

**MINUTES  
BREVARD CITY COUNCIL  
Regular Meeting  
October 8, 2018 – 7:00 PM**

The Brevard City Council met in regular session on Monday, October 8, 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, Police Chief Phil Harris and Fire Captain Adam Hughey.

**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 Larry Davis, 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 Michael Pratt asked that a Resolution Delegating Authority to Execute Certain Encroachment Agreements be added to the agenda under Consent and Information. Mr. Morrow moved, seconded by Mr. Landreth, the Agenda be approved as amended. Motion carried unanimously.

**F. Approval of Minutes** – Mr. Daniels moved, seconded by Mr. Jones, the September 17, 2018 Regular Meeting minutes be approved as presented. Motion carried unanimously.

**G. Certificates / Awards / Recognition** –

**G-1. Proclamation 2018-14** Domestic Violence Awareness Month was presented to Abigail Cooley and Corey Gafnea.

**Proclamation No. 2018-14  
Domestic Violence Awareness Month  
October 2018**

WHEREAS Domestic violence is the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another; and

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender, and income levels. Domestic violence is widespread and affects over ten million Americans each year; and

WHEREAS, in North Carolina, 1 in 3 women and 1 in 7 men have experienced some form of physical violence by an intimate partner; and

WHEREAS, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity. Only a coordinated community effort will put a stop to this heinous crime; and

WHEREAS, Domestic Violence Awareness Month provides an opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims.

WHEREAS, since 1985, SAFE, Inc. has been providing shelter, programs and services to people impacted by domestic and/or sexual violence. In the last year SAFE, Inc. served **349** victims of domestic violence and/or sexual assault and provided shelter to **46** adults and **24** children. To this end, SAFE, Inc. invites all of us to support October 2018 as "Domestic Violence Awareness Month"

NOW, THEREFORE, IT IS PROCLAIMED by the Mayor and City Council of the City of Brevard, North Carolina, proclaims the month of October as **Domestic Violence Awareness Month** and urge the citizens of Brevard to work together to eliminate domestic violence from our community.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 8th day of October, 2018.

**G-2. Proclamation 2018-16** Fire Prevention Month, October 2018 was presented to Fire Captain Adam Hughey.

**PROCLAMATION NO. 2018-16  
FIRE PREVENTION MONTH  
OCTOBER 2018**

WHEREAS, the City of Brevard has been committed to ensuring the safety and security of all those living in and visiting Brevard; and

WHEREAS, the 2018 Fire Prevention Month theme, "**Look. Listen. Learn. Be aware. Fire can happen anywhere**" works to educate people about three basic but essential steps to reduce the likelihood of having a fire – and how to escape safely in the event of one; and

WHEREAS, **LOOK for places fire could start.** Take a good look around your home. Identify potential fire hazards and take care of them; and

WHEREAS, **LISTEN for the sound of the smoke alarm.** You could have only minutes to escape safely once the smoke alarm sounds. Go to your outside meeting place, which should be a safe distance from the home and where everyone should know to meet; and

WHEREAS, **LEARN two ways out of every room** and make sure all doors and windows leading outside open easily and are free of clutter; and

WHEREAS, current statistics show that U.S. fire departments responded to 475,500 home fires, according to the National Fire Protection Association (NFPA); resulting in 2,950 civilian deaths; and

WHEREAS, current statistics show that U.S. fire loss clock a fire department responded to a fire every 24 seconds. One structure fire was reported every 66 seconds; and

WHEREAS, for 120 years, the City of Brevard Firefighters have been dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, do hereby proclaim October 2018 as Fire Prevention Month throughout this community. We urge all citizens to develop a home fire escape plan with all members of the household and practice it twice a year.

ADOPTED and approved this the 8<sup>th</sup> day of October, 2018.

**G-3. Proclamation 2018-15** Breast Cancer Awareness Month was read aloud by Mayor Harris.

**PROCLAMATION NO. 2018-15  
BREAST CANCER AWARENESS MONTH  
October 2018**

WHEREAS, the City of Brevard joins our nation in recognizing October as Breast Cancer Awareness Month; and

WHEREAS, breast cancer is the most commonly diagnosed cancer among women in the United States, and is the second-leading cause of cancer deaths among women in North Carolina and our nation; and

WHEREAS, early detection can be an effective tool in combating breast cancer, with regular screenings preventing 15 to 30 percent of all deaths from breast cancer in women over 40; when diagnosed while still confined to the breast, the 5-year relative survival rate is more than 98 percent; and

WHEREAS, the City of Brevard encourages citizens to talk with their health care providers about regular screenings, examinations and mammograms, and to practice self-examination.

NOW, THEREFORE, I, Mayor Jimmy Harris and Brevard City Council, do hereby proclaim **October 2018**, as "**Breast Cancer Awareness Month**" in the City of Brevard, North Carolina, and call on all citizens to join us in recognizing and commend this observance to all citizens.

Adopted and approved this the 8<sup>th</sup> day of October, 2018.

#### **H. Public Hearing - None**

#### **I. Public Participation -**

LTC W. Chris Castro, a member of the North Carolina National Guard, came to speak about the Selective Service Board. Each county in North Carolina has a five person local board, a draft board made up of civilians and volunteers and he is looking for someone to volunteer on the board. Henderson, Polk and Transylvania comprise one board. If a draft were to be reinstated, the board would make a decision about who would receive a deferment, a postponement or an exemption from military service. It's an important role and it's a standby matter, as we do not have a need for that currently, but it's staffed in case it were to happen. It is considered an appointment by the President of the United States, you get a nice certificate and you're on standby status. He asked Council for help in finding someone to volunteer.

Scott Barnett, 123 Gillespie Circle, wanted to discuss truck engine brakes or Jake brakes and believes we should have a noise ordinance for them, as Hendersonville does. He believes signs would help as well and asked Council to consider the noise ordinance and signs.

Geraldine Dinkins, 500 West Probart Street, spoke regarding the depot project. She wrote a letter to the editor opposing this project and gave several reasons why Council should reconsider the project. She stated that the project is no longer historic and that the building will look "lost in time" because nothing around it is related to anything from the time when Brevard had railroad tracks running through town. It is now a \$530,000 project and said for the Railroad Avenue corridor to have public bathrooms, bike racks, parking and a little bit of shelter would be nice, but not \$500,000 nice. She added that everything that has been mentioned in the proposal is already being served in this town. She mentioned that Hendersonville has one that is very lightly used and as far as she can tell, is not a magnet for the community. Lastly she stated that she isn't familiar with the financial background of the project, but it appears that taxpayer money is being used in a very light fashion and that the fundraising effort does not tell a story of overwhelming support. Seventy-five thousand dollars was raised in a little under a year and compared to the original price tag of \$200,000, it's a respectable 40% but held up to the current price tag of \$530,000, that's less than 15%. She would like Council to consider a public hearing.

#### **J. Special Presentation(s) - 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-2, M-3, M-4 and M-5 and that the Consent Agenda be approved as amended. Mr. Landreth asked that items M2 and M-4 remain under new business. Mr. Morrow motioned, seconded by Mr. Landreth that items M3 -Ordinance Amending Brevard City Code Chapter 66, Traffic and M5 - Board and Committee Appointments, be moved to the consent agenda. Motion carried unanimously.

#### **K-1. Staff Reports:**

a. Public Works Department Report, August 2018

**K-2. Ordinance 2018-28 Declaring a Road Closure for the City of Brevard Sesquicentennial Celebration and Veteran's Day Ceremony.**

**ORDINANCE NO. 2018-28**

**AN ORDINANCE DECLARING A ROAD CLOSURE  
FOR THE CITY OF BREVARD SESQUICENTENNIAL  
CELEBRATION & VETERAN'S DAY CEREMONY**

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

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

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

**WHEREAS**, Brevard City Council acknowledges the importance of celebrating Veteran's Day and Brevard's 150<sup>th</sup> year; and

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

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

<b>Date:</b>	Saturday, November 10, 2018
<b>Time:</b>	10:00 AM – 1:00 PM
<b>Description:</b>	Main Street (US 276): from Broad Street to Gaston Street

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

Adopted and approved this the 8<sup>th</sup> day of October, 2018.

**K-3. Community Development Contracts, October 2018 Reporting.** City Council accepted the following October 2017 Reports as presented:

- a. Transylvania Community Arts Council (TCarts)
- b. Transylvania Farmers Market
- c. Heart of Brevard
- d. Bread of Life
- e. Sharing House

**K-4. Mary C. Jenkins Community Task Force Minutes, August 21, 2018.**

**K-5. Parks, Trails & Recreation Committee Minutes, September 12, 2018.**

**K-6. Resolution 2018-22 Establishing the Friends of Brevard Area Trails.**

**RESOLUTION NO. 2018-22**

**A RESOLUTION ESTABLISHING  
THE FRIENDS OF BREVARD AREA TRAILS**

**WHEREAS**, the City of Brevard and the County of Transylvania have created a widely used pedestrian greenway and trails system, with plans to grow said trails system; with the intention of raising the quality of life of all residents and visitors; and

**WHEREAS**, Conserving Carolina has been a trusted community partner in Transylvania county for over 20 years, participating in community conservation to include the promotion of trails, outdoor activity, and wellness for all people; and

**WHEREAS**, the City of Brevard Parks, Recreation, Trails and Bicycle Friendly Committee heard a proposal by Conserving Carolina on September 25, 2018, finding that proposal to be satisfactory; and

**WHEREAS**, bicycling and hiking opportunities are listed in the City's 2015 Comprehensive plan as several policy goals as demonstrated below;

**Objective 4.3:** *Creation of new opportunities for citizens and visitors to experience recreation and nature.*

**Policy 4.3.A:** *Expand the City's greenway system to connect with the French Broad River, Davidson River, Kings Creek, and other mountain streams that travel through Brevard.*

**Policy 4.3.B:** *Rehabilitate the Wilson Road French Broad River access.*

**Policy 4.3.D:** *Construct additional trails with Bracken Preserve in accordance with the Bracken Mountain Master Plan.*

**Policy 4.3.E:** *Develop Rosenwald Community Park on the old Transylvania Tannery property.*

**Policy 4.3.F:** *See opportunities to create additional connections with Pisgah National Forest.*

**Policy 4.3.G:** *Create small parks within neighborhoods that provide all citizens opportunities to connect with and experience the natural world.*

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

**SECTION 1.** Conserving Carolina may operate on City parks property to: promote inclusive use of greenways, trails, and blueways by all visitors and all residents alike, to create opportunities for public health and well-being, to promote the trails system as a place for enjoyment, exercise, transportation, wellness, community, and Peace.

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

Adopted and approved upon first reading this the 8<sup>th</sup> day of October, 2018.

**K-7. Correspondence - No Action.** *(Offered to Council as information only.)*  
a. September 2018 City-County Building Permit Activity Report.

**K-8. Resolution 2018-25 Delegating Authority to Execute Certain Encroachment Agreements.**

#### **RESOLUTION 2018-25**

##### **A RESOLUTION DELEGATING AUTHORITY TO EXECUTE CERTAIN ENCROACHMENT AGREEMENTS**

NOW COMES THE CITY COUNCIL for the City of Brevard, and says:

**WHEREAS**, City Council, after due deliberation, has determined that it is in the best interest of the City of Brevard that the City Manager, the Public Works Director and the Planning Director, acting together, have authority to sign encroachment agreements for various minor encroachments such as utility poles and lines, telephone and cable poles and lines, and driveway curb cuts without first bringing them before City Council;

**WHEREAS**, an example of an acceptable encroachment agreement is attached hereto as Exhibit A;

**WHEREAS**, General Statute Section 160A-273 authorizes such conveyances; and

**WHEREAS**, City Council desires to delegate such authority as stated herein above;

**BE IT NOW, THEREFORE, RESOLVED THAT:**

1. The City Manager, Public Works Director and City Planner, acting together, are hereby authorized to execute, on behalf of the City of Brevard, encroachment agreements for minor encroachments such as those listed herein above, without first bringing them before City Council;

2. This Resolution shall be effective immediately upon adoption by City Council.

Adopted this the 8<sup>th</sup> day of October, 2018.

**K-9 (M-3). Ordinance 2018-29 Amending Brevard City Code Chapter 66 Traffic.**

**ORDINANCE NO. 2018-29**

**AN ORDINANCE AMENDING  
BREVARD CITY CODE  
CHAPTER 66 TRAFFIC**

**WHEREAS**, the City Council of the City of Brevard finds that the proposed amendments to Chapter 66 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 66 is amended to delete Section 66-46 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 8<sup>th</sup> day of October, 2018.

**K-10 (M-5) Board and Committee Appointment(s).** Appointments for Kevin Jones and Allen Delzell for the Board of Adjustment were approved by Council.

**L. Unfinished Business – None**

**M. New Business**

**M-1. Resolution 2018-23 Endorsing the Construction of a Skate Park within the Tannery Park.**

Mr. Cobb explained that the Part F Grant that the City applied for, but did not get, included a skate park on the Tannery site. The community got together to spearhead the effort and wanted to raise \$60,000 and have raised close to \$90,000. This plan was approved by the Parks, Trails and Recreation Committee last month.

Jacob Dinkins explained that there will be one large ramp that is 40' wide with the shortest section being 3' in height and the tallest section is 7'. There will be ample standing area but no benches. It will be pressure treated wood, a pressed resin board that will last 12-15 years. There will be parking, a water fountain and eventually restrooms. There could be a path going around the ramp wide enough for a patrol car to go by and low level security lighting. The website is tanneryskate.com. We have been successful in fundraising for this project and we will be donating over \$100,000 in materials and services to this project. In less than three months we raised more than we set out to and with Council's permission, we can move ahead. Mr. Landreth moved, seconded by Mr. Daniel to support the skate park. Motion carried unanimously.

**RESOLUTION NO. 2018-23  
A RESOLUTION ENDORSING  
THE CONSTRUCTION OF A SKATE PARK  
WITHIN THE TANNERY PARK**

**WHEREAS**, the City of Brevard and the Tannery Park Skate Park Task Force have worked together to design and fund a skate park; with the intention of raising the quality of life of all residents and visitors; and

**WHEREAS**, the Tannery Park Skate Park Task Force has been successful in exceeding their \$60,000 fundraising goal; and

**WHEREAS**, the Tannery Park Skate Park Task Force will purchase materials and supplies with donations, and labor will be donated; and

**WHEREAS**, the City of Brevard Parks, Recreation, Trails and Bicycle Friendly Committee heard a proposal by the Tannery Park Skate Park Task Force on September 25, 2018; and

**WHEREAS**, additional opportunities for outdoor recreation is a specific goal in the City's 2015 Comprehensive plan as several policy goals as demonstrated below;

***Objective 4.3:** Creation of new opportunities for citizens and visitors to experience recreation and nature.*

***Policy 4.3.A:** Expand the City's greenway system to connect with the French Broad River, Davidson River, Kings Creek, and other mountain streams that travel through Brevard.*

***Policy 4.3.E:** Develop Rosenwald Community Park on the old Transylvania Tannery property.*

***Policy 4.3.F:** See opportunities to create additional connections with Pisgah National Forest.*

***Policy 4.3.G:** Create small parks within neighborhoods that provide all citizens opportunities to connect with and experience the natural world.*

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

**SECTION 1.** The Tannery Park Skate Park Task Force is authorized to construct a skate park on the Tannery Park with donated funding and volunteer labor.

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

Adopted and approved upon first reading this the 8<sup>th</sup> day of October, 2018.

**M-2. Ordinance Establishing Opal Hahn Way.**

Mr. Landreth mentioned that the street in question is only 200 feet long and is a dead end and feels there is a more suitable location to honor Opal Hahn and recommends that Council not pass the ordinance.

Mayor Harris liked the location because it is visible off of Asheville Highway and when developers come here, he would like them to see the names of people that we stand on the shoulders of.

Mr. Daniel motioned, seconded by Mr. Morrow that we table this resolution until further contemplation. Motion carried unanimously.

**M-4. Resolution 2018-24 Supporting SPOT 5.0 Division-Need Project Funding Priorities.**

Mr. Landreth explained that there was a meeting of elected officials where they took a first stab locally at ranking these items. We came up with a little different order and wanted you to be aware that these lists go through processes and get changed. I just wanted to point out that we had a lot of discussion about how these should be ranked. This is not just roads and highways but also pedestrian paths. All of these are

2025 except for pedestrian projects that could go quicker. Landreth motioned, seconded by Mr. Daniel, that we accept the resolution as presented. Motion carried unanimously.

**RESOLUTION NO. 2018-24  
A RESOLUTION SUPPORTING SPOT 5.0  
DIVISION-NEED PROJECT FUNDING PRIORITIES**

**WHEREAS**, the Strategic Transportation Investments Law governs the process in which the State of North Carolina prioritizes funding for transportation projects; and,

**WHEREAS**, the City of Brevard adopted the Transylvania County Comprehensive Transportation Plan in 2007 which was amended in 2011 and the Comprehensive Pedestrian Plan which was adopted in 2006 and amended in 2018; and,

**WHEREAS**, based on the 2007 Comprehensive Transportation Plan as amended and the 2006 Pedestrian Plan as amended and local input, the Transylvania County Transportation Advisory Committee has used the scores received from North Carolina Department of Transportation to prioritize the projects that have a Division impact; and,

**WHEREAS**, the Brevard City Council has reviewed these rankings, and agrees and supports them as shown below;

1. US 178 - Modernize roadway, widen, realign, and add climbing lanes (H090858)
2. Old US 64 - Upgrade roadway to NCDOT standards, include 4' paved shoulders (H170395)
3. NC 280 - Convert existing four-lane undivided roadway to four-lane with 17.5' median (H170251)
4. Railroad Avenue Extension - Construct two-lane roadway, minor thoroughfare (H090855)
5. Neely Road, Parkview Drive, Chestnut Street - Modernize roadway, improve intersections, curb and gutter, bike lanes and sidewalks (H111133)
6. Ecusta Road - Upgrade roadway, install curb and gutter, build to complete street (H150561)
7. Brevard High School Greenway - Construct off-road multiuse path (B171159)
8. Brevard College Greenway - Construct off-road multiuse path (B171356)
9. Old Rosman Highway Greenway - Construct off-road multiuse path (B172252)
10. Hillview Circle Greenway - Construct off-road multiuse path (B171358)
11. Bracken Preserve Greenway - Construct off-road multiuse path (B171360)
12. Railroad Avenue Greenway - Construct off-road multiuse path (B170991)
13. Main Street Brevard to Cashiers Valley Greenway - Construct off-road multiuse path (B171124)
14. Everette Farm Road - Upgrade roadway, 22' roadway with 4' paved shoulders (H111128)
15. North Country Club Road - Upgrade roadway to NCDOT standards, include curb and gutter, bike lanes and sidewalks (H111137)
16. Main Street Rosman - Construct off-road multiuse path (B171362)
17. US 64 - Construct off-road multiuse path (B171782)

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

**Section 1.** The Brevard City Council does hereby approve the proposed prioritization of regional road projects as presented by the Transylvania County Transportation Advisory Committee.

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

Adopted and approved this the 8<sup>th</sup> day of October, 2018.

**N. Remarks / Future Agenda Considerations**

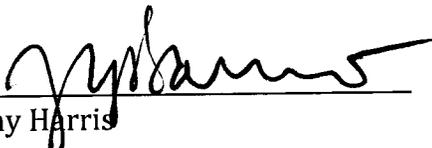
Mayor Harris said that they are supposed to start paving Caldwell Street on Sunday night. The plan is to pave in the evening from 6pm-6am. Once they put the asphalt down we can drive on it, but it has to be dry and the hurricane will bring rain our way, so it will be weather permitting. Clemson Park should be starting after Caldwell Street is done.

Mr. Daniel motioned, seconded by Mr. Landreth that the City provide a form for our citizens to provide input on the railroad depot project and that they be allowed to speak on this. Motion carried unanimously.

Ms. Copelof mentioned that next Monday evening the City, as part of its 150<sup>th</sup> anniversary, is showing the documentary film at Brevard High School made by Tom Dierolf. It's the story of the 1963 Brevard High School football team that was the first integrated team, as well as interviews, and its called Almost Cured because it almost cured racism. We are showing it and it has been at international film festivals. He will be at the showing and we're trying to get as many people as we can that were involved in the 1963 team. It's a great way to recognize our history. It's on Monday night at 6:00 pm at Brevard High School and it's only 30 minutes long and it's free.

**O. Closed Session(s) - None**

**P. Adjourn** – There being no further business, Mr. Landreth moved, seconded by Mr. Jones, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 8:13 P.M.

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

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

Minutes Approved: November 19, 2018