MINUTES
BREVARD CITY COUNCIL
Regular Meeting
May 21, 2012 – 7:00 PM

The City Council of the City of Brevard met in regular session on Monday, May 21, 2012 in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present: Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Rodney Locks, Charlie Landreth, Wes Dickson and Maurice Jones.

Staff Present: City Manager Joe Moore, City Attorney Mike Pratt, City Clerk Desiree Perry, Finance Director Jim Fatland, Planning Dir. Josh Freeman, Asst. Planning Dir. Brad Burton, Bldg & Grounds Dir. Lynn Goldsmith, Police Chief Phil Harris, Planner Daniel Cobb, Public Service Dir. David Lutz, Engineering & Utility Dir. Jay Johnston, PE, HR Specialist Christine Caldwell and Executive Assistant Jeanette Owen.

Press: Derek McKissock, Transylvania Times, and, Kimba Colley, WSQL Radio

Welcome – Mayor Harris called the meeting to order, welcomed those present then introduced Council members, City Attorney, Manager and Clerk.

Invocation and Pledge of Allegiance to Flag - Mayor Harris offered an invocation by leading in the Lord's Prayer, and then led in the Pledge of Allegiance to the Flag.

Certification of Quorum – The City Clerk certified a quorum present.

Agenda – Mayor Harris recommended the Agenda be amended to move the order and have "Certificates and Awards" before "Special Presentation". Mr. Landreth moved the Agenda be amended as recommended and approved, seconded by Mr. Jones. Motion carried unanimously.

Minutes - Mr. Landreth moved, seconded by Mr. Morrow, the February 9, February 10 and April 16 meeting minutes be approved subject to the following corrections: (1) February 9 Minutes - no corrections. (2) February 10 Minutes - to show County Commissioners Hawkins and Chapman were in attendance; Correct spelling on page 7 to Ms. Owen, not Owens. (3) April 16 Minutes - Page three to read parking space to be located on the southwest side, not north side. Motion carried unanimously.

Certificates / Awards / Recognition

Recognition of Madrid Zimmerman, Heart of Brevard Executive Director. Mayor Harris read aloud and presented to Madrid Zimmerman a framed original of Resolution No. 2012-13 Recognizing and Honoring Madrid Zimmerman Executive Director Heart of Brevard, describing a few of her many accomplishments while serving as Executive Director. He then presented her with a gift of a desk clock.

Ms. Zimmerman thanked the Mayor and Council for their support, kind words and for the gifts.

Special Presentations

Oath of Office - City Clerk administered the Oath of Office to James "Jay" Nathan Johnston, PE, Director of Engineering and Utilities.

State of North Carolina
County of Transylvania
City of Brevard

> I, James Nathan Johnston, PE, 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 the United States, to the best of my knowledge and ability and that I will faithfully and impartially discharge the duties of the Director of Engineering and Utilities for the City of Brevard imposed upon me by law, so help me God.

Impact Fees Overview - Mr. Freeman repeated a presentation from Council/Staff Retreat 2011, providing a general overview of the purpose and intent of impact fees. Included: (a) Impact fees are a part of capital financing of utilities in North Carolina; (b) Basis for Impact Fees is they are a finite resource, equitable distribution of cost and rational nexus, and, (c) Impact Fees pros and cons. A copy of the staff report and presentation materials is on file.

Council Discussion:

- Mayor Harris stated he believes that impact fees for some non-profits should be reduced or waived and that water and sewer rates for non-profits should be set at a lower rate. Some Council members expressed concern to waive or reduce impact fees and/or to set lower utility rates for some non-profits and not all non-profits could be problematic.
- Questioned if 375 gallons per day for residential is a realistic minimum for household use; the impact upon the City's utility system when a business moves into downtown; and, the impact charging the minimum $750 impact fee has on fostering economic development.
- Inquired how Brevard's rates compare to other cities of comparable size/population.
- Questioned, when considering the dollar amount collected this past year ($7,000) - if it is worth the grief and perception that the charges are a hardship for new businesses? Is there another or better way to capture revenue to accomplish what the impact fees are for?

Manager asked for clarity in Council's discussion and direction with respect to impact and utility rate fees, explaining impact of rates would be a long term discussion and not something that could be discussed and resolved for this coming budget.

(1) Economic Development - Does Council desire staff time and resources to be used to research impact of fees with respect to economic development? Consensus: Yes.

(2) Non-Profits - Does Council desire staff time and resources to be used to research impact fee waiver and reduction of utility rates with respect to non-profit organizations? Consensus: Three yes, one no, one undecided.

Wayfinding Project Update - Mr. Cobb provided an update on the City's Wayfinding project, sharing the information provided will assist Council in the upcoming budget discussion, and there is a funding gap of $200,000. Staff report is on file.

Council Discussion:

- Wayfinding Plan does not include signage for Pisgah Forest or other commercial areas within the City limits like Rosman Highway, Railroad Avenue, etc. Has been discussed at length by the Gateway Corridor Downtown Committee, with thoughts that perhaps in the future separate commercial districts like these can be identified and provided wayfinding signage.
- Signs (for functionality) cannot easily be reduced in number as one sign is used and leads to another sign in order to provide complete directions.
- Presented tonight was an update to Phase I.
- Council consensus: Future phases would be a good Retreat topic.

City Manager Submits FY 2012-2013 Budget to Council

Mr. Moore presented the official recommendation of staff to Council for the FY 2012-2013 budget. Copies were provided to Council members. Tomorrow, Public Inspection copies will be available for review during regular business hours in the City's Administration office and Transylvania County Library, and information will be placed upon the City's website. No tax increase is proposed, a 2% increase in water and sewer rates is proposed, and the proposed budget is a 4% increase over last year. Manager's staff report and power point slides presented are on file.

<u>Budget Workshop(s) and Public Hearing Date</u>: Manager recommended Council adopt the following schedule:

- Budget Workshop - June 4, 2012 at 5:30 p.m., followed by Council's regular meeting scheduled to begin at 7:00 p.m.
- Budget Workshop - June 11, 2012 (if needed)
- Budget Public Hearing - June 18, 2012

Mayor Harris commended staff for providing budget information throughout the year and for being fiscally responsible as evidenced in the proposed budget. He suggested Council hold the Public Hearing at Council's regular June 4th meeting with adoption consideration, not hold a workshop on the 11th, and to consider canceling the June 18th meeting.

Council members discussed value of having workshop on the 4th to allow public and new Council members opportunity to go through the budget review and adoption process. Council decided to accept the Managers recommended budget workshop and public hearing schedule.

~~ At 9:07 p.m. Mayor Harris called for a ten minute break. ~~

Public Hearings - None

Public Participation - None

Consent Agenda– Mayor Harris explained Consent Agenda items are considered routine and are enacted by one motion. He read aloud the items listed and asked if Council desired to remove an item for discussion, or, add an item(s) to the Consent Agenda.

Mr. Locks moved, seconded by Mr. Landreth, the Consent Agenda be approved as presented. Motion carried unanimously. The following items were approved:

<u>Consent Item K-1</u> - Police Department Quarterly Report.

<u>Consent Item K-2</u> - Fire Department Quarterly Report.

<u>Consent Item K-3</u> - **Ordinance No. 2012-16** Amending Traffic Schedule and Brevard City Code to Establish Handicapped Parking Along King Street.

ORDINANCE NO. 2012-16
AN ORDIANCE AMENDING THE TRAFFIC SCHEDULE AND BREVARD CITY CODE TO ESTABLISH HANDICAPPED PARKING ALONG KING STREET

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

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

a) One handicapped accessible, on-street parking space is hereby designated and shall be installed upon King Street. Such space shall be located on the south west side of King Street, and shall begin at a point that is 195 feet south east of the intersection of King Street and Railroad Avenue.

b) One handicapped accessible, on-street parking space is hereby designated and shall be installed upon King Street. Such space shall be located on the south west side of King Street, and shall begin at a point that is 346 feet south east of the intersection of King Street and Railroad Avenue.

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

Section 3. The City Manager of the City of Brevard is hereby authorized and directed to cause appropriate action to implement and enforce the foregoing provisions.

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

Adopted and approved this 21st day of May, 2012.

Consent Item K-4 - Game Room License to operate electronic phone card sweepstake machines granted to Ms. Shilla Patel, Owner, One Stop 5 located at 1591 Old Hendersonville Highway, Pisgah Forest.

Consent Item K-5 - Appointed Ms. Jennifer Jeter to serve on the Human Relations Council filling the unexpired term from previous member, Ms. Metta R. Redding, with the term to expire May 2013.

Consent Item K-6 - Appointed Mr. Chris Gandolfo to serve as an alternate member on the Board of Adjustment filling a vacancy from former member Charles Landreth, with the term to expire November 2012.

Consent Item K-7 - **Resolution No. 2012-13** Recognizing and Honoring Madrid Zimmerman Executive Director Heart of Brevard.

RESOLUTION NO. 2012-13
A RESOLUTION RECOGNIZING AND HONORING MADRID ZIMMERMAN
EXECUTIVE DIRECTOR HEART OF BREVARD

WHEREAS, in 1990 the City of Brevard approved the formation of a Municipal Service Tax District known as The Heart of Brevard, and

WHEREAS, in September, 1997 Madrid Zimmerman was appointed as Executive Director, serving for five years, and in 2006 was appointed for a second time as Executive Director of the Heart of Brevard; and

WHEREAS, Madrid has served both the Heart of Brevard and the City of Brevard in an outstanding and dedicated manner. She has assisted in developing downtown strategies based on the Main Street approach, implemented design standards, assisted in economic restructuring, marketing committee activities. She has organized and promoted the annual White Squirrel Festival with its Squirrel Box Derby, along with many other special events. Madrid has worked with other community agencies on downtown development and managed the administration of the Main Street non-profit organization as well as recruited and directed a large volunteer force, and

WHEREAS, Madrid has been very active in VISION Brevard-Transylvania, the Brevard/Transylvania Chamber of Commerce, the Focus 2020 process and many other community related programs, and

WHEREAS, Madrid is leaving the Heart of Brevard as it's Executive Director to move closer to family in California, and to begin as Administrator of the Long Beach Rotary Club.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR and BREVARD CITY COUNCIL that appreciation is hereby extended to Madrid Zimmerman for her outstanding work and dedication to the improvement and betterment of Brevard. Best wishes are extended to Madrid in all her future endeavors.

BE IT FURTHER RESOLVED that a copy of the Resolution be presented to Madrid Zimmerman and this Resolution shall be recorded within the Minutes of the Brevard City Council.

Adopted and approved this 21st day of May, 2012.

New Business

NB Item M-1 - VFW Indoor Amusement Operations. As requested by Council at their May 7th meeting, Mr. Freeman presented a report describing the following three options available to VFW for indoor amusements including gaming machines consideration:

Option 1 - Provide documentation that is sufficient to prove that the VFW's use of land as an Indoor Amusement enjoys pre-existing, nonconforming status. In other words, the Indoor Amusement land use commenced prior to the date that the City enacted regulations pertaining to Indoor Amusements, and that such land use has operated continuously thereafter without having been discontinued for a period greater than 180 days.

Option 2 - Submit an application for rezoning to change the property's zoning designation to a designation that permits Indoor Amusement land uses.

Option 3 - Submit an application for text amendment to amend the ordinance to allow Indoor Amusements within any G-4 zoning district and/or within any Cultural or Community Facility.

Alternately, City Council could direct staff and the Planning Board to present recommendations pertaining to options two and three (above), independent of the VFW.

Staff Recommendation - Recommended Council take no action allowing the VFW to exercise their options as described above.

Mayor Harris asked Mr. Pratt if the VFW can prove in the past they have used gaming or similar machines, would that qualify them as their having an existing non-conforming use?

Mr. Pratt replied these particular gaming machines have only recently been deemed to be legal. Therefore, if any of these or similar machines had been used previously, it would be deemed to have been an illegal action and as such could not be used as a basis for establishing an existing nonconformity.

Council Discussion: VFW use and their mission is not in question, it's adding the component of gaming machines (indoor amusements) that has come into question. Indoor Amusement uses as defined in City Code is not limited to described gaming machines but also includes billiard, arcade games, and other indoor amusement activities; and, Questioned if option 2 would establish spot zoning.

Mr. Landreth moved, seconded by Mr. Morrow, Council follow staff recommendation, taking no action, allowing staff to provide and discuss with VFW the described options. Motion carried unanimously.

Remarks by Officials

Mr. Jones shared he likes the recent change of providing the Agenda packet within a notebook.

Mr. Morrow commended County Commissioner Chairman Mike Hawkins and the Board of Commissioners for their recent meeting and actions to foster long term economic growth and suggested the City adopt a resolution of support. He expressed appreciation to Council and staff for their recognizing the potential to work together with the County on this important issue, and further commended all Council members and several members of staff for their attending the meeting.

Mr. Locks recognized and congratulated recently selected Heart of Brevard Interim Executive Director, Mr. Michael Trufant.

Mr. Locks explained there are efforts to disband the Mountain Resource Commission which is designed to protect and promote mountain resources. An email will be sent out in the near future on the subject which he encouraged Council members to respond to by sending a reply in support of keeping the Mountain Resource Commission.

Mrs. Perry reminded Council members Town Hall Day will be held on June 6th, and offered to help anyone desiring to attend with their registration and travel arrangements.

Mr. Moore stated he will draft a resolution of support as recommended by Mr. Morrow.

Adjourn - There being no further business before Council, Mr. Jones moved, seconded by Mr. Landreth, the meeting be adjourned. Motion carried. Meeting adjourned at 9:56 p.m.

s/Jimmy Harris
Mayor

s/Desiree D. Perry
City Clerk

Minutes Approved: June 18, 2012