MINUTES
BREVARD CITY COUNCIL
Regular Meeting
September 15, 2014 – 7:00 PM

The Brevard City Council met in regular session Monday, September 15, 2014, at 7:00 pm in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present – Mayor Jimmy Harris, Council Members Charlie Landreth, Maurice Jones and Wes Dickson

Absent – Mayor Pro Tem Mac Morrow and Council Member Ann Hollingsworth

Staff Present – City Manager Joe Moore, City Attorney Mike Pratt, City Clerk Designee Brad L. Burton, Finance Director Jim Fatland, Director of Utilities and City Engineer Jay Johnston, Planning Director Joshua Freeman, Police Chief Phil Harris, Fire Chief Craig Budzinkski, Public Services Director David Lutz, HR Director Christine Caldwell, Building and Grounds Director Lynn Goldsmith, Executive Assistant Jeanette Owen, and 13 City of Brevard Firefighters receiving recognition for training and educational efforts.

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, City Attorney and Clerk Designee.

B. Invocation – Mayor Harris offered an Invocation.

C. Pledge of Allegiance – Mayor Harris led in the Pledge of Allegiance.

D. Certification of Quorum – The City Clerk designee certified a quorum present.

E. Approval of Agenda – Mayor Harris stated that "I-4" would not be heard and was to be rescheduled, and asked to insert item "G-3" into the Agenda which was the recognition of the Transylvania County Honor Guard and presentation of a check to the Honor Guard from the Mayor's Discretionary Fund. Mr. Landreth moved that the agenda be approved as amended by the Mayor. Mr. Dickson seconded the motion which carried unanimously.

F. Approval of Minutes – Mr. Landreth moved that the Minutes of June 2, 2014, June 16, 2014, and August 18, 2014 be approved as presented. Mr. Dickson seconded the motion, which carried unanimously.

G. Certificates / Awards/ Recognition

G-1. National Recovery Month Proclamation – Mayor Harris asked Ms. Rhinehart with Meridian to come forward and stand with him as he read the proclamation. Ms. Rhinehart offered remarks afterward as to services offered by Meridian and invited the audience to attend an event on Friday, September 19, 2014.

Proclamation
National Recovery Month
Brevard, North Carolina

Mental and substance use disorders affect all communities nationwide, but with commitment and support, people with these disorders can achieve healthy lifestyles and lead rewarding lives in recovery. By seeking help, people who experience mental and/or substance use disorders can embark on a new path toward improved health and overall wellness. The focus of National Recovery Month this September is to celebrate their journey. Recovery Month spreads the message that behavioral health is essential to health and one's overall wellness, and that

prevention works, treatment is effective, and people recover.

The impact of mental and substance use disorders is apparent in our local community in Brevard, North Carolina. According to the *2012 National Survey on Drug Use and Health*, in 2012, 23.1 million people aged 12 or older nationwide needed treatment for an illicit drug or alcohol use problem (8.9 percent of people aged 12 or older). Of these, 2.5 million (1.0 percent of people aged 12 or older and 10.8 percent of those who needed treatment) received treatment at a specialty facility. Also in 2012, out of the 43.7 million Americans aged 18 or older who had any mental illness in the past year, only 17.9 million received mental health services in the past year. Through Recovery Month, people become more aware and able to recognize the signs of mental and/or substance use disorders, which can lead more people into needed treatment. Managing the effects of these conditions can help people achieve healthy lifestyles, both physically and emotionally.

On its 25th anniversary, the Recovery Month observance continues to work to improve the lives of those affected by mental and/or substance use disorders by raising awareness of these diseases and educating communities about the prevention, treatment, and recovery resources that are available. For the above reasons, I am asking the citizens of Brevard to join me in celebrating this September as National Recovery Month.

I, Jimmy Harris, Mayor, do hereby proclaim the month of September 2014 as

NATIONAL RECOVERY MONTH

In the City of Brevard and call upon our community to observe this month with compelling programs and events that support this year's observance.

Signed this 19th day of September, 2014.

G-2. Firefighters Recognition of Achievements – Mayor Harris and Fire Chief Budzinski individually recognized 13 City of Brevard Firefighters for training and educational achievements.

G-3. (as amended) **Recognition of the Transylvania County Honor Guard**. Mayor Harris individually recognized members of the Transylvania County Honor Guard and presented the Honor Guard with a $1000.00 check from his discretionary fund for expenses incurred by the Honor Guard in the performance of their duties.

H. Public Hearing – There was no Public Hearing.

I. Special Presentations

I-1. TCARTS Quarterly Report – Ms. Tammy Hawkins, Executive Director with TCARTS presented the Quarterly Report. Ms. Hawkins gave a synopsis of ongoing TCARTS activities and describes new activities TCARTS has and is undertaking. Ms. Hawkins presented Council a brochure in addition to the written annual report.

I-2. Chamber of Commerce Quarterly Report – Executive Director Clark Lovelace presented the Brevard/Transylvania Chamber of Commerce Quarterly Report. Mr. Lovelace provided statistics of membership, the number of visitors seen in Visitors Center, the number of phone calls and informational brochures mailed. Lovelace stated that July 2014 was the busiest month to date. Lovelace described other activities and workshops underway and ongoing. He described participation in a trip to Raleigh to Legislature to meet with respective legislators, and a described trip to the City of Belmont and specific recurring activities with that group. Mr. Lovelace presented Council with a written report.

I-3. Transylvania Farmer's Market Quarterly Report – Ms. Leslie Logemann presented the Transylvania Farmer's Market Quarterly Report. "Great 2014 thus far." Ms. Logemann stated an average day consists of 45 vendors, and usually features some kind of live music plus educational classes and more offerings. Two big events have been held thus far: "Farm Fair" and "Local Foods". Ms. Logemann described activities held during these events. The Transylvania Farmer's Market currently has 73 vendors "on the rolls." As to organization efforts, Ms. Logemann stated that the Market had finished Incorporation efforts, bylaws have been established, and the Market is applying

for 501 C3 status. Continuing to work with MountainWise, and in conjunction with that organization prepared a video as to a successful municipal/farmer's market partnership. Ms. Logemann presented the video produced with MountainWise. Ms. Logemann closed with a description of upcoming Fall Events, stating that their season will be over in late December.

I-4. Rosenwald Small Area Plan Report - (Removed from Agenda per unanimous motion.)

J. Public Participation

Mr. Gary Daniels, Planning Board Chair speaks as to the Brevard Place [development project]. He stated he wanted to qualify the position as to the Planning Board approval of the Brevard Place. Daniels stated that approval was given to the project with a large list of conditions. Daniels stated he feels the applicants themselves have "lengthened" the process by failing to provide complete plans—especially when the applicant knew what they needed to address; the plans were subsequently brought back with minimal changes or none at all. Speaking for himself, Daniel relates to working with [other developers such as] Renova, Transylvania Community Hospital and French Broad Place and he stated he has never been placed in such a situation with an uncooperative applicant. Daniels stated again that the Brevard Planning Board did not approve the applicant's plan unconditionally; and the jobs that might be provided [by the project] will be low wages jobs, not the entrepreneurial-type jobs as those desired by the community. Daniels closed by describing the project location as a "...legacy piece of property we will have to deal with for many years."

The Mayor then initiated a discussion with the City Manager and Planning Director Freeman as to the conditions to the Brevard Place project as previously referenced by Mr. Daniels. Mr. Freeman was tasked by the Mayor with finding those Conditions. After a brief period of time, Mr. Freeman found the conditions and projected them onto the screen. Discussion on this topic continued from 8:14 to 8:22 pm. The Mayor then introduced the next public participant, Mr. Larry Gregory, at 8:24 pm.

Mr. Larry Gregory stated to Council that he was at the last Council meeting [September 4, 2014] and at that time he asked Council to vote favorably on the Brevard Place project. He stated that his position had not changed and again requested City Council to vote favorably on the Brevard Place project.

Ms. Diann Harley, with People for Clean Mountains spoke as to recycling endeavors. She thanked the City for introducing commercial recycling. She described the efforts of "People for Clean Mountains." Ms. Harley provided a brochure for Council members. In her presentation, she gave statistics as to trash disposal and recycling in Transylvania County. She stated that she "...really wants to see recycling work, especially businesses." She stated she was willing to work with City or community leaders to facilitate recycling efforts—she closed with the statement that she felt "...elected officials must lead recycling endeavors."

Mr. Lloyd Fisher thanked City Council and the Planning Board for listening "...to all the talk about the [Brevard Place] project." He then stated that he "hoped we can go back and figure out a way to shorten the process for developers in Brevard." He then spoke as to jobs that the project might create. Mr. Fisher stated, "I want all kinds of jobs." He discusses the variety of wages potentially available and as to the project he stated he felt that this project would provide "not the jobs we want but the jobs we can get." Mr. Fisher spoke as to his perception of the quality of the Brevard Place project and challenges anyone to show him a project "on the four lane" that will be as nice as this project." Mr. Fisher closed with the statement, "We have asked the [Brevard Place] developers to do more than any other developer that has come to Brevard."

~~At 8:35 pm Mayor Harris called for a "short ten or fifteen minute recess."~~

K. Consent Agenda – Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read the items aloud and asked if Council desired to remove any item for discussion, or to add an item(s) to the Consent Agenda. Mr. Landreth moved to accept the Consent Agenda as presented. His motion was seconded by Mr. Jones. The motion carried unanimously.

The following eight (8) items were approved:

K-1. Public Services Monthly Report

K-2. Finance Monthly Report

K-3. **Resolution No. 2014-22** Grant / Loan Application for Waste Water Treatment Plant Rehabilitation

RESOLUTION NO. 2014-22

AUTHORIZING GRANT/LOAN FINANCING FOR
WASTEWATER TREATMENT PLANT (WWTP) REHAB PROJECTS

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction for wastewater treatment plant (WWTP) facilities; and

WHEREAS, the City of Brevard has need for rehab improvements at the WWTP; and

WHEREAS, the City of Brevard intends to request grant and loan assistance for this project.

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

Section 1. That City of Brevard, the applicant, will arrange financing for all remaining costs of the project, if approved for a State Grant or Loan Award.

Section 2. That the City of Brevard will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

Section 3. That the City Council of the City of Brevard agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Brevard to make scheduled repayment of the loan, to withhold from the City of Brevard any State Funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

Section 4. That the City of Brevard will provide for efficient operation and maintenance of the project on completion of construction thereof.

Section 5. That Joseph M. Moore, II, P.E., City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Brevard with the State of North Carolina for a loan or grant to aid in the construction of the projects described above.

Section 6. That the 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 assurances as contained above; and to execute such other documents as may be required in connection with the application.

Section 7. 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 loan pertaining thereto.

Adopted this the 15th day of September, 2014.

K-4. Creation of Project Ordinances (introduced / first reading)

a. Ordinance No. 2014-17 King's Creek Phase II

ORDINANCE NO. 2014-17

A PROJECT BUDGET AMENDMENT ORDINANCE ADOPTING
A CHANGE TO THE FISCAL YEAR 2014-2015 BUDGET

WHEREAS, In accordance with the applicable provisions of the North Carolina Local Government Budget and Control Act NCGS 159-13.2; and

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

WHEREAS, The City of Brevard has previously approved the Kings Creek Sewer Rehab & Replacement – Phase II, herein after called "The Project"; and

WHEREAS, The City of Brevard's loan application has been approved by the NCDENR Infrastructure Finance Section (IFS) in the amount of $1,435,784 towards "The Project"; and

WHEREAS, The City of Brevard has received approval from the NC Department of State Treasurer, Local Government Commission to accept the loan; and

WHEREAS, The City of Brevard desires to accept the loan under the conditions stipulated by NCDENR-IFS and complete the project, including providing local funds required meeting the overall project cost.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BREVARD, TRANSYLVANIA COUNTY, NORTH CAROLINA:

1. Effective the date of passage of this Ordinance, the fiscal year 2014-2015 budget for operation, maintenance, debt service, capital improvements and estimated revenues is hereby amended as follows:
   The following Capital Project is added for funding to the FY 14-15 Budget as:
   Kings Creek Sewer Rehab & Replacement-Phase II 2015:

Project Revenues:	
NC DENR - IFS – loan	$1,435,784.
City of Brevard – Utility Capital Projects Fund	$ 28,200.
Total Project Revenues	$1,463,984.

Project Expenses:	
Construction	$1,025,750.
Engineering Design	84,111.
Legal Fees	15,000.
Permitting/Bidding/Award	25,000.
Surveying/Easements	50,000.
On-Site Construction Observation	82,060.
Project Administration	51,288.
Contingency	102,575.
Department Closing Fee	28,200.
Total Project Expenses:	$ 1,463,984.

2. The City Manager is hereby authorized to engage and enter into contractual agreements with NCDENR - IFS for the execution of the loan.
3. The City Manager is hereby authorized to engage and enter into contractual agreements as necessary, and in accordance with the laws of North Carolina, for the execution of the project.
4. The City Manager shall advise City Council periodically and recommend any financial changes necessary for the successful completion of the project.
5. This Budget Amendment Ordinance shall become effective upon its adoption and approval.

Date Ordinance introduced to City Council (NCGS 160A-75): September 15, 2014

b. Ordinance No. 2014-18 King's Creek Sewer Rehab & Replacement - Phase III

ORDINANCE NO. 2014-18

A PROJECT BUDGET AMENDMENT ORDINANCE ADOPTING
A CHANGE TO THE FISCAL YEAR 2014-2015 BUDGET

WHEREAS, In accordance with the applicable provisions of the North Carolina Local Government Budget and Control Act NCGS 159-13.2; and

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

WHEREAS, The City of Brevard has previously approved the Kings Creek Sewer Rehab & Replacement – Phase III, herein after called "The Project"; and

WHEREAS, The City of Brevard's loan application has been approved by the NCDENR Infrastructure Finance Section (IFS) in the amount of $1,484,150 towards "The Project"; and

WHEREAS, The City of Brevard has received approval from the NC Department of State Treasurer, Local Government Commission to accept the loan; and

WHEREAS, The City of Brevard desires to accept the loan under the conditions stipulated by NCDENR-IFS and complete the project, including providing local funds required meeting the overall project cost.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BREVARD, TRANSYLVANIA COUNTY, NORTH CAROLINA:

1. Effective the date of passage of this Ordinance, the fiscal year 2014-2015 budget for operation, maintenance, debt service, capital improvements and estimated revenues is hereby amended as follows:
   The following Capital Project is added for funding to the FY 14-15 Budget as:
   Kings Creek Sewer Rehab & Replacement-Phase III 2015:

Project Revenues:	
NC DENR - IFS – loan	$1,484,150.
City of Brevard – Utility Capital Projects Fund	$ 29,683.
Total Project Revenues	$1,513,833.
Project Expenses:	
Construction	$1,076,500.
Engineering Design	80,750.
Legal Fees	15,000.
Permitting/Bidding/Award	25,000.
Surveying/Easements	50,000.
On-Site Construction Observation	86,150.
Project Administration	43,100.
Contingency	107,650.
Department Closing Fee	29,683.
Total Project Expenses:	$ 1,513,833.

2. The City Manager is hereby authorized to engage and enter into contractual agreements with NCDENR - IFS for the execution of the loan.
3. The City Manager is hereby authorized to engage and enter into contractual agreements as necessary, and in accordance with the laws of North Carolina, for the execution of the project.
4. The City Manager shall advise City Council periodically and recommend any financial changes necessary for the successful completion of the project.
5. This Budget Amendment Ordinance shall become effective upon its adoption and approval.

Date Ordinance Introduced to City Council (NCGS 160A-75): September 15, 2014

c. Ordinance No. 2014-19 City Wide Six Inch Gravity Sewer Upgrade

ORDINANCE NO. 2014-19

A PROJECT BUDGET AMENDMENT ORDINANCE ADOPTING A CHANGE TO THE FISCAL YEAR 2014-2015 BUDGET

WHEREAS, In accordance with the applicable provisions of the North Carolina Local Government Budget and Control Act NCGS 159-13.2; and

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

WHEREAS, The City of Brevard has previously approved the City Wide 6 inch Gravity Sewer Upgrade, herein after called "The Project"; and

WHEREAS, The City of Brevard's loan application has been approved by the NCDENR Infrastructure Finance Section (IFS) in the amount of $1,680,000 towards "The Project"; and

WHEREAS, The City of Brevard has received approval from the NC Department of State Treasurer, Local Government Commission to accept the loan; and

WHEREAS, The City of Brevard desires to accept the loan under the conditions stipulated by NCDENR-IFS and complete the project, including providing local funds required meeting the overall project cost.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BREVARD, TRANSYLVANIA COUNTY, NORTH CAROLINA:

1. Effective the date of passage of this ordinance, the fiscal year 2014-2015 budget for operation, maintenance, debt service, capital improvements and estimated revenues is hereby amended as follows:
   The following Capital Project is added for funding to the FY 14-15 Budget as:
   City Wide 6 inch Gravity Sewer Upgrade 2015:
   Project Revenues:

NC DENR - IFS – loan	$1,680,000.
City of Brevard – Utility Capital Projects Fund	$ 58,600.
Total Project Revenues	$1,738,600.

Project Expenses:	
Construction	$1,250,900.
Engineering Design	93,900.
Legal Fees	10,000.
Permitting/Bidding/Award	25,000.
Surveying	35,000.
Easement Preparation	15,000.
On-Site Construction Observation	100,100.
Project Administration	50,000.
Contingency	125,100.
Department Closing Fee	33,600.
Total Project Expenses:	$ 1,738,600.

2. The City Manager is hereby authorized to engage and enter into contractual agreements with NCDENR - IFS for the execution of the loan.
3. The City Manager is hereby authorized to engage and enter into contractual agreements as necessary, and in accordance with the laws of North Carolina, for the execution of the project.
4. The City Manager shall advise City Council periodically and recommend any financial changes necessary for the successful completion of the project.
5. This Budget Amendment Ordinance shall become effective upon its adoption and approval.

Date Ordinance Introduced to City Council (NCGS 160A-75): September 15, 2014

d. Ordinance No. 2014-20 Radio Read Meters

ORDINANCE NO. 2014-20

A PROJECT BUDGET AMENDMENT ORDINANCE ADOPTING A CHANGE TO THE FISCAL YEAR 2014-2015 BUDGET

WHEREAS, In accordance with the applicable provisions of the North Carolina Local Government Budget and Control Act NCGS 159-13.2; and

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

WHEREAS, The City of Brevard has previously approved the Radio Read Meters, aka "AMR", herein after called "The Project"; and

WHEREAS, The City of Brevard's loan application has been approved by the NCDENR Infrastructure Finance Section (IFS) in the amount of $1,360,500 towards "The Project"; and

WHEREAS, The City of Brevard has received approval from the NC Department of State Treasurer, Local Government Commission to accept the loan; and

WHEREAS, The City of Brevard desires to accept the loan under the conditions stipulated by NCDENR-IFS and complete the project, including providing local funds required meeting the overall project cost.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BREVARD, TRANSYLVANIA COUNTY, NORTH CAROLINA:

1. Effective the date of passage of this ordinance, the fiscal year 2014-2015 budget for operation, maintenance, debt service, capital improvements and estimated revenues is hereby amended as follows:
   The following Capital Project is added for funding to the FY 14-15 Budget as:
   Radio Read Water Meters Installation and Operation 2015:

Project Revenues:	
NC DENR - IFS – loan	$1,360,500.
City of Brevard – Utility Capital Projects Fund	$ 45,000.
Total Project Revenues	$1,405,500.
Project Expenses:	
Purchase, Installation & Operation of 100% of Brevard's Water Meters with new Radio Read Water Meters (approximately 3500)	$1,060,000.
Engineering Design	79,500.
Legal Fees	5,000.
On-Site Construction Observation	85,000.
Project and Loan Administration	42,400.
Contingency	106,000.
Department Closing Fee	27,600.
Total Project Expenses:	$ 1,405,500.

2. The City Manager is hereby authorized to engage and enter into contractual agreements with NCDENR - IFS for the execution of the loan.
3. The City Manager is hereby authorized to engage and enter into contractual agreements as necessary, and in accordance with the laws of North Carolina, for the execution of the project.
4. The City Manager shall advise City Council periodically and recommend any financial changes necessary for the successful completion of the project.
5. This Budget Amendment Ordinance shall become effective upon its adoption and approval.

Date Ordinance Introduced to City Council (NCGS 160A-75): September 15, 2014

K-5. Resolution No. 2014-23 North Carolina Governor's Highway Safety Grant Application

RESOLUTION NO. 2014-23

AUTHORIZING NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the City of Brevard (herein called the "Agency") has completed an application contract for traffic safety funding; and that Brevard City Council (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project {three [3] radar units; two [2] used in patrol cars and one [1] handheld unit} as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE BREVARD CITY COUNCIL IN OPEN MEETING ASSEMBLED IN THE CITY OF BREVARD, NORTH CAROLINA, THIS 15TH DAY OF SEPTEMBER, 2014, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Joseph M. Moore, II, P.E., City Manager, is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of $3,975.00 (Federal Dollar Request) to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of $1,325.00 (Local Cash Appropriation) required by the project contract; and

4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this Resolution be included as part of the contract reference above; and
6. That this Resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by Mayor Jimmy Harris and Brevard City Council, on Monday, September 15, 2014.

K-6. Resolution No. 2014-24 Exemption from Design Services Selection on Downtown Master Plan Phase 2a

RESOLUTION NO. 2014-24

A RESOLUTION EXEMPTING THE CITY OF BREVARD FROM THE REQUIREMENTS OF SECTION 143-64.32.b OF NC GENERAL STATUTE WITH RESPECT TO THE PREPARATION OF CONSTRUCTION DOCUMENTS FOR PHASE TWO-A OF THE DOWNTOWN MASTER PLAN PROJECT

WHEREAS, the North Carolina General Statute Section 143-64-32 requires the initial selection of firms to perform architectural, engineering, and surveying to be made without regard to price; and

WHEREAS, Section 143-64.32 of the General Statutes allows cities to exempt themselves from that requirement under certain circumstances; and,

WHEREAS, the City of Brevard proposes to enter into a contact for engineering services to prepare construction documents for part of the second phase of the Downtown Master Plan; and,

WHEREAS, the City of Brevard has identified a qualified, reputable, and capable engineering firm interested in providing engineering services for the preparation of said construction documents; and,

WHEREAS, the City Council of the City of Brevard finds that negotiation with the identified engineering firm is necessary and expedient for the timely completion of the preparation of said construction drawings.

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

Section 1. The City of Brevard is hereby exempt from the provisions of N.C. General Statue, Section 143-64.32.b "Written Exemption of Particular Contracts" to *allow an engineering firm to be hired in accordance for the reasons stated above in this Resolution.*

Section 2. The Finance Officer and City Manager are instructed to take appropriate actions to implement this Resolution as well as sign any contract documents in relation to this phase of the Downtown Master Plan.

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

Adopted and approved this 15th day of September 2014.

K-7. Resolution No. 2014-25 Exemption from Design Services Selection on Caldwell Street Corridor Improvement Plan

RESOLUTION NO. 2014-25

A RESOLUTION EXEMPTING THE CITY OF BREVARD FROM THE REQUIREMENTS OF SECTION 143-64.32.b OF NC GENERAL STATUTE WITH RESPECT TO THE PREPARATION OF PLANNING AND CONSTRUCTION DOCUMENTS FOR THE CALDWELL STREET CORRIDOR IMPROVEMENT PROJECT

WHEREAS, the North Carolina General Statute Section 143-64-32 requires the initial selection of firms to perform architectural, engineering, and surveying to be made without regard to price; and

WHEREAS, Section 143-64.32 of the General Statutes allows cities to exempt themselves from that requirement under certain circumstances; and,

WHEREAS, the City of Brevard proposes to enter into a contact for design services to prepare master plan and construction documents for improvements to properties along Caldwell Street between Probart and Jordan Streets; and,

WHEREAS, the City of Brevard has identified a qualified, reputable, and capable design firm interested in providing design services for the preparation of said documents; and,

WHEREAS, the City Council of the City of Brevard finds that negotiation with the identified design firm is necessary and expedient for the timely completion of the preparation of said documents.

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

Section 1. The City of Brevard is hereby exempt from the provisions of N.C. General Statue, Section 143-64.32.b "Written Exemption of Particular Contracts" to *allow a firm to be hired in accordance for the reasons stated above in this Resolution.*

Section 2. The Finance Officer and City Manager are instructed to take appropriate actions to implement this Resolution as well as sign any contract documents in relation to the Caldwell Street Corridor Improvement Project.

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

Adopted and approved this 15th day of September 2014.

K-8. Comprehensive Plan Work session (October 6, 2014) Preparation

L. Unfinished Business: Brevard Place Planned Development District –

Mr. Jones asked if he could amend his motion (from the Special-called Council meeting on September 4, 2014) to only approve Phase I of the Brevard Place Project. Mayor Harris asked for clarification as to this from Mike Pratt, City Attorney. Pratt stated that the original motion must be disposed of first. Mayor Harris then asked Mr. Jones if he would again make his original motion. Mr. Jones replied in the affirmative. Mayor Harris called for a second on the motion. There was no second and the motion failed. Mayor Harris then asked Mr. Jones if he would like to make another motion. Mr. Jones replied yes, he would move to approve Phase I [of the Brevard Place project] with conditions. Mr. Landreth then discussed certain conditions and asked for Jones to provide clarification in his motion. Mr. Jones stated that his motion was for the approval of Phase I of the project and the Student Housing component. There was no second to Mr. Jones' motion and the motion failed. Mr. Dickson then offered the following motion: "I move to approve Phase I of the Master Plan for Brevard Place and refer future phases back to the Planning Board to address:

1) Reduction of building setbacks
2) Increased density through multiple floors
3) Enhanced pedestrian and vehicular circulation throughout the site

Mayor Harris asked Mr. Jones if he would approve of Mr. Dickson's motion and Jones replied in the affirmative, seconding the motion. Mayor Harris called for a vote and the motion approved unanimously.

INSERT ORDINANCE NO. 2014-21

M. New Business

M-1. Planning Director Freeman introduces the background information for the Open Space and Public Parking Study. Freeman then introduces Ms. Allison Platt of Allison Platt and Associates. Ms. Platt begins her presentation, states to Council that her specialty is "downtown master planning." Ms. Platt shows a PowerPoint presentation. Ms. Platt then went through the components of her plan as presented, specifically:

1) Presentation of solutions for Parking and Open Spaces with an associated diagram illustrating parking and open space opportunities. In this section Ms. Platt suggests starting a "Parking Authority."
2) Parking decks and potential locations
3) Benefits of developing alleys
4) Discussion of road improvements to the Lumber Yard area [terminating existing roads and acquiring new properties (such as Henderson Oil Company)]
5) Downtown Core with bullet points for improvements throughout and a diagrammed plan
6) Farmer's Market Concept, with a bulleted point presentation outlining ideas and presents plans for same
7) "North of Probart" plan presented with bulleted points of discussion,
8) Open Space, Character and Theme: presents bulleted points and shows illustrations of other cities

City Manager Moore requested that Council provide guidance to him in the context of Ms. Platt's presentation for the upcoming Council Retreat. Mayor Harris stated that he would like to see some collaboration and / or partnerships with the County specific to the increased need for parking that the proposed Courthouse expansion will bring. The Mayor discussed the Pickelsimer property that is currently for sale and suggested looking into a cost/benefit analysis of the acquisition of that property if the Farmer's Market continues to flourish Mr. Landreth stated he liked the presentation saw in it suggestions similar to those presented in the adopted Pedestrian Plan and he has an interest in financing options for these designs. He also remarked that he would like to see a list of potential partners, as Ms. Platt's presentation indicates potential parking opportunities of properties not owned by the city. Mr. Jones expressed interest in the role of development of alleyways in downtown. Mr. Dickson stated that he was interested in the creation of a Parking Authority and the employment of some means to "keep people from being married to their cars" as they arrive in downtown. City Manager Moore then stated that he had plenty of direction from Council as to this subject.

M-2. Water Capacity Development: Project Update and TNRC Conference Sponsorship

City Engineer Jay Johnston discusses scoping meeting held with NCDENR in Raleigh on June 5, 2014. He related to Council that they heard this from NCDENR: "Community outreach and dialogue is critical to successfully pursue this endeavor." Johnston described and referenced the "Communication and Outreach Plan," which will initiate the community outreach efforts. Johnston also recommended that the City Sponsor the TRNC conference "Whose Water is it Anyway" for the price of $1500.00, a line item out of the Engineering Department Budget, earmarked for Engineering Feasibility Analysis (Engineering Alternative Analysis). Mr. Landreth offered a motion for the City to sponsor this conference, which was seconded by Mr. Jones and passed unanimously.

M-3. Resolution No. 2014-26 Neely Road Force Main & Pump Station Upgrade and WWTP Storage Facility Project

Public Services Director David Lutz began the discussion asking for a budget increase to 13.7 million dollars for the purposes of accommodating a large tank for storage. Mr. Jones asked Mr. Lutz why a larger tank was needed. Wayne Miles with CDM Smith answered Mr. Jones by stating that a larger tank would provide for a higher

margin of safety and cut down significantly on the number of Sanitary Sewer Overflows. Mr. Jones again queried Miles as to an earlier presentation where it was stated that Sanitary Sewer Overflows would still occur, regardless of the employment of a larger tank. Mr. Miles responded that the combination of all proposed improvements, plus the large tank would provide (approximately) a two-year period between Sanitary Sewer Overflows and this number is significant for regulatory purposes. Mayor Harris provided a summation of the Resolution and Mr. Landreth made a motion to accept the Resolution as accepted. Mr. Dickson second the motion, which carried unanimously.

RESOLUTION NO. 2014-26

AUTHORIZING AMENDMENT TO GRANT/LOAN FINANCING FOR NEELY ROAD FORCE MAIN/PUMP STATION UPGRADE AND WWTP STORAGE PROJECT

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a wastewater collection system; and

WHEREAS, the City of Brevard City Council approved Resolution No. 2014-05 at a special meeting held on March 31, 2014, authorizing grant/loan application for Neely Road Force Main/Pump Station Upgrade and WWTP Storage Facility; and

WHEREAS, NCDENR has notified the City of Brevard that it has approved funding for the $12.6 million project at an interest rate of 2.21%; and

WHEREAS, the City of Brevard is desirous to amend said loan by $1.1 million increasing project budget to $13.7 million; and

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

Section 1. That the City of Brevard will arrange financing for all remaining costs of the project, if approved for a State (loan or grant) award.

Section 2. That the City of Brevard will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

Section 3. That the governing body of the City of Brevard agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Brevard to make scheduled repayment of the loan, to withhold from the City of Brevard any State Funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

Section 4. That the City of Brevard will provide for efficient operation and maintenance of the project on completion of construction thereof.

Section 5. That Joseph M. Moore, II, P.E., City Manager, the Authorized Official and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Brevard (applicant) with the State of North Carolina for a loan or grant to aid in the construction of the projects described above.

Section 6. That the Authorized Official 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 assurances as contained above; and to execute such other documents as may be required in connection with the application.

Section 7. 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 loan pertaining thereto.

Adopted this the 15th day of September, 2014.

N. Remarks / Future Agenda Considerations

Mayor Harris discussed Code Enforcement and implementing new procedures to assure more timely and efficient Code Enforcement is undertaken. City Manager Moore stated he felt this direction had already been received and a Staff report as to this subject was underway. There were no other remarks from elected officials, the Clerk-

designee or the City Attorney.

O. Adjourn - There being no further business before Council, Mr. Jones made a motion to adjourn the meeting at 10:07 pm. The motion was seconded simultaneously by Mr. Dickson and Mr. Landreth and passed unanimously. Meeting adjourned at 10:07 p.m.

s/_____
Jimmy Harris
Mayor

s/_____
Brad L. Burton
City Clerk Designee

Minutes Approved: October 20, 2014