

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
April 24, 2017 – 7:00 PM**

The Brevard City Council met in regular session on Monday, April 24, 2017, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Pro Tem Mac Morrow presiding.

Present - Council Members Mac Morrow, Ann Hollingsworth, Gary Daniel, Charlie Landreth and Maurice Jones

Absent - Mayor Jimmy Harris

Staff Present - City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, Manager's Assistant & Deputy City Clerk Jill Murray, Senior Code Enforcement Officer Paul Ray, Police Chief Phil Harris, Parks and Property Management Director Lynn Goldsmith, and Water Plant ORC Dennis Richardson

Press - Matthew McGregor, Transylvania Times

A. Welcome and Call to Order - Mayor Pro Tem Morrow called the meeting to order, welcomed those present and introduced Council members, Manager, Attorney and Deputy City Clerk.

B. Invocation - Dr. Mike Miller, Transylvania Baptist Association, offered an invocation.

C. Pledge of Allegiance - Mayor Pro Tem Morrow 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, seconded by Mr. Daniel, the Agenda be approved as presented. Discussion: Mayor Pro Tem asked that the closed session be removed and Mr. Jones motioned, seconded by Ms. Hollingsworth that New Business items M6b and M6c Board and Committee Appointments be moved to the Consent Agenda. Mr. Landreth motioned, seconded by Mr. Daniel to approve the agenda as amended. Motion carried unanimously.

F. Approval of Minutes - Ms. Hollingsworth moved, seconded by Mr. Jones, the March 20, 2017, meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Proclamation 2017-05 Mayor Pro Tem Morrow read aloud and presented to Lynn Goldsmith, Director of Parks and Property Management, a Proclamation for Arbor Day recognizing April 27, 2017 as Arbor Day in the City of Brevard.

**Proclamation No. 2017-05
ARBOR DAY
Brevard, North Carolina**

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, this is the 38th year Brevard has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, do hereby proclaim **April 27, 2017, as Arbor Day in the City of Brevard** and we urge all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and we urge all citizens to plant trees to promote the well-being of our present and future.

Adopted and approved this the 24th day of April, 2017.

G-2. Proclamation 2017-06 Mayor Pro Tem Morrow read aloud and presented to Susan Huter, a Proclamation for Sexual Assault Awareness and Prevention recognizing the month of April as same.

**PROCLAMATION NO. 2017-06
SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH**

WHEREAS, one in five women and one in 71 men will be raped at some point in their lives; and

WHEREAS, 4 out of 5 rape victims subsequently suffer from chronic physical or physiological conditions and rape survivors are 13 times more likely to attempt suicide than are people who have not been victims of a crime; and

WHEREAS, rape results in about 32,000 pregnancies each year and 40% of rape survivors develop sexually transmitted diseases as a result of sexual assault; and

WHEREAS, each rape costs approximately \$151,423 and annually, rape costs the U.S. \$127 billion, more than any other crime; and

WHEREAS, rape is the most under-reported crime; with 63% of sexual assaults not reported to police. Only 12% of child sexual abuse is reported to the authorities; and

WHEREAS, in 8 out of 10 cases of rape, the victim knew the person who sexually assaulted them; and

WHEREAS, there is no place for the suffering and destruction caused by this crime in this community.

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, join SAFE, Inc., and the North Carolina Coalition against Sexual Assault in hereby proclaiming **April 2017 as Sexual Assault Awareness and Prevention Month**. We call upon all citizens, parents, students, governmental agencies, private and public institutions, businesses, hospital, schools and colleges of Brevard to support efforts that will provide early education about healthy relationships and increase support for individuals who are survivors of sexual assault. Through these efforts, we can become a community where sexual violence is not tolerated and where victims are supported.

Adopted and approved this the 24th day of April, 2017.

G-3. Proclamation 2017-08 Mayor Pro Tem Morrow presented a Proclamation for National Bike Month and Bicycle Safety Month recognizing the Month of May as same.

**PROCLAMATION NO. 2017-08
NATIONAL BIKE MONTH 2017**

WHEREAS, the bicycle is an economical, healthy, convenient, viable, and environmentally sound form of transportation and an excellent form of recreation and enjoyment of Brevard and Transylvania County's scenic beauty; and

WHEREAS, millions of North Carolinians will experience the joys of bicycling during the month of May through educational programs, races, commuting events, trail work days, helmet promotion, charity events, or just getting out and going for a recreational ride; and

WHEREAS, Brevard and Transylvania County trails and roads attract bicyclists each year from across the country and the world; and

WHEREAS, Brevard hosts several major cycling races and events, including the Assault on the Carolinas, the Fletcher Flyer, and the Pisgah Stage Race; and

WHEREAS, these bicycling activities and attractions have great potential to have a positive impact on Brevard's economy and tourism industry, as well as to stimulate economic development by making the city attractive to businesses and citizens who enjoy the out of doors and healthy lifestyles; and

WHEREAS, creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and

WHEREAS, May has been declared National Bike Month since 1956 years and is so again in 2017. The League of American Bicyclists, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies and civic groups throughout North Carolina will be promoting bicycling as a leisure activity as well as an environmentally-friendly alternative to the automobile during the month of May 2017.

WHEREAS, the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council do hereby proclaim and recognize the month of **May 2017** as **National Bike Month** and **Bicycle Safety Month**.

Adopted and approved this 24th day of April, 2017.

G-4. Proclamation 2017-07 Mayor Pro Tem Morrow presented a Proclamation for National Day of Prayer recognizing May 4, 2017 as a day of prayer in Brevard, North Carolina.

**Proclamation No. 2017-07
NATIONAL DAY OF PRAYER 2017**

WHEREAS, civic prayers and national days of prayer have a long and revered history in our constitutional republic, dating back to the First Continental Congress in 1775; and,

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made "the Laws of Nature and Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and,

WHEREAS, the Supreme Court has affirmed the right of state legislature to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and,

WHEREAS, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, May 4, 2017, marks the 66th consecutive observance of the National Day of Prayer; and,

WHEREAS, the theme for 2017 is, "**For Your Great Name's Sake**", inspired by Daniel 9:19: *"O Lord, hear; O Lord, forgive; O Lord, hearken and do; defer not, for thine own sake, O my God: for the city and thy people are called by thy name."* and,

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and,

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in Brevard when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our town, state and nation.

NOW, THEREFORE, I, Jimmy Harris, Mayor of the City of Brevard, proclaim Thursday, May 4, 2017, as A Day of Prayer in Brevard, North Carolina, and encourage the citizens of Brevard to observe the day in ways appropriate to its importance and significance.

Proclaimed this the 24th day of April, 2017.

H. Public Hearing

H-1. Tannery Park PARTF Grant Application – The public hearing was properly advertised on April 10, 2017 and April 17, 2017.

Mayor Pro Tem Morrow opened the public hearing at 7:17 P.M.

The City has been working towards development of the Tannery Park for the last several years. With the purchase of the former Taylor and Rathie properties located off of Cashier's Valley Road and Silversteen Drive, respectively, in 2014 the City is now in a position to move forward with construction of public access and improvements to the property. In order to make the project viable, staff has been working with Carolina Mountain Land Conservancy on submitting a grant request for funding from the North Carolina Parks and Recreation Trust Fund (PARTF).

The City utilized a PARTF grant previously for the purchase of two properties. The total acreage for the site is 25.5 acres. This grant request would aid in the construction of approximately 3,600 feet of additional bike and pedestrian path, a bike pump track, parking area, picnic shelter, benches, signage and a new community recreation center.

City Manager Jim Fatland explained that during the third public input session a new addition has been brought into the application. The Mary C. Jenkins Board submitted a letter (Exhibit A) to the City Council and the Mayor saying that they would be willing to donate the property to be a part of this grant application contingent upon City Council accepting that, as well as, being part of the State PARTF Grant. Also included is a bike pump track, a future skate park, picnic tables, benches, picnic shelter and signage.

Councilman Landreth asked if Mr. Fatland could project how the City would put together the \$700k needed to complete the project. Mr. Fatland gave a few options. He explained that he recently met with the County and they expressed seeing some senior activities and may be interested in partnering with the City. Other options included obtaining a low interest loan and increasing the tax rate by a penny to cover annual debt service.

Public Hearing Public Participation –

John Cantrell asked for an explanation of the difference in price of the greenway at \$340,000 and the bike pump track at \$78,000. Mr. Fatland explained that the \$340,000 is for the greenway, as well as, the parking lot. To have a paved pathway in the trail system is not cheap. Mr. Cantrell also asked who would do the work and could it be done cheaper perhaps by volunteers? Mr. Fatland explained that for the bike pump track we already have three contractors that expressed that they would like to donate their labor and material to make that happen and the same goes with the picnic shelters so the more public involvement that we have, the more leverage we have to spend money elsewhere on amenities. Anytime we can get the community involved the better off we will be.

Kevin Jones of 135 Maple Street, stated that if the City is looking to slightly increase the tax rate to help with any debt that we may incur, that perhaps we should talk to the County about doing an increase as well.

Megan Hopkins of 77 Rhododendron Drive, expressed her support and excitement for this project. There will be children from different backgrounds learning a new sport and having something to do after school. She thinks it's great.

Kevin Smith of 468 Greenville Highway, expressed being happy to see beautiful things coming out of this process. He expressed his thanks to everyone involved and hopes everything flows as smoothly as possible.

Public Hearing Closed – There being no further questions or comments, Mayor Pro Tem Morrow closed the hearing at 7:31 PM.

H-2. Amend Sign Ordinance to Allow Additional Signage in I-C Districts -
The public hearing was properly advertised on April 10, 2017 and April 17, 2017.

Mayor Pro Tem Morrow opened the public hearing at 7:32 P.M.

Mr. Ray explained that the proposal is to modify Chapter 12 of the sign ordinance. The amendment as proposed serve to offer additional flexibility for properties zoned institutionally, such as Blue Ridge Community College, Brevard Elementary School and Brevard High School. The intent of this district is to allow for the continuous and future use, expansion and new development of academic and religious campuses, as well as, government and health care facilities. It places no limit on signs when it's internal.

Public Hearing Public Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Pro Tem Morrow closed the hearing at 7:35 PM.

H-3. Amend UDO Stormwater Management Requirements - The public
hearing was properly advertised on April 10, 2017 and April 17, 2017.

Mayor Pro Tem Morrow opened the public hearing at 7:36 P.M.

Mr. Ray explained that the purpose of the text amendment is to (1) protect life and property and minimize nuisances by limiting destructive runoff and flooding generated by impervious surface areas; and (2) to protect water quality and natural ecosystems by filtering sediments and pollutants such as nitrogen, phosphorus, trace metals, and hydrocarbons.

Mr. Jones asked how far are you allowed to build to a steep slope, because if you're able to add onto a building, you're becoming closer to some run-off and that could affect the stormwater to the entire property and not just the new part. Mr. Ray explained that there is not currently a distance separation between a building and steep slopes. The stormwater that will be managed will be the new impervious surface of the building so any addition, that part of it would have to be managed with the stormwater aspect of it. He further stated that he could get back to him with an answer on how that could affect it.

Mr. Landreth asked if the proposed changes are policy changes and to what extent are they also design changes and Mr. Ray said no. He added that if you have an existing impervious surface or lot that needs to be improved and currently if someone wants to spend over 25% of the value of the building they have to bring the entire property into full compliance with our stormwater ordinance so what this ordinance would essentially be doing is allow credit to the developer for the impervious surface they already have and just require them to manage the new additional impervious surface. There isn't a specific goal or policy that's outlined in the City's 2015 comprehensive plan that provides guidance on this subject but it's staff's opinion that land development standards are intended to serve the general public and address

potential negative impact caused by others. Mr. Ray further added by reading the policy analysis included in the staff report.

Mr. Daniel asked what is the basis of your assumption that this would not cause any negative impact. Mr. Ray said that the Director could probably speak better to this, however, I think that the sentiment is that if it's existing and not causing any adverse impact right now, then it wouldn't if the property was improved. The property owners are always responsible for correcting that regardless of whether they're redeveloping or not.

Mr. Landreth asked if a developer is still responsible to describe existing conditions. Mr. Ray said yes they have to show a working system.

Public Hearing Public Participation –

Jacob Dinkins, 500 West Probart Street, asked who does this apply to again? Mr. Ray said it applies to everyone all throughout town, all existing commercial buildings and existing impervious surfaces. The Heart of Brevard is exempt.

Public Hearing Closed – There being no further questions or comments, Mayor Pro Tem Morrow closed the hearing at 7:49 PM.

I. Public Participation –

Michael Williamson, 130 Downing Park Court, spoke about alkaline batteries and how the City does not currently have a system to recycle them. He asked if he could present to Council, at a later date, a proposal of a very inexpensive way to dispose of them by having collection points throughout the City. Council agreed that he could come back with a proposal and asked him to turn it into Deputy City Clerk Jill Murray.

Coty Ferguson, Cashiers Valley, spoke about affordable housing. He explained that our housing prices are \$50k above the national average and the reality is that we do not have a lot of land for affordable housing. He described the criteria for affordable housing and urged Council to make it a top priority.

Roberta Miller of West French Broad and Nancy Knight of Whitmire Street explained they are here to talk about the lumberyard neighborhood, mainly King Street, Whitmire Street and French Broad Street. They provided a handout (Exhibit B) but some of the main concerns are:

- The condition of the streets; when semis go through it makes the houses shake and vehicles go way too fast. How can we slow them down?
- The storm drains are a risk for small children.
- Cars are taking short cuts through RR Avenue and they would like an update on the RR Avenue Bridge and the construction of it.
- There are many rentals on the block. How do the landlords find their renters and monitor them so we can feel safe.

Altha Gordon, 104 Hillview Circle, provided a handout (Exhibit C). Stated she would like to address the speeding issue on her street and how to make it safer for the children that play there.

Gil Newbury, 158 Fisher Road, discussed affordable housing and explained that he recently read a City Connections article where it reminded everyone to build responsibly and added that we need to follow the rules. The ordinance was written, it's a good one and we should follow it. Listen to what the ordinance is saying, listen to your neighbors and constituents and look at what works and what works well. Another way to address affordable housing is

Habitat for Humanity. We all agree affordable housing is important, but please do not look at rewriting the ordinance.

Jay Coan 150 Ronnie Drive spoke with regards to Tinsley Road and steep slope. He stated that we have to protect our view sheds and thinks the ordinance was put in place for many reasons and I think its perfect the way it is.

J. Special Presentation

J-1. Sixth Annual Brevard Cares Community Cleanup – Police Chief Phil Harris stated that this was the 6th annual clean up and they had the most participation ever this year with over 100 volunteers. They helped over 20 residences that needed assistance, several non-profit sites and had participation from a number of entities, such as Brevard High School National Honor Society, the Unitarian Universalists of Transylvania County, the Brevard Church of Jesus Christ of Latter Day Saints, and Destiny Christian Fellowship Church, as well as, the City of Brevard, Transylvania County, Bethal "A" Baptist Church and many unaffiliated volunteers. The cost of the hours was over \$9,500 that was contributed directly to our community. He added that we will continue to do this as long as I'm here and hopefully after I'm gone.

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Pro Tem Morrow read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda. (Agenda approval included New Business Item M6b and M6c, Board and Committee appointments, be moved to Consent.) He recommended adding New Business Items M-1 Resolution PARTF Grant Application for Tannery Park, M2 Ordinance Amending UDO Sign Ordinance for signage in I-C District and M3 Ordinance to Amend UDO Stormwater Management.

Mr. Jones moved, seconded by Mr. Landreth, the Consent Agenda be amended as recommended and approved. Motion carried unanimously.

K-1. Staff Reports:

- a. Finance Department Report for month ending March 31, 2017
- b. Public Works Department Report, February 2017
- c. Parks and Property Management Report

K-2. Resolution No. 2017-08 A Resolution Amending the Brevard OPEB Trust by updating the OPEB Co-Trustees to be designated as James R. Fatland, City Manager/Finance Director and Kelley Craig, Human Resources Director.

RESOLUTION NO. 2017-08 A RESOLUTION AMENDING THE BREVARD OPEB TRUST Amendment No. Three {Resolution No. 2011-12; Amendment #1 Res. No. 2012-06; Amendment #2 Res. No. 2015-23}

WHEREAS, the City of Brevard participates in a post-employment benefit related program called the OTHER POST-EMPLOYMENT BENEFITS TRUST (OPEB), which allows certain assets to be invested in an Irrevocable Trust; and

WHEREAS, The purpose of the Trust is to hold assets from which to satisfy the Employer's commitment to provide post-employment benefits (other than pension benefits), as offered by the Employer to its employees in accordance with the Employer's policies and/or applicable collective bargaining agreements; and

WHEREAS, City Council has determined the need to amend the Brevard OPEB Trust by updating the OPEB Co-trustees.

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

1. The co-trustees shall be and are hereby designated as James R. Fatland, City Manager/Finance Director and Kelley Craig, Human Resources Director; and

2. The said Trust is tax exempt and separate from the City of Brevard with its own Employer Identification Number (EIN #45-6335061).

3. This Resolution shall be effective upon adoption by City Council.

Adopted this the 24th day of April, 2017.

K-3. Resolution No. 2017-09 A Resolution Modifying the Membership Structure of the City Council Parks, Trails and Recreation Committee and the City Council Downtown Master Plan Committee removing Development and Special Projects Director as a permanent member.

**RESOLUTION NO. 2017-09
RESOLUTION MODIFYING THE MEMBERSHIP STRUCTURE OF THE
CITY COUNCIL COMMITTEES
(Amending Resolution No. 2015-14, 2015-16 and 2015-21)**

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 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 is 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 Brevard City Council established the following two Committees: City Council Parks, Trails and Recreation Committee (Res. No. 2015-14), and, the City Council Downtown Master Plan Committee (Res. No. 2015-16).

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

Section 1. Modify the membership structure of the City Council Parks, Trails and Recreation Committee, and the City Council Downtown Master Plan Committee as follows:

A. Remove Development & Special Projects Director as a permanent member.

Approved and adopted this the 24th day of April, 2017.

K-4. Correspondence (No Action. Offered as information only.)

- a. Annual Transylvania Agriculture Breakfast
- b. Sharing House Restricted Grant Request
- c. Transylvania County Building Permit Activity
- d. Transylvania County Tourism Development Authority Report
- e. National Day of Prayer, May 4, 2017, 12 Noon, Temple Baptist Church

K-5. (M-1) Resolution No. 2017-10 – PARTF Grant Application for Tannery Park – A Resolution authorizing the City Manager to act on behalf of the City to apply for, accept, and administer grants supporting the establishment of the Tannery Park in the Rosenwald community.

**RESOLUTION NO. 2017-10
A RESOLUTION AUTHORIZING APPLICATIONS FOR
GRANTS AND CONTRACTS FOR THE CREATION OF
THE TANNERY PARK**

WHEREAS, the City of Brevard intends to develop a public park within the Rosenwald community; and,

WHEREAS, the City of Brevard received funding from the North Carolina Parks and Recreation Trust Fund for the acquisition of this park land; and,

WHEREAS, the park will consist of walking trails, a bike pump track, parking area, picnic shelter, benches, signage, fencing around smoke stack and a community recreation center; and,

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

Section 1. The City Manager is hereby authorized to act on behalf of the City to apply for, accept, and administer grants supporting the establishment of the Tannery Park in the Rosenwald community.

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 24th day of April, 2017.

K-6. (M-2) Ordinance No. 2017-09 Amending UDO Sign Ordinance for signage in I-C District – An Ordinance amending the UDO to allow additional signage necessary for the functional use of institutional campuses within the City of Brevard.

**ORDINANCE NO. 2017-09
AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 12 SIGNS**

WHEREAS, the purpose of zoning regulations is to provide a comprehensive plan for the use of land and buildings in conditions of good health and safety and in conditions of orderly community development, these regulations shall apply to all land and structures within the respective zoning district; and,

WHEREAS, the City of Brevard Planning Board unanimously recommended approval of Ordinance changes on April 18, 2017; and,

WHEREAS, the City of Brevard City Council held a public hearing on Monday, April 24, 2017, and have reviewed the Planning Board's draft language as amended; and,

WHEREAS, in accordance with North Carolina General Statute 160A-383, Brevard City Council finds the following:

1) That the amendment is neither consistent nor inconsistent with the 2015 Comprehensive Plan.

2) That the proposed amendments will serve to protect health and safety of the citizens of Brevard.

3) That the proposed amendments allow additional signage necessary for the functional use of institutional campuses within with City of Brevard.

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

Section 1. The City of Brevard Unified Development Ordinance is hereby amended as described in Exhibit A.

Section 2. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 24th day of April, 2017.

K-7. (M-3) Ordinance No. 2017-10 Amend UDO Stormwater Management – An Ordinance amending the UDO Chapter 6 Environmental Protection.

**ORDINANCE NO. 2017-10
AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 6 ENVIRONMENTAL PROTECTION**

WHEREAS, the purpose of zoning regulations is to provide a comprehensive plan for the use of land and buildings in conditions of good health and safety and in conditions of orderly community development, these regulations shall apply to all land and structures within the respective zoning district; and,

WHEREAS, the City of Brevard Planning Board unanimously recommended approval of Ordinance changes on March 21, 2017; and,

WHEREAS, the City of Brevard City Council have reviewed the Planning Board’s draft language as amended; and,

WHEREAS, in accordance with North Carolina General Statute 160A-383, Brevard City Council finds the following:

1) That the amendment is neither consistent with the 2015 Comprehensive Plan:

Objective 3.1: Preservation of surrounding natural assets of mountains, farmlands, woods, and water for future generations.

POLICY 3.1.D: Seek out and develop innovative solutions to protect water quality while reducing the cost of stormwater management to private developers.

POLICY 3.1.E: Revise development regulations to encourage and incentive the use of Low Impact Design techniques to manage stormwater.

2) That the proposed amendments will serve to protect health and safety of the citizens of Brevard.

3) That the proposed amendments address concerns raised by design professionals, city staff, elected officials, and environmental advocates.

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

Section 1. The City of Brevard Unified Development Ordinance is hereby amended as described in Exhibit A.

Section 2. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 24th day of April, 2017.

K-8. (M-6b) Board and Committee Appointment(s): Council Parks, Trails and Recreation Committee – Mr. Colin Izzard was reappointed to serve and his term will expire in May 2019.

K-9. (M-6c) Board and Committee Appointment(s): Council Public Works and Utilities Committee – Mr. Clay Sikes was reappointed to serve and his term will expire in May 2019.

L. Unfinished Business – None

M. New Business (Agenda Items M-1, M-2, M-3, M6b and M6c were moved to Consent Agenda.)

M-4. Council DTMP Committee Recommendation(s) – South Alley Lease –

Mr. Fatland explained that this item had been discussed at the committee level and staff would like feedback from Council. We had a request from a business owner asking if he would be allowed to serve alcohol in the alley and have it still be public access.

Council Discussion

Ms. Hollingsworth explained that she chairs this committee and thinks that it makes good sense in our community as we are tourist based and thinks it is worth looking into. Also, we currently have business owners who have tables on sidewalks that can't serve wine/beer but right now we're just talking about an alleyway.

Mr. Jones asked if we were to approve this, would we have to approve it for other businesses as well. He stated that he would also like to get feedback from our police chief as to whether or not he would have to add another man to patrol the area and would like his opinion on it before we jump into something bigger.

Mr. Morrow asked if we want to lease private land to one person. It's not the money to me, but its part of our downtown.

Ms. Hollingsworth added that the alleyway would be open to the public and open to anyone that wanted to sit there and eat lunch but Jaime Hernandez would lease it to serve alcohol and secure it.

Mr. Jones added that you're going to have underage people walking through there.

Mr. Daniel stated that he feels like it's wonderful to have open spaces in town and would rather see it develop as a community space. On the other hand, you're also allowed to serve beer in those European plazas.

Mr. Morrow added that we cannot create our own ABC law and we would have to work with ABC. We still need a consensus as to a public lease.

Mr. Landreth added that Mr. Hernandez was very eager to be on the leading edge of this process and it's important to his business model for his operation. We're asking for exploration, not approval. We want to go through our due diligence with the PD, Planning and our attorney.

Mr. Landreth motioned, seconded by Ms. Hollingsworth to proceed with exploring a lease with Mr. Jaime Hernandez for Jaime's and Market 36 for lease of the south alley. Motion carried unanimously.

M-5. Council DTMP Committee Recommendation – Allow Alcohol Consumption within Public Property/ROW –

Mr. Morrow asked if the previous motion answers this one as well. He believes it does, as you have to start somewhere.

Mr. Landreth motioned, seconded by Mr. Daniel, to ask staff to explore the possibilities of allowing consumption of alcohol in public spaces. Motion carried unanimously.

M-6a. Board and Committee Appointment(s) – Council Downtown Master Plan Committee.

Ms. Hollingsworth motioned, seconded by Mr. Landreth that she recommends reappointment of Susan Threlkel and Dee Dee Perkins. They have a lot of experience and our end goal for our streetscape. Their terms will expire in May 2019. Motion carried unanimously.

N. Remarks by Officials / Future Agenda Considerations

Ms. Hollingsworth said she would like to see staff get in touch with Roberta Miller and focus on the issues she brought forward tonight. Mr. Fatland stated that staff will look into it.

Mr. Daniel stated there was a common theme of speeding in different neighborhoods and if we could address that, that would be great.

Mr. Landreth stated that he would like to follow up on a comment made about affordable housing and he would like to ask staff if we could pull out the themes from our comprehensive plan that address affordable housing and develop some strategy that includes action steps on how we can get construction going again. This is a topic that as someone who is trying to employ citizens in this area, is very much aware of. It is very hard to recruit someone from outside of this area to work here because getting here and setting up a house is hard. It's an economic growth issue but it's also a fabric issue and it matters to the diversity of this community and I'd like to see what themes we have about affordable housing and develop some action steps. With regards to the RR Avenue area, I'd like to ask Planning and Public Works to review the state of affairs with the Caldwell construction and how we're managing traffic on an urban scale and I'd like to do this with an eye toward not just what's happening with people trying to find a quicker way through town but also what does this tell us about how a west loop needs to function? What does it need to do at Asheville Highway so that traffic that can't or doesn't want to drive through town is not trying to get an oversized vehicle down some awkward place in a neighborhood? Speed has been a problem on Maple Street but now that's its torn up, no one drives down there. This is a lesson about traffic abatement and speed abatement. I'd like to stay focused on that. The ability to walk a dog or a child and not feel like you're in a dangerous situation. I heard two references of crime tonight. I think we might make assumptions about how safe and peaceful it is here and I'd like to know if those assumptions are strong and well founded or if we're overlooking things. If Chief Harris could update us at some point of those state of affairs, that would help us make informed decisions about policy and program development. Chief Harris agreed and stated that we are ranked 26th in 200 cities in North Carolina. This year is the lowest crime rate in 14 years but I spoke to the lady that made that comment earlier and make sure that they're locations that we're aware of and working and the same is true for RR Avenue.

Mr. Jones stated that with regards to affordable housing, he wanted to be specific and drill down and no one has mentioned entry level housing. We have a great school system here and entry level housing is key to that. Let's think along those lines as well. I would also like to thank Chief Harris and Brevard Cares for what they do.

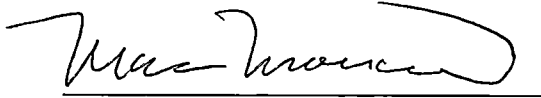
Mr. Morrow explained that next year, 2018, is Brevard's 150th birthday. Rebecca Suddick would like to partner with us from the Heritage Museum to help celebrate it. We need some help and we need to get started. Also, it has been exciting for me to watch this last week evolve with the Neely Road connections that are going to happen tomorrow. No more middle of the night reports of discharges.

Mr. Fatland noted Mr. Landreth's questions about the affordable housing strategy and Mr. Jones' comments about entry level housing and asked if it is ok to include strategy about both of those and they both said yes. Mr. Fatland added that the Police Chief, the Public Works Director, the Planning Director and he met with the Mary C. Jenkins Board and besides the grant application, we talked about unsafe streets and looked into getting a stop sign put in where one hasn't been in years. Perhaps we could use the same approach with the RR Avenue neighborhood, because a lot of these issues are small incremental improvements that we can make.

Mr. Pratt had no comments other than there was no need for a closed session.

O. Closed Session – None

P. Adjourn – There being no further business, Mr. Landreth moved, seconded by Mr. Jones, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 8:45 P.M.



Mac Morrow
Mayor Pro Tem



Jill Murray
Deputy City Clerk

Minutes Approved: May 15, 2017

Exhibit A
April 24, 2017

April 12, 2017

To: The Honorable Jimmy Harris, Mayor
Members of City Council
City of Brevard
95 West Main Street
Brevard, NC 28712

From: Board of Directors, Mary C. Jenkins Community Center

It is with great enthusiasm that we send you this Letter of Intent regarding the Mary C. Jenkins Community Center. We appreciate the opportunity to be included in the Tannery Park Project. As a show of good faith, we would like to donate the Mary C. Jenkins Community Center property located on Carver Street, Brevard, NC to be used as a new Multi- Culture and Recreational Community Center. We would also like to work with the City of Brevard to create a Memorandum of Understanding as the project draws closer to inception.

We feel this donation would create the greatest impact within our community, by bridging the gap between the individual communities and cultures within the city of Brevard. Your commitment and investment would ensure that the future of our citizens would be enriched, by giving them access to some of the best services and skills available within the area. At the new facility, each individual would take ownership of their own self-enrichment, while helping others to achieve their goals and dreams. Our banner will always be "without a vision, the people perish".

Thank you for including the Mary C. Jenkins Community Center in the Tannery Park vision and we look forward to many great things ahead.

Sincerely,

Randy Lytle	President
Lewis Whiteside	Vice President
Patrina Robinson	2 nd Vice President
Karen Darity	Treasurer
Jennifer Sensabaugh	Secretary
Edith Darity	TCIO
Susan Threlkel	
Nicola Karesh	
Ella Jones	
Ronald Norman	
Victor Foster	

Exhibit B

For: The Mayor, City Council, City Manager, Chief of Police, Public Works Director, Planning Department Director, and the Planning Board.

The names below are the residents and business owners who are sending you the attached expression of their concerns about safety and infrastructure in toad/Lumberyard Neighborhood. We really appreciate your time and attention.

Penny Lucas Davies	West French Broad
Terence Davies	West French Broad
Roberta Miller	West French Broad
Bob Miller	West French Broad
Maggie Howe	West French Broad
Stuart Howe	West French Broad
Diane Daniel	Whitmire
Pat Sales	King
Steve Sales	King
Nancy Knights	Whitmire
George Peterson	West French Broad
Jeff Thompson	King
Leslie Logemann	King
Mark Connelley	King
Leslie Guzman	King
Nic Guzman	King
Keavy McAbee	King
Lee Marchbanks	King
Ruth Rose	Whitmire
Lucy Williams (studio space renter)	Whitmire
*Jessica Webb	West French Broad
*Mitchell Thorp	King
*Patty Sullivan	King
*Mike Carrick	"
*Becky West	King

**There will be additional signatures from interested residents and property owners which we will add and forward to you. Those above were eager to restart the dialogue about these issues so that they could become a part of the upcoming agendas.*

(Please note: We think David Lutz has already been assessing the flooding issue in the photo to follow.)



Photo of Salem Street after recent rainfall.

At the beginning of **July, 2014**, the Planning Department produced a draft of the basic plan for the Railroad neighborhood—this included Resada Drive, King, West French Broad and Whitmire streets. The following infrastructure comments were the prime focus of a large section of the plan.

"The central goal of this plan is to guide public policies and investments that will support private sector investment, revitalization and redevelopment efforts in the community: robust, high-quality public infrastructure is the single most important tool that the City of Brevard can bring to bear to achieve that goal. Public infrastructure includes streets, sidewalks, and greenways; parks and recreational options; water for fire suppression and human consumption; sanitary sewer; public parking; and curb and gutter drop inlets and underground piping to collect and convey storm water."

On the next page of the report: "Potable water and sanitary sewer infrastructure within the study area is among **the oldest such infrastructure within the City of Brevard,** and most of such infrastructure has never been accurately mapped."

Over the almost three year period since the report was issued, a few of the neighborhood's infrastructure issues have been partially addressed, mostly thanks to David Lutz's response to repair matters. However, it is clear that while other parts of the City have had major sewer repairs, Railroad area problems still loom large.

One truly distressing problem has been mentioned to City Council and Planning Department for years—the constant heavy truck traffic on these streets that are totally unfit to tolerate the weight and the impact—and the accompanying shaking of the structures that line the streets. Recently, as Caldwell's work has been underway, the three streets—Whitmire, King and West French Broad have seen an increase, not only in basic traffic, but in heavier vehicles including trucks hauling trailers with heavy equipment on them, and enormous semis which are trying to avoid delays on Caldwell.

Property owners in this neighborhood are well aware of the mixed use nature of the zoning, and we don't expect the same degree of traffic and quiet that a totally residential zoning provides. What we are experiencing now is lots of speeding vehicles detouring through these fragile streets, and drivers of bigger vehicles having no regard for the effect their vehicles might have on sewer, water, and gas lines below the surface of these streets. It is very unlikely that the incomes of the owners in this area would allow for secondary housing or for suspending business if there were a major infrastructure failure or a gas explosion from excessive demands put on the roadbeds.

Residents have asked repeatedly if some restrictions could be placed on through-traffic trucks, particularly dump trucks and semis and heavier vehicles. We know that deliveries are necessary and that's fine, but with the upcoming Railroad Avenue Bridge work, the potential for serious damage to our foundations and to the infrastructure that serves our structures will increase what is already an unacceptable amount.

The Planning Board vote on Tinsley Road was definitely the right one for this neighborhood—an additional 80 to 190 residential vehicles, along with all the increases in service vehicles using the neighborhood roads would deal another blow to those who have invested so much in this neighborhood.

We all hear about the need for working class and affordable housing, and this neighborhood is one of the few that has small houses that can or have been rehabbed. Most of the rehabbed houses have had extensive foundation work. It seems totally unfair, and potentially dangerous, to put the efforts to improve the neighborhood at risk by ignoring the repeated requests for some restriction on through truck traffic and speed control. (Something that seems to have been done in other parts of the City, such as the area near the high school.)

Obviously, whether people are in the Railroad neighborhood to patronize music venues, medical facilities, retail businesses, or restaurants, or if they are runners, walkers, or residents, their safety is very important. Thank you for your time and attention to these issues related to the lives and property in the Railroad neighborhood.

Obviously, there are lots of questions that owners and renters have about the infrastructure and water issues, as well as the truck and speeding issues and the overall condition of the streets. Could there be some opportunity to be on the agenda at a meeting so Council members and staff could respond about conditions and time would allow for follow-up questions and elaborations? Several people mentioned that would be really helpful. (That opportunity seemed to serve the owners on Probart Street very well in terms of the sidewalk needs, etc.)

★

Regarding the flooded area, a picture of which was included in our letter, Ann Hollingsworth shared some information that David Lutz gave her: That there was a blocked storm drain that was responsible for a back up of water. Also, that the ditch area that intersects yards between West French Broad and Whitmire could be maintained by the City if owners deeded a set amount on either side of that ditch to the City.

The following questions were raised by some property owners regarding that situation:

1. Was it a single storm drain blockage that caused such a back up, and if that is the case, wasn't that indicative that the system has some real inefficiencies if a single blockage could result in so much backed up water?

2. If the shared ditch at the rear of West French Broad and Whitmire Street is filling and overflowing in a heavy rain, even one lasting for just a few hours, where is that water coming from—clearly not from the owners' properties. Since it appears to be from City storm drains and City streets, is it not the City's duty to handle that water in a way that would divert it from property owners' land? If the system were working properly, wouldn't it handle excess street and storm drain water? (One person's comment was that if someone emptied a swimming pool of water and that flooded a neighbor's property, wouldn't the owner of the pool be responsible for that water and any subsequent water removal?)

3. If one of the possibilities for help with the water (in the picture that was attached to the original letter)—near the ditch—is to deed bordering property to the City, then:

How much property would the city need on each side of the ditch? For example: If it's 15 feet on each, if both sides happened to be on a single owner's property, would that mean some owners might have to surrender 30 feet?

If each owner of a particular section owned to the center of the ditch, is that where the measuring would begin?

If an owner has a structure such as a garage or a shed or a landscaped garden on any part of the ditch area, what implication would that have for the owner's structures and property?

Do all owners have to agree to the deeding, or can owners of individual sections decide to do that—so that if both sides of the ditch agree, that section could be cleaned out by the City?

Does that involve having to have each property surveyed or would it be done with just measuring from the center of the existing ditch?

Monday, April 24, 2017

We doubt
that very
many of
these
people
are inter-
ested in
this...
but
not sure.

Things that many Lumberyard residents (King, West French Broad, Salem and Whitmire—should Railroad Avenue be included in this?) are concerned about:

Generally, owners and renters would like to have a better idea of the actual plan for the neighborhood—of the plans done in 2013 and 2014, which parts are on some sort of schedule, which ones may have been abandoned?

Overall infrastructure improvements: that **sewer, water, and storm drains** are in decent shape to accommodate the neighborhood's existing buildings and new construction on available lots, as well as current buildings undergoing restoration.

That there are no storm drains that might pose a danger to small children?

Rough road surfaces combined with heavy vehicles which result in the actual shaking of structures that line the roads.

Heavy vehicles such as tractor trailers and large vehicles pulling trailers with heavy equipment on them. (This concern is for vehicles passing through the neighborhood rather than for deliveries and local service.)

Speeding vehicles—possible addition of stop signs and crosswalks to slow traffic. (Most people understand the difficulty in the use of speed bumps.)

Parking issues... perhaps a better distribution of parking spaces for the neighborhood businesses.

Crumbling sidewalks.

Long term rental supervision—by landlords so that these rentals don't become a persistent issue for police???

Blocking of sidewalks.

Small items such as:

- signage to slow traffic,
- trash containers available for walkers,
- dog waste stations such as the one on library property since so many dog owners like to walk in the neighborhood.

HILLVIEW CIRCLE COMMUNITY: STOP THE SPEEDING TO SAVE THE LIVES OF OUR CHILDREN AT PLAY.

A Petition of: Concerned Parents and Citizens living in the community about the safety of our children who play at the Silvertown Playground and in the surrounding areas around the circle.

Addressed To: HONORABLE MAYOR HARRIS AND THE BREVARD CITY COUNCIL

We the undersigned would like to bring your ATTENTION TO THE FOLLOWING PROBLEM,
WITH RECOMMENDATIONS:

1. TO MAKE THE TRAFFIC ENTERING INTO THE COMMUNITY A ONE WAY ON THE LOWER ROAD.
2. TO PUT WIDE SPEED BREAKERS AROUND THE CIRCLE TO SLOW TRAFFIC MAKING IT SAFER FOR OUR CHILDREN WHO PLAY AT THE PLAYGROUND, RIDE BICYCLES, SKATEBOARD AND WALK.
3. TO PUT NEW SIDEWALKS IN THE COMMUNITY.

AGREED UPON BY THE FOLLOWING CONCERNED PEOPLE:

1. Theresa + Lindsey Wynn
2. Alan Aio
3. Denise Norman
4. Reginald Norman
5. Arthur M. C. [unclear]
6. Tyrone Gordon
7. Barry C. Gordon
8. Adrian Kemp
9. Michele Weston
10. Dick Saults
11. Verdel Townsend
12. Jake Christian
13. Tyler Konzen

14. Gary Davis
15. Jimmy T. Williams
16. Earl Brown
17. Rebecca W. Ford
18. Robert E. Hester, SA
19. Shirley Greenman
20. William Smith
21. David L. Davis
22. Ray Simpson
23. David Simpson
24. Shirley Edgington
25. Diana Williams
26. Phyllis Ann Mason
27. Pat. Foster
28. Charles J. Jones
29. Chris A. Martin
30. Linda Thompson
31. Frank Mills
32. Gary M. Bell
33. William J. Bell
34. J. L. Hester
35. George Hester
- 36.
- 37.
- 38.

To the Honorable Mayor Harris and the Brevard City Council:

1. TO MAKE THE TRAFFIC ENTERING INTO THE COMMUNITY ONE WAY ON THE LOWER ROAD.

We're requesting making the traffic entering the Hillview Circle community one-way on the lower road would allow the flow of traffic to continue around the circle up to the STOP sign having clear site of pedestrians before entering the Balsam Crest community. This would prevent accidents like the one that took place on March 24, 2017 when a child who was on her skateboard coming out of Balsam Crest was struck by a vehicle making the left turn into the community. All traffic leaving out of Balsam Crest, English Hills and the Hillview Circle communities would continue around from the upper road going down to the STOP sign.

2. TO PUT WIDE SPEED BREAKERS AROUND THE CIRCLE TO SLOW TRAFFIC MAKING IT SAFER FOR OUR CHILDREN WHO PLAY AT THE PLAYGROUND, RIDE BICYCLES, SKATEBOARD AND WALK.

We're requesting putting a wide speed hump at the entrance of Hillview Circle to slow down the traffic coming down the hill from Mills Avenue into Hillview Circle making it safe for our children who play at the Silversteen Playground, ride bicycles and skateboarders, walkers and runners. We're requesting putting the speed humps around the circle to slow traffic due to Drivers' speeding through our community. This has been an ongoing problem in our community and it continues to be a growing issue and concern for parents of small children and concerned residents over the years. The safety of the children and residents must be a priority. It is up to our community to speak out and request these necessary changes and preventive measures be put in place to make our community a safe place to live.

3. TO PUT NEW SIDEWALKS IN THE COMMUNITY.

Putting new sidewalks in the Hillview Circle community is a necessity for safety. The current sidewalks are cracked, raised up and unleveled. Many people have tripped over the unleveled surfaces and fallen down getting hurt. It happened to me last year as I was walking nearly breaking my hand as I was trying to prevent falling down on the left side of my body where I had a hip replacement. Having safe sidewalks around the community would allow us to use them staying out of the road and out of the way of traffic. It will also make our community look nice.

Thank You for allowing me to speak before you this evening and I thank you for your consideration and action.