MINUTES
BREVARD CITY COUNCIL
Regular Meeting
February 19, 2018 – 7:00 PM

The Brevard City Council met in regular session on Monday, February 19, 2018, 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 Maureen Copelof, Gary Daniel, Charlie Landreth and Maurice Jones

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Michael Pratt, City Clerk Jill Murray, Planning Director Daniel Cobb, Planner Aaron Bland, Staff Accountant Tom Whitlock, Police Chief Phil Harris, Executive Assistant Denise Hodsdon, Interim Fire Chief Mike Galloway and Public Works Director David Lutz.

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 – Dr. Mike Miller, Transylvania Baptist Association, 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 approved as presented. Motion carried unanimously.

F. Approval of Minutes – In the November 20, 2017 minutes, Mr. Daniel asked that the word "track" be added in the second paragraph on page 38. In the January 25, 2018 Annual Planning Session, Mr. Morrow asked that the phrase "umbrellas on bikes" be removed from page 38. Mr. Jones moved, seconded by Mr. Landreth, the November 20, 2017 and January 25, 2018 minutes be approved as amended and that the December 4, 2017 minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Frank Porter Certificate of Appreciation – A Certificate of Appreciation was presented to Frank Porter for his two years eight months of service as a member of the Brevard Planning Board.

G-2. Ms. Kathryn Thompson Certificate of Appreciation – A Certificate of Appreciation was presented to Ms. Kathryn Thompson for her four years one month of service as a member of the Brevard Planning Board and her eight years seven months of service to the Brevard Housing Authority Board of Directors.

G-3. Proclamation No. 2018-03 Teen Dating Violence Awareness and Prevention Month, February 2018. Proclamation was read aloud by Mayor Harris and presented to Abigail Cooley.

Proclamation No. 2018-03
Teen Dating Violence Awareness and Prevention Month
February 2018

WHEREAS, females between the ages 16-24 are more vulnerable to intimate partner violence, experiencing abuse at a rate almost triple the national average; and
WHEREAS, one in three adolescent girls in the United States is a victim of physical, emotional or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth; and

WHEREAS, high school students who experience physical violence in a dating relationship are more likely to use drugs and alcohol, are at greater risk of suicide and are much more likely to carry patterns of abuse into future relationships; and

WHEREAS, young people victimized by a dating partner are more likely to engage in risky sexual behavior and unhealthy dieting behaviors and the experience may disrupt normal development of self-esteem and body image; and

WHEREAS, nearly half of teens who experience dating violence report that incidents of abuse took place in a school building or on school grounds; and

WHEREAS, only 33% of teens who are in an abusive relationship ever tell anyone about the abuse, and 81% of parents surveyed either believe teen dating violence is not an issue or admit they do not know if it is one; and

WHEREAS, by providing young people with education about healthy relationships and relationship skills and by changing attitudes that support violence, we recognize that dating violence can be prevented; and

WHEREAS, it is essential to raise community awareness and to provide training for teachers, counselors and school staff so that they may recognize when youth are exhibiting signs of dating violence; and

WHEREAS, the establishment of Teen Dating Violence Awareness and Prevention Month will benefit young people, their families, schools and communities regardless of socioeconomic status, gender, sexual orientation or ethnicity; and

WHEREAS, everyone has the right to a safe and healthy relationship and to be free from abuse.

NOW, THEREFORE, I, Jimmy Harris, Mayor of Brevard, North Carolina, do hereby proclaim February 2018, Teen Dating Violence Awareness and Prevention Month, throughout Transylvania County. I urge all of our community citizens to work toward ending teen dating violence by empowering young people to develop healthier relationships, assisting victims in accessing the information and supportive services they need, creating better and more resources for young people in need, instituting effective intervention and prevention policies in schools and engaging in discussions with family members and peers to promote awareness and prevention of the quiet epidemic of teen dating violence.

Proclaimed this the 19th day of February, 2018.

G-4a. Lifesaving Award-Lucinda Hyder. Mayor Harris presented a Lifesaving Award to Lucinda Hyder for acts that resulted in the preservation of a life that otherwise would have ended.

G-4b. Lifesaving Award-Aaron Thompson. Mayor Harris presented a Lifesaving Award to Aaron Thompson for acts that resulted in the preservation of a life that otherwise would have ended.

G-4c. The Medal of Valor-Shawn Miller. Mayor Harris presented The Medal of Valor to Shawn Miller for exhibiting bravery, courage and self-sacrifice for the welfare of others.

G-4d. The Medal of Valor-Jason Page. Mayor Harris presented The Medal of Valor to Jason Page for exhibiting bravery, courage and self-sacrifice for the welfare of others.

G-4e. The Medal of Valor-Chad Farmer. Mayor Harris presented The Medal of Valor to Chad Farmer for exhibiting bravery, courage and self-sacrifice for the welfare of others.

H. Public Hearing

H-1. Voluntary Contiguous Annexation Petition of Tore's Properties, LLC.

Property is located at 684 Osborne Road, Brevard; TC Tax Property Identification Number 8596-26-6331-000. The public hearing was properly advertised on Monday, February 5, 2018.

Mayor Harris opened the public hearing at 7:32 p.m.

Mr. Bland reported that the property is approximately 4 acres of land owned by Tore Borhaug of Tore's Home. The findings of the annexation report are that the overall financial and service delivery impacts are manageable and would be a net gain of City's revenues. There is already water and sewer services available on site that we will be utilizing and the property is adjacent to properties that already receive trash, recycling, police and fire. All of those services are in close proximity. The applicant has expressed interest in building residential dwelling units (around 20). The property will be subdivided to create individual lots for the properties including sidewalks, planting strips, curb and gutter and trees all of which will be dedicated to the City for ongoing use. Both Staff and the Planning Board recommend approval of the requested annexation. Council's options tonight are approval of the annexation as requested, denial of the annexation as requested or you can table this information for discussion at a future meeting.

Mr. Tore Borhaug was present and available to answer any questions that may be asked.

Public Hearing Participation – None

Public Hearing Closed – There being no questions or comments, Mayor Harris closed the hearing at 7:38 p.m.

H-2. UDO Text Amendment-Chapters 2, 7, 10, & 16-District Provisions, Open Space, Parking & Administration.

Mr. Cobb reported that this stemmed from a conversation that started last year on the value of affordable housing and lack thereof and there was a direct request from City Council to remove the special use permit requirement from developing higher density within the downtown mixed use neighborhood and mixed use zoning districts. That was approved in September of last year and the Planning Board continued that discussion to explore the remaining districts where residential units are allowed in the possibility of increasing density across the board. He referred to the text amendments before them and the table on page 82 of their packet that shows everything in blue is new information and everything in red is proposed to be stricken and replaced with what's in blue. With the exception of general residential 4, everything else has been increased to either a higher number or significantly moving the maximum density all together. To complement those changes there are changes proposed to open space chapter and there are other proposed changes in chapter 10 of the UDO which are the parking standards. We've seen in the past that there are developers that would like to build a lot of units but the parking that is required eats up a lot of the available real estate and therefore they have to reduce the project size/scope which in turn makes each a little more expensive. These changes are all geared towards reducing the impact the ordinance has on land while still protecting land use and property values by allowing people to develop at a higher density thus hopefully providing more units and lowering the cost of housing in the City.

The Mayor added that his concern is that we would be reducing the parking from two spaces to one and a half and that would cause there to be a lot of no parking signs around the City because people will be parking on streets instead. Mr. Cobb explained that one parking space is s just a "minimum". For example if you have ten units, you'd only have to have fifteen parking spaces, whereas now you'd have to have twenty. The Planning Board discussed that there are a couple of ways to look at it. One way, is to simply let the market handle it and if you're building an apartment complex and you think you need two parking spaces per unit, then you build two parking spaces. If you think you only need one parking space per unit for whatever reason, they may be younger or older people that live there and only have one vehicle, then you only build one spot. There was some concern of the "free for all" that could create so they considered the reduced ratio as a minimum starting point and it's not to say you couldn't exceed it but it's a starting point. Something else that came up at the Planning Board was the fee in lieu. The current fee in lieu for parking spaces is $500 per space so if you are building in the downtown mixed use zoning district and you are by ordinance required currently to provide two spaces per unit and you're going to build five apartments that means you'd have to provide ten parking spaces. If you can't do that, then you pay that fee to the City per space which is not a lot of money in terms of what it costs to build a parking lot. A fee in lieu is supposed to be used for in lieu of building it. You're offsetting the cost to the City for the City to build parking somewhere else down the road. By having a fee in lieu as low as the City does, it actually encourages people to not provide parking because they can just pay that fee rather than actually invest money and provide off-street parking. There is a lot of different ways that this can be approached and the Planning Board's recommendation, which staff agrees with, is the ratios we provided before you this evening, and again those are minimums.

Mr. Daniel asked if there was any research to back up the numbers. Mr. Bland added that although there are no specific numbers, on the whole, parking minimums across the country are disappearing and it's becoming much more common to allow the flexibility for developers with different types of projects to do what they need to do to make their project financially work. If you lower the minimum, you increase the flexibility and that's the way lots of cities are moving.

Mr. Landreth expressed that there are a couple of reasons he likes the idea of lowering the minimum. Parking is generally not good for storm water management. The more asphalt you have, the more oily water you have, the more pollutants you have, the more heat you create. Parking has an environmental cost and I think the opportunity to lower that in a development is something that ought to be weighed against other factors. Since the first adoption of the UDO, there has been consistent criticism about the inflexibility of the City Planning Department and City Council and I think the ability for a developer to decide how the square footage on a property gets distributed is one that rests largely with the developer. The other reason I like this minimum is that parking is a very site specific factor and a land use factor. I think we would be able to look at each site and each project on that site. To set a minimum that's too high and poses a false restriction all the way across the City is not the direction we want to go in promoting good development.

Ms. Copelof agrees that the environment is really important, however, believes there are ways to mitigate parking areas so that they don't cause all of those environmental problems. Her concern is that we're trying to solve one problem and creating another problem. We're putting the responsibility to solve the problem on the person who doesn't have a lot of housing options and is looking for some place to live and giving them only one space per unit for a downtown dwelling, when a lot of families have two vehicles. There are cities that have less parking but those are cities that have public transportation. We can make it site specific and whatever the developer wants to do but we're putting the burden back on the families to solve this problem as to where you should park your second vehicle. I'm just not sure that's a great solution.

Mr. Jones asked about the setbacks and noticed the majority of them didn't change except for neighborhood mixed use and asked if that's because of a larger majority of neighborhood mixed use districts that didn't meet the width requirement? Mr. Cobb replied that the main reason was to simply free up more land for development for productive land uses. It would also increase commercial space as well and referred to the table on page 85. With the current setbacks and the current parking standards and open space requirements for a residential development, you're cutting this property and less than half the land is available than was available to start with. With the reduced setbacks, they go to 10 feet all the way around except for the front so the building can still be up against the road but it can be wider on either side and deeper in the rear of the lot coupled with reduced parking at one unit so you're getting a lot more bang for your buck for your land use. You can use more of it for your structure as opposed to being reserved for setbacks or open space or even parking.

Ms. Copelof stated that if we totally do away with maximum density downtown someone could come in and build a series of tiny house and we would have no control over that at all. We would have no mechanism to say that's something that we did not want. Mr. Cobb said that was not correct. In addition to density, there are also use restrictions and building restrictions and in the DMX column, you will see that single family site built homes are not allowed in the downtown mixed use zoning district. That will eliminate the situation you just described.

Mayor Harris asked if the public would like to speak:

Mr. Jacob Dinkins who lives on Probart Street asked if Daniel could describe briefly what the proposed changes to the density numbers are in each zone. Mr. Cobb explained that GR4 is the lowest allowable density which means its general residential, maximum 4 units per acre. So if you have 1 acre you can build 4 dwellings, two acres, 8 dwellings etc. GR6 is the same, it just has higher density and once you get into the City, its general residential but the maximum allowable units is 6 per acre. If you have two acres, you can build 12 dwellings etc. Residential mixed use is transitioning from purely residential to somewhat mixed housing so you have some multi-family, some single family, some very limited commercial but mostly residential and that is currently 10 units by right and 15 with a special use permit and the proposal this evening would go up to either 15 or 20 or some other number. Neighborhood mixed use is even more of a transition but it goes from residentially based with some commercial to commercial based with some residential. It's more commercial than residential but allows higher density. DMX is downtown and the proposal is to remove the density allowances completely. Corridor mixed use is like Asheville Highway.

Mr. Tore Borhaug of Tore's Home spoke about housing and trying to figure out where the people who work here are going to live. From a developer standpoint and citizen standpoint, he urged Council to go as high density as you possibly can for reasons that you have all talked about. You have limited land that can't be developed and people want to come here. He added that talking to any employer, they will tell you how difficult it is to get people to come here and fill the open positions in the service sector. We have open spaces all around here and it's a shame we can't find a way to house the people that work here. As far as parking, I think what they're proposing is a great plan from a developer standpoint. If a developer wants to build as many 400 square foot apartments as possible, if that is what the market is willing to live in, then I think we need to do it. That is a developer's interest and a developer has no desire to build something that isn't going to sell. A 400 square foot apartment is better than cramming 12 people into a single wide trailer or living in a tent in the forest which is happening around here. He urged Council to really try to go for the highest density that our public utility system can support.

<u>Public Hearing Participation</u> - None

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

Mayor asked to take a 10 minute break at 8:31PM

Mayor called to order at 8:41PM

I. Public Participation – Mr. Stuart Howe from Brevard Clay asked Council about using the City seal on mugs and added that it would not be on the "paint your own" side, but rather just sold by him. He previously reached out to the City but was told it was not possible and asked to if there was anything he could do about that. The Mayor referred him to speak with the City Manager further about it. The City Attorney added that the proper thing to do would be to draft a license agreement and have City Council approve it. The City Manager will contact Mr. Howe to discuss it further.

J. Special Presentation - 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. The Mayor suggested that all three items under New Business (M-1, M-2 and M-3) be added to the Consent Agenda. Mr. Pratt added there is a typo in the lease agreement that says Brevard College and should say First United Methodist Church. Mr. Fatland recommended that item M-2 remain under New Business. Mr. Landreth moved that the Consent Agenda be approved as amended, adding item M-1

Ordinance Voluntary Contiguous Annexation Tore's Properties, LLC and item M-3 Lease First United Methodist Church and changing the lease agreement as mentioned. Motion was seconded by Mr. Morrow and carried unanimously.

Mr. Daniel added that the lease agreement needs to be consistent in that it refers to violins but says saxophones.

K-1. Staff Reports:

a. Finance Department Fiscal Report, January, 2018
b. Public Works Department Monthly Report, October 2017, November 2017 & December 2017
c. City Clerk's December 2017 Report including Disposal of Records
d. Affordable Housing Public Interest Priorities

K-2. Resolution No. 2018-01 A Resolution of Respect and Appreciation for Desiree Perry

RESOLUTION NO. 2018-01

A RESOLUTION OF RESPECT AND APPRECIATION FOR CITY CLERK DESIREE PERRY

WHEREAS, Desiree D. Perry is retiring from the City of Brevard after forty-three years of dedicated service; and

WHEREAS, Desiree D. Perry has worked as Secretary in the Building Inspection Department for nineteen years; and

WHEREAS, Desiree D. Perry has worked as Administrative Assistant in the Planning and Code Enforcement Department for fifteen years; and

WHEREAS, Desiree D. Perry completed the UNC Institute of Government Introduction to Zoning, the NC Zoning Official Certification, earned the Law and Administration Code Enforcement Certification, and completed the FEMA NFIP Community Rating System while serving in the Planning Department and Code Enforcement Department; and

WHEREAS, Desiree D. Perry served as Secretary to the Brevard Planning Board and to the Board of Adjustment; and

WHEREAS, Desiree D. Perry has worked as City Clerk to the Brevard City Council for nine years; and

WHEREAS, Desiree D. Perry completed the IIMC Clerk's Certification Course, earned the North Carolina Certified Municipal Clerk (NCCMC) designation, and earned the IIMC Certified Municipal Clerk (CMC) designation, attended the NC Association of Business Officials and graduated from the 2013-2014 Municipal Administration Course at the UNC School of Government while serving as City Clerk; and

WHEREAS, Brevard City Council and the Management Team desires to recognize and express appreciation of Desiree D. Perry and her invaluable service provided to Brevard City Council and to the community which she has served.

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Brevard, North Carolina, express to you, Desiree D. Perry, on behalf of our citizens and officials, our respect, appreciation and gratitude for your unselfish, devoted and invaluable service and contributions rendered to the City of Brevard and its citizens.

Adopted and approved this the 19th day of February, 2018.

K-3. Resolution No. 2018-05 A Resolution Updating City Credit Card Signatories

RESOLUTION NO. 2018-05

A RESOLUTION REVISING AND UPDATING THE SIGNATORIES OF

THE CITY OFFICIALS AND EMPLOYEES AUTHORIZED TO USE THE UNITED COMMUNITY BANK CREDIT CARDS AND SETTING FORTH GUIDELINES FOR THE USE OF THE CREDIT CARDS

BY CITY OFFICIALS AND EMPLOYEES
(Amendment No. 7 to Resolution No. 35-2007)

WHEREAS, upon the request of the Finance Director and, as recommended by the City Manager, the City Council of the City of Brevard authorized by Resolution No. 35-2007, dated May 21, 2007, the obtaining and use of a credit card from United Community Bank to be used for travel expenses incurred by City Officials and City employees who are on City business, and to allow them to acquire the necessary materials to conduct business and/or deliver services in a convenient and expeditious manner;

WHEREAS, the following rules and guidelines for restricted use of the credit card were set forth as follows:

1) The Credit Card may not be used for:

    a. Purchases that can be made on an account or where the City has a standing purchase order on file with the store or business.

    b. Alcoholic beverages.

    c. Purchase(s) that exceeds the cardholder's limit.

2) Only purchases directly related to budgeted items are allowed.

3) The Department Head shall be responsible for credit card used in their department.

4) A receipt(s) must be kept for all credit card purchases. Employee will be personally liable for purchases not having a receipt.

5) All receipts will be reviewed and approved by the department head and remitted to the Finance Department in time for payment. Departments that do not have the monthly statement and receipts to the Finance Department in time for payment will be responsible for absorbing any late fee charges; and,

WHEREAS, it is now necessary, for a variety of reasons and just cause, to revise and update the names and signatories of the City Officials and employees who have been designated to use the United Community Bank credit card.

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

Section 1. The following named persons, whose signatures are shown below, are approved for making purchases utilizing a City credit card issued by United Community Bank. Eight (8) credit card accounts were issued: Finance & Human Resources Department, Parks and Property Management, City Clerk, Police Department, Planning Department, Public Works Department, Utilities (Water Plant & Wastewater Treatment Plant) and Fire Department.

1. James R. Fatland, City Manager and

   Finance Director ______________________________
2. Jill Murray, City Clerk ______________________________
3. Kelley Craig, HR Director ______________________________
4. J. Phil Harris, Chief of Police ______________________________
5. Daniel Cobb, Planning Director ______________________________
6. David Lutz, Public Works Director ______________________________
7. Craig Budzinski, Fire Chief ______________________________
8. Emory Owen, ORC Wastewater Plant ______________________________
9. Dennis Richardson, ORC Water Plant ______________________________

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

Adopted and approved the 19th day of February, 2018.

K-4. Resolution No. 2018-04 A Resolution Updating City Check Signatories

RESOLUTION NO. 2018-04

REVISION AND UPDATE OF THE CITY' S SIGNATORY AND DISBURSEMENT RESOLUTION APPROVING EMPLOYEES TO SIGN CHECKS AND DISBURSE FUNDS (Revision to Resolution No. 2017-15)

WHEREAS, the most recent revision and update of the City's Signatory and Disbursement Resolution was enacted by the Brevard City Council on September 18, 2017, with the adoption of Resolution No. 2017-15; 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. 2017-15 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, City Clerk	______________________
Daniel Cobb, Planning Director	______________________
Kelley Craig, Human Resources Director	______________________
John Phillip Harris, Jr., Police Chief	______________________

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 19th day of February, 2018.

K-5. Resolution No. 2018-06 A Resolution Endorsing a "Complete Streets" Approach to Transportation Planning

RESOLUTION NO. 2018-06

RESOLUTION ENDORSING A "COMPLETE STREETS" APPROACH TO TRANSPORTATION PLANNING

WHEREAS, Brevard is a safe, friendly, family-oriented city with small town charm, outdoor recreation, arts, & culture that bring investment opportunities, environmental consciousness, and economic diversity; and,

WHEREAS, safe, convenient, and accessible transportation for all users is a priority of Brevard; and,

WHEREAS, the term "Complete Streets" describes a comprehensive, integrated transportation network with infrastructure and design that allow safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families; and, WHEREAS, the application of "Complete Streets" will vary depending on the surrounding land uses and densities and surrounding context, however street and transportation planning should be guided by the principle that streets should promote multiple transportation options for all people; and,

WHEREAS, the lack of "Complete Streets" is dangerous for pedestrians, bicyclists, and public transportation riders, particularly children, older adults, and persons with disabilities; and,

WHEREAS, Brevard's traffic accident safety ranking out of the 472 municipalities under 10,000 in population in North Carolina has been declining for the past four years; and,

WHEREAS, "Complete Streets" improve public health and safety by reducing the risk of injuries and fatalities from traffic collisions for users of all modes of transportation; and,

WHEREAS, streets that are designed with the safety and convenience of pedestrians and bicyclists in mind increase the number of people walking and bicycling; and,

WHEREAS, a balanced transportation system that includes "Complete Streets" is conducive to lively streets which in enhance the city's character, economic vitality, and livability; and,

WHEREAS, encouraging people to walk and bicycle saves energy resources, reduces air pollution, and reduces emissions of global warming gases; and,

WHEREAS, "Complete Streets" encourage an active lifestyle by creating opportunities to integrate exercise into daily activities, thereby helping to reduce the risk of obesity and its associated health problems, which include diabetes, heart disease, high blood pressure, high cholesterol, as well as certain cancers, stroke, asthma, and depression; and,

WHEREAS, the City's current Comprehensive Plan outlines objectives for efficient and safe travel by vehicular, cycling, and pedestrian traffic; and,

WHEREAS, in light of the foregoing benefits and considerations, Brevard wishes to improve its commitment to "Complete Streets" and desires that its streets form a comprehensive and integrated transportation network promoting safe, equitable, and convenient travel for all users while preserving flexibility, recognizing community context, and using the latest and best design guidelines and standards.

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

Section1. The City of Brevard strongly endorses a Complete Streets approach to enhance transportation options for all and to improve quality of life for the residents of Brevard as follows:

1. The City of Brevard shall, to the maximum extent practical, plan, design, construct, operate, and maintain all City streets to provide a comprehensive and integrated street network for people of all ages and abilities traveling by foot, bicycle, automobile, and commercial vehicle.
2. The City of Brevard shall, to the maximum extent practical, advocate for State-maintained roads in the City to provide a comprehensive and integrated street network for people of all ages and abilities traveling by foot, bicycle, automobile, and commercial vehicle when coordinating on such projects with NCDOT officials.
3. City Council officially directs Staff, in conjunction with the Parks and Trails Committee, to begin the process of drafting a Complete Streets policy or ordinance for the City of Brevard.

Approved and adopted this the 19th day of February, 2018.

K-6. Ordinance No. 2018-02 Ordinance Fixing Compensation and the Other Terms of Employment for City Manager Jim Fatland

ORDINANCE NO. 2018-02
AN ORDINANCE FIXING
COMPENSATION AND
THE OTHER TERMS OF EMPLOYMENT
FOR CITY MANAGER JIM FATLAND

WHEREAS, in accord with Chapter 2, Article III of the Brevard City Code, the compensation of the City Manager and other terms of his employment are to be fixed by ordinance; and

WHEREAS, Council now desires to set forth the terms of such employment in this Ordinance;

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

Section 1. RATIFICATION OF APPOINTMENT. Mr. Jim Fatland (herein after referred to as the "City Manager") was duly appointed to the Office and position of City Manager of the City of Brevard, effective as interim City Manager on April 1, 2015, and has served since that date, becoming permanent City Manager effective August 17, 2015.

Section 2. SALARY AND BONUS. The City Manager's base annual salary is hereby set at $126,000.00, which includes a raise in the amount of $5,000.000, retroactive to July 1, 2017. In addition, the Manager shall receive a one-time bonus in the amount of $5,000.00, upon enactment of this Ordinance. This Ordinance will be effective until July 1, 2018, unless earlier terminated by Council.

Section 3. EQUIPMENT USE AND ALLOWANCES.

(a) MOTOR VEHICLE MAINTENANCE AND GAS ALLOWANCE. In addition to the City Manager's salary, the City of Brevard has been paying and shall continue to pay to him monthly the sum of $200.00 as compensation for providing a vehicle for his use in connection with the conduct of his office. This payment shall be designated as a motor vehicle maintenance and gas allowance, and shall be paid in lieu of any reimbursement for actual mileage traveled in the course of the conduct of his office, except as mileage for attending those Professional Growth and Development meetings contemplated in Section 8, and other meetings or events job-related, outside of Transylvania County, which shall be subject to mileage reimbursement at the then-current rate paid by the City.

(b) STANDARD OFFICE EQUIPMENT. The City of Brevard has been providing and shall continue to provide, for the use of the City Manager, all standard and reasonably necessary office equipment, including but not limited to a cell phone and a laptop computer, which shall be provided for business use at no cost to the City Manager.

Section 4. NO RESIDENCE REQUIREMENT. The City Manager shall not be required to reside within the city limits of the City of Brevard or within the Extra-Territorial Jurisdiction of the City, provided that the City Council retains the right to change this requirement upon due notice to the City Manager.

Section 5. ANNUAL EVALUATION. The City Manager's ongoing job performance will be reviewed in 2018 prior to the establishing of the next fiscal year's budget. The evaluation shall include a written report and presentation by City Council to the City Manager.

Section 6. FUTURE INCREASES. The City Manager shall not qualify for or participate in any longevity pay raise or Cost of Living Adjustment (COLA) pay raise plan. Any salary raises will be individually considered by City Council and shall be based on performance, as well as other factors which are deemed relevant by City Council.

Section 7. PERSONNEL POLICY AND BENEFITS.

(a) 401K PLAN CONTRIBUTION. The City of Brevard shall contribute an amount equal to three percent (3%) of the City Manager's salary to his 401K plan, annually.

(b) VACATION. The City Manager shall accrue vacation as per the provisions of Section 7 of the Personnel Policy, but Section 8 thereof shall not apply to him, and he shall be entitled to accumulate 320 vacation hours, instead of the limits imposed on employees pursuant to Section 8 of the Personnel Policy.

(c) OTHER BENEFITS. The City of Brevard Personnel Policy shall not apply to the City Manager. However, the Personnel Policy shall be followed for certain benefits to which he shall be entitled, to wit:

1. Health Insurance/Health Savings Account for the City Manager and his family;
2. Sick leave and payment therefor;
3. Paid holiday schedule;
4. Group life insurance, short term disability insurance and dependent life insurance.

Section 8. PROFESSIONAL GROWTH AND DEVELOPMENT. The City Manager shall be permitted, and is encouraged to attend appropriate professional and municipal functions, meetings, conferences, etc., as a legitimate travel expense in accordance with the travel policies of the City. These may include the North Carolina League of Municipalities, the International City Management Association, the North Carolina City and County Management Association, and other professional organizations.

Section 9. COMMUNITY INVOLVEMENT. The City Manager is encouraged to be active and involved in all positive and appropriate facets of the community, including in his discretion, participation in civic organizations, charitable events, speaking engagements and the like. Upon the request of the City Manager, City Council will consider an allowance for participation in civic organizations.

Section 10. STANDARDS FOR BEHAVIOR AND CONDUCT. The City Manager shall at all times, and in all locations, present himself in public and in the presence of others, in such manner as is appropriate to the person who is the primary spokesperson and manager for the City of Brevard. In this regard, his conduct shall at all times be that of a competent, truthful, ethical and moral individual, and shall be beyond reproach. Any conduct in violation of this provision, including but not limited to a criminal misdemeanor or felony conviction of any kind, shall be grounds for immediate dismissal.

Section 11. TERMINATION OF EMPLOYMENT.

(a) VOLUNTARY SEPARATION. In the event that the City Manager voluntarily terminates his employment, no severance of any kind shall be paid by the City of Brevard.

(b) INVOLUNTARY SEPARATION. City Council retains the absolute right to terminate the City Manager's employment at will. In the event that the City Manager's employment is terminated by act of City Council:

(1) He shall receive six (6) months' salary as severance pay in lieu of any other remaining salary. Severance pay shall be terminated immediately upon his acceptance of any other employment. Severance pay may be paid in lump sum or over the regularly scheduled pay days, in the discretion of City Council; and

(2) He shall receive an amount of money designed to allow him to keep his health insurance policy in effect during the six (6) month severance period, or until he becomes insured by another employer, whichever occurs first. This provision could be fulfilled by continuing him on the current policy, if feasible; or by paying for another policy with similar benefits; or by paying him the funds Council determines to be appropriate to comply with this provision, whichever Council determines to be most appropriate at the time. This provision will be null and void if he is eligible for Medicare upon termination, and shall be voidable as of the date he becomes eligible for Medicare if within the six (6) month severance period.

(3) No other benefits shall be paid or continued in effect following termination except as may be required by law.

Section 12. RATIFICATION AND EFFECTIVE DATE. This Ordinance shall be retroactively effective as of July 1, 2017.

Adopted and approved this the 19th day of February, 2018.

K-7. Ordinance No. 2018-03 Ordinance FY 2018-2018 Budget Amendment No. Three

ORDINANCE NO. 2018-03
AN ORDINANCE AMENDING THE FY2017-2018 BUDGET
AMENDMENT NO. THREE

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2017-13); Budget Ordinance Amendment No. 1 (Ordinance No. 2017-15); Budget Ordinance Amendment No. 2 (Ordinance No. 2017-25); and

WHEREAS, it is necessary to make amendments to the budgets to reflect additional revenue, appropriation of fund balance, and expenditures for Fiscal Year 2017-2018.

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

SECTION 01) General Fund Revenue is hereby increased $90,000 from $9,758,440 to $9,848,440 as shown as follows:

Miscellaneous Revenue	$ 15,000	
General Fund Balance Appropriated		$ 75,000
TOTAL REVENUES		$ 90,000

SECTION 02) General Fund Expenditures are hereby increased $90,000 from $9,758,440 to $9,848,440 as shown as follows:

Transfer to Pedestrian Path Fund	$ 75,000	
Police Department Capital Equipment- Out		$ 15,000
TOTAL EXPENDITURES	$ 90,000	

SECTION 11) Terrell L. Scruggs Fund Revenues are hereby increased $2,000 from $20,000 to $22,000 as shown as follows:

Donations for Scholarships	$ 2,000
TOTAL REVENUE	$ 2,000

SECTION 12) Terrell L. Scruggs Fund Expenditures are hereby increased $2,000 from $20,000 to $22,000 as shown as follows:

Supplies and Materials	$ 2,000

TOTAL EXPENDITURES $ 2,000

SECTION 23) Multi-Use Paths Fund Revenues are hereby increased $75,000 from $195,000 to $270,000 as shown as follows:

Transfer from General Fund	$ 75,000
TOTAL REVENUE	$ 75,000

SECTION 24) Multi-Use Paths Fund Expenditures are hereby increased $75,000 from $195,000 to $270,000 as shown as follows:

Railroad Avenue Land Acquisition	$ 75,000
TOTAL EXPENDITURES	$ 75,000

SECTION 27) Narcotics Task Force Fund Revenues are hereby increased $15,000 from $55,100 to $70,100 as shown as follows:

Drug Enforcement Agency Fund Balance Appropriated	$ 15,000
TOTAL REVENUE	$ 15,000

SECTION 28) Narcotics Task Force Fund Expenditures are hereby increased $15,000 from $55,100 to $70,100 as shown as follows:

Drug Enforcement Agency Fund Expenditures	$ 15,000
TOTAL EXPENDITURES	$ 15,000

SECTION 31) Downtown Master Plan Fund Revenues are hereby increased $200,000 from $743,264 to $943,264 as shown as follows:

Aethelwold Main Street Solutions Fund Grant	$ 200,000
TOTAL REVENUE	$ 200,000

SECTION 32) Downtown Master Plan Fund Expenditures are hereby increased $200,000 from $743,264 to $943,264 as shown as follows:

Aethelwold Project	$ 200,000
TOTAL EXPENDITURES	$ 200,000

SECTION 33) That Revenues and Expenditures Section 1 through Section 32 of the Ordinance Amendment have increased $382,000 from $28,237,831 to $28,619,831 as follows:

	Budget
General Fund	$ 9,848,440
Water & Sewer Utility Fund	$ 5,678,500
Utility Capital Projects Fund	$ 8,220,000
Capital Reserve Fund	$ -
Fire District Fund	$ 1,960,140
Terrell L. Scruggs Scholarship Fund	$ 22,000
Bjerg Fund	$ 100
Other Post-Employment Benefits Fund	$ 18,750
Health Insurance Fund	$ 1,283,249
Heart of Brevard MSD Fund	$ 134,000
Housing Trust Fund	$ 19,934
Multi-use Paths Fund	$ 270,000
911 Communications Fund	$ 40,163
Narcotics Task Force Fund	$ 70,100
Rosenwald Revitalization Fund	$ 111,191
Downtown Master Plan Fund	$ 943,264
TOTAL BUDGET APPROPRIATIONS	$ 28,619,831

Adopted and approved this 19th day of February 2018.

K-8. November 2017 City-County Building Report

K-9. Correspondence *(No Action. Offered as information only.)*

a. Certificate and Thank You Letter from The Pisgah Conservancy
b. CRS Certification

L. Unfinished Business - None

M. New Business

M-2. Ordinance-Amending the UDO Chapters 2, 7, 10 & 16; District Provisions, Open Space, Parking and Administration

Mr. Morrow moved, seconded by Mr. Landreth to approve the Ordinance Amending the UDO Chapters 2, 7, 10 & 16; District Provisions, Open Space and Parking and Administration. Ms. Copelof said she would prefer that instead of having all of the chapters combined under one vote that they be separated and be voted on separately. The Mayor confirmed that Ms. Copelof's only issue is the parking and stated that it was and that she is in agreement with the rest. The Mayor asked Council if they were in agreement with separating the items.

Mr. Landreth emphasized that with regards to the parking, these are minimums and not maximums. A developer wants to have a profitable project and that project may be a mix of one bedroom, two bedroom, maybe three bedrooms, but the notion that there's going to be two driving adults in every unit of a development is just not a reality that I see with my company. I think the more structure we give to how land gets used within a site the more difficult it is for developer to make decisions in a market place where it's already hard to develop. We face a lot of obstacles as it is with steep slope, floor plane, where we are located to interstates etc. I believe the less that we require them to build things they don't need, the better their model will be for them.

Mr. Daniel said his concern is that we're writing ordinances without an overall plan. He asked what impact is that going to have on the City. It seems like we've gone from increasing the density downtown to this. Aren't we going to have a new ordinance soon? Are we getting this piecemeal? How does it fit with the rest of the ordinance?

The Mayor told Council to be sure what you're voting for being that the discussion has evolved. He added that Council needs to vote.

Mr. Landreth added that we have structural obstacles that we need to overcome and this addresses that. From the business perspective this summer, every restaurant on Asheville Highway had hiring signs. We're trying to address the jobs equation. From our comprehensive plan, we know that we have inefficiencies in our property tax equation. Not enough height and not enough density. This doesn't seem out of the blue for me.

Mr. Daniel agrees with Mr. Landreth but asked how that fits the overall vision. He understands we need to have more density and we need more housing. Brevard is poised to grow but we can't because there's nowhere for people to live. He stated that he's not totally against this, however he's trying to understand how we got here.

Mayor Harris again asked for a vote.

Mr. Morrow motioned, seconded by Mr. Landreth to approve the ordinance amending the UDO Chapters 2, 7, 10 & 16; District Provisions, Open Space, Parking and Administration. Mr. Jones also approved. Mr. Daniel and Ms. Copelof were both opposed.

Mr. Pratt stated that this needs to come back to Council for a second reading at the next meeting.

N. Remarks / Future Agenda Considerations

Mayor Harris reminded everyone that this year is the City's 150th anniversary and the first event will be March 16th at the Heritage Museum.

Mr. Landreth stated in response to Brevard Clay, he would like Council to consider authorizing the City Manager to meet with Brevard Clay and to prepare a license agreement.

Mr. Jones would like to see if Molly Jenkins turned in an application for the Planning Board.

Ms. Copelof stated that she would still like to have an update from the stakeholders working on the UDO.

O. Closed Session(s) - Mayor Harris asked the City Attorney if it would be appropriate for Council to hold a closed session to discuss economic development. City Attorney advised pursuant to **GS § 143-318.11. (a)(3)(4)** it would be appropriate to convene closed session. A closed session requires a separate motion, second and vote to discuss the matter.

O-1. Closed Session #1 - At 9:17 p.m. Mr. Landreth moved, seconded by Mr. Morrow, Council go into closed session to discuss economic development. Motion carried unanimously. (A five minute break was taken to allow Council Chambers to be cleared.)

<u>Council Returned to Regular Session</u> – At 10:00 Council resumed the meeting in regular session. The minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, a motion to adjourn was made by Mr. Landreth, seconded by Mr. Daniel. Motion carried unanimously. Meeting adjourned at 10:00 p.m.

Jimmy Harris Mayor	Jill Murray City Clerk

Minutes Approved: 3-19-18