

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
May 18, 2015 – 7:00 PM**

The Brevard City Council met in regular session on Monday, May 18, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

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

Staff Present – Interim City Manager Jim Fatland, City Attorney Mike Pratt, Deputy City Clerk Jill Murray, HR Director Derrick Swing, Planning Director Josh Freeman, Asst. Planning Director Daniel Cobb, Police Chief Phil Harris, Public Works Director David Lutz, Fire Chief Craig Budzinski, Parks & Property Management Director Lynn Goldsmith.

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, Interim Manager, Attorney and Deputy Clerk.

B. Invocation – Mayor Harris offered an Invocation.

C. Pledge of Allegiance – Mayor Harris led in the Pledge of Allegiance.

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

E. Approval of Agenda – Mr. Morrow moved, seconded by Mr. Dickson, the Agenda be accepted as presented. Motion carried unanimously.

F. Approval of Minutes – Mayor Harris asked that the approval of the minutes from the January 29th and January 30th retreat be tabled.

Mr. Morrow moved, seconded by Mr. Landreth, the March 23rd and March 30th Work Sessions and the April 20th regular meeting Minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

Certificate of Appreciation – The Mayor called up Gary Daniels, Planning Board Member, to the front of the room to present him with a certificate of appreciation in recognition of 9 years of service.

Certificate of Appreciation – The Mayor called up Ronald Rutherford, Housing Authority Member, to the front of the room to present him with a certificate of appreciation in recognition of 2 years of service.

The Mayor recognized Police Chief Phil Harris for graduating from the UNC School of Government Municipal Administration course.

H. Public Hearing(s)

H-1. Voluntary Petition to Extend Extraterritorial Jurisdiction. This public hearing was advertised on May 4th and 11th, 2015.

Mayor Harris opened the public hearing at 7:18 p.m.

Mr. Freeman explained that the Lockharts came forward to the City as required to establish a water connection off of Barclay Road and Illahee Road. This voluntary inclusion brings the ETJ across the road to this property.

Public Hearing Public Participation - A citizen asked "will this open up the rest of Cardinal Drive to the ETJ?" to which the Mayor responded "No. It will always come to City Council first and sometimes the answer is no." Another citizen asked "what does the City provide for this?" to which Mr. Freeman explained that the City provides water services. Their well system is not working properly for their size house so they're desiring City water.

Public Hearing Closed - Mayor Harris closed the hearing at 7:23 p.m.

H-2. Text Amendment to Unified Development Ordinance, Chapter 12 Signs. This public hearing was advertised on May 4th and 11th, 2015.

Mayor Harris opened the public hearing at 7:24 p.m.

Mr. Freeman explained that this is a City Council initiated text amendment which will provide each tenant such as the Walmart complex or the Walgreens complex with ground signage. What staff has proposed is one simple amendment to Chapter 12, #9 stating that when new ground signs are constructed, that space be provided for all tenants present or future.

Mr. Landreth asked if this accommodation of each tenant having ground signage that comes from this amendment still happens in the same square footage and Mr. Freeman said yes.

Ms. Hollingsworth asked for clarification of the second sentence. Mr. Freeman explained that some group developments can have more than one ground sign, it depends on how separated they are. Food Lion is an example. They have two ground signs, some tenants on one and some on the other.

Public Hearing Public Participation - A citizen asked what the effective date of this change is. Mr. Freeman replied that if it is approved at the June meeting then it would be effective then. "New" means new sign that's proposed to the City. If it's an existing sign, we don't require them to retro fit, but if it's torn down for some reason, then they have to do it correctly.

Public Hearing Closed - Mayor Harris closed the hearing at 7:33 p.m.

H-3. Amend Official Zoning Map for Railroad Avenue Small Area Plan. This public hearing was advertised on May 4th and 11th, 2015.

Mayor Harris opened the public hearing at 7:33 p.m.

Mr. Freeman referred to the map in his PowerPoint presentation. The map illustrates the proposed zoning changes. Staff is not asking to take action tonight. The underlying goal is increasing the range of housing types, increasing the ability to have more dense developments, to get better value tax base and walking ability. Also, to allow building types and land use types that reflect the history of that area. Certain things are not proposed such as drive thrus. We just want Council to take public comment tonight.

Mayor Harris stated that it sounds like there is a lot more flexibility.

Mr. Morrow stated that the reduction is some concern to him. It is ripe for development and it used to be more industrial than it is today but with the west loop coming in there, it will continue to be the warehouse center.

Mr. Freeman stated that he intentionally included light manufacturing. It would not allow heavy manufacturing and generating pollution. Small manufacturing can be

almost any size.

Mr. Landreth asked if light industry is permitted in residential mixed use and Mr. Freeman said yes.

Mrs. Hollingsworth asked to see a map of the way it looked before and Mr. Freeman showed her.

Mr. Dickson asked what the architecture difference between that (meaning the way it looks now) and DMX. Mr. Freeman said that they're in the process of rewriting that and showed a chart of the building types and what they can be.

Mr. Jones asked for the definition of "outdoor amusement". Mr. Freeman stated that outdoor amusement means commercial outdoor activities such as go carts, mini golf, paintball etc.

Public Hearing Public Participation

Citizen Roberta Miller – "With what you have planned, will there be a commercial route? Will Railroad Avenue become a commercial route?"

Mr. Freeman – "It pretty much is right now but the City does have a plan to build a west loop and part of that would follow the existing line of Railroad Avenue and hopefully shifting it. It's not proposed to come through Whitmire and King. We are also looking at traffic calming possibilities for those three streets. It's part of the overall plan."

Ms. Miller – "When you talk about higher density, is there a limit to that? Does that include doing something for teachers, firemen, policemen and women?"

Mr. Freeman – "Yes there is. The more density you allow, the more affordable housing you have the ability to create. The zoning ordinance won't provide for it but it will allow for it. This facilitates it better than it is today."

Ms. Miller – "What about the actual density?"

Mr. Freeman – "Six dwelling units per acre, we're proposing to allow 15 units."

Citizen Susan Holiday – "My biggest concern being a resident since 1960, what will it do to my taxes? What will it do to my property? It could affect a lot of us. We are a bypass and Railroad Avenue is like a race course now."

Mr. Freeman – "Taxation-there is no direct relationship. As development occurs it could over time lead to an increase or decrease of your tax rate. There's a possibility over a long period of time it could happen. The west loop will be involved later down the road once we've delineated how wide the road is going to be. We'll have a better idea of what the setbacks will be. It will likely push the setbacks deeper into your property. I can't tell you precisely now until we finish the design."

Citizen Bobbie Cairnes – "What are the setbacks for industrial zoning?"

Mr. Freeman – "Forty feet from the property boundary all the way around."

Ms. Cairnes – "We bought a house on Railroad and McLean and went from residential to industrial. Why?"

Mr. Freeman – "In 2006 that would be because the current 2002 comprehensive land use plan recommended industrial uses for that area. The land use plan is the design for the future. Your house is proposed to remain industrial. It could potentially push the 40ft boundary line into your property. We don't have a design yet or the way we'll determine who it affects the most. We're going to try to minimize the impact on property owners."

Citizen Nancy Knights – "I attended a meeting about infrastructure and now you'd like to increase the density. Is any of this tied together? Does it go hand in hand or once you increase the density do you then create infrastructure?"

Mr. Freeman – "You have to plan infrastructure and density hand in hand."

Citizen Patty Sullivan – "On the new zone, what kind of limits will there be? If light manufacturing came in that stamped coins 24 hours a day, would that be allowed?"

Mr. Freeman – “No, they would have to go through a process and based on our understanding, and we know that noise is a potential, it may not be possible.”

Ms. Sullivan – “Is there a limit on how high?”

Mr. Freeman – “The max allowable height is 50 feet. Within the residential mixed use they’re all limited to 35 feet height. That goes the same with new.”

Citizen Geraldine Dinkins – “We are building a new house on Probart. I would like to know the mixed part of residential.”

Mr. Freeman – “You can also go to the UDO online, but I will show you briefly here. In chapter 2, you’ll see a table and all of the different types of land uses are listed.”

Mrs. Dinkins – “If someone wants to start a dog kennel right next door to me, can they do that?”

Mr. Freeman – “Kennels are currently not allowed, but in the residential mixed use they are. In your case, they would not be allowed. Vets no, tax preparers, yes; daycares, yes; equipment rental, yes.”

Citizen Jacob Dinkins – “What is the driving force behind this? Is it to create more tax revenue? Why so much?”

Mr. Freeman – “The underlying goals that led to all of these changes were increasing the potential for extended tax base and to provide new opportunity for entrepreneurship. That was the recommendation of our planning board.”

Mr. Dinkins – “I just ask Council to be wise as to how far it extends into our property. Please look carefully. What’s the next step?”

Mr. Freeman – “Based on the feedback from tonight, I’ll be looking for some direction that they want to make or not and we would come back to City Council with an ordinance in June unless they want a lot of changes. Then it could be August or September.”

Citizen Greg Hunter – “Accessory buildings? Height restrictions?”

Mr. Freeman – “The table on the screen (referring to the power point) describes all of the setbacks that apply to accessory structures.”

Citizen Kevin Jones – “I only have one question. Assuming the rezoning allows a fair amount of increased density, do we have the water?”

Mr. Freeman – “We do have excess water at the time but the demands are increment over time. Your margin of capacity becomes less and less with development. It’s hard to say right now. It depends on the type of land use.”

Public Hearing Closed – Mayor Harris closed the hearing at 8:31 p.m.

Mayor suggested a ten minute break at 8:31pm.

Mayor began meeting again at 8:43pm.

I. Public Participation

Mr. Don Surrence from the Transylvania Historical Society spoke briefly with regards to the Allison Deaver House celebrating its 200th anniversary on July 25th from 10am-4pm. It’s going to be a big event with old-timey games and music etc. He also challenged the Council members to play a game of horseshoes against the County Commissioners. They have also started a Sunday front porch speaker series talking about local subjects of importance. That is an open invitation.

Ms. Elda Brown wanted to discuss the flashing lights and blinking signs that impact our community. Wants Council to take a look at it. There’s a new business on Main Street that looks like a police car with strobe lights and it’s tacky. Doesn’t want our town to start looking like Gatlinburg.

J. Special Presentation(s)

Mayor Harris asked if Mr. Morrow would consider moving the sequence from number 3 (TPED) to number 1 and our budget would go to number 3 because their presentation is short. Mr. Landreth motioned and Mr. Jones seconded.

J.1 Transylvania Partnership for Economic Development (TPED) -

Josh Hallingse - Mr. Hallingse thank everyone for the opportunity to speak and then showed a PowerPoint presentation. He discussed the background, the partnership board, vision and mission, work plan priorities, recent activities and next steps. He finished by saying that he like to set up some time with each Council member individually and get their thoughts on economic developments. Mayor Harris thanked Mr. Hallingse for coming in and thanked him for his service.

J.2 Electric Car Charging Stations -

Jim Hardy - Mr. Hardy wanted to talk about owning an electric car and using his electric car charging stations. He introduced Mr. Bob Harris, Director of the Black Bear Solar Institute and Matt Johnson, Cofounder of Bright Field Transportation Solutions.

Matt Johnson - In 2009 he and a buddy became interested in electric vehicles and 2010, they wrote a grant and created a public-private partnership and they have a network of chargers to fuel the cars. We have an opportunity to put all standards in one place, the Tesla plug, the universal plug. We would provide the dc fast charger and then the other two units would represent the universal charger. The City of Asheville bought the first electric cop car in the U.S. and they've had this for about 4 years.

Bob Harris - The stations we put out are no charge to the City. Tesla Motors provides the charger at no charge. He believes this will bring even more people to Brevard when they see charging stations here. People will look for Brevard as a location to charge their car.

Mayor Harris asked that whatever site is selected, obviously we would want a good solar spot, not a spot near trees.

Mr. Johnson - "Basically parking that has median, ideally has existing handicap spot, southern exposure, doesn't need regrading, getting the power in (we do everything underground). This would be the first attempt for us to work together, Black Bear and Bright Field and then bring Tesla in as well."

Mayor Harris - "Have you ever made a presentation but for one reason or another, it didn't work?"

Mr. Johnson - "Yes. Because of right-of-way issues, utility right-of-ways, City or County problem etc."

Mayor Harris - "I think this has great potential for Brevard. I'd like to hear from Council is this a good project?"

Ms. Hollingsworth - "Can you speak to me about the safety issues?"

Mr. Hardy - "It's all UL listed just like an appliance. It won't put electricity out unless it's safely plugged into a car."

Mayor Harris - "So if a consumer pulls in there, how do they pay?"

Mr. Johnson - "We have to sell it by time at the space. \$1.20 for gas and they're driving it on sunshine."

Mr. Jones - "We get a lot of rain here and we're using solar panels."

Mr. Johnson - "It will not charge impact performance and it's always selling it back to the grid."

Mayor Harris - "Who gets the power bill?"

Mr. Johnson – “We would own the chargers, we’d pay the bills.”

Mr. Hardy – “Think of the grid as a big battery. It will give people the confidence to buy an electric car. Putting this in a visible location will make a powerful statement to people that we care about the environment. The solar panel thing seems to me that Oskar Blues would be a prime candidate to sponsor this. I think it would be best to put it right behind Ace hardware and Caldwell Street. It would be a most visible location in the area in terms of driving by and seeing it.”

Mr. Johnson – “You can pay for what you want for your fuel. You can pay for the faster increase or not.”

Mayor Harris – “In the interest of time, I think what we will do is ask Council is this something that you’d like to ask management and staff to push forward?”

Mr. Landreth moved that we direct staff to evaluate potential sites for charging stations. Seconded by Ms. Hollingsworth.

J.3 – The 2015-2016 Fiscal Year Budget and Budget Message –

Jim Fatland referred to his power point FY16 budget which consisted of the budget message, vision statement, all funds-revenue, all funds-expenditures, sales taxes, general fund expenditures, water and sewer utility revenue, capital projects and City Committees. The Committees will consist of Public Works, Parks, Trails and Recreation, Downtown Master Plan, Public Safety (Police & Fire) and Finance and Human Resources. Mr. Fatland stated that he looks forward to working with those committees and making this budget a reality.

K. Consent Agenda - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the items listed and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda. Mayor suggested consideration be given to add items M-1, M2.i. Mayor also stated that the chairman of the Brevard Housing Authority asked that we table M-2.ii.

Mr. Morrow moved, seconded by Mr. Landreth, the Consent Agenda be amended to add New Business Items M-1, M-2.i, and to approve as amended. Motion carried unanimously.

Mr. Landreth asked if we are moving the ABC Board as well and Mayor Harris stated that the ABC Board has 5 members of the Board and all 5 positions are up. Ms. Geraldine Dinkins, Mr. Tim Robinson and Dr. William “Bill” Riecke have applied to serve on the Board and Mr. Morrow would like to move two of them forward.

Mr. Morrow moved that Council appoint Mr. Clay Sykes to the Public Works and Utility Committee, as well as, Ms. Geraldine Dinkins and Mr. Tim Robinson to the ABC Board and Mr. Landreth seconded. Motion was carried unanimously. Mayor Harris said we will revisit this again in June.

The following seven (7) items were approved:

K-1. Finance Department Monthly Report

K-2. Public Works Monthly Report

K-3. Resolution No.2015-12 City Council Public Works & Utility Committee

RESOLUTION NO. 2015-12 RESOLUTION ESTABLISHING THE CITY COUNCIL PUBLIC WORKS AND UTILITIES COMMITTEE

WHEREAS, the Brevard City Council initiated five new City Council Committees at their April 20, 2015, meeting. City Council Committees will operate as policy review and discussion

arms of City Council, providing an opportunity to explore implications of policy alternatives and the policy development process while serving in an advisory capacity to Council as a whole; and

WHEREAS, Committees will review policy matters referred to them, inform and educate Council on existing City programs and issues, and review other related matters. City Council Committees will not become involved in City administration but instead are expected to anticipate the full range of considerations and concerns related to various policy questions. When participating on Committees, members are expected to temper their role as policy advocates in order to fully evaluate all alternatives; and

WHEREAS, each Committee shall be composed of two City Council members; one to serve as Chair and the other serving as Vice Chair, with the Mayor appointing the Chair and Vice-Chair of the Committee. The Mayor will serve *ex officio*. Although not required, each Committee may have citizen members appointed by City Council utilizing the same application appointment process as required for appointment to Citizen Advisory Boards or Committees; and

WHEREAS, the initial appointment term of City Council members shall be from April 20, 2015, to December 31, 2015. Thereafter, appointed Council members will serve a two year term beginning January 1 following an election. Citizen members shall serve a two year term ending in May. City Directors and staff members (by position) are permanent Committee members; and

WHEREAS, the Brevard City Council approved establishing the "City Council Public Works and Utilities Committee", as one of the five Committees. The purpose of the Committee is to recommend to City Council policy and direction on the matters of water treatment, wastewater treatment, water distribution, sewer collections and the public works department.

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

Section 1. Brevard City Council approved the appointment of Mayor Pro Tem Mac Morrow (Chair) and Council Member Maurice Jones (Vice-Chair) to serve on the Public Works and Utilities Committee, along with Mayor Jimmy Harris as "ex officio", at their April 20, 2015, meeting. Their initial term to serve will be April 20, 2015 – December 31, 2015.

Section 2. The Public Works and Utilities Committee met on April 27, 2015, and May 11, 2015, for its initial organizational meeting.

Section 3. The Public Works and Utilities Committee shall consist of the following members and terms of office:

Two City Council Members	Two Year Term; Appointments in January
City Manager	Permanent
Public Works Director	Permanent
Water Treatment Plant ORC	Permanent
Wastewater Treatment Plant ORC	Permanent
Two Citizen Appointments	Two Year Term; term ends in May
Mayor	<i>Ex Officio</i>

Section 4. The Public Works and Utility Committee will fix a scheduled date and time to meet, or, will meet on an as needed basis. All meetings are subject to the Open Meeting laws and Notice requirements. Special Meeting Notice requiring a minimum 48-hour posting of Notice and the Agenda at City Hall and upon the City's website shall be met. Minutes shall be provided by a City staff member or their representative.

Section 5. Restriction on Quorum. This Committee shall not meet unless at least one of the City Council Members who are Committee members is present.

Section 6. Purpose. The purpose of this Committee is to help Council investigate and explore areas of need and future planning for the subject area of this Committee. It is expected that the Council members, rather than the Committee as a whole or by majority, will report back to Council with ideas and recommendations. One or both Council members shall serve as Committee Chair. Therefore, no votes shall be taken unless a motion is made by one of the Council members, in which event those Committee members present shall be entitled to vote on a motion made, once a second is offered.

Section 7. Citizen Committee Members are Optional. Citizen Committee members need not be appointed and if not, the Committee will serve as a full committee without them. If appointed, they may be re-appointed for up to three successive terms.

Approved and adopted this the 18th day of May, 2015.

K-4. Pending Sales Tax Legislation Update

K-5. Bedford Place Settlement Agreement

K-6. Correspondence (No action. Offered as information only.)

K-6.i – Police Department Proclamation, Letter of Appreciation

K-6.ii – Fire Department

K-6.iii – White Squirrel Festival, May 22-24, 2015

K-6.iv – Brevard Names #7 Best Place to Start a Business in North Carolina

L. Unfinished Business - None

M. New Business – None (Moved to Consent Agenda)

N. Remarks By Officials / Future Agenda Considerations

Mayor Harris asked if anyone has been to Broad and Main Street lately and notice anything different? On the mast arms you have a figurine of a white squirrel. The artist was Chuck Gaffey. He used to work for NASCAR. "I would like to see a musical note or a cello and a bike because we're a biking community. I'd like to see a canoe. It fits our brand. I think this is low cost, high impact. That's just a test site really and we did it in advance of the white squirrel festival. Small incremental steps forward. People want to donate money for these things so come out and look at it. Also, what a fantastic picnic shelter at Franklin Park, Jacob Dinkins. First class. Thank you Lynn to your department for seeing this through and of course coming up this weekend, our biggest festival, White Squirrel."

Mr. Morrow – No remarks

Mr. Landreth – "Thank you Mrs. Patton for being an usher tonight. When this room is really full, it's hard to find a place to sit. When she's not here, I wonder if we can have staff get people to come in. Maybe we could do that Jim. The other thing is about the beginning of our meetings, I think the number of sign-up sheets over there is confusing. We need to make these forms easier for people to understand what they're getting into for the sequence of the meeting. Help people know where they belong."

Mr. Jones – No remarks

Mr. Dickson – No remarks

Ms. Hollingsworth – "I've heard a lot of great comments on the Franklin Park shelter."

Mr. Pratt – "We have three closed sessions."

Mr. Fatland – "The pool passed inspection. Also, the parking lot that Council approved last month filled up pretty quickly. I've been walking through town and there's a spot behind City Hall that we're looking into opening that up. Thank you Public Works for their help with the bank parking lot."

O. Closed Session – Mayor Harris asked the City Attorney if it would be appropriate for Council to hold three closed sessions to discuss matters of potential litigation, economic development and a personnel matter. City Attorney advised pursuant to **GS § 143-318.11. (a)(3) and (6)** it would be appropriate to convene provided separate closed sessions on the matters are held. 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.

Closed Session #1 - At 10:24 p.m. Ms. Hollingsworth moved, seconded by Mr. Landreth, Council go into closed session to discuss potential litigation and cleared Council Chambers. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the Interim City Manager, Deputy Clerk, and Planning Director, Josh Freeman.

Council Returned to Regular Session - at 10:28 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.

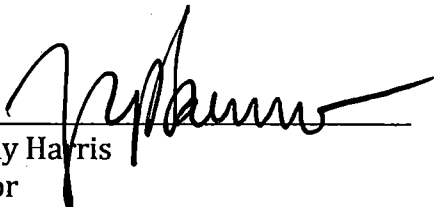
Closed Session #2 - At 10:28pm Mayor Harris moved and Mr. Dickson seconded, Council go into closed session to discuss economic development. Motion carried unanimously.

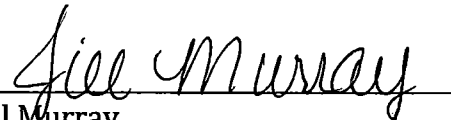
Council Returned to Regular Session - At 10:32 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

At 10:32 p.m. Council dismissed the Deputy City Clerk to hold a closed session to discuss a personnel matter. City Attorney will provide Minutes of the closed session, and will provide to the Deputy Clerk the record of Council's return to regular session and actions taken (if any) and adjournment.

Council Returned to Regular Session - At 11:55 p.m. Council resumed the meeting in regular session. Minutes of the closed session are authorized to be sealed.

Adjourned: At 11:55 p.m. Mr. Landreth moved, seconded by Mr. Jones, the meeting be adjourned. Motion carried unanimously.


Jimmy Harris
Mayor


Jill Murray
Deputy City Clerk

Minutes Approved: June 15, 2015

City of Brevard Minute Book #19 – Page intentionally left blank.