**MINUTES**
**BREVARD CITY COUNCIL**
**Regular Meeting**
**February 17, 2014 – 7:00 PM**

The City Council of the City of Brevard met in regular session on Monday, February 17, 2014 at 7:00 PM in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

The following were present: Mayor Jimmy Harris, Council Members Maurice Jones, Mac Morrow, Charlie Landreth, Wes Dickson, and Ann Hollingsworth; City Manager Joe Moore, City Attorney Mike Pratt, and Deputy City Clerk Daniel Cobb.

Staff: Fire Chief Craig Budzinski, Planning Dir. Josh Freeman, Assistant Planning Dir. Brad Burton, Police Chief Phil Harris, Director of Buildings and Grounds Lynn Goldsmith, Director of Engineering and Utilities Jay Johnston, Public Service Dir. David Lutz, Human Resources Dir. Christine Caldwell, and Finance Dir. Jim Fatland. Others present included Paul Welch and Norman Bossert.

Press: Derek McKissock, Transylvania Times

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

**Invocation and Pledge –** Mr. Norman Bossert of the Brevard Jewish Community offered an Invocation. Mayor Harris led in the Pledge of Allegiance.

**Certification of Quorum –** The Deputy City Clerk certified a quorum present.

**Agenda** – Mr. Landreth moved, seconded by Mr. Dickson, the Agenda be accepted and approved. Motion carried unanimously.

**Approval of Minutes –** Mr. Landreth moved, seconded by Mr. Morrow the minutes of the regular meetings on October 21, 2013 and November 18, 2013 and the organizational meeting on December 2, 2013 be approved. Motion carried unanimously.

**Certificates and Awards –** Appreciation to Paul Welch for Service to the City of Brevard. Mayor Harris recognized Mr. Welch for his nine (9) years of dedication and service to planning a better and stronger Brevard by serving on the City's Planning Board. Notable projects overseen by Mr. Welch's tenure was the Bracken Preserve and the Comprehensive Plan.

**Public Participation –** Ryan Olson with Muddy Sneakers, Inc. presented information on his organizations mission, goals, and objectives. There was some discussion back and forth with Council and Mr. Olson about the groups of students Muddy Sneakers works with and the kinds of activities they perform.

**Consent Agenda –** Mayor Harris explained to those present that Consent Agenda items are considered routine and are enacted by one motion. He read aloud the five (5) items listed and asked if Council desired to remove any of the listed items for discussion, or, recommend adding any items to the Consent Agenda.

Mayor Harris recommended in addition to the five items, that New Business Item M-2 Fire Department FEMA Fire Prevention and Safety Grant Request Amendment be added to the Consent agenda. Motion made by Mr. Morrow to approve the Consent Agenda as amended, second by Mr. Landreth and carried unanimously. The following five (5) Consent Agenda items (as amended) were approved:

Consent Item #1 – Departmental Reports:

a) Police: Quarterly Report
b) Finance: Monthly Revenue & Expenditure, and Sales Tax Reports
c) Human Resources: Quarterly Report
d) Public Services: Monthly Reports
   i. November
   ii. December
e) Fire: Quarterly Report

Consent Item #2 – Project Updates

a) Signage and Wayfinding Program Phase II
b) Bracken Preserve Interpretive Signs
c) Burrell Mountain Reservoir

**New Business –** M-1 – City Sponsorship of "Balancing Nature & Commerce in Transylvania County" Workshop

Mayor Harris recognized Mr. Morrow for a brief overview of the request and background on the event. A motion was made by Mr. Morrow to approve the request as presented, seconded by Mrs. Hollingsworth. Motion carried unanimously.

M-3 – Caldwell Street Corridor Improvements: Project Ordinance and Staff Report

Mr. Moore passed a project budget out to Council members. Mayor Harris then recognized Mr. Moore, who in turn recognized Mr. Freeman of Staff for an overview of the budget ordinance. Mr. Freeman provided a general overview of the project and what the funds would support. Mr. Morrow asked for a project timeline and Mrs. Hollingsworth expressed some concern over the $100,000 budget amount specifically that it seemed high. Mr. Freeman explained that it is an estimate for the work. Mr. Morrow motioned to approve the ordinance as presented, seconded by Mr. Landreth. Motion carried unanimously.

**ORDINANCE NO. 2014-01**

**AN ORDINANCE ESTABLISHING A PROJECT BUDGET FOR PROPERTY ACQUISITION AND IMPROVEMENTS WITHIN DOWNTOWN BREVARD**

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

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

WHEREAS, the Brevard City Council now desires to establish a project budget to account for the receipt of a donation from Frank Patton, Jr. and wife Donna Patton and disbursement of funds for the project; and

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

Section 1. Revenue for this project is budgeted as follows:

| REVENUE | |
|---|---|
| Donation | $360,166.76 |
| Total Revenue | $360,166.76 |

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

| EXPENDITURES | |
|---|---|
| Clemson Park Improvements | $200,000 |
| Acquisition/Improvements Downtown Properties | $160,166.76 |
| Total Expenditures | $360,166.76 |

Section 3. This ordinance shall remain in effect until the completion of Clemson Park Improvements and acquisition/improvement of downtown properties.

Section 4. The Finance Officer and City Manager are instructed to take appropriate actions to implement this Ordinance.

Section 5. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 17th day of February, 2014.

M-4 – 2014 Retreat Follow-up: Impact Fee Ordinance

Mayor Harris recognized Mr. Moore who then in turn recognized Mr. Freeman of Staff. Mr. Freeman gave background on Council's previous discussions in October of 2013 and January of 2014, including a summary of their direction. Mr. Landreth pointed out a typo in the ordinance and clarified no impact fees for business relocation. Motion by Mr. Landreth to approve the ordinance with the correction, second by Mrs. Hollingsworth. Motion carried unanimously.

**ORDINANCE NO. 2014-02**

**AN ORDINANCE AMENDING BREVARD CITY CODE, CHAPTER 70. UTILITIES ARTICLE II. WATER SYSTEM, SECTION 70-35. CONNECTION CHARGES, SUBSECTION (A) AND ARTICLE III. SEWER SYSTEM, SECTION 70-97. SEWER CONNECTION CHARGES, SUBSECTION (A) TO MODIFY PROCEDURES REGARDING THE COLLECTION OF WATER AND SEWER CAPACITY IMPACT FEES**

WHEREAS, after due discussion and deliberation, it is the desire of City Council of the City of Brevard to enact certain amendments to Brevard City Code, which are set forth herein.

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 70. Utilities, Article II. Water System, Section 70-35. Connection Charges, Subsection (a), is hereby amended to read as follows:

> (a) Applicable water tap, meter setting, and capacity impact fees, which are set forth in the Schedule of Taxes, Fees and Charges of the annually adopted Budget Ordinance for the City of Brevard, shall be paid in advance of the tapping of any water main. The specific policies and procedures for the assessment and collection such fees shall be established by the city manager.

SECTION 02. The City of Brevard Code of Ordinances, Chapter 70. Utilities, Article III. Sewer System, Section 70-97. Sewer Connection Charges, Subsection (a) is hereby amended to read as follows:

> (a) Applicable sewer tap and capacity impact fees, which are set forth in the Schedule of Taxes, Fees and Charges, shall be paid in advance of the tapping of any sewer main. The specific policies and procedures for the assessment and collection of such fees shall be established by the city manager.

SECTION 03. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in the City of Brevard Code of Ordinances.

SECTION 04. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

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 violations of Brevard City Code.

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

Adopted this the 17th day of February, 2014.

M-5 – 2014 Retreat Follow-up: March Work-Session Topic

In addition to discussing the City's Comprehensive plan, Mr. Landreth requested the retail market study be added to the agenda in March. Mr. Landreth would like to see items A-D completed by the fall of 2014. Mr. Morrow moved approval as presented, seconded by Mr. Jones. Motion carried unanimously.

**Remarks by Officials**

Mayor Harris discussed Council's upcoming special called meeting and City Council orientation. Mr. Moore gave a brief overview of items to be covered during the orientation. Mayor Harris also thanked Public Services for their work during the latest snowfall; they did a great job removing the snow.

Mr. Morrow had no comment.

Mr. Landreth had no comment.

Mr. Jones thanked The Sewing Shop for their work on items of his and highly recommended their services. Mr. Jones also thanked Public Services for their work during the last snowfall; he also thanked Chief Budzinski and the rest of Staff for their help during the retreat in January.

Mr. Dickson thanked Public Services and Buildings & Grounds for their work and snow removal, especially on the sidewalks and bike path.

Mrs. Hollingsworth thanked Public Services for their work during the last snowfall.

Mr. Pratt thanked the Police Department for their work during the last snowfall.

Mr. Moore had no comment.

**Closed Session –** Mayor Harris asked the City Attorney if it would be appropriate to convene in closed session to discuss potential land acquisition, potential litigation economic development, and personnel. Mr. Pratt advised it would be appropriate pursuant to **GS § 143-318.11(a) (3)** and instructed separate motions, seconds, and vote would be required to discuss the matter.

At 8:20 PM Mr. Landreth, seconded by Mr. Dickson, moved Council go into closed session to discuss potential land acquisition. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the Manager, Deputy Clerk Daniel Cobb, Planning Director Josh Freeman, and Assistant Planning Director Brad Burton. (A two minute recess took place in order to allow all who were not authorized to remain to leave Council Chambers.)

Council came out of closed session at 8:44 PM. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

At 8:44 PM Mr. Morrow, seconded by Mr. Dickson moved Council go into closed session to discuss potential litigation.

Council came out of closed session at 8:52 PM. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

At 8:53 PM Mr. Landreth, seconded by Mr. Dickson moved Council go into closed session to discuss economic development.

Council came out of closed session at 9:40 PM. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

At 9:40 p.m. Council dismissed the Deputy City Clerk, Planning Director, and Assistant Planning Director 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, any actions taken, and adjournment.

At 9:40 PM, Mr. Landreth made a motion to go into Closed Session to discuss a personnel matter. Mr. Morrow offered a second, and the motion passed unanimously.

Council returned to Regular Session at 10:30 PM. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Mr. Morrow made a motion to adopt **Resolution 2014-01**, entitled A RESOLUTION AUTHORIZING APPLICATIONS AND CONTRACTS FOR THE CREATION OF A PARK IN THE ROSENWALD COMMUNITY. Mr. Landreth offered a second to the motion. After brief discussion, the resolution was approved and adopted, unanimously.

**RESOLUTION NO. 2014-01**

**A RESOLUTION AUTHORIZING**
**APPLICATIONS AND CONTRACTS**
**FOR THE CREATION OF A**
**PARK IN THE ROSENWALD COMMUNITY**

WHEREAS, the City of Brevard intends to develop a public park within the Rosenwald community.

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 act on behalf of the City to apply for, accept, and administer grants supporting the establishment of a park in the Rosenwald community.

Section 2. The City Manager is hereby authorized to act on behalf of the City to enter into contracts for the purchase of real property necessary to establish a park in the Rosenwald community; provided, however, that the final decision to purchase any real property will first be confirmed in open session by a resolution of City Council prior to the agreed upon closing date.

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

Adopted and approved this the 17th day of February, 2014.

**Adjourn –** There being no further business before Council, Mr. Landreth made a motion to adjourn the meeting. Mr. Dickson offered a second. Motion carried unanimously. Meeting adjourned at 10:36 PM.

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| Jimmy Harris | Daniel P. Cobb |
| Mayor | Deputy City Clerk |

Minutes Approved: May 19, 2014