

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
April 20, 2020 - 4:00 PM**

The Brevard City Council met in regular session on Monday, April 20, 2020, at 4:00 p.m. in the Multipurpose Chambers-County Administration Building with Mayor Jimmy Harris presiding. The meeting was held at the County because 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 to 10.

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

Staff Present – City Attorney Michael Pratt, Jim Fatland Finance Director and City Manager, City Clerk Jill Murray, 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 – Mayor Harris offered an invocation.

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

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

E. Public Participation – Mayor Harris read several emails that came in from citizens as follows:

Micky Robinson from Isaac Homes Youth Shelter asked about getting hand washing stations in town for the homeless in our community. Mayor Harris said he thinks that it is a great idea and we have called around and can't find any that are available but will continue looking into it.

Marge Doty asked about a program called "Off Their Plate" that takes donations to feed front line health care workers and first responders. Mayor Harris referred her to Clark Lovelace at the Chamber and also suggested that she speak to Councilwoman Maureen Copelof as well.

Anna McCarley asked if our trails are still open. Mayor Harris responded that yes, the Estatoe Trail, Bracken Preserve and the boat ramps are all currently open.

F. 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 an item for discussion. Gary Daniel asked that items 9 (Isaac Homes Youth Shelter Community Development Report & Budget Request) and 13 (Ordinance FY19-20 Budget Amendment No. Five) be removed for further discussion. Ms. Dinkins asked that item 22 (Resolution Authorizing BUILD Grant Application) be removed for further discussion and Mayor Harris asked that item 24 (Traffic Schedule Amendment) be removed for further discussion. Mac Morrow moved, seconded by Gary Daniel to approve the consent agenda as amended. Motion carried unanimously.

F-1. February 17, 2020 Regular Meeting Minutes.

There was one change to the minutes by Geraldine Dinkins to change the name of the Mom's Mabley contact to Ansley Wegner.

F-2. Transylvania Garden Club & the North Carolina Arboretum-Railroad Depot Project.

Maureen Copelof explained that the garden club and the arboretum were originally going to speak at this meeting but can't because of the COVID19 restrictions. She said both groups are coming together to design a native plant pollinator garden at the Railroad Depot Park and they're hoping to have their first work day on May 19th if the restrictions are lifted.

F-3. Transylvania Community Arts, Community Dev. Report & Budget Request.

Will go to budget for Council's approval.

F-4. Transylvania Farmer's Market, Community Dev. Report & Budget Request.

Will go to budget for Council's approval.

F-5. Heart of Brevard, Community Dev. Report & Budget Request.

Will go to budget for Council's approval.

F-6. Bread of Life, Community Dev. Report & Budget Request.

Will go to budget for Council's approval.

F-7. Sharing House, Community Dev. Report & Budget Request.

Will go to budget for Council's approval.

F-8. The Cindy Platt Boys & Girls Club of Transylvania County Community Dev. Report & Budget Request.

Will go to budget for Council's approval.

F-10. Staff Reports:

- a. Financial Report for month ending March, 2020
- b. Public Works Monthly Report, January & February 2020
- c. Police Department Quarterly Report

F-11. Resolution Approving Property Tax Release, February, 2020.

RESOLUTION 2020-05

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

\$ 472.08

Adopted this the 20th day of April, 2020.

F-12. Tax Settlement Report for months ending February & March, 2020.

F-14. Amendment to Sharing House Contract.

This is an amendment to the original agreement dated June 24, 2019, whereby the City is giving the Sharing House an additional \$5,000 as they have exhausted its grant funds due to COVID19.

F-15. Families First Coronavirus Response Act (FFCRA) Policy.

The Human Resources Director put together a policy for Council to consider to implement provisions of the Families First Coronavirus Response Act.

F-16. Council Public Works & Utilities Minutes, September 12, 2019.

F-17. Council Finance & Human Resource Committee Minutes, January 15, 2020.

F-18. Mary C. Jenkins Community Center Task Force Minutes- January 22, 2020.

F-19. Council Downtown Master Plan Committee Minutes-January 22, 2020.

F-20. Resolution Authorizing Grant and Loan Assistance for King Street Water Line.

RESOLUTION NO. 2020-06**RESOLUTION AUTHORIZING GRANT AND LOAN ASSISTANCE
FOR KING STREET WATER LINE**

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, storm water treatment, drinking water treatment works, and/or drinking water distribution system or other "green" project), and

WHEREAS, the City of Brevard has need for and intends to construct a drinking water distribution system project described as Replacement of 3,295LF of 4" waterline with 6" waterline in King Street and surrounding Neighborhood, and

WHEREAS, the City of Brevard intends to request state loan assistance for the project,

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

Section 1. That City of Brevard, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan award.

Section 2. That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

Section 3. That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Brevard to make scheduled repayment of the loan, to withhold from the City of Brevard any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

Section 4. That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

Section 5. That James Fatland, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

Section 6. That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Section 7. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Section 8. That this Resolution shall become effective upon its adoption and approval.

Adopted this 20th day of April, 2020.

F-21. Resolution Authorizing Grant and Loan Assistance for Burrell Mountain Reservoir.

RESOLUTION NO. 2020-07

**RESOLUTION AUTHORIZING GRANT AND LOAN ASSISTANCE
FOR BURRELL MOUNTAIN RESERVOIR**

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, storm water treatment, drinking water treatment works, and/or drinking water distribution system or other "green" project), and

WHEREAS, the City of Brevard has need for and intends to construct a drinking water distribution system finish water storage tank project described as Demo of existing obsolete 1 million gallon tank and replace with new 1 million gallon tank, and

WHEREAS, the City of Brevard intends to request state loan assistance for the project,

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

Section 1. That City of Brevard, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan award.

Section 2. That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

Section 3. That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Brevard to make scheduled repayment of the loan, to withhold from the City of Brevard any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

Section 4. That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

Section 5. That James Fatland, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

Section 6. That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Section 7. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Section 8. This Resolution shall become effective upon its adoption and approval.

Adopted and approved the 20th day of April, 2020

F-23. Public Works Records Disposal Request.

Public Works asked Council to consider their request to dispose of records according to the Records Retention Policy.

**F-25. Board and Committee Appointment(s)
Dangerous Dog Appellate Board**

City Council approved reappointment of J. Elaine Russell and Dr. Purvis James Boatwright Jr. to serve on the Board.

F-26. Correspondence (No Action. Offered as information only.)

- a. City-County Building Permit Activity Months ending February & March 2020.
- b. Arts-In-March.
- c. County Resolution-Appointment of Review Officers for City of Brevard.

G. New Business –

1. Manager's Report

- Small Business Emergency Relief Fund

Over the last few weeks there's been a Zoom call with the Chamber of Commerce, Heart of Brevard and members of this City Council to talk about how we can help out small businesses that are hurting in this community. We know there's relief coming from the Federal Government but how can we as locals help. So on April 16th the Transylvania Business Support Task Force announced the creation of the Transylvania Tomorrow Small Business Emergency Relief Fund. The program is to help support small businesses during the COVID19 pandemic and the program will be funded through the Community Focus Foundation and they hope to award grants up to \$3,000. As of Friday, they have raised \$26,000. The recommendation that I would like to present to City Council is that the City of Brevard donate \$5,000 towards this relief effort. The source of these funds will be out of the Council budget. It will not require a budget amendment as there is already money in this year's budget that you could appropriate today to cover it. So the recommendation is to see if Council would like to consider \$5,000 to go to the Transylvania Tomorrow Small Business Emergency Relief Fund. Geraldine Dinkins asked to recuse herself from voting on this as she herself will be applying for these funds. Maureen Copelof moved, seconded by Maurice Jones, that Councilwoman Dinkins be recused from discussion and deliberation on the Transylvania Tomorrow item, as well as voting. Motion carried. Gary Daniel motioned, seconded by Mac Morrow to approve giving \$5,000 to the Transylvania Tomorrow Small Business Emergency Relief Fund. Motion carried.

- Impact of COVID-19 on the FY21 Budget Preparations

Normally the manager presents the proposed budget at the regular meeting in May but rather than coming in May and putting assumptions into it, I'd like to share those with Council now to get an understanding as to why we're doing certain things and really looking at the future of the City of Brevard and that we're in a strong economic position. There's challenges and difficult decisions that we must make as an organization. I shared my financial concerns for the upcoming FY21 budget individually with Mayor Harris and I was on the phone with the Chairman of the Finance Committee, Geraldine Dinkins. I spoke to the City Attorney Michael Pratt and the department heads of the City. The City Manager traditionally shares the budget in May, however, due to COVID-19, I would like to share with you my thoughts in advance of the annual budget presentation. When a recession or an economic slowdown occurs, the private sector is hit first. As for the public sector, we're paying all of our employees and had no layoffs during this period of time but the public sector gets hit later on. If you wait until the full negative impact hits, it'll be too late. It's important that we assess the negative impact on the City of Brevard's finances and cash flow. We must be prepared to address a decrease in property taxes, sales taxes and water/sewer utility revenue. I've repaired and monitored public sector budgets for over 40 years. This may be the most difficult budget that I have faced in my professional career. We have been tracking monthly sales tax since 2011 and sales taxes have increased every year since 2010/2011. The decline in sales tax today wouldn't be felt by this community until June, July and August of this year. Our most recent sales tax came in on April 10th and that was for the month of January. It was the highest April in the last 10 years. However, this reflected sales from January, prior to the COVID-19 pandemic. When Governor Cooper issued an executive stay at home order, many business had to close, some remained partially open like restaurants that tried to do their best with takeouts. Lodging facilities, hotels, motels and short term rentals have also seen a demanding decrease in revenue. This will equate to lower tax revenue to the City of Brevard. Governor Cooper issued a second order requiring utilities not be turned off to residential customers for nonpayment. The City has not turned off any customer whether they are residential or a

business for nonpayment. This coupled with lower water consumption from restaurant and business closures will dramatically affect our utility revenue for the water and sewer enterprise fund. I would like to share with you some of the budgetary assumptions that your staff will be addressing to you in May.

- We're recommending that in the general fund no property tax increase for next year. We're recommending that the revenue projections be lowered by \$200,000.
- We're recommending no increase in trash or recycling fees and we would like to budget the proposed sales tax at the 2010/2011 level which would reduce our sales tax revenue by \$700,000.
- No budgetary transfer from the utility fund for reimbursement to the general fund. That would be a reduction of \$600,000. These are major impacts to the general fund.

On the expenditure side, we have no salary or benefit increases to City employees, no new personnel positions, no funds budgeted for travel and training which will save the general fund about \$60,000. We are freezing any vacant positions, deferred capital equipment purchases, deferred capital improvements that are not currently under contract and no budgetary transfers from the general fund to the Downtown Master Plan Fund, the Parks and Trails Fund and the Rosenwald Fund. This would be a total savings of \$425,000. On the water and sewer fund, as I mentioned earlier, we're faced with reduced water consumption and customers not paying their bill on time but we're also recommending no water and sewer increase on the community. We're budgeting at 10% below last year's level which is about a \$540,000 decrease in projected earnings. The conference call I had last week with the State Treasurer, they're recommending that some cities should lower it by 20%. We also budget so much money for late and reconnect fees, the Governor has requested that we're not allowed to charge late fees so that would be a reduction of about another \$20,000. We've also sent a letter to the State Treasurers office. We have a debt payment for our water and sewer fund. Our payment on May 1, 2021 is \$1,477,000. We're asking the State Treasurer if they can assist the City and move the mortgage out one year. The State Treasurer recommended adopting a lean budget and you can always amend your budget at a later date so I have before you a revised calendar. I will present the budget on May 18th like we normally do and we have a budget workshop scheduled for June 1st and a public hearing for June 15th but I'm looking at a budget ordinance amendment to present to Council on September 21st. We'll have a lean budget if the Council supports that, but in September we're going to have some information for the first time. We started collecting property taxes last year and it's probably one of the better decisions that this City Council has made because we can now compare our property tax collections through August 31, 2020 with August 31, 2019. As you know, we collected 62% of our property taxes August 31st so that will be a good benchmark to compare. The weakest month in sales tax is going to be the cash receipts we get from Raleigh in June, July, August and September. We'll have a full impact of what the sales tax means to this community and we're hoping if we can budget conservatively, we can make an appropriation to free up money to make things happen in this community.

Mr. Daniel asked if we can still realistically do the Mary C. Jenkins project. Mr. Fatland said it's already been approved by City Council. He said his recommendation will be to refer it to the spring and by then we'll have a good idea. The loan payment wouldn't be done until after completion of the project.

Mayor Harris, Mac Morrow and Maureen Copelof all thanked Mr. Fatland for his experience and how well thought out everything is.

2. Conflict of Interest of Council Member.

Mike Pratt explained "this involves Geraldine and her husband Jacob. Jacob is an owner of Bracken Mountain Builders. They donated a lot of labor to the building of the skate park but there is a conflict between Bracken Mountain Builders and the City as to whether they should be paid something for completing the skate park or not. That's a

very general way of putting it. It's been brought to my attention that because of a disagreement about the payment, Geraldine has a conflict of interest in this matter and should be recused from voting if it comes to Council and should be asked to not speak to City employees or Council members about this. It's similar to the recusal that she just put forward to you. I had indicated to her that I would bring this before Council at this meeting to have you consider this conflict of interest and whether to make a motion to recuse her in this matter and I am available to answer any questions."

Gary Daniel asked for clarification that we're only talking about the payment to Bracken Mountain Builders and not any other issue involving the skate park. Mr. Pratt said that is correct. She is very much free to advocate for the skate park or take any position she wants to with regard to that. I'm not trying to keep her from doing that at all.

Geraldine Dinkins said "I would like to make a statement before we move on." Mayor Harris said "he would like that to be done under a motion because if there is no support, then the motion dies. He asked if there is a motion in favor of or against the conflict of interest? What is Council's pleasure?" Mac Morrow moved that Geraldine has a conflict of interest concerning Bracken Mountain Builders and their work with the skate park and that she recuse herself from any sort of discussion concerning the payment of money.

Ms. Dinkins said "I have a series of questions that I think will clear this up. Mr. Pratt, how did this come to you? How did this come to your attention?"

Mr. Pratt said "initially, through the City Manager some months ago indicating that Jacob wanted to be paid \$8,500 for the final work he was doing with regards to the skate park."

Ms. Dinkins asked "what the last communication with that invoice was. I know nothing about that invoice. Has it been paid? Is it open? Have you heard anything? Has anybody tried to collect on this invoice? Do you know if this invoice is still outstanding?" Mr. Pratt said "that he doesn't know anything about an invoice." Ms. Copelof asked "aren't we going into the discussion that is the potential conflict of interest that you're not supposed to discuss?"

Ms. Dinkins said "I would like to make sure that I am being accused of talking to staff in an improper way. I want to make clear that I did not talk about an outstanding invoice that my husband apparently has through his company with his partner to the City and what I wanted to make clear is as far as I know, that invoice has gone away, has been removed from consideration."

Mr. Fatland added "the item came before our planning director on whether or not Bracken Mountain Builders could be retained to finish up the punch list items at the Tannery Skate Park. When Paul Ray brought that to my attention, Paul Ray and I had a conference call with the City Attorney and that's where it started. My understanding is the invoice on the unpaid amount got paid out by the Community Focus Foundation monies and we have a balance of about \$8,000 or so remaining in City funds that are reflected for Tannery Park. It's whether or not Bracken Mountain Builders could be retained to finish the punch list."

Mr. Daniels asked "wouldn't it be hard not to contract them? Aren't they the contractor on record?" Ms. Dinkins said "they aren't anymore. They have removed themselves from the permit as far as I know. Ms. Dinkins added that the communication she had with the City Manager and the Planning Director were about bringing the ordinance from 2018 back before Council to be amended to include that professional labor would be a permissible expenditure for money that the City holds that the task force raised in the first place. It's not City funds and I talked to Mr. Fatland about why that amendment could not come before Council because he had, via Mr. Ray, told the task force that he would not be offering this amendment up for Council to

consider. That is my communication. That is the sum of my communication with Mr. Fatland on this subject.”

Mr. Fatland reminded Council that they passed a resolution to take in donations to build this skate park with donated labor. It would have to come up by one of the Council members to bring it up for revote. Staff would not bring back an ordinance that has already been approved by City Council.

Mr. Pratt said “Geraldine, what you’ve said is exactly what we’re talking about. That’s your conflict of interest. You asked Jim to bring something before Council that really you should not have asked for. You should have not participated in that discussion at all.” Ms. Dinkins said that the task force asked Jim directly.

Mr. Pratt added “we’re just here on a very simple motion which is to recuse yourself from this and that you shouldn’t discuss it with City employees going forward. So, I’m not sure what your goal is but you’ve already stated that a violation of the conflict of interest concerns that I presented to Council.”

Ms. Dinkins said “can I respond now?” Mr. Pratt said “I don’t think this is a back and forth kind of thing. It’s a matter of discussion with Council. Ms. Dinkins interrupted Mr. Pratt and said “I would like to state just one more time what my intention was when I talked to Mr. Fatland. My intention was to find out why the ordinance could not come back before Council to be amended to include professional labor. It did not need to be professional labor by Bracken Mountain Builders. It needed to be professional labor period. If the insurance company is asking us, the task force, to do things like handrails that cannot be done by volunteers to where it will be passing inspection that is what I asked Mr. Fatland. When can this ordinance come back and be amended to include professional services. This has nothing to do with an outstanding invoice of any sort. It simply meant the ordinance needs to be amended to allow the task force somebody who knows what they’re doing, not volunteers to do certain tasks at the skate park to finish the project to where it can get insurance coverage.”

Mr. Fatland added “when this body passes a resolution, it becomes the law of the land. Staff does not come back to change things unless it comes up at a regular council meeting. If three members of the Council direct staff to redo the ordinance, we will do so, but we already had an ordinance before that said we were raising funds through donations and completing it through donated labor.”

Mr. Daniel said I think we can move forward with the motion but I think there’s a valid point raised in that if the City is expecting the skate park task force to complete the skate park and they need to spend money to pay a welder, then I think we should make some sort of allowance for that.

Mr. Jones said “he thinks what we’re witnessing is a misunderstanding of the process. I think what’s trying to be said is getting council members to bring it to them instead of going to staff.” Ms. Dinkins said “that is exactly what I did. I asked him to put it on the agenda.” Mr. Fatland responded “if the Council passes a resolution or an ordinance, the majority of Council has to direct staff to do it. You can’t just arbitrarily change it and put it on the agenda. So if the council would like to direct the city attorney to make a new ordinance to modify, they can do that tonight.”

Mr. Daniel started to make a motion, but as Mr. Morrow and Ms. Copelof pointed out, there was already a motion on the floor. Ms. Copelof called for a vote on the motion. Motion carried and Mayor Harris said Ms. Dinkins, you are recused from this discussion. Ms. Dinkins thanked the Mayor.

Mr. Daniel asked to make a motion, seconded by Ms. Dinkins, that we ask the City Attorney to amend the ordinance to allow payment for professional services to complete the Tannery Park Skate Park. The motion failed to pass.

3. (F-9) Isaac Homes Youth Shelter Community Dev. Report & Budget Request.

Gary Daniel pulled this item for further discussion. He said his concern is that first of all, it's not signed. Also, Mr. Robinson has never provided us with a plan of how he is going to use this money or some sort of organization or idea of how he will use this money. We've asked him to tell us how it's going to work. We receive so much info from these other folks, it seems fair that he would have to provide it to us as well. He said he would be happy to support it if he can show a plan. Anyone could come in and ask for money and spend it with no plan for it. Ms. Dinkins agreed and said that he has shown no kind of budget. Mr. Fatland said when we do the budget work session, we'll go through all of these nonprofit requests and the Council will give direction to staff. I'll come through with a recommendation based on the application and the funds we have available. Items 3 through 9 on the agenda are simply requests and Council will make their decision at their budget work session.

4. (F-13) Ordinance FY19-20 Budget Amendment No. Five.

Mr. Daniel pulled this item for further discussion. The Parks budget for \$145,000, if you could just explain it. Mr. Fatland said we're spending \$100,000 on a street budget and \$45,000 to the parks and trails fund. The \$100,000 is for storm water improvements which was already previously discussed in that total. The \$45,000 is for paving the driveway at the depot. Mr. Morrow moved, seconded by Ms. Copelof, to approve the Budget Amendment No. Five as is. Motion carried unanimously.

**ORDINANCE NO. 2020-05
AN ORDINANCE AMENDING THE FY2019-2020 BUDGET
AMENDMENT NO. FIVE**

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2019-14); Budget Ordinance Amendment No. 1 (Ordinance No. 2019-XX); Budget Ordinance Amendment No. 2 (Ordinance No. 2019-xx); Budget Ordinance Amendment No. 3; Budget Ordinance Amendment No. 4; and

WHEREAS, it is necessary to make amendments to the budgets to reflect additional revenue and expenditures for Fiscal Year 2019-2020.

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

SECTION 01) General Fund Revenue is hereby increased \$132,820 from \$11,349,457 to \$11,482,277 as shown as follows:

Appropriation of Fund Balance	<u>\$ 132,820</u>
TOTAL REVENUES	\$ 132,820

SECTION 02) General Fund Expenditures are hereby increased \$132,820 from \$11,349,457 to \$11,482,277 as shown as follows:

Contingency	(\$112,180)
Planning Department	\$ 100,000
P.W. Streets – Local	\$ 100,000
Transfer to Multi-Use Paths Fund	<u>\$ 45,000</u>
TOTAL EXPENDITURES	\$ 132,820

SECTION 03) Water and Sewer Utility Fund Revenue is hereby increased \$86,847 from \$6,415,167 to \$6,502,014 as shown as follows:

Appropriation of Fund Balance	<u>\$ 86,847</u>
TOTAL REVENUES	\$ 86,847

SECTION 04) Water and Sewer Utility Fund Expenditures are hereby increased \$86,847 from \$6,415,467 to \$6,502,014 as shown as follows:

Contingency	(\$103,153)
Water Distribution	\$ 60,000
Wastewater Treatment	<u>\$130,000</u>
TOTAL EXPENDITURES	\$ 86,847

SECTION 09) Fire District Fund Revenue is hereby increased \$11,000 from \$1,471,468 to \$1,482,468 as shown as follows:

Fund Balance Appropriated	<u>\$ 11,000</u>
TOTAL REVENUES	\$ 11,000

SECTION 10) Fire District Fund Expenditures are hereby increased \$11,000 from \$1,471,468 to \$1,482,468 as shown as follows:

Non-Departmental Debt Service	<u>\$ 11,000</u>
TOTAL EXPENDITURES	\$ 11,000

SECTION 23) Multi-Use Paths Fund Revenues are hereby increased \$145,000 from \$1,138,234 to \$1,283,234 as shown as follows:

NC DOT Kings Creek Bridge Reimbursement	\$ 100,000
Transfer from General Fund	<u>\$ 45,000</u>
TOTAL REVENUES	\$ 145,000

SECTION 24) Multi-Use Paths Fund Expenditures are hereby increased \$145,000 from \$1,138,234 to \$1,283,234 as shown as follows:

Depot Railroad Avenue Park	\$ 45,000
Railroad Avenue Project	<u>\$ 100,000</u>
TOTAL EXPENDITURES	\$ 145,000

SECTION 33) That Revenues and Expenditures Section 1 through Section 32 of the Ordinance Amendment have increased \$375,667 from \$27,415,569 to \$27,791,236 as follows:

	Budget
General Fund	\$ 11,482,277
Water & Sewer Utility Fund	\$ 6,502,014
Utility Capital Projects Fund	\$ 3,543,120
Capital Reserve Fund	\$ 80,000
Fire District Fund	\$ 1,482,468
Terrell L. Scruggs Scholarship Fund	\$ 22,000
Bjerg Fund	\$ 6,500
Other Post-Employment Benefits Fund	\$ 30,000
Health Insurance Fund	\$ 1,520,300
Heart of Brevard MSD Fund	\$ 157,000
Housing Trust Fund	\$ 2,820
Multi-use Paths Fund	\$ 1,283,234
Wayfinding Project Fund	\$ 7,702
911 Communications Fund	\$ 56,972
Narcotics Task Force Fund	\$ 59,100
Rosenwald Revitalization Fund	\$ 800,000
Downtown Master Plan Fund	\$ 755,729
TOTAL BUDGET APPROPRIATIONS	\$ 27,791,236

Adopted and approved this 20th day of April 2020.

5. (F-22) Resolution Authorizing BUILD Grant Application.

Ms. Dinkins pulled this item for further discussion. Mr. Fatland explained “if we come out of this pandemic stronger and we have an opportunity to get this BUILD Grant application if we get it, it would be a tremendous positive for this community, our restaurants and tourism and so forth. The resolution authorizes us to apply for this BUILD Grant. I want to thank the Downtown Master Plan Committee for retaining Julie Metz. She has been a tremendous resource to the City and she got a BUILD Grant for the City of Goldsboro and the City of Hickory and she commented to me on Friday and she said she did not realize there was so much going on in the City of Brevard and the County and the way she presented the grant application for Hickory got me really excited because it’s not just downtown streetscape that you’re asking for. You want to tell a story and the story is really based on that 2020 plan. We talk about the gateway

to Brevard, the corridor and the downtown. That, in essence, is what the BUILD Grant is all about. It's going to complete the Estatoe Trail out to Brevard High School. It also includes a project that we discussed at the Parks Committee which we realized was too expensive and we couldn't do and that is to put a tunnel under Asheville Highway. If we get the BUILD Grant, that's going to happen. It's a 1.5 million dollar project. The total project costs of all DOT, trails, downtown is like \$82 million dollars. We're asking the BUILD Grant folks for \$15 million or 18.4% of the total project costs. We're going to have a very strong application and if we get this grant on the heels of this pandemic, it's going to be a big boost not only to the City of Brevard but to the County of Transylvania and even Henderson County.

Ms. Dinkins asked in section 2, what the \$4 million dollar local match would entail. Mr. Fatland explained "we have 5 years to put the money up for our \$4 million dollars. Some of the money is put up already. Our Downtown Master Plan, we put up \$180,000. Take that number times 5. We put up \$180,000 for our Parks and Trails budget. Take that number times 5. We got a grant about a month ago from the Pisgah Health Foundation for \$240,000, that'll pave the trail from West Main down to the Mary C. Jenkins that counts as local match. We have \$600,000 for a pedestrian bridge over Davidson River. That will count as local match. It got delayed because of Indian artifacts. It's going to happen but it won't get started until 2021. That will count as local match. All these opportunities count as local match. This is a super win for this community. If the project has not started by the time we turn in the application, it can count as local match. Mr. Morrow moved, seconded by Mr. Jones to approve the BUILD Grant as presented.

RESOLUTION NO. 2020-08

A RESOLUTION SUPPORTING APPLICATION FOR A BETTER UTILIZING INVESTMENT TO LEVERAGE DEVELOPMENT (BUILD) GRANT FOR THE CONSTRUCTION OF MULTIPLE INTERCONNECTED AND OUTSTANDING TRANSPORTATION INFRASTRUCTURE PROJECTS

WHEREAS, The City of Brevard has long valued quality transportation infrastructure to meet the needs of our citizens; and

WHEREAS, this value has expressed itself through numerous public input efforts, planning processes, and studies conducted in concert with the NC Department of Transportation and the Regional Planning Organization; and

WHEREAS, the citizens of Brevard, City Council and other organizations such as the Heart of Brevard, a Main Street program, and the Chamber of Commerce have worked to cultivate the City's unique geographic position to the Pisgah National Forest, Blue Ridge Mountains, DuPont State Forest, Gorges State Park and Bracken Preserve, its unique downtown and its historic built environment; and

WHEREAS, Brevard was recently selected as the 50th Blue Zone Project Community in North America and the first in North Carolina and South Carolina; and

WHEREAS, the City of Brevard and its citizens have worked to develop these assets to transform their economy following the closure of the three largest manufacturing plants including (Ecusta (P.H. Glatfelter), DuPont and Coats North America) and the loss of over 2,200 manufacturing jobs; and

WHEREAS, the City, on its own and in partnership with other regional entities, has invested in multiple transportation related plans including the: Downtown Masterplans of 2002 and 2012, the Comprehensive Transportation Plan of 2007 and 2025, the Brevard Bicycle-Friendly Community Improvement Plan of 2018, the Transylvania County Bicycle Plan of 2019, the Blue Ridge Regional Bike Plan, and the Brevard Comprehensive Pedestrian Plan of 2006 and 2018, to name a few; and

WHEREAS, these plans and investments confirm a strong interest and desire to provide more efficient and equitable alternative modes of transportation such as pedestrian, bike, and transit in coordination with traditional vehicular use corridors in and around Brevard; and

WHEREAS, significant investments to implement these plans and interests have been made by the City and other transportation related partners as opportunities and funding have allowed; and

WHEREAS, Brevard understands that a safe, reliable, affordable and accessible transportation system is essential to the quality of life of all of our residents and to the health and vitality of our economy; and

WHEREAS, the United States Department of Transportation has issued another round of its Better Utilizing Investments to Leverage Development (BUILD) discretionary grant funding; and

WHEREAS, the 2020 BUILD grant is providing \$1 billion of funding for planning and capital investments in surface transportation infrastructure that will be awarded on a competitive basis for projects that have a significant local or regional impact; and

WHEREAS, BUILD funding can support roads, bridges, transit, rail, ports or intermodal transportation that include, implement or enhance safety, economic competitiveness, quality of life, environmental sustainability, state of good repair, innovation, and partnerships; and

WHEREAS, fifty percent of the 2020 BUILD Transportation grant is appropriated to support projects located in rural areas that deliver positive benefits for these communities: and

WHEREAS, Brevard is a rural community and has multiple transportation infrastructure needs, as outlined in the aforementioned plans, that require alternative funding sources to advance; and

WHEREAS, the BUILD grant program is a robust alternative funding source for transportation infrastructure needs, however it is also an extremely competitive nationwide program necessitating one to consider a robust funding match, a thorough and thoughtful application and demonstration of sound, strategic planning practices, past investments, commitment and capacity; and

WHEREAS, the 2020 BUILD grant allows award grantees until September 30, 2022 to obligate the grant funds via an authorized written grant agreement and provides grantees until September 30, 2027 to expend or liquidate the awarded grant; and

WHEREAS, the 2020 BUILD applications are due by May 18, 2020 at 5:00 pm and notification of awards are expected on or before September 15, 2020; and

WHEREAS, the City has prioritized certain transportation projects that are in varying stages of status and funding availability that, if implemented simultaneously, will significantly achieve our desire to provide interconnectivity and further the City's ability to support the health of individuals and the greater community.

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

SECTION 1. The City Manager is hereby authorized to apply for a BUILD grant and accept funding from for the implementation of:

1. the Downtown Masterplan Streetscape Projects of Broad Street and Main Street, and
2. completion of the Estatoe Trail segments from Depot Railroad Avenue Park to connect to the Rosenwald Community, Mary C. Jenkins Community Center, Silversteen and Tannery Parks and terminating at Brevard High School, and
3. construction of a pedestrian tunnel for the Estatoe Trail in conjunction with the NCDOT Asheville Hwy Improvements Project.

SECTION 2. The City Manager is hereby authorized to commit up to \$4 million as a local match to support a BUILD grant request of approximately \$15 million to advance multiple projects.

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

Adopted and approved upon first reading this the 20th day of April, 2020.

6. (F-24) Traffic Schedule Amendment.

The Police Chief requested that we amend the traffic schedule to add stop signs to Mills Avenue at Brown Lane in both directions to make the intersection a three-way stop.

Mayor Harris pulled this item for further discussion. Mr. Fatland left the room so that Police Chief Phil Harris could come in to answer questions. He asked if it would be possible to do a survey to see if having King Street as a one-way street would work. Police Chief Harris said that he thinks the basic issue is parking in that area. He suggested that staff from the Planning Department, Public Works Department, Fire Department, and Police Department talk and make a recommendation on that.

Mr. Morrow moved, seconded by Ms. Copelof that the traffic schedule be approved as presented. Motion carried unanimously.

H. Remarks / Future Agenda Considerations

Maureen Copelof thank of our staff and essential workers that keep the City going. Also, we had that incredible storm come through so thank you to everyone, we appreciate you. Also, I appreciate what Jim Fatland has done to keep the City moving. Also, when I look at what has happened with COVID19, our community has come together in so many ways to help each other. Special thank you to Councilwoman Dinkins for making masks for everyone. We appreciate it and I'm sure it's an incredible amount of work. Feel free to send us suggestions, we are listening to you.

Gary Daniel seconded what Maureen said and said that he appreciates that we were quick to take preventive measures. Be safe.

Maurice Jones echoes what Maureen said as well and also wanted to say thank you to the water and sewer folks and what they go through when a storm like that comes through.

Geraldine Dinkins said that she appreciates everyone thanking me for the masks. It's been incredibly rewarding as an experience so I appreciate people reaching back out. I want to mirror what Maureen said, to encourage people to reach out to us. I would like for us to be progressive and start thinking outside the box. I want to encourage people to reach out to us as elected officials.

Mayor Harris said that he wants everyone to know that the City of Brevard is going to come back. Hold onto hope. We're going to move forward. We do the next right thing.

Mike Pratt said yes we can go into a closed session to discuss property acquisition which requires a motion and a vote. Also, everyone be safe.

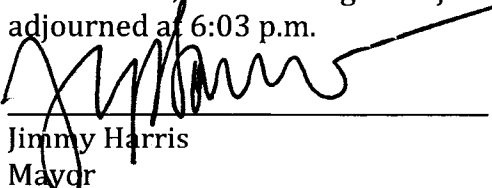
Jim Fatland thanked Geraldine Dinkins for coming through with the masks. He also thanked the citizens of Brevard. We've had to change things. We closed on March 16th and we've been working from home before the Governor said to so we've been ahead of the game.

I. Closed Session(s) – Mayor Jimmy Harris asked the City Attorney if it would be appropriate for Council to hold a closed session to discuss a matter of property acquisition. City Attorney advised pursuant to **GS § 143-318.11. (a)(3)(5)** 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 5:51 p.m. Mr. Morrow moved, seconded by Mr. Jones to enter into closed session to discuss a matter of property acquisition. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager and Finance Director Jim Fatland and City Clerk Jill Murray.

Council Returned to Regular Session – At 6:03 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. Daniel moved, seconded by Mr. Morrow, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 6:03 p.m.


Jimmy Harris
Mayor


Jill Murray, CMC
City Clerk

Minutes Approved: May 18, 2020