AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, August 19, 2024 - 5:30 PM
Mary C. Jenkins Community & Cultural Center

A. Welcome and Call to Order

B. Invocation

Rev. Dr. Pamela Holder, Bethel "A" Baptist Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. June 26, 2024 Joint Trail Workshop
2. August 5, 2024 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Badge Pinning Ceremony - Alyssa Coburn Promotion to Sergeant

I. Special Presentation(s)

1. Housing Presentation

J. Public Hearing(s)

1. Traffic Schedule Amendments - No Parking Zones and Three-Way Stops
2. Proposed Amendments to City of Brevard Code of Ordinances Chapter 14 - Dangerous Dogs

K. Consent and Information

1. Tax Settlement Report - July, 2024
2. Project Ordinance - Wastewater Treatment Plant Upgrade or Replacement Project

3. Resolution Fixing a Date of Public Hearing for Annexation - Jason Shepherd, 35 Verdery Avenue
4. Estatoe Trail 30% Design Contract
5. Joint Agreement for Reciprocal Access Easements by and between the City of Brevard and Monte Vista Inc.
6. Council Housing Committee Minutes - June 11, 2024
7. Council Public Works & Utilities Committee Minutes - July 1, 2024
8. Correspondence (*No Action. Offered as information only.)*
   a. Land of Sky RPO Technical Advisory Committee Minutes - June 20, 2024

L. Unfinished Business

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

M. New Business

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

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Agenda Posted, Website, Sunshine List (August 15, 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
Joint Trail Workshop
with
ECUSTA TRAIL ADVISORY BOARD
and
PARKS, TRAILS & RECREATION COMMITTEE
June 26, 2024 – 1:30 PM

The Brevard City Council met with the Ecusta Trail Advisory Board and the Parks, Trails & Recreation Committee on Wednesday, June 26, 2024, at 1:30 p.m. at the Mary C. Jenkins Community & Cultural Center of City Hall with Mayor Copelof presiding. The purpose of the meeting was to hold a joint workshop regarding the Ecusta Trail.

Present – City Council - Mayor Maureen Copelof, Mayor Pro Tem Gary Daniel, and Council Members Mac Morrow, Aaron Baker, and Pamela Holder
Parks, Trails & Recreation Committee – Citizen Members Howie Granat, Nancy DePippo, and Reba Osborne
Ecusta Trail Advisory Board – Larry Chapman, County Commissioner; Mark Tooley, Conserving Carolina; John Ditillo, Friends of Ecusta Trail (FOET); Chris Burns, Henderson County Rail Trail Advisory Committee (RTAC)

Absent – City Council - Lauren Wise
Parks, Trails & Recreation Committee – Wyn Birkenthal and JD Powers
Ecusta Trail Advisory Board – Addison Bradley, NC Cooperative Extension; Clark Lovelace, Tourism Development Authority; and At-Large Members Meredith Carli and Madeline Hanley

Staff Present – City Attorney Mack McKeller, Assistant City Manager/Finance Director Dean Luebbe, Assistant to the City Manager Alex Shepherd, Planning Director Paul Ray, and Assistant Planning Director Aaron Bland

Guests/Presenters – Hunter Marks, Watermark Landscape Architecture; Traffic Planning and Design Representatives Christy Staudt and Teresa Buckwalter; and Lonnie Watkins, NCDOT Project Manager

Press – Nick Haseloff, Transylvania Times

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

B. Introduction/Certification of Quorum – Assistant to the City Manager Alex Shepherd certified that a quorum of Council and both committees was present.

C. Agenda Review and Approval – Mr. Morrow moved, seconded by Ms. Holder to approve the agenda as presented. The motion carried.

D. Getting up to Speed – Mayor Copelof gave a PowerPoint presentation in which she reviewed the City's expanding role in securing funding and overseeing development of the 8 miles of trail in Transylvania County. A copy of her presentation is attached.

Chris Burns of Henderson County RTAC gave an update of their progress to date. He explained that their first phrase of the trail goes from downtown Hendersonville to Route 64 and is approximately 6 miles of the 12 miles that lies in Henderson County. They are in the process of replacing all 9 bridges with the new bridges arriving in August. They are anticipating that paving will happen in the late September/early October timeframe, with an anticipated 3-week timeframe. Location markers will be

installed every 1/10 of a mile along the trail. They are working with Henderson County TDA to make the TDA building the trailhead in Henderson County. The goal is to have the trail fully open for those first 6 miles by December 31st. The second phase will pick up there and go all the way to the county line and the 30% design contract is underway, with a completion date of November 13th of this year. Construction is planned for the third quarter of 2026, with construction of the entire section in Henderson County to be complete by fourth quarter of 2027.

Mayor Copelof noted a couple of key points:

- Because Henderson County will be operational with 6 miles of trail by December, we have to make some joint decisions very quickly on a couple of things.
- Henderson County's 30% design on their second phase is about 4 months behind us and our hope is that those schedules will coincide so that we can do their second phase and our Transylvania section as one construction contract.

E. Presentation of Branding/Logo – Mayor Copelof explained that this is one of the joint decisions we need to make now because Henderson County is about to go into production of signage and markers. She reported that Friends of Ecusta Trail started working on trail branding about a year ago and she asked Mark Tooley to present the proposed branding and logo (copy attached). Mr. Tooley explained the process in selecting the proposed branding/logo and noted that the tag line for the brand is "Choose your Adventure". He said it was presented to the Henderson County RTAC at their last meeting and we would like to seek concurrence today on using this brand going forward. Mr. Morrow moved, seconded by Ms. Holder to accept the branding.

During discussion Hunter Marks of Watermark Landscape Architecture, a member of the design team for all three sections in Henderson County, gave a presentation of preliminary 30% design illustrations of the various amenities along the trail. A copy of his presentation is attached. He noted that this was presented to RTAC about 3 weeks ago and it was decided at that time to put it on hold until Brevard had an opportunity to see it and provide input.

There was discussion about the colors of the proposed logo. Attorney McKeller asked Mr. Morrow if his motion included full approval of the logo plus the colors as presented. Mr. Morrow confirmed that was his intent. Attorney McKeller asked if it would be appropriate to hold the motion at this time, until after the discussion in Item H. Mr. Morrow agreed to hold the motion until later.

F. Review of 30% Design Information – Lonnie Watkins of NCDOT explained that in providing oversight and management of design and construction of this project, NCDOT assigned design of the project to Traffic Planning and Design (TPD). He noted that the initial contract was for 30% as there are some major design elements that are unknown, such as impact on the floodplain and floodway; can some of the bridges be salvaged or do they need to be replaced; and railroad rights-of-way. Now that they are on the tail end of the 30% design, some decisions need to be made on the bridges. Another issue is the western terminus – how do we tie this trail into the rest of Brevard's trail system? Mr. Watkins added that we have sufficient funds to incorporate a number of the amenities and that needs to be determined. He said we are getting ready to do the contract with TPD for the remaining 70% and we need to develop the scope for that. We are at that stage where we need decisions on those major areas in order to start that next phase of work.

Christy Staudt from Traffic Planning and Design gave a presentation of the 30% design for the Transylvania side of the Ecusta Trail and noted that it has not yet been submitted to NCDOT for review, but will be by the end of this week; and then DOT will do the cost estimate. A copy of her presentation is attached. Ms. Staudt noted that there are a couple of items in their scope of work that are ongoing and won't be submitted right now: there is a brownfield at Davidson River Village and they have to do an environmental management plan for any work they do along that; finishing the

archeological and environmental surveys which have be done at a certain times of the year; and also the trail amenities work, which will be brought to the committee to make decisions to help get that design piece done. She noted that they have found three bridges that could potentially be salvaged with a potential savings of almost $1M in construction. This is something they will need some feedback on as there are some things that need to be considered. She said the critical path decisions they will need direction on are the structures, anything that is right-of-way related, and other decisions for amenities.

~~At 3:14 p.m. Mayor Copelof called for a 10-minute break~~

G. What is your vision for the trail? What is its purpose?

Mayor Copelof asked each participant to share their vision for the trail.

Mr. Baker – sees the trail as a transportation amenity that will lead to economic activity. To fully prepare for that economic activity, the city needs to look at existing zoning rules, existing bike and pedestrian plans, existing sidewalk plans, and existing CLUP.

Mr. Daniel – sees it as a destination for tourism; will provide connectivity for citizens to use to get around town and to get to Hendersonville; and will be a big economic driver. We do need to know more about what that means; what effects will this trail have on our community?

Mr. Morrow – all you have to do is read the grant application and background which tells us everything. We can upgrade the 2011 economic analysis and it will tell us what it will do. By nature, it is an opportunity to educate people on the history of the Cherokee, the name, the folks that lived here, and the significance of the river valley.

Ms. Holder – to engage the community and foster diversity and unity. What kind of activities can we have on the trail to provide a reason for people who would not normally go to the trail to use it?

Commissioner Larry Chapman – we are dealing with two separate entities: the City of Brevard and the County, and not everyone is in favor of bicycles and not everyone in the county, outside of certain areas, views it as positive. I think we need more of an educational process with our bike riders. It will have an economic impact, and the vision needs to be better identified and communicated to the public.

Mr. Ditillo – it will grow the cycling community by giving those people who are afraid to ride their bicycles on the roads an opportunity to ride safely, generally an older population, giving them one place where they can recreate, rehab and improve their health without worrying about being run over.

Mr. Tooley – it will help build connections of all the communities along the trail; connections of local communities getting people out that wouldn't normally get out. This is a trail for all ages and all abilities. It is also a transportation artery for people to use to commute to/from work.

Ms. Osborne – an added amenity that will attract more people who want to move to the area; a transportation element where lower income individuals living in the outlying communities can ride their bike to work in Hendersonville or Brevard; and a place where people with a disability can maneuver safely.

Ms. DePippo – it is so often referred to as a bike trail and I know the animosity about bikers so we have to remember this is not just a bike trail; and there will be a lot of people who will walk the trail. Every community along that corridor is going to have their own usage of it.

Mr. Granat – development of communities along the way adding a safe place for families to walk, stride, bike, or skateboard that will enhance everybody's life in some way, shape or form.

Mayor Copelof read some of the benefits listed in the grant applications and noted that almost all of them were mentioned:

- increased safety for bicyclists
- connecting local schools
- alternative ways to get into national forest
- rehabilitates and reuses a historic linear railroad transportation corridor
- tourism-related economic benefits
- reducing household transportation costs
- quality of life for everybody across our demographic
- part of environmental justice and racial equity
- job quality and workforce development

Mayor Copelof noted that we have a lot of big issues, as we look at this vision, that we are going to have to wrestle with so it happens in a way that we can focus it toward the vision.

Mr. Ray added that, as Mr. Baker referenced, it does impact all of our long-range planning documents that will need to be updated with the Ecusta Trail in mind. He said Staff will give Council a high-level outline and timeline of changes we should look at for each long-range planning document.

H. "Decision Buckets"

Mayor Copelof and Mr. Ray explained that this discussion is to identify a delegation of responsibilities and organize our decision-making process. Some examples of "decision buckets" identified by staff are:

Examples of decisions			
Technical	Trail Usability	Community Impact	Policy/Svc. Levels
• Bicycle design speed • Shoulder width/grade • Pavement thickness • Pavement cross slope • Maximum grade • Bridges • Encroachments • Sign locations	• On-trail amenities • Trail "rules" • Types of signage • Integration into other trails/rec facilities • Long-term alignment at the western terminus • What R5800 betterments should we pursue? • Closure rules. • Minor maintenance prioritization	• Branding • End on Main St.? • Rename Estatoe? • Trailhead location? • "Trail partners" program • Impact studies • Pause construction to let HC catch up?	• Decide who gets to decide. • Role of FOET • Non-grant financial commitments • Public safety service levels • Trash collection and landscape maintenance service levels • Update land-use rules to orient towards trail?

Upcoming Decisions (ranked in order of time criticalness)
1.) Branding and design of certain amenities 2.) Which amenities to include in upcoming 70% design of Brevard section 3.) Trail etiquette/trail rules 4.) Designate Main St. as Brevard terminus? 5.) Role of FOET?

During discussion, there was consensus of Council as follows:

- That the Ecusta Trail Advisory Board (ETAB) should be elevated to mirror other Council advisory committees, with the membership to include two council members, and that the minutes/updates be included on Council's consent agenda. Council requested that the City Manager bring a recommendation for updating the membership and charge/authority of the Ecusta Trail Advisory Board.
- That trail usability and community impact recommendations should be left to the Ecusta Trail Advisory Board.
- That designation of Brevard's terminus will be a Council decision.

I. Long-term Governance/Role of Friends of Ecusta Trail – FOET provided a draft document outlining its proposed role. It was noted that this draft has been shared with and discussed by staff of both Brevard and Henderson County, but has not been shared with RTAC or ETAB. There was consensus that staff would make a recommendation to Council regarding the role of FOET and Council would make that decision.

Discussion circled back to approval of the branding/logo. Mayor Copelof recalled that there was still a motion on the table. Attorney McKeller recalled that Mr. Morrow made the motion, seconded by Ms. Holder, to approve the branding and logo and asked if they wished to retain the motion and second. Mr. Morrow retained the motion, but Ms. Holder withdrew her second because she had concerns about the proposed colors of the design for safety reasons. Mr. Baker then seconded the motion. Vote was 3 in favor, 1 opposed (Holder); the motion carried.

J. Open Mic/Additional Participant Concerns – Commissioner Chapman commented that when he receives the ETAB agendas and minutes he distributes them to all Commissioners and the County Manager.

Mr. Morrow gave a brief update of upcoming projects that NCDOT is doing for us that will include trail improvements.

K. Adjourn – There being no further business, at 4:51 p.m. Ms. Holder moved, seconded by Mr. Daniel, to adjourn the meeting. The motion carried unanimously.

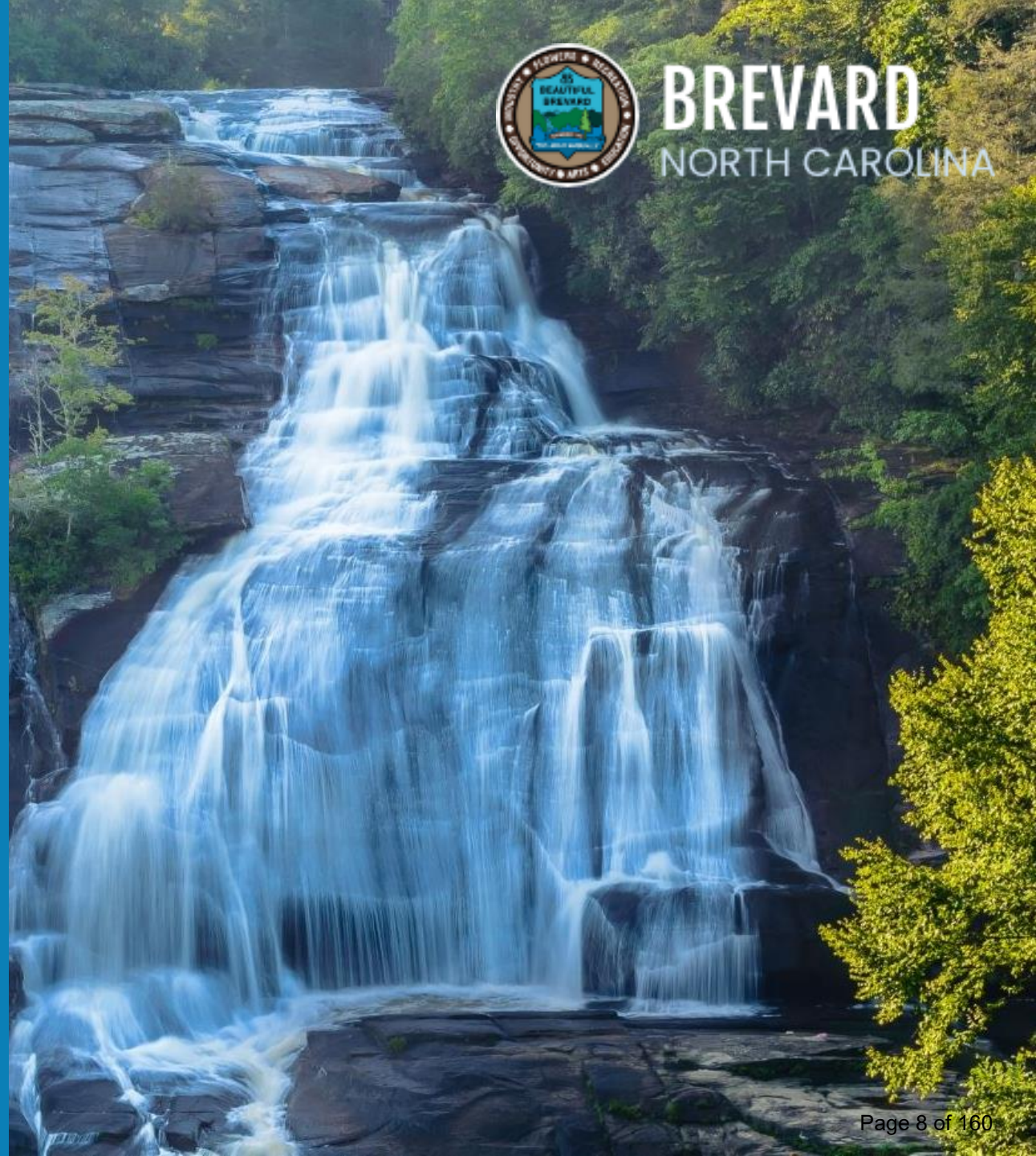
Maureen Copelof Mayor	Denise Hodsdon, CMC City Clerk

Minutes Approved: August 19, 2024

Ecusta Trail

Mayor Maureen Copelof

June 2024



City of Brevard (COB) Expanding Role

- March 2015, Res 2015-03 City Council officially supports Ecusta Trail
- June 2021, Res 2021-21 establishes city's intent to "take the lead" as primary government agency for the trail in Transylvania County
  - Critical to have government entity overseeing trail in order to obtain grant funding
  - Transylvania County declined a key role
  - City decides to assume responsibility (securing funding, overseeing construction and managing public use) for entire 8 miles of trail in Transylvania County. Long linear park 100 feet wide and 8 miles long. Only a few hundred yards are actually within City of Brevard boundary
- December 2021, Res 2021-58: Establishes Brevard/Transylvania County Ecusta Trail Advisory Board
- June 2022 City signs 50-year lease with Conserving Carolina

Federal Funding Sources

- Federal Lands Access Program (FLAP) Grant $1M for engineering. Grant application approved based on connecting the Ecusta Trail to Pisgah National Forest.
- National Significant Federal Lands & Tribal Projects (NSFLTP) grant $21.4M awarded based on connecting Ecusta Trail into Pisgah National Forest
  - Regional grant request with funding for both Brevard and Henderson sections
  - Construction only (no engineering)
- Rebuilding American Infrastructure with Sustainability & Equity (RAISE) grant $24.5M
  - Construction only, no engineering
  - Regional grant for both Brevard and Henderson County
- All 3 federal grants being administered by NCDOT

Other Federal, State & Local Funding Sources

- Friends of Ecusta Trail: $3.3M local donations and $7.5M in state funding. Amounts support both Henderson County and Transylvania County side of trail.
- Transylvania TDA: $1M pledge.
- Henderson County has other unique funding only applicable to HC: STBG Funding $15.5M: HC TDA pledged funding

- Trail funding is a mixture of types of funds, some with restrictions and other funding that is more flexible.

Ecusta Trail Advisory Board

- Chartered December 2021
- Oversee the financing and construction of trail
- Membership crafted to bring key stakeholders together
  - Majority of membership outside agencies: County, FOET, Conserving Carolina, TDA
  - Mayor as co-chair to facilitate regional coordination
  - Parks & Trails Chair as co-chair to ensure cross linkage and communication between ETAB and Parks & Trails Committee
  - Chairs of ETAB and RTAC attend each others meetings
- Focus on regional aspect of trail
  - Creation of seamless 19 mile trail with common branding/policies/user experience

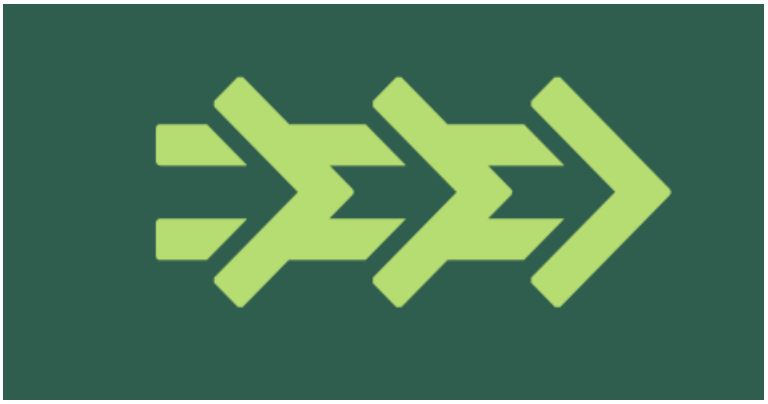
Accomplishments & Challenges

- Accomplishments:
  - Funding for both design/engineering and construction received
  - 30% engineering completed and ready for review
  - Strong regional relationship established

- Challenges:
  - Multiple funding sources…some with restrictions
    - Federal and state grant funding limited to the 19-mile rail footprint/ 100 ft right of way
  - Different timelines to operational status
    - Henderson County First 6-mile section will be operational 2 years earlier than Brevard section
    - Decisions that we thought were in the future need to be made now…decisions that both Brevard and Henderson County need to agree upon.
    - Branding Decision

LOGO

BADGE


ICON

PATTERN

Ecusta Trail Amenities

Hunter Marks, RLA, ASLA, LEED AP

Sarah Schafer, BLA

June 26, 2024

WATERMARK
LANDSCAPE ARCHITECTURE ▪ LAND PLANNING ▪ CONSULTING

List of Amenities

30% - 100%

Stations

Location Markers

Waste/Recycle Receptacles

Benches

Bike Racks

Orientation Markers

Interpretative Signage

0%-100%

Parking Areas

Landscape Screening/Buffer Areas

Drinking Fountains

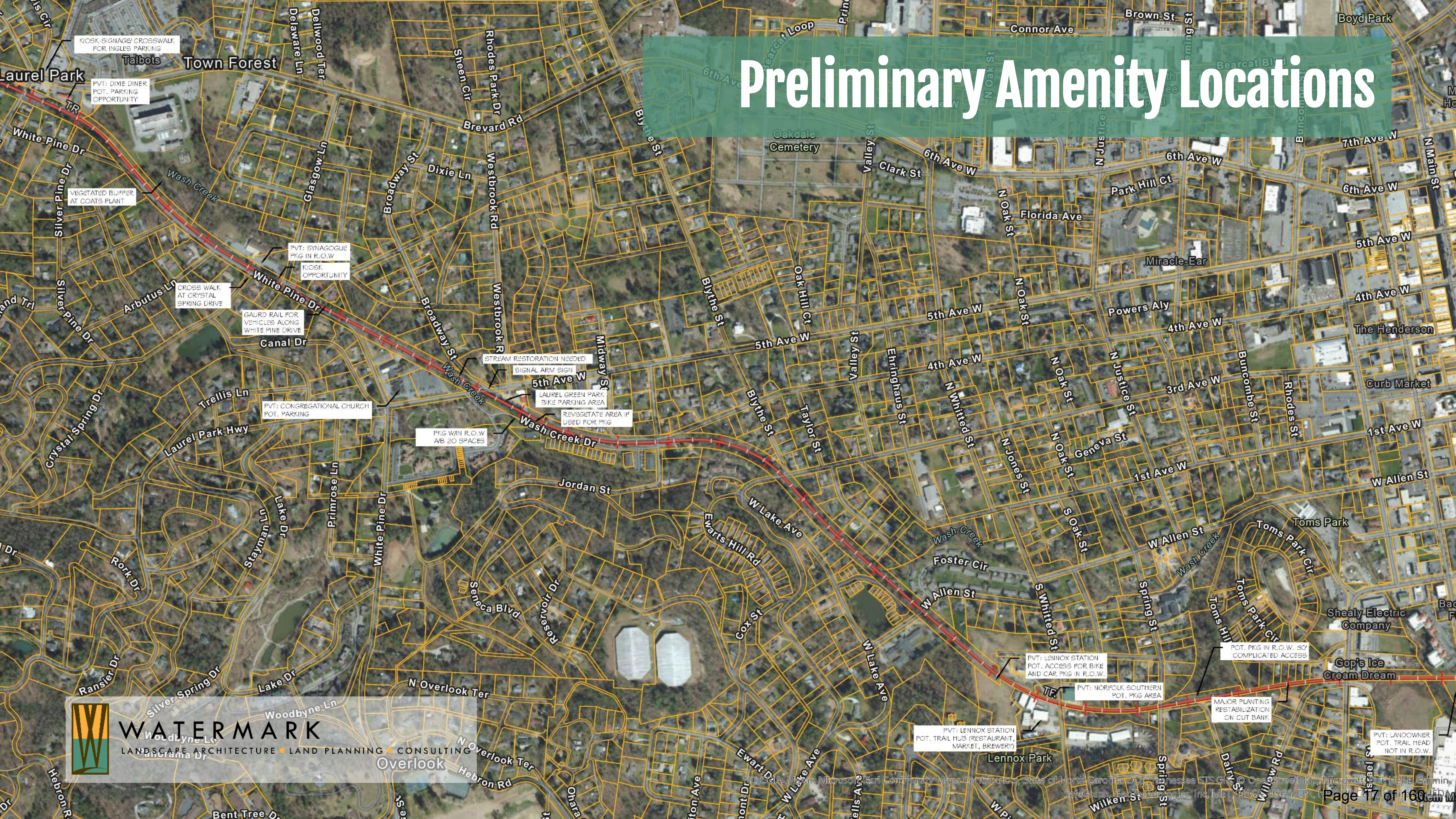
Bike Repair Stations

Trail Counters

Viewing Platforms

WATERMARK
LANDSCAPE ARCHITECTURE ▪ LAND PLANNING ▪ CONSULTING

Preliminary Amenity Locations



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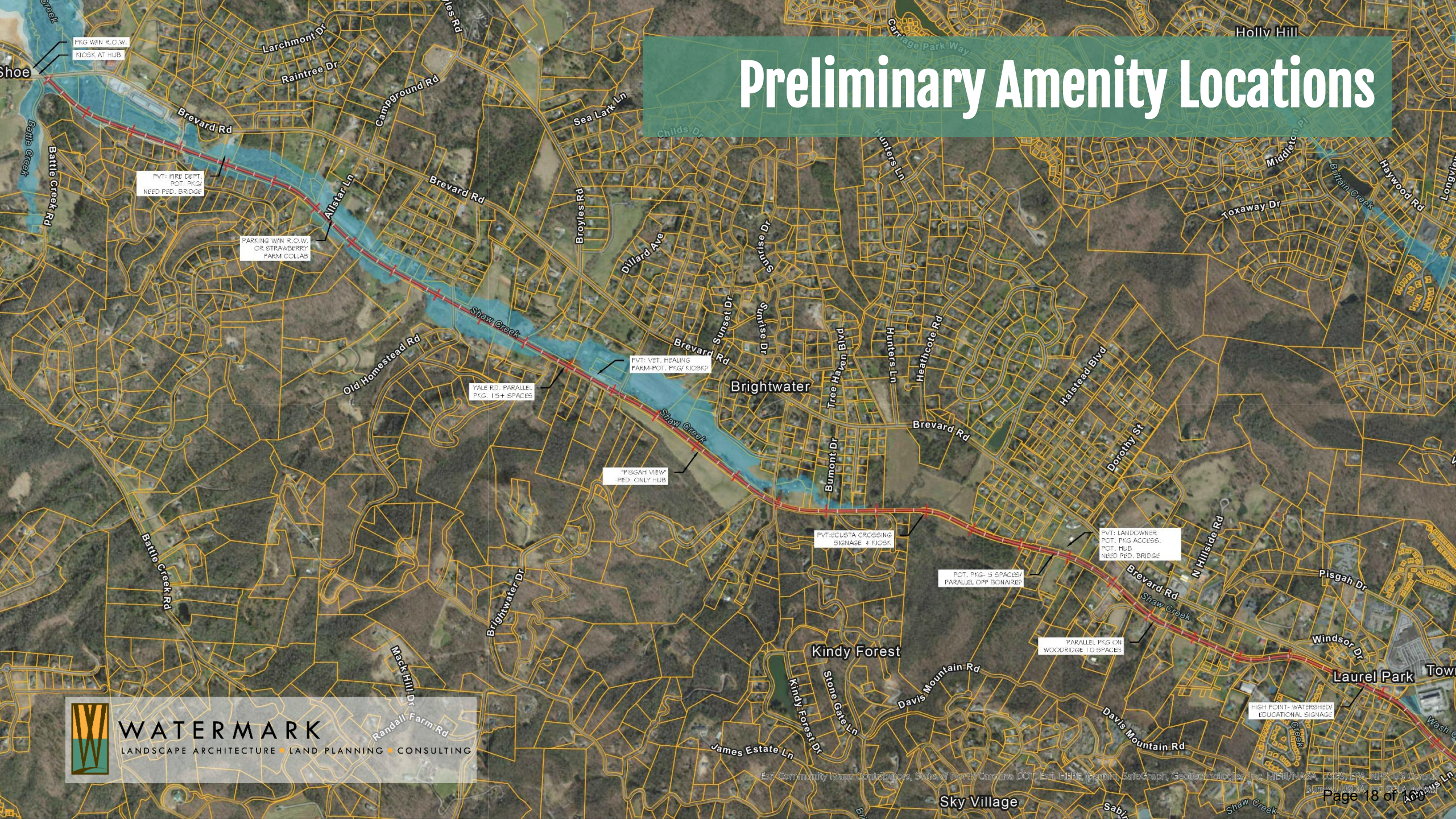


30% Design Inspiration

Background Inspiration

SOUTHERN RAILWAY
SERVES THE SOUTH
LOOK AHEAD-LOOK SOUTH

HENDERSONVILLE STATION

BREVARD STATION

TRAIN PLATFORM

ETOWAH STATION

MAIN COLORS

SECONDARY COLORS

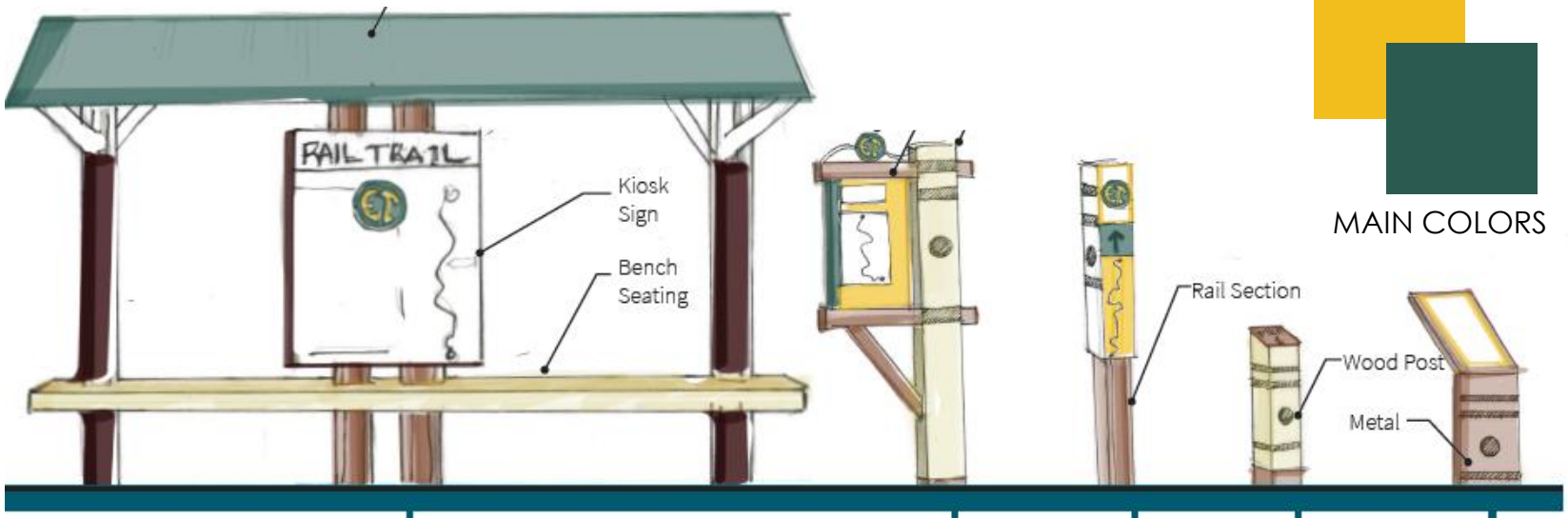
WATERMARK
LANDSCAPE ARCHITECTURE ▪ LAND PLANNING ▪ CONSULTING

30% Design Inspiration

Background Inspiration

SOUTHERN RAILWAY SR SERVES THE SOUTH

LOOK AHEAD-LOOK SOUTH



MAIN COLORS

SECONDARY COLORS

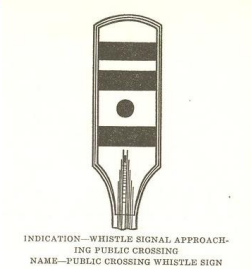
STATION - W/ SEATING

KIOSK

ORIENTATION MARKER

LOCATION MARKER

INTERPRETIVE SIGNAGE

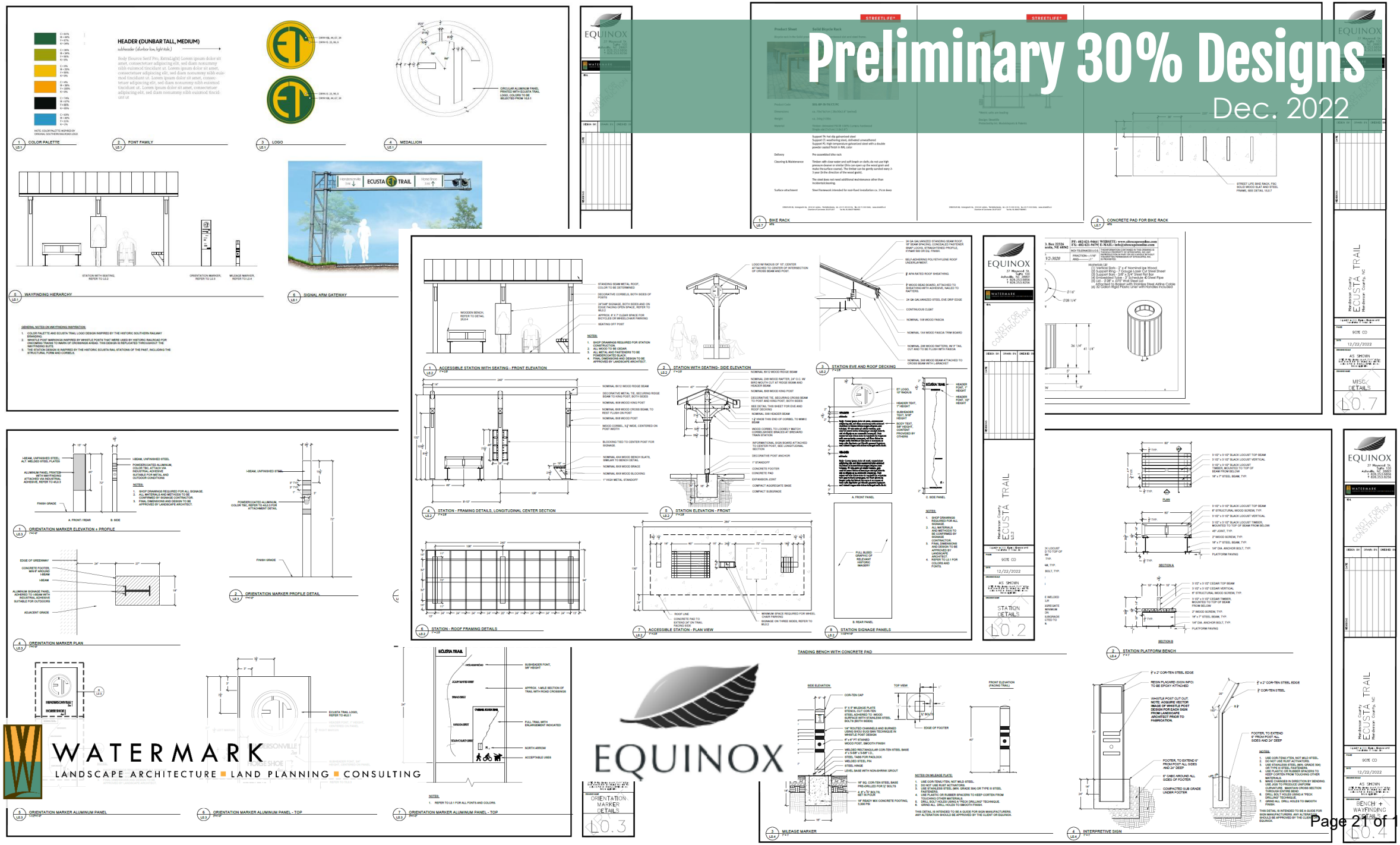


WATERMARK

LANDSCAPE ARCHITECTURE ■ LAND PLANNING ■ CONSULTING

Preliminary 30% Designs

Dec. 2022



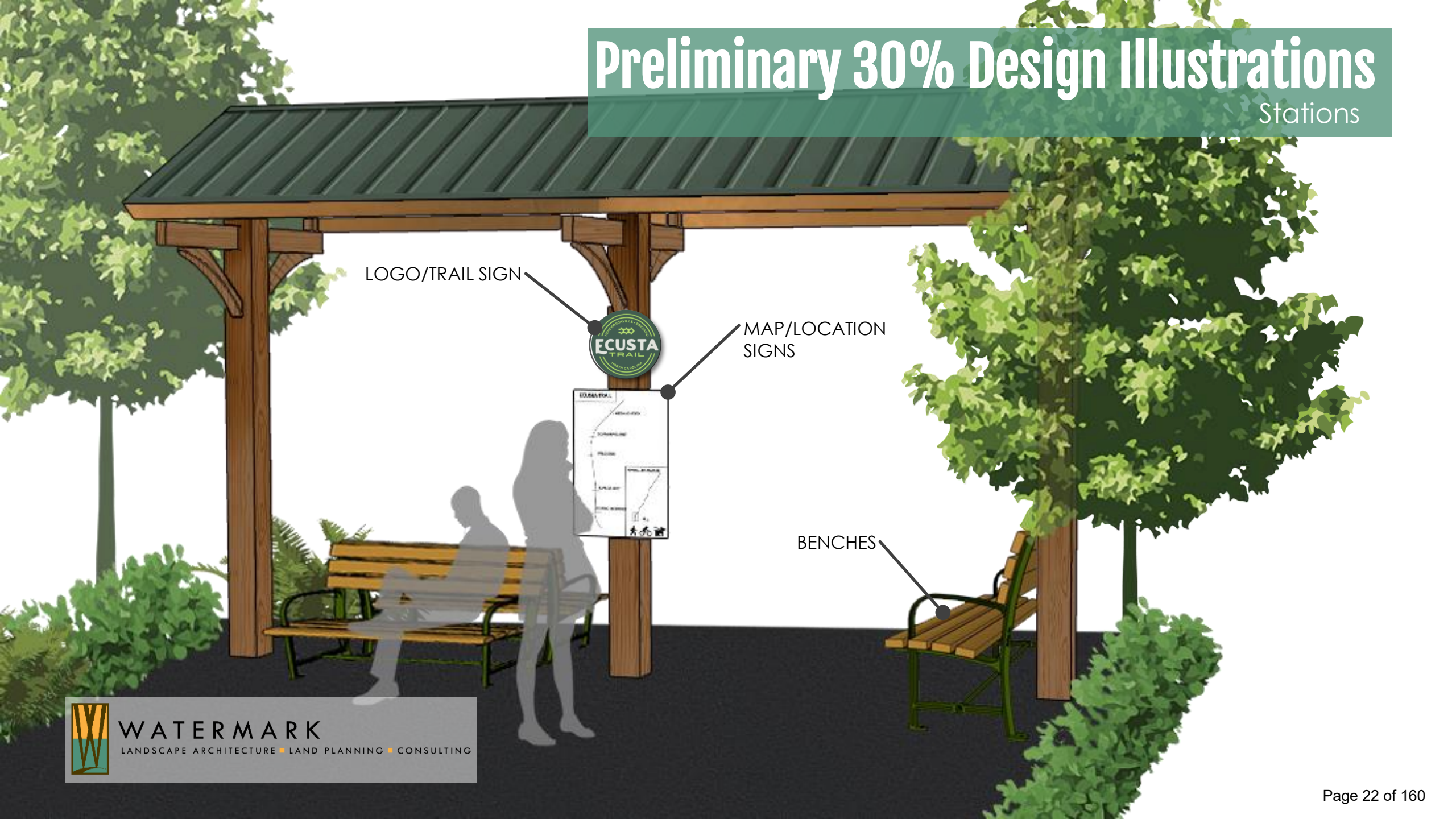
WATERMARK

LANDSCAPE ARCHITECTURE ■ LAND PLANNING ■ CONSULTING

EQUINOX

Preliminary 30% Design Illustrations

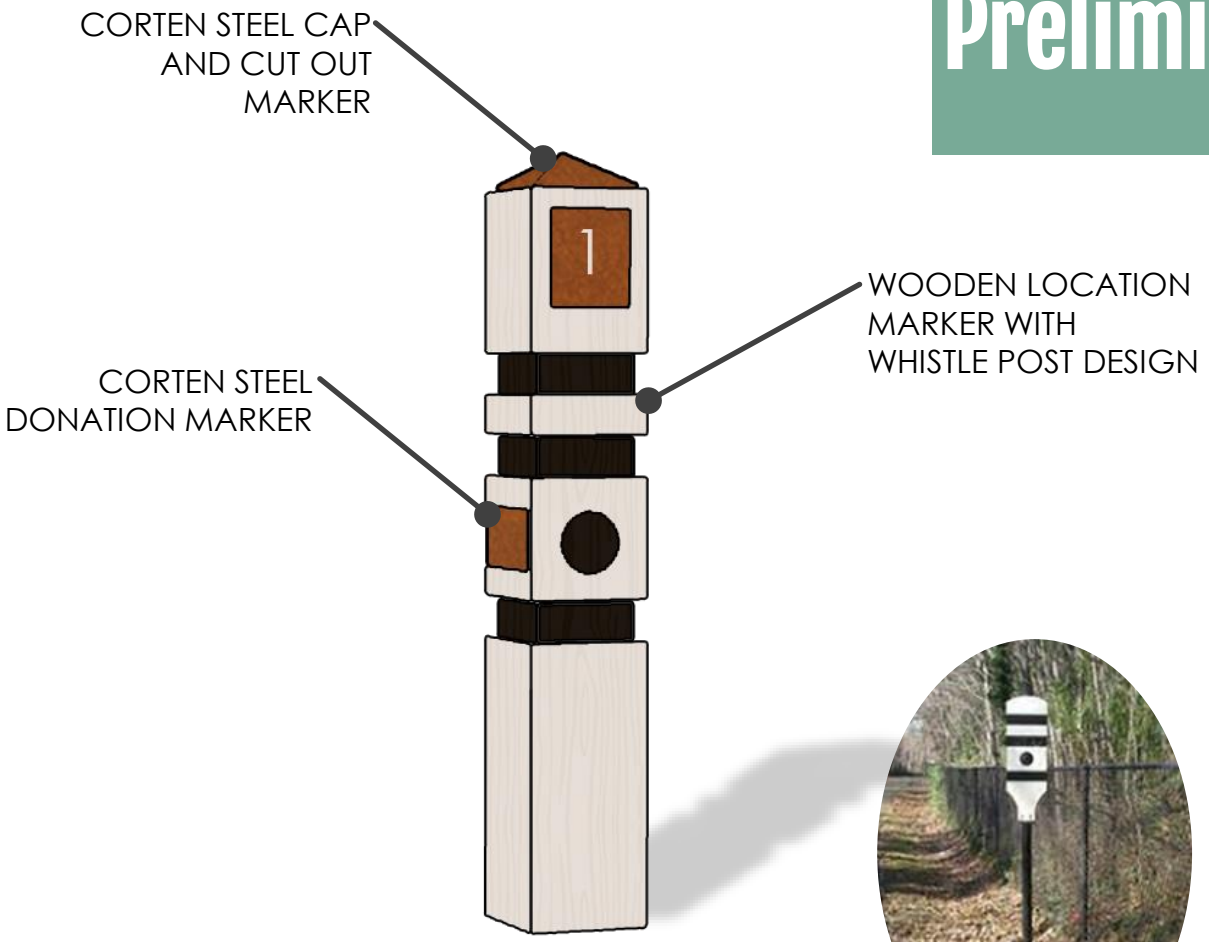
Stations



WATERMARK
LANDSCAPE ARCHITECTURE ▪ LAND PLANNING ▪ CONSULTING

Preliminary 30% Design Illustrations

Location Markers & Interpretive Signage



LOCATION MARKER

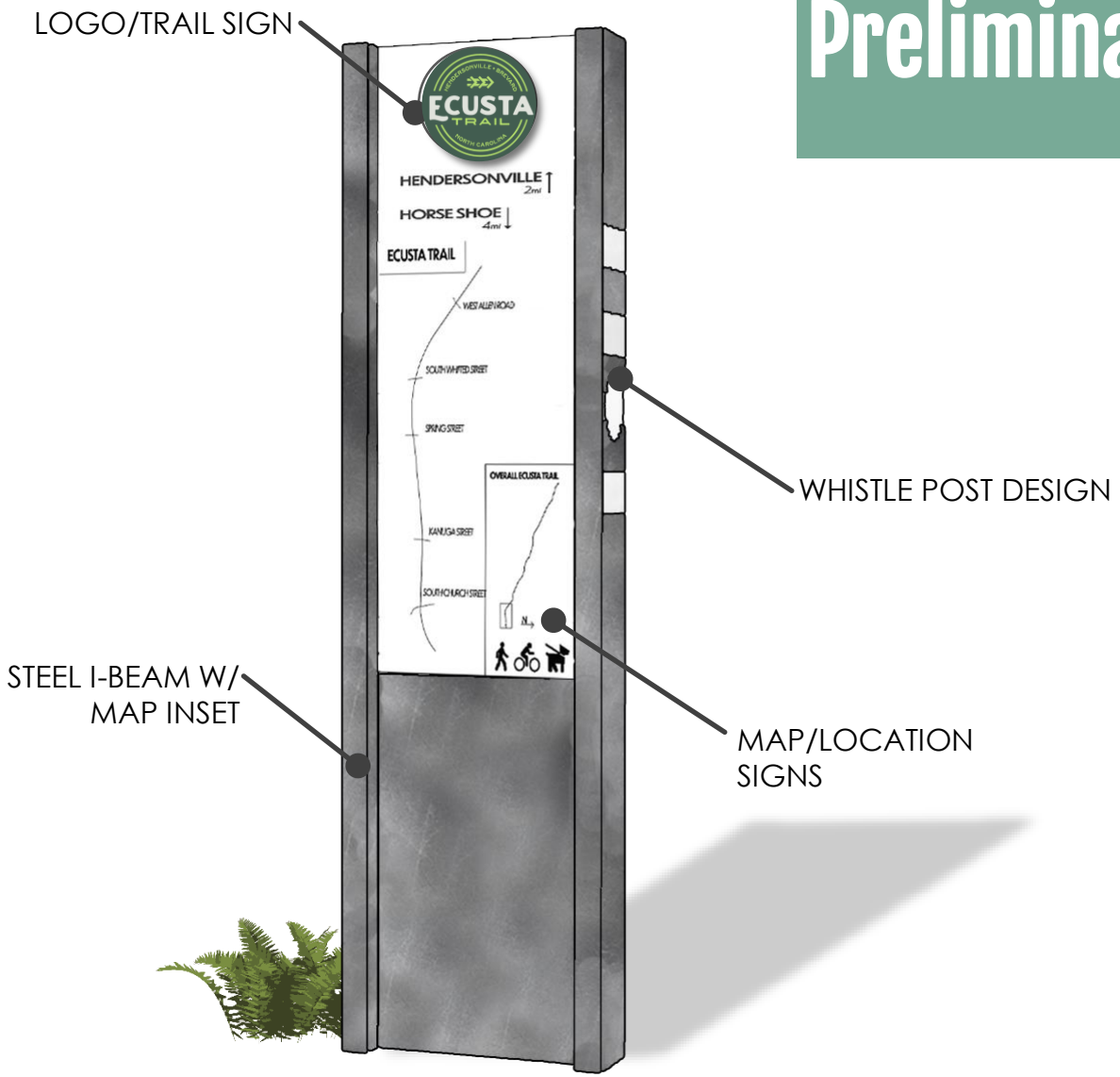
SOUTHERN RAILWAY WHISTLE POST

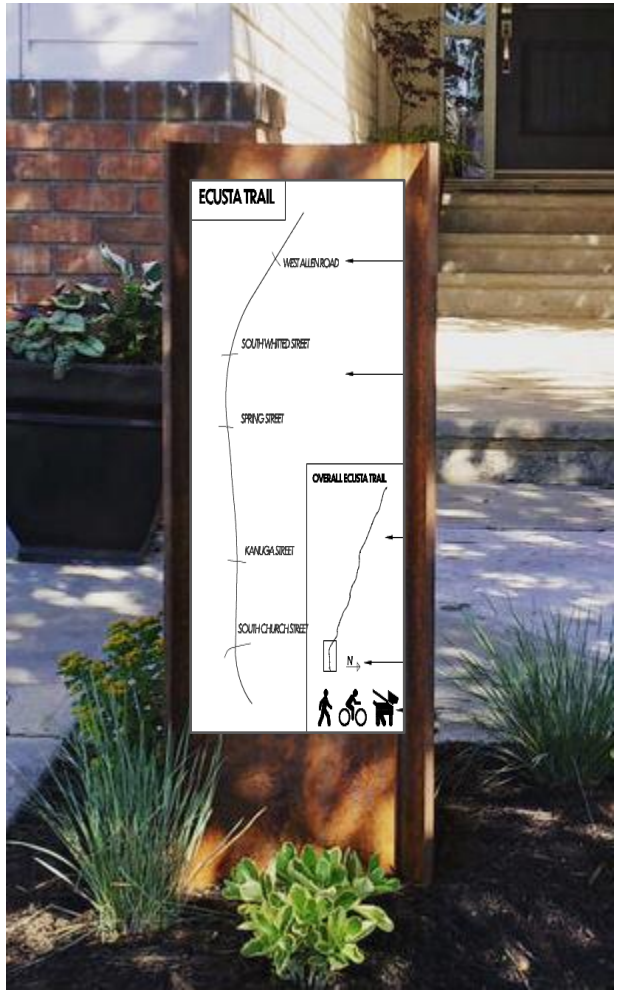
INTERPRETIVE SIGNAGE

WATERMARK
LANDSCAPE ARCHITECTURE ▪ LAND PLANNING ▪ CONSULTING

Preliminary 30% Design Illustrations

Orientation Marker





WATERMARK
LANDSCAPE ARCHITECTURE ▪ LAND PLANNING ▪ CONSULTING

Ecusta Trail Amenities

Hunter Marks, RLA, ASLA, LEED AP

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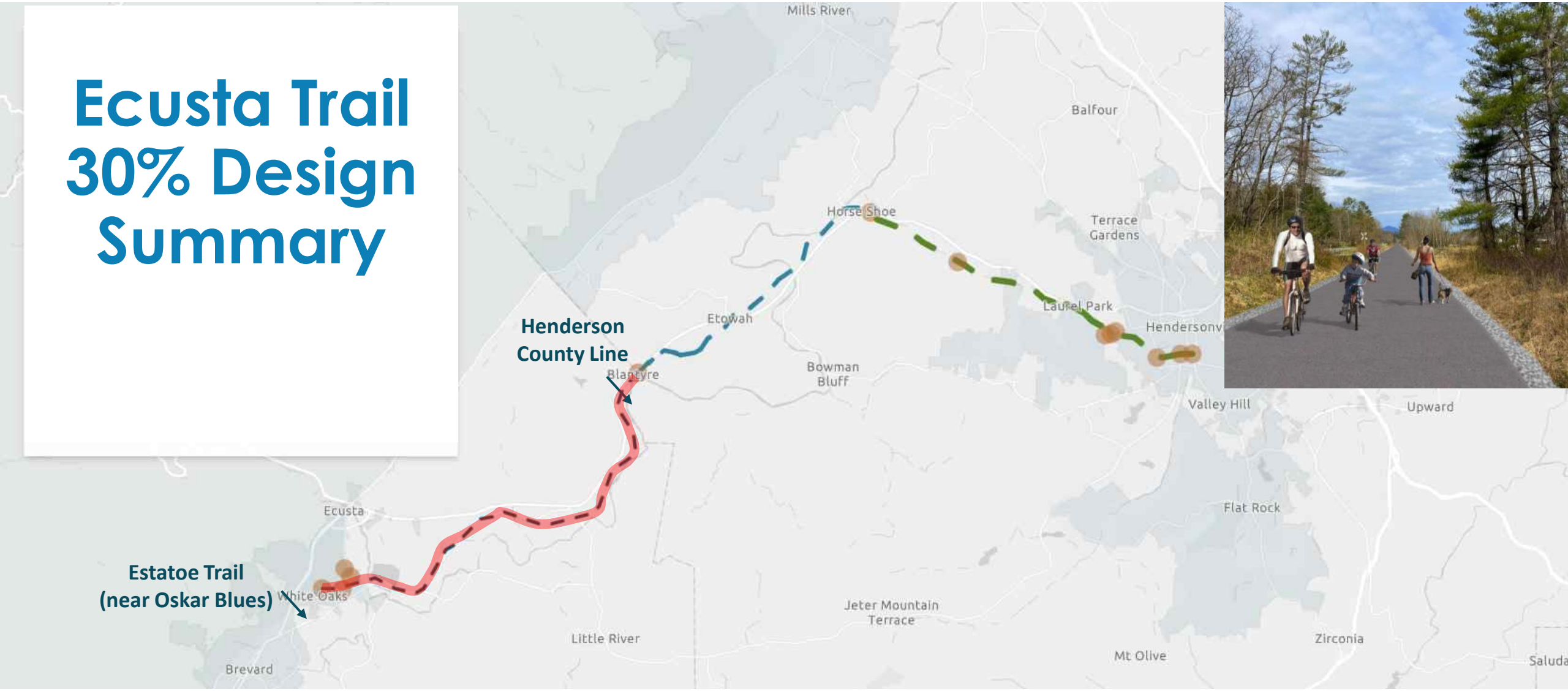
June 26, 2024

WATERMARK

LANDSCAPE ARCHITECTURE ▪ LAND PLANNING ▪ CONSULTING

Ecusta Trail 30% Design Summary

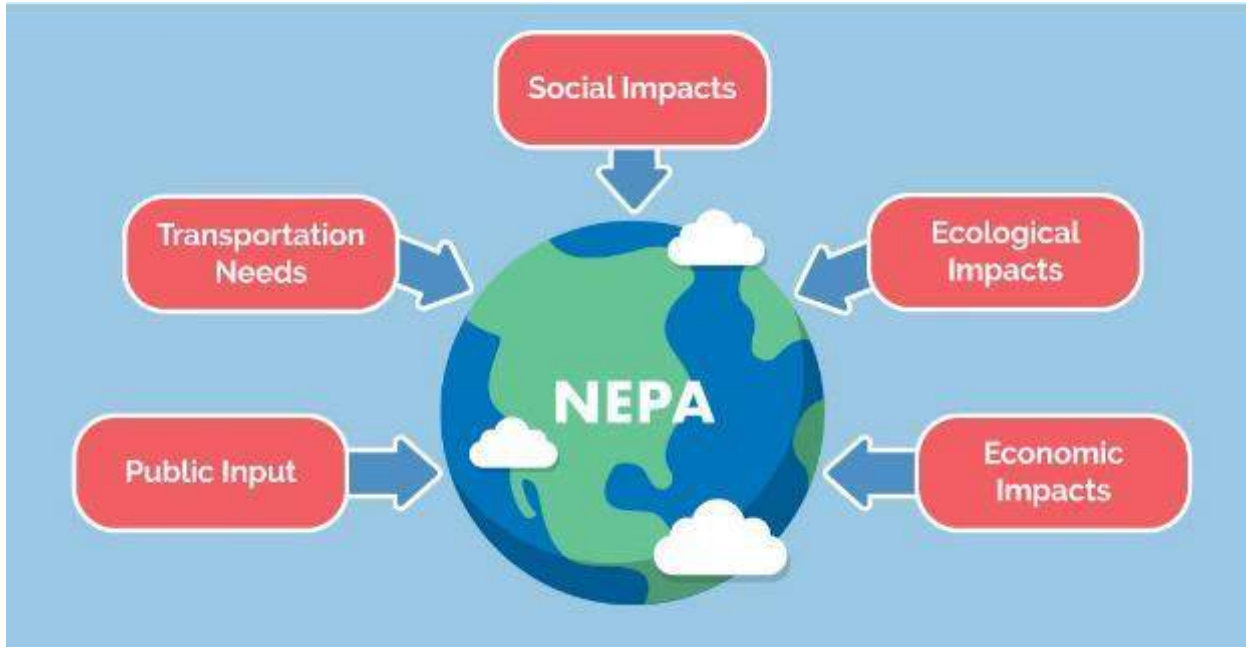


NCDOT Division 14 On-Call Consultant Team

NCDOT	**Lonnie Watkins, Project Manager**
TRAFFIC PLANNING AND DESIGN, INC.	Trail Design, Structures and Hydraulics
JMT	Survey, Utilities, Environmental
EQUINOX	Environmental
PUBLIC PARTICIPATION PARTNERS	Public Engagement for Environmental Document
Terracon	Geotechnical Investigations
WATERMARK LANDSCAPE ARCHITECTURE AND PLANNING CONSULTING	Landscape Architecture and Public Engagement Support

Federal Funding = Federal Requirements

We are here

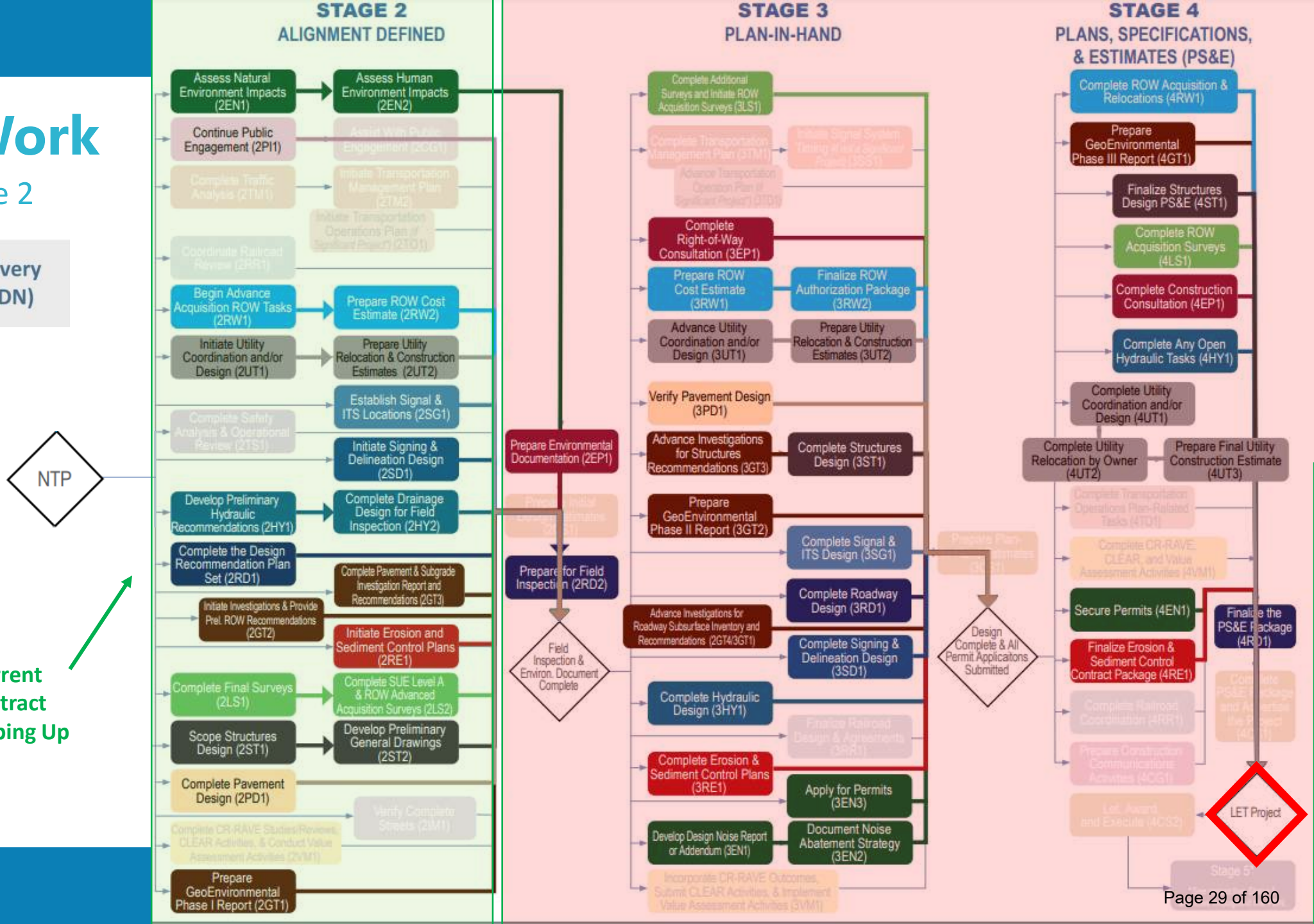


NEPA requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions.

Scope of Work

30% Design - Stage 2

Project Delivery Network (PDN)



Current Contract Wrapping Up

BREVARD NORTH CAROLINA

30% Design Status

June (this week)

- Finish 30% Design Plans – Design Model Converted to Plans w/ Labels in PDF Form
- Upload to NCDOT Website
- Submit Cost Estimate Request to NCDOT
- **All Preliminary Until NCDOT Reviews**

July

- **NCDOT Review**
- **NCDOT Cost Estimates**
- **Final Design Scoping Submission**

Additional Ongoing Tasks

Brownfield Environmental Management Plan

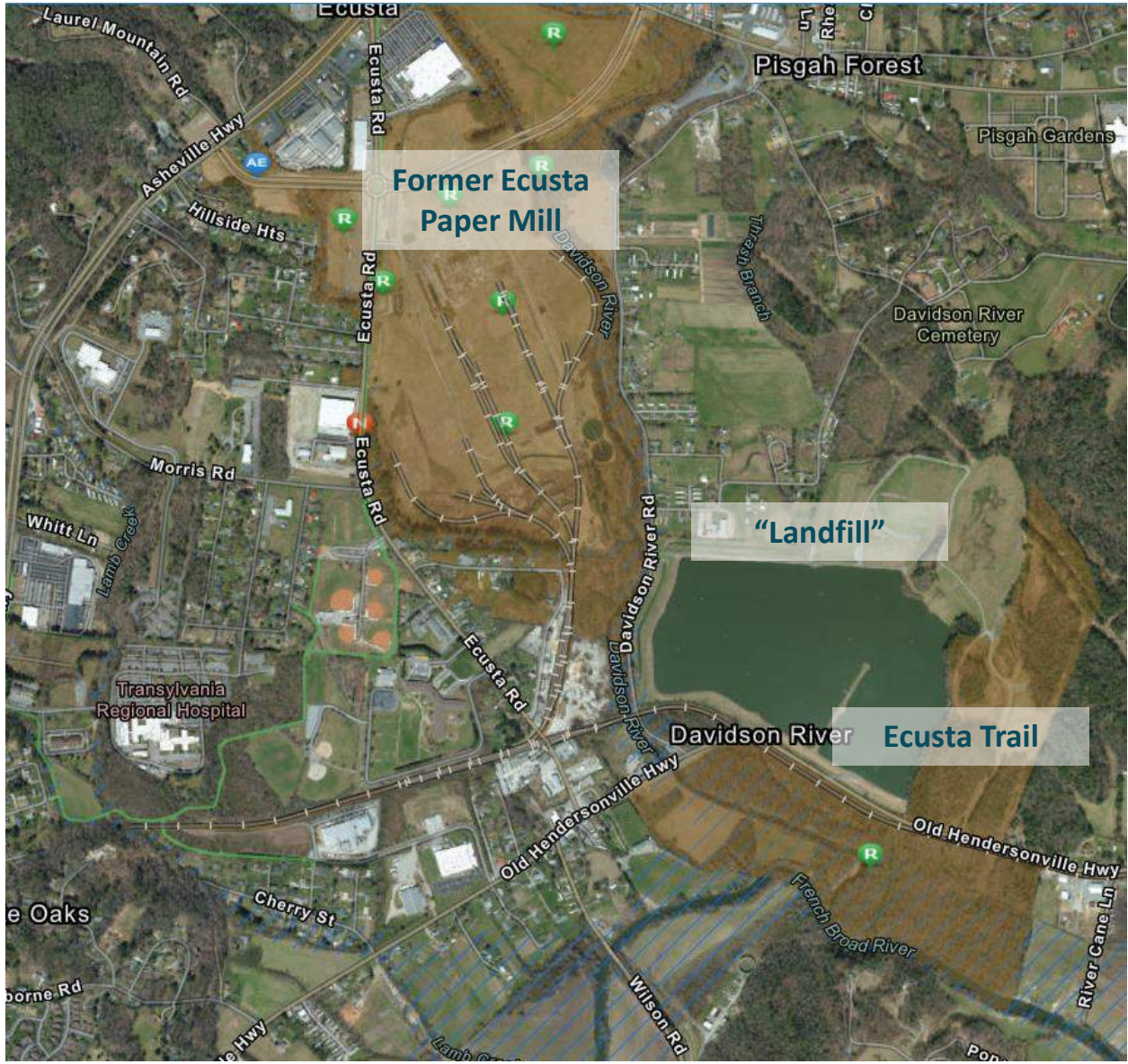
Environmental Documents – Archaeology and Natural Resources

Public Engagement

- July: Prepare Meeting Graphics and Website
- August: NCDOT Review
- Aug/Sept: Public Meeting Late Summer

Trail Amenities Work

- Field Visit this Week

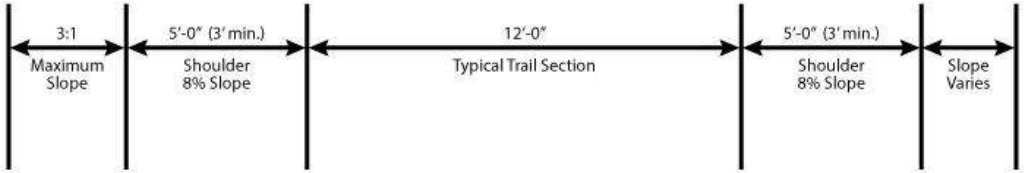


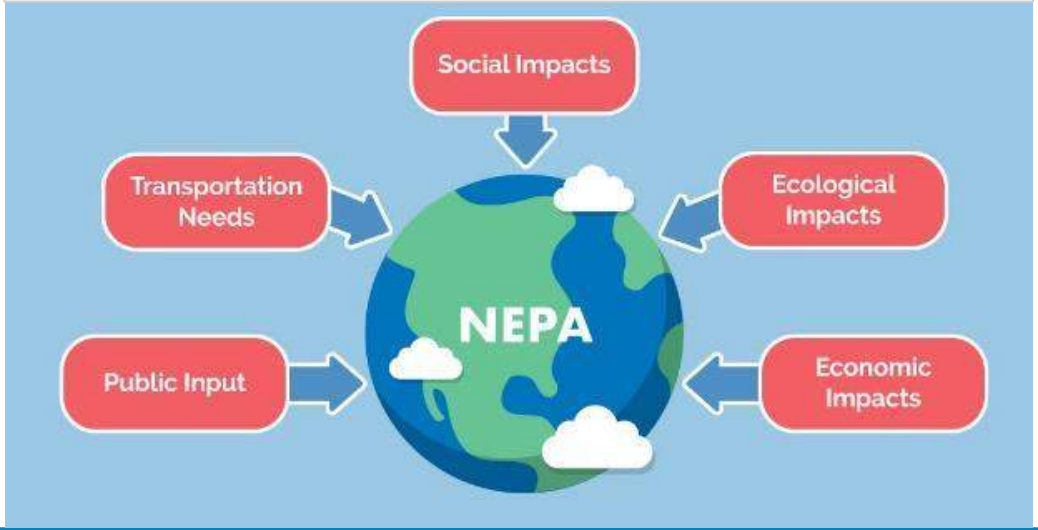
So what have we been up to?

30% Design Tasks Completed

- ✓ Set Design Standards (Width, Grades, Edge Conditions)
- ✓ Determine How to Fit the Trail on Existing Rail Bed
- ✓ Delineate Wetlands
- ✓ Screen for Environmental Impacts (NEPA)
- ✓ Investigate Ways to Minimize Impacts to the Surrounding Area (Homes, Driveways, Utilities, Streams, Wetlands, etc)
- ✓ Identify Elements for Final Design (Pipe Replacements, Retaining Walls, Grading Extents, Utility Relocations etc)
- ✓ Ensure Water Can Drain and Flood Levels Not Impacted
- ✓ Road Crossing Recommendations
- ✓ Bridge Inspection and Replacement Recommendations
- ✓ **Construction Cost Estimate (Led by NCDOT) - July**

These Tasks Determine Final Design Scope of Work





Setting Design Criteria

- **Trail Paved Width:** 12 feet
- **Graded shoulder:** 5 feet desired (3 feet min)
- **Running grade:** ≤ 5%
- **Cross-slope:** ≤ 2%
- **Typical shoulder grade:** 1V:12H (8%)
- **Trailside obstructions:** 2 foot offset (bushes/rocks/abutments/poles/signs)
- **Steep Slopes (≥1V:3H):** 5 foot minimum to top of slope
- **Possible barrier / fence:** Depending on height of drop
  Slopes ≥ 1V:3H, ≥ 6 foot drop
  Slopes ≥ 1V:3H, adjacent body of water/obstacle
  Slopes ≥ 1V:2H, ≥ 4 foot drop
  Slopes ≥ 1V:1H, ≥ 1 foot drop
- **Design Vehicle:** Ambulance

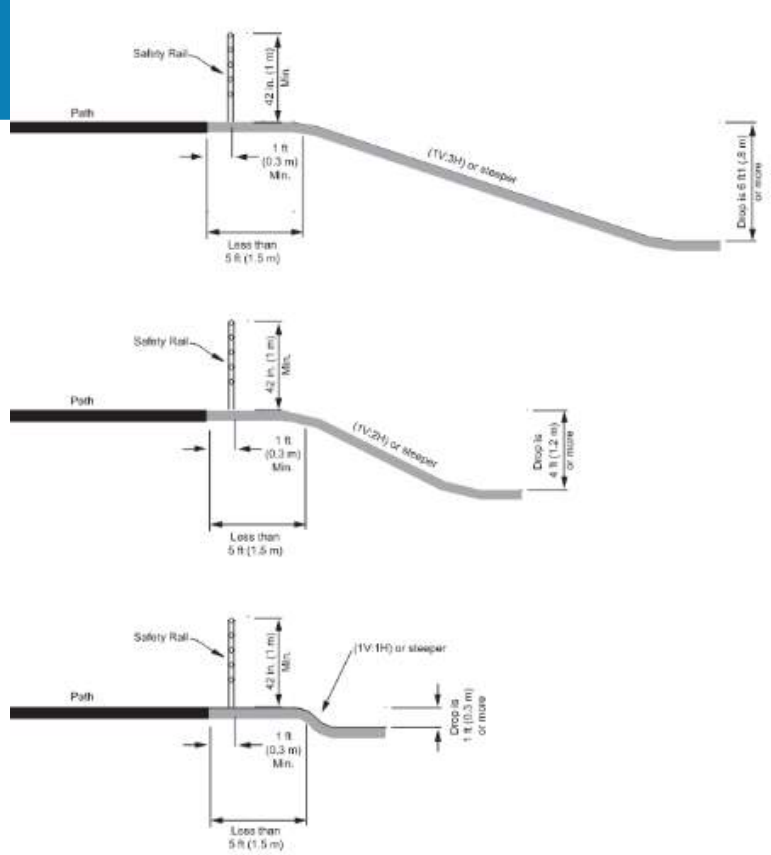
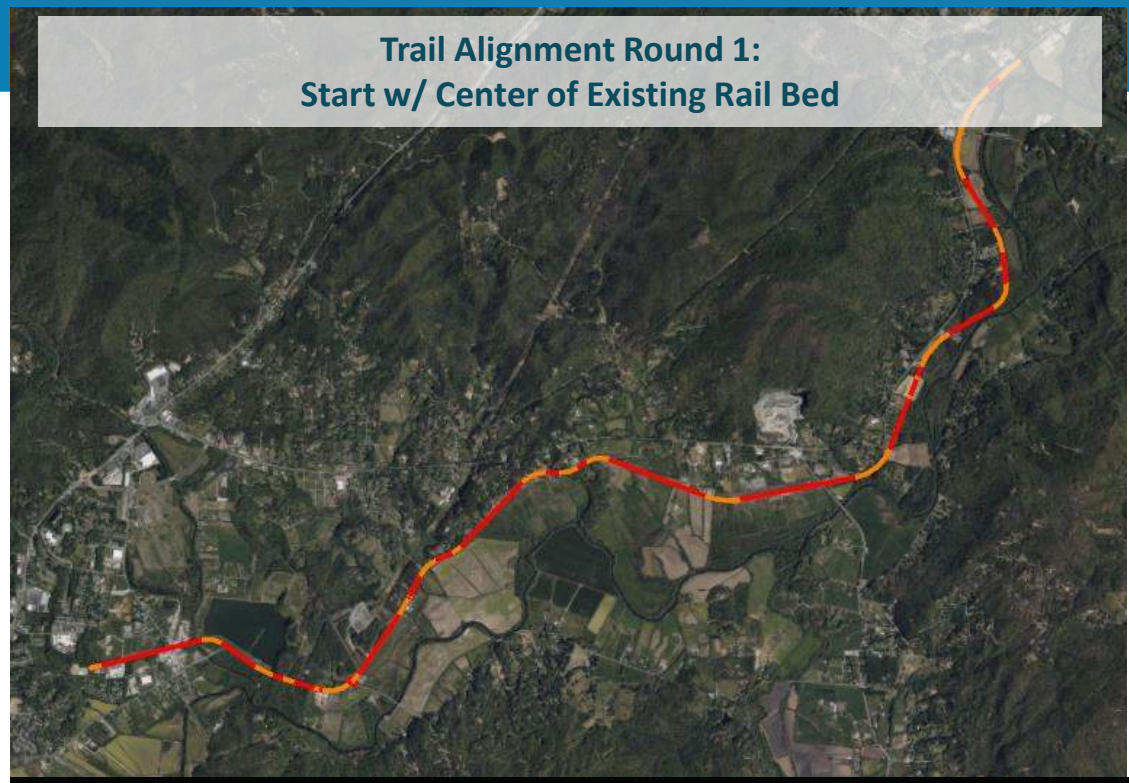
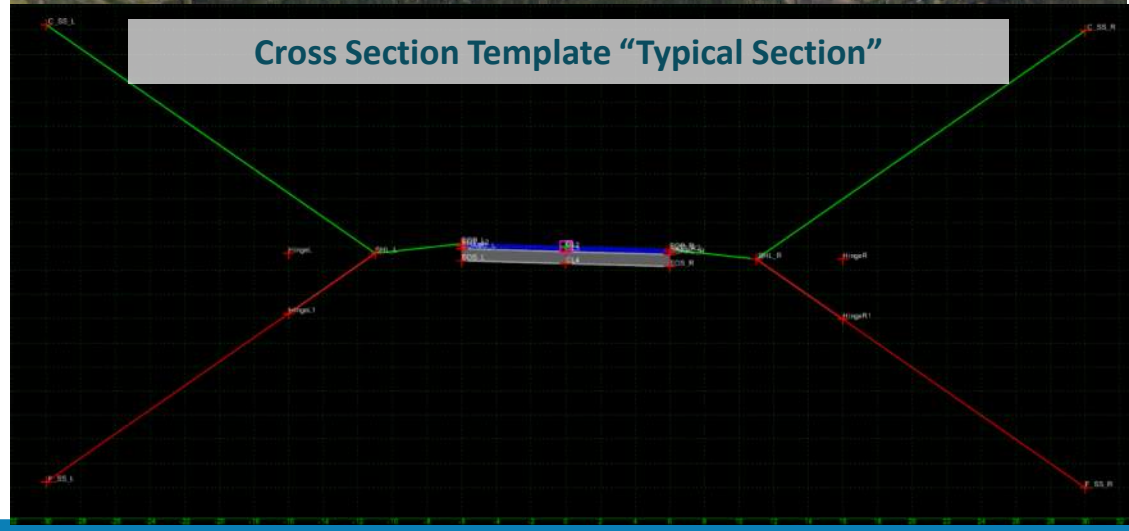


Figure 5-3. Safety Rail Between Path and Adjacent Slope

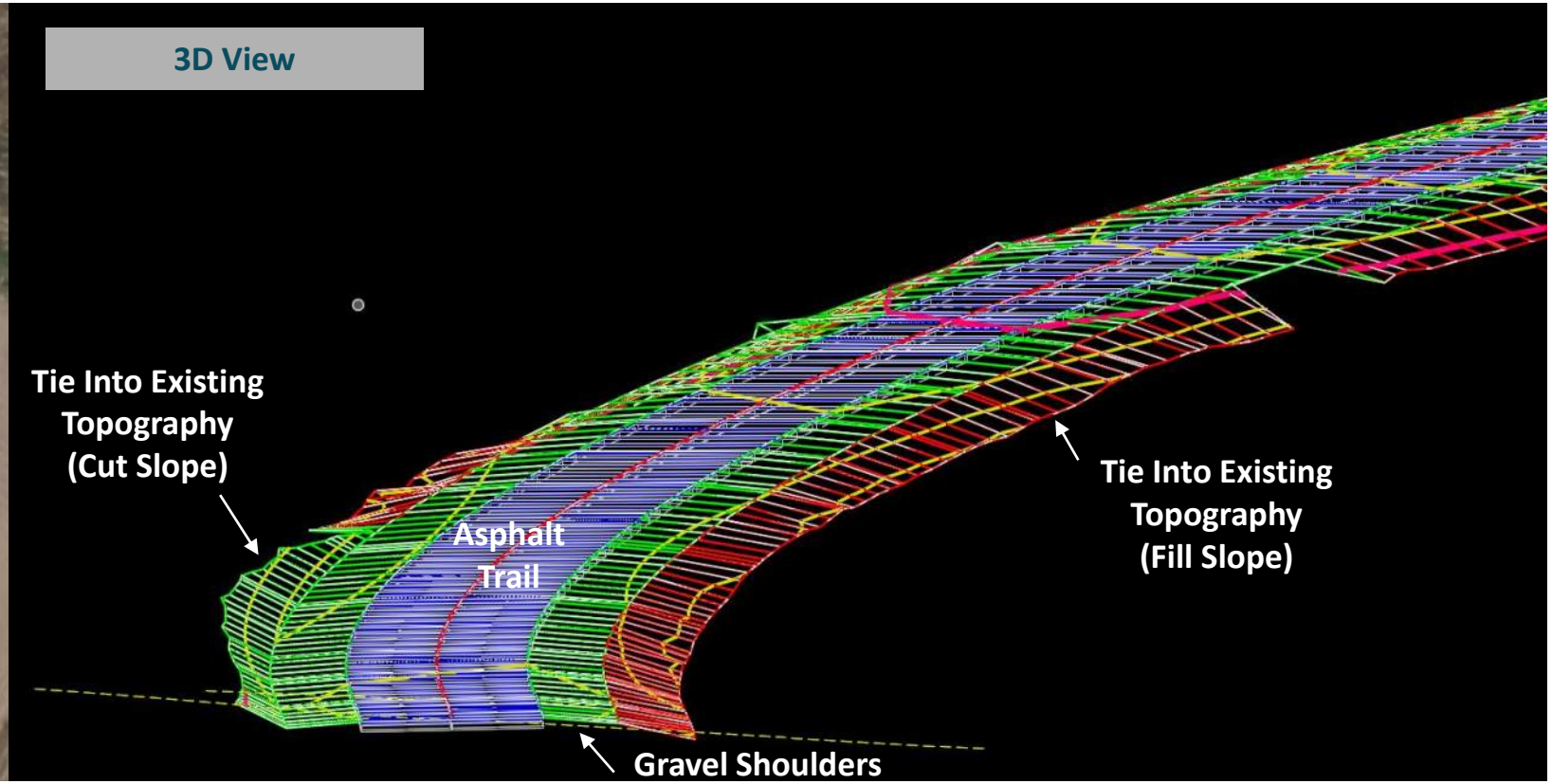
Design Model Overview

1. **Start with Existing Rail Bed Centerline**
2. **Apply a Cross Section Templates w/ Design Parameters**
   - 12’ Wide Asphalt Trail (Cross slope max 2% varies to left/right)
   - Set Depth of Pavement
   - 5’ Wide Gravel Shoulders @ 8% Cross slope
   - Set Tie In Parameters Beyond Shoulders (Defines cut and fill grading)





Resulting Surface Model

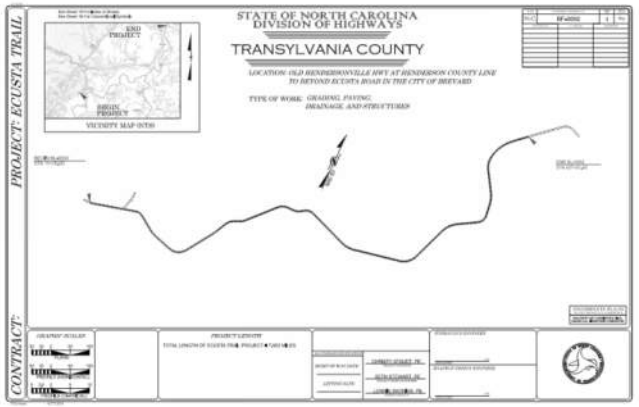


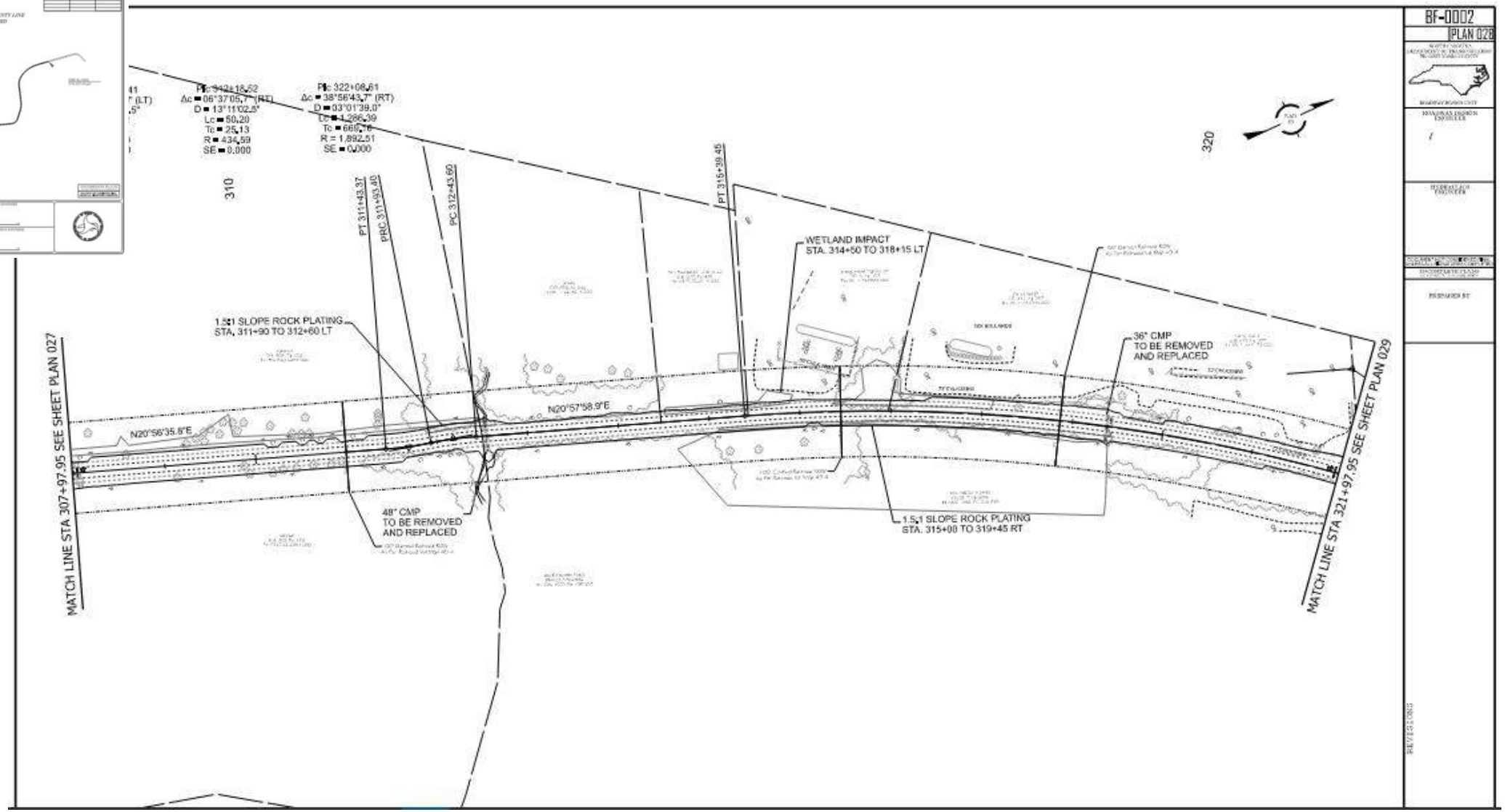
Refine Alignments and Plan Creation

Detailed Review of 8 Miles of Trail

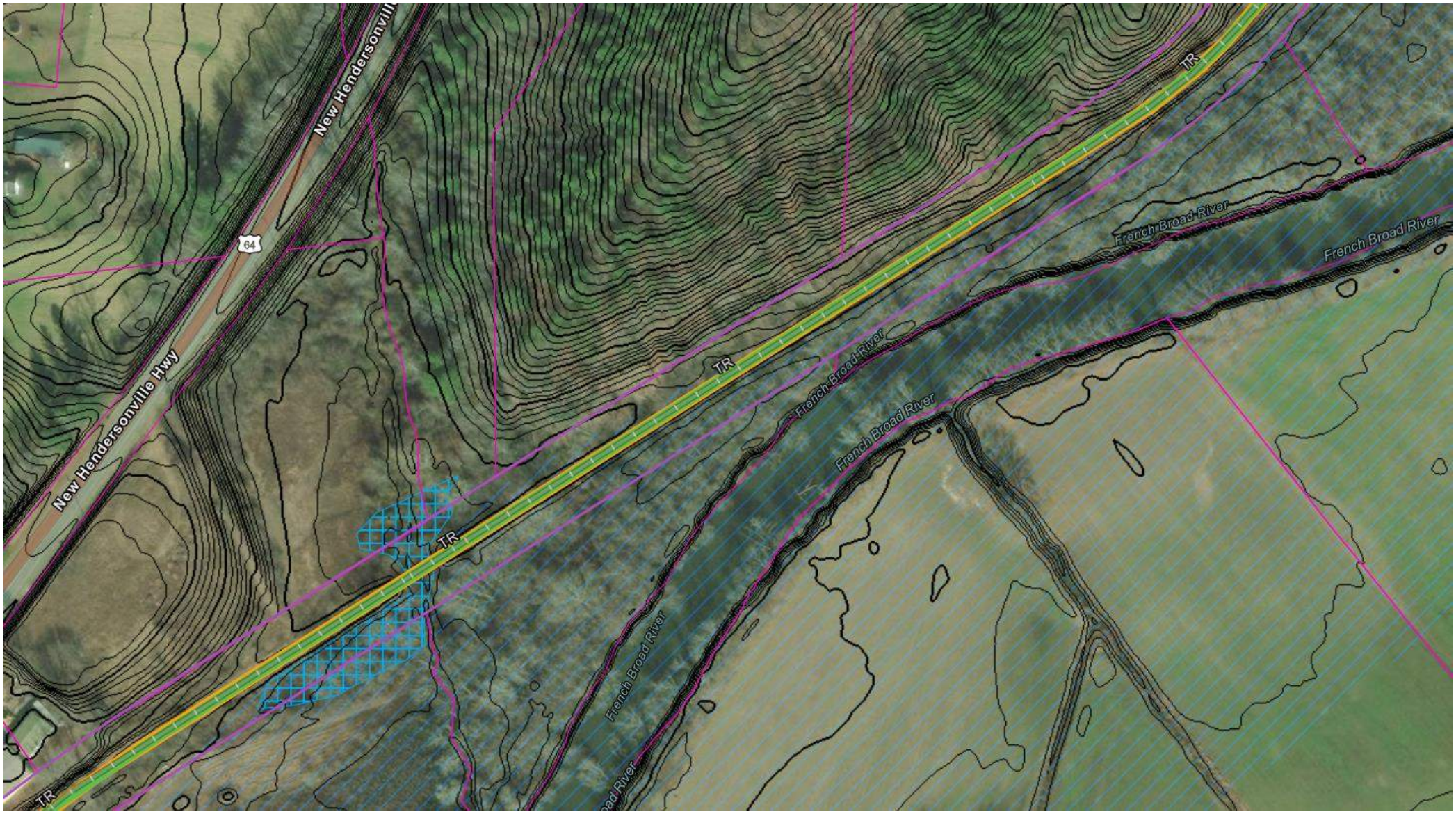
1. Alter vertical and horizonal alignment to avoid elements such as wetlands, streams, utilities and homes etc.
2. Identify walls, pipe headwalls etc.
3. Bridge tie in points modeled
4. Plan preparation (notes/labels)

Example: Draft 30% Plan View





Public Meeting Materials – Will Be Easier to Read



Legend

Ecusta Centerline

Edge of Trail

Right-of-Way

Parcels

Wetlands Export polygons

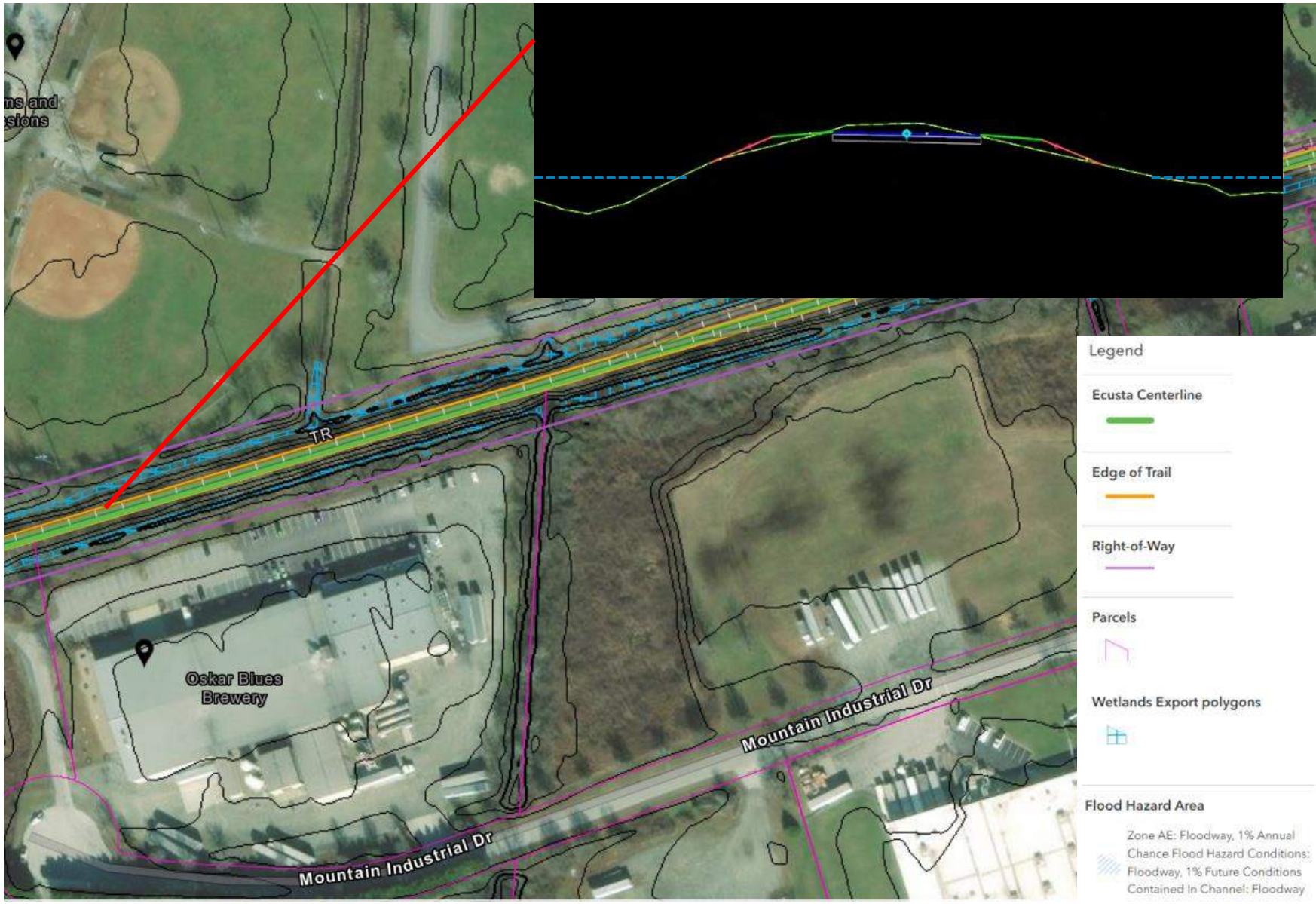
Flood Hazard Area

Zone AE: Floodway, 1% Annual Chance Flood Hazard Conditions: Floodway, 1% Future Conditions Contained In Channel: Floodway

Avoid Wetlands

Behind Oskar Blues

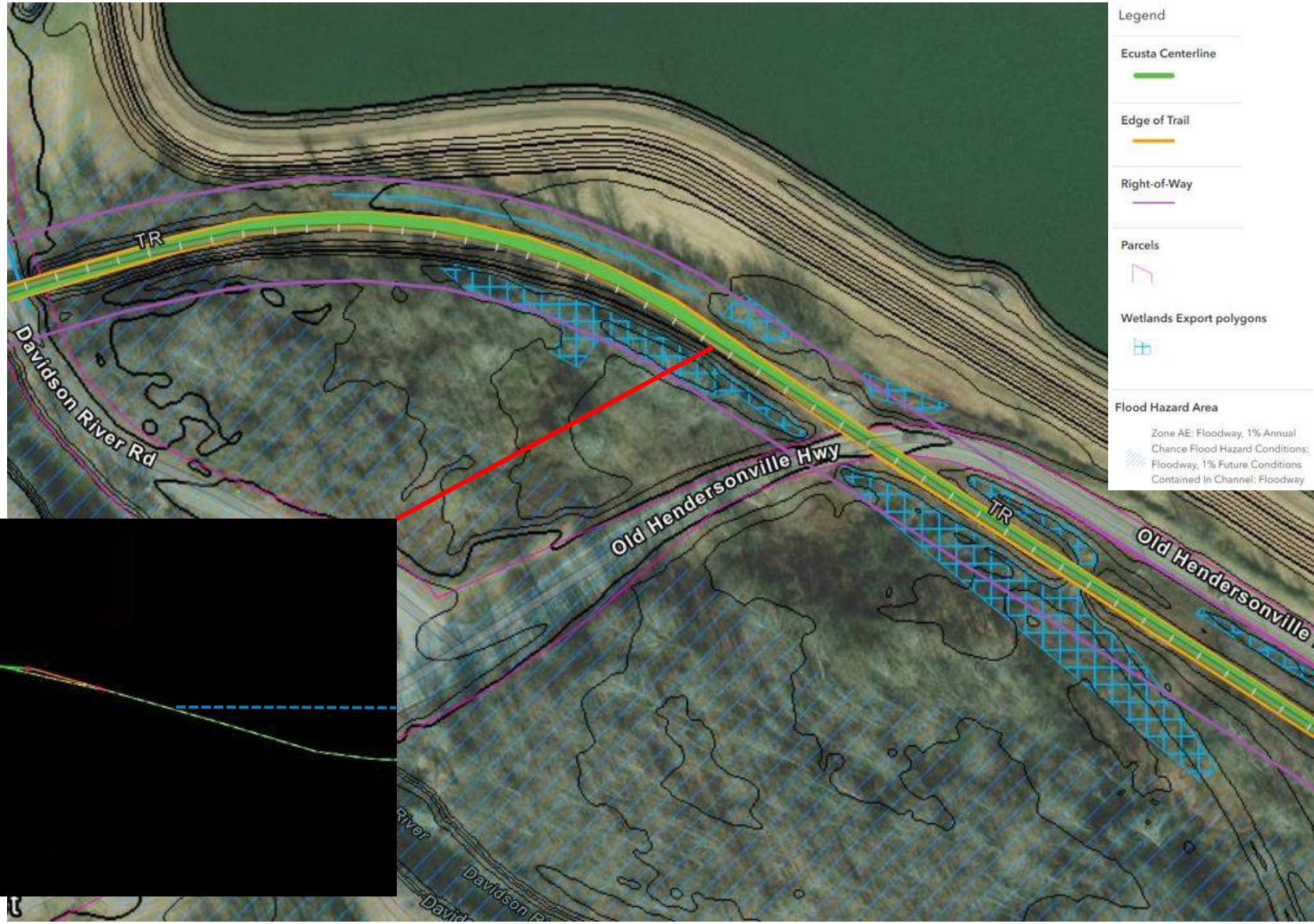
» Avoided with Horizontal and Vertical Trail Shifts

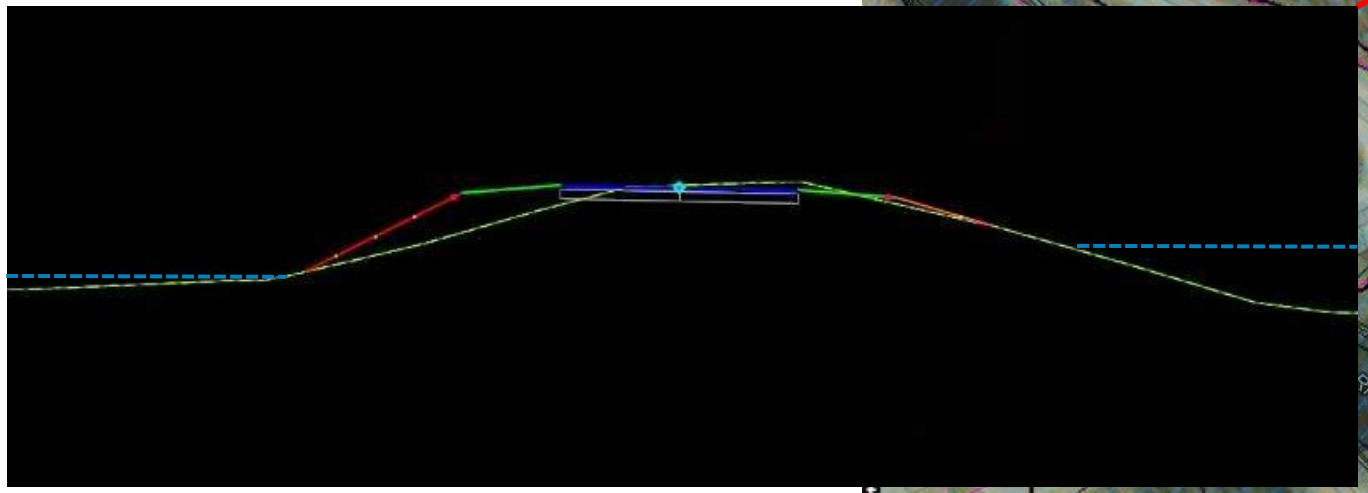


Avoid Wetlands

Crossing Old Hendersonville Highway

- Complicated by Crossing and Utilities
- Need to raise trail over Davidson River Road w/o filling wetlands



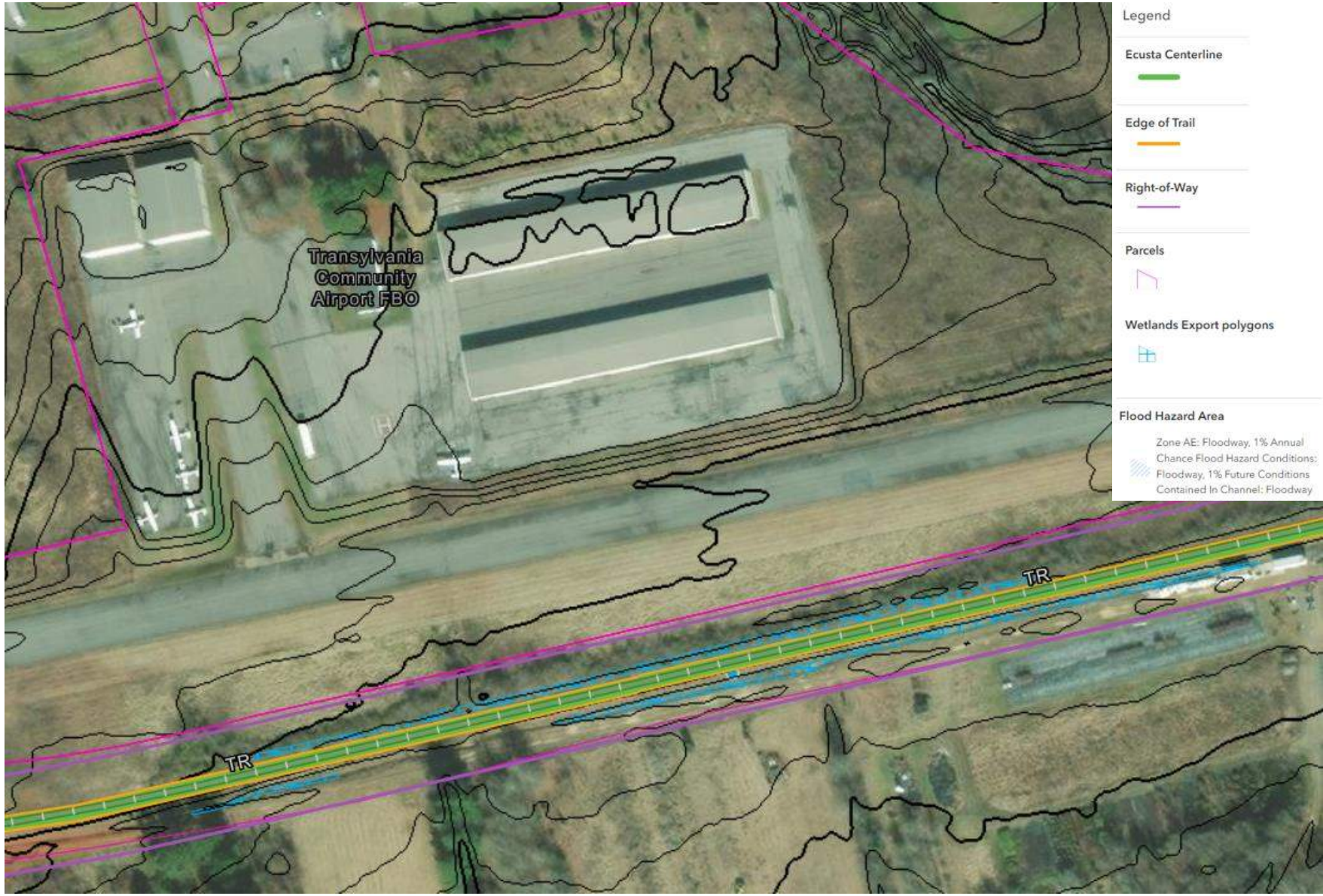


Other Impacts & Tradeoffs

Calculate Wetlands Impacts

Example Behind Airport

- » Impact Unavoidable
- » Impact Lower Quality Wetlands
- » Coordination with Airport (Fencing – Keep out of Wetlands)



Avoid Property Impacts

Near Everett Road

- Private Property/Driveways
- Utilities and Road
- Wetlands
- Drainage

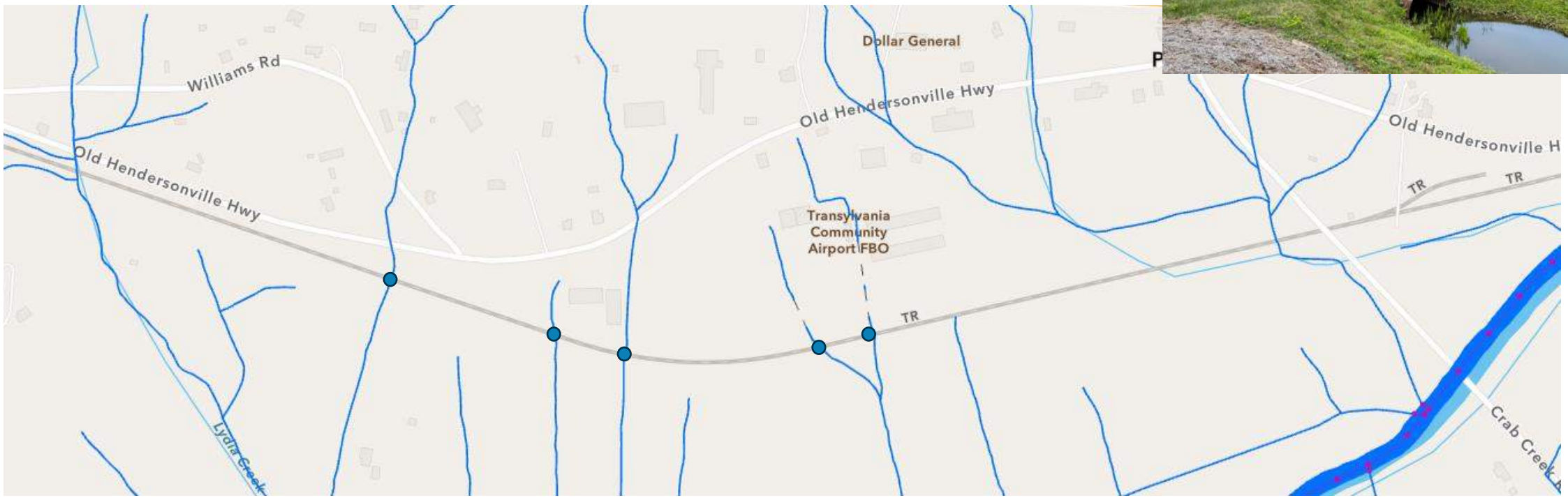
Solutions – Final Design Tasks

- Horizontal Shift - North
- Separate Driveway with Grass and Fence or Landscaping
- Drainage Improvements

Drainage Needs and Utilities

Ensuring Water Drains

- Preliminary drainage design to ensure greenway alignment is set
- Analysis to determine preliminary hydraulic opening requirement
- Additional pipe replacements identified and included
- Review 8 miles of topography and grading (42 pipe crossings)



42 Pipes Evaluated

Most Corrugated Metal and in Poor Condition

30 Pipes to Replace with Reinforced Concrete Pipe (RCP)

Better for Trail Maintenance

Reduce Need to Disturb Trail to Replace Later

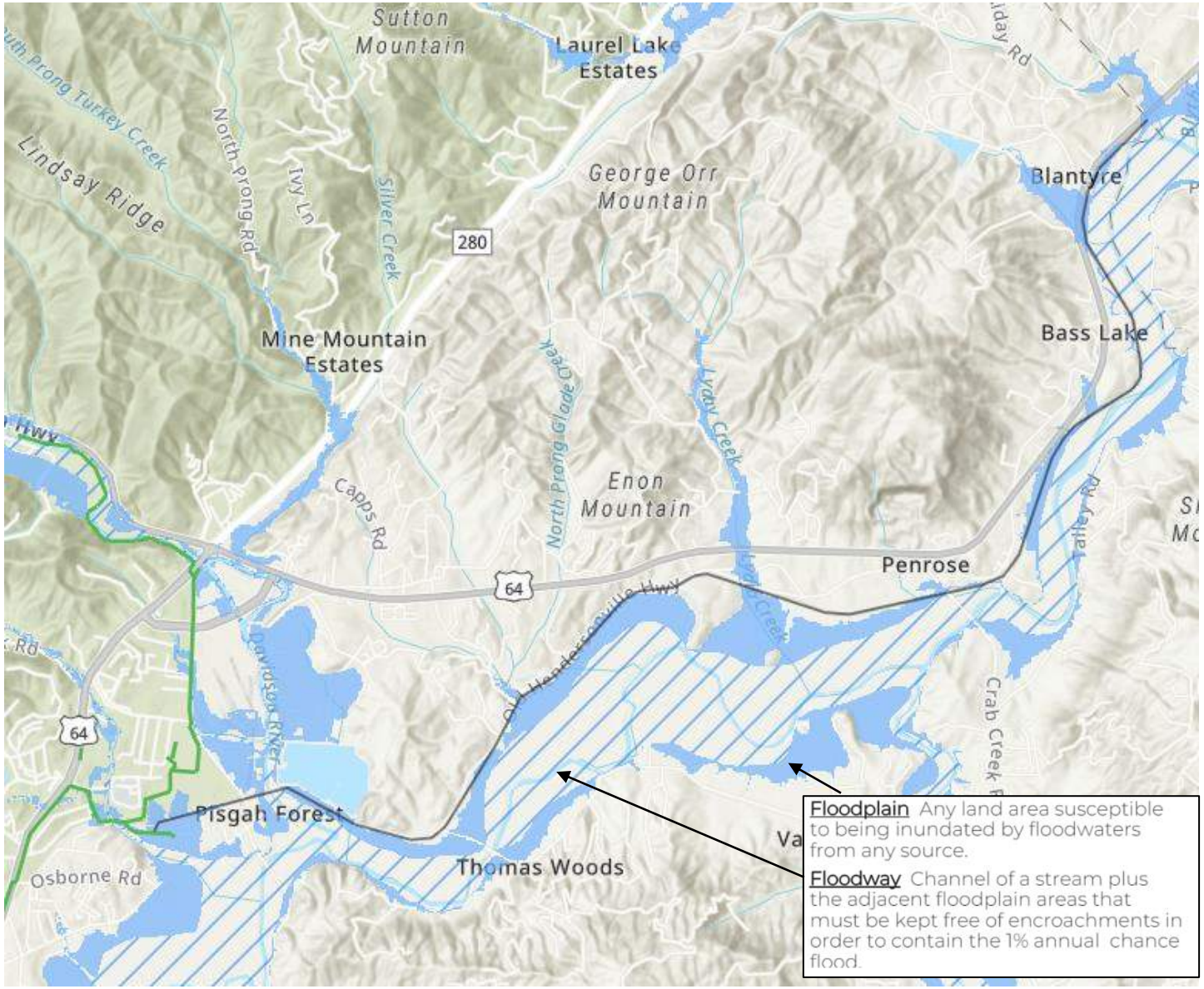
Number	Location	Pipe Type	Pipe Size (in)	Pipe Length (ft)	Invert Inlet	Invert Outlet	Treatment	Replace Type	Replace Size (in)	Replace Length (ft)	Inlet Treatment	Outlet Treatment
1	2618.77	CMP	60	42	2098.75	2098.28	Retain					838.28 Endwall
2	2627.69	CMP	60	42	2098.63	2098.27	Retain					838.28 Endwall
3	5591.36	CMP	36	45	2095.45	2095.23	Retain					
4	7132.06	CMP	72	38	2089.81	2087.18	Retain				Rock Plating Fill	838.39 or 838.80 Endwall
5	7582.47	CMP	24	27	2098.42	2097.84	Replace	RCP	24	38	840.31 Junction Box	CL I Rip-Rap
6	8031.14	CMP	24	20	2096.63	2096.43	Replace	RCP	24	30	840.14 Inlet w 840.29 Grate	CL I Rip-Rap
7	11143.58	CMP	36	30	2090.02	2088.14	Replace	RCP	30	32	838.80 Endwall	838.80 Endwall w CL I Rip-Rap
8	11550	WOOD	N/A	N/A		2088.02	2088.2	Replace	RCP	36	38	838.80 Endwall
9	11696.11	RCP	36	36	2085.44	2084.8	Retain					838.80 Endwall w CL I Rip-Rap
10	12741.47	CMP	36	36	2090.72	2090.1	Retain					CL I Rip-Rap
11	14931.78	CMP	36	30	2094.32	2093.02	Replace	RCP	36	45	838.80 Endwall	CL I Rip-Rap
12	15579.84	CMP	18	24	2100.64	2099.75	Replace	RCP	24	30	840.14 Inlet w 840.29 Grate	CL I Rip-Rap
13	15834.93	CMP	24	24	2094.84	2092.42	Replace	RCP	24	35		CL I Rip-Rap
14	16235.35	CMP	30	30	2086.27	2085.51	Replace	RCP	36	35		CL I Rip-Rap
15	16662.22	RCP	24	37	2083.39	2081.5	Retain					
16	17040.4	RCP	36	24	2084	2084.07	Replace	RCP	36	40	838.80 Endwall	CL I Rip-Rap
17	17441.28	CMP	18	28	2089.37	2087.31	Replace	RCP	18	30		CL I Rip-Rap
18	17981.03	CMP	36	40	2090.7	2089.02	Retain				HW Built into retaining structure	
19	18386.53	RCP	24	80	2098.51	2091.99	Retain					
20	18866.16	CMP	36	30	2117.28	2114.16	Replace	RCP	36	45	838.80 Endwall	838.80 Endwall w CL I Rip-Rap
21	21340.29	CMP	30	54	2087.57	2086.26	Replace	RCP	30	55	838.80 Endwall	838.80 Endwall w CL I Rip-Rap
22	22335.5	RCP	30	25	2096.22	2094.71	Retain					
23	22612.51	CMP	36	30	2098.07	2097.83	Replace	RCP	36	30		CL I Rip-Rap
24	23113	CMP	24	22	2097.92	2097.55	Replace	RCP	24	28	840.14 Inlet w 840.29 Grate	840.14 Inlet w 840.29 Grate
25	23430.38	HDPE	24	27	2094.65	2094.17	Retain					
26	24469.27	RCP	18	17	2095.13	2094.33	Replace	RCP	24	30	840.14 Inlet w 840.29 Grate	CL I Rip-Rap
27	24544.49	CMP	24	19	2094.12	2093.52	Replace	RCP	24	30	840.14 Inlet w 840.29 Grate	CL I Rip-Rap
28	26692.85	CMP	24	52	2082.77	2081.78	Replace	RCP	24	60	838.80 Endwall	838.80 Endwall w CL I Rip-Rap
29	27453.29	RCP	18	39	2083.14	2081.23	Retain					
30	29403.78	CMP	40	30	2085.77	2085.53	Replace	RCP	48	35	838.80 Endwall	838.80 Endwall w CL I Rip-Rap
31	30122.05	CMP	36	30	2079.37	2078.11	Replace	RCP	36	30	838.80 Endwall	838.80 Endwall w CL I Rip-Rap
32	30548	WOOD	N/A	30	2078.12	2077	Replace	RCP	36	30	838.80 Endwall	838.80 Endwall w CL I Rip-Rap
33	31253.97	CMP	48	30	2078.7	2078.26	Replace	RCP	48	30	838.80 Endwall	838.80 Endwall w CL I Rip-Rap
34	31937.5	CMP	36	28	2078.17	2078.04	Replace	RCP	36	30		CL I Rip-Rap
35	32418.83	CMP	36	30	2080.71	2080.05	Replace	RCP	36	35		838.80 Endwall w CL I Rip-Rap
36	34317..49	CMP	24	26	2080.96	2080.49	Replace	RCP	24	35		CL I Rip-Rap
37	35052.11	CMP	24	24	2085.39	2084.2	Replace	RCP	24	35		CL I Rip-Rap
38	36166.86	CMP	36	30	2076.24	2075.69	Replace	RCP	36	35	838.80 Endwall	838.80 Endwall w CL I Rip-Rap
39	36786.9	CMP	24	22	2072.68	2072.28	Replace	RCP	24	35	838.80 Endwall	838.80 Endwall w CL I Rip-Rap
40	37490.12	CMP	36	30	2075.17	2074.96	Replace	RCP	36	35	838.80 Endwall	838.80 Endwall w CL I Rip-Rap
41	40845.61	CMP	36	36	2080.5	2078.61	Replace	RCP	36	40	838.80 Endwall	840.14 Inlet w 840.29 Grate
42	41254.82	CMP	36	30	2073.49	2072.88	Replace	RCP	36	32	838.80 Endwall	838.80 Endwall w CL I Rip-Rap

Floodway Modelling Scope of Work

FEMA Detailed Study Areas Included

- Davidson River – Multiple Scenarios for Bridge Replacement
- French Broad River – Multiple Scenarios for Trail Alignment

Flood Modeling for Bridge Crossings (Includes Several FEMA Detailed Study Areas)



Why?

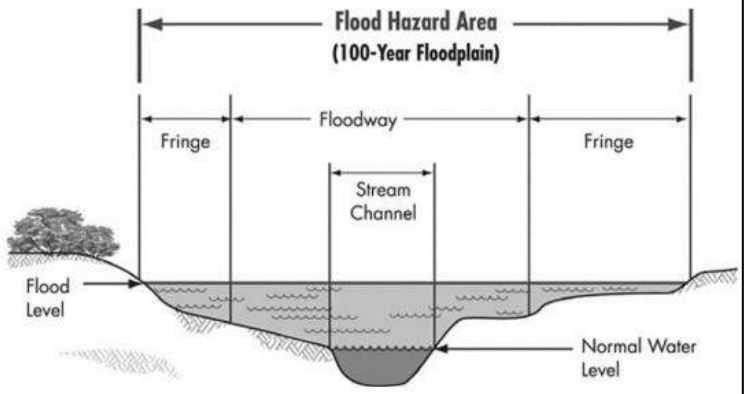
National Flood Insurance Program (NFIP)

Goal - reduce the impact of flooding on private and public structures.

- Study area streams are designated as being in a FEMA Flood Hazard Area.
- Any work within a designated Flood Hazard Area must be in compliance with the National Flood Insurance Program (NFIP).
- **No road or structure shall be constructed, improved, or removed within a designated regulatory floodway or non-encroachment area without a regulatory review and approval**.

Special Flood Hazard Area (SFHA) Definitions

- Special Flood Hazard Area (SFHA) is the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year.
- Floodplain Any land area susceptible to being inundated by floodwaters from any source.
- Floodway Channel of a stream plus the adjacent floodplain areas that must be kept free of encroachments in order to contain the 1% annual chance flood.



- Non-Encroachment Area (not shown on the maps) serve the same function as a floodway in *Limited Detailed Studies*. Construction, placement of fill, or similar alteration of topography may be prohibited by a community due to the effects such development would have on the conveyance of discharge.

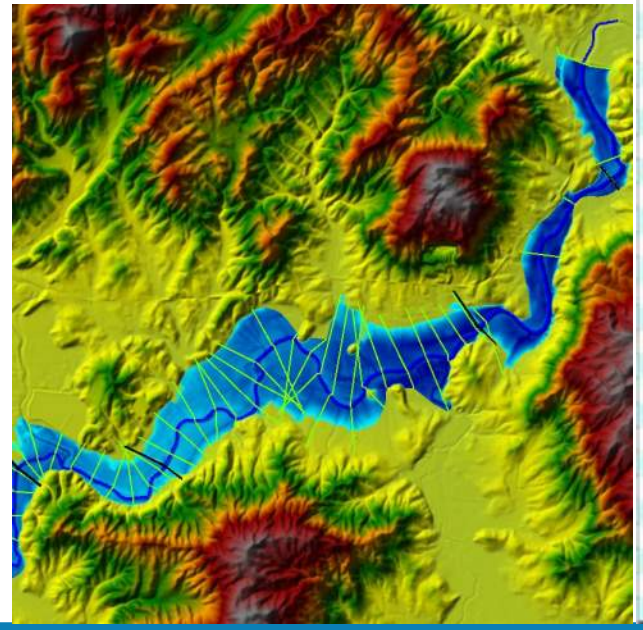
Hydraulic Modeling Results

Current Design Goal - No Rise in Floodway Study Areas

Preliminary Runs Completed – No Significant Impacts

Next Steps

- Revise with Final Design Files
- Floodway Study Required for Permitting – No Rise Documentation



Example Findings for Davidson River

TPD - Traffic Planning & Design

Job No: NCCO 07 | Computed By: BAD | Date: 6/24/24

Description: Davidson River | Checked By: | Date:

FEMA Model 100-Year Floodplain Water Surface Comparison for Davidson River

Note: All elevations below are based on the 100 year floodplain.

Transylvania County FEMA FIRM and FIS Label	FEMA HEC-RAS River Station Label	Effective HEC-RAS Model WSEL NAVD88 (ft.)	HEC-RAS River Station	FIRM & FIS	Duplicate Effective Model Difference from Effective		Corrected Effective		Proposed Conditions	
				WSEL NAVD88 (ft.)	WSEL NAVD88 (ft.)	Difference from Eff (ft.)	WSEL NAVD88 (ft.)	Difference from Dup Eff (ft.)	WSEL NAVD88 (ft.)	Difference from Corr Eff (ft.)
104	10366	2129.05	10365.7	2129.00	2128.98	-0.07	2128.98	0.00	2128.98	0.00
-	9906.354	2127.68	9906.354	-	2127.66	-0.02	2127.66	0.00	2127.66	0.00
099	9857.291	2127.59	9857.291	2127.60	2127.59	0.00	2127.59	0.00	2127.59	0.00
-	9795.8	-	9795.8	-	-	-	-	-	-	-
-	9734.26	2127.41	9734.26	-	2127.41	0.00	2127.41	0.00	2127.41	0.00
-	9542.421	2126.46	9542.421	-	2126.46	0.00	2126.46	0.00	2126.46	0.00
091	9079.542	2124.64	9079.542	2124.60	2124.65	0.01	2124.65	0.00	2124.65	0.00
-	8619.56	2121.3	8619.56	-	2121.33	0.03	2121.33	0.00	2121.33	0.00
-	8151.772	2120.1	8151.772	-	2120.15	0.05	2120.15	0.00	2120.15	0.00
081	8118.554	2119.61	8118.554	2119.60	2119.66	0.05	2119.66	0.00	2119.66	0.00
-	8102.5	-	8102.5	-	-	-	-	-	-	-
-	8086.426	2118.91	8086.426	-	2118.90	-0.01	2118.90	0.00	2118.90	0.00
080	8011.382	2118.59	8011.382	2118.60	2118.59	0.00	2118.59	0.00	2118.59	0.00
-	7816.033	2117.53	7816.033	-	2117.52	-0.01	2117.52	0.00	2117.52	0.00
078	7756.203	2117.4	7756.203	2117.40	2117.39	0.0	2117.39	0.00	2117.39	0.00
-	7738.15	-	7738.15	-	-	-	-	-	-	-
-	7720.109	2117.22	7720.109	-	2117.22	0.00	2117.22	0.00	2117.22	0.00
-	7614.347	2116.58	7614.347	-	2116.58	0.00	2116.58	0.00	2116.58	0.00
067	6674.658	2114.61	6674.658	2114.60	2114.61	0.00	2114.61	0.00	2114.61	0.00
056	5647.164	2110.94	5647.164	2110.90	2110.94	0.00	2111.00	0.06	2110.88	-0.12
047	4651.753	2108.92	4651.753	2108.90	2108.92	0.00	2109.08	0.16	2108.74	-0.34
-	3676.459	2107.35	3676.459	-	2107.36	0.01	2107.72	0.36	2106.70	-1.02
-	2973.526	2106.89	2973.526	-	2106.90	0.01	2107.34	0.44	2106.02	-1.32
029	2935.268	2106.49	2935.268	2106.50	2106.50	0.01	2107.04	0.54	2104.69	-2.35
-	2917.25	-	2917.25	-	-	-	-	-	-	-
-	2899.182	2104.13	2899.182	-	2104.13	0.00	2104.13	0.00	2104.13	0.00
-	2822.206	2103.91	2822.206	-	2103.91	0.00	2103.91	0.00	2103.91	0.00
-	2484.036	2103.55	2484.036	-	2103.55	0.00	2103.55	0.00	2103.55	0.00
024	2434.04	2102.41	2434.04	2103.30	2102.41	0.00	2102.41	0.00	2102.41	0.00
-	2412.98	-	2412.98	-	-	-	-	-	-	-
-	2391.914	2101.22	2391.914	-	2101.20	-0.02	2101.20	0.00	2101.20	0.00
-	2296.401	2100.33	2296.401	-	2100.35	0.02	2100.35	0.00	2100.35	0.00
-	1598.483	2098.9	1598.483	-	2098.90	0.00	2098.90	0.00	2098.90	0.00
-	776.319	2098.08	776.319	-	2098.08	0.00	2098.08	0.00	2098.08	0.00

Roadway Crossings/Safety

Various Types of Crossings in Study Area

- Farm Access
- Low Volume Driveways
- T Intersections with Stop Signs
- Uncontrolled Crossing of Roads
  - ✓ Analysis completed – Federal Standards

Pending DOT Review

FHWA Tables

Countermeasure Factors

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

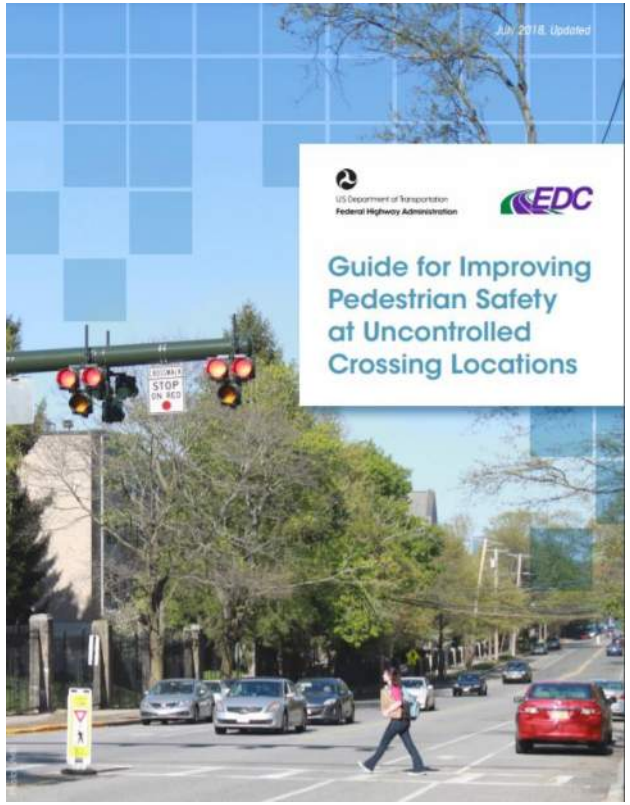


Table 1. Application of pedestrian crash countermeasures by roadway feature.

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

Given the set of conditions in a cell,

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

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

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

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

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

This table was developed using information from: Zegeer, C.V., J.R. Stewart, H.H. Huang, P.A. Lagerwey, J. Feaganes, and B.J. Campbell. (2005). Safety effects of marked versus unmarked crosswalks at uncontrolled locations: Final report and recommended guidelines. FHWA, No. FHWA-HRT-04-100. Washington, D.C.; FHWA. Manual on Uniform Traffic Control Devices, 2009 Edition, (revised 2012). Chapter 4F, Pedestrian Hybrid Beacons. FHWA, Washington, D.C.; FHWA. Crash Modification Factors (CMF) Clearinghouse. http://www.cmfclearinghouse.org/; FHWA. Pedestrian Safety Guide and Countermeasure Selection System (PEDSAFE). http://www.pedbikesafe.org/PEDSAFE/; Zegeer, C., R. Srinivasan, B. Lan, D. Carter, S. Smith, C. Sundstrom, N.J. Thirsk, J. Zegeer, C. Lyon, E. Ferguson, and R. Van Houten. (2017). NCHRP Report 841: Development of Crash Modification Factors for Uncontrolled Pedestrian Crossing Treatments. Transportation Research Board, Washington, D.C.; Thomas, Thirsk, and Zegeer. (2016). NCHRP Synthesis 498: Application of Pedestrian Crossing Treatments for Streets and Highways. Transportation Research Board, Washington, D.C.; and personal interviews with selected pedestrian safety practitioners.

Countermeasure Examples

High Visibility Crossing

w/ Advanced Signage/Markings
(+ Supplemental Left Side Signs)

Example – Swamp Rabbit
Old Buncombe Road
(S. of Travelers Rest)

Countermeasure Examples

Rectangular Rapid Flashing Beacon (RRFB)

High Visibility Crossing Including Advanced Signage/Markings (+ Supplemental Left Side Signs)

Example:
Roe Ford Road

BREVARD
NORTH CAROLINA

Countermeasure Examples

Full Signal

High Visibility Crossing

Optional Advanced Signage/Markings (+ Supplemental Left Side Signs)

Example:
Sulphur Springs Road

BREVARD
NORTH CAROLINA

Countermeasure Examples

Supplemental Signs

e.g. Signal Ahead Signage

Advanced Flashing Warning Device

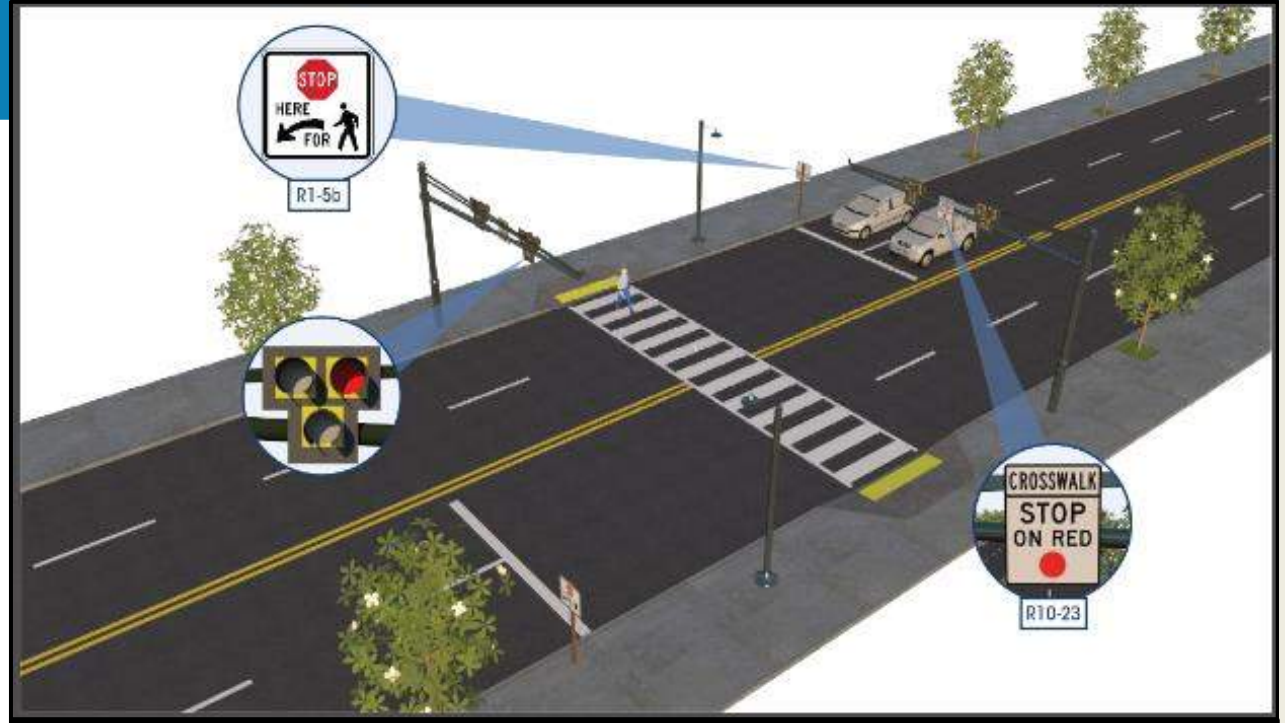
(Activated by Signal Detection)

BREVARD
NORTH CAROLINA

Countermeasure Examples

Pedestrian Hybrid Beacon (PHB)

Type of Red Traffic Signal



Example Recommendations

High Speed Road

Example:
Old Hendersonville Hwy

- Crash History
- Speed
- Sight Line Constraints
- Volume Growth

PHB or Traffic Signal

High Visibility Crossing Including Advanced Signage/Markings

(+ Supplemental Left Side and Advanced Signs)

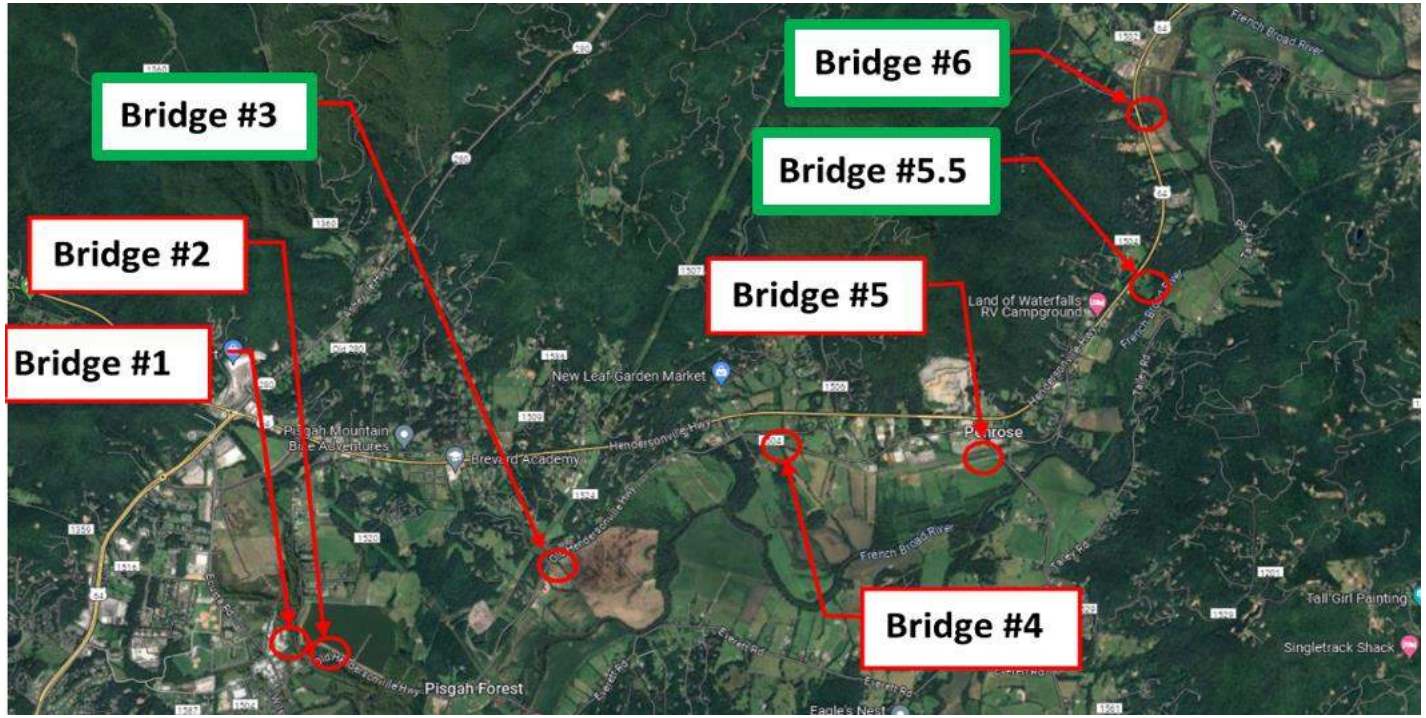
Graphics For Public Meeting

Pending NCDOT Approval

BREVARD
NORTH CAROLINA

Bridge Evaluation

- 8 Total
- 7 Bridges for Trail
  - Davidson River – Already Removed
  - 6 Others Investigated for Repair vs Replacement Options
- 1 Private Driveway Over Trail



Key Decision - Impacts Final Design Tasks

Bridge 1: Davidson River

Structure Removed

» Flood Damage

» Road Clearance (was low @ 9’3”)

Kept Masonry Piers/Bents and Steel Girder

Replace & Raise

Bridge 2: Unnamed Tributary *(East of Old Hendersonville Highway Crossing)*

Existing Structure

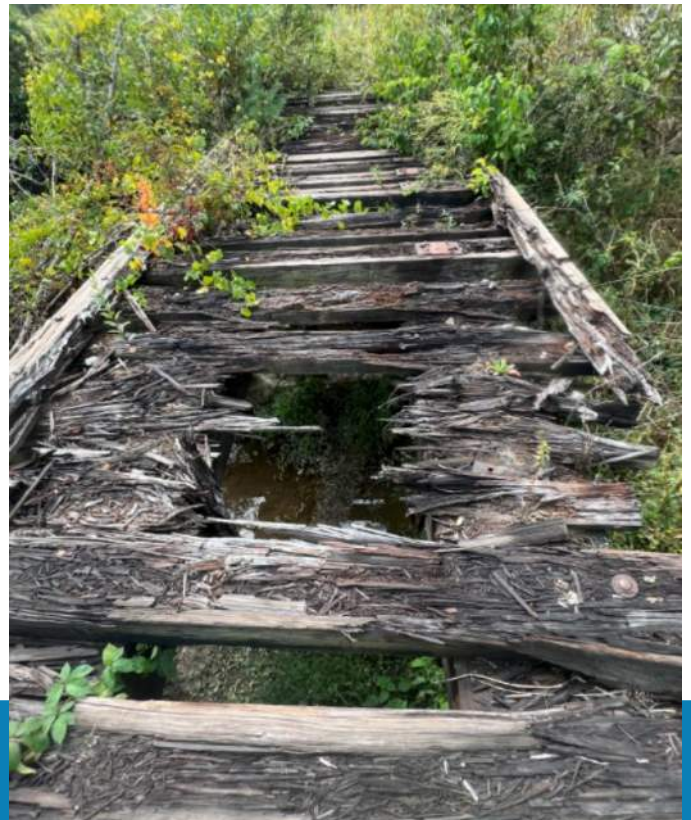
- 2-span timber – Approx 24’ feet long
- Substructure is severely rotted

Replace w/ 1-span prefabricated superstructure with concrete abutments

Bridge 3: Glade Creek

Existing Structure

- 4-span timber – Approx 53’-3” long
- Abutments and piles have minimal rot
- Beams are in good condition
- Substructure is in good condition
- **Viable to Repair**



Bridge 4: Lyday Creek

Existing Structure

- 5-span timber – Approx 67′-2″ long
- Multiple piles and some timber sheeting is severely rotted
- Erosion issues due to steep grade (west abutment)
- Beams are crushing

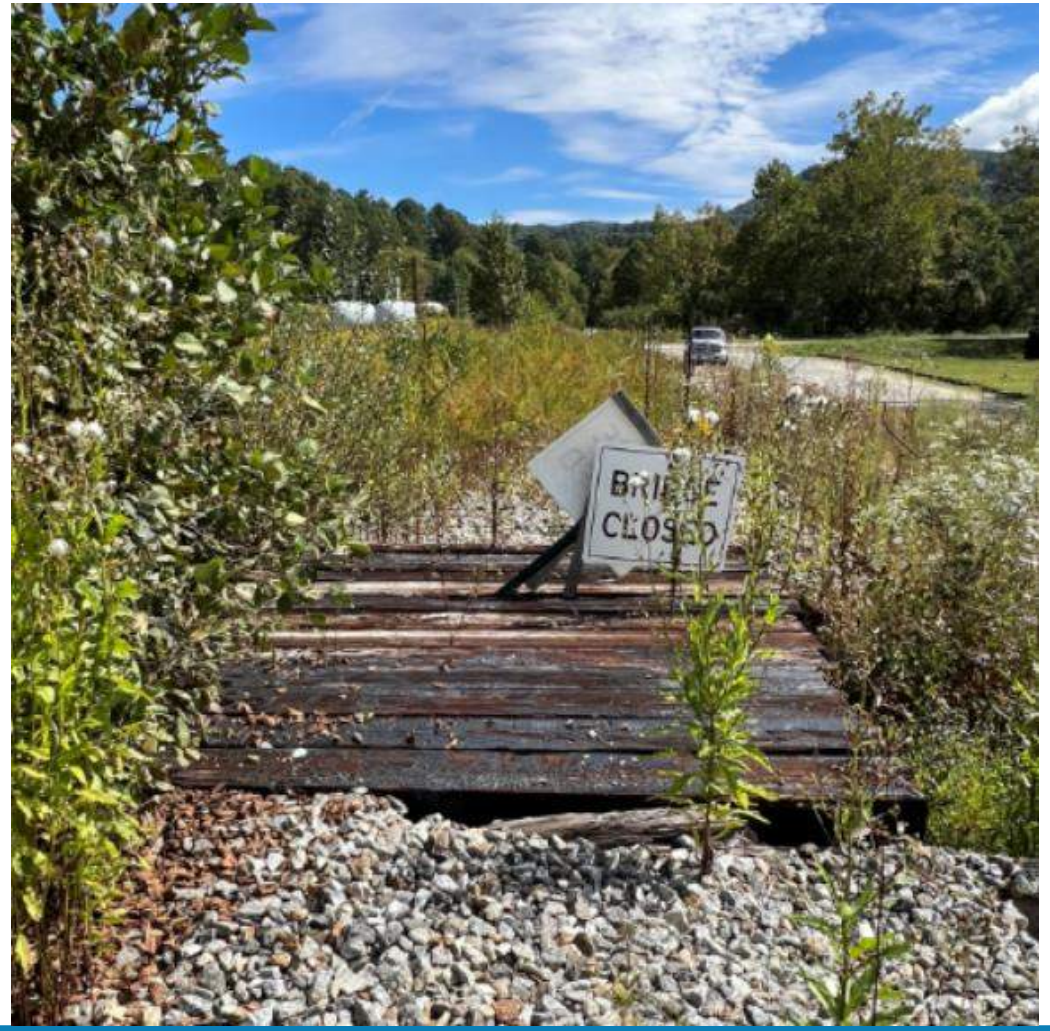
Replace w/ 1-span prefabricated superstructure with concrete abutments

Bridge 5: Unnamed Tributary *(West of Crab Creek Road)*

Existing Structure

- 1-span timber – Approx 12’ long
- Severe rot, shallow abutments
- Sediment build up restricting water flow

Replace w/ 1-span timber bridge on timber sills



Bridge 5.5: King Creek

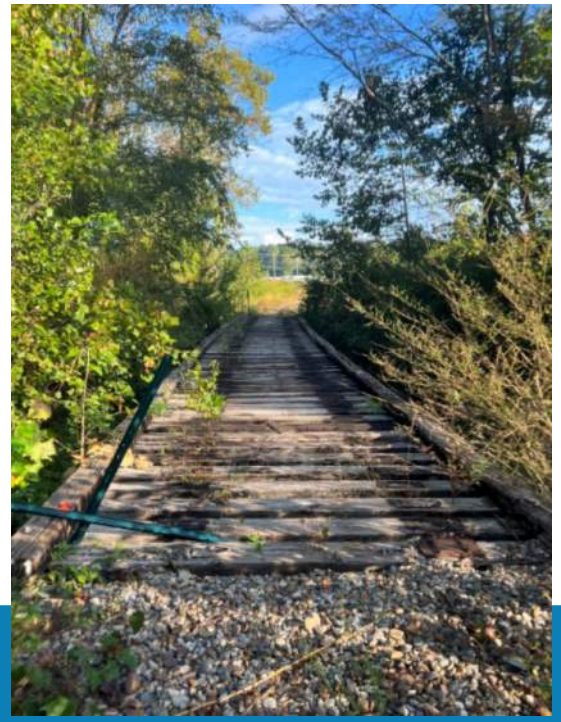
Existing Structure

- 5-span timber – Approx 65′-6″ long
- Abutments have rot in timber sheeting
- Pier 1-3 are in good condition (some rot in Pier 4 piles)
- Beams are in good condition
- **Viable to Repair**

Bridge 6: Gash Creek

Existing Structure

- 7-span timber – Approx 92′-3″ long
- Abutments have significant rot in timber sheeting
- Substantial rot in some piers/piles
- Beams are in good condition
- **Viable to Repair**

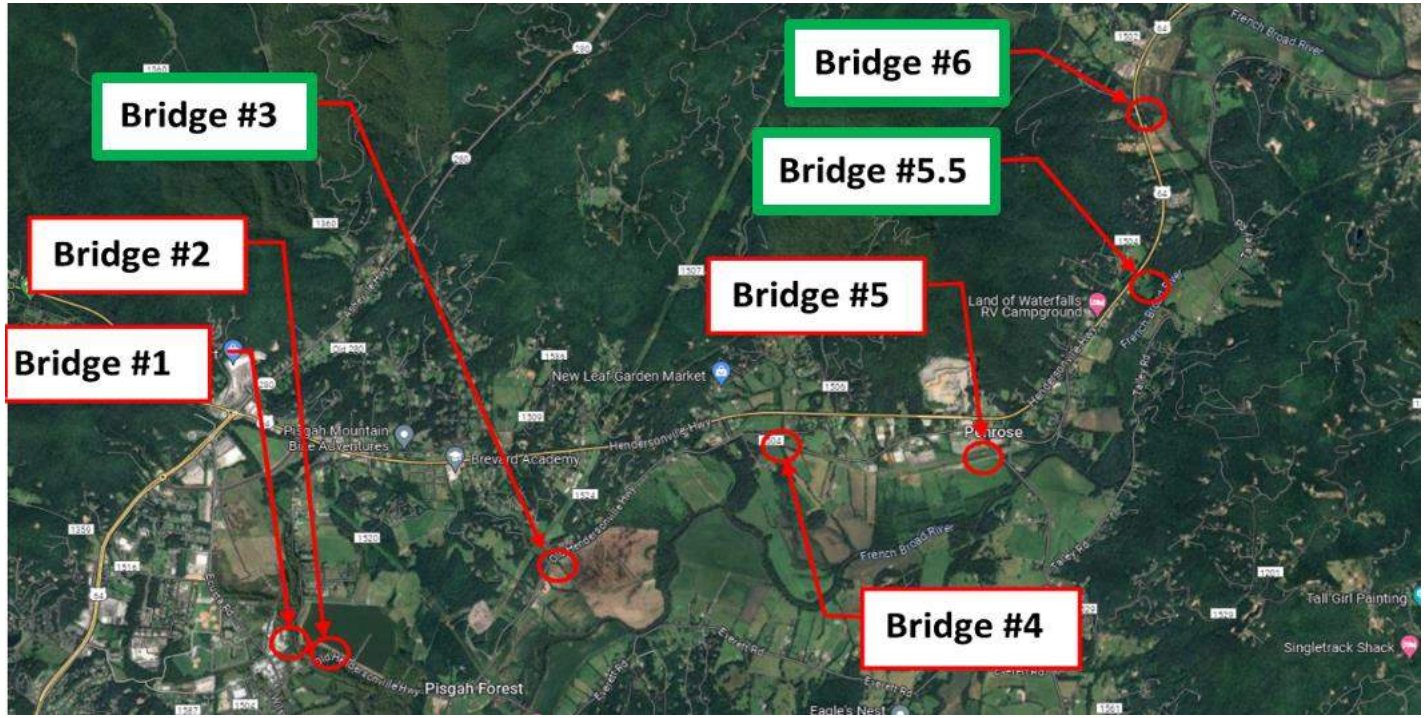


Repair vs Replace

- Saving Potential *(Rounded)*

Bridge 3:	$294,000
Bridge 5.5:	$293,000
Bridge 6:	$403,000
Total:	$990,000

- Maintenance Requirements
  - Repair:
    - 4-year inspection cycle
  - Replace:
    - 2-year inspection cycle
- Design, Permitting, Construction Implications
  - Wetlands Impacts/Stream Disturbance Less w/ Repair Option
  - Aesthetics and Rail History (Matter of Opinion)
  - Life Span of Facility – Similar



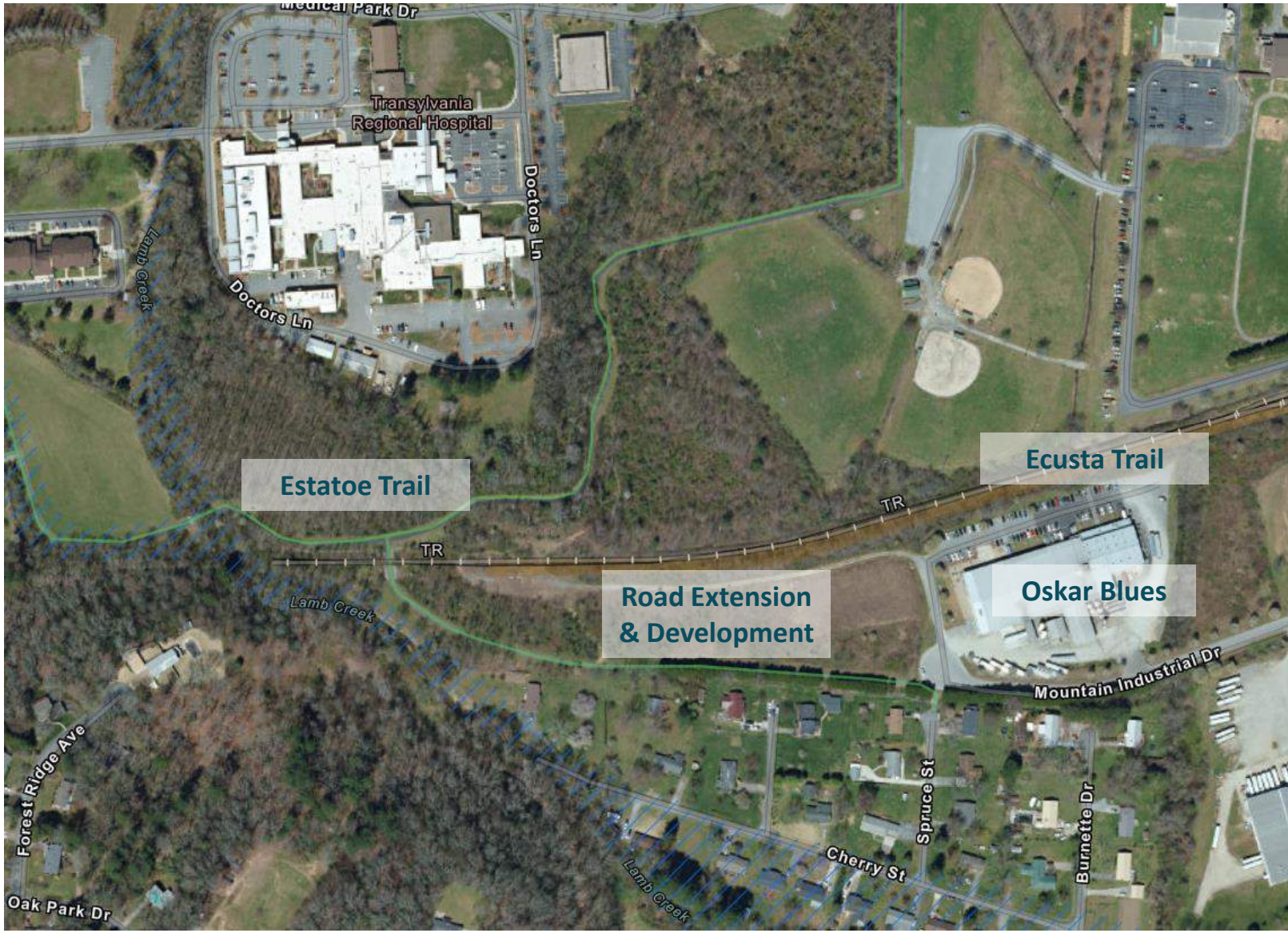
Decisions to Make

Critical Path

1. Bridges – Impacts Design Scope of Work
2. ROW Related
   - Estatoe Trail Tie In – Oskar Blues
   - Trailhead Locations (Parking and Bathrooms - Elements Beyond Rail ROW)
   - Driveway Relocation – Bridge Removal

Not Critical Path -> Other Amenities

- Elements/Locations/Design
- Expect Amenities Conversations in July



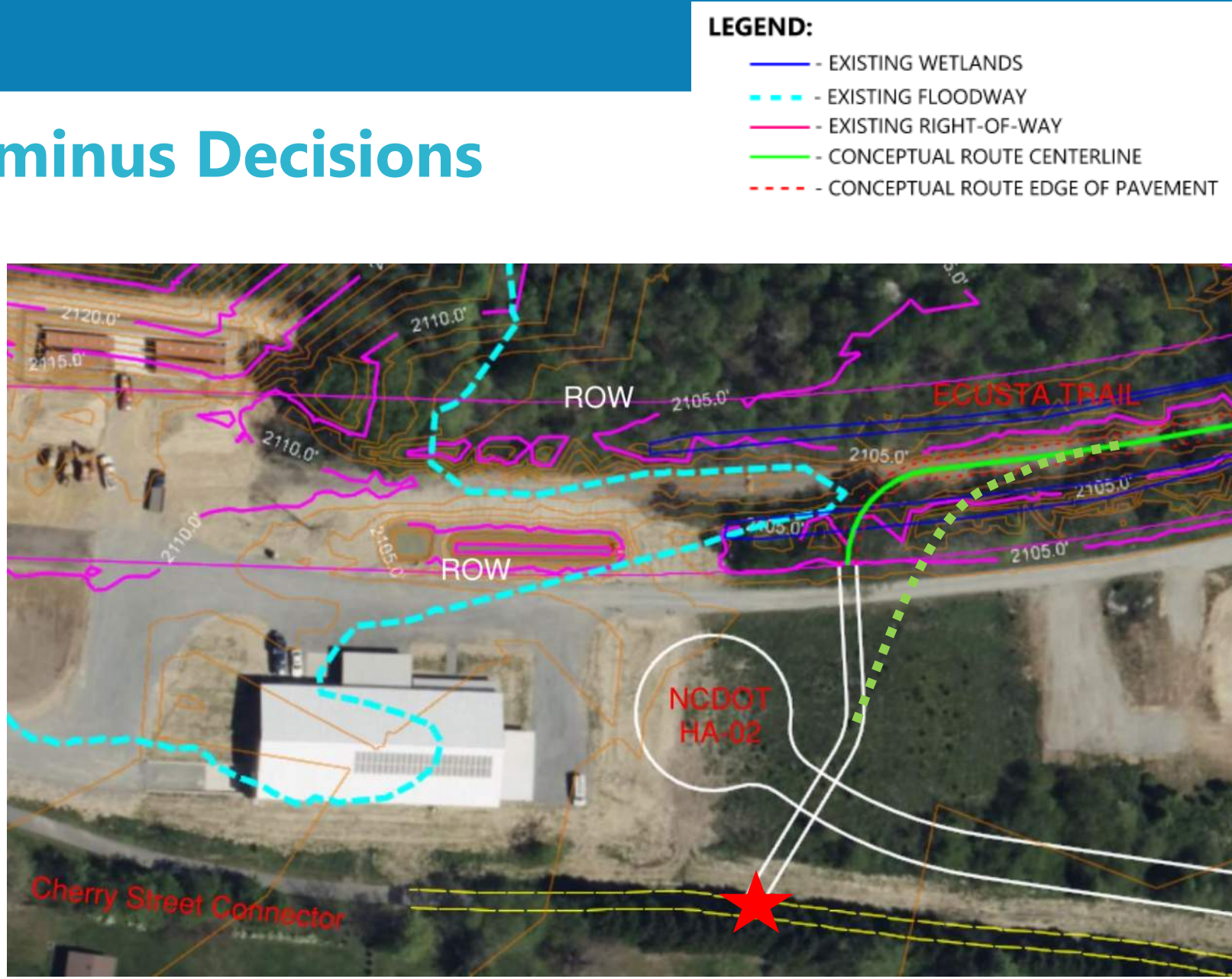
More on Western Terminus Decisions

Why Did we Look at Options?

- Sharper Radius
- T intersection with Cherry Street Connector Greenway
- Reduces from 12’ to 10’ Wide
- May Feel Like the End of the Trail

Continuation to Downtown Brevard

Connections to Pisgah Forest
(Funding Source Requirement)



Next Steps Near Term

June - This Week

- 30% Design Plans - Upload to NCDOT Website for Review

July

- NCDOT Plan Review and Cost Estimate
- **Consultants Submit Final Design Scope for NCDOT Review**
- Public Meeting Prep
- Amenities Meetings

August

- Consultants Submit Final Design Fee for NCDOT Review
- Public Meeting / Planning

September

- Public Meeting
- Begin Final Design by 9/15

Final Design & Construction

Sept 2024 – May 2026

Final Design & Permitting

Design, Permitting & Construction Documents

Federal Clearances – NEPA, Utilities, ROW

May 2026 - June of 2026

Construction Letting

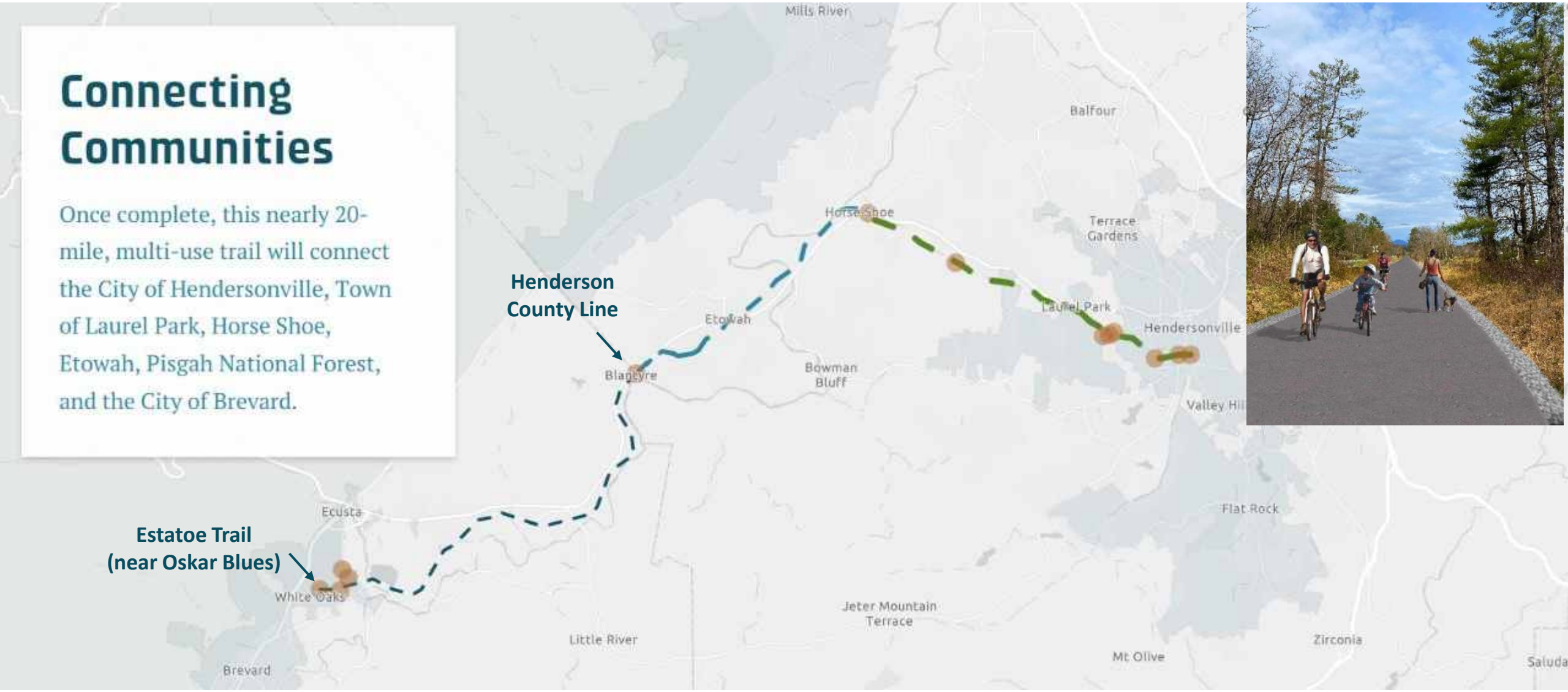
July 2026 – End of 2027

ESTIMATED Construction Timeline

The Vision

Connecting Communities

Once complete, this nearly 20-mile, multi-use trail will connect the City of Hendersonville, Town of Laurel Park, Horse Shoe, Etowah, Pisgah National Forest, and the City of Brevard.



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

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

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

Staff Present –City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, Water Treatment Plant ORC Dennis Richardson, Community Center Director Tyree Griffin, Police Lieutenant Charles Richard Harbin, Police Lieutenant Brent Sorrells, 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 – Rev. Shelly Webb of Sharing House offered an invocation.

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

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

E. Approval of Agenda – Mr. Hooper noted that he had made a revision to the proposed resolution regarding the reformation of the Ecusta Trail Advisory Board and that copies had been distributed to Council. Mr. Morrow moved, seconded by Ms. Holder to approve the agenda as presented. The motion carried unanimously.

F. Approval of Minutes

F-1. June 17, 2024 Regular Meeting – Ms. Holder moved, seconded by Mr. Baker to approve the minutes of the June 17, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Billy Parrish of 515 Probart Street said I am the current President of Heart of Brevard and the co-chair of the Heart of Brevard Built Environment Committee. I also serve as a member of the Downtown Master Plan Committee representing the Heart of Brevard. I am offering this public comment to you tonight in my role as Heart of Brevard President. The Heart of Brevard supports the concept being put forward in tonight's resolution declaring the current terminus of the Brevard trail system at West Main Street as the named Brevard terminus of the Ecusta Trail project. This public declaration of intent will ensure that the Ecusta Trail fulfills its stated purpose of linking downtown Hendersonville and downtown Brevard from Main Street to Main Street. Additionally, we believe that creating a clear connection between this new Main Street terminus to downtown proper is a crucial next step. In fact, the resolution before the Council aligns seamlessly with a Pathway Pilot Project that our Built Environment Committee has been diligently developing over the past several months. The Heart of Brevard is in the final stages of preparing our Pathway Pilot Project proposal for

presentation to the appropriate City committees and community partners. We welcome tonight's resolution as a critical first step in strengthening the connection between Brevard's trail system and downtown. Thank you for all that you do for our community and for downtown.

Jimmy Veal of 187 Pinnacle Road said some of you guys are aware I have an issue that is kind of pending with the City. I have made an effort to reach out to a few of you on the Council and had a conversation with Mr. McKeller last November. It's kind of moving in the slow lane for one reason or another. It has to do with access to 4 or 5 pieces of property that are landlocked by the bottom 200 feet of the Bracken Preserve trail, hopefully inadvertently, and I am searching for a solution that would provide access back to those properties. On that note, I would like to reach out to you guys individually over the next week or so and see if I could have a one-on-one convo with you. It would be nice to resolve this at Council level, rather than having to explore other avenues.

James Carli of Burrill Avenue said I am a member of the Brevard Planning Board, here in my own capacity. I am speaking in favor of the affordable housing project at the Presbyterian Church property. It is a good idea; I'm very supportive; and here's a few reasons why. We are all very aware of the need for affordable housing in our community. There was a report just a few years ago that identified a shortage of somewhere between 800 and 1200 units of affordable housing. The Comprehensive Land Use Plan called for prioritization of infill development in our city and that is an example of infill development – a vacant lot close to town that can be used. Urban planning best practices call for increased residency in downtown cores, which anchor residents near amenities boosting economic activity while reducing negative externalities like traffic and pollution. Recent ordinance updates also permit new and innovative materials like more permeable pavers to reduce water runoff and making parking more efficient for developments like this. Negative impacts of this development will be lower today than if this were built just a few years ago before these code changes were passed. We have the need; we've reduced the impacts through changes in the Code; and now is the right time to move forward with this kind of project in this type of location. I look forward to seeing the presentation tonight and I am excited to give my support as a resident to this project.

H. Certificates/Awards/Recognition

H-1. Presentation of Retirement Badge and Plaque to Lieutenant Charles Richard Harbin – Police Chief Tom Jordan presented to retired Police Lieutenant Charles Richard "Rick" Harbin his service badge and a retirement plaque honoring his years of service to the Brevard Police Department.

H-2. Badge Pinning Ceremony – Brent Sorrells Promotion to Lieutenant – Chief Tom Jordan recognized Police Officer Brent Sorrells who has been promoted to Lieutenant. Chief Jordan presented Lt. Sorrells with his Lieutenant's badge, and his wife pinned the badge on his uniform.

I. Special Presentations

I-1. Engagement for Affordable Housing Project on the Brevard-Davidson River Presbyterian Church Property – Emily Brewer recalled that the City of Brevard engaged the UNC School of Governments's Development Finance Initiative (DFI) in March 2023 to assess affordable housing development opportunities. As of June the City of Brevard and the Brevard Davidson River Presbyterian Church entered into a lease agreement to facilitate development of affordable housing on approximately 4.5 acres of land behind the Church. DFI will be working with the City on a pre-development feasibility study that includes community engagement sessions. DFI will conduct two phases of community engagement sessions where they will solicit community input on public interests to be addressed by this project and will also request targeted feedback on feasible housing development program options.

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.

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)

I-2. Ecusta Trail Advisory Board Reformation and Trail Governance Update – Based on feedback from the June 26th Ecusta Trail Joint Workshop, Mr. Hooper presented a proposal for reformation of the Ecusta Trail Advisory Board (ETAB), with an updated membership and charge. A copy of his presentation is attached. Mr. Hooper noted that there are three significant elements of trail governance: 1) how do we make our trail-related decisions?; 2) how do we go about jointly managing the trail with our partners in Henderson County and perhaps Friends of Ecusta Trail?; and 3) how do we integrate the trail into everything else that we do? He explained that except for the two at-large citizen members, his proposal for the updated ETAB includes appointees from groups whose areas of expertise tie in with the publicly stated goals of the trail. He noted that he is recommending that a representative of the Transylvania Economic Alliance be added to ETAB so that we can figure out how to leverage the trail into commerce – how we use it to generate commerce; how we use it to support workforce. He said I think we are duty-bound to try to use the trail for those purposes because that's the premise under which we were awarded the RAISE dollars. He noted that he has included a proposed resolution updating the membership and charge of the ETAB for Council's consideration later this evening. If Council chooses to adopt the resolution, he will ask that Council appoint two council members to the board.

During questions/comments Council expressed support for the reconstituted ETAB membership and its charge as proposed.

J. Public Hearing(s)

J-1. Proposed Amendments to City of Brevard Unified Development Odinance Chapters 5 and 13 – Requirements for Underground Wiring – Aaron Bland explained that this is a staff-initiated text amendment to clarify the intent and specific requirements for new utility connections 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. 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.

The Planning Board voted unanimously to recommend approval of the amendments with a slight modification.

Mayor Copelof opened the public hearing at 6:25 p.m.

Public Hearing Public Participation: None.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:25 p.m.

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

K-1. Tax Settlement Report – June, 2024

K-2. City of Brevard Annual Tax Collection Settlement Report

K-3. Resolution Directing Clerk to Investigate Sufficiency of Petition for Annexation – Jason Shepherd, 35 Verdery Avenue

RESOLUTION NO. 2024-30
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.

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

K-4. Ecusta Trail Advisory Board Minutes – March 27, 2024

K-5. Ecusta Trail Advisory Board Minutes – April 24, 2024

K-6. Council Public Works & Utilities Committee Minutes – May 1, 2024

K-7. Council Public Safety Committee Minutes – May 28, 2024

K-8. Council Public Works & Utilities Committee Minutes – June 5, 2024

K-9. Council Public Safety Committee Minutes – June 24, 2024

K-10. Council Parks, Trails & Recreation Committee Minutes – May 15, 2024

L. Unfinished Business

L-1. Amendment to Traffic Schedule to Name and Establish Regulation for New City Street – Aaron Bland recalled that this was presented as a public hearing at the June 17th Council meeting. The city has accepted dedication of an access road off Deerlake Road behind the EnMarket gas station. Now that it is a city street, it needs to be named and appropriate traffic regulations for this street need to be codified. He noted that the proposed ordinance codifies the regulations but does not include a name. Mr. Bland recalled that at the last meeting it was mentioned that Mr. Morrow could potentially do some research on the history of the area and propose a name. Mr. Morrow has done that research and proposes the name Siniard Court to honor the family that owned a lot of the land and was instrumental in the County and City's early history. Mr. Daniel moved, seconded by Mr. Wise to name the street Siniard Court and to adopt the ordinance. Mr. Morrow gave a history of the Siniard family and added that the Transylvania County Historical Society Board endorsed the proposal. The motion carried unanimously.

ORDINANCE NO. 2024-29
AN ORDINANCE ESTABLISHING SINIARD 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.

NOW THEREFORE, 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 "Siniard 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 Siniard 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 Siniard 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 Siniard 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 7. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this 5th day of August 2024.

Attest: Denise Hodsdon, City Clerk s/ Maureen Copelof, Mayor
Approved as to Form: Mack McKeller, City Attorney

M. New Business

M-1. Consider Resolution Reforming the Ecusta Trail Advisory Board – Mr. Baker moved, seconded by Mr. Daniel to approve the resolution reformatting the Ecusta Trail Advisory Board. The motion carried unanimously.

Mr. Wise moved, seconded by Mr. Daniel to appoint Council Member Baker as chair and Council Member Morrow as co-chair. The motion carried unanimously.

RESOLUTION NO. 2024-31
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 CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA 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 (Aaron Baker)
   b. A co-chairperson appointed by the City Council from amongst its members (Mac Morrow)
   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 (Shelia Carland)
   g. One representative from Heart of Brevard from amongst its members (Doug Miller)
   h. One representative as recommended by Transylvania County (Larry Chapman)
   i. 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 5th day of August, 2024.

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

M-2. Consider Resolution Dedicating the Western Terminus of the Ecusta Trail on Main St. in Downtown Brevard – Mr. Hooper noted that this was a Council-initiated question and Staff's position on this is neutral, but in order to facilitate the conversation Staff compiled a SWOT analysis for Council's consideration:

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.

Mr. Baker moved, seconded by Mr. Wise to adopt the Resolution Dedicating the Western Terminus of the Ecusta Trail on Main Street in Downtown Brevard.

Discussion: Mr. Baker said I see this as fulfilling the promise and the potential of the Ecusta Trail as originally intended when the City of Brevard took the leadership role in making this trail happen. I see this as an extension of that and a really important decision for us to make. The logo that we approved at the joint meeting said Hendersonville and Brevard at the top; it did not say Hendersonville and Pisgah Forest. The trail reaches all the way to downtown Hendersonville on their Main Street, and I believe a project as transformational as this should also reach our Main Street. He said I know there has been some discussion about the current Estatoe Trail and how this affects the names of our current trail system, and I don't think this in any way overshadows the Estatoe Trail name, the importance of that trail to the city, and I think this honors the forethought from so many city leaders of the past who took a risk on building the multi-use path to begin with. The only real reason we can make this decision tonight is because the trail already reaches Main Street which is a relatively new development in the last few years, and the decisions that led up to that fact have brought us here today and made this a reality.

Mr. Wise said I agree with most of what Mr. Baker said. I think it is critically important we find a connection between our two communities in Hendersonville and here. The Main Street to Main Street ideal is a very clear concept and it compels people to want to ride the whole thing from mile zero all the way to our downtown where we really want them.

Mr. Daniel said I agree with what both council members have said. When you have a vision and you're this close to completing it, let's do that. I see bringing the trail to Main Street in downtown Brevard as the completion of that vision.

Ms. Holder said I think one of the weaknesses is part of the answer to my question that since it is beyond the federally-funded footprint of the project, then we would have to use local dollars in order to fund it. Do we have those resources at this point or is that something we would have to look at again later to build those resources? Mr. Hooper said perhaps the local Ecusta Trail dollars, the TDA contribution and perhaps the FOET contributions could be used for enhancements to this trail. Also, the R-5800 NCDOT project is going to jumpstart some of the improvements to the trail along that corridor. There are some enhancements we can make to further convert that project to make it function more like a trail.

Mr. Morrow said I would hope that we would push this decision down the road. The history of it means so much to me and if they're both going together, maybe that works, but I don't see the Ecusta Trail overriding the Estatoe Trail. The Estatoe Trail was created in 1856 between Rosman and Pisgah Forest, so that tells you that they're linked. The history of it goes on and many Cherokee-heritage people that live here understand that perhaps more than most. It was the very first foot trail that existed in this river valley. I think we need to be real careful about how we treat the Estatoe Trail and I think it is an opportunity. We've always talked about this competition between gateway and downtown – what connects them? The Estatoe Trail does. It seems to me that is a real opportunity to improve…we have put $12,000 in this year's budget for the same design team that is working on the Ecusta Trail to look at the Estatoe Trail for improvements. So we know that it's needed. The engineering of the two are entirely different; one is safe, one is not so safe. The Estatoe Trail needs a lot of work. Just to say we are going to do it without knowing how much it's going to cost or where the issues are, in my view we are waving a magic wand.

Vote on the motion was 4 in favor; one opposed (Morrow). The motion carried.

RESOLUTION 2024-32
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; and

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; 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 BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

Section 1. 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.

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

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

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

N. Remarks/Future Agenda Considerations.

Ms. Holder thanked everyone for being here.

Mr. Wise said I have been talking to a number of candidates that are running in our community and one of the first things we talked about is talking to the public and so I would love to thank all of you for being here telling us your opinion, writing us, calling us. I can't tell you how important that is; we are here for you. There is a WNC housing forum this Friday August 9th at the Blue Ridge Conference Hall in Flat Rock. It is a good opportunity to talk about housing needs regionally in our community.

Mr. Morrow said to Chief Jordan I would like to give a shoutout to Lt. Ralph Cobb and Sgt. Wilson Bunn, two of your finest. Unfortunately, about ten days ago with the international cyber security problem, Keir Manufacturing's cloud was compromised. Thankfully they were not able to penetrate our system, but they did get into our cloud and were able to duplicate exactly our invoices and try to get them to send their money to Texas instead of Brevard. Those guys know their stuff. They got us in and the biggest thing is they understand enough about the intricacies of Microsoft to where they could actually get everybody's computer back up and running within an hour. A big thank you and shout out to you guys.

Mr. Daniel expressed concern about the Jailhouse Hill sidewalk. He said we have given City Camper multiple passes and they need to get that cleaned up.

Mr. Hooper reminded everyone that the next meeting will be held at the Mary C. Jenkins Community & Cultural Center. In an effort to make government more transparent and meet people where they are we decided to experiment with holding a meeting remotely.

Mayor Copelof reminded everybody that tomorrow night is National Night Out, an opportunity for the community to meet and interact with our public safety folks. Also, the Heart of Brevard will have its square dance that same evening. It was nice to watch one of our police officers get promoted and one get recognized. We talk about the importance of public input, and we have opportunities for that public input on the affordable housing project as we heard earlier. We will also have a public input session on the Ecusta Trail on September 10th from 5-7 pm at the Rogow Room. I want to thank everybody that took time out to come tonight as well as those that took time out to come to the public input session we had a week ago on the new district in the Pisgah Forest area.

O. Closed Session

O-1. Pending Litigation: NCGS §143-318.11.(a)(3) – At 7:00 p.m. Ms. Holder

moved, seconded by Mr. Morrow to enter into closed session to discuss pending litigation matter City of Brevard vs. Bauslaugh - Case No. 21-CVS-381 and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, City Clerk Denise Hodsdon, Planning Director Paul Ray, and Assistant Planning Director Aaron Bland.

Council Returned to Regular Session – at 7:53 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 7:54 p.m. Mr. Baker moved, seconded by Ms. Holder, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof Mayor	Denise Hodsdon, CMC City Clerk

Minutes Approved: August 19, 2024

Ecusta Trail Governance Update and Proposal
Presenter: Wilson Hooper, City Manager
August 5, 2024

Governance items

- ETAB 2.0 – reformed advisory group
- Decision buckets – who gets to decide what
- MOU with Henderson County regarding operations/management
  - Perhaps an agreement with FOET for additional services
- Integration of trail into other city matters

Background

- Brevard City Council formed the current Ecusta Trail Advisory Board in December 2021
- Its charge was to "oversee the financing, design and construction of the Ecusta Trail in Transylvania County."
- Its membership consisted of:
  - "2 Elected Officials from the City of Brevard (Mayor & Chair) Parks, Trails & Rec Committee"
  - "2 Members from the Transylvania County Board of Commissioners or designees"
  - "1 Member from Tourism (Executive Director)"
  - "1 Member from Conserving Carolina"
  - "1 Member from Friends of the Ecusta Trail"
  - "1 Member from Brevard Blue Zones Project"
  - "2 At-Large Appointments"
  - "1 Chairman of the Henderson County Ecusta Trail Advisory Board Ex-Officio"
  - "Brevard City Manager"
  - "Brevard Planning Director"

Background (cont.)

- The ETAB's membership kept the long-shot project alive until the awarding of the RAISE and NSFLTP grants in summer 2023.
- Summer 2023 was a turning point for the project.
- Once it became clear that the project was likely going to happen, and its game changing potential became apparent, some questions arose about who the ultimate local decision makers were for trail-related matters.
- There's also the question of how the local government entities (Brevard and Henderson County) will cooperate to manage the trail once it's completed.

ETAB 2.0 membership

- City manager proposes updating the ETAB's membership to include appointees from groups whose areas of expertise tie in with the publicly stated goals of the trail.
  - Chairperson appointed by the City Council from amongst its membership (TBD)
  - Co-chairperson appointed by the City Council from amongst its membership (TBD)
  - One representative as recommended by the Transylvania County Tourism Development Authority from amongst its membership or staff (Dee Dee Perkins)
  - One representative as recommended by the Friends of Ecusta Trail from amongst its membership (John Ditillo)
  - One representative as recommended by Conserving Carolina from amongst its membership or staff (Rebekah Robinson)
  - One representative as recommended by Transylvania Economic Alliance from amongst its membership or staff (Sheila Carland)
  - One representative as recommended by Heart of Brevard from amongst its membership or staff (Doug Miller)
  - One representative from the Transylvania County Board of Commissioners (Chapman)
  - Two at-large representatives as appointed by City Council (Hanley and Carli)
  - Brevard Mayor and representative from Henderson County RTAC to serve in ex-officio non-voting positions

ETAB 2.0 purpose

- New charter tasks them with making recommendations on matters related to trail usability and community impacts. Examples include:
  - On-trail amenities
  - Maintenance prioritization
  - Signage (types, contents, and 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 to create community impact
  - Encroachment requests
- Other items may be referred by chairperson, city manager, or by referral of the full Council.

ETAB 2.0 membership cont.

- To be eligible, a participant must be deemed by the appointing authority (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.
- The membership terms are indefinite. The board's membership, charge, and authority shall be reviewed every three years, with reappointments or new appointments made at that time.

ETAB 2.0 complementary working group

- A complementary working group will be convened to facilitate the work on the advisory group.
- Group members bring expertise in areas necessary to accomplish the community's stated trail goals.
  - Brevard City Manager (or his/her designee)
  - Brevard City Engineer
  - Brevard Planning Director and designated planning staff
  - Brevard Public Works Director
  - FOET executive director
  - TDA executive director
  - TEA executive director
  - HOB executive director
  - CC representative
  - RPO representative
  - NCDOT representative (until construction completed)
  - TPD representative (until construction completed)

Ecusta Trail "decision buckets"

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 into existing trails/facilities • Type and location of complementary amenities outside federally funded project footprint • Construction timing • Complementary program intended to leverage trail's presence and create community impact • Encroachment requests within trail corridor in conjunction with staff's technical analysis • Realignment options at Mtn. Industrial Drive terminus • R5800 betterments to pursue • Trailhead (or trailheads) location(s)	• Extend to Main St./Rebrand Estatoe? • 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 update to UDO to integrate trail into land-use

Memorandum of Understanding

- So far only a very early draft has been circulated amongst staff
- Memorializes the relationship between the three parties and lays out each party's basic responsibilities
- Presumably will outline service levels, though those have yet to be negotiated.
- The current proposal is a three-way agreement between Brevard, HC, and Friends of Ecusta Trail
- City Manager may recommend having two separate agreements with HC and FOET.
- More to come on this topic.

Additional Considerations for Council

- Integrating the trail into the bigger picture
  - Revise land use regulations to orient new development to trail?
  - Shift funding priorities to build complementary infrastructure?
  - How do we leverage the trail's presence for community benefit?
  - Can our organizational structure execute these efforts?
- City Manager recommends holding another workshop in the fall to start working through these matters and HC/FOET terms.
- Later this evening you're asked to adopt the revised charter and membership for ETAB, and discuss whether to name Main St. as terminus.

COMMENTS/QUESTIONS?

STAFF REPORT
City Council, Monday, August 19, 2024

Title: Housing Presentation

Speaker: Emily Brewer, AICP, Senior Planner
Prepared by: Emily Brewer, Senior Planner
Approved by: Wilson Hooper, City Manager, Paul Ray, Planning Director

Background & Discussion
Affordable and workforce housing have long been recognized as a substantial need for residents of Brevard and the surrounding area. Adopted city plans, such as the 2002 Future Land Use Plan, 2015 Comprehensive Plan and the new Comprehensive Land Use Plan, *Building Brevard 2030*, all highlight affordable housing as a key priority. Community engagement conducted as part of *Building Brevard 2030* selected "*Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods"* as the most important goal for the future of Brevard.

Over the past two years, the City of Brevard has reaffirmed its commitment to addressing the housing crisis. Significant time and resources to identify, address, mitigate, and remove barriers to affordable housing production and preservation. These efforts include:

- Proactively been taking steps to remove regulatory barriers to housing that existed within the City's development regulations.
- Contracting the University of North Carolina School of Government's Development Finance Initiative to support the City in attracting private investment for housing development.
- Expanding the authority of the Housing Trust Fund to support a myriad of housing efforts within the City's corporate limits and Transylvania County within the City's extraterritorial jurisdiction.
- Endowing Housing Trust Fund, initially established in 2012, to support ongoing and future housing initiatives.

Action
Staff will provide an overview of the myriad of housing initiatives undertaken by the City over the past two years and highlight some upcoming projects for the next fiscal year. No action is requested; presentation is for information only.

Attachments:

STAFF REPORT
City Council, Monday, August 19, 2024

Title:	Traffic Schedule Amendments - No Parking Zones and Three-Way Stops
Speaker:	Wilson Hooper, City Manager
Prepared by:	Tom Jordan, Police Chief
Approved by:	Wilson Hooper, City Manager

Background
The city's code of ordinances contains a section called a "traffic schedule", which codifies in code the locations of certain traffic regulations. Since it is part of the code of ordinances, changes to the traffic schedule require public notice and public hearing.

The traffic schedule amendments presented here are necessary to execute safety and parking initiatives recently endorsed by the Public Safety Committee and City Council.

Discussion
In May, Council endorsed a traffic-calming strategy for West Probart St. Most of the strategy's components do not require updates to traffic schedule. However one component, the three-way stop at West Probart and Railroad Ave., does.

A three-way stop is not a traffic-calming measure by itself. In fact traffic-calming best practices do not recommend using a three-way stop for this purpose. However, a three-way stop at this location is deemed appropriate by the city's third-party traffic engineer because the two streets (Probart and Railroad) are of similar character. Their dimensions and traffic volume are similar enough that a three-way stop will serve its intended purpose -clarifying right of way- with the byproduct of lowering speeds.

This change would add "West Probart and Railroad" to Schedule XI-C "Three Way Stops" and remove "West Probart St from Railroad Avenue" from Schedule XI-A "Stop Before Entering Certain Intersections" (e.g., one way stops).

In summer 2024 the Public Safety Committee also endorsed clarifications to the parking rules along Railroad Avenue in the Lumberyard District. The changes would prohibit parking on the west side of Railroad Ave. from Probart to approximately the creek crossing near the Depot in order to preserve that space for the Estatoe Trail. The PSC also approved converting the east side of Railroad Ave. between French Broad and Whitemire to on-street parking. This change serves dual purposes. It creates additional public parking spaces, but also eliminates the right-turn lane onto Whitmire and "squares off" the intersection. The new configuration should be clearer and easier to navigate than the current alignment with the complicating right turn lane.

This code change would add "West side of Railroad Abe from West Probart to a point

approximately 300 feet northeast of intersection with Whitmire St" to Schedule I "No Parking Areas". No code changes are required to make way for the new parking on the east side of the road. Those spaces will be subject to the same parking regulations that are used on King and Whitmire.

Fiscal Impact
The cost of the signs and related materials for Probart St./RR Ave three-way stop was factored into the cost of the overall project approved by Council in May. The cost of the Lumberyard parking changes will be nominal, primarily the cost of paint and signs. It will be paid for with dollars budgeted for maintenance.

Action
No action requested. For information and public hearing only.

Attachments:
1. Chapter 66. Traffic Article 1 66.5 (Traffic Schedule) amendments

66-5. Traffic schedules adopted.

Schedules prescribing speed limits, no parking zones, limited parking zones, one-way streets, stop intersections, yield intersections and other matters are hereby adopted by reference. Such schedules shall be maintained by the city clerk and be available for reference at any time and are made a part of this chapter as fully as though set forth in this section. A copy of these schedules shall also be available in the police department for reference by any person.

SCHEDULE I. NO PARKING AREAS (Section 66-122)

R

On both sides of Reservoir Road from its intersection with Whitmire Street, a distance of 300 feet.

West side of Rosenwald Lane from West Main Street to West Lane.

West side of Railroad Ave from West Probart St. to a point approximately 300 feet northeast of intersection with Whitmire Street.

SCHEDULE XI-A. STOP BEFORE ENTERING CERTAIN INTERSECTIONS (Section 66-72)

P

Park Avenue from Boxwood Lane.

Park Avenue from Elks Club Road.

Park Avenue from Harold Street.

Park Avenue from Morningside Drive.

Park Avenue from Outland Avenue.

Pine Mountain Trail from Camptown Road.

Pine Mountain Trail from Elk Mountain Trail.

Pine Mountain Trail from Hawk's Crest.

Pine Mountain Trail from Lake House Place.

Pine Mountain Trail from Stone Creek Trail.

Pisgah Lane from Short Street.

Probart Extension (Cashiers Valley Road) from Hillview Avenue.

West Probart Street from Eastabrook Avenue.

West Probart Street from England Street.

West Probart Street from Galloway Street.

West Probart Street from James Street.

West Probart Street from Kings Mill Road.

West Probart Street from Oaklawn Avenue.

~~West Probart Street from Railroad Avenue.~~

West Probart Street from Rosenwald Lane.

West Probart Street from Thomas Street.

West Probart Street from White Oak.

West Probart Street from Whitmire Extension.

SCHEDULE XI-C. THREE-WAY STOP INTERSECTIONS

Jordan Road and Maple Street.

Mills Avenue at Brown Lane going in both directions.

Park Avenue and Harold Street.

Silversteen Drive at McMinn Avenue

West Probart St. and Railroad Ave

(Code 1980, § 16-5; Ord. No. 12-03, 6-16-03; Ord. No. 26-05, 10-17-05; Ord. No. 28-05, 11-17-05; Ord. No. 33-05, 11-21-05; Ord. No. 7-06, 3-20-06; Ord. No. 13-06, 8-7-06; Ord. No. 14-06, 8-7-06; Ord. No. 20-06, 8-28-06; Ord. No. 9-08, 5-19-08; Ord. No. 7-09, 4-20-09; Ord. No. 8-09, 5-18-09; Ord. No. 17-09, 7-6-09; Ord. No. 18-09, 7-20-09; Ord. No. 22-09, 10-5-09; Ord. No. 2012-06, 3-5-12; Ord. No. 2012-16, 5-21-12; Ord. No. 2012-26, 11-5-12; Ord. No. 2013-04, 5-20-13; Ord. No. 2014-14, 8-18-14; Ord. No. 2015-05, 3-16-15; Ord. No. 2016-05, § 1(a), 3-21-16; Ord. No. 2016-13, § 01(a), 6-20-16; Ord. No. 2017-17, § 01, 9-18-17; Ord. No. 2018-19, § 1, 8-20-18; Ord. No. 2018-30, 10-8-18; Ord. No. 2019-22 , §§ 1—6, 9-16-19; Ord. No. 2019-23 , §§ 2—4, 10-21-19; Ord. No. 2020-06 , § 1, 4-20-20; Ord. No. 2020-21 , § 1(Exh. A), 10-19-20; Ord. No. 2022-12 , § 1(Exh. A), 3-21-22; Ord. No. 2022-23 , 5-2-22; Ord. No. 2022-54, 8-15-22; Ord. No. 2023-38, § 1, 8-21-23; Ord. No. 2023-54, § 1(Exh. A), 11-6-23)

STAFF REPORT
City Council, Monday, August 19, 2024

Title:	Proposed Amendments to City of Brevard Code of Ordinances Chapter 14 - Dangerous Dogs
Speaker:	Tom Jordan, Police Chief
Prepared by:	Tom Jordan, Police Chief
Approved by:	Wilson Hooper, City Manager

Background
In May 2024 a number of concerned citizens approached the Public Safety Committee (PSC) about the possibility of strengthening the dangerous dog regulations in the city's Code of Ordinances. Staff's first action was to ask Transylvania County whether they would be willing to use their Dangerous Dog Review Board to adjudicate dangerous dog designations made by city officers but, for legal reasons, the county declined.

Upon review by staff it was discovered that the North Carolina General Statutes permitts a more expansive definition of what constitutes a "dangerous dog" than what is codified in the ordinances. At the direction of the PSC staff developed a proposal for updating Brevard's ordinance. The updated ordinance language was approved by the PSC at the July 22 meeting and referred to full City Council

Discussion
The expanded definition is included in the attached draft ordinance. Though perhaps more notable is the change to the adjudication procedure that's proposed. The updated code refreshes the city's Dangerous Dog Appelate Board and outlines the procedures it must follow in order to give due process to dog owners whose dogs have been deemed dangerous. The revised code also stipulates requirements that owners of dogs declared dangerous must follow in order to keep possession of the dog. Finally, the code explicitly designates failure to follow such requirements as a Class 3 Misdemeanor.

Action
No action requested. For information and public hearing only. Council will be asked to take action at its September 3, 2024 meeting.

Attachments:
1. Draft Amendments to Chapter 14-36 Dangerous Dogs

14-36. Control of dangerous dogs or potentially dangerous dogs.

A. An owner of a dangerous or potentially dangerous dog shall take precautions against attacks by such dogs resulting in serious bodily injury to a person. Determination of a dangerous or potentially dangerous dog shall be in accordance with G.S. 67-4.1 and provisions under City of Brevard ordinance 14-36. The City of Brevard Chief of Police, or their designee, shall have the authority to declare a dog to be a dangerous/potentially dangerous dog. Any determination that a dog is dangerous/potentially dangerous shall be made in writing, summarizing the available evidence that led to the determination and shall be delivered or mailed by registered or certified mail to the owner/keeper of the dog.

B. "Dangerous Dog" means without limitation any dog defined as such pursuant to G.S. 67-4.1 including:

1. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
2. Any dog that, without provocation, has killed or inflicted severe injury on a person.
3. Any dog determined by the Chief of Police or their designee to be a "Potentially Dangerous Dog".

C. "Potentially Dangerous Dog" means without limitation any dog defined as such pursuant to G.S. 67-4.1 including any dog that the Chief of Police or their designee determines to have:

1. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization, or
2. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
3. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack. In addition, thereto, any dog whose behavior constitutes a risk of severely injuring or killing a human or domestic animal or which, by demonstrated behavior, is commonly accepted as dangerous shall be deemed "potentially dangerous." A dog declared by the Chief of Police, or their designee, is also a "Dangerous Dog" by definition.

D. An appellate board will be designated by the city council to hear any appeals. The dangerous dog appellate board shall be composed of a ~~practicing~~ veterinarian and two public citizens as appointed by the city council. The veterinarian shall be vested with a personal or professional stake in Transylvania County, and the two citizen members shall be residents of the City of

DRAFT

Brevard. The owner/keeper of a dog that has been declared dangerous/potentially dangerous may appeal the declaration in writing to the dangerous dog appellate board within five business days of the receipt of notice of the original declaration. While any appeal is pending, the owner/keeper of the dog shall comply with the dangerous/potentially dangerous dog confinement measures set forth in City Code section 14-36 and G.S. 67-4.2. If the declaration made by the Chief of Police, or their designee, is upheld by the appellate board, the owner of the dog may appeal the decision to superior court by filing notice of appeal and a petition for review within ten days of the decision made by the appellate board. Appeals from the final decisions of the appellate board shall be heard in the superior court of the county.

E. The owner/keeper of a dog that has been declared "dangerous" or "potentially dangerous" has the right to properly appeal the initial declaration to the City of Brevard Dangerous Dog Appellate Board.

F. To be properly appealed, any request for an appeal must be made in writing and must be delivered to the appellate board c/o the City Manager, or otherwise mailed thereto bearing a postmark, within 5 days of receipt by the owner of the written declaration from which the appeal is sought.

G. While the appeal to the appellate board is pending, the owner/keeper of the dog must comply with all provisions of this ordinance pertaining to "dangerous" or "potentially dangerous" dogs except with respect to any tattooing or micro chipping requirements.

H. The appellate board shall schedule a quasi-judicial hearing within 30 days of receiving the written request for an appeal to determine whether to affirm, remand for further consideration, or overturn the Chief of Police or their designee's declaration. The appellate board's decision shall be issued in writing within 10 days of its decision.

I. Any appeal from the final decision of the appellate board shall be taken to the Transylvania County Superior Court by filing notice of appeal and a petition for review therewith within 10 days of the final decision of the appellate board.

J. While any appeal to the Transylvania County Superior Court is pending, the owner or keeper of the dog must comply with all provisions of this ordinance pertaining to "dangerous" or "potentially dangerous" dogs except with respect to any tattooing or micro chipping requirements.

K. Failure to file any appeal within the applicable deadline shall result in the owner or keeper being deemed to have waived its right to file an appeal, and the owner or keeper shall thereafter immediately comply with all provisions of this ordinance.

L. The owner/keeper of a declared "dangerous" or "potentially dangerous" dog may

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keep the dog only if all the following conditions are satisfied on an ongoing and continuous basis:

1. The owner must ensure that the dog remains either confined or controlled and muzzled as described below at all times. Failure to comply shall subject the owner to prosecution and/or penalties under this ordinance or state law.

    a. Confined: The dog may be confined inside the owner's or keeper's residence. Alternatively, the dog may be confined inside a securely enclosed, locked pen with a concrete bottom and secure top. The lock must require a combination or key to open. The pen and the lock shall be subject to inspection and approval by the City of Brevard Animal Services Officer.

    b. Restrained and muzzled: If the dog is not confined as described above, it must be muzzled, restrained on a leash or chain, and controlled by a competent person at all times.

2. The owner must immediately post one or more warning signs indicating that a declared "dangerous" or "potentially dangerous" dog is on the property. The signs must include both a written statement as well as a graphic representation of a dangerous dog. The sign must be approved by the Chief of Police, or their designee, and must be at least 120 square inches in size. At least one sign must be posted in a clearly visible manner at each entrance to any residence or enclosure in which the declared dog will be kept or confined at any time.

3. Within 10 days of exhausting all available appeals or otherwise within 10 days of the expiration of any applicable appeal deadline, the owner must ensure that the dog is either tattooed on the inside of the right hind leg with an identification number or microchipped. The owner must provide the Chief of Police with a signed written statement containing the identification number or microchip identifier used within 72 hours.

4. City of Brevard Animal Control Officers and other law enforcement officials may conduct periodic inspections of the owner's property to evaluate compliance with this ordinance. If the owner refuses to permit such inspections, the Animal Control Officers and law enforcement officials may seek an administrative inspection warrant to conduct a periodic inspection.

5. If the owner transfers ownership or possession of a declared dog to someone else, the restrictions on the dog shall transfer to the new owner or keeper. Prior to transferring ownership thereof, the owner must obtain a "Transfer of

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Ownership" form from the Animal Services Officer explaining the dog has been declared "dangerous' or "potentially dangerous" and outlining the restrictions placed thereupon. The person assuming ownership must sign the form and the signature must be notarized. The signed and notarized form must be returned to the Chief of Police or their designee before the animal is transferred to the new owner.

M. Violations

1. If an owner or keeper of a declared dog fails to comply with any requirement in this section:

   a. They may be charged criminally pursuant to this ordinance with a Class 3 Misdemeanor in which event the dog may be immediately impounded; and/or

   b. They may be issued a civil citation and assessed for civil penalties pursuant to this ordinance as set by the City of Brevard fee schedule.

2. If the owner of a declared dog impounded under this section is found to not violate this section either criminally or civilly, the dog shall be released from impoundment, and all impoundment costs shall be paid by the owner/keeper at the daily rate established by the Transylvania County Animal Shelter.

3. Any declared dog shall not be offered for adoption through any animal shelter.

4. Any dog that kills a person shall be impounded and euthanized upon order of the court.

N. Reporting Requirements for declared "dangerous" or "potentially dangerous" dogs are as follows:

1. A report to the City of Brevard Animal Services Officer shall be made by contacting the Transylvania County 911 Center within 24-hours of any of the following events by persons specified herein:

   a. If any declared "dangerous" or "potentially dangerous" dog attacks or bites a person or domestic animal it shall be reported by the owner/keeper.

   b. If there is a change in address, ownership or possession of a declared "dangerous" or "potentially dangerous" dog, the same shall be reported by the owner or keeper thereof; or

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c. If a declared "dangerous" or "potentially dangerous" is removed from the City of Brevard and Transylvania County, or expires, the same shall be reported by the owner or any keeper thereof.

2. Failure to comply with this section may result in criminal prosecution and/or civil remedies including the assessment of penalties as otherwise provided under Section L.1.(a)&(b) of this ordinance.

O. The owner/keeper of any declared "dangerous" or "potentially dangerous" dog shall have strict liability in civil damages for any injuries or property damage the dog inflicts upon any person, their property, or another animal as per G.S. 67-4.4.

(Code 1980, § 4-26; Ord. No. 2017-07, § 1, 3-20-17; Ord. No. 2018-15, § 1, 6-18-18)
State law reference(s)—Authority to regulate, restrict, and prohibit the possession or harboring of dangerous animals, G.S. 160A-187.

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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

JULY 31, 2024

Tina Tanner

Certified Tax Collector

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

UPDATED: 08.12.2024

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2024						
2023-2011	$ 3,514.80					
2010 - Prior	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ 3,514.80	$ -	$ -	$ -	$ -	$ -

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2024							$ -
2023-2011							$ 3,514.80
2010 - Prior	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,514.80

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

UPDATED: 08.12.2024

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2024						
2023-2011	$ 28.47					
2010 - Prior	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ 28.47	$ -	$ -	$ -	$ -	$ -

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2024							$ -
2023-2011							$ 28.47
2010 - Prior	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ -	$ -	$ -	$ -	$ -	$ -	**$ 28.47**

STAFF REPORT
City Council, Monday, August 19, 2024

Title:	Project Ordinance - Wastewater Treatment Plant Upgrade or Replacement Project
Speaker:	Wilson Hooper
Prepared by:	Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background
The City of Brevard Wastewater Treatment Plant is approaching 80% capacity and the City is in the initial stages of investigating options to adequately serve the community for future generations. The City has contracted with KCI Associates for preliminary engineering services, which will advise the City whether to pursue a replacement or an upgraded Wastewater Treatment Plant. The current plant was built in 1989 and operates with RBC's (Rotating Biological Contactors).

This action sets up and endows a dedicated Project for accounting purposes. Future revenues and expenses will be tracked here.

Fiscal Impact
The FY24-25 budget included a $357,800 transfer from the Water and Sewer Fund for the purpose of funding this preliminary engineering report. The City has also received a $13,000,000 grant from the State of North Carolina, which is intended to fund future costs associated with this project.

Recommendation
Approve Capital Project Ordinance 2024-30 as submitted.

Attachments:
1. CPO Establishment - WWTP - Upgrade or Repl $357,800

ORDINANCE NO. 2024-30

CAPITAL PROJECT ORDINANCE TO ESTABLISH WASTEWATER TREATMENT PLANT UPGRADE OR REPLACEMENT PROJECT

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

Section 1: The Wastewater Treatment Plant is approaching 80% capacity which signals the City to begin exploring ways to increase capacity. A new Wastewater Treatment Plant would likely exceed $50,000,000 in cost, but the City is also exploring whether an upgrade to the current Plant would better serve the future needs of the community. This will almost certainly be the first of many project amendments associated with this important project.

Section 2: The City has contracted with KCI Associates of North Carolina, P.A. in the amount of $352,000 to perform preliminary engineering as highlighted in Section 5. (Statement of Work), of the agreement. Funding will be provided from a transfer from the Water and Sewer Fund of $357,800, which City Council approved as a component of the FY24-25 budget on June 3, 2024.

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

Account Number	Account Name	Budget Amount
31-8220-0925	Professional Services	$357,800
TOTAL PROJECT APPROPRIATION		**$357,800**

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

Account Number	Account Name	Budget Amount
32-3760-1908	Trans from Gen Fund - WWTP	$357,800
TOTAL PROJECT REVENUE		**$357,800**

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 19th 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 19, 2024

Title:	Resolution Fixing a Date of Public Hearing for Annexation - Jason Shepherd, 35 Verdery Avenue
Speaker:	Denise Hodsdon, City Clerk
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 the property located at 35 Verdery Avenue, Brevard be annexed into the City of Brevard (Tax Property Identification Number: 8585-28-6101-000).

Discussion
On August 5, 2024 City Council approved a Resolution Directing the Clerk to Investigate the Sufficiency of the Petition. The Clerk, Staff and Attorney have investigated and feel this annexation can move forward with setting a date for public hearing.

Recommendation
Staff recommends Council adopt the drafted Resolution Setting a Date for Public Hearing on Monday, September 16, 2024.

Attachments:
1. Certificate of Sufficiency
2. Petition for Annexation
3. Annexation Plat
4. Resolution Fixing Date for Public Hearing

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.

Office of City Clerk
(828) 885-5614

Certificate of Sufficiency

I, Denise Hodsdon, City Clerk, do hereby certify that I have investigated the attached petition submitted by **Jason Shepherd,** for the property located at 35 Verdery Avenue, Brevard, **(PIN 8585-28-6101-000)**, consisting of 0.101 acres, more or less, and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with NCGS 160-A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Brevard this 15th day of August, 2024.

CITY OF BREVARD, NC
CORPORATE SEAL
(Seal)

Denise Hodsdon

Denise Hodsdon, CMC
City Clerk

RECEIVED 7/1/2024 DHodson

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD

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 EXTX
$2.00
PRESENTED & RECORDED
06-06-2016 03:51:11 PM
CINDY M OWNBEY
REGISTER OF DEEDS
BY DREE 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, 20 16
By: _____

Mail/Box to: DONALD E. JORDAN, 4 W. Main Street, Brevard, NC 28712

This 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 HIPP

Everett L. Hipp (SEAL)
EVERETT L. 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: NORMA COLLINS HIPP and EVERETT L. HIPP

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

CYNTHIA S. RUDD NOTARY PUBLIC TRANSYLVANIA COUNTY, N.C.

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.

Martha Sheppard Hipp (SEAL)
MARTHA SHEPPARD HIPP

Raymond D. 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.**

CYNTHIA S. RUDD NOTARY PUBLIC TRANSYLVANIA COUNTY, N.C.

Cynthia S. Rudd
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 HIPP 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 149 Records of Plats for Transylvania County.

cindy/exhibits/hipp to shepherd $1000

Plat file 16, Slide 749

16, 749

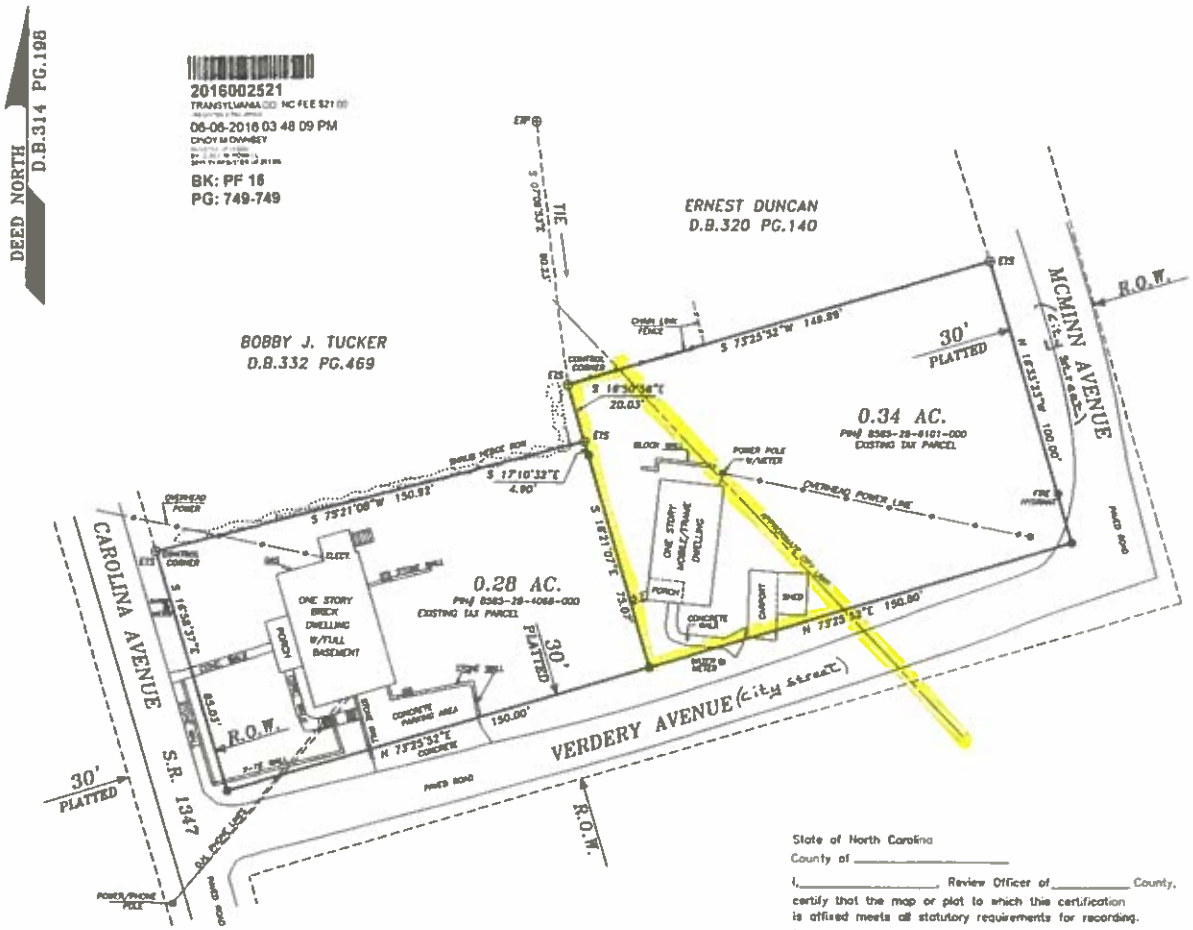
2016002521
TRANSYLVANIA CO NC FEE $21.00
06-06-2016 03 48 09 PM
CINDY M DAWSEY
BK: PF 16
PG: 749-749

PLAT OF SURVEY FOR
JASON M. SHEPHERD

BEING THE PROPERTIES DESCRIBED IN D.B. 245, PG. 49

CITY OF BREVARD
BREVARD TOWNSHIP
TRANSYLVANIA COUNTY
NORTH CAROLINA

MAY 16th, 2016
SCALE 1" = 30'



I, STEVEN LLOYD WAGGONER, a PROFESSIONAL LAND SURVEYOR, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book AS, Page SHOWN); that the boundaries not surveyed are clearly indicated drawn from information found in Book AS, Page SHOWN; that the ratio of precision as calculated is 1/15,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal.
this 16th day of June, A.D. 2016.

PROFESSIONAL LAND SURVEYOR

I, STEVEN LLOYD WAGGONER, PROFESSIONAL LAND SURVEYOR, certify that this plat represents a survey of an existing parcel or parcels of land and does not create a new street or change an existing street. G.S. 47-30 (f) (11) (c)

North Carolina, Transylvania County
The foregoing certificate of STEVEN LLOYD WAGGONER, Professional Land Surveyor, is certified to be correct. This plat was presented for recording and duly recorded in this office in PLAT FILE _____, SLIDE _____. This the ___ Day of _____, 2016 A.D., at _____ o'clock ___ M.

REGISTER OF DEEDS _____

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

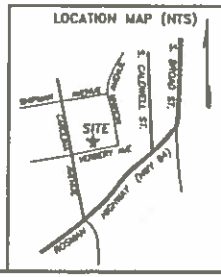
30 0 30 60 90
GRAPHIC SCALE - FEET

SCALE 1" = 30'

NOTES:
1) AREAS DETERMINED BY COORDINATE COMPUTATION
2) THE CURRENT OWNERS OF RECORD ARE MARTHA SHEPPARD 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 ETJ, WITH BUILDING SETBACK DIMENSIONS OF: FRONT/ROW 15'; SIDE 6'; REAR 25'.

LEGEND
- EXISTING CORNER MONUMENT AS NOTED
- NEW IRON PIPE SET OR AS NOTED
- COMPUTED POINT-NOT STAKED
- CONCRETE MONUMENT AS NOTED

LOCATION MAP (NTS)



REFERENCES:
DEED: D.B.245 PG.49
D.B.314 PG.198
PLAT: PLAT BK. 1, PG.52
TAX ID REFERENCE: AS SHOWN ON MAP
SCRN FILE 16-029
DWG FILE:
REVISIONS:

NORTH CAROLINA PROFESSIONAL SEAL L-2874 LAND SURVEYOR STEVEN LLOYD WAGGONER

SURVEY BY
STEVEN LLOYD WAGGONER
NC PLS 2874

WAGGONER & RHODES
LAND SURVEYORS, PLLC.
545 SOUTH GROVE STREET
HENDERSONVILLE, NORTH CAROLINA 28792
PHONE: 828-883-1022
FAX: 828-693-4019

DATE: MAY 16th, 2016 | DRAWN BY: DKS/SLW | JOB NUMBER: 16-029

CITY OF BREVARD
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 WINDOW

P.F._____ SL. _____

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
—OE—OE—	OVERHEAD ELECTRIC
—OT—OT—	OVERHEAD TELEPHONE
—x—x—	FENCE LINE
D.B. / PG.	DEED BOOK & PAGE
P.B. / PG.	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 COMISSION 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

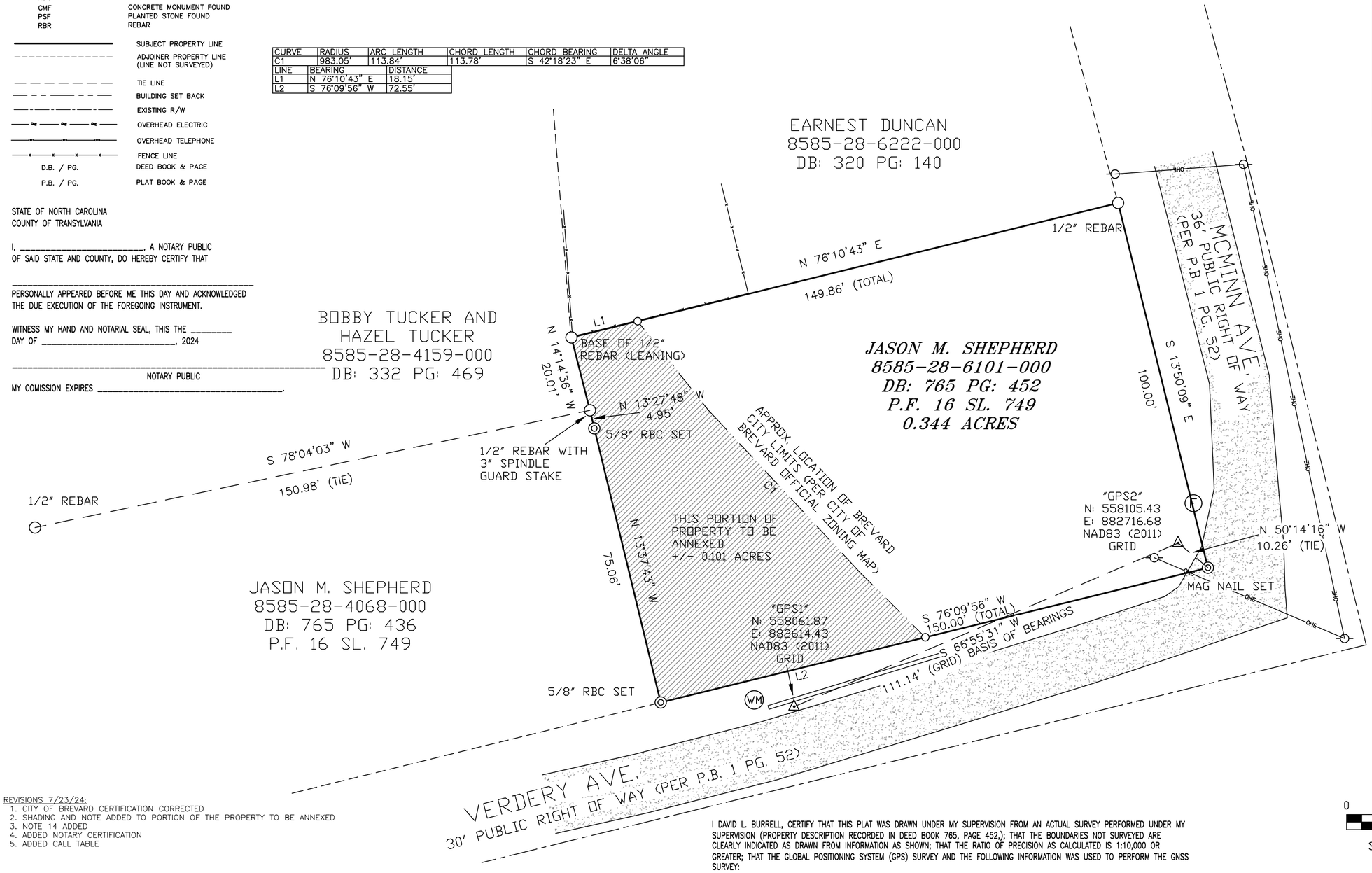
CITY OF BREVARD – ANNEXATION

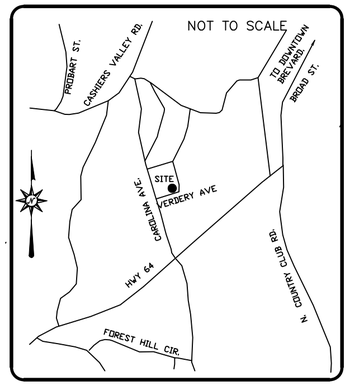
I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION HAS FOLLOWED ALL REQUIREMENTS AND PROCEDURES AND A PUBLIC HEARING WAS HELD BY THE CITY OF BREVARD TO ANNEX THE PROPERTY HEREIN DESCRIBED
THE CITY OF BREVARD ADOPTED ORDINANCE NUMBER _____
TO ANNEX THE PROPERTY DESCRIBED HEREIN ON _____
WITH THE EFFECTIVE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





DAVID L. BURRELL
PROFESSIONAL LAND SURVEYOR
L-5546 (NC)
828-577-6568
133 COBB ST, EASLEY SC 29640

DRAWING NO. 24-27-REVISED

GRID NORTH
NAD83 (2011)

0 20 40 60
SCALE: 1 INCH = 20 FEET

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

NORTH CAROLINA PROFESSIONAL SEAL L-5546 LAND SURVEYOR DAVID L. BURRELL

PRELIMINARY

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_____.

_____ L-5546
N.C. PROFESSIONAL LAND SURVEYOR LICENSE #

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 FIXING A DATE OF PUBLIC HEARING ON THE QUESTION OF 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).; and

WHEREAS, the Brevard City Council has by Resolution No. 2024-30 directed the City Clerk to investigate the sufficiency thereof; and

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

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by Jason Shepherd, will be held at Brevard City Hall at 5:30 P.M. on the 16th day of September, 2024.

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

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.

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

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

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

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

STAFF REPORT
City Council, Monday, August 19, 2024

Title: Estatoe Trail 30% Design Contract

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

Background
The Estatoe Trail is a crosstown trail which, once completed, will connect Pisgah Forest with Brevard High School and beyond. Brevard has been making steady progress completing the Railroad Ave. segment two years ago, and Tannery South segment last year. The Tannery North segment is funded and construction is expected to start in the months to come.

Staff have broken down the remaining construction into four distinct projects: 1.) Main St. to Mary C Jenkins Community Center 2.) Rosman Highway crossing 3.) Rosman Highway to Brevard High School 4.) McDonalds to Poplar St. boardwalk replacement

Discussion
Two of the remaining four projects -Main St. to MCJCC and Rosman Hwy to Brevard High School- constitute the bulk of the remaining work. Each project will require right of way acquisition, engineering, permitting, and specialized construction. Both planned alignments must contend with natural obstacles.

To this point, much of the information staff have been using to try and execute the projects has been assumptions. Staff is recommending contracting with the city's regular third-party engineering firm -Summit Engineering- to conduct 30% design so that the city can have better and more accurate information, compiled scientifically, to inform its work going forward. The proposed scope of the 30% design work is included in the attached draft contract.

Fiscal Impact
The $65,000 expense will be paid for with dollars reserved for the Estatoe Trail project in Fund 78, "Multi-Use Path Fund". This will leave a remaining unencumbered balance of $367,467

Action
Staff requests Council approve the attached resolution authorizing the City Manager to execute a contract with Summit Engineering

Attachments:
1. Eastatoe Trail Phase 30% for Remaining Sections - Signed
2. Resolution re Summit Engineering 30% Design

SUMMIT
ENGINEERING GROUP OF NORTH CAROLINA INC.
ENGINEERS • PLANNERS • SURVEYORS

April 2, 2024

Mr. Paul Ray
Planning Department Director
City of Brevard
95 W. Main Street
Brevard, NC 28712

Re: City of Brevard Estatoe Trail 30% Design
- Main Street to MJCC
- Rosman Hwy to High School

Dear Mr. Ray,

Summit Engineering Group of NC, Inc. appreciates the opportunity to provide engineering services to the City of Brevard for the above-referenced project. Based on our conversation with City staff, we have prepared the following proposal for our services.

I. SCOPE OF SERVICES

The purpose of this project is to provide 30% complete plans and cost estimate based on City of Brevard standards for approximately 5,000 linear feet of 10 ft wide bike path (from W. Main Street to the Mary C. Jenkins Community Center Property and from Rosman Hwy. to the Brevard High School). The proposed project will traverse multiple residential properties. Services to be provided by Summit are detailed below.

A. Services to be Provided

1. Geotechnical services in order to determine soil conditions and proper pavement design

2. Environmental services to identify wetlands and other challenges along the proposed project route

3. Design survey and base map identifying topography, existing water bodies, property lines, utilities, large trees, and other features in the project area including riparian buffers and wetlands, if applicable

4. Design Plans, including:
   a. Proposed bike path layout, including bearings and distances
   b. Proposed bike path profile
   c. Typical cross-section
   d. Existing topography
   e. Proposed topography
   f. Required easements

5. Cost estimate, including:
   a. Itemized breakdown of construction activities for the proposed project
   b. Unit pricing
   c. Itemized non-construction cost estimate, including sub-consultants
   d. Preparation of total project budget

6. List of required permits & proposed project schedule (based on duration of project tasks and permit review/approval process)

7. Easement exhibits suitable for execution and recording

B. Deliverables

1. Soil report of the project area

2. Electronic copy (pdf format) of the 30% design plans including:
   a. Overall project plan
   b. Plan and profile sheets (20 scale) including typical cross-section(s)

3. Electronic copy (pdf format) of the required easements plats (up to 10 plats)

4. Electronic copy (pdf format) of proposed project schedule and list of required permits

5. Electronic copy (pdf format) of detailed cost estimate, including professional services and permitting fees

II. ITEMS NOT INCLUDED (ADDITIONAL SERVICES)

A. Regulatory and Environmental Permitting

B. Bidding Services

C. Construction Management Services

D. Material Testing and Laboratory Services

E. Contract documents and Technical Specifications

Note: Many of these services will be provided and included in a separate contract when applicable. Special or additional services shall not be performed unless so authorized by the OWNER in writing prior to performance of the service.

III. ITEMS TO BE PROVIDED BY CITY

A. Access to all project sites

B. Field personnel to assist Summit as required

IV. PROJECT ASSUMPTIONS

A. The Town will provide notice to property owners of surveying activities.

B. The Engineer will give the Town 1-week notice prior to surveying.

C. The City's Floodplain Manager will inform the Engineer of the jurisdictional status of the local water body and any buffers that apply.

D. Staff will provide information to the Engineer in a timely manner.

V. COMPENSATION AND SCHEDULE OF REIMBURSEMENT

Fees for this project will be at the Hourly Rate Schedule plus expenses, not to exceed the amounts listed below:

1.	Geotechnical Review of the project area	$	15,000.00
2.	Wetland Delineation	$	5,000.00
3.	Survey Services and Base Map	$	10,000.00
4.	30% Design Plans	$	20,000.00
5.	Cost Estimate	$	3,000.00
6.	Project Schedule and Required Permits	$	2,000.00
7.	Easement Plats (7 each)	$	10,000.00
	Total Fee for Professional Services:	**$**	**65,000.00**

*Invoicing will include the cost of reimbursable expenses such as mileage, subcontractor costs, etc.

Please note that the fees shown for the itemized work tasks above were used in the preparation of this proposal. Actual fee for these itemized tasks may differ; however, the overall professional services fee for the work specified herein will not be exceeded without written approval from both parties.

Once again, thank you for the opportunity and please let us know if you have any questions or need any additional information.

Sincerely,
Summit Engineering Group of NC, Inc.

Alvin Fuller Jr

Alvin Fuller, P.E.
Sr. Vice-President

Proposal Acceptance and Authorization:

City of Brevard – Planning Director
Title

Paul Ray
Print Name

Signature

Date

Enclosure: Attachment "A" - Rate Schedule

ATTACHMENT "A"

HOURLY RATE SCHEDULE
SUMMIT ENGINEERING GROUP, INC.

Schedule 23A

Hourly Rate Schedule and Chargeable Expenses for Engineering Services Provided

Employee Classification	**Rate per Hour**
Principal	$190.00
Senior Project Manager	$185.00
Project Manager	$165.00
Electrical Designer	$175.00
Senior Project Engineer	$160.00
Project Engineer II	$145.00
Project Engineer I	$130.00
Design Technician	$125.00
Engineering Associate II	$130.00
Engineering Associate I	$105.00
Project Representative III	$115.00
Project Representative II	$105.00
Project Representative I	$95.00
CADD III	$100.00
CADD II	$95.00
CADD I	$85.00
Administrative Services	$80.00

Survey and GIS Services

Surveying Manager	$140.00
Instrument Operator	$95.00
GIS Analyst/Programmer	$140.00
GIS Specialist	$135.00
GIS Technician	$90.00
Rodman	$80.00

Equipment & Materials

GIS Survey Station	$110.00 per calendar day
Topcon Robotic Total Station	$110.00 per calendar day
Digital Hydrant Mounted Pressure Recorder	$15.00 per calendar day
Four-Wheeler	$50.00 per calendar day
Smoke Machine	$230.00 per calendar day
Smoke Bombs	$250 per case (minimum 1 case)

Other

Chargeable expenses	Actual cost-plus ten percent
Overtime	Hourly rate plus fifty percent
Courtroom appearances (to include preparation)	Hourly rate plus ninety percent

Effective Dates: January 1, 2023 to June 30, 2023

Note: Any revision or update in this hourly rate schedule shall be included in Agreements of which this page is part.

Issued: 1-1-2023

RESOLUTION NO. 2024-XX

AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENT WITH SUMMIT ENGINEERING FOR 30% DESIGN OF THE ESTATOE TRAIL

WHEREAS, on August 19, 2024 the Brevard City Council was presented with information, summarized in the affixed staff report, on the terms of a proposed agreement between City of Brevard and Summit Engineering for the professional services related to 30% design of the Estatoe Trail between Main St. and Brevard High School;

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

The City Manager (or his designee) is hereby authorized to negotiate and execute necessary agreements with Summit Engineering for the purposes described in the above referenced staff report.

Approved and adopted this _____ day of _____, 2024.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

STAFF REPORT
City Council, Monday, August 19, 2024

Title:	Joint Agreement for Reciprocal Access Easements by and between the City of Brevard and Monte Vista Inc.
Speaker:	Wilson Hooper, City Manager
Prepared by:	Wilson Hooper, City Manager
Approved by:	Wilson Hooper, City Manager

Background
Brevard Fire Department, other area emergency services agencies, and Brevard Public Works wish to utilize private Laurel Falls Rd. to ease access to the back side of Bracken Preserve for public safety and maintenance purposes. Agents from Monte Vista Inc., the owners of Laurel Falls Rd., have offered access (and permission to make small physical improvements to accommodate rescue vehicles) in exchange for access to private access to city-owned Bracken Preserve from the vicinity of Laurel Falls Rd.

The City Manager and representatives from Monte Vista Inc. have negotiated the attached agreement. It was presented to the Parks, Trails & Recreation Committee in July 2024 and received no objections.

Discussion
The agreement grants City of Brevard legal access to private Laurel Falls Rd. for maintenance and emergency service purposes. It specifies two access points, and physical improvements the city may make in each area to accommodate its vehicles. In exchange, the city grants Monte Vista residents two private access points.

The agreement includes certain restrictions:

- At its access points to Lauren Falls Rd., the city must install a gate or physical measure deterring unauthorized access and reading "Emergency Access Use Only"
- Physical improvements made by the city must be approved by Monte Vista Inc.
- The city must not advertise or publicize Monte Vista's private access points as available for public use
- Residents of Monte Vista who access Bracken via the private access points are still subject to the same hours of operation, trail rules, and other limitations on the use of the preserve as the general public.

The proposed term of the agreement is thirty years.

Action
Approve the attached resolution authorizing the City Manager to enter into the joint

agreement with Monte Vista Inc.

Attachments:

1. City of Brevard-Monte Vista Inc. Reciprocal Access Agreement
2. Resolution re Monte Vista Inc. Agreement

Reviewed and Submitted for Recording By:	The Airey Law Firm, Ltd. Co. 23 S. Broad St. Ste 207, Brevard, NC 28712
Brief Description:	Laurel Falls Road
Consideration:	$0 (None)
Parcels:	8576-83-0474-000, 8576-74-4245-000, 8576-46-6776-000

Joint Agreement for Reciprocal Access Easements
by and between the City of Brevard and Monte Vista, Inc.

No Title Examination Requested or Performed

The following agreement (the "Agreement") granting reciprocal access easements (individually an "Easement" and collectively the "Easements") is entered into upon mutual agreement and in consideration of the mutual promises contained herein between the **City of Brevard**, ("City of Brevard" or the "City") as owners of Bracken Preserve (the "Preserve") in Transylvania County, and **Monte Vista, Inc.**, as owners of Laurel Falls Road and the adjacent lands that fall between Laurel Falls Rd. and the City of Brevard's Bracken Preserve to the east and north as well as a number of properties adjacent to and/or accessed off of Laurel Falls Rd. The length of the agreement shall be thirty (30) years.

This Agreement is intended to provide the City of Brevard permanent access, subject to certain limitations and conditions described herein, to the Preserve from Laurel Falls Rd. so that City staff and their assignees, as well as City and County Emergency Services, are able to lawfully access the Preserve as needed for the limited purposes of trail construction and

maintenance and to provide necessary emergency services. This Agreement is further intended to provide Monte Vista, Inc. certain private access to the Preserve under the terms described below.

This access easement in favor of the City of Brevard would be limited to two (2) points along Laurel Falls Rd., as shown on **Attachments A and B** to this agreement, which are attached hereto and incorporated herein by reference, and as described below:

1. **Access Point #1:** That point along Laurel Falls Rd., at mile point 0.66, where the road descends into a saddle before starting a steep climb up the only paved portion of Laurel Falls Rd., where the to-be-developed Preserve expansion trails as drafted will come closest to the road, at the spot that represents the City's narrowest portion of ownership in their recently purchased expansion parcel. Access to the trail will be in the form of a 50' right of way extending from the Eastern edge of the road bed to the City's property line. The width of access being offered here is specifically for the purpose of allowing a parking/staging area for two to three (2-3) vehicles off of the Laurel Falls Rd. roadbed so as to avoid any need for parking on Laurel Falls Rd. See Attachment A.

2. **Access Point #2:** The point along Laurel Falls Rd. at mile point 1.21, where an improved but unnamed roadbed departs off the northern side of Laurel Falls Rd. The City will decommission, without unreasonable delay, the previously used but unapproved point of access off of said roadbed up the earthen bank. In place of this, the City is authorized to create an access corridor not to exceed twenty feet (20') in width, closer to where the roadbed departs Laurel Falls Rd., up the earthen bank on the north side of said roadbed. This access is intended to allow for permitted, limited vehicular traffic, per the terms of this Agreement, up to the City's established fire break corridor adjacent to the Preserve trail system. The new access corridor will more specifically fall 143 ft. (to the middle of the corridor) from the edge of Laurel Falls Rd. The new point of access will fall approximately 128 ft. to the southeast from the middle of the previous access point along the same earthen bank that will henceforth be decommissioned and no longer available to any parties for access into Bracken Preserve or the adjacent fire break. See **Attachment B**.

At each of the two access points described above, the City agrees to install a gate with appropriate signage noting "emergency access use only" (or a similar message as agreed upon between the parties). The gate should be of similar type and kind to the access gate already installed along the Preserve's Brushy Creek Trail. The gate at Access Point #1 shall be located approximately 12 ft. off of Laurel Falls Rd., at the property line and within the aforementioned

50 ft. right of way (see **Attachment A**). At Access Point #2, the City agrees to the installation of a gate at or near the point where the new access corridor intersects with the fire break. In addition, the City shall install two (2) reflective cables (or a similar type of deterrent), along with signage prohibiting access, at both well-worn entry points off of the Bracken Mountain Trail onto the fire break (see **Attachment B**). The intention of said cables, or similar obstruction offering a comparable level of deterrence, is to keep Preserve users from accidentally or intentionally entering the fire break area and possibly trespassing onto Monte Vista, Inc. property and/or any of the property owners' lands along Laurel Falls Rd.

The City, with prior approval from landowner Monte Vista, Inc., shall be authorized construct adequate corridors within the described access areas, as noted in **Attachments A and B**, to include a properly graded entry, the use of gravel or similar surface material to improve the roadbed within said corridors, improving the fire break area for staging purposes, etc. The gates at both access points shall remain closed at all times and preferably locked (but that decision will be left to the discretion of the City and County Services). No vehicles with access provided through this easement shall ever park on or alongside Laurel Falls Rd. causing it to be blocked, partially or in full. Should there be the need to stage vehicles, the City or its assignees must use the two to three (2-3) new parking spaces created at Access Point #1 (see **Attachment A**). At Access Point #2, the City shall use the access corridor and/or the fire break area for similar parking/staging needs.

In return for this limited access easement into the Preserve, the City shall and does hereby grant reciprocal access easement to Monte Vista, Inc, allowing for permanent bicycling and hiking access to the Preserve. Monte Vista, Inc. also reserves the right to extend and assign similarly restricted access via this easement to landowners along Laurel Falls Rd. via a separate agreement, provided that Monte Vista, Inc. provides notice to the City of any additional landowners along Laurel Falls Rd. who are granted such access. This access will be limited to two access points. The first access point will be through an adjacent hike/bike passage to be created adjacent to the City's gate at Access Point #1. The cost of said passage will be the responsibility of Monte Vista, Inc. The second access point will be located in close proximity to Access Point #2 via a newly constructed trail to the northwest of the decommissioned area of prior use, in close proximity to where the northern end of the fire break intersects with the Preserve trail system. Specifically, this trail will be located approximately 30ft. from the northwestern intersection of the fire break and the Preserve trail system. The intention of this additional trail is to provide a clear ingress/egress point for Monte Vista Inc.'s permitted users while also being designed in a way as to remove any confusion for other Preserve users so as to ensure there is no trail user confusion. The intention at both access points is for hike/bike users to be placed more directly onto the Preserve trail system and not onto any of the Preserve's fire

breaks as these lands were unintended for recreational use and could likely cause additional and unnecessary user confusion.

At no point shall these two access points on or near Laurel Falls Rd. be communicated, directly or implied through description on maps, websites, social media, etc. as public access points for general use of the Preserve trail system. Appropriate signage as described herein shall be maintained and clearly visible at both access points at all times so as to avoid any mistaken public access.

Users of the private access points are subject to the same hours of operation, trail rules, and other limitations on use of the preserve as the general public.

In agreeing to this access easement, the City acknowledges that their use may result in unintentional damage to the roadbed under periods of heavy use. Should specific road damage arise out of the City's use, the City agrees to fund the necessary repairs to the road in order to bring it back, at a minimum, to its prior condition.

In agreeing to this access easement, Monte Vista, Inc. and any permitted Preserve users off of Laurel Falls Rd. assume no responsibility of any kind towards the maintenance needed to the Preserve property and its trail system or any liabilities related to the Preserve trail system generally.

Each of the undersigned parties agree that they are the owners of the respective properties and areas described herein and have full power, without the joinder of other parties, to grant the Easements described herein.

The Easements described herein shall run with the land for the benefit and burden of the respective undersigned parties, and their successors and assigns for a period of thirty (30) years .

To have and to hold unto each party named herein the Easements described herein and all privileges associated with such Easements, subject however, to the obligations and reciprocal Easement(s) described herein.

We set forth our hand and seal below in accordance and agreement with the foregoing.

Monte Vista, Inc.

_____(SEAL)
By: _____
Its: _____

STATE OF NORTH CAROLINA,
COUNTY OF TRANSYLVANIA.

I, _____, a Notary Public of said State and County, do hereby certify that _____ , as duly authorized _____ for Monte Vista, Inc., 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 _____, 2023.

_____ (Signature)
Notary Public

My Commission Expires: _____

City of Brevard

_____ (SEAL)
By: Wilson Hooper
Its: City Manager

Attest:

_____
Denise Hodsdon
City Clerk

STATE OF NORTH CAROLINA,
COUNTY OF TRANSYLVANIA,

I, _____, a Notary Public of said State and County, do hereby certify that DENISE HODSDON, personally appeared before me this day and acknowledged that she is City Clerk for the CITY OF BREVARD, a North Carolina Municipal corporation, and that by authority duly given and as the act of this corporation, the foregoing instrument as signed in its name by its Manager, sealed with its corporate seal, and attested by her as its Clerk.

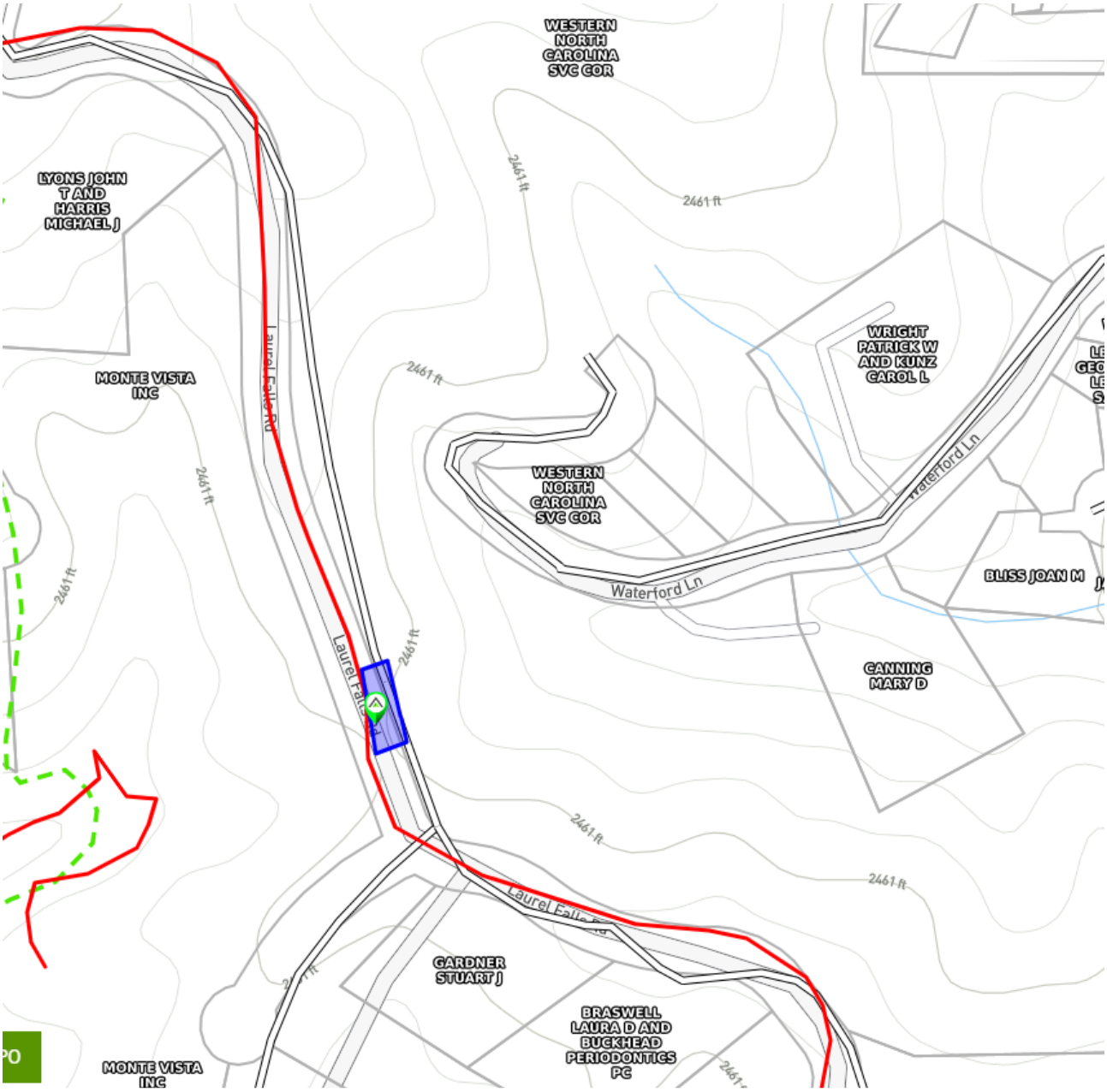
WITNESS my hand and Notarial Seal, this the _____ day of _____, 2023.

_____ (Signature)
Notary Public

My Commission Expires: _____

Attachment A

***Blue Outlined area approx. area of 50 ft. easement at Access Point 1 at mile 0.66 on Laurel Falls Rd.**



Attachment B

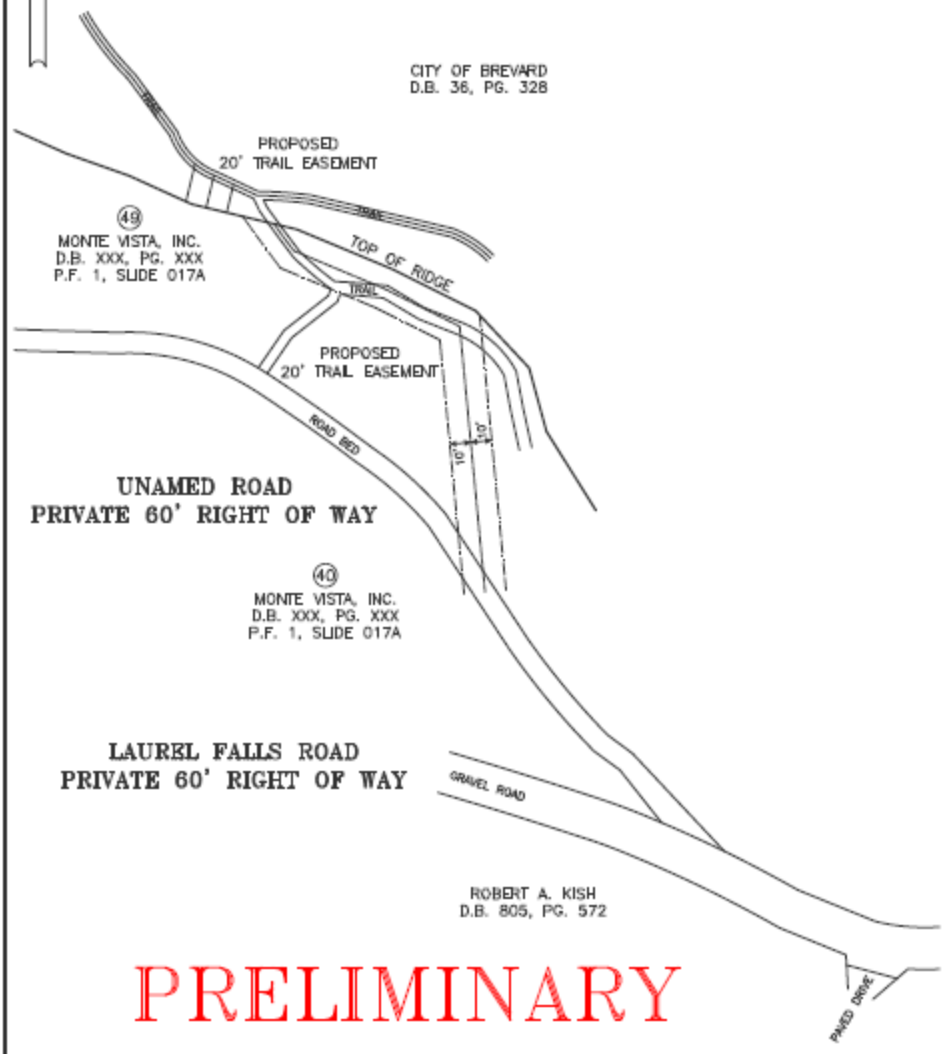
GRID NORTH
N.A.D. 83/2011

NOTES:
1– AREAS BY COORDINATE COMPUTATION.
2– ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
3– THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

PLAT OF SURVEY FOR THE SONS, LLC

PROPOSED TRAIL EASEMENT SERVING DEED BOOK 36, PAGE 328

BREVARD TOWNSHIP
TRANSYLVANIA COUNTY
NORTH CAROLINA
SCALE: 1" = 60'
FEBRUARY XXXX, 2023



PRELIMINARY

LEGEND
⊕ MONUMENT FOUND AS NOTED
○ MONUMENT SET AS NOTED
⊗ POINT NOT STAKED
P-PED – PHONE PEDESTAL
UP – UTILITY POLE
PHP – PHONE POLE
TRANS – TRANSFORMER
TV-PED – CABLE TV PEDESTAL
WM – WATER METER
WV – WATER VALVE

HILL AND ASSOCIATES SURVEYORS, P.A.
LICENSE NUMBER: C–1991
DAVID H. HILL NCPLS L–3863
403 WEST BLUE RIDGE ROAD
EAST FLAT ROCK, NC 28726
(828)693–1409

DRAWN BY: DHH
CHECKED BY : DHH
JOB NUMBER: 20222570
DRAWING: 20222570TRLEASE

RESOLUTION NO. 2024-XX

AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENT WITH MONTE VISTA INC. FOR RECIPROCAL ACCESS EASEMENTS

WHEREAS, on August 19, 2024 the Brevard City Council was presented with information, summarized in the affixed staff report, on the terms of a proposed agreement between City of Brevard and Monte Vista Inc. for reciprocal access agreements to private Laurel Falls Rd. and Bracken Preserve, respectively;

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

The City Manager (or his designee) is hereby authorized to negotiate and execute necessary agreements with Monte Vista Inc. for the purposes described in the above referenced staff report.

Approved and adopted this _____ day of _____, 2024.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

MINUTES

CITY COUNCIL HOUSING COMMITTEE

Tuesday, June 11, 2024 – 3:45 PM
City Hall Council Chambers

Members Present: Pamela Holder, Chair, City Council Member
Aaron Baker, City Council Member
Victor Foster, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: Dean Luebbe, Assistant City Manager/Finance Director
Paul Ray, Planning Director
Alex Shepherd, Assistant to the City Manager
Emily Brewer, Planner
Becky McCann, Communications Coordinator
Stephanie Holland, Planning Staff

A. Welcome and Call to Order

Aaron Baker welcomed everyone and called the meeting to order at 3:45 PM.

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes

Motion by Mr. Baker, seconded by Mr. Foster to approve the minutes of the April 9, 2024 meeting as presented. The motion carried unanimously.

E. Update on BDRPC Negotiation

Mr. Ray said we heard that the vote went well; the vote was 76-27 in favor of the agreement. He said we will be signing the lease any day now, then moving on to the geo-technical phase. Ms. Brewer added that an estimated high-level timeline would be to conduct the geo-technical and architectural review over the summer. Then, in the fall, we will review the findings and proceed with community engagement. We hope to have all of

that information completed by the end of the year so we can move to developer solicitation by early next year.

Mayor Copelof said there was a lot of interest at "Meet the Mayor" today from people who live nearby, asking when we would have the community engagement and if there would be engagement specifically for adjacent property owners. They are already raising that issue.

Ms. Brewer said it's certainly still in the works, but we will have engagement sessions. Per our ordinances, we will have to send out notices to adjacent and nearby property owners for re-zoning. The property is currently split zoned; the front of the property is residential mixed-use, and the back is GR-8. Re-zoning will go to the Planning Board first, and then to City Council for public hearing.

F. Model Deed Restrictions Options

Ms. Brewer shared a presentation that discussed the shared-equity homeownership model. Shared-equity homeownership is a deed-restricted homeownership program that is self-sustaining for low-income families. A one-time investment is made to make the home affordable, whether it be a City investment or from a non-profit. This could be in the form of down payment assistance or a repair program, making the home affordable to purchase by a working family with modest means. The home would then remain affordable after the family purchases it. The deed restriction states that they agree to limit the proceeds when they sell to another family, allowing them to purchase an affordable home. Some benefits of this model include affordable homeownership opportunities for multiple generations, a greater likelihood of attaining and sustaining homeownership, and around 6 out of 10 families use the equity from a shared-equity model to then buy a traditional market-rate home. Building wealth among lower-income families becomes a critical piece of this, ensuring that public investments go further and do more good in the long run. However, the biggest question is how to balance different priorities regarding ongoing affordability versus wealth building.

Ms. Holder asked who sets the limits or caps on affordability. Ms. Brewer said it would be up to this committee and City Council. If you all set the thresholds, in exchange for us giving down payment assistance, you agree to put this covenant on your deed that restricts your resale potential. She said there are a lot of formulas that could be used to determine the cap. One of the most common is an index-based formula, where the purchase price is set at a rate of appreciation that's tied to an increase in the consumer price index or the area median income. So as incomes rise, we will be able to raise the home price with that. This way it would ensure that the home is always available to someone within 80% of the area median income. Ms. Brewer said the fixed percentage formula includes a pre-determined rate of between 2-5%, and this formula is easier to explain and allows the homeowner to understand what they would receive during the resale of the home. However, it does not account for income changes and improvements to the home. She said an appraisal-based formula is the most complicated because it sets the affordable purchase price as the appraisal minus a certain percentage to determine the allowable resale price.

The biggest con is that it is directly tied to the housing market. Another covenant often included in deed restrictions is that the City has the first right of refusal. There is a requirement to notify the City before you put the house up for sale, and the City has the option to purchase at the stated resale price. Often this right can be transferred to a non-profit organization or to an income-eligible buyer.

Ms. Brewer presented three different case studies to show how the formulas operate.

Mr. Ray said these are all options for the committee to consider, but the deed restrictions must be for affordable housing in North Carolina.

Ms. Holder asked which option gives people the largest increase in equity and wealth building while maintaining affordability. Ms. Brewer provided a financial model that calculated each option and projected financial outcomes in year 7.

Ms. Holder said when Ms. Brewer first explained the formulas, she was leaning towards the fixed rate model. She asked why we should not choose that option. Ms. Brewer said it's more predictable for the homeowner, but it doesn't account for anything in the market, and they are not gaining much wealth.

Mr. Luebbe said with a fixed percentage, we're never really getting people out of the wealth level they are at because the way you get out of that level is by accruing a large gain in your home value.

Mr. Baker mentioned the home market is not in a vacuum. He said, for example, I could sell my house for more than I bought it for, but I cannot buy another house because the market has increased so much too. He said it will take time to get to a model that finds a solution because, in the end, we have to build new homes.

Mayor Copelof asked Ms. Brewer if she could find models that are legal in North Carolina because some of them seem that they cannot be done here. Ms. Brewer said the only example that cannot be done is related to the Colorado example that would require someone to work in a certain geographic area.

Mr. Baker said we need to make this process easy for everyone to understand because with these formulas, it can become complicated. He asked what kind of reimbursements are eligible. Ms. Brewer said last spring, we expanded the authority of the Housing Trust Fund so that it can be spent on more items like repair programs, accessibility improvements, and weatherability improvements. However, we are waiting to see the results with the Brevard Davidson River Presbyterian Church Agreement and the PRO Housing Grant.

G. Set Date for Next Meeting

The next meeting was scheduled for Tuesday, August 13, 2024 at 3:45 pm.

H. Adjourn

There being no further business, the meeting adjourned at 4:49 P.M.

Minutes Approved: August 13, 2024

X

Pamela Holder
City Council Member

X Denise Hodsdon

Denise Hodsdon
City Clerk

MINUTES
City Council Public Works & Utilities Committee

Monday, July 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 Denise Hodsdon, City Clerk Aaron Bland, Assistant Planning Director
Guests:	Daniel Trusler, Tracie Trusler, Harvey Sankey

A. Welcome and Call to Order

Committee Chair Mac Morrow called the meeting to order at 3:33 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. June 5, 2024

Motion by Mr. Carson, seconded by Mr. Wise to approve the minutes of the June 5, 2024 meeting as presented. The motion carried unanimously.

E. In Use Right of Way Closure Policy

Mr. Hooper said this policy stems from a request we received from a property owner in Bracken Preserve, which previously went before the Parks, Trails, & Recreation Committee. He explained that what we have provided to the committee is the petition to close in-use streets and alleyways, following closely what is required by state law. However, it primarily deals with abandoned alleys and rights of way that are not in use. There is a lack of clarity on what to do when we receive petitions to close in-use rights of way, so I propose that we add some guidelines. The first question is whether the committee is even willing to entertain requests to close in-use rights of way.

Mr. Carson asked if Mr. Hooper had ever received a request to close an in-use right of way in his career.

Mr. Hooper said yes, the three experiences that I have had have all been inside a downtown grid that were underused but open. In each case, the City came to a compromise with the requester, allowing them to keep the streets open to emergency vehicles but blocking them to normal traffic. However, they did require the petitioner to cover all costs.

Mr. Carson mentioned that it sounds like they never exactly closed access entirely.

Mr. Hooper said I have included a couple of provisions in the policy. On page 8, it tries to establish conditions under which we would consider closing an in-use right of way. It reads that if the right of way in question is in use by vehicles, pedestrians, or utilities which, by their size and complexity, cannot be maintained by the City with an easement alone, the City reserves the right to require the petitioner to, at his or her cost, relocate the right of way and relevant infrastructure. The relocation and realignment shall be built to a similar or better standard than the existing infrastructure and must not materially affect the functionality of the infrastructure as determined by the City Manager. The process for the petitioner to complete is included in the document as well.

Mr. Carson said if there is not a statutory reason to reject it, then I think we should at least evaluate it. He asked where exactly we are talking about in relation to Bracken Preserve.

Mr. Wise said he's hesitant to rule something out without evaluating it as well.

Mr. Hooper said it is in Bracken Preserve near the parking lot, which is now occupied by a trail. The petitioner has asked us to convert that back into vehicle access so that the properties adjacent to the right of way are accessible to vehicles.

Mr. Carson said it seems that he wants to connect driveways to undeveloped lots.

Mr. Hooper said essentially, this policy would allow him to access those lots via a driveway, but he would have to pay to move the trail.

Mr. Morrow said the City acquired that right of way through eminent domain.

Mr. Hooper said if we granted it, it would take a piece of public infrastructure and render it inaccessible.

Mr. Wise asked what's the rule about flag lots and lots that are not accessible.

Mr. Morrow said we now allow flag lots.

Mr. Wise asked if he could build his own infrastructure on his own property.

Mr. Bland said yes, he could even build access on his neighbors' property if they both agreed to it.

Mr. Morrow said he would be reluctant to give him any right of way because that is our only connection into Bracken Preserve.

Mr. Hooper asked about general requests to close.

Mr. Morrow said they would have to prove its public benefit and that the public would not lose.

Mr. Wise asked if we could quantify the benefit of closing the right of way.

Mr. Hooper said that he did not include the ability to quantify in the proposal but said he would explore it further. He said the petitioner would receive a private benefit, but we can try to describe if there would be both a public and private benefit.

F. Unopened Right of Way Encroachment Agreement – Oak Street

Mr. Bland said some time ago, there was the abandonment of a portion of the Oak Street right of way. The Truslers would like to use a small portion of the fence to denote the end of their driveway. It is within the right of way, but there is a sewer line that runs through there. He said they would need an encroachment agreement and a hold harmless agreement but wanted to receive the blessing of this committee.

Mr. Trusler said he would like to install two pieces of split rail fence just to denote the driveway.

Mr. Bland said the hold harmless agreement would protect the City if we need to fix the sewer line.

Ms. Trusler mentioned that other people in the neighborhood said they can use the right of way.

Mr. Hooper said he would have to look into it. But I don't think a right of way means that it is intended to be accessible and passable. It just means the City owns it and can use it for our infrastructure.

At 4:06 PM, Mr. Carson moved, seconded by Mr. Wise, to recommend the approval of the encroachment and hold harmless agreement for the Truslers' property on Oak Street. The motion passed unanimously.

Mayor Copelof said she thought we were going to conduct an analysis of rights of way in relation to the trail.

Mr. Bland said he presented the list and Council did not inform him to do anything with the list.

Mayor Copelof said it was to help identify and protect the City's right of way to help connect the trails together.

G. Discussion of Special Order of Consent

Mr. Hooper said there hasn't been much of an update on this. He mentioned that Mr. Fuller from Summit Engineering has agreed to consult with us. Also, Transylvania County has funds left over from one of their utility projects that they might be willing to share with us.

Mr. Morrow asked if we will receive a closeout report on the Gallimore Project.

Mr. Hooper said yes.

H. Public Comment

Mr. Sankey asked if there is an agreement with the engineers working on the wastewater project that City Council passed.

Mr. Hooper provided Mr. Sankey with a copy of the agreement.

Ms. Hodsdon said she will be taking minutes in the future as Mr. Shepherd will be leaving the City for another opportunity.

Mr. Morrow asked for an update on the septic tank hauler project at the Wastewater Plant.

Mr. Winans said they need to finalize the electrical work and integrate the flow meter. They are also looking to get an extension from the State for peracetic acid.

Mr. Hooper said he signed the KCI Master Services Agreement and is waiting for them to send him the Statement of Work so he can sign that as well.

I. Set Date for Next Meeting

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

J. Adjourn

There being no further business, the meeting was adjourned at 4:37 p.m.

Minutes Approved: August 7, 2024

X Mac Morrow

Mac Morrow
Chair, Council Member

X Denise Hodsdon

Denise Hodsdon
City Clerk

LAND OF SKY RURAL PLANNING ORGANIZATION

Technical Advisory Committee
Hybrid Meeting with the Zoom Platform
June 20th 2024 – 11:30 A.M.
Minutes

Attendance in Person:
Erica Anderson (LOSRPO)
Asha Rado (LOSRC Minutes)
Daniel Sellers (NCDOT)
Matt Wechtel (Madison County)
Stephen Sparks (NCDOT Div 13)
Kevin Ensley (Haywood Commission)
Hannah Bagli (LOSMPO)

Attendance Remote via Zoom:
Mac Morrow (City of Brevard)
Steve Williams (NCDOT Div 14)
Larry Chapman (Transylvania County)
Wanda Payne (NCDOT)
Nastasha Earle-Young (NCDOT)
Troy Wilson (NCDOT)

WELCOME AND INTRODUCTIONS

Chair Kevin Ensley called the meeting to order at 11:32 AM and welcomed attendees. He read the Ethics Statement, and inquired if there were any conflicts, which could preclude TAC members from participating in and voting on any business items, to state such for the record, and to refrain from participation in the matter. No conflicts were heard from the TAC members.

Chair Kevin Ensley called the roll and quorum was announced.

PUBLIC COMMENT

Chair Kevin Ensley opened the floor for public comment. No public comments were received.

Matt Wechtel motioned public comment be closed, Mac Morrow seconded and it passed unanimously.

Consent Agenda

May 2024 Meeting Minutes : https://landofskyrpo.org/wp-content/uploads/2024/06/2024_05-16_DRAFT.RPO_.TAC_.Minutes.pdf

APPROVAL OF CONSENT AGENDA

Chair Kevin Ensley requested approval of the agenda and the consent agenda, which included the May 2024 minutes, and the TAC agenda.

Matt Wechtel moved to approve the agenda and the consent agenda, which included the March 2024 minutes and the TAC agenda. Kevin Ensley seconded the motion which passed unanimously upon a roll call vote.

LAND OF SKY RPO TAC BUSINESS

Item 4A: Approve LOSRPO Prioritization 7.0 Regional Impact Local Input Points

NCDOT Strategic Office of Prioritization, NCDOT Divisions, RPO's and MPO's across the state are well into Prioritization 7, P7 or SPOT 7. Quantitative scores were released May 24th as well as the DRAFT Statewide Programed Projects. At the time of the drafting of this agenda, the RPO is holding meetings with each county to prioritize projects.

The final Regional Impact point assignment will be adopted at the August TAC meeting. As changes are made to the DRAFT Regional Impact LIP assignment list those changes will be made to the list and updated on the RPO website. (www.landofskyrpo.org)

The tables below demonstrate the criteria that Land of Sky RPO used to assign Regional Impact Local Input Points in SPOT 7.0.

Regional Impact Scoring		
Criteria	**Max. Score Possible**	**Scoring Methodology**
SPOT Quantitative Score	**50**	**Actual SPOT quantitative score from NCDOT (Regional scores on a 70-point scale, final results multiplied by 0.7143 to convert them to a 50-point scale)**
County Ranking	**50**	**#1 Priority = 50 points #2 Priority = 45 points** **#3 Priority = 40 points #4 Priority = 35 points**

		#5 Priority = 30 points #6 Priority = 25 points **#7 Priority = 20 points #8 Priority = 15 points** **#9 Priority = 10 points #10 Priority = 5 points**
Total	**100**	

Below is a timeline for the remaining activities in SPOT 7.

Prioritization Task	Estimated Date
Prioritization Workgroup meets	October 2022 - June, 2023
NC Board of Transportation Adopts Methodology	June, 2023
SPOT Online Go-live Project submittal window opens	July 2023 – October, 2023
NCDOT Data Review and Scoring (Partner Rev. Feb 2024)	October 2023 – March, 2024
(LOSRPO/FBRMPO) Project Prioritization Public Survey	Winter - Spring 2024
Alternate Criteria Deadline/LOSRPO Local Input Point Methodology Due	May 2024 (RPO Action Required)
DRAFT Statewide Programmed Projects and SPOT Scores Released	End of May 2024
Regional Impact Local Input Points Window	May - August 2024 (RPO Action Required)
DRAFT Regional Impact Programmed Projects Released	September, 2024
Division Needs Local Input Points Window	October – November 2024 (RPO Action Required)
Program Division Needs Projects	December 2024
DRAFT 2026-2035 STIP Released	January, 2025

No Discussion occurred

Matt Wechtel moved to approve* the *LOSRPO Prioritization 7.0 Regional Impact Local Input Points. Kevin Ensley seconded the motion which passed unanimously upon a roll call vote.

Item 4B: NCDOT Resilience Improvement Plan Nastasha Earle – Young, the Policy Director at NCDOT, will present on NCDOT's Resiliency Improvement Plan.

The 2022 NCDOT Resilience Strategy Report is available here: https://www.ncdot.gov/initiativespolicies/Transportation/transportation-resilience/Documents/ncdot-resilience-report.pdf

The NCDOT Resilience Policy is available Here: https://www.ncdot.gov/initiativespolicies/Transportation/transportation-resilience/Documents/ncdot-resilience-policy.pdf

Discussion around when the Division 13 studies will begin. Discussion occurred around rock slide studies and how long these studies will take.

Information Only.

PUBLIC COMMENT

Chair Kevin Ensley opened the floor for public comment. No public comments were received.

REGULAR UPDATES

- NCDOT Division 13 and 14 updates — NCDOT Staff

Most Recent Updates
https://landofskyrpo.org/division-13-updates/
https://landofskyrpo.org/division-14-updates/

- Transportation Planning Division updates — Daniel Sellers
- NCDOT Integrated mobility Division — TBD
- Staff Updates

ADJOURNMENT

Chair Kevin Ensley moved to adjourn the meeting at 12:15PM.

Upcoming Meeting

***No July RPO Meetings**

Land of Sky RPO TCC – Meeting on Thursday August 8th, 2024 – 10:00AM LOSRC Offices and Zoom

Land of Sky RPO TAC – Meeting on Thursday August 15th, 2024 – 11:30 AM Land of Sky Regional Council and Zoom

STAFF REPORT
City Council, Monday, August 19, 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. Council held a public hearing on this item at their August 5, 2024 meeting.

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
Council held a public hearing on this item on August 5th and Staff is requesting action at this time. Council's options are:

1. Adoption of the amendment as written;
2. Adoption of the amendment as revised by Council;
3. Rejection of the amendment;

4. Send the application back to the Planning Board for further study and consideration; or
5. Call for additional public hearings on petitions brought before them.

Attachments:

1. Consistency Statement
2. Adopting Ordinance
3. Ordinance Exhibit A

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:

<u>Building Brevard Comprehensive Land Use Plan:</u>

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

ORDINANCE NO. 2024-____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE: CHAPTER 5 – BUILDING TYPES AND ARCHITECTURAL STANDARDS AND CHAPTER 13 – INFRASTRUCTURE IMPROVEMENTS TO CLARIFY DEVELOPMENT REQUIREMENTS FOR UNDERGROUND WIRING

WHEREAS, the City of Brevard Planning Board has recommended that the Brevard City Code, Unified Development Ordinance be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following adopted plans and policies of the City of Brevard:

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." and,

WHEREAS, a public hearing was conducted on Monday, August 5, 2024, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Unified Development Ordinance be amended as outlined below.

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

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

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

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

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

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

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

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.

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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.

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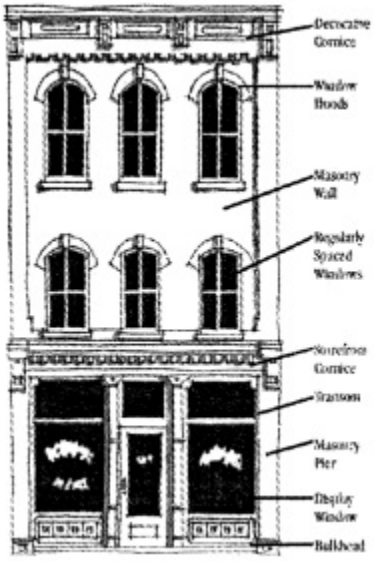
FIGURE 5.4D: EXAMPLE OF MULTISTORY BUILDING WITH PEDESTRIAN-ORIENTED GROUND LEVEL



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

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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 marshall. 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-

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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)

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