

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
October 21, 2019 – 7:00 PM**

The Brevard City Council met in regular session on Monday, September 16, 2019, 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 Charlie Landreth, Maureen Copelof, and Gary Daniel.

Absent: Council Member Maurice Jones.

Staff Present – City Attorney Michael Pratt, Jim Fatland, Finance Director and City Manager, City Clerk Jill Murray, Deputy Finance Director Tom Whitlock, Executive Assistant to City Manager Denise Hodsdon, Fire Chief Bobby Cooper, Interim Planning Director Paul Ray, Planner Aaron Bland, Police Chief Phil Harris, Human Resources Director Kelley Craig 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 – Pastor Dema Barishnikov of Destiny Christian Fellowship, 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 even though Mr. Jones was absent.

E. Approval of Agenda – Michael Pratt asked that closed session items numbers 1-Pending Litigation and 4-Property Acquisition be removed from the agenda as they are no longer necessary. Jim Fatland asked that New Business item number M3-Temporary Moratorium for Electronic Signage be removed from the agenda and be brought back next month. Mr. Landreth moved, seconded by Mr. Morrow, the agenda be approved as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Morrow moved, seconded by Mr. Daniel, the September 16, 2019 minutes be approved as amended. Motion carried unanimously.

G. Certificates / Awards / Recognition –

G-1. Proclamation 2019-14. Fire Prevention Month. Mayor Harris read the proclamation aloud and presented it to Chief Bobby Cooper.

**PROCLAMATION NO. 2019-14
Fire Prevention Month
October 2019**

WHEREAS, the City of Brevard has been committed to ensuring the safety and security of all those living in and visiting Brevard; and

WHEREAS, the 2019 Fire Prevention Month theme, “Not Every Hero Wears a Cape. Plan and Practice Your Escape!” works to educate everyone about the small but important actions they can take to keep themselves and those around them safe. **How do you define a hero?** Is it... a person who is courageous and performs good deeds? Someone who comes to the aid of others, even at personal risk? **A hero can be all of those things. A hero can also be...** someone who takes small, but important actions to keep themselves and those around them safe from fire. When it comes to fire safety, maybe you’re already a

hero in your household or community. If not, maybe you’re feeling inspired to become one. It’s easy!
Start by making your home escape plan; and

WHEREAS, Map It Out: Draw or map out the layout of your home, marking two exits from every room (typically a door or window) and a path from each exit to the outside; and

WHEREAS, Meeting Place: **Pick a meeting place outside in front of your home where everyone will meet after exiting. Be sure not to meet in the driveway or the street because fire trucks will be arriving at those areas**; and

WHEREAS, Smoke Alarms: Mark the location of all of the smoke alarms in your home. (There should be at least one on every level, in each bedroom, and near all sleeping areas); and

WHEREAS, 911: Make sure everyone knows how to call 911 from a mobile phone or neighbors’ phone once they are safely outside. Mobile phones do not immediately give the location of the call like landline phones do. Be sure that children memorize their address so they can tell the 911 Operator where they are in case of an emergency; and

WHEREAS, in a fire, mere seconds can mean the difference between a safe escape and a tragedy. Fire safety education isn’t just for school children. Teenagers, adults, and the elderly are also at risk in fires, making it important for every member of the community to take some time every October during Fire Prevention Month to make sure they understand how to stay safe in case of a fire; and

THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, do hereby proclaim October 2019 as Fire Prevention Month throughout this community. We urge all citizens to develop a home fire escape plan with all members of the household and practice it twice a year.

G-2. Proclamation 2019-15. Domestic Violence Awareness Month. Mayor Harris read the proclamation aloud and presented it to Yvette Brooks from SAFE.

**Proclamation No. 2019-15
Domestic Violence Awareness Month
October 2019**

WHEREAS, Domestic violence, also called intimate partner violence (IPV), domestic abuse or relationship abuse) is a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship; and

WHEREAS, Domestic violence includes behaviors that physically harm, arouse fear, prevent a partner from doing what they wish or force them to behave in ways they do not want and it includes the use of physical and sexual violence, threats and intimidation, emotional abuse and economic deprivation; and

WHEREAS, Domestic violence does not discriminate, regardless of race, age, gender, sexual orientation, religion anyone can be a victim – or perpetrator – of domestic violence. It can happen to people who are married, living together or who are dating. It affects people of all socioeconomic backgrounds and education levels.; and

WHEREAS, in North Carolina, 1 in 3 women and 1 in 7 men have experienced some form of physical violence by an intimate partner; and

WHEREAS, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, Domestic Violence Awareness Month provides an opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to survivors of domestic violence.

WHEREAS, since 1985, SAFE, Inc. has been providing shelter, programs and services to people impacted by domestic and/or sexual violence. In the last year SAFE, Inc. served **258** victims of domestic violence and/or sexual assault and provided shelter to **71** adults and **42** children. To this end, SAFE, Inc. invites all of us to support October 2019 as "Domestic Violence Awareness Month".

NOW, THEREFORE, IT IS PROCLAIMED by the Mayor and City Council of the City of Brevard, North Carolina, the month of October as **Domestic Violence Awareness Month** and urge the citizens of Brevard to work together to eliminate domestic violence from our community.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 21st day of October, 2019.

G-3. Proclamation 2019-16. Breast Cancer Awareness Month. Mayor Harris read the proclamation aloud.

**PROCLAMATION NO. 2019-16
BREAST CANCER AWARENESS MONTH
October 2019**

WHEREAS, the City of Brevard joins our nation in recognizing October as Breast Cancer Awareness Month; and

WHEREAS, breast cancer is the most commonly diagnosed cancer among women in the United States, and is the second-leading cause of cancer deaths among women in North Carolina and our nation; and

WHEREAS, early detection can be an effective tool in combating breast cancer, with regular screenings preventing 15 to 30 percent of all deaths from breast cancer in women over 40; when diagnosed while still confined to the breast, the 5-year relative survival rate is more than 98 percent; and

WHEREAS, the City of Brevard encourages citizens to talk with their health care providers about regular screenings, examinations and mammograms, and to practice self-examination.

NOW, THEREFORE, I, Mayor Jimmy Harris and Brevard City Council, do hereby proclaim **October 2019**, as **"Breast Cancer Awareness Month"** in the City of Brevard, North Carolina, and call on all citizens to join us in recognizing and commend this observance to all citizens.

Adopted and approved this the 21st day of October, 2019.

H. Public Hearing(s) –

H-1. Rezoning-Builder's First Choice.

Mr. Bland explained that on August 15, 2019, an application was submitted by Builders First Source Inc. to request a zoning map amendment for multiple parcels of land in the City's corporate limits at 1242 Ecusta Road, from Corridor Mixed Use (CMX) to General Industrial (GI). Staff believes that these properties are not being utilized to their full potential and that increasing intensity of land uses within existing utility service areas should be encouraged. At their September meeting, the Planning Board unanimously voted to recommend approval.

Public Hearing Public Participation – Greg Hunter asked how the land change fits into the DOT's plan for the intersection. Mr. Bland said that currently we do not have specific information on the alignment.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:27 PM.

I. Public Participation –

Carolyn Ashworth of 120 Wilson Road, Brevard, spoke about the skate park. I have four sons and this is my oldest, Davis, and he is ten and we want to talk to you about how we feel about skating. Davis in particular has gotten so much from the sport of skating. For kids who don't fit the traditional mold, skating offers confidence and a community of like-minded people who bond over a sport that is totally wholesome. We frequently drive to the skate parks in Asheville to help him pursue this passion which is why when we first heard that a skate park was planned in Brevard, we were so excited, even more so because the skate park was planned in the neighborhood where his uncle and grandmother both live. A skate park has been talked about being constructed in this town since I was in high school, which was 20 years ago but this time around it really finally has the momentum to see this through to the finish line. I'm so proud of Davis, he donated all of his birthday money and three months of his allowance to make this park a reality and our family doubled that for him so that amount does not make us the largest donors of the skate park project, it's probably about \$250. He could see the physical building of that dream of having a skate park. I will say the only thing worse than a 10 year old not having a skate park is having one that's fully completed and he can't use it. Earlier I mentioned momentum and I wish that the energy and spirit from the volunteers was mirrored in that of City leadership. I hope that we will not just throw up our hands and walk away or table this for another 20 years. When we made this check out on behalf of our son Davis, it was to the City of

Brevard, that's who we want resolution from. Not from volunteers who have already given so much and not from a hired PR company. So let's make it right.

Tim Fisher of 60 Parkview Brevard, said he thinks the skate park is a great thing. He was born and raised in Transylvania County and went to school in Rosman and now lives in Brevard. I saw the Zero Gravity Skate Park go up and then come down. I look at it from a perspective of you don't see a lot of stuff left in this community for young folks to do and it troubles me to see all the violence I feel is perpetuated by video games, my own personal opinion. I think something like having a skate park is a great thing for the youth of this county to get out and do rather than sitting around in their parent's basement playing video games. They're getting out and getting physical and getting exercise. I think it's a great way to meet new people instead of this fake networking we have on social media. I just wanted to implore you guys to try to push on through with this project. I think it's a really great avenue for the youth of our community to be able to have something that they can go out and do and it's free.

Geraldine Dinkins of 500 W. Probart Street, read from her notes as follows: "I'm here tonight to give you the perspective of an engaged citizen, a fully invested property and business owner in this community who as a member of the Tannery Skate Park Force truly believed twelve months ago that we could bring about tangible change and make this community a better place but now stands before you knowing better. I believe it is important for you to hear what is being said to such a person behind closed doors by City staff. Exactly one month ago, myself and other task force members were told by Amy Whisnant, a risk consultant with the North Carolina League of Municipalities, that the Tannery Skate Park, the park that we had helped raise \$73,000 for in private donations and had helped build with 500 volunteer hours, at a very minimum would not be opening because the League would not insure it. As I sat there stunned, Mr. Fatland and Mr. Ray, took our silence as an invitation to look ahead at the great concrete skate park that we could build together with money they would find and with a timetable that would put even the most ambitious municipal to shame. We, the task force, had come to this meeting expecting to be talking about a punch list based on Ms. Whisnant's July report. We would talk about sharp edges, grooves, gaps that make insurance people nervous and that needed to be rounded and covered. We had plans for this and we had contingency funds for this. I had also brought my folder dedicated to the grand opening and the sponsored skaters that we would invite for an interactive exhibition. The new skateboards, helmets and pads that we were going to give away in a sweepstake for kids willing to write us essays and paint pictures of what it's like to grow up in Brevard. Instead I sat in front of two men who let the insurance lady do the heavy lifting and were not ready to talk about phase two of the skate park project. "Don't you want to be on a team with us?" Mr. Ray asked to my face. If I hadn't been so broken hearted about what this meant for the skate park and our youth, I would have laughed out loud at the bad comedy of it. When I began to ask if Ms. Whisnant wanted to revisit the timeline of the project and when I rejected Mr. Fatland's repeated insinuation and Mr. Ray's outright accusation that we as a taskforce bore some blame for this situation, I was told by Mr. Fatland that no one will be served by finger pointing. I disagreed. Since that meeting, I have been lied to, given ever evolving answers, been padded out the door with fake promises and promises that were given to me and were promptly broken. I'm not finger pointing, I'm pointing out that something is very wrong here. While Mr. Fatland would not accept any blame, Ms. Whisnant told us that she was not contacted until after the ramps were fully completed and that if given the chance, she would have told City officials that the League had concerns about Skatelite ramps."

Greg Hunter, of 462 Probart Street, yielded his time to Geraldine Dinkins.

Geraldine Dinkins continued. "I'm still reeling at the knowledge that City staff is willing to essentially waste \$73,000 of citizens money, some of it from corporate checks and some of it from the contents of piggy banks, because due diligence on the part of City was not done. At the end of our meeting, Mr. Fatland promised to write a press release that would explain why the insurance company would not insure the park as built and that he would let me see the statement with a few days' notice, so that I could explain what had happened to the skate park supporters. I received the email of the

confounding press release that subsequently needed extensive clean-up, about an hour after it had hit social media and was published front and center on the City's website. Neither Mr. Fatland, nor Mr. Ray, offered any concern nor interest to contact the donors, all of whom wrote checks to the City of Brevard. Neither seemed to think that that was necessary. You cannot blame me for being really mad at this point, on top of being really sad. I'm almost certain that tonight staff will present you with a thinly researched and damning report of the ramps as built. Mr. Ray will likely describe the ramps as dangerous and point out significant deficiencies too expensive to fix. He will show you pictures of gaps, uneven screws, sharp edges along the railings and some puddles. What he won't show you is the squeegee and push broom that hang on the back wall of one of the ramps which skaters use to clean and dry off the ramps before they use them. Here's what I want and what I know that dozens of donors would want me to ask of you. Direct your staff to stop the partial review of the ramps and begin an impartial investigation into how to open these very ramps to the public as was promised by your staff. There will be a costly punch list, sky high extra risk private insurance premiums and perhaps a non-profit to run the ramps for a few years but it will hold the City accountable to moving ahead expeditiously with plans for a permanent skate park that can be insured barring any future lawsuits."

Rachel Hall of 487 Probart Street, yielded her time to Geraldine Dinkins.

Geraldine Dinkins continued. "I want you to commit to investigate and set the record straight on what happened, where and when and who needs to be held accountable. This could have been avoided and before we establish a process to foster any private and public partnerships, we need to know where the pitfalls are. Without a look back, we won't know how to look forward and we will not have the nice things other towns will have thanks to private investment. I want you to build and make a robust and respectable phase two skate park a reality with dedicated funding and a timetable that holds water. Not something that staff pulls out of thin air designed to make the existing ramps look like a bad option. Skate parks that attract visitors and make us locals proud, costs \$200,000 minimum. Don't let staff tell you anything different because it is either not true or it's truly dinky. A friend recently asked me if there was anything I could have done different. I've been thinking about that. We did everything exactly the way we presented it. We promised nothing we didn't do. We asked for input and we took the green light to mean go. I couldn't think of anything. Days later, I did. What I didn't do as the marketing, fundraiser point person on the task force, was to invite one of you to be the champion of this project because having one of you in the room exercising oversight over your staff, would have changed everything and we would have a skate park with insurance today. Thank you for your time."

Kevin Smith of 234 Big Bend Road said a word that was just spoken is "champions". Under a previous administration of City staff, we brought the question before you and before staff "since the City doesn't have money to invest in active recreation, what would happen if citizens brought you \$50,000 and dropped it in your lap? Would you know what to do with it?" And I think with all the best intentions the answer from City staff was "we would find a way." I think that was true. I think that was the right answer. In the past couple of weeks, we went to a meeting of the Parks and Trails Committee and I brought up a story that I told back in 2012-2013 about Donald, Oregon that had no skate park for its children, and they took the very strange step to taking a little patch of dirt and paving it with asphalt and letting children bring all kinds of rickety contraptions to skate on it, creating a DIY skate area. After a number of years of doing that, this then gave the city enough publicity and promotional space to create what then became a headline skate park that's smaller than this room, but Thrasher magazine, a national magazine, came to demonstrate what a great job Donald, Oregon had done for their town and for their kids. When I brought up that story, we were on the edge of a knife because when you bring up a story of something that can go really really well, it can also go really really badly. We're on the edge of that knife, where you can look for inspiration or you can look for problems. You can look for energy or you can look for barriers and I think that we face a very difficult situation because the gist of the conversation in that committee meeting was please be aware that Oregon may have very different zoning regulations on the State level and less risk

management regulations than we do here. I strongly encourage you and appreciate the work of your Council members and staff members coming into that Parks and Trails Committee meeting. I believe a lot of progress was made there but ultimately we are facing a crisis of inspiration on this project and until at least one person is willing to put their neck into this project with the citizens of Brevard, I'm afraid, that disappointment will far outweigh satisfaction and fulfillment for our kids. Thank you.

Susan Sunflower of Brevard read from her letter below:

These days, especially Fridays, the youth of the world are asking adults to support them in their work re our changing climate. Sectors of needed support include: governments to enact laws and policies businesses for products and practices communities-appropriate cultural practices individuals -you and me there are things we can do! It's possible to implement mitigation and adaptation practices in many areas to lessen negative climate impacts. One area of positive Impact, # 3 in the drawdown.org listing for reducing negative climate change effects around the world, is management of food waste. We have local projects in Transylvania: Moving to Conservancy facilitated public access compost sites; there was a Use of Food Scraps essay contest. Ways to implement suggestions are underway Rise and Shine does 0 Waste Motown dances! You may have participated. Master Gardeners has 0 waste meetings, public and private Cutting edge Mushroom research to mitigate landfills is underway at our waste management site, headed by Director Kenn and local mushroom expert Lief. Recently, Transylvania Natural Resources Council passed a resolution to support HB 823, to increase revenues to counties with programs designed to reduce plastic waste. Plastic grocery bags are the major throwaway container for our home food scraps, unless you're composting, of course! A local boy scout initiated 0 waste projects local businesses give discounts if you bring your own containers ... and... Pottery water bottles are now available here, replacing plastic. There are local projects here in other areas as well: transportation, agriculture, home and landscapes ... But we lack the local government component. THAT'S why I'm here today ... we adults have been asked for help by our children and grandchildren, unto the 7th and future.

I ask that you set up an oversight group to review what Transylvanians can do in all areas. Members would include Transylvania and Rosman governments, citizen representatives, perhaps from each community center. The purpose would include: to share what we're doing in all areas, to educate the community about possibilities and to enact laws and policies for the future of Transylvania and us. I'll get back with you re possibilities. Of course, I'll help in any way I can.

Wes Davis of 172 McMinn Avenue said I just wanted to point out a few points about the skate park. We live really close to the site of the skate park and I have myself been a skateboarder since 1981 and a middle school teacher since 2004 and what skateboarding and skate parks represent, I think there's a lot of value there. It's easy to get lost in the weeds and insurance I know is a big deal but just consider what the skate park represents to young people that are here. Consider the skate parks to groups that don't participate in the farmer's market, don't show up at the 4th of July. I live in that neighborhood and I can tell you that a lot of my neighbors, I don't see them downtown, but I do see them around the skate park and that area. I would say be creative, maybe engage the youth, engage the teachers and be transparent about the process with the kids who are around here. That will probably have benefits that far outweigh a few splinters or broken bones. Skateboarders are going to skate, so giving them a place has a lot of value. Thank you.

J. Special Presentation(s) - None

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda. Charlie Landreth motioned, seconded by Mr. Morrow, to add New Business items M1, M6 and M8 to Consent and be approved as amended. Motion carried unanimously.

K-1. Staff Reports:

- a. Financial Report for month ending September 2019.
- b. Public Works Monthly Report, August 2019.
- c. Police Department Quarterly Report.

K-2. Amend 2019 City Council Meeting Schedule to Add Organizational Meeting on Monday, December 2, 2019.**K-3. Community Development Contracts, October 2019 Reporting.** City Council accepted the following October 2019 Reports as presented:

- a. The Cindy Platt Boys & Girls Club
- b. Transylvania Farmers Market
- c. Transylvania Community Arts Council (TCarts)
- d. Heart of Brevard
- e. Bread of Life
- f. Sharing House

K-4 Resolution No. 2019-25 Directing City Clerk to Investigate Sufficiency of a Petition for Annexation-Transylvania County Historical Society, Inc.**RESOLUTION NO. 2019-25**

**A RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
THE SUFFICIENCY OF A PETITION FOR AN ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition was received on September 12, 2019, requesting the annexation of a contiguous area described in said Petition as the Transylvania County Historical Society, Inc., property located at 2753 Asheville Highway, Pisgah Forest, NC, 28768, consisting of 3.787 acres, be annexed into the City of Brevard. (Tax Property Identification Number: 8597-56-4170-000)

Metes and Bounds Property Description:

BEGINNING at an iron pin with an aluminum cap set at the back of the curb in the northwest margin of North Carolina Highway 280, said iron pin being located North 53 deg. 24 min. East 26.45 feet from the center of the back edge of a catch basin and also being located North 14 deg. 31 min. 43 sec. East 902.90 feet from N.C. Geodetic Survey Station "Meany" said iron pin also being located in the northeast property line of a tract of land conveyed to Owen in a deed recorded in Book 184, Page 620, Records of Deeds for Transylvania County, and runs thence along the property line of Owen the following two calls: North 36 deg. 11 min. 50 sec. West 145.54 feet to an aluminum monument set in place of a ¼ inch steel rod and chestnut post and North 54 deg. 12 min. 05 sec. West 78.36 feet to an iron pin with an aluminum cap located North 53 deg. West 13.2 feet from the center of a branch and South 54 deg. 12 min. 05 sec. East 10.35 feet from a ¼ inch steel rod found, said steel rod being the northwest corner of Owen; thence leaving the property line of Owen and along the property line of a tract of land conveyed to Gibbs in a deed recorded in Book 101, page 168, Records of Deeds for Transylvania County, the following calls: North 16 deg. 35 min. 07 sec. East 133.15 feet to an iron pin with an aluminum cap set in a branch; North 04 deg. 24 min. 53 sec. West 79.00 feet to an iron pin with an aluminum cap set in said branch; North 26 deg. 50 min. 07 sec. East 114.00 feet to an iron pin with an aluminum cap set at a fence (said iron pin being located North 51 deg. East 4.1 feet from a seven-inch maple in said fence marked as a witness); North 53 deg. 20 min. 07 sec. East 152.00 feet to an iron pin with an aluminum cap set in place of a rusty one-inch iron pin found located South 68 deg. East 2.15 feet from a corner post of said fence, said iron pin being the southwest corner of Lot 2 and the northwest corner of Lot 1 of Block B of Rolling Acres Subdivision as shown on a plat thereof recorded in Plat Book 2, page 39, Records of Plats for Transylvania County in the office of the Register of Deeds for Transylvania County; thence leaving the property line of Gibbs and along the property line of a tract of land conveyed to Mann in a deed recorded in Book 212, page 289, Records of Deed for Transylvania County; South 51 deg. 54 min. 53 sec. East 433.39 feet to an iron pin with an aluminum cap set at the back of the curb in the northwest margin of North Carolina Highway 280, said iron pin being located South 55 deg. East 17.4 feet from a power pole, South 66 deg. East 11.8 feet from a corner fence post and North 61 deg. 30 min. East 71.34 feet from the center of a catch basin; thence leaving the property line of Mann and along the curb of said highway, South 53 deg. 23 min. 48 sec. West 494.44 feet to the BEGINNING. Containing 3.787 acres, more or less, as surveyed by Robert E. Parker, RLS, on January 19, 1987, and as shown on an unrecorded plat designated as Drawing No. 87310-B1.

This conveyance is made subject to the right-of-way any portion of the right-of-way of North Carolina Highway 280 which may presently traverse the property, to all rights-of-way for public

utilities presently appearing of record and to the rights-of-way of all utility lines which may presently traverse the property.

Being all of the same described in a deed from Thelma Bryson, et al, to Charles M. Morgan Co., dated June 9, 1987, and recorded in Book 296, page 74, Records of Deeds for Transylvania County, North Carolina.

WHEREAS, said Petition has been received by the City Council of the City of Brevard, North Carolina; and

WHEREAS, NCGS 160A-31, as amended, provides that the sufficiency of the Petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Brevard deems it advisable to proceed in response to this request for annexation.

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

Section 1. The City Clerk is hereby directed to investigate the sufficiency of the above described Petition and to certify as soon as possible to the City Council the result of her investigation.

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

Adopted and approved this the 21st day of October, 2019.

K-5. Ordinance No. 2019-23 Amending Traffic Schedule-Jack Hudson Way.

ORDINANCE NO. 2019-23

**AN ORDINANCE ESTABLISHING JACK HUDSON WAY
AND AMENDING THE BREVARD TRAFFIC SCHEDULE
AND BREVARD CITY CODE CHAPTER 66**

WHEREAS, John “Jack” Hudson served our community for many years as the attorney for the City of Brevard, Transylvania County, and the town of Rosman; and

WHEREAS, Mr. Hudson also put in years of public service as the chairman of the Transylvania County Election Board, and was so respected in that position he was named chairman of the District One Election Board and a member of the State Executive Committee of Election Board members; and

WHEREAS, Mr. Hudson’s commitment to the community went well beyond his professional life, and he served as president of many local organizations including: the Transylvania County Historical Association, the Brevard Jaycees, the Transylvania Youth Association, and the Lions Club; and

WHEREAS, the Brevard City Council recognizes Mr. Hudson’s numerous contributions to our community and his inspiring dedication to public service.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT THE TRAFFIC SCHEDULE AND THE BREVARD CITY CODE SHALL BE AMENDED AS FOLLOWS:

Section 1. The previously unnamed street located approximately 675 feet south of Jackson Court at 205 Asheville Highway is hereby named “Jack Hudson Way.”

Section 2. Chapter 66, Schedule I, Section 66-122 of the Brevard City Code and the City’s Traffic Schedule is hereby amended as described below:

- a) Both sides of Jack Hudson Way in its entirety.

Section 3. Chapter 66, Article IV, Schedule XI, Section 66-72 of the Brevard City Code and the City’s Traffic Schedule is hereby amended as described below:

- a) Add Asheville Highway from Jack Hudson Way.

Section 4. Chapter 66, Schedule XVIII A, Section 66-87(6) of the Brevard City Code and the City’s Traffic Schedule is hereby amended as described below:

- a) Add Jack Hudson Way.

Section 5. 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 6. 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 6. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this 21st day of October, 2019.

K-6. Finance and Human Resources Committee Minutes - April 17, 2019.

K-7. Council Public Works and Utilities Committee Minutes – August 7, 2019.

K-8. Council Downtown Master Plan Committee Minutes – August 28, 2019.

K-9. Tax Settlement Report for Month Ending September, 2019.

K-10. Ordinance No. 2019-26 – Resolution Approving Property Tax Releases September, 2019.

**RESOLUTION 2019-26
A RESOLUTION APPROVING PROPERTY TAX RELEASES**

WHEREAS, The City of Brevard has previously determined to collect property taxes for the City of Brevard and the Heart of Brevard and it is necessary to release the amount shown below from the city tax records.

BE IT NOW, THEREFORE, RESOLVED THAT: The Tax Collector is hereby authorized to remove September releases for property values from the tax scroll of the City of Brevard in the amount of:
\$ 38.95

Adopted this the 21st day of October 2019.

K-11. Correspondence (No Action. Offered as information only.)

- a. September 2019 City-County Building Permit Activity Report.
- b. TCart's Gallery Walk September.
- c. Letter from Mayor Shelton-Robot Camera System.
- d. County Ordinance Declaring Road Closure-Veteran's Day.

K-12. (M-1) Ordinance No. 2019-24 – Ordinance Amending the Official Zoning Map of the City of Brevard to Rezone Several Properties in the Vicinity of 1242 Ecusta Road. Ecusta Road

ORDINANCE NO. 2019-24

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF BREVARD TO REZONE SEVERAL PROPERTIES
IN THE VICINITY OF 1242 ECUSTA ROAD**

WHEREAS, Brevard City Council requests that the Official Zoning Map of the City of Brevard be amended by rezoning certain real properties from Corridor Mixed Use to General Industrial, such properties are described below, and which are hereafter referred to as the "Subject Properties":

<i>Owner</i>	<i>PIN</i>
NELSON EDITHA S TRUSTEE ET AL BUILDERS FIRST SOURCE	8596-48-8377-000
NELSON EDITHA S TRUSTEE ET AL BUILDERS FIRST SOURCE	8596-58-4200-000
BUILDERS FIRST SOURCE-SOUTHEAST GROUP LLC	8596-58-2166-000
NELSON EDITHA S TRUSTEE ET AL BUILDERS FIRST SOURCE	8596-58-2307-000
BUILDERWAY OF BREVARD	8596-58-4006-000
NELSON EDITHA S TRUSTEE ET AL BUILDERS FIRST SOURCE	8596-58-3354-000

and,

WHEREAS, a public hearing was conducted October 21, 2019 in consideration of the rezoning request of Builders First Sources Inc. to rezone property located at 1242 Ecusta Road; and,

WHEREAS, the City of Brevard Planning Board considered REZ-19-006 on September 17, 2019 and unanimously recommended approval; and,

WHEREAS, in accordance with North Carolina General Statute 160A-382(b), Brevard City Council finds the following:

- 1) The proposed zoning map amendment is consistent with the following policies and elements of the City of Brevard 2015 Comprehensive Plan:

OBJECTIVE 2.1: Expanded tax base. As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.

POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

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.

- 2) The proposed zoning map amendment is inconsistent with the following elements of the City's 2002 Land Use Plan:

The Future Land Use Map recommends use of these properties for Mixed Use – Boulevard.

- 3) That the size of the tract and the proposed uses are reasonable and appropriate within the context of the existing zoning districts and the prevalence of uses in the vicinity of the Subject Properties;

and,

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

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

Section 1. The Official Zoning Map of the City of Brevard is hereby amended and depicted upon Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference.

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

Adopted and approved this the 21st day of October, 2019.

K-13. (M-6) Pedestrian Plan Amendment.

In 2006 the City of Brevard adopted the 2006 Comprehensive Pedestrian Plan. Included with this plan were a series of maps depicting existing and proposed pedestrian infrastructure. This included both multi-use paths and sidewalks. In March of 2018, Council approved updated multi-use path and sidewalk prioritization maps. Since its original adoption the City has worked to complete several of the top 10 priorities on the original maps. The set of maps included with this report depict recommendations from the Parks, Trails, & Recreation Committee for a revised list of project priorities. These maps are not binding documents, however they are used to guide planning and budget discussions. In order to fully realize the benefits of the new Complete Streets Policy, Staff has suggested several additions to the multi-use path and sidewalk priority maps along state-maintained roads within the City's planning jurisdiction. During their regular meeting on October 16, 2019 the Parks, Trails & Recreation Committee recommended approval of the maps as presented with this report.

K-14. (M-8) Board and Committee Appointment(s).

Parks, Trails and Recreation - Council unanimously appointed Nicola Karesh to the Parks, Trails and Recreation Committee.

L. Unfinished Business – None**M. New Business –****M-2. Council Compensation Report.**

Maureen Copelof is on the Finance and Human Resources Committee and explained that over the past six months they have looked at all City positions to make sure compensation for our employees were in line with surrounding areas. We decided to look at City Council and Mayor positions. The last increase was just a 1% cost of living increase in July, 2014. The recommendation from the Finance Committee was that it would make sense to increase the Mayor's compensation from \$9,158.27 to \$10,500.00 and the annual compensation for City Council members being increased from \$4,861.20 to \$6,700.00 effective January 1, 2020.

Gary Daniels moved, seconded by Charlie Landreth, that City Council raise compensation to the Mayor and City Council as outlined by Ms. Copelof. Motion carried unanimously.

Michael Pratt added that this needs to be done by Ordinance and the minutes should reflect that.

M-3. Temporary Moratorium for Electronic Signage. This item was removed from the agenda at the beginning of the meeting.

M-4. Set Date for Fall Retreat-Monday, November 4, 2019.

Mayor Harris explained that Maurice Jones would not be able to make it on that day and during the daytime, however, he may be able to make it from 5:30pm-8:00pm the evening of November 6, 2019. Items to be discussed are as follows:

- Monument Sign & Landscape Design for US Hwy 64 Roundabouts
- Downtown Paid Parking
- Mary C. Jenkins Community Center

Mac Morrow moved, seconded by Charlie Landreth, to change the date of the Fall Retreat to Wednesday, November 6, 2019 beginning at 5:30pm in Council Chambers. Motion carried unanimously.

M-5. Countywide Service District/Flat Tax.

Chief Bobby Cooper explained that the Transylvania County Board of Commissioners is currently considering a Flat Fire Tax, and needs to know if the City of Brevard would like to be included. Per GS 153A-302, "Territory lying within the corporate limits of a city or sanitary district may not be included unless the governing body of the city or sanitary district agrees by resolution to such inclusion." If the Board of Commissioners implements the County Flat Fire Tax, and the City opts to be included, then City residents would pay the Flat Tax in addition to the current City fire tax that is included in the City Ad Valorem tax rate. The Flat Tax revenue would be used to fund fire protection in all fire districts in the County, and would not remain completely within the Sylvan Valley 2 district. It is recommended that Council consider to approve a resolution to opt out of the County Flat Fire Tax.

Charlie Landreth moved, seconded by Mac Morrow, to opt out of the County Flat Fire Tax. Motion carried unanimously.

M-7. Asheville Highway Corridor Visioning.

Paul Ray explained that the North Carolina Department of Transportation is undertaking several Access Management projects on Asheville Highway on the City's busiest commercial corridor.

- Project R-5800 extends from Fortune Cove Road to North Caldwell Street, approximately 1.5 miles, and will include at least three roundabouts.
- Project R-5799 is improving the intersections of Asheville Highway at Deaver Road, and Asheville Highway at U.S. 64 Business (Pisgah Highway) by converting the intersections to roundabouts.

Staff has hired Mosaic Civic Studio to design a monument sign and landscaping plan as a "betterment" to NCDOT project R-5799, providing a "gateway" to the City of Brevard. Staff now seeks to initiate steps for improving the entire corridor leading into downtown Brevard, which is the main entry into the city and has a significant impact on how travelers first experience Brevard. The addendum to the existing contract would help identify the steps needed to create a vision for the entire corridor enhancements. Mosaic will capture aerial footage via drone flight over the study corridor to provide aerial views of the public right-of-way along Asheville Highway from the Forest Gate Shopping Center near the intersection of Asheville Highway and Deavor Rd. to Caldwell Street in downtown Brevard. A conceptual plan will identify strategic connections to Estatoe Trail along the highway corridor. Mosaic will collaborate with City staff to develop corridor improvement recommendations along the public right-of-way.

Maureen Copelof asked if Council would have a chance at the Fall Retreat to talk with Mosaic about what we would like to see and he said that they would.

Gary Daniel moved, seconded by Charlie Landreth to approve the addendum to the existing contract. Motion carried unanimously.

N. Remarks / Future Agenda Considerations

Mayor Harris stated that Halloweenfest in Brevard is currently ranked #1 for festivals and you can find that ranking on MSN.

Maureen Copelof said that there is a wonderful exhibit in the Veteran's Museum of the Carolinas and there will be several presentations in November. The first one is a presentation by me on November 7th at 2:00pm and I will be giving an overview of the contributions that women have made to our military from the American Revolution to the present so if that's something that interests you, please come. We will also have two other women veterans speaking later in the month including one who was a nurse in WWII who provided services to the POWS coming back from that conflict. That museum is such a benefit to our community. We have Veteran's Day and we'll have our ceremony that we're closing the street for and would like to encourage everyone to come out and show their appreciation. Also, last week I represented the City at the North Carolina State Institute for Emerging Issues conference which was specifically on workforce development. It was looking at the fact that in ten years, North Carolina is going to have about 200,000 more jobs than they have qualified people for. Governor Roy Cooper mentioned the importance of having a program for reentry into the workforce for people leaving jail or prison and reentering society and being productive members of the workforce. Here in Brevard, we have started a reentry initiative and we are building on this. It's a great group right now of individuals and we're working really hard to formalize and really get it moving forward even more.

Gary Daniel said that he appreciates the folks that come out to speak and get involved in our City government. When we were running unopposed I was disappointed, but I'm happy to see a fire.

Mac Morrow encourages everyone to look at the Depot and Friday was the tipping point. The detail on the exterior is amazing.

Charlie Landreth said that our agendas are usually a few hundred pages long and a good portion are staff reports but I wanted to highlight the work that David Lutz does. Not just the detail but if you look for strategic detail, the only place you see it is in David's staff report and the categorizing work he does. All of the things we've expressed as our values. I just want to say thank you for it and remind Council and staff that we need to keep in mind, what we're doing and why we're doing it. When I came on in 2011, all you heard about for the previous 3 or 4 years was how the City had screwed up Transylvania County with its development ordinance. That was the prominent story in the Transylvania Times about the City's role in the community is how the development ordinance was keeping good things from happening. We are making really good changes in our development ordinances continually. We didn't throw the whole thing out, we dug into it, sometimes a word at a time, and a number at a time, sometimes a chapter at a time and I think the more we tried to bite off, and the harder it was. The small incremental changes are sometimes very important to people who are trying to live and work in our community. In that framework, a lot of good has happened. We had on our pedestrian plan that the number one priority for several years after I was first elected was the sidewalk on Probart Street. It was a million dollar plus project and we didn't know how to pay for it. We weren't really sure how to construct it. We weren't sure how to get from Railroad Avenue to the music center and we put our heads together and it took a long time, four years or so, before we built that, a long time. There was a constant dialogue between the citizens of Probart Street, The Music Center, the City and DOT. That was a project that got a lot of focus over a long period of time. The Depot is a different project, it's gotten a lot of focus over a short period of time, from conception to finish, about two years. Now, in the middle is this question about the skate park and personally I just apologize for how the City has handled it. It's not the way I try to handle a project in my business. I either say I'm going to do it or I'm not going to do it. I don't say I'm going to do it but I can't tell you when I'm going to finish. It's not the way I want to do business and it's not the way I want the City to do business and I just want to encourage the City to be honest with itself and with the citizens about what it's going to get behind and what it's not going to get behind and not have doubt about it just because we get a lot of excitement. If there's a lot of excitement on the part of the community but we don't know how to do it or don't want to do it, we need to say no or we need to say we're not doing it that way, we're doing it this way. One of the business lessons I've heard over and over as I've worked on 35 Degrees North is that you have to know when to say no. I think we kind of got ourselves into that situation, we got into a project where we didn't really do some due diligence earlier and manage it carefully along the way and so over the years, I've seen the Planning office carries a heavy burden for the City of Brevard. Everything that happens construction-wise and a lot of the legal land issues that we deal with, comes through the Planning Department. Of all the shovel work that you see in Public Works, there's just as much of that in paperwork in the Planning office and we need to continually be aware that there is a limit to what 4 or 5 professionals can do in our Planning Department. Just because it looks like a good idea or we have a lot of citizen input, we really have to ask ourselves how do we get this done if it matters to us and I think that's the question we didn't really ask at the beginning of this project from my perspective. I will close by saying that it was a very hard to decision not to run again. I really enjoy the work. I enjoy meeting people and hearing about your concerns. I knew in February that my family was changing and we now have an adult child in the house I knew that 35 North is in its 7th year and needed more attention. I put family and my business first and I need to take a break. I believe the City is in good shape and on a good path.

Jim Fatland thanked the Finance Committee and staff who take care of the tax collections.

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

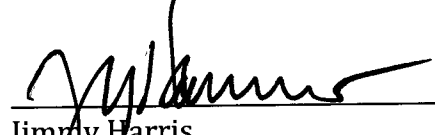
Closed Session #1 - At 8:42 p.m. Mr. Landreth moved, seconded by Mr. Jones to enter into closed session to discuss a matter of potential litigation and clear Council Chambers. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager and City Clerk Jill Murray. (A four minute break was taken to allow Council Chambers to be cleared.)

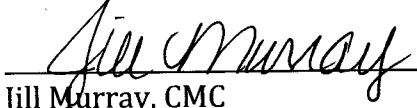
Council Returned to Regular Session – At 8:51 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Closed Session #2 – At 8:51 p.m. Mr. Daniel moved, seconded by Mr. Landreth, to enter into closed session to discuss a personnel matter. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney was the City Manager.

Council Returned to Regular Session – At 9:50 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, Mr. Landreth moved, seconded by Mr. Daniel, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:50 p.m.


Jimmy Harris
Mayor


Jill Murray, CMC
City Clerk

Minutes Approved: November 18, 2019