MINUTES
BREVARD CITY COUNCIL
Regular Meeting
October 20, 2014 – 7:00 PM

The Brevard City Council met in regular session on Monday, October 20, 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 Maurice Jones, Ann Hollingsworth, Wes Dickson and Charlie Landreth.

Staff Present – City Manager Joe Moore, City Attorney Mike Pratt, City Clerk Desiree Perry, Public Service Director David Lutz, HR Specialist Jill Murray, Planning Director Josh Freeman, Deputy Police Chief Shawn Miller, Finance Director Jim Fatland, Building & Grounds Director Lynn Goldsmith, Assistant Fire Chief Bradley Elmore, Public Utility Director and City Engineer Jay Johnston, PE, and Executive Assistant Jeanette Owen.

Press - Derek McKissock, Transylvania Times

Others Present – Former City Council Member Joan Bell

A. Welcome and Call to Order – Mayor Harris called the meeting to order, welcomed those present and introduced Council members, Manager, Attorney and Clerk. Mayor Harris explained he and Council Members are wearing some "pink" in recognition of Breast Cancer Awareness month.

B. Invocation – Pastor Judy Jennings, Joy Outreach Fellowship 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 moved, seconded by Mr. Jones, the Agenda be accepted as presented. Motion carried unanimously.

F. Approval of Minutes – Mr. Landreth moved, seconded by Mr. Dickson, the September 4, 2014, meeting Minutes be approved as presented. Motion carried unanimously.

Ms. Hollingsworth moved, seconded by Mr. Landreth, the September 15, 2014, meeting Minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

G-1. Jeanette Owen Day Proclamation - Mayor Harris introduced Mrs. Owen and shared she will soon be retiring from the City with more than forty-four years of service. He then read aloud a Proclamation proclaiming October 30, 2014, as "Jeanette Owen Day" and invited all to attend a reception that will be held in her honor on Thursday, October 30, 2014, between 4:00 and 7:00 p.m.

City of Brevard, North Carolina
Proclamation
Jeanette Owen Day

Whereas, City of Brevard employee Jeanette Owen, a devoted public servant who began her career on March 7, 1970, and dedicated over forty-four years of service to the City of Brevard; and

Whereas, those who worked with Jeanette will speak of her sharp mind, her resourcefulness, her uncompromising effort to provide a professionally accurate and high quality finished product, her uncanny ability to know what City Managers needed before they asked, and above all, her gentle nature and welcoming attitude to all those who called or visited the City of Brevard City Hall; and

Whereas, the City of Brevard, as an organization, is a better place because of the expectations she modeled for, and mentored to, her fellow employees in her hard work, teamwork, promptness, and commitment; and

Whereas, the City of Brevard, as a city, is a "safe, friendly, family-oriented community with small-town charm" because of the attitude she modeled for citizens and visitors alike in her follow-through, professionalism, and friendliness.

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, do hereby proclaim October 30, 2014, as **Jeanette Owen Day**, and call upon the City of Brevard community to join in a reception celebrating her dedication to public service on that date.

Signed and approved this 20th day of October, 2014.

H. Public Hearings - None

I. Special Presentation

I-1 Heart of Brevard Quarterly Report – Heart of Brevard Executive Director Heath Seymour presented their October 2014 Quarterly Report. Heart of Brevard (HOB) is the official Main Street program for the City of Brevard. He presented a copy of the four-page report along with two brochures to Council Members and then briefly summarized the contents of the Report. HOB received their 501c3 status about two months ago. A copy is on file with the Agenda Packet materials.

Council thanked Mr. Seymour for the Report and for the work of the Heart of Brevard.

I-2 Rosenwald Small Area Plan Update – Mr. Freeman offered the City is working on this small area plan at the neighborhood level to identify issues and build relationship between the community and Council. Plan was started in the Fall of 2013 with focus being on the City staying in the background and for the citizens from within the neighborhood to take the lead. He introduced Ms. Nicola Karesh, Project Coordinator. Ms. Karesh explained she is working in the Rosenwald community as a liaison and City representative on the project. She presented a series of power point slides to illustrate and describe the variety of activities and actions that have taken place to date on the project (on file). Presentation concluded with "next steps" slide that included:

a) Continue providing support to Mary C Jenkins Community Center
b) Develop plans to restore Bailey Cemetery
c) Install historical signage, Winter 2014/2015)
d) Story Book Walk, Winter 2014/2015
e) Block Party, Spring 2015
f) Freedom Walk, Spring 2015
g) Community Plan, Spring 2015

I-3 Draft Railroad Avenue Community Plan – Mr. Freeman offered Council directed Staff and the Planning Board to develop a community plan for the Railroad Avenue neighborhood several years ago. Area is a historically important part of our community as it was once the heart of our community; today there is a resurgence of activity and it is desired the Plan will support these changes. On August 19, 2014, the Planning Board completed and recommended adoption of the Plan. Staff is not looking for Council's adoption consideration at this time, but is requesting Council feedback as to whether the Plan will cause effective advancement of Council's vision. Based upon feedback offered, Staff will present a final draft for Council's adoption consideration at a future meeting and will then begin implementation of the Plan by scheduling public hearings, establish funding mechanisms, and other necessary steps.

Mr. Freeman provided a summary of the Draft Plan along with presentation of a series of power point slides (on file). Described and briefly discussed with Council components with the Draft Plan including:

a) Infrastructure needs (pavement conditions, stormwater, water and sewer, intersection alignment issues, pedestrian and bike/hike, and the future bridge replacement); and, infrastructure actions;
b) Community challenges and opportunities;
c) Economic development challenges and opportunities;
d) Land use and zoning challenges and opportunities, and land use and zoning actions;
e) Environmental Challenges and Opportunities; Implementation

~~ At 8:31 Mayor Harris called for a ten minute break. ~~

Planning staff handed out to Council members a copy of the Railroad Avenue Small Area Plan public input survey information.

Mayor Harris offered before taking action he would like for some back-and-forth discussion to take place; asked if a listing of property owners along Kings Creek is available for Staff, and, suggested if the City were to be given an easement from the property owners to perform stream bank restoration it would benefit the community at large, and, may in fact increase the value of their property. Further added the City adopted a Minimum Housing Code many years ago that may need to be revisited, as well as, the Nuisance Code.

Ms. Hollingsworth moved, seconded by Mr. Morrow, Council removed from the Draft Plan, Implementation, Infrastructure Action #02: Establish a municipal service district to generate new revenues which can be earmarked for plan implementation (page 25).

Discussion: Mr. Landreth shared he is sympathetic to the motion; but would prefer to wait as there are several other topics that he would like to further discuss about the Draft Plan.

Vote on Motion: Motion carried unanimously

Council's further discussion included:

a) There is a growing need to provide public parking for the area.
b) Not in favor of considering a Municipal Service District as a funding option – removed from consideration (by motion).
c) Context to history is very important and helpful as this neighborhood was just about built out before zoning.
d) Important to think of ways where standard operating procedures on a variety of topics, such as stormwater, need to be re-evalueated in a way to honor the fact this is our first neighborhood and we don't want to tear it apart while at the same time improve infrastructure to allow for continued used and redevelopment.
e) Could historic preservation approach provide funding credits?
f) Agreed pursuit of alternative standards to achieve environmental improvements while at the same time maintaining historical character is important.
g) Some Council members had marked notes and/or suggestions within their Draft Plan and were encouraged to provide them to Planning staff.
h) Correction – Pg. 15, Action #9 – "Whitmire Street to Resada Drive", not Tinsley.
i) Questioned "West Loop" priority placement within the Plan; Seems timing wise it would need to come first in sequence.
j) Questioned "festivals"; however, in favor of "event gatherings".
k) Comment offered that in both the Rosenwald Area Plan and Railroad Avenue Plan we say we don't want to alter the historic use of the land,

while at the same time are encouraging an increase in density. Mixed message?

Staff will take into consideration Council action and comments and incorporate them into Draft Plan and bring back to Council for review and possible adoption consideration.

J. Public Participation

Mr. Richard Tucker, 264 Resada Drive, spoke in favor of Council's adoption of the Railroad Avenue Plan. Shared good questions are being asked and requested Council not get too bogged down in details as he fears it may result in a loss of momentum.

Ms. Carol Moore, 264 Resada Drive, spoke in favor of the Railroad Avenue Plan. She has attended the meetings and appreciates both the Planning Staff and Planning Board's work to get the Plan to the point where it is today. She and several neighbors feel the four main issues are: Infrastructure (lack of sidewalks), stormwater, flooding, and code enforcement.

Mr. Terence Davies, 136 West French Broad, spoke in favor of the Plan, shared Planning staff is doing an excellent job, and stressed walkability is a very important.

Ms. Donna Patton, 92 Resada Drive, spoke in favor of the Plan. Shared safety concerns she has due to the lack of sidewalks along Railroad and Tinsley, adding she has frequently witnessed seeing individuals who are walking in the street among busy traffic because there are no sidewalks.

Ms. Roberta Miller, 122 West French Broad, expressed her appreciation to both the Planning staff and Police Department for addressing the traffic safety issue by placing stop signs. She is in favor of the Plan and is pleased to see improvement within her neighborhood, and has found overall excitement and enthusiasm throughout their neighborhood over the Plan.

Mr. Chris Strassner, 150 West French Broad Street, spoke in favor of the Plan. Since he purchased his home in 2010 he has seen improvements, such as addition of speed limit signs, which have improved safety within their neighborhood. Sidewalks and crosswalks to provide safety to French Broad and Broad Streets would also be helpful.

Ms. Jill Cutler, 116 West Probart Street, spoke in favor of the Plan. Shared she drives along Railroad Avenue to avoid traffic on Caldwell Street, and, while the area is not easily walked – it could become so if more sidewalks would be put into place. Realize the Plan is a big task and asked about the priorities, what will be the Plan emphasis? Asked what the "West Loop" is as it has been mentioned several times tonight.

Mayor Harris offered the City will have a limited amount of time and money for the Plan, and shared based upon what Council has heard tonight, is he correct those in attendance are asking Council to establish sidewalks as a priority? Audience response was, "Yes".

Ms. Ella Jones, 86 McMinn, spoke in favor of the Rosenwald Small Area Plan. She thanked Mr. Freeman for all the planning work done for the community and on the Mary C. Jenkins Center. The MCJ Center was the original site of the Boys and Girls Club, and she asked Council's consideration to help restore the Center.

Ms. Jones added as a resident of the Washington / McMinn Avenues, there are no City sewer lines on Washington, which means the lines go through the property owners on McMinn Avenue to serve the homes on Washington. She has three sewer lines running through her yard, and twice sewage has come out and up from the line and onto her yard. This is a health problem that she asks the City to address.

Mr. Jones shared Ms. Jones is his mother, and, the issue she just described has been an issue for years, and one that has not been taken care of by the City. This situation is one of the reasons he is sitting on this (Council) side of the dais.

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. Mayor suggested consideration be given to add Unfinished Business items L1a-L1d. Mr. Landreth moved, seconded by Mr. Morrow, the Consent Agenda be amended to add Unfinished Business Items L1a, b, c and d, as well as, New Business Item M-2 and appointing Jimmy Perkins to serve on the Planning Board, and add New Business Item M-1 Cherry Street Bike/Hike Path Project Ordinance and Schedule, and, to approved the Consent Agenda as amended. Motion carried unanimously.

The following fifteen (15) items were approved:

K-1. Public Services Monthly Report
K-2. Finance Monthly Report
K-3. Fire Department Quarterly Report
K-4. Police Department Quarterly Report
K-5. Building and Grounds Department Quarterly Report
K-6. City Clerk Quarterly Report
K-7. Human Resources Quarterly Report
K-8. Public information, Outreach, and Engagement Program Update

K-9. Ordinance No. 2014-22 Burrell Mountain Tank Project Budget Amendment Ordinance

ORDINANCE NO. 2014-22

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 Burrell Mountain Tank Project, 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 $2,641,100 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 2014-15 Budget as:
   Burrell Mountain Tank Project:

Project Revenues:	
NC DENR - IFS – loan	$2,641,100
City of Brevard – Utility Capital Projects Fund	28,357
Total Project Revenues	$2,669,457
Project Expenses:	
Construction	$2,284,040
Engineering Design	82,400.
Permitting/Bidding/Award	51,000
Surveying/Easements	1,200
On-Site Construction Observation	50,000
Project & Grant Administration & Other	33,795
Contingency	114,200.
Department Closing Fee	52,822
Total Project Expenses:	$ 2,669,457

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.

Approved and adopted this the 20th day of October, 2014.

K-10 (L-1a). **Ordinance No. 2014-17** Kings Creek Phase II Project Budget Amendment Ordinance

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

Approved and adopted this the 20th day of October, 2014.

K-11 (L-1b). Ordinance No. 2014-18 Kings Creek Phase III Project Budget Amendment Ordinance

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

   Approved and adopted this the 20th day of October, 2014.

K-12 (L-1c). Ordinance No. 2014-19 Gravity Sewer Line Size Upgrade Project Budget Amendment

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

   Approved and adopted this the 20th day of October, 2014.

K-13 (L-1d). **Ordinance No. 2014-20** Radio Read Meters Budget Amendment Ordinance

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

   Approved and adopted this the 20th day of October, 2014.

K-14 (M-1). **Ordinance No. 2014-23** Cherry Street Bike/Hike Path Connector Project Budget

ORDINANCE NO. 2014-23

AN ORDINANCE ESTABLISHING A PROJECT BUDGET FOR THE CHERRY STREET BIKE/HIKE PATH CONNECTOR

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

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

WHEREAS, the Brevard City Council now desires to establish a project budget to account for the receipt of a donations from Transylvania County and the Tourism Development Authority and disbursement of funds for the project; and

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

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

	REVENUE
Tourism Development Authority	$25,000
Transylvania County	$29,000
City of Brevard	$38,000
Total Revenue	$92,000

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

	EXPENDITURE
Cherry Street Bike/Hike Path Connector	$92,000
Total Expenditures	$92,000

Section 3. This ordinance shall remain in effect until the completion of the Cherry Street Bike/Hike Path Connector.

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

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

Adopted and approved this the 20th day of October, 2014.

K-15 (M-2). Planning Board Appointment. Appointed Mr. Jimmy Perkins to serve on the Brevard Planning Board, replacing member Ms. Norah Davis. Term will expire September 2017.

L. Unfinished Business – Items were moved to Consent Agenda.

M. New Business – Items were moved to Consent Agenda.

N. Remarks By Officials / Future Agenda Considerations

Mayor Harris shared he had the privilege to sit beside former City Council Member Mal Johnson who served for eight years, a man who always came prepared to meetings and who was meticulous - always paying attention to every detail, and, he was a most thoughtful gentleman. Were it not for the love he held for youth, we may not have the youth baseball and football leagues we have today. Mr. Johnson passed away on October 17th; his memorial service will be held tomorrow, October 21st at First United Methodist Church beginning at 1:00 p.m.

Mr. Morrow noted in reading the Minutes of the ABC Board it appears they desire to do some education about alcoholism, and, he is aware that Schenck Job Corp has concerns with respect to the new ABC Store's close proximity to the Job Corp. Appropriate for the City to suggest the two get together to discuss opportunity and concerns?

Mr. Moore explained a formal motion is needed. He will pursue a process to get the two (ABC Board and Schenck Job Corp) together.

Mr. Morrow shared County Commissioner Chair Mike Hawkins has mentioned the County is impressed with the City's Wayfinding Program and they have interest in participation in the Program; they also see it as a way to help to clean up excess sign clutter. Suggested the City Manager can reach out to the new County Manager to discuss.

Manager Moore replied he would be willing to do so.

Mr. Jones shared at Council's next meeting he will be prepared to offer nominations for the Human Relations Council Study Committee. Mr. Jones then moved the item of nominations for the Human Relations Council Study Committee be placed upon Council's November 17^{th} meeting Agenda. Motion was seconded by Mr. Landreth and carried unanimously.

Ms. Hollingsworth stated there is value in the City partnering with the People for Clean Mountains as she feels they could be a good resource in the City's Commercial Recycling Program. Ms. Hollingsworth moved, seconded by Mr. Morrow, the City partner with People for Clean Mountains in our recycling efforts. 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 and a personnel matter. City Attorney advised pursuant to **GS § 143-318.11. (a)(4)** and **(6)** 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 10:23 p.m. Mr. Morrow moved, seconded by Ms. Hollingsworth, 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, Planning Director Josh Freeman, Public Services Director David Lutz, Finance Director Jim Fatland, Utility Director and City Engineer Jay Johnston, PE.

<u>CS Meeting Location</u> - Council moved to the Administrative Conference Room for the Closed Session. City Clerk posted Notice of the change in location and adjournment upon the door of Council Chambers. (An eight minute break was taken to clear Council Chambers and move to Administrative Conference Room.)

<u>Council Returned to Regular Session</u> - At 11:14 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.

At 11:14 p.m. Council dismissed the City Clerk to hold a closed session to discuss a personnel matter. City Attorney will provide Minutes of the closed session, and will provide to the Clerk the record of Council's return to regular session and actions taken (if any) and adjournment.

<u>Council Returned to Regular Session</u> – At 1:40 a.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Adjourn - There being no further business before Council, Ms. Hollingsworth moved, seconded by Mr. Jones the meeting be adjourned. Motion carried. Meeting adjourned at 1:40 a.m.

s/______________________________
Jimmy Harris
Mayor

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

Minutes Approved: November 17, 2014

CLERK'S CERTIFICATION
I, Desiree D. Perry, City Clerk for the City of Brevard, North Carolina, do hereby certify this is a true and corre
copy of the Minutes of the meeting of the Brevard City Council which was held on the 15th day of July, 2013.