

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
January 19, 2021 – 5:30 PM**

The Brevard City Council met in regular session on Monday, January 19, 2021, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

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

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

January 25, 2021 Continuation.

The Brevard City Council met in regular session on Monday, January 19, 2021, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

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

Absent – Gary Daniel.

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

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 – Ms. Copelof asked that a Resolution in Support of the Constitution and Rule of Law in these United States, Confirming the Presidency of Joseph R. Biden Jr. and Condemning the Attack on the Nation's Congress be added to the agenda under New Business. Mr. Fatland asked that item J1, the update on COVID Vaccinations be moved up to item G2. Also remove under New Business, item H-4 Public Hearing for Proposed Amendments to the City of Brevard Code of Ordinances and UDO Mainly UDO Chapter 16-Administration. Ms. Copelof moved, seconded by Mr. Daniel, that the agenda be approved as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Morrow moved, seconded by Ms. Copelof, the December 7, 2020 Regular Meeting Minutes and the December 22, 2020 Special Meeting Minutes be approved as presented. Motion carried unanimously.

G. Certificates/Awards/Recognition -

G-1. Oath of Office of Deputy Police Chief Charles Thomas Jordan. City Clerk Jill Murray swore in Tom Jordan with his wife and son present.

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Charles Thomas Jordan, do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the Government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will support the Constitution of the United States; and that I will faithfully and impartially discharge the duties of the office of Deputy Chief of Police of the City of Brevard, imposed upon me by law; so help me God.

/S/ _____
Charles Thomas Jordan

G-2. Update on COVID-19 Vaccinations from Elaine Russell, Transylvania County Health Director.

County Manager Jaime Laughter spoke on behalf of Elaine Russell. She gave an update on the COVID-19 vaccination process. She said the best way to stay up to date is to visit transylvaniahealth.org and there is a link at the top for constant updates, as well as, social media sites. She also mentioned that if you are not currently signed up for Transylvania County Emergency Alerts, called Team Alerts, please do so. She said that on Monday appointments opened up and within 20 minutes, all 1000 appointments were gone. Because it is a Federal program, you are eligible to get the vaccine anywhere that it is available. We cannot legally deny someone their shot that comes in from another county. Pharmacy providers do not have vaccine distribution yet. Your best bet is scheduling with the Health Department and it is important that we be flexible and efficient. There is a lot of paperwork that goes with each shot given and we cannot get more shots until the shots we have have been given along with the paperwork that goes with them. She provided a handout to Council with Vaccine Information (On File).

Ms. Copelof thanked the County Health Department and the Library for their help and asked if there is a way for people to volunteer and also is there help for the disadvantaged communities, for instance people who speak Spanish at the call center. Jaime said there is state registry for volunteers and they can get on the list at the health department to volunteer. She also mentioned that citizens can be an advocate for folks over 75 and help them get an appointment. We have just over 10,000 people that are over 65 in Transylvania County.

H. Public Hearing(s) -

Mr. Pratt explained that for the public hearings tonight, when we finish them, they will be held open for 24 hours and the meeting will recess until January 25th at 5:30pm. There have been some documents submitted for the public hearings and any future documents can be sent via email to the City Clerk for the next 24 hours and will be included with the minutes and Council will receive copies of all documents received.

H-1. Notice of Public Hearing to Consider Public Sale of Real Estate for Economic Development-North Broad Street.

Mr. Fatland explained that City Council purchased this 3 acre property in June for \$1,877,550. The City obtained a \$1.3 million loan from United Community Bank at an interest rate of 1.86%. Repayment of the loan is through the newly established parking fund. The Council approved this purchase. The City then received an offer to purchase this property for the same price we paid for it. We were asked to renegotiate and the buyer offered us \$2,450,000. This deal won't close until we see the complete plans and it will need to go through the Planning Board as well.

Mr. Ray added that although Planning does not have the full plans yet, we do know that they would like to build a full service 80-room boutique hotel.

Mr. Pratt added that the offer to purchase of \$2,450,000 is in excess of what the City paid for the property which means that you're selling at market value and not needing to fledge tax revenues as many economic development projects do. The buyer is committing to a full service 80-room boutique hotel to employ 80 full time employees with 30 of those positions being actual full time positions with a minimum of \$15 per hour or more. The construction is to be complete over a 6 year time-frame. If it is not complete, the City has the option to repurchase from the Buyer and the City can do what it wants. Some off-street parking will be funded and the Buyer is pledging one acre of this property will be set aside as a park area open to everyone. There is a conditional zoning process that we have to go through as well. This agreement will be included in the minutes. (Exhibit A)

Public Hearing Participation – Josh Hallingse spoke as the Transylvania Economic Alliance Executive Director and thanked Council for their leadership on this project and said he is very impressed with this developer and their vision for Brevard. Tourism is an important component of our local economy and I am happy to help if I can.

Jeremy Owen is the broker with Beverly Hanks Realty and said he is representing the Buyers of this property. He wanted to let Council know that he is there to answer any questions and to say that we are very fortunate to have a great Council and a great staff at the City. They have done a fantastic job. I am really excited about this project and I think it will be something that we all can be proud of.

Dee Dee Perkins said that she and her husband own four downtown businesses and four downtown commercial properties and we are celebrating 28 years in the Heart of Brevard as business owners and community advocates. I am a member of the Downtown Master Plan Committee and I am here to speak on behalf of the committee. We unanimously voted and endorsed the sale of the Broad Street property for the development of a boutique hotel. I have more than 30 years' experience serving on Brevard and Transylvania County boards and committees, including Focus 20/20, the Chamber of Commerce, the Heart of Brevard, Transylvania Economic Development, Committee, the Brevard Planning Board and Brevard City Council and I am currently on Transylvania's Tourism Development Authority, I chair the marketing committee and I also chair the Destination Infrastructure Committee and I serve on the ad-hoc community courthouse committee as well. Because of Brevard's vision, we are the coolest small town and we boast a thriving central business district. Still in spite of a pandemic, we are still here, we are still relevant and we are still seeing small businesses right here expand and grow. New businesses and new restaurants are coming. Our hike/bike path connects our cool downtown to the Lumberyard District and to thousands of acres of nature's playground in Pisgah National Forest and in the City's Bracken Mountain Preserve. There is still one missing ingredient that has been identified over and over during studies, and that's a hotel. An independent hotel would round out our economic development and it would also elevate Brevard as an arts, cultural and outdoor destination. The site on Broad Street is the gateway to our downtown. It is a prime opportunity for a multi-million dollar investment that will transform that entryway. It will jumpstart, showcase and develop the streetscape and the infrastructure elements of our downtown master plan and also fulfill and identified need. The tax dollars that would be generated would help with amenities for year-round residents, such as sidewalks, pocket parks, infrastructure improvements and parking. We hope this Council will endorse the years of planning and studies that have been done to frame a comprehensive downtown and approve the sale of this piece of property for a hotel.

Clark Lovelace spoke from a tourism standpoint and said it's definitely a good thing. I met with the developer and he fits in with our brand. The company has looked for years for a spot that fits a thriving local economy is vital to the success of a community.

Public Hearing Recessed – There being no further questions or comments, Mayor Harris recessed the hearing at 6:46 p.m. until January 25th @ 5:30pm.

January 25, 2021 Continuation.

Mr. Pratt said that the Clerk will receive the emails that have come in as evidence to the hearing minutes. Each Council Member has received an email containing all of the emails as well.

Mr. Fatland showed a brief PowerPoint giving an overview of the purchase and then sale of the Broad Street property.

Ms. Dinkins asked what the sales tax will be and Mr. Fatland said that he does not have that number yet and doesn't want to guess.

Ms. Copelof addressed some questions that came in. People were concerned that we are giving up on keeping the courthouse in its current location and we have not. There are still a lot of options out there for the courthouse to remain where it is. Sale of this property does not force a decision against keeping the courthouse. The other concern is parking. Included in this sale price is funding for us to look at other options for parking to increase in downtown. Parking is an issue that we will be able to look at in the future. I also want to mention that when we looked at this piece of land it is because it's a strategic piece of property. It will not increase the parking problem downtown. The issues of the courthouse and parking downtown really do have other solutions.

Ms. Dinkins said she has talked to numerous people and read the emails and she struggles with the fact that this process feels topsy turvy and there are still a lot of questions to be answered. However, I think this project will move forward tonight and I think this will bring vibrancy and commerce to our downtown and the tax revenues will be welcome and it will also come at a price and I want us to be aware of that. It will be at the entrance of our town and what does an 80 room hotel say? It may say a lot of things. I really want us to think about that when we go into this process and we need to be strong and have a backbone when we talk with the developer. Hopefully they'll make this a really good project and it will fit in. I'm hopeful that we're going to make something special out of this. Also I would like us to establish a direct link to this funding workforce housing in our town. We have a workforce housing problem. I would like to see a dedicated portion of the revenues to be serious about workforce housing.

Mr. Jones agreed with Ms. Dinkins about workforce housing and said maybe we can set something up inside the city limits.

Mr. Morrow said he is real excited about this project. The numbers on this really work and it captures our brand and who we are as a small town biking community around the country because of our natural amenities. We believe in biking as our brand and this is our dividend. I'm glad to be at this point.

Public Hearing Participation – None

Public Hearing Recessed – There being no further questions or comments, Mayor Harris closed the public hearing at 5:56 p.m.

H-2. Proposed Amendments to City of Brevard Code of Ordinances Chapter 42 Offenses & Miscellaneous Provisions and Chapter 46 Peddlers and Solicitors.

Leigh Huffman explained that this is a staff initiated text amendment based on two events:

The COVID-19 Use Permit process allowed Staff to recognize that many of the ongoing uses of the sidewalks by merchants are not in accordance with the Brevard City Code. This amendment will bring many of these uses into conformance with the Code.

The Sidewalk Dining Agreement between the City and NCDOT, signed on August 19, 2020 allows the City to permit sidewalk dining areas on NCDOT rights-of-ways. One of the provisions of the agreement is that the City must adopt a new sidewalk dining ordinance that aligns with the agreement.

This amendment cleans up the language and also proposes changes to the fee schedule in order to charge a reasonable application processing fee for the two new permits.

Public Hearing Participation – None

Public Hearing Recessed – There being no further questions or comments, Mayor Harris recessed the hearing at 6:56 p.m. until January 25th @ 5:30pm.

~~ At 6:57 PM Mayor Harris called for a ten minute break. ~~

January 25, 2021 Continuation.

Leigh Huffman explained that this amendment organizes things for our sidewalks.

Mr. Morrow added that it's a testament to the value of having committees.

Public Hearing Participation – None

Public Hearing Recessed – There being no further questions or comments, Mayor Harris closed the public hearing at 6:00 p.m.

H-3. Proposed Amendments to City of Brevard UDO Chapter 4-General Lot & Structure Provisions.

Aaron Bland explained that the Planning Department received an application for a text amendment to allow privately-maintained streets to satisfy the required street frontage for new subdivisions. Staff and Planning Board have created a draft amendment that allows for privately maintained roads to satisfy the road frontage requirement. Private roads, rights-of-way, and access easements less than 100 feet in length can have up to 3 lots subdivided off of them; these would be required to be 16 feet wide but no standards for the surface material. Private roads over 100 feet in length would be required to be 16 feet in width and also paved, and could have up to 8 lots subdivided off of them. This maximum number of 8 lots was chosen to match other trigger points of the UDO regarding single-family residential developments. All such new lots would still be required to have 30 feet of frontage on the private roads.

This proposed draft amendment would only allow this new provision in the General Residential 4 zoning district, which is the zoning district for the vast majority of the ETJ. The Planning Board discussed this request at their November and December meetings, ultimately voting unanimously to recommend approval of the draft amendment. Staff recommends approval as presented.

Public Hearing Participation – None

Public Hearing Recessed – There being no further questions or comments, Mayor Harris recessed the hearing at 7:19 p.m. until January 25th @ 5:30pm.

January 25, 2021 Continuation

Ms. Dinkins said that because she is married to one of the partners that is seeking the amendment, thereby having a direct conflict, she would like to recuse herself. Mr. Morrow moved, seconded by Mr. Jones to recuse Ms. Dinkins. Motion carried unanimously.

Mr. Pratt said that Ms. Dinkins did ask him some questions that he felt were appropriate to ask as they are of general interest to the public.

The first questions is how do we assure mutual main agreements are kept in perpetuity. How do we secure ourselves for liability for lack of City services if they do not maintain their property?

Mr. Bland said that the potential for degradation of the streets is a possibility and I think that is a key consideration. Our ordinance does state that you are to maintain it but how we go after them if they don't is a question for Mr. Pratt.

Mr. Pratt said as far as protecting the City, the City does not have legal liability for failure to pick up the garbage because we have sovereign immunity. If it became a repeated problem, the City has eminent domain to take it away, but that would be extreme.

The second question is are we quasi zoning the use meaning should property owners be made aware of what's going on? Mr. Pratt said this is not a zoning issue and no such notice is required. It's a question with a lot of potential layers and we're on sound ground with this. The law just does not require us to do that.

Public Hearing Participation – None

Public Hearing Recessed – There being no further questions or comments, Mayor Harris closed the public hearing at 6:08 p.m.

H-4. Proposed Amendments to City of Brevard Code of Ordinances & UDO, Mainly UDO Chapter 16-Administration. This hearing was cancelled until further notice.

I. Public Participation – None

J. Special Presentation(s) –

J-1. City of Brevard Annual Independent Audit for Year Ending June 30, 2020.

Mr. Dan Mullinix, CPA, Gould Killian CPA Group, P.A., presented a brief power-point and shared information contained within the Audit Wrap Up for year ending June 30, 2020 (on file). He extended his appreciation to the Assistant Finance Director Tom Whitlock and City Manager Jim Fatland for their excellent work and for the assistance they provided to him throughout the audit.

Following the presentation, Mayor Harris asked if the City's budget is balanced and if the City is in compliance with accounting rules and procedures, and have the NC State requirements been met. Mr. Mullinix replied, "Yes".

Mayor Harris and Council thanked Mr. Mullinix for his reporting and presentation and accepted the report as presented.

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 or add items to the consent agenda.

K-1. Financial Report for month ending December, 2020.

K-2. Resolution No. 2021-01 Approving Property Tax Releases-December, 2020.

RESOLUTION 2021-01

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

2020: \$124.05

Adopted this the 19th day of January, 2021.

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

K-4. Resolution No. 2021-02 Fixing a Date of Public Hearing on the Question of Annexation-George Lenze.

**RESOLUTION NO. 2021-02
A RESOLUTION FIXING A DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition was received on November 6, 2020, requesting the annexation of a contiguous area described in said Petition as the George Lenze, West Probart Street property located in Brevard, NC, 28712, consisting of 5 (more or less) acres, be annexed into the City of Brevard. (Tax Property Identification Number: 8586-231-1136); and,

WHEREAS, the Brevard City Council has by Resolution No. 2020-36 directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by George Lenze, will be held at Brevard City Hall at 5:30 P.M. on the 15th day of February, 2021.

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

Metes and Bounds Property Description:

Lying in Brevard Township, Transylvania County, N.C. on the south west side of the public road leading from Brevard to Camp Transylvania and near the western corporate limits of the Town of Brevard, and opposite the T. H. Hampton residence. BEGINNING on a small hickory on the east side of a small drain or branch, a corner of the R.W. Norton tract, said tree standing about east of the Norton house, runs North 14 deg. East 156 feet to a small white oak on the east side of said branch or drain, corner of Norton land; then North 26 deg. West, 123 feet to a stake in the center of the public road leading from Brevard to Camp Transylvania; then with the center of said road North 61 deg. East 100 feet; then North 73 deg. East 100 feet; then South 84 deg. 30' East 75 feet; then South 59 deg. East 200 feet to a stake; then South 58 deg. 30' East 66 feet to a stake in center of said road; then leaving the road, running South 12 deg. 30' West 373 feet with the Sadie North line, to a stake in a hollow; then South 80 deg. 30' West 196 feet to a stake in a low bog; then North 57 deg. West 148 1/2 feet to a stake; then South 44 deg. 15' West 112 feet to a stake, a corner of the Holmes tract; then North 49 deg. West 183 1/2 feet to a stake on

west side of the small drain or branch above mentioned, in the Norton line, then with the Norton line North 57 deg. 30' East 174 feet to the Beginning. Containing five acres more or less.

Section 3. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.

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

Adopted and approved this the 19th day of January, 2021.

K-5. Resolution No. 2020-03 Fixing a Date of Public Hearing on the Question of Annexation-Richard Libby.

RESOLUTION NO. 2021-03 A RESOLUTION FIXING A DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION PURSUANT TO NCGS 160A-31, AS AMENDED

WHEREAS, a petition was received on November 17, 2020, requesting the annexation of a contiguous area described in said Petition as Richard Libby, 335 Forest Hill Road property located in Brevard, NC, 28712, consisting of 0.672 acres, be annexed into the City of Brevard. (Tax Property Identification Number: 8585-35-1540-000); and

WHEREAS, the Brevard City Council has by Resolution No. 2020-37 directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by Richard Libby, will be held at Brevard City Hall at 5:30 P.M. on the 15th day of February, 2021.

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

Metes and Bounds Property Description:

BEING all of that 0.672 acre parcel of property as shown on a survey titled "Richard Libby and wife, Leslie Libby" prepared and platted by Kevin D. Goldsmith, PLS and recorded in Plat File 19, Slide 328, and Transylvania County Registry.

This conveyance is made subject to all roads rights-of-way of all roads which may presently traverse the property, to all road rights of way which may presently appear of record, to the rights-of-way of all utility lines which may presently traverse the property to all rights of way for public utilities which may presently appear of record.

Section 3. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.

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

Adopted and approved this the 19th day of January, 2021.

K-6. Resolution No. 2020-04 Supporting Application for a NCDEQ Rebate Grant Funding for Pubic EV Charging Stations.

RESOLUTION NO. 2021-04

A RESOLUTION SUPPORTING APPLICATION FOR A NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT PHASE ONE OF THE VOLKSWAGEN MITIGATION SETTLEMENT PROGRAM FOR LIGHT DUTY ZERO EMISSION VEHICLE INFRASTRUCTURE PROJECTS

WHEREAS, the City of Brevard has long valued exceptional quality of life and a beautiful natural setting; and

WHEREAS, the City's 2015 Comprehensive Land Use Plan identifies a key challenge of balancing development demand with environmental sustainability; and

WHEREAS, encouraging zero emissions is hereby an element of environmental sustainability;
and

WHEREAS, electric vehicles are a safe and reliable mode of transportation with zero emissions;
and

WHEREAS, convenient access to public charging stations for electrical vehicle users is consistent with encouraging the use of zero emission modes of transportation; and

WHEREAS, the North Carolina Division of Air Quality in the North Carolina Department of Environmental Quality is soliciting proposals for participation in Phase One of the North Carolina Volkswagen Mitigation Settlement Program; and

WHEREAS, Brevard is eligible to receive up to twenty-five thousand dollars in rebate vouchers for qualifying projects directly associated to equipment acquisition, installation, operation and maintenance of zero emissions vehicle charging infrastructure; and

WHEREAS, Brevard agrees to comply with the NCDEQ Zero Emission Vehicle Charging Infrastructure Program requirements upon receiving such grant rebates including continued maintenance of equipment and submission of an annual Charging Station Utilization Report, on January 30th of each consecutive year for a five-year period.

WHEREAS, the rebate applications acceptance date for Phase One of the North Carolina Volkswagen Mitigation Settlement Program for Zero Emission Vehicle Charging Infrastructure is January 25, 2021, and vouchers are awarded on a first come first serve basis; and

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

SECTION 1. The City Planning Department is hereby authorized to apply for a 2021 North Carolina Department of Environmental Quality grant, up to twenty-five thousand dollars, for Phase One of the North Carolina Volkswagen Mitigation Settlement Program for Light Duty Zero Emissions Vehicle Infrastructure Projects.

SECTION 2. The City Manager is hereby authorized to commit financial resources necessary for the continued maintenance and operation of electric vehicle charging station equipment to ensure the reporting requirements are met for the five-year duration of the program.

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

Adopted and approved upon first reading this the 19th day of January, 2021.

K-7. Council Downtown Master Plan Committee Minutes-November 19, 2020.

K-8. Council Finance & Human Resources Committee Minutes-November 30, 2020.

K-9. Council Downtown Master Plan Committee Minutes-December 3, 2020.

K-10. Council Downtown Master Plan Committee Minutes-December 17, 2020.

K-11. Correspondence (No Action. Offered as information only.)
a. Transylvania County Building Permit Activity, December 2020.

K-12. (M-5) Resolution No. 2021-05 Accepting Grants from the North Carolina Governor's Crime Commission.

RESOLUTION NO. 2021-05

RESOLUTION ACCEPTING GRANTS FROM THE NORTH CAROLINA GOVERNOR'S CRIME COMMISSION

WHEREAS, it is the desire of the City of Brevard to support the existing Patrol Division in providing top quality equipment that will improve the safety and response to public safety needs; and

WHEREAS, the Brevard Police Department wishes to submit a grant application to the North Carolina Governor’s Crime Commission for funding to purchase the following equipment:

<u>Description</u>	<u>Qty</u>	<u>Unit Cost</u>	<u>Total</u>	<u>Cash Match</u>	<u>Federal</u>
<u>Share</u>					
a. Helmets w/Face Shields	25	\$180.00	\$ 4500	\$0	\$ 4500
b. Gas Masks	25	\$720.00	\$18,000	\$0	\$18,000
c. Baton 36"	25	\$ 43.00	\$ 1,075	\$0	\$ 1,075
d. Body Shield	5	\$160.00	\$ 800	\$0	\$ 800

WHEREAS, the Brevard Police Department would like to obtain this grant from the North Carolina Governor’s Crime Commission in the amount of \$24,375.00; and

WHEREAS, it is the desire of the Brevard City Council to accept the grant from the North Carolina Governor’s Commission.

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

Section 1. The City Manager and/or his designee(s) are hereby authorized to officially accept the grant from the North Carolina Governor’s Crime Commission. There are no additional costs to the City.

Section 2. The City Manager and/or his designee(s) are hereby authorized to requisition funds in the course of implementing this grant, if it is so awarded. In accordance with the regulations of the grant program, two signatures shall be required for any requisition.

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

Adopted and approved this 19th day of January, 2021.

- L. Unfinished Business - None**
- M. New Business** – Council agreed that they would not decide on Items M-1, M-2 and M-3 until their next meeting on January 25, 2021 which will be a continuation from the January 19, 2021 meeting. As previously mentioned, Item M-4 was removed the agenda.

M-6. Board and Committee Appointment(s): Mr. Pratt suggested that this item be put on the February agenda, since two people wish to be added to the committee and that requires amending the resolution to do so.

M-7. Resolution No. 2021-06 In Support of the Constitution and Rule of Law in these United States, Confirming the Presidency of Joseph R. Biden, Jr., and Condemning the Attack on the Nation’s Congress. Ms. Copelof read the resolution aloud. Ms. Copelof moved, seconded by Ms. Dinkins that the resolution be passed as presented. Motion carried unanimously.

RESOLUTION NO 2021-06

**A RESOLUTION IN SUPPORT OF THE CONSTITUTION AND
RULE OF LAW IN THESE UNITED STATES, CONFIRMING
THE PRESIDENCY OF JOSEPH R. BIDEN, JR.,
AND CONDEMNING THE ATTACK ON THE
NATION’S CONGRESS**

NOW COMES THE CITY COUNCIL FOR THE CITY OF BREVARD, and says that:

WHEREAS, the Constitution of the United States, along with and including some twenty-seven Amendments, has been duly ratified and approved by the States; and

WHEREAS, the Constitution is the “Law of the Land,” and is the preeminent source and basis of all Federal law in these United States; and

WHEREAS, the Twelfth and Twentieth Amendments to the Constitution speak to Presidential Elections; and

WHEREAS, JOSEPH R. BIDEN, JR., and KAMALA D. HARRIS have been duly, appropriately and legally elected to the offices of President and Vice President, respectively, of these United States, with

both a majority of the popular vote and a majority of the Electoral College vote, all in conformity with the tenets of the Constitution; and

WHEREAS, Congress has duly counted and certified the votes of the Electors, completing the process during the early morning hours of January 7, 2021; and

WHEREAS, a large group of people rallying for President DONALD J. TRUMP and in opposition to the election of JOSEPH R. BIDEN, JR., and KAMALA D. HARRIS, in Washington, D.C., on January 6, 2021, encouraged by President Trump to do so, left the location of the rally and went to the Capitol Building in protest against the counting and certification of Electors' votes; and

WHEREAS, the group of people became riotous, violent and broke into and entered the Capitol Building, causing a disruption of the counting and certification process which was then ongoing; and

WHEREAS, the group of people included people who were violent and who attacked others, including law enforcement officers, and who attempted to and intended to cause harm to members of Congress, staff and law enforcement officers in the Capitol Building; and

WHEREAS, as a direct result of the illegal, wrongful and dangerous actions of that group of people, numerous persons were injured and several persons were killed; and

WHEREAS, this group of people may legitimately and factually be best described as a riotous mob intent on insurrection and violence; and

WHEREAS, this event was a striking and tragic attack on the Constitution, the Rule of Law, the legal election of the President and Vice President, as well as on the members of the Congress and on the Nation, these United States of America; and

WHEREAS, it is appropriate and important to make a clear and public condemnation of such actions and to voice strong and unqualified support for the President, Vice President and for the Rule of Law as embodied in the Constitution and its various Amendments.

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

Section 1. The United States Constitution is and remains the preeminent Law of the Land, governing the election of President and Vice President. The City Council hereby affirms and reaffirms its support thereof.

Section 2. JOSEPH R. BIDEN, JR., and KAMALA D. HARRIS have been duly, appropriately and legally elected to the offices of President and Vice President, respectively, of these United States. The City Council hereby confirms its support thereof.

Section 3. The actions of the riotous mob intent on insurrection and violence, on January 6, 2021, were illegal, wrongful, unpatriotic, violent, unexcused and tragic. The City Council hereby condemns all such actions.

Adopted and approved this the 19th day of January, 2021.

January 25, 2021 Continuation.

E. Approval of Agenda – Mr. Pratt recommended that Council amend the agenda by motion to add two easements for the bike/hike path that connect Probart and Main Street, as well as, adding a closed session to discuss property acquisition. Mr. Morrow moved, seconded by Ms. Copelof, that the agenda be approved as amended. Motion carried unanimously.

M-1. Ordinance No. 2021-01 Approving the Sale of Certain Property Located on North Broad Street. Mr. Morrow moved, seconded by Ms. Copelof, that the ordinance be approved as presented.

ORDINANCE NO. 2021-01

**AN ORDINANCE APPROVING THE SALE OF CERTAIN PROPERTY
LOCATED ON NORTH BROAD STREET**

WHEREAS, THE CITY OF BREVARD has received an Offer to Purchase certain property owned by it, located on North Broad Street, as the same is more specifically described as:

Property to be sold: Approximately 2.933 acres, the same being all of the real estate described in that certain deed from North Broad Street Brevard, LLC (Grantor) to the City of Brevard (Grantee), recorded on August 7, 2020, in Document Book 933, page 457. This sale is subject to certain rights to repurchase the same.

WHEREAS, the City Council has caused the due advertisement of a Notice of Hearing, in conformity with G. S. Section 158-7.1, has conducted the Public Hearing on January 19, 2021, and has held the same open for public comment for twenty-four (24) hours following the recess of the January 19, 2021, meeting.

WHEREAS, the Offer to Purchase (and Contract, including the Addendum attached thereto), is hereby attached to this Ordinance and is incorporated herein by reference.

WHEREAS, from evidence presented at the Public Hearing, Council hereby finds that:

- 1. The probable average hourly wage to be paid to works by the full service hotel to be constructed on the premises is at least \$15.00 per hour, for eighty (80) full time job equivalents.
- 2. The fair market value of the property to be conveyed to the purchaser, as per the terms of the Offer to Purchase and Contract, including the terms of the Addendum, is \$2,450,000.00.

WHEREAS, the City Council has determined that the sale described herein is consistent with and will further and enhance the City’s goals of economic development and improvement to the Downtown area of the City of Brevard, and that such sale is in the best interest of the City of Brevard and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA, THAT THE OFFER TO PURCHASE AND CONTRACT, INCLUDING THE ADDENDUM, IS HEREBY APPROVED, AND THE MAYOR IS DIRECTED TO EXECUTE THE SAME.

Adopted and approved the 25th of January, 2021.

M-2. Ordinance No. 2021-02 Amending the Schedule of Taxes, Fees and Charges and the Code of Ordinances Chapters 42 and 46. Ms. Copelof moved, seconded by Mr. Jones that the ordinance be approved as presented.

ORDINANCE NO. 2021-02

AN ORDINANCE AMENDING THE SCHEDULE OF TAXES, FEES, AND CHARGES, AND THE CODE OF ORDINANCES CHAPTERS 42 AND 46

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that the Brevard Schedule of Taxes, Fees, and Charges and the City Code of Ordinances, Chapters 42 and 46, be amended to regulate the usage of sidewalks for sidewalk dining areas, display of merchandise, and placement of permanent and semi permanent obstructions.; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is generally consistent with the City of Brevard Comprehensive Plan; and,

WHEREAS, a legislative public hearing was conducted on Tuesday, January 19, 2021, 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 of Ordinances 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 of Ordinances, Chapters 42 and 46 are hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. Brevard Schedule of Taxes, Fees, and Charges is hereby amended 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 second reading this the 25th day of January, 2021.

M-3. Ordinance No. 2021-03 Amending the Unified Development Ordinance Chapter 4-General Lot and Structure Provisions to Allow Private Streets to Satisfy Road Frontage Requirements in the General Residential 4 Zoning District. Mr. Morrow moved, seconded by Ms. Copelof that the ordinance be approved as presented.

ORDINANCE NO. 2021-03

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 4 – GENERAL LOT AND STRUCTURE PROVISIONS TO ALLOW PRIVATE STREETS TO
SATISFY ROAD FRONTAGE REQUIREMENTS IN THE GENERAL RESIDENTIAL 4 ZONING DISTRICT**

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 4 – General Lot and Structure Provisions be amended; and,

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

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.

and,

WHEREAS, a public hearing was conducted on Tuesday, January 19, 2021, 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 4 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 25th day of January, 2021.

M-6. Board and Committee Appointment(s) – Resolution No. 2021-07 Expanding the Number of Members for the Housing Trust Fund Selection Committee. Mr. Morrow moved, seconded by Ms. Copelof to approve the resolution as amended. New members will be added at the February meeting.

**RESOLUTION 2021-07
A RESOLUTION EXPANDING THE NUMBER OF MEMBERS
FOR THE HOUSING TRUST FUND SELECTION COMMITTEE**

WHEREAS, the City Council established the Housing Trust Fund Selection Committee in 2012;

WHEREAS, due to an enhanced interest in the mission and work of this Committee, it is fitting and appropriate to expand the membership thereof;

NOW, THEREFORE, be it hereby resolved and ordained that the maximum number of Committee members is hereby increased from six (6) to eight (8), with two new at large members (one of whom may be but is not required to be a member of City Council), to serve two (2) year terms, to be appointed by Council at its pleasure.

Approved the 25th day of January, 2021.

M-8. Bike/Hike Easements from Petersen and Lenze.

Mayor Harris asked for a motion to approve the two bike/hike path easements that were added to the agenda at the beginning of the meeting. Mr. Morrow moved, seconded by Ms. Dinkins to approve the two easements as presented. Motion carried unanimously.

Mayor asked if we could go into closed session to discuss a matter of property acquisition. Mr. Pratt said it is appropriate upon a motion and a vote.

Mr. Jones moved, seconded by Mr. Morrow to go into closed session. Motion carried unanimously.

N. Remarks/Future Agenda Considerations –

Mayor Harris said we've had a former council members daughter pass away and we need to remember her. Also, Vance Godfrey in our Finance Department had an aneurysm so pray for a speedy recovery. I would like to leave on a high note. Our residents are above average. We have delivered on a playground project, our bike/hike extension and the depot project has gone well. I would like to say thank you to the Garden Club. Jim you negotiated with Bethel A Baptist Church to acquire land, the City bought this property not that long ago, Transylvania Tomorrow, the Mary C. Jenkins Community Center, the water fund with the Sharing House. A number of things are happening and it takes leadership. Its happening today and its happening now.

Mr. Morrow added that we all have to be thankful.

Mr. Daniel said with regards to the events concerning January 6th, to be silent is to be complacent. Our Nation needs work. We need to take responsibility of our Government and the well-being of our society.

Ms. Copelof said she echoes Mr. Daniel's thoughts and how special our community is and all of the things that are happening. We have 12 members of our community taken by COVID. Thank you to the County and thank you to the people that continue to volunteer. I've been working closely with HCA and Dogwood and in part with the NC Health Equity Coalition. It looks at how we make sure that our health services are provided equally across all of our demographics and I am your Rep now. Yesterday was Martin Luther King Jr.'s birthday and unfortunately we were not able to have our normal celebrations and just take some time to look at his work, his life and his legacy. This is a momentous week, MLK's birthday, the commemoration of our COVID victims and the inauguration of a new President.

Ms. Dinkins said this day marks her one year anniversary of serving on Brevard City Council and I've learned a lot. It's been a year that has taught me a lot and I would encourage anyone that wants to make a difference to consider public service.

Mr. Jones said that he echoes a lot of the comments that have already been made especially the comments made with regard to MLK that Maureen made. I just wanted to give a couple of update comments. On the Community Relations Board which has Clark Lovelace as our Chair, there have been listening sessions, one with representatives from the African American community, the latino community, from youth and people from the LGBTQ community. We're going over some of that info that was given which has really been helpful and we're trying to move forward with what to do with the information we've received. Also an update on the Silversteen Playground is largely due to Maureen in regards to large donations that we've received and are hoping to receive, from the

Sherwood Forest Women's Association, as well as, the Lutttheran Church so we're really excited about what's been taking place there in the community really bonding together to see this come to fruition.

Mr. Fatland thanked the City Council and the Council committees. We've gotten a lot done and its been a tough year. I think the \$60,000 given to some of the businesses has been a big help. Brevard is a special place and we're getting through it.

Mayor asked if we could go into closed session to discuss a matter of potential litigation and then a personnel issue. Mr. Pratt said yes, we just need a motion.

Mr. Jones moved, seconded by Mr. Morrow to go into closed session. Motion carried unanimously.

O. Closed Session(s) -

Closed Session #1 - At 8:12 p.m. Mr. Jones moved, seconded by Mr. Morrow to enter into closed session to discuss a matter of potential litigation and clear Council Chambers. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager Jim Fatland, City Clerk Jill Murray and Planning Director Paul Ray.

Council Returned to Regular Session - At 8:26 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Closed Session #2 - At 8:26 p.m. Mr. Morrow moved, seconded by Mr. Jones to enter into closed session to discuss a matter of Personnel and/or Employment. Authorized to remain for the closed session with Council was Attorney Mike Pratt.

Council Returned to Regular Session - At 8:31p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

January 25, 2021 Continuation.

O. Closed Session(s) - At 6:25 p.m. Mr. Jones moved, seconded by Mr. Morrow to enter into closed session to discuss a matter of property acquisition and clear Council Chambers. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager Jim Fatland, City Clerk Jill Murray and Planning Director Paul Ray.

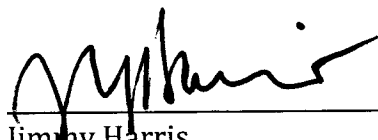
Council Returned to Regular Session - At 6:40 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

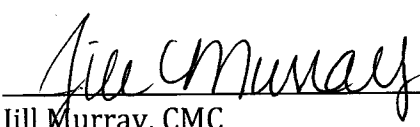
January 19, 2021

P. Adjourn - There being no further business, Mr. Jones moved, seconded by Mr. Morrow, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 8:31 p.m.

January 25, 2021 Continuation.

P. Adjourn - There being no further business, Ms. Dinkins moved, seconded by Ms. Copelof, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 6:45 p.m.


Jimmy Harris
Mayor


Jill Murray, CMC
City Clerk

Minutes Approved: February 15, 2021