

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
June 29, 2020 – 5:30 PM**

The Brevard City Council met in regular session on Monday, June 29, 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

Others – Chamber of Commerce Director Clark Lovelace

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 – Ms. Copelof asked to add the Resolution In Support of Governor's Executive Order Regarding the Requirement to Wear Face Masks under New Business. Attorney Mike Pratt asked that the Dedication Agreement and Release and Waiver of Certain Claims with Brevard Partners of Tennessee be added under the Consent Agenda. Mr. Morrow moved, seconded by Mr. Jones, the agenda be approved as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Jones moved, seconded by Ms. Copelof, the June 15, 2020 Regular Meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates/Awards/Recognition -

G-1. Terrell Scruggs Scholarship Recipients - The following 2020 Scholarship recipients were recognized and present; Lenore Bandhauer, Tristen Barry, Madeline Hall, Alessandra LaRose, Brooklyn Rising, Brennan Chapman, Skylar Harrison, Madison Henson, Tenille Leonard, Callie Owen and Kacie Owen.

H. Public Hearing(s) – None

I. Public Participation –

J. Special Presentation(s) – City of Brevard Small Business Support Update

J-1. Transylvania Tomorrow Emergency Relief Fund, Chamber of Commerce Director Clark Lovelace.

Clark said "I wanted to give an update on the task force that was set up, a relief fund that you were significant contributors toward and tell you what I've been hearing

from the businesses. Over 3 months ago as the pandemic was affecting everyone and put us all in crisis mode, a handful of local organizational leaders got together and said how we can most help the business community and a decision was made to work together. That collaboration includes the Transylvania Chamber of Commerce, the Heart of Brevard, Transylvania Economic Alliance, Transylvania County Tourism and the Blue Ridge Community College Small Business Center. Initially our focus was helping businesses as they dealt with the impact on their operations. We collaborated on vetted information, conducted surveys, and hosted multiple town hall meetings with experts and more. Then, our efforts switched to assisting business owners with reopening or dealing with North Carolina's reopening. We created Transylvania Tomorrow Small Business Emergency Relief Fund. This was designed to help small businesses in Transylvania County who needed to bridge the gap whether their operations were closed or being significantly impacted by COVID19, particularly for those who were not able to take on additional debt. At a maximum of \$3,000, it was not intended to be a solution for larger businesses or for more drastic needs but also that lower number allowed us to help as many small businesses as possible. Through four rounds, we have awarded \$153,500 to 86 businesses. This includes businesses from all over the County. There were a number of parameters, but the biggest was need. He thanked the City Council and Jim Fatland for his key role, the City was the largest donation they had and the good that we have done, could not have happened without your support. I'd like to also acknowledge that we had Comporium, Historic Toxaway Foundation and Duke Energy as three other of the founding partners of that grant fund. It's not over. We are looking into ways that we can keep this moving beyond just today. I also wanted to give an update on what I'm hearing from the business community. The service sector has been affected more than others. Occupancy Tax Revenues collected during the months of April and May were less than 25% of what they were the prior year. June was much closer to prior years but still substantial. We're seeing quite a few day-trippers and we are seeing folks from 2 to 2 ½ hours away. There seems to be people coming from further away as well from New York, New Jersey, Florida, Alabama but fewer folks coming from Atlanta or Charlotte or Raleigh. There's going to be more day trips and people enjoying short term rentals and staycations. Restaurants are down over 25% from the same time last year. Retail seems to be an exception. They were either at, close to or exceeding the prior year. They're seeing fewer customer but the ones that come are spending money. Lastly, as I've talked to these owners, a number have said "I'm good for now". My new concern is the winter. Right now is when owners are making all of their hay and with this going on, they have less hay and less of a nest egg to use during the winter. So we see that as sort of a second wave that's coming, maybe not directly related to COVID19. On a final note, I love our community. We're going to get through this. I see the light at the end of the tunnel and I'm glad we have this community and glad we have leaders like you."

Ms. Dinkins asked about how the City of Brevard compares to other towns and if there are any ideas floating around about fall and winter.

**J-2. Downtown Pilot Program, Chair of Downtown Master Plan Committee
Maureen Copelof.**

Ms. Copelof explained that two weeks ago she briefed Council on a parklet concept. Council was receptive to it so we took it back and said how we can move it into implementation. We evaluated it in several ways. We looked at it from a process procedures point of view, from a design point of view, from cost and from schedule and it really became obvious that there were some serious process questions that could not be answered quickly. If we are doing this as a pilot how long does it stay up? Does it come down when we go into phase three? Does it stay up for a set amount of time? Who determines when it comes down? What if one of the three businesses wants it to come down and the other two don't? Then we thought, is it fair? How fair is it if we're using public space for the private use of three businesses and we're not doing it for every business? How do we ensure equity across the businesses? Then we thought what's the criteria to determine who would get one, so we need to look at that more. We have got to have clearly defined processes, they've got to be in writing and they've got to be accepted in writing by everyone who is involved in the process. We decided

to review and update our master plan and we are taking it back to our Downtown Master Plan Committee and we are beginning a review of the entire master plan and we will be looking at these parklets in the long term and answering all of these questions. That's not to say that we aren't looking to do something in the short term. We decided that the businesses need to know what they can do to fully utilize their outdoor space. We are creating a tool kit that has all of the different ordinances of what businesses can do right now and we're making sure that if they want to do something more unique with their outdoor space, that we have a fast COVID19 permitting process. We are working very quickly trying to get this toolkit out quickly so they can reference existing sidewalk extensions. We are surveying across the Main Street community, as well as, nationally. Finally, we are looking at city-owned common areas. We just put up great new signs for the public sitting areas. The new tables, chairs and umbrellas arrived today and we will be putting them in these areas and adding some lighting, so we're trying to create equitable space that is festive and usable by the public. We are also reviewing curbside pickup and have new professional looking signs so that once we're finished reviewing this, we can put the sign out by each business. Also the Downtown Master Plan Committee will be meeting twice a month as there is just so much going on and it's a critical time within our business community. So that's where we are with outside space usage. Also, there were fencing questions about cost. Our total cost was \$7,352.90.

Ms. Dinkins commended Ms. Copelof for all of the information and is excited to see everything go into effect and urged for everyone to keep in mind to reach out to people in town who have a sense for streetscape and know what they're doing.

K. Consent and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the items listed, including the dedication agreement that was added at the beginning of the meeting, and asked if Council desired to remove any items for discussion. Mr. Morrow moved, seconded by Mr. Jones to approve the consent agenda as amended. Motion carried unanimously.

K-1. Resolution No. 2020-19 Approving Property Tax Releases, June 2020.

**RESOLUTION 2020-19
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 June 2020 property values from the tax scroll in the amount of:

2018:	<u>\$ 7.85</u>
2019:	<u>\$ 7.41</u>

Adopted this the 29th day of June, 2020.

K-2. Ordinance No. 2020-08 Amending the FY2019-2020 Budget Amendment No. Six.

**ORDINANCE NO. 2020-08
AN ORDINANCE AMENDING THE FY2019-2020 BUDGET
AMENDMENT NO. SIX**

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. 2019-18); Budget Ordinance Amendment No. 2 (Ordinance No. 2019-31); Budget Ordinance Amendment No. 3(Ordinance No. 2020-01; Budget Ordinance Amendment No. 4 (Budget Ordinance No. 2020-02); Budget Ordinance Amendment No. 5 Budget Ordinance No. 2020-05); 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 \$751,500 from \$11,482,277 to \$12,233,777 as shown as follows:

Appropriation of Fund Balance	\$658,500
Property Tax	\$ 78,000
Wine & Beer Tax	\$ 5,000
Sale of Fixed Assets	\$ 10,000
TOTAL REVENUES	\$751,500

SECTION 02) General Fund Expenditures are hereby increased \$751,500 from \$11,482,277 to \$12,233,777 as shown as follows:

Planning Department	\$ 75,000
Parks & Property	\$ 10,000
Police Department	\$ 12,000
Public Works Administration	\$ 12,000
Public Works Streets – Local	\$ 10,000
Public Works Sanitation	\$ 20,000
Transfer to Rosenwald Fund	\$35,000
Transfer to Downtown Master Plan fund	\$577,500
TOTAL EXPENDITURES	\$751,500

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

Wastewater Collections	(\$115,000)
Water Distribution	\$ 35,000
Wastewater Treatment	\$ 80,000
TOTAL EXPENDITURES	\$ -

SECTION 27) Narcotics Task Force Fund Revenues are hereby increased by \$160,000 from \$59,100 to \$219,100 as shown as follows:

Fund Balance Appropriated	\$160,000
TOTAL REVENUES	\$160,000

SECTION 28) Narcotics Task Force Fund Expenditures are hereby increased by \$160,000 from 59,100 to \$219,100 as shown as follows:

TNTF Expenditures	\$160,000
TOTAL EXPENDITURES	\$160,000

SECTION 29) Rosenwald Revitalization Fund Revenue is hereby increased \$117,959 from \$800,000 to \$917,959 as shown as follows:

Transfer from General Fund	\$ 35,000
Fund Balance Appropriated	\$ 82,959
TOTAL REVENUES	\$117,959

SECTION 30) Rosenwald Revitalization Fund Expenditures are hereby increased \$117,959 from \$800,000 to \$917,959 as shown as follows.

Mary C. Jenkins Center	\$ 82,959
Silversteen Park	\$ 35,000
TOTAL EXPENDITURES	\$117,959

SECTION 31) Downtown Master Plan Fund Revenue is hereby increased \$577,500 from \$755,729 to \$1,333,229 as shown as follows.

Transfer from General Fund	\$577,500
TOTAL REVENUES	\$577,500

SECTION 32) Downtown Master Plan Fund Expenditures are hereby increased \$577,500 from \$755,729 to \$1,333,229 as shown as follows.

Increase in Fund Balance	\$577,500
TOTAL EXPENDITURES	\$577,500

SECTION 33) That Revenues and Expenditures Section 1 through Section 32 of the Ordinance Amendment have increased \$1,606,959 from \$27,791,236 to \$29,398,195 as follows:

	Budget
General Fund	\$ 12,233,777
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	\$ 219,100
Rosenwald Revitalization Fund	\$ 917,959
Downtown Master Plan Fund	\$ 1,333,229
TOTAL BUDGET APPROPRIATIONS	\$ 29,398,195

Adopted and approved this 29th day of June 2020.

K-3. Resolution No. 2020-20 for Discount for City of Brevard and Heart of Brevard Property Taxes Paid Early.

**RESOLUTION NO. 2020-20
RESOLUTION FOR DISCOUNT FOR CITY OF BREVARD AND HEART OF BREVARD PROPERTY TAXES PAID
EARLY**

WHEREAS, the Brevard City Council approved the collection of City of Brevard and Heart of Brevard property taxes for fiscal year 2019-2020; and

WHEREAS, the Brevard City Council approved a two percent discount on City of Brevard and Heart of Brevard property tax bills if paid on or before August 31, 2019; and

WHEREAS, that over 60% of the annual property tax revenue was collected by August 31, 2019 which significantly improved the City of Brevard and Heart of Brevard cash flow;

NOW, THEREFORE, BE IT RESOLVED that the City of Brevard is desirous to offer a two percent discount to City of Brevard and Heart of Brevard 2020-2021 property tax bills if paid on or before August 31, 2020.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 29th day of June 2020.

K-4. Correspondence (No Action. Offered as information only.)

a. 2020 National Night Out Rescheduled.

K-5. Dedication Agreement and Release and Waiver of Certain Claims.
Agreement between Brevard Partners of Tennessee, LLC., and the City of Brevard.

L. Unfinished Business -

Public Comments:

Mayor Harris read all emails that came in with regards to the public hearings.
(On record in Clerk’s Office).

Public Hearings from June 15, 2020 City Council Meeting:

(H-1.) L-1. Resolution No. 2020-18 Proposal to Finance the Purchase of Real Property at the Intersection of East Probart Street, North Broad Street and Appletree Street.

**RESOLUTION NO. 2020-18
RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL
OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA
GENERAL STATUTE 160A-20**

WHEREAS, the City of Brevard, North Carolina desires to finance the purchase of property from North Broad Street Brevard, LLC (the “Project”) to better serve the citizens of Brevard, NC; and

WHEREAS, The City of Brevard desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Brevard, North Carolina, meeting in regular session on the 29th day of June, 2020, make the following findings of fact:

1. The proposed contract is necessary or expedient because of the desire to finance the cost over 15-years in lieu of payment of cash to allocate annual costs to the General Fund and Downtown Master Plan Fund.
2. The proposed contract to purchase said property is \$1,877,500, of which the City is desirous to pay \$577,500 cash from its General Fund for down payment.
3. The proposed contract is preferable to a bond issue for the same purpose because the total cost to be financed of \$1,300,000 is significantly below the threshold to use bond financing.
4. The cost of financing under the proposed contract of \$1,300,000 is significantly lesser than the cost of issuing general obligation bonds.
5. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because annual debt payments do not require a tax increase. The City in FY2013-2014 and subsequent years earmarked two cents of its current tax rate toward funding projects in its Downtown Master Plan Fund. The annual appropriation for the Downtown Master Plan Fund is \$180,000.
6. The City of Brevard, North Carolina's fiscal policies are an integral part of the annual budget document which include guidelines for revenue, operations, capital improvement program, capital equipment replacement, accounting, debt and fund balance.
7. The City of Brevard's current tax rate is sufficient in meeting the annual principal and interest payments without a tax increase.
8. The City of Brevard, North Carolina is not in default in any of its debt service obligations.
9. The attorney for the City of Brevard, North Carolina has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.
10. The probable net revenues from the General Fund and the Downtown Master Plan Fund of the project to be financed will be sufficient to meet the sums to fall due under the proposed contract.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager is hereby authorized to act on behalf of the City of Brevard, North Carolina, in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 29th of June 2020.

Ms. Copelof reported her findings from the Downtown Master Plan Committee. We discussed this in detail and the committee talked about how important this project is to Brevard. The City owning this property makes a lot of sense. The Committee heard from the City Manager because there was concern on how this was going to be funded. The Downtown Master Plan Committee did not support taking it out of the

Downtown Master Plan Fund. Based on the new funding recommendation from the City Manager, it was unanimous to recommend approval.

Mr. Fatland explained that the Downtown Master Plan Committee did not want to use the two cent appropriation that's transferred every year so instead he suggested that the tenant on the property that we're purchasing, they provide almost \$30,000 a year in rent which will be assigned to us when we close. Also, we have income coming in from the Jordan Street parking lot from prior years, as well as, the future, so we can cover the debt service from rental income from the tenant, as well as, parking fees and protect the two cents for the Downtown Master Plan Committee.

Public Hearing Public Participation – None

Mr. Morrow moved, seconded by Ms. Copelof to purchase the property. Motion passed with a 4-1 vote with Ms. Dinkins saying nay.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:06 p.m.

(H-2) L-2. Ordinance No. 2020-09 City of Brevard FY2020-2021 Budget and Fee Schedule.

**ORDINANCE NO. 2020-09
CITY OF BREVARD
FY 2020-2021 BUDGET ORDINANCE**

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

Section 1. It is estimated that the following revenues will be available to the General Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Taxes & Licenses/Permits	\$ 6,196,727
Refuse Collection Fees	\$ 886,000
Transfer from Other Funds	\$ -
Franchise Sales Tax	\$ 585,000
ABC Revenue	\$ 150,000
Other Revenue	\$ 598,650
Fund Balance Appropriated	\$ 603,707
Proceeds From Borrowing	\$ -
TOTAL REVENUES	\$ 9,020,084

Section 2. The following amounts are hereby appropriated in the General Fund for the operation of the City Government and its activities for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021 in accordance with the Chart of Accounts heretofore established for the City of Brevard:

	Budget
Governing Body	\$ 108,366
Administrative	\$ 643,631
Finance	\$ 660,497
Legal	\$ 63,500
Planning	\$ 621,997
Building and Grounds	\$ 312,119
Police	\$ 2,921,352
Public Services	
• Administration	\$ 419,148
• Garage	\$ 600,529
• Streets Local	\$ 743,453
• Streets Powell Bill	\$ 215,000
• Sanitation	\$ 837,517
• Total Public Services	\$ 2,815,647
Recreation	\$ 193,400
Non-Departmental	\$ 602,575
Economic Development	\$ 77,000
Contingency	0
TOTAL EXPENDITURES	\$ 9,020,084

Section 3. It is estimated that the following revenues will be available to the Water and Sewer Utility Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Water Billings	\$ 2,560,388
Sewer Billings	\$ 2,272,631
Meter Fees	\$ 163,620
Other Revenues	\$ 145,000
Proceeds From Borrowing	\$ -
Fund Balance Appropriated	\$ 198,178
TOTAL REVENUES	\$ 5,339,817

Section 4. The following amounts are hereby appropriated in the Water and Sewer Utility Fund for the operation of said utilities for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Water Plant Operations	\$ 826,138
Water Distribution	\$ 580,180
Waste Water Treatment Plant Operations	\$ 1,474,234
Sewer Collection	\$ 802,265
Non-Departmental	\$ 1,657,000
Contingency	\$ -
TOTAL EXPENDITURES	\$ 5,339,817

Section 5. It is estimated that the following revenues will be available to the Utility Capital Project Fund for Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Transfer From Capital Reserve	\$ -
Cathey's Creek Intake Grant	\$ 525,000
TOTAL REVENUES	\$ 525,000

Section 6. The following amounts are hereby appropriated in the Utility Capital Project Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Cathey's Creek Intake Project	\$ 525,000
TOTAL EXPENDITURES	\$ 525,000

Section 7. The following revenues will be continued for the Capital Reserve Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Fund Balance Appropriated	\$ -
Impact Fees & Interest Income	\$ -
TOTAL REVENUES	\$ -

Section 8. The following expenditures will be continued for the Capital Reserve Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Transfer to Capital Projects Fund	\$ -
TOTAL EXPENDITURES	\$ -

Section 9. It is estimated that the following revenues will be available to the Fire District Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Transfer from General Fund	\$ 424,391
Fire District Tax	\$ 366,486
Loan Proceeds	\$ 700,000
TOTAL REVENUES	\$ 1,490,877

Section 10. The following amounts are hereby appropriated in the Fire District Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Operations, Capital, & Debt Expenditures	\$ 1,490,877
TOTAL EXPENDITURES	\$ 1,490,877

Section 11. It is estimated that the following revenue will be available to the Terrell L. Scruggs Scholarship Fund beginning July 1, 2020 and ending June 30, 2021:

	Budget
Contributions & Donations	\$ 22,000
TOTAL REVENUES	\$ 22,000

Section 12. The following amounts are hereby appropriated in the Terrell L. Scruggs Scholarship Fund beginning July 1, 2020 and ending June 30, 2021:

	Budget
Scholarships, Expenses, & Fund Balance Incr.	\$ 22,000
TOTAL EXPENDITURES	\$ 22,000

Section 13. It is estimated that the following revenues will be available to the Bjerg Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Interest on Investments	\$ 100
TOTAL REVENUES	\$ 100

Section 14. The following amounts are hereby appropriated in the Bjerg Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Increase in Fund Balance	\$ 100
TOTAL EXPENDITURES	\$ 100

Section 15. It is estimated that the following revenues will be available to the Other Post-Employment Benefits Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Transfer from General Fund	\$ -
Transfer from Utility Fund	\$ -
TOTAL REVENUES	\$ -

Section 16. The following amounts are hereby appropriated in the Other Post-Employment Benefits Fund for Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Increase in Fund Balance	\$ -
(Transfer to Irrevocable Trust)	
TOTAL EXPENDITURES	\$ -

Section 17. The following revenue amounts will be available in the Health Insurance Fund for Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Fund Balance Appropriated	\$ 64,945
Transfer from General Fund	\$ 1,104,820
Transfer from Utility Fund	\$ 305,030
Dental Dependent Premiums	\$ 38,000
Employee Premiums	\$ 93,000
Retiree Premiums	\$ 33,000
TOTAL REVENUES	\$ 1,573,850

Section 18. The following amounts are hereby appropriated in the Health Insurance Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Health Insurance Costs	\$ 1,573,850
TOTAL EXPENDITURES	\$ 1,573,850

Section 19. It is estimated that the following revenues will be available to the Heart of Brevard Municipal Service District Tax Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Service District Tax - Current & Prior Years	\$ 146,000
Transfer from General Fund	\$ 11,000
TOTAL REVENUES	\$ 157,000

Section 20. The following amounts are hereby appropriated in the Heart of Brevard Municipal Service District Tax Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Contract Services	\$ 146,000
Transfer to Downtown Master Plan	\$ 11,000
TOTAL EXPENDITURES	\$ 157,000

Section 21. It is estimated that the following revenues will be available to the Housing Trust Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Developer Loan Payment	\$ 2,610
TOTAL REVENUES	\$ 2,610

Section 22. The following amounts are hereby appropriated in the Housing Trust Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Increase in Fund Balance	\$ 2,610
TOTAL EXPENDITURES	\$ 2,610

Section 23. It is estimated that the following revenues will be available to the Multi-Use Paths Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Miscellaneous Revenue	
Transfer from General Fund	\$ -
Grant Pigsaw Health Foundation	\$ 240,000
Fund Balance Appropriated	\$ -
TOTAL REVENUES	\$ 240,000

Section 24. The following amounts are hereby appropriated in the Multi-Use Paths Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Pedestrian/Bike Path	\$ -
Skate Park Project	\$ -
Estatoe Trail W. Main to MCJCC	\$ 240,000
Loan Reimbursement to General Fund	\$ -
TOTAL EXPENDITURES	\$ 240,000

Section 25. It is estimated that the following revenues will be available to the 911 Communications Fund for the Fiscal Year beginnging July 1, 2020 and ending June 30, 2021.

	Budget
911 Communication Funding	\$ 10,000
Fund Balance Appropriated	\$ 46,900
TOTAL REVENUES	\$ 56,900

Section 26. The following amounts are hereby appropriated in the 911 Communications Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Operating Expenses	\$ 56,900
TOTAL EXPENDITURES	\$ 56,900

Section 27. It is estimated that the following revenues will be available to the Narcotics Task Force for the Fiscal Year beginnging July 1, 2020 and ending June 30, 2021:

	Budget
Transylvania County	\$ -
Transfer from General Fund	
State Controller Payments	\$ -
Brevard ABC Board	\$ 10,000
Federal Asset Fund - Police	
Interest in Investments	\$ -
TOTAL REVENUES	\$ 10,000

Section 28. The following amounts are hereby appropriated in the Narcotics Task Force for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Operating Expenses	\$ 10,000
TOTAL EXPENDITURES	\$ 10,000

Section 29. It is estimated that the following revenues will be available to the Rosenwald Revitalization Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Transfer from General Fund	\$ -
Fund Balance Appropriated	
TOTAL REVENUES	\$ -

Section 30. The following amounts are hereby appropriated in the Rosenwald Revitalization Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Mary C. Jenkins Center	\$ -
Fund Balance Appropriated	
TOTAL EXPENDITURES	\$ -

Section 31. It is estimated that the following revenues will be available to the Downtown Master Plan for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Fund Balance Appropriated	\$ 660,500
Heart of Brevard	\$ 11,000
Loan Proceeds	\$ 1,300,000
Transfer from General Fund	\$ -
Jordan St. Parking Lot Revenue	\$ -
TOTAL REVENUES	\$ 1,971,500

Section 32. The following amounts are hereby appropriated in the Downtown Master Plan for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021:

	Budget
Clemson Plaza	\$ -
Design & Construction Costs	\$ -
N. Broad Street Property Acquisition	\$ 1,877,500
Debt Service	\$ 83,000
Increase in Fund Balance	\$ 11,000
Caldwell Street Improvements	\$ -
TOTAL EXPENDITURES	\$ 1,971,500

Section 33. The Revenues and Expenditures set forth in Section 1 through Section 32 of this Ordinance are hereby summarized as follows:

	Budget
General Fund	\$ 9,020,084
Water & Sewer Utility Fund	\$ 5,339,817
Utility Capital Projects Fund	\$ 525,000
Capital Reserve Fund	\$ -
Fire District Fund	\$ 1,490,877
Terrell L. Scruggs Scholarship Fund	\$ 22,000
Bjerg Fund	\$ 100
Other Post-Employment Benefits Fund	\$ -
Health Insurance Fund	\$ 1,573,850
Heart of Brevard MSD Fund	\$ 157,000
Housing Trust Fund	\$ 2,610
Multi-use Paths Fund	\$ 240,000
911 Communications Fund	\$ 56,900
Narcotics Task Force Fund	\$ 10,000
Rosenwald Revitalization Fund	\$ -
Downtown Master Plan Fund	\$ 1,971,500
TOTAL BUDGET APPROPRIATIONS	\$ 20,409,738

Section 34. There is hereby levied a tax at the rate of fifty one cents (\$0.5100) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2020 for the purpose of raising the revenue listed as Taxes in the General Fund in Section 1 of this Ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of \$1,040,000,000 and an estimated collection rate of 99.93%.

Section 35. There is hereby further levied a tax at the rate of twenty-two and one-half cents (\$0.2250) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2020 within the boundaries of the Heart of Brevard Municipal Service District for the purpose of raising the revenue listed as Taxes in the Heart of Brevard Municipal Service District Tax Fund in Section 19 of this Ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of \$61,500,000 and an estimated collection rate of 99%.

Section 36. There is hereby further attached (Exhibit A) to said Ordinance a schedule of taxes, fees, and charges for the General and Utility Funds.

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

Section 38. Copies of the Budget Ordinance shall be furnished to the Budget Officer and Finance Officer of the City to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Brevard City Code and the General Statutes of the State of North Carolina.

Adopted and approved this the 29th day of June, 2020.

Ms. Copelof said what a great job everyone has done and we'll be taking another look at it in September. I appreciate the fact that they've worked this so hard and looked at everything. I think it's a budget that makes sense.

Mr. Jones gave his respect for balancing the budget. I appreciate the hard work.

Ms. Dinkins said she struggles with the fee schedule with fees and the reconnect fees. I would like to look at those and differentiate those fees.

Public Hearing Public Participation – None

Mr. Morrow moved, seconded by Ms. Copelof to approve the City of Brevard FY2020-2021 Budget and Fee Schedule. Motion carried unanimously.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:26 p.m.

(H-3.) L-3. Ordinance No. 2020-10 Proposed Amendment to the Official Zoning Map of the City of Brevard Rezoning the Jennings Industrial Park PDD to the Mountain Industrial Drive PDD.

**ORDINANCE NO. 2020-10
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF BREVARD CREATING THE MOUNTAIN
INDUSTRIAL DRIVE PLANNED DEVELOPMENT DISTRICT**

WHEREAS, the City of Brevard has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the City of Brevard Planning Board considered REZ-20-001 on February 18, 2020 and unanimously recommended approval by City Council; and

WHEREAS, the Brevard Planning Board has determined that this Ordinance is consistent with the City's 2002 Land Use Plan and elements of the 2015 Comprehensive Plan; and

WHEREAS, in accordance with North Carolina General Statute 160A-382(b), Brevard City Council finds that REZ-20-001 is consistent with the following policies and goals of the City of Brevard:

1. *2015 Comprehensive Plan:*

- a. OBJECTIVE 2.1: As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.
 - i. POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.
 - ii. POLICY 2.1.B: Collaborate with partner organizations and developers to financially support the City's goals for infill development and redevelopment.
- b. OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.
 - i. POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.

2. *2002 Land Use Plan:*

- a. The Future Land Use Map, recommends use of the subject property as "Industrial."

3. *2012 Vision Statement:*

Foster economic diversity while enhancing the quality of life in an environmentally friendly way by creating an environment that promotes and encourages businesses, and business owners, attracted to and utilizing our natural assets of woods and water and our cultural/historic assets of music, arts, and outdoor recreation.

WHEREAS, Council finds that the size of the tract and the proposed uses are reasonable and appropriate within the context of the existing zoning districts and the prevalence of uses in the vicinity of the Subject Parcel; and

WHEREAS, a public hearing was conducted March 16, 2020 in consideration of a major modification to the existing Jennings Industrial Park PDD by way of establishing the new Mountain Industrial Drive PDD; and

WHEREAS, the City of Brevard, after hearing all persons wishing to comment on this request desires to approve said request.

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

Section 1. The existing Jennings Industrial Park Planned Development District is hereby amended and established as the new Mountain Industrial Drive Planned Development District, as set forth herein.

Section 2. The District is a conditional zoning district established pursuant to the Unified Development Ordinance of the City of Brevard by means of authority granted by the North Carolina General Statutes.

Section 3. Development and use of lands within the District shall occur in accordance with the approved Signage Master Plan (Exhibits A – D), Preliminary Master Plan (Exhibit E), and Final Master Plan (Exhibit F), which are attached to this ordinance and incorporated herein, as well as the List of Conditions outlined below. This Ordinance and its exhibits shall run with the land and shall be binding on Jennings, its heirs and assigns.

Section 4. List of Conditions.

- a. Except as set forth in Section 4.b, below, development within the District shall comply with all applicable provisions of Brevard City Code, including but not limited to,
 1. City of Brevard Unified Development Ordinance, general provisions and provisions specifically applicable to properties within General Industrial Zoning Districts
 2. Chapter 62. Streets, Sidewalks, and Other Public Ways
 3. Chapter 70. Utilities
- b. The following ground and wall signage may be permitted within the District:
 1. Primary Ground Sign:
 - i. One, Primary Ground Sign may be installed at the intersection of Old US Highway 64 and Mountain Industrial Drive.
 - ii. The Primary Ground Sign may be installed with the permission of the property owner; such permission to be conveyed by means of a stand-alone parcel of land, which shall be conveyed to an association of all property owners within the District, or by means of a lease agreement between such property owner and all other property owners within the District.
 - iii. The Primary Ground Sign shall contain one panel for each property owner or tenant within the industrial park, and the maximum allowable surface area of the sign face shall be equally distributed among the individual sign panels.
 - iv. Maximum square footage of sign face: The Primary Ground Sign face, including all individual panels, shall not exceed 140 square feet in size. Individual panels shall not exceed 8' in width nor 3 feet in height.
 - v. Maximum height: The Primary Ground Sign shall not exceed 20 feet in height above adjacent grade as determined by the Administrator.
 - vi. Setbacks: The Primary Ground Sign shall be set back a minimum of 10 feet from all property lines and rights-of-way lines.
 2. Secondary Ground Signs:
 - i. One Secondary Ground Sign may be permitted upon each parcel of land within the District. A total of five, Secondary Ground Signs may be permitted within the District.
 - ii. Maximum square footage of sign face: Secondary Ground Sign faces, including all individual panels, shall not exceed 40 square feet in size, except for property owned by Red Clay LLC (aka Oskar Blues), 8596-37-7910-000, Deed Book 00621 Page 0694, which is permitted up to 240 square feet
 - iii. Maximum height: Secondary Ground Signs shall not exceed 8 feet in height above adjacent grade as determined by the Administrator, except for property owned by Red Clay LLC (aka Oskar Blues), 8596-37-7910-000, Deed Book 00621 Page 0694, which is permitted up to 46 feet in height above adjacent grade
 - vi. Setbacks: Secondary Ground Sign shall be set back a minimum of 10 feet from all property lines and rights-of-way lines.
 3. Public Wayfinding Signs:
 - i. Two, Wayfinding Ground Signs may be permitted within the District.
 - ii. Wayfinding Ground Signs shall be owned and maintained by the City of Brevard, and may be installed upon private property by permission of the property owner, or within the public right-of-way of Mountain Industrial Drive, subject to the standards and practices of the *Manual of Uniform Traffic Control Devices*.
 - iii. Wayfinding Ground Signs shall be designed in such a way as to be generally consistent with the design of the City's "Wayfinding and Graphic Communications System."

- iv. Maximum square footage of sign face: Wayfinding Ground Sign faces, including all individual panels, shall not exceed 16 square feet in size.
 - v. Maximum height: Wayfinding Ground Signs shall not exceed 8 feet in height above adjacent grade as determined by the Administrator.
 - vi. Location: Wayfinding Ground Signs shall be located in a manner that is generally consistent with locations as show upon Exhibit B to this Ordinance.
- 4. Wall Signage:
 - i. One Wall Sign may be permitted for each business within the District. In such cases where the structure containing a business fronts upon both Old US Highway 64 and Mountain Industrial Drive, such business is permitted a second wall sign.
 - ii. A business within the District may place wall signs upon any exterior wall of the structure containing the business. However, in no case shall a wall contain more than one sign per business.
 - iii. Maximum square footage of sign face: Wall Sign faces shall not 50 square feet in size.
- c. The following definitions shall dictate what constitutes a minor, intermediate, or major modification within the District, and their approval processes:

Minor Modifications: Minor modifications have a negligible impact on an approved master plan. Examples include, but are not limited to changing the size and shape of approved landscaping buffers and species of plants, minor alterations to the number of parking spaces, altering lot size and shape through subdivision of land or recombination of parcels within the District, change of use not resulting in a significant increase in intensity and minor adjustments to the number of signs or the dimensional standards within the District. Minor modifications are reviewed, and may be approved, by the Planning Director.

Intermediate Modifications: Intermediate modifications have a more substantial impact but do not completely change the application. Examples include increasing the number of buildings within the District or making changes to their design or roof pitch which do not meet the design criteria established in this District, decreasing setbacks from adjoining property not within the District by more than 20%. These changes are reviewed by the Planning Board without a public hearing.

Major Modifications: Major modifications have substantial impacts to an approved master plan. Examples include but are not limited to substantially changing the intensity or mix of proposed uses or increasing the amount of traffic generated by a development, major building modifications to height, bulk or mass which do not meet the architectural standards established in this District and do not meet the building types and architectural standards outlined in Chapter 5 of the Unified Development Ordinance, increasing the size of the District. Major modifications may only be authorized by means of a new conditional zoning ordinance as provided for in Chapter 16 of the Unified Development Ordinance.
- d. Any development shall secure zoning site plan approval from the Administrator prior to commencing development activity within the District.
- e. All applicable fees shall be rendered to the Administrator prior to receiving final zoning approval from the City of Brevard for any structure, and prior to receiving a Certificate of Occupancy from Transylvania County for any structure.
- f. A Final Master Plan shall be submitted for the area of the District subject to the Preliminary Master Plan adopted with this ordinance within five years of the adoption of this ordinance.

Section 5. The Planning Director is hereby authorized and directed to modify the City’s Official Zoning Map consistent with this Ordinance.

Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section 7. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this the 29th day of June, 2020.

Public Hearing Public Participation – None

Mr. Morrow moved, seconded by Mr. Daniel to approve the Proposed Amendment to the Official Zoning Map of the City of Brevard Rezoning the Jennings

Industrial Park PDD to the Mountain Industrial Drive PDD. Motion carried unanimously.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:27 p.m.

(H-4.) L-4. Ordinance No. 2020-11 Proposed Text Amendment (TXT-20-005) UDO Chapter 12 Signs and Chapter 19.3 Definitions Prohibiting Electronic Display Signs.

**ORDINANCE NO. 2020-11
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
CHAPTERS 12 AND 19 TO LIMIT THE USE OF ELECTRONIC DISPLAY SIGNS**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard Unified Development Ordinance, Chapters 12 and 19 be amended to limit the use of electronic display signs; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendments are consistent with the City of Brevard Comprehensive Plan, specifically the following sections:

ELEMENT 4: LIVABLE COMMUNITIES

POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character...

and,

WHEREAS, the purpose of the City's sign regulations is to ensure that signs in the City's regulatory jurisdiction "will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health and safety; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in the zoning ordinance for the City of Brevard;" and,

WHEREAS, a public hearing was conducted on Monday, June 15, 2020, by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard Unified Development Ordinance be amended as outlined below.

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

SECTION 01. Brevard City Code, Unified Development Ordinance Chapter 10 is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved upon first reading this the 29th day of June, 2020.

Ms. Copelof said she thinks it's a wonderful text amendment. For a while we were not able to control and regulate these. Now with the change statewide, giving us authority, it's really important how we control these types of signs and really limit our corridor and downtown with what they look like with electronic display signs. I'm all for the text amendment.

Mr. Daniel asked if our regulations address what we will be allowing size and brightness. I would like for us to be intentional with it.

Ms. Dinkins said she's in support of this and excited about it. I would like to see brightness addressed in the future.

Public Hearing Public Participation – None

Ms. Dinkins moved, seconded by Mr. Jones to approve the Proposed Text Amendment (TXT-20-005) UDO Chapter 12 Signs and Chapter 19.3 Definitions Prohibiting Electronic Display Signs. Motion carried unanimously.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:31 p.m.

(H-5.) L-5. Ordinance No. 2020-12 Proposed Text Amendment (TXT-20-001) UDO Chapter 10.3 Minimum Parking Ratios and Parking Fee in Lieu.

**ORDINANCE NO. 2020-12
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
CHAPTERS 10, MINIMUM PARKING RATIOS AND PARKING FEE IN LIEU; AND AMENDING THE CITY'S FEE
SCHEDULE.**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard Unified Development Ordinance, Chapters 10 be amended to eliminate the minimum parking ratio requirements for DMX and NMX in the Railroad Avenue/Lumberyard area and references to paying a parking fee in lieu option; and,

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Parking Fee In Lieu is eliminated from the City of Brevard Fiscal Year 2019-2020 Schedule of Taxes, Fees, and Charges; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendments are consistent with the City of Brevard Comprehensive Plan, specifically the following sections:

*ELEMENT 4: LIVABLE COMMUNITIES
POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character while allowing greater residential density and intensity of nonresidential development within mixed use zoning areas.*

and,

WHEREAS, a public hearing was conducted on Monday, June 15, 2020, by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard Unified Development Ordinance and Brevard Fiscal Year 2019-2020 Schedule of Taxes, Fees, and Charges be amended as outlined below.

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

SECTION 01. Brevard City Code, Unified Development Ordinance Chapter 10 is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. The Brevard Fiscal Year 2019-2020 Schedule of Taxes, Fees, and Charges is hereby amended to eliminate a parking fee in lieu option as depicted in Exhibit B, which is attached hereto and incorporated herein by reference.

SECTION 03. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 04. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 05. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved upon first reading this the 29th day of June, 2020.

Public Hearing Public Participation – None

Mr. Morrow moved, seconded by Mr. Jones to approve the Proposed Text Amendment (TXT-20-001) UDO Chapter 10.3 Minimum Parking Ratios and Parking Fee in Lieu. Motion carried unanimously.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:32 p.m.

M-1. New Business – Resolution No. 2020-21 In Support of Mary C. Jenkins Community Center.

**RESOLUTION NO. 2020-21
A RESOLUTION IN SUPPORT OF MARY C. JENKINS COMMUNITY CENTER**

WHEREAS: the Brevard City Council unanimously approved an ordinance establishing a project budget (Ordinance No. 2019-25) for the Mary C. Jenkins Community Center (MCJCC) at a special meeting held on November 6, 2019; and

WHEREAS, the Mary C. Jenkins Board of Trustees donated land to the City of Brevard for the construction of the new Mary C. Jenkins Community Center; and

WHEREAS, the Bethel “A” Baptist Church Board of Trustees donated Silversteen Memorial Park and Parking lot adjacent to the MCJCC property to the City of Brevard; and

WHEREAS, the City of Brevard, Mary C. Jenkins Board of Trustees and Bethel “A” Baptist Church Board of Trustees are community partners in the revitalization of the Rosenwald Community;

NOW, THEREFORE, BE IT RESOLVED that the City of Brevard City Council remains committed to the construction of a new Mary C. Jenkins Community Center.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 29th day of June 2020.

Mr. Daniel moved, seconded by Mr. Jones to approve the Resolution in Support of the Mary C. Jenkins Community Center. Motion carried unanimously.

M-2. Resolution No. 2020-22 In Support of Governor’s Executive Order Regarding the Requirement to Wear Face Coverings.

**RESOLUTION 2020-22
A RESOLUTION IN SUPPORT OF GOVERNOR’S EXECUTIVE ORDER
REGARDING THE REQUIREMENT TO WEAR FACE COVERINGS**

WHEREAS, on June 24, 2020 North Carolina Governor Roy Cooper issued Executive Order No. 147, effective at 5:00 pm on June 26, 2020 and to remain in effect until 5:00 pm on July 17, 2020, unless repealed, replaced, or rescinded by another applicable Executive Order; and

WHEREAS, the Governor’s Executive Order No. 147 amends the effective date provision of Executive Order No. 141 to have that order continue in effect through the above-listed time and date and further amends Executive Order No. 141 to add Section 3.5 Face Coverings; and

WHEREAS, face coverings can decrease the spread of respiratory droplets from people, and evidence has grown, showing in numerous recent studies that the use of face coverings decreases the spread of COVID-19 within populations; and

WHEREAS, the Governor’s Executive Order No. 141 required that workers in personal care, grooming, and tattoo businesses wear cloth face coverings to reduce the spread of COVID-19; and

WHEREAS, to prevent the spread of COVID-19, and thereby to potentially save lives, the Governor has determined that face coverings must now be required for workers in additional business segments; and

WHEREAS, the Governor strongly recommends that all people over the age of two (2) in North Carolina should wear a face covering to reduce the spread of COVID-19; and

WHEREAS, some people have medical or behavioral health issues, disabilities, or other reasons that mean they should be excepted from wearing a face covering, and Executive Order No. 147 puts North Carolinians on the honor system to identify if they are within one of the exceptions to face covering requirements and should not wear a mask; and

WHEREAS, under Executive Order No. 147, face coverings are required in many types of businesses, but businesses have the discretion to accommodate people who cannot wear face coverings by serving them at curbside, using home delivery, or using other means to protect against the spread of COVID-19; and

WHEREAS, all people over the age of two (2) in North Carolina should use a face covering to reduce the spread of COVID-19, but some populations may experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces; and

WHEREAS, if someone is the target of ethnic or racial intimidation as the result of adhering to the face covering provision or as a result of the pandemic, they are encouraged to report the matter to law enforcement or another government entity.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA that the City of Brevard endorses the provisions of Executive Order No. 147:

Section 3.5 Face Coverings:

- A. **Definitions:** “**Face Covering**” means a covering of the nose and mouth that is secured to the head with ties, strips, or loops over the ears or is simply wrapped around the lower face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers. A Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients.
- “**Surgical Mask**” means American Society for Testing and Materials (“ASTM”) Level 1, 2 or 3 approved procedural and surgical masks. An N95 respirator approved by the National Institute for Occupational Safety and Health (“NIOSH”) (or respirator from another country allowed by the Occupational Safety & Health Administration, the Food & Drug Administration or the CDC) is not recommended for general public use or use in public settings, as it should be reserved for healthcare providers and other medical first responders in a health care setting. However, if worn, these respirators would meet both the Face Covering and Surgical Mask of this Executive Order. A face shield that covers the nose and mouth also meets the Face Covering requirements of this Executive Order.
- B. **Where Face Coverings Are Required.** People are required to wear Face Coverings in the following settings, whether they are inside or outside, unless an exception applies.
1. **In Retail Businesses.** Retail Businesses must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, Retail Businesses must have all customers wear Face Coverings when they are inside the establishment and may be within six (6) feet of another person, unless the customer states that an exception applies.
 2. **In Restaurants.** Restaurants must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, restaurants must have all customers wear Face Coverings when not at their table, unless the customer states that an exception applies.
 3. **In Personal Care, Grooming, and Tattoo Businesses.** Personal Care, Grooming, and Tattoo Businesses must have workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, the business must have all customers wear Face Coverings when they are inside the establishment and may be within six (6) feet of another person, unless the customer states that an exception applies. Customers may take off their Face Coverings if they are receiving a facial treatment, shave, or other services on a part of the head which the Face Covering covers or by which the Face Covering is secured.
 4. **In Child Care Facilities, Day Camps, and Overnight Camps.** Child care facilities, day camps, and overnight camps must have workers, all other adults, and children eleven (11) years or older on site wear Face Coverings when they are or may be within six (6) feet of another person.
 5. **In State Government.** State Government agencies headed by members of the Governor’s Cabinet must have their on-site workers wear Face Coverings when they are or may be within six (6) feet of another person. Public-facing operations of state government agencies under the jurisdiction of the Governor must also follow the requirements for Retail Businesses established by this Executive Order.
- All Other state and local government agencies are strongly encouraged to adopt similar policies that require Face Coverings.
6. **In Transportation.** All workers and riders on public or private transportation regulated by the State of North Carolina, as well as all people in North Carolina airports, bus and train stations and stoops, must wear Face Coverings when they are or may be within six (6) feet of another person. This provision does not apply to people traveling alone with household members or friends in their personal vehicles, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles

are privately owned.

Notwithstanding the foregoing, no customer will be removed from or denied entry to public transportation for failure to wear a Face Covering.

7. **In Certain High-Density Occupational Settings Where Social Distancing is Difficult.** Social distancing is inherently difficult where multiple workers are together in manufacturing settings, at construction sites, and in migrant farm, or other farm, and agricultural settings. Therefore, in businesses or operations within North American Industry Classification System (NAICS) sectors 311 to 339 (manufacturing), 236 to 238 (construction), and 111, 112, 1151, and 1152 (agriculture), all workers must wear Face Coverings when they are or may be within six (6) feet of another person.
8. **In Meat or Poultry Processing Plants.** All workers in any meat or poultry processing plant, packing plant, or slaughterhouse must wear Face Coverings when they are or may be within six (6) feet of another person, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.
9. **Long Term Care Facilities.** All workers in Long Term Care ("LTC") Facilities, including skilled nursing facilities ("SNF"), adult care homes ("ACH"), family care homes ("FCH"), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities ("ICF-IID"), must wear Face Coverings while in the facility, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.
10. **Other Health Care Settings.** Health Care facilities other than LTC facilities must follow the Face Covering requirements in the CDC Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19).

C. **Exceptions.** This Executive Order does not require Face Coverings for – and a Face Covering does not need to be worn by – a worker, customer, or patron who:

1. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the face covering without assistance);
2. Is under eleven (11) years of age;
3. Is actively eating or drinking;
4. Is strenuously exercising;
5. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
6. Is giving a speech for a broadcast or to an audience;
7. Is working at home or is in a personal vehicle;
8. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
9. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
10. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
11. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition.

Children under two (2) years of age should not wear a Face Covering.

- D. **Application of Exceptions.** Under this Executive Order, all North Carolinians will be on the honor system about whether or not there is a reason why they cannot wear a Face Covering. Everyone in this state is asked to tell the truth and – if they are healthy and able to wear a mask – to wear a Face Covering so that they do not put other people at risk of serious illness or death.
- E. **How Businesses May Accommodate Exceptions.** If a customer states that an exception applies, a business may choose to offer curbside service, provide home delivery, or use some other reasonable measure to deliver its good or services.
- F. **Enforcement of Face Covering Requirements.**

1. Citations under this Section shall be written only to businesses or organizations that fail to enforce the requirement to wear Face Coverings. Operators of businesses or organizations are entitled to rely on their customers or patrons' statements about

whether or not they are excepted from the Face Covering requirements, and businesses and organizations do not violate this Executive Order if they rely on such statements.

2. Law enforcement personnel are not authorized to criminally enforce the Face Covering requirements of this Executive Order against individual workers, customers, or patrons.
3. However, if a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a Face Covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws (other than N.C. Gen. Stat. § 14-288.20A) that the worker, customer, or patron may violate.

Section 15(A) of Executive Order No. 141 is amended to read:

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers. Enforcement of Section 3.5 shall be limited as stated in that Section. Law enforcement and other public safety and emergency management personnel are strongly encouraged to educate and encourage voluntary compliance with all the provisions of this Executive Order.

Section I(4) of Executive Order No. 141 is amended to read, "'Face Covering' is defined in Section 3.5(A)."

Section 6(A) of Executive Order No. 141 is amended to read as follows:

- A. **Prohibition.** To control the spread of COVID-19 and protect lives during the State of Emergency, Section 3.5 and this Section list restrictions on the operations of business establishments and other places to or from which people may travel or at which they may congregate. Businesses or operations within the scope of Section 3.5 or this Section are prohibited from operating unless they follow any applicable restrictions stated in Section 3.5 and this Section.

Sections 6(C)(2)(c), 6(D)(2)(c), and 6(D)(3) of Executive Order No. 141 are removed, since the substance of those provisions has been replaced with new Section 3.5 above.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 29th of June 2020.

Ms. Copelof moved, seconded by Mr. Daniel to approve the Resolution in Support of Governor's Executive Order Regarding the Requirement to Wear Face Coverings.

N. Remarks/Future Agenda Considerations –

Mayor Harris thanked the Transylvania County Board Commissioner Mike Hawkins, as well as, Jaime Laughter for letting us use their facility and also thank you to Mike the videographer sitting in the back. To the Chief of Police, I know this is a tough time and I stand shoulder to shoulder with you and your department. We have opened the skate park! It's insured and available to the public.

Ms. Copelof said I attended a number of meetings virtually. One of them was Land of Sky's Regional Transportation Advisory Committee. We all know that a number of projects have been put on hold by DOT although our three big ones, 5800, 5799 and 5763, Asheville Highway, Pisgah Forest Intersection and Wilson Road. Those are still listed as funded. DOT told us that budget cuts are not just going to impact their projects, its also going to impact their maintenance. So when we look at things like potholes, our state roads, looking for those to be fixed, there's less maintenance funds in their budget this year. Theyre also cutting back on their mowing of the grass by the state roads. So just a head's up that the budget at the state level is going to have ramifications that will come back even here locally that we'll be seeing. I also had a quarterly meeting with Dogwood Trust and Gibbons Advisors. Back in March we set up these quarterly meetings and you asked me to be the liason with them. I want to commend HCA because one of our big issues with them has been resolved. It was that extra \$100 fee you were charged every time you went into the hospital or saw a doctor that is associated with the hospital. They eliminated that fee and everyone who has already paid that fee, they worked with them to refund it. I did bring up three issues to them this time. Billing issues were still a big concern. People were getting their bill or even a collection notice before it even

went through insurance. The second issue was when you go to any of the providers or the hospital, you now have a nine page consent form that you're asked to sign. Specifically one paragraph in the form where you are giving them permission to use non FDA approved medications so I requested if there was a way to modify this form or at least have an opt out on that particular paragraph. This is an HCA wide form so I'm not optimistic on this but I did approach it through Dogwood Trust and Michelle Pilon to take it back to HCA and ask if there is a way to modify this. The last item we discussed was how HCA is doing charity care. They sent a lengthy letter to the Attorney General and I'm still trying to get a copy of it showing how they're meeting the requirements for charity care. Also Michelle Pilon is having a teleforum on July 2nd from 6-7pm and if you go to their Facebook page, it gives you a link to attend this. She's going to be talking about the COVID response at the hospital and also taking questions and you're supposed to submit the questions ahead of time. Finally, our dog park. In two weeks we have made an incredible amount of progress. They have cleared all of the brush and we have reconstituted the task force and we will be meeting tomorrow morning at 9:00am at the dog park site so we can walk the site and we will have Nicole Sweat who is the Parks and Recreation manager from Mills River to share what works and what doesn't work with their dog park. This is going to have to be a public/private collaboration to raise funds. We'll be looking at procedures to operate and maintain this facility. If you want to join the task force, please email me. I am so proud of everything this town does skate park, dog park, looking at what we can do with small businesses, the planning department put together this tool kit for the businesses and creating the new dining areas. Just really being proactive. That's really a tribute to all of Council and the staff and to our partner organizations. I'm just really proud to be a part of this community and part of the team that makes this happen.

Ms. Dinkins said that she wanted to explain her "no" vote on the property purchase. I agree with everybody here that this is a great deal and a great opportunity and we should have control over this property. I think it is really important and it is a gateway. I think it is a good value and I commend City staff for their work on it. In January I did agree that we should pursue this and then COVID happened. What I am missing and what I don't understand is the purpose of this property and I know purposes change but I would like to see a plan that would at least give us an idea of how we would recoup funds and we don't seem to be saying what we, as a body of Government, are planning to do with the property. I believe the BUILD Grant is our priority right now and that's what we should worry about and fund. We also have other projects that we need to locate funding for. I think we're spreading ourselves a little bit too thin. I would like to see engine brakes in the City limits on a future agenda as well. Also, the skate park opened on Saturday. I want to thank Paul Ray for seeing this through. The sign itself is worth stopping to see. Signs and More did a great job. To me, this is momentous as this marks a time that the City of Brevard completed a public/private partnership. I am really excited about this. It won't live forever, but hopefully it will change minds. I witnessed several kids that came from different parts of town, skating and learning and laughing with each other. I would like to thank our donors, large and small. People kept going and kept encouraging us. I want to thank all of the task force members. Paul Ray did a fabulous job seeing this through. I'd also like to thank the City. It is open dawn to dusk and wear a mask if you cannot practice social distancing. Spread out and stay apart otherwise. There are plans for picnic tables and a hand washing station.

Mr. Daniel said these are some busy times lately. I just wanted to comment that the work that's been done at the Tannery Skate Park, Mary C. Jenkins Community Center and the Downtown Master Plan has brought to mind that the City of Brevard is very fortunate and that we have a wonderful resource in the citizens of this community that are willing to work and offer their expertise. That makes it a very special place to live.

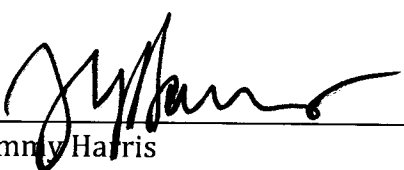
Mr. Jones just wanted to let everyone know that the Community Relations Board had its first organizational meeting this past Thursday, June 25th, and we're very excited about where this Board will go and what it will do. Three people in this room attended this meeting virtually along with many others. I'm just excited because now is the time that this Board can make an impact.

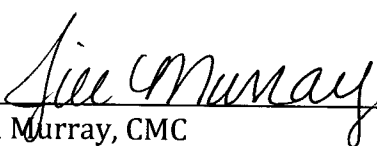
Mr. Morrow said I think its wonderful to hear such wonderful comments because I think the public needs it. Chief, I saw my first policeman on a bicycle and I love it! Mr. Attorney, I appreciate you trying to keep us together on our communication with our committees and keeping us between the ditches. We all need to be reminded what the open meetings law is.

Mr. Fatland thanked the Council for the adoption of the budget. It was an extraordinary year and I just want to stress to the community that the budget you approved tonight included funding all of the non profits at last years level. Most communities Council would probabky say no because of COVID19 but this is the year they probably really need the help. Also the City departments are still providing a great level of service and not cutting back in the time of need. Public Works, has been able to help over at Tannery Park and get things set up and they've already been out so quickly at the dog park. I also want to give a quick update on other projects. The concrete skate park is under contract and that will start later in July. The dog park, Maureen Copelof gave an update on that. Clemson Plaze is not under contracat, it's on hold. The Mary C. Jenkins Task Force is reviewing playground design for the Silversteen Playground. We have defferred the capital equipment to next year and we're in the process of looking at all the easements we need for the Estatoe Trail out to Brevard High School. We got a grant from the Pisgah Health Foundation and once the easements are acquired, we'll get that project moving forward. We did get feedback from NCDOT that they have asked for a delay on the Railroad Avenue Vehicle Bridge and we are submitting tomorrow all the costs we incurred and we get 80% of the funding back so that project has been delayed at their request. Davidson River Pedestrian Bridge is fully funded and DOT has deferred that project to a later date. I want to thank the Downtown Master Plan Committee because several years ago we spent a lot of time on the streetscape and when I look around the room there's a lot of new faces here and Heart of Brevard merged their design element of their Main Street Program with our downtown committee and theyre going to take a hard look at the Main Street Master Plan so we're gonna be well prepared if we get the BUILD Grant later this year. The Cathey's Creek stream restoration project is moving forward. I'd like to see the Public Works Committee come out and see it when it's finished to tour the site and that's fully funded through a grant. Finally, Gallimore Road Sewer Rehab Prject is currently in design. We got the letter today from DOT and they would like to see the project start construction in 2021/2022 and the debt payment won't be incurred until 2022/2023, so there is still a lot of activity going on. One thing I want to share with everybody, the property on the corner of Probart and Caldwell Street where we have "Beethoven Lives" and the landscaping. About five years ago the City worked with the Music Center to make that corner attractive. We put about \$10,000 of City funds up to make it attractive and were notified that the proeprty has been sold and so I'm pleased to report that all of the material that is there is going to be picked up and taken to other parks like the depot park, franklin park, dog park and maybe Tannery Park so all of those boulders will be used at City facilities. The property is owned by George Williams and I'd like to thank Mr. Williams for allowing us to use that site and I'm sure Mark Weinstein from the Music Center would echo the same thing. Its been a pleasure to use that property for the last five years.

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 8:13 p.m.


Jimmy Harris
Mayor


Jill Murray, CMC
City Clerk

Minutes Approved: July 13, 2020