MINUTES
BREVARD CITY COUNCIL
Regular Meeting
March 17, 2014 – 7:00 PM

The Brevard City Council met in regular session on Monday, March 17, 2014 at 7:00 p.m. in the Council Chambers of City Hall with Mayor Pro Tem Mac Morrow presiding.

Present - Mayor Pro Tem Mac Morrow, Council Members Charlie Landreth, Maurice Jones, Wes Dickson and Ann Hollingsworth.

Absent – Mayor Jimmy Harris

Staff Present – City Manager Joe Moore, City Attorney Mike Pratt, City Clerk Desiree Perry, Planning Director Josh Freeman, Finance Director Jim Fatland, Police Chief Phil Harris, Fire Chief Craig Budzinski, Building and Grounds Alex Marquez, Human Resource Director Christine Caldwell.

Press - Derek McKissock, Transylvania Times

A. Welcome and Call to Order – Mayor Pro Tem Morrow called the meeting to order, welcomed those present, and expressed his condolences to Mayor Harris and his family in the loss of the Mayor's son, Quinn.

B. Invocation – Reverend Karen Easter, St. Timothy United Methodist Church, offered an Invocation.

C. Pledge of Allegiance - Mayor Pro Tem Morrow led in the Pledge of Allegiance.

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

E. Approval of Agenda – Ms. Hollingsworth moved, seconded by Mr. Dickson, the Agenda be amended to add New Business Item M-8 Letter of Support to Independent Economic Development Task Force, and approved as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Landreth noted the word "swales" needs to be corrected on page 4. Mr. Jones moved, seconded by Ms. Hollingsworth, the December 16, 2013 Minutes be approved as presented with the noted correction. Motion passed unanimously.

G. Public Hearings

G-1. <u>Development Ordinance Text Amendment: Accessory Retail in General Industrial Zoning</u>. Public hearing to consider amendment to the Unified Development Code to allow accessory retail within an area that is equivalent to twenty percent (20%) of the gross floor area of the structure(s) containing the principal use in the G-1 General Industrial District. Applicant is Oskar Blues.

At 7:10 p.m. the properly advertised and noticed public hearing to receive comments began. Mr. Freeman provided the staff report (on file). Applicant, Oskar Blues, plan to expand their business and desire to also expand their accessory retail area beyond the current 3,000 square foot maximum allowed in an industrial district.

<u>Public Hearing Public Participation</u> - None

<u>Public Hearing Closed</u> – With no further questions or comments from Council or the public, Mayor Pro Tem Morrow closed the hearing at 7:15 p.m.

G-2. <u>Proposed Student Built Housing Planned Development District PDD-13-437 and Preliminary Master Plan</u>. Public hearing to re-consider a Planned Development District and Preliminary Master Plan located off Country Club Road and Gillespie Circle.

At 7:15 p.m. the properly advertised and noticed public hearing to receive comments began. Mr. Freeman provided the staff report (on file). Council first considered the Project at their December 16, 2013 meeting and remanded the proposal back to staff to address issues associated with Gillespie Circle access/egress and a future bike/hike connection. Applicant has amended their Plan and proposes to address the issue by making the connection between the new street system in the development and Gillespie Circle one-way traffic only; vehicles will enter onto Gillespie Circle and exit onto County Club Road. Board of Education is open to the idea of dedicating to the City a right-of-way for the bike/hike path; however, they feel the route should be delineated on the ground prior their granting. Staff feels the Board of Education is coming to the table in good faith and is confident negotiation of a right-of-way will be achieved.

Mr. Freeman noted two corrections are needed to the drafted Ordinance: (1) Section 5 be amended to read, "The Developer is hereby granted vested rights for a period of five (5) years to *initiate* the first phase of the project in accordance with the Preliminary Master Plan and the terms and conditions of this Ordinance"; and, (2) Draft Ordinance, pg. 7, item m, be amended to read, "m. Surety as to the completion of public infrastructure shall be provided in accordance with Chapter 16 of the Unified Development Ordinance and administrative procedures set forth by the City Manager. Such surety shall, if required, be provided on a phase-by-phase basis, and shall be provided prior to the Planning Board's approval of each final master plan for each phase."

Mr. Landreth asked if the Board of Education, who is the land owner, has provided the City a Certification of Intent authorizing the Student Built Planned Development Application and Preliminary Master Plan.

Mr. Carroll Parker, Community Land Trust representative, replied to his knowledge no such official action has been taken by the Board of Education (BOE); however, he does know that the BOE is heavily interested and invested in the Project.

Mr. Pratt explained an applicant is to own the land or have a legal interest in the land. If Council desires to approve this request, a provision can be added requiring that approval from the land owner, Transylvania Board of Education, is received.

Mr. Parker described housing funding will be from State Employees Credit Union; Credit Union is looking into trying to establish an endowment whereby some of the rental funds would go back into the student built housing; housing units will not be sold or leased, but will be rented; and the Board of Education will continue to own the land and will therefore remain tax exempt.

<u>Public Hearing Public Participation</u>

Ms. Patricia Petit, 47 Hazel Court, emailed her opposition to the rezoning request. (Exhibit A.)

Mr. Bruce Ladd, 658 Country Club Road, a neighboring property owner expressed his concerns that the creek already overflows, and questioned why an engineering report is not included with the development plans addressing the development's impact upon the creek and its potential for added flooding.

<u>Public Hearing Closed</u> – With no further questions or comments from Council or the public, Mayor Pro Tem Morrow closed the hearing at 7:42 p.m.

G-3. Transylvania Regional Hospital Planned Development District PDD14-004 and revised Preliminary Master Plan. Public hearing to consider an amendment to the Transylvania Regional Hospital Planned Development District and revise the Preliminary Master Plan.

At 7:42 p.m. the properly advertised and noticed public hearing to receive comments began. Mr. Freeman provided the staff report (on file). In 2009 the Hospital received PDD and Preliminary Master Plan approval. The revised preliminary master plan provides more detail and specificity over the previous plan, makes more efficient use of areas that are appropriate for construction while largely avoiding floodplain areas, and, incorporates additional Hospital owned land into the Master Plan. Improvements to the vehicle and pedestrian circulations system are also incorporated into the revised Plan.

Mr. Will Buie, PE, Lapsley and Associates, presented the Preliminary Master Plan. Additional property along the northern boundary and the former Loftis property has been included, and additional sidewalks will be provided. Parking for staff will be located towards the rear of the hospital and patient/public parking will be provided towards the front of the hospital.

Public Hearing Public Participation

Ms. Billie Bazley, 215 Temple Church Road, expressed concerns over potential of additional traffic into her neighborhood. Since Koala was built and the back exit/street was opened her neighborhood that adjoins the hospital campus has received additional traffic, and she is concerned as the hospital and medical office campus continue to grow and expand even more traffic will be added to her residential neighborhood.

Public Hearing Closed – With no further questions or comments from Council or the public, Mayor Pro Tem Morrow closed the hearing at 8:05 p.m.

H. Certificates/Awards/Recognition - None

I. Public Participation

I-1. Annual Budget Public Input

Friends of Ecusta Trail **-** Ms. Nancy DePippo requested Council support for the Cherry Street Connector project. The connector is an important piece to the community as well as the future Ecusta Trail. Allowing access to the existing multi use path for children, families and individuals will promote recreation and commuting.

VISION Transylvania – Mr. Scott Elliott requested consideration for financial support for the Vision Transylvania course; $1,000 per year for the next three years. (Copy of presentation information is on file.)

Transylvania Community Arts Council – Executive Director Tammy Hopkins thanked Council for the grant provided to TCArts last year, and described the many art events made possible and supported by the grant. Requested consideration for a $10,000 grant. (Copy of presentation information is on file.)

Transylvania Heritage Museum – Director Rebecca Suddeth and Mr. Tony Morrow shared last week began the Museum's seventh year. They described the many exhibits, activities and walking tours provided by the Museum to residents and visitors, and requested consideration for financial support. (Copy of presentation information is on file.)

Land of Sky Regional Council – Mr. Justin Hembree and Mr. Dana Stansbury, expressed appreciation for the City's membership and partnership with Land of Sky Regional Council that began in the late 60's or early 70's, and asked that the City's

membership and partnership continue in the coming fiscal year. (Copy of presentation information is on file.)

Muddy Sneakers – Mr. Ryan Olson described their educational organization sharing it falls in line with the City's vision and strategy to emphasize outdoor recreation, cultivate environmental consciousness, leverage outdoor opportunities to enhance the quality of life through physical connections to our natural assets, and promotes vision through supporting private/public partnerships. Respectfully requested $3,000.

Heart of Brevard – Executive Director Heath Seymore presented a power-point (on file) and shared the Main Street Organizations fits into Brevard's Comprehensive Plan. Requested a $30,000 grant; $11,000 of which will go towards the Downtown Master Plan and $2,000 for the July 4th Fireworks.

Chamber of Commerce – Executive Director Clark Loveless described their role is to help our businesses succeed and prosper, while providing educational and developmental opportunities for business owners, support staff, entrepreneurs, and others. Requested a $9,000 grant for the Sister City Program (Belmont), educational workshops, and WNC Chamber visit with Legislators.

I-2. Public Participation

Mr. Al Mercer, 109 London Court, explained that Glade Homes, the developers of Bedford Place, failed to complete the development's streets and storm drainage system which has resulted in a serious and frequent overflow situation. Requested Council's consideration to allocate funds in the coming budget to help address and remedy the situation.

Former Council Member and downtown business owner, Dee Dee Perkins, expressed her appreciation to Council and City staff for their work on the Wayfinding signage project, sharing the new signs looks great and she hopes the sign clutter / duplication of signs will soon be taken down.

~~ At 8:53 PM Mayor Pro Tem Morrow called for a ten minute break. ~~

J. Special Presentation - None

K. Consent Agenda - Consent Agenda items are considered routine and are enacted by one motion. Mayor Pro Tem Morrow 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.

Mr. Landreth moved, seconded by Mr. Dickson, the Consent Agenda be amended to add New Business Item M-2 Creation of Dangerous Dog Review Board and Appointments, Item M-5 Ordinance Amendment to Allow Accessory Retail in General Industrial Zoning District; Item M-6 Student Built Housing Planned Development District and Preliminary Master Plan; and Item M-7 Transylvania Regional Hospital Planned Development District and Preliminary Master Plan, and that the Consent Agenda be approved as amended.

Discussion on the Motion: Item M-6 Student Built Housing PDD approved subject to the City receiving confirmation from the property owner, Transylvania Board of Education, that the Community Land Trust (CLT) is their authorized Agent for the Student Built Housing Project and PDD Application.

Mr. Landreth amended his motion to include the condition to Item M-6. Mr. Dickson seconded the motion as amended. Motion carried unanimously.

The following eleven Consent Agenda items were approved:

K-1 Developing and Codifying a Sewer Pretreatment Program – Engineering and Utilities Director, Jay Johnston, PE, report advised Council that with the addition of Oskar Blues Brewing to our sewer system, the City is required to develop and implement a Sewer Pretreatment Program. Report included information on developing and codifying a pretreatment program, and fiscal impact information.

K-2 Terminix Service, Inc., Voluntary Contiguous Annexation Petition – Terminix Service, Inc., submitted a Petition for voluntary annexation of their property located at 1291 Ecusta Road, Pisgah Forest. Council directed City Clerk to investigate the sufficiency of the Petition.

K-3 Resolution No. 2014-02 Authorizing Grant/Loan Financing for Water Distribution System Loss Study.

RESOLUTION NO. 2014-02

AUTHORIZING GRANT/LOAN FINANCING FOR WATER DISTRIBUTION SYSTEM LOSS STUDY

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a wastewater collection system, and

WHEREAS, The City of Brevard intends to request state assistance for the project, Technical Assistance Grant (TAG) for Water and Sewer Leak Detection.

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

Section 1. That City of Brevard the **Applicant** will arrange financing for all remaining costs of the project, if approved for a State (loan or grant) award.

Section 2. That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

Section 3. That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Brevard to make scheduled repayment of the loan, to withhold from the City of Brevard any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

Section 4. That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

Section 5. That **Joseph M. Moore, II, P.E., City Manager,** the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

Section 6. That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Section 7. That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 17th day of March, 2014.

K-4 Resolution No. 2014-03 Authorizing Grant/Loan Financing for Kings Creek Wastewater Phase III

RESOLUTION NO. 2014-03

AUTHORIZING GRANT/LOAN FINANCING FOR KINGS CREEK WASTEWATER PHASE III

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a wastewater collection system, and

WHEREAS, The City of Brevard has need for and intends to construct a wastewater collection system and

WHEREAS, The City of Brevard intends to request state loan assistance for the project, Kings Creek Wastewater Phase III

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

Section 1. That City of Brevard the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State (loan or grant) award.

Section 2. That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

Section 3. That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Brevard to make scheduled repayment of the loan, to withhold from the City of Brevard any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

Section 4. That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

Section 5. That **Joseph M. Moore, II, P.E., City Manager** the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

Section 6. That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Section 7. That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 17th day of March, 2014.

K-5 **Ordinance No. 2014-03** Amending the Terrell L. Scruggs Scholarship Trust Ordinance

ORDINANCE NO. 2014-03

AN ORDINANCE AMENDING THE TERRELL L. SCRUGGS SCHOLARSHIP TRUST ORDINANCE (Ordinance No. 2012-18)

WHEREAS, the Terrell L. Scruggs Scholarship Trust Committee has recommended certain technical amendments to the Ordinance creating the Terrell L. Scruggs Scholarship Trust.

WHEREAS, after due consideration, it is the desire of the City Council of the City of Brevard to approve the amendments as recommended by the Terrell L. Scruggs Committee.

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

SECTION 1. The City of Brevard Ordinance Creating The Terrell L. Scruggs Scholarship Trust (Ordinance No. 2012-18) is hereby amended to increase the Committee membership from six to eight, and, to add or amend text as shown in underlined italic, and, by the deletion of text as shown in strikethrough:

ADD new text as shown in underlined italic:

> Section 3. The Scholarship Committee shall serve as volunteers…….. *Committee shall have eight (8) members*. Council shall appoint Committee members.
>
> Section 4. The initial *six* Scholarship Committee members are……

AMEND text as shown in strikeout and underlined italic:

Section 6(d). Allow City residents to have a priority over non-resident, or not, in its discretion, but all applicants must be ~~students~~ *graduating seniors* of *a* Transylvania County public high school~~s~~;

DELETE in its entirety Section 6(e):

~~Section 6(e). Establish as a rule that scholarship applicants may be received only from seniors enrolled in Brevard High School, it is so chooses;~~

RENUMBER Section 6 to include subsections (a) through (h).

SECTION 2. This Ordinance shall be effective immediately upon its adoption.

Adopted and approved this the 17th day of March, 2014.

K-6 Staff Reports

a) Public Services Monthly Report, January 2014
b) Finance Report for month ended January 31, 2014
c) Burrell Mountain Reservoir Project Update
d) City Clerk's 2014 Second Quarter Report

K-7 Board and Committee Appointments:

a) Terrell L. Scruggs Scholarship Committee – Ordinance No. 2014-03 expanded the 6-member committee to an 8-member committee. Appointed Ms. Sue Fox and Mr. Jimmy Perkins to serve; terms will expire July 2017.

b) Brevard Firefighters Relief Fund Board of Trustees – Reappointed Meredith Baldridge, as recommended by the Brevard Firefighter's Relief Fund Board; term will expire January 2016.

c) Community Appearance Commission – Reappointed Reid Wood to a second term; term will expire February 2017.

K-8 (M-2) Creation of Dangerous Dog Review Board per City Ordinance Section 14-36, consisting of a practicing veterinarian and two public citizens, and to serve on an as-needed basis (no term limit). Appointed the following three to serve on the Board:

(1) Dr. Christine Weaver (veterinarian)
(2) Mr. Michael Eubanks
(3) Mr. Carl Mooney

K-9 (M-5) **Ordinance No. 2014-04** Amending the City of Brevard Unified Development Ordinance, Chapter 3 Additional Use Standards

ORDINANCE NO. 2014-04

AN ORDINANCE AMENDING THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE CHAPTER 3. ADDITIONAL USE STANDARDS

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended a text amendment to the City of Brevard Code of Ordinances; and

WHEREAS, a public hearing was conducted on March 17, 2014 by Brevard City Council. After hearing all persons wishing to comment, and review and consideration of the proposed amendment, it is the desire of the City Council of the City of Brevard to approve the amendment as recommended.

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

SECTION 01. The City of Brevard Code of Ordinances, Chapter 3. Additional Use Standards, Section 3.33. Accessory Retail, Subsection D, is hereby amended to read as follows:

3.33. Accessory Retail.

D. Accessory retail uses are limited to an area that is equivalent to 20 percent of the gross floor area of the structure(s) containing the principal use.

SECTION 02. As to any conflict between this ordinance and any parts of existing ordinances, the provisions of this ordinance shall control.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. The enactment of this ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 05. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this 17th day of March, 2014.

K-10 (M-6) **Ordinance No. 2014-05** Amending The Official Zoning Map of the City of Brevard Establishing the Student Built Housing Planned Development District and Preliminary Master Plan

M-6 Student Built Housing PDD approved subject to the City receiving confirmation from the property owner, Transylvania Board of Education, that the Community Land Trust (CLT) is their authorized Agent for the Student Built Housing Project and PDD Application.

ORDINANCE NO. 2014-05

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD; ESTABLISHING THE STUDENT BUILT HOUSING PLANNED DEVELOPMENT DISTRICT

WHEREAS, the City of Brevard has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, this Ordinance is consistent with the City of Brevard's 2002 Land Use Plan and other official plans for the reasons set out in the excerpt from the Planning Board's Recommendation of Approval with Conditions which has been identified as Exhibit A and which is hereby adopted and incorporated by reference; and

WHEREAS, the City of Brevard Planning Board has reviewed the proposed ordinance and recommends its enactment by City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BREVARD, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, HEREBY ORDAINS THE FOLLOWING:

Section One. Upon petition of the Transylvania Community Land Trust and the Transylvania County Board of Education, (hereinafter referred to as the "DEVELOPER", the Official Zoning Map of the City of Brevard is hereby amended to create the Student Built Housing Planned Development District as more particularly set forth herein.

Section Two. The zoning classification of that certain real property identified on Transylvania County tax maps by the following information, is hereby zoned as the Student Built Housing Planned Development District, a conditional zoning district established pursuant to the Unified Development Ordinance of the City of Brevard by means of authority granted by the North Carolina General Statutes, said zoning district being further depicted in Exhibit B and described in Exhibit C, which are attached hereto and made a part hereof:

Property Owner	Property Identification Number	Deed Book / Page
Transylvania County Board of Education	8585-35-5346-000	DB: 00302 PG: 0352
Transylvania County Board of Education	8585-45-1339-000	DB: 00675 PG: 0411

Section Three. The Preliminary Master Plan for the Student Built Housing Planned Development District, which is depicted in Exhibit D and which is attached hereto and made a part hereof, is hereby approved.

Section Four. Future development and use of lands situated within the Student Built Housing Planned Development District , and the processing of applications to develop and use such lands, shall comply with the conditions set forth on the document entitled, Student Built Housing Planned Development District Development Conditions, which is attached to this ordinance as Exhibit C and incorporated herein; and the preliminary master plan entitled Student Built Housing Planned Development District Preliminary Master Plan, which is attached to this ordinance as Exhibit D and incorporated herein. The aforementioned List of Conditions shall run with the land and shall be binding on the DEVELOPER, its heirs and assigns.

Section Five. The Developer is hereby granted vested rights for a period of five (5) years to within which to initiate the first phase of the project in accordance with the Preliminary Master Plan and the terms and conditions of this Ordinance.

Section Six. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map consistent with this Ordinance.

Section Seven. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

Section Eight. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section Nine. This Ordinance shall be in full force and effect from and after the date of adoption.

Adopted and approved upon first reading this the 17th day of March, 2014.

K-11 (M-7) **Ordinance No. 2014-06** Amending The Official Zoning Map of the City of Brevard; Amending the Transylvania Regional Hospital Planned Development District and Preliminary Master Plan

ORDINANCE NO. 2014-06

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD; AMENDING THE TRANSYLVANIA REGIONAL HOSPITAL PLANNED DEVELOPMENT DISTRICT

WHEREAS, the City of Brevard has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, by enactment of Ordinance No. 12-09 on June 15, 2009, Brevard City Council established the Transylvania Regional Hospital Planned Development District; and,

WHEREAS, Transylvania Regional Hospital has presented plans for modification and expansion of the Transylvania Regional Hospital Planned Development District; and,

WHEREAS, this Ordinance is consistent with the City of Brevard 2002 Land Use Plan and other official plans for the reasons described in Exhibit C to this Ordinance, which is attached hereto and incorporated herein by reference; and,

WHEREAS, the City of Brevard Planning Board has reviewed the proposed ordinance and recommends its enactment by City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BREVARD, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, HEREBY ORDAINS THE FOLLOWING.

Section One. Upon petition of Transylvania Regional Hospital (hereafter, the Hospital), the Official Zoning Map of the City of Brevard is hereby amended to modify and expand the Transylvania Regional Hospital Planned Development District as more particularly set forth herein.

Section Two. The zoning classification of that certain real property described in Exhibit C to this Ordinance, which is attached hereto and incorporated herein by reference, is hereby rezoned to be the Transylvania Regional Hospital Planned Development District. The Transylvania Regional Hospital Planned Development District is depicted in Exhibits A and D to this Ordinance, which are attached hereto and incorporated herein by reference.

Section Three. The Transylvania Regional Hospital Planned Development District is a conditional zoning district established pursuant to the Unified Development Ordinance of the City of Brevard by means of authority granted by the North Carolina General Statutes.

Section Four. Future development and use of lands situated within the Transylvania Regional Hospital Planned Development District, and the processing of applications to develop and use such lands, shall comply with the conditions set forth in Exhibit B to this Ordinance, which is attached hereto and incorporated herein by reference; and the preliminary master plan shown in Exhibit D to this Ordinance, which is attached hereto and incorporated herein by reference. The aforementioned List of Conditions shall run with the land and shall be binding on the Hospital, its heirs and assigns.

Section Five. Pursuant to Section 16.8.B.7 of the City of Brevard Unified Development Ordinance, the HOSPITAL shall secure final master plan approval in accordance with the procedures set forth in Chapter 16 of the City of Brevard Unified Development Ordinance and take action to begin development of the property within five (5) years of the effective date of this ordinance.

Section Six. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map consistent with this Ordinance.

Section Seven. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section Eight. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section Nine. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted and approved upon first reading this the 17th day of March, 2014.

L. Unfinished Business - None

M. New Business

M-1 Resolution No. 2014-04 Recommending Certain Project for Inclusion in the North Carolina Statewide Transportation Improvement Program

Mr. Jones moved, seconded by Ms. Hollingsworth, that **Resolution No. 2014-04** be adopted as presented.

Discussion on the Motion: Mr. Landreth asked staff to summarize how or by what criteria the projects were ranked.

Mr. Freeman explained all of the projects were in the 2007 Transportation Plan; ranking is arrived through citizen input, political, and balanced with data (future population projections, predicted traffic volume, over capacity, etc.). It is through the combination of these that priorities are established.

Vote on the Motion. Motion carried unanimously.

RESOLUTION NO. 2014-04

A RESOLUTION RECOMMENDING CERTAIN PROJECTS FOR INCLUSION IN THE NORTH CAROLINA STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, City Council recognizes that the efficient provision of multi-modal transportation system is a necessity in maintaining quality of life and economic development within Transylvania County.

WHEREAS, the North Carolina Department Transportation and Land-of-Sky Rural Planning Organization have solicited recommendations from the City of Brevard and Transylvania County as to future transportation projects to be included in the North Carolina Statewide Transportation Improvement Program.

WHEREAS, The Transylvania County Transportation Advisory Committee, the Transylvania County Planning Board, and City of Brevard Planning Board jointly recommend that Brevard City Council and the Transylvania County Board of Commissioners take action to recommend certain future transportation projects, which are described herein, to the North Carolina Department of Transportation and the Land-of-Sky Rural Planning Organization for inclusion in the North Carolina Statewide Transportation Improvement Program.

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

Section 1. The following projects, which have been previously identified in the 2007 Comprehensive Transportation Plan, are hereby recommended for inclusion in the North Carolina Statewide Transportation Improvement Program:

a. Davidson River Connector
b. NC Highway 215 Major Thoroughfare
c. US Highway 64 West Major Thoroughfare
d. West Loop Minor Thoroughfare
e. Railroad Avenue Bike / Hike Path
f. Wilson Road Improvements / Realignment and Wilson Road / Ecusta Road Intersection Realignment. Council notes that Wilson Road is identified in the 2007 Comprehensive Transportation Plan as an alternative alignment of the Sylvan Valley Parkway. Council reiterates that improvements to Wilson Road, coupled with realignment of the Wilson Road / Ecusta Road intersection, constitute the locally preferred alternative to a new expressway situated west of the French Broad River. Council requests that the locally preferred Wilson Road alternative be assigned a new project name to differentiate it from the Sylvan Valley Parkway.

Section 2. The following projects, which are not identified in the 2007 Comprehensive Transportation Plan, but which are identified by other policy actions of Brevard City Council or the Transylvania County Board of Commissioners, are hereby recommended for future inclusion in the North Carolina Statewide Transportation Improvement Program:

a. Streetscape Rehabilitation Phase 1
b. Probart Street Sidewalk
c. Widening of US Highway 64 between Brevard and Rosman

Section 3. The City Manager is hereby directed to forward this resolution, along with detailed project descriptions, to the North Carolina Department Transportation and Land-of-Sky Rural Planning Organization, for consideration in development of the North Carolina Statewide Transportation Improvement Program.

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

Adopted and approved this the 17th day of March, 2014.

M-3 2014 Retreat Follow-up: Update the 2006 Comprehensive Pedestrian Plan

Mr. Freeman explained the Plan is an element of the overall transportation policy that identifies, prioritizes and ranks improvements to existing and new pedestrian facilities, and, reviewed with Council members the staff recommended process and timelines included in the 2-page staff report (on file).

By consensus, Council accepted the Report and staff recommendations.

M-4 2014 Retreat Follow-up: Options for amending Unified Development Ordinance, Chapter 12 Signage

Mr. Freeman presented his 4-page staff report (on file).

Mr. Landreth moved, seconded by Mr. Jones, Council accept the Report as presented and direct staff to proceed with Option 2 – Conduct a comprehensive review/rewrite of UDO Chapter 12, and further directed that staff have the ability to choose the best of the features of Option 2A and 2B.

M-8 Independent Economic Development Task Force, Letter of Support

Ms. Hollingsworth moved, seconded by Mr. Jones, the letter of support to Chair Karen Gleasman, Independent Economic Development Task Force be approved as presented. Motion carried unanimously.

Karen Gleasman, Chair
Independent Economic Development Task Force

Dear Karen,

On behalf of the citizens of Brevard, the City Council expresses its gratitude for the Independent Economic Development Task Force's efforts in developing a plan for a Transylvania County Economic Development Organization. The Task Force recommendations have great potential to create a strong alliance of economic partners who work closely in achieving a common vision. The City Council supports the creation of a new Economic Development Organization (EDO).

There are certainly details which will need further discussion. The City is willing to participate in follow-up conversations as they arise. We also welcome the opportunity to have a seat on the board of the EDO and share in the governance of the organization.

Again, we extend our thanks to you for the work of the Task Force. In preparing your recommendations, you have helped our community see itself with greater focus and set a new standard for community achievement.

Sincerely,
Jimmy Harris
Mayor

N. Remarks By Officials

Mr. Dickson – He was approached by the Cindy Platt Board who would like the City of Brevard to have an annual day in honor of former City Council Member Cindy Platt (specific day/date not offered). Mr. Dickson moved, seconded by Mr. Landreth, Council supports having an annual Cindy Platt Day. Motion carried unanimously.

Mr. Landreth – The design team that worked with the Conservation Fund on the Balancing Nature and Commerce's two and one-half day workshop provided a very thoughtful consideration of the aspects of our community and was a nice follow-up to Council's retreat. Workshop provided an in-depth citizen perspective on our community, which, as an elected official, he found to be very valuable.

Mr. Jones – Following this past week and events that have happened has helped him to come to realize community equals family, as, despite the different views held by individuals, we all came together as a community to share our common support, care and love to Mayor Harris and his family in the loss of the Mayor's son, Quinn.

Mayor Pro Tem Morrow – Tonight Council feels the loss of Jimmy's presence here at the dias, however, all understand and recognize the importance of his being home with his family tonight as he and his family need healing time. He too appreciates the community support shown to Mayor Harris and his family.

As a follow-up to the balancing Nature and Commerce workshop, there will be a formal report completed in another week or so and will be presented at a combined meeting to the City, Town of Rosman, County, and Board of Education officials.

Mr. Pratt – Affirmed and underscored comments shared by Mr. Jones and Mr. Morrow for Mayor Harris' family and at our community's coming together.

O. Closed Session - The City Attorney advised pursuant to **GS § 143-318.11. (a)(3)** and **(6)** it would be appropriate to convene two closed sessions for the purpose to discuss (1) potential litigation, and (2) personnel matter. Each closed

session will require a separate motion, second and vote to discuss the matter. Council will enter and exit regular session for each closed session.

At 9:37 p.m. Mr. Jones moved, seconded by Mr. Landreth, Council go into closed session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager, Clerk, Mr. Freeman, and Chief Harris. *(A two minute break was taken to allow citizens and staff to leave Council Chambers.)*

Council Returned to Regular Session – At 9:54 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

At 9:54 p.m. Council dismissed the City Clerk to hold a closed session to discuss a personnel matter. City Attorney will provide Minutes of the closed session on the personnel matter, and will provide to the Clerk the record of Council's return to regular session, any actions taken, and adjournment.

Council came out of closed session at 10:25 p.m. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Adjourn – After reconvening in Open Session at 10:25 p.m., Mr. Morrow moved to adjourn the meeting. Mr. Landreth offered a second to the motion, which passed unanimously.

s/_____
Mac Morrow
Mayor Pro Tem

s/_____
Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: May 19, 2014

Exhibit A
Brevard City Council Minutes
March 17, 2014 Meeting

Desiree Perry

From: Daniel Cobb
Sent: Monday, March 17, 2014 3:28 PM
To: Desiree Perry
Cc: Josh Freeman
Subject: Community Land Trust Public Hearing

Good afternoon Desiree,

This afternoon I received a call from Patricia Pettit of 47 Hazel Court (she also owns 58 Hazel Court). Ms. Pettit lives full-time in California and will not be able to attend tonight's public hearing on the Community Land Trust project but she wanted to make sure we heard her opinion. Ms. Pettit is opposed to the proposed rezoning because of the following potential impacts on the neighborhood:

- Increased density
- Loss of habitat
- Development in the floodplain
- Limiting homes to single-family structures
- Potential drainage issues from increased fill

Again, Ms. Pettit lives in California but was once a full-time resident of Brevard. She plans to retire here and owns property on Hazel Court.

I told Ms. Pettit I would pass her concerns along to you for the record.

Thanks,

Daniel Cobb, AICP, CFM, CZO
Planner & Assistant Zoning Administrator
City of Brevard Planning Department
95 West Main Street
Brevard, NC 28712
828.885.5630
daniel.cobb@cityofbrevard.com

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