

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
January 21, 2020 – 7:00 PM**

The Brevard City Council met in regular session on Tuesday, January 21, 2020, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present – Mayor Pro Tem Mac Morrow, Council Members Maurice Jones, Maureen Copelof, Gary Daniel and Geraldine Dinkins.

Absent – Mayor Jimmy Harris and Jim Fatland, Finance Director and City Manager.

Staff Present – City Attorney Michael Pratt, City Clerk Jill Murray, Deputy Finance Director Tom Whitlock, Executive Assistant to City Manager Denise Hodsdon, Fire Chief Bobby Cooper, Planning Director Paul Ray, Police Officer Greg Holden, Public Works Director David Lutz and Water Treatment Plant ORC Dennis Richardson.

Press – Matthew McGregor, Transylvania Times

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

B. Invocation – The Rev. Ann Bridgers, Interim Rector of St. Philips Episcopal Church, offered an invocation.

C. Pledge of Allegiance – Mayor Pro Tem Morrow led in the Pledge of Allegiance.

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

E. Approval of Agenda – Mayor Pro Tem Morrow asked that Item O-1 Economic Development be removed from Closed Session. Mr. Jones moved, seconded by Ms. Dinkins, the agenda be approved as amended. Motion carried unanimously.

F. Approval of Minutes – Ms. Copelof moved, seconded by Mr. Jones, the November 18, 2019 Regular Meeting minutes and the December 2, 2019 Organizational Meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition – None

H. Public Hearing(s) – None

I. Public Participation –

Rachel Hall of 487 Probart Street put in an application to serve on the ABC Board and wanted to introduce herself and said she is currently taking the VISION class on the Historical Society.

J. Special Presentation(s) – **City of Brevard Annual Independent Audit.**

Mr. Dan Mullinix, CPA, Gould Killian CPA Group, P.A., presented a brief power-point and shared information contained within the Audit Wrap Up for year ending June 30, 2019, (on file). He extended his appreciation to the City's Deputy Finance Director Tom Whitlock and City Manager Jim Fatland for their excellent work and for the assistance they provided to him throughout the audit.

Following the presentation, Mayor Pro Tem Morrow asked if the City's budget is balanced and if the City is in compliance with accounting rules and procedures, and have the NC State requirements been met. Mr. Mullinix replied, "Yes".

Mayor Pro Tem and Council thanked Mr. Mullinix for his reporting and presentation and accepted the report as presented.

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Pro Tem Morrow read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda. Maurice Jones motioned, seconded by Ms. Copelof, to add New Business item M1 Resolution Fixing a Date of Public Hearing on Annexation to Consent and be approved as amended. Motion carried unanimously.

K-1. Staff Reports:

- a. Financial Report for month ending December 2019.
- b. Public Works Monthly Report, October and November, 2019.
- c. Brevard Fire Department Annual Report

K-2. Resolution No. 2019-29 Approving Property Tax Releases December 2019.

**RESOLUTION 2019-29
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 below shown amount from the city tax records.

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

\$ 116.03

Adopted this the 18th day of November 2019.

K-3. Tax Settlement Report for month ending December 2019.

K-4. Chapter 160(d) Statute Update.

K-5. Ordinance No. 2020-01 Budget Amendment No. Three.

**ORDINANCE NO. 2020-01
AN ORDINANCE AMENDING THE FY2019-2020 BUDGET
AMENDMENT NO. THREE**

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2019-14); Budget Ordinance No. 1 (Ordinance No. 2019-XX); Budget Ordinance No. 2 (Ordinance No. 2019-xx) and

WHEREAS, it is necessary to make amendments to the budgets to reflect additional revenue and expenditures for Fiscal Year 2019-2020.

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 \$100,000 from \$11,129,457 to \$11,229,457 as shown as follows:

Interest Earned on Investment	\$ 50,000
Increased Sales Tax	<u>\$ 50,000</u>
TOTAL REVENUES	\$ 100,000

SECTION 02) General Fund Expenditures are hereby increased \$100,000 from \$11,129,457 to \$11,229,457 as shown as follows:

Planning Department Professional Services	<u>\$ 100,000</u>
TOTAL EXPENDITURES	<u>\$ 100,000</u>

SECTION 05) Utility Capital Project Fund Revenues are hereby increased \$2,083,000 from \$1,460,120 to \$3,543,120 as shown as follows:

NCDEQ Revolving Fund Loan	<u>\$2,083,000</u>
TOTAL REVENUES	<u>\$2,083,000</u>

SECTION 06) Utility Capital Project Fund Expenditures are hereby increased \$2,083,000 from \$1,460,120 to \$3,543,120 as shown as follows:

Gallimore Road Sewer Basin Rehab Project	<u>\$2,083,000</u>
TOTAL EXPENDITURES	<u>\$2,083,000</u>

SECTION 33) That Revenues and Expenditures Section 1 through Section 32 of the Ordinance Amendment have increased \$2,183,000 from \$24,992,569 to \$27,175,569 as follows:

	Budget
General Fund	\$ 11,229,457
Water & Sewer Utility Fund	\$ 6,415,167
Utility Capital Projects Fund	\$ 3,543,120
Capital Reserve Fund	\$ 80,000
Fire District Fund	\$ 1,471,468
Terrell L. Scruggs Scholarship Fund	\$ 22,000
Bjerg Fund	\$ 6,500
Other Post-Employment Benefits Fund	\$ 30,000
Health Insurance Fund	\$ 1,520,300
Heart of Brevard MSD Fund	\$ 157,000
Housing Trust Fund	\$ 2,820
Multi-use Paths Fund	\$ 1,018,234
Wayfinding Project Fund	\$ 7,702
911 Communications Fund	\$ 56,972
Narcotics Task Force Fund	\$ 59,100
Rosenwald Revitalization Fund	\$ 800,000
Downtown Master Plan Fund	\$ 755,729
TOTAL BUDGET APPROPRIATIONS	\$ 27,175,569

Adopted and approved this 21st day of January 2020.

K-6. Cathey's Creek Stream Restoration Contract Renewal.

K-7. Council Public Safety Committee Minutes-March 12, 2019.

K-8. Council Downtown Master Plan Committee Minutes-September 25, 2019.

K-9. Council Parks, Trails & Recreation Committee Minutes-October 16, 2019.

K-10. Council Finance & Human Resources Committee Minutes-October 17, 2019.

K-11. Mary C. Jenkins Community Task Force Minutes-October 22, 2019.

K-12. Mary C. Jenkins Community Task Force Minutes-November 19, 2019.

K-13. Council Parks, Trails and Recreation Committee Minutes-November 20, 2019.

K-14. Correspondence (No Action. Offered as information only.)

a. City-County Building Permit Activity Report Year Ending Dec. 31, 2019.

b. Save the Date-Arts in March.

K-15. (M-1) Resolution No. 2020-01 Fixing a Date of Public Hearing on the Question of Annexation.

**RESOLUTION NO. 2020-01
A RESOLUTION FIXING A DATE OF PUBLIC HEARING
ON THE QUESTION OF 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); and,

WHEREAS, the Brevard City Council has by Resolution No. 2019-25 directed the City Clerk to investigate the sufficiency thereof; and

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

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by the Transylvania County Historical Society, Inc., will be held at Brevard City Hall at 7:00 P.M. on the 17th day of February, 2020.

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

Location: 2753 Asheville Highway, Pisgah Forest, NC 28768. Transylvania County 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 show 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.

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

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

Adopted and approved this the 21st day of January, 2020.

L. Unfinished Business – None

M. New Business –

M-2. Update on Skate Park. Mr. Ray explained that on October 8th, 2018 City Council adopted Resolution No. 2018-23 authorizing the construction of the Tannery Skate Park through volunteer donations and labor. The ramps were substantially completed last summer, but the North Carolina League of Municipalities withheld their recommendation to underwriters until a list of safety concerns were addressed. The NCLM will insure the temporary skate park if all of their punch list items are completed and upon passing a final inspection by NCLM and the Transylvania County Inspections Department. Staff has drafted a “Letter of Understanding” between the City of Brevard and the Skate Park Task Force which specifies the responsibilities of each party in order to perform the necessary repairs for opening and to maintain it to an insurable condition. On November 19, 2019, the Parks, Trails and Recreation Committee unanimously passed a three part motion to:

- Instruct staff to work with NCLM to refine their punch list, remove perimeter fence as a requirement and request a reinspection to open facility as temporary until a concrete skate park opens.
- City pursues a concrete skate facility to be built by a design/build contractor at the Sports Complex.
- Recommend to the Pisgah Health Foundation to consider small skate ramp amenities along the multi-use path at their proposed 12 acre community park adjacent to the Transylvania Regional Hospital.

Attorney Mike Pratt suggested that on page one, second paragraph should read “the following non-binding agreement” and anywhere it says “agrees” should be replaced with “are understood”.

Mr. Daniel moved, seconded by Ms. Dinkins, that the letter of understanding should not have a one year limitation on it and should also say “stays open as long as it is deemed to be safe or until the concrete skate park opens”. Motion carried unanimously.

Mr. Daniel moved, seconded by Mr. Jones, to approve the \$20,000 funding for the temporary skate park and the \$100,000 funding the new concrete skate park, both funded by the City of Brevard. Motion carried unanimously.

Mr. Daniel moved, seconded by Ms. Dinkins that on page 2, #7, take out “or after one year”. Motion carried unanimously.

M-3. Appeal of William Robinson-Junk Cars. Paul Ray explained that on December 12, 2019, the City of Brevard’s Planning Department posted a pre-towing notice sticker on two vehicles parked on private property located at 106 Carver Street. The vehicles met the definition of “junked motor vehicles” as defined by Chapter 38, Division 5 of the City’s Code of Ordinances. The owner of the vehicles, William W. Robinson III has filed a written appeal.

Mr. Robinson was sworn in by the City Clerk. He explained that he inherited a car lot and has recently been trying to get his real estate license and with it being tax

season, he has not had a lot of time. He either wants to dispose of the vehicles or sell them or said he was willing to put tarps on them so they don't look so bad. He asked for more time, until the end of April, to get rid of them. Council Member Jones asked Mr. Robinson if he agrees that they are junk vehicles and Mr. Robinson said yes. Council discussed all options.

Maureen Copelof moved, seconded by Mr. Daniel that Council grant Mr. Robinson until February 29, 2020, to remove the junk vehicles, otherwise the City will remove them. Motion carried unanimously.

M-4. Board and Committee Appointment(s). Mr. Morrow moved, seconded by Ms. Copelof that Kevin Jones be appointed to the ABC Board. Ms. Dinkins wanted to discuss having another woman on that Board and felt Council should reconsider. Motion carried as discussed, Ms. Copelof, Mr. Jones, Mr. Daniel and Mr. Morrow were all yea and Ms. Dinkins was a nay.

Ms. Copelof moved, seconded by Ms. Dinkins to appoint Howie Granat to the Council Parks, Trails and Recreation Committee. Motion carried unanimously.

Mr. Morrow, moved, seconded by Ms. Dinkins, to appoint Greg Hunter to the Brevard Planning Board. Motion carried unanimously.

N. Remarks / Future Agenda Considerations

Ms. Dinkins thanked everyone that has stopped me in person or via email to congratulate me and support me and to offer me time and wisdom. It's been a good experience so far and I am happy to be here.

Ms. Copelof thanked our finance department for doing such a wonderful job. Bravo. She also thanked the Human Relations Committee and all of the businesses that supported our MLK Day activities. We had a wonderful breakfast at Bethel A Baptist Church and a march and a performance at the Porter Center. Also, our United Way is closing and this is going to impact 15 our our non-profit organizations in town. These are non-profits that are providing all sorts of critical services to our community to the people in this community. I would just encourage people that when you are looking to being able to give or money they used to give to United Way, please look at those organizations that suddenly are without the support that they've had for many years. We rely on our non-profits to do a lot for our community, so there is a gap that we all need to be aware of. She also complimented Jim Fatland on recognizing the vision to bring Blue Zones here.

Mr. Morrow said he got to spend some time with Blue Zones and it was exciting. It's just the beginning and there is a lot of expectation. A lot of credit goes to City of Brevard staff.

O. Closed Session(s) – Mayor Pro Tem Morrow 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 8:21 p.m. Mr. Jones moved, seconded by Ms. Copelof 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 Clerk Jill Murray and Planning Director Paul Ray. (A five minute break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session – At 8:37 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 8:37 p.m. Mr. Daniel moved, seconded by Mr. Jones, to enter into closed session to discuss a matter of property acquisition. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Clerk Jill Murray and Planning Director Paul Ray.

Council Returned to Regular Session – At 8:57 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. Jones moved, seconded by Mr. Daniel, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 8:58 p.m.



Jimmy Harris
Mayor



Jill Murray, CMC
City Clerk

Minutes Approved: February 17, 2020