MINUTES
BREVARD CITY COUNCIL
Regular Meeting
October 17, 2011 – 7:00 PM

The City Council of the City of Brevard met at their regularly scheduled meeting on Monday, October 17, 2011 in the Chamber of City Hall at 7:00 PM with Mayor Pro Tem Mac Morrow presiding.

The following were present: Mayor Pro Tem Mac Morrow, Council Members Rodney Locks, Dee Dee Perkins, Mack McKeller, Larry Canady; City Manager Joe Moore, Attorney Mike Pratt and Acting City Clerk Daniel Cobb.

Staff: Planning Director Josh Freeman, HR Director LeAnn McGraw, Building and Grounds Director Lynn Goldsmith, Police Chief Phil Harris, Wesley Shook of Public Services, Ina Whitmire, Officer Dean Galloway, and Officer Bruce Blackwell of the Police Department.

Press: Derek McKissock, Transylvania Times

Others: Harlow Brown, Consulting Engineer

Welcome – Mayor Pro Tem Morrow called the meeting to order at 7:00 PM and welcomed those present.

Invocation – Dr. H. Andrew Silman offered the invocation.

Pledge of Allegiance – Ms. Kaden Galloway led the Council in the Pledge of Allegiance.

Quorum – All Council Members were present establishing a quorum.

Agenda – Council accepted the agenda as presented by unanimous vote.

Minutes – A motion was provided by Mr. McKeller, seconded by Ms. Perkins to approve the August 29, 2011 special meeting minutes, the motion carried unanimously.

Certificates and Awards:

1. Karla Atkinson, the former Chair of the Planning Board was presented a Certificate of Appreciation for her service on the Planning Board.
2. Meredith Baldridge of State Farm Insurance accepted the Proclamations for both "National Teen Driver Safety Week" October 16-23, 2011 and "National Red Ribbon Week" October 23-30, 2011.

Special Presentations – Mayor Pro Tem Morrow recognized Police Chief Phil Harris to present the Law Enforcement Officers' Advanced Certificate to Deputy Chief Dean Galloway.

Chief Harris then recognized the new Police Officers on Staff including Danny Britt, Brent Sorrells, and Rick Harbin. Vince Stone and Justin Fisher transferred from part-time to full time Officers. Danny Godman and Chard Farmer were promoted from Officer to Detective and Ralph Cobb was promoted from Sergeant to Detective Sergeant.

Public Hearings – None.

Public Participation – Pete Peters of 11 Park Avenue commented on a highway construction sign that has been up for two years and a particular group of people that are allowed to use City right of way for merchandise sales. Mr. Peters said he is in the middle of drafting a new law for merchandise sales in the City. Mr. Peters also commented on the amount of paper waste his company produces and he thinks it should be the City's priority to setup a commercial recycling program.

Madrid Zimmerman, Heart of Brevard Executive Director, 175 E. Main Street informed the Council that she is supporting the City's application for grant funding from the Tourism Development Authority by providing $3,000 to the project (reference to item K-2 on Council's agenda). Ms. Zimmerman also commented on how important she feels the City's wayfinding signage program is in getting tourists from Pisgah Forest to downtown Brevard (reference to item L-1 on Council's agenda).

Consent Agenda – Mr. McKeller motioned to include item L-3, Mr. Locks requested that item M-1 be added to the consent agenda, McKeller moved approval of the amended, motion second by Mr. Canady and carried unanimously.

<u>Consent Item #1</u> – Overview of Text Amendment Process to Evaluate Keeping of Poultry within the City. Planning staff report dated October 17, 2011, received and on file.

<u>Consent Item #2</u> – **Resolution No. 26-2011** Authorizing Grant Applications for the Recreation Map Project

RESOLUTION NO. 26-2011

A RESOLUTION AUTHORIZING GRANT APPLICATIONS FOR THE RECREATION MAP PROJECT

WHEREAS, the City of Brevard intends to develop an interactive community recreation map that will allow tourists and citizens alike to view the various amenities, destinations, and trails available to them within Brevard and Transylvania County; and,

WHEREAS, the City of Brevard seeks funds to augment City resources in the design, permitting and construction of such a map,

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

Section 1. The City Manager is hereby authorized to act on behalf of the City to apply for, accept, and administer any and all grants for the design and implementation of a community recreation map.

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

Adopted and approved this the 17th day of October 2011.

<u>Consent Item #3 (L-3)</u> – **Septage Pretreatment Facility Bid Awarded** to Carolina Specialties, in amount of $155,085.47. Background and summary of the City of Brevard and Transylvania County Inter-Local Agreement is found within the City Manager staff report dated October 17, 2011, received and on file.

<u>Consent Item #4 (M-1)</u> – **Resolution No. 27-2011** New Lease Agreement for the Co-Ed Theatre.

RESOLUTION NO. 27-2011

A RESOLUTION APPROVING A NEW LEASE FOR THE CO-ED THEATER

NOW COMES CITY COUNCIL, upon consideration of a request from the current tenant and operator of the Co-Ed Theater, WILD ABOUT BIRDS, LLC, to enter into a new Lease in replacement of the existing Lease; and,

Whereas, by Lease dated October 16, 2002, the City of Brevard leased that certain premises then known as "the Co Ed Theater," and now known as "the Falls Theater," to JAMES R. NORTHINGTON and wife, MARY RUTH NORTHINGTON, and later approved the assignment of that Lease to the present tenant; and,

Whereas, City Council has previously determined that it is in the public interest and supportive of local economic development to have a movie theater located and operating within the city limits of Brevard, and there is only one such theater presently in operation, namely the Co-Ed Theater; and,

Whereas, Council hereby reaffirms that such use of the premises continues to be in the public interest as it attracts positive attention to the downtown business area, it provides an appropriate avenue of entertainment for the public in the community, and it encourages the public to do business in Brevard as opposed to going outside of the community; and, Whereas, City Council has looked into the matter of the requested new Lease and is of the opinion that it should be approved, that such Lease complies with General Statutes Section 160A - 272 and with certain requirements which Council has to ensure the continued operation of the subject premises as a movie theater; and,

Whereas, Council has no other planned use for the subject property; and,

Whereas, City Council at this time hereby resolves that the new Lease, a copy of which is attached hereto, be and is hereby approved.

Adopted and approved this the 17th day of October, 2011.

Unfinished Business

Wayfinding Signage Program Project Update and Funding Request – Mayor Pro Tem Morrow recognized Mr. Moore who in turn recognized Josh Freeman of Staff to give overview of project and Staff's suggested option to move forward (Staff recommended Option #5 in the Planning Department Staff Report). This option would allocate additional funds in fiscal year 2012-2013. The wayfinding signage program was put to bid in August of 2011; one bid was received, totaling $144,968.00, which is $15,498.66 over the existing budget.

There was discussion on the various options outlined in the Staff report, including options to phase the project, simplifying the design, or possible partnerships to help with funding.

It was decided that of the five options outlined in the Staff report, and option six would be explored. This option consisted of simplifying the design of the sign to save money during fabrication and phasing the fabrication and installation of the signs over multiple fiscal years.

Mr. Moore asked that Staff come back to Council with a project update to include a schedule and process to keep momentum of the project moving forward.

Consensus was reached on this option. Staff will present options and renderings at City Council's next meeting.

Mayor Pro Tem Morrow called for a recess at 8:20 PM

Meeting resumed at 8:30 PM

Text Amendments - Draft Ordinance No. 27-2011. Mayor Pro Tem Morrow recognized Moore who gave an overview of the process and asked for clear direction from City Council. This item was tabled at Council's last meeting to have full Council participation at tonight's meeting.

Mr. Freeman gave a brief overview of the comments he received at the last Council meeting.

Mr. Locks suggested that item 3.32.B.3 read "suffer or permit any unlawful activity" and suggested removing item 3.32.B.4.

Mr. Locks then suggested removing item C and E.

Under item 3.32.G.3 Mr. Locks suggested removing the requirement that pool or billiard rooms be located on the ground floor of the building.

Under item 3.32.H.2 Mr. Locks suggested removing item f.

Mr. McKeller suggested removing all of the special standards for pool halls and game rooms.

Mr. McKeller asked Chief Harris if he had any issues with these types of business. Chief said that they have had additional issues with pool halls. Mr. McKeller stated based on Chief Harris' comments he is in agreement with Mr. Locks' suggestions.

Mr. Canady said he was hesitant to change an ordinance that seemed to be working effectively but that he respected Chief Harris' comments.

Ms. Perkins stated that she concurs with Mr. Locks' comments.

Mr. Pratt voiced concern about item 3.32.H.d and its enforceability.

Mr. McKeller stated that Mayor Harris had some concern about employment of sex offenders at such establishments.

Mr. Locks motioned the proposed amendments be remanded to the Planning Board for further review, second by Mr. McKeller. Motion carried.

UDO 5-Year Assessment – Mayor Pro Tem Morrow recognized Moore who in turn recognized Mr. Freeman of Staff who then recognized Karla Atkinson of the Planning Board who gave an overview and background of the assessment process.

Mr. Freeman provided additional information about the assessment process including schedules and the results of some of the public input.

Mayor Pro Tem Morrow informed Mr. Moore that Mayor Harris had a desire to take part in the assessment process and may have additional comments once he reviews the minutes.

Mayor Pro Tem Morrow further went on to thank the Manager, Josh Freeman of Staff, and the Planning Board for their efforts.

No formal action was taken.

Animal Control Shelter – Mayor Pro Tem Morrow asked Mr. Moore if he had anything further to add, he did not.

Ms. Perkins suggested Council fund the shelter at a $100,000 instead of $90,000 and that the services be provided in perpetuity and not on a 10-year basis. With this approach Ms. Perkins suggested dropping item 3 under Staff recommendations is dropped.

A motion was made by Ms. Perkins to fund shelter at $100,000 for the next 5 years and item 3 under Staff recommendations be dropped, second by Mr. Canady.

Discussion included Mr. Locks' concerns about the Citizens of Brevard having already paid for the shelter by paying County taxes and views this as a second payment. Mr. Locks said that he would vote against the motion. Mr. McKeller voiced concern about Transylvania County no longer offering shelter service if they chose to do so.

Four Council members voted in favor of the motion, Locks was in dissent.

Remarks by Officials – Mayor Pro Tem Morrow recognized Public Services for their exceptional work at the Unitarian Church on South Broad Street. A letter was provided by a citizen and included in City Council's agenda packet. Mayor Pro Tem Morrow also thanked the City for work done near Kier Manufacturing by the Public Services Department. Morrow then complimented the City on the work being done at Hap Simpson Park and the river access project, as well as the work being done on Bracken Mountain with the N.C. Forest Service to provide a fire-break around the perimeter of the property.

Mr. Locks informed the Council that he will be participating in the legislative action committee with the League of Municipalities.

Ms. Perkins asked that Council ask Staff to revisit the idea of a downtown recycling program, at a minimum having a recycling center in downtown Brevard. Ms. Perkins suggested the City look into the parking lot on Jordan Street as an option for a recycling center.

Mr. Canady voiced his appreciation to Chief Phil Harris and his new officers.

Mr. Moore, on behalf of Staff, thanked Council for their comments; he also thanked Mr. Locks for his work with the League of Municipalities.

Ms. Perkins motioned to adjourn, second by Mr. Canady. The meeting adjourned at 9:55 PM.

Daniel Cobb, Acting City Clerk

Desiree D. Perry, City Clerk

Jimmy Harris, Mayor

Minutes Approved: December 5, 2011