

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
February 7, 2022 – 5:30 PM**

The Brevard City Council met in regular session on Monday, February 7, 2022, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

Present – Mayor Maureen Copelof, Mayor Pro Tem Gary Daniel and Council Members Mac Morrow, Maurice Jones, Aaron Baker and Geraldine Dinkins.

Staff Present – City Attorney Mack McKeller, Interim City Manager Steve Harrell, City Clerk Jill Murray, Finance Director Dean Luebbe, Planning Director Paul Ray, Public Works Director David Lutz, Assistant Public Works Director Wesley Shook and Public Works Administrative Services Manager Letha Cox.

Press – John Rich, Transylvania Times
Dan DeWitt, Brevard Newsbeat

A. Welcome and Call to Order – Mayor Copelof called the meeting to order and welcomed those present.

B. Invocation – Council Member Mac Morrow offered an invocation.

C. Pledge of Allegiance - Mayor Copelof led the pledge of allegiance.

Mayor Copelof introduced Council members, City Attorney, Interim City Manager and the City Clerk.

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

E. Approval of Agenda – Mayor Copelof asked that we amend the agenda to go into closed session for a property acquisition after “Special Presentations”. Mr. Daniel moved, seconded by Mr. Jones to approve the agenda as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Morrow moved, seconded by Ms. Dinkins to accept the minutes as presented. Motion carried unanimously.

G. Public Participation – Mayor Copelof explained that due to Covid, we asked that comments be submitted to the City Clerk by noon today and we have one from Michael Dexter-Smith with ideas with regards to the lease for the Co-Ed Theater, as well as, road repair. There were also 19 emails asking that the community garden be approved. Mayor Copelof read each email aloud for the record. They are all on file in the Clerk’s Office.

H. Certificates/Awards/Recognition - None.

I. Special Presentation(s)

I-1. Review of Railroad Avenue Bridge - Kit Persiani and Hisham Abdelaziz, CDM Smith. Mr. Harrell introduced Mr. Kit Persiani who showed a PowerPoint presentation which included a history of the project and its current status. (On File). The original estimated cost of the bridge replacement, made in 2013, was \$1.0 million, but the current estimated cost for the replacement is now \$1.7 million. In an agreement with the NCDOT, the original cost of the project was to be shared with NCDOT covering 80% and the City the remaining 20%. On Friday, January 28, 2022, staff met with NCDOT representatives to request a new additional agreement with NCDOT such that the current \$700,000 balance for the bridge replacement would also be cost-shared, again with NCDOT covering 80% and the City 20%. Because the bridge belongs to the

City, NCDOT informed that it would not be cost-sharing in the \$700,000 balance, thus, the City's current costs in the bridge replacement project now totals \$900,000.

I-2. Street Resurfacing w/Powell Bill Funds-David Lutz. Mr. Harrell introduced David Lutz who presented a PowerPoint presentation (On File). A portion of every municipality's annual budget revenue is comprised of funds received from the State of North Carolina for maintenance of public streets. The State's Street-Aid Program is commonly known as "Powell Bill" funding. The City of Brevard's Powell Bill annual funding from the state is approximately \$210,000. Mr. Lutz's presentation is to recommend to the Council that the City, using the street conditions survey, begin an annual street resurfacing program using the City's Powell Bill funding. Approximately \$50,000 of the Powell Bill funding is needed for day-to-day street maintenance needs by Public Works, leaving \$160,000 for the ongoing annual resurfacing work. The first round of this annual resurfacing work is recommended for this spring as follows:

PROBART STREET	N. BROAD STREET TO N. CALDWELL STREET	6	20,900.00
SHEFFIELD PLACE	CAMBRIDGE DRIVE TO CUL-DE-SAC	11	11,330.00
JORDAN LANE	KILLIAN LANE TO HAMLIN AVENUE	15	8,580.00
CAMBRIDGE DRIVE	DEERLAKE ROAD TO SHEFFIELD PLACE	16	23,870.00
CAMBRIDGE DRIVE	CAMBRIDGE DRIVE TO CANTERBURY TRAIL	16	20,130.00
DEER RUN STREET	DEERLAKE ROAD TO EAGLE RUN	16	8,250.00
QUINN DRIVE	ELSEETOSS DRIVE TO EAST VIEW DRIVE	21	26,180.00
HAZEL COURT	SOUTHVIEW DRIVE TO CUL-DE-SAC	21	19,580.00
CHERRY STREET	OLD HENDERSONVILLE HIGHWAY TO BURNETTE DRIVE	21	11,000.00
PINE STREET	GROVE STREET TO DEAD END	21	9,020.00
TOTAL COST			\$158,840.00

Mr. Morrow moved, seconded by Mr. Daniel to move this item under new business as item M-13 for further discussion. Motion carried unanimously.

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

I-3. Community Garden - Maureen Copelof & Mac Morrow. Ms. Copelof presented a PowerPoint for the community garden (On File). She said that the recommendation is that we approve doing Phase One of the community garden on the property of Silversteen Drive. We will discuss this in detail and have an action on it under New Business. My final point is that time is of consideration. Now is the time of year that if we're going to make this garden a reality, we need to be out there working on this to make it happen. For a spring garden, we need to be starting in February to get the land prepared and to tell Gaia Herbs to start planting the small seedlings that they're giving away, so we need to start making some commitments. The timeframe to make a spring garden happen is now.

J. Public Hearing(s) None.

K. Consent and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Copelof read aloud the items listed and asked for a motion to approve the consent agenda. Mr. Jones moved, seconded by Mr. Morrow to approve the consent agenda as presented. Motion carried unanimously.

K-1. Tax Settlement Report for month ending January, 2022.

K-2. Report of Unpaid Taxes and Authorization to Advertise.

K-3. Council Finance & Human Resources Committee Minutes-May 25, 2021.

K-4. Council Public Safety Committee Minutes-October 12, 2021.

K-5. Council Parks, Trails & Recreation Committee Minutes-November 17, 2021.

K-6. Proclamation No. 2022-02 White Squirrel Day.

**City of Brevard, North Carolina
Proclamation No. 2022-02
White Squirrel Day**

The City of Brevard hereby proudly declares and ordains that February 2, 2022, be celebrated as "White Squirrel Day", and further orders that "Groundhog Day" forever and hereafter be recognized and honored in the City of Brevard as "White Squirrel Day."

Furthermore, the City of Brevard hereby proudly announces that Pisgah Pete, who has long and honorably served in the capacity of Brevard's official white squirrel ambassador, has retired. Furthermore, Pisgah Pete will be very capably and happily replaced by his niece, Penelope Ella Catherine Elizabeth of Pisgah, who shall henceforth be known, recognized and honored as: Pisgah Penny!

WHEREAS, in keeping with Brevard's great heritage of welcoming and receiving visitors from around the world, Pisgah Penny humbly and reverently agrees to assume all duties as Brevard's official white squirrel ambassador from her uncle, Pisgah Pete, who has performed brilliantly as a skilled prognosticator; and further

WHEREAS, Pisgah Penny has established herself as a beloved and valued member of this community, and openly asserts her love for Brevard, waterfalls, mountains, mountain biking, hiking, and everything else that makes our town the coolest small town in America; and

WHEREAS, Pisgah Penny has established herself as possessing family-inherited unique and valuable skills in making accurate and useful predictions, while Punxsutawney Phil has established himself as (let's be honest) an ill-tempered, dubious and unreliable predictor of anything.

THEREFORE, we celebrate this day as Pisgah Penny assumes her duties and responsibilities, and heretofore will make all predictions asked of her by the citizens of the United States on "White Squirrel Day," thereby forever relieving Punxsutawney Phil of these duties.

I, Maureen Copelof, Mayor of the City of Brevard, do hereby proclaim February 2, 2022 as **White Squirrel Day** in the City of Brevard.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 2nd day of February, 2022.

K-7. Correspondence (No Action. Offered as information only.)

- a. Transylvania County Building Permit Activity, January, 2022.

L. Unfinished Business – None.

M. New Business.

M-1. 2022 City Council Meeting Schedule. Mr. Harrell explained that the current calendar has the Council Budget Workshops on June 6th and 13th respectively and then the public hearing on June 20th which does not really allow Council ample time to consider budget requests made during the hearing. Therefore, he suggested changing the budget workshop dates to April 18th, May 2nd & June 6th (if needed) with a public hearing on May 16th and adoption of budget on June 20th. Mr. Jones moved, seconded by Mr. Baker to approve the 2022 City Council Meeting Schedule as amended. Motion carried unanimously.

M-2. Approval of Change of Police Vehicle Markings & Design. Police Chief Jordan presented his design for the new police vehicles. (On file) He explained that the current markings are too close to the Transylvania County Sherriff's Office and with this new design we will stand apart from other law enforcement. This will also will have a cost savings of \$1,500 per vehicle. Mr. Daniel moved, seconded by Ms. Dinkins to approve the new vehicle marking design scheme for all new police vehicles. Motion carried unanimously.

M-3. Resolution Supporting 2022 RAISE Grant Application. Removed from agenda as not enough information had been gathered prior to the meeting.

M-4. Caldwell Street Public/Private Parking Lot Proposal. Mr. Harrell explained Mr. John Nichols, III owns the for-pay gravel parking lot at the southeast corner of Caldwell and Probart Streets. As of now, the parking lot is not in compliance with the City's Unified Development Ordinance with regards to the code's design and standards for off street parking area design and construction standards. Former City Manager Jim Fatland and Mr. Nichols were working on a proposal that the City pave the parking lot at a cost of \$16,000, Mr. Nichols contributing \$10,000 and the City contributing \$6,000 with proceeds from the parking fees being used to reimburse the City's contributions with payoff being approximately three years. However, just paving the parking lot will not bring it into compliance with the City's UDO. In order for this public/private proposal to move forward, the City would be required to bring the parking lot fully into compliance with the UDO at a cost much higher than \$16,000. Mr. Nichols sent an email proposing a 50/50 split on the money he makes renting the spaces and he keeps our 50% to pay off his improvement and he says that would take 5-10 years. If for some reason he decides to sell the property in that time period the City would then pick up the remainder of the cost of those improvements if they haven't been paid off in time by the parking fees. That's his proposal and in return for that, he says he's adding paid public parking to the downtown.

Attorney McKeller said that he reviewed the proposal and it appears to him that an agreement of this sort would violate the North Carolina Constitution which requires public funds, no matter what their source, to be expended for the benefits of citizens of the unit generally, not solely for the benefit of a particular person or interest. Therefore, I would strongly recommend that this proposal not be accepted as it is essentially illegal.

M-5. American Legion Request of City to Snow Plow Parking Lot. Mr. Harrell explained the American Legion sent a letter from the Commander of the Brevard American Legion requesting that the City provide snow removal service for the Legion's parking lot. The letter states that the City has previously provided this service, however, according to the Public Works Director David Lutz, his crew has never provided this service.

Attorney McKeller said even though American Legion is a charitable organization and a Veteran's organization, the same rules apply and because it is a private parking lot, that's not something that the City would do and therefore would strongly recommend against the City extending any funds on assisting a specific individual entity like that.

M-6. Alternatives for Eliminating Deficit in Multi-Use Path Fund. Mr. Luebbe explained that in FY17, the City paid over \$700,000 for the Probart Street sidewalk from the Multi-Use Paths Fund. At the time a Due To//Due From was set up between the Multi-Use Paths Fund and the General Fund for \$650,000, with the intention of having the Multi-Use Path Fund "pay back" the General Fund at \$45,000 per year. This was done for the last four (4) fiscal years, so that at 6-30-2021, the Due To//Due From had been reduced to \$470,000. This arrangement resulted in the Multi-Use Paths Fund showing a deficit fund balance since FY18. This deficit fund balance is one of the items flagged on the City's data input sheet from the Local Government Commission (LGC) on the City of Brevard's most recent audited financial statements. The goals of the Interim City Manager and the Finance Director are to make changes to the City's financial management to ensure that no items are flagged in the LGC data input sheet. The item being addressed today is the deficit fund balance in the Multi-Use Paths Fund. We have two (2) options for consideration.

1. The City could elect to take out a bank loan for the work done in FY17 on the Probart Street sidewalk. The amount of the loan could be anywhere between \$470,000 (the amount showing as owed between the two funds at 6-30-2021) and \$700,000 (the amount actually spent on the sidewalk). For instance, at an estimated interest rate of 3%, with a five (5) year loan of \$470,000, the City would pay interest of \$43,133 under this scenario.

- 2. The City could, as learned in the past two (2) weeks from the Local Government Commission, also, elect to simply forgive the balance of the loan the Due To//Due From between the two (2) funds. From an accounting standpoint, this is very similar to the General Fund transferring an additional \$470,000 to the Multi-Use Paths Fund. On page 57 of the financial statements, under Note 12, it is noted that at 6-30-2021, the City had \$758,789 over our minimum fund balance policy. The City’s minimum fund balance policy states the City should maintain an available fund of 25% of budgeted expenditures. The City’s available fund balance percentage was 31.99% at 6-30-2021. If the Council elects to forgive the \$470,000 Due To//Due From at 6-30-2021, this percentage would have been 27.66%, and the City would have had \$288,789 over the minimum fund balance policy.

Given the recent information from the NCDOT that it cannot fund the additional estimated \$700,000 needed to replace the Railroad Avenue Bridge, in light of this additional cost needed for a failing bridge, staff recommends that consideration of the two (2) options be part of the Council’s FY23 annual budget preparations.

Mr. Luebbe added that these are the options and I think we decided that we would discuss this again in two weeks on February 23rd at our Strategic Planning Session. These are the two best options to get this deficit out of our books.

M-7. Ordinance No. 2022-01 Amending the FY2021-2022 Budget Amendment Number Four. Mr. Daniel moved, seconded by Mr. Jones to approve the Ordinance as presented. Motion carried unanimously.

**ORDINANCE NO. 2022-01
AN ORDINANCE AMENDING THE FY2021-2022 BUDGET
AMENDMENT NUMBER FOUR**

SUBJECT: Budget Amendment for Colwell Drive stormwater improvements

AGENDA INFORMATION

Agenda Location:	Consent Agenda
Department:	Finance
Contact:	Dean Luebbe, Finance Director

BRIEF SUMMARY: In September of 2021, the City contracted with First Victory to provide stormwater improvements at Colwell Commons. No monies were budgeted for this project in the original FY21-22 budget. The capital outlay line item in the Planning Department needs to be increased by \$31,100, with the revenue offset being Article 39 Sales Tax.

MOTION FOR CONSIDERATION: To approve Budget Amendment Four as submitted, increasing the budget in expenditure accounts

10-4900-7400 (Capital Outlay)	\$31,100
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And increasing the budget in the revenue account

10-3450-0000 (Article 39 Sales Tax)	\$31,100
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ATTACHMENTS: Backup Documentation

MANAGER’S RECOMMENDATION: Adopt as presented.

Approved and adopted this 7th day of February, 2022.

M-8. Ordinance No. 2022-02 Amending the FY2021-2022 Budget Amendment Number Five. Mr. Morrow moved, seconded by Mr. Daniel to approve the Ordinance as presented. Motion carried unanimously.

**ORDINANCE NO. 2022-02
AN ORDINANCE AMENDING THE FY2021-2022 BUDGET
AMENDMENT NUMBER FIVE**

SUBJECT: Budget Amendment for City Manager search firm, Baker Tilly.

AGENDA INFORMATION

Agenda Location: Consent Agenda
Department: Finance
Contact: Dean Luebbe, Finance Director

BRIEF SUMMARY: The City of Brevard has contracted with the firm, Baker Tilly, a national executive search firm, to assist the City in the selection of the next City Manager. The cost of this service will be \$24,500 and the revenue offset to this entry will be Article 39 Sales Tax revenue, as this line item is projected to be under budgeted by close to \$250,000.

MOTION FOR CONSIDERATION: To approve Budget Amendment Five as submitted, increasing the budget in expenditure accounts

10-4200-0925 (Professional Services) \$24,500

And increasing the budget in the revenue account

10-3450-0000 (Article 39 Sales Tax) \$24,500

ATTACHMENTS: Backup Documentation

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 7th day of February, 2022.

M-9. Ordinance No. 2022-03 Amending the FY2021-2022 Budget Amendment Number Six. Mr. Jones moved, seconded by Mr. Morrow to approve the Ordinance as presented. Motion carried unanimously.

**ORDINANCE NO. 2022-03
 AN ORDINANCE AMENDING THE FY2021-2022 BUDGET
 AMENDMENT NUMBER SIX**

SUBJECT: Budget Amendment for legal fees.

AGENDA INFORMATION

Agenda Location: Consent Agenda
Department: Finance
Contact: Dean Luebbe, Finance Director

BRIEF SUMMARY: Higher than anticipated legal fees in FY22 have required the City to amend the professional services line item in multiple departments by a total of \$107,700. The revenue offset to this entry will be Article 39 Sales Tax revenue, as this line item is projected to be under budgeted by close to \$250,000.

MOTION FOR CONSIDERATION: To approve Budget Amendment Six as submitted, increasing the budget in expenditure accounts

10-4200-0925 (Professional Services) \$ 6,100
 10-5450-0925 (Professional Services) \$94,200
 10-5100-0925 (Professional Services) \$ 5,600
 10-4400-0925 (Professional Services) \$ 1,800

And increasing the budget in the revenue account

10-3450-0000 (Article 39 Sales Tax) \$107,700

ATTACHMENTS: Backup Documentation

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 7th day of February, 2022.

M-10. Estatoe Trail Discussion. Mr. Harrell explained that the next steps in the development/construction of the Estatoe Trail that Council would like to see should be discussed. Mr. Ray explained that he passed out maps and other material to help

facilitate the discussion for our multi-use path priorities. The first priority is Whitmire to Main Street and that's currently under construction. That's the part of the bike path by the depot. The second priority is Main Street to the Mary C. Jenkins Community Center and that's a tricky section. We're working on trying to get rights-of-way and we have some topography issues as well. The third priority is from the Mary C. Jenkins Community Center through the Rosenwald Community to Rosman Highway. That's the section that we've been working with the DEQ on to get the Brownfield Agreement and now that we have that, we already own the land and we have permission to be able to construct our trail through that land and that's about 3/4 of a mile. Then getting across Rosman Highway is going to be a little tricky. We've been talking with an engineer to try to help us with that and we've talked to DOT engineers as well. We don't have any answers yet on that. We have a few easements to get and then we're on to the Transylvania County School Board's property of which we recently acquired an easement from them and that's close to a mile of easement that they granted us last year and that would take us all the way to the high school. I also got a cost estimate for designing, managing and constructing the trail system through the Tannery Park. If we have construction level drawings ready to go it will cost us \$44,000 to get those drawings and then we would look for funding sources to start constructing the path across the Tannery but we don't have those worked out yet. I was going to talk more about our ideas for funding in our Planning Session.

Mr. Morrow moved, seconded by Mr. Daniel, to pause priority two (Main Street to MCJCC) and move on with priority three (MCJCC to Rosman Highway) because we already own the land and took care of the issues with it. We have the possibility of extending the trail a significant distance. Motion carried unanimously.

M-11. Set Date for Council to Meet with Baker Tilly (City Manager Search Firm). Mr. Harrell explained that we need to have a closed session for a personnel matter and Baker Tilly's intent is to have the top ten from the list come to you via resumes prior to this meeting and the intent at that meeting is to narrow down who you would like to interview. Ms. Dinkins moved, seconded by Mr. Baker to have a closed session for a personnel matter on Monday, March 14, 2022 beginning at 6:00pm, with dinner, to review resumes of potential city managers. Motion carried unanimously.

M-12. Board and Committee Appointment(s).

Dangerous Dog Appellate Board. Mr. Morrow moved, seconded by Ms. Dinkins to appoint Thomas "Donny" Cantrell. His term will begin immediately and will expire in March, 2025. Motion carried unanimously.

Ecusta Trail Advisory Board. Ms. Dinkins moved, seconded by Mr. Baker to nominate Meredith Carli. Motion carried 4-1 with 1 nay from Mr. Morrow and Mr. Jones abstained from voting which by law shall be recorded as an affirmative vote. Mr. Daniel moved, seconded by Ms. Dinkins to nominate Lauren Wise. Motion carried 4-1. Mr. Jones abstained from voting which by law shall be recorded as affirmative.

M-13. (I-2.) Street Resurfacing w/Powell Bill Funds. Ms. Copelof said there is \$160,000 in this year's budget in the Powell Bill line item that has not been expended and for which we have no other pressing need to use those funds. We need approval from Council tonight to use those funds so that we can contract with the asphalt company and lock in the prices and get on the schedule to pave the roads that were listed under Phase One. Mr. Jones moved, seconded by Mr. Morrow to use the \$160,000 towards the FY 2022-2023 Phase One Paving Plan as presented and if staff thinks a change needs to be made as to whether or not to pave Probart Street because of upcoming construction, they may do so. Motion carried unanimously.

M-14. (I-3). Community Garden. Mr. Jones asked if people can purchase more than one plot and also if people from outside of Transylvania can purchase a plot. Ms. Copelof said that they hadn't talked about whether or not people can purchase more than one plot but they will discuss it. Also, they had not discussed whether someone outside

of Transylvania County can purchase a plot, but she believes that the agreement should state that the person must live in Transylvania County.

Mr. Baker said he believes that this should be referred back to the Parks, Trails & Recreation Committee for review and questions. One of the worst sewer overflows about thirty yards from this garden and Ive taken videos of the manhole overflowing. Ms. Copelof said they looked at the overflow issue and it's not an issue as the water does not flow that way. Last April this entire plan was briefed with the plot layout, with the location and just about everything that you see today. Then the project was put on pause because we didn't have the money. Last year it was briefed in the Parks, Trails & Recreation Committee last January, February, March, April and June.

Mr. Baker asked what the budget is for the garden and what will it cost to maintain it. Ms. Copelof said the money will be used for running a water line out there, to buy compost, to put up a garden shed, if we have to we'll use it to buy a hose and some garden tools, but I think we can get those donated. So we have a list of what we need and I think we can execute this garden with the \$8500 without a problem.

Mr. Baker asked if any outreach has been done in the Rosenwald/Silversteen community to see if they want to participate in this. Ms. Copelof said that we had outreach to all of Brevard, not just one community and also to groups like Rise and Shine, but we did not target one area for outreach, we went across the board.

Mr. Baker said I feel like most of my questions revolve around the process that was followed or not followed. We have all these committees and we should use them and I think this should be referred back to the Parks, Trails & Recreation Committee, to hear more about it and hear what other sites were considered and why this site made the top of the list and then we can take this up at our next meeting.

Mr. Daniel asked about the greenhouse. Who's going to take care of it? What's the maintenance on it? It wont be usable in the winter and I understand they're a lot of work. What's our insurance on it? Ms. Copelof said it will be the same way that we use volunteers at all of our other Parks, Trails & Recreation facilities. The idea is once this garden is created it would be self-sustaining by the community using it. Mr. Daniel said he agrees that we need to follow procedure and take it back to the Parks, Trails & Recreation Committee.

Mr. Morrow said that his very first question at the committee level was would anyone like to participate with the garden. The only comment came from a guy who believed in communy gardens and thought that it should be pursued and he was not against it. Maybe it's on me for not asking is anyone against it? I'm not worried about the process. I'm excited about the potential and the Parks and Trails Committee is not going to be the authority, you're the authority sitting up here. The Trails Committee is simply an advisory group. Their opinion doesn't really matter, it's your opinion. I think we're just buying time that we don't need.

Ms. Dinkins said the results from the survey that were done last June show that 53 people took the survey and Brevard has around 8,000 people which is less than 1%. The smallest percentage that's represented would be 5%. We are looking at something that was filled out by 53 people, 19 of which also sent letters and the second questions says "are you currently gardening on your property? Seventy percent said yes. 37 people said yes, 16 said no. I am just not convinced that we're actually planning a facility that people need. There's nice and there's necessary. I don't see what I'm being presented is showing me that this community garden, as nice as it sounds, is actually wanted by the people who live here. The part about cutting corners in the "process" is we lose out on the things we need to know before we either dedicate City land, City labor and/or taxpayer funds to anything. I want to know the probelmatics of this thing. I want to know how much money we need to put in it and how much money we expect to get out of it. I want to see a budget. I want the parking to be addressed. I want the flooding situation to be addressed. I have pictures of toilet paper and David Lutz split hairs with me about where the toilet paper ended, but its still something that needs to be discussed. I want to

talk about liability and insurance and this greenhouse has no electricity and no heat. I don't see this anywhere in my information packet. What I see is a happy story and that a lot of different groups will want to work together and that's great but that's the skeleton. This needs to go back and be flushed out, come back in a year. This is not its turn. We have a resolution for a bike path to be finished in 2021. The resolution we did for this, the ink isn't dry on it so we have some time. We don't need to build it this this year. Ms. Copelof added that in that very resolution, it talks about the garden being built in spring of 2022 and that is what that \$7500 was given to us for so if we are unwilling to proceed with the garden, we are going to have to return that money. Ms. Dinkins said that it is not site specific in the resolution and it now feels like a bait and switch and now I'm angry. I feel like I got tricked into signing a piece of paper that laid out very specifically what project we were talking about without mentioning what project we were talking about, so let's return the money and not take the greenhouse and make this a real public-private project where people come together, hold fundraisers, give things and promise labor and we'll figure out the regulations of how it is done. Ms. Copelof added that the resolution was sent out to all of Council to be reviewed before it was passed in December. There was no bait and switch and it was approved.

Mr. Morrow moved that we approve the community garden project as recommended. Motion failed.

Mr. Daniel moved, seconded by Ms. Dinkins, this proposal go back to the Parks, Trails and Recreation Committee for a more complete review and for some of the questions that have been raised to be answered before it comes back to City Council. Motion carried 4-1 with Mr. Morrow being nay.

N. Remarks/Future Agenda Considerations.

Mr. Baker confirmed that the Interim City Manager and Finance Director have a meeting on Monday, February 28th regarding the ARP (American Rescue Plan) Funding. Also, he thanked Attorney McKeller for his advice on all of the sticky situations that they're dealing with right now.

Mr. Jones said that going forward he hopes that this Council will have more respect and civility for each other. We should hold ourselves to a higher standard with more respect.

Mr. Morrow said in the police report there's a wonderful statistic where Brevard stands in relationship to crime, comparing us to the State and to the Southeast and I am pleased to live in a safe community.

Mayor Copelof announced that our next City Council meeting is a Strategic Planning Session on Wednesday, February 23rd in the Rogow Room at the Transylvania County Library and it is open to the public. We will have a facilitator from the North Carolina School of Government. On February 24th is the next Meeting with the Mayor at P.A.P.A. Lew Restaurant. You don't have to come to City Hall, I will come to you. February is Black History Month and I encourage everyone to participate in great community events going on. One is a poetry contest that the Mary C. Jenkins Community Center is putting on. The Mayor Pro Tem and I had our first monthly meeting with the County Commissioners and it was productive and positive and we will be doing this on a monthly basis and we may not always agree on things but having that dialogue is important and I'm proud that the City and County are working on things.

O. Closed Session(s) – Mayor Copelof asked the City Attorney if it would be appropriate for Council to hold a closed session to discuss a property acquisition. City Attorney advised pursuant to **GS § 143-318.11. (a)(3)(5)** 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.

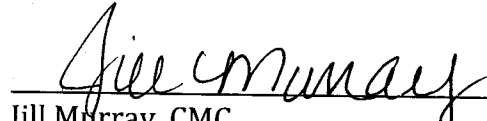
Closed Session #1 - At 9:57 p.m. Ms. Dinkins moved, seconded by Mr. Morrow to enter into closed session to discuss a property acquisition and clear Council Chambers. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager, City Clerk and Planning Director Paul Ray.

Council Returned to Regular Session - at 10:15 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, Mr. Jones moved, seconded by Ms. Dinkins, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 10:15 p.m.



Maureen Copelof
Mayor



Jill Murray, CMC
City Clerk

Minutes Approved: March 7, 2022