



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, March 18, 2024 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Pastor Veranita Alvord, Brevard First United Methodist Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. February 19, 2024 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

I. Special Presentation(s)

1. Proposed Ecusta Trail Trailhead and Park Facility at Pisgah Health Property off Allison Rd.

J. Public Hearing(s)

1. Designation of Historic Landmark - Bryant House, 132 King Street - Joint Public Hearing with JHPC
2. Proposed Amendment to City of Brevard Code of Ordinances Chapter 66 - Overnight Parking

K. Consent and Information

1. Tax Settlement Report - February, 2024
2. Property Tax Releases - February, 2024
3. Audit Contract for the Year Ending June 30, 2024

4. Resolution Directing Clerk to Investigate Sufficiency of Petition for Annexation - Pisgah Hospitality, LLC / Intersection of Lambs Creek Road and US Highway 64
5. City Council Housing Committee Meeting Minutes - December 12, 2023
6. City Council Downtown Masterplan Committee Meeting Minutes - January 10, 2024
7. City Council Parks, Trails, & Recreation Committee Meeting Minutes - January 17, 2024
8. City Council Finance, Human Resources, & Citizen Appointment Committee Meeting Minutes - January 22, 2024
9. City Council Public Works & Utilities Committee Meeting Minutes - February 7, 2024

L. Unfinished Business

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

M. New Business

1. Resolution re Pisgah Health Property
Resolution Supporting NC Department of Commerce Rural Downtown Economic
2. Development Grant Application to Enhance the Downtown Master Plan Streetscape

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

1. Potential Litigation NCGS 143-318.11(3) (tentative)

P. Adjourn

Agenda Posted, Website, Sunshine List (March 14, 2024)

D. Hodsdon, City Clerk

To review Agenda materials, go to the City's website 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 19, 2024 – 5:30 PM

The Brevard City Council met in regular session on Monday, February 19, 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, Assistant to the City Manager Alex Shepherd, Assistant Planning Director Aaron Bland, Human Resources Director Kelley Craig, Communications Coordinator Becky McCann, Fire Chief Bobby Cooper, Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, Water Treatment Plant ORC Dennis Richardson, Community Center Director Tyree Griffin, and Police Captain Aaron Thompson

Guests – Heart of Brevard Representatives Nicole Bentley, Anna Davis and Maggie DeLap

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 Andrew Crimmins of St. Timothy United Methodist Church offered an invocation.

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

D. Certification of Quorum – City Clerk Denise Hodsdon certified a quorum present.

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

F. Approval of Minutes

F-1. February 5, 2024 Regular Meeting – Mr. Morrow moved, seconded by Ms. Holder to approve the minutes of the February 5, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Geraldine Dinkins said I am a resident of Brevard since 2006 and I own a home at 500 Probart Street. I am here tonight to speak in support of the traffic calming measures that will come before you in the near future for my street. When Probart Street was first outfitted with the long-lobbied for sidewalk a little less than a decade ago, it changed the character of our street in several significant ways. The strip of concrete was mainly thought to be needed for safety as residents and Brevard Music Center campers increasingly tangled with vehicles speeding to and from downtown. However, what we, as residents on Probart Street did not really bargain for, was that the same sidewalk would also help us build out our individual residences into a tightly knit neighborhood. Where we had previously waved to one another from moving cars, we now had a place to learn each other's names and enough intel for friendly banter. While Probart has grown into a popular street for homeowners, pedestrians and cyclists alike, traffic has never slowed down. On the contrary, as we have grown as a

town, it has become busier and faster, earlier in the day and later at night. Drivers have resisted all of our increasingly creative tactics to slow them down. From speed traps to hand-painted signs, to me driving a few good-size branches into the road, the average speed seems to hover 10 to 15 miles above the 25 mph posted speed limit. And mind you, these drivers are all of us. These aren't just young males in pickup trucks or commuters with coffee travel mugs. These are people we know; parents bent on making school drop-off time, Music Center summer staffers traveling endlessly back and forth, and then the semi-regular Range Rover or Sprinter van in hot pursuit of a parking spot at Bracken Preserve. While I would prefer for all of us to simply slow down and obey the speed limit, because driving the speed limit is a matter of respect for residents along a particular stretch of road, this seems to be too big an ask. Instead, we need to resort to guardrails that force cars to slow down with signs, lights and speed tables. As city leaders, I ask you to protect our neighborhood as something of importance to our town and settle on a funding schedule to calm our street and ultimately other streets as well. I am fully aware that Probart is a street of privilege; nice homes, a lush campus devoted to classical music, and a popular nature preserve alongside it. However, I think of our street as a blueprint. What needs to be done to Probart will need to be considered for other residential streets threatened by disrespectful cut-through traffic. Combined with an investment in sidewalks, this will give rise to strong neighborhoods that are as diverse as they are strong, and this will ultimately benefit our town as a whole.

Martha Carlton said my husband Greg Carlton and I have been residents of the City of Brevard for fourteen years. He wanted to be here tonight but is out of town with his work. We are homeowners and business owners in downtown and believe it to be one of this local area's greatest assets. We are concerned about the project between the City and the Brevard Davidson River Church for several reasons. Putting a multi-story apartment complex in a hundred-plus year old neighborhood does not respect one of the few natural greenspaces left in downtown, the long-term current homeowners, or the charm of downtown, which I might point out was recently an argument the Council supported as a reason to change and limit the short-term rental policies in the city. We would like to see more projects that encourage homeownership in our area for hard working young families that want to stay here long-term but struggle to become homeowners because of current prices. Living in the city is expensive, spoken by someone who has paid city taxes for fourteen years, and there are many buildable areas just outside the city limits that would still be close to downtown and more affordable when looking at a long-term budget. We believe there are better options and this is being driven by the fact that the church has considered giving the land to the City. Something to consider is do we want to actually help young families, or do we want to keep them in the rent cycle, never being able to save enough to buy a home because of their rent cost? Being a business owner downtown I can say that all of my employees are much more concerned with the lack of parking, and what's been done recently to worsen that issue instead of fix it, than they are downtown housing. All of my employees are in the retail worker hourly income bracket and the ones that need to rent a place to live have not had any trouble finding a place to rent close to work. When we as neighbors think about the ramifications of the traffic alone a 60-unit building will impose on our neighborhood, we are distraught. That could be well over 100 automobiles coming and going and needing parking spaces. There are a lot of children in our neighborhood; safety is definitely a concern. But my greatest concern is not knowing who has the correct narrative and the uncertainty that creates. The confusion seems to be coming from a lack of communication between the City, the church leadership, the church members, and the homeowners that this project will affect. Depending on who you talk to, what is going to take place on the land varies. After talking to several church members what they were told was being considered was 7 to 8 affordable homes for families of teachers, police officers and others in that income bracket, and what is being discussed at City Council meetings, 60-unit multilevel apartment buildings are two very different concepts. We believe having more rental units would not contribute to the stability of a downtown community as much as the investment of affordable homeownership would.

Marjorie Lillard of 79 Franklin Street said I am here this evening to discuss the potential housing development on the Davidson River Presbyterian Church property. My neighbors and I were visited in December of 2022 by a member of the Council and the Pastor of the church to be informed that this property was under consideration for workforce housing. At that time, we were told that we would be kept in the loop as the project developed. This has not been the case. Any information that we now have about the property has been discovered by us through research and coincidence. A call to DFI in Chapel Hill also resulted in the answer that we would be informed of any action on the property. Many of us have friends in the congregation and they have no knowledge of what is being proposed on this property. In spite of this, the Housing Committee last week approved a request for \$50,000 from the Housing Trust Fund to evaluate the property, with one member stating that this was premature as there is no lease agreement with the church. Some Council members have said that the project is a done deal and indicated that there will be 60 units. All of the current discussion also indicates that there is no such thing as workforce housing, or at the least, no funding for this category. What category of housing is being considered? Will they carry restrictions for 15 to 30 years? What will happen after that time if the final lease with the church is for 99 years? I would also like to know the status of the two affordable housing projects that were announced in the Transylvania Times in 2021 on Rosman Highway and in 2022 on Asheville Highway. These sites have already been approved. Our tax dollars support the Housing Trust Fund. Could this money be used more effectively to pursue these projects, not impact an established neighborhood or use the money to fund more immediate problems such as housing the people being displaced by DOT projects. As neighbors of the Davidson River Church property, we would like clarity about the Council's plans. The project will impact our neighborhood. A Housing Coalition member recently was quoted in the paper as saying about another neighborhood "we strongly believe residents should be closely involved in deciding how their neighborhood grows and we wanted to give them a platform to be heard." We feel that we deserve the same consideration.

Dr. Paula Hartman-Stein of 249 Pine Mountain Trail said I am here to speak a bit about the Age-Friendly Community network that I am advocating you vote for. I've worked as an adjunct professor of psychology at several universities in Ohio and more recently at Brevard College for 1 ½ years, but my primary profession is that of a clinical geropsychologist, which means I specialize in working with older adults and late-life families. As my husband and I have become older adults, and we have a millennial son, we moved to Brevard about three years ago. Why? So, we could live in a community that appears to be age-friendly and has health-conscious features. It was the Blue Zones designation back then that was a major factor. I like living in a smaller community with more green space, less crime, less commotion, less traffic. We chose Brevard because it's a place we think we could live out our lives, as well as contribute. To quote the renowned theologian Rev. Dr. Matthew Fox, "I don't want to retire, I want to refire". Eight months ago, I volunteered to play a small role in Governor Cooper's initiative to create a multisector plan called All Ages, All Stages to improve the resources for all of North Carolina's citizens. I am co-leader of the Lifelong Learning committee. Through that I have learned there are always opportunities to strengthen a state's and community's assets. So, part of what makes a community friendly for all ages is to harness the contribution of all of its residents. While working at the college, I learned about some of the ageist beliefs that young people hold and that we ourselves hold about ourselves. We have an opportunity to reduce ageism and decrease loneliness. Ageism not only affects our health, it affects our economy. In partnership with community leaders of all ages, we can work to guide Brevard toward the implementation of an age-friendly action plan. The AARP community designation is an extension of the organization's work to promote livable communities which boils down to what?...social determinants of health. While we have many areas of strength within this community, there are so-called eight domains of livability that the AARP has identified. There are areas where we can grow and become state, and even nationwide leaders. Let's make Brevard known for more than its waterfalls. Joining the network of Age-Friendly Communities initiates a powerful process of creating and implementing an action plan. I'm all in and I hope you will vote to proceed in applying for this designation. You can count on my support.

Patricia Wrinkle said I also live neighboring the Davidson River Presbyterian Church. I am going to take a different angle. First and foremost, yes, it's going to impact our neighborhood tremendously. I would say there are at least 35 people in that neighboring area. If you're going to put low to middle-income housing as opposed to what you first told us in December, middle income housing, how is that going to affect our property values and are you going to lower our taxes? How are you going to deal with traffic? Sewage is already a problem, especially on Appletree Street. I disagree with the \$50,000 being spent; I think you're putting the cart before the horse. The area has several federally protected animals, so it just seems like I said putting the cart before the horse. And yes, lack of communication, very frustrating. We're getting rumors and hearsay from all sides, so we don't know what's going on and it affects us. I understand you want to do some affordable housing, but we need to be a part of it. This is our community, our neighborhood, and we've all spent considerable amounts of money paying taxes and making beautiful homes. You've been there; you know what it's like. So, a little more communication. On another subject, please come and get our streets fixed. French Broad is just horrendous. And parking, yeah, you need to do a better deal on that too. The sidewalk from the mudhole, that's not a sidewalk, that's ridiculous. You threw some gravel down there and call it a sidewalk? Somebody's going to get hurt on that and that's a lawsuit waiting to happen.

Sara Knapp said I am a volunteer with the AARP North Carolina Mountain Region. A couple of years ago I had the great satisfaction of working with Mark Burrows to develop the successful application for an AARP grant to support the City of Brevard's community garden. Now I am excited to participate in an even more far-reaching initiative, as later tonight the Brevard City Council will consider its application to join the AARP network of Age-Friendly Communities. Age-friendly means great places to live for people of all ages. It means having good affordable housing, walkways and bikeways, places to take wheelchairs and strollers, transportation options that are suitable to the area, and a wide array of social activities and opportunities for all of us to volunteer, pitch in and make a difference. Age-friendly communities come in all types and sizes. Last May North Carolina became the tenth state to join the Age-Friendly network. Age-Friendly Communities in North Carolina include the largest population areas of Wake and Mecklenburg Counties, but also communities more relatable to Brevard such as Buncombe County and smaller cities such as Mount Airy and Archdale. And most notably, the City of Hendersonville became an Age-Friendly Community earlier this month. So, let's emphasize the word "network". There are more than 800 AARP Age-Friendly Communities nationwide, sharing a vast array of information on innovative ways to solve common issues. Becoming an Age-Friendly Community isn't about making Brevard a great place to live; it already is. It's about expanding our resources to sustain the best that Brevard has to offer and continuing to take simple steps to ongoing improvements, and I look forward to being a part of this.

Steve Studebaker of AARP provided handouts to Council regarding Age-Friendly Communities (copy on file in the City Clerk's office). He said we know that there is a future, and we know that planning for it is substantial already, but in all of your planning, you may not know of all the resources that you could apply to it. Those resources might come from within the community...volunteers who are ready and willing to help you, and an organizational plan that goes with it. My second page simply says what the state thinks your growth is going to be, and it is quite a bit in our aging categories. The third page talks about the various things you might have to consider, either as a county or as a city, in taking care of your well residents and those that are getting older. The one thing we are starting to plan towards is people aging in place in their homes, which is what people prefer substantially over having to go to a nursing home or to assisted living, which is very expensive. Yes, they refer to our 8 domains in the plan, and one would be overwhelmed to try to do all of these things at once. So what Age-Friendly Communities allows you to do is to have a process by which you can establish which things you think are most important and help identify those with your volunteers bringing the needs to you, identify which organizations may have already sidled up to those needs and help to cooperate with one another to cover those needs. How do we get that done and how do we think about that? That is what Age-Friendly Community network helps you do. The next to the last page describes the

organizational structure of Age-Friendly and how you can participate in it and talks about the process the volunteers will be engaged in to make all these things happen. The last page presents a discussion of collective impact, which was presented to the AAA's like Land of Sky, the source of funding that comes through to you and the county for all age projects and they are highly endorsing of this and eager for it to happen fairly wide across our AAA and Land of Sky. These people in this contact list are ready to come forth and be of help to you. Their communities have been established in this program for up to ten years and very successful in making it happen.

M. Dawn Ellis said I live at 75 Appletree Street and I also own the house at 59 Appletree Street. The main thing that we have is conservation of the endangered species back there. It's one of the green areas that has blacktail vultures that are protected. There's a woodpecker, I've forgotten the name of it right now, that is federally protected. I tried to get a picture of it last night but I have four schnauzers and they barked and it flew before I could get a picture of it as he was going around poking holes in everything. We have foxes; we had three sets of deer fawns last year back there in that wooded area; we have a lot more things. You can't move a box turtle because if you do, they go absolutely into their shell and die. That's an endangered species again that we have there. The Bible says love thy neighbor; you need to be taking care of the neighbors. All of the people on our streets around the church, which I am a member of that church, take care of these animals. It is one of the few green areas left in our town and the reason I moved to Brevard in 1975 when I graduated from college was because it was a nice town. It's not the same as it was in '75. I've owned the house for 39 years on Appletree Street. I bought it because it had wooded behind it; that's the reason I bought it because I grew up in the country where you work. I've been taking care of the church property for 30-some years and spent over \$40,000 now keeping that property from invading my property. I asked to buy part of it; three times I've been told I don't know who owns it, whether the church or the diocese. We need to take care of our neighbors. I've lived there 39 years, my neighbor across the street has lived there 48 to 50 years. It's a nice street. You're going to have to do something about E. French Broad if you're going to put more traffic on it. You're going to have to do something on Johnson Street if you're going to put traffic on it because we barely can get in and out with the community center across the street and you sit at the stop light, or the stop sign. I don't mind the stop lights; I don't like the roundabouts, but the stop lights are fine. At least everybody knows when to go and not just stop in the middle. But you need to be here and listening to our neighbors. That's who our town elected you to take care of, is our neighbors and take us into consideration. We're not asking for much. All we're asking is that you put it in a different place where you don't have to waste our tax money of \$50,000 seeing if it is buildable. I can tell you right now parts of it is not and you need to think about that.

H. Certificates/Awards/Recognition – None.

I. Special Presentations

I-1. Heart of Brevard Annual Report – Heart of Brevard Executive Director Nicole Bentley presented their FY 2022/2023 Annual Report. A copy of her PowerPoint presentation is attached. She noted that these results came from their Economic Impact Survey and Needs Survey that were conducted in June, 2023. She explained that the purpose of these surveys is to look forward in the coming years and balance the needs of the District and what we have heard from them in these surveys, and continue to put on our community events at the same caliber that we have done so. She said while this is a look back at last year's survey, we really want you to think about this, as we make decisions, this is how we will prioritize and set goals for downtown. We serve as a voice of downtown and I believe if you are going to do surveys, we have to listen to them. I think the needs survey is very telling of what the District would like us to focus our time, tools, and talents on in the coming years.

I-2. Heart of Brevard Downtown Walkability Assessment – Heart of Brevard Vice President Anna Davis and Built Environment Committee Member Maggie

DeLap presented the results of the Heart of Brevard's 2024 Walkability Assessment. A copy of their PowerPoint presentation is attached, and a copy of the full assessment report is on file in the City Clerk's office. Ms. DeLap noted that the Heart of Brevard's purpose is to maintain a vital downtown and serve as the voice of downtown by communicating concerns, advocating for policies, maintaining relationships with City and County officials and staff, and addressing important social issues. This is the category on the Needs Survey that came up under advocacy work. She said with all that in mind, we see this walkability assessment as an important part of how we execute this mission. She explained that this year they extended the assessment beyond the downtown district to try to capture the entryways into downtown, which they felt was an important understanding of the walkability of Brevard. Overall, the four teams collected 245 different findings, which were ranked by priority and then classified into four categories. The presentation included examples from each of the four categories. Of the 245 different findings 76% were on public property and 24% were on privately-owned property. Heart of Brevard is committed to working with those private-sector business owners in order to help fix or enhance those issues that were found.

J. Public Hearing(s)

J-1. Proposed Amendment to City of Brevard Unified Development Ordinance Chapter 16 – Planning Board's Role in Zoning Map Amendments –
Aaron Bland explained that this is a City-initiated text amendment that would amend the Planning Board's role in zoning map amendments. During the process of expanding the Downtown Development Overlay District it was discovered that the UDO does not grant the Planning Board with authority to forward a recommendation to City Council on zoning map amendments that enlarge the proposed area. Council instructed Staff to initiate an amendment that would provide the Planning Board with that authority.

The concern with granting them that authority has always been that often the property owners in the expanded area would not know that their property has become included in the proposal. Typically, rezonings are initiated by a property owner and they are therefore aware of the potential change. Neighboring property owners that become involved due to an increase in the area need to be made aware of their inclusion. To do that, Staff has included a provision that if the Board wishes to recommend an increase in the rezoning area, they must hold a second Planning Board meeting and the newly included property owners will be sent a letter inviting them to the meeting. At the second meeting, the Board could then hear from them 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 Planning Board discussed this amendment at their January 23rd meeting and unanimously recommended approval as presented.

Mayor Copelof opened the public hearing at 6:43 PM.

Public Hearing Public Participation – None.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:43 PM.

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

K-1. Tax Settlement Report – January, 2024

K-2. Report of Unpaid Taxes and Authorization to Advertise

K-3. Budget Amendment – Governors Crime Commission Grant

ORDINANCE NO. 2024-02
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET
AMENDMENT NUMBER 24-03

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: None.

MANAGER’S RECOMMENDATION: Adopt as presented

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

K-4. Budget Amendment – French Broad Community Center Roof

ORDINANCE NO. 2024-03
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: None.

MANAGER’S RECOMMENDATION: Adopt as presented

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

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

RESOLUTION NO. 2024-06

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:

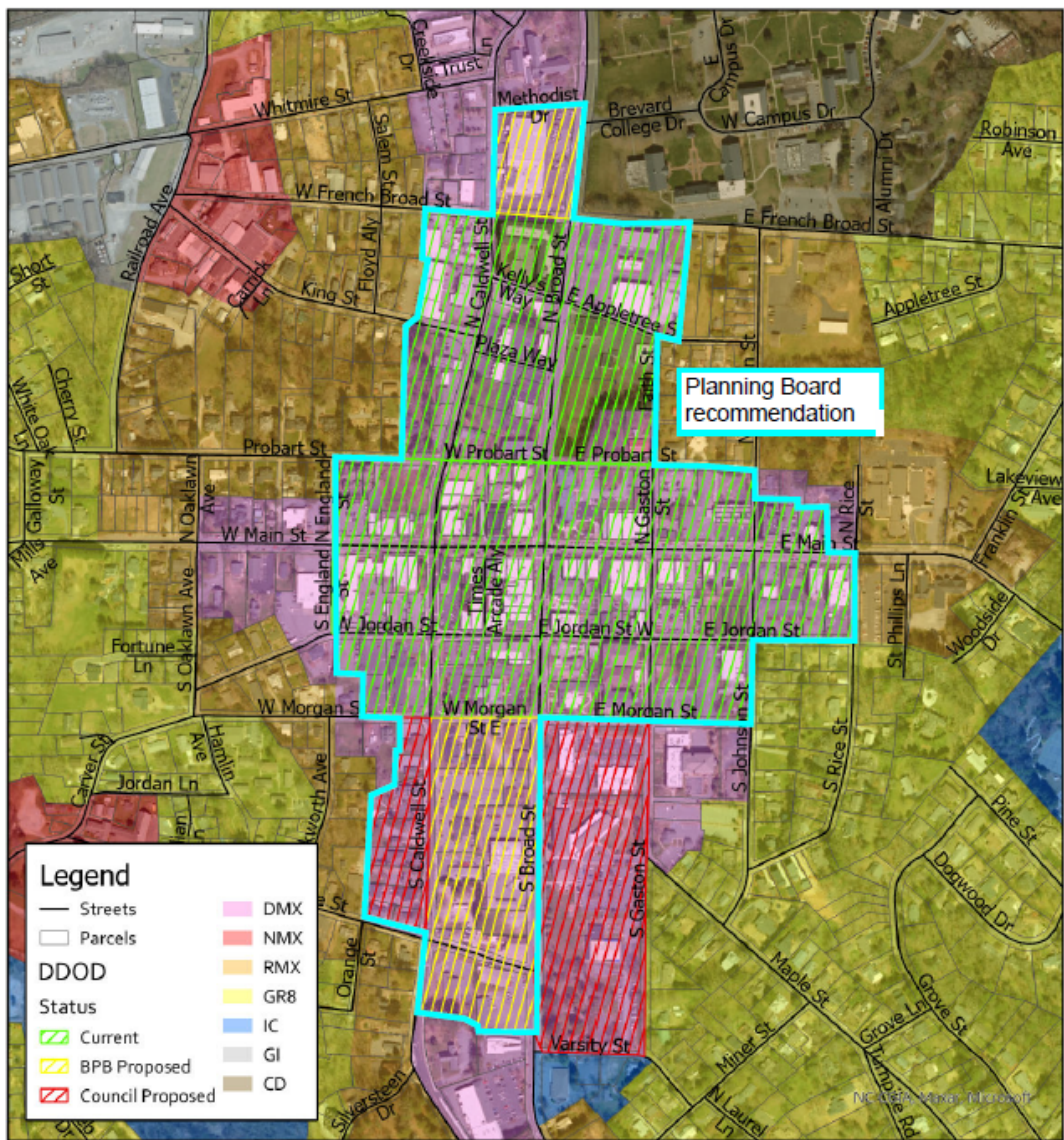
- 1) The City of Brevard hereby approves the application for planning funding from the NC Land and Water Fund Planning Grant program and will provide staff time to support the successful execution of the project.
- 2) The City of Brevard will seek implementation funding following planning and will commit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

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

L. Unfinished Business

L-1. Additional Proposed Rezoning / Expansion of Downtown Development Overlay District – Aaron Bland recalled that Council held a public hearing on this proposal on February 5th. The proposed expansion is depicted in the map below.

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



The current DDOD is in the green hatching. There was a proposal by the Planning Board to include what is in the yellow hatched area at the time we expanded the DDOD to the north. They included the College Plaza property and everything between Broad and Caldwell Streets to the south towards Oakdale. At the Council public hearing, it was discussed to widen all properties fronting on both sides of Caldwell and Broad Street, as depicted in the red hatching. When the Planning Board reheard this, they amended their recommendation to include the blue outlined area, which still includes College Plaza, but does not include both sides of Broad Street. One question raised by Council at the public hearing meeting was the number of structures in the proposed area that are already compliant with the build-to line. There are 27 buildings in this area and 8 of them meet the current standard. Mr. Bland noted that the Transylvania County Board of Commissioners has submitted input objecting to any proposal that would include County-owned property bound by E. Morgan Street, S. Gaston Street, Varsity Street and S. Broad Street.

Mr. Morrow said he is all for what we are trying to do here, but we are underway with the rewrite of Chapter 5 of the UDO, which includes the city’s architectural standards and I think we can wait until that rewrite is complete. Mr. Morrow moved to table this until after the rewrite of Chapter 5 is complete. Mr. Wise seconded the motion.

During discussion, Mr. Morrow said if I thought we were going to see some big changes in the next year or so, it might be different, but I don’t in this zoning area. I think time is on our side and the reality of form based code, which has been a long time

coming and is an exciting event on its own, I think having that, as I understand, would actually enhance this.

Mr. Wise said one of the things I am concerned about is when looking at these districts, we are kind of dividing some of these streets down the middle, and architecturally that's not a great way to define a district because it means a lopsided development could happen on each side of the street. I also realize that this is a difficult process to delineate and I don't feel comfortable approving something I don't fully understand yet. I am actually in support of the district and we are doing a lot of work with the UDO, so I'm not exactly sure where we are with this and what the end goal is and what we're trying to achieve. What I don't want to do is slap this district on without really taking some time to understand what it is. My thoughts and comments about how we really delineate this and how we really define what the streetscape is going to be at the edges are the ones that keep me up at night.

Mr. Baker said I am sensitive to both of the points that were made. In my mind the overlay district sounds fancy, but really there are just two rules in the overlay district and he asked Mr. Bland to explain what those are.

Mr. Bland explained that the main rule is that new buildings have to meet a build-to line within 12 feet of the right-of-way. The intent is to have them closer to the street and sidewalk with a more pedestrian-scale, human-scale friendly development pattern. The only other requirement has to do live/work units and where the businesses are located within the building. That becomes a discussion of where exactly you want to ensure that feeling of downtown to be built. The project that has been mentioned will likely have recommendations for this district and perhaps where it could also be applied to and if you wanted to wait for that it makes sense.

Mr. Baker said I understand and there might be additional rules or guidance that come out of that ongoing project, but in my mind that would not change my opinion and the recommendation from the Planning Board, who has studied this; that this is the correct area for that setback to be right on the right-of-way. I think the new construction on E. Jordan St. is the perfect example of why this is important. Those front doors are very close to the sidewalk and the feeling of Jordan Street has changed tremendously with the construction of those buildings in a positive way. The alternative is that you have a building that is set way back into the lot as it is on Asheville Hwy and once that new building is built that way, you lose the opportunity to extend the feeling of walkability in downtown until it is torn down and rebuilt. To me this is an important change for the future of downtown. We just got this huge document on walkability and certainly all of this important, but one of the things that creates walkability is where the buildings are built. That is what separates our downtown from the rest of the city and it is what creates the walkability and the economic driver that we've learned so much about tonight. I understand the reservations; I hope my fellow council members can understand my position. The positive impact of that setback doesn't change no matter what we determine through the form based code discussions or anything else.

Mr. Daniel said to me this plan is presented simply as follow-up to fill out what we have already approved as far as setbacks on one side of the street and the issue being that we would like for our street to look the same on both sides and be a downtown. That is the plan here. I'm not sure, as far as the form based code, I think this is establishing what we would expect the form based code to work with. Would that not be correct?

Mr. Bland said you would be establishing what you define as the downtown character area to apply those sorts of regulations to.

Mr. Daniel said by doing this we are simply saying this is downtown and I think that would be what I hope our plan would be; that our downtown would grow and that it would look like a downtown rather than a parking lot on one side of the street and

downtown on the other side of the street. We're really trying to just find balance here. I think it makes sense.

Ms. Holder asked for clarity on the division of the street. Would half the street be downtown and then across the street is not downtown; exactly what does that mean? Mr. Bland explained that this was advertised for everything in the red and yellow hatching and Council can apply this overlay district to any of that area, or smaller, at its discretion. The issue of one side of the street or both sides was brought up and it was expressed that we should try to do this one parcel deep with the frontage parcels on both Caldwell and Broad Streets. The problem is that on Broad Street that parcel is all the way to Gaston Street. That's why you still have it going down Gaston Street because the County's property extends all the way across that block. Caldwell is a better example of what Council Member Wise is trying to explain where both sides of the street have the requirement. Both sides of Broad would, but because those parcels go the entire depth of the block, you would still have that issue on Gaston Street. Ms. Holder said I just don't like that idea from what I understand about this.

Mr. Morrow said this has been true always; that the Maple Street neighborhood there has never been a buffer in zoning. In this case we are saying we want to push it right up to a residential neighborhood, so you've got downtown with no buffer and GR8 and that's the point. We received a letter from the County Commissioners and they mentioned that this would not allow them to do the renovations to their Amphitheatre and that's not true at all. To me that shows that they don't quite understand what we're trying to do and I would rather them be a partner with the understanding of what we're trying to do. That's why I say I don't know why we're in such a big hurry.

Mr. Baker said we do need to remember that we have a partnering board in the Planning Board who we appoint members to, and trust to study these issues carefully and make recommendations. They have had this topic for months and a lot of discussion at a lot of meetings. I think we need to study the issue for ourselves of course, but also take the recommendation of the boards that we trust to go even deeper on some of these issues and study them with our staff in those meetings directly being able to answer questions, and trust them when they make a unanimous recommendation.

Vote on the motion to table was three in favor; two opposed (Daniel and Baker). The motion carried.

~~At 7:03 p.m. Mayor Copelof called for a ten minute break.~~

M. New Business.

M-1. Strategic Planning Retreat Prologue: Revenue Outlook – Mr. Hooper reviewed the revenue outlook for FY 2024-2025 for the General Fund, Water/Sewer Fund, Sanitation Fund, and the Fire Fund.

General Fund – The vast majority of our revenue comes from property tax and sales tax. Growth in the property tax revenue comes from the rate, which we can control; and from the property tax base, which we can't control. Last year we raised the rate 3 cents and he suspects that this year there will be a small growth in the property tax base of 4% or less, which would translate to a small growth in our revenues. The state sets the sales tax rate and this is the area where the change in the economic trends that we see and sense will be the most impactful. For the last few years growth in sales tax has been unprecedented, but the trends are returning to normal and sales tax growth is leveling off. Investment earnings have gone up as interest rates rose and in the upcoming year this can once again be considered a notable source of revenue. Transfers from our enterprise funds to the General Fund are intended to cover administration and other support expenses provided by General Fund departments. Mr. Hooper said on the whole, he thinks the General Fund will experience minimal

growth and be challenged by the expenses of our core services. His early projection is that our ability to do any elected projects will be limited.

Fire Fund – The City has a unique arrangement where we partner with Transylvania County to fund the Brevard Fire Department. The County funds 45% of our department’s operating budget in exchange for us serving the Sylvan Valley 2 rural fire district. The arrangement gives the County veto power over any service enhancements. Anything above and beyond any service level specified in the contract must be paid for entirely by the City even though it benefits some county residents. He anticipates that, like last year, they will probably not entertain any funding enhancements in the upcoming budget. He has informed the County that as this agreement reaches its expiration date in a few years, he would like for us to review the terms and possibly renegotiate them.

Sanitation Fund – The economics of recycling and refuse collection are shifting and not in our favor. This revenue will go down slightly as the market has been flooded with recyclables thus reducing their value as a commodity. We must now pay to dispose of most of our recyclables. Though the sanitation service is meant to be self-sufficient, it is not. He is recommending bringing that back into the General Fund so it can be underwritten by our general revenues.

Water/Sewer Fund – An early analysis by the Finance Initiative at UNC suggests that our current rate model is only sustainable for about another decade, after which our capital expenses will outpace our collections. That is without factoring in the cost of the wastewater treatment plant. At the moment however, our capital needs are being covered mostly by ARPA funds and our rates are adequate enough to cover our operational expenses and put a little bit of money away. The pressure that the water/sewer budget will see in the coming years are typical things like increases to employee healthcare and compensation. It also means that to meet state regulations for maintenance, there might be the need to invest some more in maintenance in the coming budget.

Potential Areas for New/Enhanced Revenue:

Water/Sewer Fund – He will recommend that we implement the High Strength Waste Surcharge this year. It would more fairly distribute the cost of treating high-strength waste to the folks who create it and free up some of our general revenues that we collect from the entire customer base to be socked away for future capital improvements.

General Fund – Options he will most likely propose include a higher fee for solid waste special collections to reflect the cost of providing that service. He is not yet ready to recommend raising the flat regular monthly solid waste fee, but thinks we need to talk about that. Another option is to consider increasing the MSD tax by one cent for downtown properties within the Heart of Brevard district as there are a lot of needs downtown that are going to require funding.

M-2. Approve Housing Trust Fund (HTF) Allocation and “Mini-Brooks” Act Exemption for Development Finance Initiative Phase II Work – Mr. Hooper explained that this is a request to approve the Housing Committee’s recommendation to allocate \$50,000 from the Housing Trust Fund for professional services to assess the developability of the Brevard Davidson River Presbyterian Church property. Included in the request is to declare this project exempt from the “Mini-Brooks” procurement act. The statute authorizes units of local government to exempt contracts for design services from qualification-based selection requirements if the estimated fee is less than \$50,000, which would give us the ability to choose the folks we want to use. Mr. Morrow moved, seconded by Mr. Baker to approve the resolution. The motion carried unanimously.

RESOLUTION NO. 2024-07

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

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 19th day of February, 2024.

M-3. AARP Age Friendly Communities Designation – Mayor Copelof explained that in May 2023 Governor Cooper enrolled the State of North Carolina into the AARP Network of Age-Friendly States and Communities and has encouraged municipalities and counties to pursue this designation. This is a program that helps us look at putting an age-friendly lens as we look at development, especially when you keep in mind that we have the demographics here of being one of the oldest counties in the state. The median age is 53, so a significant portion of the people we are responsible for as elected officials fall into that senior citizen category. 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. Mayor Copelof noted that these align with the goals in our Comprehensive Land Use Plan. Participating communities can focus their efforts on all 8 livability factors or pick just a few. She noted that the request that Brevard consider enrolling in this program was a grassroots movement that came from several members of the community. 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. The way that is done is with a community group and we already have over 15 people who have signed up to be on a community group; and Dr. Paula Hartman-Stein, whose specialty is gerophychology, has volunteered to be the Community Leader for this project. The

volunteer group and Community Leader would support most of the work of the project, therefore utilizing minimal staff resources. As recommendations come, they will be filtered to the City Manager who will send them to the appropriate committee or department for evaluation. To enroll in the program a resolution of support from City Council needs to be included with the application. Mayor Copelof asked that Council consider approving the Resolution Approving Application for AARP Age-Friendly Community Designation.

Attorney McKeller advised Council that in light of the fact that Mayor Copelof is a proponent of this, either another member of Council needs to preside over this issue, or in the alternative if none of the members of Council want to preside over the issue, he recommended that Council make a motion to suspend the rules to allow the Mayor to retain her chair while this debate is going on. Mr. Morrow so moved. Mr. Baker seconded the motion. The motion carried unanimously.

Mr. Morrow moved, seconded by Mr. Wise to approve the resolution. Following discussion the motion carried unanimously.

RESOLUTION NO. 2024-08

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

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 19th day of February, 2024.

M-4. Board of Adjustment – Designation of Regular and Alternate Members

Attorney McKeller explained that the Board of Adjustment is made up of eight members serving three-year terms. Three members and two alternates residing inside the city limits are appointed by City Council. Two members and one alternate residing within the ETJ are appointed by the County Board of Commissioners. In February the Board elected Peter Offen as Chair and Kevin Jones 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. Staff is requesting that Council adopt a resolution designating Peter Offen as a regular member and Kevin Jones as an alternate member. This does not change the membership of the committee, nor the term lengths of either Mr. Offen or Mr. Jones. Mr. Morrow moved, seconded by Ms. Holder to approve the

Resolution Designating Regular and Alternate Members of the Board of Adjustment.
The motion carried unanimously.

RESOLUTION NO. 2024-09

**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.

N. Remarks/Future Agenda Considerations.

Mr. Daniel said along with Lauren and Pamela, I just completed two long days of Essentials of Municipal Government, which I found very enlightening at times. It was a tough two days.

Mr. Baker mentioned that our Social District opened recently. I was there on Friday evening when it opened and took a little stroll with a group and had a beverage. I was shocked to find that there was not chaos in the streets and that maybe I was the only one doing that at the time. I also heard anecdotally a story of a new Mexican restaurant on Main Street, who is either deciding not to have a liquor license or had not received theirs yet. They are right next door to Brevard Brewing Company and some folks that were there for dinner were able to go right next door, purchase a beer from Brevard Brewing and have it with their meal. That story in particular hit home for me; just the practical nature of the Social District and the opportunity it has for collaboration between downtown business owners and the ability for our citizens and visitors to spread their dollars out and make a bigger impact on downtown. Obviously it's February so we are going to watch how it develops over the next few months and I look forward to the positive things to come out of that.

Mr. Wise said I do want to express my thanks to Gary and Pamela for going through Essentials of Municipal Government. It was a great two days, but brutal. I work upstairs on Main Street so I want everyone to know that I have been monitoring closely the street and seeing what's been going on. I haven't seen any hooligans, but I'm monitoring it.

Ms. Holder said it was two grueling days; thank you and I ditto. I am glad that we are going with this opportunity for Age-Friendly Community Designation. My

involvement so far in meeting with the students as well as the more seasoned citizens has been very interesting and I think they're excited as well. To see us collaborate is exciting for me. Thank you so much for bringing that to the Council.

Mr. Morrow said after talking about downtown, it's really nice to see the improvement underway at Times Arcade.

Mr. Hooper mentioned that Planning Director Paul Ray was unable to attend tonight's meeting because he was in a serious car accident over the weekend and was out of work today. He spent an afternoon in the hospital but has been released. He asked everyone to keep him in their thoughts.

Mayor Copelof said I too am really excited and thank you to Council for approving us to go forward with the Age-Friendly Community designation. I think this is going to be an exciting thing to do with our community. I do want to say that Dr. Hartman-Stein and myself and Council Member Holder have been doing these Age Exchange workshops and we had our second one on Saturday. It was not quite as well-attended as the first, but we had 45 people. We have a third one coming up on Saturday, March 2nd from 1:30 to 3:30 pm at the Rogow Room about the end of life and how do you talk about dying. I believe some of the students are going to be asking questions and having a dialogue that is very difficult for people of all ages to have. This is one of the things that we're doing to build that connection and communication; one of the 8 areas of livability. So, we've already got some actual things going on. When I look at our responsibility as an elected body, it is to the whole of our community and to balance across the demographics, and this is part of that balancing. I am looking forward to working with that community group and I will be advertising for anyone else who is interested in joining. We are heading into a very busy time of year. We have our strategic planning session next Thursday from 8:30 am to 5:00 pm at the Mary C. Jenkins Community Center. That is when Council and Staff talk about what are the priorities and those priorities feed right into the budget and how the money you saw the Manager talk about gets used. It is open to the public if you want to come and listen. We are opening applications for our community garden, one of our AARP-funded initiatives. Those applications are available online or can be picked up at City Hall. A reminder that we have early voting going on, so please all do your civic duty and vote. The next Meet the Mayor is this Thursday from 11:30 to 1:00 at the Mary C. Jenkins Community Center.

O. Closed Session – None.

P. Adjourn – There being no further business, at 8:05 p.m. Ms. Holder moved, seconded by Mr. Morrow, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: March 18, 2024

HEART OF BREVARD

2023
ANNUAL
REPORT



BREVDNC.ORG



HEART OF BREVARD IS...



501(c)(3) nonprofit founded in 1993 that contracts with the City of Brevard to provide downtown management and economic development within the municipal service district. Celebrating 30 years!

MSD services district that has generated over \$67M in public and private investment, created more than 700 new jobs in the past 30 years.

Nationally accredited and award winning organization. Guided by the proven Main Street Approach a comprehensive framework described as the Four Points: Design, Promotion, Economic Vitality and Organization.

OUR MISSION + VISION

Heart of Brevard is creating a gathering space for the community, strengthening the economic vitality of the downtown Brevard district and preserving and sustaining our rich heritage.

Historic Downtown Brevard, cradled by the Pisgah National Forest, is the safe, walkable center of our community. Lined with diverse independent businesses, downtown serves as the cross-roads to exceptional outdoor recreation and is a thriving hub for the arts.



WHO ARE WE..

STAFF

- **2** Full-Time Staff Members

BOARD OF DIRECTORS + COMMITTEE MEMBERS

- **13** Board Members
- **8** Committee Members



VOLUNTEERS

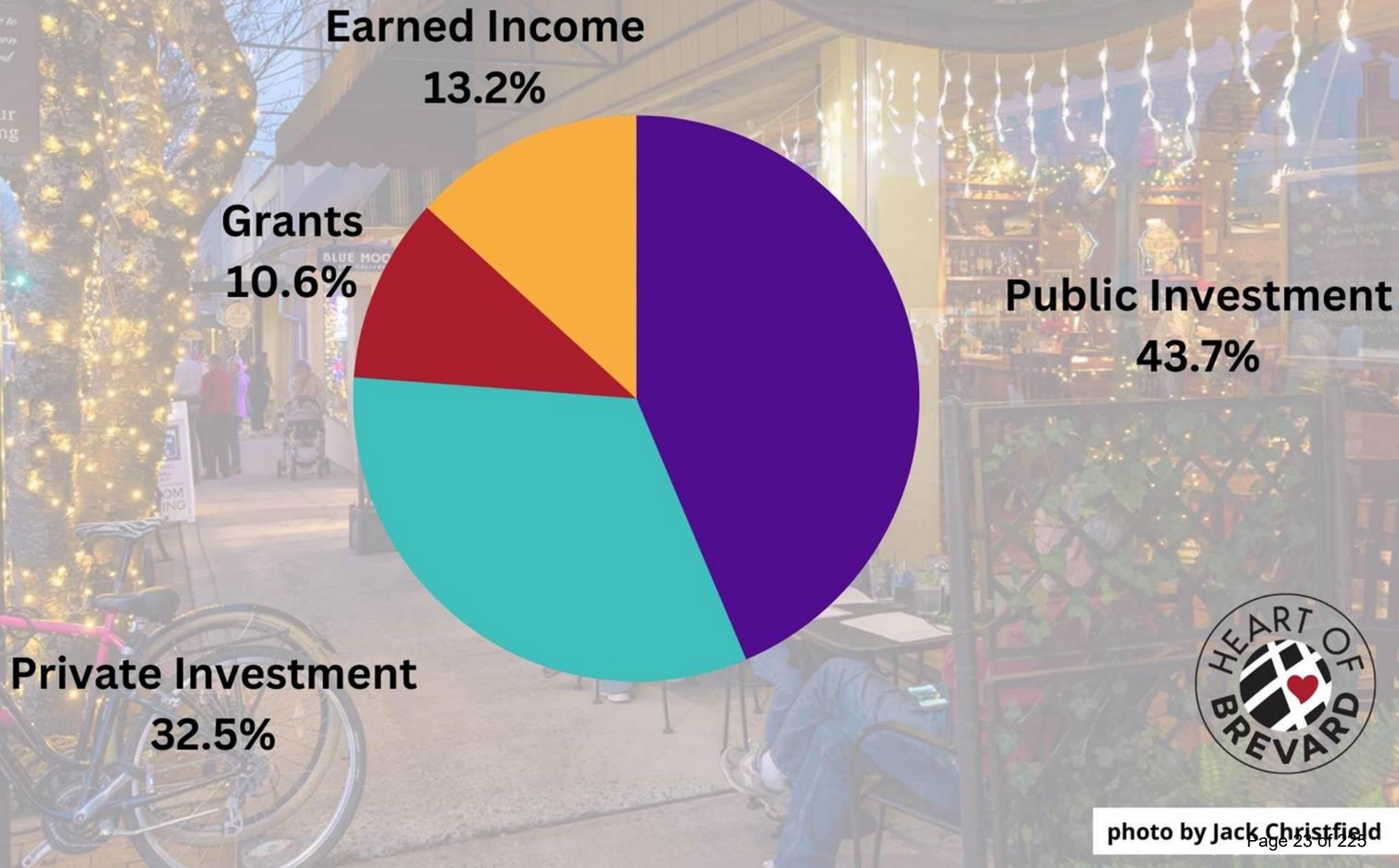
- **154** Volunteer Shifts
- **2,215** Volunteer Hours
- Volunteer Support Valued at **\$53,792**

HOBSTAKEHOLDERS

- **300+** Businesses, Property Owners and Residents



HOW ARE WE **FUNDED?**



2023 ECONOMIC IMPACT SURVEYS RESULTS

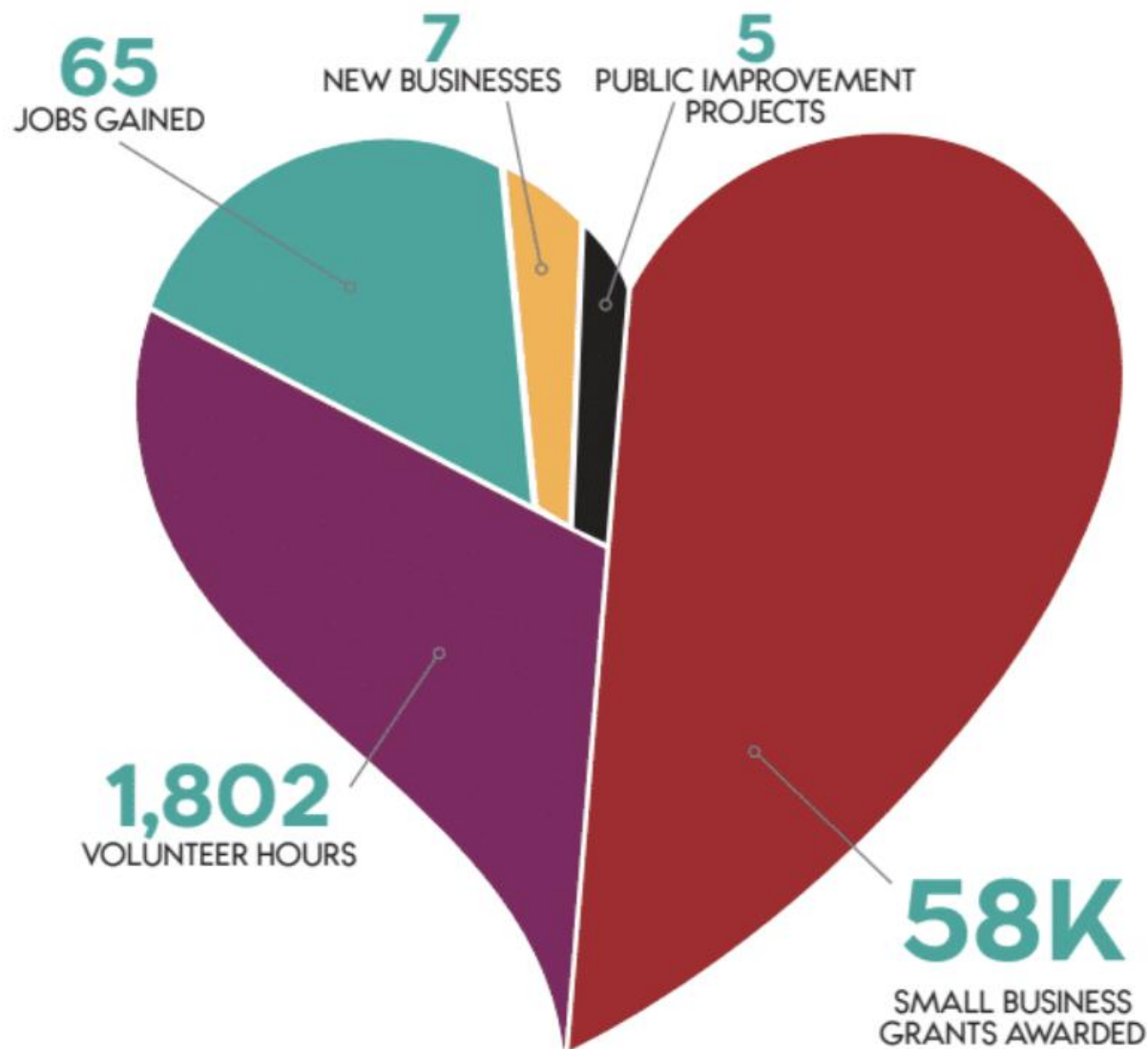


YEAR IN REVIEW

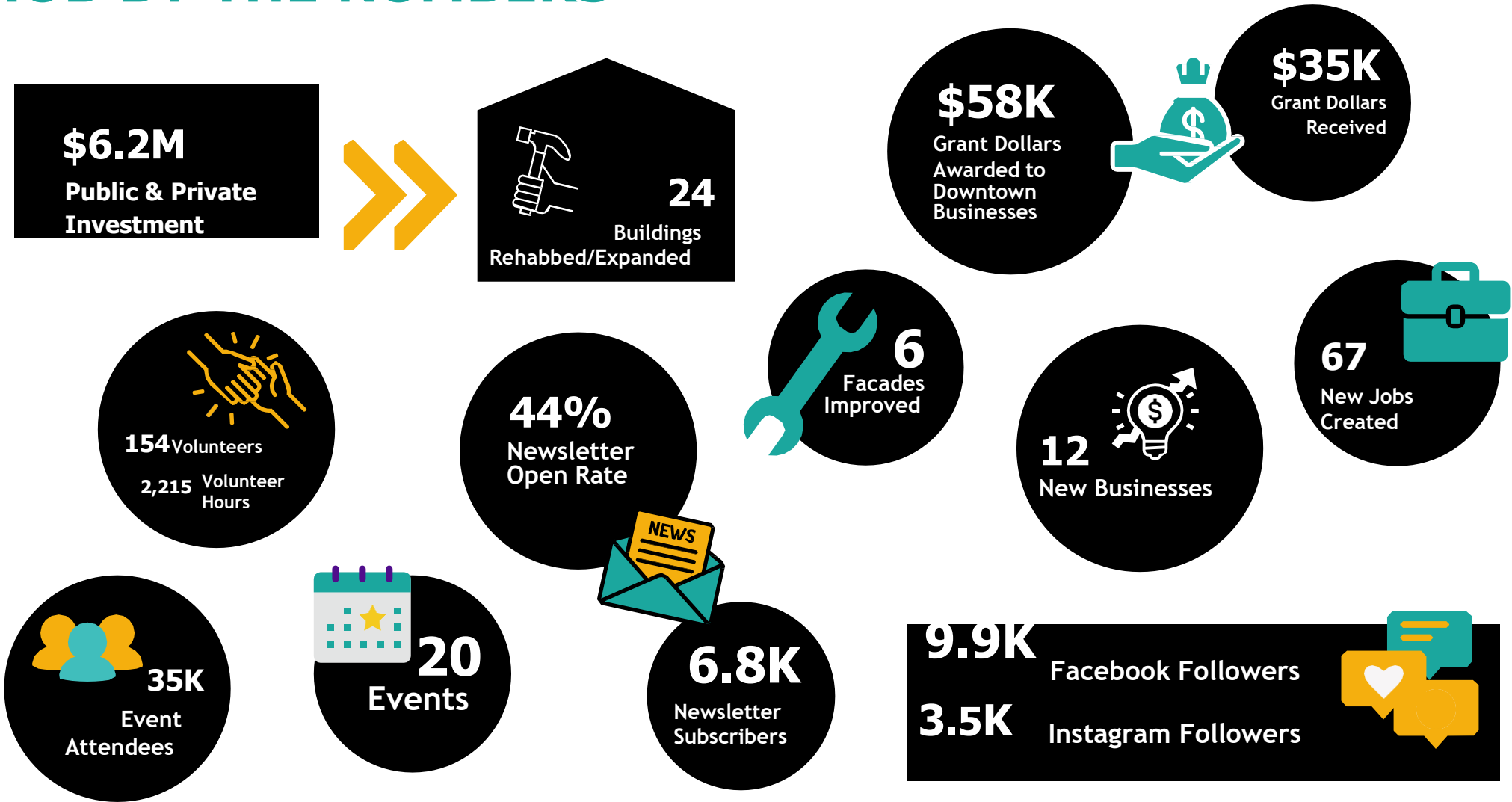


\$6,141,695

TOTAL PUBLIC & PRIVATE
INVESTMENT



HOB BY THE NUMBERS



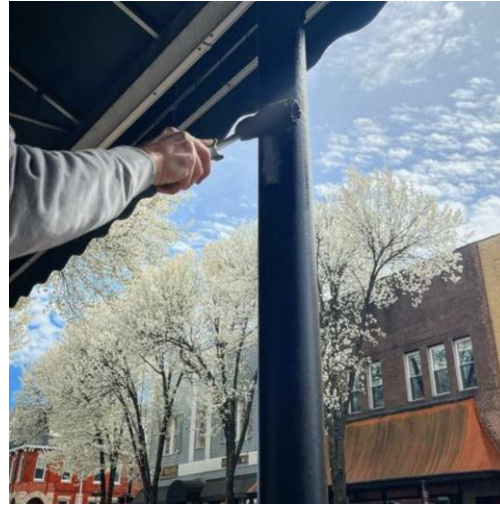
North Carolina Statistics (2020-2022)

\$815M Public & Private Investment

509 Buildings Rehabbed/Expanded			
411	Facades Improved	3,091	New Jobs
641	New Businesses	101,194	Volunteer Hours

HOB GRANT FUNDING

HOB AWARDED \$58K IN GRANTS TO 24 DOWNTOWN BUSINESSES





2023 NEEDS SURVEY RESULTS



Does Not Apply
10%

Neutral
11%

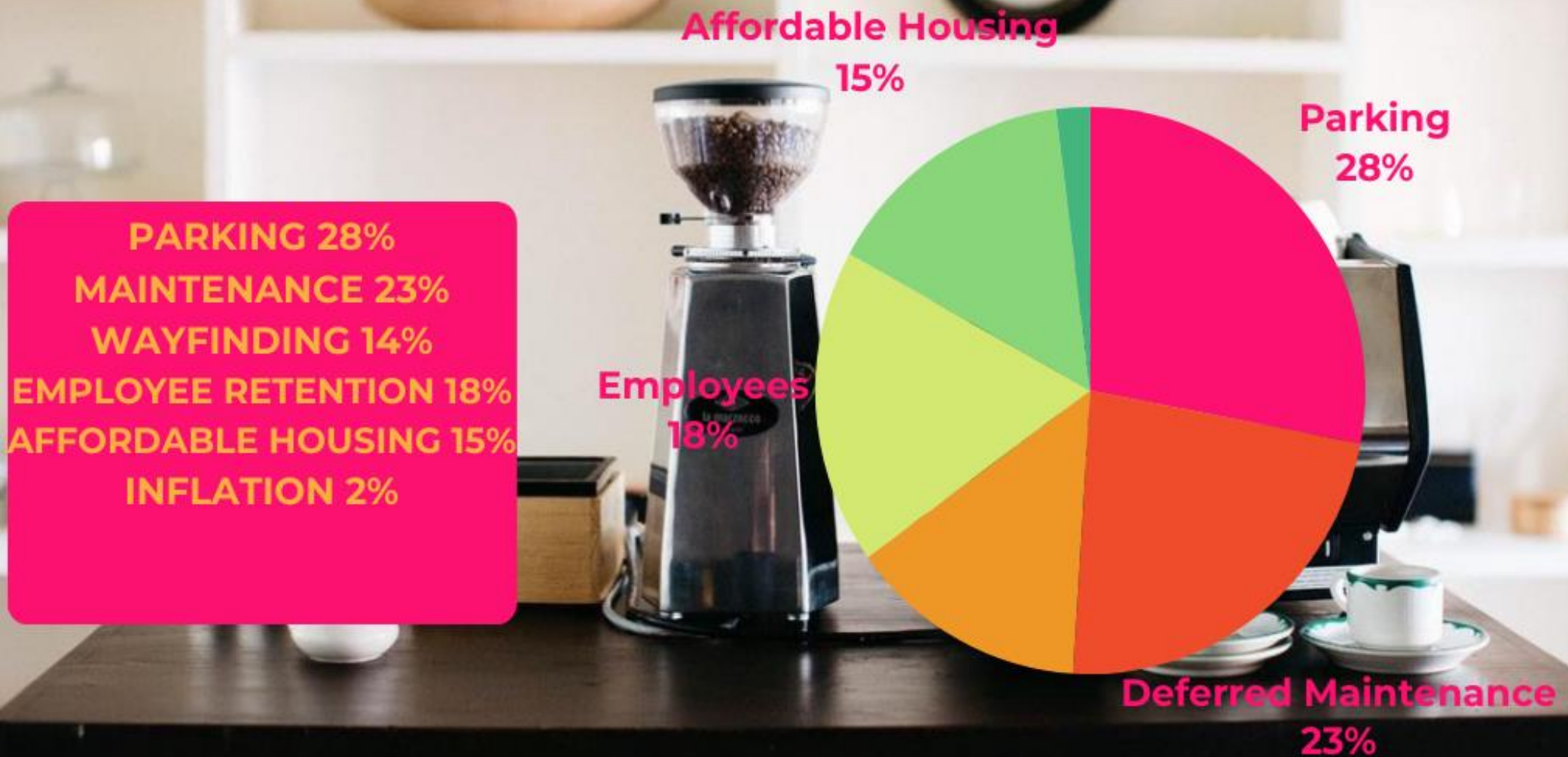
Positive Impact
44%

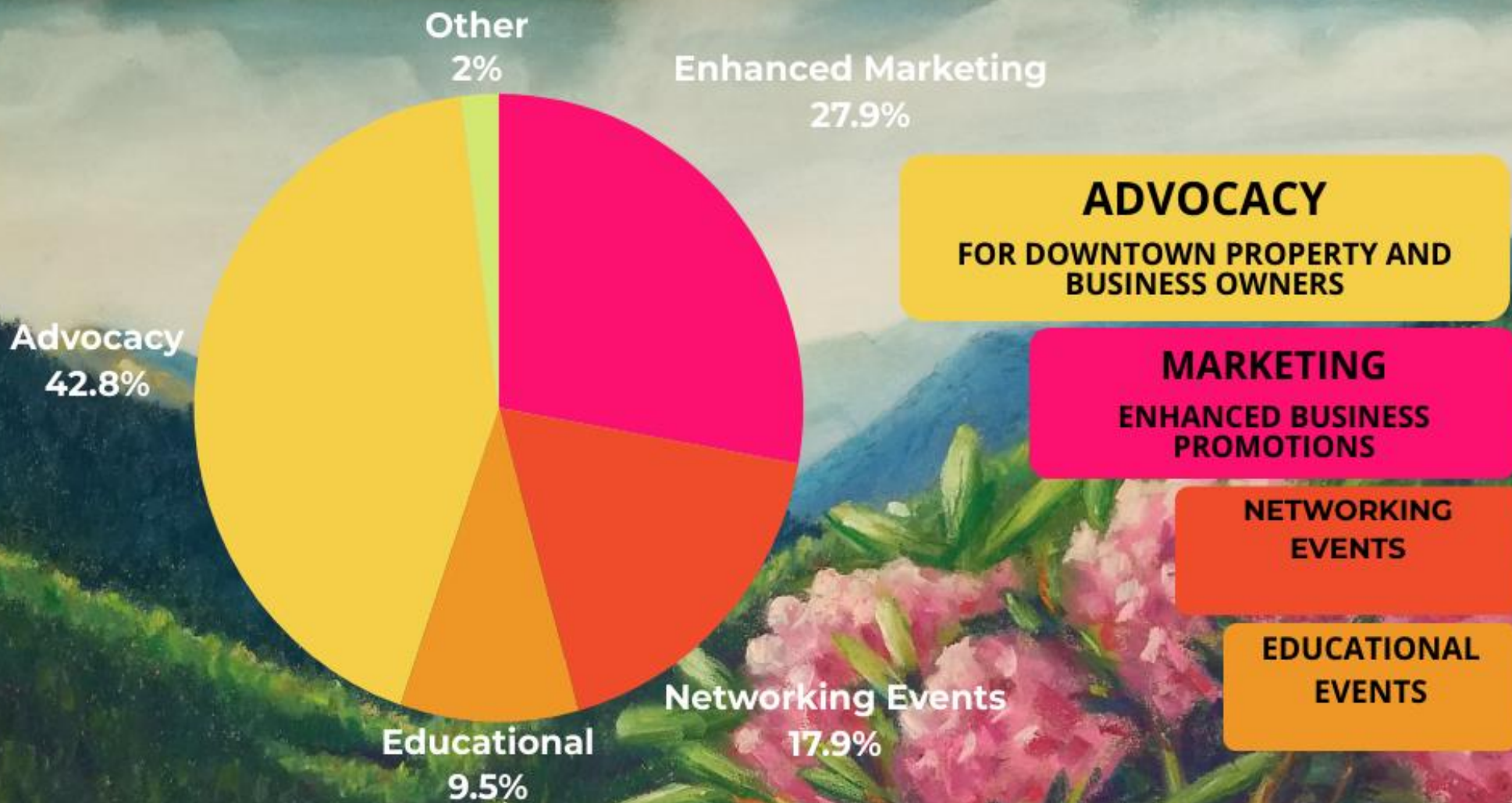
Negative Impact
35%

44% POSITIVE
35% NEGATIVE
11% NEUTRAL
10% N/A

ECONOMIC IMPACT OF DOWNTOWN EVENTS

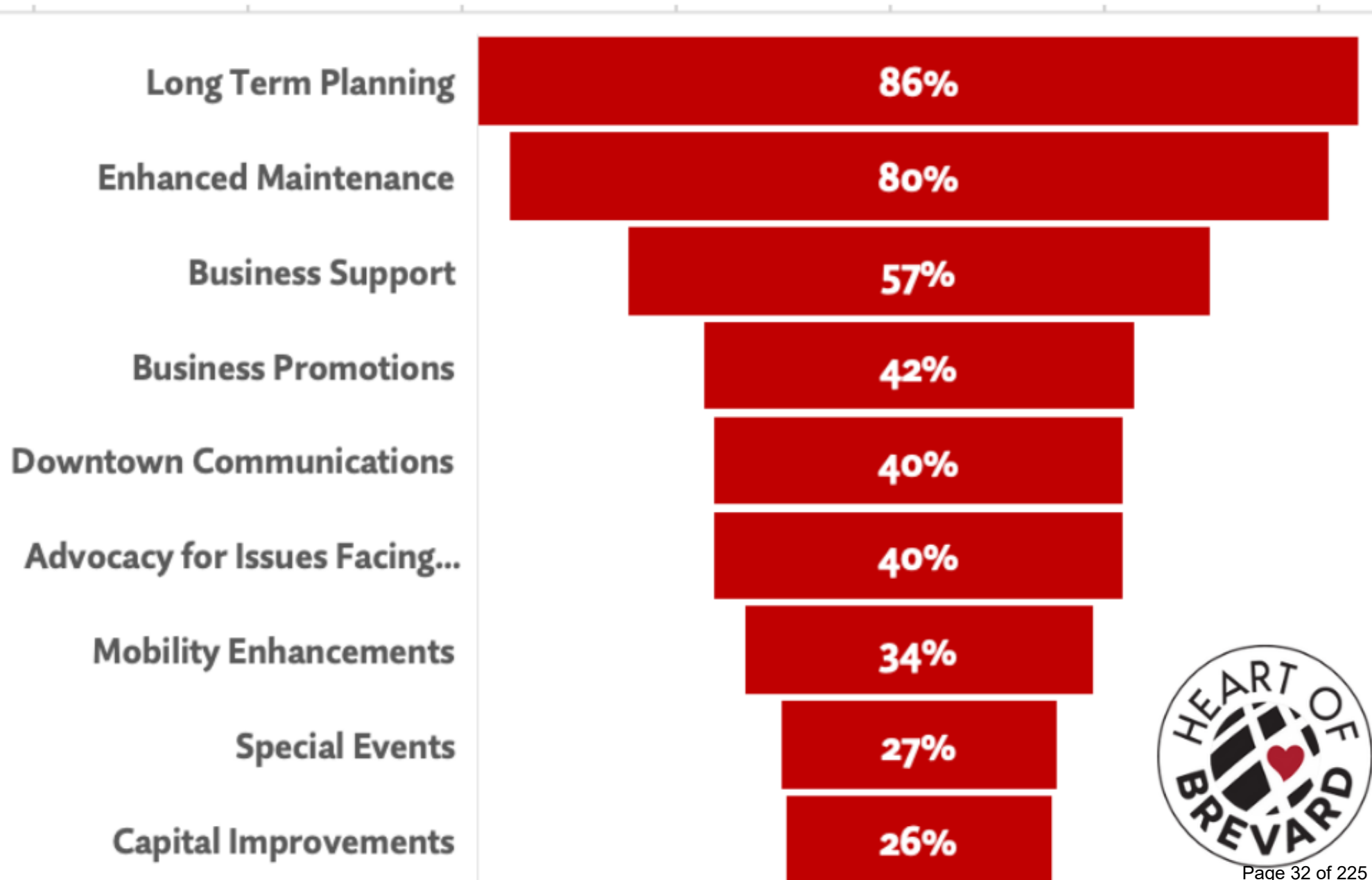
TOP 3 BUSINESS CHALLENGES





Stakeholder Benefits Enhancements

PLEASE RANK THE FOLLOWING SERVICES FOR THE HEART OF BREVARD DISTRICT



THE POWER OF **PARTNERSHIP**

2023 PROJECTS: MAIN ST. STREETScape PROJECT SUPPORT+ SOCIAL DISTRICT IMPLEMENTATION



THE POWER OF **PARTNERSHIP**

NEW PROJECTS

- **Times Arcade Alley Stormwater and Streetscape Project**
- **Heart of Brevard Employee Parking Initiative**
- **2023 Walkability Assessment**
- **The District Promotion and Management**
- **Downtown Holiday Lighting**



**THANK YOU FOR YOUR
CONTINUED SUPPORT!**



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Heart of Brevard

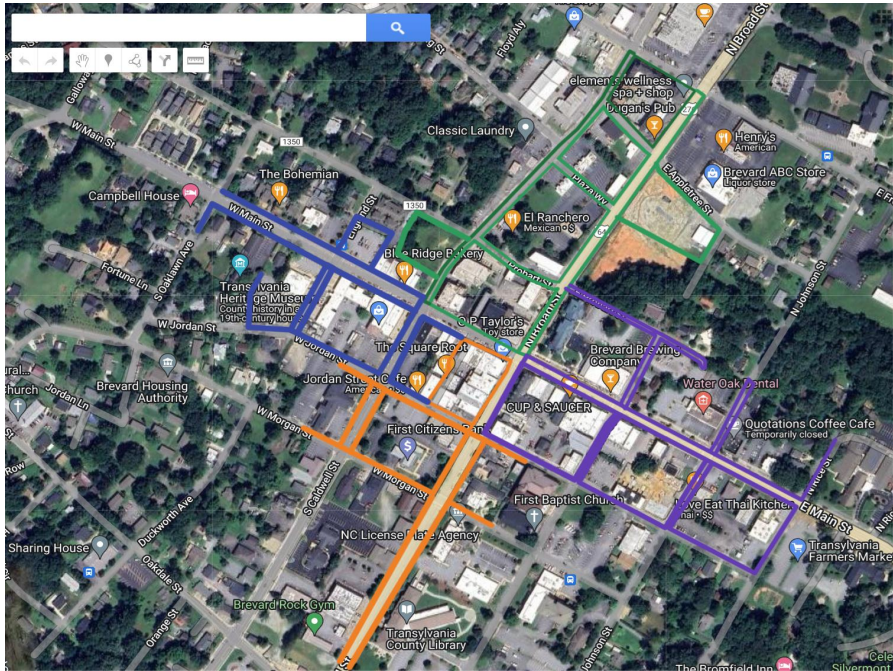
Walkability Study



Walkability Assessment

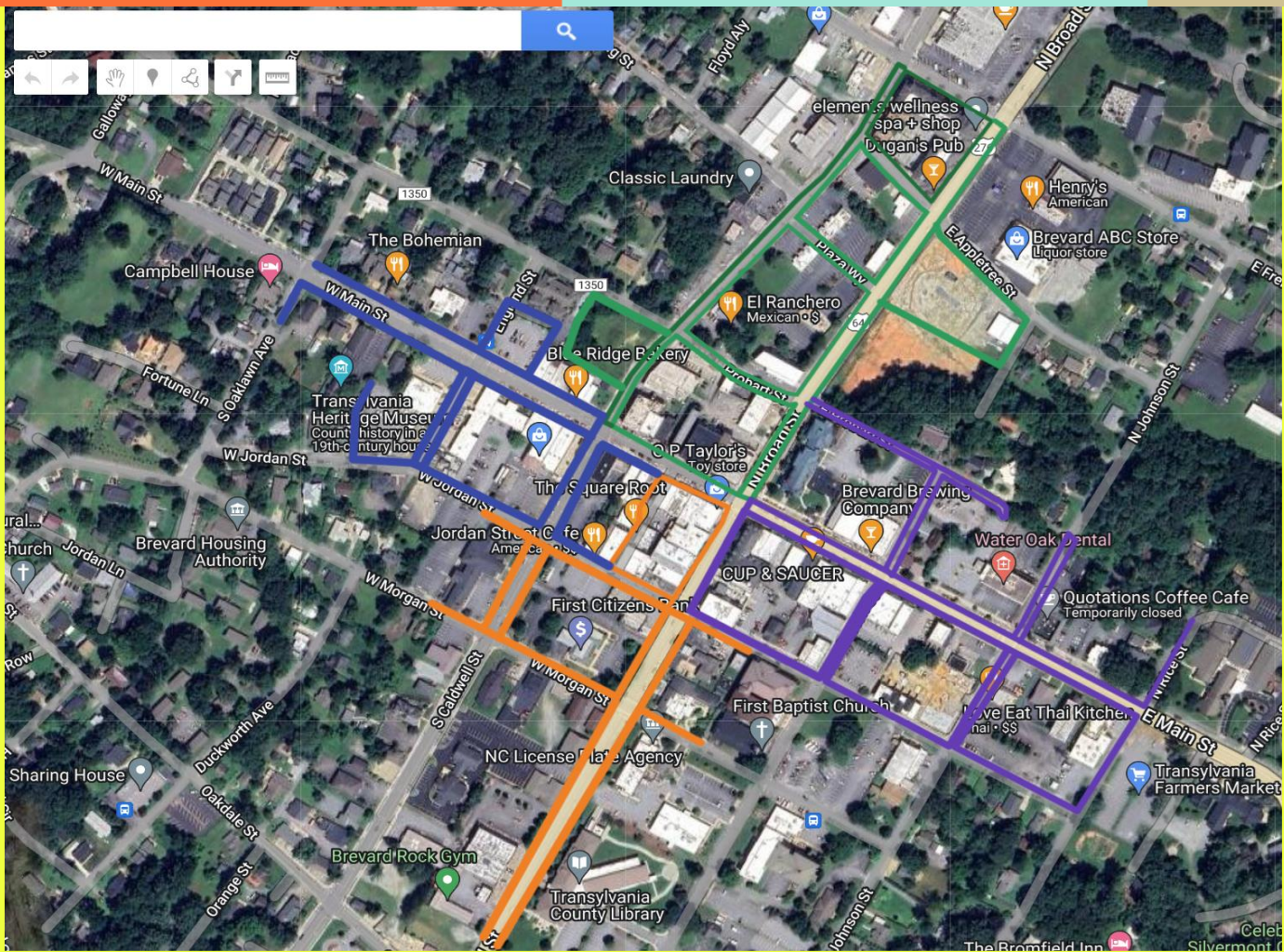
The goal of the assessment process is to perform an on-the-ground assessment of the existing conditions of the downtown built environment and to articulate recommendations for short- and mid-term priorities that are essential to making our downtown more accessible, safe, walkable, and successful.

HOB Built Environment Committee



Participating members included:

Maureen Copelof
Mac Morrow
Nicole Bentley
Billy Parrish
Pamela Holder
Gary Daniel
Leroy Walters
Anna Davis
Aaron Baker
Linda Randall
Maggie DeLap
Lauren Wise
Brian Stretcher



2024 Walkability Assessment- Data Collection

Team Name *

☐ Blue Team ☐ Green Team ☐ Orange Team ☐ Purple Team

Description *

Location *

Public *

☐ Public ☐ Private ☐ Unknown ☐ County

Is This a Safety Issue?

Select ▼

Notes

Any other relevant information

File Upload

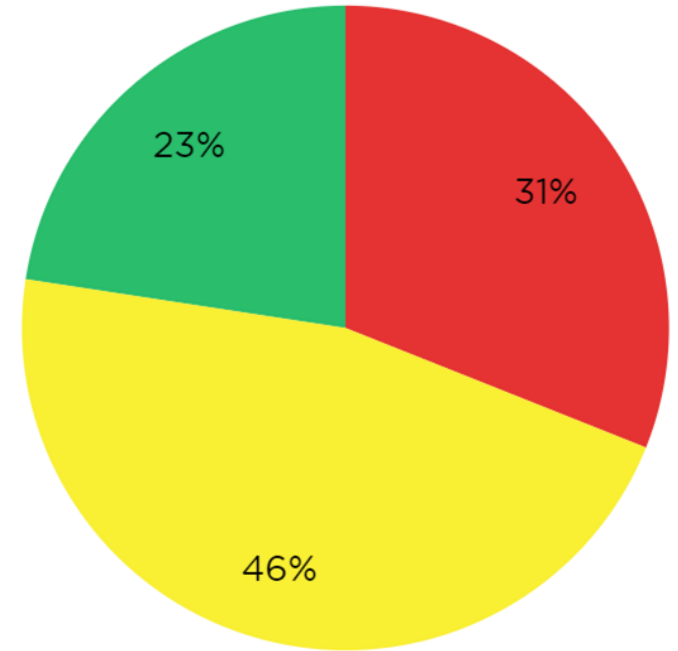
Take a photo

Drag and drop files here or [browse files](#)

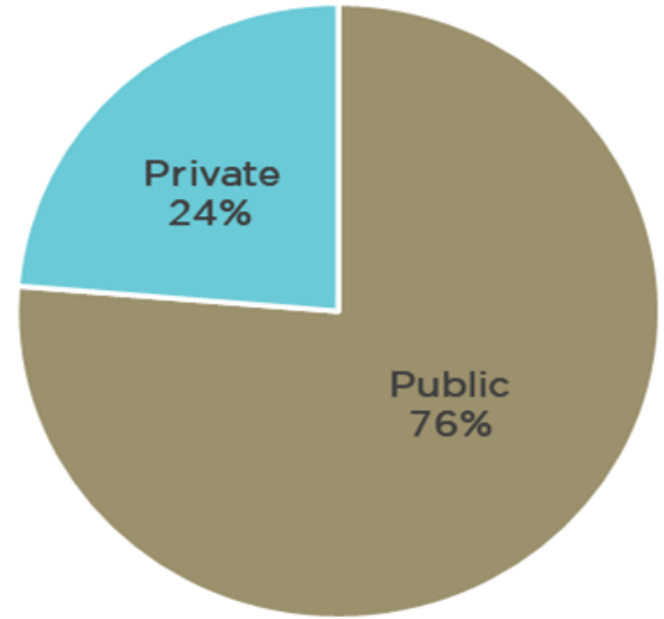
☐ Send me a copy of my responses

Submit

prioritization



public vs. private



Recommendations by Classification

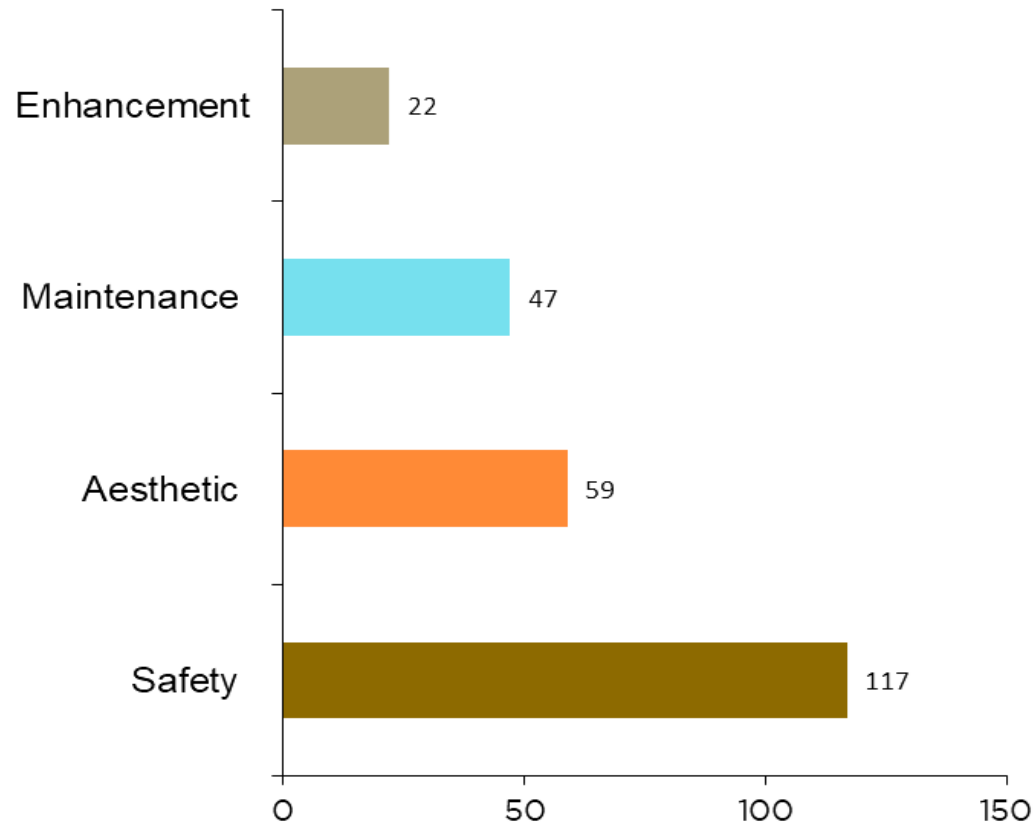


Photo	Description	Location	Trip Hazard	Priority
	Uneven brick pavers present a potential trip hazard. This is prevalent throughout the entire downtown area. This is a minor example of a major problem. At many other locations the lack of maintenance and the inherent trip hazards are much more evident.	Broad Street in front of the Transylvania County Offices in the former Carnegie Library building. 35°13'57.8"N 82°44'03.2"W	☒	

*page
15

Photo	Description	Location	Trip Hazard	Priority
	Broken sidewalk	North Broad St just up from Village Blacksmiths	☒	

*page
52

97 TRIP HAZARDS

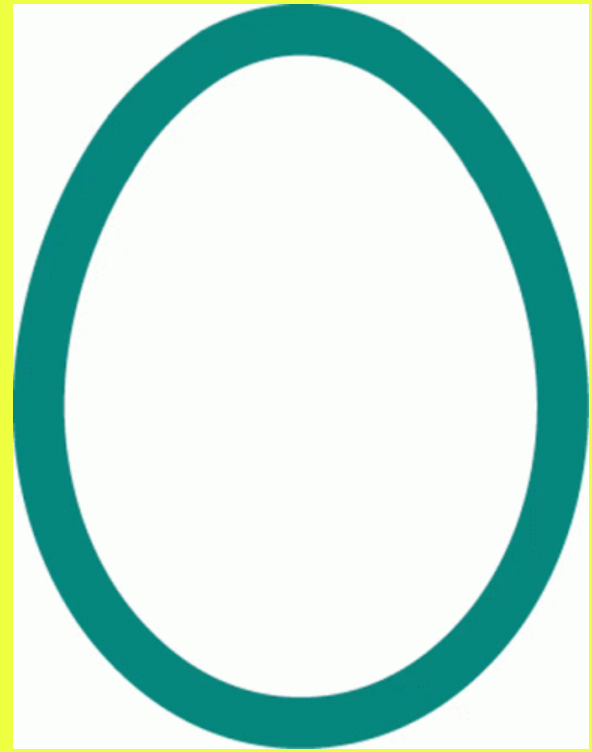


Photo	Description	Location	Priority
	Transformers are hideous. Could they be removed?	Gaston Street Immediately behind East Main Street facing North.	

*page
11

Photo	Description	Location	Priority
	No street trees by Dean gallery	West Main Street at Canto 34	

***page
14**

AESTHETIC

Photo	Description	Location	Trip Hazard	Priority
	No crosswalk between lots.	Police department	☐	☒

*page 2

ENHANCEMENT

Photo	Description	Location	Trip Hazard	Priority
	Utility pole placement encroaches on the sidewalk making this area inaccessible to mobility impaired persons. The sidewalk could be angled away from the pole into the planting area to accommodate wheelchairs and other walking assistance devices. This is an issue across the city. How this happens and why adjustments haven't yet been made to the sidewalk placement of encroaching power poles is not currently clear.	West Jordan Street behind City Hall and Ace parking lots. 35°14'01.1"N 82°44'14.4"W	☐	☒

*page 4

Photo	Description	Location	Trip Hazard	Priority
	Several instances of deteriorated tree wells and the effect on the surrounding pavement of trees spilling out of their wells are found along this block of Broad Street, from Rocky's Corner Market to O.P. Taylor's. There are so many photos of the potential hazards, maintenance issues and the aesthetic concerns inherent in this level of deferred maintenance that the entire block was aggregated into this one entry. Many of the remaining trees are getting to the end of their useful lives and will have to be replaced in the very near future. This is also an example of decades long deferred maintenance. See attached photos for detail.	Broad Street from Rocky's Corner Market to O.P. Taylor's.	☒	☒

***page 3**

MAINTENANCE

Photo	Description	Location	Trip Hazard	Priority
	In many locations throughout downtown one will see a situation like this where a utility pole has been replaced or relocated and the sidewalk damaged by the replacement or repair has not been replaced. This is a result of a public utility installation, but who is responsible for the lack of sidewalk repair is unclear.	East Jordan Street. 35°13'57.8"N 82°44'03.2"W	☒	☐

*page
11

MAINTENANCE

Please consider the full report as a tool for prioritizing resources during upcoming budget allocations.



STAFF REPORT

City Council, Monday, March 18, 2024

Title: Proposed Ecusta Trail Trailhead and Park Facility at Pisgah Health Property off Allison Rd.

Speaker: Wilson Hooper, City Manager
Julie Heinitsh, Pisgah Health Foundation
Dave Neumann, Pisgah Health Foundation
Aaron Bland, Asst. Planning Director
Christy Staudt and Teresa Buckwalter, Transportation Planning & Design
Mark Tooley, Friends of Ecusta Trail (tent.)

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

Approved by: Wilson Hooper, City Manager

Background

Pisgah Health Foundation (PHF) is a 501c3 whose mission is to: "purposefully, creatively, and collaboratively enhance the health and well-being of our communities by addressing local health and wellness inequities through strategic and meaningful partnerships." PHF owns a parcel of approximately 11.5 acres between Transylvania Regional Hospital and Allison Rd. The parcel, bound by Lamb Creek and Allison Creek, has approximately 7.5 wooded and 4 cleared acres. An approximately 1,500 foot stretch of the Estatoe Trail traverses the property.

The parcel sits within 1,200 feet of the terminus of the planned Ecusta Trail, and is connected to that point via an existing trail segment sitting on City-owned property.

In late 2022 the Ecusta Trail Advisory Committee received a presentation (attached) from two of its participants on the pros/cons of several possible trailhead sites. This site was addressed in that presentation.

Discussion

In 2023, Pisgah Health approached the city with a proposal to partner on the creation of a recreation facility at the site that could accommodate parking, restrooms, and other amenities supporting the Ecusta Trail. Representatives of Pisgah Health will be on hand this evening to share their vision for the site.

Because this site was evaluated as part of the Ecusta Trail Advisory Committee's earlier work, and because it showed promise as a trailhead due to its proximity to terminus of the Ecusta Trail, the City Manager instructed staff to perform some preliminary diligence that included: 1.) hiring an outside engineer to assess how the floodplain affects the developability of the site and 2.) asking Transportation Planning and Design (TPD), the

firm performing design work on the Ecusta Trail itself, to create a quote for full design of a trailhead facility.

City staff will be on hand to walk through the results of the floodplain assessment (attached), and TPD will be on hand to share thoughts on the creation of a trailhead facility there.

Fiscal Impact

Staff recommend that the design and construction of the facility be funded with money designated for Ecusta Trail. Several partnering agencies, such as TDA or FOET, could be approached to fund the project. The city's commitment will be small miscellaneous expenses, such as staff time and floodplain assessment, covered by existing operating dollars.

Action:

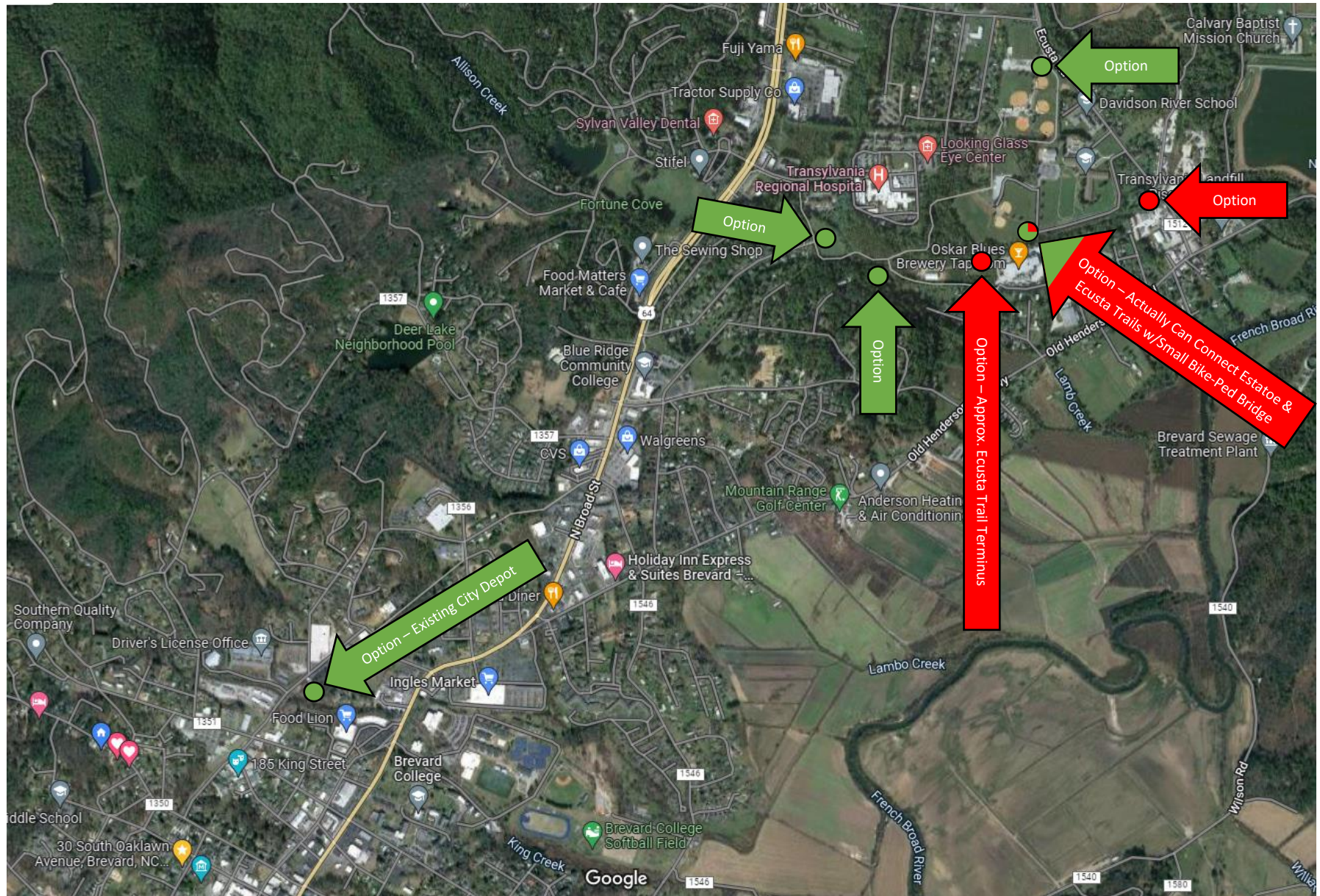
For information and discussion only. Action is requested in the New Business portion of the agenda.

Attachments:

1. October 2022 presentation to Ecusta Trail Advisory Committee
2. Preliminary Flooding Evaluation

Draft Potential Ecusta and Estatoe Trailheads/Access Points

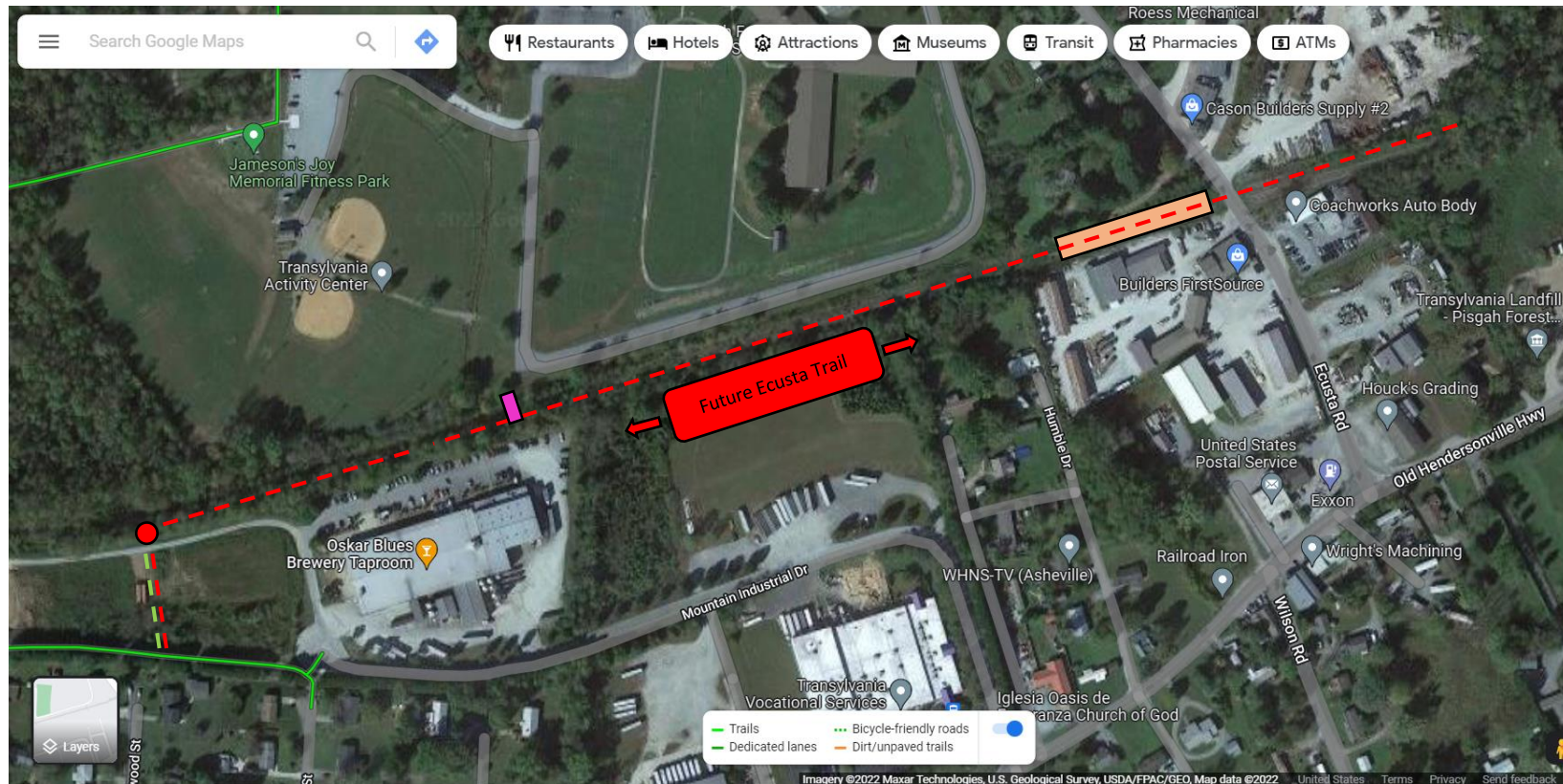
Overview of All Potential Ecusta and Estatoe Trail Access Points Evaluated (Those Not in the Original Alta Plan)



- On Estatoe Trail
- On Future Ecusta Trail

Draft Potential Ecusta and Estatoe Trailheads/Access Points

City of Brevard Ecusta Trail Trailhead/Parking Area at Ecusta Road: Option A (Next to Builder's First Source), 35-50 Parking Spaces



Key:

-  Current Estatoe Trail
-  Future Ecusta Trail
-  Future Ecusta Trail Terminus
-  City-Developed Trailhead with Parking (50 max spaces)
-  Bike/Ped Bridge (New - Across small creek to Oskar Blues & trail access)
-  Access to/from Ecusta and Estatoe Trails (After Mt. Industrial Road Expansion)

Pros:

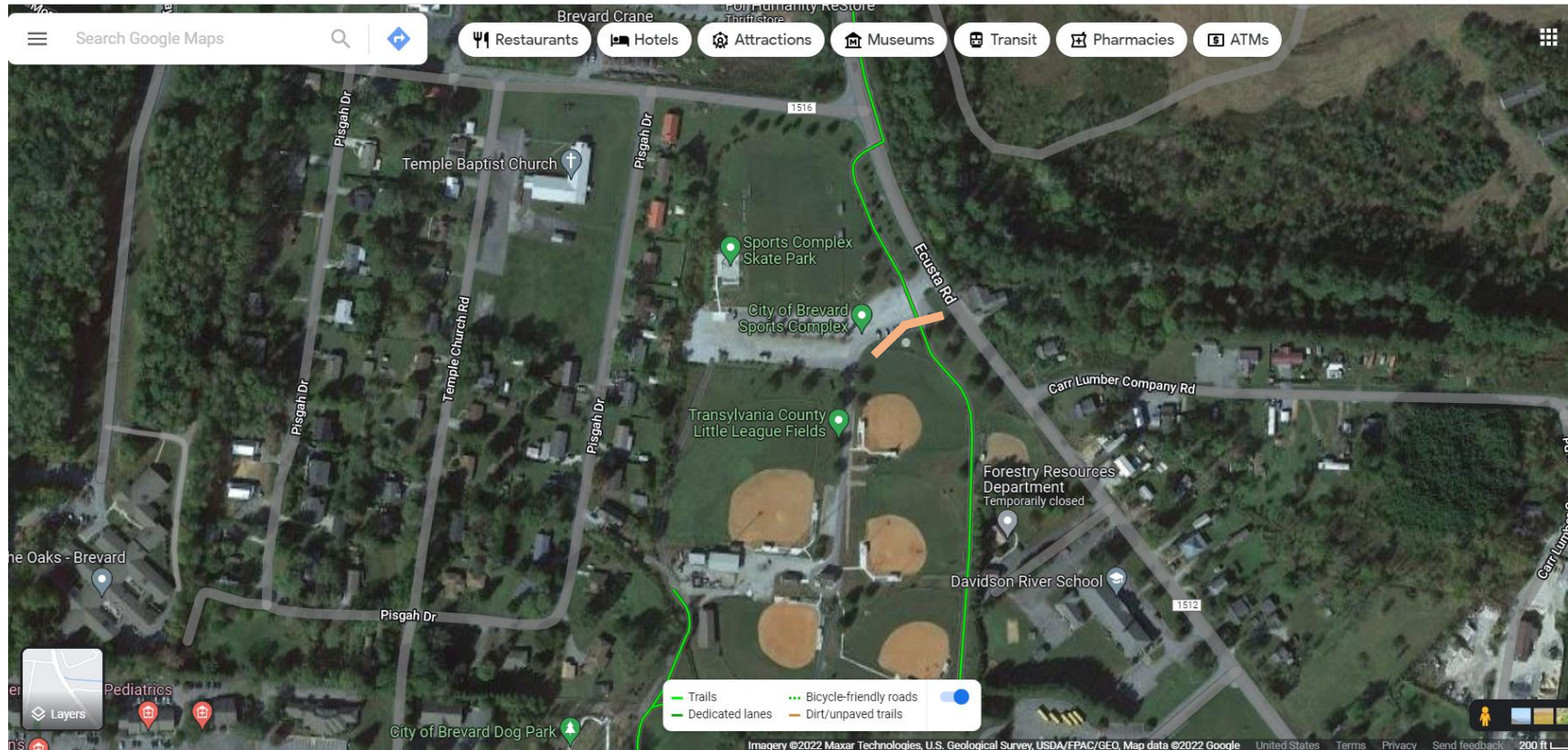
1. Entire site lies within the railroad right-of-way leased by the City of Brevard.
2. Development should be relatively lower-cost as it can be constructed concurrently with the trail construction in this area.
3. Excellent visibility and access from Ecusta Road.

Cons:

1. Close proximity to an active commercial site – Builders First Source – and residential properties.
2. Ecusta Road traffic will increase once the Wilson Rd. project is completed.
3. Ensuring vehicular ingress and egress may be complicated by the close proximity of the trail.

Draft Potential Ecusta and Estatoe Trailheads/Access Points

Interim Trailhead w/ Smaller Parking Set-Aside in Existing City-Owned Parcel: Option B, 15-20 Parking Spaces



Key:

-  Current Estatoe Trail
-  City-Developed Interim Trailhead with Parking and Estatoe & Ecusta Trail Directory

Pros:

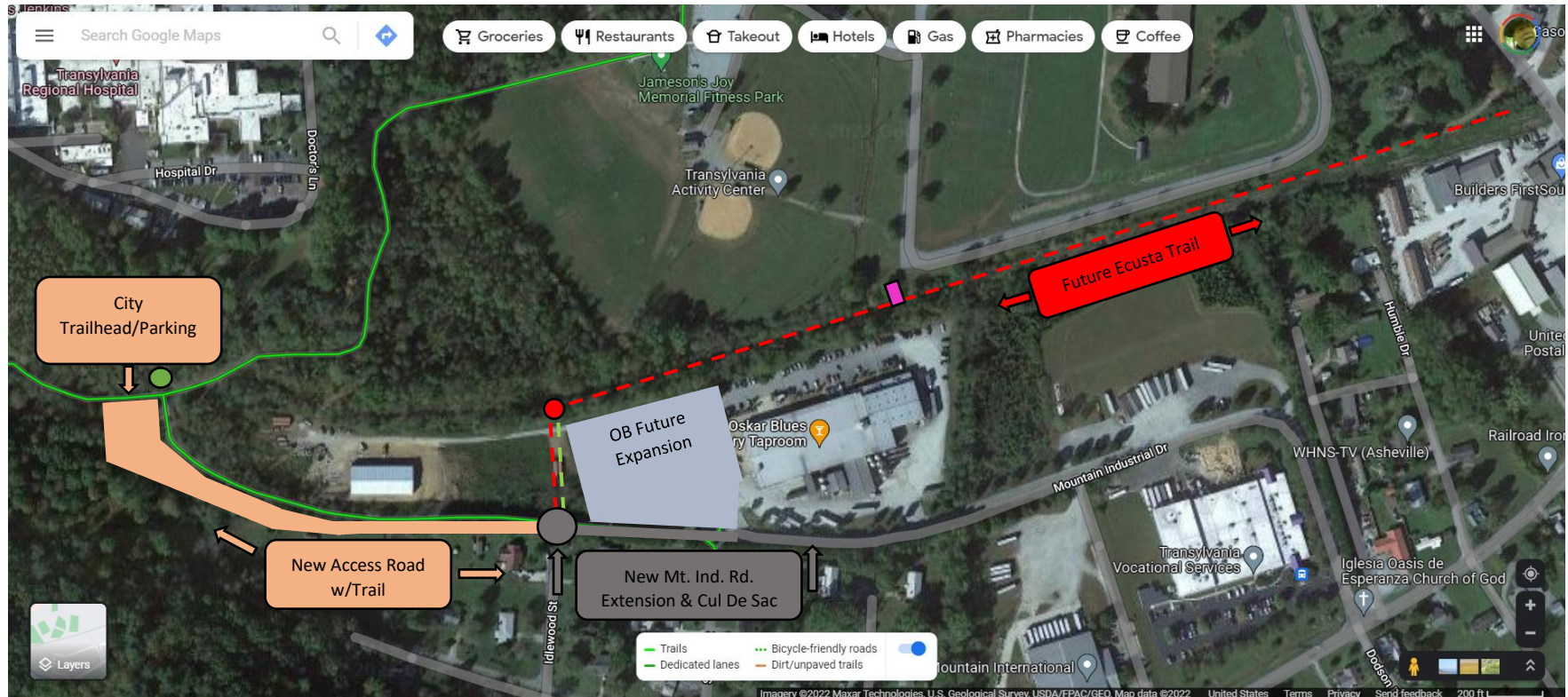
1. The site is immediately adjacent to a spur of the current Estatoe Trail.
2. Site is already owned, maintained and managed by the City of Brevard.
3. Site currently serves as a parking area for the skate park and other Parks & Rec activities.
4. Excellent visibility and access from Ecusta Road.
5. Site has access to other Parks & Rec amenities such as restrooms and potable water.

Cons:

1. Parking on the site is currently loosely organized and roughly paved.
2. Due to the size of the site, more permanent parking lot organization and paving may be more costly.
3. A proposal to construct a state-of-the-art soccer field for the county soccer league will increase use of the parking area, though the development of the soccer field should include better organization and paving of the parking area and should not preclude the use of the parking area for other recreation functions, including trail access parking.

Draft Potential Ecusta and Estatoe Trailheads/Access Points

Oskar Blues Mobility Hub Trailhead Concept: Option C*, City-Owned Parking Area, 25 Spaces



Key:

- Current Estatoe Trail
- Future Ecusta Trail
- Future Ecusta Trail Terminus
- City-Developed Trailhead w/Parking & Roadway Extensions to Include Trail
- Access to/from "Mobility Hub Parking"
- Bike/Ped Bridge (New - Across small creek to Oskar Blues parking area and trail access)
- Potential Estatoe/Ecusta Trailhead Pavilion (Bike station, restrooms, lighting, water)

*Dependent on/coordinated with Mountain Industrial Road Expansion

Pros:

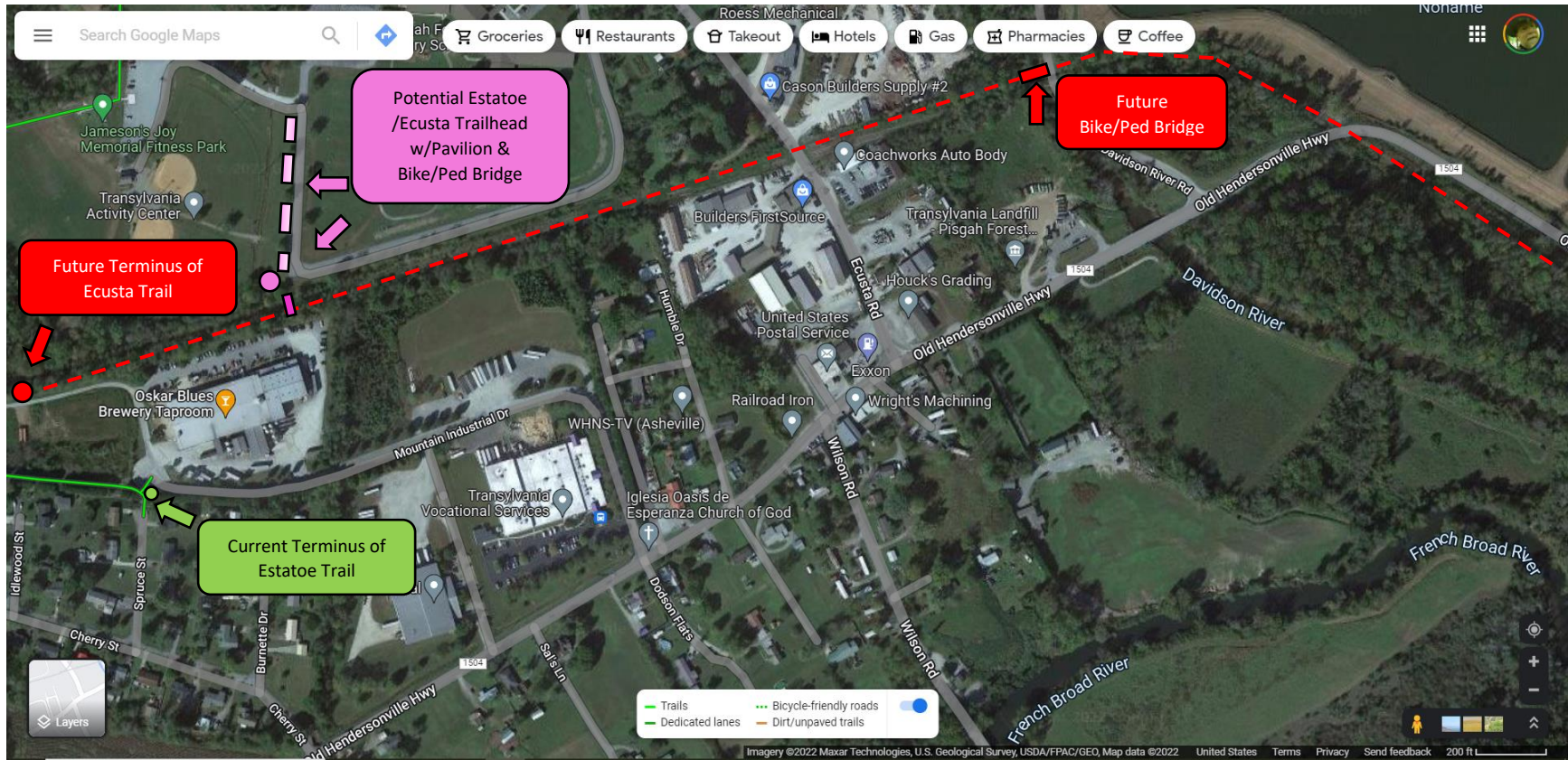
1. Utilizes city-owned property adjacent to the current Estatoe Trail Cherry Street spur in close proximity to the proposed Oscar Blues expansion and the extension of Mt. Industrial Road.
2. Provides a discrete parking area in close proximity to the 11+ acre Pisgah Health Foundation property that has been proposed as a future wellness park.

Cons:

1. Unclear if a parking lot can be sited over water and sewer mains as well as adjacent to a small stream/creek.
2. Current Cherry Street spur trail would need to be converted to a trail and vehicle ingress/egress access road to the parking area.
3. Developing the parking area may be more costly than other trail access areas.
4. Industries located in the industrial area may not want more public access encouraged in their area.

Draft Potential Ecusta and Estatoe Trailheads/Access Points

Ecusta Trail Estatoe Trail Connection – Existing Plan w/Trailhead: Option D**, 25-35 Parking Spaces



Key:

- Future Ecusta Trail
- Future Ecusta Trail Terminus
- Current Estatoe Trail
- Current Estatoe Trail Terminus
- Potential Estatoe/Ecusta Trailhead Pavilion (Bike repair station, restrooms, lighting, potable water & preservation of existing trees)
- Head-In Permeable Parking (For up to 30 cars)
- Bike/Ped Bridge (New - Across small creek to Oskar Blues parking area and trail access)

**Based on original Alta plan, see Appendix A.

Pros:

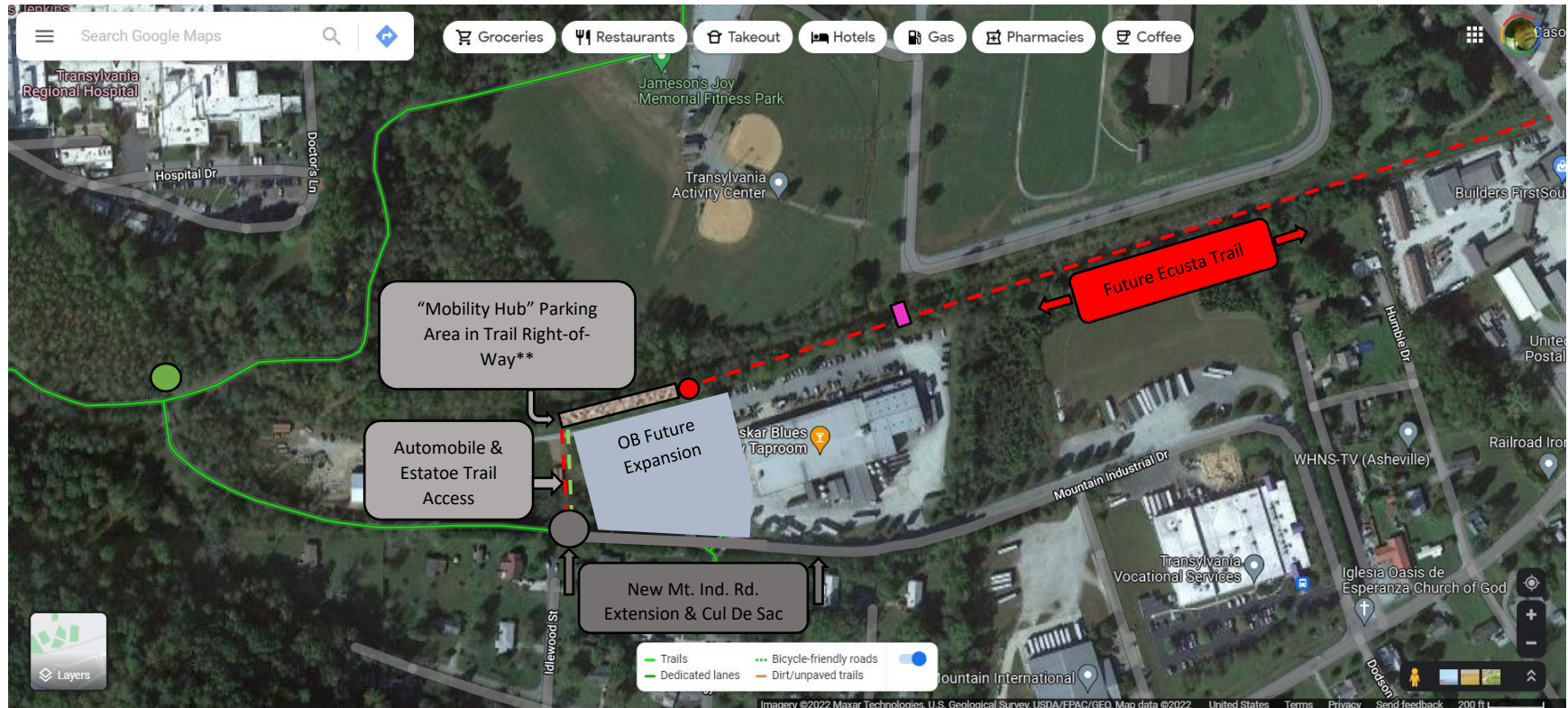
1. Proposed site is already being used at peak times for overflow Parks & Rec parking, so a more a formal organization and paving of this area can assist with overflow parking needs.
2. Provides a direct connection to the trail from the Parks & Rec area for county and city residents who currently utilize the Parks & Rec facilities and programs, especially younger residents who may wish to use Estatoe and Ecusta Trails while in the Parks & Rec area. This option represents an additional low-cost amenity for county and city residents.
3. Site has excellent access off Ecusta Rd.
4. Site is close to the terminus of the Ecusta Trail needing only a small pike/ped bridge to connect this area with the Ecusta Trail.

Cons:

1. Some Parks & Rec area users may be concerned about parking accessibility at peak times for organized Parks & Rec activities.

Draft Potential Ecusta and Estatoe Trailheads/Access Points

Oskar Blues Mobility Hub Trailhead Concept: Option E***, 50 Parking Spaces Adjacent to Oskar Blues



Key:

-  Current Estatoe Trail
-  Future Ecusta Trail
-  Future Ecusta Trail Terminus
-  Access to/from "Mobility Hub Parking"
-  Bike/Ped Bridge (New - Across small creek to Oskar Blues parking area and trail access)
-  Potential Estatoe/Ecusta Trailhead Pavilion (Bike repair station, restrooms, lighting, potable water)

Pros:

1. Site is on railroad right-of-way leased by the City of Brevard.
2. Creates a larger and more convenient parking area in a high cycling traffic area that would be compatible with the surrounding development.
3. Potential city and private sector collaboration and cost-sharing.
4. Creates a trail access point that is literally where the Estatoe and Ecusta Trails meet.

Cons:

1. Industries located in the industrial area may not want more public access encouraged in their area. That being said, the expansion of Oskar Blues will inevitably attract more cycling enthusiasts to this location.
2. Public right-of-way/access issues around the public's use of the parking area will need to be negotiated between the city and Oskar Blues. This reality makes this a more complex project than a project located on existing publicly owned or leased property.

***In collaboration with Oskar Blues and dependent on Mountain Industrial Road expansion.

Draft Potential Ecusta and Estatoe Trailheads/Access Points

Oskar Blues Mobility Hub Trailhead Concept: Right-of-Way Detail for Parcel to Be Developed By Oskar Blues

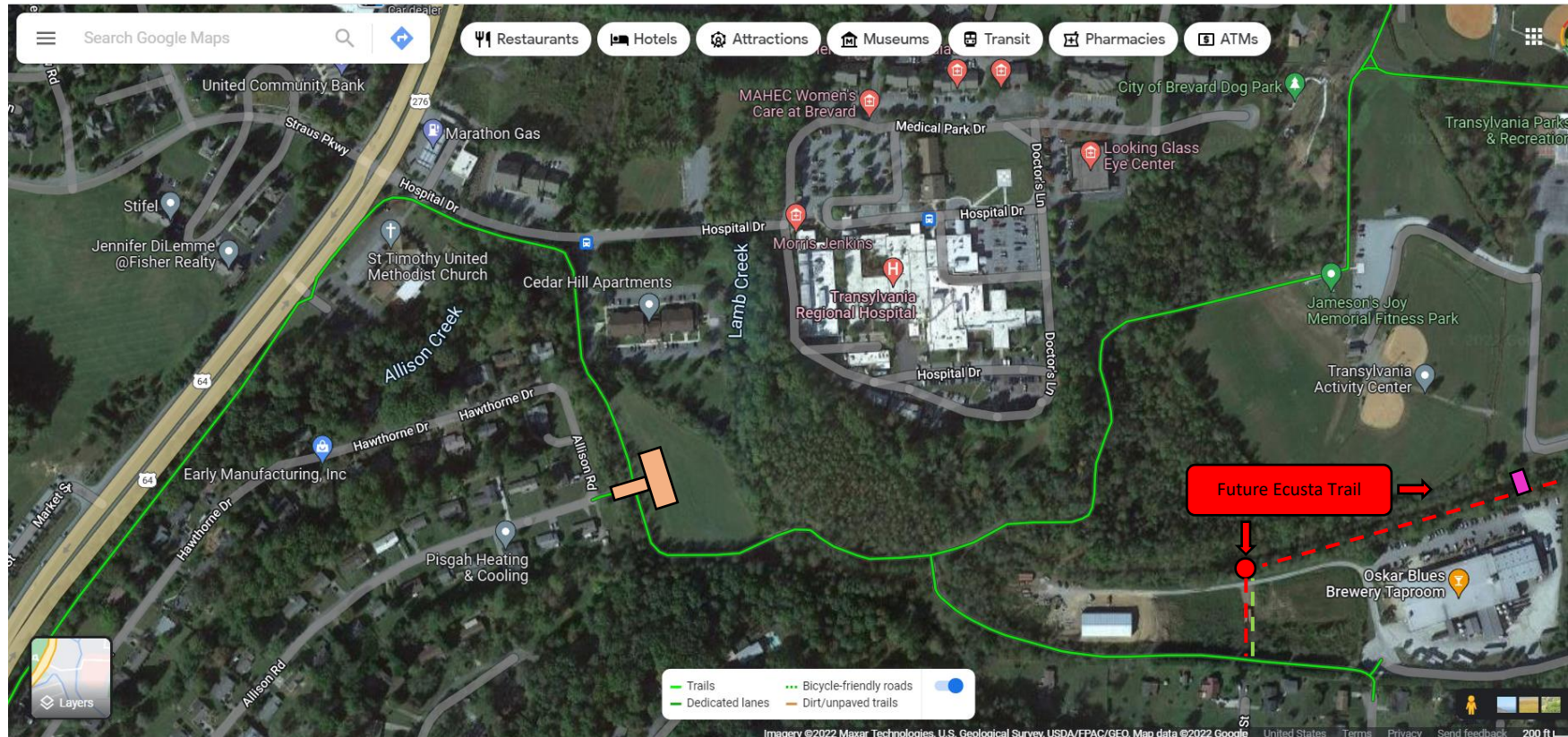


Key:

- Ecusta Right of Way, Oskar Blues Side (50 ft.)
- Possible Footprint of Parking Area for Oskar Blues Development of Adjacent Site

Draft Potential Ecusta and Estatoe Trailheads/Access Points

Allison Rd w/ Small Parking Lot & Limited Amenities on Pisgah Health Foundation Property: Option F, Limit Parking to 25 Spaces to Limit Neighborhood Inconvenience



Key:

-  Current Estatoe Trail
-  Future Ecusta Trail
-  Future Ecusta Trail Terminus
-  City-Developed Trailhead with Parking (25 max spaces) and Roadway Extensions to Include Trail Segment
-  Vehicle Access Bridge (New)
-  Bike/Ped Bridge (New - Across small creek to Oskar Blues parking area and trail access)
-  Access to/from Ecusta and Estatoe Trails (After Mt. Industrial Road Expansion)

Pros:

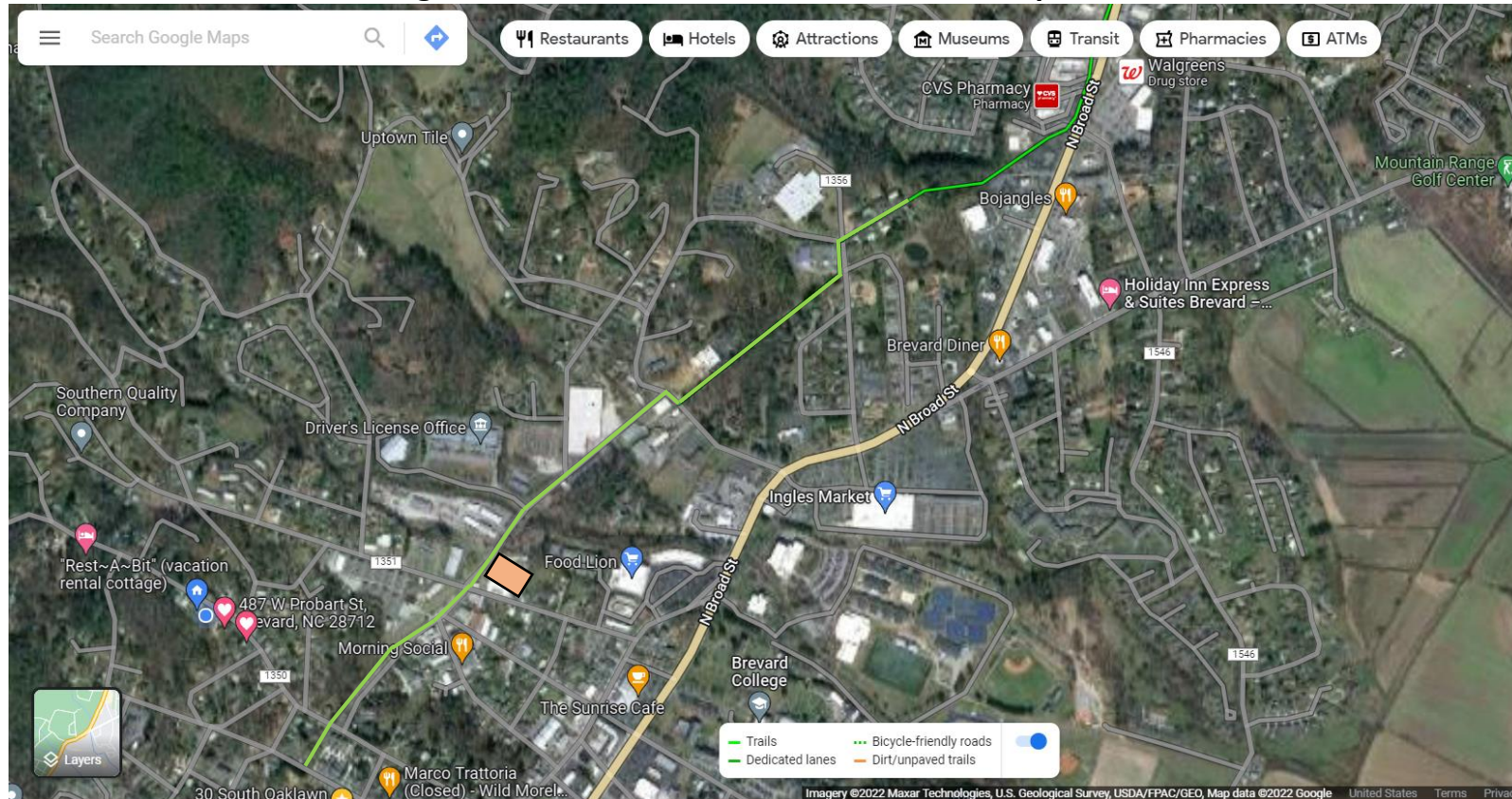
1. Site already has a bike/ped bridge to it from Allison Rd. that connects directly to the Estatoe Trail. This option is an expansion of that access to accommodate vehicles.
2. Provides vehicular access to not only the Estatoe Trail but the 11 acre Pisgah Health Foundation property that could, with some level of vehicular access and significant fundraising, become a wellness park.

Cons:

1. Construction issues around placing a vehicular bridge across a classified trout stream and a parking area near flood plain as well as other watershed management issues make this a more complex project to undertake.
2. Option will concern the Allison Rd. neighborhood over the potential increase in vehicular traffic in the neighborhood.

Draft Potential Ecusta and Estatoe Trailheads/Access Points

City of Brevard Depot Park as Main Estatoe Trail Trailhead: Option G, Current Parking of 60+ Spaces with Bile/Ped Amenities Including Restrooms, Potable Water and a Bike Repair Station



Key:



Current Estatoe Trail



City-Developed Main Estatoe Trailhead at Existing Depot on Railroad Avenue with Parking & Amenities (60+ existing parking spaces)

Pros:

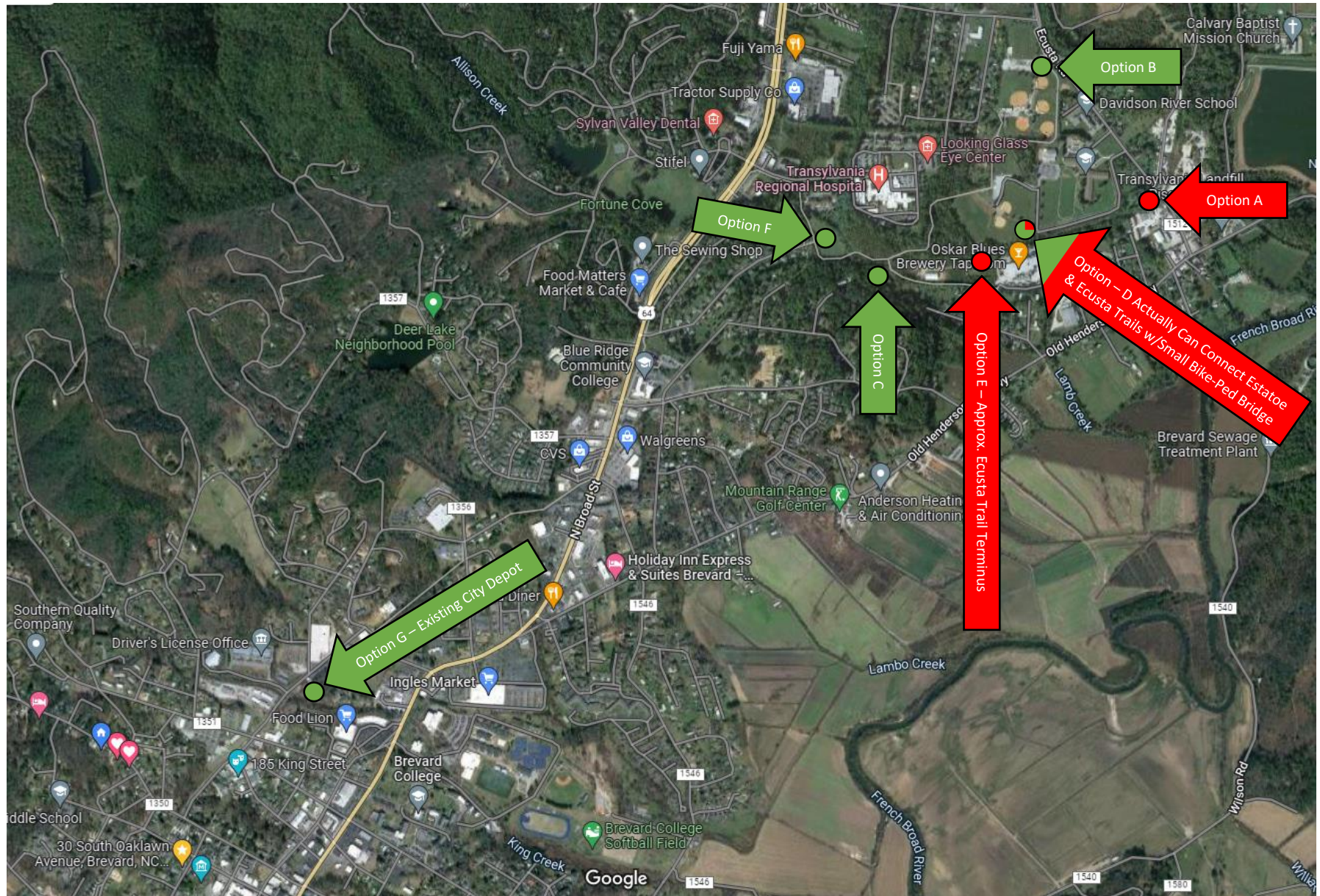
1. Site already functions as a de facto trailhead and parking area and is directly on the Estatoe Trail.
2. Site has ample amenities for cyclists and pedestrians.
3. Site offers excellent access to the up and coming King Street neighborhood commercial area (including a bike shop and restaurants) and, with better wayfinding signs and a clearly designated route, access to Brevard's historic downtown area.

Cons:

1. Site is a bit off the beaten track and will require wayfinding signs and marketing to ensure that potential users know how to access the trailhead.
2. Access to the majority of the existing Estatoe and Ecusta Trails from this site is dependent on crossing the very busy Highway 64 – a reality that many current users find challenging and stressful.

Draft Potential Ecusta and Estatoe Trailheads/Access Points

Overview of All Potential Ecusta and Estatoe Trail Access Points Evaluated (Those Not in the Original Alta Plan)



- On Estatoe Trail
- On Future Ecusta Trail

Draft Potential Ecusta and Estatoe Trailheads/Access Points

Everett Road County Trailhead as Proposed in Alta Plan: Option H

The Old Hendersonville Highway Trailhead includes development of 35 parking spaces, an open-air pavilion and kiosk with future restroom facilities, and additional landscape. The open-air pavilion is centrally located on the site, and all trail access would occur centrally through this facility.

Landscape enhancements buffer the parking lot from the trail and additional evergreen screening buffer adjacent land uses. Additional trailhead signage is proposed both along the trail and along Old Hendersonville Highway.

TRAILHEAD #7

Figure 6.19— Potential Trailhead at Everett Road & Old Hendersonville Highway



Recommendations

6-33

Pros:

1. Site is part of the official Ecusta Trail plan.
2. Site offers easy access off of Old Hendersonville Highway.
3. Site's is privately owned.

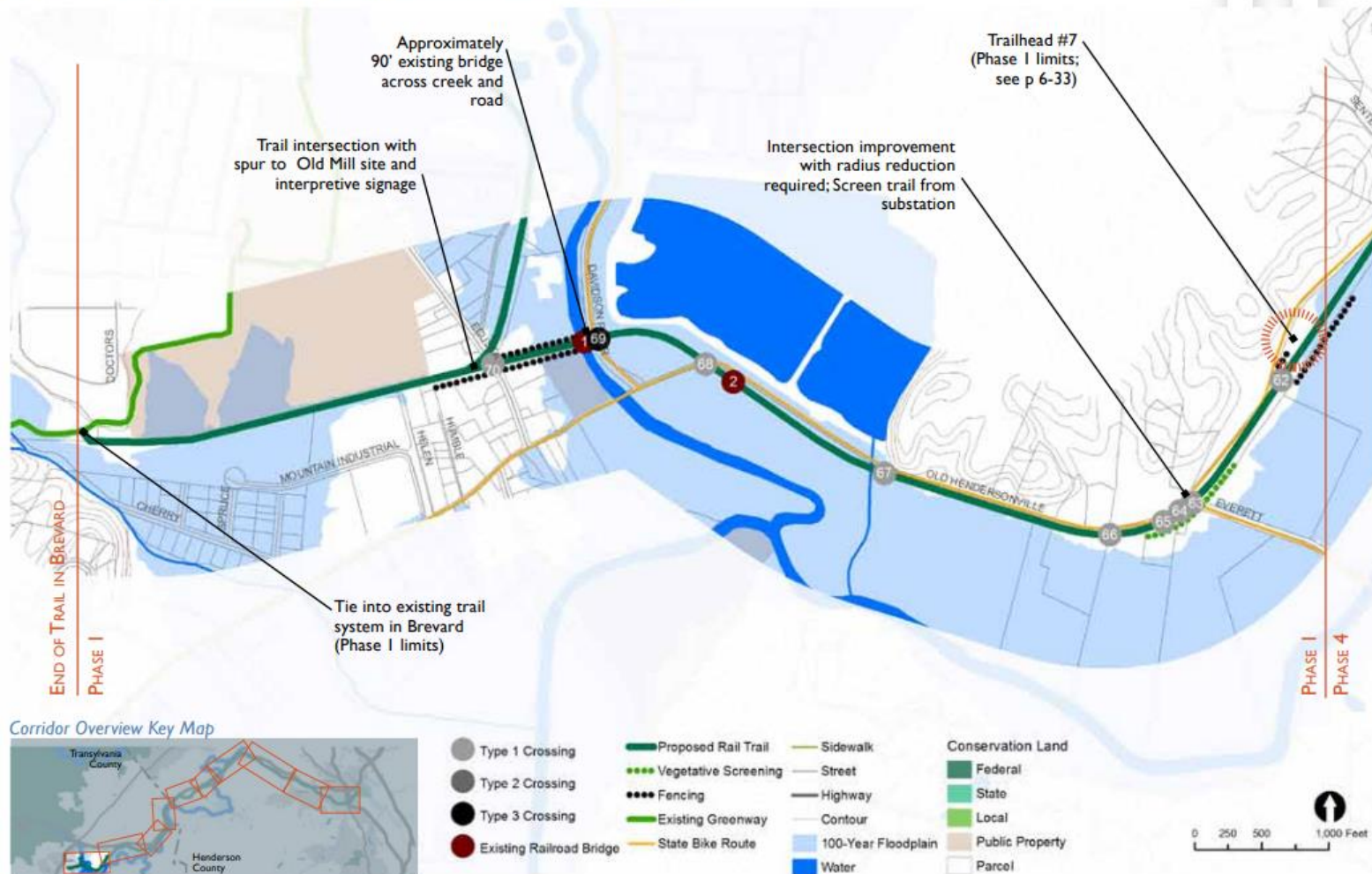
Cons:

1. Old Hendersonville Highway is a narrow and busy road that has high rates of vehicular speed.
2. Site does not offer any chance of connecting to the Estatoe Trail or the Parks & Rec area.

Draft Potential Ecusta and Estatoe Trailheads/Access Points

Appendix A: Original Alta Plan – Map of Brevard Portion of Ecusta Trail

Figure 6.9 – Transylvania County Phase I: Brevard Bike Path to Proposed Everett Road Trailhead

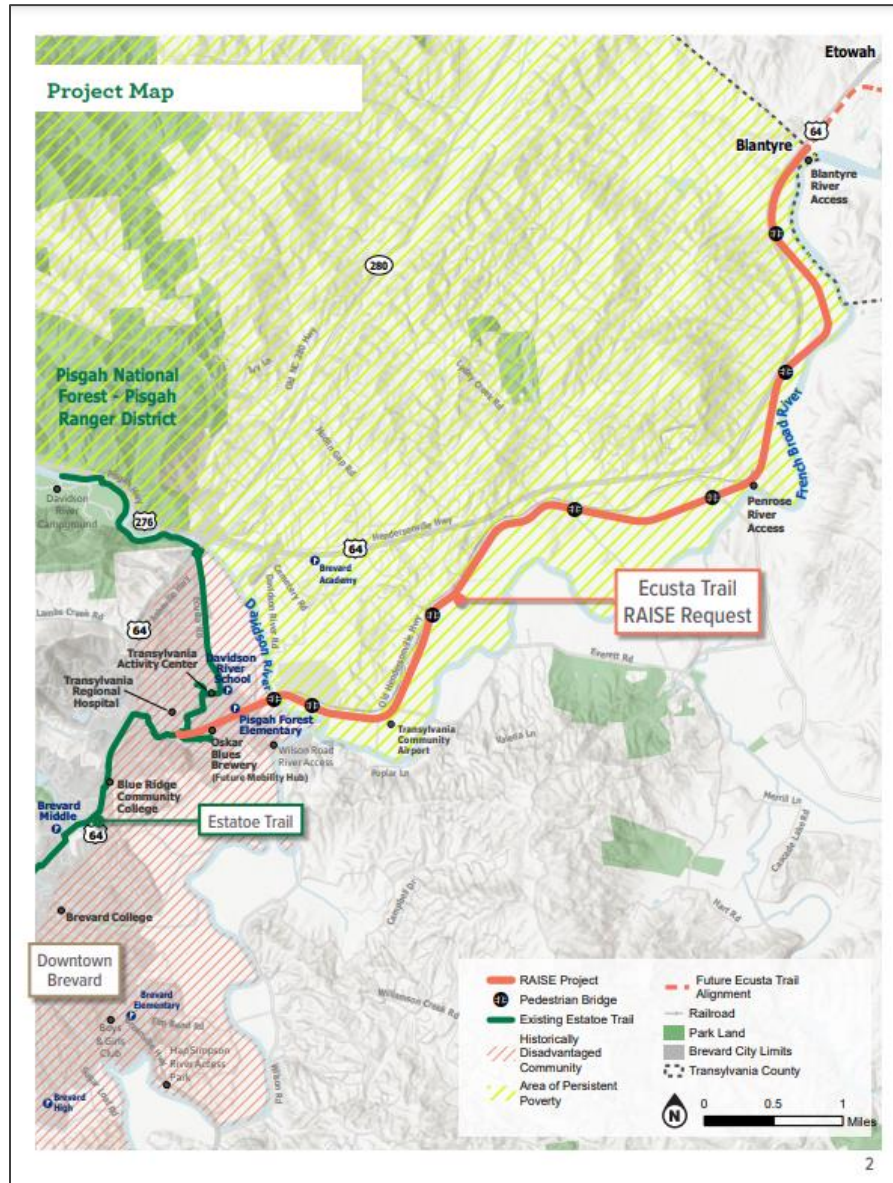


Recommendations

6-19

Draft Potential Ecusta and Estatoe Trailheads/Access Points

Appendix B: RAISE Grant Project Map



Oskar Blues listed as "Future Mobility Hub"

Appendix C: RAISE Grant Detail on Access and Other Issues

ASSESSMENT OF PROJECT RISKS + MITIGATION STRATEGIES

Minimal risks are anticipated with the project. Table 5, below, assesses the potential issues that may arise and the preemptive and/or proposed mitigation measures. In addition, NCDOT will serve as administrator for this grant and will handle bidding, selection, and construction administration. The City of Brevard will work closely with NCDOT in a support role. NCDOT will appoint a project manager for all construction-related issues and assign a grant coordinator for grant-related tracking and compliance on technical and project delivery.

TABLE 5: RISK + MITIGATION STRATEGIES

RISK	MITIGATION STRATEGY
UTILITY CONFLICTS + BRIDGE STRUCTURES	- As the repurposing of a former rail corridor, utility conflicts are anticipated to be minimal and relocations for the most part not required. - Budgetary allowances are included in the cost estimate for the anticipated drainage and erosion control improvements required for the project. - Seven railroad bridges along the corridor are planned to be replaced with structures appropriate for the trail. Full demolition and construction costs for these bridges are included in the cost estimate.
RIGHT-OF-WAY ACQUISITION	No issues are anticipated. Conserving Carolina / Ecusta Rails 2 Trail LLC have completed acquisition of the rail corridor. The City of Brevard is committed to play a leadership role in the maintenance of the trail, in cooperation with local and non-profit entities.
FEDERAL FUNDING PROCESS + REQUIREMENTS	The City of Brevard and the Land of Sky COG are extremely familiar with the federal funding process and requirements, including NEPA, certification, etc; and have developed a project administration / delivery strategy in concert with NCDOT.
PUBLIC + STAKEHOLDER INPUT	- Multiple planning and public outreach efforts have been completed over the past few years and decade, and public and stakeholder support is overwhelmingly positive. - Any community impact issues that may arise before, during and after construction will be mitigated through clear and continuous communication with the public.
SCHEDULE RISK	The project schedule allows for flexibility that includes sufficient time to address potential issues. Even with the extra time built in, the project is anticipated to complete construction by the end of 2028, significantly ahead of the federal deadline for expenditures.



MEMORANDUM

TO: Paul Ray
Planning Director

FROM: Andrew Bick, PE, CFM

DATE: January 12, 2024

RE: Preliminary Flooding Evaluation
Proposed Ecusta Trailhead Park at Allison Creek
Brevard, NC

This memo presents findings from our preliminary flooding evaluation of the proposed crossing replacement over Allison Creek and park elements at the proposed Ecusta trailhead park. The bridge and park site are located in the special flood hazard area (SFHA) of Allison Creek and the City of Brevard flood damage prevention ordinance requires advance study of development within SFHAs in order to determine if adverse flooding impacts could be expected.

Modeling

We gathered the effective computer model for Allison Creek, along with floodplain and cross section shapefiles, from the NC FRIS website. When run in HEC-RAS (v 5.0.7), effective model results match Flood Insurance Study (FIS) 1-percent flood and floodway elevations and floodway widths within acceptable limits.

We used 2019 aerial imagery and 2016-17 bare earth LiDAR data to update the effective model and reflect current conditions more accurately, including the presence of a timber greenway bridge that we understand was constructed in 2015. The existing conditions model also reflects a prominent berm on both banks of the creek for a roughly 330-linear-foot reach upstream of the greenway bridge. Modeling indicates that existing conditions flood and floodway elevations are within about 0.3 foot of effective values.

In order to serve the proposed park and trailhead, the existing bridge will need to be replaced with a vehicular crossing. We assumed a width of 24 feet and considered both clear span bridges and concrete box culverts. In addition to several parking spaces, the park plan includes a restroom building (roughly 20 feet by 30 feet) and exercise equipment.

Findings

We modeled proposed crossing options and park elements, and our preliminary findings are summarized below.

1. As indicated in Figure 1 below, the entire site is below the 1-percent flood elevation by 1 foot or more.
2. Construction a new crossing that would pass the 1-percent flood without overtopping would require a large amount of fill at the approaches and would likely cause adverse flooding impacts and require a complex floodplain permitting effort such as a Conditional Letter of Map Revision (CLOMR).
3. One crossing option that appears to work for a “no-rise” is a 10-foot-wide by 5-foot-tall box culvert, buried 1 foot below the stream bed elevation (for compliance with state water quality rules). The culvert itself appears to pass much of the 1-percent flood, but the approaches would overtop at a 10-percent flood. If an overtopping crossing is selected, we recommend posting signage at the park indicating closures during flood events and installing a gate at the entrance to prevent entry.
4. A 16-foot clear span bridge appears to cause slight rises, but we have not performed detailed analyses on a specific bridge design because structural dimensions have not been defined.
5. The US Army Corps of Engineers would require a permit application for a box culvert but not a clear span bridge.
6. Elevated park elements such as the proposed restroom and exercise equipment can likely be constructed toward the eastern edge of the cleared area without causing adverse flooding impacts. The attached workmap shows an “ineffective flow area” that is modeled as being flooded but not actively conveying flow downstream. We recommend that elevated park elements (and/or fill) be placed in this area in order to avoid adverse flooding impacts.

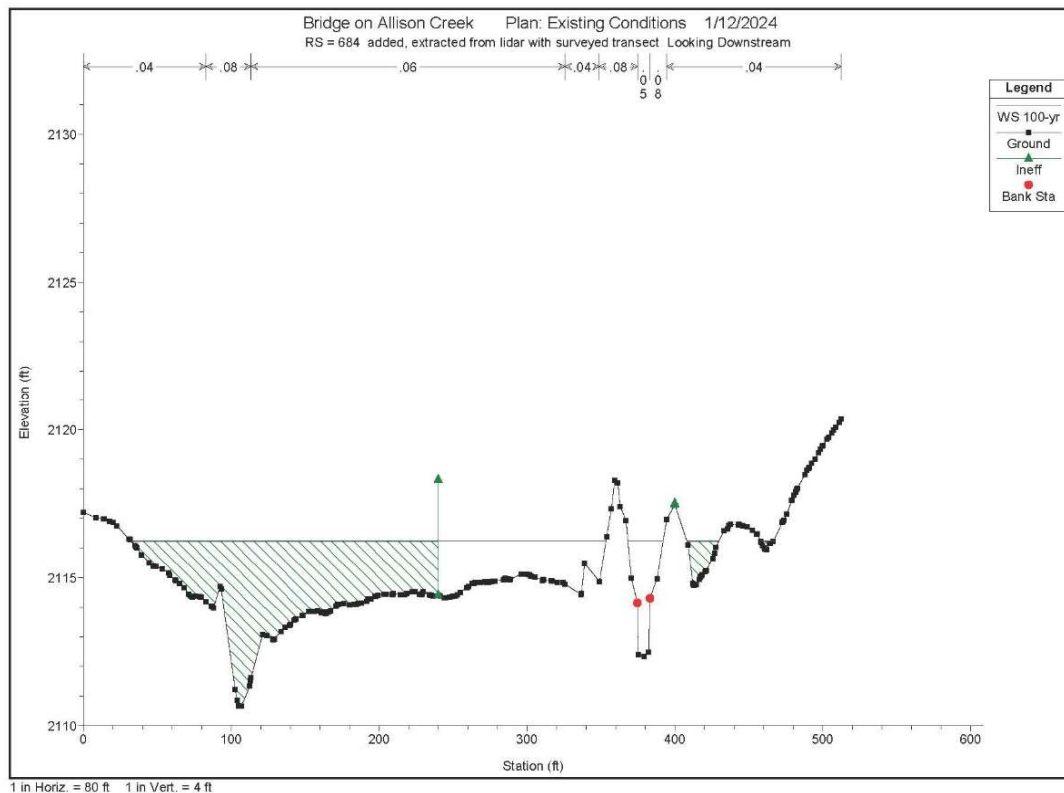


Figure 1. 1% Flood at Cross Section Upstream of Bridge

We trust that this memo will help with project planning. We are prepared to complete further analyses of a selected crossing and park configuration. In the meantime, if you have any questions or need additional information, please call me at 828.606.0306.

Attachment:

Workmap



STAFF REPORT

City Council, Monday, March 18, 2024

Title: Designation of Historic Landmark - Bryant House, 132 King Street - Joint Public Hearing with JHPC

Speaker: Marcy Thompson, Joint Historic Preservation Commission

Prepared by: Katherine Buzby, Planner/Assistant Zoning Administrator

Approved by: Wilson Hooper, City Manager

Background

A property, owned by John Paul Wilander, located 132 King Street (PIN# 8586-42-8383-000), has applied to be locally historically designated with the Joint Historic Preservation Commission (JHPC). The application and Designation Report has been reviewed by the State Historic Preservation Office (SHPO) and does meet requirements for a local designation. The requested ordinance from City Council will allow the local historical designation which enables the property owner to receive tax deferments for the property and requires a Certificate of Appropriateness for any remodels or repairs to the property. The historical significance and integrity will be presented by a member of the JHPC.

Procedural

The JHPC reviews applications and helps landmark(s) complete a Designation Report that explains that the landmark(s) are “**significant** and retain **integrity**”.

Significance requires the property to be at least 50 years old and must have significance with one or more of the following 4 criteria:

1. Historic Event
2. Historic Person
3. Architecturally Distinctive
4. Archeological Information

Integrity is the extent to which the building or landmark looks like it did during the period it was built or gained significance.

Once these documents are approved by the JHPC, the report is sent to the SHPO office for review and comments. JHPC then reviews and makes a recommendation to the local governing board (for this application, the City of Brevard) for approval. A joint public hearing is conducted on the proposed landmark per GS 160D-601. Following the hearings, the governing board may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation.

Upon adoption of the regulation, the JHPC will notify the owners and occupants of each

designated landmark, the office of the register of deeds, the tax offices, and the City.

Policy Analysis

The General Statute, 105-278 Historic Properties, states the following:

“(a) Real property designated as a historic property by a local ordinance adopted pursuant to former G.S. 160A-399.4 or designated as a historic landmark by a local ordinance adopted pursuant to G.S. 160D-945 or former G.S. 160A-400.5 is designated a special class of property under authority of Article V, Sec. 2(2) of the North Carolina Constitution. Property so classified shall be taxed uniformly as a class in each local taxing unit on the basis of fifty percent (50%) of the true value of the property as determined pursuant to G.S. 105-285 and 105-286, or 105-287.

“(b) The difference between the taxes due on the basis of fifty percent (50%) of the true value of the property and the taxes that would have been payable in the absence of the classification provided for in subsection (a) shall be a lien on the property of the taxpayer as provided in G.S. 105-355(a). The taxes shall be carried forward in the records of the taxing unit or units as deferred taxes. The deferred taxes for the preceding three fiscal years are due and payable in accordance with G.S. 105-277.1F when the property loses the benefit of this classification as a result of a disqualifying event. A disqualifying event occurs when there is a change in an ordinance designating a historic property or a change in the property, other than by fire or other natural disaster, that causes the property's historical significance to be lost or substantially impaired. In addition to the provisions in G.S. 105-277.1F, no deferred taxes are due and all liens arising under this subsection are extinguished when the property's historical significance is lost or substantially impaired due to fire or other natural disaster.”

General Statutes 160D-945 and 160D-946 govern the Joint Historic Preservation Commission (JHPC) landmark designation and procedures.

The City's Unified Development Ordinance (UDO) in Chapter 20.2 Historic Landmarks governs the City's procedures for local designation.

Fiscal Impact

A 50% reduction in City taxes, which is estimated at \$1,607 deferment based on the 2023 tax valuations.

Action

City Council is asked to take one of the following actions:

1. Approve the ordinance as presented.
2. Approve the ordinance with modifications.
3. Deny the ordinance as presented.

Attachments:

1. Bryant House JHPC Findings
2. Local Designated Landmarks 2024
3. Ordinance Designating Bryant House a Historic Landmark

Transylvania County Joint Historic Preservation Commission

PUBLIC REVIEW OF THE BRYANT HOUSE, A REQUEST BY JOHN PAUL WILANDER, AS PROPERTY OWNER, FOR LOCAL HISTORIC DESIGNATION AT 132 KING STREET, BREVARD; PIN# 8586-42-8383-000; IN A RESIDENTIAL MIXED USE ZONED AREA OF THE CITY OF BREVARD.

Prepared By: Ashley Minery

GENERAL INFORMATION

NOTICE

Sec.16-72(2.e.3)- The commission and board of county commissioners or the municipal governing body shall hold a joint public hearing (or separate public hearings) on the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

DISCLOSURES

None

EXHIBITS

“A” Exhibits – Application Materials

- A-1 The Bryant House JHPC Historic Landmark Application; received September 29, 2023**
- A-2 The Bryant House- Local Landmark Designation Report, received September 29, 2023**
- A-3 NC State Historic Preservation Office Response Letter, received December 15, 2023**
- A-4 DRAFT JHPC Minutes- January 30, 2024, Special Meeting**

Background

On September 29, 2023, the Transylvania County Planning Department received an application and report for the local historic designation of the Bryant House, located at 132 King Street (See A-1&2). After working with members of the Joint Historic Preservation Commission (JHPC), and property owner, staff submitted the report to the North Carolina State Historic Preservation Office for their review

In a letter dated December 15, 2023, Kristi Brantley, Local Preservation Commissions/CLG Coordinator provided feedback on the report (See A-3). Ms. Alex Cole, the author of the report, revised the report and application to only include the exterior of the property in the designation, in keeping with other designated properties Transylvania County (See A-4).

In accordance with Sec. 16-72(2)(e) the Brevard City Council may adopt an ordinance enrolling the Bryant House in the property tax deferral program and create an agreement for current and future property owners to maintain the exterior of the property to historic landmark standards.

Recommendations

Sec. 16-69 (2) of the Historic Preservation Commission Ordinance provides the Joint Historic Preservation Commission power to recommend to the county board of commissioners or the municipal governing bodies within their respective jurisdictions to be designated by ordinance as “historic districts” and as individual structures, buildings, sites, areas or objects to be designated by ordinance as “landmarks”.

At a special-called Joint Historic Preservation Commission meeting held on January 30, 2024, (the regularly scheduled meeting on January 9, 24 was canceled due to inclement weather), the JHPC unanimously voted to accept the updated report and recommended the drafting of an ordinance for the Brevard City Council to approve the Bryant House, at 132 King Street, in Brevard, NC, for local designation.

JHPC LOCAL HISTORIC LANDMARK APPLICATION

JHPC Administration: ☒ City of Brevard/ETJ ☐ Rosman ☐ Transylvania County

Stage 1: Status Application (no fee)
 Stage 2: Designation Report Submittal Fee - \$200.00

Property P.I.N.: 8586-42-8383 recorded in Book 0047, Page _____, Registry of Transylvania County

Stage 1: Local Historic Landmark Preliminary Status Application Process

This section of the application initiates preliminary consideration of a property for local historic landmark status. There is no application fee for this Preliminary Status Application of the process.

Legal Owner of Property: John Paul Wilander Phone: (828) 577-1666
 Address: 132 King St, Brevard, NC 28712

1. NAME OF PROPERTY

Historic Name(s) Bryant House
 Other Name(s) _____

2. LOCATION OF PROPERTY

Street Address or Boundaries 132 King St
 City and Zip Code Brevard, 28712
 Property Township Brevard ☒ Acreage 0.40

3. CLASSIFICATION

Ownership of Property: ☒ Private ☐ Public
 Days/Hours of operation: _____
 Contact Name/Telephone: _____
 Is it accessible for viewing: ☒ Inside ☒ Outside

Category of Property:

- ☒ **Building** – created principally to shelter any form of human activity (i.e. house, barn/stable, hotel, church, school, theater, etc.)
- ☐ **Structure** – constructed usually for purposes other than creating human shelter (i.e. tunnel, bridge, highway, silo, etc.)
- ☐ **Object** – constructions that are primarily artistic in nature. Although movable by nature or design, an object is typically associated with a specific setting or environment (i.e. monument, fountain, etc.)
- ☐ **Site** – the location of a historic event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural, or archeological value, regardless of the value of any existing structure (i.e. battlefields, cemeteries, designed landscape, etc.)
- ☐ **District** – a group of buildings or properties that may have different levels of historic or architectural significance.

JHPC LOCAL HISTORIC LANDMARK APPLICATION

4. PROPERTY RESOURCES

Number of contributing and non-contributing resources within property:

A contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property, yields important information about the period and possesses historic integrity.

	Contributing (Adds to significance)	Non-contributing (Does not add to significance)
Buildings	1 ☐	Select One
Structures	Select One	Select One
Objects	Select One	Select One
Sites	Select One	Select One

5. FUNCTION OR USE (note approximate dates)

Historic Functions or Use:

Boarding house

Current Functions or Use:

Single family residential

Stage 1: Local Historic Landmark Application

Paul Wilander

(type or print applicant name)

John Paul Wilander

(applicant signature)

dotloop verified
01/23/22 8:39 PM EST
HVHO-JADS-0095-F2RX

(date)

132 King St

(mailing address)

Brevard, NC 28712

(city, state, zip)

paul@lookingglassrealty.com (828) 577-1666

(e-mail address)

(phone)

Application Submitted on 23 day of Sept. 23

Alex Cole

(type or print agent name, if applicable)

Alex S. Cole

(agent signature)

Digitally signed by Alex S. Cole
DN: C=US, E=acole@ashetvillenc.gov,
CN=Alex S. Cole
Date: 2022.01.28 12:23:41-05'00'

(date)

39 Oak Hill Rd

(mailing address)

Pisgah Forest, NC 28768

(city, state, zip)

shiple79@gmail.com (828) 606-697

(e-mail address)

(phone)

(JHPC Administrator for Transylvania County)

If the property meets the requirements for consideration as a local historic landmark, notification will be made by JHPC to continue on to the Local Historic Landmark Designation Application Process.

JHPC LOCAL HISTORIC LANDMARK APPLICATION

Stage 2: Local Historic Landmark Designation Report Submittal Process

The designation report may be submitted with the Local Historic Landmark Application, or separately after the Joint Historic Preservation Commission has considered the application and directed the designation committee to provide assistance or guidance to the applicant. Designation reports required in accordance with NC GS 160D-945 and 946.

1. SUPPORTING DOCUMENTATION

☒ Designation Report

A designation report should help justify and explain to the general public why the local governing authority's decision to landmark the property as "historic" is appropriate and defensible. A report format guide is available on the Transylvania County Planning and Community Development website and report examples and other useful material are available on the State Historic Preservation Office website at <https://www.ncdcr.gov/about/history/division-historical-resources/nc-state-historic-preservation-office/local-historic-0#preparing-a-local-landmark-report>

☐ Additional Items Requested by JHPC: _____

Stage 2: Designation Report Submittal and Certificate of Appropriateness Statement of Understanding

Certificate of Appropriateness Required: From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor any above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such landmark or within the historic district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the Joint Historic Preservation Commission. Such a certificate is required to be issued by the Preservation Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this ordinance. A certificate of appropriateness shall be required whether or not a building or other permit is required. "Exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all features, historic signs, color, and significant landscape, archaeological and natural features of the area. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size and location of all such signs.

I understand that designation as a local landmark imposes the restrictions described above.

John Paul Wilander

(type or print applicant name)

J.P. Wilander

(applicant signature)

2/2/24

(date)

66 S. Broad St.

(mailing address)

Brevard, NC, 28712

(city, state, zip)

Date: 2 day of 2, 2024

(type or print agent name, if applicable)

(agent signature)

(date)

(mailing address)

(city, state, zip)

(JHPC Administrator for Transylvania County)

If the property meets the requirements for consideration as a local historic landmark, notification will be made by JHPC to continue on to the Local Historic Landmark Designation Application Process.

JHPC LOCAL HISTORIC LANDMARK APPLICATION

For Transylvania County Planning and Community Development Staff Use

- ☒ Status Application submitted to the Transylvania County Planning and Community Development Department.
Date: Sept. 29, 2023
- ☒ JHPC status application review. Date meeting: Nov. 14, 2023
- ☒ Designation Report submitted to the Transylvania County Planning and Community Development Department.
Date: Sept 29, 2023
- ☒ Report sent to NC Dept of Cultural Resources State Historic Preservation Office, allowing 30 days to respond
Date of report submittal to SHPO: Nov. 15, 2023
- ☒ JHPC vote on designation status recommendation. Date of meeting: Jan 30, 2024
- ☐ County/City/Town Public Hearing and adoption of Historic Landmark Designation.
Date of consideration: _____

Approval Confirmation: (To be completed by Transylvania County Planning and Community Development Department Staff)

This section of the application documents Transylvania County Joint Historic Preservation Commission's recommendation, and the appropriate governing Board's ultimate approval of the Local Historic Landmark Designation.

I have read the general information on landmark designation provided by the Transylvania County Joint Historic Preservation Commission and affirm that I support landmark designation of the property defined herein.

John Paul Wilander
(type or print applicant name)

(type or print agent name)

J.P. Wilander 2/2/24
(applicant signature) (date)

(agent signature) (date)

66 S. Broad St.
(mailing address)

(mailing address)

Brevard, NC, 28712
(city, state, zip)

(city, state, zip)

(JHPC Administrator – Printed)

Designation Approved this ____ day of ____

(JHPC Administrator – Signature)

**JOINT HISTORIC PRESERVATION COMMISSION OF
BREVARD & TRANSYLVANIA COUNTY**

**Local Historic Landmark
Designation Report**

**BRYANT HOUSE
132 KING STREET
BREVARD, TRANSYLVANIA COUNTY, NORTH CAROLINA**



Prepared by:

**Alex Cole
Pisgah Forest, NC**

January 2024

1. Name and Location of Property

The Bryant House is located at 132 King Street in Brevard, Transylvania County, North Carolina.

2. Name and Address of Current Property Owner

John Paul Wilander
132 King Street
Brevard, NC 28712

3. Representative Photographs and Maps of the Property

Representative photographs of the property, a location map, boundary map and site map are included with this report.

4. Current Deed Book Reference

The property is recorded in Transylvania County Deed Book 1081, Page 56. The tax parcel number is 8586-42-8383, which encompasses the entire 0.40 acre tract historically and currently associated with the Bryant House.

5. Ad Valorem Tax Appraisal

According to Transylvania County tax records the appraised value of the property is \$669,760, which includes the house and 0.40 acre parcel. The tax appraisal for the building alone is \$469,760, and the land is appraised at \$200,000.

6. Date of Construction

The Bryant House was constructed in 1915-1916.

7. Historical Significance

Areas of Significance:	Travel/Tourism Boarding Houses/Lodging Women's History
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Period of Significance:	1916-1973
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8. Statement of Significance

The Bryant House (TV 0259), opened in 1916, is a notable and representative extant example of guest accommodations constructed in Brevard during the period of booming tourism and industry in the early part of the twentieth century. Built and operated by Ida

Shipman Bryant, and subsequently by several of her sisters, the two-and-a-half story frame dwelling located on current day King Street (previously Depot Street)¹ was conveniently located near to the railroad depot and functioned as a boarding house for those traveling to Brevard and the surrounding areas until at least the early part of the 21st century. Rumored to have served the best meals in town, the Bryant House also hosted many gatherings for various civic organizations and celebrations over the years in addition to providing lodging accommodations. The property is significant as an extant historic resource, representative of the tourism industry and lodging in Brevard and Transylvania County, as well as women's contributions to entrepreneurial pursuits during an era when few such options for business enterprise existed for women. The entire 0.40 acre parcel, historically and currently associated with the building², as well as the exterior of the house are included in the designation.

9. Architectural Description

Located just slightly to the north of the Probart Street District (TV 0595) and northwest of the Main Street Historic District (TV 0515), the Bryant House is sited on the north side of King Street, which was historically named Depot Street for its proximity to the train depot on nearby Railroad Avenue at the time the house was constructed in 1916. The area where the Bryant House is located consists of a mix of fairly modest, one and two-story structures that feature a variety of vernacular architectural styles.

Built as a boarding house, the Bryant House is a two-and-a-half story frame dwelling with a three-bay facade, and a high square asphalt shingle hipped roof with boxed eaves, punctuated by four matching hipped dormers with two matching interior brick chimneys extending from the valleys of the north and south facing dormers. A wide, hipped roof porch with Tuscan wood columns and non-original simple wood balustrade, tongue and groove flooring, and bead board ceiling extends along the front elevation, wrapping the the southwest corner of the house; non-original columns at the entry stair are supported by brick piers, while the rest of the columns, including the original columns at the corners of the porch, extend to meet the floor. An addition on the south elevation was added in 1922 to expand the dining area,³ and a half-lite wood entrance door with sidelights provides access from the porch on the south elevation to the dining/kitchen area. The entire porch was enclosed with screening, also in 1922, but the screening has since been removed and replaced with the additional columns and balustrade. Exterior materials of the house include a stone foundation with grapevine mortar joints, weatherboarding on the first and second levels, and painted wood shingles on the dormers. All elevations feature original, one over one, double-hung wood windows. Two matching original windows on the front elevation feature smaller upper sashes for improved air circulation within the common areas of the house. Original half-lite, wood paneled entry door with original hardware is present on the front elevation as well. An original sleeping porch with supporting wood brackets cantilevers over an enclosed porch on the rear elevation, and a small, elevated wood deck has been constructed to provide access to the rear entry door.

¹ Sanborn Fire Insurance Map from Brevard, Transylvania County, North Carolina. Sanborn Map Company, 1924.

² Transylvania Register of Deeds, Book 1081, Page 56.

³ "Remodeling the Bryant House," *Brevard News* (NC), April, 14, 1922.

The front entrance of the house is slightly offset so that when one enters the interior, they arrive in one of the front parlors. This room is separated from a second front parlor by a wide doorway with original wood paneled doors, which are present throughout the house. A central stair divides the house beyond the front bay. The first floor features one bedroom and bath on the north side of the house, a large remodeled kitchen on the south side, and an enclosed porch at the rear. Multiple bedrooms and bathrooms are present on the second and third floors, as well as a sleeping porch on the second story, which currently functions as both a living space and a large bedroom. A laundry room with a small kitchen is also present on the second story adjacent to the stairway.

Original interior features, including tall, plastered walls, plate moldings, wide, dark wood door and window surrounds, paneled wood doors, and narrow, dark wood flooring, are still present throughout the house. Matching Craftsman-style dark wood mantels are also present in the two front rooms. The existing Craftsman-style stair railings and newel posts are also still present.

A two-story, German-sided accessory structure was constructed in the rear yard between 1951-52, but was recently demolished in 2017.

While the author of this report could not establish a first name for the person purported to be the builder of the Bryant House, an article in the Brevard News in 1921 stated that a Mr. Norwood, known locally as “Norwood the Builder,” was responsible for drafting the plans for the house. In addition to the Bryant House, the article notes that Norwood built many other buildings, including Brevard Hardware Co., Camp French Broad and Camp Dixie, a school building in Penrose, a church in Columbia, SC, a school dormitory in Lenoir, NC and an African American industrial school.⁴

10. Historical Background & Context

Historical Background

The Bryant House was built in 1915-16 for Ms. Ida Enola Shipman Bryant, who was born in April 1875. A native of Transylvania County, Ida Bryant was the daughter of well known local businessman and farmer John J. Shipman, and his wife Margaret Jane Neely Shipman.⁵ In addition to being a local farmer, J.J. Shipman had been noted over the years in the Sylvan Valley News as a tax assessor for Brevard township, the board chairman of the local road overseer group, and a commissioner with the Transylvania Camp U.C.V.⁶ Mr. and Mrs. Shipman had six

⁴ “Do it Now,” *Brevard News* (NC), February 4, 1921.

⁵ “United States Census, 1900”, database with images, *FamilySearch* (<https://www.familysearch.org/ark:/61903/1:1:MS17-TVZ> : 9 March 2022), John J Shipman, 1900.

⁶ *Sylvan Valley News* (NC) - multiple articles printed between 1904-1911.

children: Mamie, Emma “Lula”, Rose, Thomas, Ida and Annie.⁷ The Shipman’s played an active role in Brevard, and were very clearly a business oriented family, as is evidenced by Mr. Shipman’s contributions to the community, the Shipman sisters’ entrepreneurial efforts in managing local boarding houses, as well as Thomas Shipman’s prominent roles as town alderman and treasurer, and as an elected stockholder of the Brevard Building and Loan Association, among others.⁸

Ida Shipman was married to Robert L. Bryant of Anderson, South Carolina in 1899 in Transylvania County. According to census data, Robert and Ida Bryant were residing in Liberty, South Carolina, where Mr. Bryant owned and operated a farm.⁹ The couple later relocated to Asheville, North Carolina where Mr. Bryant pursued work as a railroad conductor and Ms. Bryant cared for their two daughters, Mildred and Margaret.¹⁰ Upon her husband’s untimely death in 1911 at the age of 36, Ms. Bryant moved back to Transylvania County, presumably to be closer to her family.¹¹ She gave birth to the couple’s third daughter, Roberta, in 1912 after Mr. Bryant’s passing.¹² Mr. Bryant was buried at Gillespie Evergreen Cemetery in Brevard near the Shipman family plot.

After moving back to Transylvania County, Ida operated a boarding house on Main Street in Brevard.¹³ She later purchased the lot where the current day Bryant House is located in 1915 from Mr. James Hamlin.¹⁴ A photograph of the newly opened Bryant House appeared in the *Sylvan Valley News* in the spring of 1916, and was accompanied by the headline “The Bryant, Brevard’s New and Popular Hotel.” The article noted that the hotel, which had opened on March 1st of that year, had “established deserved popularity, a fact undisputedly proven by its registration to date of 225 guests.”

⁷ Find a Grave, database and images (<https://www.findagrave.com/memorial/22034119/john-j-shipman>: accessed 18 June 2023), memorial page for John J. Shipman (1833–1911), Find a Grave Memorial ID 22034119, citing Gillespie Evergreen Cemetery, Brevard, Transylvania County, North Carolina, USA; Maintained by JD (contributor 51170549).

⁸ Multiple issues of the *Sylvan Valley News* (NC), 1911.

⁹ "United States Census, 1900", database with images, FamilySearch (<https://www.familysearch.org/ark:/61903/1:1:M3TJ-VJ7> : Sun Sep 17 02:47:16 UTC 2023), Entry for Robt L Bryant and Ida Bryant, 1900.

¹⁰ "United States Census, 1910," database with images, FamilySearch (<https://familysearch.org/ark:/61903/1:1:MLSY-7RW> : accessed 18 June 2023), Ida Bryant in household of Robert Bryant, Asheville Ward 3, Buncombe, North Carolina, United States; citing enumeration district (ED) ED 9, sheet 12A, family 257, NARA microfilm publication T624 (Washington D.C.: National Archives and Records Administration, 1982), roll 1099; FHL microfilm 1,375,112.

¹¹ "Find A Grave Index," database, FamilySearch (<https://www.familysearch.org/ark:/61903/1:1:QVG6-TGR5> : 3 July 2020), Robert Luther Bryant, 1911; Burial, , ; citing record ID , Find a Grave, <http://www.findagrave.com>.

¹² "United States Census, 1920," database with images, FamilySearch (<https://familysearch.org/ark:/61903/3:1:33SQ-GRXT-FCF?cc=1488411&wc=QZJR-K5K%3A1036474001%2C1036942301%2C1036945401%2C1589332980> : 12 September 2019), North Carolina > Transylvania > Brevard > ED 184 > image 36 of 44; citing NARA microfilm publication T625 (Washington, D.C.: National Archives and Records Administration, n.d.).

¹³ "The Bryant, Brevard’s New and Popular Hotel," *Sylvan Valley News* (NC), May 26, 1916.

¹⁴ Transylvania County Register of Deeds, Book 37, Page 25.

In January of 1917, Ida closed the Bryant House to guests to assume management of the Hotel Crary on Main Street, whose previous manager had recently departed. During this time, Ida's mother and three of her sisters, Rose, Mamie and Annie, took over management of the Bryant House.¹⁵ Although it could not be confirmed by cross referencing deed records, an article in the Brevard News stated that the "Misses Rose Shipman and sisters" had purchased the Bryant House from Ida.¹⁶ Ida went on to hold the position of matron at Sylva Collegiate Institute, and later relocated to the Tampa area of Florida, where she passed away in 1927 at the age of 52. At the time of her death, Ida was remembered as "a woman well known throughout the community for her splendid qualities of character, and greatly beloved by all who knew her."¹⁷

During the 1920s, the Shipman sisters continued to operate the Bryant House in addition to their other popular boarding house, the Shipman Cottages.¹⁸ After more than a decade of managing the Bryant House, the property was eventually sold out of the Bryant and Shipman families to Mrs. Ida Conley of Almond, NC in 1930. It was noted at the time that the Bryant House "had long been one of the most popular hotels in this section, known to tourists and traveling men throughout the South, and famous for the splendid meals served there." Mrs. Conley was apparently known for her experience in the hotel business, and was assisted in managing the Bryant House by her two daughters, Mrs. R.K. Rollins and Mrs. Epps.¹⁹

Property ownership of the Bryant House was transferred several times in the 1930s: in 1932, Mrs. Conley sold the property to Mrs. Alma Morgan. The Morgans were both natives of Transylvania County, and were from the Cherryfield and Cathey's Creek areas located southwest of Brevard.²⁰ Together with her husband J.F. Morgan, Alma later sold the property to Mr. J.I. and Edna Mae Ayers in 1937. Mrs. Ayers was a native of Transylvania County, while her husband hailed from Patrick County, VA.²¹ Census records indicate that the Ayers owned a "sample" clothing store, in addition to their involvement in the lodging industry.²² It appears they were successful in their retail business for some years, as Ayers Department Store, located at 53 West Main Street in Brevard, was listed in the Transylvania County Telephone Directory as late as 1972.²³

¹⁵ "Mrs. Bryant Takes Hotel Crary; Closes The Bryant," *Brevard News* (NC), January 12, 1917.

¹⁶ Personals Section, *Brevard News* (NC), November 19, 1920.

¹⁷ "Mrs. Bryant Dies In Florida Home," *Brevard News* (NC), October 27, 1927.

¹⁸ "Shipman House Reopened," *Brevard News* (NC), July 1, 1921.

¹⁹ "Mrs. Conley Buys The Bryant House," *Brevard News* (NC), April 16, 1930.

²⁰ "Find A Grave Index," database, FamilySearch

(<https://www.familysearch.org/ark:/61903/1:1:QVLY-7KPM> : 9 September 2022), Ellen, ; Burial, Calvert, Transylvania, North Carolina, United States of America, Mount Moriah Cemetery; citing record ID 105319349, Find a Grave, <http://www.findagrave.com>.

²¹ Find a Grave, database and images

(<https://www.findagrave.com/memorial/55773706/harriett-ednamae-ayers>: accessed 18 June 2023), memorial page for Harriett Ednamae Saltz Ayers (1 Apr 1908–5 Aug 1975), Find a Grave Memorial ID 55773706, citing Gillespie Evergreen Cemetery, Brevard, Transylvania County, North Carolina, USA; Maintained by Shelburn Wilkes (contributor 46921970).

²² "North Carolina Deaths, 1931-1994," database, FamilySearch

(<https://familysearch.org/ark:/61903/3:1:3Q9M-C9PF-Z3LS-B?cc=1584959> : 29 September 2022), > image 1 of 1; State Department of Archives and History, Raleigh.

²³ Transylvania County Telephone Directory.

The couple eventually transferred the property to Edna Mae's mother, Martha Leona (Gimley) Saltz in 1943.²⁴ Born on March 25, 1886, Martha Saltz, known as Leona, was a native of Transylvania County.²⁵ She was married to Mr. J.L. Saltz at Little River Chapel in 1905. A native of Henderson County, NC, Mr. Saltz had moved to Transylvania several years prior to his marriage to Leona in order to aid his father in "beautifying and managing the farm formerly owned by J.C. Loftis, and to start up a goat ranch." Mrs. Saltz was noted as having been the acting postmistress at the Loftis Station at the time.²⁶

Leona went on to manage multiple dining establishments in Brevard over the years. An advertisement in 1927 identifies her as the manager of The Whitmire Grill.²⁷ Later, according to an announcement in The Brevard News in 1930, Leona and her daughters were back in business operating The Home Cafe.²⁸

The Saltz's moved to the Bryant House in 1936, where Leona managed the boarding house operations.²⁹ Census data notes lodge-keeping and housekeeping as her occupations in 1940. Although her husband, Luther, was apparently not working at the time due to health related reasons, the couple owned a house, and lived with their son Harold, 21, who was working as a salesman at a grocery store; daughter Mordecia Neely, who was 29 years old and living in the house with her seven year old daughter, Martha Jaye; their son-in-law Isaac, 30, who owned a clothing store; and their daughter Edna Mae, 31, whose occupation was listed as "other."³⁰ Luther and Leona also had several other children who did not reside with them at the Bryant House; however, two of them, James Edwin and Harold, eventually became owners of the property later in the property's history. The couple's fifth child, Christine Saltz Scott, is the only child who did not appear in the deed records for the property.

Although the Brevard News announced in April of 1937 that Leona had purchased the Bryant House from J.F. Morgan deed records indicate that the property transfer actually occurred between J.F Morgan and Leona's daughter and son-in-law, Edna Mae and Isaac. The couple did eventually sell the property to Leona in 1943, after which ownership changed hands within the family several times following Leona's death in 1966 at the age of 80. In 1978, the property was transferred from Isaac Ayers and Harold Saltz, along with Harold's wife Dorice,

²⁴ "Mrs. J.L. Saltz Buys Bryant House Hotel," *The Transylvania Times* (NC), April 23, 1943, p.1.

²⁵ North Carolina Deaths, 1931-1994," database, FamilySearch (<https://familysearch.org/ark:/61903/3:1:3Q9M-C9PL-39LT-D?cc=1584959> : 29 September 2022), > image 1 of 1; State Department of Archives and History, Raleigh.

²⁶ "Glancing Back at Brevard: Taken From the Files of the Sylvan Valley News, Beginning 1895," *The Transylvania Times* (NC), September 4, 1941.

²⁷ "Whitmire Grill Now Open!," *Brevard News* (NC), October 27, 1927.

²⁸ "Announcement," *Brevard News* (NC), June 18, 1930.

²⁹ "Local and Personal Item," *The Transylvania Times* (NC), November 5, 1936.

³⁰ "United States Census, 1940," database with images, FamilySearch (<https://familysearch.org/ark:/61903/3:1:3QSQ-G9MB-BB?cc=2000219&wc=QZXT-YNW%3A790104901%2C799203901%2C799207001%2C799207002> : accessed 2 June 2023), North Carolina > Transylvania > Brevard Township, Brevard > 88-2A Brevard Township, Brevard Town NW of U.S. Highway 64 > image 25 of 54; citing Sixteenth Census of the United States, 1940, NARA digital publication T627. Records of the Bureau of the Census, 1790 - 2007, RG 29. Washington, D.C.: National Archives and Records Administration, 2012.

Edwin Saltz and Mordecia “Decia” Neely, who then later transferred ownership to James E. Saltz, Jr. later that same year.³¹ According to Leona Saltz’s obituary, she had been a lifelong resident of Transylvania County, had opened one of the first restaurants in the county, and had operated the Bryant House since 1936.³²

Not surprisingly, the Saltz children appeared to be just as enterprising as their mother, the Bryant/Shipman family, and others who owned the Bryant House over the years. Luther and Leona’s oldest child, James Edwin, owned a shoe store in Florida, was president of the Florida State Retailers Association, and had been named “man of the year” in 1949 in St. Petersburg in recognition of fighting corruption related to government oversight of the retail industry.³³ Youngest son Harold was also involved in commercial business, and had been associated with multiple grocers in Brevard over the years. He eventually went on to open the Super-Market on the Brevard-Pisgah Highway, “the largest, and most modern” grocery store in the county at the age of 30 in 1948.³⁴ Harold’s Super Market was still being advertised on Hendersonville Highway as late as 1972.³⁵ Mordecia was also very active in the community, and ultimately took over running the operations for the Bryant House, which functioned as a boarding and/or “rooming” house until at least 2007.³⁶

The property was eventually transferred into a trust following Mordecia Saltz Neely’s death in 2008, and ultimately her daughter, Martha Jaye (Neely) Johnson, and her husband, Earl, sold the property after 75 years of Saltz family ownership on behalf of the trust to Ms. Marian Miner in 2011. Ms. Miner’s daughter, Laura, then sold the Bryant House on behalf of her mother’s estate in 2016. Laura Kathryn Miner had been an educator, as well as business owner of the locally loved costume and novelty shop, the 336 Exchange, which would later become Penny Lane on Broad Street in downtown Brevard.³⁷ The property was sold to Mr. John Paul Wilander, owner and founder of local real estate brokerage Looking Glass Realty, and current owner of the Bryant House.

Historical Context

Formed from ancestral homelands of the Anigiduwagi, or Cherokee as they are more commonly known, Buncombe County once encompassed a large portion of western North Carolina until it was later divided into smaller counties during the first century of white settlement in the region. Following the establishment of Henderson and Jackson Counties between 1838-51, Transylvania County was established by the N.C. General Assembly in 1861, with Brevard as its centrally located county seat. Settlement in Transylvania County remained

³¹ Transylvania County Register of Deeds, DB 230/680, 470/641, and 596/302.

³² “Obituary for Leona Saltz,” *The Transylvania Times* (NC), June 2, 1966.

³³ “Ed Saltz Named Man of the Year in Florida City,” *The Transylvania Times* (NC), January 20, 1949; “Saltz Making One Man Fight Against Waste, Corruption in State of Florida,” *The Transylvania Times* (NC), February 21, 1952.

³⁴ “Super-Market to Open Friday,” *The Transylvania Times* (NC), March 4, 1948.

³⁵ Telephone Directory for Transylvania County, 1972.

³⁶ Telephone Directory for Transylvania County, 2007.

³⁷ “Laura Kathryn Miner,” *The Transylvania Times* (NC), December 8, 2021, obituary page.

fairly sparse following the Civil War, at which time there were only a few frame houses located in Brevard and a population of about 50 people.³⁸

Rail service was extended to Brevard in 1894, and the Hendersonville and Brevard lines were joined in 1895. With two trains operating daily, the improved transport of people and goods propelled Brevard and the surrounding area into a new era of prosperity. Industrialists were attracted to the area due to the natural resources available, such as ample timber. Prior to the arrival of the railroad, the primary industries were farming, raising livestock, and operation of grist mills and sawmills. With greater access to raw materials, larger scale industries, including tanneries and timber mills, emerged in the area.³⁹

At the turn of the century, Joseph Silversteen, a tanner from Pennsylvania, moved with his wife to the region, after which he opened Toxaway Tanning in 1901, the Gloucester Lumber Company in 1910, and the Rosman Tanning and Extract Company. With the founding of the Shaffer and Moltz Lumber Companies in Rosman around this same time, Rosman, a small town located about twelve miles southwest of Brevard, became the industrial heart of Transylvania County. Silverstein later opened a tannery in Brevard as well in 1916, after which he built Silvermont (TV 0006), a 33-room Colonial-Revival brick mansion on South Main Street in 1917.⁴⁰

Industrialist and resort developer J. Frances Hayes also played a major role in increased local economic prosperity. Hayes was responsible for connecting the railway from Brevard to Toxaway, and for founding the renowned Toxaway Company, under which he developed multiple travel resorts in the mountainous areas west of Rosman. Hayes also founded the Brevard Tanning Company in the Pisgah Forest section of Transylvania County in 1902.⁴¹ As a result of increased industry, the population of Transylvania County had nearly tripled in the three decades prior by 1899.⁴²

Although for quite different reasons, tourists and travelers were attracted to the area at the southern end of the Blue Ridge for its natural resources as well. Known for its idyllic scenic beauty and cool mountain air, tourists began traveling to the Brevard area simultaneous to the economic boom spurred by increased rail travel at the end of the nineteenth century, and thus tourism emerged as an additional boon to the local economy. In 1907, the Brevard Board of Trade began publishing a brochure touting Brevard as an ideal tourist destination, noting its healthy climate, beautiful scenery and outdoor recreational activities, and dubbing the area as the “Land of Waterfalls”, as well as the gateway to the mountainous resort areas near Lake

³⁸ Michael Allison, et. al., *Transylvania County Heritage, North Carolina Volume 2* (USA: Wadsworth Publishing, 2008), 2-21.

³⁹ Ibid.; Don Mills, Inc. and the Transylvania Heritage Book Committee, *The Heritage of Transylvania County, NC* (USA: Wadsworth Publishing, 1995), 38-37.; Susan Lefler, *Images of America: Brevard* (Charleston, SC: Arcadia Publishing), 7-8.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Kevin Norris and Martin Reidinger, *Transylvania County: An Early History* (Private Publisher, 1973), 48.

Toxaway and points west of Brevard, advertised as the “Beautiful Sapphire Country.”⁴³ A later 1929 version of the same publication noted that “the Sylvan Valley, the Sapphire Country, Fairfield and the Toxaway Section, though outlying districts, are strong assets, invaluable to the tourist life of Brevard”, and “...no other County of this State has such distinct and separate sections that are as widely known for their wonderful beauty and natural requisites so necessary to the comfort and the entertainment of the tourist.” The brochure also acknowledged that tourism had become an integral part of the trade and growth of Brevard.⁴⁴

In addition to resort tourism and various industries bringing travelers to Brevard and the surrounding region in the early part of the twentieth century, summer camps for youths had begun proliferating in the area at the same time, which attracted even more travelers. By the 1920s, there were at least fourteen summer camps in operation in the county, including Camp Cherryfield (current day Camp Kahdalea), Camp Chickasaw, Gwen Valley, Camp Transylvania (current day Brevard Music Center) and Camp Toxaway.⁴⁵ A 1922 Brevard News article noted that summer camps brought over 2,000 campers and their parents at the time⁴⁶, many of whom would elect to stay at one of the local hotels or boarding houses while their children were enrolled at one of the many nearby camps. The same article paints a picture of a time of prosperity, touting new roads under construction, new buildings being built, and a new dam being constructed by the Cascade Light and Power Company, as well as thriving local industries such as cotton milling, lumber production, and shuttles for weaving. The Franklin, Hotel Cray, Galloway House, Hampton House and the Bryant House are highlighted as local lodging facilities for travelers at the time.⁴⁷

By the time of publication of the 1907 Board of Trade brochure, there were already five hotels in Brevard: the Franklin Hotel, McMinn House, the Henning Inn, the Hotel Brevard and the Aethelwold. The brochure also noted that there were 27 cottages and boarding houses in Brevard at the time, as well as three in nearby Pisgah Forest.⁴⁸ While hotel developments can by no means be excluded from the importance of the evolution of the tourism industry in Brevard, boarding houses, as an enterprise, created a new means by which women could make money, and perhaps gain more independence, during the late nineteenth and early twentieth centuries that had not previously existed for them. According to national statistics at the time, the top five occupations for women in 1910 were domestic servitude, semi-skilled or factory labor, clothes laundering, teaching and dressmaking, with boarding house keeping ranking in tenth place.⁴⁹ These national statistics were evident at the local level in Transylvania County; according to the U.S. Census data, the top five women occupied jobs in the county were clothes laundering, cooking, teaching, cotton mill laborer and dressmaker, with boarding house keeping ranking in

⁴³ Laura A.W. Phillips & Deborah Thompson, *Transylvania: The Architectural History of a Mountain County* (Raleigh, NC: The Transylvania County Joint Historic Preservation Commission in association with Marblehead Publishing, 1998), 37-38.

⁴⁴ Brevard Board of Trade, *Brevard, NC: In the Land of the Waterfalls, 1929*.

⁴⁵ Yvonne McCall-Dickson, *Images of America: Transylvania County* (Charleston, SC: Arcadia Publishing, 2005), 27-28.

⁴⁶ “Beautiful Brevard Serves as the Entrance to Sapphire Country,” *Brevard News* (NC), January 2, 1922.

⁴⁷ *Ibid*.

⁴⁸ Phillips & Thompson, 37-38.

⁴⁹ Joseph A. Hill, “Women in Gainful Occupations, 1870-1920,” Washington: U.S.G.P.O. 1929, p.7.

eighth place. Given that Transylvania was, and still is, majority rural in nature, farming likely ranked among the top occupations as well, although it's impossible to make a clear calculation based on census data given that many women likely did not note it as their occupation simply because it was part of their everyday life, just as cleaning or cooking in one's own home would have been.

In her article "*Selling Domestic Space: The Boarding House in the Southern Mountains*", Michael Ann Williams describes the rural nature of the southern Appalachians as being conducive to people opening up their homes to people traveling through a given area. Over time, this became more formalized as a business enterprise, for women in particular who had perhaps previously provided space to travelers free of charge simply because it was customary in rural areas that mostly consisted of farmsteads located at various distances from one another.⁵⁰ As the variety and nature of industries changed in Transylvania County, more and more people were traveling about for both work and leisure. And Williams points out that boarding houses were often more appealing to working class travelers, versus more affluent people, who often had their own private vacation homes in the area or preferred to stay in hotels. That people were mobile and moving about for an increased variety of reasons in the early part of the twentieth century is evidenced by the proliferation of lodging options in and around Brevard, including boarding houses.

Boarding houses increasingly were a way for women to profit off of their domestic services, and in many cases act as their own proprietor, giving them an opportunity for increased independence, as well as financial means. In their book about women's history in North Carolina, authors Margaret Supplee Smith and Emily Herring Wilson note that any type of proprietorship available to women at the time offered a means by which women achieved higher social status and increased autonomy versus other available occupations at the time, such as domestic service or manual labor. It was also considered a respectable way for widows to make a living since operating a boarding house meant that one would stay in one's own home and continue working in an industry deemed acceptable for women at the time.⁵¹

The authors go on to note that at least 800 women were managing boarding houses in North Carolina in 1900, either as owners or operators.⁵² One prominent example of a local female boarding house proprietor at the time was Julia Westall Wolfe, mother of famed author Thomas Wolfe, who immortalized his mother as the character Eliza Gant in his novel *Look Homeward, Angel*. Her entrepreneurial efforts clearly illustrate that boarding house operations represented an opportunity for women in business during a time of quite limited options.

Born in rural Swannanoa, NC in 1860, Wolfe was somewhat unique among women at the time, in that she was able to pursue educational opportunities at Asheville Female College and

⁵⁰ Michael Ann Williams, "Selling Domestic Space: The Boarding House in the Southern Mountains," *Perspectives in Vernacular Architecture*, vol. 12, 2005: 1.; Richard P. Horowitz, "Architecture and Culture: The Meaning of the Lowell Boarding House," *American Quarterly*, vol. 25, 1973: 64-82.

⁵¹ Margaret Supplee Smith and Emily Herring Wilson, *North Carolina Women: Making History* (Chapel Hill, NC: The University of North Carolina Press, 1999), 115.

⁵² Smith and Wilson, 176.

Judson College in Hendersonville. Although she did not graduate from either school, she went on to be a teacher, and then later moved to Asheville to become a bookseller. She married W.O. Wolfe in 1884, and resided at his home on Woofin Street. In a testament to her entrepreneurial spirit, Wolfe saved enough money to buy the house from her husband and decided to take on a few boarders. In what some might consider to be an unusual move at the time, she moved to St. Louis during the summer of the 1904 World's Fair, where she smartly rented a house and took on boarders who were traveling there for the fair's events. Upon returning to Asheville, she bought a house on North Spruce Street, which would come to be called the "Old Kentucky Home," strictly for the purpose of operating it as a boarding house. Given that by 1926, her name appeared on more than 150 registered deeds in Asheville, and that she had purchased a piece of property in Florida worth \$26,000⁵³, which would be the equivalent of almost half a million dollars today, it's clear that boarding house operation represented a means to achieve financial success and freedom, as well as independence, in a time of extremely limited occupational options for women.

According to an unofficial list published in the *Transylvania Times* in their 125th anniversary edition in 1986, there were twenty eight hotels and boarding houses of various sizes throughout the county during the height of the tourism boom in the early twentieth century. The article notes that tourism brought much in the way of jobs, economic opportunities, improved infrastructure, and even famous names and families to the region. However, as the article notes, the Great Depression interrupted this time of increased prosperity, and thus many of the lodging options in and around Brevard at the time did not survive.⁵⁴

Located at 266 West Probart Street in Brevard, the Red House (TV 0249) was built by Leander Sams Gash in 1851 as a trading post, and is possibly the oldest known structure to have functioned as a formal lodging house. The original structure was lost to fire during the Civil War, but was later reconstructed. It has served a variety of uses during its lifetime, including a hotel, a boarding house, a school, and later a bed and breakfast. The Red House was eventually converted into a single family residence, which functions as its current use today.⁵⁵

The same issue of the *Transylvania Times* notes multiple historical examples of lodgings in and around Brevard, including the D'Arlington, the Aethelwold, the Franklin, the Walnut Inn, and Hotel Crary. Previously located adjacent to St. Philip's Episcopal Church on Main Street, the D'Arlington was built by Dr. William Wallace and his wife Lacy in 1905 to serve as a lodging house. The property had ceased operations as a lodging use by the 1970s, however, and the structure was eventually demolished.⁵⁶

The Aethelwold (TV 0549) is one of a handful of historic lodging facilities in Brevard that is still standing today. Located at the southeast corner of the intersection of Main and Broad Streets, the Aethelwold was constructed in 1905 by John William McMinn, and was named for

⁵³ Smith and Wilson, 205-207.

⁵⁴ "Old Hotels of Transylvania," *The Transylvania Times* (NC), 1986, p. 3-9.

⁵⁵ "The Red House," *The Transylvania Times* (NC), 1986.

⁵⁶ "Old Hotels of Transylvania," *The Transylvania Times* (NC), 1986, p.11.

his wife Ethel.⁵⁷ While the ground floor housed a variety of commercial businesses, the upper two stories accommodated up to 100 guests. McMinn owned the hotel until his death in 1918, at which point it was purchased by T.W. Whitmire and renamed the Waltermire in honor of his late son, Walter. The hotel was originally constructed in the Queen Anne style, and although it has been altered over the years, it was listed as a contributing structure in the Main Street National Register Historic District in 2004.⁵⁸ Today, commercial businesses still occupy the ground floor, while the upper stories house residential condominiums.

The Franklin, which was built by the Toxaway Company on Franklin Street, opened in 1900, and was noted as having been the grandest lodging facility at the time. The hotel was taken over for a time by the Shipman sisters, but it eventually became vacant, and ultimately razed by the Presbyterian Church in 1956.⁵⁹

Prior to operating the Franklin, the Shipman sisters also operated the Walnut Inn, which had originally been built as a private residence in 1920, but was later converted into a hotel. The *Transylvania Times* noted that the hotel was particularly well known for the good food served there, and that it had been a vital part of Brevard's social life and economy. It had once been so successful that the Shipman sisters added eight guest rooms and five bathrooms.⁶⁰ Unfortunately the Walnut Inn also eventually succumbed to demolition.

Still remaining on East Main Street is the T. B. Crary Hotel (TV 0553), which was built by the building's original owner and namesake in 1910. The building's facade has been heavily altered, but originally featured traditional first floor commercial entryways and a three-bay, two-story projecting porch. Hotel Crary housed eleven guest rooms and had been operated by Mrs. S.M. Peters when, interestingly, operations were taken over by Ida Bryant in 1917 after she closed The Bryant, which she had only just recently opened.⁶¹

Along with the multiple hotels that were in operation during the early part of the twentieth century, there were many cottages and boarding houses in Brevard and nearby Pisgah Forest that were housing visitors at the time. Previously located at 544 Country Club Road southwest of downtown Brevard, the Everett Moffitt House (TV 0350) was constructed in 1901 as a two-story, three-bay, side-gable house with pebbledash siding and a large hipped roof wraparound porch. While the house is noted as having served as a boarding house, there is no information on when it ceased operating as one.⁶² The Everett Moffitt House was study listed in 2004, but has since been demolished to make way for newer single family houses.

Located at 266 West Probart Street, the Red House is the second oldest house in Brevard, and is a three-bay, two-story brick house, with a two-story stacked front porch, hipped roof with a decorative eyebrow window flanked by matching interior brick chimneys. The house

⁵⁷ Ibid, p. 10.

⁵⁸ National Register of Historic Places Nomination for the Main Street Historic District, 2002.

⁵⁹ "Old Hotels of Transylvania," *The Transylvania Times* (NC), 1986, p. 8.

⁶⁰ Ibid, p. 9.

⁶¹ "Mrs. Bryant Takes Hotel Crary; Closes The Bryant," *Brevard News* (NC), January 12, 1917, p. 8.

⁶² Phillips and Thompson, p. 180.

was originally constructed as a trading post, and later served as a boarding house for travelers, as well as a school. The house later functioned as a bed and breakfast but was eventually converted to a single family residence.⁶³ The Red House was designated as a local historic landmark in 2009.

The Transylvania Lodge, constructed by Major William E. Breese, previously occupied a lot at 500 North Caldwell Street. The two-story house with a two-tier porch and pebbledash siding was built in 1895, and was operated as a boarding house by Major Breese's daughters.⁶⁴ The building later functioned as a ministry to the adjacent Methodist Church, but was eventually torn down.

Located in the East Main Street Historic District at 555 East Main Street, the Wyke House (TV 0336), is also still standing, although documentary information only states that "tradition claims" the property operated as a boarding house.⁶⁵ The two-story brick house was built in the Colonial Revival style in 1905, and features a one-story wrap around porch.

Located at 33 Deacon Lane, also within the East Main Street Historic District, the Galloway-Radford House (TV 0338) was built by Thomas C. Galloway between 1905-10 when he had returned to Brevard after making his fortune in iron mining in Alabama.⁶⁶ Following Galloway's death, his wife, Belle, eventually was remarried to Samuel Radford, and the couple began taking on boarders at the property. The two-story house features a mix of Queen Anne and Victorian forms with Colonial Revival detailing. In keeping with local style at the time, the exterior is clad in pebbledash, and features brick pilasters at the corners of the building. A one-story porch with a curved roof line wraps the front and side elevations. The property was designated as a local historic landmark in 2015, and currently serves as a single family residence.

In addition to the examples noted in Brevard, there were several boarding houses in operation in rural Transylvania County at the time as well, including the extant William Luther and Louetta Talley House (TV 0436) on Old Hendersonville Highway in Penrose. Constructed around the turn of the nineteenth century, the Talley House is a two-story Queen Anne style structure with some late Victorian and Gothic Revival details, including decorative wood brackets present on the front elevation. In her interview with Talley family member Nina Lou Ponder, Michael Ann Williams quotes Ponder as explaining that her grandfather was the postmaster and the train depot agent at the time, and the house was built to a size primarily to accommodate traveling salesmen who were passing through on the railroad.⁶⁷ Although the original front porch has been enclosed, the Talley House stands as an extant example of a boarding house dwelling in Transylvania County.

⁶³ "Old Hotels of Transylvania," *The Transylvania Times* (NC), 1986, p. 3.

⁶⁴ Phillips and Thompson, 145, 330.

⁶⁵ Ibid, 207.

⁶⁶ Ibid, 165.

⁶⁷ Williams, p. 2.

The Pines (TV 0381), located off of Hart Road in Little River, is also an extant example of rural boarding house property. The two-story farmhouse was originally built by the Hart family in 1883, and the property operated as a farm until Mr. Hart passed, at which point his wife began taking on boarders. Although the original structure has been heavily altered throughout the years, the property still functions as a lodging facility, and is currently known as The Pines Country Inn.

Similarly to the Talley House, the Bryant House had the distinct advantage of its proximity to the railroad depot in Brevard. Originally called Depot Street, the Bryant House is located on the north side of King Street, between Floyd Alley and Railroad Avenue. Constructed in 1916 by Mrs. Ida Bryant, the Bryant House is a two-and-a-half story Craftsman style frame dwelling that was originally constructed to accommodate up to twenty five guests.⁶⁸ Rates ranged from \$6-10 in the properties early heyday, depending on services elected. Many of the guests at the Bryant House were noted as having been “traveling men” or “drummers,” which most would refer to today as salesmen.⁶⁹ A 1916 article in the *Sylvan Valley News* announced that the “The Bryant, Brevard’s New and Popular Hotel” had opened earlier that same year on March 1st, and noted that the fifteen room hotel had already earned a reputation for its popularity based on having already booked 225 guests. The writer goes on to say that such a reputation boded well for the reputation for Brevard as a whole.⁷⁰ In addition to accommodating overnight guests, the Bryant House also served as a gathering place over the years for many local groups and civic organizations over the course of its history, including the Lions Club, the Kiwanis Club, the Brevard Country Club, and various women’s groups. The property was also frequently advertised as providing some of the best meals in Brevard at the time.⁷¹

While it’s impossible to identify exactly how many structures that originally or historically were operated as boarding houses, simply due to the fact that many listed in early newspaper advertisements, articles and tourism pamphlets are likely to have disappeared from the landscape by the time architectural surveys were begun in Transylvania County, or perhaps were not documented using the same name as a property might have been known as a hundred years ago, it can be deduced based on the research conducted for this report that the Bryant House is certainly one of few remaining, highly intact boarding houses in Brevard and Transylvania County. That it continued operating as a boarding house as late as the late 2000s is also remarkable, given that hotel and motel lodging options expanded on a large scale nationally throughout the second half of the twentieth century. The Bryant House is an excellent example of the early twentieth century tourism and industrial boom era, and stands as a vestige within the built landscape of Brevard of women’s contributions to this time period of unprecedented growth and prosperity, and the history of women’s contributions to our country’s evolution more generally that far too often have gone undocumented. The property is especially significant given these factors. In addition, the Bryant House retains the integrity of its design, setting,

⁶⁸ Don Mills, Inc. and the Transylvania County Heritage Book Committee, 38.

⁶⁹ Ibid.

⁷⁰ “The Bryant, Brevard’s New and Popular Hotel,” *Sylvan Valley News* (NC), May, 26, 1916.

⁷¹ Multiple articles and advertisements in the *Sylvan Valley News*, *Brevard News*, and *The Transylvania Times* spanning the Bryant House’s time in operation as a boarding house.

workmanship, materials and association with events that shaped Brevard and the surrounding area as a whole.

11. Property Included in the Designation

The designation includes the 0.40 acre parcel and the exterior of the house.

12. Bibliography

Archives

Rowell Bosse North Carolina Room, Transylvania County Library, Brevard, NC
Transylvania County Register of Deeds
United States Bureau of the Census
United States Government Publication Office

Published Primary Sources

Sylvan Valley News. Brevard, NC
Brevard News. Brevard, NC
The Transylvania Times. Brevard, NC
Brevard, NC: In the Land of Waterfalls

Secondary Sources

Allison, Michael, et. al. *Transylvania County Heritage, North Carolina, Volume 2*.
USA: Wadsworth Publishing, 2008.
Hill, Joseph A. *Women in Gainful Occupations, 1870-1920*. Washington: U.S.G.P.O.
1929.
Hood, David Foard. "Main Street Historic District." National Register of Historic
Places Nomination, July, 1993.
Horowitz, Richard P. "Architecture and Culture: The Meaning of the Lowell
Boarding House." *American Quarterly*, vol. 25, 1973.
Lefler, Susan M. *Images of America: Brevard*. Charleston, SC, Chicago, Portsmouth,
NH, San Francisco: Arcadia Publishing, 2004.
McCall-Dickson, Yvonne. *Images of America: Transylvania County*. Charleston, SC:
Arcadia Publishing, 2005.

- Mills, Don, Inc. and the Transylvania Heritage Book Committee. *The Heritage of Transylvania County, NC*. USA: Wadsworth Publishing: 1995.
- Norris, Kevin and Reidinger, Martin. *Transylvania County: An Early History*. Private Publisher, 1973.
- Phillips, Laura A. W. and Thompson, Deborah. *Transylvania: The Architectural History of a Mountain County*. Raleigh, NC: Marblehead Publishing, in association with the Transylvania County Joint Historic Preservation Commission, 1998.
- Supplee Smith, Margaret and Herring Wilson, Emily. *North Carolina Women: Making History*. Chapel Hill, NC: The University of North Carolina Press, 1999.
- Williams Michael Ann. "Selling Domestic Space: The Boarding House in the Southern Mountains." *Perspectives in Vernacular Architecture*, vol. 12, 2005.

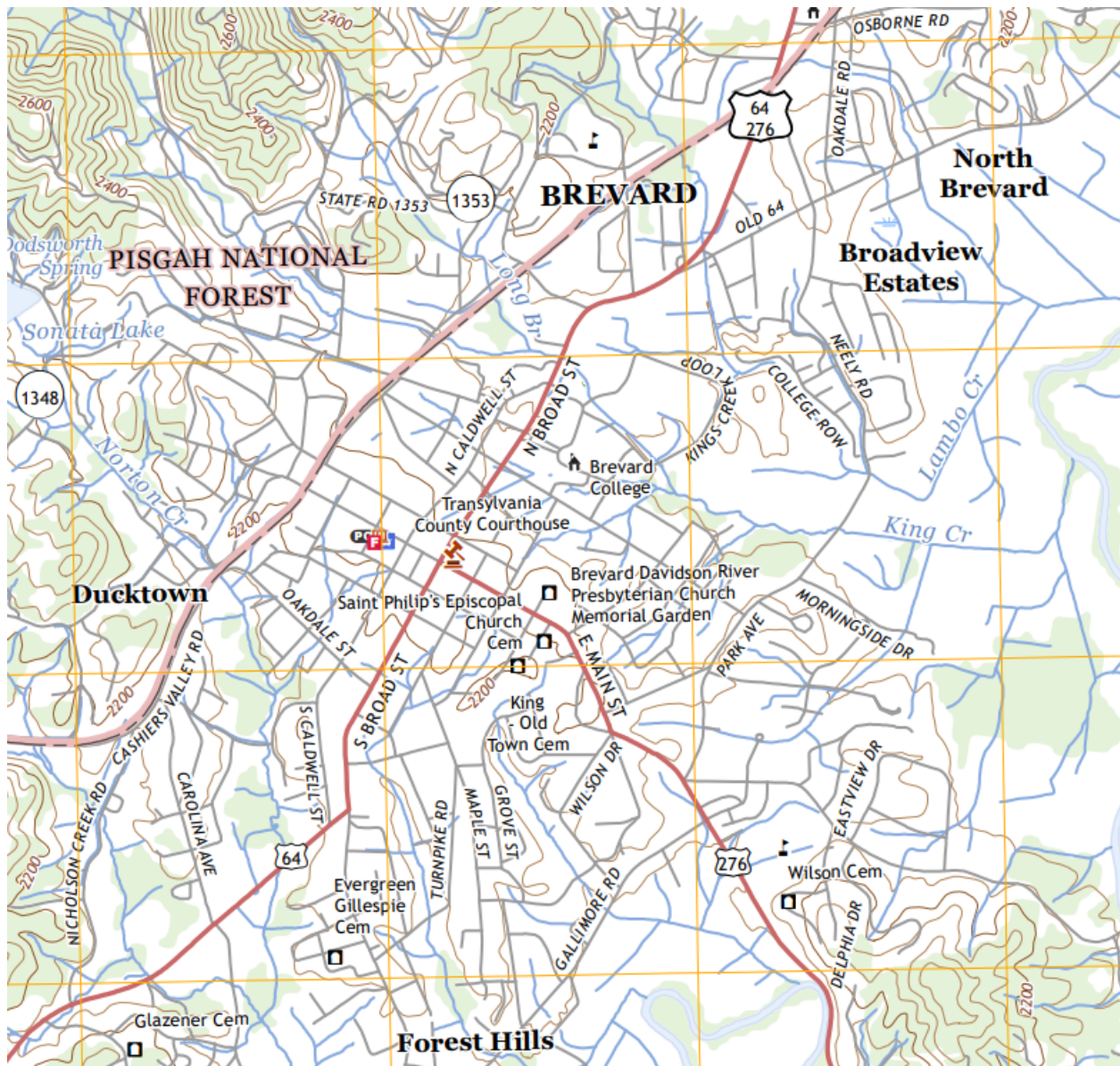
13. Report Prepared By

Alex Cole
39 Oak Hill Road
Pisgah Forest, NC 28768

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1. USGS Topographic Map, Brevard, NC, 2022.





2. Boundary Map, 132 King Street, Brevard, NC. (PIN 8586-42-8383-000)
Source: Transylvania County GIS.





3. Site Map, 132 King Street, Brevard, NC. (PIN 8586-42-8383-000)
Source: Transylvania County, GIS, 2019 Orthoimagery.



The Bryant, Brevard's New and Popular Hotel



The accompanying photograph shows Mrs. Ida Bryant's new 15-room hotel on Depot street near the Southern passenger station.

Mrs. Bryant, who had previously conducted a boarding house on Main street, opened The Bryant on March 1.

The Bryant established deserved popularity at the beginning of its career, a fact indisputably proven by its registration to date of 225 guests.

Mrs. Bryant entertains her guests in a manner that speaks well not only for her hostelry but for Brevard. Good hotels constitute a good advertisement for Brevard and The Bryant has done its part in lifting the standard of hotel service.

4. Excerpt from the Sylvan Valley News, May 26, 1916.



5. Front Elevation



6. Front Elevation 2



7. South Elevation



8. East (Rear) Elevation



9. North Elevation



10. Primary Entrance on Front Elevation



11. Window on Front Elevation



12. Secondary Entrance on South Elevation



13. North Parlor



14. North Parlor 2



15. South Parlor



16. South Parlor 2



17. Craftsman-style Mantel



18. Paneled Wood Door



19. Kitchen



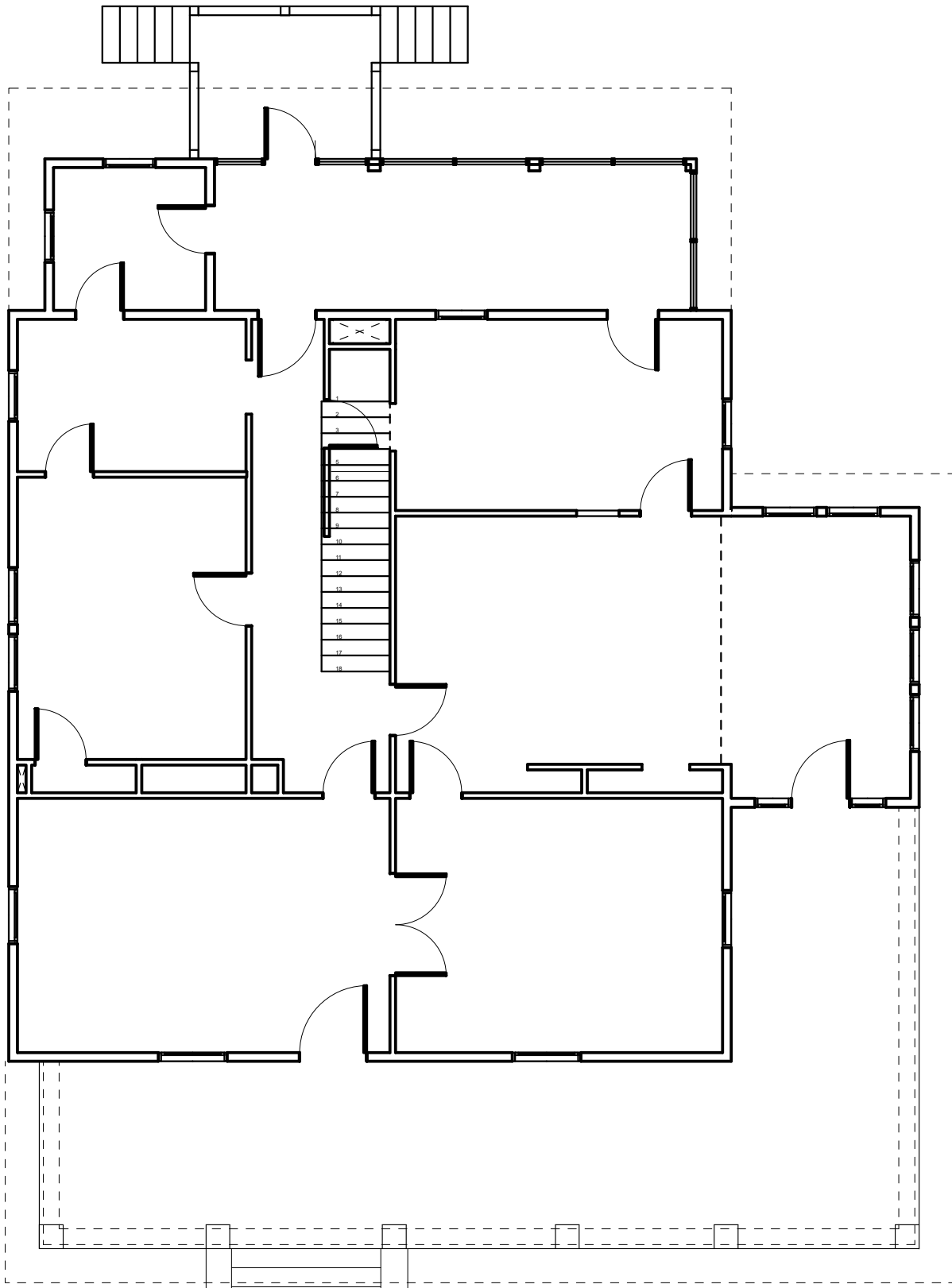
20. Kitchen/Dining Room



21. First Floor Staircase



22. Stair Railing



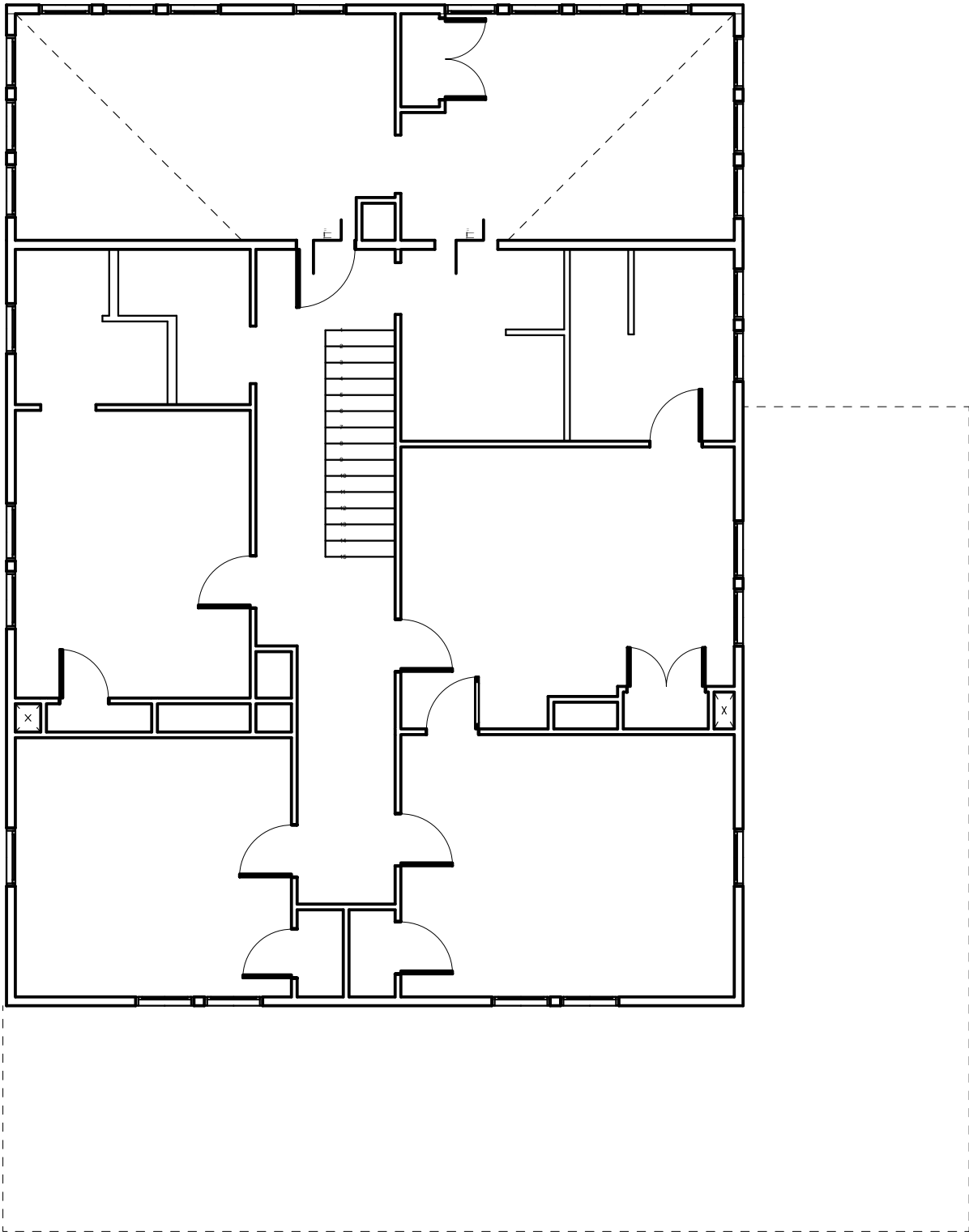
FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

BRYANT HOUSE

132 KING STREET
BREVARD, NC 28712

*Based on preliminary plans prepared by
Harris Architects PLLC, Brevard, NC
2012. Not for construction.*



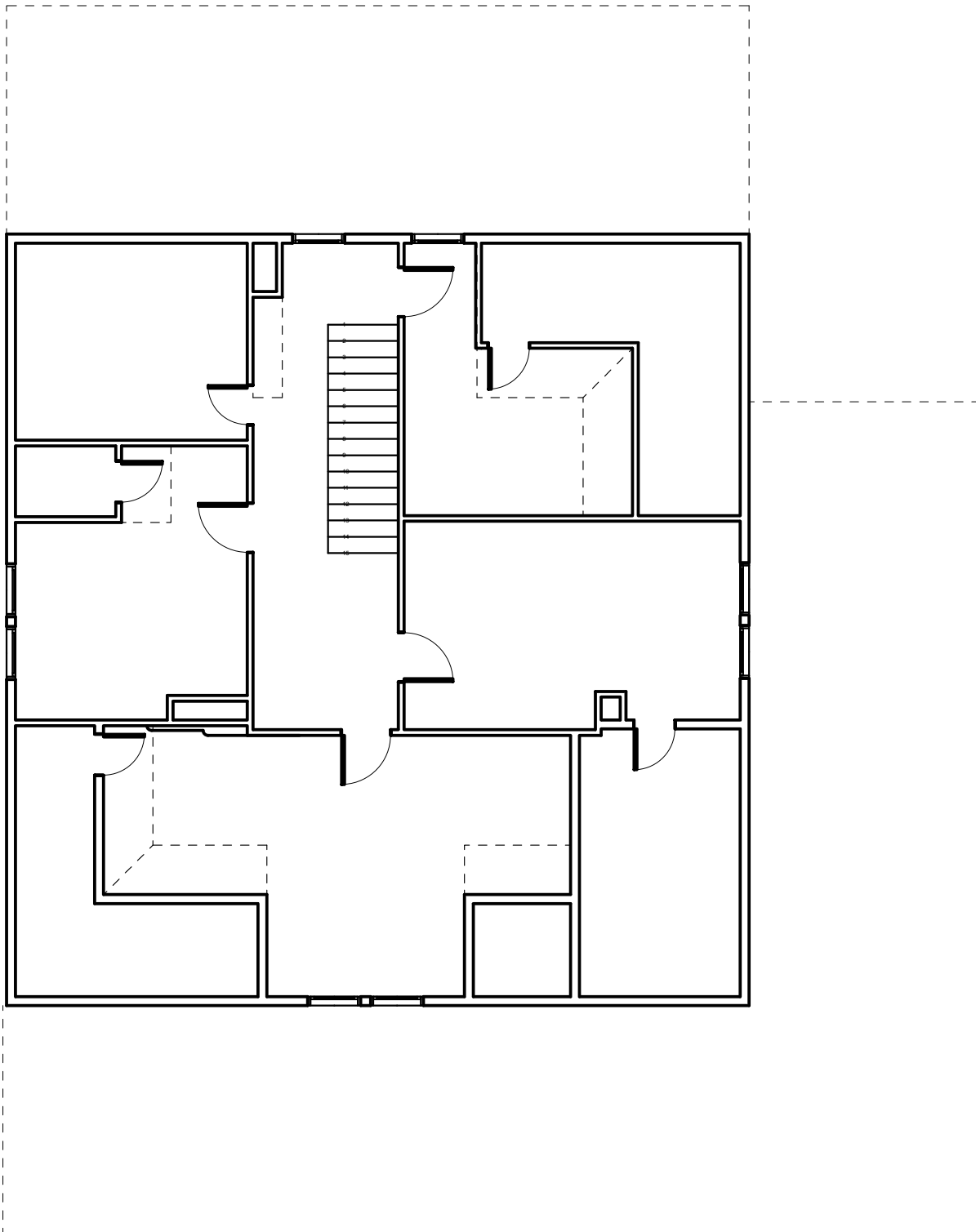
SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

BRYANT HOUSE

132 KING STREET
BREVARD, NC 28712

*Based on preliminary plans prepared by
Harris Architects PLLC, Brevard, NC
2012. Not for construction.*



THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

BRYANT HOUSE
132 KING STREET
BREVARD, NC 28712

*Based on preliminary plans prepared by
Harris Architects PLLC, Brevard, NC
2012. Not for construction.*



North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

December 15, 2023

Ashley Minery
Planner
Transylvania County Planning and Community Development
106 East Morgan St., Suite 207
Brevard, NC 28712

Via email: ashley.minery@transylvaniacounty.org

RE: Proposed designation of **Bryant House, 132 King St., Brevard, Transylvania County.**

Dear Ms. Minery:

Thank you for the report we received on the proposed designation of the **Bryant House, 132 King St., Brevard, Transylvania County.** We have reviewed the information in the report and offer the following comments in accordance with North Carolina General Statute 160D-946.

According to the report, the Bryant House, which operated as a boarding house, is of special local significance because it represents the booming tourism and industry in Transylvania County in the early part of the twentieth century. It is also a rare example of a business owned and operated by a female during that era. Ida Shipman Bryant built and operated the boarding house. Later her mother and sisters took over operations.

We have shared recommendations with staff to perform a few minor edits to the report including clarification of the selected boundaries and addition of sketch floor plan. With these changes, we believe the designation report will provide the preservation commission and local governing board sufficient information to determine whether the Bryant House possesses the requisite special local significance and integrity for local historic landmark designation.

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, non-binding. Once the governing board has received a recommendation from the Transylvania County Joint Historic Preservation Commission, it should proceed in the same manner as would otherwise be required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form to our office.

Landmark designation means the community recognizes the property is worthy of preservation because of its special significance to the local community. Any substantial changes in design, materials, and

appearance to the property would be subject to the design review procedures of the preservation commission. The owner may receive an annual deferral of up to fifty percent of the property taxes for as long as the property is designated and retains significance and integrity. (N.C.G.S. 105-278 *et seq.*).

This letter serves as our comments on the proposed designation of **Bryant House, 132 King St., Brevard, Transylvania County**. Please contact me at Kristi.brantley@dncr.nc.gov (preferred) or 919-814-6576 should you have any questions about our comments.

Sincerely,

A handwritten signature in black ink that reads "Kristi Brantley". The signature is written in a cursive, flowing style with a long, sweeping underline.

Kristi Brantley
Local Preservation Commissions/CLG Coordinator

Enclosure



**Joint Historic Preservation Commission
January 30, 2024 at 4:00 PM
Cooperative Extension Conference Room, 106 E. Morgan Street
SPECIAL MEETING**

MINUTES

CALL TO ORDER

- I. WELCOME:** Mr. John Koury called the meeting to order at 4:00PM. Ms. Geralyn Connell, Ms. Katherine Buzby, Ms. Marcy Thompson, Mr. Andrew Wing, Ms. Ellen Harris, and Ms. Nikki Ransdell, and Mr. Billy Parrish were present. Ms. Nicole Bentley was absent (excused). A quorum was present. Mr. Jeff Adams and Ms. Ashley Minery (Planning Department staff) were present. Four members of the public were present.
- II. PUBLIC COMMENT:** (15-minute time limit. Speakers are limited to three minutes) Mr. Hale Campbell gave a brief presentation on the Transylvania Heritage Museum, where he serves as Treasurer. He provided valuable information on the museum's programs and current needs. He encouraged the JHPC to request additional funding for their nonprofit grant program to keep up with growing needs.
- III. AGENDA MODIFICATIONS:** Mr. Koury moved to add 'Website Updates' as item B. in New Business. Ms. Buzby seconded the motion. All present members voted in favor and the motion carried.
- IV. CONSENT AGENDA:**
- A. Minutes (November 14, 2023)
- A minor typing error was corrected in the minutes. Ms. Harris moved to approve the consent agenda as amended. Ms. Ransdell seconded the motion. All present members voted in favor and the motion carried.
- V. OLD BUSINESS:**
- A. The Inn at Brevard: The commission discussed the continued noncompliance of the Inn at Brevard in repairing the damaged exterior of the property. After discussion of different

options, the commission agreed the best course of action is to draft a letter to property owners explaining the consequences of noncompliance and eventual de-designation of the landmark. De-designation will result in property owners being required to reimburse Transylvania County for the past three years of deferred property taxes. The commission decided to provide a timeframe, contractor recommendation, and request for Certificate of Appropriateness in the letter.

- B. The Bryant House: Ms. Alex Cole considered the NC State Historic Preservation's Office's (SHPO) comments on the Bryant House report. After a discussion with the property owner, it was decided the application and report would be amended to only designate the exterior of the property, to be consistent with other designated properties in the county. Ms. Cole added dates of additions/ alterations, property boundaries, north arrows to maps, and a floor plan to the final report based on SHPO's comments. Ms. Harris moved to accept the updated report and move forward with the local designation process by recommending it for designation to Brevard City Council. Mr. Koury seconded the motion. All present members voted in favor, and the motion carried.

VI. NEW BUSINESS:

- A. May Preservation Month: The commission discussed potential plans for May's Preservation Month activities. Members expressed their interest in hosting May's JHPC meeting at a historic location in Transylvania County, and potentially having a guest speaker, like they did in 2023. Various locations were suggested in the Little River and Lake Toxaway communities. Members agreed to inquire about different locations individually and continue the discussion at March's meeting.
- B. Website Updates: Mr. Koury discussed the need to check Walking Tour Brochure inventory and evaluate the need to order more. The published meeting schedules in the Transylvania Times and county website calendar do not reflect the new meeting schedule of every other month. Staff will follow up on these matters.
- C. Staff's Report: Ms. Minery informed the commission of the next regularly scheduled meeting on Tuesday, March 12, 2024, at 4:00PM.

VII. PUBLIC COMMENT: There was no public comment.

VIII. COMMISSION MEMBERS' COMMENTS: Ms. Thompson informed the JHPC she was editing the detailed list of designated properties and would distribute it after the designation of the Bryant House. Ms. Buzby informed the commission she was keeping copies of the required tax form for

newly designated properties and would distribute it as needed to avoid future confusion for newly designated properties. Ms. Thompson moved to adjourn the meeting. Mr. Wing seconded the motion. All present members voted in favor and the meeting adjourned at 5:13PM.

ADJOURNMENT

Ashley Minery, Planner

Katherine Buzby, Secretary

DRAFT

ORDINANCE NO. 2023-05

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK CERTAIN PROPERTY KNOWN AS THE BREVARD CITY HALL AND FIRE STATION BUILDING AS IS MORE SPECIFICALLY DESCRIBED IN A DEED IN THE TRANSYLVANIA COUNTY REGISTER OF DEEDS OFFICE, IN DEED BOOK 577, AT PAGE 715, AND BEING DATED June 15, 2011, SAID PROPERTY BEING OWNED BY DREW D. DEANE, TRUSTEE FOR DREW D. DEANE AND ALEXIS DREW DEANE; THE PARCEL OF LAND BEING ESPECIALLY DESIGNATED IS ALL OF THE PARCEL OF LAND OCCUPIED BY THE BUILDING, LISTED UNDER TAX PARCEL NO. 8586-41-7304-000 IN THE TRANSYLVANIA COUNTY TAX OFFICE, BREVARD, NORTH CAROLINA

WHEREAS, all the prerequisites to the adoption of this Ordinance described in Chapter 160A, Article 19, as amended of the North Carolina General Statutes and Ordinance No. 26-97 of the City of Brevard have been fully completed; and

WHEREAS, the City Council has taken into full consideration all statements and information presented during a public hearing held on January 17, 2023, on the question of designating certain property known as The BREVARD CITY HALL AND FIRE STATION as an historic landmark; and

WHEREAS, The BREVARD CITY HALL AND FIRE STATION was built in or near the year 1899 as commercial retail and office space is now one of the oldest historic buildings in the City of Brevard in present and continual service; and

WHEREAS, The BREVARD CITY HALL AND FIRE STATION possesses special significance in terms of its history, architectural and cultural importance; and

WHEREAS, the property known as The BREVARD CITY HALL AND FIRE STATION is presently owned by DREW D. DEANE as TRUSTEE for DREW D. DEANE and ALEXIS DREW DEANE.

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

Section 1. That the property known as The BREVARD CITY HALL AND FIRE STATION (including the entire exterior of the building, the entire parcel of land listed under Tax Parcel No. 8586-41-7304-000) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the North Carolina General Statutes and Ordinance No. 26-97 of the City of Brevard. The location of said landmark is hereby noted as being situated at 114 and 116 West Main Street, Brevard, North Carolina. The exterior features of the BREVARD CITY HALL AND FIRE STATION are more completely described in the Application for Local Historic Landmark Status, dated August 15, 2022 and in the report filed October of 2022.

Section 2. That said designated historic landmark may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Joint Historic Preservation Commission, With regard to issuance of any Certificate of Appropriateness, the provisions of Ordinance No. 26-97 of the City of Brevard shall control.

Section 3. This Ordinance shall not be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature in the event that a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed or interpreted to prevent the owner of the historic landmark from making any use not prohibited by other statutes, ordinance or regulations, including the zoning ordinance of the City of Brevard.

Section 4. A suitable sign may be posted on the property with the owners' permission or near the property in the City right-of-way, indicating that said property has been designated as an historic landmark, and containing any other appropriate information. Such sign must comply with the Sign Ordinance of the City of Brevard.

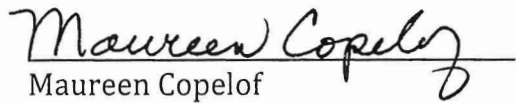
Section 5. The owner of the historic landmark known as The BREVARD CITY HALL AND FIRE STATION shall be given notice of this Ordinance as required by law, and a certified copy of this Ordinance shall be filed and indexed in the offices of the Transylvania County Register of Deeds and Brevard City Clerk.

Section 6. The BREVARD CITY HALL AND FIRE STATION, hereby designated as an historic landmark, shall be subject to the provisions of Chapter 160A, Article 19, as amended, of the North Carolina General Statutes, as well as any subsequent amendments thereto, and Ordinance No. 26-97 of the City of Brevard, as well as any subsequent amendments thereto.

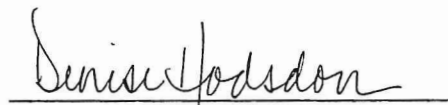
Section 7. This Ordinance shall be effective upon its adoption and approval.

Adopted and approved this 6th day of February, 2023.




Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:


Mack McKeller
City Attorney

City of Brevard Local Historical Designations

SITE NAME	OWNER	PIN	ADDRESS	DESCRIPTION	CITY TAX
Inn at Brevard	Howard S (Faye)Yager	8586-60-6150	315 E Main St	1902 Colonial Revival 2-story pebbledash house	\$ 2,410.36
Grogan House	Samuel M & Carolina C Wheeler	8585-98-0454	24 Warren Ln	c 1890 Victorian 1-story frame house	\$ 713.14
Brevard College Stone Fence and Gate	Brevard College	8586-62-8087	1 Brevard College Dr	1936-37 WPA stone wall and gate	\$ -
Red House	Jason & Sasha Jones	8586-42-1026	266 W Probart St		\$ 1,697.24
Henry House	Martha R & Morris Jenkins	8586-41-7725	148 Probart St		\$ 1,425.04
Former Presbyterian Church Manse	Thomas R & Stephany Cutler	8586-41-8628	116 W Probart St	c 1912 frame 2-story house	\$ 1,413.41
Morris Education Center	Transylvania County Board of Education	8586-22-6181	225 Rosenwald Lane		\$ -
Charles Orr House	Henning L & Virginia M Meyn Trustees	8586-60-5370	269 E Main St	1926 Craftsman/Tudor 2-story stone house	\$ 1,603.71
Chapman House	Paul C& Andrea E Heidmann	8585-69-9414	431 E Main St	1917 1 1/2-story side gable frame Craftsman bungalow	\$ 1,125.90
Paxton-Kizer House	Dorothy K & Stephen C Marcinko	8585-68-8853	538 E Main St	c 1909 1 1/2-story pyramidal roof brick 19th-20th c traditional/vernacular house w/ pebbledash	\$ 1,103.99
Morrow Stone Cottage	Spencer M & Veronica Morrow	8585-78-0301	630 E Main St	1915 Craftsman style 1 1/2-story stone house	\$ 1,146.35
Galloway-Radford House	Mark S and Gay F Case	8585-68-8053	33 Deacon Lane	c 1910 2-story hip roof Colonial Revival house w/ pebbledash	\$ 1,427.38
Hemlock Hill	Robert C & Shannon W Powell	8585-67-7884	768 Main St	1940 rustic 1-story stone house	\$ 2,134.51
Godrey-Barnette House-Linden Tree Manor	Wierner Christopher Matthew Trustee	8585-48-3632	503 S Braod St	1918 Stone 2& 1/2 story English Manorial Revival Style	\$ 1,405.40
McMinn Building	McMinn Properties	8586-51-1048-000	2/4/6/12 W Main Street	Brick Commercaill Building	\$ 4,412.90
Brevard City Hall & Fire Station	Drew Dean	8586-41-7304-000	114-116 W Main Street	Brick Commercaill Building	\$ 1,808.27

City of Brevard Local Historical Designations

Exchange Building	Douglas Keith & Ellen Pratt Harris Co-Trustees	8586-51-1267	33 W Probart St		\$ 1,107.25
				TOTAL	\$ 24,934.85

ORDINANCE NO. 2024-XX

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK CERTAIN PROPERTY KNOWN AS THE BRYANT HOUSE AS IS MORE SPECIFICALLY DESCRIBED IN A DEED IN THE TRANSYLVANIA COUNTY REGISTER OF DEEDS OFFICE, IN DEED BOOK 1081, AT PAGE 56, AND BEING DATED JUNE 8, 2023, SAID PROPERTY BEING OWNED BY JOHN PAUL WILANDER; THE PARCEL OF LAND BEING ESPECIALLY DESIGNATED IS ALL OF THE PARCEL OF LAND OCCUPIED BY THE BUILDING, LISTED UNDER TAX PARCEL NO. 8586-42-8383-000 IN THE TRANSYLVANIA COUNTY TAX OFFICE, BREVARD, NORTH CAROLINA

WHEREAS, all the prerequisites to the adoption of this Ordinance described in Chapter 160A, Article 19, as amended of the North Carolina General Statutes and Ordinance No. 26-97 of the City of Brevard have been fully completed; and

WHEREAS, the City Council has taken into full consideration all statements and information presented during a public hearing held on March 18, 2024, on the question of designating certain property known as The BRYANT HOUSE as an historic landmark; and

WHEREAS, The BRYANT HOUSE was built in or near the year 1915-1916 as a boarding house is now one of the oldest historic buildings in the City of Brevard in present and continual service; and

WHEREAS, The BRYANT HOUSE possesses special significance in terms of its history, architectural and cultural importance; and

WHEREAS, the property known as The BRYANT HOUSE is presently owned by JOHN PAUL WILANDER.

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

Section 1. That the property known as The BRYANT HOUSE (including the entire exterior of the building, the entire parcel of land listed under Tax Parcel No. 8586-42-8383-000) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the North Carolina General Statutes and Ordinance No. 26-97 of the City of Brevard. The location of said landmark is hereby noted as being situated at 132 King Street, Brevard, North Carolina. The exterior features of The BRYANT HOUSE are more completely described in the Application for Local Historic Landmark Status, dated September 23, 2023 and in the report filed January of 2024.

Section 2. That said designated historic landmark may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Joint Historic Preservation Commission, With regard to issuance of any Certificate of Appropriateness, the provisions of Ordinance No. 26-97 of the City of Brevard shall control.

Section 3. This Ordinance shall not be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature in the event that a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed or interpreted to prevent the owner of the historic landmark from making any use not prohibited by other statutes, ordinance or regulations, including the zoning ordinance of the City of Brevard.

Section 4. A suitable sign may be posted on the property with the owners' permission or near the property in the City right-of-way, indicating that said property has been designated as an historic landmark, and containing any other appropriate

information. Such sign must comply with the Sign Ordinance of the City of Brevard.

Section 5. The owner of the historic landmark known as The BRYANT HOUSE shall be given notice of this Ordinance as required by law, and a certified copy of this Ordinance shall be filed and indexed in the offices of the Transylvania County Register of Deeds and Brevard City Clerk.

Section 6. The BRYANT HOUSE, hereby designated as an historic landmark, shall be subject to the provisions of Chapter 160A, Article 19, as amended, of the North Carolina General Statutes, as well as any subsequent amendments thereto, and Ordinance No. 26-97 of the City of Brevard, as well as any subsequent amendments thereto.

Section 7. This Ordinance shall be effective upon its adoption and approval.

Adopted and approved this _____ day of April, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, March 18, 2024

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

Speaker: Chief Tom Jordan

Prepared by: Tom Jordan, Police Chief

Approved by: Wilson Hooper, City Manager

Background

Upon recommendation by the Public Safety Committee, staff was asked to explore options for the core downtown residential parking permits. Currently, residents in the central core downtown area who reside in apartments and condominiums do not have ready access to parking beyond the designated paid parking lots and 2-hour street parking. After research and discussion, it was recommended the city pursue parking permits that allow verified central core downtown residents the ability to park in city lots, both free and paid, overnight between the hours of 5pm and 8am. Due to a pre-existing ordinance that prohibits overnight parking on city lots, an ordinance amendment would be needed to allow for an exception to the restriction if a duly authorized permit was displayed.

Policy Analysis

A change in the ordinance is necessary to allow permitted parking during the overnight hours for duly authorized vehicles displaying a permit.

Fiscal Impact

The ordinance change itself will have no fiscal impact. The downtown parking program will charge a nominal fee to residents for the permit.

Action

No action required. For information and public hearing only.

Attachments:

1. Text Amendment - Overnight Parking Language Changes

66-135. Long-term parking prohibited.

It shall be unlawful and a violation of the provisions of this article for any person to cause, allow, or permit any privately owned vehicle or trailer to be parked more than 24 consecutive hours within any municipal parking lot of the city **without displaying a duly authorized parking permit**. Moving a vehicle between spaces within the same lot for the purpose of circumventing this ordinance shall constitute a violation of this section.

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

It shall be unlawful and a violation of the provisions of this article for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime, or beyond the period of legal parking time established for any space or parking lot designated for parking, either upon a public road or street or public parking lot **without displaying a duly authorized parking permit**.



CITY of BREVARD

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

TAX SETTLEMENT REPORT FOR MONTH ENDED FEBRUARY 29, 2024

Tina Tanner, Tax Collector

CITY OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING FEBRUARY 29, 2024

UPDATED: 03.05.2024

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	
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2023	\$ 506,950.24	\$ 102,189.95					\$ 5,905,352.88
2022-2011	\$ 3,161.49	\$ 6,266.33					\$ 45,604.65
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ 510,111.73	\$ 108,456.28	\$ -	\$ -	\$ -	\$ -	\$ 5,950,957.53

HEART OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING, FEBRUARY 29, 2024

UPDATED: 03.05.2024

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
2023							
2022-2011							
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ -	\$ 88,894.71	\$ 4,920.46	\$ 2,808.39	\$ 2,148.37	\$ 11,868.43	\$ 11,903.95
2023							
2022-2011	\$ 19,913.88	\$ 6,524.43					\$ 132,315.17
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,799.02
TOTAL:	\$ 19,913.88	\$ 6,524.43	\$ -	\$ -	\$ -	\$ -	\$ 137,114.19

STAFF REPORT

City Council, Monday, March 18, 2024

Title: Property Tax Releases - February, 2024

Speaker:

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

Approved by:

DATE: March 18, 2024

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

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

General Statute 105-381

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

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

Release Amount for February 2024: \$555.36

-

Recommendation: Approve resolution to release values from the tax scroll.

Attachments:

1. 02 Resolution Tax Releases February 2024

RESOLUTION 2024-XX

A RESOLUTION APPROVING PROPERTY TAX RELEASES

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

BE IT NOW, THEREFORE, RESOLVED THAT:

The Tax Collector is hereby authorized to remove February 2024 property values from the tax scroll in the amount of:

2023: \$ 555.36

Adopted this the 18th day of March, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, March 18, 2024

Title: Audit Contract for the Year Ending June 30, 2024

Speaker: Dean Luebbe

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

Approved by: Wilson Hooper, City Manager

Background

NCGS 159.34 requires that each local government entity annually compile its financial statements for the prior fiscal year, and have them audited according to GAAP (Generally Accepted Accounting Principals). By requiring this review, the statute helps keep NC local governments financially healthy, and ensures transparency in public spending.

Staff recommends that the City continue to contract with Gould Killian CPA Group, P.A. for audit services. The FY24 proposed audit contract is \$52,700. This reflects an increase of \$4,650 over the prior fiscal year. Much of this increase is related to the addition of the Single Audit, which the City is now required of the City because we are receiving in excess of \$750,000 in federal grant funding. A copy of the audit contract and the agreement to provide services are attached.

Action

Staff requests Council approve the Audit Contract with Gould Killian CPA Group, P.A. for Year Ending June 30, 2024 in the amount of \$52,700.

Attachments:

1. Contract to Audit Accounts
2. Agreement to Provide Services

The	Governing Board
of	City Council
and	Primary Government Unit
	City of Brevard
	Discretely Presented Component Unit (DPCU) (if applicable)
	N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name
	Gould Killian CPA Group, P.A.
	Auditor Address
	100 Coxe Avenue, Asheville, NC 28801

Hereinafter referred to as Auditor

for	Fiscal Year Ending	Date Audit Will Be Submitted to LGC
	06/30/24	10/31/24

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards (GAGAS)* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

Effective for audits of fiscal years beginning on or after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee based upon federal criteria in the Uniform Guidance §200.520(a), and (b) through (e) as it applies to State awards. In addition to the federal criteria in the Uniform Guidance, audits must have been submitted timely to the LGC. If in the reporting year, or in either of the two previous years, the unit reported a Financial Performance Indicator of Concern that the audit was late, then

the report was not submitted timely for State low-risk auditee status. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters. If matters identified during the audit were required to be reported as described in AU-C §260.12-.14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.
10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: ☒ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:

Title and Unit / Company:

Email Address:

Dean Luebbe

Finance Director/City of Brevard

dean.luebbe@cityofbrevard.com

OR Not Applicable ☐ (Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

Primary Government Unit	City of Brevard
Audit Fee (financial and compliance if applicable)	\$ 37,400
Fee per Major Program (if not included above)	\$ 3,900 (not to exceed amount includes 2 major programs)
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$ 7,500
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$ 52,700

Discretely Presented Component Unit	N/A
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Gould Killian CPA Group, P.A.	
Authorized Firm Representative (typed or printed)* Travis S. Keever	Signature* 
Date* 02/27/24	Email Address* tkeever@gk-cpa.com

GOVERNMENTAL UNIT

Governmental Unit* City of Brevard	
Date Governing Board Approved Audit Contract* (Enter date in box to right)	
Mayor/Chairperson (typed or printed)*	Signature*
Date	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by This Transaction:	\$ 52,700
Primary Governmental Unit Finance Officer* (typed or printed)	Signature*
Date of Pre-Audit Certificate*	Email Address*

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Enter date in box to right)	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by this Transaction:	\$
DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all
required signatures prior to submission.

PRINT



February 19, 2024

To the City Council and
Members of Management
City of Brevard
95 West Main St.
Brevard, NC 28712

Agreement to Provide Services

This agreement to provide services (the “Agreement”) is intended to describe the nature and scope of our services.

Objectives and Scope of the Audit

As agreed, Gould Killian CPA Group, P.A. (“GK” or “we”) will audit the financial statements of the governmental activities, business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of City of Brevard as of and for the year ended June 30, 2024. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management’s discussion and analysis (MD&A), to supplement City of Brevard’s basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Brevard’s RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management’s Discussion and Analysis
2. Required schedules for Law Enforcement Officers’ Special Separation Allowance

3. Required schedules for the Local Government Employees' Retirement System
4. Required schedules for Other Postemployment Benefits

We have also been engaged to report on supplementary information other than RSI that accompanies City of Brevard's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. We will provide an opinion on it in relation to the financial statements as a whole, in a separate written report accompanying our auditor's report on the financial statements:

1. Combining and individual fund statements, budgetary schedules, other schedules
2. Schedule of expenditures of federal and state awards (when applicable)

The introductory and statistical sections will not be subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we will not express an opinion or provide any assurance on them.

Audit Objectives

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually-or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on —

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- (Only if a single audit is determined to be required) – internal control over compliance related to major programs and an opinion on compliance with federal statutes, regulations, and the terms and conditions of federal and state awards that could have a direct and material effect on each major program in accordance with Single Audit Act Amendments of 1996 and *Title 2 U.S. Code of Federal Regulations (CFR) part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)*.

Auditor's Responsibilities for the Audit of Financial Statements and Single Audit (if applicable)

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we will exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will bring these misstatements to your attention as proposed adjustments. At the conclusion of our audit we will communicate to those charged with governance (as defined below) all uncorrected misstatements. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit, if applicable. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry.

We have identified the following significant risk of material misstatement as part of our audit planning:

1. Management's override of internal controls

Audit Procedures—Internal Control

We will obtain an understanding of the City and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and to obtain evidence sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than one resulting from error, as fraud may involve collusion, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by Uniform Guidance (if a Single Audit is required), we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal and state award program, as required by the Uniform Guidance. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Brevard's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

If a Single Audit is required, the Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal and state awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City of Brevard's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to an audit. The purpose of these procedures will be to express an opinion on the City of Brevard's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Management Responsibilities for the Financial Statements and Single Audit (if applicable)

Our audit will be conducted on the basis that you (management) acknowledge and understand that you are responsible for (1) establishing and maintaining effective internal controls, including internal controls over federal awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that City programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal and state awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under *Government Audit Standards* and under Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.

Management's responsibilities also include identifying and informing us of significant contractor relationships in which the contractor is responsible for program compliance and for the accuracy and completeness of that information.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the City involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the City received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the City complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal and state awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan.

If a Single Audit is required, you are responsible for identifying all federal and state awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal and state awards (including notes and noncash assistance received, and COVID-19

related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal and state awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal and state awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal and state awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal and state awards no later than the date the schedule of expenditures of federal and state awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal and state awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal and state awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and state awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal and state awards, and related notes, and any other non-audit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal and state awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal and state awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the non-audit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Reproduction of Audit Report

If the City plans any reproduction or publication of a document that includes our report, or any portion of it, and that is assembled differently from any paper or electronic version that we have previously reviewed (e.g., by the addition of financial statements and/or accompanying information that you have produced), a copy of the entire document in its final form should be submitted to us in sufficient time for our review and written approval before printing. You also agree to provide us with a copy of the final reproduced material for our written approval before it is distributed. If, in our professional judgment, the circumstances require, we may withhold our written approval.

Posting of Audit Report and Financial Statements on Your Website

You agree that, if you plan to post an electronic version of the financial statements and audit report on your website, you will ensure that there are no differences in content between the electronic version of the financial statements and audit report on your website and the signed version of the financial statements and audit report provided to management by GK. You also agree to indemnify the GK from any and all claims that may arise from any differences between the electronic and signed versions.

Review of Documents In Connection With Offering of Sale of Debt

The audited financial statements and our report thereon should not be provided or otherwise made available to lenders, other financial institutions or sources of financing, or others (including advisors to such parties) in connection with any document to be used in the process of obtaining capital, including, without limitation, by means of the sale of securities (including securities offerings on the Internet) without first submitting copies of the document to us in sufficient time for our review and written approval. If, in our professional judgment, the circumstances require, we may withhold or condition our written approval.

Availability of Records and Personnel

You agree that all records, documentation, and information we request in connection with our audit will be made available to us (including those pertaining to related parties), that all material information will be disclosed to us, and that we will have the full cooperation of, and unrestricted access to, your personnel during the course of the engagement.

You also agree to ensure that any third-party valuation reports that you provide to us to support amounts or disclosures in the financial statements (a) indicate the purpose for which they were intended, which is consistent with your actual use of such reports; and (b) do not contain any restrictive language that would preclude us from using such reports as audit evidence.

Assistance by Your Personnel

We also ask that your personnel prepare various schedules and analyses for our staff. However, except as otherwise noted by us, no personal information other than names related to City employees and/or customers should be provided to us. In addition, we ask that you provide high-speed Internet access to our engagement team, if practicable, while working on the City's premises. This assistance will serve to facilitate the progress of our work.

Peer Review Reports

Government Auditing Standards requires that we provide you with a copy of our most recent quality control review report. Our latest peer review report accompanies this letter.

Other Services

We are always available to meet with you and members of City Council at various times throughout the year to discuss current business, operational, accounting, and auditing matters affecting the City. Whenever you feel such meetings are desirable, please let us know. We are also prepared to provide services to assist you in any of these areas. We will also be pleased, at your request, to attend governing board meetings.

We will also assist in preparing the financial statements, schedule of expenditures of federal and state awards (if applicable), and related notes of City of Brevard in conformity with U.S. generally accepted accounting principles based on information provided by you. These non-audit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings (if applicable). It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal and state awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

Independence

Professional and certain regulatory standards require us to be independent, in both fact and appearance, with respect to the City in the performance of our services. Any discussions that you have with personnel of GK regarding employment could pose a threat to our independence. Therefore, we request that you inform us prior to any such discussions so that we can implement appropriate safeguards to maintain our independence.

In order for us to remain independent, professional standards require us to maintain certain respective roles and relationships with you with respect to the non-attest services described above. Prior to performing such services in conjunction with our audit, management must acknowledge its acceptance of certain responsibilities.

We will not perform management functions or make management decisions on behalf of the City. However, we will provide advice and recommendations to assist management of the City in performing its functions and fulfilling its responsibilities.

The City agrees to perform the following functions in connection with our performance of the financial statement services:

- a. Make all management decisions and perform all management functions with respect to the financial statement services provided by us.
- b. Assign Dean Luebke to oversee the financial statement services and evaluate the adequacy and results of the services.
- c. Accept responsibility for the results of the financial statement services.

The services are limited to those outlined above. We, in our professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as making management decisions or performing management functions. The City must make all decisions with regard to our recommendations. By signing this Agreement, you acknowledge your acceptance of these responsibilities.

Engagement Administration, Fees, and Other

We will provide copies of our reports to the members of City Council of the City of Brevard; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

Many banks have engaged a third party to electronically process cash or debt audit confirmation requests, and certain of those banks have mandated the use of this service. Further, such third party confirmation processors also provide for the electronic (and manual) processing of other confirmation types (e.g., legal, accounts receivable, and accounts payable). To the extent applicable, the City hereby authorizes GK to participate in such confirmation processes, including through the third party's website (e.g., by entering the City's bank account information to initiate the process and then accessing the bank's confirmation response), and agrees that GK shall have no liability in connection therewith.

The audit documentation for this engagement is the property of Gould Killian CPA Group, P.A. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the North Carolina Local Government Commission or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Gould Killian CPA Group, P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the federal or state oversight agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit in June 2024 and to issue our reports no later than October 31, 2024. Travis S. Keever is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fixed charges to the City for the services described above of \$44,900 are expected to be \$37,400 for the financial statement audit and \$7,500 for financial statement preparation. An additional variable fee of \$3,900 per major program will be charged should a federal and/or state single audit be necessary.

The fees are based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. We anticipate the time necessary to complete your audit will approximately 375 hours in total. If significant additional time is necessary (over 375 hours), we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation.

This fee structure does not take into consideration effects that any future standards promulgated by the Governmental Accounting Standards Board and/or other professional bodies will have on our audit procedures. As we become aware of additional audit procedures resulting from these circumstances, we will notify you of the situation and the estimated additional cost.

As a result of future services to you, we might be requested or required to provide information or documents to you or a third party in a legal, administrative, arbitration, or similar proceeding in which we are not a party. If this occurs, our efforts in complying with such requests will be deemed billable to you as a separate engagement. We shall be entitled to compensation for our time and reasonable reimbursement for our expenses (including legal fees) in complying with the request. For all requests we will observe the confidentiality requirements of our profession and will notify you promptly of the request.

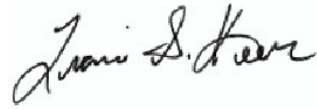
Reporting

We will issue written reports upon our completion of the audit. Our reports will be address to the members of the City Council for the City of Brevard, North Carolina. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs to our auditor's report, or if necessary, withdraw from this engagement. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue reports, or may withdraw from this engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. If applicable, the Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We believe the foregoing letter accurately summarized the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please acknowledge this by signing and returning to us a copy of this Agreement and retaining a copy for your files. We will forward the signed engagement letter and LGC contract to the Local Government Commission.

Very truly yours,



Travis S. Keever
Certified Public Accountant

RESPONSE:

This letter correctly sets forth the understanding of City of Brevard.

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____

STAFF REPORT

City Council, Monday, March 18, 2024

Title: Resolution Directing Clerk to Investigate Sufficiency of Petition for Annexation - Pisgah Hospitality, LLC / Intersection of Lambs Creek Road and US Highway 64

Speaker: Aaron Bland

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Background

A Petition Requesting Voluntary Contiguous Annexation was submitted on June 14, 2023 by Pisgah Hospitality, LLC. The Petition requests that the property located at the intersection of Lambs Creek Road and US Highway 64/276, Brevard, be annexed into the City of Brevard. (Tax Property Identification Numbers: 8597-01-8529-000; 8597-01-6950-000; 8597-02-9059-000; 8597-12-0348-000; and a portion of 8597-11-1969-000).

When the petition was submitted in June 2023, a metes and bounds description was not included. Because a portion of the Pisgah Hospitality property is already within city limits, staff requested a metes and bounds description of the property outside city limits that they wished to annex. The metes and bounds description was received on March 4, 2024.

Discussion

In keeping with NCGS 160A-31(c), City Council is asked to direct the City Clerk to Investigate the Sufficiency of the Petition.

Policy Analysis

In keeping with the City's annexation procedures, the applicant has submitted a Petition, metes and bounds description of the property, a copy of the Warranty Deed, and an annexation plat.

Recommendation

Staff recommends Council adopt the drafted Resolution Directing the City Clerk to Investigate the Sufficiency of the submitted Annexation Petition.

Fiscal Impact

None.

Attachments:

1. Petition for Annexation
2. Pisgah Hospitality Annexation Plat
3. Resolution Directing Clerk to Investigate Sufficiency of Petition for Annexation

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



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

Date: 5/30/2023

To the City Council of the City of Brevard:

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

Transylvania County Property Identification Number(s): 8597-11-0513-000
8597-01-8529-000; 8597-01-6950-000; 8597-02-9059-000; 8597-12-0348-000
8597-11-0886-000; 8597-11-1969-000
Street Address: intersection - Lanks Creek Rd : Hwy 64

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

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

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

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

a. Name _____
Address _____
Telephone _____ Email _____
Signature _____

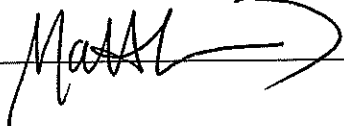
b. Name _____
Address _____
Telephone _____ Email _____
Signature _____

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

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

a. Name Pisgah Hospitality
Address 204 Lois St.
GREENVILLE SC 29601
Telephone ~~919~~ 864 915 8301 Email bjb.sc.us@gmail.com

By: MATTHEW L. GRANDY - MEMBER
Type or Print Name and Title (President / Managing Member)

Signature 

b. Name _____
Address _____
Telephone _____ Email _____

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

Signature _____

c. Name _____
Address _____
Telephone _____ Email _____

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

Signature _____

* * * * *

AGENT:

Name: _____
Address: _____
Telephone: _____ Email _____

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

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

**2022005367**
 TRANSYLVANIA CO, NC FEE \$26.00.
 STATE OF NC REAL ESTATE EXTX
\$1200.00

PRESENTED & RECORDED:

08-23-2022 10:25:47 AM

BETH C LANDRETH

REGISTER OF DEEDS

BY: DELIA MCCALL
DEPUTY REGISTER OF DEEDS**BK: DOC 1050****PG: 151-153****NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$1,200.00

 Parcel Identifier No. _____ Verified by Transylvania County on the 23 day of Aug, 2022
 By: _____
Mail/Box to: JONES, GILLASPIA & LOYD, LLP 5 Park Place East # 201, Brevard, NC 28712This instrument was prepared by: MICHAEL K. PRATT (No title search performed by preparer)

Brief description for the Index: _____

THIS DEED made this 4th day of August, 2022, by and between

GRANTOR	GRANTEE
GAYLE E. RAMSEY, Executor of the Estate of Esther M. Severs	PISGAH HOSPITALITY, LLC, a South Carolina limited liability company
35 North Gaston Street Brevard, NC 28712	204 Lois Street Greenville, SC 29601

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

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

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

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

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Exceptions and reservations contained in this deed and/or in instruments referenced herein.
Easements and rights of way for public and private roads and utilities, of public record.
Lien of ad valorem taxes for the current year and subsequent years, not yet due and payable.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

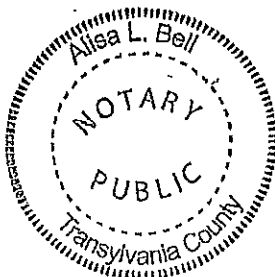
Estate of Esther M. Severs

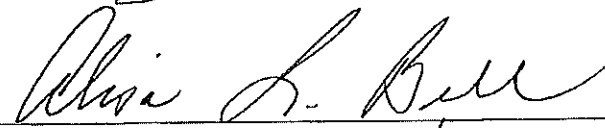
By:  (SEAL)
GAYLE E. RAMSEY, Executor

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: GAYLE E. RAMSEY

WITNESS my hand and Notarial Seal, this the 10 day of August, 2022.




Signature of Notary Public

ALISA L. BELL
Printed or typed name of Notary Public

My commission expires: 4/20/26

EXHIBIT "A" TO A DEED FROM SEVERS ESTATE TO THE STAYTION, LLC

Tract 1 and Tract 2 totaling 9.11 acres, more or less, shown on a survey prepared by E. Roger Raxter for Pisgah Hospitality, LLC, dated April 27, 2022, thereof recorded in Plat File 22, Slide 295, Records of Plats for Transylvania County, and being also a part of that property described in Deed Book 66, page 515.

Also conveyed herewith is all of Seller's right, title and interest in and to that certain Lease Agreement between Esther Severs and the Lamar Companies, dated 1-10-2003, to the extent that it covers the billboards which now remain on the subject property. This conveyance is made subject to that Lease Agreement.

Esther M. Severs died on May 27, 2006. The Grantor is authorized and directed to sell the subject property by item Three of the Last Will and Testament of Esther M. Severs, dated December 10, 1997, which has been filed for probate with the Office of the Clerk of Superior Court for Transylvania County, File Number 2006 E 143.

Z:\2021 PENDING RE FILES\Working RE FILES\1 Severs Estate\Ex. A Severs Estate.wpd



2022006615

TRANSYLVANIA CO, NC FEE \$26.00

NO TAXABLE CONSIDERATION

PRESENTED & RECORDED:

10-20-2022 01:46:29 PM

BETH C LANDRETH

REGISTER OF DEEDS

BY: D REE MCCALL

DEPUTY REGISTER OF DEEDS

BK: DOC 1057

PG: 393-395

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$0.00*

 Parcel Identifier No. _____ Verified by Transylvania County on the 20 day of October, 2022
 By: ce
Mail/Box to: JONES, GILLASPIA & LOYD, LLP 5 Park Place East # 201, Brevard, NC 28712This instrument was prepared by: MICHAEL K. PRATT (No title search performed by preparer)Brief description for the Index: Lots 3, 4, 5 & 6, totaling 6.87 acresTHIS DEED made this 20 day of October, 2022, by and between

GRANTOR

 GAYLE E. RAMSEY, Executor of the
 Estate of Esther M. Severs

 35 North Gaston Street
 Brevard, NC 28712

GRANTEE

 PISGAH HOSPITALITY, LLC, a South Carolina
 limited liability company

 204 Lois Street
 Greenville, SC 29601

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

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

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

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

*The Excise tax is \$600.00 but has already been collected by the Transylvania County Register of Deeds Office prior to the recording of this deed.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Exceptions and reservations contained in this deed and/or in instruments referenced herein.
Easements and rights of way for public and private roads and utilities, of public record.
Lien of ad valorem taxes for the current year and subsequent years, not yet due and payable.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

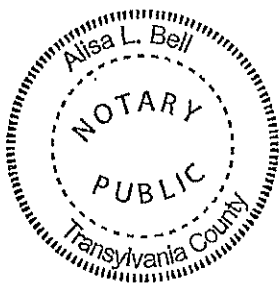
Estate of Esther M. Severs

By: Gayle E. Ramsey (SEAL)
GAYLE E. RAMSEY, Executor

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: GAYLE E. RAMSEY

WITNESS my hand and Notarial Seal, this the 18 day of October, 2022.



Alisa L. Bell
Signature of Notary Public
Alisa L. Bell

Printed or typed name of Notary Public

My commission expires: 4/26/26

EXHIBIT "A" TO A DEED FROM THE ESTATE OF ESTHER M. SEVERS 2006-E-143 TO PISGAH HOSPITALITY, LLC

Tracts 3, 4, 5 and 6 totaling 6.87 acres, more or less, shown on a survey prepared by E. Roger Raxter for Pisgah Hospitality, LLC, dated April 27, 2022, thereof recorded in Plat File 22, Slide 295, Records of Plats for Transylvania County, and being also a part of that property described in Deed Book 66, page 515.

Also conveyed herewith is all of Seller's right, title and interest in and to that certain Lease Agreement between Esther Severs and the Lamar Companies, dated 1-10-2003, to the extent that it covers any billboards which are now located on the subject property. This conveyance is made subject to that Lease Agreement.

Esther M. Severs died on May 27, 2006. The Grantor is authorized and directed to sell the subject property by item Three of the Last Will and Testament of Esther M. Severs, dated December 10, 1997, which has been filed for probate with the Office of the Clerk of Superior Court for Transylvania County, File Number 2006 E 143.

PIN	OWNER_NAME	ADDRESS_1	CITY	STATE	ZIP_CODE	ACRES	LEGAL_ADDR
8597-01-6950-006	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	4.55295923	TR-2 Lambs Creek Rd
8597-01-8529-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	2.409	pt of TR-1 Lambs Creek Rd
8597-02-9059-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	3.34645335	TR 3 & pt of TR4 Lambs Creek Rd
8597-11-0513-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	2.167	pt of TR-1 Lambs Creek RD
8597-11-0886-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	0.356	pt of TR-4 Lambs Creek Rd
8597-11-1969-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	1.102	TR-6 Lambs Creek Rd
8597-12-0348-000	Pisgah Hospitality LLC	204 Lois St	Greenville	SC	29601	1.094	TR-5 Lambs Creek Rd

ORDINANCE NO. 2022-26

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF BREVARD TO ESTABLISH
THE COMPO BREVARD CONDITIONAL ZONING DISTRICT**

WHEREAS, the City of Brevard has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, in response to an application for rezoning filed by TR Hospitality for the property described as PINs 8597-11-0513-000, 8597-01-8529-000 8597-01-6950-000, 8597-02-9059-000, 8957-12-0348-000, 8597-11-0886-000, and 8597-11-1969-000 (hereafter "Subject Properties" or "Project Area") to be rezoned to Neighborhood Mixed Use Conditional Zoning District, the City of Brevard Planning Board considered REZ-22-003 on April 26, 2022, and unanimously recommended approval; and

WHEREAS, the Brevard Planning Board has determined that the application for rezoning all of these properties is consistent with the following polices and goals of the 2015 Comprehensive Plan:

1. **OBJECTIVE 2.1:** As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.
 - a. **POLICY 2.1.A:** Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.
2. **OBJECTIVE 4.1:** Increased efficiency of land uses to help stabilize and grow the City's tax base.
 - a. **POLICY 4.1.A:** Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.
 - b. **POLICY 4.1.G:** Modify development ordinances and regulations in incorporate design standards and guidelines that respect existing community character while allowing greater residential density of nonresidential development within mixed use zoning districts.
3. **OBJECTIVE 4.4:** Creation of new opportunities for citizens and visitors to experience recreation and nature.

and Council finds that this Ordinance is also consistent therewith; and

WHEREAS, the Brevard Planning Board has determined that the application for rezoning these properties is inconsistent with the 2002 Future Land Use Map, and Council concurs and also finds that this Ordinance is inconsistent therewith; and

WHEREAS, in accordance with North Carolina General Statute 160D-605 Council finds that this Ordinance is also reasonable and consistent therewith and that the proposed uses are reasonable and consistent within the context of the new zoning district and the prevalence of uses in the vicinity of the properties due to the following factors:

1. The conditional district provides the opportunity for crafting a site-specific zoning code that allows for context-sensitive considerations to protect the residential and camp uses along Lambs Creek Road from commercial uses which are appropriate to be located along the Asheville Highway frontage.
2. A nature-oriented destination site will help ensure the sensitive mountain slopes, the trout stream, and its associated floodplain will be protected and even enhanced, as they are an asset to the proposed project rather than an obstacle.
3. The preliminary master plan shows higher-intensity land uses adjacent to Asheville Highway, away from neighboring residential uses.

and

WHEREAS, a public hearing was held on May 16, 2022, in consideration of rezoning of the Subject Properties to Neighborhood Mixed Use Conditional Zoning District; and

WHEREAS, the City Council, after hearing all persons wishing to comment on this request, desires to approve said request.

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 to establish the Compo Brevard Conditional Zoning District with the Neighborhood Mixed Use Base District as described in Exhibit A attached hereto and incorporated herein.

Section 2. The District is a conditional zoning district established pursuant to the Unified Development Ordinance of the City of Brevard by means of authority granted by the North Carolina General Statutes.

Section 3. Development and use of lands within the District shall occur in accordance with the approved Preliminary Master Plan, which is attached to this ordinance and incorporated herein as Exhibit B, as well as the List of Conditions outlined below. This Ordinance and its exhibits shall run with the land and shall be binding on the TR Hospitality LLC, its heirs and assigns.

Section 4. List of Conditions.

- A. Except as set forth in Section 4.C, below, development within the District shall comply with all applicable provisions of Brevard City Code, including but not limited to,
1. City of Brevard Unified Development Ordinance, general provisions and provisions specifically applicable to properties within Neighborhood Mixed Use Districts
 2. Chapter 62. Streets, Sidewalks, and Other Public Ways
 3. Chapter 70. Utilities
- B. Any and all unique architecture and building types shall fully conform to all applicable North Carolina State Building Codes.
- C. The following may be permitted within the District:
1. The base zoning district shall be Neighborhood Mixed Use.
 2. The table of allowed uses in the District shall follow that of Neighborhood Mixed Use, with the following alterations:

Use	Removed from base NMX	Added to NMX-CD
Hotels/Motels/Inns	—	P
Rental Cottage/Cabins ¹	PS	P
Animal Services	P	—
Banks, Credit Unions, Financial Services	P	—
Drive Thru Service	SUP	—
Funeral Homes	PS	—
Group Care Facility	P	—
Kennels	SUP	—

Landscaping Services	SUP	—
Medical Services – Doctor Office	P	—
Vehicle Services – Minor Maintenance/Repair	SUP	—
Alcoholic Beverage Sales Store	SUP	—
Bar/Tavern/Night Club	SUP	P2
Gas Station	SUP	—
Vehicle/Heavy Equipment Sales – Indoor	PS	—
Metal Products Fabrication, Machine or Welding Shop	SUP	—
Cemeteries	PS	—
Jail	SUP	—
Public Safety Station	P	—
Schools – Elementary and Secondary	P	—
Schools – Vocational/Technical	P	—
Human Crematories	PS	—
1 As a stand-alone use. 2 Only bar/tavern; night club is not an allowed use.		

3. The maximum residential dwelling unit density shall be 4 dwelling units per acre. This density limit shall not be applied to lodging units.
4. Minimum setbacks from property lines shall follow those shown on the attached master plan.
5. Ground floor of each principal structure shall be a maximum of 30,000 square feet of gross heated area (does not include unheated or unenclosed floor area such as terraces and structured parking).
6. Maximum building height shall be limited as shown in the attached master plan. Building height shall be calculated as defined in the UDO Section 5.18.
7. The hours of operation for any outdoor event space shall be from 8:00 AM to 10:00 PM.
8. Buffer areas adjacent to General Residential districts shall be 40 feet in width.
9. The Developer shall explore placing buffer areas and unbuildable areas of the project site into a conservation easement in coordination with a non-profit land trust, such as Conserving Carolina, within 10 years.
10. The Developer shall construct a fence along the boundary of the Tanglewood Heights side of the project where feasible given existing slope conditions. Such fence shall be constructed before final zoning inspection approval of any development of Zone D.
11. Final master plans shall include a detailed stormwater management plan for that particular phase controlling for the net increase of impervious surface of that phase and demonstrating compliance with Chapter 6 of the UDO as certified by the City's consultant hydraulic

engineer. The stormwater infrastructure shall be installed prior to the issuance of final zoning approval and certificate of occupancy for any development activity of the particular phase.

12. Demolition and remediation of structures in close proximity to Lambs Creek, including but not limited to residential structures, underground storage tanks, and creek channelization or retention structures, shall be done in coordination with, and according to all requirements and/or best practices of, the US Army Corps of Engineers and the North Carolina Department of Environmental Quality.
13. Interior private access roads may follow Low Impact Design standards for streets.
14. Due to the low impact nature of this development, Zone B as shown on the attached master plan shall not be limited by existing slope. All other zones shall follow the typical slope standards per the UDO.
15. The minimum amount of open space shall be 1.5 acres, across the entire District.
16. All billboards on the project properties shall be removed.

- D. Minor modifications to the approved master plan may be approved by the Administrator as follows:
1. A deviation of up to 10% or 24 inches, whichever is greater, from the approved setbacks.
 2. A reduction of up to 25% in the number of parking spaces.
 3. A reduction of up to 20% in the minimum required distance between driveways and cuts, and between cuts and intersections.
 4. Any other modifications shall be done in accordance with the limitations and procedures prescribed in the UDO.

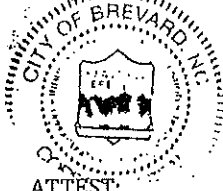
Section 5. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map and the Future Land Use Map consistent with this Ordinance.

Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

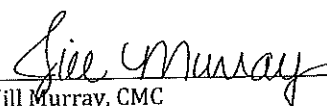
Section 7. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

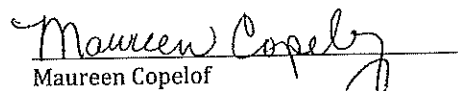
Section 8. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted and approved this the 20th day of June 2022.

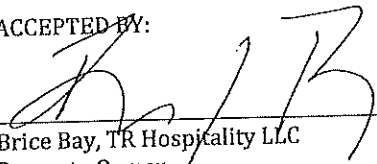


ATTEST:


Jill Murray, CMC
City Clerk

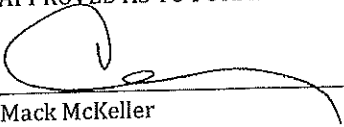

Maureen Copelof
Mayor

ACCEPTED BY:



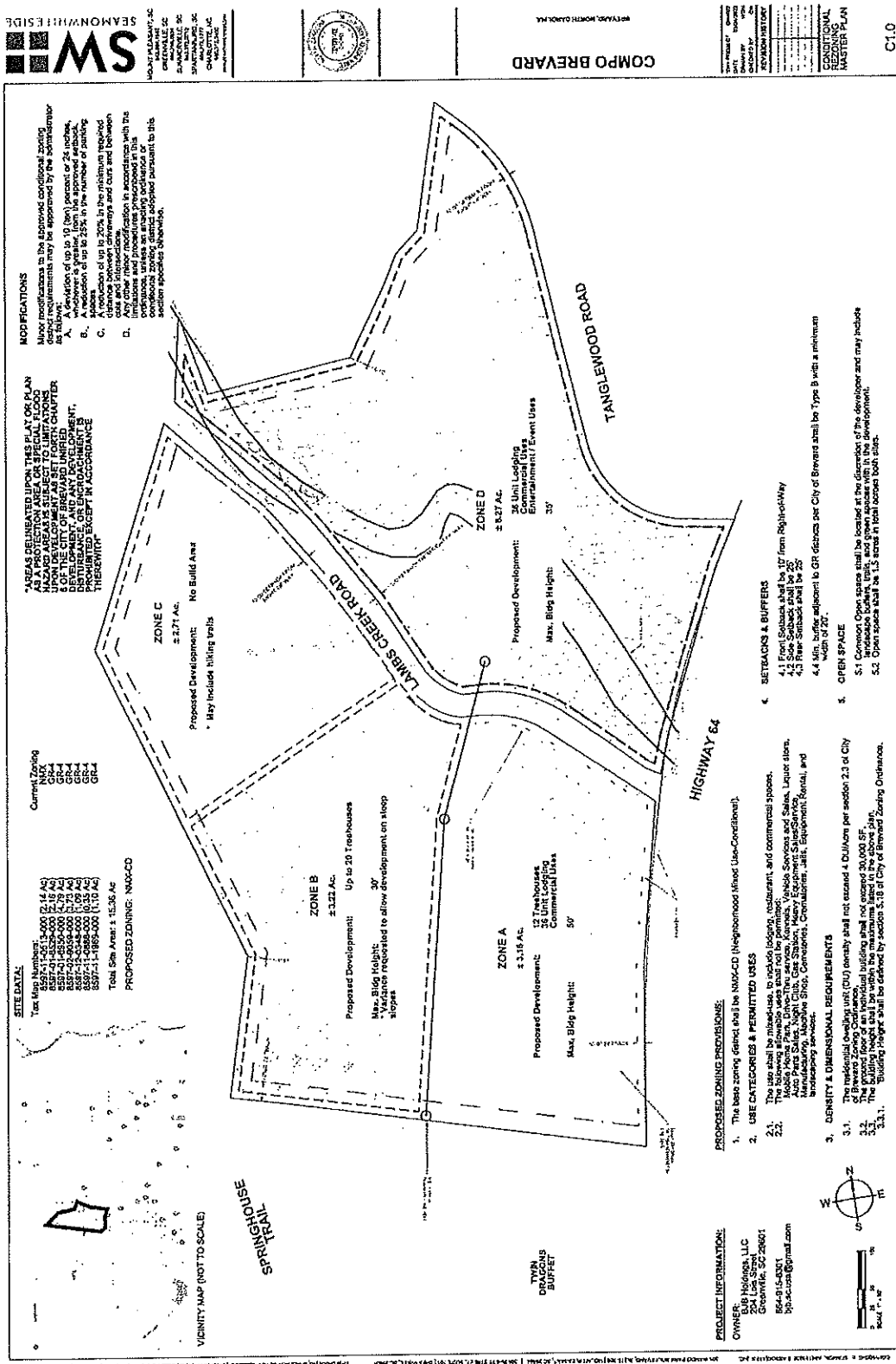
Brice Bay, TR Hospitality LLC
Property Owner

APPROVED AS TO FORM:



Mack McKeller
City Attorney

EXHIBIT B





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.

March 23, 2023

Mr. Bay and Mr. Grandy,

This letter is in response to your request for a modification to your existing conditional zoning district to extend the deadline for submitting a final master plan for the development, or any phase thereof, from one year to two years from the date of the enactment of the ordinance. In light of this request, I make the following determinations:

- The Compo Brevard Conditional Zoning District was established by Ordinance 2022-26, adopted and approved by City Council on June 20, 2022.
- Section 16.9.F of the City of Brevard's Unified Development Ordinance authorizes the Planning Director to review and approve administratively minor modifications to approved conditional zoning districts, so long as the minor modification does not:
 - Involve a change in uses permitted or the density of overall development permitted; and
 - The minor modification does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval; and
 - The minor modification meets all other ordinance requirements.
- This modification request has been determined to be a "minor" modification.

Given that this request does not involve a change of use or density, does not increase the impacts generated by the development on traffic, stormwater runoff or similar impacts beyond what was projected for the original development, and it meets all other ordinance requirements, specifically, not exceeding five years, I hereby approve the request. Accordingly, the date that a final master plan for your development, or phase thereof, must be submitted on or before is now June 20, 2024.

Sincerely,

Paul C. Ray
Planning Director
City of Brevard

CITY OF BREVARD
CASH RECEIPT

Receipt No: 662991
Date: 3/14/2024
Time: 11:20:54AM

Received From:
PISGAH HOSPITALITY LLC

Received: 500.00

For
ZONING ADMIN 500.00
S

Check 500.00

1022
RECEIVED BY WINDOW

LEGEND
CMF CONCRETE MONUMENT FOUND
IRF IRON ROD FOUND
UP UNMARKED POINT
IRS 5/8" IRON SET
R/W RIGHT OF WAY
IPF IRON PIPE FOUND
FH FIRE HYDRANT
TP TELEPHONE PEDESTAL
WM WATER METER
CP CABLE PEDESTAL
MH MAN HOLE
SR STATE ROAD
BFT BURIED FUEL TANK
D.B. DEED OR DOCUMENT BOOK
P.B. PLAT BOOK
P.F. PLAT FILE
NTS NOT TO SCALE
UB UTILITY BOX
BB BILL BOARD
CP CAR PORT
CULVERT +/-
STREAM +/-
WIRE FENCE +/-
UTILITY POLE
OVERHEAD UTILITY LINES
GUARD RAIL
SEWER LINES +/-

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, _____, a Notary Public
of said State and County, do hereby certify that

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

WITNESS my hand and Notarial Seal, this the _____
day of _____, 2022.

Notary Public

My Commission Expires _____

Review Officer Certification.

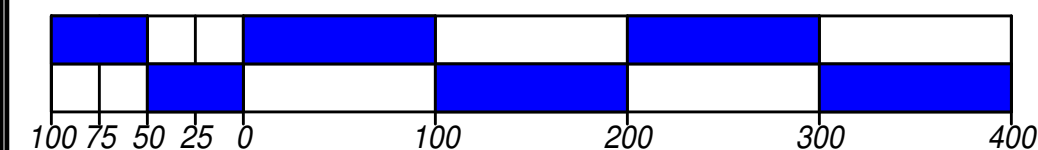
State of North Carolina, County of Transylvania

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

Date _____

Review Officer
CALL TABLE

Id	Bearing	Distance	Id	Bearing	Distance
L1	S 74°17'08" E	5.19'	L31	S 31°02'52" E	13.24'
L2	N 25°05'36" E	38.00'	L32	S 40°08'34" E	11.64'
L3	S 36°07'48" E	11.33'	L33	S 51°57'51" E	11.66'
L4	N 11°43'35" E	33.94'	L34	S 58°40'13" E	12.39'
L5	N 11°43'35" E	4.71'	L35	S 64°45'59" E	11.43'
L6	N 11°43'35" E	84.25'	L36	S 65°40'51" E	11.48'
L7	S 25°51'42" E	44.90'	L37	S 71°45'19" E	16.90'
L8	S 22°20'06" W	18.08'	L38	S 76°21'01" E	48.23'
L9	S 23°52'22" E	60.27'	L39	S 74°57'31" E	26.66'
L10	N 80°39'49" E	15.00'	L40	S 52°48'38" E	45.19'
L11	N 13°53'09" E	32.18'	L41	S 44°36'59" E	66.83'
L12	S 51°15'42" E	25.52'	L42	S 50°24'22" E	36.96'
L13	S 47°19'07" E	41.28'	L43	S 58°10'57" E	61.88'
L14	S 48°58'57" E	20.25'	L44	S 74°49'12" E	80.33'
L15	S 34°10'10" E	23.70'	L45	S 63°46'24" E	22.34'
L16	S 36°14'47" E	23.40'	L46	S 50°47'58" E	18.79'
L17	S 32°09'23" E	24.62'	L47	S 40°49'57" E	22.90'
L18	S 28°56'00" E	29.71'	L48	S 28°01'33" E	111.16'
L19	S 23°02'47" E	24.06'	L49	S 30°03'11" E	28.99'
L20	S 20°28'58" E	20.46'	L50	S 34°32'38" E	35.83'
L21	S 17°46'17" E	18.79'	L51	S 42°19'52" E	91.10'
L22	S 14°15'17" E	16.98'	L52	S 36°15'35" E	168.12'
L23	S 10°23'40" E	19.15'	L53	S 36°15'35" E	38.20'
L24	S 07°30'45" E	20.21'	L54	S 44°05'26" E	12.24'
L25	S 04°57'52" E	121.92'	L55	S 22°04'04" E	29.64'
L26	S 07°12'49" E	88.49'	L56	S 20°04'38" E	67.59'
L27	S 07°12'49" E	57.44'	L57	S 22°56'34" E	70.95'
L28	S 13°31'41" E	16.29'	L58	S 23°59'25" E	38.81'
L29	S 22°14'27" E	14.26'	L59	S 26°47'43" E	47.95'
L30	S 25°09'38" E	12.00'			



GRAPHIC SCALE : 1 INCH = 100 FEET



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

E. ROGER RAXTER
NC PLS L-2938

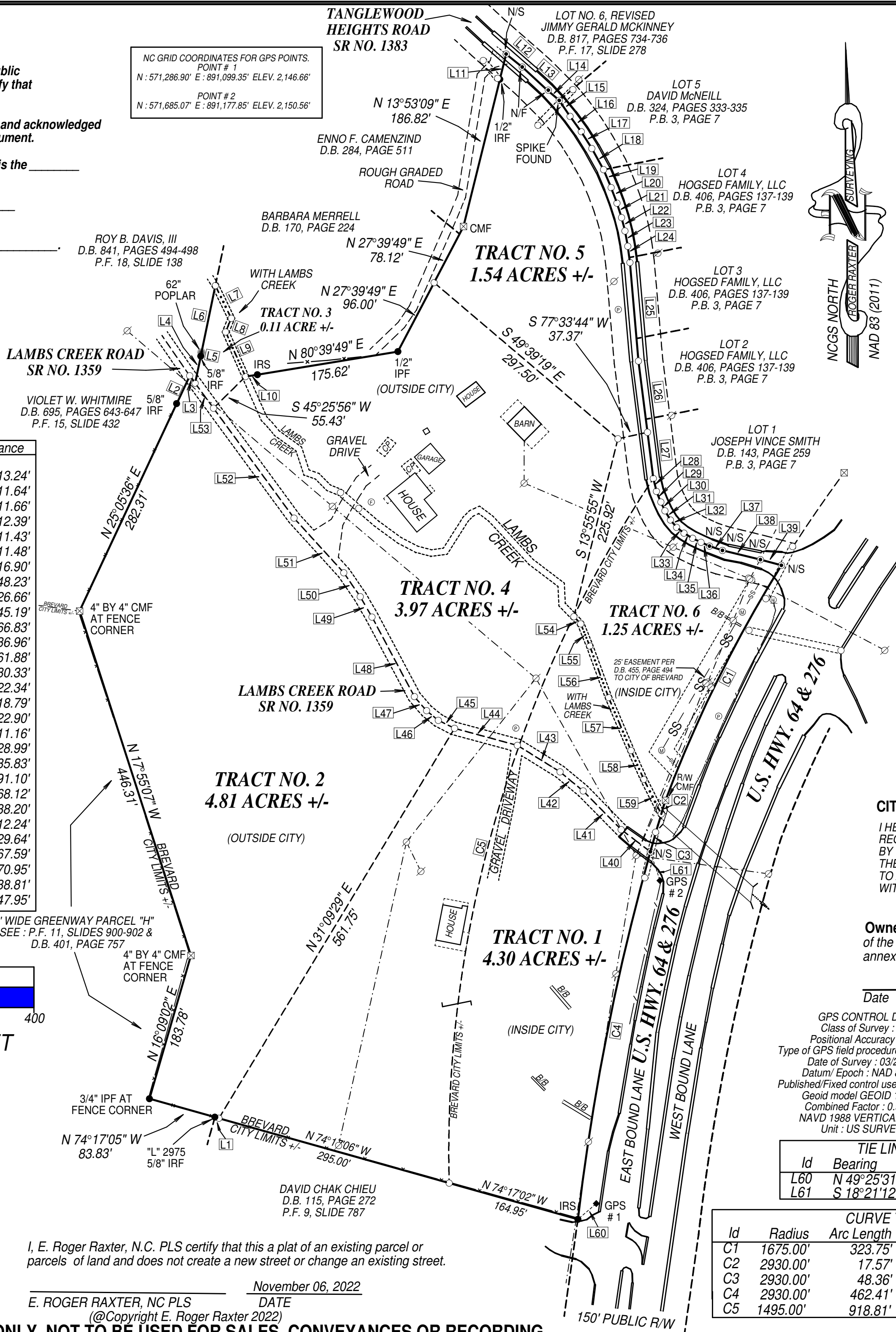
November 06, 2022
DATE

November 06, 2022
DATE
E. ROGER RAXTER, NC PLS
(@Copyright E. Roger Raxter 2022)

PRELIMINARY PLAT ONLY. NOT TO BE USED FOR SALES, CONVEYANCES OR RECORDING.

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

NC GRID COORDINATES FOR GPS POINTS.
POINT # 1
N : 571,286.90' E : 891,099.35' ELEV. 2,146.66'
POINT # 2
N : 571,685.07' E : 891,177.85' ELEV. 2,150.56'



ANNEXATION PLAT -- ORDINANCE NO. _____

PREPARED FOR :

Pisgah Hospitality, LLC,
a South Carolina limited liability company

PROPERTY LOCATED IN :
BREVARD TOWNSHIP
CITY OF BREVARD (PORTION)
TRANSYLVANIA COUNTY
NORTH CAROLINA

DEED REFERENCES : D.B. 1050, PAGES 151-153 &
D.B. 1057, PAGES 393-395.

PLAT REFERENCE : P.F. 22, SLIDE 295.

DATE : NOVEMBER 06, 2022.

NOTES

- 1) This property is located in Zone X, areas determined to be outside the 500-year floodplain per F.I.R.M. of this area dated October 02, 2009, except as noted.
- 2) This property is subject to matters found by a title examination and also subject to all restrictions, setback lines, roadways, zoning ordinances and right of ways appearing on this property and/or of record.
- 3) Area computed by coordinate method, including all right of ways.
- 4) This is of another category, such as the recombination of existing parcels, a court ordered survey or other exception to the definition of subdivision. (GS 47-30)(11) d.
- 5) This map is not transferable, and may not be used by any person or entity without written authorization from E. Roger Raxter, PLS. This plat is provided for the use of the parties named herein.
- 6) The corners found and set are one inch to twelve inches above the ground, unless otherwise noted.
- 7) This plat does not certify legal title to the land itself or to the boundaries shown. Users of this plat should obtain an accurate legal opinion as to the ownership within the boundaries of this plat.
- 8) The right of way width of Tanglewood Heights is 60' wide per P.B. 3, page 7, it is an existing 18' +/- public asphalt road. The right of way width of U.S. Highways 64 and 276 is 150' wide per D.B. 119, page 149. The location of this right of way is based on the existing concrete monuments found and the location of the existing road. The right of way width of Lambs Creek Road is unknown, it is an existing 16' +/- public gravel roadbed.
- 9) The points not labeled are unmarked points.
- 10) The division lines were not surveyed by me, their location was determined from the recorded plat referred to above, except for with Lambs Creek Road.
- 11) The existing sewer line easement as described in D.B. 455, page 494 is 25' wide, 12.5' each side of the existing sewer line.
- 12) GPS # 1 & # 2 are 1/2" iron rods set. The GPS survey was used for control only.
- 13) All distances are horizontal ground distances.
- 14) The Tax Pin's are : 8597-01-6950-000 & 8597-01-8529-000 & 8597-11-0513-000 & 8597-11-0886-000 & 8597-11-1969-000 & 8597-02-9059-000 & 8597-12-0348-000.
- 15) The location of the Brevard City Limits line is approximate only, being scaled from the Transylvania County Tax Map.
- 16) The owners are PISGAH HOSPITALITY, LLC, a South Carolina limited liability company @ 204 Lois Street, Greenville, SC, 29601.
- 17) The boundary survey was done in April, 2022.
- 18) The area to be annexed into The City of Brevard is 12.23 acres +/-.

CITY OF BREVARD-ANNEXATION

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

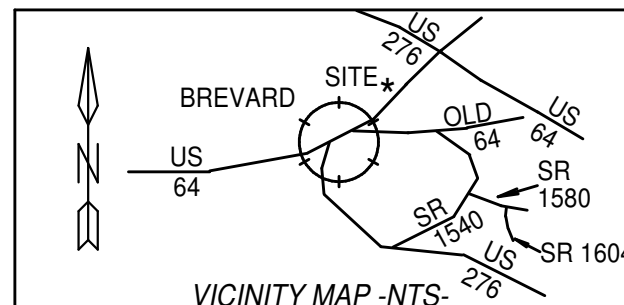
Owner Certificate- Annexation: I (we) hereby certify that I am (we are) the owner(s)
of the property shown and described hereon and that I (we) hereby adopt this plat of
annexation with my (our) free consent.

Date _____ Owner _____

GPS CONTROL DATA
Class of Survey : B
Positional Accuracy : 0.03'
Type of GPS field procedure : RTK NETWORK ROVER
Date of Survey : 03/29/2022
Datum/ Epoch : NAD 83 (2011)
Published/Fixed control use : NC VRS NETWORK
Geoid model GEOID 12B (CONUS)
Combined Factor : 0.999715
NAVD 1988 VERTICAL DATUM
Unit : US SURVEY FEET

Id	Bearing	Distance
L60	N 49°25'31" E	29.91'
L61	S 18°21'12" E	37.47'

Id	Radius	Arc Length	Chord	Ch Bear
C1	1675.00'	323.75'	323.25'	S 26°15'24" W
C2	2930.00'	17.57'	17.57'	S 16°48'07" W
C3	2930.00'	48.36'	48.36'	S 16°09'27" W
C4	2930.00'	462.41'	461.93'	S 11°09'43" W
C5	1495.00'	918.81'	904.42'	S 16°10'08" W



Plat Prepared By :
E. ROGER RAXTER, N.C. PLS L-2938
1101 SILVERSTEEN ROAD
LAKE TOXAWAY, N.C. 28747
PHONE : (828) 966-4399 OR
CELL : (828) 226-0251
E-MAIL : erraxter@gmail.com
DATE NOVEMBER 06 2022 DRAWING NUMBER 22017D

RESOLUTION NO. 2024-XX

A RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF A PETITION FOR AN ANNEXATION PURSUANT TO NCGS 160A-31, AS AMENDED

WHEREAS, a petition was received on June 14, 2023, requesting the annexation of a contiguous area described in said Petition as the Pisgah Hospitality property at the intersection of Lambs Creek Road and US Highway 64, Brevard, NC 28712, consisting of 12.23 acres, more or less, be annexed into the City of Brevard. (Tax Property Identification Numbers: 8597-01-8529-000; 8597-01-6950-000; 8597-02-9059-000; 8597-12-0348-000; and a portion of 8597-11-1969-000).

Metes and Bounds Property Description:

Beginning on an unmarked point in the existing City of Brevard City Limits, being located in the North boundary line of the property of David Chak Chieu per Deed Book 115, Page 272 and as shown on a plat recorded in Plat File 9, Slide 787. Said point also being located N 74°17'02" W, 164.95' from an iron rod set at the Northeast corner of the noted Chieu property. Thence running with the Chieu property line and with the existing City of Brevard City Limits two calls: N 74°17'06" W, 295.00' and N 74°17'08" W, 5.19' to an existing 5/8" iron rod found. Thence running N 74°17'05" W, 83.83' to an existing 3/4" iron pipe found at a fence corner. Thence running with the Eastern boundary of a 1' wide greenway area per Plat File 11, Slides 900-902 and generally with an existing wire fence and existing City Limits for two calls: N 16°09'02" E, 183.78' to an existing concrete monument found at a fence corner and N 17°55'07" W, 446.31' to an existing concrete monument found at a fence corner. Thence leaving the existing City Limits boundary and running generally with an existing wire fence and with the Violet W. Whitmire property per Deed Book 695, Pages 643-647 two calls: N 25°05'36" E, 282.31' to an existing 5/8" iron rod and N 25°05'36" E, 38.00' to an unmarked point in the center of Lambs Creek Road, State Road No. 1359. Thence running with the center of Lambs Creek Road, S 36°07'48" E, 11.33' to an unmarked point. Thence leaving Lambs Creek Road and running with the boundary of Roy B. Davis, III per Deed Book 841, Pages 494-498 for three calls: N 11°43'35" E, 33.94' to an existing 5/8" iron rod found, N 11°43'35" E, 4.71' to a 62" poplar tree and N 11°43'35" E, 84.25' to an unmarked point in the center of Lambs Creek, thence running down and with the center of Lambs Creek for three calls to unmarked points: S 25°51'42" E, 44.90', S 22°20'06" W, 18.08' and S 23°52'22" E, 60.27'. Thence running with the property of Barbara Merrell per Deed Book 107, Page 224 for four calls: N 80°39'49" E, 15.00' to an iron rod set, N 80°39'49" E, 175.62' to a 1/2" iron pipe found, N 27°39'49" E, 96.00' to an unmarked point and N 27°39'49" E, 78.12' to a concrete monument found. Thence running with the Enno F. Camenzind property per Deed Book 284, Page 511 for two calls: N 13°53'09" E, 186.82' to a 1/2" iron pipe found and N 13°53'09" E, 32.18' to a nail set in the center of Tanglewood Heights Road, State Road No. 1383. Thence generally running with the center of Tanglewood Height Road, S 51°15'42" E, 25.52' to a nail found and S 47°19'07" E, 41.28' to a nail found and S 48°58'57" E, 20.25' to a spike found and still running generally with the center of Tanglewood Heights Road for thirteen calls to unmarked points: S 34°10'10" E, 23.70' and S 36°14'47" E, 23.40' and S 32°09'23" E, 24.62' and S 28°56'00" E, 29.71' and S 23°02'47" E, 24.06' and S 20°28'58" E, 20.46' and S 17°46'17" E, 18.79' and S 14°15'17" E, 16.98' and S 10°23'40" E, 19.15' and S 07°30'45" E, 20.21' and S 04°57'52" E, 121.92' and S 07°12'49" E, 88.49' and S 07°12'49" E, 57.44' to an unmarked point in Tanglewood Heights Road in the City of Brevard City Limits and then running with the City Limits boundary on a curve running in a Southwestern direction with a radius of 1,495.00' and an arc length of 918.81' with a cord bearing and cord distance of S 16°10'08" W, 904.42' to the unmarked point at the Point of Beginning. Containing 12.23 acres +/- and as shown on a plat recorded in Plat File 22 at Slide 295. Being a portion of the property owned by : PISGAH HOSPITALITY, LLC, a South Carolina limited liability company per Document Book 1050, Pages 151-153 and Document Book 1057 Pages 6-8 and Document Book 1057, Pages 393-395.

WHEREAS, said Petition has been received by the City Council of the City of Brevard, North Carolina; and

WHEREAS, NCGS 160A-31, as amended, provides that the sufficiency of the Petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Brevard deems it advisable to proceed in response to this request for annexation.

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

CITY OF BREVARD, NORTH CAROLINA THAT:

Section 1. The City Clerk is hereby directed to investigate the sufficiency of the above described Petition and to certify as soon as possible to the City Council the result of her investigation.

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

Adopted and approved this the 18th day of March, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

MINUTES

CITY COUNCIL HOUSING COMMITTEE

Tuesday, December 12, 2023 – 3:30 PM

City Hall Council Chambers

Members Present: Pamela Holder, Chair, City Council Member (Arrived 3:39pm)
Aaron Baker, City Council Member
Victor Foster, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: Wilson Hooper, City Manager
Dean Luebbe, Finance Director
Paul Ray, Planning Director
Alex Shepherd, Assistant to the City Manager
Emily Brewer, Planner

Guest Present: City Attorney Mack McKeller; Sara VanLear, Sarah Odio

A. Welcome and Call to Order

Aaron Baker welcomed everyone and called the meeting to order at 3:38 PM.

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes

Motion by Mr. Foster, seconded by Mr. Baker to approve the minutes of the November 14, 2023 meeting as presented. The motion carried unanimously.

E. Closed Session – Property Acquisition: GS § 143-318.11.(a)(5)

At 3:40 p.m. Mr. Baker moved, seconded by Ms. Holder, to enter into closed session to discuss a property acquisition matter pursuant to GS § 143-318.11.(a)(5). City staff as well as City Attorney Mack McKeller, Sara Vanlear and Sarah Odio were allowed to be present. The motion carried unanimously.

At 4:25 p.m. the motion was made and seconded to come out of Closed Session and resume the meeting in open session. The motion carried unanimously.

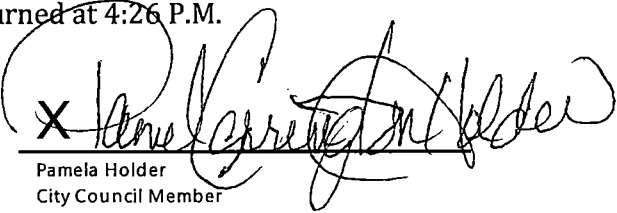
F. Set Date for Next Meeting

The next meeting was scheduled for Tuesday, January 9, 2023 at 3:45 pm.

G. Adjourn

There being no further business, the meeting adjourned at 4:26 P.M.

Minutes Approved: February 13, 2024

X 
Pamela Holder
City Council Member

X 
Alex Shepherd
Assistant to the City Manager

MINUTES

COUNCIL DOWNTOWN MASTER PLAN COMMITTEE

Wednesday, January 10, 2024 – 4:00 PM

City Hall Council Chambers

Members Present: Gary Daniel, Chair, Council Member
Pamela Holder, Vice Chair, Council Member (Arrived 4:15 PM)
Nicole Bentley, Exec Dir. Heart of Brevard
Billy Parrish, Heart of Brevard Representative
Lee McMinn, Citizen Member
Mayor Maureen Copelof, Ex-Officio Member

Staff Present: Wilson Hooper, City Manager
Paul Ray, Planning Director
Alex Shepherd, Assistant to the City Manager
Becky McCann, Communications Coordinator
Emily Brewer, Planner

Guests: Monica Driscoll

Media: Jon Rich, The Transylvania Times

A. Welcome & Call to Order

Committee Chair Gary Daniel welcomed everyone and called the meeting to order at 4:07 PM.

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes of November 8, 2023 Meeting

Motion by Mr. McMinn, seconded by Ms. Bentley to approve the minutes of the November 8, 2023 meeting as presented. The motion carried unanimously.

E. Downtown Tree Update

Mr. Ray informed the committee that he consulted with a landscape architect to assess all species of trees used in the Main St. Project and planned for the Times Arcade Alley Project. He sought advice from Thresa Buckwalter from Traffic Planning and Design, who has extensive experience in roundabout landscaping for us. For the Times Arcade Alley Project, we are using two Trident Maples. Ms. Buckwalter mentioned that these are excellent choices, growing two feet per year with a long lifespan. They display vibrant fall colors and reach a mature height of thirty-five feet. In the Main St. Project, we planted one Sweet Bay Magnolia, and for the Times Arcade Alley Project, we plan to plant two more. Ms. Buckwalter noted that while these trees are excellent, they may be vulnerable to wind damage but are stunning when in bloom. Five Redman American Lindens were used in the Main St. Project, with two proposed for the Times Arcade Alley Project. Ms. Buckwalter emphasized their long history as street trees in the United States and their medium to fast growth rate. Eight American Yellowwoods were planted in the Main St. Project. Ms. Buckwalter mentioned their exceptional flowers, leaves, and typically disease-free nature. Lastly, two White Fringe Trees were planted in the Main St. Project. Ms. Buckwalter described them as adaptable and highly tolerant to urban environments, growing to around fifteen feet tall.

Mr. Daniel asked if he knew the caliper size of the tree that will be placed at Times Arcade Alley.

Mr. Ray said we are not sure until they dig the hole, but we are hoping to install four-inch caliper trees at Times Arcade Alley.

F. Times Arcade Alley Update

Mr. Hooper mentioned that the Times Arcade Alley project will be starting soon. Currently, we are on schedule. However, we do have one potential hold-up due to a property owner not signing the utility easement needed to bury utility wires. Mr. Hooper emphasized that the project will proceed one way or another; the only difference will be whether it's a project that is both functional and visually appealing or one that's solely functional.

Mr. Parrish inquired about a deadline after which we couldn't move forward.

Mr. Hooper replied about three weeks from now, which will give us some time.

G. Sidewalk Usage Discussion

Mr. Hooper mentioned that the sidewalk use standards were something this committee heavily contributed to creating about three years ago at the start of the pandemic. Now that the pandemic is over and the downtown landscape has changed, we wanted to revisit these standards and gather your thoughts on whether they remain relevant or need updating. Additionally, NCDOT is becoming stricter about encroachments into their right of way, so we wanted to initiate a discussion on this matter.

Ms. Brewer outlined the discussion, focusing on sidewalk dining, permanent and semi-permanent objects such as a-frame signs and sandwich boards, as well as merchandise and temporary objects. The City initiated these measures during the COVID-19 pandemic, allowing sidewalk usage, and signed a sidewalk dining agreement with NCDOT, which instructs the City to secure permits, require insurance, and address other related matters. The Main St. improvement project has significantly expanded spaces and amenities, which we aim to protect and utilize appropriately. Additionally, with the consideration of the downtown social district, we want to ensure that existing regulations will continue to serve our needs effectively. The current ordinance for sidewalk dining mandates obtaining a permit and securing insurance. For sign placement, a minimum of five feet of unobstructed sidewalk space for pedestrians is required for all temporary signs. Regarding dining, tables and chairs must be at least six feet from any travel lane, adjacent to the business, and cannot obstruct the fire lane. Barricades are typically necessary for outdoor dining permits when serving alcohol, unless participating in the social district. We will assist ABC permit holders through this process. For semi-permanent and permanent objects, a city permit is required, and in some cases, NCDOT approval for placement is necessary, along with insurance. Holiday decorations are exempt if directly adjacent to the building. Objects existing before the ordinance are grandfathered in. A-frame signs can be placed against the building or in the brick area but must be brought in daily. Merchandise is considered a temporary use and must be removed at the end of each day.

Mr. Daniel inquired about the brick area expressed concerns about people getting out of their cars.

Ms. Brewer responded that this matter is open for discussion today. We aim to review this policy, particularly in light of implementing the social district. Subsequently, we will present an updated policy for your review.

Mr. Daniel further inquired about the City's authority regarding the placement of newsstands.

Ms. Brewer clarified that newsstands are exempt from regulation.

Mr. Hooper clarified that while we are permitted to replace the branded newsstand with something different, we cannot remove them indefinitely.

Ms. Bentley inquired about the distinction between branded newsstands and condo boxes that serve as advertisements for real estate.

Mr. Hooper explained that we could impose similar requirements on condo boxes, but we cannot prohibit them outright.

Mr. Parrish suggested that the bump outs should be off-limits to businesses placing items on them due to the ground cover materials.

Mr. Daniel expressed agreement that bump outs should be off-limits to signs and merchandise from businesses.

Mr. Holder inquired about the purpose of the bump outs.

Mr. Ray explained that the purpose of the bump outs is to support larger and healthier street trees, enhance landscaping, and improve sightlines.

Ms. Brewer then asked the committee for their thoughts on the brick area of the sidewalks.

Mr. Parrish raised a concern about whether brick utility strips create problems in terms of pedestrian movement and access.

Mr. McMinn stated that he does not see a problem with the brick utility strips. However, he identified issues with benches, light posts, signs, trash cans, and flowerpots that obstruct car doors from opening.

Ms. Brewer clarified that the discussion is not solely about the placement of current features. There are requirements for placing permanent and semi-permanent objects, which can be adjusted to improve them.

Mr. Daniel expressed his hope that the brick utility strip does not become cluttered with merchandise, forming a barrier downtown.

Mr. McMinn suggested advising business owners rather than passing an ordinance and creating a do not list.

Mr. Ray highlighted that this is an area for revision and will be brought back to the committee.

Mr. Hooper concluded that guidelines should include revisions to publication display units, prohibiting items being placed in the bump out or attached to public structures, and a friendly reminder that business items should be thoughtfully placed in the brick area outside the sidewalk.

H. Additional Comments

Mr. McMinn inquired whether anyone has signed up for the social district.

Ms. Brewer responded that a meeting with the social district ABC permittees is scheduled for this week, and individual meetings with businesses are being arranged to discuss the policy's nuances.

Mr. McMinn then asked if we have hired the additional law enforcement required to police the sidewalks.

Mr. Hooper explained that while one police officer was lost this week, we have gained four officers since the social district discussion began.

I. Set Date for Next Meeting

The next meeting of the Council Downtown Master Plan Committee was scheduled for Wednesday, February 14, 2024 at 4:00 PM.

J. Adjourn

There being no further business, the meeting was adjourned at 5:27 PM.

Minutes Approved - February 14, 2024

X

Gary Daniel
Chair, Council Member

X

Alex Shepherd
Assistant to the City Manager

MINUTES

City Council Parks, Trails, & Recreation Committee

Wednesday, January 17, 2024 at 3:30 PM
Administration Conference Room

Members Present: Aaron Baker, Chair, Council Member
Lauren Wise, Vice-Chair, Council Member
Howie Granat, Citizen Member
Nancy DePippo, Citizen Member
Wyn Birkenthal, Citizen Member (Arrived 3:36 pm)
Reba Osborne, Citizen Member
Mayor Maureen Copelof, Ex-Officio Member

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

Guests: James Veal, Stacey Wiedrich, Tyler Donaldson

Media: Jon Rich, Transylvania Times

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:30 pm.

B. Certification of Quorum

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

C. Approval of Agenda

Motion by Mr. Wise, seconded by Ms. Osborne, to approve the agenda as amended titling section E. Bracken Preserve Update and adding a section F. Bracken Preserve Maintenance Update with subjects for Pisgah Area SORBA and Bracken Preserve Easement Request. The motion carried unanimously.

D. Approval of Minutes from October 18, 2023 Meeting

Motion by Ms. DePippo, seconded by Mr. Granat to approve the minutes of the October 18, 2023 meeting as presented. The motion carried unanimously.

E. Bracken Preserve Update

Mr. Hooper informed the committee that the City officially closed on the additional thirty-four acres. However, we do not yet own the two donated bank properties. Conserving Carolina is still processing this transaction.

Mr. Granat stated that the next phase involves repairing the existing trail and adding the climbing trail. We are collaborating with Todd Branham from Long Cane Trail on both projects. The next steps include determining whether Todd Branham will be contracted by the City of Brevard or if there are funds remaining with Conserving Carolina. Based on the funds available and the quote from Long Cane Trails, the general plan should cover the repair of the existing trail and the necessary maintenance for this year. Mr. Granat informed the committee that we have submitted a grant application to the American Trails Foundation. This grant aims to support small municipalities or trail organizations without established maintenance plans and to help fund our projects. Once this phase is complete, and as we look to the future, we will explore fundraising initiatives for phases two and three to commence the design and construction of new trails on the recently acquired land.

Mr. Wise mentioned that he would like to see the plans for each phase of repair and construction for Bracken Preserve.

Mr. Granat stated that we have the funds, and the potential grant will cover phase one this year. We hope to have funds to place a kiosk to honor all the donors and to update signage to ensure consistency as we expand the trails.

Mr. Baker asked Mr. Granat to discuss the steps for phase one and the climbing trail.

Mr. Granat informed the committee that phase one will cover the first half-mile of trail repairs and maintenance. The goal is to make Bracken Preserve less intimidating for beginner trail riders and to address trail erosion and wear over the past ten years. Regarding the climbing trail, we have received verbal approval from Brevard Music Center, and the next step is to flag the trail.

Mr. Bland shared with the committee that the City will receive 200 American Chestnut seedlings for the Bracken Preserve this year. We will work with volunteers to plant the American Chestnuts in the area.

Mr. Granat stated that we will attempt to change the parking spaces at Bracken to angled parking so that we could potentially have two rows.

F. Bracken Preserve Maintenance Update

a. Pisgah Area SORBA

Ms. Wiedrich and Mr. Donaldson discussed the founding principles, background, and capabilities of Pisgah Area SORBA. Ms. Wiedrich stated that our membership exceeds 500 people and that last year, we spent 3300 hours managing approximately 100 miles of trails. We currently have twenty-eight active trail crew leaders, fifteen U.S. Forest Service certified sawyers, and 500 volunteers who will contribute around 400 hours of trail maintenance for Bracken Preserve. We plan to divide the hours evenly every month and schedule numerous trail days. Also stated in the MOU is an annual donation by the City of \$10,000 to PAS for structured, scheduled maintenance of the current Bracken Preserve trail system.

Mr. Hooper expressed his intention to evaluate the MOU and research the necessary insurance coverage that would be required.

b. Bracken Preserve Easement Request

Mr. Veal presented that he owns several plots of land next to the Bracken Preserve trail and parking lot. He stated that he is requesting access to the plots of land by car so that he can potentially develop them in the future.

Mr. Granat questioned the request, stating it seems the ask is for us to redo our trail. What does the general public of Brevard get from helping you achieve access to more land that, at the moment, you don't own.

Mr. Veal clarified that he is representing himself on parcel 2 and representing Mr. Robinson on parcel 1 because he has a signed sales agreement to purchase parcel 1 that is contingent on getting access by car.

Mr. Ray stated that our City Attorney sat in on the meeting with Mr. Veal and made it very clear that the City cannot spend public funds to serve a private interest. He then asked if Mr. Veal is willing to pay the cost for the trail being moved.

Mr. Veal responded that he has not ruled out paying the cost to relocate the trail.

Mr. Baker expressed his appreciation to Mr. Veal for bringing this matter to our attention. However, he stated that it is not best suited for the Parks, Trails, and Recreation Committee. Instead, he suggested it should be left up to City Council and the Public Works Committee.

Mr. Hooper emphasized the need to compile information for the benefit of the City Council and to have a discussion on how to address the issue. He mentioned that at a later date, he will provide Mr. Veal with a timeline of how and when he will present this request to City Council.

G. Estatoe Trail Update

Mr. Baker informed the committee that the Ecusta Trail is scheduled to be completed in 2026. When examining the Ecusta Trail in Hendersonville, it becomes apparent that it closely approaches their downtown. However, on our end, it terminates at Oscar Blues and does not directly connect to Brevard's downtown. Over the next two years, my focus is to ensure the connection between the end of the Ecusta Trail and our downtown is established through the Estatoe Trail. I would like an update on the status of each section, the next steps for the trail, and as we head into the budget season, an understanding of what initiatives we may undertake next year.

Mr. Ray mentioned that the Main St. section, extending from Main St. to the Mary C. Jenkins Center, is currently on hold for evaluation of potential routes and easements. City Council must take action to remove this hold status before progress can be made. Staff have been exploring various routes to propose once the hold is lifted. The next step is the quarter-mile Tannery North section, commencing at Cashiers Valley Rd/Carver St. and terminating at Silverstein Dr. This section is located on a former brownfield site, making development complicated. Two easements are required to complete this section. Our intention is to engage NCDOT to construct this segment due to their expertise in navigating brownfield and wetland permitting. We anticipate reaching an agreement with them sometime next week.

Mr. Granat discussed the idea of marking Mills Ave as an on-road bike path until it descends into the valley near the Mary C. Jenkins Center. This may be something worth considering.

Mayor Copelof mentioned that when we explored this idea previously, it raised safety concerns due to the presence of driveways, traffic, and the church along Mills Ave. We considered making Mills Ave a one-way street with a dedicated bike lane, but residents expressed concerns about driveway access.

Mr. Baker inquired about the expected start of construction for Tanney North this spring or summer and about the Rosman Highway crossing.

Mr. Ray responded that it's too early to provide a definitive timeline, but that's our goal. However, we still need to complete environmental assessments and other prerequisites. He noted that the Rosman Highway crossing will necessitate special permitting from NCDOT, and they have agreed to a fully signalized mid-block crossing. This plan also includes extending the sidewalk to the Marathon Gas Station. After crossing Rosman Highway, we will need to construct an elevated platform to access the drier land and the School Board easement, which spans half a mile.

Mr. Baker asked when do you think the next City Council vote will be needed to engineer this section? Do you think that we would be qualified to build the trail section near the School Board property.

Mr. Ray responded most likely sometime this summer. We would also be required to obtain permits from NCDEQ because it gets near the stream.

Mr. Shook affirmed, yes, we are qualified, but we will not be as fast as the contractor would be because of our other duties like trash, sanitation, water, and sewer.

H. Green Space Adoptions

Ms. Buzby informed the committee that there are four renewals and two new applications. The four renewals are Clemson Plaza, part of the Depot by Brevard Rotary, a section of the bike path behind McDonald's, and the Greenway Skatepark. The two new ones are a bump out in front of Cup and Saucer and a section of the bike path near Whitmire and Railroad.

At 5:39 PM, a motion was made by Mr. Granat and seconded by Ms. Osborne to approve the Green Space Adoptions. The motion passed unanimously.

I. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee was scheduled for Wednesday, February 21, 2024 at 3:30 PM.

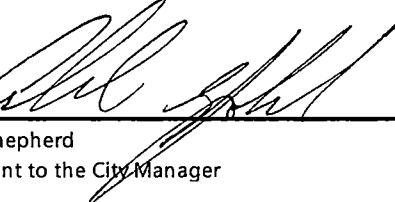
J. Adjourn

There being no further business, the meeting was adjourned at 5:41 pm.

Minutes Approved: February 21, 2024

X 

Aaron Baker
Chair, Council Member

X 

Alex Shepherd
Assistant to the City Manager

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, January 22, 2024 – 11:00 AM
City Hall Council Chambers

Members Present: Lauren Wise, Chair, Council Member
Gary Daniel, Vice-Chair, Council Member
Susan Miller, Citizen Member
Mayor Maureen Copelof, Ex-Officio Member

Staff Present: Wilson Hooper, City Manager
Kelley Craig, Human Resources Director
Alex Shepherd, Assistant to the City Manager

Guest: Harvey Sankey

A. Welcome & Call to Order

Committee Chair Lauren Wise welcomed everyone and called the meeting to order at 11:00 AM.

B. Certification of Quorum

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

C. Approval of Agenda

Motion by Mr. Daniel, seconded by Ms. Miller to approve the revised agenda to add a section G. Brevard Housing Authority Applicant. The motion carried unanimously.

D. Approval of Minutes of November 27, 2023 Meeting

Motion by Mr. Daniel, seconded by Ms. Miller to approve the minutes of the November 27, 2023 meeting as presented. The motion carried unanimously.

E. Purchasing Policy Update

Mr. Hooper informed the committee that the proposed purchasing policy goes further than what the State's statutes require. We are not asking for a vote today. The first notable item that you will see is that the policy emphasizes the importance of competition, meaning that we will seek the best deal available. The second notable item

is that our thresholds will be stricter than what the State requires. For the purchase of goods, we will formally bid everything expected to cost over \$75,000. For construction, we will bid everything expected to cost over \$250,000, whereas the State requires us to bid everything expected to cost over \$500,000. For professional-based services, we will use a Request for Qualifications (RFQ). Mr. Hooper added that the other item the policy covers is our procedures for paying for items. The most notable change here is that all purchases and contracts entered into with a cost over \$5,000 will require a purchase order. A purchase order encumbers funds for goods and services we expect to buy before we actually receive them. This way, when we receive the invoice, we know that the funds have been budgeted for. Our auditor has suggested that we make this change in our policy for when a purchase order is required. Another change in the purchasing policy is that all contracts and arrangements between \$30,000 and \$100,000 per year will be reviewed every three years. Mr. Hooper informed the committee that staff will come to the City Council for approval of changes to capital projects, change orders, and bids when they meet a certain threshold.

Mr. Daniel asked if Mr. Hooper could provide an example of capital projects and the purchasing policy threshold.

Mr. Hooper explained that if we budgeted \$1 million for a capital project and the bids come back at \$950,000, then if we have a change order for \$7,500, the City Manager can approve the change order because the total cost of the project is below the original budget. However, if it is for \$50,001, then the City Manager would need approval from the City Council.

Mr. Wise asked what would be the case if it was a large emergency issue and not a judgment decision to where the expense is around \$1 million.

Mr. Hooper clarified that he would only be administratively able to proceed if it is within budget. If it exceeds the budget and has a special timing situation, it should not be more than 5% of the project cost.

Ms. Miller inquired about a quarterly report to Council so that they would be informed of capital project purchases.

Mr. Daniel suggested that it would probably need to be updated more frequently than quarterly.

Mr. Hooper informed the committee that Mr. Luebke has informed him that he will most likely be asking for additional funds to help replace our financial system, which is not user-friendly.

Ms. Miller asked if the City has the ability to piggyback off State contracts, and if so, does this need to be mentioned in the purchasing policy.

Mr. Hooper confirmed that yes, we are allowed to.

F. Ecusta Trail Advisory Board Applicants

Mr. Wise mentioned that there are a lot of applicants and asked if the committee has a general idea of who they wish to nominate for the Ecusta Trail Advisory Board.

Mr. Daniel said there are two strong candidates, and he would like to nominate Ms. Hanley. Mr. Daniel also inquired about the policy on membership for these committees because he noticed that most of them do not live within the City limits.

Mr. Hooper explained that for advisory boards, residency within the City limits is not required; however, for policy committees, residency within the City limits is necessary.

At 11:36 AM, a motion was made by Ms. Miller and seconded by Mr. Daniel to recommend the appointment of Ms. Madeline Hanley to the Ecusta Trail Advisory Board. The motion passed unanimously.

G. Brevard Housing Authority Applicant

Mr. Wise said that there is one applicant for the Brevard Housing Authority.

At 11:37 a motion was made by Mr. Daniel and seconded by Ms. Miller to recommend the appointment of Jennifer Kerr to the Brevard Housing Authority. The motion passed unanimously.

Additional Comment:

Mr. Daniel said that after meeting with the auditors, he does not have a clear explanation for how the uncommitted fund balance works.

Mr. Hooper mentioned that he will provide an explanation to help City Council understand this topic. He added that we have also started putting together our City Council retreat facilitator and have begun to draft the agenda.

Mr. Sankey asked who approved the purchase orders.

Mr. Hooper replied that our Finance Director does, and once purchase orders are over a certain amount, I will have to approve them.

Mr. Sankey inquired about the RFQ progress for the Wastewater Treatment Plant.

Mr. Hooper said we are waiting for a firm to submit their qualifications. Then we will narrow down the firms to three or four and have them give presentations to the Public Works Committee. Afterward, the Public Works Committee will provide their recommendation on which firm we will hire. The firm is being hired to project our future wastewater needs. Then they will make recommendations on the type of wastewater system we should build.

Mr. Sankey asked if the City had a reserve fund set up for capital expenditures.

Mr. Hooper mentioned we do have a raining day fund in the general fund which is around \$4 million. We are required by the State to hold 8% in fund balance and the City Council has previously established a policy to require 25% in fund balance. As of right now the \$4 million equates to around 40% of our total general fund expenditures. The retained earnings fund in the utilities fund is about \$1.9 million which is a little low for a utility fund. Mr. Hooper stated that during the auditors presentation they noted that we have graduated out of one of our financial indicators of concern from last year and that was not enough liquid cash in our utility reserve fund.

Mr. Sankey asked do we have a reserve fund for the wastewater treatment plant.

Mr. Hooper responded and said no, but City Council has given me the approval to establish a high strength waste surcharge to raise additional capital for construction of the wastewater treatment plant. However, we have put that on hold because we have secured \$13 million from the State budget but that proposal is going to come back. It will help spread the cost of treating our wastewater more equitably across our customer classes.

Mr. Daniel asked the question are there any restrictions on whether we build a City and County wide system.

Mr. Hooper said the only restriction is what our waters are permitted to accept. For example, if the receiving water is permitted to accept up to 4.5 million gallons per day then they will not fund a 5 million gallon per day plant.

H. Set Date for Next Meeting

The next meeting of the Finance & Human Resources Committee will be on Monday, February 26, 2024, at 11:00 AM.

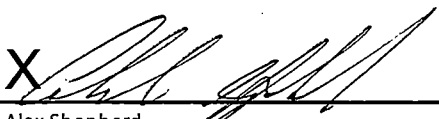
I. Adjourn

There being no further business, the meeting was adjourned at 12:19 PM.

X 

Lauren Wise
Chair, Council Member

Minutes Approved: February 26, 2024

X 

Alex Shepherd
Assistant to the City Manager

MINUTES

City Council Public Works & Utilities Committee

Wednesday, February 7, 2024 – 3:30 PM

City Council Chambers

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

Staff Present: Wilson Hooper, City Manager
Wesley Shook, Acting Public Works Director
Dennis Richardson, Water Treatment Plan Supervisor
Aaron Winans, WWTP Staff
Becky McCann, Communications Coordinator

Guests: Brian Wright, AECOM (via Zoom)

A. Welcome and Call to Order

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

B. Certification of Quorum

Communications Coordinator Becky McCann certified that a quorum was present.

C. Approval of Agenda

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

D. Approval of Minutes

1. January 3, 2024 Meeting

Motion by Mr. Carson, seconded by Mr. Wise to approve the minutes of the January 3, 2024 meeting as presented. The motion carried unanimously.

E. Engineering Firm Selection Criteria Discussion

Mr. Hooper informed the committee that the deadline to apply for the RFQ was yesterday at 5 pm. This morning, when I came into the office, we had four eligible submissions: one from CDM Smith, one from McKim and Creed, one from KCI, and one from Goodwyn Mills Cawood. He mentioned that this number would be

manageable for interviewing all firms. Mr. Hooper asked the committee if they would be interested in interviewing all the eligible firms.

The Committee reached a consensus that they would be interested in interviewing all four firms.

Mr. Hooper communicated that he wanted to receive feedback from the committee regarding what we should focus on, our priorities, and what criteria we should use when interviewing the firms.

Mr. Wright said that it would be important when interviewing firms in their ability to find the City funds and help acquire the fund to complete the project. Mr. Wright said that if all the firms have the capability and credentials to do the work then the committee should focus on experience with the City working with the firm and the people who work there.

Mr. Morrow said that some of the criteria for selecting a professional engineering firm are similar in that they relate to experience. However, I do think that the experience of the engineering staff and if we have worked with them in the past is important. He said that sometimes it may be the same firm that assists on a project, but it may be different engineers from various offices.

Mr. Hooper mentioned that the CDM Smith engineer that is helping us with the pump station project currently is based out of Greenville.

Mr. Carson asked in the RFQ, did the City layout a structure for how the selection would be made.

Mr. Wright said that we listed the criteria, but we did not say how it would be weighted.

Mr. Wise informed the committee that it will be important to select an engineering firm that has experience with projects similar to ours and all of its nuances both regionally with our lack of land and with finding funding is going to be key. He said, I am not sure how much locality will play into our decision making.

Mr. Carson said its more important for a firm to demonstrate that they have worked on projects in our region regardless of where they are from or based.

Mr. Hooper stated that he considers locality in terms of a customer service approach. He explained that if the firm were based in Asheville, it would be much more accessible than a firm located in Wilmington, for example.

Mr. Wright mentioned that while firms were asked to provide references for some of their projects, locality could be another factor weighing in on the decision-making process.

Mr. Wise asked, what do you think these firms are going to want to hear from us.

Mr. Wright responded the firms are going to want to understand how the project will be contracted, but it's not going to be that important at this point because we can work around contractual items. However, since we are asking for help to find funding, the firms will want to know if we have the funds to pay for this portion of the project.

Mr. Hooper informed the committee that discussions with the State have addressed the conditions that come with the \$13 million from them. Notably, there are a couple, one concerning how much extra capacity we are allowed to purchase, and the other regarding the percentage of the State funds we can allocate to preconstruction costs. Mr. Hooper mentioned that he believes it is around 15% of the \$13 million.

Mr. Wright added that the engineering firm will likely be interested in knowing if we want to expand the services to the County because it would expand the service area.

Mr. Hooper mentioned that we have discussed with the County at a very high level what it would take to make this a regional-wide system, but we have not specifically asked them if they would be willing to fund it.

Mr. Wise inquired how they are going to determine the capacity for which the County is willing to help fund.

Mr. Wright responded, 'It is going to be a challenge because we are not sure whether we want to build fifty years of capacity. It will also be interesting to see the history and experience the firms have working through the processes of alternatives. The most important question will be to know what we need to build before we start looking at alternatives of how to build it. Hearing about the firm's experience that they have had with other entities will be important.

Mr. Morrow asked if this study would be independent of water capacity.

Mr. Hooper explained, 'When I consult with the selected firm, I intend to tell them we need to increase capacity and to build the plant in such a way that if the County wants to tap on in the future, they can. The ability to project flows, creativity, insight related to the project, and funding would all be important factors. But most importantly, the priorities are experience, experience with similar regional projects, and developing ideas from scratch.' Mr. Hooper then asked the committee if they would like to interview all four firms on Wednesday, March 6th, and possibly start the meeting earlier.

Mr. Wright suggested that the committee may want to limit the amount of time given to the engineering firms to present and specify the topics we would like them to focus on.

Mr. Hooper proposed meeting at 12:30 PM to interview all four firms. He asked the committee if they would like to use scorecards or simply hear the presentations and then discuss among ourselves to decide on a firm.

Mr. Carson shared that, in his experience, his firm is always curious to know who is on the selection committee and how their process works. It is also helpful to have a scoring rubric in case the firm that was not selected calls and has questions about why they weren't selected.

Mr. Wright inquired whether the presentations will be over Zoom or in person.

Mr. Hooper responded, stating that the firms will be presenting in person, but Mr. Wright can participate through Zoom if he prefers.

Mr. Carson emphasized that the most unknown item, and where they are likely to be asked a lot of questions, will be the service area of the Wastewater Treatment Plant. From their perspective, it will be difficult to navigate. He suggested considering a question related to projections: how much more will the study phase cost as we scale up the service area.

Mr. Wright informed the committee that there are several ways to make projections. You can use census data to project population growth, but that is not as challenging as projecting the area you are going to serve. The larger and more undeveloped the area, the more difficult it will be to predict future growth. Additionally, you may want to consider the current method of dealing with sludge and whether you want to change it in the future. That may be something you want to include in your considerations.

Mr. Hooper stated that he will send a notice to the four firms, informing them that we would like to interview them in the afternoon of Wednesday, March 6th, and to standby for more information. He mentioned that Mr. Wright and himself will work together to develop a scoring rubric reflecting the committee's priorities. We will circulate that to the committee in the next few weeks before the interviews take place. Once the rubric is completed, we will inform the firms so they understand the evaluation process.

Mayor Copelof expressed concern about involving the County, as it often leads to delays. She emphasized the importance of balancing time considerations and keeping the project moving forward without unnecessary delays.

Mr. Wise mentioned that he would like a record to show that we attempted to reach out to the County. If they wish to participate, that's fine, but if they choose not to, I would like the record to reflect that.

Mr. Hooper responded, we first need to formally invite them to a discussion, and then we can proceed from there.

Mr. Morrow added, we will also need to know the costs involved.

F. Additional Comments

Mr. Hooper mentioned that at the next Public Works Committee meeting in April, there's an item that was raised in another committee but has broader implications. The item pertains to criteria for closing an in-use right-of-way at the request of a citizen. Currently, we have a procedure for closing an out-of-use right-of-way, but we've received a request from a citizen regarding a trail, so we need to create a procedure for such cases.

Mr. Winans informed the committee that the new chemicals being used at the Wastewater Treatment Plant are performing well. We have requested an additional month to allow for further testing.

G. Set Date for Next Meeting

The next regular meeting of the Public Works & Utilities Committee was scheduled for Wednesday, March 6, 2024 at 12:30 p.m.

H. Adjourn

There being no further business, the meeting was adjourned at 4:33 p.m.

Minutes Approved: March 6, 2024



Mac Morrow
Chair, Council Member



Alex Shepherd
Assistant to the City Manager

STAFF REPORT

City Council, Monday, March 18, 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.

Council held a public hearing regarding this proposed amendment on February 19th.

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

Council's options concerning a petition to amend the text of this ordinance are as follows:

1. Adoption of the amendment as written;
2. Adoption of the amendment as revised by City Council;
3. Rejection of the amendment;
4. Send the application back to the Planning Board for further study and consideration;
- or
5. Call for additional public hearings on petitions brought before them.

Attachments:

1. TXT-24-001 Draft Amendments
2. Consistency Statement
3. Ord_2024-XX BPB Role in Legislative Decisions



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 16. ADMINISTRATION

16.7. Legislative decisions.

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.

ORDINANCE NO. 2024-____

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT
ORDINANCE: CHAPTER 16 – ADMINISTRATION TO AMEND
THE PLANNING BOARD’S ROLE IN LEGISLATIVE DECISIONS**

WHEREAS, the City of Brevard Planning Board has recommended that the Brevard City Code, Unified Development Ordinance be amended; and,

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

Building Brevard 2030 Comprehensive Land Use Plan

***LUH-19:** Enhance communication of land use planning efforts, policy development, approvals and processes.*

and,

WHEREAS, a public hearing was conducted on Monday, February 19, 2024, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Unified Development Ordinance be amended as outlined below.

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

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

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

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

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

Adopted and approved this the 18th day of March 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, March 18, 2024

Title: Resolution re Pisgah Health Property

Speaker: Wilson Hooper, City Manager
Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

This is an action item following up on the special presentation earlier in the agenda regarding the Pisgah Health Foundation property off Allison Road and its potential for use as a main trailhead park for the Ecusta Trail.

Discussion

Staff has assessed many different options for potential trailheads of the Ecusta Trail and found this site to be one of the best sites that is available due to size, location, and cost factors. Kiosks and signage would orient and direct trail users, and highlight the ability for visitors to make their way the approximately 2 miles to downtown Brevard, either by car or via the Estatoe Trail.

Beyond its role as a trailhead for the Ecusta Trail, this site would also become a neighborhood park, called Freedom Park, that would have inclusive exercise stations, restrooms, seating, and an informational kiosk. The design of the new park would be sensitive to its proximity to Pisgah Heights, and aim to fit this context by providing an amenity to the neighborhood that does not overwhelm it, much like Franklin Park.

Fiscal Impact

Staff recommend that the design and construction of the facility be funded with money designated for Ecusta Trail. Several partnering agencies, such as TDA or FOET, could be approached to fund the project. The city's commitment will be small miscellaneous expenses, such as staff time and floodplain assessment, covered by existing operating dollars. The Pisgah Health Foundation has expressed its desire to fund the installation of the exercise stations, as well as provide ongoing funding to the City for their maintenance.

Action

The attached resolution would authorize the City Manager to negotiate a long-term lease with Pisgah Health and to seek and spend money for the purpose of developing a trailhead park for the Ecusta Trail. If successfully negotiated, the lease would be brought to Council for final approval before it is executed.

Attachments:

1. Resolution Pisgah Health Land Donation Freedom Park

RESOLUTION NO. XX-2024

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A LONG-TERM LEASE AGREEMENT WITH PISGAH HEALTH FOUNDATION AND SEEK FUNDING FOR PRELIMINARY DESIGN FOR FREEDOM PARK AT THE CONFLUENCE OF ECUSTA AND ESTATOE TRAILS

WHEREAS, the U.S. Department of Transportation has awarded over 45 million dollars for construction of the Ecusta Trail, a planned 19 miles multi-use path from the City of Brevard to the City of Hendersonville, which is currently in design; and

WHEREAS, the City of Brevard has the Estatoe Trail extending to Pisgah National Forest to the north and downtown Brevard to the south; and

WHEREAS, the Pisgah Health Foundation currently owns an 11.5 acre parcel of land off Allison Road, which it has offered to the City for recreational use and wellness and could serve as the confluence of the Ecusta Trail and Estatoe Trail where trail users could experience and utilize informational signs, maps, public restrooms, outdoor fitness stations and birding areas protected by conservation efforts to preserve the floodplains and educate trail users and outdoor enthusiasts on the natural environment; and

WHEREAS, The City of Brevard and Transylvania County have a large biking community, and the number of commuters who bike to work is higher than the national average and is a greater percentage than seen in other counties in the region; and

WHEREAS, a central, inclusionary trailhead and park is important to set the expectations for all trail users, provide positive first and last impressions and encourage visitors to return and experience all of Brevard; and

WHEREAS, to study the feasibility of this offer, of constructing and maintaining a trailhead park for trail users, the City Manager must seek and spend funds to determine the suitability of the site, including but not limited to ingress and egress of the property, environmental impacts and affordability.

WHEREAS, fostering partnerships and making new investments in Brevard confirm a shared commitment to completing the Ecusta Trail and providing healthy and efficient user amenities such as inclusive trailheads and transportation hubs or multi-use recreational space to serve a wide range of outdoor enthusiasts.

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

SECTION 1. Brevard City Council authorizes the City Manager to negotiate a long-term lease with Pisgah Health Foundation for the long-term use of land to serve as a trailhead park.

SECTION 2. The Manager is authorized to seek outside funding and authorize an engineering firm to commence preliminary design of Freedom Park.

Approved and adopted this the 18th day of March, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

STAFF REPORT

City Council, Monday, March 18, 2024

Title: Resolution Supporting NC Department of Commerce Rural Downtown Economic Development Grant Application to Enhance the Downtown Master Plan Streetscape

Speaker: Aaron Bland. Asst. Planning Director

Prepared by: Paul Ray, Planning Director

Approved by: Wilson Hooper, City Manager

Background

North Carolina Department of Commerce Rural Downtown Economic Development Grant has a submittal deadline of April 1, 2024. The maximum grant request is \$850,000, for Tier 1 and 2 counties and it is earmarked for, "Improvements to publicly owned infrastructure in a downtown district, that serve a community-wide use, such as lots, alleys, streetscapes, waterfront developments, and parks."

The Downtown Masterplan Committee was created by Council to seek creative solutions for implementing the Downtown Master Plan. The City recently made significant progress in this area by building-out two blocks of Main Street, between S. Caldwell Street and S. Gaston Street, in addition to stormwater improvements to Times Arcade Alley which is currently underway.

Discussion

By adopting this Resolution, Council would be supporting an application for a grant not to exceed the maximum award of \$850,000, although staff recommends applying for funds not to exceed \$400,000. Applying for less than half of the maximum award would make a small, simpler project easier to design-build and our grant application more competitive. Staff believe this funding cycle is relatively narrow, mostly reserved to support previously awarded projects experiencing cost overruns but is open to all qualifying applicants. Staff believes this is a long shot but worth the effort to keep momentum on implementing the downtown master plan.

If awarded, the City's project would likely be limited to planting street trees on W. Main St., ideally between Caldwell Street and Oaklawn Street where there is only one street tree left in front of Benjamin Moore Paint. If awarded, staff would bring a proposed project to the Downtown Master Plan Committee proposing the use of Deep Root Silva Cells or similar underground systems to support healthy tree growth without the need for bump-outs to create larger planting areas or at the cost of losing additional on-street parking. If awarded, a refined project would come before City Council for approval through a budget ordinance.

Policy Analysis

The 2030 Comprehensive Land Use Plan places strong emphasis on restoring natural

beauty to the urban environment. Street Trees & Stormwater Management is listed as a high downtown priority.

Fiscal Impact

There is a 5% cash commitment of the awarded grant amount.

Action

Council is asked to approve the attached resolution granting staff permission to apply for a Rural Downtown Economic Development Grant for downtown improvements.

Attachments:

1. RESOLUTION NO 2024-XX_Rural Downtown Economic Development Grant

RESOLUTION NO. _____

**RESOLUTION SUPPORTING THE NORTH CAROLINA DEPARTMENT OF COMMERCE
RURAL DOWNTOWN ECONOMIC DEVELOPMENT GRANT APPLICATION TO ENHANCE
BREVARD'S DOWNTOWN MASTER PLAN STREETScape**

WHEREAS, Brevard continues to strive as an outstanding place to live, work, and play by finding ways to maintain, enhance, and build upon its distinctive small-town charm, and remain a livable community for everyone; and,

WHEREAS, Brevard is committed to investing in the implementation of the downtown streetscape to promote economic development and vitality and to maintain a distinguished and attractive community where the form and function plays a significant role in defining urban renewal; and,

WHEREAS, the 2030 Comprehensive Land Use Plan PNRC-16 prioritizes diversity of urban trees and their succession by replacing trees on Main Street, and recognizes the benefit of natural shade structures that remove various pollutants from the air, evaporate emissions, and remove and store carbon; and,

WHEREAS, the City of Brevard is a municipal government within a Tier 2 county with an eligible project within the downtown central business district and is designated a NC Main Street community.

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

SECTION 1. Brevard City Council is committed to gradually implementing the downtown master plan in phases and commits to a 5% cash match of the grant amount if awarded the NC Department of Commerce Rural Downtown Economic Development Grant.

SECTION 2. The maximum allowable grant request is \$850,000.

SECTION 3. The City of Brevard will work with NCDOT, and other agencies as needed, to obtain valuable input and to obtain permitting prior to commencing work on any part of the downtown streetscape project.

Approved and adopted this the 18th day of March, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk