

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
September 18, 2017 – 7:00 PM**

The Brevard City Council met in regular session on Monday, September 18, 2017, 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 Ann Hollingsworth, Gary Daniel, Charlie Landreth and Maurice Jones

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Michael Pratt, City Clerk Desiree Perry, City Manager's Executive Assistant/Deputy Clerk Jill Murray, Planning Director Daniel Cobb, Planner Aaron Bland, Deputy Finance Director Tom Whitlock, Public Works Director David Lutz, Water Plant ORC Dennis Richardson, Fire Chief Craig Breedlove and Police Chief Phil Harris.

Others Present – City Council Candidates Maureen Copelof and Jessica Gallagher

Press – Matthew McGregor, 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 City Clerk.

B. Invocation – Reverend Mike Holder, First United Methodist Church, offered an invocation.

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

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

E. Approval of Agenda – Mr. Landreth moved, seconded by Mr. Jones, the Agenda be amended to add three items to the Consent Agenda: K-6 Resolution Supporting R-5800 Asheville Highway; K-7 Resolution Authorizing Grant Application (water), and, K-8 System Development Fee Consultant, and that the Agenda be approved as amended. Motion carried unanimously.

F. Approval of Minutes – Ms. Hollingsworth moved, seconded by Mr. Jones, the August 22, 2017, meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition - None

H. Public Hearing

H-1. Unified Development Ordinance (UDO) Text Amendments, Chapter 2 Density and Dimensional Requirements. The public hearing was properly advertised on September 4th and 11th, 2017.

Mayor Harris opened the public hearing at 7:12 p.m.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:14 p.m.

I. Public Participation - None

J. Special Presentation

J-1. Project Updates on the Neely Road Force Main Pump Station and EQ Tank – Mr. Lutz shared at Council's 2012 Retreat, CDM Smith was asked to report on the City utility system. Following the presentation Council learned of the condition of the sewer system which became the jumpstart for the improvements that have since been done. At the end of this year, both the Force Main and Gravity Sewer projects will be completed. They have been working diligently to see that the City's vision has been maintained.

Mr. Lutz introduced Mr. Wayne Miles, PE, CDM Smith, to provide an update and status report on the projects. (CMS Smith PowerPoint Presentation is on file with agenda packet materials.)

Mr. Wayne Miles reported the Neely Road pump station, force main, equalization storage tank and sewer rehabilitation projects are in the final stages, projects are on schedule and currently below budget. The sewer overflows that were occurring have been addressed. Project improvements will allow for future investment opportunities, foster economic development and enhance quality of life. As the project is completed, the City Public Works staff will continue to review and examine pipes so that as cracks take place they can be addressed and repaired before a problem is created.

Mr. Miles and Mr. Lutz introduced CDM Smith employee Mr. Calvin Parton, to Council and expressed their appreciation for the fine work he has done as he oversees the Projects.

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 reminded three items were previously added to the Consent Agenda with the adoption of the Agenda. Mr. Morrow moved, seconded by Mr. Daniel, Council add New Business Items M-1 UDO Text Amendment, and M-2 Resolution Accepting Annexation Sufficiency Certificate, and that the Consent Agenda be approved as amended. Motion carried unanimously.

K-1. Staff Reports:

- a. Public Works Department, July 2017
- b. Police Department Report, April-June, 2017
- c. Finance Department Report, August 2017

K-2. Ordinance No. 2017-17 An Ordinance Amending The City of Brevard Traffic Schedule

ORDINANCE NO. 2017-17

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA

SR 1356 Fisher Road – Twenty-five (25) MPH
 SR 1353 Tinsley Road – Twenty-five (25) MPH
 McLean Road – Twenty-five (25) MPH
 (City of Brevard Traffic Schedule XIX, Section 66-87[2])

- b) Remove from City of Brevard Traffic Schedule XXI, Section 66-87(4) – Thirty-Five (35) MPH Speed Limit listing: "Tinsley Road (SR 1353) from McLean Road to the City Limit".

Section 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Brevard Traffic Schedule to reflect the change as set forth herein.

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

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

Adopted and approved this 18th day of September, 2017.

K-3. Resolution No. 2017-15 Revision And Update Of The City's Signatory And Disbursement Resolution Approving Employees To Sign Checks And Disburse Funds (Revision to Resolution No. 2017-06)

RESOLUTION NO. 2017-15

**REVISION AND UPDATE OF THE CITY'S SIGNATORY AND DISBURSEMENT
 RESOLUTION APPROVING EMPLOYEES TO SIGN CHECKS AND DISBURSE FUNDS
 (Revision to Resolution No. 2017-06)**

WHEREAS, the most recent revision and update of the City's Signatory and Disbursement Resolution was enacted by the Brevard City Council on March 20, 2017, with the adoption of Resolution No. 2017-06; and,

WHEREAS, it is now necessary, for a variety of reasons and just cause, to once again revise and update the authorizations of said resolution by designating specific City officials for the purpose of signing checks and disbursement of City funds;

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

Section 1. Resolution No. 2017-06 is hereby amended by rewriting same as set forth herein. The following named persons, whose signatures are shown, are approved for the signing of checks and the disbursement of monies from all funds of the City:

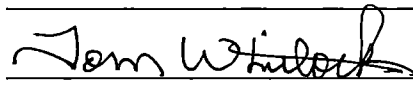
NAME

SIGNATURE

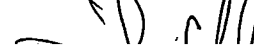
James R. Fatland, City Manager
 and Finance Director

Tom Whitlock, Deputy Finance Director

Jill Murray, Executive Assistant to Manager/
 Deputy City Clerk







Section 2. All checks for disbursement of City funds shall bear the signature of either the City Manager/Finance Director or the Deputy Finance Director plus one additional signature.

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

Adopted and approved this the 18th day of September, 2017.

K-4. Ordinance No. 2017-18 An Ordinance Declaring A Road Closure For 35th Halloweenfest

ORDINANCE NO. 2017-18

AN ORDINANCE DECLARING A ROAD CLOSURE FOR 35th HALLOWEENFEST

WHEREAS, Brevard City Council acknowledges a tradition of providing an annual Halloweenfest festival for the pleasure and enjoyment of its citizens and visitors; 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 (U.S. Highway 276) and Broad Street (U.S. Highway 64) to be closed for setup, activities, and cleanup; and,

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 hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

35th Halloweenfest

- Date:** Saturday, October 28, 2017
- Time:** 8:00AM – 6:00 PM
- Route Description:** Main Street (U.S. 276) from Caldwell Street to Johnson Street, and Broad Street (U.S. 64) from French Broad 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 18th day of September, 2017.

K-5. Correspondence *(No Action. Offered as information only.)*

- a. The Little River Watermark, Summer 2017
- b. August 2017 Building Permit Activity Report
- c. Gallery Walk Count – August 25, 2017

K-6. Resolution No. 2017-16 A Resolution Supporting R-5800 – Asheville Highway Access Management Project

RESOLUTION NO. 2017-16

A RESOLUTION SUPPORTING R-5800 – ASHEVILLE HIGHWAY ACCESS MANAGEMENT PROJECT

WHEREAS, Brevard Place Planned Development District received development approval from City Council in 2014, this approval included a traffic signal at the intersection of an existing public street and future public street near Bojangles; and,

WHEREAS, the study area of R-5800 has experienced a high number of traffic incidents, and access management projects are intended to reduce these greatly; and,

WHEREAS, City Council supports the North Carolina Department of Transportation in completing this project with traffic signals, roundabouts, and other traffic management strategies as appropriate; and,

WHEREAS, City Council requests pedestrian and bicycle infrastructure be included in the project scope;

WHEREAS, the Public Works Committee recommended to City Council that they support completion of R-5800 with the addition of a traffic signal at the intersection of two public streets near what is currently home to Bojangles;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

SECTION 1. City Council hereby endorses R-5800 – Asheville Highway Access Management project;

SECTION 2. City Council requests the North Carolina Department of Transportation install traffic signals, roundabouts, and other traffic management devices where appropriate, including the entrance of the Brevard Place Planned Development District.

SECTION 3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of September, 2017.

K-7. Resolution No. 2017-17 A Resolution Authorizing Grant Application For Water Treatment Infrastructure Improvements

RESOLUTION NO. 2017-17

A Resolution Authorizing Grant Application for Water Treatment Infrastructure Improvements

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 loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other “green” project), and

WHEREAS, the City of Brevard has a need for and intends to construct on Cathy’s Creek a new water intake system, improve the river through stream restoration reducing sediment load, sediment transportation through the river system, and improve aquatic habitat; and

WHEREAS, the City of Brevard intends to request state grant assistance for the project, and

WHEREAS, the City of Brevard is securing the services of the Resource Institute to serve as the project planner and financial agent for grants/loans.

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

Section 3. That the City of Brevard will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system, and the repayment of all principal and interest on the debt.

Section 4. That the governing body of the City of Brevard agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Brevard to make scheduled repayment of the loan, to withhold from the City of Brevard any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

Section 5. That the City of Brevard will provide for efficient operation and maintenance of the project on completion of construction thereof.

Section 6. That James R. Fatland, CPFO, City Manager/Finance Director the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Brevard with the State of North Carolina for a grant to aid in the construction of the project described above.

Section 7. That the Authorized Official, James R. Fatland, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Section 8. 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 18th day of September, 2017.

K-8. System Development Fee Consultant – Council approved the City Council Public Works and Utilities Committee recommendation for the hiring of WR Martin, for a consulting scope of services agreement in an amount not to exceed \$24,000, to prepare a report justifying the establishment of System Development (impact) Fees.

K-9. (M-1) Ordinance No. 2017-19

ORDINANCE NO. 2017-19

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE CHAPTER 2, SUBSECTION 2.3 DENSITY AND DIMENSIONAL STANDARDS

WHEREAS, a public hearing was conducted on September 18, 2017, to amend Unified Development Ordinance Chapter 2, Subsection 2.3 Density and Dimensional Requirements; and,

WHEREAS, the City Council considers this to be in the best interest of the health, safety, and welfare of the City's residents, businesses, and visitors to allow for higher density residential development within the Downtown Mixed Use and Neighborhood Mixed Use zoning districts; and,

WHEREAS, the amendment was considered by the Brevard Planning Board at their August 15, 2017, meeting and recommend City Council approve the amendments as presented; and,

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

Policy 3.1.A: *Continue using land development regulations and incentives to steer future development away from environmentally sensitive areas such as steep slopes and floodplains.*

Objective 4.1: *Increased efficiency of land uses to help stabilize and grow the City's tax base.*

Policy 4.1.A: *Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.*

Policy 4.1.H: *Encourage residential development on upper floors within mixed use zoning areas, particularly the Central Business District.*

Objective 4.2: *Develop a system of "complete neighborhoods" throughout Brevard.*

Policy 4.2.A: *Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.*

and,

WHEREAS, the City Council of the City of Brevard, after hearing all persons wishing to comment on the amendment, desires to approve said amendment.

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, the Brevard City Code, Unified Development Ordinance, Chapter 2, Section 2.3 Density and Dimensional Requirements is hereby amended increasing allowable densities by-right from 10 dwelling units per acre to 15 units per acre in the Downtown and Neighborhood Mixed Use Zoning Districts.

2.3. - Density and dimensional requirements.

District	Minimum Lot Size/Project Area	Maximum Project Area By Right	Maximum Dwelling Unit (DU) Density	Maximum Ground Floor Area Each Principle Structure	Principal Structure Ground Floor Area With SUP
NMX	None	10 acres	15 du/ac	10,000 sq. ft.	>10,000 sq. ft.
DMX	None	10 acres	15 du/ac	10,000 sq. ft.	>10,000 sq. ft.

SECTION 2. SEVERABILITY. If any provision of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of September, 2017.

WHEREAS, a petition was received on July 24, 2017, requesting the annexation of a contiguous area described in said Petition as the John J. Brown, Trust, property located at 2085 Ecusta Road, Brevard, NC, 28712, consisting of 1.702 acres, be annexed into the City of Brevard. (Tax Property Identification Number: 8596-59-0493-000); and,

WHEREAS, the Brevard City Council has by Resolution No. 2017-13 directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by the John J. Brown, Trust, will be held at Brevard City Hall at 7:00 P.M. on the 16th day of October, 2017.

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

Location: 2085 Ecusta Road, Brevard, NC 28712. Transylvania County Tax Property Identification Number 8596-59-0493-000

Metes and Bounds Property Description:

Beginning at 1.702 acres parcel of property as surveyed by Kevin D. Goldsmith, PLS, and shown on a plat dated December 1, 2016, and recorded in Plat File 16, Slide 963, Transylvania County Registry.

Subject to all easements, covenants, conditions, reservations, leases, and restrictions of record, all legal highways, all rights-of-way, all zoning, building, and other laws, ordinances and regulation, all rights of tenants in possession, and all real estate taxes and assessments not yet due and payable.

Being the same property conveyed by Deed recorded in Book 787, page 78-80, Transylvania County Registry.

No party dealing with the Trustees in relation to the property in any manner whatsoever and without limiting the foregoing, no party to whom the property or any part thereof or any interest therein shall be conveyed, contracted to be sold, leased or mortgaged by the Trustees shall be obliged (a) to see the application of any such money, rent or money borrowed to otherwise advance on the property; (b) to inquire into the authority necessity or expediency of any act of the Trustees; or (c) be privileged to inquire into any of the terms of the Trust Agreement.

The total area for annexation is 1.702 acres.

Section 3. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.

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

Adopted and approved this the 18th day of September, 2017.

L. Unfinished Business - None

M. New Business – The two items were approved on Consent Agenda.

Mayor Harris suggested City Staff look into the possibility of processing the WWTP sludge into a non-agriculture fertilizer, rather than haul to the landfill where we pay a tipping fee.

Mr. Morrow complimented the Public Works Department for their fine staff reports, the fine work that they do, and it is impressive what the Department accomplishes.

Mr. Landreth shared a few days ago the City learned that our application for a PARTF Grant at Tannery Park was declined. Expressed he strongly encourages Staff, while preparing for new ideas and how to fund them, to renew conversations with the County on this Project. County received funding for recreation and there is potential for them to be a great partner for this project.

Mr. Jones shared he recalls being at Council Retreat several years ago when Mr. Miles made the initial presentation on the condition of the City's utility system and being surprised at the amount of I&I the City had. Having heard tonight's report, he must say he's thrilled at the outcome of this project by Mr. Lutz and his team.

Ms. Hollingsworth shared citizens get frustrated when streets are torn up; however, it is necessary in order to update and install new or replacement utility lines. Nice to see the new pavement and expressed her appreciation for all who have been involved in the projects.

O. Closed Session(s) - Mayor Harris asked the City Attorney if it would be appropriate for Council to hold three closed sessions to discuss matters of economic development, property acquisition and a personnel matter. City Attorney advised pursuant to **GS § 143-318.11. (a)(3) (4) (5) and (6)** it would be appropriate to convene closed sessions on the matters. A closed session requires a separate motion, second and vote to discuss the matter. Council will enter and exit regular session for each closed session.

O-1. Closed Session #1 - At 8:10 p.m. Mr. Jones moved, seconded by Ms. Hollingsworth, Council go into closed session to discuss a economic development matter. (A six minute break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session - At 9:07 p.m. Council resumed the meeting in regular session. The minutes of the closed session are authorized to be sealed.

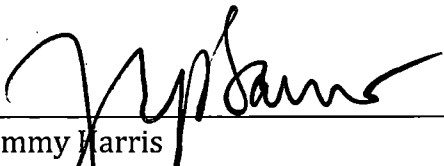
O-2. Closed Session #2 - At 9:07 p.m. Ms. Hollingsworth moved, seconded by Mr. Landreth, Council go into closed session to discuss a property acquisition matter. Motion carried unanimously.

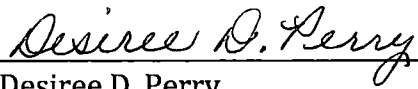
Council Returned to Regular Session - At 9:16 p.m. Council resumed the meeting in regular session. The minutes of the closed session are authorized to be sealed.

O-3. Closed Session #3 - At 9:16 p.m. Council dismissed the City Clerk and City Manager in order to discuss a personnel matter. The City Attorney will provide Minutes of the closed session, and will provide to the Clerk the record of Council's return to regular session and actions taken (if any) and adjournment.

Council Returned to Regular Session - At 9:18 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the

P. Adjourn – There being no further business, Mr. Landreth moved, seconded by Mr. Morrow, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:18 p.m.



Jimmy Harris
Mayor

Desiree D. Perry
City Clerk

Minutes Approved: October 16, 2017