

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
September 17, 2018 – 7:00 PM

The Brevard City Council met in regular session on Monday, September 17, 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, Interim Fire Chief Bradley Elmore, 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 Richard Jelley, offered an invocation.

C. Pledge of Allegiance – Zach Trent and Caleb Trent of the Boy Scouts led in the Pledge of Allegiance as they work on their Eagle Scout Badge.

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

E. Approval of Agenda – Mr. Jones suggested moving item J, special presentation from the Brevard Housing Authority, in front of item H, Public Hearing, as the participants will need to leave early. Attorney Michael Pratt also wished to add a letter regarding the county courthouse staying downtown to consent as item #5. Mr. Landreth moved, seconded by Mr. Morrow, the Agenda be approved as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Morrow moved, seconded by Mr. Jones, the August 20, 2018 Regular Meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition – None

J. Special Presentation(s) – Mr. David Nash, COO, Asheville Housing Authority, who was accompanied by BHA Manager Rhodney Norman, and BHA Board Members Judith West and Rodney Locks, presented the report. Mr. Nash described BHA as 367 residents living in five small neighborhood properties, including 154 children and youth; has a strong local staff, led by a community-centered board appointed by City Council. Technical assistance and executive leadership is under a long-standing contract with Asheville Housing Authority. He presented a power-point that described the Demographics including race/ethnicity, age, family size and income; How They're Doing with a 98% occupancy rate, completing a coin-op laundry room for residents located at Central Office, all unit have a/c, and the conversion of one 4BR unit to a 3BR accessible unit is complete, which rounds out accessibility at 5% of total units; and Community Outreach they've hired a new resident services staff who is developing a Family Self-Sufficiency Program, collaborating with the Haven to provide a permanent option for people experiencing homelessness and working with the Sharing House and other agencies to help residents with needed financial assistance.

H. Public Hearing

H-1. Proposed Amendments to UDO Chapter 2, District Provisions; Chapter 6, Environmental Protection; Chapter 8, Tree Protection and Landscaping; Chapter 9, Circulation and Connectivity; Chapter 12, Signs; Chapter 13, Infrastructure Improvement Requirements; Chapter 16, Administration; Chapter 19, Definitions.

Mayor Harris opened the public hearing at 7:37 P.M.

Mr. Cobb explained that this is one hearing with a number of different topics. He started with Chapter 2, District Provisions and Chapter 6, Environmental Provisions. There is not a lot land area that is zoned general industrial and the land that is zoned general industrial, we're trying to make the most use of. He referred to pages 20, 21 and 22 that is supporting documentation provided by the Transylvania Economic Alliance to compare the City of Brevard's setbacks to a number of other communities. The average front yard setback for industrial setbacks is 27' or 30' from a residential district; 15' on the side or 19' from a residential district; 19' feet in the rear and 21' from a residential district. Brevard's standard is 40' from every property boundary. The proposal tonight is to reduce the front yard setback of general industrial from 40' to 15' and then on the side and the rear to go from 10' if its next to a residential district to 25', so it picks up a little bit of room.

Mr. Jones asked what the main benefit would be for doing this and Mr. Cobb said that we would be picking up a lot more land that would be available for development.

Mr. Daniel stated that currently we require a D buffer which is opaque between industrial and residential. If we're going to make this change, we should make a change to the buffer definition. We need a 10' opaque buffer rather than the type B buffer which really isn't a buffer. On page 31, the bottom line of the chart "GI" should be D, D, D, D not B, B, A, A. The 25' setback makes it a D type to protect residents that may live in those four zones. It doesn't change the setbacks, it changes the character of the buffer within that 25'. So in essence, 25' setbacks with a D buffer.

Mr. Cobb confirmed that we would add a new buffer to the table and the performance standard would be completely opaque and it would be 25' in width. Mr. Daniel confirmed yes. Mr. Jones added that the bottom line of the chart would now have a new letter representing the buffer.

Mr. Cobb moved on to the next change, UDO Chapter 12, Signs, which is an administrative change. This year during the budget discussion, the fee for political signs changed from \$500 down to \$250, and the ordinance still said \$500 deposit so they were conflicting. This is an administrative change to take out the \$500 and have it say that they must submit a deposit to the City in accordance with the current Schedule of Taxes, Fees and Charges.

Mr. Cobb referred to page 50, UDO Chapter 16, Administration, which creates a certificate of compliance. Frequently, someone wants to move a business from location A to location B and they're a retail establishment and they're moving into a space that was used for retail but perhaps a different kind of business. For years, the City has been issuing change of use permits which causes a great deal of confusion. So, we've put together a certificate of compliance which is similar to a zoning consistency determination which is something that currently exists in the ordinance and is prepared at the request of an applicant or property owner or lending institution. They're put together to outline the facts of the given piece of property and tells you the facts of the given property. The certificate of compliance will say they're in compliance.

Mr. Cobb refereed to page 58, UDO Chapter 6, Environmental Protection; Chapter 13, Infrastructure and Chapter 19, Definitions. The intent is to recognize that development in the City is largely infill development which is just what it sounds like.

Properties filling in holes between properties. That's not formally recognized in the City ordinance so this change adds the definition to the ordinances to recognize infill development. It also creates some consistency across the different standards by exempting properties of smaller scale development from having to do certain things like stormwater management so you get a higher threshold. Right now the threshold is 4 or more dwelling units, the proposal is to go to 8 or more dwelling units. There's a similar change to Chapter 13 which is where pedestrian infrastructure is mentioned. That also goes up to 8 dwelling units. On page 65 is a change to the cul-de-sac language and the last change is to "definitions" and that's just defining the word "infill".

Ms. Copelof asked about doubling the units and the impact that could have and asked if we're creating a bigger problem. Mr. Cobb said it does open the door for greater development and less stormwater management but a lot of the development the City is seeing in the last few years has been developed on a very small scale, very narrow homes and very narrow lots and people are trying to do that to take advantage of lots that exist and have accessible utilities. Again, this is only for residential development. Commercial development would still be required to do it.

Mr. Cobb referred to page 72, UDO Chapter 9, Circulation and Connectivity. We are specifically looking at the separation requirements for driveway cuts from driveway cuts and intersections. He referred to the table on page 76. The proposal is to get rid of the categories, Commercial Services, Alley, Neighborhood Street and Local Collector Street and base it purely on the posted speed limit of the street itself. The driveway cuts would be reduced slightly to reflect those lower speeds.

Mr. Hallingse explained that the reason for looking into the setbacks arose over the last year and a half, working with existing companies on issues that affect their ability to retain a business here or grow here. We heard feedback that setbacks were an issue and that generated our office looking at where our industrial districts are, how are they set up, what is the specific rationale for the setbacks, how do they come about and try to understand historically what role did they play. When we began looking at the industrial districts in Brevard, it became apparent to us that many of these industrial districts are already built out so there's very few vacant industrial properties. Most of them already have existing structures on them so many of those are already out of compliance with the existing UDO and 40 foot setbacks, so that's what prompted us to begin working with the City Planning office. We're trying to mirror what's built on the ground.

Public Participation – None.

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

At 8:31 P.M. Mayor Harris called for a ten minute break. ~~

I. Public Participation - 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. Mayor Harris recommended the Consent Agenda be amended to add New Business Items M-1 Ordinance-Proposed Amendment to UDO Chapter 2, District Provisions and Chapter 8, Tree Protection and Landscaping; M2- Ordinance-Proposed Amendment to UDO Chapter 12, Signs; M-3 Ordinance-Proposed Amendment to UDO Chapter 16, Administration; M4 Ordinance-Proposed Amendment to UDO Chapter 6, Environmental Protection; Chapter 13, Infrastructure Improvement Requirements and Chapter 19, Definitions; M5 Ordinance-Proposed Amendment to UDO Chapter 9, Circulation and Connectivity; M6 Ordinance-Proposed Amendment to UDO Chapter 70, Utilities and that the Consent Agenda be approved as amended. Mr. Landreth motioned, seconded by Mr. Daniel that items M1 (with the change of an additional

buffer E that's 25' wide instead of 30' wide, M2, M3, M4, M5 and M6 be moved to the consent agenda. Motion carried unanimously.

K-1. Staff Reports:

- a. Financial Report for month ending August, 2018
- b. Public Works Department Report, July 2018
- c. Ordinance-Street Closure for Halloweenfest

K-2. Mary C. Jenkins Community Center Demolition. A letter from the Fire Department stating that they are hoping to use the center as a training opportunity. Once all necessary paperwork is processed and the removal of hazards and asbestos are complete, they are hoping for a burn date around the beginning of November.

K-3. Set Date for Strategic Planning Session.

For the past several months, there has been discussion amongst Council, management and staff about project priorities. Staff requested City Council select a date and time to meet for a one-day planning session. Council and staff agreed on all day on Friday, November 1, 2018 for this meeting. A calendar request will be sent to all Council members.

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

- a. Transylvania Community Arts Council Gallery Walk-August 2018.
- b. August 2018 City-County Building Permit Activity Report.

K-5. Correspondence from Attorney Mike Pratt. Letter from Mike Pratt to Commissioner Larry Chapman regarding keeping the Courthouse downtown and explaining that a group of informal citizens have met to discuss and plan for a win-win solution to resolve the main concerns of County Commissioners.

K-6. (M-1) Ordinance 2018-22 Proposed Amendment to UDO Chapter 2, District Provisions and Chapter 8, Tree Protection and Landscaping.

ORDINANCE NO. 2018-22

**AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 2 DISTRICT PROVISIONS &
CHAPTER 8 TREE PROTECTION & LANDSCAPING**

WHEREAS, a public hearing was conducted on September 17, 2018, to amend Unified Development Ordinance Chapter 9 Access Management; and

WHEREAS, the amendment was considered by the Brevard Planning Board at their on June 19, 2018 and August 21, 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 2: ECONOMIC HEALTH

GOALS

With an environment that encourages private and public investment built through strategic partnerships and cultivation, Brevard will:

- *Be and economically viable community.*
- *Expand and strengthen its tax base*
- *Support reinvestment in existing business as well as the establishment of new businesses.*

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

POLICY 2.1.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

ELEMENT 3: ECONOMIC HEALTH

GOALS

Through appropriate conservation and preservation measures that protect the health and sustainability of the environment and our abundant natural resources, Brevard will:

- *Successfully preserve our woods and water for future generations.*
- *Promote our world-class natural resources as an asset.*
- *Prevent development in environmentally sensitive and critical areas.*
- *Preserve farmland.*

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.

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 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.

POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.

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. 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. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 17th day of September, 2018.

K-7 (M-2) Ordinance 2018-23 Proposed Amendment to UDO Chapter 12, Signs.

**ORDINANCE NO. 2018-23
AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 12 SIGNS**

WHEREAS, a public hearing was conducted on September 17, 2018, to amend Unified Development Ordinance Chapter 12, Signs; and

WHEREAS, the amendment was considered by the Brevard Planning Board at their on June 19, 2018 and August 21, 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 neither consistent nor inconsistent with the City of Brevard Comprehensive Plan; 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. 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. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 17th day of September, 2018.

K-8 (M-3) Ordinance 2018-24 Proposed Amendment to UDO Chapter 16, Administration.

**ORDINANCE NO. 2018-24
AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 16
ADMINISTRATION**

WHEREAS, a public hearing was conducted on September 17, 2018, to amend Unified Development Ordinance Chapter 16 Administration; and

WHEREAS, the amendment was considered by the Brevard Planning Board at their August 21, 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 neither consistent nor inconsistent with the adopted plans and policies of the City of Brevard; 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. 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. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 17th day of September, 2018.

K-9 (M-4) Ordinance 2018-25 Proposed Amendment to UDO Chapter 6, Environmental Protection; Chapter 13, Infrastructure Improvement Requirements and Chapter 19, Definitions.

**ORDINANCE NO. 2018-25
AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 6 ENVIRONMENTAL PROTECTION, CHAPTER 13
INFRASTRUCTURE IMPROVEMENT REQUIREMENTS
& CHAPTER 19 DEFINITIONS**

WHEREAS, a public hearing was conducted on September 17, 2018, to amend Unified Development Ordinance Chapter 6 Environmental Protection, Chapter 13 Infrastructure Improvement Requirements, and Chapter 19 Definitions; and

WHEREAS, the amendment was considered by the Brevard Planning Board at their August 21, 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 2: ECONOMIC HEALTH

GOALS

With an environment that encourages private and public investment built through strategic partnerships and cultivation, Brevard will:

- *Be an economically viable community.*
- *Expand and strengthen its tax base.*
- *Support reinvestment in existing business as well as the establishment of new businesses.*

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.

POLICY 2.1.C: Prioritize transportation and utility investments within corporate limits to support infill development. This includes evaluating the City's current water and sewer systems to identify gaps in service and under-served areas within the City, prioritizing these areas based upon their potential for supporting new development, and marketing these investments as incentives to attract new development.

ELEMENT 3: ENVIRONMENTAL HEALTH

GOALS

Through appropriate conservation and preservation measures that protect the health and sustainability of the environment and our abundant natural resources, Brevard will:

- *Successfully preserve our woods and water for future generations.*
- *Promote our world-class natural resources as an asset.*
- *Prevent development in environmentally sensitive and critical areas.*
- *Preserve farmland.*

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

POLICY 3.1.D: Seek out and develop innovative solutions to protect water quality while reducing the cost of stormwater management to private developers.

POLICY 3.1.E: Revise development regulations to encourage and incentivize the use of Low Impact Design techniques to manage stormwater.

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 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.

POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.

POLICY 4.2.H: Promote and encourage renovation of existing housing stock to reduce utility and maintenance costs for owners and occupants, conserve energy, and reduce pollution.

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. 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. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 17th day of September, 2018.

K-10 (M-5) Ordinance 2018-26 Proposed Amendment to UDO Chapter 9, Circulation and Connectivity.

**ORDINANCE NO. 2018-26
AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 9
CIRCULATION AND CONNECTIVITY**

WHEREAS, a public hearing was conducted on September 17, 2018, to amend Unified Development Ordinance Chapter 9 Access Management; and

WHEREAS, the amendment was considered by the Brevard Planning Board at their August 21, 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 2: ECONOMIC HEALTH

GOALS

With an environment that encourages private and public investment built through strategic partnerships and cultivation, Brevard will:

- *Be an economically viable community.*
- *Expand and strengthen its tax base.*
- *Support reinvestment in existing business as well as the establishment of new businesses.*

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.

POLICY 2.1.C: Prioritize transportation and utility investments within corporate limits to support infill development. This includes evaluating the City's current water and sewer systems to identify gaps in service and under-served areas within the City, prioritizing these areas based upon their potential for supporting new development, and marketing these investments as incentives to attract new development.

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 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.

POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.

POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character while allowing greater residential density and intensity of nonresidential development within mixed use zoning areas.

POLICY 4.2.H: Promote and encourage renovation of existing housing stock to reduce utility and maintenance costs for owners and occupants, conserve energy, and reduce pollution.

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. 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. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 17th day of September, 2018.

K-11 (M-6) Ordinance 2018-27 Proposed Amendment to UDO Chapter 70, Utilities.

**ORDINANCE NO. 2018-27
AN ORDINANCE AMENDING
BREVARD CITY CODE
CHAPTER 70 UTILITIES**

WHEREAS, the City Council of the City of Brevard finds that the proposed amendments to Chapter 70 of Brevard City Code are in the best interests of the Citizens of Brevard; and

WHEREAS, the City Council of the City of Brevard, desires to approve said amendment.

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

SECTION 1. Brevard City Code Chapter 70 is amended as described herein.

SECTION 2. 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. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 17th day of September, 2018.

L. Unfinished Business - None

M. New Business

M-7. Train Depot Project Update. Mr. Fatland explained that this item went before the Parks, Trails and Recreation Committee and they recommended that it come before Council for their decision.

Mr. Cobb explained that the City has been looking at rebuilding the original train depot since late last fall. The parts were identified and inventoried and to a certain extent, reviewed for the compatibility and practicality. We've been working with Doug

Harris from Harris Architects and Harlow Brown from Brown Engineering to put together a design, not only for the depot, but for the next phase of the City's bike path extension going from McLean all the way up to Whitmire Street which will ultimately get us up to Probart and then hopefully down to the Tannery Park and beyond. The intent was to recreate the original depot that was built in 1914. The parts that still remain in existence were in fairly rough condition and not really suitable for repurposing. The original design was the exact same size as the original depot which was 40' x 120'. The cost of that was roughly one million dollars so we went back to the drawing board and modified the design and shrunk it a bit so it is now 90' x 40', changed out the roofline and instead of using the clay shingles, we're going with an architectural shingle on the roof. The floor plan consists of restrooms that will be open year round, an event space (an enclosed event space in the middle) and on the left side will be a covered platform. We've been fundraising through the sale of bricks and that's where we're proposing all of the bricks go, under the roof. So there will be an event space that could be closed or open on three sides and that is 23' x 27', then the covered platform is 28' x 32'. The final design of the event space will be something that can be open air and then you could close it in the cooler months of the year and it would be heated. There is an entrance to the restrooms from both the inside and outside. We have worked with Mr. Harris and Mr. Brown for the last several months on this and put together a plan to build the depot, as well as, a pedestrian bridge over Kings Creek and an extension of the City's bike path. The point of us being here tonight is to decide whether or not to fund the project.

Doug Harris explained that they went through the lead list and some of the things that were appropriate for the building from a budgetary standpoint were skylights during the day, low flow fixtures and the shell of the building and how things would be detailed to cut the energy requirements. Things like motion detectors on the lights and low voc sealants, paints and materials. The other side is the educational factor, the opportunity to raise awareness among school children and the public. There was a lot of interest in having a charging station for the electric power cars and there is outside funding that's available for that. There's still a list and things that we need to look into and research as to what the cost impact and benefit would be.

Mr. Cobb added that this is an event space and community facility. We looked at how the building could be used by the public. He referred to a drawing that shows a banquet or reception setting where you could have 96 people with tables and chairs in there; if we're doing an auditorium style seating for a concert or recital, you could also have 96 people; for a dinner or community event, you could fit about 90 people with tables and chairs; if you're going to have a seminar inside the event space only, you could fit about 32 people in there plus the speaker and chairs. There's no one definitive end use for this facility but it is the community's and it's intended to be used by a lot of different folks.

Mr. Fatland added that we have funding in the FY19 budget to extend the trail to the new pedestrian bridge and the trail to get to Whitmire and we'd like to have that built before we start the depot. We ended the last fiscal year with some good news. We had a building demolition several years ago and we recently got the money back, about \$200,000, the ABC store had a good year and was \$51,000 over budget and our sales tax revenue and some other items were over budget to the good, so we're recommending that we take about \$380,000 of the fund balance because of the good year, we raised about \$75,000 to date and staff has an application to go to the Tourism Board for \$75,000. If Council were to approve the recommendation this evening, the Tourism Board could write a check, if they so desire, and the full funding would be in place to make the depot project move forward, together with the other projects we have, the parking lot extension and the bridge.

Mr. Cobb added that the estimate for the revised design is down to \$530,000. Mr. Daniel asked if that price included the parking lot and Mr. Cobb said it does not. That is just for the building itself. Mr. Fatland added that we have funding for the parking lot itself. He said we have \$325,000 in the pedestrian fund and if we build the pathway, the parking lot and the pedestrian bridge, it's about \$260,000. So we can

make all of this happen and it would be a tremendous improvement for that area and also following through with the commitment to get the trail system extended over the next three years.

Mr. Landreth asked if the event space will be booked like the French Broad Community Center and who will actually program in that space. Mr. Fatland said we have not discussed the operational procedures yet, but the French Broad Community Center has been limited to small groups and the depot will open up for picnics, concerts, the start of a 5K race, and a lot more opportunities to fill the community. The Mary C. Jenkins Center will be a regular building that's heated and has air conditioning so during the winter months that may be used more. The depot would be a great opportunity for spring, summer and fall. Mr. Landreth asked if the only power draw in the building is lights and not a/c or heat. Mr. Harris explained that there will be a/c and heating. Mr. Landreth asked about storage a space for catering. Mr. Fatland explained that there is a space for storage for furniture and that there won't be a kitchen but a caterer can bring food. Mr. Landreth added that he believes this a great addition to our plan for a multi-use path and a big step towards improvement in this neighborhood. With a bill of \$530,000, plus the renovations to the parking lot, I wonder what we have in our sites because we haven't been looking. He asked what will the three year commitment to complete our trail cost us in easements and land purchases. We're about three times higher in price than we were when we started and we're getting to spending at a scale where I think we need to be aware of our opportunity costs as we look at other things that we're trying to accomplish, particularly with regard to workforce housing which doesn't seem to happen without government partnership. I just offer that concern and that I have of how this fits in with our priorities along with my appreciation for what a good amenity it is.

Mr. Morrow, I think this is exciting and it has given me an opportunity to think back about how far we have come with our bike path. The commitment to complete in three years is phenomenal. This is an opportunity that's come before us with money I think that is timely. We have been described as the bike capital of the south by a biking magazine and Brevard is in fact a bike capital. This project reemphasizes that brand. I applaud Mr. Fatland and his staff for getting to this point and I will gladly make a motion that we approve this project as presented. Mr. Jones, seconded the motion.

Mr. Daniel explained that he is on the Parks and Trails Committee and he pushed to bring this project out of the committee because it had gotten so far down the road without any oversight and he felt that it needed to be addressed by City Council. I have several concerns that I feel need to be addressed. I will say that I bought a brick and I think it's a great idea but it's a shiny object and we all love shiny objects. We have some real needs and I think before we spend this kind of money, it's more than \$530,000, it's fixing the parking lot, there's an agreement with Kier, we've paid an architect, we've paid an engineer, and those funds have not been given to us. We're talking about spending about \$400,000 of taxpayer's money on something that is not exactly what we thought it was going to be. It was presented to be a rebuilding using the original parts and I'm sure Mr. Harris can tell you that once you tell somebody that you're going to use the original parts and then you don't, there are repercussions. There has been no public input into this project. This has been pretty much by an ad-hoc committee which I didn't know existed until last Wednesday. I'm concerned about the cost and how this fits into our priority list and it's a duplication of amenities that we already have or are already committed to. I think those things need to be clearly understood and this is something that needs to be addressed before we move forward. We've got money that has been freed up from different sources that might be better spent elsewhere but if we're going to spend it, we should do it with good intentions.

Ms. Copelof said that she does not see this as a duplication of amenities. She sees it as really fitting into our strategic plan that is one of our highest priorities which is the trail system, which we've been working on for years and we've talked about a lot. It gives us something that enhances how we promote ourselves to visitors in terms of the bike city, but it also brings something that our community can also use. The fact that it will have an additional event space is very important. We don't have enough event

space. I think it's really something that some of our non-profits can use and some of our community groups can use. It's going to be a great place for visitors to park. Public bathrooms are important and having them on this side of town is important. I don't think it matters that it won't be in the same location that it originally was, but it is taking advantage of this land that we already purchased so we're building on things that we've already put in place. We have the opportunity to change an industrial area and really turn it into an amenity that will transform this part of town. I think this is part of our strategic planning and I think people are excited about it and it will help our community and our non-profits and it will bring in tourists and it will help in promoting ourselves as a bicycle capital and I think the plan makes sense. I'm all for proceeding with this. It's part of the strategic vision that we've been working on for quite a while.

Mayor Harris explained that there was a motion on the floor by Mr. Morrow, seconded by Mr. Jones. Motion carried 4 to 1 with Mr. Daniel being the nay.

M-8. Board and Committee Appointment(s). Mr. Landreth motioned, seconded by Mr. Morrow that appointments of Demi Loftis and Keenan Smith to the Brevard Planning Board and Judith West to the Brevard Housing Authority be approved and that the reappointments of Kevin Jones and Dr. Allen Delzell to the Board of Adjustment be tabled until October.

N. Remarks / Future Agenda Considerations

Mayor Harris reported that Wayburn Shelton unfortunately passed away from being shot at the Cardinal Drive-In. He also appreciate the City Council's confidence on the depot and is looking forward to meeting on October 8th. He reminded everyone that on October 15th the movie "Almost Cured" will be playing at Brevard High School and hopes to see everyone there and they have invited some members of the squad to come.

Mr. Morrow encouraged people to buy their ticket to see Dr. Michael Massimino at the Porter Center at Brevard College. He's a celebrated speaker. Also, he pointed out that the July report for recyclables is looking really good.

Mr. Landreth said that he had a brief discussion with downtown owners about pressure washing garbage cans and painting them.

Mr. Jones reported that he attended a funeral last month for his neighbor who was a veteran and was approached by the Honor Guard for a fundraiser. He spoke with the Mayor about it who has money set aside for things like that and the Mayor donated \$200 which went towards cleaning their uniforms and keeping them up to date. Mr. Jones read aloud a thank you card from the Honor Guard.

Mr. Daniel said that last Saturday Mr. Jones and he attended a ceremony bidding farewell to the Mary C. Jenkins Community Center and it was really quite moving and inspiring and he is looking forward to seeing the new memories that will be created.

Ms. Copelof mentioned that Mr. Tom Dierolf, the director of the movie Almost Cured, is going to be at the City's 150th event on October 15th. He will be there to answer any questions and talk to people. The film has won at two film festivals. Also, she appreciates the City, the architect and everyone really looking at how we can approach our projects and how we can use green technology. I realize that was a lot of extra work and I think it's a great way to approach all of those projects.

The City Clerk let Council know that Betty Scruggs does in fact want to serve as an honorary lifetime voting member of the Terrell Scruggs Scholarship Committee.

O. Closed Session(s) - None

P. Adjourn – There being no further business, Mr. Landreth moved, seconded by Mr. Morrow, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:34 P.M.



Jimmy Harris
Mayor



Jill Murray, CMC
City Clerk

Minutes Approved: October 8, 2018