MINUTES
BREVARD CITY COUNCIL
Regular Meeting
August 18, 2014 – 7:00 PM

The Brevard City Council met in regular session on Monday, August 18, 2014, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present - Mayor Jimmy Harris, Pro Tem Mac Morrow, Council Members Charlie Landreth, Maurice Jones, Wes Dickson and Ann Hollingsworth.

Staff Present – City Manager Joe Moore, City Attorney Mike Pratt, City Clerk Desiree Perry, Finance Director Jim Fatland, Director of Utilities and City Engineer Jay Johnston, PE, Planning Director Josh Freeman, Planner Sarah Lutz, HR Director Christine Caldwell, Executive Assistant Jeanette Owen, Fire Chief Craig Budzinski, Public Service Director David Lutz, Police Chief Phil Harris, and Planner Daniel Cobb.

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, Manager, Attorney and Clerk.

B. Invocation – Pastor Richard Jelley, Brevard Wesleyan 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 present.

E. Approval of Agenda – Mr. Landreth noted the Agenda should show both day one and day two of the Retreat Minutes are provided, and moved the Agenda be approved as amended. Motion was seconded by Mr. Jones and carried unanimously.

F. Approval of Minutes – Ms. Hollingsworth moved the January 30th and 31st, May 5th, May 19th and May 27th Minutes be approved as presented. Mr. Jones seconded the motion and asked it be noted some closing remarks from the May 19th meeting were omitted. Motion carried unanimously.

G. Certificates, Awards and Recognition

G-1. Job Corps 50th Anniversary Week Proclamation – Mayor Harris read aloud a Proclamation recognizing August 18-22, 2014, as Job Corps 50th Anniversary Week.

City of Brevard, North Carolina
Proclamation
Job Corps 50th Anniversary

Whereas: Over the course of 50 years, millions of at-risk youth have been forever changed by Job Corps' comprehensive residential, academic and career preparation program.

Whereas: The Schenck Job Corps Civilian Conservation Center in Transylvania County, Pisgah Forest, NC provides a vital service to our community by serving hundreds of disadvantaged youth between 16 and 24 years of age, inclusive, by providing high school diplomas and career technical education to young men and women, all of whom come from very low income households and are either unemployed or underemployed.

Whereas: In addition to academic and employment training, the Schenck Job Corps Center provides social skills and employability skills training as well as career success standards and other services to empower these young men and women to obtain and hold a job, enroll in advanced training, enroll in AmeriCorps, attend college, or enter the Armed Forces to defend the interests of the United

States around the world.

Whereas: Over the past 50 years thousands of high school dropouts have received a fully accredited public high school credential, earned an industry-recognized vocational credential and entered employment.

Whereas: Recent studies demonstrate significant economic gain from funds invested in high school dropout recovery by increasing employment and raising individual earning and tax revenues while simultaneously reducing public expenditures associated with health care, crime, and other social services.

Whereas: It is timely and appropriate that The City of Brevard celebrate Job Corps and its accomplishments in reducing the cycle of poverty, strengthening our local community, and improving the quality of thousands of lives.

NOW THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, do hereby proclaim August 18 through August 22, 2014 as Celebrate Job Corps 50 Week, and call upon the City of Brevard community to join us in saluting the Schenck Job Corps Center and the national Job Corps program for 50 years of success and continued success for 50 more years to come.

Signed this 18th day of August, 2014.

G-2. Constitution Week Proclamation – Mayor Harris read aloud and presented to Daughters of Revolution (DAR) representatives, Ms. Molly Tartt, Ms. Pamela Harrison and Ms. Debbie West, a Proclamation recognizing September 17-23, 2014 as Constitution Week.

City of Brevard, North Carolina
Proclamation
Constitution Week
September 17 – 23, 2014

Whereas, September 17, 2014 marks the two hundred and twenty-seventh anniversary of the signing of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, I, Mayor Jimmy Harris, and Brevard City Council of the City of Brevard, North Carolina do hereby proclaim September 17 through 23, 2014, to be

CONSTITUTION WEEK

in the City of Brevard, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Brevard on this 18th day of August of the year of our Lord two thousand fourteen.

G-3. Terrell Scruggs Scholarship Award Winner - Chief Harris welcomed and introduced Ms. Lauren McGee, the recipient of a $500 scholarship from the Terrell Scruggs Scholarship Fund.

G-4. Cindy Platt Day Proclamation – Mayor Harris read aloud and presented to Ms. Platt's daughter, Maggie Platt McLauchlin, and her family a Proclamation recognizing August 23, 2014 as Cindy Platt Day.

City of Brevard, North Carolina
Proclamation
Cindy Platt Day

Whereas, former Brevard City Council member Cindy Platt, a devoted mother and wife, community leader, advocate of the arts, and champion of Transylvania County's children; and

Whereas, Cindy Platt was a key player in numerous community projects that have become integral parts of our life in the City of Brevard such as the FOCUS 2020 Community Planning process, the Transylvania Community Arts Council Number 7 Arts Gallery, the City's Bike / Hike Trail network, the renovation of the Franklin Park Pool and Playground, the preservation of the Co-Ed Theatre, and the Boys and Girls Club of Transylvania County; and

Whereas, those who worked with Cindy Platt attributed her effectiveness to her dedication, and ability to stay focused on what was important, and a graceful and gentle manner that enabled her to work together with people from all walks of life; and

Whereas, while she left behind a huge void in community-oriented service and leadership, she has also left us with a huge legacy to follow and honor.

NOW, THEREFORE, I, Mayor Jimmy Harris, and the Brevard City Council, do hereby proclaim August 23, 2014 as Cindy Platt Day, and call upon the City of Brevard community to join in a day focused on the spirit of service and leadership.

Signed and approved this 18th day of August, 2014.

H. Public Hearings

H-1. Community Development Block Grant – Cottages at Brevard. Public hearing to consider Community Development Block Grant #10-C-2206 Program Closeout for Cottages at Brevard. This public hearing was advertised on August 4, 2014.

Mayor Harris opened the public hearing at 7:26 p.m.

Mr. Freeman presented his staff report. Public hearing is to consider close-out of activities undertaken with the CDBG Grant. The City of Brevard received a NC Department of Commerce Community Assistance Division Housing Development Grant in the amount of $250,000 to support infrastructure installation in the 40-unit apartment complex (Cottages at Brevard) that serves low income senior citizens and handicapped/disabled citizens. Most of the grant monies were issued to the developer as a zero-interest loan. Loan proceeds will be placed in the City's Workforce / Affordable Housing Trust Fund for future uses that are consistent with the goals of the community development block grant program.

Public Hearing Public Participation - None

Public Hearing Closed – Mayor Harris closed the hearing at 7:29 p.m.

H-2. City Code Text Amendment – Flea Markets. Public hearing to consider amendments to the Unified Development Ordinance (UDO) to allow flea markets. This public hearing was advertised on August 4 and 11, 2014.

Mayor Harris opened the public hearing at 7:29 p.m.

Mr. Freeman presented his staff report. The applicant, Mr. Art Margraf, requests the UDO be amended to allow the establishment of outdoor Flea Markets upon commercially zoned properties within the City. The proposed amendment was considered by the Planning Board on March 18 and June 17, 2014. In a 4 to 1 vote, the Planning Board recommended denial. It is Staff's position that the "Temporary Vendor" permitting process is sufficient to satisfy demand within the community for a flea market style retail venue, and therefore recommend denial of the proposed amendments.

The applicant was not present. He was advised of the Public Hearing date and time.

Mayor Harris asked, if the proposed amendment were adopted, would the amendment allow a permanent flea market business to be located along a commercial corridor, and, would off-street parking be required?

Mr. Freeman answered, "Yes".

Public Hearing Public Participation - None

Public Hearing Closed – Mayor Harris closed the hearing at 7:39 p.m.

H-3. City Code Text Amendment – Traffic. Public hearing to consider amendments to the City Code of Ordinances Chapter 66 on parking, loading zones and signage. This public hearing was advertised on August 4 and 11, 2014.

Mayor Harris opened the public hearing at 7:30 p.m.

Mr. Freeman presented his staff report. Proposed amendments to the City Code Chapter 66 Traffic would: (a) prohibit semi-truck / tractor trailer rigs on certain streets; (b) amend Traffic Schedule to establish an additional two hour parking space on the southeast side of Broad Street between Main and Jordan Streets; (c) amend Traffic Schedule to establish an additional 30-minute loading zone on the southeast side of Broad Street between Main and Jordan Streets; (d) designation of the existing loading zone on the north side of Jordan Street, between Broad and Caldwell, as a 30-minute loading zone; and, (e) amend the Traffic Schedule to designate the unnamed alley between Jordan Street and Main Street as a "no parking" zone.

Council noted the Jordan Street loading area is used in the morning and early afternoon for deliveries but seldom has late afternoon or evening deliveries, and they would be interested to know if there is a way to allow this, or other loading spaces, to be used for regular parking in the evening. Expressed concern over reduction of a handicapped space and asked if another existing parking space could be designated for handicapped parking.

Public Hearing Public Participation - None

Public Hearing Closed – Mayor Harris closed the hearing at 7:49 p.m.

H-4. Annexation – Transylvania County Board of Education. Public hearing to consider voluntary contiguous annexation of property located on Country Club Road, Brevard, PIN 8585-35-5436-000 and 8585-45-1339-000, Deed Book 302, Page 352-354 and Deed Book 675, Pages 411-413; property is zoned Institutional Campus. This public hearing was advertised on August 7, 2014.

Mayor Harris opened the public hearing at 7:49 p.m.

Ms. Perry presented the staff report. Applicant, Transylvania County Board of Education, submitted Petition on May 30, 2014; on June 16, 2014, Council accepted the

Certificate of Sufficiency; Petition was reviewed by the Technical Review Committee on June 4th, and by the Planning Board on June 17th, with both boards recommending Council grant the Petition. Brevard Sr. High School and campus is currently within the City limits. If the Petition is adopted, the remainder of the School Board property located around the High School would also be within the City's corporate limits.

Transylvania County Board of Education representative, Mr. Norris Barger, was present to answer any questions Council or citizens may have.

Public Hearing Public Participation - None

Public Hearing Closed – Mayor Harris closed the hearing at 7:50 p.m.

H-5. Financing Property Acquisition – Public hearing to consider approving a resolution authorizing application with the North Carolina Local Government to finance a real property purchase. This public hearing was advertised on August 7, 2014.

Mayor Harris opened the public hearing at 7:52 p.m.

Mr. Fatland explained according to NCGS 160A-20, the City is required to hold a public hearing and approve a resolution authorizing application with the North Carolina Local Government to finance a real property purchase. The City has entered into a purchase contract with Duke Energy Carolinas, LLC for the acquisition of their former maintenance facility located at 400 Cashiers Valley Road, Brevard. Duke Energy Carolinas, LLC accepted the City's appraisal in the amount of $426,000 for the purchase price. The City Public Services department will use this facility for its Streets, Sewer Collections and Water Distribution Divisions. Request to finance the purchase was sent to fourteen lending institutions with a due date of Friday, August 15, 2014. Macon Bank submitted the lowest bid. The terms of the loan are as follows:

Loan Amount: $426,000; Loan Term: 10-years; Payments: Monthly; Interest Rate: 2.25%; Monthly Payment: $3,973.88

Public Hearing Public Participation - None

Public Hearing Closed – Mayor Harris closed the hearing at 7:52 p.m.

I. Special Presentation

I-1 Annual Settlement Report of Tax Collector– Transylvania County Tax Administrator and Assessor David Reid, Deputy Tax Collector Charlene Stone and Assistant Assessor Annette Raines presented the 2013 Transylvania County Tax Settlement Report. Report shows (as of June 20, 2014) the County Tax Office collected City of Brevard taxes in the amount of $4,278,318.75, with $8,233.42 uncollected, for an overall 99.81% collection rate. Collection rate for Brevard Fire Taxes is 99.82%, and the Heart of Brevard taxes collection rate is 99.76%. Ms. Stone advised as of last Friday, (August 15th), 99.85% of Brevard's 2013 tax levy has been collected.

Property Tax Base Update – Ms. Raines reported that overall business personal property is reduced; however, saw a slight increase with the building investment of the Oskar Blues Brewery. Since 2009 have lost three million to exemptions (non-profit, elderly/disabled, etc.) and anticipate that to increase. As was reported at Council's retreat in January, frequently real property is being sold for less than its assessed value.

Mr. Reid said the next county-wide appraisal will be in 2016 and he anticipates there will be a decline in value, especially for the higher-end properties. Last county-wide appraisal was done in 2009. To have revenue neutral would likely mean raising the tax rate, which would be a decision of the taxing authority. (City of Brevard, Town of Rosman, Transylvania County)

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

J. Public Participation

Mr. Jacob Dinkins, 500 West Probart Street. He said he is the representative for a group of citizens from the Probart Street area. At the end of Probart Street is the famous Brevard Music Center, Brevard's Charter School and the recent addition of the City's Bracken Preserve. All of these are great for all of Brevard; however, they have added additional traffic to the already busy Probart Street, often bringing conflict between vehicle and pedestrian traffic. He and his neighbors desire to enter into a proactive role with Council, working together to bring about a creative solution. Perhaps something other than the conventional four foot strip of sidewalk. Asked that Council help them to navigate with local government, to address this matter, and, to consider allocating a budget to begin work.

~ ~ At 8:15 p.m. Mayor Harris called for a 10-minute break. ~ ~

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 recommended New Business Items M-1, M-2, M-3, M-6, M-8, M-9, M-11 and M-12 be added to the Consent Agenda. Mayor Harris recommended New Business Item M-5 be added and that Council's representative to the Pedestrian/Bicycle Task Force be Council Member Wes Dickson; Item M-10 be added and that Council's representative to the Joint Parks and Recreation Strategic Plan Task Force be Council Member Mac Morrow, and that Items M-13 and M-14 also be added.

City Attorney noted for the record that the signature page for the Rathie Contract a part of Item M-14, has been completed. A copy of which was provided to Council members at the start of tonight's meeting.

Mr. Landreth moved, seconded by Mr. Morrow, the Consent Agenda be amended to include New Business Items M-1, M-2, M-3, M-5, M-6, M-8, M-9, M-10, M-11, M-12, M-13 and M-14, and approved as amended. Motion carried unanimously.

The following twenty (20) items were approved:

K-1. Public Services Monthly Reports

K-2. Year End Financial Report (Unaudited)

K-3. **Ordinance No. 2014-15** - Fiscal Year 2013-2014 Budget Amendment #4

ORDINANCE NO. 2014-16

FY 2013-2014 BUDGET
AMENDMENT NO. FOUR

WHEREAS, the City Council of the City of Brevard has previously approved the annual budget (Ordinance No. 2013-07), Budget Ordinance Amendment No. One (Ordinance No. 2013-10); Budget Ordinance Amendment No. Two (Ordinance No. 2013-12); and Budget Ordinance Amendment No. Three (Ordinance No. 2014-12); and

WHEREAS, the FY 2013-2014 Budget Ordinance Section 39 authorizes the Budget Officer to effect interdepartmental transfers, in the same fund, provided that no department budget shall be reduced by more than ten percent without prior approval of the City Council. Any such transfer shall be reported to the City Council at its next regular meeting and shall be entered into the minutes; and

NOW, THEREFORE BE IT RESOLVED THAT THE FOLLOWING INTERDEPARTMENTAL TRANSFERS BE MADE WITHIN THE GENERAL FUND AND WATER & SEWER FUND. THE TOTAL GENERAL FUND AND WATER AND SEWER FUND EXPENDITURES REMAIN UNCHANGED.

SECTION 01) General Fund Expenditures by department are increased or decreased resulting in no increase to the total budget as shown below:

Elections Department	-1,700
Finance Department	$10,000
Tax Collections Department	$10,000
Legal Department	$4,000
Planning Department	-$30,000
Police Department	$15,000
Public Services Administration	$10,000
Public Services-Streets Local	$40,000
Sanitation Department	-$57,300
Recreation Department	$5,000
Economic Development Department	-$5,000
TOTAL EXPENDITURES	$0

SECTION 03) Utility Fund Expenditures by department are increased or decreased resulting in no increase to the total budget as shown below:

Water Distribution Department	-$75,000
WWTP Department	$75,000
TOTAL EXPENDITURES	$0

SECTION 35) That Revenue and Expenditures set forth below remain unchanged as a result of inter departmental transfers:

General Fund	$10,093,091
Water & Sewer Fund	5,912,100
Utility Capital Projects Fund	3,290,800
Capital Reserve Fund	150,000
Heart of Brevard MSD Fund	120,950
Bjerg Trust Fund	100
Fire District Fund	1,205,547
Multi-Use Paths Fund	250,000
Narcotics Task Force Fund	50,100
Downtown Master Plan Fund	597,320
Wayfinding Fund	255,062
Other Post-Employment Benefits Fund	18,750
Bracken Mountain Project Fund	140,308
Health Insurance Fund	1,155,600
Housing Trust Fund	13,332
CDBG Cottages Fund	225,000
T.L. Scruggs Scholarship Trust Fund	13,000
Rosenwald Revitalization Fund	447,000

TOTAL BUDGET APPROPRIATION	$23,938,060

APPROVED ON THE 29TH DAY OF JUNE 2014

s/ Joseph M. Moore II, PE
City Manager

s/ Jim Fatland, CPFO, NCLGFO
Finance Director

K-4. Engineering and Utilities Quarterly Report

K-5. Human Resources Quarterly Report

K-6. NCDOT Caldwell Street Widening Project Update

K-7. Resolution No. 2014-14 Assigning Contract Authority to the City Manager for certain projects.

RESOLUTION NO. 2014-14

A RESOLUTION ASSIGNING CONTRACT AUTHORITY TO THE CITY MANAGER FOR THE RAILROAD AVENUE INFRASTRUCTURE PLAN PROJECT, THE PROJECT TO AMEND UDO CHAPTERS 5 AND 12, THE ROSENWALD COMMUNITY PARK PROJECT, THE CLEMSON PARK PROJECT, THE NORTH CALDWELL MASTER PLAN PROJECT, AND THE ENGINEERING ALTERNATIVES ANALYSIS FOR WATER SUPPLY ALTERNATIVES.

WHEREAS, the City Council of Brevard approved these projects as a part of the Planning Department's work plan in the FY2014-2015; and,

WHEREAS, all of the projects listed above are planning related projects necessary to complete the directives and visions established by City Council; and,

WHEREAS, the City of Brevard Planning Department Staff shall be responsible for the administration of these projects, which may include some or all of the following elements - project oversight of consulting services (legislative), engineering, design, environmental documents, right-of-way acquisition, utility relocation, and construction**.**

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

Section 1. The City Manager and City Clerk of the City of Brevard are hereby authorized to sign and execute any documents, including but not limited to, contracts for design and/or engineering and other necessary professional services, applications for and acceptance of grants, right-of-way acquisition, and construction for the following projects: The Railroad Avenue Infrastructure Plan Project, The Project to Amend the UDO Chapters 5 and 12, The Rosenwald Community Park Project, The Clemson Park Project, The North Caldwell Master Plan Project, and the Engineering Alternatives Analysis for Water Supply Alternatives.

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

Adopted and approved this the 18th day of August, 2014.

K-8. Caldwell Street Corridor Improvements Update

K-9 (M-1). TCarts Community Development Agreement **-** Approved contract with the Transylvania Community Arts Council. Contract outlines the basis and expectations of the City's disbursement of $10,000.

K-10 (M-2). Brevard/Transylvania Chamber of Commerce Community Development Agreement – Approved contract with the Brevard/Transylvania Chamber of Commerce. Contract outlines the basis and expectations of the City's disbursement of $10,000.

K-11 (M-3). Transylvania Farmers Market Community Development Agreement – Approved contract with the Transylvania Farmers Market. Contract outlines the basis and expectations of the City's disbursement of $17,000.

K-12 (M-5). **Resolution No. 2014-15** Establishing Pedestrian Planning / Bicycle Task Force. Appointed Mr. Dickson as the Council representative on the Task Force.

RESOLUTION NO. 2014-15

A RESOLUTION ESTABLISHING
A PEDESTRIAN PLANNING / BICYCLE TASK FORCE
FOR THE CITY OF BREVARD

WHEREAS, walking and biking are important modes of transportation which benefits the quality of life for the communities, businesses, residents and visitors within the City of Brevard; and,

WHEREAS, a well-designed, extensive, safe pedestrian and bicycle transportation network is critical to the quality of life of the citizens of Brevard and to the continued vibrancy and growth of the community; and,

WHEREAS, the 2002 City of Brevard Land Use Plan and the 2006 Comprehensive Pedestrian Plan recognize the importance of improving and expanding the City's pedestrian and bicycle infrastructure to the City's economy, to protecting air quality by reducing automobile emissions, to providing diverse modes of transportation for all citizens, and to maintaining the quality of life within the City; and, WHEREAS, in 2012, the City Council of the City of Brevard adopted a VISION STATEMENT and two key STRATEGIES which recognize the importance of outdoor recreation to economic development and the City's quality of life, and pedestrian and bicycle infrastructure are important elements of the City's existing and future recreational infrastructure; and,

WHEREAS, it is the desire of the City Council of the City of Brevard to update the City's pedestrian and bicycle infrastructure policies and priorities, which are currently set forth in the 2006 Comprehensive Pedestrian Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 01: Brevard City Council will develop a plan that sets forth updated pedestrian and bicycle policies and infrastructure priorities (hereafter, "plan").

SECTION 02: A task force is hereby established for this purpose.

SECTION 03: The task force shall be comprised of the following membership:

a) Brevard City Council Member, Wes Dickson
b) Two members of the City of Brevard Planning Board
c) Colin Izzard, Citizen
d) Ben Hardy, Citizen
e) Dr. Marty Ingram, Citizen
f) The City of Brevard Planning Director

SECTION 04: The task force shall elect a chair and vice-chair person from among its membership.

SECTION 05: The task force shall prepare and present a recommended plan to Brevard City Council on or before June 30, 2015.

SECTION 06: The strategic plan shall, at a minimum, provide the following:

a) Identify and prioritize future investments in pedestrian and bicycle infrastructure. Such priorities shall be based upon a robust foundation of public engagement and input.
b) Identify and recommend other ordinances, policies and investments necessary to support pedestrian and bicycle transportation within the City of Brevard.

SECTION 07: City Staff is hereby directed to provide such support as may be necessary to the task force so that it may complete its mission as set forth herein.

SECTION 08: The City Manager and City Clerk of the City of Brevard are hereby authorized to solicit requests for proposals for the development of the plan, and to sign and execute contracts for the same.

SECTION 09: The task force shall dissolve upon completion of its mission as set forth herein.

SECTION 10. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of August, 2014.

K-13 (M-6). Resolution No. 2014-16 Closing Out Community Development Block Grant No. 10-C-2209, Cottages at Brevard.

RESOLUTION NO. 2014-16

A RESOLUTION CLOSING OUT
COMMUNITY DEVELOPMENT BLOCK GRANT NUMBER 10-C-2209

WHEREAS, Community Development Block Grant # 10-C-2209 funds were expended in successful support of the construction of forty, one level affordable senior and handicapped /

disabled housing units within the Cottages at Brevard, located within the City of Brevard, which units are now occupied; and,

WHEREAS, Community Development Block Grant # 10-C-2209 funds supported the successful construction of 1240 linear feet of sidewalks within the Cottages at Brevard; and,

WHEREAS, Community Development Block Grant # 10-C-2209 funds supported the successful construction of 1240 linear feet of streets within the Cottages at Brevard; and,

WHEREAS, all work associated with Community Development Block Grant # 10-C-2209 is complete and the City of Brevard intends to request the final reimbursement and complete project closeout procedures.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01: Community Development Block Grant # 10-C-2209 is hereby closed out.

SECTION 02: City Staff is hereby directed to request the final reimbursement and complete project closeout procedures.

SECTION 03. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of August, 2014.

K-14 (M-8). Ordinance No. 2014-14 Amending Brevard City Code, Chapter 66 Traffic, Article IV and the City of Brevard Traffic Schedule.

ORDINANCE NO. 2014 -14

**AN ORDINANCE AMENDING
BREVARD CITY CODE, CHAPTER 66. TRAFFIC, ARTICLE IV
AND THE CITY OF BREVARD TRAFFIC SCHEDULE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT THE TRAFFIC SCHEDULE AND THE BREVARD CITY CODE SHALL BE AMENDED AS FOLLOWS:

Section 01. Chapter 66, Article IV, Section 66-89 is hereby established and shall read as follows:

> Sec. 66-89. Streets Closed to Semi-Truck / Tractor Trailer Rig Traffic.
>
> Upon certain streets, as described in Traffic Schedule XXXI, which is made a part of this article, semi-truck / tractor trailer rig traffic is prohibited; provided, however, that semi-trucks / tractors, which are not connected to a semitrailer, are not prohibited. A semi-truck / tractor trailer rig is a combination type vehicle, including but not limited to a 5 axle tractor with a 45 foot semitrailer and 3 axle tractor with 27 foot semitrailer.

Section 02. The City of Brevard is hereby amended to include and the City's Traffic Schedule is hereby amended as described below:

a) Establish one additional "Two Hour" parking space on the southeast side of Broad Street between Main and Jordan Streets (Traffic Schedule III);

b) Establish one additional "30 Minute" loading zone on the southeast side of Broad Street between Main and Jordan Streets (Traffic Schedule VII);

c) Designate the existing loading zone on the north side of Jordan Street, between Broad and Caldwell Streets, as a "30 Minute" loading zone (Traffic Schedule VII);

d) Designate the unnamed alley way between Jordan Street and Main Street as a "No Parking" zone (Traffic Schedule I); and

e) Designate Cherry Street, Idlewood Street, Spruce Street, and Burnette Drive as closed to semi-truck / tractor trailer traffic (Traffic Schedule XXXI).

Section 03. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Brevard Traffic Schedule I to reflect the change as set forth herein.

Section 04. The City Manager of the City of Brevard is hereby authorized and directed to cause the appropriate signs to be installed and enforcement of the foregoing provisions to be implemented.

Section 05. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this 18th day of August, 2014.

K-15 (M-9). Resolution No. 2014-17 Authorizing Grant/Loan Financing for Kings Creek Sewer Project Phase II

RESOLUTION NO. 2014-17

AUTHORIZING GRANT/LOAN FINANCING FOR KINGS CREEK SEWER PROJECT PHASE II

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan, Grant, or State Bond Loan in the amount of $1,435,784 for the construction of the Kings Creek Sewer Project Phase II, and

WHEREAS, the City of Brevard intends to construct said project in accordance with the approved plans and specifications.

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

Section I. That the City of Brevard does hereby accept the State Revolving Loan, Grant, or State Bond Loan offer of $1,435,784.

Section 2. That the City of Brevard does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan or grant offer, Section II-Assurances will be adhered to.

Section 3. That Joseph M. Moore II, P.E., City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Section 4. That the City of Brevard has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted and approved this the 18th day of August, 2014.

K-16 (M-10). Resolution 2014-18 Establishing A Joint Parks and Recreation Strategic Planning Task Force for Transylvania County and the City of Brevard. Appointed Mr. Morrow as the Council representative on the Task Force.

RESOLUTION NO. 2014-18

A RESOLUTION ESTABLISHING
A JOINT PARKS AND RECREATION
STRATEGIC PLANNING TASK FORCE FOR
TRANSYLVANIA COUNTY AND THE CITY OF BREVARD

WHEREAS, parks and recreation activities enhance the physical health and mental well-being of individuals, work forces, and communities; and,

WHEREAS, participation in recreation programs builds self-esteem and provides positive and constructive alternatives to anti-social behavior; and,

WHEREAS, parks and recreation opportunities and open space enhance the desirability of Transylvania and the City of Brevard as locations for business, industry, and residential housing; and,

WHEREAS, parks and recreation stimulates tourism revenues and the economic development of Transylvania County and the City of Brevard; and

WHEREAS, parks and recreation make Transylvania County and the City of Brevard attractive and desirable as a place to live, work, play and visit, and contributes to our ongoing economic vitality; and,

WHEREAS, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community which positively impacts the social, economic, health and environmental quality of Brevard and Transylvania County; and,

WHEREAS, parks and recreation facilities, programs and services benefit the entire community irrespective of jurisdictional boundaries, these public investments offer a unique opportunity for collaboration among local governments within Transylvania County; and,

WHEREAS, the Transylvania County Board of Commissioners and the City Council of the City of Brevard intend to develop a joint strategic plan for parks and recreation facilities, programs and services.

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 01: Transylvania County and the City of Brevard will collaborate to develop a joint strategic plan for parks and recreation facilities, programs and services (hereafter, “strategic plan”).

SECTION 02: A joint parks and recreation strategic planning task force (hereafter, “task force”) is hereby established for this purpose.

SECTION 03: The task force shall be comprised of the following membership:

a) The Chair of the Transylvania County Parks & Recreation Commission
b) The Vice-Chair of the Transylvania County Parks & Recreation Commission
c) The Transylvania County Planning & Economic Dev. Director
d) Two representatives to be appointed by the City of Brevard Planning Board
e) One Transylvania County Commissioner
f) One member of Brevard City Council
g) The Transylvania County Parks & Recreation Director
h) The City of Brevard Planning Director

SECTION 04: The task force shall elect a chair and vice-chair person from among its membership.

SECTION 05: The task force shall prepare and present a recommended strategic plan to a joint meeting of the Transylvania County Board of Commissioners and the City Council of the City of Brevard on or before June 30, 2015.

SECTION 06: The strategic plan shall, at a minimum, provide the following:

a) Identify and prioritize future investments in parks and recreation facilities, programs and services and recreation, both shared and independent. Such priorities shall be based upon a robust foundation of public engagement and input.

b) Identify and recommend opportunities for collaboration among local governments in the provision of parks and recreation facilities, programs and services.
c) Recommend a structure for collaboration among local governments in the provision of parks and recreation facilities, programs and services.

SECTION 07: City Staff is hereby to direct to provide such support as may be necessary to the task force so that it may complete its mission as set forth herein.

SECTION 08: The City Manager and City Clerk of the City of Brevard are hereby authorized to solicit requests for proposals for the development of this strategic plan, and to sign and execute contracts for the same.

SECTION 09: The task force shall dissolve upon completion of its mission as set forth herein.

SECTION 10. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of August, 2014.

K-17 (M-11). **Ordinance No. 2014-15** Ordinance to Extend the Corporate Limits of the City of Brevard, North Carolina. Transylvania County Board of Education Petition for voluntary annexation of contiguous property located on Country Club Road.

ORDINANCE NO. 2014-15

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF BREVARD, NORTH CAROLINA

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein, and,

WHEREAS, the City Clerk has investigated the sufficiency of said petition (relying on the opinion of the City Attorney); and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Brevard City Hall at 7:00 o'clock, P.M. on the 18th day of August, 2014, after due notice by publication on the 7th day of August, 2014; and

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by Transylvania County Board of Education, as described in those certain deeds recorded in the office of the Register of Deeds of Transylvania County, North Carolina, in Deed Book 302, Page 352-354, recorded on January 27, 1988, and Deed Book 675, Pages 411-413 , recorded on October 31, 2013, (Transylvania Tax Office Property Identification Numbers: 8585-35-5436-000 and 8585-45-1339-000) and that certain annexation plat provided by the Petitioners to be duly recorded upon annexation, is hereby annexed and made a part of the City of Brevard as of the 18th day of August, 2014.

Said property is more fully described as follows:

DB 302, PG 352-354, Exhibit A

BEGINNING at an iron pin in the Southeastern margin of South View Drive at the Westernmost corner of the property described in Deed Book 218, at Page 215 and running thence with the line of Bailey South 34 deg. 31' 45" East 114.93 feet; thence still with Bailey North 63 deg. 46' 02" East 28.80 feet to an iron pin in the ditch, a corner of the Passmore property; thence with the ditch South 02 deg. 14' East 200.0 feet to a stake; thence with the line of the property described in Deed Book 298, at Page 235, North 66 deg. 24' 52" East 549.0 feet to an iron pin in the Western margin of Gillespie Circle; thence South 22 deg. 16' 28" East 224.56 feet to an iron pin in the line of Morris; thence with said line two calls as follows: South 69 deg. 17' 15" West 40.06 feet to an iron pin; thence South 24 deg. 05' 58" East 163.76 feet to an iron pin, a corner of Morris in the line of Franks; thence with the line of Franks (Deed Book 281, Page 317) South 64 deg. 59' 07" West 440.39 feet to a stake, a corner of Franks in the line of Tipton; thence with the line of Tipton North 21 deg. 30' West 100.0 feet; thence South 59 deg. 25' 40" West 164.39 feet to a stake in the ditch; thence with the center of the ditch three calls as follows: South 06 deg. 47' 39" East 168.97 feet; South 26 deg. 50' 18" East 475.10 feet; South 50 deg. 43' 40" East 265.19 feet to a stake at the Western edge of Country Club Road; thence with the edge of the pavement of Country Club Road South 11 deg. 09' 35" East 55.96 feet to an iron pin in the line of Duke Power Company; thence leaving the edge of the road and running with the line of Duke Power Company Deed Book 159, Page 126) two calls as follows: South 39 deg. 07' 26" West 226.89 feet to an iron pin; thence South 10 deg. 08' West 97.65 feet to a point in the center of Nicholson Creek (also called Graham's Creek); thence with the center of the creek twenty-eight calls as follows: North 75 deg. 38' 46" West 49.21 feet; North 44 deg. 11' 30" West 53.94 feet; North 71 deg. 23' 47" Wets 65.64 feet; North 37 deg. 32' 21" West 51.51 feet; North 55 deg. 39' 22" West 155.34 feet; thence North 18 deg. 02' 37" West 31.77 feet; North 43 deg. 46' 45" West 96.06 feet; North 66 deg. 41' 25" West 66.83 feet; North 42 deg. 46' 24" West 66.85 feet; South 85 deg. 11' 35" West 44.85 feet; North 27 deg. 36' 22" West 40.06 feet; North 12 deg. 02' 59" West 90.35 feet; North 56 deg. 23' 47" West 72.60 feet; North 08 deg. 01' 36" Wets 93.03 feet; North 12 deg. 16' 35" East 38.68 feet; North 05 deg. 20' 49" West 73.99 feet; north 10 deg. 30' 56" East 96.64 feet; North 02 deg. 18' 37" West 257.78 feet; North 14 deg. 41' 44" West 74.37 feet; North 06 deg. 21' 24" East 36.30 feet; North 33 deg. 16' 22" East 71.36 feet; North 20 deg. 13' 58" East 65.83 feet; North 07 deg. 43' 20" West 44.51 feet; North 31 deg. 22' 38" West 115.33 feet; North 42 deg. 25' 55 sec. West 135.99 feet; North 16 deg. 38' 34" West 61.82 feet; North 38 deg. 27' 44" West 207.47 feet; North 16 deg. 53' 48" West 29.52 feet to a point in the center of the creek opposite the mouth of Brushy Creek; thence leaving Nicholson Creek and running up and with the center of Brushy Creek five calls as follows: North 29 deg. 55' 55" East 37.62 feet; North 46 deg. 28' 27" East 103.40 feet; North 37 deg. 47' 08" East 43.20 feet; North 56 deg. 10' 47" East 87.82 feet; North 14 deg. 14' 54" West 168.31 feet to an iron pin; thence leaving Brushy Creek and running South 34 deg. 48' 58" East 292.61 feet to a concrete monument; thence South 34 deg. 31' 45" East (passing an iron pin at 158.63 feet and another iron pin at 238.62 feet) a total distance of 276.60 feet to the point of BEGINNING. Containing 22.54 acres, more or less, as surveyed by Perry R. Raxter, RLS, and as shown on his drawing No. B-213, dated November and December, 1987.

<u>DB 675, PG 411-413, Exhibit A</u>
BEGINNING at a stake on the Northwest margin of the Country Club Road, George Oliver's corner, and runs thence with George Oliver's line, North 49 deg. West 180 feet to an iron pin; thence South 45 deg. West 85 feet to a stake; thence North 46 deg. West 276 feet to a stake; thence North 21 deg. West 48 feet to a stake in C. Y. Patton's line; thence North 65 deg. East 440 feet to a stake in Boyd Oliver's line; thence with Boyd Oliver's line, South 35 deg. East 161 feet to a stake; thence South 45 deg. West 165 feet to a stake; thence South 53 deg. East 147 feet to a stake in the Northwest margin of the Country Club Road; thence with the Country Club Road, South 32 deg. 30 min. West 157 feet to the BEGINNING. Containing 2.84 acres.

The above description made in accordance with survey and plat by T. N. Davis, RLS.

This conveyance is made along with and subject to the right of way easement and restrictions described in Deed Book 281 at Page 317 and Deed Book 124 at Page 47 in the Transylvania County Registry.

Section 2. Upon and after the 18th day of August, 2014, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-58.10.

Section 3. Pursuant to G.S. 160A-29, the Mayor of the City of Brevard shall cause to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Brevard.

Adopted and approved the 18th day of August, 2014.

K-18 (M-12). Cherry Street Bike/Hike Path Funding Options – Council agreed to staff recommendation to enact a project budget ordinance at the September, 2014, regular meeting that would transfer and reserve the available $38,293 for future use in construction of the Cherry Street Greenway. Further, Council will offer a challenge to the community to raise private funds to augment the City's existing fund. Upon successful accumulation of $92,000, Council may then direct Staff to effectuate construction of the Cherry Street Greenway.

K-19 (M-13). **Resolution No. 2014-19** Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20**; and, Resolution No. 2014-20** Resolution Approving Financing Terms for the Purchase of the Former Duke Energy Carolinas, LLC Maintenance Facility

RESOLUTION NO. 2014-19

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the City of Brevard, North Carolina desires to finance the purchase of property from Duke Energy Carolinas, LLC for the Public Services Department (the "Project") to better serve the citizens of Brevard, NC; and

WHEREAS, The City of Brevard desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Brevard, North Carolina, meeting in regular session on the 18th day of August, 2014, make the following findings of fact:

1. The proposed contract is necessary or expedient because of the desire to finance the cost over 10-years in lieu of payment of cash to allocate annual costs to the General Fund and Utility Fund.

2. The proposed contract is preferable to a bond issue for the same purpose because the total cost of $426,000 is significantly below the threshold to use bond financing.

3. The cost of financing under the proposed contract of $426,000 is significantly lesser than the cost of issuing general obligation bonds.

4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because annual debt payments do not require a tax increase or utility rate increase.

5. The City of Brevard, North Carolina's fiscal policies are an integral part of the annual budget document which include guidelines for revenue, operations, capital improvement program, capital equipment replacement, accounting, debt and fund balance.

6. The City of Brevard's current tax rate and utility rates are sufficient in meeting the annual principal and interest payments without a tax increase or rate increase.

7. The City of Brevard, North Carolina is not in default in any of its debt service obligations.

8. The attorney for the City of Brevard, North Carolina has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

9. The probable net revenues from the General Fund and Utility Fund of the project to be financed will be sufficient to meet the sums to fall due under the proposed contract.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager is hereby authorized to act on behalf of the City of Brevard, North Carolina, in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This Resolution is effective upon its adoption this 18th day of August 2014.

RESOLUTION NO. 2014-20

A RESOLUTION APPROVING FINANCING TERMS FOR THE PURCHASE OF THE FORMER DUKE ENERGY CAROLINAS, LLC MAINTENANCE FACILITY

WHEREAS, The City of Brevard ("City") has previously determined to undertake a real property purchase of a former maintenance facility of Duke Energy Carolinas, LLC, located at 400 Cashiers Valley Road, Brevard, NC, (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through Macon Bank, in accordance with the proposal dated August 15, 2014. The amount financed shall not exceed $426,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.25%, and the financing term shall not exceed ten (10) years from closing. Payment shall be monthly.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Macon Bank financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted and approved this 18th day of August, 2014.

K-20 (M-14). **<u>Resolution No. 2014-21</u>** <u>Approving Two Contracts to Purchase Real Estate</u>. Purchase of Satpal and Sudha Rathie, and Southeastern Real Estate and Discount Company (Taylor) properties.

RESOLUTION NO. 2014-21

A RESOLUTION APPROVING TWO CONTRACTS

TO PURCHASE REAL ESTATE

THIS MATTER COMING before City Council on August 18, 2014, and Council, after due discussion and deliberation having determined that the purchase of certain parcels of real estate is in the public interest, and will be beneficial to the citizens and residents of the City of Brevard; and

Whereas, Council has reviewed two Agreements to Purchase certain parcels of real estate and finds that they should be ratified and approved;

Whereas, the first such parcel is described in that certain AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY from Satpal Rathie and wife, Sudha Rathie, for the purchase price of $150,000.00, as is more specifically set out in the copy of same which is attached hereto as Exhibit 1; and

Whereas, the next such parcels are described in that certain OFFER TO PURCHASE AND CONTRACT to purchase certain real estate from Southeastern Real Estate and Discount Company for $250,000.00, as is more specifically set out in the copy of same which is attached hereto as Exhibit 2;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brevard, North Carolina:

Section 1. Each of the Agreements to purchase real estate, copies of which are attached hereto as Exhibits 1 and 2, respectively, are hereby ratified and approved, subject to all of the terms and conditions stated therein.

Section 2. This Resolution shall become effective upon adoption and approval by the City Council.

Adopted and approved the 18th day of August, 2014.

L. Unfinished Business - None

M. New Business

M-4. Heart of Brevard Community Development Agreement. Ms. Hollingsworth moved, seconded by Mr. Landreth, the item be tabled until Council's next regular me eting scheduled for September 15, 2014. Motion carried unanimously.

M-7. Proposed Amendments to the City Unified Development Ordinance to Allow Flea Markets. Ms. Hollingsworth moved, seconded by Mr. Jones, Council take no action at this time. Motion carried unanimously.

N. Remarks By Officials / Future Agenda Considerations

Mayor Harris said he would like to bring to Council for consideration, the City to initiate a process to address the situation of a property owner or tenant who places and leaves abandoned furniture, appliances, mattresses, etc., along the side of the road for weeks or months. He suggested perhaps stickers could be made to be placed upon such items letting them (property owner or tenant) know that they have ten days to have the items removed, and, if they have not done so, then the City will pick up the items and add the standard special pickup charge to their water bill. (Current pick-up fee is $30) City has employees from the various departments (Police, Fire, Public Works, Meter Readers, Planning Code Enforcement, etc.) who are out and about throughout the City. Whenever they find such items, they would place a sticker upon the item(s), write upon the sticker the date found, and then in 10 days if the items have not been removed the City would then pick up the items and add the pickup charge would be added to the customer's bill. Believes this would address both a health situation and feels it would be a good neighbor policy.

Mr. Jones – Asked that Council consider hosting the NC Black Elected Officials 2016 Summer Convergence.

Mr. Moore – Reminded Council motions are needed if they are interested in the items requested by Mayor Harris and Council Member Jones.

Mr. Morrow moved, as requested by Mayor Harris, that staff be directed to draft a pick-up policy for Council's consideration. Motion was seconded by Mr. Dickson and carried unanimously.

Ms. Hollingsworth moved, seconded by Mr. Jones, the City host the NC BEMO 2016 Summer Convergence. Motion carried unanimously.

O. Closed Session – Mayor Harris asked the City Attorney if it would be appropriate for Council to hold two closed sessions to discuss matters of economic development. City Attorney advised pursuant to **GS § 143-318.11. (a)(3)** and **(4)** it would be appropriate to convene provided separate closed sessions on the matters are held. 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.

Closed Session #1 - At 8:52 p.m. Mr. Jones moved, seconded by Mr. Landreth, Council go into closed session to discuss an economic development matter. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager, Clerk, Mr. Freeman, Mr. Fatland, Mr. Johnston and Mr. Lutz. (A ten minute break was taken to allow citizens and staff to leave Council Chambers, and for Council members to move to the Administrative Conference Room.)

Closed Sessions were held in the Administrative Conference Room. Clerk posted a notice upon the Council Chambers entrance door advising of the Closed Session meeting location.

<u>Council Returned to Regular Session</u> – At 9:21 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.

Closed Session #2 - At 9:21 p.m. Mr. Jones moved, seconded by Mr. Dickson, Council go into a second closed session to discuss an economic development matter. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager, Clerk, Mr. Freeman, Mr. Fatland, Mr. Johnston and Mr. Lutz.

<u>Council Returned to Regular Session</u> – At 11:47 p.m. Council returned to Council Chambers and 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.

Special Called Meeting for Brevard Place Project – A letter dated August 18, 2014, and signed by the Mayor and all Council Members was given to the Manager. The letter reads, "It is the consent of the Brevard City Council that should the Planning Board release the Brevard Place project at their August 19^{th}, 2014, meeting that a Special Called meeting of the Brevard City Council take place as soon as lawfully allowable and advertised under NC General Statute for the sake of having a Public Hearing on the matter." Mayor said the meeting would likely be called for either September 4^{th} or 8^{th}. (Exhibit A)

Adjourn - There being no further business before Council, Mr. Morrow moved, seconded by Mr. Landreth the meeting be adjourned. Motion carried. Meeting adjourned at 11:49 p.m.

s/ ____
Jimmy Harris
Mayor

s/ ___________________________________
Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: September 15, 2014