AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, May 6, 2024 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Pastor Victor Foster, Glade Creek Baptist Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. April 1, 2024 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Recognition of Police Officer Wilson Bunn Promotion to Sergeant
2. Proclamation No. 2024-09 National Police Week & Peace Officer's Memorial Day 2024
3. Proclamation No. 2024-08 Older Americans Month, May 2024
4. Joint Proclamation of May as Mental Health Month in Transylvania County, the City of Brevard and the Town of Rosman
5. Proclamation No. 2024-10 Professional Municipal Clerks Week

I. Special Presentation(s)

1. Personnel Policy Revisions
2. FY2025 Recommended Budget Presentation, FY2024 Supplemental Spending Plan, and Set Date for Public Hearing

J. Public Hearing(s)

1. Proposed Amendment to City of Brevard Unified Development Ordinance, Chapter 15 - Board Roles

K. Consent and Information

1. Proclamation 2024-07 National Day of Prayer
2. Proclamation 2024-11 National Bike Month
3. Proclamation No. 2024-12 Public Service Recognition Week
4. Tax Settlement Report - March, 2024
5. Budget Amendment for Estatoe Trail Project
6. Budget Amendment - Heart of Brevard
7. Finance Report at 3-31-2024
8. Debt Financing - Fire Truck
9. Conveyance of Property - Fire Department
10. Funding Offer Acceptance - Sewer Pump Stations Rehab - SRP-W-ARP-0236
11. Ordinance Declaring Road Closures for Special Event - White Squirrel Weekend
12. Resolution re Clemson Plaza Mental Health Art Installation
13. City Council Public Works & Utilities Committee Minutes - January 3, 2024
14. City Council Rosenwald Community Advisory Board Minutes - January 11, 2024
15. City Council Public Safety Committee Minutes - January 22, 2024
16. City Council Housing Committee Minutes - February 13, 2024
17. City Council Downtown Master Plan Committee Minutes - February 14, 2024
18. City Council Rosenwald Community Advisory Board Minutes - February 15, 2024
19. City Council Finance, Human Resources, and Citizen Appointment Committee Minutes - February 26, 2024
20. City Council Public Safety Committee Minutes - February 26, 2024
21. City Council Public Works & Utilities Committee Minutes - March 6, 2024
22. City Council Public Works & Utilities Committee Special Meeting Minutes - March 13, 2024
23. City Council Parks, Trails, & Recreation Committee Minutes - March 20, 2024
24. City Council Finance, Human Resources, and Citizen Appointment Committee Minutes - March 25, 2024
25. City Council Public Safety Committee Minutes - April 2, 2024
26. City Council Public Works & Utilities Committee Minutes - April 3, 2024

L. Unfinished Business

M. New Business

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

1. Economic Development: NCGS §143-318.11.(a)(3)(4)
2. Pending Litigation: NCGS §143-318.11.(a)(3)

P. Adjourn

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Agenda Posted, Website, Sunshine List (May 2, 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
April 1, 2024 – 5:30 PM

The Brevard City Council met in regular session on Monday, April 1, 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, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Human Resources Director Kelley Craig, Communications Coordinator Becky McCann, Police Chief Tom Jordan, 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 Members of Brevard Police Department

Guests – Rebecca Chaplin of AARP NC Mountain Region; JHPC Members John Koury, Marcy Thompson, Ellen Harris, and Billy Parrish; and Rebecca Jackson of UNC School of Government Center for Public Leadership & Governance (via Zoom)

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 Veranita Alvord of Brevard First 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 that a quorum was present.

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

F. Approval of Minutes

F-1. March 18, 2024 Regular Meeting – Ms. Holder moved, seconded by Mr. Baker to approve the minutes of the March 18, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Rachel Hall of 487 Probart Street said as you may be aware, since 2022 several residents of Probart Street have been working with City Manager Wilson Hooper and the Public Safety Committee on the need for traffic calming on Probart Street, particularly from Oaklawn to Rosenwald Lane. The Public Safety Committee has been most receptive and cooperative with our efforts and contracted for a traffic study, as well as conducted community meetings with Probart residents and stakeholders. The findings of the study were that Probart Street was a candidate for traffic calming and residents are supportive. Since the road was narrowed to allow construction of a sidewalk in 2017 there are frequent incidents of cars hitting the curb, jumping the curb, blowing out tires, losing hubcaps, and with some occurring in proximity of pedestrians. In addition to the narrowness of the street, the speed at which large box trucks, dump trucks and cars are consistently traveling 40-45 mph, make the street more dangerous for walkers, cyclers and motorists. My purpose in speaking to you is to ensure that the City Council approves funding for these initiatives in your upcoming 2024 city budget. Hopefully by then you will have a more thorough report on recommendations of the Public Safety Committee, but which at this time include installation of a 3-way stop sign at Probart Street and Railroad Avenue at the head of the bike path; installation of additional warning signs, such as "road narrows" and "watch for pedestrians"; and installation of a number of speed cushions. I suspect that you will eventually see more requests for traffic calming across town, as this is not only a Probart Street issue; there is a need for traffic calming citywide. Please consider annually allocating a piece of the city budget for traffic calming as needs arise.

Linda Gallo of 671 Probart Street said I echo what Rachel said and I would also just say that this has been a process and it seems that many are aware that it is an issue in town. I also see it as a safety issue, but also a lawsuit, if people were injured and were to find out that we have been aware of this issue and have not acted on it. So, I just remind people of that. We hope that it would be fully funded for this year for Probart Street in particular, and then in the future for the rest of the city.

Harvey Sankey said I attended the Strategic Planning session for the City Council last month and it was an outside consultant that took care of that meeting. At the end of the meeting there was consensus of the City Council Members that their number one priority was infrastructure. With that I would like to go into the Wastewater Treatment Plant. I would like to say the people on that committee, Mr. Morrow, Mr. Wise and Owen Carson, are doing a great job taking care of this problem that we have. I attended the Public Works meetings and the first one I attended you had four very good engineering companies present their plans for taking care of the Wastewater Treatment Plant. They were excellent. You also had the Public Works Director there and people who work at the Wastewater Treatment Plant, and Wilson Hooper also, and everybody had some good questions of these four engineering firms. You also had an engineering person from the city to attend these meetings, so it was very well-attended. A lot of good questions and I really like the way it was handled. Right now the four firms are still alive and there will be a meeting I guess this week to determine which one the Public Works Committee will choose. What I liked about these engineering firms is they talked about helping us get money through grants. We need these grants to take care of the cost. We already have $13M and I understand the water rates will take of the downfall and there will be no property taxes to take care of it. God forbid, we don't need any more new taxes.

Jim Smeaton said I live at 560 Probart Street part-time. I also have an interest in traffic safety and the plans for traffic calming on Probart Street. Probart Street is a thoroughfare, but it also runs through a residential neighborhood and this neighborhood, I am proud to say I live here part-time and I enjoy it, is growing. There are more houses, sidewalks that were put in several years ago, and pedestrians use it very frequently. Unfortunately, the sidewalk is inches from the street, but I want to commend the members of City Council and my fellow citizens who have shown interest, and we have something moving forward now, which I am also eager to see in the City's budget. I commend you all for doing this and for acting proactively. I also live in Greenville, SC and we have similar problems there that give a larger magnitude because of a larger population. I will say, however, that it has been my experience in the last couple years to see some very effective traffic calming measures put in place and this is with the help of professional engineering firms that know their business. I think this is the direction we're heading in here. I will also say that this only happened after two very high-profile fatal accidents. One young woman was run over in a crosswalk and another young woman was run over on a sidewalk walking her dog; both killed. I really thank you all for acting proactively.

H. Certificates/Awards/Recognition

H-1. Administration of Oaths of Office for Brevard Police Department

H-1-a. Jordan Dale Ryan – Jordan Dale Ryan was administered the Oath of Office as a Law Enforcement Officer by City Clerk Denise Hodsdon.

State of North Carolina
County of Transylvania
City of Brevard

I, Jordan Dale Ryan, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a Law Enforcement Officer for the City of Brevard, so help me God.

s/ Jordan Dale Ryan

Oath Administered By:
Denise Hodsdon, CMC
City Clerk

H-1-b. David Rutledge Kennemer – David Rutledge Kennemer was administered the Oath of Office as a Law Enforcement Officer by City Clerk Denise Hodsdon.

State of North Carolina
County of Transylvania
City of Brevard

I, David Rutledge Kennemer, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a Law Enforcement Officer for the City of Brevard, so help me God.

s/ David Rutledge Kennemer

Oath Administered By:
Denise Hodsdon, CMC
City Clerk

H-1-c. Jeffrey Brian Thompson – Jeffrey Brian Thompson was administered the Oath of Office as a Law Enforcement Officer by City Clerk Denise Hodsdon.

State of North Carolina
County of Transylvania
City of Brevard

I, Jeffrey Brian Thompson, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a Law Enforcement Officer for the City of Brevard, so help me God.

s/ Jeffrey Brian Thompson

Oath Administered By:
Denise Hodsdon, CMC
City Clerk

H-1-d. Adam Perry Moore – Adam Perry Moore was administered the Oath of Office as a Law Enforcement Officer by City Clerk Denise Hodsdon.

State of North Carolina
County of Transylvania
City of Brevard

I, Adam Perry Moore, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a Law Enforcement Officer for the City of Brevard, so help me God.

s/ Adam Perry Moore

Oath Administered By:
Denise Hodsdon, CMC
City Clerk

H-2. Presentation by AARP Recognizing City of Brevard as Age-Friendly Community – Rebecca Chaplin of AARP NC Mountain Region presented a Certificate of the City of Brevard's Acceptance as a Member of the AARP Network of Age-Friendly States and Communities to Mayor Copelof and members of the Age-Friendly Community volunteer group. Ms. Chaplin noted that the City of Brevard is the 18th community in NC and the 834th community Nationwide to join the Network of Age-Friendly States and Communities. She expressed thanks to Mayor Copelof and the dedicated team of community group volunteers Sara Knapp, Kay Argoves, Bob and Lisa Decker, Richard Mills, and Community Leader Dr. Paula Hartman-Stein.

H-3. Proclamation No. 2024-02 Sexual Assault Awareness Month, April 2024 – Mayor Copelof read the proclamation aloud and presented it to Sterling Woodruff of SAFE.

Proclamation No. 2024-02
Sexual Assault Awareness Month
April 2024

Whereas, nationally one in three women and one in four men will experience some form of sexual assault in their lifetime; and

Whereas, Sexual Assault Awareness Month draws attention to the fact that sexual violence is widespread and has implications for every community member; and

Whereas, there is compelling evidence that we can be successful in reducing sexual violence through prevention education, increased awareness, and holding perpetrators who commit acts of violence responsible for their actions; and

Whereas, we must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and

Whereas, anyone can be a leader in preventing and ending sexual violence. As employers, educators, parents, and friends, we all have an obligation to uphold the basic principle that every individual should be free from violence and fear; and

Whereas, sexual harassment, assault, and abuse can happen anywhere, including in online spaces. For too long harassment, cyberbullying, and sexual abuse and exploitation have come to be expected as typical and unavoidable behaviors online and

Whereas, the theme for **Sexual Assault Awareness Month** this year is **"Building Connected Communities**," we encourage every person to help build more connected, respectful and inclusive communities.

NOW, THEREFORE, IT IS PROCLAIMED by the Mayor and City Council of the City of Brevard, North Carolina, the month of April as **Sexual Assault Awareness Month** and urge the citizens of Brevard to work together to eliminate sexual assault from our community, to keep our community members safe from this crime and to stand with survivors and victims of sexual assault.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 1st day of April, 2024.

s/Maureen Copelof
Mayor

H-4. Proclamation No. 2024-03 Historic Preservation Month, May 2024 – Mayor Copelof read the proclamation aloud and presented it to John Koury, Chair of the Joint Historic Preservation Commission.

PROCLAMATION NO. 2024-03
HISTORIC PRESERVATION MONTH

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing the livability of a community; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

WHEREAS, in the City of Brevard it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the City of Brevard has two National Register Districts and 18 of 23 Locally Designated Local Landmarks for Transylvania County; and

WHEREAS, May has been celebrated as National Historic Preservation throughout the United States of America since 1973; and

WHEREAS, This May there will be a host of events that have been prepared by local historical organizations and co-sponsored by Transylvania County Joint Historic Preservation Commission, whose mission is to help preserve the historic identity of the City of Brevard and Transylvania County;

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council do hereby proclaim and recognize the month of May 2024 as Historic Preservation Month.

Adopted and approved this the 1st day of April, 2024.

s/Maureen Copelof
Mayor

H-5. Proclamation No. 2024-04 Second Chance Month, April 2024 – Mayor Copelof read the proclamation aloud. She noted that there is a reentry simulation event on April 9th at Brevard College. The event is being organized for the community so that people can experience first-hand the obstacles people face after their release from prison.

Proclamation No. 2024-04
Designation of April as Second Chance Month

WHEREAS, every person is endowed with human dignity and value; and

WHEREAS, redemption and second chances are American values; and

WHEREAS, an estimated 70 million American citizens have a criminal record; and

WHEREAS, those individuals who have paid their debt after committing a crime face significant barriers, also known as collateral consequences, to reintegrating into society; and

WHEREAS, many of these consequences are mandatory, without taking into account the seriousness of the offense, the time passed since the offense, the individual's efforts to make amends, or whether the consequence has a proven public safety benefit; and

WHEREAS, gaining meaningful employment is one of the most significant predictors of successful reentry, and ninety percent of those who have been incarcerated struggle to find employment because of societal and legal barriers; and

WHEREAS, while education is also a significant predictor of successful reentry, those with a criminal record have significant difficulty acquiring admission to and funding for educational programs; and

WHEREAS, people with a criminal history also face significant barriers in securing a place to live, and this inability to access housing has been found to increase the number of individuals returning to prison; and

WHEREAS, these and other barriers prevent the 70 million Americans with criminal records from contributing fully to their families and communities, which negatively impacts the well-being of their children and families for generations; and

WHEREAS, the designation of April as Second Chance Month can contribute to increased awareness about the challenges faced by those who have paid their debt and generate opportunities for individuals, employers, congregations, and communities to extend second chances.

NOW, THEREFORE, I, Maureen Copelof, Mayor of Brevard, do hereby proclaim April 2024 as "Second Chance Month." During this month I call on residents to honor the work of those who strive to remove barriers that prevent individuals with a criminal record from becoming productive members of society and to observe Second Chance Month through actions and programs that promote opportunities to unlock second chances.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 1st day of April, 2024.

s/Maureen Copelof
Mayor

I. Special Presentations – None.

J. Public Hearing(s) – None.

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

K-1. Proclamation No. 2024-05 Month of the Young Child & Child Abuse Prevention Month, April 2024

Proclamation No. 2024-05
Month of the Young Child &
Child Abuse Prevention Month

Whereas, the youth-serving agencies of Transylvania County come together to celebrate The Month of the Young Child during the month of April 2024 to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs; and

Whereas, children's cognitive, physical, social and emotional, and language and literacy development are built on a foundation of children's positive, safe, and nurturing interactions with adults, peers, and their environment; and

Whereas, youth-serving agencies of Transylvania County are collaborating to raise awareness and prevent child abuse in our community; and

Whereas, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development; and

Whereas, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; and

Whereas, communities that provide parents with the social support, knowledge of parenting and child development, and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential; and

Whereas, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community.

Therefore, we proclaim April as The Month of the Young Child and Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders, and businesses to increase their participation in our efforts to support families, thereby supporting early childhood programs and preventing child abuse and strengthening the communities in which we live.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 1st day of April, 2024.

s/ Maureen Copelof
Mayor

K-2. Proclamation 2024-06 Arbor Day, April 6, 2024

Proclamation No. 2024-06
ARBOR DAY
Brevard, North Carolina

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, this is the 45th year Brevard has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council, do hereby proclaim **April 26, 2024,** as **Arbor Day in the City of Brevard** and we urge all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and we urge all citizens to plant trees to promote the well being of our present and future.

Adopted and approved this the 1st day of April, 2024.

s/Maureen Copelof
Mayor

K-3. Resolution Fixing a Date of Public Hearing for Annexation – Pisgah Hospitality, LLC / Intersection of Lambs Creek Road and US Hwy 64

RESOLUTION NO. 2024-13
A RESOLUTION FIXING A DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED

WHEREAS, a petition was received on June 14, 2023, requesting the annexation of a contiguous area described in said Petition as the 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); and

WHEREAS, the Brevard City Council has by Resolution No. 2024-11 directed the City Clerk to investigate the sufficiency thereof; and

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

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by Pisgah Hospitality, will be held at Brevard City Hall at 5:30 P.M. on the 6th day of May, 2024.

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

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.

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

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

Adopted and approved this the 1st day of April, 2024.

s/Maureen Copelof
Mayor

K-4. Budget Amendment for Roundabouts Project

ORDINANCE NO. 2024-05
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2022-48, ROUNDABOUTS PROJECT

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

Section 1: The budgeted expenditures and revenues listed under the ordinance 2022-48 will be increased from $100,000 to $300,000. The Roundabouts Capital Project was established in August of 2022 to account for the City portion of landscaping and other cost costs associated with the roundabouts planned for the City that are not covered by NCDOT. NCDOT allows up to 1.5% of total project costs for approved landscaping.

At this time, revenues for this project are being budgeted as transfers in from the General Fund, although the City is pursuing funding from outside agencies. The FY25 recommended budget currently has $75,000 being transferred to the Roundabout project. NCDOT project R-5799 is estimated to be completed in 2026, and project R-5605 (Davidson River Connector) was completed in July of 2023.

Section 2: City Council has already authorized several contracts to help improve the appearance of the City's major transportation corridors with betterments to future NCDOT roundabouts. This began with project R-5799, the two roundabouts on US 64/276 at the gateway to Brevard and Pisgah National Forest approved on August 14, 2019, which lead to an Asheville Highway Corridor Visioning Initiative, approved by Council on October 21, 2019. Council has been steadfast in its vision for creating a more welcoming corridor into Brevard by leveraging local funds and working with NCDOT and other partners such as the Transylvania County Tourism Authority, to achieve this goal.

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

Account Number	Account Name	Budget Amount
78-6600-4550	Roundabouts Project	$100,000
78-6600-4550	**Roundabouts Project**	**$200,000**
	TOTAL PROJECT APPROPRIATION	**$300,000**

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

Account Number	Account Name	Budget Amount
78-3750-0220	Transfer from General Fund	$100,000
78-3750-0220	**Transfer from General Fund**	**$200,000**
	TOTAL PROJECT REVENUE	**$300,000**

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

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

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

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

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 1st day of April, 2024.

s/Maureen Copelof
Mayor

L. Unfinished Business

L-1. Designation of Historic Landmark – Bryant House, 132 King Street – Paul Ray recalled that Council and the Joint Historic Preservation Commission held a joint public hearing on March 18th on the application from Paul Wilander for his property known as the Bryant House, located at 132 King Street to be designated a historic landmark. The State Historic Preservation Office has reviewed the application and designation report and determined that it does meet the requirements for local designation. Mr. Morrow moved, seconded by Mr. Daniel to approve the Ordinance Designating the Bryant House a Historic Landmark. The motion carried unanimously.

ORDINANCE NO. 2024-06

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 1st day of April, 2024.

s/Maureen Copelof
Mayor

L-2. Proposed Amendment to City of Brevard Code or Ordinances Chapter 66 – Overnight Parking – Police Chief Tom Jordan recalled that at its last meeting Council held a public hearing on this proposed amendment which would allow for an exception to the restriction of overnight parking on city-owned parking lots if a duly authorized permit is displayed. Mr. Daniel moved, seconded by Mr. Baker to approve the amendment. The motion carried unanimously.

ORDINANCE NO. 2024-07
AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES, CHAPTER 66 – TRAFFIC: SPECIFICALLY AMENDING REGULATIONS REGARDING OVERTIME AND OVERNIGHT PARKING

WHEREAS, certain provisions of the Brevard City Code of Ordinances must be updated to allow permitted parking during overnight hours for duly authorized vehicles displaying a permit; and

WHEREAS, a public hearing was conducted on March 18, 2024, by Brevard City Council, and after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the Brevard City Council that the City Code of Ordinances be amended as outlined below.

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

SECTION 01. The City of Brevard Code of Ordinances is hereby amended as follows:

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.

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.

SECTION 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Code of Ordinances to reflect the changes as set forth above.

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

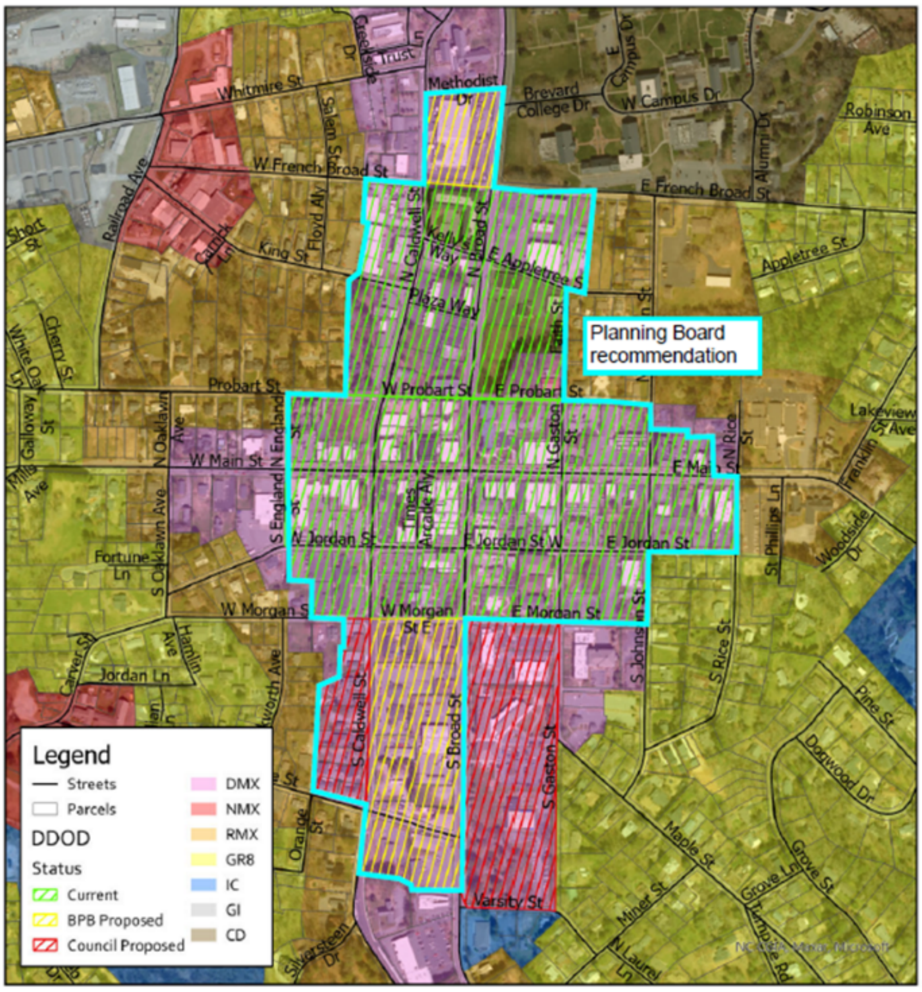
SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved on the 1st day of April, 2024.

s/Maureen Copelof
Mayor

L-3. Clarifying Motion re Additional Rezoning / Expansion of Downtown Development Overlay District – Aaron Bland recalled that Council held a public hearing regarding this proposal on February 5, 2024. Council considered the proposal at its February 19, 2024 meeting and voted to table it until after the rewrite of Chapter 5 of the UDO is completed. At its meeting on March 18, 2024, upon motion by Council Member Wise, Council voted to remove the item from the table. A motion was then made and seconded to approve, and the motion carried unanimously. The proposed expansion discussion included more than one option for Council's consideration as indicated on the below map. Mr. Bland noted that the hearing included all of the hatched area indicated on the map. The motion to approve did not specify which option Council wished to adopt. Council is asked consider a motion clarifying which proposal was approved at the March 18th meeting.

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



Mr. Wise moved, seconded by Mr. Baker to approve the Downtown Development Overlay District expansion encompassing the fully hatched area as shown on the map. The motion carried unanimously.

ORDINANCE NO. 2024-08
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD TO EXPAND THE DOWNTOWN DEVELOPMENT OVERLAY DISTRICT

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

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

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

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

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

   <u>Building Brevard 2030 Recommendations</u>

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

2) The proposed zoning map amendment is in the public interest and reasonable due to the following factors:

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

and,

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

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

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

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

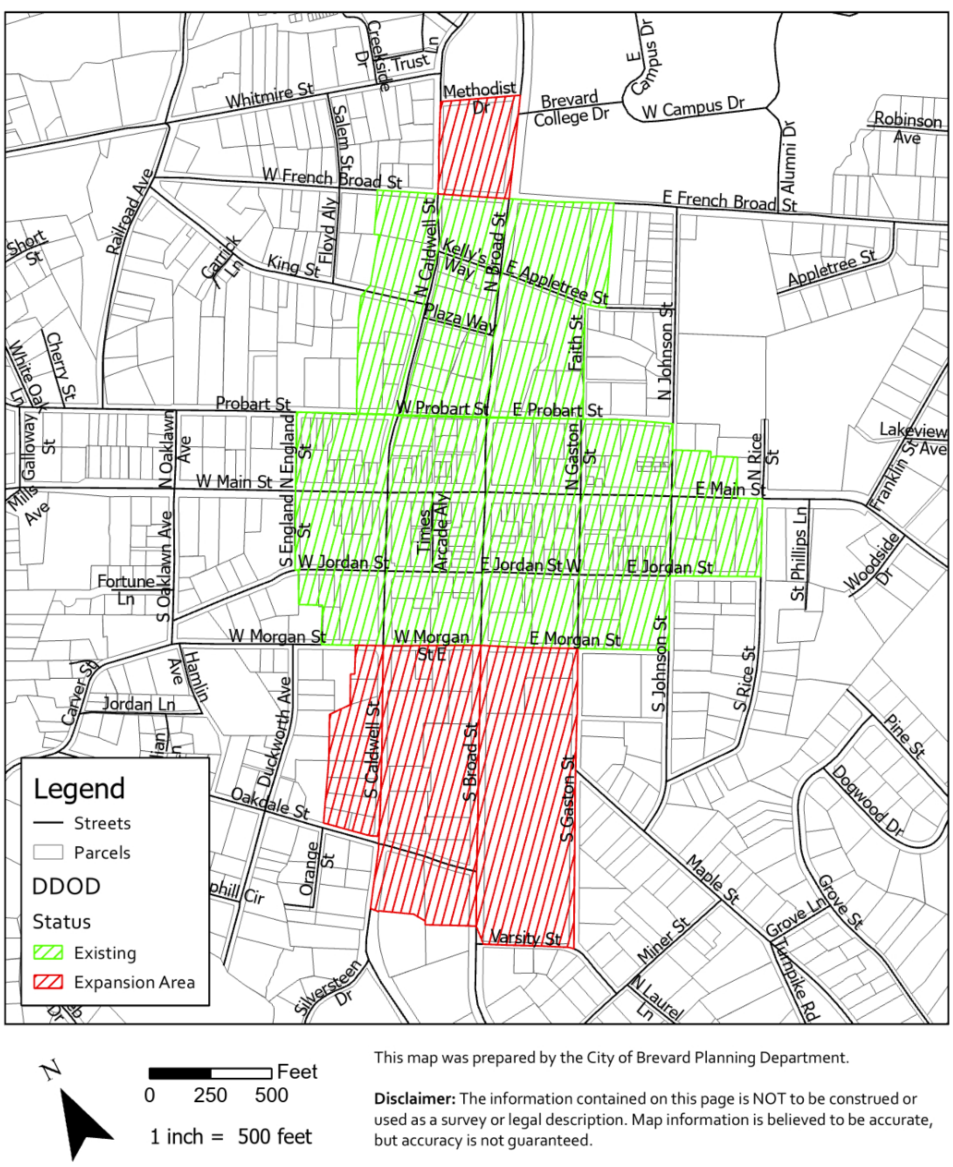
Section 3. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 1st day of April 2024.

s/Maureen Copelof
Mayor

EXHIBIT A

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



M. New Business.

M-1. Follow-up to Council Priority Setting Retreat – Mr. Hooper noted that at its Strategic Planning Retreat on February 29, 2024, Council participated in a series of facilitated exercises intended to craft its vision and identify its goals for the next 12-18 months; and to identify and prioritize "Key Strategic Actions" (KSA's) it expects the organization to fund and execute over the same period. The retreat was facilitated by

Rebecca Jackson, adjunct faculty member of the UNC School of Government's Center for Public Leadership and Governance. As part of her facilitation agreement, Ms. Jackson has produced a report summarizing the results of the retreat's exercises. Ms. Jackson joined the meeting via Zoom. Mr. Hooper said he would like feedback from Council on whether the report accurately reflects the goals and priorities that Council wants us to move forward with. He noted that at the upcoming Budget Workshop Council will see beginnings of a proposal that either directly funds or identifies an alternative strategy to achieve all the KSA's that received votes and he just needs a head-nod that those are the priorities Council wants to see funded in the budget . He said he needs some more direction on the rest of the goals and KSA's, namely the KSA's that didn't receive votes. He noted that when Council went through the exercise that identified the goals and actions, some of them, even some that ultimately didn't receive votes, seemed to have some backing to them and seemed to inspire some enthusiasm. Whereas others, even though they were on that list didn't seem to inspire the same level of enthusiasm. He asked for clarification on whether Council actually wants us to proceed with all of them, or if there are a few that didn't really register with you. He said we need that kind of direction because, not only are staff and I working on our plan on how the City should spend its money, we are simultaneously working on a plan on how we are going to spend our time over the next 12 months as well, and Council's priorities will form the heart of my workplan and the workplans of our department directors and employees. So, I need some feedback and confirmation that those are indeed the goals and KSA's you want us to work on over the next 18 months.

Mr. Wise said he would summarize the retreat as a renewed focus on infrastructure, finishing projects and continuing looking at what the city needs, and maybe less of an outward focus on new projects and new shiny things. Some of those projects include our desperate need for housing and our desperate need for wastewater treatment. I think one issue that we talked about circuitously but didn't really focus on, but I think we have to keep our eye on, is the impact of the Ecusta Trail on our community. I don't think we have come anywhere near tackling the impact of that project and I think that is broadly going to be a really positive impact, but we need to look at all sides of that issue to really understand what it is bringing in with all this opportunity. To me, to take a 10,000-foot view, this year should be about focusing on the needs of the city and the infrastructure and prepping for the Ecusta Trail which is moving quickly. We've gotten more funding for that and it is really exciting.

Ms. Jackson said I think that is very intuitive and also highlights the section in the report that talks about the overall themes that came through when we were talking about what was key to successes for the upcoming fiscal year…"an overall theme came through of that the City has 'planted many seeds' and now it is time to water and grow. Council also discussed the importance of adapting to change." It is that theme of getting things done; project managing; making sure that we're finishing what we've started. The Ecusta Trail would be under Goal 7 Objective #2 to ensure adequate trails and multiuse pathways especially focused on supporting the Ecusta and Estatoe trails.

Ms. Holder said I am still very focused on the infrastructure, including the wastewater treatment plant; and on housing. Everything is almost lateral from there – road structure is important, completing projects is important, but if we're bringing people in, where are they going to live?

Ms. Jackson referred to the KSA's under "Goal 2: To Provide Effective and Sustainable Infrastructure" and noted that the KSA 3 "increase maintenance of existing infrastructure received 5 dots; KSA 1 "make progress on the WWTP" received 4 dots. Under "Goal 4: To Ensure Affordable Housing for All", KSA 3 "underwrite programs that produce affordable housing units" received 3 dots.

Mr. Morrow said specifically for the WWTP we are moving relatively fast as far as what we can do this year, but we're looking at 18 months at the earliest before a design will be approved and we can talk about what's going to go on, so it's more of a process than it is what are we going to do if we've already got the money. As long as he's keeping it going, I challenge the word "provide it"; we are providing it now. It's where do we want to be 30-40 years from now, that's more the question. In my mind, in the budget there are so many things that are still left on the list to do and that deals with a lot of connections with the Estatoe Trail or safety issues. I guess we hash those out in the budget. We've talked a lot about the Depot, and I would like to see us finish that project as an interpretive center. That project has been put on hold and a lot of work went into that. I would like to see implementation of the Clemson Plaza storyline. We are fortunate that we have hopefully coming up in the NCDOT budget a lot of pedestrian projects that are awaiting funding or that are in the holding tank at this point, and we will know this spring where we stand with some of those. That should move us even further and might put other priorities on where the future dollars go. I think there does need to be some flexibility so we can leverage any kind of projects that do come our way.

Mr. Daniel said I think the strategic planning session went really well and we got some good information. We have a lot of stuff out here and I think there is another step that we are beginning to take at this moment, but I'm not sure we can complete this step in this forum. I felt like we got a lot of information and when we went away, I had that moment where I went "what about this?" or "let me refine my thoughts on that". I would like to repeat what has been said, that execution and follow-through of the plans that have been developed recently and are being focused on is something that is important to me personally. Getting back to the goals, looking at "Goal 3: To cultivate a vibrant economy in Brevard, characterized by vitality and sustainable development", our Goal Key Partners are Henderson County, Transylvania County and Friends of the Ecusta Trail. I would suggest that we add Heart of Brevard to that list. I would also suggest that, yes, the Ecusta Trail should be on "Goal 7: To ensure effective transportation network that enhances the connectivity of the community and access to natural resources", but it should also be part of "Goal 3: to cultivate a vibrant economy", because that's what I think we're looking at with this trail coming in. That's one of the things where I was saying refining my thoughts on something. I also note that on "Goal 5: To promote unity, foster a strong sense of community, and encourage collaboration among residents and stakeholders", the KSA that was presented, which didn't get any votes, was to refresh Brevard's approach to organizing and hosting festivals. That was a pretty low goal if you ask me. I would suggest that something that may have been more interesting would be to communicate with our key partners to help form a strategic action for this. That is something we could have considered if given more thought. Otherwise, the items that got votes are pretty much the ones that I think are important, but there are a lot of items that got votes and probably more than we can really focus on in a year's time and that needs refinement.

Mr. Baker said I think the 7 goals that we set are great and I appreciate that we went through the exercise of listing KSA's and then essentially voting on them. I do want to make sure and caution against those KSA's being too prescriptive, or for us being so tied to them in terms of the work that the City Manager then does with staff, that we don't lose sight of the forest for the trees. We rely on City Staff to be the experts on a lot of these topics, and we can set the broad goals and set the themes for the staff, and we can have input on KSA's, but I think staff also needs to be able to say "here's a KSA that you didn't mention but this strategic action actually gets us to this goal that you have set." I think broadly this is a great roadmap, but I think flexibility in how we achieve the goals that we've set is needed. I echo some of the comments that other Council Members have made about the Ecusta Trail. I do think we need a strategic planning session and goal-setting session just for this $46M project that we're already embarking on where we can talk about how it interacts with many of the goals that are here. As mentioned, it is going to be an economic development driver. It does interact with the trails and transportation network that we already have, and I think we need time and space to actually talk through those and avoid some of the pitfalls that I think we almost fell into at the last meeting. We haven't really talked about our strategy and goal broadly for the Ecusta Trail and set some KSA's just for that trail itself, such as things where the main trailhead will be, where it begins and ends, how it interacts with our own city trail. The scope of that project is massive; a $46M project that is already underway, and we need to understand now how that is going to fit in with all our other goals and get the most out if it that we possibly can. I think if we don't stop and strategize we sort of fall into a trap of just going through the motions of the project and wanting to get to some sort of finish line, and again lose the forest for the trees there. I don't want us to get too focused in that we can't take a step back and look at the big picture.

Mr. Hooper asked if there is interest in incorporating some of the edits that Mr. Daniel suggested into the document:

- Goal 5 replacing "refresh Brevard's approach to organizing and hosting festivals" to more of a "cooperative effort/communicate with key partners";
- Adding the Ecusta Trail to Goals 2 and 3; and
- Adding Heart of Brevard to key partners in Goal 3. Mr. Baker suggested that we should also add the Transylvania Economic Alliance as a key partner in Goal 3.

There was consensus of Council to add those to the report and Mr. Hooper will bring an updated draft to next week's Budget Workshop for Council to reaffirm.

N. Remarks/Future Agenda Considerations.

Mr. Wise said he wanted to follow up on Mr. Sankey's comments. We have made some great progress in the Public Works & Utilities Committee on interviewing engineering firms; that process is moving forward, which is very exciting. We also started talking a little bit more proactively about the Ecusta Trail in the Parks, Trails & Recreation Committee meeting. We also got some funding for the Ecusta Trail from TDA. It was funding that they had pledged, but we were able to sort of rewrite it to cover engineering.

Mr. Hooper recalled that at the last meeting Council approved an application to the NC Dept. of Commerce for downtown revitalization. Our intention was to submit a grant to get money to plant replacement trees and silva cells downtown. We had a pre-application meeting with the Dept. of Commerce, and they strongly discouraged us from submitting a grant with that context as it likely wouldn't be competitive because it wouldn't create jobs in the same way that some of the other projects would. So, we have decided not to apply for that project that we stood no chance of getting. Paul and I and the team are thinking of other ways to accomplish the same goal, but with another source of funds.

Mayor Copelof said I want to congratulate the Police Department and Chief Jordan for getting our four new officers sworn in. It's the people in the city, it's the staff; that is how we manage to accomplish all of the things; that's what makes our strategic goals reality; it's the people that work for the City of Brevard. I am so happy to welcome four new members onboard, but also to again acknowledge that the 100-some people that run this city 24 hours day, seven days a week, all through whatever is going on, are really the people that make the things happen. Thank you to the staff. When we get new employees, it just makes realize how precious our personnel are. We have our budget workshop next Friday. It will be from 8:30 am to 5:00 pm in the Council Chambers and the public is welcome to come. The first part of that planning was the strategic planning that we did in February with our consultant. That is what was in the report here tonight and next Friday this will be much more specific as we work to actually to put funding towards each of those different goals and KSA's. I also want to thank the Friends of Ecusta Trail and TDA because we did indeed get the commitment from both of them last week at our Ecusta Trail meeting for additional funding for engineering of the Ecusta Trail. That is another $1M in engineering funds that allows this incredible project to move forward. That is the type of collaboration between partners that is making this reality. We have a lot going on right now. This coming Saturday we have the Assault on the Carolinas and we will have about 850 bike riders joining us downtown for this ride. Once again, we are welcoming people to our town to take advantage of the wonderful outdoor recreation. We also want to keep people aware that Heart of Brevard and a lot of our downtown merchants are staying open late on Friday night, not just for our visitors that are coming for the AOTC, but also for all of us. So, I encourage everybody to support our downtown merchants on Friday evening and hopefully it will be a wonderful night. Our fourth of four Age Exchange Forums, which is part of our new AARP Age-Friendly initiative, is coming up on April 13th from 11:00 am to 1:00 pm at the Rogow Room. This one is on technology basics for the non-digital native. It will have tips on cyber security, as well as information about various digital applications. Thank you to Dr. Paula Hartman-Stein for organizing and leading this series. The reentry simulation is on April 9th at Brevard College. I have done this in the past and it opens your eyes to just how hard it is for someone when they get out of prison to reenter our society, as we have so many barriers that make it so difficult.

O. Closed Session

Closed Session #1 – At 6:54 p.m. Mr. Morrow moved, seconded by Ms. Holder to enter into closed session to discuss a potential litigation matter and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, City Clerk Denise Hodsdon, and Planning Director Paul Ray.

Council Returned to Regular Session – at 7:13 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 7:13 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: May 6, 2024

Proclamation No. 2024-09
National Police Week and
Peace Officer's Memorial Day 2024
Brevard, North Carolina

WHEREAS, the Congress and the President of the United States have designated that there be a national Law Enforcement Officers Week; and

WHEREAS, the members of the law enforcement agencies of North Carolina play an essential role in safeguarding the rights and freedom of the citizens of the State; and

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Brevard Police Department and the Transylvania County Sheriff's Office; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 36th Annual Candlelight Vigil, on the evening of Monday, May 13, 2024; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their law enforcement offices and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the citizens of Brevard recognize and appreciate the contributions made by law enforcement officers at all levels of government.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council, call upon all citizens to observe Wednesday, **May 15, 2024**, as **"PEACE OFFICER'S MEMORIAL DAY"** and **May 12-18, 2024** as **"NATIONAL POLICE WEEK"** in Brevard, North Carolina, and that all of our people join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In so doing, they have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 6th day of May, 2024.

Maureen Copelof

Maureen Copelof
Mayor

Attest:

Denise Hodsdon

Denise Hodsdon, CMC
City Clerk

Proclamation No. 2024-08
Older Americans Month

Whereas, May is Older Americans Month, a time for us to recognize and honor older adults and their immense influence on every facet of American society; and

Whereas, through their wealth of life experience and wisdom, older adults guide our younger generations and carry forward abundant cultural and historical knowledge; and

Whereas, older Americans improve our communities through intergenerational relationships, community service, civic engagement, and many other activities; and

Whereas, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

Whereas, we must ensure that older Americans have the resources and support needed to stay involved in our community – reflecting our commitment to inclusivity and connectedness.

Now, therefore, I, Maureen Copelof, Mayor of Brevard, do hereby proclaim May 2024 as Older Americans Month in the City of Brevard. This year's theme, "Powered by Connection," emphasizes the profound impact of meaningful interactions and social connection on the well-being and health of older adults in our community.

We call upon all residents to join us in recognizing the contributions of our older citizens and promoting programs and activities that foster connection, inclusion, and support for older adults.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 6th day of May, 2024.

Maureen Copelof

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon

Denise Hodsdon, CMC
City Clerk

A Proclamation
Mental Health Month in Transylvania County, the City of Brevard, and the Town of Rosman

WHEREAS, the mental health and well-being of our community members, especially our youth, are paramount to the vitality and resilience of Transylvania County, the City of Brevard, and the Town of Rosman; and

WHEREAS, recent tragic events, including student suicides, have underscored the urgent need for increased awareness, support, and action to address mental health challenges in our community; and

WHEREAS, mental health is an integral component of overall health and wellness, and access to comprehensive mental health resources and support services is essential for all individuals to thrive; and

WHEREAS, stigma and discrimination surrounding mental health concerns often prevent individuals from seeking the help and support they need, perpetuating cycles of suffering and isolation; and

WHEREAS, by coming together as a community, we can break down barriers, foster empathy, and create a culture of understanding, compassion, and acceptance for those experiencing mental health challenges; and

WHEREAS, May is recognized nationally as Mental Health Awareness Month, providing an opportunity to raise awareness, combat stigma, and promote mental health resources;

NOW, THEREFORE, we, the undersigned leaders of Transylvania County, the City of Brevard, and the Town of Rosman, do hereby proclaim May as Mental Health Month and call upon all residents to join us in our commitment to prioritize mental health and well-being for ourselves, our families, and our community.

We urge individuals to:

- Educate themselves and others about mental health and the importance of seeking help when needed.
- Foster supportive and inclusive environments where individuals feel safe to share their experiences and seek support without fear of judgment or stigma.
- Advocate for policies and initiatives that promote mental health awareness, access to care, and suicide prevention efforts.
- Encourage open and honest conversations about mental health, reducing the silence and shame that often surrounds these issues.
- Access available mental health resources and support services and encourage others to do the same.

Together, let us work tirelessly to create a community where mental health is valued, prioritized, and supported, and where every individual feels empowered to live their lives to the fullest.

This the 22nd day of April, 2024.

TRANSYLVANIA COUNTY
BOARD OF COMMISSIONERS

Jason R. Chappell, Chairman

ATTEST:

Trisha M. Hogan, Clerk to the Board

This the 30th day of April, 2024.

CITY OF BREVARD

Maureen Copelof, Mayor

ATTEST:

Denise Hodsdon, City Clerk

This the _____ day of __________, 2024.

TOWN OF ROSMAN

Brian Shelton, Mayor

ATTEST:

Angela Woodson, Town Clerk

PROCLAMATION NO. 2024-10
55th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
May 5 - May 11, 2024

Whereas, the Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

Whereas, the Office of the Professional Municipal Clerk is the oldest among public servants; and

Whereas, the Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels: and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

Whereas, the Professional Municipal Clerk serves as the information center on functions of local government and community; and

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

Whereas, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, I, Maureen Copelof, Mayor of the City of Brevard, do recognize the week of May 5 through May 11, 2024, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Denise Hodsdon, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 6th day of May, 2024.

Maureen Copelof

Maureen Copelof
Mayor

Attest:

Denise Hodsdon

Denise Hodsdon, CMC
City Clerk

STAFF REPORT
City Council, Monday, May 6, 2024

Title:	Personnel Policy Revisions
Speaker:	Kelley Craig, Human Resources Director
Prepared by:	Kelley Craig, Human Resources Director
Approved by:	Wilson Hooper, City Manager

Background
In coordination with the annual budget process, staff have been reviewing the City's Personnel Policy to identify any updates and/or amendments that may be recommended or necessary. This year there are a few policy changes for City Council to consider, along with some minor language changes throughout the policy to update and clarify the language.

The Finance/HR and Citizen Appointment Committee held a discussion on these items at its March 25, 2024 meeting.

Discussion
The following highlights the changes which have a budgetary impact or are a substantial change from the existing policy:

On-Call Pay increase from the rate of $0.90 per hour to $2.00 per hour.

- This applies to employees in the Police Department and Public Works who are responsible for being on-call 24 hours a day/7 day a week.

Floating Holiday

- As a result of the inquiry into adding another paid holiday like President's Day; staff recommend adding a Floating Holiday for employees which provides the flexibility for employees to use on a day of their choice that has a special meaning to them.

Paid Parental Leave Policy revisions

- This policy was approved in 2023 and required employees to be employed for a period of one year to be eligible for this leave.
- The revised recommendations would provide paid leave for those with less than a year (but at least 30 days of employment) in incremental weeks.
    - 30 days to 6 months = 2 weeks of paid parental leave
    - 6 months to one year = 4 weeks of paid parental leave

- 1 year or more = 6 weeks of paid parental leave

The amount of leave eligibility is determined at the date of the qualifying event (birth, adoption, foster, or other legal placement).

Fiscal Impact
The budgetary impact is approximately $15,000 (including taxes and benefits) and this is related to the increase in on-call pay. The increased cost is already factored into the FY25 recommended budget.

Recommendation
These changes are all employee-focused and help in the City's efforts to retain and attract its employees. These items have all been reviewed by the Finance/HR and Citizen Appointment committee with a recommendation for City Council to approve.

Attachments:
1. Personnel Policy Revisions 2024 Changes

ARTICLE III. THE PAY PLAN

SECTION 14. ON-CALL COMPENSATION AND CALL-BACK PAY.

When designated on-call employees are not performing work duties, the City will provide compensation in appreciation for the commitment of being on-call. Compensation will be paid to non-exempt employees at the rate of $2.00 ~~.90~~ (~~90 cents~~ two dollars) per hour of on-call time.

When a non-exempt employee is actually called back to work or a worksite because of special needs or emergencies, non-exempt employees will be paid for a minimum of two hours of work, even if their actual work time was shorter. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 2. Holidays

The following days, and other such days as the City Council may designate, are holidays with pay for regular full-time and part-time employees of the City:

Month	Holiday	Observed
January	New Year's Day	January 1st
January	Martin Luther King, Jr. Day	Third Monday in January
March/April	Good Friday	Friday Preceding Easter
May	Memorial Day	Last Monday of May
June	Juneteenth	June 19th
July	Independence Day	July 4th
September	Labor Day	First Monday in September
November	Veteran's Day	November 11th
November	Thanksgiving	Fourth Thursday in November (2 days – Thursday and Friday)
December	Christmas	December 25 (3 days – see schedule below)

If Christmas day falls on the day of the week indicated below, the days set forth will be observed as holidays:

Day of the Week	***Days Off***
Sunday	Friday, Monday and Tuesday
Monday	Monday, Tuesday and Wednesday
Tuesday	Monday, Tuesday and Wednesday
Wednesday	Tuesday, Wednesday and Thursday
Thursday	Wednesday Thursday and Friday
Friday	Thursday, Friday and Monday
Saturday	Thursday, Friday and Monday

When any recognized holiday (except Christmas), falls on Saturday, the preceding Friday will be the designated holiday. When any other recognized holiday (except Christmas), falls on Sunday, the following Monday will be the designed holiday.

Eligibility: In order to receive a paid holiday, the employee must have been in a paid status (including the use of approved leave accruals) the day before and the day after the holiday (working at least 50% of regular working week). Employees will not be paid for a holiday if he or she is on leave without pay.

Part-time employees will also receive these holidays, provided that they are regularly scheduled to work on the day of the holiday. The amount of time for which the employee receives holiday pay will based on the average scheduled hours per week.

Employees required to work on any of these holidays shall receive the equivalent time off or receive the 8 hours of holiday pay in addition to hours worked. The City Manager may at his discretion work with departments to adjust schedules as needed when work is required on one of these holidays.

Employees will also be granted one day of Floating Holiday per calenda year (starting in January 2025). This leave is provided to support diversity and offer flexibility by giving employees discretion to choose a holiday, event or paid day off that is significant to them.

- The Floating Holiday must be scheduled and approved in advance by the employee's supervisor.
- Every effort will be made to approve the requested holiday as work demands allow as long as approval does not adversely affect City services.
- Department Heads may rescind approval of an employee's Floating Holiday in the event of emergency/unforeseen situations that may arise, in order to meet work demands. In that situation, the impacted employee shall be allowed to submit a request for a different day to be utilized before the end of the calendar year.

- Eligible employees must submit Floating Holiday requests in full day increments.
- No Floating Holiday leave balance will be carried over to subsequent years.
- All unused Floating Holiday leave shall end and terminate without compensation when the employee resigns or is separated from the City.
- All other rules and conditions of Holiday Pay outlined in this policy apply to Floating Holiday.

SECTION 18. PAID PARENTAL LEAVE

Regular full-time and regular part-time employees are eligible for up to six (6) weeks of paid parental leave following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with the Family and Medical Leave Act (FMLA) Policy, as applicable. This policy will be in effect for births, adoptions, or placements of foster children occurring on or after July 1, ~~2023~~2024.

Coverage and Eligibility

An employee's eligibility for Paid Parental Leave shall be made based on the employee's months of continuous service and hours worked as of the date that the child is born or placed via adoption, foster or other legal placement.

~~as of the date of the qualifying life event. Employees who become parents via birth, adoption, foster or another legal placement are eligible if:~~

~~Employee is a regular full-time or regular part-time position.~~

Employees who have completed at least 30 days of employment but less than 6 months of employment immediately preceding the date of the event, are eligible for 2 weeks of Paid Parental Leave.

Employees who have completed six months but less than 1 year of employment immediately preceding the date of the event, are eligible for 4 weeks of Paid Parental Leave.

Employees who have completed at least 12 months of service immediately preceding the date of the event will be eligible for 6 weeks of Paid Parental Leave.

Employees do not gain additional weeks of paid leave during the 12 months following the event, eligibility is based on the service time as of the date of the event.

~~Employee has been continuously employed by the City of Brevard for the immediate 12 preceding months.~~

- ~~Employee has worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.~~

~~Eligibility determinations are made as of the date that the child is born or placed via adoption, foster or other legal placement.~~

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger).
- Note: Other legal placement does not include parental custody cases or legal assignments as a Guardian ad Litem (GAL). This provision does not apply to the adoption of a stepchild by a stepparent or similar circumstances.
- Surrogate mothers and sperm donors are not eligible for parental leave.

Amount, Time Frame and Duration of Paid Parental Leave

- Eligible employees will receive a maximum of six (6) weeks of paid parental leave per birth, adoption, or placement of a child/children. The fact that a multiple birth, adoption, or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the six-week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than six weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.
- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay (to exclude overtime, on-call, or any supplemental pay types). Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates. Employees who work alternate schedules (police, fire, Water, Wastewater, etc.) will only receive six consecutive calendar weeks, regardless of schedule.
- Approved paid parental leave may be taken at any time during the 12-month period immediately following the birth, adoption, or placement of a child with the employee. Paid parental leave may not be used or extended beyond this 12-month time frame.
- Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the 12-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the 12-month time frame.
- Upon termination of the individual's employment, he or she will not be paid for any unused paid parental leave for which he or she was eligible.
- If the employee requires leave before the actual birth, adoption, or placement due to medical reasons or to fulfill legal obligations, other available leave balances shall be utilized in accordance with the city's policy. Paid parental leave shall not be used prior to the qualifying event.

Coordination with Other Policies

- Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.

- After the paid parental leave has been exhausted, any employee requesting additional leave that may be available still under the FMLA (if balance exists) will be compensated through employees' accrued sick, vacation and compensatory time. Upon exhaustion of accrued sick, vacation and compensatory time, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- The city will maintain all benefits for employees during the paid parental leave period just as if they were taking any other city paid leave such as paid vacation leave or paid sick leave.
- If a city holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement.
- If the employee is on paid parental leave when the city offers administrative leave (known as an "admin day"), that time will be recorded as paid parental leave. Administrative leave will not extend the paid parental leave entitlement.
- An employee who takes paid parental leave that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee were on FMLA-qualifying leave.
- Paid ~~Family~~ Parental Leave cannot be paid concurrently with any other leave or any applicable Short Term Disability.

Employee Responsibility

- The employee will provide his or her supervisor and the human resource department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible).
- The employee must complete the necessary HR forms and provide all documentation as required by the HR department to substantiate the request. Official documents may include FMLA certification paperwork, Birth Certificate or Report of Birth, Adoption Order, Proof of Placement, etc.

STAFF REPORT
City Council, Monday, May 6, 2024

Title:	FY2025 Recommended Budget Presentation, FY2024 Supplemental Spending Plan, and Set Date for Public Hearing
Speaker:	Wilson Hooper, City Manager Dean Luebbe, Assistant City Manager/Finance Director Bradley Elmore, Deputy Fire Chief Wesley Shook, Public Works Director
Prepared by:	Wilson Hooper, City Manager, Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background
NCGS 159-9 names city managers as his/her municipality's statutory "budget officer" and outlines his/her responsibilities regarding preparation and submission of proposed budgets. The statute requires that a document which "contain[s] a concise explanation of the governmental goals fixed by the budget for the budget year, explain[s] important features of the activities anticipated in the budget, set[s] forth the reasons for the state changes from the previous year in program goals, programs, and appropriate levels, and explain[s] any major changes in fiscal policy" be presented to the elected board no later than June 1. Brevard Code of Ordinances Sec.2-113(5) requires the city manager to "prepare and submit the annual budget and capital program to the Council."

The proposal presented this evening is the culmination of months of work by both the Brevard staff and the city's elected officials. Staff began compiling information on the costs of providing services prior to the start of the calendar year, and submitted requests for funding for new initiatives soon after that. The City Council held its strategic planning retreat in February, identifying priorities that staff used to create the budget proposal. Council held a Budget Workshop April 12 to review options and give preliminary approval of a spending plan.

Discussion
The proposed FY25 budget endows each of the city's budgetary units with resources needed to provide services, and spells out a funding strategy for each of Council's priorities. It maintains or enhances services levels across the City of Brevard enterprise. The proposal:

The proposal funds these expenses via:

- Modest natural growth in the city's three main General Fund revenue sources: property tax, sales tax, and interest income.
- A proposed $.02 increase in Brevard's property tax rate (from $.48 to $.50). The new rate equates to approximately $70 more for a property with as assessed value

of $350,000. The tax rate itself ($.50) is decidedly average. Canton's is $.54, Hendersonville's is $.52, Sylva's is $.44 and Waynesville's is $.439.
- A proposed increase to solid waste collection fees.
- A continuation of the city's regular 4% increases to the city's "per/1000 gallon" utility fee, and a new High Strength Waste Surcharge for produces of high strength wastewater.

To relieve pressure on the FY25 budget, staff recommend that some projects/Council priorities be funded from existing resources. Therefore the FY25 budget comes accompanied by a Supplemental Spending Plan which uses operational savings, reserve funds, and unobligated fund balance to pay for proposed items.

The City Manager will give an extensive overview of the budget proposal at this evening's meeting.

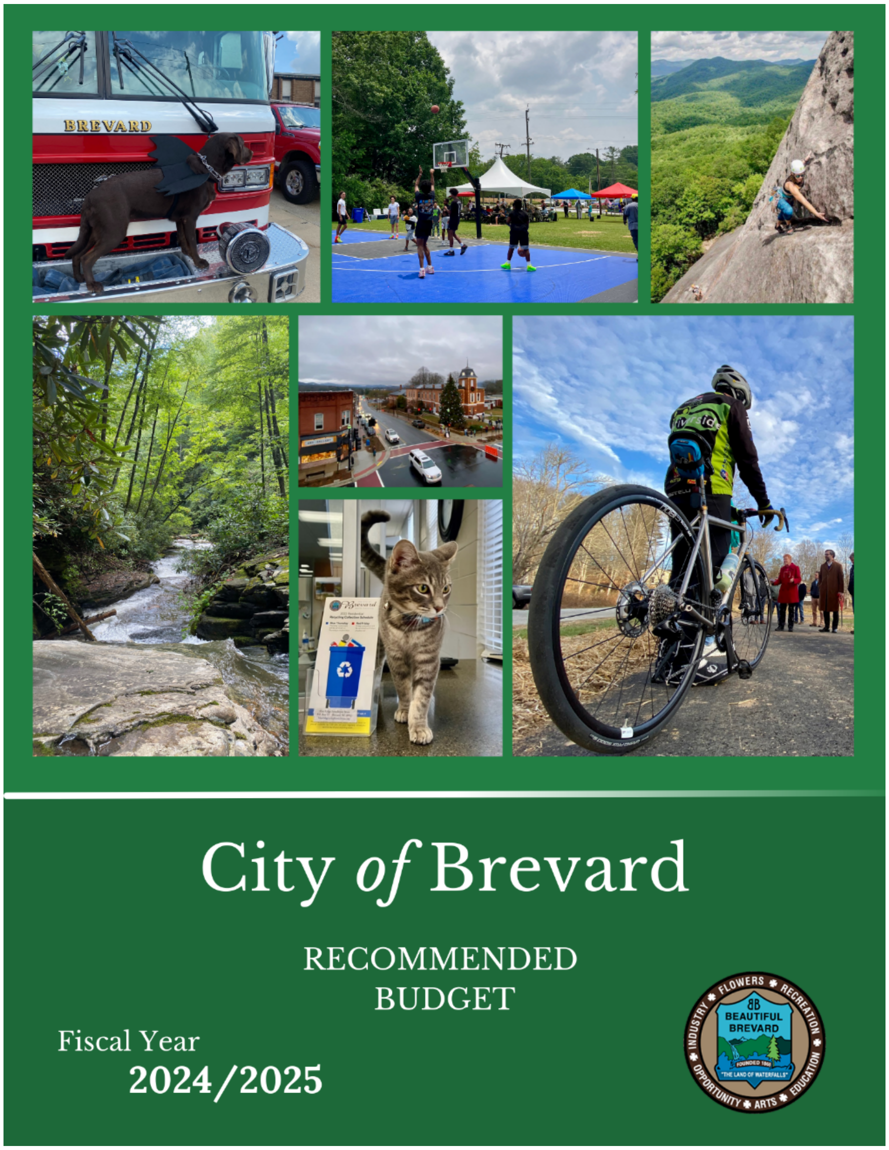
Action
Staff requests Council take action to set May 20, 2024 as the date of the statutorily required Public Hearing

On the content of the recommendation, no action is requested. For information and discussion only.

Attachments:
1. FY25 Budget Placeholder

The City of Brevard FY25 budget will be published at the following link by Saturday, May 4, 2024:

[Recommended Budget FY24-25 | Brevard, NC - Official Website (cityofbrevard.com)]



STAFF REPORT
City Council, Monday, May 6, 2024

Title:	Proposed Amendment to City of Brevard Unified Development Ordinance, Chapter 15 - Board Roles
Speaker:	Aaron Bland, Asst Planning Director
Prepared by:	Aaron Bland, Asst Planning Director
Approved by:	Wilson Hooper, City Manager

Background
Section 15.1 of the City of Brevard Unified Development Ordinance (UDO) details the authorities and responsibilities for City's Planning Board (BPB) and Board of Adjustment (BOA). While statutory references in this section were updated following the adoption of General Statutes Chapter 160D, there was not a careful review of these enumerated authorities and responsibilities to conform with 160D.

This is a staff-initiated text amendment that would do just that, bringing these listed roles of the two boards into compliance with the new general statutes that cover land use law in North Carolina. Another item in this section of the UDO that needs amending is the makeup of the Planning Board in terms of the number of members that represent the city and the extra-territorial jurisdiction (ETJ).

Discussion
Throughout its many different subsections, Chapter 160D details both the required and potential duties of planning boards and boards of adjustment. This proposed text amendment does four things:

1. Eliminate anything listed that is not expressly authorized in the statutes
2. Ensure and make clear each board's required duties and responsibilities
3. List the optional responsibilities that each board actually engages in
4. Amend the makeup of the Planning Board city/ETJ membership for better proportional representation

North Carolina General Statutes state that the ETJ must have "proportional representation based on population for residents of the extraterritorial area" on city boards such as the BPB and BOA (GS § 160D-307). This proportionality is to be reviewed and adjusted following each decennial census; this has not yet been done following the 2020 census.

The 2020 population of the city was found to be 7,818, and the population within the ETJ is estimated to be 3,129, which results in a city-to-ETJ ratio of 2.5. This ratio of 2.5 is the goal for the proportional representation on the BPB and BOA.

The current makeup of the BOA is 3 city and 2 ETJ members* which equals a ratio of 1.5.

Changing the makeup of the BOA would result in the ratio becoming further from the goal of 2.5, so no change is recommended for the BOA.

The BPB, however, can improve its proportionality. The current makeup of 4 city and 3 ETJ members equals a ratio of 1.33. Changing the makeup to 5 city and 2 ETJ equals the ideal 2.5 ratio. Therefore, it is recommended that one of the ETJ members be switched to a city member.

* The BOA also has city and ETJ alternate members, which only participate in the absence of a regular member and are not counted for calculating proportionality, since any alternate member can fill any regular seat.

Policy Analysis
Ensuring the UDO and city board actions are consistent with state law is an obvious best practice and in the City's legal and procedural best interest.

Recommendation
The Planning Board discussed these amendments at their February and March meetings, and recommended in favor. In accordance with NC General Statutes, the Planning Board also submits the attached statement of consistency.

Action
This staff report is for public hearing purposes and no vote is requested at this time.

Attachments:
1. TXT-24-003 - Draft Amendments
2. TXT-24-003 BPB Consistency Statement

CHAPTER 15. BOARDS AND COMMISSIONS

15.1. Boards and commissions established.

The following boards and commissions are hereby established:

A. *Brevard Planning Board.* The authority to establish a Planning Board for the City of Brevard is granted under the authority of G.S. 160D-301 and 160D-307.

1. *Authority and responsibility.* The Brevard Planning Board (hereafter BPB) shall have the following duties and responsibilities:

~~a. Acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in those conditions.~~

~~b. Prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area.~~

~~c. Establish principles and policies for guiding action in the development of the area.~~

~~d. Prepare and recommend to the city council ordinances promoting orderly development along the lines indicated in the comprehensive plan.~~

~~e. Determine whether specific proposed zoning amendments developments conform to the principles and requirements of the adopted comprehensive plan for the growth and improvement of this area, as well as any other officially adopted plan that is applicable in accordance with G.S. 160D- 604(d).~~

~~f. Keep the city council and the general public informed and advised as to these matters.~~

~~g. To review and make a recommendation on development activities and other requests as set forth in Section 16.6 of this ordinance in accordance with G.S. 160D-604(c).~~

~~h. To render opinions and make recommendations on all issues and petitions related to the City of Brevard Code of Ordinances and other land use plans and policies, transportation plans and policies, road closings, and other policies which may be adopted from time to time which require approval by the city council, pursuant to G.S. 160D-604(c).~~

~~i. To review with the city manager and other city officials and report its recommendations to the city council upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, and on the establishment of building lines, mapped street lines and proposals to change existing street lines. However, in the absence of a recommendation from the board, the city council may, if it deems wise, after the expiration of 30 days from the date on which the question has been submitted in writing to the board for review and recommendation, take final action.~~

a. Review and comment on all proposed amendments to the zoning regulations or zoning map in accordance with G.S. 160D-604(b).

b. Advise and comment on whether any proposed amendment to the zoning regulations or zoning map action is consistent with any comprehensive or land-use plan that has been adopted, and any other officially adopted plan that is applicable, in accordance with G.S. 160D-604(d). The planning board shall provide a written recommendation to city council that addresses plan consistency and other matters as deemed appropriate by the planning board.

c. Review and provide advice and consultation to the city council when adopting a new comprehensive plan, in accordance with G.S. 160D-501(c).

d. Prepare, review, maintain, monitor, and periodically update and recommend to the city council a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis to do so, in accordance with G.S. 160D-301(b).

e. Review and comment on the required investigative study and reports required for the changing of the boundaries of a historic district, or the creation of additional districts within the city.

f. Review and make a recommendation on development activities and other requests as set forth in Section 16.6 of this ordinance, in accordance with G.S. 160D-604(c).

~~j.~~g. Perform any other duties which may lawfully be assigned to ~~it~~the BPB by the city council or General Statutes.

2. *Membership and terms of office.*

a. The BPB shall consist of a total of seven members with ~~four~~ five members residing within the city and ~~three~~ two members residing in the extraterritorial jurisdiction. The members residing in the ETJ shall have equal rights, privileges and duties with other members of the board in all matters pertaining to the UNIFIED DEVELOPMENT ORDINANCE both within the corporate limits of the city and within its ETJ.

b. In accordance with G.S. 160D-307(a), the total membership of the BPB shall be proportional to the population of residents of the city and residents in the ETJ area. At a minimum, the membership of the board shall be examined following every decennial census, and changes shall be made as necessary to maintain an appropriate balance of city and ETJ board membership.

c. Representatives from within the corporate limits shall be appointed by the Brevard City Council. Representatives from the ETJ area shall be appointed by the Transylvania County Board of Commissioners.

d. The term of office shall be three years staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

e. The BPB shall elect the board chair and vice-chair from among its members. They each shall serve a one-year term.

B. *Board of adjustment.* The authority to establish a board of adjustment is granted under the authority of G.S. 160D-302.

1. *Authority and responsibility.* The board of adjustment (hereinafter BOA) shall have the following duties and responsibilities:

a. To hear and decide appeals from any order, decision, determination, or interpretation made by the administrator pursuant to or regarding these regulations and in accordance with G.S. 160D-405, G.S. 160D-705, or G.S. 160D-1008.

b. To hear and decide petitions for variances from the requirements of these regulations.

c. To hear and decide petitions for special use permits.

d. To make an interpretation of any portion of this ordinance.

~~e. To change the use of, or expand certain nonconformities.~~

2. *Membership and terms of office.*

a. The BOA shall consist of a total of five members with three members residing in the city limits and two members residing in the ETJ. In addition, two alternate members residing in the city limits and one alternate member residing in the ETJ shall be appointed. Alternates shall serve on the board in the absence of any member and while serving shall have and may exercise all of the powers and duties of a regular member. The members residing in the ETJ shall have equal right, privileges and duties with other members of the board in all matters pertaining to the UNIFIED DEVELOPMENT ORDINANCE both within the corporate limits of the city and within its ETJ.

b. In accordance with G.S. 160D-307(a), the total membership of the BOA shall be proportional to the population of residents of the city and residents in the ETJ area. At a minimum, the membership of the board shall be examined following every decennial census, and changes shall be made as necessary to maintain an appropriate balance of city and ETJ board membership.

c. Representatives from within the corporate limits shall be appointed by the Brevard City Council. Representatives from the ETJ area shall be appointed by the Transylvania County Board of Commissioners.

d. The term of office shall be three years, although initial appointments shall be made for one, two and three years so the terms may be staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

e. The BOA shall elect the board chair and vice-chair from among its members. They shall each serve a one-year term.

(Ord. No. 15-08, § 37, 12-5-08; Ord. No. 03-10, § 1(Exh. A), 2-15-10; Ord. No. 2014-25, § 05(Exh. E), 12-15-14; Ord. No. 2019-27 , § 1(Exh. A), 11-18-19; Ord. No. 2020-23 , § 1(Exh. A), 10-19-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. 2023-06, § 1(Exh. A), 2-6-23)

COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-24-003

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 ordinance amendment is **neither consistent nor inconsistent** with the City's adopted comprehensive land use plan. However, ensuring the UDO and city board actions are consistent with state law is an obvious best practice and in the City's legal and procedural best interest.

Proclamation No. 2024-07
National Day of Prayer

WHEREAS, a National Day of Prayer has been part of our heritage since it was declared by the First Continental Congress in 1775, and the United States Congress in 1952 approved a Joint Resolution setting aside a day each year to pray in our nation; and

WHEREAS, the United States Congress, by Public Law 100-307, in 1988, as amended, affirms that it is essential for us as a nation to pray and directs the President of the United States to set aside and proclaim the first Thursday of May, annually, as a National Day of Prayer to be celebrated by all faiths and religions; and

WHEREAS, a National Day of Prayer is an occasion for each of us to pause in our normal daily routine and come together as one community giving thanks for all that we enjoy as Americans and as residents of Brevard, including our treasured freedom to practice religion as we choose; and

WHEREAS, regardless of one's faith tradition, prayer helps remind us of our humanity and helps connect all of us to the greater community, nation and world in which we all share; and

WHEREAS, on this National Day of Prayer I encourage all members of our community to pray, reflect or meditate in a manner most appropriate to their own religious or spiritual beliefs.

NOW, THEREFORE, I, Maureen Copelof, Mayor of The City of Brevard, North Carolina do hereby proclaim May 2, 2024, as a Day of Prayer throughout the City of Brevard, NC and encourage all members of our Brevard community to join in thankfulness, prayer and reflection for:

Our nation and other nations especially for all those who battle for freedom throughout the world including our brave men and women in uniform;

For those who help keep us safe here at home – our Law Enforcement, Fire Department and EMS personnel;

For those entrusted with the care and education of our children – our parents, our teachers and child care workers;

For our youth who are still recovering from the effects of the pandemic;

For our most vulnerable neighbors and for all who are struggling and need compassion and assistance;

For our leaders, so that they have the strength to meet the challenges we face today and tomorrow and the wisdom to know what to do and the commitment to do what is right; and

For our nation and the diversity that makes us strong; may we treat everyone with respect and come together in unity as Americans.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 2nd day of May, 2024.

Attest:

Denise Hodsdon

Denise Hodsdon, CMC
City Clerk

Maureen Copelof

Maureen Copelof
Mayor

PROCLAMATION NO. 2024-11
NATIONAL BIKE MONTH

WHEREAS, the bicycle is an economical, healthy, convenient, viable, and environmentally sound form of transportation and an excellent form of recreation and enjoyment of Brevard and Transylvania County's scenic beauty; and

WHEREAS, Brevard and Transylvania County trails and roads attract bicyclists each year from across the country and the world; and

WHEREAS, Brevard hosts several major cycling races and events, including the Assault on the Carolinas, the WNC Flyer, and the Pisgah Stage Race; and

WHEREAS, these bicycling activities and attractions have great potential to have a positive impact on Brevard's economy and tourism industry, as well as to stimulate economic development by making the city attractive to businesses and citizens who enjoy the out of doors and healthy lifestyles; and

WHEREAS, creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and

WHEREAS, May has been declared National Bike Month since 1956 and is so again in 2024; and

WHEREAS, the League of American Bicyclists, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies, and civic groups throughout North Carolina will be promoting bicycling as a leisure activity as well as an environmentally-friendly alternative to the automobile during the month of May 2024; and

WHEREAS, the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

WHEREAS, the City of Brevard Comprehensive Plan includes several objectives and policies aimed at improving cycling as both a form of recreation and transportation.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council do hereby proclaim and recognize the month of May 2024 as National Bike Month and Bicycle Safety Month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 6th day of May, 2024.

Maureen Copelof

Maureen Copelof
Mayor

Attest:

Denise Hodsdon

Denise Hodsdon, CMC
City Clerk

PROCLAMATION NO. 2024-12
PUBLIC SERVICE RECOGNITION WEEK
May 5-11, 2024

WHEREAS, Americans are served every single day by public servants at the federal, state, county and municipal levels. These unsung heroes do the work that keeps our nation working; and

WHEREAS, public employees take not only jobs, but oaths; and

WHEREAS, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States and around the world; and

WHEREAS, public servants include teachers, doctors and nurses, scientists, social workers, train conductors and astronauts, safety inspectors, laborers, computer technicians, and countless other occupations. Day in and day out they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, do hereby announce and proclaim to all citizens, that May 5-11, 2024 is Public Service Recognition Week in Brevard, North Carolina. All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels – federal, state, county and municipal.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 6th day of May, 2024.

Maureen Copelof
Maureen Copelof
Mayor

Attest:

Denise Hodsdon
Denise Hodsdon, CMC
City Clerk

CITY of BREVARD

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

TAX SETTLEMENT REPORT

FOR MONTH ENDED

MARCH 31, 2024

Tina Tanner, Tax Collector

Finance Department | (828) 885-5600
95 West Main Street | Brevard, North Carolina 28712 | www.cityofbrevard.com

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

UPDATED: 04.04.2024

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
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	$ 40,655.56				$ 5,946,008.44
2022-2011	$ 3,161.49	$ 6,266.33	$ 2,853.22				$ 48,457.87
2010 - Prior	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ 510,111.73	$ 108,456.28	$ 43,508.78	$ -	$ -	$ -	$ 5,994,466.31

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

UPDATED: 04.04.2024

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2023		$ 84,666.91	$ 4,920.46	$ 2,272.69	$ 2,148.37	$ 11,868.43
2022-2011		$ 4,227.80		$ 535.70		$ 35.52
2010 - Prior	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ -	$ 88,894.71	$ 4,920.46	$ 2,808.39	$ 2,148.37	$ 11,903.95

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2023	$ 19,913.88	$ 6,524.43	$ 1,321.17				$ 133,636.34
2022-2011							$ 4,799.02
2010 - Prior	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ 19,913.88	$ 6,524.43	$ 1,321.17	$ -	$ -	$ -	$ 138,435.36

STAFF REPORT
City Council, Monday, May 6, 2024

Title:	Budget Amendment for Estatoe Trail Project
Speaker:	Dean Luebbe
Prepared by:	Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background
The Estatoe Trail Project is in need of two Project Amendments. They will be presented as two separate project ordinances.

On August 21, 2023, Council adopted project ordinance 2023-35, establishing the Times Arcade Alley Improvements Project. A significant portion of the funding for this project was a $700,000 State ARPA grant, which was restricted to improving stormwater issues. In May of 2022, Council originally adopted ordinance 2022-22, which allocated $575,000 of this grant to the Estatoe Trail Project. At the time, the City was considering combining a stormwater improvement project with trail construction and using an elevated boardwalk to reduce disturbance of the brownfield in Tannery North. This strategy became unfeasible when further analysis could not quantify enough stormwater improvements to justify using these ARPA funds for that purpose. The elevated boardwalk was also deemed to be too expensive at that time. In effect, $575,000 of this $700,000 is currently budgeted in the Estatoe Trail Project, and $700,000 of this grant is budgeted in the Times Arcade Stormwater Project. The first Project Amendment will reduce the Estatoe Trail Project by $575,000.

The second Project Amendment involves the Carbon Reduction Grant of $660,000, which was awarded to the City and the Land of Sky Regional Council on September 19, 2023. This grant is expected to cover the costs of the Estatoe Trail between the Mary C. Jenkins Community Center and the Community Garden. The City is responsible for a 20% match on this grant which equates to $132,000. The Estatoe Trail Project currently has this match amount in fund balance. Because the North Carolina Department of Transportation is administering this grant, the only budget entry needed by the City is for the 20% match. When completed, the City anticipates writing up a capital asset of approximately $660,000 for this section of the trail.

Recommendation:
Adopt both project ordinances as presented.

Attachments:
1. CPO Amendment - Estatoe Trail - (575,000)

2. Ord 2022-22 Capital Project Ordinance for the Construction of the Estatoe Trail
3. Ord 2022-51 Capital Project Ordinance to Amend Ordinance No. 2022-22 Estatoe Trail $1,557,600
4. CPO Amendment - Estatoe Trail - Carbon Reduction Grant Match $132,000
5. Resolution 2023-07 Carbon Reduction Grant
6. Carbon Reduction Award Letter - LOSRPO_JA

ORDINANCE NO. 2024-XX

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE NO. 2022-22, ESTATOE TRAIL PROJECT

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

Section 1: The budgeted expenditures and revenues listed under the original ordinance 2022-22, and the amended ordinance 2022-51 will be decreased by $575,000, as the State ARPA grant (SRP-SW-ARP-0009) is now being utilized for stormwater improvements in the Times Arcade Alley

Section 2: The Estatoe Trail Project is a multi use path which weaves through large portions of the City and allows citizens and visitors to safely enjoy the beauty of the area without using a motorized vehicle.

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

Account Number	Account Name	Budget Amount
78-6300-4400	Estatoe Trail Project	$1,537,600
78-6300-4400	**Estatoe Trail Project**	**($575,000)**
	TOTAL PROJECT APPROPRIATION	**$962,600**

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

Account Number	Account Name	Budget Amount
78-3990-0000	Fund Balance	$395,000
78-3345-0400	PARTF Grant	$80,300
78-3900-0200	Contribution from TC Tourism	$46,700
78-3345-0200	OSBM Capital Grant	$125,000
78-3350-0220	Transfer from ARPA – Brevard HS	$315,600
78-3345-0300	ARPA Stormwater Grant	$575,000
78-3345-0300	**ARPA Stormwater Grant**	**($575,000)**
	TOTAL PROJECT REVENUE	**$962,600**

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

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

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

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

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 6th day of May, 2024.

____
Maureen Copelof
Mayor

ATTEST:

____
Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

____
Mack McKeller
City Attorney

ORDINANCE NO. 2022-22

CAPITAL PROJECT ORDINANCE FOR THE CONSTRUCTION OF THE ESTATOE TRAIL

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

Section 1: The project authorized is a to complete construction of the Estatoe Trail

Section 2: The project will include improvements to the Davidson River pedestrian bridge, and the portions of the trail from the Railroad Depot to Brevard High School.

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

Account Number	Account Name	Budget Amount
78-6300-4400	Estatoe Trail Project	$1,222,000
	TOTAL PROJECT APPROPRIATION	**$1,222,000**

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

Account Number	Account Name	Budget Amount
78-3750-0000	Transfer from General Fund	$125,000
78-3990-0000	Fund Balance Approp	$290,000
78-3345-0400	PARTF Grant	$80,300
78-3900-0200	Contrib from TC Tourism	$26,700
78-3345-0300	OSBM stormwater grant	$575,000
78-3345-0200	OSBM capital grant	$125,000
	TOTAL PROJECT REVENUE	**$1,222,000**

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

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

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

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

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 2nd day of May, 2022.

Maureen Copelof
Mayor

ATTEST:

Jill Murray, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

ORDINANCE NO. 2022-51

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE NO. 2022-22, ESTATOE TRAIL

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

Section 1: The budgeted expenditures and revenues listed under the ordinance (2022-22) will be increased by $315,600. ARPA funds were able to be reallocated because of NCDOT funding on the Railroad Avenue Bridge Replacement Project.

Section 2: This funding is intended to cover the City portion of the cost for the portion of the Estatoe Trail near Brevard High School.

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

Account Number	Account Name	Budget Amount
78-6300-4400	Estatoe Trail	$1,557,600
	TOTAL PROJECT APPROPRIATION	**$1,557,600**

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

Account Number	Account Name	Budget Amount
78-3750-0000	Transfer from General Fund	$125,000
78-3990-0000	Fund Balance Approp	$290,000
78-3345-0400	PARTF Grant	$80,300
78-3990-0200	Contribution from TC Tourism	$46,700
78-3345-0300	OSBM Stormwater Grant	$575,000
78-3345-0200	OSBM Capital Grant	$125,000
78-3350-0220	T F ARPA – Estatoe -High School	$315,600
	TOTAL PROJECT REVENUE	**$1,557,600**

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

Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner. The City Manager is allowed to execute any change orders that fall within the Appropriation Total of the Budget Ordinance.

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

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

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 15th day of August, 2022.

CITY OF BREVARD N.C.

Maureen Copelof
Maureen Copelof
Mayor

ATTEST:

Jill Murray
Jill Murray, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

ORDINANCE NO. 2024-XX

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE NO. 2022-22, ESTATOE TRAIL PROJECT

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

Section 1: The budgeted expenditures and revenues listed under the original ordinance 2022-22, and the amended ordinance 2022-51 will be increased from $962,600 to $1,094,600. This increase will allow the City to complete the section of the trail from the Mary C. Jenkins Community Center to the Community Garden.

Funding will come from the Carbon Reduction Grant received in September of 2023. Grant funding is $528,000 and the City will contribute a 20% match of $132,000. The grant was initiated by the City Planning Department with assistance from the Land of Sky Regional Council. The City Council previously approved Resolution 2023-07 in January of 2023 in support of the Carbon Reduction Program

Section 2: This Grant is expected to complete the portion of the Estatoe Trail between the Mary C Jenkins Community Center and the Community Garden. The City is only budgeting the 20% match ($132,000), but the cost of the trail in this section is expected to be approximately $660,000.

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

Account Number	Account Name	Budget Amount
78-6300-4400	Estatoe Trail Project	$962,600
78-6300-4400	**Estatoe Trail Project**	**$132,000**
	TOTAL PROJECT APPROPRIATION	**$1,094,600**

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

Account Number	Account Name	Budget Amount
78-3990-0000	Fund Balance	$395,000
78-3345-0400	PARTF Grant	$80,300
78-3900-0200	Contribution from TC Tourism	$46,700
78-3345-0200	OSBM Capital Grant	$125,000
78-3350-0220	Transfer from ARPA – Brevard HS	$315,600
78-3990-0000	**Fund Balance**	**$132,000**
	TOTAL PROJECT REVENUE	**$1,094,600**

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

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

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

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

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 6th day of May, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

RESOLUTION NO. 2023-07

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

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

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

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

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

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

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

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

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

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

September 19, 2023

MEMORANDUM

To: Vicki Eastland
Planner, Land of Sky Rural Planning Organization

From: Jamal Alavi, PE, CPM
Director, Transportation Planning Division

DocuSigned by:
Jamal alavi
8818E8E77A5249A...

Subject: Carbon Reduction Plan (CRP) Project Funding Award for FY 2024

Thank you for submitting project proposal(s) for funding through the North Carolina Carbon Reduction Plan Program. The Transportation Planning Division is pleased to inform you that the following projects have been approved for CRP funding in the amount shown below:

STIP Number	Description / Location	Responsible Party	Phase	CRP Funding	CRP Share	Local Match	Local Share	Total Funding	FY
BN-0011	Estatoe Trail at Tannery Park	Brevard	CON	$528,000	80%	$132,000	100%	$660,000	2024
TOTAL				**$528,000**	**80%**	**$132,000**	**20%**	**$660,000**	

The awardee is responsible for all funding that is above the approved award amount. If the award above is for an MPO, modifications to the MPO's MTP must be made to reflect this award.

Please note there is an additional small amount of funds above and beyond the project award that is included in the WBS. This is not for use by the project or project manager. These funds are placed there to pay for estimated BSIP/SAP charges that will occur as the project is invoiced and paid out.

By agreeing to use the CRP funds, the project manager's business unit or entity (awardee) agrees that any charges that cause the WBS to become negative and require repayment, (whether BSIP/SAP charges or costs incurred by the project) WILL be covered and paid for by the unit/entity receiving these funds.

Please note that projects that are not implemented according to the approved schedule may be subject to cancellation.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING DIVISION
1554 MAIL SERVICE CENTER
RALEIGH, NC 27699-1554

Telephone: (919) 707-0900
Fax: (919) 733-9794
Customer Service: 1-877-368-4968

Website: ncdot.gov

Location:
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601

If you have any questions about the CRP Program or the project that has been awarded funding, please contact Mark Eatman by telephone at 919-707-0970 or by email mreatman@ncdot.gov.

cc: Travis Marshall, PE, Transportation Planning Division
Heather Hildebrandt, Transportation Planning Division
Mark Eatman, PE, Transportation Planning Division
Marta Matthews, Local Programs Management Office
Keith Rogers, Division 14
David Wasserman, PE, STIP Western Region

Requesting Local Agreements for CRP Projects

The Local Programs Management Office (LPMO) has a web-based system for requesting agreements for locally administered projects. As a Local Government Agency (LGA) with a project to administer with NCDOT, you will be responsible for requesting an agreement through the Enterprise Business Portal (EBS). In order to access the EBS, you will need a **user id** and **password**, issued by NCDOT.

Please visit the LPMO website at:
https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx and download the LPMO Security Form, complete, sign and e-mail to the contact address in the form. Once you have a user id and password assigned, you may log into the EBS at https://www.ebs.nc.gov/irj/portal, from there, submit a request for a NEW AGREEMENT APPLICATION and attach this memo as backup documentation.

If this memo provides additional funding for your existing project in the EBS portal, then you can request a supplemental agreement by submitting a CHANGE REQUEST. In the reason for the Change Request, select "Supplemental Agreement" and attach this funding memo as backup documentation.

If you have any questions about the EBS portal, please see help guidance here:https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx

Please note the following:

- CRP transit projects that are being flexed to Federal Transit Administration do not require a local agreement. Please contact Mark Eatman to determine the steps for implementing these projects.

- Contact Information:
  Mark R. Eatman, PE
  Statewide Initiatives Engineer
  Telephone: 919-707-0970
  Email: mreatman@ncdot.gov

STAFF REPORT
City Council, Monday, May 6, 2024

Title:	Budget Amendment - Heart of Brevard
Speaker:	Dean Luebbe
Prepared by:	Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background
The Heart of Brevard (Fund 70) was under budgeted by $20,000 in the FY23-24 Adopted Budget. The City collects and distributes tax proceeds received for properties within the Heart of Brevard Municipal Service District to the Heart of Brevard. This budget amendment has no impact on fund balance.

Recommendation
Adopt as presented.

Attachments:
1. Budget Amendment 20K Heart of Brevard Fund
2. FY24 budget amendments HOB

ORDINANCE NO. 2024-XX
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET.
BUDGET AMENDMENT NUMBER 24-05

SUBJECT: Budget Amendment to increase revenues and expenditures in the Heart of Brevard Fund.

AGENDA INFORMATION

Agenda Location:	**Consent**
Department:	**Finance**
Contact:	**Dean Luebbe, Assistant City Manager and Finance Director**

BRIEF SUMMARY: The City bills and collects 21.3 cents per $100 of value for properties located within the Heart of Brevard Municipal Service District. The majority ($150,000) of the funds collected involve real property, but approximately $20,000 involve personal property and late fees and delinquent years payments. The Finance Director neglected to account for these smaller amounts in the original FY23-24 budget. This budget amendment has no impact on fund balance, as 100% of these collections are passed on to the Heart of Brevard.

MOTION FOR CONSIDERATION: To approve Budget Amendment 24-05 as submitted, increasing the budget in expenditure account:

70-6900-4500 (Contracted Services) $20,000

And increasing the budget in the revenue account:

70-3970-0023 (Heart of Brevard Ad Val Tax) $20,000

ATTACHMENTS: None

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 6th day of May, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

Budget Amendment Number 24-05
Fiscal Year 2023-2024

	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
	70-6900-4500	Contracted Services	20,000.00	
	70-3970-0023	Heart of Brevard Ad Val Tax		20,000.00
		TOTAL DEBITS/CREDITS	20,000.00	20,000.00

EXPLANATION:

Increasing revenues and expenditures in fund 70. Oversight in budgeting DMV and tax penalties.

JE# _______________ **SYSTEM #** _____________________ **Date Posted**________________ **BY:** ______

Fiscal Year _______ **Month**________ **Finance Director Signature**_______________ **Date**______________

STAFF REPORT
City Council, Monday, May 6, 2024

Title:	Finance Report at 3-31-2024
Speaker:	Dean Luebbe
Prepared by:	Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background
The City provides financial results for the period ending March 31, 2024.

Further questions are welcomed by Dean Luebbe or Wilson Hooper.

Attachments:
1. 3-31-24 finance report

City of Brevard Financial Report

FY24 3-31-2024

GENERAL FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE ($)	ACTUAL TO DATE (%)	LAST FY ACTUAL TO DATE ($)	YoY GROWTH (%)
AD VALOREM TAXES	$ 6,303,900	$ 6,223,978	98.7%	$ 5,733,278	9%
SALES AND UTILITY TAXES	3,023,527	1,483,967	49.1%	1,483,925	0%
POWELL BILL	238,000	257,715	108.3%	237,578	8%
ABC REVENUES	240,000	120,000	50.0%	140,000	-14%
UTILITY FUND REIMB	525,000	393,750	75.0%	450,000	-13%
TRANSFER IN	-	5,600		277,300	-98%
INTEREST REVENUE	470,000	400,262	85.2%	294,914	36%
MISC	529,680	373,691	70.6%	299,212	25%
FUND BALANCE APPROP	71,000	-	0.0%	-	
TOTAL	**$ 11,401,107**	**$ 9,258,963**	**81.2%**	**$ 8,916,207**	4%

EXPENDITURES AND ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE ($)	ENCUMBRANCES TO DATE ($)	TOTAL COMMITTED (%)	LAST FY EXPENDITURES TO DATE ($)
GOVERNING BOARD	$ 214,100	$ 167,755	$ 5,858	81%	$ 156,509
ADMINISTRATION	974,400	671,390	35,798	73%	580,459
FINANCE	878,800	637,868	48,267	78%	587,520
PLANNING	970,200	614,307	154,661	79%	589,764
BUILDING AND GROUNDS	521,100	362,635	48,122	79%	432,553
POLICE	3,683,191	2,613,273	177,389	76%	2,466,403
PW ADMINISTRATION	541,100	333,915	5,338	63%	315,064
PW GARAGE	438,800	329,178	12,586	78%	314,460
PW STREETS LOCAL	766,100	589,142	10,375	78%	563,098
PW STREETS POWELL BILL	235,000	27,417	-	12%	357,242
COMMUNITY CENTER	135,300	97,436	3,985	75%	80,483
RECREATION	265,500	121,414	5,439	48%	119,044
NON DEPARTMENTAL	1,777,516	1,434,382	-	81%	1,771,518
TOTAL	**$ 11,401,107**	**$ 8,000,112**	**$ 507,818**	**75%**	**$ 8,334,117**

SANITATION FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE ($)	ACTUAL TO DATE (%)	LAST FY ACTUAL TO DATE ($)	YoY GROWTH (%)
CHARGES FOR SERVICES	$ 1,175,000	$ 864,478	73.6%	$ 871,784	-1%
TRANSFER FROM GENERAL FUND	156,600	117,450	75.0%	-	#DIV/0!
DEBT PROCEEDS	-	200,276		-	
TOTAL	**$ 1,331,600**	**$ 1,182,204**	**88.8%**	**$ 871,784**	**36%**

EXPENDITURES AND ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE ($)	ENCUMBRANCES TO DATE ($)	TOTAL COMMITTED (%)	LAST FY EXPENDITURES TO DATE ($)
PERSONNEL	$ 714,900	$ 499,448	$ -	70%	$ 436,910
OPERATING	398,000	275,361	62,540	85%	312,564
CAPITAL OUTLAY	-	6,014	-		125,136
TRANSFER TO GENERAL FUND	75,000	56,250	-		-
DEBT PAYMENTS	143,700	94,392	-	66%	52,435
TOTAL	**$ 1,331,600**	**$ 931,465**	**$ 62,540**	**75%**	**$ 927,045**

FIRE FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE ($)	ACTUAL TO DATE (%)	LAST FY ACTUAL TO DATE ($)	YoY GROWTH (%)
TRANSYLVANIA COUNTY	$ 594,585	$ 455,046	76.5%	$ 483,119	-6%
TRANSFER FROM GENERAL FUND	726,715	544,500	74.9%	430,800	26%
DEBT PROCEEDS	1,475,000	694,588	0.0%	-	
OTHER REVENUES	-	12,013	#DIV/0!	42,738	-72%
FUND BALANCE APPROP	120,000	-	0.0%	-	
TOTAL	**$ 2,916,300**	**$ 1,706,147**	**58.5%**	**$ 956,657**	**78%**

EXPENDITURES AND ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE ($)	ENCUMBRANCES TO DATE ($)	TOTAL COMMITTED (%)	LAST FY EXPENDITURES TO DATE ($)
PERSONNEL	$ 679,200	$ 527,146	$ -	78%	$ 436,310
OPERATING	331,400	310,658	28,504	102%	279,466
CAPITAL	1,595,000	-	-	0%	70,557
DEBT PAYMENTS	310,700	92,114		30%	17,998
TOTAL	**$ 2,916,300**	**$ 929,918**	**$ 28,504**	**33%**	**$ 804,331**

WATER FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE ($)	ACTUAL TO DATE (%)	LAST FY ACTUAL TO DATE ($)	YoY GROWTH (%)
CHARGES FOR SERVICES	$ 6,340,000	$ 4,837,890	76.3%	$ 4,585,965	5%
METER AND CONNECTION FEES	335,000	233,664	69.8%	212,959	10%
OTHER REVENUES	242,000	92,700	38.3%	91,435	1%
TRANSFER IN	-	-	0.0%	-	
FUND BALANCE APPROP	28,500	-		-	
TOTAL	**$ 6,945,500**	**$ 5,164,254**	**74.4%**	**$ 4,890,359**	**6%**

EXPENDITURES AND ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE ($)	ENCUMBRANCES TO DATE ($)	TOTAL COMMITTED (%)	LAST FY EXPENDITURES TO DATE ($)
PERSONNEL	$ 1,959,800	$ 1,329,526	$ -	68%	$ 1,185,565
OPERATING	2,611,900	1,628,498	542,742	83%	1,563,069
CAPITAL	236,000	188,792	55,810	104%	14,700
TRANSFERS OUT	450,000	337,500	-	75%	648,000
DEBT PAYMENTS	1,687,800	195,461	-	12%	206,717
TOTAL	**$ 6,945,500**	**$ 3,679,777**	**$ 598,552**	**62%**	**$ 3,618,051**

At 3-31-2024, expenses and revenues which flow evenly throughout the year, should approximate 75% of budgeted amounts. However, Sales and Utility tax revenues are on a three month lag.

Major operating revenues throughout the three main operating funds of the City are on schedule. These include property and sales tax (General Fund) and charges for services (Sanitation and Water/Sewer).

After over five years of 8% annual growth, sales tax has flattened out in the last year. The City receives close to $200,000 monthly in sales tax from the State.

Because of vacancies, both the Sanitation and Water Sewer funds have small budget savings in the Personnel line items.

STAFF REPORT
City Council, Monday, May 6, 2024

Title:	Debt Financing - Fire Truck
Speaker:	Dean Luebbe
Prepared by:	Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background

The FY22-23 budget was adopted by City Council on June 20, 2022. Within that budget, a four wheel drive fire engine with an estimated cost of $850,000 was approved. The engine was ordered in July of 2022 and is expected to be delivered to the City in May of 2024. The Finance Director requested proposals for financing from six lending institutions on March 11, 2024, with responses required by March 29, 2024.

Fiscal Impact

The City budgeted three months of expected debt payments for the engine in the FY23-24 budget, as the engine was expected to be delivered in March of 2024. The following proposals were received.

	Rate	Estimated Monthly Payment
FIRST BANK	5.99%	16,670
UNITED COMMUNITY BANK	5.78%	16,620
FIFTH THIRD BANK	5.79%	16,620
FIRST CITIZENS BANK	4.33%	16,020

Recommendation

Approve Resolution with First Citizens Bank to provide fifty-nine month financing at an interest rate of 4.33% for the purchase of a four wheel drive fire engine.

Attachments:
1. 5-6-2024 debt resolution
2. First Citizens debt proposal March 2024

RESOLUTION NO. 2023-xx

A RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The City of Brevard ("City") has previously determined to undertake a project for purchasing capital equipment (the "Project") costing $850,000 and the Finance Officer has now presented a proposal for the financing of such Project as listed below:

DEPARTMENT	EQUIPMENT
FIRE FUND	One four wheel drive fire engine

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through First Citizens Bank Inc., in accordance with the proposal dated March 29, 2024. The amount financed shall not exceed $850,000 for a fifty nine month loan, the annual interest rate (in the absence of default or change in tax status) shall not exceed 4.33%, and the financing term shall not exceed fifty nine months from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action, the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the United Community Bank Inc. financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's sanitation or fire fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted and approved this 6th day of May 2024.

____
Maureen Copelof, Mayor

ATTEST:

____
Denise Hodsdon, CMC
City Clerk

First Citizens Bank
forever first

March 29, 2024

To: Dean Luebbe, Assistant City Manager/Finance Director

Re: Proposal for 2024 Installment Purchase Contract, City of Brevard, North Carolina

Following is our offer for the financing requested in the amount of $850,000 (prepayable in whole at par at any time):

Interest Rate	Final Maturity	Proposed Payment Structure
4.33% BQ	59 months	Monthly principal and interest payments

This transaction can be closed using draft documents provided by First-Citizens Bank & Trust Company. There will be no closing costs or ongoing fees due to the Bank. In addition to executed transaction documents in form satisfactory to the Bank, you must provide an opinion of your attorney addressing certain matters, including, but not limited to:

1. The Installment Purchase Contract is valid, legal, binding, and enforceable;
2. The tax-exempt status of the interest component of payments due under the financing. The attorney's opinion must state that the borrowing is designated as a "qualified tax-exempt obligation" under Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

The borrowing entity must also designate the obligation as a "qualified tax-exempt obligation" prior to closing. It is recommended that this designation be included or recited in the borrowing ordinance/resolution. You or your advisors will be responsible for preparing and filing any IRS required documents.

The rate contained in this proposal is subject to change unless the loan is closed within 60 days of the date hereof. If you have any questions, please contact Courtney Dunlap at 803-931-1721 or me at 803-931-1723.

Thank you for the opportunity to submit this proposal.

First-Citizens Bank & Trust Company

Steve Groth

By: Steve Groth
Director of Government Lending

The foregoing proposal is accepted and approval of rate and funding is requested:

City of Brevard, North Carolina

By: ____________________

Title: ____________________

Date: ____________________

1230 MAIN STREET • 2nd FLOOR • COLUMBIA, SC 29201 • 803.931.1723 • 803.931.8648 fax

City of Brevard 2024 IPC

Compounding Period: Monthly

Nominal Annual Rate: 4.330%

Cash Flow Data - Loans and Payments

	Event	Date	Amount	Number	Period	End Date
1	Loan	05/02/2024	850,000.00	1		
2	Payment	06/02/2024	16,020.57	58	Monthly	03/02/2029
3	Payment	04/02/2029	16,020.75	1		

TValue Amortization Schedule - Normal, 365 Day Year

	Date	Payment	Interest	Principal	Balance
Loan	05/02/2024				850,000.00
1	06/02/2024	16,020.57	3,067.08	12,953.49	837,046.51
2	07/02/2024	16,020.57	3,020.34	13,000.23	824,046.28
3	08/02/2024	16,020.57	2,973.43	13,047.14	810,999.14
4	09/02/2024	16,020.57	2,926.36	13,094.21	797,904.93
5	10/02/2024	16,020.57	2,879.11	13,141.46	784,763.47
6	11/02/2024	16,020.57	2,831.69	13,188.88	771,574.59
7	12/02/2024	16,020.57	2,784.10	13,236.47	758,338.12
2024 Totals		**112,143.99**	**20,482.11**	**91,661.88**	
8	01/02/2025	16,020.57	2,736.34	13,284.23	745,053.89
9	02/02/2025	16,020.57	2,688.40	13,332.17	731,721.72
10	03/02/2025	16,020.57	2,640.30	13,380.27	718,341.45
11	04/02/2025	16,020.57	2,592.02	13,428.55	704,912.90
12	05/02/2025	16,020.57	2,543.56	13,477.01	691,435.89
13	06/02/2025	16,020.57	2,494.93	13,525.64	677,910.25
14	07/02/2025	16,020.57	2,446.13	13,574.44	664,335.81
15	08/02/2025	16,020.57	2,397.15	13,623.42	650,712.39
16	09/02/2025	16,020.57	2,347.99	13,672.58	637,039.81
17	10/02/2025	16,020.57	2,298.65	13,721.92	623,317.89
18	11/02/2025	16,020.57	2,249.14	13,771.43	609,546.46
19	12/02/2025	16,020.57	2,199.45	13,821.12	595,725.34
2025 Totals		**192,246.84**	**29,634.06**	**162,612.78**	
20	01/02/2026	16,020.57	2,149.58	13,870.99	581,854.35
21	02/02/2026	16,020.57	2,099.52	13,921.05	567,933.30
22	03/02/2026	16,020.57	2,049.29	13,971.28	553,962.02

	Date	Payment	Interest	Principal	Balance
23	04/02/2026	16,020.57	1,998.88	14,021.69	539,940.33
24	05/02/2026	16,020.57	1,948.28	14,072.29	525,868.04
25	06/02/2026	16,020.57	1,897.51	14,123.06	511,744.98
26	07/02/2026	16,020.57	1,846.55	14,174.02	497,570.96
27	08/02/2026	16,020.57	1,795.40	14,225.17	483,345.79
28	09/02/2026	16,020.57	1,744.07	14,276.50	469,069.29
29	10/02/2026	16,020.57	1,692.56	14,328.01	454,741.28
30	11/02/2026	16,020.57	1,640.86	14,379.71	440,361.57
31	12/02/2026	16,020.57	1,588.97	14,431.60	425,929.97
2026 Totals		**192,246.84**	**22,451.47**	**169,795.37**	
32	01/02/2027	16,020.57	1,536.90	14,483.67	411,446.30
33	02/02/2027	16,020.57	1,484.64	14,535.93	396,910.37
34	03/02/2027	16,020.57	1,432.18	14,588.39	382,321.98
35	04/02/2027	16,020.57	1,379.55	14,641.02	367,680.96
36	05/02/2027	16,020.57	1,326.72	14,693.85	352,987.11
37	06/02/2027	16,020.57	1,273.70	14,746.87	338,240.24
38	07/02/2027	16,020.57	1,220.48	14,800.09	323,440.15
39	08/02/2027	16,020.57	1,167.08	14,853.49	308,586.66
40	09/02/2027	16,020.57	1,113.48	14,907.09	293,679.57
41	10/02/2027	16,020.57	1,059.69	14,960.88	278,718.69
42	11/02/2027	16,020.57	1,005.71	15,014.86	263,703.83
43	12/02/2027	16,020.57	951.53	15,069.04	248,634.79
2027 Totals		**192,246.84**	**14,951.66**	**177,295.18**	
44	01/02/2028	16,020.57	897.16	15,123.41	233,511.38
45	02/02/2028	16,020.57	842.59	15,177.98	218,333.40
46	03/02/2028	16,020.57	787.82	15,232.75	203,100.65
47	04/02/2028	16,020.57	732.85	15,287.72	187,812.93
48	05/02/2028	16,020.57	677.69	15,342.88	172,470.05
49	06/02/2028	16,020.57	622.33	15,398.24	157,071.81
50	07/02/2028	16,020.57	566.77	15,453.80	141,618.01
51	08/02/2028	16,020.57	511.00	15,509.57	126,108.44
52	09/02/2028	16,020.57	455.04	15,565.53	110,542.91
53	10/02/2028	16,020.57	398.88	15,621.69	94,921.22
54	11/02/2028	16,020.57	342.51	15,678.06	79,243.16
55	12/02/2028	16,020.57	285.94	15,734.63	63,508.53
2028 Totals		**192,246.84**	**7,120.58**	**185,126.26**	
56	01/02/2029	16,020.57	229.16	15,791.41	47,717.12
57	02/02/2029	16,020.57	172.18	15,848.39	31,868.73
58	03/02/2029	16,020.57	114.99	15,905.58	15,963.15
59	04/02/2029	16,020.75	57.60	15,963.15	0.00

	Date	Payment	Interest	Principal	Balance
2029 Totals		**64,082.46**	**573.93**	**63,508.53**	
Grand Totals		**945,213.81**	**95,213.81**	**850,000.00**	

ANNUAL PERCENTAGE RATE	**FINANCE CHARGE**	**Amount Financed**	**Total of Payments**
The cost of your credit as a yearly rate.	The dollar amount the credit will cost you.	The amount of credit provided to you or on your behalf.	The amount you will have paid after you have made all payments as scheduled.
4.330%	**$95,213.81**	**$850,000.00**	**$945,213.81**

STAFF REPORT
City Council, Monday, May 6, 2024

Title:	Conveyance of Property - Fire Department
Speaker:	Dean Luebbe, Bobby Cooper
Prepared by:	Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background
Pending Council approval, NCGS 160A-274 allows for a local government to sell real or personal property to other governmental units. The City of Brevard Fire Department is scheduled to take possession of a four wheel drive engine and a heavy rescue vehicle by May 31, 2024. The Fire Chief, Robert Cooper, has been in contact with two Volunteer Fire and Rescue Departments, and researched the expected sales price the City would expect to receive on the vehicles being replaced on public bidding websites (Govdeals) and feels the City would receive greater benefit by selling directly to the two Volunteer Fire and Rescue Departments listed. The proceeds from these sales will provide funding needed by the Fire Department to equip these vehicles.

Recommendation
Approve both resolutions as presented.

Attachments:
1. NCGS 160A-274
2. Conveyance to Another Unit of Government under G.S. 160A-274 Fire $75,000
3. Conveyance to Another Unit of Government under G.S. 160A-274 Fire $42,500
4. 4-8-2024 Letter from Etowah-Horse Shoe Volunteer Fire and Rescue $75,000
5. 5-23-2022 email from Sky Valley-Scaly $42,500
6. Comparable sales - fire vehicles

§ 160A-274. Sale, lease, exchange and joint use of governmental property.

(a) For the purposes of this section, "governmental unit" means a city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution.

(b) Any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property.

(c) Action under this section shall be taken by the governing body of the governmental unit. Action hereunder by any State agency, except the Department of Transportation, shall be taken only after approval by the Department of Administration. Action with regard to State property under the control of the Department of Transportation shall be taken by the Department of Transportation or its duly authorized delegate. Provided, any county board of education or board of education for any city administrative unit may, upon such terms and conditions as it deems wise, lease to another governmental unit for one dollar ($1.00) per year any real property owned or held by the board which has been determined by the board to be unnecessary or undesirable for public school purposes. (1969, c. 806; 1971, c. 698, s. 1; 1973, c. 507, s. 5; 1975, c. 455; c. 664, s. 9; c. 879, s. 46; 1977, c. 464, s. 34; 2001-328, s. 6.)

Resolution Approving Conveyance of Property to Another Unit of Government in North Carolina Pursuant to G.S. 160A-274

WHEREAS, the City of Brevard owns a 1995 4 wheel drive engine manufactured by International/4 Guys (vin # 1HTSEAAR3SH216638) and,

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the City of Brevard has determined that it is in the best interest of the City to convey the International/4 Guys Pumper to the Etowah-Horse Shoe Volunteer Fire and Rescue Department, and deems it wise to do so for a sales price of $75,000,

THEREFORE, THE BREVARD CITY COUNCIL RESOLVES THAT:

1. The City of Brevard hereby conveys to Etowah-Horse Shoe Volunteer Fire and Rescue Department the following property: a 1995 4 wheel drive engine manufactured by International/4 Guys (vin # 1HTSEAAR3SH216638)

2. The property herein described shall be conveyed for a sales price of $75,000.

3. The City Manager is authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this the 6th day of May. 2024__.

[Clerk Seal] [Mayor/Chairman Signature]

Resolution Approving Conveyance of Property to Another Unit of Government in North Carolina Pursuant to G.S. 160A-274

WHEREAS, the City of Brevard owns a 1997 heavy rescue fire truck manufactured by International/Hackney (vin # 1HTSDAAN1VH448305); and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the City of Brevard has determined that it is in the best interest of the City to convey the 1997 heavy rescue fire vehicle to the Sky Valley-Scaly Mountain Volunteer Fire Rescue Department, and deems it wise to do so for a sales price of $42,500.

THEREFORE, THE BREVARD CITY COUNCIL RESOLVES THAT:

1. The City of Brevard hereby conveys to the Sky Valley-Scaly Mountain Volunteer Fire Rescue Department the following property: 1997 heavy rescue fire truck manufactured by International/Hackney (vin # 1HTSDAAN1VH448305)

2. The property herein described shall be conveyed for a sales price of $42,500.

3. The City Manager is authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this the 6th day of May, 2024.

[Clerk Seal] [Mayor/Chairman Signature]

ETOWAH-HORSE SHOE
VOLUNTEER FIRE & RESCUE DEPARTMENT, INC.
Post Office Box 909
HORSE SHOE. NORTH CAROLINA 28742
Phone: (828) 891-3102 Fax: (828 891-5834)

" .....To Protect Life and Property"

April 8, 2024

To the City of Brevard Fire Department:

Etowah Horse Shoe Volunteer Fire & Rescue Department is offering the sum of $75,000 for the International/4 Guys pumper that Brevard Fire Department is replacing. Any questions please contact Fire Chief Mike Huggins at 828-691-1683

Sincerely,
Mike Huggins
chief@etowahhorseshoefire.com
828-691-1683

Bobby Cooper

From: Department Chief <chief@svsmvfr.org>
Sent: Monday, May 23, 2022 3:10 PM
To: Bobby Cooper
Subject: Purchase of used rescue truck

Dear Chief Cooper,

After much discussion (some very colorful) myself and the rest of the members of the Sky Valley-Scaly Mountain Volunteer Fire Rescue Department have unanimously agreed to your asking price of $42,500 for the purchase of your current in-service rescue/service truck.

Again, we are a small department and any equipment that you can spare to go with this truck would be a great financial relief to us and better immediate service to our residents. If you could please give a 'best-guess' list of included equipment it would allow us to prepare for the truck's arrival, in-service deployment capabilities and, financial time-lines.

All things considered, we are looking forward to this purchase. Our current rescue truck was also bought second-hand and has given many years of good service, but it is seriously over-loaded and under-utilized due to its limited capabilities. Our goal is to put it into a back-up status once your truck is out-fitted and in primary service. Believe me, your truck will be a good fit for us, a great benefit to the community, and will be very well taken care of and appreciated.

Please let me know what the next step you need from us is to start a seamless transition when the time comes. Our members and the Board-of- Directors are all on-board and look forward to hearing from you. Please feel free to contact me if there is anything I can do to help.

Respectfully,

Ken

--
Ken Sigler
828-200-5732
Chief
Sky Valley / Scaly Mountain Volunteer Fire & Rescue
chief@svsmvfr.org

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1 / 7

New Listing

2001 Freightliner Model FL80

$8,500.00 USD (1 Bids)

Closes:
6d 13h (Apr 10, 2024 11:59 PM EDT)

Reserve Not Met

$100.00 USD
Bid Increment

Sales/Lot Type:
Online Auction

Location:
Laurinburg, North Carolina, USA

Subject to an auto-extension of the auction end time

Sign In to Place Bid

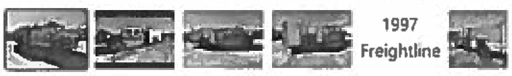
WATCHERS 41 | VISITORS 79

PayPal Buy now, pay later Learn more

Taxes	To be added at payment
Buyer's Premium	12.5%
High Bidder	m*****
Seller	Scotland County, NC
Seller's Terms & Conditions	View
Seller's Other Items	View

Chat

1 / 52



1997 Freightliner FL80 Water Truck

$6,600.00 CAD (13 Bids)

Closes:
3h 12m (Apr 04, 2024 01:40 PM EDT)

$100.00 CAD
Bid Increment

Sales/Lot Type:
Online Auction

Location:
Sturgeon Falls, Ontario, CAN

Subject to an auto-extension of the auction end time.

Sign In to Place Bid

WATCHERS 12 | VISITORS 9

* HST

Buyer's Premium

High Bidder

Seller

Seller's Terms & Conditions

Seller's Other Items

Description

Make/Brand	Freightliner
Model	FL80
Year	1997
Kilometers	12,790.00 (Accurate?: Yes)
VIN/Serial	1FV6JLCBXVH860958
Lot#	7926-29
Condition	Used/See Description

1997 Freightliner FL80 CONVENTIONAL CAB, 8.3L L6 DIESEL.

Assets are sold AS IS WHERE IS. Bidders are invited to bid with the information provided.
The winning bidder will be required to transfer ownership before the vehicle can be removed from property.

Removed from service - March 2024

Condition when removed from service - Started & ran

Last known condition - Starts & runs

Chat

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1 / 23

2001 International 4900 Walk In Fire Rescue / Fire Truck , 8.7L Diesel, DT 530 engine Atctual 15k miles

$7,500.00 USD (2 Bids)

Closes:
2d 6h (Apr 06, 2024 04:42 PM EDT)

Reserve Not Met

$100.00 USD
Bid Increment

Sales/Lot Type:
Online Auction — Subject To Seller Confirmation

Location:
Central Islip, New York, USA

Subject to an auto-extension of the auction end time.

Sign In to Place Bid

WATCHERS: 19 | VISITORS: 423

PayPal Buy now, pay later Learn more

Taxes	To be added at payment
Buyer's Premium	10%
High Bidder	d*****
Seller	Liquidity Services - NAFLM
Seller's Terms & Conditions	View
Seller's Other Items	View

Chat

STAFF REPORT
City Council, Monday, May 6, 2024

Title:	Funding Offer Acceptance - Sewer Pump Stations Rehab - SRP-W-ARP-0236
Speaker:	
Prepared by:	
Approved by:	Wilson Hooper, City Manager

Background

The City was granted $2,873,000 in funding from the State Fiscal Recovery Fund in September of 2022, to assist with Sewer Pump Station Rehabilitation. The City has contracted with CDM Smith for engineering services on the project and construction is expected to begin by December of 2024. The Department of Environmental Quality requires City Council to pass a resolution to accept the funding offer.

Recommendation

Adopt resolution as presented.

Attachments:

1. Resolution Sewer Pump Station Acceptance
2. 4-2-2024 Acceptance letter from DEQ - Sewer Pump Stations
3. Funding Offer and Acceptance - Sewer Pump Stations
4. Financial Summary - Sewer Pump Station - 3-31-2024

RESOLUTION NO. 2024-XX
BY THE CITY COUNCIL OF THE CITY OF BREVARD
ACCEPTING AMERICAN RESCUE PLAN FUNDS

WHEREAS, the City of Brevard has received funding from the American Rescue Plan Act (ARPA) funded from the State Fiscal Recovery Fund established in S.L. 2021-180/2022-74 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan Act (ARPA) funding in the amount of $2,873,000 to perform work detailed in the submitted application related to Sewer Pump Station Improvements, and

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

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

1) That the City of Brevard does hereby accept the American Rescue Plan Act Grant offer of $2,873,000.

2) That the City of Brevard does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

3) That Dean Luebbe, Assistant City Manager and Finance Director, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted and approved this the 6th day of May, 2024.

____
Maureen Copelof
Mayor

ATTEST:

____
Denise Hodsdon, CMC
City Clerk

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
SHADI ESKAF
Director

NORTH CAROLINA
Environmental Quality

April 2, 2024

Wilson Hooper, City Manager
City of Brevard
95 West Main Street
Brevard, North Carolina 28712

SUBJECT: ARPA Funding Offer
Project No. SRP-W-ARP-0236
Sewer Pump Station Rehabilitation and Replacement

Dear Mr. Hooper:

The City of Brevard has been approved for funding assistance according to the subject funding offer. This offer is made subject to the Conditions and Assurances set forth in the Offer and Acceptance Document.

To ensure the American Rescue Plan Act (ARPA) funds are expended before the federal deadline of December 2026, the Division is requiring execution and return of the enclosed Offer and Acceptance for ARPA Funding agreement **no later than October 31, 2024.** Executed agreements are to be submitted via Laserfiche at the following link: https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form.

Upon your acceptance, please also submit the following items to the Division, via email at DEQ.DWI.FundingOffer@deq.nc.gov:

1. One (1) copy of the original Offer and Acceptance Document executed by the Authorized Representative for the project, along with the Conditions and Assurances. **Retain the other copy for your files.**

2. A resolution adopted by the governing body accepting the funding offer and making the applicable Conditions and Assurances contained therein. (Sample copy attached)

3. Federal Identification Number and Unique Entity ID Number of the Recipient (UEID required for federally funded projects)

4. Sales-Tax Certification (attached)

5. Professional Engineering Services Procurement Form

The Site Certification, a Capital Project Ordinance (or budget ordinance covering the project), and the Professional Engineering Services Procurement Form (not applicable for DWSRF projects) are due before disbursements begin.

Disbursement requests are to be submitted via the Laserfiche link provided above. A reference copy of the Disbursement Request Form (also found on the DWI website) has been enclosed for your convenience. All ARPA funding disbursements must be processed **prior to December 31, 2026.**

Attached is the "Water Infrastructure Grants Legal Requirements Quick Reference Guide" which further explains the ARPA funding agreement requirements.

On behalf of the Department of Environmental Quality, I am pleased to make this funding offer. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this offer package, please contact Fred Oelrich at Fred.Oelrich@deq.nc.gov or (919) 707-9194.

Sincerely,

DocuSigned by:
Shadi Eskaf
6300A872077B4C5...
Shadi Eskaf, Director
Division of Water Infrastructure, NCDEQ

Enclosures:
Offer and Acceptance Document (two copies)
Water Infrastructure Grants Legal Requirements Quick Reference Guide
Federal ID and UEID Number Request Memo
Resolution to Accept Funding Offer (suggested format)
Sales-Tax Certification Form
Disbursement Request Form
Professional Engineering Services Procurement Form
Site Certification
Capital Project Ordinance (Sample)

cc:
Wilson Hooper (Wilson.Hooper@cityofbrevard.com)
Jonathan Lapsley, CDM Smith (LapsleyJS@cdmsmith.com)
Mark Hubbard (Via DocuSign)
Fred Oelrich (Via DocuSign)
DWI Administrative Unit (Via DocuSign)
Carrie Shortt (Via DocuSign)
Teresa Tripp (Via DocuSign)
DEQ.DWI.FundingOffer@deq.nc.gov
FILE: ARPA Project File **(COM_LOX)**
Agreement ID#: 2000061506

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

City of Brevard
95 West Main Street
Brevard, North Carolina 28712

Project Number(s): SRP-W-ARP-0236
Assistance Listing Number: 21.027
Unique Entity ID Number: JDX5KBDPSQH8

Funding Program

		Additional Amount for Funding Increases	Previous Total	Total Offered
Drinking Water	☐			
Stormwater	☐			
Wastewater	☒			
State Revolving Fund-Repayable Loan	☐			
State Revolving Fund-Principal Forgiveness	☐			
State Reserve Loan	☐			
State Reserve Grant	☐			
State Reserve Earmark (S.L. 2023-134)	☐			
American Rescue Plan Act - SRP-ARPA	☒			$2,873,000

Project Description:

Sewer Pump Station Rehabilitation and Replacement

Total Financial Assistance Offer:	$\boxed{\$2,873,000}$
Total Project Cost:	$2,948,000
Estimated Closing Fee*:	$0
For Loans	
Interest Rate:	-- Per Annum
Maximum Loan Term:	--

**Estimated closing fee calculated based on grant and loan amount.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina: **Shadi Eskaf, Director, Division of Water Infrastructure**
North Carolina Department of Environmental Quality

DocuSigned by:
Shadi Eskaf
6300A872077B4C5

Signature 4/2/2024
Date

On Behalf of: City of Brevard
Name of Representative in Resolution: ______________________
Title (Type or Print): ______________________

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

Signature ______________________ Date ______________________

APPLICABLE STANDARD CONDITIONS
Project Applicant: City of Brevard **Project Number(s): SRP-W-ARP-0236**

1. Acceptance of this Funding Offer does not exempt the Recipient from complying with requirements stated in the U.S. Treasury's Final Rule for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) and the SLFRF Compliance and Reporting Guidance not explicitly referred to in this document and any future requirements implemented by the U.S Treasury.

2. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The applicant shall certify that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project using a certification form provided by DEQ.

3. Specific MBE/WBE (DBE) forms and instructions are provided that are to be included in the contract specifications. These forms will assist with documenting positive efforts made by recipients, their consultants and contractors to utilize disadvantaged businesses enterprises. Such efforts should allow DBEs the maximum feasible opportunity to compete for subagreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by all recipients, and construction contractors, and made available upon request.

4. Subrecipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business with Other Persons," as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Subrecipients may access suspension and debarment information at: http://www.sam.gov. This system allows subrecipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.

5. Projects with a total cost of $10,000,000 or more must meet U.S. Treasury requirements for prevailing wage rates, project labor agreements, and related requirements. Recipients can either certify meeting the requirements or provide plans and reports as the SLFRF Compliance and Reporting Guidance specifies.

6. The Uniform Guidance 2 CFR 200.317 through 2 CFR 200.327 gives minimum requirements for procurement, with 2 CFR 200.319(b) addressing engineering services procurement guidelines. ARPA-funded projects must also adhere to North Carolina State law, specifically NC General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying (A/E) Services. NCGS 143-64.32 cannot be used to exempt funding recipients from a qualification-based selection for A/E. The State provides applicable certification forms that must be completed prior to receiving funds for any engineering services covered under this funding offer.

7. Local government units designated as distressed must complete associated requirements of statute §159G-45(b).

8. Funds made available by the ARPA that are not disbursed to the entity accepting the funds in this document by December 31st, 2026, will no longer be available for the project. Unused Federal funds will revert from the State of North Carolina to the U.S. Treasury.

ASSURANCES
Project Applicant: City of Brevard **Project Number(s): SRP-W-ARP-0236**

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division. The recipient acknowledges that in the event a milestone contained in the Letter of Intent to Fund is missed, the Department of Environmental Quality will rescind this Funding Offer.

2. The Applicant is responsible for paying for the costs ineligible for ARPA funding.

3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.

4. The Applicant will provide and maintain adequate engineering supervision and inspection.

5. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.

6. All ARPA funds shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.

7. The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.

8. Funds must be fully spent (i.e., fully disbursed to the recipient) by December 31, 2026.

9. The applicant acknowledges that loan funds contained in this Funding Offer require approval from the North Carolina Local Government Commission before they can be disbursed.

City of Brevard Capital Project - Water and Sewer Capital Project Fund
Sewer Pump Stations Rehab

Original Ordinance	2022-64	2,873,000	10/3/2022
TOTAL		**2,873,000**	

As of March 31, 2024		**Budget**	**Prior Year Activity**	**Current Year Expenditure FY23**	**Total prior plus current**
Expenditures					
31-8540-6000	Sewer Pump Stations Rehab	2,873,000	77,000	345,001	**422,001**
Revenues					
31-3970-0700	Sewer Grant Funding ARPA	2,873,000	-	-	-
Total Revenues		**2,873,000**	-	-	-

Expenditure Detail	**Contract Amount**	**Prior Year Expenses**	**Current Year Expenditure**	**Total prior plus current**	**Amount Remaining on Contract**
7200 CDM Smith	77,000	77,000	-	77,000	-
7359 CDM Smith	575,000	-	345,001	345,001	**229,999**
	652,000	**77,000**	**345,001**	**422,001**	**229,999**

STAFF REPORT
City Council, Monday, May 6, 2024

Title:	Ordinance Declaring Road Closures for Special Event - White Squirrel Weekend
Speaker:	Aaron Bland, Asst Planning Director
Prepared by:	Aaron Bland, Asst Planning Director
Approved by:	Wilson Hooper, City Manager

Background
The North Carolina Department of Transportation (NCDOT) requires local approval for special events that involve the closing or repurposing of state-owned highways and roads.

Discussion
The NCDOT guidelines state the local municipality must pass an ordinance for each street closure of City-sponsored events. The State will neither approve nor deny such requests for closures. They will, however, recommend alternative routes should they have a project scheduled for the same day as a special event.

The attached ordinance is for the White Squirrel Weekend event to be held May 24-27, 2024, requiring the closure of portions of Main Street from Broad Street.

Policy Analysis
The City has been sponsoring and permitting special events for several years. The passing of an ordinance only applies to City-sponsored special events on state roads. Permits sponsored by individuals or non-profits are permitted differently and do not require an ordinance. Council has passed ordinances for City-sponsored festivals since 2015.

Fiscal Impact
None.

Action
Council's options are to adopt or reject the street closure ordinance.

Attachments:
1. ORD_2024-XX White Squirrel Festival Street Closure Ordinances

ORDINANCE NO. 2024-XX

AN ORDINANCE DECLARING STREET CLOSURES FOR THE 2024 WHITE SQUIRREL FESTIVAL WEEKEND

WHEREAS, Brevard City Council acknowledges a tradition of providing for festivals and special events downtown for the pleasure and enjoyment of citizens and visitors alike; and,

WHEREAS, Brevard City Council acknowledges that festivals and special events provide an opportunity for family-oriented activities that celebrate our small-town charm; and,

WHEREAS, Brevard City Council acknowledges these events require NCDOT system roads to be closed for setup, activities, and cleanup; and,

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

SECTION 1. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closures on the following described portions of the State Highway System:

Friday, May 24th starting at 4:00 PM until Sunday, May 26th at 9:00 PM
Main Street (US 276) between Rice Street and Oaklawn Avenue.
Broad Street (US 64) between Probart Street and Oakdale Street.

Monday, May 27th until 2:00 PM
Main Street (US 276) between Rice Street and Broad Street.

SECTION 2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 6th day of May 2024.

____
Maureen Copelof
Mayor

ATTEST:

____
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

____
Mack McKeller
City Attorney

STAFF REPORT
City Council, Monday, May 6, 2024

Title:	Resolution re Clemson Plaza Mental Health Art Installation
Speaker:	Wilson Hooper, City Manager
Prepared by:	Wilson Hooper, City Manager
Approved by:	Wilson Hooper, City Manager

Background

Earlier this evening Mayor Copelof read a proclamation declaring May as Mental Health Month. To support Mental Health Month the local organizers -TC Strong- have asked to erect a piece of temporary public art in Clemson Plaza containing messages of support for those experiencing mental health challenges. The piece has been reviewed by the Downtown Master Plan Committee, the city's designated art reviewing body, and recommended to the Council for installation. However, for legal reasons explained below an additional Council action is needed before the piece can be installed.

Discussion

The First Amendment compels public agencies to remain content neutral on speech conducted in spaces considered to be "public forums". This is why local governments cannot censor or remove comments posted on their social media sites, for example, or deny an otherwise lawful parade permit to a group with an offensive message. Without the action described below, the installation of the Mental Health Month art in Clemson Plaza would have the effect of making the plaza a public forum and limiting the city's ability to control the messages that are posted there.

A legal doctrine known as the "Government Speech Doctrine" posits that when a government speaks for itself, content neutrality does not apply and the government is allowed to communicate one message and not another. The Supreme Court has upheld this doctrine, though in a 2022 case they established a number of legal tests that must be met to ensure speech is truly government speech.

The Court's most notable test is whether the government exercises actual control over the message. In Brevard's case, it is staff's belief that a formal act by the organization's governing body -as opposed to a symbolic proclamation by the Mayor alone- is needed to clearly designate the speech as government speech.

Action

Staff request approval of the attached Resolution designating May as Mental Health Month and endorsing the message of the proposed Clemson Plaza art.

Attachments:

1. Resolution

RESOLUTION NO. 2024-XX

RESOLUTION ADOPTING "HOPE WALL" ART INSTALLATION IN CLEMSON PLAZA AND "TURN TRANSYLVANIA GREEN" AS OFFICIAL GOVERNMENT SPEECH

WHEREAS, the mental health and well-being of our community members, especially our youth, are paramount to the vitality and resilience of Transylvania County, the City of Brevard, and the Town of Rosman; and

WHEREAS, recent tragic events, including student suicides, have underscored the urgent need for increased awareness, support, and action to address mental health challenges in our community; and

WHEREAS, mental health is an integral component of overall health and wellness, and access to comprehensive mental health resources and support services is essential for all individuals to thrive; and

WHEREAS, stigma and discrimination surrounding mental health concerns often prevent individuals from seeking the help and support they need, perpetuating cycles of suffering and isolation; and

WHEREAS, by coming together as a community, we can break down barriers, foster empathy, and create a culture of understanding, compassion, and acceptance for those experiencing mental health challenges; and

WHEREAS, May is recognized nationally as Mental Health Awareness Month, providing an opportunity to raise awareness, combat stigma, and promote mental health resources;

WHEREAS, an art installation in Clemson Plaza will display messages of hope

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

Section 1. The month of May is proclaimed as Mental Health Month and we call upon all residents to join us in our commitment to prioritize mental health and well-being for ourselves, our families, and our community.

We urge individuals to:

- Educate themselves and others about mental health and the importance of seeking help when needed.
- Foster supportive and inclusive environments where individuals feel safe to share their experiences and seek support without fear of judgment or stigma.
- Advocate for policies and initiatives that promote mental health awareness, access to care, and suicide prevention efforts.
- Encourage open and honest conversations about mental health, reducing the silence and shame that often surrounds these issues.
- Access available mental health resources and support services and encourage others to do the same.

Together, let us work tirelessly to create a community where mental health is valued, prioritized, and supported, and where every individual feels empowered to live their lives to the fullest.

Section 2. The Brevard City Council adopts the "Hope Wall" art installation in Clemson Plaza and "Turn Transylvania Green" as official government speech.

Section 3. This resolution shall be effective upon adoption.

Adopted and approved this the 6th day of May, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

MINUTES
City Council Public Works & Utilities Committee

Wednesday, January 3, 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 Emory Owen, Wastewater Treatment Plant Supervisor Aaron Winans, WWTP Staff Alex Shepherd, Assistant to the City Manager Becky McCann, Communications Coordinator

A. Welcome and Call to Order

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

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes

1. December 6, 2023 Meeting

Motion by Mr. Carson, seconded by Mr. Wise to approve the minutes of the December 6, 2023 meeting as presented. The motion carried unanimously.

E. Wastewater Treatment Plant RFQ Update

Mr. Hooper informed the committee that the Wastewater Treatment Plant RFQ has been advertised on several sites and has been sent out to several engineering firms. The next steps that need to take place will be discussed at our meeting on February 7. We will provide the committee with an update on the submissions we have received. Later in February, we will schedule a special meeting of this committee to interview the applicants. AECOM will be present to assist us in interviewing the engineering firms. One question I would like to pose to the committee is regarding your desired level of involvement in selecting the finalist. Would you prefer to actively participate in narrowing down the firms, or would you like staff to help with the initial selection, with the committee then making the final decision based on staff recommendations? We can dedicate the February 7 meeting to discussing the selection criteria for narrowing down the firms.

Mr. Wise stated that he is comfortable with staff vetting the engineering firms until we reach the top four, at which point the committee will become involved in selecting from the remaining firms.

Mr. Carson and Mr. Morrow both agreed with Mr. Wise's statement.

Mr. Hooper mentioned several key points regarding the RFQ. Firstly, we seek a firm capable of designing a wastewater treatment plant and forecasting our needs over the coming decades. We also expect them to propose a facility capable of supporting a potential countywide system, despite no formal discussions on the matter. Building a plant to last fifty years necessitates careful consideration to accommodate future expansions. The estimated plant capacity is crucial, as size significantly influences costs. Economies of scale are limited, meaning costs don't necessarily decrease with increased size. Overbuilding could lead to unnecessary expenses. Secondly, we require a firm with experience navigating state permitting processes. Wastewater treatment plants are subject to stringent regulations, necessitating expertise in this area. Lastly, we need a firm skilled in securing funding for similar projects. Finding financing for such endeavors is paramount to their success.

Mr. Carson asked if it's typical for the clause in the RFQ to be phrased as we reserve the option to continue forward to final scope design.

Mr. Hooper said yes, indicating that they would carry it through all the appropriate permitting and approvals at the state level. Then, they would have the option to draw the blueprints for us.

Mr. Wise asked about the timeline once the firm is hired.

Mr. Hooper responded that he does not know and that we will have to negotiate with the selected firm, but he hopes it will take around a year.

Mr. Morrow asked if the engineering firm will analyze the inflow and infiltration numbers while designing the report.

Mr. Hooper informed the committee that Ms. McCann has been working on a wastewater treatment plant webpage that will notify the public of updates and frequently asked questions.

Ms. McCann stated that the page will be updated regularly and will provide a general overview of the plant's history, funding sources, and other relevant information.

Mr. Carson asked how often we have exceeded our permit and received fines.

Mr. Owen clarified that we have never received a fine requiring payment. As long as we notify the state and keep them informed of everything happening at the plant, we have not been penalized.

Mr. Wise asked when do you think it would be a good time to start engaging the County more actively.

Mr. Hooper responded that our last meeting with the County was around two weeks ago, and we mentioned this to them. However, they didn't have much to say. In the year to come, we really need to engage with them to see if they want to pursue a regional authority and contribute to the wastewater treatment plant.

Mr. Wise inquired how typical of an arrangement is that.

Mr. Hooper replied it is typical, and the State encourages this.

Additional Comments:

Mr. Winans informed the committee that the Wastewater Treatment Plant started a new chemical and so far, it has been performing well.

F. Set Date for Next Meeting

The next regular meeting of the Public Works & Utilities Committee was scheduled for Wednesday, February 7, 2024 at 3:30 p.m.

G. Adjourn

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

Minutes Approved: February 7, 2024

X Mac Morrow
Mac Morrow
Chair, Council Member

X
Alex Shepherd
Assistant to the City Manager

MINUTES

Rosenwald Community Advisory Board

Thursday, January 11, 2024 - 6:00 PM
Mary C. Jenkins Community & Cultural Center

Members Present:	Pamela Holder, Co-Chair, Council Member Randy Lytle, Co-Chair Gary Daniel, Council Member Victor Foster, Citizen Member Susan Threlkel, Citizen Member Ella Jones, Citizen Member Rebecca Wynn, Citizen Member Mayor Maureen Copelof, Ex-Officio
Staff Present:	Wilson Hooper, City Manager Tyree Griffin, Community Center Director Alex Shepherd, Assistant to the City Manager

A. Welcome & Call to Order

Co-Chair Pamela Holder welcomed everyone and called the meeting to order at 6:00 PM.

B. Invocation

Mr. Foster offered an invocation.

C. Certification of Quorum

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

D. Approval of Agenda

Motion by Mr. Daniel, seconded by Ms. Wynn to approve the agenda. The motion carried unanimously.

E. Approval of Minutes

Motion by Mr. Foster, seconded by Ms. Threlkel to approve the minutes of the November 28, 2023 meeting as presented. The motion carried unanimously.

F. MCJCCC Security Measures Update

Mr. Hooper informed the committee to review the security measures policy and to make comments at the next meeting if there are any. The reason why it took a while to draft was that the City Attorney and I were trying to find an angle to maximize privacy protections in the policy. He mentioned that he wanted to inform the committee that there is no categorical exception for security camera footage from public records requests. We have limited the number of people who have access to the security camera footage to three: Tyree, the Police Chief Tom Jordan, and City Manager Wilson Hooper. Also, included in the policy is that we have set standards for how the security cameras will be placed. Mr. Hooper stated that the cameras will only be placed in public areas of each facility, and we will have signs to display that there are security cameras. He added that we have aligned the retention period of the footage with our records retention policy, which is informed by state law that allows us to delete footage after 30 days unless it's being used in an investigation.

Mr. Lytle asked if someone were to use this room and didn't want the cameras on or did want them on, would they have the flexibility to say yes or no.

Mr. Hooper said as of now they would. However, when this policy goes into effect they will have to always remain on.

Mr. Griffin asked if City Council would need to vote on the rental policy.

Mr. Hooper said that he does not know the answer and would research the question.

G. Juneteenth Celebration Update

Ms. Threlkel reviewed the Juneteenth Celebration schedule and mentioned that they have started a preliminary schedule that would consist of celebrations on the Saturday and Sunday before Juneteenth, with an event planned for the actual day of Juneteenth. The events on Saturday will feature activities for youth, live music, and booths. On Sunday, a joint service will be held followed by the start of a basketball tournament after church.

Mr. Foster mentioned that he has spoken to each pastor to arrange a joint service and ensure our capability to host it. He also noted that the Sunday before Juneteenth is Father's Day, and we are considering organizing a cookout to enhance the festivity for everyone.

Ms. Threlkel suggested having a more serious program on Wednesday, the actual day of Juneteenth, if possible. They hope to find a film or documentary that addresses Juneteenth and plan to set up exhibits and displays at the Mary C. Jenkins Center.

Mr. Griffin reviewed the list that the Juneteenth Planning committee is asking the City of Brevard to help fund. All items on the list are things that the City of Brevard has assisted with in the past. They would need a tent company to provide shelter, police for security, the fire department on standby, food trucks, mobile restrooms, and assistance with advertising.

Mr. Foster added that they also want to secure sponsors to help with deferring costs.

Ms. Wynn inquired if there were going to be any vendors.

Mr. Griffin mentioned that the Board wants to involve local vendors who specialize in crafts, pottery, and similar items.

Ms. Holder inquired about whether the City would be paying for the food or renting the food trucks.

Ms. Threlkel explained that unlike the ice cream truck where the City purchases all the ice cream, they are exploring the possibility of negotiating a set price with the food trucks, but they still need to gather information.

Ms. Wynn asked if booth vendors would be required to pay a fee.

Ms. Threlkel responded that none of those details have been finalized.

Mr. Hooper suggested that for a new event with limited history, it might be better not to charge for vendor booths.

Mr. Foster questioned if they need to file for a permit.

Mr. Griffin confirmed that yes, the Mary C. Jenkins Center would need to file for a permit.

Mr. Hooper added that the event organizers would also need liability insurance. He inquired if the Mary C. Jenkins Board had liability insurance and suggested that if not, the City may need to serve as the insured sponsor.

Ms. Copelof asked if the Wednesday program will be in the evening or during the daytime.

Mr. Lytle responded that it will most likely be in the evening because it's a workday for most people.

Ms. Copelof inquired if the Board has considered involving the Schenck Job Corps kids.

Mr. Foster replied that they can reach out to them.

Mr. Daniel pointed out that the lights on the stage at the center are an issue because they cast shadows on the performers.

Mr. Foster mentioned that he will ask the design and lighting experts at UNC-Asheville for assistance.

H. Set Date for Next Meeting

The next meeting was scheduled for Thursday, February 15, 2024 at 6:00 PM at the Mary C. Jenkins Community & Cultural Center.

I. Adjourn

There being no further business, the meeting was adjourned at 6:38 PM.

X
Pamela Holder
Co-Chair

Minutes Approved: March 21, 2024

X
Alex Shepherd,
Assistant to the City Manager

MINUTES
City Council Public Safety Committee

Monday, January 22, 2024 – 3:30 PM
City Hall Council Chambers

Members Present:	Aaron Baker, Chair, Council Member Mac Morrow, Vice-Chair, Council Member Kevin Gallo, Citizen Member Mayor Mauren Copelof, Ex-Officio Member
Staff Present	Wilson Hooper, City Manager Tom Jordan, Police Chief Bobby Cooper, Fire Chief Alex Shepherd, Assistant to the City Manager Becky McCann, Communications Coordinator Danny Godman, Cmdr. of Investigations Aaron Thompson, Cmdr. of Patrol Operations
Guests:	Nicole Bentley, Linda Gallo, Monica Driscoll, Morris Jenkins, Rachell Hall, Billy Parrish

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:37 PM.

B. Certification of Quorum

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

C. Approval of Agenda

Motion by Mr. Morrow, to add a section E. Public Comment, the motion was seconded by Mr. Gallo to approve the agenda as amended. The motion carried unanimously.

D. Minutes from November 27, 2023 Meeting

Motion by Mr. Morrow, seconded by Mr. Gallo to approve the minutes from the November 27, 2023 meeting as presented. The motion carried unanimously.

E. Public Comment

Ms. Hall expressed appreciation for the committee's attention to the traffic and safety issues on Probart St. She commended Mr. Hooper for his support and thoroughness in addressing the concerns raised by Mr. Gallo. Ms. Hall looks forward to seeing further progress, including the stakeholder meeting on February 12th and attending the City Council meeting on February 26th.She said she witness another incident because one of the large dump trucks caused a car to jump the curve to avoid a collision.

Mr. Jenkins added that he has observed a significant number of vehicles crossing the double yellow line and exceeding the speed limit on Probart St.

F. Update on Transportation Working Group

Mr. Hooper informed the committee that we have scheduled a public stakeholder meeting on Monday, February 12th. You should start to see public advertising for this event soon. He said we are still working with our consultants on how the event will work. The feedback from this event will be brought back to the committee, and then the committee can recommend solutions to City Council. Then it will be up to City Council to decide if it gets funded in the next fiscal year. The Wilson St./Main St./Greenville Hwy intersection reconfiguration will also follow the same process for funding deliberations.

Mr. Baker asked if there are documented incidents that have occurred at that intersection.

Mr. Hooper said at our last Transportation Working Group meeting, we were able to see the pedestrian count that NCDOT had completed. The NCDOT count showed that pedestrian numbers are high because it is used to drop kids off at school. He said that at Ecusta Rd., we did find that speeds and volumes there are high according to our data. Mr. Hooper said that because the data was so much higher than what the State had collected a year ago, they thought our data was wrong. So, we will keep our counters there to collect more data. If our numbers prove to be correct, then our consultant tells us that the road will move up the list in terms of installing safety measures. However, we will inform the State that they should go ahead and install safety measures because once the County starts to build their courthouse, volumes and speeds are going to increase.

Mr. Cooper said that there has been a fatality on that road already.

Mr. Baker mentioned that before the new courthouse is built, there will be a new EMS station there.

Mr. Gallo asked if there would be a signal at the new EMS station intersection to automatically stop traffic for the EMS vehicles.

Mr. Cooper mentioned the old EMS station signal did not function properly.

Mr. Gallo asked if the stop signs at Silversteen Park are budgeted. He did say that it looks like they will be installed very shortly.

Mr. Hooper said the good news about stop signs is that they are about $200 each and are very affordable.

Mr. Gallo said at the stakeholders' meeting, if everything is approved, then stop signs and painting on the road and some other signs may be within the budget. He asked if the speed cushion would be the large item to negotiate for approval by Council.

Mr. Hooper said yes it will need to be approved by Council.

Mr. Baker asked what the path is forward for revising the cumbersome City Traffic Calming Policy.

Mr. Hooper said at some point I will come to this committee and ask for your opinion on what the right balance is for data-based decision-making and public input, and then revise the policy based on that feedback.

Mr. Gallo shared that one of the residents pointed out that right now in the policy it states if letters or some other way of polling the residents is conducted, then no response is considered a no vote. Which, to me, is unrepresentative of the responses.

G. Downtown Residential Parking Permits Discussion

Mr. Jordan said this item came up when Council Member Jones was in office, but we were trying to perform research on it. Today, I wanted to bring a couple of questions to the committee, like what if you're a resident downtown.

Ms. Bentley said there are around twenty units downtown, and about half of those are full-time residents, while the other units are used for vacation rentals.

Mr. Jordan said when speaking to a resident who lives near Bracken Mountain Bakery, she will park her car behind City Hall and then bring groceries to her unit, which is a far distance. Mr. Jordan asked what is the specific area that we will look at for residential parking, which units would be able to receive the passes, and how many passes would be given out per unit.

Mayor Copelof mentioned that one individual reached out to her about a parking pass and said that they would be willing to pay a fee if they could park in one of our lots because we do not allow for overnight parking.

Mr. Jordan said we do have employee parking permits, so it would be feasible to provide parking permits to residents. He said we would need to ask our City Attorney about liability concerns.

Mr. Baker said isn't our on-street parking 2-hour parking.

Mr. Jordan replied yes, from 9 am to 6 pm.

Mr. Baker continued have we looked at what other municipalities are doing in our area.

Mr. Jordan responded yes, I have looked at examples from Virginia.

Mr. Gallo mentioned that it seemed the City parking available is strategically placed around the downtown region, so maybe the monthly pass might be an option for long-term residents. As for the short-term Airbnb folks, aren't Airbnb's required to have a certain number of spaces provided.

Mr. Morrow said they are supposed to have two.

Mr. Baker said places above Quixote have their own private parking, correct.

Ms. Bentley said yes, a lot of them have parking tied to their unit.

Mr. Baker asked if we did the monthly parking pass, would it be on the street or in a paid lot.

Mr. Jordan said I think it would be in a paid lot.

Mr. Baker suggested we may need to do a public campaign on on-street parking because if there is not a sign posted, then it's legal.

H. Quarterly Pedestrian Report

Mr. Hooper presented the pedestrian, bicycle, and motorcycle crash data that we respond to. He said if someone does not report an incident, then it does not show on the report.

Mr. Baker asked do we also have location data tied to the report.

Mr. Jordan explained that every traffic collision that is reported, meaning damage over a certain amount or injuries, then it goes into the State database.

I. Police Department Annual Report

Mr. Jordan presented the Police Department Annual Report. He said that from our staffing perspective, 2023 was a difficult year because we were down around six positions. When looking at our crime rates for 2023, they mirror our 2020 numbers before COVID. Our numbers are still trending on the lower end from 2014 to the present. Overall, our crime is relatively low, and Brevard is a very safe place to live. Our calls for service in 2023 dropped. A call for service is not just when you call us, but it's also when an officer initiates a traffic stop or checks a suspicious individual. In 2023, we had twenty-five total incidents of use of force. Also, in 2023, we were down six positions, which is around a quarter of our workforce. With help from the City Manager, we started the cadet program, which pays the police officer during their training, whereas before it was unpaid. In the future, we are working towards becoming an accredited law enforcement agency. We are also working towards upgrading our parking enforcement system and are still waiting on all the equipment to be delivered. It has taken a while to receive everything.

Mr. Baker said I know that some of those third-party companies charge fees. He asked if we are currently paying them for this service.

Mr. Jordan said that the customers pay any fees charged by the third-party company and they are not charged to the city. He said the only expense we had was the initial purchase of the parking ticket equipment.

Mr. Morrow said at last month's RPO meeting, they announced that there is someone at Silvermont for safe routes to school.

J. Fire Department Annual Report

Mr. Cooper presented the Fire Department Annual Report. He said we took over medical response in August of 2022, and we have seen our numbers increase considerably over the years. We do anticipate those numbers to even out. He said we are projecting incidents to increase in 2024 and 2025. Mr. Cooper said that the calls are spread out over all days of the week consistently and that the middle of the afternoon is our busiest time. He mentioned that due to the increase in calls, our mileage has increased on our apparatuses and that it may have an impact on our replacement schedule. He also mentioned that the current wait time for a new fire engine is three plus years.

Mr. Morrow asked when we would renegotiate the agreement between the County and City.

Mr. Cooper said that it automatically renews every year, and we renewed it in August 2022.

Mr. Baker asked if we track where we are requesting mutual aid.

Mr. Cooper said we do, and it fluctuates a lot with structure fires.

Additional Comments:

Mr. Morrow asked about the light crossing at Whitmire.

Mr. Hooper said that our consultants confirmed that it is a weird intersection according to standards. He said they will come out and analyze possible solutions. He said we took possession of 132 Commerce St. and we are looking into making it our long term home of the Police Department.

K. Set Date for Next Meeting

The next meeting of the Public Safety Committee will be on Monday, February 26, 2024 at 3:30 pm at City Hall.

L. Adjourn

There being no further business, the meeting was adjourned at 5:01 PM.

Minutes Approved: April 2, 2024

X Aaron Baker

Aaron Baker
Chair. Council Member

X

Alex Shepherd,
Assistant to the City Manager

MINUTES

CITY COUNCIL HOUSING COMMITTEE

Tuesday, February 13, 2024 – 3:45 PM
City Hall Council Chambers

Members Present:	Pamela Holder, Chair, City Council Member Aaron Baker, City Council Member Victor Foster, Citizen Member Mayor Maureen Copelof, Ex-Officio
Staff Present:	Wilson Hooper, City Manager Dean Luebbe, Finance Director Alex Shepherd, Assistant to the City Manager Emily Brewer, Planner Becky McCann, Communications Coordinator
Guest Present:	City Attorney Mack McKeller; Marjorie Lillard, Martha Carlton

A. Welcome and Call to Order

Aaron Baker welcomed everyone and called the meeting to order at 3:48 PM.

B. Certification of Quorum

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

C. Approval of Agenda

Motion by Mr. Baker, seconded by Mr. Foster 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 December 12, 2023 meeting as presented. The motion carried unanimously.

E. Model Deed Restriction Introduction/Discussion

Mr. McKeller discussed possible options for deed restrictions concerning local government support for privately owned affordable housing. He stated that the City cannot take any action unless the general assembly has granted us the authority to do so. Mr. McKeller presented a homeowner program that provides assistance directly to homeowners, support through intermediary organizations, and support to renters. He emphasized that if we do provide assistance, strings are attached, and we must include provisions to establish a control period during which the property remains for a public purpose below market value.

Mr. Hooper clarified that today's discussion is a review, and if we receive the HUD grant for the Azalea Ave project, one of the conditions for property owners who wish to tap into the utility but not annex is to agree to a deed restriction that maintains the affordability of the house. The formula Mr. McKeller is discussing is something that we are considering, and if we receive this grant, we will come back to you and ask which ones you would like to use.

Ms. Brewer informed the committee that based on the current bylaws of the housing trust fund, it has been a requirement that if you receive funding through the housing trust fund, the property must remain affordable for a period of fifteen years. She emphasized that we will need to consider the level of involvement depending on the investment.

Mr. McKeller mentioned that the restrictions in the City of Durham include an affordability period of thirty years. The owner must occupy the unit as their principal residence, and if during the period the home is no longer the principal residence, then it must be sold or transferred to a household earning no more than 80% of the Area Median Income (AMI) at a price at or below the maximum allowable sales price established by the City at the time of sale.

Ms. Holder asked whether we can select and adopt policies similar to those of the City of Durham to suit Brevard's needs.

Mr. McKeller affirmed that yes, we can do so.

Ms. Holder inquired whether these policies would apply to every housing situation or only to specific structures.

Mr. McKeller explained that theoretically, it could be done either way, but if the City chooses to mix and match, there is a risk of being accused of favoritism. He emphasized the need to follow the Fourteenth Amendment to treat everyone equally.

Ms. Brewer suggested establishing a threshold of investment as a way of providing different options, as long as it is clearly outlined in our housing trust fund bylaws.

Mr. Baker asked about the ETJ annexation and how it relates to the discussion. He questioned whether annexation would be triggered if property owners do not follow the affordability rules.

Ms. Brewer explained that annexation can be waived for health and safety reasons, as outlined in the ordinance. She noted that in this case, it applies to the neighborhood due to failing septic tanks, and it being a health and safety issue can bypass the annexation requirement.

Mr. Hooper explained that the enforcement method we would use if someone received our water and sewer without annexing and didn't follow the deed restrictions, they agreed to is cutting off their water and sewer. He clarified that legally, we are only required to provide that service to people within the city limits.

Mr. Baker raised a concern about the scenario where the State eliminates the ETJ, and an area within the ETJ still receives water and sewer services.

Mr. McKeller clarified that the properties do not have to be in the ETJ for us to enforce the restrictive covenants.

Mr. Baker expressed sensitivity to the complexity of these matters, especially for poor and working people who may struggle to navigate them. He emphasized the importance of simplicity, particularly in programs designed to help such individuals.

Mr. Hooper suggested working with intermediaries like Habitat for Humanity to handle the complexities and assist with marketing and homeowner education.

Mr. McKeller mentioned that Durham's program includes ongoing home buyer education.

Ms. Brewer informed the committee about involving Pisgah Legal Services in the grant application process to help navigate these matters.

Ms. Holder inquired about the HUD grant timeline.

Ms. Brewer explained that the City applied for $6 million from HUD through the Pro Housing grant application, with $4.8 million allocated for infrastructure investment and $1.2 million for home repair and preservation expenses. She said we should have heard back about the grant already, but she is checking the website daily.

Ms. Holder questioned the difference between this initiative and what the housing authority is already doing to avoid duplication.

Mr. McKeller explained that the housing authority serves a different demographic due to the federal funding they receive.

Ms. Holder expressed a desire to use terms other than "affordable housing" or "low-income housing" to avoid confusion and to focus on serving a market within the AMI guidelines.

Mr. McKeller suggested the term "workforce housing."

Mr. Baker expressed interest in studying examples of places in North Carolina that are leading in affordable housing initiatives.

Ms. Brewer noted that there are not many comparable examples to Brevard, as it is unique as a small city with a strong focus on affordable housing. She mentioned Carrboro and Davidson as examples, but they are not similar to Brevard in terms of scale and focus on affordable housing.

F. Habitat for Humanity Sewer Extension Report

Mr. Hooper mentioned that during the old committee, an informal request was made from Habitat for Humanity to extend City utility lines to a thirty-unit project they have planned just outside the City limits, with an agreement for annexation. He explained that a contractor quoted around $250,000 for the project, but the City could do it for $150,000. While the committee expressed support for the project, they asked to explore other funding sources. However, if alternative funding sources cannot be found, a formal request will be brought back to the committee.

Mr. Baker inquired whether the units are townhomes.

Ms. Brewer confirmed that they are indeed townhomes.

G. Allocate HTF Dollars for Phase 2 Services

Mr. Hooper requested approval for the distribution of up to $50,000 from the housing trust fund for phase two services on the Presbyterian Church property. He explained that they had reached a phase in the project where they needed to analyze whether the property was buildable. To do so, they required technical experts, surveyors, and environmental specialists to assess the buildability of the land. Mr. Hooper emphasized that this expenditure was an eligible expense and sought the committee's recommendation to approve the spending of these funds.

Mr. Baker inquired about the current balance of the housing trust fund account.

Mr. Luebbe responded that the current balance was approximately $550,000.

At 4:49 p.m., a motion was made by Mr. Baker and seconded by Mr. Foster to allow for the expenditure of $50,000 from the housing trust fund to cover the costs of phase two of the DFI project. The motion passed unanimously.

Mr. Hooper added that they would wait until Council approval and the lease agreement with the church were in place before spending the funds.

Ms. Holder asked about the next steps if the land proved to be undevelopable.

Mr. Hooper stated that in such a scenario, they would not proceed with the project. However, if they hired a developer who failed to develop within a certain timeframe, the property would revert back to the church.

H. Additional Comments

Mr. Baker mentioned he had a brief conversation with Rob Skeen from Bracken Mountain Builders, during which they discussed the importance of organizing roundtable discussions with builders and developers once or twice a year. He emphasized that, in his experience, they are all aware of the affordable housing issue.

Ms. Brewer informed the committee that DFI would conduct a roundtable as part of the project.

Mr. Baker clarified that he intended something more ongoing and not solely tied to this project.

Ms. Holder suggested exploring the idea of developing a builder and developer coalition.

Mayor Copelof reminded everyone about the upcoming Faith and Housing Forum, urging other faith organizations to participate.

I. Set Date for Next Meeting

The next meeting was scheduled for Tuesday, March 12, 2024 at 3:45 pm.

J. Adjourn

There being no further business, the meeting adjourned at 5:02 P.M.

X Pamela Carrington Holder
Pamela Holder
City Council Member

Minutes Approved: April 9, 2024

X
Alex Shepherd
Assistant to the City Manager

MINUTES

COUNCIL DOWNTOWN MASTER PLAN COMMITTEE

Wednesday, February 14, 2024 – 4:00 PM
City Hall Council Chambers

Members Present:	Gary Daniel, Chair, Council Member Pamela Holder, Vice Chair, Council Member Nicole Bentley, Exec Dir. Heart of Brevard 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

A. Welcome & Call to Order

Committee Chair Gary Daniel welcomed everyone and called the meeting to order at 4:02 PM.

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes of January 10, 2024 Meeting

Motion by Ms. Bentley, seconded by Mr. McMinn to approve the minutes of the January 10, 2023 meeting as presented. The motion carried unanimously.

E. Times Arcade Alley Update

Mr. Hooper informed the committee that the contractor is currently working on moving the electrical transformers.

Mr. Ray mentioned that we are paying extra money to bury power lines running from the main trunk line into the individual buildings to eliminate overhead power lines. However, Duke Energy is exploring options to bury more of the main trunk line at no additional cost.

Ms. Bentley suggested that Duke Energy should be able to eliminate overhead lines starting on W. Jordan St. and extend them underground down the alley.

Mr. Daniel inquired whether the one holdout signed the agreement.

Ms. Bentley confirmed that they did.

Mr. Hooper added that we are hopeful to receive a schedule from the contractor to anticipate their completion timeline.

F. Sidewalk Usage Policy

Ms. Brewer mentioned that we have been discussing internally the insurance requirements needed now that we have all our sidewalk infrastructure in place. Once we have reached a decision, we will schedule a presentation after receiving guidance on the insurance and liability requirements.

G. Bike Corrals and TDA Grant

Mr. Ray presented several different options for bike corrals designed to provide protection to pedestrians with a barrier between them and oncoming traffic in the travel lanes. The bike corrals are eighteen feet long. However, I am not suggesting placing them in parking spaces but rather in the hashed-out spaces that are not utilized. We would like to implement a bike corral test pilot in front of the Earth Mountain Bicycle Shop.

Ms. Holder asked how many bikes the corrals can hold.

Mr. Ray responded that they have the capacity to hold fourteen bikes.

Ms. Holden inquired about the number of corrals to install downtown. Would it be one per street or just one for downtown.

Mr. Ray suggested starting with just one and evaluating its usage.

Mr. Daniel expressed support for the idea, noting that it helps address the issue of bicycle riders not being able to leave their bikes downtown. Installing the bike corral and observing how riders use them would provide valuable insights.

Ms. Bentley mentioned that the Built Environment Committee sent her a conceptual design of columns where people can hang their bikes. She noted that they are less expensive but is unsure of the space requirements. Additionally, having input from the bicycling community would be beneficial.

Mr. Ray pointed out that the hanging bike racks can cause issues for handicapped people or if the bike was to fall. However, I wanted to receive the committee's approval before reaching out to NCDOT.

The committee came to the consensus for Mr. Ray to reach out to NCDOT and to explore bike corrals further.

H. Additional Comments

Mr. Daniel said that he has been reading a book called Paved Paradise by Henry Grabar. He said that he strongly recommends that the committee read this book.

I. Set Date for Next Meeting

The next meeting of the Council Downtown Master Plan Committee was scheduled for Monday, March 18, 2024 at 10:00 AM.

J. Adjourn

There being no further business, the meeting was adjourned at 4:35 PM.

Minutes Approved - March 18, 2024

X
Gary Daniel
Chair, Council Member

X
Alex Shepherd
Assistant to the City Manager

MINUTES

Rosenwald Community Advisory Board

Thursday, February 15, 2024 - 6:00 PM
Mary C. Jenkins Community & Cultural Center

Members Present:	Pamela Holder, Co-Chair, Council Member Randy Lytle, Co-Chair Gary Daniel, Council Member Victor Foster, Citizen Member Susan Threlkel, Citizen Member Edith Darity, Citizen Member (Arrived 6:04pm) Ella Jones, Citizen Member Rebecca Wynn, Citizen Member Mayor Maureen Copelof, Ex-Officio
Staff Present:	Wilson Hooper, City Manager Tyree Griffin, Community Center Director Alex Shepherd, Assistant to the City Manager
Guest Present:	Elizabeth Pell

A. Welcome & Call to Order

Co-Chair Pamela Holder welcomed everyone and called the meeting to order at 6:00 PM.

B. Invocation

Mr. Foster offered an invocation.

C. Certification of Quorum

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

D. Approval of Agenda

Ms. Holder made a request to add item E. African American Historical Markers to the agenda. Motion by Mr. Foster, seconded by Ms. Wynn, to approve the agenda as amended. The motion carried unanimously.

E. African American Historical Markers Project

Ms. Pell presented a project aimed at enhancing the African American Historic Markers. There are over forty markers around the County, with the majority located in the

Rosenwald Community, totaling eighteen markers. Our vision is to create a space around each marker to enhance its visibility. We plan to improve around ten markers each year, starting with those near the Community Center. Our plan involves planting 90% native plants to ensure they thrive with minimal maintenance. We have volunteers, the local rotary club, and possibly the garden club to assist with maintenance. Presenting this today is crucial because some markers are on private and public property, necessitating approval from the City to garden around each marker. Additionally, we require the City's public works department to identify utility lines and potentially install steps near Georgia Hill due to its steep terrain.

Ms. Copelof raised a concern that many markers are on private property, suggesting potential issues if the City is asked to build steps on someone's private property. She emphasized the need for an easement.

Mr. Hooper agreed that obtaining an easement would be necessary.

Ms. Copelof asked if Ms. Pell has spoken to the homeowners to obtain their approval.

Ms. Pell confirmed that she has spoken with the homeowners near the Community Center.

Ms. Copelof recalled a discussion at the garden club meeting where concerns were raised due to the lack of a nearby water source. She suggested considering hardscaping by installing rocks around each marker to make them stand out, as it would require less maintenance.

Ms. Darity mentioned they have planted Hosta and Knock Out Roses, which seem to be thriving.

Ms. Copelof noted that Hosta would not survive in full sun, which some of the markers are exposed to.

Mr. Daniel expressed interest in gathering more neighborhood feedback, proposing the idea of adopting the garden and assisting with maintenance.

Mr. Holder suggested putting the project on hold until approval from property owners is obtained and to explore if neighborhood volunteers or other groups would assist in maintaining the gardens.

Mr. Hooper informed the committee that staff needs to conduct due diligence before proceeding further. This includes identifying the markers, contacting property owners, assessing physical constraints such as utilities, and checking for existing easements.

Ms. Pell offered to lead a tour of the markers for the committee.

Mr. Hooper requested addresses to facilitate the planning process.

The committee came to a consensus to do more research on the historical markers and to revisit the project at a later date.

F. MCJCCC Security Measures Update

Mr. Hooper informed the committee that we have enhanced privacy protections in the policy. Only three individuals may access the security footage within the building: Tyree, Tom Jordan, and myself. The cameras will solely monitor public areas, and the footage will be retained for thirty days unless required for an investigation. Similar cameras will be installed at the Railroad Depot and French Broad Community Center, with these policies applying to those facilities as well.

Mr. Lytle inquired about the possibility of retrieving erased footage.

Mr. Hooper indicated that there might be a method, potentially involving the FBI.

Ms. Holder asked about the frequency of image review.

Mr. Hooper clarified that images would not be reviewed unless necessary. Following further consultation with staff, this will be incorporated into our administrative policy, and adjustments will be made to the rental agreement.

G. Juneteenth Celebration Update

Mr. Griffin presented a chart outlining the services utilized for Juneteenth and their associated costs. In 2022, we allocated $5,900 for the Juneteenth Celebration, and last year, the expenditure was $5,600. Emphasizing that the celebration is not profit-driven but rather a means to honor the community, he mentioned his discussions with Hendersonville Tents, the City of Brevard Police and Fire Departments, the ice cream truck, and Griffin Outhouse, all of whom will continue to provide their services at the same rates as in previous years.

Mr. Lytle provided an update on the food truck arrangements, mentioning that we have confirmed Ursula's participation, and we are awaiting responses from Circle B and Daddy D's.

Ms. Holder asked if people would pay a flat fee or are there different costs.

Mr. Lytle said we are trying to plan for 250 people for the entire festival. I have told the food trucks that the fee would be around $10-12 a plate.

Mr. Foster mentioned that with assistance from the City, we aim to keep costs down.

Mr. Lytle explained that we are considering a ticket system, where attendees would purchase tickets to exchange for food at the vendors. Vendors would then return the tickets to us for payment.

Mr. Hooper proposed buying out each food truck, ideally at a cost not exceeding $1,000 per truck. He suggested distributing around 250 tickets for this purpose.

Mr. Lytle inquired about the timeline for determining the buyout costs for the food trucks.

Mr. Hooper replied that we should ascertain this information as soon as possible. Each food truck could be instructed to prepare one-hundred $10 plates in anticipation of the event.

H. MCJCCC Lighting Update

Mr. Griffin presented a quote to the committee provided by Matthew Queen at the Brevard Music Center. The cost of materials is $920.83, excluding labor. He expressed the desire to complete this project before summer.

Mr. Hooper remarked on the surprisingly low cost of the project, expressing optimism that funding could be secured for it within the current fiscal year.

I. Set Date for Next Meeting

The next meeting was scheduled for Thursday, March 21, 2024 at 6:00 PM at the Mary C. Jenkins Community & Cultural Center.

J. Adjourn

There being no further business, the meeting was adjourned at 6:53 PM.

X

Pamela Holder
Co-Chair

Minutes Approved: March 21, 2024

X

Alex Shepherd,
Assistant to the City Manager

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, February 26, 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 (Arrived 11:03am)
Staff Present:	Wilson Hooper, City Manager Alex Shepherd, Assistant to the City Manager Becky McCann, Communications Coordinator
Guest:	Harvey Sankey

A. Welcome & Call to Order

Committee Chair Lauren Wise welcomed everyone and called the meeting to order at 11:01 AM.

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes of January 22, 2024 Meeting

Motion by Ms. Miller, seconded by Mr. Daniel to approve the minutes of the January 22, 2024 meeting as presented. The motion carried unanimously.

E. Purchasing Policy

Mr. Wise asked for clarification on the definition of a pre-audit.

Mr. Luebbe explained that a pre-audit is a procedure conducted before spending money to ensure that the funds are budgeted and that there are sufficient funds available for the expenditure.
Mr. Hooper added that essentially, it involves verifying that the necessary funds are available to cover the intended purchase.

Mr. Daniel raised a question regarding bidding, noting that while the lowest bid must typically be accepted, if there is an engineering company specializing in trails whose bid is higher than another company's whose bid would be accepted.

Mr. Hooper clarified that the lowest bid accepted must also be responsive and responsible, as determined by case law. He explained that for projects like the Times Arcade Alley, an engineering firm reviewed proposals to ensure they met requirements and had relevant experience.

Ms. Miller highlighted a provision in the purchasing agreement prohibiting the division of contracts to circumvent bidding and notice requirements. She noted that in North Carolina, sales tax is paid upfront and reimbursed, making techniques to avoid sales tax unnecessary.

Mr. Hooper mentioned that the matter had been discussed previously, and despite that, they would still factor it into the total contract value for the purposes of this policy.

Mr. Luebbe clarified that even if the contractor purchases materials and incurs sales tax, the funds are reimbursed.

Mr. Hooper proposed going through the policy to provide updates on the revised sections and address any questions. He proceeded to review the proposed purchasing policy, highlighting new sections and revisions.

Mr. Luebbe inquired about the effect of the non-appropriation paragraph on multi-year contracts.

Mr. Hooper suggested adjusting the paragraph to permit multi-year agreements for non-voluntary services.

Ms. Miller emphasized the importance of some multi-year agreements to avoid losing them at the beginning of each fiscal year.

Mr. Hooper directed attention to section 2.10 (b) regarding recurring purchasing agreements, suggesting responsible exceptions such as insurance providers and IT services to avoid the need for annual reviews, which would be time-consuming.

The committee came to the consensus that insurance, information technology, or other agreements that would guarantee long-term savings should be exempt from reviewing the contracts annually and should be reviewed every three years.

Mr. Hooper announced to the committee that they would be pleased to learn that the health insurance package obtained from their broker is the best value available in the market.

Mr. Luebbe recommended that if the City Manager were to deviate from the purchasing policy, he should inform the City Council promptly.

Mr. Hooper mentioned that Mr. Shepherd had included in section 3.2 (a) and (b) that quotes must be scanned and submitted with the purchase requisition. However, he proposed removing these sentences as the current financial software lacks this capability. He also suggested omitting section 3.6 for now due to the administrative burden it would impose on contracts, some of which are minimal. He sought clarification from Ms. Miller regarding department requests for commonly used materials.

Ms. Miller explained that during the budget process, if multiple City departments purchase the same item, it might be beneficial for the City to procure all materials through a City-wide bid to ensure cost savings.

Mr. Luebbe noted that large governments with warehouses typically follow this practice, but due to staffing constraints, it's not feasible for them.

Mr. Hooper agreed, mentioning that they have already implemented this approach with fuel purchases but may not recommend it for all materials.

Mr. Wise expressed curiosity about whether purchasing in this manner would yield sufficient cost savings given their scale. However, he acknowledged the potential burden on staff, stating that such an approach might be more suitable for larger entities like New York City.

Ms. Miller noted that many local governments make numerous online purchases and suggested addressing this in the policy.

Mr. Luebbe mentioned that they have around fifteen purchasing cards throughout the City and proposed addressing the purchasing card policy separately.

Mr. Hooper asked Ms. Miller to elaborate on her suggestion regarding vendors going through mediation rather than arbitration.

Ms. Miller suggested mediation because it's cheaper than arbitration. She mentioned that while she's uncertain if this clause is included in their contracts with vendors, it might be a good idea to incorporate it into their purchasing policy.

Mr. Hooper expressed his inclination toward making their purchasing policy stricter than the State law. However, he acknowledged Ms. Miller's valid point about the potential drawbacks of such a decision and sought feedback from the committee. He emphasized that while following the State law might be easier to understand and administratively simpler, it doesn't provide City Council with as much authority over City procurement as desired.

Mr. Daniel expressed his view that he doesn't feel the need for control over procurement for the city.

Mr. Wise inquired about the origin of the suggestion for a stricter policy.

Mr. Luebbe clarified that it originated from the staff.

Ms. Miller added that another reason for considering a stricter policy would be if there were a history of abuse.

F. Non-Profit Funding Application Criteria

Mr. Hooper distributed the staff report and noted that last year, during the budget workshop, they lacked a process for distributing non-profit funding. This year, they aim to create rules that align with state guidelines for local government contributions to non-profits. Additionally, Council members who sit on non-profit boards will be asked to recuse themselves during the vote. He posed the question of whether they should continue with the ad hoc approach based on available funds or apply guidelines that prioritize non-profits aligned with their priorities or set a cap on their overall budget.

Mr. Daniel expressed concern about one non-profit lacking a business plan and budget, merely requesting funds. He suggested establishing a cap on non-profit funding due to the influx of requests from previous years.

Mayor Copelof noted the lack of a consistent advertising method, as they typically reach out to known non-profits. To ensure fairness, she proposed advertising in the newspaper so that all non-profits can have the opportunity to submit proposals.

Ms. Miller emphasized the importance of having clear criteria for non-profit selection to avoid any feelings of exclusion.

Mr. Hooper mentioned that many local governments are transitioning to grant programs, offering $5,000 grants to non-profits aligned with the Council's priorities. This approach ensures consistency in funding and adherence to statutory requirements prohibiting funding beyond the jurisdiction.

Additional Comment:

Mr. Sankey inquired if non-profit funding is a budgeted item with a predetermined total amount allocated for the next fiscal year.

Mr. Hooper clarified that there was no cap heading into the budget deliberation last year, and that last year the Council reached a consensus during the budget workshop.

Mr. Sankey emphasized the importance of transparency in funding allocation and advocated for implementing a cap on this year's non-profit contributions.

Mr. Luebbe added that while they currently lack a cap, they are considering implementing one. He said he proposes it to be 1% of the general fund budget.

G. Set Date for Next Meeting

The next meeting of the Finance & Human Resources Committee will be on Monday, March 25, 2024, at 11:00 AM.

H. Adjourn

There being no further business, the meeting was adjourned at 12:27 PM.

X

Lauren Wise
Chair, Council Member

Minutes Approved: March 25, 2024

X

Alex Shepherd
Assistant to the City Manager

MINUTES
City Council Public Safety Committee

Monday, February 26, 2024 – 3:30 PM
City Hall Council Chambers

Members Present:	Aaron Baker, Chair, Council Member Mac Morrow, Vice-Chair, Council Member Kevin Gallo, Citizen Member Mayor Mauren Copelof, Ex-Officio Member
Staff Present	Wilson Hooper, City Manager Tom Jordan, Police Chief Bobby Cooper, Fire Chief Alex Shepherd, Assistant to the City Manager Becky McCann, Communications Coordinator
Guests:	Amanda Wade, Linda Gallo, Monica Driscoll, Morris Jenkins, Paul Cooper, Billy Parrish

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

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

C. Approval of Agenda

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

D. Update on Transportation Working Group

Mr. Hooper said that he has three updates for the committee: one from the transportation working group, one from the meeting with the Mayor and Wanda Austin recently, and a summary of the public meeting on Probart St and next steps. He said at the transportation working group, we went over the results from the public meeting and everyone was pleased with the feedback we got from that. The other issues we discussed were what we could do for W Apple Tree St., possible solutions for the Ecusta Rd./Pisgah Dr./Temple Church Rd. area. He said we also received information that the downtown circulation study will begin this summer if it's awarded. We also talked about which items on our sidewalk and pedestrian plan we could do for $45,000 because that is a fee in lieu that we have in the bank. Mr. Hooper said we discussed R-5800, which will enhance the sidewalks at Asheville Hwy and Old Hendersonville Rd. intersection, and we also discussed how the traffic signal installation at Greenville Hwy and Gallimore Rd has been delayed.

Mr. Baker asked what is the work being completed at Greenville Hwy and Gallimore Rd.

Mr. Hooper said it's near the elementary school where Greenville Hwy and Gallimore Rd. come together to install a traffic signal at the intersection to make it safer for crossings.

Mayor Copelof said NCDOT would repave E French Broad St. and Whitmore St.. She said that there was no update on the crosswalk at King and Caldwell St. She said that NCDOT has agreed to look into putting a crosswalk at the Farmer's Market and the road surface that in front of the Ingles Grocery Store. Mayor Copelof said that NCDOT will look into the bike path and installing a flashing light on Ecusta Rd. where the traffic circle is.

Mr. Hooper said that the public meeting on Probart St. went well and that we concluded that the citizen who attended had no strong objections to our concept and that there were a few minor recommendations on where to place the speed cushions and perhaps additional features we could add.

Mr. Gallo thanked the City staff who attended the public meeting. He said the main comments that he heard are from the Director of the Mountain Sun Community School and they would like to see speed cushions all the way down to Andante Ln because they have a number of activities where students walk on the sidewalk or ride their bikes.

Mr. Cooper mentioned that area is outside of the city limits.

Mr. Hooper said Ms. Austin did say she would investigate allowing us to install a speed cushions near the city limits.

Mr. Baker asked if these are permanent speed cushions.

Mr. Hooper said no, they would be temporary and installed with bolts. He said they can be moved, and if a snowstorm comes, we can remove them for snowplows. He said he would like to receive feedback from the committee on whether, if we follow the provisions of the policy and have gathered data and information from the public, the next steps should be to provide a written report to the community. However, he wanted to get their feedback on whether the report should go to Council to be considered as part of the budget discussion, or if we should stick to the letter of the policy and proceed with step seven, which is the referendum or vote of the stakeholders in the Probart St. area.

Mr. Gallo said Mr. Baker was not at the meeting where they discussed this procedure. He said that this is one of the steps that the committee thought was too cumbersome for the citizens. Mr. Gallo stated that the 70% approval from stakeholders was higher than what other cities and towns require. Also, the more concerning part was that nonresponsive stakeholders are considered a "no" vote, which does not seem representative of voters. He said the committee had decided that the committee can make recommendations to skip this step, and then those recommendations go to Council for approval.

Mr. Baker said if the committee makes the recommendations, then it sets an expectation that these things will be completed, but it's before the Council and budgetary level before we even know if we can afford an intervention.

Mr. Hooper said he will write the report and bring it back to the committee for endorsement. Then we will send a recommendation to Council.

Mr. Gallo asked for clarification on the timing of events. He said he read that there was a Council Strategic Planning Meeting. If we are able to review the report and recommend it go to Council, does this fit into the timing of entering our project into the budget.

Mr. Hooper said the strategic planning meeting will not discuss specific projects and will solely be about setting general priorities for the upcoming year.

Mayor Copelof said that she has had several people mention to her about walking across the Railroad Ave pedestrian bridge and how dark it is at night. She said people are hanging out there at night and it would be safer if we had lights.

Mr. Gallo asked for more information regarding W Apple Tree St. concerns. He asked if the concern is about the only access road where the affordable housing is projected to be built.

Mr. Hooper said it is right near the French Broad Place units, and it appears like an alley, but it's really a street. The residents are asking us to make it more like an alley to slow traffic.

E. Downtown Residential Parking Permits Discussion

Mr. Jordan said we are now considering several people for downtown parking permits. What we have right now is two-hour parking on the street from 9 am to 6 pm. This means that someone living in the overhead apartments could technically park at 4 pm and stay until 11 am without any penalty. They could park in the lots; however, we do not allow overnight parking. He said if we were to consider residential parking permits, it would allow them to park in a city lot overnight. The question is, what happens if you work nights and need a place to park during the day. Mr. Jordan said that the parking permits would not apply to the street because we are trying to keep commerce. Eligible individuals for a permit would be residents holding a long-term lease of 6 months or longer in a central downtown area or owners of units downtown who reside here the majority of the time. We would limit the number of passes to two, and the permit would be tied to make, model, and registration. The permit fee would be around $100 a year.

Mr. Gallo asked about residents who work at night and would need a parking space during the day.

Mr. Jordan said this is one item we would have to differentiate.

Mr. Baker asked if Mr. Jordan reached out to local municipalities.

Mr. Jordan said he reached out to local municipalities but did not hear anything back.

Mayor Copelof mentioned that she asked about the Army Reserve parking lot near the French Broad Community Center but have not heard back.

Mr. Hooper said it sounds like the committee wants us to bring this back, but are you all ready to make a recommendation to Council? It will require one small change in the code, so I just want to be sure.

Mr. Gallo asked if another building went in, would it be required that parking spaces be allocated.

Mr. Jordan said that is separate because that would go through the planning department.

Mr. Baker said he is comfortable with the direction but wanted reassurance that we are not out of bounds with other municipalities.

At 4:12 pm Mr. Morrow motioned, seconded by Mr. Gallo to recommend a downtown residential parking permit program to City Council.

F. Public Comment

Ms. Wade asked what the timeframe for this would be to start.

Mr. Jordan said technically, you can park on the street at 4 pm and not have to move your vehicle until 11 am.

Mr. Parrish asked when the City did the analysis of speed on Probart St.

Mr. Jordan said February of last year and at different points throughout the year.

Mr. Parrish asked if there is a way to access the type of vehicle and their speed.

Mr. Jordan said not with the type of systems we use.

Mr. Parrish asked if the speed cushions still slow down a dump truck.

Mr. Cooper said a large truck could straddle it, but you still must approach it with caution because it can throw you off to the side if you hit the cushion.

Mr. Baker asked if a chicane would be appropriate.

Mr. Hooper said he didn't know if that would qualify.

Mr. Jenkins asked have you thought about reducing the speed limit to 20 and would that be effective.

Mr. Hooper said we would need to consult with the traffic engineer.

G. Set Date for Next Meeting

The next meeting of the Public Safety Committee will be on Tuesday, April 2, 2024 at 3:30 pm at City Hall.

H. Adjourn

There being no further business, the meeting was adjourned at 4:28 PM.

Minutes Approved: April 2, 2024

X [signature]
Aaron Baker
Chair. Council Member

X [signature]
Alex Shepherd,
Assistant to the City Manager

MINUTES
City Council Public Works & Utilities Committee

Wednesday, March 6, 2024 – 12:30 PM
City Council Chambers

Members Present:	Mac Morrow, Chair, Council Member Lauren Wise, Vice-Chair, Council Member Owen Carson, Citizen Member
Staff Present:	Wilson Hooper, City Manager Wesley Shook, Acting Public Works Director Dennis Richardson, Water Treatment Plant Supervisor Emory Owen, Wastewater Treatment Plant Supervisor Aaron Winans, WWTP Staff Alex Shepherd, Assistant to the City Manager
Guests:	Bryan Wright, AECOM, Harvey Sankey Tom Vollmar, David Depratter, and Matt Broderick of KCI Corbin Jenkins, Tony Reid, Jof Mehaffey, Kate Dotten-Holder, Kevin Laird, and Steve Cawood of GMC Engineering Jonathan Lapsley, Glendon Fetterolf, and John Brinkley of CDM Smith MC Chen, Jimmy Holland, Zachary Trammel, and Michael Whittenburg of McKim and Creed

A. Welcome and Call to Order

Committee Chair Mac Morrow called the meeting to order at 12:31 pm.

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes

1. February 7, 2024 Meeting

Motion by Mr. Carson, seconded by Mr. Wise to approve the minutes of the February 7, 2024 meeting as presented. The motion carried unanimously.

E. WWTP Engineering Firm Interviews

The City of Brevard posted a Request for Qualifications (RFQ) on its website in December 2023, seeking submissions for engineering services related to the expansion, improvements, or replacement of their Wastewater Treatment Plant. A pre-qualification meeting was convened on January 8, 2024, and to be considered, qualification packages were required to be submitted by February 6, 2024, at 2 p.m. local time. City Manager Wilson Hooper extended invitations to four engineering firms to meet with the committee and discuss potential services for the project. Representatives from each firm delivered presentations outlining their qualifications and experience, and subsequently responded to inquiries from committee members.

Copies of their presentations are on file with the City Clerk.

F. Public Comment

Mr. Sankey remarked that the committee faces a daunting task in selecting an engineering firm. He noted that the presentations did not address the inflow pipes and questioned whether this aspect was part of a separate project.

Mr. Hooper explained that CDM Smith is presently engaged in a project to upgrade our pump stations, which includes pipe improvements around these stations. Additionally, the city has collaborated with other contractors in recent years to line existing pipes.

G. Set Date for Next Meeting

A special meeting of the Public Works & Utilities Committee was scheduled for Wednesday, March 13, 2024 at 3:30 p.m.

The next regular meeting of the Public Works & Utilities Committee was scheduled for Wednesday, April 3, 2024 at 3:30 p.m.

H. Adjourn

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

Minutes Approved: April 3, 2024

X [signature]
Mac Morrow
Chair, Council Member

X [signature]
Alex Shepherd
Assistant to the City Manager

MINUTES
City Council Public Works & Utilities Committee
Special Meeting

Wednesday, March 13, 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 Emory Owen, Wastewater Treatment Plant Supervisor Aaron Winans, WWTP Staff Alex Shepherd, Assistant to the City Manager Becky McCann, Communications Coordinator
Guests:	Bryan Wright, AECOM; Harvey Sankey

A. Welcome and Call to Order

Committee Chair Mac Morrow called the meeting to order at 3:32 pm.

B. Certification of Quorum

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

C. Approval of Agenda

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

D. WWTP Engineering Firm Selection

Mr. Morrow informed the committee that reviewing all the requests for qualifications (RFQ) had been a daunting task. He emphasized that the crucial aspect lies in the teams involved with each engineering firm. He noted that a couple of the firms appeared to be focused on upselling to expand or build a new Wastewater Treatment Plant, while others seemed inclined to focus on fixing existing infrastructure.

Mr. Wise stated that, among all the firms, his preference narrowed down to CDM Smith and KCI. He expressed admiration for CDM Smith's experience with the City and their skills. He appreciated that they offered options for both upgrading existing facilities and building a new site. He also praised KCI for their creativity and fact-based reasoning. While acknowledging that all firms could do a good job, he found CDM Smith and KCI to stand out the most.

Mr. Carson shared that he also ranked CDM Smith and KCI higher than the others. He appreciated McKim and Creed's subject knowledge of wastewater treatment plants and their adaptability.

Mr. Morrow pointed out that while CDM Smith has a history of working with the City and is well-known, they didn't convince him that they were the best fit.

Mr. Carson noted that he appreciated CDM Smith's proposal for building a new plant on a different site, whereas other firms were focused on expanding or improving the existing site.

Mr. Wright remarked on KCI's exploration of unique technologies and their creative solutions for wet weather treatment and operational challenges during construction.

Mr. Hooper highlighted KCI's project manager's expertise in wastewater treatment plants and their modular approach, making them one of his top candidates alongside CDM Smith.

Mr. Hooper mentioned that they are professional but slightly behind schedule, though not due to any fault of their own. GMC Engineering proposed alternative funding methods.

Mr. Owen expressed a preference for CDM Smith due to his positive working relationship with them. He noted that if he had to choose, he would prefer CDM Smith for a larger treatment plant and KCI for a smaller one.

Mr. Wright found it interesting to see which firms considered on-site versus off-site construction to be more expensive.

Mr. Morrow asked Mr. Owen about the current design by CDM Smith at the Wastewater Treatment Plant and the issues he is currently facing.

Mr. Owen responded that the issues with the tank stem from our decision not to install mixers, which has caused problems as the lack of mixing resulted in pumps clogging. Additionally, opting for a 3.2 million-gallon tank instead of a 5 million-gallon one has caused difficulties in quickly pumping out rainwater due to excessive head.

Mr. Wright inquired whether CDM Smith had pointed out these potential issues. Mr. Owen stated that he did not recall.

Mr. Morrow confirmed that, to his recollection, they did not point out the issues.

Mr. Hooper mentioned that while he thought GMC Engineering did a good job, their presentation focused more on previous projects than on ours. However, they were the only firm to provide a unique funding source. He said it was interesting that they use demographers to forecast future flow projections.

Mr. Winans remarked that KCI showed creativity in utilizing existing resources on-site. He noted that while all firms claimed they would pursue funding, only a few included it in their schedule, with CDM Smith proposing eighty hours and GMC proposing fourteen hours for funding research.

Mr. Wright proposed a phased approach to construction, suggesting building a plant for twenty years of capacity with the option to expand later.

Mr. Morrow agreed, expressing concerns about projecting fifty years into the future.

Mr. Wise questioned the importance of installing a new engine in the old plant, given the public's awareness of our current issues.

Mr. Hooper acknowledged that it would be a tough sell but believed it could be proven to the public.

Mr. Wright inquired about the feasibility of finding a site for a completely new plant.

Mr. Winans mentioned the possibility of repurposing the old Ecusta wastewater plant site, but acknowledged regulatory challenges. He noted that engineers discussed repurposing newer parts of the plant.

Mr. Carson observed that CDM Smith appeared to have put more effort into considering alternative sites.

Mr. Hooper asked Mr. Wright if it would be unusual to bring firms back for a second discussion.

Mr. Wright replied that it would not be unusual.

Mr. Hooper suggested bringing back CDM Smith and KCI.

Mr. Carson proposed providing the firms with questions beforehand.

Mr. Hooper agreed, stating that it would be best to give them the questions beforehand.

Mr. Morrow expressed interest in asking the firms about their projections for building a new plant and funding sources.

Mr. Hooper suggested asking CDM Smith why they believe building off-site is more economical and KCI why they think building on-site is more economical.

Mr. Winans mentioned that KCI has a dedicated employee for finding funding, while CDM Smith's engineers would handle the task.

Mr. Wright noted that some firms mentioned finding funding toward the end of the project, which he believed was too late.

Mr. Hooper asked the committee for their thoughts on this approach.

Mr. Wise suggested inviting them back to further evaluate and compare them.

E. Set Date for Next Meeting

The next regular meeting of the Public Works & Utilities Committee was scheduled for Wednesday, April 3, 2024 at 3:30 p.m.

F. Adjourn

There being no further business, the meeting was adjourned at 5:03 p.m.

Minutes Approved: April 3, 2024

X

Mac Morrow
Chair, Council Member

X

Alex Shepherd
Assistant to the City Manager

MINUTES
City Council Parks, Trails, & Recreation Committee

Wednesday, March 20, 2024 at 3:30 PM
City Council Chambers

Members Present:	Lauren Wise, Vice-Chair, Council Member Howie Granat, Citizen Member Nancy DePippo, Citizen Member Reba Osborne, Citizen Member (Arrived 4:20 PM) J.D. Powers, Citizen Member Mayor Maureen Copelof, Ex-Officio Member
Staff Present:	Dean Luebbe, Finance Director Wesley Shook, Acting Public Works Director Alex Shepherd, Assistant to the City Manager Aaron Bland, Assistant Planning Director Becky McCann, Communications Coordinator Katherine Buzby, Planner
Guests:	Craig Ruhland, Pisgah SORBA
Media:	John Rich, Transylvania Times

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:32 pm.

B. Certification of Quorum

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

C. Approval of Agenda

Motion by Mr. Granat to add H. ATIIP Grant, seconded by Mr. Powers, to approve the agenda as revised. The motion carried unanimously.

D. Approval of Minutes from February 21, 2024 Meeting

Motion by Mr. Granat, seconded by Mr. Granat to approve the minutes of the February 21, 2024 meeting as presented. The motion carried unanimously.

E. Green Space Adoption

Ms. Buzby announced that there is a new application for a green space adoption. Someone is requesting to add flowers to their existing green space and needs committee approval, as well as a one-time cleanup that she wanted to inform the committee about. She mentioned that Jameson's Joy wishes to adopt the green space in front of O.P. Taylor's in honor of their son. They want to plant flowers if approved, but there appear to be space constraints.

Mr. Granat inquired if Ms. Buzby had received a map of where the flowers would be planted.

Ms. Buzby responded no she has not received a map.

Mayor Copelof suggested that Blue Forget Me Nots and Orange Milkweed could be added into any bump out. She added that Orange Milkweed does not get terribly tall, so planting one or two in the bump out should be fine. Mayor Copelof also mentioned that Blue Bachelor Buttons are small and should be suitable as well, as long as they do not overwhelm the bump out.

At 3:40 PM, a motion was made by Mr. Powers to approve the green space adoption of Jameson's Joy, seconded by Ms. Depippo. The motion passed unanimously.

Mr. Ruhland introduced himself and offered to answer questions regarding Pisgah SORBA and Bracken Preserve Maintenance.

Ms. Buzby informed the committee that bump out number four in front of Beverly Hanks wants to plant Hostas.

Mayor Copelof cautioned against planting Hostas due to excessive sunlight in that bump out.

Ms. Buzby mentioned a request from Suburban Propane to weed the garden at Tannery Skatepark on Friday, April 26th, from 9 am to 12 pm. She requested more volunteers to participate and suggested having someone from the master gardeners present to provide guidance.

Mayor Copelof asked if mulching is needed.

Mr. Shook suggested that it could use mulching.

Ms. Fisher from the Transylvania County Democratic Party proposed adopting two bump outs in front of Beverly Hanks. She suggested planting Hostas because they are not tall and would like to plant flowers next spring. She noted that mulch has been added to the bump outs, improving their appearance. They have someone from their group attending to the bump out every week. The reason for choosing Hostas is to avoid planting pollinators that could attract butterflies killed by passing cars.

Mayor Copelof expressed concern about Hostas not doing well in a lot of sunlight.

Ms. Fisher assured that the Hostas she will donate have been in the sun in Brevard and are accustomed to sunlight.

Ms. DePippo suggested removing Orange Milkweed from being planted in bump outs.

The committee reached a consensus to remove Orange Milkweed from the planting plan and approved planting Hostas at the bump out in front of Beverly Hanks.

F. Bracken Preserve Maintenance Update

Mr. Granat informed the committee that we were not awarded the American Trails Grant for $10,000. We are awaiting a response from Conserving Carolina because there is $10,000 from a particular donor. He mentioned that we have some items to work out with the Brevard Music Center easement to build a climbing trail. Mr. Granat explained that we will have Conserving Carolina act as the contractor to pay Long Cane Trail to perform phase one of the construction, assuming that we have a large number of volunteers. He added that over the next few months, we will have a couple of trail work days.

Mr. Powers inquired if the Brevard Music Center has issues with people parking in their lot to access the trail.

Mr. Granat clarified that they do not want people to park on their property to access the trail. He mentioned that we are going to continue working on the development of the Friends of Bracken. This organization needs to be in place to help drive fundraising for phases two and three of the trail construction, for which we will need around $50,000 for each phase.

Ms. McCann mentioned that as part of the donation from the TDA, we have agreed to let them make use of the kiosk as long as our information is maintained about no fires. She said that Mr. Lovelace from the TDA will be in touch with her soon about items to post.

G. Pisgah SORBA MOU

Mr. Bland mentioned that we have had a couple of Zoom calls with the City of Asheville discussing their agreement with Pisgah SORBA, and we have really liked what we have heard. He stated that we are comfortable moving forward with drafting our own MOU.

Mr. Granat added that one of the key things we would like to develop is a more specific scope of work within the document. He explained that we would like to see specific dates for trail assessment and work.

Mr. Ruhland expressed that we would be happy to add additional information to the MOU.

H. ATIIP Grant

Mr. Granat informed the committee that there appears to be around $45 million in grant opportunities through the ATIIP grant.

Mr. Bland mentioned that the grants are allocated to projects with at least $100,000 in planning and design.

Mr. Shepherd added that the grants also support projects with at least $15 million in total costs and expenses.

Mr. Granat emphasized the urgency of the situation, stating that he believes the deadline is in June.

I. Public Comment

Mr. Bland informed the committee that the pump track does not qualify as a trail for the purposes of the Great Trails State grant. He mentioned that everyone he has spoken to seems to think that the PARTF grant would be a good fit to apply for the grant.

Mr. Wise mentioned the discussion about an Ecusta Trail Head during the City Council meeting on Monday. He noted that there were discussions about shifting that process over to the Parks, Trails, and Recreation Committee or the Ecusta Trail Advisory Board.

Ms. DePippo added that it sounded like the decision would come back to them.

Mayor Copelof informed the committee that it was discussed that it should be reviewed by the Parks, Trails, and Recreation Committee. She noted that it was a complicated package because it had two pieces: a potential trailhead and the Pisgah Health Foundation Park. She expressed anticipation for a possible joint meeting between the Ecusta Trail Advisory Board and the Parks, Trails, and Recreation Committee.

J. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee was scheduled for Wednesday, April 17, 2024 at 3:30 PM.

K. Adjourn

There being no further business, the meeting was adjourned at 4:48 pm.

X Aaron Baker

Aaron Baker
Chair, Council Member

Minutes Approved: April 24, 2024

X Alex Shepherd

Alex Shepherd
Assistant to the City Manager

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, March 25, 2024 – 11:00 AM
City Hall Council Chambers

Members Present:	Lauren Wise, Chair, Council Member Gary Daniel, Vice-Chair, Council Member (Arrived at 11:05 AM) Susan Miller, Citizen Member
Staff Present:	Kelley Craig, Human Resources Director Becky McCann, Communications Coordinator Dean Luebbe, Finance Director

A. Welcome & Call to Order

Committee Chair Lauren Wise welcomed everyone and called the meeting to order at 11:03 AM.

B. Certification of Quorum

Quorum was certified by Communications Coordinator Becky McCann.

C. Approval of Agenda

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

D. Approval of Minutes of February 26, 2024 Meeting

Motion by Ms. Miller, seconded by Mr. Wise to approve the minutes of the January 22, 2024 meeting as presented. The motion carried unanimously.

E. Purchasing Policy

Mr. Luebbe stated that Mr. Shepherd has made a couple of changes, which should be highlighted in yellow.

Ms. Miller asked if Mr. Luebbe could discuss section 3.2 in more detail.

Mr. Luebbe explained that the thresholds he initially proposed were stricter than what the state requires because we are a smaller form of government. He clarified that for a government like Mecklenburg County, they would adhere to the state's limits due to their larger size.

Ms. Miller inquired if Mr. Shepherd recommends that we go with a strict or less strict approach concerning the purchasing thresholds.

Mr. Luebbe responded that it is up to the committee to decide.

Mr. Wise mentioned that in terms of the thresholds, he is not opposed to the stricter options due to our size.

Mr. Luebbe continued, stating that when the committee approves the operating budget and if it's over the threshold and we follow the formal bidding process, his question to Mr. Shepherd was if we need to bring this before the council. He explained that Mr. Shepherd's recommendation would be that since the council approves the budget, we do not need to come back to the committee to approve the purchase order. Mr. Luebbe added that based on Mr. Shepherd's experience, he used to go back to council to seek approval of the purchase order if it was over the threshold, even if council approved it in the operating budget.

Mr. Daniel stated that if we approve it in the operating budget, then he's fine with it not coming back as long as staff follow the procedures.

Mr. Wise suggested that if we don't pass it in the operating budget, then it should come to council, so we should probably add a line that states that.

Mr. Luebbe mentioned that on page 5, it discusses quarterly financial reports on capital projects. He elaborated that this report will include revenues, such as grants, and expenses for items such as improvements made at our roundabouts. Mr. Luebbe presented an example of what the quarterly capital update would look like.

The committee approved the concept of the Finance Director presenting a quarterly update of capital projects.

Mr. Wise asked about the next steps.

Mr. Luebbe explained that if this committee approves the policy, then it would go before council to be approved. He acknowledged that Ms. Miller brought up a lot of things from the last meeting, including purchasing cards. Mr. Luebbe agreed that we should have a policy but envisioned it as a separate policy.

Ms. Miller suggested that the policy should move forward, as it's just one policy in their work program and will be part of many different policies that they will develop and bring before the city council.

At 11:30 AM, Ms. Miller motioned, seconded by Mr. Daniel, to approve the purchasing policy with minor revisions to make the purchasing thresholds stricter. Additionally, if council has approved the operating budget, then a purchase does not need to come back to the city council. The motion carried unanimously.

F. Non-Profit Funding Application Criteria

Mr. Wise stated that we took a look at this last meeting but needed more time to review the information. He asked if these non-profits need to be city-related.

Mr. Daniel clarified that he was referring to Kids in Camp and suggested that if the city were to donate money, it should be applied to kids who live within the city limits.

Mr. Luebbe informed the committee that it would be a good practice for our contributions to solely fund citizens in the city.

Ms. Miller mentioned that the ad hoc process leaves the non-profits in an awkward position if the city doesn't have enough funds to fund non-profits at their current levels. She explained that sometimes non-profits plan to receive the donation as part of their program, even though the funds haven't been allocated. Ms. Miller added that she would like to establish criteria directly related to the city's comprehensive plan or the mission or vision of the city.

Mr. Luebbe suggested that we should establish a date to send out funding requests and a deadline to submit them. He acknowledged that this year he was late in sending them out, resulting in a quick turnaround. Mr. Luebbe also proposed establishing a policy stating that funding to non-profits will be 1% of the city's budget per year.

Ms. Miller suggested that the city could mention in the announcement the strategies that the city wants to fund so non-profits can properly set expectations.

Mr. Luebbe proposed that next year, all the non-profit funding applications come before this committee, and if they did not have a defined business plan, they would not be considered.

Mr. Daniel mentioned that we are contractually committed to giving money to Heart of Brevard and suggested that they should probably be removed from the non-profit funding list.

G. Personnel Policy Updates

Ms. Craig informed the committee that Mr. Hooper has suggested that along with the budget process, we do a review of the personnel policy and identify any changes that we might want to propose. She mentioned that she is still working on the general language in the policy. The first major change is regarding our on-call pay for individuals in the police department, water and wastewater treatment, and public works, who are currently paid $0.90 per hour. If they are called in, they are required to respond within thirty minutes and are paid a minimum of two hours per call. We are proposing to increase this to $2 per hour. Ms. Craig informed the committee that this change will increase this line item by almost $20,000. Additionally, we will reduce the number of people on-call from three to two employees.

Mr. Daniel asked why we are reducing the number of employees on call.

Ms. Craig responded that in the wastewater department, we have two employees who serve on-call, rotating two weeks on and two weeks off all year long. We are having trouble filling the vacancy for a maintenance technician because no one wants to be on call.

Mr. Daniel said that shouldn't reduce our need.

Ms. Craig explained that we are shifting that position to public works, and they will rotate the on-call duty among other employees. All the employees will be trained to handle maintenance for the lift stations.

Mr. Daniel informed the committee that under the leadership of our previous public works director, when an employee retired or quit, their positions were not refilled. He expressed concern about having someone who is not working at the wastewater treatment plant and is given some training responding to an emergency.

Ms. Craig assured the committee that about 90% of the calls concern the lift stations. She mentioned that we have also had conversations with the public works director and the wastewater ORC about what happens if we get a call for a water line break and a lift station issue and ensure there are enough employees to handle the issue.

Ms. Craig continued, stating that the second personnel policy change came up at the last council meeting, where a council member suggested adding President's Day as a holiday. She said that will cost us $6,500 because we have individuals who work on holidays and will receive additional pay. Across the state, several local governments observe it, several do not, and some give their employees a floating holiday.

Mr. Luebbe asked if several local governments give both MLK Day and President's Day.

Ms. Craig confirmed that some do.

Mr. Luebbe mentioned that when MLK Day came around, most local governments gave employees MLK Day but took away President's Day.

Mr. Daniel expressed his preference for a floating holiday but voiced concerns about increasing the budget.

Mr. Wise asked if staff would prefer a floating holiday over being locked into a holiday like President's Day.

Ms. Craig stated that employees would prefer a floating holiday because they could use it when they like.

Mr. Luebbe added that productivity shouldn't be interrupted under the floating holiday model because the entire city wouldn't be off at the same time.

Ms. Craig informed the committee that last year council approved a parental leave policy that gives six weeks of paid leave to someone with the birth of a child, adoption, foster care, or placement of a child. She said that according to the policy, the person must be employed for a year before they are eligible for that leave, similar to FMLA. We have had a couple of employees who have been here for less than a year who have given birth to a child and have not been eligible for that leave. Ms. Craig recommended that we do an incremental implementation of this policy. If they have been employed for 30 days and less than six months, they are eligible for two weeks of paid parental leave. If they have been employed for more than six months and less than a year, they would get four weeks, and if they have been employed for over a year, they would be eligible for six weeks of paid parental leave. This approach would allow newer employees to have some benefit.

Mr. Wise agreed, stating that we shouldn't penalize employees for having children early in their careers. He mentioned that this would also help us retain employees, and anything we can do to help keep employees would be a huge benefit.

Ms. Miller expressed her support for the policy.

H. Set Date for Next Meeting

The next meeting of the Finance & Human Resources Committee will be on Monday, April 22, 2024, at 11:00 AM.

I. Adjourn

There being no further business, the meeting was adjourned at 12:27 PM.

X

Lauren Wise
Chair, Council Member

Minutes Approved: April 22, 2024

X

Alex Shepherd
Assistant to the City Manager

MINUTES
City Council Public Safety Committee

Tuesday, April 2, 2024 – 3:30 PM
City Hall Administration Conference Room

Members Present:	Aaron Baker, Chair, Council Member Mac Morrow, Vice-Chair, Council Member Kevin Gallo, Citizen Member Mayor Mauren Copelof, Ex-Officio Member
Staff Present	Wilson Hooper, City Manager Tom Jordan, Police Chief Bobby Cooper, Fire Chief Alex Shepherd, Assistant to the City Manager Becky McCann, Communications Coordinator
Guests:	Linda Gallo, Monica Driscoll, Billy Parrish, Dawn Altman, Carolyn Brewer, Debbie English

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:34 PM.

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes

1. **January 22, 2024**

2. **February 26, 2024**

Mr. Cooper and Mr. Gallo provided minor revisions to the minutes. Motion by Mr. Morrow, seconded by Mr. Gallo to approve the minutes from January 22, 2024 and February 26, 2024 as revised. The motion passed unanimously.

E. Update on Transportation Working Group

Mr. Hooper mentioned that in following up on a request from the Mayor to install a speed capture sign on Parkview Dr, we were initially reluctant because it's a State road. However, Ms. Eastland from the RPO assured us that NCDOT does not have a problem with law enforcement agencies putting up signs because we are responsible for patrolling it. He said that we are waiting for verification from an NCDOT official to ensure we can post our speed capture sign. Mr. Hooper mentioned that Ms. Eastland informed him that it would be a good idea to start collecting data from Parkview Dr for two reasons. The first reason is that it was previously included in an STIP but was removed due to funding reductions. By obtaining up-to-date data, it may have the opportunity to qualify for State funding again. He said the second reason is to see if the new three-way stop at Parkview Dr and E French Broad has had any effect on speeds.

Mr. Baker asked if the State accepts data that we have obtained. That seems unusual for the State.

Mr. Hooper said they probably wouldn't accept it, but if they saw something interesting, they would collect their own data.

Mr. Gallo asked if Mr. Hooper knew what was recommended in the original STIP.

Mr. Hooper said he did not and asked Mr. Morrow if he knew.

Mr. Morrow mentioned he believed it was the intersection at Park Ave/Parkview Ave/Morningside Dr.

Mr. Hooper said it probably also includes sidewalks in that area as well because there are certain stretches where there are none at the moment. He said next we discussed the Greenville Hwy/Main St/Wilson Rd intersection. Both Ms. Eastland and Ms. Staudt think that if we can collect more data on pedestrians and traffic speeds, it might get picked up by the State. He said the State's funding is shifting away from large projects to smaller maintenance projects, and since this is a smaller project, its chances of being picked up have increased. Lastly, we discussed how we could approach the State to make improvements to R-5800 as a trail segment by widening the sidewalk. He said it is currently not too late to improve some minor items that make it more accommodating. However, it is not finalized, and we are probably going to have to hire Traffic Planning and Design to design some of these improvements. Mr. Hooper said one thing we discussed was that the ADA warning pads were only about four feet wide, but the sidewalk was about ten feet wide at the crosswalk, so why not make the warning pads larger.

Mr. Cooper mentioned that those pads are for the visually impaired.

Ms. McCann said the reason why it may not be as wide is that the visually impaired individual can use it to see where they are supposed to go and guide them in the middle of the crosswalk.

Mr. Baker asked if there is any kind of official Council action that would give that request more weight.

Mr. Gallo asked if it's a candidate for the flashing warning signs.

Mr. Morrow said you cannot put that in front of the gas station due to ingress and egress.

Mr. Baker mentioned that it's important that we are currently using this section as a trail, and it's not as if we are taking a non-existent trail section and then trying to fit a trail.

Mr. Hooper informed the committee that the only way for it to carry more weight is to present it in a way that is acceptable to them.

Mr. Morrow asked what percentage of the design has been done for R-5800.

Mr. Hooper said probably 90%.

Mr. Baker asked was there a reason that NCDOT, in their design process, didn't figure out that our trail crosses the road, and was there a reason that it wasn't part of their design.

Mr. Morrow mentioned that yes, they have gone back and forth several times trying to move the trail away from the intersection, and now they want to move it more towards the creek.

Mr. Hooper said as Ms. Eastland and I were looking at the trail crossing on the map, we said the trail crossing would have made much more sense at the roundabout near Allison Rd and Strauss Parkway. However, because of the cemetery, we are unable to.

Mr. Baker asked about parking on Railroad Ave.

Mr. Hooper said we discussed the sightlines and intersection, but I wanted to get clarification from you all first. He said the intersection is not appropriately constructed because the stop bar is so far back due to the trail crossing at this intersection. Mr. Hooper asked Mr. Baker if he was asking for parking along the street.

Mr. Baker said Railroad Ave has a wide spot, so I would like to see if we can implement parking in the section that is widest along Railroad Ave. He also mentioned that we have a turning lane that could be removed because it is not a major intersection. Mr. Baker also mentioned that parallel-parked cars could act as a traffic calming measure as well.

Mr. Morrow mentioned the flashing signs that are at Whitmire and that those signs need to be moved because they are not supposed to be installed so close to the stop sign.

F. Probart St. Traffic Calming Final Report

Mr. Hooper informed the committee that the one piece of information not included in the report is that our traffic engineer recommended proceeding initially with only steps one and two (of three) because they prefer taking incremental steps and then evaluating their effects before taking drastic measures. However, staff were sensitive to the input received from the public and wanted to ensure that we weren't taking a half swing but rather a full swing at this, so we included step three to install speed cushions. Our proposal was based on data collected by us and the State, and we ran this through the guidelines published by the Federal Highway Administration on what kinds of traffic calming are appropriate for roads of that speed, volume, and width. The items recommended were signs and vertical deflections, of which speed cushions are a type. I cannot tell you where the speed cushions will go if Council approves their funding, but I can tell you that they will be placed around 500-600 feet apart, with the one near Railroad and Probart serving as the anchor and the first to be placed. They cannot be placed near an intersection or driveway because vehicles must be able to become fully square with the road upon exiting a side street. The speed cushion is made of a plastic composite material that doesn't blend into the road and would be accompanied by warning signs. They are temporary, but we shouldn't move them because they will damage the road and lead to its deterioration, but they can be removed if a snowstorm comes so our snowplows won't ruin them. I am asking for the committee to endorse the recommendation and refer it to Council and to approve the deviation from the traffic calming policy, sending it to Council during the budget workshop rather than the regular meeting. If approved by Council, it will require a change to the traffic schedule to add a three-way stop, and staff will make the appropriate hearings for that.

Mr. Morrow asked how long the traffic engineers would want to evaluate each step before installing speed cushions.

Mr. Hooper said he wasn't sure, but it would be within the next budget year, and we don't want to collect data right after each traffic calming step is installed because we want to give drivers enough time to adjust.

Mr. Gallo asked about the report and resolution, mentioning the beginning point mid-block between England St and Oaklawn St and terminating near Holcombe Rd. He agreed that it needs to go that far, but he knows there are concerns that it's not

City-maintained after around Hampton Cir. However, he recalled reading several comments specifically from the Director of the Mountain Sun Community School requesting that the cushion extend to the music center, as there are residents, including the music center, in the city limits, and the measures should at least extend down to Holcombe Rd.

Mr. Hooper said we can make that case to the State, but we must meet their standards before we can install them further down the road.

Mr. Gallo asked if the State would most likely not oppose it if the city was willing to pay for it.

Mr. Hooper stated I cannot say that for sure. Their standards for installing traffic calming measures are much higher than ours and require significant data, engineering, and a need.

Mr. Gallo said I would like to see all the traffic calming measures implemented as soon as possible. He said traffic speed slowed down when the monitoring devices were up, but as soon as they were removed, there was no stopping, as you can see from the mayor's email. He said short of having police there 24/7, which is unrealistic, the speed cushions are the only solution because signs are ignored. They will hopefully prevent motorists from jumping the curb and endangering pedestrians.

Ms. Altman added that with the music center opening for the summer and the kids walking from the center to town to do their laundry, there will be a lot more foot traffic in that section, and it would be horrible if someone had their kids here and they got injured.

Mr. Gallo mentioned that last year, foreign students were waiting to cross Rosenwald, and they were ready to walk into the road, and the sign says cars only have to stop if someone is in the crosswalk, and they have no concept that cars are not going to stop even if in the crosswalk.

Mr. Baker said I am a little frustrated that we haven't already completed the first two steps because they seem very basic. He said the dollar amount of the speed cushions does not bother me, and they have an obvious need. However, he is not convinced that speed cushions are the correct measure, and he is more concerned with spending money on the wrong measure. He mentioned that horizontal deflection should really be looked at because that really slows people down.

Mr. Gallo said the speed cushions will be visible enough, and the warning signs will be in advance of them, so you'll see the sign of the next cushion as you go over the current one. He said it will be self-defeating for someone to speed and potentially damage their vehicle.

Mr. Baker mentioned that by possibly installing a chicane would probably slow cars down, but I am not even sure if those are allowed.

Mr. Hooper said our traffic engineer did not recommend those.

Mr. Baker asked Mr. Hooper if he could explain the next steps and that this is all contingent on the budget being available.

Mr. Hooper said next week, Council is having their budget workshop. He said he will bring a draft budget to Council that shows how much it will cost to continue services and then a menu of new money requests to accomplish our goals. It will then be up to the Council to decide which ones get funding, and this item will be on that menu. Then it will be presented to Council on May 6th, then a public hearing will be held on May 20th, and then hopefully the Council will approve it on June 3rd.

Mr. Baker asked is there any way to complete the first two steps this year.

Mr. Hooper said yes we can complete those with budget savings this year.

Mr. Gallo mentioned the only revision that I have is on the resolution at the second to the last whereas if it could be strengthened to say "sufficient".

At 4:29 PM, a motion was made by Mr. Gallo, seconded by Mr. Morrow to approve the resolution as revised. Mr. Baker asked if the city should install a smaller number before we go all in to install all eight. Mr. Hooper said eight is what we need to cover the area of concern. Mr. Parrish stated that I hope there was analysis conducted on the use of heavy trucks on Probart because a speed cushion that allows emergency vehicles to pass through will have the same effect on heavy trucks because of the similarity of wheelbase. Mr. Gallo suggested that if the heavy trucks are following vehicles, then by de facto they will have to slow down to avoid hitting the vehicle in front of them, but if there are no vehicles in front of them, then in theory, it won't slow them down. Mr. Parrish asked the cost of the speed cushions. Mr. Hooper said $30,000. Mr. Gallo stated that he has read through the comments and there are other parts of the City that need traffic calming and that this would be a good prototype and hopefully Council would establish funding in the future for traffic calming measures. Mr. Baker said that's my worry that it does set a precedent for future traffic calming. The motion passed unanimously.

G. Railroad Ave – Lighting

Mr. Hooper expressed the need for clarity from the committee regarding lighting on Railroad Ave due to physical constraints on this side of the trail and depot.

Mr. Morrow explained that additional lighting is essential for security, as people often park their cars there and return at night to find it very dark. He suggested row lights along a bridge as a potential solution, emphasizing that it doesn't need to be as brightly lit as a soccer field.

Mayor Copelof mentioned receiving complaints about safety due to the darkness at night.

Mr. Baker suggested approaching the issue more broadly by establishing standards for trail lighting to ensure appropriateness.

Mr. Morrow agreed, emphasizing the need for trail standards.

Mr. Hooper noted that during the discussion of the Ecusta Trail with NCDOT the next day, they would inquire about any work done to identify appropriate trail lighting.

H. Public Comment

Ms. Brewster mentioned that last week a semi-truck came through her neighborhood and took down the power lines on Cherry St. She noted that this was the second time in about a year that poles were brought down, and residents had to intervene to prevent trucks from turning down their road. Despite a sign posted stating "no outlet," trucks often miss it until they've already committed to the turn. Apparently, it's challenging for trucks to reach Mountain Industries, and one truck driver was directed to turn down Cherry St.

Mr. Hooper acknowledged the issue and stated that they would assess the situation and consult with traffic engineers.

Mr. Gallo inquired about the possibility of contacting the administration of Mountain Industries.

Ms. Brewster mentioned that they had attempted to do so but encountered rudeness from them.

I. Set Date for Next Meeting

The next meeting of the Public Safety Committee will be on Tuesday, April 22, 2024 at 3:30 pm at City Hall.

J. Adjourn

There being no further business, the meeting was adjourned at 5:03 PM.

Minutes Approved: April 22, 2024

X

Aaron Baker
Chair, Council Member

X

Alex Shepherd,
Assistant to the City Manager

MINUTES
City Council Public Works & Utilities Committee

Wednesday, April 3, 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 Dean Luebbe, Finance Director Wesley Shook, Acting Public Works Director Dennis Richardson, Water Treatment Plan Supervisor Emory Owen, Wastewater Treatment Plant Supervisor Aaron Winans, WWTP Staff Alex Shepherd, Assistant to the City Manager Becky McCann, Communications Coordinator
Guests:	Bryan Wright, AECOM; Harvey Sankey; Glendon Fetterolf, John Brinkley, and Ross Stroud of CDM Smith; Kevin Laird of GMC Engineering; David DePratter, Steve Barbian, Tom Vollmar, and Matt Broderick of KCI

A. Welcome and Call to Order

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

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes

1. March 6, 2024

Motion by Mr. Carson, seconded by Mr. Wise to approve the minutes of the March 6, 2024 meeting as presented. The motion carried unanimously.

2. **March 13, 2024 Special Meeting**

Motion by Mr. Wise, seconded by Mr. Carson to approve the minutes of the March 13, 2024 special meeting as presented. The motion carried unanimously.

E. **WWTP Engineering Firm Selection**

Mr. Hooper provided a recap of the process that the committee has followed so far. He stated that we have heard presentations from four engineering firms, and a few weeks ago, we met to discuss the qualifications of each firm. Each committee member had a rubric where they ranked each firm in different categories, but we did not compile those because I believe the committee needed to come to a consensus. Mr. Hooper said his goal for today is to ask clarifying questions to two of the firms we originally interviewed, KCI and CDM Smith, and then have another discussion about who we would like to go with. We also have a representative from a third firm in the room in case the committee has any clarifying questions for them as well.

Mr. Fetterolf from CDM Smith answered the questions that the committee gave him in advance. He said they use a hypothetical inflow growth of 2% to forecast future flows. He stated that there has been a significant difference in BOD and TSS data six years after the 2013 report was conducted. Mr. Fetterolf said we gave you three layouts: one on the existing site, one across the street from the WWTP, and one at the Davidson River Village. We discussed federal funding opportunities and BRIC funding.

Mr. Wise asked about the pitfalls of projecting 50 years.

Mr. Fetterolf said we would go back and look 20 years ago at flow data and look at future economic development, and we would probably recommend performing the analysis in 20-year blocks and then re-evaluating the projections every 5 to 10 years.

Mr. Hooper asked, would you also be able to project large economic development projects if the Davidson River Village ever becomes developed.

Mr. Fetterolf said, we can always go back and change our economic outlook projections. Our model is customizable, and we have low, medium, and high economic growth rates.

Mr. Carson asked, how intensive is the process to collect ammonia and phosphorus data.

Mr. Fetterolf said, to remain on the schedule we have proposed, we would need around 60 to 90 days worth of collection, and we would want to discuss this with plant staff to ensure it's not a burden on them.

Mr. DePratter from KCI addressed the questions that the committee had provided in advance. He explained that the design alternatives were determined based on the availability of serviceable equipment and recent investments in the plant, which would be valuable to retain. Regarding funding options, he mentioned considerations such as building on the existing site or creating a regional system, but emphasized the need for a cost opinion and a clear direction before seeking funding. Mr. DePratter noted that with more advanced waste treatment systems, the existing site could likely accommodate 8 to 10 MGD.

Mr. Wise inquired about the challenges of projecting 50 years into the future.

Mr. DePratter acknowledged the difficulty of such long-term predictions but highlighted the importance of considering potential economic and residential developments. He assured that the model would be designed with flexibility to accommodate future changes.

Mr. Hooper raised a question about the reliability of newer technologies for achieving high MGD treatment levels.

Mr. DePratter explained that many of these technologies have undergone testing and are considered reliable and adaptable, with the possibility of retrofitting the treatment plant for additional MGD if needed.

Mr. Morrow asked about the differences in sludge management with these technologies.

Mr. Vollmar stated that there is not a significant variation among the treatment technologies in terms of sludge management.

Mr. Winans inquired about performing wet weather permitting in North Carolina.

Mr. Vollmar admitted that they have limited experience with wet weather permitting in the state due to the scarcity of such systems. However, he expressed their intention to pursue this avenue, although it cannot be guaranteed.

Mr. Morrow emphasized that a decision did not need to be made immediately and expressed interest in analyzing the assessments further.

Mr. Laird from GMC Engineering said that his firm has extensive experience with greenfield plants and mentioned their involvement in implementing the first Nereda process in the United States.

F. Public Comment

Mr. Hooper asked if the committee would be able to meet through out the Summer because there is a lot of work to be done.

The committee said they would look at their calendars to ensure they could meet at their regular time throughout the Summer.

G. Set Date for Next Meeting

The next regular meeting of the Public Works & Utilities Committee was scheduled for Wednesday, May 1, 2024 at 3:30 p.m.

H. Adjourn

There being no further business, the meeting was adjourned at 5:03 p.m.

X Mac Morrow

Minutes Approved: May 1, 2024

Mac Morrow
Chair, Council Member

X

Alex Shepherd
Assistant to the City Manager