

**MINUTES  
BREVARD CITY COUNCIL  
Regular Meeting  
August 20, 2018 – 7:00 PM**

The Brevard City Council met in regular session on Monday, August 20, 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 Maureen Copelof, Gary Daniel, Charlie Landreth and Maurice Jones.

**Staff Present** – City Manager and Finance Director Jim Fatland, City Attorney Michael Pratt, City Clerk Jill Murray, Planning Director Daniel Cobb, Deputy Finance Director Tom Whitlock, Executive Assistant to City Manager Denise Hodsdon, Human Resources Director Kelley Craig, Interim Fire Chief Mike Galloway, Police Chief Phil Harris 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 Joy Rider, The River Church @ Pisgah Forest, offered an invocation.

**C. Pledge of Allegiance** – Mayor Harris led in the Pledge of Allegiance.

**D. Certification of Quorum** - The City Clerk certified a quorum present.

**E. Approval of Agenda** – Mr. Landreth moved, seconded by Mr. Morrow, the Agenda be approved as presented. Motion carried unanimously.

**F. Approval of Minutes** – Mr. Morrow moved, seconded by Ms. Copelof, the June 18, 2018 Regular Meeting minutes be approved as presented. Motion carried unanimously.

**G. Certificates / Awards / Recognition**

**G-1. Proclamation 2018-13** Constitution Week Proclamation was presented to Sharon Jenkins, Dayna Pollett, Nancy Davis, Peggy Bridges, Therese Zuccaro, Gloria Gunther, Charlene Nimer, Molly Tartt, Ruth Anderson and Portia Odell.

**Proclamation No. 2018-13  
Constitution Week  
September 17–23, 2018**

**Whereas**, September 17, 2018 marks the two hundred and thirty-first anniversary of the signing of the Constitution of the United States of America by the Constitutional Convention; and

**Whereas**, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

**Whereas**, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

**Whereas**, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

**NOW, THEREFORE, I, Mayor Jimmy Harris, and Brevard City Council of the City of Brevard, North Carolina do hereby proclaim September 17 through 23, 2018 to be**

**CONSTITUTION WEEK**

in the City of Brevard, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused to be affixed the Great Seal of the City of Brevard on this 20th day of August of the year of our Lord two thousand eighteen.

**G-2. Recognizing Desiree Perry for obtaining Master Municipal Clerk (MMC) Designation.** Mayor Harris read aloud the letter of confirmation stating that Desiree Perry had achieved designation as a Master Municipal Clerk.

**G-3. Recognizing Jill Murray for obtaining Certified Municipal Clerk (CMC) Designation.** Mayor Harris read aloud the letter of confirmation stating that Jill Murray had achieved designation as a Master Municipal Clerk.

**H. Public Hearing**

**H-1. St. Philips Lane Closure.** The public hearing was properly advertised for four consecutive weeks on May, 21, 2018, May 28, 2018, June 4, 2018 and June 11, 2018.

Mayor Harris opened the public hearing at 7:26 P.M.

Mr. Fatland reported that St. Philips Church requested closure of a public road and would like us to make it private and we would like to know the reason for the request.

Mr. Denis Bolena, Senior Warden of St. Philips Church explained that they had the opportunity to purchase the Comporium parking lot and they wanted to be contiguous from the church to the parking lot, which includes St. Philips Lane. He further explained that the church would not interfere with any easements to the City.

Public Participation – None.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:29 P.M.

**H-2. Proposed Amendment to UDO Chapters 2 & 3; District Provisions & Additional Use Standards.** The public hearing was properly advertised on August 6<sup>th</sup> and 13<sup>th</sup>, 2018.

Mayor Harris opened the public hearing at 7:29 P.M.

Mr. Cobb explained that right now in the City, child day care centers are allowed in most districts except in a residential if there are more than six children. This amendment is proposing to allow more than six children to be present in a facility in a general residential district. The key changes are to Chapter 2, District Provisions, which would modify the matrix to allow this use in a general residential district. Then in Chapter 3, there are specific standards that would be added to that to apply to child day care centers in homes which are permitted with standards. This would apply City-wide.

Ms. Heather Christiansen spoke in favor of this amendment. She went through the City's VISION course last year and found that Transylvania County desperately needs child care. General residential areas cost a lot less and one of the reasons that we don't have quality child care facilities is because of the affordability of opening it. Being in general residential areas is the most conducive for the families and it makes

our community livable. Given the waitlist that I already have and the people that stop me on the street to ask about availability, I think it's pretty substantial argument. I've done a lot of research on this and on top of my two Bachelor's Degrees and my Master's Degree, I've had to go back and get eighteen credit hours of additional child care schooling and early childhood education, administratorship and I've also added on infant/toddler certificate because infant need is the greatest. The facility that I'm looking at, located at 945 Country Club Road, would probably max out at about 27 children.

Public Participation – Lance Goler, works for Smart Start and the United Way on a project related to early childhood. He stated that the need for child care in Transylvania is great. The fact that we have little access to child care in the County means that prices for child care are higher and we are in the top 10% of child care costs in the state. Economically speaking, if the parents can get child care, then they can get a job.

Angela Owen, the Executive Director for VISION Transylvania, encouraged Council to consider this. She applauded Heather Christiansen for ceasing the opportunity and encouraged Council to come alongside and match up part of the VISION statement for Brevard with this great opportunity that we have for a solution in child care.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:50 P.M.

**H-3. Proposed Amendment to UDO Chapter 6; Environmental Protections.** The public hearing was properly advertised on August 6<sup>th</sup> and August 13<sup>th</sup>, 2018.

Mayor Harris opened the public hearing at 7:50 P.M.

Mr. Cobb explained that this change is mostly a formatting cleanup and that there are no changes to the regulations. The change is to provide clarity to the Environmental Chapter of the UDO that there are indeed flood regulations which apply within all of Brevard's jurisdiction.

Public Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:52 P.M.

**I. Public Participation** - None

**J. Special Presentation(s)** – City Council accepted the Transylvania County 2017 Tax Collectors Settlement Report, dated July 6, 2018, as presented by Shasta Moretz. Once again the Tax Office has done an excellent job with the Report showing a 99.89% collection rate. Mayor and Council commended the Tax Office Staff for their excellent work and service to the City and County.

**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. Mayor Harris recommended the Consent Agenda be amended to add New Business Items M-1 Resolution-St. Philips Lane; M-3 Ordinance-Proposed Amendment to the UDO Chapters 2&3; District Provisions & Additional Use Standards; M-4 Ordinance-Proposed Amendment to UDO Chapter 6; Environmental Protections; M-6 Probart Street Parking; and M-7 Board and Committee Appointments; Terrell Scruggs Scholarship Committee and asked that Council consider making Betty Scruggs an honorary lifetime member with voting privileges, and that the Consent Agenda be approved as amended. Mr. Landreth motioned, seconded by Mr. Morrow that items M1, M3, M4 M6 and M7 (as long as we ask Betty if she prefer that) be moved to the consent agenda. Motion carried unanimously.

**K-1. Staff Reports:**

- a. Finance Department Report, month ended June 30, 2018 (Unaudited)
- b. Public Works Department Report, May 2018 & June 2018
- c. Clerk’s Office July 2018 Report

**K-2. Ordinance 2018-20 FY17-18 Budget Ordinance Amendment No. Five**

**ORDINANCE NO. 2018-20  
FY2017-2018 BUDGET ORDINANCE  
AMENDMENT NO. FIVE**

**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); Budget Ordinance Amendment No. 2 (Ordinance No. 2017-25); Budget Ordinance Amendment No. 3 (Ordinance No. 2018-03); Budget Ordinance Amendment No. 4 (Ordinance No. 2018-12) and

**WHEREAS**, the FY2017-2018 Budget Ordinance Section 37 authorizes the Budget Officer to effect interdepartmental transfers, in the same fund, provided that no department budget shall be reduced by more than ten percent without prior approval of the City Council. Any such transfer shall be reported to the City Council at its next regular meeting and shall be entered into the minutes; and

**NOW, THEREFORE BE IT RESOLVED THAT THE FOLLOWING INTERDEPARTMENTAL TRANSFERS BE MADE WITHIN THE GENERAL FUND AND THE WATER AND SEWER UTILITY FUND. THE TOTAL GENERAL FUND AND WATER AND SEWER UTILITY FUND EXPENDITURES REMAIN UNCHANGED.**

**SECTION 02)** General Fund Expenditures by department are increased or decreased resulting in no increase to the total budget as shown below:

Public Works Streets Local	\$ 25,000
Planning Department	\$ (15,000)
Police Department	\$ (10,000)
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>

**SECTION 04)** Water and Sewer Utility Fund Expenditures by department are increased or decreased resulting in no increase to the total budget as shown below:

Water Distribution	\$ 30,000
Waste Water Collections	\$ (30,000)
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>

**SECTION 35)** That Revenue and Expenditures set forth below remain unchanged as a result of inter departmental transfers.

	<b>Budget</b>
<b>General Fund</b>	<b>\$ 10,324,944</b>
<b>Water &amp; Sewer Utility Fund</b>	<b>\$ 5,694,874</b>
<b>Utility Capital Projects Fund</b>	<b>\$ 8,236,374</b>
<b>Capital Reserve Fund</b>	<b>\$ -</b>
<b>Fire District Fund</b>	<b>\$ 1,960,140</b>
<b>Terrell L. Scruggs Scholarship Fund</b>	<b>\$ 22,000</b>
<b>Bjerg Fund</b>	<b>\$ 100</b>
<b>Other Post-Employment Benefits Fund</b>	<b>\$ 18,750</b>
<b>Health Insurance Fund</b>	<b>\$ 1,359,753</b>
<b>Heart of Brevard MSD Fund</b>	<b>\$ 134,000</b>
<b>Housing Trust Fund</b>	<b>\$ 19,934</b>
<b>Multi-use Paths Fund</b>	<b>\$ 390,000</b>
<b>911 Communications Fund</b>	<b>\$ 40,163</b>
<b>Narcotics Task Force Fund</b>	<b>\$ 130,100</b>
<b>Rosenwald Revitalization Fund</b>	<b>\$ 111,191</b>
<b>Downtown Master Plan Fund</b>	<b>\$ 943,264</b>
<b>TOTAL BUDGET APPROPRIATIONS</b>	<b>\$ 29,385,587</b>

APPROVED ON THE 30<sup>TH</sup> DAY OF JUNE 2018

**K-3. Resolution 2018-19** A Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition for Annexation.

**RESOLUTION NO. 2018-19**

**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 May 25, 2018, requesting the annexation of a contiguous area described in said Petition as the Tony and Alison Rast property located at 2211 Asheville Highway, Brevard, NC, 28712, be annexed into the City of Brevard. (Tax Property Identification Number: 8597-34-1528-000)

**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 August, 2018.

**K-4. Amendment 2018 Meeting Schedule.** Council changed their regularly scheduled October 15<sup>th</sup> City Council Meeting to be on Monday October 8<sup>th</sup>, 2018. Brevard's 150<sup>th</sup> Anniversary event, "Movie Night Celebrating Diversity" and the movie Almost Cured will be shown on the evening of October 15th at Brevard High School.

**K-5. Correspondence** (No Action. Offered as information only.)

- a. Transylvania Community Arts Council Gallery Walk Count, June & July
- b. Transylvania County Building Permit Activity, June 2018 & July 2018
- c. ABC Adopted Budget for FY2018-2019

**K-6. (M-1) Resolution 2018-20** A Resolution Ordering the Permanent Closure of St. Philips Lane.

**RESOLUTION NO. 2018-20**

**A RESOLUTION ORDERING THE PERMANENT CLOSURE OF ST. PHILIPS LANE  
PURSUANT TO NCGS § 160A-299**

**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**, pursuant to N.C.G.S. 160A-299, a Resolution of Intent was adopted by the City Council declaring its intent to close the said right-of-way and provide notice as directed by the requirements of N.C.G.S. 160A-299; and

**WHEREAS**, said notice was published in the Transylvania Times, a newspaper having general circulation in the City of Brevard for four (4) successive weeks prior to the date of the public hearing; was sent via registered or certified mail to each owner; and provided via posted signs in at least two (2) places along said right-of-way; and

**WHEREAS**, following this public hearing, it appears to the satisfaction of the Brevard City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived reasonable means of ingress and egress;

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

**Section 1.** The City Council of the City of Brevard declares that said right-of-way being known as St. Philips Lane is hereby ordered closed, subject, however, to the reservation by the City of Brevard of an easement in the entire area hereinabove described for the construction, operation, maintenance and replacement of all public utilities located therein including water, sewer and storm drainage lines and facilities.

**Section 2.** All right, title and interest that may be vested in the public to said area for street purposes is hereby released to the abutting property owners in accordance with the provisions of N.C.G.S. 160A-299.

**Section 3.** The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Transylvania County a certified copy of this Resolution.

**Section 4.** A plat documenting said right-of-way closures be recorded in the Office of the Register of Deeds of Transylvania County, at which time the closures described herein shall become effective.

Adopted and approved this the 20<sup>th</sup> of August, 2018.

**K-7 (M-3) Ordinance 2018-17** Amending the Unified Development Ordinance Chapter 2 District Provisions & Chapter 3 Additional Use Standards.

**ORDINANCE NO. 2018-17**

**AN ORDINANCE AMENDING THE  
UNIFIED DEVELOPMENT ORDINANCE  
CHAPTER 2 DISTRICT PROVISIONS &  
CHAPTER 3 ADDITIONAL USE STANDARDS**

WHEREAS, a public hearing was conducted on August 20, 2018, to amend Unified Development Ordinance Chapter 3 Additional Use Standards & Chapter 19 Definitions; and,

WHEREAS, the amendment was considered by the Brevard Planning Board at their June 19, 2018 meeting and recommend City Council approve the amendments as presented; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the City of Brevard Comprehensive Plan, specifically the following sections:

*ELEMENT 4: LIVABLE COMMUNITIES*

*GOALS*

*With a strong sense of community that supports livability for all, Brevard will:*

- *Foster efficient land use, support a mix of housing types, increase efficiency of public utilities and services and accommodate multiple modes of transportation.*
- *Enjoy a network of complete neighborhoods that provide for all types of residents.*
- *Provide the services and amenities that allow residents to live happy, healthy, productive lives.*

*OBJECTIVE 4.2: Develop a system of "complete neighborhoods" throughout Brevard. (This is a multi-faceted objective that will rely on objectives and policies from other elements as well.)*

*POLICY 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.*

and,

WHEREAS, the City Council of the City of Brevard, after hearing all persons wishing to comment on the amendment, desires to approve said amendment.

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

**SECTION 1.** In accordance with N.C.G.S 160A-364, as amended and Brevard City Code, the Unified Development Ordinance is hereby amended as described herein.

SECTION 2. SEVERABILITY. If any provision of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 20<sup>th</sup> day of August, 2018.

**K-8 (M-4) Ordinance 2018-18 Amending the Unified Development Ordinance Chapter 6 Environmental Protection.**

**ORDINANCE NO. 2018-18**

**AN ORDINANCE AMENDING THE  
UNIFIED DEVELOPMENT ORDINANCE  
CHAPTER 6  
ENVIRONMENTAL PROTECTION**

WHEREAS, a public hearing was conducted on August 20, 2018, to amend Unified Development Ordinance Chapter 6, Environmental Protection; and,

WHEREAS, the amendment was considered by the Brevard Planning Board at their May 15, 2018 meeting and recommend City Council approve the amendments as presented; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the City of Brevard Comprehensive Plan, specifically the following sections:

*OBJECTIVE 3.1: Preservation of surrounding natural assets of mountains, farmlands, woods, and water for future generations.*

*POLICY 3.1.A: Continue using land development regulations and incentives to steer future development away from environmentally sensitive areas such as steep slopes and floodplains.*

and,

WHEREAS, the City Council of the City of Brevard, after hearing all persons wishing to comment on the amendment, desires to approve said amendment.

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

SECTION 1. In accordance with N.C.G.S 160A-364, as amended and Brevard City Code, the Unified Development Ordinance is hereby amended as described herein.

SECTION 2. SEVERABILITY. If any provision of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 20<sup>th</sup> day of August, 2018.

**K-9 (M-6) Ordinance 2018-19 Amending the Traffic Schedule and Brevard City Code to Place No Parking Signs on East Probart Street.**

**ORDINANCE NO. 2018-19**

**AN ORDINANCE AMENDING THE TRAFFIC SCHEDULE  
AND BREVARD CITY CODE TO PLACE NO PARKING SIGNS  
ON EAST PROBART STREET**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT THE TRAFFIC SCHEDULE AND THE BREVARD CITY CODE SHALL BE AMENDED AS FOLLOWS:

**Section 1.** Chapter 66, Article I, Schedule I, Section 66-122 of the Brevard City Code and the City's Traffic Schedule is hereby amended as described below:

- a) Both sides of EAST PROBART STREET from its intersection with North Broad Street, eastward to the terminus of EAST PROBART STREET.

**Section 2.** The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Brevard Traffic Schedule to reflect the change as set forth herein.

**Section 3.** The City Manager of the City of Brevard is hereby authorized and directed to cause the appropriate signs to be installed and enforcement of the foregoing provisions to be implemented.

**Section 4.** This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this 20<sup>th</sup> day of August, 2018.

**K-10 (M-7) Board and Committee Appointments-Terrell Scruggs Scholarship Committee.** Council made the decision to make Betty Scruggs an honorary lifetime member with voting privileges so long as she is ok with that.

#### **L. Unfinished Business – Parking In-Lieu Fees.**

Mr. Fatland stated that on June 18<sup>th</sup>, 2018, City Council approved the budget and fee schedule and we went from \$500 to \$14,500 for parking in lieu fees. We did get some pushback for the fee being too high and the Downtown Master Plan Committee asked that we consider charging no fee until we come up with a plan.

Mr. Cobb added that the figure that was included in the budget discussion was the pure cash investment on behalf of the City to acquire the lot on Jordan Street, construct the parking facility and open up the parking facility, then divide that by how many spaces we have over there and it works out to \$14,500 per space. The concept behind the fee in lieu is if someone is developing and they either can't provide or do not want to provide any kind of parking, they can opt to pay a fee in lieu to the City. In exchange, the City would come in behind and construct parking of some kind. There's a couple of options that the developer can choose. The developer can lease space somewhere offsite, they can use a public lot within a quarter mile of their space, they can pay a fee in lieu or they can simply build the parking that they need for their facility. This isn't something that happens every day, but it is a consideration, especially with the interest we've had downtown over the last few months.

Mr. Landreth stated that if the reality is that additional parking is going to have to be substantially subsidized by local government to the tune of at least 95%, why are we even bothering developers with a fee in lieu amount. He added that we could define our fee in lieu the way the state does social security where whatever you pay, helps the City fund future parking projects. We need to define it differently.

Ms. Copelof agrees that it was a massive jump in cost but is concerned about not charging a fee at all. Keeping something that encourages a business when they are thinking of expanding or changing or developing, that's really an issue that we need to work on together. If we take it out and say it's going to be a City's issue, when really we should all work together on it. I'm concerned about just doing away with it. I would prefer to see something that at least requires our business partners to really consider how they can help deal with this issue.

Mr. Fatland added that maybe we consider that if we charge a certain fee, say \$5,000 to the developer, anytime we do that, the City needs to be prepared to transfer the difference maybe into a parking fund so we could generate sufficient money.

Mr. Heath Seymour from Heart of Brevard said there was a concern with the fee changing. I called over to Hendersonville and they do not do it. This is definitely a good time to step back and review it. If you don't have a parking problem, then you have a problem. We're in a good place here and people are interested and that \$14,500 fee would stop people.

Mr. Daniel stated that we have a perceived parking problem. We're ignoring the study that says we have plenty of parking, but we have a potential for a problem. As for putting this off, I don't want to put it off indefinitely. I want us to come up with a good



idea and come up with a time frame. I think the increase hurts restaurants but it doesn't affect offices. It's if you're new. It needs to be taken care of sooner than later.

Ms. Copelof motioned, seconded by Mr. Jones that they suspend the parking in lieu fees for 12 months and to address it at the strategic planning session in the fall. Motion carried unanimously.

### **M. New Business**

**M-2 Resolution No. 2018-21** A Resolution Supporting the Effort to Complete the City's Multi-Use Path Priorities Within Three Years.

#### **RESOLUTION NO. 2018-21**

##### **A RESOLUTION SUPPORTING THE EFFORT TO COMPLETE THE CITY'S MULTI-USE PATH PRIORITIES WITHIN THREE YEARS**

**WHEREAS**, Brevard is a safe, friendly, family-oriented city with small town charm, outdoor recreation, arts, & culture that bring investment opportunities, environmental consciousness, and economic diversity; and,

**WHEREAS**, the City's Comprehensive Plan calls for connecting neighborhoods to the greenway system (*Policy 4.2.B: Connect neighborhoods to the greenway system with spur connections. Policy 5.2.F: Look for opportunities to connect greenways to neighborhoods.*), expanding the greenway system to include connections to waterways such as King Creek (*Policy 4.3.A: Expand the City's greenway system to connect with the French Broad River, Davidson River, King's Creek, and other mountain streams that travel through Brevard.*), and updating and implementing the Pedestrian Plan (*Policy 5.2.A: Update and implement the City's Bicycle and Pedestrian Plan, which prioritizes new sidewalk projects, new greenway projects, and facility maintenance.*); and,

**WHEREAS**, the City of Brevard has a history of building its greenway system of multi-use paths; and,

**WHEREAS**, Parks, Trails, and Recreation Committee unanimously recommended approval of the updated Pedestrian Plan, including a map of the multi-use path priorities on February 21, 2018; and,

**WHEREAS**, City Council unanimously voted to approve the updated Pedestrian Plan, including a map of the multi-use path priorities on March 19, 2018; and,

**WHEREAS**, a copy of these priorities is shown on Exhibit A.

**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 and directed to pursue all easements, right-of-ways, financing, designs, contracts, and other actions as necessary to fully construct the Multi-Use Path Priorities identified in the City of Brevard Pedestrian Plan by June 30, 2021.

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

Adopted and approved this the 20<sup>th</sup> day of August, 2018.

**M-5 Strategic Planning Session.** Mr. Fatland explained that rather than waiting until January, perhaps we could have a fall session which would allow us to move expeditiously in January.

Mr. Landreth moved, seconded by Ms. Copelof that the Clerk set a date in October or November on either a Thursday or Friday for a strategic planning session and said date shall be approved at the September Council meeting.

### **N. Remarks / Future Agenda Considerations**

Mayor Harris expressed concern and asked for prayers for Wayburn Shelton, the gentleman that was shot at the Cardinal Drive-In. Further, he attended the back to school event and it was a good event and added that children are a great resource for us and it was wonderful for them to see that we were there.

Charlie Landreth said that several of the Council members are VISION alums and he was pleased to see someone come from VISION Brevard and change policy.

Maurice Jones was really excited to see the Chief of Police and Sheriff Mahoney turning hot dogs yesterday and wished he had gotten a picture.

Maureen Copelof was pleased to see the lady speak about the child care and is happy about the strategic planning session.

Jim Fatland noted that the annual League of Municipalities conference is coming and if any Council members would like to attend, they need to get with the City Clerk.


**O. Closed Session(s)** - Mayor Harris asked the City Attorney if it would be appropriate for Council to hold a closed session to discuss a personnel matter. City Attorney advised pursuant to **GS § 143-318.11. (a)(3)(5)(6)** it would be appropriate to convene a closed session on the matter. 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 8:38 p.m. Mr. Landreth moved, seconded by Ms. Copelof, Council go into closed session to discuss a personnel matter. Motion carried unanimously. (A three minute break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session - At 9:09 p.m. Council resumed the meeting in regular session. Mr. Landreth asked the City Manager what his intention is to hire a full-time Fire Chief. Mr. Fatland stated that at the last Council meeting, the Fire Department interpreted that Council wanted to delay approving a full-time Fire Chief, however, he would like to proceed.

Mayor Harris asked if there was consensus among Council members to proceed and they unanimously agreed. Mayor Harris then asked Mr. Fatland to address Mr. Landreth's concern and proceed with recruitment of a full-time Fire Chief and stated that the Council supports Mr. Fatland's authority as the City Manager to make this decision. Minutes of the closed session are authorized to be sealed.

**P. Adjourn** - There being no further business, Mr. Landreth moved, seconded by Mr. Daniel, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:10 P.M.

  
 \_\_\_\_\_  
 Jimmy Harris  
 Mayor

  
 \_\_\_\_\_  
 Jill Murray, CMC  
 City Clerk

Minutes Approved: September 17, 2018