



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Tuesday, January 3, 2023 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Keith Thompson-Brevard Davidson River Presbyterian Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. Monday, December 5, 2022 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

I. Special Presentation(s)

J. Public Hearing(s)

K. Consent and Information

1. Tax Settlement Report-November, 2022
2. Parks, Trails & Recreation Committee Minutes-October 19, 2022
3. Public Safety Committee Minutes-October 24, 2022
4. Public Works & Utilities Committee Minutes-November 2, 2022
5. Downtown Master Plan Committee Minutes-October 12, 2022
6. Parks, Trails & Recreation Committee Minutes-November 16, 2022
7. Correspondence *(No Action. Offered as information only.)*
 - a. Proclamation 2022-23 George Sarros Day

L. Unfinished Business

1. Order-Closing a Portion of Street So Named Woodlawn Avenue-Gilligan
2. Main Street Sewer Improvements Contract Award / Main Street Water Improvements Change Order Authorization
Water Treatment Plant Improvements
3.
 - Accept Funding-ARPA Project Grant
 - Capital Project Ordinance
- a. Accept Funding-ARPA Project Grant
- b. Capital Project Ordinance

M. New Business

1. Resolution Supporting RAISE Grant Application
2. Municipal Advocacy Goals
3. City of Brevard Legislative Requests
4. City Council Meeting Schedule Amendment
5. Budget Amendment - Police Department - Governor's Crime Commission Grant
6. Budget Amendment - Fire - CPR Equipment
7. Paved Trails Feasibility Study Grant Program
8. Resolution of Support for Carbon Reduction Program Funding

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

Agenda Posted, Website, Sunshine List (December 29, 2022)
D. Hodsdon, City Clerk

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your Government" tab followed by "Council Agenda Packet" tab. Agenda packet materials are posted on Thursday afternoon prior to Council's Monday meeting.

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

The Brevard City Council met in regular session on Monday, December 5, 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, and Geraldine Dinkins.

Absent – Council Member Maurice Jones

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Community Center Director Tyree Griffin, ORC Water Treatment Plant Dennis Richardson, and ORC Wastewater Treatment Plant Emory Owen

Press – Jon Rich, Transylvania Times

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

B. Invocation – Norm Bossert of the Brevard Jewish Community offered an invocation.

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

D. Certification of Quorum – City Clerk Denise Hodsdon certified a quorum present. Mayor Copelof noted that Council Member Jones was absent due to illness and asked for a motion to excuse him. Mr. Morrow so moved, seconded by Ms. Dinkins. The motion carried unanimously.

E. Approval of Agenda – Mr. Morrow moved, seconded by Ms. Dinkins to approve the agenda as presented. The motion carried unanimously.

F. Approval of Minutes – Mr. Baker moved, seconded by Mr. Daniel, to approve the minutes from the November 21, 2022 meeting as presented. The motion carried unanimously.

G. Public Comment –

Clement Swift said I spoke at the last meeting regarding the proposed changes to the UDO, particularly regarding the permitting of manufactured home parks in the City and in the ETJ. I am here to review and reemphasize that because at the last meeting I got the sense that not everyone had delved deep into it and there was a lot of other intense discussions that may have distracted attention away from fully absorbing what I had to say. My concern is regarding the removal of the requirement for a special use permit for manufactured home parks, which I assume is an oversight on the part of the Planning Staff. They have done a good job overall making the UDO more clear, but in this case my assumption is that they consider the Manufactured Home Overlay District, which is what a lot of the ETJ is in, is reason enough to be able to install a manufactured home park. I feel that there is a big difference between installing a single manufactured home on one's property versus installing a whole park which could be, according to the rules, up to 40 acres and there are places of open farmland in the Brevard ETJ that are in the Manufactured Home Overlay District that could fit a very large park like that. I feel it is important to maintain the public oversight component of the special use permit for the reasons stated in the UDO of what the purpose of the special use permit is, which is to make sure that a project does meet the goals of the UDO and does not have a negative effect on neighboring properties. I think it is important to maintain the

public's involvement in that process and I would ask you to consider that and please ask the Planning Staff their reasoning behind making that change particularly.

Caiti Klassovity said I am a neighbor of Clem's and I am reiterating what he said, but wanted to give more of a personal account of why we think it is best to keep the special use permit in the UDO, which is we had a situation a few months back with the Planning and Zoning Board. There was a hearing and a special use permit was looking to be issued for some acreage behind us to build something that should not have been built. We ended up getting that denied for good reason, but had we not had the opportunity to come here and have a public hearing for the special use permit issue, we would currently have a 100-space RV park in our floodplain of a backyard, with very little backlash from the Zoning Board, they would have approved it. I understand you are trying to update the UDO and streamline certain things, which makes a lot of sense, but for this one I don't think cutting through the red tape and just saying the SUP is not necessary anymore will work. I hope you consider keeping it in there.

Lee Tuttle said I support what Clem has to say and I have nothing to add to his statements.

H. Certificates/Awards/Recognition –

H-1. Proclamation No. 2022-22 Kwanzaa. Mayor Copelof read the proclamation aloud.

Proclamation No. 2022-22 Kwanzaa Week Proclamation

WHEREAS, Kwanzaa is an observance week annually celebrated from December 26 to January 1 celebrating African American family, heritage, community contributions and culture throughout the world. The name 'Kwanzaa' translates to "first fruits of the harvest" in the Swahili.

WHEREAS, Kwanzaa was created by Dr. Maulana Karenga, professor and chairman of Africana Studies at California State University. Since 1966, Kwanzaa has been celebrated for a week with the lighting of a 7 prong candle holder, called a *Kinara*. Kwanzaa is organized with proclamations by mayors and city councils, festivities and events to recognize the significance of values and core principles. The three official colors are black, red and green which are symbolic and representative of Kwanzaa. The green color represents the hope for a better future, the red represents the struggle and barriers throughout history and the single black candle which is placed in the center represents African people.

WHEREAS, the 7 core principles include Unity, Self-determination, Collective Work and Responsibility, Cooperative Economics, Purpose, Creativity and Faith. Throughout the week there are fundamental activities of the ingathering of people, spiritual worship, commemoration of the past and commitments to positively build proactively for future generations.

WHEREAS, the City of Brevard, North Carolina, honors cultural diversity, equity and inclusion for all to enjoy. This city upholds a tradition to enrich the community with values, proactively preserve African American historical preservation and welcome all residents to participate in recognizing Kwanzaa as an opportunity to continue to unite.

WHEREAS, this city will continue to successfully build strong foundations, collectively embracing cultural diversity that empowers people of all faiths, ethnic backgrounds and focus on aspiring towards the future that educates and respects cultural diversity. Diversity strengthens our city socially, economically and improves the quality of life for all residents.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim December 26th, 2022 to January 1, 2023, as **KWANZAA WEEK** in the City of Brevard and commend its observance to all citizens.

Signed this 5th day of December, 2022.

I. Special Presentation(s) – None.

J. Public Hearing(s) –

J-1. Order-Closing a Portion of Street So Named Woodlawn Avenue-Gilligan. Paul Ray explained that the City Clerk received a petition from Robert and Ainsley Gilligan and Jonathan and Laura Merrill to permanently close a portion of an unimproved right-of-way reserved for a public street, approximately 0.263 acres in size. On November 3, 2022, Council adopted Resolution 2022-34 declaring the intent to permanently close a public street, which directed the City Clerk to advertise for tonight's public hearing. As required by General Statute 160A-299, the Resolution was published in the Transylvania Times newspaper once a week for four consecutive weeks prior to tonight's hearing, a copy was sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing was prominently posted in at least two places along the street or alley.

The street infrastructure on the southern end of Woodlawn Avenue was never built, and has remained an unimproved, platted right-of-way since 1926. It extends south, approximately 414 linear feet, from where it intersects with E. French Broad Street. The petitioners are proposing to close approximately 282 linear feet of the unimproved Woodlawn Avenue. This would leave approximately 132 feet without access to public road frontage. There are no public utilities within this unopened right-of-way and therefore no utility easements the city would need to retain. Staff tried contacting the property owners adjoining the small remnant of right-of-way by leaving a letter for them and a map showing the section of the remaining right-of-way, but received no response.

The statute states that if it appears to Council, after conducting the hearing, that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity would thereby be deprived of reasonable means of ingress and egress to their property, Council may adopt an order closing the street or alley.

Public Hearing Public Participation – Mayor Copelof opened the public hearing at 5:51 p.m.

Richard Daniel, Attorney with Ramsey, Pratt and Camenzind said I was retained by the Gilligans to file this petition and have been in contact with the Merrills. In examining this right-of-way closure I don't see any utilities going through there. All of the adjacent lots already have road access outside of this potential closure of Woodlawn Avenue.

Robert Gilligan, the petitioner, commented that Yann and Mary Dryselius are supportive of this. I have spoken with them a number of times. They wished to join in on this, but didn't have the opportunity to have the survey done adjacent to their property in time for the filing.

Richard Dowdy said I am a former petitioner for a street closure and abandonment and I am very familiar with the process. I have reviewed and had discussion with Mr. Daniel and I am very supportive of the effort and I encourage your support and approval of the order before you.

Public Hearing Closed – There being no further questions or comments, Mayor Copelof closed the hearing at 5:54 p.m.

Mayor Copelof explained that this was presented tonight as information only with no expected vote, and will come back for a decision at the next meeting.

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. Baker to approve the consent agenda as presented. Motion carried unanimously.

K-1. Staff Reports:

a. Finance Report for Period Ending October 31, 2022

K-2. Rosenwald Community Advisory Board Minutes-October 20, 2022

K-3. Finance & Human Resources Committee Minutes-October 24, 2022

K-4. Correspondence *(No Action. Offered as information only.)*

a. Transylvania County Building Permit Activity-November, 2022

L. Unfinished Business –

L-1. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3, 4, 10 and 19-Use Matrix Definitions and Standards.

Aaron Bland recalled that this is a Staff-initiated text amendment that clarifies, consolidates, and adds new use definitions and standards in logical groupings to improve the usability and efficiency of our UDO. City Council conducted a public hearing on the text amendment at its November 21, 2022 regular meeting.

Mr. Bland explained the decision to take away the special use permit requirement that was brought up during Public Comments. That was changed to just reflect the Manufactured Home Overlay District in the Use Matrix. The whole idea of that overlay district is that is where manufactured homes are appropriate. The idea is that, with that in mind, those areas are the most appropriate areas for those types of housing and we can rely on that. If we want to change that geography of where we think those are appropriate, we can change that overlay district, and new manufactured home parks have their own special standards in Chapter 3 that they have to meet. The idea was that there are so many regulations on new manufactured home parks that we aren't really sure what other conditions the Board of Adjustment could even apply to them when reviewing them. But that is an extra layer of oversight that is at your disposal to use as you see necessary, and is something you could put back in place if you choose.

Mr. Morrow moved, seconded by Mr. Daniel to approve the amendments to City of Brevard Unified Development Ordinance Chapters 2, 3, 4, 10 and 19. Following brief discussion, the motion carried unanimously.

ORDINANCE NO. 2022-76

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 2 – DISTRICT PROVISIONS, CHAPTER 3 – ADDITIONAL USE STANDARDS, CHAPTER 4 –
GENERAL LOT AND STRUCTURE PROVISIONS, CHAPTER 10 – PARKING STANDARDS, AND
CHAPTER 19 – DEFINITIONS**

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 2 – District Provisions, Chapter 3 – Additional Use Standards, Chapter 4 – General Lot and Structure Provisions, Chapter 10 – Parking Standards, and Chapter 19 – Definitions be amended; and,

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

2015 Comprehensive Plan:

1. OBJECTIVE 2.1: Expanded tax base. As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.
 - a. POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction
2. OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.
 - a. 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.

- b. 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.
3. OBJECTIVE 4.2: Develop a system of “complete neighborhoods” throughout Brevard. (This is a multi-faceted objective that will rely on objectives and policies from other elements as well.)
 - a. POLICY 4.2.A Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.
4. OBJECTIVE 4.4: Enhanced connections, relationships, and collaborations between the City and its citizens and community organizations.
 - a. POLICY 4.4.C: Promote a politically empowered and engaged community by educating citizens regarding the mission, objectives, and capacities of the City of Brevard.

2002 Land Use Plan:

1. GOAL 2.5: Ensure efficient and appropriate use of available land.
2. GOAL 6.5: Preserve, with controlled, proactive planning, the existing qualities of Brevard neighborhoods and set qualitative standards for new development which provides individual freedom without sacrificing community cohesiveness and common good.

and,

WHEREAS, a public hearing was conducted on Monday, November, 21, 2022, 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 2, Chapter 3, Chapter 4, Chapter 10, and Chapter 19 are hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

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

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

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

Adopted and approved upon first reading this the 5th day of December 2022.

L-2. Proposed Amendments to City of Brevard Code of Ordinances Section 77.8-Camping (Bracken Preserve Management Rules). Mr. Hooper explained that this is to clarify and amend the code regarding camping in Bracken Preserve. The current language states that the number of persons at a particular site may be limited by the park manager. Since the City does not employ a park manager, the recommendation is to change “park manager” to “City”. Mr. Morrow moved, seconded by Ms. Dinkins to approve the amendment. The motion carried unanimously.

ORDINANCE NO. 2022-79

**AN ORDINANCE AMENDING SECTION 77-8 (b)
OF THE CODE OF ORDINANCES OF THE CITY OF BREVARD**

WHEREAS, Section 77-8 (a), of the Code of Ordinances of the City of Brevard was last updated in 2021; and

WHEREAS, staff have recommended that a clarifying change be made to the ordinance, and that references to a non-existent “park ranger” be eliminated.

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

Section 77-8 (b) of the Brevard Code Ordinances be amended as follows:

- (b) Unless otherwise provided in this section, the number of persons camping at a particular site may be limited by the city depending upon the size of the group and the nature of the campsite.

Approved and adopted this 5th day of December, 2022.

L-3. Updates to City Council Committee Process. Mr. Hooper recalled that these changes were presented publicly at the November 21, 2022 Council meeting and Council is asked to formally adopt the resolution memorializing the reforms to its committee process. He noted that there are no changes to the Code of Ordinances at this time, however there are a couple of ordinance changes that will stem from this that he will bring to Council in the future. One is in regards to eliminating the Personnel Board from our Code and the other is to remove the Recreation Advisory Committee from our Code, as our Parks, Trails & Recreation Committee is serving that purpose. Mr. Morrow moved, seconded by Mr. Baker to adopt the Resolution Updating the Structure of Brevard City Council Committees. The motion carried unanimously.

RESOLUTION NO. 2022-40

RESOLUTION UPDATING THE STRUCTURE OF OF BREVARD CITY COUNCIL COMMITTEES

WHEREAS, the City of Brevard initiated five (5) new City Council Committees on April 20, 2015 to operate as policy review and discussion arms of the City Council. Those committees were to review policy matters referred to them, inform, educate, and advise Council on programs and issues. Those Committees were not to be involved in administering or directing city staff, but to be policy and program advocates; and

WHEREAS, city staff were made permanent voting members of the five (5) committees, which is incompatible with their role as neutral executors of policies set by the elected body; and

WHEREAS, the five (5) committees were formed by separate resolutions which have subsequently been individually amended from time to time to adjust membership and purpose; and

WHEREAS, the Brevard City Council wishes to further refine the committee structure; and

WHEREAS, Policy Committees shall have the primary task of evaluating policy proposals on behalf of the City Council, and making recommendations to the full Council; and

WHEREAS, Advisory Groups shall consider and advise Policy Committees and/or City Council on the scope, timeline, methods, community voice, and industry best practices of a particular matter. They may be both standing committees meeting regularly, and specialized bodies meeting on time limited basis (e.g. Task Forces); and

WHEREAS, Statutory/Code Committees shall be constituted, and act, in accordance with their establishing legislation; and

WHEREAS, the City Council held an evening workshop on November 9, 2022 to discuss the committee process, and came to agreement on a number of reforms that were presented publicly on November 21, 2022; and

WHEREAS, to implement the updates described herein no updates to the City Code are required, so the City Council wishes to formally memorialize the reforms in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Brevard City Council that:

- 1.) These committees are designated as Policy Committees
 - a. Finance, Human Resources, and Citizen Appointment Committee
 - b. Public Safety Committee
 - c. Public Works and Utilities Committee
 - d. Housing Committee (formerly Housing Trust Fund Selection Committee)
- 2.) These committees are designated as Advisory Committees
 - a. Downtown Master Plan Committee
 - b. Parks, Trails, and Recreation Committee
 - c. Rosenwald Community Advisory Board
 - d. Ecusta Trail Advisory Board (Task Force)
 - e. Short Term Rental Task Force
- 3.) These committees remain Statutory/Code committees:
 - a. Planning Board
 - b. Board of Adjustment

- c. Alcoholic Beverage Control Board of Directors
 - d. Firefighters Relief Fund Board
 - e. Terrell L Scruggs Scholarship Trust Committee
- 4.) City staff are removed as voting members of all committees. Staff shall participate in committees only in an advisory role. Staff will not count towards quorum calculations. Voting seats vacated by staff shall not be refilled.
- 5.) Policy Committees are reconstituted to have three voting members: two members of City Council as appointed by the Mayor in consultation with the full Council, and one citizen member appointed by the City Council. The citizen member shall be a resident of Brevard.
- a. The new Housing policy committee may have auxiliary members as needed to vote on the distribution of federal funds, if such funds stipulate that the normal three-member body is insufficient for such purposes.
- 6.) Other than the removal of city staff as voting members as described above, the membership structure of Advisory and Statutory/Code committees shall remain as constituted, with the following exceptions:
- a. The Rosenwald Community Advisory Board membership shall be made up of two elected officials and six at-large members of the Rosenwald Community. Of those six at-large members, four seats are designated for members of the Mary C Jenkins Community and Cultural Center board of directors, and two are designated for unaffiliated Rosenwald residents
 - b. The Finance, Human Resources, and Citizen Appointment Committee may review and recommend changes to the composition of Advisory Boards at its discretion.
- 7.) To be eligible for appointment to an Advisory Committee, a participant must be deemed by the appointing authority, Brevard City Council, to be vested, with a personal or professional stake in the affairs of the City of Brevard or in the commerce of the community. City residency is not required.
- 8.) The Finance, Human Resources, and Citizen Appointment Committee is hereby designated as the Policy Committee to oversee the recruitment, vetting, and selection of committee/advisory group participants. Finance, Human Resources, and Citizen Appointment Committee shall seek feedback on candidates from the committees/advisory groups.
- 9.) Committee/Advisory Group agenda shall be created by staff in cooperation with the committee chairperson. Items may be added by the chairperson at his/her discretion, administratively by the City Manager, or via referral from the full City Council.
- 10.) The committee chairperson is granted flexibility on meeting rules of procedure.
- 11.) The provisions of this resolution supersede the related provisions of the below resolutions. Unaffected provisions of the below resolutions remain in effect:
- a. Public Works and Utilities, Resolution 2015-12
 - b. Public Safety, Resolution 2015-13
 - c. Parks, Trails, and Recreation, Resolutions 2015-14, 2015-21
 - d. Finance and Human Resources, Resolution 2015-15
 - e. Downtown Master Plan, Resolutions 2015-16, 2015-21, 2017-04
 - f. Housing Trust Fund Selection Committee, Ordinance 2012-02, and Resolutions 2016-19, 2019-03, 2021-07
 - g. Rosenwald Community Advisory Board, Resolution 2021-23

Adopted and approved this the 5th day of December, 2022.

L-4. Lease Agreement with Transylvania Youth Soccer Association (TYSA).

Attorney McKeller recalled that in June of this year, the City entered into a Memorandum of Understanding (MOU) with Transylvania Youth Soccer Association (TYSA) because TYSA is going to be doing some improvements to the soccer field at the Brevard Sports Complex. As a part of that MOU, he was instructed to enter into negotiations with the attorney for TYSA, with the guidance of the Parks, Trails & Recreation Committee, regarding a long-term lease for the field. He noted that the lease provides for a leasehold control of the area that is the current soccer field by TYSA for a period of 20 years and is renewable automatically at the end for 5-year periods unless either side decides to terminate it. One reason for the length of that time is that it is the intention of TYSA is to spend approximately \$1.3M through donations for the purpose

of putting in a turf soccer field, along with fencing, bleachers and lighting. Because of that TYSA wanted to insure that if they are securing the donations, they would have the primary benefit of the field. TYSA will build and maintain the field according to the manufacturer's standards for 20 years, build and construct bleachers and fencing, and build and construct light poles designed to additionally provide lighting for the adjacent skate park if the City desires to do so. The City would be responsible for maintenance of the light bulbs and paying for the electricity.

Mr. Morrow moved, seconded by Mr. Baker to approve the lease agreement as presented.

During discussion, Mr. Daniel asked how much the lightbulbs for the lighting fixtures cost. TYSA Executive Director Caitlyn Murray said that they have not yet decided on a vendor, but they do have estimates they can provide as a follow up. She said all the bids have a 10-year warranty. Mr. Baker pointed out that the City will not be responsible for the initial purchase of the bulbs, but only for replacing the bulbs. Mr. Hooper found some information online that indicates that the bulbs cost approximately \$75 to \$80 each and he estimated that it would be approximately \$10,000 every 10 years to replace the bulbs. Vote on the motion was unanimously in favor.

RESOLUTION NO. 2022-41

RESOLUTION APPROVING A LEASE AGREEMENT WITH TRANSYLVANIA YOUTH SOCCER ASSOCIATION

WHEREAS, upon consideration of a proposal by the Transylvania Youth Soccer Association (TYSA) to make improvements to the Ecusta Field, a City-owned facility at 324 Ecusta Road, the City of Brevard negotiated a lease agreement with TYSA, the details of which are recorded in the Lease Agreement;

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BREVARD that the Lease Agreement with TYSA, a copy of which is attached hereto, be and is hereby approved and the City Manager is authorized to execute the Lease Agreement.

Approved and adopted this 5th day of December, 2022.

M. New Business –

M-1. City Council 2023 Meeting Schedule. Mr. Hooper presented the proposed meeting schedule for 2023, but pointed out that it is incomplete because we will need to add some dates for Strategic Planning Session, which he recommended be held in February. He also asked that Council move to cancel the December 19, 2022 meeting. Mr. Daniel moved, seconded by Mr. Baker to approve the 2023 meeting schedule and to cancel the December 19th meeting. The motion carried unanimously.

M-2. Award Asset Inventory and Assessment Grant Contract. Mr. Hooper explained that the City received a \$387,500 grant from the State to do an asset inventory of our water and sewer infrastructure. These projects are helpful planning tools as they evaluate the location and condition of our underground infrastructure and help us figure out what we need to do to replace it over the course of the coming years. It is complicated engineering work and we put out a public RFQ. Staff is recommending awarding two separate contracts to Summit Engineering Group, one for the water system and one for the sewer system. Council is asked to approve the necessary budget and project ordinances and approve the resolution authorizing the City Manager to execute the contracts with Summit Engineering. Mr. Morrow moved, seconded by Mr. Daniel to approve the resolution and budget and project ordinances. Following discussion, the motion carried unanimously.

RESOLUTION NO. 2022-42

AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT WITH SUMMIT ENGINEERING

WHEREAS, the City of Brevard has received a \$375,000 grant from the State of North Carolina to conduct an Asset Inventory Assessment (AIA) for its water and sewer infrastructure;

WHEREAS, the inventory and assessment shall be conducted by a professional engineering firm with familiarity in municipal water and sewer systems;

WHEREAS, an open Request for Qualification (RFQ), and staff recommends awarding the contract to Summit Engineering based on their qualification and expertise.

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

The City Manager (or his designee) is hereby authorized to execute two contracts with Summit Engineering for a total of \$431,500 for AIA work.

Approved and adopted this 5th day of December, 2022.

ORDINANCE NO. 2022-77
CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT
FOR WATER AND SEWER ASSET INVENTORY AND ASSESSMENT GRANT

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project will provide a detailed assessment of the City’s water and sewer system which will improve the ability of staff in short and long term capital budgeting. This project will assess and document the size, material, age, and condition of the existing wastewater and drinking water infrastructure, create a database of the information, and a replacement schedule.

Section 2: This project is funded through two asset and inventory grants from the North Carolina Department of Environmental Quality totaling \$387,500, and a \$44,000 transfer from the Water and Sewer Utility Fund.

Section 3: The following amounts are appropriated for the project:

Account Number	Account Name	Budget Amount
31-8540-4900	W/S Asset/Invent Assessment	\$431,500

TOTAL PROJECT APPROPRIATION **\$431,500**

Section 4: The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
31-3760-0140	AIA Grant	\$387,500
31-3760-1907	Transfer from 30 - AIA	\$44,000

TOTAL PROJECT REVENUE **\$431,500**

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 5th day of December, 2022.

ORDINANCE NO. 2022-78
AN ORDINANCE AMENDING THE FY2022-2023 BUDGET
AMENDMENT NUMBER 2022-18

SUBJECT: Budget Amendment to transfer \$44,000 from the Water and Sewer Utility Fund to cover the City’s portion of the \$431,500 Asset and Inventory Assessment..

AGENDA INFORMATION

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

BRIEF SUMMARY: The City wishes to commit \$44,000 for a Water and Sewer Asset and Inventory Assessment. The City was awarded a \$387,500 grant in August of 2022, and the total cost of the study is estimated to be \$431,500.

MOTION FOR CONSIDERATION: To approve Budget Amendment 2022-18 as submitted, increasing (decreasing) the budget in expenditure accounts

30-6600-9407 (Transfer to Fund 31 - AIA) \$44,000

And increasing the budget in the revenue account

30-39900-0000 (Fund Balance Appropriated) \$44,000

ATTACHMENTS: None

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 5th day of December, 2022.

M-3. Board and Committee Appointment(s).

a. Board of Adjustment. Mr. Ray explained that the Board of Adjustment is made up of 8 members serving 3-year terms. Three members and two alternates reside within the city limits and are appointed by City Council. Two members and one alternate reside within the ETJ and are appointed by the County Board of Commissioners. Currently the Board of Adjustment has a number of vacancies, one of which is a City Council appointed seat. All of the County appointed seats are currently vacant. Though the board can conduct business with its current roster of 4 members, attaining a quorum is harder and all variance requests would have to be unanimous. Board Chair Kevin Jones attended the last Finance & Human Resources Committee meeting and requested that the committee consider recommending reappointment of Tad Fogel, whose term recently expired, under the current appointment method rather than waiting until later to appoint under the new method. The committee agreed to recommend the reappointment and bring it to the full Council for consideration. Mr. Morrow moved, seconded by Mr. Baker to approve the appointment of Tad Fogel to the Board of Adjustment. Following discussion, the motion carried unanimously.

N. Remarks/Future Agenda Considerations.

Mr. Daniel said I want to wish everyone a Merry Christmas and Happy Holidays and I look forward to seeing you in the New Year.

Mr. Baker said I want to have a mini celebration because, while there are still some minor things to do, the Estatoe Trail did reach Main Street as of a couple days ago and it's looking good. This is an important symbolic step to have the trail actually reach Main Street and connect to some of our other neighborhoods. I look forward to that continuing in the future. We have already had a brief discussion at the committee level about potential funding of the next sections and I look forward to talking about that some more.

Ms. Dinkins said I wanted to add that with all the excitement of reaching Main Street that we do need to move quickly on the crossings and some of those safety hazards. I do see people out there who are very excited to use the bike path and have spatial awareness that they are about to cross Probart Street, which at that point is a very fast street for cars who are also not aware that now they have to deal with bikes crossing blissfully at pedaling speed over the roadway. I would like to hear an update on the progress of the parking lot at the Mary C. Jenkins Community & Cultural Center. I don't see it accommodating cars anytime soon.

Mr. Morrow said I wish everybody a Merry Christmas and if you haven't stopped by to see the upgrade of landscape at the Wilson Road pump station, please do. Thank you to the City.

Attorney McKeller said I wish everybody a Happy Holiday season.

Mr. Hooper said the Public Safety Committee met on Friday afternoon and discussed the time and date of the public engagement meeting that the full Council directed us to have regarding the camping ordinance. That meeting has been set for Wednesday, January 4th at 6:00 pm at the Mary C. Jenkins Community & Cultural Center. I would also like to report that our annual audit has been completed and submitted to the State. Dean and I have been going over it and we will be bringing the auditor in after the first of the year to review the results of the audit with us, but I can say that we are in a good financial position and the audit was unmodified.

Mayor Copelof said I want to thank everybody that was part of the wonderful Holiday Parade and Light Up the Night on Saturday. Events like that don't happen without a lot of extra work by our staff and I want to thank all staff that worked so hard. I want to thank the Chamber of Commerce who did a great job putting that parade together. We had 60 floats and a big thank you to everybody who had their float in the parade. Our partner Heart of Brevard did Light Up the Night and we had a wonderful joint lighting of the Christmas tree by all of the County and City elected officials. I encourage everybody to enjoy the holiday season, but to also watch out for your neighbors. This can be a difficult for some people, especially those who are alone during the holidays. Tomorrow we are hosting the Western North Carolina Leadership Forum at the Mary C. Jenkins Community & Cultural Center. We are excited to show off the community to four other counties and other cities around the region. The focus of the meeting is to continue discussions that started last January on how we can improve access to affordable housing in Western North Carolina. This focus is going to be on actions that require a regional lobbying effort for our representatives in Raleigh. On Wednesday, we have the General Consul of France in Atlanta coming to award the French Legion d' honneur Medal to George Sarros, a 97-year old WWII Navy vet who served on an LST on D-Day and made 65 crossings on the channel on D-Day and the following days. This is the highest award that the Country of France can give. There will be a ceremony at 1:00 pm at the gazebo if good weather, or at the Election Center Conference Room if it is not good weather. The next "Meet the Mayor" is on December 15th from 10:00 am to noon at the Mary C. Jenkins Community and Cultural Center. Last Thursday, the USDOT released the call for applications for the RAISE Grant series and we are in discussions with our partners DOT, Henderson County, etc. about the possibility of applying again for the Ecusta Trail. This would have no real cost for us and would give us another option. We are still hoping that our last grant application for the NSFLTP Grant is successful, but we won't know that until February. Today is my one-year anniversary as Mayor and I want to thank everybody, especially our incredible staff, who over the past year has done such a great job. It has been a year of changes, a year with 4 city managers and a lot of things going on. I also want to thank our community partners and tonight is an example of what I mean by community partners. That's how we get a lot of things done here, and TYSA is an example of a great community partner, stepping up and helping make this town better for the kids. I want to thank our citizens who over the past year have been so great providing input and telling me what you want to see and what you want your elected officials to do. It comes down to everybody working together and the collaboration and teamwork across the board. When I look back over this last year, we have accomplished an incredible amount. We got the Estatoe Trail to Main Street, we opened the Mary C. Jenkins Community & Cultural Center, we opened Clemson Plaza, we created a community garden, we've increased the focus on maintenance and Public Works has been doing an incredible job taking care of our City, we have a great working relationship with the County with meetings every month to go over areas where we can collaborate even more, we have received over \$3M in grants for improving our infrastructure, we got a \$1M grant to start engineering the Ecusta Trail, and we have made progress on the housing issue. From my perspective as Mayor, Brevard is a dynamic, vibrant and active city and we are able to accomplish so much because of the strength of our staff, our elected officials and our citizens who work with us on those common goals. Thank you everybody for this year and I look forward to 3 more wonderful years accomplishing a lot more.

O. Closed Session(s) –

Closed Session #1 – At 6:55 p.m. Mr. Daniel moved, seconded by Mr. Baker to enter into closed session for potential litigation and to clear Council Chambers. Motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were the City Manager Wilson Hooper, Police Chief Tom Jordan, Planning Director Paul Ray and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 7:11 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 7:11 p.m. Ms. Dinkins 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 City Manager Wilson Hooper, Planning Director Paul Ray and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 7:22 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.

Before adjourning the meeting, Attorney McKeller advised the Council that the closing for the Bracken Preserve property acquisition did not happen because a survey needs to be done prior to closing.

P. Adjourn – There being no further business, at 7:23 p.m. Mr. Daniel moved, seconded by Ms. Dinkins, that the meeting be adjourned. Motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: January 3, 2023



CITY of BREVARD

The mission of the City of Brevard is to promote a high quality of life, support economic prosperity, and cultivate community while honoring its heritage and culture.

TAX SETTLEMENT REPORT FOR MONTH ENDED NOVEMBER 30, 2022

Tina Tanner, Tax Collector

CITY OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING NOVEMBER 30, 2022

UPDATED: 12.04.2022

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
2022	\$ 39,439.51	\$ 3,782,522.45	\$ 447,238.21	\$ 139,011.26	\$ 145,361.00		
2021-2011	\$ 12,223.32	\$ 13,357.82	\$ 5,517.48	\$ 3,889.22	\$ 2,791.16		
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTAL:	\$ 51,662.83	\$ 3,795,880.27	\$ 452,755.69	\$ 142,900.48	\$ 148,152.16	\$ -	
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2022							\$ 4,553,572.43
2021-2011							\$ 37,779.00
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,591,351.43

HEART OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING, NOVEMBER 30, 2022

UPDATED: 12.04.2022

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2022	\$ 582.83	\$ 69,020.13	\$ 17,026.88	\$ 5,036.34	\$ 5,594.11	
2021-2011	\$ 106.50	\$ 316.06	\$ 1,447.91			
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ 689.33	\$ 69,336.19	\$ 18,474.79	\$ 5,036.34	\$ 5,594.11	\$ -

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2022							\$ 97,260.29
2021-2011							\$ 1,870.47
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 99,130.76

MINUTES

City Council Parks, Trails, & Recreation Committee

Wednesday, October 19, 2022 at 3:30 PM
City Hall Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Aaron Baker, Vice-Chair, Council Member
Wilson Hooper, City Manager
Paul Ray, Planning Director
Nancy DePippo, Citizen Member
Matt Christian, Citizen Member (via Zoom)
Ryan Olson, At-Large Member (via Zoom)

Absent: David Lutz, Public Works Director
Howie Granat, Citizen Member
Tim Robinson, Citizen Member

Staff Present: Denise Hodsdon, Executive Assistant

Media: Jonathan Rich, *Transylvania Times*

A. Welcome & Call to Order

Committee Chair Mac Morrow welcomed everyone and called the meeting to order at 3:36 pm.

B. Certification of Quorum

Quorum was certified by Executive Assistant Denise Hodsdon.

C. Approval of Agenda

Motion by Mr. Christian, seconded by Ms. DePippo, to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes from September 21, 2022 Meeting

Motion by Ms. DePippo, seconded by Mr. Christian, to approve the minutes of the September 21, 2022 meeting as presented. The motion carried unanimously.

E. Bracken Preserve Acquisition

Mr. Hooper noted that the deadline for the acquisition of the parcel to expand Bracken Preserve is at the end of November and it is time to start thinking about how we are going to make it happen. He asked Mr. Olson to give an update on the status of fundraising and next steps.

Mr. Olson reported that as of a few days ago fundraising had exceeded the half-way point of the \$300,000 purchase price, with approximately \$150,000 to \$160,000 raised to date. Yesterday, he has received notice of another \$7,000 not included in that total. He said there are still some pending asks out there that he hopes to hear back on by the end of the week. Mr. Olson reported that the Brackenfest event was an overwhelming success and raised \$32,000 between the ride, rider sponsors and silent auction. Mr. Olson added that there is still a fundraising push, but he has heard from more than one donor that having the City at the table will be some good leverage that could be the difference maker for some donors.

Mr. Hooper informed the committee that he will be bringing a presentation to City Council regarding the numbers at its November 7th meeting with information from Conserving Carolina on the mechanics of the closing and some things they can do to help make the closing go smoother, and also a question about the funding gap. The purchase price is \$300,000 and we are at approximately \$160,000 now and there is the possibility of more donations to close that gap, but since we do have a deadline, the City is probably going to have to participate financially. He believes that the request will likely be that the City fully fund the gap and continue fundraising and any additional fundraising that comes in will come back to the City.

F. Little League Lease Agreement Proposal

Mr. Hooper explained that the current lease divides the responsibility between the City and the Transylvania Little League for preparation and maintenance of the fields. The lease period is year to year that renews automatically each year unless one of the parties wishes to terminate it. Little League pays \$3,000 per year to the City and they have primary use of the fields for Little League purposes. The contract also outlines the responsibilities between the two parties, which are mostly routine maintenance items.

This year the Little League has approached the City and asked if they can make a change to this year's agreement. Instead of them paying \$3,000 to the City, they would like to do approximately \$3,000 worth of improvements themselves with volunteer labor in exchange for a waiver of its yearly lease payment. The improvements they are proposing include adding LED light fixtures to the concession stand, upgrading the security camera system, adding a net to protect spectators, and placing a crown on the fencing.

Mr. Hooper recommended approval of the proposal and authorizing the City Manager to negotiate and sign an amendment to the lease. Motion by Mr. Christian, seconded by Mr. Ray to recommend that City Council authorize the City Manager to draft and execute a lease amendment with the Transylvania County Little League. The motion carried unanimously.

G. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee is scheduled for Wednesday, November 16, 2022 at 3:30 PM.

H. Adjourn

There being no further business, the meeting was adjourned at 4:09 pm.

X 

Mac Morrow,
Chair, Council Member

Minutes Approved: November 16, 2022

X 

Denise Hodsdon
Executive Assistant

MINUTES
City Council Public Safety Committee

Monday, October 24, 2022 – 3:30 PM
City Hall Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Maurice Jones, Vice-Chair, Council Member
Wilson Hooper, City Manager
Tom Jordan, Police Chief
Bobby Cooper, Fire Chief

City Staff: Steve Woodson, Captain, Police Department
Paul Ray, Planning Director
Denise Hodsdon, Executive Assistant

Guests: Billy Parrish, Blue Zones Project Representative
Kevin and Linda Gallo, Residents
Monica Driscoll, Resident

A. Welcome & Call to Order

Committee Chair Mac Morrow called the meeting to order at 3:30 PM.

B. Certification of Quorum

Executive Assistant Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

Mr. Hooper asked to add an item regarding Camping within City Limits Ordinance Introduction as Item H. Motion by Mr. Jones, seconded by Chief Cooper to approve the agenda as amended. The motion passed unanimously.

D. Minutes from August 8, 2022 Meeting

Motion by Chief Cooper, seconded by Chief Jordan to approve the minutes of the August 8, 2022 meeting as presented. The motion carried unanimously.

E. Vision Zero Initiative

Mr. Hooper explained that this ties in with the Blue Zones initiative and making sure that pedestrians and bicyclists can walk and bike safely across our streets.

Chief Jordan introduced the initiative and noted that we are attempting to roll this out in the months to come. He explained that this is very comprehensive and takes into account the community, the City, the County, our non-profit entities and through all of that we will come up with a great plan that stays in alignment with the North Carolina Vision Zero program as well. It is highly customizable and as we move through it we can tailor it to what exactly we need. A copy of his presentation is attached.

F. Text Amendment re Goats/Sheep Grazing

Paul Ray presented the attached draft text amendment for the committee's review. He explained that this would allow an exception by permit for temporarily keeping goats and sheep on the premises for the purpose of grazing, eating weeds and grass without using herbicides or mowing. The Police Department would be responsible for issuing the permits and enforcing it under Animal Control. Motion by Mr. Jones, seconded by Chief Cooper to send the amendment to City Council with recommendation to approve. The motion carried unanimously.

G. Traffic Calming Policy Introduction

Mr. Hooper noted that traffic calming is one of those things that often times pits two of local government's impulses against each other. On the one hand we have an impulse to be very responsive to citizens, to hear them out, to get their feedback and citizens in turn often see traffic calming as a litmus test of how responsive a local government is. On the other hand, traffic calming is about as much a science-based matter as you can get. It's got those competing approaches – constituent responsiveness and science-based approach.

Mr. Hooper said that he has reviewed the Traffic Calming Policy adopted by City Council in May and he thinks that this policy as it is written does not rely enough on data and relies too much on subjective feelings about traffic calming. It is also cumbersome and hard to implement and takes months to get through the matter, which is not a responsive way to deal with traffic concerns.

Mr. Hooper referred to Sections 4, 6 and 7 of the current policy, which require that you introduce subjectivity into evaluation of a traffic calming measure that data and science should tell you what you need or not. His thought is that if we set up measurements and we discover that there is a serious speeding problem and the traffic counts are way too high for a street, then we should do something, whether the neighbors think we ought to or not. We want to keep the pedestrians and users of that street safe, and we want to make sure it is done according to the best practices and not according to subjective feelings.

He asked for permission to take some staff time and take another stab at this policy to try to streamline it and make sure that data and objective things are the guiding factors when considering traffic calming measures. There was consensus to have

staff take a look at streamlining the policy and bring back to the Committee for review and possible referral to the full Council.

H. Camping within City Limits Ordinance Introduction

Mr. Hooper noted that camping on city-owned properties is generally unwanted because it brings about health and safety impacts. The byproducts of camping – trash, open flames, human waste, etc. – are all incompatible with the safe and clean environment we want to create on our properties. Mr. Hooper explained that right now our Code doesn't give us many tools to prevent camping on our property and we would like to create a way to do that. However, this is more complicated than it sounds because there are a lot legal issues at play that we have to figure out before we blanketly prohibit camping on city property. We will need the help of City Attorney Mack McKeller and he has already started thinking about it.

Mr. Hooper said that up until this week, this was kind of a theoretical exercise and we thought we could take our time to come up with some tools, but over the last week a couple of tents have popped up in our park near the community garden, which is impinging on the park and the garden's peaceful use of that property as a park. He said he is asking something unusual of the Committee and that is to let me, Chief Jordan and Mack McKeller bring our proposal, which we have just started formulating, straight to the full Council for a hearing so that we can it done pretty quickly. If that is okay with the Committee, that's what we'll do. If that is not acceptable and you want to review it before it goes to the full Council, I ask that you hold a special committee meeting at the end of next week to review the proposal before it goes to the full Council.

Mr. Morrow and Mr. Jones said they were okay with taking it directly to Council. Mr. Jones said he hoped that we could partner with some other entities within the County because most of those camping are homeless so he would want us to find some other avenues. What we are looking at to be a policy is going to go via the legal system, so we should find some other ways to assist them.

Chief Jordan said he has already reached out to the Director of the Haven and Social Services. This has been on our minds so we have laid a lot of work already, but it is now reaching a point where we need to really consider it. He said from a Police standpoint, our goal is to get people to services, it is not intended to be a hammer, but at the end of the day, there has to be some legal framework to guide us.

Mr. Jones noted that there has been a pattern yearly, but this year it has seemed to have gotten larger and usually during this time of year, a lot of the homeless that are living up in the forest start migrating back into town. Chief Jordan said we are seeing some new people that we have not seen before. Our officers have talked with them and asked where they are coming from and what brought them to Brevard. They are saying they are coming from Asheville and it's crazy there.

Mr. Hooper noted that we will always be thoughtful of those issues as we go through this but ultimately the product will be a section in our ordinances that gives us the power to enforce such a ban. However, we will always execute it with compassion and try to connect folks with the services they need. Chief Jordan noted that what we are not looking at private property, it is focused mostly on public property.

I. Set Date for Next Meeting

The next meeting will be on Monday, November 28, 2022 at 3:30 pm.

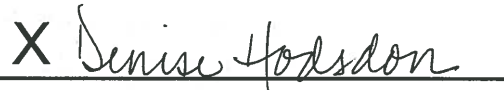
J. Adjourn

There being no further business, the meeting was adjourned at 4:16 PM.

Minutes Approved: December 2, 2022

X 

Mac Morrow,
Chair, Council Member

X 

Denise Hodsdon,
City Clerk



Transylvania County Vision Zero – An Introduction

Safety for All through Compassion, Education, & Awareness

What Is TC Vision Zero?

Transylvania County Vision Zero is a new, state-supported program implemented by the Brevard Police Department, Transylvania County Sheriff's Office, and the Blue Zones Project – Brevard.

Our organizations will partner with local entities and the community to assist in promoting the principles of the TC Vision Zero program.

This program supports the NC Vision Zero program.



BLUE ZONES PROJECT
by sharecare

The Principles of TC Vision Zero

All road users deserve
safe streets

No loss of life on our
roads is acceptable

Injury or death is not an
inevitable price to pay for
mobility

Transylvania County's traffic fatality rate falls in the 93rd percentile for the State of North Carolina in 2021 – Very Low

TC Vision Zero seeks to maintain our record of low traffic fatalities and make all of Transylvania County a safer place to drive, walk, run, cycle, and live.

How does it
work?



Engineering

Engineers design roadways and vehicles that decrease the likelihood or severity of a collision.

Our Vision: Roads that are engineered to prevent crashes and forgive mistakes.





Enforcement

The enforcement of traffic laws encourages safe driving behavior, which prevents crashes and saves lives in North Carolina

Our Vision:
To prevent the dangerous behaviors which kill and injure people on our roads.



Emergency Response

After a collision has occurred, rapid emergency response and treatment of victims can reduce the severity of injuries.

Our Vision:
**No fatal or disabling
injuries on our roads**

Education

Learning how to travel safely on busy roads is fundamental to preventing crashes. Traffic safety organizations across the state work together to provide safety information and training to all road users.

Our Vision:
Preparing all road users
to safely navigate traffic



Everyone

All road users share the responsibility of keeping North Carolina streets safe. Together, we can save lives by making safe, responsible decisions on the roadway.

Our Vision:

**A society and culture
which values safe mobility
for all road users.**



Steps to Advancing TC Vision Zero



Involving the Community



Analyzing Current Conditions and
Recognizing Opportunities for Change



Developing Evidence-based Metrics and
Planning Action



Evaluating the Implementation Process



Questions?

Thank you!

Sec. 14-7. Special permission for the temporary keeping of prohibited animals.

Special permission may be granted through a special permit issued by the Chief of Police for the keeping of any animals, fowl, or insects prohibited by this article, for temporary periods, for exhibition, city grazing, demonstration, or experimental purposes; provided that before granting such special permit the Chief of Police shall impose conditions under which the animals may be kept within the city. Such conditions shall be made a part of a special permit.

- (a) A special permit issued under this section may be revoked by the administrator for any reason that would have justified denial of the permit. If a permit is revoked, the applicant shall be given a written explanation of the reasons for revocation. Upon the determination of a violation, the owner shall have 14 days in which to bring the property or condition into compliance with this section or to remove the animals from the premises. If the administrator denies or revokes a permit under this section, they shall notify the applicant of their right to appeal such decision to the City Manager.
- (b) For the purpose of this chapter, the term “city grazing” shall mean the practice of sustainable lot maintenance by goats or sheep, on a temporary and occasional basis, not to exceed 30 days in a calendar year, where said animal(s) are not permanently kept or maintained. The animals used for this purpose shall be free of disease, properly cared for at all times as determined by the City of Brevard’s Animal Control Officer, and contained on the premises for which the permit was granted.
- (c) The Chief of Police may deny or revoke a permit for any reason including but not limited to:
 - (1) The applicant has failed to comply with the applicable requirements of any subsections of this section or condition of the permit.
 - (2) The animal for which the permit is requested poses a substantial danger of harm to any person, animal, or property
 - (3) The animal for which the permit is requested seriously interferes with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons.
 - (4) The animal for which the permit is requested otherwise constitutes a threat to public health or safety.

MINUTES

City Council Public Works & Utilities Committee

Wednesday, November 2, 2022 – 3:30 PM

City Council Chambers

Members Present: Maurice Jones, Chair, Council Member
Mac Morrow, Vice-Chair, Council Member
Wilson Hooper, City Manager
Emory Owen, WWTP Director
Dennis Richardson, WTP Director
Wesley Shook, Acting Public Works Director

Staff Present: Aaron Winans, WWTP
Denise Hodsdon, Executive Assistant

A. Welcome and Call to Order

Committee Chair Maurice Jones called the meeting to order at 3:30 pm.

B. Certification of Quorum

Executive Assistant Denise Hodsdon certified that a quorum was present.

C. Approval of Minutes from August 9, 2022 Meeting

Motion by Mr. Morrow, seconded by Mr. Owen to approve the minutes of the August 9, 2022 meeting as presented. The motion carried unanimously.

D. Proposed Amendments to Solid Waste Management Ordinance

Mr. Hooper noted that these are just housekeeping changes to clarify a few things in the ordinance. However, the solid waste industry is changing and in the months to come we will need to have a more detailed conversation about our solid waste collection model, whether it is adequate, whether the fees are adequate, and whether there is a way to do it more efficiently.

Mr. Shook explained the amendments as proposed in the attached copy are recommendations of former Public Works Director David Lutz. He noted that neither he nor the former Director were aware of Section 58-8(e) *Parking of pickup vehicles at private residences* and the recommendation is to remove that section. Mr. Hooper said that other municipalities do that for a fee. He said we may rather have folks dump their miscellaneous things with us in our truck than out on the sidewalk. We

can create a fee that would ensure that we didn't lose money providing that service if we wish to keep that section in the ordinance. It was decided that Staff would come back with more information as to how that work.

Staff will also come back with some clearer language regarding the proposed associated fee increase in Section 58-6(c) for the Committee's review at the next meeting.

E. Wastewater Treatment Plant Upgrades

Mr. Hooper noted that you have to think about wastewater capacity in two ways: 1) physical capacity – how many gallons the plant can accommodate and treat; and 2) chemical capacity – how effectively the various chemical processes used to treat the wastewater work to bring the treated water to an acceptable standard. In both cases, our plant is reaching the point where, if left alone, it is no longer going to meet the state standard in either area in the foreseeable future. Therefore we need to start planning an upgrade now. It is not to the point of urgency yet, but the process takes 6 to 10 years.

Mr. Hooper explained that State statute requires that once you reach 80% capacity, you have to start planning your upgrade. We were at 75% but have done some things with I&I that brought us down some. However, our consulting engineers are telling us that we need to start being thoughtful about the permits we issue because each one will take us closer to the 80% limit.

Mr. Hooper noted that the purpose of today's presentation is to request permission to start applying our staff resources to working on this project. The first step is to initiate the process described in the statute to contract with an engineer to do a formal evaluation of our future needs which will in turn give us a magnitude of the cost and also help us find funding. Following discussion, there was consensus to move forward.

F. Land Transfer for NCDOT Projects

Mr. Hooper informed the Committee that the State is asking for us to sell them some of our Wastewater Treatment Plant property to accommodate the Wilson Road roundabout project. There is a possibility that we might need some of that property to expand our plant in the future. He has not signed off on the transfer of property yet as he is waiting for NCDOT to assure us that the road won't interfere with any expansion that we might need to do. He is meeting with them in the next few days and hopefully get some resolution.

NCDOT is also asking for a permanent easement across the pump station property so they can access the base of the bridge they will be building across the field. He said it is not so much the pump station itself, but other underground utilities that might be

in that area, so we want to get some answers from them about whether the easement will prevent us from accessing our own utilities.

The last thing they are asking for is a deed for a right-of-way to extend a cul-de-sac to accommodate the expansion of Oskar Blues. He said that property has no other higher and better use and is of nominal value.

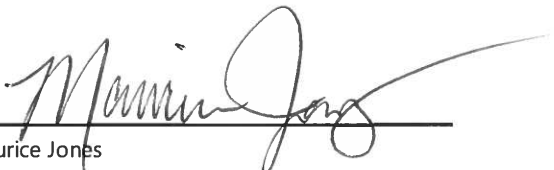
He hopes to get answers from NCDOT next week and bring all of these to Council for approval on November 21st.

G. Set Date for Next Meeting

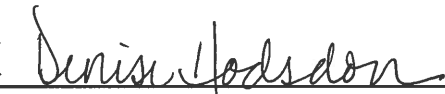
The next meeting of Public Works & Utilities Committee was set for Wednesday, December 7, 2022.

H. Adjourn

There being no further business, the meeting was adjourned at 4:34 pm.

X 
Maurice Jones
Chair, Council Member

Minutes Approved: December 7, 2022

X 
Denise Hodsdon
City Clerk

Chapter 58 SOLID WASTE MANAGEMENT¹

Sec. 58-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ashes means the residue from the burning of wood, coal, coke or other combustible materials.

Director means the public works director.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Refuse means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes (including ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, rubble, crockery and similar materials.

(Code 1980, § 17-80)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 58-2. Management and control of collection services; appeals.

- (a) All garbage and other refuse accumulated in the city shall be collected, conveyed and disposed of by the city under the control of the city manager, and under the supervision of the director of public works. The director shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the regulations after due notice as required by law, provided such regulations are not contrary to the provisions of law.
- (b) Any person aggrieved by a regulation of, or fee charged by, the director shall have the right of appeal to the city manager, who shall have the authority to confirm, modify or revoke any such regulations or fee.

(Code 1980, § 17-2)

¹Cross reference(s)—Burning trash or other material within the fire district, § 30-2; health and sanitation, ch. 38; unlawful deposit of human waste, § 38-42.

State law reference(s)—Authority to regulate garbage and trash, G.S. 160A-303.1; public enterprise for the collection and disposal of solid waste, G.S. 160A-311 et seq.; littering, G.S. 14-399; removal of junk vehicles, G.S. 160A-303, 20-137.6 et seq.

Sec. 58-3. Refuse to be collected only by city; exceptions.

All refuse accumulated in the city shall be collected, conveyed and disposed of by the city. No person shall collect, convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the city, except as follows:

- (1) *Actual producers.* This section shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and with any other applicable provisions of law.
- (2) *Outside collectors.* This section shall not prohibit collectors of refuse from outside of the city from hauling such refuse over city streets, provided such collectors comply with the provisions of this chapter and with any other applicable provisions of law.

(Code 1980, § 17-81)

Sec. 58-4. Separation of different types of refuse.

Garbage, ~~ashes~~ and rubbish shall each be placed and maintained in separate containers. Rubble, wood, tree trimmings, hedge clippings and similar material shall not be placed with other refuse for routine or regular collection.

(Code 1980, § 17-82)

Sec. 58-5. Containers.

- (a) *Required; maintenance; specifications.* Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises served and shall be of a type approved by the public works director. Containers shall be maintained in good condition and shall be kept in a clean, neat and sanitary condition at all times. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The public works director shall have the authority to refuse collection services for failure to comply herewith. City collection personnel shall exercise due care in the handling of containers and the city shall not be liable for any damage to containers resulting from handling the containers unless it can be shown that the personnel were negligent or careless in the handling thereof, and in such cases the liability of the city shall extend only to replacement of the container with one in good condition of like material and capacity. The following types and numbers of containers are prescribed for use in the collection of waste material:
 - (1) *Residential containers.* The standard small container, normally used at residences, shall be made of metal or substantial plastic equipped with suitable handles and tight-fitting covers, shall be watertight and shall have a capacity of not more than 32 gallons. These containers may be used for any waste material, ~~except that ashes may only be placed in metal containers~~. Care shall be taken to ensure that the weight of the contents shall be such that the container, with contents, can readily be handled by one adult person.
 - (2) *Dumpsters.* Commercial dumpster containers shall be of steel construction, of up to four-cubic-yard capacity and of such design and construction as to facilitate mechanical unloading by collection equipment operated by the city. Sub-grade dumpsters may be ~~installed~~ of steel or polyethylene construction ~~for private hauler service and maintenance~~; the public works director may require the

customer use a private hauler to collect the waste in such dumpsters due to city collection capabilities. Dumpsters may be used for garbage, refuse or rubbish.

- (3) *Disposable containers.* Disposable containers shall be made of either metal, plastic, wood, cardboard or paper, all of which shall be removed with the contents thereof. These containers together with the contents thereof shall be of such weight that they can readily be handled by one adult person and shall be of sufficient strength to withstand failure when being picked up and placed in the collection vehicle.
- (4) *Number of containers.* Residential and noncommercial business customers shall be limited to four standard small containers per dwelling unit or business per collection. If more than four containers are used on a regular basis, the collection fee shall be doubled. For multifamily residential buildings having more than four units, a commercial dumpster container shall be provided in lieu of the standard small containers. Commercial customers requiring more than four standard small containers on a regular basis shall be required to use a commercial dumpster container.
- (b) *Use.* No person shall place any refuse in any street, alley or other public place, or upon any private property, whether or not owned by such person, within the city except in proper containers for collection or under express approval granted by the director; nor shall any person throw or deposit any refuse in any stream or other body of water.
- (c) *Placement.* Refuse containers shall be placed for collection at ground level and directly accessible from the street or alley from which collection is made. Residential refuse containers shall be placed at curbside prior to collection, **no later than 7:30 AM** and shall be removed within reasonable time thereafter. A suitable permanent location, satisfactory to the director, may be established for containers of commercial customers.

(Code 1980, §§ 17-83—17-85; Ord. No. 2021-35 , § 1(Exh. A), 8-16-21)

Sec. 58-6. Frequency of collection.

- (a) Refuse shall be collected **twice once** each week under normal circumstances.
- (b) Hotels, restaurants and such other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection.
- (c) Where necessary to protect the public health, the director shall have the authority to require that more frequent collection be made **with an associated fee increase per the public works director.**

(Code 1980, § 17-86)

Sec. 58-7. Refuse quantity.

- (a) The director shall collect a reasonable accumulation of refuse of each patron during each collection period for the standard charge. The director shall have the authority to refuse to collect unreasonable amounts, or to make additional charges for such amounts.
- (b) Only material placed in approved containers shall be picked up. Refuse placed on the ground or scattered about in the immediate vicinity of the container shall not be picked up unless, in the opinion of the public works director, pickup by city personnel is warranted due to delays in the service or other factors which are strictly the responsibility of the city.

(Code 1980, § 17-87)

Sec. 58-8. Special refuse problems.

- (a) *Contagious disease refuse.* The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the county health department. Such refuse shall not be placed in containers for regular collection.
- (b) *Construction debris; tree limbs, trunks, etc.* Rubbish resulting from any construction, remodeling, wrecking or repair of any building or other real estate improvement shall be removed by the producer of such rubbish, or by the owner of the premises upon which rubbish has accumulated, at his own expense, subject to the provisions of section 58-9. These restrictions shall apply to the removal of limbs, trunks, stumps, etc., of any trees or shrubs removed or trimmed by landscape gardeners, tree surgeons or other parties engaged to carry on such work.
- (c) *Inflammable or explosive refuse.* Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the director at the expense of the owner or possessor thereof.
- (d) *Free curbside pickup service.* Rubble, wood, tree trimmings, hedge clippings and debris resulting from cleaning of property may be placed at curbside for collection ~~during the first Thursday through Saturday period of each month.~~ The director shall collect a reasonable amount of such rubbish at no charge, but he shall have the authority to refuse to collect heavy or bulky items that cannot be handled readily by two adult persons. It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery trimmings on any street or sidewalk so as to obstruct the free passage of vehicles or pedestrians.
- (e) *Parking of pickup vehicles at private residences.* The city manager or his designee may authorize city vehicles to be parked at private residences to facilitate the collection of brush that would otherwise be collected under other provisions of this section. The city manager is directed to develop a written policy to provide for the implementation of this subsection. The policy is to be kept on file in the office of the city clerk and at the public works department. **Not aware of this policy???? / Remove this section????**

(Code 1980, § 17-88)

Sec. 58-9. Collection by actual producers and outside collectors.

- (a) *Vehicles.* The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of refuse and collectors of refuse from outside of the city who desire to haul over the streets of the city shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.
- (b) *Additional rules and regulations.* The director shall have the authority to make such other reasonable regulations concerning individual collection and disposal, and relating to the hauling of refuse over city streets by outside collectors, as such director may find necessary, subject to the right of appeal as set forth in section 58-2.

(Code 1980, § 17-89)

Sec. 58-10. Refuse to become property of city.

Ownership of refuse material set out for collection ~~or deposited on the city dump~~ and delivery to the county landfill shall be vested in the city, and such material shall not be removed from ~~the a city dump collection vehicle~~ except by special permit approved by the city council and issued by the city clerk.

(Code 1980, § 17-90)

Sec. 58-11. Fees; delinquent accounts.

- (a) *Establishment of fees for the collection and disposal of refuse.* Fees for the collection and disposal of refuse shall be set forth within the schedule of taxes, fees and charges of the annually adopted budget ordinance for the City of Brevard. The specific policies and procedures for the collection of such fees shall be established by the city manager.
- (b) *Applicability of fee.* The appropriate fee for collection and disposal of refuse shall be charged each occupied single, duplex or multifamily dwelling. Businesses which have a contract for refuse collection by a private contractor shall not be required to pay the city fee.
- (c) *Single and duplex family dwellings.* The fee for collection and disposal of refuse placed for collection adjacent to the side of the street or alley from which collection is made shall be as set forth in the schedule of taxes, fees and charges, and shall include the free pickup service provided for in section 58-8(d).
- (d) *Multifamily dwellings.* For each dwelling unit in a multifamily dwelling, i.e., three or more family dwelling units per building, the fee shall be as set forth in the schedule of taxes, fees and charges, provided, however, that this fee shall not include the free pickup service provided for in section 58-8(d). The regular fee provided for in subsection (f) of this section shall be charged for pickup of rubble, wood, tree trimmings, hedge clippings and debris resulting from cleaning of property at multifamily dwellings. Owners of multifamily dwelling buildings shall have the option of using a dumpster container at the regular commercial rate in lieu of individual unit garbage containers.
- (e) *Fee for commercial premises.* The fee for collection and disposal of refuse from nonresidential premises shall be as set forth in the schedule of taxes, fees and charges.
- (f) *Fee for special loads.* The fee for the collection and disposal of special loads of refuse shall be as set forth in the schedule of taxes, fees and charges.
- (g) *Delinquent accounts.* All accounts shall be considered delinquent if not paid by the 20th of the month following the month in which service is rendered. All delinquent accounts are subject to stoppage of service without notice. If the delinquent account is not paid within 30 days, the director shall cease all refuse collection for that account unless otherwise directed by the city manager. Service shall be resumed thereafter only upon payment of the accumulated fees for the period of collection and the period of noncollection unless the city manager specifically directs otherwise. The stoppage of services for nonpayment of collection charges shall be in addition to the right of the city to proceed for the collection of such unpaid charges in any manner provided by law for the collection of a claim of the city.

(Code 1980, § 17-91; Ord. No. 12-2011, § 5(Exh. E), 6-20-11, eff. 7-1-11)

MINUTES

COUNCIL DOWNTOWN MASTER PLAN COMMITTEE

Wednesday, October 12, 2022 – 4:00 PM

City Hall Council Chambers

Members Present: Gary Daniel, Chair, Council Member
Geraldine Dinkins, Vice Chair, Council Member
Wilson Hooper, City Manager
Paul Ray, Planning Director
Billy Parrish, Heart of Brevard Representative
Nicole Bentley, Heart of Brevard Executive Director
Lee McMinn, Citizen Member (arrived at 4:30 pm)
Parker Platt, Council Appointed At-Large Member

Staff Present: Denise Hodsdon, Executive Assistant

Media: Jonathan Rich, *Transylvania Times*

A. Welcome & Call to Order

Committee Chair Gary Daniel welcomed everyone and called the meeting to order at 4:00 PM.

B. Certification of Quorum

Quorum was certified by Executive Assistant Denise Hodsdon.

C. Approval of Agenda

Motion by Mr. McMinn, seconded by Ms. Dinkins to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes of August 10, 2022 Meeting

Motion by Ms. Bentley, seconded by Ms. Dinkins to approve the minutes of the August 10, 2022 meeting as presented. The motion carried unanimously.

E. Downtown Parade/Special Event Policy – Nicole Bentley

Ms. Bentley explained that when the Heart of Brevard was working on the Community Development bid contract, former Interim City Manager Steve Harrell had urged her to get involved with special event permitting, specifically for those events taking place in the Heart of Brevard. Because the Heart of Brevard is the primary event organizer, not in just downtown, but in our community as a whole, he saw that as a benefit to helping

ensure events in downtown were well planned and to offer our expertise to the City in this process. Following that conversation, she started to review some things and while we have got some really good bones in place in terms of our application and permits, we have an opportunity to expand on those and to make sure that we have good guidelines and resources in place for folks who are interested in holding events in downtown and the city as a whole. She presented a PowerPoint presentation (copy attached) and said today she wanted to talk about what resources we can come up with to best support our event organizers to make sure that our events are successful, not just for attendees, but for our community as a whole.

Ms. Bentley noted that the current permit application requires that it be submitted only 45 days before the event. In her recent conversations with Planning, Fire and Police, they discussed that 45 days is not enough time for Fire and Police to do their schedules and planning. She suggested that the deadline be increased to a minimum of 60 days prior to the event. The application does require that the applicant submit a site plan, but it does not address some of the bigger issues, such as communicating a remote parking plan for attendees, a deadline to communicate street closures to those that might be impacted, no parking notifications, and on-street parking communication with other community groups.

Following discussion, it was decided to form a working committee consisting of Ms. Bentley and representatives from the Planning Department, Fire Department, Police Department, and Public Works Department and for the committee to come back to the Downtown Master Plan Committee with a final draft policy. Ms. Dinkins also volunteered to be a part of the working committee if it would be helpful.

Ms. Bentley asked the Committee to consider a recommendation to Council to increase the 45-day deadline for permit application to 60 days effective immediately based on the request from the Fire and Police Departments. Mr. McMinn moved, seconded by Ms. Dinkins to recommend increasing the deadline from 45 days to 60 days. The motion carried unanimously.

F. Set Date for Next Meeting

The next meeting of the Council Downtown Master Plan Committee was scheduled for Wednesday, November 9, 2022 at 4:00 PM.

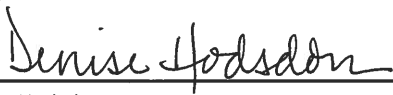
G. Adjourn

There being no further business, the meeting was adjourned at 4:40 PM.

Minutes Approved - December 14, 2022

X 

Gary Daniel
Chair, Council Member

X 

Denise Hodsdon
City Clerk

Special Event Permits

Downtown Master Plan Committee
October 2022

33 special event permits in 2021 including parades, street festivals, and sidewalk closures.

HOW DID WE GET HERE?



DISCUSSION GOALS

- Provide the resources to best support special event organizers to ensure successful events for all with minimal disruption and impact on the community.
- Expand current and/or develop a comprehensive overview of guidelines, timelines, policies and guideline requirements .
- Develop an incremental timeline to develop resources and implement guidelines/policies for special events held in the city limits.
- Identify a permit review committee that includes the necessary decision makers to approve.
- Develop and implement master event calendar to check the availability of public space in real-time.
- Explore the expansion of current venues to facilitate use of secondary streets, community centers and city owned property for special event use potential revenue streams (e.g., weddings, corporate events) to support operations.
- Identify next steps, timeline and committee.



CURRENT PROCESS

- Special events within the City of Brevard's regulatory jurisdiction require permitting by the City Planning Department.
- **A "special event" is any activity or public event that requires the temporary closing of, or that substantially hinders or prevents the normal flow of vehicular and/or pedestrian traffic of any City-owned property, street, or other public right-of-way.**
- 45 Application Deadline that covers date, time, location, site map, attendees and narrative.
- Permits are reviewed by Planning, Fire and Police (and HOB when applicable)



GOOD NEIGHBOR POLICY



- Mitigation of Impact: Special events can have an impact on the areas in which they occur. Because of this, all event organizers are encouraged to consider how their event will affect the community.
- Organizers may be required to develop mitigating measures to address the potentially negative impact their event may have on community members, businesses, and visitors in proximity to the event.
- Other considerations include amplified sound, advertising, signage and public transport.

Event Site Plan and Road Closures

Short Term Goals

- Event Site Plan and Road Closures: A site plan serves as a visual representation of the event and must identify the location of all temporary site additions in relation to the property's existing infrastructure. A route map is additionally needed for activities such as races and runs that would occur along streets, sidewalks, and roadways.
- Remote Parking Plan
- Street Closures/No Parking Signs.
- No Parking Notifications for on-street parking
- Porta-lets Requirements
- Communication with other community groups and/stakeholders
- Guidelines for NCA
- Guidelines and Communication with Vendors
- Guidelines and Communication with Food Vendors



INSURANCE REQUIRMENTS

- Primary Insurance: At minimum, the event organizer must furnish a general liability insurance policy from the producing organization valid during the dates of all event activity procured from a company licensed to conduct business in North Carolina.
- Subcontractor Insurance: When safety-sensitive vendors and contractors providing goods or services are invited to participate, the event organizer must also furnish general liability insurance policies from them. Safety-sensitive vendors and contractors include, but are not limited to:
 - Vendors of all food and beverage items
 - Providers of amusements, rides, mobile attractions, inflatables
 - Fire performances, fire demonstrations, pyrotechnics
 - Equipment rental companies
 - Portajohn rentals, sanitation service providers, and waste management
 - Private security services and any safety-sensitive contracted staffing
 - UAV (Drone) Operations - Aviation Liability



Public Safety and Security

- All events are required to provide a safe and secure environment for participants.
- Law Enforcement requirements and the employment of off-duty officers
- Crowd Managers to ensure crowd control and safety for events with over 1000 attendees
- Emergency Planning for timely notification, warning and evacuation in the the event of an emergency including severe weather, terrorism, etc.



SANITATION AND RESTROOMS

Trash and Recycling Responsibilities:

- RECCOMENDATION: Clearly outline the expectations and responsibilities for maintaining a clean environment for attendees, ensuring the proper disposal of waste and recycling for all event operations throughout the duration of an event and POST EVENT!

Restrooms

- RECCOMENDATION: All public events with attendance of 100 or more, with a duration exceeding 2 hours, are required to provide access to restrooms. Installation of portable restrooms may be required to supplement existing facilities based on the maximum number of attendees sat the event during peak periods. All portable restrooms must be maintained daily.
- ADA Accessible units should be required.



City of Brevard Sponsored Events

- Define sponsorship benefits and scope of services for each of these events.
- Develop special request form for these event services.
- Ensure that the city is supporting events as frequently and as equitably as possible.



Resource Development

- Comprehensive Special Event Guide
- Partnerships with other event organizers
- Special meetings and consultations with review committee
- Event signage that is COB branded and available for use with all event
- Templates and examples of best practices (e.g. site maps, COIS, event communication)



NEXT STEPS

- Group Discussion and Feedback
- Identify working committee
- Update application to include basic guidelines
- Identify 3 month, 6 month and long-range goals



heart of brevard

info@brevardnc.org

828.884.3278

26 Times Arcade

Brevard, NC 28712

www.brevardnc.org



MINUTES

City Council Parks, Trails, & Recreation Committee

Wednesday, November 16, 2022 at 3:30 PM
City Hall Council Chambers

Members Present: Aaron Baker, Vice-Chair, Council Member
Wilson Hooper, City Manager
Paul Ray, Planning Director
Wesley Shook, Acting Public Works Director
Nancy DePippo, Citizen Member (via Zoom)
Howie Granat, Citizen Member
Ryan Olson, At-Large Member

Absent: Mac Morrow, Chair, Council Member
Matt Christian, Citizen Member
Tim Robinson, Citizen Member

Staff Present: Mack McKeller, City Attorney
Denise Hodsdon, City Clerk

Guests: Randy Baron and John Felty, TYSA Representatives

A. Welcome & Call to Order

Committee Vice-Chair Aaron Baker welcomed everyone and called the meeting to order at 3:33 pm.

B. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

Mr. Baker added an item regarding an update on the Bracken Project and Mr. Ray added an item regarding a Feasibility Study Grant Program. Motion by Mr. Granat, seconded by Olson, to approve the agenda as amended. The motion carried unanimously.

D. Approval of Minutes from October 19, 2022 Meeting

Motion by Mr. Ray, seconded by Mr. Olson, to approve the minutes of the October 19, 2022 meeting as presented. The motion carried unanimously.

E. TYSA Lease Agreement

City Attorney Mack McKeller said that following the previous meeting regarding the TYSA lease agreement, he discussed this committee's comments and concerns with TYSA's attorney and he has received their draft lease agreement. He explained that their proposal is for a 25-year lease and for the first 15 years, there is no buyout right for the City. After that, every 5 years the City would have the right to buy out the remainder of the lease from TYSA as follows:

- The buyout at 15 years would be \$1.5M (the total amount invested in the soccer complex and all related improvements);
- The buyout at 20 years would be 10% less;
- At the end of 25 years, the City would have the option of extending the lease or would receive the property with the improvements on it

TYSA would be obligated to install and maintain the field per manufacturer's specifications and obtain a warranty on the field. TYSA would agree to continue to maintain the field and all improvements in good working condition. TYSA will install the lighting, but is asking that the City maintain the poles, replace the light bulbs and pay for the electricity. Attorney McKeller said the lease does state that any improvements to the parking lot and bathroom facilities would be the responsibility of the City.

Following considerable discussion, there was consensus for Attorney McKeller to go back to TYSA and their attorney to try to negotiate a straight 20-year lease with no buyout options. If TYSA is agreeable to the 20-year term, the final draft will go directly to City Council for consideration at its December 5th meeting.

F. Facility Needs at Sports Complex

Mr. Ray noted that with the expansion of recreational facilities at the Sports Complex, the restroom facilities are insufficient for the growing number of users. Portable toilets are currently being used. He presented some options for permanent restroom facilities and proposed locations (copy attached) and asked for a recommendation from the Committee for Council's consideration during next year's budget discussions. There was consensus that the 3-bathroom facility with the slant roof would be a good option. Mr. Baker suggested that a single bathroom facility would be good for the Tannery Skate Park and Community Garden area.

G. Bracken Preserve Acquisition Update

Mr. Baker reported that City Council agreed to fund \$70,000 toward the purchase of the property, but there is still roughly a \$90,000 gap. We have heard from Conserving Carolina that they are willing to fund the gap, if need be, while we continue to fundraise.

Mr. Olson reported that after the Council meeting, he has secured additional pledges from some businesses. He has a definite commitment of \$20,500, but per terms of the donor \$20,000 of that is contingent on the City matching it. There are two other asks out right now and he has a verbal commitment on one which he expects to be between \$5,000 and \$10,000, which will also be contingent on the City matching. Bracken Mountain Builders has committed to \$500 and that is not contingent on any match. There may be a few others by week's end.

Mr. Granat added that Conserving Carolina will purchase the property, but will only transfer ownership to the City when they are made whole.

H. Feasibility Study Grant Program

Mr. Ray informed the Committee that there is a new feasibility studies grant program available from NCDOT's Integrative Mobility Division. It produces a feasibility study design for bike paths and sidewalks to bridge the gap between a line on the map concept and actual programming of a project. No local match is required and the deadline is January 9, 2023 with awards made in the spring of 2023. He said this is very similar to the grant for the Pedestrian & Bike Plan. The deliverables are a recommended route and design guidance including typical sections, road crossing treatments and amenities, cut sheets for preferred route and detailed cost estimates.

Following discussion, the Committee asked Mr. Ray to come back to the next meeting with options for a proposed project that accomplishes goals from the Pedestrian & Bike Plan.

I. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee is scheduled for Wednesday, December 21, 2022 at 3:30 PM.

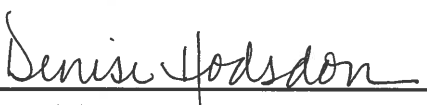
J. Adjourn

There being no further business, the meeting was adjourned at 5:19 pm.

X 

Aaron Baker,
Vice-Chair, Council Member

Minutes Approved: December 21, 2022

X 

Denise Hodsdon
City Clerk

Brevard Sports Complex





Baseball & Softball

Skatepark



Dog Park



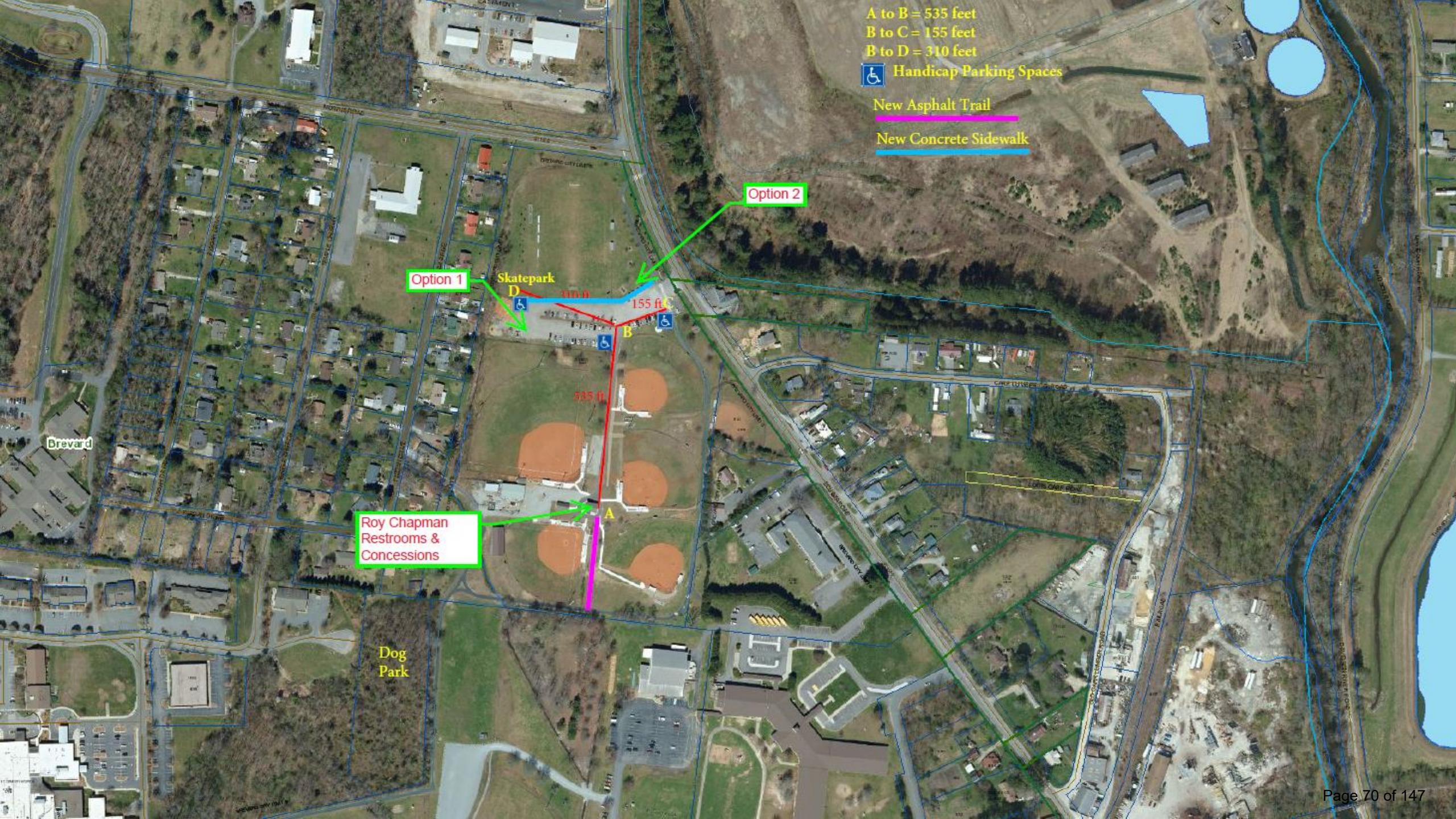
Soccer

Estatoe Trail









A to B = 535 feet
B to C = 155 feet
B to D = 310 feet

 Handicap Parking Spaces

New Asphalt Trail

New Concrete Sidewalk

Option 2

Option 1

Skatepark D

155 ft

535 ft

Roy Chapman
Restrooms &
Concessions

Dog Park



Smith –Carolina
Corporation, located in
Reidsville, NC

Delivers Easi-Set
Buildings, which
are pre-cast
concrete buildings
for restrooms,
parks &
campgrounds.





The roof is concrete and spans the building.







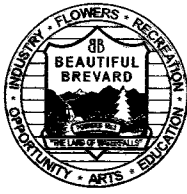






Recommendation

Staff is seeking a recommendation from the Committee for improved bathroom facilities at the Sports Complex, to be considered by City Council during next year's budget discussions.



Proclamation No. 2022-23 George Sarros Day

WHEREAS, George Sarros was born in Chicago, Illinois in 1925 and, at the age of eighteen, joined the United States Navy; and

WHEREAS, George was a motor machinist on LST 515 which would unload tanks, ambulances, cargo and troops directly onto the Normandy Beach during the D-Day invasions of World War II; and

WHEREAS, on April 22, 1944 during "Exercise Tiger" George's craft rescued survivors from Allied ships sunk by the German navy; and

WHEREAS, on June 6, 1944 George's ship landed on Normandy Beach to unload supplies. It also collected wounded to take back to hospitals in England. Ultimately the craft made sixty-five crossings of the English Channel; and

WHEREAS, after the war George and his wife Enrica lived in Hawaii, California, and Oregon before settling in Western North Carolina in 2001; and

WHEREAS, in Brevard, George was an active part of the city's large community of veterans, contributing to veterans' and community causes; and

WHEREAS, on December 7, 2022 George was awarded the French Legion d'honneur Medal by Consul General of France in Atlanta Anne-Laure Desjonquieres.

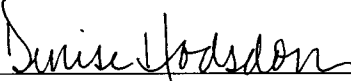
WHEREAS, the medal is the highest merit bestowed by the French Government based on exemplary services rendered to France; and

WHEREAS, George's services to the United States, France, and the community of Brevard are meritorious and deserving of recognition.

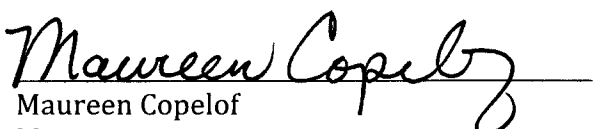
NOW, THEREFORE, be it proclaimed that I, Maureen Copelof, Mayor of the City of Brevard, do hereby proclaim December 7, 2022 as **GEORGE SARROS DAY** in the City of Brevard, North Carolina and commend its observance to all its residents.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 7th day of December, 2022.

ATTEST:


Denise Hodsdon, CMC
City Clerk




Maureen Copelof
Mayor

STAFF REPORT

City Council, Tuesday, January 3, 2023

Title: Order-Closing a Portion of Street So Named Woodlawn Avenue-Gilligan

Speaker: Paul C. Ray, Planning Director

Prepared by: Paul Ray, Planning Director

Approved by: Wilson Hooper, City Manager

Background

The City Clerk received a petition from Robert J. and Ainslye L. Gilligan of 502 E. French Broad Street, and Jonathan R. and Laura Carter Merrill of 524 E. French Broad Street, to permanently close a portion of an unimproved, right-of-way reserved for a public street, approximately 0.263 acres in size (Attachment A).

On November 3, 2022, Council adopted Resolution 2022-34 declaring the intent to permanently close a public street (Attachment B), which directed the City Clerk to advertise for tonight's public hearing. As per the requirements of General Statute 160A-299, the Resolution was published in the Transylvania Times newspaper once a week for four successive weeks prior to the hearing, a copy was sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing was prominently posted in at least two places along the street or alley.

A Public Hearing was held before City Council on December 5, 2022, in accordance with the North Carolina General Statutes, and anyone wishing to speak on the matter was heard. The petitioner, Robert Gilligan and his attorney, Richard Daniel, were there to answer any questions. A neighbor, Dick Dowdy, of 517 Park Avenue, spoke in support of the ROW closure.

Discussion

The street infrastructure on the southern end of Woodlawn Avenue was never built, and has remained an unimproved, platted right-of-way since 1926. It extends south, approximately 414 linear feet, from where it intersects with E. French Broad Street. The petitioners are proposing to close approximately 282 linear feet of unimproved Woodlawn Avenue. This would leave approximately 132 feet without access to public road frontage. There are no public utilities within this unopened right-of-way and therefore, no utility easements the city would need to retain.

Policy Analysis

The Planning Staff and City Clerk have followed all statutory requirements for holding the public hearing, including serving notice by Certified Mail to each property owner abutting the street and posting a notice in two locations.

Action

The statute states that if it appears to Council, after conducting the hearing, that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity would thereby be deprived of reasonable means of ingress and egress to their property, Council may adopt an order closing the street or alley (Attachment 3).

Attachments:

1. Petition Materials
2. Resolution 2022-34 Declaring the Intent to Close Woodlawn
3. Order 2022-XX_Close_Right-of_Way_Oak_Street
4. Preliminary Plat



City of Brevard

PETITION FOR STREET/ALLEYWAY CLOSING

To the Honorable Mayor and
Members of the City Council
City of Brevard
95 West Main Street
Brevard, NC 28712

Date	
Contact Person:	Richard B. Daniel, Attorney
Address:	35 N. Gaston Street
	Brevard, NC 28712
Telephone:	828-884-4113

Dear Mayor and Council Members:

We, the undersigned property owners abutting a certain portion of public Right-of-Way, respectfully request the permanent closing of the street or alleyway as described on the attached "Exhibit A" and

commonly known as: Woodlawn Avenue, from its intersection with E. French Broad and south
(Insert closest cross streets and reference the street name)

We request a time and place be fixed when this petition will be heard by the City Council. Of the property owners abutting the area of this petition 66 % have agreed and indicated their joining this petition with their signatures below:

Signature

Robert J. Gilligan

Print Name

502 E. French Broad St., Brevard, NC 28712
Address

404-229-2896 gilligbo@gmail.com
Phone Email Address

8586-70-8486-000
TC Tax Property Identification Number

Signature

Ainslye L. Gilligan

Print Name

502 E. French Broad St., Brevard, NC 28712
Address

Phone Email Address

8586-70-8486-000
TC Tax Property Identification Number

Petitioner(s) Notarized Signatures

NORTH CAROLINA

Transylvania COUNTY

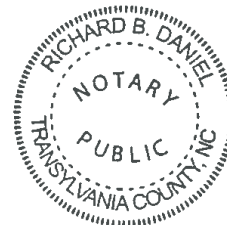
Robert J. Gilligan, being duly sworn, deposes and says that he/she is the petitioner in the above entitled matter; that he/she has read the foregoing Petition and knows the contents thereof; that the same is true of his/her own knowledge except as to those matters therein stated on information and belief and as to those matters, he/she believes it to be true.

Richard B. Daniel, Notary Public
(Title)

Sworn and Subscribed before me on this the 20th day of July 2022.

[Signature]
Notary Public

My commission expires: July 4, 2024



NORTH CAROLINA Florida
Charlotte COUNTY

Ainslie Gilligan, being duly sworn, deposes and says that he/she is the petitioner in the above entitled matter; that he/she has read the foregoing Petition and knows the contents thereof; that the same is true of his/her own knowledge except as to those matters therein stated on information and belief and as to those matters, he/she believes it to be true.

[Signature] Notary Public
(Title)

Sworn and Subscribed before me on this the 26th day of July 2022.

[Signature]
Notary Public

My commission expires: 10/31/2025





Signature

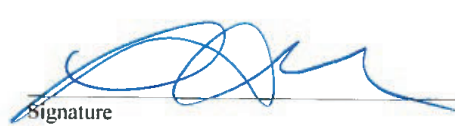
Jonathan R. Merrill

Print Name

524 E. French Broad St. Brevard, NC 28712
Address

828-329-3341 big_jon_m@live.com
Phone Email Address

8586-80-1331-000
TC Tax Property Identification Number



Signature

Laura Carter Merrill

Print Name

524 E. French Broad St. Brevard, NC 28712
Address

828-384-1925 laura.merrill1919@gmail.com
Phone Email Address

8586-80-1331-000
TC Tax Property Identification Number

Signature

Print Name

Address

Phone Email Address

TC Tax Property Identification Number

Signature

Print Name

Address

Phone Email Address

TC Tax Property Identification Number

(If additional space is needed, attach an additional signature page.)

SUBMIT PETITION TO THE CITY CLERK, 95 WEST MAIN STREET, BREVARD, NC

Petitioner(s) Notarized Signatures

NORTH CAROLINA
Transylvania COUNTY

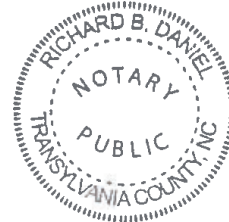
Laure Carter Merrill, being duly sworn, deposes and says that he/she is the petitioner in the above entitled matter; that he/she has read the foregoing Petition and knows the contents thereof; that the same is true of his/her own knowledge except as to those matters therein stated on information and belief and as to those matters, he/she believes it to be true.

Richard B. Daniel, Notary Public
(Title)

Sworn and Subscribed before me on this the 22nd day of July, 2022.

[Signature]
Notary Public

My commission expires: July 7, 2024



NORTH CAROLINA
Transylvania COUNTY

Jonathan R. Merrill, being duly sworn, deposes and says that he/she is the petitioner in the above entitled matter; that he/she has read the foregoing Petition and knows the contents thereof; that the same is true of his/her own knowledge except as to those matters therein stated on information and belief and as to those matters, he/she believes it to be true.

Steven Headen, Notary Public
(Title)

Sworn and Subscribed before me on this the 23rd day of July, 2022.

[Signature]
Notary Public

My commission expires: 5/30/2027



Exhibit A
Legal Description

Beginning at a four-inch iron pipe located at the eastern most corner of the property belonging to Robert J. Gilligan and Ainslye L. Gilligan, husband and wife, in a deed recorded in Document Book 960, Page 587, Transylvania County Registry, and from said point of Beginning continuing South 58 deg. 20 min. 39 sec. East 27.83 feet to a four inch pipe; thence, along a chain link fence, South 33 deg. 35 min. 44 sec. West 200.20 feet to an iron rod; thence, continuing along the chain link fence, South 33 deg. 52 min. 24 sec. West 91.70 feet to a 3/4 inch iron pipe; thence North 50 deg. 15 min. 11 sec. West 51.21 feet to an iron rod in a chain link fence; thence North 38 deg. 18 min. 34 sec. East 286.44 feet to the point of Beginning. Containing 0.263 acres and labeled as "Area Petitioned for Closure Woodlawn Avenue" on a survey recorded in Plat Book 22, Slide _____, Records of Plats for Transylvania County, North Carolina.

10/10/22, 2:04 PM

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https://www.webgis.net/arcgis/rest/directories/arcgisoutput/Utilities/PrintingTools_GIServer/_ags_15381db4-48c5-11ed-aa0c-005056b92898.jpg

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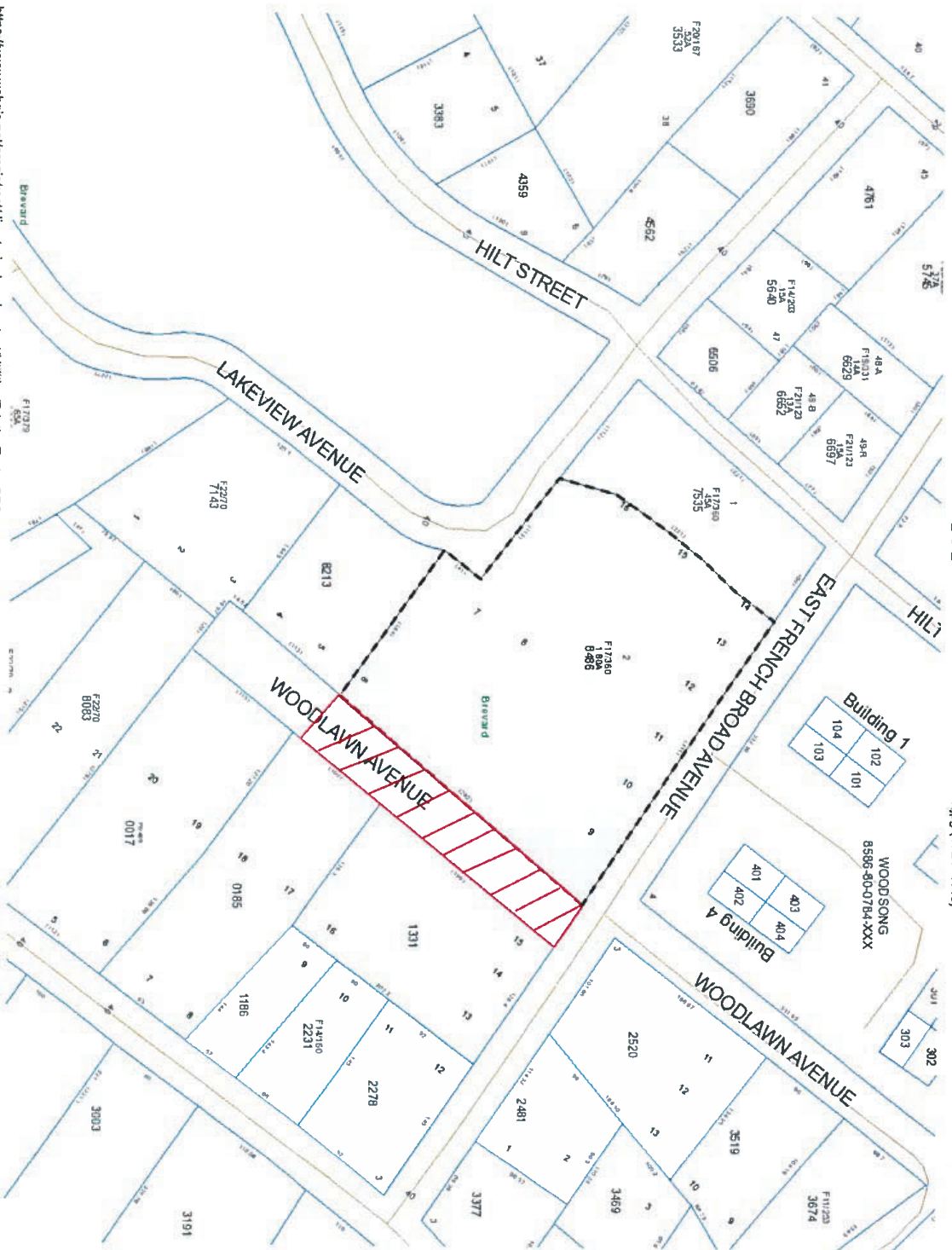


Exhibit C
Statement of Purpose Served By Closing Street/Alleyway

Closing this unopened portion of Woodlawn Avenue would provide peace of mind for the adjacent property owners, knowing that there would not be increased traffic and noise adjacent to their properties. Additionally, the former right of way would be added to the adjacent property owners' parcels, increasing their property values and tax revenue for the City.

Closing this portion of Woodlawn Avenue would also further the City's action taken in Order No. 2021-02, recorded in Document Book 1027, Page 114, Transylvania County Registry.

2021000346

TRANSYLVANIA COUNTY NC FEE \$26.00

STATE OF NC REAL ESTATE EXTX

\$1800.00

PRESENTED & RECORDED

01/15/2021 10:49:05 AM

CINDY M OWNBEY

REGISTER OF DEEDS

BY: CINDY M OWNBEY

REGISTER

BK: DOC 960

PG: 587 - 589

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$1,800.00

Return after recording to: Richard B. Daniel

Brief description for the Index: East French Broad Street

This Deed was prepared by: Donald E. Jordan, Attorney at Law

This property does include the primary residence of Grantor

This DEED is made this 13th day of January, 2021, by and between:

GRANTOR: **ADELAIDE HART KERSH, unmarried,**
as to an undivided 70% interest, and
HARVEY H. MILLER, JR., unmarried,
as to an undivided 30% interest
Grantor's Address: 72 Deer Run Street, Brevard, NC 28712

GRANTEE: **ROBERT J. GILLIGAN and**
AINSLYE L. GILLIGAN,
Husband and Wife
Grantee's Address: P.O. Box 1265, Boca Grande, FL 33921

The designation Grantor and Grantee in this Deed shall include the parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

The Grantor, for a valuable consideration paid by the Grantee (the receipt of which is acknowledged) grants, bargains, sells and conveys to the Grantee in fee simple, all of the lot or parcel of land located in the City of Brevard, Brevard Township, Transylvania County, North Carolina, and as is described in the attached Exhibit A. This is a portion of the same property acquired by Grantor by Deed recorded in Document Book 634, Page 651, Transylvania County Registry. This conveyance is made subject to easements and rights of way of record, to any covenants of record, and to real property taxes for the current year.

Submitted electronically by "Richard B. Daniel, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Transylvania County Register of Deeds.

EXHIBIT A - LEGAL DESCRIPTION

All of Parcel 2, containing 1.795 acres, as shown on the plat of a survey, dated November 29, 2017, prepared by Kevin D. Goldsmith, PLS, recorded in Plat File 17, Slide 360, Records of Plats for Transylvania County, in the office of the Register of Deeds, Transylvania County, North Carolina.

2022002678

TRANSYLVANIA COUNTY NC FEE \$28.00

STATE OF NC REAL ESTATE EXT

\$1246.00

PRESENTED & RECORDED

04/25/2022 03:18:32 PM

CINDY M OWNBEY

REGISTER OF DEEDS

BY: KARIN SMITH

DEPUTY REGISTER OF DEEDS

BK: DOC 1034

PG: 253 - 255

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$1,246.00

Parcel Identifier No. 8586-80-1331-000 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: Ramsey, Pratt & Camenzind P.A., 35 North Gaston Street, Brevard, NC 28172

This instrument was prepared by: Hannah Camenzind, Ramsey, Pratt & Camenzind P.A.

Brief description for the Index: _____

THIS DEED made this 14 day of April, 2022, by and between

GRANTOR	GRANTEE
CLYDE JEFFERSON DUVALL, JR., and wife, JANA M. DUVALL	JONATHAN R. MERRILL and wife, LAURA CARTER MERRILL
524 East French Broad Street Brevard, NC 28712	400 Carolina Avenue Brevard, NC 28712

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Brevard, Brevard Township, Transylvania County, North Carolina and more particularly described as follows:

BEING ALL OF THE SAME LAND DESCRIBED ON THE PAGE WHICH IS ATTACHED HERETO, DESIGNATED AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

All or a portion of the property herein conveyed X does or ___ does not include the primary residence of a Grantor.

Submitted electronically by "Ramsey, Pratt & Camenzind, P.A."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Transylvania County Register of Deeds.

EXHIBIT "A" TO A DEED FROM DUVALL TO MERRILL

Being all of the same land described in a deed from Mary Sue B. Duvall, widow, to Clyde Jefferson Duvall, Jr., and wife, Jana M. Duvall, dated March 27, 1996, and recorded in office of the Register of Deeds for Transylvania County in Deed Book 400, page 182, said land being more particularly described in said deed as follows:

BEGINNING at an iron T bar at the end of a chain link fence in the Southwest margin of French Broad Avenue, Northeast corner of the property of Alfred H. Weiss, and runs thence with the Southwest margin of French Broad Avenue, South 57 degrees 04 minutes East 126.4 feet to an iron pipe, being the Northeast corner of Lot 13 and the Northwest corner of Lot 12 of Woodlawn Development; thence, with the line between Lots 13 and 16 and Lots 12, 11, and 10, South 34 degrees 32 minutes West 202.2 feet to an iron pipe; thence, North 56 degrees 10 minutes West 126.3 feet to an iron pipe in the line of the aforesaid chain link fence; thence, with said fence, North 34 degrees 31 minutes East 200.2 feet to the point of **BEGINNING**.

Being all of Lots 13 and 14 and the Eastern portion of Lots 15 and 16 of Woodlawn Development, which plat is recorded in Map Book 1, page 37 of the Map Records of Transylvania County, as resurveyed by H. W. Ashworth, RLS, on May 31, 1966.

R:\Miss\Exhibits\Merrill pf Duvall\Exh A Deed.wpd

RESOLUTION NO. 2022-34**A RESOLUTION DECLARING THE INTENT OF THE BREVARD CITY COUNCIL TO
CONSIDER THE CLOSING OF A PORTION OF STREET SO NAMED WOODLAWN**

WHEREAS, North Carolina General Statutes 160A-299 authorizes the City Council to permanently close public streets and alleys; and

WHEREAS, the City has received a petition from Robert J. and Ainslye L. Gilligan and Jonathan R. and Laura Carter Merrill, to permanently close a portion approximately 0.263 acres in size of a public "street" of Woodlawn Avenue from its intersection with E. French Broad and South; and

WHEREAS, the City Council shall conduct a Public Hearing for the purpose of giving consideration to permanently closing a portion of the aforementioned street.

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

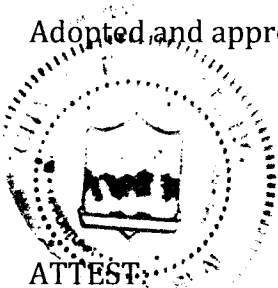
SECTION 1. That a Public Hearing will be held at 5:30 PM, or as soon thereafter as possible, on Monday, December 5, 2022, in Council Chambers located at 95 West Main Street, Brevard, North Carolina, to consider an Order to permanently close said public street.

SECTION 2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Transylvania Times prior to the Public Hearing.

SECTION 3. The City Clerk is further directed to transmit by Certified Mail, Return Receipt Requested, to each owner of property abutting on said street a copy of this Resolution of Intent, and shall cause a notice of the Public Hearing to be prominently posted in at least two places along the street.

SECTION 4. This Resolution of Intent shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 7th day of November, 2022.



Maureen Copelof
Maureen Copelof
Mayor

Jill Murray
Jill Murray, CMC
City Clerk

ORDER NO. 2022-XX

AN ORDER ABANDONING A PORTION OF AN UNOPENED PUBLIC RIGHT-OF-WAY
KNOWN AS “WOODLAWN AVENUE”.

WHEREAS, on November 3, 2022, the City Council of the City of Brevard directed the City Clerk to publish a Resolution number 2022-34 declaring the intent to close a portion of a street so named Woodlawn; and,

WHEREAS, Resolution 2022-34 advertised that a public hearing would be held at 5:30 PM, on Monday, December 5, 2022, in the Council Chambers at City Hall located at 95 W. Main Street, Brevard, North Carolina and was published in the Transylvania Times newspaper once a week for four (4) successive weeks; and

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

SURVEY AND PLAT PREPARED OF CLOSURE FOR PETITIONED AREA ON WOODLAWN AVENUE, prepared for Robert J. and Ainslye L. Gilligan and Jonathan R. and Laura Carter Merrill, by Kevin D. Goldsmith, P.L.S., License Number #L-3669, 2847 Pleasant Grove Church Road, Hendersonville, NC 28739. Dated ____/____/____, recorded in the Transylvania County Registry on ____/____/____, in Plat File ____, Slide ____; and,

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

WHEREAS, a notice of the closing and public hearing was prominently posted in at least two places along the street or alley; and

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

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

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

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

Section 1. A portion of the public right-of-way named Woodlawn Avenue depicted and denoted upon the aforementioned plat is hereby abandoned and all rights, title, and interests that may be vested in the public to said area for public purposes is hereby released to the abutting property owners in accordance with Chapter § 160A-299, as amended, of the North Carolina General Statutes.

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

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

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

Adopted and approved this the 5th day of December, 2022.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller, Attorney at Law
City Attorney

CERTIFICATION

I, Denise Hodsdon, City Clerk of the City of Brevard, hereby certify that proper notice of public hearing was given to all adjoining property owners via Certified Mail, return receipt requested with no notices returned. Notice was provided to the following: Jan & Leila Dryselius, 84 Morningside Drive, Brevard; Brian & Lori Philips, 317 Park Avenue, Brevard; Mark & Jennifer Malo, 371 Park Avenue, Brevard; William C. Gunnells Jr. Et Al, 246 Lakeview Drive, Brevard NC 28712; Chad & Erica Banner, PO Box 2424, Brevard.

Denise Hodsdon
City Clerk

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, _____, Notary Public, do hereby certify that Denise Hodsdon, Brevard City Clerk, appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this _____ day of December, 2022.

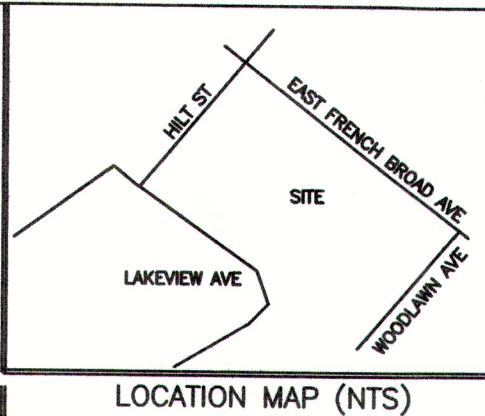
Notary Public

My Commission Expires: _____

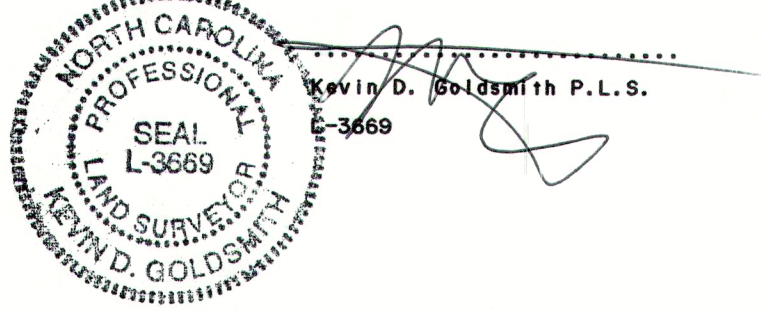
SURVEY BY
KEVIN D. GOLDSMITH P.L.S.
2847 PLEASANT GROVE CHURCH ROAD
HENDERSONVILLE NORTH CAROLINA
28739 (828) 506-4962

COURSE	BEARING	DISTANCE
L-1	N 12°54'29"E	48.93'
L-2	N 32°47'35"E	57.26'
L-3	N 36°01'10"E	38.04'
L-4	N 41°39'35"E	40.55'
L-5	N 34°48'12"E	42.63'
L-6	N 31°32'53"E	41.94'
COURSE BEARING DISTANCE		
L-7	S 58°20'39"E	27.83'

NOTES:
1. FOR SOURCE OF TITLE SEE D.B. 634 PG. 651
2. TAX ID # 8586-70-8486
3. SUBJECT TO ALL R-O-W, EASEMENTS, RESTRICTIONS AND AGREEMENTS OF RECORD OR THAT EXIST ON THE GROUND
4. AREA BY COORDINATE COMPUTATION
5. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.



I, Kevin D. Goldsmith P.L.S. certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in book... 634... page... 651...; that the boundaries not surveyed are clearly indicated as drawn from information found in book... page... that the ratio of precision as calculated is 1:7500. that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number AND SEAL THIS 29 DAY OF NOV A.D. 2017



The foregoing certification of.....a Notary Public in and for the state and county designated is certified to be correct THIS.....DAY OF.....2017

REGISTER OF DEEDS

FILED FOR REGISTRATION ON THIS.....DAY OF2017 at.....and recorded on Slide.....

REGISTER OF DEEDS

I....., Review Officer of.....County certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer.....

Certificate of Approval for Recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the Regulating Ordinance of Brevard, North Carolina and that this plat has been approved by the City of Brevard for recording in the Office of the Registrar of Deeds of Transylvania County. I further certify that the City Council only accepts the dedication of the public open space as shown, if such parks are located within the corporate limits of Brevard, but assumes no responsibility to open or maintain the dedicated open space until, in the opinion of the City Council it is in the public interest to do so.

Date Review officer, City of Brevard

Certificate of Ownership and Dedication. I hereby certify that I am the owner of the property shown and described, which is located in the subdivision jurisdiction of the City of Brevard and I hereby adopt this plan of subdivision with my free consent, establish minimum building setbacks lines, preserve and protect all significant trees as required. Furthermore I hereby dedicate all streets, walks, alleys, parks and other sites and easements to public or private use as noted. Furthermore I hereby dedicate all sanitary sewer, storm sewer, and water lines that are located in the public utility easements or right of way to the City of Brevard. Furthermore, I hereby set aside in perpetuity for all permanent preservation, all Regulatory Floodways, Stream corridor Protection Areas, and other protected natural areas as shown, described, or otherwise noted hereupon.

Date Owners

JERALDINE PAXTON
8586-70-6667
D.B. 424 PG. 714

MARGARET SCHLOSSER
8586-70-6506
D.B. 621 PG. 555

CITY OF BREVARD
8585-79-2971
D.B. 443 PG. 483

JAN DRYSELIUS
8586-70-8213
D.B. 668 PG. 108

JONATHAN MERRILL
8586-80-1331
D.B. 1034 PG. 253

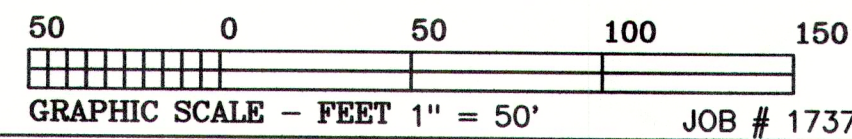
CURRENT OWNER
ROBERT J. GILLIGAN
PO BOX 1265
BOCA GRANDE FL 33921

REFERENCE PLAT BOOKS 1-37 & 1-71
SUBDIVISION OF PROPERTY FOR

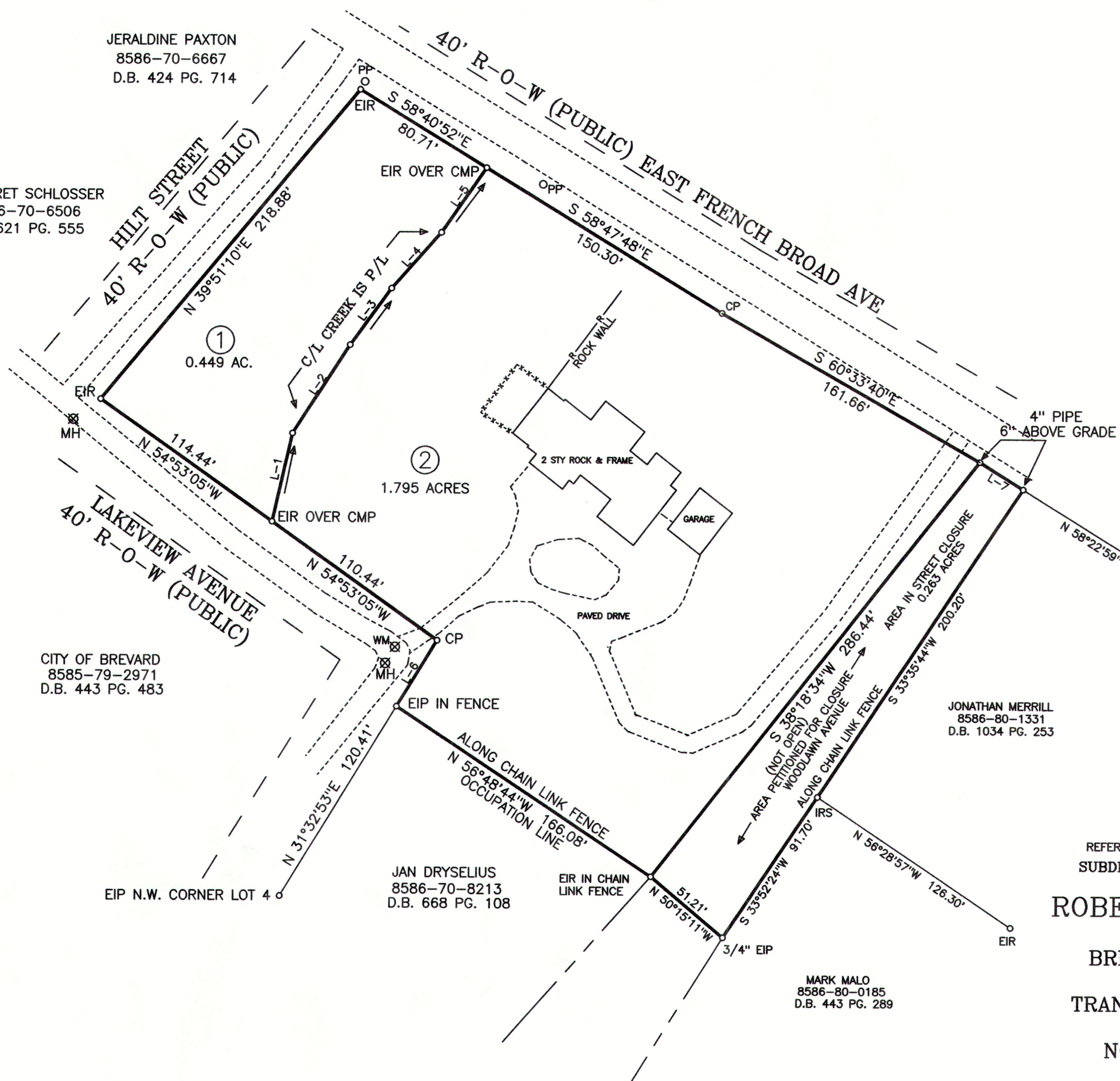
ROBERT J. GILLIGAN
BREVARD TOWNSHIP
TRANSYLVANIA COUNTY
NORTH CAROLINA

NOVEMBER 29, 2017

REVISED 5-9-22
CHANGED TITLE NAME
ADDED AREA OF CLOSURE FOR WOODLAWN AVE



JOB # 17371



- LEGEND
- EIP EXISTING IRON PIPE
 - EIR EXISTING IRON ROD
 - IRS IRON ROD SET
 - PP POWER POLE
 - C/L CENTER LINE
 - P/L PROPERTY LINE
 - R-O-W RIGHT OF WAY
 - CP CALCULATED POINT
 - MH MAN HOLE
 - X-X-X FENCE LINE
 - CMP CORRUGATED METAL PIPE

NOT INCLDG WOODLAWN AVE
* TOTAL AREA *
2.244 ACRES

STAFF REPORT

City Council, Tuesday, January 3, 2023

Title: Main Street Sewer Improvements Contract Award / Main Street Water Improvements Change Order Authorization

Speaker: Dean Luebbe, Assistant City Manager
Wilson Hooper, City Manager

Prepared by: Dean Luebbe, Finance Director

Approved by: Wilson Hooper, City Manager

City Council passed the Main Street Water and Sewer Improvements Project on June 6, 2022. The project will replace or otherwise upgrade existing water and sewer service lines on Main Street, between Oaklawn Avenue and Gaston Street. This project will ensure that underground utilities are in good state of repair before above-ground sidewalk, landscaping, and stormwater work begins on Main St. The project has a budget of \$600,000.

Initially, the water and sewer portions were bid together, but no bids were received. Summit Engineering, the City's consulting engineer, suggested that the City bid the sewer work separately.

The project was rebid as a sewer only project, and on December 8, 2022, one bid was received from Prism Contractors and Engineers in the amount of \$280,700.

Staff are requesting that Council award the contract to Prism, and authorize the City Manager to execute the contract.

The water portion of this project received even less interest than the sewer portion. Because of this lack of interest, Summit Engineering approached a contractor (Carolina Specialties) that had recently been awarded a competitively-bid contract for the Whitmire Waterline Replacement, hoping that because they were already working on the Whitmire Project, they would also agree to the Main Street waterline work. They agreed to do so at a price of \$186,295.

Staff are requesting that the Council authorize the City Manager to execute a change order in the amount of \$186,295 with Carolina Specialties, adding Main St. waterline work to the existing contract for Whitmire Waterline Replacement project. The funds will be accounted for and paid from the Main St. project fund.

This project is time sensitive, as the City wishes to have this project, as well as the Times Arcade Alley Stormwater Project currently out for bid, completed in time to accommodate NCDOT's Main Street repaving in the summer of 2023.

ACTION:

Approve a resolution awarding Main St. sewer work to Prism Contractors and Engineers and authorizing the City Manager to execute a contract for \$280,700, and authorizing the City Manager to execute a change order in the amount of \$186,295 with Carolina Specialities to perform Main St. waterline work.

Attachments:

1. Resolution re Main St. Water Sewer Line Project

RESOLUTION NO. 2023-XX

**RESOLUTION AWARDING CONTRACT AND AUTHORIZING CITY MANAGER TO
EXECUTE VARIOUS DOCUMENTS REGARDING MAIN ST. WATER AND SEWER LINE
PROJECT**

WHEREAS, the City of Brevard budgeted \$600,000 for repair and replacement of underground water and sewer utilities along Main St.;

WHEREAS, when the water and sewer portions were bid as a package, the City received no bidders;

WHEREAS, on the advice of its consulting engineer, the City split the water and sewer work and sought out interested firms;

WHEREAS, Prism Contractors and Engineers submitted a bid for sewer work, and Carolina Specialties agreed to perform the water work as a Change Order to their existing contract.

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

A contract for \$280,700 for Main St. Sewer Line repair and replacement is hereby awarded to Prism Contractors and Engineers, and the City Manager (or his designee) is hereby authorized to execute

The City Manager (or his designee) is hereby authorized to execute a change order with Carolina Specialties for \$186,295 to add Main St. waterline maintenance and repair to the scope of work for the existing Whitmire Waterline Replacement project.

Approved and adopted this ___ day of _____, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Tuesday, January 3, 2023

Title: Water Treatment Plant Improvements
- Accept Funding-ARPA Project Grant
- Capital Project Ordinance

Speaker: Dean Luebbe
Prepared by: Dean Luebbe, Finance Director
Approved by: Wilson Hooper, City Manager

Background

Since August of 2020, the City has been pursuing funding sources related to improvements needed at the Water Treatment Plant. The improvements involve replacement of a generator, multiple pumps, and control and electrical systems. In August of 2021, the City was notified by NCDEQ that \$4,929,000 in funding had been approved, with \$500,000 being principal forgiveness and \$4,429,000 being debt. In August of 2022, the City received notification that the funding was approved as 100% grant funded from the State Fiscal Recovery Fund.

Staff Report

North Carolina Department of Environmental Quality requires the City Council to pass a resolution authorizing the City Manager to accept the funding.

Proposed Action(s)

By motion, approve resolution authorizing the City Manager to accept funding of \$4,929,000 from the State Fiscal Recovery Fund for the Water Treatment Plant Improvement Capital Project.

By motion, adopt establishment of the Water Treatment Plant Improvement Project ordinance in the amount of \$4,929,000.

Attachments:

1. Offer and Acceptance for ARP Funding - NCDEQ
2. Resolution to Accept Funding
3. Project Ordinance - Water Treatment Plant Improvements

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

SHADI ESKAF

Director



NORTH CAROLINA
Environmental Quality

Received 12/7/22
WBH

December 2, 2022

Mr. Wilson Hooper, City Manager
City of Brevard
95 West Main Street
Brevard, NC 28712

SUBJECT: Offer & Acceptance for ARP Funding
Project No. SRP-D-ARP-0222
Brevard WTP Improvements

Dear Mr. Hooper:

The City of Brevard has been approved for an American Rescue Plan (ARP) funding from the State Fiscal Recovery Fund in the amount of **\$4,929,000**. Projects funded from the State Fiscal Recovery Funds established in S.L. 2021-180 must meet applicable federal law and guidance for the ARP funds. Accordingly, enclosed are two (2) copies of an offer-and-acceptance document, extending ARP funding in the amount of \$4,929,000. This offer is made by the Division of Water Infrastructure (DWI), subject to the assurances and conditions set forth in the enclosed offer-and-acceptance document. Funds will not be disbursed unless this offer is accepted.

Upon your acceptance, please submit the following items to Mark Hubbard, Division of Water Infrastructure (DWI), 1633 Mail Service Center, Raleigh, North Carolina 27699-1633:

1. A resolution (sample copy attached), adopted by the governing body, accepting the offer, and making the applicable assurances contained therein;
2. One (1) copy of the original offer-and-acceptance document, executed by the Authorized Representative for the project, along with the signed "Standard Conditions and Assurances" for ARP Projects. **Please retain the second copy for your files.**
3. Federal Identification Number and Unique Entity ID # of the Recipient (Memo attached)
4. Sales Tax Certification (attached)

Once construction of the subject project has commenced, the enclosed "reimbursement request form" must be completed and submitted with all reimbursement requests. You are free to reproduce this form should additional copies be needed.



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

In addition, a memorandum requesting your federal identification number has been included with this offer of funding. You must complete and submit this form no later than the time when you choose to submit your first request for reimbursement. Reimbursement requests should be sent to Teresa Tripp at the address noted.

On behalf of the Department of Environmental Quality, I am pleased to extend this offer of ARP funds, made available by the North Carolina Fiscal Recovery Fund. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this letter, please contact Keith Krzywicki from DWI's Grant Management Unit, at 919.707.9184.

Sincerely,


Shadi Eskaf., Director
Division of Water Infrastructure, NCDEQ

Enclosures: Offer-and-Acceptance Document (2 copies)
Resolution by Applicant's Governing Body to Accept an Offer of Funding
Fed ID/Unique Entity ID No. Request Memo
Sales-Tax Certification Form
Reimbursement Request Form

CC: Jeffrey T. Brown, Brown Consultants (Asheville, NC)
Jennifer House (Via Email)
Teresa Tripp (Via Email)
Pam Whitley (Via Email)
FILE: ARP Project File (COM_LOX)



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

RESOLUTION NO. 2023-XX
BY GOVERNING BODY OF THE CITY OF BREVARD

WHEREAS, the City of Brevard has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$4,929,000 to perform work detailed in the submitted application, and

WHEREAS, the City of Brevard intends to perform said project in accordance with the agreed scope of work,

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

- 1) That the City of Brevard does hereby accept the American Rescue Plan Grant offer of \$4,929,000.
- 2) That the City of Brevard does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.
- 3) That Wilson Hooper, 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 this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted and approved this the 3rd day of January, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

ORDINANCE NO. 2023-XX

CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT
FOR WATER TREATMENT PLANT IMPROVEMENTS

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project will upgrade the major pumps used in the treatment process, and replace a forty two year old generator. The project also provides new electrical and control equipment.

Section 2: This project is entirely funded at \$4,929,000 through the American Rescue Plan funding from the State Recovery Fund.

Section 3: The following amounts are appropriated for the project:

Account Number	Account Name	Budget Amount
31-8540-5100	Water Treatment Plant Improv	\$4,929,000
TOTAL PROJECT APPROPRIATION		\$4,929,000

Section 4: The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
31-3760-0150	WTP Grant – ARP - 0222	\$4,929,000
TOTAL PROJECT REVENUE		\$4,929,000

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 3rd day of January, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Tuesday, January 3, 2023

Title: Resolution Supporting RAISE Grant Application

Speaker: Paul C. Ray, Planning Director

Prepared by: Paul Ray, Planning Director

Approved by: Wilson Hooper, City Manager

Background

The U.S. Department of Transportation has published a Notice of Funding Opportunity for \$1.5 billion in grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program. This program helps communities around the country carry out projects that have significant local or regional impacts. Grants may not be greater than \$25 million. Applications are due on February 28, 2023 and announcements will be made by June 28, 2023.

Discussion

Staff is proposing that City Council authorize the City Manager to apply for the 2023 RAISE grant opportunity, and partner with North Carolina Department of Transportation to secure funding to cover the cost of grant writing. NCDOT has agreed to sponsor the Ecusta Trail project including the entire 8-mile section in Transylvania County and parts in Henderson County. Alta Planning + Design has been chosen to write the grant application. By including Henderson County, there will be a stronger focus on regional transportation, from Brevard to Hendersonville, and will pass through more areas of persistent poverty or historically disadvantaged communities, as opposed to the emphasis being on recreation. Staff believes that NCDOT's sponsorship of this project will carry considerable weight in strengthening our application.

Policy Analysis

The City's 2015 Comprehensive Plan places special emphasis on Economic Health, with policy 2.2.G encouraging, "The pursuit of grant resources to support public capital improvements." Additionally, the Comprehensive Plan places great value on creating a livable community with multimodal forms of transportation.

Action

Consider authorizing Staff to apply for and accept the 2023 RAISE grant, if awarded.

Fiscal Impact

The cost of grant writing will be covered by NCDOT.

Attachments:

1. Resolution

RESOLUTION NO. 2023-XX**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
APPLY FOR A REBUILDING AMERICAN INFRASTRUCTURE
WITH SUSTAINABILITY AND EQUITY (RAISE) GRANT FOR
THE CONSTRUCTION OF THE ECUSTA TRAIL**

WHEREAS, The City of Brevard has long valued quality multi-modal transportation infrastructure to meet the needs of our citizens, a value expressed through numerous public input efforts and planning processes over many years of various studies; and

WHEREAS, The City has already accepted \$1 million in grant funding through the Federal Lands Access Program for the design of the Ecusta Trail and is now seeking further funding for its construction; and

WHEREAS, the City has invested in multiple transportation related plans and partnered with other regional entities to develop these plans, including the: Downtown Masterplan of 2002, 2012 and 2021, the FHWA supported Ecusta Rail Trail Planning Study and Economic Impact Analysis of 2012, the Comprehensive Transportation Plan of 2007 and 2025, the Brevard Bicycle-Friendly Community Improvement Plan of 2018, the Transylvania County Bicycle Plan of 2019, the Blue Ridge Regional Bike Plan, and the Brevard Comprehensive Pedestrian Plan of 2006 and 2018, to name a few; and

WHEREAS, these plans and investments confirm the interest to provide efficient alternative modes of transportation such as bike, transit, pedestrian and multi-use spaces in existence and coordination with traditional vehicular use corridors; and

WHEREAS, the City has partnered with the North Carolina Department of Transportation on the Ecusta Trail project, and

WHEREAS, Brevard understands that a safe, reliable, affordable and accessible transportation system for all users is essential to the quality of life of our residents and to the health of our economy; and

WHEREAS, as stated in Resolution 2021-21, approved June 21, 2021, the City of Brevard has committed to taking on a lead role in securing funding, overseeing construction, and managing the public use of the section of the Ecusta Trail within Transylvania County; and

WHEREAS, the Ecusta Trail is a 19-mile regional trail system connecting Transylvania County to Henderson County that will bring many recreational, public health, and economic benefits to local residents and businesses within and beyond the City of Brevard; and

WHEREAS, the United States Department of Transportation has issued another round of its Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program, providing \$1.5 billion of funding for planning and capital investments in surface transportation infrastructure, to be awarded on a competitive basis for projects that will have a significant local or regional impact; and

WHEREAS, RAISE funding can support roads, bridges, transit, rail, ports or intermodal transportation that include, implement or enhance safety, economic competitiveness, quality of life, environmental sustainability, state of good repair, innovation, and partnerships; and

WHEREAS, the 2023 RAISE applications are due by February 28, 2023, at 11:59pm and notification of awards is expected on or before June 28, 2023.

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

SECTION 1. The City Manager is hereby authorized to apply for a RAISE grant and accept funding for the construction of the Ecusta Trail.

SECTION 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 3rd day of January 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

STAFF REPORT

City Council, Tuesday, January 3, 2023

Title: Municipal Advocacy Goals

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

The North Carolina League of Municipalities (NCLM) is the state's preeminent municipal advocacy and service organization. Prior to each biennial session of the North Carolina General Assembly (NCGA), NCLM convenes a committee of its membership -known as the Legislative Policy Committee (LPC)- to create a list of legislative goals. These goals are the foundation of NCLM's lobbying strategy.

Once the LPC's work is concluded, the advocacy goals are sent to NCLM's full membership for vote. Of the sixteen proposed goals, each member organization may select their ten highest priority goals. City Manager Hooper, who just completed his second term on the LPC, will give a presentation on the proposed goals, and ask the City Council to identify their ten top priorities.

ACTIONS:

1.) Adopt a resolution identifying Brevard's top ten legislative priorities from the NCLM's list of sixteen advocacy goals, and designating Mayor Copelof as Brevard's delegate for the purposes of casting the city's vote.

Attachments:

1. NCLM Legislative Goals
2. NCLM Leg. Priorities Resolution

LEGISLATIVE GOAL STATEMENTS

RECOMMENDED BY THE NCLM BOARD OF DIRECTORS

The following goal statements are grouped by subject area but NOT listed in any priority order.

- Expand federal and state resources for affordable housing.
 - Housing affordability is a growing problem across North Carolina, affecting cities and towns of all sizes and people across different income levels.
 - Increasingly, the lack of affordable housing acts as a major impediment to business and workforce recruitment.
 - Ongoing state and federal revenue streams to address housing affordability are extremely limited, with much of the burden for solutions left with cities and towns
- Revitalize vacant and abandoned properties with enhanced legal tools and funding.
 - Abandoned and vacant properties, often the subject of so-called tangled titles, can affect the ability of communities to revitalize areas and improve economic conditions.
 - The abandoned properties, with enhanced legal tools to help heirs clear up title issues and sell properties at market rates, could help address local housing needs.
 - Many towns do not have the funding to adequately address abandoned properties.
-
- Create an adequate and permanent funding stream for local infrastructure.
 - Infrastructure – including roads, water, sewer, stormwater, parks and beaches – are critical to economic development and job creation.
 - Many cities in the state are growing, creating a constant need for investment to keep pace with population growth; many cities and towns also have aging infrastructure that must be replaced.
 - Creating more permanent funding streams for local infrastructure, such as a dedicated tax source, would allow for better planning to meet needs.

- Allow municipalities to use local resources and capabilities to expand broadband access in their communities through innovative partnerships.
 - Slow and unreliable internet service threatens educational and professional opportunities, and the economic future of entire communities.
 - Municipalities own existing infrastructure – including dark fiber, towers and electric poles – that could be utilized in innovative partnerships and assist in making broadband service more affordable.
 - Failure to utilize local government assistance and assets will continue to create digital gaps that have real-world consequences for North Carolinians.
 - Extend deadlines for completion of federal infrastructure projects.
 - Current deadlines for the allocation and expenditure of American Rescue Plan Act funding may make more complex infrastructure projects unrealistic.
 - High inflation and worker shortages are leading to higher project costs; extending ARPA and other funding deadlines will spread projects out and may help lower costs.
 - Cities and towns require flexible deadlines to get the best bang for their buck out of this funding.
-
- Expand state transportation funding streams for construction and maintenance for municipal and state-owned secondary roads.
 - Current Powell Bill and other state funding is not adequate to address transportation needs, particularly as they affect municipal and state-owned secondary roads.
 - In many cities and towns, major commuting corridors are not receiving the level of investment needed to keep pace with traffic.
 - More investment is needed for these roads if existing residents are to embrace business and residential growth.

- Support integrated and multi-modal transportation solutions.
 - Today, cities and towns seek to make downtowns and other areas accessible to residents and visitors, whether traveling by foot, bike, car, mass transit and other means.
 - Making areas accessible in this manner requires integrated planning and funding with the state.
 - Only through recognizing the need for multi-modal transportation solutions can cities and towns maximize tourism and other economic opportunities, ensuring that local businesses thrive.
- Increase state funding for public transportation operations.
 - Road construction is not keeping pace with transportation needs in any many areas, and public transportation provides a means to reduce the burden of building roads.
 - Investment in public transportation can improve traffic safety, air quality and residents' accessibility to businesses and public services.
 - One of the biggest impediments to economic growth is traffic and commuting times, which can be alleviated through public transportation options.
-
- Expand incentives and funding for local economic development.
 - Funding is simply inadequate in many cities and towns to encourage job growth.
 - State grants and incentives are often targeted in ways that fail to assist the areas in greatest need of job creation.
 - Maintaining or expanding funding for film tax credits, major industrial site development, downtown development and renewable energy tax credits helps cities and towns across the state.



- Expand incentives that encourage regionalization of water and sewer, as well as other municipal services, when appropriate.
 - A number of municipal water and sewer systems continue to financially struggle with deferred maintenance needs.
 - These challenges came about largely due to population and job losses in rural areas, leading to an erosion of taxpayer and ratepayer bases.
 - While legislators and municipalities have begun to address these issues with the creation of the Viable Utility Reserve and the use of ARPA funding, state estimates show needs still exceed expenditures by several billion dollars.
-
- Enhance state systems and resources for local law enforcement officer recruitment, training, and retention.
 - Municipalities across the state are facing law enforcement staffing shortages, in many cases severe shortages.
 - State training resources are limited, and the cost of local law enforcement agencies to send recruits and existing officers to NC Justice Academy locations can be prohibitive.
 - Grant writing assistance is one of several options that might provide better access to the large volume of federal law enforcement grant funding that is available.
- Provide state assistance for yearly financial audits, ensuring that an adequate number of auditors is available.
 - Several dozen local governments have been placed on the state Unit Assistance List due to late audits.
 - Often these audits are late due to staffing shortages, changes in financial personnel and a growing shortage of private auditors willing to perform this work.
 - Addressing this challenge would lessen negative portrayals of local government financial controls.

- Revise state contracting laws to better protect public entities from the effects of inflation.
 - Labor and materials costs have been rising at a rapid rate, leaving municipalities with few options when project bids and costs exceed expectations.
 - Additional flexibility regarding the contracting process could assist municipalities in protecting taxpayers from inflation and escalating costs.
 - Without contracting law flexibility, projects can be delayed and costs can further increase.

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- Update annexation petition thresholds to make voluntary annexations easier to initiate.
 - Voluntary annexation by petition currently requires 100 percent consent from all property owners, a threshold that can be impossible to meet even if a majority of property owners can benefit by utilizing their property for business or residential purposes.
 - Lowering the threshold from 100 percent represents a middle ground that would still reflect the will of property owners but not handicap communities' ability to economically thrive.
 - The ability of a city or town to grow and reflect its urban footprint is vital to its financial health; city services are relied on by residents whether they live in or near municipal boundaries.
- Provide authority to municipal water systems to recoup costs of clean-up from polluters.
 - Local municipal water systems are increasingly being looked to for the clean-up of PFAS and other "forever" chemicals found in surface waters.
 - State regulators plan to set surface water standards for these chemicals and propose Maximum Contaminant Levels for PFAS chemicals in drinking water.
 - To date, cities' only recourse to try to recoup the cost for utility ratepayers is through the courts.
- Provide local revenue options beyond property tax.
 - Roughly 40 percent of municipal general fund revenue is generated by local property taxes.
 - Cities have little to no authority to raise significant revenue in other ways.
 - A lack of diverse, local tax options can affect economic growth, as well as cause large swings in revenue based on economic changes.

RESOLUTION NO. 2023-XX

**A RESOLUTION ENUMERATING THE CITY OF BREVARD'S PREFERRED LEGISLATIVE PRIORITIES
FOR THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES (NCLM)**

WHEREAS, the biennial "long-session" of the North Carolina General Assembly is scheduled to convene in January 2023; and

WHEREAS, during the "long-session" the North Carolina General Assembly develops the state's biennial budget, and considers new legislation; and

WHEREAS, in North Carolina, the General Assembly endows municipalities with their powers; and

WHEREAS, in North Carolina, the General Assembly may grant state funding to municipalities to fund projects of local concern; and

WHEREAS, for those reasons and others it is in municipalities' best interest to maintain positive working relationships with their legislators and make clear their needs; and

WHEREAS, on January 3, 2023 the Brevard City Council discussed in open session a list of legislative priorities that they ask the North Carolina League of Municipalities to lobby for on their behalf.

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

The City of Brevard identifies the following ten items as its chosen priorities for NCLM's legislative advocacy during the 2023 General Assembly;

- Expand federal and state resources for affordable housing
- Revitalize vacant and abandoned properties with enhanced legal tools and funding
- Create an adequate and permanent funding stream for local infrastructure
- Allow municipalities to use local resources and capabilities to expand broadband access in their communities through innovative partnerships
- Extend deadlines for completion of federal infrastructure projects
- Expand state transportation funding streams for construction and maintenance for municipal and state-owned secondary roads
- Support integrated and multi-modal transportation solutions
- Increase state funding for public transportation operations
- Expand incentives and funding for local economic development
- Expand incentives that encourage regionalization of water and sewer, as well as other municipal services, when appropriate
- Enhance state systems and resources for local law enforcement officer recruitment, training, and retention
- Provide state assistance for yearly financial audits, ensuring that an adequate number of auditors is available
- Revise state contracting laws to better protect public entities from the effects of inflation
- Update annexation petition thresholds to make voluntary annexations easier to initiate
- Provide authority to municipal water systems to recoup the costs of clean-up from polluters
- Provide local revenue options beyond property tax

That Mayor Maureen Copelof is designated as Brevard's voting delegate for the purposes of recording the city's ten priority goals with NCLM.

Approved and adopted this __ day of _____, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

STAFF REPORT

City Council, Tuesday, January 3, 2023

Title: City of Brevard Legislative Requests

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by:

On December 6, 2022, Brevard hosted Rep. Mike Clampitt (NC-119), the city's representative in the North Carolina House of Representatives. Mayor Copelof, Mayor Pro Tem Gary Daniel, City Manager Wilson Hooper, Police Chief Tom Jordan, Fire Chief Bobby Cooper, and Planning Director Paul Ray shared updates on city projects, and shared information about the city's needs with Rep. Clampitt.

Rep. Clampitt suggested the city submit to him by January 31, 2023 a list of legislative priorities that he can advocate for in the upcoming long-session of the General Assembly. This could include requests for financial earmarks and legislative changes. He encouraged Brevard to submit now rather than wait until proposals are more refined so that he could begin lobbying on our behalf.

After some discussion, staff developed a proposed list of legislative requests (attached).

ACTION:

Staff requests that Council consider these requests and, if they are acceptable, approve the attached resolution. If the Council wishes to add requests, they may be added by motion this evening, or this item can be brought back for further discussion and vote at the January 17, 2023 meeting.

Attachments:

1. City of Brevard Legislative Requests
2. Legislative Request Resolution

City of Brevard Legislative Requests

FUNDING REQUESTS

\$300,000 for Davidson River Pedestrian Bridge

Resubmission of a \$300,000 earmark request to support the construction of a 125' pedestrian bridge over the Davidson River in conjunction with the North Carolina Department of Transportation (TIP EB-5858). This request was originally submitted to Rep. Jake Johnson in August 2022.

The original \$600,000 project ballooned in cost due to inflation and the requirement to perform recovery archaeology at the site. The cost is now over \$2M. FHWA/DOT has agreed to the extra cost for their portion, but the increase to the city's 20% matching portion made the project unaffordable for us.

\$65M for Wastewater Treatment Plant Process and Capacity Upgrades

Request a \$65M earmark for wastewater treatment plant process and capacity upgrades. This request is based on estimates created by CDM Smith in 2014 for treatment process updates, and estimates created by staff in 2022 for capacity enhancements. It is an "order-of-magnitude" figure and will likely change once the city completes its 80/20 engineering work.

The city's WWTP is deficient in two ways: it uses antiquated treatment technology, and it is running out of capacity. Though neither of these deficiencies prevent it from providing adequate service now, the plant in its current state is not adequate to support future growth or meet growing regulatory demands.

The State of North Carolina has a vested interest in the health of Brevard's WWTP. The city is home to a growing cluster of pharmaceutical and brewing businesses, both of which produce high strength waste water that taxes the WWTP in its current configuration. The state has committed to an investment grant for a pharmaceutical company's expansion that presumes access to municipal wastewater treatment. An up-to-date WWTP is, therefore, a critical component of the region's economic competitiveness.

\$3M for Azalea/Rhododendron Sewer Extension

Request a \$3M earmark for expansion of the city's sewer infrastructure to the unincorporated Azalea/Rhododendron neighborhood to serve residents with failing septic systems.

The city currently has a \$2,287,367 award from the state's Clean Water State Revolving Fund for this project, but the award is nearly 80% low-interest loan, which means the city would have to take on nearly \$1.8M in debt to pay for the project. This is not economically feasible for the city, as the customer base would be too low to pay back the loan from new rate payers alone.

The city's initial request to have the award changed from loan to grant was denied in August 2022. The city has reapplied for an all-grant award, but an earmark would expedite the process.

POLICY REQUESTS

Amend NCGS 160D-1316

Request legislation that would permit municipalities to support the creation of workforce housing serving beneficiaries having incomes of up to 120% AMI.

NCGS 160D-1316 enumerates the power local governments are permitted to exercise with regard to support of low- and moderate-income housing. These powers, however, are limited to housing programs serving families with incomes of up to 80% of the Area Median Income (AMI).

For Brevard, where buildable land is scarce and construction costs are high, developers find it hard to make the numbers work for projects serving <80% AMI even with public support. When housing supply is limited at all price points, as it is in Brevard, any development will ease the pressure.

Therefore, it is Brevard's belief that municipalities ought to be permitted to use their tools where they might actually bear fruit. By allowing public support of housing project serving residents with incomes up to 120% AMI, cities like Brevard can give the private market the nudge it needs to boost housing supply.

Oppose legislation that limits local authority over zoning.

This request reiterates a similar request City Council made in April 2021. At that time, Council passed a resolution opposing SB 349 and HB 401, bills that limited local authority over zoning. Those bills did not pass through the NCGA at the time, but their component pieces are expected to reemerge in proposals in the upcoming session.

Although bills limiting local authority over zoning will be couched in the language of providing housing opportunity, it is Brevard's belief that statewide development standards can't accommodate specific local circumstances, and will have unintended consequences affecting public health and safety.

What's more, Brevard has voluntarily begun the process of reviewing its Unified Development Ordinance to make sure that none of its provisions unduly inhibit the creation of housing, making legislation unnecessary.

Consider legislation that opens policies and funding sources currently reserved for economic development activities to be used for the provision of affordable housing

For example, occupancy tax proceeds, JDIG, or GoldenLEAF grants.

RESOLUTION NO. 2023-XX

**A RESOLUTION IDENTIFYING THE CITY OF BREVARD’S REQUESTS FOR
THE 2023 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

WHEREAS, the biennial “long-session” of the North Carolina General Assembly is scheduled to convene in January 2023; and

WHEREAS, during the “long-session” the North Carolina General Assembly develops the state’s biennial budget, and considers new legislation; and

WHEREAS, in North Carolina, the General Assembly endows municipalities with their powers; and

WHEREAS, in North Carolina, the General Assembly may grant state funding to municipalities to fund projects of local concerns; and

WHEREAS, for those reasons and others it is in municipalities best interest to maintain positive working relationships with their legislators and make clear their needs; and

WHEREAS, on January 3, 2023 the Brevard City Council discussed in open session a list of legislative requests that they feel will enable them to better serve the people of Brevard and Transylvania County

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

The “City of Brevard’s 2023 Legislative Request” document, incorporated by reference, is hereby respectfully submitted to the North Carolina General Assembly for their consideration; and

The City Manager is instructed to submit, in a form acceptable to its recipients, the its contents to Rep. Mike Clampitt (NC-119), Sen. Kevin Corbin (NC-50), and other appropriate parties.

Approved and adopted this __ day of _____, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

STAFF REPORT

City Council, Tuesday, January 3, 2023

Title: City Council Meeting Schedule Amendment

Speaker: Wilson Hooper

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Council approved a CY2023 meeting calendar at its December 5, 2022 meeting, establishing its regular meeting dates for the year. It was understood at the time, however, that additional dates would need to be added to the calendar to accommodate Strategic Planning and budget retreats.

Staff are recommending that the Council schedule its yearly Strategic Planning Retreat for Wednesday, March 1, 2023 from 8:30 AM to 4:30 PM. This date works for the facilitator and staff. Informal polling of Council members suggests the date works for Council as well. Staff recommends back-up dates of Thursday, March 2 or Friday, March 3. Since the Retreat is an important milestone in the budget development process, staff request that it be held no later than March 3 so that its budget development work can stay on schedule.

Staff are also recommending that because the Strategic Planning Retreat is taking place the first week of March, that Council hold a second Regular Meeting in February on Monday, February 20, 2023 and that the March 6, 2023 meeting be canceled.

ACTION:

Amend the 2023 Meeting Calendar to include "Strategic Planning Retreat, Wednesday, March 1, 2023 8:30-4:30 PM"; a second Regular Meeting on February 20, 2023 at 5:30 PM, and to cancel the Regular Meeting scheduled for March 6, 2023.

Attachments:

1. 2023_Council_Mtg_Schedule_AMENDED 1-3-2023

Brevard City Council 2023 Meeting Schedule

Day / Date	Time	Type	Location
Tuesday, January 3, 2023	5:30 PM	Regular Meeting	Council Chambers
Tuesday, January 17, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, February 6, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, February 20, 2023	5:30 PM	Regular Meeting	Council Chambers
Wednesday, March 1, 2023	8:30 AM	Strategic Planning Session	Mary C. Jenkins Community Center
Monday, March 20, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, April 3, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, April 17, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, May 1, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, May 15, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, June 5, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, June 19, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, July 17, 2023 (If Needed)	5:30 PM	Regular Meeting	Council Chambers
Monday, August 7, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, August 21, 2023	5:30 PM	Regular Meeting	Council Chambers
Tuesday, September 5, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, September 18, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, October 2, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, October 16, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, November 6, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, November 20, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, December 4, 2023	5:30 PM	Regular Meeting	Council Chambers
Monday, December 18, 2023 (If Needed)	5:30 PM	Regular Meeting	Council Chambers

Amended/Readopted: January 3, 2023
 Adopted: December 5, 2022
 Distribution: December 13, 2022
 D Hodsdon, City Clerk

STAFF REPORT

City Council, Tuesday, January 3, 2023

Title: Budget Amendment - Police Department - Governor's Crime Commission Grant

Speaker: Dean Luebbe

Prepared by: Dean Luebbe, Finance Director

Approved by: Wilson Hooper, City Manager

On November 3, 2021, Council passed a resolution authorizing a grant from the Governor's Crime Commission for the Brevard Police Department for \$19,800. The grant would allow the City to purchase equipment to ensure officer safety and allow the department to assist neighboring jurisdictions when requested. This equipment purchase would be 100% grant funded and a City match was not required.

The City used the proceeds to order gas masks, body shields, and batons for BPD, which recently arrived. Today's action would be to pass a budget amendment recording the reimbursement the City received with grant funds.

ACTION:

Adopt the budget amendment as presented.

Attachments:

1. Budget Amendment, Governors Crime Comm Grant

ORDINANCE NO. 2022-XX
AN ORDINANCE AMENDING THE FY2022-2023 BUDGET
AMENDMENT NUMBER XX

SUBJECT: Budget Amendment to increase expenditures and revenues in the General Fund for \$19,800, for a Police Grant received from the Governors Crime Commission.

AGENDA INFORMATION

Agenda Location: New Business/**Consent ?**
Department: Finance
Contact: Dean Luebbe, Finance Director

BRIEF SUMMARY: Chief Jordan began the application process for the 2021-2022 Governor’s Crime Commission grant in January, 2021. The purpose of the funding was officer safety during crowd control and riots, and to provide the City with the capacity to assist neighboring jurisdictions when requested. Council passed a resolution authorizing reception of this grant and the requisitioning of funds in its implementation, on January 19, 2021. The City was awarded the grant in November of 2021. The City purchased twenty-six gas-masks, seventeen body-shields, and twenty-one side-handle batons, totaling \$19,763.49, and we received full reimbursement in December of 2022. were fully reimbursed by the State.

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

10-5100-6000 (Department Equipment)	\$19,800
And increasing the budget in the revenue account	
10-3910-0775 (Grant – Governor’s Crime Commission)	\$19,800

ATTACHMENTS: None

MANAGER’S RECOMMENDATION: Adopt as presented

Approved and adopted this 3rd day of January, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller

City Attorney

STAFF REPORT

City Council, Tuesday, January 3, 2023

Title: Budget Amendment - Fire - CPR Equipment

Speaker: Dean Luebbe

Prepared by: Dean Luebbe, Finance Director

Approved by: Wilson Hooper, City Manager

The Brevard Fire Department took over medical first response calls from Transylvania County in August of 2022. Because of the frequency and nature of these calls, additional CPR equipment was needed. The County and the City agreed to split the cost of this equipment purchase; the City's portion came from Fire Fund (fund 40) fund balance that has accumulated in past years due to prudent spending by BFD. The County transferred its portion (\$9,287.44) in October 2022. This action will record the transfer and adjust the City's budget to account for it.

ACTION:

Adopt the budget amendment as presented.

Attachments:

1. Budget Amendment, County portion of Fire Equipment Purchase

ORDINANCE NO. 2022-XX
AN ORDINANCE AMENDING THE FY2022-2023 BUDGET
AMENDMENT NUMBER XX

SUBJECT: Budget Amendment to increase expenditures and revenues in the Fire Fund for \$18,600, for CPR equipment.

AGENDA INFORMATION

Agenda Location: New Business/**Consent ?**
Department: Finance
Contact: Dean Luebbe, Finance Director

BRIEF SUMMARY: The City and County split the cost of this needed expenditure. The amount received from the County (\$9,287.44) is separate from the quarterly tax contribution that was included in the FY22-23 Budget. The LUCAS is an automated CPR compression device that provides high quality uninterrupted chest compressions, and is much safer than trying to do manual compressions in the back of a moving ambulance.

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

40-5300-3300 (Department Equipment)	\$18,600
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And increasing the budget in the revenue accounts

40-3830-0100 (Contribution from Trans County)	\$9,300
40-3990-0000 (Fund Balance Appropriated)	\$9,300

ATTACHMENTS: None

MANAGER’S RECOMMENDATION: Adopt as presented

Approved and adopted this 3rd day of January, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Tuesday, January 3, 2023

Title: Paved Trails Feasibility Study Grant Program

Speaker: Aaron Bland

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

In July 2022, the Integrated Mobility Division (IMD) of the North Carolina Department of Transportation (NCDOT) was allocated \$2 million in one-time funding from the North Carolina General Assembly to establish a Paved Trails Feasibility Study Program. The purpose of the Paved Trails and Sidewalk Feasibility Studies Grant Program is to improve the pipeline of bicycle and pedestrian projects accessing state and federal funding, resulting in successful implementation of projects led by communities prioritizing multimodal infrastructure. An overview of the grant program is included as Attachment 1.

Planning Staff learned about this grant opportunity during a Year of the Trail webinar and took the idea of applying for the grant to the Parks, Trails & Recreation Committee at their November 16th meeting. The Committee took up the discussion again at their December 21st meeting and came to consensus on recommending Staff apply for the grant for a feasibility study for a greenway along Old Hendersonville Highway which would connect to the future Ecusta Trail. One of the requirements of the application is a resolution of support from the participating jurisdiction. A resolution for Council's consideration is included as Attachment 2.

Discussion

Feasibility studies bridge the gap between conceptual planning and programming of projects, building upon higher-level planning efforts. The purpose of this type of study is to evaluate the technical feasibility of a project in terms of design, permitting, and constructability. Feasibility studies provide the ability to examine route alternatives, develop detailed cost estimates, and partner with stakeholders.

During its meetings, the Parks, Trails & Recreation Committee discussed potential projects best suited for a feasibility study, with a preference to obtain a study for the more complex and unique projects rather than simple routes that would require more routine easement or right-of-way acquisition.

While having a feasibility study in hand will be beneficial at later stages of development, such as funding, design, acquisition, and construction, it is important to keep in mind that applying for one segment over another for this grant does nothing to modify the City's priorities for actual *construction*.

Policy Analysis

A greenway along Old Hendersonville Highway is identified in both the adopted 2006 Pedestrian Plan and the draft 2022 Pedestrian and Bicycle Plan. It is identified as a future multi-use path but is labeled as “Not Prioritized.” In the 2022 draft plan it is identified as a mid-term priority project.

The City’s 2015 Comprehensive Plan has several goals and policies related to expanding the City’s system of greenways for both recreation and transportation use.

Fiscal Impact

Staff is preparing the grant application in-house and there is no match requirement. However, a local match can increase the competitiveness of the application.

ACTION

Council is asked to approve a resolution adopting the Parks, Trails & Recreation Committee's recommendation to submit an application for a feasibility study of Old Hendersonville Highway Greenway to the Paved Trails Feasibility Study Program

Attachments:

1. Grant Program Overview
2. Resolution

IMD FEASIBILITY STUDY GRANT PROGRAM OVERVIEW



— Program Background

In July 2022, the North Carolina Department of Transportation (NCDOT) was allocated \$2 million in one-time funding from the North Carolina General Assembly to establish a Paved Trails Feasibility Study Program. The Integrated Mobility Division (IMD) was also awarded \$500,000 in State Planning and Research (SP&R) funds to support sidewalk and shared-use path feasibility studies. The purpose of the Paved Trails and Sidewalk Feasibility Studies Grant Program is to improve the pipeline of bicycle and pedestrian projects accessing state and federal funding, resulting in successful implementation of projects led by communities prioritizing multimodal infrastructure. This document is intended to guide grant applicants in understanding the purpose of a feasibility study, informing of project deliverables, and identifying the types of projects for which they can apply.

For responses to frequently asked questions, please visit: <https://connect.ncdot.gov/municipalities/PlanningGrants/Pages/IMD-Feasibility-Studies-Program.aspx>

— Who Can Apply?

The following governmental entities and non-profit organizations can apply to the Paved Trails and Sidewalk Feasibility Study Grant Program:

- Any municipality or county within North Carolina
- Metropolitan Planning Organizations (MPOs) and Rural Planning Organizations (RPOs) in North Carolina
- Bicycle, pedestrian, and transit advocacy groups, Friends-of-the-Trail groups, and Land Conservancies

Due to limited funding, the following entities are ineligible to apply to the Paved Trails and Sidewalk Feasibility Study Grant Program:

- Colleges or universities
- Other entities such as Business Improvement Districts

Applicants must re-apply each year to be considered within the current grant cycle. Please note that all applications and relevant documents will be accepted online at the program [webpage](#).



— What is a Feasibility Study?

Feasibility studies bridge the gap between conceptual planning and programming of projects. They build upon higher-level planning efforts and take a comprehensive approach to identify possible route alternatives of multimodal corridors. The purpose of this type of study is to evaluate the technical feasibility of a project from a design, permitting, and constructability perspective. Input solicited from the local community and stakeholders help guide the development of recommended routes. Project types include paved trails, shared-use paths, sidepaths, greenways, and sidewalks. It is important to note that a feasibility study does not present a final design for construction.

The purpose of the Paved Trails and Sidewalk Feasibility Study Grant Program is to improve the pipeline of multimodal projects to access to state and federal funding. The feasibility study program will produce well-conceived projects with demonstrated community support that will be competitive in the State Transportation Improvement Program (STIP) and for federal investment. Quantity-based preliminary cost estimates will be generated for route alignments to help inform further decision making, identify funding needs, and develop next steps for project implementation.

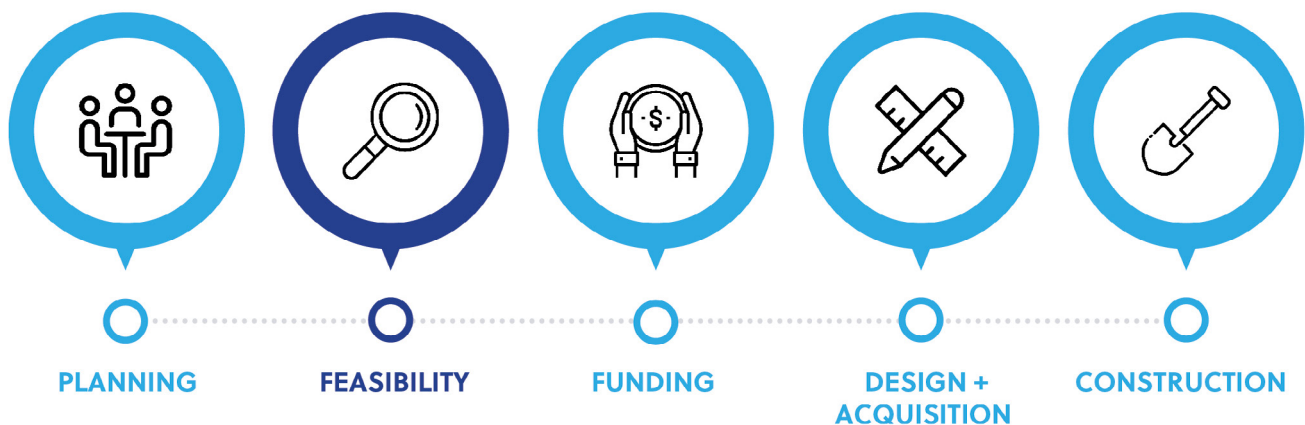
How Does a Feasibility Study Help Your Community?

While a comprehensive bicycle and pedestrian plan provides an overall framework for development of multimodal facilities, it is only the first step in a larger process. As a living document, recommendations and priorities outlined in a plan may evolve with changing development pressures, funding opportunities, and community growth trends. A community may need to conduct feasibility studies to understand the environmental conditions, routing challenges, and costs of priority corridors. Feasibility studies provide jurisdictions with the ability to examine routing alternatives, develop detailed cost estimates of preferred routes, partner with stakeholders to acquire corridors; program projects in the State Transportation Improvement Program (STIP) to receive design and construction funds; and advance projects to compete for federal investment. This detailed analysis allows design and right-of-way acquisition to be finalized, which is followed by construction. The bulleted text and infographic on the following page illustrate the steps in the planning-to-implementation process:



IMD FEASIBILITY STUDY GRANT PROGRAM OVERVIEW

- **Planning:** Types of plans consist of Comprehensive Transportation Plans, Metropolitan Transportation Plans, multimodal network plans, or bicycle and pedestrian plans. Plan elements include an existing conditions analysis, community engagement, the development of a comprehensive bicycle and pedestrian network, and the selection of priority projects.
- **Feasibility:** Types of feasibility studies consist of an analysis of various project corridors such as paved trails, shared-use paths, sidepaths, greenways, and sidewalks. Study elements include environmental analysis, route alignment analysis, community engagement, cost estimates, and an implementation action plan.
- **Funding:** Elements of this phase include submitting a project through the Strategic Transportation Investments (STI) prioritization process to be programmed into the State Transportation Improvement Program (STIP), applying for a federal grant such as Rebuilding American Infrastructure with Sustainability and Equity (RAISE), applying for funding allocated at the regional level such as Locally Administered Projects Program (LAPP) or other discretionary funding through a Metropolitan Planning Organization (MPO), or allocating local funding sources.
- **Design + Acquisition:** Elements of this phase include environmental documentation, community engagement, 30% design, full design, right-of-way authorization, and land acquisition and easements.
- **Construction:** Elements of this phase include permitting, bidding and procurement, community engagement, and construction of the bicycle and pedestrian facility.



IMD FEASIBILITY STUDY GRANT PROGRAM OVERVIEW



When to Choose this Type of Study:

Feasibility studies provide guidance for communities as they advance priority projects developed through a comprehensive planning process. A jurisdiction may pursue a feasibility study to analyze route alternatives, develop detailed cost estimates, and determine the preferred alignment for a paved trail or sidewalk corridor. A jurisdiction that is interested in developing a comprehensive bicycle, pedestrian, or transit network should consider pursuing a bicycle and/or pedestrian plan or multimodal network plan through the [Multimodal Planning Grant Program](#).

Feasibility Study Project Deliverables:

- Recommended routes for a paved trails or sidewalk corridor.
- Design guidance, typical sections, intersection and road crossing treatments, trail/sidewalk amenities for the preferred route alignments.
- Cutsheets for preferred route alignments with detailed cost estimates, potential land acquisition needs, potential permitting needs, needed structures, and potential bicycle, pedestrian, and transit connections.
- Implementation strategies detailing partner roles, project phasing, funding resources, maintenance resources, and an action plan detailing implementation tasks through a 10-year project development horizon.

Feasibility Study Eligibility Criteria:

- North Carolina municipalities and counties, Metropolitan Planning Organizations (MPOs) and Rural Planning Organizations (RPOs), and bicycle, pedestrian and transit advocacy groups, Friends-of-the-Trail groups, and Land Conservancies are eligible to apply for the Paved Trails and Sidewalk Feasibility Study Grant Program.
- The proposed project must be identified in a locally/regionally adopted plan.
- A local match is not required but may be a factor in a competitive grant cycle.



IMD FEASIBILITY STUDY GRANT PROGRAM OVERVIEW

— What is the Right Sized Study for the Project?

Project budgets are contingent upon corridor context and complexity. These guidelines are provided to help determine the scale of the project. The development of a small-scale study will differ from that of a large-scale study. The following should be considered in the development of a study:

- Cost
- Number of route alternatives
- Mileage range
- Jurisdictional range
- Corridor constraints
- Community and stakeholder engagement expectation

	SMALL-SCALE FEASIBILITY STUDY	LARGE-SCALE FEASIBILITY STUDY
COST	\$60,000 - \$80,000	\$80,000 - \$120,000+ Significantly more complex and extensive corridors may result in a higher plan cost
NUMBER OF ROUTE ALTERNATIVES	Up to 4 alternatives to be evaluated	Greater than 4 alternatives to be evaluated
MILEAGE RANGE	¼ mile to 3 miles	3 to 15+ miles
JURISDICTIONAL RANGE	Up to 2 jurisdictions along the corridor	2+ jurisdictions along the corridor (may require additional jurisdictional meetings/coordination)
CORRIDOR CONSTRAINTS	Minimal utilities Moderate topography Smaller FEMA studied streams (creeks and streams) Moderate roadway characteristics constraints (minor road crossings, moderate to high traffic volumes, moderate to high-speed limits)	Rail corridors/crossings Significant roadway characteristic constraints (controlled access roadways, major road crossings, high traffic volumes, high speeds) Larger FEMA studied streams (major water bodies – rivers, lakes) Moderate/significant utilities Significant topography
COMMUNITY + STAKEHOLDER ENGAGEMENT EXPECTATION	3 steering committee meetings (virtual) 1 online survey 1 public meeting Up to 4 focused stakeholder (landowners, local businesses, underrepresented groups, etc.) meetings (1-on-1 or may include multiple stakeholders per meeting)	4-5 steering committee meetings (virtual) 1 online survey 1 public meeting Up to 8 focused stakeholder (landowners, local businesses, underrepresented groups, etc.) meetings (1-on-1 or may include multiple stakeholders per meeting)



— Selection Criteria

The selection of grant awardees for the Paved Trails and Sidewalk Feasibility Study Grant Program will be based on a competitive review process. However, an effort will be made to award grants based not only on the merit of the proposal but to achieve statewide geographic distribution as well. Consideration will be given to funding a cross-section of community types to ensure that projects are equitably distributed across the state.

The following selection criteria are proposed for the program and will affect project scoring:

- **How well the grant proposal addresses questions and key prompts listed in the application** - This criterion is the most important piece of the selection process. The following should be considered before applying to the Paved Trails and Sidewalk Feasibility Studies Grant Program:
 - **Study Corridor Considerations** – The scale of a project will influence the cost, number of route alternatives, mileage range, jurisdictional range, corridor constraints, and expectations for community and stakeholder engagement. Please refer to the section above to identify a scale that is appropriate for your project.
 - **Community Need** – Consider if your project has been included in an adopted plan. Also consider the outcomes of previous engagement efforts centered around your project.
 - **Proposed Community Engagement Strategies** – Community engagement should take place throughout the duration of a project and especially before any transportation decisions are made. Engagement and outreach should be inclusive and aim to educate and communicate the needs of the project, as well as its impacts on the community. Additional information on engagement standards and resources may be accessed in [NCDOT's Public Involvement Practitioner's Guide](#) and the [Statewide Public Involvement Plan](#).
 - **Project Management Experience/Project Implementation** – Consider who is best suited to lead your grant application. This may be a jurisdiction that is already familiar with the project or may assume maintenance responsibilities following future construction. It is important to note that successful project implementation will require collaboration and coordination with various entities to see a project successfully implemented.
- **Geographic Location** – NCDOT will support the equitable distribution of projects across the state.
 - **Inclusion in the Great Trails State Network** – IMD encourages jurisdictions to submit a project that has been identified as part of the statewide trails network. To determine if your project is part of the Great Trails State network, click on the following link to view an interactive ArcGIS webpage of the network: <https://ncdot.maps.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=daecddb2e6374981b3ed122305d2baf5>.



IMD FEASIBILITY STUDY GRANT PROGRAM OVERVIEW



- **The extent to which the project may be able to mitigate transportation disadvantage**
 - IMD encourages jurisdictions to submit a project that may provide improved mobility in areas of potential transportation disadvantage. To support this evaluation, applicants may choose to use NCDOT's Environmental Justice (EJ) and Transportation Disadvantage Index Tool: <https://connect.ncdot.gov/projects/planning/Pages/EJ-TDI-maps.aspx>.
- **Inclusion of a local match** – A local match may be considered as part of the selection process in a competitive grant cycle.

Grant Award Process

During the initial application screening, IMD staff will conduct a preliminary review of all applications for completeness and general appropriateness. Following the preliminary review, eligible proposals will be reviewed by IMD staff with support from individuals with professional experience in developing, administering, and/or implementing paved trails and sidewalk feasibility studies. Recommended proposals will be forwarded to the NCDOT Board of Transportation for final approval. It is anticipated that the Board of Transportation will approve the selected jurisdictions in late winter / early spring 2023.

Firm Selection

NCDOT will utilize prequalified on-call firms to prepare the studies. NCDOT will administer all payments to the consultant preparing the study. The planning process will begin once NCDOT has assigned a consultant to the project and negotiated the study's cost.

Agreements for Jurisdictions Providing a Local Match:

The jurisdiction will submit a lump sum of their matching funds for this project with the signed agreement. NCDOT will then administer all payments to the consultant preparing the study. The study process will begin once (a) the agreement is executed, and a local match is received and (b) NCDOT has assigned a consultant to the project and negotiated the study's cost.



— Eligible Projects Defined

- **Paved Trail:** Paved trail surfaces such as asphalt or concrete offer greater accessibility to accommodate bicyclists, pedestrians, and other non-motorized users of all ages and abilities. Asphalt pavement tends to be the most popular and cost effective for paved trails. Concrete pavement is more durable, but it typically costs more than asphalt pavement. Paved trails are typically 10-feet wide or greater can also be known as a “shared-use paths”, “greenways” or “sidepaths” depending on site context.
 - **Shared-Use Path:** A facility, which should be designed to meet ADA Standards, which may be used by bicyclists, pedestrians, and other non-motorized users. Shared-use paths are separated from the roadway by an open space or a physical barrier or within an independent-right-of-way and can also be known as a “multi-use trail”, “multi-use path” or “greenway.”
 - **Greenway:** A greenway provides a travel area separated from motorized traffic for bicyclists, pedestrians, and other non-motorized users. These facilities generally follow corridors of undeveloped land preserved for recreational use or environmental protection. These corridors are often utilized as buffers since they often separate and protect the natural environment from the built environment.
 - **Sidepath:** A specific type of facility, which should be designed to meet PROWAG standards, that is physically separated from the road but still located within the roadway right-of-way.
- **Sidewalk:** The portion of a street or highway right-of-way, beyond the curb or edge of roadway pavement, which is intended for use by pedestrians. Sidewalks are generally narrower than paved trails and are usually constructed of concrete pavement or pavers.



RESOLUTION NO. 2023-XX

**A RESOLUTION OF SUPPORT FOR AN APPLICATION
TO THE IMD FEASIBILITY STUDY GRANT PROGRAM**

WHEREAS, the NCDOT was allocated \$2 million for a new one-time discretionary grant program to develop feasibility studies for sidewalk and shared-use path projects in North Carolina; and

WHEREAS, the Parks, Trails & Recreation Committee voted to recommend the City apply to this program seeking funding for a feasibility study for a greenway adjacent to Old Hendersonville Highway, from Broad Street to Ecusta Road; and

WHEREAS, a greenway along Old Hendersonville Highway would provide additional connections to residential, employment, and recreation destinations including the future Ecusta Trail; and

WHEREAS, a greenway along Old Hendersonville Highway is identified as a priority greenway in both the 2006 Pedestrian Plan and the draft 2022 Pedestrian and Bicycle Plan;

NOW THEREFORE, BE IT RESOLVED that the Brevard City Council supports the application to the IMD Feasibility Study Grant Program for a study of a greenway along Old Hendersonville Highway, and authorizes City Staff to submit all the required application documents and materials.

Adopted and approved this the 3rd day of January, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Tuesday, January 3, 2023

Title: Resolution of Support for Carbon Reduction Program Funding

Speaker: Paul C. Ray, Planning Director

Prepared by: Paul Ray, Planning Director

Approved by: Wilson Hooper, City Manager

Background

On November 15, 2021, the President signed the Infrastructure Investment and Jobs Act, also known as the “Bipartisan Infrastructure Law.” The BIL authorizes a new Carbon Reduction Program (CRP) to reduce transportation emissions through the development of State carbon reduction strategies and by funding projects designed to reduce transportation emissions. Nationally, \$1.234 billion has been authorized for FY 2022.

CRP funding may be used on projects that support the reduction of transportation emissions, including a transportation alternative such as the construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation. Consideration is also given to projects that support underserved communities.

The North Carolina Department of Transportation is holding a call for Rural Projects for Carbon Reduction Program (CRP) funds. Prior to submitting a project for consideration, NCDOT Transportation Planning Division must pre-screen the project with the Federal Highways Division to evaluate and determine its Carbon Reduction score and eligibility. Prescreening applications are due to Land of Sky RPO by January 6, 2023, and applications are due to NCDOT by March 17, 2023, with notifications expected to be made in June 2023.

Discussion

Staff believe the Tannery Park section of the Estatoe Trail is a strong project for CRP funding. A multi-use path reduces air pollution by offering an alternative to automobile travel, while the natural vegetation of a greenway creates oxygen and filters carbon monoxide, sulfur dioxide, ozone, and airborne heavy metals. In terms of transportation, the Estatoe Trail begins at one of the most heavily visited national forests and continues past shopping, medical services, schools and other important places across the city. Staff believes this project clearly demonstrates a low carbon, connectivity model in the emergent field of urban green design.

The Tannery Park greenway crossing would be a $\frac{3}{4}$ mile stretch of paved multi-use path on city-owned land through an historically underserved part of town. An approved Brownfield Agreement and Environmental Management Plan provide the regulatory guidance and permissions from NCDEQ, and full design plans have been completed by an engineering firm. This section of the trail is separated by Silversteen Drive. The northern

side, crossing the brownfield, is estimated to cost \$592,000. The southern side ends at Rosman Highway and is estimated to cost \$295,000. An environmental survey or categorical exclusion document will be necessary prior to construction, and 10% will go to NCDOT for managing the project. The City's grant application will be for one million dollars.

Policy Analysis

The completion of the Estatoe Trail is a well-documented high priority for City Council and is identified in the adopted 2006 Pedestrian Plan and the draft 2022 Pedestrian and Bicycle Plan. Additionally, both the adopted 2015 Comprehensive Plan and draft Building Brevard comprehensive land use plan have multiple action items relating to expanding the City's greenway network and creating multimodal transportation options.

Fiscal Impact

Approved CRP projects are 80% federally funded and 20% locally funded. The agreement with NCDOT would be similar to the Davidson River Pedestrian Bridge project, where the City pays a local match of \$200,000 and NCDOT gets reimbursed the remaining \$800,000 by USDOT. The City's portion would come from the Multi-use Path Fund, which has sufficient funds.

Action

Consider authorizing Staff to apply for and accept the CRP funding, if awarded.

Attachments:

1. Resolution
2. CRP Fact Sheet

RESOLUTION NO. 2023-XX

**A RESOLUTION OF SUPPORT FOR AN APPLICATION
TO THE CARBON REDUCTION PROGRAM**

WHEREAS, the Bipartisan Infrastructure Law authorizes 1.234 billion in funding for FY 2022 for a new Carbon Reduction Program to reduce transportation emissions by funding projects designed to reduce transportation emissions and increase safety; and

WHEREAS, an objective in the Environmental Health Element of the 2015 Comprehensive Plan is the reduction of the City's carbon and ecological footprint; and

WHEREAS, the City of Brevard is committed to collaborating across all safety stakeholders including Land of Sky Regional Planning Organization and North Carolina Department of Transportation to increase the safety of all road users, including those who walk, bike, drive, ride transit, and other modes of travel to lessen impact forces to the environment, promote good health and reduce injuries; and

WHEREAS, providing safe accommodations for walking and bicycling can help to reduce automobile dependency, which in turn leads to a reduction in vehicle emissions - a benefit for North Carolinian and the surrounding environment; and

WHEREAS, the Parks, Trails & Recreation Committee has been notified of CRP funding as an opportunity to construct sections of the Estatoe Trail; and

WHEREAS, the Estatoe Trail begins in Pisgah National Forest, the most frequently visited national forests in the country and connects people to shopping, hospitals, schools and industry via multi-use path, and the Tannery section will connect the Rosenwald neighborhood, a historically marginalized, underserved community of disinvestment, to a public, non-motorized greenway system.

NOW THEREFORE, BE IT RESOLVED that the Brevard City Council supports the application to the Carbon Reduction Program to fund the construction of the Estatoe Trail through Tannery Park in the Rosenwald Community and authorizes City Staff to submit all the required application documents and materials.

Adopted and approved this the 3rd day of January 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

U.S. Department of Transportation
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

BIPARTISAN INFRASTRUCTURE LAW



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FACT SHEETS

Carbon Reduction Program (CRP)

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract authority	---	\$1.234 B*	\$1.258 B*	\$1.283 B*	\$1.309 B*	\$1.335 B*

*Calculated (sum of estimated individual State Carbon Reduction Program apportionments)

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

Program Purpose

The BIL establishes the Carbon Reduction Program (CRP), which provides funds for projects designed to reduce transportation emissions, defined as carbon dioxide (CO2) emissions from on-road highway sources.

Statutory Citations

- § 11403; 23 U.S.C. 175

Funding Features

Type of Budget Authority

- Contract authority from the Highway Account of the Highway Trust Fund, subject to the overall Federal-aid obligation limitation.

Apportionment of Funds

- As under the FAST Act, the BIL directs FHWA to apportion funding as a lump sum for each State then divide that total among apportioned programs.
- Each State's CRP apportionment is calculated based on a percentage specified in law. [23 U.S.C. 104(b)(7)] (See "Apportionment" fact sheet for a description of this calculation)

Transferability to Other Federal-aid Apportioned Programs

- A State may transfer up to 50% of CRP funds made available each fiscal year to any other apportionment of the State, including the National Highway Performance Program, Surface Transportation Block Grant Program, Highway Safety Improvement Program, Congestion Mitigation and Air Quality Improvement (CMAQ) Program, National Highway Freight Program, and [NEW] Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Formula Program. Conversely, subject to certain limitations, a State may transfer up to 50% of funds made available each fiscal year from each other apportionment of the State to CRP. [23 U.S.C. 126(a)] (See other program-specific fact sheets for additional details.)

Suballocation

- 65% of a State's CRP apportionment is to be obligated in the following areas in proportion to their relative shares of the State's population. [§ 11403; 23 U.S.C. 175(e)(1)(A)] Funds attributed to an urbanized area may be obligated in the metropolitan area established under 23 U.S.C. 134 that encompassed the urbanized area [23 U.S.C. 175(e)(2)]:
 - *Urbanized areas with an urbanized area population greater than 200,000*: This portion is to be divided among those areas based on their relative share of population, unless the Secretary approves a joint request from the State and relevant MPO(s) to use other factors. [§ 11403; 23 U.S.C. 175(e)(1)(A)(i) and (e)(3)]
 - *Urbanized areas with an urbanized area population of at least 50,000 but no more than 200,000*: This portion is to be divided among those areas based on their relative share of population, unless the Secretary approves a joint request from the State and relevant MPO(s) to use other factors. [§ 11403; 23 U.S.C. 175(e)(1)(A)(ii) and (e)(3)]
 - *Urban areas with population at least 5,000 and no more than 49,999*. [§ 11403; 23 U.S.C. 175(e)(1)(A)(iii)]
 - *Areas with population of less than 5,000*. [§ 11403; 23 U.S.C. 175(e)(1)(A)(iv)]
- The remaining 35% of the State's CRP apportionment be obligated in any area of the State. [§ 11403; 23 U.S.C. 175(e)(1)(B)]
- Requires each State, over the period of FY22-26, to make available to each urbanized area with a population of at least 50,000 obligation authority for use with the suballocated CRP funding. [§ 11403; 23 U.S.C. 175(e)(6)] States are required to divide the funding to urbanized areas with a population of at least 50,000 based on the relative population of the areas. [23 U.S.C. 175(e)(3)]

Federal Share

- In accordance with 23 U.S.C. 120. (See the "Federal Share" fact sheet for additional detail.) [§ 11403; 23 U.S.C. 120 and 175(f)]

Eligible Projects

- CRP funds may be obligated for projects that support the reduction of transportation emissions, including, but not limited to— [except as noted, § 11403; 23 U.S.C. 175(c)(1)]
 - a project described in 23 U.S.C. 149(b)(4) to establish or operate a traffic monitoring, management, and control facility or program, including advanced truck stop electrification systems;
 - a public transportation project eligible under 23 U.S.C. 142;
 - a transportation alternative (as defined under the Moving Ahead for Progress under the 21st Century Act [23 U.S.C. 101(a)(29)], as in effect on July 5, 2012], including, but not limited to, the construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation;
 - a project described in 23 U.S.C. 503(c)(4)(E) for advanced transportation and congestion management technologies;
 - deployment of infrastructure-based intelligent transportation systems capital improvements and the installation of vehicle-to-infrastructure communications equipment;
 - a project to replace street lighting and traffic control devices with energy-efficient alternatives;
 - development of a carbon reduction strategy developed by a State per requirements in 23 U.S.C. 175(d);
 - a project or strategy designed to support congestion pricing, shifting transportation demand to nonpeak hours or other transportation modes, increasing vehicle occupancy rates, or otherwise reducing demand for roads, including electronic toll collection, and travel demand management strategies and programs;
 - efforts to reduce the environmental and community impacts of freight movement;
 - a project that supports deployment of alternative fuel vehicles, including—
 - acquisition, installation, or operation of publicly accessible electric vehicle charging infrastructure or hydrogen, natural gas, or propane vehicle fueling infrastructure; and
 - purchase or lease of zero-emission construction equipment and vehicles, including the acquisition, construction, or leasing of required supporting facilities;
 - a project described in 23 U.S.C. 149(b)(8) for a diesel engine retrofit;
 - certain types of projects to improve traffic flow that are eligible under the CMAQ program, and that do not involve construction of new capacity; [§ 11403; 23 U.S.C. 149(b)(5); and 175(c)(1)(L)]
 - a project that reduces transportation emissions at port facilities, including through the advancement of port electrification; and
 - any other STBG-eligible project, if the Secretary certifies that the State has demonstrated a reduction in transportation emissions, as estimated on a per capita and per unit of economic output basis. (Note: FHWA will issue guidance on how the Secretary will make such certifications.) [§ 11403; 23 U.S.C. 133(b) and 175(c)(2)]

Coordination in Urbanized Areas Other Than Transportation Management Areas

Before obligating CRP funds for an eligible project in an urbanized area that is not a transportation management area, a State shall coordinate with any MPO that represents the urbanized area prior to determining which activities should be carried out under the project. [§ 11403; 23 U.S.C. 175(e)(4)]

Consultation in Rural Areas

Before obligating CRP funds for an eligible project in a rural area, a State shall consult with any regional transportation planning organization or MPO that represents the rural area prior to determining which activities should be carried out under the project. [§ 11403; 23 U.S.C. 175(e)(5)]

Program Features

Carbon Reduction Strategy

- Requires each State, in consultation with any MPO designated within the State, to— [§ 11403; 23 U.S.C. 175(d)]
 - develop a carbon reduction strategy not later than 2 years after enactment; [§ 11403; 23 U.S.C. 175(d)(1)] and
 - update that strategy at least every four years; [§ 11403; 23 U.S.C. 175(d)(3)]
- Requires the carbon reduction strategy to—
 - support efforts—and identify projects and strategies—to support the reduction of transportation emissions;
 - at the State's discretion, quantify the total carbon emissions from production, transport, and use of materials used in the construction of transportation facilities in the State; and
 - be appropriate to the population density and context of the State, including any MPO designated within the State. [§ 11403; 23 U.S.C. 175(d)(2)]
- Allows the carbon reduction strategy to include projects and strategies for safe, reliable, and cost-effective options to—
 - reduce traffic congestion by facilitating the use of alternatives to single-occupant vehicle trips, including public transportation facilities, pedestrian facilities, bicycle facilities, and shared or pooled vehicle trips within the State or an area served by the relevant MPO;
 - facilitate use of vehicles or modes of travel that result in lower transportation emissions per person-mile traveled as compared to existing vehicles and modes; and
 - facilitate approaches to the construction of transportation assets that result in lower transportation emissions as compared to existing approaches. [§ 11403; 23 U.S.C. 175(d)(2)(B)]
- Requires FHWA to—
 - review the State's process for developing its carbon reduction strategy and certify that the strategy meets statutory requirements; and
 - at the request of a State, provide technical assistance in the development of the strategy. [§ 11403; 23 U.S.C. 175(d)(4) and (5)]

Treatment of Projects

- Treats every project funded under the program as if it were located on a Federal-aid highway. This ensures applicability of Davis-Bacon wage requirements. [§ 11403; 23 U.S.C. 175(g)]

Additional Information and Assistance

- FHWA can connect you with your local FHWA office and support you with technical assistance for planning, design, construction, preserving, and improving public roads and in the stewardship of Federal funds. For assistance, visit: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm

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