



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, October 2, 2023 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Norm Bossert, Brevard Jewish Community

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. September 5, 2023 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Proclamation No. 2023-17 Fire Prevention Month
2. Proclamation No. 2023-18 Breast Cancer Awareness Month

I. Special Presentation(s)

J. Public Hearing(s)

1. Pathways to Removing Obstacles to Housing (PRO Housing) Federal Grant Application
2. Proposed Amendment to the City of Brevard Code of Ordinances Chapter 2 - Utility Extension Outside Corporate Limits
3. Proposed Amendment to the City of Brevard Code of Ordinances Chapter 66 - Parking Enforcement
4. Proposed Amendment to City of Brevard Code of Ordinances, Chapter 2 - Duties of Mayor

K. Consent and Information

1. Property Tax Releases - September, 2023
2. Award Contract for Engineer Selection Services to AECOM
3. Council Parks, Trails, & Recreation Committee Minutes - August 16, 2023
4. Council Public Safety Committee Minutes - August 28, 2023

L. Unfinished Business

1. Mary C Jenkins Community Center and Parking Lot Project closeout

M. New Business

1. Planning Board Appointment

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)(3) (4) (If Needed)
3. Potential Litigation: GS § 143-318.11. (a)(3)
4. Personnel and/or Employment: GS § 143-318.11. (a)(3) (5)(6)

P. Adjourn

Agenda Posted, Website, Sunshine List (September 28, 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
September 5, 2023 – 5:30 PM**

The Brevard City Council met in regular session on Tuesday, September 5, 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 to the City Manager Alex Shepherd, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Human Resources Director Kelley Craig, Communications Coordinator Becky McCann, 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

Guest – Heart of Brevard Executive Director Nicole Bentley

Press – Jon Rich, Transylvania Times

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

B. Invocation – Dr. Sharad Creasman of Brevard College 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 – Attorney McKeller informed Council that he needed to add two Closed Sessions regarding a personnel matter and a pending litigation matter. Mr. Hooper asked to remove Item H-1 Resolution Awarding Badge and Sidearm to Police Captain Steve Woodson as Capt. Woodson could not be here and it will be rescheduled for a later date. Mr. Jones moved, seconded by Mr. Morrow to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. Monday, August 7, 2023 Regular Meeting – Ms. Dinkins moved, seconded by Mr. Daniel, to approve the minutes of the August 7, 2023 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments - None.

H. Certificates/Awards/Recognition – None.

H-2. Proclamation 2023-13 Constitution Week – Mayor Copelof read the proclamation aloud and presented it to Nancy Davis, Daisy Bennett and Stacy Hufzinger, members of the Waightstill Avery chapter of DAR.

**PROCLAMATION NO. 2023-13
CONSTITUTION WEEK**

WHEREAS, September 17, 2023, marks the two 236th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Maureen Copelof by virtue of the authority vested in me as Mayor of the City of Brevard, North Carolina, do hereby proclaim the week of September 17 through 23 as “**CONSTITUTION WEEK**” in the City of Brevard, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 5th day of September, 2023.

H-3. Proclamation 2023-14 Childhood Cancer Awareness Month – Mayor Copelof read the proclamation aloud and presented it to Barbara Ritchey of St. Baldrick’s Foundation of Western North Carolina.

**PROCLAMATION NO. 2023-14
CHILDHOOD CANCER AWARENESS MONTH**

WHEREAS, the month of September is designated as National Childhood Cancer Awareness Month and serves as an outlet to honor the young lives taken too soon, and as a means to increase public awareness of this disease affecting children across the United States; and

WHEREAS, childhood cancer is the leading cause of death by disease in children with 1 in 260 children in the United States being diagnosed by their 20th birthday; and

WHEREAS, the average age of diagnosis is 6 years old, compared to 66 years for adults' cancer, 80% of childhood cancer patients are diagnosed late and with metastatic disease; and

WHEREAS, in 2022, 47 children per day or 17,293 children (age 0- 19) were diagnosed with cancer in the U.S. More than 95% of childhood cancer survivors will have chronic health conditions as a result of their treatment toxicity, with one quarter being classified as severe to life-threatening; and

WHEREAS, approximately one half of childhood cancer families rate the associated financial toxicity due to out-of-pocket expenses as considerable to severe; and

WHEREAS, in the last 20 years only six (6) new drugs have been approved by the FDA to specifically treat childhood cancer; and

WHEREAS, recognizing the unique research needs of childhood cancer and the associated need for increased funding is critical to allow healthcare professionals to work diligently dedicating their expertise to treat and cure children with cancer; and

WHEREAS, many parents and family members feel terrified and are overwhelmed following a child's cancer diagnosis, therefore it is important to encourage additional non-profit organizations at the local and national level to assist children with cancer and their families in coping through educational, emotional and financial support.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard hereby proclaim the month of September 2023 as “**Childhood Cancer Awareness Month**” in the City of Brevard and I encourage citizens, government agencies, private businesses, nonprofit organizations, the media, and other interested groups to increase awareness of what citizens can do to support the fight against childhood cancer.

Proclaimed this the 5th day of September, 2023.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Ordinance – Voluntary Contiguous Annexation – Greenfield, 345 Forest Hill Road – Aaron Bland explained that the property is located within the City’s Extra-Territorial Jurisdiction and is zoned General Residential – 4. There is a single-family house on the property which is already connected to the City water system, and upon annexation would be connected to the City sewer system. Staff recommends approval

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

Mayor Copelof opened the public hearing at 5:49 PM.

Public Hearing Public Participation – None

Public Hearing Closed – Mayor Copelof closed the hearing at 5:49 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. Morrow moved, seconded by Mr. Baker to approve the consent agenda. The motion carried unanimously.

K-1. Property Tax Releases – August, 2023

RESOLUTION 2023-46 A RESOLUTION APPROVING PROPERTY TAX RELEASES

WHEREAS, The City of Brevard has previously determined to collect property taxes for the City of Brevard and the Heart of Brevard and it is necessary to release the below shown amount from the city tax records.

BE IT NOW, THEREFORE, RESOLVED THAT:

The Tax Collector is hereby authorized to remove August 2023 property values from the tax scroll in the amount of:

2023: \$ 1086.79

Adopted this the 5th day of September, 2023.

K-2. Rosenwald Community Advisory Board Minutes – May 18, 2023

K-3. Rosenwald Community Advisory Board Minutes Special Meeting – May 25, 2023

K-4. Council Public Safety Committee Minutes – June 26, 2023

K-5. Council Finance, Human Resources, and Citizen Appointment Committee Minutes – August 1, 2023

L. Unfinished Business

L-1. Ordinance – Voluntary Contiguous Annexation – Nielsen, 31 York Circle – Aaron Bland noted that this a follow-up to the public hearing that was held on August 21, 2023 for a contiguous annexation. Mr. Morrow moved, seconded by Mr. Baker to approve the annexation. The motion carried unanimously

ORDINANCE NO. 2023-41 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. 2023-11 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 March 28, 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. 2023-14 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 17th day of April, 2023, after due notice by publication on the 3rd day of April, 2023; and

WHEREAS, at the request of the petitioner the April 17, 2023 public hearing was opened and recessed until June 19, 2023. The petitioner requested a second recess until August 21, 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 Catherine and David Nielsen, as shown and all of that property described in the deed recorded in Document Book 1006, Pages 499 - 506, 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 5th day of September, 2023.

Said property is more fully described as follows:

Location: 31 York Circle, Brevard, NC 28712. Transylvania County Tax Property Identification Number 8596-26-2338-000

Property Description: All of Lot 2-A, containing 45,599 square feet, as shown on the plat of a survey dated August 18, 2021, prepared by E. Roger Raxter, PLS, for Carolyn Osborne Howie and Parks Hunter Howie, recorded in Plat File 21, Slide 453, Records of Plats for Transylvania County, in the office of the Register of Deeds, Transylvania County, North Carolina.

This conveyance is made together with a right to use the shared driveway shown on the referenced Plat located partially on the adjoining Lot 2-B, and this conveyance is also subject to the rights of owners adjoining both sides of Lot 2-A for the joint use of the driveways shown on the Plat.

Section 2. Upon and after the 5th day of September, 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 Catherine Alexander Nielsen and David C. Nielsen dated January 13, 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 5th day of September, 2023.

L-2. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 6 and 13 – Staff Determinations – Aaron Bland noted that this is a follow-up to the public hearing held at Council’s August 21, 2023 meeting. This amendment would provide staff with some clarity on how to determine what street is higher or lower classification, and what qualifies a stream for the purposes of the 30-foot surface water protection buffer required by the UDO. The Planning Board discussed the amendment at their June 27, 2023 meeting and unanimously recommended in favor. Mr. Morrow moved, seconded by Mr. Baker to adopt the amendment as written. The motion carried unanimously.

ORDINANCE NO. 2023-42
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 6 – ENVIRONMENTAL PROTECTION AND
CHAPTER 13 – INFRASTRUCTURE IMPROVEMENT REQUIREMENTS

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance Chapter 6 – Environmental Protection and Chapter 13 – Infrastructure Improvement Requirements; and,

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

Building Brevard 2030

- **LUH- 19:** *Enhance communication of land use planning efforts, policy development, approvals and processes. Create online public information portal to provide updates on proposed and in-progress development projects. Strive to make planning documents and UDO more approachable and user friendly to empower citizens to understand and advocate for their neighborhoods.*
- **PNRC- 10:** *Preserve steep slopes and natural areas adjacent to Pisgah Forest. Continue to enforce steep slope and stream buffer requirements for new development. Coordinate with landowners and land trust to conserve strategic lands.*

and,

WHEREAS, a public hearing was conducted on Monday, August 21, 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 that Brevard City Code, Unified Development Ordinance be amended as outlined below.

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

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

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

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

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

Adopted and approved upon first reading this the 5th day of September 2023.

L-3. Proposed Amendments to City of Brevard Code of Ordinances Chapters 1, 6, 10, 14, 18, 38, 42, 43, 46, 58, 62, 66, 70, 77 and 78 – Consolidating Definitions – Emily Brewer recalled that this is a staff initiated text amendment and Council held a public hearing at the August 21, 2023 meeting. The amendment consolidates all of the definitions in the Code of Ordinances into one section, similar to that of the Unified Development Ordinance (UDO). The proposed text amendments will improve the functionality of our new web portal for the Code and the UDO. Mr. Baker moved, seconded by Ms. Dinkins to adopt the amendments as written. The motion carried unanimously.

**ORDINANCE NO. 2023-43
AN ORDINANCE AMENDING CHAPTERS 1, 6, 10, 14, 18, 38, 42, 43,
46, 58, 62, 66, 70, 77 AND 78 OF THE CITY OF BREVARD CODE OF
ORDINANCES TO CONSOLIDATE DEFINITIONS**

WHEREAS, a public hearing was conducted on August 21, 2023, by Brevard City Council, and after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that the City Code of Ordinance be amended as outlined below.

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

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

SECTION 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Code of Ordinance to reflect the changes as set forth in the aforementioned Exhibit A.

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

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

Adopted and approved on the 5th day of September 2023.

M. New Business.

M-1. City-Sponsored Holiday Activities – Mr. Hooper explained that the City contracts with Heart of Brevard to organize and put on community events. He noted that the schedule of holiday activities is a little bit different this year and will include two days of holiday activities, rather than one day as we had in the past. He asked Heart of Brevard Executive Director Nicole Bentley to share information on this year’s slate of holiday events that the Heart of Brevard has put together in partnership with the Chamber of Commerce and the County. He also asked Councilmembers to ponder whether they want City Staff, who are already participating in these activities, to supplement them with any additional activities arranged and paid for by the City itself.

Ms. Bentley explained that last year the Heart of Brevard Board of Directors and Events Committee did a review of the annual event schedule and results of the stakeholder surveys conducted after each event. For this holiday season, Heart of Brevard is collaborating with a number of community partners to provide events that foster engagement with the downtown business community, encourages local shopping and embraces the community through traditional activities. An overview of this year’s holiday programming is as follows:

- Lighting & Décor
 - 3rd Annual Holiday Windows Competition presented by Comporium
 - Updated Downtown Lighting and Decor
 - New Pole Banners
 - Additional Starflakes/ String Lighting
 - 12 Days of Thinking Local
 - Partnership with Territory Brevard
- Light Up the Night – Friday, December 1st from 4-8pm
 - Official Tree Lighting Ceremony with Elected Officials
 - Partnership with Transylvania County
 - Hay Rides
 - Inflatables
 - Visits with Santa
 - DJ
 - Additional Activities
 - Live Music/Dance Performances
 - S’mores & Firepits
 - Letters to Santa
 - LEAF Mobile Art Lab
 - Rosman Magic Book Bus
 - Food + Nonprofit Vendors
- Saturday, December 2nd from 11am to 3pm
 - Chamber of Commerce Holiday Parade at 11am
 - Visits with Santa at Downtown Business
 - Transylvania County Farmers Market
 - Downtown Shopping + Holiday Specials

Following the presentation, there was consensus to just move ahead with the schedule and slate of activities presented by Ms. Bentley.

M-2. Review of Mayor/Council Appointment Procedures – Mr. Hooper noted that this was a follow-up to the request of Council at the August 4, 2023 meeting to have staff look at the various texts governing appointments to policy boards, advisory boards, and external boards for the purpose of clarifying the responsibilities of the Mayor and Council with regard to appointments. He provided information on the appointment procedures for the various boards and committees, both internal and external, on which the Councilmembers and the Mayor serve. He asked for Councils thoughts and direction on next steps.

Mr. Daniel moved, seconded by Ms. Dinkins that appointments to committees and boards be recommended by the Mayor and approved by vote of the City Council.

Discussion: Mr. Daniel said I have no problem with the process we have been using, but feel that as City Council and the governing body, we should at least vote on these appointments.

Mr. Baker said it has always seemed odd to me that Council votes on the appointments of City representatives to outside groups, but we don't necessarily have a vote on the appointments for our own internal committees. If we have one process that we go by, I see that as creating more consistency making the whole process more professional and streamlined.

Ms. Dinkins agreed that this would further clarify some of those murky areas we used to have in how we appointed boards and who voted on boards that were a little on the creative side. I looked at what the statutes say and thought it interesting that the School of Government says that unless something specific in the law gives the power to the Mayor, it defaults to the Council. I believe that to appoint is to legislate and that is the work of the five Councilmembers and not the Mayor. I am not pointing to our current Mayor; this is something that we have seen in the past be abused to a degree and we want to make sure that henceforth this isn't something that can scramble committees in such a way that it feels punitive when somebody gets pulled off a committee or gets reappointed to a committee.

Vote on the motion was 5-0; the motion carried.

Mr. Hooper noted that the next step will be to advertise for a public hearing to amend the Code of Ordinances at the October 2nd meeting. In addition, we will need to adopt a new resolution that supersedes the various appointing clauses in some of the resolutions regarding Council Committees.

N. Remarks/Future Agenda Considerations.

Mr. Baker said in the last couple weeks we have had a pedestrian struck by a vehicle and a cyclist struck by a vehicle. Every time that happens I view it as a failure of policy at a certain level and it should be our goal to eliminate those things altogether. In a bigger city there are certainly huge challenges to eliminate pedestrians and cyclists being struck by vehicles, but in a small city like ours, I think that goal is within reach. I would like to see us move toward that. I know the Mayor and Chief Jordan have been in the Vision Zero group working on that and I would love to hear an update on that and also hear more about some of the steps that we're taking along our Pedestrian & Bicycle Plan that we approved 6 or 8 months ago. I know that there is work ongoing there, but I think having an update on that and what the next steps might be would be timely right now. There was an event publicized recently by one of our political parties and the name of the event was the "take back Brevard" event. I felt it was important to comment on this because I see that as some of the nonsense that we see go on in national politics, where we pit one person against another instead of debating ideas, sort of creeping into our town. When I see titles like "take back Brevard" the first thing I want to ask is who are you taking it back from and where are you taking it? I just don't think that belongs in our local politics. We've got plenty of "us vs. them" on our screens to watch at the national level. I am proud that locally we have a lot of disagreements and we can have political discussions, but they don't have to devolve into some

nonsense about who deserves something more than others or an “us vs. them” type of mentality. We are lucky that our city elections are nonpartisan. I think we have seen that challenged over the last few elections in various ways, but I think it is very important that they remain nonpartisan and that we have an open space to talk about ideas and debate them without reverting to some of the worst instincts that humans can sometimes have. Lastly, this goes along the lines of professionalizing our committees and making them more policy-driven; at the Short Term Rental Task Force we implemented public comment as a part of our meetings because there was a lot of public interest in that. As Co-chairs, Ms. Dinkins and myself decided to initiate public comment at every meeting and we had a lot of public comments sometimes. Certainly there needs to be rules around public comment, but I believe we should encourage a time for public comment at all of our committee meetings and we could mirror the rules that we have for public comment at City Council meetings. I’m not sure how we would codify that in the ordinances or resolutions, but I believe that is an important thing to have at our committee meetings.

Mr. Daniel said I would like to invite folks to go down to the Silversteen Park by the Mary C. Jenkins Community Center. The wonderful playground that is there has now been transformed by the creek restoration and is really what I think is a beautiful natural space. You need to see it to appreciate it.

Ms. Dinkins said I would like to go back to our discussion among Council members pertaining to the social district at the last meeting. I would like to explain why I voted no on the measure as it was before us because I believe that people mistook my rationale for the same as that of Councilmember Jones. His opinion was swayed by what a lot of people said in public comment and that was not my reasoning for opposing the social district as it was. I completely understand that our downtown needs a leg up especially as Pisgah Forest will gain importance in our town and to strike a balance. With something as divisive as social district, and I think that kind of feeds into the take back issue, I believe that we benefit when it comes back around and we let it be in front of the public and we discuss its merits and we fine tune it. It felt like this was rushed through. I looked for discussion in the Public Safety Committee and did not find any there. It doesn’t seem like there were any changes made at that level. I felt that what the Heart of Brevard brought to us at the last meeting was valuable. There were some really good points in there and we ignored them. I would have really liked to revisit single-use cups. I have a really good picture of what the single-use situation looks like in downtown Greenville. I took a picture of where cups end up and I can tell you is it not trash receptacles and there were some pretty good smells that went with it. In my mind when something is as divisive as this, it needs to be done well so that you give the opposition no reason to come after you. I hope the social district as written is ready for primetime. I believe it’s not.

Mr. Hooper said back in the spring when Council named its priorities, employee compensation was one of them. But, I have been referring to it as something different, and that is enhanced employee focus. We did the compensation adjustment in the budget but I think there is more to do to make us an employer of choice. I have been looking beyond just compensation. One of the things that we are about to launch is a survey of our workforce to find out what their mood is about working for the City of Brevard. Kelley Craig and I have been finalizing the questions today and we will probably send out the anonymous survey to our employees either late this week or early next week, leave it open for a couple weeks so everyone has plenty of opportunity to take it, and then get the results back, analyze them and discuss them with Council in the near future. This is the first time in a while we have taken an employee survey, so although it will provide us with valuable data, it will only be our baseline and we will do a similar survey periodically from now on to see how we’re doing. I think this is an important first step towards hearing from our workforce and figuring out what it is they want to see to make us a more attractive place to work and contribute to Brevard.

Mayor Copelof noted that Mr. Daniel mentioned Silversteen Park and if you go out to the recreation field, you will see the amazing soccer field that TYSA is putting in in partnership with us. We are a very dynamic community across the board with our

partnerships with so many different organizations, with recognizing people, and with supporting our businesses with all of our downtown events. I'll mention a couple of events that we partnered on that symbolize a lot of what we do. We had a special ceremony on Friday where we recognized two veterans, a WWII veteran and a Vietnam War veteran. Congressman Edwards came and we gave them medals and I gave Harold Wellington, the WWII vet a key to the city. You could just see how much that recognition from the community for the sacrifices they made while they were in the military meant to them and to their families. It takes a lot of sacrifice. We just declared Constitution Week and we are so fortunate here with what we have in this country, but it comes at a price and there are people that pay that price. A lot of those people are our veterans and it was really special to recognize those veterans. Next week we also have a day where we can recognize sacrifice; 9/11 is coming up. It's September 11th when so many Americans lost their lives, when so many of our first responders again showed that heroism and that sacrifice of their safety for others. I encourage everybody to think back; it's been a number of years since 9/11, but we can't ever forget what happened and what it meant to our country and the heroism of so many of the people that were there trying to save other lives. I spoke at the graduation ceremony at the Schenck Job Corps and this is another resource in our community that we often forget about because they are out in the forest. It is an incredible program that I encourage people to look at because they have a lot of opportunity that people in our community could take advantage of. I have talked to the Manager about getting the City to partner more with the Job Corps and to strengthen that connection and that bond with them because they are such an incredible resource. We are so fortunate to have so many different educational institutions, non-profit institutions, our kids, our scholarships; it goes across the board and that is what makes living in Brevard such a very special place. It's not just all of the things we are doing physically, not just all of the policy, but it is the connection between groups and between individuals that builds this community and makes it so special. The next Meet the Mayor is on September 26th from 5-7pm at the Mary C. Jenkins Community Center.

N. Closed Sessions

Closed Session #1 – At 6:32 p.m. Mr. Baker moved, seconded by Ms. Dinkins to enter into closed session to discuss a personnel matter and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, City Clerk Denise Hodsdon, and Human Resources Director Kelley Craig.

Council Returned to Regular Session – at 6:39 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

Closed Session #2 - At 6:39 p.m. Mr. Baker moved, seconded by Ms. Dinkins, to enter into closed session to discuss a pending litigation matter. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 6:41 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

O. Adjourn – There being no further business, at 6:41 p.m. Mr. Morrow moved, seconded by Mr. Baker, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: October 2, 2023



PROCLAMATION NO. 2023-17

FIRE PREVENTION MONTH October 2023

WHEREAS, the City of Brevard has been committed to ensuring the safety and security of all those living in and visiting Brevard; and

WHEREAS, the 2023 Fire Prevention Week theme, “Cooking safety starts with YOU. Pay attention to fire prevention™,” effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires; and

WHEREAS, cooking is the leading cause of home fires in the United States and fire departments responded to more than 166,400 annually between 2016 and 2020; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, residents should turn pot handles toward the back of the stove; always keep a lid nearby when cooking; keep a three-foot kid-free zone around the stove, oven, and other things that could get hot; watch what they heat; and set a timer to remind them that they are cooking; and

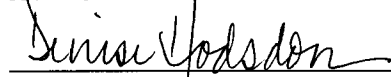
WHEREAS, the Brevard Fire Department is dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council, do hereby proclaim October 2023 as Fire Prevention Month throughout this community. We urge all citizens to check their kitchens for fire hazards and use safe cooking practices and to support the many public safety activities and efforts of Brevard’s fire and emergency services.

ADOPTED and approved this the 2nd day of October, 2023.


Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon, CMC
City Clerk





PROCLAMATION NO. 2023-18
BREAST CANCER AWARENESS MONTH
October 2023

WHEREAS, the City of Brevard joins our nation in recognizing October as Breast Cancer Awareness Month; and

WHEREAS, breast cancer is the most commonly diagnosed cancer among women in the United States, and is the second-leading cause of cancer deaths among women in North Carolina and our nation; and

WHEREAS, early detection can be an effective tool in combating breast cancer, with regular screenings preventing 15 to 30 percent of all deaths from breast cancer in women over 40; when diagnosed while still confined to the breast, the 5-year relative survival rate is 99 percent; and

WHEREAS, on average, every 2 minutes a woman is diagnosed with breast cancer in the United States; and

WHEREAS, 1 in 8 women in the United States will be diagnosed with breast cancer in her lifetime and although rare, men get breast cancer too; and

WHEREAS, in 2023 an estimated 297,790 new cases of invasive breast cancer are expected to be diagnosed in women in the U.S.; and

WHEREAS, in 2023 an estimated 2,800 new cases of invasive breast cancer are expected to be diagnosed in men in the U.S.; and

WHEREAS, in 2023 an estimated 43,700 women and 530 men will die from breast cancer in the U.S.; and

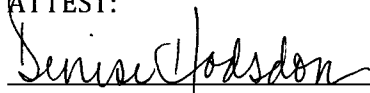
WHEREAS, the City of Brevard encourages citizens to talk with their health care providers about regular screenings, examinations and mammograms, and to practice self-examination.

NOW, THEREFORE, I, Mayor Maureen Copelof and Brevard City Council, do hereby proclaim **October 2023**, as “**Breast Cancer Awareness Month**” in the City of Brevard, North Carolina, and call on all citizens to join us in recognizing and commend this observance to all citizens.

Adopted and approved this the 2nd day of October, 2023.


Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon, CMC
City Clerk



STAFF REPORT

City Council, Monday, October 2, 2023

Title: Pathways to Removing Obstacles to Housing (PRO Housing)
Federal Grant Application

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

The City of Brevard is requesting \$6,000,000 as part of the PRO Housing grant program to preserve safe and affordable housing. The project is comprised of two components, described below:

- ***Azalea / Rhododendron Neighborhood Sewer Extension:*** The first grant-funded activity is extending sewer utilities to the Azalea / Rhododendron neighborhood in Transylvania County. This predominately low-income neighborhood is plagued with failing septic systems that are costly to repair. Extending sewer utilities in this area will address a major public health concern, preserve the naturally occurring affordable housing found in the neighborhood, and create a favorable environment for developers to create new housing opportunities on the vacant parcels. If the vacant parcels are developed as affordable housing, they will have access to the

Housing Trust Fund programs, but there will also be benefits with development of market-rate housing. The reduction of barriers to housing development in the area will also improve the production of housing in general and produce indirect improvements in affordability generated through increased supply of market-rate housing. Installing new utilities and improving the infrastructure is critical for the development and preservation of affordable housing in an opportunity neighborhood. This project will permanently remove the infrastructure barrier that has stifled development in the neighborhood and improve community resilience.

- ***Housing Trust Fund Affordable Housing Preservation Programs:*** The second grant-funding activity is endowing the City of Brevard's Housing Trust Fund's affordable housing preservation programs. These programs will enable low-income homeowners to rehabilitate existing affordable housing units, improve quality and safety of the housing units, and remain in their community. The Housing Trust Fund investment will implement many of the City's housing strategies, as identified in the *Building Brevard 2030* Comprehensive Land Use Plan, by preserving affordable housing throughout the City of Brevard's entire planning jurisdiction. The Housing Trust Fund has eligibility requirements that require funding goes to low-income households with a guaranteed affordability of at least 15 years (with preference going to projects that have longer affordability periods). Furthermore, the investment in preservation programs, home repairs, and tap fee reimbursement will ensure the current residents of the Azalea / Rhododendron neighborhood are able to remain in their homes and benefit from the newly established resources. These activities will preserve affordable housing across a broad area in a HUD-identified priority geography, Transylvania County.

With this submission, all three CDBG National Objectives are being met:

1. ***Benefiting low- and moderate-income persons*** – LMI households are the beneficiaries of both the Azalea / Rhododendron neighborhood sewer extension and the affordable housing preservation programs. The Azalea / Rhododendron neighborhood is predominately low-income and many of the low-income households have failing septic systems. Furthermore, all funding that is granted from the Housing Trust Fund is required to serve households earning less than 80% of AMI for a minimum of 15 years, with deeper affordability and longer term requirements earning higher preference.
2. ***Preventing or eliminating slums or blight*** – The Azalea / Rhododendron neighborhood is riddled with failing septic systems and faulty sanitation facilities that threaten the health and safety of the neighborhood. This blight is perpetuated by a lack of sewer infrastructure that can be used to remedy the issues. Beyond this neighborhood, the Housing Trust Fund will fund critical home repairs and other preservation projects that allow residents to stay in their homes and prevent involuntary displacement due to rising costs and unsafe facilities.

3. ***Meeting other community development needs*** – In addition to the immense need for affordable housing, the environmental consequences of the failing septic system pose a serious and immediate threat to the health and welfare of the broader community. The severe lack of adequate sanitation facilities has led to illicit discharge that flows directly into the French Broad River. The degradation of the French Broad River’s water quality has had a drastic impact on the health of the entire region – not just Transylvania County. With the high cost of infrastructure and topographic constraints, the financial resources required to extend sewer infrastructure are beyond the capacity of the City. The need to invest in this high-opportunity neighborhood by preparing it for future housing and preserving the existing housing for low-income residents is paramount and cannot be accomplished without outside resources.

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.

Policy Analysis

The *Building Brevard 2030* Comprehensive Land Use Plan highlights the provision of affordable housing and promotion of health and safety as critical objectives, specifically:

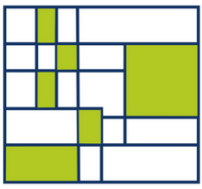
- ***GOAL 2: Encourage a **development pattern** that respects Brevard’s sense of place and prioritizes **livable communities**.***
- ***GOAL 4: Create a built environment that prioritizes a **safe, active, multi-modal transportation system** and community health and wellness.***
- ***GOAL 8: Plan for **efficient, equitable, and resilient infrastructure** and services that maintain and improve quality of life throughout the city.***

Action

This information is for the public hearing; no action is requested of City Council at this time. All comments received from the public hearing will be documented and incorporated into the grant application.

Attachments:

1. PRO Housing Grant Summary
2. PRO Housing Grant Application Narrative Draft



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



EXHIBIT A | EXECUTIVE SUMMARY

[Staff is preparing the executive summary for the complete grant application submission]

EXHIBIT B | THRESHOLD REQUIREMENTS AND OTHER SUBMISSION REQUIREMENTS

[Staff is preparing the narrative response to the threshold requirements and other submission requirements for the complete grant application submission]

DRAFT

EXHIBIT C | NEED

Affordable and workforce housing have long been recognized as a substantial need for residents of the City of Brevard and the surrounding area. Transylvania County was identified by HUD as a priority geography for this funding opportunity. The County exceeded the threshold requirement for two of the three measures – the *Off-Pace Factor* and the *Housing Affordability Factor*. The City of Brevard is the largest city, county seat, and primary employment center in Transylvania County. The proposed project will primarily service residents of the Azalea / Rhododendron neighborhood located outside the City limits within Transylvania County.

Acute Demand for Housing

Pre-pandemic, the City of Brevard had nearly 800 low- to moderate-income (LMI) households with housing needs. In this context, “housing needs” is defined as (1) spending at least 30% of their annual income on housing-related costs, (2) living in units without plumbing or kitchen facilities, or (3) living in units with more than 1 person per room. Of these LMI renters and homeowners, 59% are severely cost-burdened, spending more than half of their income on housing-related expenses.

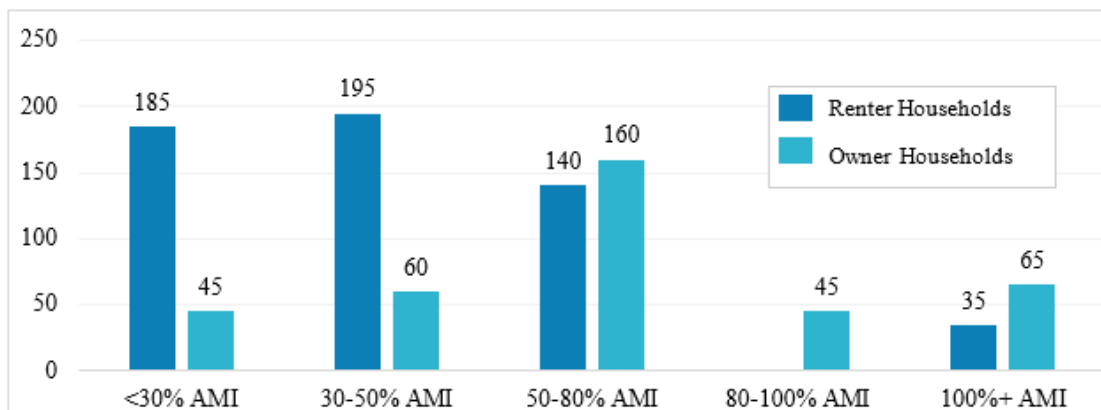


Figure 1: Number of Households with Housing Needs by Income Level [Source: HUD CHAS (2019)]

Many key members of the workforce, including teachers, police officers, construction workers, retail salespersons, childcare workers, and home health aides, cannot afford to live in Brevard. Approximately 1,200 employees commute to Brevard from outside Transylvania County. Over half of Brevard’s commuters (700 people) make less than \$40,000 per year (below 80% AMI). Many stakeholders in this situation used to live in Brevard and were pushed out by prices or want to live in Brevard but can’t enter the housing market.

Half of Transylvania County’s workforce is employed in industries with average wages of less than \$40,000 a year. For example, the average retail wage in Transylvania County is approximately \$30,000 per year, but the estimated annual cost for non-housing related expenses in a single-person household (i.e., transportation, healthcare, and food) is \$30,000, which leaves \$0 leftover for housing-related costs. Similarly, Transylvania County School first-year teachers earn \$37,000 for the 2022-2023 school year. To earn the area median income, a teacher without a master's degree must have at least 14 years of experience. As Brevard’s economy grows, housing that is affordable across a range of wages will likely become even more critical. These industries are growing in number of employees and growth in these sectors impact ongoing housing needs in the city.

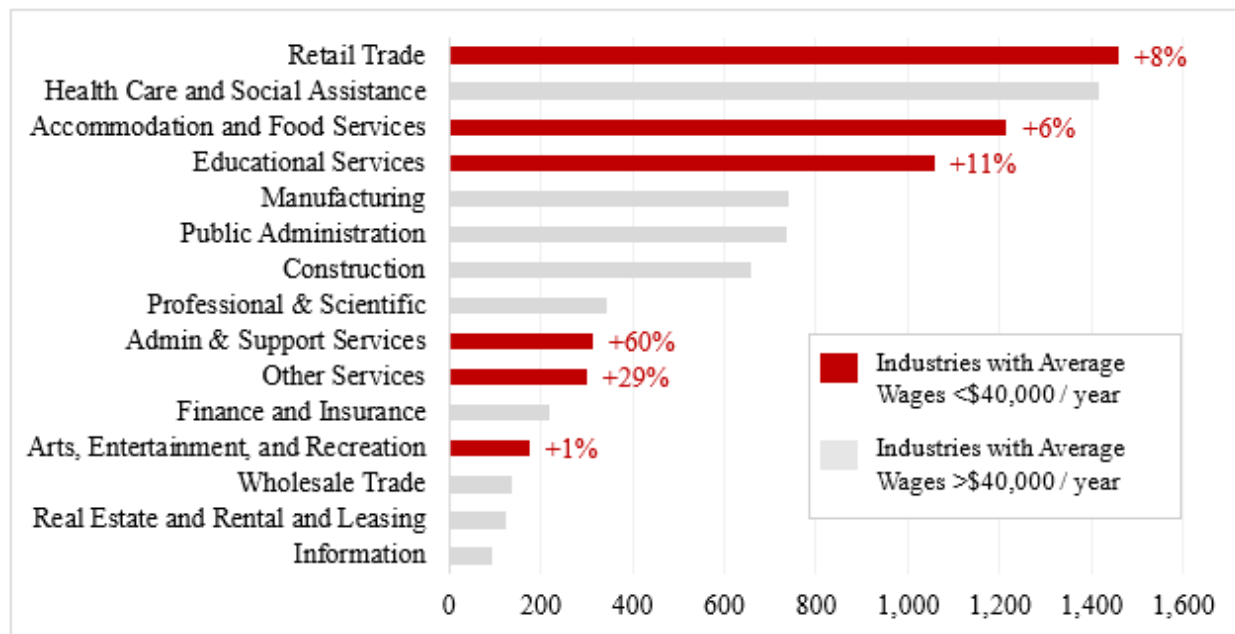


Figure 2: Employees in Transylvania County by Industry (2021) [Source: LEHD on the Map; Economic Policy Institute]

The rise in housing costs over the last three years, post-pandemic, has increased the number of cost-burdened households, due to the increasingly competitive rental and home buying market.

Even though net migration was increasing prior to COVID, housing market activity has accelerated since. Home sales have increased by 50% during the pandemic, driven primarily by second home and investor purchases. 40% of the homes sold were bought by individuals or entities with mailing addresses outside of Transylvania County. Because single-family homes make up a third of rental housing types, this increase in non-resident home purchases reduces the availability of homes both for renter and for owner-occupied sales.

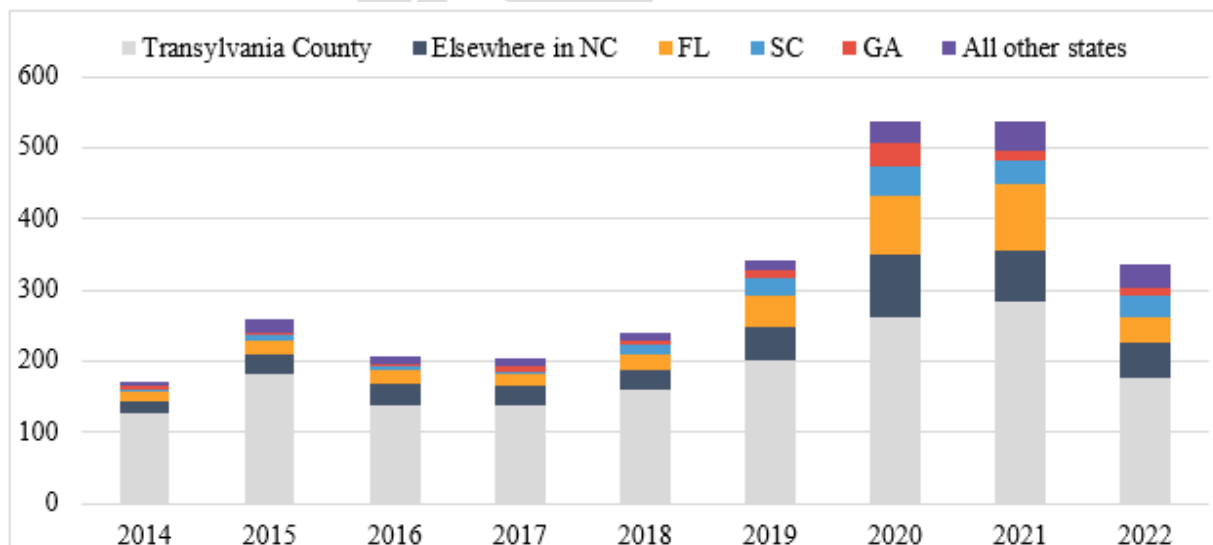


Figure 3: Single-family Home Sales in Transylvania County by Buyer Mailing Address [Source: DFI Analysis of Transylvania County tax parcel data]

Unsurprisingly given the home sale trends, additional pressure on Brevard's housing stock has been created by a tripling of seasonal use properties. In 2021, over 10% of the housing units in the City were reserved for seasonal use and off-market for year-round renters. Over the same time period, the vacancy rate for year-round rentals fell to 0%. There has been a net increase in units in the City over the last decade, yet of the 436 net new units added, over 300 are for seasonal use, and the rental and homeowner vacancy rates are below 1%.

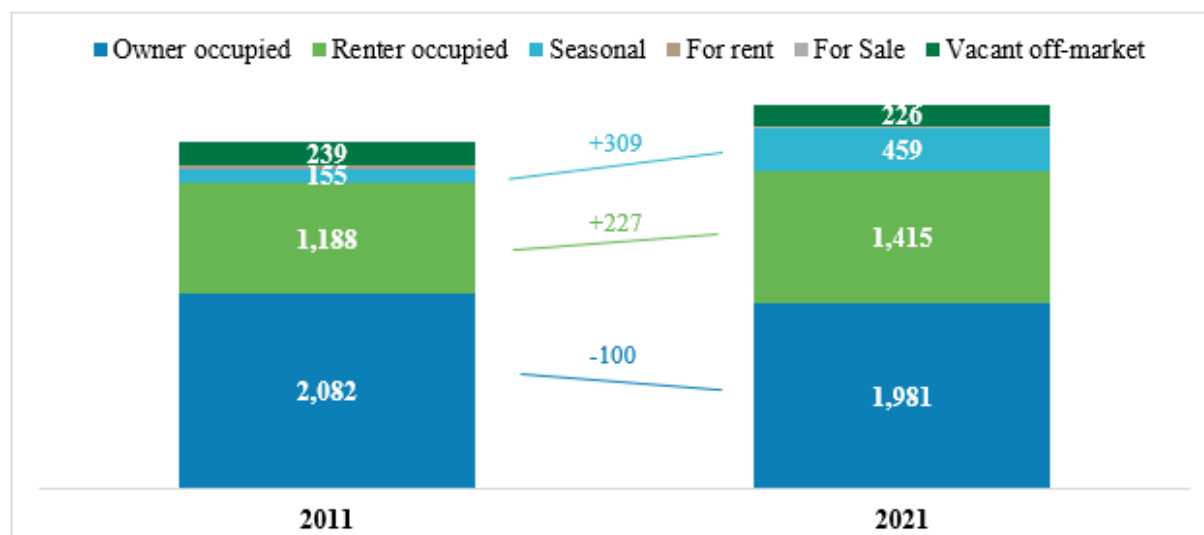


Figure 4: Brevard Housing Units by Occupancy [Source: ACS 2021, 5-year estimates]

Despite the increase in rental units, Transylvania County lowered its affordability and lost lower rent units. The number of rental units costing over \$1,000 in monthly rent more than doubled over this period. This, coupled with the low vacancy rates, has resulted in households with higher incomes occupying units affordable to lower-income households. Over half of the units affordable to households earning 50% of AMI or below are occupied by renters with higher incomes.

For homeowners, the increased demand is reflected in rising costs for new housing and average home sale prices. As of July 2023, the average sale price for a newly constructed single-family home in Transylvania County is over \$633,000. This is a 64% jump from the pre-pandemic (2019) price. General home affordability, not just new build sales, have also increased. As recently as July 2021, a household needed to make \$77,000 to afford to buy a home (approximately 100% AMI for a family of four). Now, that household income needed is \$133,000, which reflects 170% AMI for a family of four.

During the pandemic, demand for land in Transylvania County broke historic records. The number of land sales increased by nearly 300% since 2011 and land sale prices jumped by 900%. This level of increase in land purchases, especially given the limited developable land in the region [see *Additional Barriers* below], along with uptick in land prices directly affects homeowners, and because developers have to pass on those costs to tenants, this impacts renters in the region as well.

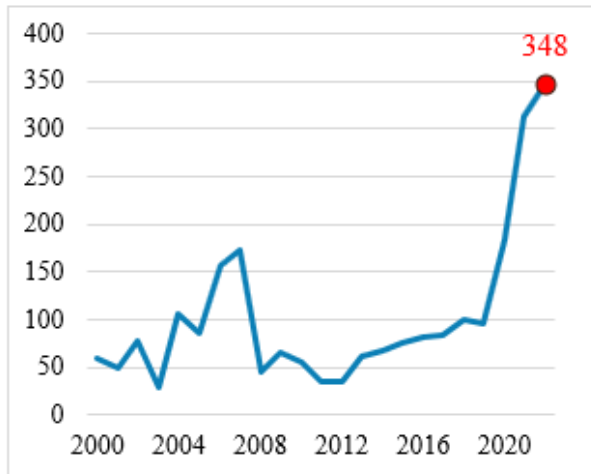


Figure 5: Sale Transactions for Undeveloped Lots <5 acres in Transylvania County [Source: DFI analysis of tax parcel data]

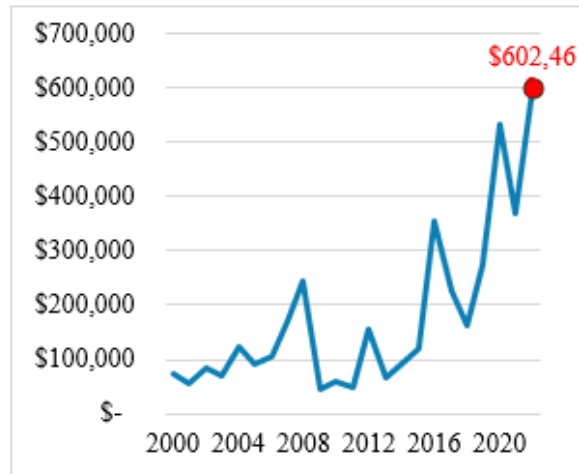


Figure 6: Sale Price Per Acre for Undeveloped Lots <5 acres in Transylvania County [Source: DFI Analysis of tax parcel data]

City-Led Housing Initiatives

In an effort to promote increased development and retention of affordable and workforce housing within its corporate jurisdiction, the City of Brevard established the Housing Trust Fund in 2012 as a part of its CDBG-funded Cottages of Brevard housing development, which created 48 new affordable units. Since then, housing affordability has become even more of a crisis as many key members of the workforce, including teachers, police officers, construction workers, retail workers, and home health aides, cannot afford to live in Brevard or Transylvania County.

City Council held an affordable housing summit in November 2021 to reaffirm its commitment to address this crisis. In response, staff dedicated significant time and resources to identify, address, mitigate, and remove barriers to affordable housing production and preservation. The major efforts are described in detail below.

- The housing summit coincided with the launch of the City's Comprehensive Land Use Plan update, the first comprehensive planning effort since 2002. Affordable housing consistently ranked among the top priorities of community members during outreach and engagement. The plan, *Building Brevard 2030*, includes numerous recommendations for addressing the housing shortage and affordability crisis and outlines a housing toolkit that describes an array of strategies available to North Carolina municipalities.
- Concurrently, the City of Brevard has proactively been taking steps to remove regulatory barriers to housing that existed within the City's zoning and development regulation. Several of the changes related to increasing the types of housing permitted in different areas of the City: (1) permitted duplexes, triplexes, and quadraplexes by-right in all residential zoning districts (e.g., all zoning districts except General Industrial) and (2) increased the allowable size of accessory dwelling units (ADUs) to 1,200 square feet. Both of these changes facilitate "gentle" increases in density and increase the variety of housing types available at different levels of affordability, while also encouraging affordable housing throughout the city rather than in segregated and concentrated areas. Additionally, the City adopted amendments to the subdivision regulations to allow for irregular lot shapes. As demonstrated above, the cost of land in Transylvania County has jumped in recent years,

and it has become cost-prohibitive for many would-be homeowners. Vacant and underutilized parcels in established neighborhoods are ripe with opportunities for infill development. With property values skyrocketing, selling excess land with the intention of development generates new income for property owners and reduces their annual property taxes. The purchaser, on the other hand, buys a more affordable property in a desirable neighborhood with amenities and connectivity. Allowing irregular or “flag” lots facilitate infill development that fit the existing context of a neighborhood in its scale and character.

- In November 2022, the City of Brevard contracted University of North Carolina School of Government’s Development Finance Initiative (DFI) for \$90,000 to support the City in attracting private investment for housing development. The scope of work includes assessing the scale and scope of the housing crisis with a comprehensive needs assessment, identifying potential sites for large-scale affordable housing projects, and assisting the City in soliciting a development partner. DFI has completed the housing needs assessment and opportunity site identification, and City Council is pursuing at least one site for pre-development work in pursuit of a public-private partnership.
- The City of Brevard’s Housing Trust Fund, established in 2012, was intended to serve as a flexible source of funding that can be used to support a variety affordable housing activities and initiatives. However, the Housing Trust Fund, as initially established, was not effective as a tool for the creation and preservation of affordable housing. This was in part due to the funding limitations and overly prescriptive requirements mandated in the bylaws. The City’s Housing Committee worked to revise the Housing Trust Fund bylaws and policies starting in June 2022. As part of this effort, the Committee reviewed the North Carolina General Statutes, examined housing programs in other cities, discussed the ideal process for distributing funds, and identified priorities for investment. In March 2023, City Council expanded the scope of the Housing Trust Fund and established funding priorities. Staff also prepared a new guidebook that is intended to serve as information materials outlining the requirements, policies, and procedures for funding requests for potential applicants. The Housing Trust Fund now can support a myriad of housing efforts that serve residents within its corporate limits and Transylvania County within the City’s extraterritorial jurisdiction.
- Brevard City Council identified funding affordable housing initiatives as a top priority in the FY 2023-2024 budget. The approved budget endowed the Housing Trust Fund with the equivalent of two cents of the city’s \$.48 property tax rate. This is the first time City Council has contributed to the Housing Trust Fund since its establishment in 2012. The renewed investment is intended to be an annual commitment to continue to bolster the funding available for affordable housing initiatives. This is a significant commitment as North Carolina municipalities have few statutorily approved revenue sources with which to fund public services. By dedicating two cents of the tax rate, Brevard’s governing board prioritized housing over other needs.
- The State of North Carolina significantly limits the authority that cities have to regulate short-term rentals (STR). With the County’s abundance of natural resources and booming tourism sector, STRs have increasingly impacted Brevard’s housing stock, as demonstrated by the increase in seasonable homes and vacant units that are unavailable to long-term renters. In the fall of 2021, City Council established the Short-Term Rental (STR) Taskforce, charged with obtaining data on STRs in the City, assessing the positive and

negative impacts, and providing recommendations to City Council on how to proceed. The City of Brevard quickly identified short-term rentals as detrimental to housing development that is more affordable and further constraining the housing stock. This effort was driven by a desire to ensure housing units developed in Brevard are used as a home, instead of a STR. In August 2023, City Council approved the regulations proposed by the Taskforce. One major component was altering the definition of STR to be whole-house rentals where a permanent resident does not live on site. This change allows residents to rent their homes, a section of them, and/or an accessory dwelling unit on a short-term basis as an additional source of income. As part of the outreach conducted by the Taskforce, many residents reported that the ability to rent part of their home is an essential revenue source that allows them to stay in their homes and prevents displacement.

In addition to the City-led efforts, the City of Brevard contributes to the broader regional housing efforts.

- The Asheville Regional Housing Consortium is a four-county consortium, consisting of Buncombe, Henderson, Transylvania and Madison Counties, that distributes HOME funds to projects in the region through a competitive application process. The City of Asheville is the lead entity for the consortium and administers the HOME funds for the area, and a representative from the City of Brevard sits on the board of the Consortium and participates in funding decisions.
- Land of Sky Regional Council (LOS) is a multi-county, local government, planning and development organization. They provide technical assistance to local governments and administer projects and programs which benefit our region's residents, businesses and non-profits as well. The City of Brevard has worked closely with LOS for many years to identify barriers, implement effective housing strategies, and pursue funding opportunities in pursuit of these programs. LOS has vast experience in administering federal and state grants and will serve as a key member of the project team (see *Exhibit E – Capacity*). The City of Brevard has participated in numerous LOS affordable housing summits, community engagement activities, fair housing trainings, regional analysis of impediments, grant proposals and other projects to address the affordable housing crisis at a local and regional level. LOS is currently establishing a Regional Housing Forum to strengthen partnerships and pursue additional funding sources beyond HOME and LIHTC funds for the region, including a regional Housing Trust Fund. Brevard's HTF will serve as a model to inform the regional effort.
- Transylvania County is launching a Comprehensive Housing Study for the entire county, including the City of Brevard. The goal is to obtain information about the type, size, location, and price of housing required to meet the current and future needs of residents living and working in the county. The City will share information on our research and programs and serve on the steering committee for the initiative.

Additional Barriers

Despite the City's ongoing work, numerous barriers that hinder our ability to produce and preserve more affordable access still exist.

- One of the greatest constraints is the topography of the region. With the French Broad River to the east and Pisgah National Forest to the west, Brevard is surrounded by many valuable natural resources; this contributes to the high quality of life, but significantly limits the developable land in the area. Much of the available land, generally on the outer edges of the City's planning jurisdiction, is constrained by steep slopes and/or floodplains that prohibit or significantly limit the development potential.
- Brevard also suffers from significant infrastructure limitations as well. Water and sewer infrastructure is limited, and many existing pipes are at the end of their intended lifespan. Due to the topography of the area, water or sewer infrastructure that is built as a part of new development often must include costly pump or lift stations. Existing City pumps and lifts are at the upper end of their functional capacities, and if a project were to build enough houses to cause those capacities to be met, then the cost of necessary upgrades would be borne by the developer, resulting in higher listing prices of the homes to offset the added expense. Streets within the City face similar issues. In a 2021 condition survey over 23% of City-owned street mileage was rated as either "Poor" or "Very Poor." New streets are occasionally constructed and dedicated to the city, but these are typically very short cul-de-sac streets that offer no real increase in connectivity. Any new street of a substantial length would inevitably have to contend with topographical challenges that quickly drive the cost of road construction up, which is then passed along to the buyers of the homes built along it.
- In addition to the high cost of land described above, high construction costs have further hindered development. With the limited infrastructure and challenging topography, construction typically requires utility extension and/or significant site work. These are large up-front expenses that are borne by the developer before even breaking ground. The impact on the bottom line reduces the financial feasibility of the project and, typically, leads to an increase in rent or purchase price to overcome the financial gap. Coupled with the limited availability of contracts and high inflation, construction costs are projected to continue increasing in the years to come.
- With high land acquisition and construction costs, the availability of funding becomes one of the greatest obstacles for affordable housing development. Locally, the City of Brevard is a small municipality with limited funds generated almost exclusively from modest property tax revenue. City Council's recent appropriations to the Housing Trust Fund (two cents per \$100 of property value annually) can support a few smaller projects annually or serve as developer gap financing every few years. While this is an important investment and demonstrates the City's commitment to housing, it is not enough to make a large impact on the affordable housing shortage in the area.
- Furthermore, the City of Brevard and Transylvania County are not positioned to receive funding through competitive state and federal programs. For instance, the County is, typically, not competitive in the Low-Income Housing Tax Credit Program (LIHTC) administered through the North Carolina Housing Finance Agency (NCHFA). The NCHFA allocates funding based on the geographic and income limit designations. Transylvania County is located in the "Western" region, which only receives 16% of the funding awards annually. The County is also considered "moderate-income" with other counties in the region being higher funding priorities. The limited infrastructure and challenging

topography result in lower scores in the “Location and Site Suitability” criteria, as well. These factors all contribute to a low likelihood of award from one of the largest sources of funding for affordable housing, and, as a result, developers are unlikely to pursue projects in the area.

DRAFT

EXHIBIT D | SOUNDNESS OF APPROACH

Project Description and Vision

The City of Brevard is requesting \$6,000,000 as part of the PRO Housing grant program to preserve safe and affordable housing in Transylvania County. The project is comprised of two components, described below:

- ***Azalea / Rhododendron Neighborhood Sewer Extension:*** The first grant-funded activity is extending sewer utilities to the Azalea / Rhododendron neighborhood in Transylvania County. This predominately low-income neighborhood is plagued with failing septic systems that are costly to repair. Extending sewer utilities in this area will address a major public health concern, preserve the naturally occurring affordable housing found in the neighborhood, and create a favorable environment for developers to create new housing opportunities on the vacant parcels. If the vacant parcels are developed as affordable housing, they will have access to the Housing Trust Fund programs, but there will also be benefits with development of market-rate housing. The reduction of barriers to housing development in the area will also improve the production of housing in general and produce indirect improvements in affordability generated through increased supply of market-rate housing. Installing new utilities and improving the infrastructure is critical for the development and preservation of affordable housing in an opportunity neighborhood. This project will permanently remove the infrastructure barrier that has stifled development in the neighborhood and improve community resilience.
- ***Housing Trust Fund Affordable Housing Preservation Programs:*** The second grant-funding activity is endowing the City of Brevard's Housing Trust Fund's affordable housing preservation programs. These programs will enable low-income homeowners to rehabilitate existing affordable housing units, improve quality and safety of the housing units, and remain in their community. The Housing Trust Fund investment will implement many of the City's housing strategies, as identified in the *Building Brevard 2030* Comprehensive Land Use Plan, by preserving affordable housing throughout the City of Brevard's entire planning jurisdiction. The Housing Trust Fund has eligibility requirements that require funding goes to low-income households with a guaranteed affordability of at least 15 years (with preference going to projects that have longer affordability periods). Furthermore, the investment in preservation programs, home repairs, and tap fee reimbursement will ensure the current residents of the Azalea / Rhododendron neighborhood are able to remain in their homes and benefit from the newly established resources. These activities will preserve affordable housing across a broad area in a HUD-identified priority geography, Transylvania County.

Goals and Objectives

The proposed project directly addresses many of the major barriers identified in *Exhibit C – Need* – topographic constraints, infrastructure limitations, and lack of funding. It also aligns with numerous housing actions in the *Building Brevard 2030* Comprehensive Land Use Plan:

- Utilize the Housing Trust Fund to leverage private investment to create affordable housing units
- Provide support for the preservation and rehabilitation of existing affordable housing

- Address housing shortage by removing barriers to multi-family and “missing middle” housing opportunities

With this submission, all three CDBG National Objectives are being met:

1. ***Benefiting low- and moderate-income persons*** – LMI households are the beneficiaries of both the Azalea / Rhododendron neighborhood sewer extension and the affordable housing preservation programs. The Azalea / Rhododendron neighborhood is predominately low-income and many of the low-income households have failing septic systems. Furthermore, all funding that is granted from the Housing Trust Fund is required to serve households earning less than 80% of AMI for a minimum of 15 years, with deeper affordability and longer term requirements earning higher preference.
2. ***Preventing or eliminating slums or blight*** – The Azalea / Rhododendron neighborhood is riddled with failing septic systems and faulty sanitation facilities that threaten the health and safety of the neighborhood. This blight is perpetuated with a lack of sewer infrastructure that can be used to remedy the issues. Beyond this neighborhood, the Housing Trust Fund will fund critical home repairs and other preservation projects that allow residents to stay in their homes and prevent involuntary displacement due to rising costs and unsafe facilities.
3. ***Meeting other community development needs*** – In addition to the immense need for affordable housing, the environmental consequences of the failing septic system pose a serious and immediate threat to the health and welfare of the broader community. The severe lack of adequate sanitation facilities has led to illicit discharge that flows directly into the French Broad River. The degradation of the French Broad River’s water quality has had a drastic impact on the health of the entire region – not just Transylvania County. With the high cost of infrastructure and topographic constraints, the financial resources required to extend sewer infrastructure are beyond the capacity of the City. The need to invest in this high-opportunity neighborhood by preparing it for future housing and preserving the existing housing for low-income residents is paramount and cannot be accomplished without outside resources.

Beneficiaries and Geographic Scope

This proposal primarily serves the Azalea / Rhododendron neighborhood, located just outside of the City of Brevard’s corporate limits in Transylvania County. The City’s request for funding through the Housing Trust Fund will serve residents of the City of Brevard and its extraterritorial jurisdiction (ETJ) in Transylvania County. In total, this proposal will facilitate increased production and preservation of affordable housing in 14.7 square miles of Transylvania County.



Figure 7: PRO Housing Activities Geographic Scope

The infrastructure project would extend sewer utilities to 125 residential parcels located just outside of city limits within Transylvania County. In 2020, door-to-door income surveys along with web and telephone surveys were conducted to identify LMI households along with other key HUD demographics in the Azalea / Rhododendron neighborhood. This outreach effort surveyed the 93 households in the area (67 owner-occupied and 26 renter-occupied), with the remainder of

the properties being vacant. Of the households surveyed, 54% were low-income, earning less than 80% of AMI in 2020. 20 of those households were classified as extremely low- (30% AMI in 2020) or very low-income (50% AMI in 2020). At that time, 167 people resided in the neighborhood. The neighborhood is predominately white, with 14 residents identifying as non-white (African American or two or more races). 24% of the people living in the neighborhood are elderly (over the age of 62). While this data is a few years old, the character of the neighborhood has remained largely unchanged, and most of the households were owner-occupied, which typically means less turnover. These surveys were conducted at the onset of the COVID-19 pandemic. As described in *Exhibit C – Need*, affordability in Brevard and Transylvania County continues to worsen in the years following the pandemic.

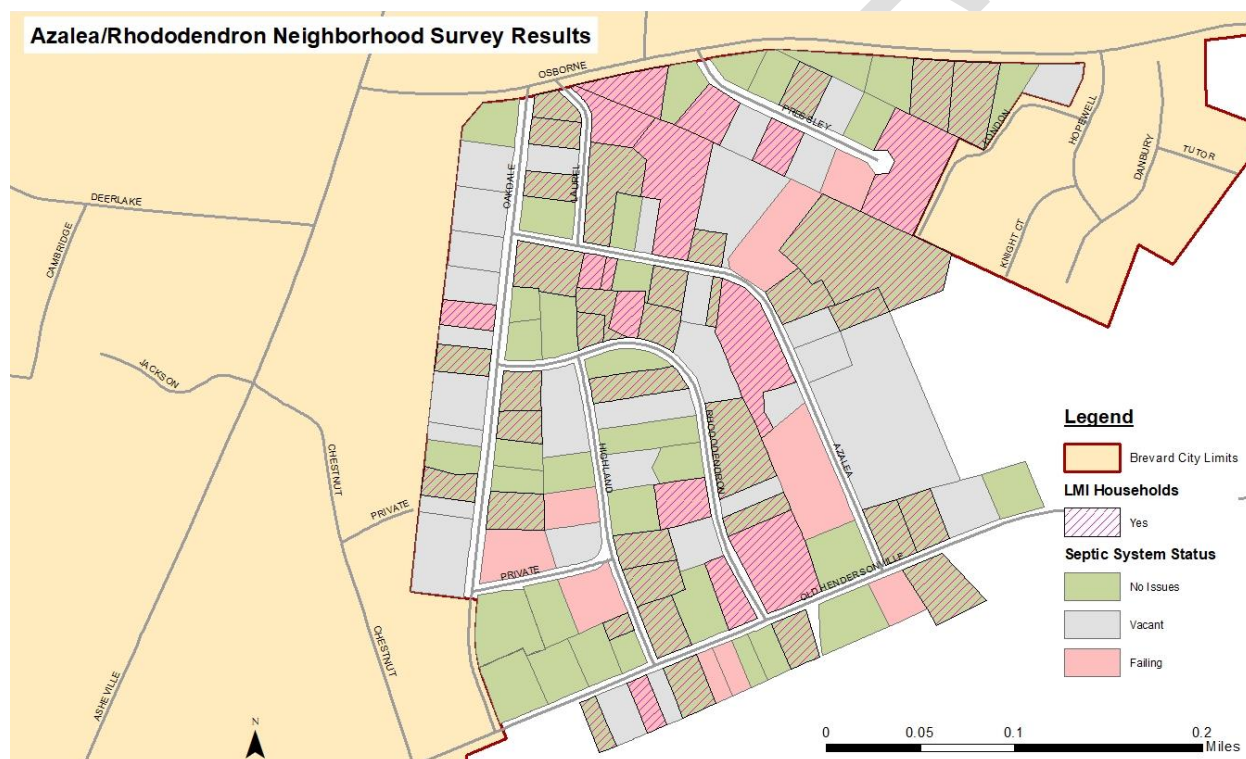


Figure 8: Project Location and Resident Survey Findings

Through two different household surveys (2005 NCDEQ Wastewater Elimination Discharge (WaDE) and 2020 follow-up), 27 homes (22%) have been identified with failing septic and are illicitly discharging their wastewater. 18 of these homes are LMI households. Transylvania County Department of Public Health reports that none of the failing septic systems have been replaced and no remediation has been undertaken since the last survey in 2020.

It is assumed that the septic issues have become more extensive in recent years. This is in part because of the amount of flooding that has plagued the area. Transylvania County is one of the wettest counties in North Carolina, with some areas receiving over 100 inches of precipitation annually. As a result, the French Broad River, which spans the entire County, is subject to frequent flooding. The Gilbreath Branch is located in the Azalea / Rhododendron neighborhood and flows directly into the French Broad River just south of the neighborhood. Failing septic systems are a major source of bacteria pollution and other pathogens in the region's waterways. The illicit

discharge generated by failing septic systems in this neighborhood flows directly into the French Broad River degrading its water quality.

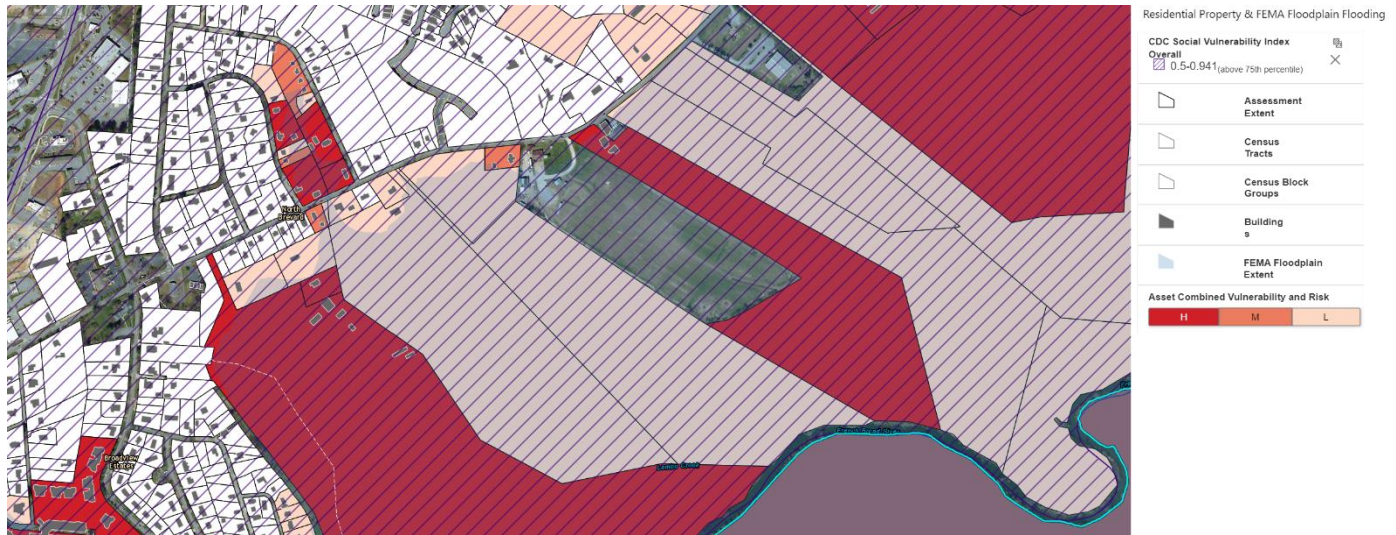


Figure 9: Residential property and flooding vulnerability and risk, with CDC Social Vulnerability Index (above 75% percentile). The French Broad River (FBR) is in lower right corner; Gilbreath Branch flows from the Azalea / Rhododendron neighborhood in the upper left to the FBR.

The Azalea / Rhododendron neighborhood is an area of opportunity less than a mile from many of the County's major employment centers (Downtown and Transylvania Regional Hospital), educational institutions (Brevard Middle School, Blue Ridge Community College and Brevard College), grocery stores, recreational facilities, etc. However, not having adequate sewage has stifled the area and perpetuates the underserved nature of the area. This proposal will ensure the underserved area near community assets becomes a well-resourced area of opportunity.

As previously described, the City of Brevard's Housing Trust Fund (HTF) is a flexible source of funding for affordable housing initiatives. As described in *Exhibit C – NEED*, City Council recently expanded the scope of the HTF to support a myriad of housing programs and established funding priorities. Paring the infrastructure investment with these preservation programs is critical to curb displacement of LMI residents in the Azalea / Rhododendron neighborhood.

An assortment of activities are eligible for HTF funding, including developer gap financing, homeowner assistance, and renter assistance, but funding received through the PRO Housing grant will be allocated to *preservation programs*. The goal of these programs is to help preserve affordable homeownership and assist homeowners to live in healthy, safe, and accessible homes. Potential projects include:

- Critical housing repairs and replacements (roofs, floors, plumbing, hot water, HVAC, etc.)
- Accessibility modifications (ramps, handrails, door widening, non-slip surfaces, etc.)
- Weatherization and energy efficiency (insulation, ventilation, windows, appliances, etc.)
- Reimbursement of expenses incurred to connect to City services (reimbursement of utility tap fees, annexation application fee, etc.)

PRO Housing Application: Preserving Safe and Affordable Housing in Transylvania County

Eligible residents, developers or other providers may request funds from the HTF to support this mission of preserving affordable housing in the City of Brevard and its ETJ. All funding requests are reviewed by the Housing Committee, who will make a recommendation to the City Council regarding fund allocation.

In order to qualify for funding through the HTF, beneficiaries must have a gross income of 80% of AMI or less for homeowners and 60% of AMI or less for renters. 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.

The funding priorities established by the City's Housing Committee and City Council reflect community needs and high-quality development standards. They include the following:

- Projects with longer-term affordability (beyond the 15 years required for eligibility)
- Projects with serve households of very low- and extremely low-income
- Projects that serve people who currently reside and/or work in the City of Brevard, its extraterritorial jurisdiction, or Transylvania County
- Projects that are located near grocery stores, schools, recreational activities, employment centers, and other community assets
- Projects that implement best practices in energy efficiency, low impact development, and universal design

Budget and Timeline Proposal

The budget for the proposed activities is \$6,837,505. \$6,000,000 is requested from the PRO Housing grant program, and \$837,505 will be provided as leverage. [Budget amounts are subject to change. Staff is still finalizing the project budget for the complete grant application submission]

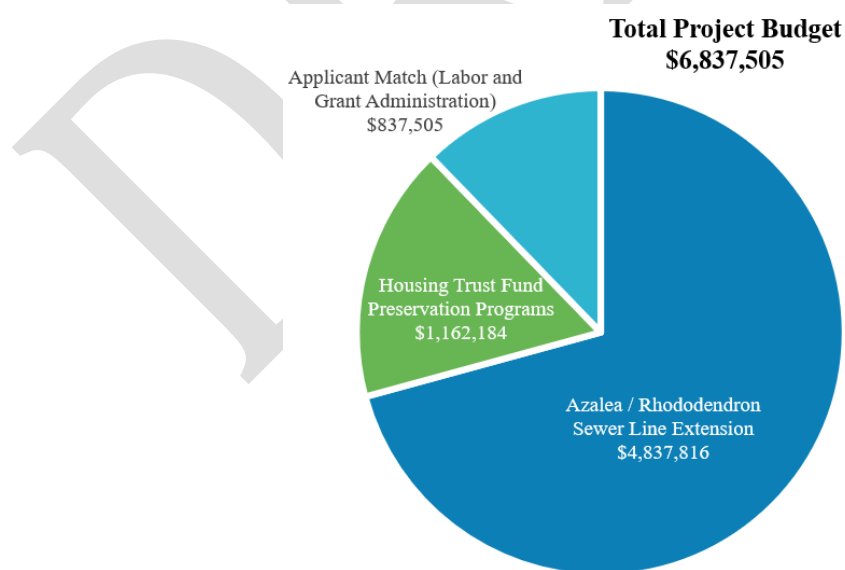


Figure 10: Project Budget Illustration

The City of Brevard owns and operates the largest of the two wastewater collection and treatment systems in Transylvania County. The collection system serves more than 3,600 customers and consists of 55 miles of gravity sewer lines, 6 miles of force mains, and a 2.5 MGD wastewater treatment facility (WWTP) that discharges into the French Broad River.

The City of Brevard contracted Summit Engineering to provide an updated cost estimate using industry-accepted costs and standards. The proposed extension project consists of:

- approximately 8,200 linear feet of gravity sewer
- 42 precast concrete manholes
- a new sewer lift station (submersible pumps)
- 250 linear feet of 4-inch forcemain
- 50 sewer taps with cleanouts for LMI households
- 50 residential sewer connections for LMI households

Approximately 7,000 linear feet of gravity sewer will be installed along public road rights-of-way, allowing the infrastructure to be more accessible and easier to maintain. Approximately 1,200 linear feet of gravity sewer will be installed along private property and along Gilbreath Branch. The project will require 12 easements on private property to ensure the sewer extension can be done appropriately and remains accessible to the City for continued maintenance.

As described above, the costs of bringing the sewer utilities directly to the 50 LMI households – 50 sewer taps with cleanups and 50 residential sewer connections – are included in the project. This will remove the financial burden for these households and allow them to remain in safe, affordable housing.

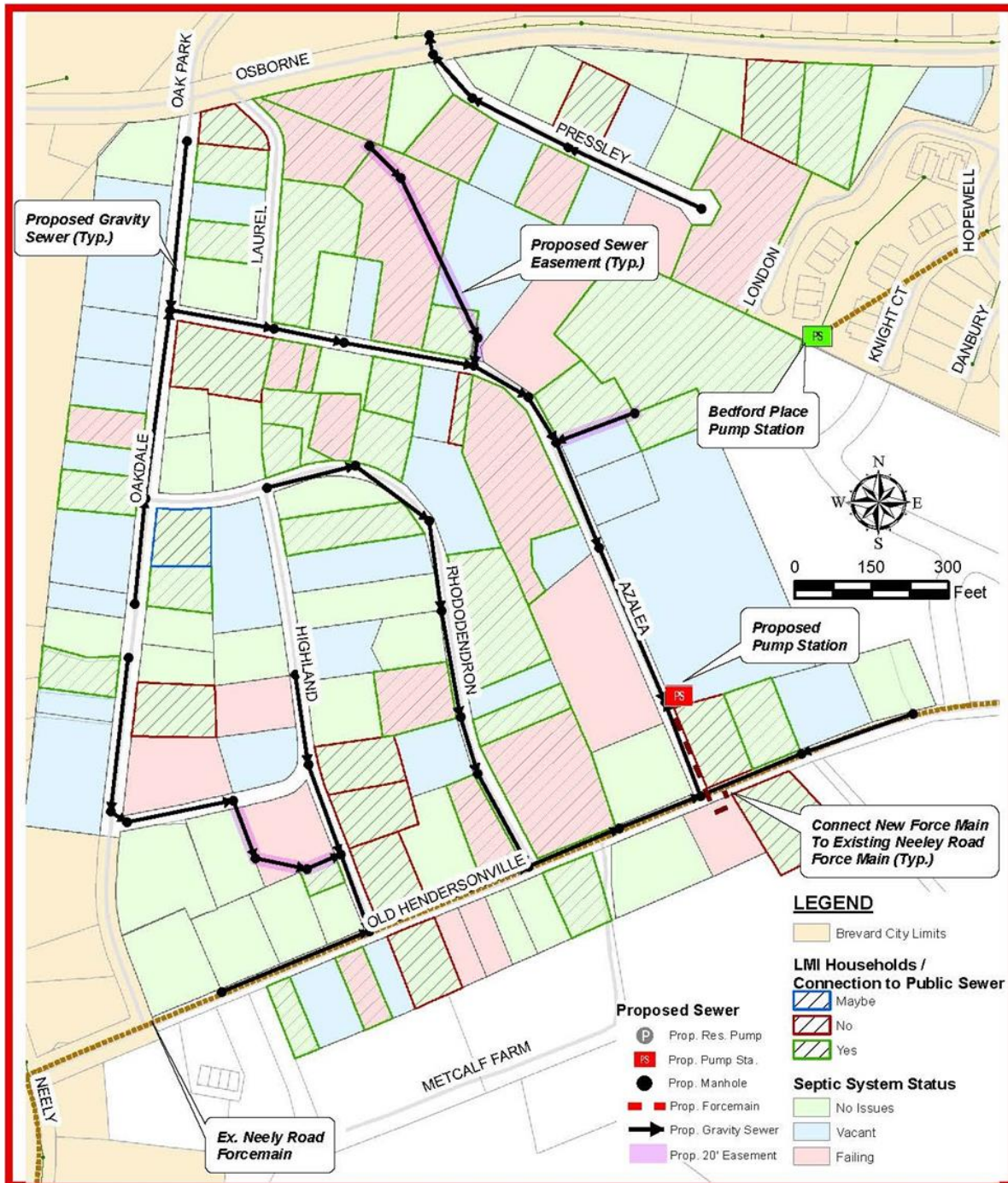


Figure 11: Azalea / Rhododendron Sewer Extension Project Map with Proposed Infrastructure

The \$1.16 million in funding will serve between 77 to 232 households, depending on the level of investment required for each home repair (estimated at \$5,000 to \$15,000). The budgeted award amount aligns with grants for home repairs in the area. Transylvania Habitat for Humanity and Housing Assistance Corporation can provide a maximum of \$10,000 in grant funding as part of their home repair programs. By providing up to \$15,000 per LMI household, the program can defray the majority of costs for major repairs that would allow them to remain in their homes.

Because of how integral the preservation programs are to the success of the sewer extension project, the minimum amount of funding that would still allow us to carry out the project is estimated at \$5.4 million. This would cover the cost of extending sewer infrastructure into the Azalea Avenue neighborhood and preservation programs for the 50 LMI households in the neighborhood. While this would remove barriers for housing preservation in this neighborhood, it would not address the housing needs for the broader geographic area.

The anticipated timeline for the sewer extension, connections, and pump station in Azalea / Rhododendron neighborhood is 18 months. The Housing Trust Fund preservation programs will be launched within a few months. [Staff is preparing a Gantt Chart for the project milestones for the complete grant application submission]

Stakeholder Engagement and Outreach

The key stakeholders for this project are the residents and property owners in the Azalea / Rhododendron neighborhood and the low-income residents of Brevard and its extraterritorial jurisdiction in Transylvania County. In developing this proposal, the City conducted outreach by:

- Engaging potential partners for support in preparing the application (e.g., Land of Sky Regional Council, Transylvania County, Transylvania Habitat for Humanity, Housing Assistance Corporation, and Pisgah Legal Services)
- Advertising the public hearing in the local newspaper (The Transylvania Times) on September 21, 2023, and September 28, 2023,
- Mailing letters to the residents and property owners of the Azalea / Rhododendron neighborhood about the grant proposal and inviting them to the public hearing
- Publishing the draft proposal on the City's website
- Conducting a public hearing on October 2, 2023
- Publishing an announcement about the public comment period in the local newspaper (The Transylvania Times) on October 5, 2023
- Soliciting comments from many of the City's affordable housing and supportive service providers

A summary of all input received can be found in *Attachment A – Comments Received*.

The City also used past engagement efforts to inform the application, in addition to the grant-specific outreach.

- In 2020, the City and the Land of Sky Regional Council conducted a comprehensive survey of the Azalea / Rhododendron neighborhood as part of a previous CDBG-I grant application. The outreach was a door-to-door income survey, along with web and telephone surveys, to identify LMI households along with other key HUD demographics in the Azalea / Rhododendron neighborhood. This effort identified
- As part of the Building Brevard 2030: Comprehensive Land Use Plan development the City of Brevard conducted robust community engagement aimed to reach as many people as possible, and this effort served as the driving force for Plan development. In total, more

than 110 participants attended public meetings and workshops and over 1,000 survey responses were received. The engagement quickly identified housing as a top priority for engagement. The number one goal selected by the community was “*Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.*” This engagement effort launched a robust discussion about the community’s desire for neighborhood preservation and protection of the historic and cultural identity with Staff and members of City Council. Affordable housing preservation efforts were recognized as a vital tool for keeping residents in their neighborhoods, near employment opportunities, and as part of a thriving, diverse community. As illustrated in *Exhibit C – Need*, the rising housing costs would be cost-prohibitive for residents to find another dwelling.

Outreach and proactive advertisement of the Housing Trust Fund programs are imperative in ensuring the programs are effective. In addition to publicizing information through regional news outlets and digital media platforms, City staff will work with partners to provide information and technical assistance to potential applicants to improve the accessibility of these programs and reduce barriers for residents to submit applications. The City of Brevard is fortunate to have several dedicated partners who will assist in outreach to LMI households, including:

- Non-profit supportive services providers (e.g., Transylvania Habitat for Humanity, Housing Assistance Corporation, Pisgah Legal Services, Sharing Housing, and The Haven of Transylvania County);
- Educational institutions (e.g., Transylvania County Schools, Blue Ridge Community College, and Brevard College);
- Religious institutions (e.g., Bethel A Baptist Church, Brevard-Davidson River Presbyterian Church, among others);
- Community facilities (e.g., Mary C. Jenkins Community and Cultural Center, Transylvania County Library); and
- Advocacy groups (e.g., Brevard-Transylvania Housing Coalition).

Lessons Learned and Impact on Future Efforts

This proposal draws from a previous CDBG-I grant proposal to extend sewer infrastructure to the Azalea / Rhododendron neighborhood. This effort was unsuccessful, in part, because there was hesitation from the LMI households to connect to the municipal utilities. It is the policy of the City of Brevard to only extend sewer utilities to areas within the corporate limits. However, given the severe need in this neighborhood and the prevalence of naturally occurring affordable housing, City Council is waiving the requirement for low- to moderate-income households in need of sewer connection. Waiving the annexation requirement further ensures preservation by not placing an additional cost burden on households with City taxes. The annexation requirement was the main reason that some LMI households surveyed in 2020 did not want to connect, thus it is expected that all households in need can now be served. City Council plans to offer the waiver to property owners of low-income or those that place a deed restriction on the property to facilitate the creation of affordable housing on the vacant parcels. If a property owner voluntarily chooses to annex into the City limits, low-income homeowners can apply for a reimbursement of expenses incurred for

annexation and connection to the sewer infrastructure (application fee, surveying / recording, etc.). These changes are the direct result of the lessons learned from the prior engagement. As part of the public comment received for this grant proposal, the City heard that multiple LMI households that were previously unwilling to connect will if the annexation requirement is waived.

When considering the preservation efforts, this effort draws on preservation efforts from other North Carolina municipalities and local nonprofits that have similar programs. Housing Trust Funds are a common tool for municipalities to pool resources from various sources for affordable housing initiatives. The City of Brevard's recent amendments to the Housing Trust Fund and identified priority programs by learning from successful programs across the State. Many North Carolina municipalities (such as the City of Asheville, the City of Raleigh, the Town of Chapel Hill, the Town of Carrboro, and Orange County) have successful Housing Trust Funds that provide funding for home repairs and accessibility improvements for LMI households. With a population of approximately 8,000, the City of Brevard is significantly smaller than most of those jurisdictions but recognized the paramount need for establishing this flexible funding source and the importance of investing in housing preservation programs. These municipalities informed how the City can be a project partner and funding source for these efforts. In fact, the City of Brevard has consulted with other smaller municipalities about establishing their own Housing Trust Fund.

When determining the types of housing programs that would be necessary, the City of Brevard engaged residents and affordable housing providers, such as Transylvania Habitat for Humanity and Housing Assistance Corporation [for more information on these organizations and their role in project implementation, please refer to *Exhibit E – Capacity*]. Outreach indicated a strong need for home repairs and assistance for aging residents.

The proposed project is innovative in that it pairs significant infrastructure investment in a predominately low-income neighborhood with affordable housing preservation efforts to avoid involuntary displacement of residents. As described in Exhibit C – Need, infrastructure is a challenge in Transylvania County, but also more generally in Western North Carolina. As other Western North Carolina jurisdictions consider expanding and improving utilities, this project could serve as a model for combining infrastructure investment with anti-displacement strategies.

Affirmatively Furthering Fair Housing

The City of Brevard promotes Fair Housing principals that prohibit discrimination in housing based on race, color, sex, religion, national origin, disability, familial status, as well as age. All projects assisted with Housing Trust Fund money are required to abide by these principles.

In 2006, The City of Brevard participated in the first regional Analysis of Impediments conducted by LOS, which largely looked at zoning and land use policies, and identified limits on multi-family housing as a permitted use, which has since been addressed and expanded from one zoning district to all districts except General Industrial. It also identified the lack of new multi-housing developments as a restriction on fair housing choice, which drove efforts to fund and implement projects like the Cottages at Brevard, a 48-unit affordable housing development completed in 2012.

The City of Brevard also participated in the last regional Analysis of Impediments completed in 2011 and used the findings to guide the development of the only other Housing Trust Fund in the region outside of the City of Asheville, which is significant for a community of under 7,000 people at the time it was established.

Since the last regional AI, LOS has only completed updates for communities over 10,000 to facilitate more in-depth analysis and the development and implementation of local strategies to overcome barriers to fair housing choice. However, the City of Brevard has continued to pursue strategies to identify and overcome barriers through zoning and subdivision updates as well as comprehensive planning outlined in the City-led Housing Initiatives section. The City has also sought to fund infrastructure investments to facilitate both new affordable housing development and the preservation of existing affordable housing stock, like that found in the Azalea/Rhododendron neighborhood.

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EXHIBIT E | CAPACITY

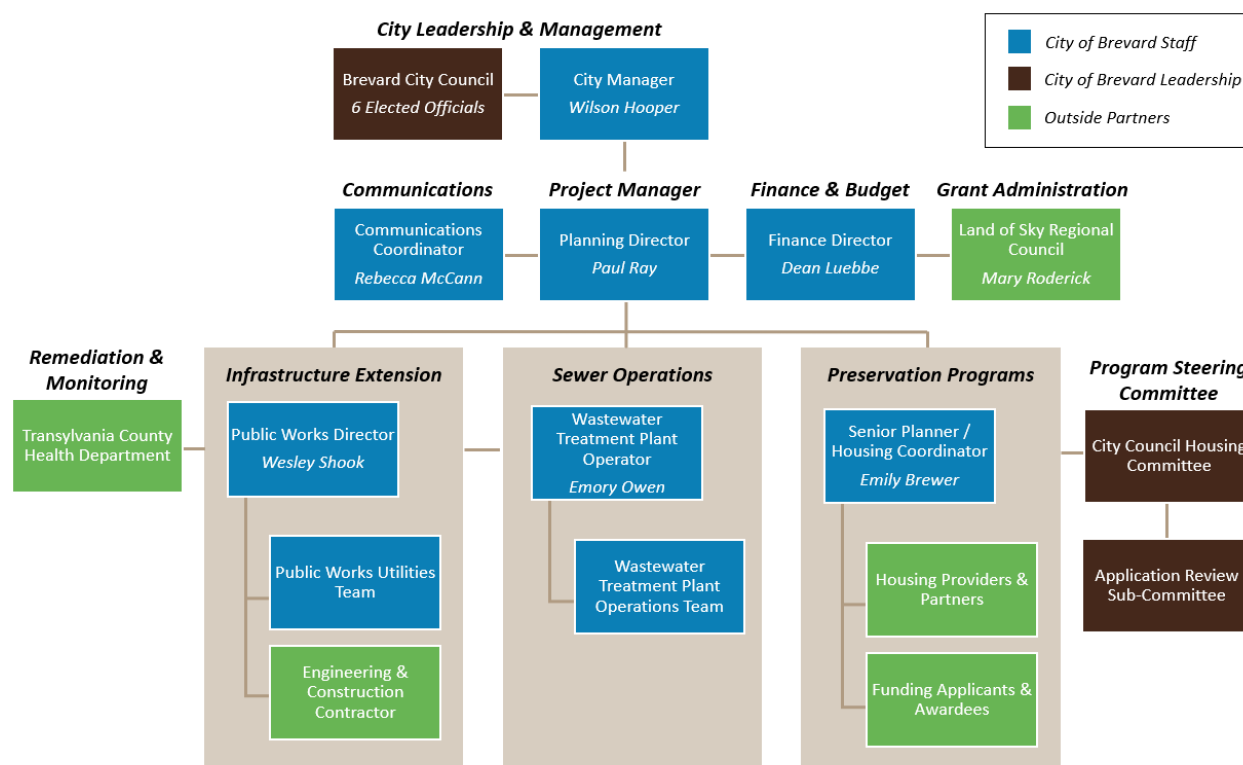


Figure 12: Organization Chart of PRO Housing Activities

Core Project Team

The project will be lead and managed by the City of Brevard, with support from many outside partners. Planning Department staff will manage the project and oversee all activities, with five additional full-time staff that will oversee specific project elements. A description of these staff members and their responsibilities are outlined below:

- Paul Ray, Planning Director, will lead this effort as the Project Manager. As Planning Director, Mr. Ray oversees all planning, zoning, and development matters and has experience managing multi-million-dollar grants for the City of Brevard. Recently, the City of Brevard and the North Carolina Department of Transportation jointly received nearly \$46 million in funding from US Department of Transportation's Rebuilding American Infrastructure with Sustainability and Equity program (RAISE) and Nationally Significant Federal Lands and Tribal Projects program (NSFLTP) to fund the Transylvania County portion of the Ecusta Trail, a 20-mile multi-use trail extending from Downtown Brevard to Downtown Hendersonville. Mr. Ray serves as the project manager for the City and works alongside NCDOT, Henderson County, and other project partners. Mr. Ray works closely on all procurement activities (planning, design and construction) for planning-related projects and oversees all of the housing initiatives undertaken by the City of Brevard.
- Emily Brewer, Senior Planner / Housing Coordinator, will serve as Assistant Project Manager, specifically focusing on implementing the preservation programs. Ms. Brewer serves as the Staff support for the City's Housing Committee and Housing Trust Fund and led the City's affordable housing initiatives over the last two years. She brings an array of

experience in real estate finance, equitable development, community engagement, and housing program development. Ms. Brewer is the liaison for all applicants and funding recipients of the Housing Trust Fund.

- Land of Sky Regional Council will serve as a key project partner in administering the grant and managing reporting. Mary Roderick, Planning Director for Economic & Community Development, has managed multiple CDBG grants for infrastructure improvements; building rehabilitation and conversion to affordable housing; home rehab; and pedestrian improvements. She also has extensive federal and state grant management experience including with FEMA, EDA, and ARPA funding.
- Dean Luebbe, Finance Director / Assistant City Manager, will oversee and coordinate all expenditures related to the grant-activities. Mr. Luebbe is experienced in managing large contracts and complex budgets for the City.
- Welsey Shook, Public Works Director, will assist in procurement for sewer extension and oversee the implementation of the infrastructure improvements. Mr. Shook supervises the Public Works Department, which includes the utility line maintenance and repair division. Mr. Shook has overseen over a dozen infrastructure installation projects, most recently being the installation of new stormwater infrastructure to alleviate flooding in the downtown business district at the Times Arcade Alley.
- Emory Owen, Wastewater Treatment Plant Superintendent, will advise on the installation of the infrastructure and oversee the wastewater management and treatment of all discharge generated by the Azalea / Rhododendron neighborhood. The City of Brevard owns and operates the largest wastewater collection and treatment system in Transylvania County, serving more than 3,600 customers. Mr. Owen is the lead operator and supervisor of the City's 2.5 MGD wastewater treatment facility that discharges into the French Broad River.
- Rebecca McCann, PhD, Communications Coordinator, will assist in ongoing project communication with the stakeholders and educate the public about the preservation programs. As a public information officer, Dr. McCann is experienced at disseminating information to key partners, soliciting feedback from constituents and coordinating with multiple agencies and partners. During the recent construction of the City's multi-million-dollar downtown streetscape renovations, Dr. McCann synthesized critical project information and timelines and provided regular updates to NC Department of Transportation, Brevard's Main Street organization, business owners, and residents.
- Wilson Hooper, City Manager, will oversee the project and provide strategic direction. Mr. Hooper will communicate progress on grant activities and related expenditures to elected officials as the primary point of contact.

This grant application was drafted by the City of Brevard and the Land of Sky Regional Council, with support from the other project partners, specifically:

- Paul Ray, Planning Director, City of Brevard
- Emily Brewer, Senior Planner / Housing Coordinator, City of Brevard
- Mary Roderick, Planning Director for Economic & Community Development, Land of Sky Regional Council

Azalea / Rhododendron Neighborhood Sewer Extension

The City will procure a contractor for the engineering and construction of the sewer extension in the Azalea / Rhododendron neighborhood following federal Uniform Guidance. Once installed, the City's Public Works Department will install the sewer taps, assist residents in connecting to the new wastewater collection system, and maintain the infrastructure. The City's Wastewater Treatment Plant operators are responsible for monitoring and treating the discharge.

Transylvania County Department of Public Health will serve as a partner in the sewer extension efforts by advising on the remediation efforts, providing education to the residents with failing septic systems in the area, and continued monitoring of the health of the neighborhood.

The team has engaged Pisgah Legal Services, a nonprofit that provides free legal advice, pro bono lawyers and community legal services for underserved populations in Western North Carolina. The organizations' mission is to pursue justice by providing legal assistance and advocacy to help low-income people in Western North Carolina meet their basic needs and improve their lives. The organization has expressed an interest in serving as a resource for community members in the Azalea / Rhododendron neighborhood. Pisgah Legal Services has vast experience working with civil rights and fair housing matters.

Preservation Program Providers

Transylvania County has numerous affordable housing providers that support creation and preservation initiatives. This includes Transylvania Habitat for Humanity and Housing Assistance Corporation. With this funding, the City of Brevard will be able to support many of these organizations that have existing programs.

- Transylvania Habitat for Humanity, an affiliate of Habitat International, supports low- and very-low-income residents of Transylvania County find and stay in safe, affordable housing. The organization's Critical Home Repair program alleviates housing conditions which pose an imminent threat to the life or safety of low-income resident homeowners (below 80% of AMI), as well as those with special needs. The program addresses critical repairs, such as roof replacement, floor repairs, and HVAC / hot water heater repairs, and funds modifications that prevent displacement of seniors, the disabled, or very low-income occupants. To date, Habitat has completed critical repairs for 38 homeowners in Transylvania County. They received \$120,000 of funding from the North Carolina Housing Finance Agency for repairs to 12 additional homes.
- Housing Assistance Corporation (HAC) is a non-profit organization that strives to provide safe and affordable housing for persons of limited income living in Transylvania County, Henderson County and the surrounding areas. The organization has predominately worked in Henderson County but is actively pursuing opportunities to expand its presence in Transylvania County. One way that the organization is expanding its impact is the Home Repair Program to eliminate health and safety hazards. This includes (1) repairing floors, water heaters, plumbing, and roofs; (2) weatherizing of homes; and (3) installing ramps, handrails, and other accessibility modifications. In 2021 alone, the Home Repair program served 83 individuals and made 292 repairs in the region.

Both of these organizations have been consulted in this application process and have expressed interest in using the Housing Trust Fund to expand and improve affordable housing supply. Both are also experienced in protecting fair housing choice in the county and operating programs that have provided tangible reductions in racial disparities.

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EXHIBIT F | LEVERAGE

The City of Brevard is fully committed to this project. As the lead agency, the City is committing the following as leverage:

- Staff time and capacity over the duration of the project for the team members identified in *Exhibit E – Capacity*
- Time and capacity for the City Attorney
- The contract with Land of Sky Regional Council for grant administration

The total leverage contribution is \$837,505, which equates to 14% of the total requested amount \$6,000,000. [Budget amounts are subject to change. Staff is still finalizing the project budget for the complete grant application submission.]

Leverage Item	Committed Resources
Personnel Direct Labor • Hours of work attributed to 6 full-time staff members • Public Works crew servicing and maintenance (pro-rated) • City Attorney legal assistance	\$601,005
Fringe Benefits for City Staff	\$206,500
Land of Sky Regional Council Grant Administration Contract	\$30,000
Total	\$837,505
Percent of Funding Request	14%

Figure 13: Summary of Leveraged Resources

EXHIBIT G | LONG-TERM EFFECT

Anticipated Impact and Target Outcomes

The proposed activities will enable the production and preservation of affordable housing units long after the grant's period of performance. Upon completion of grant-funded activities, the Azalea / Rhododendron neighborhood will have access to a functional wastewater collection system. By removing infrastructure as a barrier to housing development in this area, the area will stimulate housing production on the vacant parcels. Additionally, the City will have preserved affordable and safe housing for dozens of LMI households (an estimated 77 to 232 households, depending on the grant amounts). The project will be successful if:

- The LMI households in the Azalea / Rhododendron neighborhood have access to the municipal wastewater collection system and are not displaced as a result;
- The failing septic systems are remediated in the Azalea / Rhododendron neighborhood, improving the environmental health of the community;
- The 32 vacant parcels in the Azalea / Rhododendron neighborhood are developed as additional housing units, with the majority being affordable for low-income persons;
- The preservation programs created through the Housing Trust Fund can support more than 100 LMI households throughout the area stay in safe, affordable housing; and
- The program serves as a model for other communities embarking on large infrastructure investments that risk displacement of LMI households.

These achievements will have a permanent, long-term effect on LMI households in the City of Brevard and Transylvania County.

Reducing Housing Cost Burdens

The City has taken steps in designing the grant activities to allow Azalea / Rhododendron neighborhoods to have access to this critical infrastructure without increasing the housing cost burden for residents. Brevard City Council is waiving the annexation requirements for LMI households in need of sewer connection. Waiving the annexation requirement further ensures preservation by not placing an additional cost burden on households with City taxes. If a property owner voluntarily chooses to annex into the City limits, LMI homeowners can apply for reimbursement of expenses incurred for annexation and connection to the sewer infrastructure (application fee, surveying / recording, etc.). Pairing the infrastructure investment with these efforts and the other preservation programs enables LMI households in the Azalea / Rhododendron neighborhood to remain in affordable housing near amenities, public services, jobs, transit, schools, and other important community assets.

The preservation programs will reduce other housing expenses by improving the health and safety of the home. By repairing roofs, floors, windows, insulation, HVAC, and other critical features, the ongoing cost of maintenance and the burden of a large replacement will be removed entirely. Home repair programs, such as the ones included in this proposal, are proven tools to permanently preserve naturally occurring affordable housing, reduce ongoing housing costs, and ensure residents are not displaced from their community.

Environmental Health and Community Resilience

Furthermore, the project will promote environmental health for the area, with implications from the broader region. The high level of precipitation in Transylvania County leads to excess runoff and inland flooding and contributes to the recurring water quality issues facing the French Broad River. A large portion of the Azalea / Rhododendron neighborhood is encumbered by floodway and other flood hazards. Runoff in the area and contamination from the failing septic systems are contributing factors to the water quality issues impacting the French Broad River and its tributaries. One of the stated priorities of the Housing Trust Fund is to fund projects that utilize low-impact development techniques to manage stormwater, which will incentivize green development practices as part of the housing repairs.

Potential Roadblocks

Like any other major project, there is a risk that the construction costs will rise or that there will be unforeseen expenses. The cost estimate for the sewer extension uses conservative estimates and includes an industry-standard 10% contingency budget. Another potential roadblock is easement acquisition. The proposed project requires 12 utility easements on private properties that allow the City to install and maintain the infrastructure in perpetuity. The costs of securing easements may vary from anticipated costs due to extended negotiations and/or higher appraised values than anticipated. The City anticipates that Pisgah Legal Services will be an invaluable partner in the easement acquisition process.

Partnership will be key to implementation of the preservation programs. The City is not an expert in ongoing management of home repair projects. The partnership of organizations with established programs, relationships with vendors / contractors, and capacity for constant management will be critical in ensuring timely utilization of the grant funds. Two of these organizations, Transylvania Habitat for Humanity and Housing Assistance Corporation, have expressed a strong interest in using the funds for repair programs, as described in *Exhibit E – Capacity*. In the event these organizations are unable to participate, the City continues to establish relationships with other organizations, religious institutions, developers, and partners that can assist in the implementation of preservation programs.

STAFF REPORT

City Council, Monday, October 2, 2023

Title: Proposed Amendment to the City of Brevard Code of Ordinances Chapter 2 - Utility Extension Outside Corporate Limits

Speaker: Emily Brewer, Planning
Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager, Emily Brewer, Senior Planner

Approved by: Wilson Hooper, City Manager

Background

As written, Brevard's ordinance only permits out-of-town properties to tap onto the city's utility system under certain conditions. These conditions are codified in Chapter 2, Article 5, Division 3, Section 292. The two most notable conditions are: a property must abide by certain flood and stormwater provisions of the city's Unified Development Ordinance, and a property must annex into the city. Staff have requested the Council reconsider the requirements to accommodate housing and economic development related projects.

At its August 21, 2023 meeting the Brevard City Council agreed to apply for a federal EDA grant to fund the extension of utility lines to Pisgah Labs property outside town limits. Pisgah Labs has committed to expanding its pharmaceutical manufacturing facility, which will bring 57 new jobs with an average compensation of \$60,088 per year and \$55M in new real estate/tangible personal property investment to the area. The expansion has been awarded economic development incentives from both Transylvania County and the State of North Carolina. It was understood by Council that a review of the city's requirements would accompany its agreeing to proceed with the grant application.

The council's Public Works & Utilities Committee took up the matter at its September 6, 2023 meeting. They gave staff feedback on the circumstances under which they'd consider waiving the annexation and floodplain/stormwater requirements. Staff took the committee's feedback and used it to formulate a proposed amendment to the ordinance and an accompanying "Sewer Connection Policy" that establishes conditions under which a property would be permitted to connect to utilities without annexing or meeting the precise floodplain/stormwater requirements. The committee heard the proposal at a special-called meeting on September 13, 2023 and provided additional feedback. However, they did not send a recommendation to Council to remove the annexation requirement.

At around the same time (specifically, its September 12, 2023 meeting) the Council's Housing Committee heard a staff proposal on the US HUD-funded "Pathways to Remove Obstacles to Housing" (PRO Housing) grant program. Staff wishes to apply for \$6M from the program: \$5M to extend utilities to the affordable but unincorporated Azalea/Rhododendron neighborhood, and \$1M to endow the Housing Trust Fund for preservation and other housing related activities. The proposal included a request to

update the Housing Trust Fund bylaws to permit spending grant dollars on houses outside the city-limits, and make programs performed by outside agencies such as Habitat for Humanity eligible for HTF dollars. The Committee recommended the changes to the full Council, who approved them at the September 18, 2023 meeting. The Housing Committee also endorsed updating Chapter 2, Article 5, Division 3, Section 292 to permit unincorporated residential properties to tap on to city utilities under certain conditions.

Discussion

It has been a longstanding policy of the City of Breard that utility connection, particularly wastewater collection service, shall only be extended within the corporate limits of the City of Brevard. Voluntary annexation is a prerequisite for extending this service to any property outside of the city's corporate limits. This policy is codified in the above-named chapter of the Code of Ordinance.

However, this approach comes with trade offs as it limits the amount of developable land for residential, commercial, and industrial growth. Therefore, staff have proposed amending the language of the Code of Ordinances (attached) to permit exceptions for certain housing and economic development purposes. The conditions an applicant must meet to receive an exception would be listed in a separate "Utility Connection Policy", and Council would reserve the right to grant/deny an application based on any reason.

Further Considerations

Transylvania County has indicated a willingness to consider redirecting \$5M in unused ARPA funds it expects to receive from Raleigh to Brevard if the city publicly commits to supporting the Pisgah Labs expansion, which cannot be done legally without this amendment.

Action

No action requested. For public hearing and Council feedback only. The code amendments are scheduled to return to Council for action at the October 16, 2023 meeting.

Attachments:

1. Draft Code of Ordinances amendments re: utility extensions
2. Utility Connection Policy (Housing Provisions)

Chapter 2, Article 5, Division 3

Sec. 2-292. General principles and requirements.

The planning and extension of the water and waste water collection systems of the city shall be accomplished in accordance with the following general principles and requirements:

- (1) It shall be the policy of the city that water service be extended within the corporate limits of the City of Brevard and its extraterritorial jurisdiction in accordance with the procedures set forth in this subdivision and the plans and specifications of the city manager or his designee. Water service may be extended outside of the corporate limits of the City of Brevard and its extraterritorial jurisdiction upon approval by Brevard City Council.
- (2) It shall be the policy of the city that waste water collection service shall only be extended within the corporate limits of the City of Brevard. Voluntary annexation shall be a prerequisite of the extension of waste water collection service to any area outside the city's corporate limits. Waste water collection shall not be provided to any property not also connected to and using the city's water system.
- (3) Waste water collection service may be provided outside the corporate limits of the City of Brevard only in the following circumstances and subject to the following requirements:
 - a. Waste water collection service may be provided outside the corporate limits of the City of Brevard as part of a joint economic development agreement between the City of Brevard and another ~~political jurisdiction~~ party, containing provisions as set by city council, when such agreement has been approved by city council. However, sewer service shall not be extended to any economic development project ~~that would not fully comply with chapter 6 of the City of Brevard Unified Development Ordinance or~~ that would not be in keeping with adopted land use plans of the City of Brevard or other ~~political~~ applicable governing jurisdiction.
 - b. Waste water collection service may be provided to residential customers outside the corporate limits of the City of Brevard in order to resolve an immediate danger to the public health and safety, upon recommendation by the Transylvania County Health Department and ~~approval by the city manager~~
 - i. The city manager may approve connection to the utility system on a temporary basis for a period not to exceed one year, at which time voluntary annexation shall be required.
 - ii. Permanent utility connection to property and/or neighborhood to resolve an immediate health danger may be granted according to provisions as set by city council.
 - c. ~~Provided, however, that~~ voluntary annexation shall be a requirement of the provision of waste water collection service ~~under these provisions~~ when annexation can be completed in accordance with applicable North Carolina General Statutes except in cases governed by provisions (a) and (b) of this section; and
 - d. Extension of and/or connection with the city's water system may be required as a condition of connection the city's waste water collection system. ~~Provided further that extension of and/or connection with the city's waste water collection system shall not be made to any property outside the corporate limits of the City of Brevard not connected to and using the city's water system.~~
- (4) Extensions and/or service to residential or commercial developments outside the city shall be at the option of the developer or property owner; provided that, wherever both water and waste water collection systems are available within 300 feet of the property for which service is desired, connection to both shall be required if connection to either is desired.

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- (5) System extensions will be made only if it has been determined by the city manager or his designee that the expected additional loads can be safely handled by the respective system.
 - (6) Installation may be by city forces, workload permitting, or by contract administered by the city or by the developer subject to subsection (5) of this section. The method of accomplishment shall be determined by the city manager for all jobs costing less than \$5,000.00, including labor and material, and by the city council if \$5,000.00 or more.
 - (7) Before proceeding with installation of a line the developer shall furnish the city with a drawing, which must be approved by the city manager or his designee, showing the proposed line extensions. The drawing shall show the proposed lines, fire hydrants, streets, rights-of-way and property lines, existing utility lines and any other information required by the city manager or his designee, which might be relevant to the proposed work.
 - (8) Installation of lines shall be according to city specifications and must be approved by the city manager or his designee. Lines shall be dedicated, in writing, to the city for operation and maintenance; provided, however, the city shall not accept any dedication unless the line shall have been installed according to city specifications and its installation approved, in writing, by the city manager or his designee. Prior to acceptance of the line by the city the developer shall furnish the city with accurate as-built drawings, acceptable to the city manager or his designee, showing the location and size of lines, fittings, valves, pump stations and other pertinent information.
 - (9) A water and sewer acreage charge and a front foot charge ~~shall~~ may be established to aid in the financing of new major water mains and sewage collection facilities and the replacement or enlargement of existing facilities. This charge shall apply uniformly to all properties to which service is extended after the date of adoption of the ordinance from which this division is derived.
 - (10) The city shall be responsible for the maintenance, operation and control of all water and sewage facilities.

(Ord. No. 12-06, § 1(Att. 1), 7-17-06)

City of Brevard Sewer Connection Policy

It has been a longstanding policy of the City of Breard that wastewater collection service shall only be extended within the corporate limits of the City of Brevard. Voluntary annexation is a prerequisite for extending this service to any property outside of the city's corporate limits. However, the legislative body of the City of Brevard has legal authority to make exceptions to this practice for any reason, but it shall be the policy of Council to narrowly exercise this authority in the following circumstances.

Provisions as Referenced in Chapter 2, Article 5, Division 3, Section 2-292

- 1.) Wastewater which does not comply with the residential provisions of Title 40 of the United States Code of Federal Regulations, subchapter N (40 CFR Subchapter N) shall not be accepted.
- 2.) Wastewater which, via its composition, volume, or both, causes Brevard's WWTP to exceed or violate the conditions of its NPDES permit shall not be accepted.
- 3.) Properties shall be subject to all provisions of the Unified Development Ordinance and Code of Ordinances.
- 4.) Utility access shall be treated as a tool to preserve neighborhoods primarily consisting of low to moderate income families. Therefore, eligible developments shall:
 - a.) Include deed restrictions to produce and/or preserve affordable housing for low to moderate income households
- 5.) Utility access is granted at the discretion of Council. The Brevard City Council reserves the right to deny a utility connection for any reason.

STAFF REPORT

City Council, Monday, October 2, 2023

Title: Proposed Amendment to the City of Brevard Code of Ordinances Chapter 66 - Parking Enforcement

Speaker: Tom Jordan, Police Chief

Prepared by: Tom Jordan, Police Chief

Approved by: Wilson Hooper, City Manager

Background

Brevard's parking enforcement practices are governed by Chapter 66, Article I, Section 66 of the Code of Ordinances. After complaints by constituents about frequent violations of the two-hour parking limit downtown, Council included funds in the FY23/24 budget to purchase a new parking enforcement system. In order to implement the system, a number of provisions of the code of ordinances must be updated.

The Council's Public Safety Committee heard the proposed changes at its August 28, 2023 and September 25, 2023 meetings and recommended their approval to full Council.

Discussion

The amendments to the code are intended to bring it up to date and create a more enforceable parking enforcement program. For example, the current code lists the penalty as \$10, whereas the update ties the fee to the city's fee schedule (which currently lists the fee at \$30). Perhaps most importantly, the revisions give BPD the ability to impound a vehicle with three or more unpaid citations. The amended code also makes attempts to remove a vehicle from impoundment (e.g. "remove the boot") by anyone other than an authorized party a Class 2 misdemeanor.

The amendments take the citizen into account as well. The deadline to pay the citation is extended from 10 to 15 days and an appeals process is codified within the ordinance.

The rationale for these changes is to give Brevard's parking enforcement program more teeth, and deter freeloaders from using 2-hour parking spaces all day long. This is of increased importance since the completion of downtown streetscape improvements which reduced the number of on-street spaces available for the patrons of downtown businesses.

Action

No action requested. For public hearing and Council feedback only. The code amendments are scheduled to return to Council for action at the October 16, 2023 meeting. The October 16 request for action will also likely include an amendment to the schedule of fees increasing the citation amount from \$30 to \$50.

Attachments:

1. Draft Code of Ordinance amendments Chapter 66. Traffic



CHAPTER 66. TRAFFIC

ARTICLE I. IN GENERAL

66-1. Adoption of state law.

- A. For the purpose of regulating traffic on the streets of the city, and in addition to the provisions of this chapter, there are hereby adopted by reference by the city the following provisions of G.S. ch. 20: G.S. 20-4.01 (Definitions), G.S. 20-115 et seq. (The Size, Weight, Construction and Equipment of Vehicles), G.S. 20-138.1 et seq. (Operation of Vehicles and Rules of the Road), G.S. 20-171.1 et seq. (Operation of Bicycles), G.S. 20-172 et seq. (Pedestrians) and G.S. 20-216 et seq. (Miscellaneous Provisions Relating to Motor Vehicles).

- B. The definition of the term "authorized emergency vehicle" is hereby amended as follows:

Authorized emergency vehicle: Vehicles of the Fire Department, Police Department, vehicles owned by the Transylvania County Emergency Medical Service and vehicles owned by the various rescue squad units operating within Transylvania County.

Vehicles of the fire department: Shall include the personal vehicles of members of the fire department responding to a fire call and using a red light to indicate an emergency whether they be at the location of a fire, parked in the immediate vicinity of the fire station or in route to either location.

- C. The violation of any such provision shall be deemed a violation of this Code, and punishable as such.

(Code 1980, § 16-1)

66-2. Civil penalty for parking violations—Amount; failure to pay.

For any parking violation under this chapter, a civil penalty of ~~\$10.00~~ as set by the City of Brevard fee schedule is hereby fixed. Failure to pay such penalty within for ten fifteen days will be subject to late payment fees as set by the City of Brevard fee schedule. Any vehicle with three or more unpaid parking violations will be subject to impoundment by the Brevard Police Department either by towing the vehicle or use of a vehicle mobility restrictor device. Vehicles will not be released from impoundment until all parking violation fees, applicable late payment fees, towing fees, storage fees, and service fees have been paid. All parking violations shall be enforceable as provided in G.S. ch. 20, along with all other pertinent provisions of law.

(Code 1980, § 16-2)

66-3. ~~Payment to dispatcher.~~ Unauthorized removal of vehicles from impoundment

~~When a person charged with the violation of any of the parking regulations of this chapter appears before the dispatcher on duty at the police station in response to a traffic citation, such officer is authorized, if the person desires to do so, to allow such person to pay the civil penalty fixed in Section 66-2. Upon such payment the officer shall give a receipt for the money paid, showing the violation for which it was paid.~~

(Code 1980, § 16-3)

Commented [EB1]: Note that these will be moved to Section 1-2 [Definitions] as part of a pending text amendment.

Commented [TJ2R1]: Just know there is a state law requiring certain markings and lights for it to be considered an emergency vehicle under state law. The way it is currently written doesn't mention anything about appropriate markings or lights.



Code of Ordinances

- (a) Only the Brevard Police Department or their agents will be authorized to impound a vehicle within the City of Brevard unless it is on private property. Any unauthorized person removing or attempting to remove a vehicle from impoundment, including tampering with or removing a vehicle mobility restrictor device, is expressly prohibited.
- (b) A violation of the provisions of 66-3 is a Class 2 misdemeanor, with a penalty of up to 60 days in jail and/or a fine of \$1000.

66-4. Duties of dispatcher. **Parking Violations - Appeals**

Persons issued a parking violation under section 66-2 may appeal the issuance of said violation in writing, or by another approved method, to the Chief of Police within five (5) days of the issue date of the violation. The Chief of Police, or their designee, has the authority to adjust the civil penalty amount by lowering the fine as set by the fee schedule or canceling the parking violation in its entirety. Any cancellation of a parking violation in its entirety will be documented by the Chief of Police with the justifying reason for the cancellation in writing.

Persons who have been issued a parking violation and had their appeal denied by the Chief of Police may seek civil remediation with the District Court of Transylvania County.

Parking violations that are appealed after five (5) days from the issue date may be heard at the discretion of the Chief of Police if extenuating circumstances existed that would have precluded the person from filing the appeal in a timely manner.

The following duties are hereby imposed upon the dispatcher:

- ~~A. Generally. He shall accept designated civil penalties, issue receipts and perform such other duties as are imposed upon him by this chapter and the chief of police.~~
- ~~B. Parking violation notices. If a violator of any section prescribing parking regulations does not appear in response to a notice affixed to the motor vehicle involved within a period of 24 hours after the affixing of such notice, the dispatcher shall send to the registered owner of the motor vehicle to which the notice was affixed a notice informing him of the violation and warning him that he will be held responsible for the appearance of the offender, and that if such notice is disregarded for a period of five days a complaint will be filed and warrant of arrest issued.~~

~~(Code 1980, § 16-4)~~

~~State law reference(s)—Punishment generally for violation of state traffic laws, G.S. 20-176.~~

66-6. Carts, bicycles or other vehicles blocking sidewalks and driveways.

It shall be unlawful for any person to stop or park any pushcart or pull cart, bicycle or other vehicle used for hauling any articles of merchandise for charge or hire upon any sidewalk or between the curb of any street and the private property line, or in any driveway leading from the street to a private driveway or private property, in front of any business establishment in the city, unless authorized by Article II of [CHAPTER 46](#).

(Code 1980, § 16-10)

66-7, 66-8. Reserved.



Code of Ordinances

Editor's note(s)—Ord. No. 4-03, § 2, adopted April 21, 2003, repealed §§ 66-7 and 66-8 in their entirety and incorporated them into § 66-13. Former §§ 66-7 and 66-8 pertained to parade permits required and special permit for parades involving animals, and derived from Code 1980, § 16-11 and 16-12, and Ord. No. 2-96, § 1, 1-16-96.

66-9. Boarding or alighting from vehicle in motion.

It shall be unlawful for any person to board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion.

(Code 1980, § 16-13)

66-10. Unlawful riding.

It shall be unlawful for any person to ride on any public conveyance or other vehicle in a place not designed or intended for the use of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in spaces intended for merchandise.

(Code 1980, § 16-14)

66-11. Entering, jumping on or riding vehicles without permission.

It shall be unlawful for any person to enter, jump on or ride any automobile or other vehicle without the consent of the owner or driver.

(Code 1980, § 16-15)

66-12. Riders to stay inside vehicle; hanging on vehicle.

No person shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as are by law required, and no person shall hang on to any vehicle whatsoever.

(Code 1980, § 16-16)

66-13. Special events.

- A. *Application of regulations.* This section shall apply to all street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, and other activities or public events that require the temporary closing or obstruction of or that substantially hinders or prevents the normal flow of vehicular or pedestrian traffic on all or a portion of any city owned property, street, or other public right-of-way. Any such activity covered by this chapter shall hereafter be referred to as a "special event".
- B. *Permit required.* No "special event" is permitted on any city owned property, street or other public right-of-way of the city unless a permit has been issued by the city manager; however, nothing in this section shall be construed to prevent the peaceful assembly of any group for orderly expression or communication between those assembled.
 - 1. No parade of vehicles or march of pedestrians or animals or combination thereof upon the streets or sidewalks of the city shall be allowed except as approved by the city manager. All holders of permits granted and approved by the city manager pursuant to this section shall indemnify and hold harmless the city in all respects against any and all claims and liabilities arising out of or related to the issuance of a special event permit.



Code of Ordinances

2. Any person denied a special event permit under this section may appeal to the city council at the next regularly scheduled meeting.

C. *Permit application.* Applications for a "special event" permit authorized by this section that require the closure of a public street, sidewalk or other city facility shall be submitted to the city manager not less than 60 days before the parade or event is proposed to commence, excluding recognized holidays, on a form provided by the office of the city manager and shall contain the following information:

1. Name, address, and telephone number of the person, organization or entity seeking to conduct or sponsor the event.
2. Name, address, and telephone number of the individual contact person in charge of the event.
3. The proposed date and time period when the event will be conducted.
4. The estimated number of people expected to attend the event.
5. Sufficient proof of liability insurance in accordance with the city's standard requirements.
6. Any other information determined by the city manager to be necessary to insure compliance with these provisions.
7. A sketch map showing;
 - a. The area where the event is to take place.
 - b. Names of any streets to be closed or obstructed.
 - c. Location of any barriers or traffic control devices that will be erected.
 - d. Location of any concession stand, booth, or other temporary structures or facilities.
 - e. Location of any proposed fences, stands, platforms, benches or bleachers.
8. The number and type of animals included as part of the event, if applicable. Approval of animals involved in any special event is subject to 66-13.M, and the animals' location must be specified on the sketch map.

Applications for a "special event" permit as authorized by this section not requiring the closure of a public street or sidewalk shall be submitted to the city manager not less than two working days before the parade or event is proposed to commence, excluding recognized holidays, on a form provided by the office of the city manager and shall contain the items listed above, excluding subsections (5), (7)b. through e., and (8).

Applications must be accompanied by an application fee, shall be set forth in the schedule of taxes, fees and charges of the annually adopted Budget Ordinance for the City of Brevard, before being reviewed and considered.

- D. *Permit revocation.* Upon violation of the terms of a permit issued under this section by the applicant or participants the city manager and/or the chief of police or his designee is authorized to revoke the permit and direct those participating to disperse.
- E. *Staff review.* Upon receipt of the permit application, it shall be circulated to the chief of police, fire chief, public works director, and other appropriate persons for their comment. The city manager may require a conference on the application between the applicant and one or more department heads.
- F. *Insurance requirement.* The city manager shall require as a condition precedent or subsequent to the issuance of the permit that the applicant obtain a comprehensive general liability insurance policy providing coverage that includes the entire area described in the permit for events requiring the closure of a public street, sidewalk or city facility. If such a policy is required, under the provisions of this section, the city shall be named as an



Code of Ordinances

additional insured on the policy. A certificate of insurance shall be provided to the city as proof of coverage. Such policy shall conform to the minimum coverage requirements as set forth by the city manager.

- G. Fees; costs incurred by the city.** If the city is requested to provide extraordinary services or equipment or the city manager determines that extraordinary services or equipment for reasons related to protection of the public health and safety, he/she may require the applicant to pay to the city a fee sufficient to reimburse it for the costs of any extraordinary services or equipment provided to the event unless sufficient funding has been included in the city budget as adopted by city council.
- H. Standards for issuance of permit.**
1. The city manager shall issue the permit authorizing the "special event" unless it is found that:
 - a. Insufficient funding and/or resources necessary to provide extraordinary services or equipment for the event are not available; or
 - b. The event will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the city; or
 - c. The applicant has failed to obtain any necessary permits or licenses, including any required building permit or privilege license; or
 - d. The applicant is in violation of any city ordinance; or
 - e. The applicant fails to obtain liability coverage and show proof of said insurance as required by the city; [or]
 - f. The event will create a severe hardship on persons occupying property adjacent to the site, location, or route of the event as a result of the denial of access to property; or
 - g. The event, if held at the time or at the location or along the route proposed will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or
 - h. The applicant has failed to comply with any of the provisions of the special events ordinance, including but not limited to payment of any required fees and costs; or
 - i. A special events permit has previously been applied for or issued for substantially the same location and time requested in the application.
 2. In considering the matters listed above and the question of whether or not to issue the permit, the public safety and health shall be given paramount importance.
- I. Conditions upon issuance of permit.** If a permit is issued the city manager may attach any reasonable conditions that serve to promote the protection of the public safety and health. Any event held pursuant to a permit issued under this section shall be conducted within the applicable terms including any attached conditions.
- J. Right of appeal.** If the city manager denies or revokes a special event permit this action shall be final unless the applicant or permit holder files, within three working days, a written appeal with the city clerk. Such written appeal will be placed for consideration by city council at its next regularly scheduled meeting. The city council shall review the matter and its decision shall be final.
- K. Street closing.**
1. The city manager is authorized to permit the temporary closing of a street or other public right-of-way except as otherwise provided for in subsection (I) below if the provisions of the section are adequately complied with. Any temporary closing of a street or part thereof owned and/or maintained by the State of North Carolina shall require concurrence by the N.C. Department of Transportation.



Code of Ordinances

The city manager may only permit the temporary closing of any portion of U.S. Highway 64, US Highway 64 Business, U.S. Highway 276, SR 1349 (West Main Street) for city recognized special events. An event shall be considered to be city recognized upon the adoption of a resolution by city council making such designation. In order to qualify for recognition an event must have received a commitment of funding and/or resources from the city for any necessary public safety and traffic control measures prescribed by the city manager for the special event.

2. The city clerk shall, by any adequate means, notify persons occupying property abutting the street where the event is to take place as soon as possible once a permit is issued.
- L. *Temporary parking restrictions.* The chief of police, or his duly appointed representative, is authorized to prohibit, on a temporary basis, the parking of vehicles under the following circumstances:
 1. Along permitted parade routes or on streets closed pursuant to the issuance of a special events permit for a period of two hours before any special event begins, during the entire event and up to one hour after the completion of the event.
- M. *Permit for special events involving animals.* No special event in which animals are involved shall be conducted without a special permit from the city manager. The city manager shall require a bond in the amount of \$50.00 (where five or less animals are involved) or \$100.00 (where more than five animals are involved), which will provide that the person obtaining the special permit will be responsible for cleaning the city streets or property after the parade, exhibition, demonstration or experiment. All holders of special permits granted and approved by the city manager pursuant to this section shall indemnify and hold harmless the city in all respects against any and all claims and liabilities arising out of or related to the behavior of such animals or issuance of such a special permit.
- N. *Animals prohibited.* It shall be unlawful for any person to have or keep any animal at any event requiring the issuance of a special event permit except as otherwise provided within this section.
- O. *Permit for special event involving the sale and consumption of alcoholic beverages.* No special event in which the sale and consumption of alcoholic beverages shall be conducted without a special permit from the city manager or the administrator, pursuant to Chapter 42 Article I of the Brevard City Code.
 1. Special event permit holders shall submit an operational plan demonstrating the procedures and practices that will be employed to assure such compliance with all applicable regulations as set forth in Brevard City Code and the North Carolina General Statutes. Such plan shall specifically address the prevention of the sales of alcohol to minors, and the methods that will be employed to contain the consumption of alcohol within the designated area.
 2. For special events, the sales and consumption of malt beverages and unfortified wine, but no other alcoholic beverages, shall be as authorized on the permit; provided, however, that no such sales shall be allowed earlier or later than during the city permitted timeframe of the festival.
 3. The administrator shall have the discretion to withhold approval of permits for the sales and consumption of alcohol associated with future special events, when the permit holder has failed to demonstrate compliance with all applicable laws of the City of Brevard and the State of North Carolina pertaining to the sales and consumption of alcoholic beverages in the operation of previous events.

(Ord. No. 4-03, § 1, 4-21-03; Ord. No. 24-04, § 1, 11-1-04; Ord. No. 12-2011, § 6(Exh. F), 6-20-11, eff. 7-1-11; Ord. No. 2022-74, 11-21-22)

Cross reference(s)—Animals and fowl, [CHAPTER 14](#).



66-14—66-40. Reserved.

ARTICLE II. OFFICIAL TRAFFIC CONTROL DEVICES

66-41. Obedience generally; signs required for enforcement of certain provisions.

- A. The driver of any vehicle shall obey the directions of any official traffic control device placed in accordance with the provisions of this chapter, subject to certain exceptions which are granted to the driver of any authorized emergency vehicle, unless otherwise directed by a police officer.
- B. No provision of this chapter which provides for signs or other devices shall be enforced against an alleged violator if, at the time and place of the alleged violation, such official sign or other device is not in proper position or is insufficiently legible or identifiable to an ordinarily observant person. Whenever a particular section does not stipulate signs, such section shall be effective without signs being placed to give notice thereof.

(Code 1980, § 16-20)

66-42. Stop and yield signs.

Whenever authorized signs are placed that indicate "stop" or "yield," the driver of the vehicle shall completely stop or shall yield the right-of-way, as the case may be.

(Code 1980, § 16-21)

66-43. No turn signs and turning markers.

Whenever authorized signs are placed which indicate that no right turn, left turn or U-turn is permitted, the driver of a vehicle shall obey the directions of any such sign. When authorized markers, buttons or other indications are placed within an intersection which indicate the course to be traveled by vehicles traversing or turning, the driver of a vehicle shall obey the directions of such indications.

(Code 1980, § 16-22)

State law reference(s)—Powers of city as to turning at intersections, G.S. 20-153(c).

66-44. No parking zone and safety zone markers.

Whenever authorized signs or markings are placed which indicate no parking zones or safety zones, the driver of a vehicle shall obey such regulatory indications.

(Code 1980, § 16-23)

66-45. Zone of quiet.

Whenever authorized signs are placed which indicate a zone of quiet, the persons operating a motor vehicle within any such zone shall not sound the horn or any other warning device of the vehicle, except in an emergency.

(Code 1980, § 16-24)

66-46. Reserved.



Ord. No. 2018-29, § 1(Att. A), adopted Oct. 8, 2018, repealed § 66-46, which pertained to play streets and derived from the Code 1980, § 16-25.

66-47. School zones.

Whenever authorized signs are placed which prescribe any street or part thereof as a school zone, drivers of motor vehicles using the street or part thereof shall exercise the greatest care, for the protection of children.

(Code 1980, § 16-26)

66-48—66-70. Reserved.

ARTICLE III. OPERATION OF VEHICLES

66-71. Stop before entering through street.

Those streets and parts of streets described in [SCHEDULE X](#), which is made a part of this article, are hereby declared to be through streets for the purpose of this section. When stop signs are placed upon highways which intersect a through street, the driver shall bring his vehicle to a stop before entering the intersection, and he shall not proceed into or across the through street until he has first determined that no conflict with traffic will ensue.

(Code 1980, § 16-30)

66-72. Stop before entering certain intersections.

Certain intersections described in [SCHEDULE XI-A](#), [SCHEDULE XI-B](#), [SCHEDULE XI-C](#) which is made a part of this article, are hereby declared to be stop intersections when entered from the streets last named. When stop signs are placed at such intersections, every driver of a vehicle shall stop before entering the intersection, and he shall not proceed into or across the through street until he has first determined that no conflict with traffic will ensue.

(Code 1980, § 16-31)

66-73. Yield right-of-way before entering certain intersections.

Those intersections described in [SCHEDULE XII](#), which is made a part of this article, are hereby declared to be yield right-of-way intersections when entered from the streets last named. Where proper signs are placed, erected or installed at such intersections, no driver of a vehicle shall enter or cross such intersections until he has first determined that no conflict with traffic will be involved.

(Code 1980, § 16-32)

66-74. Intersections controlled by official traffic signals.

Those intersections described in [SCHEDULE XIII](#), which is made a part of this article, are hereby declared to be intersections to be controlled by official traffic signals, with which signals the drivers of all vehicles and all pedestrians shall comply.

(Code 1980, § 16-33)



66-75. Stop when traffic obstructed.

No driver shall move his vehicle across an intersection, or a marked crosswalk, unless he knows that there is sufficient space on the other side of the intersection or crosswalk to accommodate his vehicle without obstructing the passage of other vehicles or pedestrians, although a traffic control signal may be indicating his right to proceed.

(Code 1980, § 16-34)

66-76. One-way streets.

Upon certain streets, described in [SCHEDULE XIV](#), which is made a part of this article, vehicular traffic shall move only in the direction indicated by traffic signs during the times indicated.

(Code 1980, § 16-35)

State law reference(s)—One-way traffic, G.S. 20-165.1.

66-77. Driving through funeral procession.

No vehicle shall be driven through a funeral procession, except fire department vehicles, police vehicles and ambulances, and only if such vehicles are responding to calls.

(Code 1980, § 16-36)

66-78. Left turns.

In making left turns at street intersections, all traffic, when approaching an intersection, shall keep close to the centerline of the street, and the left turn shall be made beyond the center of the intersection as may, or may not, be indicated by buttons, markers or other directing signs, and the vehicle shall proceed in the new direction along the right-hand lane, except for certain intersections which may be expressly designated by the city.

(Code 1980, § 16-37)

66-79. No right or left turn intersections; right turn only intersections.

- A. No vehicle shall make a left turn at any street intersection described in [SCHEDULE XV](#), which is made a part of this article.
- B. No vehicle shall make a right turn at any street intersection described in [SCHEDULE XVI](#), which is made a part of this article.
- C. All vehicles shall make a right turn only at any street intersection described in [SCHEDULE XXIX](#), which is made a part of this article.

(Code 1980, § 16-38)

66-80. Turning around at intersection; U-turns.

No driver shall turn any vehicle and proceed in the opposite direction at any street intersection described in [SCHEDULE XVII](#), which is made a part of this article. Further, no driver shall make a U-turn on any portion of any street described in [SCHEDULE XXIX](#), which is made a part of this article.

(Code 1980, § 16-39)



66-81. Limitations on backing.

The driver of a vehicle shall not back it into any intersection, or over a crosswalk, nor shall he back it otherwise unless such movement can be made in safety, and unless ample warning has been given by hand and horn or other signal.

(Code 1980, § 16-40)

66-82. Emerging from alley or private driveway.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to reaching the sidewalk, or the sidewalk areas extending across any alleyway, and, upon entering the roadway, he shall yield the right-of-way to all vehicles approaching on the roadway.

(Code 1980, § 16-41)

66-83. Riding bicycle or motorcycle without hands on handlebars; riding bicycle on sidewalk.

- A. No person shall ride a bicycle or motorcycle on any street without having his hands on the handlebars, nor shall any person ride a bicycle upon any sidewalk or walkway within the business district of the city.
- B. For purposes of this section, the business district shall include those streets within the area bounded by Probart Street on the north, Gaston Street on the east, Morgan Street on the south and England Street on the west.

(Code 1980, § 16-42)

Cross reference(s)—Streets, sidewalks and other public ways, [CHAPTER 62](#).

66-84. Clinging to moving vehicles.

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates or toy vehicle shall not attach the vehicle, or himself, to any public conveyance or other moving vehicle upon any roadway.

(Code 1980, § 16-43)

66-85. Use of coasters, roller skates and similar devices.

- A. No person on roller skates, roller blades or skateboards or riding on any coaster, toy vehicle or similar device shall go upon any granolithic or paved sidewalk within the business district.
- B. For purposes of this section, the business district shall include those streets within the area bounded by Probart Street on the north, Gaston Street on the east, Morgan Street on the south and England Street on the west.

(Code 1980, § 16-44)

66-86. Driving through street barricades.

No person shall drive any vehicle of any kind into or upon any alley or street which has been barricaded by the city or under authority from the city.

(Code 1980, § 16-50)

Cross reference(s)—Removal of barricades or warning lights prohibited, [§ 62-34](#).



66-87. Speed limits.

- A. It shall be unlawful for any person to operate a vehicle on a street or highway within the city at a speed greater than is reasonable and prudent under the conditions then existing.
- B. Unless otherwise provided in this section, it shall be unlawful to operate any vehicle in excess of the following speeds:
 - 1. Twenty miles per hour in any business district.
 - 2. Thirty-five miles per hour in any residential district.
- C. Notwithstanding subsection 66-87.B, it shall be unlawful to operate any vehicle in excess of the following speeds:
 - 1. Twenty miles per hour on the streets or portions of streets described in [SCHEDULE XVIII-B](#), which is made a part of this article.
 - 2. Twenty-five miles per hour on the streets or portions of streets described in [SCHEDULE XIX](#), which is made a part of this article.
 - 3. Thirty miles per hour on the streets or portions of streets described in [SCHEDULE XX](#), which is made a part of this article.
 - 4. Thirty-five miles per hour on the streets or portions of streets described in [SCHEDULE XXI](#), which is made a part of this article.
 - 5. Forty, forty-five, fifty or fifty-five miles per hour on the streets or portions of streets described in [SCHEDULE XXII-A](#), [SCHEDULE XXII-B](#), and [SCHEDULE XXII-C](#) respectively, which is made a part of this article.
 - 6. Fifteen miles per hour on the streets or portion of streets described in [SCHEDULE XXVIII](#), which is made a part of this article.

(Code 1980, § 16-52; Ord. No. 1-97, §§ 1—3, 1-6-97)

State law reference(s)—Power of city as to speed limits, G.S. 20-141(e).

66-88. Temporary closing of street intersections.

Those intersections described in [SCHEDULE XXX](#), which is made part of this article, are hereby declared to be intersection to be controlled by official traffic signs and gates with which the drivers of all vehicles shall comply.

(Ord. No. 29-04, § 1, 11-15-04)

66-89. Streets closed to semi-truck/tractor-trailer rig traffic.

Upon certain streets, as described in [SCHEDULE XXXI](#), which is made a part of this article, semi-truck/tractor-trailer rig traffic is prohibited; provided, however, that semi-trucks/tractors, which are not connected to a semi-trailer, are not prohibited. A semi-truck/tractor-trailer rig is a combination-type vehicle, including, but not limited to, a five-axle tractor with a 45-foot semi-trailer and three-axle tractor with 27-foot semi-trailer.

(Ord. No. 2014-14, § 01, 8-18-14)

66-90—66-110. Reserved.



ARTICLE IV. STANDING, STOPPING AND PARKING

66-111. Parking for certain purposes prohibited.

It shall be unlawful for any person to stand or park a vehicle upon any street for the principal purpose of:

- A. Displaying a vehicle for sale.
- B. Washing, greasing or repairing a vehicle, except repairs necessitated by an emergency.
- C. Storage of a vehicle by a garage, dealer or other person.
- D. Storage of any detached trailer or van when the towing unit has been disconnected.
- E. Transferring merchandise or freight from one vehicle to another.
- F. Advertising.

(Code 1980, § 16-60)

66-112. Parking prohibited in specified places.

It shall be unlawful for any person to stop, stand or park a vehicle, except when conflict with other traffic is imminent or when so directed by a police officer or traffic control device, in any of the following places:

- A. On a sidewalk.
- B. Within an intersection.
- C. On a crosswalk.
- D. Within 30 feet of any flashing beacon, stop sign or traffic control signal located at the side of a street or roadway.
- E. On either side of any street leading to a railroad or other underpass, or an overhead bridge, within 50 feet in any direction of the outer edge of such underpass or overhead bridge.
- F. On either side of any street leading to a grade crossing, within 50 feet of the closest rail; provided, where existing permanent structures are located closer than 50 feet, parking may be permitted in front of such structure unless otherwise prohibited and if such parking does not block the view in either direction of the approach of a locomotive or train.
- G. Alongside or opposite any street excavation or obstruction, if the stopping, standing or parking would obstruct traffic.
- H. Upon any bridge or other elevated structure or within any underpass structure.
- I. Within 15 feet in either direction of the entrance to a hotel, theater, hospital, sanatorium or any public building.
- J. On the roadway side of any vehicle stopping, standing or parking at the edge or curb of a street.
- K. Within 15 feet of any fire plug or hydrant.
- L. Within 15 feet of any street corner.

(Code 1980, § 16-61)

State law reference(s)—Parking in front of fire station, fire hydrant or private driveway, G.S. 20-162; parking within one block of fire, G.S. 20-157(b).



66-113. Stopping in street.

No vehicle shall be stopped in any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of fire apparatus, by the approach of a funeral or other procession which is given right-of-way, by the stopping of a public conveyance, by the lowering of railway gates, by being given countermanding traffic signals, by the passing of some other vehicle or a pedestrian, or by some emergency. In all cases covered by these exceptions, the vehicle shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if it can be avoided.

(Code 1980, § 16-62)

State law reference(s)—Stopping on highway, G.S. 20-161.

66-114. Obstructing passage of other vehicles.

It shall be unlawful for any person to allow any vehicle to park or stand on any street or road surface so as to interrupt, or interfere with, the passage of any fire truck or other emergency vehicle, public conveyances or other vehicles.

(Code 1980, § 16-63)

66-115. Method of moving cars from parked position.

Parked cars shall move out in the direction headed, or, if they are parked at an angle with the curb, they shall back out at that angle until they have cleared the other cars and shall then proceed in the direction they are most nearly headed in.

(Code 1980, § 16-64)

66-116. Moving vehicle of other operator into prohibited area.

It shall be unlawful for any person to move a vehicle not owned by himself or lawfully in his charge into any prohibited area, or sufficiently away from a curb to make the distance unlawful.

(Code 1980, § 16-65)

66-117. Parking parallel to curb.

Where not otherwise indicated by this article, all vehicles shall be parked parallel to the curb and not more than 12 inches therefrom.

(Code 1980, § 16-66)

66-118. Parking at angle to curb.

Vehicles shall be parked at an angle of approximately 45 degrees to the curb and with one of the front wheels within 12 inches of the curb on the streets enumerated in [SCHEDULE VIII](#), which is made a part of this article.

(Code 1980, § 16-67)

66-119. Vehicles backed up to curb.



In no case shall a vehicle remain backed up to the curb, except when actually being loaded or unloaded.

(Code 1980, § 16-68)

66-120. Stopping with left side to curb prohibited.

No vehicle shall be stopped with its left side to the curb or edge of the street.

(Code 1980, § 16-69)

66-121. Vehicles to be parked within marked space.

On any street which is marked off with lines or markers indicating the parking space for vehicles, the vehicles shall be parked entirely within the area designated by such lines or markers.

(Code 1980, § 16-70)

66-122. No parking areas.

When signs are placed which prohibit parking, or when the curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any of the streets or designated places described in [SCHEDULE I](#), which is made a part of this article.

(Code 1980, § 16-71)

66-123. Parking prohibited during certain hours in designated places.

When signs are placed in certain streets, no person shall park a vehicle between the hours of 1:00 a.m. and 6:00 a.m. upon any of the streets described in [SCHEDULE II](#), which is made a part of this article; provided, this section shall not apply to vehicles, the owners of which are at work in the building or on the premises near which the vehicles are parked.

(Code 1980, § 16-72)

66-124. Two-hour parking zones.

When signs are placed in certain streets, no person shall park a vehicle for longer than two hours, at any time between the hours of 9:00 a.m. and 6:00 p.m., on any day except Sundays and public holidays, upon any of the streets described in [SCHEDULE III](#), which is made a part of this article. A change of position of the vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

(Code 1980, § 16-73)

66-125. One-hour parking zones.

When signs are placed in certain streets, no person shall park a vehicle for longer than one hour, at any time between the hours of 6:00 a.m. and 6:00 p.m., on any day except Sundays and public holidays, upon any of the streets described in [SCHEDULE IV](#), which is made a part of this article. A change of position of the vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

(Code 1980, § 16-74)



66-126. Fifteen-minute parking zones.

When signs are placed in certain streets, no person shall park a vehicle for longer than 15 minutes at any time upon any streets described in [SCHEDULE V](#), which is made a part of this article. A change of position of the vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

(Code 1980, § 16-75; Ord. No. 33-96, § 1, 9-3-96)

66-127. Ten-minute parking zones.

When signs are placed in certain streets, no person shall park a vehicle for longer than ten minutes at any time upon any streets or parts of streets described in [SCHEDULE VI](#), which is made a part of this article, between the hours of 9:00 a.m. and 6:00 p.m. on Mondays through Fridays, and between the hours of 8:00 a.m. and 12:00 noon on Saturdays.

(Code 1980, § 16-76)

66-128. Reserved spaces; loading zones; parking of buses and vehicles for hire.

- A. Those streets or parts of streets described in [SCHEDULE VII-A](#), [SCHEDULE VII-B](#) and [SCHEDULE VII-C](#), which is made a part of this article, shall be reserved for the specific purpose and at the exact location named therein, and no vehicle shall be parked therein, except those for which the space has been designated.
- B. Those streets or parts of streets reserved as loading zones and described in [SCHEDULE VII-B](#) shall be used only for the purpose of loading and unloading goods, wares, merchandise or commodities on and from motor vehicles unless the type loading zone clearly indicates otherwise.
- C. In addition, no bus, taxicab or vehicle for hire shall park on any street in a place other than that which has been designated for such purpose and no bus shall stop or stand on any street except in a designated bus stop.

(Code 1980, § 16-77)

66-129. Parking of more than two taxicabs within same block.

Not more than two taxicabs, owned by the same company, shall be parked in one block at the same time, except if parked in established taxistands.

(Code 1980, § 16-78)

66-130. Use of taxistands.

Private vehicles, or other vehicles for hire, shall not at any time occupy any space upon a street which has been established as an open stand for taxicabs.

(Code 1980, § 16-79)

Cross reference(s)—Taxicabs, § 78-31 et seq.

66-131. Truck parking.

- A. No truck exceeding three-fourths ton capacity shall park for longer than two hours at any one time on any streets or parts of streets described in [SCHEDULE IX](#), which is made a part of this article.



Code of Ordinances

- B. No truck exceeding three-fourths ton capacity shall at any time park on any street other than those described in [SCHEDULE IX](#), which is made a part of this article, except for the purpose of loading or unloading.

(Code 1980, § 16-80)

66-132. Handicapped parking.

It shall be unlawful to park or leave standing any vehicle in a space designated for physically handicapped persons when such vehicle does not display the distinguishing license plate or placard as provided in G.S. 20-37.6, where appropriate aboveground signs or symbols and words giving notice thereof are erected marking the designated parking space. The punishment for violation of this section shall not exceed a fine **as set by the City of Brevard fee schedule** of ~~\$10.00~~ and the prima facie rule of evidence set forth in G.S. 20-162.1 shall apply. The parking spaces designated for handicapped parking are described in [SCHEDULE XXVII](#).

(Code 1980, § 16-81)

66-133. Overtime parking prohibited; exceptions for persons serving on jury.

It shall be unlawful and a violation of the provisions of this article for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime, or beyond the period of legal parking time established for any space **or parking lot** designated for parking, either upon a public road or street or public parking lot.

(Code 1980, § 16-82; Ord. No. 2022-52, § 1(Exh. A), 8-15-22)

66-134. All day parking.

Those areas described in [SCHEDULE XXVIII](#), which is made a part of this article, are hereby declared to be all day parking areas.

(Ord. No. 13-06, § 4, 8-7-06)

66-135. Long-term parking prohibited.

It shall be unlawful and a violation of the provisions of this article for any person to cause, allow or permit any privately owned vehicle or trailer to be parked more than 24 consecutive hours within any municipal parking lot of the city. Moving a vehicle between spaces within the same lot for the purpose of circumventing this ordinance shall constitute a violation of this section.

(Ord. No. 2022-52, § 1(Exh. A), 8-15-22)

STAFF REPORT

City Council, Monday, October 2, 2023

Title: Proposed Amendment to City of Brevard Code of Ordinances, Chapter 2 - Duties of Mayor

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

At the August 7, 2023 meeting, Council agreed to have staff look at the various texts governing appointments to policy boards, advisory boards, and external boards. At the September 5, 2023 meeting, the Council received a presentation from staff on the Code of Ordinance language governing mayor and council appointments, along with a draft revision to the ordinance clarifying each's appointment responsibilities. The Council agreed to hold a public hearing on the revision at tonight's meeting.

Discussion

Attachment 1 summarizes the relevant sections of all official materials that speak to appointments: the city charter, the city Code of Ordinances, establishing resolutions, and the bylaws of external bodies to which the city appoints a member.

With regard to appointments to external groups, the bylaws of the TC Tourism Development Authority and Transylvania Economic Alliance specifically endow the City Council with the appointing authority. The bylaws of Heart of Brevard and Transylvania Chamber of Commerce only ask that the city appoint a representative, but are silent as to the method of appointment. The Council can clarify/codify its appointment procedures for Heart of Brevard and Chamber of Commerce via resolution.

However, if the Council wishes to amend the appointment procedure for "such committees as approved by Council" (e.g. internal committees), it will need to pass an amendment to the Code of Ordinances along with a new resolution superseding Res. 2022-40. The proposed Code of Ordinance amendment is included in attachment 2 and the resolution as attachment 3.

Action

For information and Public Hearing only. Per Council's process, this revision to the Code of Ordinance will be put up for vote at the October 16, 2023 meeting.

Attachments:

1. Board and comms. appointment table
2. Ordinance 2023-XX Amend Chapter 2, Section 34 Duties of Mayor
3. Resolution 2023-XX Updating the appointment procedure

CITY BOARDS AND COMMITTEES			
DOCUMENT	TEXT re: appointments	DATE	NOTE
City Charter	None ^{See note}	????	The Charter contains the following language: “The Mayor shall be the official head of City government, shall preside at all meetings of the City Council, and shall have the powers and duties of Mayor as prescribed by this Charter and the General Statutes.”
Code of Ordinances	“It shall be the duty of the mayor to: E. Appoint such committees as approved by the council.”	1980	
Public Works Committee establishing resolution (2015-12)	“[C]ommittee shall be composed of two City Council members, one to serve as Chair and the other as Vice Chair, with the Mayor appointing the Chair and Vice-Chair of the Committee.”	2015	
Public Safety Committee establishing resolution (2015-13)	Same	2015	
Parks, Trails Committee establishing resolutions (2015-14, 2015-21)	Same	2015	
Finance and HR Comm establishing resolution (2015-15)	Same	2015	
Downtown Master Plan Comm. establishing resolution (2015-16, 2015-21, 2017-04)	Same	2017	
Housing Trust Fund Selection Comm. establishing ordinance and resolutions (Ord. 2012-02, Res. 2016-19, 2019-03, 2021-07)	See note	2021	Ord. 2012-02 and Resolutions 2016-19, and 2019-03 contain no “whereas” sections specifying <i>who</i> makes the appointments. However, each resolution contained a “be it resolved” section with the language “Brevard City Council approved the appointment of Council Member _____” Housing Trust Fund Selection Committee was renamed Housing Committee in Res. 2022-40 and made subject to Policy Committee appointment procedure described therein.
Rosenwald Community Advisory Board establishing resolution (2021-23)	None	2021	

“Resolution updating the structure of Brevard City Council Committees.” (2022-40)	Therefore be it resolved that... 5.) Policy Committees are reconstituted as appointed by the Mayor in consultation with the full Council and one citizen member appointed by the City Council.	2022	Resolution also contains the following language: “Therefore be it resolved that... 11.) The provisions of this resolution supersede the related provisions of the [above] resolutions. Unaffected provisions of the [above] resolutions remain in effect.” This applies the appointment provision described in clause 5.) to Public Works, Public Safety, Finance/HR, and Housing policy committees.
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EXTERNAL BOARDS AND COMMITTEES			
DOCUMENT	TEXT re: appointments	DATE	NOTE
Tourism Development Authority bylaws	Members: Section 4, E.) “One individual appointed by the Brevard City Council.” Terms: “[The member as established by section 4.E] shall be appointed by their respective boards and shall serve at the pleasure of the appointing board.”	2022	
Transylvania Chamber of Commerce bylaws	“Representatives shall be chosen annually by each organization and submitted to the President by December 1.” ^{See note}	????	
Transylvania Economic Alliance bylaws	“One (1) member appointed by the City Council of the City of Brevard.”	????	
Heart of Brevard bylaws	“One director shall hold office by virtue of their position with the City of Brevard.”	????	

ORDINANCE NO. 2023-XX

**AN ORDINANCE AMENDING CHAPTER 2 SECTION 34 OF THE
BREVARD CODE OF ORDINANCES**

WHEREAS, Chapter 2, Section 34, “Duties of Mayor” endows the mayor with certain duties as permitted by City Charter and NC General Statutes; and

WHEREAS, subpart E reads “Appoint such committees as approved by the Council”; and

WHEREAS, the City Council of the City of Brevard wishes to have the ability to approve such appointments, and codify that ability in ordinance.

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

The following amendment is made to Chapter 2, Section 34, of the Code of Ordinances of the City of Brevard:

“It shall be the duty of the mayor to:

- a.) Preside over all meetings of the council.
- b.) Vote in the case of an equal division of the council.
- c.) Keep himself informed as to all matters affecting the government of the city.
- d.) Sign all ordinances enacted by the council.
- ~~e.) Appoint such committees as approved by the council.~~
- e.) Recommend appointment of council members to serve on committees and boards, subject to approval by vote of City Council.
- f.) Perform such other duties as the laws of the state, the city Charter, the ordinances of the city and nature of the office may require.”

The change shall take affect immediately upon its ratification.

Approved and adopted this ____ day of _____, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

RESOLUTION NO. 2023-XX

RESOLUTION UPDATING THE APPOINTMENT PROCEDURE FOR BREVARD CITY COUNCIL COMMITTEES AND OTHER BODIES ON WHICH CITY COUNCIL MEMBERS SERVE

WHEREAS, in Fall 2022 the City of Brevard City Council held a work retreat to reform its committee structure; and

WHEREAS, the reforms were memorialized in Resolution 2022-40 which took effect in December 2022; and

WHEREAS, the provisions of the Resolution 2022-40 superseded the related provisions of the resolutions listed below:

- a. Public Works and Utilities, Resolution 2015-12
- b. Public Safety, Resolution 2015-13
- c. Parks, Trails, and Recreation, Resolutions 2015-14, 2015-21
- d. Finance and Human Resources, Resolution 2015-15
- e. Downtown Master Plan, Resolutions 2015-16, 2015-21, 2017-04
- f. Housing Trust Fund Selection Committee, Ordinance 2012-02, and Resolutions 2016-19, 2019-03, 2021-07
- g. Rosenwald Community Advisory Board, Resolution 2021-23; and

WHEREAS, in August 2023 the City Council asked to revisit Section 5 of Resolution 2022-40 that read the Public Works and Utilities, Public Safety, Finance and Human Resources, and Housing Trust Fund Selection committees “are reconstituted to have three voting members: two members of City Council as appointed by the Mayor in consultation with the full Council, and one citizen member appointed by the City Council.”

WHEREAS, the City Council also asked to revisit and clarify the procedures for appointing City Council members the Parks, Trails, and Recreation; Downtown Master Plan; and Rosenwald Community Advisory Board committees; and

WHEREAS, the City Council also asked to revisit and/or clarify the procedures for appointing City Council members and other city representatives to the Transylvania County Tourism Development Authority, the Transylvania County Chamber of Commerce, the Transylvania Economic Alliance, the Heart of Brevard, the Land of Sky Regional Council, the Transylvania County Transportation Advisory Committee, and the Community Relations Board; and

WHEREAS, the City Council wishes to amend the appointment procedures so that it has final appointment authority over all aforementioned committees; and

WHEREAS, in conjunction with this resolution the City Council has approved changes to the Brevard Code of Ordinances removing appointment authority from the “Duties of Mayor” article.

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

1.) Section 5 of Resolution 2022-40 is hereby amended to read:

“Policy Committees are reconstituted to have three voting members: two members of City Council as recommended by the Mayor and approved by vote of the full City Council, and one citizen member appointed by vote of full City Council. The citizen member shall be a resident of Brevard.”

2.) Unaffected provisions of the below resolutions remain in effect:

- a. Resolution updating the structure of Brevard City Council Committees (2022-40)
- b. Public Works & Utilities (2015-12)
- c. Public Safety (2015-13)

- d. Parks, Trails & Recreation (2015-14, 2015-21)
- e. Finance and Human Resource (2015-15)
- f. Downtown Master Plan (2015-16, 2015-21, 2017-04)
- g. Housing Trust Fund Selection Committee (2016-19, 2019-03, 2021-07, and Ordinance 2012-02)
- h. Rosenwald Community Advisory Board (2021-23)

Approved and adopted this __ day of _____, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

DRAFT

STAFF REPORT

City Council, Monday, October 2, 2023

Title: Property Tax Releases - September, 2023

Speaker:

Prepared by: Tina Tanner, Tax Collector/Water/Finance

Approved by: Dean Luebbe, Assistant City Manager/Finance Director

The City of Brevard has been notified by the Transylvania County Tax Administration of the following releases from the tax scroll of the City of Brevard.

The governing body of the City of Brevard is required by General Statute to approve these releases and instruct the Tax Collector to remove these properties values from the city tax records.

General Statute 105-381

(b) Action of Governing Body.--Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct tax liability or notify the taxpayer in writing that no release or refund will be made.

A finance officer, manager, or attorney to whom this authority is delegated shall monthly report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body. If a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in his annual settlement.

Release Amount for September 2023: \$314.23

Recommendation: Approve resolution to release values from the tax scroll

Attachments:

1. 09 Resolution Tax Releases September 2023

RESOLUTION 2023-XX

A RESOLUTION APPROVING PROPERTY TAX RELEASES

WHEREAS, The City of Brevard has previously determined to collect property taxes for the City of Brevard and the Heart of Brevard and it is necessary to release the below shown amount from the city tax records.

BE IT NOW, THEREFORE, RESOLVED THAT:

The Tax Collector is hereby authorized to remove September 2023 property values from the tax scroll in the amount of:

2023: \$ 314.23

Adopted this the 2nd day of October, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, October 2, 2023

Title: Award Contract for Engineer Selection Services to AECOM

Speaker: Dean Luebbe, Asst. City Manager/Finance Director

Prepared by: Dean Luebbe, Assistant City Manager/Finance Director

Approved by: Wilson Hooper, City Manager

Background

Last spring, the City Council named Wastewater Treatment Plant (WWTP) as one of its top priorities for the FY23/24 fiscal year. The current WWTP is reaching its capacity and utilizes an old-fashioned treatment method that is no longer the standard of the industry. Council included \$150,000 for professional services related to designing and engineering the new plant in the FY23/24 budget.

Discussion

The next step in the project is to find a firm to make a recommendation as to what kind of treatment plant Brevard needs. The firm will do this by assessing the area's future wastewater needs, its physical environment, and regulatory restrictions. The document it will put together, called a professional engineering report (or PER), will be the lodestar for staff's next decade of work. It will be the model Brevard uses to design the plant, apply for permits, seek funding, and guide staff's work for the foreseeable future. The relationship between the city and this firm is of critical importance. What's more this firm must also be selected competitively in order for its work to be eligible for state and federal funding. For a project of this scope, the PER firm's work is likely to cost hundreds of thousands of dollars.

Staff does not have the capacity or the technical ability to conduct a comprehensive selection process for the PER firm on its own. To find a quality firm, the solicitation document, advertising strategy, and selection process should all be created/conducted by someone with deep industry knowledge. A selection process conducted by a professional firm will contain sufficient technical detail to separate the wheat from the chaff, and result in the selection of a highly qualified firm for the PER.

Therefore, staff wishes to hire the firm AECOM to lead the recruitment and selection effort of the PER firm. AECOM is an international infrastructure consulting firm with nearby offices in Charlotte, Raleigh, and Greenville, SC. After discussions with staff, they have offered a scope of work (attached) that leads the city through a comprehensive recruitment, interview, and selection process. To maintain trust in the quality and objectivity of their advice during this project, AECOM have agreed not to compete for the PER work.

Fiscal Impact

The proposed scope of work is divided into three phases, each with an assigned cost:

1. Development of Request for Qualifications (RFQ) for PER firm - \$25,000
2. Reviewing RFQ Submittals - \$10,000
3. Program management during PER phase - \$15,000

Staff have compared the pricing submitted by AECOM with other similar scopes of work and found it to be in line. Only AECOM submitted a formal quote, however, because other firms wished to submit qualifications and compete for the larger job.

Staff have asked to defer a decision on Phase 3 until after Phases 1 and 2 are complete, as the City wishes to have in-house resources capable of performing that type of work in place by that time. As mentioned above, money for these types of professional services was included in WWTP's FY23/24 budget.

Action

Staff are requesting Council approve a resolution authorizing the city manager to negotiate and execute an agreement with AECOM for engineer selection services.

Attachments:

1. AECOM RFQ Assistance Proposal
2. Resolution re AECOM RFQ assistance

1. Description of Project

On April 6, 2023 four AECOM engineers traveled to Brevard NC to meet with the City of Brevard (City) staff in regard to upcoming improvements to the City's wastewater treatment plant (Plant). Several of the City's wastewater staff, as well as the City Manager (Wilson Hooper), guided AECOM staff through the plant commenting on performance issues and other concerns that need to be addressed.

Following the plant walk AECOM met with City staff to discuss their need to develop a Request for Qualification (RFQ) that would be used to select the consulting engineer that will work with the City to develop a Preliminary Engineering Report (PER). The City Manager offered AECOM the opportunity to work with the City to develop this RFQ and assist with selection of the consulting engineer, with the understanding that AECOM will not be responding to the RFQ or future RFQs related to the wastewater treatment plant improvements design.

NOTE: The initial RFQ (Phase 1) will not include providing detailed design or construction support services associated with the needed wastewater treatment system improvements. Based on the performance of the engineering firm selected for the PER the City may choose to contract with that firm to perform the detailed design/construction support services or the City may choose to develop detailed design RFQ (Phase 2) for those services and select from firms that respond to the detailed design RFQ.

The City Manager, at the request of AECOM, agreed to also consider hiring AECOM to perform a program management role during the improvements project.

Following is a summary of AECOM's understanding of the scope of work offered to AECOM.

Scope of Work

1.1 TASK 1 – Development of Request for Qualifications for PER

AECOM will work with City staff to develop an RFQ for a PER that includes the following:

- Reviewing the growth projections, comparison of applicable alternatives, potential regulatory/permitting requirements associated with alternatives and recommendation of an alternative/technology. Alternative comparison is to include relative costs, implementation issues (land acquisition requirements, permitting, maintaining current wastewater operations, etc.)
- Minimum qualification of firms and team key members including prior experience of firms and team members on similar projects.
- Opinion of probable cost for the selected alternative.
- Anticipated schedule for implementation of the selected alternative.
- Alternatives that are based on a Design-Bid-Build approach for implementation.
- Description of firm's capability and past experience in assisting municipalities with obtaining federal/state funding for wastewater improvements in North Carolina. Including identifying current staff with this experience.
- Submittal a Draft PER for comment by the City in advance of submittal of the Final PER.

AECOM will also perform the following services:

- Develop the selection criteria against which responding firms will be graded. The capability of the firms to assist the City with obtaining federal/state funding will be part of the selection criteria.
- Determine the maximum number of pages allowed in the submittal.

- Assist the City with reviewing the RFQ submittals from the engineering firm.
- Assist City with providing responses to questions related to RFQ.
- Assist the City with evaluation of Short List presentations.
- Assist the City with negotiating the fee with the selected firm.

Assumptions

1. Attend no more than three (3) site visits.
2. Attend no more than four (4) virtual meetings.
3. Provide one draft RFQ and address the City's comments.
4. Provide the City with an Adobe PDF version of the RFQ for use by the City in soliciting submittals.

1.2 TASK 2 –RFQ Submittal Support

AECOM will assist the owner with review of RFQ submittals and answer any questions related to the RFQ's received. Ultimately, the selection and scoring of the most qualified consultant will be determined by City personnel.

Assumptions

1. RFQ's to be reviewed not to exceed eight firms.
2. One site visit will be required with no more than two AECOM in attendance for Short List Presentations.
3. Short List will not exceed three firms.
4. Attend two virtual meetings with no more than three AECOM staff in attendance.

1.3 TASK 3 – Program Management during PER phase of the design

AECOM will assist the City by reviewing the draft and final PER submittals.

Assumptions

1. AECOM will review the draft PER provided to the City and provide written comments.
2. AECOM will review the final PER provided to the City and provide written comments.
3. AECOM will attend two meeting, one for the draft PER and one for the final PER.

1.4 Compensation

Following is a breakdown of the estimated compensation for the scope outlined above:

- Task 1 – Development of RFQ for PER - \$25,000
- Task 2 - Reviewing RFQ Submittals - \$10,000
- Task 3 – Program Management during the PER phase - \$15,000.

1.5 Schedule

- Task 1 Development of Draft RFQ - 6 Week
- Task 2 Reviewing RFQ Submittals – 2 Weeks

RESOLUTION NO. 2023-XX

AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENTS WITH AECOM FOR ASSISTANCE WITH WASTEWATER TREATMENT PLANT RFQ

WHEREAS, on October 2, 2023 the Brevard City Council was presented with information, summarized in the affixed staff report, on the terms of a contract between Transylvania County and AECOM for the professional services related to the creation of a comprehensive Request for Qualifications for a professional engineering firm;

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 AECOM for the purposes described in the above referenced staff report.

Approved and adopted this ____ day of _____, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

MINUTES
City Council Parks, Trails, & Recreation Committee

Wednesday, August 16, 2023 at 3:30 PM
City Hall Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Aaron Baker, Vice-Chair, Council Member
Howie Granat, Citizen Member
Nancy DePippo, Citizen Member
Wyn Birkenthal, Citizen Member
J.D. Powers, Citizen Member (Arrived at 3:32 pm)
Reba Osborne, Citizen Member

Staff Present: Wilson Hooper, City Manager
Wesley Shook, Acting Public Works Director
Aaron Bland, Assistant Planning Director
Alex Shepherd, Assistant to the City Manager

Guests: Madeline Hanley, Resident

Media: Jon Rich, Transylvania Times

A. Welcome & Call to Order

Committee Chair Mac Morrow 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

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

D. Approval of Minutes from July 19, 2023 Meeting

Motion by Ms. DePippo, seconded by Ms. Osborne to approve the minutes of the July 19, 2023 meeting as presented. The motion carried unanimously.

E. Bracken Preserve Update

Mr. Hooper informed the committee that we are still in the process of closing the acquisition of the property owned by Conserving Carolina. We were \$30,000 short, and we have requested an extension from Conserving Carolina for our purchase deadline, which they have granted. We have also submitted a grant request of \$49,999 to the Tourism Development Authority (TDA) to help with the property purchase and fund trail construction. Mr. Hooper mentioned that the TDA committee will convene on Thursday, August 24th, at 8:30 am to vote on the grant. Assuming the TDA approves the grant, we will proceed with closing on the property and follow the next steps.

Mr. Granat communicated to the committee that there are pending pledges from key donors regarding the property's closing. He stated that once the TDA approves the grant, these pledges will be fulfilled. He added that the remaining funds will be allocated to address existing trail issues, including erosion, and to construct an easier climbing trail near the Music Center. This project involves obtaining an easement from the Center. Mr. Granat further noted that we are in ongoing collaboration with Waterford Place regarding the two plots of land that HomeTrust Bank intends to donate. Additionally, he announced that Brackenfest is scheduled for September 23, 2023, and we are currently distributing advertisements to raise awareness.

F. Ecusta Trail Update

Mr. Hooper provided an update on the Ecusta Trail, detailing a meeting he had with Henderson County, NCDOT, and the USDOT divisions for RAISE and NSFLTP. The focus of the meeting was on integrating the two grants. While specific details are still being worked out, there should be no challenges in implementing both grants for the trail. Furthermore, our staff is assessing the feasibility of using some of the match funding for trail amenities. He mentioned that Henderson County received only two bids for their part of the trail and, due to North Carolina law, must reopen bidding before construction can proceed. TPD will handle the trail's design and engineering and has submitted its scope to the State for review. We are currently collaborating with local partners who contributed to the local match to repurpose their pledges to cover engineering costs instead of construction expenses.

G. TYSA Update

Mr. Hooper communicated that our application for the PARTF Grant, intended for constructing the restroom building at the TYSA Soccer Complex, was not successful. However, if the NC General Assembly reaches an agreement on the state budget and endows the PARTF program, there is a possibility that our application might undergo a second review.

H. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee was scheduled for Wednesday, September 20, 2023 at 3:30 PM.

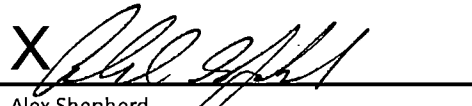
I. Adjourn

There being no further business, the meeting was adjourned at 4:18 pm.



Mac Morrow
Chair, Council Member

Minutes Approved: September 20th, 2023



Alex Shepherd
Assistant to the City Manager

MINUTES
City Council Public Safety Committee

Monday, August 28, 2023 – 3:30 PM
City Hall Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Maurice Jones, Vice-Chair, Council Member
Kevin Gallo, Citizen Member

Staff Present Wilson Hooper, City Manager
Tom Jordan, Police Chief
Bobby Cooper, Fire Chief (Arrived at 3:40 PM)
Alex Shepherd, Assistant to the City Manager
Becky McCann, Communications Coordinator
Aaron Thompson, Police Captain

Guests: Mayor Maureen Copelof
Residents: Linda Gallo, Monica Driscoll

A. Welcome & Call to Order

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

B. Certification of Quorum

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

C. Approval of Agenda

Mr. Gallo requested that two items be added to the agenda regarding 1) Traffic Calming on Probart St.; and 2) Parkview French Broad Intersection; 3.) Wilson Drive/E. Main Street/Greenville Highway Intersection. Motion by Mr. Jones, seconded by Mr. Gallo to approve the agenda as amended. The motion carried unanimously.

D. Minutes from June 26, 2023 Meeting

Motion by Mr. Jones, seconded by Mr. Morrow to approve the minutes of the June 26, 2023 meeting as presented. The motion carried unanimously.

E. Code Amendment re Parking Enforcement

Mr. Hooper explained that in this year's budget, they included a revision for a new parking enforcement system. To maximize its effectiveness, they need to update the city code to grant legal authority for enforcing parking citations.

Chief Jordan mentioned that they have been exploring modern systems with Bluetooth printers carried by parking enforcement officers. Using smartphones, they will be able to issue citations directly and update information in the cloud. The system will also allow them to set timers for two-hour parking and receive alerts to check on vehicles. It includes virtual chalking, as traditional chalking has legal considerations. Additionally, it enables citation payment online, online appeals, and the assessment of late fees for unpaid parking tickets. The updated system will provide the ability to pursue unpaid tickets and send them to collections. After reviewing several systems, they believe they've found one that meets the city's needs, offering better automation and record-keeping. Therefore, they need to revise the outdated city code to accommodate technological advances and current fees. They also plan to extend the deadline for late fees from ten to fifteen days. If an individual has three or more unpaid parking violations, it grants the option to impound the vehicle through towing or booting.

Mr. Jones asked about the fee for parking violations.

Chief Jordan stated that the fee is currently \$30.

Mr. Hooper recommended increasing the parking violation fee to \$50, aligning it with neighboring municipalities.

Chief Jordan mentioned that the code change includes a provision prohibiting the unauthorized removal of impoundment equipment, classifying it as a class two misdemeanor. Additionally, the fee for parking in a handicap space, currently assessed at \$10, will be included in the fee schedule to avoid frequent changes to the code.

Mr. Jones raised a concern about residents living on Main Street.

Chief Jordan explained that it is not specified in the code at the moment, but it could be addressed in the future. It would require amending the code and implementing an administration process for parking permits.

Mayor Copelof shared an email received from a Main Street apartment renter who faces parking challenges. Lack of parking is forcing the resident to consider leaving town. Given the housing shortage, she emphasized the importance of addressing parking concerns for Main Street apartments.

Mr. Morrow suggested discussing the number of units and a policy to assist these residents.

Mr. Jones pointed out that some Main Street apartment residents might have mobility issues that need attention.

Mr. Hooper proposed creating a range of options for the committee to choose from, including permit fees and specific parking locations. He also mentioned that the residential permit fee should be substantial, as it may limit parking spaces beneficial to business owners. They are developing an appeal process with parking enforcement officers as the first line and the committee as the second line.

Mr. Jones expressed the desire for an in-person appeals process, not solely based online.

Chief Jordan confirmed that there would be an option for appealing or paying the citation online or in person.

F. Traffic Calming on Probart St.

Mr. Hooper mentioned that data collection on all traffic calming measures has been delayed by about a month due to our machines being broken, and we had to order new ones. We are going to start rotating them to various spots where we need to evaluate traffic. We still need more data on Probart Street because information such as speeds and traffic volume helps us determine the eligibility for traffic calming measures. Mr. Hooper continued to discuss various options that would slow normal traffic but are designed not to impact emergency vehicles. Currently, there is no timeline because we do not know when our data will be available.

G. Parkview/French Broad Intersection

Mr. Hooper communicated that he has consulted with our traffic consultants and they have determined that the Parkview and French Broad intersection needs a three-way stop. However, the traffic consultant stated that this proposal must go to Raleigh because it is a State street. We are currently putting together a preliminary site plan that will then be sent to Raleigh. Hopefully, they will give us permission to install a three-way stop there, but they will ask us to cover the cost of the changes to the intersection. Additionally, we will need to sign an encroachment and maintenance agreement for the signs that will be placed there.

H. Wilson Drive/E. Main Street/Greenville Highway Intersection

Mr. Hooper informed the committee that based on the data we have now, our traffic consultant is recommending that we request permission from the NCDOT to install high-visibility signs powered by solar panels and paint advance markings across the road to warn drivers of the upcoming intersection.

Mr. Jones expressed surprise that there haven't been more accidents at that intersection given its shape.

Mr. Hooper, in consultation with our traffic consultant, suggested installing removable bollards and safety paint on the street in the short term as a warning to drivers. In the long term, he recommended installing curb extensions as well.

Mr. Jones inquired about whether there are specific times of the year when visibility is reduced as drivers approach the intersection.

Mr. Hooper explained that squaring off the intersection would slow down traffic, reduce the street crossing distance for pedestrians, and improve overall safety. However, NCDOT approval and total installation costs are still pending. The committee, as a whole, agreed that the plan should be implemented.

Mr. Gallo asked whether we need to go through the State to request changes in traffic calming measures to Probart Street.

Mr. Hooper mentioned that he believes it may be a City street but that he would need to research further to confirm.

I. Set Date for Next Meeting

The next meeting of the Public Safety Committee will be on Monday, September 25, 2023 at 3:30 pm at City Hall.

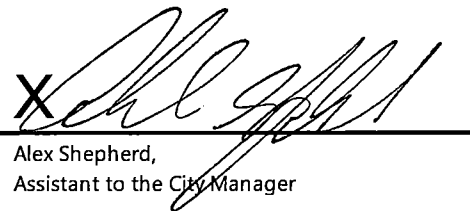
J. Adjourn

There being no further business, the meeting was adjourned at 4:25 PM.

Minutes Approved: September 25, 2023



Mac Morrow,
Chair, Council Member



Alex Shepherd,
Assistant to the City Manager

Review of FHWA Guide

FHWA Tables

Countermeasure Factors

- Traffic Volume Per Day
- Speed Limit
- Number of Travel Lanes / Crossing Distance

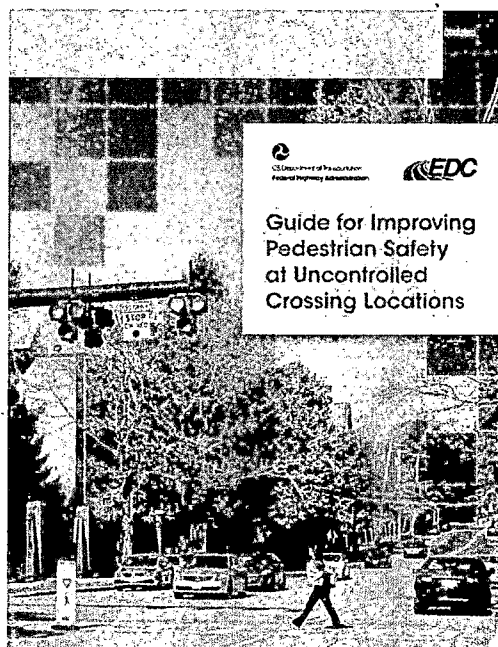


Table 1. Application of pedestrian crash countermeasures by roadway feature.

Roadway Configuration	Posted Speed Limit and AADT								
	Vehicle AADT <9,000			Vehicle AADT 9,000–15,000			Vehicle AADT >15,000		
	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph
2 lanes (1 lane in each direction)	1 2 4 5 6	1 7 9	1 5 6 7 9	1 4 5 6	1 5 6	1 7 9	1 4 5 6	1 7 9	1 5 6
3 lanes with raised median (1 lane in each direction)	1 2 3 4 5	1 7 9	1 5 6 7 9	1 4 5	1 5 6	1 7 9	1 4 5	1 7 9	1 5 6
3 lanes w/o raised median (1 lane in each direction with a two-way left-turn lane)	1 2 3 4 5 6	1 7 9	1 5 6 7 9	1 4 5 6	1 5 6	1 7 9	1 4 5 6	1 7 9	1 5 6
4+ lanes with raised median (2 or more lanes in each direction)	1 7 8 9	1 5 6 7 8 9	1 5 6 7 8 9	1 7 8 9	1 5 6 7 8 9	1 7 8 9	1 5 6 7 8 9	1 7 8 9	1 5 6
4+ lanes w/o raised median (2 or more lanes in each direction)	1 7 8 9	1 5 6 7 8 9	1 5 6 7 8 9	1 7 8 9	1 5 6 7 8 9	1 7 8 9	1 5 6 7 8 9	1 7 8 9	1 5 6

Given the set of conditions in a cell,

- # Signifies that the countermeasure is a candidate treatment at a marked uncontrolled crossing location.
- Signifies that the countermeasure should always be considered, but not mandated or required, based upon engineering judgment at a marked uncontrolled crossing location.
- Signifies that crosswalk visibility enhancements should always occur in conjunction with other identified countermeasures.*

The absence of a number signifies that the countermeasure is generally not an appropriate treatment, but exceptions may be considered following engineering judgment.

- 1 High-visibility crosswalk markings, parking restrictions on crosswalk approach, adequate nighttime lighting levels, and crossing warning signs
- 2 Raised crosswalk
- 3 Advance Yield Here To (Stop Here For) Pedestrians sign and yield (stop) line
- 4 In-Street Pedestrian Crossing sign
- 5 Curb extension
- 6 Pedestrian refuge island
- 7 Rectangular Rapid-Flashing Beacon (RRFB)**
- 8 Road Diet
- 9 Pedestrian Hybrid Beacon (PHB)**

*Refer to Chapter 4, "Using Table 1 and Table 2 to Select Countermeasures," for more information about using multiple countermeasures.

**It should be noted that the PHB and RRFB are not both installed at the same crossing location.

This table was developed using information from: Zogor, C.V., J.R. Stewart, H.H. Huang, P.A. Lapanney, J. Fogarty, and B.J. Campbell. (2005). Safety effects of marked versus unmarked crosswalks at uncontrolled locations: Final report and recommended guidelines. FHWA, No. FHWA-HRT-04-100. Washington, D.C.; FHWA Manual on Uniform Traffic Control Devices, 2009 Edition (rev. 2012). Chapter 4F, Pedestrian Hybrid Beacons. FHWA, Washington, D.C.; FHWA. Crash Modification Factors (CMF) Clearinghouse. <http://www.cmfclearinghouse.org/>; FHWA. Pedestrian Safety Guide and Countermeasure Selection System (PESSS). <http://www.pedbikeinfo.org/PESSS/>; Zogor, C., P. Swenson, B. Lee, D. Geller, S. Smith, C. Sengstack, W.J. Frank, J. Zogor, C. Lyon, E. Ferguson, and R. Van Houten. (2012). NCHRP Report 841: Development of Crash Modification Factors for Uncontrolled Pedestrian Crossing Treatments. Transportation Research Board, Washington, D.C.; Thomas, Threl, and Zogor. (2016). NCHRP Synthesis 498: Application of Pedestrian Crossing Treatments for Streets and Highways. Transportation Research Board, Washington, D.C.; and personal interviews with selected pedestrian safety practitioners.

FHWA Tables

Countermeasure Factors

- 5300 VPD
- 35 mph
- 2 Lanes

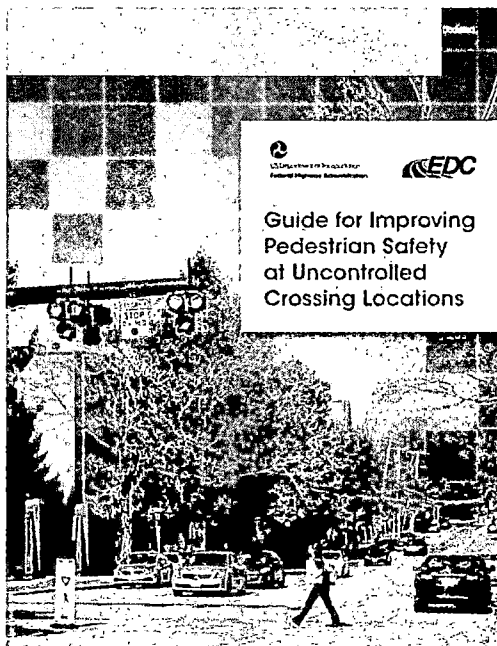


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2 lanes (1 lane in each direction)	1 2 4 5 6 7 9	1 5 6 7 9	1 5 6 7 9	1 4 5 6 7 9	1 5 6 7 9	1 5 6 7 9	1 4 5 6 7 9	1 5 6 7 9	1 5 6 7 9
3 lanes with raised median (1 lane in each direction)	1 2 3 4 5 7 9	1 5 7 9	1 5 7 9	1 3 4 5 7 9	1 5 7 9	1 5 7 9	1 4 5 7 9	1 5 7 9	1 5 7 9
3 lanes w/o raised median (1 lane in each direction with a two-way left-turn lane)	1 2 3 4 5 6 7 9	1 5 6 7 9	1 5 6 7 9	1 3 4 5 6 7 9	1 5 6 7 9	1 5 6 7 9	1 4 5 6 7 9	1 5 6 7 9	1 5 6 7 9
4+ lanes with raised median (2 or more lanes in each direction)	1 5 7 8 9	1 5 7 8 9	1 5 7 8 9	1 5 7 8 9	1 5 7 8 9	1 5 7 8 9	1 5 7 8 9	1 5 7 8 9	1 5 7 8 9
4+ lanes w/o raised median (2 or more lanes in each direction)	1 5 6 7 8 9	1 5 6 7 8 9	1 5 6 7 8 9	1 5 6 7 8 9	1 5 6 7 8 9	1 5 6 7 8 9	1 5 6 7 8 9	1 5 6 7 8 9	1 5 6 7 8 9

Given the set of conditions in a cell,

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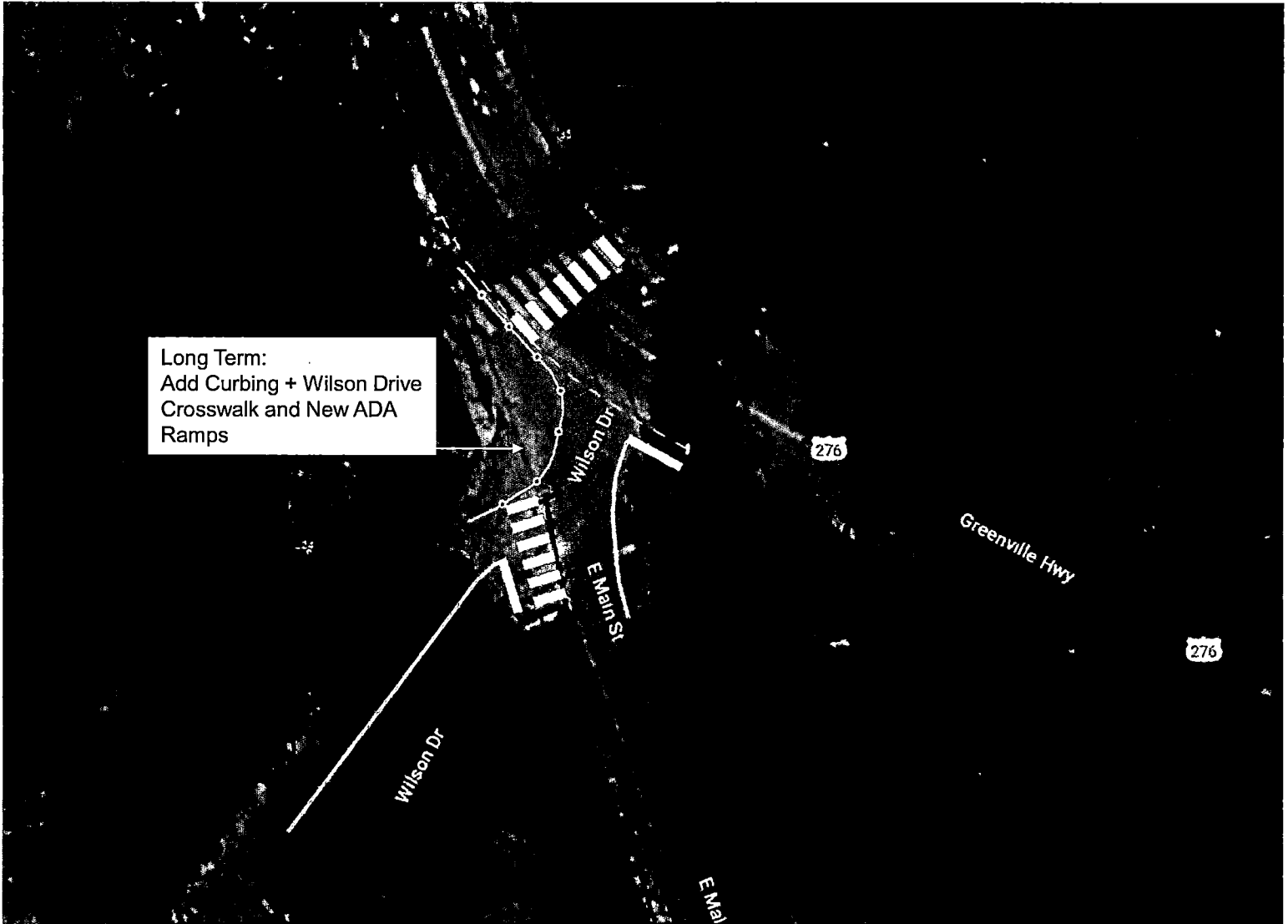
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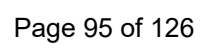
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STAFF REPORT

City Council, Monday, October 2, 2023

Title: Mary C Jenkins Community Center and Parking Lot Project closeout

Speaker: Dean Luebbe

Prepared by: Dean Luebbe, Assistant City Manager/Finance Director

Approved by: Wilson Hooper, City Manager

Background

On November 6, 2019, project amendment 2019-25, was approved by the City Council in the amount of \$2,157,636, for construction of the Mary C Jenkins Community Center and Parking Lot. As the project progressed, cost overruns and change orders, (many related to the parking lot) increased the total project cost to \$2,660,000. The Community Center was opened to the public on October 24, 2022 and the parking lot was completed in March of 2023.

This project close out was originally included on the August 21, 2023 City of Brevard agenda. At that meeting, concerns were voiced in reference to cracking of walls in the men's restroom, and other small issues. City staff, along with representative from First Victory inspected the issues, and corrected the small problems. The City also requested that Jim Alderman, an independent architect review and inspect the areas in question. A copy of his communication to the City Manager is attached.

Discussion

The Mary C Jenkins Community Center and parking lot project has been completed, and all invoices have been processed. The Project Budget can now be closed. A listing of all expenditures charged to this project since its inception in November of 2018 is attached. Budgeted and actual revenues and expenditures will be reversed in the financial software.

Proposed Action

By motion, close out Ordinance 2019-25, and all related project amendments related to this project

Attachments:

1. Capital Project Closeout - Mary C Jenkins
2. Mary C Jenkins financial recap
3. Mary C Jenkins expense recap
4. 9-4-2023 letter from Jim Alderman, RE MC Jenkins

ORDINANCE NO. 2023-XX

CAPITAL PROJECT ORDINANCE TO CLOSE ORDINANCE
NO. 2019-25, MARY C JENKINS COMMUNITY CENTER AND PARKING LOT PROJECT

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 closed:

Section 1: The project involved the construction of the Mary C Jenkins Community Center and Parking Lot. The project was funded by debt proceeds in the amount of \$2,350,000 and \$310,000 in contributions from the General Fund. The debt has a fifteen year term and an interest rate of 1.99%.

Section 2: The project will be closed with actual expenditures of \$2,653,096, which was \$6,904 under budget. Actual and budgeted revenues and expenditures will be reversed on the City financial software, and no further expenditures will be required on the project.

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

Account Number	Account Name	Budget Amount
82-4100-2910	Mary C Jenkins	\$2,660,000
TOTAL PROJECT APPROPRIATION		\$2,660,000

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

Account Number	Account Name	Budget Amount
82-3920-0040	Mary C Jenkins loan	\$2,350,000
82-3250-0100	Transfer from General Fund	\$310,000
TOTAL PROJECT REVENUE		\$2,660,000

Section 5: The Finance Director will 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: The Finance Director will maintain a detailed analysis of all revenues and expenses associated with the project since its inception.

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 2nd day of October, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

City of Brevard Capital Project - Rosenwald Capital Project Fund
Mary C Jenkins Center and Parking Lot

Original Ordinance	2019-25	2,157,636	11/6/2019
Amendments	2021-23	192,364	5/15/2021
Amendments	2022-27	180,000	5/16/2022
Amendments	2022-50	55,000	8/15/2022
Amendments	2022-68	75,000	10/17/2022

TOTAL 2,660,000

As of June 30, 2023		Budget	Prior Year	Current Year	Total prior plus current
Expenditures					
82-4100-2910	Mary C Jenkins	2,660,000	2,109,883	543,213	2,653,096
Revenues					
82-3920-0040	Mary C Jenkins debt	2,350,000	1,954,792	389,413	2,344,205
82-3250-0100	Transfer from GF	310,000	180,000	130,000	310,000
	Total	2,660,000	2,134,792	519,413	2,654,205

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Summit	82,000	62,816	13,764	76,580	-
Matthews	114,857	110,370	2,436	112,806	-
First Victory	1,876,934	1,852,900	24,034	1,876,934	-
First Victory	502,355	-	500,180	500,180	-
Jim Alderman	13,000	13,126	-	13,126	-
Other	-	70,671	2,800	73,471	-
	2,589,146	2,109,883	543,214	2,653,096	-

CITY OF BREVARD
DETAIL ACCOUNT INQUIRY BY MODIFIER

FY 2022-2023

PERIOD: 11/01/2018 TO 06/30/2023

82-4100-2910 MARY C. JENKINS CENTER

			<u>BUDGET</u>	<u>PERIOD TO DATE</u>	<u>ENC AMT</u>	<u>REM BAL</u>
			2,660,000.00	2,653,096.34	0.00	2,116,786.38
<u>DATE</u>	<u>MOD</u>	<u>REFERENCE</u>	<u>JE # or VOUCHER#</u>	<u>CHECK#</u>	<u>DEBIT</u>	<u>CREDIT</u>
		BALANCE FORWARD				0.00
11/07/2018	AP	FLEETWOOD DANIELS GROUP, LLC FDG18	51974	261679	9,800.00	9,800.00
11/14/2018	AP	RAMSEY & PRATT & CAMENZIND P A 5632	52104	261779	966.00	10,766.00
11/21/2018	AP	HARRIS ARCHITECTS, PLLC 7	52142	261840	1,264.51	12,030.51
12/12/2018	AP	MCNEELY STORE & RENTAL NOVEMBER 20	52398	262046	261.68	12,292.19
12/17/2018	AP	FORTILINE, INC. NOVEMBER 2018	52451	262088	690.00	12,982.19
12/17/2018	AP	LBM INDUSTRIES, INC. 117419	52458	262096	2,572.70	15,554.89
12/17/2018	AP	MCNEELY'S STORE & RENTAL NOVEMBER	52461	262099	541.20	16,096.09
12/17/2018	AP	RAMSEY & PRATT & CAMENZIND P A 5642	52472	262104	4,554.00	20,650.09
12/17/2018	AP	TRANSYLVANIA COUNTY NOVEMBER 2018	52477	262108	253.20	20,903.29
12/19/2018	AP	HARRIS ARCHITECTS, PLLC 8	52506	262151	2,383.06	23,286.35
01/16/2019	AP	CASON COMPANIES, INC. DEC 2018	52830	262379	39.75	23,326.10
01/16/2019	AP	HARRIS ARCHITECTS, PLLC 09	52798	262400	1,444.40	24,770.50
01/23/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5651	52916	262504	310.50	25,081.00
02/13/2019	AP	HARRIS ARCHITECTS, PLLC 10	53174	262722	3,454.87	28,535.87
02/20/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5665	53280	262801	79.00	28,614.87
03/13/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5677	53525	263017	1,974.00	30,588.87
03/13/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5677	53526	263017	138.00	30,726.87
04/10/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5676	53879	263326	345.00	31,071.87
04/10/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5676	53879	263326	621.00	31,692.87
04/10/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5686	53882	263326	927.60	32,620.47
04/17/2019	AP	HARRIS ARCHITECTS, PLLC 12	53963	263396	1,723.64	34,344.11
05/15/2019	AP	HARRIS ARCHITECTS, PLLC 13	54292	263685	968.85	35,312.96
05/31/2019	FL	POSTING ERROR: CODE CORRECTION	4744			9,915.10
07/17/2019	AP	MATHEWS ARCHITECTURE, P.A. ARCHIT FI	54941	264276	6,500.00	25,397.86
08/21/2019	AP	HARRIS ARCHITECTS, PLLC 15	55411	264687	4,156.91	31,897.86
09/18/2019	AP	HARRIS ARCHITECTS, PLLC 16	55763	264980	4,459.66	36,054.77
10/03/2019	AP	MATHEWS ARCHITECTURE, P.A. 1	55897	265136	4,459.66	40,514.43
10/14/2019	AP	CAROLINA MOUNTAIN SURVEYING 13032	56021	265209	9,796.50	50,310.93
10/23/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5750	56146	265339	3,200.00	53,510.93
11/20/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5763	56146	265339	297.00	53,807.93
12/18/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5773	56605	265774	1,265.00	55,072.93
12/18/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5773	56949	266169	1,815.00	55,072.93
12/18/2019	AP	RAMSEY & PRATT & CAMENZIND P A 5774	56953	266169	517.50	56,887.93
12/30/2019	AP	ATLAS ENVIRONMENTAL 776	57068	266229	5,000.00	57,405.43
01/31/2020	FL	POSTING ERROR: CODE CORRECTION	5126			3,894.50
02/05/2020	AP	FORTILINE, INC. 4852261	57489	266694	1,242.20	58,510.93
02/12/2020	AP	MATHEWS ARCHITECTURE, P.A. 2-A	57558	266767	30,544.00	59,753.13
02/12/2020	AP	MATHEWS ARCHITECTURE, P.A. 2-B	57559	266768	22,065.00	90,297.13
02/12/2020	AP	MCNEELY'S STORE & RENTAL JANUARY 20	57586	266769	1,441.22	112,362.13
02/12/2020	AP	SOUTHERN CONCRETE MATERIALS 935632	57565	266777	153.50	113,803.35
02/12/2020	AP	VULCAN MATERIALS 41334942	57591	266785	533.23	113,956.85
02/19/2020	AP	CASON COMPANIES, INC. JANUARY 2020	57634	266815	726.25	114,490.08
02/19/2020	AP	CASON COMPANIES, INC.	57635	266816	1,658.40	115,216.33
02/19/2020	AP	LBM INDUSTRIES, INC. 121554	57656	266840	874.40	116,874.73
02/19/2020	AP	VULCAN MATERIALS 41332509	57673	266867	3,677.22	117,749.13
03/11/2020	AP	CASON COMPANIES, INC. FEBRUARY 2020	57880	267000	211.60	121,426.35
03/11/2020	AP	LBM INDUSTRIES, INC. 121872	57851	267034	13,922.84	121,637.95
03/11/2020	AP	MCNEELY'S STORE & RENTAL FEBRUARY 2	57906	267035	507.33	135,560.79
03/11/2020	AP	SOUTHERN CONCRETE MATERIALS FEBRU	57868	267051	253.50	136,068.12
03/11/2020	AP	VULCAN MATERIALS 41353261	57910	267059	599.62	136,321.62
03/18/2020	AP	FORTILINE, INC. FEBRUARY 2020	57946	267115	1,199.83	136,921.24
03/18/2020	AP	SUMMIT ENGINEERING GROUP OF NC INC.	58005	267151	2,557.50	138,121.07
						140,678.57

CITY OF BREVARD
DETAIL ACCOUNT INQUIRY BY MODIFIER

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DATE	MOD	REFERENCE	JE # or VOUCHER#	CHECK#	DEBIT	CREDIT	BALANCE
03/18/2020	AP	TRANSYLVANIA COUNTY 501	57960	267153	31.20		140,709.77
03/25/2020	AP	MCNEELY STORE & RENTAL FEBRUARY 20	58076	267192	7.96		140,717.73
04/02/2020	AP	LBM INDUSTRIES, INC. 122117	58152	267269	2,830.87		143,548.60
04/08/2020	AP	MATHEWS ARCHITECTURE, P.A. 3	58199	267324	22,322.85		165,871.45
04/15/2020	AP	CASON COMPANIES, INC. MARCH 2020	58249	267369	1,099.50		166,970.95
05/20/2020	AP	LBM INDUSTRIES, INC. 122587	58670	267705	5,169.16		172,140.11
06/30/2020	FL	POSTING ERROR: CODE CORRECTION	5450			58,657.07	113,483.04
12/02/2020	AP	MCNEELY STORE & RENTAL NOVEMBER 21	60983	270026	93.30		113,576.34
02/28/2021	FL	POSTING ERROR: CODE CORRECTION	5796			93.30	113,483.04
03/31/2021	AP	MATHEWS ARCHITECTURE, P.A. 7	62172	271243	7,784.70		121,267.74
05/05/2021	AP	ALDERMAN, R. JAMES 04302021	62489	271515	875.00		122,142.74
05/26/2021	AP	MATHEWS ARCHITECTURE, P.A. 8	62731	271759	15,593.01		137,735.75
06/02/2021	AP	ALDERMAN, R. JAMES MARY C JENKINS	62737	271781	1,187.50		138,923.25
06/23/2021	AP	ALDERMAN, R. JAMES 061721	62971	271989	1,625.00		140,548.25
06/23/2021	AP	LOCAL GOVERNMENT COMMISSION LOAN	62988	272007	1,250.00		141,798.25
06/30/2021	FL	ACRRUE FOR CONTRUCTION	6183		205,880.03		347,678.28
06/30/2021	AP	SUMMIT ENGINEERING GROUP OF NC INC.	63136	272176	3,987.94		351,666.22
07/01/2021	FL	REVERSE-AUDITENTRIES-6183/6178	6258			205,880.03	145,786.19
07/21/2021	AP	FIRST VICTORY, INC. 001	63281	272281	205,880.03		351,666.22
07/28/2021	AP	ALDERMAN, R. JAMES MARY C JENKINS	63353	272338	1,250.00		352,916.22
08/04/2021	AP	SUMMIT ENGINEERING GROUP OF NC INC.	63450	272452	4,569.74		357,485.96
08/11/2021	AP	FIRST VICTORY, INC. 002	63508	272491	24,391.32		381,877.28
09/22/2021	AP	ALDERMAN, R. JAMES 09082021	63985	272892	3,312.50		385,189.78
09/22/2021	AP	FIRST VICTORY, INC. 003	63992	272916	308,976.27		694,166.05
09/22/2021	AP	MATHEWS ARCHITECTURE, P.A. 9	63995	272922	6,193.44		700,359.49
10/08/2021	AP	FIRST VICTORY, INC. 004	64168	273081	145,690.08		846,049.57
10/20/2021	AP	CARD SERVICES CENTER 4145	64246	273111	96.82		846,146.39
11/03/2021	AP	ALDERMAN, R. JAMES MARY C JENKINS	64574	273465	1,500.00		847,646.39
11/03/2021	AP	FIRST VICTORY, INC. 005	64597	273479	34,241.58		881,887.97
11/17/2021	AP	MATHEWS ARCHITECTURE, P.A. 11	64712	273611	5,056.45		886,944.42
12/22/2021	AP	ALDERMAN, R. JAMES	65108	273913	2,437.50		889,381.92
01/07/2022	AP	MATHEWS ARCHITECTURE, P.A. 12	65189	274018	11,143.52		900,525.44
01/28/2022	AP	ALDERMAN, R. JAMES FY22JAN19	65360	274126	1,812.50		902,337.94
01/28/2022	AP	FIRST VICTORY, INC. APP#: 006	65361	274145	78,607.09		980,945.03
01/31/2022	FL	FY22JAN31-MCJENKINS-SALESTAX	6333			13,564.18	967,380.85
02/18/2022	AP	FIRST VICTORY, INC. APP#: 007	65619	274295	276,793.79		1,244,174.64
02/25/2022	AP	SUMMIT ENGINEERING GROUP OF NC INC.	65638	274358	7,630.00		1,251,804.64
03/04/2022	AP	FIRST VICTORY, INC. APP#: 008	65707	274384	284,649.37		1,536,454.01
03/04/2022	AP	MATHEWS ARCHITECTURE, P.A. 13	65706	274400	13,433.26		1,549,887.27
03/25/2022	AP	FIRST VICTORY, INC. APP#: 009	65901	274553	136,023.18		1,685,910.45
04/01/2022	AP	SUMMIT ENGINEERING GROUP OF NC INC.	65955	274628	7,120.00		1,693,030.45
04/01/2022	AP	SUMMIT ENGINEERING GROUP OF NC INC.	65956	274628	17,734.04		1,710,764.49
04/01/2022	AP	SUMMIT ENGINEERING GROUP OF NC INC.	66001	274628	5,156.79		1,715,921.28
05/06/2022	AP	FIRST VICTORY, INC. APP: 10	66287	274855	267,757.52		1,983,678.80
05/11/2022	FL	FY22MAY11-MCJENKINS-SALESTAX	6551			2,642.10	1,981,036.70
06/03/2022	AP	SUMMIT ENGINEERING GROUP OF NC INC.	66566	275102	6,250.40		1,987,287.10
06/17/2022	FL	JUN16-MCJENKINS-SALESTAX	6622			2,055.94	1,985,231.16
06/17/2022	AP	FIRST VICTORY, INC. APP: 011	66692	275172	73,776.47		2,059,007.63
06/24/2022	AP	MATHEWS ARCHITECTURE, P.A. 14	66706	275240	2,307.47		2,061,315.10
06/24/2022	AP	MATHEWS ARCHITECTURE, P.A. 15	66707	275240	4,471.02		2,065,786.12
06/29/2022	FL	auditor entry fy22	-1			3,987.94	2,061,798.18
06/29/2022	FL	auditor entry fy22	-1			4,749.72	2,057,048.46
06/29/2022	FL	FY22 CLOSING DEBT	7016		5,900.00		2,062,948.46

CITY OF BREVARD
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<u>DATE</u>	<u>MOD</u>	<u>REFERENCE</u>	<u>JE # or VOUCHER#</u>	<u>CHECK#</u>	<u>DEBIT</u>	<u>CREDIT</u>	<u>BALANCE</u>
06/29/2022	FL	fy22 closing	7023		9,499.44		2,072,447.90
06/30/2022	FL	FY22 CLEAN UP 06.30.2022	6886			4,749.72	2,067,698.18
06/30/2022	AP	FIRST VICTORY, INC. APP 012	66889	275353	34,374.77		2,102,072.95
06/30/2022	AP	SUMMIT ENGINEERING GROUP OF NC INC.	66886	275375	7,809.77		2,109,882.72
08/19/2022	AP	MATHEWS ARCHITECTURE, P.A. 16	67231	275676	2,051.00		2,111,933.72
08/26/2022	FL	MCJCC TAX	6759			67.12	2,111,866.60
08/26/2022	AP	ALDERMAN, R. JAMES 08/24/2022	67264	275695	3,500.00		2,115,366.60
08/26/2022	AP	FIRST VICTORY, INC. PAY APP 1	67265	275719	37,595.04		2,152,961.64
09/20/2022	FL	OVERPYMT RETD ON MARYCJENKINS	6820			6,099.95	2,146,861.69
10/07/2022	AP	SUMMIT ENGINEERING GROUP OF NC INC.	67648	276026	962.50		2,147,824.19
11/04/2022	AP	ALDERMAN, R. JAMES	68177	276474	4,750.00		2,152,574.19
11/04/2022	AP	MATHEWS ARCHITECTURE, P.A. 17	68139	276496	2,436.10		2,155,010.29
11/23/2022	AP	FIRST VICTORY, INC. APP NO. 013	68314	276617	24,033.51		2,179,043.80
12/09/2022	AP	SIGNS & MORE, INC. 68161	68431	276729	6,422.12		2,185,465.92
01/06/2023	AP	FIRST VICTORY, INC. PAY APP 2	68656	276851	33,146.68		2,218,612.60
01/20/2023	AP	FRANKLIN BRONZE PLAQUES 32833	68786	276925	2,801.20		2,221,413.80
02/03/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	68924	277029	2,158.75		2,223,572.55
02/03/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	68925	277029	4,887.50		2,228,460.05
03/24/2023	AP	FIRST VICTORY, INC. PAY APP 3	69374	277336	281,137.87		2,509,597.92
03/24/2023	AP	FIRST VICTORY, INC. PAY APP 3	69375	277336	28,702.31		2,538,300.23
03/31/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	69438	277389	3,182.50		2,541,482.73
05/19/2023	AP	FIRST VICTORY, INC. PAY APP (PARTIAL)	69860	277682	20,000.00		2,561,482.73
05/19/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	69800	277718	2,060.85		2,563,543.58
06/02/2023	AP	FIRST VICTORY, INC. PAY APP 4	69960	277772	6,624.99		2,570,168.57
06/02/2023	AP	FIRST VICTORY, INC. PAY APP 4	69961	277772	74,051.81		2,644,220.38
06/19/2023	FL	FY22 CLOSING ENTRY CORRECTION	7447			9,499.44	2,634,720.94
06/19/2023	FL	FY22 CLOSING ENTRY CORRECTION	7452		18,998.88		2,653,719.82
06/23/2023	AP	FIRST VICTORY, INC. 0006	70179	277920	25,088.23		2,678,808.05
06/30/2023	FL	EXPENSE RECLASSIFICATION	7498			26,222.56	2,652,585.49
06/30/2023	AP	SUMMIT ENGINEERING GROUP OF NC INC.	70367	278083	510.85		2,653,096.34
SUBTOTALS FOR ACCOUNT 82-4100-2910 :					3,005,175.01	352,078.67	
					<u>DEBIT</u>	<u>CREDIT</u>	
SUBTOTALS FOR MODIFIER 2910 :					3,005,175.01	352,078.67	
					<u>3,005,175.01</u>	<u>352,078.67</u>	

R. JAMES ALDERMAN
A R C H I T E C T U R E

September 4, 2023

Wilson B. Hooper
City Manager
95 West Main Street
Brevard, North Carolina

Re: Mary C. Jenkins Cultural Community Center

Mr. Hooper,

It had been brought to my attention that two cracks had developed in the tile walls of the Men's Toilet at MCJCCC, and the comment was made that perhaps there was a structural problem in that area. Upon personal inspection of the cracks, it is my belief that both are of a cosmetic nature. The first crack pointed out to me was behind the entry door into the space and it was in the grout joint in the very corner of a tile wall running floor to ceiling. This seemed to be nothing more than inadequate caulking, and over time with the closing of the door over and over, caused the tiles to separate slightly, resulting in the crack. This can be remedied by removing what caulking exists and re-caulking that joint.

The second area pointed out to me was directly above the urinal on the exterior wall. This was a hairline crack running approximately three feet vertically, through tile and joints as they occurred. There was no evidence of settling in the wall, having inspected the wall inside the building as well as the exterior of the wall. No separation had occurred nor had the tiles that were affected moved in any direction and remained in the plane of the wall. I would guess that something struck the wall at that location from inside the room, causing the crack. I don't feel, at this time, that any repair should be initiated in that area. Should the tiles begin to separate or move out of the plane of the wall, further investigation should be pursued. The crack itself is barely visible to the naked eye, and since we don't know when the damage happened, I feel it unnecessary to involve the Contractor at this point. They have yet to finish what was required in their contract.

If I may be of further assistance, please let me know.

Respectfully,



R. James Alderman, Architect

STAFF REPORT

City Council, Monday, October 2, 2023

Title: Planning Board Appointment

Speaker: Wilson Hooper

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Background

Planning Board Member James Carli was appointed in September 2020 to serve his first 3-year term. His term expires at the end of September, 2023 and he is eligible for reappointment.

Discussion

Staff conducted an open recruitment for citizens interested in serving on the Planning Board. James Carli submitted an application for reappointment. His application, as well as applications previously received by applicants who were not selected in a previous round of appointments were reviewed by the Finance, Human Resources and Citizen Appointment Committee at its meeting on September 25, 2023. The Committee unanimously recommended the reappointment of James Carli to serve a second three-year term on the Planning Board.

Action

Council is asked to consider the attached resolution reappointing James Carli to the Planning Board.

Attachments:

1. Planning Board Applications
2. Resolution Appointing a Member to the Brevard Planning Board

EMPLOYMENT APPLICATION



CITY OF BREVARD
95 W Main St
Brevard, North Carolina 28712
<http://www.cityofbrevard.com>

Carli, James C.
202200016 STATUTORY / CODE COMMITTEE MEMBER

Received: 9/10/23 1:14 PM

For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE: STATUTORY / CODE COMMITTEE MEMBER	EXAM ID #: 202200016
NAME: (Last, First, Middle) Carli, James C.	SOCIAL SECURITY NUMBER: N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) 230 Burrell Ave, Brevard, North Carolina 28172	EMAIL ADDRESS: rjcunr@protonmail.ch
HOME PHONE: (862) 252-4542	NOTIFICATION PREFERENCE: Email
DRIVER'S LICENSE: ☒ Yes ☐ No	LEGAL RIGHT TO WORK IN THE UNITED STATES? ☒ Yes ☐ No
What is your highest level of education? Master's Degree	

PREFERENCES

WHAT TYPE OF JOB ARE YOU LOOKING FOR? Regular, Temporary
TYPES OF WORK YOU WILL ACCEPT: Full Time, Part Time, Per Diem

EDUCATION

Nothing Entered For This Section

WORK EXPERIENCE

Nothing Entered For This Section

CERTIFICATES AND LICENSES

Nothing Entered For This Section

Skills

Nothing Entered For This Section

ADDITIONAL INFORMATION

Nothing Entered For This Section

REFERENCES

Nothing Entered For This Section

Agency-Wide Questions

1. Are you a resident of the City of Brevard? A resident is defined as someone who lives in within the corporate city limits the majority of the year and claims the City of Brevard as their domicile for legal purposes.
Yes
2. Please list your current place of employment and your occupation.
USA for UNHCR, the UN Refugee Agency, and Planning Board, City of Brevard
3. Please list any other appointed positions you currently hold in Brevard or Transylvania County. If none, please type "none or n/a"
Brevard City planning Board (current)
4. Why do you want to be a member of this Board and/or Committee?
With a bachelor's degree in community and regional planning from App State, focusing on land use and transportation planning with a GIS certificate, I serve on planning boards to exercise my interest and education in urban planning to keep those skills fresh. I also care deeply about guiding the city of Brevard toward maximizing its potential, especially as we are on the cusp of a breakout moment of development activity thanks to large-scale trends of growth in the Southeast in general and the Mountain South in particular.
5. How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard?
In addition to my undergrad education in planning, I've been a delegate to UN Habitat meetings about the future of urban development in a rapidly-changing world, as well as a frequent writer and commentator on planning theories and trends. I bring a global perspective to our local area in ways that ensure Brevard will be adequately prepared for a changing future.
6. Please briefly describe any community involvement you have that may be related and beneficial for City Council to know as they evaluate applicants to serve on this Board and/or Committee.
In addition to being a planning board member since 2020 shortly after I moved in, I have spoken to schools in Brevard as part of the Democracy Collaborative, telling students about the importance of civic engagement and talking about how to get involved in their communities by engaging leaders.
7. Boards and Committees may meet in mornings, afternoons and or evening hours. What limitations do you have for attending meetings?
No limitations. Evening meetings are best.

Job Specific Supplemental Questions

1. Please select from the list below which Statutory / Code Committee and/or Committees you are interested in serving on.
Planning Board
-

The following terms were accepted by the applicant upon submitting the online application:

By clicking the Accept and Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete information may be grounds for not employing me and for termination from employment, after employed.

- I understand that I will have to produce documentation verifying identity and eligibility to work in the United States if offered employment.
- I understand that I may required to verify any and all information on this application.
- I understand that this competed application is the property of the City of Brevard and will not be returned.
- I understand it is my responsibility to notify Human Resources of any change to my name, address and/or phone number
- I authorize my current and former employers to give any information regarding me or my employment, whether or not it is on their records. I hereby release them from any damage whatsoever for issuing same.
- I also authorize educational institutions which I attended to reveal my scholastic ratings, as well as degrees or certificates earned, to the City; and associations, registration and licensing boards and to others to furnish whatever detail is available concerning my qualifications. Notwithstanding any provision of State or Federal law, I expressly waive any right I have to review information the City receives from an employer or educational institution under a promise of confidentiality.
- I also permit the City to conduct a Police, Court, Credit and/or Motor Vehicle Records Investigation of my background where related to the job for which I am applying.
- I understand that if I apply or have applied for certain jobs, I may be tested for drug and alcohol use to determine if I am currently using or abusing these substances. I consent to the testing and understand that the results could prevent my employment.
- I understand and acknowledge that should I be employed by the City, then I serve "at will". This means that I may be terminated at any time. I further understand that this "at will" employment relationship may not be changed by any written document unless such change is specifically approved by the City Manager

This application was submitted by James C. Carli on 9/10/23 1:14 PM

EMPLOYMENT APPLICATION



CITY OF BREVARD
95 W Main St
Brevard, North Carolina 28712
<http://www.cityofbrevard.com>

Kelly, Joseph
202200016 STATUTORY / CODE COMMITTEE MEMBER

Received: 10/1/22 3:20 PM

For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE: STATUTORY / CODE COMMITTEE MEMBER		EXAM ID#: 202200016
NAME: (Last, First, Middle) Kelly, Joseph		SOCIAL SECURITY NUMBER: N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) 555 West Probart Street, Brevard, North Carolina 28712		EMAIL ADDRESS: joe.kelly@stantec.com
HOME PHONE: 941-809-1410	ALTERNATE PHONE: 980-297-7685	NOTIFICATION PREFERENCE: Email

PREFERENCES

Nothing Entered For This Section

EDUCATION

Nothing Entered For This Section

WORK EXPERIENCE

Nothing Entered For This Section

CERTIFICATES AND LICENSES

Nothing Entered For This Section

Skills

Nothing Entered For This Section

ADDITIONAL INFORMATION

Nothing Entered For This Section

REFERENCES

Nothing Entered For This Section

Agency-Wide Questions

1. Are you a resident of the City of Brevard? A resident is defined as someone who lives in within the corporate city limits the majority of the year and claims the City of Brevard as their domicile for legal purposes.
Yes
2. Please list your current place of employment and your occupation.
Professional Land Surveyor
3. Please list any other appointed positions you currently hold in Brevard or Transylvania County. If none, please type "none or n/a"
None
4. Why do you want to be a member of this Board and/or Committee?
5. How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard?
6. Please briefly describe any community involvement you have that may be related and beneficial for City Council to know as they evaluate applicants to serve on this Board and/or Committee.
7. Boards and Committees may meet in mornings, afternoons and or evening hours. What limitations do you have for attending meetings?

Job Specific Supplemental Questions

1. Please select from the list below which Statutory / Code Committee and/or Committees you are interested in serving on.
Planning Board



RECEIVED
10-6-21
AM

Check One: ☒ Initial Application
☐ Reappointment Application

CITY OF BREVARD APPLICATION FOR BOARDS/COMMITTEES

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board of Directors • Board of Adjustment • Brevard Housing Authority Board of Directors
- City Council Downtown Master Plan Committee • City Council Parks, Trails and Recreation Committee
- City Council Public Works & Utilities Committee • Dangerous Dog Appellate Board
- Housing Trust Fund Selection Committee • Personnel Board • Planning and Zoning Board
- Terrell Scruggs Scholarship Committee • Western Carolina Community Action Board

Name of Board or Committee Interested In: PLANNING BOARD
* List only one per Appointment Application form.

Date 10/1/2021

Name JOSEPH KELLY

Home Address 555 WEST PROBART ST., BREVARD N.C. 28712

Phone (home) 941-809-1410 (work) 980-297-7685

Occupation PROFESSIONAL LAND SURVEYOR E-Mail joe.kelly@stantec.com

May you be contacted at work? YES Do you live within the corporate City Limits? YES

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:

NONE

How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard? (Use back of sheet if additional space is needed.)

AS A PROFESSIONAL LAND SURVEYOR, I BELIEVE MY KNOWLEDGE AND EXPERIENCE IN LAND BOUNDARIES, PLATTING, DESIGN AND CONSTRUCTION WILL BE OF GREAT BENEFIT TO THE PLANNING BOARD. I HAVE A BACHELOR'S (COVER)

*Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.

Joseph A. Kelly
Signature of Applicant

FOR CITY USE ONLY

COUNCIL ACTION: _____ DATE: _____
____ NEW APPT ____ REAPPOINTMENT DATE APPT EXPIRES: _____

Please return this application to:

City of Brevard-Attn: Jill Murray, City Clerk
95 W. Main Street, Brevard NC 28712
Phone: 828-885-5614
Email: jill.murray@cityofbrevard.com

DEGREE IN GEOMATICS FROM THE UNIVERSITY OF FLORIDA AND
HAVE BEEN PRACTICING LAND SURVEYING FOR OVER 30 YEARS.
I AM CURRENTLY LICENSED IN NORTH CAROLINA, SOUTH CAROLINA
AND FLORIDA. I HAVE BEEN INVOLVED WITH MY LOCAL
SURVEYING AND MAPPING SOCIETY, SERVING AS PRESIDENT
AND ON MANY COMMITTEES. I HAVE DEVELOPED CRITICAL
THINKING AND COMMUNICATION SKILLS AND VALUE THE
OPINION OF OTHERS. AS A MEMBER OF OUR BREVARD
COMMUNITY I WELCOME THE OPPORTUNITY TO PARTICIPATE
ON THIS BOARD.

SINCERELY,
Joe Kelly

EMPLOYMENT APPLICATION



CITY OF BREVARD
95 W Main St
Brevard, North Carolina 28712
<http://www.cityofbrevard.com>

Yunker, Gerald G
202200016 STATUTORY / CODE COMMITTEE MEMBER

Received: 9/7/22 3:18 PM
For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE: STATUTORY / CODE COMMITTEE MEMBER	EXAM ID#: 202200016
NAME: (Last, First, Middle) Yunker, Gerald G	SOCIAL SECURITY NUMBER: N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) 374 Elk Mountain Trail, Brevard, North Carolina 28712	EMAIL ADDRESS: mylonitejy@gmail.com
HOME PHONE: 337-230-6905	NOTIFICATION PREFERENCE: Email

PREFERENCES

Nothing Entered For This Section

EDUCATION

Nothing Entered For This Section

WORK EXPERIENCE

Nothing Entered For This Section

CERTIFICATES AND LICENSES

Nothing Entered For This Section

Skills

Nothing Entered For This Section

ADDITIONAL INFORMATION

Nothing Entered For This Section

REFERENCES

Nothing Entered For This Section

Agency-Wide Questions

1. Are you a resident of the City of Brevard? A resident is defined as someone who lives in within the corporate city limits the majority of the year and claims the City of Brevard as their domicile for legal purposes.
Yes
2. Please list your current place of employment and your occupation.
Petroleum Geologist
3. Please list any other appointed positions you currently hold in Brevard or Transylvania County. If none, please type "none or n/a"
None
4. Why do you want to be a member of this Board and/or Committee?
5. How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard?
6. Please briefly describe any community involvement you have that may be related and beneficial for City Council to know as they evaluate applicants to serve on this Board and/or Committee.
7. Boards and Committees may meet in mornings, afternoons and or evening hours. What limitations do you have for attending meetings?

Job Specific Supplemental Questions

1. Please select from the list below which Statutory / Code Committee and/or Committees you are interested in serving on.
Planning Board



Check One: ☒ Initial Application
☐ Reappointment Application

CITY OF BREVARD APPLICATION FOR BOARDS/COMMITTEES

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board of Directors • Board of Adjustment • Brevard Housing Authority Board of Directors
- City Council Downtown Master Plan Committee • City Council Parks, Trails and Recreation Committee
 - City Council Public Works & Utilities Committee • Dangerous Dog Appellate Board
- Housing Trust Fund Selection Committee • Personnel Board • Planning and Zoning Board
- Terrell Scruggs Scholarship Committee • Western Carolina Community Action Board

Name of Board or Committee Interested In: Planning and Zoning Board

** List only one per Appointment Application form.*

Date 9-7-2022

Name Gerald G. Yunker (Jerry)

Home Address 374 Elk Mountain Trail, Brevard, NC 28712

Phone (home) 337-230-6905 (work) same

Occupation Petroleum Geologist E-Mail mylonitejy@gmail.com

May you be contacted at work? yes Do you live within the corporate City Limits? yes

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:

None

How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard? (Use back of sheet if additional space is needed.)

Brevard College grad (1975) w/BS,MA in Geology from Furman U & Univ of Missouri. 43 years experience in petroleum exploration in multiple U. S. basins managing exploration teams and up to \$500 million yearly budgets.

Part time resident Transylvania Co., 2009-20 & full time Brevard since 2020.

*Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.

Gerald G. Yunker

Signature of Applicant

FOR CITY USE ONLY

COUNCIL ACTION: _____ DATE: _____
____ NEW APPT ____ REAPPOINTMENT DATE APPT EXPIRES: _____

Please return this application to:

City of Brevard-Attn: Jill Murray, City Clerk
95 W. Main Street, Brevard NC 28712
Phone: 828-885-5614
Email: jill.murray@cityofbrevard.com

Sept 7, 2022

City of Brevard, NC

Application for Planning and Zoning Board

Additional info for "experience, education and/or occupation" portion of application:

Gerald G. Yunker

I have experience working with numerous regulatory agencies and completing projects in a timely fashion within budget.

I've seen Brevard grow and change since 1973. We built a home here and are fully engaged in the community. I'd like to contribute to a great town and help guide its future.

EMPLOYMENT APPLICATION



CITY OF BREVARD
95 W Main St
Brevard, North Carolina 28712
<http://www.cityofbrevard.com>

Driscoll, Monica
202200016 STATUTORY / CODE COMMITTEE MEMBER

Received: 11/4/22 3:23 PM

For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE: STATUTORY / CODE COMMITTEE MEMBER	EXAM ID #: 202200016
NAME: (Last, First, Middle) Driscoll, Monica	SOCIAL SECURITY NUMBER: N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) 67 Kimzey Circle #522, Brevard, North Carolina 28712	EMAIL ADDRESS: mdorg@yahoo.com
HOME PHONE: 828-989-2533	NOTIFICATION PREFERENCE: Email

PREFERENCES

Nothing Entered For This Section

EDUCATION

Nothing Entered For This Section

WORK EXPERIENCE

Nothing Entered For This Section

CERTIFICATES AND LICENSES

Nothing Entered For This Section

Skills

Nothing Entered For This Section

ADDITIONAL INFORMATION

Nothing Entered For This Section

REFERENCES

Nothing Entered For This Section

Agency-Wide Questions

1. Are you a resident of the City of Brevard? A resident is defined as someone who lives in within the corporate city limits the majority of the year and claims the City of Brevard as their domicile for legal purposes.
Yes
2. Please list your current place of employment and your occupation.
Retired
3. Please list any other appointed positions you currently hold in Brevard or Transylvania County. If none, please type "none or n/a"
None
4. Why do you want to be a member of this Board and/or Committee?
5. How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard?
6. Please briefly describe any community involvement you have that may be related and beneficial for City Council to know as they evaluate applicants to serve on this Board and/or Committee.
7. Boards and Committees may meet in mornings, afternoons and or evening hours. What limitations do you have for attending meetings?

Job Specific Supplemental Questions

1. Please select from the list below which Statutory / Code Committee and/or Committees you are interested in serving on.
Planning Board



RECEIVED
11-4-22

Check One: Yes Initial Application
_____ Reappointment Application

CITY OF BREVARD APPLICATION FOR BOARDS/COMMITTEES

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board of Directors • Board of Adjustment • Brevard Housing Authority Board of Directors
- City Council Downtown Master Plan Committee • City Council Parks, Trails and Recreation Committee
- City Council Public Works & Utilities Committee • Dangerous Dog Appellate Board
- Housing Trust Fund Selection Committee • Personnel Board • Planning and Zoning Board
- Terrell Scruggs Scholarship Committee • Transylvania Economic Alliance

Name of Board or Committee Interested In: Planning and Zoning Board
* List only one per Appointment Application form.

Date November 4, 2022

Name Monica Driscoll

Home Address 67 Kimzey Circle, #522, Brevard, NC 28712

Phone (home) (828) 989-2533 (work) N/A

Occupation Retired E-Mail mdorg@yahoo.com

May you be contacted at work? N/A Do you live within the corporate City Limits? Yes

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:

None

How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard? (Use back of sheet if additional space is needed.)

See attached.

*Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.

Signature of Applicant _____

FOR CITY USE ONLY

COUNCIL ACTION: _____ DATE: _____
_____ NEW APPT _____ REAPPOINTMENT DATE APPT EXPIRES: _____

Please return this application to:

City of Brevard-Attn: Jill Murray, City Clerk
95 W. Main Street, Brevard NC 28712
Phone: 828-885-5614
Email: jill.murray@cityofbrevard.com

CITY OF BREVARD, APPLICATION FOR BOARDS/COMMITTEES, Addendum A
PLANNING and ZONING BOARD
November 4, 2022

EDUCATION: Associate of Arts Degree, Liberal Arts - Brevard College

EXPERIENCE:

I have been active in pursuing issues and areas of interest since graduating from college. Two early successes from personal efforts were achieving major decisions at (1) Patrick AFB, FL and (2) Wake Medical Center in Raleigh, NC that permanently changed hospital policies to allow fathers in delivery rooms for the births of their children. The effort involved persuasive presentation of supportive facts and studies to physicians, nurses, administrators and journalists on behalf of expectant parents and young families. This was the beginning of my focused interest in healthcare.

Later, I served on multiple PTA boards at various schools, and participated in civic pursuits in the communities where I lived with my growing family until I re-entered the work force in Raleigh, NC.

Returning to the mountains in the spring of 1988, I immediately began working in a temporary position at Mission Hospital in Asheville, providing administrative support to the Executive Assistant to the CEO and the Board of Trustees. This was an excellent opportunity that quickly provided an overview of the multi-faceted workings within a well-respected and rapidly growing medical facility as I awaited a suitable full-time position to become available.

I particularly enjoyed my work as Secretary to the Director and the Medical Director of the Quality Assurance Department, and worked closely with Risk Management. The work included handling of sensitive information pertaining to infection control; continuing quality improvement for all aspects of patient care and safety; monitoring and evaluation of policies and procedures for each hospital department (Maintenance, Housekeeping, Security, Food Services, etc.) and every medical department (Emergency, Labor & Delivery, Surgery, Pediatrics, etc.). Frequent interaction with department heads and their administrative staffs was required. In support of Medical Staff leadership, I prepared sensitive minutes and special reports for the Medical Director, submitting them to the CEO for the Board of Trustees.

I also enjoyed work of a different nature in the Cardiology Department as Cardiology Data Coordinator. There my work began in support of invasive cardiologists and cardiovascular surgeons by preparing computer-assisted reports of invasive procedures performed in the Cath Lab; I would also provide materials and set up their weekly Cardiology Conferences. I was asked to begin a database program for invasive cardiology and cardiovascular surgery. Using a predesigned database, I was responsible for maintaining and editing that database specifically for the hospital. This involved researching and collecting data from invasive cardiology and cardiovascular surgery patient charts while they were in the hospital, and in the Medical Records Department after their discharge. The database effort grew, requiring additional coordinators reporting to a department Manager.

I was recruited to serve as the Medical Staff Coordinator at Park Ridge Hospital (now AdventHealth), responsible for: processing applications, credentialing and recredentialing all medical staff and ancillary medical staff applications; providing administrative support for all medical leadership meetings; interacting with administration, hospital and medical departments and department heads.

These positions all involved extensive attention to detail; proper handling of confidential and sensitive information; researching, documenting and assimilating data; knowledge of formal rules of order; preparation of materials and documentation in a timely manner; strong interpersonal communication skills; and the ability to work independently.

Over time, my particular administrative support positions provided opportunities to develop skills that have been very useful to me personally in assessing and evaluating information before me. I believe this would be equally advantageous in service on the Planning Board and committee work. My experiences also enhanced my abilities to interact with people from a variety of backgrounds and professional levels. I particularly value honesty and transparency, diversity, fairness and mutual respect, and strive to incorporate those values in all that I do.

I am a researcher, note-taker, writer and life-long student by nature, with a strong desire to learn as many facts as possible to understand the big-picture aspect of issues in my purview. It is also vitally important to me to share what I learn with others, helping them understand, as well. I enjoy people, getting to know them and appreciating what they bring to my life and my community. The most seemingly mundane encounters often result in meaningful friendships and collaborations.

In closing, I acknowledge that I am a native of Brevard who returned to the mountains in 1988 after having lived in several states; I have lived in Arden, Hendersonville and Brevard since then, returning to Brevard the last time in 2010. I have always loved and wanted what is best for the City of Brevard, with an emphasis on promoting understanding, maintaining appropriate balance in sustaining growth and development, and enhancing the quality of life and wellness for all residents.

Sincerely,

Monica Driscoll

RESOLUTION NO. 2023-XX

**RESOLUTION APPOINTING A MEMBER TO THE
BREVARD PLANNING BOARD**

WHEREAS, in Fall 2022 the City of Brevard City Council held a work retreat to reform its committee structure; and

WHEREAS, committees were designated into one of three categories: policy committees, statutory committees, and advisory committees; and

WHEREAS, the Council initiated a new system for making appointments that would apply to every body to which the Council makes appointments; and

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee was charged with reviewing applicants for the various committees/advisory groups and making appointment recommendations to the full Council; and

WHEREAS, City staff conducted an open recruitment for citizens interested in serving on the Brevard Planning Board; and

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee considered applications at their September 25, 2023 meeting and recommended appointment to the Brevard Planning Board to the full City Council; and

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

- 1) The Brevard City Council does hereby reappoint James Carli to the Brevard Planning Board effective immediately and expiring on September 30, 2026.

Adopted and approved this 2nd day of October, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk