

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
March 19, 2018 – 7:00 PM**

The Brevard City Council met in regular session on Monday, March 19, 2018, 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 Gary Daniel, Charlie Landreth and Maureen Copelof.

Absent – Council Member Maurice Jones

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Michael Pratt, City Clerk Jill Murray, Planning Director Daniel Cobb, Planner Aaron Bland, Deputy Finance Director Tom Whitlock, Interim Fire Chief Mike Galloway, Police Chief Phil Harris, Human Resources Director Kelley Craig and Public Works Director David Lutz.

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 Linea Warmke, Lutheran Church of the Good Shepherd, 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. Ms. Copelof motioned to amend the agenda to remove the discussion of the UDO and further made a motion to revoke the decision made at the February meeting and return it to the Planning Board to be publicized again. Mr. Landreth chose not to amend his motion and Mr. Morrow chose not to amend his second to the motion and so the motion carried minus Ms. Copelof.

F. Approval of Minutes – Mr. Landreth noted one correction be made on page 7, third line from the bottom to put a period after the word “site” and begin a new sentence with a capital A. Noting that correction, Mr. Morrow moved, seconded by Mr. Landreth, the February 19, 2018 minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition –

G-1. 150th Anniversary Plaque-Donated by the Estate of James Collings

Mayor Jimmy Harris introduced Ms. Merlyn Collings, widow of James Collings, and expressed his appreciation of all of the personal pictures taken by Mr. Collings and thanked her for donating them to the City of Brevard for the 150th Anniversary celebration.

G-2. Proclamation 2018-04 Mayor Harris read aloud and presented a Proclamation for Month of the Young Child. Deb Tibbetts was present to accept the proclamation.

**Proclamation 2018-04
The Month of the Young Child
Brevard, North Carolina**

Whereas, Smart Start of Transylvania County, on behalf of the Early Childhood Initiative, and in conjunction with the National Association for the Education of Young Children, is celebrating the Month of the Young Child during the month of April 2018; and

Whereas, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in the City of Brevard, North Carolina; and

Whereas, childcare and preschool teachers and directors, and other early childhood professionals deserve recognition for making a difference in the lives of young children in the City of Brevard, North Carolina; and

Whereas, public policies that support investing in early childhood development are crucial for the success of young children in school, health, career, and life;

Now, therefore, I, Jimmy Harris, Mayor of the City of Brevard, North Carolina do hereby proclaim April 2018 as **The Month of the Young Child** in Brevard, North Carolina and encourage all citizens to join me in supporting investments in early childhood education and care.

This the 19th day of March, 2018.

G-3. Proclamation 2018-05 Mayor Harris read aloud and presented a Proclamation for Alcohol Awareness. Karen Gorman was present to accept the proclamation.

**PROCLAMATION NO. 2018-05
ALCOHOL AWARENESS MONTH 2018**

WHEREAS, excessive drinking is responsible for more than 4,300 deaths among underage youth each year. Alcohol is the most commonly used addictive substance in the United States; and

WHEREAS, nearly 10 million young people, ages 12 to 20, report that they've consumed alcohol in the past 30 days. Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, drinking by persons under the age of 21 is illegal, yet people aged 12 to 20 drink 11% of all alcohol consumed in the United States; and

WHEREAS, the typical American will see 100,000 beer commercials before he or she turns 18; and

WHEREAS, kids who drink are more likely to be victims of violent crime, to be involved in alcohol-related traffic crashes, and to have serious school-related problems; and

WHEREAS, as supportive family environment is associated with lowered rates of alcohol use for adolescents. Kids who have conversations with their parents and learn a lot about the dangers of alcohol and drug use are 50% less likely to use alcohol and drugs than those who don't have such conversations.

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, now join the National Council on Alcoholism and Drug Dependence, Inc. (NCADD) and do hereby proclaim April 2018 as **Alcohol Awareness Month** in Brevard, North Carolina, and encourage all to support efforts that will provide early education about alcoholism and addiction and increase support for individuals and families coping with alcoholism. Through these efforts, together, we can provide **Hope, Help and Healing** for those in our community who are facing challenges with alcohol use and abuse.

Adopted and approved this the 19th day of March, 2018.

G-4. Proclamation 2018-06 Mayor Harris read aloud and presented a Proclamation for Recognition Day for National Service. Betty Rogge was present to accept the proclamation.

PROCLAMATION NO. 2018-06
National Service Recognition Day

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's cities are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with county officials and mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and county officials across the country for the Mayor and County Recognition Day for National Service on April 3, 2018.

THEREFORE, BE IT RESOLVED that I, Jimmy Harris, Mayor of Brevard, do hereby proclaim April 3, 2018, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our county; to thank those who serve; particularly in regards to the Foster Grandparent and Senior Companion Programs at Land of Sky Regional Council and their service to Brevard; and to find ways to give back to their communities.

Adopted and approved this the 19th day of March, 2018.

H. Public Hearing - None

I. Public Participation -

I-1. General Public Participation

Ms. Susan Sunflower spoke about habitat loss being a big problem for our pollinators and encouraged everyone to plant and bring more native plantings around our homes as the pollinators help the plants to complete their life cycle.

Ms. Elizabeth Pell spoke about neighborhood vulnerability and spoke about an incident where someone shot off an AR15 in her neighborhood on Cunningham Street. She stated that even though Chief Phil Harris filled her in on what happened, she feels that information should be more readily available for the citizens. She also would like to know what can be done about dilapidated and abandoned buildings in her neighborhood and how they can create a less vulnerable appearance to crime.

Ms. Kim Coran and Mr. John Wiseman both wanted to speak about the UDO and density ordinance but they could not speak about it since the motion passed to keep the agenda "as is".

I-2. Pre-Budget Public Participation

1-2a. Transylvania Community Arts – Director Tammy Hopkins was not able to make her presentation but the Community Development report (on file), was given to Council and they are requesting consideration for the same financial support of \$10,000 in the upcoming budget year.

1-2b. Transylvania Farmers Market – Farmers Market Director Leslie Logemann presented the Community Development report (on file), thanked Council for the \$17,000 grant given to them last year, and requested consideration for the same financial support of \$17,000 in the upcoming budget year.

1-2c. Heart of Brevard – Executive Director Heath Seymour presented their Community Development report (on file), thanked Council for the \$30,000 grant given last year, and requested consideration for the same financial support of \$30,000 in the upcoming budget year.

1-2d. Bread of Life – Bill Moore requested Council consideration for a \$5,000 grant in the upcoming budget year. (Request on file.)

1-2e. Sharing House – Executive Director Shelly Webb requested Council consideration for a \$10,000 grant in the upcoming budget year. (Request on file.)

I-3. Isaac Homes Youth Shelter-The Homeless Youth of Transylvania County

Mr. Mickey Robinson presented a PowerPoint presentation to Council (on file) about a vision he has for homeless youth in Transylvania County. His goal is to build a homeless youth shelter that consists of houses that will house 6 children per house with house parents. His plan is to work with DSS and the court system and to provide transportation and job placement.

J. Special Presentation - None

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. Mr. Landreth moved, seconded by Mr. Morrow, Council add New Business Item M-3 Board and Committee Appointments, and that the Consent Agenda be approved as amended. Motion carried unanimously.

K-1. Staff Reports:

- a. Public Works Department, January, 2018
- b. Financial Report for the month ended February, 2018
- c. Police Department Quarterly Report, October-December 2018

K-2. Audit Contract for Year End June 30, 2018

K-3. Ordinance No. 2018- 05 Street Closure for White Squirrel Festival – An Ordinance declaring a road closure for White Squirrel Festival and Memorial Day Parade.

ORDINANCE NO. 2018-05

AN ORDINANCE DECLARING A ROAD CLOSURE FOR WHITE SQUIRREL FESTIVAL AND MEMORIAL DAY PARADE

WHEREAS, Brevard City Council acknowledges a long tradition of providing an annual White Squirrel Festival for the pleasure and enjoyment of its citizens and visitors; and,

WHEREAS, Brevard City Council acknowledges this festival provides an opportunity for day-long, family-oriented activities; and,

WHEREAS, Brevard City Council acknowledges this festival requires a portion of Main Street (US Highway 276) and Broad Street (US Highway 64) to be closed for setup, activities, and cleanup; and,

WHEREAS, Brevard City Council acknowledges the importance of celebrating Memorial Day as an opportunity to remember and honor those who have died while serving in the United States Armed Forces; and,

WHEREAS, Brevard City Council acknowledges this parade requires portions of North and South Broad Street (US Highway 64) to be closed;

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

SECTION 01. Pursuant to authority granted by G.S. 20-169 the City of Brevard hereby declares the following temporary road closures during the days and times set forth below on the following described portion of a State Highway System route:

White Squirrel Festival

Dates: Friday, May 26 – Sunday, May 28, 2017
Time: 11:00AM Friday, May 26 – 8:00PM Sunday, May 28, 2017
Route Description: Main Street (US 276): from Broad Street (US 64) to Rice Street

Time: 6:00AM Saturday, May 27 – 8:00PM Sunday, May 28, 2017
Route Description: Main Street (US 276): from Caldwell Street to Rice Street and Broad Street (US 64): from French Broad Street to Morgan Street

Memorial Day Parade

Date: Saturday, May 27, 2017
Time: 6:00AM – 10:00AM
Route Description: South Broad Street (US 64) at the Transylvania County Library to North Broad Street (US 64) at Brevard College Drive.

SECTION 02. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 19TH day of March, 2018.

K-4. Correspondence (No Action. Offered as information only.)

- a. Transylvania County Building Permit Activity
- b. Cathey's Creek WTP Intake & Stream Restoration-Letter of Intent to Fund

L. Unfinished Business – Second Reading-UDO Text Amendment-Chapters 2, 7, 10 & 16-District Provisions, Open Space, Parking & Administration

The Mayor explained that the last vote had a 3-2 vote and requires a second reading. The Mayor then asked if there was a motion on the floor. Mr. Landreth motioned, seconded by Mr. Morrow to approve the UDO Text Amendment-Chapters 2, 7, 10 & 16-District Provisions, Open Space, Parking & Administration.

Ms. Copelof stated that she is still concerned with the direction that the City is going in and feels we are eliminating requirements that are important to development in the future. She would like to take a step back and take a second larger and more comprehensive look.

Mr. Daniel added that he too is concerned and believes the City should be making the decisions, not the developer and believes the City should be able to look at each site and each project.

Mr. Landreth believes that this ordinance sets the framework for better use of our land and that we are only talking about certain parcels zoned for this type of development.

Mr. Morrow commended Mr. Cobb for the work he's done thus far and added that the City needs to encourage investors to come in and encourage people to build apartments that attract investors.

Mr. Cobb reminded everyone that this ordinance is not doing away with parking by any stretch and that it only changes the minimum. He also added that the open space requirement is not going away.

Mayor Harris again asked for a motion. Mr. Landreth motioned, seconded by Mr. Morrow to pass the second reading of the UDO Text Amendment-Chapters 2, 7, 10 & 16-District Provisions, Open Space, Parking & Administration. Mr. Daniel voted in favor and Ms. Copelof voted against it. The motion passed with a 3-1 majority.

M. New Business -

M-1. Resolution for City of Brevard 150th Anniversary

Mayor Harris explained that in addition to this Resolution, the County Commissioners also have a Resolution that will be read at their March 26, 2018 meeting. Mr. Morrow moved, seconded by Mr. Landreth to approve the resolution. Motion carried unanimously.

M-2. Pedestrian Plan Maps

Mr. Cobb briefly went over the pedestrian maps that were provided in Council's agenda packet. Mr. Landreth asked if would be appropriate to have budget numbers associated with these projects and Mr. Cobb said that it would be appropriate and that each Committee will be going over this. Mr. Daniel moved, seconded by Mr. Landreth to approve the pedestrian plan maps as presented. Motion carried unanimously.

N. Remarks / Future Agenda Considerations

Mayor Harris said that he would like to put out to Council for future consideration that when a 501(c)3 or a faith-based organization comes to the City about getting a ramp built in a home that we, at the City, waive their review fees and asked that the City Attorney draft a document based on such. Also, for informational purposes, we have raised \$49,800 in private donations for the Depot.

Mr. Morrow wanted to remind everyone that Oceanographer, Dr. Robert Ballard, will be speaking at the Porter Center for Performing Arts at Brevard College on April 12th and will be talking about Deep Sea Exploration and finding the Titanic.

Mr. Landreth said he needs a backup for RPO at the Land of Sky Regional Council and nominated Mac Morrow. Mr. Landreth motioned, seconded by Mr. Daniel that Mr. Morrow be the backup RPO. Motion carried unanimously.

Mr. Daniel brought up a concern while discussing the UDO that a comment was made "look at Wendy's, this is what an ordinance will give you". It appears that some businesses are not following our ordinances and I would like for City Council to support our staff in enforcing

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our ordinances.

Ms. Copelof said she was impressed with all of the non-profits that came here tonight and thanked them for all that they do for Brevard.

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

O-1. Closed Session #1 - At 9:21 p.m. Mr. Landreth moved, seconded by Ms. Copelof, Council go into closed session to discuss potential litigation. Motion carried unanimously. (A seven minute break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session - At 10:02 p.m. Council resumed the meeting in regular session. The minutes of the closed session are authorized to be sealed.

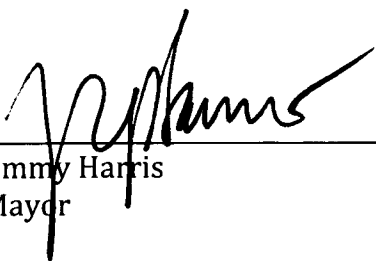
O-2. Closed Session #2 - At 10:02 p.m. Mr. Morrow moved, seconded by Mr. Daniel, Council go into closed session to discuss potential litigation. Motion carried unanimously.

Council Returned to Regular Session - At 10:41 p.m. Council resumed the meeting in regular session. The minutes of the closed session are authorized to be sealed.

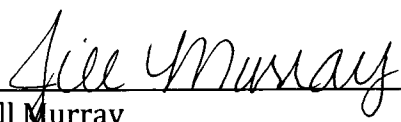
O-3. Closed Session #3 - At 10:41 p.m. Mr. Landreth moved, seconded by Ms. Copelof, Council go into closed session to discuss economic development. Motion carried unanimously.

Council Returned to Regular Session - At 10:47 Council resumed the meeting in regular session. 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 Mr. Landreth, seconded by Mr. Morrow. Motion carried unanimously. Meeting adjourned at 10:47 p.m.



Jimmy Harris
Mayor



Jill Murray
City Clerk

Minutes Approved: April 16, 2018