MINUTES
BREVARD CITY COUNCIL
Regular Meeting
May 2, 2022 – 5:30 PM

The Brevard City Council met in regular session on Monday, May 2, 2022, 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, Maurice Jones and Geraldine Dinkins.

Staff Present – City Attorney Mack McKeller, Interim City Manager Steve Harrell, City Clerk Jill Murray, Executive Assistant to the City Manager Denise Hodsdon, Finance Director Dean Luebbe, Tax Collector Tina Tanner, Planning Director Paul Ray, Planner/Assistant Zoning Administrator Emily Brewer, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Public Works Director David Lutz, Assistant Public Works Director Wesley Shook, Administrative Services Manager for Public Works Letha Cox, Human Resources Director Kelley Craig, Public Safety Director Phil Harris, and ORC Water Plant Dennis Richardson.

Press – Jon Rich, Transylvania Times

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

B. Invocation – Father Nick Henderson of St. Patrick's Anglican Church offered an invocation.

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

D. Certification of Quorum - The City Clerk certified a quorum present.

E. Approval of Agenda – Mr. Daniel suggested moving items M-1, M-2, M-3 M-4 & M-7 to consent as items K-10, K-11, K-12, K-13, & K-14. Mr. Harrell suggested adding the White Squirrel sponsorship request and relocation of the Port-O-Johns to New Business as items M-4 and M-5. Attorney McKeller requested to add a proposed contract to purchase real property under New Business as item M-6. Ms. Murray added Clerk's Week Proclamation as Item H-2. Mayor Copelof moved Unfinished Business to the last item on the agenda, since it has to do with the budget. Mr. Jones moved, seconded by Ms. Dinkins to approve the agenda as amended. Motion carried unanimously.

F. Approval of Minutes – Mr. Morrow moved, seconded by Mr. Jones to accept the minutes from the April 18, 2022 regular meeting. Motion carried unanimously.

G. Public Participation –

Diane Moore of 444 W. Main Street spoke about her backyard and wanting a fence but the City said she could not have one and she feels the City is targeting her. Mr. Harrell said that he would look into this further.

H. Certificates/Awards/Recognition –

H-1. Proclamation 2022-09 National Day of Prayer. Mayor Copelof read the proclamation aloud.

Proclamation No. 2022-09
National Day of Prayer

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

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

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

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

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

THEREFORE, I invite our community to join in prayer or reflection for:
Our nation and other nations especially for all those who battle for freedom throughout the world including our brave men and women in uniform;
For those suffering due to the challenges of our recent pandemic; for those who have lost loved ones due to this crisis; for the volunteers and medical personnel who have worked tirelessly; for our families and especially for our youth who have had their lives disrupted;
For our most vulnerable neighbors and for all who are struggling and need compassion and assistance;
For our leaders, so that they have the strength to meet the challenges we face today and tomorrow and the wisdom to know what to do and the commitment to do what is right

NOW, THEREFORE, BE IT RESOLVED, I, Maureen Copelof, Mayor of The City of Brevard, North Carolina do hereby proclaim May 5, 2022, as a Day of Prayer throughout the City of Brevard, NC and encourage all members of our Brevard community to join in thankfulness, prayer and reflection.
Adopted and approved this the 2nd day of May, 2022.

H-2. Proclamation 2022-10 53rd Annual Professional Municipal Clerk's Week. Mayor Copelof read the proclamation aloud and presented it to City Clerk Jill Murray.

PROCLAMATION NO. 2022-10
53rd ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
May 1 - May 7, 2022

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

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

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

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

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

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

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

Now, Therefore, I, Maureen Copelof, Mayor of the City of Brevard, do recognize the week of May 1 through May 7, 2022, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Jill Murray, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Adopted and approved this the 2nd day of May, 2022.

I. Special Presentation(s) - None

J. Public Hearing(s) -

J-1. Ordinance No. 2022-17 Amending the Official Zoning Map of the City of Brevard to Establish the Juniper Workforce Homestead Conditional Zoning District.

Emily Brewer explained that on March 1, 2022, an application was submitted by Jim Yamin, of Workforce Homestead, Inc., along with a conceptual site plan for an affordable housing development to rezone three parcels from General Residential 8 to a Conditional Zoning District. This proposed project would include the assemblage of the three parcels on Fisher Road and Holden Road, totaling 5.23 acres.

Public Hearing Public Participation -

Jim Yamin of Workforce Homestead, Inc. I would like to address some of the comments that came through. There were comments about drainage and storm runoff and the concern was that the proposed development was that it would make this situation worse. The exact opposite is true. If I move forward, the drainage will be reduced. Currently the runoff on these three parcels is free to flow downhill and that's what's causing the problem. I will be required to build sufficient stormwater detention facilities. One, possibly two, and all stormwater will be contained on site and treated. There was also concern about the building height. I will be proposing three three-story buildings. I would like to clarify as part of my site plan, I will be cutting the site down by 15 feet which means that the new buildings that will be constructed will be roughly the height of the highest point of the current Moose Lodge structure. I see the current community as a mixed use neighborhood. I feel that what I'm proposing is indeed an appropriate use. There was some talk about it having negative impact on property values. That is simply flat out wrong. There is no negative impacts observed. If anything, the effect is neutral or positive effect. The property will be managed by a management company who will keep everyone on a very short leash. Traffic is a concern give the character of Fisher Road and McLean Road. This road is a DOT road. The DOT has a website that has a statewide map that shows average annual/daily trips on roads. Fisher is highlighted on that map and it shows an average annual daily trip of 650 cars. The DOT establishes an industry standard threshold for when a traffic study is triggered. Currently, the conditions of Fisher and McLean fall well below that threshold. Speaking to traffic engineers a common calculation is to look at the peak hour count which is 10% or 65 trips during peak hours. Furthermore, they say if there's a circumstance where traffic can flow in two different directions, which is the case here, that generally they calculate 60% will go in one direction and 40% will go in another. The proposed project I'm submitting with 72 units, the DOT assumes 4.4 trips per unit, which calculates to 317 average daily/annual trips or 32 trips during a peak hour. So now combining the two, you will have 967 average annual/daily trips. So for the worst hour of the day there would be 97 vehicle trips per hour for that road. The development will add traffic, that is true, but I feel that it is manageable and that is going to be well worth the tradeoff overall. So you have a moment of truth here before you. You're going to be dealing with some of the realities of developing affordable housing.

Ray Norris, 381 Fisher Road. My wife and I live on 381 Fisher Road and we live on the north end of the property. There's a little niche and we live on the left side of the nitch directly adjacent to two of the three story apartment buildings. I'm a retired civil traffic engineer, who spent 31 years in the City of Toledo and I would use ITE numbers and there is traffic issues. It's not just the width of the road, it's the curval linear geometrics on that road. There's significant speeding all the time. It's used as a shortcut. The drainage in the last three years, we've had 25 and 45 year storm hit this land and that rain washes everything out. Retention ponds are only good for so much. We are asking for a solid privacy fence and cleaning up some of the dead trees. Our main objection is the three 35' apartment buildings. I think someone asked can it come down to one or two stories and he said absolutely not. This is going to be taller than the Holiday Inn. We object seriously to three story and if there would be any other way to handle that Jim, we would most appreciate it.

Tom Acker, 534 Fisher Road. I'm the second house up from where Fisher runs into McLean on the west side. We have two problems as I see it. One problem is traffic. The speed limit is 25mph and there are only a few people that actually go 25 mph but my front porch is 11 feet to the curb and when I'm playing with my grandchildren, those cars go by so fast that my grandchildren are afraid to go out there. The stormwater runoff is another problem. I would strongly urge the City to deny this zoning change based on the magnitude of this proposal.

Jackson Wine, Fisher Road. Last time I was in front of you was when I bought the Fanning property and annexed it into this area almost two years ago. I've been in this neighborhood for 15 years. The first house I bought was on the corner of Tinsley, McClean and Fisher where my dad lived for the past 7 or so years. I'm a local contractor and developer and I think I have a unique perspective. First they changed the zoning of this neighborhood to GR8 to help facilitate growth which we've been doing. I think it's important to understand that Mr. Yamin isn't asking to do just a few small things. He wants 14 dwellings per acre instead of 8. Multi-Family is not allowed, that's at least double. Three stories, there's no precedent for that except for the height of the church he mentioned. We are building two story things across the street but again, its single family. The flooring area he's asking for is 10,000 sf instead of 5,000 sf. Again these aren't small things he's asking for. He is asking for double what's allowed. All of the rent proceeds and management fees are not going to be spent in Transylvania County. He resides in Chapel Hill/Raleigh area I believe. It's detrimental to property values. I myself have a deal to buy this piece of property right here. We're finishing the fourth house that's coming out of the ground that will be across from the entrance to Mr. Yamin's project. I have a handshake deal to buy if this deal doesn't go through. One of the things we need to determine as a City is what the definition of low income housing is. Is it 60/50/40 percent of the mean, which is $36,000, $30,000 and $24,000 based on the last meetings with the City, you all's definition is 80 and lower and 80 and 110 I believe for workforce housing and it's important to understand that Mr. Yamin, just using simple math, that's 25% of the people that we consider to be low income would not even be allowed to rent a space in his property.

Justin Straborny, 224 Burrell Avenue. I'm for rezoning to be approved. Brevard has an extreme shortage of housing and the proposed development will be a godsend for many families and local workers as it will add to the very limited supply of available affordable housing. I would ask that there will be stipulations upon approval, such as sidewalk to the middle school and Brevard Area Trail. This neighborhood has no sidewalks and it would be a great jumpstart to add the needed structure for the community. When I hear the traffic argument, I quickly think of Deer Lake. There's plenty of room. It would have way less cars than Deer Lake and the 350 plus residents who live there. With over 350 residents and the average of over 500 car washes a day, a gas station and a gym, there's plenty of room. I've never seen any issues at that light. The proposed neighborhood would have way less cars than Deer Lake and has two stoplights, one at McLean and one at Fisher. There's also a few other directions to head in if needed such as Tinsley Road and Burrell Avenue. The argument about property values going down isn't the case from what I've experienced. On our very street there is low income housing via Brevard Housing Authority. The homes on our street and corresponding streets are selling for well above half a million dollars. The proposed site is on a knoll surrounded by trees and I doubt most people would see it and if they did choose to take a peak, from past projects he's done, they look really nice. Our neighborhood could use more neighbors and less out of town guests that frequent nearby Airbnb's every weekend. I'd like my son to grow up in a neighborhood with friends that live here and that he can grow up with.

Ellen Mason, 224 Burrell Avenue. My family and I are in complete support of the housing development so we urge you to vote against the Planning Board's recommendation. From my backyard I can see Fisher Road and we watch the school buses. I experience heavy school traffic between 3:00 and 4:00 every day and I adjust my travels accordingly. I would say approximately 100 cars affect my life more than the buses do. A lot of people that are complaining about the traffic don't even live in the area. I do get the speeding in the area and I think there are other traffic calming measures we can use. Brevard needs way more affordable housing. The people that would be moving in would be teachers, people who have lived here a long time, managers, and young professionals. I want my two year old son to grow up in a community where people live where they work. I'm tired of the out of town retirees who come in and scoop up these brand new houses and turn them into Airbnb's. I want to know my neighbors. I'm picturing a quiet tidy complex hidden on a hill surrounded by trees with a playground and community center set as a hub. There could be sidewalks and bike lanes to safely connect the area to downtown because it's only one mile to downtown Brevard. We could alleviate traffic concerns right there. Let's use this affordable housing development as an excuse to further improve Brevard's infrastructure. I feel like a lot of the citizens opposing this development always have the same blanket reasons why a development won't work in this town and if they had their way, these would be located somewhere out of the way off of Rosman Highway in a remote trailer park somewhere. If Brevard is serious about being an inclusive City with real economic opportunities for families and young people, we need to treat our normal day-to-day workforce with respect and dignity so let's keep Brevard moving forward.

Gil Newbury, 158 Fisher Road. I have skin in this game in three ways. This is a house that was built in 1976 as workforce housing. I'm also of retirement age and I recognize that

yes, I am blocking future generations from the workforce housing that I currently live in. I also fail at retirement and work in retail in what is deemed an essential service so many of these people that we're talking about are my coworkers who I greatly respect and admire for how hard and how difficult their work is. I support workforce housing and I wanted to support this project but I cannot. I think what we're doing is backwards. We heard that Brevard wants to build up and they want to be denser and I say get your infrastructure done first. Take care your roads, your sidewalks, and your stormwater first. That is the work of public service and that is the work of government that is not to be balanced on the back of citizens. Nor is it something that you can kick the can down the road and say "payments in lieu of" or "we'll take care of that later." We all know about orphan sidewalks. Sidewalks that go nowhere. I commute by bicycle which is a great reason to live in town. I commute on the bike path right by Deer Lake. I've been put on the ground twice in the last five months. One of which was at the Deer Lake intersection, cracked ribs and all. I don't have the opportunity to wait for all of the school traffic to go by. I have to get to work. I think I'm crazy but I keep doing it. So, one, we're doing this backwards. Two, the scale is wrong. I suggest that we stop trying to pound round pegs into square neighborhood holes and that you deny this project as your own Planning Board has recommended and that you revision towards smaller scale projects. I noticed that Habitat for Humanity in Asheville is building neighborhoods. I would also say that we look at some of the commercial properties further down the street on Railroad Avenue in a planned previsioning where we get our infrastructure first and we can actually carry forward a project with neighborhood support instead of dividing neighbors.

Paul Cushman, 126 Fisher Road. We bought a house right across from the development. Right now we're not against low income housing but can it be done compatible to what's there now? I don't understand why we have to throw a huge building there that's going to be 4 or 5 stories high. When you knock down trees and put three buildings, it's going to be noticeable. It's a big impact. With that will come a lot of noise and a lot of lights. The road is going to turn into a river when the rain comes down. One of the things you would want if you walk down that street to the main street of that development is the opportunity to have a sidewalk so kids and older people can walk up and down that sidewalk. The first thing you do when you get to the bottom of this is cross the street and they're hoping to put a sidewalk up towards the school. If you're going down towards town on the left, there is nowhere to put a sidewalk. The street is busy. When me and my wife walk our dogs, we do it on the weekends, when you go up the hill you go on the right side. When you get to the top of the hill we cross and go down the other side so you do not get hit by a car. We are definitely against this. It really feels like you're putting the cart before the horse with the rezoning before impact studies are done. Why can't we listen to the Planning Board on this? The number of exceptions seems very high and that ought to be a red flag right off the bat. They'll have a certain amount of parking spots and when that overflows, on Christmas or holidays when extra people show up, there's going to be times that parking fills up. Where are they going to go? Is this the best five acres in Brevard to build this project? It seems like we could do something more compatible and where people are more comfortable and feel more a part of the neighborhood.

Amy Fisher, 52 Meadowview Road. I am an 8th generation of Transylvania County, I do live in the City of Brevard and I sell real estate for a living and I am very much in favor of bringing affordable housing to this community. I have worked tirelessly alongside Mr. Yamin to try to do that. We have explored a number of possibilities. We have met with Transylvania Economic Alliance, County people, Council to try to identify viable parcels for affordable housing and unfortunately what most people don't realize is the stringent requirements that we have to meet in order for a project to be viable. We are running out of options in this community. Many of you may know already that the median sales price as of today in Transylvania County is $475,000. The average sales price is $521,835. Most of us, most of the people in this room could not afford to buy their home today. One of the things that we are seeing that scares me a lot, I not only do sales and I'm in the top 20 in Transylvania County, I manage a 70 unit rental program where the average cost of a one bedroom, 600 square foot apartment starts at $1,100 a month. A two bedroom starts at about $1,500 a month and a three bedroom starts at $1,850 and goes up from there. We are now starting to see a decline in the quality of life that we all enjoy and its evidenced when you try to go out to eat and can't find a restaurant that can take you because they don't have enough staff to serve you. We're seeing that if you're trying to find daycare for your child because there aren't enough slots because there aren't enough day care workers. We're seeing it in grocery stores where you go in and can't find the help you need because they can't hire the workforce to support our community. We are just starting to see a slip in the quality of life that we enjoy here. It scares me terribly and I will tell you that we have exhaustively searched for other sites that are not in neighborhoods that need rezoning, but the criteria that the funding requires, requires city utilities, a minimum of about 5 acres and you'll note that we have had to put three parcels

together which was no easy task just to even be before you today to discuss this. Yes we have traffic issues in this community. There are things we can do to help calm that but that should not be a reason not to approve this, the storm water retention will be addressed as Mr. Yamin has said. These apartment buildings are nice. You or I would be proud to live in them. He has done approximately 20 of these projects across the state of North Carolina since 2003 and no property values have gone down. If you're getting an appraisal of your home, a single family home will not be compared against a multi-family housing complex. It just will not happen. We have a developer in this room standing in line to get two of these parcels and stands to make several hundred thousand dollars per unit in profit should that come to fruition. But we have to house those people who support the backbone of this community. We are out of options. If you decide to vote against approving this tonight, you are essentially saying you don't want affordable housing in this community.

Rodney Holcomb, 42 Wood Sorrell Lane. I want to speak in support of workforce housing. I am in the county and not in the neighborhood where the proposal is being considered, though I do feel that I am directly impacted when I try to access services across the county and in the City of Brevard to employ folks who make less than $20 an hour. My son graduated from trade school a little over a year ago and makes $18 an hour and is barely able to keep his head above water and though that's pretty good, it doesn't consider the fact that we pay for his healthcare and we pay for his car. That circumstance is being played up all over the country and the recent salary gains that have been made, have been eaten away by recent inflationary pressures. Where are folks like my son expected to live? Since the closure of three major employers in the county in the early 2000's, viable employment for many in the county has been a struggle. In the last thirty years, it's become clear that the role that education plays in being an important factor entertaining wealth but sadly advanced education is not always achievable for folks and they need affordable housing. In the Transylvania school system, a teacher aide with 31 plus years' experience at the highest level makes $2,358 a month, take away a third of that for taxes and for health care and it's clear that is not a living wage. Our teacher aides, CNA's, health care workers, store clerks and beginner carpenters like my son our town, just like many others across the county are being challenged. This isn't just Brevard. Many blame the rise of short term rentals but wages across the county have not kept pace with rental rate increases. I know that change is hard and yes traffic is going to be impacted and I think about my neighbors who complain when tourist season hits because it takes us 22 minutes to get to Ingles instead of 18. The traffic is increasing because we're a tourist destination and those funds fund our restaurants, our shops, our breweries, our small businesses and the city and county tax base. So I hope we move forward. I hope we vote yes on this proposal and support affordable housing for the folks who work at our local businesses and for who affordable housing is beginning to feel like a pipe dream.

Harry Harrison, 343 Fisher Road. I guess I can say all the objections have been addressed. Jean and I are not opposed to affordable housing. In fact, when I returned from Vietnam, I had a good paying job and the disadvantage to that was that I had to relocate to the neighboring city to take the job and guess what? There was no place to live. So for six months, my family lived at home and I lived in the city and finally a house came open that we could afford but unfortunately I spent almost six months doing extensive remodeling on nights and weekends, to make it livable. So I absolutely do support workforce housing. My concern is the wrong type of housing for our neighborhood. What we would like to see is something that does not rise to three levels because from the crest where those apartments buildings will be built is a drop of almost fifty feet which means that everything as far as security and privacy, even if you did erect a security fence along our property line, they would look over top of it. There's extensive woods that go all around there and we have had on occasion, homeless that have taken up camp there and have been known to wander through in between our houses. I do have a concern with the drainage that's been addressed several times. The last deluge we had turned my dog run into a swimming pool and washed away three flower beds that were in front of my house. Lastly, there is something that we hold near and dear to our house and that is protecting the trees and wildlife and if you were to stand in front of our house and look back up above us, it's absolutely stunning and this year is one of the best springs we've had since we've been here. Those are my three concerns, drainage, security and privacy and protecting the trees and wildlife. Also, if this does go through, who has the responsibility to remove the resident bear that comes through there every three months to attack my bird feeders?

Sandy Watson, 106 Holly Lane. I do not live in this neighborhood but I do object. I have no problem with affordable housing and workforce housing, housing that I could afford if I wanted to buy a house here now. Everything I've heard here, I agree 100%. The problem I have with this proposed development is the size of it and the three floors. We don't have the infrastructure which needs to come first. I just feel for these people. I don't think it belongs

where they're proposing to put it. I'd love to see City Council seek out a developer who will build houses that are houses, even if they're duplexes. I don't know if they're going to work here, they could work in surrounding counties and live here because its affordable housing. I hope you will vote to deny this request.

Gretchen Hogan, 284 Millbrook Drive. I live just around the corner from this project and I'm also the owner of Elements Spa in town and cower of an architecture firm with my husband. We are 100% in favor of this project and we do walk and bike this street with our kids. I'm in favor of this project because I cannot find employees to work at $15-$20 an hour starting wage. We go up to $40 an hour. I lost two employees in the last two months who have had to find housing in Asheville or Hendersonville and they can't do the commute because of rising gas prices. It really hampers my ability as a small business owner to stay in business. A more recent example is that one of my employees was in a single family house paying $1000 a month in rent and she had to leave at the end of her lease because they were converting it to an Airbnb and the only comparable house she could find for her and her son was $1700 a month so she couldn't do that on her salary. Luckily I was able to make up the difference for her in a wage increase. I can do that with one employee. I cannot do that with twelve employees and that is how many I employ in Brevard. So from the perspective of a small business owner, I really see the difficulty of attracting employees and keeping employees and being able to afford paying for the rising housing costs. My massage therapists will never make enough to afford a home in Brevard. Our teacher's, firefighters, police officers, grocery clerks and restaurant servers will never make enough. Where will they go and how will our town keep its charm and character of downtown Brevard if we can't keep our businesses employed. If we don't do something about it, our lovely independent businesses will suffer the consequences. I'd like to see you vote in favor of this project to make it work and fit in this location and I would very much appreciate it so that I can hire more employees.

~~ At 7:14 PM Mayor Copelof called for a ten minute recess ~~

Public Hearing Council Comments -

Mr. Daniel said Holden Road was going to be your entrance but you've moved it but can still use it. That house almost sits in the road right there. I am concerned about that. You wouldn't even be able to walk out your front door. Mr. Yamin said he is not using Holden Road at all and it will be closed to vehicular traffic with only pedestrians allowed. Mr. Daniel said he would like that to be stipulated.

Mr. Baker said I really struggled with this and put a lot of work in thinking about the process and projects in the past that we've talked about here and I believe in our Planning Board and think they put a lot of effort into what they do and I do not think that this City Council should take overruling the Planning Board lightly. We're in a crisis with housing. We are desperate for affordable and workforce housing and the folks that we're talking about are the exact same people that we were talking about as essential workers during the pandemic. These people are being driven out of the city and that is not the Brevard that I moved to and that's not the Brevard that I want to see in the future. The housing market is accelerating, not decelerating. Prices are increasing for everyone, renters and homeowners. $400,000 plus, all single family homes and many of those are turned into short term rentals almost immediately. Having said that, there are no perfect projects ever and there is no perfect developer. Today, I actually asked Jill, Janice and Denise to look into some minutes from when Broad River Terrace off of Old Hendersonville Highway, was built, right next to Bedford Place and I think everybody that I know in Brevard at least probably rarely ever thinks of that place and if they do, they probably say that's a nice place to live. Well that is an affordable housing development and if you go back to the minutes from 2010, there was substantial discussion about that project. A lot from the residents in Bedford Place who own single family homes and they had a lot of concerns. A lot of them centered on traffic, and stormwater and infrastructure. That also went through this same process and it had to be annexed as well. It went through the process, there was a preliminary master plan, there were changes made to that plan and then a final master plan was developed and that was approved. Infrastructure often follows development. I would say more than the other way around and there is infrastructure near this site right now. The multi-use path is very close. There is a school very close. There needs to be some more considerations for stormwater which I look forward to talking to the Planning

Department about in the final master plan. The last thing is that these are people living here and this is not a biomass plant, this is not an asphalt plant, these are homes full of people, full of families and families that we want to be in Brevard. A lot of the issue with this process is the land use plan and the zoning that the city sets out across the entire city and if our land use plan was where it needs to be, a lot of the properties would already be zoned for higher density and we're in the process of updating that plan right now. That plan that we're operating under right now was developed in 2002. I was 16 years old in 2002 and a lot has changed since then and relying on a plan that old has a lot of issues. One of the issues is before us tonight. We haven't kept up with the pace enough to change the things we needed to change and now we're having to make a big jump but the change that this project represents is a building on a piece of property but I think we're all experiencing change of another kind that you can't see in the physical world but it's the change of the character of the city and that's something that we should take very very seriously. We want all kinds of people to live in the city of Brevard and that is the place I wanted to stay after college and we need to hold onto that. The other thing is that these projects do not grow on trees. We do not have a backlog of projects to solve our affordable housing crisis. We don't have a whole lot else to solve this issue. We have a committee that is working very hard but those solutions take a long time. If we don't approve this, I'm very concerned that these projects are going to go away forever and we will not have an opportunity to make sure that all people have an opportunity to live in Brevard. The other thing that is very concerning to me is we have a land restriction issue in Brevard. There are not a lot of pieces of land available for developments. We have half of our county that is federal land, we have a massive, oldest river in the world as we love to say, in the French Broad River that has a huge flood plain which takes a whole other swath of land away from development. So if we don't do this on this particular property, I can almost guarantee that we'll probably be talking about one to two to three single family homes that will all be half a million dollars or more, so that is the choice here. It's three, half-million dollars or more, homes or 72 housing units for neighbors in our community.

Mr. Morrow said he agrees with Mr. Baker, I take the decision by the Planning Board very seriously and they're the folks that I would depend on to have done their homework and ask the right questions. They're obviously concerned about the infrastructure and I think the point is made that in this case, its unique because of the terrain, the infrastructure is a key component. I understand their resistance. Emily tell us again what is the maximum income for this housing? Emily said the maximum income for this housing is 60% of area median income which is roughly $59,000. Ms. Dinkins said that translates to about $18 an hour. Mr. Morrow said in our conversations, we really need workforce housing. What's that number? Emily said 120% of area median income. Mr. Morrow said that issue to me is a big one. I don't believe if we turn this down that it's the end of the world. I think this property has a lot of opportunities and potential. The size of it bothers me. Having worked with Mr. Norris on the Transportation Board, I understand his background and when he's concerned about traffic, I'm concerned about traffic. I work on the corner of McLean and Railroad Avenue and I know what water does. It comes down and floods all of that area by the warehouses. Last time it was two feet. Two ponds aren't going to stop that so where does that water go after the ponds? It doesn't go anywhere. There's a lot of work that needs to be done on this site first if you want to put some high density in there. I agree with the gentleman who said let's get the infrastructure first. I think the scale is wrong and I don't think it fits the character and any time we change the zone, we're changing Brevard.

Mayor Copelof asked Mr. Yamin if he thought about two story instead of three. Mr. Yamin said yes he has and with the cost of land, it would render it no longer affordable.

Ms. Dinkins said I was out this past Saturday on Jordan Street and a restaurant that I always associate with sit down service is now a place where you step up to a counter, place your order and get a number and I was told that it was directly related to servers being hard to come by and in order to keep the business going and in order to feed the people who want to eat out, that is what's necessary at this point. It's still

wonderful and it works but in my mind that is where we are which is we are at a place that makes this an emergency. I keep saying the house is on fire and we're all still wanting to check hoses and that's just simply not going to work anymore. I am currently looking to hire somebody to look after my special needs son this summer. I pay $20 an hour and I have absolutely nobody that wants to work for me. It's the easiest work in the world, you go hiking and you sit with my son at home when he plays on his computer so I'm here with a room full of people and pretty much everyone has stepped up to the lectern and said I'm in support of affordable housing or workforce housing and at some point in time we're all going to have to ask ourselves the hard questions. How do we live in a town where $18 an hour full time does not get you a decent place to live? People are not looking for amazing homes, they are looking for places to live and getting started in this community. We're talking about people who have not yet owned a home or maybe because of a divorce or death or health issues, no longer own a home. We're talking about people who work. I believe that this neighborhood is a great place for density. I know it's close to three grocery stores, it's close to our multi use path and most of all it's close to a school. That is where these types of developments should go. Traffic. I don't think anybody lives on a street that is perfect and could use more traffic. I think we all feel like there's too much traffic everywhere. If you live near a school, that's the way of life. There's an hour in the morning and an hour in the afternoon. If you need to leave a little bit earlier, that's how it goes. I sit in one of those lines at the high school but my son and I biked to the middle school and I saw the traffic congestion and the funny things is, five minutes later, Fisher Road is empty. As city leaders, when it comes to traffic, I think it's our responsibility to get from A to B safely, but it's not to get you from A to B in a given time or at a given speed. The one thing that has been said over and over again tonight is that 72 units is too much. Various housing studies for our county have put the number at 500 units and we need them today, not tomorrow. So 72 units is just the start. I believe this is an economic development issue and I'm very much in favor of building things that will keep some of our young people here. Not everyone will stay, but we want to give people a change in their home community to make a living and have a place to live in our community. I've lived in a resort community and let me tell you when all the visitors are gone, those are sad places. I struggled very much with the fact that the Planning Board was not in favor of this but like Aaron said, infrastructure very often follows development. These people will purchase things in our community and will contribute sales taxes to our coffers. We have to have money to build infrastructure. It doesn't just materialize out of thin air and again almost no street in our town is the perfect width and has all the sidewalks. It's just something that we have to work towards. I'm displeased that there's a time crunch Mr. Yamin, that if we don't approve this tonight, you're probably going to stop because you can't make the deadline. It kills the project and that is something that I struggle with because I do think that we need to hear from people and take that into consideration and doing that within one night is not fair. Is there a firm number on the fee in lieu? Will that build us sidewalks? Has there been actual negotiations? Emily said the fee in lieu that is allowable is the exact cost of constructing the 30 inch curb and gutter, sidewalk and the road frontage. Ms. Dinkins said ok and I have biked to the middle school and it does not have enough sidewalk around it especially since school buses come from every which way. I struggle with the infrastructure part of it. If you could do something with that, I can live with the density, I can live with the height but I would want this project to bring something to this neighborhood that adds something to it. When you come with a lot of density, in my mind you have to bring something that benefits the people that live next to it.

Mr. Yamin said the ordinance does call for sidewalk construction along the road frontage and it's kind of silly because it's a sidewalk to nowhere but I would be willing to offer to basically pay more than I would be paying if I were just going to be building a sidewalk along Fisher Road. That is going above and beyond that number in my negotiations with the city in an effort to try to build a connecting sidewalk going up to the middle school. I don't know what that number would be but I would certainly be willing to go beyond what I would otherwise be spending were I to build a sidewalk along my road frontage on Fisher Road. Ms. Dinkins said can I take you at your word that you would build it? Mr. Yamin said he would take the sidewalk North up the left side of Fisher Road but he said to be clear, I'm not saying I would pay for the entire

length because it's quite a length. Ms. Dinkins said it's a lot but I'm not asking you to build only two stories. We need to ask you to go above and beyond and I'm looking for something that improves and enhances this neighborhood and I believe that infrastructure in terms of curb and gutter and sidewalk would very much do that and it would give people who are losing view and trees and nature, something in return for that. It would also make this place a whole lot safer because I think there's going to be kids living in this development that will be going to school and it would be silly to drive a kid from that close so I want to hear that you can do something on that front. Mr. Yamin said he would certainly be willing to go beyond what he would otherwise spend. For everybody here, my promise is that we will continue to entertain projects that give homes to people who work. Your neighborhood is not the only neighborhood. My personal goal is to spread this out so that things feel organic and natural and that there's not one place in our community that has to take the hit. I hope you can understand and appreciate that 72 units is not a lot for what we need to keep our town thriving, to keep people in places where you go every day. If we want things like an Aldi in our town, this is what comes in the wake of it, so for all the things that we want as we grow, we are going to have to make room for people to live so they can work these jobs.

Attorney McKeller said we can't authorize sidewalks on a non-city street so it would take a good bit more research before I could answer this. We can't make a development agreement with the developer to put a sidewalk where we don't own the road. Everything has to be tonight if it's going to be done at all and it has to be in writing signed by both the developer and someone on behalf of the City.

Mr. Jones said if you care about the City and about the citizens and the jobs, this decision is not an easy one. One thing that hits with me is I know that we need housing. Heck , I'm a person who's looking for housing and can't find it but at the same time, any time we have a development come forward, I always think, what if I lived right next door. So I'm also thinking about the surrounding and think about the citizens who may have lived here for decades. I have a lot of thinking to do on this and for me personally a lot of praying. The one issue I do have Mr. Yamin is with it being on the Housing Trust or whatever there's always a time crunch, having to do with financing in most cases. That does not leave me enough time to make an educated decision and in most cases, that is usually why I'm voting in the negative which I don't want to do because I know it's needed.

Mr. Daniel said he would like to echo what Mr. Jones said. This is a difficult decision and there's a lot of people in this room with a lot of good arguments and discussion. Our City attorney just said the negotiation is now. We have to decide what we're going to do right now. We can't wait two weeks for our next meeting because you didn't come to us in time. Please don't take this to indicate how I'm going to vote, but I'm am very frustrated by this because you put us in a very difficult position where we have the citizens of our town who have widely varying opinions on this and we have to digest all of this information now. It takes me a little longer to digest everything. I actually think this may be a good project but the above and beyond conditions, what are those? We don't know and we haven't really had time to process that. That to me is really the crux of the matter in making this decision. I want to make a good decision. I want to make the right decision and I have an idea of what that is but I don't feel like I have had the time to really process it.

Ms. Dinkins moved, seconded by Mr. Daniel to table this item until the end of the meeting. Motion carried unanimously.

~~ At 8:28 PM Mayor Copelof called for a five minute recess ~~

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

K-1. Ordinance No. 2022-18 Declaring Multiple Road Closures for Special Events.

ORDINANCE NO. 2022-18
AN ORDINANCE DECLARING MULTIPLE
ROAD CLOSURES FOR SPECIAL EVENTS

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

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

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

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

SECTION 1. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Memorial Day Parade

Date:	Monday, May 30, 2022
Time:	8:00 AM – 12:00 PM
Route Description:	Broad Street (U.S. 64/U.S. 276) from Minor Street to French Broad Street.

SECTION 2. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

White Squirrel Weekend

Date:	Friday, June 3 & Saturday, June 4, 2022
Time:	12:00 PM – 11:00 PM & 10:00 AM – 4:00 PM, respectively
Route Description:	Main Street (U.S. 276) from Caldwell Street to Rice Street; Broad Street (U.S. 64) from Probart Street to Morgan Street; Jordan Street (City street) from Gaston Street to Caldwell Street.

SECTION 3. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Block-Party Street Dance Series

Date:	Tuesdays June 14, 21, 28 & July 5, 12, 19, 26, 2022
Time:	5:00 PM – 9:00 PM
Route Description:	Main Street (U.S. 276) from Broad Street to Gaston Street.

SECTION 4. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

National Night Out

Date:	Tuesday, August 2, 2022
Time:	4:00 PM – 9:00 PM
Route Description:	Main Street (U.S. 276) from Broad Street (U.S. 64) to Johnson Street.

SECTION 5. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 2nd day of May, 2022.

K-2. Resolution No. 2022-12 Fixing a Date of Public Hearing on the Question of Annexation-EJ & Megan Scalf.

RESOLUTION NO. 2022-12
A RESOLUTION FIXING A DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED

WHEREAS, a petition was received on February 28, 2022, requesting the annexation of a contiguous area described in said Petition as EJ and Megan Scalf, 328 Forest Hill Road, Brevard, NC 28712, consisting of 0.210 acres, more or less, be annexed into the City of Brevard. (Tax Property Identification Number: 8585-25-8542-000).

WHEREAS, the Brevard City Council has by Resolution No. 2022-06 directed the City Clerk to investigate the sufficiency thereof; and

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

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by EJ and Megan Scalf, will be held at Brevard City Hall at 5:30 P.M. on the 16th day of May, 2022.

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

Metes and Bounds Property Description:

Being all of Lot 13 of Block 4 of the Lakeview Section of Lawrence Land Company as originally shown on a plat thereof recorded in Plat Book 1, Page 5 records of Plats for Transylvania County and resurveyed and shown on a new plat thereof recorded in Plat File 16, Slide 933 Records of Plats for Transylvania County.

Subject to restrictions, easements and rights of way affecting the subject property as will appear by reference to the public records and any amendments thereto in the Henderson County, North Carolina Register of Deeds Office.

Being the same property conveyed in a Deed from Jeffrey Albert Ellwood to Richard E. Libby, married recorded November 18, 2016 in Book 785, Page 15-17 in the Transylvania County, North Carolina Register of Deeds Office.

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

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

Adopted and approved this the 2nd day of May, 2022.

K-3. Termination of Easement-PharmAgra/Fisher Road.

K-4. Application to N.C. Division of Water Quality for Grant for Water Tank Expansion for Deer Lake Tank Service Area.

K-5. Housing Trust Fund Selection Committee Minutes-March 10, 2022.

K-6. Council Parks, Trails & Recreation Committee Minutes-March 16, 2022.

K-7. Council Public Safety Committee Minutes-April 7, 2022.

K-8. Change Public Participation to Public Comment on Council Agenda.

K-9. Correspondence (No Action. Offered as information only.)
a. Transylvania County Building Permit Activity Report, April, 2022
b. Letter of Thanks from Sharing House.

K-10 (M-1). Approve Memorandum of Understanding (MOU) for Dog Park Ditch Maintenance.

K-11 (M-2) Resolution No. 2022-14 Request to NCDOT to Reduce Speed Limit on Neely Road/Park Avenue.

RESOLUTION NO. 2022-14

REQUEST TO NCDOT TO REDUCE SPEED LIMIT ON NEELY ROAD/PARK AVENUE

WHEREAS, there is about a two (2) block section of the stretch of street, partially Neely Road and partially Park Avenue, that is 35 mph with the rest of this stretch on either side being 25 mph; and
WHEREAS, it is somewhat difficult for drivers to using this stretch to realize when they are in a 35 or 25 mph zone or not; and

WHEREAS, as this section of streets are state rights-of-way, City Council wishes to request the NCDOT reduce the 35 mph stretch to 25 mph making the speed limit consistent throughout the entire length of Parkview Ave/Park Ave/Neely Rd between Elm Bend Road and Old Hendersonville Highway,
NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BREVARD THAT:
It requests the North Carolina Department of Transportation reduce the speed limit from 35 mph per hour to 25 mph on the two (2) blocks of Neely Road/Park Avenue.

Adopted this 2nd day of May, 2022.

K-12. (M-3) Ordinance No. 2022-19 Amending the FY2021-2022 Budget Amendment Number Ten.

ORDINANCE NO. 2022-19
AN ORDINANCE AMENDING THE FY2021-2022 BUDGET
AMENDMENT NUMBER TEN

SUBJECT: Budget Amendment to increase Finance Department personnel expenses by $44,000.

AGENDA INFORMATION

Agenda Location: **New Business**
Department: **Finance**
Contact: **Dean Luebbe, Finance Director**

BRIEF SUMMARY: In September and November of 2021, two employees in the Finance Department retired and were almost immediately replaced. Large vacation payouts were made in both cases. When this combinations occurs, budgeted personnel line items often need to be amended. The current Finance Director's salary also exceeds the individual previously in that role by $20,000. Currently, property tax revenue is exceeding budgeted amounts, so this amendment does not affect fund balance.

MOTION FOR CONSIDERATION: To approve Budget Amendment Ten as submitted, increasing the budget in expenditure accounts

10-4400-0200 (Salaries - Regular) $44,000

And increasing the budget in the revenue account

10-3010-0421 (Property Tax - 2021) $44,000

ATTACHMENTS: None

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 2nd day of May, 2022.

K-13 (M-4) Ordinance No. 2022-20 Amending the FY2021-2022 Budget Amendment Number Twelve.

ORDINANCE NO. 2022-20
AN ORDINANCE AMENDING THE FY2021-2022 BUDGET
AMENDMENT NUMBER TWELVE

SUBJECT: Budget Amendment to increase Sanitation Department personnel expenses by $60,000.

AGENDA INFORMATION

Agenda Location: **New Business**
Department: **Finance**
Contact: **Dean Luebbe, Finance Director**

BRIEF SUMMARY: The FY21-22 budget approved nine (9) full time positions in the Sanitation Fund. Due to heavier than expected workload in sanitation and recycling pickup, the department has needed ten (10) employees throughout the fiscal year. This has resulted in the personnel line items running over budget. Revenues associated with Disposal Fees are exceeding budgeted amounts and will be the offset entry. The Sanitation Department has requested eleven (11) full time employees in the FY22-23 budget.

MOTION FOR CONSIDERATION: To approve Budget Amendment Twelve as submitted, increasing the budget in expenditure accounts

20-5800-0200 (Salaries - Regular) $60,000

And increasing the budget in the revenue account

20-3590-0300 (County Disposal Fee) $60,000

ATTACHMENTS: None

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 2nd day of May, 2022.

K-14 (M-7). Ordinance No. 2022-23 Amending the City of Brevard Code of Ordinances, Chapter 66, Traffic, Section 66-5, Traffic Schedules Adopted, Schedule XXXI, Streets Closed to Semi-Truck/Tractor Trailer Rig Traffic, Closes Certain Streets to Semi Truck Traffic.

ORDINANCE NO. 2022-23

AMENDING THE CITY OF BREVARD CODE OF ORDINANCES, CHAPTER 66 – TRAFFIC, SECTION 66-5 – TRAFFIC SCHEDULES ADOPTED, SCHEDULE XXXI. STREETS CLOSED TO SEMI-TRUCK/TRACTOR TRAILER RIG TRAFFIC, CLOSES CERTAIN STREETS TO SEMI-TRUCK TRAFFIC

WHEREAS, Schedule XXXI under Section 66-5 of the Brevard Code of Ordinances closes certain streets to semi-truck/tractor trailer rig traffic; and

WHEREAS, the City Council wishes to close Carver Street from Oakdale Street to West Morgan Street and South Oaklawn Avenue from West Morgan Street to Main Street to three-axle tractors with 27-foot semi-trailers,

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

Schedule XXXI under Section 66-5 of the Brevard Code of Ordinances be amended to read as follows:

SCHEDULE XXXI
STREETS CLOSED TO SEMI-TRUCK/TRACTOR TRAILER RIG TRAFFIC
(Section 66-89)

Semi-truck/tractor-trailer rig traffic is prohibited; provided, however, that semi-trucks/tractors which are not connected to a semi-trailer are not prohibited. A semi-truck/tractor-trailer rig is a combination-type vehicle, including, but not limited to, a five-axle tractor with a 45-foot semi-trailer and three-axle tractor with 27-foot semi-trailer.

Big Bend Road

Burnette Drive

Cherry Street

East Main Street at Greenville Highway and Wilson Drive split

Idlewood Street

For the following streets, semi-truck/tractor-trailer rig traffic is also prohibited; provided, however, that semi-trucks/tractors which are not connected to a semi-trailer are not prohibited. A semi-truck/tractor-trailer rig for these streets is a combination-type vehicle, including, but not limited to, a five-axle tractor with a 45-foot semi-trailer.

Carver Street from Oakdale to West Morgan Street

South Oaklawn Avenue from West Morgan Street to Main Street

Approved and adopted this 2nd day of May, 2022.

M. New Business

M-1. (M-5). Project Ordinance No. 2022-21 Capital Project Ordinance to Amend Ordinance No. 2013-09 (Replacement of Bridge #102 Along Railroad Avenue). Mr. Jones moved, seconded by Ms. Dinkins to approve the project ordinance as presented. Motion carried unanimously.

ORDINANCE NO. 2022-21
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2013-09 (REPLACEMENT OF BRIDGE #102 ALONG RAILROAD AVENUE)

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

Section 1: The budgeted revenues and expenditures listed under the original ordinance (2013-09) will be cancelled and replaced with the amounts listed under sections 3 and 4 of this document. The City intends to have this project completed by November of 2023.
Section 2: The project authorized is to replace the bridge located on Railroad Avenue near the intersection with Commerce Street. The project will provide access in the near and long term future for residents and businesses in the Railroad Avenue and King Street districts.
Section 3: The following amounts are appropriated for the project:

Account Number	Account Name	Budget Amount
78-6500-4500	Railroad Avenue Bridge Repl	$1,740,000
TOTAL PROJECT APPROPRIATION		**$1,740,000**

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

Account Number	Account Name	Budget Amount
78-3345-0000	NCDOT B-5550	$832,000
78-3750-0000	Transfer from Gen Fund	$208,000
78-3755-0000	Transfer from ARPA	$700,000
TOTAL PROJECT REVENUE		**$1,740,000**

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.
Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.
Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.
Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.
Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.
ADOPTED by the City Council of the City of Brevard, North Carolina, on this 2nd day of May, 2022.

M-2. (M-6). Project Ordinance No. 2022-22 Capital Project Ordinance for the Construction of the Estatoe Trail. Mr. Baker noted that section 2 has Paul Ray's name in it and it should say Brevard High School. He also mentioned that Transylvania County Tourism supported this in 2018 and agreed to pay $20,000 at that time and they never sent that money so that number actually needs to be $46,700. Mr. Daniel moved, seconded by Ms. Dinkins to approve the capital project ordinance as amendment. Motion carried unanimously.

ORDINANCE NO. 2022-22
CAPITAL PROJECT ORDINANCE FOR
THE CONSTRUCTION OF THE ESTATOE TRAIL

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:
Section 1: The project authorized is a to complete construction of the Estatoe Trail
Section 2: The project will include improvements to the Davidson River pedestrian bridge, and the portions of the trail from the Railroad Depot to Brevard High School.
Section 3: The following amounts are appropriated for the project:

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

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

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

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.
Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.
Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.
Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.
Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

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

M-3. (M-8) Adoption of Traffic Calming Policy.

Phil Harris shared his PowerPoint presentation (Attached). It also went in front of the Safety Committee.

Mr. Daniel said I noticed that there aren't any members of the public on the public safety committee. It seems to me that would be a logical thing to have. The action part of this seems unyielding. I feel like citizens elect City Council, we hire a city manager and he hires professionals to oversee the ongoing of the City. There's a lot of things I like about this. I just prefer that professionals make decisions on what is safe and to take the concerns of our citizens and work with that. The other thing is with the removal of measures, I didn't really see there was an assessment of efficiency of what had been done. In other words, do people just not like it because it slows them down when that's what it was intended to do anyway? I just feel like it needs a little tweaking.

Mr. Morrow said the recommendation comes through staff and City Council ultimately makes the decision. We're the policy.

Ms. Dinkins said this won't make me popular but if we could all drive slower, we wouldn't need any of this. Does anybody live in a neighborhood where anyone drives slowly enough? I live on Probart Street and I see my friends race up my street and they're the people that tell me that traffic on their street is too fast. This all feels confusing to me. What if every neighborhood organizes and says "yay speed bumps, I want this, and I want that." What will that take money and staff time away from? I can guarantee that we will get these requests.

Ms. Copelof said she is already getting requests. What this does is give us a process to evaluate these requests, in a systematic manner so we can deal with them. This lets you evaluate whether it's really supported by the majority of the neighborhood, it allows it to go to the experts, police and fire, to see if there are issues and it also allows us to make sure that it makes sense from the expert's point of view. The requests are already coming in and we have no method to really deal with them so this is an attempt to come up with a systematic, fair and equitable approach of what people want because it is the top issue that is brought up to me at every single Meet the Mayor. We've already got the police increasing enforcement, we've already started our public relations campaign about the importance of personal responsibility like following the speed limit, we just passed a resolution to drop the speed limit on Neely Road, and we just passed an ordinance to ban trucks off of a street. This is another tool

that will allow us to really deal with the citizens' concerns and to put it in the system and through our experts, through our committee and then bring it to council with a recommendation. Ms. Dinkins added that she thinks we may be opening a can of worms here as everyone is going to want a speed bump on their street.

Mr. Baker said we need a plan badly for this. I'm wondering if we should send this to the Planning Board as well because we are talking about physical improvements to the City and public spaces and I would value their thoughts on this. I am not against this at all, I think it's much needed and I'm glad it's before us, but I agree that it needs more time to stew. Attorney McKeller said I don't think the Planning Board is the right place to send this.

Mr. Daniel moved, seconded by Mr. Morrow to approve the traffic calming policy with the following addition to the opening paragraph. "This policy is consistent with the Complete Streets Policy adopted by City Council on March 18, 2019 and supports the City's and Blue Zone Project-Brevard's built environment efforts to promote a healthier and safer community". Motion carried 3-2. Mr. Baker and Ms. Dinkins were nays.

M-4. (M-9) White Squirrel Sponsorship Request-$50. Mr. Harrell explained that the inaugural White Squirrel Artisans Market is happening on Saturday, June 4th from 12:00pm-4:00pm in the Brevard Lumberyard District in conjunction with the 2022 White Squirrel Weekend. The City is being requested to be at a "Gold" Sponsorship level at a fee of $500 and the money will allow event organizers to invest in signage, directory signs, printed maps to hand out to Main & King Street businesses as well as a downloadable digital map. Mr. Morrow moved, seconded by Ms. Dinkins to approve the $500 request. Motion carried unanimously.

M-5. (M-10). Relocation of Port-a-John at Silversteen Skate Park. Mr. Harrell explained that port-o-johns located at Silversteen Skate park and next to the playground/basketball courts on Hillview Street were requested to be moved off the streets. The port-o-john at the Silversteen skateboard park can be moved to rear of the park and placed on the existing concrete pad on the left side or moved to right corner of the concrete pad on the front of the park (but still back off the street). Either way, a gravel roadway will have to be installed for the pump truck to access it. The rear left side will require a longer gravel road coming off Silversteen running next to, and along the entire length behind, the park to reach the port-o-john. The right front side would be a shorter version of the gravel roadway. Staff queried the port-o-john provider and a longer door on this port-o-john is not a provided option of this port-o-john. The City's engineer is designing the Estatoe trail to align with the street crossing at the Skate Park. We have queried our engineer as to the possible effect of these gravel road alternatives on the trail as it runs by the Skate Park and he said he can design the trail in this section to accommodate the load of a large truck. The port-o-john located at the playground/basketball court on Hillview Street is more problematic to move. The area behind the playground/basketball court, as you know, abuts Norton Creek and is the area slated for embankment restoration in the near future – target is later this calendar year. Placing the port-o-john in this area, with its associated gravel roadway, would not be recommended with this embankment restoration on the horizon. We have anchored the port-o-john in its present location to better assure it cannot be tipped over. The cost estimate for the short road is $1,000 and for the long road is $2500. Consensus of Council was to send this back to staff to look at screening as a temporary measure.

M-6. (M-11) Land Purchase Opportunity-Bracken Preserve Extension. Attorney McKeller explained that the City has been approached to purchase 34 acres in Bracken Preserve for $300,000. A portion of that is being provided by Conserving Carolina, $89,000 from them. Out of pocket from the City would be $211,000. It was appraised last year for $390,000. It is adjacent to Bracken Preserve. This has gone

before the Parks, Trails & Recreation Committee and Conserving Carolina is ready to go. Tonight I am asking whether you would like to approve this or not.

Mr. Morrow said we think this is an opportunity to raise money and we would like to have a goal to raise as much as we can and our neighbors have offered to help with their clubhouse. We know that Conserving Carolina will help us develop the brochures to help with fundraising so it's an opportunity that won't come around again. He said the purpose is to extend the property for a variety of reasons. It would make access to Bracken much easier. We've been restricted to the 50 foot road easement and had no real ability to use the terrain to make the walking trail, so it would improve the access. It would also give us what we don't have which is a beginner single track for beginner mountain bikers and possibly even a pump track.

Mr. Baker said he has questions about the fundraising as it's hard to ask for money when the money is already there. Attorney McKeller said that we don't have to take the financial step today but we are committing the City at some point to purchase the property for that amount of money, $300,000 but we don't necessarily have it.

Ms. Dinkins said that she would like to set this as something that we fundraise for and other groups should be involved. Based on past promises of fundraising, I think Conserving Carolina should try to raise $100,000, the fundraising committee should try to raise $100,000 and the City should match it for $100,000. It's so much easier to raise funds for anything to do with bikes in this town.

Mr. Morrow moved, seconded by Mr. Jones to approve purchasing the property. The payment is to be determined by working with the committee, $80,000 of it is paid and $211,000 is the balance. Motion carried 4-1, Ms. Dinkins was the nay.

Attorney McKeller suggested that Council bring the Juniper discussion off the table so that they can recess it to a date agreed upon.

J-1. Ordinance No. 2022-17 Amending the Official Zoning Map of the City of Brevard to Establish the Juniper Workforce Homestead Conditional Zoning District. At 9:57 p.m., Mr. Jones moved, seconded by Mr. Baker to recess the hearing until Monday, May 9, 2022 at 5:30pm. Ms. Dinkins added to instruct staff and the developer to negotiate above and beyond limitations, sidewalks, stormwater and multi-use access. Motion carried unanimously.

L. Unfinished Business – FY2022-2023 Budget Continuation.

Mr. Harrell said in Council's packet there is a breakout delineating the items in each department with Miscellaneous Budget Line items.

Mr. Harrell explained that mowing at the Mary C. Jenkins Community Center is $262.48, or around $4,700 a year. The City has spent $4,800 to cut around the Community Center so it's basically a wash. We budgeted $6,000 because it was just a building in process and we don't know how much activity we'll be doing in the future once it is built.

Mr. Luebbe explained that we have a contract with the County that they pay us $6,400 a month to work on their vehicles. It doesn't matter if we work on vehicles that month or not. The revenues come out to $76,500 higher than expenses all the time.

Mr. Luebbe explained the rate increase on BOD and TSS at the Wastewater Treatment Plant. Emory and his folks increased the rates so they can cover the higher cost of chemicals.

Mr. Harrell explained that there was a discussion about whether to move the money out of the parking fund. In a May 17, 2021 memorandum detailing FY20-21 budget amendments which includes a $613,458 transfer from the General Fund to the Parking Fund, if these dollars were to be transferred back into the General Fund, it is

the Interim Manager's and Finance Director's recommendation that the total dollars be applied to increasing the General Fund fund balance. This would basically restore the year end FY20-21 fund balance level by covering the proposed draw down on the fund balance for FY22-23 and placing the fund balance back in the 30% range rather than moving closer to the Council's set minimum of 25%.

Mr. Harrell explained that there are development fees from water and sewer in the capital reserve fund. Expectations are that another approximate $100,000 of these fees will be added to the fund at FY21-22 year end. This will bring the funds available for future water and sewer projects to approximately $345,073. Note also, that the fund contains $91,126 designated for Streets and Sidewalks. As Council knows, the City will be installing a new water line on King Street this summer and the project includes resurfacing the street. The brick sidewalk on the west side of King Street is in great disrepair and needs to be restored/repaired – it is recommended that Council consider using this $91,126 to restore/repair this brick sidewalk as part of this King Street infrastructure project.

Mr. Harrell explained that in March, the Downtown Master Plan Committee approved a contract with New Leaf Garden Market to maintain the landscaping in downtown's planters for $12,080. This type of expense in the future will not be included in any dollars for the Downtown Master Plan, which will be covered in a Project Ordinance, such funds for maintenance will be included in the General Fund. In preparing the FY22-23 proposed budget, this planter's maintenance expense was not included and needs to be. Dean Luebbe has made this adjustment in the proposed budget. The fund balance draw down in the General Fund will increase to reflect this expense.

Chief Cooper put together an analysis (see below) and spoke to Council about it.

The County finally sent us the Transylvania County Rescue Squad (TCRS) stats for the last five years. Unfortunately, they sent the raw data for all five years in one spreadsheet, not the total numbers as requested, so Deputy Chief Bradley Elmore had to spend a considerable amount of time consolidating the data. Essentially, it boils down to approximately 600 calls between 8 AM and midnight per years, and approximately 200 calls between midnight and 8 AM. This is still very feasible for us to do with the addition of three full time positions working 24 hour shifts.

We were able to schedule a last-minute meeting yesterday with Assistant County Manager David McNeill to discuss some stipulations. Unfortunately, as we were walking into the meeting, I received a call for a helicopter rescue mission near Swain/Graham County, so I had to leave. However, Deputy Chief Elmore was able to successfully negotiate our stipulations, as noted below:

- Medical First Response (MFR) will not begin until we have our full-time staffing hired and in place
- We will only be dispatched to MFR calls in the City, and our portion of Sylvan Valley 2 (SV2). We will not be dispatched to MFR calls in the North Transylvania Fire Rescue or Little Fire Rescue portions of SV2.
- TCRS will continue to handle standbys, EMS Supervisor standby, structure fire rehab, back up ambulance, body transports, and woods calls (search, carry out, medical/trauma calls on trails, etc.)
- MFR will primarily be handled by on-duty staffing, unless off-duty staff are in the immediate area, or additional staffing is warranted by the call
- We will utilize a secondary medical dispatch tone that off-duty staff can choose to listen to
- From 8-midnight, when we have additional staffing on-duty, then we will typically send 1-2 personnel in an SUV to MFR calls, while the other on-duty staff remain with the Engine, prepared to respond to fire/rescue calls
- From midnight-8, the on-duty Engineer will respond to MFR calls with an Engine. If additional personnel are needed, or EMS needs a driver, then our department will be dispatched, but the Engineer will not leave the Engine until additional personnel arrive.
- Fire/Rescue calls will still be primary for us
- If we are already on a fire/rescue call, TCRS will be dispatched for medical calls, unless we have personnel available to send
- If we are responding to a MFR call, and are dispatched to a fire/rescue call, then we will divert to the fire/rescue call, and we have the option of sending TCRS to the medical call if needed
- TCRS can always be requested by us, if additional personnel are needed
- We currently have one LUCAS CPR Compression device that is carried on the first out Engine. Transylvania County has agreed to utilize Reserve Funds to purchase another LUCAS device that

Mr. Morrow moved, seconded by Ms Dinkins to adjourn the meeting.will be carried on our SUV, so that we do not have to switch it from the SUV to the Engine from midnight-8.

- We will meet with the County after the first quarter to reevaluate how things are going
- This will require an updated contract with the County

N. Remarks/Future Agenda Considerations.

Mr. Baker said Friday we are doing a volunteer workday, weeding and general clean up, at Tannery Skate Park at 4:30pm.

Mayor Copelof thanked Public Works for Arbor Day with the Rise and Shine scholars. They really enjoyed that. As I already mentioned, the National Day of Prayer is coming On May 5th. Thank you to our Public Safety Director and Blue Zones for the roundabout safety training. Mr. Burton is really a world reknowned expert on roundabouts. Traffic safety continues to be the number one issue brought up to me. The next Meet the Mayor is on May 26th from 2:00pm-4:00pm at Transylvania Community Arts Council. The last thing is that I did attend with Attorney General Stein, a roundtable on healthcare discussion that he hosted last week. The Mayor of Asheville was there and physicians and we talked about what we see happening in health care here.

O. Closed Session(s) - None

P. Adjourn – There being no further business, Mr. Morrow moved, seconded by Mr. Baker, the meeting be recessed until Monday, May 9, 2022 at 5:30pm. Motion carried unanimously. Meeting recessed at 10:19 p.m.

Maureen Copelof
Mayor

Jill Murray, CMC
City Clerk

Minutes Approved: May 16, 2022