



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, September 18, 2023 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Rev. Dr. Oliver Dongell, Brevard Wesleyan Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. Monday, August 21, 2023 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Resolution 2023-45 Awarding Badge & Sidearm to Police Captain Steve Woodson

I. Special Presentation(s)

1. Ecusta Trail Project Briefing
2. Development Finance Initiative (DFI) Presentation

J. Public Hearing(s)

K. Consent and Information

1. Proclamation 2023-15 Harold Wellington Day
2. Proclamation 2023-16 Bill Bentley Day
3. Tax Settlement Report- August 2023
4. Council Public Works & Utilities Committee Minutes - May 3, 2023
5. Council Housing Committee Minutes - July 11, 2023

6. Council Public Works & Utilities Committee Minutes - August 2, 2023

L. Unfinished Business

1. Ordinance - Voluntary Contiguous Annexation - Greenfield, 345 Forest Hill Road

M. New Business

1. Proposed Amendment to the Housing Trust Fund Bylaws

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

1. Property Acquisition: GS § 143-318.11. (a)(3)(5)
2. Economic Development: GS § 143-318.11. (a)(4)
3. Personnel and/or Employment: GS § 143-318.11. (a)(3) (5)(6)

P. Adjourn

Agenda Posted, Website, Sunshine List (September 14, 2023)
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
August 21, 2023 – 5:30 PM

The Brevard City Council met in regular session on Monday, August 21, 2023, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant to the City Manager Alex Shepherd, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Community Center Director Tyree Griffin, Acting Public Works Director Wesley Shook, ORC Water Treatment Plant Dennis Richardson, and ORC Wastewater Treatment Plant Emory Owen

Press – Jon Rich, Transylvania Times and Dan DeWitt, Brevard NewsBeat

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

B. Invocation – Reverend Shelley Webb of Sharing House 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.

E. Approval of Agenda – Mr. Hooper noted there was an updated attachment for Item M-1 Employee Wellness Center and copies were distributed to Council. Mr. Daniel requested that Item K-3 Mary C. Jenkins Community Center and Parking Lot Project Closeout be pulled from the Consent Agenda and added to New Business as Item M-5. Ms. Dinkins moved, seconded by Mr. Morrow to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes – None.

G. Public Comments

Betsy Smith and Patience Camp – Ms. Smith said we live in the Sylvania subdivision of the City of Brevard. Earlier this spring a depression appeared in my driveway. The depression grew larger and larger and finally broke through to reveal a large sink hole that is growing by the day. I got in touch with a grading company to inspect it. It was determined that the issue was caused by the deteriorated storm drain culverts that are running through a large section of my yard. I then called the Public Works Department who came out and agreed with our assessment. I contacted 2 culvert repair companies to provide quotes to fix the problem. At quotes of \$83,280 and \$57,250 for repairs in my yard alone, it will still not resolve the problem. There is an entire system of storm water culverts picking up water from Rice St., Pine St. and Woodside Ave. and carrying it across 4 properties to connect with a drain at the junction of Dogwood St. and Grove St. As the culverts run from city streets through properties not in our subdivision, it is the city's responsibility to mitigate this. The incorrectly laid corrugated metal pipes have deteriorated significantly. The water rushing through has eroded the dirt on the sides and washed it away causing the sink hole in my yard and depressions in several others. This wash carries dirt and debris to the drain at Grove and Dogwood that could possibly plug it in the future. In my driveway the gap between the asphalt and the ground level extends 8 feet in some

directions. My neighbor, Patience, has a sunken area in her yard but has no visibility into it as her section is sealed. She is extremely worried that her children and pets could possibly fall through. Her basement flooded during a recent heavy storm in July and we have no way of knowing if this situation contributed to it because of the concealment. The neighbors next to her are reported to have a crumbling foundation as well. My next neighbor 3 houses away has water issues, too and has tried to mitigate with various measures. Over time more water has been added to this system by construction. There is a veritable river running under our yards that is not even our water that is destroying our properties. We have no control as to how much water will be diverted to us in the future. We need help. We are not safe. We need relief. We need a better design for disbursement of this water. We do not need an underground river of city water running through our properties.

Kathy Balistreri – As a realtor in Transylvania County for 20 years I am very concerned about this matter. I do sell property in Brevard and I feel that the integrity of the infrastructure under these beautiful homes is compromised and merits attention right away from the city. The storm drainage pipes are collapsing under homes and this issue will impact property values for everybody because it will erode confidence in the city infrastructure and utilities. I urge you to look into this and I think it deserves a lot of attention. It is more important, or just as important, as park benches and sidewalks downtown.

Lucy Clark – I am the presiding President for Heart of Brevard and I have our Board standing behind me. At its core the social district initiative aims to elevate the downtown events by expanding the event footprint and fostering a greater sense of engagement. The designated areas will encourage both residents and visitors to gather and connect, thereby enhancing the overall downtown experience and the quality of our events. We have the option to suspend the ordinance during family-focused events like Halloweenfest. Additionally, a social district will enable restaurants to serve customers at tables on city sidewalks without the need for barricades, allowing patrons of Falls Landing, Mayberry's and the Blind Mule to enjoy a beverage with their meal. Currently businesses are required to use stanchions, often making it difficult for establishments to maintain ADA accessibility. A social district will support our existing businesses by making it possible to utilize alley seating and the recently expanded seating downtown. This expanded availability of outdoor seating creates an inviting atmosphere and also provides local businesses with opportunities for increased economic growth. Heart of Brevard survey results: 46% are in favor, 22% were open to implementation with questions, and 31% were opposed. Results indicated a strong support for this initiative. We acknowledge and respect the diverse viewpoints shared in the survey responses and at the last City Council meeting. As a voice of the district, we are attentive to the survey results, reflecting the array of thoughts in our community, and we approach this task carefully and with the goal to create a vibrant community for all. If adopted, Heart of Brevard will assume a role as the managing entity for this district. To ensure a well-rounded approach that considers all survey responses, we recommend implementing the ordinance as a one-year pilot program with specific adjustments to the proposed ordinance as follows: conduct surveys and reviews at the 3, 6, and 12-month intervals to gain insights and make informed refinements; modify operating hours from 12pm to 9pm; refine the footprint to exclude the courthouse and the Veterans Museum; supply recyclable and/or reusable cups to enhance environmental sustainability; and extend public bathroom hours to 9pm. Thank for considering the significant benefits this initiative can bring to our community. The Heart of Brevard supports this endeavor and believes that with careful monitoring and evaluations, it can enrich the vitality of downtown.

Cindy Wilson – I live in Lake Toxaway, but I have owned my business on West Main Street here in Brevard for the last four years. From my experience, especially during the festivals, we do not see half the crowd that the other side of Main seems to dominate due to all the food trucks, beer gardens and entertainment. It is restricted on those two blocks east of Broad Street. I have asked multiple times to at least put a food truck on our block. The response is "sorry, we can't because we're not a social district". Very disappointing for West Main Street. I know for a fact that most every business

downtown depends on the tourists that love our town and need them desperately to get us through the months of January, February, March and part of April sometimes. I mean no disrespect to the people that live in our town and I respect your feelings and opinions, but at least 90% of my customers are tourists and I make it a point to ask if they are local or visiting. Almost every answer I get is they are visiting. Therefore I am all for social districting. This is not a spring break rowdy kind of town. People would like to sit outside in our beautiful town in the beautiful weather at any time of the year and enjoy a cocktail and that doesn't mean they are there to get drunk and disorderly. Restaurants with tables on the sidewalks, people choose to go to other restaurants because they want to drink a cocktail outside, certainly not fair for that business. We need to give people another reason to come and visit beautiful Brevard besides its beautiful waterfalls and local breweries. I also saw on the news that Marion, NC voted in to social districting. All the business owners and people are very happy about it.

JoAnne Houston – I am here to speak again because I've had some thoughts that I'd like to share with you about the social districting. At the time, and in the previous months in the newspaper, the stated object for the social district was to increase foot traffic and possibly revenue for the stores. I also learned that the authority given to the local governments was by an exception made to the, at that time, current alcohol law by Governor Cooper and the date was September 2020, and I began to think about that. Why would the governor make a change in the existing laws? 2020 we were in the midst of Covid. I began to do a little research and discovered something that was written about this. There was an order authorizing North Carolina ABC Commission to permit the delivery of carryout mixed beverages. The order was effective December 2020 and in quotes from the Governor "this order will help people avoid settings that can contribute to increased viral spread while giving restaurants and bars a financial boost that they need right now." said Governor Cooper. "With cases of hospitalization, etc. high, we need to do our part to slow the spread of Covid while supporting local small businesses safely." There was a shift in the conversation there; it started out with restaurants and bars and moved to businesses in general. I began to think the goal is increased revenue and foot traffic and the 40-some towns that have been implementing this aren't really sure, or least we haven't been told that there has been any verification that there has been an increase. But, I think if it was implemented during Covid there certainly would be an increase because businesses were shut down so anything above zero percent was going to be an increase. So, I wonder what base we're using to consider the statistics that are out there to prove that there is an increase indeed in this. But even so, if there is a slight increase, is this what we really want to do to our town? Do we really want to change from a small hometown kind of place that I've come to know and love? I'd like to see it preserved and I ask that you not vote for this; that we preserve what we have and not exchange street dancers for street drinkers. There is a different clientele that can walk around downtown with two drinks in their hand at a time as opposed to people who sit at tables at restaurants.

Skip Phillips – Currently I think everybody in this room will agree that we are living in a pretty divided country; left, right, lot a whole not in the middle. The divisiveness in this country stops at this level with City Councils, with meetings like this, open dialogue and open minds. I spoke last time about what I felt was important for downtown. I also sent a letter to each of you, I hope you had a chance to read it. It would have been in the Transylvania Times, but I exceeded 350 words and didn't know until too late so I couldn't edit it and send it back. But I did put it on social media and I got a lot of responses. One was a parody about Mayberry and Andy Griffith. The parody said that if we pass social districts it is going to be the downfall of Brevard. I thought about that for a minute and I did a little research. It is a little known fact that Andy Griffith was a boozier and a womanizer, but it's fiction. There in my mind is no reason not to try something to help the downtown businesses. The people that think it is going to be a Pandora's box that can never be closed are simply wrong. It can be stopped as quickly as it starts by you people, if I understand correctly. If something goes off the rails, which I don't feel that it will, it can be stopped. We've got to try something, I feel.

Ray Brewster – Last Saturday I had a chance to go to a breakfast meeting and there were several people speaking and one of them happened to be the District Judge

Gene Johnson. He works in this county as well as two other counties. He was talking about the type of cases he hears and basically it is any type of a case from criminal to civil to juvenile and everything else in between. His talk was quite interesting and as he was going along he was talking about how there was a need for assistance to individuals, at which point he said do you realize I see at least 100 cases a day? Here's the other thing; somewhere around close to 90% of those cases involve drugs and alcohol. He talked about how we need facilities that will assist and what not. I sat there, and you already know from the last time I got up and talked, I'm not for social district at this point. I'm for the idea of waiting and watching what occurs with the other cities that have actually stepped up and done it. What's the problem with waiting two years? Let's have some more corn roasts and more dancing in the streets and other things where you're bringing people into Brevard, family-fun enjoyment, and wait until we can actually take a look at the numbers; when it makes sense, when we can find the model that actually fits our size community, with what we have to offer for entertainment, and then put it together after we study it through. We don't need to be another guinea pig. There's already 40-plus in the state right now. I urge you at this point in time do not vote for it, but vote for the idea of we're going to wait and see and then make the decision.

Kyle Williams – When I spoke to you two weeks ago I focused mostly on why Brevard won't disintegrate into chaos if this measure is passed and I'll say it again. All I heard two weeks ago were doom and gloom scenarios of drunk people walking into traffic, urinating on the streets, getting into fights and evolving into serious cases of alcoholism. These arguments are misguided and frankly don't have the evidence to back them up. The truth is that people already drink downtown and do you know what happens when they finish their drink at a brewery or restaurant? They walk out the front door onto the street. They don't teleport home, their liver doesn't metabolize the alcohol the second they leave, and when they're on the street, do they pee on it, do they fight people? No. It's because they're either with their families on vacation or they're local workers who enjoy getting a drink after work and are home by 6:00. I'll invite every person in this room to come to my taproom at any time between 2:00 and 9:00 any day of the week just to personally demonstrate how tame it is. But, don't take my word for it; just look at the facts. The Heart of Brevard contacted 22 police chiefs while researching this proposal and zero police chiefs said that they had any increase in problems. Those are the facts. But, what I'd really like to touch on is not why I think it won't be a problem, but why I think it would be beneficial to our town. The primary reason is obvious - it will boost the local economy and increase tax revenue in the Heart of Brevard. Like it or not, we live in a tourist town and for the past five years or so I've seen downtown sales and foot traffic slowly dwindle. While there are multiple factors at play, I think one of the biggest causes is, as Pisgah is being developed, tourists are being redirected to spend their money on that side of town. Every time I passed The Hub in July there were a hundred people sitting out on their porch drinking beer and enjoying a meal that they bought at a food truck. And good for The Hub, that's capitalism, but we need to compete. The best way to compete is by opening up outdoor spaces that people can enjoy. I'm sure this will work because I personally see it all the time. The number one complaint I get about my brewery is that we don't have outdoor seating and we don't allow dogs. I can't tell you how many times people walked in, realized they can't have their dog in there, or that they can't sit outside, and they leave. Then they go across town and enjoy the large outdoor spaces that Pisgah has to offer and end up spending their money there instead of at Bullwinkle's or Downtown Chocolates, or the Square Root. This problem is only going to get worse when the Ecusta Trail opens. The bottom line is this – the City just spent all this money to beautify downtown and provide more seating in public areas, so let's make the most of it. Let's give people an incentive to come downtown, enjoy the outdoors and most importantly, spend money here.

Peter Rosenthal – You've heard a lot of comments already so I hope my brief additional comments will actually add something to your consideration. I'm opposed to the social district because I believe that an important factor that, in listening to some of the comments and reading about it, has not been taken into consideration is the likelihood to me the very real risk of the change in the nature of folks who are going to

come in to avail themselves of what the social district has to offer. The folks who have spoken before have spoken about it as though the same people, the same very nice tourists we see around town, or the residents who show up at the art galleries on the fourth Friday. I think there is a risk that we're going to get a new kind of folks coming into the city. Since this is about money, there is going to be a pressure on merchants to accommodate conduct by those people that we would find unacceptable and when it becomes a matter of money...there's some discussion about doing this with the possibility of undoing it or revoking the permission. Well, pardon a bad joke from Groucho Marx "love goes out the door when money comes innuendo". I think it is going to be very hard to resist the lure of the additional income. If you've ever been to New Orleans, walked down Bourbon Street in the French Quarter in the morning when they are hosing down the street...do we want bachelorette parties up and down the streets? I think these are conditions that would radically change the town. I think it is a conflict between choices that folks here who are opposed to it are making based on what they hope to be the lifestyle and making of money. I feel compelled to make a comment on a comment by Mr. James Carli quoted in last week's paper that concerns about morality are an imposition of unconstitutional religious views on public space. This kind of comment by a presumably public official I find extremely unhelpful and obnoxious.

Al Wilson – I am for the social districting and I don't drink. I can tell you all about whether or not having wine and beer in these stores would cause me to relapse and the answer is no. In what was told to me years ago, because I started my recovery in 1983, and my sponsor would say stay out of the bars, which I was accustomed to. I grew up in a city where there were a lot of bars and the drinking age was 18. The college town that I was in, the minimum age was 18, and there were a lot of bars. This town has a few of them and I have never seen anybody walking around loaded. That being said, I'm going to reiterate on a few items here. I've been in the mortgage business for 35 years and I used to ask my clients where they heard about us. Back in 1989 and 1990, it was radio/TV/newspaper; computer and the web was just starting. When they come into our store I ask if they're visiting and 90% or more say yes they're visiting. The average age is 50 and up, so very little am I seeing college-aged students coming into the store. This is not a spring break town or a college bar town. We have a very high class college and our students are in there for the education and the culture here. One of the things that our store does too is it supports the local, we get most of our items from local artists and craftsmen. The City has put up these nice tables and chairs for people to sit and relax and enjoy the weekend, and given the option to the tourists to have a glass of wine or a beer without [inaudible] in town.

Steve Prichard – This weekend I was at the bar and there was a couple that came in and the guy was drinking while his wife was shopping. He had two beers and his wife came in and said let's go to some other stores and walk around and look. He said I can't take my beer with me so he wound up staying drinking two or three more beers. He had four or five in that spot. My point is he still went out on the street after having four or five instead of two when he could have walked around and took time to straighten up a little bit. I think it cuts out a little bit if they do get to leave and go walk around.

Ann Hendricks – I've been thinking a lot about this proposed what I like to call a public drinking zone because the words social district are just a marketing tool as far as I'm concerned. Hearing people talk tonight, big shift from the last meeting. We'd like restaurants to have their tables outside; that can be done if the City allows it with a small little easement area without having to make a 6-block area. There is an alley next to Wine Down and I guess for a time they wanted to have drinks out there, but they couldn't. So, instead of going full-blown and making the whole downtown into a public drinking zone, why not consider an alternative like that? I still don't like the idea. I work for a friend every once in a while when he needs help downtown. I've already dealt with meth heads coming into the place where I work. I don't want to deal with alcoholics. I used to be a bartender, I'm not anymore. I don't want to have to be as a host of a social environment...maybe legally Mr. McKeller might be able to answer that for you. I don't want the guy that I work for, who is a good friend of mine, to have any more liability exposure at all. I haven't heard anything from the City Council about those risks for people who are drunk. As a former bartender it is really difficult if

somebody is on when they are coming into a bar. You can't tell if they've had more drinks before they come in there. Some people do great on two beers, some the beers are pretty strong, but they are going to drink one place and then going to drink in another place. It puts the onus of responsibility on retailers to have to determine whether someone is intoxicated in public or not and I think that is kind of foolish. I hope you reconsider and as Mr. Brewster said give it a little time. Maybe see how other social districts are going to act, see what the impact liability exposure is going to be for retailers, see what the liability exposure is going to be for the City.

Jeff Maynard – I want to start with a comment that last time people were pushing morality and religiosity of people. People that have those values have a right to state their values. That's why we're in a free democracy. There is a speed limit right outside that door. That's somebody's morality. Every law and every rule in America on the books that was ever passed by any legislation, even City Council, it was somebody's morality. It's just a matter of whose. So if somebody differs on morality, that doesn't make them a phobic. It doesn't make them shoving things down your throat, it means that we're doing what everybody else is doing, we're sharing what we believe too. Hopefully with the same safety and the same respect, which I think is failing toward people that have my views. I think it was a sad thing that it got into name calling because I didn't call anybody names. I never mentioned religion and I never pushed my morality. I questioned the cultural shift, but it got changed really quickly. Another question I have is how many beers can you serve legally – two. Are you going to police that? He just said he served four or five. So, if you can't police it inside, how are you going to police it outside? You're not policing what's already in the laws. We haven't heard from the tourism commission, but we've heard it's about tourism. When have they spoken; what do they really feel? They want it to be a family-friendly town I hear. There is a lot of silence to opposition. We've heard the Police Chief quoted, but I haven't heard him speak. I think the process bothers me more than the concept honestly, and the fact that when people speak traditional values initially, they're right off the bat attacked and that's not right. The divisiveness that is already created ought to be reason for you all to take pause and say this may not be time, may not be the best idea. Heart Brevard said let's do a pilot for one year and see how it works out. If you're trying to build an airplane while you're flying it, it's going to crash; and you're trying to do that. There's only two mountain towns that have passed this; there's a reason. Main Street is a federal highway, can you have that? Has ALE spoken to it? We're not hearing from them; there's a reason.

James Carli – Thank you for the great turnout on both sides of this issue. I love to see civic engagement. My grandmother raised me with the importance of getting involved locally. I mentioned last time that I am in support of the social district and I spelled out my reasons before. I'll just rehash some of the issues that have come up since then. Some people are saying we should wait on it a little bit. How long? A year, two years, more data; fine. Well, when that time comes, they are going to come back and say we need to wait some more for whatever reason. That's called NIMBYism, not in my backyard. It is a common response of people who are kind of afraid of change. Speaking to the issue of change, I hear some people talking about they are afraid of cultural change. Let's not kid ourselves, what are you afraid of? Hikers coming off the Art Loeb trail craving a nice cold IPA? Artists, Californians, young people, what other kind of trouble makers are you afraid of? The thing is change is an inevitable part of society and this is an opportunity to help grow an attraction to downtown that will attract people using the Ecusta Trail to come further into downtown and not just patronize the areas around The Hub and the facilities in Pisgah Forest. It will increase the equity of all the businesses who are within the district so that some businesses are not excluded from being able to have more customers because they're outside the access area of alcohol. In 1992, the issue of liquor by the drink came before the City of Brevard. We had a lot of the same arguments in opposition, but liquor by the drink passed in 1992 and the sky didn't fall. It helped with the evolution of the city after the closure of the paper mill and it will continue to support our broad-based brewing and agricultural industries here in the region and statewide. I encourage you to please support the social district and let's make wonderful exciting things happen in downtown Brevard.

Laura Hocke – I am speaking in favor of the social district as well. There are a couple of reasons for that. The first one is that I see it as an expansion of what we already do. People go into Quotations or Cup & Saucer, purchase a beverage, go out and walk around the town enjoying the activities that we have and all the different people to meet. They spend time with their family, their friends, they go to our businesses and purchase things. I just see adding the respect of people who choose to drink an alcoholic beverage is not a far reach beyond a cup of coffee or a soda or something like that. It does give us the opportunity to show respect to those who come to our community who want to participate and have a drink and walk. I don't see it as a huge departure from what we already have. I also heard a lot of individuals talk about let's see what has happened. I moved here from Charlotte, which is a hop, skip and a jump from Kannapolis. I spent a lot of time in Kannapolis between 2010 and 2018 and the town was working toward revitalization in 2010. It was almost dead and they started working on the concept called an urban park. When they were given the opportunity to add the social district to the urban park, it transformed. I was down there recently and people came, they enjoyed each other. The concept of an urban park meant that you were welcome in the entire area and the entire community. It was a delight to be there and I encourage people to try it.

Alan Mercaldo – I want to go back to the outpouring of the overwhelming opposition that, in my opinion the true heart of Brevard expressed, the people that live here. I really didn't hear a lot of preaching or doom and gloom and scorched earth and we're done. There were mostly concerns; concerns about how it doesn't align with the family-oriented small-town charm and vision of this town, concerns about children, concerns about those that struggle with alcohol, concerns on the negative impact on public services, liability and enforcement, concerns about costs, and concerns about how it would change the face of Brevard. I haven't heard anything different to go against those. Downtown is already vibrant, it has been growing and is attractive to tourists. We don't need to do something that is going to divide us. You can tell already it has been pretty divisive. This actually made short term rentals look easy. Just think about what downtown would look like. Every window along Broad Street is going to have to have color-coded signs to indicate whether or not they are for it or against it. That's divisive. It also is going to further put interest of visitors over residents. Please don't relabel the downtown district into the drinking district. I urge you to reject this proposal outright.

Jayne Mallwitz – My top priority will always be the children and we all know there is ample evidence surrounding alcohol density, policies and the effects of underage drinking. I cited several sources at the last City Council meeting on August 7th. The connection between alcohol and crime is also well-known. From the National Council on Alcoholism and Drug Dependence – alcohol is a factor in 40% of all violent crimes today. From the Department of Justice – violence in entertainment districts is a major problem across urban landscapes throughout the world. There are several recommended best practices to reduce alcohol abuse, reduce underage drinking and reduce crime. From the World Health Organization – public health strategies that seek to regulate the commercial or public availability of alcohol through law, policies and programs are important ways to reduce the general level of harmful use of alcohol. From the Surgeon General – restricting drinking in public places, including community events. From the CDC – strategies to reduce excessive alcohol; regulate alcohol outlet density and maintain or limit days or hours of sale. From the North Carolina UNC Injury Prevention Research Center – changes to alcohol policy can have real measurable public health impacts. The open drinking is being promoted to increase foot traffic and spending in stores. I hear some reference to shoppers will be more relaxed. This implies people are expecting a behavior modification to occur with open drinking. Are you expecting only the behavior modification to [inaudible] desire to be the one to be modified? You don't expect there to be any changes in the undesired behavior modifications in public behavior crossing the roads or driving? I also hear some referring to the opposition to open drinking as fearmongering. We are told nothing will change in this small town or the charm feel of Brevard. Then you read these comments from a member of Brevard's Planning Board – Brevard's always been a great town but

now we're about to make it lit. I don't know about you, but making it lit doesn't sound like keeping the small-town charm. Then you read comments like this – guess we can get high, eat munchies, then grab a few drinks and walk around this bustling town. Or you read comments like this – I keep saying the same thing; soon all these old white people will die off, keep trying. It doesn't sound like these people are wanting to keep the charm of Brevard to me. The open drinking also seems to be in conflict with your Building Brevard 2030 Plan where you state “reinforce downtown’s identity and unique sense of place”. You have an important decision before you. Are going to stand for our youth, the citizens’ safety and the preservation of Brevard’s charm? Just because you could do something, doesn’t mean you should.

Kristi Brown – I do not live in the city, however I spend most of my waking hours in the city, as Mr. McKeller can agree. I have a number for you today. That number is 221. In one year and approximately seven months 221 DWI's in Transylvania County. That's not counting any that have been appealed. I didn't look through my files for that. Of those 221, 63 do not live in this county. Sounds to me like we're trying to look at tourism and find ways to bring them in. I get that; we need businesses, we need dollars for our citizens. I have lived here my entire life, 57 years and I love this county. Is alcohol the way to do it? They're already able to get drinks. I'm not saying we shouldn't serve alcohol. I have a personal opinion that I am trying to keep out of this. I make a living through the Courthouse, but I'll be honest with you, I have family and friends that drive these streets. 221 is a lot of DWI's to me; that's a lot of chances; that's the people that have been cited. You can't tell me, as our Police Chief will tell you, we've not caught every one of them that was driving drunk. That is a huge number. As Mr. Brewster said, our judges will tell you that a lot of our crimes relate to alcohol and drug abuse. I'd be happy to go over some more statistics and get those for you if you would like.

H. Certificates/Awards/Recognition – None.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Ordinance – Voluntary Contiguous Annexation – Nielsen, 31 York Circle – Continued from April 17, 2023 Meeting – Aaron Bland explained that in January, 2023 the City received the request for voluntary contiguous annexation from Catherine and David Nielsen for their property at 31 York Circle. This request was presented to Council as part of its February 20, 2023 meeting package, and again on March 20, 2023 where Council set April 17, 2023 as the date for the statutorily required Public Hearing. In April the hearing was recessed to the June 19th meeting at the request of the property owner. The owner then requested a second recess until August 21st to allow additional time to evaluate if a septic system can be done on the site. The owner would now like to move forward with the annexation request and hearing. The subject property is located within the City's Extra-Territorial Jurisdiction (ETJ) adjacent to the corporate limits and is zoned General Residential – 8 (GR8). The Applicant wishes to annex the entirety of the property. There are currently two structures on the property, one historic cabin built in 1905, approximately 600 square feet in size, and a larger barn/woodworking shop space. The Applicant has indicated their intention to build a new primary single-family house and convert the cabin to an accessory dwelling unit (ADU). The plans as they described them are allowed by the UDO. The existing cabin is already connected to City water, but would be connected to City sewer and the new house would be connected to both City utilities as well. The Planning Board discussed this at their March 28th meeting and unanimously recommended approval.

Mayor Copelof reopened the public hearing at 6:32 PM.

Public Hearing Public Participation – None.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:32 PM

J-2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 6 and 13 – Staff Determinations – Aaron Bland explained that the daily administration of the City's Unified Development Ordinance (UDO) often requires the zoning administrators to use their professional judgement to make different determinations. It has always been good practice for the UDO to include some degree of guidance for these determinations, but since the passage of the new G.S. 160D, and the case law that has followed, this has become more and more of a requirement for our UDO to do that. This is a staff-initiated text amendment that looks to build on others to add this guidance for administrative decisions. This amendment is specifically regarding the determination of two different things: the first of which is streets that are higher or lower classifications. This comes into play for parcels that front on multiple streets, such as corner lots, for the purposes of setback calculations, yard classifications, and parking facilities. Often times this is a pretty simple determination, but other times it is not so clear. We are suggesting adding some specific guidance to the UDO to help us make those decisions. The second type of decision is determining what qualifies as a "stream" or a "creek" for the purposes of the 30-foot surface water protection area required by UDO Section 6.7. We are suggesting relying on the NC Surface Water Classification Schedule, which is maintained by the Water Resources Division of DEQ. Doing this sort of thing to make the different planning documents in the UDO more approachable is a recommendation of the Building Brevard Comprehensive Land Use Plan. The Planning Board discussed this matter at their June meeting and unanimously recommended in favor.

Mayor Copelof opened the public hearing at 6:34 PM.

Public Hearing Public Participation – None

Public Hearing Closed – Mayor Copelof closed the hearing at 6:34 PM.

J-3. Proposed Amendments to City of Brevard Code of Ordinances Chapters 1, 6, 10, 14, 18, 38, 43, 43 (proposed), 46, 58, 62, 66, 70, 77 and 78 – Consolidating Definitions – Emily Brewer explained that the City hosts the Code of Ordinances and Unified Development Ordinance online to be readily available to members of the public. These web-based documents enable citizens to navigate important information at their convenience. In July 2023, the City transitioned to a new web portal called EnCodePlus. This is a unique web-based content management software that allows for us to publish adopted text amendments the next day and also be able to have a suite of additional citizen-friendly features. One of these is including pop-up definitions for key terms. The proposed text amendment consolidates all of the definitions into one section to make sure that we are able to fully utilize this new feature. The changes are mostly moving things around and clarifying where they are currently located. Posting of the codes is critical in ensuring the materials are readily available for constituents, but it needs to be usable so members of the public can quickly and easily navigate this necessary information. The proposed text amendments will further improve the functionality and accessibility of our important planning documents. The Building Brevard 2030 Comprehensive Land Use Plan identifies engaging and empowering neighborhoods as a priority, especially as it relates to transparency and communication of planning efforts.

Mayor Copelof opened the public hearing at 6:38 PM.

Public Hearing Public Participation – None.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:38 PM.

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

K-1. Tax Settlement Report – July, 2023

**K-2. Resolution Fixing a Date of Public Hearing for Annexation-Greenfield,
345 Forest Hill Road**

RESOLUTION NO. 2023-42

**A RESOLUTION FIXING A DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition was received on June 14, 2023, requesting the annexation of a contiguous area described in said Petition as the Melinda Greenfield, Trustee of the Melinda Greenfield Living Trust property, 345 Forest Hill Road, Brevard, NC 28712, consisting of 0.86 acres, more or less, be annexed into the City of Brevard. (Tax Property Identification Numbers 8585-35-1388-000); and

WHEREAS, the Brevard City Council has by Resolution No. 2023-40 directed the City Clerk to investigate the sufficiency thereof; and

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

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by Melinda Greenfield, Trustee of the Melinda Greenfield Living Trust, will be held at Brevard City Hall at 5:30 P.M. on the 5th day of September, 2023.

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

Property Description:

BEING all of 0.86 acres, more or less, as shown and described on a plat dated April 24, 2014 by E. Roger Raxter, PLS, and recorded in Plat File 16, Slide 61 of the Register of Deeds for Transylvania County, North Carolina.

Being the same property conveyed in a Deed from Uniformity Hub, LLC, dated May 17, 2022 and recorded June 6, 2022 in Book 1040, Pages 127-128 in the Transylvania County, North Carolina Register of Deeds Office.

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

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

Adopted and approved this the 21st day of August, 2023.

K-4. Times Arcade Alley Improvements Project – Establish Capital Project Ordinance

ORDINANCE NO. 2023-35

**CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT
FOR TIMES ARCADE ALLEY 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 improve stormwater management and pedestrian usability of Times Arcade Alley. Keeping with the goals of the downtown master plan, the project is intended to enhance mobility, accessibility, and safety; create an attractive and engaging pedestrian experience; and promote economic vitality.

Section 2: At this time, the project has funding of \$1,082,000, which originates from a \$700,000 Stormwater Infrastructure Grant received from NCDEQ, Division of Water Infrastructure, a \$250,000 grant from the Golden Leaf Foundation, and a \$132,000 contribution from the General Fund, as budgeted in the FY23-24 budget. Project amendments will be required if bids received for engineering and construction exceed \$1,082,000.

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

Account Number	Account Name	Budget Amount
78-6200-4000	Times Arcade Alley Improvements	\$1,082,000
TOTAL PROJECT APPROPRIATION		\$1,082,000

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

Account Number	Account Name	Budget Amount
78-3750-0230	ARPA Stormwater Grant	\$700,000
78-3755-5555	Golden Leaf	\$250,000
78-3756-0000	Transfer from GF	\$132,000
TOTAL PROJECT REVENUE		\$1,082,000

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 21st day of August, 2023.

K-5. Council Downtown Master Plan Committee Minutes – June 22, 2023

K-6. Council Parks, Trails & Recreation Committee Minutes – July 19, 2023

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

a. Transylvania County Building Permit Activity Report – June and July, 2023

L. Unfinished Business

L-1. Proposed Amendment to Brevard Code of Ordinances Sections 42, 43, 46 and 66 – Social Districts – Mr. Hooper shared information to answer some of the questions that have been raised. First, regarding the data used to support the proposal, it is all cited in the Staff Report and logically explains why we want to do this and how we will do it if it is approved. Yes, most the information cited is anecdotal because that’s all we have. As far as we know, no one has done a study yet to try to quantify the economic impact of social districts, but in all the anecdotal information we have received from various sources, there is an undeniable common thread and that is that social districts increase foot traffic. Likewise, I know of no scientific study that shows increases in crime or bad behavior. Even Chief Jordan’s survey was just questions to his fellow chiefs, we have not pulled their data or anything, as things are new to them as well and there’s not a lot of data to look at, but I have no reason to doubt the honesty and accuracy of the reports that the other chiefs have given to us. Again, in their answers the theme is pretty clear: no significant impact to law and order because of social districts. The one representative survey that we do know about, performed by the City of Raleigh, so not a perfect reflection but a useful one nonetheless, had 921

respondents, a third of which were downtown residents and it found strong overall support for the district. Two findings in particular struck me: 48% of respondents to that survey either disagreed or strongly disagreed with the claim that social districts increased litter; 22% were neutral and 21% agreed that they increased litter. But even more striking, 78% disagreed or strongly disagreed with the claim that social districts encourage bad behavior; 11% were neutral and only 7% agreed or strongly agreed, and these are people that have been living with one for over a year now. This information leads me to my next comments, specifically on the costs of social districts and their impacts of public services. We do plan on charging a fee to the restaurants and bars who want to serve alcohol in the social district, but the City will be underwriting some of the startup costs for the signs, stickers, trash receptacles and so forth, somewhere between \$3200 and \$7500, depending on how many participants we have. I consider that to be a nominal cost and one we can easily absorb into our budget. The more significant costs are the increases to public services that may come as a result of increased refuse and increased need for public safety. We plan on buying more receptacles, but other than that, we have not budgeted or made special provisions for additional trash collection because, based on the info we have, it is not needed. We will monitor and if we find that there's more trash than we expected, we'll make Council aware and figure out a way to collect it. Regarding law enforcement, Chief Jordan has recommended that we come out of the gate strong with a dedicated officer walking the streets for the entire duration of the district hours. An overtime officer runs around \$32 to \$33 an hour, so the law enforcement at this level will cost about \$350 a day. At the moment we can absorb this into our budget with budgeted overtime funds and some of the money that the ABC pays us for the alcohol law enforcement that we do, but I will confess that if we maintain this level of service for the life of the social district, we will need to make provision for it in future budgets. With that said, if what we have heard from others holds true, we may not need a dedicated officer walking around the whole time. If this passes, and if particularly the Heart of Brevard recommendation passes, we will reevaluate at regular intervals and see whether we can tweak our service levels to make them more relevant and affordable. Perhaps we would only need an officer walking around evenings and weekends. Third, I would like to respond to a Councilmember's comments about single-use cups. The first stock of cups that we have available now that will be in our starter kits if this passes, are a mix of plastics and corn-based. Once those are exhausted and vendors start buying their own cups, if Council wishes, we can require in our management plan that the cups be recyclable or biodegradable, or if we can figure out how to implement it, single-use. We can make those kind of tweaks to our program in our management plan without having to come back to amend the ordinance. Finally, I just want to set the stage for your decision tonight. Heart of Brevard's proposal has foreshadowed what I was going to say and that this is a proposal with many dials that can be fine-tuned to get the program to your liking. You can adjust the hours, the days, the boundaries; there are a lot of tweaks that you can make. Every hour and every day that you adjust, particularly if you tweak those downwards, make this program a little easier to administer and a little more affordable. In particular, I want to share some feedback that Chief Jordan gave me, and that is that at the moment, we're not fully staffed. We have cadets that are in basic law enforcement right now. They will be done with that in December, after which they spend a few months with a training officer and they will be ready to hit the streets on their own in March, but until then we're operating with fewer officers on our Police force. So, our ability to find enough officers, even ones working overtime, to walk around during the full course of the social district hours will be tough and so perhaps the diminished hours that Heart of Brevard offered will help make it a little easier for us to provide an appropriate level of law enforcement coverage. Staff have made no changes to our proposal; we are still sending you the one we shared a couple of weeks ago, but we have no objections to Heart of Brevard's proposal and in fact changes to the hours and so forth will make it easier to implement. We also appreciate the part of their proposal that asks us to review the effectiveness of the program at regular intervals.

Mr. Baker moved, seconded by Mr. Daniel to adopt the amendments as written.

Discussion: Mr. Baker said I have some experience in the beverage industry and I think one thing that was missing from the discussion that we've heard, is the fact that here are several levels of responsibility here; there's the business owner, there are the people purchasing alcoholic beverages, and then there's the responsibility to manage all of that. One thing that has really struck me as I have been listening to folks talk is the responsibility that's on the business owners that are serving alcohol. When you're serving somebody an alcoholic drink, and your name is on your alcohol license and your entire livelihood is attached to that license, I have found that you take that very seriously. If a brewery loses their alcohol license, they are done. If a restaurant loses their license, it's pretty much over because a lot of their revenue comes from that. I believe we have a lot of responsible business owners and if I didn't believe that, I would fall back on the knowledge that their entire business is contingent on them taking that responsibility seriously. The social district almost enhances that in a way because someone is walking out your door with the name of your business on the cup they are carrying, and if they are going to do something wild and crazy in the street, you are not going to serve that beverage. The other thing I want to emphasize as a reason for my vote for this, is the utilization of public spaces downtown. There were some comments about alleyways, and if those are public rights of way now, as I understand it, they cannot be used for serving alcoholic beverages, even under some of the provisions we have about sidewalk dining. Those don't apply to many of the places that we're talking about in this district. There wouldn't be another option other than implementing a social district. I think that the report we have is very thorough and the fact that 22 police chiefs have reported that there have been no negative impacts is a pretty powerful statement to me, and I am going to vote for this.

Mr. Daniel said going back to the comment of a financial boost during Covid, that financial boost was real. I think in the City of Brevard, it really helped our downtown that we were able to serve alcohol on the sidewalk. I don't see that changing because it's not Covid. My vision of what this is, is it allows restaurants to serve alcohol in a public place; it allows that when we have a street festival that we don't have to have people cordoned off; they can be part of the festival and go into our businesses and purchase their alcoholic beverage from a downtown business rather than from a specific spot. As far as some of the concerns that I have heard, number one, a lot of what we're hearing are just that people are against alcohol. That conversation has been had. That's not helpful for me personally because I'm trying to consider social districting. Public intoxication is a crime; it is now and it will be if this is passed. A lot of the concerns that I've heard against this don't really outweigh all the positive things that I've heard for this. I will be voting for this.

Mr. Morrow said my committee supported this and I support it because I believe it is in the greater good of public spaces in downtown. Together we have to rebuild trust and I believe in our shared future. I think our future is going to look different than it does today. I applaud the Heart of Brevard, the Staff for the work that you have done to give us what that vision might look like, but it's for everyone's effort to build a more vibrant downtown and boost the local economy.

Ms. Dinkins said I really appreciate everybody who is involved in this and has been thinking about this. I think we have had a very good debate, something that is rare these days and I appreciate hearing all the different points of view. I have extensively talked about this with as many people as I could grab and I'll tell everybody who is against the social district that I am hesitant to approve the social district, but really not for the reasons that have been brought up. I feel like this is a rushed plan. I think we are in a hurry to jump on the bandwagon. The 40-some towns that have approved social districts represent 7% of North Carolina municipalities, so that's a first generation early-adopter group. The law is really a baby law at this point and the Staff Report, with all due respect, is short on concrete fact because over half of these municipalities have less than a year of experience with this, so in my mind I'm not even listening to them. They are going to have to say it's a good thing because they signed onto it. I look at this as something that we could try, but I would definitely want it to be a pilot project. I would want it to have really good oversight. I want it to come back to Council at three months, six months, and a year, and I am asking my fellow

Councilmembers to consider what kind of metrics we want to hear at those reviews. Perhaps we want to hear DWI numbers; perhaps we want know, and I'm not sure how the local businesses quantify the increase in foot traffic and sales, but I would like to be able to compare apples to apples and see if the social district is indeed something that helps a downtown like our downtown. Because if it is, we should replicate it in other places. I appreciate what the Heart of Brevard is proposing. I appreciate the adjustment of the hours. Noon just feels so much more civilized to me because it feels like there is a time in the day where you shouldn't be walking around with an alcoholic beverage. The biggest struggle I have is that I will sit on the fence on this if we are talking single-use cups, as the ALE recommends, or recyclable cups, because in our budget we talked about that recycling is becoming more of a cost than something that is a revenue. Regardless of what all the other towns say, unless there is some sort of magical trick, there will be more refuse when things are being poured into plastic cups and taken outside, because if you're in an establishment that sells alcohol, it comes in a glass. That brings up another point: will glass go the way of paper bags? Will the plastic cup just become the common denominator and you actually have to ask for a glass because it's easier to give people a cup in case they walk out with it. This might be the pie in the sky, but I believe if we have a management plan, this can somehow be codified in it: I would like a reusable cup that is sold at a higher price point, that a visitor to our town could take with them as a keepsake souvenir, and if you're a local, that's the cup that symbolizes you as a local. It's also a cup that would tell people who is drinking on the street and who isn't, which might make it easier for law enforcement to discern who is just goofing off and who is actually intoxicated. If we sell this cup, it will be something where the establishments can earn a little bit, and then I would like for some of the funds from these reusable cups to go towards alcohol education, mental health substance use disorders. I think that would be a wonderful way to market this to everybody who thinks that this has only downsides. Lastly, I want to say that I really appreciate, Kyle Williams from Brevard Brewing Company, his honesty, both in his email and in his words tonight. We need to do this because Pisgah Forest, in a couple of years, will be the place where everybody comes to unless we do something that makes our downtown interesting and allows it to compete. So, our choice is a downtown that is dead, or a downtown that is thriving. My question is can this be tabled and reworked at this point? What is the importance of the timeline as proposed?

Mayor Copelof noted that there is a motion on the table and once that either passes or fails, Ms. Dinkins can make a motion to table. Attorney McKeller said she can request to have it tabled, but it would require a majority of Council to agree to table the matter after a vote. Mayor Copelof said she would like to hear the final comments and see where we stand.

Mr. Jones said I have a lot of friends that are business owners in downtown and I frequent a lot of these places; and I sit on the same committee with Mac when this was brought to us in it. It was thorough; it was good information, but I'll have to say I'm going to be in the minority because I've done a 180 and I'm not for this. Before the brunch bill, North Carolina General Assembly Bill 890, anything that dealt with alcohol, was usually on a referendum and was voted on by the citizens, not just a small group of people like us. I've heard of a lot of things and good points from both sides, but what I felt that I missed the most was the local voice. We talked about visitors, we talked about the economic benefit for the city, we talked about a lot of things, but not about the locals, the people who have families that lived here for generations, and the majority of them are not really for it. I am here for the locals and I'm not for it.

Attorney McKeller asked for clarification from Mr. Baker on his motion. You used the word "amendment" when you made your motion; were you referring to "amended" to incorporate the Heart of Brevard recommendations or to go with what is contained in the document that we have before us? I am asking for clarification purposes because it makes a difference. Mr. Baker said his original motion was as written by staff.

Mayor Copelof called for a vote on the motion. Vote was three in favor (Baker, Daniel and Morrow); and two opposed (Dinkins and Jones). The motion carried.

ORDINANCE NO. 2023-36

**AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES:
CHAPTER 42 – OFFENSES AND MISCELLANEOUS PROVISIONS,
CHAPTER 46 – PEDDLERS AND SOLICITORS, AND CHAPTER 66 – TRAFFIC
AND ESTABLISHES A NEW CHAPTER 43 – SOCIAL DISTRICTS
TO CREATE THE DOWNTOWN BREVARD SOCIAL DISTRICT**

WHEREAS, the North Carolina General Assembly enacted legislation in 2021 allowing municipalities to designate social districts within their jurisdiction to allow alcoholic beverages sold by licensed premises to be consumed within the district, outside of the establishment where the beverage was purchased; and

WHEREAS, the City of Brevard and the Heart of Brevard have worked together to propose a social district in downtown Brevard in accordance with North Carolina General Statutes 160A-205.4 and Chapter 18B; and,

WHEREAS, the City of Brevard and the Heart of Brevard believe that a social district is a valuable tool to increase economic activity and the vibrancy of downtown Brevard; and,

WHEREAS, the City of Brevard Public Safety Committee discussed these recommendations on April 24, 2023, May 22, 2023, and June 26, 2023 and has unanimously recommended in favor of the amendments; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following adopted plans and policies:

Building Brevard 2030 Comprehensive Land Use Plan

- *Goal 7: Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.*
- *Economic Development, Infrastructure & Resiliency - 13: Consider designation of one or more social districts to encourage the food and beverage cluster.*

and,

WHEREAS, a public hearing was conducted on Monday, August 7, 2023, 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 Code of Ordinances be amended as outlined below.

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

SECTION 01. City of Brevard Code of Ordinances is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. The Official Downtown Brevard Social District map is hereby established as depicted herein as Exhibit B which is attached hereto and incorporated herein by reference.

SECTION 03. Staff is hereby directed to create a management and maintenance plan for the Downtown Brevard Social District that establishes policies and procedures for enforcement of this Ordinance. The management and maintenance plan and the social district boundaries map shall be posted on the City's website.

SECTION 04. Staff is hereby instructed to submit a detailed map of the Downtown Brevard Social District, the days and hours during which the Social District shall be in operation, and all other necessary documentation to the North Carolina Alcoholic Beverage Control Commission.

SECTION 05. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 06. 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 07. This Ordinance shall be in full force and in effect from and after October 20, 2023.

Adopted and approved upon first reading this the 21st day of August, 2023.

~~ At 7:06PM Mayor Copelof called for a ten minute break ~~

L-2. Proposed Amendment to City of Brevard Unified Development

Ordinance – Short Term Rentals – As a reminder, Aaron Bland explained that after nearly two years of consideration, on June 15th the Short Term Rental Task Force voted to recommend a draft amendment to the City's UDO, Sections 2.2 and 3.6.1.c. to update regulations pertaining to short term rentals. The Planning Board reviewed the recommended amendments at their June meeting and recommended in favor. City Council held a public hearing on the amendments on August 7th. Ms. Dinkins moved, seconded by Mr. Baker to approve the amendments as proposed.

Discussion: Ms. Dinkins said the Task Force worked for two years and this was a roster to be proud of. It wasn't just people of one mind, it was people who didn't agree with each other. We had realtors, people who own Airbnb's, and we had people who don't like Airbnb's on the task force. Our proposal is narrow and elegant, it's limited to zoning as our State legislators see fit, but of all the things that we have heard during our meetings, both from the public and from the task force members who did not agree, this is as fair as fair can go for a highly divisive subject. It proves that we listened to the public and to those who disagreed with us. Current Airbnb's are allowed to continue under this proposal. They can operate as such even if they change hands. Once they are used for something else, such as long-term rentals, then they have lost their privilege to be a short term rental. Airbnb's whose owners who live on the property are also excluded from this proposal. Homestays, where you rent out your home while you're on vacation, or renting out a room is allowed under this proposal as well. New Airbnb's are welcome in our denser zoning areas, downtown districts and places that are closer to commercial and entertainment. The narrow and elegant tweak that we are proposing pertains to the zoning G-4 and G-8 in the ETJ, where in my mind, we have reached a good saturation of short term rentals; that we should not allow more unless we want to damage the character of neighborhoods. What we were charged with as a task force was to take a snapshot of the current situation of STR's, and by law we cannot list them or seek them out in any other way and the platforms used for short term rentals are not sharing any statistics. We rested our policy decision on two tools: an economic impact study done by the Land of Sky Realtor Association and a scientific survey that is close as representative to Brevard's demographics as possible. The first was done to see what the money does in terms of short term rentals. What I took away from that was that we are way too reliant on short term rentals when it comes to being a tourist or a visitor-based economy. The survey was meant to get to the bottom of how people experience short term rentals, to find out if they like them, if they think they are a positive thing in their neighborhood, if they help with property values, and what we got is an overwhelming mandate that people wanted policy to curtail short term rentals. It is my hope that we will vote for this as proposed and to protect our neighborhoods by being that mixed residential area that they can be with a few short term rentals and a few second homes thrown in. We don't need entire streets that turn into short term rentals and I believe that this measure will achieve that. Until this is overruled by the State, we feel strongly that this for the good of our community, as well as for the many visitors drawn to our area. I look forward to new builds in our town become actual homes, and as part of City leadership, I am glad that we are digging into the issue of the missing middle housing that needs to be addressed, but has, in my mind, very little to do with short term rentals.

Mr. Jones said the State of North Carolina pretty much takes the lead here and there is really nothing we can do in terms of registration or anything of that nature towards short term rentals or vacation homes here locally. I find it interesting that over the past couple of years, the State has gone from the speech of short term rentals to vacation rentals and I think there is a reason behind that, but nothing that is going to make an impact here tonight.

Mr. Morrow said it is a credit to this group that in the two years that you were doing something and we'll see what happens.

Mr. Daniel said I think the City of Brevard would like to have some control of its path and I think this sounds like as much as we can do. I don't think it is very onerous or difficult to do.

Mr. Baker said this is a relatively new technology and mode of operation for residential areas. When those things happen, when new technology comes up or your circumstances change, government and citizens have to respond to those things, particularly if they are having a big impact, negative or positive. I serve on the County Tourism Board and one of the major points of data we have is whether the occupancy tax we collect is coming from a traditional accommodation or whether from a short term rental. A couple of years ago we crossed a rubicon where county-wide we were getting more occupancy tax from short term rentals than we were from traditional accommodations. Regardless of positive or negative, that is a huge change in how money is being made in the county and it is bound to have an impact. I am very proud of the City for responding to that change. It was a very slow, often frustrating process. I guarantee you this was one of the most argued-over topics that we've had in the last two or three years. I think where we ended up is a very well-researched proposal that is moderate and targeted at the problem that we identified, which is entire homes being used solely as a short term rental, and wanting to address that for the future while accommodating folks that have relied on them for their income in the past. To me it is a very common sense approach, but I do hope that this is not the end. I think this is going to continue to evolve and change, both at the state level and locally. I think we should be lobbying our State Representatives as a municipality for more flexibility in addressing this issue. I also think that we should be supporting the tourism group who has argued for more flexibility in how they use their funds. A very common sense proposal that was brought up by several citizens was why don't you just use occupancy tax dollars for housing, but state law does not allow that. I think it is worth passing resolutions as a city asking for those changes to be made in the future, but for me this is a great first step and should open the door for more discussion in the future.

Vote on the motion was unanimously in favor. The motion carried.

ORDINANCE NO. 2023-37

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE: CHAPTER 2 – DISTRICT PROVISIONS AND CHAPTER 3 – USE DEFINITIONS AND STANDARDS, SPECIFICALLY AMENDING REGULATIONS FOR SHORT-TERM RENTALS

WHEREAS, on September 20, 2021 the City of Brevard City Council adopted Resolution Number 2021-47 establishing the Short-Term Rental Task Force for the purposes of obtaining data about short-term rentals in the City of Brevard, assessing their positive and negative impacts, and providing recommendations to City Council; and,

WHEREAS, the Task Force has worked diligently since its inception, including initiating data-gathering endeavors such as an economic impact analysis and representative public survey; and,

WHEREAS, on June 15, 2023, the Task Force recommended that the Brevard Unified Development Ordinance, Chapters 2 & 3 be amended to update the City's regulations of short-term rentals; and,

WHEREAS, the City of Brevard Planning Board discussed these recommendations on June 27, 2023 and has recommended in favor of the amendments as recommended by the Task Force; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following adopted plans and policies:

Building Brevard 2030 Comprehensive Land Use Plan

LUH-16: *Provide support for the preservation and rehabilitation of existing affordable housing.*

LUH-17: *Monitor impacts and consider additional regulations for short-term rentals. Follow recommendations from the City's Short-Term Rental Task Force.*

and,

WHEREAS, a public hearing was conducted on Monday, August 7, 2023, 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 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 is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. The Short-Term Rental Task Force, its purpose being completed, is hereby dissolved.

SECTION 03. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 04. 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 05. 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 21st day of August 2023.

L-3. Proposed Amendment to City of Brevard Traffic Schedule – Code of Ordinance Chapter 66 Section 5 – No Parking Areas – Mr. Hooper recalled that this will add the unlandscaped hillside across from the Mary C. Jenkins Community Center on Mills Avenue as a “no parking” zone. Mr. Morrow moved, seconded by Mr. Jones to approve the amendment. Following discussion, the motion carried unanimously.

ORDINANCE NO. 2023-38

AN ORDINANCE AMENDING CHAPTER 66, SECTION 5, SCHEDULE I OF THE CODE OF ORDINANCES OF THE CITY OF BREVARD

WHEREAS, Chapter 66, Section 5, Schedule I, “No Parking Areas” of the Code of Ordinances of the City of Brevard is updated periodically when conditions warrant; and

WHEREAS, city staff and a professional traffic engineer recommend that the area described below be added to Schedule I as a “No Parking Area” to increase safety for motorist, cyclists, and pedestrians on the road.

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

Section 1. The following language is added to Chapter 66, Section 5, Schedule I of the Code of Ordinances of the City of Brevard:

“North side of Mills Avenue from intersection with Hillview Circle to a point approximately 300 feet northeast of said intersection.”

Section 2. The City Manager or his designee is instructed to post signs in accordance with Section 41 of this chapter.

Approved and adopted this 21st day of August, 2023.

L-4. Proposed Amendment to Brevard Code of Ordinance Chapter 66 Section 90 – Unmuffled Engine Compression Brakes – Mr. Hooper recalled that this amendment would prohibit the use of unmuffled engine compression brakes, also known as “Jake Brakes” in the city limits. He noted that this won’t go into effect right away as there are still a series of steps to take with the State regarding the posting of signs before the ordinance would be enforceable. Mr. Morrow moved, seconded by Mr. Jones to approve. The motion carried unanimously.

ORDINANCE NO. 2023-39

**AN ORDINANCE ADDING CHAPTER 66, SECTION 90
“UNMUFFLED ENGINE COMPRESSION BRAKE” TO THE
CODE OF ORDINANCES OF THE CITY OF BREVARD**

WHEREAS, Chapter 66, Article III, Section 71-89, of the Code of Ordinances of the City of Brevard is entitled “Operation of Vehicles” updated periodically when conditions warrant; and

WHEREAS, engine compression brakes are defined as devices primarily on large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. They are often referred to as “Jake Brakes”; and

WHEREAS, when not muffled, engine compression brakes may cause excessive noise and vibration in violation of Federal Motor Carrier Safety Regulations 40 CFR 2002.10 and North Carolina G.S. 20-128; and

WHEREAS, to respond to concerns about the noise created by unmuffled compression braking devices, the City Council wishes to establish an ordinance enabling the City of Brevard to prohibit their use where appropriate.

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

Section 1. Chapter 66, Section 90 is hereby added to the Code of Ordinances of the City of Brevard, and it shall read:

(A) Definitions. For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

“UNMUFFLED ENGINE COMPRESSION BRAKE.” A motor vehicle brake which is activated or worked by the compression of the engine of a motor vehicle, and which is not effectively muffled to prevent excessive noise.”

(B) Prohibition

(1) No person shall use an engine braking system within the corporate limits of the City of Brevard which is in any way activated or operated by the compression of the engine of any such motor vehicle or any such unit or part thereof, except in cases of emergency or necessary for the protection of persons and/or property. Such braking is commonly referred to as compression braking or a “jake brake.”

(2) The City of Brevard will identify areas in which engine braking is prohibited and signs shall be conspicuously posted in such areas stating: “No engine braking” or its equivalent.

(C) Emergency vehicle exemption. All emergency vehicles are exempt from this order

Section 2. City staff is hereby directed to work with the North Carolina Department of Transportation on additional measures required by the latter to implement such a prohibition, and brief City Council as to the cost and resources required to implement at a later time.

Approved and adopted this 21st day of August, 2023.

M. New Business.

M-1. Employee Wellness Center Agreement – Mr. Hooper explained that the Employee Wellness Center provides a benefit to employees and their dependents covered by the City’s health insurance. The center serves both the City of Brevard and Transylvania County and provides basic medical services typically with less wait time than a primary care physician. The clinic is staffed by a third party provider, but the current provider is retiring effective September 1st. The County, who is the primary customer because they have more employees, issued an RFP in April and the lowest bid was from UNC Health-Pardee. The County has agreed to the contract with UNC Health-Pardee. The County agrees to share the services with the City of Brevard via a Memorandum of Understanding (MOU). He shared the latest draft of the MOU and asked Council to authorize him to negotiate and approve the MOU. Ms. Dinkins moved, seconded by Mr. Daniel to authorize the City Manager to enter into a Memorandum of Understanding regarding the Employee Wellness Clinic. The motion carried unanimously.

RESOLUTION NO. 2023-43

**AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENTS WITH
TRANSYLVANIA COUNTY REGARDING EMPLOYEE WELLNESS CENTER**

WHEREAS, on August 21, 2023 the Brevard City Council heard a presentation from staff, summarized in the affixed staff report, on the terms of a contract between Transylvania County and Pardee Hospital for the provision of an Employee Wellness Center for County employees;

WHEREAS, Transylvania County has agreed to enter into an agreement with the City of Brevard making those services available to City employees under certain terms.

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

The City Manager (or his designee) is hereby authorized to negotiate and execute necessary agreements with Transylvania County and/or Pardee Hospital for the purposes described in the above referenced staff report.

Approved and adopted this 21st day of August, 2023.

M-2. Amendment to Fee Schedule – Social District Permit Fee – Mr. Hooper explained that this amendment establishes a one-time \$200 fee for those who wish to sell alcohol as part of the social district. Emily Brewer added that the fee is intended to defray the cost of certain services, usually those that have greater benefit to an individual than they do to the community. She reviewed an estimate of anticipated costs and potential permit fee revenues and explained that the average cost was divided amongst the 18 businesses in the social district that have an ABC permit and could apply for the permit. Mr. Daniel moved, seconded by Mr. Baker to approve the fee. Following discussion, the motion carried unanimously.

ORDINANCE NO. 2023-40

**AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE
FY 2023-2024 CITY OF BREVARD BUDGET**

WHEREAS, the City of Brevard adopted the FY 2024 budget on June 5, 2023, including a schedule of fees; and,

WHEREAS, the City Council of Brevard adopted Ordinance No. 2023-36 establishing social districts, in accordance with North Carolina General Statutes; and,

WHEREAS, the amendments to Brevard City Code require a permit for ABC-permitted establishments electing to participate in a social district; and,

WHEREAS, it is the desire of the City Council of the City of Brevard that the FY 2024 budget fee schedule be amended as outlined below.

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

SECTION 01. The City of Brevard FY 2024 fee schedule is hereby amended as described below:

SECTION 02. Add a one-time Social District Permit Fee of \$200.

SECTION 03. The City Manager of the City of Brevard is hereby authorized to amend the official FY 2024 budget to reflect the change as set forth herein.

SECTION 04. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 21st day of August, 2023.

M-3. EDA Grant Application – Transylvania County Economic Alliance Executive Director Burton Hodges explained that in May the US Economic Development Administration opened a disaster relief grant program for communities impacted by Tropical Storm Fred in August 2021. Eligible projects must lead to economic recovery through the creation or retention of full-time employment. Mr. Hodges was approached by the Land of Sky Regional Council to look at different opportunities that we may be eligible to apply for. Through a variety of meetings with the City Manager and County

Manager assessing a wide variety of projects that were able to be turned around quickly, that could show meaningful full-time job creation, and long-term job retention, we have decided to present the Pisgah Labs utility extension project along the Old Hendersonville Highway corridor. The project was chosen, both because of its significance of a job creating project and long-term job retention project, but also for the ability to use federal funds to help support the extension of public utilities of a long-term high priority growth corridor. Mr. Hooper added that for this project, the City must be the applicant because it will operate the asset funded by the grant. He said usually we would have more in terms of our economic development arrangement with Pisgah Labs in place before we applied for this grant, but our representative from the Economic Development Association tells us that they get a lot of applications and the money is gone quickly, so we want to be able to move quickly and send in an application. He asked that Council authorize him to start negotiating that economic development agreement so if we do get this grant, we will have that in place before the construction project starts. Mr. Morrow moved, seconded by Mr. Jones to approve.

Discussion: Mr. Jones inquired where the 20% local match of \$700,000 would come from. Mr. Hodges said that still needs to be refined, but we think that the match would come from the County Economic Development funds.

Mr. Daniel expressed concern that without having our agreement with Pisgah Labs in place, what is our obligation if we apply and receive this grant, and then we decide we don't want to enter into an agreement with them? Also, what sort of conditions are we going to be approaching Pisgah Labs with? I would be happy if they want to be part of the City, which they don't seem to want to be. But the only other way I would be happy...my understanding is they are talking about workforce housing being built and I would only be willing to proceed if there was a guarantee they would provide workforce housing and what the schedule for that would be. Mr. Hooper explained that the obligations that would be the foundation of our agreement with them are listed in Chapter 2, Section 292 of our Code and it lists the criteria for how non-annexed properties can connect to City utilities, and any other stipulations that the Board wishes to add, we can negotiate those. If we can't come to an agreement with Pisgah Labs, we can turn down the grant money.

Mr. Baker said I see a narrow pathway where this could be an amazing project and an opportunity for a lot of cooperation between the City and the County, but I have some concerns mostly around that we're going about this in reverse order, but I trust that that can't be helped right now. I want to go on record and say that I believe in that pathway for a future for this, which is a project that we can be proud of as a cooperation between the City and the County and Economic Development, but the reason I hesitate is because I feel like some of our partners on the other side have shown themselves to be difficult to negotiate with. I hope that we can come together and do something great; I believe that we can, but it is going to require both sides to be open to maybe doing things that make them a little uncomfortable. I hope that we have a willing partner on the County side. I wish that we were at that table right now, because I'm ready to have those discussions. Because of the positivity I think it can bring, I am going to vote for this, but the sooner we can start having those discussions with all the parties involved, the better.

Vote on the motion was unanimously in favor. The motion carried.

RESOLUTION NO. 2023-44

AUTHORIZING CITY MANAGER TO PURSUE US DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION GRANT

WHEREAS, on August 21, 2023 the Brevard City Council heard a presentation from staff, summarized in the affixed staff report, on a grant opportunity from the US Department of Commerce's Economic Development Administration;

WHEREAS, if awarded, the grant will offer significant funding towards the extension of municipal utilities to an industrial expansion project that will enhance the local economy by producing well-paying jobs.

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

Section 1. The City Manager (or his designee) is hereby authorized to partner with appropriate agencies to write and apply for the aforementioned grant; and

Section 2. The City Manager (or his designee) is hereby authorized to begin negotiations with Transylvania County and Pisgah Labs for the purposes of connecting the latter to municipal utilities per the conditions of the Brevard Code of Ordinances.

Approved and adopted this 21st day of August, 2023.

M-4. Burrell Mountain Water Tank Additional Funding Request – Dean Luebbe explained that this project is the replacement of a one million gallon water tank. The City received funding of \$2,857,000 from NCDEQ, 75% (\$2.1M) of which was loan forgiveness and 25% (\$715,000) is a 20-year debt at zero percent. Construction began in April of this year and the project is going well, but there have been a couple of change orders. The first one was small enough that we were able to absorb that, but the second one is larger and we wish to request additional funding from NCDEQ, which would add approximately \$57,000 in debt to the \$715,000 that we started with. Mr. Morrow moved, seconded by Mr. Jones to approve.

Discussion: Mr. Jones noted that this project is a necessity, but asked Engineer Jeffrey Brown with Brown Consultants to explain why we are going from what the original change order was to what we are looking at now. Mr. Brown explained that the tank is over 72 years and when excavation began, there were a couple of issues. Part of the first change order was that the original overflow standpipe had leaked for some time and five to six feet of soil under the tank was unusable and it all had to be removed. The second change order is somewhat tied into that, because when they built the old tanks, they stacked concrete barrier blocks and when taking those out, there is extra fill behind it that is sloughing off and it needs to be taken out, requiring extra dirt to fill it in. Following further discussion and questions, vote on the motion was unanimously in favor; the motion carried.

M-5. (K-3) Mary C. Jenkins Community Center and Parking Lot Project Closeout – Mr. Daniel noted that there is a crack in the bathroom tile that runs about four or five feet long. It has been raised as an issue and he believes there may be a stress point that caused that crack. He recommended that we have an engineer look at it to determine what caused the crack before we close out this project. Mr. Baker moved, seconded by Mr. Jones to table this item until the first meeting in October. The motion carried unanimously.

N. Remarks/Future Agenda Considerations.

Mr. Jones said I'm excited about the Moms Mabley historical sign that has been in the works for a couple of years. He asked Aaron Bland if there were any details on when it will be installed. Mr. Bland said it will probably be some time in October and we will publicize it when it is scheduled.

Ms. Dinkins said I would like to thank the members of the Short Term Rental Task Force for their hard work and dedication. These were people that were not paid or otherwise compensated and it took a lot of time out of their lives. People worked outside of meetings as well. I am grateful for the lively conversations that took place at times. It was a really positive experience and one of my proudest things in the four years that I have served on this Council and I am really excited that we approved it tonight.

Mr. Morrow echoed Mr. Jones comment and noted that this is the second historical marker in the City in two years.

Mr. Daniel echoed what Ms. Dinkins said. We had two very difficult issues that we dealt with today and a lot of that background work was done by our volunteers and citizens of Brevard and I appreciate the work that they have all done.

Mr. Baker said I wanted to make some comments about civic engagement; along the Short Term Rental Task Force, but also the discussions we've had in here over the last couple of meetings. I also want to mention that we've got an election coming up and I'm very thankful that we have six people running for three open seats, so we're hopefully going to have a lot of dialogue about local issues and I hope people will tune into those and state their opinion. I also want to thank those six people for running, because we have had some elections in the past where they weren't very competitive, and sometimes not at all. While that may be okay for the people that decided to run during those years, it doesn't do much good for the people of the city, who deserve to be talking about the issues that are important to them. Thank you for stepping up and I encourage everybody to pay attention to the election. It is hard sometimes when there is no big national nasty fights to litigate on the ballot, but we can talk about the stuff that really matters to us here in the city on these off-year municipal elections. I want to thank everybody that came and talked during public comment at these meetings. I think it is important for us to hear from everybody. As somebody who did get energized to get involved because of certain issues, sometimes you can parlay those moments of excitement about a particular issue into getting more involved and I hope some people will do that. Thank you for being here tonight and hopefully we'll see you in the future.

Attorney McKeller said I had the privilege of watching the Short Term Rental Task Force work and I was the designated stick in the mud because I had to explain the state statutes which are constantly changing. This group took an inordinate amount of time trying to sort through the issues and decide whether regulation needed to be made, and if so, to make it as straightforward, as forthcoming, and as focused as it could be so it didn't go over and beyond. It is an issue that creates hot blood and this committee went through and got data from every place it could, it consisted of people who were both for and against, and it was very impressive. I want to thank Geraldine and Aaron for allowing me to sit there and watch you guys doing it. Thanks for letting me be a part of that and for being so good about getting all that data on the record.

Mr. Hooper said I have a request that I need a head-nod from the Council on. You all know the rule of thumb I use when I get a request from an elected official that I think is going to take more than four hours of staff time, I come to you to get a thumbs up to make sure it is something you want us to dedicate staff resources to. In this case, it is having a staff person work on organizing a holiday event during December. Heart of Brevard has decided to switch their event to Friday, the tree lighting is on Friday night, and the parade is on Saturday morning, but traditionally there has been activities in the afternoon after the parade. The Mayor has requested that the City consider putting on a small event of our own following the parade Saturday afternoon with fire trucks, food trucks and other attractions for families. Since that's a new phenomenon, usually something that the Heart of Brevard did for us, I wanted to make sure that the Council was okay with us dedicating staff time and resources to that. Following discussion, it was decided that Mr. Hooper will bring back more information for discussion at the next meeting. Mr. Hooper also informed Council that City Clerk Denise Hodsdon has been accepted to the School of Government's Municipal and County Administration Program. It is an eight-month program, three days a month, and she will be learning about the intricacies of North Carolina local government. It is a great professional development opportunity for Denise and I wanted to congratulate her for being accepted. And she was awarded a half scholarship by the Local Government Federal Credit Union.

Mayor Copelof said I think tonight you saw local government at work. We had differing viewpoints; we had people with strong feelings, but we had a civil respectful discussion on both sides of the issue. I too have to thank Council and Staff, our partners who've worked hard, the public who worked hard getting all the information here so that we could make some tough decisions on how we move forward as a city. What we

really discussed here today is the future and how we are going to embrace and move forward to that future. In looking at the agenda across the board, we talked infrastructure projects - new water tanks, extending the sewer line, the Times Arcade Alley project. And we talked about economic development, about how that ties with going to Pisgah Labs; how all of that with Times Arcade Alley, how the social districts might help the economic development downtown. It was taking care of our personnel with making sure we have the Wellness Center. It was looking at our top critical issue of housing and the incredible job that our Short Term Rental Task Force did, and I have to compliment our City Council members that led that effort, our Attorney who put up with them for two years, and all of the public that gave their input. Again we put policy in place that is going to allow us to move housing in the direction we want and look at trying to change the negative impact that short term rentals had on developing of community. We also saw how input from citizens cuts into this. Two of our items that we voted on today – the unmuffled engine brakes and the no parking area – were direct inputs from people that came and talked to City Council asking about change. They have made it through the process, it was researched, the committees looked at it and we voted on it. I am so pleased and I think we have accomplished a lot. I think it shows you the diversity of what city government deals with, the richness of how we look and balance the amount of time and effort and resources that we put into the different areas. I am so thankful for the professionalism of our Council and Staff and the hard work that they both did today. They made some hard decisions and we are going to move forward and implement those decisions, and we’re going to make this town even better.

N. Closed Sessions – None.

O. Adjourn – There being no further business, at 8:46 p.m. Ms. Morrow moved, seconded by Ms. Dinkins, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: September 18, 2023

RESOLUTION NO. 2023-45

**AWARDING BADGE AND SERVICE SIDEARM
TO RETIRED POLICE OFFICER
CAPTAIN STEVE WOODSON**

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

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

WHEREAS, Police Officer Steve Woodson has served the Brevard Police Department with 24 years of service and has retired at the rank of Captain; and

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

The City Manager's designee, Police Chief C. Thomas Jordan, is hereby authorized, in accordance with the provisions of NC GS 20-187.2, to transfer to Police Officer Steve Woodson, the badge worn by him during his service with the Brevard Police Department and his service sidearm, a Glock Model G-23, Caliber .40, Serial Number BEDA 115.

Adopted and approved this the 5th day of September, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, September 18, 2023

Title: Ecusta Trail Project Briefing

Speaker: Paul Ray, Planning Director
Mark Tooley, Friends of Ecusta Trail
Wesley Jamison, NCDOT Division 14 Project Development Engineer
Chris Todd/Autumn Radcliff, Henderson County
Lonnie Watkins, NCDOT Division 14 Project Engineer
Christy Staudt, Transportation Planning & Design

Prepared by: Aaron Bland, Asst Planning Director, Paul Ray, Planning Director

Approved by: Wilson Hooper, City Manager

Background

Earlier this calendar year the City of Brevard and the North Carolina Department of Transportation on the city's behalf each received separate \$20M+ grants -RAISE and NSFLTP respectively- for the construction of the Ecusta Trail. Once completed, the 19-mile trail will run from Brevard to Hendersonville and will be a notable transportation and recreation amenity for the area. The RAISE and NSFLTP grants will leverage other funding sources such as state STBG/TAP, tourism development authority commitments, and private fundraising to fund the trail.

Discussion

The project is a complicated endeavor involving many players, with nearly a dozen distinct funding sources, governed by several sets of rules, being conducted in an uncertain economic environment. It is also unprecedented in that it is the only known grant of its type to receive grants from two distinct USDOT programs.

Though there are still many issues to work through, staff wishes to "level set" and bring the public and elected officials up-to-date on the status of the project. The briefing will include short updates by representatives from most of the agencies involved in executing the grants, and opportunities for Council members to ask questions of each of them.

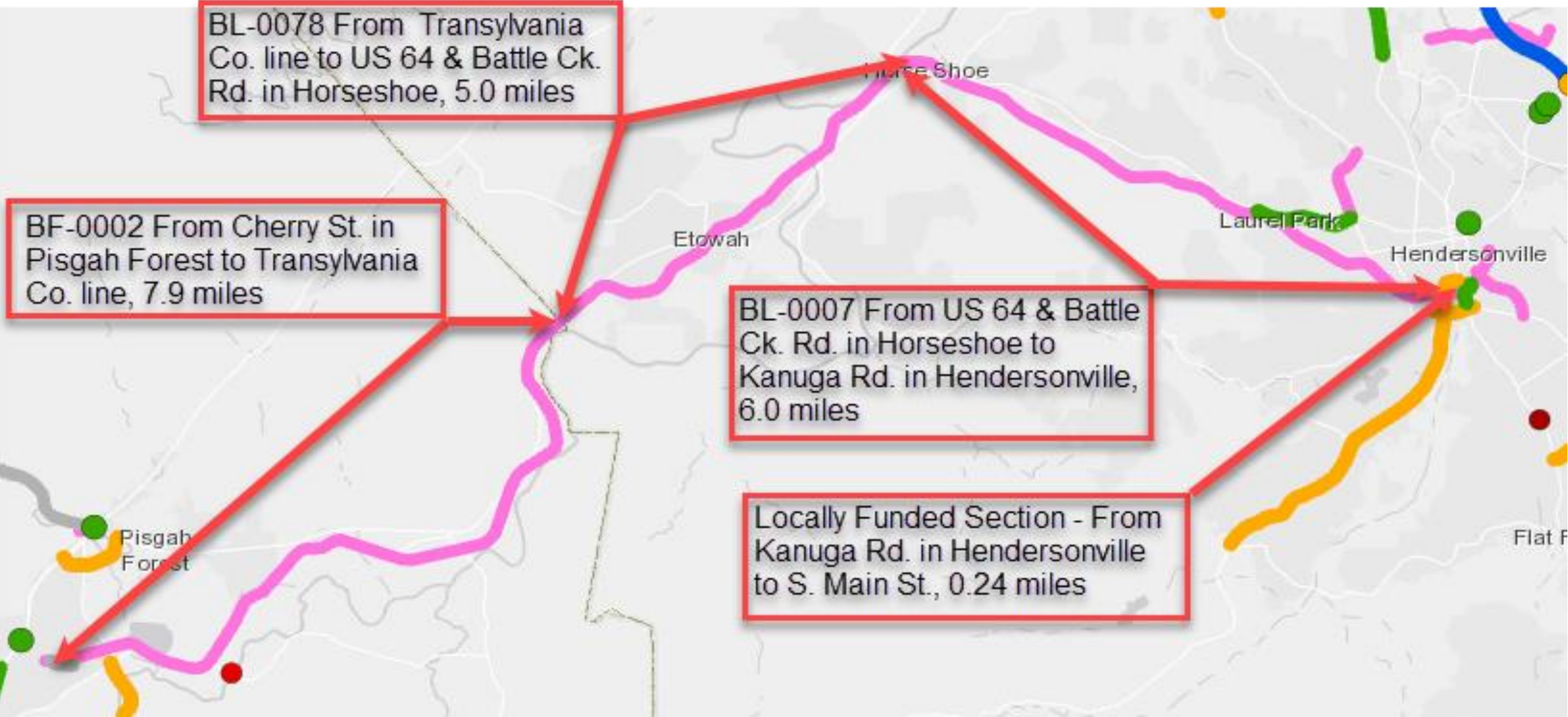
Action

No action requested. For information and discussion only.

Attachments:

1. Ecusta Trail Sections Information

Ecusta Trail Sections - Transylvania & Henderson County



	BF-0002		BL-0078		BL-0007 & Locally Funded Section	
Funding Source	Amount	Notes	Amount	Notes	Amount	Notes
FLAP	\$1,000,000	PE Only	\$0		\$0	
RAISE Grant Request	\$18,741,400	PE & Const.	\$5,818,069	PE & Const.	\$0	
NSFLTP Grant Request	\$18,494,396	Const. Only	\$1,600,145	Const. Only	\$1,317,500	Const. Only
STBG/TAP	\$0		\$10,467,235	Const. Only	\$5,075,219	Const. Only
Local/Donations	\$5,632,500	PE & Const.	\$6,674,309	PE & Const.	\$4,268,804	PE & Const.
--Transylvania County TDA	\$1,000,000	Const. Only				
--Friends of the Ecusta Trail	\$3,132,500					
--Conserving Carolina	\$1,500,000					
Total Funds	\$43,868,296		\$24,559,758		\$10,661,523	
Total Cost Estimate	\$26,373,900		\$19,074,000		\$10,661,523	

Note: The amount values are from the grant applications.

20% Match for NSFLTP

\$3,698,879

\$320,029

\$263,500

\$4,282,408

\$21,412,041

STAFF REPORT

City Council, Monday, September 18, 2023

Title: Development Finance Initiative (DFI) Presentation

Speaker: Sara VanLear, Project Lead, Development Finance Initiative
Sarah Odio, Assistant Director for Housing, Development Finance Initiative

Prepared by: Emily Brewer, Senior Planner

Approved by: Paul Ray, Planning Director, Wilson Hooper, City Manager

Background & Discussion

The Development Finance Initiative (DFI) at the UNC School of Government partners with local governments to attract private investment for transformative projects by providing specialized finance and development expertise.

The City of Brevard contracted with DFI to provide technical assistance in evaluating opportunities to increase its supply of affordable housing for low- and moderate-income households and further its community economic development goals in November 2022. DFI is providing the City of Brevard with pre-development services that would ultimately result in the identification of private development partners that would assist the City in addressing its affordable housing needs.

DFI's work is conducted in two phases. In Phase 1, DFI carried out high level predevelopment activities – parcel analysis, housing needs assessment, site analysis, and financial feasibility – to determine the feasibility of affordable housing development and identify and prioritize key sites for development, based on market needs and the City's public interests. In Phase 2, the City will select one project that DFI determined is financially feasible for a private development partner. DFI will continue site-specific pre-development analysis for the selected project and assist the City in identifying experienced private developers to execute the project envisioned through Phase 1. Following selection of a development partner for the Project, DFI will then support the City of Brevard in negotiating key deal points in a development agreement with the selected partner.

Action

Tonight, DFI will share the Phase 1 findings of the housing needs assessment and insights from the high-level site analysis and financial feasibility. Staff requests that Council go into closed session to discuss the property-specific data and discuss property acquisition opportunities.

Attachments:



Proclamation No. 2023-15 Harold Wellington Day

WHEREAS, Harold Wellington honorably and bravely served his country in the U.S. Merchant Marine from 1943 to 1946; in the U.S. Army from 1948 to 1949; and in the U.S. Navy from 1950 to 1954; and

WHEREAS, Harold Wellington, a member of the Greatest Generation, bravely served his country during World War II in the Atlantic War Zone and the Mediterranean-Middle East War Zone; and

WHEREAS, Harold Wellington served on convoy duty on Liberty Ships carrying war supplies to the troops in Europe from 1943 to 1946; and

WHEREAS, the United States lost 1,554 ships in World War II. Approximately 8,000 to 12,000 Merchant Marine sailors died. Merchant Mariners suffered the highest rate of casualties of any service in World War II; and

WHEREAS, Harold Wellington made two trips to France on Swedish ocean liner *M.S. John Erickson*, converted into a troop transport ship, to bring prisoners of war home when World War II ended; and

WHEREAS, Harold Wellington was honorably discharged from the Navy in 1954; and

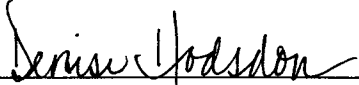
WHEREAS, Harold Wellington, has demonstrated extraordinary bravery and performed services to the United States and the community of Brevard that are honorable and deserving of recognition.

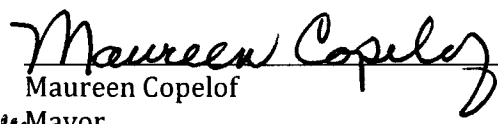
NOW, THEREFORE, be it proclaimed that I, Maureen Copelof, retired Navy Captain and Mayor of the City of Brevard, do hereby proclaim September 2, 2023 as **HAROLD WELLINGTON DAY** in the fair City of Brevard, North Carolina, and commend its observance to all its residents.

Further, I hereby present Harold Wellington with this Key to the City; it is not a key to any lock, but is the true key to the hearts of the citizens of Brevard.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 1st day of September 2023.

ATTEST:


Denise Hodsdon, CMC
City Clerk


Maureen Copelof
Mayor





Proclamation No. 2023-16
Bill Bentley Day

WHEREAS, America has been blessed with an abundance of men and women who proudly and bravely serve their country sacrificing a great deal for the cherished causes of freedom and democracy; and

WHEREAS, we salute their bravery and dedication to the defense of our democracy and the sovereignty of freedom-loving nations around the world, recognizing it is an extraordinary person who willingly steps into harms way to protect others and to defend freedom; and

WHEREAS, as honored and respected citizens, our service men and women have learned the value of service, dedication, and discipline and know the worth of life and liberty; and

WHEREAS, America has found in our service men and women, the leadership, courage, and determination needed to overcome all forms of despicable threats to our nation and its freedom; and

WHEREAS, we owe our military personnel a debt of gratitude which can never be fully repaid and recognize our many local military heroes for their service; and

WHEREAS, Specialist William "Bill" Bentley served in the U.S. Army during the Vietnam Conflict from July, 1971 until July, 1974 in the 515th Military Police Company. Specialist Bentley served with honor and distinction as a Petroleum Storage Specialist and as a Military Policeman and was awarded numerous medals during his tenure. For his valor and heroic conduct during combat operations in Vietnam he was awarded the Republic of Vietnam Gallantry Cross with Bronze Star.

NOW, THEREFORE, be it proclaimed that I, Maureen Copelof, retired Navy Captain and Mayor of the City of Brevard, do hereby proclaim September 3, 2023 as **BILL BENTLEY DAY** in the fair 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 1st day of September 2023.


Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon, CMC
City Clerk





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 AUGUST 31, 2023

Tina Tanner, Tax Collector

CITY OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING AUGUST 31, 2023

UPDATED: 09.11.2023

YEAR JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER

2023 \$ 3,999,226.23

2022-2011 \$ 8,264.83 \$ 22,421.57

2010 - Prior \$ - \$ - \$ - \$ - \$ -

TOTAL: \$ 8,264.83 \$ 4,021,647.80 \$ - \$ - \$ - \$ -

JANUARY FEBRUARY MARCH APRIL MAY JUNE TOTAL

2023

2022-2011

2010 - Prior

TOTAL:

\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,999,226.23
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,686.40
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,029,912.63

HEART OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING, AUGUST 31, 2023

UPDATED: 09.11.2023

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
2023		\$ 84,666.91					
2022-2011		\$ 4,227.80					
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTAL:	\$ -	\$ 88,894.71	\$ -	\$ -	\$ -	\$ -	
2023							
2022-2011							\$ 84,666.91
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,227.80
TOTAL:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 88,894.71

MINUTES
City Council Public Works & Utilities Committee

Wednesday, May 3, 2023 – 3:30 PM
City Council Chambers

Members Present: Maurice Jones, Chair, Council Member (Arrived at 4:15 p.m.)
Mac Morrow, Vice-Chair, Council Member
Owen Carson, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: Dean Luebbe, Assistant City Manager/Finance Director
Wesley Shook, Acting Public Works Director
Dennis Richardson, WTP Director
Denise Hodsdon, City Clerk
Becky McCann, Communications Coordinator
Paul Ray, Planning Director

A. Welcome and Call to Order

Committee Vice-Chair Mac Morrow called the meeting to order at 3:31 pm.

B. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

Motion by Mr. Carson, seconded by Mr. Morrow to approve the agenda as presented.
The motion carried unanimously.

D. Approval of Minutes from April 5, 2023 Meeting

Motion by Mr. Morrow, seconded by Mr. Carson to approve the minutes of the April 5, 2023 meeting as presented. The motion carried unanimously.

E. Oakdale Street Sidewalk

Mr. Luebbe reported that he and City Manager Hooper walked the area with Wesley Shook and it appears that it is work that Public Works can do. Mr. Shook estimates that the cost of the concrete to replace the 4-foot wide sidewalk from Carver Road to the new sidewalk DOT installed near Caldwell Street will be \$11,600. He estimates that they can complete the project in 22 8-hour days and they can start as soon as possible, but will work on it around the recycling schedule. Motion by Mr. Carson,

seconded by Mr. Morrow to approve the proposed work to repair the Oakdale sidewalk. The motion carried unanimously.

F. King Street/Whitmire Street Paving

Mr. Luebbe reported that he, City Manager Hooper and Wesley Shook then walked King and Whitmire streets and they feel that Whitmire is in worse condition than King Street. Mr. Shook got some paving quotes and King Street would cost about \$75,000 and Whitmire Street would cost about \$50,000. Mr. Luebbe said we are going to wait to see how the patching on King Street looks after a couple months before doing anything. He noted that funding is going to be fairly tight between this and the stamped crosswalks on Main Street. We have approximately \$100,000 left in this year's budget in Powell Bill funds. Next year we will get another \$200,000 and stamped crosswalks will take up the bulk of that.

G. Stamped Crosswalks

Mr. Luebbe said NCDOT is looking for us to commit to and sign a contract for the stamped crosswalks at three intersections on Main Street. These would be at the intersections of Broad, Gaston, and England Streets and they have estimated the cost at \$175,000.

Mayor Copelof raised the issue that Council may have supported this when we thought there would be \$450,000 toward street paving, but since we didn't put any money into paving in next year's proposed budget it would mean that we would have nothing left to pave any streets. It would be hard to tell the public we are doing no street paving at all because we are doing fancy crosswalks. She asked if we could just do regular crosswalks at those intersections. Paul Ray explained that the stamped crosswalks are not just for aesthetics; they provide a higher visibility for motorists and pedestrians. There was discussion about the possibility of doing the stamped crosswalks at a later time, but that it would most likely cost more to do it later. If we do them now, it would be part of NCDOT's paving project, but if we do it later, it would be a City project and we would have to hire an outside contractor and get approvals and encroachment agreements from DOT. There was also discussion about whether it would be possible to only do the Broad and Gaston intersections to reduce the cost. Staff will work on getting those costs. Mr. Jones moved, seconded by Mr. Carson to bring options back to City Council on the stamped crosswalks. The motion carried unanimously.

H. Town of Rosman Memorandum of Understanding

The Committee reviewed the proposed Memorandum of Understanding with the Town of Rosman for the water supply interconnect (copy attached). Mr. Richardson explained that he and City Manager Hooper met with Attorney Mack McKeller and they added a number of provisions to the proposed agreement that the Town of Rosman had prepared. Provisions added include that the connection must include

appropriate line clearing equipment on the using party's side to ensure no contamination occurs to either water system. Mr. Richardson explained that this addresses flushing the line of the water that has been sitting in the line. Another added provision is that the City of Brevard must be producing at least 1.6 million gallons of water each day. Following discussion, Mr. Jones moved, seconded by Mr. Carson to send to City Council with a recommendation to approve. The motion carried unanimously.

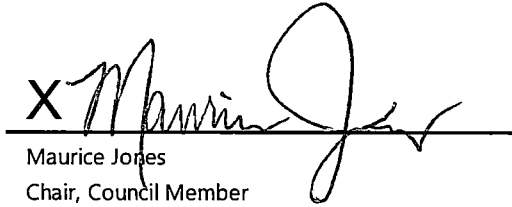
I. Set Date for Next Meeting

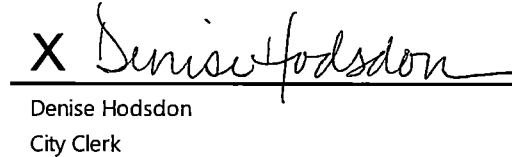
The next regular meeting of the Public Works & Utilities Committee was scheduled for Wednesday, June 7, 2023 at 3:30 p.m.

J. Adjourn

There being no further business, the meeting was adjourned at 4:42 p.m.

Minutes Approved: August 2, 2023

X 
Maurice Jones
Chair, Council Member

X 
Denise Hodsdon
City Clerk

AN INTERLOCAL AGREEMENT ESTABLISHING PROCEDURES
FOR USE OF CITY-TOWN WATER SUPPLY INTERCONNECTS
BETWEEN THE CITY OF BREVARD AND THE TOWN OF
ROSMAN

WHEREAS, the City of Brevard operates a complete water treatment and distribution system in and around the City of Brevard; and

WHEREAS, THE Town of Rosman operates a complete water treatment and distribution system in and around the Town of Rosman; and

WHEREAS, a metered interconnect for emergency use is of substantial benefit to both the City of Brevard and the Town of Rosman.

NOW, THEREFORE, for and in consideration of the promises contained herein and the mutual covenants herein contained, the parties hereto formally covenant, agree and bind themselves as follows:

- 1) Service to the residents of the City of Brevard and Town of Rosman is of primary concern of the parties and water will be continuously provided to the parties to this Agreement on an emergency basis as determined by the Director of Public Works for the City of Brevard, And the Town Administrator for the Town of Rosman. "Emergency" is defined as a line breakage, contamination, or low water due to extreme drought conditions which negatively impact the system's ability to function.
- 2) The meters will be read on a regular basis during times of emergency to determine usage of water by either party; the party providing the water will be compensated per the water rate schedule in effect at that time. The connection shall be designed and certified by a professional engineer and must include appropriate line clearing equipment on the using party's side to ensure no contamination occurs to either water system.
- 3) The cost to the Town of Rosman for use of City of Brevard water from the interconnect will be pursuant to the City Water Rate Schedule as revised and adopted by the City of Brevard in their yearly budget and paid on a weekly basis.
- 4) Prior to Rosman accessing water per this agreement, The City of Brevard Water treatment and distribution system must be producing at least 1.6 million gallons of water each day.
- 5) The cost to the City of Brevard for use of Town of Rosman water from the interconnect will be pursuant to the Town Water Rate Schedule as revised and adopted by the Town of Rosman in their yearly budget and paid on a weekly basis.

- 6) This Agreement shall not be construed as an agreement for either Town or City to take over and operate the other party's water and sewer system but is an agreement that allows either party to provide such services to the other party solely in the event of an emergency.
- 7) The connecting valve on the City of Brevard's side shall be conveyed to the City of Brevard and the connecting valve box on the Town of Rosman's side shall be conveyed to the Town of Rosman. The cost for installation of these valves and the meters associated therewith shall be borne by the Town of Rosman.
- 8) Each party to this agreement shall hold the other completely harmless of any and all damages and shall fully indemnify the other for any damages which may occur to the water system, equipment, or any water customers due to the parties access of water under this emergency agreement the other.
- 9) This agreement shall be in effect for one year following the execution date and shall renew automatically each year unless either party, with sixty (60) days notice to the other party, declines to renew this agreement.

This the _____ day of _____, 2023.

Town of Rosman, by:

Brian E. Shelton, Mayor

Attest:

Angela Woodson, Town Clerk

City of Brevard, by:

Maureen Copelof, Mayor

Attest:

Denise Hodson, City Clerk

MINUTES

CITY COUNCIL HOUSING COMMITTEE

Tuesday, July 11, 2023 – 3:30 PM

City Hall Council Chambers

Members Present: Gary Daniel, City Council Member
Maurice Jones, City Council Member
Victor Foster, Citizen Member

Staff Present: Wilson Hooper, City Manager
Dean Luebbe, Assistant City Manager/Finance Director
Paul Ray, Planning Director
Emily Brewer, Senior Planner
Denise Hodsdon, City Clerk
Alex Shepherd, Assistant to the City Manager
Becky McCann, Communications Coordinator
Aaron Bland, Assistant Planning Director

Guest Present: Ed Neuhaus, Property Owner
Sara VanLear, Frank Muraca, and Sarah Odio, DFI Representatives

A. Welcome and Call to Order

Gary Daniel welcomed everyone and called the meeting to order at 3:30 PM.

B. Certification of Quorum

Quorum was certified by Assistant to the City Manager Alex Shepherd.

C. Approval of Agenda

Mr. Gary Daniel asked to add an item regarding the Short-Term Rental Task Force and Planning Board Discussion as the first item on the agenda, Item E. Motion by Mr. Daniel, seconded by Mr. Foster to approve the agenda as amended. The motion carried unanimously.

D. Approval of Minutes

1. Motion by Mr. Jones, seconded by Mr. Foster to approve the minutes of the February 14, 2023 meeting as presented. The motion carried unanimously.
2. Motion by Mr. Foster, seconded by Mr. Jones to approve the minutes of the March 14, 2023 meeting as presented. The motion carried unanimously.

E. Short-Term Rental Task Force and Planning Board Discussion

Mr. Bland stated that in September of 2021, a Short-Term Rental Task Force was established to obtain data and current impacts on short-term rentals in Brevard and to provide recommendations to Council. The committee issued an economic impact analysis and a representative survey of city residents to gauge their opinions on short-term rentals. The economic impact analysis conducted by Smart City Policy Group covered all of Transylvania County and not just the city. The study found that short-term rentals account for about 6% of the total housing units in the county. Furthermore, new housing supply has not kept up with housing demand and has shown a positive but limited correlation between the short-term rental market and housing prices in our local market. The representative survey was conducted by Dr. Hagedorn of Blue Ridge Community College, which included 500 participants within the corporate city limits. The survey focused on whether the City of Brevard should adopt policies to protect or curtail short-term rentals. Survey results showed that participants wished to curtail short-term rentals and that there was a connection between affordability and availability of houses in the short-term rental market. Economic impact analysis and representative survey can be found at <https://www.cityofbrevard.com/498/Short-Term-Rental-Task-Force>.

Mr. Bland continued that after two years of consideration, the Short-Term Rental Task Force voted to recommend a draft ordinance that went to the Planning Board in June, who recommended it unanimously. The recommended ordinance will now go to City Council for approval. The main difference in the ordinance is that it used to state, "No permits are required for short-term rentals, per N.C.G.S. 160D 1207." The new policy will now require "A typical zoning permit shall be required to verify notification and agreement to comply with the traditional standards contained herein." If the new policies are adopted, any short-term rental in operation would be grandfathered in as a preexisting non-conforming use. New short-term rentals would not be allowed to open or operate within general residential zones. However, there is a caveat for a resident living onsite, and therefore is exempt from what the ordinance considers a short-term rental.

Mr. Daniel asked what if it is an accessory building. Mr. Bland stated that if the property owner lives onsite, you are exempt from the definition and, therefore, exempt from having to apply for a short-term rental permit.

Mr. Neuhaus asked what the definition is for a short-term rental. Mr. Bland stated that short-term rentals are for 30 days or less.

F. DFI Update and Discussion

Ms. Brewer introduced the team from DFI which is a program of the UNC Chapel Hill School of Government that partners with local governments to attract investment for transformative projects by providing specialized finance and development expertise. During this presentation the DFI team presented the Pre-development

Scope which included the following information on Phase 1 of the project. A copy of their presentation is attached.

- DFI Scope of Services
- Opportunity Site Identification
- Estimated Timeline
- Housing Needs
- Housing Market
- Identifying Suitable Sites
- Preliminary Site Analysis
- Next Steps

Mr. Jones asked about the rental rate distribution within the City. Ms. VanLear stated that the data in their analysis reflects that available housing units are increasing but at a higher price point.

Mr. Hooper asked whether parking is one of the requirements of the LIHTC calculation. Ms. Odio responded with the LITHC calculation includes 1.75 parking spaces per housing unit. However, the developer can apply for an exemption but must show there is public transportation and a lower parking count will work for the residents of the affordable housing units.

Mr. Daniel asked if the City should adjust our zoning requirements for affordable housing in regards to parking spaces. Ms. Brewer said we are working in consultation with the planning board to follow best practices when developing the new parking plan.

G. Set Date for Next Meeting

The next meeting was scheduled for Tuesday, August 8, 2023 at 3:30 pm. It will be a closed session meeting.

H. Adjourn

There being no further business, the meeting adjourned at 4:40 P.M.

Minutes Approved: _____

X

Gary Daniel
City Council Member

X

Alex Shepherd
Assistant to the City Manager

Brevard Housing Assessment

Current Housing Needs in the City of Brevard and Transylvania County

Project Team

Project Lead: Sara VanLear

Lead Analyst: Frank Muraca

Asst. Director for Housing: Sarah Odio

Development Advisor: Rory Dowling



SCHOOL OF GOVERNMENT

Development Finance Initiative



DFI & Project Overview

DFI: Phase 1 Process



UNC School of Government



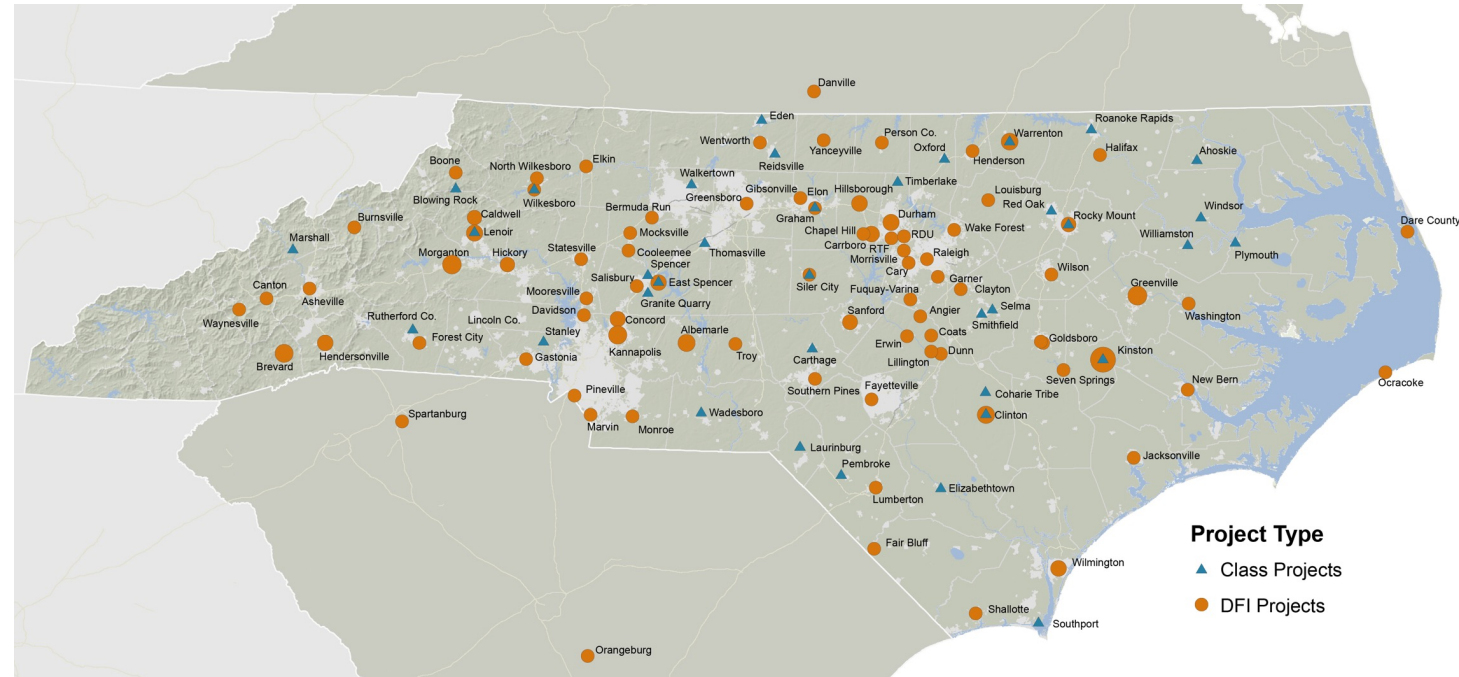
UNC Chapel Hill's School of Government is the largest university-based local government training, advisory, and research organization in the United States, and serves more than 12,000 public officials each year.



DFI, a program of UNC Chapel Hill's School of Government (SOG), partners with local governments to attract private investment for transformative projects by providing specialized finance and development expertise.

SOG is the largest university-based local government training, advisory, and research organization in the United States, and serves more than 12,000 public officials each year.

Values: Nonpartisan, policy-neutral, responsive



Project Team

Project Lead: Sara VanLear

Lead Analyst: Frank Muraca

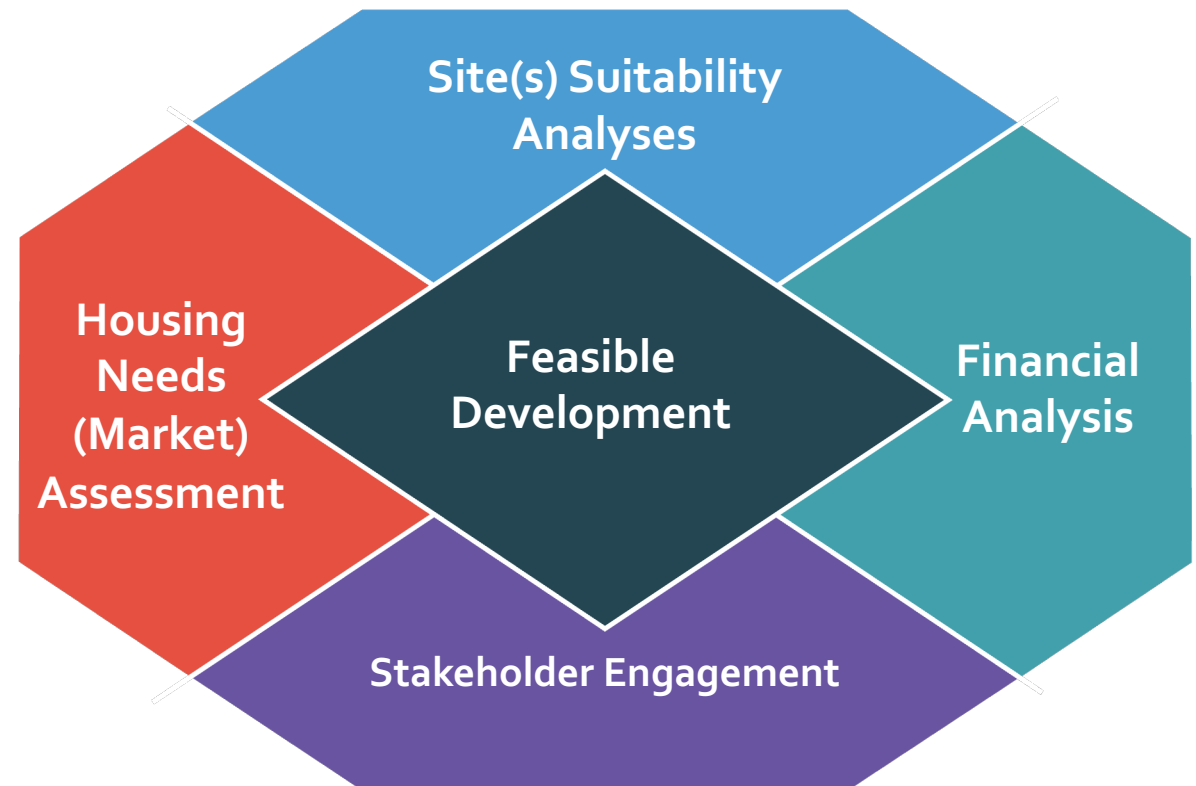
Quality Control & Housing Advisor: Sarah Odio

Development Advisor: Rory Dowling

DFI Scope of Services

The City of Brevard engaged the Development Finance Initiative (DFI) to support the city in attracting private investment for housing development. The scope of work includes:

1. Pre-development Scope:
 - **Phase 1: Opportunity Site Identification**
 - Phase 2: Site-Specific Pre-Development analyses
2. Solicitation of private development partner(s)
3. Supporting the City in negotiating the development agreement with selected partner(s)



Phase 1: Opportunity Site Identification

In order to identify affordable housing development opportunities, DFI will conduct:

1. Housing Needs (Market) Assessment

- **Goal:** determine demand for different housing types based on economic drivers and current housing supply.

2. Site Suitability Analysis

- **Goal:** identify sites that meet City's housing priorities.

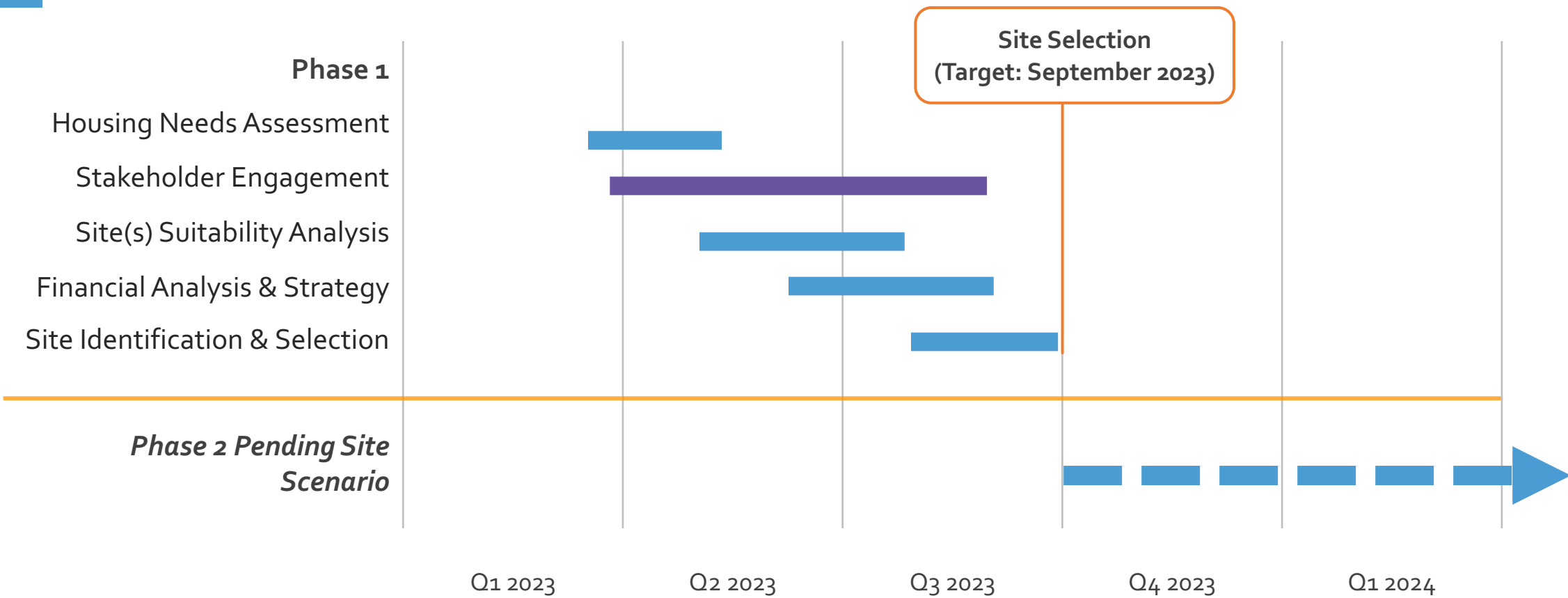
3. High-Level Site and Financial Feasibility

- **Goal:** for each site identified, determine type and scale of housing development possible; estimate potential private funding sources and identify minimum funding gap for each scenario.

4. Stakeholder Engagement

- **Goal:** identify community goals and development opportunities to meet housing needs in Brevard.

Estimated Timeline



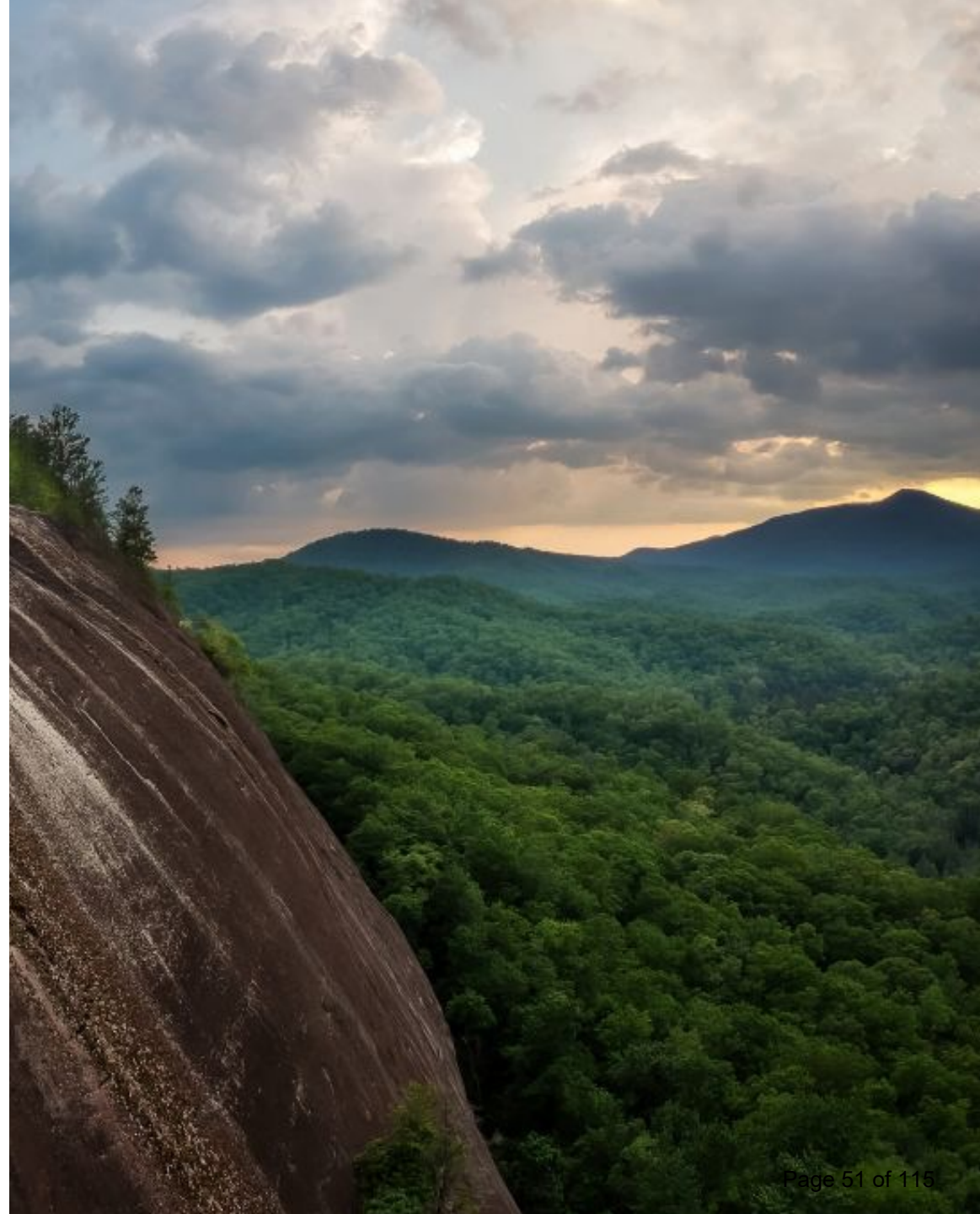
*Timing of public engagement to be determined following completion of early phase analysis and discussions with City staff.
Note: Timeline subject to change based on timing, type and scale of public engagement process, Council decision making, as well as response during private partner outreach.

7

Page 50 of 115

Today's Meeting Goals

- Discuss housing needs assessment findings for Brevard and Transylvania County
- Review Housing Priorities
- Discuss High-Level Site Identification and Analysis
- Review Next Steps



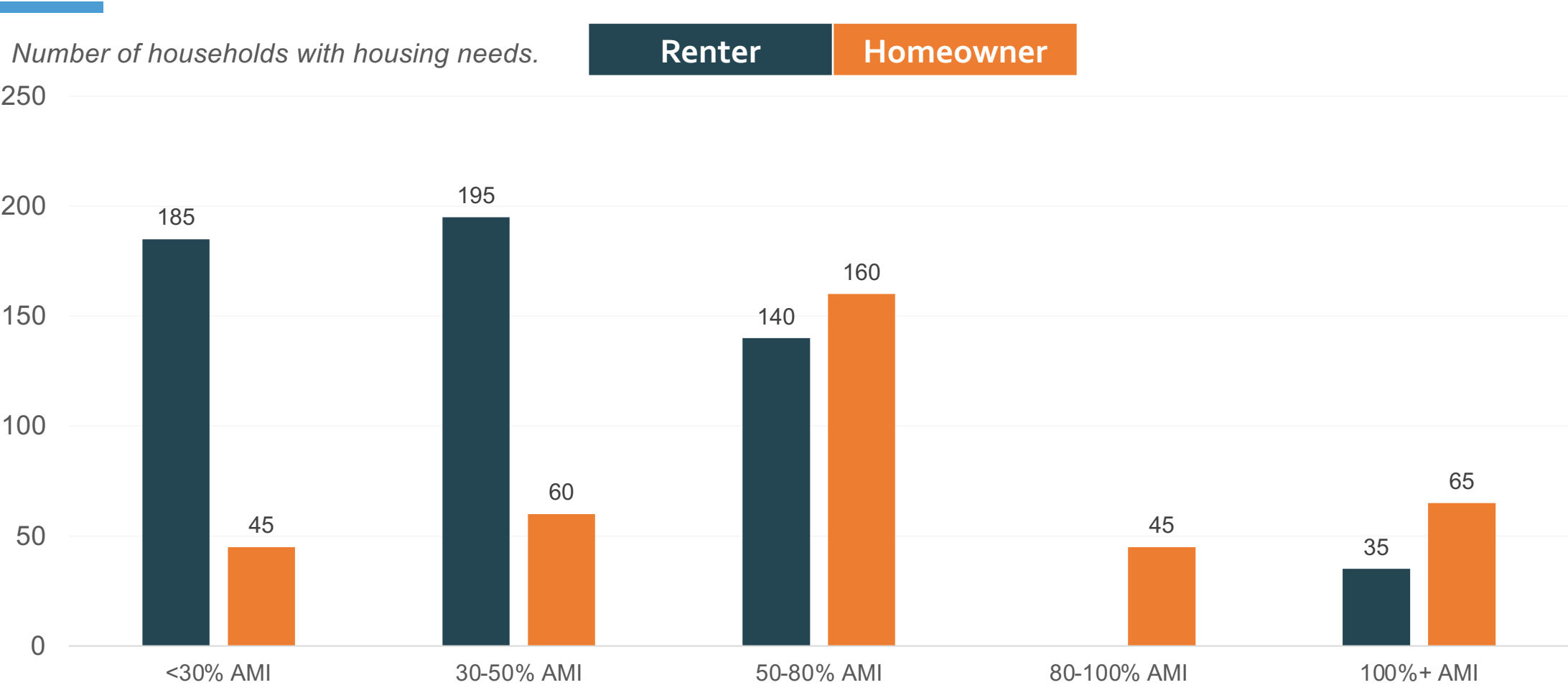
Housing Needs



Income Limits in Transylvania County

AMI	1-person	2-person	3-person	4-person
30% Extremely Low Income	\$14,400	\$16,400	\$18,500	\$20,600
50% Very Low Income	Restaurant server: \$25,000	\$27,400	\$30,800	\$34,300
80% Low-to-Moderate Income	\$38,400	Elementary Teacher (7 years experience): \$44,000	\$55,500	\$54,900
100%	\$48,000	\$54,900	\$61,700	\$68,600
120%	\$57,600	\$65,900	\$74,000	Director of Marketing (Brevard Music Center): \$83,000

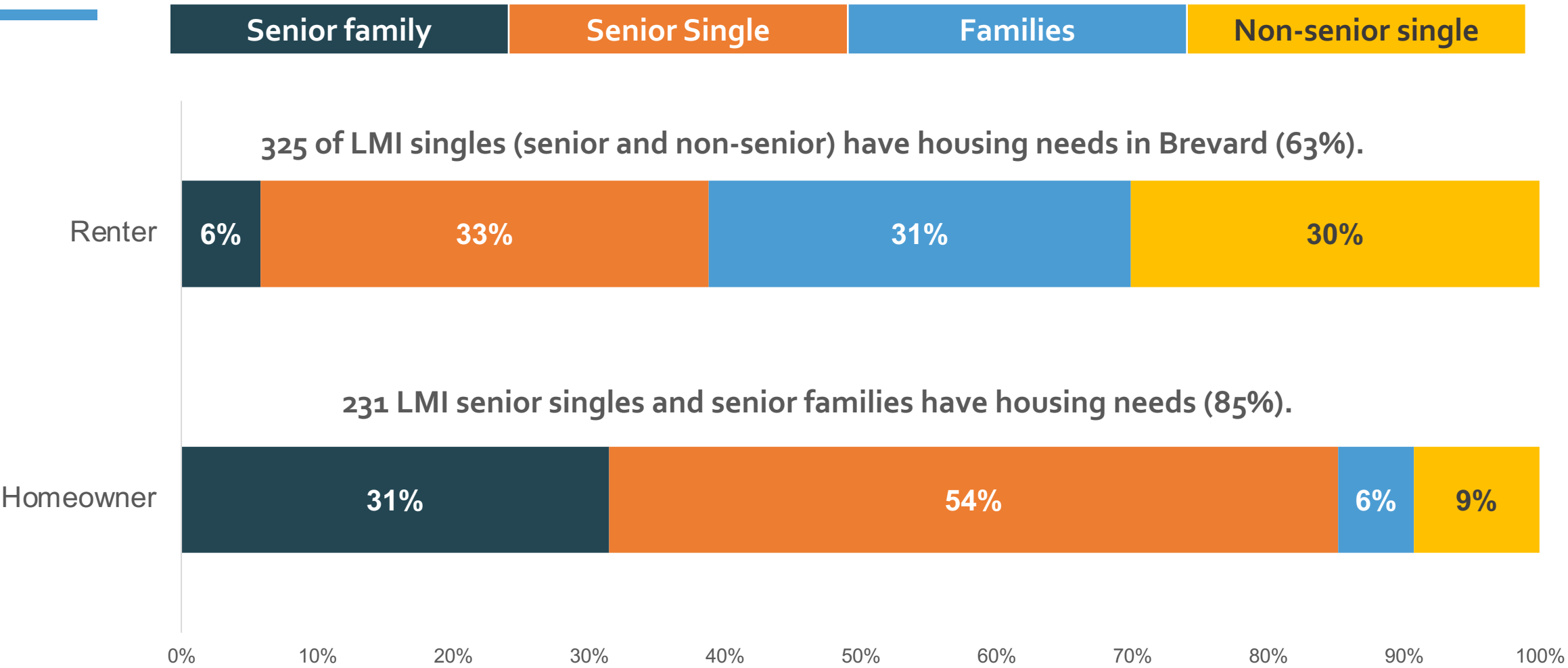
At least 520 LMI renters and 265 LMI homeowners have housing needs in Brevard.



Housing Need: households with housing need (1) spend at least 30% of their annual income on housing-related costs, (2) live in units without plumbing or kitchen facilities, or (3) live in units with more than 1 person per room.

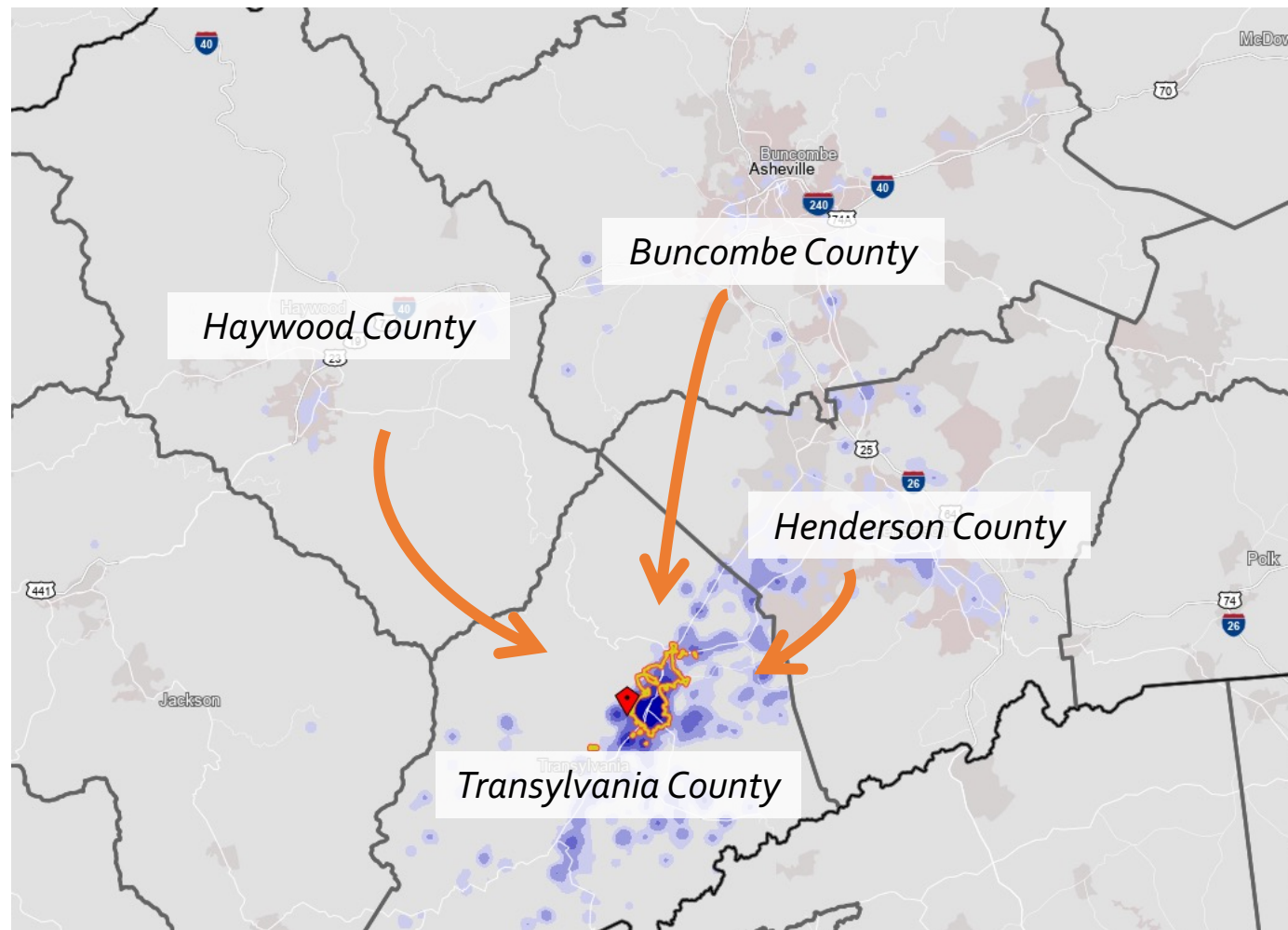
Source: HUD CHAS (2015).

LMI renters are made up of a range of household types, while LMI homeowners tend to be senior.

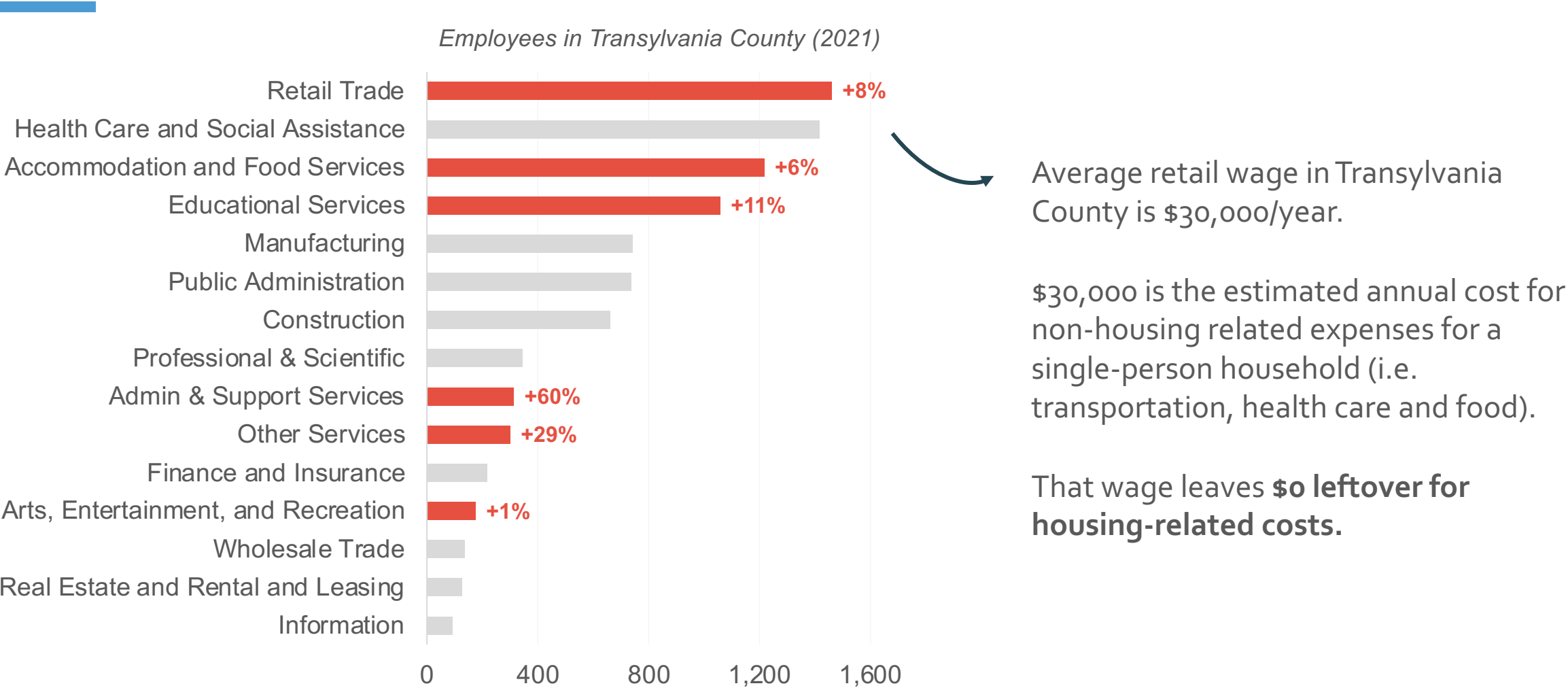


About 700 employees making less than \$40,000 commute to Brevard from outside the County

- Approximately 1,200 people commute to Brevard from outside Transylvania County. **700 (58%) commuters have incomes <\$40,000**, and 500 (42%) earn incomes at 80% AMI and above.



Half of the county's workforce are employed in industries with average wages <\$40,000 a year.



Source: LEHD On the Map (2020) & Economic Policy Institute (2022)

Housing Market

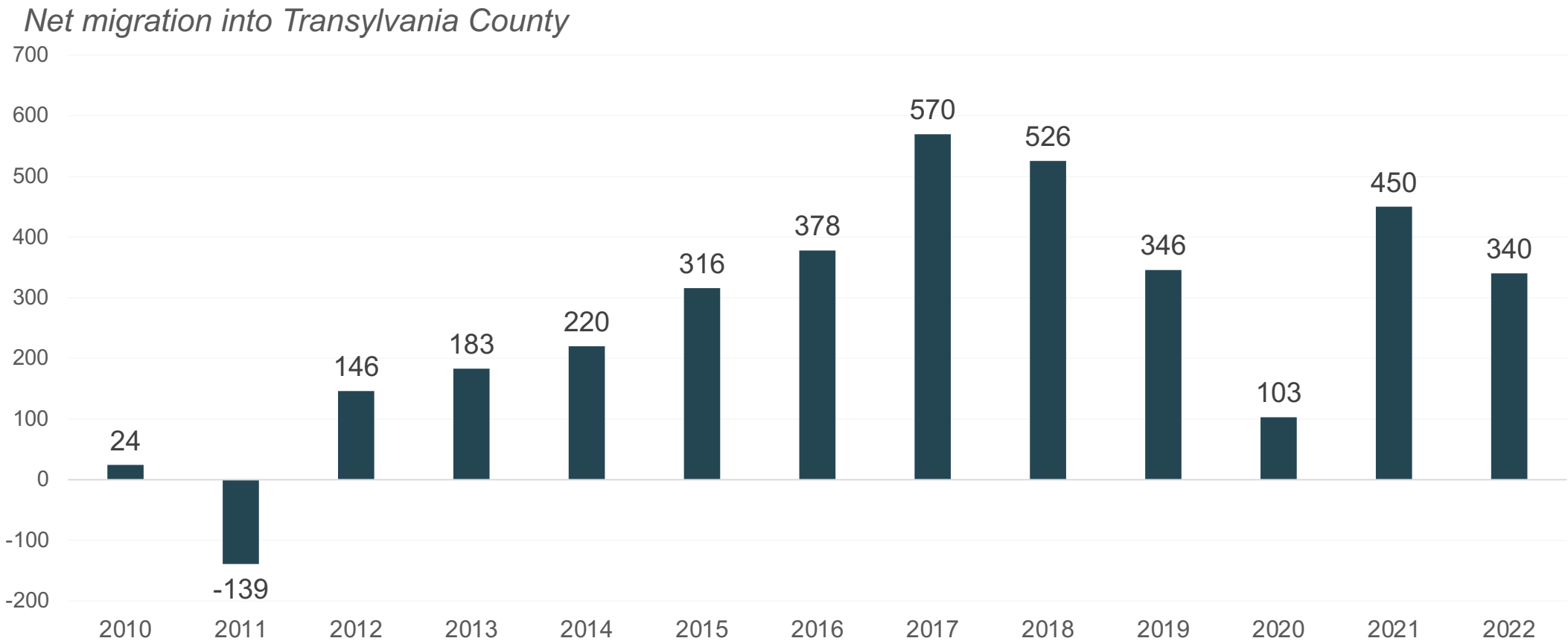


The rise in housing costs over the last three years has likely increased the number of cost-burdened households.

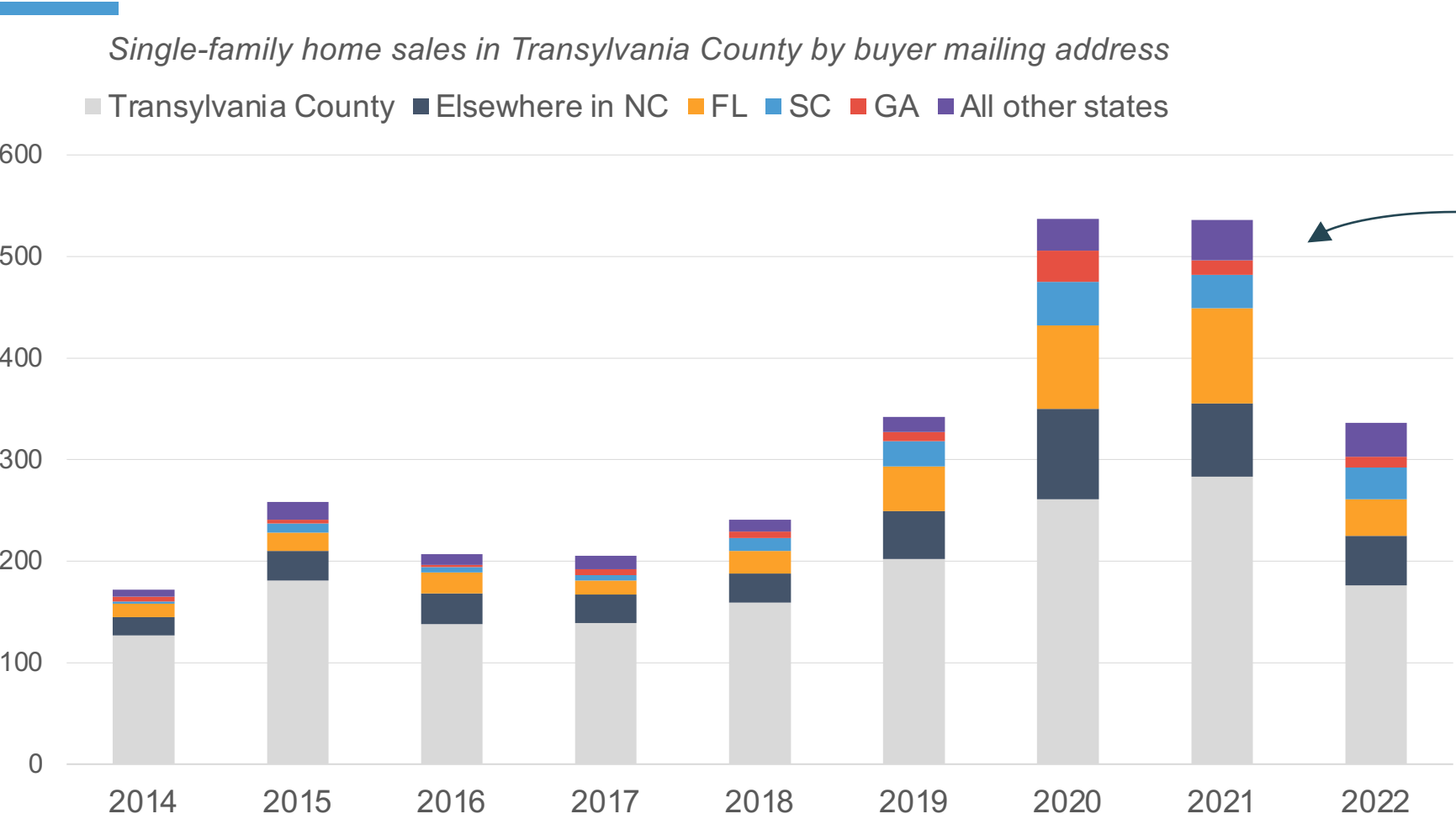
- Pressure on limited housing stock: population growth, 50% increase in home sales, and a tripling of seasonal-use properties has reduced rental availability.
- Land and construction costs are pushing up prices for both homeowners and renters.
- The highest price rental units (over \$1,000/month) have more than doubled.
- The average home sale price increased 6%, and price of new homes has doubled.

From 2017 to 2021, two-thirds of Transylvania’s new residents moved from out-of-state.

The county experienced a net migration growth of approximately 2,300 people since 2017.



Home sales increased by 50% during the pandemic, driven primarily by second home and investor purchases



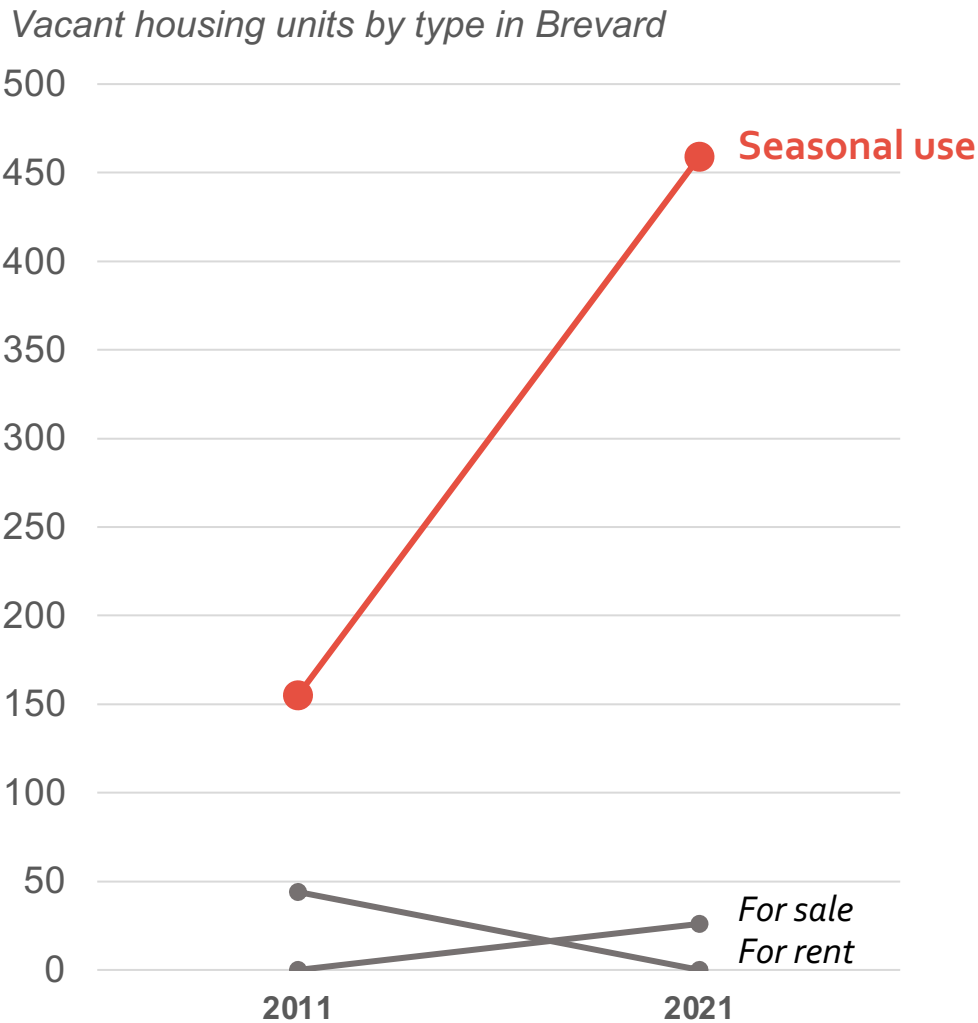
Since 2020, home sales in Transylvania County have doubled. 40% of the homes sold were bought by individuals or entities with mailing addresses outside of the county.

Source: DFI analysis of Transylvania County tax parcel data.

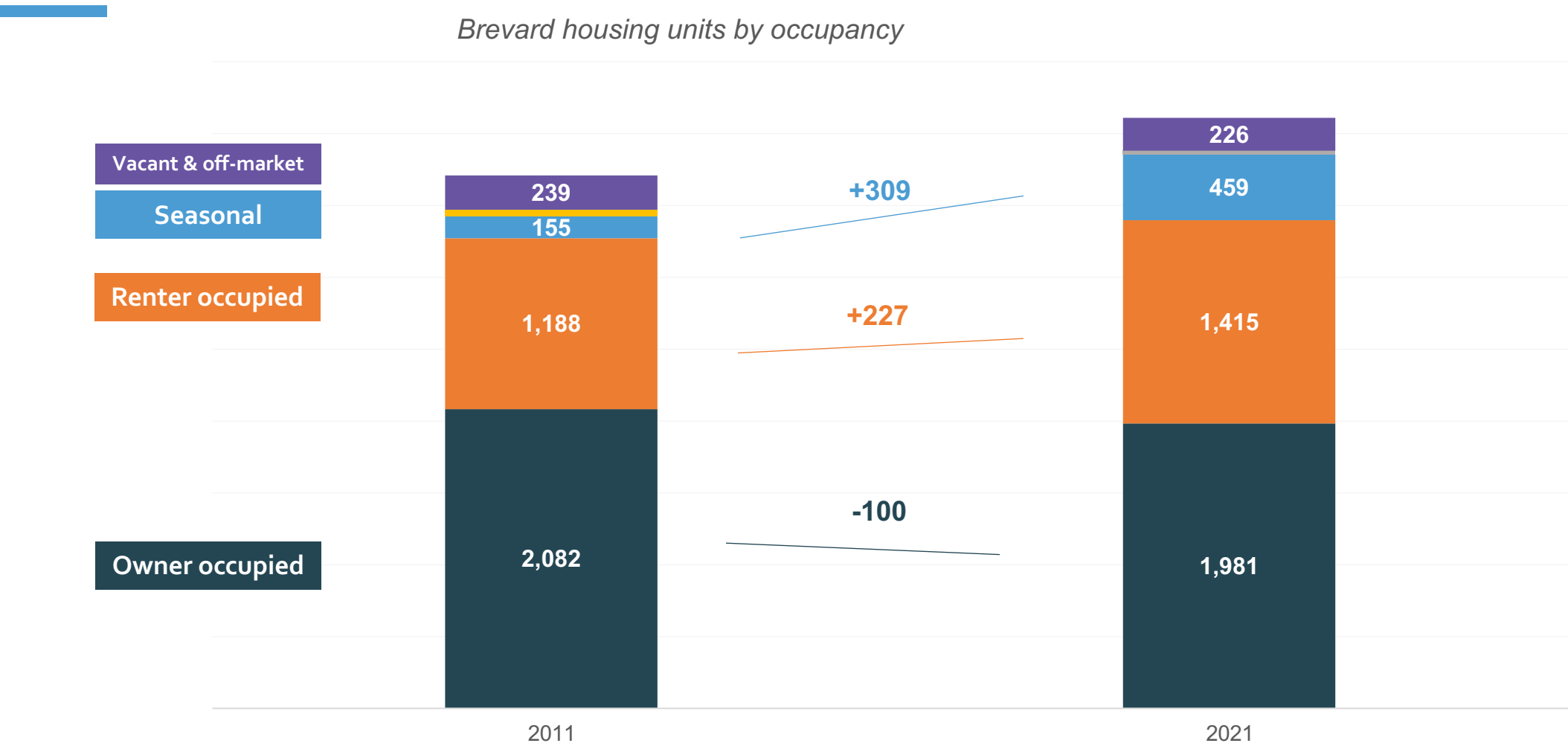
The number of seasonal use rentals has tripled since 2011.

In 2021, over 1 in 10 housing units in the city were reserved for seasonal use and off-market for year-round renters.

Over this same time period, rental vacancy rate hit 0%.

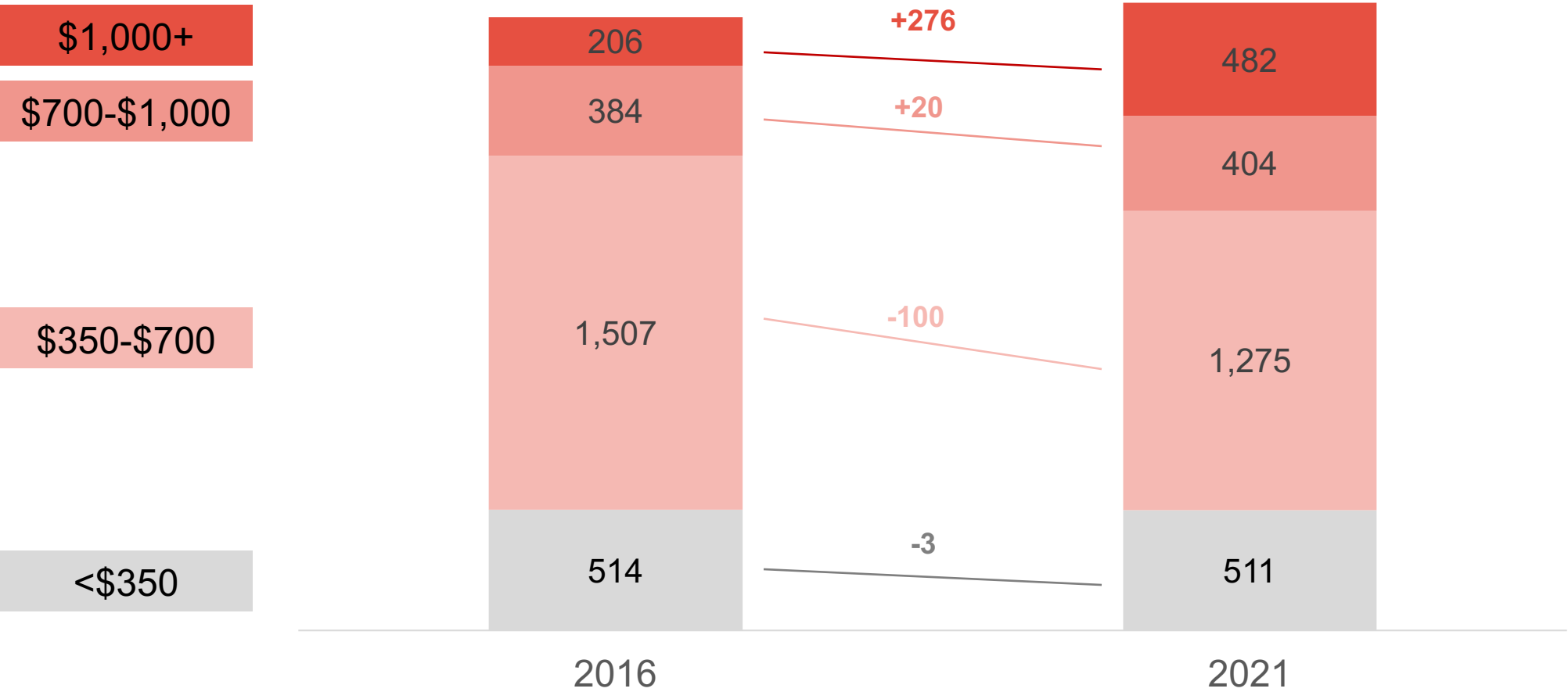


Even with new units added, rental and homeowner vacancy rates are below 1%.

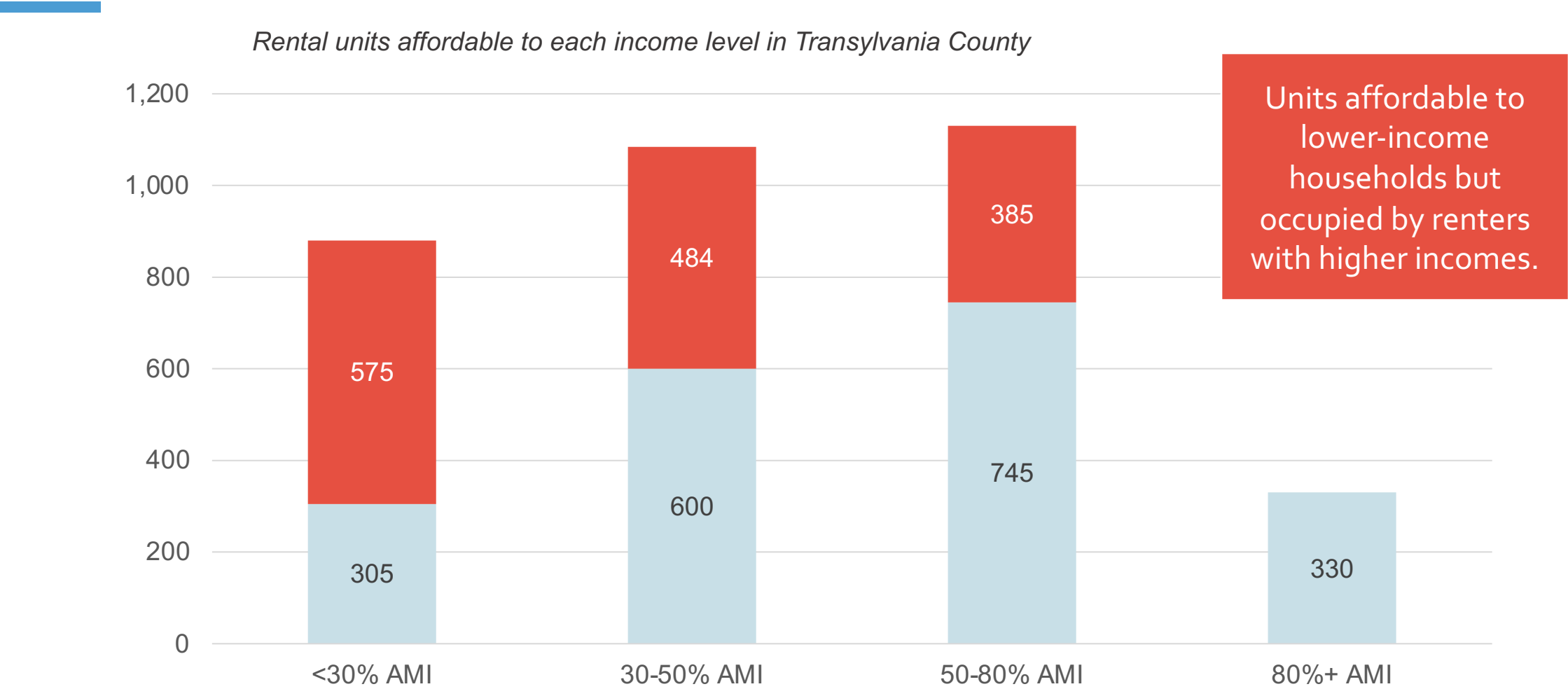


The county gained rentals but lost lower rent units.

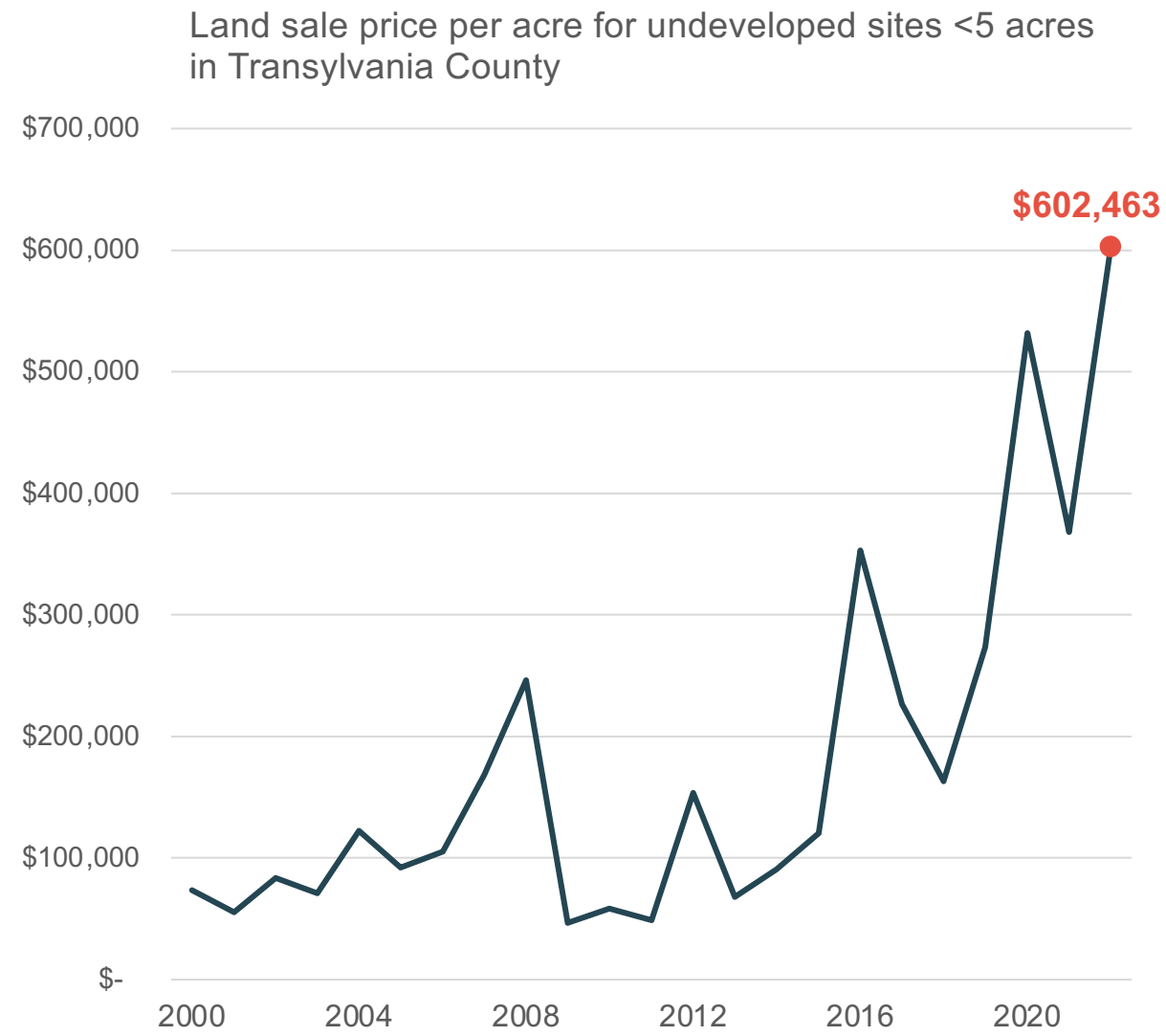
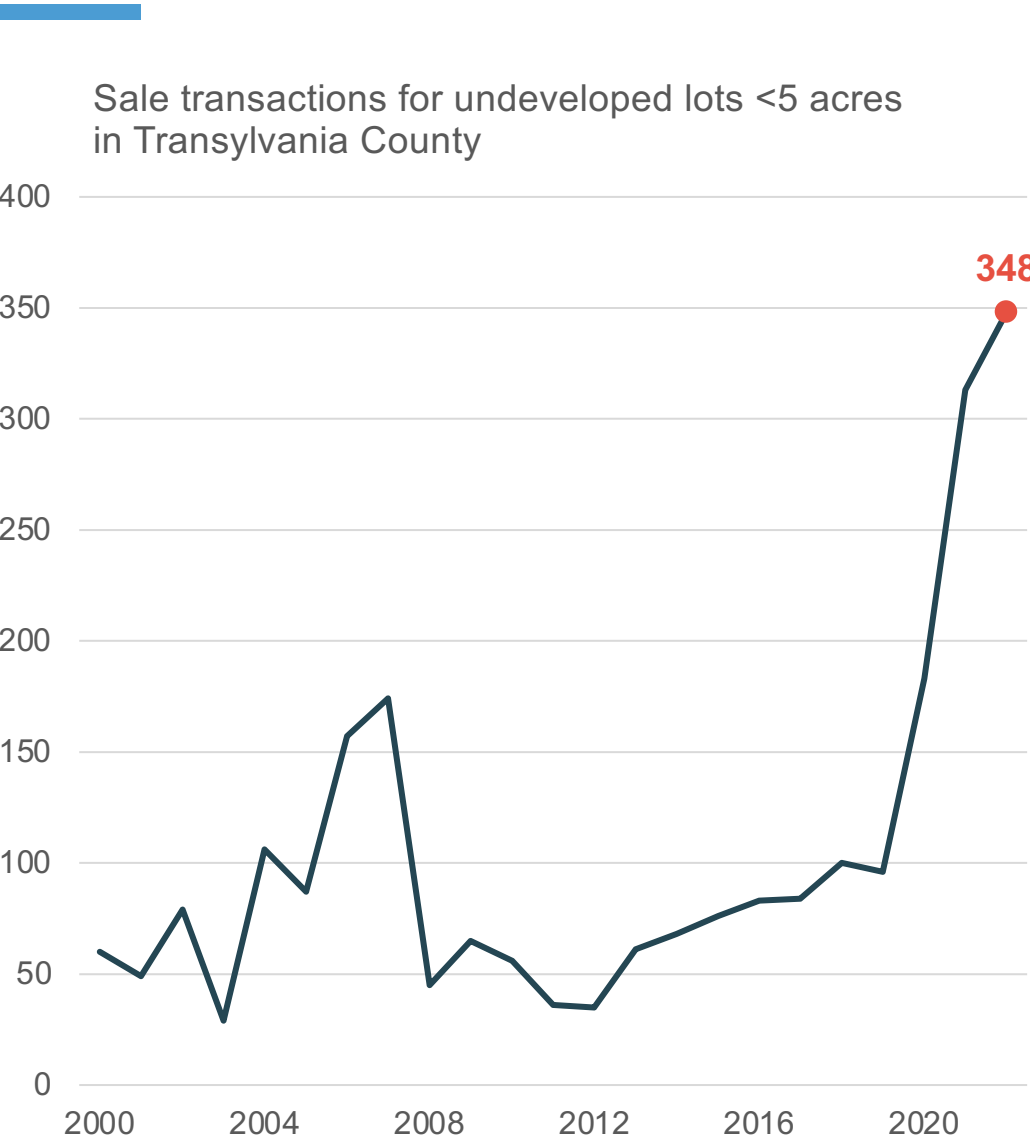
Transylvania County rental units by monthly rent



With low vacancy rates, households with higher incomes occupy units affordable to lower-income households.

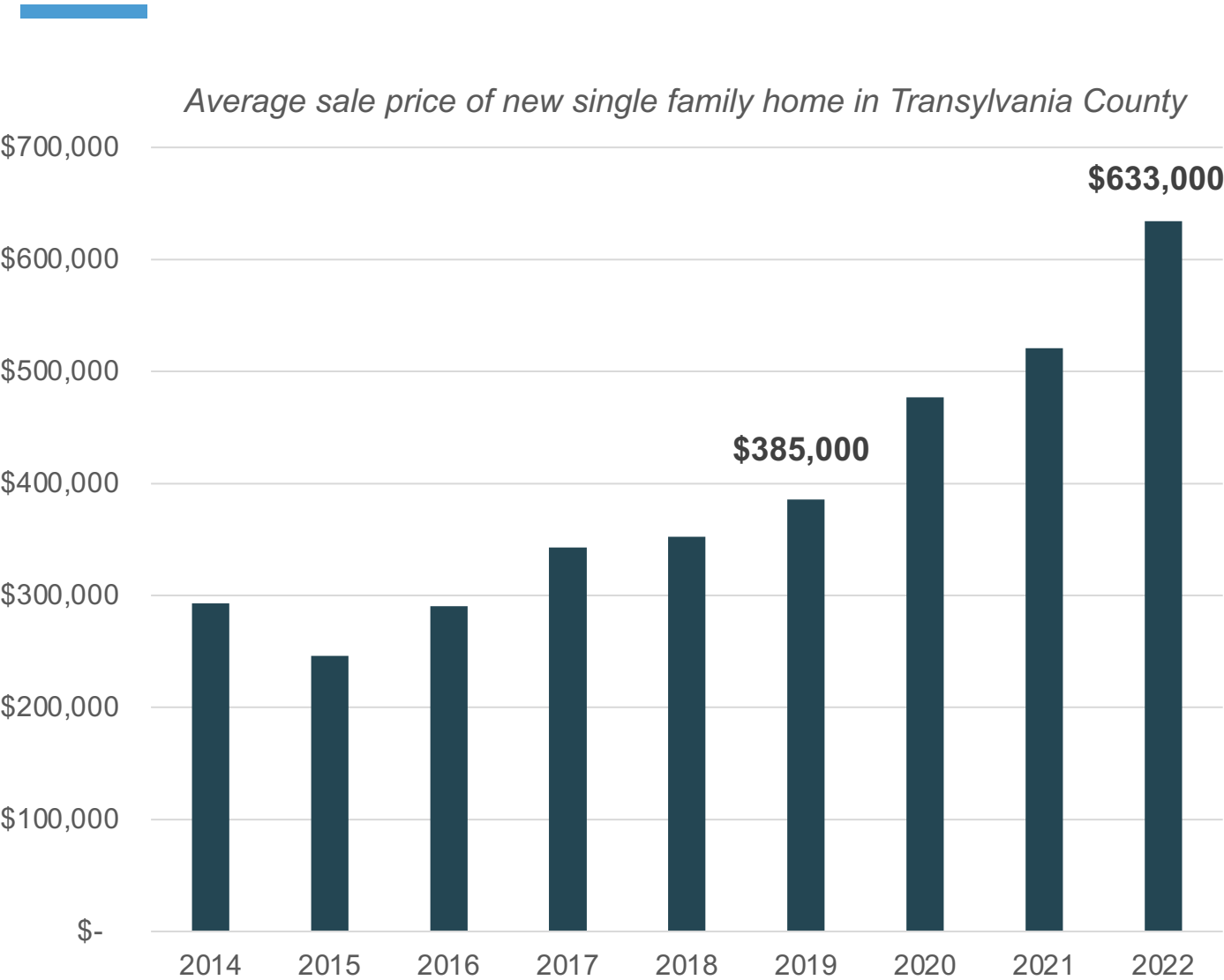


Demand for land in Transylvania broke historic records during the pandemic.



Source: DFI analysis of Transylvania County tax parcel data.

Increased demand is reflected in rising costs for new housing and average home sale prices.



Income needed to afford average home in **March 2023:**

\$122,000

150% AMI for a family of 4



Income needed to afford average home in **March 2021:**

\$85,000

120% AMI for a family of 4

Source: DFI analysis of Transylvania County tax parcel data & Redfin Data Center

Housing Takeaways

- As of 2019, **nearly 800 LMI households** have housing needs. Of these households, nearly 50% are severely cost-burdened.
- The number of households with housing needs has likely grown over the last couple of years, due to the **increasingly competitive rental and home buying market**.
 - Vacancy rates are below 1%.
 - Current rentals and average home prices are affordable to households at 120%+ AMI.

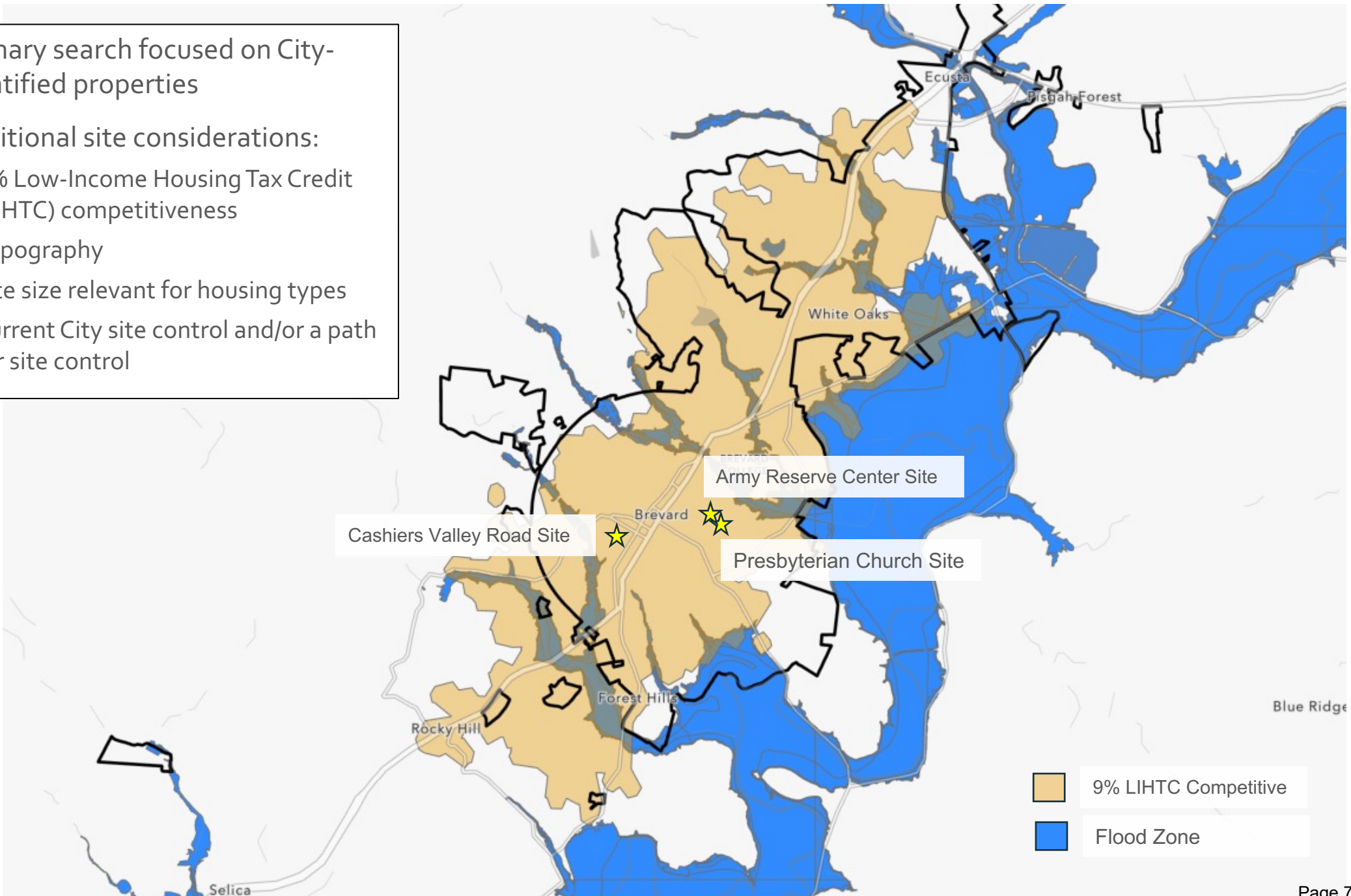
Identifying Suitable Sites



Draft Housing Priorities

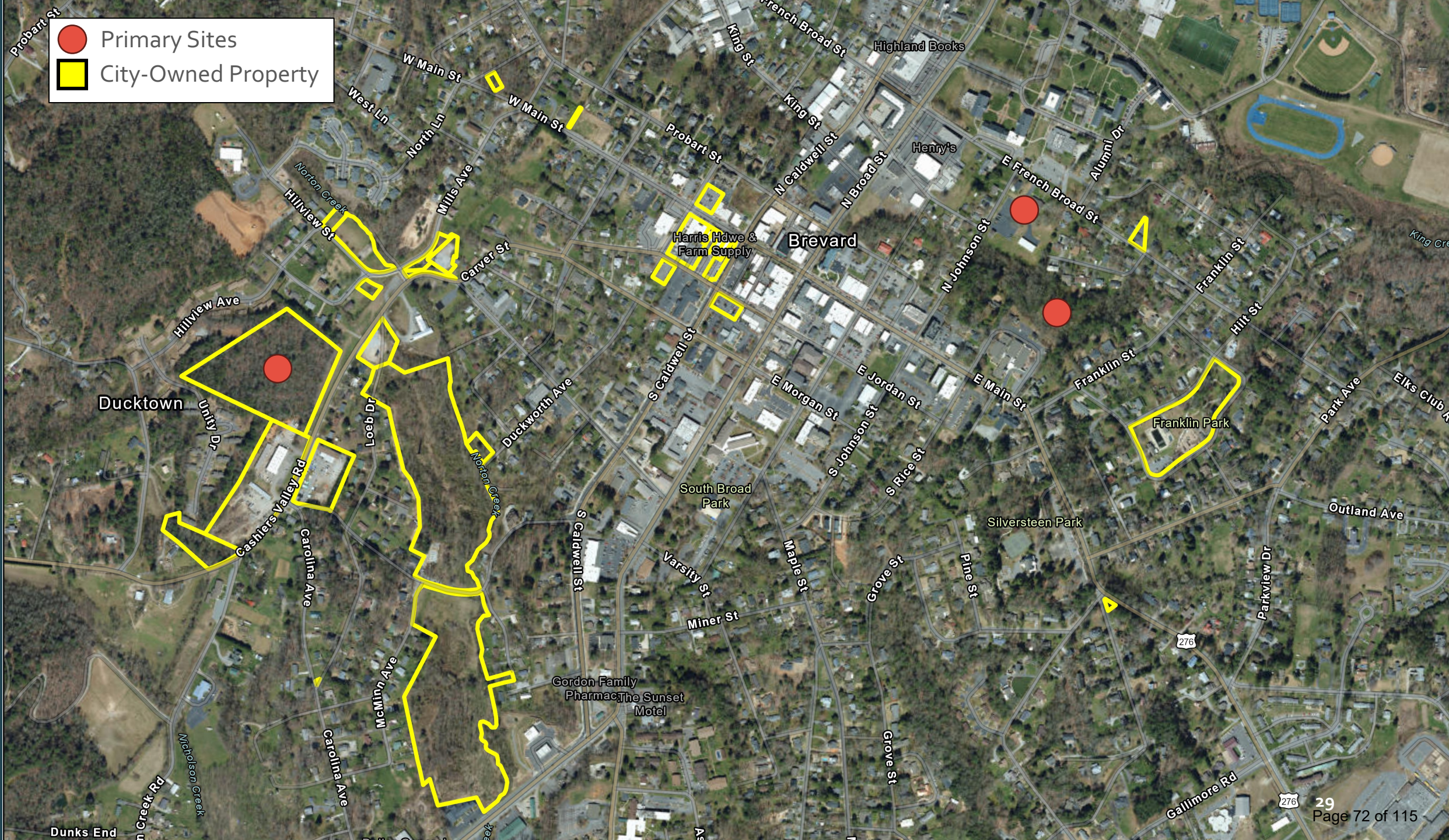
- Maximize the number of new affordable rental and homeownership housing units for low-to-moderate income households
- Maximize private investment to optimize public investment
- Leverage underutilized land in Brevard

- I. Primary search focused on City-identified properties
- II. Additional site considerations:
 - 9% Low-Income Housing Tax Credit (LIHTC) competitiveness
 - Topography
 - Site size relevant for housing types
 - Current City site control and/or a path for site control



Primary Sites

City-Owned Property



Primary Sites



Army Reserve
(U.S. Gov't Owned)
E. French Broad Street
4.1 acres
Developed
Likely 9% competitive



**Brevard-Davidson River
Presbyterian Church**
(Church Owned)
Appletree Street
4.2 acres
Undeveloped
Likely 9% competitive



Cashiers Valley
(City Owned)
Cashiers Valley Road
8 acres
Undeveloped
Likely 9% competitive

Secondary Site Scan

1. Review of 9% and 4% LIHTC competitive parcels in Brevard, including public- and privately-owned sites (for future rental unit development)
2. Review of small, infill parcels in Brevard , including public- and privately-owned sites (for future homeownership unit development)
3. Narrowed site list based on several considerations:
 - Topographic and site features (slope; size/acreage; flood plains; existing utility connections); and
 - Real-time information gathered during DFI's site visit in May.
4. Resulted in 4 additional sites that are 9% LIHTC competitive but privately-owned.

Preliminary Site Analysis



What is a “high-level” site analysis?

- Multi-goal approach since site-specific guiding public interests have not yet been identified (i.e. Phase 1: Opportunity Site Identification)
 - Test fits. What can you fit on the site given physical and funding constraints? Does not include any design details. Does not necessarily adhere to zoning.
 - Demonstration of maximum density with lowest cost parking option (i.e. surface parking).
- The goal of the high-level site analysis is to estimate unit counts and identify site constraints that could impact the cost of construction. The results will help determine the financial feasibility of development on that site.

Phase 2 will establish site specific guiding public interests that will impact unit mix, density, complementary uses, and gap funding required.

Army Reserve

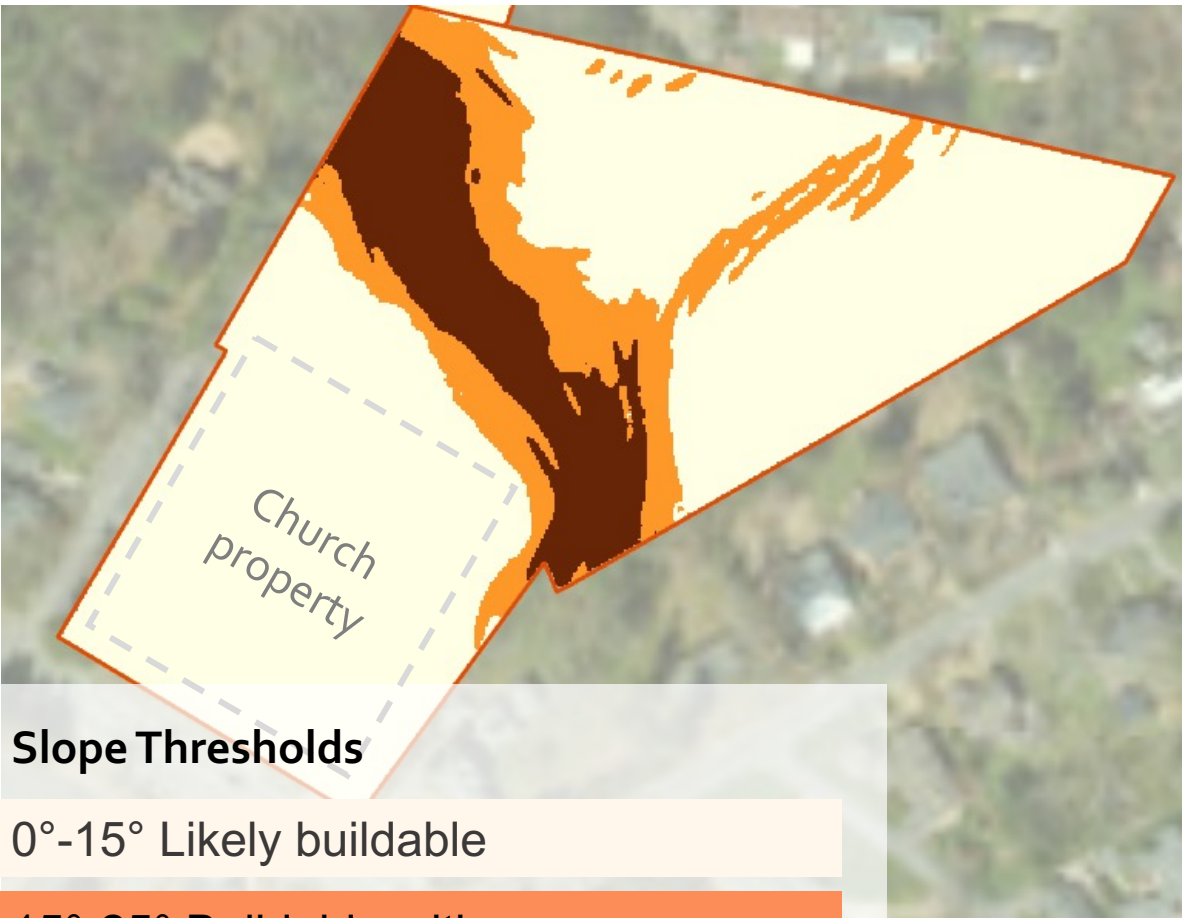


Army Reserve: 3-Story Multi-family	
Est. Unit Count	90 units; 150 Parking Spaces
Site Size	4.1 acres (4.1 acres developable)
Site Notes	• No topographic limitations • Utility connections • Available developable land exceeds current density limits • Site control considerations

Slope Thresholds

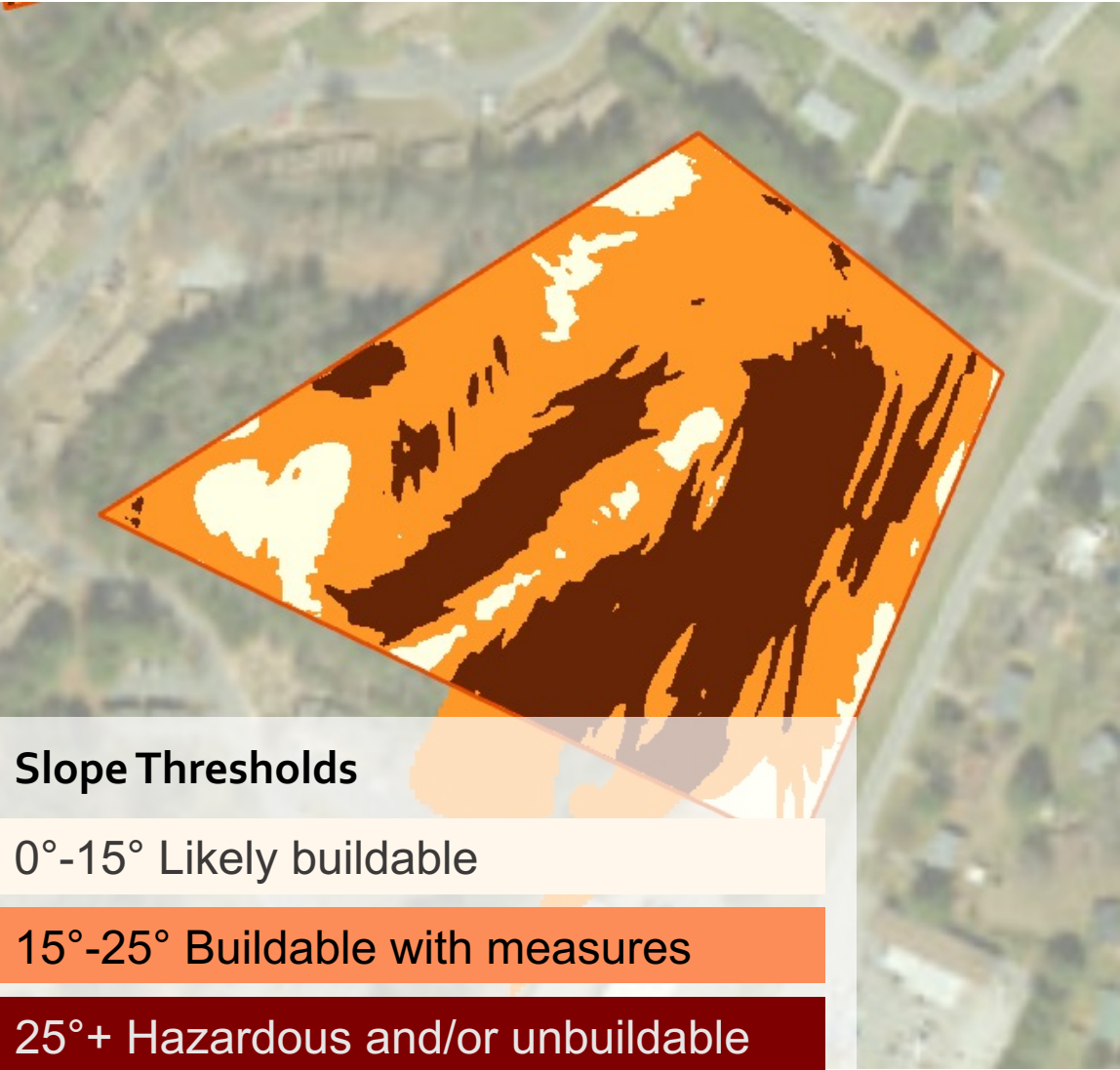
- 0°-15° Likely buildable
- 15°-25° Buildable with measures
- 25°+ Hazardous and/or unbuildable

Brevard-Davidson River Presbyterian Church



Brevard-Davidson River Presbyterian Church: Multi-Family or Townhomes	
Est. Unit Count	Multi-Family: 85 units; 150 parking spaces <u>or</u> Townhomes: 35 units; 90 parking spaces
Site	4.2 acres (approx. 1.8 acres developable)
Site Notes	• Road access from Appletree St. or dependent on permanent easement • High slope between Church and future development • Potential stream to consider

Cashiers Valley



Cashiers Valley: Townhomes	
Est. Unit Count	30 units; 50 parking spaces
Site	8 acres (approx. 1.25 acres developable)
Site Notes	• High slopes limit developable area • Significant road infrastructure required to develop • Potential geographic concentration of affordable housing

Next Steps



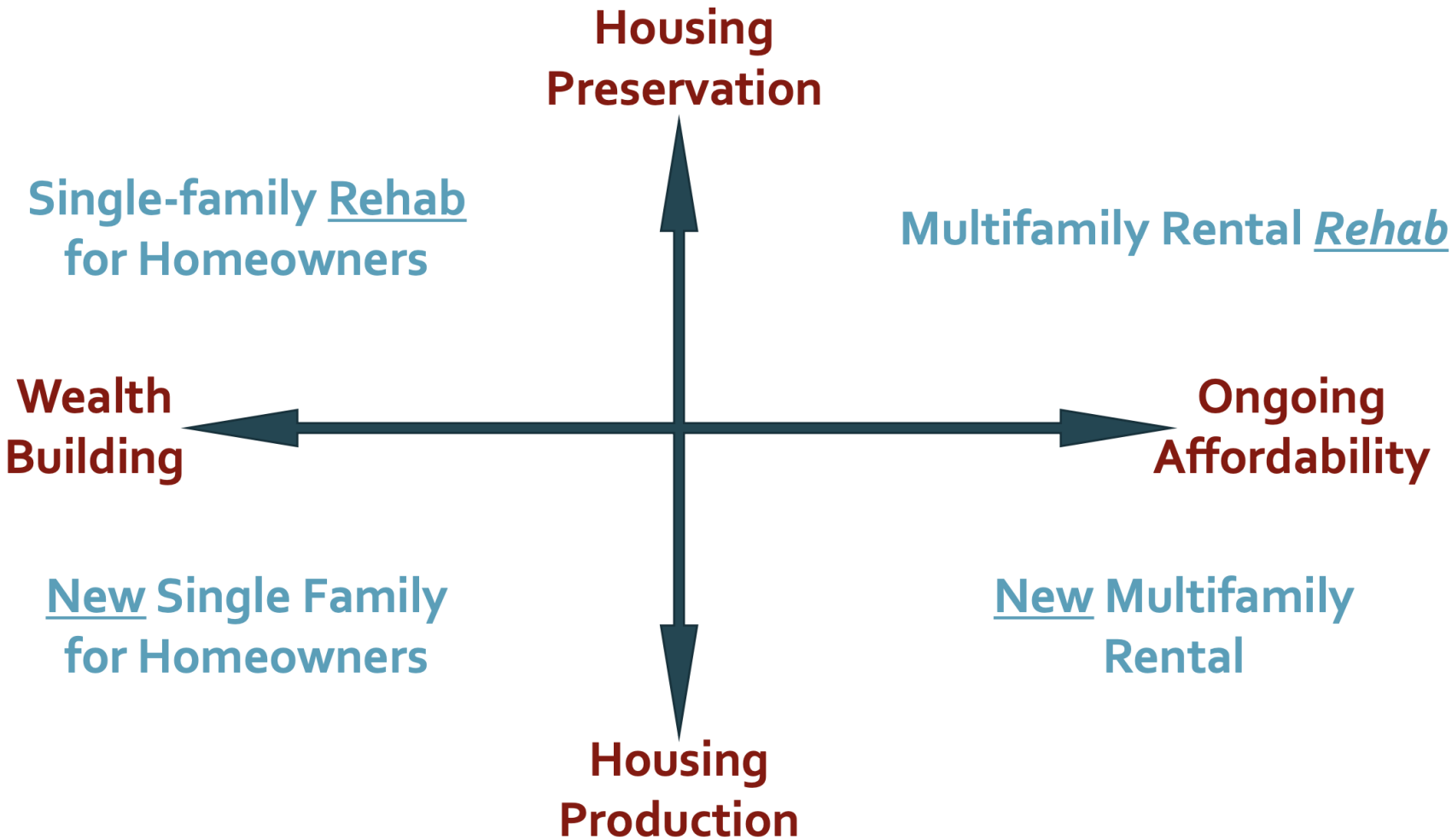
Next Steps

1. Finalize site suitability analyses
2. Conduct financial feasibility analyses
3. Presentation of Phase 1 analysis preliminary results on August 8th to the Housing Committee (closed session) in preparation for:
 - 1:1 council member discussions (August 28-29th)
 - Public presentation during September 18th council meeting

Appendix



Given limited resources, what kind of housing intervention(s) would the City prioritize?



Feasible LIHTC site selection criteria



Set by NCHFA through the Qualified Allocation Plan (QAP)



Additional criteria considered



Proximity to amenities



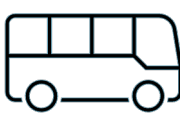
Publicly-owned (or privately-owned with path to site control) and at least an acre of developable land or redevelopment opportunity



Sufficiently distanced from heavy industrial sites, railroads, airports, and *prisons*



Over 50% of site with slopes less than 15 degrees, or if areas with <15 degrees are non-contiguous



Access to Transit



Located on existing sewer systems

MINUTES
City Council Public Works & Utilities Committee

Wednesday, August 2, 2023 – 3:30 PM
City Council Chambers

Members Present: Mac Morrow, Vice-Chair, Council Member
 Owen Carson, Citizen Member
 Mayor Maureen Copelof, Ex-Officio

Staff Present: Wison Hooper, City Manager
 Dean Luebbe, Assistant City Manager/Finance Director
 Cliff Justus, Public Works
 Dennis Richardson, WTP Director
 Emory Owen, Wastewater Treatment Plant Supervisor
 Alex Shepherd, Assistant to the City Manager
 Becky McCann, Communications Coordinator
 Aaron Winans, WWTP Staff

Guests: Dave Bialac, Citizen; Kevin Jones, Citizen

A. Welcome and Call to Order

Committee Vice-Chair Mac Morrow called the meeting to order at 3:39 pm.

B. Certification of Quorum

Assistant to the City Manager Alex Shepherd certified that a quorum was present.

C. Approval of Agenda

Motion by Mr. Morrow, seconded by Mr. Carson to approve the agenda as presented.
The motion carried unanimously.

D. Approval of Minutes from May 3, 2023 Meeting

Motion by Mr. Carson, seconded by Mr. Morrow to approve the minutes of the
May 3, 2023 meeting as presented. The motion carried unanimously.

E. High Strength Waste/Septage Fees

Mr. Hooper informed the committee that City staff are working on creating two new
fees to help raise capital for enhancing or replacing our Wastewater Treatment
Plant. These fees are designed to distribute the cost of treating wastewater more

equitably among our customer base and to regulate the remaining capacity of the wastewater treatment plant. The first fee is a septage fee, and the other is a high-strength waste fee. The rationale behind the septage fee is that a hauler who brings a full truckload of 4,700 gallons pays the same amount as a hauler who brings in only 1,301 gallons. We aim to recuperate the expenses incurred by accepting this concentrated and challenging-to-treat septage waste. The staff has conducted an analysis to determine the cost of treating these gallons of septage and to establish an appropriate rate. The proposed new rate will be \$0.062 per gallon, allowing us to recover the current cost of \$0.043 per gallon for treatment, considering the increased cost of necessary chemicals and allocating funds for future capital projects. The expense of treating septage tank hauler waste constitutes a higher percentage than their contribution to the total waste treated per gallon. Mr. Hooper also mentioned that we presently charge only two fees: one for 1,300 gallons or less, and another for 1,300 gallons or more. The high-strength waste fee is established based on the fact that many commercial businesses such as restaurants, grocery stores, laundromats, distilleries, car washes, and mortuaries generate high-strength waste. Despite this, they are charged the same rate as residential customers, even though treating high-strength waste is significantly more expensive for us. We have recognized this discrepancy, as evidenced by our application of a special rate for Oskar Blues Brewery. We intend to apply the same principle to all commercial and industrial users contributing high-strength waste. While discussing this matter during the budget season, our initial goal was to implement this fee by January 1st. However, insights from other cities that have introduced similar programs indicate that substantial engagement with businesses is necessary before implementation. Considering this, our projected implementation date is likely to be postponed. The program's design draws inspiration from a similar initiative in Bend, Oregon, as it appears to align most effectively with our circumstances. In their program, each commercial customer is categorized based on their industry and waste characteristics, encompassing specific ranges of milligrams per liter for BOD (Biochemical Oxygen Demand) and TSS (Total Suspended Solids). Subsequently, a tiered rate structure is assigned to each category, wherein businesses generating higher-strength waste incur higher fees compared to those producing lesser-strength waste. We plan to incorporate an avenue for rate reduction, allowing businesses to demonstrate that their waste output falls below the assigned category. Companies can engage specialized firms to analyze their waste and provide evidence for reassignment to a lower tier. However, opting out of the program will not be possible. Additionally, businesses will have the option to participate as monitored entities, and they will be billed solely for the waste they generate.

F. Engineering Firm Selection Update

Mr. Hooper explained that we are in the process of hiring two firms for the enhancement or replacement of the Wastewater Treatment Plant. The primary firm will serve as our partner for the upcoming decade, assisting us in securing funding, obtaining state approvals, overseeing the design, facilitating the bidding process, and supervising the construction. This partnership will entail a close working

relationship and a substantial financial commitment, likely totaling millions of dollars. The second firm we intend to hire will assist us in identifying and attracting potential partner firms. We have been in negotiations with AECOM, a nationwide engineering group, to aid us in selecting a suitable firm for a long-term partnership. However, it is important to note that AECOM will not be considered for the primary role in this project. Instead, they will guide us through a comprehensive assessment of our requirements. Subsequently, this assessment will form the basis for crafting a highly detailed Request for Qualifications (RFQ), attracting engineering firms, and systematically evaluating the RFQs to ultimately help us choose the most appropriate engineering firm. Our aim is to finalize the selection of the primary firm, complete contract negotiations, and have the contract signed by the spring of 2024.

G. Request from Dave Bialac for Garbage/Recycling Pickup Outside City Limits

Mr. Bialac informed the committee that upon moving into his current residence, he did not plan to utilize city services. Initially, he engaged an independent firm to manage his garbage pickup. He recounted placing his trash cans out, only for the City to collect them. Consequently, he contacted the city to notify them of the situation, and the response was that there were a few cases like his, and he need not be concerned. This continued until a few months ago when one of his neighbors alerted the City that Mr. Bialac's residence falls outside the City limits. He further expressed that the trash truck consistently passes by his house and inquired whether there might be a way for the City to continue picking up his trash.

In response, Mr. Hooper addressed the committee, stating that the staff would conduct research into out-of-town customers who are eligible for service. Subsequently, they would propose a rate that encompasses all associated costs, including the portion of solid waste services funded by property taxes. The committee approved of staff researching this proposal.

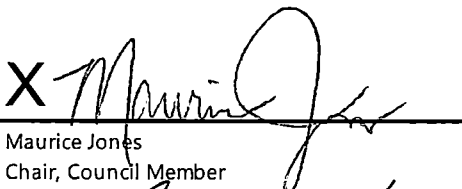
H. Set Date for Next Meeting

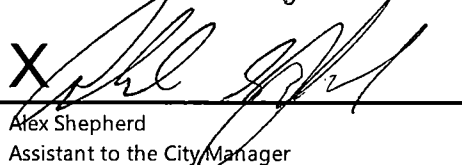
The next regular meeting of the Public Works & Utilities Committee was scheduled for Wednesday, September 6, 2023 at 3:30 p.m.

I. Adjourn

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

Minutes Approved: September 6, 2023

X 
Maurice Jones
Chair, Council Member

X 
Alex Shepherd
Assistant to the City Manager

STAFF REPORT

City Council, Monday, September 18, 2023

Title: Ordinance - Voluntary Contiguous Annexation - Greenfield, 345 Forest Hill Road

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director, Wilson Hooper, City Manager

Background

On June 7, 2023, Melinda Greenfield ("Applicant") submitted a request for voluntary continuous annexation for property located at 345 Forest Hill Drive, further identified by PIN 8585-35-1388-000.

Council held a public hearing regarding this request at the September 5, 2023 meeting.

Discussion

The subject property is located within the City's Extra-Territorial Jurisdiction (ETJ) adjacent to the corporate limits and is zoned General Residential – 4 (GR4). The Applicant wishes to annex the entirety of the property. There are currently two structures on the property, one single-family house and a detached garage. The home is already connected to City water, upon annexation it is assumed it will also be connected to City sewer. The cost of connecting to the sewer system will be borne by the property owner.

Policy Analysis

Voluntary, contiguous annexations are governed by North Carolina General Statute §160A31 which authorizes cities to annex any area contiguous to its borders on receipt of a petition signed by all the owners of real property within the area proposed for annexation.

The subject property qualifies for annexation under this statute.

Fiscal Impact

The financial and service delivery impacts are estimated to be minimal. See Attachment 2 for full financial impact details.

Recommendation

Staff recommends approval of the proposed annexation. The Planning Board considered this request at their August 22nd meeting and unanimously recommended approval.

Attachments:

1. Petition Packet
2. Financial Impact Estimator
3. Ordinance Extending Corporate Limits - Greenfield

RECEIVED
6/14/2023

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



PETITION REQUESTING A CONTIGUOUS
ANNEXATION
(G.S. 160A-31)

Date: 06/07/2023

To the City Council of the City of Brevard:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Brevard.
2. The area to be annexed is contiguous to the City of Brevard and the boundaries of such territory are as follows:

Transylvania County Property Identification Number(s): 8585-35-1388-000

Street Address: 345 Forest Hill Road Brevard, NC 28712

**(ATTACH A METES AND BOUNDS PROPERTY
DESCRIPTION AS "ATTACHMENT A")**

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Brevard. (ATTACH MAP AS "ATTACHMENT B", including the Tax Map PIN)
4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Property Owner(s): Do you declare vested rights? Yes X No
(Vested rights are rights belonging completely and unconditionally to a person which cannot be impaired or taken away by another party.)

Property Owners Contact Information (If there are more than three property owners, provide their names, contact information and signatures upon a separate and attached sheet.)

a. Name Melinda Greenfield
Address 218 Grand Palm Ct Ponte Vedra Beach, FL 32082 *< mailing address*
Telephone 229-809-0504 Email melsag@aol.com
Signature 

b. Name _____
Address _____
Telephone _____ Email _____
Signature _____

c. Name _____
Address _____
Telephone _____ Email _____
Signature _____

Property Ownership by Corporation or LLC: (If there are more than three principals or managing members then provide their names, contact information and signatures upon a separate and attached sheet.)

a. Name _____
Address _____
Telephone _____ Email _____
By: _____
Type or Print Name and Title (President / Managing Member)
Signature _____

b. Name _____
Address _____

Telephone _____ Email _____

By: _____
Type or Print Name and Title (President / Managing Member)

Signature _____

c. Name _____
Address _____

Telephone _____ Email _____

By: _____
Type or Print Name and Title (President / Managing Member)

Signature _____

AGENT:

Name: _____

Address: _____

Telephone: _____ Email _____

Petition along with a copy of the property Deed, Metes and Bounds description (Attachment A), Map / Survey (Attachment B) and cash/credit or check in the amount of \$500 made payable to the City of Brevard is to be returned to:

Denise Hodsdon, City Clerk
City of Brevard
95 West Main St., Brevard, NC 28712



2022003650

TRANSYLVANIA CO, NC FEE \$28.00

NO TAXABLE CONSIDERATION

PRESENTED & RECORDED:
06-06-2022 10:39:39 AM

BETH C LANDRETH

REGISTER OF DEEDS
BY: DELIA MCCALL
DEPUTY REGISTER OF DEEDS

BK: DOC 1040

PG: 127-128

NORTH CAROLINA QUIT CLAIM DEED

Mail after recording to: Sherman Willis at 1115 W. Third Avenue, Albany, GA 31707

This instrument prepared by: Sherman Willis

Brief description for the index: 345 Forest Hill Rd. Brevard NC 28712

THIS QUITCLAIM DEED made this the 17th day of May, in the year 2022, by and between

GRANTOR

GRANTEE

Uniformity Hub, LLC
A Georgia limited liability company
218 Grand Palm Court
Ponte Vedra Beach, FL 32082Melinda F. Greenfield, Trustee of the
Melinda F. Greenfield Living Trust
218 Grand Palm Court
Ponte Vedra Beach, FL 32082

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 may be required by context. WITNESSETH, that said Grantor, for and in consideration of the sum of ten dollars and other consideration to it in hand paid, the receipt of which is hereby acknowledged, has remised and released and by these presents do remise, release, and forever quitclaim into the Grantee and its heirs and assigns all right, title, claim, and interest of the said Grantor in and to all that certain parcel of land situated in the City of Brevard, Brevard Township, Transylvania County, North Carolina and more particularly described as follows:

BEING all of 0.86 acres, more or less, as shown and described on a plat dated April 24, 2014 by E. Rogers Raxter, PLS, and recorded in Plat File 16, Slide 61 of the Register of Deeds for Transylvania County, North Carolina.

The property hereinabove described was acquired by Grantor by instrument recorded in Document Book 959, Page 84.

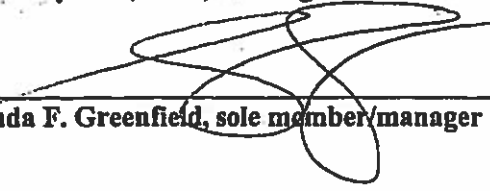
A map showing the above-described property is recorded in Plat File 16, Slide 61.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to the said Grantee and its heirs and assigns free and discharged from all right, title, claim or interest of the said Grantor or anyone claiming by, and through or under it. Title to the property hereinabove described is subject to the following exceptions if any:

ANY AND ALL OF PUBLIC RECORD

IN WITNESS WHEREOF, said Grantor has hereunto set its hand and seal the day and year first above written.

Uniformity Hub, LLC, a Georgia limited liability company

By:  (Seal)
Melinda F. Greenfield, sole member/manager

STATE OF GEORGIA
COUNTY OF DOUGHERTY

I, Kevin Dybalski, a Notary Public, of said State and County aforesaid, do hereby certify that Melinda F. Greenfield, sole member/manager of Uniformity Hub, LLC, Grantor(s), personally appeared before me this day, and (i) I have personal knowledge of the identity of the Grantor(s), or (ii) I have seen satisfactory evidence of the grantor(s) identity, by current state or federal identification with the Grantor(s) photograph in the form of a driver's license, and that she voluntarily signed the foregoing document for the purpose stated herein and in the capacity indicated.

Witness my hand and official seal or stamp, this 17th day of May, in the year 2022.

KEVIN DYBALSKI
Notary Public, State of Florida

My Comm. Expires 03/06/2023 (Seal)

Notary Public Commission No. GG308484

My commission Expires: _____

NCGS MONUMENT "GEORGE"
N : 556,738.13'
E : 882,107.13'
NAD 83 (2001)

COMBINED FACTOR
USED : 0.99977522

NCGS MONUMENT "TRIANGLE"
N : 558,408.41'
E : 884,066.68'
NAD 83 (2001)

- NTS TIE -
N 49°33'23" E
2,574.81' (GRID)

- NTS TIE -
N 34°50'06" W
1522.04' (GRID)

"HAFLER"
5/8" IRF

FOREST HILL DRIVE
SR NO. 1123, 18' +/-
PUBLIC ASPHALT ROAD

1/2" IRF AT THE NORTHEAST CORNER
OF LOT 12 OF BLOCK 4 OF LAKEVIEW
SECTION OF LAWRENCE LAND COMPANY
PER P.B. 1, PAGE 5.

NCGS NORTH
ROGER RAXTER
SURVEYING
NAD 83 (2001)

CITY OF BREVARD-ANNEXATION

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION HAS FOLLOWED ALL REQUIREMENTS AND PROCEDURES AND A PUBLIC HEARING WAS HELD BY THE CITY OF BREVARD TO ANNEX THE PROPERTY HEREIN DESCRIBED. THE CITY OF BREVARD ADOPTED ORDINANCE NUMBER _____ TO ANNEX THE PROPERTY DESCRIBED HEREIN ON _____ WITH THE EFFECTIVE DATE OF ANNEXATION ON _____.

City Clerk

OWNER CERTIFICATION - ANNEXATION

I (WE) HEREBY CERTIFY THAT I (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS PLAT OF ANNEXATION WITH MY (OUR) FREE CONSENT

DATE 6-4-23 OWNER(S) [Signature]
DATE _____ OWNER(S) _____

LILLIAN JEAN BYERS
D.B. 996, PAGES 670-672
P.F. 19, SLIDE 328 &
P.F. 21, SLIDE 81
8585-35-1540-000

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, Kevin D. Balski, a Notary Public
of said State and County, do hereby certify that

Melinda F. Greenfield
personally appeared before me this day and acknowledged
the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the 4th
day of June, 2023.

[Signature]
Notary Public

My Commission Expires 3/22/27

KEVIN D. BALSKI
NOTARY PUBLIC
STATE OF NORTH CAROLINA
NO. HH 377223
MY COMMISSION EXPIRES MAR. 22, 2027

**Melinda F. Greenfield, Trustee of the
Melinda F. Greenfield Living Trust**

PROPERTY LOCATED IN :
BREVARD TOWNSHIP
TRANSYLVANIA COUNTY
NORTH CAROLINA

DEED REFERENCE : D.B. 1040, PAGE 127-128.

PLAT REFERENCE : P.F. 16, SLIDE 61.

DATE : MAY, 2023.

NOTES

- 1) This property is located in Zone X, and Zone AE, areas determined to be outside the 500-year floodplain per F.I.R.M. of this area dated October 02, 2009, except as noted.
- 2) This property is subject to matters found by a title examination and also subject to all restrictions, setback lines, roadways, zoning ordinances and right of ways appearing on this property and/or of record.
- 3) Area computed by coordinate method, including all right of ways.
- 4) This is a plat of an existing parcel or parcels of land and does not create a new street or change an existing street.
- 5) This map is not transferable, and may not be used by any person or entity without written authorization from E. Roger Raxter, PLS. This plat is provided for the use of the parties named hereon.
- 6) The building ties are to the structural walls, unless otherwise noted.
- 7) The owner is : Melinda F. Greenfield, Trustee at 218 Grand Palm Court, Ponte Verda Beach, FL, 32082.
- 8) The Tax Pin is : 8585-35-1388-000.
- 9) The location of the floodway and flood areas is approximate only, being scaled from the Transylvania County Tax Map.
- 10) This property is zoned GR 4.
- 11) This plat was prepared from the recorded plat referred to above. No actual survey was done in 2023.
- 12) This plat does not certify legal title to the land itself or to the boundaries shown. Users of this plat should obtain an accurate legal opinion as to the ownership within the boundaries of this plat.

Review Officer Certification.

State of North Carolina, County of Transylvania

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

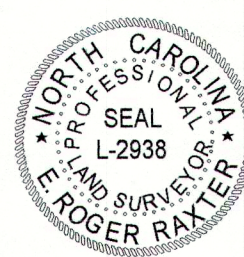
Date _____

I, E. Roger Raxter, N.C. PLS certify that this a plat of an existing parcel or
parcels of land and does not create a new street or change an existing street.

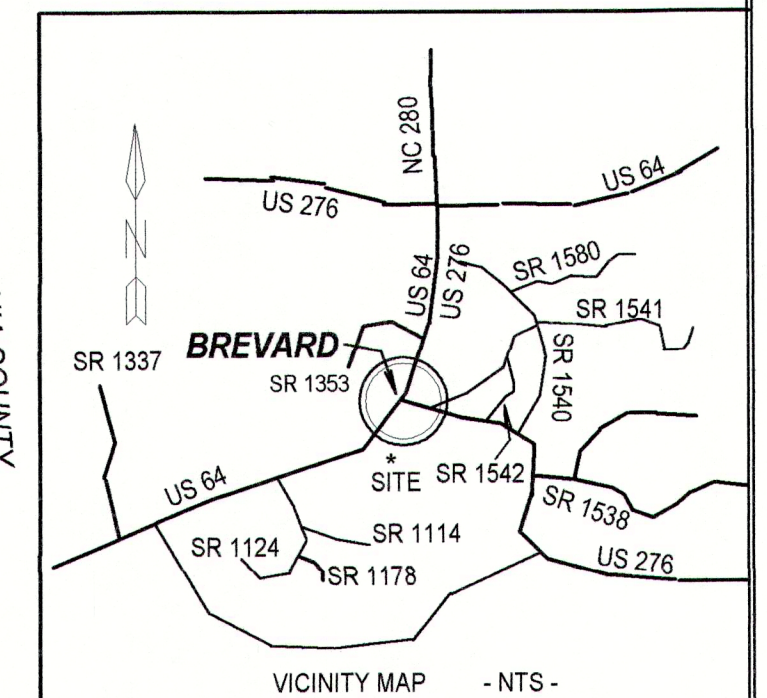
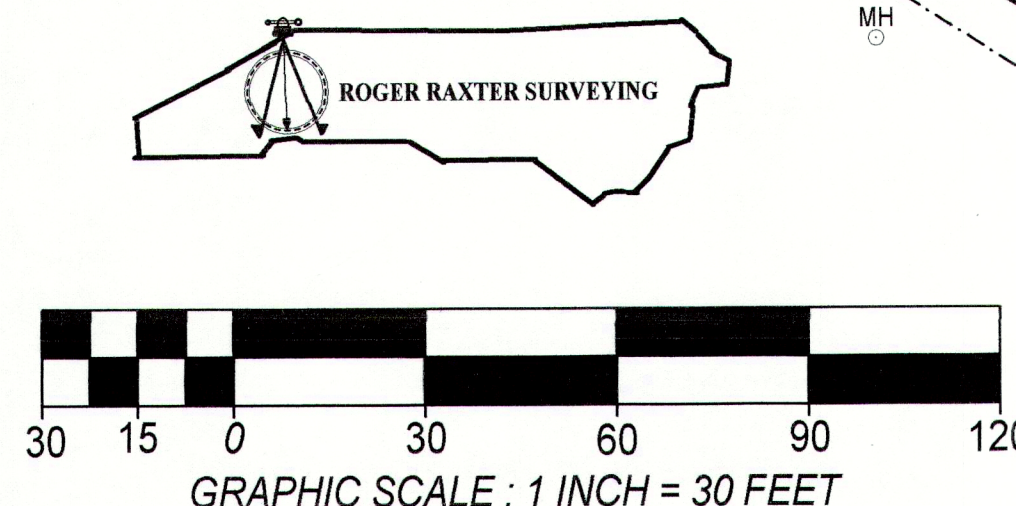
[Signature] May 24, 2023
E. ROGER RAXTER, NC PLS DATE

I, E. ROGER RAXTER, PROFESSIONAL LAND SURVEYOR,
CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPER-
VISION FROM RECORDED DOCUMENTS AND/OR OTHER
INFORMATION AND DOES NOT REPRESENT AN ACTUAL
FIELD SURVEY. THAT THIS PLAT WAS PREPARED
IN ACCORDANCE WITH GS 47-30 AS AMENDED.

[Signature] May 24, 2023
E. ROGER RAXTER DATE
NC PLS L-2938



LEGEND
CMF CONCRETE MONUMENT FOUND
IRF IRON ROD FOUND
UP UNMARKED POINT
IRS 5/8" IRON ROD SET
IPF IRON PIPE FOUND
OUL OVERHEAD UTILITY LINES
N/A NOT APPLICABLE
R/W RIGHT OF WAY
TR TRANSFORMER
T/P TELEPHONE PEDSTAL
WM WATER METER
SR STATE ROAD
CULVERT +/-
STREAM +/-
WV WATER VALVE
MH MAN HOLE
FENCE +/-
D.B. DEED OR DOCUMENT BOOK
P.B. PLAT BOOK
P.F. PLAT FILE
NTS NOT TO SCALE
UB UTILITY BOXES



Plat Prepared By :
E. ROGER RAXTER, N.C. PLS L-2938
1101 SILVERSTEEN ROAD
LAKE TOXAWAY, N.C. 28747
PHONE : (828) 966-4399 OR
CELL : (828) 226-0251
E-MAIL : erraxter@gmail.com
DATE MAY 24, 2023 DRAWING NUMBER 14019B

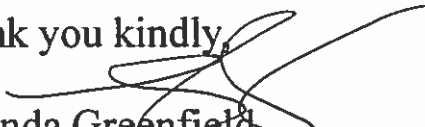
Denise Hodsdon
City Clerk
City of Brevard
95 W. Main Street
Brevard, NC 28712

Dear Denise,

I am submitting my application for a petition to annex my property to the City of Brevard. As you may recall, my drain field has failed and the septic system of the home is no longer functioning properly. We have managed a temporary fix for the functioning of the system but it will not last for long. Repairing the drain field is not an option.

I appreciate your help in reviewing my application and expediting the process.

Thank you kindly,



Melinda Greenfield

345 Forest Hill Road
Brevard, NC 28712

Mailing Address:
218 Grand Palm Ct
Ponte Vedra Beach, FL 32082

229-809-0504

GREENFIELD ANNEXATION, ANN-23-002

FINANCIAL SUMMARY

ONE (1) SINGLE FAMILY HOME

	GENERAL FUND	WATER & SEWER FUND	FIRE DEPT SPECIAL REVENUE FUND	TOTAL ALL FUNDS
REVENUE				
ESTIMATED PROPERTY TAXES	\$1,510		\$153	\$1,663
TRASH AND RECYCLING FEES	\$240			\$240
WATER & SEWER UTILITY CHARGES		\$1,333		\$1,333
POWELL BILL	\$0			\$0
TOTAL REVENUE	\$1,750	\$1,333	\$153	\$3,236
EXPENDITURES				
ADMINISTRATION/FINANCE/HR	\$71			\$71
POLICE DEPT	\$160			\$160
FIRE DEPT			\$153	\$153
TRASH AND RECYCLING	\$240			\$240
STREET DEPT	\$186			\$186
PARKS & PROPERTY MANAGEMENT	\$125			\$125
PLANNING & ZONING	\$71			\$71
WATER DISTRIBUTION		\$145		\$145
WATER TREATMENT PLANT		\$207		\$207
SEWER COLLECTIONS		\$200		\$200
WASTERWATER TREATMENT PLANT		\$368		\$368
WATER & SEWER FUND DEBT		\$413		\$413
TOTAL EXPENDITURES	\$854	\$1,333	\$153	\$2,340
NET GAIN OR (LOSS)	\$896	\$0	\$0	\$896
ASSUMPTIONS: ONE (1) SINGLE FAMILY HOME; 5,000 GALLONS/MONTH; PER CAPITA CHARGE FOR PUBLIC SERVICES				
TAX VALUE OF HOME	\$326,050			

ORDINANCE NO. 2023-XX
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF BREVARD, NORTH CAROLINA

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

WHEREAS, the City Council has by Resolution No. 2023-40 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Brevard Planning Board reviewed the Petition at their meeting held on August 22, 2023 and recommended approval of the voluntary contiguous annexation; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2023-42 fixing a date of public hearing. By authority granted by G.S. 160A-31, a public hearing on the question of this annexation was held at the City Council Chambers at 5:30 P.M. on the 5th day of September, 2023, after due notice by publication on the 24th day of August, 2023; and

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

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by Melinda F. Greenfield, Trustee of the Melinda F. Greenfield Living Trust, as shown and all of that property described in the deed recorded in Document Book 1040, Pages 127–128, in the Transylvania County Register of Deeds and that certain plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as of the ____ day of _____, 2023.

Said property is more fully described as follows:

Location: 345 Forest Hill Road, Brevard, NC 28712. Transylvania County Tax Property Identification Number 8585-35-1388-000

Property Description:

BEING all of 0.86 acres, more or less, as shown and described on a plat dated April 24, 2014 by E. Roger Raxter, PLS, and recorded in Plat File 16, Slide 61 of the Register of Deeds for Transylvania County, North Carolina.

Being the same property conveyed in a Deed from Uniformity Hub, LLC, dated May 17, 2022 and recorded June 6, 2022 in Book 1040, Pages 127-128 in the Transylvania County, North Carolina Register of Deeds Office.

Section 2. Upon and after the ____ day of _____, 2023 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-31.

Also being all of that property described in a plat prepared by E. Roger Raxter, PLS for Melinda F. Greenfield, Trustee of the Melinda F. Greenfield Living Trust, dated May 24, 2023 and recorded in Plat File _____, Slide _____, of the Transylvania County Registry.

Section 3. Pursuant to 160A-29 it shall be the duty of the Mayor of the City of Brevard to cause an accurate map of the annexed territory as described in Section 1 hereof,

together with a duly certified copy of this Ordinance, to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

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

Adopted and approved the _____ day of _____, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, September 18, 2023

Title: Proposed Amendment to the Housing Trust Fund Bylaws

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

Approved by: Paul Ray, Planning Director, Wilson Hooper, City Manager

Background

On July 27, 2023, the White House announced \$85 million in federal grant funding for communities across the country to identify and remove barriers to affordable housing production and preservation. The Pathways to Removing Obstacles to Housing (PRO Housing) grant will be administered through US Department of Housing and Urban Development (HUD) as a component of the Community Development Block Group (CDBG) program. The grant is intended to highlight the efforts of communities that have shown commitment to addressing the housing crisis and support projects that create long-term affordable housing. The grant awards will range between \$1 million and \$10 million.

PRO Housing incentivizes housing-forward actions to further development, evaluate, and implement housing challenges and facilitate the production and preservation of affordable housing. The barriers that the PRO Housing grant program seeks to remove include:

- Restrictive regulatory, zoning, or land use policies
- Outdated procedures or permitting processes
- Inadequate or deteriorating infrastructure
- Lack of financial resources, capacity, or economic investment
- Threats from environmental or natural hazards
- Other impediments to affordable housing

Discussion

Staff is pursuing this funding opportunity to extend sewer into the Azalea / Rhododendron neighborhood and to endow the Housing Trust Fund's affordable housing preservation programs. Staff has engaged Land of Sky Regional Council to assist in writing the grant and Summitt Engineering to prepare an updated cost estimate that will be incorporated into the application. The anticipated budget of the grant request will be \$6 million, with \$5 million for infrastructure investment and \$1 million for housing preservation programs. Staff is currently preparing the application, which is due October 30th. On October 2nd, City Council will hold a public hearing on the proposed project to solicit comments from community members, as required by the grant. The full grant application and project proposal will be available for review at that time.

Staff is proposing changes to the Housing Trust Fund bylaws that would further support

affordable housing preservation and make the grant request more competitive:

First, the proposed amendments clarify that funding may be provided for programs that support affordable housing that are not property-specific. This allows the City to support organizations that have the capacity to administer / manage larger programs. For example, a non-profit can request funding for a home repair program instead of for a specific property.

The second change is to allow residents in the City's extra-territorial jurisdiction (ETJ) to apply for funding. The current bylaws limit funding to households within the City's corporate limits. The proposed change allows ETJ residents to apply for funding through the Housing Trust Fund if it comes from a donation or a grant (such as the PRO Housing federal grant), but ensures that funding that comes from property tax revenue or other City Council appropriations can only be for City residents.

Additionally, Staff will be presenting an amendment to the City Code at the October 2nd meeting that will further improve the competitiveness of the application. Currently, the City Code allows connection to the City's sewer system outside of its corporate limits to resolve an immediate danger to public health and safety. This can be done only in the instances where annexation cannot be completed in accordance with North Carolina General Statutes. The proposed amendment clarifies that the city manager to approve the sewer connection on a temporary basis to remedy a health and safety hazard, but permanent connection to the sewer system can be approved by City Council in order to preserve affordable housing. This is for information only; no action is requested on this amendment at this time.

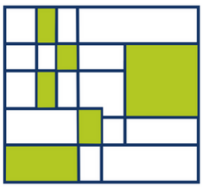
Action

On September 12, 2023, the Housing Committee reviewed the proposal and favorably recommended the amendments. Due to the time-sensitive nature of the federal grant application, Staff is requesting that City Council take one of the following actions tonight:

1. Adopt the amendments to the bylaws as proposed;
2. Revise the amendments to the bylaws and adopt as revised by Council; or
3. Reject the amendments to the bylaws.

Attachments:

1. Summary of PRO Housing federal grant
2. Proposed Housing Trust Fund bylaws
3. Draft Ordinance



PRO HOUSING

Pathways to Removing Obstacles



Through competitive grants, Pathways to Removing Obstacles to Housing (PRO Housing) will provide \$85 million in funding for communities across the country to identify and remove barriers to affordable housing production and preservation.

This first-of-its-kind funding supports the Biden-Harris Administration's Housing Supply Action Plan, and highlights the efforts of communities who have committed to housing-forward policies and practices. Consult the PRO Housing NOFO for specific application criteria and instructions.

Recognizing that every community has unique housing needs and community development challenges, HUD requires jurisdictions who receive annual formula grant funding to identify barriers to affordable housing as part of their Consolidated Plan. Barriers might include restrictive regulatory, zoning, or land use policies; outdated procedures or permitting processes; inadequate or deteriorating infrastructure; lack of financial resources, capacity, or economic investment; threats from environmental or natural hazards; or other impediments to affordable housing. PRO Housing provides funding explicitly for addressing these types of barriers and advancing local housing strategies.

Competition Goals and Objectives

- Elevate and enable promising practices for identifying and removing barriers to affordable housing production and preservation, while preventing displacement.
- Institutionalize state and local analysis and implementation of effective, equitable, and resilient approaches to affordable housing production and preservation.
- Provide technical assistance to help communities fulfill the Consolidated Plan's requirement of identifying barriers to affordable housing and to implement solutions.
- Facilitate collaboration and harness innovative approaches from jurisdictions, researchers, advocates, and stakeholders to further the national conversation on affordable housing.

Quick Summary

- **Grant Purpose:** Identification and removal of barriers to affordable housing production and preservation
 - **Eligible Applicants:** States and local governments, metropolitan planning organizations (MPOs), and multijurisdictional entities
 - **Eligible Uses:** Activities that further develop, evaluate, and implement housing policy plans, improve housing strategies, and facilitate affordable housing production and preservation
 - **Minimum Grant Size:** \$1 million
 - **Maximum Grant Size:** \$10 million
 - **Estimated Number of Awards:** 20
 - **NOFO Preview Publication:** July 27, 2023 on www.hud.gov/program_offices/comm_planning/pro_housing.
 - **Application Deadline:** October 30, 2023 at 11:59pm ET (8:59pm PT) on Grants.gov
- Affirmatively further fair housing by addressing and removing barriers that perpetuate segregation, inhibit access to areas of opportunity for protected class groups and vulnerable populations, and concentrate affordable housing in under-resourced areas.



Eligible Uses

PRO Housing incentivizes housing-forward actions to further develop, evaluate, and implement housing policy plans; address restrictive zoning or land use; improve housing strategies; and facilitate affordable housing production and preservation, including:

- Developing, updating, or advancing housing and community plans
- Creating transit-oriented development zones
- Incentivizing the development of vacant lots or the conversion of commercial properties to residential and mixed-use development
- Streamlining permitting processes and expanding by-right development
- Reducing barriers to development such as residential property height limitations, off-street parking requirements, density restrictions, and minimum lot sizes

Eligible Applicants

- Local governments, States, Metropolitan Planning Organizations (MPOs), and multijurisdictional entities may apply for PRO Housing
- Urban, suburban, and rural applicants are encouraged to apply
- Each applicant should identify its barriers based on local context and propose an approach to address those specific barriers to increase the supply of affordable housing

Additional Resources

HUD is hosting two webinar series in support of PRO Housing.

- The first series targeted current Community Development Block Grant recipients and focused on identifying and addressing barriers to affordable housing production and preservation (available via recording on HUD's [Barriers to Affordable Housing](#) webpage).
- The second series guides potential applicants through the PRO Housing application process.



- Allowing accessory dwelling units on lots with single family homes
- Adopting strategies to preserve and revitalize affordable housing
- Building capacity of local nonprofit organizations to increase housing supply
- Increasing community resilience and mitigating environmental/natural hazards

Addressing Acute Housing Demand

Priority will be given to applicants who demonstrate a commitment to and progress toward overcoming local barriers to affordable housing and have an acute demand for affordable housing.

HUD is providing an easy-to-use data resource that identifies jurisdictions with acute housing demand factors, which are:

- affordable housing not keeping pace with population growth;
- insufficient affordable housing; or
- widespread housing cost burden.



PRO HOUSING
Pathways to Removing Obstacles

Materials found at: www.hud.gov/program_offices/comm_planning/pro_housing
CDBG-PROHousing@hud.gov



City of Brevard Housing Trust Fund Bylaws
Amended March 20, 2023, by Ordinance 2023-13

ARTICLE I: PURPOSE AND DEFINITIONS

I. Purpose

Affordable and workforce housing have been recognized as a substantial need for residents of Brevard and the surrounding area. In an effort to promote increased development and retention of affordable housing within its ~~corporate~~ jurisdiction, the City of Brevard has established the Housing Trust Fund. The Housing Trust Fund serves as a flexible source of funding that can be used to support a variety affordable housing activities and initiatives.

II. Definitions

- 1) **"Affordability"** shall be defined as housing where total costs do not exceed 30% of household income.
 - a) For Homeowners, total housing costs include principal, interest, taxes and insurances.
 - b) For Renters, total housing costs include rent and utilities.
- 2) **"Area Median Income"** (AMI) shall be defined as United States Department of Housing and Urban Development (HUD)'s annual assessment of median family income for Transylvania County.
- 3) **"Low income"** (LI) shall be defined as households, adjusted for family size, making up to 60% of AMI, per North Carolina General Statute § 157-3.
- 4) **"Low/moderate income"** (LMI) shall be defined as households, adjusted for family size, making up to 80% of AMI.
- 5) **"Affordable Housing"** shall be defined as housing that costs no more than 30% of the total income for residents making 80% or less of AMI as defined by HUD.
- 6) **"Workforce Housing"** shall be defined as housing that costs no more than 30% of the total income for residents making 81% to 120% of AMI as defined by HUD.

ARTICLE 2: GOVERNANCE AND MEMBERSHIP

I. Housing Committee

The Housing Committee shall be the Policy Committee guiding housing-related activities being undertaken by the City of Brevard and serve as the Governing Board for the Housing Trust Fund. The responsibilities and duties of the Committee area as follows:

- 1) To review and make recommendations to Brevard City Council concerning new or reviewed policies and ordinances related to the City's adopted housing priorities, as set forth within the City of Brevard Comprehensive Land Use Plan and other plans, policies, resolutions, and ordinances adopted by City Council;
- 2) To review funding requests and applications and make recommendations to Brevard City Council for the Housing Trust Fund;
- 3) To consult with the Application Review Sub-Committee, established herein, when necessary;
- 4) To establish forms, procedures, guidelines and requirements as are necessary for the administration of this Housing Trust Fund;
- 5) To manage the fund balance and ensure requirements and restrictions for specific funding sources are met;
- 6) To annually review the City's housing-related goals, data, and other progress indicators, and to make recommendations to prioritize or adjust activities based on such review; and
- 7) To identify and research affordable and workforce housing trends and issues.

The Committee will meet monthly to discuss affordable housing projects and initiatives and conduct any business. Additional meetings may be scheduled at the discretion of the Committee.

The Committee shall be comprised of 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 for a two-year term. The citizen member shall be a resident of the City of Brevard. City staff shall serve as non-voting liaisons for the Committee. Staff will not count towards quorum calculations.

II. Application Review Sub-Committee

The Application Review Sub-Committee may be an advisory group to the Housing Committee established to review funding applications and consult with the Housing Committee upon request.

Typically, the Sub-Committee will attend a meeting of the Housing Committee following a formal application cycle to participate in the review and discussion of applications received. The Housing Committee is ultimately responsible for recommending funding decisions to City Council, with input from the Sub-Committee. The Housing Committee may invite the Sub-Committee to additional meetings as necessary.

The Sub-Committee shall be comprised of up to eight community representatives, appointed by the Housing Committee. To the extent possible, appointed community representatives shall represent a variety of groups related to affordable housing and development, such as LMI residents, real estate developers, housing finance experts, homelessness service providers, and community leaders/advocates. Furthermore, the Sub-Committee should

reflect the diverse composition of Brevard's community by race, ethnicity, gender and age, to the extent possible.

ARTICLE 3: FUNDING AND ELIGIBILITY

I. Funding Sources

The City of Brevard Housing Trust Fund may include, but not limited to, the following sources:

- 1) Community Development Block Grant (CDBG) loan repayments from developers of affordable housing. Only CDBG eligible activities, benefitting a majority of individuals whose income is below 80% of the median for Transylvania County, will be eligible for use with Housing Trust Fund monies accrued in this manner.
- 2) Funding created through appropriations from City Council's general fund as is deemed appropriate to assist with the development of affordable housing in Brevard.
- 3) Other funds, including grants, donations, loans, and principal and interest payments on funds received by previous funding recipients.

II. Eligible Applicants

The following are the eligible applicants for receiving awards from the Housing Trust Fund:

- 1) For-profit developers [and providers](#) of affordable housing
- 2) Non-profit developers [and providers](#) of affordable housing
- 3) Income-eligible homeowners
- 4) Income-eligible renters
- 5) Non-profit providers of homeowner/homebuyer education and resources
- 6) Non-profit providers of homelessness and supportive services
- 7) City of Brevard

[For property-specific projects,](#) the applicant must be the owner of the property or be under-contract/option to purchase the property, except the income-eligible renters applying for rental assistance. The property must be current on all applicable taxes and fees.

[Funding may be provided for programs that support affordable housing efforts \(e.g., home repair programs, education programs\) that are not property-specific provided that the applicant can provide evidence that the program will support eligible beneficiaries.](#)

Developers of mixed-income housing projects may be eligible for funding if at least 20% of the total units are set-aside for low-income persons, in accordance with North Carolina General Statute §157-3.

The City of Brevard shall be eligible to use funding for programmatic expenses. Administrative costs are not eligible for funding.

III. Eligible Beneficiaries

In order to qualify for funding through the Housing Trust Fund, all of the following criteria must be met by the beneficiaries of the affordable housing project:

1) Beneficiaries must be a resident (current or future) of:

a) -the City of Brevard, if receiving City funds appropriated by City Council, or

a)b) the City of Brevard and its extra-territorial jurisdiction (ETJ), if receiving other funds through the Housing Trust Fund.

1)2) Beneficiaries must have a gross income of 80% of AMI or less for homeowners and 60% of AMI and below for renters (unless otherwise specified).

2)3) The affordable building or unit that is subject to program funding must be dedicated to beneficiaries at the designated income level for a minimum of 15 years.

In accordance with North Carolina General Statute §157-29, all subsidy must flow directly to the income-eligible household. Funds granted to developers (nonprofit or for-profit) may not be diverted for other purposes.

IV. Eligible Activities

The following activities are eligible for assistance through the Housing Trust Fund:

1) Developer Gap Financing

- Loans or grants to developers for the installation of public infrastructure to facilitate the development of affordable housing, as defined herein.
- Loans or grants to developers to purchase or prepare land to facilitate the development of affordable housing.
- Loans or grants to developers to assist in the conversion of existing non-residential buildings into affordable housing.

2) Homeowner Assistance

- Loans or grants ~~to~~ serving income eligible homeowners for housing repairs.
- Loans or grants ~~to~~ serving income eligible homeowners for down payment assistance or other upfront costs associated with closing on a house.

3) Renter Assistance

- Loans or grants ~~to~~ serving income eligible renter households for security deposits or other upfront costs associated with signing rental leases.

4) Critical Housing Repairs

- Grants ~~to~~ serving income-eligible homeowners for emergency (health and safety related) housing repairs, which may include weatherization.
- Loans to developers to assist with the rehabilitation of existing substandard multi-family housing units and their conversion to affordable housing.

5) Other Projects

- Acquisition of land to be used for the creation of affordable housing in instances where the City is a project partner.
- Acquisition of vacant housing for rehabilitation and resale as affordable housing.
- Pre-development costs (such as feasibility studies, surveys, appraisals, land options, and preparation of an application) for projects to be developed for the creation of affordable housing.
- Grants for land trust projects that guarantee long-term affordability of a property through 99-year renewal ground leases or for maintenance of land trust housing stock.
- Clearance of blighted properties.
- Homeless services and assistance.
- Public utility improvements in predominately LMI areas.
- Public street, sidewalk, and other infrastructure improvements in predominately LMI areas.
- Programs to assist and educate LMI homeowners and homebuyers.
- Seeking out and implementing solutions for affordable and workforce housing in Brevard.

ARTICLE 4: PROCESS AND PROCEDURES

I. Application Process

The Housing Trust Fund shall have two application cycles throughout the year for local funds. The primary application cycle shall commence in fall, and the secondary cycle shall be in the spring. Funding is based on the availability of funds. Only as many funding cycles will be completed as necessary to use the available funds.

II. Approval Process

City of Brevard reserves the right to act as sole judge of the content of the applications submitted and may at its sole discretion, reject any or all applications.

Applications may not be considered if:

- The project does not align with the eligibility criteria.
- The applicant has demonstrated poor past performance in carrying out projects or complying with funding guidelines.
- The applicant fails to provide required information.
- The application is received after the deadline.

Based on initial staff review, compliance with procedures outlined in the Housing Trust Fund Program Guidebook, and availability of funds, the Housing Committee will forward a recommendation of funding allocations to City Council for approval. In some instances, an option of the requested grant or loan amount may be offered to the applicant.

In certain instances where an emergency housing repair is needed immediately to protect the health and safety of a resident or the general public or ensure the structural integrity of the dwelling unit, the City Manager may approve a grant or loan for repairs after staff has determined eligibility, not to exceed \$5,000 or 5% of the existing fund amount, whichever is lower. Local funds shall be the only eligible funding source.

III. Amendments & Administrative Procedures

The City of Brevard considers the financial status of the Housing Trust Fund during the annual budget cycle. City Council is responsible for overseeing the use and financial status of the Housing Trust Fund.

The City of Brevard Housing Trust Fund may be amended at any time through a majority vote of City Council. Council may not amend the Housing Trust Fund in a manner that would cause CDBG loan repayments to be expended for ineligible activities under CDBG program guidelines and requirements.

The Housing Committee is authorized and directed to establish such forms, procedures, guidelines and requirements as are necessary for the administration of this Housing Trust Fund. The Housing Committee, with assistance from City staff, will recommend policy changes to the City Council each year on an as-needed basis.

ARTICLE 5: MISCELLANEOUS PROVISIONS

I. Fair Housing requirements

The City of Brevard promotes Fair Housing principals that prohibit discrimination in housing based on race, age, gender, religion, national origin, disability or familial status. Developments assisted with Housing Trust Fund money will be required to abide by these principles.

ORDINANCE NO. 2023-____

AN ORDINANCE AMENDING THE CITY OF BREVARD HOUSING TRUST FUND

WHEREAS, the Brevard City Council created the Housing Trust Fund for the purposes of supporting the development of affordable housing within the City of Brevard on January 23, 2012 by adopting Ordinance 2012-02; and

WHEREAS, the Housing Trust Fund Selection Committee has met since its formation to discuss the Housing Trust Fund and has identified a need to amend the existing Ordinance to better facilitate furthering the goals of the Housing Trust Fund; and

WHEREAS, the Brevard City Council subsequently amended the Housing Trust Fund Ordinance (Ord. No. 2012-02), most recently on March 20, 2023, with Ord. No. 2023-13; and

WHEREAS, City Council's adopted goals for the development of affordable and workforce housing within the City of Brevard are set forth within the *Building Brevard 2030* Comprehensive Land Use Plan; and,

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

SECTION 01. The City of Brevard Housing Trust Fund Ordinance (Ord. No. 2012-02) Exhibit A is hereby amended as set forth in the attached.

SECTION 02. 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 03. 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 18th day of September, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

EXHIBIT A

City of Brevard Housing Trust Fund Bylaws

ARTICLE I: PURPOSE AND DEFINITIONS

I. Purpose

Affordable and workforce housing have been recognized as a substantial need for residents of Brevard and the surrounding area. In an effort to promote increased development and retention of affordable housing within its jurisdiction, the City of Brevard has established the Housing Trust Fund. The Housing Trust Fund serves as a flexible source of funding that can be used to support a variety affordable housing activities and initiatives.

II. Definitions

- 1) **“Affordability”** shall be defined as housing where total costs do not exceed 30% of household income.
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The Housing Committee shall be the Policy Committee guiding housing-related activities being undertaken by the City of Brevard and serve as the Governing Board for the Housing Trust Fund. The responsibilities and duties of the Committee area as follows:

- 1) To review and make recommendations to Brevard City Council concerning new or reviewed policies and ordinances related to the City’s adopted housing priorities, as set forth within the City of Brevard Comprehensive Land Use Plan and other plans, policies, resolutions, and ordinances adopted by City Council;
- 2) To review funding requests and applications and make recommendations to Brevard City Council concerning new and make recommendations for review Housing Trust Fund funding requests
- 3) To consult with the Application Review Sub-Committee, established herein, when necessary;
- 4) To establish forms, procedures, guidelines and requirements as are necessary for the administration of this Housing Trust Fund;

- 5) To manage the fund balance and ensure requirements and restrictions for specific funding sources are met;
- 6) To annually review the City's housing-related goals, data, and other progress indicators, and to make recommendations to prioritize or adjust activities based on such review; and
- 7) To identify and research affordable and workforce housing trends and issues.

The Committee will meet monthly to discuss affordable housing projects and initiatives and conduct any business. Additional meetings may be scheduled at the discretion of the Committee.

The Committee shall be comprised of two members of City Council and one citizen member appointed by the City Council for a two-year term. The citizen member shall be a resident of the City of Brevard. City staff shall serve as non-voting liaisons for the Committee. Staff will not count towards quorum calculations.

II. Application Review Sub-Committee

The Application Review Sub-Committee may be an advisory group to the Housing Committee established to review funding applications and consult with the Housing Committee upon request.

Typically, the Sub-Committee will attend a meeting of the Housing Committee following a formal application cycle to participate in the review and discussion of applications received. The Housing Committee is ultimately responsible for recommending funding decisions to City Council, with input from the Sub-Committee. The Housing Committee may invite the Sub-Committee to additional meetings as necessary.

The Sub-Committee shall be comprised of up to eight community representatives, appointed by the Housing Committee. To the extent possible, appointed community representatives shall represent a variety of groups related to affordable housing and development, such as LMI residents, real estate developers, housing finance experts, homelessness service providers, and community leaders/advocates. Furthermore, the Sub-Committee should reflect the diverse composition of Brevard's community by race, ethnicity, gender and age, to the extent possible.

ARTICLE 3: FUNDING AND ELIGIBILITY

I. Funding Sources

The City of Brevard Housing Trust Fund may include, but not limited to, the following sources:

- 1) Community Development Block Grant (CDBG) loan repayments from developers of affordable housing. Only CDBG eligible activities, benefitting a majority of individuals whose income is below 80% of the median for Transylvania County, will be eligible for use with Housing Trust Fund monies accrued in this manner.
- 2) Funding created through appropriations from City Council's general fund as is deemed appropriate to assist with the development of affordable housing in Brevard.
- 3) Other funds, including grants, donations, loans, and principal and interest payments on funds received by previous funding recipients.

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- 3) Income-eligible homeowners
- 4) Income-eligible renters
- 5) Non-profit providers of homeowner/homebuyer education and resources

- 6) Non-profit providers of homelessness and supportive services
- 7) City of Brevard

For property-specific projects, the applicant must be the owner of the property or be under-contract/option to purchase the property, except the income-eligible renters applying for rental assistance. The property must be current on all applicable taxes and fees.

Funding may be provided for programs that support affordable housing efforts (e.g., home repair programs, education programs) that are not property-specific provided that the applicant can provide evidence that the program will support eligible beneficiaries.

Developers of mixed-income housing projects may be eligible for funding if at least 20% of the total units are set-aside for low-income persons, in accordance with North Carolina General Statute §157-3.

The City of Brevard shall be eligible to use funding for programmatic expenses. Administrative costs are not eligible for funding.

III. Eligible Beneficiaries

In order to qualify for funding through the Housing Trust Fund, all of the following criteria must be met by the beneficiaries of the affordable housing project:

- 1) Beneficiaries must be a resident (current or future) of:
 - a. The City of Brevard, if receiving City funds appropriated by City Council; or
 - b. The City of Brevard and its extra-territorial jurisdiction (ETJ), if receiving other funds through the Housing Trust Fund.
- 2) Beneficiaries must have a gross income of 80% of AMI or less for homeowners and 60% of AMI and below for renters (unless otherwise specified).
- 3) The affordable building or unit that is subject to program funding must be dedicated to beneficiaries at the designated income level for a minimum of 15 years.

In accordance with North Carolina General Statute §157-29, all subsidy must flow directly to the income-eligible household. Funds granted to developers (nonprofit or for-profit) may not be diverted for other purposes.

IV. Eligible Activities

The following activities are eligible for assistance through the Housing Trust Fund:

- 1) Developer Gap Financing
 - Loans or grants to developers for the installation of public infrastructure to facilitate the development of affordable housing, as defined herein.
 - Loans or grants to developers to purchase or prepare land to facilitate the development of affordable housing.
 - Loans or grants to developers to assist in the conversion of existing non-residential buildings into affordable housing.
- 2) Homeowner Assistance
 - Loans or grants serving eligible homeowners for housing repairs.
 - Loans or grants serving eligible homeowners for down payment assistance or other upfront costs associated with closing on a house.
- 3) Renter Assistance
 - Loans or grants serving eligible renter households for security deposits or other upfront costs associated with signing rental leases.

4) Critical Housing Repairs

- Grants serving income-eligible homeowners for emergency (health and safety related) housing repairs, which may include weatherization.
- Loans to developers to assist with the rehabilitation of existing substandard multi-family housing units and their conversion to affordable housing.

5) Other Projects

- Acquisition of land to be used for the creation of affordable housing in instances where the City is a project partner.
- Acquisition of vacant housing for rehabilitation and resale as affordable housing.
- Pre-development costs (such as feasibility studies, surveys, appraisals, land options, and preparation of an application) for projects to be developed for the creation of affordable housing.
- Grants for land trust projects that guarantee long-term affordability of a property through 99-year renewal ground leases or for maintenance of land trust housing stock.
- Clearance of blighted properties.
- Homeless services and assistance.
- Public utility improvements in predominately LMI areas.
- Public street, sidewalk, and other infrastructure improvements in predominately LMI areas.
- Programs to assist and educate LMI homeowners and homebuyers.
- Seeking out and implementing solutions for affordable and workforce housing in Brevard.

ARTICLE 4: PROCESS AND PROCEDURES

I. Application Process

The Housing Trust Fund shall have two application cycles throughout the year for local funds. The primary application cycle shall commence in fall, and the secondary cycle shall be in the spring. Funding is based on the availability of funds. Only as many funding cycles will be completed as necessary to use the available funds.

II. Approval Process

City of Brevard reserves the right to act as sole judge of the content of the applications submitted and may at its sole discretion, reject any or all applications.

Applications may not be considered if:

- The project does not align with the eligibility criteria.
- The applicant has demonstrated poor past performance in carrying out projects or complying with funding guidelines.
- The applicant fails to provide required information.
- The application is received after the deadline.

Based on initial staff review, compliance with procedures outlined in the Housing Trust Fund Program Guidebook, and availability of funds, the Housing Committee will forward a recommendation of funding allocations to City Council for approval. In some instances, an option of the requested grant or loan amount may be offered to the applicant.

In certain instances where an emergency housing repair is needed immediately to protect the health and safety of a resident or the general public or ensure the structural integrity of the

dwelling unit, the City Manager may approve a grant or loan for repairs after staff has determined eligibility, not to exceed \$5,000 or 5% of the existing fund amount, whichever is lower. Local funds shall be the only eligible funding source.

III. Amendments & Administrative Procedures

The City of Brevard considers the financial status of the Housing Trust Fund during the annual budget cycle. City Council is responsible for overseeing the use and financial status of the Housing Trust Fund.

The City of Brevard Housing Trust Fund may be amended at any time through a majority vote of City Council. Council may not amend the Housing Trust Fund in a manner that would cause CDBG loan repayments to be expended for ineligible activities under CDBG program guidelines and requirements.

The Housing Committee is authorized and directed to establish such forms, procedures, guidelines and requirements as are necessary for the administration of this Housing Trust Fund. The Housing Committee, with assistance from City staff, will recommend policy changes to the City Council each year on an as-needed basis.

ARTICLE 5: MISCELLANEOUS PROVISIONS

I. Fair Housing requirements

The City of Brevard promotes Fair Housing principals that prohibit discrimination in housing based on race, age, gender, religion, national origin, disability or familial status. Developments assisted with Housing Trust Fund money will be required to abide by these principles.