

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
February 18, 2019 – 7:00 PM**

The Brevard City Council met in regular session on Monday, February 18, 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, Gary Daniel and Maurice Jones.

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Michael Pratt, City Clerk Jill Murray, Deputy Finance Director Tom Whitlock, Executive Assistant to City Manager Denise Hodsdon, Planning Director Daniel Cobb, Police Chief Phil Harris, 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 – Reverend Mike Holder from First United Methodist Church, offered an invocation.

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

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

E. Approval of Agenda – Mr. Landreth moved, seconded by Mr. Morrow, the Agenda be approved as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Morrow moved, seconded by Mr. Jones, the January 22, 2019 minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition –

G-1. Teen Dating Violence Awareness Month Proclamation. Mayor Harris asked Corey Gafnea, Kate Gafnea, Hiatt Gafnea Virginia Watkins and Cassie Smatana to come forward and stand with him as he read the proclamation.

**Teen Dating Violence Awareness and Prevention Month, February 2019
Proclamation No. 2019-02**

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 recognize the risk factors that lead to dating violence and create safe and accepting spaces for all youth regardless of gender or sexual orientation; 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 2019, 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 protective factors for young people, 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 18th day of February, 2019.

H. Public Hearing(s) -

H-1. Proposed Amendments to Brevard Music Center Planned Development District-Ordinance 2017-23.

Mayor Harris opened the public hearing at 7:15 p.m.

Mr. Cobb stated this was a request from the Brevard Music Center to modify their Planned Development District. The only change is on page 27, line 91 specifically the list of conditions to allow for an extension of a deadline originally set in 2009 for the construction of sidewalks. Brevard Music Center has expressed concern regarding the practicality and cost associated with constructing a sidewalk along Andante as previously agreed and in lieu of constructing the sidewalk as part of the \$4.2 million concert hall construction, they would like to explore options to work with the City to construct a bike path through their campus to the Bracken Preserve.

Mr. Daniel said he would like to see this item sent to the Parks, Trails and Recreation Committee to formally adopt this item which meets this Wednesday, February 20th.

Public Hearing Participation – Keith Arbogast said they're committed to it and hope to make the best of the extension.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:22 p.m.

H-2. Proposed Amendments to Unified Development Ordinance Chapter 2-District Provisions.

Mayor Harris opened the public hearing at 7:22 p.m.

Mr. Cobb explained that this is a "clean-up" of the definition of the word "shelters" because The Haven came to him and asked about using a house that was given to them. The Planning Board approved this amendment as written.

Public Hearing Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:28 p.m.

I. Public Participation -

Carol Deddy of Brevard spoke on steep slopes. The 50% slope doesn't make sense in that it doesn't fit in the objectives of the City and I believe it has been acknowledged that steep slope costs more money. I consistently worry about our water and sewer. The water has to go somewhere and ten to one, it's going downhill and the people downstream from me might have a concern. Living in Strauss Park, our roads are eroding and it's causing the need to rebuild and there's contemplation of putting up guardrails. I ask that Council consider seriously why you would be approving a slope change of 50%.

J. Special Presentation

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda. Mayor Harris recommended that Council consider adding New Business Item M3 and that the Consent Agenda be approved as amended. Mr. Landreth moved, seconded by Mr. Daniel that item M-3 Resolution Delegating Authority to Execute Acceptance and Dedication of Easements and Rights of Way be added to the Consent Agenda and be approved as amended. Motion carried unanimously.

K-1. Staff Reports:

- a. Financial Report for month ending January, 2019.
- b. Public Works Department Report, December, 2018.

K-2. Council Downtown Master Plan Committee Minutes, December 12, 2018

K-3. Correspondence (No Action. Offered as information only.)

a. January 2019- City-County Building Permit Activity Report.

K-3 (M-3) Resolution No. 2019-05 Delegating Authority to Execute Acceptance and Dedication of Easements and Rights of Way.

RESOLUTION NO 2019-05

A RESOLUTION DELEGATING AUTHORITY TO EXECUTE ACCEPTANCE AND DEDICATION OF EASEMENTS AND RIGHTS OF WAY

NOW COMES THE CITY COUNCIL for the City of Brevard, and says:

WHEREAS, City Council, after due deliberation, has determined that it is in the best interest of the City of Brevard that the City Manager have authority to execute documents accepting the conveyance and dedication of all types of easements and rights of way without first bringing them before City Council; and

WHEREAS, City Council desires to delegate such authority as stated herein above;

BE IT NOW, THEREFORE, RESOLVED THAT:

1. The City Manager is hereby authorized to execute, on behalf of the City of Brevard, documents accepting the conveyance and dedication of all types of easements and rights of way without first bringing them before City Council;

2. This Resolution shall be effective immediately upon adoption by City Council.

Adopted and approved this the 18th day of February, 2019.

L. Unfinished Business –

L-1. Ordinance No. 2019-02 Amending the Unified Development Ordinance Chapter 16 Administration and Chapter 19 Definitions.

Memorandum from Attorney Michael Pratt-Proposed Amendment to UDO Chapter 16-Administration & Chapter 19-Definitions.

Attorney Michael Pratt offered an explanation that Council tabled this Amendment so that he could look into it further. He did and drafted a new Ordinance with revisions. Mr. Landreth moved, seconded by Mr. Morrow that Council accept Mr. Pratt's revisions as worded for UDO Chapters 16 & 19.

Mr. Daniel added that the second fee for the second year should be higher. Mr. Pratt said that Council could should set the fee tonight and then it would become part of the fee schedule later on. Mr. Daniel added to Mr. Landreth's motion that we have the second year be \$500 instead of \$150. Motion carried unanimously.

ORDINANCE NO. 2019-02

**AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 16 ADMINISTRATION &
CHAPTER 19 DEFINITIONS**

WHEREAS, a public hearing was conducted on January 22, 2019, to amend Unified Development Ordinance Chapter 16 Administration & Chapter 19 Definitions; and,

WHEREAS, the amendment was considered by the Brevard Planning Board at their December 17, 2018 meeting and recommend City Council approve the amendments; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the City of Brevard Comprehensive Plan, specifically the following sections:

ELEMENT 4: LIVABLE COMMUNITIES

GOALS

With a strong sense of community that supports livability for all, Brevard will:

- *Foster efficient land use, support a mix of housing types, increase efficiency of public utilities and services and accommodate multiple modes of transportation.*
- *Enjoy a network of complete neighborhoods that provide for all types of residents.*
- *Provide the services and amenities that allow residents to live happy, healthy, productive lives.*

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.

and,

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

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

SECTION 1. In accordance with N.C.G.S 160A-364, as amended and Brevard City Code, the Unified Development Ordinance is hereby amended as described herein.

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

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

Adopted and approved upon first reading this the 18th day of March, 2019.

L-2. Second Reading-Ordinance Proposed Amendment to UDO Chapter 6-Environmental Protection.

Mayor Harris called for a vote. Mr. Morrow and Mr. Jones were aye and Mr. Daniel, Ms. Copelof and Mr. Landreth were nay. The Ordinance did not pass 3-2.

Mr. Daniel added that he understands the need for more development and he would support a more defined ordinance that is a little less broad.

Mayor Harris said he would like to discuss it at the March 18th City Council meeting or the March 22nd Annual Planning Session.

Mr. Fatland asked which he would prefer and the Mayor answered the March 22nd meeting.

M. New Business –

M-1. Ordinance-Proposed Amendment to Brevard Music Center Planned Development District-Ordinance 2017-23.

Mr. Fatland explained that he would like this item to go in front of the Parks, Trails and Recreation Committee and then come back in front of Council in March.

Mr. Daniel agreed and made a motion, seconded by Ms. Copelof, to table the Ordinance until it goes through the Parks, Trails and Recreation Committee. Motion carried.

M-2. Ordinance No. 2019-01-Amending the Unified Development Ordinance Chapter 2-District Provisions.

Mr. Morrow motioned, seconded by Mr. Landreth to approve the Ordinance as discussed.

ORDINANCE NO. 2019-01

**AN ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 2 DISTRICT PROVISIONS**

WHEREAS, a public hearing was conducted on February 18, 2019, to amend Unified Development Ordinance Chapter 2 District Provisions; and,

WHEREAS, the amendment was considered by the Brevard Planning Board at their January 15, 2019 meeting and recommend City Council approve the amendments as presented; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the City of Brevard Comprehensive Plan, specifically the following sections:

ELEMENT 4: LIVABLE COMMUNITIES

GOALS

With a strong sense of community that supports livability for all, Brevard will:

- *Foster efficient land use, support a mix of housing types, increase efficiency of public utilities and services and accommodate multiple modes of transportation.*
- *Enjoy a network of complete neighborhoods that provide for all types of residents.*
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N. Remarks / Future Agenda Considerations

Mayor Harris explained that Jim Rowe was the first executive director of the Heart of Brevard and he has passed away. He was a champion and I was always honored to stand beside him.

Mr. Landreth offered a thank you to Public Works for fixing a water main in the pouring down rain, cold and dark and we appreciate that. I noticed that we are raising money for the crosswalks and it came to mind that I don't really understand how we cue up a funding project.

Mr. Fatland explained the Parks, Trails and Recreation Committee discussed putting up these lights and I approached the County to match it. The DOT would not order the flashing lights to get the process going and we put up the full amount through fundraising.

Mr. Landreth added that things that are important, we should pay for. We need to be really selective about our fundraising campaigns. He added that Jim Rowe was on the short list of people whose name was given to me. People said "you have to talk to Jim. He knows the City really well". It was a real pleasure listening to his wisdom and to have access to the history of the City was a real treat. I am not running for reelection this year and I'm more than happy to take time with anyone who is thinking about running and I've really enjoyed it. I have things brewing in my life that I have to pay attention to.

Mr. Jones thanked Mr. Landreth for his service. Also he wanted to bring to Council's attention that he sits on a subcommittee of the Joint Historic Preservation Commission with Joy Fields, Rebecca Suddeth and others too. We reviewed proposals and considered the qualifications and appropriateness of consultants to work on a survey of African American heritage-related resources in Transylvania County. This survey is going to be a big deal.

Mr. Daniels agreed with Mr. Landreth about fundraising and thinks there was so much energy from citizens but I understand what you're saying.

Ms. Copelof said she was privileged to represent the City at the NC State Rural Reconnect. Transylvania and Brevard got up and briefed everyone about Project Empathy and there was a lot of interest across the state and a lot of good information. The other thing I want to bring up is that I would like to issue a challenge to all of you about the adult spelling bee teams being formed and they asked if City Council will be a team. Mayor Harris and Charlie Landreth agreed to be on a team with Ms. Copelof to represent the City.

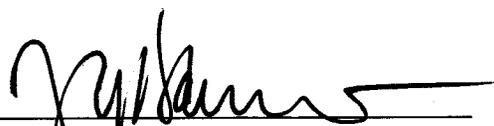
Mike Pratt said there is no closed session this evening and added that Jim Rowe was a friend of his and he echoes what everyone said and I enjoyed serving with Charlie Landreth.

Mr. Fatland suggested that we close the meeting in memory of Jim Rowe.

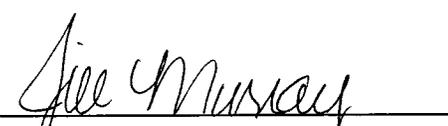
Mayor Harris adjourned the meeting in memory of Jim Rowe.

O. Closed Session(s) – None

P. Adjourn – There being no further business, Mr. Landreth moved, seconded by Mr. Daniel, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 8:16 P.M.



Jimmy Harris
Mayor



Jill Murray, CMC
City Clerk

Minutes Approved: March 18, 2019