

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
September 20, 2021 – 5:30 PM**

The Brevard City Council met in regular session on Monday, September 20, 2021, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Pro Tem Mac Morrow presiding.

Present – Council Members Maureen Copelof, Maurice Jones, Gary Daniel and Geraldine Dinkins.

Absent – Mayor Jimmy Harris

Staff Present – City Attorney Mack McKeller, City Manager and Finance Director Jim Fatland, City Clerk Jill Murray, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Planner Leigh Huffman, Tax Specialist Tina Tanner, Police Chief Phil Harris, Deputy Police Chief Tom Jordan and Public Works Director David Lutz.

Press – Jeremiah Reed, Transylvania Times

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

B. Invocation – Reverend Mike Holder of First United Methodist Church offered an invocation.

C. Pledge of Allegiance - Mayor Pro Tem Morrow led the pledge of allegiance.

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

E. Approval of Agenda – Attorney Mack McKeller asked that item O-4 be added under Closed Session(s) for a Personnel Matter. Ms. Dinkins asked that items K-1a –Financial Report and K-5 – Records Retention and Disposition, be pulled from the consent agenda. Ms. Dinkins moved, seconded by Mr. Daniel to approve the agenda as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Daniel asked that on page 6, the sentence be changed from “have an engineer” be changed to “had an engineer”. Mr. Daniel moved, seconded by Ms. Dinkins, the August 16, 2021 Regular Meeting Minutes be approved as presented. Motion carried unanimously.

G. Certificates/Awards/Recognition -

G-1. Resolution No. 2021-32 Recognition of Leigh and Sean Trapp-Transylvania Times. Mayor Pro Tem Morrow presented each of them a resolution of respect and appreciation.

RESOLUTION NO. 2021-32

**A RESOLUTION OF RESPECT AND APPRECIATION
FOR SEAN TRAPP AND LEIGH TRAPP**

WHEREAS, The Transylvania Times, Inc. was a family-owned company for 80 years;
WHEREAS, the North Carolina paper dates back to July 1, 1887 and has been owned by the Anderson and Trapp families since 1941;

WHEREAS, Sean and Leigh’s mother, Stella Anderson Trapp, published and edited the paper for more than 30 years before her passing in December of 2020;

WHEREAS, Co-publishers, Sean and Leigh Trapp, brother and sister, were the third generation to run the newspaper;

WHEREAS, the paper was first named The Transylvania Pioneer, followed by later titles of The French Broad Hustler, The Sylvan Valley News, and the Brevard News until finally being called The Transylvania Times in 1931;

WHEREAS, the paper was published twice a week on Mondays and Thursdays and has a circulation of approximately 7,700 and averages about 15,000 readers per edition;

WHEREAS, weekly features of the newspaper included Church News, School News, Sports, Arts & Entertainment, Senior Citizen News and Opinions of the Readers;

WHEREAS, the Transylvania Times provided news coverage for Brevard, Pisgah Forest, Rosman and Lake Toxaway, as well as, the townships of Cathey's Creek, Dunn's Rock, Eastatoe, Gloucester, Hogback and Little River;

WHEREAS, the Transylvania Times has won numerous writing, advertising and photography awards from the North Carolina Press Association and the National Newspaper Association;

WHEREAS, the Transylvania Times has been the voice of Transylvania County by funding and supporting countless community improvement initiatives;

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Brevard, North Carolina, express to you, Sean Trapp and Leigh Trapp on behalf of our citizens and officials, our respect, appreciation and gratitude for your unselfish, devoted and invaluable service and contributions rendered to the citizens of the City of Brevard and Transylvania County.

Adopted and approved this the 16th day of August, 2021.

G-2. Resolution 2021-38 Recognition and Appreciation of Tom Whitlock - Mayor Pro Tem Morrow read aloud the resolution, however, Mr. Whitlock was not able to attend to receive it.

**RESOLUTION NO. 2021-38
IN APPRECIATION OF TOM WHITLOCK**

WHEREAS, Tom Whitlock announced his retirement from the City of Brevard effective September 30, 2021; and

WHEREAS, Tom Whitlock retires with sixteen years of public service with the City of Brevard and Transylvania County; and

WHEREAS, Tom Whitlock was hired as a part-time Account Clerk on August 20, 2014 at the completion of his accounting internship with the City of Brevard; and

WHEREAS, Tom Whitlock was hired as a full time Account Clerk on August 31, 2015; and

WHEREAS, Tom Whitlock successfully upgraded the City's Financial Software February 2017 which provided improvements in efficiencies and internal controls in the Finance Department; and

WHEREAS, Tom Whitlock was promoted to Accountant on April 3, 2017; and

WHEREAS, Tom Whitlock graduated from the Municipal Administration Course at the University of North Carolina at Chapel Hill's School of Government on April, 2019; and

WHEREAS, Tom Whitlock successfully implemented city tax collections in FY19-20 which significantly improved the City's cash flow by offering a 2% discount for taxpayers if paid by August 31; and

WHEREAS, Tom Whitlock was promoted to Assistant Finance Director/Tax Collector on November 4, 2019; and

WHEREAS, Tom Whitlock was awarded the designation of Certified North Carolina Local Government Finance Officer on January 1, 2021; and

WHEREAS, Tom Whitlock coordinated the annual budget process with City Departments and prepared the budget financials and supporting documentation; and

NOW, THEREFORE, BE IT RESOLVED that the City of Brevard wishes to express its gratitude and appreciation to Tom Whitlock for his many contributions which has had a positive impact on the City of Brevard; and

BE IT FURTHER RESOLVED that the City of Brevard is thankful for Tom Whitlock for his public service and expresses its gratitude on behalf of its 'citizens.

Adopted this the 20th day of September, 2021.

G-3. Oath of Office-Tina Tanner, Tax Collector. City Tax Specialist Tina Tanner, accompanied by her husband, Wes, was administered the Oath of Office to become City Tax Collector, by City Clerk Jill Murray.

G-4. Resolution No. 2021-39 Awarding Badge and Sidearm to Police Officer Barry Galloway. Mayor Pro Tem Morrow and Police Chief Phil Harris presented to

retired Brevard Police Officer, Barry Edward Galloway, an original of Resolution No. 2021-39 along with his service badge and sidearm, a Glock Model G22, Caliber .40, Serial Number BECV111. Family and friends were in attendance for the presentation. Chief Harris, Council and staff thanked Officer Galloway for his 30 years of service.

RESOLUTION NO. 2021-39

**AWARDING BADGE AND SERVICE SIDEARM
TO RETIRED POLICE OFFICER BARRY EDWARD GALLOWAY**

WHEREAS, NC GS 20-187.2 provides retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, NC GS 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and

WHEREAS, Police Officer Barry Edward Galloway has served the Brevard Police Department with 30 years of service and has retired at the rank of Lieutenant; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Brevard, North Carolina as follows:

The City Manager's designee, Police Chief J. Phillip Harris, Jr., is hereby authorized, in accordance with the provisions of NC GS 20-187.2, to transfer to Police Officer Barry Edward Galloway, the badge worn by him during his service with the Brevard Police Department and his service sidearm, a Glock Model G-22, Caliber .40, Serial Number BECV111.

Adopted and approved this the 20th day of September, 2021.

H. Special Presentation(s) –

H-1. Tax Collections August 31, 2021-Tina Tanner, Tax Collector. City Council accepted the Report on Early Tax Payments with 2 Percent Discount dated August 31, 2021, as presented by Tina Tanner, Tax Collector. Tina did an amazing job with the report showing \$3,671,798 (or 66%) paid with the 2% discount by August 31, 2021. Her report also showed an increased use of paying online showing that citizens are getting more comfortable paying online.

H-2. Brevard Housing Authority Update. Mr. David Nash, COO, Asheville Housing Authority, presented the report as Rhodney Norman was ill. Mr. Nash described BHA as 374 residents living in five small neighborhood properties, including 157 children and youth; has a strong local staff, led by a community-centered board appointed by City Council. Technical assistance and executive leadership is under a long-standing contract with Asheville Housing Authority. He presented a power-point that described the Demographics including race/ethnicity, age, family size and income; Who Are We? Most tenants pay 30% of their income for rent and utilities. Housing agencies can choose to require families to pay a minimum rent of up to \$25 even if this is more than 30% of their income and familieis can opt to pay a flat rent based on local market rents regardless of their income. How They're Doing with a 98% occupancy rate, all units have free wireless internet service, public transit with frequent stops in our communities, building envelope work complete at Balsam, Pine, Beech and Holly Crest and building envelope work progressing at Cedar Crest; and Community Outreach they've received recent HUD approval to develop a Family Self-Sufficiency Program, continue to collaborate with The Haven to provide a permanent option for people experiencing homelessness, work with the Sharing House and other agencies to help residents with needed financial assistance and provide spacing with AARP to help residents and others with annual tax filings.

H-3. Blue Zone/Workforce Housing-Mark Burrows. Mark Burrows presented a PowerPoint (on file) with regards to Blue Zones and Workforce Housing that detailed a timeline of reports and presentations from various entities and organizations over the past few years studying the issue. Blue Zones created the Built Environment Committee which Councilwoman Copelof is Co-Chair of. Some of the issues the City faces including Federal fiscal and tax policies, Demographic and work

patterns, wages, and geographical constraints and also mentioned factors that are within the City and County's control such as the promotion of tourism and zoning and development requirements. The BZP Built Environment Committee suggests that there are at least three initial strategies and several longer term strategies and associated tactics that the community should work towards. Initial strategies include updating the City's 2002 Land Use Plan and Map; updating the City's Comprehensive Plan and hosting a community-wide forum to define what success looks like based on the "needed" number of both affordable and workforce housing units in the next five years. The "focused" strategies include increasing supply of both market-rate and affordable housing units; preserve affordable supply ensuring that housing units remain accessibly to low to moderate income households; reducing housing and transportation costs; expanding capital resources; promoting housing stability and developing leadership and collaboration on affordability.

I. Public Hearing(s) -

I-1. Voluntary Contiguous Annexation Petition-Joshua Gaura. Joshua Gaura of Sticky Forest Enterprises LLC, submitted a request for voluntary non-contiguous annexation of a property located at 367 Hendersonville Highway. The property is currently within the City's ETJ and in close proximity to parcels already receiving full City services. There are sewer and water lines along the parcel's frontage of Hendersonville Highway. The parcel is zoned Corridor Mixed Use and the applicant has indicated the desire to use the property for office and retail space for a growing outdoor gear company, including a new 1,00-2,000 square foot building. The Planning Board considered this request at their June meeting and unanimously recommended approval. Staff is also recommending approval of the proposed annexation.

Public Hearing Public Participation - None

Public Hearing Closed - There being no further questions or comments, Mayor Harris closed the hearing at 6:43 p.m.

I-2. Proposed Amendments to UDO Section 10.5 (Off-Street Parking Exceptions). On September 21, 2015, City Council approved Ordinance 2015-24 allowing off-street parking to be located between buildings and the street upon which they front in the Corridor Mixed Use zoning district. Council consensus was to ask staff to revisit allowing off-street parking between the principal structure and the street in the Corridor Mixed Use zoning district. This text amendment would remove an exemption for properties located in the Corridor Mixed Use zoning district which allows off-street parking between the principal structure and the street. Planning Board discussed this amendments at its August meeting and unanimously recommended approval and staff recommends approval of the amendment as well.

Mr. Daniel asked about screening plant buffers and said he would like for us to beyond simple reversal and make the corridor look like what we want it to look like. Mr. Bland added that the Planning Board made this recommendation as a quick response to Council's request, however, they would like to have a more holistic conversation about parking at some point. Ms. Dinkins said that we have the opportunity to make our corridor more attractive and safe for everyone. Attorney McKeller reminded everyone that DOT has a project that's going to have new medians, new grassways and everything is going to be changing.

Public Hearing Public Participation - None

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

~~ At 7:01 PM Mayor Harris called for a ten minute break. ~~

I-3. Proposed Amendments to UDO Section 8.3 (Tree City USA). Mr. Bland explained that the Arbor Day Foundation's Tree City USA program has been in place

since 1976 and is a nationwide initiative that aims to provide the necessary framework for communities to manage and expand their public trees. The City's UDO includes Section 8.3 Tree Protection and has historically qualified Brevard for compliance, however, communities now need their tree care ordinances to specifically detail management and protections for trees in public spaces such as parks and street rights-of-way. This text amendment will bring the City's UDO into compliance with updated Tree City USA requirements. The Planning Board discussed this amendment at its August meeting and unanimously recommended approval.

Public Hearing Public Participation – None

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

I-4. Proposed Amendment to Code of Ordinances Chapter 38 (Health & Sanitation/Abatement). Leigh Huffman explained that this is a staff initiated text amendment to clarify and streamline departmental responsibilities for the code enforcement of nuisance violations. The proposed text amendment specifies that code enforcement of nuisance violations shall be enforced by the department with the most applicable expertise for the task, for example, have the police department present for safety reasons. If approved, the enacting ordinance will be effective beginning January 1, 2022.

Public Hearing Public Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:23 p.m.

I.5. Proposed Amendments to UDO Chapter 10.3 (Off-Street Parking/GI Zoning). Leigh Huffman explained that Josh Hallingse, on behalf of Transylvania Economic Alliance, is requesting an amendment to UDO Section 10.3 in order to allow businesses in the General Industrial zoning district latitude in parking design without excess parking triggering the more stringent storm water provisions. The Planning Board voted to recommend approval of the staff's proposed text amendment that exempts developments in the General Industrial district from excess parking requirements.

Public Hearing Public Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:34 p.m.

J. Public Participation – None

K. Consent and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Pro Tem Morrow read aloud the items listed and asked if Council desired to remove any other items for discussion or add items to the consent agenda. Mr. Jones moved, seconded by Mr. Daniel to accept the consent items as presented.

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

K-3. Resolution No. 2021-40 Approving Property Tax Releases-August, 2021.

RESOLUTION 2021-40

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 August 2021 property values from the tax scroll in the amount of:

2021: \$1098.08

Adopted this the 20th day of September, 2021.

K-4. Ordinance No. 2021-38 Amending the FY21-22 Budget Amendment No. 2.

**ORDINANCE NO. 2021-38
AN ORDINANCE AMENDING THE FY2021-2022 BUDGET
AMENDMENT NO. TWO**

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2021-xx); Budget Ordinance Amendment No. 1 (Ordinance No. xx); and

WHEREAS, it is necessary to make amendments to the budgets to reflect additional revenue and expenditures for Fiscal Year 2021-22.

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

SECTION 7) Utility Capital Project Fund Revenue hereby is hereby increased \$206,545 from \$7,733,810 to \$7,940,355.

Transfer from Local Fiscal Recovery Fund	\$206,545
TOTAL REVENUES	\$206,545

SECTION 8) Utility Capital Project Fund Expenditures are hereby remains increased \$206,545 from \$7,733,810 to \$7,940,355.

2022 Water, Sewer & Stormwater System Improvements	\$206,545
TOTAL EXPENDITURES	\$206,545

SECTION 39) That Revenues and Expenditures Section 1 through Section 38 of the Ordinance Amendment have increased \$206,545 from \$\$38,026,907 to \$38,233,452 as follows:

	Budget
General Fund	\$ 10,008,900
Sanitation Fund	\$ 1,000,790
Water & Sewer Utility Fund	\$ 7,024,534
Utility Capital Projects Fund	\$ 7,940,355
Capital Reserve Fund	\$ 90,000
Fire District Fund	\$ 1,576,806
Terrell L. Scruggs Scholarship Fund	\$ 13,048
Bjerg Fund	\$ 100
Other Post-Employment Benefits Fund	\$ 30,000
Health Insurance Fund	\$ 1,594,295
Heart of Brevard MSD Fund	\$ 176,000
Housing Trust Fund	\$ 2,400
Multi-use Paths Fund	\$ 2,073,000
911 Communications Fund	\$ 77,701
Narcotics Task Force Fund	\$ 10,000
Rosenwald Revitalization Fund	\$ 2,663,713
Downtown Master Plan Fund	\$ 775,815
Parking Fund	\$ 650,000
Local Fiscal Recovery Plan	\$ 2,525,995
TOTAL BUDGET APPROPRIATIONS	\$ 38,233,452

Adopted and approved this 20th day of September 2021.

K-6. Ordinance No. 2021-39 Declaring a Road Closure for 38th Halloweenfest.

ORDINANCE NO. 2021-39

AN ORDINANCE DECLARING A ROAD CLOSURE FOR 38th HALLOWEENFEST

WHEREAS, Brevard City Council acknowledges a tradition of providing an annual Halloweenfest festival for the pleasure and enjoyment of its citizens and visitors; and,

WHEREAS, Brevard City Council acknowledges this festival provides an opportunity for day-long, family-oriented activities; and,

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

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

SECTION 1. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Halloweenfest Festival
Date: Saturday, October 30, 2021
Time: 7:00AM – 6:00PM
Route Description: Main Street (U.S. 276) from Caldwell Street to Johnson Street, and Broad Street (U.S. 64) from French Broad Street to Morgan Street.

SECTION 2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 20th day of September, 2021.

K-7. Resolution No. 2021-42 Approving a Public Art Application Submitted by Hunters and Gatherers.

RESOLUTION NO. 2021-42

**A RESOLUTION APPROVING A PUBLIC ART APPLICATION
SUBMITTED BY HUNTERS AND GATHERERS**

WHEREAS, the City of Brevard has long valued public art as an enhancement to public areas; and

WHEREAS, the City’s 2015 Comprehensive Land Use Plan identifies an objective to increase public art throughout the city and to encourage the expansion of the public art program to various media types beyond sculptures; and

WHEREAS, it is the policy of the City of Brevard to promote public art in order to enhance the quality of life for Brevard citizens, attract tourism, promote arts and culture, and encourage businesses to locate within the City; and

WHEREAS, in response to an application for public art filed by Hunters and Gatherers located on the property described as PIN 8586-51-0127-000, the Downtown Master Plan Committee considered the application on September 15, 2021 and unanimously recommended approval; and

WHEREAS, the Brevard City Council finds that the proposed artwork meets the goals and guidelines set out in the Public Art Policy and Application Process.

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

- SECTION 1.** Council hereby approves the application to install the public art as described herein (Exhibit A).
- SECTION 2.** The installation and maintenance of the public art shall comply with a signed agreement between the property owner and the City of Brevard (Exhibit B).
- SECTION 3.** This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 20th day of September, 2021.

- K-8. Council Parks, Trails & Recreation Committee Minutes-June 16, 2021.**
- K-9. Council Downtown Master Plan Committee Minutes-August 5, 2021.**
- K-10. Correspondence (No Action. Offered as information only.)**
 - a. Transylvania County Building Permit Activity, July, 2021.
 - b. Pisgah Conservancy Thank-You Letter.

Mr. Jones moved, seconded by Ms. Copelof that items M-1 and M5 be moved to the Consent Agenda. Motion carried unanimously.

L. Unfinished Business.

1. FOCUS 2020 Final Report. Mr. Fatland thanked Susan Threlkel for all of the time and effort that she put into the report and said that she went above and beyond to pull it all together.

Ms. Copelof also thanked Ms. Threlkel for a tremendous job on the report and said that in March of 2020 our plan got derailed by COVID and this report shows how far we’ve come and we’ve talked about having another strategic planning session and this gives us a great foundation.

Ms. Dinkins thanks Ms. Threlkel for her work on the report, but asked to table the report since she has not been able to read it and say that it is a fair reflection and asked to put it on a retreat agenda. There was no second to table the report. She added that she would like to talk to people who were involved in it.

Ms. Copelof moved, seconded by Mr. Morrow to accept the FOCUS 2020 Final Report as presented. Motion passed with a 4-1 vote. Ms. Dinkins was the nay.

M. New Business.

M-1. Ordinance No. 2021-40 Voluntary Non-Contiguous Annexation-
Joshua Gaura. Mr. Daniel moved, seconded by Ms. Dinkins to approve the ordinance. Motion carried unanimously.

ORDINANCE NO. 2021-40

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
 OF THE CITY OF BREVARD, NORTH CAROLINA**

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-31, as amended, to annex the **non-contiguous** area described herein, and,

WHEREAS, the City Council has by Resolution No. 2021-26 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Brevard Planning Board reviewed the Petition at their meeting held on June 22, 2021 and recommend approval of the voluntary **non-contiguous** annexation; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2021-35 fixing a date of public hearing. By authority granted by G.S. 160A-31, a public hearing on the question of this annexation was held at the City Council Chambers at 5:30 P.M. on the 20th day of September, 2021, after due notice by publication on the 6th day of September, 2021 and

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by Joshua Gaura and Anna Gaura, as shown and being a part of that property described in the deeds recorded in Document Book 959, Pages 74-77 and Document Book 959, Pages 115-117, in the Transylvania County Register of Deeds and that certain plat provided by the Petitioners which was recorded on January 5, 2021 in Book PF 21, Page 2-2, Plat File 21, Slide 2 is hereby annexed and made a part of the City of Brevard as of the 20th day of September, 2021.

Said property is more fully described as follows:

Location: 367 Hendersonville Highway, Pisgah Forest, NC. Transylvania County Tax Property Identification Number 8597-64-5558-000.

Metes and Bounds Property Description:

Being all of that tract and described as containing .849 acres, more or less, as shown on plat of survey prepared by Kevin D. Goldsmith, PLS, dated November 12, 2020, as recorded in Plat File 21, Page 2, and Transylvania County Register of Deeds to which plat reference is made for a complete description of the subject real property.

Conveyed herewith is the right to use water from the spring located on Crane property near the intersection of Highway 64 and Deavor Road, subject to the obligation to pay a proportionate share of operation, maintenance, and repair expenses.

Section 2. Upon and after the 20th day of September, 2021, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-31.

Also being all of that property described in a plat prepared by Kevin D. Goldsmith P.L.S. for Josh Gaura and Laura Gaura dated November 12, 2020, and recorded in Plat File 21, Slide 2, of the Transylvania County Registry.

Section 3. Pursuant to 160A-29 it shall be the duty of the Mayor of the City of Brevard to cause an accurate map of the annexed territory as described in Section 1 hereof, together with a duly certified copy of this Ordinance, to be recorded in the office of the Register of Deeds of Transylvania County, North

Carolina, and in the office of the Secretary of State at Raleigh, North Carolina. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Brevard.

Adopted and approved the 20th day of September, 2021.

M-2. Ordinance No-2021-41 Amending the Unified Development Ordinance Chapter 10- (Off-Street Parking Exceptions). Mr. Morrow moved, seconded by Mr. Daniel to accept the ordinance as presented. Motion passed with a 4-1 vote. Ms. Dinkins was the nay.

ORDINANCE NO. 2021-41

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT
ORDINANCE CHAPTER 10 – PARKING STANDARDS**

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

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

- OBJECTIVE 3.1: Preservation of surrounding natural assets of mountains, farmlands, woods, and water for future generations.
- OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City’s tax base.
 - POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.
 - POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character while allowing greater residential density and intensity of nonresidential development within mixed use zoning areas.
 - POLICY 4.1.I: Evaluate the City of Brevard’s current design review process to streamline procedures; clarify roles, responsibilities, and authorities of the various review boards; and improve the overall quality of new development.

and,

WHEREAS, a public hearing was conducted on Monday, September 20, 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 10 is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

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

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

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

Adopted and approved this the 20th day of September 2021.

M-3. Ordinance No. 2021-42 Amending the Unified Development Ordinance Chapter 8.3 (Tree City USA). Ms. Dinkins said that would like to table this item and talk to people who know trees and to have a conversation with an arborist to understand it better. She added that the way it reads, the administrator of things will be the Planning Department and not someone who has a specific understanding of trees

and qualifications to make those decisions. Mr. Bland explained that we have Matt Landers in Public Works who has a background in plants and trees etc. The motion to table did not pass. Ms. Copelof moved, seconded by Mr. Daniel to approve the ordinance as presented. Motion passed with a 4-1 vote. Ms. Dinkins was the nay.

ORDINANCE NO. 2021-42

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT
ORDINANCE CHAPTER 8.3 – TREE PROTECTION**

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 8.3 – Tree Protection be amended; and,

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

- OBJECTIVE 3.1: Preservation of surrounding natural assets of mountains, farmlands, woods, and water for future generations.
- OBJECTIVE 3.2: Reduction of the City's carbon and ecological footprint.
 - POLICY 3.2.B: Continue meeting the Arbor Day Foundation's Tree City USA standards.

and,

WHEREAS, the City of Brevard City Council understands and values the many advantages that a thriving urban forest, from mitigation of the effects of climate change to increasing property values; and,

WHEREAS, a public hearing was conducted on Monday, September 20, 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 8 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 20th day of September 2021.

M-4. Ordinance No. 2021-43 Amending the Code of Ordinance Chapter 38 (Health and Sanitation/Abatement). Ms. Dinkins moved, seconded by Mr. Jones to approve the ordinance as presented. Motion carried unanimously.

ORDINANCE NO. 2021-43

**AN ORDINANCE AMENDING THE CODE OF ORDINANCE
CHAPTER 38**

WHEREAS, the Planning Department Staff has recommended that Brevard City Code of Ordinance, Chapter 38, Health and Sanitation be amended to clarify requirements for permits; 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, September 20, 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 38, 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 January 1, 2022.

Adopted and approved this the 20th day of September, 2021.

M.5. Ordinance No. 2021-44 Proposed Amendments to UDO Chapter 10.3 (Off-Street Parking/General Industrial Zoning. Mr. Daniel moved, seconded by Ms. Dinkins to accept the ordinance as presented. Motion carried unanimously.

ORDINANCE NO. 2021-44

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE CHAPTER 10

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapter 10, be amended to change the parking maximum and excess parking requirements in the General Industrial zoning district; and,

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

ELEMENT 4: LIVABLE COMMUNITIES

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

POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.

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

and,

WHEREAS, a legislative public hearing was conducted on Monday, September 20, 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, Unified Development Ordinance be amended as outlined below.

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

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

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

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

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

Adopted and approved upon this the 20th day of September, 2021.

M.6. Resolution No. 2021-43 Authorizing Contract Award Gallimore Road Sewer Basin Rehabilitation Project. Alvin Fuller was present and explained that with this resolution, they are approving the City Manager to accept the bid once the LGC (Local Government Commission) accepts it. Ms. Copelof moved, seconded by Ms. Dinkins to approve the ordinance as presented. Motion carried unanimously.

RESOLUTION NO. 2021-43

**A RESOLUTION AUTHORIZING CONTRACT AWARD
GALLIMORE ROAD SEWER BASIN REHABILITATION PROJECT**

WHEREAS, The City of Brevard has previously approved the City of Brevard Gallimore Road Sewer Basin Rehabilitation Project, herein after; "The Project"; and

WHEREAS, The Project has received approval and permits from the NCDEQ-DWR state regulating agency; and

WHEREAS, The City of Brevard has secured funding for The Project from NCDEQ-DWI in the amount of \$2,234,845, of which \$500,000 is in principal forgiveness and \$1,734,845 in a 20-year no interest loan; and

WHEREAS, the City of Brevard approved a Project Budget Ordinance on May 17, 2021 for The Project; and

WHEREAS, The City of Brevard has placed The Project to public bid under state requirements, and has received bids that are within the established budget for The Project; and

WHEREAS, in accordance with G.S. 143-129, the City of Brevard received formal proposals for the Gallimore Road Sewer Basin Rehab Project on August 12, 2021 at Brevard City Hall, with AM-Liner East, Inc. as the apparent low bidder; and,

WHEREAS, The City of Brevard, upon recommendation of the City's Consulting Engineers, Summit Engineering Group, desires to accept the low bid, award and construct The Project; and

WHEREAS, after receiving the Bid Tabulation from this bid opening for the proposed project, the Brevard City Council now desires to approve an award of contract.

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

1. A contract for the Gallimore Road Sewer Basin Rehabilitation Project (CWSRF Project No. CS370476-09) is hereby awarded to AM-Liner East, Inc., NC License #43398, 601 Jack Enders Blvd, Berryville, VA 22611, for the bid price of \$1,844,547.00 as received in accordance with the City's bid documents for this Project.
2. The City Manager upon award approval from the NCDEQ-DWI, is authorized and directed to sign a contract with AM-Liner East, Inc.
3. The City Manager is authorized and directed to take all necessary actions required by the NCDEQ-DWI to complete The Project, including all close out documents.
4. The City Manager is authorized and directed to process and approve any required change orders up to The Project's budget limit that may be needed to complete The Project.
5. The City Manager shall advise the Board periodically on the status of completion of The Project.
6. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 20th day of September, 2021.

M-7. Resolution No. 2021-44 In Support of Closing North Carolina's Health Insurance Gap. Ms. Copelof moved, seconded by Mr. Daniel to approve the resolution as presented. Motion carried unanimously.

RESOLUTION NO. 2021-44

**RESOLUTION IN SUPPORT OF CLOSING
NORTH CAROLINA'S HEALTH INSURANCE GAP**

WHEREAS, healthy citizens and access to affordable health care are keys to Brevard’s economy;
and

WHEREAS, North Carolina currently has a health insurance “coverage gap” in which citizens are unable to access assistance in obtaining affordable coverage; and

WHEREAS, closing this coverage gap would benefit some 2,000 citizens in Brevard and Transylvania County, and 750,000 across the entire state; and

WHEREAS, closing this coverage gap would improve our local economy, creating jobs and around 12 million dollars in direct economic growth annually, according to a Kate B Reynolds Foundation study; and

WHEREAS, closing this coverage gap would particularly benefit Brevard’s small business community; and

WHEREAS, closing this coverage gap can be done at little to no taxpayer expense, as federal funding covers over 90% of the costs and a consortium of healthcare organizations have pledged to cover the balance; and

WHEREAS, there is an existing structure that exists, involving a partnership between the federal and state governments, to close this coverage gap, and currently 39 of the 50 states are participating; and

WHEREAS, North Carolina does not currently participate in this partnership.

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

SECTION 1. The Brevard City Council urges the North Carolina General Assembly to close the health insurance coverage gap in North Carolina.

SECTION 2. The Brevard City Council shall share this Resolution with the members of Brevard and Transylvania County’s General Assembly delegation.

Adopted and approved this the 20th day of September, 2021.

M-8. Resolution No. 2021-45 Authorizing Design Contract Award Main Street Water and Sewer Improvements. Mr. Daniel moved, seconded by Ms. Copelof to approve the resolution as presented. Motion carried unanimously.

**RESOLUTION NO. 2021-45
A RESOLUTION AUTHORIZING DESIGN CONTRACT AWARD
MAIN STREET WATER AND SEWER IMPROVEMENTS**

WHEREAS, NCDOT has notified the City of Brevard that it intends to mill and resurface East Main Street and West Main Street; and

WHEREAS, the City of Brevard is desirous to design and construct water and sewer improvements in the Downtown Area in advance of the NCDOT Paving Project; and

WHEREAS, the City of Brevard is desirous to design and construct water and sewer improvements in advance of a potential USDOT RAISE Grant Award that includes \$8.2 million in downtown streetscape improvements; and

WHEREAS, the City of Brevard has received an engineering services contract with Summit Engineering Group, Incorporated to design water and sewer improvements; and

WHEREAS, the City of Brevard has received American Rescue Plan Funds for water, sewer and stormwater projects; and

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

1. A contract for the design of water and sewer improvements be awarded to Summit Engineering in an amount not to exceed \$126,500; and
2. The source of funding for this contract will be American Rescue Plan Funds; and
3. The City Manager, is authorized and directed to sign an engineering services contract with Summit Engineering Group, Incorporated; and

4. The City Manager shall advise the City Council and Downtown Masterplan Committee periodically on the status of completion of the project; and
5. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 20th day of September, 2021.

M-9. Resolution No. 2021-46 Authorizing Grant/Loan Financing for Azalea/Rhododendron Neighborhood Public Sewer Improvement Project. Ms. Copelof moved, seconded by Mr. Jones to approve the resolution as presented. Motion carried unanimously.

RESOLUTION 2021-46

RESOLUTION AUTHORIZING GRANT/LOAN FINANCING FOR AZALEA/RHODODENDRON NEIGHBORHOOD PUBLIC SEWER IMPROVEMENT PROJECT

WHEREAS, the City of Brevard has need for and intends to construct public sewer improvements for the Azalea and Rhododendron Neighborhood; and

WHEREAS, the City of Brevard intends to request grant and loan assistance for this project; and

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

1. That the City of Brevard, the applicant, will arrange financing for all remaining costs of the project, if approved for a State Grant or Loan Award.
2. That the City of Brevard will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the City Council of the City of Brevard agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Brevard to make scheduled repayment of the loan, to withhold from the City of Brevard any State Funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the City of Brevard will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. That Jim Fatland, CPFO, NCLGFO, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Brevard with the State of North Carolina for a loan or grant to aid in the construction of the projects described above.
6. That the City Manager and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the City of Brevard has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loan pertaining thereto.
8. This Resolution shall become effective upon its adoption and approval.

Approved and adopted this 20th day of September, 2021.

M-10. Affordable Housing Agreement. Mr. Ray explained that the Planning Department was approached by Dr. Annelise Hagedorn, President of Sunnyside Properties LLC with a request to waive water and sewer tap fees in exchange for building two affordable housing units on a small lot off of North Lane, intersecting Brown Lane. The Housing Trust Fund Selection Committee met on September 2, 2021 and unanimously recommended approval of this agreement.

Ms. Hagedorn, presented a PowerPoint (On file) showing what the proposed project would look like. One unit would be a 2 bedroom, 1 bathroom and the other

would be a studio with 1 bedroom both with an efficient floor plan and natural light. The rough estimate rental cost would be \$800 and \$600 per month. If the City agrees to waive the fees for 4 taps, that would equal roughly \$5,500.

Ms. Dinkins asked about the timeframe promised of three years and asked what the assurance is that this will stay this way and not become short term rentals. Ms. Hagedorn said the contract is for three years, but you also have our word.

Mr. Daniel moved, seconded by Mr. Jones to approve this agreement as presented. Motion carried unanimously.

M-11. Board and Committee Appointment(s).

- a. Planning Board - Ms. Dinkins moved, seconded by Mr. Daniel to approve the reappointment of Reid Wood and Greg Hunter. Motion carried unanimously.
- b. Board of Adjustment – Mr. Daniel moved, seconded by Ms. Copelof to approve the reappointment of Judy Mathews. Motion carried unanimously.
- c. Rosenwald Advisory Board – Ms. Copelof moved, seconded by Mr. Morrow to accept the appointments as follows: Motion carried unanimously.
 - o Maurice Jones, Council Member
 - o Gary Daniel, Council Member
 - o Jim Fatland, City Manager
 - o MCJCC Director, TBD
 - o Randy Lytle Co-Chairman
 - o Edith Darity
 - o Karen Darity
 - o Victor Foster
 - o Nicola Karesh
 - o Susan Threlkel
- d. **Resolution No. 2021-47 Establishing the Short-Term Rental Task Force.** Ms. Dinkins asked to add Dee Dee Perkins from the Tourism Development Authority and Nory LeBrun from the Chamber to replace Clark Lovelace. Mr. Daniel moved, seconded by Mr. Jones to approve the resolution as amended. Motion carried unanimously.

RESOLUTION NO. 2021-47

**A RESOLUTION ESTABLISHING
THE SHORT-TERM RENTAL TASK FORCE**

WHEREAS, the City of Brevard desires to establish a Short-Term Rental Task Force; and

WHEREAS, the Task Force shall obtain data on short-term rentals in the City of Brevard, assess positive and negative impacts of short-term rentals and provide recommendations to the City Council for consideration; and

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 01: Brevard City Council will develop a plan with regards to short term rentals (hereafter, “plan”).

SECTION 02: A task force is hereby established for this purpose.

SECTION 03: The task force shall be comprised of the following membership:

- a) Brevard City Council Member, Maureen Copelof
- b) Brevard City Council Member, Geraldine Dinkins
- c) Brevard Assistant Planning Director, Aaron Bland
- d) City Attorney Mack McKeller
- e) Nory LeBrun, Chamber of Commerce
- f) Dee Dee Perkins, Tourism Development Authority
- g) Ryan Jacques, Going Green Builders
- h) Isaac Allen, White Squirrel Realty
- i) Jeremy Owen, Realtor @ Beverly-Hanks

- j) Tripp Presnell, Citizen
- k) Daniel Trusler, Owner Red House Inn Bed & Breakfast
- l) Madeline Offen, Citizen & Attorney for Pisgah Legal Services
- m) Hannah Bowers, Citizen

SECTION 04: The Short-Term Rental Task Force shall designate Council Member Maureen Copelof and Council Member Geraldine Dinkins as Co-Chairs.

SECTION 05: City Staff is hereby directed to provide such support as may be necessary to the task force so that it may complete its mission as set forth herein.

SECTION 06: The task force shall dissolve upon completion of its mission as set forth herein.

SECTION 7. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 20th day of September, 2021.

M-12. (K-1.) Financial Report for month ending August, 2021. Ms. Dinkins had several questions regarding Miscellaneous Revenue, Legal Costs, Sanitation Fund, Fiscal Recovery Fund, Estatoe Trail and the Parking Fund. Mr. Fatland said that he would have to get back to her with answers to all of her questions. Ms. Copelof moved, seconded by Mr. Daniel to approve the report as presented. Motion passed with a 4-1 vote. Ms. Dinkins was the nay.

M-13. (K-5.) Records Retention and Disposition Schedule. Ms. Dinkins asked what the records and retention schedule is. City Clerk Jill Murray explained that it is compiled by the North Carolina Department of Natural and Cultural Resources Division of Archives and Records and it is what all municipalities refer to. Mrs. Murray said "approved" was probably the wrong word to use and said "acknowledge" would have been the better term because this does not require Council approval, as it cannot be changed. Ms. Dinkins asked to table this until she had time to read it and understand it better. Mrs. Murray explained that she can come by her office and look at it at any time but that she did not include it in the packet for two reasons. It is too large of a document but also Council is not authorized to change anything in it. Attorney Mack McKeller agreed with Mrs. Murray that it cannot be changed and this was for informational purposes. There was no second to table the motion. Ms. Copelof moved, second by Mr. Morrow to accept the schedule as presented. Motion passed with a 4-1 vote. Ms. Dinkins was the nay.

N. Remarks/Future Agenda Considerations.

Mr. Morrow said commented on the 9/11 memorial and thanked Chief Cooper for pulling together a wonderful tribute to 9/11. The Ecusta Trail celebration was perhaps the best City sponsored event that I've been a part of. I was privileged to see over 900 riders in the Assault of the Carolinas race and I heard of only one incident where they had to Medivac someone. The Blue Zones anniversary just happened, what a story. They acknowledged obtaining seven of the eight principles. This is good for our City and for our residents and community at large. Congratulations to the Blue Zones team. Lastly, I want to mention the ALTA Planning + Design study. They are the City's consultant for updating the Brevard Pedestrian and Bicycle Plan and the Park's Trails and Recreation Committee is the steering committee and they will hear that report tomorrow at 2:00 at their Parks, Trails and Recreation meeting.

Ms. Copelof said that she is really pleased to see so much attention on our housing issue and to see an action come to completion. Every little step forward and every combination is really important. We need to work on an action plan. We need to focus on the bigger option to bring the funders and developers together, increasing supply and working that making sure our public understands the issue. I would really like to see us designate a time and start working out the options and coming up with which ones are most applicable to move forward. I'm also pleased that we endorsed the medicaid expansion. I'm very pleased to see all of the action and how much this City has going on. I would like to thank the staff for the incredible amount of work they're doing, the Planning Department, the tax collection, its all appreciated. Thank you to Blue Zones.

Mark really stepped up and he really put a lot of effort in and gives us a working document as Council outlines and flushes it out and makes it into actionable items.

Mr. Daniel said that all of the discussion about Tree City USA and the parking, I would like to see all plants, not just trees, I would like it to be clearer that all plants and trees need to achieve full maturity without being manipulated. They're meant for screening. What are the consequences if people are not following the ordinances for screening? Are there any?

Mr. Ray said we do have consequences and I would have to look them up and get back to you.

Mr. Daniel added that about 4 years ago at a Council Retreat, I think City Council quit using the complaint driven model and I would like to know why we're still complaint driven. I would like to reiterate that. I don't think we need to wait for someone to call you.

Ms. Dinkins said I want to reiterate that we are going to be building the next piece of the bike path to Main Street in the next two months. Getting us to Main Street will make a big difference. I would like to continue the conversation about how we're best spending the \$800,000 that's left in the current budget year to build more walkable and bikeable paths. I would really like to ask Council members to schedule a fall retreat. We have not had one since I've served on Council. We need to discuss workforce housing and some other things that I would like to put on an agenda.

Mr. Fatland suggested January and Attorney Mack McKeller agreed saying there could potentially be a new group of people in December and we should probably wait to talk about the future and recommended waiting.

Ms. Copelof said she agreed with Ms. Dinkins that she would also like to see us take action on housing and waiting until January is not the right move. I think we should, if not have a full retreat, we should have a specific focused Council meeting to look at the housing situation and even if there are new people, the work doesn't stop. I think we should try to hold something in October and maybe take Blue Zones offer to have Dan Burton come in and facilitate. She added that she would like a half-day brainstorming session for the housing issue in October and then a retreat with some of these other strategic items in January or sometime around then.

Consensus of Council is to have an October housing meeting and then have a retreat in January or sometime around there.

Ms. Dinkins also wished Leigh Huffman well in her new job and said I hope we can replace you and Kaitland Finkle very soon.

Mr. Jones also thanked Leigh for her work at the City and wished her well. He also reminded Planning about the construction noise issue and to be sure to address that. He also asked where we stand with recognizing Moms Mabley. Mr. Bland said that they're supposed to reach out to him when funding starts up again.

Mr. Fatland said that it was a great turnout for the Ecusta Trail celebration. It's an opportunity for the City and County to work together. I have an update on the Mary C. Jenkins Community Center, we got the approval by the LGC (Local Government Commission) and we got a grant for \$259,000 to furnish the MCJCC and now we can schedule our first meeting with the Rosenwald Board.

O. Closed Session(s) – Mayor Pro Tem Morrow asked the City Attorney if it would be appropriate for Council to hold a closed session to discuss a matter of pending litigation. City Attorney advised pursuant to **GS § 143-318.11. (a)(3)** It would be appropriate to convene a closed session on the matter. A closed session requires a separate motion, second and vote to discuss the matter. Council will enter and exit regular session for each closed session.

Closed Session #1 - At 9:30 p.m. Ms. Dinkins moved, seconded by Mr. Jones to enter into closed session to discuss pending litigation and clear Council Chambers. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager, City Clerk and Planning Director Paul Ray.

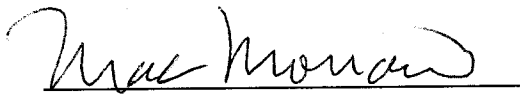
Closed Session #2 - At 9:33 p.m. Mr. Jones moved, seconded by Mr. Daniel to enter into closed session to discuss potential litigation. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager, City Clerk Jill Murray and Planning Director Paul Ray.

Closed Session #3 - At 9:54 p.m. Mr. Jones moved, seconded by Ms. Dinkins to enter into closed session to discuss property acquisition. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager, City Clerk Jill Murray and Planning Director Paul Ray.

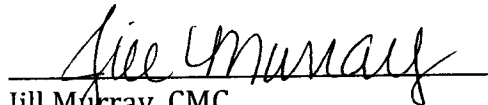
Closed Session #4 - At 10:04 p.m. Mr. Jones moved, seconded by Mr. Morrow to enter into closed session to discuss a personnel matter. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney was the City Manager.

Council Returned to Regular Session - at 10:47 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.

P. Adjourn - There being no further business, Ms. Dinkins moved, seconded by Mr. Jones, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 10:47 p.m.



Mac Morrow
Mayor Pro Tem



Jill Murray, CMC
City Clerk

Minutes Approved: October 18, 2021