

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
June 15, 2020 – 5:30 PM**

The Brevard City Council met in regular session on Monday, June 15, 2020, at 5:30 p.m. in the Multipurpose Chambers-County Administration Building with Mayor Jimmy Harris presiding. The meeting was held at the County 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 according to the Governor's orders.

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

Staff Present – City Attorney Michael Pratt, Jim Fatland Finance Director and City Manager, City Clerk Jill Murray, Planning Director Paul Ray, Assistant Planning Director Aaron Bland and Police Chief Phil Harris.

Press – None

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

B. Invocation – Mayor Harris offered an invocation.

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

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

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

F. Approval of Minutes – Mr. Jones moved, seconded by Ms. Copelof, the May 18, 2020 Regular Meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates/Awards/Recognition -

H. Public Hearing(s) –

H-1. Proposal to Finance the Purchase of Real Property at the Intersection of East Probart Street, North Broad Street and East Appletree Street.

Mr. Fatland explained that the City Council authorized him to negotiate a purchase contract with North Broad Street Brevard, LLC for the acquisition of property at the intersection of East Probart Street, North Broad Street and East Appletree Street. The purchase price is \$1,877,500 with a recommendation of a loan for \$1,300,000 for 15 years with United Community Bank at an interest rate of 1.86%. The monthly payment would be \$8,298.11. The down payment of \$577,500 would come from the general fund the annual debt service of \$99,577 would come from the Downtown Master Plan Fund. Due to the COVID19 restrictions, this is a public hearing for the financing of this property acquisition and we will be taking public comment for the next 24 hours via email to the City Clerk.

Ms. Dinkins wanted to confirm that we are going to do this during a time when there will be no staff raises or allowable travel etc. and just wanted to make sure that we're thinking about all of this. Mr. Fatland said the debt service will be provided out of the Downtown Master Plan Fund and since we have the loan, I am recommending it. If we had to pay cash, I would say no.

Ms. Dinkins asked how the Downtown Master Plan Committee feels about this and Mr. Fatland replied that they will be discussing it before Council's June 29th meeting. Ms. Copelof added that she will be reporting everything back to Council after the Committee meets.

Ms. Dinkins asked what we will be doing with the land. Mr. Fatland said that we are looking at a possible parking deck or a key piece for the City to do something with.

Mayor Harris closed the public hearing subject to the 24 hour public comment period. Mr. Pratt added that it is also subject to Ms. Copelof reporting back after the Downtown Master Plan Committee meeting.

H-2. City of Brevard FY2020-2021 Budget and Fee Schedule.

Mr. Fatland gave a brief overview with a PowerPoint presentation. There will be no tax increase and a 2% discount will be offered through 8/31. There will be no rate increase in the water and sewer fund. Instead of a June budget work session, we will be having one in September when all of the numbers come in in July, August and September. The suggested non-profit contracts are Bread of Life, Farmers Market, Boys/Girls Club, Rise & Shine, Sharing House, TC Arts Council, and Heart of Brevard. The City also gave \$15,000 towards fireworks participation.

Mayor Harris closed the public hearing subject to the 24 hour public comment period.

H-3. Proposed Amendment to the Official Zoning Map of the City of Brevard Rezoning the Jennings Industrial Park PDD to the Mountain Industrial Drive PDD.

Aaron Bland explained this site is at the end of Mountain Industrial Drive across from Oskar Blues and is approximately 9.34 acres in size. The Planning Board recommended unanimous approval and staff recommends approval of all three requests-major modification, preliminary master plan for whole site, and final master plan for current building pad area with the three exceptions to standard development requirements.

Mayor Harris closed the public hearing subject to the 24 hour public comment period.

H-4. Proposed Text Amendment (TXT-20-005) UDO Chapter 12 Signs and Chapter 19.3 Definitions Prohibiting Electronic Display Signs.

Paul Ray explained that an ordinance for a moratorium on electronic display signs was passed by City Council on November 18, 2019, the purpose of which was to allow Staff time to research the laws around electronic display signs and give the Planning Board time to make a recommendation to City Council. Staff is recommending that City Council prohibit electronic display signs except where specifically authorized for certain uses as noted above.

Mr. Daniel asked about the ones that we currently have and them being deemed hazardous. Mr. Ray said that he does not believe we can do anything about the current electronic sign unless something were to happen to the sign and they wanted to put a new one up, they would not be allowed to. Attorney Mike Pratt agreed that it would be hard to do.

Ms. Dinkins asked if we currently have a standard for brightness. Mr. Ray said that it has to be dark and the light is supposed to be directed downward but we do not currently have a standard on the books for brightness.

Mr. Albert Horrigan, a citizen of Brevard, said that he is a former City Council member in Park City, Utah and we enacted a sign ordinance and one of the things that

we found then was that people would complain about restrictions on signs until after they were restricted and then they all loved them. I just want to say that I am glad that Brevard wants to be known as an upscale community and anything you can do to make it more upscale, I am personally in favor of.

Mayor Harris closed the public hearing subject to the 24 hour public comment period.

H-5. Proposed Text Amendment (TXT-20-001) UDO Chapter 10.3 Minimum Parking Ratios and Parking Fee In Lieu.

Mr. Ray explained that on June 18, 2018 City Council approved the FY18-19 Budget Ordinance and Fee Schedule which included an adjustment to the rate per space for the parking fee in lieu option. The change went from \$500 to \$14,500 per space. Shortly after its adoption there was concern over the impacts this would have on the City's economic development potential. Following a recommendation from the Downtown Master Plan Committee, the City Council suspended the parking fee in lieu for a period of one year until further discussion.

Staff is recommending the deletion of the parking fee in lieu from the Fee Schedule and deletion of the minimum parking ratio requirements for DMX and NMX in the Railroad Avenue/Lumberyard area for retail, office, theaters, restaurants, manufacturing, lodging and civic uses (non-residential). The Planning Board unanimously voted in favor of these changes.

Mr. Daniel asked if there was another way to do it. Mr. Ray said that we can change it to say that if you have the room to provide off street parking, you must do it, but if you can't, then there's not a parking fee in lieu.

Mayor Harris closed the public hearing subject to the 24 hour public comment period.

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

Mayor Harris read an email from Randy Austin, Downtown Business Owner: "I would like to thank the City of Brevard for helping small business. Although the fencing idea may or may not have worked, the bottom line is the City of Brevard cared about our businesses."

Mayor Harris mentioned a letter from Aaron Baker that came in after the deadline for public comments. He did not read the letter to Council as it was the same thing that had been posted in the Transylvania Times a few days earlier. However, as an added note, Mr. Baker wanted to know why the multi-use path has not been completed and does not yet reach to Whitmire Street. Mayor Harris said that the City of Brevard does not own a paving company and if we did, we would still have to abide by the COVID19 executive orders from the Governor. Therefore, when we called the paving company to do the bike path, they were not considered essential and were stopped by the State essentially. If there was no COVID19, this would have been paved and we would have already had the dedication. There are still some utility relocations that need to happen as well.

Ms. Copelof wanted to add that we are having our Parks and Recreation Committee meeting on Wednesday and we will be going over the status of all of these projects and Mr. Baker could get all of the latest information of what's happening regarding his concerns in his letter, at that meeting.

Mr. Daniel said there is a paved path around the Depot and stops when it gets to Keir Manufacturing. I'm wondering why it couldn't have gone the extra 300 feet to connect to our trail. Mr. Fatland responded by saying that we have a temporary hold as we have a utility pole that needs to be relocated and we have a contractor that has been

retained to do a culvert pipe in so we can run the trail along Keir Manufacturing. We have the easement over by the church to do a 90 degree turn over to McLean so once we get past those obstacles, that's a segment we want to complete.

Mr. Daniel said that although he appreciates that, it should have already been done. If we had had a grand opening, it would have been meaningless because it's not connected to anything. Its only about 300 feet and we did have paving done. It should have already been done.

Ms. Copelof added that the end result is what's visible when people see it but there's an incredible amount of work that goes on behind the scenes on all of this. A lot of the legal work and that takes an awful lot of time. So even though people might not be seeing the end result, which is frustrating, that doesn't mean work isn't being done on these projects.

Mr. Morrow added that the part we all have to remember is that these are anxious times for us all and whether it's in our private life or in our government life. It seems like we always want to play the blame game or something. It's like this letter totally ignores the fact that we have a COVID virus and that the engineer has been quarantined in his basement and that funding was expected to come in this next year's budget. So there are lots of things where the pieces are not there. I think we need to take a deep breath and understand that a lot of great things are going on and just be thankful for that.

J. Special Presentation(s) - City Manager's FY2020-2021 Budget Message and Presentation.

J-1. Joint Historic Preservation Commission Update presented by Melanie Spreen.

In keeping with NC State requirements, Vice Chair Melanie Spreen, Joint Historical Preservation Commission, presented the annual report. (Report is on file with Agenda Packet materials.)

Council accepted the report and thanked Ms. Spreen for her and the Commission's work.

J-2. Foundation of Brevard Police Department, Police Chief Phil Harris.

Chief Harris presented a report (of file with Agenda Packet materials). He explained how the Brevard Police Department uses the principles of Community-Police Relations as their guide to define policing in our community.

Ms. Dinkins said I have found the Brevard Police Department to be wonderfully professional and never felt afraid all the time I've lived her and always felt heard and seen. I also think of you as a deeply compassionate man both in your private life and the pride you take in your chosen career. The fact that the protests here have been peaceful, speak volumes to your department. But you do mention the changing times and so I ask you what we can do to make our Police Department even better. This is not to say that there is anything wrong with our Police Department. Chief Harris said that we keep up with case law, we keep up with cutting edge, and certainly principles. What I think I can do better is continually go to the community and ask that question and take notes. Sometimes the answer is the community didn't know we did that. I always come away with something new can go and implement. You mentioned the protests. You say we had peaceful protests because we have that connection with the community. I don't agree. I think we had peaceful protests because our community is who they are. I heard stories after the fact about people who weren't from here trying to ramp things up and the people from our community said that's not how we operate here. So that's a community I continue to learn from.

Ms. Dinkins asked Chief Harris what he thought of a civilian review panel. I think initially I, and others, need to listen to our community and get their input and then I need to talk to the community about the police.

Mr. Morrow said he wanted to say how appreciative he is and he has reached out to the Chief in cases where there's been an at risk person that we needed to talk to together or it was just to take a young person whose been a victim of fraud to learn what the police department does and no matter the case, you've never failed to impress me with what kind of talent you have. From my perspective on these few cases that I've had with you and your department, I want to pass on my respect, thank you,

Mr. Daniel said that he would like to express his appreciation. The City of Brevard Police Department is already doing things that are being discussed nationwide and I appreciate that. I appreciate your connection with our community, it's strong.

Ms. Copelof said that leadership really does make a difference and I just want to thank you for the leadership that you provide to our police department. I've worked with you on many difference incidents and many different issues and across the board no matter what we're working on, you and your entire police force are simply very empathetic, very compassionate and really look at how you can work to make this a better community and a safer community for everybody. I have to say that is a real tribute to the leadership that you've been providing to our police force and I think that's been reflected very recently on how things have gone here so thank you.

Mr. Jones mentioned body cams and the storage capacity. I know we had a discussion on how long you were going to keep certain data. Because obviously it's playing a large role in cases these days so I just wanted to get a general idea if we have a situation here, what can we expect with our body cams? Chief Harris said that they follow a State directive on retention of records and we did initially believe that we would eventually add to the storage capacity. We developed ours in a way that it's simple to do. Our storage is on a hard drive, not the cloud, so it's just a matter of adding another device and it seems like each year they get cheaper and cheaper, so we're in good shape.

J-3. City of Brevard Small Business Support Update:

a. Transylvania Tomorrow Emergency Relief Fund, City Manager Jim Fatland.

Mr. Fatland said that in April, the City Council approved \$5000 for a grant for the emergency relief program. Then at the last meeting on May 18th, we had a recommendation from staff to split the money between loan and grant but then Council decided to give the full \$25,000 as a grant so the City has gone on record of donating \$30,000 for the emergency relief fund. Clark wanted to stress his sincere thanks for the \$30,000. A lot of the businesses are too stressed to have another loan. The County did a loan program for \$150,000. Clark and I have the same concern as the business owners and with the directive of the Governor, they can't open completely. Clark suggested that we may have to help again for them to get through the winter months because they won't have their nest egg from the spring, summer and fall months that they would normally have. Oskar Blues is doing fundraisers through their charity program to raise additional funds and the Brevard Music Center has also helped them out in raising money. The business support has several people helping. They got all of the information out to the business owners on COVID19, they've conducted two surveys with the business community of dealing with the pandemic, they've hosted three town hall meetings with experts addressing questions directly from business owners. They've hosted four industry huddle up programs for retail, lodging, restaurants and the art community to help them. The task force will continue to work hard and at the next meeting on June 29th, Clark Lovelace will be here to update us on additional fundraising and grant programs.

b. Downtown Pilot Program, Chair of the Downtown Master Plan Committee Maureen Copelof.

At our last meeting in May, City Council approved a strategy to help our small business community. We really looked at what the City could do to help our retail and restaurant businesses. When we looked at it, we said how could we take some more outdoor space and let them use it. Council approved the program to take two blocks and close the parking and make it a reusable space to be used by them. We said we wanted to go out and talk to all of the businesses to survey them and see what they wanted and based on this initial feedback, some of them said they really needed this. We decided to close out the parking area and make it happen. We began the initial rollout of fence. Some people asked why we picked black fencing material. We wanted to be safe, we wanted to make sure it was anchored, we wanted to maximize the space to not take away the space from the businesses. We were operating with all of these constraints. We also wanted to get something that we could reuse. It was standard fencing and can be reused. We also wanted it to be fast and we wanted to be decorated with art from local artists and some greenery and it would have been an attractive feature of downtown. We published a map of the closed areas and we also put it on the website and it indicated all of the available public parking and set up a comment forum. Once the fencing started going up, we started getting feedback. Three concerns came up. Loss of parking, about 24 spaces were lost. Curbside pickup and the aesthetic appeal of the fence was not working for some people. We said ok, maybe we need to go back and look at this again. Our intent was to help our small businesses. We need to regroup and figure out what makes sense. We need to recanvas and who see who really wants this program and who thinks it may hurt them. So we went door to door again. We got very good feedback and what we found is some businesses absolutely want the program and need it and then there were others who did not. Six of the businesses did not want the fencing, three wanted it and one could go either way. Based on this feedback, we decided that we needed to remove the fencing. So instead of working together, we were working against each other. We decided to meet with the businesses again and get everything in writing and based on the feedback, we decide we should downsize the scope of the program and concentrate on the businesses that want it the most and need it the most. These are the three businesses. Wine Down on Main, Blue Moon Gallery and Falls Landing. We decided to build out the model for these three businesses. We are fortunate that Parker Platt came up with this design and it utilizes wood. Totally different look to it. There would be a loss of three parking spaces. I would like to point out that the City parking lot on Jordan Street is now free parking. That is 30 spaces and 5 motorcycle spaces. The other restaurants with curbside pickup still have curbside pickup. I think we can execute this relatively quickly.

Mr. Jones said "I love it! Other business can try it after they see how this works." Ms. Copelof said "yes and I don't think we conveyed the vision to everyone and that was a mistake."

Mr. Morrow said "Bravo!"

Mr. Daniel said we're going to adding about 11feet of space. Also if you look at the other slide, the top of the barrier is a planter so it will be full of flowers or some sort of vegetation.

Ms. Dinkins had several comments and questions.

1. I'm really glad that this is what we're moving ahead with. A smaller scale and we consulted with professionals. My initial reaction to the fence on East Main was boy this is ugly but I thought the partnership had approved it and therefore the businesses were all behind it. The next thing I heard and these are quotes, "what plan?", "botched!", and "bait and switch". So my question is how much did the fencing cost that got pulled out?

Ms. Copelof responded that we are very fortunate that the company that we're working with are being very flexible with us and they are only charging us for fencing

that cannot be returned so we are cancelling our order. They are allowing us to return as much of the fencing as possible. The fencing that cannot be returned is going to be reused on another project so it is reusable. They are working on a new invoice which will show the fencing that cannot be returned and the labor for putting it up and taking it down. We don't have that invoice yet. We expect to have that invoice probably by the end of this week. We do not have an estimate and I would like to give accurate information and not speculate. Ms. Dinkins added that the sum cost should also include the time we lost on this project. I would like to make sure that we add that to it. It was a busy weekend last weekend and we did not have anything in our town that helped our businesses be outdoors.

2. Who decided on the initial rollout? When the jackhammer came out on East Main that seemed to take a lot of people by surprise.

Ms. Copelof said it was rolled out by the partnership. Some members of the Downtown Mast Plan Committee were working with the partnership. We talked about this plan in May at the committee meeting. We talked about the schedule to roll it out. As far as I know, everyone was aware that we would be rolling out as soon as the fence came in. It was definitely discussed in May at the committee meeting and with City staff and with the Heart of Brevard.

3. Who did we consult other than store owners and City staff and the Heart of Brevard? Did we pull in any professionals?

Ms. Copelof said we did not pull in an architect and since then we have decided to change the strategy.

4. Who was in charge of messaging? I feel like the general public was left out of this.

Ms. Copelof said this was a collaborative effort. We were all working to get the word out. Social media, newspapers, door to door. The team was in charge of that. It was in the newspaper, it was on the website, it was on social media. The team was in charge. This was a team effort.

5. This rollout had so many problems and I urge us to go back and look at this and learn from this. We can say this is COVID and we needed to move fast but we did this with the skate park and with paid parking. People feel left out and feel like they haven't been asked.

6. Does this proposal satisfy anything we need for liquor sales? Mr. Daniel said the rope is enough.

7. Is lighting part of this? Ms. Copelof said we have not talked about putting lighting on this fence. Mr. Daniel mentioned putting lights in the trees.

8. Are we leaving the planting up to the merchants or is it up to us? Ms. Copelof said the vision is that the merchant would be responsible for their individual area and maintaining them. Mr. Daniel added that the City will put the plants in. Ms. Dinkins said we have a few different small gardening businesses in town that perhaps would appreciate a place to showcase what they can do. Maybe it could say this parklet was planted by and give the name of who did it.

9. Has anyone thought about covering the picnic tables with umbrellas? Ms. Copelof said that umbrellas have been ordered and are coming this week.

10. I thought maybe we should think about different color stripes for curbside pickup. Ms. Copelof said we have been discussing different options with painting or making them look different but we have not come to a decision.

11. This looks fabulous and I think this will start a trend if it's rolled out right and people will want to use it and I would like for us to learn something from it.

Mr. Morrow complimented Ms. Copelof and Mr. Daniel and said you have my full confidence and I love the Brevard seal with the mask.

K. Consent and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the items listed, and asked if Council desired to remove any items for discussion. Mr. Daniel moved, seconded by Ms. Copelof to approve the consent agenda as presented. Motion carried unanimously.

K-1. Staff Reports:
a. Financial Report for month ending May, 2020

K-2. Resolution No. 2020-14 Establishing an Undesignated Available Fund Balance Policy for the City of Brevard General Fund.

RESOLUTION NO. 2020-14
RESOLUTION ESTABLISHING AN UNDESIGNATED AVAILABLE
FUND BALANCE POLICY FOR THE CITY OF BREVARD GENERAL FUND

WHEREAS, for the purpose of improving and maintaining fiscal responsibility as required under the Local Government Budget and Fiscal Control Act, NC General Statute Chapter 159, it is prudent to establish a clear policy defining the level of undesignated available fund balance to be held in reserve by the City; and

WHEREAS, the NC Local Government Commission is charged with overseeing the fiscal health of cities and counties and recommends a minimum undesignated available fund balance reserve of no less than 8% of expenditures; and

WHEREAS, it is necessary to maintain undesignated available fund balance reserves to provide appropriate cash flow for operation of City services, to address emergencies and unexpected opportunities, to increase the potential for investment income, and to enhance the City's credit rating to provide the City the ability to borrow at the lowest possible interest rate.

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

Section 1. All revenue in excess of expenditures realized at the end of any given fiscal year be credited to undesignated available fund balance until a minimum goal of twenty-five percent (25%) is realized. It is further resolved that the City will adjust this minimum as appropriate based upon recommendations from the NC Local Government Commission and the changing financial outlook.

Section 2. Once the twenty-five percent (25%) goal is realized, all revenue in excess of expenditures realized at the end of any given fiscal year be credited to capital reserve funds heretofore recommended by the City Manager and established by formal resolution of the City Council.

Section 3. The City Manager is charged to annually monitor and report to City Council during the preparation of the annual operating budget regarding the status of available fund balance and compliance with the stated twenty-five percent (25%) goal.

Section 4. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 15th day of June, 2020.

K-3. Ordinance No. 2020-07 – Declaring a Road Closure for National Night Out.

ORDINANCE NO. 2020-07
AN ORDINANCE DECLARING A ROAD
CLOSURE FOR NATIONAL NIGHT OUT

WHEREAS, Brevard City Council acknowledges National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, better places to live; and,

WHEREAS, Brevard City Council acknowledges this event provides an opportunity for an evening of family-oriented activities; and,

WHEREAS, Brevard City Council acknowledges this festival requires a portion of Main Street (US Highway 276) from Broad Street (US Highway 64) to Johnson Street to be closed for setup, activities, and cleanup; and,

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

SECTION 01. Pursuant to authority granted by G.S. 20-169 the City of Brevard hereby declares the following temporary road closures during the days and times set forth below on the following described portion of a State Highway System route:

Date: Tuesday, August 4, 2020
Time: 4:00PM – 9:30PM
Route Description: East Main Street (US 276) from Broad Street (US 64) to Johnson Street.

SECTION 02. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 15th day of June 2020.

K-4. Tax Settlement Report for Month Ending May 2020.

K-5. Resolution No. 2020-15 Approving Financing Terms FY20 Capital Equipment Loans

RESOLUTION NO. 2020-15 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 \$97,762 and the Finance Officer has now presented a proposal for the financing of such Project as listed below:

DEPARTMENT	EQUIPMENT
GENERAL FUND	
POLICE DEPT.	Radio Upgrade
SANITATION DEPT.	Dump Bed
RECREATION DEPT.	Polaris Ranger 570 ATV

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through BB&T Bank Inc., in accordance with the proposal dated June 2, 2020. The amount financed shall not exceed \$97,762 for a five-year loan, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.79%, and the financing term shall not exceed five (5) 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 hold executed copies of the 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 BB&T Bank 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 15th day of June 2020.

CITY OF BREVARD FY19-20 CAPITAL EQUIPMENT LIST BANK FINANCING FIVE YEAR LOAN								
Term: 5 Year Loan		Department		Equipment		Amount		
		Police Department		Radio Upgrade		\$ 69,765		
		Sanitation		Dump bed		\$ 15,715		
		Recreation		ATV		\$ 12,282		
						\$ 97,762		
CITY OF BREVARD CAPITAL EQUIPMENT LOAN FY20 5 YEAR LOAN								
	PROPOSAL DATE	AMOUNT TO BE FINANCED	REPAYMENT PERIOD (MONTHS)	INTEREST RATE	Estimated Monthly Payment	TOTAL PAYMENTS	CLOSING COSTS	TOTAL
BB&T BANK		\$ 97,762	60	1.79%	\$ 1,704.58	\$102,274.80	\$ -	\$102,274.80
UNITED COMMUNITY BANK		\$ 97,762	60	1.99%	\$ 1,714.40	\$102,864.00	\$ -	\$102,864.00
PNC BANK	DID NOT BID							
FIRST CITIZENS BANK	DID NOT BID							
FIRST BANK	DID NOT BID							
ENTEGRA BANK	DID NOT RESPOND							
SUN TRUST	DID NOT RESPOND							
CITY NATIONAL BANK	DID NOT RESPOND							
REGIONS BANK	DID NOT RESPOND							
WELLS FARGO BANK	DID NOT RESPOND							

K-5. Resolution No. 2020-16 Approving Financing Terms FY20 Capital Equipment Loans

RESOLUTION NO. 2020-16
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 \$390,372 and the Finance Officer has now presented a proposal for the financing of such Project as listed below:

DEPARTMENT	EQUIPMENT
GENERAL FUND	
SANITATION DEPT	Garbage Truck and Tipper

UTILITY FUND	
WWTP	Compactor
WWTP	SCADA System

BE IT THEREFORE RESOLVED, as follows:

1.

The City hereby determines to finance the Project through United Community Bank Inc., in accordance with the proposal dated June 2, 2020. The amount financed shall not exceed \$390,372 for a ten-year loan, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.24%, 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 hold executed copies of the 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 United Community 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 15th day of June 2020.

CITY OF BREVARD			
FY19-20 CAPITAL EQUIPMENT LIST			
BANK FINANCING - UCBI			
TEN YEAR LOAN			
Term: 10 Year Loan	Department	Equipment	Amount
	Sanitation	Garbage Truck & Tippers	\$ 187,810
	WWTP	SCADA System	\$ 63,387
	WWTP	Compactor	\$ 139,175
TOTAL			\$ 390,372

CITY OF BREVARD CAPITAL EQUIPMENT LOAN FY20 10 YEAR LOAN								
	PROPOSAL DATE	AMOUNT TO BE FINANCED	REPAYMENT PERIOD (MONTHS)	INTEREST RATE	Estimated Monthly Payment	TOTAL PAYMENTS	CLOSING COSTS	TOTAL
UNITED COMMUNITY BANK		\$ 390,372	120	2.24%	\$ 3,639.89	\$436,786.80	\$ -	\$436,786.80
BB & T		\$ 390,372	120	2.24%	\$ 3,639.89	\$436,786.80	\$ -	\$436,786.80
*Prepayable in whole at any time for the first half of the term with a one percent penalty. After the first half of the term the transaction will be prepayable in whole at any time without penalty.								
PNC BANK	DID NOT BID							
FIRST CITIZENS BANK	DID NOT BID							
FIRST BANK	DID NOT BID							
ENTEGRA BANK	DID NOT RESPOND							
SUN TRUST	DID NOT RESPOND							
CITY NATIONAL BANK	DID NOT RESPOND							
REGIONS BANK	DID NOT RESPOND							
WELLS FARGO BANK	DID NOT RESPOND							

K-6. Resolution No. 2020-17 Approving 2019 Local Water Supply Plan

RESOLUTION NO. 2020-17
RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service or that plans to provide public water service and each large community water system shall, either individually or together with other units of local government and large community water systems, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Brevard, has been developed and submitted to the City Council for approval; and

WHEREAS, the City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the City of Brevard, as well as, useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT: the Local Water Supply Plan entitled, 2019 Local Water Supply Plan dated April 21, 2020, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years, or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Adopted this the 15th day of June, 2020.

K-7. Set Council Meeting June 29th-Adopt Budget & Close Public Hearings.

K-8. Set Meeting Date for July 13th Planning Session-City of Brevard Small Business Report & Presentation by Mosaic Civic Studios (Roundabout/Corridor Visioning)

K-9. Downtown Master Plan Committee Minutes-February 27, 2020.

K-10. Correspondence (No Action. Offered as information only.)

a. Transylvania County Building Permit Activity Report.

K-11 (M-1). Board and Committee Appointment(s): City Council reappointed Jack Jaisler and Dr. William Riecke to the ABC Board and Sue Fox to the Terrell Scruggs Scholarship Committee.

L. Unfinished Business -

M. New Business – Moved to Consent

N. Remarks/Future Agenda Considerations –

Mayor Harris said he rather be a failure at doing something than a superior success at doing nothing.

Ms. Copelof commended the staff for responding in such a great way. Our Police Department, the presence of our police, the communication efforts. I want to thank the finance department for an incredible budget. The City Manager and our finance staff, there's an incredible amount of effort and thought and creativity to do that budget. Thank you to the Planning Department for doing a superb job in responding to Council's direction in all the initiatives. Umbrellas for the tables, rolling out the fence, restrategizing and coming up with a new approach, whether its talking to the businesses We have a small staff and they have done an incredible amount of work and I just want to personally thank the City Manager and the Planning staff, the Heart of Brevard, the members of the Downtown Committee for the countless hours of work that has gone into this so that we can really try to make that difference and build that community and create and maintain what makes Brevard so special. That doesn't happen without the commitment of the people and all of the work that has gone on behind the scenes. The one other thing that I want to mention is the Blue Zones, the Build Environment Committee. I co-chair that along with Billy Parrish who I believe is chair of the Heart of Brevard Board. We have got this team moving and I am excited because one of the things we are doing is reworking the Land Use Plan and we have worked out a schedule that I think is very doable, it's impressive. We are aiming for next April to have a Land Use Plan working with the Planning Department and bringing in the public because community input is so essential, so we'll be brainstorming on ways to do that event though we're in the midst of the COVID pandemic and we have a lot of limitations on that direct contact. I will be looking for creative suggestions and solutions on community engagement for that and the team is moving and I think you'll start seeing things from them also.

Gary Daniel said as we all know, we're in a crisis in our nation and the race relationship and I think we're very fortunate to live in Brevard and as we've said before, our police chief relationship with our African America community is exemplary. On another note, I've had the great pleasure and honor to be involved with the Mary C. Jenkins Community Center with Maurice and members of the task force from the Rosenwald Community, some of the finest folks I've ever met. It's been unfortunate that due to our current circumstance that we are having to postpone the project. I think everyone on our committee understands it, however, I would like to say that I personally am resolved and would ask all members of this Board to join me in assuring our community that this project will be moving forward as soon as feasibly possible and please be assured that its going to happen.

Mayor Harris said that he would like to thank Parker Platt for the design work that he gave. I also wanted to thank County Manager Jaime Laughter, Commissioner Mike Hawkins and the rest of the commissioners for the use of this facility and also Mike, who is our audio/visual extraordinaire.

Mac Morrow said that Tammy Hopkins, Senior Marketing Manager and Engagement Leader of Blue Zones, has a podcast. If you haven't seen it, you need to. It will get you to see +this whole idea of live longer better. She explains it like nobody else could. Just go to Blue Zones and there will be a link. Also one of the things I like about this community is they're willing to do something fun and the Music Center is doing drive-in movies and it's a wonderful thing so I just wanted to say if you haven't seen the schedule, everyone loves Indiana Jones and the Last Crusade, that's June 20. The

Magnificent Seven is June 27th, Jurassic Park is July 4th, the Matrix is July 11th and the Avengers End Game is July 18th. If you haven't been, it's quite an experience.

Maurice Jones thanked Chief Harris and his staff and I want to thank the community of Brevard and Transylvania County for the peaceful protests and showing a strong way to get a point across so there's no additional distractions and I want to remind the Rosenwald community that we are still working on the Mary C. Jenkins Community Center. I am here to say that I will fight. We've had meetings within the past week and we have meetings coming up in the next week or so. We will get information out the best way we can. We are moving forward. Slower than we thought, but we are moving forward.

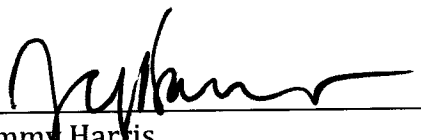
Geraldine Dinkins said she has one question for City staff. How do we handle when press releases go out? I find the level of information to be uneven. I didn't know the pool opened up until I read about it. I did know that the fireworks were going to be postpone but I didn't know that we made it official so when people asked me, I didn't know what to say to that. I did learn about the rotary and depot delay because of my work but there's a lot of things that I struggle to keep on top of. I would like there to be a courtesy that when things go out in an official manner, that we be copied on it, not for approval, but for information purposes. That would be helpful. I think for a future Council meeting that we owe the community an update on all of our projects that are being delayed or postponed or changed because of our different budget expectations. Clemson Park, the dog park, Mary C. Jenkins Community Center, the multi-use path. I think it would be helpful for people to know that these projects are not going away but their timeline changed especially since now the focus is on public amenities, people are spending so much time on our sidewalks and parks and things like that. Engine brakes. I would like another conversation on engine brakes. Caldwell Street can be a mess on certain days and I actually asked the assistant chief to do some noise readings and he came and did so I have data and it's interesting to compare what our City garbage truck is. It's quiet in comparison to some of these trucks that roar through town, so I would like to revisit it at some point. To me, it's a quality of life issue so I would like to see it on a future agenda. Are we going to continue to do livestreams? I've had people say that they really like it. She asked Mr. Ray if we're able to do an update on the Tannery Skate Park. Mr. Ray said that as soon as the government lifts the ban and sign is put up, I don't see why we can't open.

Jim Fatland said July 6th is the date to begin the concrete skate park. I had a meeting with our Public Works staff about the pool. We had to wait on protocols. We decided to open the pool. One of the frustrations is that we open the pool but the playground is still closed but the Governor closed the playgrounds, not us. So we'll wait to hear when they can open. I made a phone call last week to the music center, I asked Mark Weinstein, we have this concrete skate park contractor who wants to keep the costs down and they need to house about 7 or 8 employees to spend 6 to 8 weeks here building the concrete skate park. I called up Mark Weinstein and he has offered free housing for those 8 employees at the music center, so that will keep the costs down. Also, I finally got word late Friday that HCA has approved the dog park. It's been in legal hands for a long time. The public works crew is ready to get out there and do some of the clearing. We had a really good Mary C. Jenkins meeting this last week. We normally have the June 30th block party but because of COVID19 we can't do that but Gary suggested a resolution for the June 29th meeting which was passed by the Mary C. Jenkins Community Center Task Force to get reconfirmation from Mayor and Council to move forward on this project. Also one thing I love about Brevard is the communication between this body, the management team, our police chief and police department is excellent. We can always make room for improvement but I'm proud of this community for having peaceful demonstrations. I also wanted to share that we turned our BUILD grant in and one of the things I inherited as manager is that we designed a downtown streetscape plan that cost \$12.6 million dollars and we didn't have \$12.6 million. We've also got an Estatoe Trail system which costs a lot of money to get paved and get complete and on the BUILD grant, \$4.6 million of that application will complete the paving on the Estatoe Trail to Brevard High School including a project of a pedestrian tunnel underneath Asheville Highway, that's included in the BUILD grant.

We also have \$10.4 million in the downtown streetscape plan for Broad and Main Streets. We adopted the \$180,000 from the \$.02 to go to the Downtown Master Plan Fund and \$.02 to go to the Parks and Trails fund. We need \$4 million dollars of matching funds on top of that \$15 million. So fingers crossed that we get good news in November. One thing that has been really impressive is how the Rosenwald community has really come together. Who would have thought that the land for Mary C. Jenkins would be donated to the City of Brevard and that the land from Silversteen Park and the parking lot would be donated to the City of Brevard so it's a partnership between the Mary C. Jenkins Board of Trustees, the Bethel A Board of Trustees and the City of Brevard and that will be identified on the sign that gets erected later this month. Some of the projects that I thought would happen, the Davidson River Pedestrian Bridge, which we put up \$120,000 locally, \$80,000 from the City, \$20,000 from the Tourism and \$20,000 from the County. We signed a contract with DOT. They had the \$480,000 but Paul Ray got an email that they're going to delay the project because of funding and scheduling issues. We also learned that the vehicle bridge on Railroad Avenue got delayed, and again it was fully funded we thought. I sent an email to the State saying that if they want to delay it, maybe they should take over ownership of that vehicle bridge because I don't see that many benefits of the City owning a bridge. We also got some good news from the Pisgah Health Foundation approving a grant for \$240,000 to take the trail from Main Street down to Mary C. Jenkins. We also have a PartF grant for \$180,000 to acquire one piece of property. We got notice that that property owner didn't want to sell but the PartF folks worked with us and they're going to use that money for all the easements needed for that trail system to get us all the way out to the high school. Also, the parks committee has been connecting the existing trail system, the trail to the Cherry Street neighborhood, the Hawthorne/Allison neighborhood to the sports complex trail and the Pisgah Forest Elementary School wanted us to connect them to the trail. So there's a lot of things happening incrementally. Mary C. Jenkins got delayed but it's going to happen. I look forward to the day when we get it all connected and make it happen and the BUILD grant could make it happen. We've moved the 5k, the depot opening and fireworks to Labor Day.

O. Closed Session(s) - None

P. Adjourn – There being no further business, Mr. Morrow moved, seconded by Mr. Jones, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 8:46 p.m.


 Jimmy Harris
 Mayor


 Jill Murray, CMC
 City Clerk

Minutes Approved: June 29, 2020