

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

The Brevard City Council met in regular session on Monday, April 19, 2021, 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 Maureen Copelof, Maurice Jones, and 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, Planner Kaitland Finkle, 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 – Mr. Morrow asked that M-2 read as Ordinance instead of Order and item M-3 should read as Order instead of Ordinance. Ms. Dinkins asked that items K-1 and K-4 be removed from consent. Mr. Morrow moved, seconded by Mr. Jones to approve the agenda as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Jones moved, seconded by Ms. Copelof, the March 15, 2021 Regular Meeting Minutes be approved as presented. Motion carried unanimously.

G. Certificates/Awards/Recognition -

G-1. Proclamation No. 2021-05 National Police Week and Peace Officer’s Memorial Day 2021. Mayor Harris read this proclamation and presented it to Police Chief Phil Harris.

**Proclamation No. 2021-05
National Police Week and
Peace Officer’s Memorial Day 2021
Brevard, North Carolina**

WHEREAS, the Congress and the President of the United States have designated that there be a national Law Enforcement Officers Week; and

WHEREAS, the members of the law enforcement agencies of North Carolina play an essential role in safeguarding the rights and freedom of the citizens of the State; and

WHEREAS, there are more than 900,000 law enforcement officers serving in communities across the United States, including 116 dedicated members of the Brevard Police Department and the Transylvania County Sheriff’s Office and;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund’s 33rd Annual Candlelight Vigil, on the evening of May 15, 2021 and;

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their law enforcement offices and agencies, and that members of those agencies recognize their duty to serve the

people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the citizens of Brevard recognize and appreciate the contributions made by law enforcement officers at all levels of government;

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, call upon all citizens to observe **May 15, 2021**, as **“PEACE OFFICER’S MEMORIAL DAY”** and **May 9-15, 2021** as **“NATIONAL POLICE WEEK”** in Brevard, North Carolina, and that all of our people join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In so doing, they have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Proclaimed this 19th day of April, 2021.

G-2. Proclamation No. 2021-06 Historic Preservation Month. Mayor Harris read the proclamation aloud and presented it to Melanie Spreen and John Koury.

**PROCLAMATION NO. 2021-06
HISTORIC PRESERVATION MONTH**

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing the livability of a community; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

WHEREAS, in the City of Brevard it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the City of Brevard has two National Register Districts and 16 of 21 Locally Designated Local Landmarks for Transylvania County; and

WHEREAS, May has been celebrated as National Historic Preservation throughout the United States of America since 1973; and

WHEREAS, This May there will be a host of events that have been prepared by local historical organizations and co-sponsored by Transylvania County Joint Historic Preservation Commission, whose mission is to help preserve the historic identity of the City of Brevard and Transylvania County;

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council do hereby proclaim and recognize the month of May 2021 as Historic Preservation Month.
Adopted and approved this the 19th day of April, 2021.

H. Public Hearing(s) –

H-1. Closure of Unimproved Alleyway Located Between Railroad Avenue and Whitmire Street.

Paul Ray explained that staff is initiating the closure of an unopened alleyway, approximately 16 feet wide and 80 feet long. It is the remainder of a larger unopened right-of-way located between Railroad Avenue and Whitmire Street. The land currently serves as the driveway entrance for Henderson Oil, Inc. The proposed right-of-way closure is in exchange for a hike/bike path easement over, through and across the front of two parcels of land owned by Henderson Oil Company, Inc. The total easement measures approximately 15 feet wide and 994 feet long. Staff recommends approving the closing of the unopened right-of-way contingent upon Henderson Oil Inc. granting said easement to the City of Brevard for the purpose of building and maintaining a public hike/bike path.

Public Hearing Participation – None

Public Hearing Recessed – There being no further questions or comments, Mayor Harris recessed the public hearing at 5:50 p.m. for 24 hours to allow for public comment. Council will resume on Wednesday, April 21st at 12:00pm to make a decision.

H-2. Proposed Amendment to the Official Zoning Map of the City of Brevard from DMX to DMX Conditional District-Brevard Hotel Property.

Kaitland Finkle explained that on January 28, 2021, an application was submitted by City Camper, LLC for a conditional rezoning and Preliminary Master Plan approval for a hotel development with the block bound by East Probart St., East Appletree St., and Faith (North Gaston) St., properties which are owned by the City of

Brevard. The applicant is requesting a maximum ground floor area of 45,000 square feet which triggered the requirement for a conditional rezoning. The Planning staff hosted a virtual neighborhood compatibility meeting on Thursday, March 18, 2021 and the Planning Board heard and considered this request at their March 23, 2021 meeting. They unanimously voted approval of the conditional rezoning and Preliminary Master Plan with a list of recommended conditions which are contained in your packet. Also, from a planning perspective, this is a reasonable use of vacant land appropriately supported and resulting in the highest value.

Richard Ellison, an architect from Atlanta, Georgia introduced himself and said he appreciates being one step closer and is here to answer any questions.

Ms. Dinkins had several questions with regards to the number of rooms, parking, height, curb and gutter etc.

Mr. Pratt added that the public hearing isn't designed or exist for Council to share their thoughts. Council should be receiving information. Therefore, I recommend that you use the public hearing for the purposes that it exists which is to receive information from the developer and from staff and from the public as opposed to Council discussing this. Secondly, the conditional zoning idea, think of it as a box. It allows give and take in the box that is accomplished by the boundaries of the property you're talking about. When you get off of the property, and outside of that box, even just across the street, it's not something that relates directly to conditional zoning.

Mr. Daniel added that it's inappropriate to discuss this at this time. You're a member of this City Council and have legal responsibilities. We can have this discussion at the next meeting when we vote on this. That's the intent.

Public Hearing Participation – Linda Locks spoke and said that this is the neighborhood that she grew up in and it's very dear to her. The paved road used to be a dirt road and it took many years to fight to get it paved. There has always been a water problem on that street and if you had visited that area a couple of weeks ago when we had that really strong rainstorm you would have seen how much water comes down to where the residents live. My family has owned land in Frog Bottom for almost 80 years so it is very dear to me. I have some concerns about the hotel. Driving up that hill some people see the courthouse, I see the mountains. So please consider the citizens. That hotel is going to block the view from my grandparents' house. The developers were over there looking around and I stopped to talk to them and I was told that yes it's going to block the view so I'm concerned about the height situation. Also it would be nice to know what the design is going to be. I'm concerned about the buffering. Walls keep people out and don't invite them in. Lastly, I'm worried about lighting and what kind they're going to use. What's outside the box is off limits when it comes to this ordinance.

Rodney Locks said at this point we're against the conditional rezoning. We learned that the developer wants to build a 120 room hotel with amenities but we didn't learn why more than 25,000 square feet was needed. There wasn't enough information to tell us the orientation of the building, where the entrances, exits, loading docks and service entrances were. We could not determine the location of the building relative to her grandparent's property. We assume that it would almost back up to her property and we really cannot determine the height of the building as seen from the ground. The other concern is the final location of the building may back up to Faith Street and devalue the whole property. Storm water along Faith Street and Apple tree Street has been recognized but nothing's been resolved. Under density and dimensional requirements, I say add 6 feet and that says the building location, height and masting shall not block visibility of the homes on Faith street from North Broad and Appletree. Your job is the residents, even though the residents are "outside the box" as Mr. Pratt said. You still have to be concerned about the residents that are adjacent to the property. Under modifications, on the developer's side of Faith Street, the City and developer will have the responsibility of controlling storm water on the opposite side of Faith Street, costs may be shared by the City and developer. Lastly, traffic flow during

and after construction should not impede access of Faith Street for residents, emergency vehicles and public works.

~~ At 7:00 PM Mayor Harris called for a fifteen minute break. ~~

Josh Halllingse, Executive Director of Transylvania Economic Alliance spoke on behalf of himself and Chair member Amber Webb. My Board is made up of different representatives from the stakeholder groups from the City of Brevard, Transylvania County, Town of Rosman, Tourism Development Authority, Heart of Brevard, Chamber of Commerce and the agricultural communities. From an economic development perspective looking at how the project has moved forward, it's really important in terms of perspective. Unlike traditional projects, this project is a little different. The City is not only the regulatory body governing land use but also the property owner. I wanted to give kudos to the City Manager and the City Planning Director and staff for doing such a tremendous job and mostly to you, City Council members, for your vision and foresight in securing this property to begin with. Your vision for the City of Brevard, this being the gateway to downtown Brevard, this is a critical piece of property. From a rezoning perspective, our organization is supportive of the Planning Board's recommendation to move forward with this project. This is just a great opportunity for the City of Brevard and I would just encourage you to continue to move this process forward. You have my Board's full support and I look forward to seeing this project move forward.

Public Hearing Recessed – There being no further questions or comments, Mayor Harris recessed the public hearing at 6:05 p.m. for 24 hours to allow for public comment. Council will resume on Wednesday, April 21st at 12:00pm to make a decision.

I. Public Participation – None

J. Special Presentation(s) – None

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. Ms. Dinkins moved, seconded by Mr. Daniel to accept the consent items as read.

K-2. Tax Settlement Report for month ending March, 2021.

K-3. Resolution No. 2021-13 Approving Financing Terms-Capital Equipment.

RESOLUTION NO. 2021-13

A RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The City of Brevard ("City") has previously determined to undertake a project for purchasing capital equipment (the "Project") costing \$180,988 and the Finance Officer has now presented a proposal for the financing of such Project as listed below:

DEPARTMENT	EQUIPMENT
GENERAL FUND	
SANITATION DEPT.	Garbage Truck

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through BB&T Bank Inc., in accordance with the proposal dated April 9, 2021. The amount financed shall not exceed \$180,988 for a seven-year loan, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.61%, and the financing term shall not exceed seven (7) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action, the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b) (3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T Bank financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted and approved this 19th day of April 2021

K-5. Council Parks, Trails and Recreation Committee Minutes-February 17, 2021.

K-6. Council Downtown Master Plan Committee Minutes-March 4, 2021.

K-7. Council Downtown Master Plan Committee Minutes-March 18, 2021.

K-8. Correspondence (No Action. Offered as information only.)

a. Transylvania County Building Permit Activity, March, 2021.

L. Unfinished Business -

L-1. Ordinance No. 2021-14 Amending the Code of Ordinance Chapter 77.

Mr. Pratt explained that there may be reasons in the conservation easement that would prevent us with doing away with permits at Bracken Mountain so as Council considers this ordinance, I recommend that the first paragraph in the printed ordinance not be included and nothing else referencing Bracken Mountain be included in it and that leaves Council free to approve the rules for the dog park. Mr. Morrow moved, seconded by Ms. Copelof, to approve the ordinance as amended taking out the first paragraph. Motion carried unanimously.

ORDINANCE NO. 2021-14

AN ORDINANCE AMENDING THE CODE OF ORDINANCE CHAPTER 77

WHEREAS, the City Council Parks, Trails and Recreation Committee and Planning Department Staff have recommended that Brevard City Code of Ordinance, Chapter 77, be amended to add Article IV, Dog Park Rules and Conduct; 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 Monday, March 15, 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 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 of Ordinance, Chapter 77, is hereby amended to add Article IV, 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 on this the 19th day of April, 2021.

L-2. Ordinance No. 2021-16 Amending the Unified Development Ordinance & Code of Ordinances, Mainly UDO Chapter 16-Administration. Mr. Daniel moved, seconded by Ms. Dinkins to approve the ordinance as presented. Motion carried unanimously.

ORDINANCE NO. 2021-16
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE & CODE OF ORDINANCES, MAINLY UDO CHAPTER 16 – ADMINISTRATION

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,

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 4.1.1: 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, March 15, 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 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 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 April, 2021.

L-3. Ordinance No. 2021-15 Amending the Unified Development Ordinance Chapter 3-Additional Use Standards to Amend Requirements for Mobile Food

Vendors. Mr. Daniel moved, seconded by Mr. Jones to approve the ordinance as presented. Motion carried unanimously.

ORDINANCE NO. 2021-15

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT
ORDINANCE CHAPTER 3 – ADDITIONAL USE STANDARDS TO
AMEND REQUIREMENTS FOR MOBILE FOOD VENDORS**

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 3 – Additional Use Standards be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is neither consistent nor inconsistent with any adopted City of Brevard plans or policies; and,

WHEREAS, a public hearing was conducted on Monday, March 15, 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 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 this the 19th day of April, 2021.

M. New Business – City Council agreed that they would not decide on Items H-1 and H-2 until their next meeting on April 21, 2021 which will be a continuation of the April 19, 2021 meeting.

M-1. Falling Waters Affordable Housing Project. Mr. Fatland explained that the Housing Trust Committee met on April 12th to review this project. We have a balance of about \$167,000 in the Affordable Trust Fund, fund balance. The motion that was approved was to take \$100,000 out of the trust money towards this project. It requires about \$300,000 of local funding. The total cost of the sewer extension is \$900,000 and it's outside the City limits. The second motion made by the Committee, they asked the City Manager to evaluate other options to get the additional \$200,000 that the developer would need to make this work. I contacted the County Manager and she mentioned that on sewer extensions out in the unincorporated area, that the County would seriously consider being a partner with the City and that they would make a contribution equal to what the City would do. I also contacted Alvin Fuller with Summit Engineering and I asked him about the American Rescue Plan money that's coming and we'll get about \$2.3 million dollars. So the recommendation now is \$100,000 from the Housing Trust Fund and \$50,000 from Council and then if the County were to put up a \$150,000 match we're up to \$300,000 to get the full amount needed for the project. Back on March 15th, Aaron Bland made a PowerPoint presentation to Council about housing needs in Brevard and both affordable housing and workforce housing needed additional help. This is an affordable housing project with 80 units of 1, 2 and 3 bedroom apartments to be built on the corner of Rosman Highway and Nicholson Creek road.

Jim Yemin of Workforce Homestead Inc., the developer of this project, spoke and said that he would simply like to add one provision to this request which is that I have

the opportunity to discuss with the City, the option of recovering some costs of extending the sewer through future sewer tap or facilities fees that would be paid to the City by any future users.

Mr. Daniel moved, seconded by Ms. Copelof to approve \$100,000 from the Housing Trust Fund and that the City provide an additional \$50,000 and that the County match that with \$150,000 bringing the total to \$300,000 and if the County does not wish to match the money, then the City put forth a total of \$300,000. Motion carried unanimously.

M-2. Ordinance 2021-17 Amending the Official Zoning Map of the City of Brevard to Create the Brevard Hotel Conditional Zoning District.

ORDINANCE NO. 2021-17

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD TO CREATE THE BREVARD HOTEL CONDITIONAL ZONING DISTRICT

WHEREAS, the City of Brevard has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare;

WHEREAS, in response to an application for rezoning filed by City Camper, LLC for the property described as PINs 8586-51-5355-000, 8586-51-6590-000, 8586-51-7374-000 to be rezoned to The Brevard Hotel Conditional Zoning with (DMX) Downtown Mixed Use Base District, City of Brevard Planning Board considered REZ-21-002 on March 23, 2021 and unanimously recommended approval; and

WHEREAS, the Brevard Planning Board has determined that the application for rezoning all of these properties is reasonable and consistent with the following polices and goals of City's 2002 Land Use Plan and elements of the 2015 Comprehensive Plan; and; and

- 1. *2015 Comprehensive Plan:*
 - a. **OBJECTIVE 2.1:** As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.
 - i. **POLICY 2.1.A:** Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.
 - ii. **POLICY 2.1.B:** Collaborate with partner organizations and developers to financially support the City's goals for infill development and redevelopment.
 - b. **OBJECTIVE 4.1:** Increased efficiency of land uses to help stabilize and grow the City's tax base.
 - i. **POLICY 4.1.A:** Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.
 - ii. **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.
 - c. **OBJECTIVE 4.2:** Develop a system of "complete neighborhoods" throughout Brevard. (This is a multi-faceted objective that will rely on objectives and policies from other elements as well.)
 - i. **POLICY 4.2.A:** Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.
 - ii. **POLICY 4.2.A:** Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

- 2. *2002 Land Use Plan:*

- a. The Future Land Use Map recommends use of the subject property as “Central Business District.”

WHEREAS, in accordance with North Carolina General Statute 160D-605 Council finds that this Ordinance is also reasonable and consistent therewith and that the size of the parcels and the proposed uses are reasonable and consistent within the context of both the previous and new zoning districts and the prevalence of uses in the vicinity of the properties which are hereby rezoned.

WHEREAS, a public hearing was opened on April 19, 2021, and was held open for two days following, in consideration of The Brevard Hotel Conditional Zoning with (DMX) Downtown Mixed Use Base District; and

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

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

Section 1. The Official Zoning Map of the City of Brevard is hereby amended as described in Exhibit A attached hereto.

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

Section 3. Development and use of lands within the District shall occur in accordance with the approved Preliminary Master Plan (Exhibit B), which is attached to this ordinance and incorporated herein, as well as the List of Conditions outlined below. This Ordinance and its exhibits shall run with the land and shall be binding on City Camper LLC, its heirs and assigns.

Section 4. List of Conditions.

- A. Except as set forth in Section 4.B, below, development within the District shall comply with all applicable provisions of Brevard City Code, including but not limited to,
 1. City of Brevard Unified Development Ordinance, general provisions and provisions specifically applicable to properties within Downtown Mixed Use Districts
 2. Chapter 62. Streets, Sidewalks, and Other Public Ways
 3. Chapter 70. Utilities
- B. The following may be permitted within the District:
 1. The base zoning district shall remain DMX-Downtown Mixed Use.
 2. The use shall be lodging: Hotel.
 3. Other uses which may be included are ATM, Bar, General Retail, Restaurant, Meeting Facilities, Recreation Facilities (Indoor), Recreation Facilities (Outdoor), Parking, Swimming Pool, and other uses permitted in base district DMX-Downtown Mixed Use.
 4. The Dwelling Unit (DU) density shall be a minimum of eighty (80) and a maximum of one hundred sixty (140).
 5. The ground floor area of each principal structure shall be a maximum of 45,000 sf. This figure represents gross heated area, and does not include unheated or unenclosed floor area such as terraces and structured parking.
 6. The building height shall be a maximum of 50 feet.
 - a. The reference elevation from which the building height is measured shall be elevation 2210', located at the high point along the site's frontage on E. Probart Street.
 - b. At no point shall the eave of a building's pitched roof, or roof surface of a building's flat roof, be higher than a horizontal plane established by the eave line of the existing Transylvania County Courthouse ("The Courthouse"), fronting on E. Probart Street.

- c. No building on this site shall be of a height classified as High Rise, as defined by the currently adopted North Carolina State Building Code.
 - d. The building location, height, and massing shall be selected so as not to substantially block visibility of the courthouse from the intersection of N. Broad and Appletree Streets.
- 7. The areas of this site available for the stated project uses shall not be limited by existing site slope.
- 8. The minimum amount of open space shall be 1.0 acre.
- 9. The number of required parking spaces shall follow the use type "Bed and Breakfast Inns/Hotels/Motels" minimum parking ratio of 1 per room or suite.
- 10. Minor modifications to the approved conditional zoning district requirements may be approved by the administrator as follows:
 - a. A reduction in open space of up to 10 percent to accommodate the required number of parking spaces.
 - b. An adjustment to setback requirements up 12 inches or 10 percent, whichever is greater, of the approved setback.
 - c. An adjustment to landscape standards up to 10 percent of the required landscaping buffer width, minimum height, or horizontal opening; or changing the species of approved landscaping plants.
 - d. A reduction in impervious coverage of up to 20 percent.
 - e. Change in width, depth, height, or square feet of one or more buildings by no more than 10 percent.
 - f. A reduction of up to 20 percent in the minimum required distance between driveways and cuts and between cuts and intersections.
 - g. Any other minor modification in accordance with the limitations and procedures prescribed in 16.9 of the Unified Development Ordinance for Administrative Modifications, unless an enacting ordinance of a conditional zoning district adopted pursuant to this section specifies otherwise.
- 11. Development must fully comply with underground wiring, landscaping, screening, buffering, and lighting requirements.
- 12. Development must fully comply with necessary street improvement requirements along all streets.
- 13. Development shall not be exempt from Stormwater runoff provisions.
- 14. The Applicant shall be responsible for all infrastructure improvements required by ordinance including but not limited to water, sewer, and storm water upgrades for the proper functionality of these systems within the hotel development and install sidewalks with curb and gutter (standard 30") along all street frontages of the parcel, as well as installation of street lights and landscaping in the public right of way.
- 15. Unless a Final Master Plan is approved at the time of creation of the conditional zoning district, then within one year of the enactment of the ordinance creating the district, the applicant shall submit a Final Master Plan for the development, subject to the Preliminary master Plan, to be approved by City Council.
- 16. The Buyer shall begin construction of the full-service hotel no later than two years from recordation of deed, and complete construction of the hotel and open for business within a maximum of six years following closing.
- 17. Lighting shall be Dark Sky Compliant if possible.
- C. Chapter 16 of the UDO shall dictate what constitutes an intermediate or major modification within the District, and their approval processes.
- D. Any development shall secure zoning site plan approval from the Administrator prior to commencing development activity within the District.

- E. All applicable fees shall be rendered to the Administrator prior to receiving final zoning approval from the City of Brevard for any structure, and prior to receiving a Certificate of Occupancy from Transylvania County for any structure.

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

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

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

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

Adopted and approved this the 21st day of April, 2021.

April 21, 2021 Continuation

Mr. Pratt explained that Ms. Dinkins is not present for today's meeting and explained that there is a statute that says if you leave a meeting as a Council member that you're deemed to be voting yes on any motions that occur after you left. However, since she is not here simply because of a work conflict, he suggested that Council make a motion to excuse Geraldine from the meeting because of that work conflict and that the statute does not apply to her. Mr. Morrow moved, seconded by Mr. Daniel to excuse Ms. Dinkins from the meeting and that the statute does not apply. Motion carried unanimously.

Mr. Pratt added that the Ordinance that you ended up passing on Monday night with regards to conditional zoning, I see a lot of pitfalls with that and I was going to encourage you to revisit that today but with Geraldine not here, you can't. My recommendation is that you direct the Planning Director and the City Attorney to meet and consider an amendment to what you enacted Monday that would go through the Planning Board and not back to Council. Mr. Morrow moved, seconded by Mr. Daniel to approve Mike Pratt's suggested. Motion carried unanimously.

Lastly, Ms. Dinkins sent an email with questions regarding the conditional zoning of the hotel property. This is the time to put forward any conditions that you're considering and come up with an ordinance that you're comfortable with and feel good about and I would encourage you to do that and to make the assumption that this won't even come back to you and will just go back to the Planning Board when the time comes.

For the record, Mayor Harris said that we received two emails with regards to the hotel property. One from Melanie Spreen and the other from Dawn Szantyr.

After much back and forth discussion, Mr. Daniel moved, seconded by Ms. Copelof that the Ordinance Amending the Official Zoning Map of the City of Brevard to Create the Brevard Hotel Conditional Zoning District be approved with the following amendments:

- The Dwelling Unit (DU) density shall be a minimum of eighty (80) and a maximum of one hundred sixty (140).
- The number of required parking spaces shall follow the use type "Bed and Breakfast Inns/Hotels/Motels" minimum parking ratio of 1 per room or suite.
- A reduction in open space of up to 10 percent to accommodate the required number of parking spaces.
- Lighting shall be Dark Sky compliant if possible.

Motion carried unanimously.

M-3. Order 2021-01 Abandoning a Public Right-of-Way (Alleyway) Between Whitmire Street and Railroad Avenue.

ORDER NO. 2021-01**AN ORDER ABANDONING A PUBLIC RIGHT-OF-WAY (ALLEYWAY)
BETWEEN WHITMIRE STREET AND RAILROAD AVENUE**

WHEREAS, on March 15, 2021, the City Council of the City of Brevard directed the City Clerk to publish a Resolution of Intent to close a public right-of-way (alleyway) lying between Railroad Avenue and Whitmire Street as depicted and denoted on a plat recorded in the office of the Transylvania County Register of Deeds on June 15, 2012 in Plat File 15, Slide 151. Such Resolution, advising that a public hearing would be held at 5:30 PM, on Monday, April 19, 2021 in the Multi-Purpose Chambers-County Administration Building located at 101 S. Broad Street, Brevard, North Carolina, was published in the Transylvania Times newspaper once a week for four (4) successive weeks; and,

WHEREAS, said right-of-way is further represented and depicted upon the following plat:

SURVEY AND PLAT PREPARED FOR HENDERSON OIL COMPANY, prepared by Carolina Mountain Surveying, Firm License Number #F-1205, 137 North Broad Street, Suite 2, Brevard, North Carolina 28712. Dated December 02, 2010, Recorded in the Transylvania County Registry on June 15, 2012 in Plat File 15, Slide 151; and,

WHEREAS, it has been determined that the portion of said right-of-way, which is depicted and denoted upon the aforementioned plat as "16' Abandoned R/W" was previously abandoned by means of a resolution by the Board of Aldermen of the City of Brevard dated May 2, 1977, which is recorded in Deed Book 224, Page 135 of the Transylvania County Registry; and,

WHEREAS, the portion of said right-of-way, which is now proposed for abandonment, is depicted and denoted upon the aforementioned plat as "Remainder 16' Alley" and "Remainder 16' R/W"; and,

WHEREAS, the City Council on March 15, 2021 ordered the City Clerk to notify all persons owning property abutting on said public right-of-way (alleyway) of the scheduled public hearing by copy of the Resolution of Intent; and,

WHEREAS, the City Clerk has, in fact, sent notice to each of said abutting property owners advising them of the date, time and place of the public hearing, by copy of the City Council's Resolution of Intent, and advising said abutting property owners that the question as to the closing of said public right-of-way (alleyway) would be acted upon at the public hearing; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said public right-of-way (alleyway), City Council find as follows:

1. The abandonment of said public right-of-way (alleyway) will in no way degrade the efficiency of the provision of any City service, including but not limited to garbage, fire, police, EMS, sewer / water; and
2. The closing of the public right-of-way (alleyway) is not contrary to the public interest and no individual owning property either abutting the alleyway or in the vicinity of said alleyway, will as a result of said abandonment, be thereby deprived of a reasonable means of ingress and egress.

WHEREAS, it appears to the satisfaction of the City Council that the abandonment of said public right-of-way (alleyway) will be in the public interest.

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

Section 1. A public right-of-way (alleyway) lying between Railroad Avenue and Whitmire Street further depicted and denoted upon the aforementioned plat as "Remainder 16' Alley" and "Remainder 16' R/W", is hereby abandoned and all rights, title, and interests that may be vested in the public to said area for public purposes is hereby released to the abutting property owners in accordance with Chapter 160A-299, as amended, of the North Carolina General Statutes.

Section 2. The aforementioned plat shall serve as a plat of abandonment for the purposes of this order.

Section 3. The City Clerk is hereby authorized and directed to file in the Office of the Register of Deeds in Transylvania County a certified copy of this Order, a copy of the published Resolution of Intent and a notarized statement that all the abutting property owners were notified by certified mail.

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

Adopted and approved this the 21st day of April, 2021.

April 21, 2021 Continuation

Mr. Morrow moved, seconded by Ms. Copelof to approve the Order as presented. Motion carried unanimously.

M-4. Selection of New City Attorney. Mr. Morrow moved, seconded Ms. Dinkins to appoint Mack McKeller as the new City Attorney. Motion carried unanimously.

M-5. Governor Cooper's Executive Order #204: Outdoor Events. Police Chief Phil Harris read his staff report aloud. Mr. Morrow moved, seconded by Ms. Dinkins to approve the report as presented and that staff will give the organizer flexibility but not override the Governor's orders. Motion carried unanimously.

M-6. Resolution 2021-15 In Opposition to Senate Bill 349 and House Bill 401, Entitled "An Act to Provide Reforms to Local Government Zoning Authority to Increase Housing Opportunities and to Make Various Changes and Clarifications to the Zoning Statutes".

Ms. Copelof said that she and Mr. Daniel became aware of this pending bill and as we looked at it we became very concerned. It takes away authority from municipalities and counties of zoning and makes statewide decisions that would be mandated and would actually take away our authority to be able to tailor some of the zoning decisions to our community.

Mr. Pratt further explained that this bill is mostly negative for the City of Brevard. The NC Homebuilder's Association is the sponsor of this and they have prevailed upon Chuck Edwards to be the bill's actual primary sponsor. The bill says "to increase housing opportunities" but if you dig into the bill, it really nearly eliminates any ability to do residential zoning. There's very little residential zoning that would be left if this bill were enacted. It appears to me that the Homebuilder's Association is looking at very short term riches that might come if they can build without having to comply with zoning ordinances or restrictions. They can build what they want and turn this situation into short term riches. I think this bill would negate marketing abilities in most cities. There might be short term sales, but long term, property sales have to drop if there's no protection from zoning by the cities. I don't think it's a wise bill even for the sponsors of it. The bill takes away the cities' right to consider public safety based on roadway conditions if there's been a state traffic study. The resolution in my words, is pretty blunt. We're saying this is a bill in disguise and it's an attack on a city's right to regulate development within the City. Despite the name of the bill, it has very little to do with low income housing or workforce housing. It doesn't do anything to promote those.

Ms. Copelof moved, seconded by Mr. Jones, to approve the resolution prepared by Attorney Mike Pratt as presented and that a copy of the signed resolution get sent to all local publications (newspapers), media, as well as, senators and all members elected to the General Assembly. Per Mr. Pratt, the City Clerk is tasked with sending it out to everyone.

**RESOLUTION 2021-15
A RESOLUTION IN OPPOSITION TO
SENATE BILL 349 AND HOUSE BILL 401, ENTITLED
"AN ACT TO PROVIDE REFORMS TO LOCAL GOVERNMENT
ZONING AUTHORITY TO INCREASE HOUSING OPPORTUNITIES
AND TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO
THE ZONING STATUTES"**

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

Whereas, the bills referred to in the title of this Resolution have been reviewed by Council and by the City Attorney;

Whereas, the spirit, intent and effect of these two bills are not evidenced by their titles;

Whereas, these two bills are aimed directly at the goal of eliminating zoning in the cities of North Carolina;

Whereas, the enactment of these bills would cause great hardship and detriment to residents and property owners within the City of Brevard and its Extraterritorial Jurisdiction;

Whereas, the long term effect of these two bills would be that the special, unique and pleasing character of residential areas within the City of Brevard and its Extraterritorial Jurisdiction would be severely damaged or completely lost;

Whereas, the Long Term Planning of the City of Brevard would be of no effect and there would be chaos in unrestricted development throughout;

Whereas, the attractiveness of Brevard to tourists and to prospective new residents would be detrimentally and devastatingly affected by the passage of these bills;

Whereas, the tourism industry, the real estate development industry, the general contracting industry and all businesses and industries related to these industries, would all be devastated by a lack of zoning over a period of years as orderly neighborhoods fall into chaos without any development plan, zoning guidelines or restrictions;

Whereas, the Home Builders Association, in sponsoring and promoting these bills, is apparently only able to see a short term windfall in the near term as condominiums, apartment buildings and other multi-unit constructions are built rapidly and without any regulation, the ultimate and long term result being a devastating drop in property values as marketability suffers, actually creating great harm to itself and to its membership;

Whereas, much of the language in these bills is so ambiguous as to lead only to unnecessary litigation, including language in Section 2.3 (G.S. Section 160D-703(e)), which either greatly restricts or eliminates conditional zoning; and Section 2.5 (G.S. Section 160D-706(c)), which creates new ambiguities within the important legal concept that the free use of land should be favored in the law;

Whereas, in Section 1.1(a) (G.S. Section 160D-707(b) and (c)), these bills create ambiguities concerning whether even "areas zoned for single-family homes," with no exceptions can be protected, or whether they, like all other areas, including even districts "zoned for residential use, including those that allow for the development of detached single-family dwellings," will lose all zoning protection against multi-unit development if these bills are enacted;

Whereas, in Section 1.1(a) (Section 160D-707(c)), the express language in the bills is that developers may protect their developments by means of private restrictive covenants, but the bills leave little or no authority in cities to offer zoning protection to the populace, which will enhance the power and riches of those who own homes in the most wealthy and exclusive neighborhoods, to the detriment of all others, thereby creating an even greater divide and segregation between rich and poor;

Whereas, the bills contain many other negative and harmful provisions, including language in Section 2.2 (G.S. Section 160D-702(e)) eliminating the power of Cities to consider many restrictions on the use of land; and Section 2.6 (G.S. Section 160D-1402(j) (3) (b)), taking away the local authority of cities to consider the public safety effect of traffic impact of a development if the State has done a Traffic Impact Study;

Whereas, the bills include a highly unusual penalty provision that if any zoning-related decision by a City is successfully contested, the Court is required to "award reasonable attorney's fees and costs to the party who successfully challenged the actions of the local government," which is intended to have the devastating and chilling effect of discouraging local zoning legislation and enforcement;

Whereas, the League of Municipalities, which ably and objectively advises and supports North Carolina municipalities, opposes the enactment of these bills;

Whereas, the enactment of these bills would be against the Public Interest, would not be in the best interest of the citizens, residents or property owners of cities in North Carolina and in the long term, would hurt even the sponsors and proponents of such legislation;

Whereas, the hidden goal and real purpose of these bills is to attain the unwise political goal of emaciating municipalities and taking away their power and their legitimacy of existence, which is not in the long term best interest of any group or faction, including the sponsors and proponents of these bills.

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

Section 1. City Council, acting for and on behalf of the residents of the City of Brevard, opposes the enactment of these bills.

Section 2. This resolution shall be published by the City Clerk to the Transylvania Times, the Asheville Citizen, the Hendersonville Times, and other local media, with copies going to all elected members of the General Assembly, to the Governor and to the League of Municipalities.

Section 3. This Resolution is effective upon approval.

Approved this 19th day of April, 2021.

M-7. Board and Committee Appointment(s).

Mr. Morrow moved, seconded by Mr. Jones to approve Ron Brewer as a member of the ABC Board. Motion carried unanimously.

Mr. Morrow moved, seconded by Mr. Daniel to approve reappointment of Nancy DePippo, Howie Granat and Ryan Olsen to the Parks, Trails & Recreation Committee. Motion carried unanimously.

Mr. Daniel moved, seconded by Mr. Morrow to approve a six month extension for Dee Dee Perkins and Susan Threlkel on the Downtown Master Plan Committee. Their terms will expire in November, 2021.

Ms. Copelof added that the reason for the six month extension is because they have both maxed out and been on three consecutive terms and the ordinance says you can only do three. We didn't want to replace these members right in the middle of trying to get our downtown streetscape master plan done and they have both agreed to extend their terms for six months.

Also, Ms. Copelof has another request about Susan Threlkel that they would like to purchase a tree in her honor and have installed in Clemson Plaza. One of the trees existing in the plan, they would reimburse the City for the cost and they would put a plaque there thanking her for her decades of service to the City in various roles.

Mr. Daniel moved, seconded by Mr. Jones, to amend the resolution to include the tree in Clemson Plaza. Motion carried unanimously.

Resolution No. 2021-16. Modifying the Term of Two Members of the Downtown Master Plan Committee and Install Tree in Honor of Susan Threlkel.

RESOLUTION NO. 2021-16

RESOLUTION MODIFYING THE TERM OF TWO MEMBERS OF THE DOWNTOWN MASTER PLAN COMMITTEE AND INSTALL TREE IN HONOR OF SUSAN THRELKEL (Amending Resolution Numbers 2015-16 AND 2015-21)

WHEREAS, the Brevard City Council established the Downtown Master Plan Committee at their May 18, 2015 meeting;

WHEREAS, the Downtown Master Plan Committee is composed of two City Council members, one to serve as Chair and the other serving as Vice Chair, with the Mayor appointing the Chair and Vice-Chair of the Committee. The Mayor serves as ex officio. The committee has two citizen members appointed by City Council utilizing the same application appointment process as required for appointment to Citizen Advisory Boards or Committees; and

WHEREAS, the Downtown Master Plan Committee is currently in the process of completely revising the City's Downtown Master Plan and Streetscape Plan.

WHEREAS, two current committee members' terms are expiring in May, however, they would like to stay on for six months longer to see the plan be completed. If Council agrees, their terms will expire in November, 2021.

WHEREAS, a tree will be purchased and installed for the new Clemson Plaza project and will be planted in honor of Susan Threlkel with a plaque thanking her for her decades of service to the City of Brevard. The cost of the tree will be reimbursed to the City of Brevard by several citizens.

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

Section 1. Modify the term of two members of the Downtown Master Plan Committee:

Section 2. Council reappoint Dee Dee Perkins and Susan Threlkel to an additional six month term, expiring in November, 2021, to allow for completion of the Downtown Master Plan and Streetscape Plan.

Section 3. Purchase and install a tree in honor of Susan Threlkel.

Approved and adopted this the 19th day of April, 2021.

M-8. (K-1). Financial Report for month ending March, 2021.

Ms. Dinkins asked about the \$80,000 of expenditures in the parking fund. What is that? What was that spent on? Mr. Fatland explained that it includes the debt service for the loan for the hotel property that we purchased on August 31st. We agreed to fund the debt service out of the parking fund so it didn't impact the general fund.

Ms. Dinkins also asked about the \$125,000 for the multi-use path fund, is that what we spent to connect the Depot to the bike path? Mr. Fatland said yes.

Ms. Dinkins moved, seconded by Maurice to approve the financial report for month ending March, 2021 as presented. Motion carried unanimously.

M-9. (K-4). Resolution No. 2021-14 Supporting Application for Level 2 Electric Vehicle Charging Stations Through the Duke Energy Park & Plug Program.

Ms. Dinkins wanted to speak on this for the general public. Ms. Huffman reread her staff report for the record.

Mr. Daniel asked what it's going to look like since we are trying to beautify our downtown and asked if we have some language that says something about how it looks. Leigh said we would have a say where it's going to be. Most of them are put in the back of parking lots and not in prime spots. The pictures that I've seen, show a fairly tall, slender parking station and it would be completely branded as Duke Energy so you wouldn't have control over what they look like.

Ms. Dinkins moved, seconded by Mr. Daniel to approve the resolution as presented. Motion carried unanimously.

RESOLUTION NO. 2021-14

**A RESOLUTION SUPPORTING APPLICATION FOR
LEVEL 2 ELECTRIC VEHICLE CHARGING STATIONS THROUGH
THE DUKE ENERGY PARK & PLUG PROGRAM**

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, Duke Energy is soliciting proposals for participation in the Park & Plug Program; and

WHEREAS, Brevard is eligible to be selected as a site for Duke Energy to install and maintain electric vehicle supply equipment at minimal to no cost to the City for up to five years; and

WHEREAS, Brevard agrees to comply with the Site Host Agreement upon receiving such notice of site selection; and

WHEREAS, the application date for the Park & Plug Program is April 30, 2021, Duke Energy will conduct a site visit to inspect the site prior to making the final site selection; 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 the Duke Energy Park & Plug Program to install up to 4 electric vehicle charging ports.

SECTION 2. The City Manager is hereby authorized to sign the Site Host Agreement and comply with the terms for the host's obligations therein 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 April, 2021.

N. Remarks/Future Agenda Considerations –

Mayor Harris briefly said that there are no festivals currently planned but the City is hosting a fireworks show for the 4th of July.

Ms. Dinkins said that she is excited about the bike path, people use it when we have it. We need to shift into a higher gear on the bike path. We need to start speeding that up and put everything we have to it. I have a concern with McClean Road crossing as it is now. I intend to send my son on a bike to the middle school and people drive very fast on this road and it's not enough time for someone crossing to get out of the way. I would like to look into the blinking light. Also, are we having a retreat this year? I have topics that I think we should have a retreat for and would like Council to consider it. Mr. Fatland said maybe in the fall we can have one. Lastly, I would like an election update. We are at the end of April and it seems to me that is a common courtesy to let the people know if you will run again or not. Mr. Jones said they have until July and do not have to say anything now. Ms. Copelof said that we have until July and they know what positions are available and they can run for it. Ms. Dinkins said that she will ask again in May.

Mr. Jones gave an update on the basketball court at Silversteen. The foundation has been laid and we hope the concrete will be laid soon and we are moving steadily forward on that. We need to think about our ADA compliance within the City, including projects that are in the works and things that are completed, since we're talking about retreat.

Mr. Morrow said the DOT projects are moving forward. On the Railroad Avenue Bridge they are currently doing the right-of-way and they expect to lead it in September of this year. North Country Club sidewalk and paving improvements should happen in May of this year. The Ecusta connector should be open by mid-summer. Design and construction of the Asheville Highway Roundabout should be completed a year from then. I'd also like to commend Tom Whitlock on the report about how we're doing on our revenues. We have already reached our budget numbers, in fact, we're \$53,000 over on the revenue side of the budget. The good news is it has given us the cash flow that we need and on the tax side, the City's \$235 million dollars ahead on the revaluation.

Mr. Daniel said he is very happy to see the Railroad Avenue extension trail and looking forward to seeing it continue on Probart and hopefully all the way to the Mary C. Jenkins Community Center.

Ms. Copelof said that the Downtown Master Plan Committee is in the middle of doing our master plan streetscape and it is going very well and this week there are stakeholder meetings. We're working on getting that stakeholder information on the preliminary plan and then we will bringing it to Council for Council's input and review. I'm very happy at how nice our sidewalks look downtown after the power washing. That is a major project and I want to thank our Heart of Brevard partner for working so closely with all of our business and coordinating everything with them. I want to thank all of the downtown businesses and the public for being understanding about the inconvenience of it all. The sidewalks look great! The Parks, Trails and Recreation Committee, I just want to say we had our second day of landscaping at the Tannery Skate Park on Saturday and we had around 20-30 people there and it was some of the hardest digging I've ever done. We planted 12 shrubs and about 70 perennials and on

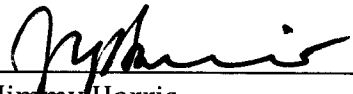
our first workday we planted 40 shrubs and everything we've planted has been donated. The third work day will be in May and we will be finishing mulching and adding plants. It was a lot of fun and thank you to everyone that helped make it happen. If you haven't seen it yet, the dog park looks amazing. The fence is installed and Public Works finished the rain shelter and they did this under the supervision of Joe Smith, a volunteer, somewhere in his 80's and he is amazing. The crew did an amazing job. Next, we have to add our ADA compliant pathways to the shelters. We put grass seed down and we will be building the agility course and putting that same type of woodchip mulch that is at Silversteen Playground. Depending on how fast the grass grows, I'm hoping that we can open mid-summer. With regards to HCA, I had a meeting with Greg Lowe and Michele Pilon and I also attended an online forum for the public and we did go ahead and send our letter to the Attorney General and I have gone out to the other municipalities and counties and encouraged them to join us and to send a letter. There are commonality of issues among the other five counties. The other thing is that almost all of these issues do not come under the purview of the independent monitor because there are no specified criteria in the purchase agreement in these areas so there is very little that the independent monitor can do. The biggest concern was of course, the loss of doctors and the fear that health services would be reduced or eliminated in the rural hospitals. When we met with Mr. Lowe and Ms. Pilon, they assured us this wouldn't happen. They do not believe that just because the doctors left, that the services would not be available to the community. So my point is we have got to continue to track the metrics and continue to get those metrics from HCA because if in fact acute care is supposed to continue at the same level, then we need to see the numbers. So right now we are waiting to get those figures from the hospital to see if that care is at the same level. The independent monitor is hopefully coming here in either May or June and remember we sent a letter to the Attorney General to look into this as well to what's happening in rural hospitals.

O. Closed Session(s) -

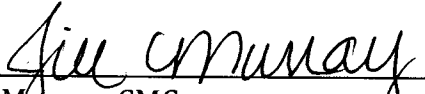
P. Adjourn - Mayor Harris said this meeting will continue until Wednesday, April 21, 2020 at 12:00 pm. Meeting recessed at 9:42pm.

April 21, 2021 Continuation - Adjourn

There being no further business, Mr. Jones moved, seconded by Mr. Daniel, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 12:51 p.m.



Jimmy Harris
Mayor



Jill Murray, CMC
City Clerk

Minutes Approved: May 17, 2021