

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

The Brevard City Council met in regular session on Monday, November 19, 2018, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

**Present** – Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members 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, Public Works Director David Lutz, Deputy Police Chief Shawn Miller, Fire Chief Bobby Cooper, Assistant Fire Chief Bradley Elmore, Firefighter Kris Foster, Firefighter Mike Marchisin, Firefighter Tommy Williamson, Firefighter Jesse Robinson, Firefighter Ernie McCall, Firefighter Kim Burns, Firefighter Kendrick Glover, Firefighter Michael Owens, Firefighter Kevan Smith, Firefighter Jeff Berry and retired Interim Fire Chief Mike Galloway.

**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** – David Joyce of Brevard College, 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 General Warranty Deed of Dedication from Lenze Real Estate be added to the agenda under Consent and Information. Mr. Jones moved, seconded by Mr. Morrow, the Agenda be approved as amended. Motion carried unanimously.

**F. Approval of Minutes** – Mr. Landreth moved, seconded by Mr. Morrow, the October 8, 2018 and November 1, 2018 minutes be approved as presented with one revision that pages 126-128 of the agenda be added to the end of the November 1<sup>st</sup> minutes. Motion carried unanimously.

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

**G-1. Proclamation 2018-18** I Heart BC Day on November 27, 2018 was presented to Dr. David Joyce and Jeff Joyce.

**PROCLAMATION NO. 2018-18**  
**I Heart BC Day on November 27, 2018**

**WHEREAS**, the Tuesday following Thanksgiving is being celebrated as I Heart BC Day, a day to celebrate the vital role that Brevard College plays in the artistic and educational culture that makes the city of Brevard unique; and

**WHEREAS**, Brevard College strengthens our city by serving as an economic engine, employing over 200 people, hosting more than 700 students who patronize local businesses and non-profits, and generating over \$36.4 million annually\*; and

**WHEREAS**, Brevard College also serves as a front porch to the City of Brevard and Transylvania County by welcoming residents and visitors to experience the beauty and hospitality of the campus and partnering with many local organizations to bring outstanding speakers and arts events to our city throughout the year; and

**WHEREAS**, The City of Brevard promotes and supports education for its citizens and Brevard College, the "School of Opportunity in the Mountains," is committed to educating a future generation of students who will continue to serve Western North Carolina;

**NOW, THEREFORE**, I, Mayor Jimmy Harris and the Brevard City Council do hereby proclaim and recognize that Tuesday, November 27, 2018 is I Heart BC Day, and encourage all citizens in Brevard to demonstrate their appreciation of Brevard College.

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

## **G-2. Administration of the Oath of Office to Fire Chief Bobby Cooper –**

Bobby Cooper, accompanied by his girlfriend Nina Smith, was administered the Oath of Office by City Clerk Jill Murray.

State of North Carolina  
County of Transylvania  
City of Brevard

I, Robert Allan Cooper, do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the Government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will support the Constitution of the United States; and that I will faithfully and impartially discharge the duties of the office of Fire Chief of the City of Brevard, imposed upon me by law; so help me God.

s/Bobby Cooper

Oath Administered by:  
Jill Murray, City Clerk  
November 19, 2018

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

## **I. Public Participation –**

Lelia Graham of 42 Autumn Glen Court wanted to reiterate her concern for the costs of the train depot and questions the annual upkeep and costs. She is in favor of restrooms and parking and said the Mary C. Jenkins center can be used for meeting spaces. She respects the enthusiasm but we have to be realistic about the way our money is spent. In my opinion, \$530,000 is not being conscientious. I am in favor of it being built by fundraising with bricks. Please reconsider how the depot is funded.

Dawn Szantyr of 102 East Appletree says that she lives in Frog Bottom which is behind the courthouse all the way to the college. We want to maintain the cultural heritage of our area and we would like to bring up a concern. We understand there may be a development from Probart to East Appletree Street. We live on East Appletree Street. We have concerns for drainage and traffic and we have a lot of pedestrians that walk there. We want to have a discussion with planning when you get to that point. We have lots of ideas and I see that you have a preservation committee that maybe we can talk to.

Cindy Sealy of 106 East Appletree was signed up to speak but felt Dawn covered everything.

## **J. Special Presentation**

**J-1. Joint Historical Preservation Commission Update.** In keeping with NC State requirements, Chair Marcy Thompson, Joint Historical Preservation Commission, presented the annual report. (Report is on file with Agenda Packet materials.)

Council accepted the Report and thanked Ms. Thompson for her and the Commission's work.

**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 The General Warranty Deed of Dedication from Lenze Real Estate per Attorney Michael Pratt when Council amended the agenda, and that the Consent Agenda be approved as amended. Mr. Landreth moved, seconded by Mr. Daniel that item K-1a Financial Report for month ending October, 2018 be pulled from consent but that all other items be approved. Motion carried unanimously.

**K-1. Staff Reports:**

b. Public Works Department Report, September 2018

**K-2. Ordinance 2018-31 Declaring A Road Closure for Twilight Tour Festival and Christmas Parade**

**ORDINANCE NO. 2018-31**

**AN ORDINANCE DECLARING A ROAD CLOSURE FOR TWILIGHT TOUR FESTIVAL AND CHRISTMAS PARADE**

**WHEREAS**, Brevard City Council acknowledges a tradition of providing an annual Twilight Tour Festival and Christmas Parade for the pleasure and enjoyment of its citizens and visitors; and,

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

**WHEREAS**, Brevard City Council acknowledges this festival requires a portion of Main Street (US Highway 276) and Broad Street (US Highway 64), and Country Club Road (SR 1116) to be closed for setup, activities, and cleanup; 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 closure during the day and times set forth below on the following described portion of a State Highway System route:

**Twilight Tour Festival**

**Date:** Saturday, December 1, 2018

**Time:** 12:00PM – 9:00PM

**Route Description:** Main Street (US 276) from Caldwell Street to Johnson Street, and Broad Street (US 64) from Probart Street to Morgan Street.

**Christmas Parade**

**Date:** Saturday, December 1, 2018

**Time:** 12:30PM – 9:00PM

**Route Description:** Country Club Road (SR 1116) from the entrance to Brevard High School to Morgan 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 19<sup>TH</sup> day of November, 2018.

**K-3. Council Downtown Master Plan Committee Minutes, June 27, 2018.**

**K-4. Mary C. Jenkins Community Task Force Minutes, September 18, 2018.**

**K-5. Adopt 2019 City Council Meeting Schedule** - Council adopted the following meeting schedule:

Day / Date	Time	Type	Location
Tuesday, January 22, 2019	7:00 PM	Regular Meeting	Council Chambers
Thursday and Friday, January 24 & 25, 2019	8:30 AM	Annual Planning Session	Cradle of Forestry

Monday, February 18, 2019	7:00 PM	Regular Meeting	Council Chambers
Monday, March 18, 2019	7:00 PM	Regular Meeting	Council Chambers
Monday, April 15, 2019	7:00 PM	Regular Meeting	Council Chambers
Monday, May 20, 2019	7:00 PM	Regular Meeting	Council Chambers
Monday, June 3, 2019	5:30 PM	Budget Work Session #1	Council Chambers
Monday, June 10, 2019 (If Needed)	5:30 PM	Budget Work Session #2	Council Chambers
Monday, June 17, 2019	7:00 PM	Regular Meeting	Council Chambers
<i>No Meetings Are Scheduled For July</i>			
Monday, August 19, 2019	7:00 PM	Regular Meeting	Council Chambers
Monday, September 16, 2019	7:00 PM	Regular Meeting	Council Chambers
Monday, October 21, 2019	7:00 PM	Regular Meeting	Council Chambers
Monday, November 18, 2019	7:00 PM	Regular Meeting	Council Chambers
Monday, December 16, 2019	7:00 PM	Regular Meeting	Council Chambers

**K-6. Proclamation 2018-19 Commemoration Veteran's Day, November 11, 2018.**

Proclamation 2018-19  
Commemorating Veterans Day  
November 11, 2018

WHEREAS, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

WHEREAS, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, we owe a great debt to those who have served in defense of this nation, as throughout the generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

WHEREAS, for many, that sacrifice had ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

WHEREAS, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principles of freedom and democracy.

NOW, THEREFORE, I, Jimmy Harris, Mayor of the City of Brevard, North Carolina, call upon our citizens to salute all Brevard and Transylvania County veterans who have served with honor and distinction, and to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this Country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag; and to show our veterans we appreciate their great sacrifice.

Signed this 11<sup>th</sup> day of November, 2018.

**K-7. Correspondence - No Action.** *(Offered to Council as information only.)*

- a. October 2018 City-County Building Permit Activity Report.
- b. Transylvania Community Arts Council Gallery Walk Sep. & Oct. 2018

**L. Unfinished Business - None**

**M. New Business**

**K-1a. Financial Report for month ending October, 2018.**

Mr. Landreth asked Mr. Fatland in the financial report for month ended October, 31<sup>st</sup> to remind us what the lag schedule is for our revenue. Mr. Fatland explained the auditors take the cash receipts for sales tax that go in July, August and September and they're actually accrued for last year. We still get the cash flow in and the money is coming in each month to pay our bills but it actually goes to last year so October is the first month of the new year. Mr. Fatland also reported that in the general fund property

tax money comes in November, December, and January so at that point you'll start moving into the black. In summary, that's why the City has a 30% fund balance policy.

Mr. Landreth asked in Fund 78 which is multi-use paths, I have two questions on that. There's a loan expense back in the general fund for \$45,000, would you remind what that entails? Mr. Fatland explained that when we did the Probart Street sidewalks, it was \$675,000 and we're paying back the general fund \$45,000 over 15 years.

Mr. Landreth added, we've seen some numbers about brick sales for the depot in the neighborhood of \$75,000. We show revenue through October 31<sup>st</sup> of \$12,050, and I was wondering how do I understand that? Mr. Fatland explained that the money that was collected from last year is included in fund balance. The \$12,050 reflects money that has come in since July 1<sup>st</sup>, 2018.

Mr. Landreth asked on fund 82, the Rosenwald revitalization, is the Mary C. Jenkins project likely to break ground this fiscal year? Mr. Fatland answered that we are meeting tomorrow night and as you know the building was burned on October 29<sup>th</sup>, Public Works came in three day later and cleared everything and we're working on getting clear title to all of the parcels and that's what we've spent most of the time on. Our meeting tomorrow will be to discuss the parameters of the design and that'll get going and then likely we will break ground sometime in 2019. Since it will be a loan, we'll have to do an application with the Local Government Commission so we'll need to have bids in hand, so once the design is completed, open bids and then we can come before Council for an approval of the construction bid and loan application.

Mr. Landreth asked on fund 83, on the Downtown Master Plan we have expenses in the budget for Caldwell Street for \$200,000? Mr. Fatland explained that we are paying back NCDOT for sidewalk improvements. We have not been invoiced by NCDOT as of this date.

Mr. Landreth asked what our next step is for Clemson Park. Mr. Fatland said the project is fully funded so now that Caldwell Street is complete, we'll be putting it back on the Downtown Master Plan Committee to get direction to move forward. The design is done. The estimated cost is \$340,000.

Mr. Morrow added that he thinks it's worthy to mention that the sales tax numbers cumulative to date is \$439,696 compared to last year at \$397,000 so we're up some \$40,000 so those are really good numbers.

Mr. Landreth moved, seconded by Mr. Morrow, to accept the financial report. Motion carried unanimously.

**M-1. Resolution 2018-26 A Resolution Fixing A Date of Public Hearing on the Question of Annexation Pursuant to NCGS 160A-31, As Amended.** Mr. Daniel moved, seconded by Mr. Jones to accept the resolution.

**RESOLUTION NO. 2018-26  
A RESOLUTION FIXING A DATE OF PUBLIC HEARING  
ON THE QUESTION OF 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, consisting of 7.9 acres, be annexed into the City of Brevard. (Tax Property Identification Number: 8597-34-2461-000); and,

WHEREAS, the Brevard City Council has by Resolution No. 2018-19 directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by Tony and Alison Rast, will be held at Brevard City Hall at 7:00 P.M. on the 17<sup>th</sup> day of December, 2018.

Section 2. The area proposed for annexation is described as follows:

Location: 2211 Asheville Highway, Brevard, NC 28712. Transylvania County Tax Property Identification Number 8597-34-2461-000.

Metes and Bounds Property Description:

BEGINNING at a concrete monument at the westernmost corner of property belonging to the North Carolina State Employees' Credit Union, being described in a deed of record in Book 217, Page 555, of the Transylvania County Registry, said concrete monument also being in the line of the United States of America Pisgah National Forest; running thence South 49 deg. 07 min. 10 sec, East 1,077.44 feet with the line of the North Carolina State Employees' Credit Union, to a nail in the asphalt in U.S. Highway 64/276; thence two calls with the line of the City Limits of the City of Brevard: South 47 deg. 16 min. 22 sec. West 251.10 feet to a nail in the highway and South 50 deg. 33 min. 07 sec. West 234.98 feet to a nail in the highway; thence leaving the highway, North 13 deg. 27 min. 05 sec. West 340.58 feet to an iron pin; thence North 45 deg. 37 min. 28 sec. West 588.17 feet to a bent iron pin; thence North 35 deg. 53 min. 27 sec. West 381.35 feet to a rebar in the line of the United States of America Pisgah National Forest; thence with the line of the United States of America Pisgah National Forest; South 84 deg. 19 min, 56 sec West 276.14 feet to the point of BEGINNING.

Being all of that property described in a certain Deed of Correction recorded in Document Book 852, Page 647, of the Transylvania County Registry.

Being all of that property described in a plat prepared by Carolina Mountain Surveying, labeled CMS 17108 – ANNEX, dated August 16, 2018, and recorded in Plat File \_\_\_\_\_, Slide \_\_\_\_\_ of the Transylvania County Registry.

Section 3. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.

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

Adopted and approved this the 19<sup>th</sup> day of November, 2018.

**M-2. Ordinance 2018-32 Establishing a Project Budget for the Horse Cove Trail.** Mr. Landreth moved, seconded by Mr. Morrow to approve the resolution.

**ORDINANCE NO. 2018-32  
AN ORDINANCE ESTABLISHING A PROJECT BUDGET  
FOR THE HORSE COVE TRAIL**

**WHEREAS**, the City of Brevard intends to add the Horse Cove Trail to the Pedestrian Path Trail System to provide access from Bracken Preserve to Joel Branch Road.

**WHEREAS**, the City Council now desires to establish a project budget to account for the disposition of these funds.

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

**Section 1:** A project budget for the Horse Cove Trail project is hereby established.

**Section 2:** Revenues for this project are budgeted as follows:

Tourism Development Authority:	\$25,000.00
Transylvania County:	\$ 6,500.00
City of Brevard:	<u>\$ 6,500.00</u>
<b>TOTAL:</b>	<b>\$38,000.00</b>

**Section 3:** Projected expenditures for this project are budgeted as follows:

Construction	<u>\$38,000.00</u>
<b>TOTAL</b>	<b>\$38,000.00</b>

**Section 4:** The Revenues for the Pedestrian Path Fund shall be increased by \$38,000.00.

**Section 5:** The Expenditures for the Pedestrian Path Fund shall be increased by \$38,000.00.

**Section 6:** This Ordinance shall remain in effect until the completion of the Horse Cove Trail project.

**Section 7:** The Finance Officer and City Manager are instructed to take appropriate actions to implement this Ordinance.

**Section 8:** This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 19<sup>th</sup> day of November, 2018.

### **M-3. Recap of Strategic Planning Session.**

Mr. Fatland thanked Mayor and Council for the planning session and said it was an opportunity to get our priorities together and asked if Council would like to share any feedback from the session.

Mr. Landreth said he's been thinking more about our area plans and they're kind of an interdisciplinary way of looking at our comprehensive themes. I'd like to give proper attention to the area plans. The themes are good but when we're trying to get things done, we need to focus on regions of the City.

Ms. Copelof really appreciated all the work that staff did to organize the planning session. It helped put in perspective, individual projects but also projects as a whole. I found it extremely useful and the way you organized it was very easy to understand. I'm looking forward to continuing with it in January.

Mr. Morrow added that for our information, the County planning department has put together a small area plan process.

Mr. Landreth said the biggest question in front of us is housing and what the City's role will be with housing. There's some decisions we can make that we're just understaffed to execute and others that we can execute now. In terms of time spent at the planning session, I think we got the ball down the field, but I don't know that we've gotten that far in housing and we need to decide if we're going to be on the field.

Mayor Harris added that he was at a meeting with the school board and state representatives and was asked how many of our teachers do not live in Transylvania County and the answer is 25% and that is because housing is tough. I think through policy we can be attractive. What is the Government's role in housing? What is the City's job? The last thing we want is to become an exclusive community.

Ms. Copelof said that should probably be a topic at our January planning session.

Mr. Daniel added that housing was a topic at our last planning session and pointed out that for us to be effective at this we're probably understaffed right now.

Mr. Landreth asked if staff was looking for an action today and Mr. Cobb said no and that he just wanted to be prepared for the next planning session.

**M-4. Board and Committee Appointments.** Mr. Landreth moved, seconded by Ms. Copelof that the appointments of Morris Davis to the Personnel Board and Ryan Olson to the Parks, Trails and Recreation Committee be approved. They also noted that there is a vacancy on the Personnel Board since Carol Dillingham left. Motion carried unanimously.

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

Mayor Harris reminded everyone that Saturday, December 1<sup>st</sup> will be the last event that the City of Brevard will celebrate its 150<sup>th</sup> Anniversary.

City Clerk Jill Murray invited everyone to come out to the parade as the City of Brevard is the Grand Marshal of the parade and said they've been working on a special 150<sup>th</sup> float for the parade.

Mr. Daniel thanked everyone who came out for the public input session for the parks and trails, as it was a good turnout.

Ms. Copelof thanked staff for the outstanding job on the Veteran's Day celebration at the military museum and said the Veterans' really appreciated the effort and felt very appreciated.

Mr. Landreth said he is still looking at the long list of things from the planning session and said there's some things that we've talked about and we need to decide if we are going to do something or not. Whatever the action is, I think during our planning session, it's worthwhile to review the legal opinions that Mike has given us and decide what we'll do about it. If we're not going to do anything, then take it off our list.

He also expressed appreciation for how good Caldwell Street is looking and added that the crosswalks are a nice touch and he hopes we can implement them as we work on downtown.

As for the public forum last week, I've gotten a lot of feedback about the depot. I think what seems to be a consensus is the need for a place to use the bathroom and a shelter and I just want to propose as we move toward final construction costs, and we start looking at bidding, I think we're spending too much money on what we need over there. I have a lot of ideas about other ways we might use that money, but I still think as a matter of priority, we've inserted a half million dollar project. I think we're over spending. I don't understand the parking arrangement. I like the idea of partnering with Kier Manufacturing. I also wonder about building our own parking on our land.

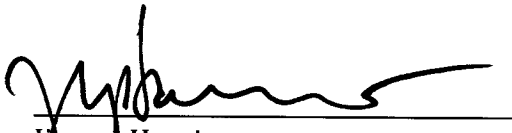
Mr. Jones thanked the staff for their preparation for the planning session. It was really nice to be able to see everything laid out and decide where it fits into our priorities and how we plan to address everything. I think we should possibly do that more often.


Mr. Pratt said we had a pending litigation in closed session but it is no longer necessary.

Mr. Fatland stated that City Hall will be closed Thursday and Friday for the Thanksgiving holiday and that we normally cancel December meetings but we have an annexation and the auditor's report. It will be a short meeting, but an important one.

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

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

  
Jimmy Harris  
Mayor

  
Jill Murray, CMC  
City Clerk

Minutes Approved: December 17, 2018