

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
April 16, 2018 - 7:00 PM**

The Brevard City Council met in regular session on Monday, April 16, 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, Maurice Jones and Maureen Copelof.

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Michael Pratt, City Clerk Jill Murray, Planning Director Daniel Cobb, Planner Aaron Bland, Senior Code Enforcement Officer Paul Ray, Deputy Finance Director Tom Whitlock, Executive Assistant to City Manager Denise Hodsdon, Interim Fire Chief Mike Galloway, 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 – Father Shawn O’Neal, Sacred Heart Catholic 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 – Attorney Mike Pratt asked to add three new items under New Business. Those items would be added as M-6 Execution of a deed requested by Bruce Thompson and others; M-7 Ordinance amending the Brevard City Code relating to the schedule of taxes, fees and charges; General Fund and M-8 Ordinance approving the Yamin rezoning as recommended by the Planning Board. Mr. Landreth moved, seconded by Mr. Morrow, the Agenda be approved as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Daniel asked that one change be made to the minutes on page nine, the second from the last paragraph, last sentence, by amending it to say “I would like the City Council to support our staff in the enforcement of our ordinances.”

Noting that correction, Mr. Daniel moved, seconded by Mr. Jones, the March 19, 2018 meeting minutes be approved as amended. Motion carried unanimously.

G. Certificates / Awards / Recognition –

G-1. Proclamation 2018-07 Arbor Day Mayor Harris read aloud the Proclamation recognizing Arbor Day and the ceremony scheduled for April 26, 2018 , and for this being the 39th year Brevard has been recognized as a Tree City USA.

Proclamation No. 2018-07
ARBOR DAY
Brevard, North Carolina

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, this is the 39th year Brevard has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, do hereby proclaim **April 26, 2018**, as **Arbor Day in the City of Brevard** and we urge all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and we urge all citizens to plant trees to promote the well being of our present and future.

Adopted and approved this the 16th day of April, 2018.

G-2. Proclamation 2018-08 National Day of Prayer Mayor Harris read aloud the Proclamation recognizing the National Day of Prayer and the ceremony scheduled for Thursday, May 3, 2018.

**Proclamation No. 2018-08
NATIONAL DAY OF PRAYER 2018**

WHEREAS, civic prayers and national days of prayer have a long and revered history in our constitutional republic, dating back to the First Continental Congress in 1775; and,

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made "the Laws of Nature and Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and,

WHEREAS, the Supreme Court has affirmed the right of state legislature to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and,

WHEREAS, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, May 3, 2018, marks the 67th consecutive observance of the National Day of Prayer; and,

WHEREAS, the theme for 2018 is, "**Pray for America - UNITY**", inspired by Ephesians 4:3: "*Making every effort to keep the unity of the Spirit through the bond of peace*" and,

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and,

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in Brevard when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our town, state and nation.

NOW, THEREFORE, I, Jimmy Harris, Mayor of the City of Brevard, proclaim Thursday, May 3, 2018, as A Day of Prayer in Brevard, North Carolina, and encourage the citizens of Brevard to observe the day in ways appropriate to its importance and significance.

Proclaimed this the 16th day of April, 2018.

G-3. Proclamation 2018-09 National Bike Month Mayor Harris read aloud the Proclamation recognizing the month of May as National Bike Month.

**PROCLAMATION NO. 2018-09
NATIONAL BIKE MONTH 2018**

WHEREAS, the bicycle is an economical, healthy, convenient, viable, and environmentally sound form of transportation and an excellent form of recreation and enjoyment of Brevard and Transylvania County's scenic beauty; and

WHEREAS, millions of North Carolinians will experience the joys of bicycling during the month of May through educational programs, races, commuting events, trail work days, helmet promotion, charity events, or just getting out and going for a recreational ride; and

WHEREAS, Brevard and Transylvania County trails and roads attract bicyclists each year from across the country and the world; and

WHEREAS, Brevard hosts several major cycling races and events, including the Assault on the Carolinas, the WNC Flyer, and the Pisgah Stage Race; and

WHEREAS, these bicycling activities and attractions have great potential to have a positive impact on Brevard's economy and tourism industry, as well as to stimulate economic development by making the city attractive to businesses and citizens who enjoy the out of doors and healthy lifestyles; and

WHEREAS, creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and

WHEREAS, May has been declared National Bike Month since 1956 and is so again in 2018; and

WHEREAS, the League of American Bicyclists, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies and civic groups throughout North Carolina will be promoting bicycling as a leisure activity as well as an environmentally-friendly alternative to the automobile during the month of May 2018; and

WHEREAS, the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

WHEREAS, the City of Brevard Comprehensive Plan includes several objectives and policies aimed at improving cycling as both a form of recreation and transportation.

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council do hereby proclaim and recognize the month of May 2018 as National Bike Month and Bicycle Safety Month.

Adopted and approved this 16th day of April, 2018.

G-4 Proclamation 2018-10 Child Abuse Prevention Month Mayor Harris read aloud the Proclamation recognizing the month of April as Child Abuse Prevention Month and presented the Proclamation to Renee Crocker.

**Proclamation 2018-10
Child Abuse Prevention Month**

WHEREAS, children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets;

WHEREAS, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community;

WHEREAS, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children, ensure all children grow to their full potential;

WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

NOW, THEREFORE, I do hereby proclaim April as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Adopted and approved this the 16th day of April, 2018

H. Public Hearing

H-1. Yamin Rezoning. The public hearing was properly advertised on April 2nd and April 9th, 2018.

Mayor Harris opened the public hearing at 7:23 p.m.

Mr. Cobb explained that earlier this year, the City received a request for rezoning for a property located on Rosman Highway at the intersection of Nicholson Creek Road and Rosman Highway, the address of which is 746 Rosman Highway. They held a neighborhood compatibility hearing and a few people showed up and had general questions. There was some concern about introducing commercial uses in a residential district. The general summary is that Mr. Yamin requested rezoning to allow for higher density residential. This property is surrounded on both sides by GR4 (General Residential 4) which is a lower density residential zoning district and would not provide for the density necessary for the project he has in mind. With the rezoning, you have to consider all of the uses that are potentially allowed under the rezoning, not just the proposed project in question. To avoid any concern with spot zoning, and to fill in a gap, it potentially makes more land available for development and higher densities.

Staff recommended to the Planning Board that they expand the zoning request for just the property originally requested to fill in the whole corridor from the end of the commercial zoning on Rosman Highway. The intent from staff's perspective is if this project is successful and he moves forward with it, he will have to extend City utilities out to the corridor and if the properties are zoned neighborhood mixed use, the potential for redevelopment is increased slightly because there are opportunities for commercial development as well as much higher residential densities. The request is for the property at Rosman Highway and Nicholson Creek Road be expanded to include all of the property along that corridor from where the existing commercial zoning ends to where it picks back up again at the Sav-Mor grocery store.

Water services are available to the site and wastewater services would have to be extended. That cost would be on the applicant.

The recommendation is to rezone from GR4 (General Residential 4) to NMX (Neighborhood Mixed Use) and because this was advertised as NMX, there is a step in between GR4 and NMX and that is RMX (Residential Mixed Use) which is higher density residential uses and some limited commercial. The step up to NMX is even higher density residential so you do have several options. Not to approve the request at all, approve it to a zoning district of lesser classification which would be RMX or you could reduce the scope of the zoning itself.

Mr. Yamin, introduced himself as the President of Workforce Homestead and explained that they are a development company that is active across the state of North Carolina. He would like City Council to consider his request to rezone the 8.9 acre parcel and he would like to build 80 units of affordable housing, 1, 2 and 3 bedroom.

Public Hearing Public Participation -

Mr. Richard Woodhull wrote a letter to Daniel Cobb (on file) which he read aloud expressing his concern of the proximity of his house to this new development, as well as, the traffic problems that it will create.

Ms. Debra Vanghel on behalf of Ann Clevenger asked if the property does get rezoned how it will affect her property other than creating a lot of traffic and wanted to know how it could affect her taxes.

Mr. John McJunkin wanted to express that Helen Meese has lived on her farm for about 80 years and she is worried that this will change the status of her farm.

Ms. April Ziegler explained that she is a real estate broker in Brevard and stated that the first that she heard of this rezoning was in the Transylvania Times. We are not opposed to the project but we feel like we're coming in blind and have no idea what this will do to our taxes, if it will change the setbacks, how it will benefit the community, and if someone wanted to sell their property, what happens. I think the majority of people want to understand the tax value and the grandfathering in.

Mr. James Rudy explained that he did not know about this hearing until he read about it in the Transylvania Times. He added that he's seen at least three accidents so far living there. He asked what the overall plan is and will there be two story or three story homes and are they going end to end. Would we be encumbered? What will happen to our property values? He asked what the overall plan is.

The Mayor explained that the only thing happening tonight is the rezoning question. There are no plans yet. The property has to be allowed for a use first. Then those plans have to be approved by the City and go through the Planning Department and Planning Board. Tonight was to let you know that this property was under consideration for rezoning. If it is approved by Council, then he can do anything in the NMX, housing is one of them. That is his intentions.

Mr. Pratt further explained that when Council is entertaining a rezoning, Council cannot ask a lot of questions about intended use because it is just a possibility. It has a list of “permitted uses” so either he’ll need a subdivision permit which does require some opportunity for public participation or he’ll be able to build something as a matter of right under the new density requirements. If he is building something as a matter of right, there will not be much opportunity for public input. Having said that, all that Council can do is determine whether this property should be rezoned as the Planning Director stated, NMX (Neighborhood Mixed Use) or RMX (Residential Mixed Use) both of which are higher density for residential than its zoned for now and both allow some commercial uses as well. Council can’t answer your questions because they’re not allowed to ask questions themselves about the particular use that may be made of this property.

Ms. Jane Dauster says she invites anyone to come to her neighborhood right after 5:00 and see what you face as a driver. As a mother of two drivers, I wanted to appeal to you about the safety concerns on that road and cannot imagine it being any busier.

Mr. Chris Dauster wanted to add that he wants to know what this project is going to do to their neighborhood. He implored them to think about the project and how it will disrupt their neighborhood and the peace and quiet they currently have.

Ms. Angela Heely had a letter signed by many residents of Forest Hill Circle (on file) that she read aloud in opposition of the project becoming NMX and would instead like it to be RMX. Also, they are concerned specifically about Helen Meese’s property which is a historic farm and has been included in the potential rezoning.

Ms. Beverly Harden explained that we have to have progress and our town needs progress. She added that she hasn’t had any problems driving in that area and she is not opposed to the project and thinks it should be rezoned.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 8:22 p.m.

H-2. PARTF Grant. The public hearing was properly advertised on April 2, 2018 and April 9, 2018.

Mayor Harris opened the public hearing at 8:22 p.m.

Mr. Fatland reported that last year the City submitted an application for a PARTF Grant that included several projects and he attended the State board meeting last year and it appeared that applicants who asked for land acquisition only had a very high success rate so he met with the Parks, Trail and Recreation Committee and they recommended and approved a resolution to make application for land acquisition only and we would like to acquire additional properties to extend the Estatoe Trail which currently goes from the Davidson River Campground to McLean Road. We recently purchased the Comporium property to extend the trail plus a pedestrian bridge over Kings Creek. Additionally, we’re working with the Mary C. Jenkins Board and they’re donating their property as well. There is also the McMinn property donation that will add a leg to the trail. We’d like to get the grant submitted and the deadline is May 1st and we’re seeking Council support and this public hearing is required as part of the application.

Mr. Daniel added that he is Chair of the Parks, Trails and Recreation Committee and requested that the Depot reconstruction be deleted from the Resolution since it does not apply to the acquisition.

Public Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 8:30 p.m.

I. Public Participation -

Ms. Erica Damman & Royce Chestnut of 211 McMinn Avenue, spoke in support of the McMinn right-of-way and moving the bike path to the back of their property and exchanging their portion of the property for the right-of-way on McMinn to be closed allowing the front of their house be proper without a bike path in front of it and would still allow people to use the bike path on a continuous trail to Tannery Park. She added that since the bike path will be on three sides of their house, they would prefer a split rail fence and some screening, as well as, they are downhill from two roads and asked if the City could be aware of storm water development when they begin construction. She asked that since their house is bounded on three sides with the bike path, if the right-of-way can remain in its entirety and be given to them solely.

Mr. Pratt said that the City has never done that before and that he would have to look at the ordinance and get back to them.

Mr. John Wayne Hardison of 407 Whitener Road, offered his experience, expertise and education in arboriculture in light of the spruce tree possibly being removed in front of the courthouse. He would love to see the tree stay and has spoken to commissioners as well. The tree is healthy and Norway spruces are fairly bulletproof trees. He is willing to offer his services to help keep the tree safe while construction is going on.

Ms. Diana Zerby of 82 Jordan Road, wanted to ask what happened to the project on Caldwell Street. She also wanted to know what happened to the sewage system and why the project appears to have stopped. More importantly she wanted to discuss the danger of downtown walking. Traffic is turning even when it's time to walk and it's very dangerous all over town and believes it should be a four way stop where all lights turn red at the same time.

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. The Mayor suggested Council consider adding: New Business Items M-1, M-2, M-3, M-4, M-5, and M-6 (provided Attorney Mike Pratt has the appropriate deed drawn up). Mr. Daniel motioned, seconded by Mr. Landreth that said items be added to the Consent Agenda. Motion carried unanimously.

K-1. Staff Reports:

- a. Public Works Monthly Report, February 2018
- b. Financial Report for the month ended March, 2018

K-2. License Agreement-Chamber of Commerce Sculpture - A license agreement between the City of Brevard and Brevard/Transylvania Chamber of Commerce to place an otter sculpture on the Brevard/Transylvania Chamber of Commerce property.

K-3. Correspondence (No Action. Offered as information only.)

- a. System Development Impact Fee
- b. Transylvania County Building Permit Activity, March 2018
- c. Kings Creek Phase II-Final Inspection Report
- d. Kings Creek Phase III-Final Inspection Report
- e. Chamber of Commerce-Letter of Appreciation
- f. Arbor Day Foundation Letter-Tree City USA

K-4 (M-1) Ordinance No. 2018-06 - An Ordinance Ordering the Demolition of an Unsafe Structure at 661 King Street. City Council added this Ordinance to the consent agenda with the amendment that the City Attorney is authorized and

directed to file an appropriate lien against the premises, covering all costs including attorney's fees.

**ORDINANCE NO. 2018-06
AN ORDINANCE ORDERING
THE DEMOLITION OF AN UNSAFE STRUCTURE
AT 661 KING STREET**

WHEREAS, the Senior Code Enforcement Officer has determined that the building located at 661 King Street, Brevard, NC 28712 has suffered significant structural damage due to rot and decay resulting in prolonged water infiltration, causing further damage to the walls and flooring system, the structure is both open and vacant, plumbing and electrical systems have been removed; and,

WHEREAS, the structure is both dangerous and constitutes a public nuisance as defined by City Ordinance (Chapter 18, Article V, Section 18-132); and,

WHEREAS, the owner has been given notice of the inspection, pursuant to NCGS Sec. 160A-425; has been given notice of a hearing, held pursuant to NCGS Sec. 160A-428; and was ordered to repair or demolish the building and has failed to take action; and,

WHEREAS, it is the desire of this Council, in accordance with NCGS 160A-443, to cause the building to be demolished and removed.

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

SECTION 1: That the Senior Code Enforcement Officer is hereby ordered to proceed with, arrange for, and initiate all reasonable measures, to solicit bids for demolition and removal of the unsafe structure located at 661 King Street, Brevard, NC 28712 based on the finding of this Council that it is necessary for the City of Brevard to cause such demolition to protect the health, safety and general welfare of the citizens.

SECTION 2: That the City Manager is hereby authorized to enter an agreement with or contract for the service of a demolition contractor, as necessary to secure the services of such a demolition contractor recommended by the Senior Code Enforcement Officer, to provide for and proceed with the razing and removal of the unsafe structure located at 661 King Street, Brevard, NC 28712 and the City Attorney is authorized and directed to file an appropriate lien against the premises, covering all costs including attorney's fees.

SECTION 03. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 16th day of April, 2018.

**K-5. (M-2) Resolution No. 2018-08 A Resolution Declaring the Intent of the
Brevard City Council to Consider the Closing of St. Philips Lane**

**RESOLUTION NO. 2018-08
A RESOLUTION DECLARING THE INTENT
OF THE BREVARD CITY COUNCIL
TO CONSIDER THE CLOSING
OF ST. PHILIPS LANE**

WHEREAS, North Carolina General Statute 160A-299 authorizes the City Council to permanently close public streets and alleys; and

WHEREAS, the City has received a request to close St. Philips Lane, located at East Main Street and St. Philips Lane. The open street right-of-way is between ten feet (10') and thirty-five feet (35') in width, and is approximately four hundred and twelve feet (412' +/-) in length. The street right-of-way and the surrounding areas are owned by St. Philips Episcopal Church; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to permanently closing the aforementioned street right-of-way.

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

Section 1. That a Public Hearing will be held at 7:00 p.m., or as soon thereafter as possible, on Monday, May 21, 2018, in Council Chambers located at 95 West Main Street, Brevard, North Carolina, to consider an order to permanently close said street right-of-way.

Section 2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four (4) successive weeks prior to the Public Hearing in the Transylvania Times.

Section 3. The City Clerk is further directed to transmit by Certified Mail, Return Receipt Requested, to each owner of property abutting on said street right-of-way, a copy of this Resolution of Intent, and shall cause a notice of the Public hearing to be prominently posted in at least two places along the street.

Section 4. This Resolution of Intent shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of April, 2018.

K-6 (M-3) Resolution No. 2018-09 A Resolution Authorizing Applications for Grants and Contracts for the Acquisition of Property for the Estatoe Trail System. City Council added this Ordinance to the consent agenda with the amendment that the Depot reconstruction be deleted from the Resolution since it does not apply to the acquisition.

**RESOLUTION NO. 2018-09
A RESOLUTION AUTHORIZING
APPLICATIONS FOR GRANTS AND CONTRACTS FOR
THE ACQUISITION OF PROPERTY FOR
THE ESTATOE TRAIL SYSTEM**

WHEREAS, the City of Brevard intends to extend the Estatoe Trail to Rosman Highway; and

WHEREAS, the City of Brevard has developed the Estatoe Trail System from the Pisgah National Forest Davidson River Campground to McLean Street; and

WHEREAS, the City of Brevard received funding from the North Carolina Parks and Recreation Trust Fund for the acquisition of Tannery Park and for the extension of the Estatoe Trail; and

WHEREAS, the City of Brevard received a grant from NCDOT totaling \$400,000 with a 20% local match to build a pedestrian bridge over the Davidson River from the Estatoe Trail; and

WHEREAS, The City of Brevard received a donation of the Mary C. Jenkins Community Center Property to extend the Estatoe Trail into Tannery Park; and

WHEREAS, the City of Brevard purchased property from Comporium in the amount of \$75,000 to extend the Estatoe Trail along Railroad Avenue; and

WHEREAS, the City of Brevard is desirous to purchase additional properties for the Estatoe Trail System and to apply for grant funds from the North Carolina PARTF Grant Program; and

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

Section 1. The City Manager is hereby authorized to act on behalf of the City to apply for, accept, and administer grants supporting the extension of the Estatoe Trail; and

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

Adopted and approved this the 16th day of April, 2018.

K-7 (M-4) McMinn Right-Of-Way Abandonment. The owners of the McMinn property have proposed an alternate idea which will allow the City's bike path connection by granting the City a 20' easement along the rear of their property. This would be sufficient for a 10' bike path and maintenance easement along either side.

K-8 (M-5) Aldi Stormwater Easement. Aldi has requested an easement for their stormwater outfall into Lambo Creek due to the topography of the site.

K-9 (M-6) Execution of Deed requested by Bruce Thompson and others. City Council agreed to add this to the consent agenda with the agreement that the City Attorney have the appropriate deed drawn up for the City's signature.

L. Unfinished Business - None

M. New Business -

M-7. Ordinance No. 2018-07. An Ordinance Amending the Brevard City Code Relating to the Schedule of Taxes, Fees and Charges: General Fund. Mr. Landreth moved, seconded by Mr. Morrow that Council approve the Ordinance with the revised language that when a handicapped ramp is built, the \$50 fee shall be waived by the Planning Director. Motion carried unanimously.

**ORDINANCE NO. 2018-07
AN ORDINANCE AMENDING THE BREVARD CITY CODE
RELATING TO THE SCHEDULE OF TAXES,
FEES AND CHARGES: GENERAL FUND**

WHEREAS, it is the desire of the Brevard City Council to amend the Brevard City Code, relating to the fee for handicapped ramps built under the category, "Residential interior remodels, manufactured home replacement on existing space; additions, accessory structure and incidental improvement to a structure or manufactured home;"

WHEREAS, City Council has determined that the construction of handicapped ramps for persons in need, and who cannot afford the same, should be encouraged by the City of Brevard as a humanitarian gesture of good will;

WHEREAS, City Council has determined that the fifty dollar (\$50.00) fee under that category which is charged for a Code Inspection of a handicapped ramp should not be charged, but instead should be waived when the handicapped ramp is built by churches or church volunteers, by other tax-exempt organizations, or by friends, acquaintances or family of the home owners or occupants, without any expense for either labor or materials being paid by the owners or occupants;

WHEREAS, City Council has determined that to best facilitate this Ordinance change, Footnote 3 to the said **Schedule of Taxes, Fees and Charges: General Fund**, which relates to and clarifies this issue shall be and is hereby amended to read as per Section 1, below.

NOW, THEREFORE, it is hereby ordained as follows:

SECTION 1: Footnote 3 to the said **Schedule of Taxes, Fees and Charges: General Fund**, is hereby amended to read as follows:

Incidental Improvement. Any improvement that does not meet the definition of Substantial or Significant improvement, as defined above [in Footnote 2]. Incidental improvements include installation of handicapped ramps and entryways, awnings, unenclosed decks and patios, and lighting improvements and other minor, non-structural changes of an incidental nature. When a handicapped ramp is built, the fifty dollar (\$50.00) fee under this section shall be waived by the Planning Director.

SECTION 2: This change to the Footnote 3 to the said **Schedule of Taxes, Fees and Charges: General Fund** is to remain in effect from year to year as new Fee Schedules are adopted, unless or until changed by City Council.

SECTION 3: This Ordinance shall be effective upon adoption and approval.

Adopted and approved this the 16th day of April, 2018.

M-8. Ordinance No. 2018-08. An Ordinance Amending the Official Zoning Map of the City of Brevard to Rezone Properties from General Residential 4 to Neighborhood Mixed Use. Ms. Copelof moved, seconded by Mr. Landreth to approve the Ordinance for rezoning amending it to leave two properties within the proposed rezoning as General Residential 4 (GR4). Those properties being Helen Meece's farm off Rosman Highway in Forest Hills Circle off Glazener Road and the property owned by Martin Bawden below Helen's Meece's property and to rezone the other properties to Neighborhood Mixed Use (NMU). Motion passed 4-1 with Mr. Jones opposing.

**ORDINANCE NO. 2018-08
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF BREVARD TO REZONE PROPERTIES
FROM GENERAL RESIDENTIAL 4 TO NEIGHBORHOOD MIXED USE**

WHEREAS, Brevard City Council requests that the Official Zoning Map of the City of Brevard be amended by rezoning certain real properties from General Residential 4 to Neighborhood Mixed Use, such properties are described below, and which are hereafter referred to as the "Subject Properties":

Mary H. Anne Clevenger	422 Glazener Road	8585-16-2371-000
Mary Lynn Mixon	565 Nicholson Creek Road	8585-16-2518-000
Nigel W. & Julia A. Whittaker	535 Nicholson Creek Road	8585-16-1667-000
Ronald B. Smith et al.	746 Rosman Highway	8585-06-6740-000
Roger Ted McCall et al.	16 Hunnicutt Lane	8585-06-3317-000
Barbara A. White et al.	Rosman Highway	8585-06-6021-000

and,

WHEREAS, the City of Brevard Planning Board considered RZ18-002 on March 20, 2018 and unanimously recommended approval of this request; and,

WHEREAS, in accordance with North Carolina General Statute 160A-382(b), Brevard City Council finds the following:

1) That RZ18-002 is consistent with the following polices and goals of the City of Brevard 2015 Comprehensive Plan:

2015 Comprehensive Plan, Element 2: Economic Health:

OBJECTIVE 2.1: Expanded tax base. As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.

POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

2012 City of Brevard Vision Statement:

Foster economic diversity while enhancing the quality of life in an environmentally friendly way by creating an environment that promotes and encourages businesses, and business owners, attracted to and utilizing our natural assets of woods and water and our cultural/historic assets of music, arts, and outdoor recreation.

2) That RZ18-002 is inconsistent with the Future Land Use Map of the 2002 City of Brevard Land Use Plan, which prescribes "Mixed Use-Boulevard" future land uses:

Low Density land use Category:

These areas contain mostly one-family dwellings at an average density of not more than three dwelling units per acre and are mostly zoned R-1. Much of this land may not be served by public water and sewer and lot sizes should be adequate for an individual water supply and on-site sewage disposal. Typical lot sizes are 10,000 square feet or more. Agriculture occurs here and should continue to be allowed. Within this category opportunities for traditional, compact, rural commercial/community centers should be allowed to serve the daily needs of the surrounding community. Some of these areas, with their low-density development are prime candidates for conservation easements or the purchase/transfer of development rights to maintain their rural character.

3) That the size of the tract and the proposed uses are reasonable and appropriate within the context of the existing and proposed zoning districts and the prevalence of uses in the vicinity of the Subject Parcel.

4) That the proposed rezoning fully conforms to all applicable requirements of Brevard City Code.

WHEREAS, Brevard City Council desires to approve RZ18-002 as presented.

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

Section 1. The Official Zoning Map of the City of Brevard is hereby amended as described in Exhibit A.

Section 2. Ordinance shall become effective upon its adoption and approval.

Adopted and Approved this the ___ day of ____, 2018.

N. Remarks / Future Agenda Considerations

The Mayor mentioned the City's 150th anniversary celebration with a schedule of events, the first one being on April 26th at 1:30pm at Pisgah Forest Elementary for Arbor Day. He also thanked the City Attorney and City Manager for always keeping him informed.

Mr. Morrow gave praise to the new paint job on the old pump station on Neely Road. He also asked that Council get Rosman Highway safety on the calendar soon.

Mr. Landreth thanked, Jim Fatland, Daniel Cobb, Heath Seymour, Frank Porter, Melanie Spreen and especially Lou Holiday, Director of the Main Street Program in Hendersonville. He gave us a tour of downtown Hendersonville and an inside look at their downtown planning process last week. Our main goal was to get our hands on a better budget for our downtown streetscape master plan and I appreciate the opportunity to go over there to get a glimpse at another community. Lastly, one of our colleagues in County government has been reminding me of the quality of landscaping around our Public Works building on Cashier's Valley Road. I notice we've begun to put trees there. When we're looking at new landscaping, I hope our own property will place the same standards we place on developers in the community with regards to screening and proper size and proper placement of plant material. The challenge is that we're in the middle of a growing neighborhood. I just want us to remember that our equipment yards are equipment yards and we need them and I hope we'll look good for the Rosenwald neighborhood, Keystone Camp and the Music Center.

Mr. Jones wanted to thank staff, the City Attorney and the citizens of the Mary C. Jenkins board for doing their due diligence. They are probably some of the most passionate people I've worked with.

Ms. Copelof said she's concerned because a citizen stated they didn't feel they were getting adequate notice of the public hearing and asked how we can better advertise things that affect people. She suggested that we take a look at how we communicate with the public. She also suggested an agenda item for next month to have the Sierra Club here to talk about what is possible and provide feedback to the public about what we're doing to make a better environment.

O. Closed Session(s) - Mayor Harris asked the City Attorney if it would be appropriate for Council to hold three closed sessions to discuss matters of potential litigation and property acquisition. City Attorney advised pursuant to **GS § 143-318.11. (a)(3) and (5)** it would be appropriate to convene closed sessions on the matters. A closed session requires a separate motion, second and vote to discuss the matter. Council will enter and exit regular session for each closed session.

O-1. Closed Session #1 - At 9:40 p.m. Mr. Landreth moved, seconded by Mr. Daniel Council go into closed session to discuss a potential litigation. (A five minute break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session - At 10:30 p.m. Council resumed the meeting in regular session. The minutes of the closed session are authorized to be sealed.

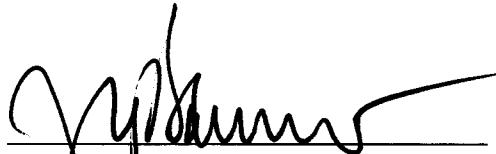
O-2. Closed Session #2 – At 10:30 p.m. Mr. Landreth moved, seconded by Mr. Jones, Council go into closed session to discuss a property acquisition matter. Motion carried unanimously.

Council Returned to Regular Session – At 10:42p.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 10:42 p.m. Mr. Landreth moved, seconded by Mr. Morrow Council go into closed session to discuss a property acquisition matter. Motion carried unanimously.

Council Returned to Regular Session – At 10:43 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.

P. Adjourn – There being no further business, Mr. Jones moved, seconded by Mr. Daniel the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 10:43 p.m.



Jimmy Harris
Mayor



Jill Murray
City Clerk

Minutes Approved: May 21, 2018