

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
January 22, 2013 – 7:00 PM

The City Council of the City of Brevard met in regular session on Tuesday, January 22, 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, Public Service Director David Lutz, Building & Grounds Director Lynn Goldsmith, Finance Director Jim Fatland, Assistant Planning Director Brad Burton, Building & Grounds Alex Marquez, Police Chief Phil Harris, City Engineer Jay Johnston, HR Director Christine Caldwell and Executive Assistant Jeanette Owen.

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 - Reverend Karen Easter, St. Timothy United Methodist 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. Landreth, the Agenda be approved as presented. Motion carried unanimously.

Approval of Minutes - Mr. Morrow moved the June 11, 2012 Budget Workshop Minutes be approved as presented. Motion carried unanimously.

Mr. Landreth stated he believes there were three options presented at the October 15 Water Capacity Workshop; however, the minutes appear to be incomplete as only two have been described. Draft minutes are to be amended and present to Council at their next regular meeting.

Certificates / Awards / Recognition - None

Public Participation

Mr. Melton Young, 151 West Lane, asked Council to consider granting him a handicapped parking space designation in front of his home at 151 West Lane. The respiratory disease he has had for several years has become worse making it more and more difficult for him to walk the length of his driveway, especially due to its incline. He explained it would be very helpful if he could park his car on the street in front of his home, saving him many steps and the incline. He stated he believes if his request is granted that vehicles, including emergency vehicles, could safely pass by his parked car.

Mayor Harris and Mr. Moore described to Mr. Young the process involved in order to amend the City's Traffic Schedule to designate a handicapped parking space along a City street. Council directed staff to look into Mr. Young's request.

Special Presentation - None

Public Hearing - None

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. Locks moved, seconded by Mr. Landreth, the Consent Agenda be amended to add New Business Item M-1 and approve as amended and presented. Motion carried unanimously. The following six (6) items were approved:

Consent Item K-1 - Staff Reports: (a) Financial Reports: Revenue and Expenditure Update and Sales Tax Revenue; and, (b) Public Services Report. (On file.)

Consent Item K-2 - **Resolution No. 2013-01** City Property Declared Surplus and Authorization for its Disposal by Way of Internet Auction Utilizing GovDeals

RESOLUTION NO. 2013-01

**CITY PROPERTY DECLARED SURPLUS AND AUTHORIZATION
FOR ITS DISPOSAL BY WAY OF INTERNET AUCTION
UTILIZING WWW.GOVDEALS.COM**

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

Section 1. The following described personal property of the City of Brevard is hereby declared surplus:

SURPLUS VEHICLES:

YEAR	MAKE / MODEL	NO.	MILEAGE	VIN NO	TAG	FIXED ASSET #
1988	Chevrolet S-10 pickup truck	4-12	87,343	1GCBS14R7J2153384	N/A	1308

Section 2. Pursuant to the City's contract with GovDeals.Com and in accordance with North Carolina General Statute 160A-266, the City Manager and the City Clerk are hereby authorized to list the above described surplus equipment for auction.

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

Adopted and approved this 22nd day of January, 2013.

Consent Item K-3 - **Resolution No. 2013-02** Resolution Declaring City Property Surplus and Authorization for its Disposal and Sale

RESOLUTION NO. 2013-02

**RESOLUTION DECLARING CITY PROPERTY SURPLUS
AND AUTHORIZATION FOR ITS DISPOSAL AND SALE**

WHEREAS, the City of Brevard owns certain items of personal property that have become surplus for its current needs; and

WHEREAS, North Carolina General Statute § 160A-266 permits the City to sell such property by private sale or exchange, upon authorization by the Brevard City Council at a regular meeting and notice to the public; and

WHEREAS, the Brevard City Council is convened in a regular meeting;

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

1. The Brevard City Council authorizes the City Manager and the Brevard Police Department to sell by private sale or exchange with Craig's Firearms Company the following items of surplus personal property:

- 1-Glock model 27 caliber: 40 serial number: KPH418 with 357 sig barrel
- 1-Glock model 27 caliber: 40 serial number: KPH413
- 1-Gun barrel for a Glock Pistol
- 1-Smith&Wesson model 5906 caliber: 9mm serial number: TYP1762
- 1-Remington model 700 caliber: 308 serial number: C6701642

2. The City Clerk shall publish a notice summarizing this resolution, and no sale may be executed pursuant to this resolution until at least 10 days after the day the notice is published.
3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 22nd day of January, 2013.

Consent Item K-4 - Resolution No. 2013-03 Resolution to Allow City Manager to Dispose of Personal Property

RESOLUTION NO. 2013-03

**RESOLUTION TO ALLOW CITY MANAGER
TO DISPOSE OF PERSONAL PROPERTY**

WHEREAS, G.S. 160A-266(c) states that a city council may adopt regulations prescribing procedures for disposing of personal property valued at less than thirty thousand dollars (\$30,000) for any one item or group of items in substitution for the requirements of this Article; and

WHEREAS, the regulations shall be designed to secure for the city fair market value for all property disposed of and to accomplish the disposal efficiently and economically; and

WHEREAS, the regulations may, but need not, require published notice, and may provide for either public or private exchanges and sales; and

WHEREAS, the council may authorize one or more city officials to declare surplus any personal property valued at less than thirty thousand dollars (\$30,000) for any one item or group of items, to set its fair market value, and to convey title to the property for the city in accord with the regulations; and

WHEREAS, in the event NCGS 160A-266(c) is hereafter amended, the amended provisions shall supersede the provisions adopted herein and shall be effective as amended; and

WHEREAS, a city official authorized under this section to dispose of property shall keep a record of all property sold under this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

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

Section 1. The City Manager is authorized to declare personal property valued at less than thirty thousand dollars (\$30,000) as surplus and dispose of said property in accordance with G.S. 160A-266(c).

Adopted and approved this 22nd day of January, 2013.

Consent Item K-5 - Resolution No. 2013-04 Accepting Dedication and Ownership of Public Sculptures

RESOLUTION NO. 2013-04

**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 , 16-09 and 2012-21 and, 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, Chipmunks by Christine Kosiba, Turkey by Christine Kosiba, and the Cows by Aaron Alderman; and

WHEREAS, the City has received a formal offer of dedication and ownership from the legal owner, the Community Focus Foundation, of the Great Horned Owl 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 Great Horned Owl sculpture by Aaron Alderman, from the legal owner - the Community Focus Foundation and donated by Mary Beth Wallace, as offered in a letter dated December 4, 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 22nd day of January, 2013.

Consent Item K-6 (M-3) - Appointment to Brevard Housing Authority - Appointed Mr. Ronald W. Rutherford to the Brevard Housing Authority to fill the unexpired term from former member Byron Betsill. Term will expire November 2015.

Unfinished Business - None

New Business - None

Remarks by Officials

Mayor Harris extended his appreciation to Mayor Pro Tem Morrow for presiding over the last meeting, and shared he enjoyed attending the City Employee Christmas lunch and employee recognition.

Mr. Morrow expressed appreciation to Mr. Freeman for the information provided in the recent newspaper article and the value of educating the public regarding public services and events.

Mr. Landreth expressed appreciation for the great work the Tourism Development Authority (TDA) is doing in promotion of our County and encouraged folks to visit www.waterfalls.com.

Mr. Jones shared his son, Matthew Emile Jones, was born last month and is doing well.

Mr. Dickson echoed Mr. Landreth's comments regarding TDA and shared he enjoys serving on the TDA board.

Mr. Locks shared yesterday's 23rd Martin Luther King Jr. celebration walk was well attended and he appreciated Mr. Dickson, Mr. Jones, Commissioner Larry Chapman and Commissioner Chair Mike Hawkins participation.

Mr. Locks shared since Christmas he has been asked if he will run again for City Council. He has decided that he will not run for re-election explaining that the City is in

good hands with a strong Council, Manager, staff and City Attorney. He shared he is announcing now in order to give people opportunity to think about running for City Council in this year's election.

Mayor Harris and Council recognized some of Mr. Lock's contributions made in the many years he has served the City, including his serving as President to the North Carolina League of Municipalities, as well as, his serving on a variety of other community and regional boards. Expressed appreciation for his years of impeccable service to our community with a reputation of one who serves with passion, compassion, understanding, and as one who always comes to meetings well prepared.

Mr. Pratt expressed to Mr. Locks it has been an honor to serve with him and that he echoes the Mayor and Council's comments.

Closed Session- Mayor Harris asked the City Attorney if it would be appropriate to convene a closed session for the purpose to discuss potential litigation. 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 matter.

At 7:34 p.m. Mr. Morrow 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, Josh Freeman and Brad Burton. {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 8:16 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. Landreth moved, seconded by Mr. Dickson, the meeting be adjourned. Motion carried. Meeting adjourned at 8:16 p.m.

s/_____
Jimmy Harris
Mayor

s/_____
Desiree D. Perry, NCCMC
City Clerk

Minutes Approved: February 18, 2013