

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
February 17, 2020 – 7:00 PM**

The Brevard City Council met in regular session on Monday, February 17, 2020, 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 Maurice Jones, Maureen Copelof, Gary Daniel and Geraldine Dinkins.

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, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, and Fireman Bradley Elmore.

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, Attorney and City Clerk.

B. Invocation – The Rev. Sally Beth Shore, Unitarian Universalists of Transylvania County, 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 – Ms. Copelof asked that item M6 be added under New Business to discuss a letter to Dogwood Health Trust/HCA. Mr. Jones moved, seconded by Mr. Daniel, the agenda be approved as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Morrow moved, seconded by Ms. Copelof, the January 21, 2020 Regular Meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition –

G-1. Proclamation No. 2020-02 Teen Dating Violence Awareness Month. Mayor Harris read the proclamation aloud, however, there was no one there to accept it but it will be hand delivered to the recipient.

**Teen Dating Violence Awareness and Prevention Month, February 2020
Proclamation No. 2020-02**

WHEREAS, teens 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 girls and one in four boys in the United States are victims 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, 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, working with youth to help them build social-emotional skills, such as empathy, respect, healthy communication, and conflict resolution skills, promotes the development and expectation of mutually respectful, caring, and nonviolent relationships, 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 2020, 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 17th day of February, 2020.

H. Public Hearing(s) -

H-1. Voluntary Contiguous Annexation Petition-Transylvania County Historical Society Inc.

Mr. Bland gave a brief overview of the property in question and stated that this is a contiguous annexation request and given that it's in the City's ETJ, the service impact is minimal. It will give water and sewer and safety services to the house. Staff recommends approval of the proposed annexation. The Planning Board discussed the annexation request at their November 19, 2019 meeting and unanimously recommended approval.

Public Hearing Participation – Greg Hunter, Vice President of the Transylvania County Historical Society, said that he thinks this annexation would be good for them and good for the City. They're getting more attention and they will be getting City services that they greatly need. We're currently in a grey area for protection and this would clear that up for us.

Rachel Hall, a member of the Historical Society, said that there is also a preschool operating on the property, the Pisgah Collective, so they use the barn as an outdoor school year-round and that is another reason that we were conscious of services and clarity about who would be called if there were emergency services needed and such.

Mark McMinn said he lives across the street and wanted to know if the other side of the road where he lives would be included in the annexation. Mayor Harris explained that it would not unless he wanted to do a voluntary annexation as well.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:23 p.m.

H-2. Proposed Amendment to UDO Chapter 2 District Provisions and Chapter 19 Definitions – Build-to-Line Text Amendment.

Aaron Bland explained that the proposed text amendment mandates how close you can build to the property line. In November of last year, staff initiated a text and zoning map amendment that would create a build-to-line for new development in the core of downtown to ensure the traditional building style that makes downtown Brevard a human-scaled, pedestrian-friendly environment. The Planning Board

considered this amendment over two meetings, taking time to carefully identify the exact geographical boundary within which to apply it downtown.

The Planning Board considered this text and map amendment at their November 19, 2019 and January 21, 2020 meetings, ultimately voting unanimously to recommend the text amendment and district map.

Council agreed to the text amendment, however, changed the district map to include all the way to Duckworth Avenue and up to South Johnson Street.

Public Hearing Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:46 p.m.

I. Public Participation –

Torry Nergart spoke in favor of the African-American Storyline Project that will be largely in the Rosenwald neighborhood. It will have an incredible impact now and in the future. It can be done through signage, guided tours, self-guided tours and school field trips. I urge all members to vote for this project.

Rob Skeen explained that he put in an application to serve on the City's Parks, Trails and Recreation Board and wanted to introduce himself. He has a degree in recreation management and spends a lot of time working with camps. He is an avid outdoorsman and spends a lot of time on Bracken Mountain. He has also volunteered for the City whether it be at Franklin Park, Bracken Mountain and the skate park.

J. Special Presentation(s) – The African-American Storyline Project-Historic Signage

Nicola Karesh presented and explained that last year they applied for a grant for which they received \$23,000 for historic signage for local black history. We picked 34 signs and we have presented this particular project within the community, to the Parks, Trails and Recreation Committee and to the City Planning Department. We have our signage team members here tonight, Susan Threlkel, Torry Nergart and Edith Darity and examples of what the signs would look like and a description of each sign are included in your packet. The signs will be numbered and will go with a book that has been published.

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. Mac Morrow moved, seconded by Mr. Daniel, to add New Business items M1 Ordinance for Voluntary Annexation-Transylvania County Historical Society (which will be amended by the City Attorney to change the Metes and Bounds description) and M3 Historical Marker for Mom's Mably and be approved as amended. Motion carried unanimously.

K-1. Staff Reports:

- a. Financial Report for month ending January, 2020.
- b. Public Works Monthly Report, December, 2019.

K-2. Council Downtown Master Plan Committee Minutes-October 23, 2019.

K-3. Mary C. Jenkins Community Task Force Minutes-December 10, 2019.

K-4. Council Finance and Human Resources Committee Minutes-January 8, 2020.

K-5. Resolution No. 2020-03 Approving Property Tax Release, January, 2020.

RESOLUTION 2020-03

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 January 2020 property values from the tax scroll in the amount of:

\$ 337.65

Adopted this the 17TH day of February, 2020.

K-6. Tax Settlement Report for month ending January, 2020.

K-7. Report of Unpaid Taxes and Authorization to Advertise.

K-8. Ordinance No. 2020-02 FY19-20 Budget Amendment No. 4.

**ORDINANCE NO. 2020-02
AN ORDINANCE AMENDING THE FY2019-2020 BUDGET
AMENDMENT NO. FOUR**

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2019-14); Budget Ordinance Amendment No. 1 (Ordinance No. 2019-XX); Budget Ordinance Amendment No. 2 (Ordinance No. 2019-xx); Budget Ordinance Amendment No. 3 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 \$120,000 from \$11,229,457 to \$11,349,457 as shown as follows:

Appropriation of Fund Balance	<u>\$ 120,000</u>
TOTAL REVENUES	\$ 120,000

SECTION 02) General Fund Expenditures are hereby increased \$120,000 from \$11,229,457 to \$11,349,457 as shown as follows:

Transfer to Multi-Use Paths Fund	<u>\$ 120,000</u>
TOTAL EXPENDITURES	\$ 120,000

SECTION 23) Multi-Use Paths Fund Revenues are hereby increased \$120,000 from \$1,018,234 to \$1,138,234 as shown as follows:

Transfer from General Fund	<u>\$ 120,000</u>
TOTAL REVENUES	\$ 120,000

SECTION 24) Multi-Use Paths Fund Expenditures are hereby increased \$120,000 from \$1,018,234 to \$1,138,234 as shown as follows:

Existing Skate Park Expenditures	\$ 20,000
New Skate Park Expenditures	<u>\$ 100,000</u>
TOTAL EXPENDITURES	\$ 120,000

SECTION 33) That Revenues and Expenditures Section 1 through Section 32 of the Ordinance Amendment have increased \$240,000 from \$27,175,569 to \$27,415,569 as follows:

	Budget
General Fund	\$ 11,349,457
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	\$ 1,138,234
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	\$ 27,415,569

Adopted and approved this 17th day of February 2020.

K-9. Date Set for City Council Planning Session-March 19, 2020.

K-10. R-5605 Roundabout Update.

K-11. Wastewater Treatment Plant Facility and Performance Evaluation Consulting Agreement.

K-12. Correspondence (No Action. Offered as information only.)

a. City-County Building Permit Activity Report Month Ending January, 2020.

L. Unfinished Business - None

M. New Business -

M-2. Resolution No. 2020-04 Authorizing Update on Focus 2020 Community Report.

Mr. Fatland explained that at the last Downtown Master Plan Committee meeting, this item was on the agenda and the Committee felt that this item should come before Council to see if you would like the community to report back about the last 20 years and also look at areas that we accomplished that weren't on the report. Also, as we complete each of these focus groups, we will have an article posted in the Transylvania Times.

Susan Threlkel said that she talked with Leigh Trapp from the Transylvania Times to look for the graphics that were used and she would use each page per month beginning in April and give a background and show why we did it the way we did it. Then one focus group at a time so we can finish it by the end of the year.

Maureen Copelof added that she has had a few people come up to her and ask if we are going to go back and do that analysis. I think it is really important and it was a document that lead to accomplishments. I think we have an opportunity to show that all of this work resulted in great accomplishments and didn't just sit on a shelf.

Mr. Fatland said that we have a resolution prepared so we ask if City Council would like the committees to proceed with the Focus 2020 study. Mr. Daniel moved, seconded by Ms. Copelof, for the Council Committees to move forward with the Focus 2020 analysis. Motion carried unanimously.

RESOLUTION NO. 2020-04

RESOLUTION AUTHORIZING UPDATE ON FOCUS 2020 COMMUNITY REPORT

WHEREAS, Volume I, March 2000 of the Focus 2020 Community Report served as a summary of the responses and recommendations of the seven (7) Focus Groups; and

WHEREAS, the Seven (7) focus Groups were comprised of the following:

- Economic Development
- Environmental Quality
- Gateways, Corridors and Downtown
- Cultural, Educational and Recreational Enrichment
- Transportation
- Housing and Neighborhoods
- Public Safety and Health; and

WHEREAS, the City Council is desirous to receive an update on the Focus 2020 Community Report to see Goals and Objectives compared to accomplishments over the past twenty years; and

WHEREAS, the City Council is also desirous to receive an update on accomplishments that were not identified in the Focus 2020 Community Report.

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

Section 1. Brevard City Council hereby authorizes an update of the Focus 2020 Community Report Seven Focus Groups Goals and Objectives Compared to Accomplishments.

Section 2. Brevard City Council hereby authorizes an update of Accomplishments Not Identified in the Seven Focus Groups Goals and Objectives.

Section 3. That each Focus Group Report be presented over a seven-month period in the year 2020 as feature articles in the Transylvania Times.

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

Adopted this 17th day of February, 2020

M-4. Ordinance No. 2020-04 Proposed Amendment to UDO Chapter 2 District Provisions and Chapter 19 Definitions-Build-to-Line Text Amendment.

Mr. Daniel moved, seconded by Mr. Morrow, to accept the Ordinance with a modified overlay to include properties bounded by South Johnson Street and Morgan Street and also to the west to include properties to Duckworth, parking lots, PNC Building, as well as, the First Citizens parking lot, the City lot on Jordan Street and Caldwell Street, but not including the stone house. Motion carried unanimously.

M-5. Board and Committee Appointment(s). Mr. Morrow moved, seconded by Ms. Copelof that Judy Mathews be appointed to the Board of Adjustment. Motion carried unanimously. Ms. Dinkins moved, seconded by Mr. Daniel to appoint Rob Skeen to the Parks, Trails and Recreation Committee. Ms. Copelof, Mr. Morrow and Mr. Jones were nays, therefore the motion did not pass. Mr. Morrow moved, seconded by Ms. Copelof to appoint Rick Emaus to the Parks, Trails and Recreation Board. Mr. Jones was a yea and Mr. Daniel and Ms. Dinkins were nay. Motion carried by a vote of 3-2.

M-6. Letter to Dogwood Health Trust.

Ms. Copelof explained that she attended the town hall meeting looking at whether HCA is complying with the terms of their agreement. It was a standing room only crowd. I heard there were issues, but I was shocked to hear what was coming from our citizens, doctors, employees and I was surprised at the extent of our issues. We

need to take some action and look into this. I would strongly encourage you to send this letter and then follow up with the county to do the same thing. Thank you for supporting this.

Mr. Pratt added to send out two originals and that he is strongly in favor of this letter. Ms. Copelof moved, seconded by Mr. Jones to approve the drafted letter be sent to HCA, Dogwood Health Trust, Gibbins Advisors, Inc., and Josh Stein, NC Attorney General. Motion carried unanimously.

N. Remarks / Future Agenda Considerations

Mayor Harris apologized for not being at the last meeting but he was in Charlotte on City business and he thanked Mayor Pro Tem Mac Morrow for sitting in his place. Also, the City's audit was clean and balanced and there were no discrepancies.

Mr. Morrow asked the City Manager to congratulate Tom Whitlock.

Mr. Fatland congratulated Tom Whitlock and said he took and passed the fourth part of his exam so he will become a North Carolina Certified Local Government Finance Officer. Everyone on Council congratulated him.

Ms. Dinkins said that this went onto the consent agenda but she did a little bit of research on the Mom's Mabley issue, and talked to the administrator of the North Carolina Highway Historical Marker Program and I was told that the program is suspended for 2020 and the earliest they will accept applications is April of 2021. She did forward me a few applications that have been successful and what I did see is that their research papers are between 6 & 19 pages long and they have primary and secondary sourcing and bibliography so it's a little bit more than just filling out an application to be considered and I think maybe at a future meeting, we need to consider putting together a small committee to do that. The administrator, Ansley Wegner, was very encouraging. She thought that Mom's Mabley would be a great prospect for this program to get a marker but there's a lot of work that we would have to put into it. She said that one of the things that applicants were not successful in doing is that they just focus on the fame of the person or the building. It actually has to talk about the life and legacy of the person.

Mr. Jones thanked the members of the Mary C. Jenkins Community Task Force. They are probably one of the hardest working Boards that I've been a part of whose attendance is always excellent. I'm excited about the Mom's Mabley going on consent and the African-American Project as well, so I'm excited about them. I'd also like to thank Council for seeing the vision that we see, so thank you.

Ms. Copelof gave a big thank you to the staff for the fast turnaround on the HCA letter. I will be going to represent the City at the Main Street Conference in March. Once again this year your elected officials are in the adult spelling bee on March 21st at the Lumberyard starting at 5:30 for the Augustine Literacy Project. Please come out and support us.

Mr. Fatland said I'd rather be here than in Charlotte and Mr. Morrow ran a good meeting, so thank you.

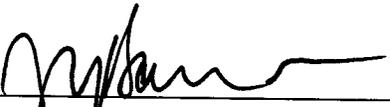
Attorney Pratt said that it is appropriate to go into closed session upon motion and vote. Also, the Wake Forest University sports program, they are next to last in the ACC and there's only one team behind them. North Carolina.

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.

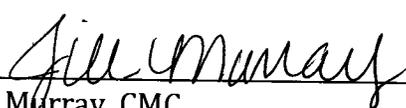
Closed Session #1 - At 8:46 p.m. Mr. Morrow moved, seconded by Ms. Copelof to enter into closed session to discuss a matter of potential litigation and clear Council Chambers. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager and Finance Director Jim Fatland, City Clerk Jill Murray, Planning Director Paul Ray and Assistant Planning Director Aaron Bland. (A ten minute break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session - At 9:09 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. Morrow moved, seconded by Mr. Jones, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:09 p.m.



Jimmy Harris
Mayor



Jill Murray, CMC
City Clerk

Minutes Approved: April 20, 2020