

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

The Brevard City Council met in regular session on Monday, November 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 Ann Hollingsworth, Gary Daniel, Charlie Landreth and Maurice Jones

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Michael Pratt, City Clerk Desiree Perry, City Manager's Executive Assistant/Deputy Clerk Jill Murray, Planning Director Daniel Cobb, Deputy Finance Director Tom Whitlock, HR Director Kelley Craig, Public Works Director David Lutz, Police Chief Phil Harris, Fire Chief Craig Budzinski, WWTP ORC Emory Owen, and WWTP Operators Brett Taylor, Anthony Guinn and Tom Williams

Others Present – City Council Elect Maureen Copelof

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 Ann Duncan, St. Timothy United Methodist 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 – Ms. Hollingsworth moved, seconded by Mr. Jones, the Agenda be approved as presented. Motion carried unanimously.

F. Approval of Minutes – Mr. Landreth moved, seconded by Mr. Jones, the October 16 and November 14, 2017, meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Administration of the Oath of Office to Tom Whitlock – City Finance Director Tom Whitlock, accompanied by his wife, Ruth, was administered the Oath of Office by City Clerk Desiree Perry.

G-2. Carl Mooney Certificate of Appreciation – A Certificate of Appreciation was prepared for Mr. Carl Mooney for his forty years of service as a member and Chair of the Brevard Housing Authority Board of Directors. Mr. Mooney was not present and therefore the Certificate will be mailed to him.

G-3. Brevard Fire Department Life Saving Recognitions – Motor Vehicle Accident. Mayor Harris called forward Fire Department members Assistant Chief Mark Norton, Captain Adam Hughey, Captain Richard Travis, Safety Officer James Galloway, Firefighters Jesse Robinson, Kendrick Glover, Chris Hall, Dan Futrelle, Michael Owens, Tommy Whitmire and Jack Sgroi, and thanked them for their service at a motor vehicle accident on the Rosman Highway that occurred on January 12, 2017, and because of their prompt action, the patient was successfully resuscitated. Each member received a Life Saving Award letter from the Mayor dated November 20, 2017.

Brevard Fire Department Life Saving Recognitions – Choking Incident.

Mayor Harris called forward Fire Department members Assistant Chief Mark Norton, Captain Adam Hughey, Captain Richard Travis, Safety Officer James Galloway, Firefighters Tommy Williamson and Kevan Smith, and thanked them for their service at the choking incident at Taco Bell Restaurant on March 20, 2017, and because of their prompt action, the patient was successfully resuscitated. Each member received a Life Saving Award letter from the Mayor dated November 20, 2017.

G-4. Certificate of Achievement, Michael P. Marchisin – A Certificate of Achievement for completing the requirement for NC EMT and for attaining NREMT was prepared for Michael P. Marchisin. He was not present so the Certificate will be mailed to him.

G-5. Certificate of Achievement, John T. Sgroi, Jr. – A Certificate of Achievement for completing the requirements for NC Firefighter I and 2 was presented to John T. Sgroi, Jr.

G-6. Proclamation No. 2017-14 Emily Taylor Day. For the record, on October 19, 2017, the following Proclamation was presented by Mayor Harris at the Boys & Girls Club event:

**Proclamation No. 2017-14
Emily Taylor Day
October 19, 2017
City of Brevard, North Carolina**

WHEREAS, the mission of the Cindy Platt Boys & Girls Club is to enable all young people, especially those who need us most, to realize their full potential as productive, responsible and caring citizens; and

WHEREAS, the Boys & Girls Club, having hired Emily Taylor ten years ago to be a shining example for the young citizens of Brevard of productivity, responsibility, and caring; and

WHEREAS, Emily Taylor has been recognized not only locally, but nationally by Boys & Girls Clubs of America, for her outstanding leadership qualities; and

WHEREAS, Emily Taylor has been selected as one of ten recipients in the entire nation to receive the Maytag Dependable Leader Award, given to Club professionals for their dependable, positive impact on youth; and

WHEREAS, because of being chosen for this award, the Boys & Girls Club has been awarded a \$20,000 grant in Emily’s honor, to be used to fund scholarships for children citizens of Brevard who might not otherwise be able to attend the Club; and

WHEREAS, the City of Brevard recognizes that there is no greater investment than for a community to invest in its young citizens and Emily’s involvement, commitment, and personal investment of time, energy, and an outpouring of love for children should no longer go unnoticed.

NOW, THEREFORE, I, Mayor Jimmy Harris, and the Brevard City Council, take pleasure in proclaiming today, Thursday, October 19th, 2017, to be **Emily Taylor Day**, in the City of Brevard.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this the 19th day of October, 2017.

G-7. Proclamation Commemorating Veterans Day, November 11, 2017. For the record, on November 10, 2017, the following Proclamation was presented by Mayor Harris:

**Proclamation
Commemorating Veterans Day
November 11, 2017**

WHEREAS, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

WHEREAS, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, we owe a great debt to those who have served in defense of this nation, as throughout the generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

WHEREAS, for many, that sacrifice had ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

WHEREAS, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principles of freedom and democracy.

NOW, THEREFORE, I, Jimmy Harris, Mayor of the City of Brevard, North Carolina, call upon our citizens to salute all Brevard and Transylvania County veterans who have served with honor and distinction, and to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this Country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag; and to show our veterans we appreciate their great sacrifice.

Signed this 10th day of November, 2017.

~~ The Clerk's recording system stopped working. A brief break was taken in order to try and restore the system; however, was unsuccessful in doing so. Therefore, no audio recording of the meeting will be available to assist in receiving information for transcribing Minutes. ~~

H. Public Hearing(s)

H-1. Community Development Grant (CDBG) Closure on Moose Tracks & DD Bullwinkel's Project. The public hearing was properly advertised on Thursday, November 2, 2017, as a block ad within a non-legal section of the Transylvania Times.

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

Mr. Cobb shared the CDBG was an economic development project providing \$500,000 in grant monies for the revitalization of a previously underutilized property. With a \$1,800,000 private investment and the CDBG monies, the total project investment was \$2,300,000. The project could not have gone more smoothly and believe it will spur reinvestment in other downtown properties.

Property owners Jimmy and Dee Dee Perkins were present. Mayor Harris and Council complimented them on the project and thanked them for their interest and investment in Brevard's downtown.

Public Hearing Participation – None

Public Hearing Closed – There being no questions or comments, Mayor Harris closed the hearing at 7:34 p.m.

H-2. McMinn Avenue (portion of) Closure Petition. City received the Petition for Street Closing on September 18, 2017, by petitioners Erica Damman, Royce Chestnut, Zachary R. Noble and Kathryn Grace MacEachern for the un-opened portion of McMinn Avenue. Proper Closure Notice requirements were met, including advertising the public hearing within the Transylvania Times on October 23, October 30, November 6 and November 13, 2017.

Mayor Harris opened the public hearing at 7:35 p.m.

Mr. Cobb reported the Petitioners are the property owners who adjoin the unopened portion of the McMinn Avenue 36' wide road right-of-way. The City does not have plans for a future road within this right-of-way; however, there is a potential for a future bike path coming from the Tannery Park property onto this right-of-way.

Petitioner Ms. Damman and Mr. Chestnut thanked the City Manager and Council for their service and opportunity to consider their request to close the ROW. Speaking on their behalf, she explained some people who are not a part of their neighborhood use this unmanaged ROW area as a shortcut and sometimes to engage in unfavorable activities. Their property is located at the corner of Verdery Avenue and McMinn. When they purchased their property they were aware of the City's plan to extend the bike path along the front of their property, which they are in support of; however, there was no mention of the City also wanting to open or use the currently closed portion of McMinn ROW. Concerned keeping it open without solid plans will result in continuation of their current situation. Explained if the City were to extend the bike path along this ROW, some adjustments would need to be made in order for them to continue to make access to their property. Should the City choose to not close the ROW and pave the area, she asked that the City consider stormwater management for runoff to be provided, signage to help public stay upon the path and not on their private driveway. Also asked the City to consider planting an arbor or vegetative screening to help them have a neighborly feeling.

Ms. Julie Noble, mother of Petitioner Zachary Noble, explained he could not be present tonight and is coming on his behalf. She urged Council to close the right-of-way as requested, and shared people using the current unmanaged and not maintained ROW area has resulted in people using the area not only as a shortcut to the Dollar Store and gasoline station, but, they also toss their trash in the area and there have been some bad and perhaps even illegal activities taking place there. She noticed that when the City placed signs at the road giving Notice of this public hearing and bringing attention to the ROW, that some stopped using it, which is a good thing as those who had been using it were creating a bad situation for their neighborhood and for them as property owners. Invited Council members to come and look for themselves at the situation and condition of the area in question.

Public Hearing Participation

Ms. Theresa Wynn, 105 Hillview, spoke in favor of closing the portion of McMinn. She stated, as mentioned by Ms. Noble, people take the wooded area as a shortcut to get to the gas station and Dollar Store; however, they are also using it as a gathering place for activities that do not need to take place in their neighborhood.

Mr. Fatland shared he is glad this matter has come to the City as it has given us a chance to look at our long-range plans for the area, as well as, opportunity to meet and discuss the matter with the property owners. Should the City construct a ten foot pathway, we would not need the full 36' easement. Public Works would need opportunity to review and consider options with respect to stormwater. If a bike path were to be extended in this ROW, signage similar to signs along other portions of the City's bike/hike path could be installed. If the City were to extend the pathway it would be done in a way that it would be a clean and safe route for use. At present the City does not have ROW extending from the subject area to Rosman Highway. Would like to come back to Council in the future with a more definitive plan. In the meantime, it is Staff's recommendation the City not close the ROW.

Public Hearing Closed – There being no questions or comments, Mayor Harris closed the hearing at 7:55 p.m.

I. Public Participation - None

J. Special Presentation

J-1. Brevard WWTP Awarded 2017 Maintenance Excellence. The City of Brevard Wastewater Treatment Plant received the NC American Water Works Association WEA "Wastewater Treatment Plant Operations and Maintenance Excellence Award" for the West Region for outstanding plant operations and maintenance efforts according to the best use of the resources available to a facility. City Manager Fatland and WWTP Operator Brett Taylor went to Raleigh to accept the award on behalf of the City. Present at the Council meeting were WWTP ORC Emory Owen, and WWTP Operators Brett Taylor, Anthony Guinn and Tom Williams.

J-2. American Council of Engineering Companies (ACEC) of North Carolina Award – On November 16th, Mayor Harris, Mayor Pro Tem Mac Morrow, Council Member Maurice Jones and City Manager Jim Fatland traveled to Raleigh to accept the award presented to CDM Smith, Inc., and the City of Brevard for engineering excellence on the City's Neely Road Force Main Project. Brevard received this as the most improved WWTP in the State of North Carolina. Mayor extended his appreciation to WWTP ORC Emory Owen and staff for their excellent work on the project, and he also extended his appreciation to the Manager and Engineer Harlow Brown for their contributions to the project.

Mr. Jones shared he is pleased to announce that at the award ceremony Brevard received the "people choice" award.

J-3. Auditors Presentation. Mr. Dan Mullinix, CPA, Gould Killian CPA Group, P.A., presented a brief power-point and shared information contained within the Audit Wrap Up dated November 15, 2017, (on file). He extended his appreciation to the City's Finance Director Fatland and Deputy Finance Director Tom Whitlock for their excellent work and for the assistance they provided to him throughout the audit.

Following the presentation, Mayor Harris asked if the City's budget is balance and if the City is in compliance with accounting rules and procedures, and have the NC State requirements been met. Mr. Mullinix replied, "Yes".

Mayor and Council thanked Mr. Mullinix for his reporting and presentation and accepted the report as presented.

~~ At 8:27 p.m. Mayor Harris called for a ten minute break; meeting resumed at 8:40 p.m. ~~

K. Consent Agenda and Information - 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.

Proposed 2018 City Council Meeting Schedule - Staff explained to Council that in order to use the Rogow Room for their annual retreat as done in the past, it would need to be held on a Monday/Tuesday. Council members agreed they prefer to hold their annual retreat on a Thursday/Friday; therefore, they asked Staff to secure another location to hold the retreat on January 25th and 26th.

Mr. Morrow moved, seconded by Mr. Daniel, Council add to the Consent Agenda New Business Items M-1, M-3, M-6, M-7 and M-8, and that the Consent Agenda be approved as amended. Motion carried unanimously.

K-1. Staff Reports:

- a. Public Works Department Report, September 2017
- b. Finance Department Fiscal Report, October 2017

K-2. Amend 2017 Meeting Schedule – Council rescheduled the December 4, 2017, meeting start time from 7:00 p.m. to 5: 30 p.m., and, cancelled the December 18, 2017, meeting.

K-3. Adopted 2018 City Council Meeting Schedule – Council adopted the following meeting schedule (as amended):

Brevard City Council - 2018 Meeting Schedule			
Day / Date	Time	Type	Location
Tuesday, January 16, 2018	7:00 PM	Regular Meeting	Council Chambers
Thursday and Friday, January 25 & 26, 2018	8:30 AM	Annual Retreat	Location to be determined.
Monday, February 19, 2018	7:00 PM	Regular Meeting	Council Chambers
Monday, March 19, 2018	7:00 PM	Regular Meeting	Council Chambers
Monday, April 16, 2018	7:00 PM	Regular Meeting	Council Chambers
Monday, May 21, 2018	7:00 PM	Regular Meeting	Council Chambers
Monday, June 4, 2018	5:30 PM	Budget Work Session #1	Council Chambers
Monday, June 11, 2018 (If Needed)	5:30 PM	Budget Work Session #2	Council Chambers
Monday, June 18, 2018	7:00 PM	Regular Meeting	Council Chambers
No Meetings Are Scheduled For July			
Monday, August 20, 2018	7:00 PM	Regular Meeting	Council Chambers
Monday, September 17, 2018	7:00 PM	Regular Meeting	Council Chambers
Monday, October 15, 2018	7:00 PM	Regular Meeting	Council Chambers
Monday, November 19, 2018	7:00 PM	Regular Meeting	Council Chambers
Monday, December 17, 2018	7:00 PM	Regular Meeting	Council Chambers

K-4. Resolution to Accept Certificate of Sufficiency, Little Mountain Properties, LLC. NOTE: Request was withdrawn by Petitioner on November 2, 2017.

K-5. Resolution No. 2017-22 A Resolution Directing The City Clerk To Investigate The Sufficiency Of A Petition For An Annexation

RESOLUTION NO. 2017-22
A RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
THE SUFFICIENCY OF A PETITION FOR AN ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED

WHEREAS, a petition was received on November 6, 2017, requesting the annexation of a contiguous area described in said Petition as the Tore’s Properties, LLC, property located at 280 Osborne Road, Brevard, NC, 28712, consisting of 4.025 acres, be annexed into the City of Brevard. (Tax Property Identification Number: 8596-26-6331-000)

Metes and Bounds Property Description:
BEGINNING at a 5/8 inch iron rod set at the east edge of the pavement of Old U.S. Highway No. 64, said iron rod being located just east of the intersection of the center of Osborne Road (North Carolina State Road No. 1556) with the intersection of the center of Old U.S. Highway No. 64, and runs thence crossing Old U.S. Highway No. 64 and along the center of the pavement of Osborne Road the following seven (7) calls: North 56 deg. 51 min. 39 sec. West 154.47 feet; North 57 deg. 25 min. 29 sec. West 113.43 feet; North 59 deg. 34 min. 11 sec. West 63.53 feet; North 62 deg. 12 min. 27 sec. West 47.63 feet; North 67 deg. 00 min. 21 sec. West 34.62 feet; North 72 deg. 38 min. West 34.84 feet; North 79 deg. 52 min. 09 sec. West 16.60 feet to a point in the center of said road, said point being the northeast corner of a 0.550 acre tract of land conveyed to Zebulon Franklin Osborne and wife, Lorene York Osborne, in a deed from Ralph Sumpter Osborne (Widower), et al, dated January 20, 1983, and recorded in the office of the Register of Deeds for Transylvania County, North Carolina; thence leaving the center of the pavement of Osborne Road and along the eastern property line of Zebulon Franklin Osborne and wife, Lorene York Osborne, the following two (2) calls: South 25 deg. 27 min. 33 sec. West, passing through a concrete monument set on November 22, 1982, at 30.25 feet, a total distance of 471.19 feet to a 5/8 inch iron rod set in the northern property line of a tract of land conveyed to Gillespie in a deed recorded in Book 256, page 655, Records of Deeds for Transylvania County, North Carolina; thence leaving the property line of Zebulon Franklin Osborne and wife, Lorene York Osborne, and along the property line of Gillespie, South 72 deg. 08 min. 21 sec. East 331.02 feet to a 5/8 inch iron rod set at the east edge of the pavement of Old U.S. Highway No. 64; thence leaving the property line of Gillespie and along the east edge of the pavement of Old U.S.

Highway No. 64 the following two (2) calls: North 43 deg. 37 min. 49 sec. East 326.76 feet to a stake and North 45 deg. 43 min. 34 sec. East 91.24 feet to the BEGINNING. Containing 4.025 acres, more or less, as surveyed and platted by P. Robert Raxter Jr., RLS, in November, 1982, and as shown on an unrecorded plat dated December 3, 1982, and designated as Drawing 0-122 (7-89).

This conveyance is made subject to the rights-of-way of all roads which may presently traverse the property, to all road rights-of-way which may presently appear of record, to the rights-of-way of all utility lines which may presently traverse the property and to all rights-of-way for public utilities which may presently appear of record.

WHEREAS, said Petition has been received by the City Council of the City of Brevard, North Carolina; and

WHEREAS, NCGS 160A-31, as amended, provides that the sufficiency of the Petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Brevard deems it advisable to proceed in response to this request for annexation.

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

Section 1. The City Clerk is hereby directed to investigate the sufficiency of the above described Petition and to certify as soon as possible to the City Council the result of her investigation.

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

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

K-6. Downtown Master Plan (DTMP) Streetscape Financing Options – Council accept Staff Report and recommendation to add the downtown masterplan to the annual retreat agenda to allow for a more detailed discussion to decide priorities and steps moving forward.

K-7. Ordinance No. 2017-25 An Ordinance Amending The FY2017-2018 Budget, Amendment No. Two

**ORDINANCE NO. 2017-25
AN ORDINANCE AMENDING THE FY2017-2018 BUDGET
AMENDMENT NO. TWO**

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2017-13); Budget Ordinance Amendment No. 1 (Ordinance No. 2017-15); and

WHEREAS, it is necessary to make amendments to the budgets to reflect additional revenue, appropriation of fund balance, and expenditures for Fiscal Year 2017-2018.

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

SECTION 01) General Fund Revenue is hereby increased \$25,459 from \$9,732,981 to \$9,758,440 as shown as follows:

General Fund Balance Appropriated	\$ 25,459
TOTAL REVENUES	\$ 25,459

SECTION 02) General Fund Expenditures are hereby increased \$25,459 from \$9,732,981 to \$9,758,440 as shown as follows:

General Fund Balance Transfer to Fire Department	\$ 25,459
TOTAL EXPENDITURES	\$ 25,459

SECTION 9) Fire District Fund Revenues are hereby decreased \$75,500 from \$2,035,640 to \$1,960,140 as shown as follows:

Transfer from General Fund	\$ 25,459
Sylvan Valley Fire District #2	\$ 22,576
FEMA SCBA Air Pack Grant	<u>\$-123,535</u>
TOTAL REVENUE	\$ -75,500

SECTION 10) Fire District Fund Expenditures are hereby decreased \$75,500 from \$2,035,640 to \$1,960,140 as shown as follows:

Operations, Capital, & Debt Expenditures	<u>\$ -75,500</u>
TOTAL EXPENDITURES	\$ -75,500

SECTION 33) That Revenues and Expenditures Section 1 through Section 32 of the Ordinance Amendment have decreased \$50,041 from \$28,287,872 to \$28,237,831 as follows:

	Budget
General Fund	\$ 9,758,440
Water & Sewer Utility Fund	\$ 5,678,500
Utility Capital Projects Fund	\$ 8,220,000
Capital Reserve Fund	\$ -
Fire District Fund	\$ 1,960,140
Terrell L. Scruggs Scholarship Fund	\$ 20,000
Bjerg Fund	\$ 100
Other Post-Employment Benefits Fund	\$ 18,750
Health Insurance Fund	\$ 1,283,249
Heart of Brevard MSD Fund	\$ 134,000
Housing Trust Fund	\$ 19,934
Multi-use Paths Fund	\$ 195,000
911 Communications Fund	\$ 40,163
Narcotics Task Force Fund	\$ 55,100
Rosenwald Revitalization Fund	\$ 111,191
Downtown Master Plan Fund	\$ 743,264
TOTAL BUDGET APPROPRIATIONS	\$ 28,237,831

Adopted and approved this 20th day of November, 2017.

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

- Gallery Walk Count, October 27, 2017

K-9. (M-1) Community Development Block Grant (CDBG) Closing

Documents. Public Hearing was held earlier in the meeting. City Council approved the CDBG closeout and authorized the City Manager to sign on behalf of the City the CDBG closing documents.

K-10. (M-3) Sculpture Leases at Brevard College. Council approved the lease for placement of two music sculptures, banjo and saxophone, at Brevard College as presented.

K-11. (M-6) Dog Park Lease – Council accepted the Council Parks, Trails & Recreation Committee recommendation authorizing the City Manager to negotiate a lease with Mission Hospital System to lease approximately 2.7 acres on Transylvania Hospital Property for a dog park. The City would pay for all leasehold improvements, provide insurance and maintain property. Mission Hospital reserves the right to terminate the lease with notice to the City of Brevard. Staff will request a one year termination period to facilitate a new location if that should occur.

K-12. (M-7) Resolution No. 2017-23 A Resolution Endorsing A Bike/Pedestrian Bridge Across The Davidson River

RESOLUTION NO. 2017-23
A RESOLUTION ENDORSING A BIKE/PEDESTRIAN
BRIDGE ACROSS THE DAVIDSON RIVER

WHEREAS, the North Carolina Department of Transportation ("NCDOT") intends to construct the Davidson River Bike/Pedestrian Bridge, also known as NCDOT Project EB- 5858, which will be a bridge connecting the Estatoe Trail to US Highway 276; and,

WHEREAS, the extension of bicycle and pedestrian infrastructure across the Davidson River into the Pisgah Forest commercial area would be a significant advancement of City Council's bicycle and pedestrian connectivity goals as outlined in Council's vision statement and strategies, the Comprehensive Transportation Plan, the Comprehensive Pedestrian Plan, and Comprehensive Plan; and,

WHEREAS, the scope of the project consists of the design and installation of a pedestrian bridge over the Davidson River approximately 0.1 miles north of NC 280/US 64, this bridge will connect pedestrian foot traffic from US 276 to the greenway.

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

Section 1. Brevard City Council hereby endorses and supports the construction of a bike and pedestrian bridge across the Davidson River at the location described herein, and hereby expresses its gratitude for NCDOT's ongoing efforts to improve bicycle and pedestrian transportation in Brevard and Transylvania County.

Section 2. Brevard City Council hereby approves an agreement between the City of Brevard and NCDOT entitled "TRANSPORTATION IMPROVEMENT PROJECT - AGREEMENT," dated October 3, 2017. The City Manager of the City of Brevard is authorized and directed to execute such agreement, subject to modification of Paragraph 9 which shall guarantee the City's commitment shall not exceed \$80,000.

Section 3. Brevard City Council acknowledges and agrees that the City of Brevard is responsible for 20% of the cost of the bridge, which is estimated to be \$80,000. The City Manager is hereby directed to include funds to cover this cost in the Fiscal Year 2017-2018 Operating Budget.

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

Adopted and approved the 20th day of November, 2017.

K-13. (M-8) Board and Committee Appointments. Council made the following appointments:

Fireman's Relief Fund – Appointed John T. Sgroi, Jr. to replace Firefighter Wes Roger; term will expire January 2020.

Brevard Housing Authority Board of Directors – Appointed Rodney W. Locks filling the vacancy from former member Carl Mooney; term will expire November 2022.

L. Unfinished Business - None

M. New Business

M-2. Petition for Closure of McMinn Avenue (unopened). Mr. Fatland recommended Council deny the request to close the right-of-way allowing time for Staff to consider potentials and come back in the future with a detailed plan for consideration. Perhaps only a portion of the 36' ROW would be needed thus allowing consideration to close or give back a portion of the area to the property owners.

Mr. Morrow moved, seconded by Mr. Landreth, Council accept Staff recommendation and deny the Petition to Close the McMinn Avenue street right-of-way. Motion carried unanimously.

M-4. Reconstruction of Old Depot, Railroad Avenue. Mayor Harris shared he recently learned the old depot that was once on Railroad Avenue and removed in the early 1980's was in fact taken apart and salvaged with many of the components of the

structure being stored. There is an opportunity to reconstruct and erect the old depot, although not an exact replica of it, in a spot along Railroad Avenue where the City has plans to build the latest extension of the trail system. With the coming year, 2018, being the City's 150th anniversary, he feels this would be an excellent project. However, as this is not a budgeted project, he suggested the selling of bricks as a fund raising much like was done several years ago for the Gallimore Road Pickelsimer Park project. He believes the public will embrace this project.

Mr. Fatland offered the project could possibly include with the pedestrian path perhaps a skate park, bike pump track, a small gathering area, etc.

Mayor asked for Council consideration to authorize the City Manager to investigate this project and to further authorize the Manager to sell bricks.

Mr. Morrow moved, seconded by Mr. Daniel, the Manager be authorized to establish a Railroad Depot fund, as recommended by the Mayor. Motion carried unanimously.

M-5. Mary C. Jenkins Community Center – Mr. Fatland reported the City sought a North Carolina PARTF Grant which included demolition of the existing MCJ Community Center and building a new center. However, the City's grant application was not approved. The Mary C. Jenkins Board agreed to donate said property to the City contingent upon grant award.

Despite not receiving a Grant, Staff would like for the City to proceed with the design of the MCJ Center at this time and work closely with the MCJ Board of Directors. Once construction bids are obtained, staff will seek City Council approval to submit an application with the Local Government Commission approval for a loan to finance the cost of this improvement. A ½ cent tax increase will need to be considered in order to take care of the loan payment, Center operations, etc.

On November 15, 2017, the City Council Parks, Trails and Recreation Committee met and recommends Council take action to do the following:

- (1) Approve proposal with Harris Architects to do (a) preliminary and schematic design, and (b) design development, construction documents, bidding/negotiation and construction phase services at a cost not to exceed \$51,000;
- (2) Authorize staff to work with MCJ Board to establish a City/MCJ Community Center Task Force to oversee project from design to completion. Task Force member nominations would be submitted to Council at their January 16, 2018, meeting for appointment; and
- (3) Authorize City Attorney to work with MCJ Board of Directors to facilitate donation of MCJ property to the City of Brevard. Clear title will be necessary for loan application.

Ms. Hollingsworth moved, seconded by Mr. Daniel, Council approve the Managers and City Council Parks, Trails and Recreation Committee three recommendations (as shown above). Further moved that the City establish a Mary C Jenkins Task Force with its membership to include Council representation by Mr. Jones and Mr. Daniel. Motion carried unanimously.

N. Remarks / Future Agenda Considerations

CDBG recipients Mr. Jimmy and Ms. Dee Dee Perkins took this opportunity to extend their appreciation to City Staff Daniel Cobb and Janice Pinson, and especially former City staff member Josh Freeman, and the Heart of Brevard Executive Director Heath Seymour, for their assistance and their hard work that was put into getting the Grant application completed and turned in on time for this project – a project that turned out to be a massive undertaking. He also extended his appreciation to Ms. Karen Kiena, Land of Sky Regional Council, for her assistance throughout the project, support

of United Community Bank and the community's support. Believes this project is one example that shows the value of the City's financial support of the Heart of Brevard.

Mayor Harris encouraged folks to come out for the Christmas Parade, and to bring some canned food for the Sharing House.

Mr. Morrow shared this is Ms. Hollingsworth's last regular Council meeting and shared she is well respected throughout the community and he expressed his appreciation for her service as a Council Member.

Ms. Hollingsworth shared she has enjoyed her time serving on Council; has loved serving her community; and, expressed her appreciation for the City employees who work hard and really care about our community.

Mr. Jones too expressed his appreciation for Ms. Hollingsworth; shared he is proud of the City Staff achievement to win the two awards; and, is excited about the Mary C Jenkins Community Center.

Mr. Fatland thanked Ms. Hollingsworth for her service as a Council member, and for her service on the two City Council Committees that she has served upon.

O. Closed Session(s) - Mayor Harris asked the City Attorney if it would be appropriate for Council to hold two closed sessions, one to discuss a matter of economic development and second on a personnel matter. City Attorney advised pursuant to **GS § 143-318.11. (a)(3) (4) (5) and (6)** it would be appropriate to convene closed sessions. Each closed session requires a separate motion, second and vote to discuss the matter.

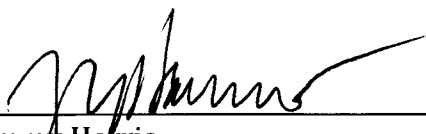
O-1. Closed Session #1 - At 9:27 p.m. Mr. Jones moved, seconded by Mr. Landreth, Council go into closed session to discuss a matter of economic development. Motion carried unanimously. (A seven minute break was taken in order to clear Council Chambers.)

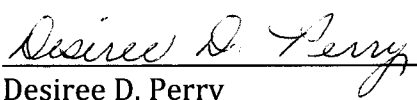
Council Returned to Regular Session - At 9:59 p.m. Council re-entered Open Session after the economic development closed session ended. The minutes of the closed session are authorized to be sealed.

O-2. Closed Session #2 - At 10:00 p.m. Mr. Landreth moved, seconded by Mr. Morrow, Council go into closed session to discuss a personnel matter. The City Clerk was dismissed from the closed session. City Attorney will provide Minutes of the closed session and will provided to the Clerk the record of Council's return to regular session and actions taken (if any) and adjournment.

Council Returned to Regular Session - At 11:15 p.m. Council re-entered Open Session after the personnel closed session ended. The minutes of the closed session are authorized to be sealed.

P. Adjourn - There being no further business, a motion to adjourn was made by Ms. Hollingsworth, seconded by Mr. Daniel. Motion carried unanimously, and the meeting was adjourned at 11:15 p.m.


Jimmy Harris
Mayor


Desiree D. Perry
City Clerk

Minutes Approved: February 19, 2018