

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
February 20, 2017 – 7:00 PM**

The Brevard City Council met in regular session on Monday February 20, 2017, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present - Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Maurice Jones and Gary Daniel

Absent – Council Member Ann Hollingsworth

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, City Clerk Desiree Perry, Finance Staff Accountant Tom Whitlock, Planning Director Daniel Cobb, Water Plant ORC Dennis Richardson, Parks and Property Management Director Lynn Goldsmith, Fire Chief Craig Budzinski and Police Chief Phil Harris.

Press – Matthew McGregor, 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 City 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 moved, seconded by Mr. Morrow, the Agenda be approved as presented. Motion carried unanimously.

F. Approval of Minutes – Mr. Landreth moved, seconded by Mr. Jones, the January 3rd Special Called meeting, January 17th regular meeting and January 26th Annual Retreat meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition - None

H. Public Hearing - None

I. Public Participation

Mr. Jim Yamin, 14 Brewery Lane, Tryon, NC, asked City Council to consider making a text amendment to the City's UDO steep slope standards whereby an affordable housing development project would not be subject to the steep slope standards.

Mr. Cody Ferguson, PO Box 1601, Brevard, spoke in support of Mr. Yamin's request for the steep slope text amendment and added, as a realtor, he is aware of the need for affordable housing in Brevard and he believes an amendment to the City's steep slope standards should be considered.

J. Special Presentation

J-1. City of Brevard Audit Report

Mr. Fatland shared Mr. Mullinex presented the Audit Report to the City Council Finance Committee at their February 9th meeting, and is here tonight to share the Report with Council.

Mr. Dan Mullinex, Gould Killian CPA Group, P. A., presented power point slides from the Audit Report. A copy of the complete report is on record. Reported the City has seven capital projects funded by the City, and complimented the Manager/Finance Director for his seeking and securing several zero percent loans. He thanked the Finance Department Staff for the good working relationship they share, and, that the City is in the process of upgrading their accounting system that, when completed, will provide even greater control and data for the City.

Mayor Harris asked Mr. Mullinex if he has any concerns; if the Audit Report is a clean audit; and, if he believes the Local Government Commission (LGC) will be pleased with the Audit.

Mr. Mullinex replied he has no concerns as the City is in good financial health and that it is a clean audit which has already received approved by the LGC.

Mr. Morrow added he appreciates all of the detailed the information provided within the Audit, especially Note #7-Long-term Debt as it provides practical helpful information.

Council thanked Mr. Mullinex for his presentation and accepted the City of Brevard Financial Statements Year Ended June 30, 2016, and the Independent Auditor's Report, as presented.

J-2. Transylvania Little League Use of City Sports Complex Ballfields

Transylvania Little League President Cody Owen shared he has come to extend Transylvania Little League's appreciation to the City of Brevard. He thanked Council for the opportunity to come and present this report, the City Manager and City Clerk for the assistance they provided him, and, he extended thanks and appreciation to Parks and Property Management Director Lynn Goldsmith for the twenty-one years of work that she and her Staff have done to maintain the Sports Complex.

President Owen explained Transylvania Little League's reason for coming to make this presentation is in part due to recent comments made at a Council meeting that the City may no longer have interest in the Sports Complex but to transfer it to the County, as has been recommended within the proposed Recreation Master Plan. The Transylvania Little League (TLL) feels there are errors in regards to the City's Sports Complex within the proposed Recreation Master Plan, and, that it is important to engage with Council to provide a history of their organizations involvement and contributions to the Sports Complex.

President Owen shared the history of the Transylvania Little League and Sports Complex (1960 – Present). Former Council Member Mal Johnson was instrumental in organizing the league in the 1960's and 1970's. At that time games were played on what is now Field #3 at the Sports Complex and at the VFW field. TLL paid \$1 per year to Ecusta/PH Glatfelter for use of the fields. TLL incorporated in 1981 and became affiliated with the Little League International. The Mid 1980's-1990's TLL invested thousands of dollars in capital improvement projects at the Sports Complex including expanding the complex to five fields, building the concession stand and adding lights to Field #5. TLL began negotiation with PH Glatfelter to donate the property to TLL. In November 1995 an Agreement was reached in which PH Glatfelter would deed the property to the City of Brevard in exchange for the City agreeing to not annex into the City Limits any part of the plant property east of Ecusta Road. 1995 to present the TLL has leased the property from the City of Brevard.

Since 1995 TLL and the City of Brevard have worked together in partnership to continue to maintain and develop the Sports Complex. The City's Parks and Property

Management Department has maintained the property while TLL has made significant capital investment to improve the property. Some of the projects of the last 20 years include building an additional 6th field, adding lights on three additional fields, building a covered batting cage, purchasing bleachers, and replacing several sections of fencing.

Currently TLL offers baseball and softball programming to roughly 400 children ages 4-15 at the Sports Complex with a season that runs from March through June. In 2015 TLL hosted Junior League and Little League State Tournaments that brought roughly 1500 people into our area which had a positive economic impact through a surge in local hotels, restaurants, and other area businesses. In 2016 TLL had 36 regular season teams, 6 post season teams, and 2 Brevard Middle School teams that played nearly 250 baseball/softball games at the Sports Complex.

Future of the Sports Complex – TLL feels the partnership between them and the City of Brevard has worked well and that the Sports Complex should be considered as one of our community's greatest success stories. Together we have worked to provide one of the better baseball/softball complexes in WNC and would challenge anyone to find a better municipal complex in which the taxpayer was not responsible for the purchase and development of the property.

The proposed Recreation Master Plan does point out the lack of ADA accessibility at the Sports Complex, which does limit their ability to host certain tournaments.

Mr. Landreth asked Mr. Owen to describe their non-profit organizations budget and if it includes saving for capital projects.

Mr. Owen explained their biggest expenditures are for uniforms, baseballs and umpires. They generate revenue by player registrations, concessions, fund raising and sponsorships. They try to maintain a \$20,000 reserve balance, and, yes, to do set aside money for capital improvement projects.

Mr. Morrow thanked Mr. Owen for all that he and the TLL do for our community. He asked if, during the time the consultants were putting together the proposed Recreation Master Plan, the consultants interviewed him or other TLL representatives about the Sports Complex.

Mr. Owen replied, "No". They were only asked to provide the number of games played at the fields.

Mr. Morrow asked how many fields TLL uses.

Mr. Owen explained in addition to the Sports Complex fields, they use two County Recreation fields as practice fields. Practice also takes place on the fields at the Job Corps and in Rosman. The bulk of use are at the Sports Complex fields.

Mayor Harris offered using the VFW field might be another option for a practice field as not too long ago he was approached by the Commander of the VFW who shared they would again like to see kids playing on their field.

Council thanked Mr. Owen for coming and presenting the report.

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the seven items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda.

Mr. Morrow moved, seconded by Mr. Daniel, the Consent Agenda be approved as presented. Motion carried unanimously.

K-1. Staff Reports:

- a. Financial Report for month ended January 31, 2017
- b. Parks & Property Management Report, January 2017
- c. Public Works Monthly Report, December 2016

K-2. Resolution No. 2017-02 A Resolution To Establish Policy For Approval And Opening Of Closed Session Minutes For The City of Brevard

RESOLUTION NO. 2017-02

A RESOLUTION TO ESTABLISH POLICY FOR APPROVAL AND OPENING OF CLOSED SESSION MINUTES FOR THE CITY OF BREVARD

WHEREAS, the North Carolina Open Meetings Statute, G.S. 143-318.11 allows public bodies to meet in Closed Session for certain purposes; and

WHEREAS, the Statute requires "full and accurate minutes" and "a general account of Closed Session so that a person not in attendance would have a reasonable understanding of what transpired," for all Closed Session meetings, and requires these documents to be made public once it is determined that public inspection would no longer frustrate the purpose of a Closed Session.

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

Section 1. The City Council shall approve the Closed Session minutes and general account in Closed Session "to prevent the disclosure of information that is made privileged or confidential by G.S. 143-318.10(e)." Upon approval of the Closed Session minutes and general account, said minutes and general account are deemed to be sealed until otherwise opened pursuant to the terms of this Resolution.

Section 2. The City Council delegates to the City Attorney and the City Clerk the responsibility to periodically review the Closed Session minutes and general accounts and to open the Closed Session minutes and general accounts for which the purpose of the Closed Session would no longer be frustrated by keeping them closed.

Section 3. The City Council authorizes the City Attorney to sign and date the action to open any Closed Session minutes or general account; and to sign and date the action upon determination that any Closed Session minutes or general accounts should remain permanently sealed.

Section 4. The provisions of Section 3 notwithstanding, all closed session minutes that are two years old or older shall be opened without the need for specific action by the City Attorney, with the following exceptions: (1) Closed sessions at which the subject matter discussed involves personnel; and (2) closed sessions which involve matters which are still ongoing, such as for instance, litigation which is still pending. As to those exceptions, the minute shall not be opened without specific approval by the City Attorney unless City Council specifically approves the opening by an affirmative vote.

Section 5. It is the long standing practice of Council, hereby affirmed, that closed session minutes are deemed approved unless, in the next following closed session on the same topic, a correction to the minutes is noted.

Section 6. The City Council authorizes the City Clerk to insert the opened Closed Session minutes and general accounts into a separate "Closed Session Minutes" book.

Section 7. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 20th day of February, 2017.

K-3. Resolution No. 2017-03 Authorizing Grant/Loan Financing for Water Projects

**RESOLUTION NO. 2017-03
Amending Resolution No. 2013-08**

AUTHORIZING GRANT/LOAN FINANCING FOR WATER PROJECTS

WHEREAS, the City of Brevard has purchased and installed radio read meters (AMR) for its water distribution system; and

WHEREAS, the City of Brevard received "no interest rate" loan assistance for this project; and

WHEREAS, the City of Brevard has received approval for loan increase;

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

That the City of Brevard, the applicant, accepts the NCDEQ revised loan offer in the amount of \$1,496,550 as set forth in the Offer-and-Acceptance document.

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.

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.

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

That James R. Fatland, CPFO/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.

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.

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.

Approved and adopted this the 20th day of February, 2017.

K-4. Resolution No. 2017-04 Amending Resolution No. 2015-16 Establishing The City Council Downtown Master Plan Committee

RESOLUTION NO. 2017-04

AMENDING RESOLUTION NO. 2015-16 RESOLUTION ESTABLISHING THE CITY COUNCIL DOWNTOWN MASTER PLAN COMMITTEE {Amendments are shown in underline.}

WHEREAS, the Brevard City Council initiated five new City Council Committees at their April 20, 2015, meeting. City Council Committees will operate as policy review and discussion arms of City Council, providing an opportunity to explore implications of policy alternatives and the policy development process while serving in an advisory capacity to Council as a whole; and

WHEREAS, Committees will review policy matters referred to them, inform and educate Council on existing City programs and issues, and review other related matters. City Council Committees will not become involved in City administration but instead are expected to anticipate the full range of considerations and concerns related to various policy questions.

When participating on Committees, members are expected to temper their role as policy advocates in order to fully evaluate all alternatives; and

WHEREAS, each Committee shall be composed of two City Council members, one to serve as Chair and the other serving as Vice Chair, with the Mayor appointing the Chair and Vice-Chair of the Committee. The Mayor will serve ex officio. Although not required, each Committee may have citizen members appointed by City Council utilizing the same application appointment process as required for appointment to Citizen Advisory Boards or Committees; and

WHEREAS, the initial appointment term of City Council members shall be from April 20, 2015, to December 31, 2015. Thereafter, appointed Council members will serve a two year term beginning January 1 following an election. Citizen members shall serve a two year term ending in May. City Directors and staff members (by position) are permanent Committee members; and

WHEREAS, the Brevard City Council approved establishing the "City Council Downtown Master Plan Committee", as one of the five Committees. The purpose of the Committee is to recommend to City Council policy and direction on the matters of the Downtown Master Plan, streetscape, redevelopment, economic development, parking, improved communication with partners for the improvement of the downtown, and other matters of the downtown.

WHEREAS, the Downtown Master Plan Committee on January 25, 2017, approved a request from the Heart of Brevard to merge the Heart of Brevard Design Committee with the City Council Downtown Master Plan Committee;

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

Section 1. Brevard City Council approved the appointment of Council Member Ann Hollingsworth (Chair) and Council Member Charlie Landreth (Vice-Chair) to serve on the City Council Downtown Master Plan Committee, along with Mayor Jimmy Harris as "ex officio", at their April 20, 2015, meeting. Their initial term to serve will be April 20, 2015 – December 31, 2015.

Section 2. The City Council Downtown Master Plan Committee is scheduled to meet on Thursday, June 11, 2015 for its initial organizational meeting.

Section 3. The City Council Downtown Master Plan Committee shall consist of the following members and terms of office:

Two City Council Members	Two Year Term; Appoint in
January	
City Manager	Permanent
Planning Director (or Dept. representative)	Permanent
Two Heart of Brevard Executive Representatives	Permanent
Four Citizen Appointments	Two Year Term; term ends in May
Mayor	Ex Officio

Section 4. The City Council Downtown Master Plan Committee will fix a scheduled date and time to meet, or, will meet on an as needed basis. All meetings are subject to the Open Meeting laws and meeting Notice requirements. Minutes shall be provided by a City staff member or their representative.

Section 5. Restriction on Quorum. This Committee shall not meet unless at least one of the City Council Members who are Committee members is present.

Section 6. Purpose. The purpose of this Committee is to help Council investigate and explore areas of need and future planning for the subject area of this Committee. It is expected that the Council members, rather than the Committee as a whole or by majority, will report back to Council with ideas and recommendations. One or both Council members shall serve as Committee Chair. Therefore, no votes shall be taken unless a motion is made by one of the Council members, in which event those Committee members present shall be entitled to vote on a motion made, once a second is offered.

Section 7. Citizen Committee Members are Optional. Citizen Committee members need not be appointed and if not, the Committee will serve as a full committee without them. If appointed, they may be re-appointed for up to three successive terms.

Section 8. The Committee will also serve as the Heart of Brevard Design Committee.

Approved and adopted this the 20th day of February, 2017.

K-5. Audit Contract for Year End June 30, 2017. City Council approved the Audit Contract between the City of Brevard and Gould Killian CPA Group, P. A., in the amount of \$31,300 for audit services for year ended June 30, 2017.

K-6. Appointment to Transylvania Natural Resources Council. Council appointed City Planner Aaron Bland to serve as its City representative on the Transylvania Natural Resources Council (TNRC), replacing former representative Council Member Mac Morrow. This appointment does not have a term expiration.

K-7. Concluded Litigation: Kitchen vs City of Brevard. Council accepted the February 14, 2017, report from Police Chief Phil Harris. "On December 29, 2016, the Honorable Judge Martin Reidinger of the United States Western District Court dismissed the lawsuit for "failure to prosecute" and also granted "summary judgment" Since all appeal dates have passed, Judge Reidinger's conclusions ended the lawsuit."

K-8. Correspondence (No Action. Offered as information only.)

- Brevard Cares Community Cleanup, March 25, 2017, 8 AM until Noon

L. Unfinished Business – None

M. New Business - None

N. Remarks by Officials / Future Agenda Considerations

Mayor Harris shared he is pleased and happy at the Audit Report and that a lot of the success has to do with the City's Finance Committee chaired by Council Member Landreth, and by the leadership of the City Manager and Finance Director Jim Fatland.

Mr. Landreth shared everyday people drive by construction throughout the City and see work and progress is being made. For all the work that is going on in the ground there is also lots of work going on here at City Hall offices. Stated he's been thinking of the qualities of our community which started with the discussion of short term rental properties and got him to thinking about housing in general. He wants to encourage Council and Staff to look at housing as a system – affordable housing, short term rentals, hotels, subdivisions, and residential density. It's been said jobs come first then you get housing. However, in some ways we are waiting for the big leaps in jobs to create more housing demand when what we are getting in the meantime is housing demands by pre-retirement and tourism; this too is just part of the picture. He wants to add to that idea that when we are looking at recreation it is another piece. While the Recreation Master Plan in some ways feels like it landed on us and is an expensive thing, it is an opportunity to look at another piece of the qualities of this community. It's all about making this place better.

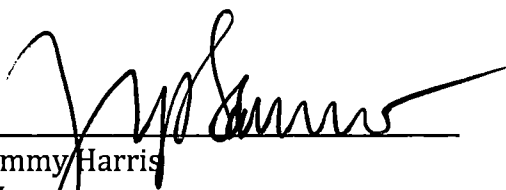
Mr. Jones encouraged participation at the coming Brevard Cares on March 25th, the Police National Night Out that will be held in August, and, expressed appreciation for the work the Council Public Safety Committee does and that it's a unique opportunity for Council members and staff to communicate and work with one another.

Mr. Pratt explained although the Agenda indicates a closed session needed to discuss potential litigation; there is no need to hold a closed session tonight.

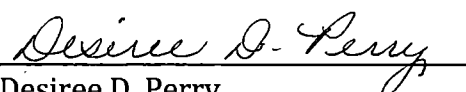
Mr. Fatland announced the City's Jordan/Caldwell Street parking area has been paved. Recently his assistant, Jill Murray, was contacted by News Channel 7 who stated they wanted to do a feature on Brevard. Ms. Murray made contact with Arts Council Director Tammy Hopkins and the Heart of Brevard; together they who worked with News Channel 7 for the feature. He expressed his appreciation to both Ms. Murray and Staff Accountant Tom Whitlock for their hard work and service.

O. Closed Session – None.

P. Adjourn – There being no further business, Mr. Landreth moved, seconded by Mr. Morrow, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 8:14 P.M.



Jimmy Harris
Mayor



Desiree D. Perry
City Clerk

Minutes Approved: March 20, 2017