

**MINUTES  
BREVARD CITY COUNCIL  
Regular Meeting  
June 6, 2022 – 5:30 PM**

The Brevard City Council met in regular session on Monday, June 6, 2022, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

**Staff Present** – City Attorney Mack McKeller, Interim City Manager Steve Harrell, City Clerk Jill Murray, Finance Director Dean Luebbe, Assistant Planning Director Aaron Bland, Human Resources Director Kelley Craig.

**Press** – Jon Rich, Transylvania Times

**A. Welcome and Call to Order** – Mayor Copelof called the meeting to order and welcomed those present.

**B. Invocation** – Pastor Tyler Littrell of Biltmore Church Brevard Campus offered an invocation.

**C. Pledge of Allegiance** - Mayor Copelof led the pledge of allegiance.

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

**E. Approval of Agenda** – Mr. Daniel asked that Item M-4 Board and Committee Appointments be moved to Item K-17 under Consent. Ms. Dinkins asked that Item K-2 Audit Contract for Year Ending June 30, 2022, K-6 Ordinance-Clemson Plaza Project \$440,000 and Item K-10 Ordinance Overnight Parking Prohibited in City-Owned Lots be removed from Consent and be moved under New Business as items M4, M5 & M6. Mr. Morrow moved, seconded by Mr. Jones to approve the agenda as amended. Motion carried unanimously.

**F. Approval of Minutes** – Mr. Jones moved, seconded by Mr. Morrow to accept the minutes from the May 16, 2022 meeting. Motion carried unanimously.

**G. Public Comment** –

Rodney Locks of 187 Rice Street, Brevard, said I encourage you to develop a plan to handle gun violence and mass shootings in our community. Because we are one of the communities that has not had a mass shooting we can learn from others and with a clear head, plan for such a crisis in Brevard. This past Memorial Day, a group of us assembled at the courthouse to express outrage at gun violence in our nation and the mass shootings that are killing people in record numbers in large and small communities. We urged elected officials at the National and State levels to do something about gun reform and stopping the killings. Today they are still debating what to do. While we at the local community level know we are the ones who must deal with the victims, the injured, the grieving and support families. We also know that the gun violence of today is not the same as it was back in the day. Back in the Day, we had a program, see something, and say something to encourage the public not to be bystanders. We needed their help to alert the first responders so that they could react and save lives. In today's program, the public is asked if they see something on social media to report what you know or suspect. Back in the Day we had first aid kits with bandages, iodine and gauze to treat wounds. Today, the American College of Surgeons is offering a course called Stop the Bleed to encourage the public to become trained, equipped and empowered to help in a bleeding emergency before professional help arrives. I think Council should sponsor that course. Make plans to save lives in cases of gun violence. Train and empower the public to help you save lives in Brevard and Transylvania County.

Charles Gardin of 69 North Lane, Brevard, talked about the curbing on his street and how the property across from his drains onto his property. New construction is going on but no one is addressing this issue and I have been here before to talk about this. This has been going on since 2008. I've called coding, I've called City Police. I'm waiting for a curb to be put in front of my house to keep the water from coming into my yard. I haven't heard from anyone.

## **H. Certificates/Awards/Recognition –**

### **H-1. Proclamation No. 2022-12 Juneteenth. Mayor Copelof read the proclamation aloud.**

#### **PROCLAMATION NO. 2022-12 JUNETEENTH**

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, declaring the slaves in Confederate territory free, paving the way for the passing of the 13th Amendment which formally abolished slavery in the United States of America; and

WHEREAS, word about the signing of the Emancipation Proclamation was delayed some two and one half years, to June 19, 1865, in reaching authorities and African-Americans in the South and Southwestern United States; and

WHEREAS, Emancipation Day observations are held on different days in different states in the South and Southwest, and in other parts of the nation; and

WHEREAS, June 19th has a special meaning to African-Americans, and is called "JUNETEENTH" combining the words June and Nineteenth, and has been celebrated by the African-American community for over 150 years; and

WHEREAS, the annual Juneteenth celebration in the City of Brevard will take place at the Silversteen Playground on June 19, 2022.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby declare June 19<sup>th</sup>, 2022, as JUNETEENTH in the City of Brevard, North Carolina, and urge all citizens to become more aware of the significance of this celebration in African-American History and in the heritage of our nation and City.

Proclaimed this the 6<sup>th</sup> day of June, 2022.

## **I. Special Presentation(s) –**

### **I-1. Update on Transylvania Economic Alliance-Burton Hodges, Executive Director.**

Burton Hodges, Executive Director of the Transylvania Economic Alliance gave a PowerPoint Presentation giving an overview of who they are, what companies they've brought to Brevard, their target markets, what their strategic goals are, and Board updates. He asked for City Council's help in replacing Al Platt's position on their Board.

### **I-2. Blue Zones-Sarah Hanky.**

Sarah Hanky, Places Lead for Blue Zones, presented a brief presentation about Brevard becoming the 50<sup>th</sup> Blue Zones Certified Community and that she is excited to have us as partners.

Ms. Dinkins said she is skeptical of Blue Zones and struggles with what exactly they do and was confused as to when and why we started a Wellness Committee.

## **J. Public Hearing(s) –**

### **J-1. City Camper, LLC, Extend the Heart of Brevard Municipal Service District.**

Mr. Bland explained that in May, the City Clerk received a petition from City Camper LLC to be annexed into the Heart of Brevard Municipal Service District. This

petition is for the same properties that make up the Brevard Hotel Conditional Zoning District, which was approved by Council via Ordinance No. 2021-17 on April 21, 2021. The right of the City to annex these parcels into the HOB MSD was a condition of the agreement of sale between City Camper LLC and the City. At the May 16<sup>th</sup> Council meeting, the petition was presented to Council and the public hearing was scheduled. Council also directed staff to prepare the required informational report to be made available for public inspection in the office of the City Clerk two weeks prior to the public hearing. Extension of service districts such as the HOB MSD are covered by General Statute 160A-538.

Public Hearing Public Participation – Linda Locks spoke and said when I was growing up here, I did not know about the Heart of Brevard and when I saw this on the agenda, I wondered how it was going to affect that community and will that area have to be rezoned and what will it be if it has to be rezoned? What will it do to property values?

Public Hearing Closed – There being no further questions or comments, Mayor Copelof closed the public hearing at 6:25 p.m.

Mr. Baker asked if we can request that a representative be here from the Heart of Brevard and City Camper. Attorney McKeller said that this is a requirement from us that they petition. We asked them to do this which is why they're not here tonight. Mr. Baker said that his questions are more about expansion in general for the Heart of Brevard.

Ms. Dinkins said that this hearing is lacking the two representatives telling us why this is a good thing. This is like zoning, in that it only works when a property owner petitions to become part of it correct? Attorney McKeller said yes.

Mr. Morrow moved, seconded by Mr. Baker to approve the annexation and ordinance as presented and this will come back in front of Council on June 20<sup>th</sup>. Motion carried unanimously.

**K. Consent and Information** - Consent Agenda items are considered routine and are enacted by one motion. Mayor Copelof read aloud the items listed and asked for a motion to approve the consent agenda. Mr. Morrow moved, seconded by Mr. Baker to approve the consent agenda as amended. Motion carried unanimously.

**K-1. Public Works Staff Report-April, 2022.**

**K-3. Quarterly Financial Report, April, 2022.**

**K-4. Ordinance No. 2022-29 Capital Project Ordinance to Establish Project for Whitmire Waterline Improvements.**

**ORDINANCE NO. 2022-29  
CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT  
FOR WHITMIRE WATERLINE IMPROVEMENTS**

**BE IT ORDAINED** by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1:** The Whitmire Waterline Improvement Project will replace an existing waterline which currently runs under a number of homes into the public right of way. The project will also increase fire flow in the neighborhood.

**Section 2:** The project was initiated in July of 2021, and is expected to be completed by January of 2023. The project is funded in the FY22-23, through a \$556,000 transfer from the ARPA Fund.

**Section 3:** The following amounts are appropriated for the project:

<b>Account Number</b>	<b>Account Name</b>	<b>Budget Amount</b>
31-8540-5000	Whitmire St Waterline	\$556,000
<b>TOTAL PROJECT APPROPRIATION</b>		<b>\$556,000</b>

**Section 4:** The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
31-3760-1660	Tr from ARPA - Whitmire	\$556,000
<b>TOTAL PROJECT REVENUE</b>		<b>\$556,000</b>

**Section 5:** The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 6:** Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

**Section 7:** The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

**Section 8:** The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

**Section 9:** Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

**ADOPTED** by the City Council of the City of Brevard, North Carolina, on this 6<sup>th</sup> day of June, 2022.

**K-5. Ordinance No. 2022-30 Capital Project Ordinance to Establish Project for Main Street Water and Sewer Improvements.**

**ORDINANCE NO. 2022-30  
CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT  
FOR MAIN STREET WATER AND SEWER IMPROVEMENTS**

**BE IT ORDAINED** by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1:** The Main Street Water and Sewer Project will replace existing water and sewer service lines on Main Street between Oaklawn Avenue and Gaston Street.

**Section 2:** The project was initiated in September of 2021, and will coincide with the NCDOT repaving of Main Street. The City is expecting the project to be completed by August of 2023.

**Section 3:** The following amounts are appropriated for the project:

Account Number	Account Name	Budget Amount
31-8540-4800	Main St. Water & Sewer	\$600,000
<b>TOTAL PROJECT APPROPRIATION</b>		<b>\$600,000</b>

**Section 4:** The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
31-3760-1650	Tr from ARPA -Main St	\$600,000
<b>TOTAL PROJECT REVENUE</b>		<b>\$600,000</b>

**Section 5:** The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 6:** Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

**Section 7:** The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

**Section 8:** The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

**Section 9:** Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

**ADOPTED** by the City Council of the City of Brevard, North Carolina, on this 6<sup>th</sup> day of June, 2022.

**K-7. Ordinance No. 2022-32 Capital Project Ordinance to Establish Project to Construct the Stormwater Improvements on Phase 1 of the Estatoe Trail.**

**ORDINANCE NO. 2022-32  
CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT  
TO CONSTRUCT THE STORMWATER IMPROVEMENTS ON  
PHASE 1 OF THE ESTATOE TRAIL**

**BE IT ORDAINED** by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1:** The City continues to be committed to providing a complete and robust trail system which will allow residents and visitors to freely and safely move about the area.

**Section 2:** A portion of the Estatoe Trail between the Railroad Avenue Depot and Main Street required stormwater improvements. Currently, \$170,354 has been expended on this project, and the City expects the project to be completed by August of 2022.

**Section 3:** The following amounts are appropriated for the project:

Account Number	Account Name	Budget Amount
31-8540-4700	Estatoe - Phase 1 - Stormwater	\$420,000
<b>TOTAL PROJECT APPROPRIATION</b>		<b>\$420,000</b>

**Section 4:** The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
31-3760-1900	Tr from ARPA - Phase 1	\$420,000
<b>TOTAL PROJECT REVENUE</b>		<b>\$420,000</b>

**Section 5:** The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 6:** Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

**Section 7:** The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

**Section 8:** The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

**Section 9:** Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

**ADOPTED** by the City Council of the City of Brevard, North Carolina, on this 6<sup>th</sup> day of June, 2022.

**K-8. Ordinance No. 2022-33 Capital Project Ordinance to Establish Project for Times Arcade Alley Improvements.**

**ORDINANCE NO. 2022-33  
CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT  
FOR TIMES ARCADE ALLEY IMPROVEMENTS**

**BE IT ORDAINED** by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1:** The Project will create a subsurface stormwater conveyance system and relocate utility service lines from overhead to underground in the Times Arcade Alley.

**Section 2:** The Times Arcade Alley Improvement Project is a small portion of the overall Downtown Master Plan Project, which ultimately will provide infrastructure and other improvements to much of the downtown district.

**Section 3:** The following amounts are appropriated for the project:

<b>Account Number</b>	<b>Account Name</b>	<b>Budget Amount</b>
83-4900-4550	Times Arcade Alley Improvements	\$550,000
<b>TOTAL PROJECT APPROPRIATION</b>		<b>\$550,000</b>

**Section 4:** The following revenues are anticipated to be available for project expenses:

<b>Account Number</b>	<b>Account Name</b>	<b>Budget Amount</b>
83-3020-0000	Transfer from General Fund	\$192,900
83-3020-0100	Transfer from ARPA	\$357,100
<b>TOTAL PROJECT REVENUE</b>		<b>\$550,000</b>

**Section 5:** The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 6:** Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

**Section 7:** The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

**Section 8:** The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

**Section 9:** Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

**ADOPTED** by the City Council of the City of Brevard, North Carolina, on this 6<sup>th</sup> day of June, 2022.

**K-9. Ordinance No. 2022-34 Declaring Multiple Road Closures for Special Events.**

**ORDINANCE NO. 2022-34**

**AN ORDINANCE DECLARING MULTIPLE ROAD CLOSURES FOR SPECIAL EVENTS**

**WHEREAS**, Brevard City Council acknowledges a tradition of providing for festivals and special events downtown for the pleasure and enjoyment of citizens and visitors alike; and,

**WHEREAS**, Brevard City Council acknowledges that festivals and special events provide an opportunity for family-oriented activities that celebrate our small-town charm; and,

**WHEREAS**, Brevard City Council acknowledges these events require NCDOT system roads to be closed for setup, activities, and cleanup; and,

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

**SECTION 1.** Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

**July 4<sup>th</sup> Celebration**

**Date:** Monday, July 4, 2022  
**Time:** 8:00 AM – 6:00 PM  
**Route Description:** Main Street (U.S. 64) from Johnson Street to Caldwell Street; Broad Street (U.S. 64/U.S. 276) from Probart Street to Oakdale Street; Jordan Street (City street) from Gaston Street to Caldwell Street.

**SECTION 2.** Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

**Halloweenfest**

**Date:** Saturday, October 29, 2022  
**Time:** 7:00 AM – 5:00 PM  
**Route Description:** Main Street (U.S. 276) from Caldwell Street to Johnson Street; Broad Street (U.S. 64) from French Broad Street to Morgan Street; Jordan Street (City street) from Gaston Street to Caldwell Street.

**SECTION 3.** This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 6<sup>th</sup> day of June 2022.

**K-11. Reduction of Speed Limit on Caldwell Street from 35mph to 30mph.**

**K-12. Council Finance & Human Resources Committee Minutes-January 3, 2022.**

**K-13. Housing Trust Fund Selection Committee Minutes-April 12, 2022.**

**K-14. Council Parks, Trails & Recreation Committee Minutes-April 20, 2022.**

**K-15. Council Public Safety Committee Minutes-April 25, 2022.**

**K-16. Correspondence (No Action. Offered as information only.)**

**a. Transylvania County Building Permit Activity Report-April, 2022.**

**K-17. Board and Committee Appointment(s) – ABC Board.**

**L. Unfinished Business – None**

**M. New Business**

**M-1. City of Brevard Lease for Ecusta Trail.** Ms. Dinkins and Mr. Baker both agreed that there is a lack of leadership from the County and that the City should publish a list of those who have endorsed the trail and a list of those who have not. Ms. Dinkins moved, seconded by Mr. Baker to approve the lease for the Ecusta Trail.

**M-2. Resolution No. 2022-17 Declaring the Intent of the Brevard City Council to Consider the Closing of a Portion of Street So Named Oak Street.** Mr. Bland explained that the City Clerk received a petition from Richard C. Dowdy, Nancy C. Dowdy and Jillian Sapp to close a portion of a public street which is portion of the unopened right-of-way known as Oak Street running between 517 & 561 Park Avenue, approximately 211 feet in length and 0.189 acres in size. Staff's recommendation is to approve the resolution to hold a public hearing on the matter. Ms. Dinkins asked to table the matter until we see a full list of unopened streets, however, the motion failed. Mr. Morrow moved, seconded by Mr. Jones to approve the Resolution Declaring Intent of the Brevard City Council to Consider the Closing of a Portion of Street So Named Oak Street but Council would also like to see the list of unopened streets for review. Motion carried unanimously.

## RESOLUTION NO. 2022-17

**A RESOLUTION DECLARING THE INTENT OF THE BREVARD CITY COUNCIL TO CONSIDER THE CLOSING OF A PORTION OF STREET SO NAMED OAK STREET.**

**WHEREAS**, North Carolina General Statutes 160A-299 authorizes the City Council to permanently close public streets and alleys; and

**WHEREAS**, the City has received a petition from Richard C. Dowdy, Nancy C. Dowdy, and Jillian Sapp, to permanently close a portion approximately 0.189 acres in size of a public "street" which in actuality is an unimproved right-of-way as depicted in the following plat references: PB1/PG37, PF11/SL253, PF14/SL46, and the following deed references: BK390/556, BK878/830, BK889/PG706; and

**WHEREAS**, the City Council shall conduct a Public Hearing for the purpose of giving consideration to permanently closing a portion of the aforementioned street.

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

**SECTION 1.** That a Public Hearing will be held at 5:30 PM, or as soon thereafter as possible, on Monday, August 15, 2022, in Council Chambers located at 95 West Main Street, Brevard, North Carolina, to consider an Order to permanently close said public street.

**SECTION 2.** The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Transylvania Times prior to the Public Hearing.

**SECTION 3.** The City Clerk is further directed to transmit by Certified Mail, Return Receipt Requested, to each owner of property abutting on said street a copy of this Resolution of Intent, and shall cause a notice of the Public Hearing to be prominently posted in at least two places along the street.

**SECTION 4.** This Resolution of Intent shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 6<sup>th</sup> day of June 2022.

~~ At 6:55 PM Mayor Copelof called for a ten minute recess ~~

**M-3. Ordinance-Amendment to Brevard code of Ordinances Chapter 70-Utilities.** Mr. Harrell explained that the City of Brevard has a practice of adjusting a customer's water and sewer monthly charges if there is a leak, up to two times in a 12-month period. This adjustment occurs whether or not the leak is one that does not enter the sewer system, like a busted water line, or one a leak that does enter the sewer system, like a leaking toilet. This current practice costs the City approximately \$80,000 annually in lost water and sewer collections. An alternative to the current City's practice would be to bill a customer for any water usage, to include leaks and to only adjust a customer's sewer bill when the water leak does not enter the sewer system. Large leaks can be handled through a payment plan arrangement, for say, up to 12 months. This alternative was presented to the City Council Finance & Human Resources Committee at its May 16<sup>th</sup> meeting and the Committee recommends to City Council amending the Code of Ordinances to reflect this alternative. After much discussion Ms. Dinkins moved, seconded by Mr. Morrow to table the ordinance and send it back to Mr. Harrell and Mr. Luebbe to discuss and come up with alternatives. Motion carried unanimously.

**M-4. (K-2.) Audit Contract for Year Ending June 30, 2022.** Ms. Dinkins pulled this from consent and asked if it is customary for the City to use the same auditors for so many years as we have had some corrections in the past and the auditors never caught any of them or do we leave this up to the City Manager and Finance Director? Mr. Luebbe said that the job of the auditor is to provide us with materially accurate financial statements. In the future, I think our costs will go down because there are things that I usually do that we have been paying our auditors to do. Mr. Harrell added that to be able to provide an audit by August 1<sup>st</sup>, we need to stay with our current auditors but if Council would like to put out a request for qualifications for other auditors, the proper time to do that would be in the fall. Ms. Dinkins asked for Council to open it up for qualifications in the fall. Ms. Dinkins moved, seconded by Mr. Morrow to approve the audit contract as presented. Motion carried unanimously.

**M-5. (K-6.) Ordinance No. 2022-31 Capital Project Ordinance to Amend Ordinance No. 2016-04 Clemson Plaza.** Ms. Dinkins pulled this from consent and asked about the hiccups with regards to the ADA parking lot and why we had extra costs associated with that. Mr. Harrell said that the contract did not have the proper liability language in it to hold the architect liable so we did the change order and took care of it. Ms. Dinkins said she would like to know the cost of that error and said we need to go back to the architect and ask if he will reimburse the City for the cost of the mistake and he should have known the ADA requirements and if the architect will not cooperate, then have Attorney McKeller tell us what else can be done. Ms. Dinkins moved, seconded by Mr. Baker to approve the ordinance as presented. Motion carried unanimously.

**ORDINANCE NO. 2022-31  
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE  
NO. 2016-04, CLEMSON PLAZA**

**BE IT ORDAINED** by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

**Section 1:** The budgeted revenues and expenditures listed under the original ordinance (2016-04) will be cancelled and replaced with the amounts listed under sections 3 and 4 of this document. The City expects to have this project completed by June of 2022.

**Section 2:** The project was initiated by City Council in 2016 to further enhance downtown, "as a place for community and commerce," and is better described as an interactive sidewalk for a unique pedestrian experience. This area has become the travel path into Brevard from the south on Caldwell Street.

**Section 3:** The following amounts are appropriated for the project:

<b>Account Number</b>	<b>Account Name</b>	<b>Budget Amount</b>
83-6200-4500	Clemson Plaza	\$440,000
<b>TOTAL PROJECT APPROPRIATION</b>		<b>\$440,000</b>

**Section 4:** The following revenues are anticipated to be available for project expenses:

<b>Account Number</b>	<b>Account Name</b>	<b>Budget Amount</b>
83-3030-0000	Fund Balance Approp	\$440,000
<b>TOTAL PROJECT REVENUE</b>		<b>\$440,000</b>

**Section 5:** The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 6:** Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

**Section 7:** The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

**Section 8:** The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

**Section 9:** Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

**ADOPTED** by the City Council of the City of Brevard, North Carolina, on this 6<sup>th</sup> day of June, 2022.

**M-6. (K-10.) Ordinance-Overnight Parking Prohibited in City-Owned Lots.** Mr. Harrell explained that currently, the Brevard Code of Ordinances does not address the prohibition of overnight parking in City-owned parking lots. The only mentioned use of City-owned parking lots with regard to parking too long is the section

below. The Code does not address vehicles parking overnight in City-owned parking lots. There are cases of vehicles remaining overnight, or longer, in City-owned parking lots. This matter was taken up by the Council's Public Safety Committee on May 23<sup>rd</sup> and it was recommended that, if a new ordinance prohibiting overnight parking of privately owned vehicles and trailers in City-owned parking lots is adopted, it should be for all City-owned parking lots, whether in the downtown business district or located somewhere else; i.e., the Train Depot parking lot, the Brevard Athletic Fields parking lot, and the soon-to-be Mary C. Jenkins Community Center parking lot. The only allowable overnight parking is restricted to government-owned vehicles and trailers and/or permitted City employee-owned vehicles (i.e., when employees are on City business trips overnight using City-owned vehicles for the trip). The Public Safety Committee recommends to City Council an amendment to the Code prohibiting this overnight practice of parking privately owned vehicles and trailers in City-owned parking lots. After some discussion about the length of time (24 hours) Mr. Baker moved, seconded by Mr. Daniel, to table the ordinance and bring it back to the Public Safety Committee for reconsideration. Motion carried unanimously.

#### **N. Remarks/Future Agenda Considerations.**

Mr. Baker said with regards to the Housing Trust Fund Committee, thank you to Emily Brewer who did a presentation and it was really well done and you could tell it was well researched. It's the kind of proactive thinking that we really need when we talk about housing. Also, I'd like to thank the Planning Department and Emily in particular. Some of the examples given in those housing solutions were from much bigger cities.

Ms. Dinkins wanted to clarify that we're working on the procedures manual and that will include committees as well, because staff who does not live in the city are still making motions and we need to address that. We also keep seeing the same people running for boards instead of getting new ones. I feel like if we had a real process in place, a way for people to see what vacancies are upcoming and an online modern way for people to apply, we could get some new people. I'd like to echo what Aaron said about the Housing Trust Fund Committee and I would like to see a special presentation on this and Emily seems to be doing an amazing job and there's a lot of interesting stuff going on and I think the public would like to hear and benefit from and so I would like to see that on a future agenda. Tonight we heard from Blue Zones for the second time in three months and I'm curious to know if we have a limitation on how many times an organization can come and speak. I didn't understand why Sarah was here. If it was an announcement, it didn't need a presentation. I think we should make it that organizations can only speak so many times per year.

Mr. Jones said I'd like to mention that the Community Relations Board has been very involved and we have a girl that started a bilingual club and its very popular. I didn't get a chance to go to the White Squirrel Weekend this year but thank you to all of our service providers that kept us safe. I want to officially take a moment to reflect on what's been going on in our country with violence in our country. We, as leaders, need to stand up and be heard.

Mayor Copelof echoed what Councilman Jones said, I want to thank staff and our partner, the Heart of Brevard, with the White Squirrel Weekend. We had an incredible number of volunteers stepping forward, police, fire, public works crews. It's the first one we've had in two years. I also want to acknowledge the vomments Mr. Jones made. We had a community vigil just to honor victims of gun violence that recently happened. We have to be aware of this and that it can happen anywhere. We need to start coming together as a country and figure out how we're going to solve this. We have our Juneteenth celebration on June 19<sup>th</sup>. We are opening the pool this coming weekend on Friday, June 10<sup>th</sup> and the pool will only be open on Fridays, Saturdays and Sundays because we are still short on lifeguards. Meet the Mayor is on June 23<sup>rd</sup> from 10:00am-11:30am at Heart of Brevard and that's an opportunity for the community to bring up any issue and/or concerns to the Mayor.

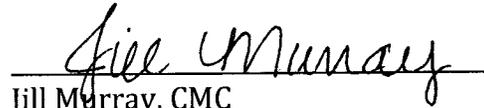
**O. Closed Session(s)**

**Closed Session #1** - At 7:56 p.m. Mr. Jones moved, seconded by Mr. Morrow to enter into closed session for a personnel matter and clear Council Chambers. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the Interim City Manager Steve Harrell and City Clerk Jill Murray.

Council Returned to Regular Session - at 9:18 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. Daniel, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:19 p.m.

  
Maureen Copelof  
Mayor

  
Jill Murray, CMC  
City Clerk

Minutes Approved: June 20, 2022