

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
November 16, 2020 – 5:30 PM**

The Brevard City Council met in regular session on Monday, November 16, 2020, at 5:30 p.m. in the Multipurpose Chambers-County Administration Building with Mayor Jimmy Harris presiding. The meeting was held at the County as they have the technical equipment for us to stream our meeting live on their website, the City's website and Facebook. Due to COVID19 restrictions, we kept the amount of people at the meeting according to the Governor's orders.

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, Finance Director and City Manager Jim Fatland, City Clerk Jill Murray, Planning Director Paul Ray, Assistant Planning Director Aaron Bland and Police Chief Phil Harris.

Press – None

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 – Pastor Marc Reynolds of Little River Baptist Church offered an invocation.

C. Pledge of Allegiance - Mayor Harris led the pledge of allegiance.

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

E. Approval of Agenda – Mr. Morrow moved, seconded by Mr. Daniel that the agenda be approved as presented. Motion carried unanimously.

F. Approval of Minutes – Mr. Morrow moved, seconded by Mr. Jones, the October 19, 2020 Regular Meeting Minutes be approved as presented. Motion carried unanimously.

G. Certificates/Awards/Recognition -

G-1. Proclamation No. 2020-11 Thanksgiving. Mayor Harris read and presented the Proclamation to Pastor Marc Reynolds.

**PROCLAMATION NO. 2020-11
THANKSGIVING**

As our Founding Fathers recognized their dependence on God and the work of His hand in their lives and this nation, let us again humbly acknowledge God and His protection and provision for us today, across the nation and in our community. In the midst of all the chaotic events in our nation and around the world, we are reminded that security and liberty continue in our nation only because of God's loving care. We are able to wake each morning and exercise the right to life, liberty, and the pursuit of happiness; to worship freely and openly; and to go through each day without fear for our lives. For those, and countless other blessings, we thank Him;

Furthermore, we bend our knees to ask Him to revive and uphold godliness in the lives of the men and women in our nation and our community;

With freedom comes the responsibility for obedience to God and His commands, and so we confess our sins as a nation and ask His forgiveness as we pursue peace, justice righteousness, and His favor. With grateful hearts, we praise God for His longsuffering, kindness, mercy and goodness.

Adopted and approved this the 16th day of November, 2020.

G-2. Proclamation No. 2020-12 I Heart BC Day. Mayor Harris read the proclamation aloud, however, no one was able to be there to receive it.

**PROCLAMATION NO. 2020-12
I Heart BC Day on December 1, 2020**

WHEREAS, the Tuesday following Thanksgiving is being celebrated as I Heart BC Day, a day to celebrate the vital role that Brevard College plays in the artistic and educational culture that makes the city of Brevard unique; and

WHEREAS, Brevard College has remained an anchor institution in the community throughout the global pandemic through safely maintaining and growing educational opportunities and the arts in Transylvania County; and

WHEREAS, Brevard College strengthens our city by serving as an economic engine, employing over 200 people, hosting more than 750 students who patronize local businesses and non-profits, and generating over \$36.4 million annually*; and

WHEREAS, Brevard College also serves as a front porch to the City of Brevard and Transylvania County by providing safe, outdoor space to residents and visitors to experience the beauty and hospitality of campus; and

WHEREAS, The City of Brevard promotes and supports education for its citizens and Brevard College, the "School of Opportunity in the Mountains," is committed to educating a future generation of students who will continue to serve Western North Carolina;

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council do hereby proclaim and recognize that Tuesday, December 1, 2020 is I Heart BC Day, and encourage all citizens in Brevard to demonstrate their appreciation of Brevard College.

Adopted and approved this the 16th day of November, 2020.

H. Public Hearing(s) – None

I. Public Participation –None

J. Special Presentation(s) – None

K. Consent 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 any other items for discussion. Mr. Morrow moved, seconded by Ms. Copelof to approve the consent agenda as presented. Motion carried unanimously.

K-1. Staff Reports:

a. Financial Report for month ending October, 2020.

K-2. Resolution No. 2020-30 Approving Property Tax Releases.

RESOLUTION 2020-30

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

2020: \$1,322.46

Adopted this the 16th day of November, 2020.

K-3. Tax Settlement Report for month ending October 31, 2020.

K-4. Resolution No. 2020-31 Fixing a Date of Public Hearing on the Question of Annexation Pursuant to NCGS 160A-31, as Amended.

**RESOLUTION NO. 2020-31
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 August 11, 2020, requesting the annexation of a contiguous area described in said Petition as two parcels on Fisher Road property located in Brevard, NC, 28712, consisting of 0.21879474 acres, be annexed into the City of Brevard. (Tax Property Identification Numbers: 8586-64-0931-000; 8586-64-0994-000; 8586-64-0857-000); and,

WHEREAS, the Brevard City Council has by Resolution No. 2020-26 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 Jackson Wine, will be held at Brevard City Hall at 5:30 P.M. on the 7th day of December, 2020.

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

Location:

Parcel One:

BEGINNING on an iron pin the West margin of Fisher Road, S.R. #1356, said iron pin being the northeast corner of Lot No. 5 and the southeast corner of Lot No. 6 of the McMinn, Verdery, Shipman and Whitmire Subdivision; and runs thence with the west margin of Fisher Road, North 28 deg. East 40 feet to a stake; thence leaving said road S 72 deg. West, 143 feet to a stake in the East margin of Elliott Road; thence with the East margin of said road, South 36 deg. West (passing an iron pin the southwest corner of Lot No. 6 and northwest corner of Lot No. 5 at 40 feet) 80 feet to a stake; thence North 72 deg. East, 158 feet to a stake in the West margin of the aforesaid Fisher Road; thence with the West margin of Fisher Road, North 28 deg. East, 40 feet to the point of BEGINNING.

Being the northern two-thirds of Lot No. 5 and the southern two-thirds of Lot No. 6 of the McMinn, Verdery, Shipman and Whitmire Subdivision as found in Plat Book 1, page 114, office of the Register of Deeds for Transylvania County.

Parcel Two:

BEGINNING at a stake in the western margin of Fisher Road (SR 1356) said stake being the Northeast corner of Lot No. 1 and the Southeast corner of Lot No. 4, and runs thence with the western margin of said Fisher Road, North 28 deg. East 80 feet to a stake; thence North 72 deg. West 158 feet to a stake in the East margin of Elliott Road and in the Western line of Lot No. 5; thence with the Eastern margin of Elliot Road, South 36 deg. West 80 feet to a stake, the Southwest corner of Lot No. 4 and the Northwest corner of Lot No. 3; thence with the Northern line of Lots 2, 3, and 4, South 72 deg. East 165 feet to the BEGINNING.

BEING all of Lot No. 4 and the Southern one-third of Lot No. 5 of the McMinn, Shipman, Verdery and Whitmire land as surveyed by A.L. Hardin on November 20, 1913, which plat is recorded in the Office of the Register of Deeds for Transylvania County in Deed Book 33, Page 19, and in Plat Book 1, Page 114.

Together with (and less) the property added (and conveyed) pursuant to the Boundary Agreement recorded in Document Book 881, Page 352.

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 16th day of November, 2020.

K-5. Resolution No. 2020-32 to Adopt a Sewer System Asset Management and 10-Year CIP.

RESOLUTION NO. 2020-32

RESOLUTION BY CITY COUNCIL OF BREVARD

- WHEREAS, The City of Brevard has need for and intends to construct a wastewater collection system project described as the Azalea/Rhododendron Sewer Line Extension, and
- WHEREAS, The City of Brevard intends to request State grant assistance for the project, and
- WHEREAS, The NCDEQ CDBG-I Program requires a specific format and content for an Asset Management Plan and Capital Improvement Plan,

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

That City of Brevard, adopts a Sewer System Asset Management Plan and 10-Year Capital Improvement Plan, based on the City's current Wastewater Collection Improvement Plan and the FY20-FY24 Water and Sewer Enterprise Fund Capital Improvement Plan.

Adopted this the 16th day of November, 2020 at Brevard, North Carolina.

K-6. Comprehensive Land Use Plan Update.

K-7. Amend 2020 City Council Meeting Schedule to Change the December 21st Meeting to December 7th.

K-8. Adopt 2021 City Council Meeting Schedule.

K-9. Set Date for Special Closed Session.

K-10. Update Fee Schedule-RR Avenue Depot & Permit Extension Fee.

K-11. Council Public Works and Utilities Committee Minutes-August 12, 2020.

K-12. Council Parks, Trails & Recreation Committee Minutes-September 16, 2020.

K-13. Council Downtown Master Plan Committee Minutes-September 17, 2020.

K-14. Council Downtown Master Plan Committee Minutes-September 24, 2020.

K-15. Council Downtown Master Plan Committee Minutes-October 15, 2020.

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

- a. Transylvania County Building Permit Activity, October 2020.

L. Unfinished Business -

L-1. Introduction to Signs Text Amendments III.

Aaron Bland again explained that staff is pushing for Council to adopt this mostly for legal reasons. We really need to get the legal aspect wrapped up as fast as we can, preferably by the end of the year to avoid legal issues of Brevard's regulations violating the 1st Amendment. If Council would like to consider specifics of the ordinance beyond the free speech issues, such as allowed sizes of signs, discussion on those issues can occur later at Council's direction. He added that we could have a public hearing in December. Consensus of Council agreed to have the public hearing in December to adopt the sign ordinance update.

L-2. Proposed Amendment to the Official Zoning Map of the City of Brevard-West Morgan Street & Duckworth Avenue.

Aaron Bland explained that at the last City Council meeting, Council voted 3-2 to rezone two of the three parcels. Since we need a super majority, we are here again tonight to answer questions and discuss it further. After a few minutes of further discussion, Council unanimously voted to deny the rezoning.

M. New Business – None

N. Remarks/Future Agenda Considerations –

Mayor Harris said that on Wednesday night he will be helping the Heart of Brevard to help plan the virtual Twilight Tour.

Ms. Copelof thanked the planning staff for the great job they did with the kickoff to our comprehensive plan. The fact that Dan Burden of the Blue Zones is working with us is just wonderful. The input sessions were wonderful and based on input from the community. There was a really good turnout at each one. Thank you to the staff for doing that. I want to encourage people that we still have our online survey out there and we want to get about 800 inputs and we have about 290 right now. Go to the City of Brevard website and do your online survey about what you want to see for the future growth of the City. This is the time for your input. A little update about the Downtown Master Plan Committee. We approved our new planter project. There will be 30 new planters in the spring around downtown filled with flowers and we will be bricking over tree wells as a temporary solution. Once we get our plan done then we can figure out what to do. We've already funded and approved that and we're still working on our mural projects and working on guidelines for our public art initiative. We're working on our decorative crosswalk mural on the ground. Finally, I would like to make a suggestion that when we have a public hearing, instead of voting that same night, I would like to have us wait a month so that we could get the comments from the public and have time to think about it and do some of our own research. I think we make better decisions if we have time. I would like to suggest that in the future we change our scheduling. I think it would help our decision making. I think if we have an issue under a public hearing, we know that we have a month to think about it.

Mike Pratt explained that Council can entertain a motion at the meeting of the public hearing or at the following meeting. You can come up with a procedure which would be for someone to make a motion and then vote on it, which could be tonight. The procedure could be that you only act under consent agenda following a public hearing on the night of the public hearing or you take it off the consent agenda and table it to the next meeting if it's not going to be a consent item. That's one possible procedure to adopt. So you put the items on the consent agenda the same night of the public hearing and if there is not unanimous support then you move it to the next meeting.

Ms. Copelof said that she thinks the easiest way is the first time we have an issue under public hearing, we wait until the next session to vote on it.

Mr. Morrow said that many years ago it used to be that we had some real estate issues where there was push to get things moving. It was my understanding that you have a public hearing and you rule on it at the next meeting and it would be an exception where you would waive that and vote for it that night because there are often things that are pressing.

Ms. Copelof moved, seconded by Ms. Dinkins that Council will not make a decision on a public hearing unless Council unanimously agrees to make an exception and vote on it on the same night that the public hearing is held. Motion carried unanimously.

Mr. Daniel echoed Ms. Copelof's comments about staff and the land use community and said he appreciated them taking the time to be out late on City business. Thank you.

Mr. Morrow said its Thanksgiving season and time to think about what to be thankful for. There was a brand new plaque for the skate park in the Mayor's office and we have more coming. Jim, thank you and your team again for pulling us all through this with exciting things happening.


Mr. Jones thanked Chief Bobby Cooper and the Brevard Fire Department. They were able to assist a lady who was having car trouble and I appreciate our Fire Department and Police Department and I am excited about the Mary C. Jenkins Community Center.

Ms. Dinkins echoed most of Ms. Copelof's comments. I attended one of the land use planning events and I came away slightly overwhelmed so I want to encourage everyone to fill out the survey. We have about 4% of our citizens commenting and we need to get 10% or higher. Remember that survey gives you a voice.

Mr. Fatland said he has been getting ready for the final audit report. 2020 has been a tough year and the auditors want to know what the City Council has been doing since July 1st and this City Council has done a lot. Silversteen Park, Mary C. Jenkins Community Center, Dog Park, Skate Park and the trail extension. We'll get through it and thank you for your support.

O. Closed Session(s) - None

P. Adjourn - There being no further business, Mr. Morrow moved, seconded by Mr. Jones, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 6:27 p.m.



 Jimmy Harris
 Mayor



 Jill Murray, CMC
 City Clerk

Minutes Approved: December 7, 2020