



**AGENDA**  
**BREVARD CITY COUNCIL - REGULAR MEETING**  
**Monday, February 19, 2024 - 5:30 PM**  
**City Council Chambers**

**A. Welcome and Call to Order**

**B. Invocation**

Pastor Andrew Crimmins, St. Timothy United Methodist Church

**C. Pledge of Allegiance**

**D. Certification of Quorum**

**E. Approval of Agenda**

**F. Approval of Minutes**

1. February 5, 2024 Regular Meeting

**G. Public Comments**

**H. Certificates / Awards / Recognition**

**I. Special Presentation(s)**

1. Heart of Brevard Annual Update
2. Heart of Brevard Downtown Walkability Assessment

**J. Public Hearing(s)**

1. Proposed Amendment to City of Brevard Unified Development Ordinance Chapter 16 - Planning Board's Role in Zoning Map Amendments

**K. Consent and Information**

1. Tax Settlement Report - January, 2024
2. Report of Unpaid Taxes and Authorization to Advertise
3. Budget Amendment - Governors Crime Commission Grant
4. Budget Amendment - French Broad Community Center Roof

5. NCLWF Grant Application - Design Plans for Tannery North Streambank Restoration

**L. Unfinished Business**

1. Additional Proposed Rezoning / Expansion of Downtown Development Overlay District

**M. New Business**

1. Strategic Planning Retreat Prologue: Revenue Outlook
2. Approve Housing Trust Fund (HTF) allocation and "Mini-Brooks" Act Exemption for Development Finance Initiative Phase II Work
3. AARP Age Friendly Communities Designation
4. Board of Adjustment - Designation of Regular and Alternate Members

**N. Remarks / Future Agenda Considerations**

**O. Closed Session(s)**

**P. Adjourn**

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Agenda Posted, Website, Sunshine List (February 15, 2024)  
D. Hodsdon, City Clerk

*To review Agenda materials, go to the City's website [www.cityofbrevard.com](http://www.cityofbrevard.com). Select "Your Government" tab followed by "Agenda Packets" tab. Agenda packet materials are posted on Thursday afternoon prior to Council's Monday meeting.*

**MINUTES**  
**BREVARD CITY COUNCIL**  
**Regular Meeting**  
**February 5, 2024 – 5:30 PM**

The Brevard City Council met in regular session on Monday, February 5, 2024, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

**Present** – Mayor Maureen Copelof, Mayor Pro Tem Gary Daniel, and Council Members Mac Morrow, Aaron Baker, Pamela Holder, and Lauren Wise

**Staff Present** – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Human Resources Director Kelley Craig, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Deputy Fire Chief Bradley Elmore, Acting Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, Water Treatment Plant ORC Dennis Richardson and Community Center Director Tyree Griffin

**Press** – Jon Rich, Transylvania Times

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

**B. Invocation** – Pastor Ken Albright of Lutheran Church of the Good Shepherd 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 asked to add an additional closed session regarding a property acquisition matter. Mr. Morrow moved, seconded by Ms. Holder to approve the agenda as amended. The motion carried unanimously.

**F. Approval of Minutes**

**F.1 – January 16, 2024 Regular Meeting** – Mr. Wise moved, seconded by Ms. Holder to approve the minutes of the January 16, 2024 Regular Meeting as presented. The motion carried unanimously.

**G. Public Comments**

Morris Jenkins of 148 W. Probart Street said I am here about the Probart Street traffic calming. A group of us have been working on this with several people on the Council and the City over the last year and we also worked with the Public Safety Committee. We are concerned because of increased speed and volume of traffic on Probart; as well as narrowing of the road; increased number of large trucks, which don't always obey the yellow line; and also increased bicycle traffic as we are a bicycle-friendly town. I would like to thank the people from the City who have helped us: City Manager Wilson Hooper, Brevard City Staff, the Public Safety Committee, which is chaired by Aaron Baker now, Mac Morrow and formerly Maurice Jones; also Mayor Copelof, as well as Police Chief Tom Jordan and Fire Chief Robert Cooper and our citizen representative Kevin Gallo. I also want to announce and invite anyone who has an interest in traffic on Probart, who is a stakeholder, to come to a meeting scheduled for next Monday, February 12<sup>th</sup> at 6:00 pm at the Mary C. Jenkins Center. That is an information-gathering and survey meeting for people with an interest in this issue of traffic calming.

H. Certificates/Awards/Recognition – None.

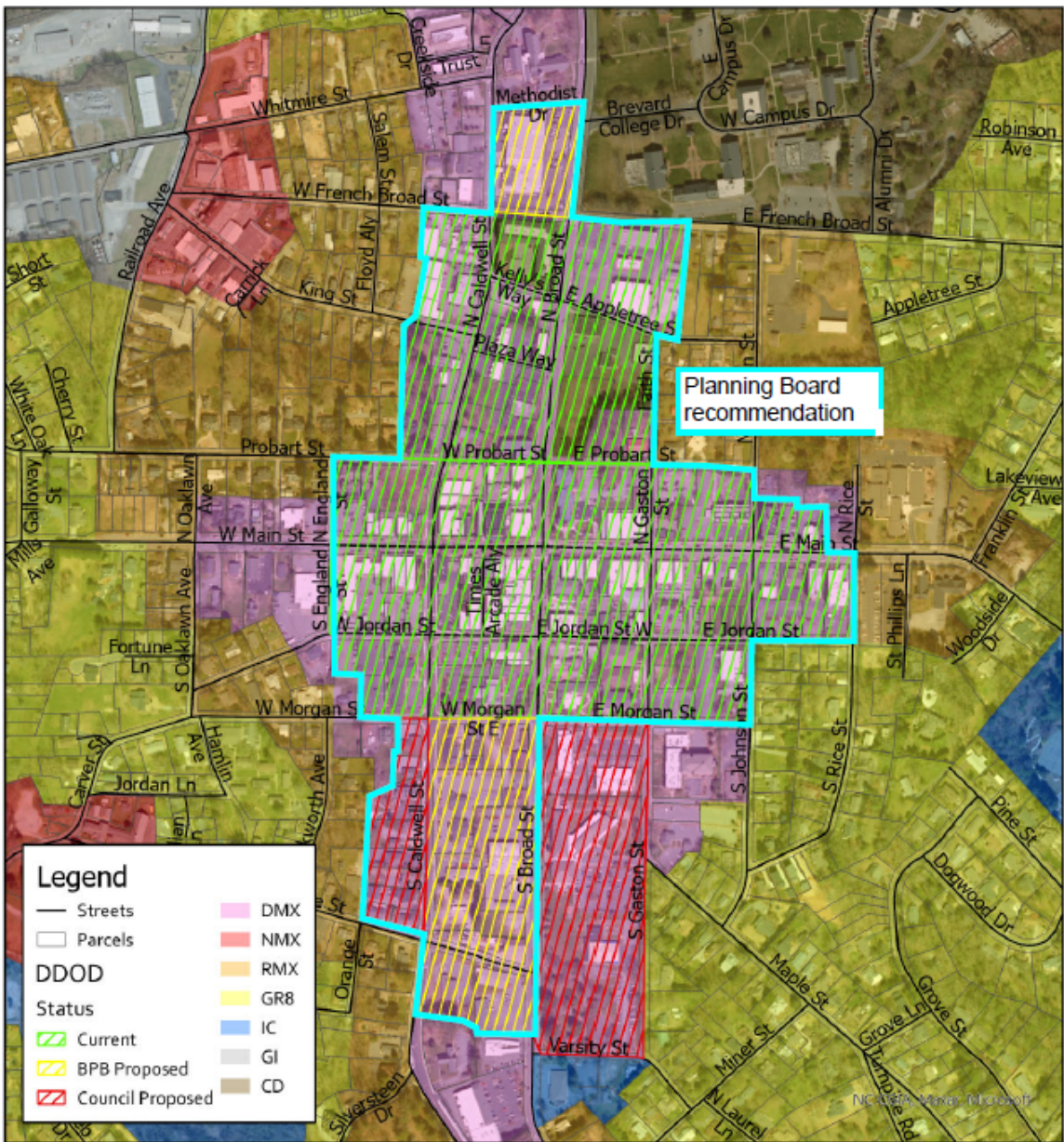
I. Special Presentations – None.

J. Public Hearing(s)

**J-1. Additional Proposed Rezoning / Expansion of Downtown Overlay**

**District** – Aaron Bland recalled that on November 6, 2023 Council voted to enlarge the Downtown Development Overlay District (DDOD), an overlay district in the heart of downtown which has a build-to line as its primary requirement on top of the typical Downtown Mixed-Use Zoning District requirements. Prior to Council voting on the expansion, the Planning Board reviewed the map amendment and forwarded a recommendation to Council that would have enlarged the area to be rezoned, but the City Attorney noted that the UDO does not grant the Planning Board the authority to make a recommendation that enlarges the rezoning area. Given that advice, Council voted to approve the original expansion area proposed by Staff, but in their discussion expressed interest in the expanded area proposed by the Planning Board and instructed Staff to initiate a second map amendment to enlarge it further.

**REZ-23-005 - Downtown Development Overlay District  
Second Expansion Proposal**



Mr. Bland presented the above map and explained that the green hatching represents that newly extended area which goes up to W. French Broad Street. The Planning Board’s original enlarged recommendation is the yellow-hatched area, including College Plaza to the north and the areas between Caldwell and Broad Streets

going south to just before Cardinal Drive-in. Council expressed interest in going on the other side of Broad and Caldwell Streets, one parcel deep, and that area is indicated by the red hatching. Mr. Bland noted that on the Broad Street side that is all County property and goes all the way to Gaston Street; and on the Caldwell Street side, it is approximately half-way through the block to Duckworth Ave. When the Planning Board discussed this second expansion on December 12<sup>th</sup>, they made the recommendation that the DDOD be further expanded as outlined in blue, which includes the Caldwell Street frontage on the opposite side, but not the Broad Street frontage on the opposite side. The reasoning is because it is all County facilities and it is not parceled out for development like Caldwell Street, and the library is already built close to the sidewalk.

Mr. Bland noted that one project that is now underway that had not yet been initiated when the first DDOD expansion went before the Board is the rewrite of Chapter 5 of the UDO, which includes all the City's architectural standards. Part of the scope of the Chapter 5 rewrite will include adding specific architectural requirements and standards to the DDOD. Right now, the only real requirement is the build-to line or a maximum setback, but this project will include some more form-based code type requirements for this district. Staff believes expanding the DDOD too far beyond the downtown city center could be problematic when adding these standards and recommends careful consideration of further expansion to the DDOD until these new standards are in place.

Mayor Copelof opened the public hearing at 5:45 PM.

Public Hearing Public Participation – There were no public comments at the meeting. However, Doug Harris offered the following comments via email prior to the meeting and requested they be submitted for the record:

“First, let me apologize for my not being able to attend this public hearing. A matter before the Board of Education has come up on short notice and pulled me away. A difficult decision that I hope you understand.

I would like to address the proposed extension of the Downtown Brevard Overlay District. I am a retired architect with nearly 40 years of experience, having practiced in Brevard for more than 25 of those years. My wife and I were the principals of Harris Architects in Brevard, having completed several projects for the City over those years. My experience includes urban design as well as building projects.

I spoke at the hearing last Fall about the first extension to the Overlay District and my comments here are similar to those. Conceptually, I fully support the proposed extension of the district. I think it will strengthen what we love about downtown Brevard and enlarge the area of the City that exhibits those qualities.

My concerns have to do with the location of the lines defining the proposed district. With this type of proposal or design, what should be focused on is not the buildings but the street. It is the space being designed by the ordinances. The buildings, regulated by the ordinances, are the walls that define the outdoor rooms or the streets. In urban design, the streets are referred to as the negative spaces but are the spaces being designed.

Think about where the public or community life of Downtown Brevard takes place. It is not inside the buildings. It is between the walls, faces or facades of the buildings, in that linear outdoor room called the street. That is what your ordinances should focus on.

The lines defining the district should generally be moved back and be located mid-block so both sides of all streets will be developed with the same design characteristics or according to the same design rules.

You might envision a street as a room with the district line running down the middle, as the proposal before you now proposes in several areas. One set of rules applies to the left wall and a different set of rules applies to the right wall. The left wall is required to be 12' tall and have stained wood paneling while the right wall is required to be 20' tall and have classical columns and crown molding, all painted white. The resulting room would be odd and very unpleasant. Admittedly, this is an absurd example but gives you an idea why, when you think about the street as the room, the same rules or ordinances should apply to both sides.

I suggest to the Council that the location of boundary lines for the proposed extension of the Downtown Overlay District be revised so both sides of all streets carry the same requirements on both sides of the street. In most cases this means both sides of the street will carry the higher density, more urban requirements. In a few cases it means one side of the street should lose its more urban designation and stay lower density or more residential in character to match the opposite side of the street.”

Mr. Hooper informed Council that the County Manager has advised that the County Commissioners plan to submit comments following their upcoming meeting next week. When those comments are received, they will be distributed to Council for consideration.

Public Hearing Closed – Mayor Copelof closed the hearing at 5:46 PM and then opened it up for questions from Council.

Mr. Baker requested to see at the next meeting an analysis of which properties within the yellow and red areas are currently in compliance with the expanded district and which ones would not be in current compliance.

**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. Baker moved, seconded by Mr. Morrow to approve the consent agenda. The motion carried unanimously.

#### **K-1. Property Tax Releases – January, 2024**

##### **RESOLUTION 2023-05**

##### **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.

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

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

2023:                \$ 9.06

Adopted this the 5th day of February, 2024.

#### **K-2. Quarterly Pedestrian/Bicyclist Incident Report**

#### **K-3. Police Department Annual Report**

#### **K-4. Fire Department Annual Report**

#### **K-5. Council Parks, Trails and Recreation Committee Minutes – October 18, 2023**

#### **K-6. Council Downtown Master Plan Committee Minutes – November 8, 2023**

#### **K-7. Council Finance, Human Resources and Citizen Appointment Committee Minutes – November 27, 2023**

#### **K-8. Council Public Safety Committee Minutes – November 27, 2023**

#### **K-9. Rosenwald Community Advisory Board Minutes – November 28, 2023**

#### **L. Unfinished Business – None.**

**M. New Business.**

**M-1. Board/Committee Appointments**

**M-1-a. Ecusta Trail Advisory Board** – Mr. Daniel moved, seconded by Ms. Holder to appoint Madeline Hanley to the Ecusta Trail Advisory Board. The motion carried unanimously.

**RESOLUTION NO. 2024-03**

**RESOLUTION APPOINTING MEMBER TO BREVARD/TRANSYLVANIA COUNTY  
ECUSTA TRAIL ADVISORY BOARD**

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

**WHEREAS**, the Council initiated a new system for making appointments that would apply to every body to which the Council makes appointments which includes the Brevard/ Transylvania County Ecusta Trail Advisory Board; and

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

**WHEREAS**, a seat on the Brevard/Transylvania County Ecusta Trail Advisory Board opened upon the resignation of Lauren Wise to serve on City Council; and

**WHEREAS**, under the direction of the Finance, Human Resources and Citizen Appointment Committee, city staff conducted an open recruitment for citizens interested in serving on the advisory board; and

**WHEREAS**, the applications received during the recruitment period were reviewed by the Finance, Human Resources and Citizen Appointment Committee at their January 22, 2024 meeting;

**WHEREAS**, the Finance, Human Resources and Citizen Appointment Committee voted to recommend Madeline Hanley to full City Council for appointment.

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

- 1) The Brevard City Council does hereby appoint Madeline Hanley to the Brevard/ Transylvania County Ecusta Trail Advisory Board effective immediately.

Adopted and approved this the 5<sup>th</sup> day of February, 2024.

**M-2-a. Brevard Housing Authority** – Mr. Wise moved, seconded by Mr. Morrow to reappoint Jennifer Kerr to the Brevard Housing Authority. The motion carried unanimously.

**RESOLUTION NO. 2024-04**

**RESOLUTION REAPPOINTING MEMBER TO BREVARD HOUSING AUTHORITY**

**WHEREAS**, the Brevard City Council’s Finance, Human Resources and Citizen Appointment Committee is charged with reviewing applicants for the bodies to which the City appoints members and making appointment recommendations to the full Council; and

**WHEREAS**, the term of a member of the Brevard Housing Authority expired in November 2023; and

**WHEREAS**, board incumbent Jennifer Kerr applied for reappointment; and

**WHEREAS**, Ms. Kerr’s reapplication to the Brevard Housing Authority was reviewed by the Finance, Human Resources and Citizen Appointment Committee at their January 22, 2024 meeting;

**WHEREAS**, the Finance, Human Resources and Citizen Appointment Committee voted to recommend Jennifer Kerr for reappointment.

**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 Jennifer Kerr to the Brevard Housing Authority effective immediately and expiring in November 2028.

Adopted and approved this the 5th day of February, 2024.

#### **N. Remarks/Future Agenda Considerations.**

Mr. Wise said I was sad to see we have six more weeks of winter, but this hasn't been the most grueling winter yet and we've got to get one snow. A couple of us were just at a gathering of leaders called Perpetuating a Special Place about how we feel about Brevard, how it's growing, and the sense of community here. It was really encouraging to see that there are a lot of people in the community who are interested in trying to find the path forward, for not just Brevard, but the county as a whole, and especially how we merge together the City and County relationship. I just wanted to let you know that that's being talked about and I'm excited to see how that moves forward.

Ms. Holder said my heart is concerned tonight about persons who have either overdosed or committed suicide. I don't know how we move forward in addressing that as a community, as a Council, but I want to move forward personally to find out what we can do and would like to perhaps come to you at a later time with suggestions and ideas as I plow through this emotional feelings of what's going on in our community.

Mr. Daniel said I have a couple of things I would like to address to Chief Jordan regarding the Police Department Annual Report. I notice that crime is up very slightly and that our arrests are down by 25%. I think I probably know the answer, but I would like some clarification on that. The other thing is we just started our parking enforcement and I would like to see the information that we gather on that as well at a later date.

Mr. Hooper reported that the Social District starts on Friday at 11:00 am. It was in the paper last week and Becky is going to do some other releases this week. I just wanted to give everyone fair warning that you might see some folks walking around with their cups on Friday afternoon.

Mayor Copelof said I was pleased to see the number of people volunteering to be on our committees. We have talked a lot about civic engagement, about participation, about having your voice heard, and this is one of the key ways that you can do that. It's a wonderful problem to have more applicants than we have openings. I encourage people, even if you are not selected to serve on a board, that all of our boards are open to the public and everybody is welcome to those board meetings. At the end of meetings, there is almost always time when public input is accepted by the chairman of that particular committee. The boards and committees meet on a consistent bases and the schedule is on our website. If there are topics you are interested in or concerned about, this is a wonderful way to get them into our system. Even if you are not an official member, you can certainly come and hear the conversation about what is being worked on. The traffic calming on Probate Street is a wonderful example. That was brought to our Public Safety Committee by the public and now we are moving forward with some ideas. We are holding that public meeting to get more public input so that we can make an informed decision on how to use resources to try and do the traffic calming based on what the community really feels is needed. I am very happy to announce that we have been officially designated a Bronze Level Bicycle Friendly City. Thank you to the Planning Department who worked so hard in putting in our application. This reflects the vision that we are going forward, to try and have that multi-modal transportation, to make it more bikeable, to make it more friendly and create that healthy environment. We are one of 479 other cities that are officially Bike Friendly cities and we will continue to work toward Silver Level. Last Friday we had a wonderful White Squirrel Day and there were approximately 60 people from the community who came to watch Pisgah Penny, our official White Squirrel ambassador, declare that we are going to have six more weeks of winter. A big thank you to the White Squirrel Institute for putting that on. They are a non-profit that raises money for the rehabilitation of injured animals, not just squirrels. When an animal is injured, you have to take it to a licensed rehabilitator to try and have it recover. Pisgah Penny was

hit by a car and has injuries that do not allow her to be released back into the wild, so the only way she can survive is to live at the rehabilitation center and she fulfills her duty and responsibility to the city as our ambassador. A big thank you to Pisgah Penny, who did an incredible job. Two weeks ago we held our first Age Exchange Forum, an initiative to try to break down some of those silos that exist. It is sort of aligned with the meeting that a number of us were just at in terms of creating more unity. This is to bring people of different generations together to talk about a particular subject. Over 90 people between the ages of 11 and 94 attended the first forum. We will continue to do this with the idea of creating social environments and activities where people can meet people that are outside of your normal sphere. The next one is on February 17<sup>th</sup> from 11:00 am to 1:00 pm at the Porter Center and we are going to talk about nature; how different generations view the environment and that how viewpoint impacts their lives. There will be four speakers, each representing a different generation, and it is free to attend. The next Meet the Mayor is on February 22<sup>nd</sup> from 11:30 am to 1:30 pm at the Mary C. Jenkins Community Center.

**O. Closed Session**

**Closed Session #1** – At 6:06 p.m. Mr. Morrow moved, seconded by Ms. Holder to enter into closed session to discuss a potential litigation 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 Water Treatment Plant ORC Dennis Richardson.

Council Returned to Regular Session – at 6:26 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 6:27 p.m. Mr. Wise moved, seconded by Mr. Baker to enter into closed session to discuss a property acquisition matter. 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 Planning Director Paul Ray.

Council Returned to Regular Session – at 6:52 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

**P. Adjourn** – There being no further business, at 6:52 p.m. Mr. Baker moved, seconded by Mr. Daniel, to adjourn the meeting. The motion carried unanimously.

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Maureen Copelof  
Mayor

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Denise Hodsdon, CMC  
City Clerk

Minutes Approved: February 19, 2024

## **STAFF REPORT**

**City Council, Monday, February 19, 2024**

**Title:** Heart of Brevard Annual Update

**Speaker:** Nicole Bentley, Heart of Brevard Executive Director

**Prepared by:** Wilson Hooper, City Manager

**Approved by:** Wilson Hooper, City Manager

### **Background**

The city contracts with Heart of Brevard, an independently governed 501(c)(3) organization, to conduct downtown promotion, outreach, and economic development work within the Brevard municipal service district (MSD). The contract is funded with revenue from Brevard's additional \$.213 per \$100 of valuation millage tax on properties within the district (\$132,000). The city contributes an additional \$39,000 to Heart of Brevard via its non-profit contribution program.

### **Discussion**

This evening, Heart of Brevard will present a report on their achievements in 2023, and their goals for the year to come. Their report will summarize the results of their recent "Needs Assessment" of downtown businesses (see attachment). The presentation will also address top challenges faced by businesses in the HoB district and suggestions for enhancements made by downtown stakeholders.

### **Action**

No action requested. For information and discussion only.

### **Attachments:**

1. Heart of Brevard Needs Assessment Survey Questions

## Needs Assessment Survey Questions

### Business Challenges:

- What are the top three challenges your business faces operating in the Heart of Brevard District?

### Impact of Special Events:

- How do special events held in the Heart of Brevard District impact your business?

Have a positive impact on your business revenues.

Have a negative impact on your business revenues.

Have a neutral impact on your business revenues.

### Additional Comments:

- Please provide any additional comments or feedback regarding your business operations in the Heart of Brevard District.

### Stakeholder Benefits Enhancement:

- What Heart of Brevard stakeholder benefits would you like to see enhanced? (Choose all that apply)
  - More advocacy for downtown business and property owner needs.
  - HOB networking events.
  - HOB educational events.
  - More social media cross-promotion of members.

### Ranking of Services:

- Please rank the following services for the Heart of Brevard District, with your top answer being the most important:
  - Long Term Planning (e.g., big picture ideas for downtown).
  - Downtown Business Support (e.g., small business grants, economic development, new business resources).
  - Business Promotional Events (e.g., downtown open house events, shared advertising).
  - Downtown Business Communications.
  - Advocacy for Issues Impacting Downtown (e.g., affordable housing, construction and development, cleanliness, maintenance, and street closures).
  - Mobility Enhancements (e.g., bike parking and lanes, ADA accessibility).
  - Special Events.
  - Enhanced Maintenance (e.g., sidewalk pressure washing, increased trash pickup, maintain/weed landscaped areas).

Capital Improvements (e.g., street and sidewalk improvements, public art, and street furniture).

Additional Comments:

- Please provide any additional comments or feedback regarding you'd like to share.

## **STAFF REPORT**

**City Council, Monday, February 19, 2024**

**Title:** Heart of Brevard Downtown Walkability Assessment

**Speaker:** Anna Davis, Heart of Brevard Vice President and Built Environment Committee member  
Magge DeLap, Heart of Brevard Built Environment Committee member  
Nicole Bentley, Heart of Brevard Executive Director

**Prepared by:** Denise Hodsdon

**Approved by:** Wilson Hooper, City Manager

### **Background**

Heart of Brevard (HoB) maintains a "Built Environment Committee" that assesses the physical conditions of downtown and makes recommendations to HoB and the City of Brevard. For 2024 the committee performed a "walkability study" of downtown. The study included HoB members, but also members of the City's committees: Maureen Copelof, Gary Daniel, Pamela Holder, Mac Morrow, Aaron Baker, Lauren Wise, Nicole Bentley, Billy Parrish, Leroy Walters, Anna Davis, Linda Randall, Maggie DeLap, and Brian Stretcher. Teams of participants walked segments of downtown and recorded walkability conditions

### **Discussion**

Participants noted conditions that impacted walkability. They took pictures and plotted the coordinates of each issue they discovered. The participants recorded 245 findings, categorizing them into four categories: enhancement recommendations, maintenance, aesthetic recommendations, and safety.

The group also noted whether the issue was of public or private concern.

At this evening's meeting, HoB representatives will give a summary of their findings and present the full findings to Council for review. They request that the report be used as a tool for prioritizing resources during the upcoming budget discussion.

### **Action**

No action requested. For information and discussion only.

### **Attachments:**

## STAFF REPORT

City Council, Monday, February 19, 2024

**Title:** Proposed Amendment to City of Brevard Unified Development Ordinance Chapter 16 - Planning Board's Role in Zoning Map Amendments

**Speaker:** Aaron Bland, Asst Planning Director

**Prepared by:** Aaron Bland, Asst Planning Director

**Approved by:** Wilson Hooper, City Manager

### Background

During the process of expanding the Downtown Development Overlay District it was discovered that the Unified Development Ordinance does not authorize the Planning Board to forward a recommendation to City Council regarding a zoning map amendment that enlarges the area of the proposed change. Council instructed Planning Staff to initiate a text amendment that would provide the Board with such authority.

### Discussion

The concern with allowing the area of a proposed zoning change to be expanded is that often the property owners in the expanded area would not know that their property has become included in the proposal. Often, a property owner is the one who has initiated the rezoning process and therefore is aware of the potential change. Neighboring property owners that become involved due to an increase in the area for a zoning change need to be made aware of their inclusion.

To this end, Staff has included a provision that if the Board wants to recommend an increase in the rezoning area, then a second meeting must be held and the newly included property owners sent a letter by the Planning Department inviting them to the meeting. At the second meeting, the Board could then hear from the newly affected property owners and make their final recommendation to Council considering their feedback.

This amendment also includes a new provision that if the City initiates a rezoning, then the property owners are to be sent a letter giving notice of the proposal and the Planning Board meeting. Currently, the only required mailed notice is for the public hearing by City Council; that notice requirement would remain unchanged. The intent of these changes is to ensure that anyone who has a property proposed for a rezoning, but likely does not know of the proposal given that they did not apply for it, is given the opportunity to engage in the process at the Planning Board stage.

### Policy Analysis

Increasing City communication about and citizen participation in the rezoning process falls well within action item LUH-19 of the *Building Brevard* comprehensive land use plan, which states "Enhance communication of land use planning efforts, policy development, approvals and processes."

### Fiscal Impact

The new requirement for additional notification mailings will result in slightly increased printing and postage costs for the Planning Department. This is expected to be negligible.

### Recommendation

The Planning Board discussed this amendment at their January 23, 2024, meeting and

unanimously recommended approval as presented. In accordance with NC General Statutes, the Board also submits the attached statement of consistency.

**Action**

This presentation is for public hearing purposes only; no action is requested at this time.

**Attachments:**

1. TXT-24-001 Draft Amendments
2. Consistency Statement BPB



## UNIFIED DEVELOPMENT ORDINANCE

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# CHAPTER 16. ADMINISTRATION

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### 16.7. Legislative decisions.

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D. Procedures for zoning map amendments. Applications for zoning map amendments shall be processed, considered, and voted upon using the same procedures and subject to the same requirements as those established in Section 16.7.C except as provided below:

1. *Notification requirements:* Hearings on proposed zoning map amendments require additional public notices in accordance with G.S. 160D-602. Additional notification of the public hearing shall be as follows:
  - a. A notice of a proposed change to the official map shall be sent by first-class mail by the administrator to the affected property and to all abutting property owners. For the purpose of this section, properties are "abutting" even if separated from the subject property by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least ten but not more than 25 days prior to the date of the hearing.
  - b. The first-class mail notice required under subsection (a) of this section shall not be required when the zoning reclassification action directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the city elects to use the expanded published notice procedures provided that the advertisement shall not be less than one-half newspaper page in size. The local government will publish the notice of a hearing in a newspaper having general circulation in the city once a week, for two successive weeks, the first notice to be published not less than ten days nor more than 25 days prior to the date established for the hearing. The notice shall only be effective for the property owners who reside in the area of general circulation of the newspaper which published the notice. Property owners who reside outside of the city's jurisdiction or outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by mail pursuant to this section. The person or persons mailing the notices shall certify to the city council that fact, and the certificates shall be deemed conclusive in the absence of fraud.
  - c. One or more prominent signs with the notice of the hearing shall be posted on the subject property or properties beginning not less than ten days nor more than 25 days prior to the date established for the hearing. Such notice shall state a phone number to contact during business hours for information. The sign shall remain until after the city council has rendered its final decision.
  - d. When a zoning map amendment is proposed and if substantial impact on the neighborhood can be anticipated, the administrator shall have the right to require a neighborhood compatibility meeting in order to gather neighborhood feedback, and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents. A substantial impact on the neighborhood includes but is not limited to applications for zoning map amendments affecting multiple parcels with separate owners and for conditional zoning districts that request modifications to requirements enumerated in Section 2.2 and Section 2.3.
2. *Brevard Planning Board review and comment:*



a. When a zoning map amendment is initiated by the City, the administrator shall send a notice of the Planning Board meeting by first-class mail to the affected property owners in the affected area. This notice must be deposited in the mail at least ten but not more than 25 days prior to the date of the meeting. If the proposal affects more than 50 properties, the administrator may utilize the notification procedure outlined in Section D.1.b.

a.b. In place of the recommendations outlined in Section 16.7.C, the BPB shall make one of the following recommendations with regard to a petition for a zoning map amendment:

- i. Grant the zoning map amendment as requested;
- ii. Grant the zoning map amendment with a reduction-change of the area requested;
  - If the change in area is an expansion of the area requested, the Board shall hold a second meeting discussing the expanded area. The administrator shall send a notice of the meeting by first-class mail to the affected property owners in the proposed expanded area. This notice must be deposited in the mail at least ten but not more than 25 days prior to the date of the second meeting. If the proposal affects more than 50 properties, the administrator may utilize the notification procedure outlined in Section D.1.b.
  - If the change in area is a reduction of the area requested. Then no additional meetings or notifications are required.

ii-iii. Grant the zoning map amendment to a more restrictive general zoning district or districts; or

iii-iv. Deny the application.

b.c. The BPB shall submit a statement analyzing the reasonableness of any proposal for a zoning map amendment. The statement of reasonableness may consider, among other factors:

- i. The size, physical conditions, and other attributes of any area proposed to be rezoned;
- ii. The benefits and detriments to the landowners, the neighbors, and the surrounding community;
- iii. The relationship between the current actual and permissible development and the development permissible under the proposed amendment;
- iv. Why the action taken is in the public interest; and
- v. Any changed conditions warranting the amendment.

3. *Legislative hearing:*

- a. In addition to the general procedures outlined in Section 16.7.C.7, when adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning must be approved by the city council in accordance with G.S. 160D-605. The statement of reasonableness and the plan consistency statement may be approved as a single statement.
- b. In place of the decisions outlined in Section 16.7.C.7(b), a decision concerning a petition for a zoning map amendment shall be as follows:
  - i. Grant the zoning map amendment as requested;
  - ii. Grant the zoning map amendment with a reduction in the area requested;
  - iii. Grant the zoning map amendment to a more restrictive general zoning district;
  - iv. Grant the zoning map amendment with a combination of (i) and (ii) above;
  - v. Deny the application;
  - vi. Send the application back to the BPB for further study and consideration; or
  - vii. Call for additional legislative hearings on petitions brought before them.



- c. In accordance with G.S. 160D-605, if a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and shall be required. A plan amendment and a zoning amendment may be considered concurrently, and does not require a separate application fee for a plan amendment.

DRAFT

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN  
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS  
TXT-24-001**

*NCGS 160D-605 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.*

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

Building Brevard Comprehensive Land Use Plan:

**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.



# CITY *of* BREVARD

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

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## **TAX SETTLEMENT REPORT FOR MONTH ENDED JANUARY 31, 2024**

**Tina Tanner, Tax Collector**

CITY OF BREVARD TAX SETTLEMENT REPORT  
MONTH ENDING JANUARY 31, 2024

UPDATED: 02.05.2024

| YEAR         | JULY          | AUGUST          | SEPTEMBER     | OCTOBER       | NOVEMBER      | DECEMBER      | TOTAL           |
|--------------|---------------|-----------------|---------------|---------------|---------------|---------------|-----------------|
| 2023         |               | \$ 3,999,226.23 | \$ 423,200.72 | \$ 153,930.97 | \$ 103,115.62 | \$ 616,739.15 |                 |
| 2022-2011    | \$ 8,264.83   | \$ 22,421.57    | \$ 1,772.62   | \$ 2,221.69   | \$ 1,183.95   | \$ 312.17     |                 |
| 2010 - Prior | \$ -          | \$ -            | \$ -          | \$ -          | \$ -          | \$ -          |                 |
| TOTAL:       | \$ 8,264.83   | \$ 4,021,647.80 | \$ 424,973.34 | \$ 156,152.66 | \$ 104,299.57 | \$ 617,051.32 |                 |
|              |               |                 |               |               |               |               |                 |
| 2023         | \$ 506,950.24 |                 |               |               |               |               | \$ 5,803,162.93 |
| 2022-2011    | \$ 3,161.49   |                 |               |               |               |               | \$ 39,338.32    |
| 2010 - Prior | \$ -          | \$ -            | \$ -          | \$ -          | \$ -          | \$ -          | \$ -            |
| TOTAL:       | \$ 510,111.73 | \$ -            | \$ -          | \$ -          | \$ -          | \$ -          | \$ 5,842,501.25 |

HEART OF BREVARD TAX SETTLEMENT REPORT  
MONTH ENDING, JANUARY 31, 2024

UPDATED: 02.05.2024

| YEAR         | JULY         | AUGUST       | SEPTEMBER   | OCTOBER     | NOVEMBER    | DECEMBER      | TOTAL         |
|--------------|--------------|--------------|-------------|-------------|-------------|---------------|---------------|
| 2023         |              | \$ 84,666.91 | \$ 4,920.46 | \$ 2,272.69 | \$ 2,148.37 | \$ 11,868.43  |               |
| 2022-2011    |              | \$ 4,227.80  | \$          | \$ 535.70   | \$          | \$ 35.52      |               |
| 2010 - Prior | \$ -         | \$ -         | \$ -        | \$ -        | \$ -        | \$ -          |               |
| TOTAL:       | \$ -         | \$ 88,894.71 | \$ 4,920.46 | \$ 2,808.39 | \$ 2,148.37 | \$ 11,903.95  |               |
|              |              |              |             |             |             |               |               |
|              | JANUARY      | FEBRUARY     | MARCH       | APRIL       | MAY         | JUNE          | TOTAL         |
| 2023         | \$ 19,913.88 |              |             |             |             | \$ 125,790.74 |               |
| 2022-2011    |              |              |             |             |             | \$ 4,799.02   |               |
| 2010 - Prior | \$ -         | \$ -         | \$ -        | \$ -        | \$ -        | \$ -          |               |
| TOTAL:       | \$ 19,913.88 | \$ -         | \$ -        | \$ -        | \$ -        | \$ -          | \$ 130,589.76 |

## **STAFF REPORT**

**City Council, Monday, February 19, 2024**

**Title:** Report of Unpaid Taxes and Authorization to Advertise

**Speaker:**

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

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

### **STAFF REPORT**

**DATE:** February 19, 2024

**TO:** Mayor and City Council Members

**FROM:** Tina Tanner, Tax Collector

**SUBJECT:** 2023 Unpaid Property Tax Report and Authorization to Advertise Past Due 2023 Real / Personal Property Tax

**BACKGROUND:** The Brevard City Council voted to begin collecting property tax effective July 1, 2019. G.S. 105-369 of the North Carolina Statutes requires the Tax Collector to report the unpaid property tax amount in the month of February.

**Recommendation:** Authorize the Tax Collector to advertise the 2023 unpaid property tax as municipal taxes.

**FISCAL IMPACT:** \$297,063

#### **Attachments:**

1. 2023 REPORT OF UNPAID TAXES AUTHORIZATION TO ADVERTISE

**CITY OF BREVARD**  
**ADVERTISEMENT OF 2023 PAST DUE REAL/PERSONAL PROPERTY TAXES**

Under and by virtue of the authority granted by Section 105-369 of the North Carolina Statutes, as of January 31, 2024, the City of Brevard hereby advertises Real Property Taxes past due for the year 2023 in the amount of \$279,900. and Personal Property Taxes in the amount of \$17,163. resulting in a total of \$297,063. The amount advertised will be increased by interest and cost.

The omission of interest and costs from the amount advertised will not constitute a waiver of the city's claim for these items. If these taxes remain unpaid after this advertisement is completed, the City of Brevard will begin collection procedures set out by General Statutes 105-367 and 105-374.

As a courtesy to our taxpayers, anyone on this list who has already paid this tax as of the date of the advertisement, should contact the City Tax Collector and a retraction will be advertised one month from the date of the original advertisement.

**Recommendation:** Authorize the Tax Collector to advertise 2023 unpaid property taxes as municipal taxes.

## **STAFF REPORT**

**City Council, Monday, February 19, 2024**

**Title:** Budget Amendment - Governors Crime Commission Grant

**Speaker:** Dean Luebbe

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

**Approved by:** Wilson Hooper, City Manager

### **Background**

In January of 2024 the City received a check for \$23,920.18 from the North Carolina Department of Public Safety Grant related to a Governors Crime Commission Grant which the Police Department had previously applied for. Maintaining the proper specialized equipment, including protective equipment, is very important to the City, and we thank the Department of Public Safety for their assistance. This budget ordinance has no impact on fund balance.

### **Recommendation**

Approve budget ordinance as submitted.

### **Attachments:**

1. Ordinance - Budget Amendment - 24K Governors Crime Commission Grant
2. 2-19-24 GCC budget amendment
3. 2-19-24 GCC Resolution, Grant Award, and pmnt from State
4. 2-19-24 GCC invoices

# ORDINANCE NO. 2024-XX

**SUBJECT:** Budget Amendment to increase expenditures and revenues in the General Fund for \$24,000, for a Police Grant received from the Governors Crime Commission.

## AGENDA INFORMATION

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

**BRIEF SUMMARY:** Chief Jordan began the application process for the 2022-2023 Governor's Crime Commission grant in January, 2022. The purpose of the funding was officer safety during crowd control and riots, and to provide the City with the capacity to assist neighboring jurisdictions when requested. Council passed a resolution authorizing reception of this grant and the requisitioning of funds in its implementation, on April 17, 2023. The City was awarded the grant on January 30, 2023. The City purchased five protective armor suits, five ballistic helmets with shields, five side-handle batons, one voice amplifier for a gas mask, five CO2 launchers with less-lethal oleoresin capsicum projectiles, four pairs of electronic control and compliance gloves, with a total of \$23,920.18, and we received full reimbursement in January of 2024.

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

|                                     |          |
|-------------------------------------|----------|
| 10-5100-6000 (Department Equipment) | \$24,000 |
|-------------------------------------|----------|

And increasing the budget in the revenue account

|                                                    |          |
|----------------------------------------------------|----------|
| 10-3910-0775 (Grant – Governor’s Crime Commission) | \$24,000 |
|----------------------------------------------------|----------|

**ATTACHMENTS:**

- (1) Budget Amendment 24-03
- (2) Resolution 2023-23, Grant Award, and Payment from State
- (3) Invoices related to GCC Grant

**MANAGER'S RECOMMENDATION:** Adopt as presented

Approved and adopted this 19th day of February, 2024.

Maureen Copelof  
Mayor

ATTEST:

Denise Hodsdon, CMC  
City Clerk

APPROVED AS TO FORM:

---

Mack McKeller  
City Attorney

**Budget Amendment Number 24-03**  
**Fiscal Year 2023-2024**

|  | ACCOUNT NUMBER | ACCOUNT DESCRIPTION              | DEBIT     | CREDIT    |
|--|----------------|----------------------------------|-----------|-----------|
|  |                |                                  |           |           |
|  |                |                                  |           |           |
|  |                |                                  |           |           |
|  |                |                                  |           |           |
|  | 10-5100-6000   | Department Equipment             | 24,000.00 |           |
|  | 10-3910-0775   | Governors Crime Commission Grant |           | 24,000.00 |
|  |                |                                  |           |           |
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|  |                |                                  |           |           |
|  |                |                                  |           |           |
|  |                |                                  |           |           |
|  |                | TOTAL DEBITS/CREDITS             | 24,000.00 | 24,000.00 |

**EXPLANATION:**

**Increases expenditures and revenues for Police Grant from Governors Crime Commission.**

JE# \_\_\_\_\_ SYSTEM # \_\_\_\_\_ Date Posted \_\_\_\_\_ BY: \_\_\_\_\_

**Fiscal Year** \_\_\_\_\_ **Month** \_\_\_\_\_ **Finance Director Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**RESOLUTION NO. 2023-23**

**RESOLUTION ACCEPTING GRANTS FROM THE NORTH CAROLINA  
GOVERNOR'S CRIME COMMISSION**

**WHEREAS** it is the desire of the City of Brevard to support the Brevard Police Department in providing vital equipment that will improve the safety and response to public safety needs; and

**WHEREAS** the Brevard Police Department wishes to submit a grant application to the North Carolina Governor's Crime Commission for funding to purchase the following equipment:

| <u>Description</u>           | <u>Quantity</u> | <u>Unit Cost</u> | <u>Total</u> |
|------------------------------|-----------------|------------------|--------------|
| Ballistic Helmets w/ Shields | 9               | \$ 640.00        | \$ 5,760.00  |
| GLOVE Conducted Energy       | 2               | \$ 1,495.00      | \$ 2,990.00  |
| Protective Armor Suits       | 5               | \$ 850.00        | \$ 4,250.00  |
| Side Handle Batons           | 5               | \$ 133.05        | \$ 665.25    |
| Voice Amplifier for Gas Mask | 1               | \$ 667.00        | \$ 667.00    |
| 17.3mm Launchers             | 5               | \$ 2,010.00      | \$10,050.00  |

**WHEREAS** the Brevard Police Department seeks this grant from the North Carolina Governor's Crime Commission for \$24,382.25; and

**WHEREAS** it is the desire of the Brevard City Council to accept the grant from the North Carolina Governor's Crime Commission.

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

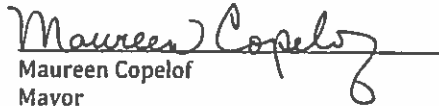
Section 1. The City Manager and/or their designee(s) are hereby authorized to officially accept the grant from the North Carolina Governor's Crime Commission. There are no additional costs to the City of Brevard.

Section 2. The City Manager and/or their designee(s) are hereby authorized to requisition funds to implement this grant if it is so awarded. In accordance with the regulations of the grant program, two signatures shall be required for any requisition.

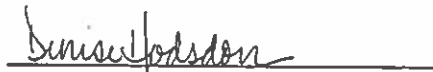
Section 3. This Resolution shall become effective upon its adoption and approval.

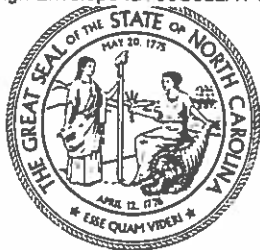
Approved and adopted this 17th day of April, 2023.



  
Maureen Copelof  
Mayor

ATTEST:

  
Denise Hodsdon, CMC  
City Clerk



STATE OF NORTH CAROLINA  
**DEPARTMENT OF PUBLIC SAFETY**  
**GOVERNOR'S CRIME COMMISSION**  
 1201 Front Street, Suite 200  
 Raleigh, NC 27609  
 Telephone: (919) 733-4564 Fax: (919) 733-4625  
<http://www.ncdps.gov/gcc/>

## GRANT AWARD

**Applicant:** City of Brevard  
**Authorizing Official:** Wilson Hooper  
 City Manager  
**Address:** 95 West Main St.  
 Brevard, North Carolina 28712-3648  
**Vendor Number:** 560188010

**Project Name:** 2022 - Brevard Police Department -  
 Equipment and Training  
**Implementing Agency:** Brevard Police Department  
**Project Director:** Aaron Thompson  
**Project Number:** PROJ015683  
**Account Manager:** Matthew Stuart

**Grant Period:** 10/01/2022 - 09/30/2023

### Budgets

| Period                    | Personnel | Contractual | Travel | Supplies    | Equipment | Indirect Costs | Total              |
|---------------------------|-----------|-------------|--------|-------------|-----------|----------------|--------------------|
| Year 1                    | \$0.00    | \$0.00      | \$0.00 | \$24,382.25 | \$0.00    | \$0.00         | \$24,382.25        |
| <b>Grant Budget Total</b> |           |             |        |             |           |                | <b>\$24,382.25</b> |

| Source                                | Federal Grant #         | CFDA # | % Funding | Federal Award |
|---------------------------------------|-------------------------|--------|-----------|---------------|
| 2022::Byrne Justice Assistance Grants | 15PBJA-22-GG-00633-JAGX | 16.738 | 100%      | \$24,382.25   |

In accordance with the laws and regulations of the United States and the State Of North Carolina, and on the basis of the grantee's application, the Department of Public Safety hereby awards to the foregoing grantee an award in the amount above.

This grant is subject to the conditions listed in the approved grant application as well as all applicable rules, regulations and conditions, as may be described by the Department of Public Safety. Special conditions are attached to this award.

This grant shall become effective, as of the start date of the grant period listed, once this original grant award has been properly executed on behalf of the grantee and returned to the Governor's Crime Commission, attention of the Grants Management Director. The grant award must be returned within 30 days of the date the award is mailed from the Governor's Crime Commission. No alterations of any kind may be made on this grant award.

### Authorizing Official

Wilson Hooper 1/30/2023 | 15:47:53 EST  
 Signature of Authorizing Official Date

Wilson Hooper, City Manager  
 Name and Title of Authorizing Official

### Governor's Crime Commission

Caroline Farmer 01/30/2023  
 Signature of Director Date

Caroline Farmer, Executive Director  
 Name and Title of Director

### Project Director

Aaron Thompson 1/30/2023 | 11:23:19 EST  
 Signature of Project Director Date

Aaron Thompson,  
 Name and Title of Project Director

☐ This award is subject to the attached conditions, which must be signed by both the authorizing official and the project director, and returned along with this Grant Award. No alterations of any kind may be made on this grant award.

## **Federal Award Identification Worksheet**

|                                                                                                                                                                                                             |                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Federal award identification :</b>                                                                                                                                                                       | 15PBJA-22-GG-00633-JAGX                                                                                                                                               |
| <b>Project ID :</b>                                                                                                                                                                                         | PROJ015683                                                                                                                                                            |
| <b>Subrecipient :</b>                                                                                                                                                                                       | City of Brevard                                                                                                                                                       |
| <b>Federal Award Identification # (FAIN) :</b>                                                                                                                                                              | 15PBJA-22-GG-00633-JAGX                                                                                                                                               |
| <b>DUNS # :</b>                                                                                                                                                                                             | 170669584                                                                                                                                                             |
| <b>Federal award date :</b>                                                                                                                                                                                 | Oct 01, 2021 - Sep 30, 2025                                                                                                                                           |
| <b>Subaward period of performance start and end date :</b>                                                                                                                                                  | Oct 01, 2022 - Sep 30, 2023                                                                                                                                           |
| <b>Federal funds obligated in this agreement :</b>                                                                                                                                                          | \$24,382.25                                                                                                                                                           |
| <b>Federal funds obligated to the subrecipient :</b>                                                                                                                                                        | \$24,382.25                                                                                                                                                           |
| <b>Total federal award :</b>                                                                                                                                                                                | \$5,530,630.00                                                                                                                                                        |
| <b>Catalog of federal domestic assistance (CFDA) :</b>                                                                                                                                                      | 16.738                                                                                                                                                                |
| <b>Indirect cost rate for the federal award :</b>                                                                                                                                                           | We do not receive an indirect cost rate                                                                                                                               |
| <b>Indirect cost rate to be used by the subrecipient (either a federally-approved rate, a rate negotiated between the pass-through entity and the subrecipient, or the de minimis indirect cost rate) :</b> | Direct/Allocated Costs Only                                                                                                                                           |
| <b>Identification of whether the award is research and development (R&amp;D) :</b>                                                                                                                          | We do not fund research and development                                                                                                                               |
| <b>Pass through entity and awarding official :</b>                                                                                                                                                          | NC Governor's Crime Commission<br>Caroline Farmer, Executive Director<br><a href="mailto:Caroline.Farmer@ncdps.gov">Caroline.Farmer@ncdps.gov</a>                     |
| <b>Federal awarding agency :</b>                                                                                                                                                                            | United States Department of Justice - Bureau of Justice Assistance                                                                                                    |
| <b>Federal award description :</b>                                                                                                                                                                          | The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to states and units of local government. |



STATE OF NORTH CAROLINA  
DEPARTMENT OF PUBLIC SAFETY  
4220 MAIL SERVICE CENTER  
RALEIGH NC 27699

531  
Date: 12/28/23  
PAYABLE AT PAH THROUGH FEDERAL  
RESERVE SYSTEM  
STATE TREASURER, RALEIGH, NC  
Valid After: One Year

PAY TWENTY-THREE THOUSAND NINE HUNDRED TWENTY AND 18/100

\$23,920.18

TO THE ORDER OF  
CITY OF BREVARD  
95 W MAIN ST  
BREVARD NC 28712

*Allen Talley-Burton*  
AUTHORIZED SIGNATURE

⑈000005350⑈ ⑆053110594⑆ 7⑈000⑈073⑈

STATE OF NORTH CAROLINA  
DEPARTMENT OF PUBLIC SAFETY  
4220 MAIL SERVICE CENTER, RALEIGH NC 27699

000005350

| DATE     | INVOICE/CREDIT MEMO # | HANDLING | INVOICE AMOUNT | DISC   | NET AMOUNT  |
|----------|-----------------------|----------|----------------|--------|-------------|
| 12/21/23 | 3000277733            |          | \$23,920.18    | \$0.00 | \$23,920.18 |
| TOTALS   |                       |          | \$23,920.18    | \$0.00 | \$23,920.18 |

Rec #  
655501

Dean

received  
1-2-24

Amts to Be  
P'd +  
10-2010-1900

Copy

Jo Jo

Blue Line Advancements, LLC  
2800 Hovis Court  
Gastonia, North Carolina 28056  
704-351-3693

# COMPLIANT

## TECHNOLOGIES



BLUE LINE ADVANCEMENTS, LLC INVOICE 91123  
2800 HOVIS CT. GASTONIA, NC 28056

DATE 9/11/23

PO- AARON THOMPSON

BILL TO

Brevard Police Department  
95 W. Main St.  
Brevard, NC 28712  
PO- Aaron Thompson

SHIP TO

Same

INSTRUCTIONS

Make Payment to  
Blueline Advancements LLC  
2800 Hovis Ct.  
Gastonia, NC 28056  
Attn: Jim Irvin  
704-351-3693

| QUANTITY | SIZE | DESCRIPTION             | UNIT PRICE | TOTAL   |
|----------|------|-------------------------|------------|---------|
| 4        | TBD  | CT-F2 - SD Black Gloves | 1595.00    | 6380.00 |
| 1        |      | SD Controller           |            | 330.00  |
| 1        |      | On Site Training        |            | 795.00  |

COMPLIANT TECHNOLOGIES-  
The Force Multiplier

YOUR LOGO  
HERE

|                     |       |
|---------------------|-------|
| SHIPPING & HANDLING | 30.00 |
|---------------------|-------|

|                                   |                |
|-----------------------------------|----------------|
| <b>TOTAL DUE BY WHEN RECEIVED</b> | <b>7535.00</b> |
|-----------------------------------|----------------|

*Thank you for your business!*



3319 Anvil Place  
Raleigh, NC 27603

800 Clanton Road Suite T  
Charlotte, NC 28217

4961 Broad River Rd. Suite B  
Columbia, SC 29212

## SALES QUOTE

SQ-393313

6/28/2023

REMIT TO: 3319 Anvil Place, Raleigh, NC 27603



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                         |                                         |                     |                                                                                                                                            |                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>Customer</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                         | <b>Contact</b>                          |                     | <b>Ship To</b>                                                                                                                             |                         |
| BREVARD POLICE DEPARTMENT<br>ATTN: ACCOUNTS PAYABLE<br>114 WEST JORDAN STREET<br>BREVARD NC 28712<br>Tel: (828)883-2212<br>Fax: (828)883-3067                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                         |                                         |                     | BREVARD POLICE DEPARTMENT<br>DET SGT AARON THOMPSON<br>95 W MAIN ST<br>BREVARD NC 28712<br>Tel: (828)885-5632                              |                         |
| <b>Account</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Terms</b>                                                                                            | <b>Due Date</b>                         | <b>Account Rep</b>  | <b>Schedule Date</b>                                                                                                                       |                         |
| BREVAR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | NET 30 Days                                                                                             | 7/28/2023                               | Zachary Parke       | 6/28/2023                                                                                                                                  |                         |
| <b>Quotation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>PO #</b>                                                                                             | <b>Reference</b>                        | <b>Ship VIA</b>     | <b>Page</b>                                                                                                                                | <b>Printed</b>          |
| SQ-393313                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                         | THOMPSON                                | FedEx Ground        | 1                                                                                                                                          | 6/28/2023<br>11:36:44AM |
| <b>L</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Item / Model / Brand<br/>Description</b>                                                             | <b>Qty</b>                              | <b>Price<br/>UM</b> | <b>Discount<br/>%</b>                                                                                                                      | <b>Amount</b>           |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | AVO7160111-002 / A03748385417 / AVON<br>Avon 71601-11 Voice Projection Unit with<br>Microphone Assembly | 1                                       | \$513.88<br>EA      | \$0.00                                                                                                                                     | \$513.88                |
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | SH / MISCEL<br>SHIPPING/HANDLING                                                                        | 1                                       | \$18.95<br>EA       | \$0.00                                                                                                                                     | \$18.95                 |
| <p>5100-6000</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                         |                                         |                     |                                                                                                                                            |                         |
| Pricing is valid for 30 days. * Please verify that the part numbers and descriptions are correct before submitting your order. * Restocking fees may apply to returned items. Firearms, ammunition, special order or customized items and certain other products may not be returned. * Many products sold have manufacturer's warranties. For returns related to matters covered by a manufacturer's warranty, please contact the manufacturer directly for instructions to repair or replace your product. We do not augment or supplement the manufacturer warranty. * Prices on this quotation assume payment with cash or check. |                                                                                                         | <b>Tax Details</b><br>NCCTY675 \$35.966 |                     | <b>Taxable</b><br>\$532.83<br><br><b>Total Tax</b> \$35.97<br><b>Exempt</b> \$0.00<br><b>Total</b> \$568.80<br><br><b>Balance</b> \$568.80 |                         |

**MILSPEC  
PLASTICS**P. O. Box 367  
Enka, NC 28728**Invoice**

| Date      | Invoice # |
|-----------|-----------|
| 8/18/2023 | 11154     |

|                                                                  |
|------------------------------------------------------------------|
| <b>Bill To</b>                                                   |
| Brevard Police Dept.<br>114 West Jordan St.<br>Brevard, NC 28712 |

|                                                                                        |
|----------------------------------------------------------------------------------------|
| <b>Ship To</b>                                                                         |
| Brevard Police Dept.<br>114 West Jordan St.<br>Brevard, NC 28712<br>Det. Sgt. Thompson |

| P.O. Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Terms                    | Rep                                                                             | Ship                    | Via        | F.O.B.   | Project |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------------------------------------------------------------------------|-------------------------|------------|----------|---------|
| Proforma                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Net 10                   | MP                                                                              | 8/30/2023               | Best       |          |         |
| Quantity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Item Code                | Description                                                                     | U/M                     | Price Each | Amount   |         |
| 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | MLR FA                   | MLR Semi-Auto Less Lethal Air Powered Launcher, Black                           | ea                      | 620.00     | 3,100.00 |         |
| 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | TC20-500                 | Level 2 OC+ PAVA, .68 Cal Projectiles, 500 pcs                                  | ea                      | 835.00     | 2,505.00 |         |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Training, Handcuff Cert. | Certified Train the Trainer Less Lethal Operation & Cuff Procedure (5-Students) | ea                      | 500.00     | 500.00   |         |
| 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | M22011                   | Folding Stock -for MLR, Orange                                                  | ea                      | 45.00      | 225.00   |         |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | M33100                   | Field Refill Tank Adapter                                                       | ea                      | 45.00      | 45.00    |         |
| 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | TT-INERT-500             | Inert/Training Rounds, .68 Caliber Projectiles, 500 pcs                         | ea                      | 299.00     | 1,495.00 |         |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Shipping                 | Shipping & Handling                                                             | ea                      | 65.50      | 65.50    |         |
| These items are controlled by the U.S. Government and authorized for export only to the country of ultimate destination for use by the ultimate consignee or end-user(s) herein identified. They may not be resold, transferred, or otherwise disposed of, to any other country or to any person other than the authorized ultimate consignee or end-user(s), either in their original form or after being incorporated into other items, without first obtaining approval from the U.S. government or as otherwise authorized by U.S. law and regulations. |                          |                                                                                 | <b>Sales Tax (0.0%)</b> |            |          |         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                          |                                                                                 | \$0.00                  |            |          |         |
| <b>PLEASE REMIT TO ADDRESS BELOW:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                          |                                                                                 | <b>Total</b>            |            |          |         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                          |                                                                                 | \$7,935.50              |            |          |         |
| MILSPEC PLASTICS P.O. Box 367 Enka, NC 28728 PH (800)525-9878 Fax (828)785-4308<br>www.milspecplastics.com                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                          |                                                                                 |                         |            |          |         |



3319 Anvil Place  
Raleigh, NC 27603

800 Clanton Road Suite T  
Charlotte, NC 28217

## SALES ORDER

SO-455554

9/21/2023

REMIT TO: 3319 Anvil Place, Raleigh, NC 27603



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                  |                                                                        |                    |                                                                                                                                                                                       |                      |                         |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|---------------|
| <b>Customer</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                  | <b>Contact</b>                                                         |                    | <b>Ship To</b>                                                                                                                                                                        |                      |                         |               |
| BREVARD POLICE DEPARTMENT<br>ATTN: ACCOUNTS PAYABLE<br>114 WEST JORDAN STREET<br>BREVARD NC 28712<br>Tel: (828)883-2212<br>Fax: (828)883-3067                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                  | 5100-6000                                                              |                    | BREVARD POLICE DEPARTMENT<br>SHAWN MILLER<br>114 WEST JORDAN STREET<br>BREVARD NC 28712<br>Tel: (828)883-2212, (828)885-5644                                                          |                      |                         |               |
| <b>Account</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Terms</b>                                                                                                                                                                                                     | <b>Due Date</b>                                                        | <b>Account Rep</b> |                                                                                                                                                                                       | <b>Schedule Date</b> |                         |               |
| BREVAR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | NET 30 Days                                                                                                                                                                                                      | 10/21/2023                                                             | Zachary Parke      |                                                                                                                                                                                       | 8/22/2023            |                         |               |
| <b>Quotation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>PO #</b>                                                                                                                                                                                                      | <b>Reference</b>                                                       | <b>Ship VIA</b>    |                                                                                                                                                                                       | <b>Page</b>          | <b>Printed</b>          |               |
| SQ-395198                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | THOMPSON                                                                                                                                                                                                         | THOMPSON                                                               | FACTORY DIRECT     |                                                                                                                                                                                       | 1                    | 9/21/2023<br>11:45:59AM |               |
| <b>L Item</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Description</b>                                                                                                                                                                                               | <b>Order</b>                                                           | <b>Ship</b>        | <b>Price</b>                                                                                                                                                                          | <b>UM</b>            | <b>Discount</b>         | <b>Amount</b> |
| 1 DAM0066BKSM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Damascus PX6 Phenom 6 Px6 Tactical Riot Suit MD - COLOR:Black MD - SIZE:Small                                                                                                                                    | 1                                                                      |                    | \$682.99                                                                                                                                                                              | EA                   |                         | \$682.99      |
| 2 DAMPX6BKM-L                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Damascus PX6 Phenom 6 Px6 Tactical Riot Suit Black Medium - Large - UPC 736404740203                                                                                                                             | 4                                                                      |                    | \$682.99                                                                                                                                                                              | EA                   |                         | \$2,731.96    |
| 3 DAMCRT100BKSM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Damascus CRT100 Vector 1 Riot Control - With Carbon-Tek Fiber Knuckles Black Small - UPC 736404700207                                                                                                            | 1                                                                      |                    | \$59.99                                                                                                                                                                               | EA                   |                         | \$59.99       |
| 4 DAMCRT100BKLG                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Damascus CRT100 Vector 1 Riot Control - With Carbon-Tek Fiber Knuckles Black Large - UPC 736404700221                                                                                                            | 4                                                                      |                    | \$59.99                                                                                                                                                                               | EA                   |                         | \$239.96      |
| 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                  |                                                                        |                    |                                                                                                                                                                                       |                      |                         |               |
| 6 MON1000026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Monadnock 1201 PR24ALTS Length Open - 24 Inch - 60.96cm Weight - 26 oz. - .74kg Diameter - 1 1/4 Inch - 3.2cm Grip - Knurled Grip Locking Method - Fixed Length Tip Style or HANDLE Style - Trumbull Stop HANDLE | 5                                                                      |                    | \$148.00                                                                                                                                                                              | EA                   |                         | \$740.00      |
| 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                  |                                                                        |                    |                                                                                                                                                                                       |                      |                         |               |
| 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                  |                                                                        |                    |                                                                                                                                                                                       |                      |                         |               |
| 9 PAP1220976BKMID                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | STATE CONTRACT 680C<br>Protech Tactical Helmet 1220976-MC Delta 4 4-Bolt Mid-Cut Black, SM/MD                                                                                                                    | 1                                                                      |                    | \$366                                                                                                                                                                                 | EA                   |                         | \$366.00      |
| 10 PAP1220976BKMID                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | QN: 21-QUO-002294 NASPO<br>Protech Tactical Helmet 1220976-MC Delta 4 4-Bolt Mid-Cut Black, LG/XL                                                                                                                | 4                                                                      |                    | \$366                                                                                                                                                                                 | EA                   |                         | \$1,464.00    |
| 11 PAPPTAHSR2SM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Protech Tactical Helmet PTA-HS-R2SM R2S Suspension System with Mesh Liner                                                                                                                                        | 5                                                                      |                    | \$104.5                                                                                                                                                                               | EA                   |                         | \$522.50      |
| 12 PAP1002847                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Protech Tactical Helmet 1002847 702L Ballistic Face Shield Single-Hit 9mm, Band Mount, FC Helmet                                                                                                                 | 5                                                                      |                    | \$192                                                                                                                                                                                 | EA                   |                         | \$960.00      |
| 13 SH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | SHIPPING/HANDLING                                                                                                                                                                                                | 1                                                                      |                    | \$149.95                                                                                                                                                                              | EA                   |                         | \$149.95      |
| Thank you for your purchase. Checks are processed electronically. Originals will be secured for 30 days then destroyed.<br>If you are not satisfied with your purchase, simply return it in its original package with your receipt within 30 days. Products must be in new condition. Guns, special orders, engraved, clearance or altered products may not be returned. All shipping discrepancies must be reported within 30 days of shipment. We may assess a 1.5% per month late fee on all past due invoices. No refunds on shipping.<br>X _____ Date: _____ |                                                                                                                                                                                                                  | <b>Tax Details</b><br>NCCTY675 \$534.421<br><br><b>Payment Details</b> |                    | <b>Taxable</b><br><br><b>Total Tax</b> \$534.42<br><b>Exempt</b> \$0.00<br><b>Total</b> \$8,451.77<br><br><b>Paid</b> \$0.00<br><b>Balance</b> \$8,451.77<br><b>Dep. Avail</b> \$0.00 |                      | \$7,917.35              |               |

## **STAFF REPORT**

**City Council, Monday, February 19, 2024**

**Title:** Budget Amendment - French Broad Community Center Roof

**Speaker:** Dean Luebbe

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

**Approved by:** Wilson Hooper, City Manager

### **Background**

The Bjerg Trust was initiated with \$55,440 of principal, with interest earnings intended to be used for the upkeep of the French Broad Community Center. The front portion of the roof at the Center is flat, and water damage has occurred on the roof and the adjacent siding. The City wishes to use \$5,600 of interest revenues from the Bjerg Trust to cover the bulk of the \$6,350 estimated cost obtained from Rader Construction to repair the roof and decking. Additional explanation was offered by the City Manager in his most recent weekly memo to Council.

### **Recommendation**

Approve budget amendment as presented.

### **Attachments:**

1. Budget Amendment French Broad Community Center roof \$6,600
2. budget amendments 24-04
3. Roof quote from Rader Construction for French Broad Community Center\_

**ORDINANCE NO. 2024-XX**  
**AN ORDINANCE AMENDING THE FY2023-2024 BUDGET**  
**AMENDMENT NUMBER 24-04**

**SUBJECT:** Budget Amendment to increase expenditures and revenues in the General Fund by \$6,600 for improvements on the roof at the French Broad Community Center. The bulk of this expenditure will be transferred from the Bjerg Trust Fund from interest revenues.

**AGENDA INFORMATION**

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

**BRIEF SUMMARY:** The front section of the roof at the French Broad Community Center needs to be replaced as it is causing water damage to the vinyl siding and decking of the building. The City received a quote from Rader Construction of \$6,350.00 to complete the work. The City wishes to transfer \$5,600 of interest revenues from the Bjerg Trust Fund to cover the bulk of the expenditure.

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

|                                         |         |
|-----------------------------------------|---------|
| 10-5000-7400 (Capital Outlay)           | \$6,600 |
| 51-5000-6100 (Transfer to General Fund) | \$5,600 |

And increasing the budget in the revenue account

|                                               |         |
|-----------------------------------------------|---------|
| 51-2990-0000 (Fund Balance)                   | \$5,600 |
| 10-3970-0300 (Transfer from Bjerg Trust Fund) | \$5,600 |
| 10-2990-0000 (Fund Balance)                   | \$1,000 |

**ATTACHMENTS:**  
    (1) Budget Amendment 24-04  
    (2) Quote from Rader Construction

**MANAGER’S RECOMMENDATION:**        Adopt as presented

Approved and adopted this 19th day of February, 2024.

\_\_\_\_\_  
Maureen Copelof  
Mayor

ATTEST:

\_\_\_\_\_  
Denise Hodsdon, CMC  
City Clerk

APPROVED AS TO FORM:

---

Mack McKeller  
City Attorney

**Budget Amendment Number 24-04**  
**Fiscal Year 2023-2024**

|  | ACCOUNT NUMBER | ACCOUNT DESCRIPTION            | DEBIT     | CREDIT    |
|--|----------------|--------------------------------|-----------|-----------|
|  |                |                                |           |           |
|  |                |                                |           |           |
|  |                |                                |           |           |
|  |                |                                |           |           |
|  | 10-5000-7400   | Capital Outlay                 | 6,600.00  |           |
|  | 10-3970-0300   | Transfer from Bjerg Trust Fund |           | 5,600.00  |
|  | 10-2990-0000   | Fund Balance                   |           | 1,000.00  |
|  |                |                                |           |           |
|  | 51-5000-6100   | Transfer to General Fund       | 5,600.00  |           |
|  | 51-2990-0000   | Fund Balance                   |           | 5,600.00  |
|  |                |                                |           |           |
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|  |                |                                |           |           |
|  |                |                                |           |           |
|  |                | TOTAL DEBITS/CREDITS           | 12,200.00 | 12,200.00 |

**EXPLANATION:**

**Replace the front section of the roof at the French Broad Community Center.**

**JE#** \_\_\_\_\_ **SYSTEM #** \_\_\_\_\_ **Date Posted** \_\_\_\_\_ **BY:** \_\_\_\_\_

**Fiscal Year** \_\_\_\_\_ **Month** \_\_\_\_\_ **Finance Director Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

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**Rader Construction**  
**License No. 78228**  
**828-384-4272 or 828-384-4272**  
[\*\*raderr43@gmail.com\*\*](mailto:raderr43@gmail.com)  
**300 Clara Valley Rd**  
**Brevard NC. 28712**

## **Proposal: Roof**

### **French Broad Community Center:**

Cliff Justus

Building & Grounds Supervisor

#### **Description:**

Replace existing flat roofing material.

Currently there is a granulated roll roofing material covering the section of low pitch roof that is on the front of the building.

Water damage that is noticeable on front vinyl siding is due to the fact that the roofing material/application is faulty.

To provide a warranty approximately 6 square of roofing will need to be replaced with a modified bitumen roofing material.

Rotten decking will be replaced with new decking.

To enable a proper tie/in to the architectural shingles the three lower rows of shingles will be removed to allow for transition material to be installed. After modified roofing is installed on low pitch new closely matching architectural shingles will be installed to complete the job.

**Total: \$6,350.00** includes all labor and materials

---

Robert Rader Construction.

**THANK YOU FOR YOUR BUSINESS!**

## **STAFF REPORT**

**City Council, Monday, February 19, 2024**

**Title:** NCLWF Grant Application - Design Plans for Tannery North Streambank Restoration

**Speaker:** Paul C. Ray, Planning Director

**Prepared by:** Paul Ray, Planning Director

**Approved by:** Wilson Hooper, City Manager

### **Background**

North Carolina Land & Water Funds (NCLWF) fund planning projects to target reductions in surface water pollution. The intent is to conserve areas of high resource value or to restore degraded lands to re-establish their ability to protect water quality. Most of these planning applications have taken the form of watershed or river corridor plans for restoration opportunities.

In tandem to applying to NCLWF, staff is also working on updating the Tannery Brownfield Environmental Management Plan to allow stream restoration. This requires additional soil assessment, and Land of Sky Regional Council connected staff with the DEQ new Brownfield Assessment Grant that will fully cover these costs. Brevard is eligible to participate and will be the first western community to receive this assistance, according to Jordan Thompson, NCDEQ Project Manager for the Brownfields Redevelopment Section. The costs of the assessment will also be included as a match for the NCLWF planning grant.

### **Discussion**

By adopting this Resolution, Council would be supporting an application for a planning grant for the purpose of receiving 30% design plans for restoring Norton Creek across Tannery North and Tannery South properties. This would be the first step in continuing the streambank restoration work recently done at Silversteen Park. Having 30% design plans would allow Staff to approach property owners abutting the creek to request conservation easements to maintain a riparian buffer. Staff will seek implementation funding following planning and will request a commitment to match funding at a later time contingent upon available resources, and other budget priorities and constraints. The previous streambank restoration work and staff time may count toward match funding for a competitive application.

### **Policy Analysis**

The 2030 Comprehensive Land Use Plan places strong emphasis on restoring natural waterways and other environmentally sensitive areas, which was one of the highest priorities stated in CLUP surveys and was adopted by City Council as a goal.

### **Fiscal Impact**

None.

**Attachments:**

1. NCLWF Planning Grant Application Resolution

**RESOLUTION NO. 2024-XX**

**RESOLUTION BY THE CITY OF BREVARD CITY COUNCIL COMMITTING TO THE PLANNING AND IMPLEMENTATION OF PHASE II AND PHASE III OF THE NORTON CREEK RESTORATION PROJECT**

**WHEREAS**, the City of Brevard recognizes the importance of stream restoration to protect our community assets and to improve water quality;

**WHEREAS**, the Norton Creek Restoration Project has been identified as a critical initiative to address erosion and associated property loss, infrastructure integrity, and sedimentation;

**WHEREAS**, a highly prioritized goal in the 2030 Comprehensive Land Use Plan is celebrating Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation and restoration of native ecosystems;

**WHEREAS**, the successful planning and implementation of this project will contribute to the long-term safety and well-being of our citizens, and enhance the quality of life in our community;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Brevard, North Carolina that,

1. The City of Brevard hereby approves the application for planning funding from the NC Land and Water Fund Planning Grant program and will provide staff time to support the successful execution of the project.
2. The City of Brevard will seek implementation funding following planning and will commit match funding contingent upon available resources, and other budget priorities and constraints.

Adopted and approved this the 19<sup>th</sup> day of February 2024.

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Maureen Copelof  
Mayor

ATTEST:

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Denise Hodsdon

City Clerk

## **STAFF REPORT**

**City Council, Monday, February 19, 2024**

**Title:** Additional Proposed Rezoning / Expansion of Downtown Development Overlay District

**Speaker:** Aaron Bland, Asst Planning Director

**Prepared by:** Aaron Bland, Asst Planning Director

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

### **Background**

During Council's discussion before adopting an expansion of the Downtown Development Overlay District (DDOD) at their November 6, 2023 meeting, Council expressed interest in expanding the DDOD further than Staff's proposal and instructed Staff to initiate another map amendment to do just that. This is that second map amendment that would expand the DDOD a second time.

The Planning Board discussed this at their December 12, 2023 meeting. After some discussion they made the recommendation that the DDOD be further expanded into their previous areas (shown in the attached map in yellow hatching) and the portion of Council's areas (shown in red hatching) to the west of Caldwell Street. This recommendation is outlined in blue on the attached map.

To summarize, the attached map shows the new current DDOD in green hatch, the Board's original proposed additional expansion areas in yellow hatch, Council's proposed additional expansion areas in red hatch, and the Board's new recommendation outlined in blue.

Council held a public hearing regarding this proposal on February 5, 2024.

### **Discussion**

One project that is now underway that had not yet been initiated when the first DDOD expansion went before the Board is the rewrite of Chapter 5 of the UDO, which includes all the City's architectural standards. Part of the scope of this rewrite will include adding specific architectural requirements and standards to the DDOD to act as a form-based code for the downtown area. Staff believes expanding the DDOD too far beyond the downtown city center could be problematic when adding these standards and recommends careful consideration of further expansion to the DDOD until these new standards are in place.

One question raised by Council at the public hearing was the number of structures in the proposed expansion area that are already compliant with the build-to line requirement of the DDOD. Of the 27 buildings that face Caldwell, Broad, or Morgan Streets in the red or yellow areas on the attached map, approximately 8 of them meet the current build-to line of 12 feet. However, several of those that do not meet are within 15-20 feet.

The Transylvania County Board of Commissioners discussed the potential for the DDOD to be applied to the County-owned parcels between South Broad Street and Gaston Street, and have submitted the attached letter stating their comments for Council's consideration.

### **Policy Analysis**

The 2030 Building Brevard plan Land Use & Housing recommendation LUH-7 recommends enacting build-to lines in areas outside of the current (former) DDOD.

In accordance with NCGS 160D-604 and 160D-605, the Planning Board forwards the attached statement of consistency and reasonableness.

### **Action**

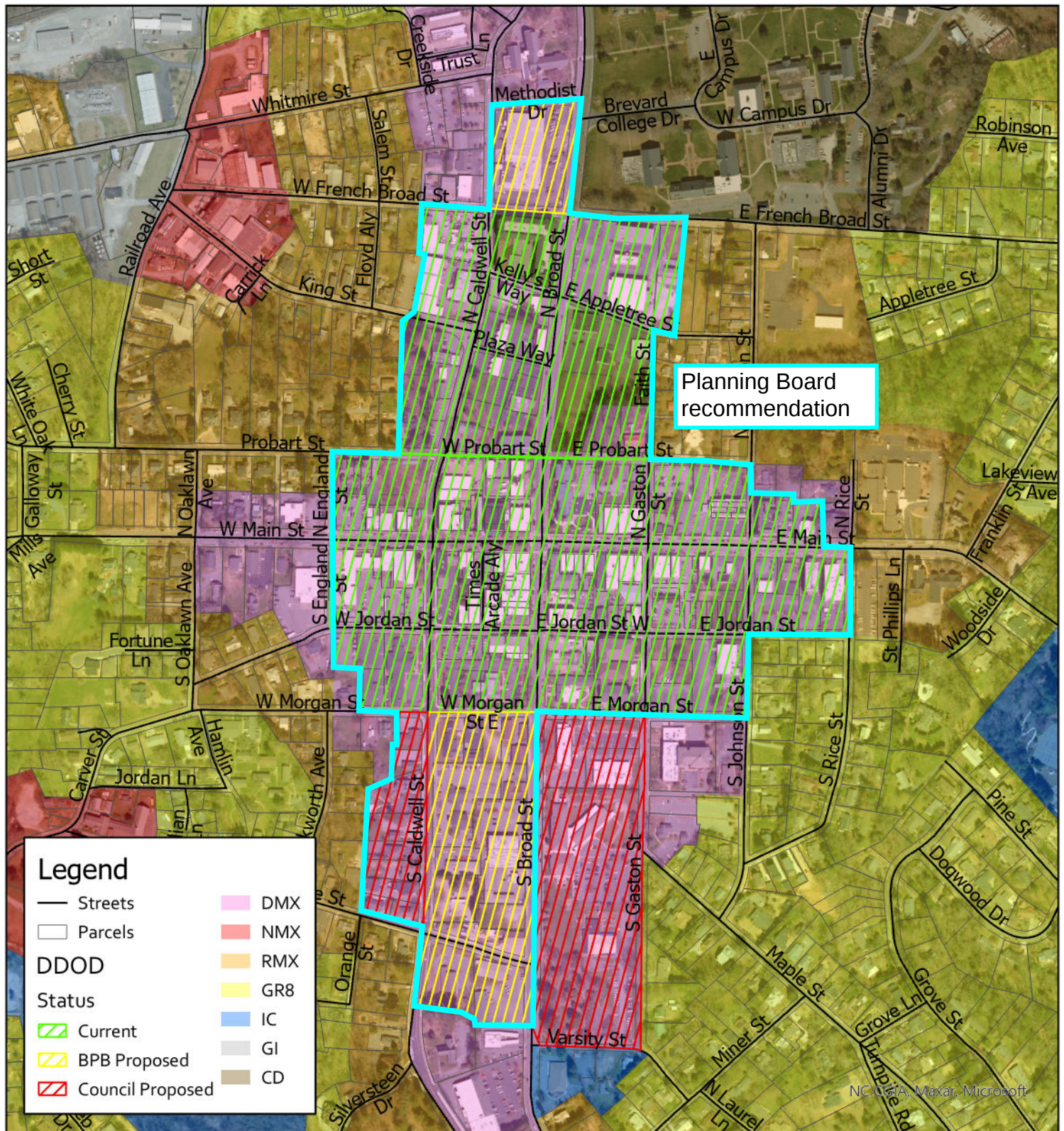
Council's options when considering a zoning map amendment are as follows:

1. Grant the zoning map amendment as requested;
2. Grant the zoning map amendment with a reduction in the area requested;
3. Grant the zoning map amendment to a more restrictive general zoning district;
4. Grant the zoning map amendment with a combination of 2 and 3 above;
5. Deny the application;
6. Send the application back to the Planning Board for further study and consideration; or
7. Call for additional legislative hearings on petitions brought before them.

### **Attachments:**

1. Map
2. County BOC Letter
3. Consistency Statement
4. Enacting Ordinance

# REZ-23-005 - Downtown Development Overlay District Second Expansion Proposal



0 250 500 Feet  
1 inch = 500 feet

This map was prepared by the City of Brevard Planning Department.

**Disclaimer:** The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.

**BOARD OF COMMISSIONERS**  
Jason Chappell, Chair  
Jake Dalton, Vice-Chairman  
Emmett Casciato  
Larry Chapman  
Teresa McCall



**COUNTY MANAGER**  
Jaime Laughter  
828-884-3100  
Fax 828-884-3119

101 South Broad Street  
Brevard, NC 28712

February 13, 2024

City of Brevard  
95 West Main Street  
Brevard, NC 28712

To Whom It May Concern:

On February 12, 2024, the Transylvania County Board of Commissioners reviewed the City of Brevard's rezoning proposal #REZ-23-005. The Board of Commissioners owns property that has been considered in one of the options shown on the map provided by the City of Brevard Planning Department as part of the rezoning notification. The property is bound by E Morgan Street, S Gaston Street, Varsity Street and S Broad Street. After consideration of the proposal, Commissioners would like to object to any proposal that would include additional county-owned property being included in the City's Downtown Development Overlay District at this time.

The Commissioners are concerned with how the maximum setback requirements may impact expansion of the County's government campus in downtown Brevard in the future. Space is already limited, and further restrictions may inhibit the County's ability to expand thus impacting the services we are able to provide to the citizens. There is not currently a Master Plan of the County Government Campus so it is difficult to gauge the exact degree of impact.

The Library Foundation Board is already fundraising for an expansion of the Library's Amphitheatre which could be impacted by the new zoning requirements depending on the application of the rule as an example. In the context of a changing and rapidly growing county, being able to accommodate the associated new demands and requirements is critical for local government facilities.

The Board of Commissioners requests the Brevard City Council consider their wishes and not include additional county-owned property into the City's Downtown Development Overlay District at this time.

Sincerely,

A handwritten signature in blue ink that reads "Jaime Laughter".

Jaime Laughter, AICP, ICMA-CM  
Transylvania County Manager

Cc: Board of Commissioners  
File

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH  
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD  
REZ-23-005**

*NCGS 160D-604 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.*

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

Comprehensive Land Use Plan

**Recommendation Land Use & Housing – 7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian-friendly environment.

- Areas in the greater City Center area (areas outside of the current DDOD) should also have defined maximum allowable setbacks and/or build-to lines.

---

*NCGS 160D-605 requires the Governing Board to approve a statement analyzing the reasonableness of a proposed rezoning. The statement of reasonableness and the statement of consistency may be approved as a single statement.*

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is in the public interested and **reasonable** due to the following factors:

- The expansion of the Downtown Development Overlay District will help to ensure that as downtown is redeveloped and expands the design of the built environment will maintain a pedestrian-oriented character.
- The Plan is consistent with the above element of the Comprehensive Land Use Plan.

**ORDINANCE NO. 2024-\_\_\_\_**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING  
MAP OF THE CITY OF BREVARD TO EXPAND THE  
DOWNTOWN DEVELOPMENT OVERLAY DISTRICT**

**WHEREAS**, the Downtown Development Overlay District was created on February 17, 2020 by Ordinance 2020-04 and expanded on November 6, 2023 by Ordinance 2023-55; and,

**WHEREAS**, the City of Brevard Planning Board considered this proposed map amendment on December 12, 2023; and,

**WHEREAS**, a public hearing was conducted February 5, 2024, in consideration of this proposed map amendment; and,

**WHEREAS**, in accordance with North Carolina General Statute 160D-605, Brevard City Council finds the following:

- 1) The proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

Building Brevard 2030 Recommendations

*Recommendation Land Use & Housing – 7: Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian-friendly environment.*

- 2) The proposed zoning map amendment is in the public interest and reasonable due to the following factors:
  - The expansion of the Downtown Development Overlay District will help to ensure that as downtown is redeveloped and expands the design of the built environment will maintain a pedestrian-oriented character.
  - The Plan is consistent with the above element of the Comprehensive Land

and,

**WHEREAS**, the City of Brevard, after hearing all persons wishing to comment on this request, desires to approve said proposal.

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

**Section 1.** The Official Zoning Map of the City of Brevard is hereby amended as depicted herein on Exhibit A which is attached hereto and incorporated by reference.

**Section 2.** The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map and the Future Land Use Map consistent with this Ordinance.

**Section 3.** This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 19<sup>th</sup> day of February 2024.

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Maureen Copelof,  
Mayor

ATTEST:

\_\_\_\_\_  
Denise Hodsdon, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Mack McKeller  
City Attorney

## **STAFF REPORT**

**City Council, Monday, February 19, 2024**

**Title:** Strategic Planning Retreat Prologue: Revenue Outlook

**Speaker:** Wilson Hooper, City Manager  
Dean Luebbe, Assistant City Manager/Finance Director

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

**Approved by:** Wilson Hooper, City Manager

### **Background**

The City Council will hold its yearly Strategic Planning Retreat on February 29, 2024 at the Mary C Jenkins Community Center. Here, the Council will participate in a facilitated discussion to identify its priorities for the coming fiscal year. The session will include opportunities for department heads and other city staff to share their operational needs for FY25.

At last year's retreat, City Manager Hooper shared a financial outlook at the beginning of the meeting. The purpose of this briefing was to ensure that Council did not name as priorities things that were impractical or unaffordable. Mr. Hooper wishes to provide a similar financial outlook this year. At the suggestion of the retreat facilitator he is doing so in this venue so as to free up more time at the Retreat for Council discussion and deliberation.

### **Discussion**

In the General Fund (GF) the city brings in revenue from approximately 40 distinct sources, a partial listing of which is included in the attached table. The vast majority of revenue dollars, however, comes from about 5 sources: property tax, sales tax, utilities franchise tax, interest income, and user fees. The health of each of those revenue sources is dependent on the overall health of the economy and other outside factors. By and large, each of these sources of revenue are stable or growing, but at slower rates than in recent years. This briefing will share an outlook on each of these revenue sources and what that outlook portends for the city's upcoming budget.

Commentary on the city's Sanitation Fund and Fire Fund will be included in the General Fund discussion.

In the Water/Sewer Fund (W/S) the city brings in revenue from approximately 10 distinct sources, a listing of which is included in the attached table. The vast majority of these revenue dollars come from two sources: water rates and sewer rates. The two rates themselves are further divided up into a flat fee portion and a portion based on consumption. Mr. Hooper will share the revenue outlook with the rates as currently constituted, but also preview an amended rate model that more fairly distributes the cost of providing the utility service. A wholesale review of the city's rate model will be needed

in the next year or two to prepare for significant upcoming capital projects.

**Fiscal Impact**

Impacts will be discussed at the Strategic Planning Retreat and other forthcoming budget sessions.

**Action**

No action requested; for information and discussion only.

**Attachments:**

1. FY25 Revenue Outlook

# REVENUE REVIEW (GENERAL FUND)

| REVENUE                              | FY23/24 ORIGINAL BUDGET | PCT of FY23/24 TOTAL REVENUE | TREND     | NOTES                                                                                                                                                                                                                                       | OUTLOOK                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------|-------------------------|------------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ad Valorem Tax                       | \$6,303,900             | 55.8%                        | UP        | Millage rate \$.48/100 of valuation.                                                                                                                                                                                                        | Brevard’s tax base continues to grow slowly but steadily with new development.                                                                                                                                                                                                                                                          |
| Sales Tax                            | \$2,423,000             | 21.4%                        | LEVELLING | 6.75% in Transylvania County. Collected by state and redistributed back to municipalities. In Brevard’s case, using the ad valorem formula.                                                                                                 | As projected, sales tax growth leveling off but remaining (slightly) up year-over-year.                                                                                                                                                                                                                                                 |
| Utilities Franchise Tax              | \$565,000               | 4.9%                         | STABLE    |                                                                                                                                                                                                                                             | Dependent on uncontrollable variables like weather. A very cold period this winter portends well for natural gas collections, but electricity use patterns still in flux after pandemic make revenue in that sector hard to predict. We can perhaps expect a small upward trend.                                                        |
| Investment Earnings                  | \$470,000               | 4.2%                         | UP        | Approximately \$12M invested with the North Carolina Capital Management Trust (NCCMT). Operating amounts in more liquid accounts with United Community Bank.                                                                                | Collections were near zero during pandemic, but began to recover in FY22/23 as interest rates rose. Feds have indicated that interest rates will stay at this level for the foreseeable future, meaning our investments will continue to produce earnings. As in FY23/24 this can once again be considered a notable source of revenue. |
| Payment from Utility Fund            | \$450,000               | 3.9%                         | ???       | Intended to cover administration and other support expenses provided by GF departments to water/sewer utility.                                                                                                                              | Staff will bring an estimate of the costs of GF services (admin., HR, etc.) utilized by W/S                                                                                                                                                                                                                                             |
| ABC Revenues                         | \$270,000               | 2.4%                         | UP        | \$30,000 restricted for police use                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                         |
| Powell Bill                          | \$238,000               | 2.1%                         | UP        |                                                                                                                                                                                                                                             | NCGA added funding to Powell Bill in current year budget, therefore FY24 collections will be higher than budgeted by about \$18k.                                                                                                                                                                                                       |
| County Vehicle Maintenance agreement | \$215,000               | 1.9%                         | STABLE    | The county pays us a rate contractually set at \$6,387/mo. as an overhead charge, and then they reimburse us the expenses we pay on their cars, for a total of about \$215,000/yr. in revenue                                               |                                                                                                                                                                                                                                                                                                                                         |
| Other taxes/fees                     | \$87,000                | <1%                          | UP        | Cable TV franchise tax, wine/beer tax, and parking violations                                                                                                                                                                               | Increases to parking violation penalty intended only to pay for enforcement equipment, not intended to be a significant source of revenue.                                                                                                                                                                                              |
| Payment from Sanitation Fund         | \$75,000                | <1%                          |           | Intended to cover administration and other support expenses provided by GF departments to Sanitation enterprise fund                                                                                                                        |                                                                                                                                                                                                                                                                                                                                         |
| Other Misc. Revenue                  | \$70,100                | <1%                          |           | Cell tower lease rev., Depot lease rev., donations, etc.                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                         |
| Transfer from Fire Fund              | \$0                     | 0.0%                         |           | Intended to cover administration and other support expenses provided by GF departments to Fire Fund                                                                                                                                         | Vetoed by County for FY23/24                                                                                                                                                                                                                                                                                                            |
| Transfer from Parking Lot Fund       | \$0                     | 0.0%                         | STABLE    | Revenue from two parking kiosks downtown and settlement from sale of City Camper property. Yearly revenue typically accrues into the project fund that’s used as needed for parking-related projects. \$150k used for downtown streetscape. | FY24 collections figures skewed by changes in parking habits induced by downtown construction. Additional revenue that may have occurred because of fewer on-street spaces mitigated by temporary donation of spaces to Times Arcade Alley residents during that project.                                                               |
| Transfer from ARPA                   | \$0                     | 0.0%                         | DOWN      |                                                                                                                                                                                                                                             | ARPA terminology will linger, as some of Brevard’s capital projects have ARPA dollars, and state programs are still using them. But ARPA as a source of supplementary revenue is over.                                                                                                                                                  |
| GF Fund Balance appropriation        | \$0                     | 0.0%                         |           | \$300,644 appropriated in FY21/22. \$240,000 appropriated mid-year in FY22/23. \$70,000 appropriated mid-year in FY23/24 for Bracken contribution                                                                                           | Approximately \$1.4M available for use to balance the budget or pay for one time expenses. City Manager strongly discourages these funds be used to pay for recurring costs.                                                                                                                                                            |
| TOTAL                                | \$11,300,507            |                              |           |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                         |

## REVENUE REVIEW (SANITATION FUND)

| REVENUE                      | FY23/24 ORIGINAL BUDGET | PCT of FY23/24 SUBTOTAL REVENUE | TREND  | NOTES                                                                                                                      | OUTLOOK                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------|-------------------------|---------------------------------|--------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| County disposal fees -refuse | \$440,000               | 34.9%                           | STABLE | \$10.25/mo. fee charged for County landfill fees                                                                           |                                                                                                                                                                                                                                                                                                                                                                             |
| Refuse collection fees       | \$420,000               | 35.2%                           | STABLE | \$9.75/mo. fee charged for collection services                                                                             |                                                                                                                                                                                                                                                                                                                                                                             |
| Recycling revenue            | \$301,500               | 22.6%                           | DOWN   | Revenue made up of two sources. Residential and commercial monthly recycling fee, and proceeds from the sale of cardboard. | The economics of the recycling industry are changing. This revenue will go down slightly as the market has been flooded with recyclables thus reducing their value as a commodity. The willingness of overseas markets to accept recyclable also affects their value. In FY22/23 we crossed the line from being paid for our recyclables, to having to pay to dispose them. |
| Transfer from General Fund   | \$156,600               | 11.7%                           | UP     | Council elected to transfer from the general fund rather than raise recycling rates in FY23/24.                            | City Manager planning to recommend moving Sanitation back into the GF so that it can benefit from all revenue sources. However, if it remains an enterprise fund it will likely need another bailout from GF.                                                                                                                                                               |
| Other misc. revenue          | \$11,500                | <1%                             |        |                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                             |
| SUBTOTAL                     | \$1,331,600             |                                 |        |                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                             |
| Debt proceeds                | \$0                     |                                 | DOWN   |                                                                                                                            | No debt proceeds in FY23/24 revenue                                                                                                                                                                                                                                                                                                                                         |
| TOTAL                        | \$1,331,600             |                                 |        |                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                             |

## REVENUE REVIEW (FIRE DEPT. FUND)

| REVENUE                                         | FY23/24 ORIGINAL BUDGET | PCT of FY23/24 SUBTOTAL REVENUE | TREND  | NOTES                                                                                                          | OUTLOOK                                                                                                                                                                       |
|-------------------------------------------------|-------------------------|---------------------------------|--------|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General Fund contribution                       | \$726,715               | 50.4%                           | ???    | Contract with county requires we pay approx. 55% of Fire Dept costs                                            | Increased service demands may require that the GF contribution increase.                                                                                                      |
| Proceeds from County fire district tax (Sylvan) | \$594,585               | 41.2%                           | STABLE | Contractually established contribution of 45% of revenue.                                                      | Any request for additional funding from the County must be approved by County Commissioners                                                                                   |
| Fund balance appropriated                       | \$120,000               | 8.3%                            | DOWN   | Typically this wouldn't be appropriated, but County's contribution to cost of new truck was transmitted early. | Approximately \$100k available for use to balance the budget or pay for once time expenses. City Manager strongly discourages these funds be used to pay for recurring costs. |
| SUBTOTAL                                        | \$1,441,300             |                                 |        |                                                                                                                |                                                                                                                                                                               |
| Debt proceeds                                   | \$1,475,000             |                                 |        | For new fire truck still not in service as of January 2024                                                     |                                                                                                                                                                               |
| TOTAL                                           | \$2,916,300             |                                 |        |                                                                                                                |                                                                                                                                                                               |

REVENUE REVIEW (WATER/SEWER FUND)

| REVENUE                   | FY23/24 ORIGINAL BUDGET | PCT of FY23/24 TOTAL REVENUE | TREND  | NOTES                                                                                      | OUTLOOK                                                                                                                   |
|---------------------------|-------------------------|------------------------------|--------|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Water charges             | \$3,280,000             | 47.2%                        | UP     | Consumption rates 4% higher than previous year. No change to monthly fixed rate.           | Consumption growth is essentially flat (.84%) over the last five years. Revenue growth attributed merely to higher rates. |
| Sewer charges             | \$3,060,000             | 44.0%                        | UP     | Consumption rates 4% higher than previous year. No changed to monthly fixed rate.          | Consumption growth is essentially flat over the last five years. Revenue growth attributed merely to higher rates.        |
| Meter charges             | \$186,000               | 2.8%                         |        |                                                                                            |                                                                                                                           |
| Fund balance appropriated | \$28,500                | <1%                          |        | Approximately \$850k available for use to balance the budget or pay for one-time expenses. |                                                                                                                           |
| Septage Pretreatment Fee  | \$175,000               | 2.5%                         | UNK    | Septage service now charged per gallon rather than flat fee per truckload.                 | Trend unknow. New fee model not in place long enough to collect accurate data                                             |
| Water Tap & Connect Fee   | \$85,000                | 1.2%                         | STABLE |                                                                                            |                                                                                                                           |
| Sewer Tap & Connect Fee   | \$65,000                | <1%                          |        |                                                                                            |                                                                                                                           |
| Late Reconnect Fee        | \$65,000                | <1%                          | STABLE |                                                                                            |                                                                                                                           |
| Misc. feels               | \$1,000                 | <1%                          | STABLE |                                                                                            |                                                                                                                           |
| TOTAL                     | \$6,945,500             |                              |        |                                                                                            |                                                                                                                           |

VARIOUS RESERVE FUNDS\*

| RESERVE FUND                  | TOTAL BALANCE | AVAILABLE BALANCE | NOTES                                                                                                                                                      | OUTLOOK                                                                                                                                                                                                                              |
|-------------------------------|---------------|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Capital Reserve Fund          | \$492,000     | See note          | Entire balance raised via system development fees and therefore reserved for water/sewer projects. No General Fund capital projects budgeted in this fund. |                                                                                                                                                                                                                                      |
| Housing Trust Fund            | \$565,000     | \$315,000*        | *\$50,000 designated for Phase II design services on Brevard Davidson River Church project                                                                 | Fund endowed with \$264,000 additional dollars in FY23/24 budget, paid for with \$.02 increase in millage rate. In other words, this is baked into the revenue stream and annual endowments can be made as long as Council sees fit. |
| Multi-use Path Project Fund   | \$1,244,000   | \$315,920         | Approx. \$928,080 encumbered for roundabout landscaping, Davidson River ped bridge, and high school trail section.                                         |                                                                                                                                                                                                                                      |
| Downtown Master Plan Fund     | \$250,000     | \$50,000          | Most of fund used to construct Times Arcade Alley project in FY23/24                                                                                       | FY23/24 budget contributed \$.01 of GF rev. (approx. \$132k) to this fund.                                                                                                                                                           |
| Rosenwald Revitalization Fund | \$190,000     | \$0               | The remainder of this account was committed to Norton Creek Streambank restoration.                                                                        | Prior to FY22-23, \$.02 of GF revenue was appropriated to this fund. No appropriation in FY22-23, only debt payment (approx. \$175k). Some available funds may be needed for streambank restoration.                                 |
| Parking Lot Fund              | \$256,000     | \$56,000*         | \$200k reserved by hotel agreement for parking related purposes                                                                                            |                                                                                                                                                                                                                                      |
|                               |               |                   |                                                                                                                                                            |                                                                                                                                                                                                                                      |

\*As of 12/31/23

POTENTIAL AREAS FOR NEW/ENHANCED REVENUE

| POSSIBILITY                                        | AMOUNT                                                                               | NOTES                                                                                                                                                                                 |
|----------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GENERAL FUND                                       |                                                                                      |                                                                                                                                                                                       |
| Let 2% “early property tax payment” discount lapse | Approx. \$80k                                                                        | Needs more analysis. Early payments generate interest sitting in city’s bank account                                                                                                  |
| Higher solid waste fees                            | On normal rates, \$1/month increase equates to \$40,000 in additional annual revenue | Council did not increase normal fees last year for fear that they would impact lower-income rate payers more. The rates for special collections do not cover the cost of the service. |
| Higher transfer from W/S Fund                      | Whatever’s justifiable.                                                              | The reimb was \$600,000 in FY22/23, \$450,000 in FY23/24. The amount is intended to cover general government services (like Admin., HR, etc) used by the W/S fund.                    |
| WATER/SEWER FUND                                   |                                                                                      |                                                                                                                                                                                       |
| High Strength Waste Surcharge                      | \$60k-\$190K                                                                         | To be legal, this rate can only be used to cover the additional cost that high strength waste imposes on our budget.                                                                  |
| Regular 4% rate increase                           | See note                                                                             | Note that since this increase is typically only applied to the consumption (i.e. variable) rate, in only yields about 2.5% more in revenue.                                           |
| MUNICIPAL SERVICE DISTRICT                         |                                                                                      |                                                                                                                                                                                       |
| Increase in MSD tax                                | 1 penny on the MSD tax equates to about \$8,000                                      | MSD properties pay \$.213 more in property tax than other properties.                                                                                                                 |

## **STAFF REPORT**

**City Council, Monday, February 19, 2024**

**Title:** Approve Housing Trust Fund (HTF) allocation and "Mini-Brooks" Act Exemption for Development Finance Initiative Phase II Work

**Speaker:** Wilson Hooper, City Manager  
Dean Luebbe, Assistant City Manager/Finance Director

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

**Approved by:** Wilson Hooper, City Manager

### **Background**

The city has contracted with the UNC School of Government's Development Finance Initiative (DFI) to lead an assessment of the Brevard Davidson River Presbyterian Church's undeveloped wooded property as a possible location for a low-to-moderate income housing development. A number of professional services must be procured to assess the developability of the property, and provide estimates to DFI of what it would take to make the site development-ready. DFI will help coordinate the work (and compile the results), but the City must be the party of record and pay for the services.

The Housing Committee heard this request at their February 13, 2024 meeting and recommended its approval to Council.

This action also requires a complementary administrative action by full Council. The procurement of architects, engineers and the like is governed by NCGS 143-64.31. It gives local governments the ability to use a "Qualification Based System" (QBS) for the acquisition of these services. Though less restrictive than formal bidding requirements, QBS still requires cumbersome advertisement and solicitation procedures. However, NCGS 143-64.32 offers an exemption for certain service contracts under \$50,000 if a procedure is followed.

### **Discussion**

Phase II of the Brevard Davidson River Presbyterian Church property project begins with an evaluation of the existing physical and environmental conditions of the site and how they might impact any theoretical development there. To do so the City must procure professional services from an architect, a geotechnical specialist, a surveyor, and an environment specialist. Based on their experience and their knowledge about the scope of the work that's needed from each of the professional services, DFI projects spending about \$50,000 total on these services.

Work will not begin until the lease (or other agreement) with the church is finalized. Staff wish to have this appropriation (and corresponding "Mini-Brooks" extension) completed now so that it can begin shopping for the services, and lining them up to begin work once the lease is approved by the participating parties. The lease negotiation is ongoing with no

firm timeline on when it will be completed.

Staff are seeking Council's permission to utilize what's informally known as a "Mini-Brooks exemption" to speed the process of hiring surveyor, engineer, etc. for the project.

Council approval is not legally required, but the School of Government recommends doing it so that the exemption is memorialized and made public.

**Fiscal Impact**

The Housing Trust Fund will be used to pay for the services. Professional services in the pursuit of housing creation is an eligible expense in the Housing Trust Fund bylaws. These expenses will leave the HTF with an available balance of approximately \$317,000 in cash and \$200,000 in non-spendable receivables.

**Action**

Staff request Council approve the attached resolution approving the appropriation from the Housing Trust Fund exempting DFI "Phase 2" from the state's Mini-Brooks Act.

**Attachments:**

1. Resolution 2024-XX DFI Phase II HTF Funding and Mini-Brooks Exemption

**RESOLUTION NO. 2024-XX**

**RESOLUTION APPROVING HOUSING TRUST FUND APPROPRIATION FOR BREVARD  
DAVIDSON RIVER CHURCH PROPERTY ASSESSMENT (AKA DFI PHASE II) SERVICES  
AND EXEMPTING PROJECT FROM NCGS 143-64.31 REQUIREMENTS**

WHEREAS, the Brevard Housing Trust Fund lists professional services procured for the purpose of housing creation as an eligible expense; and

WHEREAS, the second part of the City's agreement with the Development Finance Initiative calls for an assessment of the Brevard Davidson River Presbyterian Church's wooded property to determine whether it is suitable for building low-to-moderate income housing; and

WHEREAS, the above-described activity will herein be described as Phase II; and

WHEREAS, the City staff propose entering into one or more contracts for professional services to assess the Brevard Davidson River Church property; and

WHEREAS, the City's Housing Committee heard this proposal at its February 13, 2024 meeting, recommending its approval to full City Council; and

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee;

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for Phase II is less than \$50,000.

NOW, THEREFORE, THE *CITY COUNCIL OF THE CITY OF BREVARD* RESOLVES:

Section 1. Appropriates no-more than \$50,000 from the Housing Trust Fund for Phase II design services.

Section 2. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 3. This resolution shall be effective upon adoption.

Adopted and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Maureen Copelof  
Mayor

ATTEST:

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Denise Hodsdon, CMC  
City Clerk

## **STAFF REPORT**

**City Council, Monday, February 19, 2024**

**Title:** AARP Age Friendly Communities Designation

**Speaker:** Maureen Copelof, Mayor

**Prepared by:** Denise Hodsdon

**Approved by:** Wilson Hooper, City Manager

### **Background**

In May 2023 Governor Cooper enrolled the State of NC into the AARP Network of Age Friendly States and Communities. He encouraged local communities to get involved with this program. The median age of residents of Brevard/Transylvania County currently is 53, one of the highest of any county in NC. Enrolling in this program would show support for a large demographic group in our community.

The program began in 2012 to help communities focus efforts supporting livability for all ages but with a special emphasis on developing policies and programs to support older citizens. The framework of this program revolves around 8 domains of livability: Housing; Transportation; Outdoor Spaces and Buildings; Health services and Community Supports; Social Participation; Respect and Social Inclusion; Communication and Information; Civic Participation and Employment.

Participating communities can focus their efforts on all 8 livability factors or pick just a few.

After enrolling in the network, the community is expected to create a way, such as through a citizen committee or focus group, to include older residents in the planning process. Then the community conducts a needs assessment, develops a plan of action and works toward implementation of the plan.

Membership in the network helps leaders identify and understand age friendly needs; serves as an organizing structure for making community improvements by focusing on needs of a growing population of older adults. Membership gives access to resources, training, and grant opportunities.

### **Discussion**

In talks with AARP leadership, it was determined that since Brevard just did a community wide assessment/survey as part of developing our Comprehensive Land Use Plan (CLUP) that it does not need to do another survey/assessment. Brevard's CLUP corresponds very closely and already addresses most of the 8 domains of livability.

The request that Brevard consider enrolling in this program came from several community members. Strong community support for this program was demonstrated at recent community meetings with 15 people already volunteering to be part of the effort. They

would form the core of the community volunteer focus group.

Dr. Paula Hartman-Stein, a professional gerontologist has volunteered to be the Community Leader for this project. Mayor Maureen Copelof has volunteered to be the elected official representative.

It is envisioned that this community focus group would review the City's existing plans such as the CLUP and the Brevard Pedestrian & Bicycle Plan with an age-specific lens. Specific suggestions from the community focus group would then flow back to the City for review by the City Manager and forwarding to the appropriate City Committee or staff office.

As envisioned, the volunteer group and Community Leader would support most of the work of the project, therefore utilizing minimal staff resources.

The first step in applying is for City Council to pass a Resolution of support.

**Action**

Consider adopting a resolution committing Brevard to pursuing "AARP Livable Community" designation.

**Attachments:**

1. Resolution 2024-XX AARP Age Friendly Designation

**RESOLUTION NO. 2024-XX**

**RESOLUTION APPROVING APPLICATION FOR AARP AGE-FRIENDLY COMMUNITY  
DESIGNATION**

WHEREAS, the City of Brevard is desirous to better serve its elderly population by growing and improving the City to become more age friendly; and

WHEREAS, Brevard is dedicated to the success of its elderly population by helping them successfully participate in civic, economic, and social life; and

WHEREAS, at its February 19, 2024 meeting the Brevard City Council received a briefing from Mayor Maureen Copelof on the benefits of pursuing the AARP's Age-Friendly Community designation; and

WHEREAS, the City of Brevard wishes to be designated as an AARP Age-Friendly Community, and be eligible for all the privileges and responsibilities such a designation bestows; and

WHEREAS, Brevard's Comprehensive Land Use Plan (CLUP) and Pedestrian & Bicycle Plan indicate that the community is already committed to many of AARP's "domains of livability"

NOW, THEREFORE, THE *CITY COUNCIL OF THE CITY OF BREVARD* RESOLVES:

Section 1. The City of Brevard will pursue designation as an AARP Age-Friendly Community and become an active and engaged member of the AARP Age-Friendly network;

Section 2. The City of Brevard will designate a Community Leader and volunteer group to review the City's plans through an age-specific lens and make recommendations on how to enhance them for the benefit of the area's aging population.

Section 3. This resolution shall be effective upon adoption.

Adopted and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Maureen Copelof  
Mayor

ATTEST:

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Denise Hodsdon, CMC  
City Clerk

## **STAFF REPORT**

**City Council, Monday, February 19, 2024**

**Title:** Board of Adjustment - Designation of Regular and Alternate Members

**Speaker:** Paul Ray, Planning Director

**Prepared by:** Emily Brewer, Senior Planner

**Approved by:** Wilson Hooper, City Manager

### **Background & Discussion**

NCGS Section 302 allows a local government to establish a Board of Adjustment to adjudicate zoning matters through quasi-judicial procedures. This includes hearing and deciding on special use permit requests, variance requests, and appeals of the zoning administrator's decision. The Board is made up of eight members serving three-year terms. Three members and two alternates residing inside the city limits are appointed by Brevard City Council. Two members and one alternate residing within the ETJ are appointed by the County Board of Commissioners.

At their meeting on February 6, 2024, the Board elected the Chair and Vice-Chair for the year. Board Member Peter Offen was unanimously selected as the Chair, and Board Member Kevin Jones was unanimously selected as Vice-Chair. The Chair of the Board of Adjustment must be a regular member; however, Peter Offen is currently serving as an alternate member of the Board.

### **Action**

Staff requests that City Council adopt the attached resolution designating Board Member Peter Offen as a regular member and Board Member Kevin Jones as an alternate member.

### **Attachments:**

1. Resolution Designating Regular and Alternate Members of the Board of Adjustment

**RESOLUTION NO. 2024-XX**

**RESOLUTION DESIGNATING REGULAR AND ALTERNATE MEMBERS  
OF THE BOARD OF ADJUSTMENT**

**WHEREAS**, the Board of Adjustment is made up of eight members serving three-year terms; and

**WHEREAS**, three regular members and two alternates residing inside the city limits are appointed by Brevard City Council. Two members and one alternate residing within the ETJ are appointed by the Transylvania County Board of Commissioners; and

**WHEREAS**, Kevin Jones was reappointed as a regular member of the Board of Adjustment on November 15, 2021 for a three-year term expiring in November, 2024. Kevin Jones previously served as Board Chair; and

**WHEREAS**, Peter Offen was appointed as an alternate member on June 20, 2022 to fill a vacancy with his term expiring in November, 2024; and

**WHEREAS**, at its meeting on February 6, 2024, the Board of Adjustment elected the Chair and Vice-Chair for the year. Peter Offen was unanimously selected as Chair, and Kevin Jones was unanimously selected as Vice-Chair; and

**WHEREAS**, the Chair of the Board of Adjustment must be a regular member and Peter Offen is currently serving as an alternate member.

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

- 1) The Brevard City Council does hereby designate Peter Offen as a regular member of the Board of Adjustment effective immediately until the end of his term in November, 2024.
- 2) The Brevard City Council does hereby designate Kevin Jones as an alternate member of the Board of Adjustment effective immediately until the end of his term in November, 2024.

Adopted and approved this the 19th day of February, 2024.

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Maureen Copelof  
Mayor

ATTEST:

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Denise Hodsdon, CMC  
City Clerk