supports health and safety and teaches what happens with the presence of sugars in ones diet. Would not want fluoride to be seen as an easy out for our residents by thinking that adding fluoride to the water would offset an increased consumption of sugar foods in ones diet.

Ms. Leslie Logemann, 223 West Jordan Street, spoke in opposition of adding fluoride stating she does not believe it is good to medicate our public water supply; her dentist has not recommended her drinking fluoridated water but rather to do so topically by using toothpaste with fluoride; fluoridated City water would not address children living in the County; and would be in support of education as has been described in this hearing.

Dr. Marty Ingram, 76 Ecusta View Drive, spoke in opposition of adding fluoride sharing public officials need to prove "no harm" before medicating its citizens. Studies done question the practice of adding fluoride being a safe practice, especially over the long term as fluoride accumulates in the teeth, bones, and glands of the human body. Fluoride is also processed in products therefore we can only make a crude estimate of how much is actually ingested by a child; fluoride is in fruit juices, chicken nuggets, and a wide range of other foods. Fluoride is not a FDA approved drug. It could be dangerous to add fluoride to our drinking water, most especially for those who have certain health conditions where it is known fluoride will increase their health risks.

Ms. Michelle Van Gores, 44 Woodlawn Street, spoke in opposition of adding fluoride sharing she moved here last August, and asked why the City believes they need

to add fluoride again; stated toothpaste with fluoride has a warning printed upon the tube stating: "do not swallow", making one question the value of ingesting fluoride; and asked, if the City chooses to begin adding fluoride to the water supply will the City also offer "fluoride free" water to her and other citizens who don't want fluoridated water?

Ms. Stella Godwin, 29 West French Broad Street, spoke in opposition of adding fluoride sharing she operates a health food store and that many of her customers have expressed to her their reasons for choosing to live in Brevard, one of which is its clean water and the fact that fluoride is not added; she does not want to be medicated with fluoride without her consent; and while other chemicals are added to the public water supply system in order to insure it is clean, fluoride is not done as a measure to insure clean water; and, she then presented a two minute video describing why a community should not add fluoride to their public water supply.

Ms. Trish Szypulski, 130 Fox Cross Drive, spoke in opposition of adding fluoride sharing she moved here two years ago and wants to speak on behalf of the middle age parents and grandparents who represent a significant percent of our community population; people with health issues like thyroid, diabetes, kidney, and other conditions frequently are taking medications that fluoride impacts and/or nullifies their medication and therefore patients, like herself, are warned to not use a fluoride toothpaste or drink water that has had fluoride added to it; and, presented a tube of fluoride toothpaste that has the warning stamp: "do not swallow".

Dr. Sim Cozart, 344 Gallimore Road, spoke in favor of adding fluoride stating he has been a dentist in our community for thirty years and based upon his experience he is in favor of adding fluoride to the water; is clearly in favor of any education in proper dental hygiene that would be offered; sixty plus years ago his grandparents were part of the fluoridation generation without any known adverse impact to their health; and, expressed appreciation to Council for this great exercise in public government where everyone has been encouraged to come and offer their input.

Mr. Robert Stoutamire, 65 Fox Cross Drive, spoke in opposition of adding fluoride sharing he has been a resident for more than thirteen years and advocates for personal responsibility for one's health; he chooses to use holistic methods and has a lot of doubt that fluoride would prove to be beneficial; the EPA website includes information of health risks caused by fluoride; and, concluded by saying, "When in doubt, leave it out."

Ms. Taylor Ladd, 119 South Rice Street, shared she is a resident, gardener, horticulturist and landscape designer; shared additional information should be shared before choosing whether or not to add fluoride to the water; and, asked if the information provided by the Health Department shows evidence or identified differences in child dental health for those children living in the City vs those living in the County who largely use well water and don't have fluoride added.

Public Hearing Closed – With no further questions or comments from Council or the public, Mayor Harris closed the hearing at 8:37 p.m.

~~ Mayor Harris called for a ten minute recess. Meeting resumed at 8:46 p.m. ~~

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

Mr. Landreth moved, seconded by Mr. Locks, the Consent Agenda items be accepted and approved as presented. Motion carried unanimously. The following five (5) items were approved:

Consent Item K-1 - Staff Reports: (a) Monthly Financial Report; (b) Fire Department Report including Quarterly Report and Emergency Response Procedures; and, (c) Public Services Report (On file.)

Consent Item K-2 - Wayfinding Project Update (On file)

Consent Item K-3 - Appointment to Human Relations Council - Appointed Mr. Eurial Turner to the Human Relations Council to fill the unexpired term from former member Maurice Jones; term will expire May 2013.

Consent Item K-4 - Re-Appointment to Board of Adjustment - Re-appointed Mr. Michael Young to the Board of Adjustment; term will expire November 2015.

Consent Item K-5 - Re-Appointment to Brevard Firemen's Relief Fund - Re-appointed Mr. Kirk Hooper to the Brevard Firemen's Relief Fund as recommended by the BFRF Board of Trustees; term will expire January 2015.

Unfinished Business - None

New Business

Item M-1 - Interlocal Agreement Regarding Emergency Communications - Fire Chief Budzinski explained a repeater at the proposed location within Straus Park, where the City has a water tower, will eliminate communication difficulties frequently experienced in the area between Hospital Drive and Lowes.

Mr. Morrow moved, seconded by Mr. Dickson, the Interlocal Agreement be approved as presented. Motion carried unanimously.

STATE OF NORTH CAROLINA

TRANSYLVANIA COUNTY

INTERLOCAL AGREEMENT

Now come the City of Brevard, on behalf of the Brevard Fire Department (herein after, "City") and the County of Transylvania, on behalf of the Transylvania County Communications Department (herein after, "County"), and say and agree as follows:

1. The City owns a certain building located on property in Straus Park, said property being described in a certain deed of record in Book _____, page _____, of the Office of the Register of Deeds.
2. The County hereby agrees to purchase, install and maintain a radio repeater system for the use of both City and County, within the confines of the said building (herein after, the "premises"). The exact manner of usage by the parties shall be determined by the County Communications Director and the City Fire Chief.
3. The parties hereto have agreed that the County will have the use of the said building for the purposes described in Section 2 of this Interlocal Agreement, for so long as, and to the extent that:
 - The equipment installed herein is mutually deemed to be beneficial by the County Communications Director and the City Fire Chief; and
 - That such equipment and the use thereof does not unreasonably interfere with the City's activities as may be required in the premises, to be determined by the City Manager.
4. Notwithstanding the conditions enumerated above, the City Manager and the County Manager shall each have the unilateral right to terminate this Agreement without having to show cause for termination. Should either Manager determine that this Interlocal Agreement should be terminated, such Manager may terminate the same upon ninety (90) days' written notice to the other Manager.
5. The City shall pay utility bills incurred in the use of the premises, shall keep the same insured but shall not insure the County's equipment, and each party agrees to keep the premises and access to the premises in a condition which meets its own needs for use and ingress and egress.

6. In the event of termination, the County will remove all of its equipment from the premises, and shall leave the premises in substantially the same condition in which it was found on the initial day of this Interlocal Agreement, reasonable wear and tear excepted.

Signed this the _____ day of March, 2013.

CITY OF BREVARD
For the Brevard Fire Department

TRANSLVANIA COUNTY
For the Transylvania County
Communications Department

By: _____
Joe Moore, City Manager

By: _____
Arthur Wilson, County Manager

Item M-2 - Fluoride Next Steps

Mr. Moore explained response to Council's questions asked in July have been met. Question now comes to Council with two options: (1) Declare the evaluation complete and not continue the practice of adding fluoride by policy; or, (2) Declare the evaluation complete and continue the practice of adding fluoride by policy.

Mr. Morrow, Mayor and Council members expressed their appreciation to everyone who came and provided their input during the public hearing.

Mr. Morrow moved, seconded by Mr. Landreth, Council continue to provide award winning quality water to its citizens, and to approve the first option declaring the evaluation is complete and to not continue the practice of adding fluoride by policy. Motion carried unanimously.

Remarks by Officials

Mayor Harris expressed his appreciation for the many contributions the City at large has experienced due to the hard work of the Heart of Brevard organization.

Mr. Locks expressed his appreciation for everyone coming up and for their willingness to share with Council their opinions as to what they believe the City should or should not do, and that he is proud to know our City encourages public participations as not all local governments do; expressed appreciation to the Manager and City staff for the information and dialog of their recent Retreat as they engaged together in long-range planning for the City.

Mr. Locks presented a copy of four Resolutions (Res. No. 24-1990, 43-1990, 49-1990 and 50-1990) along with one-page excerpts from Council October 1, 1990, and November 19, 1990 meeting Minutes related to the establishment of the Heart of Brevard and its relationship with the City, and asked that copies be made and provided to Council members as a matter of information. Shared having lived here since 1989 he has seen the positive difference the Heart of Brevard has made as the organization has encouraged private investment in the downtown. The HOB model is one we should consider as we look at the Comprehensive Plan and figure out how we can make the whole City of Brevard grow, not just our downtown.

Mr. Locks explained in answer to the question Mr. Canady posed earlier in the meeting if the City has a game plan. The City has charged the same question to all non-profits who seek grant funds from the City, including asking them to look to ways that they can sustain themselves.

Mr. Dickson shared he appreciated the participation and passion everyone brought to the meeting tonight.

Mr. Jones thanked those who participated in the hearing voicing both their support and opposition allowing Council to hear both sides of the issue and making it easier to know where our citizens stand on the issue.

Mr. Pratt shared by law a public hearing was not required for tonight's discussion on fluoride, but rather, as has been done in the past, Council choose to advertise and publicize in order to have the issue brought before its citizens. This is not the practice of many communities, and he expressed his appreciation for Councils choosing to do so.

Mr. Moore reminded those present that March is pre-budget input month and encouraged all citizens to bring their budget suggestions to Council by coming to a March meeting public input, by calling the City Information Hotline (885-5609) or by email to the Finance Director (jim.fatland@cityofbrevard.com), as is posted upon the City's website.

Closed Session- Mayor Harris asked the City Attorney if it would be appropriate to convene two closed sessions for the purpose to discuss potential litigation and a personnel matter. City Attorney advised it would be appropriate pursuant to **GS § 143-318.11. (a)(3)** and **GS § 143-318.11. (a)(6)** and instructed separate motions, seconds and vote would be required to discuss the matters.

At 9:14 p.m. Mr. Landreth moved, seconded by Mr. Jones, Council go into closed session to discuss potential litigation. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the Manager, Clerk and Police Chief Phil Harris. (A five 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 9:53 p.m. Council resumed the meeting in regular session. No official was taken in closed session and the Minutes of the closed session are authorized to be sealed.

At 9:53 p.m. Council dismissed the Manager, Clerk and Police Chief in order to allow them to discuss a personnel matter. City Attorney will provide Minutes of the second closed session.

At 9:55 Mr. Locks moved, seconded by Mr. Morrow, that Council go into closed session to discuss a personnel matter. Motion carried unanimously. Council members, City Manager and Attorney only were authorized to remain.

At 10:05 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. Locks moved, seconded by Mr. Dickson, the meeting be adjourned. Motion carried. Meeting adjourned at 10:05 p.m.

s/_____
Jimmy Harris
Mayor

s/_____
Desiree D. Perry, NCCMC
City Clerk

Minutes Approved: March 18, 2013