

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
December 17, 2018 – 7:00 PM**

The Brevard City Council met in regular session on Monday, December 17, 2018, 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 Maureen Copelof, Gary Daniel and Maurice Jones.

Absent – Council Member Charlie Landreth.

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Michael Pratt, City Clerk Jill Murray, Planning Director Daniel Cobb, Planner Aaron Bland, Deputy Finance Director Tom Whitlock, Fire Chief Bobby Cooper and Public Works Director David Lutz.

Press – Matthew McGregor, Transylvania Times

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

B. Invocation – Norman Bossert of Brevard Jewish Community, offered an invocation.

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

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

E. Approval of Agenda – Mr. Jones moved, seconded by Ms. Copelof, the Agenda be approved as presented. Motion carried unanimously.

F. Approval of Minutes – Mr. Morrow moved, seconded by Mr. Jones, the November 19, 2018 minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition – None

H. Public Hearing(s) –

H-1. Voluntary Contiguous Annexation-Tony Lee and Alison Rast.

Mayor Harris opened the public hearing at 7:12 p.m.

Mr. Bland gave a brief overview of the property to be annexed stating that the property is directly adjacent to the Ecusta Credit Union. Currently a portion of the property is already within the City limits but the remainder of the property is within the ETJ and not the corporate limits. The applicants want to clean this up and want it annexed. The tax mapping of the county had it split into two properties but in reality it is one property. The tax revenue will go up with the additional land. Essentially this property is already within the City jurisdiction as far as fire, police etc. The Planning Board heard this and recommended approval and staff's recommendation is for approval. I would expect the owner would want it to be zoned NMX but they have not discussed that with us yet. The owners are not in town but they have someone here to speak on their behalf.

Public Hearing Participation – None

Rebecca Branan was there to speak on behalf of the Rast's and said the owners feel like since there is a piece of land that's already in the City, they want it all in the City.

Josh Tinsley lives near the property and said that he and Rebecca have spoken briefly and we feel very happy with the conversation thus far. My concern is that this puts the annexation one step closer to my property. They told us they don't have any plans to develop the property and that was a concern. It's also a long held family property. We were worried about paying more taxes. My question is maybe having this postponed until the owners are back in the country and have a cup of coffee with them and discuss this further.

John Tinsley who also lives adjacent to the property, was concerned because he grew up there and didn't want to see it develop into something that would detract from that. Rebecca put me in touch with Mr. Rast and we would like to get to meet him and find out more. I don't really oppose it and I'm not really for it.

Rebecca added that the Rast's have no plans for the property and that they just want it to be annexed into the City.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:30 p.m.

I. Public Participation - None

J. Special Presentation

J-1. City of Brevard Annual Independent Audit for Year Ending June 30, 2018.

Mr. Dan Mullinix, CPA, Gould Killian CPA Group, P.A., presented a brief power-point and shared information contained within the Audit Wrap Up dated November 30, 2018, (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 Harris 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 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 Harris read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda. Mayor Harris recommended that Council consider adding New Business Item M-1, and that the Consent Agenda be approved as amended. Mr. Morrow moved, seconded by Mr. Daniel that item M-1- Ordinance for Voluntary Annexation- Tony Lee and Alison Rast be added to the Consent Agenda and be approved as amended. Motion carried unanimously.

K-1. Staff Reports:

- a. Financial Report for month ending November, 2018.
- b. Public Works Department Report, October, 2018

K-2. Resolution 2018-27 Adopting Purchasing & Contracting – Policy and Procedure Guide Minority Business Enterprises/Women's Business Enterprises Requirements.

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

WHEREAS, To explain the City's policy with regard to non-discrimination in purchasing practices and outline procedures to be utilized to ensure that purchasing practices will provide opportunities for participation by Minority/Women's Business Enterprises (MBE/WBE's);

WHEREAS, It is the policy of the City of Brevard to provide minority and women-owned businesses equal opportunity to participate in all aspects of City's procurement relating to building construction and repair contracts in accordance with the City's Minority Business Plan;

WHEREAS, For the purpose of this policy, "Minority Business" is defined by statute as a business that is at least 51 percent owned by one or more ethnic minorities or socially and economically disadvantaged individuals; and

WHEREAS, For building construction projects of \$300,000 or more, advertisement shall be published in a minority newspaper;

BE IT NOW, THEREFORE, RESOLVED THAT:

1. The Finance Director and/or Deputy Finance Director is responsible for reviewing and ensuring that MBE/WBE's are provided with an opportunity to participate in the bid process.
2. For building construction and repair projects costing \$300,000 or more, a verifiable goal of 10% for participation is required. Good faith efforts to encourage participation by minority businesses shall be made by the City and the architectural and/or engineering firm;
3. For building construction and repair projects costing \$300,000 or more, the Finance Director or architect/engineer is required to advertise the project in a minority newspaper such as the *Greater Diversity News* or the *Carolinian*;
4. For building construction projects of \$30,000 up to \$300,000, "good faith efforts" for participation are encouraged. The Finance Department will solicit participation by minority business enterprises and will maintain a record of contractors solicited and efforts to recruit minority participation; and
5. The City is required to submit a quarterly report to the State Department of Administration, Historically Underutilized Business (HUB) program on the number of minority, women and handicapped vendors that the City has used for each individual building project. This required reporting applies to building construction projects costing \$30,000 or more regardless of the funding source. In addition, good faith efforts shall also be reported. HUB vendors are registered with the Division of Purchase and Contract and can be found on the Purchase and Contract Home Page: <http://www.doa.state.nc.us/PandC>
6. The thresholds will be changed based on state law.

Adopted this the 17th day of December, 2018.

K-3. Ordinance Amending Floodplain Damage Prevention, Chapter 34.

Removed from Agenda.

K-4. Mary C. Jenkins Community Task Force Minutes, October 16, 2018.

K-5. Council Finance and Human Resources Committee Minutes, February 1, 2018.

K-6. Correspondence - No Action. (Offered to Council as information only.)

- a. November 2018 City-County Building Permit Activity Report.
- b. Transylvania Community Arts Council Gallery Walk November 2018
- c. Memo from City Manager-City of Brevard Christmas Parade Float

K-7. (M-1) M-1. Ordinance 2018-33 to Extend the Corporate Limits of the City of Brevard, North Carolina.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF BREVARD, NORTH CAROLINA**

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-31, as amended, to annex the contiguous area described herein, and,

WHEREAS, the City Council has by Resolution No. 2018-19 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Brevard Planning Board reviewed the Petition at their meeting held on October 16, 2018 and recommend approval of the voluntary contiguous annexation; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2018-26 fixing a date of public hearing. By authority granted by G.S. 160A-31, a public hearing on the question of this annexation was held at the Brevard City Hall at 7:00 o'clock, P.M. on the 17th day of December, 2018, after due notice by publication on the 3rd of December, 2018; and

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by Tony Lee & Alison Rast, as shown and being all of that property recorded in Deed Book 155, Page 310, as well as, Deed Book 438, Page 653 in the Transylvania County Registry and that certain annexation plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as of the 17th day of December, 2018.

Said property is more fully described as follows:

Location: 2211 Asheville Highway, Brevard, NC 28712. Transylvania County Tax Property Identification Number 8597-34-2461-000.

Metes and Bounds Property Description:

BEGINNING at a concrete monument at the westernmost corner of property belonging to the North Carolina State Employees' Credit Union, being described in a deed of record in Book 217, Page 555, of the Transylvania County Registry, said concrete monument also being in the line of the United States of America Pisgah National Forest; running thence South 49 deg. 07 min. 10 sec, East 1,077.44 feet with the line of the North Carolina State Employees' Credit Union, to a nail in the asphalt in U.S. Highway 64/276; thence two calls with the line of the City Limits of the City of Brevard: South 47 deg. 16 min. 22 sec. West 251.10 feet to a nail in the highway and South 50 deg. 33 min. 07 sec. West 234.98 feet to a nail in the highway; thence leaving the highway, North 13 deg. 27 min. 05 sec. West 340.58 feet to an iron pin; thence North 45 deg. 37 min. 28 sec. West 588.17 feet to a bent iron pin; thence North 35 deg. 53 min. 27 sec. West 381.35 feet to a rebar in the line of the United States of America Pisgah National Forest; thence with the line of the United States of America Pisgah National Forest; South 84 deg. 19 min, 56 sec West 276.14 feet to the point of BEGINNING.

Being all of that property described in a certain Deed of Correction recorded in Document Book 852, Page 647, of the Transylvania County Registry.

Being all of that property described in a plat prepared by Carolina Mountain Surveying, labeled CMS 17108 – ANNEX, dated August 16, 2018, and recorded in Plat File _____, Slide _____, of the Transylvania County Registry.

Section 2. Upon and after the 17th day of December, 2018, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-31.

Section 4. Pursuant to 160AA-29 it shall be the duty of the Mayor of the City of Brevard to cause an accurate map of the annexed territory as described in Section 1 hereof, together with a duly certified copy of this Ordinance, to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 5. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Brevard.

Adopted and approved the 17th day of December, 2018.

L. Unfinished Business – None

M. New Business – Item M-1 was moved to Consent.

N. Remarks / Future Agenda Considerations

Mayor Harris mentioned that we have concluded all activities for our 150th anniversary celebration and he thanked all departments, fire, public works, City staff, I appreciate all of them. We did it with class and integrity. Also, at the Christmas parade, the City of Brevard had a float. Denise is not here but her and Jill did a wonderful job and it rained. Also, if you drive by the Wesleyan Church, they have a live nativity scene. Stop by and see them.

Ms. Copelof thanked the staff and the float was incredible that Jill and her husband did and Denise and it was a culmination of a great year and a lot of it was at last minute notice so I really appreciate that. I just wish everyone a safe and joyful holiday season.

Mr. Daniel said he enjoyed the parade, thank you for putting that on. He wished staff and Council a very happy Christmas and asked that everyone remember Norm's words about contributing.

Mr. Jones said we had a great sesquicentennial and I really appreciate the efforts that staff put in. I want to thank my fellow Council members and staff. I'll see you next year.

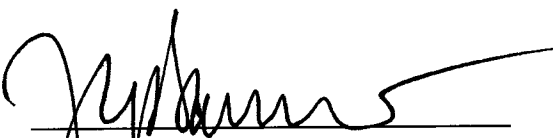
Mr. Morrow said ditto to all of that and a special thank you to public works, police and fire with all this snow.

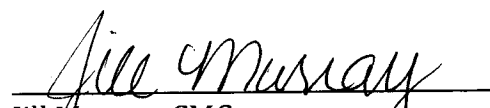
Mr. Fatland reminded everyone that on the 20th we will have our employee Christmas luncheon at Brevard College. He thanked the Council members for participating in the recent parade float as it means a lot to everyone.

Mr. Pratt said to remember Norm Bossert's presentation as it was thought provoking. He also thanked Jill Murray for the Christmas present.

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 8:03 P.M.


Jimmy Harris
Mayor


Jill Murray, CMC
City Clerk

Minutes Approved: January 22, 2019