

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
April 4, 2022 - 5:30 PM**

The Brevard City Council met in regular session on Monday, April 4, 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, Aaron Baker, Maurice Jones and Geraldine Dinkins.

Staff Present – City Attorney Mack McKeller, Interim City Manager Steve Harrell, City Clerk Jill Murray, Finance Director Dean Luebbe, Police Chief Tom Jordan, and Public Works Director David Lutz.

Press – Jon Rich, Transylvania Times

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

B. Invocation – The Reverend Elizabeth Roles of St. Philips Episcopal Church offered an invocation.

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

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

E. Approval of Agenda – Mr. Harrell asked to pull Consent Agenda items K-1 as the property owner is not ready to move forward and K-3 as there was not enough time to advertise. Mr. Daniel asked to move New Business items M-3 Ordinance Amending the FY2021-2022 Budget Amendment Number 11-Powell Bill \$25,000 and M-4 ADA Policy to the Consent Agenda. Attorney McKeller added three closed sessions to the agenda. Mr. Morrow moved, seconded by Ms. Dinkins to approve the agenda as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Morrow moved, seconded by Mr. Daniel to accept the minutes from the March 21, 2022 regular meeting. Motion carried unanimously.

G. Public Participation –

Billy Sack of 69 W. French Broad Street, Brevard said that he has owned Brevard Tire for the last 9 years and we are in the middle of an issue permitting that property. The problem is one large property only had one permit so when his permit was revoked, it revoked me as well. I have my day tomorrow in front of the Board of Adjustment for my property and if I don't get this permit, I want to know if Council is ready to fight for a local business.

Frankie Gordon of 276 Silversteen Drive said that her concern and complaint is the portable pots, the one on Silversteen Drive and one on the playground. They're sitting on the front of the street and when I go outside, I'm looking at a bathroom two houses down from me. I don't like it. Two boys tried to turn it over but they saw me and didn't. Why can't they be put on the backside of the property and also somehow lock them up? When someone is in there, you can see their feet. I would like the City to make them more presentable and move them.

H. Certificates/Awards/Recognition –

H-1. Proc. 2022-04 Sexual Assault Awareness Month, April 2022. Mayor Copelof welcomed Melissa Smith, Caren Stewart, Hannah Huskey and Daniela Santos and read and presented the proclamation to them.

Proclamation No. 2022-04
Sexual Assault Awareness Month

April 2022

Whereas, nationally one in three women and one in four men will experience some form of sexual assault in their lifetime; and

Whereas, Sexual Assault Awareness Month draws attention to the fact that sexual violence is widespread and has implications for every community member; and

Whereas, there is compelling evidence that we can be successful in reducing sexual violence through prevention education, increased awareness, and holding perpetrators who commit acts of violence responsible for their actions; and

Whereas, we must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and

Whereas, anyone can be a leader in preventing and ending sexual violence. As employers, educators, parents, and friends, we all have an obligation to uphold the basic principle that every individual should be free from violence and fear; and

Whereas, sexual harassment, assault, and abuse can happen anywhere, including in online spaces. For too long harassment, cyberbullying, and sexual abuse and exploitation have come to be expected as typical and unavoidable behaviors online and

Whereas, the theme for **Sexual Assault Awareness Month** this year is "**Building Safe Online Spaces Together**," we encourage every person to practice digital consent, intervene when we see harmful content and behaviors, and promote online communities that value respect, inclusion, and safety.

NOW, THEREFORE, IT IS PROCLAIMED by the Mayor and City Council of the City of Brevard, North Carolina, the month of April as **Sexual Assault Awareness Month** and urge the citizens of Brevard to work together to eliminate sexual assault from our community, to keep our community members safe from this crime and to stand with survivors and victims of sexual assault.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 4th day of April, 2022.

H-2. Proc. 2022-05 Month of the Young Child & Child Abuse Prevention Month. Mayor Copelof welcomed Eileen Mouyard and Erin Drew and read and presented the proclamation to them.

Proclamation No. 2022-05
Month of the Young Child &
Child Abuse Prevention Month

Whereas, the youth-serving agencies of Transylvania County come together to celebrate The Month of the Young Child during the month of April 2022 to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs.

Whereas, children's cognitive, physical, social and emotional, and language and literacy development are built on a foundation of children's positive, safe, and nurturing interactions with adults, peers, and their environment.

Whereas, youth-serving agencies of Transylvania County are collaborating to establish a county-wide plan to prevent child abuse in our community and raise awareness about prevention measures.

Whereas, we work to improve opportunities for our children knowing they are vital to our state's future success, prosperity, and quality of life as well as being our most vulnerable assets;

Whereas, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

Whereas, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community;

Whereas, the youth-serving agencies of Transylvania County commit to investments that stabilize, sustain, and support child care and early learning so our community may continue to support children, families, and our economy through the ongoing pandemic crisis, recovery, and beyond.

Whereas, communities that provide parents with the social support, knowledge of

parenting and child development, and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential;

Whereas, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

Therefore, we proclaim April as The Month of the Young Child and Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders, and businesses to increase their participation in our efforts to support families, thereby supporting early childhood programs and preventing child abuse and strengthening the communities in which we live.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 4th day of April, 2022.

H-3. Proc. 2022-06 Arbor Day. Mayor Copelof welcomed the City's Public Works Director David Lutz and read and presented the proclamation to him.

Proclamation No. 2022-06
ARBOR DAY
Brevard, North Carolina

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, this is the 43rd year Brevard has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council, do hereby proclaim **April 29, 2022**, as **Arbor Day in the City of Brevard** and we urge all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and we urge all citizens to plant trees to promote the wellbeing of our present and future.

Adopted and approved this the 4th day of April, 2022.

H-4. Proc. 2022-7 National Police Week & Peace Officer's Memorial Day 2022. Mayor Copelof welcomed the City's Police Chief Tom Jordan and read and presented the proclamation to him.

Proclamation No. 2022-07
**National Police Week and
Peace Officer's Memorial Day 2022**
Brevard, North Carolina

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

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

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

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 34th Annual Candlelight Vigil, on the evening of Friday, May 13, 2022 and;

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

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

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

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council, call upon all citizens to observe Sunday, **May 15, 2022**, as "**PEACE OFFICER'S MEMORIAL DAY**" and **May 15-21, 2022** as "**NATIONAL POLICE WEEK**" in Brevard, North Carolina, and that all of our people join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In so doing, they have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Proclaimed this 4th day of April, 2022.

H.-5. Proc 2022-08 Historic Prevention Month. Mayor Copelof welcomed Melanie Spreen and Marcy Thompson and read and presented the proclamation to them.

**PROCLAMATION NO. 2022-08
HISTORIC PRESERVATION MONTH**

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

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

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

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

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

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

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council do hereby proclaim and recognize the month of May 2022 as Historic Preservation Month.
Adopted and approved this the 4th day of April, 2022.

I. Special Presentation(s) - None

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. Morrow moved, seconded by Mr. Daniel to approve the consent agenda as presented. Motion carried unanimously.

K-1. Resolution Directing the City Clerk to Investigate Sufficiency for Petition of Annexation-Pulliam Brevard, LLC - Pulled

K-2. Resolution No. 2022-08 Fixing a Date of Public Hearing, Annexation-Pisgah Forest Outdoors, LLC.

**RESOLUTION NO. 2022-08
A RESOLUTION FIXING A DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition was received on December 12, 2021, requesting the annexation of a contiguous area described in said Petition as the Pisgah Forest Outdoors, LLC, 11 Mama's Place, Pisgah Forest, NC 28768, consisting of 7.13 acres, more or less, be annexed into the City of Brevard. (Tax Property Identification Number: 8597-46-3093-000); and,

WHEREAS, the Brevard City Council has by Resolution No. 2022-04 directed the City Clerk to investigate the sufficiency thereof; and

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

WHEREAS, Resolution No. 2022-07 Fixing a Date of Public Hearing was scheduled for March 21, 2022 at 5:30PM, however, the advertising deadline was not met for such hearing.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by Pisgah Forest Outdoors, LLC., will be held at Brevard City Hall at 5:30 P.M. on the 18th day of April, 2022.

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

Metes and Bounds Property Description:

Beginning at a rebar marking the northwest corner of the parcel shown as Tract D on the Plat recorded in Plat File 16, Slide 363 and the same corner shown as Tract C (Revised) on the Plat recorded in Plat File 16, Slide 396, and being the southwest corner of the Hughes Tract (Book 210, Page 133), and then running with the Hughes line, North 82 degrees 15'03" East 222.20 feet to a rebar in a branch, the northwest corner of the Walmart parcel (Book 560, Page 344); then South 23 degrees 10'52" East 123.60 feet to a rebar; then South 34 degrees 48'26" East 161.11 feet to a rebar in a stump; then South 27 degrees 51'32" East 280.49 feet to a concrete monument; then South 06 degrees 51'31" East 8.35 feet to a concrete monument; then South 20 degrees 37'21" West 231.82 feet to a rebar; then continuing South 20 degrees 37'21" West to an iron rod set at the northeastern corner of Tract D (Revised) shown on the Plat recorded in Plat File 16, Slide 396; then North 69 degrees 23'38" West 129.95 feet to an iron pipe; then North 48 degrees 07'13" West 413.65 feet to a 1 3/4" iron pipe in the line of the U.S. Forest Service; then with the Forest Service line, North 05 degrees 01'25" East 514.33 feet to the point of Beginning; containing 7.13 acres, and shown as Tract C (Revised) on the Plat recorded in Plat File 16, Slide 396.

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

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

Adopted and approved this the 4th day of April, 2022.

K-3. Resolution Fixing a Date of Public Hearing, Annexation-EJ & Megan Scalf - Pulled

K-4. Approval of Pay Classification Grade for Community Services Director.

K-5. Housing Trust Fund Selection Committee Minutes-February 3, 2022.

K-6. Council Parks, Trails & Recreation Committee Minutes-February 16, 2022.

K-7. (M-3). Ordinance No. 2022-14 Amending the FY2021-2022 Budget Amendment Number Eleven.

ORDINANCE NO. 2022-14

**AN ORDINANCE AMENDING THE FY2021-2022 BUDGET
AMENDMENT NUMBER ELEVEN**

SUBJECT: Budget Amendment for additional paving costs.

AGENDA INFORMATION

Agenda Location:	New Business
Department:	Finance
Contact:	Dean Luebbe, Finance Director

BRIEF SUMMARY: In late February, the City was notified by JLS Company that an additional \$25,000 would be needed to complete the scheduled street paving projects due to additional work needed to complete paving of Probart Street and Cambridge Streets. These costs will be appropriated from the Powell Bill fund balance. At 6-30-2021, the City had \$72,292 in Powell Bill fund balance, and I estimate that

balance will be \$40,000 at 6-30-2022. The City is currently budgeting \$225,000 in expected Powell Bill revenue from the State in the upcoming FY22-23 budget.

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

10-5700-4500 (Contracted Services) \$25,000

And increasing the budget in the revenue account

10-3990-0400 (Fund Balance Approp – Powell Bill) \$25,000

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 4th day of April, 2022.

K-8. (M-4). ADA Policy.

L. Unfinished Business – None

M. New Business

M-1. Brevard City Cab Rate Change. Mr. Harrell explained that Pamela McCall, owner of Brevard City Cab, LLC. is requesting that City Council raise her taxicab rates from \$6.00 for the first mile to \$8.00 and from \$0.35 for each one-tenth of a mile of travel thereafter to \$0.40. The current Brevard code setting taxicab rates was last amended May 19, 2008. Mr. Daniel moved, seconded by Mr. Morrow to approve the ordinance as presented. Motion carried unanimously. Mr. Baker asked the City Attorney to look further into laws regarding Uber and Lyft.

ORDINANCE NO. 2022-13

**AN ORDINANCE AMENDING SECTION 78-34
OF THE CODE OF ORDINANCES OF THE CITY OF BREVARD**

WHEREAS, Section 78-34. Rates of fare; odometer; rate card of the Code of Ordinances of the City of Brevard has taxicab charges last set on May 19, 2008; and

WHEREAS, costs for gasoline and automotive repairs and accessories have risen substantially in the past fourteen (14) years;

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

Section 78-34 (a)(1) of the Brevard Code Ordinances be amended as follows:

- (1) Eight dollars for the first mile of travel and \$0.40 for each one-tenth of a mile of travel thereafter.

Approved and adopted this 4th day of April, 2022.

M-2. Ordinance Amending the FY2021-2022 Budget Amendment Number 10-Capital Improvement Grant Estatoe Trail \$125,000. - Pulled

M-5. Adopt Resolution No. 2022-09 to Accept One Block of S.R. 1351 as a City Street. Mr. Harrell explained that staff recently learned that the block of Railroad Avenue between Whitmire and French Broad Street is actually an extension of State right-of-way, i.e., S.R. 1351. The rest of Railroad Avenue between McLean Road and Probart Street is a City-owned street. This was determined when laying out the Estatoe Trail along this block. Mr. Jones moved, seconded by Mr. Baker to approve the resolution as presented. Motion carried unanimously.

RESOLUTION NO. 2022-09**A RESOLUTION TO REQUEST THE ASSUMPTION OF MAINTENANCE OF A CERTAIN BLOCK OF STATE RIGHT-OR-WAY S.R. 1351 ON RAILROAD AVENUE**

WHEREAS, the block of Railroad Avenue between Whitmire and French Broad Streets is currently a State-owned right-of-way S.R. 1351, and

WHEREAS, the City of Brevard wishes to assume maintenance of this certain block of Railroad Avenue, and

WHEREAS, to assume maintenance of a State-owned right-of-way requires the City Council to adopt a resolution requesting such from the N. C. Department of Transportation (NCDOT),

NOW, THEREFORE, BE IT RESOLVE BY THE CITY COUNCIL OF BREVARD, NORTH CAROLINA that it is requesting from the NCDOT that the City of Brevard assume maintenance of the block of Railroad Avenue; i.e., S.R. 1351, between Whitmire and French Broad Streets within the City of Brevard.

Approved and adopted this 4th day of April, 2022.

N. Remarks/Future Agenda Considerations.

Mr. Daniel asked the City Manager to work on the request made by Frankie Gordon during Public Participation regarding the portable potties.

Mayor Copelof thanked the County Commissioners for their support for the letter of endorsement for the RAISE Grant for the Ecusta Trail and I hope it's the first of many collaborations. I had a really good meeting with the State Treasurer. We met and discussed a number of topics including health care. We have a busy time coming up with events and I also want to remind people that this Saturday we have the Black History Poem Awards ceremony and we will hear the winning poems. The Arbor Day celebration will be on April 28th at 4:00pm at the community garden. We have training sessions coming up on traffic and roundabouts on April 28th at 6:30pm and April 29th at 11:00am in the Council Chambers at City Hall. Meet the Mayor is next week on April 12th at Bethel A Baptist Church from 6:00pm-8:00pm and then again on April 21st at WorkAbout Coffee from 8:30am-10:00am. Lastly, we are taking requests for plots in our new community garden and you can go to our City website or Facebook page to see how to get a plot. It's been a great job by our Public Works department and our volunteers.

O. Closed Session(s)

Closed Session #1 - At 6:28 p.m. Mr. Jones moved, seconded by Ms. Dinkins to enter into closed session for potential litigation and clear Council Chambers. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the Interim City Manager and City Clerk.

Council Returned to Regular Session – at 6:49 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

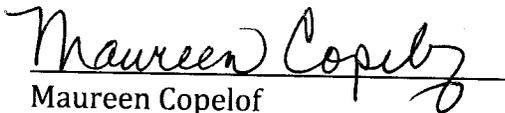
Closed Session #2 - At 6:49 p.m. Mr. Morrow moved, seconded by Mr. Daniel, to enter into closed session for pending litigation. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the Interim City Manager and City Clerk.

Council Returned to Regular Session – at 6:54 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

Closed Session #3 - At 6:54 p.m. Mr. Baker moved, seconded by Mr. Daniel, to enter into closed session for property acquisition. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the Interim City Manager and City Clerk.

Council Returned to Regular Session - at 6:59 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 Mr. Daniel, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 6:58 p.m.


Maureen Copelof
Mayor


Jill Murray, CMC
City Clerk

Minutes Approved: April 18, 2022