



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, January 6, 2025 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Rev. Bob Renjilian, Unitarian Universalists of Transylvania County

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. December 2, 2024 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

I. Special Presentation(s)

J. Public Hearing(s)

1. Proposed Amendment to City of Brevard Fee Schedule - Utility Tap Fees

K. Consent and Information

1. Tax Settlement Report - November, 2024
2. Property Tax Releases - December 2024
3. Proclamation No. 2024-26 Mayor Declared State of Emergency - Tropical Storm Helene
4. Resolution in Support of Tobacco 21 to Protect Our Kids from Vaping and Nicotine Addiction
5. City Manager Employment Agreement Amendments
6. Finance Report at September 30, 2024

7. Council Downtown Master Plan Committee Minutes - September 19, 2024
8. Council Finance, Human Resources, & Citizen Appointment Committee Minutes-10/28/2024
9. Council Public Safety Committee Minutes - October 28, 2024
10. Ecusta Trail Advisory Board Minutes - October 30, 2024
11. Council Public Works & Utilities Committee Minutes-11/6/2024
12. Council Housing Committee Meeting Minutes-11/19/2024
13. Council Parks, Trails, & Recreation Committee Minutes-11/20/2024
14. Correspondence (*No Action. Offered as information only.*)
 - a. ABC Board Minutes - October 24, 2024

L. Unfinished Business

1. Ordinance - Voluntary Contiguous Annexation - Mills Ave Properties, LLC / Forest Hill Drive

M. New Business

1. Age Friendly Brevard Action Plan 2025
2. Non-Profit Funding Policy Amendments
3. NCLM Municipal Advocacy Goals
4. City of Brevard Legislative Requests
5. Amendments to 2025 City Council Meeting Schedule - Reschedule Budget Workshop and April Regular Meeting

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

Agenda Posted, Website, Sunshine List (January 2, 2025)
D. Hodsdon, City Clerk

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

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
December 2, 2024 – 5:30 PM**

The Brevard City Council met in regular session on Monday, December 2, 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, Lauren Wise and Pamela Holder (left the meeting at 5:53 pm and returned at 6:35 pm)

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant City Manager David Todd, Assistant to the City Manager Selena Coffey, Human Resources Director Kelley Craig, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Planner Stephanie Holland, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Emory Owen, and Community Center Director Tyree Griffin

Guests/Presenters – Brevard High School Boys XC Team Members and Coaches; Sarah Odio and Sara VanLear of UNC School of Government Development Finance Initiative (DFI)

Press – None.

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

B. Invocation – City Council Member Rev. Dr. Pamela Holder of Bethel “A” Baptist Church offered an invocation.

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

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

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

F. Approval of Minutes

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

G. Public Comments

Joshua Fisher of Greenville Hwy said I saw you guys two weeks ago and I want to start off by apologizing for my back-and-forth with the Mayor with reference to time. I am just very passionate about our children and their safety in the city. I have met with the Mayor since then, so I want to personally thank the Mayor for her professionalism and cooperation in trying together to build a better community. I also want to thank Councilmember Aaron Baker. I reached out to a couple of you guys that I thought were listening last time. Mr. Baker did reach back out to me with great professionalism and really showed me he cared. Ms. Holder, last time during the meeting you showed extreme professionalism. I could tell you care about what I was speaking about. I’m not saying the rest of you didn’t; I’m just saying it was what I noticed when I was speaking. It seems since then you guys have fixed the crossing guard issue at Greenville Hwy,

which I extremely appreciate. There has been somebody there between 7:25 and 7:30 every morning. However, and I'm not trying to be a smart aleck, the one from Elm Bend now is not there at 7:25 in the morning. Normally you have one at Elm Bend crossing there, and then one at Greenville crossing there. I've noticed since then the Elm Bend one has been shifted over there. If I was only concerned about my kid, I would say great, thank you, because my kid only crosses Greenville Hwy. But, unfortunately other kids cross Elm Bend and like I said, if it's not something you guys can provide, just let the parents know so we can get our kids to school safely. I don't mind taking my kid to school and other parents don't mind as well; we just need to know if there is not going to be somebody there so we can adjust our plans accordingly. The other thing I wanted to say, and it's really hit me hard this last month, I'm not bound to the same policies that the City of Brevard employees, councilmembers and public officials are. I do try to keep myself as professional as possible, but when I get passionate about things sometimes it's hard for me to do that. Last month I don't think, and I'm giving you guys my opinion, a city official or anybody employed by the city should be on Facebook disparaging any citizens at all. I think if that happens, that should be obviously against the city code of conduct and that needs to be addressed immediately. This happened twice within the last month from city officials for two citizens, me being one of them. Somebody under a fictitious name called DL Truthteller commented on a city Facebook post that I commented on, making me seem like a bad parent, that I don't want to take my kid to school. That's the furthest from the truth. I actually am a good parent and I don't mind taking my kid to school. I would hope that you guys will continue to look into who DL Truthteller is, because we already know – I have proof of it – and that you guys will take immediate action when you find out who that is and that that official be held accountable for all their actions.

Gary Roberts said I don't live in the city, I live in Penrose, but I have two boys that go to school and the Boys and Girls Club in the city, so they're in the city 8 to 9 hours a day. So I do have an interest in their and every person's safety and well-being in the city. Saving the Police Department is important to me; I worked there a long time. Mayor, I'm not going to use the word "corrupt" anymore, and I apologize for that. I think "misinformed" is a better word about some things that have happened regarding the Police Department. Are you aware, I'm talking to the camera up there, that the Police Department has lost at least 14 employees in the last two years that Jordan has been the chief? And he promoted a Detective all the way to Captain over much better-qualified employees. He's got employees leaving now; he's got one on notice right now that is supposed to be leaving December 10th I think. And if he's saying that these employees are disgruntled, he's being dishonest. They're not leaving because they're disgruntled; they're leaving because of terrible leadership; they're leaving because of bullying, harassment and intimidation from the Captain, whom if you check, is neither qualified or fit to be the Captain. The Blue Ridge LET scandal proves that. You had mentioned that you were going to do an outside look, and I saw it on Wilson's LinkedIn. If I look at the officers who aren't here anymore, that's where you're going to get the truth about what's going on with the Brevard Police Department. I hear a lot of things because they're scared to speak for themselves; does that make sense? In closing, let me assure you that I want to save the PD; I don't want it go away at all. You, the Council can fix the department by changing the administration, because if you don't, there may not be a PD to save.

H. Certificates/Awards/Recognition

H-1. Proclamation 2024-24 Brevard High School Boys' Cross Country Team State Champions – Mayor Copelof read the proclamation aloud and presented it to Cross Country Team members and coaches.

Proclamation No. 2024-24 In Recognition of Brevard High Boys Cross Country Team Winning 2024 State Championship

WHEREAS, on November 2, 2024, Brevard High School Boys Cross Country Team captured the 2024 North Carolina High School Athletic Association (NCHSAA) 2A Cross Country State Championship; and

WHEREAS, under the guidance of Coach Ben Morgan and Coach Jackie Witherspoon, the Brevard Blue Devils Cross Country Team has won 4 consecutive conference championships, and are back-to-back Regional and State Champions, capturing the third State Championship in school history; and

WHEREAS, this year Senior Avan Hinkle, Senior Leo Murray, and Sophomore Keaton Campbell gained All-State Honors; and

WHEREAS, Senior Max Bailey won the prestigious Sportsmanship Award; and

WHEREAS, through hard work, dedication, teamwork, and commitment, the Boys Cross Country Team brought honor upon themselves, Brevard High School, and Transylvania County.

NOW, THEREFORE, be it proclaimed that the Brevard City Council expresses its congratulations and appreciation to the athletes, coaches, staff and parents of the Brevard High School Boys Cross Country Team. Let it be remembered that each and every one of these individuals are a valuable asset to the City of Brevard and Transylvania County and will shape our future as they continue on the path towards adulthood.

Further, I, Mayor Maureen Copelof and Brevard City Council, do hereby proclaim Tuesday, **December 3, 2024**, as **“BLUE DEVILS BOYS CROSS COUNTRY TEAM DAY”** in the City of Brevard, North Carolina, and call upon all citizens to join us in recognizing the Brevard High School Boys Cross Country Team and coaching staff for their achievements.

Proclaimed this the 2nd day of December 2024.

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

H-2. Proclamation 2024-25 Kwanzaa – Mayor Copelof read the proclamation aloud.

**Proclamation No. 2024-25
Kwanzaa Week Proclamation**

WHEREAS, Kwanzaa is an observance week annually celebrated from December 26 to January 1 celebrating African American family, heritage, community contributions and culture throughout the world. The name ‘Kwanzaa’ translates to “first fruits of the harvest” in the Swahili; and

WHEREAS, Kwanzaa was created by Dr. Maulana Karenga, professor and chairman of Africana Studies at California State University. Since 1966, Kwanzaa has been celebrated for a week with the lighting of a 7 prong candle holder, called a *Kinara*. Kwanzaa is organized with proclamations by mayors and city councils, festivities and events to recognize the significance of values and core principles. The three official colors are black, red and green which are symbolic and representative of Kwanzaa. The green color represents the hope for a better future, the red represents the struggle and barriers throughout history and the single black candle which is placed in the center represents African people; and

WHEREAS, the 7 core principles include Unity, Self-determination, Collective Work and Responsibility, Cooperative Economics, Purpose, Creativity and Faith. Throughout the week there are fundamental activities of the ingathering of people, spiritual worship, commemoration of the past and commitments to positively build proactively for future generations; and

WHEREAS, the City of Brevard, North Carolina, honors cultural diversity, equity and inclusion for all to enjoy. This city upholds a tradition to enrich the community with values, proactively preserve African American historical preservation and welcome all residents to participate in recognizing Kwanzaa as an opportunity to continue to unite; and

WHEREAS, this city will continue to successfully build strong foundations, collectively embracing cultural diversity that empowers people of all faiths, ethnic backgrounds and focus on aspiring towards the future that educates and respects cultural diversity. Diversity strengthens our city socially, economically and improves the quality of life for all residents.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim December 26, 2024 to January 1, 2025, as **KWANZAA WEEK** in the City of Brevard and commend its observance to all citizens.

Signed this 2nd day of December, 2024.

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

I. Special Presentations

I-1. DFI Presentation of Presbyterian Church Property Findings – Mr.

Hooper explained that this is a follow-up to the presentation he gave at the September 3, 2024 City Council meeting regarding the results of the geotechnical work that was performed at the Brevard Davidson River Presbyterian Church site and what its findings meant for the cost of the project, and to summarize, it put us in a big hole. He reminded Council that the lease with the Church only requires a minimum of 24 single-family residential units, though its language permits a large multi-family complex. Mr. Hooper introduced Sara VanLear and Sarah Odio of DFI who gave a PowerPoint presentation (copy attached) providing an overview of the geotechnical findings for an affordable housing development on the Church site, and discussion of the implications of those findings on the financial feasibility of developing affordable housing in the near term on that site. As part of next step considerations, DFI recommends coordinating with the Church to determine how best to proceed with the current ground lease agreement.

Following questions and comments by Council, there was consensus not to give up on this site and to inquire with the Church if they would consider leaving the lease open for five years in case circumstances were to change.

J. Public Hearing(s)

J-1. Ordinance – Voluntary Contiguous Annexation – Mills Ave Properties, LLC / Forest Hill Drive – Aaron Bland explained that on September 13, 2024 Mills Ave Properties, LLC submitted a petition to annex four parcels on Forest Hill Drive, further identified by PINs 8585-360021-000, 8585-35-0899-000, 8585-35-1747-000, and 8585-35-1676-000. The subject properties are located in the ETJ, adjacent to the city limits. The parcels are zoned General Residential – 4 (GR4) and are currently vacant. The Planning Board discussed the request at its November 19th meeting and voted in favor of the request.

At 6:20 p.m. Mr. Morrow moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:20 p.m. Mr. Morrow moved, seconded by Mr. Wise to close the public hearing. The motion carried unanimously.

Mr. Baker said he would like more information before Council's vote at the next meeting on the potential for easements for the multi-use path on this property. He said it appears that we have some easements already nearby and the planned path is just across the creek behind these properties.

J-2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 3 and 21 – Emergency Response and Recovery – Emily Brewer explained that this is a staff-initiated text amendment that starts to contemplate how temporary solutions in the aftermath of an emergency, particularly as it relates to uses and signage, and how our UDO and its procedures can be flexible in the time of response and recovery. The amendment establishes a framework that enhances community resilience in the face of disasters and emergencies. The regulations aim to ensure that development activities that follow a declared emergency:

- Support swift response and recovery efforts post-disaster;
- Improve the response capabilities of the City's Unified Development Ordinance;
- Ensure displaced residents have safe and adequate temporary housing options;
- Allow for efficient restoration of essential services and infrastructure; and
- Promote the timely rebuilding of affected areas.

The proposed amendments establish a new Chapter 21 – Emergency Response and Recovery – that would only be applicable following a declared emergency. This

would apply during any declared emergency, not just for natural disasters. The new chapter adds stipulations for temporary uses (residential and non-residential) and signage.

- Temporary Housing: The proposed amendments include three options for where new temporary housing units can be placed in the city:
 1. On a lot where active repair and reconstruction of the primary structure is occurring, regardless of the underlying zoning district;
 2. On a lot within a residential zoning district as a type of temporary accessory dwelling unit (ADU); or
 3. On a lot within a residential zoning district as a type of group development that is set up for multiple temporary dwellings.

This section includes a caveat that preexisting non-conforming short-term rentals and other lodging uses may be used for temporary housing accommodations without putting their non-conforming status in jeopardy.

- Temporary non-residential uses can vary from temporary personal services and medical facilities to government or social services offices. This section states that a permit would be valid for six months, with an optional six-month extension if evidence is provided that the service is still required.
- Temporary signage: Allows certain types of temporary signage to be placed without a permit by non-residential uses that are actively engaged in public service efforts.

The Planning Board reviewed the proposed amendments at its November 19th meeting and unanimously recommended in favor. However, since then Staff has made two additional changes – the first to clarify that Council can waive permit fees for temporary uses associated with the emergency response and recovery efforts by amending the fee schedule (see Item M-2); and the second to add that the temporary housing accommodations are intended to serve displaced persons but can also serve recovery aid personnel.

Ms. Brewer said that given that the time-sensitive nature of ongoing emergency response and recovery efforts in the wake of Tropical Storm Helene, Staff is requesting that Council take action following the public hearing.

At 6:29 p.m. Mr. Morrow moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:29 p.m. Mr. Morrow moved, seconded by Mr. Daniel to close the public hearing. The motion carried unanimously.

Mr. Daniel moved, seconded by Mr. Morrow to accept the text amendment as presented.

During discussion, Mr. Baker and Mr. Wise expressed concerns regarding the broadness of what a state of emergency is and who can declare it and why. They both said they would prefer to limit it to response to states of emergency in regard to natural disasters. There was also discussion about applying these provisions to public health events. Mr. Hooper also suggested another possibility was to make these provisions only eligible for states of emergency declared by the Mayor.

Mr. Daniel amended his motion to limit it to a natural disaster or public health event. Mr. Morrow agreed to the amended motion. During additional discussion, Mr. Baker encouraged Council to further amend it to limit it to emergencies declared by the City

Manager and/or Mayor. Mr. Daniel further amended his motion to include that in Section 21.2. Applicability, only Item A.1 City Manager and/or Mayor of the City of Brevard would apply. Mr. Morrow seconded the amendment. The motion as amended carried unanimously.

ORDINANCE NO. 2024-47

**AN ORDINANCE AMENDING CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 3 – USE DEFINITIONS AND STANDARDS AND ESTABLISHING CHAPTER 21 – EMERGENCY
RESPONSE AND RECOVERY**

WHEREAS, the City of Brevard Planning Board has unanimously 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 goals and objectives of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*:

- *Goal 8: “Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.”*
- *EDIR-18: Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather;*

WHEREAS, a public hearing was conducted on Monday, December 2, 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 Code of Ordinances be amended as outlined below.

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

SECTION 01. City of Brevard 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 2nd day of December 2024.

Attest: Denise Hodsdon, City Clerk
Approved as to Form: Mack McKeller, City Attorney

s/ Maureen Copelof, Mayor

~~ At 6:53 PM Mayor Copelof called for a ten-minute break ~~

J-3. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3, 5, 6, 9, 12, 13, 16, 17, and 19 – Legislative Changes –
Emily Brewer explained that this is staff-initiated text amendment that codifies changes to address recent updates to state legislation related to zoning and land use. Given that some of the legislation is effective January 1, 2025, Staff is requesting that Council take action following the public hearing.

At 7:10 p.m. Mr. Daniel moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 7:10 p.m. Mr. Wise moved, seconded by Mr. Daniel to close the public hearing. The motion carried unanimously.

Mr. Baker moved, seconded by Mr. Daniel to adopt the amendment as written.
The motion carried unanimously.

ORDINANCE NO. 2024-46
AN ORDINANCE AMENDING MULTIPLE CHAPTER OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO ADDRESS RECENT UPDATES TO STATE LEGISLATION

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance Chapter 2 – Districts and General Provisions; Chapter 3 – Use Definitions and Standards; Chapter 5 – Building Types and Architectural Standards; Chapter 6 – Environmental Protection; Chapter 9 – Circulation and Connectivity; Chapter 12 – Signs; Chapter 13 – Infrastructure Improvement Requirements; Chapter 16 – Administration; Chapter 17 – Development Plan Requirements; and Chapter 19 – Definitions be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is neither consistent nor inconsistent with the goals and objectives of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*.

WHEREAS, a public hearing was conducted on Monday, December 2, 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 Code of Ordinances be amended as outlined below.

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

SECTION 01. City of Brevard 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 2nd day of December 2024.

Attest: Denise Hodsdon, City Clerk
Approved as to Form: Mack McKeller, City Attorney

s/ Maureen Copelof, Mayor

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

K-1. Property Tax Releases – November, 2024

RESOLUTION 2024-56
A RESOLUTION APPROVING PROPERTY TAX RELEASES

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

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

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

2024: \$ 386.52

Adopted and approved this the 2nd day of December, 2024.

Attest: Denise Hodsdon, City Clerk

s/ Maureen Copelof, Mayor

K-2. Personnel Policy Revisions to Add Language for New Law Prohibiting Pornography on Government Networks and Devices

RESOLUTION NO. 2024-57

A RESOLUTION AMENDING THE CITY OF BREVARD PERSONNEL POLICY

WHEREAS, the City of Brevard is a governmental entity employing many persons for the purpose of carrying out the operations of local government; and

WHEREAS, the rules, regulations, mandates, court interpretations and laws governing personnel administration have changed since the last amendment to the Personnel Policy on July 1, 2024; and

WHEREAS, to keep the Personnel Policy current with the revised rules, regulations, laws, etc., and to incorporate voluntary provisions for the employees of Brevard, those responsible for the maintenance of the policy recommend that the Personnel Policy dated July 1, 2024 be repealed and replaced with the updated Personnel Policy effective December 2, 2024.

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

Section 1. The Personnel Policy dated July 1, 2024 is repealed and the updated Personnel Policy will become effective December 2, 2024 as the official policy governing the appointment, classification, salary, benefits, and conditions of employment of the employees of the City of Brevard.

Section 2. This resolution shall become effective upon its adoption and approval on this the 2nd day of December, 2024.

Attest: Denise Hodsdon, City Clerk

s/ Maureen Copelof, Mayor

K-3. Council Housing Committee Minutes – September 9, 2024

K-4. Council Parks, Trails and Recreation Committee Minutes – September 18, 2024

L. Unfinished Business – None.

M. New Business

M-1. Application for Public Art from Kristie Nichols, 360 Whitmire Street – Paul Ray presented the application from Kristie Nichols, owner of The Yard at 360 Whitmire Street. The application includes a description and image of the proposed artwork to be painted as a mural by local artist Todd Weinkam on the side of the grey outbuilding in The Yard. Ms. Nichols has signed an agreement to maintain the mural at no cost to the City. Mr. Baker moved, seconded by Mr. Morrow to approve the application. The motion carried unanimously.

RESOLUTION NO. 2024-58

**A RESOLUTION APPROVING A MURAL ON
THE NORTH EXTERIOR WALL OF 360 WHITMIRE ST**

WHEREAS, City Council has been presented with a proposal for the placement of a wall mural painted by local artist, Todd Weinkam, and

WHEREAS, the mural shall represent a celebration of Brevard's local floral and fauna, and

WHEREAS, City Council believes the proposed mural is consistent with the stated goals outlined in the Public Art Policy, and

WHEREAS, City Council recognizes the value of publicly displayed art and the importance of promoting public and private economic development efforts, and

WHEREAS, City Council also recognizes the value of local artists in the community and the need to be innovative and creative in developing ways of attracting visitors to the central business district, and

WHEREAS, Local art, such as high-quality wall murals, create a sense of place for the residents of Brevard.

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

Section 1. City Council hereby approves an application for a wall mural on the north side of the building at 360 Whitmire Street, in accordance with Brevard City Code of Ordinances Chapter 42 and Brevard Unified Development Ordinance Chapter 12.

Section 2. The Resolution shall become effective upon its adoption.

Adopted and approved this the 2nd day of December, 2024.

Attest: Denise Hodsdon, City Clerk

s/ Maureen Copelof, Mayor

M-2. Amendment to Fee Schedule – Permit Fees for Emergency Response and Recovery – Emily Brewer explained that in the wake of Hurricane Helene, the North Carolina General Assembly adopted a moratorium on certain permit fees. The moratorium is set to expire on December 31, 2024. As part of the earlier adoption of UDO Chapter 21 – Emergency Response and Recovery, Staff is also proposing that all planning permit fees associated with emergency response and recovery be amended to have no fee. This would include all repairs, demolitions, or new temporary uses following any applicable declared state of emergency. Mr. Daniel moved, seconded by Mr. Wise to adopt the ordinance amending the fee schedule as presented. The motion carried unanimously.

**ORDINANCE NO. 2024-48
AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE
FY 2024-2025 CITY OF BREVARD BUDGET**

WHEREAS, the City of Brevard adopted the FY 2024 budget on June 3, 2024, including a schedule of fees; and,

WHEREAS, the City Council of Brevard adopted Ordinance No. 2024-48 amending the Unified Development Ordinance to include Chapter 21 – Emergency Response and Recovery, in accordance with North Carolina General Statutes; and,

WHEREAS, it is the desire of the City Council of the City of Brevard that the FY 2024 budget fee schedule be amended as outlined below.

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

SECTION 01. The City of Brevard FY 2024 fee schedule is hereby amended as described below:

SECTION 02. Establish that there is no permit fee for Temporary Uses associated with Emergency Response and Recovery, and

SECTION 03. Establish that there is no permit fee for construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any structure damaged as a direct result of an event having been declared a disaster and subject to a “State of Emergency,” as defined by Chapter 21 of the City’s Unified Development Ordinance

SECTION 04. The City Manager of the City of Brevard is hereby authorized to amend the official FY 2024-2025 budget to reflect the change as set forth herein.

SECTION 04. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 2nd day of December 2024.

Attest: Denise Hodsdon, City Clerk

s/ Maureen Copelof, Mayor

Approved as to Form: Mack McKeller, City Attorney

M-3. Discussion of Possible Changes to Tap Fee Policy to Support Recovery – Mr. Hooper explained that he was looking for feedback from Council on the concept of waiving utility tap fees for temporary recovery-related uses. He said the attitude he has heard from folks at our superior agencies and from Council is that we ought to do what it takes to support recovery, even if it means taking risks and doing things we wouldn’t otherwise do. We have already done that with the flood insurance grace period, and now with these updates to our UDO. He said the proposal to waive tap fees for temporary emergency-related housing is a risky one because the UNC School of Government has offered an interpretation, based on case law, that differences in utility

fees must have a utility-based reason. But I would argue that none of the cases that constitute that case law had this particular set of circumstances; they weren't after an emergency, and they were for permanent connections. Add to that, the General Assembly itself has mandated that we waive permitting fees through the end of the year. We have been fortunate that the properties where trailers and other things have been parked so far already had taps, but what if they hadn't? There is nothing in our code or our UDO that authorizes the City Manager to waive those fees. He noted that if Council did not want to take the risk of waiving the temporary utility fees, there are a couple of alternatives that would accomplish the same goal, but with slightly different tradeoffs. The first one is to waive tap fees for everyone for a timeframe that corresponds to the recovery period. The other one is to set up a program, perhaps underwritten by Housing Trust Fund dollars, that reimburses those fees to qualified temporary housing projects. Both of those possibilities would cost more, but you could justify letting the taps be permanent if you took advantage of one of those alternatives. He asked for Council Member's thoughts on the concept and whether they wanted Staff to proceed and put together a more solid proposal for consideration at the next meeting. There was consensus that it was worth investigation, and Council was interested in hearing a proposal from Staff.

M-4. Request to NCDOT for City to Take Ownership of W. Main Street from Caldwell Street to Oaklawn Avenue – Aaron Bland explained that the Ecusta Trail Advisory Board has a complementary working group made up of City staff and representatives from partner agencies, and during a recent working group meeting, the idea of how we connect trailusers from the eventual terminus of the Ecusta Trail on Main Street to downtown was discussed. One idea proposed by the Heart of Brevard was to do some sort of on-street painting to draw trailusers into downtown. The challenge with that is that this stretch of West Main Street is a state road, owned and maintained by NCDOT and we would have to go through a lengthy process for NCDOT approval. The idea was put forward that the City request to take over West Main Street between the trail terminus and Caldwell Street. Staff reached out to NCDOT Division 14 to determine how that process would occur. The process begins with a formal request, such as a resolution adopted by the governing board, which is then taken before the State Board of Transportation for consideration. Mr. Hooper added that at its November 6th meeting the Public Works and Utilities Committee endorsed the idea and referred it to full Council with a recommendation that Council also endorse it. The Parks, Trails & Recreation Committee also agrees with the idea and wants to see it happen. Mr. Wise moved, seconded by Mr. Morrow to approve the resolution. The motion carried unanimously.

RESOLUTION NO. 2024-59
A RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DELETE FROM THE STATE HIGHWAY SYSTEM AND
AUTHORIZE THE CITY OF BREVARD TO ASSUME MAINTENANCE UNDER
THE POWELL BILL SYSTEM A PORTION OF WEST MAIN STREET

WHEREAS, the North Carolina Department of Transportation (NCDOT) provides maintenance of certain roads and highways within the state, including a portion of West Main Street in the City of Brevard; and

WHEREAS, the City of Brevard also provides maintenance of certain roads within its jurisdiction and receives Powell Bill funding from NCDOT to do so; and

WHEREAS, the Ecusta Trail is fully funded and construction is anticipated to start in 2026 with the western terminus to end along West Main Street in Brevard; and

WHEREAS, the City of Brevard is committed to connecting the terminus of the Ecusta Trail into downtown Brevard in the most safe, efficient, and cost-effective manner possible; and

WHEREAS, on November 6, 2024, the City of Brevard Public Works committee discussed the possibility of the City taking ownership and maintenance responsibility for a portion of West Main Street to facilitate this connection to downtown, coming to consensus that the City should move forward with such a request; and

WHEREAS, the City of Brevard is specifically requesting that NCDOT delete from its maintenance system West Main Street (SR 1349) between Caldwell Street and Oaklawn Avenue; and

WHEREAS, the City of Brevard intends to take into its street maintenance system for Powell Bill assistance West Main Street (SR 1349) between Caldwell Street and Oaklawn Avenue.

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

Section 1. The City of Brevard City Council will agree to accept into its maintenance system for Powell Bill assistance the above-described section of street upon the approval of NCDOT to delete said section of street from the state highway system; and

Section 2. The City Manager is hereby authorized and directed to submit this request to the NCDOT District Engineer.

Adopted and approved this the 2nd day of December 2024.

Attest: Denise Hodsdon, City Clerk

s/ Maureen Copelof, Mayor

M-5. City Council 2025 Meeting Schedule and Set Date for Priority Setting Retreat – Mr. Hooper requested that Council set a date for the Priority Setting Retreat for either Friday, February 28, 2025 or Friday, March 7, 2025. Mr. Daniel Moved, seconded by Mr. Baker to schedule the Priority Setting Retreat for Friday, March 7th and to approve the 2025 meeting schedule as presented. The motion carried unanimously.

M-6. Amendment to 2025 City Council Meeting Schedule – Cancel December 16, 2024 Meeting – Mr. Baker moved, seconded by Mr. Morrow to cancel the December 16, 2024 Regular Meeting. The motion carried unanimously.

N. Remarks/Future Agenda Considerations.

Mr. Morrow said I heard today that we got the Davidson River back in public trust and I would like for the City to pursue to make sure that is correct.

Ms. Holder said one of the most difficult parts of pastoring is funerals and today the one that you may be aware of, especially if you are a Brevardian, is Ulysses Wynn. Wynn Street is named after him in English Hills and I was so impressed for all that he did to help our city, so I wanted to pay homage to him today. Please keep his family and the Bethel “A” Church family in your prayers.

Mr. Wise mentioned that this marks his and Ms. Holder’s first year on City Council. He said it has been an insanely crazy year, but still pretty amazing.

Mr. Hooper mentioned that DFI representatives Sarah Odio and Sara VanLear will be here through Wednesday to help us with our other housing pursuits and will be facilitating two public engagement sessions tomorrow seeking the guiding public interest for a potential LMI housing development on the Azalea Ave and Old Hendersonville Hwy property for which we have an option to purchase. Those sessions will be at 2:00 pm and 5:30 pm at the Calvary Baptist Church on Osborne Road. There will also be a virtual session on Monday, December 9th at 5:30 pm on Zoom and the link for that will be posted on all of the City’s social media and electronic forums.

Mayor Copelof said we had a wonderful Thanksgiving and once again the generosity and caring of our community for those who have less than others was so remarkable. Every year Bread of Life does a community Thanksgiving dinner and this year they served over 350 people and had 200 turkeys cooked by various groups around town. Thanks to all the community groups and individuals that stepped forward. She reminded everyone that this Saturday is our Holiday/Christmas celebration, starting at noon downtown, followed by the parade at 2:30 and the tree lighting at 4:30 pm.

O. Closed Session

O-1. Potential Litigation: NCGS §143-318.11.(a)(3) – At 7:48 p.m. Mr. Baker moved, seconded by Ms. Holder to go into closed session to discuss a potential litigation matter and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, City Clerk Denise Hodsdon and Planning Director Paul Ray.

Council Returned to Regular Session – At 8:03 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.

O-2. Personnel and/or Employment: GS § 143-318.11. (a)(5)(6) – At 8:03 p.m. Mr. Wise moved, seconded by Ms. Holder to go into closed session to discuss a personnel matter. The motion carried unanimously. City Clerk Denise Hodsdon was authorized to remain for the closed session with Council and the Attorney.

Council Returned to Regular Session – At 9:20 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 9:20 p.m. Ms. Holder moved, seconded by Mr. Daniel, to adjourn the meeting. The motion carried unanimously.

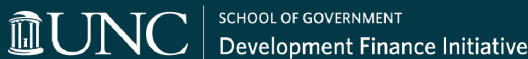
Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: January 6, 2025

Geotechnical and Site Cost Implications

Brevard Davidson River Presbyterian Church



Discussion Goals

- 1. Provide an overview of the geotechnical findings for affordable housing development on the Brevard Davidson River Presbyterian Church site.
- 2. Discuss the implications of the geotechnical findings on the financial feasibility of developing affordable housing on the Church site in the near term.

Primary geotechnical assessment findings:

Solid Ground NC was hired to complete a geotechnical assessment in August 2024. This assessment included a subsurface exploration via 8 soil borings to a depth of 25 feet across the Church’s undeveloped land.

Through this assessment, the City and the Church learned:

- 1. Based on a preliminary review of historical aerial photos and topographic maps, the wooded portion of the property has been undeveloped since at least the early 1900s.
- 2. The site is covered with a layer of silty organic topsoil, and the underlying soil is a mix of unconsolidated (soft) soil consisting of sandy clays, sandy silt, and silty sands and approximately 15 to 18 feet deep.
- 3. To develop the site, the unconsolidated (soft) soil would need to be undercut and regraded with structural fill to stabilize each building area. Ground improvement options may include aggregated piers to stabilize future building areas and a retaining wall.

Cost Impact of Soils

The following scenario is based on a high-level site analysis financial modeling. This preliminary assessment was conducted to understand the potential impact of the soil challenges on the feasibility of developing affordable rental housing units.



Medium density, multi-family development

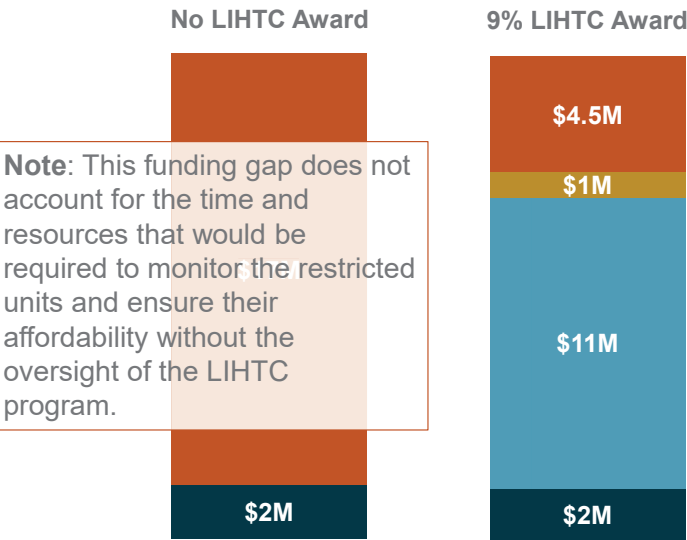


Development Scenario	
Est. Units	50
Est. Acreage	3.5
Est. Total Sitework Cost	\$4.3 M
<i>Sitework cost per acre</i>	<i>\$1.2 M</i>
Est. Total Development Costs	\$19.0 M

Sitework cost estimates provided by Solid Ground NC

Note: This image is a high-level visualization only.

The funding gap could range between \$4.5M and \$17M based on a potential LIHTC award.



- Funding Gap

 - Public or charitable funds
- Rental Production Program Loan

 - Long-term financing accessed via LIHTC program
- LIHTC Equity

 - 9% tax credit equity
- Private Equity and Loans

 - For LIHTC projects, loans are typically federally-guaranteed loans with below market terms

Note: All estimates represent a rounded range and are based on high-level site information and current cost conditions. Detailed architectural work and engineering required to refine the actual cost.

Barriers to securing a 9% LIHTC award

- North Carolina Housing Finance Agency (NCHFA) attempts to maximize the number of units awarded tax credits while distributing them as evenly as possible across the state.
 - Additional sitework costs increase the total cost per unit, therefore limiting the ability to leverage LIHTC credits.
- Limited pool of qualified developers:
 - Developer fees are calculated on a per unit basis, and developers are incentivized to pursue larger projects with less complexity.
 - WNC developers expressed concern about the existing site challenges, site unknowns, and the resulting additional financial investment that would be required to accomplish a development project.

Summary Takeaways

1. If the site receives a 9% LIHTC award, the estimated minimum funding gap for a 50-unit development on the Church site is \$4.5M (\$90k per unit).
 - Any additional units would increase this estimated funding gap.
2. Soil challenges and overall site constraints may lower the site's competitiveness for a 9% LIHTC award, and as a result, the financial gap may be as high as \$17M (\$340k per unit).
3. This assessment incorporates data from 8 soil borings as well as construction contingency costs, however the estimated funding gap does not account for any other major site unknowns.

Next Step Considerations

- Prioritize and pursue sites with the greatest near-term LIHTC competitiveness and financial feasibility.
- Coordinate with the Church to determine how best to proceed with the current ground lease agreement.

STAFF REPORT

City Council, Monday, January 6, 2025

Title: Proposed Amendment to City of Brevard Fee Schedule - Utility Tap Fees

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

At the December 2, 2024 City Council meeting, Council agreed to entertain a proposal to waive utility tap fees for temporary, recovery-related uses. This agreement came after the Council approved changes to other areas of the UDO designed to support recovery. In this case, however, the Council asked the manager to bring back a carefully structured proposal, knowing that any fee waiver of this sort would be legally untested. The City Manager will review his proposal this evening.

Discussion

While most of the provisions in the City's regulations are important for maintaining safe and orderly development, and for ensuring the city remains financially capable of providing services in the long term, some can be tweaked or temporarily waived to promote recovery. In this case, the waiver of tap fees for temporary recovery uses (such as temporary trailer parks for storm victims or temporary recovery operations like those sponsored by some local churches)

The North Carolina General Assembly has already passed legislation waiving permitting fees until December 31, 2024. The City itself has made changes to its Unified Development Ordinance to reduce its own regulations during emergency periods.

There are two steps that Council's feedback is needed for this concept to move forwards: 1.) an update to the City's Schedule of Fees and 2.) an approval of the terms and conditions under which the waiver would be granted by the authorized staff person.

On the update to the Schedule of Fees, staff recommend adding the following text as a footnote to the "Water Tap Fees", "Sewer Tap Fees", and "System Development Fees" section of the schedule (See Attachment 1):

"During a "State of Emergency" as defined in Chapter 21.2 of the Brevard Unified Development Ordinance, the Zoning Administrator may temporarily waive such fees for temporary uses associated with emergency response and recovery as described in Chapter 21.3 of the UDO. The duration of the waiver shall correspond with the duration of the State of Emergency, after which the fees must be paid in full or the meters recovered and the utility access terminated."

Staff recommend that applicants sign a document (Attachment 2) that lists the terms and conditions and records their intent to comply with them.

Action

No action required. For information and public hearing only.

If the Council wishes to take action, it is asked to take one of the following:

- 1.) Approve the proposal and Schedule of Fees amendment as submitted.
- 2.) Amend the proposal and Schedule of Fees amendment and approve the amended proposal/Schedule of Fees.
- 3.) Reject the proposal and Schedule of Fees amendment.
- 4.) Return the proposal/Schedule of Fees amendment to staff for further work and refinement.

Attachments:

1. Proposed Fee Schedule Amendments
2. DRAFT State of Emergency Utility Fee Waiver Form

Adopted Fee Schedule – General Fund

FY2025 Budget

Water Tap Fees

Tap Size (inches)	Tap and Meter Setting Fee ^{12 13}
3/4	\$1,375
1	\$1,600
2	\$4,500
Charges for taps greater than 2", 6' in depth, or require disturbance to NCDOT infrastructure or right-of-way will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, meters, materials and equipment (including asphalt repair), plus 35 percent of the direct labor charge; however, no fee for a tap larger than two inches shall be less than \$2,440.	

Sewer Tap Fees

Tap Size (inches)	Tap Fee ¹³
Up to 6" Tap	\$1,375
Charges for taps greater than 6", 6' in depth, or require disturbance to NCDOT infrastructure or right-of-way will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, materials and equipment (including asphalt repair), plus 35 percent of the direct labor charge; however, no fee for a tap larger than two inches shall be less than \$955.	

System Development Fees¹³

Connection Size (in)	Max Flow (gpm)	Water	Sewer
3/4	30	\$500	\$1,000
1	50	\$830	\$1,670
1.5	100	\$1,660	\$3,340
2	160	\$2,660	\$5,340
3	320	\$5,320	\$10,680
4	500	\$8,310	\$16,690
6	1,000	\$16,620	\$33,380
8	1,600	\$25,590	\$53,410
10	2,300	\$38,220	\$76,780
12	3,100	\$51,510	\$103,490

Sewer Tap Relocation Fee	Fee ¹³
Flat Fee	\$1,375
Charges for sewer tap relocations will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, materials, and equipment, plus 35 percent of the direct labor charge. The minimum and maximum sewer tap relocation fees are set forth above.	

¹² The Public Works Director may impose additional fees to recover the true cost of water and/or sewer tap installation when such is warranted by site conditions. In such cases, fees shall be computed at the sum total of the cost of labor, materials, and equipment necessary for completion of the work plus 35 percent of the direct labor charge.

¹³ During a "State of Emergency" as defined by Chapter 21.2 of the Brevard Unified Development Ordinance, the Zoning Administrator may temporarily waive such fees for temporary uses associated with emergency response and recovery as described in Chapter 21.3 of the UDO. The duration of the waiver shall correspond with the duration of the State of Emergency, after which the fees must be paid in full or the meters recovered and the utility access terminated.

“State of Emergency” Water/Sewer/System Development Fee Waiver Application

Eligibility

Only temporary uses intended to support the response and recovery of the event that precipitated the “State of Emergency”, as determined by the Zoning Administrator, are eligible for this waiver. By signing this document, applicant attests under the penalty of law, that the temporary use for which this waiver is granted shall remain in support of response and recovery for the duration of this waiver/State of Emergency.

Applicant also acknowledges that, shall the temporary use become permanent, or cease to support response and recovery, this waiver is no longer valid and the applicant shall be subject to the expiration provisions below.

Duration

The length of this waiver corresponds with the length of the local State of Emergency declared _____ and scheduled to end _____. Though City Council may extend the State of Emergency, waiver recipients must apply for an extension without 30 days or be subject to the expiration provisions below.

Upon Expiration

Applicant acknowledges that upon expiration of the State of Emergency, or upon expiration of the waiver due to eligibility

- All tap fees must be paid in full within 30 days at the rates listed in the Schedule of Fees at the time of application.*
- If fees are not paid within 30 days, meters are subject to immediate recovery by the City of Brevard and utility access shall be terminated*
- The city waives all liability for any damages to life and property that occur as a result of terminating access to utilities*
- The applicants waives all claims of liability against the city occurring as a result of removal of utility access*

Subject to State

Municipalities are governed by the North Carolina General Assembly via the North Carolina General Statutes and the interpretation of those statutes set forth by the Courts. Shall either of those bodies deem this waiver inadmissible, the City of Brevard will comply and terminate the program. Should this occur, the City will notify recipients of waivers and offer a 30 day period to pay the fees in full or voluntarily cut off their access to utilities. At the end of the 30 day period the City will exercise the provisions in the expiration section.



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 NOVEMBER 30, 2024

Tina Tanner
Certified Tax Collector

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

UPDATED: 12.5.2024

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER		
2024		\$ 4,145,519.25	\$ 355,192.81	\$ 150,837.61	\$ 169,949.16			
2023-2011	\$ 3,514.80	\$ 4,462.58	\$ 2,327.19	\$ 4,626.24	\$ 2,855.63			
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
TOTAL:	\$ 3,514.80	\$ 4,149,981.83	\$ 357,520.00	\$ 155,463.85	\$ 172,804.79	\$ -		
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL	
2024							\$	4,821,498.83
2023-2011							\$	17,786.44
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$	-
TOTAL:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$	4,839,285.27

HEART OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING NOVEMBER 30, 2024

UPDATED: 12.5.2024

YEAR	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
2024			\$	64,583.54	\$	12,538.17	\$	45.99	\$	8,318.48		
2023-2011	\$	28.47	\$	137.22					\$	625.39		
2010 - Prior	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
TOTAL:	\$	28.47	\$	64,720.76	\$	12,538.17	\$	45.99	\$	8,943.87	\$	-
	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE	
2024												\$ 85,486.18
2023-2011												\$ 791.08
2010 - Prior	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
TOTAL:	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
												\$ 86,277.26

STAFF REPORT

City Council, Monday, January 6, 2025

Title: Property Tax Releases - December 2024

Speaker:

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

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

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

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

General Statute 105-381

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

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

Release Amount for December 2024: \$2,950.98

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

Attachments:

1. 01 Resolution Tax Release January 2025

RESOLUTION 2025-XX

A RESOLUTION APPROVING PROPERTY TAX RELEASES

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

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

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

2024: \$ 2,950.98

Adopted and approved this the 6th day of January, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, January 6, 2025

Title: Proclamation No. 2024-26 Mayor Declared State of Emergency - Tropical Storm Helene

Speaker: Wilson Hooper

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background and Discussion

At the December 2, 2024 meeting, City Council adopted amendments to the UDO that are intended to accommodate recovery related activities in the aftermath of Hurricane Helene and for future emergencies. The revised UDO chapter 21 also established an additional procedure for declaring emergencies that would trigger the provisions in question. Previously, the only chapter of the City's code that dealt with declared emergencies was Code of Ordinances chapter 26.

During Helene, the Mayor (and the necessary two concurring Council members) agreed for Brevard to be covered by Transylvania County's emergency declaration, which was sufficient for response and immediate recovery purposes. And that method, and the method described in Code of Ordinances chapter 26, will remain in place as the emergency declaration method for the purposes of things like curfews and other urgent response needs.

However, according to the approved update to UDO chapter 21, an additional declaration must be made in order for those new provisions to take effect. This distinct declaration requirement is a tacit acknowledgement that not all of the provisions of UDO chapter 21 are necessary for every emergency. During Council discussion on December 2, it was acknowledged that a new declaration would need to be made.

Action

No action required. For information only. Council concurrence was offered at the December 2, 2024 meeting.

Attachments:

1. Proclamation No. 2024-26 Mayor Declared State of Emergency - Tropical Storm Helene



PROCLAMATION NO. 2024-26

MAYOR DECLARED STATE OF EMERGENCY

WHEREAS, on September 25, 2024 Governor Roy Cooper declared a statewide state of emergency in the State of North Carolina due to the anticipated impacts from Tropical Storm Helene; and

WHEREAS, on September 25, 2024 Jason Chappell, Chairman of the Transylvania County Board of Commissioners declared a local state of emergency inclusive of all areas and townships inside the geographic borders of Transylvania County; and

WHEREAS, on September 28, 2024 President Biden granted Governor Roy Cooper's request for a Federal Major Disaster Declaration for Tropical Storm Helene providing immediate federal help for 25 North Carolina counties; and

WHEREAS, as authorized by Brevard Code of Ordinances Chapter 26, Article 1, Section 26.32, City of Brevard Mayor Maureen Copelof consented to the Transylvania County declaration of local state of emergency; and

WHEREAS, the State of North Carolina has vested in the City Council and, where so ordained, the Mayor the power to issue such proclamations and any subsequent proclamations that may restrict movement and other actions during declared emergencies; and

WHEREAS, I, as Mayor, have adjudged it practical and expedient because of existing circumstances to declare an emergency and issue such a proclamation; and

WHEREAS, on December 2, 2024 Brevard City Council passed revisions to the Brevard Unified Development Ordinance, establishing Chapter 21 – Emergency Response and Recovery, that would apply during certain declared emergencies, adding stipulations for temporary housing and non-residential uses; and

WHEREAS, Chapter 21's emergency provision may not be applicable to all states of emergency, and thus Chapter 21 includes an additional and separate declaration procedure.

NOW, THEREFORE, by the power vested in me by the State of North Carolina and pursuant to the City Code of Ordinances, Section 26.32, and Unified Development Ordinance, Chapter 21, I, Maureen Copelof, Mayor of the City of Brevard do hereby declare that a state of emergency is in effect and proclaim the effectiveness of emergency procedures as follows:

1. This state of emergency is declared by the City of Brevard.
2. The state of emergency shall retroactively be in effect beginning on the 28th day of September, 2024.
3. The state of emergency covers the municipal boundaries of the City of Brevard, as well as all City-owned properties and facilities.
4. The City Manager is hereby authorized to take necessary actions and expend City funds to protect City facilities and the health, safety and welfare of Brevard citizens.
5. The state of emergency is in effect until the end of the state of emergency as declared by the Mayor.
6. The City Clerk and other persons designated by me are hereby directed to disseminate this declaration to the press and other news media and upon electronic distribution media controlled by the City of Brevard.

Signed this 27th day of December, 2024.

Attest:


Denise Hodsdon, City Clerk




Maureen Copelof, Mayor

STAFF REPORT

City Council, Monday, January 6, 2025

Title: Resolution in Support of Tobacco 21 to Protect Our Kids from Vaping and Nicotine Addiction

Speaker: Tom Jordan, Police

Prepared by: Tom Jordan, Police Chief

Approved by: Wilson Hooper, City Manager

Background

During the public comments period of the November 25, 2025 Public Safety Committee meeting, Lani Callison from the North Carolina Department of Health and Human Services shared information about an effort afoot to bring about changes to tobacco purchasing laws in North Carolina. The committee was persuaded and has recommended that the full City Council endorse "Tobacco 21" or "T21" laws, so named because they would raise the smoking age from 18 to 21.

Discussion

The federal minimum age to purchase tobacco and vaping products was raised from 18 to 21 by Congress in 2019. However, North Carolina is one of only seven states who hasn't changed its own laws to match. Yet research finds that youth under the age of 18 primarily gain access to tobacco/vaping products from their friends that are between the ages of 18 and 21. North Carolina is also one of only nine states that does not have a tobacco retailer permitting system. Such a system would allow the state to inspect for responsible retail practices, protect law-abiding retailers by holding non-complaint retailers accountable, and make additional data on nicotine consumption available for public health purposes.

While public health isn't a municipal function per se, public safety is. It is in the interest of the city to have well-regulated tobacco retailers so that BPD can more efficiently ensure compliance with laws.

Action

Council is asked to pass the attached resolution endorsing "T21" laws and other policy changes in North Carolina regarding youth smoking/vaping.

Attachments:

1. Resolution In Support of Tobacco 21

RESOLUTION NO. 2025-XX

RESOLUTION IN SUPPORT OF TOBACCO 21 TO PROTECT OUR KIDS FROM VAPING AND NICOTINE ADDICTION

WHEREAS, one of every five deaths in North Carolina is associated with cigarette smoking,¹ and for each death, 30 more people are sick or live with a disability²; and

WHEREAS, 95% of tobacco users start before the age of 21³; and

WHEREAS, as of 2022, 27% of high school students in North Carolina report tobacco use. E-cigarette use has significantly increased among youth since 2011⁴; and

WHEREAS, nicotine is harmful to developing brains, and its use during adolescence can disrupt the formation of brain circuits that control attention, learning, and susceptibility to addiction⁵; and

WHEREAS, in a 2020 study among NC schools, a high proportion of school administrator and teacher respondents believed that e-cigarette use among students is somewhat or very problematic (91%), and that student e-cigarette use it is a somewhat or high priority issue for their school administration (90%)⁶; and

WHEREAS, most North Carolina young people obtain tobacco products, including e-cigarettes, from retailers. NC young people who get e-cigarettes from friends primarily get them from friends who are under 21⁷; and

WHEREAS, in 2019, Congress increased the federal minimum legal sales age of all tobacco products, including e-cigarettes, from 18 to 21. While a majority of states (43 states, as of October 2024) have increased their minimum tobacco sales age to 21 to match federal law, North Carolina's minimum sales age remains 18⁸; and

WHEREAS, having the same legal sales age at 21 for alcohol and tobacco products reduces the burden on retailers; and

WHEREAS, North Carolina is one of only 9 states in the country that do not require tobacco retailers to obtain a license or permit⁹; and

WHEREAS, the North Carolina ABC Commission is capable of implementing an efficient and effective tobacco retailer permitting system based on the system also in place for alcohol retailer permitting; and

WHEREAS, establishing a retailer permitting system AND raising the minimum legal sale age to 21 will:

- Allow the state to know where tobacco products are being sold
- Improve merchant education efforts
- Allow the state to inspect for responsible retail practices
- Protect law-abiding retailers by holding non-compliant retailers accountable
- Prevent and reduce youth use of highly addictive nicotine products
- Help eliminate the use of e-cigarette and other emerging nicotine products in schools
- Reduce any confusion among retailers and consumers by having one legal sales age for state and federal law^{10, 11}; and

WHEREAS, Under the Federal Synar law, states are expected to reduce the illegal sale of tobacco products to individuals under the age of 21. NC could lose over \$5.2 million in annual funding from the Substance Abuse Prevention and Treatment Block Grant money (money NC uses to pay for drug treatment) through penalties under the federal Synar amendment if sales to underage youth are too high in required annual inspections¹²; and

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

Section 1. The City of Brevard supports policy changes for North Carolina to protect our children and youth from vaping and nicotine addiction by establishing a tobacco retailer permitting system, raising the minimum age of sales from 18 to 21, and adopting other needed provisions of legal sales of tobacco products to match federal law.

Section 2. This resolution shall be effective upon adoption.

Adopted and approved this the 6th day of January, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

Sources:

- 1) Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. 2014.
https://www.cdc.gov/tobacco/stateandcommunity/best_practices/index.htm.
- 2) National Center for Chronic Disease Prevention and Health Promotion (US) Office on Smoking and Health. Reports of the Surgeon General. The Health Consequences of Smoking-50 Years of Progress: A Report of the Surgeon General. 2014.
- 3) Source: U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.
- 4) Source: Tobacco Prevention and Control Branch, North Carolina Department of Health and Human Services. North Carolina Youth Tobacco Survey Middle & High School Fact Sheet. <https://tobaccopreventionandcontrol.dph.ncdhhs.gov/data/yts/docs/2022-NCYTS-Factsheet-Infographic.pdf>
- 5) U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.
- 6) Tanz, L., Heck, C., Herzig, C., Ranney, L., Herndon, S., Martin, J., Hast, M., McGowan, E., Baler, G., Shamout, M., King, B., Tynan, M., Kansagra, S. (2020). Rapid Assessment of the Impact of E-cigarettes on Schools as Reported by School Staff and E-cigarettes Confiscated by Schools — North Carolina, 2019. Unpublished manuscript.
- 7) CDC Foundation. North Carolina Cross-Sectional, Online Survey Summary Tables. 2021: 1-104.
- 8) Preventing Tobacco Addiction Foundation, Tobacco 21, (2024), <https://tobacco21.org/>.
- 9) State Tobacco Activities Tracking and Evaluation (STATE) System Licensure Fact Sheet, Ctr. For Disease Control (last reviewed: November 1, 2024),
https://www.cdc.gov/statesystem/factsheets/licensure/Licensure.html#anchor_1562854161.
- 10) Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General, U.S. Dept of Health and Hum. Serv. (2014),
https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf_NBK99237.pdf.
- 11) Roee L. Astor, et al., Tobacco Retail Licensing and Youth Product Use, Pediatrics (Jan. 7, 2019),
<https://pediatrics.aappublications.org/content/pediatrics/143/2/e20173536.full.pdf>.
- 12) Revision to SAMSHA Guidance on Tobacco Regulation, Substance Abuse and Mental Health Services Administration (June 13, 2022).

STAFF REPORT

City Council, Monday, January 6, 2025

Title: City Manager Employment Agreement Amendments

Speaker: Mack McKeller, City Attorney

Prepared by: Kelley Craig, Human Resources Director

Approved by: Kelley Craig, Human Resources Director

Background

The City Council is responsible for selecting/hiring a city manager, and setting the terms of his/her employment. Being the only employee hired by the elected board, the City Manager is the only full-time city employee whose employment is governed by a contract rather than by the city's Personnel Policy

The original employment agreement with the City Manager was signed in August 22, effective September 2022. It called for the City Manager's performance to be evaluated once a year in the fall. The agreement was amended in November 2023, following the previous performance evaluation.

Discussion

The required annual performance evaluation was conducted October-December under the facilitation of the City Attorney. The results were reviewed with the City Manager in a closed session on December 16, 2024

At the conclusion of the evaluation, the City Council and City Manager mutually agreed to amend two clauses of the agreement:

1. Section 2.E - Removed provision reading "Manager agrees to begin residence primarily in Transylvania County from his current domicile within 180 days from the commencement of his employment " and related text as it was no longer applicable. (The requirement that he reside in Transylvania County remains)
2. Section 4.A - Amended the base salary to \$152,000, a \$5,000 increase. This amount closely matches the 3.25% cost of living adjustment and additional 401k match given to other city employees last July.

Action

Council is asked to approve the amended agreement.

Attachments:

1. WHooper Manager's 2025 Emp Agree
2. Ordinance Fixing Compensation and Terms for Employment for City Manager

THIS AGREEMENT, made and entered into this ____ day of _____, 2025, by and between the City of Brevard, North Carolina, a municipal corporation, hereinafter called "Employer or Governing Body" as party of the first part, and WILSON HOOPER, _____, hereinafter called "Manager", as party of the second part, both of whom understand as follows:

WITNESSETH

WHEREAS, Employer desires to secure the services of said WILSON HOOPER, as City Manager of the City of Brevard, North Carolina, as provided for in the City Charter; and

WHEREAS, it is the desire of the Governing Board, hereinafter called "Governing Body" to provide certain benefits, to establish certain conditions of employment and to set working conditions of said Manager; and

WHEREAS, it is the desire of the Governing Body to (1) retain the services of WILSON HOOPER, and to provide inducement for him to remain in such employment, (2) to make possible full work productivity and independence by assuring Manager's morale and peace of mind with respect to future security, and (3) to provide a just means for terminating Manager's services at such time that Employer may desire to terminate his employ; and

WHEREAS, Manager desires to begin employment as City Manager of the City of Brevard;

NOW, THEREFORE, In consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Powers and Duties of the Local Government Manager

- A. Employer hereby agrees to retain WILSON HOOPER as Manager of the City of Brevard to perform the functions and duties specified in the City Code, City Charter, North Carolina General Statutes and herein, and as otherwise reasonably assigned to him from time to time by the Governing Body.
- B. Neither the Governing Body, nor any of its members shall direct or request the appointment of any person to, or removal from, office by the Manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the service of the City, except where expressly provided for by City Charter or state law. However, this will not preclude a Board member from communicating with an employee with respect to getting information that will be, or has been, brought before the Board. Neither does it preclude an employee from discussing with a Board member a grievance with the Manager that has not been handled to his/her satisfaction or in a professional, courteous, and respectful manner.
- C. The Manager shall be the Chief Administrative Officer of the City of Brevard, NC. He may head one or more departments and shall be responsible to the Governing Body for

the proper administration of all affairs of the City of Brevard. To that end, he shall have the power and be required to:

1. Appoint and, when necessary in his judgment for the good of the City, suspend or remove any employee of the City, except as otherwise provided herein or by the City Charter or State Law.
2. Prepare the budget annually, including all funds of the City of Brevard, without exception, and submit it to the Governing Body together with a message describing the important features, and be responsible for its administration after adoption.
3. Oversee the submission of an annual report to the Governing Body on the finances and administrative activities of the City of Brevard as of the end of each fiscal year.
4. Direct and supervise the administration of all departments, offices, and agencies of the City of Brevard, subject to the general direction of the Governing Body.
5. Keep the Governing Body advised of the financial condition and future needs of the City, and make such recommendations, as he shall deem advisable.
6. Recommend to the Governing Body, adoption of a pay and compensation philosophy and policy, which shall guide his administration of the compensation system.
7. Recommend to the Governing Body, adoption of such measures, as he may deem necessary to expedient for the health, safety or welfare of the City, or the improvement of the administrative services.
8. Attend all meetings of the Governing Body, unless excused therefrom, and take part in the discussion of all matters coming before the Governing Body.
9. Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget; advise the Governing Body on the advantages or disadvantages of contract and bid proposals; and issue rules governing purchasing procedures within the administrative organization.
10. See that all laws and ordinances are duly enforced.
11. Investigate the affairs of the City or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the City, and in regard to service maintained by the public utilities in the City, and see that all franchises, permits, and privileges granted by the City are faithfully observed.
12. Perform other such duties as may be required by the Governing Body, not inconsistent with the City Charter, law or ordinances, or this Agreement.

Section 2. Term

- A. The Manager serves at the pleasure of the Governing Body and nothing herein shall be taken to prevent, limit or otherwise interfere with the right of the Governing Body to terminate the services of the Manager at any time subject only to the provisions of Section 3 of this Agreement.
- B. The term of this Employment Agreement shall begin at 12:01 a.m. on January 1, 2025, and shall continue until terminated with or without cause by the Governing Body as herein provided.
- C. In the event Manager voluntarily resigns before expiration of the term of this Agreement, then Manager shall give the Governing Body at least ninety (90) days' advance notice unless the parties agree otherwise.
- D. Manager agrees to remain in the exclusive employ of the City of Brevard during the terms of this Agreement. The term "employed", however, shall not be construed to include occasional teaching, writing, speaking or consulting performed on Manager's time off, even if outside compensation is provided for such services. Said activities are expressly allowed, provided that in no case is any activity allowed which would present a conflict of interest with the City of Brevard. In the event overnight travel is required for such non-Employer-related business, the Governing Body shall be notified in advance. *De minimis* use of City equipment for such purposes is hereby authorized.
- E. Manager shall reside within the corporate limits of Transylvania County during the term of this Employment Agreement.

Section 3.

- A. Termination for Cause. Throughout the term of this Employment Agreement, the Manager shall be subject to discharge for cause (as herein defined). For purposes of this Agreement, the Governing Body shall have "cause" to terminate this Agreement upon a determination by the Board, in good faith, that Manager (A) has breached in any material respect any of the terms or conditions of this Agreement or any City Policy, including those related to his duties under this agreement; (B) engages in conduct involving gross negligence, willful misconduct or insubordination; (C) engages in conduct that by common judgment reflects significantly unfavorably upon the Manager's ability to continue to serve and to perform the essential functions of his office; (D) is convicted of a felony or misdemeanor involving moral turpitude; or (E) receives a sanction or censure from the International City Manager Association for violation of its code of ethics. Manager's refusal to comply with a directive from Council that violate the ICMA Code of Ethics shall in no event serve as a cause for termination.

The Board also shall not arbitrarily or capriciously call for the termination of the Manager for cause, and the Manager shall have the right to receive written grounds for his discharge, a fair hearing before the Board, and at least ten (10) days' written notice of said charges and hearing. At such hearing before the Board, the Manager shall have the right to be present and to be heard, or represented by counsel, and to present through witnesses any testimony relevant to the grounds of discharge identified by the

City Council for his termination. A transcript of the record of the proceedings before the City Council shall be made available without charge to the Manager. If the Manager chooses to be accompanied by legal counsel at the hearing before the City Council, the Manager will assume the cost of his legal expenses.

- B. Termination without Cause and Severance Pay. In the event the majority of the Governing Body takes action to terminate the employment of the Manager without cause under this Agreement, and during such time as the Manager is willing and able to perform his duties under this Employment Agreement, then the Employer agrees to pay the Manager up front, a lump sum cash payment for all accrued vacation, holiday, or other leave owed to Manager through the termination date; thereafter, Manager will receive salary compensation (including the City of Brevard's share of Manager's contribution to the Local Government Retirement System) and continued health insurance coverage for himself and his dependents for a period of up to twelve (12) months as severance pay. No other benefits such as an automobile or cellular allowance, or accrual of leave time will be provided during this period of up to twelve (12) months. It is expressly agreed between the parties, however, that Manager will receive salary compensation (including the City of Brevard's share of Manager's contribution to the Local Government Retirement System), and continued health insurance coverage only until Manager secures other comparable employment. Such severance pay shall terminate upon the date of Manager's commencement of comparable employment elsewhere, or at the end of a period of twelve (12) months from the termination of the Manager's employment without cause whichever event sooner occurs.
- C. In the event the Governing Body at any time reduces the salary, compensation, or other benefits of the Manager in a greater amount than an applicable across-the-board reduction for all employees of the City, or in the event the Governing Body refuses to comply with any other provision benefiting the Manager herein, then and in that event, Manager may at his option, be deemed to be terminated without cause as provided herein.
- D. Should the Manager be permanently disabled or otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four (4) successive weeks beyond any accrued leave, the Governing Body shall have the right to terminate this Agreement subject to the severance provisions of Section 3B and 3C above.
- E. The terms of this Agreement shall remain in full force and effect and hold over until employment is terminated under the terms herein, or a new Agreement has been negotiated and entered into by Manager and Governing Body.
- F. Contemporaneously with the delivery of the severance pay herein above described, Employee agrees to execute and deliver to Employer a release, releasing Employer of any and all claims that Manager may have against Employer.

Section 4. Salary and Deferred Compensation

- A. Employer agrees to pay Manager at the annual base salary of ONE HUNDRED FIFTY TWO THOUSAND DOLLARS (\$152,000), payable bi-weekly (annual base salary does not include vehicle and cellular phone allowance).
- B. In addition to Manager's annual base salary, Manager shall receive a contribution of 5% of its base salary as deferred compensation to the Prudential NC 401k Plan in the same manner in which the City of Brevard makes contributions each year for the benefit of its Law Enforcement Officers.
- C. The Governing Body shall review and evaluate the performance of the Manager beginning in October and ending in November of each year commencing in 2025. Employer may increase base salary and/or benefits of the Manager at time of said review, in such amounts and to such extent as the Governing Body may determine that it is desirable to do so, in light of performance by the Manager and within budget restraints. With the agreement of both Manager and Council, these review dates may be modified but shall be at least annually. The Manager will not participate in any cost of living adjustments provided to other employees of the City of Brevard from time to time.

Section 5. Retirement Benefits

- A. The Manager shall be covered and governed by the same retirement system as all other non-public safety employees, specifically NCLGERS. Calculations for retirement contributions shall include all compensation normally reportable to the IRS, including deferred compensation.
- B. In addition to the Employer's payment to the local government retirement system referenced above, Employer agrees to execute and keep in force all necessary agreements provided by any Section 457 deferred compensation plan for Manager's participation, or continued participation, in such supplemental retirement plan.

Section 6. Insurance Coverage

- A. The Manager shall be covered by the same health, life, and dental plans as all other employees.
- B. The Employer agrees to pay the cost to provide the Manager with one membership for himself and his family to a health club of the Manager's choice.

Section 7. Bonding

- A. The Employer shall bear the full cost of any fidelity or other bonds required of the Manager under any law or ordinance.

Section 8. Automobile and Mobile Phone Allowance

- A. The Employer shall provide a vehicle and cellular phone allowance of \$600.00 per month to the Manager. For the future purpose of allocating the reimbursement, parties agree

that \$500 is provided for automobile expenses and \$100 for cellular phone and service expenses. Said vehicle allowance shall be intended to reimburse the Manager for local travel only, generally defined as travel within Transylvania, Henderson, or Buncombe County. Manager shall be reimbursed for his actual gas costs for all travel outside of Transylvania, Buncombe, or Henderson County. The Manager shall make available his gas receipts to the City Council upon their request. The cellular phone portion of the allowance shall reimburse the Manager for being required to purchase and maintain cellular telephone service, available at all times for the conduct of city business. It is understood that such telephone phone and cellular service shall be the responsibility of the Manager to maintain during his tenure as city manager.

Section 9. Other Benefits

- A. All provisions of the City Charter, rules and regulations of Employer relating to fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to the Manager as they would to all other employees of Employer, in addition to said benefits enumerated specifically for the benefit of the Manager herein. Except that all benefits which vary according to tenure shall be calculated and granted in accordance with the City of Brevard's provisions using Manager's original employment date.
- B. Upon written verification from his current employer, the City will accept Manager's unused sick leave in accordance with City policy.

Section 10. No Reduction of Benefits

- A. The Employer shall not at any time during this agreement reduce the salary, compensation, or other financial benefits of the Manager, except to the degree such a reduction is across-the-board for all employees of the Employer.

Section 11. Hours of Work

- A. It is recognized that the Manager must devote a great deal of time outside normal office hours to the business of Employer, and to that end Manager will be allowed to take compensatory time off as he shall deem appropriate during said normal office hours, to the extent that it does not reasonably interfere with the orderly management of the City.

Section 12. Professional Development

- A. Employer agrees to budget for and to pay the professional dues, subscriptions, travel, and subsistence expenses of the Manager for professional participation and travel, meetings and occasions adequate to continue his professional development. Said participation on City time to include, but not to be limited to, the International City/County Management Association, North Carolina League of Municipalities, North Carolina City/County Manager's Association, American Public Power Association, ElectriCities of North Carolina, and such other national, regional, state and local government groups and committees thereof which the Manager serves as a member, or which said participation is beneficial to Employer, as well as associated short courses, institutes and seminars. Specifically, the City strongly encourages Manager to attend and participate

in any courses he may deem necessary related to North Carolina Municipal Government as presented by the North Carolina School of Government at the expense of the City.

- B. Additionally, Employer encourages the Manager to attain positions of leadership in national, state, regional and local associations and organizations relevant to his profession. As expressly approved by the City Council, Employer agrees to budget and pay for the travel and subsistence expenses necessary for Manager to discharge his official duties for such associations and organizations.

Section 13. Membership in Civic and Community Organizations

- A. The Governing Body recognizes the desirability of representation in and before local, civic, and other organizations, and the Manager is authorized to become a member of such clubs and organizations as are expressly approved by the City Council. Employer shall pay expenses for such memberships as may be expressly approved by the City Council. The Manager shall seek approval of the joining of the organization from the Governing Body before seeking membership reimbursement or payment.

Section 14. Performance Evaluation

- A. The Governing Body shall review and evaluate the performance of the Manager beginning in October and ending in November of each year following the first year of employment. It is anticipated that the City Council will undertake the evaluation of the Manager in October of each year and strive to complete the evaluation in November of each year, or as soon thereafter as is reasonably practicable. Employer may increase the annual base salary and/or benefits of the Manager at time of said review, in such amounts and to such extent as the Governing Body may determine that it is desirable to do so, in light of performance by the Manager and within budget restraints. The months of this review may be modified with the mutual consent of both Manager and Council.

Section 15. Suspension

- A. The Governing Body may suspend the Manager with full pay and benefits at any time during the term of this Agreement, if a majority of the Governing Board votes to suspend the Manager after the Manager is given written notice setting forth the reasons for his suspension ten (10) calendar days prior to a hearing before the Governing Body where he is allowed to answer such charges.

Section 16. Indemnification

- A. Employer shall defend, save harmless and indemnify Manager against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of his actual duties as Manager. Employer will compromise and settle any such claim or suit and the amount of any settlement or judgment rendered thereon. Said indemnification shall extend beyond termination of employment and the otherwise expiration of this Agreement, to provide full and complete protection to the Manager by the City of Brevard as described herein, for any acts undertaken or committed in his capacity as Manager, regardless of whether the notice of filing of a lawsuit for such tort, claim, demand or

other legal action occurs during or following employment with Employer. In connection with those claims or suits involving the Manager in his/her professional capacity, the Employer must defend the Manager and/or must retain and pay for an attorney to represent the Manager (including all fees and costs) in connection with any such suit, claim, complaint, mediation, arbitration, or similar actions.

Section 17. Conflict of Interest Prohibition

- A. It is further understood and agreed that because of the duties of the Manager within and on behalf of the City of Brevard and its citizenry, the Manager shall not, during the term of this Agreement, individually, as a partner, joint venture, officer or shareholder, invest or participate in any business venture conducting business in the corporate limits of the City of Brevard except for stock ownership in any company whose capital stock is publicly held and regularly traded, without prior approval of the Governing Body. For and during the term of this Agreement, the Manager further agrees, except for a personal residence or residential property acquired or held for future use as his personal residence, not to invest in any other real estate or property improvements within the corporate limits of the City of Brevard, without the prior consent of the Governing Body.

Section 18. Notices

- A. Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows or delivered in person in the same manner as is applicable to civil judicial practice:

Employer: City of Brevard
P.O. Box 219
Brevard, NC 28513

Manager: Wilson Hooper

Section 19. Review of Agreement

- A. This Agreement shall be reviewed annually in advance of adoption of the annual operating budget.

Section 20. General Provisions

- A. The text herein shall constitute the entire Agreement between the parties.
- B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Manager.
- C. This Agreement shall become effective upon adoption and approval by the Governing Body of the City of Brevard.

- D. If any provisions, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

IN WITNESS THEREOF, the City of Brevard has caused this Agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Clerk, and the Manager has signed and executed this Agreement, both in duplicate, the day and year first written above.

By: _____
Maureen Copelof, Mayor

By: _____
Wilson Hooper, Manager

By: _____
Denise Hodsdon, City Clerk

ORDINANCE NO. 2025-XX

**AN ORDINANCE FIXING COMPENSATION AND OTHER TERMS FOR
EMPLOYMENT FOR CITY MANAGER WILSON HOOPER**

WHEREAS, in accord with Chapter 2, Article III of the Brevard City Code, the compensation of the City Manager and other terms of his employment are to be fixed by Ordinance; and,

WHEREAS, Council now desires to set forth the terms of such employment in this Ordinance;

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

SECTION 1. RATIFICATION AND CONTINUATION OF EMPLOYMENT. The compensation and other terms for employment for City Manager Wilson Hooper are hereby amended as set forth in the Employment Agreement made and entered into by the City of Brevard, North Carolina and Wilson Hooper, which is attached hereto and incorporated herein by reference.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective as of January 1, 2025.

Adopted and approved this the 6th day of January, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC,
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, January 6, 2025

Title: Finance Report at September 30, 2024

Speaker: Dean Luebbe, Asst. City Manager/Finance Director

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

Approved by: Wilson Hooper, City Manager

Background

It is considered best practice for municipal staff to give regular public financial updates to their elected bodies, both for administrative and transparency purposes. During the recent City Manager evaluation, Council indicated that they would like to begin receiving the updates again. Unless Council objects, staff will use the Consent Agenda forum to give quarterly updates.

Discussion

The attached information is for the first quarter of fiscal year 2025 (Q1 FY25), which ended on September 30, 2024. It gives revenue and expense figures for the city's three main funds: General Fund, Fire Fund, Water Fund. By and large, revenue collection and expenses were at their expected levels at the end of Q1.

There are five additional commentary bullets at the bottom of the attached report.

Action

No action necessary. For information only.

Attachments:

1. 9-30-24 Finance Report

City of Brevard Financial Report

FY25 9-30-2024

GENERAL FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE (\$)	ACTUAL TO DATE (%)	LAST FY ACTUAL TO DATE (\$)	YoY GROWTH (%)
AD VALOREM TAXES	\$ 6,484,600	\$ 4,581,962	70.7%	\$ 4,458,679	▲ 3%
SALES AND UTILITY TAXES	3,086,850	-	0.0%	-	#DIV/0!
POWELL BILL	255,000	141,574	55.5%	115,537	▲ 23%
ABC REVENUES	240,000	-	0.0%	-	#DIV/0!
UTILITY FUND REIMB	661,000	165,250	25.0%	131,250	▲ 26%
INTEREST REVENUE	508,805	114,576	22.5%	118,613	▲ -3%
SANITATION REVENUE	1,253,800	298,379	23.8%	326,249	▼ -9%
MISC	545,200	64,655	11.9%	130,659	▼ -51%
DEBT PROCEEDS	-	-	#DIV/0!	894,864	
FUND BALANCE APPROP	70,000	-	0.0%	-	
TOTAL	\$ 13,105,255	\$ 5,366,396	40.9%	\$ 6,175,851	▲ -13%

EXPENDITURES AND ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE (\$)	ENCUMBRANCES TO DATE (\$)	TOTAL COMMITTED (%)	LAST FY EXPENDITURES TO DATE (\$)
GOVERNING BOARD	\$ 194,410	\$ 24,717	\$ 3,048	14%	\$ 44,197
ADMINISTRATION	1,049,500	243,915	45,994	28%	216,025
FINANCE	917,200	262,589	150,786	45%	212,585
PLANNING	1,005,400	207,008	176,813	38%	159,699
BUILDING AND GROUNDS	557,500	120,715	6,231	23%	115,162
POLICE	3,949,600	923,380	331,018	32%	810,234
PW ADMINISTRATION	626,000	119,227	-	19%	100,436
PW GARAGE	462,800	126,510	-	27%	91,139
PW STREETS LOCAL	824,400	193,752	44,083	29%	196,477
PW STREETS POWELL BILL	243,000	9,459	248,147	106%	9,370
SANITATION	1,157,600	242,468	157,100	35%	302,471
COMMUNITY CENTER	155,700	31,161	13,915	29%	30,285
RECREATION	287,900	55,048	74,000	45%	90,719
NON DEPARTMENTAL	1,674,245	554,056	-	33%	620,235
TOTAL	\$ 13,105,255	\$ 3,114,005	\$ 1,251,135	33%	\$ 2,999,034

FIRE FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE (\$)	ACTUAL TO DATE (%)	LAST FY ACTUAL TO DATE (\$)	YoY GROWTH (%)
TRANSYLVANIA COUNTY	\$ 646,155	\$ 135,137	20.9%	\$ 151,682	▼ -11%
TRANSFER FROM GENERAL FUND	789,745	197,436	25.0%	181,500	▲ 9%
DEBT PROCEEDS	1,550,000	-	0.0%	-	
OTHER REVENUES	6,000	52,215	870.3%	8,808	▲ 493%
FUND BALANCE APPROP	-	-	0.0%	-	
TOTAL	\$ 2,991,900	\$ 384,788	12.9%	\$ 341,990	▲ 13%

EXPENDITURES AND ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE (\$)	ENCUMBRANCES TO DATE (\$)	TOTAL COMMITTED (%)	LAST FY EXPENDITURES TO DATE (\$)
PERSONNEL	\$ 730,500	\$ 178,158	\$ -	24%	\$ 157,816
OPERATING	362,400	122,765	-	34%	75,601
CAPITAL	1,550,000	762,367	845,871	104%	-
DEBT PAYMENTS	349,000	71,771	-	21%	13,879
TOTAL	\$ 2,991,900	\$ 1,135,061	\$ 845,871	66%	\$ 247,296

WATER FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE (\$)	ACTUAL TO DATE (%)	LAST FY ACTUAL TO DATE (\$)	YoY GROWTH (%)
CHARGES FOR SERVICES	\$ 6,931,300	\$ 1,770,084	25.5%	\$ 1,702,961	▲ 4%
METER AND CONNECTION FEES	340,000	56,696	16.7%	81,102	▼ -30%
OTHER REVENUES	161,500	35,921	22.2%	33,971	▲ 6%
TRANSFER IN	-	-	0.0%	-	
FUND BALANCE APPROP	-	-		-	
TOTAL	\$ 7,432,800	\$ 1,862,701	25.1%	\$ 1,818,034	▲ 2%

EXPENDITURES AND ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE (\$)	ENCUMBRANCES TO DATE (\$)	TOTAL COMMITTED (%)	LAST FY EXPENDITURES TO DATE (\$)
PERSONNEL	\$ 2,158,200	\$ 425,123	\$ -	20%	\$ 401,826
OPERATING	2,410,100	467,436	545,291	42%	-
CAPITAL	141,000	78,657	37,997	83%	38,540
TRANSFERS OUT	1,018,800	523,050	-	51%	112,500
DEBT PAYMENTS	1,704,700	35,582	-	2%	33,118
TOTAL	\$ 7,432,800	\$ 1,529,848	\$ 583,288	28%	\$ 585,984

- At 9-30-2024, expenses and revenues which flow evenly throughout the year, should approximate 25% of budgeted amounts. However, Sales and Utility tax revenues are on a three month lag. The City will have a better idea of Hurricane Helene's impact on Sales Tax revenue by mid January of 2025.

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

- Other Revenues in the Fire Fund are much higher than the previous fiscal year because of the sales of a capital asset for \$42,500.

- The newly established Stormwater Fund has collected \$150,237 in fees as of 9/30/2024.

- Interest rates are currently at 4.5%, down from their high of 5.5% in August of 2024. The City received \$518,000 of interest revenues in FY24, and we are expecting to receive approximately \$450,000 in FY25.

MINUTES

COUNCIL DOWNTOWN MASTER PLAN COMMITTEE

Thursday, September 19, 2024 – 4:00 PM

City Hall Council Chambers

Members Present: Gary Daniel , Chair, Council Member
Pamela Holder, Vice Chair, Council Member
Billy Parrish, Heart of Brevard Representative
Lee McMinn, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Members Absent: Nicole Bentley, Exec Dir. Heart of Brevard
Parker Platt, At-Large Member

Staff Present: Wilson Hooper, City Manager
Mack McKeller, City Attorney
David Todd, Assistant City Manager
Paul Ray, Planning Director
Emily Brewer, Senior Planner
Becky McCann, Communications Coordinator
Denise Hodsdon, City Clerk

Guests: None

Media: Jon Rich, *Transylvania Times*

A. Welcome & Call to Order

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

B. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

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

D. Approval of Minutes of August 29, 2024 Meeting

Mr. McMinn moved, seconded by Ms. Holder to approve the minutes of the August 29, 2024 meeting as presented. The motion carried unanimously.

E. Sidewalk Usage Policy

Emily Brewer recalled that the previous version of the amendment went before City Council in June, and they sent it back to the committee for further revision. She presented the latest draft for the committee's consideration and discussion. She reviewed a summary of sidewalk usage constraints, a summary of other cities' sidewalk ordinances, and a summary of the pros and cons of alternative changes. Copies of her presentation materials are attached.

Ms. Brewer explained that the proposal requires a one-time permit, which would be for the space and not the objects placed in that space; liability insurance in the amount of \$2M naming the City as an additional insured, and a hold harmless agreement, which has been vetted by the NC League of Municipalities and the City Attorney.

During discussion, the following changes were suggested:

- Reduce the required amount of liability insurance to \$1M
- Rename the title of Chapter 46 to add "Businesses" or "Commerce on Sidewalks"
- Add a provision making city infrastructure an exception where 48 inches of clearance are allowed to help with Jordan Street.

Mr. McMinn moved, seconded by Ms. Holder to incorporate the three suggested changes and forward to full Council with a recommendation to approve. The motion carried unanimously.

F. Public Comment – None.

G. Set Date for Next Meeting

The next meeting of the Council Downtown Master Plan Committee was scheduled for October 9, 2024 at 4:00 p.m.

H. Adjourn

There being no further business, the meeting was adjourned at 5:21 PM.

Minutes Approved - 12/11/2024

X

Gary Daniel
Committee Chair

X

Denise Hodsdon
City Clerk



PART II: CODE OF ORDINANCES

CHAPTER 1. GENERAL PROVISIONS

1-2. Definitions and rules of construction.

Obstruction: An object that is placed on public streets, sidewalks, and alleyways. Such objects include but are not limited to displays, fixtures, inventory racks, display cases, planters, and seating. See also obstruction – permanent or semi-permanent.

Obstruction – {permanent or semipermanent}: An [obstruction or](#) object that is kept out on public streets, sidewalks, and alleyways after business hours. Such objects include but are not limited to displays, fixtures, inventory racks, display cases, planters, vending machines, and seating. Also referred to as a semipermanent or permanent object.

Sidewalk dining: Serving food and beverages from a restaurant abutting a public right-of-way to customers seated in the public right-of-way.

CHAPTER 46. PEDDLERS AND SOLICITORS

ARTICLE I. IN GENERAL

46-1. Selling on streets and sidewalks.

~~A. *Permission for sidewalk merchandise.* Merchants lawfully conducting and operating a business from permanent physical business facilities which front on and abut a city sidewalk may display and sell goods, wares and merchandise from the sidewalk without need of application and approval from the city council; provided, however, that such merchandise, along with all racks, display cases and other accessories thereto, shall be removed from all public sidewalks at the end of every business day during which the same may have been displayed.~~

~~B. *Setback.*~~

- ~~1. On sidewalks at least 12 feet in width, excluding the curb, the maximum distance that the goods, wares or merchandise may be placed from the wall or front of the place of business shall be 36 inches.~~
- ~~2. On sidewalks at least seven feet in width, excluding the curb, the maximum distance shall be 24 inches.~~
- ~~3. On sidewalks less than seven feet in width, excluding the curb, no goods, wares or merchandise shall be placed on the sidewalks or streets.~~
- ~~4. On sidewalks that include a brick section adjacent to the curb, goods, wares and merchandise may be placed in the brick area as long as at least five feet of unobstructed concrete paved space, measured from any permanent or semi-permanent object, remains on the sidewalk or pedestrian way for the passage of pedestrians.~~
- ~~5. *Additional restrictions.* Notwithstanding the other provisions of this section, authority for merchants to sell from city sidewalks does not extend to city streets, and is limited to those sidewalk areas immediately abutting their own property. Further, the setback requirements of subsection 46-1.B shall apply to all obstructions of every description.~~



~~C. Special events.~~ The city manager may waive the setback requirements for special events recognized by the city, such as the Brevard/Transylvania Festival of the Arts, but in no event shall any merchant be permitted to fully obstruct a city sidewalk.

~~D.A. Selling from streets and vehicles.~~ It shall be unlawful for any vendor, or for any person whatsoever, to sell, barter, exchange or attempt to sell, barter, or exchange any goods, wares or merchandise from any city street, city sidewalk or pedestrian way, or from any vehicle except:

1. As may be authorized with respect to vending carts in CHAPTER 3 of the City of Brevard UNIFIED DEVELOPMENT ORDINANCE; or
2. As the prohibition may be waived by the approving authority for special events recognized by the city provided that the applicant satisfies all permit requirements of Section 66-13 and complies with Article I of CHAPTER 66 and other applicable provisions of this Code.

~~E.B. Merchandise or other obstructions may be placed on the sidewalk or pedestrian way pursuant to Section 62-1; provided no transactions occur outside of the business' legal premises.~~

46-6. ~~Placement of permanent and semipermanent obstructions.~~ Reserved.

~~Except as authorized herein, it shall be unlawful to place permanent and semipermanent displays, fixtures, inventory racks, display cases, planters, vending machines and other obstructions of a permanent or semipermanent nature on city-maintained sidewalks, streets, or alleyways without first obtaining a permit from the city manager in accordance with the requirements of this article. As used in this section, the term city manager includes his or her authorized designee.~~

~~A. Application.~~ Any business owner desiring to install a permanent or semipermanent obstruction shall prepare and file an application with the city manager which shall contain the following information:

1. ~~The name, addresses, and telephone number of the business desiring to install the obstruction.~~
2. ~~The name, address, and telephone number of the business owner.~~
3. ~~A drawing or site plan showing the section of sidewalk or pedestrian way to be used for the object, and the section to be kept clear for pedestrian and fire lane use, and depicting the proposed dimensions and placement on the sidewalk or pedestrian way.~~
4. ~~A description and images, drawings or other illustrative graphics of the semipermanent or permanent obstruction(s) to be installed.~~
5. ~~Proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the permittee, the city, and NCDOT, if applicable, from all claims for damages to the property and bodily injury, including death, which may arise from placement of the object under or in connection with the permit. Such insurance shall name the city and, if applicable, NCDOT as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without advance written notice to the city. Such insurance shall afford minimum limits of \$2,000,000.00 aggregate annually.~~
6. ~~The business operator shall provide an agreement to indemnify and hold harmless the city and, if applicable, NCDOT from any claim resulting from placement of the permanent or semipermanent obstruction.~~
7. ~~Additional information may be requested by the city manager or his designee in order to determine compliance with this section.~~



~~8.—At the time the application is filed, the applicant shall pay the city a fee as set forth in the schedule of taxes, fees and charges.~~

~~B.—Standards for placement of permanent and semipermanent obstructions. No permit for the placement of permanent and semipermanent obstructions may be issued unless the application is complete and the following standards are met:~~

- ~~1.—The business seeking to place or install a semipermanent or permanent obstruction must abut and front on the sidewalk or pedestrian way.~~
- ~~2.—The placement of the obstruction(s) as shown in the drawing submitted with the site plan must be done in such a manner that at least five feet of unobstructed space, excluding the curb, measured from any permanent or semi-permanent object, remains on the sidewalk or pedestrian way for the passage of pedestrians. In accordance with North Carolina Fire Code, no fire exits or lanes may be blocked and must remain clear at all times.~~
- ~~3.—The objects shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilation areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.~~
- ~~4.—The obstructions shall be allowed to remain in place until such time as the business establishment vacates the premises or until such time as replacement is warranted due to a deterioration of physical condition or appearance, whichever might first occur. At such time the business will reapply.~~

~~C.—Administrative review procedure.~~

- ~~1.—The administrator shall review and comment on the application and supporting materials.~~
- ~~2.—If deemed necessary by the administrator, the application and supporting materials may be circulated to the Downtown Master Plan Committee and any other relevant city, county, and state agencies, committees, and officials for comment(s) as to the proposed obstruction's conformance to all applicable standards and requirements and whether approval is recommended.~~
- ~~3.—The administrator shall approve, approve with conditions, or deny the application.~~
- ~~4.—Permit denial. A permit may be denied if it is found that the application does not demonstrate compliance with this section and/or that the granting of the permit would not be in the public interest or would jeopardize public safety. Any applicant denied a permit to place a semipermanent or permanent object shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the board of adjustment (BOA) within 15 days after the certified receipt of the written denial, and the BOA may take such action as it shall find necessary.~~

~~D.—Permit revocation. In the event the city manager, or his or her designee, determines good grounds exist for the revocation of a permit issued under this section, he or she shall provide the business owner written notice stating the violation; provided, that if, in the opinion of the administrator, police department, or fire department, the unlawful condition is such that is of imminent danger or peril to the public, the public services department may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property. The city manager, or his or her designee, shall give written notice to the business owner regarding a permit issued pursuant to this section if he or she finds that the business owner has:~~

- ~~1.—Deliberately misrepresented or provide false information in the permit application.~~
- ~~2.—Placed or moved the object in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare.~~
- ~~3.—Placed or moved the object in violation of any city, county or state law, ordinance, or regulation.~~



~~Such notice shall direct that all violations existing thereupon be resolved within 15 days from the certified receipt of the such written notice. If the violation is not resolved within 15 days of receipt of the written warning, the city manager shall revoke the permit. The business operator may appeal any such order by filing a written notice of appeal with the city clerk within 15 days of receipt thereof. The board of adjustment (BOA) shall conduct a hearing on the appeal and render its decision thereon. Such notice of appeal shall stay the revocation of the permit by the city until a final determination by the BOA.~~

~~E. Permit exemptions. The following types of semipermanent and permanent obstructions shall not require a permit.~~

~~1. Holiday decorations placed in the space directly adjacent to the building as permitted in Section 46-1.B. Such decorations shall only be placed in the space directly adjacent to the building and not the brick section adjacent to the curb. Lighting shall comply with the City of Brevard Unified Development CHAPTER 11.~~

~~2. Objects owned, installed, and placed by the city, county, or NCDOT.~~

ARTICLE II. SIDEWALK DINING AREAS

46-34. Standards for sidewalk dining areas.

No permit for the operation of a sidewalk dining area may be issued unless the application is complete and the following standards are met:

- A. The sidewalk dining area must be associated with an operating restaurant such that it is under the same management and shares the same food preparation facilities, restroom facilities, and other customer convenience facilities as the restaurant. The sidewalk dining must be operated under the same name as the restaurant and may not be open or operated at any time when the restaurant is not open for business.
- B. The operation of the sidewalk dining area must be clearly incidental to the associated restaurant business. The seating capacity of the sidewalk dining area may not be more than 50 percent of the interior seating capacity of the associated restaurant.
- C. The restaurant seeking to operate the sidewalk dining area must abut, front on, and open onto the sidewalk or pedestrian way. Tables, chairs, and other furnishings may be placed on the sidewalk which fronts the business and on the sidewalk on the side of the business if located on a street corner. Furnishings and barricades may extend up to eight feet onto adjacent property frontage in either or both directions with the written permission (provided at the time of application) of the occupant of the adjacent property.
- D. Tables, chairs and other furnishings shall be placed a minimum of six feet from any travel lane.
- ~~E. The placement of tables, chairs and other furnishings as shown in the drawing submitted with the site plan must be done in such a manner that complies with Section 62-1. ~~at least five feet of unobstructed space, excluding the curb, measured from any permanent or semi-permanent object, remains on the sidewalk or pedestrian way for the passage of pedestrians. In accordance with North Carolina Fire Code, no fire exits or lanes may be blocked and must remain clear at all times. The pedestrian passage way may not be used for the display of merchandise or for signs.~~~~
- ~~F.E. Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilation areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.~~



- G.F.** The tables, chairs and other furnishings used in the sidewalk dining area shall not be anchored and shall be made of a type of street furniture that is ~~easily~~ movable. Furnishings must be constructed of metal (aluminum, steel, wrought iron, etc.) or other non-combustible material of similar durability. Commercial umbrellas must be made with outdoor fabric and a metal or commercial grade plastic stand. Advertising messages may not be displayed from tables, chairs, umbrellas, or other furnishings.
- H.G.** Tables, chairs, and other furnishings that remain on the sidewalk at times when the business is not in operation shall be secured in a manner that allows clear access from the street, and umbrellas shall be taken inside.
- H.H.** Merchants with sidewalks dining are responsible for cleanliness and are subject to all applicable health department regulations.
- H.I.** Umbrellas over tables are permissible but must provide a clearance of a minimum of 78 inches from the lowest point of their canopy.
- K.J.** The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.
- L.K.** The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the city, its agents or employees, or by any other governmental entity or public entity.

CHAPTER 62. STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

ARTICLE I. IN GENERAL

62-1. Placing objects on streets and sidewalks.

- A.** No ~~brick, stone or wood or other substance obstructing~~ obstruction of any kind shall ~~the free passage of persons or vehicles shall~~ be placed or allowed to lie in any of the alleys, streets, sidewalks or other public ways of the city obstructing the free passage of persons or vehicles except as permitted by the provisions of ~~Subsection 62-1.C this subsection, nor, except as permitted in this chapter or by the provisions of Section 46-1, shall any person place or allow to lie on or in any of the streets, sidewalks, alleys or other public ways of the city any boxes, crates, casks or barrels of any description, or any other obstruction of any kind;~~ provided, any person erecting a building may, with the permission of the city manager or his/her designee, place building materials for immediate use on the streets or sidewalks in such a way as to not unduly interfere with vehicular or pedestrian traffic.
- B. Setbacks and separation requirements.** Obstructions of any kind of public sidewalks or other pedestrian way closed to vehicular traffic shall adhere to the following setback requirements:
- 1.** The placement of the obstructions shall be done in such a manner that at least five feet of unobstructed paved space of sidewalk, excluding the curb, bricked utility area, or any planting strip, measured from any permanent or semi-permanent object for the passage of pedestrians.
 - a.** On sidewalks at least twelve feet in width, excluding the curb, the maximum distance that the obstruction may be placed from the wall or front of the place of business shall be 36 inches.
 - b.** On sidewalks at least seven feet in width, excluding the curb, the maximum distance that the obstruction may be placed from the wall or front of the place of business shall be 24 inches.



c. On sidewalks less than seven feet in width, excluding the curb, no obstructions shall be placed on the sidewalks or streets.

d. Tables, chairs and other furnishings shall be placed a minimum of six feet from any travel lane.

2. In accordance with North Carolina Fire Code, no fire exits or lanes may be blocked and must remain clear at all times.

3. The placement of the obstructions shall not impede any driveway, alleyway, building entrance or exit, visibility sight distance triangle, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilation areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.

4. The obstructions shall not impede any public infrastructure or amenities, such as bicycle racks, benches, utility poles, trashcans or other similar objects.

5. Alleyways closed to vehicular traffic shall not be subject to the sidewalk setback requirements as defined in Subsection 46-1.B, so long as a minimum at least 36 inches five feet of unobstructed travel way must remain open and clear.

C. Permission for obstructions. Businesses operating from a permanent physical facility desiring to place obstructions on the sidewalk adjacent to the premises may do so after obtaining a permit in accordance with the requirements of this section.

1. Permitted space. The permit shall be for the space on the sidewalk where the objects will be placed, provided that:

a. The business seeking to place obstructions must abut and front on the public sidewalk or pedestrian way, and the permitted space immediately abuts their business.

b. The permitted space complies with the setback and separation requirements of subsection 62-1.B.

2. Allowable objects. Within the permitted space, the permit holder may place merchandise, displays, planters, seating, furnishings, or other obstruction, provided that it does not extend beyond the permitted space, does not endanger public safety, and complies with the standards of this section.

a. The obstructions shall not be anchored or otherwise permanently affixed to the sidewalk or building, unless explicit authority is granted but the City and NCDOT, if applicable.

b. The administrator and/or the police department reserve the right to inspect the obstructions and remove hazardous materials.

c. Merchandise, along with all racks, display cases and other accessories thereto, shall be removed from all public sidewalks at the end of every business day during which the same may have been displayed.

d. Tables, chairs, and other furnishings may remain on the sidewalk at times when the business is not in operation so long as they are secured in a manner that allows clear access from the street.

e. Any lighted obstructions, including but not limited to holiday decorations, shall comply with CHAPTER 11 of the City of Brevard Unified Development Ordinance.

f. Signage may only be included as obstructions if permitted in accordance with CHAPTER 12 of the City of Brevard's Unified Development Ordinance.



g. No moving or other device to attract attention, including but not limited to pennants, flags, propellers, discs, or inflatables, whether or not any said device has a written message, shall not be allowed as obstructions.

3. *Application.* The business owner shall file an application with the administrator which shall contain the following information:

- a. The name, address, and telephone number of the business owner.
- b. A drawing or site plan showing the section of sidewalk or pedestrian way to be used, and the section to be kept clear for pedestrian and fire lane use, and depicting the proposed dimensions of the desired area on the sidewalk or pedestrian way.
- c. Descriptions and/or photos of the objects or the types of objects to be placed in the permitted space.
- d. Proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the permittee, the city, and NCDOT, if applicable, from all claims for damages to the property and bodily injury, including death, which may arise from placement of obstructions under or in connection with the permit. Such insurance shall name the city and, if applicable, NCDOT as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without advance written notice to the city. Such insurance shall afford minimum limits of \$2,000,000.00 aggregate annually.
- e. An agreement to indemnify and hold harmless the city and, if applicable, NCDOT from any claim resulting from placement of obstructions.
- f. Additional information that may be requested by the administrator in order to determine compliance with this section.
- g. A fee as set forth in the schedule of taxes, fees and charges.

4. *Administrative review procedure.*

- a. The administrator shall review and comment on the application and supporting materials.
- b. If deemed necessary by the administrator, the application and supporting materials may be circulated to the Downtown Master Plan Committee and any other relevant city, county, and state agencies, committees, and officials for comment(s) as to the proposed obstruction's conformance to all applicable standards and requirements and whether approval is recommended.
- c. The administrator shall approve, approve with conditions, or deny the application.

5. *Permit denial.* A permit may be denied if it is found that:

- a. The application does not demonstrate compliance with this section;
- b. The application is not consistent with adopted plans or policies of the city; and/or
- c. The granting of the permit would not be in the public interest or would jeopardize public safety.

6. *Obstructions placed in violation.*

- a. Obstructions placed in violation include, but are not limited to:
 - 1. Placed or moved obstructions in violation of any city, county or state law, ordinance, or other regulation.

2. Placed or moved obstructions in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare.
 3. Violation of the approved permit, insurance requirements, or hold harmless agreement.
 - b. In the event the administrator determines an obstruction is placed in violation, he or she shall provide the business owner written notice stating the violation. Such notice shall direct that all violations existing thereupon be resolved within 15 days from the certified receipt of the such written notice.
 1. The business operator may appeal any such order by filing a written notice of appeal with the city clerk within 30 days of receipt thereof. The board of adjustment (BOA) shall conduct a hearing on the appeal and render its decision thereon. Such notice of appeal shall stay the revocation of the permit and/or abatement by the city until a final determination by the BOA.
 2. However, if, in the opinion of the administrator, police department, or fire department, the unlawful condition is such that is of imminent danger or peril to the public, the city may, without notice, proceed to abate, and the cost thereof shall be charged against the property.
 - c. Violations not resolved within 15 days from the certified receipt of the written notice shall be subject to the following:
 1. City abatement and/or object removal with the cost thereof charged against the property;
 2. Permit revocation; and /or
 3. Civil penalties in accordance with North Carolina General Statutes or any executed encroachment agreements.
- ptions. The following types of obstructions shall not require a permit.
- a. Objects owned, installed, and placed by the city, county, NCDOT, or any other state or federal agency.
 - b. Temporary objects placed as part of a permitted special event, provided the setback and separation requirements of this section are met.

B-D. Any existing door which opens outward over a public sidewalk may remain in place so long as the building owner executes an agreement acknowledging that the door could present a safety hazard to pedestrians and holding the city harmless for any and all costs to the city, including attorney's fees, court costs and all damages suffered by any pedestrian claiming injury from such door, provided that (1) no such door shall occupy more than 24 inches of space over the public sidewalk and (2) the city manager reviews, approves and accepts the specific provisions contained in the hold harmless agreement. Should no such agreement be made within 30 days' notice to the building owner, then all doors on such building which open over the public sidewalk shall be removed by the building owner.

~~C. An elevated pedestrian boardwalk may be placed within the northeastern portion of south alley, subject to the following provisions:~~

- ~~1. Such boardwalk shall be handicapped accessible and compliant with all applicable provisions of the Americans with Disabilities Act, the North Carolina Accessibility Code, and the North Carolina Building Code.~~



- ~~2. Such boardwalk may be permitted at the discretion of the city manager, and may be removed at the discretion of the city manager.~~
- ~~3. Such boardwalk is a public way, and shall remain open to the general public at all times.~~
- ~~4. Such boardwalk may extend along the northeastern portion of south alley, and may extend in a southwestern direction for a distance not to exceed the length of the building located at 36 East Main Street.~~
- ~~5. Such boardwalk shall be constructed at the expense of one or more adjacent property owners and shall be warranted by the same for a period not less than three years; such warranty shall be provided in a manner that is approved by the city manager.~~

~~D.A. Alleyways closed to vehicular traffic shall not be subject to the sidewalk setback requirements as defined in Subsection 46-1.B, as a minimum at least 36 inches of unobstructed travel way must remain open and clear.~~

62-2. ~~Newsracks~~Reserved.

~~Notwithstanding the provisions of Section 62-1, racks for the display of newspapers, magazines and other printed material may be placed on sidewalks or other exterior areas if specific locations do not interfere with parking and loading areas or pedestrian traffic, or otherwise create safety problems, subject to the provisions of Section 46-1.~~

SIDEWALK USAGE CONSTRAINTS SUMMARY

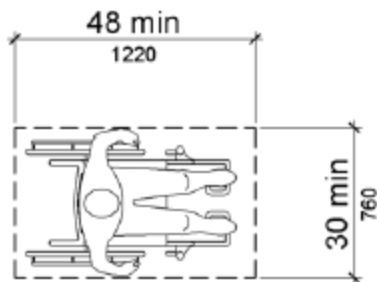
NORTH CAROLINA GENERAL STATUTES

- N.C.G.S. §160A-296 imposes upon cities the duty to keep public streets and sidewalks **open for travel** and **free from unnecessary obstructions**.
 - It also grants cities the power to regulate the use of public streets, sidewalks, alleys, and bridges.
- N.C.G.S. §136-27.4 allows NCDOT to enter into agreements with cities to allow **sidewalk dining** in their rights-of-way, subject to the following minimum requirements:
 - Furnishings must be a minimum of **6 feet from any travel lane**
 - Must have at least **5 feet of unobstructed paved space of the sidewalk** clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act

AMERICANS WITH DISABILITIES ACT REQUIREMENTS

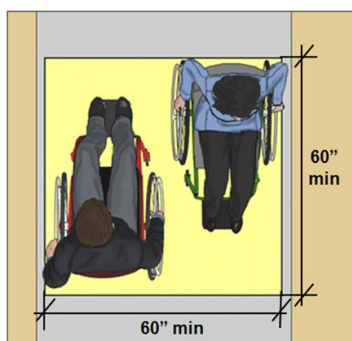
Clear Space

- Section 305.3: Clear floor or ground space shall be 30 inches minimum by 48 inches minimum.

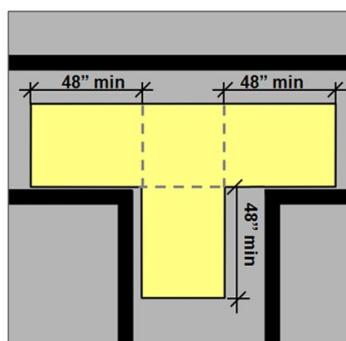


Clearance / Accessible Routes

- Section 403.5.1: The clear width of walking surfaces shall be a **minimum of 36 inches**
- Section 403.5.3: Passing space is required **every 200 feet** and must be provided as a **60-inch by 60-inch minimum space** or as T-shaped space where each stem is at least 48 inches long



60" Min. by 60" Min. Passing Space



T-Shaped Passing Space

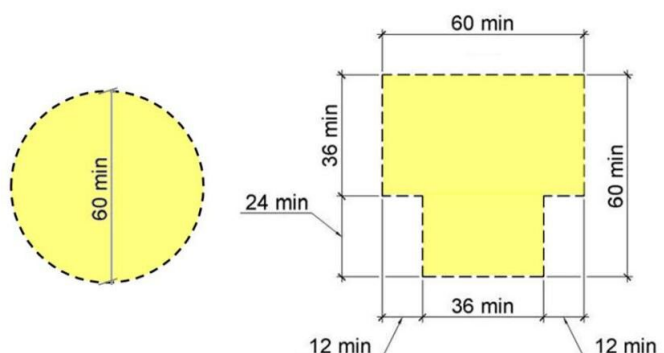
- Section 404.2.4: Depending on the type of door (push or pull; approach direction; etc.), minimum maneuvering clearances range from 42 inches to 60 inches

Surfaces

- Section 302.1: Floor and ground surfaces shall be stable, firm, and slip resistant
- Section 303.2: Vertical changes in level are only permitted if less than ¼ inch high.

Turning Spaces

- Section 304.3.1: A circular space for turning shall be a minimum of 60 inches in diameter
- Section 304.3.2: A T-shaped turning space within a minimum of 60-inch square with arms and base a minimum of 36 inches wide. Each arm of the T shall be clear of obstructions 12 inches minimum in each direction and the base shall be clear of obstructions 24 inches minimum.



NORTH CAROLINA BUILDING CODE

- Section 1104.1: The clear width of the exterior accessible path of travel shall be **48 inches minimum**.
- Where there are differences between the 2010 ADA Standards and the NC Building Code, whichever requirements is more restrictive takes precedence.
- The reason the NC has a 48" exterior path of travel requirement is to allow sufficient space for:
 - A person to walk with a guide animal
 - A person to walk next to another person while supporting or assisting him or her
 - To allow sufficient space for non-standards size mobility devices

NORTH CAROLINA LEAGUE OF MUNICIPALITIES GUIDANCE

NC League of Municipalities (NCLM), the City's insurance provider, advised Staff that in order to be adequately covered:

- **All items** placed in the public rights-of-way must have an encroachment / hold harmless agreement
- **All items** placed in the public rights-of-way must have insurance naming the City as an additional insured
- City must **proactively monitor** items and **take enforcement actions**, when necessary

“URBAN STREET DESIGN GUIDE”, NATIONAL ASSOCIATION OF CITY TRANSPORTATION OFFICIALS (2013)

- Prevailing design guidelines recommend a **minimum sidewalk cross-section of 5 feet**, exclusive of other amenities and **large enough for two people walking side by side**.
- The through-zone ensures that pedestrians have a safe and adequate place to walk and should be **5–7 feet wide in residential settings** and **8–12 feet wide in downtown or commercial areas**.
- Where a sidewalk is directly adjacent to moving traffic, the desired minimum is 8 feet, providing a **minimum 2-foot buffer** for street furniture and utilities.
- Narrow neighborhood sidewalks should be redesigned to provide a wider pedestrian through-zone and street furniture zone whenever practical.



“8 MAJOR ROADBLOCKS TO INCLUSIVE STREETS”, AMERICAN PLANNING ASSOCIATION (2022)

- Wide sidewalks are a basic part of universal design.
- The Federal Highway Administration suggests a minimum sidewalk width of **8 feet for high pedestrian traffic areas** and notes the **bare minimum of 4 feet can still force people into the roadways** if a barrier is introduced
- In practical terms, a sidewalk must be at least 6 feet wide to allow two wheelchair users to safely pass each other

[NCDOT ROADWAY DESIGN MANUAL \(MAY 2024\)](#)

- Sidewalks provide a path for pedestrians parallel to the roadway, providing safer access to destinations and public transportation.
- Heavy pedestrian traffic may warrant wider widths:

Table 4-8 Desirable and Minimum Sidewalk and Berm Widths

	Commercial and School Routes		Residential Areas	
	Desirable	Minimum	Desirable	Minimum
Sidewalk Width	10'	5'	5'	4'
Berm Width	17'	6'	10'	5'

Municipality	Sidewalk Dining?	Merchandise?	Other Encroachments? (planters, chairs, etc.)	Liability Insurance	Sidewalk Dining Clearance / Dimensional Requirements	Merchandise Clearance / Dimensional Requirements	Notes
Brevard (current)	Yes, annual permit of \$100	No permit required	Yes, one-time permit \$100	\$2,000,000 - sidewalk dining and other obstructions None - Merchandise	- Minimum 5 feet unobstructed pedestrian space - Minimum 6 feet from any travel lane	- Minimum 5 feet unobstructed pedestrian space - Can be placed adjacent to building or in brick area - On sidewalks 12+ ft wide, only 36 inches from building - On sidewalks 7+ ft wide, only 24 inches from building - Not permitted on sidewalks less than 7 ft wide	- Holiday decorations are exempt
Brevard (Staff proposal)	Yes, one-time permit of \$100	Yes, one-time permit for a space \$100	Yes, one-time permit for a space \$100	\$2,000,000	- Minimum 5 feet unobstructed pedestrian space - Minimum 6 feet from any travel lane - Can be placed adjacent to building - On sidewalks 12+ ft wide, only 36 in from building - On sidewalks 7+ ft wide, only 24 in from building - Not permitted on sidewalks less than 7 ft wide	- Minimum 5 feet unobstructed pedestrian space - Can be placed adjacent to building - On sidewalks 12+ ft wide, only 36 in from building - On sidewalks 7+ ft wide, only 24 in from building - Not permitted on sidewalks less than 7 ft wide	
Asheville	Yes, annual permit of \$7 / square foot	Yes, annual permit	Unclear / Not Permitted	\$1,000,000	- Minimum 6 feet unobstructed pedestrian space - May be located adjacent to the building or curb - If abuts the curb, additional 18 inch buffer is required - When seating abuts the pedestrian way, additional 18 inch buffer is required to allow for movement of chairs without obstructing the pedestrian way.	- Minimum 6 feet unobstructed pedestrian space - Can only be placed next to the building	- Sidewalk dining is required to have "Outdoor Dining Area" signage - Sidewalk dining and merchandise are only permitted in commercial districts
Hendersonville	Yes, annual permit of \$0.50 / square foot	Yes, unclear if permit is required	Yes, unclear if permit is required	\$500,000 - sidewalk dining	- Minimum 5 feet unobstructed pedestrian space	- Minimum 5 feet unobstructed pedestrian space - May only extend 36 inches into the sidewalk	- All sidewalk dining must have barricades - Guide includes a note that "if two people walking side by side have to go single file, or a wheel chair cannot pass through without maneuvering, your sidewalk is not accessible and adjustments need to be made to be in compliance"
Sylva	Yes, part of development permit	No	Unclear / Not Permitted	N/A	- Minimum 5 feet unobstructed pedestrian space	N/A	- Sidewalk dining is treated as a use standard - Outdoor merchandise is permitted but must be at least 5 feet from the public sidewalk
Waynesville	Yes, annual permit	Yes, annual permit	Yes, annual permit	Required but amount not specified	- Minimum 7 feet pedestrian space - Must be at least 1 foot from the curb - Only on sidewalks 10 feet or greater or part of a special events permit	- Minimum 7 feet pedestrian space - Must be at least 1 foot from the curb - Only on sidewalks 10 feet or greater or part of a special events permit	- All sidewalk dining must have barricades
Lenoir	Yes, annual permit	No	Unclear / Not Permitted	\$1,000,000	- Minimum 5 feet unobstructed pedestrian space	N/A	- All sidewalk dining must have barricade - All objects (including tables and chairs, excluding planters) must be moved inside when closed
Charlotte	Yes, annual permit of \$950	No	Unclear / Not Permitted	\$1,000,000	- Minimum 6 feet unobstructed paved space in CBD - Minimum 5 feet unobstructed paved space in all other zoning districts - Not within 10 feet of any driveway or alley - Not within 15 feet of a fire hydrant or standpipe - Not within 10 feet of crosswalk or intersection	N/A	- All sidewalk dining must have barricades

Municipality	Sidewalk Dining?	Merchandise?	Other Encroachments? (planters, chairs, etc.)	Liability Insurance	Sidewalk Dining Clearance / Dimensional Requirements	Merchandise Clearance / Dimensional Requirements	Notes
Durham	Yes, annual permit of \$260	No	Unclear / Not Permitted	\$1,000,000	- Minimum 6 feet unobstructed pedestrian space - Minimum 4 feet unobstructed space from the entrance of any establishment - May be located adjacent to the building or curb - If adjacent to curb, minimum 2 feet of clearance between seating area and the curb (3 feet clearance adjacent to on-street parking)	N/A	- "Seating cannot block access to public amenities, such as bicycle racks, street furniture, trash receptacles, dumpster and wayfinding or directional signs" - Only permitted in the Downtown Design and Compact Design zoning districts
Wake Forest	Yes, annual permit of \$150	Yes, annual permit of \$25	Yes	\$1,000,000 - general encroachment \$3,000,000 - sidewalk dining	Unclear - refers to ADA, NC Building Code, Manual of Uniform Traffic Control Devices, and the City of Raleigh Public Utilities Department	Unclear - refers to ADA, NC Building Code, Manual of Uniform Traffic Control Devices, and the City of Raleigh Public Utilities Department	
Raleigh	Yes, annual permit of \$352 ("Outdoor Seating")	Yes, annual permit	Yes, one time permit	\$1,000,000 - bodily injuries / death \$500,000 - property damage	- Minimum 5 feet unobstructed <u>straight</u> pedestrian corridor - Can be measured around obstructions (fire hydrants, poles, etc.) if they are less than 1 foot in diameter - Minimum 2 feet of clearance next to the curb for seating - Minimum 7 feet unobstructed <u>straight</u> pedestrian corridor in Fayetteville Street District (with wider sidewalks and enhanced streetscape elements)	- Minimum 5 feet unobstructed <u>straight</u> pedestrian corridor - Can be measured around obstructions (fire hydrants, poles, etc.) if they are less than 1 foot in diameter - Minimum 2 feet of clearance next to the curb for seating - Minimum 7 feet unobstructed <u>straight</u> pedestrian corridor in Fayetteville Street District (with wider sidewalks and enhanced streetscape elements)	Outdoor seating of any kind (whether it be attached to a restaurant or not) must comply with the same standards (see "Outdoor Seating Guide")
Black Mountain	No	No	No	N/A	N/A	N/A	Outdoor dining is allowed to encroach up to 5 feet into the required front setback, but it must be separated from the right-of-way by landscaping or vertical barrier.
North Wilkesboro	No	No	No	N/A	N/A	N/A	"It shall be unlawful for any person to place anything on any public street, sidewalk or public place, or in any gutter, which will impede travel or traffic or annoy pedestrians . This prohibition shall be applicable generally and is not limited to the use of sidewalks by merchants for the display of merchandise or storage of materials, nor to the erection in streets and upon sidewalks of booths or stands...."

Summary of Alternative Changes

Potential Change	Pros	Cons
Permitting of specific objects placed in the pedestrian way, instead of a space (current regulations)	All objects placed on the sidewalk have insurance	- Requires new and/or amended encroachment agreements and permits every time the business wants to change the items - Challenging to administer and enforce / items may easily be missed - Places additional burden on business owners
Allowing merchandise without a permit or insurance (current regulations)	Allows businesses to place some objects without any additional steps	- Cities are responsible for keeping the public sidewalks “open for travel and free from unnecessary obstructions” (NCGS 160A-296) - Items do not have insurance and the City can be held liable - Against the guidance from NCLM - Still requires enforcement to ensure clearance is met
Including the bricked area in calculating the width of the sidewalk	Allows businesses with unobstructed bricked area to place additional merchandise	- Cities are responsible for keeping the public sidewalks “open for travel and free from unnecessary obstructions” (NCGS 160A-296) - Challenging to administer and enforce because different businesses have different standards; enforcement is critical for liability coverage from NCLM - Not all businesses have bricked areas adjacent to their establishment - Bricked area cannot be guaranteed – signs, benches, trash cans, etc. may need to be installed and encroachment agreements would need to be amended and/or revoked. - Pedestrians will have to weave between objects / move between the sidewalk and bricked area; transitioning surfaces creates additional tripping hazards which may lead to additional incidents
Allowing businesses to place items in the bricked area	Allows businesses to place additional objects in the bricked area	- Cities are responsible for keeping the public sidewalks “open for travel and free from unnecessary obstructions” (NCGS 160A-296) - Bricked area cannot be guaranteed; signs, benches, trash cans, etc. may need to be installed and encroachment agreements would need to be amended and/or revoked - Could result in businesses requesting objects in the bricked area in front of their business be moved - Not all businesses have bricked areas adjacent to their establishment - Challenging to differentiate between the brick area and bump out areas where objects would not be allowed - Challenging to open doors / access vehicles; current objects are strategically placed to avoid conflict with legally parked vehicles

Potential Change	Pros	Cons
Different Standards on City Streets vs. NCDOT Streets / allowing smaller clearance on streets besides Main	- Ensures compliance with NCDOT sidewalk usage agreement - Allows some additional businesses to place items on the sidewalk	- Cities are responsible for keeping the public sidewalks “open for travel and free from unnecessary obstructions” (NCGS 160A-296), regardless of whether it is a state or city road - Challenging to administer and enforce because different businesses have different standards; enforcement is critical for liability coverage from NCLM - Reducing the clearance requirements on some sidewalks could reduce pedestrian activity on those streets and pedestrians may prefer to travel on the major roads - Would still need to meet ADA / NC Building Code requirements (48”)
Allowing business owners with less than 7 ft wide sidewalks to place objects on the sidewalk	- Every business would be allowed to place items on the sidewalk - If implemented with the sidewalk clearance requirements, it would meet ADA / building code	- Cities are responsible for keeping the public sidewalks “open for travel and free from unnecessary obstructions” (NCGS 160A-296) - If not implemented with sidewalk clearance requirements, it would not meet ADA / building code
Reducing insurance requirements	- Specific insurance amounts are not required by NCLM - Allows businesses to have less insurance, if appropriate	City and business are not covered from liability to the same extent

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, October 28, 2024 – 11:00 AM
City Hall Council Chambers

Members Present: Lauren Wise, Chair, Council Member
Gary Daniel, Vice-Chair, Council Member
Susan Miller, Citizen Member

Staff Present: Wilson Hooper, City Manager
Dean Luebbe, Assistant City Manager/Finance Director
Becky McCann, Communications Coordinator
Denise Hodsdon, City Clerk

Guests: None

A. Welcome & Call to Order

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

B. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

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

D. Approval of Minutes of September 17, 2024 Meeting

Motion by Mr. Daniel seconded by Ms. Miller to approve the minutes of the September 17, 2024 meeting as presented. The motion carried unanimously.

E. Non-Profit Funding Application Criteria

Mr. Hooper noted that Staff incorporated the committee's feedback from the previous discussion into this latest draft of the Nonprofit Funding Policy (copy attached). The highlights of the updated draft are:

and scheduled the December regular meeting for Monday, December 16, 2024 at 11:00 a.m.

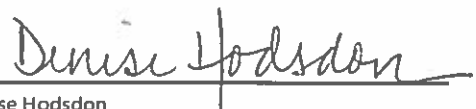
H. Adjourn

There being no further business, the meeting was adjourned at 11:44 AM.

X 

Lauren Wise
Chair, Council Member

Minutes Approved: 12/16/2024

X 

Denise Hodsdon
City Clerk

NONPROFIT FUNDING POLICY

1.0 Purpose

To set parameters and establish guidelines for the funding of nonprofit organizations by the City and to ensure transparency, accountability, consistency, and adherence to best practices. This policy also establishes eligibility criteria for nonprofit organizations and the required public process for consideration and allocation of funding by City Council.

2.0 Policy

2.1 The City of Brevard recognizes that nonprofit organizations serve an important role in improving the quality of life for our community by delivering services to our citizens in a cost effective manner through the use of partnerships.

2.2 The City is committed to providing financial assistance to those nonprofit agencies which assist the City in carrying out its mission, and:

2.2.1 Demonstrably contribute to meeting the City's **strategic objectives** and are consistent with key priorities; and

2.2.2 Support the delivery of needed services that the City does not provide or that can more effectively or efficiently deliver those services; or

2.2.3 Provide programs or services that enhance a City function or service; or

2.2.4 Address a documented need for the nonprofit organizations program or service.

3.0 Nonprofit Organization Eligibility Criteria

It shall be the policy of the City of Brevard to consider providing assistance to nonprofit organizations meeting the criteria below.

3.1 Nonprofit organizations and their respective program(s) must be nonprofit or a governmental entity, as defined by the Internal Revenue Service.

3.2 Nonprofit organizations must be incorporated and must not have had their revenue suspended by the North Carolina Secretary of State or have overdue federal, state or local taxes.

NONPROFIT FUNDING POLICY

subsequent years.

4.0 Funding Application Procedure

- 4.1 All nonprofit funding requests must be evaluated, discussed, and funding awarded and/or appropriated by City Council in a public meeting, either as part of the annual budget deliberation and adoption process, or as an agenda item at a regular or special board meeting.
- 4.2 Funding requests must be made in writing. Nonprofit organizations must complete a nonprofit funding application, and provide all required documentation by the advertised deadline.
 - 4.2.1 Nonprofit funding applications will be available on the City of Brevard website, and notices will be emailed to all previous years applicants. Completed applications should be submitted to the Finance Department.
 - 4.2.2 Incomplete applications will not be considered for funding.
- 4.3 The Finance/Human Resources and Appointments Committee will review all applications and make nonprofit funding recommendations. The City Manager will present these recommendations annually in the Recommended Budget to City Council.
- 4.4 City Council will approve final funding for all nonprofit organizations.
 - 4.4.1 Applicants will be notified within one (1) week of budget adoption.
 - 4.4.2 As a general guideline, total nonprofit contributions should not exceed 1% of the General Fund adopted budget from the previous fiscal year, less debt related expenditures. No single nonprofit organization shall receive over 25% of the total nonprofit contributions budgeted by the City.
- 4.5 An organization awarded funds must accept the funds by the completion of a contract agreement which must be signed by the organization director and City Manager (or designee). The contractual agreement and other contract requirements must be signed by the organization and received by the Finance Department no later than 30 days after the date the contract is received by the organization. Failure to comply with this date will result in funding awards being withdrawn.

NONPROFIT FUNDING POLICY

- 5.3.3 Assessing achievement of the City's goals and alignment with the City of Brevard's strategic objectives;
- 5.3.4 Performance measurement evaluation and customer evaluation;
- 5.3.5 Cost/benefit analysis and benchmarking; and
- 5.3.6 Identification of program challenges.

MINUTES
City Council Public Safety Committee

Monday, October 28, 2024 – 3:30 PM
City Hall Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Mac Morrow, Vice-Chair, Council Member
Kevin Gallo, Citizen Member
Mayor Mauren Copelof, Ex-Officio Member

Staff Present Wilson Hooper, City Manager
David Todd, Assistant City Manager
Tom Jordan, Police Chief
Bobby Cooper, Fire Chief
Becky McCann, Communications Coordinator
Denise Hodsdon, City Clerk

Guests: Linda Gallo, Nora Jane Montgomery, and Monica Driscoll

A. Welcome & Call to Order

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

B. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

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

D. Approval of Minutes of July 22, 2024 Meeting

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

E. Transportation Working Group Update

Mr. Hooper reported that NCDOT is essentially out of commission as a partner in our projects for the foreseeable future as they are working on emergency needs

throughout the region. Their early estimates are that there is \$4B needed just to restore things back to the way they were from a transportation perspective. They think that all the ordinary projects currently on their books will be postponed. For example, while the funding for R-5800 probably won't be affected as it will be a federal funding source, its construction will be affected because construction materials for the next calendar year will be committed to emergency repairs. Any projects that were currently underway prior to the storm are or will be back underway.

F. Cherry Street Tractor Trailer Issue

Mr. Hooper recalled that NCDOT had helped us with this issue by installing signage on Old Hendersonville Highway, but since there is still a problem with tractor trailers turning onto Cherry Street, if we want a solution that can be done quickly, we probably need to do it in a way that we can execute. Staff has come up with two suggestions to pursue: first, we reached out to the commercial trucking GPS system because on their map Cherry Street is shown as connected to the back side of Oskar Blues; the second suggestion is to install some more visible signage in the vicinity of the bridge itself. Staff will pursue that with the State. Mr. Morrow also suggested posting it as "no tractor trailers" and adding it to the traffic schedule.

G. Probart Street Traffic Calming Installation Schedule

Mr. Todd reported that the speed cushions have arrived, but installation has been postponed due to the storm. Staff hopes to start installing them in the next week or two and have them installed by the end of November.

H. Railroad Avenue Parking Installation Schedule

Mr. Hooper noted that there are three different components to Railroad Avenue parking – 1) no parking signs along the greenway, 2) curbing along the greenway, and 3) repainting of lanes and addition of on-street parking at the intersection of Whitmire. Mr. Todd reported that the painting for on-street parking will be done next week, but he did not have an update on the other two components.

I. Four-way Stop at Mills Avenue Near Silversteen Park

Mr. Hooper reported that our traffic consultant has advised that that intersection is suitable for a 4-way stop because of the amount of traffic and pedestrian use. We will begin the process for installing those signs, which includes a public meeting in the Rosenwald Community, and that meeting will be scheduled soon. The results will be brought back to the committee for a recommendation.

Mr. Baker mentioned that we should consider looking at adding a 4-way stop at the intersection of Oaklawn and Main. Mr. Morrow added that he has heard from residents of Fortune Square that there is no stop sign on Carver and traffic comes

flying around that corner. Mayor Copelof said we also need a crosswalk there. Mr. Hooper will have the traffic consultant look at those areas.

J. Public Comment

Linda Gallo expressed appreciation for the work that went on behind the scenes related to the storm and said she was excited to hear that the speed cushions would be installed by the end of November.

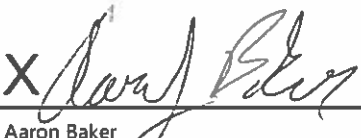
K. Set Date for Next Meeting

The next meeting of the Public Safety Committee was scheduled for Monday, November 25, 2024 at 3:30 pm at City Hall.

L. Adjourn

There being no further business, the meeting was adjourned at 4:00 PM.

Minutes Approved: November 25, 2024

X 

Aaron Baker
Chair, Council Member

X 

Denise Hodsdon
City Clerk



MINUTES
ECUSTA TRAIL ADVISORY BOARD 2.0

Wednesday, October 30, 2024 – 3:30 pm
City Hall Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Mac Morrow, Vice Chair, Council Member
Larry Chapman, Transylvania County Commissioner
Dee Dee Perkins, Transylvania Development Authority
Rebekah Robinson, Conserving Carolina (Zoom)
John Ditillo, Friends of Ecusta Trail
Sheila Carland, Transylvania Economic Alliance
Doug Miller, Heart of Brevard (Zoom)
Meredith Carli, At-Large Appointment (Zoom)

Absent: Chris Burns, Henderson County RTAC
Madeline Hanley, At-Large Appointment

Staff Present: Maureen Copelof, Mayor, Ex-Officio
Wilson Hooper, City Manager
Aaron Bland, Assistant Planning Director
David Todd, City Engineer

Guests: Christine Stout, Lonnie Watkins, Tad Fogel, Mark Tooley, Vicki Eastland

A. Welcome and Call to Order

Committee Co-Chair Mac Morrow welcomed everyone and called the meeting to order at 3:34 PM.

B. Certification of Quorum

Quorum was certified by City Planner Katherine Buzby.

C. Approval of Agenda

Motion to approve amended agenda by Ms. Perkins, seconded by Mr. Baker. The motion carried unanimously.

D. Approval of Minutes

Motion to approve September 25, 2024 meeting minutes by Mr. Chapman, seconded by Mr. Perkins.

E. Recap of Last Meeting & Follow-Ups

Mr. Hooper recapped the last meeting: Location of mile markers and multiple parking locations were discussed and given to staff for further review. Staff is scheduled to have a preliminary map of amenity locations at the next ETAB 2.0 meeting.

F. Helene Impacts on the Trail

Traffic Planning & Design (TPD) will go out to assess the damage of the railroad bed for damaged caused by Helene and any other features that may impact their design. TPD may need to redo the survey based on their findings at impacted sites. The damage assessment is outside of the approved Scope of Work for TPD so a supplemental contract will be awarded to them for the damage assessments. They will require assess to walk the trail so they are working with the City Manager and Planning Director to get the path cleared. Once the walkthrough is completed, they will report back to the City immediately and will upload information into GIS in about a week's time. The final report on the damage should be a week or two after that is completed (2-3 weeks total). TPD is currently working on driveway access point modifications for a private property that currently has a bridge that will most likely need to be removed due to its current condition and on scoping the final design.

Mr. Chapman stated that the County is receiving multiple concerns about if the culverts in the flood prone areas are being addressed by the TPD design. Ms. Stout confirmed that culvert evaluation is part of their scope and will be addressing culverts that need to be replaced or upsized. They have areas of where they will be increasing the ground elevation and areas they will be lowering it, so they are making sure that they have no impact on the floodplains in these areas. There are areas that will be submerged during flooding, but this is common practice with greenway projects that follow rivers and will be designed to drain properly and not hold water. An example of this is near Crab Creek where the trail is adjacent the river, but the drainage will actually be improved due to upsizing pipes. They are in talks to resolve issues with the new NCDOT bridge crossing on Wilson Rd.

Mr. Hooper asked for a timeline of the design work as Helene has created a delay. Ms. Stout stated that the timeline is dependent on if they must resurvey specific areas, and whether they are required to submit a revised 30% design or can the changes be made at final design stage. Mr. Watkins will investigate this further with NCDOT after the damage assessment is completed. Henderson County sections have some reported damage to the already constructed trail, and are preparing a supplement contract to get repairs completed but no financial damage numbers are available yet. The delay timeline is not known for them yet as some sections will need to be repaved and the paving plants shut down for the winter depending on the weather.

G. How to Measure the Trail's Success

Conserving Carolina in conjunction with NC State University have come up with options on how to measure the economic impacts of the trail by assigning different categories (see attachment). Henderson County is doing the economic impact study mostly in house by geo-analysis, building permits, and possible zoning overlay along the trail to better steer how they want development to look.

The City is managing the Transylvania County section of the trail so it will not be directly benefiting from an increase in property values as the taxes on the majority of the properties lie outside the City's jurisdiction. Mr. Hooper wants to know property value growth related to the trail so he recommends the study focus on the Property Value and Tax Revenues approach to measure economic impact of property values of adjacent properties versus non-adjacent property owners to distinguish natural growth and trail related growth.

Mr. Baker recommended one-to-one economic development activity tracking related to the trail as potential developers are already asking in Henderson County about proximity to the proposed trail. The Economic Alliance may be able to track this by project development based on the trail or the County permitting office can ask projects coming at permitting if the trail had any impact on their project.

Ms. Copelof brought up savings to families that will be using the trail for transportation purposes and is there is a way to track this, maybe by questionnaire or survey. Also, half of the grant money was given for the trail as the National Forest wanted a way to bring people to the forest without the parking problems this creates; so, the economic impacts to the forest will need to be tracked somehow too to justify the need for the grant.

Friends of Ecusta Trail is in discussion with TPD to design in trail counters as an amenity in the final design. A supplemental contract may need to be given to TPD to design the trail counter locations from Oskar Blues to downtown Brevard, and Friends will be more than willing to pay for this supplemental contract. They can provide volunteers to do any surveys needed, or are willing to coordinate data and County needs as requested.

Ms. Perkins tracks visitors at her business by zip code. Mr. Miller stated that cell phone location data may be able to be used to measure some of the impacts and to contact the Transportation Development Authority (TDA) as they are already using cell phone data for some tracking purposes. He also stated it may be better for NC State to gather all the information needed for these reports and not have multiple sources of data coming in that may not be coordinated. A graduate student from UGA did a market study on Transylvania County and TDA has that study now. UNC and Brevard College may be able to help with market studies as well.

Quality of Life survey data could be measured to see how the trail impacts the health and welfare of trail users. Blue Zones has some data already and could be used as a basis for measuring quality of life. Mr. Chapman also recommended tracking the elderly population specifically to show positive health impacts and bring in visitors to the County.

H. Public Comment

Ms. Harrington with the Blue Ridge Bicycle Club would like to survey the value between different users of the trail (walkers, runners, bicyclers, etc.) to go into depth about how people look at the trail. They also have volunteers available for projects.

Sales tax implications should be tracked as well as property taxes.

The Transylvania Bird Club discussed the potential installation of a bird observation tower back in December 2022 and is asking to have it implemented. Ms. Copelof inquired if the tower will be in the Right-of-Way (ROW) or on private property and Mr. Chapman stated it is private property so the City decided to have the trail constructed first then evaluate where the tower can be constructed via talking to the property owners at that time. The City did try to reach out to the property owner (Prudential) previously to submit a proposal to them and were not successful but will try again.

Mr. Baker mentioned that NCDOT project R-5800 will be delayed due to having to fix Helene damaged roads. Per Ms. Eastland, the update they have received (prior to the flood) is that the draft State Transportation Improvement Program (STIP) will be released in January will address financial constraints and other issues and a delay is anticipated. Mr. Hooper stated the staff working group met before this meeting and are discussing between when the trail opens and when R-5800 is completed, how does the City get people into downtown with the infrastructure we currently have on a temporary basis. Information on decisions will be brought to this board in the future.

I. Set Date for Next Meeting

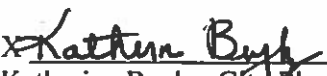
A special meeting of the Ecusta Trail Advisory Board 2.0 is scheduled for Wednesday, December 4, 2024 at 3:30 PM that will be a November/December meeting combined due to the holidays .

J. Adjourn

There being no further business, the meeting was adjourned at 4:31 PM.

Minutes Approved- 12/4/24

X 
Aaron Baker, Chair

X 
Katherine Buzby, City Planner

Attachments: Economic Impact Study Handout

Economic Impact Study

Methods and Associated Options

Impact	Option 1	Option 2	Recommended
Construction Impacts	Use capital expenditures	Extrapolate based on typical costs per trail mile	Option 1
Property Value & Tax Revenues	Use parcel data before and after the trail has been built to see how property values have changed over time. Requires multiple years and multiple home sales.	Extrapolate based on typical property value premiums found using a meta-analysis in literature and apply to parcels in the trailshed	Option 1
Tourism Activity	Use trail survey data to obtain percentage of trail users who are tourists.	Extrapolate based on tourism attraction found on other trails.	Option 1
Health Care Cost Reduction	Use trail user surveys to get physical activity profiles of trail users, annualize using annual trail visits	Use trail visits and extrapolate based on PH benefit per trail visit.	Either option
Environmental Impact	Use NLCD and EEA data for carbon storage and sequestration by land cover type	Extrapolate based on findings in literature	Option 1
Local Trail User Expenditures	Use trail user surveys to get expenditure behavior of trail users, annualize using annual trail visits	Extrapolate based on purchase probabilities at business locations within 0.5 miles of the trail	Option 1

MINUTES

City Council Public Works & Utilities Committee

Wednesday, November 6, 2024 – 3:30 PM
City Council Chambers

Members Present: Mac Morrow, Chair, Council Member (Arrived at 3:37 pm)
Lauren Wise, Vice-Chair, Council Member
Owen Carson, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: Wilson Hooper, City Manager
David Todd, Assistant City Manager
Dennis Richardson, Water Treatment Plant Supervisor
Emory Owen, Wastewater Treatment Plant Supervisor
Aaron Winans, WWTP Staff
Becky McCann, Communications Coordinator
Denise Hodsdon, City Clerk

Guests: Harvey Sankey

A. Welcome and Call to Order

Committee Vice Chair Lauren Wise called the meeting to order at 3:34 pm.

B. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

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

D. Approval of Minutes – September 3, 2024 Meeting

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

E. Public Assistance Grants

Mr. Hooper explained that FEMA's public assistance grants are for government entities to help them with recovery. He reported that we filed our application and had our first in-person meeting with our State FEMA liasons yesterday and they will help us identify projects that are eligible and how much they will cost. He said the

early indications suggest that the total cost of our damages are low enough that we will get a lump sum from FEMA rather than having to go through the laborious reimbursement process. Despite the fact that our repairs are nominal compared to others, there are a couple areas of concern that we will likely include in our request for reimbursement:

1. The Wastewater Treatment Plant is operational and is treating, but the RBC tub is filled with silt and sand and other debris that limits its physical capacity. While the water is getting treated, it is not staying in there long enough to get treated as much as we'd like. We need to undertake a significant project to clean all that contaminated silt out of that RBC tank, which is a time-consuming and expensive project and we will seek reimbursement for that cost. Mr. Todd added that we are working with a contractor and he described the process for cleaning out the 8 RBC tanks. He said we hope to have 4 RBC's cleaned out by Thanksgiving and do the other 4 after Thanksgiving.
2. Repair of washouts on Cathey's Creek near the Water Treatment Plant. These are downstream from the intake so don't affect the intake, but they are upstream from the bridge and the main pipe that carries the finished water into town. Mr. Todd is working with the Forest Service to either get them to move this up on their priority list, or to give us the okay to do it.
3. The cost of all the refuse collection we have been doing, namely trees and limbs and construction debris, and the cost of dumping that at the landfill and manhours to collect it. Mr. Hooper noted that he will recommend that we extend our free collection until the end of the calendar year.
4. The cost of the temporary generator at the Water Treatment Plant.

The committee discussed the vulnerability of only having one intake at the Water Treatment Plant after the second intake was destroyed by Tropical Storm Fred in 2021. Mr. Todd reported that when meeting with the FEMA folks, we talked about that and the potential to use some of this money to recoup that second intake. Mr. Morrow added that this may be a good time to bring back up the idea of a Cathey's Creek intake at the mouth of the French Broad River. He noted that would be about an 8-year project and we would have to get the County Commissioners to support reclassifying Cathey's Creek.

F. City Ownership of West Main Street

Mr. Hooper explained that this idea came out of the Ecusta Trail Working Group. The idea is to ask the State if the City can assume ownership of West Main Street from the trail terminus to Caldwell, which would give the City more flexibility to reconfigure it and do some other things to draw trail users into downtown. One idea proposed by Heart of Brevard is to use colorful paintings on Main Street to act as a path to lead people to explore downtown. These changes would otherwise have

to go through the rigorous and lengthy process for NCDOT approval. If the Committee agrees to recommend to Council and Council approves it, the Ecusta Trail Working Group will bring a proposal to the Ecusta Trail Advisory Board on what we would do with Main Street if we assumed ownership of it. Following discussion, there was consensus to proceed with the request.

G. Public Comment

Harvey Sankey asked if there was any update on the Wastewater Treatment Plant. Mr. Hooper reported that KCI has shared the results of their initial capacity projection, and a more thorough report will be available soon.

Committee/Staff Comments

Aaron Winans mentioned that he has been contacted by Gaia Herbs regarding MSD not renewing their discharge permit. They have requested that we consider taking their discharge, what they call influent; it's before it goes to pretreatment, and that goes to Rosman. He has preliminary results and data from them and the levels of COD are too high. He said he is working with them and going through the process of looking for solutions.

Mr. Carson noted that Pisgah Labs flooded during Helene and asked if there was any update from our last conversation? Mayor Copelof reported that she toured their facility today with Senator Tillis' staff. Their main building had 3-feet of water and all of their operations have stopped. They have estimated damages to equipment and buildings at \$750,000 and it will be about four months to get back to having an operational lab. Mr. Hooper added that Council set out the terms that Pisgah Labs must agree to to qualify for a utility extension and connection. One of those terms is that they get a Letter of Map Revision Based on Fill and lift themselves out of the floodplain. Other terms include that they have to comply with our code of ordinances and CFR; they have to agree to annex at the end of 2039; and they have until March 1st to agree to these terms or else they are subject to renegotiation. Mr. Carson noted that they also own 75 acres of land that would never be developed or have a building on it and he suggested what if we try and connect them with an entity like Conserving Carolina that does floodplain storage projects. Essentially get them to do a good thing for the community downstream; do an ecological restoration of the floodplain; use the net cut to help meet their LOMR; build their buildings well out of any sort of future Helene scenario, then also have created this massive floodplain storage project. He said I think if you pitched it to them, there are pieces of it that could work and lead to beneficial outcomes for everybody.

H. Set Date for Next Meeting

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

I. Adjourn

There being no further business, the meeting was adjourned at 4:39 p.m.

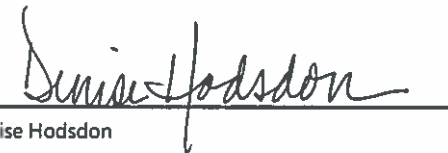
Minutes Approved: December 5, 2024

X



Mac Morrow
Chair, Council Member

X



Denise Hodsdon
City Clerk

MINUTES

CITY COUNCIL HOUSING COMMITTEE

Tuesday, November 19, 2024 – 1:30 PM

City Hall Council Chambers

Members Present: Pamela Holder, Chair, City Council Member
Aaron Baker, Vice Chair, City Council Member
Victor Foster, Citizen Member

Members Absent: Mayor Maureen Copelof, Ex-Officio

Staff Present: Wilson Hooper, City Manager
Dean Luebbe, Assistant City Manager/Finance Director
Paul Ray, Planning Director
Emily Brewer, Planner
Denise Hodsdon, City Clerk
Selena Coffey, Assistant to the City Manager

A. Welcome and Call to Order

Chair Pamela Holder welcomed everyone and called the meeting to order at 1:30 PM.

B. Certification of Quorum

Quorum was certified by Assistant to the City Manager Selena Coffey.

C. Approval of Agenda

City Manager Hooper requested that the agenda be amended to switch Item E Fairhaven Meadows Funding Request with Item F Cherry Street Flood Hazard Proposal due to a conflict on Manager Hooper's schedule. Ms. Holder asked for approval of the agenda as amended. *Mr. Baker moved, seconded by Mr. Foster, to approve the agenda as amended. The motion carried unanimously.*

D. Approval of Minutes – September 9, 2024 Meeting

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

E. Cherry Street Flood Hazard Concept

Mr. Hooper presented a concept for leveraging the City's resources coupled with potential partner resources to assist homeowners in elevating their homes after the recent flooding from storm Helene by providing certain survey services. The concept includes the City paying for physical benchmarks and corresponding elevation certificates for eligible properties. This would involve erecting semi-permanent sign poles with markers on them denoting the various elevations. He indicated that the typical cost for this survey is estimated at \$1,000 per property but this would be let for bids. The second element of the concept would involve locating a surveying firm that would provide the City with fixed prices on remaining surveying services a property owner would need to elevate their home. This would also be bid out to interested firms to get the best rates.

Mr. Hooper first asked the Committee what they think of the concept and whether the City should offer these services for those who need to elevate and prepare their homes for reconstruction or repairs. Discussion continued with questions about property ownership for the effected homes. Planning Director Paul Ray said that impacted homes would need three certificates to elevate, with the first being the most expensive for the homeowner at \$1,000. Committee members continued discussion and questions regarding the process for receiving elevation certificates, eligibility criteria for City assistance, funding for the surveys, the potential for floodplain maps changing in the coming years, the positive implications of this program by helping homeowners avoid flooding in the future, and questions about individual responsibilities of homeowners.

As discussions among Committee members continued, members indicated that they were interested in helping homeowners but wanted to ensure that property owners continued to maintain some level of responsibility for ensuring that their homes aren't flooded again. Mr. Hooper returned the conversation to the eligible criteria and indicated that there are 100 homes in the respective area and asked if the Committee was interested in spending \$100,000 (\$1,000 x 100 homes) to provide the assistance. Mr. Baker agreed that he felt there is value in the City negotiating the initial surveys on behalf of the property owners but was hesitant to agree to provide the full \$100,000 that may be required with the concept as presented. Ms. Holder then shared that she would be interested in having the City pay a portion of the survey and the property owner paying the remainder (For example: City pay \$750 and property owner pay the remaining \$250) in order to encourage property owner buy-in. Mr. Hooper had to leave the meeting at 11:53 AM to attend another meeting. Mr. Baker indicated that he would like to consider adding a step to 1) Negotiate the survey costs and, 2) Potentially assist property owners as Ms. Holder indicated, with the City paying a portion of the survey and benchmark fee and asking property owners to provide the remainder.

Discussion then continued with Mr. Ray and Ms. Brewer sharing information about potential matching funds to accomplish the project and noting that 50 of the 100 property owners impacted are considered substantially damaged. Mr. Luebke interjected that staff would need to determine the legality of using public funds for the

project. Mr. Baker shared that he is interested in preserving affordable housing and discussion followed regarding the affordable housing definition established by the North Carolina Housing Finance Agency.

No action or direction provided on the topic.

F. Fairhaven Meadows Funding Request Update

Mr. Ray provided background on the affordable housing project, Fairhaven Meadows project, stating that the project was awarded \$1.2 million in North Carolina Housing Finance Agency tax credit funds and \$800,000 from the Asheville Regional Housing Consortium. The project was originally planned for 60 apartment units but was reduced to 42 units to cut costs while maintaining the same amount of tax credits. Mr. Ray shared that they still have a \$1.7 million funding gap that to be filled before tax credits expire in March 2025. It was noted that Manager Hooper found another funding lender with Self-Help Credit Union, which has an affordable housing division. They have shown interest and may provide \$1 - \$1.5 million in financing, reducing the developer's first loan and providing approximately \$700,000 toward filling the \$1.7 million gap. The developer has reached out to the Asheville Housing Consortium to determine if there may be additional funding available for another \$425,000 for the project. They should have an answer soon. If they receive these funds, the developer will still need \$575,000. Mr. Hooper has reached out to County Manager Laughter to see if the County has funding to meet this need. Mr. Ray noted that the City can reimburse the project for water and sewer tap fees and system development fees through the Housing Trust Fund, which amount to approximately \$90,000.

Committee members discussed the topic briefly and touched on the definition of "affordable housing." Ms. Holder then asked that staff update the developers hears from the potential funding partners.

No action was taken on this matter.

G. DFI Progress Update

Ms. Brewer updated the Housing Committee regarding the Development Finance Initiative (DFI) and shared the dates for the upcoming three community input sessions on the Azalea property. These dates are as follows:

1. Tuesday, December 3, 2024
2:00 PM – 3:30 PM
Calvary Baptist Church at the Fellowship Hall, 133 Osborne Rd
2. Tuesday, December 3, 2024
5:30 PM – 7:00 PM
Calvary Baptist Church Fellowship Hall, 133 Osborne Rd

3. Monday, December 9, 2024

5:30 PM – 7:00 PM

Virtual Zoom Link: Available at www.cityofbrevard.com/DFIhousingstudy

Ms. Brewer also noted that DFI will be making a public presentation to City Council at their December 2, 2024 meeting.

H. Set Date for Next Meeting

Ms. Holder shared that the next meeting of the Committee is scheduled for Tuesday, December 10, 2024, at 3:45 PM.

I. Adjourn

Ms. Holder asked for a motion to adjourn. Mr. Foster moved to adjourn, seconded by Mr. Baker. Meeting adjourned at 2:36 PM.

Minutes Approved: December 10, 2025

X 
Pamela Holder, Committee Chair
City Council Member

X 
Selena Coffey
Assistant to the City Manager

MINUTES

City Council Parks, Trails, & Recreation Committee

Wednesday, November 20, 2024 - 3:30 PM
City Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Lauren Wise, Vice Chair, Council Member
Howie Granat, Citizen Member
Wyn Birkenthal, Citizen Member
JD Powers, Citizen Member
Reba Osborne, Citizen Member
Nancy DePippo, Citizen Member

Absent: Mayor Maureen Copelof, Ex-Officio

Staff Present: Wilson Hooper, City Manager
David Todd, Assistant City Manager
Wesley Shook, Public Works Director
Paul Ray, Planning Director
Becky McCann, Communications Coordinator
Aaron Bland Assistant Planning Director
Stephanie Holland, Planner
Selena Coffey, Assistant to the City Manager

Guests: Gary Lowden

A. Welcome & Call to Order

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

B. Certification of Quorum

Quorum was certified by Assistant to the City Manager Selena Coffey.

C. Approval of Agenda

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

D. Approval of Minutes - September 18, 2024 Meeting

Mr. Wise moved, seconded by Mr. Granat to approve the minutes of the September 18, 2024 meeting as presented. The motion carried unanimously.

E. Bracken Preserve Update

Mr. Hooper started the conversation updating the Committee about negotiation regarding access to properties for the trails in Bracken Reserve. Mr. Granat then provided a more in-depth update on the Bracken Preserve regarding clean up after storm Helene by Pisgah Sorba Team. Mr. Gary Lowden was then asked to provide an update on volunteer hours for trail maintenance. Mr. Lowden noted that there were 15 volunteers and 40 hours of work pre-Helene and approximately 20 volunteers post-Helene. He noted that they worked on clearing paths and drains.

Mr. Granat then began updating the progress in achieving tasks of the general project plan for the Bracken Preserve. He noted that the Pisgah Sorba team and Conserving Carolina have both been very helpful in maintaining and planning improvements for the Bracken Preserve. Mr. Granat did note that he had spoken with Bill Christy from Waterford Place and Mr. Christy gave an emphatic “no” that the City could not have emergency access through Waterford Place due to mountain bikes. Mr. Christy stated that he was ok with hikers coming through this area, but not mountain bikes. The Committee discussed this issue further, with no resolution. Mr. Granat and Mr. Hooper discussed going back to Mr. Christy and further discussing this topic.

The Committee then discussed the TDA funding and Mr. Wilson suggested that the Committee should look at spending these funds on the near-future projects.

F. Shade Structures at the Skate Park

Mr. Baker asked Mr. Ray to update the Committee on the request from a young City resident who had asked if the City could install a shade structure at the park. Mr. Ray asked that Planner Holland provide an overview of the options, which were all under \$10,000. Ms. Holland distributed copies of the various options. The options, distributed via a handout to the Committee, included the following:

1. Carolina Shade Sails, which is a pre-engineered kit of powder-coated steel, high quality fabric, and a single cantilever design for \$7,141 excluding installation.
2. Atlantic Coast Shade, which is a pre-engineered kit of powder-coated steel, high quality fabric, and two post cantilever design for \$8,950 installed.
3. Shade Sails with pre-engineered sails and hardware kits of high-quality fabric, for \$1,900. There could be a need to purchase 4 of these to cover the 4 areas within the park. With this option, the City would need to pay for the structure posts because they are not included in the estimate.
4. Shade Sails, which offers fabric sails and hardware a la carte without engineered drawings. This option is only for the purchase of the sails and hardware kit.

Ms. Holland shared options regarding using wooden posts versus powder-coated poles or utility poles.

After Ms. Holland's presentation of options, the Committee discussed the various options, including the pros and cons for each. Mr. Granat also brought up the possibility of using cantilevered carports as shade structures instead of the purchase of shade sails. They also mentioned a pergola to be installed for the requested shade structures.

Mr. Baker noted that the budget for this project should not exceed \$10,000. The Committee then asked Mr. Shook and Mr. Todd their opinions about whether some of the work could be done in-house. Both provided pros and cons to in-house installation and gave their professional opinions regarding the longevity of each of the options.

Upon completion of the Committee discussion, Mr. Baker asked that staff further review the options and bring back their recommendations on providing shade structures for the park.

G. Public Comment – None.

Mr. Baker asked if any of the Committee had additional questions or items they wished to discuss. He then noted that he had a couple of items to discuss.

Mr. Baker noted that he felt that the City should work towards developing a plan for the skate park/soccer park, similar to a master plan. Mr. Todd suggested that the Committee consider two options in this regard: 1) a master (design) plan, or 2) a 10-year repair and maintenance plan for all the City's recreation amenities. Mr. Hooper agreed to bring back options in this regard in the upcoming budget process.

H. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee was scheduled for Wednesday, December 18, 2024 at 3:30pm.

I. Adjourn

There being no further business, the meeting was adjourned at 4:48pm with a motion by Ms. DePippo and second by Ms. Osborne and all in favor.

Minutes Approved: 12/18/2024

X 

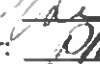
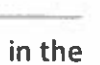
Aaron Baker
Chair, Council Member

X 

Selena Coffey
Assistant to the City Manager

**MINUTES
BREVARD ABC BOARD
October 24, 2024**

JD

Approved	
Pearsall:	
Brewer:	
Miller:	
McKeller:	

The Brevard ABC Board met in regular session on Thursday, October 24, 2024 at 8:30 a.m. in the Administration Conference Room at City Hall.

Members Present: Lisa Conner
Frank Pearsall
Ron Brewer
Susan Miller
Paula McKeller

Staff Present: Jackie Jarvis, Interim General Manager
Paxton McAbee, Asst. General Manager

Guest: Trish Cheek, CPA

A. Welcome & Call to Order

B. Quorum

Board Member Frank Pearsall welcomed new Board Members Susan Miller and Paula McKeller. He called the meeting to order at 8:30 a.m. and a quorum was noted.

C. Approval of Agenda

Motion by Ms. Miller, seconded by Ms. Connor to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes

1. Minutes from Regular Session – August 22, 2024

Ms. Conner moved, seconded by Mr. Brewer to approve the minutes of the Regular Session meeting on August 22, 2024, as amended. The motion carried unanimously.

E. New Business

1. Manager's Report / Sales Update

Ms. Jarvis reported that the auditor has completed the annual audit and there were some discrepancies in inventory numbers. She introduced Accountant Trish Cheek

who prepares the ABC Store's financial reports and asked her to explain the discrepancy. Ms. Cheek explained that she began doing the books for the Brevard ABC Store in July 2023. She reviewed the services she provides, which include QuickBooks support, monthly bank reconciliations and preparing monthly financials based on the numbers that are in the accounting system. She said when she first ran the reports in July 2023 we had inventory of \$1.1M and cost of goods sold was \$29,000. Former General Manager Mark Balding took that to the Board and he came back and said this is not going to work because our profit margin is off. They discussed the options of adjusting to inventory or to cost of goods sold. Mr. Balding elected to adjust to cost of goods sold and we continued to do that adjustment each month.

At the end of the year when the auditor was doing the audit, they do not audit cost of goods sold, they audit inventory and said our inventory should be \$600,000. But because of the entries we had been doing each month, our books showed \$300,000. She said it is an easy fix on paper by taking it out of cost of goods sold and putting it in inventory, and then the books match inventory and the audit report. She then discussed with Ms. Jarvis, since they are auditing the inventory number, instead of adjusting the books each month to the cost of goods sold, we are going to adjust to the inventory because we know the inventory is what they audit.

Ms. Cheek said we have not done the city and county calculations, which is always done at the end of the year during the audit. When we were adjusting the cost of goods sold to the BOS report, over the year it was \$300,000 higher than what it would have been had we been adjusting to inventory. You will see an audit adjustment for about \$300,000 out of cost of goods sold, which is going to decrease our expenses and increase our income. The distribution calculation and the law enforcement calculation is based on profit. Our profit is income minus expenses, so when we reduce our expenses, our profit goes up, thus the distributions and the law enforcement calculations will go up.

Ms. Jarvis said she currently pays \$60,000 to the city and \$20,000 to the county every quarter. Ms. Cheek said we will make that adjustment with the expectation that next year the large balance due is already going to have been paid throughout the year. When the audit adjustment came through, they adjusted for the balance that is going to be due to the city and the county for the year, which is \$152,677 to the city and \$10,994 to the County, and \$19,163 for law enforcement. In July Jackie started prepaying these amounts to the city and county in preparation for the audit next year, so in July she wrote a check to the county for \$20,000 and to the city for \$60,000. My question to you is do you want to pay the full balance from the audit currently and then this be a prepayment of next year?

Following discussion, Ms. Miller moved, seconded by Ms. Conner to keep the current year's payments as a current prepay by quarter, and that we pay whatever adjustment

is due under the audit as a separate and distinct check to be paid immediately to clear that obligation off the books. The motion carried unanimously.

Ms. Cheek informed the Board that she will have the revised financials for July, August and September within the week and Ms. Jarvis will send them out to the Board.

Ms. Jarvis reported on impacts to sales as a result of the storm. She said sales will be down due to loss of internet in the downtown store for a few days as we could only do cash sales and could not do restaurant orders.

Ms. Jarvis informed the Board that Auditor Terry Carland will be at the next meeting to give the audit report.

2. Nominate New Chair

Mr. Pearsall nominated Lisa Conner for serve as Board Chair until July, 2025; Mr. Brewer seconded the nomination, and vote was unanimously in favor.

3. Discuss Bonus Checks for 2024

Ms. Jarvis explained that employees have always received performance bonus checks in November. She recommended that employees receive 6% of their annual pay as a bonus this year. Ms. McKeller recommended that the board consider giving all employees an extra bonus for performance during the storm. Ms. Conner moved, seconded by Ms. Miller to give employees a \$300 storm bonus immediately, in addition to a 6% performance bonus to be paid in November. The motion carried unanimously.

F. Next Meeting

1. Discuss Meeting Dates for November and December due to Holidays

The Board decided to cancel the November regular meeting and to hold its December regular meeting on December 5th at 8:30 am.

G. Review and Approve Financial Reports from August and September, 2024

Trish Cheek will provide updated financial reports within the week, and they will be forwarded to the Board for review.

H. Closed Session

At 9:21 a.m. Ms. Conner moved, seconded by Ms. Miller to go into closed session to

discuss a personnel matter. The motion carried unanimously. City Clerk Denise Hodsdon was authorized to remain for the closed session.

Board Returned to Regular Session – At 9:26 a.m. the Board 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.

In open session, Ms. Conner moved, seconded by Ms. Miller to give Acting General Manager Jackie Jarvis a \$300 storm bonus, and a performance bonus of 6% of her current annual gross salary. The motion carried unanimously.

I. Adjourn

There being no further business the meeting adjourned at 9:31 AM.



Jackie Jarvis, Interim General Manager



Lisa Conner, Chair

Minutes Approved: December 5, 2024



Denise Hodsdon, City Clerk

STAFF REPORT

City Council, Monday, January 6, 2025

Title: Ordinance - Voluntary Contiguous Annexation - Mills Ave Properties, LLC / Forest Hill Drive

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

On September 13, 2024, Mills Avenue Properties, LLC. ("Applicant") submitted a request for voluntary continuous annexation for four properties on Forest Hill Drive, further identified by PINs 8585-360021-000, 8585-35-0899-000, 8585-35-1747-000, and 8585-35-1676-000.

Council held a public hearing regarding this petition on December 2, 2024.

Discussion

The subject properties are located within the City's Extra-Territorial Jurisdiction (ETJ) adjacent to the corporate limits and is zoned General Residential – 4 (GR4). The Applicant wishes to annex the entirety of the four parcels. There are currently no structures on the property, but the applicant has expressed interest in developing the parcels with residential units following the typical "by-right" zoning regulations.

Policy Analysis

Voluntary, contiguous annexations are governed by North Carolina General Statute §160A-31 which authorizes cities to annex any area contiguous to its borders on receipt of a petition signed by all the owners of real property within the area proposed for annexation. The subject property qualifies for annexation under this statute.

Recommendation

The Planning Board discussed this request at their November 19th meeting and voted in favor of the request.

Fiscal Impact

There will be a minor increase in property tax revenue and the cost of extending services will be borne by the property owner. Future development would result in increased utility revenues. Service impacts are anticipated to be minimal.

Action

Council is asked to take one of the following actions:

- 1.) Approve the annexation
- 2.) Deny the annexation

3.) Table the matter for further consideration.

Attachments:

1. Annexation Petition - Mills Ave Properties LLC - Forest Hill Road
2. Annexation Plat
3. Ordinance Extending Corporate Limits - Mills Ave Properties

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



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

Date: 9/13/2024

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): 8585-36-0021-000,
8585-35-0899-000, 8585-35-1747-000 - 8585-35-1676-000

Street Address: LOTS: TR-2A, TR-2B, TR-2C, + TR-2D

(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.)

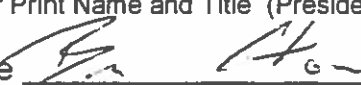
Property Owners Contact Information (If there are more than three property owners, provide their names, contact information and signatures upon a separate and attached sheet.)

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

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

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

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

a. Name MILLS AVE PROPERTIES LLC
Address 86 W. MORGAN ST.
BREVARD, NC 28712
Telephone 828 553 3565 Email Benjamin.steyslaire@gmail.com
By: BEN STONE
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



NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$628.00

Return after recording to: Donald E. Jordan

Brief description for the Index: Tracts 2A, 2B, 2C & 2D, Brevard Township

This Deed was prepared by: Donald E. Jordan, Attorney at Law

This property does not include the primary residence of Grantor

SP 5-622

This DEED is made this 4th day of May, 2022, by and between:

GRANTOR: **THOMAS WEAVER and
LINDA M. WEAVER,
Husband and Wife**
Grantor's Address: 83 Buena Vista Drive, Brevard, NC 28712

GRANTEE: **MILLS AVE PROPERTIES, LLC,
a North Carolina limited liability company**
Grantee's Address: 86 West Morgan Street, Brevard, NC 28712

The designation Grantor and Grantee in this Deed shall include the parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

The Grantor, for a valuable consideration paid by the Grantee (the receipt of which is acknowledged) grants, bargains, sells and conveys to the Grantee in fee simple, all of the lot or parcel of land located in Brevard Township, Transylvania County, North Carolina, and as is described in the attached Exhibit A. This is a portion of the same property acquired by Grantor by Deeds recorded in Document Book 255, Page 215 and Document Book 255, Page 218, Transylvania County Registry. This conveyance is made subject to easements and rights of way of record, to any covenants of record, and to real property taxes for the current year.

THIS CONVEYANCE IS MADE FOR THE GRANTEE TO HAVE AND TO HOLD the Property and all privileges and appurtenances belonging to the Property in fee simple.

The Grantor covenants with the Grantee that Grantor is seized of the Property 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, subject only to the stated exceptions.

Grantor is signing this Deed as of the date specified above.


Thomas Weaver

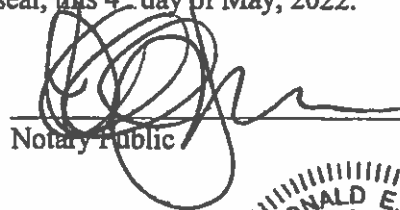

Linda M. Weaver

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, Donald E. Jordan, a Notary Public of the specified County and State, certify that Thomas Weaver and Linda M. Weaver personally appeared before me this day and acknowledged the voluntary execution of this Deed.

Witness my signature and official stamp or seal, this 4th day of May, 2022.

My commission expires: August 30, 2024


Notary Public

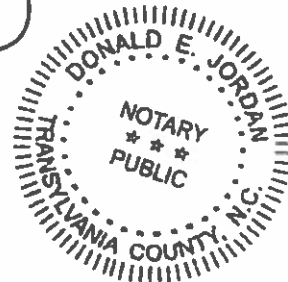


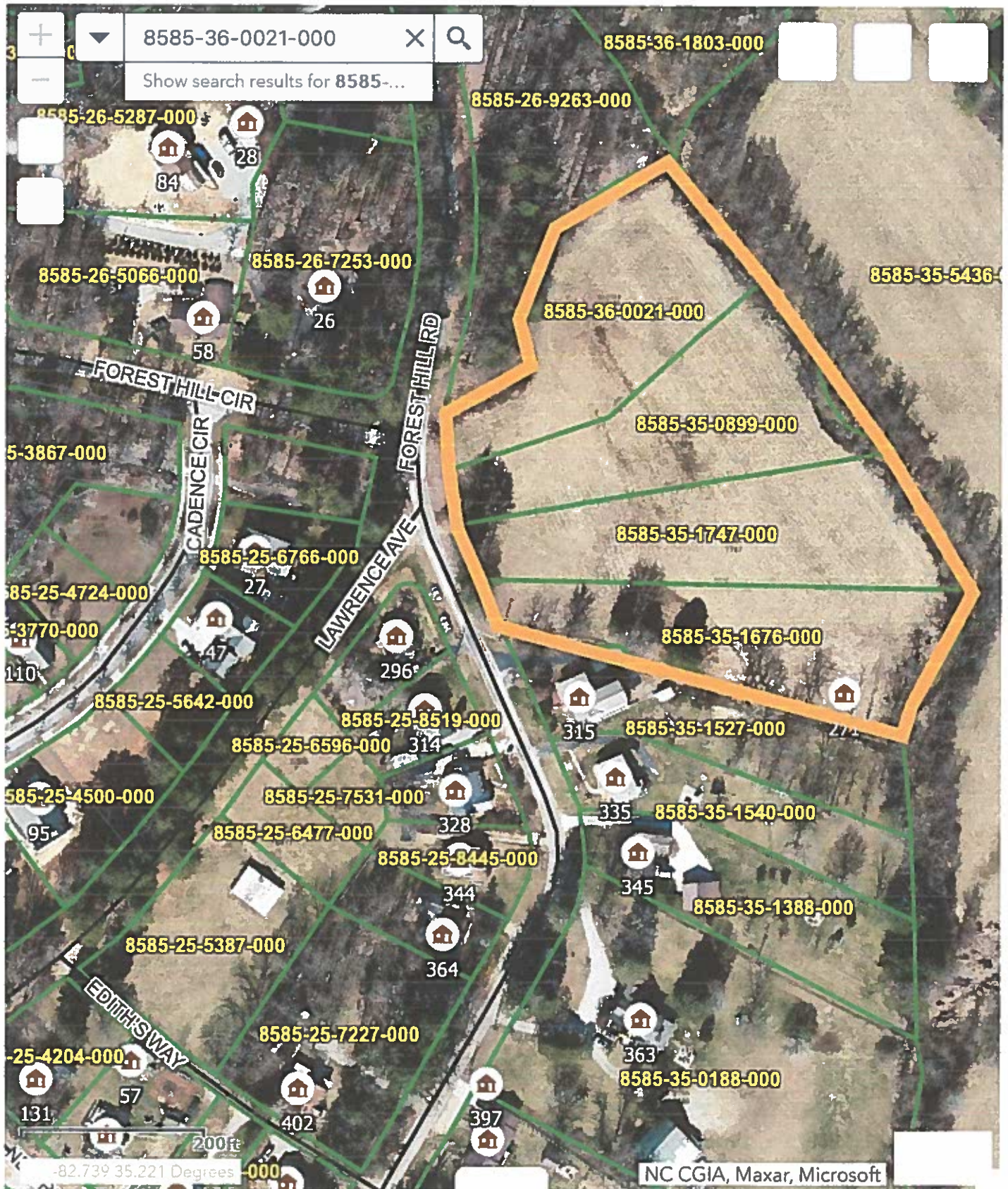
EXHIBIT A - LEGAL DESCRIPTION

All of Tracts 2A, 2B, 2C and 2D as shown on the plat of survey, dated April 27, 2022, prepared by Carolina Mountain Surveying, for Thomas and Linda M. Weaver, recorded in Plat File 22, Slide 158, Records of Plats for Transylvania County, in the office of the Register of Deeds, Transylvania County, North Carolina.

Together with and subject to all rights of way, easements and restrictions of record.



Tax Administration Portal



All rights reserved

Plat file 22, Slide 158

LEGEND

P.B. PG
P.T. SL
PIN
NCGS
NAD
FCM
SR
FR
NTS
C/L
R/W
CP
H/W
O/A
DOC. BK. PG.
SR/POL
S.R.
①

PLAT BOOK, PAGE
PLAT FILE, SLIDE
TAX PARCEL IDENTIFICATION NUMBER
NORTH CAROLINA GRID SYSTEM
NORTH AMERICAN DATUM
FOUNDED CONCRETE MONUMENT
SET REBAR
FOUND REBAR
NOT TO SCALE
CENTRILINE
RIGHT OF WAY
CALCULATED POINT
H/S WFE
OVERALL
DOCUMENT BOOK, PAGE
SET REBAR/POINT ON LINE
SECONDARY ROAD
UTILITY POLE



ASPHALT
FLOODWAY
FLOOD ZONE A
FLOOD ZONE AC
FLOOD ZONE BC

NCGS MONUMENT
"GEORGE"
(NAD 83/86)
N: 558738.54'
E: 882107.07'

NCGS MONUMENT
"MILLER"
(NAD 83/86)
N: 558333.12'
E: 880841.14'

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF BREVARD AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, PRESERVE AND PROTECT ALL SIGNIFICANT TREES OVER 15 INCHES DIAMETER IN THE TREE AND ROOT PROTECTION AREA, AND PLANT SUPPLEMENTARY TREES AS REQUIRED. FURTHERMORE, I HEREBY DEDICATE ALL PUBLIC OR PRIVATE USES AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL SANITARY SEWER, STORM SEWER, AND WATER LINES THAT ARE LOCATED IN PUBLIC UTILITY EASEMENTS OR RIGHTS-OF-WAY TO THE CITY OF BREVARD. FURTHERMORE, I HEREBY SET ASIDE IN PERPETUITY FOR PERMANENT PRESERVATION, ALL REGULATORY FLOODWAYS, STREAM CORRIDOR PROTECTION AREAS, AND OTHER PROTECTED NATURAL AREAS AS SHOWN, DESCRIBED, OR OTHERWISE NOTED HEREON.

DATE: 5/2/22
SIGNATURE: Emily Brewer
REVIEW OFFICER: Emily Brewer

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

Emily Brewer, REVIEW OFFICER
OF TRANSYLVANIA COUNTY, CITY OF BREVARD, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE: 5/2/22
REVIEW OFFICER: Emily Brewer

NOTES:

- 1) PARCELS SHOWN HEREON ARE IDENTIFIED BY THEIR TAX PARCEL IDENTIFICATION NUMBERS. PROPERTY ORIGINALLY SURVEYED AND COMBINED INTO 1 TRACT IN FEBRUARY AND MARCH OF 2008 BY HATLER LAND SURVEYING. PROPERTY IS BEING SUBDIVIDED BY SURVEY ON MARCH 22, 2022. TRACT 1 IS BEING RESTORED TO ITS ORIGINAL CONFIGURATION AND WAS NOT RESURVEYED. PORTIONS OF TRACTS 2A, 2B, 2C AND 2D WERE SURVEYED IN 2022 BY CAROLINA MOUNTAIN SURVEYING. NOT ALL IMPROVEMENTS ARE SHOWN HEREON. DISTANCES SHOWN ARE HORIZONTAL DISTANCES UNLESS NOTED OTHERWISE. THE CREEK LOCATION WAS NOT RESURVEYED FROM THE ORIGINAL SURVEY/PLAT. THE PROPERTY LINE BY DEED IS THE CENTRILINE OF BRUSHY CREEK (TUCKER'S or NICHOLSON) CREEK.
- 2) AREA OF TRACT 1 = 1.571 ACRES
TRACT 2A = 1.192 ACRES
TRACT 2B = 1.134 ACRES
TRACT 2C = 1.148 ACRES
TRACT 2D = 1.168 ACRES
TOTAL PLATTED AREA = 5.213 ACRES
AREA CALCULATED BY COORDINATE COMPUTATION
- 3) THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THIS PROPERTY IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS OF RECORD BUILT SHOWN AND NOT SHOWN HEREON.
- 4) MOOT CLAIMS A 60' WIDE R/W AS CALCULATED FROM THE C/L OF FOREST HILL DRIVE. ALSO KNOWN AS LAWRENCE AVENUE. NO DEED WAS FOUND TO VERIFY THE WIDTH OF THE R/W CLAIMED.
- 5) PLAT BOOK 1, PAGE 5 - SECTIONS 1 & 2 (WHICH INCLUDE THIS PROPERTY) ESTABLISHED A 45' R/W ALONG LAWRENCE AVENUE ALSO KNOWN AS FOREST HILL DRIVE. DOCUMENT BOOK 255, PAGE 215 STATES THAT THE PROPERTY BEGINS ALONG THE EASTERN MARSH OF LAWRENCE AVENUE. PROPERTY CORNERS HAVE BEEN CALCULATED 22.5 FEET OFF OF THE C/L OF LAWRENCE AVENUE/FOREST HILL DRIVE TO CORRESPOND WITH THE PLATTED 45' R/W FOUND IN PLAT BOOK 1, PAGE 5. REBAR HAVE BEEN OFFSET 30 FEET FROM THE C/L OF FOREST HILL DRIVE TO REFLECT THE 60' WIDE R/W AS CLAIMED BY MOOT. THE PROPERTY LINES ARE THE CALCULATED LINES 22.5' OFF OF THE CENTRILINE OF FOREST HILL DRIVE.
- 6) DEED REFERENCE: TRACT 1 - DOCUMENT BOOK 255, PAGE 215
TRACT 2 - DOCUMENT BOOK 255, PAGE 216
- 7) SET REBAR HAVE PLASTIC ID CAP
- 8) PLAT REFERENCE: P.B. 1, P.L. 5, P.F. 11, SL. 725
- 9) PIN REFERENCE: 6885-28-9188
- 10) THIS PROPERTY IS LOCATED WITHIN THE ONE MILE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF BREVARD AND IS CURRENTLY ZONED GENERAL RESIDENTIAL A.
- 11) POINTS ALONG THE C/L OF BRUSHY CREEK AND THE C/L OF THE DITCH ARE CALCULATED AND WERE NOT SET.
- 12) FLOODWAY, FLOOD ZONES, AND PORTIONS OF THE ROADWAY WERE DOWNLOADED FROM N.C. FLOODMAPS.COM FROM FLOOD INSURANCE RATE MAP 330585000L, EFFECTIVE DATE OCTOBER 2, 2009.

UDOT 7.7.E. AREAS DELINEATED UPON THIS PLAT OR PLAN AS A PROTECTION AREA OR A SPECIAL FLOOD HAZARD AREA IS SUBJECT TO LIMITATIONS UPON DEVELOPMENT AS SET FORTH IN CHAPTER 8 OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE AND ANY DEVELOPMENT, DISTURBANCE OR ENCROACHMENT IS PROHIBITED EXCEPT IN ACCORDANCE THEREWITH.

G.S. 47-30 (1)(1) d.

I, MICHAEL A. PROFFIT, Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR JURISDICTION THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
I, MICHAEL A. PROFFIT, Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION FROM INFORMATION FOUND IN PLAT FILE 11, SLIDE 725. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION REFERENCED HEREON. THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED BY LATITUDES AND DEPARTURES BEFORE ADJUSTMENT IS NOT LESS THAN 1/10,000, AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS THE 27th DAY OF APRIL, 2022, A.D.

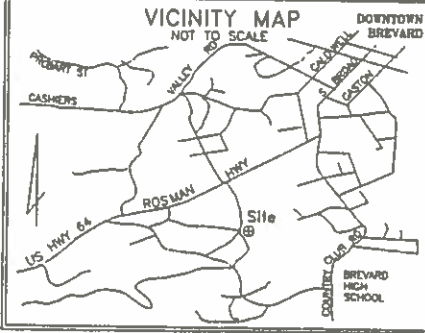


MICHAEL A. PROFFIT, Sr.
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-4458

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE REGULATING ORDINANCE FOR BREVARD, NORTH CAROLINA, AND THAT THIS PLAT HAS BEEN APPROVED BY THE CITY OF BREVARD FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF TRANSYLVANIA COUNTY. I FURTHER CERTIFY THE CITY COUNCIL ONLY ACCEPTS THE DEDICATION OF THE PUBLIC OPEN SPACE AS SHOWN, IF SUCH PARCELS ARE LOCATED WITHIN THE CORPORATE LIMITS OF BREVARD, BUT ASSUMES NO RESPONSIBILITY TO OPEN OR MAINTAIN THE DEDICATED OPEN SPACE UNLESS IN THE OPINION OF THE CITY COUNCIL IT IS THE PUBLIC INTEREST TO DO SO.

DATE: 5/2/22
SIGNATURE: Emily Brewer
REVIEW OFFICER: CITY OF BREVARD



TIE CALL TABLE

Course	Bearing	Distance
1	S 88° 21' 30" W	81.46'
2	S 82° 22' 30" W	84.50'
3	S 81° 12' 30" W	84.50'
4	S 81° 12' 30" W	84.50'
5	S 80° 48' 30" W	7.90'

BOUNDARY CALL TABLE

Course	Bearing	Distance
L1	S 88° 21' 30" W	77.71'
L2	S 80° 48' 30" W	49.86'
L3	S 81° 12' 30" W	84.50'
L4	S 82° 22' 30" W	84.50'
L5	S 88° 21' 30" W	81.46'
L6	S 81° 12' 30" W	84.50'
L7	S 80° 48' 30" W	7.90'
L8	S 81° 12' 30" W	84.50'
L9	S 82° 22' 30" W	84.50'
L10	S 88° 21' 30" W	81.46'
L11	S 80° 48' 30" W	49.86'
L12	S 81° 12' 30" W	84.50'
L13	S 82° 22' 30" W	84.50'
L14	S 88° 21' 30" W	81.46'
L15	S 81° 12' 30" W	84.50'
L16	S 80° 48' 30" W	7.90'
L17	S 81° 12' 30" W	84.50'
L18	S 82° 22' 30" W	84.50'
L19	S 88° 21' 30" W	81.46'
L20	S 80° 48' 30" W	49.86'
L21	S 81° 12' 30" W	84.50'
L22	S 82° 22' 30" W	84.50'
L23	S 88° 21' 30" W	81.46'
L24	S 81° 12' 30" W	84.50'
L25	S 80° 48' 30" W	7.90'
L26	S 81° 12' 30" W	84.50'
L27	S 82° 22' 30" W	84.50'
L28	S 88° 21' 30" W	81.46'
L29	S 80° 48' 30" W	49.86'
L30	S 81° 12' 30" W	84.50'
L31	S 82° 22' 30" W	84.50'
L32	S 88° 21' 30" W	81.46'
L33	S 80° 48' 30" W	49.86'
L34	S 81° 12' 30" W	84.50'
L35	S 82° 22' 30" W	84.50'
L36	S 88° 21' 30" W	81.46'
L37	S 80° 48' 30" W	49.86'
L38	S 81° 12' 30" W	84.50'
L39	S 82° 22' 30" W	84.50'
L40	S 88° 21' 30" W	81.46'

CURVE TABLE

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear
C1	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C2	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C3	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C4	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C5	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C6	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C7	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C8	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C9	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C10	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C11	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear
C1	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C2	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C3	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C4	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C5	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C6	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C7	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C8	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C9	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C10	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W
C11	289.50'	15.11'	30.01'	11° 17' 51"	18° 26' 30"	31.25'	81° 12' 30" W

PREPARED BY
CAROLINA MOUNTAIN SURVEYING
FIRM LICENSE NUMBER #F-1205
137 NORTH BROAD STREET, SUITE 2
BREVARD, NORTH CAROLINA 28712
(828) 883-2670
CMSURVEYING@COMPTONUM.NET

SUBDIVISION SURVEY OF TRACTS 1 AND TRACTS 2A, 2B, 2C AND 2D
PREPARED FOR
THOMAS and LINDA M. WEAVER
SITUATE IN
BREVARD TOWNSHIP
TRANSYLVANIA COUNTY, NORTH CAROLINA
OWNER OF RECORD: THOMAS and LINDA M. WEAVER

DATE: APRIL 27, 2022
FIELD RECORDS
DATA COLLECTOR
DRAWING NUMBER: CMS22024-SUB
COORDINATE FILE: CMS22024-CRD
PROJECT NUMBER: CMS22024
REP: PHOENIX



CITY ANNEXATION LEGAL DESCRIPTION
FOR TRACTS 2A-2D ON FOREST HILL ROAD
PLAT FILE 22, SLIDE 158

Beginning at a broken concrete monument having North Carolina NAD 83/86 grid coordinates of North: 555675.23 East: 882903.55; said monument standing S 36°49'51" E a distance of 1,328.41 from NCGS MONUMNET GEORGE which has North Carolina NAD 83/86 grid coordinates of North: 556738.54 East: 882107.07 and 6.2' away from an existing utility pole in the right of way for Forest Hill Road;

thence N 72°35'30" W a distance of 9.48' to a calculated point on the old 45' right of way;

thence N 22°22'36" W a distance of 58.85' to a calculated point on the old 45' right of way;

thence N 22°22'36" W a distance of 30.91' to a calculated point on the old 45' right of way;

thence with a curve turning to the right with an arc length of 27.95', with a radius of 289.00', with a chord bearing of N 19°36'24" W, with a chord length of 27.93', to a calculated point on the old 45' right of way;

thence with a compound curve turning to the right with an arc length of 58.85', with a radius of 289.00', with a chord bearing of N 11°00'10" W, with a chord length of 58.75', to a calculated point on the old 45' right of way;

thence with a compound curve turning to the right with an arc length of 58.87', with a radius of 289.00', with a chord bearing of N 00°39'58" E, with a chord length of 58.76', to a calculated point on the old 45' right of way;

thence leaving the old right of way N 42°42'28" E a distance of 18.15' to a point in the center of a ditch;

thence down and with the center of a ditch N 70°17'08" E a distance of 32.99' to a point in the center of the ditch;

thence N 65°22'33" E a distance of 44.58' to a point in the center of a ditch;

thence N 39°05'26" E a distance of 19.33' to a point in the center of a ditch;

thence N 13°02'07" W a distance of 42.04' to a point in the center of a ditch;

thence N 15°38'54" E a distance of 60.58' to a point in the center of a ditch;

thence N 27°30'15" E a distance of 27.48' to a point in the center of a ditch;

thence N 46°24'44" E a distance of 34.48' to a point in the center of a ditch;

thence N 52°18'45" E a distance of 44.06' to a point in the center of a ditch;

thence N 63°35'23" E a distance of 24.90' to a point in the center of a ditch;

thence N 68°35'48" E a distance of 34.51' to a point in the center of a ditch;

thence N 82°42'23" E a distance of 18.77' to a point in the center of a ditch;

thence N 59°06'04" E a distance of 10.91' to a point where the ditch meets the center of Brushy Creek;

thence down and with the center of Brushy Creek S 31°45'09" E a distance of 62.74' to a point in the center of Brushy Creek;

thence S 36°59'42" E a distance of 95.95' to a point in the center of Brushy Creek;

thence S 36°59'42" E a distance of 76.42' to a point in the center of Brushy Creek;

thence S 11°00'05" E a distance of 45.80' to a point in the center of Brushy Creek;

thence S 19°22'35" E a distance of 32.79' to a point in the center of Brushy Creek;

thence S 38°07'26" E a distance of 24.16' to a point in the center of Brushy Creek;

thence S 58°35'26" E a distance of 37.39' to a point in the center of Brushy Creek;

thence S 38°46'28" E a distance of 17.91' to a point in the center of Brushy Creek;

thence S 38°46'28" E a distance of 15.80' to a point in the center of Brushy Creek;

thence S 28°10'33" E a distance of 121.25' to a point in the center of Brushy Creek;

thence S 22°12'32" E a distance of 22.95' to a point in the center of Brushy Creek;

thence S 09°32'28" E a distance of 3.35' to a point in the center of Brushy Creek;

thence S 09°32'28" E a distance of 16.33' to a point in the center of Brushy Creek;

thence S 18°24'11" W a distance of 35.66' to a point in the center of Brushy Creek;

thence S 33°58'27" W a distance of 65.28' to a point in the center of Brushy Creek;

thence S 44°26'22" W a distance of 31.27' to a point in the center of Brushy Creek;

thence S 14°19'46" W a distance of 29.38' to a point in the center of Brushy Creek;

thence leaving the center of Brushy Creek N 77°32'22" W a distance of 21.02' to a point in the center of a ditch;

thence N 70°38'59" W a distance of 156.06' to a point in the center of a ditch;

thence N 77°40'10" W a distance of 71.18' to a 5/8" rebar;

thence N 72°39'09" W a distance of 29.26' to a 5/8" rebar;

thence N 46°48'46" W a distance of 41.05' to a 5/8" rebar;

thence S 89°46'32" W a distance of 60.26' to 5/8" rebar;

thence N 72°47'04" W a distance of 28.12' to a 5/8" rebar;

thence N 72°50'41" W a distance of 30.42' to a broken concrete monument;

which is the place and point of beginning and containing Tracts 2A, 2B, 2C and 2D as shown on Plat File 22, Slide 158, and having an area of 4.640 acres

CITY OF BREVARD
CASH RECEIPT

Receipt No: 686981
Date: 10/17/2024
Time: 11:15:44AM

Received From:
MILLS AVE PROP

Received: 500.00

For
ZONING ADMIN 500.00
CITY ANNEX FOREST HILL-S

Check 500.00
1090
RECEIVED BY WINDOW

LEGEND

P.F., SL.
PIN
NCGS
NAD
FCM
FR
NTS
C/L
R/W
CP
H/W
O/A
DOC. BK., PG.
SR/POL
S.R.

PLAT FILE, SLIDE
TAX PARCEL IDENTIFICATION NUMBER
NORTH CAROLINA GRID SYSTEM
NORTH AMERICAN DATUM
FOUND CONCRETE MONUMENT
FOUND REBAR
NOT TO SCALE
CENTERLINE
RIGHT OF WAY
CALCULATED POINT
HIS WIFE
OVERALL
DOCUMENT BOOK, PAGE
SET REBAR/POINT ON LINE
SECONDARY ROAD

Ⓟ UTILITY POLE

ASPHALT

FLOODWAY

FLOOD ZONE AX

FLOOD ZONE AE

ANNEX AREA

CURRENT CITY LIMITS—
TRANSYLVANIA COUNTY
SCHOOL BOARD PROPERTY

ADJOINING LINES NOT SURVEYED

RIGHT OF WAY

EXISTING LOT LINES 2A-2D

ANNEX PARCEL
CALL TABLE

LINE	BEARING	DISTANCE
A1	N42°42'28"E	18.15'
A2	N70°17'08"E	32.99'
A3	N65°22'33"E	44.58'
A4	N39°05'26"E	19.33'
A5	N13°02'07"W	42.04'
A6	N15°38'54"E	60.58'
A7	N27°30'15"E	27.48'
A8	N46°24'44"E	34.48'
A9	N52°18'45"E	44.06'
A10	N63°35'23"E	24.90'
A11	N68°35'48"E	34.51'
A12	N82°42'23"E	18.77'
A13	N59°06'04"E	10.91'
A14	S31°45'09"E	62.74'
A15	S11°00'05"E	45.80'
A16	S19°22'35"E	32.79'
A17	S38°07'26"E	24.16'
A18	S58°35'26"E	37.39'
A19	S38°46'28"E	17.91'
A20	S22°12'32"E	22.95'
A21	S09°32'28"E	3.35'
A22	S09°32'28"E	16.33'
A23	S18°24'11"W	35.66'
A24	S33°58'27"W	65.28'
A25	S44°26'22"W	31.27'
A26	S14°19'46"W	29.38'
A27	N77°32'22"W	21.02'
A28	N77°40'10"W	71.18'
A29	N72°39'09"W	29.26'
A30	N46°48'46"W	41.05'
A31	S89°46'32"W	60.26'
A32	N72°47'04"W	28.12'
A33	N72°50'41"W	30.42'
A34	S72°35'30"E	9.48'
A35	S72°35'30"E	9.48'

ANNEX PARCEL CURVE TABLE

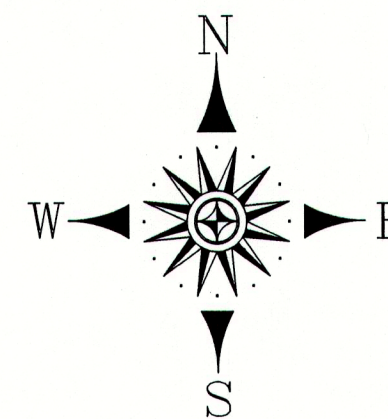
CURVE	CHORD BEARING	CHORD LENGTH	RADIUS	ARC LENGTH	DELTA ANGLE
AC1	N19°36'24"W	27.93'	289.00'	27.95'	5°32'25"
AC2	N11°00'10"W	58.75'	289.00'	58.85'	11°40'02"
AC3	N00°39'58"E	58.76'	289.00'	58.87'	11°40'14"

OWNER CERTIFICATION—ANNEXATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE
PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY
ADOPT THIS PLAT OF ANNEXATION WITH MY (OUR) FREE CONSENT

10/17/24
DATE

By: Ben Stone
Mills Ave. Properties, LLC
OWNER(S)



NCGS NORTH (NAD 83/86)
(P.F. 22, SL. 158)

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, _____, REVIEW OFFICER
OF TRANSYLVANIA COUNTY, CITY OF BREVARD, CERTIFY THAT
THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED
MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE

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 _____

CITY CLERK

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

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

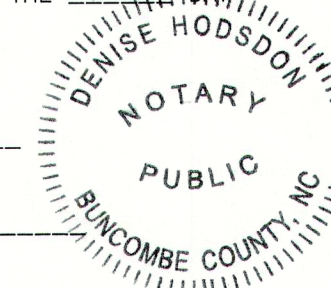
Ben Stone, Owner, Mills Ave. Properties, LLC PERSONALLY APPEARED
BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE
EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE 17th DAY
OF October, 2024.

Denise Hodsdon

NOTARY PUBLIC

MY COMMISSION EXPIRES: 10/6/2029



NOTES:

- PARCELS SHOWN HEREON ARE IDENTIFIED BY THEIR TAX PARCEL
IDENTIFICATION NUMBERS. PROPERTY ORIGINALLY SURVEYED IN JUNE OF
2022. THIS PLAT IS DEFINING THE PROPERTY THAT IS BEING ANNEXED
INTO CITY LIMITS. LOTS 2A, 2B, 2C, AND 2D ARE BEING ANNEXED INTO
THE CITY LIMITS. TRACT 1 IS NOT BEING ANNEXED INTO THE CITY LIMITS.
NOT ALL IMPROVEMENTS ARE SHOWN HEREON. DISTANCES SHOWN ARE
HORIZONTAL GROUND UNLESS NOTED OTHERWISE. THE CREEK LOCATION
WAS NOT RE-SURVEYED FROM THE ORIGINAL SURVEY/PLAT. THE
PROPERTY LINE BY DEED IS THE CENTERLINE OF BRUSHY (TUCKER'S or
NICHOLSON) CREEK.
- AREA OF TRACT 2A = 1.192 ACRES
TRACT 2B = 1.134 ACRES
TRACT 2C = 1.146 ACRES
TRACT 2D = 1.168 ACRES
TOTAL PLATTED AREA = 4.640 ACRES
AREA CALCULATED BY COORDINATE COMPUTATION
- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH.
THUS THIS PROPERTY IS SUBJECT TO ALL RIGHT-OF-WAYS; COVENANTS;
EASEMENTS AND RESTRICTIONS OF RECORD BOTH SHOWN AND NOT
SHOWN HEREON
- SEE P.F. 22, SL. 158 FOR DETAILED INFORMATION ON RIGHT OF WAYS,
NCGS TIE, AND CALLS AND DESCRIPTIONS FOR THE INTERNAL LINES.
- DEED REFERENCE: DOC. BK. 1035, PG. 743
- PLAT REFERENCE: P.F. 22, SL. 158
- TAX PINs: 2A 8585-36-0021
2B 8585-35-0899
2C 8585-35-1747
2D 8585-35-1676
- THIS PROPERTY IS CURRENTLY ZONED GENERAL RESIDENTIAL 4.
- POINTS ALONG THE C/L OF BRUSHY CREEK AND THE C/L OF THE
DITCH ARE CALCULATED AND WERE NOT SET.
- FLOODWAY, FLOOD ZONES, AND PORTIONS OF THE ROADWAY WERE
DOWNLOADED FROM FRIS.NC.GOV FROM FLOOD INSURANCE RATE MAP
37008585000; EFFECTIVE DATE OCTOBER 2, 2009.

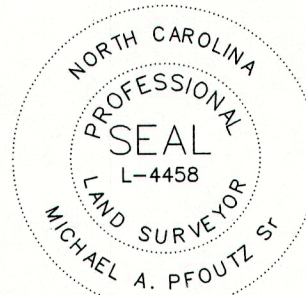
G.S. 47-30 f(11) d.

I, MICHAEL A. PFOUTZ Sr., PROFESSIONAL LAND SURVEYOR,
CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY,
SUCH AS THE RECOMBINATION OF EXISTING PARCELS,
A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO
THE DEFINITION OF SUBDIVISION

I, MICHAEL A. PFOUTZ, Sr., PROFESSIONAL LAND SURVEYOR,
CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION
FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER
MY DIRECTION FROM INFORMATION IN P.F. 22, SL. 158;
THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED
AS DRAWN FROM INFORMATION REFERENCED HEREON; THAT THE
RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED
BY LATITUDES AND DEPARTURES BEFORE ADJUSTMENT IS NOT
LESS THAN 1 : 10,000 ; AND THAT THIS PLAT WAS PREPARED
IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE
NUMBER, AND SEAL THIS THE 27th DAY OF
SEPTEMBER, 2024, A.D.

Michael A. Pfoutz Sr.
MICHAEL A. PFOUTZ Sr.,
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-4458



NCGS MONUMENT
"GEORGE"
(NAD 83/86)
N: 556738.54'
E: 882107.07'

FOREST HILL
CIRCLE (S.R. 1122)

FOREST HILL DRIVE
(S.R. 1123)

LAWRENCE
AVENUE

FOREST HILL DRIVE SR-1123

TRACT 1
THOMAS K. WEAVER &
LINDA M. WEAVER
(DOC. BK. 255, PG. 215)

THREE LEES LLC
(DOC. BK. 953, PAGE 252)
PIN: 8585-36-1803

TRACT 2B
Area = 1.134 Acres

TRACT 2C
Area = 1.146 Acres

TRACT 2D
Area = 1.168 Acres

ROSE ELAINE CANUP HLTE
(DEED BOOK 635, PAGE 186)
PIN: 8585-35-1527

ANNEXATION PLAT

MILLS AVE PROPERTIES LLC

ORDINANCE No. _____

PROPERTY SITUATE IN
CITY OF BREVARD, BREVARD TOWNSHIP
TRANSYLVANIA COUNTY, NORTH CAROLINA
OWNERS OF RECORD: MILLS AVE PROPERTIES LLC

PREPARED BY
CAROLINA MOUNTAIN SURVEYING
FIRM LICENSE NUMBER #F-1205
137 NORTH BROAD STREET, SUITE 2
BREVARD, NORTH CAROLINA 28712
(828) 883-2670
CMSURVEYING@COMPORIUM.NET

DATE SEPTEMBER 27, 2024	FIELD RECORDS DATA COLLECTOR	DRAWING CMS24053-ANNEX
COORD. FILE CMS18084.CRD		PROJECT NUMBER CMS24053

60 0 60 120 180
GRAPHIC SCALE - FEET WRITTEN SCALE: 1"=60'

ORDINANCE NO. 2025-XX

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF BREVARD, NORTH CAROLINA**

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-31, as amended, to annex the contiguous area described herein, and,

WHEREAS, the City Council has by Resolution No. 2024-47 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Brevard Planning Board reviewed the Petition at their meeting held on November 19, 2024 and recommended approval of the voluntary contiguous annexation; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2024-48 fixing a date of public hearing. By authority granted by G.S. 160A-31, a public hearing on the question of this annexation was held at the City Council Chambers at 5:30 P.M. on the 2nd day of December, 2024, after due notice by publication on the 18th day of November, 2024; and

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by Mills Ave Properties, LLC, as shown and being that property described in the deed recorded in Document Book 1035, Pages 743-745, in the Transylvania County Register of Deeds and that certain plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as of the 6th day of January, 2025.

Said property is more fully described as follows:

Location: Forest Hill Drive, Brevard, NC 28712. Transylvania County Tax Property Identification Numbers: 8585-36-0021; 8585-35-0899-000; 8585-35-1747-000; and 8585-35-1676-000

Property Description:

Beginning at a broken concrete monument having North Carolina NAD 83/86 grid coordinates of North: 555675.23 East: 882903.55; said monument standing S 36°49'51" E a distance of 1,328.41 from NCGS MONUMENT GEORGE which has North Carolina NAD 83/86 grid coordinates of North: 556738.54 East: 882107.07 and 6.2' away from an existing utility pole in the right of way for Forest Hill Road; thence N 72°35'30" W a distance of 9.48' to a calculated point on the old 45' right of way; thence N 22°22'36" W a distance of 58.85' to a calculated point on the old 45' right of way; thence N 22°22'36" W a distance of 30.91' to a calculated point on the old 45' right of way; thence with a curve turning to the right with an arc length of 27.95', with a radius of 289.00', with a chord bearing of N 19°36'24" W, with a chord length of 27.93', to a calculated point on the old 45' right of way; thence with a compound curve turning to the right with an arc length of 58.85', with a radius of 289.00', with a chord bearing of N 11°00'10" W, with a chord length of 58.75', to a calculated point on the old 45' right of way; thence with a compound curve turning to the right with an arc length of 58.87', with a radius of 289.00', with a chord bearing of N 00°39'58" E, with a chord length of 58.76', to a calculated point on the

old 45' right of way; thence leaving the old right of way N 42°42'28" E a distance of 18.15' to a point in the center of a ditch; thence down and with the center of a ditch N 70°17'08" E a distance of 32.99' to a point in the center of the ditch; thence N 65°22'33" E a distance of 44.58' to a point in the center of a ditch; thence N 39°05'26" E a distance of 19.33' to a point in the center of a ditch; thence N 13°02'07" W a distance of 42.04' to a point in the center of a ditch; thence N 15°38'54" E a distance of 60.58' to a point in the center of a ditch; thence N 27°30'15" E a distance of 27.48' to a point in the center of a ditch; thence N 46°24'44" E a distance of 34.48' to a point in the center of a ditch; thence N 52°18'45" E a distance of 44.06' to a point in the center of a ditch; thence N 63°35'23" E a distance of 24.90' to a point in the center of a ditch; thence N 68°35'48" E a distance of 34.51' to a point in the center of a ditch; thence N 82°42'23" E a distance of 18.77' to a point in the center of a ditch; thence N 59°06'04" E a distance of 10.91' to a point where the ditch meets the center of Brushy Creek; thence down and with the center of Brushy Creek S 31°45'09" E a distance of 62.74' to a point in the center of Brushy Creek; thence S 36°59'42" E a distance of 95.95' to a point in the center of Brushy Creek; thence S 36°59'42" E a distance of 76.42' to a point in the center of Brushy Creek; thence S 11°00'05" E a distance of 45.80' to a point in the center of Brushy Creek; thence S 19°22'35" E a distance of 32.79' to a point in the center of Brushy Creek; thence S 38°07'26" E a distance of 24.16' to a point in the center of Brushy Creek; thence S 58°35'26" E a distance of 37.39' to a point in the center of Brushy Creek; thence S 38°46'28" E a distance of 17.91' to a point in the center of Brushy Creek; thence S 38°46'28" E a distance of 15.80' to a point in the center of Brushy Creek; thence S 28°10'33" E a distance of 121.25' to a point in the center of Brushy Creek; thence S 22°12'32" E a distance of 22.95' to a point in the center of Brushy Creek; thence S 09°32'28" E a distance of 3.35' to a point in the center of Brushy Creek; thence S 09°32'28" E a distance of 16.33' to a point in the center of Brushy Creek; thence S 18°24'11" W a distance of 35.66' to a point in the center of Brushy Creek; thence S 33°58'27" W a distance of 65.28' to a point in the center of Brushy Creek; thence S 44°26'22" W a distance of 31.27' to a point in the center of Brushy Creek; thence S 14°19'46" W a distance of 29.38' to a point in the center of Brushy Creek; thence leaving the center of Brushy Creek N 77°32'22" W a distance of 21.02' to a point in the center of a ditch; thence N 70°38'59" W a distance of 156.06' to a point in the center of a ditch; thence N 77°40'10" W a distance of 71.18' to a 5/8" rebar; thence N 72°39'09" W a distance of 29.26' to a 5/8" rebar; thence N 46°48'46" W a distance of 41.05' to a 5/8" rebar; thence S 89°46'32" W a distance of 60.26' to 5/8" rebar; thence N 72°47'04" W a distance of 28.12' to a 5/8" rebar; thence N 72°50'41" W a distance of 30.42' to a broken concrete monument; which is the place and point of beginning and containing Tracts 2A, 2B, 2C and 2D as shown on Plat File 22, Slide 158, and having an area of 4.640 acres.

Section 2. Upon and after the 6th day of January, 2025 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-31.

Also being all of that property described in a plat prepared by Michael A. Pfoutz, Sr., PLS for Mills Ave Properties, LLC, dated September 27, 2024, and recorded in Plat File _____, Slide _____, of the Transylvania County Registry.

Section 3. Pursuant to 160A-29 it shall be the duty of the Mayor of the City of Brevard to cause an accurate map of the annexed territory as described in Section 1 hereof, together with a duly certified copy of this Ordinance, to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Brevard.

Adopted and approved this the 6th day of January, 2025

.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, January 6, 2025

Title: Age Friendly Brevard Action Plan 2025

Speaker: Lauren Wise, Council Member

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Background & Discusson

At its February 19, 2024 meeting, City Council endorsed a resolution agreeing to pursue the AARP's "Age Friendly Community" designation. The designation was granted shortly thereafter.

The resolution called for the establishment of a Community Leader and volunteer group to review the City's plans through an age-specific lens and make recommendations on how to enhance them for the benefit of the area's aging population

For the past nine months the age-friendly task force, under the facilitation of Dr. Paula Hartman-Stein, has conducted this review. The task force has also completed a survey of residents over 65. The results of those two activities (and others) are summarized in the attached Age Friendly Action Plan, which will be reviewed this evening.

Council will be asked to consider adopting the Action Plan, and what such an act would mean for the organization. The organization has several plans (e.g. Comprehensive Land Use Plan, Bicycle and Pedestrian Plan) that focus and inform staff's work because they are seen as expressions of Council's priorities. If the plan is adopted, staff will likewise consider its recommendations to be expressions of Council's priorities, and their adoption Council's permission to spend time and resources towards executing them.

Action

Council is asked to consider the attached resolution adopting the Age Friendly Action Plan

Attachments:

1. Draft Age-Friendly Action Plan
2. Resolution Adopting Age Friendly Brevard Action Plan 2025



Age Friendly Brevard

Action Plan 2025



(Letter from Mayor.

To be added after Council endorsement)

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Acknowledgments

This plan is the result of a collaborative effort between The City of Brevard, AARP, community members and stakeholder groups. We want to thank everyone who took time to participate in the Age Friendly Survey and listening sessions. We especially want to thank the volunteers who formed the Age Friendly Community Task Force.

Age Friendly Community Task Force Members:

Dr. Paula Hartman-Stein, Task Force Coordinator

Mayor Maureen Copelof

Councilwoman Pamela Holder

Councilman Lauren Wise

Dr. Rik Emaus

Billy Parrish

Kathe Harris

Sara Knapp

Susan Miller

Susan Zelle

Tom Sweeny

Elaine Omann

Lisa Keller-Decker

Bob Decker

Kay Argroves

Mandi Bentley

Annelise Hagedorn

Yvette Brooks

Jeff Adams



Introduction

Brevard is a small, rural town with a population of approximately 8,000 residents located in the foothills of the Blue Ridge Mountains. It is the county seat of Transylvania County, North Carolina. The population of Transylvania County is approximately 33,000.

Brevard and Transylvania County both have an increasing percentage of older residents. Between 2000 and 2023, the median age of Brevard grew from 45 to 52. Similar aging trends are reflected in much of Western North Carolina. Currently Transylvania County is ranked 5th highest of the 100 counties in the state for median age. Approximately 33% of the population of the City of Brevard and Transylvania County is over 65.

The City of Brevard has become a popular retirement destination with an increasing population of older adults who are active, involved and want to continue this lifestyle. Older residents are not just a significant percentage of our community but a vital and active part of what makes Brevard special.

To ensure we meet the needs of all members of our community, the City of Brevard has spent the last several years soliciting community input and recently updated our long-term planning documents to reflect a strong commitment to “livability” for all residents, including older adults. These documents include *Building Brevard: 2030 Comprehensive Land Use Plan*, *Brevard Pedestrian and Bicycle plan*, and the *Downtown Master Plan*.

There is already a strong correlation between the livability factors identified as priorities in our city plans and the AARP 8 areas of livability. Our *Building Brevard: 2030 Comprehensive Land Use Plan* sets as goals: housing for all residents, livable communities, health & safety in the built environment, community health and wellness, improving access to recreation and prioritizing multi-modal transportation. All these goals correlate almost exactly to the AARP Age Friendly Livability Factors.

Our goal in becoming a member of the Age-Friendly Community and our goal in developing this Age Friendly Action Plan was not to duplicate existing plans and goals but rather add depth and focus to these already stated goals by specifically listening to our older demographic and incorporating what we heard into recommended actions that complement ongoing plans.

This plan reflects the current conditions as of 2024. We plan to conduct an annual review regarding the status of action items listed in this plan and update accordingly.

We plan to conduct another community survey/assessment in approximately three years.

Glossary of Acronyms

AFTF – Age Friendly Task Force. This is a grassroots group of community members and stakeholders working together to achieve the goals of an Age Friendly Community and the primary group responsible for developing this plan.

BRCC – Blue Ridge Community College. Local community college.

BTHC – Brevard/Transylvania Housing Coalition. A grassroots community group focused on ways to increase the availability of affordable housing.

COB – City of Brevard

HAC – Housing Assistance Corporation. A local non-profit that builds and repairs affordable housing.

HOB – Heart of Brevard. A non-profit organization whose purpose is to maintain a vital downtown.

LOS – Land of Sky. Regional Council of Government covering Brevard/Transylvania County.

NP – Non-profit organization.

TC – Transylvania County

TEA – Transylvania Economic Alliance. A public/private partnership that focuses on economic development in Transylvania County.

How the Age Friendly Action Plan was Developed.

Background:

Immediately after the City of Brevard joined the AARP Age-Friendly Community Network in February 2024 an Age Friendly Community Task Force (AFTF) was established to help organize, promote, analyze, and begin working on age friendly goals. To help lead the Task Force the City of Brevard recruited a local gerontologist, Dr. Paula Hartman-Stein, whose background in ageing-related issues and programs was an invaluable resource to the team and the City. Brevard was fortunate that Dr. Hartman-Stein agreed to be the Age Friendly Community Task Force Coordinator.

Other members of AFTF included: Mayor, City of Brevard and two Brevard City Council members; an employee from Blue Ridge Community College; the Chairman of the Board of Directors of Heart of Brevard; a retired physician; Chairperson of the Transylvania County Council on Aging; member of the Transylvania County Parks & Recreation department; Transylvania County Planning & Community Development Director; Transylvania County four AARP volunteers; Executive Director of local non-profit; several at-large community members aged 55+.

The AFTF realized that the first thing needed before embarking on planning or action was to obtain more detailed input from the community, especially the older adult community. They embarked on a six-month effort to document the current satisfaction level and future needs of the age 50+ community based on direct citizen input.

Input Methodology:

To obtain this input the City of Brevard worked with our regional AARP office and developed a 48-question survey. This survey was distributed to residents aged fifty and above over the period mid-April through mid-July 2024.

The survey was open to all residents of Transylvania County since the City of Brevard's services, programs and amenities are utilized by and impact more than just city residents. Data is, however, sortable by zip code and 79% of responses were from the City of Brevard zip code 28712.

The survey was available both online and via paper copies. It was advertised via social media, in the local newspaper, via flyers, on radio, at several in-person town hall meetings, via local churches, veterans' groups, at Bread of Life (the local soup kitchen), Sharing House and copies were hand delivered to Meals on Wheels clients. Residents completed and returned a total of 647 surveys.

In addition to the surveys, the AFTF conducted four in-person listening sessions. Several hundred residents attended these sessions, and 201 specific suggestions/comments were received.

Survey Demographics:

The following were key demographics of survey respondents.

- 81% of survey respondents were white/Caucasian. 2% were non-white and 17% did not respond to this question. This closely aligns with the overall demographics of the county where 90% of the population is white, 4% are African American, 1.6% Latino and 3.4% other.
- 69% of respondents had a bachelor's degree or higher; 23% had some college; 8% high school or below.
- 58% of the respondents had lived in Brevard/Transylvania County (TC) for less than 20 years.

Key Survey Findings:

The AFTF reviewed the survey results and identified the following as the most significant findings:

1. Overall, there was a high level of satisfaction for the community as a place to age.

Rating breakout: 27.4% excellent; 34.8% very good; 21.8% good; 11.8% fair; 2.8% poor.

2. The key issues of concern from the survey were:

- a. Ability to age in place.** 43% rated this as extremely important; 42% as very important; 7.8% as somewhat important; 1.2% not at all important; 5.5% not sure.
- b. Affordable Housing.** Respondents were concerned about the lack of affordable housing for older residents, as well as the lack of affordable housing for adults of all ages.
- c. Transportation.** Satisfaction with accessible and convenient public transportation scored extremely low. Many comments were submitted

concerning the need to better advertise the existing public van routes as well as suggestions for expanding this service.

- d. Conveniently located public parking.** This received the lowest overall score of all the building & spaces questions. Multiple comments were submitted about the lack of downtown parking and its' impact on the ability of respondents to access, enjoy and support downtown.
- e. Safety Issues.** Concerns were expressed about the condition of downtown sidewalks (lots of trip hazards), about the need for more sidewalks and accessible facilities as well as concerns about traffic safety specifically speeding, crosswalks, and timing of lights.
- f. Adult Day Care.** This was the issue highlighted the most under health care as there is no adult day care service available anywhere in Transylvania County. Residents must drive to neighboring Henderson County for the service. Respondents saw a high need for this service to be available within Brevard/Transylvania County.
- g. Public Restrooms.** There is only one public restroom in downtown Brevard. Respondents saw a need for more, especially one on the east side of town.

3. Areas of high satisfaction:

a. Social connection.

Very few people felt left out, or isolated. 65% of respondents currently attend a social group.

68% of respondents would like to see more offerings of intergenerational programs.

b. Community Involvement.

64% of respondents volunteer and 73% said that information on volunteering opportunities was readily available.

c. Lack of Ageism.

81% of respondents said ageism was not a problem.

Listening Session Findings:

The following is a breakdown of the 201 suggestions obtained during the four in-person listening sessions. The most frequently mentioned suggestions were in the following areas of perceived need:

- Additional downtown parking
- Expanded public transportation and information about it
- More primary care and medical specialists in Brevard
- More affordable housing for both older adults and service workers
- Improved safety on city roads
- Community wide calendar or newsletter
- Increase in the number of opportunities for lifelong learning

These seven areas of perceived need account for 72% of the responses. Noteworthy is the overlap of many similar areas of concern comparing these suggestions to the responses from the survey.

From Input To Action Plan.

The results from the survey and listening sessions were presented to Brevard City Council in September and out briefed to the public in November. Once the results had been made public, discussed and accepted by both the Council and the public, the AFTF began working on the action plan.

Based on the high levels of satisfaction already expressed regarding the AARP Domains of Livability for Civic Participation and Employment; Respect and Social Inclusion; and Social Participation, it was decided not to concentrate on these areas in the plan. Instead, the plan focuses on the following five domains of livability where the public input indicated efforts would be most relevant to improving livability for older adults in the City of Brevard:

- Housing
- Transportation
- Outdoor Spaces and Buildings
- Health Services and Community Supports
- Communication and Information.

The Age Friendly Brevard Action Plan closely aligns and complements existing City plans and policy such as *The Complete Streets Policy* (March 2019), *Brevard*

Pedestrian and Bicycle Plan (2023), and Building Brevard: 2030 Comprehensive Land Use Plan (2023). The goal of this plan is not to replicate or replace existing plans but rather to help strengthen these plans with age friendly specific recommendations to ensure the City of Brevard is a place where all ages can thrive.



Action Plan

Goals and actions in this plan were developed in response to community and stakeholder feedback throughout the process. Based on this feedback the action plan is centered around the following five domains of livability:

- Housing
- Transportation
- Outdoor Spaces and Buildings
- Health Services and Community Supports
- Communication and Information

Housing

Goals:

- 1) Improve the ability of citizens of all ages, (but with a concentration on housing for 55+ residents) to find safe, income appropriate housing within Brevard/Transylvania County.**
- 2) Support and increase awareness and implementation of home modification programs that promote aging in place.**

What community input showed

Results from the survey and listening sessions showed an extremely high desire to be able to age in place (43% Extremely Important; 42% Very important). There was also a high level of concern about the lack of affordable housing for all demographics within Brevard/Transylvania County.

Current Age Friendly Practices

- There are 8 affordable housing complexes within the City of Brevard. Four of these, with a total of 149 units are specifically for 55+ or disabled.
- There is a 213-unit market rate, 55+ retirement community complex in Brevard.
- Habitat for Humanity has built eighty-one affordable homes in Transylvania County.

- Habitat for Humanity and Housing Assistance Corporation (HAC) both operate Home Repair programs in Transylvania County.
- Brevard/TC Community Housing Coalition (BTHC) is a grassroots effort that brings together government, non-profit, for-profit, and faith organizations to work on the affordable housing issue.
- The City of Brevard recently completed an inventory of land parcels throughout the City analyzing them for affordable housing development suitability.
- The City of Brevard revised its Code of Ordinances to encourage more infill development, including accessory dwelling units and cluster homes, as well as increasing permitted density in residential areas.
- The City of Brevard placed restrictions on short-term rental units to encourage more long-term rentals.
- The City of Brevard created a Housing Trust Fund, and a Housing Handbook detailing uses for these funds for affordable home development and home repair.

Future Plans that Support Age-Friendly Practices

- 42 income-based apartments are scheduled to be constructed in the 2025/26 timeframe.
- The City of Brevard has submitted a request for PRO-Housing grant funding.
- The City of Brevard has an option to purchase 3.8 acres of land for an affordable housing project.
- WNCSource is looking at adding additional units at English Hills, a subsidized housing complex.
- Transylvania County is in the process of conducting a housing survey.
- Transylvania County will incorporate findings and strategies from the Transylvania County Comprehensive Housing Study into its Transylvania 2050 Comprehensive Plan Update in FY25/26.

- Transylvania County will continue to work with the City of Brevard and Town of Rosman on infrastructure development to support Affordable and Workforce Housing.
- Transylvania Habitat for Humanity's goal is to build 10 new affordable homes in Transylvania County in the next year or so.
- Housing Assistance Corporation (HAC) is actively looking for locations in Transylvania County for an affordable housing project.

Proposed Action Item	Potential Partners	Estimated Timeframe
H-1 Action item: Increase awareness and increase usage by older residents of existing home repair programs such as those offered by Habitat for Humanity or Housing Assistance Corporation.	COB, Habitat for Humanity, BTHC, HAC	Year 1
H-2 Action Item: Solicit support from local faith groups to assist with home repair programs as part of their church outreach or mission.	BTHC	Year 1-2
H-3 Action Item: Hold an Aging-in-Place summit.	COB, AFTF, AARP	Year 1
H-4 Action Item: City of Brevard begin implementing and funding programs detailed in the COB Housing Handbook.	COB	Year 1 & ongoing
H-5 Action Item: Local and Regional Governments, Chamber of Commerce and nonprofits (including NC AARP Housing Champions committee) collaborate to advocate for changes at the state level authorizing greater flexibility in use of local government funds for housing needs.	COB, TC, Land of Sky, Chamber of Commerce AARP	Year 2
H-6 Action Item: Emphasize need for Age-friendly/universal design concepts to be followed when repairs are made and in new construction, e.g., wider doorways, handrails on both sides of stairways. Ensure contractors are aware of this.	Habitat for Humanity, HAC, COB, TC	Ongoing
H-7 Action Item: Support/collaborate with Brevard/Transylvania County Housing Coalition to better educate the public about the need for housing, especially senior housing.	COB, BTHC, Non-profits	Year 1
H-8 Action Item: Explore grant opportunities and collaborate with TC and non-profits on grant applications	COB, TC, BTHC	Year 1-5

H-9 Action Item: Explore the possibility of COB owned land on Cashiers Valley Road being used for affordable housing.	COB, HAC	Year 1-2
H-10 Action Item: Facilitate discussions with regional developers who build/operate housing for older adults to encourage their expansion into TC.	COB, TC,	Year 2-3
H-11 Action Item: Look for partnership opportunities with County Commissioners after County Housing Study released	COB, TC	Year 2
H-12 Action Item: Facilitate discussions with local contractors and subcontractors about the importance of affordable housing and the potential for collaboration with existing nonprofits.	BTHC, COB	Year 1



Transportation

Goals:

- 1) Ensure that Brevard has a transportation system which supports age friendly travel (adequate parking, public transportation system, safe streets).**
- 2) Expand mobility choices throughout Brevard to include walking, biking, & public transit.**

What Community Input Showed

Most older adults in the City of Brevard drive themselves or walk to places they want/need to go. There was a high level of discontent with the existing public transportation system within Transylvania County as well as with the difficulty parking in downtown Brevard. Respondents pointed out that there is no public transportation between Brevard/Transylvania County and adjoining counties and no public transportation to the airport.

Respondents were concerned about safety issues, especially speeding, timing of lights and safety at crosswalks.

Respondents felt that transportation issues were directly impacting their ability to take advantage of facilities, attend events and this impacts on the overall quality of life.

Current Age Friendly Practices

- Transylvania County runs a variety of transportation programs for Transylvania residents called *Transylvania in Motion*. These include General Public Transportation, Demand Response, Paratransit, Fixed Route and Medical Transportation.
- Residents age 65+ are eligible for free medical transportation to doctor's appointments under the Silver Squirrel Voucher program.
- Residents age 60+ are eligible for transportation to Nutrition sites located at the Quebec Community Center or Silvermont.
- Transylvania County runs a fixed route van service hourly between 7am and 4pm Monday to Friday. One route is centered on the City of Brevard making twenty-

two stops at key locations. Passengers pay \$1 per ride or may purchase a monthly pass for \$30.

- The City of Brevard installed a series of speed cushions as a traffic calming measure on Probart Street in Fall 2024. The City of Brevard also installed bumpouts on the key intersection of Main and Broad Street, reducing the distance pedestrians must cover when crossing this major intersection.
- The City of Brevard has a Public Safety Committee chaired by two city council members. This committee hears complaints from citizens regarding road safety issues and then researches and recommends the implementation of safety measures to the full council.

Future Plans that Support Age-Friendly Practices

- The Downtown Master Plan Committee has recommended that the city conduct a parking study in FY2025/26.
- The City of Brevard has a review underway to identify improved safety enhancements for existing and planned trails within the city.
- Transylvania in Motion will conduct a survey of the public in FY25 regarding transportation service and routing improvements.
- In response to survey results, Transylvania in Motion will implement new routing for its fixed route service in FY26 to more efficiently and effectively serve its riders.
- Transylvania in Motion will work with the City of Brevard and Town of Rosman to provide multi-modal transfer stations and transit facilities in strategic locations to align with Transit Oriented Development principles.

Proposed Action Item	Potential Partners	Estimated Timeframe
T-1 Action Item: Increase public awareness of all TC Public Transportation options.	TC AFTF	Year 2
T-2 Action item: Increase awareness and usage of the fixed route van service.	TC AFTF	Year 1
T-3 Action Item: Expand days and hours of operation of fixed route van service	TC	Year 2

T-4 Action Item: Improve visibility/usability of fixed van route with installation of signage and covered shelters.	TC COB	Year 2-3
T-5 Action Item: Evaluate the efficiency/effectiveness of the Fixed Route vans to ensure they align with areas where older residents live.	TC	Year 1
T-6 Action Item: Align the Fixed Route van route to connect with pedestrian and parking network.	TC, COB	Year 3-4
T-7 Action item: Rejoin/participate in Vision Zero program	COB	Year 2 then ongoing
T-8 Action Item: Continue to build multi-modal connections throughout the City such as the Estatoe Trail, and sidewalk extensions as delineated in COB Bike/Pedestrian Plan	COB	Year 2-5
T-9 Action Item: Work with TC to identify location and obtain grant funding for a multi-modal transit center.	COB, TC	Year 4-5
T-10 Action Item: Provide safe driver training for older adult drivers, including potentially reduced insurance premiums after taking a safety class with AARP	AFTF AARP	Year 2
T-11 Action Item: Conduct a parking study to review downtown parking options and needs. Ensure age friendly needs are part of the study.	COB	Year 1-2
T-12 Action Item: Increase traffic calming measures and a focus on car/pedestrian/bike relationships	COB	Year 2-3
T-13 Action Item: Actively try to recruit a commercial ride service company (such as UBER or LYFT) to operate in Brevard.	Chamber of Commerce, TEA	Year 2



Outdoor Spaces

Goals:

- 1) Improve the safety, availability, and accessibility of existing outdoor spaces so that all ages can enjoy and utilize these amenities.**
- 2) Enhance the walkability of City of Brevard for all ages and abilities.**

What Community Input Showed

Older adults want to live an active lifestyle. To do this they need spaces and facilities that are designed to safely support all ages. Trip hazards on sidewalks were a major concern. Lack of connecting sidewalks hampers the ability to walk instead of drive to places. Existing parks have few amenities geared toward older adults.

Current Age Friendly Practices

- The Heart of Brevard (HOB) conducts an annual assessment of the overall conditions of the downtown area which includes walkability, safety, and ADA compliance. These findings are provided annually to the city for action and correction.
- The City of Brevard allocated an additional \$30K toward downtown sidewalk/street repair in FY24/25 budget.
- City of Brevard has been a Tree City USA program member for 45 years.

Future Plans that Support Age-Friendly Practices

- Completion of the Ecusta Trail which will provide multi-modal access between Brevard and Hendersonville
- Completion of Estatoe Trail, or the internal citywide greenway, which will provide multi-modal access between key areas of Brevard (schools, stores, hospital & medical offices, residential areas, community centers)

Proposed Action Item	Potential Partners	Estimated Timeframe
O-1 Action Item: City of Brevard prioritize, fund and continue correcting the downtown safety issues documented in the annual HOB Walkability Study. Track progress and provide quarterly	City of Brevard, HOB	Year 1 and ongoing

updates to the public.		
O-2 Action Item: Work with HOB on annual downtown assessment to include walkability, safety, ADA compliance and accessibility for all.	COB	Year 2-5
O-3 Action Item: Conduct an annual age friendly assessment of sidewalks and ADA accessibility across the entire City.	COB	annually
O-4 Action item: Include funding for maintenance/repair of safety issues at COB facilities (including sidewalks) in annual budget.	COB	annually
O-5 Action Item: Create map of easy to access entry points to our local trail system.	COB	Year 2
O-6 Action item: Partner with local groups to educate age 55+ residents about outdoor opportunities.	COB. local NP	annually
O-7 Action Item: Review current parks for existing and needed age friendly/intergenerational features.	COB	Year 1-2
O-8 Action Item: Include funding for age friendly enhancements in the City's Parks & Recreation annual budget.	COB	Year 2
O-9 Action Item: Ensure age friendly needs are part of all planning processes	COB	annually
O-10 Action Item: Create more public restroom options in the downtown area. Look at partnering with the Chamber of Commerce for restroom facility at their location.	COB	Year 3



Health Services and Community Supports

Goals:

- 1) Ensure that health care options are readily available to Brevard residents.**
- 2) Ensure healthy life choices are readily available.**

What Community Input Showed

Survey and listening session results showed an older community that is already extremely involved and active. They are concerned that there has been a reduction in medical services available locally and extremely concerned that there is no adult day care available within the county.

Current Age Friendly Practices

- The City of Brevard became a Blue Zone certified community in 2022.
- The City of Brevard began a 6-session pilot program, *Age Well Across the Life-Span*, August/Sept 2024 partnering with Blue Ridge Community College (BRCC) Community Health nursing class. Two successful sessions were held before the rest were derailed by Hurricane Helene.
- Based on a public health perspective, the City of Brevard sponsored 9 sessions of a hurricane recovery support group in conjunction with the BRCC nursing program.
- The City of Brevard worked with local non-profit SparkPoint to provide free individual counseling sessions with credentialed psychotherapists to help cope with Hurricane Helene emotional trauma.
- The Hunger Coalition, a local non-profit, provides healthy fresh food to low-income area residents especially in food desert sections of the county
- Non-profit Bread of Life serves free hot meal Monday-Friday. Available to all.
- There is an active Meals on Wheels Program that delivers meals to residents in Brevard.
- Transylvania County, in partnership with WNCSource, provides free lunches to residents 60+ Monday through Friday at the Silvermont Senior Center.

Future Plans that Support Age-Friendly Practices

- Pardee Hospital is planning to build a new medical center in downtown Brevard.

Proposed Action Item	Potential Partners	Estimated Timeframe
M-1 Action item: Better communicate and promote existing health and wellness services and events.	Council on Aging, Health Dept, AFTF, COB	Continuous
M-2 Action Item: Educate people to take charge of their health by engaging in healthy activities, eating better, staying active and involved.	COB, AFTF, SparkPoint	Year 2-3
M-3 Action Item: Communicate and raise visibility of need for adult care services in Transylvania County with potential providers.	Council on Aging	Year 1
M-4 Action Item: Work with HCA, Advent and Pardee to encourage additional primary care and medical specialists to be located in Brevard.	COB, Non-profits, AFTF	Year 2-3
M-5 Action item: Plan/conduct an educational Summit for Disaster Preparedness and Resilience, prior to the anniversary of Hurricane Helene.	Health Dept, EMS, AFTF	Year 1
M-6 Action Item: Hold another series of Age Well Across the Life Span sessions	COB, BRCC, AFTF	Year 1-2



Communication and Information

Goal:

- 1) Improve communication so that information about events, opportunities, and issues is available to all ages via multiple communication methods.**

What Community Input Showed

Survey and listening sessions showed that the local newspaper is the primary means of obtaining information followed by social media, friends and neighbors and faith organizations.

There was a concern that there was no central or coordinated location to find information about events.

Current Age Friendly Practices

- The local paper, *The Transylvania Times*, is published twice a week and includes information about local events and issues. However, *The Transylvania Times* no longer publishes a community calendar showing events happening on each day.
- Local radio station WSQL broadcasts public interest announcements daily.
- The City of Brevard has a communication alert system that residents can sign up for and receive alerts on various topics via email or text.
- Monthly in-person information sessions are held by the mayor in various locations around town.

Proposed Action Item	Potential Partners	Estimated Timeframe
C-1 Action Item: Conduct information sessions at College Walk and DeerLake and other areas with high density of older residents to educate and inform about the City's alert system.	COB, TC Library	Year 1
C-2 Action Item: Apply for grant funding to create a community calendar (both digital and paper) so that all events are listed in one place and easily reviewed.	Non-profit Through the Trees, SparkPoint AARP	Year 2

C-3 Action Item: Increase technology familiarity for older residents through senior oriented technology classes	Non-profit Through the Trees, BRCC, Silvermont Senior Center, LOS	Year 1-2
C-4 Action Item: Create an Age-Friendly Information Resource Guide on COB website	COB	Year 2



Appendix A: Survey Results

Survey Results may be viewed and downloaded on the City of Brevard website.

[Brevard Age Friendly Survey Results](#)

RESOLUTION NO. 2025-XX

RESOLUTION ADOPTING AGE FRIENDLY BREVARD ACTION PLAN 2025

WHEREAS, at its meeting on February 19, 2024 Brevard City Council adopted Resolution No. 2024-08 approving the City’s application for designation as an AARP Age-Friendly Community; and

WHEREAS, Resolution No. 2024-08 called for the establishment of a Community Leader and volunteer group to review the City’s plans through an age-specific lens and make recommendations on how to enhance them for the benefit of the area’s aging population; and

WHEREAS, the Age-Friendly Task Force has conducted the review of the City’s plans and completed a survey of residents over age 65; and

WHEREAS, the Age-Friendly Task Force has drafted an “Age Friendly Brevard Action Plan 2025” summarizing the results of its review and the survey results.

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

Section 1. the “Age Friendly Brevard Action Plan 2025” attached hereto and presented to City Council at its January 6, 2025 meeting is hereby adopted.

Section 2. This resolution shall be effective upon adoption.

Adopted and approved this the 6th day of January, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, January 6, 2025

Title: Non-Profit Funding Policy Amendments

Speaker: Dean Luebbe, Asst. City Manager/Finance Director
Wilson Hooper, City Manager

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

Approved by: Wilson Hooper, City Manager

Background

During last year's budget, Council indicated a desire to update the process for considering non-profit requests for funding.

Since that time, staff have held two/three discussions with the Finance, Human Resources, and Citizen Appointment Committee on an updated policy. At its October 28, 2024 meeting, the committee referred the updated policy (Attachment 1) to full Council.

Discussion

The purpose of the nonprofit funding policy is to ensure transparency, accountability, consistency, and adherence to best practices as well as establish eligibility criteria for nonprofits that wish to receive assistance from the City of Brevard

The policy officially codifies certain practices that the City has been doing informally, and adopts other best practices typically used by other municipalities and encouraged by the state.

- The policy recommends a cap on awards of no more than 1% of the previous year's General Fund budget
- Eligible nonprofits must meet the definition of nonprofit as defined by the IRS, be in good standing with the NC Secretary of State, and have been in operation for at least two years.
- The organization's programs/services must be available to all residents who meet eligibility requirements. Programs/services must comply with all federal/state statutes that protect against discrimination.
- Nonprofits must adhere to accountability standards as set by the City; nonprofits receiving awards must sign a contract with the City
- Any nonprofit that receives more than \$25,000 from the city must submit a financial audit at its own expense. Any receiving less than \$25,000 must submit financial statement approved by the organization's governing board.

The updated policy adds some new eligibility provisions, and criteria for graduating from nonprofit status to vendor status

- Educational institutions are not eligible for awards
- Organizations that receive funding for at least three consecutive years may be considered for vendor status through an evaluation process by staff. If it is determined that the program will not be eligible for vendor status, it remains eligible for non-profit funding.

Finally, the committee recommended a new review procedure:

- The committee will review all applications and make recommendations. The City Manager will present these recommendations in his/her recommended budget

Action

Council is asked to adopt the HR/F Committee's recommendation of the updated Nonprofit Funding Policy.

Attachments:

1. FY26 Non Profit Policy - City of Brevard proposed
2. Resolution Adopting City of Brevard Nonprofit Funding Policy

NONPROFIT FUNDING POLICY

1.0 Purpose

To set parameters and establish guidelines for the funding of nonprofit organizations by the City and to ensure transparency, accountability, consistency, and adherence to best practices. This policy also establishes eligibility criteria for nonprofit organizations and the required public process for consideration and allocation of funding by City Council.

2.0 Policy

- 2.1 The City of Brevard recognizes that nonprofit organizations serve a vital role in improving the quality of life for our community by delivering services to our citizens in a cost-effective manner through the use of partnerships.
- 2.2 The City is committed to providing financial assistance to those nonprofit agencies which assist the City in conducting its mission, and:
 - 2.2.1 Demonstrably contribute to meeting the City's community outreach and providing community benefit; and
 - 2.2.2 Support the delivery of needed services that the City does not provide or that can more effectively or efficiently deliver those services; or
 - 2.2.3 Provide programs or services that enhance a City function or service; or
 - 2.2.4 Address a documented need for the nonprofit organizations program or service.

3.0 Nonprofit Organization Eligibility Criteria

It shall be the policy of the City of Brevard to consider aiding nonprofit organizations meeting the criteria below.

- 3.1 Nonprofit organizations and their respective program(s) must meet the definition of a nonprofit as defined by the Internal Revenue Service.
- 3.2 Nonprofit organizations must be incorporated and must not have had their charter suspended by the North Carolina Secretary of State or have overdue federal, state, or local taxes.

NONPROFIT FUNDING POLICY

- 3.3 All agencies that apply for funding must have been in operation for at least two years prior to the application deadline. The City does not fund start-up agencies or educational institutions.
- 3.4 Eligible nonprofit organizations must have a governing board and submit a current board roster.
- 3.5 Organization program(s)/services(s) must be available to all City of Brevard and Transylvania County residents who meet the eligibility requirements of the organization/program. Program(s)/services offered by the organization must comply with all state and federal statutes related to protection from discriminatory actions.
- 3.6 Nonprofit organizations must provide a disclosure of any potential conflicts of interest.
- 3.7 Nonprofit organizations shall adhere to accountability standards set by the City Council and as required by law, including complying with all financial and performance measurement requirements and reporting, and terms of contracts and/or memorandum of understanding, including meeting all deadlines. Compliance with the standards is a criterion for funding. Funds will not be released until, and unless, all financial, performance, contract or memorandum terms, and deadlines are met.
- 3.8 A nonprofit organization must meet all eligibility requirements on its own and may not use a funding agent or other third-party arrangements to meet eligibility requirements.
- 3.9 Upon receiving funding for at least three (3) consecutive years, a program may be considered for vendor status through an evaluation process by staff. If it is determined that the program will not be recommended for vendor status, the program remains eligible to apply for funding through the non-City organization process.
- 3.10 The first year of funding after the program is in vendor status will be recommended at the level of funding equivalent to the last year of non-City organization funding and subject to approval by City Council.

NONPROFIT FUNDING POLICY

The partnering department will negotiate funding levels as part of the budget cycle in subsequent years.

4.0 Funding Application Procedure

- 4.1 All nonprofit funding requests must be evaluated, discussed, and funding awarded and/or appropriated by City Council in a public meeting, either as part of the annual budget deliberation and adoption process, or as an agenda item at a regular or special board meeting.
- 4.2 Funding requests must be made in writing. Nonprofit organizations must complete a nonprofit funding application and provide all required documentation by the advertised deadline.
 - 4.2.1 Nonprofit funding applications will be available on the City of Brevard website, and notices will be emailed to all previous year's applicants. Completed applications should be submitted to the Finance Department.
 - 4.2.2 Incomplete applications will not be considered for funding.
- 4.3 The Finance/Human Resources and Appointments Committee will review all applications and make nonprofit funding recommendations. The City Manager will present these recommendations annually in the Recommended Budget to City Council.
- 4.4 City Council will approve final funding for all nonprofit organizations.
 - 4.4.1 Applicants will be notified within one (1) week of budget adoption.
 - 4.4.2 As a general guideline, total nonprofit contributions should not exceed 1% of the General Fund adopted budget from the previous fiscal year, less debt-related expenditures. No single nonprofit organization shall receive over 25% of the total nonprofit contribution budgeted by the City.
- 4.5 An organization awarded funds must accept the funds by the completion of a contract agreement which must be signed by the organization director and City Manager (or designee). The contractual agreement and other contract requirements must be signed by the organization and received by the Finance Department no later than 30 days after the date the contract is received by the organization. Failure to comply with this date will result in funding awards being withdrawn.

- 4.5.1 No major changes can occur after contract signing, either in activities, financing, or use of funds, without requesting and receiving approval in writing from the City of Brevard.

5.0 Reporting and Monitoring

- 5.1 Relating to the organization's scope of services, all agencies approved for funding will be required to submit a programmatic mid-year report by January 15 and a year-end report by July 15.
 - 5.1.1 The report must indicate the extent to which City funds have been spent and goals and objectives are being achieved and/or have been achieved.
 - 5.1.2 If performance is not at the expected level, the organization must submit an explanation for the deviation and describe actions it will take to remedy the situation.
- 5.2 Annual Organization Financial Reporting
 - 5.2.1 Any nonprofit organization that receives \$25,000 or more of funding must submit a financial audit at its own expense. The audit must be conducted by a certified public accountant. Additional information may be requested if required to understand the financial statements of the organization.
 - 5.2.2 A nonprofit organization receiving less than \$25,000 must submit compiled financial statements that have been prepared by an accounting professional and approved by the organization's governing board. Additional information may be requested if required to understand the financial statements of the organization.
 - 5.2.3 Any related-party transactions must be identified, and a detailed explanation provided. A related-party transaction could include, but is not limited to, an arrangement between a key member of management, a close family member of key management staff, a parent or subsidiary company, or a member of the managing board.

RESOLUTION NO. 2025-XX

**A RESOLUTION ADOPTING THE CITY OF BREVARD
NONPROFIT FUNDING POLICY**

WHEREAS, the City of Brevard recognizes that nonprofit organizations serve a vital role in improving the quality of life for our community by delivering services to our citizens in a cost-effective manner through the use of partnerships; and

WHEREAS, the City of Brevard is committed to providing financial assistance to those nonprofit agencies which assist the City in conducting its mission; and

WHEREAS, it shall be the policy of the City of Brevard to set parameters and establish guidelines for the funding of nonprofit organizations to ensure transparency, accountability, consistency and adherence to best practices; and

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

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

Section 1. The City of Brevard Nonprofit Funding Policy attached hereto and presented to City Council at its January 6, 2025 meeting is hereby adopted.

Section 2. The City of Brevard Nonprofit Funding Policy shall become effective on January 6, 2025 .

Adopted and approved this the 6th day of January 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, January 6, 2025

Title: NCLM Municipal Advocacy Goals

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

The North Carolina League of Municipalities advocates on behalf of the state's municipalities at the state and federal levels each year. Prior to the North Carolina General Assembly's (NCGA) biennial session, NCLM convenes a committee of its membership - known as the Legislative Policy Committee (LPC)- to create a list of legislative goals. These goals form the foundation of NCLM's lobbying strategy.

Discussion

Once the LPC's work is completed, a list of proposed advocacy goals are sent to NCLM's full membership for vote (Attachment 1). Of the 16 proposed goals, each member organization may select their ten highest priority goals. The goals receiving the most votes from NCLM's member municipalities are typically approved by NCLM's board of directors and placed on NCLM's legislative agenda.

In consultation with Mayor Copelof, staff recommends that City Council adopt the following as Brevard's preferred goals:

1. Expand funding opportunities for disaster resiliency and recovery efforts
2. Establish long-term funding streams that adequately address water, sewer, stormwater, transportation and other infrastructure needs
3. Expand state transportation funding streams for construction and maintenance of municipal and state-owned secondary roads
4. Expand incentives and funding for local economic development
5. Create incentives to encourage development of diverse housing options
6. Provide local revenue options beyond the property tax
7. Address the needs of a changing municipal workforce through state assistance that supports employee retention, including training and recruitment
8. Update the annexation petition thresholds to make voluntary annexation easier to initiate
9. Preserve authority for extraterritorial jurisdiction to ensure growth is well-planned and investments by homeowners and businesses are protected
10. Protect the ability of municipal elected officials, acting on behalf of local voters, to determine election formats, districts and other election matters currently under their purview

Action

Adopt a resolution identifying Brevard's top ten legislative goals from NCLM's proposed list and designating Mayor Copelof as Brevard's delegate for the purposes of casting the City's vote.

Attachments:

1. NCLM Proposed Legislative Goals 121724
2. NCLM Leg. Priorities Resolution

LEGISLATIVE GOAL STATEMENTS

RECOMMENDED BY THE NCLM BOARD OF DIRECTORS

The following goal statements are NOT listed in any priority order.

- **Expand funding opportunities for disaster resiliency and recovery efforts.**
 - North Carolina has faced a number of damaging natural disasters in recent years, including the unprecedented storm that devastated western North Carolina in the fall of 2024.
 - To fully recover from these natural disasters requires a broad approach that focuses on infrastructure, housing and economic losses.
 - Federal assistance and private insurance will not be enough to address these ongoing, critical needs or mitigate damage when future disasters hit.
- **Establish long-term funding streams that adequately address water, sewer, stormwater, transportation and other infrastructure needs.**
 - Infrastructure – including roads, water, sewer, stormwater, parks and beaches – are critical to economic development and job creation.
 - Many cities in the state are growing, creating a constant need for investment to keep pace with population growth; many cities and towns also have aging infrastructure that must be replaced.
 - Creating long-term and more permanent funding streams for infrastructure will ensure adequate investments so that North Carolina thrives now and into the future.
- **Expand state transportation funding streams for construction and maintenance of municipal and state-owned secondary roads.**
 - Current Powell Bill and other state funding is not adequate to address transportation needs, particularly as they affect municipal and state-owned secondary roads.
 - In many cities and towns, major commuting corridors are not receiving the level of investment needed to keep pace with traffic.
 - More investment is needed for these roads if existing residents are to embrace business and residential growth



- **Increase funds to remediate contamination in local water supplies.**
 - Local municipal water systems and their ratepayers increasingly are footing the costs of cleaning up PFAS and other “forever” chemicals from drinking water supplies.
 - As more regulations are set at the state and federal level to limit these chemicals in water supplies, costs will escalate.
 - Cities primary recourse to try to recoup the cost for utility ratepayers is through the courts.
- **Expand incentives and funding for local economic development.**
 - Funding is simply inadequate in many cities and towns to encourage job growth.
 - State grants and incentives are often targeted in ways that fail to assist the areas in greatest need of job creation.
 - Maintaining or expanding funding for film tax credits, major industrial site development, downtown development and renewable energy tax credits helps cities and towns across the state.
- **Create incentives to encourage the development of diverse housing options.**
 - Housing affordability continues to be a significant problem across many areas of North Carolina, affecting people of different income levels.
 - The lack of affordable housing acts as a major impediment to business and workforce recruitment.
 - State incentives to encourage the construction of housing for people of various income levels are extremely limited.
- **Provide resources to rehabilitate or purchase blighted properties.**
 - In many cities and towns, blighted properties act as an impediment to economic and business growth.
 - Cities and towns have limited means to address these properties, particularly in more rural, smaller communities.
 - Rehabilitating blighted properties can help address North Carolina’s housing needs.

- **Create incentives that encourage and adequately fund regionalized water and sewer solutions.**
 - A number of municipal water and sewer systems continue to financially struggle with deferred maintenance needs.
 - These challenges came about largely due to population and job losses in rural areas, leading to an erosion of taxpayer and ratepayer bases.
 - While legislators and municipalities have begun to address these issues with the creation of the Viable Utility Reserve and the use of ARPA funding, state estimates show needs still exceed expenditures by several billion dollars.
- **Reduce regulatory conflicts between state agencies that discourage voluntary consolidation, merger and interconnection of municipal utility systems.**
 - Municipalities have contractually obtained older, smaller utility systems of other municipalities and private enterprises in order to provide better and more efficient services to residents and businesses.
 - Older laws and regulations impose penalties on mid-size and large municipalities due to state agencies requiring them to pay for relocation of utilities when those penalties would have been reduced or eliminated for the smaller entities they were purchased from.
 - The State should work to reduce and eliminate these conflicts which have the effect of discouraging voluntary consolidation, merger and interconnection of municipal utility systems.
- **Create an orphan road program whereby the state improves those roads to N.C. Department of Transportation standards before municipalities assume maintenance responsibilities.**
 - So-called orphan roads are typically created when a street in a subdivision is not built to state or municipal standards, and the developer walks away without an agreement for maintenance.
 - The abandoned road can leave homeowners on the hook for the cost of maintenance.
 - For cities and towns, these abandoned roads can serve as a deterrent to voluntary annexation agreements even as the residents seek municipal services.

- **Provide local revenue options beyond the property tax.**
 - Roughly 40 percent of municipal general fund revenue is generated by local property taxes.
 - Cities have little to no authority to raise significant revenue in other ways.
 - A lack of diverse, local tax options can affect economic growth, as well as cause large swings in revenue based on economic changes.
- **Support technical assistance programs to assist municipalities with securing or maintaining grants or other necessary municipal resources.**
 - Many municipalities do not have the resources to seek or administer grants, even as that source of funding could help meet the needs of residents.
 - State, federal and other grant funding offers a significant opportunity for cities and towns to improve infrastructure or enhance services.
 - Providing technical assistance to these municipalities can provide them with access to grant funding, providing resources not otherwise available to them.
- **Address the needs of a changing municipal workforce through state assistance that supports employee retention, including training and recruitment.**
 - Municipalities across the state are facing staffing issues as current workers age and retire.
 - Training and retention resources are limited and competing with wages offered in the private sector can be difficult.
 - The use of training and recruitment tools across state and local government boundaries can improve public sector workforce availability.
- **Update the annexation petition thresholds to make voluntary annexations easier to initiate.**
 - Voluntary annexation by petition currently requires 100 percent consent from all property owners, a threshold that can be impossible to meet even if a majority of property owners can benefit by utilizing their property for business or residential purposes.
 - Lowering the threshold from 100 percent represents a middle ground that would still reflect the will of property owners but not handicap communities' ability to economically thrive.
 - The ability of a city or town to grow and reflect its urban footprint is vital to its financial health; city services are relied on by residents whether they live in or near municipal boundaries.

- **Preserve authority for extraterritorial jurisdiction to ensure that growth is well-planned and investments by homeowners and business owners are protected.**
 - A community's land-use planning tools, including ETJ, are vital as infrastructure investments are made that pave the way for economic growth.
 - Protecting homes and businesses from incompatible uses continues to be an important feature of ETJs. As of 2022, at least 14 counties in North Carolina had no zoning restrictions, with several others being only partially zoned.
 - Protecting neighborhoods from incompatible uses ultimately protects the value of residents' homes and property.

- **Protect the ability of municipal elected officials, acting on behalf of local voters, to determine election formats, districts and other election matters currently under their purview.**
 - Locally-elected municipal officials are best positioned to understand the wishes of local voters and how those should be applied to local election matters.
 - In many areas, residents prefer to avoid political polarization when it comes to the practical tasks of municipal government.
 - Locally-elected municipal officials are in their communities every day and accessible to voters.

RESOLUTION NO. 2025-XX

**A RESOLUTION ENUMERATING THE CITY OF BREVARD'S PREFERRED LEGISLATIVE PRIORITIES
FOR THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES (NCLM)**

WHEREAS, the biennial "long-session" of the North Carolina General Assembly is scheduled to convene in January 2025; and

WHEREAS, during the "long-session" the North Carolina General Assembly develops the state's biennial budget, and considers new legislation; and

WHEREAS, in North Carolina, the General Assembly endows municipalities with their powers; and

WHEREAS, in North Carolina, the General Assembly may grant state funding to municipalities to fund projects of local concern; and

WHEREAS, for those reasons and others it is in municipalities' best interest to maintain positive working relationships with their legislators and make clear their needs; and

WHEREAS, on January 6, 2025 the Brevard City Council discussed in open session a list of legislative priorities that they ask the North Carolina League of Municipalities to lobby for on their behalf.

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

The City of Brevard identifies the following ten items as its chosen priorities for NCLM's legislative advocacy during the 2025 General Assembly;

- Expand funding opportunities for disaster resiliency and recovery efforts
- Establish long-term funding streams that adequately address water, sewer, stormwater, transportation and other infrastructure needs
- Expand state transportation funding streams for construction and maintenance of municipal and state-owned secondary roads
- Expand incentives and funding for local economic development
- Create incentives to encourage development of diverse housing options
- Provide local revenue options beyond the property tax
- Address the needs of a changing municipal workforce through state assistance that supports employee retention, including training and recruitment
- Update the annexation petition thresholds to make voluntary annexation easier to initiate
- Preserve authority for extraterritorial jurisdiction to ensure growth is well-planned and investments by homeowners and businesses are protected
- Protect the ability of municipal elected officials, acting on behalf of local voters, to determine election format, districts and other election matter currently under their purview

That Mayor Maureen Copelof is designated as Brevard's voting delegate for the purposes of recording the city's ten priority goals with NCLM.

Approved and adopted this ___ day of _____, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

STAFF REPORT

City Council, Monday, January 6, 2025

Title: City of Brevard Legislative Requests

Speaker: Wilson Hooper, City Manager
Mack McKellar, City Attorney

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

The North Carolina General Assembly (NCGA) is set to convene its biennial "Long Session" in January 2025. While it's unlikely any notable legislation will be debated until spring, in previous years Brevard's local legislators have asked that the City submit its legislative requests as soon as possible in January.

Discussion

Brevard's 2024 legislative requests are included as Attachment 1. However, in the past calendar year, the North Carolina League of Municipalities (NCLM's) advocacy staff have intimated that the legislative environment has evolved in a way that frowns upon long lists of requests, particularly for monetary earmarks. This was the recommendation prior to Hurricane Helene, and will most certainly remain the recommendation in the storm's aftermath.

Therefore, with one notable exception, staff have formulated a proposed legislative agenda based on themes rather than on specific requests. Staff's proposed themes are: housing, local control of planning/zoning, and storm recovery/resiliency.

The one specific request is Brevard's recurring request for financial assistance for its upcoming WWTP upgrade/replacement. The projected request remains \$52M, but staff suspect that by the time Brevard's 2026 legislative request is due Brevard will have a more scientific estimate as to the cost of the project.

Action

Council is asked to adopt a resolution memorializing their endorsement of the proposed legislative requests. A draft resolution with the proposed themes is attached. Council may add/edit the themes as they see fit.

Attachments:

1. DRAFT 2025 Legislative Requests
2. Draft Resolution 2025 CoB Legislative Requests



City of Brevard 2025 Legislative Requests

Direct Allocation Requests		
Project	Amount	Description
Brevard Wastewater Treatment Plan Replacement	\$52,000,000	The upgrade/replacement of the city's aging WWTP is Brevard's most critical infrastructure need to ensure economic competitiveness and environmental health. The city appreciates the \$13M allocated in the last Long Session budget. Though it was earmarked for general "water and wastewater infrastructure projects" the city intends to use it for its WWTP. So far \$352,000 has been encumbered for Preliminary Engineering, with more identified for actual engineering costs. Brevard requests additional consideration in future budgets for construction costs.

Policy Requests	
Housing	Brevard requests support for legislation that: • Permits public entities to financially support workforce housing serving beneficiaries having incomes up to 120% of AMI • Amends North Carolina's Low Income Housing Tax Credit (LIHTC) formula to make small, rural communities more competitive. • Names housing as an eligible "tourism-related" expense so that duly-chartered Tourism Development Authorities can use occupancy tax proceeds to support housing development. The lack of housing units affordable to tourism-industry workers is inhibiting the growth of the tourism sector in the area. • Names housing as an economic development tool, making housing eligible for funding/programs that support ED.
Local control of planning/zoning	Brevard requests support for legislation that: • Preserves its Extraterritorial Jurisdiction (ETJ). Brevard's irregular corporate boundaries mean that built-up areas exist in unincorporated areas immediately adjacent to incorporated ones. ETJ gives Brevard the ability to ensure that incompatible land uses are not placed next to each other, and that property values, health, and safety are protected. • Replaces or amends previous legislation that limits local governments' authority to initiate, implement, and enforce

	zoning changes and make decision about land use within their jurisdiction as long as they do not conflict with state or federal laws. • Maintains local control over planning/zoning decisions where local conditions are better understood and local voices can be considered. Over the last two years Brevard has exercised great regulatory sensitivity when it comes to land use regulation. The city removed outdated zoning restrictions and adopted a future land use map informed by public engagement.
Storm recovery/resiliency	Brevard requests support for legislation that: • Provides grants to business and individuals to help recover from storm-related loss. • Supplements Federal programs like Hazard Mitigation Grant Program with State dollars. • Provides local governments with authority to flexibly apply their local regulations to support recover.

RESOLUTION NO. 2025-XX

**A RESOLUTION IDENTIFYING THE CITY OF BREVARD’S REQUESTS FOR
THE 2025 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

WHEREAS, the biennial “long-session” of the North Carolina General Assembly is scheduled to convene in January 2025; and

WHEREAS, during the “long-session” the North Carolina General Assembly develops the state’s biennial budget, and considers new legislation; and

WHEREAS, in North Carolina, the General Assembly endows municipalities with their powers; and

WHEREAS, in North Carolina, the General Assembly may grant state funding to municipalities to fund projects of local concerns; and

WHEREAS, for those reasons and others it is in municipalities best interest to maintain positive working relationships with their legislators and make clear their needs; and

WHEREAS, on January 6, 2025 the Brevard City Council discussed in open session a list of legislative requests that they feel will enable them to better serve the people of Brevard and Transylvania County

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

- 1) The “City of Brevard’s 2025 Legislative Request” document, incorporated by reference, is hereby respectfully submitted to the North Carolina General Assembly for their consideration; and
- 2) The City Manager is instructed to submit, in a form acceptable to its recipients, its contents to Rep. Mike Clampitt (NC-119), Sen. Kevin Corbin (NC-50), and other appropriate parties.

Approved and adopted this 6th day of January, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, January 6, 2025

Title: Amendments to 2025 City Council Meeting Schedule -
Reschedule Budget Workshop and April Regular Meeting

Speaker: Wilson Hooper

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Background

City Council adopted its 2025 Meeting Schedule on December 2, 2024, which included Regular Meetings on the first and third Mondays of each month, a Priority Setting Retreat in March, and a Budget Workshop in April. Council may amend its meeting schedule at any time to accommodate holidays and other conflicts when necessary.

Discussion

Due to potential conflict with Transylvania County Schools' Spring Break, Staff recommends the following revisions to the 2025 Meeting Schedule:

1. Reschedule the Budget Workshop to Friday, April 11, 2025
2. Add a Regular Meeting on Monday, April 21, 2025

Action

If so desired by Council, adopt the proposed amendments to the City Council Meeting Schedule.

Attachments:

1. 2025 Draft Amended Council Meeting Schedule

Brevard City Council 2025 Meeting Schedule

Day / Date	Time	Type	Location
Monday, January 6, 2025	5:30 PM	Regular Meeting	Council Chambers
Tuesday, January 21, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, February 3, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, February 17, 2025	5:30 PM	Regular Meeting	Council Chambers
Friday, March 7, 2025	8:30 AM	Priority Setting Retreat	Mary C. Jenkins Community Center
Monday March 17	5:30 PM	Regular Meeting	Council Chambers
Monday, April 7, 2025	5:30 PM	Regular Meeting	Council Chambers
Thursday, April 17, 2025 Friday, April 11, 2025	8:30 AM	Budget Workshop	TBD
Monday, April 21	5:30 PM	Regular Meeting	Council Chambers
Monday, May 5, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, May 19, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, June 2, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, June 16, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, July 21, 2025 (If Needed)	5:30 PM	Regular Meeting	Council Chambers
Monday, August 4, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, August 18, 2025	5:30 PM	Regular Meeting	Council Chambers
Tuesday, September 2, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, September 15, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, October 6, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, October 20, 2025	5:30PM	Regular Meeting	Council Chambers
Monday, November 3, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, November 17, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, December 1, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, December 15, 2025 (If Needed)	5:30 PM	Regular Meeting	Council Chambers

Amended: January 6, 2025
 Adopted: December 2, 2024
 Distribution: December 3, 2024
 D Hodsdon, City Clerk