MINUTES
BREVARD CITY COUNCIL
Regular Meeting
November 16, 2015 - 7:00 PM

The Brevard City Council met in regular session on Monday, November 16, 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 – City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, Deputy City Clerk Jill Murray, Interim Planning Director Daniel Cobb, Parks and Property Management Director Lynn Goldsmith, Public Works Director David Lutz, Police Chief Phil Harris, Fire Chief Craig Budzinski, Planner Aaron Bland, City Clerk Desiree Perry and Project Development Director Josh Freeman.

Press – Kevin Fuller, 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 Deputy Clerk.

B. Invocation – Father Shawn O'Neal from Sacred Heart Catholic Church 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. Landreth moved to approve the agenda as presented, seconded by Ms. Hollingsworth. Motion carried unanimously.

F. Approval of Minutes – Mr. Jones mentioned a correction to the October 19th, Item F, the date should be changed to September 21, 2015 instead of 2105.

Mr. Landreth asked if the Minutes were correct at the top of page 7, in regard to the issue of unsafe trees and where it states "when such trees constitute a threat to public property", what constitutes public property? Mr. Pratt stated that public property means property owned by a governmental entity. Mr. Landreth agreed with Mr. Pratt and they both agreed the minutes read as they should and would stay as they were.

Mr. Landreth asked that page 10 be corrected to state "Mr. Landreth moved that the City initiate a rezoning of the properties along Asheville Highway at the new Davidson River Village Connector Road to Morris Road from GR to CMX.

Ms. Hollingsworth moved, seconded by Mr. Landreth, the October 19, 2105, Minutes be approved with the two noted corrections. Motion carried unanimously.

G. Certificates, Awards and Recognition

Together, Mayor Harris and Public Works Director David Lutz presented the following:

<u>The State of North Carolina Water Pollution Control System Operators Certification Commission – Grade 1 Collections Operator Certificate</u> was presented to Christopher Vann Hall.

The State of North Carolina Water Pollution Control System Operators Certification Commission – Grade 3 Collections Operator Certificate was presented to Nathaniel Wayne Littleton.

The State of North Carolina Water Pollution Control System Operators Certification Commission - Grade 4 Collections Operator Certificate was presented to William A. Dodson.

Cornelius Hunt Dedication- Mayor Harris announced the Cornelius Hunt Building Dedication is scheduled for Tuesday, November 24th, at 11am and invited all to attend. Mr. Hunt was a former City Mayor Pro Tem and Council Member who died while serving in office. He was a fine gentleman and it is fitting the City's new building is being named in honor of him.

H. Public Hearing(s)

H-1. Voluntary Contiguous Annexation Petition, Lastinger Properties, LLC. Public hearing was properly noticed and advertised on November 2, 2015.

Mayor Harris opened the public hearing at 7:24 P.M.

Mr. Cobb described that Lastinger Properties is also known as Pilot Cove Campground. It is approximately 65 acres behind Walmart. The purpose of the Contiguous Annexation is because when the construction is complete, the applicants would like access to city water and sewer and on September 1st they submitted a Petition for Voluntary Contiguous Annexation and we've gone through the proper steps and the Planning Board has recommended approval of the annexation as presented. The applicants were on hand to answer any questions.

Mr. Jones asked in regards to solid waste collection, I see they plan to have their own removal? At any time, can they request from the City to change that? Mr. Lutz explained that they would have to build a road to City standards to hold the trucks and Mr. Cobb added that it would be there responsibility for repairs and such.

Public Hearing Public Participation –

Mr. Lane Lastinger explained that they are putting in a campground with 46 high-end cabins with fixtures comparable to what you'd find at the Hampton Inn. We've also been approved for 50 campsites that will range, most will have power, and some will be primitive. We will also have bathhouses. It is a heavily sloped area so RV's will likely not be allowed.

Mr. Landreth asked what the head count would be when they are fully built out, with the possibility of 6 people per cabin (46 cabins) and up to perhaps 3 people per tent (50) tents, you could do the math for that. That's what we're thinking and to accommodate that amount of people, we think it's in our best interest to be a part of the City and have access to the utilities that the City can provide and that's why we submitted our application. Staff recommends Council take action to approve the annexation as presented.

H-2. Proposed UDO Text Amendments, Sign Ordinance: Corridor Overlay District, Murals and Vintage Signs

Mayor Harris opened the public hearing at 7:31 P.M.

Mr. Cobb referred to his staff report (on file) and explained that earlier in the year Council approved the Asheville Highway sign overlay district which provided for uniform signs along Asheville Highway beginning approximately at the Community College running to approximately Ingles and that crosses a number of difference zoning districts, it made sense to allow uniform sign size and it made sense to expand that to Rosman Highway and that's mostly what this is is replicating the same philosophy on

the Rosman Highway beginning just south of where Caldwell and Broad come back together heading west on Highway 64. Also there is one clarification on the original sign overlay district where there were a couple of mapping inconsistencies that we want to straighten out and the other thing that we're recommending is that we rename it from the Asheville Highway Overlay District to the Highway 64 Overlay District because it does go beyond Asheville Highway.

Murals and Vintage Signs - Currently there is no clear distinction between what the administrator may consider art and what may be considered a sign. The standard practice has been to consider an image or painting as art (thus not subject to wall sign requirements) if it is purely decoration or embellishment of a structure or façade and not related to the use of the building.

The intent is to allow businesses to include murals on their buildings without the issuance of a sign permit. However, if a business would like to include their logo in al, they may do so as long as the logo is less the 8% of the murals total surface area.

The intent is similar with vintage signs, allowing establishments to decorate their building without directly advertising their business. Businesses and property owners have requested in the past to hang old service station and Coca-Cola signs on their buildings imply to break up and dress up large expanses of blank walls. According the definition, currently any sign is considered a sign for permitting purposes.

Ms. Hollingsworth asked if it is a mural, a non-sign mural, a vintage sign, not depicting the business, does the applicant have to submit paperwork? Mr. Cobb replied that people ask but they just explain what they want to do and then the zoning compliance letter is essentially saying that we acknowledge what you're going to do and there won't be a fee for it and we actually see what they're proposing.

Mr. Landreth asked if the revised ordinance brings into compliance any non-compliant conditions. Mr. Bland added that only one item came to mind in that the Beethoven Lives mural at one point had the Brevard Music Center logo on it but the way the logo was sized would not comply with the 8%.

H-3. Rezoning Request, Bawden Property (portion of) on Rosman Highway at 545 Rosman Highway (U.S. 64)-Lot No. 1-A, Brevard, NC 28712; PIN #: 8585-16-8412-000 from GR4 to CMX.

Mr. Cobb explained that Mr. Bawden purchased the property and has commercial plans for it and what he was planning to do was not allowed in the GR District and the next logical step was to look into rezoning. Meanwhile the current property is GR4 going into CMX and that's a big difference, however it is an extension of CMX which exists right next door. The original request was for a small portion of the property Mr. Bawden owns but because the property was separated by the GR Zoning District, we recommended to him and presented and advertised appropriately and notified all the neighbors that we would expand that zoning request to include that right of way so the CMX zoning district is continuous throughout that corridor and there's no break between residential and the proposed corridor district. We recommend approval of the proposal on page 88 and if approved as presented, the new map will reflect the new districts shown on page 90. The Planning Board has recommended approval.

Mr. Landreth asked if there is anything against more than one zoning on one parcel and Mr. Cobb added that there is not.

Public Hearing Public Participation –

Mr. Bawden then introduced himself and his company, Flyman Fishing Company, and briefly explained that he has a fly-fishing company that is not a retailer, they are manufacturers of fly fishing materials and flies and sell them under different brands to other fly fishing shops all over the country. His intention is to grow the business and

contribute to the City of Brevard. He further explained that he needs somewhere to grow, about 1800 square feet which would be purely for offices and some storage area and that is it. The lot location is currently zoned residential due to its physical location which is naturally more conducive to being part of the CMX. It's right on Highway 64 which is a main transportation corridor. There are two automotive businesses and an outside storage area that's being used by a grading company and to the east is a pretty large stone yard. To the west side of the property is a neighbor, so that's a residential zone but not really a residential area. Currently the entrance to the property is not a residential thoroughfare or access road to those residential areas so anyone who is accessing those residential areas comes in from a completely opposite direction. Currently there's one neighbor that would use the same access road directly from the highway and she's around the corner and out of sight of our property. Those were the main things I wanted to bring forward.

Mr. Jones asked with the Highway 64 sign overlay on this piece of property if Council approves, would sit just shy of the overlay according to the map and Mr. Cobb said yes.

Mr. Hallingse, the Director of the Transylvania Economic Alliance, wanted to comment that he has had the opportunity to know Mr. Bawden for a few months and see the property and he believes its part of what our economic alliances is targeted at the type of business we are interested to bring into Transylvania County. We did a target market analysis that identified 6 business clusters that we're interested in growing in this area and I think Mr. Bawden's business overlaps two of those, creative services, businesses that do something unique and professional in nature, and also the manufacturing and design of outdoor related services and goods. I'm thrilled that he's looked at Brevard as a place of business and has gotten to a point of expanding it. I think this property is a reasonable use of CMX and I would encourage you to allow the rezoning and move forward.

Mr. Jackson spoke that up until 4 months ago he owned the property and now owns the house adjacent to it. He explained and shared photos and showed maps of 4 other homes on the property. When he sold the property he asked Mr. Bawden what the use would be and he was told that one room would be used for manufacturing and he had no objection to that. He stated that if he had known this, he would not have sold the property but he can't control that now. Mr. Jackson does oppose it. That road that sticks out to Highway 64 is a dedicated road to the subdivision. I ask that you not approve it.

Mayor Harris asked Mr. Cobb if the property has access to Highway 64. Mr. Cobb stated that the zoning district is connected to highway 64. Mr. Jackson handed out a map (Exhibit A). He said the entrance is a public dedicated road. The Mayor confirmed that anyone that owned the property would have public access to the property. Mr. Bawden also provided 3 photos of the area. (Exhibit B)

Mr. Pratt asked Mr. Cobb to explain the reason for rezoning of the public road as it is unusual. Mr. Cobb responded by saying that had we presented the rezoning as originally requested, you would have CMX separated by residential and then back to CMX use again so it made sense to avoid spot zoning and connect those two districts. We did property research on that right of way and I spoke with the State and they don't have any record of ownership of it so it's public in the sense that other folks use it but not public in the sense that it's under ownership by the City or the State so we've noticed all of those adjoining property owners that we wanted to connect those two districts.

Mr. Bawden wanted one more opportunity to speak and stated that he is surprised by Mr. Jackson's objections to the rezoning. He presented a copy of the listing of property (Exhibit C) and the land was described as suitable commercial use so now that the property is sold and I'm looking for it to be rezoned, he's objecting. Mr. Jackson responded once more that he told Mr. Bawden that the property was zoned GR4 so he should have been well aware of that when he bought the property.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 8:08 P.M.

I. Public Participation

Ms. Pat Petit, 17 Grove Circle, Brevard, NC 28712, expressed her concerns with short terms rentals and their negative impact on neighborhoods. She spoke with Aaron Bland in the Planning Department about it and also took the survey online. She then emailed Aaron Bland her comments (Exhibit D).

Mr. Kevin Jones, 135 Maple Street, wanted to offer an opposing viewpoint on short term rentals. He explained that he has dropped a fair amount of money making a 4 bedroom house into a structure that almost weekly he still gets comments on about how great it looks. They tried to do a long term rental and had to evict their third renter. 127 Maple Street was a slum house and the landlord did not do any work on it. There were sections of the floor that you could not walk on and long term leakage on the roof. We bought it and fixed it up and we live next door and we have short term rentals all the time and some for three months. Everyone has shown a lot more concern for the neighborhood than our long term rentals.

J. Special Presentation(s) - None

K. Consent Agenda and Information - 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 New Business Items M-1, M-2, M-4, M-5, M-6 and M8 be added to the Consent Agenda.

Mr. Landreth moved, seconded by Mr. Morrow, New Business Items M-1, M-2, M-4, M-5, M-6 and M-8 be added to the Consent Agenda. Motion carried unanimously.

The following Consent Agenda items were approved:

K-1. Staff Reports:
- a. Public Works Department, September 2015
- b. Police Department, 3rd Quarter Report
- c. Finance Report for month ended October 31, 2015

K-2. Correspondence *(No Action. Offered as information only.)*
- a. Oscar Blues Expansion Article
- b. Public Works & Utility Staff
- c. Association of State Floodplain Managers News
- d. Twilight Tour, Saturday, December 5th, Special Event Notification

K-3. (M-1) Ordinance No. 2015-31 for Annexation of Lastinger Properties, LLC.

ORDINANCE NO. 2015-31

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF BREVARD, NORTH CAROLINA

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein, and,

WHEREAS, the City Council has by Resolution No. 2015-24 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2015-26 fixing a date of public hearing. A public hearing on the question of this annexation was held at the Brevard

City Hall at 7:00 o'clock, P.M. on the 16th day of November, 2015, after due notice by publication on the 2nd of November, 2015;

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by Lastinger Properties, LLC, as shown and being all of that property conveyed to Lastinger Properties, LLC by a deed from The Bryson Development and Management Limited Partnership as recorded in Document Book 730 Page 412 of the Transylvania County Register of Deeds (Transylvania County Property Identification Number: 8597-47-3949) and that certain annexation plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as the 16th day of November, 2015.

Said property is more fully described as follows:

Location: Off of US Highway #276, 113 Mama's Place, Pisgah Forest, NC. Tax Property Identification Number 8597-47-3949

Metes and Bounds Property Description:
The following parcel of land is located off of Pisgah Highway (U.S. HWY 276) in the Brevard Township, Transylvania County, North Carolina. Being all of that property conveyed to Lastinger Properties, LLC by a deed from The Bryson Development and Management Limited Partnership on the 16th day of June 2015 as recorded in Document Book 730 Page 412 of the Transylvania County Register of Deeds and being more particularly described as follows:
BEGINNING AT A 5/8'' REBAR, said rebar being a common corner of Document Book 730 Page 412, Document Book 721 Page 395, Document Book 721 Page 398 and United States of America Tract V-1 as shown in Plat File: 2 Slide: 262 of the Transylvania County Registry and located N 16°53'46'' W a horizontal ground distance of 912.15 feet from a 5/8'' rebar set with a "Kee" cap and having North Carolina State Plane Coordinates(2011) of Northing: 575682.339 feet and Easting: 894465.203 feet;
Thence with the common line of Document Book 730 Page 412 and United States of America Tract V-1 the following (9) courses and distances:

(1) N 08°01'54" E a distance of 131.17 feet to an existing 2'' iron pipe with cap;
(2) N 52°53'34" W a distance of 341.44 feet to an existing 5/8'' rebar with "Raxter" cap;
(3) N 52°53'34" W a distance of 987.60 feet to an existing 2'' iron bar;
(4) N 30°47'50" E a distance of 938.07 feet to an existing 2'' iron pipe with cap in a rock pile;
(5) N 79°13'50" E a distance of 810.59 feet to an existing 2'' iron pipe with cap in a rock pile;
(6) N 38°50'06" E a distance of 1011.06 feet to an existing 4'' steel rail;
(7) S 76°03'55" E a distance of 225.00 feet to an existing 2'' iron pipe with cap in a rock pile;
(8) S 60°41'56" E a distance of 147.37 feet to an existing 2'' iron pipe with cap;
(9) S 09°23'51" E a distance of 477.17 feet to an existing 4'' steel rail; said steel rail being a common corner of Document Book 730 Page 412, United States of America Tract V-1 and Deed Book 221 Page 462 of the Transylvania County Registry and located S 58°33'15'' W a distance of 148.29 feet from an existing 5/8'' rebar;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 221 Page 462 of the Transylvania County Registry the following (4) courses and distances:

(1) S 27°40'58" W a distance of 642.12 feet to an existing 1'' iron rod;
(2) S 27°42'51" W a distance of 518.37 feet to an existing 5/8'' iron pipe;
(3) N 87°51'02" W a distance of 120.52 feet to an existing 1'' axle;

(4) S 27°09'27" W a distance of 159.89 feet to an existing 5/8'' rebar in a branch; said rebar being a common corner of Document Book 730 Page 412, Deed Book 221 Page 462 and Deed Book 431 Page 479 of the Transylvania county Registry;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 431 Page 479 of the Transylvania County Registry S 27°10'09" W a distance of 439.08 feet to an existing concrete monument with a "Raxter" cap; said concrete monument being a common corner of Document Book 730 Page 412, Deed Book 221 Page 462 and Deed Book 363 Page 53 of the Transylvania County Registry; and located N 83°09'22'' W a distance of 305.69 feet from an existing 1/2'' rebar;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 363 Page 53 of the Transylvania County Registry the following (2) courses and distances:

(1) S 27°10'42" W a distance of 420.04 feet to an existing 1 1/4'' iron pipe;
(2) S 23°14'13" E a distance of 130.46 feet to an existing 5/8'' rebar; said rebar being a common corner of Document Book 730 Page 412, Deed Book 363 Page 53, Document Book 560 Page 344 and Document Book 721 Page 395 of the Transylvania County Registry; and located N 23°11'23''W a distance of 123.61 feet from an existing 5/8'' rebar set with a "Raxter" cap;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Document Book 721 Page 395 of the Transylvania County Registry S 82°14'09" W a distance of 222.19 feet TO THE TRUE POINT OF BEGINNING.
Being all of a tract of land containing 64.54 Acres, being the same more or less, according to a Plat of survey recorded in Plat File 16 Page 443 of the Transylvania County Register of Deeds by Kee Mapping and Surveying, PA (License # C-3039) on and between the dates of 01/26/15-02/06/15 and under the supervision of Nolan R Carmack, NC PLS (License # L-5076) and should be referenced for a more complete description.

Section 2. Upon and after the 16th day of November, 2015, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-58.10.

Section 3. Pursuant to G.S. 160A-29, the Mayor of the City of Brevard shall cause to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Brevard.

Adopted and approved the 16th day of November, 2015.

K-4. (M-2) Ordinance No. 2015-32 Amending UDO Signs, Corridor Overlay District

ORDINANCE NO. 2015-32

AN ORDINANCE AMENDING THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE AND THE OFFICIAL ZONING MAP TO EXPAND, RENAME, AND AMEND THE ASHEVILLE HIGHWAY CORRIDOR SIGN OVERLAY DISTRICT

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 2, 12, 19 be amended to establish standards for murals and vintage signs, and to amend the Asheville Highway Corridor Sign Overlay District; and,

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that the Official Zoning Map of the City of Brevard, be amended to establish the Asheville Highway Corridor Sign Overlay District; and,

WHEREAS, Brevard City Council finds that these proposed amendments are neither consistent nor inconsistent with the City of Brevard Land Use Plan and other plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, November 16, 2015, by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance, and the Official Zoning Map of the City of Brevard, be amended as outlined below.

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

SECTION 01. Brevard City Code, Unified Development Ordinance, Chapter 2, Section 2.1.D.2 is hereby amended and shall read as follows:

> Highway 64 Corridor Sign Overlay District. The purpose of the Highway 64 Corridor Sign Overlay District is to provide standard signage requirements for the commercial corridor along the Asheville and Rosman Highway commercial corridors of US Highway 64.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.8.N is hereby amended and shall read as follows:

N. Murals

1. A mural, as defined herein, is any image painted, applied, or affixed directly on to a privately owned, non-residential building wall, retaining and screening wall, or other large existing outdoor surface in non-residential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image.

2. Murals may be permanent, or temporary and shall be maintained in good condition by the property owner.

3. The Administrator will issue a Letter of Zoning Compliance to Owners seeking to create murals on their property.

4. Murals do not require a sign permit if they adhere to the following:

i. If media other than, or in addition to, paint are used in a mural such media shall not extend more than 12" above the surface on which the mural is applied, or affixed and may not extend into a right-of-way.

ii. The Mural does not extend beyond the existing dimensions of the building wall, retaining/screening wall, or other outdoor surface on which it is applied.

iii. The Mural may incorporate advertising logo, symbols, pictures, devices and copy within the image, however such elements combined shall not exceed 8% of the mural's total surface area.

iv. The following shall be used for purposes of measuring surface area:

a. The area of a the mural shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or paint or other media, together with any material or color forming an integral part of the background of the display or used to differentiate the mural from the backdrop or structure against which it is placed.

b. Architectural elements on building walls such as windows, doors, and awnings that are harmoniously incorporated into the mural's design shall be counted in the overall square footage of the mural.

5. Murals that do not adhere to section 12.8.N.4 above, and its subsections, shall be considered wall sign in accordance with section 12.9 of this ordinance and shall adhere to all provisions therein and require the issuance of a sign permit.

SECTION 03. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.8.O is hereby amended and shall read as follows:

O. Vintage Signs

1. Vintage sign, as defined herein, is any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs may be incorporated into murals, or placed on building walls, or on roofs of privately owned, non-residential buildings, and retaining/screening walls in a nonresidential zoning districts.

2. Vintage signs are not allowed in residential zoning districts.

3. Vintage signs shall require only a Letter of Compliance before placement if they adhere to the following:

i. If used by a property Owner with no affiliation to the active, or closed business, Vintage signs may be placed or incorporated:

a. On a building wall as long as no more than 40% of the wall face is covered,

b. On a pitched or flat roof as long as no more than 20% of the area of the surface plane on which the vintage sign is placed is covered,
c. Within Murals as long as all provisions for Murals (see section 12.8.N) are met in addition to those for Vintage signs provided herein.

4. Vintage signs shall require a sign permit if used by an operational business in place of its current advertising signage. In such instances the vintage sign shall be considered wall signage in

accordance with section 12.9 of this ordinance and shall adhere to all provisions therein and require the issuance of a sign permit.

SECTION 04. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.9.B.1.v is hereby amended and shall read as follows:

Highway 64 Corridor Sign Overlay District: 85 square feet in surface area per side of sign up to a maximum of 170 square feet aggregate surface area for the entire sign.

SECTION 05. Brevard City Code, Unified Development Ordinance, Chapter 19, Section 19.3 is hereby amended to insert definitions as follows:

Mural: Any image painted, applied, or affixed directly on to a privately owned, non-residential building wall, retaining and screening wall, or other large existing outdoor surface in non-residential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image.

Vintage Sign: Any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs are considered a sub-type of wall signs as defined by this chapter.

SECTION 06. The Official Zoning Map of the City of Brevard is hereby amended to establish the Asheville Highway Corridor Sign Overlay District as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 07. As to any conflict between this Ordinance and any parts of existing Ordinances, the provisions of this Ordinance shall control.

SECTION 08. 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 09. 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 10. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 16th day of November, 2015.

K-5. (M-4) Davidson River Connector Road: **Resolution No. 2015-27** Endorsing A Sidewalk Along Davidson River Connector Road and a Municipal Agreement with NCDOT

RESOLUTION NO. 2015-27

A RESOLUTION ENDORSING A SIDEWALK ALONG THE DAVIDSON RIVER CONNECTOR ROAD

WHEREAS, the North Carolina Department of Transportation ("NCDOT") intends to construct the Davidson River Connector Road, also known as NCDOT project R-5605, which will be a new roadway connecting Asheville Highway to US Highway 64 ; and,

WHEREAS, The extension of bicycle and pedestrian infrastructure across the Davidson River into the Pisgah Forest commercial area would be a significant

advancement of City Council's bicycle and pedestrian connectivity goals as outlined in Council's vision statement and strategies, the Comprehensive Transportation Plan, the Comprehensive Pedestrian Plan, the Land Use Plan, and the draft Comprehensive Plan; and,

WHEREAS, the City of Brevard has requested, and NCDOT has agreed, to include a five foot wide sidewalk along the new roadway.

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

Section 1. Brevard City Council hereby endorses and supports the inclusion of a sidewalk along the Davidson River Connector Road, and hereby expresses its gratitude for NCDOT's ongoing efforts to improve bicycle and pedestrian transportation in Brevard and Transylvania County.

Section 2. Brevard City Council hereby approves an agreement between the City of Brevard and NCDOT entitled "Municipal Agreement with Betterments," dated November 4, 2015. The City Manager of the City of Brevard is authorized and directed to execute such agreement.

Section 3. Brevard City Council acknowledges and agrees that the City of Brevard is responsible for 20% of the cost of the new sidewalk, which is estimated to be $16,958.80. The City Manager is hereby directed to include funds to cover this cost in the Fiscal Year 2016-2017 Operating Budget.

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

Adopted and approved the 16th day of November, 2015.

K-6. (M-5) Staff Report and Request to Authorize Application for FEMA Firefighters Assistance Grant

The grant request is in the amount of $500,000 to replace firefighter self-contained breathing apparatus (SCBA) and air compressor. The City's match of $25,000 will come from the Fire Department Special Revenue Fund Balance.

K-7. (M-6) Staff Report and **Ordinance No. 2015-33** Declaring A Road Closure for Twilight Tour

ORDINANCE NO. 2015-33

AN ORDINANCE DECLARING A ROAD CLOSURE FOR TWILIGHT TOUR

WHEREAS, Brevard City Council acknowledges a long tradition of providing an annual Twilight Tour for the pleasure and enjoyment of its citizens; and,

WHEREAS, Brevard City Council acknowledges this festival provides an opportunity for day-long, family-oriented activities; and,

WHEREAS, Brevard City Council acknowledges this festival requires a portion of Main Street (US Highway 276) and Broad Street (US Highway 64) to be closed for setup, activities, and cleanup.

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

SECTION 01. Pursuant to authority granted by G.S. 20-169 the City of Brevard herby declares a temporary road closure during the day and times set forth below on the following described portion of a State Highway System route:

Date: Saturday, December 5, 2015
Time: 12:30PM – 9:00PM
Route Description: Main Street (US 276) between Caldwell Street and Johnson Street and Broad Street (US 64) from Probart Street to Morgan Street.

SECTION 02. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 16TH day of November, 2015.

K-8. (M-8) Board and Committee Appointments:

a. Fireman Relief Fund – Meredith Baldridge, Expires Jan 2017

b. Council Downtown Master Plan Committee – Melanie Spreen-Permanent HOB

L. Unfinished Business

L-1. Resolution No. 2015-28 Adopting the 2015 Comprehensive Plan

Council requested the following changes:

Pg. 179, under Partner Organizations, the Allison Deaver House should read Transylvania County Historical Society. Also, add Transylvania County Library.

P. 188, under Policy Objective 4.3.D, Construct additional trails within Bracken Preserve under the Master Plan.

Pg. 190, in the sentence "and without sufficient capacity to handle future demand", add the word "planned" in front of demand.

Pg. 192, under Policy Objective 5.3, change the word "anticipated" to "planned" future growth. Under Policy 5.3.D, omit it.

Ms. Hollingsworth motioned, seconded by Mr. Dickson that with the above changes, the 2015 Comprehensive Plan was adopted and motion carried unanimously.

RESOLUTION NO. 2015-28

A RESOLUTION ADOPTING THE 2015 COMPREHENSIVE PLAN

WHEREAS, the City of Brevard's Comprehensive Plan contains the general policy of the City Council to be used as a guide for development, the scheduling of capital improvements, preparation of budgets and ordinances, and operating procedures to implement the plan; and,

WHEREAS, it is the intent of the City Council to maintain and amend this Comprehensive Plan as the official statement of City Council concerning the future development of the City of Brevard; and,

WHEREAS, the City has devoted considerable time and attention to the development of the Comprehensive Plan; and,

WHEREAS, the City has solicited public comment and input on the content of this plan including informal public meetings, Planning Board review, and a formal public hearing held October 19, 2015; and,

WHEREAS, after review and consideration of the Comprehensive Plan, it is the desire of the City Council of the City of Brevard to approve the Plan as presented.

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

SECTION 01. That the 2015 Comprehensive Plan as presented at the November 16, 2015, meeting be approved and adopted as the Comprehensive Plan for the City of Brevard.

SECTION 02. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of November, 2015.

M. New Business

M-3. Ordinance No. 2015-34 Rezoning Bawden property (portion of) from GR to CMX

Mr. Landreth made a motion to support the Ordinance, seconded by Mr. Dickson. Motion carried unanimously.

ORDINANCE NO. 2015-34

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD BY REZONING PROPERTY OWNED BY MARTIN BAWDEN TO CORRIDOR MIXED USE ZONING DISTRICT

WHEREAS, whereas, a public hearing was conducted on November 16, 2015, upon a request from Martin Bawden, to rezone a portion of property located along US Highway 64 (Rosman Highway), from a General Residential zoning district to a Corridor Mixed Use District; and,

WHEREAS, the property proposed for rezoning is known by Transylvania PIN No. 8585-16-8412-000, described in Deed Book 00733 Page 0598, and owned by Martin Bawden; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed rezoning is inconsistent with the City of Brevard Land Use Plan Future Land Use Map, but finds that the proposed rezoning will result in a more rational and consistent pattern of land uses upon the subject parcel and its immediate vicinity; that the proposed rezoning will enhance development potential in a manner that is compatible with surrounding land uses; that the proposed rezoning is of sufficient size and configuration given the proposed district and is appropriate in terms of its geographic location; and that the proposed rezoning does not constitute "Spot Zoning;" and,

WHEREAS, the City Council of the City of Brevard, after hearing all persons wishing to comment on the rezoning, desires to approve the request and amend the City's Official Zoning Map accordingly.

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

Section 1. In accordance with N.C.G.S 160A-364, as amended and Brevard City Code, the Official Zoning Map of the City of Brevard is hereby amended to rezone the

property described herein from a General Residential zoning district to a Corridor Mixed Use District.

Section 2. The Corridor Mixed Use Zoning District, which is established by this Ordinance, is depicted upon Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference.

Section 3. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 16TH day of November, 2015.

M-7. Resolution No. 2015-29 and Resolution No 2015-30 Sewer Infrastructure Rehabilitation Projects

a. Resolution to accept loan offer from NCDENR for Kings Creek Project Phase III
b. Resolution to accept loan offer from NCDENR for Neely Road FM/PS EQ Tank
c. Authorize advertisement for construction bids for Kings Creek Phase II
d. Authorize advertisement for construction bids for Neely Road FM/PS/EQ Tank

Mr. Morrow moved that item 7 be approved as presented, seconded by Mr. Landreth. Motion carried unanimously.

RESOLUTION NO. 2015-29

RESOLUTION ACCEPTING LOAN OFFER FOR KINGS CREEK PHASE III

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

WHEREAS, the City of Brevard has need for and intends to construct Kings Creek Phase III; and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of $1,484,150 for 20-years at 0% interest rate.

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

Section 1. That the City of Brevard does hereby accept the State Revolving Loan Offer of $1,484,150 for 20-years at 0% interest rate; and

Section 2. That the City of Brevard does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II-Assurances will be adhered to; and

Section 3. That Jim Fatland, CPFO, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with 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; and

Section 4. That the City of Brevard 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 and approved this the 16th day of November, 2015.

RESOLUTION NO. 2015-30

RESOLUTION ACCEPTING LOAN OFFER FOR NEELY ROAD SEWER FORCE MAIN, PUMP STATION AND EQUALIZATION TANK

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

WHEREAS, the City of Brevard has need for and intends to construct Neely Road Sewer Force Main, Pump Station and Equalization Tank; and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of $13,660,000 for 20-years at 1.84% interest rate.

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

Section 1. The City of Brevard does hereby accept the State Revolving Loan Offer of $13,660,000 for 20-years at 1.84% interest rate; and

Section 2. The City of Brevard does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II-Assurances will be adhered to; and

Section 3. That Jim Fatland, CPFO, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with 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; and

Section 4. The City of Brevard 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 and approved this the 16th day of November, 2015.

N. Remarks By Officials / Future Agenda Considerations

Mayor Harris shared that our organizational meeting is coming up on December 3rd at 5:30pm, introducing Gary Daniel and thanking Wes Dickson for his service.

Mayor also talked about the upcoming Twilight Tour and there's a component in the parade this year to bring canned goods and there will be a float carrying them in for The Sharing House and The Bread of Life.

The last item was about signage and election campaign signs. He believes our Ordinance says 90 days before an election and wants it changed to 60 or 45 days and the bond is $500 and he would like it reduced to $250. He would like to discuss this at a future time.

Mr. Morrow had no comments.

Mr. Landreth had no comments.

Mr. Jones wanted to thank Mr. Lutz in Public Works and Emory Owen and Dennis Richardson for doing an amazing job and just wanted to give them his appreciation for the job they're doing.

Ms. Hollingsworth had no comments.

Mr. Dickson had no comments.

The Mayor then added that it was Mr. Dickson birthday today and everyone wished him a happy birthday.

O. Closed Session – Mayor Harris asked the City Attorney if it would be appropriate for Council to hold closed sessions to discuss matters of potential litigation, City Attorney advised pursuant to **GS § 143-318.11. (a)(3)** it would be appropriate to convene.

Closed Session - At 9:25p.m. Mr. Landreth moved, seconded by Mr. Jones, Council go into closed session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager and Finance Director, Deputy City Clerk, Director and Project Development Director. (A brief break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session – At 9:45 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.

P. Adjourn – There being no further business, Mr. Jones moved, seconded by Mr. Dickson, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:45 P.M.

Jimmy Harris
Mayor

Jill Murray
Deputy City Clerk

Minutes Approved: December 10, 2015