



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, February 17, 2025 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Father Shawn O'Neal, Sacred Heart Catholic Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. February 3, 2025 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

I. Special Presentation(s)

1. Priority Setting Retreat Prologue

J. Public Hearing(s)

K. Consent and Information

1. Tax Settlement Report - January, 2025
2. 2024 Unpaid Taxes and Authorization to Advertise and Begin Enforced Collection Remedies
3. Amendment to Fee Schedule - Removal of Sidewalk Usage Fees
4. Eastabrook Avenue Survey "Mini-Brooks" Act Exemption
5. Council Public Works & Utilities Committee Minutes-January 9, 2025

L. Unfinished Business

M. New Business

1. Fairhaven Meadows Contribution
2. Times Arcade Alley Change Orders and Funding Gap
3. City Hall Building Envelope Inspection Designer Approval

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

Agenda Posted, Website, Sunshine List (February 13, 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
February 3, 2025 – 5:30 PM**

The Brevard City Council met in regular session on Monday, February 3, 2025, 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

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, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, Water Treatment Plant ORC Dennis Richardson, Community Center Director Tyree Griffin, Police Captain Aaron Thompson, and Police Department Evidence Collection Technician Eden Hinds

Press – Dave Bradley, Transylvania Times.

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

B. Invocation – Rev. Keith Thompson of Brevard-Davidson River Presbyterian 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 – Mayor Copelof requested to add an item regarding a statement from Council concerning immigration as Item M-1 under New Business. Ms. Holder moved, seconded by Mr. Morrow to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. January 21, 2025 Regular Meeting – Mr. Wise moved, seconded by Mr. Morrow to approve the minutes of the January 21, 2025 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Josh Fisher of 402 Greenville Hwy said you guys are still not doing your jobs. We're still not having crossing guards out there. At 7:58 this morning two kids crossed the street and the crossing guard being paid by the city is sitting in their car. If you guys can't do it and the Chief of Police can't do it, who is going to do this? Tomorrow morning I will be out there myself helping cross the children. I saw today that you were going to talk about the evidence room audit and I want to read something from best practices and industry standards: Having police departments audit their own evidence rooms presents a conflict of interest and a potential for corruption and mismanagement, where errors can go unchecked. While internal audits can be useful for routine checks, they should be supplemented with independent oversight. External audits by third party agencies, civilian review boards, or internal affairs divisions from a different jurisdiction would help ensure accountability, transparency and public trust. Without independent verification there is a risk of evidence tampering, lost evidence or

mishandling going unnoticed or recorded. So, I'm going to congratulate everyone in this room; your internal audit...good job. I don't know what else we have to do to get you guys to open your eyes and realize what's going on. This started with the crossing guard issue, and once I started that and started talking to citizens in the city, it is a lot worse. You guys don't realize it because you only talk to people you want to talk to. If you went out and talked to a lot more people in the city you would see it is about public trust. Mr. Baker, I still respect you a lot and believe you listen, and same thing with Ms. Holder. For the ones that don't want to do anything, the last thing I will say is that Mark Twain once said that diapers are like politicians and should be changed out very often.

H. Certificates/Awards/Recognition

H-1. Proclamation No. 2025-03 Career and Technical Education Month – Mayor Copelof read the proclamation aloud and presented it to Brevard High School CTE Director Kerry Putnam, Brevard High School Teacher Laura Smith, and Brevard High School DECA Officers McKinley Newton, Zia Brown and Ayanna Carter.

Proclamation No. 2025-03 Career and Technical Education Month

WHEREAS, the month of February is designated Career and Technical Education (CTE) Month® by the Association for Career and Technical Education; and

WHEREAS, CTE offers students the opportunity to gain the academic, technical and employability skills necessary for true career readiness; and

WHEREAS, students in CTE programs participate in authentic, meaningful experiences that improve the quality of their education and increase their engagement and achievement; and

WHEREAS, CTE provides students with career exploration opportunities early in their educational experience, which enables them to make informed and beneficial decisions about their academic coursework and pursue established programs of study and career pathways; and

WHEREAS, leaders from business and industry nationwide report increasing challenges related to addressing the skills gap and connecting qualified professionals with careers in critical and growing CTE-related fields; and

WHEREAS, CTE programs in Transylvania County provide hands-on learning experiences in fields such as business, hospitality, technology, and skilled trades, preparing students for both college and career pathways and leading to the attainment of industry-recognized credentials; and

WHEREAS, CTE programs ensure that employers have access to a qualified and thriving workforce, ensuring our nation is a strong and competitive economy.

NOW, THEREFORE, I, Maureen Copelof, Mayor of Brevard, do hereby proclaim February 1-28, 2025 as Career and Technical Education Month in the City of Brevard, and urge all citizens to become familiar with the services and benefits offered by the CTE programs in our community and to support and participate in these programs to enhance their individual skills and productivity.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 3rd day of February, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

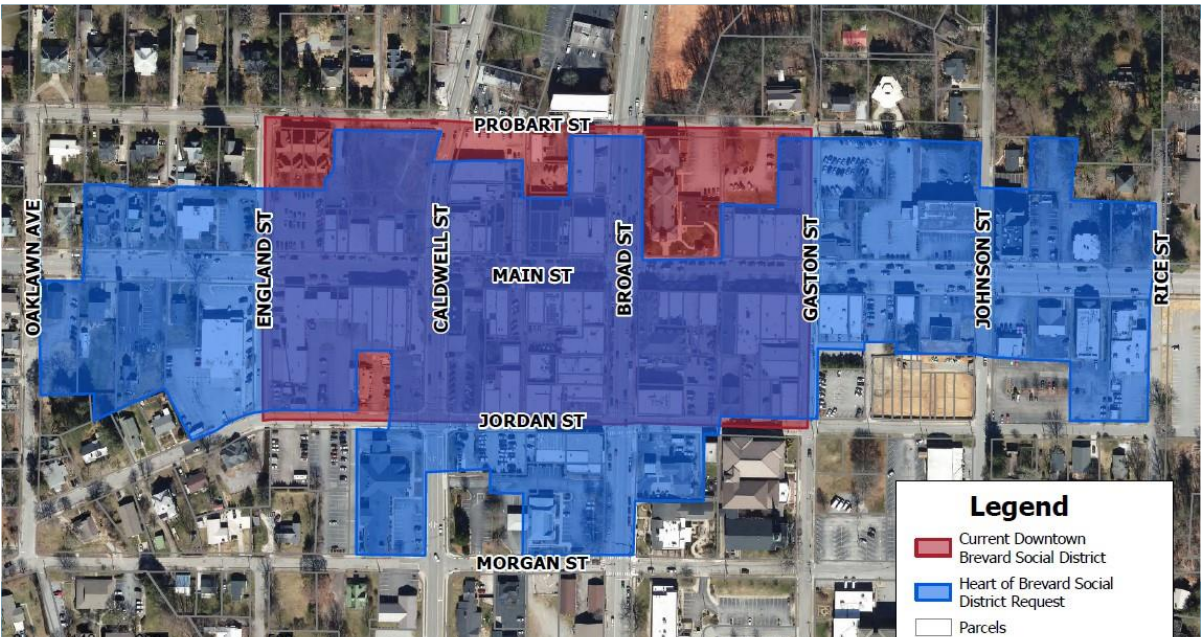
H-2. Presentation of AARP Certificate of Renewal as an Age-Friendly Community – Mayor Copelof and Age Friendly Task Force Coordinator Dr. Paula Hartman-Stein accepted the certificate from AARP Volunteers Kay Argroves and Sara Knapp.

I. Special Presentations

I-1. Evidence Room Audit Report – Police Chief Tom Jordan presented the results of the recently completed comprehensive evidence/property room audit. A copy of his presentation is attached, and a copy of the full audit report is on file. Chief Jordan added that once a new camera system is installed at the new location, the evidence room will be ready to be moved, and a third-party representative from the International Association of Property Evidence (IAPE) will be brought in to oversee the move.

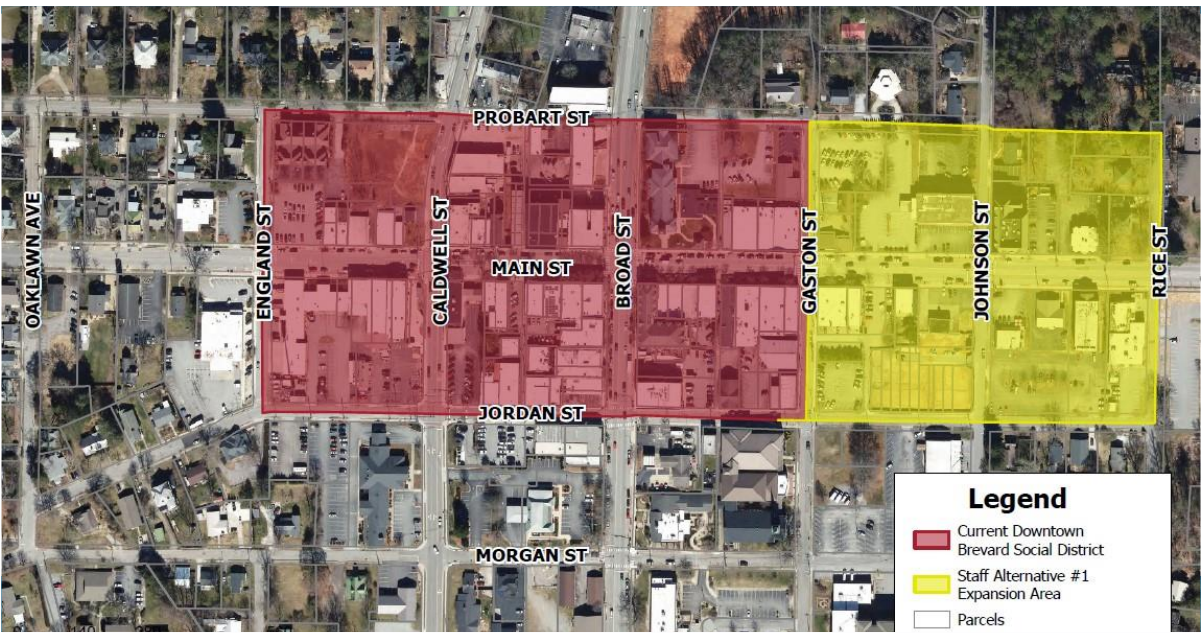
J. Public Hearing(s)

J-1. Proposed Amendment to City of Brevard Code of Ordinances Chapter 43-5(1) – Social District Expansion – Emily Brewer explained that after one year of operation, the social district has resulted in no significant challenges and Heart of Brevard (HOB) is requesting an extension of the social district boundaries to expand its benefits to more participants and better accommodate events. The rationale for the HOB requested expansion is to better align with the Municipal Service District / Heart of Brevard boundary; better align the social district boundaries with downtown festival boundaries; and to include additional ABC-permitted businesses that currently fall outside the boundaries. Specifically, HOB is requesting that the social district boundaries be amended to align with the full Municipal Service District / Heart of Brevard boundary, excluding the Transylvania County, First Baptist Church, and City Camper properties. This request would roughly bring the boundaries west to Oaklawn Ave, south to Morgan Street, and east to Rice Street.



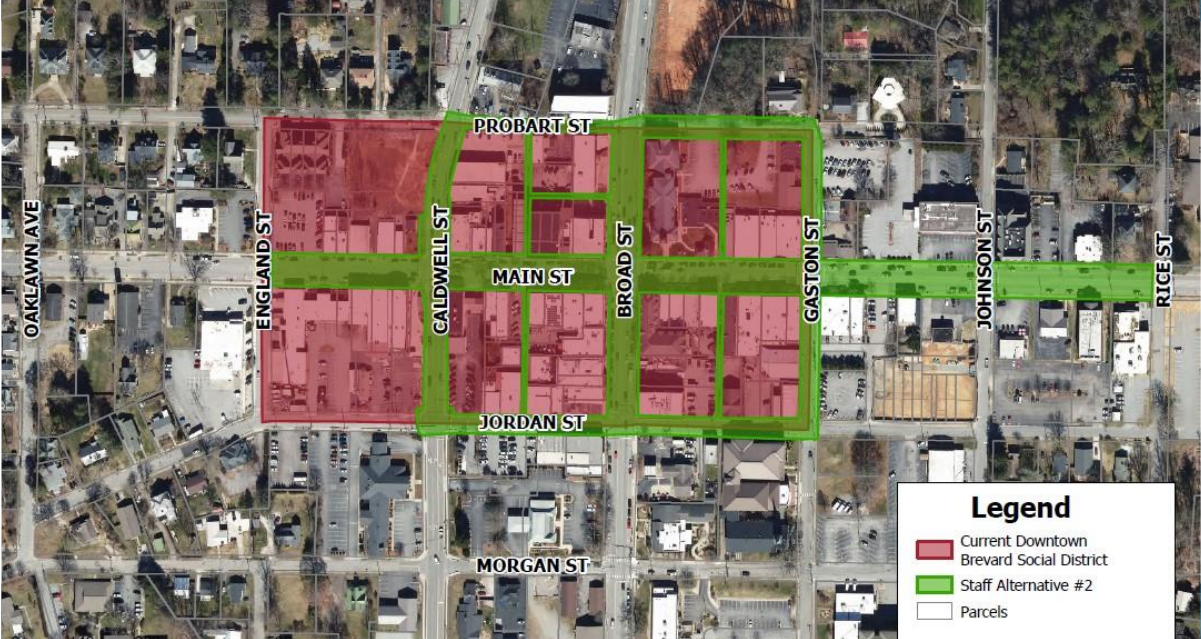
Staff has assessed the request and has offered two alternative scenarios for Council’s consideration:

- **Alternative #1** - Expand the Social District eastward along Main Street two blocks to Rice Street. This scenario would expand the district to more closely match festival footprints and accommodate the traditional stage / seating area for downtown festivals.



- **Alternative #2** - Amend the map to show the rights-of-way where the Social District is active instead of the area where businesses may opt-in and expand the

boundaries two blocks to Rice Street. In this scenario, the language of Chapter 43 would need to be amended to state that any business that abuts the social district would be allowed to participate. The benefits of this scenario would be that the social district boundaries would be able to extend to both sides of streets (i.e., Jordan Street) and align with the footprints of downtown festivals. However, this may be more challenging for businesses and patrons to understand.



Ms. Brewer noted that Heart of Brevard is requesting immediate action as there are a number of steps that must be taken following adoption, including updating the management and maintenance plan, re-registering the social district with the NC ABC Commission, newly-added businesses must secure permits, and new signage will need to be updated, ordered and installed. It is the hope of HOB that the amended social district can be in effect before White Squirrel Weekend in May.

At 6:24 p.m. Mr. Morrow moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation:

Russell Jackson said my wife and I own Territory Wine Market, currently located at 43 S. Broad Street. We are a current ABC permit holder and a current Social District permit holder. We are moving our business to 110 E. Main St., the old gas station property near where the festival stage is located. We are in support of expanding the boundaries for numerous reasons. One would be our personal business. We are making a significant investment in that space and the social district would allow us to sell drinks at that portion of the downtown district and hopefully increase our revenues. Outside of our business we think it could be beneficial for Brevard by creating a larger walkable area, downtown shopping area for tourists and locals alike, thereby creating more revenue for the city for tax base and more revenue for businesses along that corridor. Finally, right now where the new business will be located at 110 East Main is very close to where the stage sits for the festivals and if the boundary was not expanded I think there could be some confusion about where people can take a drink during a festival, and how do we police that during festival times if there are two different avenues for purchasing alcoholic beverage in that area. We would hope to see one of the options move forward.

Garbriel Garcia of Quixote at 43 S. Broad St. said we also are in favor of the expansion of the social district. We have seen a lot of people very happy with the social district; the fact that they can go into different businesses with their drink in their hands. Families that have been coming to town and they are able to split up while the wife goes shopping and the husband is going to a restaurant, or a wine bar, or wherever he wants to go, they can go around and they can see different businesses. This has been a great point I believe because we have gotten people with social district cups from

different businesses and we love the fact that it is interchangeable, and you can consume something different all the time. There are some businesses that were excluded from the boundaries at first because I believe it was more like a project to see if it would work or not. I have not personally heard or seen anything that has been bad as far as having the social district a part of the Heart of Brevard and largely, I believe we rely a lot into the money of tourists coming to town. We rely on that money and the income from festivals. We love our locals; they support us through the whole year and that is how we get through as well, but having the social district is a differentiation from other cities and is something that will attract people to come to Brevard. I believe that competition out there is far greater than we think because a lot of cities are doing a lot of things to receive tourists who bring people in and we can keep making progress to bring more tourism, bring more people to live here and make the town even greater. It will bring more businesses into the social district, more people participating, and my personal belief is you can try it on to see if it works, and if it doesn't we can always go back. This expansion is basically the private sector asking the public sector to be working together and making this work for everybody and making it even better.

Laura Hoeke, owner of Brevard Clay said it is our mission to craft connections, nurture creativity and enrich lives. We believe in fostering a welcoming vibrant space where creativity and community intercept. Expanding the social district will allow us and other businesses beyond the current six-block footprint to fully contribute to and benefit from the thriving downtown experience. Since its launch last year, the social district has encouraged foot traffic, supported local businesses, and enhanced major events like the White Squirrel Festival and Halloweenfest. These events bring people together supporting the economic and cultural vibrancy of our town. The proposed expansion will strengthen this momentum, seamlessly connecting the expanding area of the heart of downtown and inviting both locals and visitors to explore, engage, and support businesses like ours. For Brevard Clay this means more opportunities to invite bypassers into our space, whether they're browsing our gallery, participating in a workshop, or simply discovering the joy of handmade art. When people feel included in the downtown energy they are more likely to explore and stay and support the businesses that make Brevard unique. A larger more cohesive social district will eliminate logistical hurdles, reduce the strain on event organizers and law enforcement, and create a stronger sense of place where creativity, commerce and the community thrive together. By adopting this ordinance, you will not only support economic growth but also reinforce Brevard as a place where businesses like Brevard Clay can continue to enrich lives through art, connection, and shared experience.

Adam Perkins of 1113 N. Country Club Rd. said I'm here representing the Board of Directors for the Heart of Brevard. I currently sit as Vice President of the Executive Board, and I am here to give you our statement as a board in support of expanding the social district downtown. The Board of Directors wholeheartedly supports the expansion of the social district to the full MSD, excluding Transylvania County Courthouse and the First Baptist Church properties. In addition, we support the idea of taking the City Camper site out of the current social district until all of the construction and development has been completed on that property. Since its launch in February of last year, the social district has become a cornerstone in downtown Brevard fostering economic growth, enhancing community connections and significantly contributing to the success of our events such as White Squirrel Weekend and Halloweenfest. We estimate that the social district has generated roughly \$127,000 in direct beverage sales. Those numbers are based off roughly 19,500 social district stickers that we have distributed around town to businesses that are participating, as well as the proceeds that were generated during White Squirrel Weekend. This figure only reflects direct sales. It underscores additional benefits of increased foot traffic, tourism, and retail activity. Expanding the district will only amplify these aspects creating greater opportunities for local businesses, fostering long-term economic growth. Operationally this expansion is pretty essential for events that we are having downtown, such as White Squirrel Weekend, Halloweenfest, and other events. The current six-block footprint creates logistical challenges requiring additional permits and temporary boundaries for such events. These complexities place an unnecessary strain on the Police Department, who must dedicate other resources to managing these boundaries, as well as Heart of Brevard staff and our volunteers. A larger more-consistent district

would streamline event management, allowing staff to focus on enhanced event experiences, and freeing police resources to ensure more overall safety downtown during these events. Social district has become an integral part of Brevard's major events, encouraging attendees to explore beyond event boundaries and driving foot traffic throughout downtown. This expanded footprint will eliminate operational inefficiencies, create more inclusive opportunities for businesses to participate, and provide the flexibility to host larger-scale events that enhance community connections. By adopting this ordinance, the City of Brevard will solidify downtown as a vibrant hub for business, culture and tourism. Together we can build on the success of the pilot program and ensure Downtown Brevard continues to thrive as a destination where businesses succeed, events flourish, and community connections can continue to grow. Your commitment and partnership are vital to this revitalization of the vision that we have for the social district. We thank you for your continued support.

Jan Stevens of Quotations said I have been here for two years and one thing I can say about Brevard is it is the best community that I have ever lived in; welcoming, good people, and good community. I would like to support the social district because it will help our economy to grow, it will help my business, and it will help people to get together and hang out. That's the first main goal of Quotations; we want to create a space for people to come together, communicate, spend time together, and create a friendly community gathering. I think the social district would add more opportunity for people to come. People can stop at Quotations, walk all the way down to Wild Morel with one cup of drink. They don't have to offer or buy anymore. I'm the one that will drink one and done and I will be starting at Wild Morel with one cup and end up at Quotations with a Wild Morel cup. It creates opportunity for businesses to work together to create a friendly community for tourists, for locals, and for each other. I am here to support social district and me personally as a business owner. I agree that every business owner will follow the rules and make this work.

Dee Dee Perkins of D.D. Bullwinkel's said I am here to encourage you to support the expansion of the social district as it has been presented and asked from the Heart of Brevard. I think some of the Heart of Brevard folks here and some of you, as we were going through this process last February knew I had some reservations and reluctancies about the social district. I will say that now as a full participant and seeing how the social district has worked in the last few months, it is showing its true value to downtown and to the district as a whole, and to us as a business and to my neighboring businesses as well. We have seen responsible behaviors; we have seen increased foot traffic and positive impacts to our business revenues as a participant in the social district. I want to say that I think this expansion will extend those same experiences to our neighbors. One of the purposes I want to speak to about the social district is the gap that exists right now from downtown restaurants and shops to our stage areas during the festivals. That gap is a problem because it is not an enhancement to our visitors' experience when they have to come out, drop a cup, go into a certain staged area, buy another beverage, finish that beverage, or not finish it if they want to head down to other places. I do think that by expanding the district down West Main St. where we can include those businesses Wild Morel and The Bohemian, also businesses that are on the other side of the street on Jordan St. will encourage a walkable community. It will encourage people to be able to walk all the way from the music to those restaurants, or have a drink at the restaurant, leave there and walk down to the festival area. I think it is a great synergy; it is about visitors' experience when they arrive here; and for that communication to them to be happy and easy and not complicated. I think by having that expansion we will be able to address those complications. I know that D.D. Bullwinkel's, my neighbors, and other restaurants within our area are seeing the value. I think all the businesses within our district should be able to experience that same value. I hope that you will see the value and I encourage you to consider that expansion.

At 6:43 p.m. Ms. Holder moved, seconded by Mr. Daniel to close the public hearing. The motion carried unanimously.

During discussion, Council favored Staff Alternative #2, but Mr. Daniel and Mr. Baker recommended extending the district westerly on W. Main St. to Oaklawn Ave. Mr.

Baker moved, seconded by Mr. Daniel to adopt Staff Alternative #2 with the addition of West Main St. to Oaklawn Ave. The motion carried unanimously.

ORDINANCE NO. 2025-08
AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES
CHAPTER 43 – SOCIAL DISTRICTS AND
THE OFFICIAL DOWNTOWN BREVARD SOCIAL DISTRICT MAP

WHEREAS, the North Carolina General Assembly enacted legislation in 2021 allowing municipalities to designate social districts within their jurisdiction to allow alcoholic beverages sold by licensed premises to be consumed within the district, outside of the establishment where the beverage was purchased; and

WHEREAS, the City of Brevard and the Heart of Brevard worked together to propose a social district in downtown Brevard in accordance with North Carolina General Statutes 160A-205.4 and Chapter 18B; and,

WHEREAS, the City of Brevard adopted the Downtown Brevard Social District on August 21, 2023; and,

WHEREAS, the Heart of Brevard requested that the social district boundaries be amended to better correspond with the boundaries set for festivals and special events held in downtown; and,

WHEREAS, the City of Brevard and the Heart of Brevard believe that a social district is a valuable tool to increase economic activity and the vibrancy of downtown Brevard; and,

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

Building Brevard 2030 Comprehensive Land Use Plan

- ***Goal 7:** Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.*
- ***Economic Development, Infrastructure & Resiliency - 13:** Consider designation of one or more social districts to encourage the food and beverage cluster.*

and,

WHEREAS, a public hearing was conducted on Monday, February 3, 2025, 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 Code of Ordinances is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. The Official Downtown Brevard Social District map is hereby amended as depicted herein as Exhibit B which is attached hereto and incorporated herein by reference.

SECTION 03. Staff is hereby directed to amend the management and maintenance plan for the Downtown Brevard Social District that establishes policies and procedures for enforcement of this Ordinance. The amended management and maintenance plan and the social district boundaries map shall be posted on the City's website.

SECTION 04. Staff is hereby instructed to submit a detailed map of the amended Downtown Brevard Social District, the days and hours during which the Social District shall be in operation, and all other necessary documentation to the North Carolina Alcoholic Beverage Control Commission.

SECTION 05. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 06. 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.

Adopted and approved upon first reading this the 3rd day of February 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk
Approved as to Form: s/ 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. Wise moved, seconded by Ms. Holder to approve the consent agenda. The motion carried unanimously.

K-1. Property Tax Releases - January 2025

RESOLUTION 2025-10
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 January 2025 property values from the tax scroll in the amount of:

2025: \$ 86.40

Adopted and approved this the 3rd day of February 3, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

K-2. Finance Report for the Quarter Ending December 31, 2024

K-3. Budget Amendment 25-03 – Insurance Proceeds

ORDINANCE NO. 2025-05
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-03

SUBJECT: Budget Amendment for insurance proceeds from July 1, 2024 through December 31, 2024

AGENDA INFORMATION

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

BRIEF SUMMARY: The City has incurred a higher-than-normal dollar amount of insurable events in the first half of fiscal year 2025 and wishes to propose a budget amendment to increase expenditures and

K-5. Council Public Safety Committee Minutes – November 25, 2024

K-6. Council Public Works & Utilities Committee Minutes – December 5, 2024

K-7. Council Housing Committee Minutes – December 10, 2024

K-8. Council Downtown Master Plan Committee Minutes – December 11, 2024

K-9. Council Finance, Human Resources and Citizen Appointment Committee Minutes – December 16, 2024

K-10. Council Parks, Trails & Recreation Committee Minutes – December 18, 2024

K-11. Council Public Safety Committee Minutes – January 6, 2025

K-12. Correspondence *(No Action. Offered as information only.)*

K-12-a. ABC Board Minutes – December 5, 2024

~~ At 6:55 PM Mayor Copelof called for a ten-minute break ~~

L. Unfinished Business

L-1. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 12 and 19 - Signs – Aaron Bland recalled that Council held a public hearing on this staff-initiated text amendment on January 21st. During the public hearing and subsequent discussion by Council, the issue of putting a timeline on political signs was questioned. To help Council to consider the options for regulating temporary signs around an election, Staff did some research on what other municipalities do for that timeline. The specifics vary, but it is common for cities to establish a display window beginning 90, 60 or 30 days before early voting starts and ending 7-10 days after election day. For the record, Attorney McKeller clarified that this amendment is regarding regulation of all small temporary signs, regardless of content. Staff offered three options for Council's consideration:

- **OPTION #1 (Presented at Public Hearing)**
 - Planning Board/Staff recommended
 - Same as presented at the public hearing
 - 30 days before early voting to 10 days after Election Day for both private property and in ROWs
- **OPTION #2**
 - Represents no change in how temporary political signs are regulated.
 - Private property: 90 days before early voting to 10 days after Election Day (keep current standard, but with amended language)
 - In ROWs: 30 days before early voting to 10 days after Election Day (current practice, but add to UDO)
- **OPTION #3**
 - Timeframe shortened but not as much as Option 1.
 - Private property: 60 days before early voting to 10 days after Election Day
 - In ROWs: 30 days before early voting to 10 days after Election Day (current practice, but add to UDO)

Mr. Morrow moved, seconded by Mr. Wise to adopt Option #1. The motion carried unanimously.

ORDINANCE NO. 2025-07
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE:
CHAPTER 12 – SIGNS AND CHAPTER 19 – DEFINITIONS TO CLARIFY REQUIREMENTS AND
REGULATIONS FOR VARIOUS TYPES OF TEMPORARY AND PERMANENT SIGNS

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

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

Building Brevard Comprehensive Land Use Plan:

Goal 2: Encourage a development pattern that respects Brevard’s sense of place and prioritizes livable communities.

Goal 4: Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.

WHEREAS, a public hearing was conducted on Tuesday, January 21, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Unified Development Ordinance be amended as outlined below.

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

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

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

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

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

Adopted and approved this the 3rd day of February 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

Approved as to Form: s/ Mack McKeller, City Attorney

M. New Business

M-1. Proposed Statement from Brevard City Council re Immigration –

Mayor Copelof explained that this is the result of a number of individuals and organizations coming forward to express their concerns regarding immigration and what is going on. In particular a lot of our immigrant community here in town are expressing fear of going to school, the grocery stores, their churches and I have been asked repeatedly in the last week what is the city’s policy in terms of immigration enforcement. To try and clarify this I have worked with the City Manager and the Police Chief in terms of, not stating anything that is new; there is absolutely nothing in here that is a new policy; this is what we have been doing all along, but is putting it out so when people ask, we can have a consistent answer that says this is what the city does with law enforcement. We understand this is a dynamic and moving environment and things might change, federal law might change, and we might be forced to change our position. But today our position is that our law enforcement does not do immigration enforcement; that we do not act in terms of an individual’s status; we react to the actions, either they have broken a law, or they have not broken the law. One of the biggest concerns that I have heard from the community is that our immigrant population, a lot of our Latino population, are now afraid to call law enforcement if they needed help. We don’t ever want somebody in this community to be afraid to call for help and we want to assure them that when you call for help, we’re not going to ask if you are legally here or not. We’re just going to ask what happened and how can we help you? This is just a statement that we as a city would put out to try and reassure a portion of our community that today literally is terrified. This would give some

certainty that when our law enforcement people are out there, they don't have to have that fear.

Mr. Morrow moved, seconded by Mr. Daniel to accept the proposed statement from the Brevard City Council. The motion carried unanimously. A copy of the signed statement is on file in the City Clerk's office.

N. Remarks/Future Agenda Considerations.

Ms. Holder shared her thoughts about affirmative action, diversity, equity and inclusion, and critical race theory. She said the onus is now on us and treating each other as one race, and that's the human race, loving each other as one race. We don't need affirmative action, diversity, equity and inclusion, or critical race theory if we are treating one another well.

Mr. Wise thanked Pisgah Piper for ending this chaos of a winter. He asked everyone to remember that we have started Black History Month and noted that there is a lot going on in the community to celebrate. He mentioned that he was excited to see recognition of the CTE program on the agenda. He said it is such an important program and a fantastic opportunity for young people.

Mr. Hooper briefed Council on a couple of items that will be on the February 17th agenda. One of the items is regarding the Times Arcade Alley project and identifying funding sources to make up the gap created after the state refused to reimburse us for some expenses that we thought were eligible. The second item is a discussion about the City's possible contribution to the Fairhaven Meadows LMI housing project.

Mayor Copelof noted that today we talked about the fear that is growing in our community and said she is so proud to be part of this elected body that didn't hesitate to go forward to say that we support you and we will be there for each individual because that is what Brevard is all about. This town is about people; it is about community; it is about inclusion; and it is about diversity and being equitable to everybody. As Council has said, that is the foundation on which our city is built and that is the foundation that we will publicly stand behind.

O. Closed Session

O-1. Personnel and/or Employment: NCGS §143-318.11.(a)(3)(5)(6) – At 7:44 p.m. Ms. Holder moved, seconded by Mr. Morrow to go into closed session to discuss a personnel 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, Human Resources Director Kelley Craig, and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 7:56 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 7:56 p.m. Mr. Morrow moved, seconded by Ms. Holder, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: February 17, 2025



PROPERTY AND EVIDENCE ROOM AUDIT

February 3, 2024

Chief Tom Jordan

Eden Hinds, Ed.D., Evidence Specialist

Purpose and Objectives

In alignment with policy, a full evidence and property room audit must occur whenever the Chief and/or Evidence and Property Specialist change.

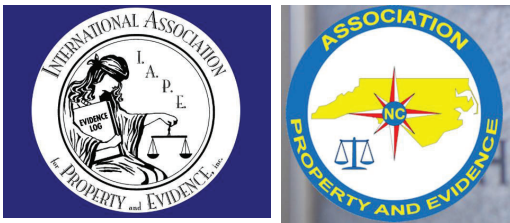
The Internal Association of Property Evidence 15.1 is conducted annually and limits the time frame for investigating missing items.

- 1. Verify proper documentation and chain of custody.
- 2. Assess inventory accuracy and management controls.
- 3. Follow industry best practices, which dictate that a full evidence and property room audit must occur annually.
- 4. Prepare for the upcoming evidence roommove to our new facility in 2025.

Compliance with North Carolina Ordinances and Statutes

The State of North Carolina has established several ordinances and statutes governing the management of police evidence and property through the following regulations:

- 1. **North Carolina General Statutes (NCGS) § 15-11:** This statute requires law enforcement agencies to maintain accurate records of property held as evidence and mandates regular audits to ensure proper management and disposition of such property.
- 2. **NCGS § 15-11.1:** This statute emphasizes the necessity for law enforcement agencies to have procedures in place for the inventory and destruction of evidence and property no longer needed for prosecution.
- 3. **Administrative Code:** The North Carolina Administrative Code outlines specific guidelines for the handling, storing, and disposing of evidence, reinforcing the importance of accountability and transparency in police operations.



- **ANNUAL AUDIT**
 - High-Risk Items:
 - Drugs – 10% of all drugs or 25 items
 - Guns – 10% of all guns or 25 items
 - Money – 10% of total money held or 25 items.
 - High value or sensitive items (as designated by the Agency) – 10% or 25 items, whichever is less
 - Remaining General Property and Evidence:
 - 20% of total remaining property and evidence or 50 items, whichever is less
- **CHANGE IN EVIDENCE CUSTODIAN/CEO AUDIT**
 - High-Risk Items:
 - Drugs – 75% of all drugs or 100 items
 - Guns – 75% of all guns or 100 items
 - Money – 75% of total money held or 100 items,
 - High value or sensitive items (as designated by the Agency) – 75% or 100 items
 - Remaining General Property and Evidence:
 - 40% of total remaining property and evidence or 100 items, whichever is less

We Chose to Audit the Entire Inventory.

Audit Overview

Barcoding System

Interviews

IAPE Evidence and Property Procedure Manual

Brevard Evidence and Property Handbook

Documentation, case files, dispositions, folders, and notes

Records

Workflows

Benchmarking with 6 other counties and cities

Matching inventory documents with disposition orders

Physical audit

Collected and matched crime lab submissions and returns

Sample Testing of each category

Data Analysis

LOCATION	GENERAL	NARCOTICS	CURRENCY	GUNS	PARAPHENILIA	LAB	DNA	COUNTERFEIT	Sum of Storage
LAB/Rob box	0	0	0	0	0	0	59	0	59
SA	8	0	0	0	0	0	3	0	11
Back Wall	8	0	0	0	0	0	2	0	10
Flammable	5	0	0	0	0	0	0	0	5
LT Boxes	15	0	0	0	0	0	21	0	46
LT1	258	3	0	0	0	0	40	0	301
HRI	0	52	1	0	15	0	0	0	108
HRC	136	0	0	0	22	0	0	0	160
HFD	42	120	0	0	5	0	0	0	167
HRA	0	139	0	0	41	0	1	0	181
HRS	2	34	0	5	7	0	0	0	48
HRE	1	0	0	22	0	0	0	0	23
HFD	0	93	0	0	4	0	0	0	97
HRS	6	0	57	1	0	0	0	0	114
HRS/Top Drawer	0	9	0	0	0	0	0	0	9

Aging and Composition

YEAR STORED	
2001	1
2004	3
2006	1
2007	5
2008	18
2009	19
2010	15
2011	14
2012	21
2013	46
2014	63
2015	189
2016	145
2017	154
2018	508
2019	235
2020	212
2021	548
2022	679
2023	455
2024	288
TOTAL	3543

CLASSIFICATION	3 years or less	3-6 yrs	6-10 yrs	10+ yrs	Older than 11yrs	TOTAL
Narcotics	373	176	10	2	0	561
Guns	75	26	3	0	0	104
Currency	52	42	2	0	0	96
Counterfeit	22	34	0	0	0	56
Evidence/General	520	897	336	51	32	1845
DNA Kits and Items	117	128	22	20	6	292
Paraphernalia	400	193	3	1	0	597
TOTALS	1568	1496	376	72	38	3543

Lost/Found items	271
Safekeeping	90
For destruction	83
Recovered	68
TOTALS	512

Crime Lab Items

OCA	No.	Tag Number	Date Stored	Item Description
2021-59827	1	blue underwear	3/15/2022	Kruse
2021-59827	1	SAEK S004816	3/15/2022	Kruse
2022-016413	1	Blood kit	5/11/2022	Kruse
2022-019283	1	Blood	5/11/2022	Kruse
2022-019740	1	DWI Blood Kit	5/11/2022	Kruse
2022-044482	1	Blood Draw Kit	11/9/2022	Thompson
2022-044482	1	Blood Draw Kit	SB5 only	Thompson
2022-0510146	1	SAECK	11/21/2023	Cook
2022-051046	1	SAEK	11/21/2023	Cook
2022-051046	1	buccal swabs	11/21/2023	Cook
2022-054756	1	Sealed blood test kit	11/9/2022	Thompson
2022-054756	1	Sealed blood test kit	SB5 only	Thompson
2022-069465	1	Blood	1/10/2023	Cook

Item Tracking

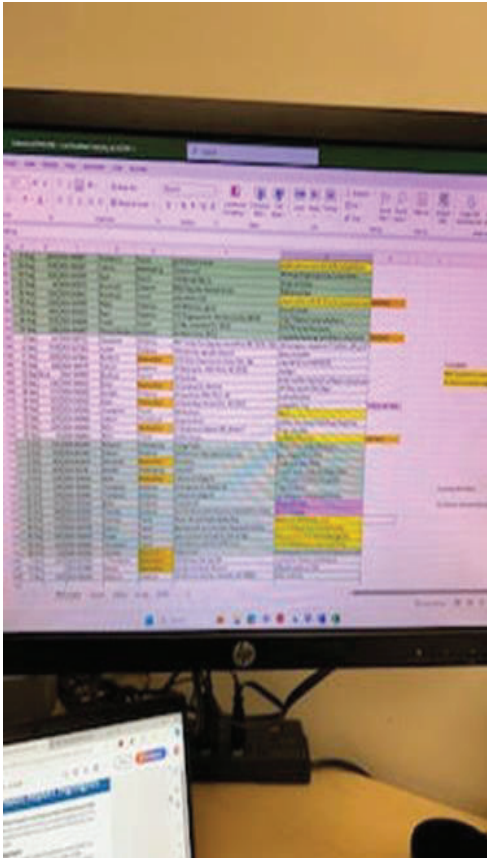
OCA	Control No.	Tag Number	Date Stored	Item Description	Field Notes
2018-11894	20180903460	1009731	08/16/2018	RX BOTTLE W 26 CAPSULES	It was last stored by Godman in 2018 and disposed of in 2021. No DO or paperwork is located. The paperwork is disjointed, with one sheet uploaded 8 times. CLOSED, inactive case, Raxter, 16-year-old overdose case. Dan should know.
201704-005	20170502841	1007623	05/26/2017	blue SanDisk 8GB w/ data	It was stored by Thompson in 2017. CLOSED 2018. Offense 902: This flash drive was received from SBI SA Mack Meadows and contained data downloaded from multiple devices from suspect Russell Ward. It is likely stored with the other listed items in the case: most are listed on Gen 3-3, one in FLAM, one in 15-2, and one in 8-3. If not, there's a chance it is in the case file or got turned over to the Feds.
2018-03242	20180203214	1008963	02/28/2018	3 TAPINGS FROM SEATS IN PRIUS	These items were seized from a vehicle the defendant had consented to drive before his crimes. As such, they would not have been

FINDINGS

Three thousand five hundred forty-three (3,543) items were identified as part of the property and evidence collection.

The audit results indicate a high level of compliance, with only 19 items identified as “not verified”. **Accuracy- 99.5%**

When accounting for both categories of unaccounted closed-case items and the 16 items listed as destroyed but currently lack clear paperwork, the total number of 35 items, which translates to an accuracy rate of **99.02%**.



NCLEAN States...

- “If during the audit and error rate of more than five percent (5%) of the audited items is discovered, a complete inventory of all property items must be performed.”
- (Revised August 23, 2024).

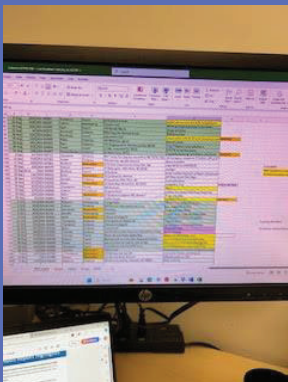
Strengths



Challenges/Improvement Plans:

- 1. It is recognized that a more consistent system for disposing of authorized items with proper record keeping must be maintained.
- 2. We need an on-site incinerator to create more efficient disposal.
- 3. A calendar alert system cadence should be consistently utilized that identifies target disposal date frames for items that expired the statute of limitations for an associated offense, have no apparent offense linked to the item to warrant prolonged storage, exceeded storage lengths, or were not destroyed when the officer designates on the Property and Evidence receipt form.
- 4. A more consistent framework for annual and quarterly audits with formal reporting is needed.
- 5. The evidence currency deposit system should be re-established so that cash is not kept within the evidence area.

Results and Follow-Up Actions



MONTH	Safekeeping	Found	Evidence	Search	Counterfeit	Prob Cause	Arrest	Destruction	Overall
JAN	4	7	5	1	0	0	0	0	17
FEB	1	4	8	0	1	0	0	0	14
MAR	1	4	2	0	1	0	0	3	11
APR	1	5	4	3	0	2	0	0	15
MAY	0	4	5	4	1	1	0	0	15
JUNE	0	6	6	1	0	0	2	0	15
JULY	0	1	0	1	0	0	0	0	2
AUG	1	2	2	1	0	0	0	1	4
SEPT	0	2	2	0	0	0	0	3	0
OCT	2	6	5	0	0	0	0	3	7

1	A	B	C	D	E	F	G
Location	Case Number	Control Number	Item Description	Date Stored	Person Storing		
Bn. SBI LAB/Sk. BOUTT 1	2024-034280	20240705235	1014599	08/29/2024	Buccal swabs		
Bn. SBI LAB/Sk. FLOOR/Ttr 1	2024-043075	20240805245	1014598	08/22/2024	DWI blood test kit		
Bn. SBI LAB/Sk. Floor box/Ttr 1	2024-034280	20240705235	1014572	07/05/2024	pair of shorts		DINA 59
Crime Lab Box	2024-056090	20241105284	1014672	11/12/2024	SAEK		
Crime Lab Box	2024-056090	20241105284	1014673	11/12/2024	blue jeans belonging to Gage Metcalf		
AT LAB	2021-59827		1 blue underwear	3/15/2022	Kruse		
AT LAB	2021-59827		1 SAEK S1004816	3/15/2022	Kruse		
AT LAB	2022-016413		1 Blood kit	5/11/2022	Kruse		
AT LAB	2022-019283		1 Blood	5/11/2022	Kruse		
AT LAB	2022-019740		1 DWI Blood Kit	5/11/2022	Kruse		



STAFF REPORT

City Council, Monday, February 17, 2025

Title: Priority Setting Retreat Prologue

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

The City Council is scheduled to hold its annual priority setting retreat on Friday, March 7. The retreat is typically where the Council gives direction to staff on their work for the year to come, and begins the process of prioritizing projects to inform the budget development process. In some municipalities, retreats last two days in order to give participants enough time to work through complex matters. Brevard's retreat is one day, so the facilitators have suggested that some of the retreat's content be dealt with beforehand.

This evening, to give context that he hopes will be considered by the Mayor and Council during the retreat, the City Manager will give a presentation on the state of the organization, and some of the environmental factors he thinks may have an impact on the organization in the year to come.

Action

No action required. For information and discussion only.

Attachments:



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 JANUARY 31, 2025

Tina Tanner
Certified Tax Collector

CITY OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING JANUARY 31, 2025

UPDATED: 02.06.25

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
2024		\$ 4,145,519.25	\$ 355,192.81	\$ 150,837.61	\$ 169,949.16	\$ 660,227.95	
2023-2011	\$ 3,514.80	\$ 4,462.58	\$ 2,327.19	\$ 4,626.24	\$ 2,855.63	\$ 1,778.13	
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTAL:	\$ 3,514.80	\$ 4,149,981.83	\$ 357,520.00	\$ 155,463.85	\$ 172,804.79	\$ 662,006.08	
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2024	\$ 395,194.02						\$ 5,876,920.80
2023-2011	\$ 3,258.13						\$ 22,822.70
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ 398,452.15	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,899,743.50

HEART OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING JANUARY 31, 2025

UPDATED: 02.06.25

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2024		\$ 64,583.54	\$ 12,538.17	\$ 45.99	\$ 8,318.48	\$ 28,612.21
2023-2011	\$ 28.47	\$ 137.22			\$ 625.39	
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ 28.47	\$ 64,720.76	\$ 12,538.17	\$ 45.99	\$ 8,943.87	\$ 28,612.21

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2024	\$ 18,255.99						\$ 132,354.38
2023-2011	\$ 737.92						\$ 1,529.00
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ 18,993.91	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 133,883.38

STAFF REPORT

City Council, Monday, February 17, 2025

Title: 2024 Unpaid Taxes and Authorization to Advertise and Begin Enforced Collection Remedies

Speaker: Tina Tanner

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

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

BACKGROUND: The Brevard City Council voted to begin collecting property tax effective July 1, 2019.

G.S. 105-369 of the North Carolina Statutes requires the Tax Collector to report the unpaid property tax amount in the month of February.

G.S. 105-365.1 states a Tax Collector may collect a tax using the remedies provided in G.S. 105-366 through G.S. 105-375 on or after the date the tax is delinquent.

Recommendation:

Authorize the Tax Collector to advertise the 2024 unpaid property tax as municipal taxes and begin enforced collection remedies.

FISCAL IMPACT:

\$ 290,325- Real Property

\$ 16,149- Personal Property

Attachments:

1. 2024 REPORT OF UNPAID TAXES AUTHORIZATION TO ADVERTISE

CITY OF BREVARD
ADVERTISEMENT OF 2024 PAST DUE REAL PROPERTY TAXES

Under and by virtue of the authority granted by Section 105-369 of the North Carolina Statutes, as of January 31, 2025, the City of Brevard hereby advertises Real Property Taxes past due for the year 2024 in the amount of \$290,325. The amount advertised will be increased by interest and cost.

The omission of interest and costs from the amount advertised will not constitute a waiver of the city's claim for these items. If these taxes remain unpaid after this advertisement is completed, the City of Brevard will begin collection procedures set out by General Statutes 105-367 and 105-374.

As a courtesy to our taxpayers, anyone on this list who has already paid this tax as of the date of the advertisement, should contact the City Tax Collector and a retraction will be advertised one month from the date of the original advertisement.

Recommendation: Authorize the Tax Collector to advertise 2024 unpaid property taxes as municipal taxes.

STAFF REPORT

City Council, Monday, February 17, 2025

Title: Amendment to Fee Schedule - Removal of Sidewalk Usage Fees

Speaker: Wilson Hooper, City Manager

Prepared by: Emily Brewer, Senior Planner

Approved by: Wilson Hooper, City Manager

Background & Discussion

North Carolina General Statutes Section 160A-296 states that municipalities have regulatory authority over all public sidewalks within its corporate limits and are responsible for keeping these public sidewalks open for travel and free from unnecessary obstructions. Beginning in January 2024, Staff and the Downtown Master Plan Committee reviewed the City's sidewalk usage regulations with regards to how merchants and businesses can place objects on the sidewalk. Ultimately, the Downtown Master Plan Committee unanimously recommended in favor of the amendments and City Council approved the amendments on November 4, 2024 with Ordinance 2024-41 (attached for reference).

At their meeting on February 12, 2025, the Downtown Master Plan Committee recommended removing the fee for sidewalk usage to minimize the financial burden on downtown business owners and merchants.

Action

Per the DMPC recommendation, staff is requesting that City Council approve the attached resolution amending the fee schedule to remove the fee for sidewalk usage permits.

Attachments:

1. Ord 2024-41 Amending Code of Ordinances Chapters 1, 46 and 62 - Sidewalk Usage Policy
2. Fee Schedule Amendment Ordinance Draft_2-17-25

ORDINANCE NO. 2024-41

**AN ORDINANCE AMENDING CITY OF BREVARD CODE OF ORDINANCES
CHAPTER 1 – GENERAL PROVISIONS, CHAPTER 46 – PEDDLERS AND SOLICITORS;
AND CHAPTER 62 – STREETS, SIDEWALKS AND OTHER PUBLIC WAYS**

WHEREAS, North Carolina General Statutes Section 160A-296 states that municipalities have regulatory authority over all public sidewalks within its corporate limits and are responsible for keeping these public sidewalks open for travel and free from unnecessary obstructions; and,

WHEREAS, the City of Brevard Downtown Master Plan Committee reviewed the proposal and unanimously recommended in favor on August 29, 2024; and,

WHEREAS, the City of Brevard Downtown Master Plan Committee unanimously recommended in favor of amending City of Brevard Code of Ordinances Chapter 1 – General Provisions, Chapter 46 – Peddlers and Solicitors; and Chapter 62 – Streets, Sidewalks and Other Public Ways on August 29, 2024; 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* and the City of Brevard Downtown Master Plan;

WHEREAS, a public hearing was conducted on Monday, October 21, 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 Code of Ordinances 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 4th day of November 2024.

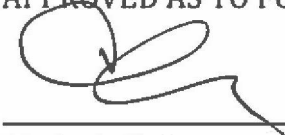


ATTEST:


Denise Hodsdon, CMC
City Clerk


Maureen Copelof
Mayor

APPROVED AS TO FORM:



Mack McKeller
City Attorney

EXHIBIT A

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, SOLICITORS, AND BUSINESSES

ARTICLE I. IN GENERAL

46-1. Selling on streets and sidewalks.

- A. 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.
- 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. Reserved.

ARTICLE II. SIDEWALK DINING AREAS

46-33. Application.

Any restaurant owner desiring to operate a sidewalk dining area shall prepare and file an application with the city manager which shall contain the following information:

- A. The name, addresses, and telephone number of the restaurant desiring to operate a sidewalk dining area.
- B. The name, address, and telephone number of the restaurant operator.
- C. A drawing or site plan showing the section of sidewalk or pedestrian way to be used for sidewalk dining, and the section to be kept clear for pedestrian and fire lane use, and depicting the proposed dimensions and placement of tables, chairs, barricades, umbrellas, trash receptacles, and other furnishing on the sidewalk or pedestrian way.
- D. A description or images of the barricades to be used (if any) around the sidewalk dining area and of the furniture to be used, i.e. tables, chairs, umbrellas, etc.
- E. 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 operation 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 \$1,000,000.00 aggregate annually.

- F. A copy of all permits and licenses issued by the state, county or city, including health and ABC permits, if any, necessary for the operation of the restaurant, or a copy of the application for the permit if no permit has been issued. This requirement includes permits or certificates issued by the city or other governmental authority for exterior alterations or improvements to the restaurant.
- G. The restaurant operator shall provide an agreement to indemnify and hold harmless the city and, if applicable, NCDOT from any claim resulting from the operation of sidewalk dining activities.
- H. Additional information may be requested by the city manager or his designee in order to determine compliance with this section.
- I. 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.

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.
- 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 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.
- 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. Merchants with sidewalks dining are responsible for cleanliness and are subject to all applicable health department regulations.
- I. Umbrellas over tables are permissible but must provide a clearance of a minimum of 78 inches from the lowest point of their canopy.
- 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.
- 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.

46-37. Terms and transfer.

If a permittee discontinues the restaurant operation or the sidewalk dining area, no refund of the permit fee shall be made. Permits issued pursuant to this section shall not be transferable or assignable. Permits may prohibit operation of sidewalk dining areas during special events and contain other conditions and restrictions as may be necessary to protect the public health, safety and welfare.

CHAPTER 62. STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

ARTICLE I. IN GENERAL

62-1. Placing objects on streets and sidewalks.

- A. No obstruction of any kind 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 this subsection; 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:
- 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.
 - 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.
 - 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.
 - On sidewalks less than seven feet in width, excluding the curb, no obstructions shall be placed on the sidewalks or streets.
 - Tables, chairs and other furnishings shall be placed a minimum of six feet from any travel lane.
 - In accordance with North Carolina Fire Code, no fire exits or lanes may be blocked and must remain clear at all times.
 - 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.
 - The obstructions shall not impede any public infrastructure or amenities, such as bicycle racks, benches, utility poles, trashcans or other similar objects.
 - Alleyways closed to vehicular traffic shall not be subject to the sidewalk setback requirements, so long as a minimum at least four feet of unobstructed travel way must remain open and clear.
 - Public infrastructure and amenities placed by the City of Brevard, NCDOT, or other governmental agency are exempt from setback and separation requirements of this subsection, provided the applicable NC Building Code and Americans with Disabilities Act requirements are met.
- 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.
- Permitted space.** The permit shall be for the space on the sidewalk where the objects will be placed, provided that:
 - 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.
 - The permitted space complies with the setback and separation requirements of subsection 62-1.B.
 - 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.
 - 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.
 - The administrator and/or the police department reserve the right to inspect the obstructions and remove hazardous materials.
 - 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.
 - 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 \$1,000,000.00 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.

7. *Permit exemptions.* 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.
- 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.

62-2. Reserved.

ORDINANCE NO. 2025-____

**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. 2024-41 amending the City of Brevard Code of Ordinances Chapter 1, Chapter 46, and Chapter 62 to update the regulations for placing objects within public rights-of-way, in accordance with North Carolina General Statutes; and,

WHEREAS, the Downtown Master Plan Committee recommended removing the fee for sidewalk usage at their regular meeting on February 12, 2025; 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 Sidewalk Usage.

SECTION 03. 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 17th day of February 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, February 17, 2025

Title: Eastabrook Avenue Survey "Mini-Brooks" Act Exemption

Speaker: David Todd, Assistant City Manager

Prepared by: David Todd, Assistant City Manager

Approved by: Wilson Hooper, City Manager

Background

Eastabrook Road is a narrow dead end gravel road located off of Probart Street and within the City Limits. The road is approximately 0.1 of a mile long, the topography changes along the road and the road contains an approximate 90-degree turn. Recent development of residential housing on Eastabrook Avenue has significantly increased traffic along the road which in turn has raised questions about road ownership. A search of the Register of Deeds office documents has led to inconclusive results of the road ownership. There are recent surveys identifying the street as Public with a 30' Right of Way. The road is also identified on the Powell Bill Map as a Powell Bill Street Unpaved.

Discussion

A visual inspection of the road revealed concerns to City Staff, especially if the road belongs to the City. However, given the lack of clarity around the road ownership and the need to properly identify the Right of Way if the City were to address the noted concerns, a survey is needed to both fully clarify road ownership and to identify the boundaries of the Right of Way. McAbee and Associates P.A. appears to have done the most recent survey in the area of concern. Given McAbee's familiarity with the area due to recent surveys and records searches, we are seeking assistance with determining the road ownership and Right of Way boundaries.

Fiscal Impact

The total cost of the survey will be \$2800.00

Action

Staff request Council approve the attached resolution exempting the Eastabrook Avenue Survey from the "Mini Brooks" Act as per N.C. General Statute G.S. 143-64.32, given that the proposal from McAbee and Associates, P.A. is \$2800, and the statute allows municipalities to exempt selection of design services from the "Mini Brooks" Act for projects costing less than \$50,000.

Attachments:

1. McAbee and Associates Proposal Eastabrook Avenue Survey
2. Resolution Approving Mini-Brooks Act Exemption for Eastabrook Avenue Survey



**McABEE &
ASSOCIATES, P.A.**
PROFESSIONAL LAND SURVEYING

Eric S. McAbee, PLS **J. Barry West, PLS**
Wallace S. McAbee, PLS (Emeritus)

3 McAbee Trail Fairview, North Carolina 28730
Telephone: 828-628-1295 Fax: 828-628-1294
www.mcabeesurvey.com Firm License Number: C-694

PROPOSAL FOR PROFESSIONAL SURVEYING SERVICES

Date: 2/13/2025

Client: City of Brevard
c/o David Todd
david.todd@cityofbrevard.com

Project: Eastabrook Avenue Right-of-Way Determination

McAbee & Associates, P.A. proposes the following professional surveying services:

- Field location of existing property monumentation per existing deeds alone Eastabrook Avenue for the purposes of determining the location of the 30' right-of-way for the street.
- Use findings to mark both sides of Eastabrook Avenue right-of-way from W. Probart Street to the end of Eastabrook Avenue (approximately 530'). Each side will be marked with 4' wooden stakes at 20' interval.

The fee for the services outlined above will be as follows:

\$2800.00

McAbee & Associates can begin field work within 7 working days of an official notice to proceed. We estimate survey and marking to be completed within 15 working days of the notice to proceed.

President or Vice-President

If this proposal is acceptable, please sign and date below. This will authorize McAbee & Associates, P.A. to perform the surveying services outlined above for the fee specified. McAbee & Associates, P.A. bills on a net 30 day basis.

Owner or Owner's Authorized Representative

RESOLUTION NO. 2025-XX

**RESOLUTION APPROVING A “MINI BROOKS ACT” EXEMPTION FOR
EASTABROOK AVENUE SURVEY AS PER G.S. 143-64.32**

WHEREAS, G.S. 143-64.31 (often referred to as the “Mini Brooks Act”) requires the initial solicitation and evaluation of firms to perform architectural , engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee; and

WHEREAS, the City at times has a need for services estimated to cost below the \$50,000 exemption threshold per G.S. 143-64-32 that authorizes local-government exemption from the qualifications-based selection requirements of G.S. 143-64.31; and

WHEREAS, the proposed cost for the Eastabrook Avenue Survey is less than \$50,000 (\$2800.00); and

WHEREAS, the survey firm, McAbee and Associates, P.A. is well qualified and experienced in proving surveys, including in the City of Brevard, and specifically the Eastabrook Avenue area; and

WHEREAS, the City wishes to use McAbee and Associates, P.A. for these surveying services.

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

Section 1. The selection of the surveyor McAbee and Associates, P.A. for the Eastabrook Avenue Survey be exempt from the ‘Mini Brooks” Act as per G.S. 143-64-32.

Section 2. This resolution shall be effective upon adoption.

Adopted and approved this 17th day of February, 2025

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

MINUTES

City Council Public Works & Utilities Committee

Thursday, January 9, 2025 – 3:30 PM
City Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Lauren Wise, Vice-Chair, Council Member
Owen Carson, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: David Todd, Assistant City Manager
Dennis Richardson, Water Treatment Plant Supervisor
Emory Owen, Wastewater Treatment Plant Supervisor
Wesley Shook, Public Works Director
Aaron Winans, Wastewater Treatment Plant Staff
Becky McCann, Communications Coordinator
Selena Coffey, Assistant to the City Manager

Guests: Harvey Sankey

A. Welcome and Call to Order

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

B. Certification of Quorum

Assistant to the City Manager Selena Coffey certified that a quorum was present.

C. Approval of Agenda

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

D. Approval of Minutes – November 6, 2024 Meeting

Ms. Coffey asked for a typographical error to be corrected on page 2 of the December 5, 2024 minutes, changing 7% to 75%. Mr. Carson made a motion to approve the minutes as amended, Mr. Wise seconded, and all voted in favor.

E. Update on Pump Station Project

Mr. Todd introduced the agenda item stating that significant progress has been made on the design work for the pump station project and work continues towards getting easements finalized before putting the pump station project out to bid. He said that staff

is trying to get easements for the Fish Camp property and the property on Gallimore Road finalized. He noted that he expects to get the Gallimore Road property finalized in the near term but shared that the owner of the Fish Camp property has been working on their negotiations for a potential reuse of their property, which is impacting staff's ability to obtain the necessary easement. He noted that he will keep the committee updated as the easements are obtained or if the easements need to be obtained by legal means.

F. Update on KCI Field Trip

Mr. Todd introduced the agenda item providing a virtual tour of sites included in staff's recent site visits via the monitors in council chambers.

The first visit highlighted was Renewable Water Resources (ReWa), which is the water treatment company that serves Greenville, South Carolina. Mr. Todd highlighted the Mauldin Road Plant and discussed ReWa's use of screening, their conventional activated sludge process, their facilities, and their operational technologies. While presenting the information, Mr. Todd displayed images of ReWa's plant on monitors for the committee's reference.

The second wastewater treatment site overviewed was the George's Creek Water Resources Recovery Facility (WRRF), which is also operated by ReWa. Mr. Todd noted that this plant also uses the conventionally activated sludge process and their use of a carousel system for wastewater treatment. Mr. Todd noted that this plant has clarifiers that are approximately the size of the city's clarifiers.

The third water treatment site overviewed was a smaller facility that serves Pickens County, South Carolina. Mr. Todd noted that this facility also operates with a device like the Aquastorm filtration system and a sequential batch reactor (SBR) that the city may be interested in pursuing for its new plant.

The committee and staff continued extensive discussion of the various components and processes necessary for efficient and effective wastewater treatment and how the site visits provided helpful information to staff as they plan for construction of the city's new facilities. This included discussion of technical aspects of wastewater treatment as well as new and innovative approaches to treatment plant operations. Mr. Todd noted that KCI has not yet made a firm recommendation yet, but he expects them to recommend the activated sludge process using SBRs due to the smaller footprint requirements for the city's facility.

Mr. Todd shared two additional videos depicting UV or ultraviolet disinfection processes and the committee asked questions of staff. Mr. Owen, Mr. Winans, and Mr. Todd responded to members' questions regarding water treatment filtration, the utilization of filtration, disinfection methods, etc. Mr. Todd wrapped up the discussion noting that KCI Technologies still needs to meet with the County and Rosman and staff needs to provide KCI with short-term and long-term capacity estimates. He noted that staff will next be visiting a site in Chicago to review this site's use of the Aquastorm technology in their

wastewater treatment. Mr. Todd noted that once staff provides the capacity estimates and makes decisions regarding the use of technology, KCI will be able to begin their site design process.

G. Public Comment

Harvey Sankey asked Mr. Todd where the city stands within the presented Gantt chart and if KCI will provide estimates for the life expectancy and operational costs of the new facility, i.e. whether the city will need to hire additional staff. Mr. Owen responded affirmatively that it is likely that the city will need to hire additional staff. Mr. Todd noted that staff will ask KCI to conduct a life cycle cost analysis to better define future maintenance and operational costs.

H. Set Date for Next Meeting

The next meeting was scheduled for Wednesday, February 5, 2025 at 3:30pm.

I. Adjourn

With no additional business before the committee, the meeting was adjourned at 4:32pm.

Minutes Approved:

February 5, 2025



Mac Morrow
Chair, Council Member



Selena D. Coffey
Assistant to the City Manager

STAFF REPORT

City Council, Monday, February 17, 2025

Title: Fairhaven Meadows Contribution

Speaker: Wilson Hooper, City Manager
Mack McKeller, City Attorney

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

Fairhaven Meadows is a 42-unit planned low-to-moderate income housing development to be constructed on 1505 Asheville Hwy. Developed by Commonwealth Companies, Fairhaven Meadows will bring much-needed affordable housing units to the area. Fairhaven Meadows is funded primarily by Low Income Housing Tax Credits (LIHTC) grant. LIHTC is a federal program administered by the State of North Carolina which awards tax credits to qualifying applicants who use them to raise capital for housing by selling them on the financial markets. The project also has a privately issued mortgage, a second loan from Self Help Credit Union underwritten by the Western NC Community Foundation, and a HOME funds award from the Asheville Housing Consortium.

Discussion

Despite its diverse financing package, the project still has a funding gap. Escalating construction costs and other factors led to a bid cost in excess of the projected cost. Commonwealth has already been granted a unit-reduction from the North Carolina Housing Finance Agency without a corresponding decrease to its LIHTC award, and agreed to waive half its usual developer fees, bringing the total gap down to \$1,169,000. But even the project's budget and financing package as it stands is at risk, as continually escalating costs and uncertainty in the financial markets pressure the plan. To feel reasonably secure with their numbers, Commonwealth wishes to finalize their funding package (and close on their various loans) by the beginning of March.

Commonwealth came to the city for help closing the final funding gap late last year. Their request was either that Brevard close the gap itself or help connect them with other sources of funding. The city was successful with the latter, connecting Commonwealth with Self Help. Staff are now requesting that City Council consider doing the former, and support the project by providing direct financing.

Transylvania County was approached for assistance, but they have indicated that they will only consider contributing if they can do so with grant funds, not local tax dollars. Furthermore, they wish only to fund infrastructure supporting the project, not the construction of the housing itself, which will cap their contribution at an amount not high enough to close the entire gap. What's more, the grants they are likely to bring to bear have significant administrative requirements that would slow the project and put the financing at risk. While some of these conditions are voluntary, others are due to the fine differences

between statutory authorities granted to municipalities and counties. For these reasons, city staff are presenting a funding proposal that would close the gap exclusively with city funds.

Fiscal Impact

Per statute, municipalities are permitted to make low interest loans to LMI housing developers, so that is the form that staff recommends the city's contribution to Commonwealth take. In fact, grants or other non-repayable contributions, while permitted under certain circumstances, have far too many legal and administrative requirements to be practical in this case. Furthermore, for LMI housing loans North Carolina law permits the terms to be generous to the borrower, so that they can incorporate the loan into their funding stack in a way that doesn't scare off their private financing. For example, loans may have long maturation periods and below market interest rates.

With that said, the financial implications of a loan with a long payback period to a municipal lender are significant. The money will not be available for use for an extended period, and the low interest rate means that, when it is paid back, it will not have built as much value as it would have in a normal investment arrangement. For those reasons, even though a municipality will one day be paid back, it must be thoughtful about whether it can "afford" to give the loan in the first place.

Fortunately the City of Brevard has several reserve pots of money that can be brought to bear for this purpose. Four of those sources are described in the City Manager's proposed funding strategy (attached), which he will walk through at this evening's meeting. The attached strategy has two options, both of which meet the goal but which bring slightly different tradeoffs.

No specific terms have been negotiated with Commonwealth. Council will be asked to delegate the authority to negotiate the terms to the City Manager with the following understanding:

- The maturation period will likely be in excess of twenty years. This will match the term of the Asheville Housing Consortium contribution.
- The interest rate will likely be significantly below market rate, perhaps as low as 1%
- The city will be in the fifth creditor's position, meaning that should the project go into default the city will be unlikely to recover its full investment.
- The loan will likely be paid out in two tranches; one each in FY26 and FY27

Action

Council is asked to approve a resolution memorializing its commitment to Fairhaven Meadows, recording its funding strategy, and authorizing the City Attorney and City Manager to negotiate and execute a loan agreement with Commonwealth/Fairhaven Meadows.

Attachments:

1. Fairhaven Meadows funding strategy
2. Resolution Supporting Loan Agreement for Fairhaven Meadows Housing Project

Fairhaven Meadows funding strategy Option 1 (Maintain healthy fund balances; table Azalea Ave.)					
Funding Options	Avail. Balance/value	Related FM need	Proposed contr.	Remaining balance	Est FY26 replenish
Housing Trust Fund	\$638,402 ¹		(\$511,881)	\$126,521	\$200k-\$264k plus remaining proceeds from property sale
Former Parking Lot Fund (now GF)	\$278,575	\$269,885	(\$200,000)	\$78,575	\$75k-\$100k
Capital Reserve Fund	\$542,536	\$499,509	(\$387,119) ²	\$155,417	\$75k-\$100k ³
Sale of properties	\$118,000 ⁴		(\$70,000)	UNK	
Total	\$1,577,513	\$1,169,000	\$1,169,000	\$360,513	

Fairhaven Meadows funding strategy Option 2 (Deplete funds; keep pursuing Azalea Ave.)					
Fund	Avail. Balance/value	Related FM need	Proposed contr.	Remaining balance	Est FY26 replenish
Housing Trust Fund	\$543,402 ⁵		(\$525,000)	\$18,402	\$75k ⁶ plus proceeds from property sale
Former Parking Lot Fund (now GF)	\$278,575	\$269,885	(\$215,000)	\$63,575	\$75k-\$100k
Capital Reserve Fund	\$542,536	\$499,509	(\$387,119) ⁷	\$155,417	\$75k-\$100k
Sale of properties	\$118,000 ⁸		(\$41,881)	UNK	
Total	\$1,482,513	\$1,169,000	\$1,169,000	\$237,394	

¹ HTF Balance is \$682,782 but there are \$139,380 in encumbrances: Rowhouse architects (\$23,380), Solid Ground engineering (\$1,000), Azalea Ave. purchase option (\$115,000), equating to \$543,402. Option 1 would likely foreclose on the possibility of acquiring Azalea Ave., so we could cancel \$90k of the option encumbrance, leaving us an available balance of \$638,402. Option 2 would proceed with the remaining option payments, thus reduce the balance to \$543,403

² Staff's analysis has concluded that only \$387,119 of FM's request qualifies as public utility infrastructure for this purpose

³ This fund replenished by system development fees generated by new hook ups to Brevard's utility system. Those fees must be used for the expansion of the utility system.

⁴ City will apply the proceeds from the sale of three properties: 3150 James St. (appraised value \$70,000), 6574 Cashiers Valley Rd. (tax value \$120,000), 5389 Cashiers Valley Rd. (tax value \$36,000). For budgeting purposes, assume all properties sell for half of their identified value. If this \$118k must be applied, HTF will front the money and be replenished by the proceeds upon sale.

⁵ See footnote 1

⁶ Under this scenario, we would finance the purchase of the Azalea Ave. property and use a significant percentage of our "Two pennies for housing" to repay debt service on the approx. \$925,000 loan. Assuming finance terms of 6 years at 6% which equates to approximately \$175,000 in debt service payments each year.

⁷ See footnote 2

⁸ See footnote 3

RESOLUTION NO. 2025-XX

**SUPPORTING A LOAN AGREEMENT BETWEEN CITY OF BREVARD AND
COMMONWEALTH COMPANIES FOR FAIRHAVEN MEADOWS HOUSING PROJECT**

WHEREAS, Fairhaven Meadows is a 42-unit planned low-to-moderate income housing development to be developed by Commonwealth Companies and located at 1505 Asheville Highway; and

WHEREAS, Fairhaven Meadows will bring much-needed affordable housing units to the area; and

WHEREAS, despite its diverse financing package, the project has a funding gap of \$1,169,000; and

WHEREAS, Commonwealth Companies has requested assistance from the City of Brevard to provide financing to close the gap; and

WHEREAS, City Council identified Housing Policy Action / Funding as a “Category 1: Essential” priority in its FY23-24 and FY24-25 Strategic Planning Retreats; and

WHEREAS, on February 17, 2025 the Brevard City Council was presented with information, summarized in the affixed staff report, regarding funding strategy options to close gap .

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

Section 1. City Council supports giving a loan to Commonwealth Companies according to the strategy referenced in the attached staff report.

Section 2. City Council authorizes the City Attorney and City Manager to negotiate and execute the terms of the loan agreement.

Approved and adopted this 17th day of February, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, February 17, 2025

Title: Times Arcade Alley Change Orders and Funding Gap

Speaker: Wilson Hooper, City Manager
Dean Luebbe, Assistant City Manager/Finance Director
David Todd, Assistant City Manager

Prepared by: Dean Luebbe, Assistant City Manager/Finance Director, David Todd, Assistant City Manager, Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

On August 21, 2023 the City Council voted to establish and Capital Project Ordinance for the Times Arcade Alley Stormwater project. The project, part of the long-approved Downtown Master Plan, would improve stormwater infrastructure in the alley and approve the appearance of the alley and the adjacent parts of Jordan and Main streets. This action, and subsequent Council-approved budget amendment on December 18, 2023 after bids were received, established five main funding sources to cover the project's \$1,207,000 price tag: \$700,000 ARPA stormwater grant; \$250,000 GoldenLeaf grant; \$132,000 transfer from Brevard's general fund (FY24's one-cent contribution to DMP), dedication of the remaining Fund 83 fund balance (\$40,000), and additional GF contribution (\$53,000). Earlier in the season, on November 20, 2023, Council endowed the City Manager the authority to execute a contract with the low bidder, Tennoca Construction, which included a menu of elective extras as approved by Council.

The project broke ground on January 3, 2024 and was substantially completed (except landscaping) on December 6, 2024. Five change orders in the amount of \$79,707.74 (\$69,957.74 construction, \$17,750 design) were approved administratively over the course of the project. \$53,000 worth of change orders were covered by the project's contingency budget, but \$26,707 in overages were unbudgeted. Most of these change orders moved forward prior to Council's approval of the new purchasing policy, but now that the purchasing policy has been updated, Council must approve additional change orders. (The City Manager exercised the provision of the policy that gives him the ability to deviate from the policy for time sensitive matters for the first COs).

Two additional change orders (this time in an amount that will exceed the approved budget for the project) are requested, and tweaks to the Jordan St. bulb-out configuration discussed by DMPC at their last meeting are also expected to require change orders in the months to come.

Also, in fall of 2024 city staff received word that only around \$381,000 of the project's expenses were considered reimbursable by NCDEQ (the agency administering the federal ARPA dollars). The effect of this decision was that approximately \$319,000 of already incurred expenses must now be covered by another funding source.

Staff wishes to discuss the implications of these two matters and seek Council approval on alternative funding sources

Discussion/Fiscal Impact

Change Orders

Change orders 1-4 approved by City Manager are described below. Staff are seeking Council approval for change orders 5-7.

1. Revision to parking layout (\$2,400) - Modifying the parklet design to reduce the loss of private parking spaces, a condition of the lease agreement for the public space.
2. Additional time for contractor (\$0) - This non-financial change order extended the project completion date to give the contractor more time due to delayed caused by weather and other unanticipated construction challenges. This extension was reported to Council by the Manager at the time.
3. Unsuitable materials/Duke conduit (\$61,957) - This emergency change order was in acknowledgement of the additional excavation and material needs that came about as a result of unsuitable materials being discovered at the site. Though discouraging, this change order offered the opportunity to install underground conduit for use by Duke to the project.
4. Construction and project management (\$14,250) - Additional professional work due to project changes above
5. Additional waterproofing and underdrain in planter adjacent to 45 W Main St (\$15,208.46) - Addressing a concern by Platt properties to secure the below grade area of 45 W Main St. from possible water intrusion from the permeable area of the Main St. planting area.
6. Additional trench drain beside Square Root building (\$23,061.91) - Request by Platt properties to add additional drain to collect runoff from downspouts of Square Root and other adjacent buildings that misses the existing drain and splashes against 44 W Jordan St.
7. Additional design and construction management fees for Arbor (\$3,500) and Tennoca (\$1,800) related to change orders 5-6.

(Please note that these change orders do not include possible reconfiguration to the Jordan St. bumpout that were discussed at Downtown Master Plan Committee in January 2025)

Ineligible expenses

Though the state sent a letter of intent to fund for this project in summer 2023, it was unclear that their intent was only to fund the specific stormwater elements of the project. Staff were not made aware of this until it started sending reimbursement requests to the state. Non-stormwater items like improvements to the electrical utilities that, in staff's opinion, were nevertheless core components of the project were deemed ineligible for reimbursement. The state has also taken the position that the first-line funding source, a \$250,000 grant from GoldenLeaf, already covered some eligible expenses and the state

therefore was not going to reimburse for those.

Though it is now clear to staff that, despite negotiations, some expenses will not be reimbursed, we still believe that some small amounts will still be reimbursed by the state. Therefore the funding gap presented this evening is an estimate; it's possible some of the funding allocated to filling the gap may ultimately get sent back to its original source.

Funding gap

Between the unfunded change orders and the above-discussed funding gap, the project needs approximately \$373,000 to break even. Staff's funding recommendation is included in Attachment 1. The City Manager will present staff's rationale for utilizing these funding sources at this evening's meeting.

Action

Council is asked to approve the attached resolution and accompanying project amendments approving the change orders and funding source revision. Tonight's project amendment will only account for the resources needed for the change orders. If the Council agrees with the sources proposed to close the funding gap, an additional amendment will be placed on the next agenda.

Attachments:

1. Change Orders and Funding Gap Proposed Funding Sources
2. Resolution Approving Change Orders and Identifying Funding Gap Sources
3. CPO Amendment - \$105,900

Times Arcade Alley Change Orders and Funding Gap Net costs of unfunded change orders \$57,820 Net ARPA-ineligible expenses \$319,000 Total Target \$373,000¹				
Funding Option	Avail balance	Proposed contribution	Remaining balance	Est. FY 26 replenish
DMP Fund	\$127,880	\$95,000	\$32,880	UNK
Stormwater Fund	\$194,194	\$194,194	\$0	\$225,000
General Fund unoblig fund balance above 25% policy limit	\$1,596,186	\$83,806	\$1,512,383	UNK
Total	\$1,918,260	\$373,000	\$1,545,263	

¹ Numbers are approximate. Tax refunds and other credits to the project are calculated into this figure.

RESOLUTION NO. 2025-XX

**APPROVING CHANGE ORDERS AND ALTERNATIVE FUNDING SOURCES
FOR TIMES ARCADE ALLEY IMPROVEMENTS PROJECT**

WHEREAS, on August 21, 2023 City Council adopted Capital Project Ordinance No. 2023-35 for the Times Arcade Alley Improvements project, establishing funding sources in the amount of \$1,082,000, including a \$700,000 ARPA stormwater grant; and

WHEREAS, on City Council adopted a Capital Project Amendment Ordinance No. 2023-59 increasing the project expenditures to \$1,207,000; and

WHEREAS, five change orders were approved administratively over the course of the project; and

WHEREAS, two additional change orders have been requested that will exceed the approved budget for the project; and

WHEREAS, NCDEQ has determined that only \$381,000 of the project's expenses are eligible for reimbursement from the ARPA stormwater grant funds; and

WHEREAS, on February 17, 2025 the Brevard City Council was presented with information, summarized in the affixed staff report, regarding the change orders and alternative funding sources.

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

Section 1. City Council hereby approves Change orders 5 through 7 referenced in the staff report for the Times Arcade Alley Improvement Project.

Section 2. City Council approves the funding sources identified in the attached staff report.

Approved and adopted this 17th day of February, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

ORDINANCE NO. 2025-XX

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2023-35 AND 2023-59 TIMES ARCADE ALLEY IMPROVEMENTS

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

Section 1: The budgeted expenditures and revenues listed under the ordinance 2024-10 will be increased by \$105,900 from \$1,207,000 to \$1,312,900. Staff has already approved change orders, with the largest involving unsuitable soil removal, and the City Manager is requesting Council approval on change orders involving waterproofing and an additional trench drain. In June of 2024, Council approved the FY25 budget, which included a \$95,000 transfer from the General Fund to the Downtown Masterplan Fund, and staff has received a commitment from a Times Arcade business owner for an additional \$10,900 in reimbursement for waterproofing which benefitted this business.

Section 2: The Project constructed new publicly owned stormwater infrastructure in the Times Arcade Alley to capture runoff from rooftops and street surfaces. Trench drains were also added at intervals through the alley to capture and convey stormwater, and the alley and disturbed parking areas were resurfaced. The new infrastructure will handle the runoff from a 25 -year storm (7. 69"/ 24 hours), which will significantly mitigate flooding in the alley and on Main Street and Jordan Street that receive the alley' s runoff. The project is largely completed at this time.

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

Account Number	Account Name	Budget Amount
83-4900-4550	Times Arcade Alley Improv.	\$1,154,000
83-4990-4560	Contingency	\$53,000
83-4900-4550	Times Arcade Alley Improv.	\$105,900
TOTAL PROJECT APPROPRIATION		\$1,312,900

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

Account Number	Account Name	Budget Amount
83-3750-0230	ARPA Storm Grant	\$700,000
83-3750-0240	Golden Leaf Grant	\$250,000
83-3020-0150	Transfer from GF-TAA	\$132,000
83-3750-0250	Reimbursement	\$32,000
83-3990-0000	Fund Balance	\$40,000
83-3020-0200	Transfer from GF-TAA Contingency	\$53,000
83-3020-0150	Transfer from GF-TAA	\$95,000
83-3750-0250	Reimbursement	\$10,900
TOTAL PROJECT REVENUE		\$1,312,900

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

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

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

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

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 17th day of February, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, February 17, 2025

Title: City Hall Building Envelope Inspection Designer Approval

Speaker: David Todd, Assistant City Manager

Prepared by: David Todd, Assistant City Manager

Approved by: Wilson Hooper, City Manager

Background

The City of Brevard (City) has solicited qualifications packages from eligible engineering firms interested in working with the City to conduct a building envelope assessment of the Brevard City Hall building, located at 95 West Main Street, Brevard, NC. The City Hall building currently houses City Hall Administrative personnel and the Fire Department. The building is 3 stories and approximately 35,000 square feet. The building façade is largely brick with a single ply membrane roof system. During inclement weather the building experiences water intrusion to varying degrees depending on the severity of the storm and other aggravating factors such as wind direction. The City is seeking a firm to conduct a building envelope inspection that will include inspections of the roofs, exterior walls, foundations, doors, windows, and other fenestrations to determine if there are any air, water, or thermal leaks within the structure or subgrade, to ensure the buildings is watertight, operating as energy efficiently as possible from an envelope perspective and to ensure the building is maintaining proper indoor air quality, and maintaining general physical protection from the weather and climate. The inspection is to include a report identifying any deficiencies and recommendations for correction of the deficiencies. The report is also to include an executive summary with cost estimates for correcting the noted deficiencies.

Discussion

Given the age and visible condition of the building, in addition to the recent incidents that have resulted in water entering the building on multiple floors and in multiple areas, it is essential that the building be inspected and repaired as determined necessary to ensure the future safe use of this City facility especially as it relates to both the indoor air quality and longevity of the building. In keeping with the North Carolina's General Statute G.S. 143-64.31 also known as the "Mini Brooks Law", an RFQ for this project was advertised and 3 submitting firms were interviewed. Based on several elements such as qualifications, prior experience with the City of Brevard, whether the design or engineering firm represents a historically underutilized business, whether the design or engineering firm represents a local business entity, and other relevant factors, the 3 firms were ranked in priority order. Based on the interviews and qualification packages, the recommended firms in priority order are Terracon of Arden, NC, Walker Consultants of Charlotte, NC and BECS of Raleigh, NC.

Fiscal Impact

At this time we are not sure of the fiscal impact of this project but we would estimate the

inspection to cost <\$30,000. Staff won't know the actual cost of the inspection until it has negotiated a fee with the designer. Once the inspection is complete and any deficiencies have been identified with cost estimates, staff will have a much better idea of total project cost. Funding for improvements recommended by the inspection will be incorporated into future budget discussions.

Action

City Staff requests City Council's approval of the recommended firms and delegation from Council to begin negotiations per North Carolina's General Statute G.S. 143-64.31. City Staff will negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm.

Attachments:

1. Resolution Approving City Hall Building Envelope Designer Selection

RESOLUTION NO. 2025-XX

**RESOLUTION TO APPROVE CITY HALL BUILDING ENVELOPE INSPECTION DESIGNER
RECOMMENDATION AS PER NORTH CAROLINA GENERAL STATUE G.S. 143-64.31**

WHEREAS, the City Council of Brevard, NC has determined that it is in the best interests of the City to conduct a building envelope inspection of the City Hall building to identify any deficiencies in the building envelope and associated repair cost to correct identified deficiencies; and

WHEREAS, the building envelope inspection will be planned and supervised by City staff; and

WHEREAS, G.S. 143-64.31 (often referred to as the “Mini Brooks Act”) requires the initial solicitation and evaluation of firms to perform architectural , engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee; and,

WHEREAS, the City Staff has also issued Request for Qualifications (“RFQs”) to obtain the services of qualified designers and engineering firms for the Project; and

WHEREAS, the City Staff has carefully evaluated each response to those RFQs utilizing a number of criteria as specified by the North Carolina State Construction Office rules and guidelines including such elements as qualifications, prior experience with the City of Brevard, whether the design or engineering firm represents a historically underutilized business, whether the design or engineering firm represents a local business entity, and other relevant factors; and

WHEREAS, the City Staff in conjunction with the City Manager has selected and interviewed three qualified designers or engineering firms in priority order: Terracon of Arden, NC, Walker Consultants of Charlottle, NC and BECS of Raleigh, NC (“Recommended Designers”); and

WHEREAS, the City Council is charged by the State of North Carolina with the authority and responsibility to approve the selection of designers and engineers for projects in the City of Brevard, NC; and

WHEREAS, the City Staff recommends approval by City Council of the Recommended Designers for the City Hall Building Envelope Inspection.

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

Section 1. City Council hereby approves the recommended Designers.

Section 2. The City Manager, or his designee, is authorized to select one of the Recommended Designers in priority order, and to execute a contract dependent on successful negotiations, for the City Hall Building Envelope Inspection.

Adopted and approved this 17th day of February 2025.

Maureen Copelof
Mayor

Attest:

Denise Hodsdon, CMC
City Clerk