

**MINUTES  
BREVARD CITY COUNCIL  
Regular Meeting  
March 16, 2015 – 7:00 PM**

The Brevard City Council met in regular session on Monday, March 16, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

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

**Staff Present** – City Manager Joe Moore, City Attorney Mike Pratt, City Clerk Desiree Perry, Deputy Clerk Jill Murray, Planning Director Josh Freeman, Asst. Dir. Long-Range Planning Daniel Cobb, Planner Aaron Bland, Deputy Police Chief Shawn Miller, Parks and Property Management Director Lynn Goldsmith, Parks & Prop. Mgmt. Alex Marquez, Public Services Director David Lutz, and Utility Director & City Engineer Jay Johnston, PE.

**Press** - Derek McKissock, 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 Clerk.

**B. Invocation** – Pastor Richard Jennings, Joy Outreach Fellowship Church, 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** – Mr. Pratt recommended the Agenda be amended to include a contract for purchase of property from Fred McCrary to either Consent or New Business. Mayor Harris recommended a Special Presentation from the US Forest Service be added to the Agenda.

Mr. Landreth moved, seconded by Mr. Morrow, the Agenda be amended to add Consent Agenda Item K-7 Contract for purchase of McCrary property, and, Special Presentation I-2 US Forest Service Plan Revisions, and the Agenda be approved as amended. Motion carried unanimously.

**F. Approval of Minutes** – Ms. Hollingsworth moved, seconded by Mr. Jones, the March 6, 2015, Minutes be approved as presented. Motion carried unanimously.

**G. Certificates, Awards and Recognition**

**G-1. Sunshine Week Proclamation** – Mr. Morrow moved, seconded by Ms. Hollingsworth, the Proclamation declaring March 15-21, 2015, as Sunshine Week be approved as presented. Motion carried unanimously.

**H. Public Hearing(s)**

**H-1. Proposed Amendment to the City of Brevard Traffic Schedule.** Amendments include: (a) Convert on-street parking space to a handicap space on East Jordan Street; (b) Correct clerical errors by eliminating the time-based operation of one-way streets; and, (c) Limit on-street parking to one side of Monroe Street. Applicants: (a) Nira Stake, Attitudes Salon, 8 E Jordan Street West; (b) Planning Department Staff; and, (c) Juanita Barton, 33 Monroe Street. This public hearing was advertised on March 2<sup>nd</sup> and 9<sup>th</sup>, 2015.

Mayor Harris opened the public hearing at 7:22 P.M.

Mr. Moore explained the public hearing is intended to ensure awareness of the proposed text amendments limiting parking on Monroe Street and dedicating a handicap space on Est Jordan Street. The change to one-way operations is a clerical adjustment.

Mr. Bland offered information from the staff report (on file) and explained both the Monroe Street and East Jordan Street amendments are citizen initiated. The Monroe Street request was made asking that no parking be allowed on both sides of the 16 to 17 wide street. Discussion with the Police and Fire Departments resulted in favor of designating the North side only as no parking so residents and visitor have space to temporarily park cars while allowing emergency vehicles an open travel lane the length of the street.

East Jordan Street recommendation is to designate the first of the five spaces on the block to be a dedicated handicapped space.

#### Public Hearing Public Participation

Mr. John Cilmi, 51 Monroe Street, spoke in favor of having both sides of the street designated as no parking. He stated the road is narrow and to continue to allow parking on one side of the street will not address the problem.

Ms. Robin Cilmi, 51 Monroe Street, spoke in favor of having both sides of the street designated as no parking. She explained neighbors have discussed their situation and are willing to allow one another to share driveway space when needed, and, the delivery trucks to the Brian Center are larger than a regular vehicle – all the more reason to have “no parking” on either side of the street.

Ms. Nita Barton, 33 Monroe Street, spoke in favor of having both sides of the street designated as no parking. She explained she’s lived there for more than thirty years and it has been an ongoing situation that the Police Department is aware of; parking on the street creates congestion and a dangerous situation.

Ms. Deborah Cooper, 12 Stratford Avenue, spoke in favor of having both sides of the street designated as no parking. She explained on-street parking causes problems for people on Monroe Street, large vehicles are difficult to see around, and, it is not easy or safe for emergency vehicles either.

Mr. Landreth commented, based upon what is being said tonight, it seems Monroe Street is too narrow. Parking is one problem; consider this being made a one-lane street, or, have the street widened?

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:36 P.M.

### **I. Special Presentation(s)**

#### **I-1. Use of Thermal Imaging to Detect Leaks in City Utility System**

Mr. Lutz explained in an effort to determine where sewer is getting out and stormwater is getting into the City’s system, I & I, the City has done smoke and flow testing, and there is another option the City can consider, Aerial Thermal Imaging. Mr. Jeffrey Brown described Aerial Thermal Imaging process that provides detection of leaks, both into and out of the collection system, and, of the City’s opportunity to apply for a \$50,000 Technical Assistance Grant provided by NC Department of Environment and Natural Resources. Grant purpose is to determine the best way to correct deficiencies in a collection/distribution system through engineering studies/analysis.

Council commented on the value of the Thermal Imaging and the benefit in having the City's wastewater lines being mapped. Council thanked Mr. Lutz and Mr. Brown for their presentation. (Handout on file with Agenda materials.)

## **I-2. US Forest Service Plan Revisions**

US Forest Service District Ranger Derek Ibarguren provided an overview of the Nantahala-Pisgah National Forest Plan Revision. He described the Forest Plan Revision as an overall plan that sets management direction for ten to fifteen years; established desired future conditions; sets goals, objectives, standards and guidelines; and, provides direction on things such as restoration of the Forests, wildlife habitat, forest health and resilience, watershed protection, recreation and more. Public meetings will be held in April and May; draft Plan is scheduled for December 2015 with a 90-day comment period; and, Final Plan is scheduled for early 2017. There are three themes surrounding Forest Plan Revision: (1) Providing clean and abundant water; (2) Restoring diversity and enhancing resiliency of our forests; and, (3) Improving a broad range of recreation opportunities.

## **J. Public Participation**

### **J-1. General Public Participation**

### **J-2. Budget Public Participation**

Transylvania Community Arts Council (TC Arts) – TC Arts Director Tammy Hopkins thanked Council for last year's support and asked for Council's consideration to again support and partner with them by granting them a \$10,000 grant. She described many of last year's events and described some of their plans for the coming year. A copy of the presented "City Grant Request for 2015-2016 Fiscal Year" is on file with the Agenda packet materials.

Invasive Plant Eradication Workshops – Ms. Susan Sunflower requested Council's consideration for a one hundred dollar (\$100) grant to support the planned April 18 and April 25, 2015, education opportunities about native plants. Financial support would be used to help pay for workshop materials.

Probart Street – Mr. Jacob Dinkins, Mr. Chuck Baxter, Ms. Paula Hunter and Ms. Geraldine Dinkins spoke on behalf of a large number of Probart Street residents who were also present at the meeting. Requested Council consideration to fund a Probart Street Feasibility Study. They described appreciation for Brevard Music Center that is located at the end of their street, as well as possible future connection to Bracken Preserve that will connect our downtown to the National Forest. Expressed their concerns with respect to pedestrian, bike and vehicle traffic and safety issues on Probart Street. Desire a pedestrian path to be built that will accomplish safety for residents, Music center students, and connectivity from Bracken Preserve to downtown. Such an investment by the City will also encourage economic development. First step is for a Feasibility Study to be done. Requested Council to set aside funds in this year's budget for a feasibility study to determine what is possible (design / street scape) and what the cost would be to construct. Can't start a project without a Plan. Believe it will be an investment worth making for residents, Music Center and the whole community. (A copy of Ms. Hunter's tax office information and Ms. Dinkins statement is on file with the Agenda packet materials.)

~~ At 8:30 P.M. Mayor Harris called for a ten minute break. ~~

Heart of Brevard – Executive Director Heath Seymour thanked Council for last year's support and requested consideration to again receive the City's support and partner with them in the coming year by granting a \$30,000 grant to the Heart of Brevard along with an additional \$2,000 fireworks fund. He reported some of the projects and events accomplished last year, and described some of their plans for the coming year.

Brevard/Transylvania Chamber of Commerce – Executive Director Clark Lovelace thanked Council for last year’s support and requested consideration to again receive the City’s support and partner with them in the coming year by granting a \$10,000 grant. A copy of their “Brevard/Transylvania Chamber of Commerce 2015-16 Funding Request” is on file with Agenda packet materials.

Brevard Music Center – Director of Operations Frank McConnell thanked Council for the City’s participation by partnering with them and Transylvania County Transportation last year that made possible van transportation that safely transported Brevard Music Center students into Brevard, and requested City’s consideration to again grant \$1,000 to provide van transportation for the coming year.

Mr. Jacob Dinkins stated, on behalf of Probart Street neighbors, they support Brevard Music Center’s van transportation support request as a stop-gap measure; not as a long-term solution. Probart Street residents want pedestrians on their street.

**K. Consent Agenda** - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the items listed, including the added Item #7 Contract to Purchase McCrary Property, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda.

Mayor suggested consideration be given to add New Business Item #2 NCDENR Technical Assistance Grant Funding Thermal Imaging; NB Item #3 Annexation Accept Sufficiency and Resolution to Schedule Public Hearing; and, Item #4 Ordinance Establishing Project Budget for Development of Form-Based Code.

Mr. Landreth moved, seconded by Ms. Hollingsworth, Council amend the Consent Agenda to add K-7 Contract for McCrary Property Purchase; add M-2; add M-3; and add M-4 provided the Ordinance title is amended to read “Downtown Mixed Use District” rather than “Heart of Brevard, and, the Consent Agenda be approved as amended. Motion carried unanimously.

The following ten (10) items were approved. (Reports are on file.)

**K-1. Public Works Department Monthly Report**

**K-2. Environmental Management Commission Settlement Agreement Quarterly Report**

**K-3. Finance Department Monthly Report and FY 2015 Sales Tax Report**

**K-4. Transylvania County Building Data**

**K-5. Police Department Quarterly Report**

**K-6. 2015 N. C. General Assembly Legislative Preview**

**K-7. McCrary Property Purchase** – City of Brevard (Buyer) **OFFER TO PURCHASE AND CONTRACT** real property from Fred H. McCrary and Jean C. McCrary (Seller), 0.232 acres on Neely Road, part of PIN #8596-01-7360-000, for the amount of \$25,000. Subject to: (1) A satisfactory survey; (2) Seller shall allow access for staging during construction on adjoining .296 acre parcel for up to one year for a rental of \$1,000.00 to be paid at closing. Buyer will restore the staging parcel to its present condition upon completion of construction; (3) Seller will allow access to subject parcel for Buyer’s testing and investigation immediately upon the signing of this Agreement.

**K-8. (M-2) Ordinance No. 2015-06** A Project Budget Amendment Ordinance Adopting A Change to The Fiscal Year 2014-2015 Budget

### **ORDINANCE NO. 2015-06**

#### **A PROJECT BUDGET AMENDMENT ORDINANCE ADOPTING A CHANGE TO THE FISCAL YEAR 2014-2015 BUDGET**

**WHEREAS**, In accordance with the applicable provisions of the North Carolina Local Government Budget and Control Act NCGS 159-13.2; and

**WHEREAS**, The City of Brevard requires certain fiscal actions to effectively provide continued and improved service to its customers; and

**WHEREAS**, The City of Brevard has previously approved the **I&I Mapping**, herein after called “**The Project**”; and

**WHEREAS**, The City of Brevard’s grant application has been approved by the NCDENR Drinking Water Infrastructure (DWI) in the amount of **\$50,000.00** towards “**The Project**”; and

**WHEREAS**, The City of Brevard desires to accept the grant under the conditions stipulated by NCDENR-DWI and complete the project, including providing local funds required meeting the overall project costs;

**NOW, THEREFORE, BE IT RESOVED BY THE CITY OF BREVARD, TRANSYLVANIA COUNTY, NORTH CAROLINA:**

1. Effective the date of passage of this Ordinance, the fiscal year 2014-2015 budget for operation, maintenance, debt service, capital improvements, and estimated revenues is hereby amended as follows:

The following Capital Project is added for funding to the FY 2014-2015 Budget as:

| <b>I&amp;I Mapping<br/>Project Revenues:</b>    |                    |
|-------------------------------------------------|--------------------|
| Sewer Collection Budget – Professional Services | \$5,750.00         |
| NCDENR – DWI – Grant                            | 50,000.00          |
| <b>TOTAL PROJECT REVENUES</b>                   | <b>\$55,750.00</b> |

  

| <b>I&amp;I Mapping<br/>Project Expenses:</b> |                    |
|----------------------------------------------|--------------------|
| Construction                                 | \$45,000.00        |
| Technical Assistance                         | 5,000.00           |
| Grant Administration                         | 5,000.00           |
| Department Closing Fee                       | 750.00             |
| <b>TOTAL PROJECT EXPENSES</b>                | <b>\$55,750.00</b> |

2. The City Manager is hereby authorized to engage and enter into contractual agreements with NCDENR – DWI for the execution of the loan.
3. The City Manager is hereby authorized to engage and enter into contractual agreements as necessary, and in accordance with the laws of North Carolina, for the execution of the project.
4. The City Manager shall advise City Council periodically and recommend any financial changes necessary for the successful completion of the project.
5. This Budget Amendment Ordinance shall become effective upon its adoption and approval.

Adopted and approved this 16<sup>th</sup> day of March, 2015.

**K-9. (M-3) Annexation Certificate of Sufficiency, and, **Resolution No. 2015-05****  
A Resolution Fixing A Date of Public Hearing on the Question of Annexation Pursuant To NCGS 160A-31, As Amended

Certificate of Sufficiency

I, Desiree D. Perry, City Clerk, do hereby certify that I have investigated the petition submitted by **William P. Bryson, Jr., Lucy W. Bryson, Nancy B. Hughes and Howard T. Hughes (Tract C) and by Bryson Development and Development Limited Partnership (Tract D)**, PIN 8597-46-3120 and 8597-45-4982 containing a total of 9.07 acres more or less, and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with NCGS 160-A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Brevard this 16<sup>th</sup> day of March, 2015.

Desiree D. Perry, CMC, NCCMC  
City Clerk

**RESOLUTION NO. 2015-05**

**A RESOLUTION FIXING A DATE OF PUBLIC HEARING  
ON THE QUESTION OF ANNEXATION PURSUANT TO  
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition regarding annexation of the contiguous area described herein has been received; and,

WHEREAS, the Brevard City Council has by Resolution No. 2015-02 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 hearing will be held at Brevard City Hall at 7:00 P.M. on the 20<sup>th</sup> day of April, 2015.

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

All of that property located on U. S. Highway #276 lying in Transylvania County, Brevard Outside Township, Transylvania Property Identification Number(s) 8597-46-3120 and 8597-45-4982, and recorded in D.B. 104, Pg. 101; Doc. Bk. 115, Pg. 492; Doc. Bk. 201, Pg. 125; Doc. Bk. 481, Pg. 634, in the Transylvania County Register of Deeds Office.

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 16<sup>th</sup> day of March, 2015.

**K-10. (M-4) Ordinance No. 2015-07** An Ordinance Establishing A Project Budget For Development Of A Form-Based Code For The Downtown Mixed Use District

**ORDINANCE NO. 2015-07**

**AN ORDINANCE ESTABLISHING A PROJECT BUDGET FOR  
DEVELOPMENT OF A FORM-BASED CODE  
FOR THE DOWNTOWN MIXED USE DISTRICT**

WHEREAS, in accordance with the applicable provisions of the North Carolina Local Government Budget and Fiscal Control Act; and

WHEREAS, the City of Brevard requires certain fiscal actions to effectively provide continued and improved service to its citizens; and

WHEREAS, the Brevard City Council now desires to establish a project budget to account for the revenues and expenditures associated with the project; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, THAT:  
Section 1. Revenue for this project is budgeted as follows:

|                                                     |                    |
|-----------------------------------------------------|--------------------|
|                                                     | REVENUE            |
| Planning Department Professional Services 4900-0400 | <u>\$50,000.00</u> |
| Total Revenue                                       | <u>\$50,000.00</u> |

Section 2. Expenditures for this project are budgeted as follows:

|                             |                    |
|-----------------------------|--------------------|
|                             | EXPENDITURES       |
| Form-Based Code Development | <u>\$50,000.00</u> |
| Total Expenditures          | <u>\$50,000.00</u> |

Section 3. This Ordinance shall remain in effect until the completion of the Form-Based Code of Ordinances is completed.

Section 4. The Finance Officer and City Manager are hereby authorized and instructed to take appropriate actions to implement this Ordinance.

Section 5. This Ordinance shall become effective upon its adoption and approval.

Approved and adopted this the 16<sup>th</sup> day of March, 2015.

**L. Unfinished Business - None**

**M. New Business**

**M-1. Ordinance No. 2015-05 Ordinance Amending the City of Brevard Traffic Schedule**

Council members discussed with staff and among themselves whether it would be best to designate one or both sides of Monroe Street as no parking areas. Following discussion, Mr. Landreth moved, seconded by Ms. Hollingsworth, that Section 1 (c) be amended to read, “Designate both sides of Monroe Street as no parking areas (Schedule I)”, and the Ordinance be adopted as amended. Motion carried unanimously.

**ORDINANCE NO. 2015-05**

**AN ORDINANCE AMENDING  
THE CITY OF BREVARD TRAFFIC SCHEDULE**

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

Section 01. The City of Brevard Traffic Schedule is hereby amended as described below:

- a) Convert one on-street parking space on the north side of East Jordan Street between Broad and Gaston Streets to a handicapped space (Schedule XXVII);
- b) Remove erroneous language from one-way streets description (Schedule XIV);
- c) Designate both sides of Monroe Street as no parking areas (Schedule I);

Section 02. 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 to reflect the change as set forth herein.

Section 03. The City Manager of the City of Brevard is hereby authorized and directed to cause the appropriate signs to be installed and enforcement of the foregoing provisions to be implemented.

Section 04. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this 16<sup>th</sup> day of March, 2015.

**N. Remarks By Officials / Future Agenda Considerations**

Mayor Harris – Shared that he and Heart of Brevard Executive Director Heath Seymour will travel to Morganton this Wednesday, where he will be speaking on

economic development through natural assets. Mayor asked for Council’s consideration to adopt a Resolution supporting the Historic Tax Credits Bill.

Motion: Mr. Morrow moved, seconded by Mr. Landreth, the Manager draft a Resolution of support for the Historic Tax District for Council’s adoption consideration at their March 23<sup>rd</sup> Work Session. Motion carried unanimously.

Charlie Landreth – Shared he past two Council meetings have had great participation from our community, which makes his serving on Council really rewarding, and he expressed his appreciation for the citizen support.

Maurice Jones – Shared he had opportunity to attend a United Way function recently where he received an Award on behalf of the City of Brevard.

Mr. Jones moved, seconded by Mr. Morrow, Council hold a Closed Session at the March 30<sup>th</sup> Work Session to discuss a personnel matter. Motion carried unanimously.

Wes Dickson – Motion: Moved that Staff advise NCDOT of the City’s interest for a sidewalk to also be constructed when the Davidson River connector is built. Motion was seconded by both Mr. Landreth and Ms. Hollingsworth and carried unanimously.

City Attorney – Advised there is no longer a need and therefore a Closed Session will not be held tonight, and, that he will be in Chapel Hill this coming Thursday and Friday to attend the City Attorney’s meeting.

**P. Adjourn** – There being no further business, Ms. Hollingsworth moved, seconded by Mr. Landreth, the meeting be adjourned. Motion carried and the meeting was adjourned at 9:30 P.M.

s/\_\_\_\_\_  
Jimmy Harris  
Mayor

s/\_\_\_\_\_  
Desiree D. Perry, CMC, NCCMC  
City Clerk

Minutes Approved: April 20, 2015