



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

A. Welcome and Call to Order

B. Invocation

Rev. Shelly Webb, Sharing House

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. June 17, 2024 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Presentation of Retirement Badge and Plaque to Lieutenant Charles Richard Harbin
2. Badge Pinning Ceremony - Brent Sorrells Promotion to Lieutenant

I. Special Presentation(s)

1. Engagement for Affordable Housing Project on the Brevard-Davidson River Presbyterian Church Property
2. Ecusta Trail Advisory Board reformation and trail governance update

J. Public Hearing(s)

1. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 5 and 13 - Requirements for Underground Wiring

K. Consent and Information

1. Tax Settlement Report - June, 2024

2. City of Brevard Annual Tax Collection Settlement Report
3. Resolution Directing Clerk to Investigate Sufficiency of Petition for Annexation - Jason Shepherd, 35 Verdery Avenue
4. Ecusta Trail Advisory Board Minutes - March 27, 2024
5. Ecusta Trail Advisory Board Minutes - April 24, 2024
6. Council Public Works & Utilities Committee Minutes - May 1, 2024
7. Council Public Safety Committee Minutes - May 28, 2024
8. Council Public Works & Utilities Committee Minutes - June 5, 2024
9. Council Public Safety Committee Minutes - June 24, 2024
10. Council Parks, Trails & Recreation Committee Minutes - May 15, 2024

L. Unfinished Business

1. Amendment to Traffic Schedule to Name and Establish Regulation for New City Street

M. New Business

1. Consider Resolution Reforming the Ecusta Trail Advisory Board
2. Consider Resolution Dedicating the Western Terminus of the Ecusta Trail on Main St. in Downtown Brevard

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

1. Pending Litigation: NCGS §143-318.11.(a)(3)

P. Adjourn

Agenda Posted, Website, Sunshine List (August 1, 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
June 17, 2024 – 5:30 PM**

The Brevard City Council met in regular session on Monday, June 17, 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, and Aaron Baker

Absent – Lauren Wise and Pamela Holder

Staff Present –Attorney Elise Wall, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant to the City Manager Alex Shepherd, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, 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, Police Detective Chrystal Hibbs and members of Brevard Police Department

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 Dema Barishnikov of Destiny 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. Mr. Morrow moved, seconded by Mr. Daniel to excuse Councilmember Wise and Councilmember Holder. The motion carried unanimously.

E. Approval of Agenda – Ms. Hodsdon requested to add a Road Closure Ordinance for National Night Out to the Consent Agenda as Item K-10. Mr. Morrow moved, seconded by Mr. Baker to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. April 12, 2024 Budget Workshop – Mr. Daniel moved, seconded by Mr. Baker to approve the minutes of the April 12, 2024 Budget Workshop as presented. The motion carried unanimously.

F-2. June 3, 2024 Regular Meeting – Mr. Morrow moved, seconded by Mr. Baker to approve the minutes of the June 3, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Harvey Sankey of 41 Pine Street said my comment is related to the budget. You took \$70,000 for one police car out of the unobligated fund balance. The unobligated fund balance represents surplus funds not yet assigned to specific expenses or projects. These funds should be prudently reserved for one-time purchases rather than reoccurring expenses to ensure fiscal stability and to prevent future budget shortfalls.

Under that statement, I disagree with you taking \$70,000 out of the unobligated funds to pay for the police car. I think it is totally unnecessary based on the comment that I just made here. You could take that and put it back into the operating expense account for the Police Department, which you have done in prior years. It is a reoccurring expense to replace police cars; it's not a one-time expense. That's why I'm saying it should go back into the operating expense account for the Police Department. The other thing is, okay, what happens to that \$70,000 now that we put it back into the operating expense? You could reduce the Fund 78 and Fund 83, which are the Estatoe Trail and Planning by \$35,000 each. You have taken and increased these funds by \$70,000. If you take \$35,000 out of each, you'll be okay as far as your operating budget is concerned and it won't affect the tax rate. \$140,000 was initially for two police cars and you added the \$70,000 and \$70,000 again to the Estatoe Trail and Downtown Master Plan. As far as the Estatoe Trail, it is a 180% increase over what the City Manager represented, and the Downtown fund is 112% over what the City Manager wanted to have. You could change this and you could transfer funds around. If you needed all \$70,000 you could take some money out of the Police Department's funds for increasing their department expense for their new headquarters and put that into your unobligated fund balance.

H. Certificates/Awards/Recognition

H-1. Badge Pinning Ceremony – Chrystal Hibbs Promotion to Detective – Police Chief Tom Jordan recognized Police Officer Chrystal Hibbs who has been promoted to Detective. Chief Jordan presented the Detective's badge to Detective Hibbs who was joined by family members.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Amendment to Traffic Schedule to Name and Establish Regulation for New City Street – Aaron Bland explained that the City recently accepted the dedication of an access road off Deerlake Road behind the EnMarket gas station. It accesses the rear of the Arby's parking lot. This Traffic Schedule amendment will establish a name, speed limit, and no parking for the new city street. The speed limit would be set at 15 MPH with the entirety of the road designated as a no parking area. The requirement to stop before entering Deerlake Road will also be codified. Mr. Bland noted that the main question before Council tonight is to decide on the name of the street. He referred to the naming guidelines in the City Code and provided a list of possible names should Council wish to consider these:

- Lambo Court – nearby creek that runs through the nearby Deerlake neighborhood
- Eldridge Court – former owner of the property
- Ironwood Court – colloquial name of a tree that is found nearby
- Catbrier Court – name of an understory plant that is found nearby
- Carolina Lily Court – the official state wildflower
- Brookie Court – the official state freshwater fish which is native to our local rivers

Mayor Copelof opened the public hearing at 5:45 p.m.

Public Hearing Public Participation: None.

Public Hearing Closed – Mayor Copelof closed the hearing at 5:45 p.m.

During Council comments, Mr. Morrow noted that there is a historical significance here as it was the site of the first meeting grounds where every year everybody would come and meet. It was the mustering ground for the soldiers in the Civil War. It was the center of local government before we were a local government and where Transylvania County began, as it was the location of the

very first meeting of county commissioners. He thought it would take a little bit of thought to honor that history. There was consensus that Council would provide input separately to the Planning Department prior to Council's vote at the next meeting.

J-2. Proposed Amendments to City of Brevard Code of Ordinances Chapters 1, 46, and 62 – Sidewalk Usage Policy – Emily Brewer presented a PowerPoint presentation that explains rationale and background for this proposed amendment, the process it has undergone, and a visual of what it will look like. A copy of her presentation is attached. She explained that North Carolina General Statutes §160A-296 states that cities have general authority and regulatory authority over all public sidewalks within its corporate limits. It is the stated duty of a municipality to keep the public sidewalks “open for travel and free from unnecessary obstructions.” She noted that the City recently completed the Main Street improvements from the Downtown Master Plan, added new public amenities, and established a social district in Downtown. She explained that these steps to improve the pedestrian experience prompted Staff to revisit the sidewalk usage ordinance. The North Carolina League of Municipalities (NCLM), the City's insurance provider, advised Staff that, in order to be adequately covered, all items placed in the public rights-of-way need to be permitted with insurance naming the City as an additional insured and an executed hold harmless agreement. Additionally, the City needs to proactively monitor the sidewalk encroachments and take enforcement actions to remedy violations when necessary. This is a staff-initiated text amendment to ensure that all items (e.g., merchandise, planters, furnishings) placed in City or State rights-of-way have insurance and meet the minimum separation requirements as set forth by State law. The proposed changes also aim to reduce the burden on business owners by making it a one-time permit. Ms. Brewer noted that because these amendments directly impact the City's liability coverage, Staff is requesting a vote on these amendments following the public hearing. By voting on the matter tonight, Staff will immediately begin working on resolving the outstanding liability questions over the summer, instead of waiting for a vote at the next Council meeting in August.

Mayor Copelof opened the public hearing at 6:07 p.m.

Public Hearing Public Participation:

Paul Hawkins said my biggest issue is the fact that brick usage, which has been longtime available to us and I have, as far as I know, a permit and I do have insurance for a small clothing rack that was on a diagram that I gave to the City a number of years ago. I haven't heard any remarks why the brick would be all of a sudden off limits. It's out of the sidewalk, the pedestrian walkway. It definitely helps business; it brings people in; I make sales from the rack. Some of us shops are open later and it's just an extra “hey we're open” and all of that benefits the City due to the sales tax that we collect on our sales. So, I would think it's in your best interest to have us be successful as businesses. Going back to the new permit fee which I don't understand why it would be \$100; same reason I just mentioned – it's all about us making money so the revenue can go back to the City. It just doesn't seem like this very small business friendly. I mean you already took a bunch of parking which to locals has made a huge deficit in shopping downtown. Some of it is just objective; there is still some parking farther away but it is still deterred parking so we're missing revenue that way. On that subject, other cities use a one-hour free on their city-pay lots which would also be a great benefit for locals to shop downtown. Back to the permit fee, you know everything is going up, why do we need an extra permit fee to go up too? Rent's gone up, utilities have gone up, cost of goods has gone up, labor's gone up. I think that covers everything. Thanks for your attention.

John Taylor of 171 W. Probart Street said I am a little unnerved by all of the activity that has been going on in the city since the pandemic. The new parking situation took 20% of my parking spaces away from me and my business is down 20% for Christmas and I don't think that's a coincidence. I mean, we are a destination, but if you can't park when you get to the destination, it's a real problem. I had a customer

yesterday that got an \$85 ticket because she parked in a pay to play lot and she didn't put her ticket on her dashboard, so they gave her an \$85 ticket even though she had already paid the fee to park there. So parking is a real problem. This just seems really nitpicky. I have been doing business in downtown Brevard since 1982 and okay, it has been a free-for-all. There are some liability issues, but nobody's ever tripped over my soldiers that guard the doors outside. But I have had seven people trip in the handicap parking zone that is right in front of my door and three of them were hospitalized, four of them signed a release and walked away. The latest one, I sent pictures to the Mayor's office and she was banged up really bad. She should have gone to the hospital but she didn't. The traffic problem, it's a cutout to allow handicapped people to get out on the street level and then go up a ramp to the sidewalk, but people don't pay attention to the cutout and they just step right off of it. Dick Berg who I play tennis with broke his elbow there when he was just out for a walk. There's only five feet there now because of that cutout, so that kind of eliminates what I can do on my street because there isn't enough room to put anything outside. It's really kind of a problem. I don't abuse the outside stuff; I don't take up the whole sidewalk, but I would like for my little soldiers to be able to stand outside. Thank you for letting me talk.

Doug Miller said my wife and I own Newfound Artisan in the Heart of Brevard. We are located on W. Jordan Street. I am here today because our side of Jordan will definitely be impacted by the proposed sidewalk policy. The policy, as you know, states that businesses located in front of sidewalks less than seven feet in width are not allowed to take advantage of the sidewalk in front of their business. The new requirements specifically exclude using the brick utility strip when measuring the sidewalk width even when there is nothing placed in the strip. So, essentially what it is saying is that the brick of the sidewalk is not the sidewalk. The proposed policy also states that there must be five feet of unobstructed space at all times, but there are places on Jordan Street where there aren't even five feet of sidewalk concrete space. It's just not that wide. So, by adopting these proposed standards, you will actually have a city-owned street and a city-owned sidewalk that's not up to your own standards. So, will you be widening the sidewalk or maybe reconsider using the brick utility strip that is already there that people actually use a part of the sidewalk, at least on our part of town; maybe not on Broad Street, but on Jordan Street it's the sidewalk, it's the brick and people use it. The actual impact of this is that three businesses on West Jordan Street will have to remove planters and benches in front of our businesses. Our benches are not just reserved for customers, they are available for anyone to use them and they are indeed often used by members of the public. We've put them out in front of our shop because there is not a single public bench on West Jordan Street. The only benches on West Jordan Street are those provided by businesses like ours. On Main Street between Caldwell and Broad there are ten public benches plus alley dining and high-top tables and chairs with umbrellas. On Main Street between Broad and Gaston there are twelve public benches plus additional seating in the alley and high-tops with chairs and umbrellas; and on Broad Street between Main and Jordan Street there are six public benches. That's 28 public benches, not a single one on Jordan Street. We're asking that this policy get sent back to committee for additional refinement. Brevard is a small community; it's possible to create a more nuanced policy that doesn't affect one street so heavily. We would also urge the City to consider providing West Jordan Street, home to two businesses that were recently featured in the June 2024 issue of *Southern Living* in an article about spending a great weekend in Brevard, with more support when it comes to public benches, signage, and general upkeep. All of us who own businesses and everyone who enjoys walking around would definitely appreciate that. I can also say I don't have a PowerPoint to bring a bunch of pictures and things like that. I have pictures when I was in Silva recently and they certainly allow sidewalk dining there. I'm not sure if they just turn a blind eye to it, but I ate outside at a very lovely restaurant on the sidewalk. I think there is a lot more to consider. I think there's proposals, there's policy and then there's the reality. The reality is that we use the brick for sidewalk; we can call it something else, but it is the sidewalk. Thank you.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:16 p.m.

Mayor Copelof noted that Staff is asking for a decision tonight and asked if there was a motion regarding this item. Mr. Daniel moved, seconded by Mr. Baker to table this issue and send it back to the committee for further review until we come up with a more nuanced plan.

During discussion Mr. Daniel said I am on the Downtown Master Plan Committee and I think it became obvious almost immediately after we voted unanimously to present this to City Council that many of us were having second thoughts. I think that our concerns are not only about the public input process, but also some of the issues that have been raised today. I think that this is something we need to address. I feel like we're close, but I don't think we have the plan that represents the City of Brevard as we envision it.

Mr. Baker agreed. He said I think we're not too far away, but given some conversations I had this week and certainly what we've heard tonight, it sounds like this does need just a little bit more time to be more nuanced. We certainly need rules and I didn't hear anybody advocate for zero rules downtown on this issue. I will also say that I have personally seen downtown businesses utilize public infrastructure for their own needs as a business and actually obstruct that public infrastructure from being used, which I don't think is something that anybody would argue should be allowed. If there is a bench for the public to use, it should be used as a bench; or if there is a bike rack downtown that is for the public to use, it should be used and open as a bike rack. So there are rules that we have to have, but we're a small town. We have a great downtown organization in the Heart of Brevard. Being a small town I think we can have realistic conversations about things like this and we don't have to get down in the weeds that sometimes happens in bigger municipalities or even nationally. I've got some questions as well on the brick utility strip and why that was recommended to be excluded. Certainly there are streets within the downtown that are different than Broad and Main Streets and is a one-size-fits-all appropriate, or should the rules be nuanced enough to take those into account so that certain businesses aren't impacted more? I don't think we're too far off; there is a lot in this policy that I agree with, but as we go forward this needs a little bit more time and also needs more communication before it is voted on in the public. I'll say that downtown has experienced a lot of change in the past 18 to 24 months. I am of the opinion that that change is all overwhelmingly positive. I know there are people that might disagree with that. I think in the long run certainly we'll be in a better place, but as a small city we should be able to understand that we've asked a lot of change and we have asked a lot of our downtown businesses over a short period of time. Sometimes that might require us to take a little break or make sure that when we're making additional changes that we fully communicate those. That's why I'm voting on this the way I am tonight.

Mr. Morrow said all good points. I have two others. I would like to thank you Emily for your presentation and for this staff-initiated movement. Let's make downtown safe and meet our obligations to the general public in a liability sort of way. The other piece is because we don't have two council members here, I think it is appropriate to table it until they have a chance to give their input.

Vote on the motion to table the amendment and send it back to the committee was unanimously in favor. The motion carried.

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. Daniel to approve the consent agenda. The motion carried unanimously.

K-1. Tax Settlement Report – May, 2024

K-2. Resolution of Support re Visual Architectural Standards

RESOLUTION NO. 2024-27
RESOLUTION BY BREVARD CITY COUNCIL ADOPTING
ARCHITECTURAL VISUAL GUIDELINES

WHEREAS, the City of Brevard recognizes the importance of adopting architectural visual guidelines for identifying and communicating building typology; and

WHEREAS, the architectural visual guidelines serves to express a desired stylistic character to endure across years of future development; and

WHEREAS, the 2030 Comprehensive Land Use Plan recommends evaluating the City’s existing built form and updating its architectural standards in which architectural visual guidelines may inform; and

WHEREAS, architectural visual guidelines may influence the evolution of the Unified Development Ordinance depicting “General to All” for introducing universal building types in Brevard, and variations of building types in unique character areas such as Downtown, Lumberyard District, Pisgah Gateway US-64 Corridor and Rosenwald Neighborhood.

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

Section 1. The City of Brevard City Council hereby approves and adopts the Architectural Visual Guidelines.

Section 2. The Architectural Visual Guidelines is a best practice, urban planning document.

Section 3. The Architectural Visual Guidelines may serve as a companion to the Unified Development Ordinance.

Section 4. Staff is hereby directed to proceed with updating the architectural standards of the Unified Development Ordinance

Adopted and approved this the 17th day of June 2024.

Attest: Denise Hodsdon, City Clerk s/Maureen Copelof, Mayor

K-3. End of Fiscal Year Budget Amendments

ORDINANCE NO. 2024-25
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET.
BUDGET AMENDMENT NUMBER 24-10

SUBJECT: Budget Amendment at fiscal year end to increase expenditures in various departments by a total of \$211,600 to cover budget overages.

AGENDA INFORMATION

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

BRIEF SUMMARY: At fiscal year end, actual City expenditures may not exceed budgeted amounts at the department level. During the fiscal year, general ledger accounts can go over budget for a variety of reasons, including unforeseen cost increases for products, unexpected events (higher than normal maintenance and repair is one example), or budgeting errors by staff. The following departments within the government currently require budget amendments to assure that they are not over budget at fiscal year end. Fund balance is not affected by this budget amendment.

MOTION FOR CONSIDERATION: To approve Budget Amendment 24-10 as submitted, increasing the budget in expenditure account:

10-4100-4500 (Contracted Serv – Gov Board)	\$5,000
10-5000-0210 (Overtime – Building Grounds)	\$10,000
10-5000-1500 (MR Buildings - Building Grounds)	\$10,000
10-5550-3120 (MR – County Veh – Garage)	\$30,000
10-5600-1600 (MR Equipment – Streets)	\$10,000
10-5600-4500 (Contracted Serv – Streets)	\$10,000
30-8140-1300 (Utilities – Water Dist)	\$15,000

30-8140-3300(Dept Supplies – Water Dist)	\$25,000
30-8280-1300 (Utilities – Wastewater Coll)	\$75,000
10-5100-1700 (MR Auto – Police)	\$15,000
40-5300-1500 (MR – Buildings)	\$6,600
TOTAL	\$211,600

And increasing the budget in the revenue account (or decreasing the budget in expenditure accounts):

10-3010-0423 (Current Year Ad Val Tax)	\$45,000
10-3970-1100 (County Reimb – MR)	\$30,000
30-3710-0200 (Charges for Service – Sewer)	\$40,000
30-8220-1300 (Utilities – Wastewater Treatment)	\$75,000
10-3600-0000 (Insurance Proceeds – Police)	\$15,000
40-3600-0000 (Insurance Proceeds – Fire)	\$6,600
TOTAL	\$211,600

ATTACHMENTS: None.

MANAGER’S RECOMMENDATION: Adopt as presented.

Approved and adopted this 17th day of June, 2024.

Attest: Denise Hodsdon, City Clerks/Maureen Copelof, Mayor

K-4. Establishing Facilities Improvements Capital Project

ORDINANCE NO. 2024-26

**CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT
FOR FACILITY IMPROVEMENTS**

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

Section 1: The project will make necessary improvements to City Hall, and the new Police facility at 132 Commerce Street. City Hall is in need of one additional office space at this time, and the rented Police facility is in need of upgrades to make it more functional for the Police Department and the citizens of the City.

Section 2: The City has contracted with G & M Construction Company, Weaverville, NC in the amounts of \$145,166 for the Police Department facility at 132 Commerce Street. The City has contracted with Radar Contruction, Brevard, NC in the amount of \$36,347.09 for the work at City Hall.

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

Account Number	Account Name	Budget Amount
32-4400-4500	Contracted Services	\$40,000
32-5100-4500	Contracted Services	\$150,000
TOTAL PROJECT APPROPRIATION		\$190,000

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

Account Number	Account Name	Budget Amount
32-3750-0000	Transfer from General Fund	\$190,000
TOTAL PROJECT REVENUE		\$190,000

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 17th day of June, 2024.

Attest: Denise Hodsdon, City Clerk s/Maureen Copelof, Mayor

**ORDINANCE NO. 2024-27
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET.
BUDGET AMENDMENT NUMBER 24-11**

SUBJECT: Budget Amendment transferring funds for building improvements at City Hall and 132 Commerce Street.

AGENDA INFORMATION

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

BRIEF SUMMARY: This budget amendment is in conjunction with the establishment of the Facilities Improvement Capital Project, involving work to be conducted at City Hall and 132 Commerce Street. City Hall is in need of additional office space, and the Police Department is in the process of relocating to 132 Commerce Street, as their offices in the lower level of City Hall have had mold and mildew issues, and have not provided adequate office space for the Police Department.

MOTION FOR CONSIDERATION: To approve Budget Amendment 24-11 as submitted, increasing the budget in expenditure account:

10-6600-9267 (Transfer to GCPF – Facilities Improvements)	\$190,000
TOTAL	\$190,000

And decreasing the budget in expenditure account:

10-5100-0200 (Salaries – Regular)	\$190,000
TOTAL	\$190,000

ATTACHMENTS: None.

MANAGER’S RECOMMENDATION: Adopt as presented.

Approved and adopted this 17th day of June, 2024.

Attest: Denise Hodsdon, City Clerk s/Maureen Copelof, Mayor

K-5. Council Rosenwald Community Advisory Board Minutes – March 21, 2024

K-6. Council Housing Committee Minutes – April 9, 2024

K-7. Council Finance, Human Resources & Citizen Appointment Committee Minutes – April 22, 2024

K-8. Council Public Works & Utilities Committee Minutes – May 1, 2024

K-9. Council Downtown Master Plan Committee Minutes – May 8, 2024

K-10. Ordinance Declaring Road Closures for Special Event – 2024 National Night Out

**ORDINANCE NO. 2024-28
AN ORDINANCE DECLARING A ROAD CLOSURE
FOR THE 2024 NATIONAL NIGHT OUT EVENT**

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 closure during the day and time set forth below on the following described portion of a State Highway System route:

Date:	Tuesday, August 6, 2024
Time:	4:00 PM – 10:00 PM
Route Description:	East Main Street (U.S. 276) from Broad Street to Johnson 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 17th day of June 2024.

Attest: Denise Hodsdon, City Clerks/Maureen Copelof, Mayor

L. Unfinished Business – None.

M. New Business

M-1. Approval of Purchasing Policy – Mr. Luebbe explained that local governments are required by law to abide by purchasing and contracting guidelines and thresholds when it comes to purchasing goods and services. In addition to the NC General Statutory provisions pertaining to local governmental purchasing, the City should also have its own local purchasing policy to establish guidelines for the expenditure of funds used to procure goods and services by City departments. The Finance, Human Resources and Citizen Appointment Committee has recommended approval of the proposed policy, which includes stricter thresholds than the limits set by statute. Mr. Luebbe reviewed the major differences in the thresholds set forth in the City’s proposed policy compared to the statutory limits:

- Formal bids will be required for purchases of \$75,000 and construction-type services over \$250,000
- Informal bids will be required for purchases over \$25,000 but less than \$75,000, and construction-type services over \$30,000 but less than \$250,000

Purchases in the formal range require the approval of the City Council. Alternatively, City Council may delegate this authority to the City Manager for each fiscal year, with the delegated authority expiring at the end of that fiscal year. Construction-type services in the formal bid range must be approved by City Council and cannot be delegated.

Mr. Daniel moved, seconded by Mr. Morrow to approve the Purchasing Policy. During discussion, Mr. Baker noted that in Section 2.10.C. City Manager Authority, it states that whenever the City Manager deviates from any part of the purchasing policy

the City Council will be notified in a “timely manner” and suggested changing that to a more specific timeframe. Mr. Wilson suggested amending it to “at or before the next Council meeting”. Mr. Daniel amended his motion to include that amendment and Mr. Morrow agreed with the amended motion. Vote on the motion to approve the Purchasing Policy as amended was 3-0. The motion carried.

RESOLUTION NO. 2024-28
A RESOLUTION ADOPTING THE CITY OF BREVARD PURCHASING POLICY

WHEREAS, it is the policy of the City of Brevard to maintain a responsible procurement process that obtains the best apparatus, supplies, materials, equipment, and services at the best price and in compliance with all applicable laws; and

WHEREAS, Staff has drafted a Purchasing Policy establishing guidelines for the expenditure of funds used to procure goods and services by City departments; and

WHEREAS, the City Council Finance, Human Resources and Citizen Appointment Committee has reviewed the draft Purchasing Policy and recommends approval.

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

Section 1. The City of Brevard Purchasing Policy attached hereto and presented to City Council at its June 17, 2024 meeting is hereby adopted.

Section 2. The City of Brevard Purchasing Policy shall become effective on July 1, 2024 .

Adopted and approved this the 17th day of June 2024.

Attest: Denise Hodsdon, City Clerk

s/Maureen Copelof, Mayor

M-2. Approval of Scope of Work for Wastewater Treatment Plant – KCI Associates of NC – Mr. Hooper explained that the Public Works and Utilities Committee (PWC) conducted a comprehensive qualifications-based selection for a PER engineering firm to give us a recommendation on what type of wastewater treatment plant upgrade or replacement we should pursue. The PWC interviewed four firms, and follow-up interviews with two finalists and selected the firm KCI as its finalist. The PWC instructed Mr. Hooper to begin negotiating a scope of work with KCI. After review and discussion at its June 5, 2024 meeting, the PWC referred the scope of work to the full Council for approval. The total cost of this project is estimated to be about \$352,000 and once the scope of work is approved by Council, our first step will be to go to the State and apply to use some of our \$13M earmark for this purpose. Mr. Morrow moved, seconded by Mr. Daniel to approve the scope of work and resolution. The motion carried 3-0.

RESOLUTION NO. 2024-29
RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH
KCI ASSOCIATES OF NORTH CAROLINA P.A.

WHEREAS, the City of Brevard is desirous to upgrade or replace its aging wastewater treatment plant; and

WHEREAS, the City released a Request for Qualifications to solicit professional engineering firms to make projections as to the City’s future wastewater needs and make a recommendation as to which type of upgrade, enhancements, or replacements are needed; and

WHEREAS, after interviewing qualified firms the Public Works and Utilities Committee chose KCI as its preferred firm and instructed the City Manager to begin negotiations; and

WHEREAS, the City Manager and KCI have negotiated the terms of an agreement that each deem to be mutually beneficial; and

WHEREAS, the Public Works and Utilities Committee endorsed the agreement attached hereto at its June 5, 2024 meeting.

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

Section 1. The scope of work attached hereto and presented to the City Council at its June 17, 2024 meeting are hereby endorsed; and

Section 2. The City Manager or his designee is authorized to make minor adjustment as needed and execute this document and the associated contract on the City's behalf; and

Section 3. This resolution shall be effective upon adoption.

Adopted and approved this the 17th day of June, 2024.

Attest: Denise Hodsdon, City Clerk

s/Maureen Copelof, Mayor

M-3. Appointments to ABC Board – The ABC Board has two upcoming vacancies for terms set to expire in July 2024. As Vice-Chair of the Finance, Human Resources and Citizen Appointment Committee Mr. Daniel reported that the committee discussed this after hearing from Staff that the ABC Board is under a transition period and that the city should exercise increased oversight over the board during this period. The committee's recommendation was to forego the public recruitment process and appoint Susan Miller and the City Manager to that board. Mr. Baker moved, seconded by Mr. Daniel to approve the resolution as presented.

During discussion, Mr. Morrow said I think the intention here is okay, but the ABC Board has always been a totally separate board with their own auditors, personnel policy, etc. and I question whether we want the linkage directly to the City Manager. He also objected to the exclusion of other public candidates that might like to apply. This is not the first time where they had an issue. They got city support and in that case we extended the term of the current leadership until the issue was resolved, with the help of the attorney and the city manager, not necessarily on the board. Mr. Daniel recommended postponing vote on this until the full Council was present. Following further discussion, Mr. Baker withdrew his motion. Mr. Morrow moved, seconded by Mr. Daniel to extend the terms of the current board members through September and advertise the positions per our standard procedures and then bring back to Council for another vote. The motion carried 3-0. Mr. Baker requested more information about the ABC Board, their relationship with the City, and their particular period of transition before this comes back to Council for vote.

N. Remarks/Future Agenda Considerations.

Mr. Daniel said if you didn't go to the festival at Silversteen celebrating Juneteenth, you missed it. It was great; it was good food, good music, and good company. Kudos to Tyree and the Mary C. Jenkins board for putting on an excellent event. It was fun and I enjoyed myself. Thank you.

Mr. Baker said I drove by the Terminix on Rosman Highway and noticed their lovely new sidewalk that serves absolutely no public purpose whatsoever and probably won't for the next 25 years. I know I have brought it up before, and maybe Staff is investigating it, but I haven't gotten a clear answer whether we are legal to require a fee in lieu rather than build a sidewalk. I would love an answer on that definitively as we go forward.

Mr. Hooper yielded his time to Chief Cooper and asked him to share some news about certification that members of the Brevard Fire Department recently received.

Chief Cooper reported that a few weeks ago the Fire Department received a recertification of our heavy rescue certification. In 2014 we went through the process to get our heavy rescue certification through the North Carolina Association of Rescue and EMS. They look at your policies and procedures and they do an inspection of your equipment. We were hoping to push this off until our new rescue truck came in. We did do the final inspection on our new rescue truck last week. There's a little bit more work to do, but hopefully we'll have the truck here sometime next month. But we did

get the recertification inspection done last month and they looked at all the equipment, certifications and policies and procedures. It is a pretty thorough inspection process and they renew it every five years. This is the second time we have gone through recertification.

Mayor Copelof said Juneteenth was great and I think you missed the best party of the year if you didn't go. I think everybody had a great time. A big thank you to the Mary C. Jenkins Board of Directors who put a lot of time and effort into organizing it. Thank you to Tyree - great job. I know the kids loved the ice cream truck. I think the displays and information inside the MCJCCC were superb in terms of helping people understand what Juneteenth is all about. It was a fun, but also educational day and when you can combine those two, that's a big win. Just a heads up, we do have another celebration coming up in conjunction with our Veterans Museum and the County. On June 25th we are going to be celebrating Korean War Remembrance Day. The Korean War started on June 25th in 1950 when North Korea invaded the South. The celebration will be at 2:00 pm on June 25th at the Brevard College Ingram Auditorium. We will be honoring some of our Korean War veterans and also be celebrating with some of the Korean community that is coming with some Korean dances and food. It is a free event and I invite everyone to attend. Tonight, and at our last meeting, you saw City Council make significant progress on two absolutely critical and important, but also big complicated and hard issues. We put under contract moving forward on our new wastewater treatment plant, something that is absolutely vital to going forward and to get that engineering started. Last meeting, we approved the lease on the affordable housing project with the Presbyterian Church. If there are two things that this community really is facing, that we have got to tackle over the next few years, it's making sure that that critical infrastructure is in place and also making sure that we deal with that critical lack of affordable housing. We made significant progress on both of those and I want to commend City Council and Staff for moving forward in such a great way to move our community forward.

O. Closed Session – None.

P. Adjourn – There being no further business, at 7:13 p.m. Mr. Baker moved, seconded by Mr. Daniel, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

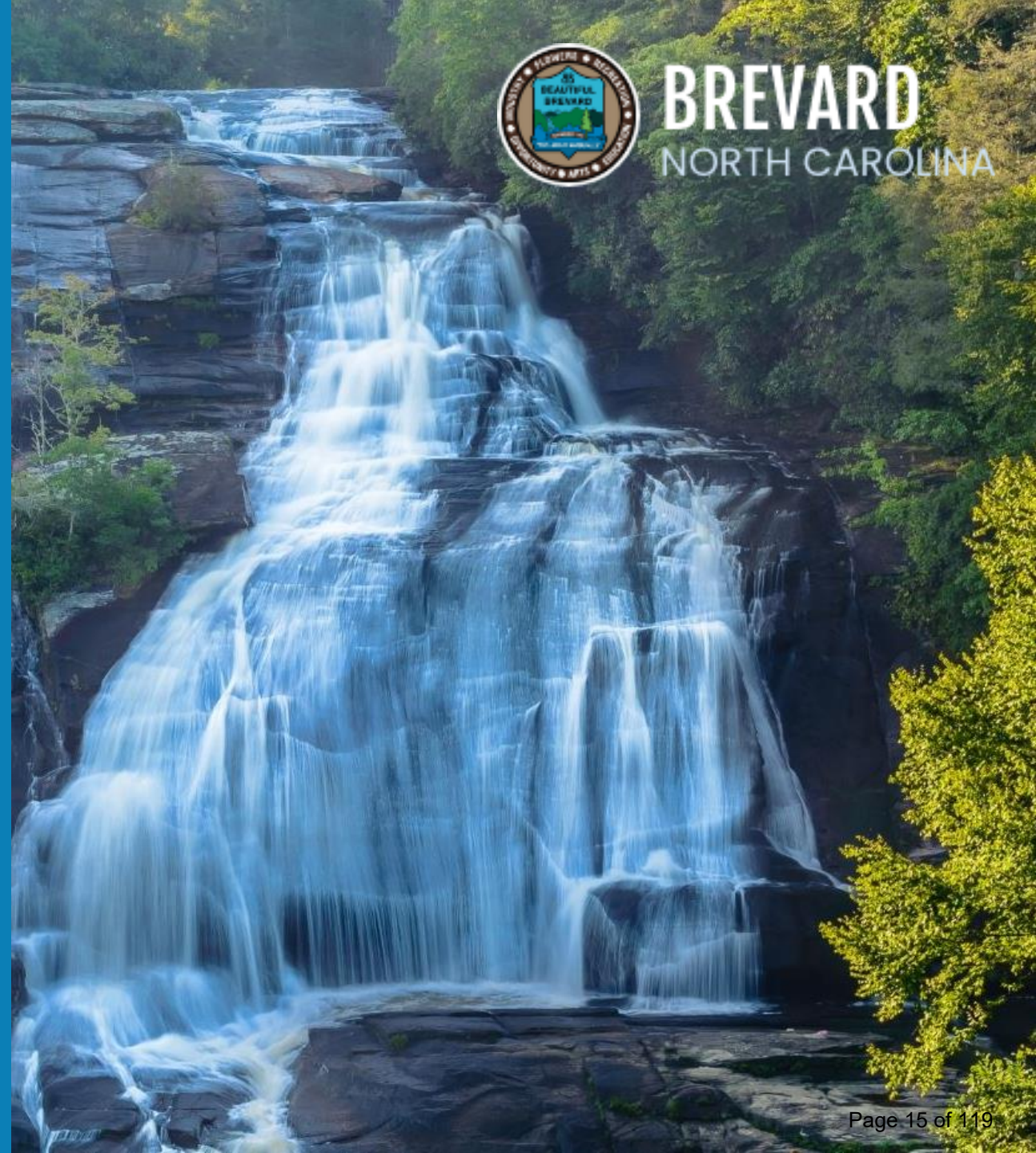
Minutes Approved: August 5, 2024

Sidewalk Usage Public Hearing

City Council | June 17, 2024



BREVARD
NORTH CAROLINA



Rationale / Background

- N.C.G.S. 160A-296 imposes upon cities the duty to keep public streets and sidewalks **open for travel** and **free from unnecessary obstructions**.
- NC League of Municipalities (NCLM), the City's insurance provider, advised Staff that in order to be adequately covered:
 - **All items** placed in the public rights-of-way must have an encroachment / hold harmless agreement
 - **All items** placed in the public rights-of-way must have insurance naming the City as an additional insured
 - City must proactively monitor items and take enforcement actions, when necessary

How did we get here?

2020

- City permitted usage of sidewalk by businesses in response to COVID-19 pandemic
- City signed Sidewalk Dining Agreement with NCDOT to permit sidewalk dining on NCDOT rights-of-ways
- Staff consulted with Downtown Master Plan to amend the sidewalk usage ordinance

2021

- City Council approved text amendment to expand regular usage of public space

2023

- Main Street Improvement project adds additional public areas and amenities
- City Council approved Downtown Social District

How did we get here?

2024

- **January 10th** – City Staff shared an introduction / facilitated a discussion with the Downtown Master Plan (DTMP) Committee
- **April 10th** – Staff shared a fully revised draft of the text amendment to the DTMP Committee
- **May 8th** – Staff brought a revised draft of the text amendment to the DTMP Committee
- **June 12th** – Staff brought a revised draft of the text amendment to the DTMP Committee, and they unanimously recommended in favor of approval

Text Amendment Goals

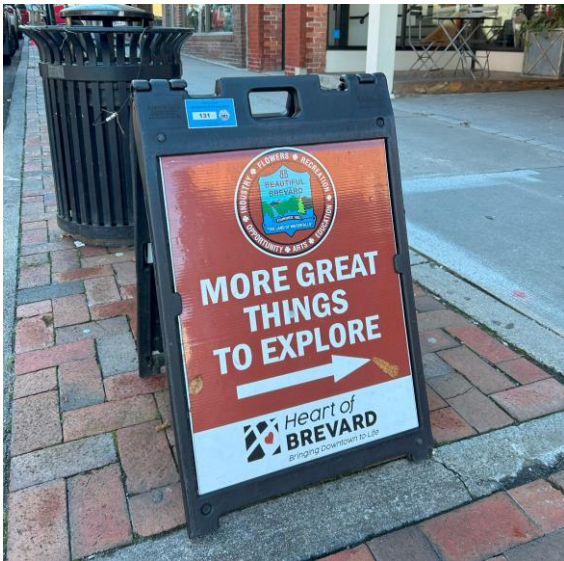
- Ensure all items (e.g., merchandise, planters, furnishings) placed in the public rights-of-way have **insurance**
- Ensure that the City is **adequately protected** in the event of an incident
- Ensure that items placed on the sidewalk **do not interfere with the flow of traffic**
- Ensure that items placed in the rights-of-way **do not impede the use of public infrastructure / amenities** (bike racks, trash cans, seating, etc.)
- **Reduce the burden on business owners** by making it a one-time permit

Sidewalk Usage Regulations - Current



Sidewalk Dining

*Regulated by agreement
with NCDOT & State law*



A-Frame Signs

*Regulated in the UDO,
must get a sign permit*



Permanent / Semi-Permanent Objects

*Regulated in Code for
specific items*



Merchandise

*No permit or insurance
currently required*

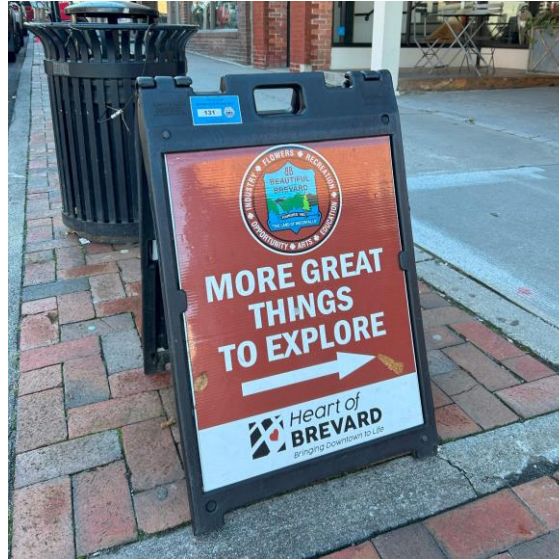
Sidewalk Usage Regulations - Proposed



Sidewalk Dining

*Regulated by agreement
with NCDOT & State law*

*Minor changes to
allowable materials*



A-Frame Signs

*Regulated in the UDO,
must get a sign permit*

No changes proposed

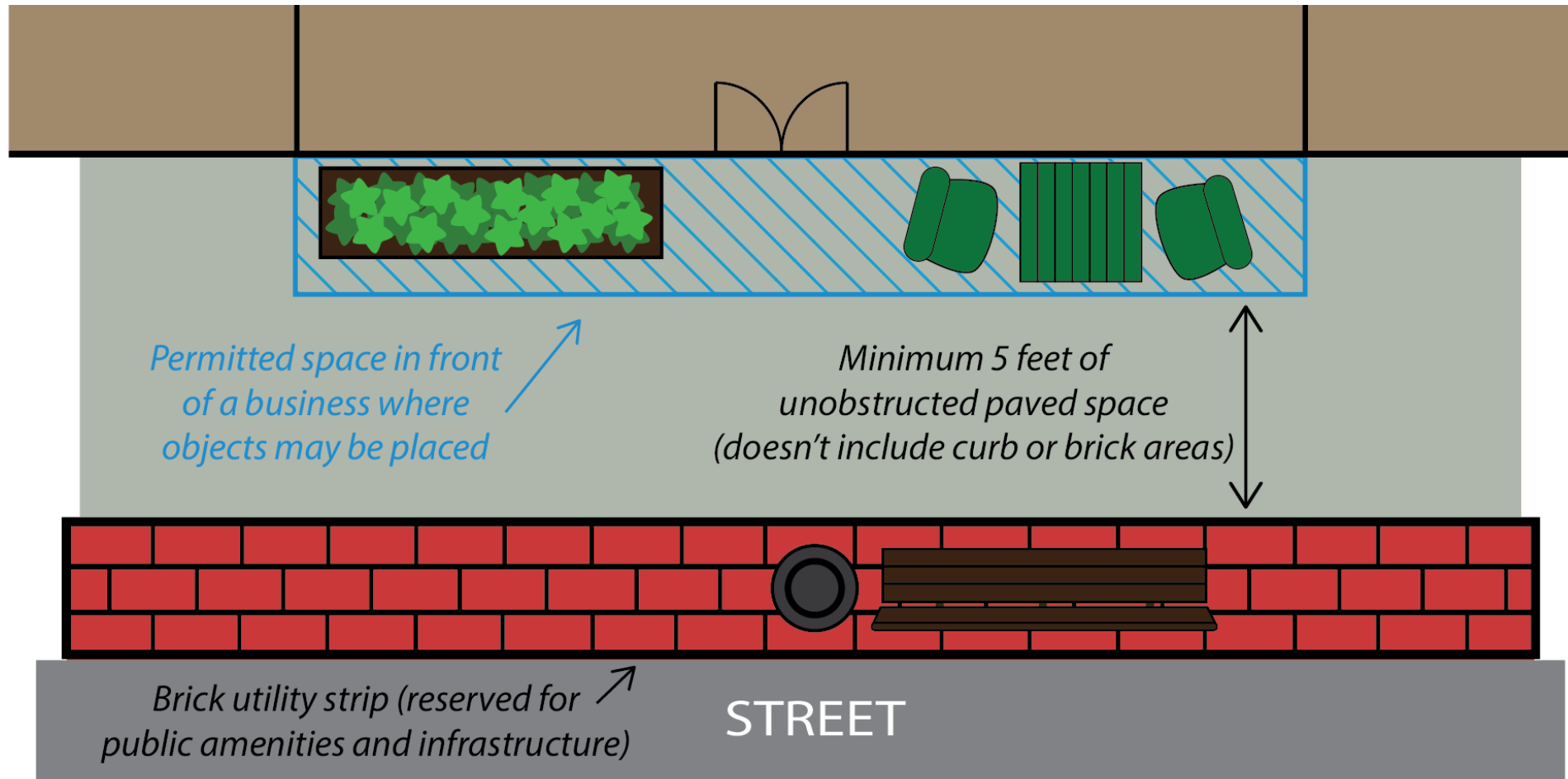


Objects Placed on Sidewalks

*Permit, insurance and hold harmless agreement required for
a space where obstructions can be placed*



Approach for Sidewalk Obstructions



Sidewalk Obstructions

- Permit required for a space
- Insurance required for a space
 - \$2,000,000 liability coverage
- Placement
 - Must be immediately adjacent to business
 - Must have 5ft of unobstructed sidewalk for pedestrians
 - Cannot obstruct fire lane, driveways, alleyways, building entrances, utility access, fire hydrants, ADA ramps, etc.
 - Cannot be in the bricked area*
 - Merchandise still needs to be removed at the end of every business day, but furnishings can remain



Other Municipalities

- **Asheville** – Merchandise and Sidewalk Dining
 - \$1,000,000 minimum liability coverage
- **Waynesville** – Merchandise and Sidewalk Dining
 - Only permitted on sidewalks greater than 10 feet in width
 - Must have 7 feet of clearance
 - Insurance required (amount not specified)
- **Lenoir** – Sidewalk Dining Only
 - \$1,000,000 minimum liability coverage
- **Wake Forest** – Merchandise and Sidewalk Dining
 - \$1,000,000 minimum liability coverage (general)
 - \$3,000,000 minimum liability coverage (sidewalk dining)
- **Sylva** – Temporary Only
 - Not allowed unless part of a temporary sidewalk sale
 - \$100,000 liability insurance
- **Black Mountain** – None
- **Hickory** - None

Policy Analysis

Downtown Master Plan (2021):

- Enhance mobility, accessibility, and safety in Downtown
- Create an attractive and engaging pedestrian experience

Building Brevard 2030 Comprehensive Land Use Plan (2023)

- Create a built environment that prioritizes a safe, active, multi-modal transportation
- Prioritize pedestrians in Downtown and Major Activity Center

Brevard Pedestrian and Bicycle Plan (2023):

- Create safer conditions for walking and biking

Statement from NCLM

“Displays that are impeding pedestrian traffic, or creating slip/trip/fall hazards, may result in a liability claim in the event of an incident. It is important to **establish clear guidelines** for sidewalk displays and **ensure vendors have liability coverage** if a claim arises.

It is also advisable to have a **Hold Harmless Agreement** releasing Brevard of any liability resulting from damage to the vendors’ display, or any incident caused by the display, since Brevard is not creating the hazard.

Vendor sidewalk displays are a common practice and create an inviting shopping atmosphere for the public. **It is just important that displays are done safely.”**

Amy Whisnant, Risk Control Consultant



Next Steps

If passed tonight, Staff will take the following steps over the summer:

- Inventory objects on streets (Downtown and beyond)
- Hold public information sessions with businesses
- Contact business owners that have objects, identify whether or not they comply, and facilitate permitting





Restaurant
that does not
have sidewalk
dining can get
permit for
tables



A-Frame Sign
in the Brick
Area



Items fully behind the wall / front do not need a permit because it is not in the right-of-way. Business owner is liable.

STAFF REPORT

City Council, Monday, August 5, 2024

Title: Engagement for Affordable Housing Project on the Brevard-Davidson River Presbyterian Church Property

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background

The City of Brevard engaged the Development Finance Initiative (DFI) in March 2023 to assess affordable housing development opportunities. Our scope of work included conducting a housing needs assessment and analyzing multiple sites that could support the City's affordable housing priorities. Based on DFI's preliminary analyses, the City elected to partner with the Brevard Davidson River Presbyterian Church to utilize Church-owned land for affordable housing development.

As of June 2024, the City of Brevard and the Church have entered into a lease agreement to facilitate the development of affordable housing. DFI will conduct a pre-development feasibility study that includes several components: community engagement, financial feasibility analysis, and site analysis in partnership with a third-party architecture firm. DFI's engagement will result in the delivery of viable housing development program options that could meet the City's and the Church's affordable housing goals for this site. The final development program will be utilized to competitively solicit a qualified development partner to finance, construct, and manage the affordable housing envisioned through this process.

Engagement Strategy

DFI expects to facilitate two phases of community engagement sessions during the pre-development process. Through these two phases, DFI will solicit community input on the public interests to be addressed through this project and will also request targeted feedback on feasible housing development program options. Details on each phase are described in the attached memo.

Phase 1: Guiding Public Interests (anticipated mid-August - early October)

The first phase of community engagement will focus on defining the guiding public interests for the development of the Church site. Public interests are statements that represent values and goals related to the project, as well as inform trade-offs for the site's development. An example public interest is: "development on the Church site should enhance pedestrian connectivity from the site and surrounding neighborhood to downtown."

Phase 2: Development Scenarios (anticipated mid-November - mid-January)

The second phase of community engagement will inform City Council's selection of a preferred development program for the Church site. Similar to the first phase, DFI will facilitate discussions in which community members will be asked to reflect on multiple development concepts and asked how well each concept aligns with the guiding public interests, and which, if any, best reflects the public interests.

Following the engagement activities, DFI will compile the input and share residents' feedback regarding the guiding public interests and each development program with City Council for consideration.

Upcoming Events

Phase 1 of Engagement will begin with two in-person events and one virtual event where DFI will facilitate discussion groups to gain input on the project's guiding interests:

- August 20th from 2:00 - 3:30 PM at the Brevard-Davidson River Presbyterian Church (269 E Main St, Brevard, NC)
- August 20th from 6:00 - 7:30 PM at the Transylvania County Library, Rogow Room (212 S Gaston St, Brevard, NC)
- August 22nd from 5:30 - 7:00 PM held virtually (details TBA)

Action

This presentation is for information only. No action is requested at this time.

Attachments:

1. Brevard Community Engagement - DFI Memo - July 24, 2024

MEMORANDUM

To: City of Brevard Staff and Council

From: Sara VanLear, Project Manager, Development Finance Initiative

Date: July 25, 2024

Re: Community Engagement for the Brevard Davidson River Church Property affordable housing development

Project Background:

The City of Brevard engaged the Development Finance Initiative (DFI) in March 2023 to assess affordable housing development opportunities. Our scope of work included conducting a housing needs assessment and analyzing multiple sites that could support the City's affordable housing priorities. Based on DFI's preliminary analyses, the City elected to partner with the Brevard Davidson River Presbyterian Church (the Church) to utilize Church-owned land for affordable housing development.

As of June 2024, the City of Brevard and the Church have entered into a lease agreement to facilitate the development of affordable housing. DFI will conduct a pre-development feasibility study that includes several components: community engagement, financial feasibility analysis, and site analysis in partnership with a third-party architecture firm. DFI's engagement will result in the delivery of viable housing development program options that could meet the City's and the Church's affordable housing goals for this site. The final development program will be utilized to competitively solicit a qualified development partner to finance, construct, and manage the affordable housing envisioned through this process.

This memo outlines the expected community engagement strategy. As a preliminary step, DFI will coordinate directly with the City to update a City-managed [project web page](#) with relevant project information, regular project updates, and engagement opportunities.

Community Engagement

DFI expects to facilitate two phases of community engagement sessions during the pre-development process. Through these two phases, DFI will solicit community input on the public interests to be addressed through this project and will also request targeted

feedback on feasible housing development program options. Details on each phase are described below. DFI will work closely with the City to communicate and widely promote community engagement opportunities to Brevard residents.

Phase 1: Guiding Public Interests

Expected Timing: mid-August – early October

The first phase of community engagement will focus on defining the guiding public interests for the development of the Church site. Public interests are statements that represent values and goals related to the project, as well as inform tradeoffs for the site's development. An example public interest is: "development on the Church site should enhance pedestrian connectivity from the site and surrounding neighborhood to downtown."

Community engagement opportunities in the first phase will consist of:

1. In-person facilitated discussions: DFI will facilitate two in-person discussions that are open to the public. We will begin with a presentation on the work-to-date and break into discussion groups to gain input on project guiding public interests.
2. Virtual facilitated discussion: DFI will facilitate one virtual discussion that is open to the public. The format will mirror the in-person discussions.
3. Online survey: A survey will be released following the in-person and virtual sessions to (1) provide attendees an additional avenue for input, and (2) to provide residents who could not attend the in-person or virtual sessions with an avenue for input.

Following all Phase 1 engagement activities, DFI will compile the input and share residents' feedback and draft public interests with City Council for consideration. The City Council will be asked to reflect on and endorse public interests at a future public meeting. The endorsed public interests will shape DFI's pre-development analysis and eventually inform the solicitation and selection of a qualified development partner.

Phase 2: Development Scenarios

Expected Timing: mid-November – mid-January

The second phase of community engagement will inform City Council's selection of a preferred development program for the Church site. Similar to the first phase, DFI will

facilitate discussions in which community members will be asked to reflect on multiple development concepts and asked how well each concept aligns with the guiding public interests, and which, if any, best reflects the public interests.

Community engagement opportunities in the second phase will mirror the first phase:

1. In-person facilitated discussions: DFI will facilitate two in-person discussions that are open to the public. We will begin with a presentation of development program options and break into discussion groups to gain input on each option.
2. Virtual facilitated discussion: DFI will facilitate one virtual discussion that is open to the public. The format will mirror the in-person discussions.
3. Online survey: A survey will be released following the in-person and virtual sessions to (1) provide attendees an additional avenue for input, and (2) to provide residents who could not attend the in-person and virtual sessions with an avenue for input.

Following all Phase 2 engagement activities, DFI will compile the input and share residents' feedback regarding each development program with City Council for consideration. With public input, City Council will be asked to endorse a preferred development program at a future public meeting. This preferred development program will form the basis of a solicitation package used to solicit and select a qualified development partner.

STAFF REPORT

City Council, Monday, August 5, 2024

Title: Ecusta Trail Advisory Board reformation and trail governance update

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

The Brevard/Transylvania County Ecusta Trail Advisory Board was formed in December 2021 by resolution of the City Council. The establishing resolution charged the group with overseeing "the financing, design and construction of the Ecusta Trail in Transylvania County." The resolution, which includes the committee's prescribed membership, is attached.

For approximately two years the advisory board functioned as a convention of Ecusta Trail advocates, an opportunity for members to update each other on their activities. The board was not asked to make any significant decisions because, prior to the awarding of the federal grants in summer 2023, the trail was conceptual and there weren't any decisions to make. Its charge - "oversight" - was ambiguous.

Soon after the grants were awarded in summer 2023, there arose a feeling among some in the community that, at the least, the advisory board's responsibilities needed to be clarified. Trail partners Henderson County and NCDOT were reaching points where they needed input from "Brevard", but it wasn't clear who spoke for Brevard. Pisgah Health's trailhead proposal was tabled by City Council in part because it wasn't vetted by an advisory committee and there was uncertainty on which decision-making group should vet it.

Therefore on June 26, 2024 Brevard City Council held a joint public meeting with its Parks, Trails and Recreation (PTR) and Ecusta Trail (ETAB) advisory boards. The purpose of the workshop was to clarify the roles of Brevard's various decision-making entities with regard to the Ecusta Trail. At the workshop, the Council instructed the City Manager to bring back a proposal for a reformed Ecusta Trail Advisory Board, with updated membership and charge.

Discussion

This evening, the City Manager will present his proposal for a reformed ETAB's, including its membership and charge. The presentation will also include a discussion on areas of responsibility for staff, ETAB, and Council (i.e. "decision buckets") going forward. Finally, there will be a brief discussion on a possible operating agreement between City of Brevard and Henderson County (and possibly Friends of Ecusta Trail).

ETAB 2.0 Membership and Terms.

The manager proposes updating the ETAB's membership to include appointees from groups whose areas of responsibility tie in directly with the publicly stated goals of the trail. Please see clause one of the attached draft resolution for the proposed roster. The names in parentheses are the recommended candidates from each of the participating groups.

It is proposed that terms be indefinite, but that the City Council review the board's membership every three years and new appointments/re-appointments be made at that time.

Charge and Process

Per the City Council's instructions at the June 26, 2024 workshop, the ETAB's charge shall be to consider and make recommendations on matters related to trail usability and community impact. Some examples are enumerated in clause 8 of the attached draft resolution and will be discussed more in the "decision buckets" section of this presentation.

The ETAB's recommendations shall be forwarded to the City Council typically through its "Consent Agenda" process.

ETAB work will be facilitated by the Brevard City Manager (or his/her designee) with participation as needed by the below-described complementary working group. This working group's goal is to bring to the table individuals with the skills -public administration, land-use planning, transportation planning, engineering, trail maintenance, marketing, and economic development- that are necessary to help accomplish the community's stated goals for the trail. Invitees include:

- Brevard City Engineer
- Brevard Planning Director (and designated staff)
- Brevard Public Works Director
- FOET Executive Director
- TCTDA Executive Director
- TEA Executive Director
- HOB Executive Director
- A staff person from Conserving Carolina
- RPO representative
- NCDOT representative (until construction complete)
- TPD representative (until construction complete)

"Decision Buckets"

At the June 26 Workshop, City Council gave feedback on what types of decisions each distinct group -staff, ETAB, Council- should make. Staff's understanding of Council's direction is included in the table below:

Staff	ETAB 2.0	City Council
• Bicycle design speed • Shoulder width/grade • Pavement thickness • Pavement cross slope • Maximum grade • Safety sign locations • Encroachment design • Bridge repair/replacement • Road crossing treatments	• On-trail amenities • Maintenance prioritization • Wayfinding/elective signage (types, content, placement) • Trail "rules" and user standards • Integration of Ecusta Trail into existing trails/facilities • Type and location of complementary amenities outside federally funded project footprint • Construction timing • Complementary programs (e.g. Trail Partners) intended to leverage the trail's presence and create community impact • Encroachment requests within trail corridor in conjunction with staff's design and technical analysis • Realignment options at Mtn. Industrial Drive terminus • R5800 betterment to pursue • Trailhead (or trailheads) location(s)	• Extend to Main St/Rebrand Estate? • Landscaping and refuse collection service levels • Public safety service levels • Terms of Interlocal Agreement with HC • Future role of FOET • Non-grant financial commitments • Requests to amend scope of grant(s) • Possible updates to UDO to integrate trail into land-use (i.e. "Trail Oriented Development")

Future governance

It is envisioned that ETAB remain the advisory group for Ecusta Trail-related matters even after the trail is constructed and opens for public use, subject to membership and charter review by City Council every three years.

As for the integration of the Ecusta Trail into areas of City of Brevard oversight (like land use), and changes to City of Brevard service levels prompted by the construction of the trail, the City Manager recommends scheduling a special City Council workshop in the months to come to work through these topics.

It is anticipated that operating responsibility for the trail will be jointly governed by City of Brevard and Henderson County, with the relationship codified in an Interlocal Agreement. The terms of this agreement are still being discussed, and it is staff's anticipation that this matter be negotiated and brought to Council for consideration in the months to come.

Finally, the possibility of turning over some management responsibilities (like marketing, trail ambassador program, reserving amenities) to Friends of Ecusta Trail has also been discussed. As with above, it is staff's anticipation that this matter be negotiated and brought to Council for consideration in the months to come.

Action

No action requested on this item. Please see items M1 and M2 of this agenda for action

requests.

Attachments:

1. DRAFT Resolution 2024-XX Reforming the Ecusta Trail Advisory Board

RESOLUTION NO. 2024-XX

A RESOLUTION UPDATING THE MEMBERSHIP AND CHARGE OF THE BREVARD/TRANSYLVANIA COUNTY ECUSTA TRAIL ADVISORY BOARD

WHEREAS, the Ecusta Trail is a planned 19+ mile multi-use path stretching from Brevard, NC to Hendersonville, NC; and

WHEREAS, in June 2021 the City of Brevard passed Resolution 2021-21 agreeing to become the “lead agency” for the trail in Transylvania County to “secure funding, oversee design, oversee construction, and manage public use of the section of the trail in Transylvania County”; and

WHEREAS, in December 2021 the City of Brevard passed Resolution 2021-58 establishing the Ecusta Trail Advisory Board (ETAB) and delegating oversight of the above listed activities to it; and

WHEREAS, between 2021 and 2023, under the direction of the ETAB and the Brevard City Council, the City of Brevard applied for and won three large Federal grants - FLAP (\$1M), NSFLTP (\$21.4M) and RAISE (\$24.5M)- to fund design and construction of the trail; and

WHEREAS, in August 2023 the City of Brevard received permission from US Department of Transportation to transfer its awards to NC Department of Transportation (NCDOT) for execution; and

WHEREAS, while NCDOT is technically the executor of the project, it is deferring decisions on all elective components of the project to the City of Brevard; and

WHEREAS, in spring/summer 2024 with engineering and design underway, NCDOT notified that City of Brevard of approaching deadlines for decisions on branding, alignment, amenities, and other matters; and

WHEREAS, the City of Brevard has also identified several additional projects, some of which are time sensitive that, if completed, will complement the Trail and multiply its impact; and

WHEREAS, Henderson County plans to open the first segment of the Ecusta Trail, located entirely within its jurisdiction, in calendar year 2024, and is seeking Brevard’s input on matters that may affect the Transylvania County segment once it is completed; and

WHEREAS, the ETAB’s authority is unclear and its membership reflective of conditions in 2021; and

WHEREAS, in consideration of these factors and in recognition of the large potential impact the completed Trail is expected to have on the Brevard community, there is interest

among City of Brevard staff and elected officials in clarifying the ETAB's charge and reviewing its membership; and

WHEREAS, the Council expressed this interest publicly in a Workshop dedicated to Ecusta Trail governance held on June 26, 2024; and

WHEREAS, on August 5, 2024 the Brevard City Council discussed this matter at its regular public meeting.

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

The Ecusta Trail Advisory Board is hereby reconstituted with the following provisions

- 1.) Membership shall consist of the following members:
 - a. A chairperson appointed by the Brevard City Council from amongst its members (TBD)
 - b. A co-chairperson appointed by the City Council from amongst its members (TBD)
 - c. One representative as recommended by the Transylvania County Tourism Development Authority from amongst its membership or staff. (Dee Dee Perkins)
 - d. One representative as recommended by the Friends of Ecusta Trail from amongst its membership (John Ditillo)
 - e. One representative as recommended by Conserving Carolina from amongst its membership or staff (Rebekah Robinson)
 - f. One representative as recommended by the Transylvania Economic Alliance from amongst its membership (TBD)
 - g. One representative as recommended by Transylvania County (Larry Chapman)
 - h. Two at-large representatives as appointed by City Council (Madeline Hanley and Meredith Carli)
- 2.) The Mayor of the City of Brevard and a representative from the Henderson County RTAC shall serve in non-voting ex-officio capacities. These seats shall not be considered in the quorum calculation.
- 3.) To be eligible for appointment, a participant must be deemed by the appointing authority, Brevard City Council, to be vested, with a personal or professional stake in the affairs of the City of Brevard and the Ecusta Trail. City residency is not required.
- 4.) The membership terms are indefinite. The board's membership, charge, and authority shall be reviewed every three years, with new appointments/reappointments made at that time.

- 5.) The committee chairperson is granted flexibility on meeting rules and procedures
- 6.) The work of the ETAB shall be facilitated by the City Manager (or his designee) with participation by city staff. Staff shall participate in ETAB only in a non-voting, advisory role. Staff shall not count towards quorum calculations. Voting seats vacated by staff shall not be refilled.
- 7.) ETAB agenda shall be created by staff in cooperation with the committee chairperson. Items may be added by the chairperson at his/her discretion, administratively by the City Manager, or via referral of the full City Council.
- 8.) The ETAB's recommendations shall be forwarded to City Council typically through its "Consent Agenda" process.
- 9.) The ETAB's charge shall be to consider and make recommendations on matters related to trail usability and community impact. Examples include:
 - a. On-trail amenities
 - b. Maintenance prioritization
 - c. Signage (types, content, and placement)
 - d. Trail "rules" and user standards
 - e. Integration of Ecusta Trail into existing trails/facilities
 - f. Type and location of complementary amenities outside federally funded project footprint.
 - g. Construction timing
 - h. Complementary programs (e.g. Trail Partners) intended to leverage the trail's presence to create community impact
 - i. Encroachment requests within trail corridor in conjunction with technical analysis by staff.
- 10.) The provisions of this resolution supersede the related provisions of the below resolutions. Unaffected provisions of the below resolutions remain in effect:
 - a. Resolution 2021-21
 - b. Resolution 2021-58
 - c. Resolution 2022-40

Adopted and approved this the _____ day of _____, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC

DRAFT

STAFF REPORT

City Council, Monday, August 5, 2024

Title: Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 5 and 13 - Requirements for Underground Wiring

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

The City's Unified Development Ordinance (UDO) includes a requirement for new utility lines (e.g. power and phone lines) to be underground for new development within the city limits; it is optional in the ETJ. This is mentioned in two chapters, Chapter 5 - Building Types & Architectural Standards and Chapter 13 - Infrastructure Improvement Requirements.

Discussion

This requirement is not clearly detailed in either of the two chapters in which it appears. This is a staff-initiated text amendment to clarify the intent and specific requirements. The new language will be located in Chapter 13, with the single line related to underground wiring in Chapter 5 removed to avoid confusion. The new language makes it more clear that underground wiring must begin where the new lines leave the street right-of-way, an existing easement, or an existing pole.

Policy Analysis

Protecting utility connections helps further Goal 8 of the Building Brevard Comprehensive Land Use Plan: "Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city," as underground lines are less susceptible to damage from weather events or other damaging incidents such as car crashes.

Recommendation

After brief discussion, the Planning Board voted unanimously to recommend approval of the amendments with a slight modification by the Board to the Chapter 13 amendment. In accordance with North Carolina General Statutes, the Planning Board also submits the attached written statement of consistency with adopted City plans and policies.

Action

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

Attachments:

1. Chapter 5 Proposed Amendment
2. Chapter 13 Proposed Amendments

3. Consistency Statement



5.4. General building design requirements.

Unless otherwise noted, the following standards apply to all buildings:

- A. *Architectural style:* The building design standards of this chapter intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, when a design exhibits a known architectural style (e.g., Colonial, Victorian, Classical Revival) the details shall be consistent with that style unless the local architectural vernacular of Brevard provides an alternate precedent for a detail.
- B. *Frontage:* All buildings in the Downtown Development Overlay District, regardless of building type, shall be oriented towards the street so that the frontage line is the same as the front building line.
- C. *Termination of vistas:* Important street vistas, such as along city gateways and primary pedestrian streets, should terminate in a focal point such as a building or other architectural or natural feature.
- D. *Compatibility:* Adjacent buildings should relate in similarity of scale, height, architectural style, and/or configuration.
- E. *Proportions:* Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned wherever possible.

FIGURE 5.4A: EXAMPLE OF PROPORTIONAL FACADE ELEMENTS



- F. *Wall materials:* When two or more materials are used on a façade, the heavier material (e.g., brick) should be placed below the lighter material (e.g., siding) to give a sense of support and grounding.
- G. ~~*Underground wiring:* To reduce the visual impact of overhead wiring, utility services shall be located underground.~~
- H. *Type of construction:* Manufactured, mobile, and metal units are prohibited, except as may be allowed in CHAPTER 3 for a temporary office or classrooms, site management, or storage uses during construction projects.
- I. *Roof pitch:* Roofs with pitches less than 3:12 and flat roofs will require a parapet wall. A pitched roof shall be profiled by eaves a minimum of six inches from the building face or with a gutter.



FIGURE 5.4B: EXAMPLE OF PITCHED ROOFS WITH EAVES



- J. *Public art:* Public art, such as statues, fountains, and other works of art are encouraged and may be placed in any required front setback area as well as in other appropriate areas.
- K. *Façade treatment:*
1. Architectural elements such as windows, doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details, shall be used on all facades facing public rights-of-way.

FIGURE 5.4C: EXAMPLE OF STOREFRONT WITH WINDOWS AND DOORS ALONG STREET FRONTAGE



2. Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to:
 - a. Add architectural interest and variety; relieve the visual effect of a single, long wall;
 - b. Subdivide the wall into human size proportions. Similarly, roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
3. The ground level of buildings shall offer pedestrian interest along sidewalks and paths. This may be accomplished by means of windows, entrances, and architectural details. Incidental signage on buildings (in accordance with [CHAPTER 12](#)), awnings, and ornamentation is encouraged.



FIGURE 5.4D: EXAMPLE OF MULTISTORY BUILDING WITH PEDESTRIAN-ORIENTED GROUND LEVEL



(Ord. No. [2023-61](#), § 1(Exh. A), 12-18-23)



13.4. General infrastructure design requirements.

A. *Connection to city sewer system required.*

1. All developed property within the city limits and located within 300 feet of a city sewer line shall be connected therewith, and the property owner shall be charged the prescribed tap fee and system development fee for all such connections. Such connection shall be made in accordance with the provisions of this article within 90 days after the date of official notice to connect.
2. Improved property served by wells and annexed by the city shall be connected to the city sewer systems within five years of the effective date of annexation; provided, however, that no connection to the sewer system shall be permitted without also connecting to the city's water system.
3. New development within the city limits shall, in all cases, connect to a city sewer line. Sewer line improvements required for new development are the sole responsibility of the developer. The installation of improvements beyond the development boundary which are required for service to the development will be provided by the developer.
4. City sewer is not required but may be permitted for new development within the city's extraterritorial jurisdiction. The owner of any property within the city's extraterritorial jurisdiction who requests connection to the city sewer system shall request voluntary annexation into the City of Brevard. Proposed development that will not connect to the city sewer system must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the county health officer.
5. Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

B. *Connection to city water system required.*

1. All developed property within the city limits shall be connected therewith and the property owner shall be charged the prescribed tap fee and system development fee for all such connections.
2. Improved property served by wells and annexed by the city shall be connected to the city water system, if within 300 feet, within five years of the effective date of annexation.
3. New development within the city limits shall, in all cases, connect to a city water line. Water line improvements required for new development are the sole responsibility of the developer. The installation of improvements beyond the development boundary which are required for service to the development will be provided by the developer.
4. City water is not required but may be permitted for new development within the city's extraterritorial jurisdiction. Proposed development that will not connect to the city sewer system must contain adequate area for the installation of approved wells and must be approved in writing by the county health officer.
5. Any development served by the city water system shall install fire hydrants in accordance with city standards. Fire hydrant spacing and placement shall be determined by the public works director in consultation with the fire marshal. For any development within the city's ETJ without a fire suppression rated water system, that either has or is adjacent to an adequate permanent surface water supply, the applicant may be required to install a dry fire hydrant system, the type and the location of which is to be determined by the fire marshal. A road and easement to the water source providing permanent all-



weather access to the water source that is adequate for fire-fighting equipment shall be constructed and dedicated to the city, if applicable.

- C. *Sewer and water connections and infrastructure.* Sewer and water connections and infrastructure shall occur in accordance with [CHAPTER 70](#) of Brevard City Code and the City of Brevard *Standard Design and Specifications Manual for Public Improvements*, and any necessary conditions of the public works director.
- D. *Utility easements.*
1. Sewer, water, storm water, and other utility easements shall be required within all new development (including developments within the ETJ for which no public sewer or water is proposed), and may be required within existing developments undergoing improvements at the discretion of the administrator.
 2. The precise location and width of easements shall be determined by the administrator. However, unless otherwise specified, underground utilities should be located in alleys and lanes. If no alley or lane is provided, then a five-foot (minimum) utility easement shall be provided behind the sidewalk located within either the right-of-way or a public utility easement. Utility easements centered on rear or side lot lines shall be provided where deemed necessary by the approving authority and shall be at least 30 feet in width.
 3. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as may be adequate for the purpose of drainage.
 4. Lakes, ponds, creeks, and similar areas within a subdivision will not be accepted for maintenance by the city except as provided for in [CHAPTER 6](#).
 5. Easements shall be accurately depicted upon all plats and plans, and dedicated to the city by means of a plat of dedication in accordance with procedures established by the administrator.
 6. No structure shall be placed upon any easement. Fences and other impermanent obstructions may be permitted by the administrator in consultation with the public works director.
- E. *Sewer and water.* Sewer and water shall be installed by the developer and dedicated to the city prior to the approval of any final subdivision plat or development plan unless a performance guarantee is provided to the administrator in accordance with city Code, this ordinance, and procedures established by the administrator. Sewer and water infrastructure shall be installed by the developer and dedicated to the city prior to the issuance of any Certificates of Occupancy for any building within that phase or along that line, as applicable to the particular development.
- F. *Underground wiring.* New or upgraded lateral connections of wired utilities (e.g. power, phone, cable, internet, etc.) shall be underground beginning where leaving the ROW, an existing easement, or existing pole located outside a ROW or easement.

(Ord. No. 2014-25, § 04(Exh. D), 12-15-14; Ord. No. 2020-23 , § 1(Exh. A), 10-19-20; Ord. No. 2022-25, § 1(Exh. A), 5-16-22; Ord. No. [2023-15](#), § 1(Exh. A), 4-17-23)

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-24-006**

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

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

Building Brevard Comprehensive Land Use Plan:

Goal 8: "Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city."



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 JUNE 30, 2024

Tina Tanner

Certified Tax Collector

UPDATED: 07.10.2024

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	\$ 1,700.61	\$ 1,779.06	\$ 968.87	\$ 138,084.88
2022-2011							\$ 4,799.02
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ 19,913.88	\$ 6,524.43	\$ 1,321.17	\$ 1,700.61	\$ 1,779.06	\$ 968.87	\$ 142,883.90

CITY OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING JUNE 30, 2024

UPDATED: 07.10.2024

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	\$ 42,874.32	\$ 15,994.73	\$ 7,641.38	\$ 6,012,518.87
2022-2011	\$ 3,161.49	\$ 6,266.33	\$ 2,853.22	\$ 2,261.79	\$ (2,665.91)	\$ 1,618.49	\$ 49,672.24
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ 510,111.73	\$ 108,456.28	\$ 43,508.78	\$ 45,136.11	\$ 13,328.82	\$ 9,259.87	\$ 6,062,191.11



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.

2023 TAX COLLECTION SETTLEMENT REPORT

August 05, 2024

Tina Tanner
Certified Tax Collector



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

Memorandum

To: Brevard City Council

From: Tina Tanner, Certified Tax Collector

Subject: 2023 Tax Collection Settlement Report

In compliance with NC General Statute 105-373, I am presenting for your approval, my accounting and settlement of all taxes charged to the Tax Collector by the City of Brevard City Council.


Tina Tanner, Tax Collector

2023 Collection Rates

All Districts

Thru June 30, 2024

<u>District</u>	<u>Collection Rate</u>
City of Brevard	98.94 %
Heart of Brevard	93.52 %

CITY OF BREVARD COLLECTION TOTALS								
as of 06/30/2024								
Year	Original Levy	Penalties	Discoveries	Releases	Total Levy	Total Collected	Uncollected	% Rate
2023	\$ 6,060,620.63	\$ 1,755.71	\$ 102,315.57	\$ (86,106.47)	\$ 6,078,585.44	\$ 6,014,145.56	\$ 64,439.88	98.94%

Monies Collected Other than Taxes			
	Advertising Fee	Interest	Misc. Fee
2023	\$ 117.66	\$ 11,435.14	
Total	\$ 117.66	\$ 11,435.14	\$ -

Total Tax Collected	\$ 6,013,940.08
Total Pen Collected	\$ 1,626.69
	\$ 6,015,566.77
Ret Check	\$ (1,421.21)
	\$ 6,014,145.56

CITY OF BREVARD PRIOR YEARS COLLECTION TOTALS									
07/01/2023-06/30/2024									
Year	Lewy-07/01/2023	Penalties	Discoveries	Releases	Total Levy	Total Collected	Uncollected	% Rate	
2022	\$ 57,191.86	\$ 1.71	\$ 17.10		\$ 57,210.67	\$ 31,165.36	\$ 26,045.31	54.47%	
2021	\$ 24,833.48				\$ 24,833.48	\$ 12,009.51	\$ 12,823.97	48.36%	
2020	\$ 16,254.81				\$ 16,254.81	\$ 5,187.72	\$ 11,067.09	31.91%	
2019	\$ 3,279.15				\$ 3,279.15	\$ 983.08	\$ 2,296.07	29.98%	
2018	\$ 1,237.07				\$ 1,237.07	\$ 81.10	\$ 1,155.97	6.56%	
2017	\$ 499.60				\$ 499.60	\$ 78.43	\$ 421.17	15.70%	
2016	\$ 1,720.56				\$ 1,720.56	\$ 72.00	\$ 1,648.56	4.18%	
2015	\$ 903.04				\$ 903.04	\$ 70.88	\$ 832.16	7.85%	
2014	\$ 1,511.10				\$ 1,511.10	\$ 67.88	\$ 1,443.22	4.49%	
						\$ 49,715.96			

Monies Collected Other than Taxes			
	Advertising Fee	Interest	Misc. Fee
2022	\$ 445.52	\$ 2,939.92	
2021	\$ 112.35	\$ 2,297.88	
2020	\$ 19.95	\$ 1,148.60	
2019	\$ 19.96	\$ 346.66	
2018		\$ 33.27	
2017		\$ 39.40	
2016		\$ 44.10	
2015		\$ 49.65	
2014		\$ 53.89	
Total	\$ 597.78	\$ 6,953.37	\$ -

YTD % COLLECTED as of 6/30/2024

2022	99.55%
2021	99.77%
2020	99.80%
2019	99.96%
2018	99.98%
2017	99.99%

HEART OF BREVARD COLLECTION TOTALS								
as of 06/30/2024								
Year	Original Levy	Penalties	Discoveries	Releases	Total Levy	Total Collected	Uncollected	% Rate
2023	\$ 146,344.33	\$ 102.79	\$ 3,038.21	\$ (1,730.53)	\$ 147,754.80	\$ 138,184.73	\$ 9,570.07	93.52%

Monies Collected Other than Taxes			
	Advertising Fee	Interest	Misc. Fee
2022		\$ 514.89	
Total	\$ -	\$ 514.89	\$ -

Total Collected

\$ 138,084.88

Total Pen Collected

\$ 99.85

\$ 138,184.73

DELINQUENT TAXPAYERS

AS OF JUNE 30, 2024

CITY OF BREVARD REAL PROPERTY

Name	Bill Number	Map Number	Tax Levy
ALLEN MATTHEW J HEIRS	21	8586223397000	86.40
AETHELWOLD DEVELOPMENT LLC	2487	8586501850302	2,011.39
AETHELWOLD DEVELOPMENT LLC	2488	8586501850303	1,207.20
ASHLEY TERRY F	3537	8586970927202	1,805.38
AVERY MORRIS A	1301	8586223340000	201.60
BARTON DONALD H REVOCABLE TRUST OF 2010	2679	8585484135424	600.91
BARTON DONALD H REVOCABLE TRUST OF 2010	2678	8586508490000	2,436.48
BIG OX HOLDINGS LLC	3896	8586961258000	1,704.72
BLSH LLC	2284	8587906339000	144.00
BLSH LLC	2283	8587907414000	144.00
BLSH LLC	2282	8587907499000	144.00
BLSH LLC	2281	8587908566000	144.00
BREVARD PARTNERS OF TENNESSEE	2456	8586846556000	480.00
BRYAN BRENDA S BAILEY TRUSTEE	2704	8586771578000	1,434.29
BUCHANAN JANICE R	1207	8597304024000	333.24
CAFARO SHERRI	1008	8596030443000	700.18
CAMP ROBERTA N HEIRS TRUSTEE	137	8585599421000	1,241.66
CANTRELL THOMAS D	4324	8596571086000	718.80
CISON MICHAEL KEITH	172	8597114602000	692.98
CLEVELAND SAMUEL PEYRE	4273	8585376373000	649.49
CLOBUGS LLC	3069	8586526378000	1,885.92
CMT PROPERTIES GROUP LLC	4337	8585883275440	590.45
CRAWFORD THELMA & NANCY	205	8585880318401	382.32
CRAWFORD THELMA & NANCY	206	8585880318402	384.53
CURTO AUSTIN RYLEY	208	8586642971000	501.70
DE MATTOS MARY E & BROWN HEATHER L CO	4460	8586320275000	671.90
DYER DOROTHY %WILLIAM DYER	250	8586324113000	432.00
EAGLE PROPERTIES & INVESTMENTS LLC	3511	8596094158000	240.00
ELDRIDGE SHIRLEY P	1137	8586888048101	1,698.24
ELLIS HOWARD THOMAS % CHRISTOPHER ELLIS	263	8586239424000	115.20
FLOOD JENNIFER K	2275	8597237050000	888.43
FOSTER CORINNA B	2053	8585782517000	1,145.23
GALLOWAY GENEVA D TRUSTEES HTLE	3515	8586544769000	632.98
GALLOWAY WHITNEY DEAN	321	8585979646000	570.48
GRAHAM JOEL V	1330	8585198080000	389.42
HL INVESTMENTS OF NC LLC	2454	8586503732000	5,565.26
HL INVESTMENTS OF NC LLC	2514	8586503706000	3,002.35
HL INVESTMENTS OF NC LLC	2594	8586501740201	2,437.25
HL INVESTMENTS OF NC LLC	2595	8586501740202	1,409.33
HL INVESTMENTS OF NC LLC	2596	8586501740203	1,348.32
HALL TIME & HALL NANCY	2954	8586501850101	1,662.91
HAWKINS LINDA H	400	8585596054000	336.00
HAWKINS LINDA H	403	8585588818000	1,571.66
HAWKINS LINDA H	402	8585585489000	1,024.03
HOGSED SIDNEY B HEIRS	427	8597300688000	147.74
HOGSED TAMMY TYANN	428	8597300710000	622.32
HOLMES MICHAEL A & HOLMES SONYA W	2016	8586336514000	885.65
HUTCHISON ROBERT L JR & HUTCHISON CHERYL C	463	8586229309000	288.00
IVEY FANNIE B ETAL % LUCILLE NORTON	473	8586304666000	86.40
JENKINS VERNA WILKES	917	8586303275000	288.00
JOHNSTONE JAMES III	493	8586226688000	495.70

KILGORE ROBERT F ET AL	1159	8586228073000	660.43
KILLIAN ANNIE B HEIRS % JAMES HEFNER	518	8586301926000	28.80
KILPATRICK MOLLY W	2521	8586535086419	750.14
KNOX SHERRI NICOLE	531	8586312438000	415.34
LANDRETH RICHARD HEIRS	537	8586740174000	606.86
LINDSAY EVERETT	3750	8586718464000	1,415.47
LUNA LOFT LLC	4323	8586510164406	1,876.03
MASTERS ROBERT A & MASTERS DIANE B	4309	8586314222000	115.20
MASTERS ROBERT A & MASTERS DIANE B	4310	8586314370000	432.00
MATHIS SCOTT W	2273	8585899931000	1,244.59
MCALLISTER LAWRENCE III & REED FRANK	4186	8585393796000	659.23
MCBRIDE & MCBRIDE PROPERTIES LLC	4041	8586239476000	7.20
MCBRIDE & MCBRIDE PROPERTIES LLC	4043	8586239550000	144.00
MCCALL ANTHONY F & MCCALL DONNA J	581	8597322673000	823.49
MCCALL ONEAL & MCTAGGART BETH	4401	8586935952000	259.20
MCCRARY FLORENCE G	589	8596575485000	234.14
MCCRARY FLORENCE G	588	8596577400000	243.65
MCCRARY FLORENCE G	587	8596577547000	114.19
MH TRANSYLVANIA REGIONAL HOSPITAL LLLP	3317	8596296099001	1,152.00
MONEY SAMANTHA KNIGHT	3798	8596561778000	25.39
MOORE JOSEPH & FINLEY MOORE ROSA J	4419	8586776336000	1,927.15
OCONNELL NICOLE M	2361	8597105940002	274.51
ONDERDONK JINI MEDINA	1005	8586306883000	569.90
ONTIS TOM	4333	8597322183000	750.14
OWEN PEGGY JEAN HEIRS	357	8596573677000	407.38
PEETRIS CHARLES V ET AL	1933	8586943914000	288.00
PEETRIS CHARLES V ET AL	1934	8586942914000	1,233.36
PHILLIPS GORDON S DUNCAN JEREMY	3989	8585462145000	479.76
PRICE NINA CAROL HEIRS %DONNA MCINTYRE	4361	8586941000000	798.19
PRICE NINA CAROL HEIRS %DONNA MCINTYRE	4362	8586941019000	288.00
ROBINSON CAROLYN	1711	8586205362000	898.46
ROBINSON LEONARD BRADFORD	752	8585285552000	639.94
ROBINSON MONIKA S	1736	8586549533000	2,639.42
ROLLINS CARRIE P % CARRIE PRESSLEY	759	8586520433000	582.82
ROSE RUTH BOLT	763	8586523660000	389.23
ROSENJACK KEVIN	3786	8586306181000	115.20
ROSENJACK KEVIN	3785	8586306016000	903.31
RUSSELL SHELBY K	4414	8586613567000	1,014.58
SHOTWELL JAMES M & SHOTWELL DENISE C	791	8586747368000	639.22
SMITH DANE G ET AL %ROBERT CLAY FOSTER	1972	8585686651000	738.43
TINSLEY FRANK EUGENE	860	8585281725000	221.09
TINSLEY FRANK EUGENE	862	8585283831000	930.91
WALTERS LEROY M & CAITLIN M	3548	8586654111000	1,362.14
WHEATLEY CONRAD B	2134	8596296678000	252.53
WHITMIRE MARTHA ANN HEIRS % SONYA HOLMES	1447	8586322220000	539.62
WILKES MARCUS C TRUSTEE	916	8586304402000	144.00
WYNN ETHEL H HEIRS	937	8585297836000	633.41
WYNN STEVEN	2174	8585285732000	503.95
YOUNG MARTHA LOUISE & CANTY FRANCIS P CO	3757	8586769296000	1,723.49

CITY OF BREVARD PERSONAL PROPERTY

Name	Bill	Map Number	Tax Levy
ACS JANITORIAL SERVICE	1	000000075650	64.32
AIKEN MORGAN B DBA BROWS BY M	3467	000070502860	11.06
ALTEMOSE JASON MERRICK	1620	000070137160	6.30
AMERICAN ONCOLOGY NETWORK LLC DBA MESSINO	3504	000070505710	1,450.62
ANDREWS CHRISTINA G DBA MOMMY AND ME	3503	000070505610	11.14
ARBOGAST KEITH L III & CHARISMA J H	1385	000070048490	1.20
ARBOGAST KEITH LEE III	4556	202310026800	15.36
BREVARD ASSOCIATES L/A BALSAM GROVE APTS	108	000006003250	149.52
BREVARD SIGN CO	1099	000069895340	17.57
BROWN BARBARA	2847	000070444480	24.29
BRYSON PHYLLIS LOUISE	3665	000070516030	17.33
CAMP PATIENCE AYONNA	4540	2023100119	10.81
CANCUN MEXICAN STORE LLC	3253	000070484590	9.65
CAROLINA INFORMATION TECHNOLOGY RESOURCE CORP	1306	000070010420	30.78
CHAPPELL CALLIE BRIANNA	4553	202310024200	91.99
CHRISTIAN MATTHEW B & JENIFER	1716	000070184130	1.02
CITADEL/MOORE FUNERAL HOME INC	1456	000070080570	90.99
COMBINED PUBLIC COMMUNICATIONS INC	2814	000070441490	10.40
COVENANT HEALTH PRODUCTS LLC	2438	000070408420	43.01
CRANE ALICE MCCALL	4549	202310018700	27.55
DAN GILBERT INC	2797	000070439860	40.65
DAVIS GLENN EARL	1752	000070195110	12.96
DILLS LAURA LOU	2179	000070342360	8.54
DONALD H BARTON P C	1442	000070075310	41.04
DUCK POND LLC	4355	000070564340	21.68
EVERYTHING AUTOMOTIVE & TIRE LLC	2527	000070414270	87.84
FARLOW JAMES DEAN	4557	202310027700	21.90
FLANAGAN KATHERINE W	3093	000070471010	33.60
FLAT ROCK OPTICIANS LLC DBA PISGAH VISION	3338	000070490480	26.32
HAMMERING NAILS CONST LLC	2528	000070414310	12.00
HARRIS ANDREA DAVENPORT	4539	202310011800	6.33
HOGSED DEBRA GUNTER	1713	000070181570	13.82
HUGHEY HOLLY DBA BLISS SALON	1985	000070283620	39.78
HUNTINGTON TECHNOLOGY FINANCE & SUBS	3117	000070472560	43.73
IEH AUTO PARTS LLC AUTO PLUS AUTO PARTS	2872	000070447770	44.31
ISA RESTAURANT GROUP LLC DBA HUDDLE HOUSE	2064	000070307710	27.52
JAMERSON DANIEL STEPHEN	1795	000070219770	5.88
JENKINS NANCY LOUISE NORTON	4551	202310021900	26.02
KTCHN LLC	3365	000070493170	87.64
KUBILIUS WILLIAM V JR & KUBILIUS KASIE A	3439	000070499560	15.84
L & M GREEN CLEANING SERVICE LLC	2276	000070372210	70.43
LANCE ANNA MARIE	4552	202310023300	21.41
LANCE JACOB & LANCE CARRIE	1018	000069843780	6.53
LAWS PHYLLIS WOODARD	1567	000070118330	8.60
LITTLEJOHN MARCUS T & SANDERS NAKIYA F	2268	000070369300	7.48
LIVELONG ACUPUNCTURE LLC	2866	000070446840	9.55
LLR HOLDINGS LLC SUNSET MOTEL	2161	000070334700	164.61
LORI A NIELSEN LLC	3462	000070502370	11.47
LOWRANCE MARTHA ANNE	4545	202310015700	11.36
MALBON JENIFIR DANIELLE	4554	202310025900	20.80
MCFARLAND JOSHUA D ETAL	4357	000070564880	50.40
MILETI ALBERT VINCENT JR	3211	000070480170	9.12
MORRILL GLEN ANTHONY	4576	202310043300	58.14
MORRILL GLEN ANTHONY	4574	202310041800	10.56

MORRILL GLEN ANTHONY & BATES SHERRY MICHELLE	4578	202310043700	31.46
MURGOLO LLC	4544	202310015300	10.72
NORTON THOMAS LAMAR	654	000040025800	1.44
NUCO2 SUPPLY LLC	1930	000070267900	56.23
NUCO2 SUPPLY LLC	1929	000070267900	12.14
PEEK KATHY BROWN	4558	202310028700	6.36
PENNY LANE EXCHANGE	4493	000070575490	65.76
PRICE NINA CAROL HEIRS %DONNA MCINTYRE	4360	000070565030	5.51
QUALITY ACCOUNTING PAYROLL & TAX SVC INC	2432	000070408130	9.18
REDBOX AUTOMATED RETAIL LLC	1925	000070266650	63.66
RICE ANGELA LEE-ANN	4547	202310017700	67.14
RICE FURNITURE INC	745	000047015050	12.00
RICE FURNITURE INC	744	000047015050	245.92
RICE LLOYD O	4516	000070582900	2.88
SCHLUNZ JAMES RANDALL & DEBORAH RACKLEY	4569	2023100389	7.76
SMITH DAVID L & HARRIS PATRICIA	4368	000070566260	58.56
SOUTH CAROLINA TELECOMMUNICATIONS GROUP	4530	000070498690	821.29
STOKLEY DONAGAL HEMPHILL	4548	202310018500	54.18
TAN 360 LLC DBA RAE AND IVY	4373	000070567360	271.68
THEOPHILUS V INC	1991	000070286620	12.95
TINSLEY FRANK EUGENE	861	000055080000	16.16
TINSLEY ROBERT E & TINSLEY LINDA P	863	000055190000	4.32
TROWBRIDGE MATTHEW J & TROWBRIDGE STEPHANIE L	4573	202310041100	45.49
WATKINS CAROL F & WATKINS VIRGINIA G	3052	000070467680	7.65
WHEATLEY CONRAD B	2133	000070328290	165.81
WILLIS DIANE A	3118	000070472640	1.44
WNC FINANCIAL SERVICES INC	2941	000070455350	7.19
WRIGHT CLAIR ASHELEY	4561	202310031700	11.04
WYNN JAMES BYRON	4543	202310014200	30.25

HEART OF BREVARD REAL PROPERTY

Name	Bill Number	Map Number	Tax Levy
AETHELWOLD DEVELOPMENT LLC	2487	8586501850302	892.56
AETHELWOLD DEVELOPMENT LLC	2488	8586501850303	535.70
BARTON DONALD H REVOCABLE TRUST OF 2010	2678	8586508490000	1,081.19
HALL TIM & HALL NANCY	2954	8586501850101	737.92
HL INVESTMENTS OF NC LLC	2594	8586501740201	1,081.53
HL INVESTMENTS OF NC LLC	2595	8586501740202	625.39
HL INVESTMENTS OF NC LLC	2596	8586501740203	598.32
HL INVESTMENTS OF NC LLC	2514	8586503706000	1,332.29
HL INVESTMENTS OF NC LLC	2454	8586503732000	2,469.59
LUNA LOFT LLC	4323	8586510164406	832.49

HEART OF BREVARD PERSONAL PROPERTY

Name	Bill Number	Map Number	Tax
DONALD H BARTON P C	1442	000070075310	18.21
NUCO2 SUPPLY LLC	1929	000070267900	5.39
PENNY LANE EXCHANGE	4493	000070575490	29.18
TAN 360 LLC DBA RAE AND IVY	4373	000070567360	120.56
THEOPHILUS V INC	1991	000070286620	5.75

STAFF REPORT

City Council, Monday, August 5, 2024

Title: Resolution Directing Clerk to Investigate Sufficiency of
Petition for Annexation - Jason Shepherd, 35 Verdery Avenue

Speaker: Aaron Bland

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Background

A Petition Requesting Voluntary Contiguous Annexation was submitted on July 1, 2024 by Jason Shepherd. The petition requests that a portion of the property located at 35 Verdery Avenue, Brevard, be annexed into the City of Brevard. The remaining portion of the property is currently located within the city limits. (Tax Property Identification Number: 8585-28-6101-000).

Discussion

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

Policy Analysis

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

Recommendation

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

Fiscal Impact

None.

Attachments:

1. Petition for Annexation
2. Jason Shepherd Annexation Plat
3. Resolution Directing Clerk to Investigate Sufficiency

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD

RECEIVED
7/1/2024
W. J. Addison



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

Date: 6/25/24

To the City Council of the City of Brevard:

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

Transylvania County Property Identification Number(s): 8585-28-6101-000

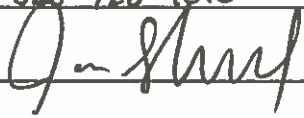
Street Address: 35 Verdery Ave. Brevard NC 28712

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

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

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

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

a. Name Jason Shepherd
Address 301 Carolina Ave.
Brevard NC 28712
Telephone 828-423-9010 Email jshepherd.nc@gmail.com
Signature 

b. Name Merideth Saine
Address 301 Carolina Ave
Brevard NC 28712
Telephone 828-329-4003 Email merideth.saine@gmail.com
Signature 

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

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

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

b. Name _____
Address _____

Telephone _____ Email _____

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

Signature _____

c. Name _____
Address _____

Telephone _____ Email _____

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

Signature _____

AGENT:

Name: _____

Address: _____

Telephone: _____ Email _____

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

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

**2016002524**

TRANSYLVANIA CO. NC FEE \$26.00

STATE OF NC REAL ESTATE EXT

\$2.00

PRESENTED & RECORDED

06-06-2016 03:51:11 PM

CINDY M OWNBEY

REGISTER OF DEEDS

BY D REE M POWELL

DEPUTY REGISTER OF DEEDS

BK: DOC 765**PG: 452-455****NORTH CAROLINA GENERAL WARRANTY DEED****Excise Tax: \$ 2.00**Parcel Identifier No. _____ Verified by Transylvania County on the 6 day of June, 2016
By: _____Mail/Box to: DONALD E. JORDAN, 4 W. Main Street, Brevard, NC 28712This instrument was prepared by: GAYLE E. RAMSEY (No Title Search Performed by the Preparer)

Brief description for the Index: _____

THIS DEED made this 1st day of June, 2016, by and between

GRANTOR	GRANTEE
MARTHA SHEPPARD HIPP and husband, RAYMOND D. HIPP, and NORMA COLLINS HIPP and husband, EVERETT L. HIPP	JASON M. SHEPHERD
304 Carolina Avenue Brevard, NC 28712	301 Carolina Avenue Brevard, NC 28712

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

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

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

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

A map showing the above described property is recorded in Plat File _____, Slide _____.

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

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

Easements, restrictions and rights of way of record, and those matters set forth in Exhibit "A" attached hereto.

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

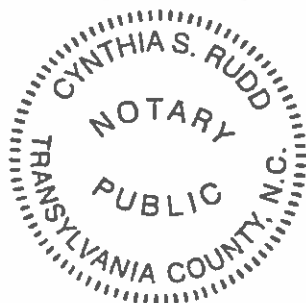
Norma Collins Hipp (SEAL)
NORMA COLLINS HIPPI

Everett L. Hipp (SEAL)
EVERETT L. HIPPI

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA.

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

WITNESS my hand and Notarial Seal, this the 6th day of June, 2016.



Cynthia S. Rudd
Signature of Notary Public

Cynthia S. Rudd
Printed or typed name of Notary Public

My commission expires: 6/23/2020

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

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

Easements, restrictions and rights of way of record, and those matters set forth in Exhibit "A" attached hereto.

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

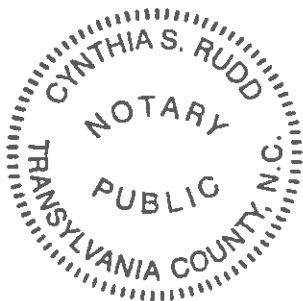
 (SEAL)
MARTHA SHEPPARD HIPP

 (SEAL)
RAYMOND D. HIPP

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA.

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

WITNESS my hand and Notarial Seal, this the 6th day of June, 2016.




Signature of Notary Public

Cynthia S. Rudd

Printed or typed name of Notary Public

My commission expires: 6/23/2020

EXHIBIT "A" TO A DEED FROM HIPPI TO SHEPHERD

Being all of the same land described in a deed from Betty M. Sitton, widow of B. J. Sitton, Sr., et al, to Lawrence Hipp and wife, Elizabeth Hipp, dated April 14, 1957, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 119, page 52, said land being more particularly described in said deed as follows:

Being all of Lots Numbered 39, 40, 41, and 42 of the Brevard Park Subdivision, Transylvania County, North Carolina, as shown on plat of said subdivision recorded in the Office of the Register of Deeds for Transylvania County in Map Book 1, at page 52, reference to which plat is hereby made for a full and particular description of said lots by metes and bounds.

Being a part of Tract I as described in a deed from Elizabeth K. Hipp (Widow) to Martha Sheppard Hipp, Norma Collins Hipp and Elizabeth K. Hipp dated June 11, 2004, and recorded in the office of the Register of Deeds for Transylvania County in Document Book 245, page 49.

This parcel is also shown on a plat recorded in Plat File 16, Slide 749, Records of Plats for Transylvania County.

cindy/exhibits/hipp to shepherd \$1000

2016002521
THAISTELUMMA 20 NC 4E 427 00
06-06-2016 03 48 09 PM
DPOY 18 DVA-687
JPM 70 400 000 00 00 00
BK: PF 16
PG: 749-749

ERNEST DUNCAN
D.B.320 PG.140

PLAT OF SURVEY FOR
JASON M. SHEPHERD
BEING THE PROPERTIES DESCRIBED IN
D.B. 245, PG. 40
CITY OF BREVARD
BREVARD TOWNSHIP
PENNSYLVANIA COUNTY
NORTH CAROLINA
MAY 16th, 2016
SCALE 1" = 30'

Plaf-fil 16, Slide 749

1. STANDARD WAGONER, a PROFESSIONAL AND SURVEYOR, certify that the plat was drawn under my supervision from an actual survey made under my supervision. Page 302nd. }
(See description recorded in Book 148, }
that the boundaries and surveyed are clearly indicated
therein from information found in Book 48. Page 302nd. }
That the ratio of precision as calculated is 1/155,000 }
That this plat was prepared in accordance with C.S. 47-50 }
and contains my original signature, registration }
number and seal. }
This 1st day of March, A.D. 2016.

PROFESSIONAL LIVED EXPERIENCE

1. STATION ALONG HIGHWAY PROFESSIONAL LAND SURVEYOR,
certify that this plat represents a survey of an existing parcel or
portion of land and does not create a new street or change an
existing street. G.S. 47-30 (1) (11) (c)

North Carolina, Transylvania County.
The foregoing certificate of STEVEN LLOYD WAGGONER, Professional Land Surveyor, is certified to be correct. This plot was prepared for recording and duly recorded in this office in PLAT FILE _____, SLICE _____, Tract the _____ Day of _____, 2016 AD, at _____ o'clock, P. M.

REGISTER OF DEEDS

SCALE 1" = 30'



NOTES:

- 1) AREAS DETERMINED BY COORDINATE COMPUTATION
- 2) THE CURRENT OWNERS OF RECORD ARE MARTHA SHEPARD HIPP, NORMA COLLINS HIPP, AND ELIZABETH K. HIPP, AS PER D.B. 245, PG. 49.
- 3) THESE SUBJECT PROPERTIES ARE CURRENTLY ZONED GR-6 BY THE CITY OF BREVARD ETL, WITH BUILDING SETBACK DIMENSIONS OF: FRONT/ROW 15'; SIDE 6'; REAR 25'.

- EXISTING CORNER MOUNTED
- AS NOTED
- NEW IRON PIPE SET OR
- AS NOTED
- COMPUTED POINT-NOT STAKED
- CONCRETE MOUNTMENT
- AS NOTED

LOCATION MAP (NTS)



REFERENCES
Polidi, J. R. 245

U.S. 314 P.G. 198

PLATE BK. 1, PG. 5

TAX ID REFERENCE:
AS SHOWN ON MAP

SCRN FILE



SURVEY BY
STEVEN LLOYD WAGGONER
NC PLS 2874

WAGGONER & RHOD
LAND SURVEYORS, P.L.L.C.

545 SOUTH GROVE STREET
PERSONVILLE, NORTH CAROLINA 28782
PHONE: 828-693-1022
FAX: 828-693-4016

DATE: MAY 16th, 2016

DRAWN BY: DKS/SLW	JOB NUMBER: 16-029
-------------------	--------------------

CITY OF PREVARD
CASH RECEIPT
DUPLICATE

Receipt No: 672956
Date: 6/25/2024
Time: 2:55:39PM

Received From:
JASON SHEPHERD

Received: 500.00

For
ZONING ADMIN 500.00
ANNEXATION APPLICATION

Check 500.00

569
RECEIVED BY WINDJW

LEGEND

○	EXISTING PROPERTY MONUMENT (AS NOTED)
⊙	PROPERTY MONUMENT SET
○	(TYP. 5/8" REBAR W/CAP OR AS NOTED)
○	POINT NOT SET (PNS)
○	POWER POLE
R/W	RIGHT OF WAY
IPS	IRON PIN SET
OTP	OPEN-TOP-PIPE
RBC	REBAR AND CAP
CMF	CONCRETE MONUMENT FOUND
PSF	PLANTED STONE FOUND
RBR	REBAR

---	SUBJECT PROPERTY LINE
---	ADJOINER PROPERTY LINE
---	(LINE NOT SURVEYED)
---	TIE LINE
---	BUILDING SET BACK
---	EXISTING R/W
---	OVERHEAD ELECTRIC
---	OVERHEAD TELEPHONE
---	FENCE LINE
---	DEED BOOK & PAGE
---	PLAT BOOK & PAGE

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, _____, A NOTARY PUBLIC
OF SAID STATE AND COUNTY, DO HEREBY CERTIFY THAT

PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED
THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE _____
DAY OF _____, 2024

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

State of North Carolina
County of TRANSYLVANIA

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

Review Officer

Date

OWNER CERTIFICATION – ANNEXATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON,
AND THAT I HEREBY ADOPT THIS PLAT OF ANNEXATION WITH MY FREE CONSENT

DATE

OWNER

CITY OF BREVARD – ANNEXATION

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

DATE

CITY CLERK

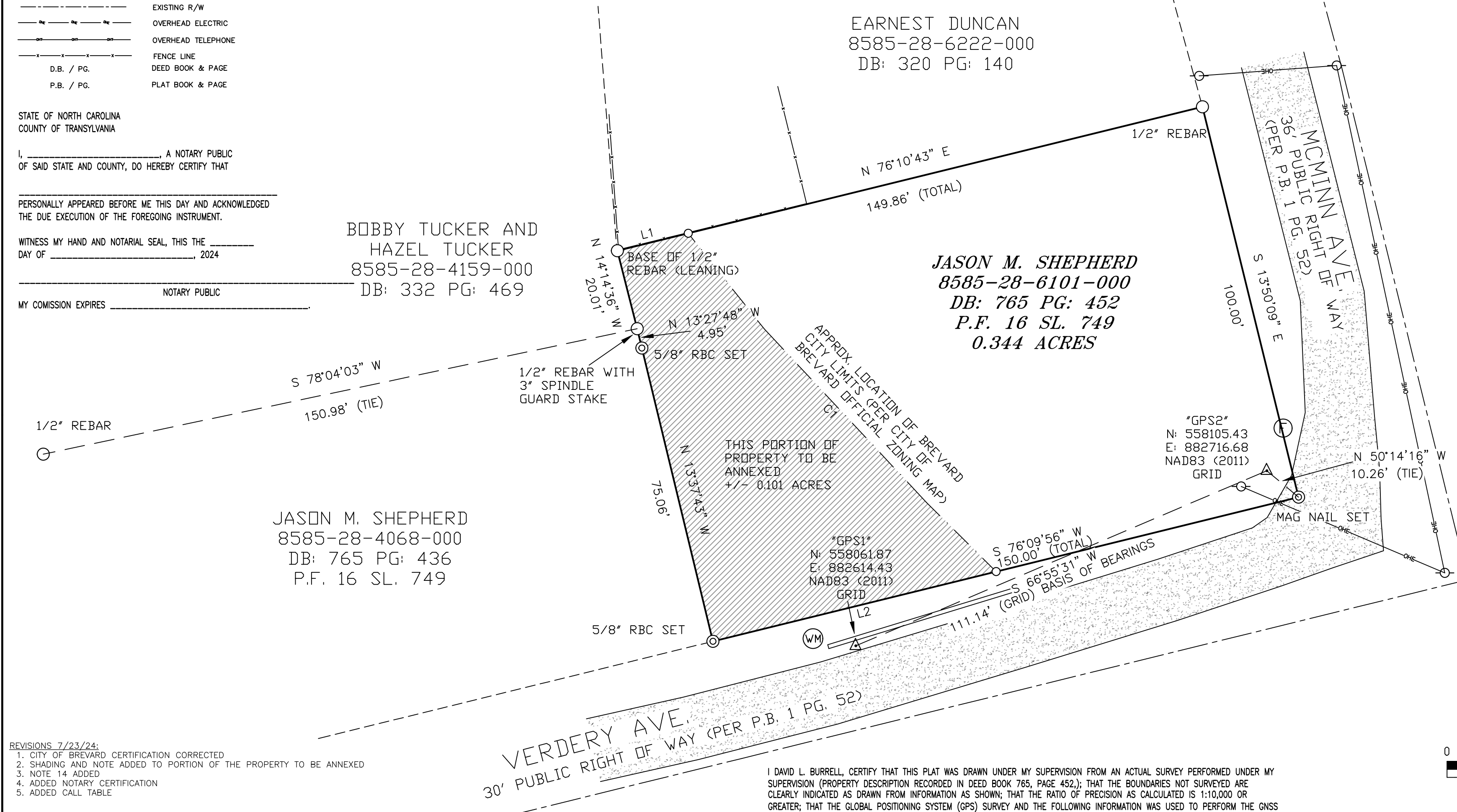
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	983.05'	113.84'	113.78'	S 42°18'23" E	6°38'06"
LINE	BEARING	DISTANCE			
L1	N 76°10'43" E	18.15'			
L2	S 76°09'56" W	72.55'			

EARNEST DUNCAN
8585-28-6222-000
DB: 320 PG: 140

JASON M. SHEPHERD
8585-28-6101-000
DB: 765 PG: 452
P.F. 16 SL. 749
0.344 ACRES

JASON M. SHEPHERD
8585-28-4068-000
DB: 765 PG: 436
P.F. 16 SL. 749

BOBBY TUCKER AND
HAZEL TUCKER
8585-28-4159-000
DB: 332 PG: 469



REVISIONS 7/23/24:

1. CITY OF BREVARD CERTIFICATION CORRECTED
2. SHADING AND NOTE ADDED TO PORTION OF THE PROPERTY TO BE ANNEXED
3. NOTE 14 ADDED
4. ADDED NOTARY CERTIFICATION
5. ADDED CALL TABLE

NOTES:

1. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
2. AREAS SHOWN ARE SUBJECT TO EASEMENTS OF RECORD.
3. AREA DETERMINED BY COORDINATE METHOD.
4. OWNER OF RECORD: AS NOTED.
5. RECORD REFERENCES: AS NOTED.
6. AREAS INCLUDE ANY AND ALL PORTIONS OF PROPERTY UNDER RIGHTS OF WAY AND OR EASEMENTS EITHER ACQUIRED OR CLAIMED.
7. ALL PROPERTY CORNERS ARE AS NOTED.
8. ALL EXISTING UTILITIES ARE ASSUMED TO HAVE EASEMENTS WHICH MAY AFFECT PORTIONS OR ALL OF THE PROPERTY SHOWN.
9. ANY UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND SHOULD BE VERIFIED
10. ANY NAMES LISTED ARE FOR INDEXING PURPOSES ONLY, NOT A CERTIFICATION OF TITLE
11. MEASUREMENTS TO HOUSE CORNERS WERE TAKEN AT THE FACE OF THE WALLS
12. THIS LOT IS LOCATED IN FLOOD ZONE X (MINIMAL FLOOD RISK) PER F.I.R.M. OF THIS AREA
13. SUBJECT PROPERTIES ARE ZONED GR8 PER CITY OF BREVARD
14. IT IS THE INTENT OF THE OWNER TO ANNEX ANY PORTION OF TAX ID# 8585-28-6101-000 THAT IS NOT CURRENTLY IN THE CORPORATE LIMITS OF THE CITY OF BREVARD, INTO THE CORPORATE LIMITS OF THE CITY OF BREVARD



I DAVID L. BURRELL, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION (PROPERTY DESCRIPTION RECORDED IN DEED BOOK 765, PAGE 452); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER; THAT THE GLOBAL POSITIONING SYSTEM (GPS) SURVEY AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GNSS SURVEY:

CLASS OF SURVEY: B
POSITIONAL ACCURACY: .03'
TYPE OF GPS FIELD PROCEDURE: NETWORK RTK
DATES OF FIELD SURVEY: 6/14/2024
DATUM/EPOCH: NAD83 (2011)
PUBLISHED FIXED CONTROL USE: GPS 2
GEOID MODEL: GEOID 18
COMBINED GRID FACTOR: 0.999775
UNITS: US SURVEY FEET

ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY AS DESCRIBED IN G.S. 47-30(f)(11):

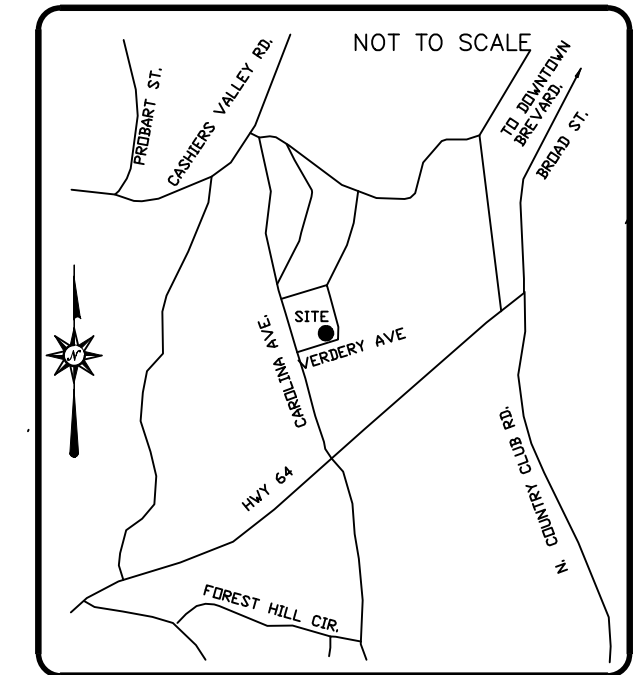
(c.)(1.) THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;

WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS _____ DAY OF _____, A.D., 20_____

N.C. PROFESSIONAL LAND SURVEYOR

L-5546
LICENSE #

P.F. _____ SL. _____



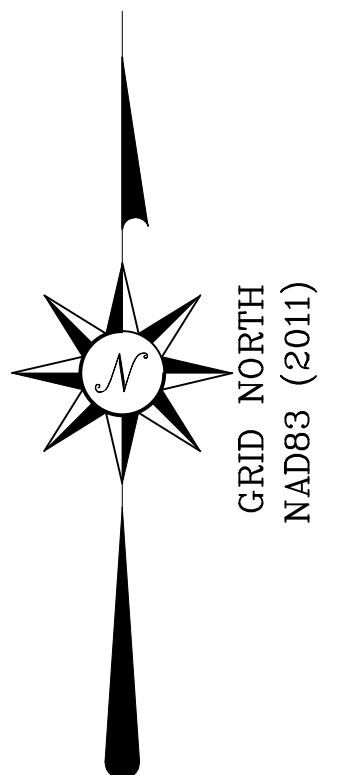
DAVID L. BURRELL
PROFESSIONAL LAND SURVEYOR

L-5546 (NC)

828-577-6568

133 COBB ST, EASLEY SC 29640

DRAWING NO. 24-27-REVISED



SCALE: 1 INCH = 20 FEET

ANNEXATION PLAT- ORDINANCE NO. _____
OF THE PROPERTY OWNED BY JASON M. SHEPHERD

PLAT OF A BOUNDARY/ANNEXATION SURVEY FOR
JASON M. SHEPHERD
BEING THE PROPERTY
DESCRIBED IN: DEED BOOK 765 PAGE 452
PIN # 8585-28-6101-000
BREVARD TOWNSHIP
TRANSYLVANIA COUNTY, NORTH CAROLINA
JUNE 20, 2024 REVISED JULY 23, 2024

RESOLUTION NO. 2024-XX

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

WHEREAS, a petition was received on July 1, 2024, requesting the annexation of a contiguous area described in said Petition as a portion of the Jason Shepherd property at 35 Verdery Avenue, Brevard, NC 28712, consisting of 0.101 acres, more or less, be annexed into the City of Brevard. (Tax Property Identification Number: a portion of 8585-28-6101-000).

Metes and Bounds Property Description:

That certain piece of land being located in the state of North Carolina, county of Transylvania, township of Brevard. Beginning at an unmarked point on the existing line of the City of Brevard Limits and on the northern right of way line of Verdery Ave., also being located on the southern line of that property of Jason M. Shepherd described in Deed Book 765 Page 452, said property being that 0.34 Acre tract shown on Plat File 16 Slide 749. Thence running with the existing City of Brevard Limits, a curve with an arc length of 113.84', with a radius of 983.05', with a chord bearing of N 42°18'23" W, with a chord length of 113.78', to an unmarked point in the northern line of the before mentioned tract, said point being on the existing line of City of Brevard Limits. Thence leaving the existing City of Brevard limits and running with the Earnest Duncan line a course S 76°10'43" W a distance of 18.15' to a 1/2" Rebar found, the southwest corner of the Earnest Duncan property described in Deed Book 320 Page 140. Thence with the Bobby Tucker line a course S 14°14'36" E a distance of 20.01' to a 1/2" Rebar found at a 3" spindle guard stake, the southeast corner of the Bobby Tucker Tract described in Deed Book 332 Page 469. Thence with the line of the other property owned by Jason M. Shepherd, described in Deed Book 765 Page 436, for two calls, S 13°27'48" E a distance of 4.95' to a 5/8" Rebar and Cap set, thence S 13°37'43" E a distance of 75.06' to a 5/8" Rebar and Cap set. Thence leaving the Shepherd tract described in Deed Book 765 Page 436 and traveling along the northern right of way line of Verdery Ave. N 76°09'56" E a distance of 72.55' to an unmarked point on the existing line of the City of Brevard Limits, which is the point of beginning. Containing 0.101 acres, more or less. Being a portion of the property conveyed to Jason M. Shepherd in Deed Book 765 Page 452.

Also shown as "This Portion of Property to be Annexed +/- 0.101 acres" on a plat prepared by David L. Burrell titled "Plat of a Boundary/Annexation Survey for Jason M. Shepherd" being drawing number 24-27-REVISED and dated June 20, 2024-Revised July 23, 2024. Reference is hereby made to said plat for a more complete and accurate description. The intent of the landowner, Jason M. Shepherd, is to annex any portion of the property described in Deed Book 765 Page 452 that is not in the existing City of Brevard Limits, into the City of Brevard limits.

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

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

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

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

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

of her investigation.

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

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

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

**Brevard/Transylvania County
Ecusta Trail Advisory Board**

Date: March 27, 2024

Location: City Hall Council Chambers

Members:

- ✓ Maureen Copelof, Mayor
Aaron Baker, Council Member (absent)
- ✓ Larry Chapman, County Commissioner
Addison Bradley, NC Cooperative Extension Dir (absent)
- ✓ Mark Tooley, Conserving Carolina
John Dittilo, Friends of Ecusta Trail (absent)
- ✓ Wilson Hooper, City Manager, Ex Officio (left at 3:45pm)
Paul Ray, Planning Director, Ex Officio (absent)
- ✓ Meredith Carli, At-Large Member
- ✓ Clark Lovelace, Tourism Development Authority
- ✓ Chris Burns, Chair Henderson County Ecusta Trail Advisory Board Ex Officio
- ✓ Madeline Hanley, At-Large Member

Staff:

- ✓ Katherine Buzby, City Planner

Guests:

- ✓ Tad Fogel, Friends of Ecusta Trail (Zoom)
- ✓ Kristen Cozza, Conserving Carolina (Zoom)
- ✓ Lonnie Watkins, Volkert Inc.
- ✓ Billy Parrish, Heart of Brevard
- ✓ Steve Williams, NCDOT (Zoom)
- ✓ Nicole Bentley, Heart of Brevard
- ✓ Luis Hemmer, NCDOT EIT

A. Welcome & Call to Order

Committee Chair Maureen Copelof welcomed everyone and called the meeting to order at 3:31 pm.

B. Certification of Quorum

Quorum was certified by Chair Maureen Copelof.

C. Approval of Agenda

Maureen Copelof asked to modify the agenda to have City manager present first due to needing to leave early. Motion by Mr. Chapman, seconded by Mr. Lovelace to approve the modified agenda. The motion carried unanimously.

**Brevard/Transylvania County
Ecusta Trail Advisory Board**

D. Approval of Minutes from February 28, 2024 Meeting

Motion by Mr. Tooley, seconded by Mr. Chapman to approve the meeting minutes. The motion carried unanimously.

E. Updates/Discussions

1. City of Brevard-Trailhead discussions have been referred to the Parks & Trails Committee by City Council to discuss and recommend locations. Discussion about the Henderson Co Ecusta Trail Board and this Board need to hold a joint meeting. City Council and management will be discussing trail maintenance. Friends of Ecusta Trails has authorized release of state grants up to \$750,000 to go towards the preliminary engineering on the Transylvania County portion of the Ecusta Trail. The City manager will be asking the TDA tomorrow for their FY 2024 contribution goes to close the financial gap of the estimated additional million dollars to complete engineering. (FLAP grant covers up to 30% design, these funds will cover the rest to get final design). City management and the planning dept has met with TPD and Vicki Eastland to discuss trail terminus options.

F. Presentation: Trail Partners by Henderson County Planning

Program designed by Henderson County Planning to partner with adjoining property owners/businesses to offer amenities to trail users in exchange for advertising on the County's Ecusta Trail website.

G. Updates/Discussions (Continued)

1. Conserving Carolina- Some donations are continuing to come in and they are being pushed over to Friends of Ecusta Trail.
2. Planning Department- The newsletter was mailed out to adjoining property owners. Discussions are ongoing about how to cross the new NCDOT roundabouts with the Estatoe Trail safely for all types of trail users.
3. Transylvania County- Not hearing much.
4. Tourism Development Authority (TDA)- \$250,000 is in this year's budget and City manager will be presenting at the TDA board meeting tomorrow morning.
5. Henderson County- Construction is progressing, some old trestles have been removed. The first 6 miles should be completed by December.
6. NCDOT- On schedule with the design and was notified there is a potential archeological site that is confidential. They still need the City "approved amenities" list so TPD can put what is needed in the designs.
7. Friends of Ecusta Trail- Board did approve the release of funds and are working on a new website for the trail. They also are discussing a trail 'governing' body and how that would work. They are still waiting on the Economic Impact Study so they can have a baseline for business impacts before and after the trail opens. The new logo will be rolled out with the new website once all completed, date to be determined.

Brevard/Transylvania County
Ecusta Trail Advisory Board

8. Public or Citizen Input- Questions were answered about how the Ecusta Trail and Estatoe Trail will connect (the connection is still being considered). Heart of Brevard stated they favor a trailhead at the Depot.

H. Next Steps

Planning Dept to look at how City of Brevard is going to partner with the adjoining property owners/businesses. Planning and the City will provide Lonnie the approved amenities list.

I. Set Date for Next Meeting

The next meeting of the Brevard/Transylvania County Ecusta Trail Advisory Board is scheduled for April 24, 2024 at 3:30 pm. (last Wednesday of the month at 3:30 pm)

J. Adjourn

There being no further business, the meeting was adjourned at 4:58 pm.

Minutes Approved- 4/24/24

x Aaron Baker

Aaron Baker, Co-Chair

x Katherine Buzby

Katherine Buzby, City Planner

**Brevard/Transylvania County
Ecusta Trail Advisory Board**

Date: April 24, 2024

Location: City Hall Council Chambers

Members:

- Maureen Copelof, Mayor (absent)
- ✓ Aaron Baker, Council Member
- Larry Chapman, County Commissioner (absent)
- ✓ Addison Bradley, NC Cooperative Extension Dir (Zoom)
- ✓ Mark Tooley, Conserving Carolina
- ✓ John Ditillo, Friends of Ecusta Trail
- ✓ Wilson Hooper, City Manager, Ex Officio
- ✓ Paul Ray, Planning Director, Ex Officio
- ✓ Meredith Carli, At-Large Member (Zoom)
- ✓ Clark Lovelace, Tourism Development Authority (Zoom)
- ✓ Selena Einwechter, Vice Chair Henderson County Ecusta Trail Advisory Board Ex Officio
- ✓ Madeline Hanley, At-Large Member (Zoom)

Staff:

- ✓ Katherine Buzby, City Planner

Guests:

- ✓ Tad Fogel, Friends of Ecusta Trail (Zoom)
- ✓ Lonnie Watkins, Volkert Inc, NCDOT.
- ✓ Carol Clay, Heart of Brevard
- ✓ Steve Williams, NCDOT (Zoom)
- ✓ Luis Hemmer, NCDOT EIT (Zoom)
- ✓ Matt Revis, Ecusta Trail Talk Newsletter

A. Welcome & Call to Order

Committee member Aaron Baker welcomed everyone and called the meeting to order at 3:31 pm.

B. Certification of Quorum

Quorum was certified by clerk Katherine Buzby.

C. Approval of Agenda

Motion by Mr. Tooley, seconded by Mr. Lovelace to approve the agenda. The motion carried unanimously.

D. Approval of Minutes from March 27, 2024 Meeting

Motion by Mr. Tooley, seconded by Mr. Ditillo to approve the meeting minutes. The motion carried unanimously.

Brevard/Transylvania County
Ecusta Trail Advisory Board

E. Updates/Discussions

1. Conserving Carolina- Nothing new to report.
2. Planning Department- Getting ready to start the public engagement per NEPA guidelines sometime in July. It will be advertised in the quarterly newsletter in the June edition. The public engagement sessions start with the public officials then all the property owners along the trail will be invited to the meeting.
3. Transylvania County- N/A
4. Tourism Development Authority (TDA)- The TDA did approve a new 1-million-dollar funding grant related to design and development of the Ecusta Trail and connecting trails. The TDA has a contract for anytime they approve anything over \$25,000, and at the next board meeting will present the contract for approval. After approval, it will need to go through the internal review process which should happen in the next month or so (including County Commissioner and Attorney review). They anticipate that the additional design costs be a combination of the TDA money (\$250,000/year) and the pledged \$750,000 from Friends of Ecusta Trail. If the design does not cost the entire 1 million, a refund can be made to the Friends group as TDA has pledged the entire \$250,000 this fiscal year.
5. Henderson County- Construction phase I is underway (Hendo E) and goal to be open by December of this year. Hendersonville is creating a downtown path to connect to the Ecusta Trail trailhead.
6. NCDOT- Regarding the potential archeological site, they reached out to TP&D who has advised DOT that they will be doing a "shovel test" to assess the area but has kept the location and details confidential. They are not anticipating to find anything that will impact the project. For amenities, they can be in the DOT ROW where the trail crosses the road but must be approved and have an encroachment agreement with the district DOT office. DOT has noticed along the ROW that there are some illegal structures along the proposed trail. The City will formulate a plan to reach out to property owners.
7. City of Brevard- Looking at creating a joint meeting of the Parks & Trails Committee, the Ecusta Trail Advisory groups, Friends of Ecusta Trail, and other stakeholders. The meeting date to be determined, probably later in the summer. The agenda and goals of the meeting are under consideration, and the City Manager is reaching out to mentors for guidance through this process to make the meeting as productive as possible. One of the topics will be the fate of this Board, as it is supposed to expire at the conclusion of construction but decisions are still going to be made after construction completion. The future oversight or governing board for the Ecusta Trail needs discussed. Also, he is getting advice on how to integrate the trail better into the City's work (organization internally to institute goals of the Trail). Also to answer questions like where will the Ecusta Trail begin and end? Who makes these decisions? How will it connect to the City's trail systems? Many topics will need to be discussed in the upcoming joint meeting.
This morning, the Parks & Trails Committee agreed with the TDA's Destination Infrastructure Committee to have City Staff move forward with the integration of NCDOT's R-5800 project on Asheville Hwy into the trail better. It was designed before the Ecusta Trail, so NCDOT is amendable to changing some plans but needs an official design review on how to do this. The City would hire TP&D, who is already designing the Ecusta Trail, to look at the R-5800 plans and identify improvements that could be made on their plans and negotiate with NCDOT.

Brevard/Transylvania County
Ecusta Trail Advisory Board

8. Friends of Ecusta Trail- They have hired a company (Blue Ion) to redo their website and are still waiting on input about roles from the City.
9. Public or Citizen Input- Question on if the new Friends website (Ecusta Trail Maps) will be mobile friendly, which was answered yes.

H. Next Steps

The City Manager will get with Council about the future roles of Friends of Ecusta Trail and get that input back to Friends. He will also coordinate the joint meeting in the summer.

I. Set Date for Next Meeting

The next meeting of the Brevard/Transylvania County Ecusta Trail Advisory Board is scheduled for May 29, 2024 at 3:30 pm. (last Wednesday of the month at 3:30 pm)

J. Adjourn

There being no further business, the meeting was adjourned at 4:14 pm.

Minutes Approved- 5/29/2024

x Maureen Copelof

Maureen Copelof, Chair

x Katherine Buzby

Katherine Buzby, City Planner

MINUTES

City Council Public Works & Utilities Committee

Wednesday, May 1, 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 Plant Supervisor
Emory Owen, Wastewater Treatment Plant Supervisor
Aaron Winans, WWTP Staff
Alex Shepherd, Assistant to the City Manager
Becky McCann, Communications Coordinator

Guests: Harvey Sankey, Billy Parrish, Burton Hodges

A. Welcome and Call to Order

Committee Chair Mac Morrow called the meeting to order at 3:35 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. April 3, 2024

Motion by Mr. Carson, seconded by Mr. Wise to approve the minutes of the April 3, 2024 meeting as presented. The motion carried unanimously.

E. WWTP Engineering Firm Selection

Mr. Hooper said that last meeting the committee asked us to compile the scorecards from each engineering participant. We have averaged the scores based on how the

committee and staff rated each one and a combined rating of committee and staff. What you will discover from analyzing the scores is that KCI seemed to be everyone's top choice. Mr. Hooper asked the committee if they were ready to make a recommendation.

Mr. Carson mentioned that the tabulations were very close.

Mr. Wise said he is comfortable with KCI and they seem like they have a good understanding of our project.

At 3:39 p.m., a motion by Mr. Wise, seconded by Mr. Carson to select KCI to provide professional engineering services at the Wastewater Treatment Plant. The motion carried unanimously.

Mr. Hooper asked at the next meeting would the committee like to have a draft of the scope of work to review and are you interested to look at pricing.

The committee came to a consensus that they would like to see the scope of work and pricing.

F. Public Comment

Mr. Sankey asked if during the scope of work would the engineering firm provide a completion date of the whole project.

Mr. Hooper said most likely not but they would give us a completion date of their analysis.

Mr. Sankey asked what would you want them to provide.

Mr. Hooper answered that he would hope that the engineering firm would be able to provide an opinion of probable cost of the total project.

G. Closed Session – Economic Development: GS § 143-318.11(a)(4)

At 3:51 p.m. Mr. Owen moved, seconded by Mr. Wise, to enter into closed session to discuss an economic expansion matter pursuant to GS § 143-318.11.(a)(4). The motion carried unanimously.

At 4:14 p.m. the motion was made and seconded to come out of Closed Session and resume the meeting in open session. The motion carried unanimously.

H. Set Date for Next Meeting

The next regular meeting of the Public Works & Utilities Committee was scheduled for Wednesday, June 5, 2024 at 3:30 p.m.

I. Adjourn

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

Minutes Approved: June 5, 2024

X 

Mac Morrow
Chair, Council Member

X 

Alex Shepherd
Assistant to the City Manager



MINUTES
City Council Public Safety Committee

Tuesday, May 28, 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
Denise Hodsdon, City Clerk

Guests: Linda Gallo, Monica Driscoll, Phil Stewart, Peggy Bogardus, Victor Zona, Susan Azar, Janice Castevens, Ron Nida, Nora Jane Montgomery, Don and Marcia O'Dell, 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

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

Mr. Baker requested to add a Review of the White Squirrel Festival. Motion by Mr. Morrow, seconded by Mr. Gallo to approve the agenda as revised. The motion carried unanimously.

D. Approval of Minutes

1. April 22, 2024

Motion by Mr. Gallo, seconded by Mr. Morrow to approve the minutes from April 22, 2024 as presented. The motion passed unanimously.

E. Update on Transportation Working Group

Mr. Hooper said that now that the Probart St. traffic calming measures have been approved, we will be measuring exactly where the speed cushions should go. At our last Transportation Working Group Meeting, we received advice from our engineer that the speed cushions should be installed at least 50 feet from intersections and 20 feet from driveways. We have not ordered the speed cushions yet but are waiting on a new quote, and I do not have a delivery time for when they should arrive.

Mr. Hooper also mentioned that NCDOT has approved the downtown circulation study. This study will examine whether converting Caldwell St. and Broad St. to a one-way pair will improve circulation for pedestrians and motorists. The Land of Sky RPO will be conducting the study, which will likely take 2 or 3 years to complete.

Mr. Baker asked if they are going to study more than one configuration.

Mr. Hooper said he is not sure but imagines they will study multiple configurations, including pedestrian and car traffic.

Mr. Gallo asked if this will also include the evaluation of the streets that intersect Caldwell St. He mentioned that sometimes, in downtown areas, one-way streets are implemented on streets that intersect major arteries that are converted to one-way.

Mr. Morrow agreed, noting that this was the case with Jordan St. and Gaston St.

Mr. Hooper said there are several projects that our team wants to approach the State for help with, including the Main St./Wilson St./Greenville Hwy intersection, improvements along the trail, and others. He noted that if we want the State's help, we need to pick one project and focus on it. In the coming months, staff and I will evaluate the pros and cons and bring our recommendations back to this committee. He expressed his preference for improvements to the Ecusta/Morris Rd intersection near the County EMS base because, when Wilson Rd. is completed, that entire stretch will serve as a bypass.

F. Railroad Ave – Lighting, Parking, Crosswalk, and Traffic Schedule

Mr. Hooper said King St. has been freshly paved and striped. He also mentioned that the portion of Railroad Ave that turns onto Whitmire St. has had its lines refreshed. However, we have not addressed parking there yet because it requires us to change the code. We did receive a quote for the lighting at the Depot, similar to the way Mary C. Jenkins is lit.

Mr. Baker asked what the next steps for the parking on Railroad Ave. are.

Mr. Hooper said we will have to add this to the traffic schedule to permit on-street parking.

Mayor Copelof asked if we are going to do an analysis after the speed cushions are installed. She said citizens are requesting them in other places.

Mr. Jordan said we would conduct a similar process to the one used for speed signs, placing them in different locations and taking readings.

Mr. Hooper added that we will also install curbing on the other side of Railroad Ave to discourage parking on the trail.

G. Police Accreditation

Mr. Jordan informed the committee about the benefits of accreditation, which include improving transparency, accountability, and compliance with best practices. He said the requirements for accreditation involve a two-year process that started in February 2024, giving us until February 2026 to complete it. The financial cost of accreditation through the NCDOT is minimal, with the largest cost being staff time. There are grants available through the NC Department of Justice that can help offset these costs, particularly for the necessary changes to the evidence and property room. He said that Detective Sergeant Wilson Bunn would be the accreditation manager. Our goal is to complete accreditation by September 2025.

Mayor Copelof asked how many departments in North Carolina are accredited.

Mr. Jordan said they just started the accreditation process, so while there are a number of agencies in the process, we aren't sure how many have completed it.

Mr. Baker asked if there was an estimated time of completion for the Police Department's move to their new offices on Commerce St.

Mr. Jordan said we have a couple of officers there now. The move should hopefully start progressing quickly once we complete the lease and construction.

H. Review of the White Squirrel Festival

Mr. Jordan said we did not have many incidents; it was a very peaceful event overall.

Mr. Cooper said we did not have any issues, but it was hard to find staffing.

Mr. Hooper mentioned an incident where vendors participating in the social district misunderstood the rule requiring them to use wristbands during the festival.

Mr. Baker asked if there were any issues with the boundaries of the social district.

Mr. Jordan said the beer garden area was technically outside the social district, but we had applied for a permit with the State to include this area.

Mr. Baker noted that having the social district really helps businesses downtown because people can eat, drink, and enjoy the festival without feeling tied down to one location.

I. Public Comment

Ms. Azar mentioned that there is a very aggressive dog on her street. She said the dog has attacked a person and multiple dogs. The representative from animal control stated that the dog does not meet the definition of a dangerous dog despite its history. She said she had spoken to the City Attorney, who researched the issue and found that two counties and one city have created a statute that overrides the State statute.

Mr. Jordan said he would research this topic.

Ms. Gallo asked about the speed cushion dimensions.

Mr. Hooper said yes, the speed cushions come with diagrams to help install them.

Mr. Parrish thanked the City and public safety for their outstanding job over White Squirrel Weekend.

Ms. Driscoll said she appreciated the forward thinking of the police department.

Mr. Baker asked about the parking enforcement equipment being operational.

Mr. Jordan said we are operational this week.

J. Set Date for Next Meeting

The next meeting of the Public Safety Committee will be on Monday, June 24, 2024 at 3:30 pm at City Hall.

K. Adjourn

There being no further business, the meeting was adjourned at 4:29 PM.

Minutes Approved: June 24, 2024

X 

X 
Alex Shepherd,
Assistant to the City Manager

MINUTES

City Council Public Works & Utilities Committee

Wednesday, June 5, 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 Plant Supervisor
Aaron Winans, WWTP Staff
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

Communications Coordinator Becky McCann 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. May 1, 2024

Motion by Mr. Wise, seconded by Mr. Carson to approve the minutes of the April 3, 2024 meeting as presented. The motion carried unanimously.

E. Discussion of Special Order of Consent

Mr. Hooper said we have the option to voluntarily enter a special order of consent. He said that since Mr. Morrow was present for the last one, he would like to hear about his experience of entering into a special order of consent. Mr. Hooper explained that a special order of consent involves going to the State of North Carolina and requesting an extra level of regulation in exchange for protection from

finances and other sanctions that would be levied against us because of our sanitary sewer overflows (SSO). We were under one a few years ago because we had dozens of SSOs that spilled many thousands of gallons, and we identified projects to line the pipes to help reduce this issue. We completed this project in late 2022 and were subsequently removed from the special order of consent. The trade-off to entering a special order of consent is that you receive protection from fines if you complete the projects, but while you are under the special order of consent, you cannot issue additional connection permits, which has implications for development.

Mr. Shook said that's how it worked before, we would estimate how much we fixed, but we always stayed ahead of the moratorium.

Mr. Hooper said we have not negotiated the projects yet, but we have four in mind. We have the funding for one of them, and we could ask the State if it could take us out of the special order of consent.

Mr. Morrow asked which project.

Mr. Shook said we had money left over from the Gallimore Sewer Station, which is now designed to handle a two-inch rainstorm.

Mr. Richardson asked if the special order of consent would be on extensions or taps.

Mr. Shook said both, and it would be on the Gallimore basin.

Mr. Morrow asked if it was for the basin or all sewer sheds.

Mr. Shook said they focus on where the overflows are happening.

Mr. Hooper mentioned that with our one project in mind, this might be enough for them to remove us if we wish to enter the special order of consent.

Mr. Luebke asked if the State has improvement projects in mind for us to complete.

Mr. Shook said yes, when they sit down with us, they will tell us what they want to see and if we have a plan in place.

Mr. Hooper asked would it be worth exploring with the State.

Mr. Morrow said yes, and test to see if the assistance and partnership are there.

F. KCI Scope of Work

Mr. Hooper said I have distributed the scope of work to the committee. The parts that I asked KCI to add to the scope of work are in Task 2. I asked them to include a review of other planning documents that might inform them of future development

and projections. Additionally, I asked them to explore future plans for the regionalization of a wastewater treatment plant if we were to include the county. I think their assistance with grants will be that they will research grants and find those that apply to us, but I do not think they will apply for them on our behalf. For any pursuit of funding, we will probably need to hire a grant specialist.

Mr. Wise said the grant research task doesn't have a specified deliverable.

Mr. Hooper said we can remove that and negotiate it later. Also, I am not sure if the State will reimburse us for this expense. He said if the regionalization model takes effect, we will have to start thinking about the management aspect of this.

G. Public Comment

Mr. Shook said we will be using GIS to help map the stormwater infrastructure with help from Land of Sky.

H. Set Date for Next Meeting

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

I. Adjourn

There being no further business, the meeting was adjourned at 4:30 p.m.

Minutes Approved: July 1, 2024

X 

Mac Morrow
Chair, Council Member

X 

Alex Shepherd
Assistant to the City Manager

MINUTES
City Council Public Safety Committee

Monday, June 24, 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 (arrived 3:43pm)

Staff Present Dean Luebbe, Finance Director
Tom Jordan, Police Chief
Bobby Cooper, Fire Chief
Bradley Elmore, Deputy Fire Chief
Wesley Shook, Public Works Director
Alex Shepherd, Assistant to the City Manager

Guests: Linda Gallo, Monica Driscoll, Phil Davis, Peggy Bogardus, Victor Zona,
Susan Azar, Janice Castevens, Don and Marcia O'Dell, Billy Parrish, Kay
and Barry Argroves, Pat Webb, Katie Blazan, Morris Jenkins, Heather
Richardson

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. Approval of Minutes

1. May 28, 2024

Motion by Mr. Gallo, seconded by Mr. Morrow to approve the minutes from May 28, 2024 as presented. The motion passed unanimously.

E. Update on Transportation Working Group

Mr. Baker said we will look for an update at the next committee meeting.

F. Railroad Ave – Lighting, Parking, Crosswalk, and Traffic Schedule

Mr. Shook informed the committee that we have bids for the lighting, and they should be able to do a lot of it off the building. However, we are still waiting for quotes on the bridge and parking lot lights.

Mr. Baker asked about the Railroad Ave parking.

Mr. Jordan mentioned that this is closely tied with the Transportation Working Group. He said the lining has been done, but they need to take measurements to determine how many parking spaces will fit. There is also an issue with the curbing.

Mr. Shook said the curbing should be installed within the next two months.

Mr. Morrow asked about the dog park lighting, noting that it's a Duke Energy issue.

Mr. Shook said it has been two or three years.

Mr. Morrow mentioned that we should address it as well because it's a security issue.

Mr. Luebbe said he will contact Mr. DeBrew at Duke Energy.

G. City/County Fire Contract Discussion

Mr. Cooper informed the committee that we met with Mr. Hooper and Mr. McKeller. He said Mr. Hooper was going to meet with the Transylvania County Manager to discuss the contract. Mr. Cooper mentioned that he doesn't believe the County will provide additional funding. We ran 2,500 EMS calls, while the County ran 5,000 EMS calls. We only have four full-time staff, whereas the County has twenty-six.

H. Animal Control Policy

Mr. Jordan produced a drafted policy, which he said will need to go back to the drawing board. He hoped to use the County's Dangerous Dog Review Committee and had expanded some of our definitions to align more closely with the County's. However, the County has informed him that they do not wish to allow the City to use their committee. He said we will need to appoint our own Dangerous Dog Committee, which can be difficult due to the need for volunteers and specialists.

Mr. Morrow said that moving forward, we would need to recruit people to serve on this board.

Mr. Jordan noted that our ordinances already designate an appellate board, appointed by the Council, which includes a veterinarian and two citizens to review these matters.

Mr. Morrow asked if we need the City Clerk to advertise for the board.

Mr. Jordan said yes, unless we choose to rewrite the ordinance and have the Council approve the changes.

Mr. Gallo asked if Mr. Jordan has had a chance to look at the suggestions or comments related to the draft.

Mr. Jordan said they came to him late, so he has not had a chance to review them yet but will do so.

Mr. Baker asked what the next steps are.

Mr. Jordan said they will review the suggestions and comments, determine what is feasible, and prepare another draft by the next meeting.

Mr. Baker asked if the City Attorney has reviewed the draft.

Mr. Jordan said a lot of it has been reviewed, noting that these matters are very delicate, and they will have the City Attorney review the draft further.

Mr. Baker mentioned that the ordinance already establishes a board.

Mr. Jordan confirmed that if a dog is designated as dangerous and the owner appeals, it would go to this board for appeal.

Mr. Baker asked about the composition of the board.

Mr. Jordan said it is to be comprised of a practicing veterinarian and two public citizens appointed by the City Council. He added that having an appellate board is important because, similar to the County, any further appeals would go to the Superior Court in Transylvania County.

Mr. Baker suggested that while drafting the policy, they should go ahead and advertise for the board so it can be in place when the policy is finished.

Mr. Jordan said he will mention this to Mr. Hooper and the City Clerk to discuss options.

I. Handicap Parking Spaces

Mayor Copelof said this refers to the two handicap spaces on Main Street, one in front of O.P. Taylor's and the other in front of Red Wolf Gallery. Over the last eight months, several people have fallen and sustained serious injuries, such as broken bones and lacerations. She mentioned that she has asked staff to look into ways to prevent this from happening.

Mr. Luebbe said he directed Mr. Shook to order rails today to help prevent people from falling. He added that they plan to install signs to warn people as well. This has been a collaborative effort involving the Mayor, Planning, NCDOT, and Public Works.

Mayor Copelof noted that when they painted the spaces blue and yellow, they thought it would provide enough contrast to warn people, but it didn't.

Mr. Baker asked if they have spoken to the Downtown Master Plan Committee or Heart of Brevard.

Mr. Luebbe said they have not yet because it was a recent development, but if the committee overrules it, they can remove the rails. However, it is a safety issue.

Mr. Gallo asked if this was an experiment by NCDOT, as he could not find any recommendations for this design.

Mr. Shook said he has not seen that design before.

J. Public Comment

Mr. Jenkins said that on the southwest corner of Caldwell St. and Main St., where the crosswalks come together, there is a bump on the curb that is not painted. There is a similar situation on Broad St. and Main St., but that one is painted. He recommended painting the bump on Caldwell St. and Main St.

Mr. Davis informed the committee that he is representing the Deer Lake Homeowners Association. He said there is no sidewalk on Deer Lake Rd near the car wash, and there are many walkers in the community. He mentioned that he would like the committee to consider installing a sidewalk in future plans. He has been working with Mr. Shook, who has been trimming trees and bushes to keep people from having to walk in the street. They have also been discussing putting down gravel and wood chips to act as a temporary walking path.

Mr. Baker mentioned that there is a comprehensive sidewalk plan, and they can double-check to ensure that this area is included.

Ms. Azar thanked the committee for the proposed changes to the ordinance. She mentioned that no charges have been filed regarding the incident when her dog was attacked, not even a leash law violation. She asked why no charges have been filed.

Mr. Jordan informed her that the animal services officer is still investigating, and he will talk to the officer to find out the status of the investigation.

Ms. Azar noted that the current ordinance has language to label the dog as a dangerous dog and asked why it hasn't been labeled as such.

Mr. Jordan said he is waiting for the animal control officer to complete his investigation, which should be soon.

Ms. Webb asked why it seems that dangerous dogs, which are a public safety issue, don't receive much attention.

Mr. Jordan assured her that the matter is given attention.

Ms. Webb mentioned that they have a new bed and breakfast on their street, and visitors are unaware of this situation. She asked if the City would have any liability if another incident occurred and the City had done nothing despite being aware of the dangerous dog.

Mr. Jordan said that it is a hypothetical legal question, and the City Attorney is not here to provide information.

Ms. Richardson mentioned that her dogs were also attacked. She asked what other information would be useful for the police to make a determination.

Mr. Jordan said it is very important to report all instances to law enforcement because they can only take action on what they know about.

Ms. Driscoll said if the leash law is in the ordinance and this dog has repeatedly gotten out, they shouldn't have to wait until a new policy is created to take action.

Mr. Jordan said most times they need to see the dog in the act to take action. Linda Gallo asked if the speed cushions have been ordered.

Mr. Shook said they have not, but they should know something by the end of the week.

Mayor Copelof mentioned that sidewalks where utility work has been done are not repaired properly and are just filled with gravel. She said this poses a risk to handicapped people.

Mr. Shook said a lot of these repairs are done by the gas or power company, but the City often ends up repairing them. However, a contractor is supposed to handle the repairs.

Mr. Luebbe said he will call Mr. DeBrew with Duke Energy about the issue.

Mr. Gallo mentioned that they walked down the temporary sidewalk in front of where the hotel is supposed to be built and asked if there are any updates on installing a permanent sidewalk.

Mayor Copelof mentioned that the developers should have financing in place by the end of June. They have held off on forcing them to install the sidewalk because they believe that construction is imminent.

K. Set Date for Next Meeting

The next meeting of the Public Safety Committee will be on Monday, July 22, 2024 at 3:30 pm at City Hall.

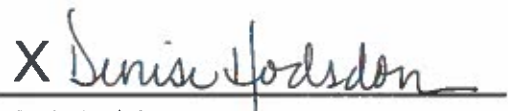
L. Adjourn

There being no further business, the meeting was adjourned at 4:26 PM.

Minutes Approved: July 22, 2024

X 

Aaron Baker
Chair, Council Member

X 

Denise Hodsdon
City Clerk

MINUTES

City Council Parks, Trails, & Recreation Committee

Wednesday, May 15, 2024 - 3:30 PM
City Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Howie Granat, Citizen Member
Nancy DePippo, Citizen Member
Reba Osborne, Citizen Member (Arrived 3:39pm)
Wyn Birkenthal, Citizen Member

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

Guests: Nora Jane Montgomery

A. Welcome & Call to Order

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

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes from April 24, 2024 Meeting

Motion by Ms. DePippo, seconded by Mr. Birkenthal to approve the minutes of the April 24, 2024 meeting as presented. The motion carried unanimously.

E. Bracken Preserve Maintenance Update

Mr. Hooper said I would like to find out what we need to get started on the first phase of maintenance on Bracken Preserve.

Mr. Granat informed the committee we are still working with Conserving Carolina essentially as an escrow and they have roughly \$12,000 that they are carrying. Also, there is a \$10,000 pledge donation outstanding. The first trail workday will be Saturday, May 25 fixing the entrance of the trail. Due to the trail being steep we are trying to work with the Brevard Music Center that will allow us to have a shallower trail. If we do not obtain the access, then it will be more costly to carve a trail into the existing land.

Mr. Baker said it is probably time that City staff engage and have meetings with the Brevard Music Center.

Mr. Bland mentioned we should have the property surveyed as we would need a new plat and easement.

F. Pisgah SORBA MOU

Mr. Hooper said he wants to ensure the edits he has made are okay with the committee. The other item that I had a question about was the adopt a trail.

Mr. Granat said he doesn't think we should include the adopt a trail clause in the MOU because we want the trail to be neutral and not feel that there is one organization that sponsors the whole trail.

At 4:10 PM, motion by Mr. Granat, seconded by Ms. DePippo to recommend the Pisgah SORBA MOU to City Council as revised. The motion passed unanimously.

G. Public Comment

Mr. Hooper said he would like to have a joint meeting of the Parks, Trails, & Recreation Committee and the Ecusta Trail Advisory Board.

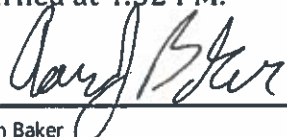
H. Set Date for Next Meeting

The next meeting of the Parks, Trails & Recreation Committee will be a joint Ecusta Trail Advisory Board meeting scheduled for Wednesday, June 26, 2024 at 1:30 PM.

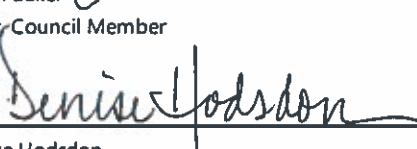
I. Adjourn

There being no further business, the meeting was adjourned at 4:32 PM.

Minutes Approved: July 31, 2024

X 

Aaron Baker
Chair, Council Member

X 

Denise Hodsdon
City Clerk

STAFF REPORT

City Council, Monday, August 5, 2024

Title: Amendment to Traffic Schedule to Name and Establish Regulation for New City Street

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

The City recently accepted the dedication of the access road off Deerlake Road behind the EnMarket gas station. Now that this is a city-owned and maintained street, it must be named and have appropriate traffic regulations codified.

This item was presented as a public hearing at the June 17, 2024 Council meeting.

Discussion

The attached amendments to the Traffic Schedule will establish a name, speed limit, and no parking for the new city street. The speed limit is being set at 15 MPH with the entirety of the road designated as a no parking area. The requirement to stop before entering Deerlake Road will also be codified.

The biggest question before Council is establishing a name for the new street. City Code Section 62-169 establishes the following guidelines for the naming of roads:

- A. Choose a unique name (Dogwood Lane and Dogwood Drive are considered to be duplicate names). Under no circumstances will duplicate road names be accepted.
- B. To avoid confusion, do not select names that sound similar to other road names or subdivision names.
- C. Use short names that are easier to understand when spoken and will be cost efficient when purchasing road signs. Choose names with fewer than 15 characters in total length, including spaces, but not including suffixes.
- D. Avoid special characters such as hyphens, apostrophes, periods or decimals.
- E. Do not use north, south, east or west.
- F. Do not use numbers as part of a road name.
- G. Do not select discriminatory names.
- H. Names that have historical or geographical significance may be selected.
- I. Select names of birds, fish, animals, plants, trees or flowers that are indigenous to the area.
- J. When selecting a road name, choose two alternate names in case the primary name has already been selected or is already in use.

Most common native plants and animals found in the area already have roads named after

them in the County's E911 system. To avoid confusion, it is advisable to not duplicate these, even with slight variations, e.g. Poplar Street vs. Yellow Poplar Street.

For discussion purposes, Staff compiled a list of possible names that were presented on June 17. There was little discussion about potential names but it was suggested that a name honoring the area's history might be most appropriate.

- Lambo Court – nearby creek that runs through the nearby Deerlake neighborhood
- Eldridge Court – former owner of the property
- Ironwood Court – colloquial name of a tree that is found nearby
- Catbrier Court – name of an understory plant that is found nearby
- Carolina Lily Court – the official state wildflower
- Brookie Court – the official state freshwater fish which is native to our local rivers

Policy Analysis

Ensuring motorist safety on all streets is harmonious with the goals of the Active Transportation & Community Health topic area, specifically to "enhance transportation network for all modes of travel."

Fiscal Impact

Minor costs of purchasing and installing new signage.

Action

Council's options are to adopt the included ordinance as presented or defer this matter for further consideration. If Council wishes to adopt the ordinance at this time, the desired street name should be clearly identified in the motion.

Attachments:

1. Ord_2024-XX_New_Road_Traffic_Schedule_Amendments

ORDINANCE NO. 2024-XX

AN ORDINANCE ESTABLISHING **TBD COURT
AND AMENDING THE BREVARD TRAFFIC SCHEDULE
AND BREVARD CITY CODE CHAPTER 66**

WHEREAS, an unnamed street off of Deerlake Road was dedicated to the City on April 18, 2024 (Plat File 24, Slide 136); and

WHEREAS, following a public hearing held on June 17, 2024, the City of Brevard wishes to add this street and its pertinent regulations to the City of Brevard Traffic Schedule.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT THE TRAFFIC SCHEDULE AND THE BREVARD CITY CODE SHALL BE AMENDED AS FOLLOWS:

Section 1. The previously unnamed street located along Deerlake Road approximately 220 feet west of Asheville Highway is hereby named "**TBD Court.**"

Section 2. Chapter 66, Schedule I, Section 66-122 of the Brevard City Code and the City's Traffic Schedule is hereby amended as described below:

- a) Both sides of **TBD Court** in its entirety.

Section 3. Chapter 66, Article IV, Schedule XI, Section 66-72 of the Brevard City Code and the City's Traffic Schedule is hereby amended as described below:

- a) Add Deerlake Road from **TBD Court.**

Section 4. Chapter 66, Schedule XVIII A, Section 66-87(6) of the Brevard City Code and the City's Traffic Schedule is hereby amended as described below:

- a) Add **TBD Court.**

Section 5. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Brevard Traffic Schedule to reflect the change as set forth herein.

Section 6. The City Manager of the City of Brevard is hereby authorized and directed to cause the appropriate signs to be installed and enforcement of the foregoing provisions to be implemented.

Section 6. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this 5th day of August 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, August 5, 2024

Title: Consider Resolution Reforming the Ecusta Trail Advisory Board

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

On June 26, 2024, the Brevard City Council held a joint workshop with the existing Ecusta Trail Advisory (ETAB) and Parks, Trails, and Recreation (PTR) advisory boards. The purpose of the workshop was to clarify the roles of Brevard's various decision-making entities with regard to the Ecusta Trail. The Workshop was also the Council's opportunity to hear updates on upcoming decisions regarding the trail and delegate those decisions as they saw fit.

At the workshop the Council agreed to reconsider the membership of the ETAB and update its charter. With feedback on what types of decisions it wished to delegate to the ETAB, Council directed staff to create a proposal for a reformed Ecusta Trail Advisory Board. Staff's proposal will be presented earlier in the agenda as part of the City Manager's update on trail governance.

Action

Council is asked to discuss the proposal and take one of the following actions:

1. Approve the resolution as written (i.e. approve the proposal as presented);
2. Revise the resolution and adopt as revised;
3. Reject the resolution;
4. Table the resolution for further consideration

Attachments:

1. DRAFT Resolution 2024-XX Reforming the Ecusta Trail Advisory Board

RESOLUTION NO. 2024-XX

A RESOLUTION UPDATING THE MEMBERSHIP AND CHARGE OF THE BREVARD/TRANSYLVANIA COUNTY ECUSTA TRAIL ADVISORY BOARD

WHEREAS, the Ecusta Trail is a planned 19+ mile multi-use path stretching from Brevard, NC to Hendersonville, NC; and

WHEREAS, in June 2021 the City of Brevard passed Resolution 2021-21 agreeing to become the “lead agency” for the trail in Transylvania County to “secure funding, oversee design, oversee construction, and manage public use of the section of the trail in Transylvania County”; and

WHEREAS, in December 2021 the City of Brevard passed Resolution 2021-58 establishing the Ecusta Trail Advisory Board (ETAB) and delegating oversight of the above listed activities to it; and

WHEREAS, between 2021 and 2023, under the direction of the ETAB and the Brevard City Council, the City of Brevard applied for and won three large Federal grants - FLAP (\$1M), NSFLTP (\$21.4M) and RAISE (\$24.5M)- to fund design and construction of the trail; and

WHEREAS, in August 2023 the City of Brevard received permission from US Department of Transportation to transfer its awards to NC Department of Transportation (NCDOT) for execution; and

WHEREAS, while NCDOT is technically the executor of the project, it is deferring decisions on all elective components of the project to the City of Brevard; and

WHEREAS, in spring/summer 2024 with engineering and design underway, NCDOT notified that City of Brevard of approaching deadlines for decisions on branding, alignment, amenities, and other matters; and

WHEREAS, the City of Brevard has also identified several additional projects, some of which are time sensitive that, if completed, will complement the Trail and multiply its impact; and

WHEREAS, Henderson County plans to open the first segment of the Ecusta Trail, located entirely within its jurisdiction, in calendar year 2024, and is seeking Brevard’s input on matters that may affect the Transylvania County segment once it is completed; and

WHEREAS, the ETAB’s authority is unclear and its membership reflective of conditions in 2021; and

WHEREAS, in consideration of these factors and in recognition of the large potential impact the completed Trail is expected to have on the Brevard community, there is interest

among City of Brevard staff and elected officials in clarifying the ETAB's charge and reviewing its membership; and

WHEREAS, the Council expressed this interest publicly in a Workshop dedicated to Ecusta Trail governance held on June 26, 2024; and

WHEREAS, on August 5, 2024 the Brevard City Council discussed this matter at its regular public meeting.

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

The Ecusta Trail Advisory Board is hereby reconstituted with the following provisions

- 1.) Membership shall consist of the following members:
 - a. A chairperson appointed by the Brevard City Council from amongst its members (TBD)
 - b. A co-chairperson appointed by the City Council from amongst its members (TBD)
 - c. One representative as recommended by the Transylvania County Tourism Development Authority from amongst its membership or staff. (Dee Dee Perkins)
 - d. One representative as recommended by the Friends of Ecusta Trail from amongst its membership (John Ditillo)
 - e. One representative as recommended by Conserving Carolina from amongst its membership or staff (Rebekah Robinson)
 - f. One representative as recommended by the Transylvania Economic Alliance from amongst its membership (TBD)
 - g. One representative as recommended by Transylvania County (Larry Chapman)
 - h. Two at-large representatives as appointed by City Council (Madeline Hanley and Meredith Carli)
- 2.) The Mayor of the City of Brevard and a representative from the Henderson County RTAC shall serve in non-voting ex-officio capacities. These seats shall not be considered in the quorum calculation.
- 3.) To be eligible for appointment, a participant must be deemed by the appointing authority, Brevard City Council, to be vested, with a personal or professional stake in the affairs of the City of Brevard and the Ecusta Trail. City residency is not required.
- 4.) The membership terms are indefinite. The board's membership, charge, and authority shall be reviewed every three years, with new appointments/reappointments made at that time.

- 5.) The committee chairperson is granted flexibility on meeting rules and procedures
- 6.) The work of the ETAB shall be facilitated by the City Manager (or his designee) with participation by city staff. Staff shall participate in ETAB only in a non-voting, advisory role. Staff shall not count towards quorum calculations. Voting seats vacated by staff shall not be refilled.
- 7.) ETAB agenda shall be created by staff in cooperation with the committee chairperson. Items may be added by the chairperson at his/her discretion, administratively by the City Manager, or via referral of the full City Council.
- 8.) The ETAB's recommendations shall be forwarded to City Council typically through its "Consent Agenda" process.
- 9.) The ETAB's charge shall be to consider and make recommendations on matters related to trail usability and community impact. Examples include:
 - a. On-trail amenities
 - b. Maintenance prioritization
 - c. Signage (types, content, and placement)
 - d. Trail "rules" and user standards
 - e. Integration of Ecusta Trail into existing trails/facilities
 - f. Type and location of complementary amenities outside federally funded project footprint.
 - g. Construction timing
 - h. Complementary programs (e.g. Trail Partners) intended to leverage the trail's presence to create community impact
 - i. Encroachment requests within trail corridor in conjunction with technical analysis by staff.
- 10.) The provisions of this resolution supersede the related provisions of the below resolutions. Unaffected provisions of the below resolutions remain in effect:
 - a. Resolution 2021-21
 - b. Resolution 2021-58
 - c. Resolution 2022-40

Adopted and approved this the _____ day of _____, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC

DRAFT

STAFF REPORT

City Council, Monday, August 5, 2024

Title: Consider Resolution Dedicating the Western Terminus of the Ecusta Trail on Main St. in Downtown Brevard

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

On June 26, 2024, the Brevard City Council held a joint workshop with the existing Ecusta Trail Advisory and Parks, Trails, and Recreation (PTR) advisory boards. The purpose of the workshop was to clarify the roles of Brevard's various decision-making entities with regard to the Ecusta Trail. The Workshop was also the Council's opportunity to hear updates on upcoming decisions regarding the trail and delegate those decisions as they saw fit.

One decision that was discussed at the Workshop was the possibility of designating Main St. as the western terminus of the Ecusta Trail. Council agreed to reserve this decision for itself.

Discussion

Currently the western terminus of the Ecusta Trail is its junction with the Cherry St. Connector of the Estatoe Trail near Mountain Industrial Drive. This point is considered the terminus because it is the end of the project area as defined in the RAISE grant award. However there is no significant amenity like a trailhead or parking lot planned for this site. A proposal to explore the possibility of building a trailhead/terminus on the nearby Pisgah Health property was tabled by Council in March 2024.

Over the past few months, Councilman Baker -in his role as chair of PTR and co-chair of Ecusta Trail Advisory Board- has suggested that Brevard consider designating Main St. as the western terminus. Part of his reasoning is outlined in the attached draft resolution.

Staff believe that while the proposal is meritorious, there are a number of tradeoffs that should be considered prior to making the designation. Some of the tradeoffs to consider are presented in the form of a SWOT (strength, weaknesses, opportunities, threats) analysis (attached).

Action

Council is asked to discuss the proposal and take one of the following actions:

1. Approve the resolution as written;
2. Revise the resolution and adopt as revised;
3. Reject the resolution;

4. Table the resolution for further consideration

Attachments:

1. DRAFT Res 2024-XX RESOLUTION DEDICATING THE WESTERN TERMINUS OF THE ECUSTA TRAIL ON MAIN STREET IN DOWNTOWN BREVARD
2. SWOT Analysis Dedicating the Western Terminus of the Ecusta Trail on Main St

RESOLUTION 2024-XX

RESOLUTION DEDICATING THE WESTERN TERMINUS OF THE ECUSTA TRAIL ON MAIN STREET
IN DOWNTOWN BREVARD

WHEREAS, the Ecusta Trail will be a multiuse, paved greenway connecting the cities of Hendersonville and Brevard along a former rail line which ended service in 2002 and will serve as a new “cultural main street” connecting communities, promoting health, enriching the quality of life and the economy for everyone

WHEREAS, the Friends of the Ecusta Trail is a grassroots non-profit formed in 2009 dedicated to the completion of this trail; and

WHEREAS, Conserving Carolina, a non-profit land conservation organization operating in Henderson, Transylvania and neighboring counties, worked with partners including the Friends of the Ecusta Trail and local governments to create the proposed Ecusta Trail utilizing the 19.4-mile rail corridor connecting Hendersonville and Brevard; and

WHEREAS, the City of Brevard agreed in June 2021 to play a lead role in securing funding, overseeing construction and managing public use of the section of the Ecusta Trail in Transylvania County; and

WHEREAS, in the Summer of 2023 the City of Brevard was awarded two federal grants from the U.S. Department of Transportation to complete the Ecusta Trail: a \$21.4 million Nationally Significant Federal Lands and Tribal Projects grant and a \$24.5 million Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant; and

WHEREAS, the future Ecusta Trail will bring many recreational, public health and economic benefits to local residents and businesses in the City of Brevard and Transylvania County, an; and

WHEREAS, the eastern terminus of the Ecusta Trail is located on South Main Street in Downtown Hendersonville; and

WHEREAS, the City of Brevard with its partner the Heart of Brevard is dedicated to maintaining and growing a vibrant and vital downtown; and

WHEREAS, the City of Brevard is building and maintaining its own 7.5 mile long multi-use trail called the Estatoe Trail which connects its citizens to important landmarks, schools, businesses, and recreational assets within the city limits; and

WHEREAS, the Ecusta Trail will only fulfill its aspirations of connecting the Western North Carolina communities of Hendersonville and Brevard if it is contiguous from “Main Street to Main Street”;

NOW, THEREFORE, BE IT RESOLVED, that the City of Brevard dedicates the western terminus of the Ecusta Trail on Main Street in Downtown Brevard and will commit staff time and infrastructure including portions of its multi-use trail to this purpose.

Dedicating the Western Terminus of the Ecusta Trail on Main St. in Downtown Brevard SWOT Analysis

Strengths	Weaknesses	Opportunities	Threats/Risks
• Proposal would result in a single brand for Brevard's most prominent trail segments. • Proposal would bring Ecusta Trail nomenclature into Lumberyard and downtown areas. • Proposal would provide clarity to Henderson County and FOET as they embark on trail branding for their segment opening in late 2024. • Proposal extends the length and prominence of the Ecusta Trail	• Proposal replaces legacy trail name (Estatoe) for prominent segments of trail network. • Proposal expands Ecusta Trail footprint beyond federally funded project footprint. All necessary enhancements would have to be funded with local dollars.	• Proposal could induce Ecusta Trail users to continue downtown, allowing downtown and Lumberyard businesses to benefit from the commerce the trail is expected to generate. • Proposal would allow Depot to be used to its fuller potential. • Local Ecusta Trail money could potentially be used to improve bike/ped infrastructure in R5800 from what's planned.	• Trail segment along AVL HWY will be different in character than the main trail, and likely harder to travel. • Full connection between current terminus and downtown won't be completed until NCDOT's R5800 project is finished. • R5800's construction will interrupt connection between main trail and downtown for perhaps two years.