

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
August 19, 2019 – 7:00 PM**

The Brevard City Council met in regular session on Monday, August 19, 2019, 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 Charlie Landreth, Maureen Copelof, Gary Daniel and Maurice Jones.

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, Fire Chief Bobby Cooper, Planner Aaron Bland, Police Chief Phil Harris 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 – Pastor Parker Haynes of St. Timothy United Methodist Church, 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 – Michael Pratt asked that a resolution regarding Cherry Street be added as Item K16 under Consent. Mr. Morrow moved, seconded by Mr. Jones, the agenda be approved to add the Resolution Authorizing The Acceptance Of An Easement For The Bike Hike Path And Confirmation By Non-Warranty Deeds That A Proposed Dedication Of Cherry Street Has Not Been Accepted By The City to consent as Item K-16 as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Morrow moved, seconded by Mr. Landreth, the June 17, 2019 minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition –

G-1. Proclamation 2019-12. Constitution Week. Mayor Harris read the proclamation aloud and presented it to the following members of DAR: Dayna Pollett, Moonyean Wood, Judy Potter, Nancy Davis, Therese Zuccaro, Caren Stewart and Portia Odell.

**Proclamation No. 2019-12
Constitution Week Proclamation**

Whereas, September 17, 2019 marks the 232nd anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, I, Jimmy Harris by virtue of the authority vested in me as Mayor of the City of Brevard, North Carolina, do hereby proclaim the week of September 17 through 23 as

Constitution Week

And ask our citizens to reaffirm the ideals that the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard, North Carolina, to be affixed this nineteenth day of August in the year of our Lord two thousand nineteen.

G-2. Certificate of Appreciation for Colin Izzard – Mr. Izzard was not there to receive the certificate so Mayor Harris did not read it aloud, although he briefly mentioned being thankful for his service on the Parks, Trails and Recreation Committee.

G-3. Certificate of Appreciation for Cody Owen – Mr. Owen was not there to receive the certificate so Mayor Harris did not read it aloud, although he briefly mentioned being thankful for his service on the Parks, Trails and Recreation Committee.

G-4. Certificate of Appreciation for Greg Copeland – Mr. Copeland was not there to receive the certificate so Mayor Harris did not read it aloud, although he briefly mentioned being thankful for his service on the Parks, Trails and Recreation Committee.

G-5 Certificate of Appreciation for Eric Crite – Mr. Crite was not there to receive the certificate so Mayor Harris did not read it aloud, although he briefly mentioned being thankful for his service on the ABC Board.

H. Public Hearing(s) – None

I. Public Participation –

Gary Castevens, 53 West Woodsong, Brevard, spoke about creek erosion at his residence. I am the property manager at Woodsong One Association which consists of 16 property owners including myself. The purpose of our appearance tonight is to ask that the City of Brevard put in a curb and drain on the section of Hilt Street that borders our property. We have noticed an increase in erosion of the stream that flows throughout most of our property. About two years ago, we stopped mowing close to the stream bank because of concerns that the stream bank might cave in while mowing. Since then, we have hired two companies, TE Allen Engineering's and Jennings Environmental. The TE Engineering report was done in May of 2017. His report stated that the erosion appears to be from upslope storm water runoff. He also stated that the stream across our property was an unnamed tributary of Kings Creek. We hired Jennings Environmental to provide us with a recommendation of how to fix the problems. His plan was completed in May, 2018. His comment was that until we stop the erosion from storm water runoff, we will still have problems with stream erosion. It is important to note that all of the erosion is on the Hilt Street side of the street and we are requesting that the City install a curb and drain from East French Broad Street, about 300 feet, to the end of our property to stop the storm water erosion on our environmentally protected trout stream and property. He gave us a handout as well "Exhibit A" (On file in the Clerk's Office).

Emily Smith of 222 Pendelton Place, Myrtle Beach, SC spoke about an accident that she was in on December 3, 2015 in Davidson River. One of the first responders was Richard Travis. If it wasn't for him, I would not be here today. The care I received that night was what kept me alive. I was in a coma for 4 days and had 3 surgeries in 24 hours. I had a total of 8 surgeries. Firefighters, first responders and paramedics, these people don't do the jobs for money, it's a passion. I am asking for the reinstatement of Richard and his wife, Summer, so they can both continue to do what they both love and cherish by saving lives. She turned in her typed letter, "Exhibit B" (On file in the Clerk's Office).

Debbie Wilson of 27 McGaha Mountain Road, Brevard, spoke on behalf of her son, Richard Carl Travis. She does not feel he and his wife have been treated fairly and once again wanted to say that this needs to be reconsidered and readdressed.

Ken Adamson of 159 Burrell Mountain Road, Brevard, spoke about being a former firefighter and he does not believe the issues are going to go away. I also think the parade should not be part of the celebration, it should be a day of remembrance and separated from the White Squirrel Festival. People who are participating in the Memorial Day parade need to be in proper attire.

Clark Lovelace of 175 E. Main Street, Brevard, spoke about the roundabouts. I wear two hats. One is the director of the Chamber of Commerce and the other is the Director of Transylvania County Tourism which is why I'm here. I understand that tonight you will be talking about the roundabouts and I just wanted to indicate that Transylvania County Tourism undertook a strategic planning process over this past year and identified key strategies and priorities based on what is most relevant for tourism and for the vision we have of tourism and one of those items was enhancing the entry points into our gateway community. Specifically, that roundabout and wanting to take advantage of the unique opportunity with NCDOT already having plans for that roundabout so we were happy to be a part of a collaborative meeting a month or so ago and just wanted to publicly issue our support for addressing the entryway and doing whatever we can and wanting to commend the City for taking the lead in that effort but also wanting to reconfirm our commitment to be collaborators in that process so keep that in mind if you will, as you talk about it.

J. Special Presentation(s) – City Council accepted the Transylvania County 2018 Tax Collectors Settlement Report, dated July 18, 2019, as presented by Jessica McCall. Once again the Tax Office has done an excellent job with the Report showing a 99.92% collection rate. Mayor and Council commended the Tax Office Staff for their excellent work and service to the City and County.

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. Mr. Daniel moved, seconded by Mr. Morrow that items M1, M2, M5 and M7 be added to the Consent Agenda and be approved as amended. Motion carried unanimously.

K-1. Staff Reports:

- a. Financial Report for month ending May, 2019.
- b. Public Works Monthly Report, April 2019.

K-2. Community Development Contracts - Council approved the renewal of the following six Community Development Contracts:

- a. Boys and Girls Club - \$5,000
- b. Bread of Life - \$5,000
- c. Heart of Brevard - \$30,000
- d. Sharing House - \$12,500
- e. Transylvania Community Arts Council - \$10,000
- f. Transylvania Farmers Market - \$20,000

K-3. Ordinance No. 2019-18 – Ordinance Amending the FY19-20 Budget Amendment No. One.

**ORDINANCE NO. 2019-18
AN ORDINANCE AMENDING THE FY2019-2020 BUDGET
AMENDMENT NO. ONE**

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

WHEREAS, it is necessary to make amendments to the budgets to reflect additional revenue, appropriation of fund balance, 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 \$112,180 from \$10,881,245 to \$10,993,425 as shown as follows:

Loan Proceeds	<u>\$ 112,180</u>
TOTAL REVENUES	\$ 112,180

SECTION 02) General Fund Expenditures are hereby increased \$112,180 from \$10,881,245 to \$10,993,425 as shown as follows:

Increase Fund Balance	<u>\$ 112,180</u>
TOTAL EXPENDITURES	\$ 112,180

SECTION 03) Water & Sewer Utility Fund Revenues are hereby increased \$222,613 from \$6,192,554 to \$6,415,167 as shown as follows:

Loan Proceeds	<u>\$ 222,613</u>
TOTAL REVENUES	\$ 222,613

SECTION 04) Water & Sewer Fund Expenditures are hereby increased \$222,613 from \$6,192,554 to \$6,415,167 as shown as follows:

Sewer Collections: Capital Equipment	\$ 119,460
Increase Fund Balance	<u>\$ 103,153</u>
TOTAL EXPENDITURES	\$ 222,613

SECTION 23) Multi-Use Path Fund Revenues are hereby increased \$7,702 from \$880,000 to \$887,702 as shown as follows:

Transfer from Wayfinding Project Fund	<u>\$ 7,702</u>
TOTAL REVENUES	\$ 7,702

SECTION 24) Multi-Use Path Fund Expenditures are hereby increased \$7,702 from \$880,000 to \$887,702 as shown as follows:

Increase Paths, Sidewalks, & Signage	<u>\$ 7,702</u>
TOTAL EXPENDITURES	\$ 7,702

SECTION 24-A) Wayfinding Project Fund Revenues are hereby increased \$7,702 from \$0.00 as shown as follows:

Appropriation of Fund Balance	<u>\$ 7,702</u>
TOTAL REVENUES	\$ 7,702

SECTION 24-B) Wayfinding Project Fund Expenditures are hereby increased by \$7,702 from \$0.00 to \$7,702 as shown as follows:

Transfer to Pedestrian Path Fund	<u>\$ 7,702</u>
TOTAL EXPENDITURES	\$ 7,702

SECTION 27) Narcotics Task Force Fund Revenues are hereby increased \$24,000 from \$35,100 to \$59,100 as shown as follows:

Appropriation of Fund Balance	<u>\$ 24,000</u>
TOTAL REVENUE	\$ 24,000

SECTION 28) Narcotics Task Force Fund Expenditures are hereby increased \$24,000 from \$35,100 to \$59,100 as shown as follows:

TNTF Expenditures	<u>\$ 24,000</u>
TOTAL EXPENDITURES	\$ 24,000

SECTION 33) That Revenues and Expenditures Section 1 through Section 32 of the Ordinance Amendment have increased \$374,197 from \$24,346,308 to \$24,720,505 as follows:

	Budget
General Fund	\$ 10,993,425
Water & Sewer Utility Fund	\$ 6,415,167
Utility Capital Projects Fund	\$ 1,460,120
Capital Reserve Fund	\$ 80,000
Fire District Fund	\$ 1,471,468
Terrell L. Scruggs Scholarship Fund	\$ 22,000
Bjerg Fund	\$ 1,000
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	\$ 887,702
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	\$ 24,720,505

Adopted and approved this 19th day of August 2019.

K-4. Ordinance No. 2019-17 – Ordinance FY18-19 Budget Ordinance Amendment No. Four.

**ORDINANCE NO. 2019-17
FY2018-2019 BUDGET ORDINANCE
AMENDMENT NO. FOUR**

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2018-13); Budget Ordinance Amendment No. 1 (Ordinance No. 2019-06); Budget Ordinance Amendment No. 2 (Ordinance No. 2019-10); Budget Ordinance Amendment No. 3 (Ordinance No. 2010-13; and

WHEREAS, the FY2018-2019 Budget Ordinance Section 37 authorizes the Budget Officer to effect interdepartmental transfers, in the same fund, provided that no department budget shall be reduced by more than ten percent without prior approval of the City Council. Any such transfer shall be reported to the City Council at its next regular meeting and shall be entered into the minutes; and

NOW, THEREFORE BE IT RESOLVED THAT THE FOLLOWING INTERDEPARTMENTAL TRANSFERS BE MADE WITHIN THE GENERAL FUND AND THE WATER AND SEWER UTILITY FUND. THE TOTAL GENERAL FUND AND WATER AND SEWER UTILITY FUND EXPENDITURES REMAIN UNCHANGED.

SECTION 02) General Fund Expenditures by department are increased or decreased resulting in no increase to the total budget as shown below:

Parks & Property Management	\$ (30,000)
Public Works Administration	\$ 20,000
Public Works Streets Local	\$ 10,000
TOTAL EXPENDITURES	\$ -

SECTION 04) Water and Sewer Utility Fund Expenditures by department are increased or decreased resulting in no increase to the total budget as shown below:

Water Distribution	\$ (10,000)
Waste Water Collections	\$ 10,000
TOTAL EXPENDITURES	\$ -

SECTION 33) That Revenue and Expenditures set forth below remain unchanged as a result of inter departmental transfers.

	Budget
General Fund	\$ 11,223,150
Water & Sewer Utility Fund	\$ 6,411,497
Utility Capital Projects Fund	\$ 1,200,000
Capital Reserve Fund	\$ 200,000
Fire District Fund	\$ 728,863
Terrell L. Scruggs Scholarship Fund	\$ 22,000
Bjerg Fund	\$ 100
Other Post-Employment Benefits Fund	\$ 18,750
Health Insurance Fund	\$ 1,455,245
Heart of Brevard MSD Fund	\$ 146,000
Housing Trust Fund	\$ 3,026
Multi-use Paths Fund	\$ 965,000
911 Communications Fund	\$ 40,163
Narcotics Task Force Fund	\$ 55,100
Rosenwald Revitalization Fund	\$ 892,000
Downtown Master Plan Fund	\$ 561,000
TOTAL BUDGET APPROPRIATIONS	\$ 23,921,894

Section 37) The Budget Officer shall be authorized to reallocate departmental appropriations among the various line item expenditures of that department, as said officer believes necessary. The Budget Officer shall be authorized to effect interdepartmental transfers, in the same fund, provided that no departmental budget shall be reduced by more than ten percent without the prior approval of the City Council. Any such transfers shall be reported to the City Council at its next regular meeting and shall be entered in the minutes.

APPROVED ON THE 28TH DAY OF JUNE 2019

K-5. Resolution No. 2019-14 Authorizing Tax Collector to Adjust Small Underpayments and Overpayments of Property Tax.

**RESOLUTION 2019-14
RESOLUTION AUTHORIZING TAX COLLECTOR TO ADJUST SMALL UNDERPAYMENTS AND OVERPAYMENTS OF PROPERTY TAX**

WHEREAS, North Carolina General Statutes § 105-357(c) authorizes municipalities to adopt a resolution permitting the tax collector to treat underpayments and overpayments of property taxes, not exceeding one dollar (\$1.00) in amount, as fully paid with no refund due unless the taxpayer requests a refund before the end of the fiscal year in which the small overpayment is made; and

WHEREAS, North Carolina General Statutes § 105-381(b) authorizes municipalities to adopt a resolution delegating its authority to determine requests for a release or refund of tax less than one hundred dollars (\$100.00) to the finance officer, manager or attorney of the taxing unit:

NOW THEREFORE BE IT RESOLVED:

That the City of Brevard does hereby adopt the procedures pertaining to adjustments of small underpayments and overpayments of property tax:

- 1.) set forth in North Carolina General Statutes § 105-357(c) pertaining to Amounts not exceeding one dollar (\$1.00); and
- 2.) set forth in North Carolina General Statutes § 105-381(b) provided, however, that the City of Brevard resolves only to apply this policy as to amounts between one dollar (\$1.00) and twenty-five dollars (\$25.00), and directs the tax collector to refund automatically any overpayments in excess of twenty-five dollars (\$25.00).

Approved and adopted this the 19th day of August 2019.

K-6. Resolution No. 2019-15 – Resolution Approving Financing Terms.

**RESOLUTION NO. 2019-15
A RESOLUTION APPROVING FINANCING TERMS**

WHEREAS: The City of Brevard ("City") has previously determined to undertake a project for purchasing capital equipment (the "Project") costing \$380,120 and the Finance Officer has now presented a proposal for the financing of such Projects as listed below:

DEPARTMENT	EQUIPMENT
Capital Projects Fund	Large AMR Radio Read Water Meters

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through Sun Trust Bank Inc., in accordance with the proposal dated June 24, 2019. The amount financed shall not exceed \$380,120, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.578%, and the financing term shall not exceed ten (10) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to sign and hold executed Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Sun Trust Bank, Inc. financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted and approved this 19th day of August 2019.

K-7. Resolution No. 2019-16 – Resolution Accepting Bethel A Baptist Church Property.

**RESOLUTION NO. 2019-16
RESOLUTION ACCEPTING THE DONATION OF SILVERSTEIN PARK AND PARKING LOT FROM
BETHEL "A" BAPTIST CHURCH TO THE CITY OF BREVARD**

WHEREAS, Bethel "A" Baptist Church desires to donate to the City of Brevard two parcels of land more particularly described as follows: Silverstein Park and Parking Lot on Cashiers Valley Road; and

WHEREAS, the City of Brevard is generally authorized to accept donations of real and personal property for the benefit of its citizens, and is specifically authorized pursuant to North Carolina General Statutes 160A-353 to accept gifts for parks and recreational programs and facilities; and

WHEREAS, such donation is being contributed to assist the City of Brevard in 1) developing an improved parking lot for the Mary C. Jenkins Community Center and 2) accepting Silverstein Park into the City Parks, Trails and Recreation System; and

WHEREAS, the City Council finds that it is appropriate to accept said donation upon the terms and conditions offered.

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

- 1. That the City of Brevard does hereby accept the donation of the property described above, to be used 1) an improved parking lot for Mary C. Jenkins Community Center and 2) accepting Silverstein Park into the City Parks, Trails and Recreation System; and
- 2. Authorizes its' City Attorney to prepare deeds for said properties.

Adopted and approved this 19th day of August, 2019.

K-8. Resolution No. 2019-17 – Resolution Accepting Property from HCA for Dog Park.

**RESOLUTION NO. 2019-17
RESOLUTION ACCEPTING THE DONATION OF LAND FROM HOSPITAL CORPORATIONS OF AMERICA (HCA) TO THE CITY OF BREVARD TO BE USED AS A DOG PARK**

WHEREAS, the Brevard City Council at its regularly scheduled meeting held on November 20, 2017, authorized its' City Manager to negotiate a lease agreement with Transylvania County Regional Hospital for a Dog Park, however, said agreement was not finalized due to the sale of the Mission Hospital System to HCA; and

WHEREAS, Hospital Corporations of America desires to donate to the City of Brevard a lot or parcel of land more particularly described as follows: approximately 2.7 acres on the Transylvania County Hospital Property; and

WHEREAS, the City of Brevard is generally authorized to accept donations of real and personal property for the benefit of its citizens, and is specifically authorized pursuant to North Carolina General Statutes 160A-353 to accept gifts for parks and recreational programs and facilities; and

WHEREAS, such donation is being contributed to assist the City of Brevard in the establishment of a dog park; and

WHEREAS, the City Council finds that it is appropriate to accept said donation upon the terms and conditions offered.

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

- 1. That the City of Brevard does hereby accept the donation of the property described above, to be used as a dog park; and
- 2. Authorizes its' City Attorney to prepare the deed.

Adopted and approved this 19th day of August, 2019.

K-9. Resolution No. 2019-18 – Resolution Approving Employees to Sign Checks and Disburse Funds.

RESOLUTION NO. 2019-18

**REVISION AND UPDATE OF THE CITY'S SIGNATORY AND DISBURSEMENT
RESOLUTION APPROVING EMPLOYEES TO SIGN CHECKS AND DISBURSE FUNDS
(Revision to Resolution No. 2017-15)**

WHEREAS, the most recent revision and update of the City's Signatory and Disbursement Resolution was enacted by the Brevard City Council on September 18, 2017, with the adoption of Resolution No. 2017-15; and,

WHEREAS, it is now necessary, for a variety of reasons and just cause, to once again revise and update the authorizations of said resolution by designating specific City officials for the purpose of signing checks and disbursement of City funds;

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

Section 1. Resolution No. 2017-15 is hereby amended by rewriting same as set forth herein. The following named persons, whose signatures are shown, are approved for the signing of checks and the disbursement of monies from all funds of the City:

<u>NAME</u>	<u>SIGNATURE</u>
James R. Fatland, City Manager and Finance Director	_____
Tom Whitlock, Deputy Finance Director	_____
Jill Murray, City Clerk	_____
Kelley Craig, Human Resources Director	_____
John Phillip Harris, Jr., Police Chief	_____

Section 2. All checks for disbursement of City funds shall bear the signature of either the City Manager/Finance Director or the Deputy Finance Director plus one additional signature.

Section 3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 19th day of August, 2019.

K-10. Resolution No. 2019-19 – Resolution Revising and Updating Signatories for the Use of Credit Cards by City Officials and Employees.

**RESOLUTION NO. 2019-19
A RESOLUTION REVISING AND UPDATING THE SIGNATORIES OF
THE CITY OFFICIALS AND EMPLOYEES AUTHORIZED TO USE THE UNITED COMMUNITY BANK
CREDIT CARDS AND
SETTING FORTH GUIDELINES FOR THE USE OF THE CREDIT CARDS
BY CITY OFFICIALS AND EMPLOYEES
(Amendment No. 8 to Resolution No. 35-2007)**

WHEREAS, upon the request of the Finance Director and, as recommended by the City Manager, the City Council of the City of Brevard authorized by Resolution No. 35-2007, dated May 21, 2007, the obtaining and use of a credit card from United Community Bank to be used for travel expenses incurred by City Officials and City employees who are on City business, and to allow them to acquire the necessary materials to conduct business and/or deliver services in a convenient and expeditious manner;

WHEREAS, the following rules and guidelines for restricted use of the credit card were set forth as follows:

- 1) The Credit Card may not be used for:
 - a. Purchases that can be made on an account or where the City has a standing purchase order on file with the store or business.
 - b. Alcoholic beverages.
 - c. Purchase(s) that exceeds the cardholder’s limit.
- 2) Only purchases directly related to budgeted items are allowed.
- 3) The Department Head shall be responsible for credit card used in their department.
- 4) A receipt(s) must be kept for all credit card purchases. Employee will be personally liable for purchases not having a receipt.
- 5) All receipts will be reviewed and approved by the department head and remitted to the Finance Department in time for payment. Departments that do not have the monthly statement and receipts to the Finance Department in time for payment will be responsible for absorbing any late fee charges; and,

WHEREAS, it is now necessary, for a variety of reasons and just cause, to revise and update the names and signatories of the City Officials and employees who have been designated to use the United Community Bank credit card.

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

Section 1. The following named persons, whose signatures are shown below, are approved for making purchases utilizing a City credit card issued by United Community Bank. Eight (8) credit card accounts were issued: Finance & Human Resources Department, Parks and Property Management, City Clerk, Police Department, Planning Department, Public Works Department, Utilities (Water Plant & Wastewater Treatment Plant) and Fire Department.

1. James R. Fatland, City Manager and

Finance Director
2. Jill Murray, City Clerk
3. Kelley Craig, HR Director
4. J. Phil Harris, Chief of Police
5. Paul Ray, Interim Planning Director
6. David Lutz, Public Works Director
7. Bobby Cooper, Fire Chief
8. Emory Owen, ORC Wastewater Plant
9. Dennis Richardson, ORC Water Plant

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved the 19th day of August, 2019.

K-11. Appointment of Bryan Brightbill to Asheville Regional Housing Consortium. The City of Brevard is allocated one member on the Consortium which was previously filled by former Planning Director Daniel Cobb. Mr. Cobb is no longer with the City so he is being replaced by Bryan Brightbill and Aaron Bland as an alternate.

K-12. Mary C. Jenkins Community Center Task Force Minutes, April 16, 2019. On file.

K-13. Council Public Works & Utilities Committee Minutes, April 16, 2019. On file.

K-14. Council Parks, Trails & Recreation Committee Minutes, April 17, 2019. On file.

K-15. Correspondence (No Action. Offered as information only.)

- a. ABC Board Adopted Budget FY2019-2020.
- b. Transylvania County Building Permit Activity Report, June, 2019.
- c. TCart's Gallery Walk June and July.
- d. Letter of Appreciation from the Cindy Platt Boys & Girls Club.

K-16. Resolution No. 2019-21 Authorizing the Acceptance of an Easement for the Bike Hike Path and Confirmation by Non-Warranty Deeds That a Proposed Dedication of Cherry Street Has Not Been Accepted by the City.

**RESOLUTION NO. 2019-21
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF
AN EASEMENT FOR THE BIKE HIKE PATH
AND CONFIRMATION BY NON-WARRANTY DEEDS
THAT A PROPOSED DEDICATION OF
CHERRY STREET HAS NOT BEEN ACCEPTED BY THE CITY**

Whereas, City Council has a strong interest in completing the Bike Hike Path along Railroad Avenue;

Whereas, City Council has, to this end, reviewed a proposal from RS Rover, LLC, to convey to the City an easement for its Bike Hike Path along a portion of Railroad Avenue and a portion of Probart Street, twenty (20) feet in width and otherwise, as shown on the drawing attached as Exhibit A;

Whereas, the property shown as "Cherry Street" on the drawing, Exhibit A, and on the attached Tax Plat, Exhibit B, has been offered for dedication to the City but has not been accepted for dedication;

Whereas, the City Council, upon due consideration and deliberation, has decided that in light of the offer of the easement from RS Rover, LLC, it will confirm by non-warranty deed to RS Rover, LLC, that it will not accept that portion of Cherry Street located to the east of and adjoining the boundary line of the RS Rover property;

Whereas, the City also does not wish to accept dedication of Cherry Street which is located to the east of and adjoining the boundary of the Lawrence Whitmire properties, located north of the RS Rover property, and will confirm by non-warranty deed to Lawrence Whitmire that it will not accept that portion of Cherry Street;

Whereas, such non-warranty deeds will except and reserve any and all utility lines presently located underground within the area of Cherry Street, and the City will accept and retain a right of way for the maintenance, repair and replacement of any and all such utility lines, ten feet in width on each side of such lines.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1: The City Attorney is authorized to prepare a deed from RS Rover for the Bike Hike Path easement, and non-warranty deeds to RS Rover and Lawrence Whitmire as described hereinabove.

Section 2: The Mayor is authorized to execute on behalf of the City, the non-warranty deeds, subject to the terms of this Resolution, and to accept the deed of easement from RS Rover, LLC.

Section 3: This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the ____ day of August, 2019.

K-17. (M-1) Resolution No. 2019-20 Fixing a Date of Public Hearing on the Question of Annexation Pursuant to NCGS 160A-31, As Amended.

**RESOLUTION NO. 2019-20
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 January 10, 2019, requesting the annexation of a contiguous area described in said Petition as the Felipe Flores Duenes property located at 961 Ecusta Road, Brevard, NC, 28712, consisting of 0.280 of an acre, be annexed into the City of Brevard. (Tax Property Identification Number: 8596-49-5834-000); and,

WHEREAS, the Brevard City Council has by Resolution No. 2018-19 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 Felipe Flores Duenes, will be held at Brevard City Hall at 7:00 P.M. on the 16th day of September, 2019.

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

Location: 961 Ecusta Road, Brevard, NC 28712. Transylvania County Tax Property Identification Number 8596-49-5834-000.

Being all of that property described in a certain Deed recorded in Document Book 861, Page 395, of the Transylvania County Registry.

Being all of that property described in a plat prepared by Carolina Mountain Surveying, labeled CMS 19005 – ANNEX, dated February 13, 2019. The annexation plat is available for inspection in the Planning Director’s Office.

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 19th day of August, 2019.

K-18. (M-2) CDBG Application-Feasibility Study for Extending Sewer to Azalea Neighborhood. Numerous homes in the Azalea Avenue neighborhood have failing septic systems and are illicitly discharging their waste water. The geographical area consists of Azalea Avenue, Highland Road, Oakdale Road and Pressley Avenue and is located in the Extra Territorial Jurisdiction of Brevard. CDBG-I grant money is available to fund the project and help residents in the low to moderate income (LMI) bracket. City water service is already available to this neighborhood.

K-19. (M-5) Adoption of Official Zoning Map. The Official Zoning Map for the City was adopted with new zoning districts in coordination with the UDO in April 2006. It is good practice for the Planning Board and City Council to periodically review and officially adopt the zoning map as a whole. Staff suggested that the map be officially re-adopted on an annual basis which will allow the Planning Board and City Council to view the context and results with all amendments that occur each year. City Council adopted the Official Zoning Map of the City of Brevard as presented.

K-20. (M-7) Board and Committee Appointment(s).

Terrell Scruggs Scholarship Committee – Council approved the reappointment of William “Jeff” Gordon and Larry Nelson. They also approved the amended Ordinance.

**ORDINANCE NO. 2019-19
AN ORDINANCE AMENDING THE TERRELL L. SCRUGGS
SCHOLARSHIP TRUST ORDINANCE
(Ordinance No. 2012-18 and Ordinance No. 2014-03)**

WHEREAS, the Terrell L. Scruggs Scholarship Trust Committee has recommended certain technical amendments to the Ordinance creating the Terrell L. Scruggs Scholarship Trust.

WHEREAS, after due consideration, it is the desire of the City Council of the City of Brevard to approve the amendments as recommended by the Terrell L. Scruggs Committee.

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

SECTION 1. The City of Brevard Ordinance Creating the Terrell L. Scruggs Scholarship Trust (Ordinance No. 2012-18) and amended (Ordinance 2014-03) is hereby amended again to decrease the Committee membership from nine to eight.

SECTION 2. The Committee shall have no term limits should a Committee member wish to continue to serve.

SECTION 3. This Ordinance shall be effective immediately upon its adoption.

Adopted and approved this the 19th day of August, 2019.

Parks, Trails and Recreation Committee – N/A

Personnel Board - Council approved the appointment of Ann Hollingsworth and Wes Dickson to the Personnel Board

L. Unfinished Business – None

M. New Business –

M-3. Housing Assistance Cooperation-Self Help Program. The Housing Assistance Cooperation (HAC) is a private, non-profit organization whose mission is, in part, to provide affordable homeownership to residents of Transylvania County whose income is below 80% of the area median income. Aspiring homeowners who are accepted into the program earn “sweat equity” toward their new home by their involvement in 65% of the labor. The HAC has found an 8 acre tract of residentially zoned land, PIN 8586-20-0472-000, which is owned by the City of Brevard and is potentially suitable for eight single family homes.

Sarah Grimes from the Housing Assistance Corporation spoke and said that Housing Assistance has three focuses. Home repairs, single family housing and multi-family housing. We have 292 units of affordable housing in Henderson County. We are the oldest self-help program in North Carolina and we have a construction staff and a general contractor on staff. We would like for you to sell us the property on Cashiers Valley Road. It takes at least 9 months to build a home and our homeowners put in 600 hours on their homes. They work in teams of 4 and no one moves in until everyone’s house is finished. We would like you to consider starting in Transylvania.

Mr. Fatland stated that he’s not looking for approval tonight, but to move forward with a feasibility study. Mr. Landreth moved, seconded by Mr. Daniel, directing staff to move forward with the feasibility study. Motion carried unanimously.

M-4. Mayor Harris stated that before we get to name the new trail, we have an unnamed road next to Zaxby’s that the Department of Transportation wants named. I believe it should be Jack Hudson, former City Attorney. Mike Pratt added that he was County Attorney for a number of years, head of the Board of Elections for years and had a private law practice. I practiced with him and against him for many years. Mr. Fatland said that we could bring it back next month as a Council item if Council so desires. There was consensus from Council to bring it back next month. Mr. Landreth asked that we include parameters or guidelines that we use in naming public assets.

Naming of Newest Trail in Bracken Preserve. Construction on the newest trail in the City’s Bracken Preserve is complete and was opened to users in late July. This trail has been referred to as the “Ridge Trail” throughout its development by City Staff and contractors. In order to update maps and other Bracken documents this trail needs to be officially names. A shorter name is preferred for easier inclusion on maps and trail signage. Staff recommends a name that refers to either the natural or historical characteristics of the property. The consensus from the Parks, Trails and Recreation Committee is to name it Pinnacle Trail. Pinnacle was the name of one of the first settler’s communities in the area and also reflects the height of the ridge the trail travels along. Mr. Landreth moved, seconded by Mr. Morrow, that we accept the recommendation of naming the Pinnacle Trail in Bracken Preserve. Motion carried unanimously.

M-6. Monument Sign & Landscape Design for US Hwy 64 Roundabouts. On June 26, 2019, Staff attended a meeting with representatives from NCDOT, Transylvania County Economic Alliance, the Chamber of Commerce, Forestry service and several other stakeholders to discuss the opportunity to submit design requests to NCDOT for beautification. In this case, such betterments would include, but are not limited to, landscaping, underground utilities for irrigation and lighting, signage and/or an attractive feature for the intersection. Proposed designs must comply with NCDOT specifications. There was a general consensus at the meeting over the importance of this intersection, but the City of Brevard assumed the leadership role by offering to manage the design work and submit the improvement request application to NCDOT.

Staff recommended hiring Mosaic Civic Studio to design a landscaping plan and signage for the R-5799 betterment application to NCDOT.

Mr. Daniel said that it would be nice if we would enforce our codes along the corridor. I'm pretty sure that Dunkin Donuts is not up to code. I said four years ago, this is why I ran for City Council. The corridors coming into Brevard are pretty disgraceful but just doing the roundabouts is going to be a little incongruous, we need to do the whole strip. I don't get it. We have codes. Look at what Wendy's. Look at what our codes will do if we follow the codes and then you look across the street and you look at Bojangles and Dunkin Donuts and it needs to be fixed. We have a plan, we have a code, let's enforce it.

Maureen Copelof said I agree totally with what Gary is saying about enforcing and the corridor looking sort of bad, but I also want to go back to what the Mayor said and how you tackle the elephant is by one bite at a time and I think this is a tremendous opportunity take that first step. Yes, we want to enforce this code but these are specific things that are happening and I think we've got a really great opportunity to use these roundabouts because they're going to be very visible and they are a great tourism and promotional tool. It's also a great opportunity to think about native plants and the landscaping. I think trying to combine this with a bigger vision is the way to go. Let's not lose site of the fact that we can start right now with this and we can really make a difference and when people can see what can be done then a lot of times that's motivation to change other things.

Gary Daniel responded by saying that he finds it surprising that enforcing the codes is a revolutionary concept. It happens every day. Every day there's something happening that can be enforced to continue to beautify our City. This is something that needs to be done and should have always been done.

Maureen Copelof asked if we talked about creating the Community Appearance Committee and it was to follow the land use plan at our last strategic planning meeting and that we were going to create some guidelines for such a committee? Aaron Bland confirmed that yes, Council directed staff to wait on creating the Community Appearance Commission until the land use plan was complete, which we are doing right now.

Charlie Landreth pointed out that Teresa Buckwalter who's the principal of Mosaic Civic Studio, has worked with the City before with another firm. Previously, she designed the Clemson Park project and also did preliminary designs for the roundabout. So, we've got a good firm who knows the City very well. Charlie Landreth moved, seconded by Mac Morrow to ask staff to hire Mosaic Civic Studio to design a landscape plan and signage for R5799 Betterment application. Motion carried unanimously.

N. Remarks / Future Agenda Considerations

Mayor Harris mentioned the future roundabouts. The thing that I feared was the diverging diamond at the airport and I didn't think it would work, but it does. The reason the roundabout got the attention of the DOT was because a couple of years ago there was an emergency in the forest and they got responders into the forest, they just couldn't get them out. If you've been to the forest on the weekends, then you know. They just want traffic to not stop. Also kudos to our management and staff. The DOT saw it and moved it up on their plan. The other thing I want to say is the reason that the Memorial Day festival is on Memorial Day weekend. I received a call from Master Chief Petty Officer Joe Parker and he said I'm noticing that on that weekend there are a lot of children here as they're setting up for the festival. I said great idea, let's educate these kids. They need to know the sacrifices that were made. I just wanted to give that brief summary.

Mac Morrow said roundabouts are an opportunity to understand our brand as a community. We've see that in local media recently. There have been some really nice

things written about our City and we need to get them onto our website. I think we should celebrate that. There have been three things in The Times News of late.

Charlie Landreth said NCDOT has a number of divisions across the state and we're Division 14. Steve Williams and that division work very hard to stay in touch with our community about what we need with our bridges, roads, sidewalks. The reputation NCDOT gets is from traffic cones, flags etc. but it takes an average of seven years to be completed. I just want to express my appreciation for Division 14 of NCDOT and what they do for our community. The other thing is about the landscape in our community. Through my role in City Council and as owner of a landscape company, you see some commercial landscape plans and there's a real lack of understanding about how to grow plant material in Transylvania County and you see it when you see a commercial site plan that's done by someone from out of the community, sometimes out of the state, sometimes they're not a landscape professional. Sometimes they're a civil engineer. They're following codes that are in the development ordinance which you can follow a development ordinance and still install failed landscape so I've come to the conclusion that the City needs to hire or contract with a registered NC landscape architect who works in Western North Carolina to review plans. We have spacing mistakes. We have poor planting. We have trees missing. The quality of the corridor has a lot to do with the quality of planning that goes into the landscape. I would ask staff to consider revising our development ordinance to include a landscape professional who's in our region. Somebody we would contract with to make changes to site plans that come in for development because it's just not happening at the right level. There's plenty of checks and balances on the call of the architecture and parking lots but the landscaping is just not measuring up. The last topic I have is I'm happy to hear about new housing in the community and I've had this idea rolling around in my head about our Public Works facility. It is not maintained well for a neighborhood standard. I've had neighbors in my ear for the whole 8 years I've been on Council about the poor quality of the maintenance yard. As that neighborhood grows and becomes enhanced by City parks and new housing, the quality of our public works facility stands out even more. I would recommend that the City would look at relocating our public works out of the neighborhood and using that land as well for housing. The Duke property is flat and we've already flattened the original public works land. We've got great housing capacity there and to use that plan as our equipment yard, is not the best use of that land. I understand equipment yards look like they look and you have to have a place to make a mess, I get that, but that is not the place to do it.

Maurice Jones said he wanted to officially thank and congratulate Chief Harris and the Police Department for apprehension of suspects that happened at The Cardinal. Tell them we said thank you.

Gary Daniel said he wanted to thank Charlie Landreth regarding the landscape architecture. It was much clearer than how I was going to say it and I would support that as well.

Maureen Copelof wanted to thank staff for all of their great initiatives. I am always amazed at all of the things we have happening. Working with the hospital on the dog park, Bethel A Church to transfer Silversteen Park and the parking lot, moving forward with Mary C. Jenkins, the housing assistance corporation. We have a lot of wonderful things going on. It's all moving forward and fitting together nicely. I want to mention one other thing and that is the Transylvania County Public Health Department recently finished their community health assessment and they are now moving into holding planning sessions. Basically the two areas that came up were substance use and mental health and the other is healthy lifestyles. These planning sessions are open to the public and the business communities and it's really to sit down and really identify strategies that can be implemented quickly in these areas as well as who would have action in these areas. There's a healthy lifestyles planning session on August 27th from 2p-4p and the substance use and mental health planning session is on August 22nd from 2p-4p in the election center conference room so I would just like to really encourage people to attend because the health of our community is related to so many things and it's a great opportunity to work on some strategies that we can implement.

Jim Fatland said that City Council passed a resolution last August to make every effort to get this trail system built from McLean Street through to Hap Simpson. Like Maureen said, a lot of things are happening. On August 28th they'll be dropping the pedestrian bridge on Railroad Avenue, the Depot construction is going up, but I think the excitement that I see is bringing the trail into the Rosenwald Community and Bethel A Baptist Church has the confidence in the City Council to donate their park and the parking lot which will make it so much better to have the Mary C. Jenkins Community Center, an upgraded playground and parking lot and onto the Tannery and out to the high school so these are exciting times. This Friday there is a deadline for the grant application with the Pisgah Health Foundation and the grant we're submitting will be to complete the trail from the high school to West Main Street and in our effort we want to build from McLean Street to West Main Street so it's a big project and we hope we can get acceptance from them to submit a grant application. Unless you put it on paper, it doesn't happen.

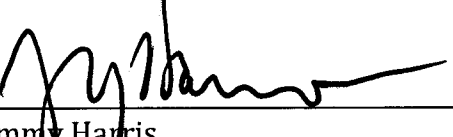
Mike Pratt said I don't often comment on what Council members say but occasionally I do. I think that our community is a beautiful community and I have even the City Attorney for a long time now and I think the improvements being made in that time by Council have been really astounding and we should be proud of what the City has done. With regards to the projects going on, I agree with what Charlie said and we've got all these roundabouts coming and the bike/hike path extension and a landscape architect that knows the plantings that should be made would really be beneficial with regards to these things and I hope City Council will take this to heart.

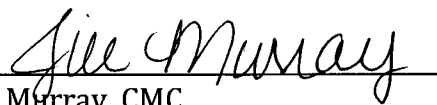
O. Closed Session(s) – Mayor Harris asked the City Attorney if it would be appropriate for Council to hold a closed session to discuss a matter of economic development. City Attorney advised pursuant to **GS § 143-318.11. (a)(3) (4)** it would be appropriate to convene a closed session on the matter. 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 8:31 p.m. Mr. Landreth moved, seconded by Mr. Jones to enter into closed session to discuss a matter of economic development and clear Council Chambers. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager, City Clerk Jill Murray and Planner Aaron Bland (A five minute break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session – At 9:12 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. Landreth moved, seconded by Mr. Morrow, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:14 P.M.


Jimmy Harris
Mayor


Jill Murray, CMC
City Clerk

Minutes Approved: September 16, 2019