

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
October 19, 2020 - 5:30 PM**

The Brevard City Council met in regular session on Monday, October 19, 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 as 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, Finance Director and City Manager Jim Fatland, City Clerk Jill Murray, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Planner Kaitland Finkle, Planner Leigh Huffman, Police Chief Phil Harris, Fire Chief Bobby Cooper, Public Works Administrator Letha Cox, Police Department Personnel Ina Whitmire, Greg Holden, Debbie McCrary and Cathy Sue Guess. Fire Department Personnel Adam Hughey, Chris Hall, Sam Hunnicutt, Daniel Berry and Tommy Whitmire.

Others – Tommy Williamson and Randy Lytle

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 Mr. Jones, that Item H9 Azalea/Rhododendron Neighborhood Sewer Extension CDBG-I be moved up to item H2; Item M10 Contract w/Transylvania County for Police Dispatch Operations be moved to Item J2; and Items K13 Railroad Depot Avenue Fee Schedule and K14 Short Term Leases for City Owned Property be removed from the agenda and the agenda be approved as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Jones moved, seconded by Mr. Morrow, the August 17, 2020 Regular Meeting Minutes, September 21, 2020 Regular Meeting Minutes and the September 28, 2020 Budget Work Session minutes be approved as presented. Motion carried unanimously.

G. Certificates/Awards/Recognition -

Mayor Harris presented certificates to the following people:

- G-1. Sam Hunnicutt-Blue Ridge Community College Fire Academy
- G-2. Ben Scott-Blue Ridge Community College Fire Academy (Absent)
- G-3. Daniel Berry-EMS/EMT Certification
- G-4. Tommy Whitmire-EMS/EMT Certification
- G-5. Chris Hall-Highway Patrol Academy
- G-6. Bobby Cooper-Child Passenger Safety Certification
- G-7. Lt. Greg Holden-Life Saving Award
- G-8. Debbie McCrary-Life Saving Award

G-9. Proclamation No. 2020-08 Fire Prevention Month. Mayor Harris read and presented the Proclamation to Adam Hughey.

**PROCLAMATION NO. 2020-08
FIRE PREVENTION MONTH
OCTOBER 2020**

WHEREAS, the City of Brevard has been committed to ensuring the safety and security of all those living in and visiting Brevard; and

WHEREAS, the **2020 Fire Prevention Month theme, “Serve Up Fire Safety In The Kitchen”** works to educate everyone about the simple but important actions they can take to keep themselves, and those around them, safe in the kitchen; and

WHEREAS, **Cooking** is the #1 cause of home fires and home fire injuries. Unattended cooking is the leading cause of fires in the kitchen; and

WHEREAS, **Stay Focused on the Food**: Unattended cooking is the leading cause of fires in the kitchen; and

WHEREAS, **Prevent Scalds and Burns**: Scald burns are the second leading cause of all burn injuries. Hot liquids from coffee and even microwaved soup can cause devastating injuries; and

WHEREAS, **Put a Lid on it**: You can take simple steps to keep a small kitchen fire from getting out of control. A lid can be used to smother a fire in a pot or pan; and

WHEREAS, **Keep Cooking Areas Clear**: Clear away clutter and give cooking appliances space to lessen the chance of a kitchen fire; and

WHEREAS, for 122 years, the City of Brevard Firefighters have been dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, do hereby proclaim October 2020 as Fire Prevention Month throughout this community. We urge all citizens to develop a home fire escape plan with all members of the household and practice it twice a year.

ADOPTED and approved this the 19th day of October, 2020.

G-10. Proclamation No. 2020-09 Domestic Violence Awareness Month. Mayor Harris read and presented the Proclamation to Laura Carper of SAFE.

**Proclamation No. 2020-09
Domestic Violence Awareness Month
October 2020**

WHEREAS, Domestic violence, also called intimate partner violence (IPV), domestic abuse or relationship abuse) is a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship; and

WHEREAS, Domestic violence includes behaviors that physically harm, arouse fear, prevent a partner from doing what they wish or force them to behave in ways they do not want and it includes the use of physical and sexual violence, threats and intimidation, emotional abuse and economic deprivation; and

WHEREAS, Domestic violence does not discriminate, regardless of race, age, gender, sexual orientation, religion anyone can be a victim – or perpetrator – of domestic violence. It can happen to people who are married, living together or who are dating. It affects people of all socioeconomic backgrounds and education levels; and

WHEREAS, in North Carolina, 1 in 3 women and 1 in 4 men have experienced some form of physical violence by an intimate partner; and

WHEREAS, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, Domestic Violence Awareness Month provides an opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to survivors of domestic violence.

WHEREAS, since 1985, SAFE, Inc. has been providing shelter, programs and services to people impacted by domestic and/or sexual violence. In the last year SAFE, Inc. served **288** victims of domestic violence and/or

sexual assault and provided shelter to **56** adults and **26** children. To this end, SAFE, Inc. invites all of us to support October 2020 as "Domestic Violence Awareness Month".

NOW, THEREFORE, IT IS PROCLAIMED by the Mayor and City Council of the City of Brevard, North Carolina, the month of October as **Domestic Violence Awareness Month** and urge the citizens of Brevard to work together to eliminate domestic violence from our community.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 19th day of October, 2020.

G-11. Proclamation No. 2020-10. Breast Cancer Awareness Month. Mayor Harris read the proclamation and the Clerk will keep it on file.

**PROCLAMATION NO. 2020-10
BREAST CANCER AWARENESS MONTH
October 2020**

WHEREAS, the City of Brevard joins our nation in recognizing October as Breast Cancer Awareness Month; and

WHEREAS, breast cancer is the most commonly diagnosed cancer among women in the United States, and is the second-leading cause of cancer deaths among women in North Carolina and our nation; and

WHEREAS, early detection can be an effective tool in combating breast cancer, with regular screenings preventing 15 to 30 percent of all deaths from breast cancer in women over 40; when diagnosed while still confined to the breast, the 5-year relative survival rate is more than 98 percent; and

WHEREAS, the City of Brevard encourages citizens to talk with their health care providers about regular screenings, examinations and mammograms, and to practice self-examination.

NOW, THEREFORE, I, Mayor Jimmy Harris and Brevard City Council, do hereby proclaim **October 2020**, as "**Breast Cancer Awareness Month**" in the City of Brevard, North Carolina, and call on all citizens to join us in recognizing and commend this observance to all citizens.

Adopted and approved this the 19th day of October, 2020.

H. Public Hearing(s) –

H-1. Proposed Amendments to the Official Zoning Map of the City of Brevard-West Morgan Street & Duckworth Avenue.

Kaitland Finkle explained that on May 11, 2020 an application was submitted by property owner Charles Crane requesting a rezoning for three parcels currently zoned Downtown Mixed Use (DMX) on W. Morgan Street. The request is to rezone the parcels to Residential Mixed Use (RMX). Staff believes the current DMX zoning is rational given the proximity to downtown and to reserve space for the natural progression of commercial development over time. However, rezoning to RMX would bring the existing use as a single-family dwelling into conformity and provide more options for residential development on the two vacant parcels. The Planning Board heard this request at its August 18th meeting and after considerable discussion, the Board unanimously recommended denial of the request and voted to keep the existing DMX zoning.

Public Hearing Participation –

Several people from the area came and spoke both for and against the rezoning. Mayor Harris added that he would be in favor of changing it to RMX.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 6:22 p.m.

H-2. Azalea/Rhododendron Neighborhood Sewer Extension CDBG-I.

Paul Ray explained that numerous occupied homes in the Azalea/Rhododendron neighborhood have failing septic systems and are illicitly discharging their waste water.

CDBG-I grant money is available to fund the project and help residents in the low-to-moderate income bracket. City water service is already available to this neighborhood. Up to \$2 million dollars is available to provide sewer service to the neighborhood and connect homes. A virtual community meeting, informational signage, direct mailings, newspaper ads, and social media have been used to inform residents of the project. At their August 17, 2019 meeting, the Public Works Committee recommended that Planning Staff take this item to City Council and seek authorization to work on a feasibility study to extend sewer to the Azalea neighborhood. At the August 19, 2019 Council meeting, City Council approved the study.

Mary Roderick said that the DEQ has lots of things that they want her to say for this grant as follows:

The City proposes requesting funding from NCDEQ'S CDBG-I program for the Azalea/Rhododendron Sewer Line Extension. The proposed project will meet the following community and housing needs of City by addressing failing infrastructure to preserve naturally occurring affordable housing, which is existing, often older and smaller homes like those in the project area. Housing in general and especially affordable housing is in short supply, and the homes in this neighborhood need to be safe to occupy. It also addresses environmental health and the need to prevent development in sensitive and critical areas by improving housing and infrastructure conditions in existing neighborhoods. Water quality is also an important concern both for public health and recreation, and the failing septic systems are impacting Gilbreath Branch, which flows directly into the French Broad River just south of the neighborhood.

The purpose of the CDBG-I grant program is to improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.

- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of 2020 the CDBG-I funding available is expected to be \$25.2 million, and the maximum available for each grant is \$2.0 million over a 3-year period. Applications for funding are to be received by November 23rd, 2020.

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund several activities: water and sewer infrastructure, neighborhood revitalization, COVID-19 related projects, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to the, following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extent public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The City is seeking an amount in CDBG-I funds not to exceed \$2 Million for the Azalea/Rhododendron Sewer Line Extension. The purpose of the City's request is to resolve failing septic systems, many of which cannot be replaced or repaired, which is also leading to vacant and underutilized properties, and endangering the health of residents as well as water quality. The project will serve the homes in the area bounded by Osborne Rd between Oakdale Rd and Hopewell St to the north and Old Hendersonville Hwy to the south between Oakdale Rd and Dobbins Dr. It includes Oakdale Rd to the west and Azalea Ave to the east, as well Highland Rd, Rhododendron Dr, Laurel Ln, and Pressley Ave. Approximately 6,000lf of gravity sewer lines will be installed on Pressley, Oakdale, Highland, Old Hendersonville Hwy, and between Rhododendron and Azalea. A pump station will be added on Old Hendersonville Hwy. Laterals will be installed to connect all low-to-moderate income households.

The project proposed by the City of Brevard was identified in the Capital Improvement Plan in FY19-20. The failing systems and need for sewer infrastructure have been discussed by the City since a 2005 DEQ WaDE study found 16 septic violations at 51 homes (a 31% violation rate, typically the range is 18-20%). A SRF application was prepared in 2008 but not submitted due to financial concerns during the 2008 recession. Informal community meetings were held in the project area to inform citizens of the potential project, and get feedback from the residents.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the ETJ of the City of Brevard has been determined to have a LMI of at least 53.8% based on income surveys of 93 occupied households (32 properties are either vacant homes or lots). The project area for the Azalea/Rhododendron neighborhood includes the homes in the area bounded by Osborne Rd between Oakdale Rd and Hopewell St to the north and Old Hendersonville Hwy to the south between Oakdale Rd and Dobbins Dr. It includes Oakdale Rd to the west and Azalea Ave to the east, as well Highland Rd, Rhododendron Dr, Laurel Ln, and Pressley Ave.

The range of activities covered by the CDBG-I funds for Azalea/Rhododendron Sewer Line Extension includes:

- Environmental Review,
- Engineering Design,
- Surveying,
- Legal Activities,
- Construction,
- Construction Administration and Observation, and
- Grant Administration.

If City of Brevard is awarded a CDBG-I grant, the City is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen's Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan

- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

No displacement and relocation will occur as a result of the proposed CDBG grant activity, as confirmed by the City of Brevard during the public hearing.

Public Hearing Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 6:42 p.m.

H-3. Proposed Amendments to City of Brevard Traffic Schedule-Curbside Pickup & Readopt Traffic Schedule in Entirety.

Aaron Bland explained that staff is bringing an updated and reorganized Traffic Schedule to Council for a complete readoption with the addition of curbside parking spaces being designated as 10 minute parking. The last time the Traffic Schedule was revised and amended in its entirety was 2005. The two major changes to the schedule are reformatting and curbside pickup parking spaces. Staff recommends approval of the updated traffic schedule as presented.

Public Hearing Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 6:44 p.m.

H-4. Proposed Amendments to City of Brevard UDO Chapter 3-Fence Materials.

Paul Ray explained that this is a staff initiated text amendment to provide further guidance on acceptable architectural standards of fences. More specifically, the use of heavy gauge, galvanized wire panels have been used in place of wooden pickets. The thick wire panels are typically framed in wooden planks or timbers and is architecturally pleasing for residential use. The other type allows for a more decorative style of chain link fencing as perimeter fencing in General Industrial zoning districts, public safety facilities and other critical facilities. Staff believes the proposed changes would be beneficial to the City by allowing residential properties to utilize more creative fence designs and allowing industrial uses to provide greater screening which is more cost effective for that type of land use. The Planning Board unanimously voted to recommend this text amendment to City Council.

Public Hearing Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 6:49 p.m.

H-5. Proposed Amendments to City of Brevard Code of Ordinances & UDO- NCGS 160D & 160A-75.

Kaitland Finkle explained that this is a staff initiated text amendment to bring the Unified Development Ordinance and Code of Ordinances into compliance with requirements of various North Carolina General Statutes, namely Chapter 160D A New Land Use for North Carolina. Local governments are required to adopt conforming amendments to their local development regulations, with Chapter 160D becoming effective for each jurisdiction as those amendments are adopted. While it is effective now, local governments have until July 1, 2021 to conform local ordinances to this new law. The Planning Board heard this request at its August 18th meeting and unanimously recommended approval of all changes as proposed. Staff requested that City Council approve required changes to bring the UDO and code of Ordinances into compliance with requirements of NCGS.

Public Hearing Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 6:54 p.m.

H-6. Proposed Amendments to City of Brevard UDO Chapters 2, 5, 8, 10 & 19-Building Types and Architectural Standards; Tree Protection & Landscaping; Parking Standards; Multi-Family Dwelling & Townhomes.

Kaitland Finkle explained that this is a staff initiated text amendment to clean up inconsistencies regarding townhomes and multi-family dwellings in the City's UDO. The Planning Board heard this request at its September 15th meeting and unanimously recommended approval of all changes as proposed. Staff is requesting that City Council approve the changes as provided.

Public Hearing Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 6:56 p.m.

H-7. Proposed Amendments to City of Brevard UDO Chapters 2 & 5-Building Types & Architectural Standards, Exception Language for Group Developments.

Kaitland Finkle explained that this is a staff initiated text amendment to allow staff the flexibility of exempting group developments from the City's UDO. It came to staff's attention that regulations would not likely allow renovations of existing strip malls nor would regulations allow the ability of adding certain buildings as out-parcels. The Planning Board heard this request at its September 15th meeting and unanimously recommended approval of all changes as proposed. Staff is requesting that City Council approve changes as proposed.

Public Hearing Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:01 p.m.

H-8. Proposed Amendments to City of Brevard UDO Chapters 3 & 19-Shipping Containers as Temporary Uses and as Accessory Structures.

Leigh Huffman explained that this is a staff initiated text amendment after realizing that the UDO does not have language that regulates the use of shipping containers. Staff suggests adding language to regulate the uses of shipping containers as temporary uses and as accessory structures to residential uses. These additions would address the types of structures that Chapter 5 does not regulate. This amendment will add language to limit the temporary use of shipping containers to only storage and only in conjunction with a non-residential use and prohibit the permanent use of shipping containers as accessory structures on residential lots except as modified for habitable space under the NC Building Code for single family and duplex dwellings in which local architectural standards are exempt from regulation under State Law. The Planning Board heard this request at its September 15th meeting and unanimously recommended approval of the amendments. Staff is requesting that City Council approve changes as proposed.

Public Hearing Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:08 p.m.

**H-9. Proposed Amendments to City of Brevard UDO Chapter 10-
Motorcycle Parking Requirements & Additional Bicycle & Electric Vehicle
Charging Parking Spaces.**

Aaron Bland explained that currently the City's UDO includes requirements for minimum bicycle and motorcycle specific parking. This amendment looks to modernize these standards and add possible flexibility for providing alternative parking such as extra bicycle racks or electric vehicle charging stations. The Planning Board discussed this amendment at their September and October meetings ultimately voting unanimously to recommend approval. Staff recommends approval of the ordinances as presented. Mr. Daniel suggested that we should clarify the language for Aaron.

Public Hearing Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:20 p.m.

I. Public Participation –None

J. Special Presentation(s) –

J-1. Rosenwald Community Projects, Silversteen Playground and Mary C. Jenkins Community Center.

Jim Fatland showed a Powerpoint (Exhibit A) and said that a week ago he attended a Bethel A Board of Trustees meeting and Mary C. Jenkins Board of Trustee meeting to celebrate the future home of the Mary C. Jenkins Community Center. We've done a preliminary site plan of Silversteen Playground calling for new playground equipment, a new basketball court, a picnic along with cleaning up the Norton Creek Stream Restoration Project. Instead of doing a tax increase this year, we are using the \$180,000 that we received from HCA when they purchased the Transylvania Regional Hospital. A week ago I attended a Bethel A Baptist Church Board of Trustees meeting and later that day I attended the Mary C. Jenkins Board of Trustees meeting and both of them recommended to move forward on the purchase and installation of new playground equipment at Silversteen Memorial Park. Also, staff is working on a grant application with Dogwood Trust which is due by the end of the week and I think we have a strong application to get \$25,000 additional money for the playground. I plan to meet with the Brevard ABC Board to ask for \$20,000 as well.

The first item asking for your support this evening is the approval to purchase the playground equipment and it can be installed about 6 weeks later. Mac Morrow moved, seconded by Gary Daniel to purchase the playground equipment. Motion carried unanimously.

The second item asking for your approval is the Mary C. Jenkins Community Center. I would like to go out for bid in January and get the financing and construction bids at the same time.

The third item is I would also like to direct staff to move forward with an application with the Local Government Commission to finance the projects. Mr. Jones moved, seconded by Mr. Daniel to proceed with the going out to bid and financing of the Mary C. Jenkins Community Center, as well as, direct staff to move forward with an application with the LGC. Motion carried unanimously.

Randy Lytle thanked the City Council for this opportunity. I felt compelled to say that it's a historic and monumental time for this community. The community as a whole is eternally grateful and I wanted to thank the City for stepping up. Things are what they should be and progressing as they should be. It's making things a whole lot better for the City of Brevard as a whole and hope more things are to come.

J-2. Contract w/Transylvania County for Police Dispatch.

Police Chief Phil Harris explained that the recommendation before you is to move the communications operations from the Brevard Police Department to Transylvania County Organized Central Dispatch and showed a PowerPoint (On file). We considered this move because of several factors: Loss of communications supervisor, inexperienced telecommunications staffing, current job climate is challenging and are slow to fill. We will gain more staffing for critical incidents, a more efficient "911" dispatch, multiple dispatchers on any call, better coordination between city and county police, shared knowledge on equipment and operations. This recommendation is supported by the police department administration.

Jim Fatland said that the County is proposing the starting salary is entry level for a Telecommunicator 2, one is part time help. This is a perfect time to evaluate looking at the County and lock in entry level salary. If we had a full experienced team of dispatchers, our salaries would be much higher. They would be County employees.

Mr. Daniel added that he was at the meeting with the County and the City and if any of you have a chance to tour the facility, it's pretty impressive. I think part of the cost increase will be for officer safety. The fact that the Chief supports this means a lot to me and it's about the safety of the citizens of our community. Mr. Daniel moved, seconded by Mr. Morrow to support the City moving their dispatch to Transylvania County OCD. Motion carried unanimously.

~~ At 7:50 PM Mayor Harris called for a fifteen minute break. ~~

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 other items for discussion. Mr. Morrow moved, seconded by Mr. Jones to approve the consent agenda and add items M2, M3, M4, M5, M6, M7, and M9. Motion carried unanimously.

Mr. Pratt added that it was discussed at the meeting this morning that we pull item K-14 because we have to advertise the notice that we move the December meeting to the first Monday in December, which is the 7th so that could be added as a consent matter if Council agrees. In other words, the lease matter, Item K-14, has been pulled as it has to be advertised for 30 days so we cannot make the November meeting and it was discussed that we meet in December on the 7th.

K-1. Staff Reports:

a. Financial Report for month ending September, 2020

K-2. Resolution No. 2020-27 Approving Property Tax Releases-October, 2020.

RESOLUTION 2020-27

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

2020: \$236.42

Adopted this the 19th day of October, 2020.

K-3. Tax Settlement Report for month ending September, 2020.

K-4. Traffic Safety Study for Pisgah Forest Roundabout.

K-5. Community Development Contracts, October 2020 Reporting.

- a. Bread of Life**
- b. Chamber of Commerce**
- c. The Cindy Platt Boys & Girls Club**
- d. Transylvania’s Farmers Market**
- e. Transylvania Community Arts Council**
- f. Sharing House**
- g. Heart of Brevard**
- h. Rise & Shine**

K-6. Council Public Safety Committee Minutes- June 16, 2020.

K-7. Council Parks, Trails & Recreation Committee Minutes-August 19, 2020.

K-8. Mary C. Jenkins Community Center Task Force Minutes-August 25, 2020.

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

K-10 Ordinance No. 2020-28 Amending the FY2020-2021 Budget Amendment No. Three.

**ORDINANCE NO. 2020-28
AN ORDINANCE AMENDING THE FY2020-2021 BUDGET
AMENDMENT NO. THREE**

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2020-xx); Budget Ordinance No. 1 (Ordinance No. xx); Budget Ordinance No. 2 (Ordinance No. xx); and

WHEREAS, it is necessary to make amendments to the budgets to reflect additional revenue and expenditures for Fiscal Year 2020-21.

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

SECTION 1) General Fund Revenue is hereby increased \$15,000 from \$10,029,729 to \$10,044,729 as shown as follows.

Reserve for Fireworks	\$15,000
TOTAL REVENUES	\$15,000

SECTION 2) General Fund Expenditures are hereby increased \$15,000 from \$10,029,729 to \$10,044,729 as shown as follows.

Transfer to Pedestrian Path Fund	\$5,000
Transfer to Rosenwald Fund	\$5,000
Economic Development (Fireworks)	\$5,000
TOTAL EXPENDITURES	\$15,000

SECTION 3) Utility Fund Revenue is hereby increased \$205,000 from \$5,621,307 to \$5,826,307 as shown as follows.

Transfer from Capital Projects Fund	\$160,000
Transfer from Capital Reserve Fund	\$ 45,000
TOTAL REVENUES	\$205,000

SECTION 4) Utility Fund Expenditures are hereby increased \$205,000 from \$5,621,307 to \$5,826,307 as shown as follows.

Water Treatment Plant	\$205,000
TOTAL EXPENDITURES	\$205,000

SECTION 5) Utilities Capital Projects Fund Revenue is hereby increased \$-0- from \$685,000 to \$685,000 as shown as follows.

	\$-0-
TOTAL REVENUES	\$-0-

SECTION 6) Utilities Capital Projects Fund Expenditures are hereby increased \$-0- from \$685,000 to \$685,000 as shown as follows.

Transfer to Utility Fund	\$160,000
WTP Shooting Range Closure	\$-160,000
TOTAL EXPENDITURES	\$-0-

SECTION 7) Utilities Capital Reserve Fund Revenue is hereby increased \$45,000 from \$160,000 to \$205,000 as shown as follows.

Reserve for Water & Sewer	\$45,000
TOTAL REVENUES	\$45,000

SECTION 8) Utilities Capital Reserve Fund Expenditures are hereby increased \$45,000 from \$160,000 to \$205,000 as shown as follows.

Transfer to Utility Fund	\$45,000
TOTAL EXPENDITURES	\$45,000

SECTION 9) Fire District Fund Revenue is hereby increased \$8,144 from \$1,490,877 to \$1,499,021 as shown as follows.

Appropriation of Fund Balance	\$3,144
Proceeds from Sale of Equipment	\$5,000
TOTAL REVENUES	\$8,144

SECTION 10) Fire District Fund Expenditures are hereby increased \$8,144 from \$1,490,877 to \$1,499,021 as shown as follows.

Capital Equipment	\$8,144
TOTAL EXPENDITURES	\$8,144

SECTION 23) Multi-Use Path Fund Revenue is hereby increased \$5,000 from \$575,835 to \$580,835 as shown as follows.

Transfer from General Fund	\$5,000
TOTAL REVENUES	\$5,000

SECTION 24) Multi-Use Path Fund Expenditures are hereby increased \$5,000 from \$575,835 to \$580,835 as shown as follows.

Brevard Dog Park	
	\$5,000
TOTAL EXPENDITURES	
	\$5,000

SECTION 29) Rosenwald Revitalization Fund Revenue is hereby increased \$5,000 from \$262,834 to \$267,834 as shown as follows.

Transfer from General Fund	
	\$5,000
TOTAL REVENUES	
	\$5,000

SECTION 30) Rosenwald Revitalization Fund Expenditures are hereby increased \$5,000 from \$262,834 to \$267,834 as shown as follows.

Silversteen Park	
	\$5,000
TOTAL EXPENDITURES	
	\$5,000

SECTION 33) That Revenues and Expenditures Section 1 through Section 32 of the Ordinance Amendment have increased \$283,144 from \$23,373,302 to \$23,656,446 as follows:

	Budget
General Fund	\$ 10,044,729
Water & Sewer Utility Fund	\$ 5,826,307
Utility Capital Projects Fund	\$ 685,000
Capital Reserve Fund	\$ 205,000
Fire District Fund	\$ 1,499,021
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	\$ 580,835
911 Communications Fund	\$ 56,900
Narcotics Task Force Fund	\$ 10,000
Rosenwald Revitalization Fund	\$ 267,834
Downtown Master Plan Fund	\$ 2,563,436
Parking Fund	\$ 161,824
TOTAL BUDGET APPROPRIATIONS	\$ 23,656,446

Adopted and approved this 19th day of October 2020.

K-11. Water Treatment Plant and Wastewater Treatment Plant Shooting Range Remediation.

K-12. Resolution No. 2020-28 Authorixing Grant Application for WTP Project.

RESOLUTION NO. 2020-28

**RESOLUTION AUTHORIZING GRANT AND LOAN ASSISTANCE
FOR BREVARD WATER TREATMENT PLANT PROJECT**

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water treatment works, and

WHEREAS, the City of Brevard has need for and intends to construct a drinking water treatment .75 MG Clearwell and replace finish water pumps, transfer pumps new generator, and replace all drying bed media at Water Treatment Plant, and

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

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

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

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

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

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

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

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

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

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

Adopted this 19th day of October, 2020.

K-13. Railroad Depot Avenue Fee Schedule. (Removed)

K-14. Short Term Leases for City Owned Property. (Removed)

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

a. Transylvania County Building Permit Activity, August 2020.

K-16 (M-2.) Ordinance No. 2020-21 Proposed Amendments to City of Brevard Traffic Schedule-Curbside

ORDINANCE NO. 2020-21

AN ORDINANCE REVISING AND AMENDING THE CITY OF BREVARD TRAFFIC SCHEDULE IN ITS ENTIRETY

WHEREAS, a legislative public hearing was conducted on Monday, September 21, 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 City Code, Unified Development Ordinance be amended as outlined below; and

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

ELEMENT 5: INFRASTRUCTURE

With a robust and balanced transportation system, Brevard will:

- *Have interconnected neighborhoods with access to services and amenities via multiple modes of transportation.*
- *Enjoy safe and efficient travel around and through the City.*

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

SECTION 01. The City of Brevard Traffic Schedule is hereby amended as described below:

- a) Convert on-street parking spaces, as described in Exhibit A to this ordinance, which is attached hereto and incorporated by reference, to 10-minute parking.
- b) Reformatting of the entire document to eliminate redundancies, clarify confusing language, and remove unnecessary text.

SECTION 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Brevard Traffic Schedule to reflect the change as set forth in Exhibit A which is attached and incorporated herein.

SECTION 03. The City Manager of the City of Brevard is hereby authorized and directed to cause the appropriate signs to be installed and enforcement of the foregoing provisions to be implemented.

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 second reading this the 19th day of October, 2020.

K-17. (M-3.) Ordinance 2020-22 Amending the Unified Development Ordinance Chapter 3-Fence Materials.

ORDINANCE NO. 2020-22

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE CHAPTER 3

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 3, be amended to allow a form of welded wire fencing in the front yard of properties and allow decorative chain link perimeter fencing in general industrial zoning districts, and use; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is 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 legislative public hearing was conducted on Monday, October 19, 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 City Code, 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 3 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 second reading this the 19th day of October, 2020.

K-18. (M-4.) Ordinance No. 2020-23 Amending the Unified Development Ordinance and Code of Ordinances & UDO-NCGS 160D & 160A-75.

ORDINANCE NO. 2020-23

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE & CODE OF ORDINANCES

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard Code of Ordinances and Unified Development Ordinance be amended to comply with N.C.G.S. Chapter 160D and 160A-75; and,

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

ELEMENT 4: LIVABLE COMMUNITIES

OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.

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.

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.

POLICY 4.1.I: Evaluate the City of Brevard's current design review process to streamline procedures; clarify roles, responsibilities, and authorities of the various review boards; and improve the overall quality of new development.

and,

WHEREAS, a legislative public hearing was conducted on Monday, October 19, 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 the Code of Ordinances and 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 Code of Ordinances and Unified Development Ordinance are hereby amended as depicted in Exhibit C and Exhibit D, 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 19th day of October, 2020.

K-19. (M-5) Ordinance No. 2020-24 Amending the Unified Development Ordinance Chapters 2, 5, 8, 10, and 19 Creating Consistent Language For Townhomes and Multi-Family Dwellings.

ORDINANCE NO. 2020-24

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE CHAPTERS 2, 5, 8, 10, AND 19 CREATING CONSISTENT LANGUAGE FOR TOWNHOMES AND MULTI-FAMILY DWELLINGS

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 2, 5, 8, 10, and 19, be amended to clean up inconsistencies regarding townhomes and multi-family dwellings; and,

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

ELEMENT 2: ECONOMIC HEALTH

POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

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.

POLICY 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

and,

WHEREAS, a legislative public hearing was conducted on Monday, October 19, 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 City Code, 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, Chapters 2, 5, 8, 10, and 19 are 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 19th day of October, 2020.

K-20. (M-6.) Ordinance No. 2020-25 Amending the Unified Development Ordinance Chapters 2 and 5 to Allow Exemptions for Group Developments.

ORDINANCE NO. 2020-25

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE CHAPTERS 2 AND 5 TO ALLOW EXEMPTIONS FOR GROUP DEVELOPMENTS

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 2 and 5, be amended to allow staff the flexibility of exempting group developments; and,

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

ELEMENT 2: ECONOMIC HEALTH

POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

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.

POLICY 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

and,

WHEREAS, a legislative public hearing was conducted on Monday, October 19, 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 City Code, 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, Chapters 2 and 5 are 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 19th day of October, 2020.

K-21. (M-7.) Ordinance No. 2020-26 Amending the Unified Development Ordinance Chapters 3 and 19.

ORDINANCE NO. 2020-26

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
CHAPTERS 3 AND 19**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 3 and 19, be amended to regulate the accessory and temporary uses of shipping containers; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is 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 legislative public hearing was conducted on Monday, October 19, 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 City Code, 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 Chapters 3 and 19 are 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 second reading this the 19th day of October, 2020.

K-22. (M-9.) Resolution No.2020-29 by City Council of Brevard-Azalea/Rhododendron Neighborhood Sewer Extension CDBG-I.

ORDINANCE NO. 2020-29

RESOLUTION BY CITY COUNCIL OF BREVARD

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants

to aid eligible units of government in financing the cost of construction of a wastewater collection system, and

WHEREAS, The City of Brevard has need for and intends to construct a wastewater collection system project described as the Azalea/Rhododendron Sewer Line Extension, and

WHEREAS, The City of Brevard intends to request State grant assistance for the project,

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

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

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

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

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

That Jimmy Harris, Mayor, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

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

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

Adopted this the October 19th, 2020 at Brevard, North Carolina.

Kaitland Finkle explained the meetings for the update to the Comprehensive Land Use Plan for the City as she just realized that they will all happen before City Council has their next meeting in November. We are going to be advertising this in the local newspapers, as well as, sending out mailings and handing out flyers up around town and on Facebook. We have all of our official dates for community engagement and we would love the citizens' input. The virtual kickoff event will be Tuesday, October 27th from 6:30pm-8:30pm which will be online via Zoom. We are going to have four drop-in events throughout town. These are three hours each and we're encouraging people to drop in and look at maps, pick up a paper survey or they can take the survey online. The four drop-in events are as follows:

- Lumberyard/Railroad Avenue Drop-In @ The Depot, Wednesday, November 4th 4:00-7:00pm.
- Downtown Drop-In @ Brevard City Hall, Thursday, November 5th 4:00-7:00pm
- Rosenwald Drop-In @ Bethel A Baptist Church, Tuesday, November 10th 4:00-7:00pm
- Pisgah Forest Drop-In @ Sycamore Cycles/Crank Coffee, Thursday, November 12th 4:00-7:00pm

L. Unfinished Business - Introduction to Signs-Text Amendment

Aaron Bland explained that the City's current sign ordinance, Chapter 12 of the Unified Development Ordinance, has been in place since the adoption of the UDO in 2006. In the ten years since adoption, Brevard's sign regulations have seen numerous minor changes through text amendments. In June 2015, the United States Supreme

Court issued its decision on a municipality's constitutional authority to regulate signs and the court's decision clearly invalidated some distinctions based on the message content of signs which are common in sign ordinances across the country, including Brevard's. He added that the City's current sign ordinance is inconsistent with the ruling and it is in the City's best interest to undertake a full-scale review of the sign ordinance to ensure regulations are consistent with the Supreme Court ruling. Staff requests consensus from Council regarding desired changes to be made of the draft. Council agreed for Aaron to bring this back to the November meeting for discussion and then hopefully a final decision in January.

M. New Business –

M-1. Ordinance No. 2020-20 Proposed Amendment to the Official Zoning Map of the City of Brevard-West Morgan Street & Duckworth Avenue.

Mr. Jones moved, seconded by Ms. Copelof, that it be approved with RMX.

Mr. Daniel said that he feels that it's unfortunate that these folks made a business decision and they didn't do their research and now they're asking the City to pull them out of the mess that they've gotten themselves into. We had the applicants come and then we had their neighbors who are businesses who are concerned about changing the ordinance come. They bought their property and are building their business with the understanding that this was DMX and its right downtown. I do not think that we should just be changing zoning ordinances on a whim because of someone's poor decision making. Its downtown and the Planning Board recommended not changing zoning and I don't believe that our Land Use Plan suits this and I think it's a mistake to change the zoning in this matter.

Kaitland Finkle explained that RMX would allow, not prohibit, multi-family but it would reduce drastically the number of commercial uses that would be allowed. Also, under 160D, the use is consistent with a number of policies in our 2015 plan but inconsistent with the future land use map.

Mr. Morrow said that he likes the option of zoning the two parcels that are empty as RMX and leaving the other one as DMX which is Dr. Bailey's office. Mr. Jones liked that idea as well.

Mr. Morrow moved, seconded by Mr. Jones to split zones and keep the two parcels that are vacant, RMX and make the other one where the Bailey Building is, DMX. Motion carried 3-2 with Mr. Daniel and Ms. Dinkins being nays. Mr. Pratt added that because it is a 3-2 motion, this was a first reading and therefore, Council will have to consider it again at its next meeting in November for a second reading. It would take 4-1 to pass this tonight.

M-8. Ordinance No. 2020-27 Amending the Unified Development Ordinance Chapter 10 Parking Standards to Remove Required Motorcycle Parking and Create Incentives for Bicycle and Electric Vehicle Parking.

Gary Daniel moved, seconded by Geraldine Dinkins that Text Amendment 20-008 the number of parking spaces not be reduced and that electric vehicle parking count as a space, and that the total remain. Motion carried unanimously.

ORDINANCE NO. 2020-27

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE CHAPTER 10 PARKING STANDARDS TO REMOVE REQUIRED MOTORCYCLE PARKING AND CREATE INCENTIVES FOR BICYCLE AND ELECTRIC VEHICLE PARKING

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 10 – Parking Standards be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is both consistent and inconsistent with the following element of the City of Brevard Comprehensive Plan:

ELEMENT 5: INFRASTRUCTURE

POLICY 5.2.C: Continue to require new sidewalks and parking for bicycles and motorcycles with new development.

And the amendment is consistent with the following other adopted City plans and policies:

2013 PARKING NEEDS ASSESSMENT

"Walking and biking infrastructure and amenities will be added and improved. Examples of these include, but are not limited to: new sidewalks, bike lanes, bike racks, and signage..."

and,

WHEREAS, a public hearing was conducted on Monday, October 19, by the 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 City Code, 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 19th day of October, 2020.

M-10. Payment of Legal Defense of David Lutz

Ms. Dinkins asked if we have a cost estimate of what we're signing off on for representation for Mr. Lutz. Attorney Pratt said that we do not have an estimate but that Mr. Lutz's attorney's rate is \$375.00 per hour and he is roughly guessing about \$50,000. She then asked where this money would come from and Mr. Fatland said that he has been charging all of the legal expenses to date to the water and sewer fund and we would have to do a budget amendment.

Ms. Dinkins also asked what the City has done to investigate the possible impact on our environment and to our citizens and staff. Attorney Pratt said with regard to the investigation and the concern that the grand jury might charge the City which hopefully won't happen now, we have obtained two reports from consulting engineering firms. One deals with lead levels at the Cornelius Hunt Operations Center and that report showed that there is no hazardous waste level of lead there. Secondly, we had an in depth analysis made of the potential for hazardous waste exposure to workers and their families and to the public resulting in movement of the soil from the shooting range first to the Operations Center and from there to the landfill and that study also showed there was no impact and no quantifiable evidence that anyone received enough exposure to suffer from it. We've obtained those two reports in connection with this matter.

Mr. Jones said he wanted to share a conversation that he had with former City Council member, Rodney Locks. He and I were wondering if we could add David Lutz's title to the agenda to understand who he is and the position that he holds. He also added to treat the cost of the legal defense of staff, the same as it would Council. He also mentioned that he would be willing to be a character reference for David and the almost 35 years that he's served not only the City but the citizens of Brevard with the late night calls and being out in the rain and the managing of staff so if you have any further questions or comments you may want to speak to Mr. Locks. Also, going forward, I

would approve this just going by the character of the man I've known. I personally do believe that there was no malice and no intent. That is my motion and Mac seconded it.

Mayor Harris said that he stands shoulder to shoulder with David Lutz, as well as our Police Department and there is no mistake where I stand with this.

Ms. Copelof said that she echoes what has already been said. David is an upstanding and professional employee. He is loyal, he deserves our loyalty and support and the City needs to stand with him and I also stand shoulder to shoulder with him.

Mr. Daniel said I don't think David's character is in question and I have no intention to speak ill of David. However, I represent members of this community. I support David and I'm going to support him tonight. The City Manager's job is to support and take care of the staff. Our job is to take care of the citizens.

Mr. Morrow said I know you've all seen the number of people who took their time to write their in depth support of David. I also think that if we had known different, we would have done different.

Ms. Dinkins said I want to echo what Gary said. I stand shoulder to shoulder with our citizens first. He is compensated for his work and that makes it a fair and balanced deal. I want to be sure that our citizens understand what we're getting into. When City Council circle their wagons around David, it makes it more suspect.

Mr. Jones said talking about compensation for his work, things that David does and his staff does saves the taxpayers money. I stand by David and the citizens.

Ms. Copelof added that all of the testing has been reported. It has not been hidden, it's been discussed and reported. We're all here supporting the citizens and I believe we should support David Lutz and the payment of legal fees.

Mr. Jones moved, seconded by Mr. Morrow to pay the legal fees for David Lutz. Motion carried unanimously.

N. Remarks/Future Agenda Considerations -

Maurice Jones thanked the Mary C. Jenkins Task Force, Jim and staff who worked really hard on the Silversteen Playground and the Mary C. Jenkins Community Center. Those leading fundraising and this has turned into the reason I turned into politics 11 years ago. It's taken a lot of time but the excitement is overwhelming and Gary thank you for sitting on the committee.

Mac Morrow remembered the comments Jim made at the budget meeting and how fantastic it is to be here even through COVID and I'm thankful for Jim Fatland and his staff and we should be proud of all of our employees including David Lutz. Also we got to reunite with Jack Hudson's family on Saturday for the street named after him. It was a really good occasion. Election time is here, if you haven't already, please go out and vote.

Gary Daniel echoed Maurice's comments about Mary C. Jenkins and thanked Jim for being able to proceed and I know some members of that community that will be ecstatic. It's a happy day.

Maureen Coplof said she wants to ask the City Manager to approach the County Manager about getting together. Mr. Fatland said he received an email from Jaime Laughter about it and Ms. Copelof said to keep on it. Also, bravo to the Planning team as our new skate park opened on Friday and there have been people there. Planning really came through, the landscaping looks great, it's a wonderful amenity and great to see that in time for the weekend. We continue to move forward with the dog park and we are actually now selling bricks so you can buy bricks for your dog or your pet. The forms are on the City's website. We are basically ready, weather permitting, to do the grading and the fencing. Finally, I just want to mention one thing and I've gotten a lot of questions

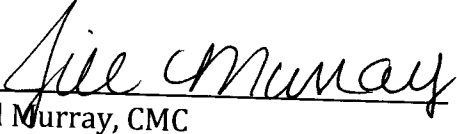
about having Halloween and its unfortunate. I live on Park Avenue and we are not closing the streets for Halloween but are trying to encourage people to do virtual Halloween events and not the massive showing.

Jim Fatland thanked the City Council for supporting our Public Works Director, David Lutz, tonight. I know it was a tough decision. I want to stress that when we got the two notices of violations in one day, your staff was on the phone immediately and retained SM&E and then on the phone 48 hours later with Richard Concepcion from the State and that the City of Brevard was going to address and make every effort to be good stewards of the environment. Also I think something that might help is the community may want some of the reports that we've gotten back on the environment from DENR to be released and asked Mr. Pratt if that would that be ok. Mr. Pratt said yes and Council did not object.

O. Closed Session(s) – None

P. Adjourn – There being no further business, Mr. Jones moved, seconded by Ms. Dinkins, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:06 p.m.


Jimmy Harris
Mayor


Jill Murray, CMC
City Clerk

Minutes Approved: November 16, 2020