MINUTES
BREVARD CITY COUNCIL
Regular Meeting
May 20, 2024 – 5:30 PM

The Brevard City Council met in regular session on Monday, May 20, 2024, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

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

Press – Jon Rich, Transylvania Times and Dan DeWitt, Brevard NewsBeat

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

B. Invocation – Pastor Brian Land of Grace Brevard Church offered an invocation.

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

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

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

F. Approval of Minutes

F-1. February 29, 2024 Strategic Planning Retreat – Mr. Wise moved, seconded by Mr. Danial to approve the minutes of the February 29, 2024 Strategic Planning Retreat. The motion carried unanimously.

F-2. May 6, 2024 Regular Meeting – Mr. Morrow moved, seconded by Ms. Holder to approve the minutes of the May 6, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Jeff Adams, Transylvania County Transportation, Planning & Community Development Director said I wanted to announce and invite everyone to our Transylvania County 2050 Comprehensive Plan update meetings that we will be launching in June. We will start off with two kickoff events; one on June 4th at 6:00 PM at the Transylvania County Library for the City of Brevard, and one on June 6th at 6:00 PM at Rosman Town Hall. Those events will be followed by about a dozen community center based events across the county and one at El Centro and one at Mary C. Jenkins as well. We are hoping to get as many people involved in this process and, as you guys know very well that comprehensive plans are only as good as the input that you get from the community. We are excited to be building on the strength of your comprehensive plan and to work with you guys and your staff on this. We will be

meeting with your staff tomorrow to discuss this. We are going to have three community engagement phases; this one, which will be getting the kind of information out there – our community snapshot information we collected; then we will be putting out a survey in the middle of summer; and then we will be going back out in the fall with priority sessions with various communities. We hope to see everyone there.

Diane Moore said I have been harassed by the city. I have came in here and asked questions in 2022, but I couldn't ask questions. Number one, the city had harassed me about our property and lot. The beginning of my stakes start on James Street, which is the side of my house and it runs up 125 feet to Thomas Street. They started out with my address. I got a letter saying I don't live on West Main Street anymore; I live on James Street. I called them, picked up the phone, I said I do not live on James Stret. I said that's the side of my house; my house faces West Main Street. This stress been going on up until now. They got a project going, the city, and I don't want to stop the project, I just want them to leave me alone. And it's going on an on. The neighbors have a black car sitting on lot 29, but they are retired. And I said well who's car is this? When the neighbors moved in, Mr. Bartley Whitmire made a rigged-up driveway on lot 29 and it's still there with cars been on it ever since 2002. I want the harassment to stop and leave me alone. Mr. David Lutz sent a man to my house. He said he was going to have a man to come. Well the man said he came to my house, wrung the doorbell, asked if they picked up the water meter and put it on the lot 29. Then he sent a guy to my house saying he come to take up the water meter. The water meter is still sitting on the lot 29. I just want it to stop and leave my land alone. When the guy said he come to take up the meter, I had a special appointment in Hendersonville because I'm still a sick person, but God said persevere and that's what I did.

Ashley Hart of Buckberry Lane said today I am here as a concerned citizen and to talk about what took place in Brevard over the weekend. Upcountry Brewing held a drag show outdoors very publicly where I witnessed a drag queen parading around in a thong. This is incredibly inappropriate and quite frankly it was hard to see. What's even worse is that they have another pride event coming up where there is no age restriction. I don't mind someone being gay, bisexual or a lesbian, but I respectfully ask that if you are going to celebrate your sexuality, please do it indoors without children present. I look to the city leaders for help. We all know this behavior will not help Brevard growth; it will only drag us down. Let's work together to put a stop to this. This is all I have to say for now, but I will be back to give a follow-up and review of my findings after the event takes place.

David Warren of 36 Downing Park Court said I moved here with my wife in June 2018. She used to be here with her grandmother back 50 to 60 years ago and she always wanted to come here, so we visited in 2016 and decided to move here in 2018. I was here during the snow of 2018, quite surprised at such a heavy snow and I was grateful that when I went downtown that I didn't have to worry about the curb, I knew it was a straight curb, so I could just park my car there. Now because of the changes to the downtown area, I know that the design according to the city plan was an attractive streetscape to serve as a gateway to the downtown, but I don't share your aesthetics on the changes. I liked the way it was and I think that anything that needs to be corrected or redone should be redone, but the loss of 17 or 19 parking spaces…I realized then and now other changes are taking place that maybe I should take a more active role. I was happy and content just to mind my own business here in Brevard. Maybe I'm in the minority, but there are a lot of people that I speak with and it's ordinary people that are not necessarily affluent people, they're in Ace Hardware or they're at Harmony Corner down on Rosman Highway or other places like that. They have concerns about Wilson Road. I thought the first time I drove down Wilson Road that it's beautiful. Yes, I know it involves the NCDOT, but I can't believe that they alone zeroed in with all the things going on – I-26 and everything else – they zeroed in on Wilson Road. I don't like people speeding behind me on Wilson Road. I go the speed limit and I respectfully stay back when people want to obey the cautionary speed, the yellow signs, and so they go slower than that. But, I spoke the other day, I think it was Saturday with Eric Morgan at 284 Wilson Road how they are going to tear out a whole section of trees. Just those changes; the roundabout; no one I spoke to approves of the roundabouts. I called you on the

phone back in September and I went down to your office. I'd seen an accident and I went down and I've seen more and heard of more. I went down to your office, you called me on the phone, I'm sure you don't remember the call or you don't remember me. But, I've seen studies since then that roundabouts are not necessarily safer; they cause a different kind of accident, fender benders, a lot more and I think we are going to really see them where 276 and 64 and 280 are right there and you're going to have 2 lanes and people don't always obey the laws; they're going to cross lanes and cut in traffic. When I go down Caldwell, I'm surprised people don't even go 20 mph down there; they're honking at me. Let me ask one other thing – there's a program that Sherry Phillips gave me and it doesn't indicate anybody involved in any accident, but it would help us as citizens if that was put online and we could see where accidents are and we could see whether there is an increase or decrease.

Cara Bradshaw of 183 Argyle Circle in Pisgah Forest said I am a member of the Brevard/Transylvania Housing Coalition and I am the Community Impact Director at Sharing House. I would like to applaud the City leadership and Council for its efforts to increase affordable housing in Brevard. The Housing Coalition is in full support of the partnership between the City and Brevard Davidson River Presbyterian Church to develop affordable housing in our community. I'd like to share a story from a Transylvania County resident to illustrate how the affordable housing crisis is affecting people: "My husband died during the Covid19 pandemic and I couldn't keep up with our mortgage on my own. I ended up losing my home and had to live out of my car. I never imagined this would happen to me. I accessed services from non-profits where I had previously volunteered. It has been incredibly humbling. I'm working and I'm staying with friends, but there is nowhere here for me to live independently in my own community." We know from the city's housing study last year one in four households in Transylvania County are cost burdened and 106 families faced an eviction within the last year. 45% of renters struggle with housing costs and despite recent efforts to increase housing availability, rental and home vacancy rates are below 1%. We need all types of housing in Brevard – workforce housing for teachers and other local employees, deeply affordable rentals, and permanent supportive housing for neighbors with disabilities. Investing in affordable housing is more cost-effective than managing the consequences of homelessness. Emergency healthcare, law enforcement and social services significantly increase public expenditures. Children in stable housing environments show a better academic performance and lower rates of absenteeism. Investing in affordable housing contributes to the educational and long-term success of the next generation. Though many people support affordable housing in general, they raise objections when it's in their backyard. I've spent the last decade of my career working on this issue nationally before transitioning to local work and I want to dispel some common concerns based on my experience and exposure to the national data and trends. Affordable homes do not dilute the market value of your personal investments. Adding affordable housing to a community does not lead to higher crimes or decreased safety. Data shows that well-planned affordable housing can incorporate traffic management solutions and minimize congestion. Green building practices and thoughtful planning ensure that affordable housing projects are environmentally sustainable. Affordable standards ensure high-quality construction contributing positively to the community's long-term health and aesthetics. As a teenager whose family moved into affordable housing after a crisis I can personally speak to its importance in every community, and I invite anyone opposed to it near their homes to take a moment to reevaluate the positive impact it can have for the future of Brevard.

Joe Kelly of 555 W. Probart Street said I am here tonight to express my support for the proposed Probart Street traffic calming which is on your FY2024 Supplemental Plan. I want to remind the Council that this issue truly is a safety issue, not only for the residents of Probart Street, but also for the rest of the community including cyclists and hikers, people on their way to use our Bracken Mountain Preserve, which is a great community asset; also for students and family members and residents and people going to the Mountain Sun School; and also attending events and traveling to and from the Music Center. I am here to support myself for the community and also to recognize other members of Probart Street and the community who also support this initiative

tonight. Thank you also to the Planning Board and the efforts of the Council so far to do a comprehensive evaluation of the situation and to get the support for this item.

Linda Gallo of 671 Probart Street said I want to echo what Mr. Kelly said and just thank the Council for considering this proactively instead of waiting for something tragic to happen before action is taken.

Monica Driscoll said I want to address some concerns I have about the Downtown Master Plan Committee's proposal to City Council for public art. I have concerns about it that I think are worthy of consideration. The plan is for a mural to honor a person who was born in Brevard and subsequently left to become rather famous with her profession. There is already a historical sign in her honor at Clemson Plaza and there is serious consideration of a statue to be erected at Mary C. Jenkins. I think that's terrific. But, I also am very loyal to the vast extensive history that we have in Transylvania County and Brevard since before we were a town, when people – parents, grandparents, children – played, and made music on the front porch and in backyards. We have a lot of musicians that have started in Brevard and they're from different races. I think it would be worthwhile to consider someway the history of music and the progression of music in another situation than Clemson Plaza. I think the hope that "opportunities for public art to engage with Brevard's citizenry, inform visitors, and foster a sense of belonging" that are suggested are worthwhile and desirable functions of that space. But I also submit that this proposal, as it is, to paint a mural on Clemson Plaza is misguided at best and will not realize those very achievable opportunities. I think it deserves more consideration so that the opportunities that area espoused there can be reached. This is the third effort to do something at Clemson Plaza and I'd like you to do it right.

H. Certificates/Awards/Recognition

H-1. Proclamation No. 2024-13 National Public Works Week – Mayor Copelof read the proclamation aloud and presented it to Public Works Supervisor Cliff Justus.

PROCLAMATION NO. 2024-13
NATIONAL PUBLIC WORKS WEEK
May 19–25, 2024
"Advancing Quality of Life For All"

WHEREAS, Public Works Professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the City of Brevard; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Brevard to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, do hereby designate the week May 19–25, 2024, as National Public Works Week. I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our Public Works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 20th day of May, 2024.

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

I. Special Presentations- None.

J. Public Hearing(s)

J-1. Proposed FY2024-2025 Budget and Ordinance – Mr. Hooper reviewed his FY 2024-2025 Recommended Budget. He explained that as recommended, this budget does the following:

- Funds 3 new full-time firefighters allowing Brevard Fire Department to have at least two full-time firefighters on every shift.
- Funds the relocation of the Brevard Police Department to a new facility at 132 Commerce Street, a move designed to increase the effectiveness and morale of the Police Department by moving them out of their cramped and deteriorating space in the basement of City Hall.
- Creates the City's first dedicated Stormwater Fund, which is designed to focus resources on the maintenance and upgrade of our city's stormwater conveyance system.
- Endows the Housing Trust Fund with an additional $198,000, bringing its total available balance to over a half-million dollars.
- Increases employee compensation by 3.25% and budgets for a 4% contribution to all employees' 401K's rather than to the current up to 3% match.
- Maintains or enhances services in all other General Fund functions
- In the Public Works realm, it combines water distribution and wastewater collections into a single unit Water/Sewer Maintenance and adds one full-time maintenance position to that unit.

The Recommended Budget includes the following proposed revenue increases:

- 2% property tax increase which would take the millage rate from $.48 to $.50 per $100 of valuation
- $1 per month increase on residential and small commercial sanitation fees
- $80 per month increase in commercial dumpster collection fees. This increase is intended to close the gap between the cost of service, which is nearly $40 per collection, and its revenue, which currently is only $2.50 per collection.
- The new Stormwater Fund would be funded by a 3-tier impervious surface fee and for the vast majority of residential properties and all commercial and other types of properties that have under 7,000 sq. ft. of impervious surface, the fee would be $4 per month.
- Recommendation to continue with the regular 4% increase to the city's utility consumption rate in order to start saving money for large capital projects that we have on the horizon.
- A new consumption-based High Strength Waste Surcharge so that producers of high strength wastewater contribute extra to the cost of treatment of HSW.

Mr. Hooper noted that the cumulative effects of these increases are quite modest on most folks, but there are a few outliers. He referred to Pages 193-195 of the Recommended Budget for examples of the impact of these fee increases on various households and commercial entities.

Mr. Hooper then drew attention to the Addendum with the alternatives that Council offered at the last meeting. He said he hoped to hear comments on and perhaps have some discussion on the Addendum tonight. If there are additional alternatives that Council would like to consider at tonight's meeting, those will be published in the same way and be available for Council's deliberation at the next meeting.

Mayor Copelof opened the public hearing at 6:11 p.m.

Public Hearing Public Participation:

Harvey Sankey said my comments are going to be related to a safety issue here. You all know the City Manager prepares the budget for the Council to review. He goes to every department, talks to every manager and his staff also takes notes on what they need for this fiscal year. This was reviewed by City Council at a public meeting which I attended. Then they had another meeting which indicated some recommended changes would like to be made and apparently some of the City Council Members here want to make an alternative change. The City Manager recommended $140,000 for the Police Department to replace two police cars, which is what they're going to be doing. The Estatoe Trail, you recommended $25,000. Some City Council Members, from my understanding, indicate they only want to replace one police car, which would be $70,000 and put it into the Estatoe Trail. What it comes down to, some of the City Council Members want the Police Department to have a budget of $70,000 to replace one car and $95,000 for the Estatoe Trail. As you know, the Estatoe Trail has been getting funds - in FY23, they got $125,000, they got $82,000 the next fiscal year, and this year our City Manager is recommending $25,000. I found this alternative…this is a safety issue here. Some of the City Council Members want to take a car out of replacement. This is a major safety issue. The Police Department is supposed to protect all the residents here in Brevard, including businesses. Without that additional replacement car, you could have a problem when an issue arises. It's like the old sitcom "Car 54 Where are You?". If an issue arises, they are going to need all the cars that they can get. Where are you Car 54? Well, that car is out of order right now and it was one of the cars we were going to replace. So you have one less car, and what's the driver going to do? Is he going to run to these issues? No, he's not. So, what I'm saying is this is a need for the Police Department, for our safety in Brevard. It's not a want. Also, in the strategic planning that City Council brought together, there were 7 goals. Wilson went by those strategic goals when he brought this budget in. One of the strategic goals is community safety; that was the top priority. The 7th goal, the last one, was connect transportation network which includes the Estatoe Trail. So some City Council Members want to take Goal 7 and put it ahead of Goal 1. I have a problem with that. I think they should look this over and not make that change. We don't want to defund the Police Department, not in Brevard.

Rodney Locks said I did review the budget and it was very enlightening. It says to me we can't keep doing business the way we've been doing it. First, you want to raise the tax rate two cents to fund the full-time Fire Department. That's a good idea. Why? Because we need it, but you also need to negotiate with the County so that they can pay their fair share. Second, you're willing to run the commercial dumpster collection service at a loss. You already know that it was 40 cents per load, now you've got it down to $27.30 a load, but you're still running it a loss. That's money that you're leaving on the table that can be used for the General Fund. Third, speaking about leaving money on the table, you tax the Municipal Service District and then you turn around and you give them the money back, maybe not all of it, but all but $6,000. You can take that $171,000, the Estatoe Trail $25,000, the Downtown Planters $20,000, the Downtown Master Plan $33,000 and offset the $264,000 and just add $15,000 from the Fund Balance. And you don't have to raise taxes or take the car away from the Police Department. Raising the taxes by 4% doesn't solve your problem, it just highlights the fact that we have a wastewater treatment problem and a water/sewer problem. The 4% increase was to be added to the water/sewer capital fund to bring the total up to $369,000, and then you would move the money to the wastewater treatment fund so that you can jumpstart it. You can't solve your problem when you need $13M over here and $65M over here to pay for all the capital problems that we have for both of those systems. My suggestion is you don't raise the water 4%, leave the $171,000 in the water treatment fund and figure out a way to solve your wastewater treatment problem because you can't keep raising the rate 4% a time until you get to the millions of dollars that you need. Finally, fix the sidewalks and the streets, especially for us older people. If you want to be an age-friendly community, don't let us fall down and break our necks.

Ella Jones of 86 McMinn Avenue said my concerns tonight is the budget and more importantly, these particular areas: the property taxes is a main one and the reason why I bring that up is because in the Rosenwald Community, and I'm sure that

there are concerns throughout the Brevard community, that if the taxes are raised, we have senior citizens who are on special incomes. Their budget is limited. When we raise the taxes some have concerns about whether or not they will lose their properties because they are having difficulty paying those property taxes now. Moving along to the water and sewer – the water bills have skyrocketed. More importantly, I will talk personally about my own. I live alone and I had a water bill of $253. After having the lines checked, both by the city and personal plumber, there were no leaks without explanation. Then I'll talk about sewer. On Washington Avenue, which is above where I live, there are no sewage lines and it's been like this for years and I don't know if the people on McMinn know that those sewer lines are coming down through the properties of the folks that live on McMinn. Case in point, I have had sewage come up in my yard at least three times and I've had to get someone to come and check it out. The city came and gave me the little droplets to put down in my commode. It did not reflect that it was coming from my sewage line, but from Washington. So that's a concern. In our community our senior citizens are living on this fixed income and they have concerns about this. We want to live in a beautiful community all around Brevard. While we do this the charge of $50, and I just found out today that it may raise to $75, for you all to come and pick up large amounts of garbage. If we're already having financial difficulties, how do we keep the city beautiful? If we set that stuff out on the road, it will be sitting there until somebody can muster up enough money to pay for it. That is a concern and is it going up to $75? My question to you tonight is is there any hope for tomorrow or is taxes, water, sewage going to continue to climb? I want to be an advocate for those that don't have.

Reverend Frankie Gordon said I am an Associate Pastor at the New French Broad Baptist Church. I am here on behalf of myself and others. I want to add to what Sister Jones just got through talking about. You have many senior citizens here that are on fixed income and it is very difficult for them today to pay the bills, the taxes and living expenses that they are going through already. It's pretty high here in Brevard, I must say after living in other places. The water bill, sewage and all that is pretty expensive and many of them can't afford it as it is, so an increase would be devastating. We are asking the Mayor and the Council to vote no to this new budget that is coming out right now because many cannot afford to pay it. Then I have another comment to say – that you want to keep Brevard beautiful, but there are places in my neighborhood that have set stuff on the street that have been sitting there for 3 and 4 months because they have to pay extra money to have this picked up. Now, with all this that we are paying already, why do we have to pay extra money when we put stuff on the street? That should come within the budget of being picked up by the city period. But anyways, it sits there and I can name some places that I have located that stuff have been there and is still there today that need to be picked up. So, with this budget that's coming out I would ask the City, the Council, to vote no because you have people in this town that cannot afford this new budget. They're having trouble with what they are paying already. So, to put a more burden on people, you're taking a chance of people losing their property and a chance of a very upset community. So, I ask that you reconsider this budget and vote no.

Rebecca Wynn of 180 Duckworth Avenue said I am one of them senior citizens that she was referring to that is on a fixed income. There are also 491 of those here in Transylvania County. I just want to do this – I bring in $26,706 a year. Out of that I pay $2,424 for wastewater, $2,050 for taxes, $13,200 for rent, $2,400 for gas, $1,200 for lights, and I have $5,632 left. Out of that I've got to buy food, medication, pay for my internet, my phone, my car transportation, gas, maintenance, and any other unexpected thing that comes up. To me, for my calculation, this is a plan for the rich to get richer and the poor to get poorer. We can't pay our taxes so that means we're going to lose our home or properties and if we don't have someone to help us, we're going to become homeless. That's already an issue here in Transylvania County. But, I notice you had something in there for affordable housing in the taxes – your affordable housing will not reach us. So, what are you going to do? You've got another problem. You got homeless people; nowhere to put them; and then you want to raise our taxes and everything. So, I'm just asking that y'all find another way to cut back and make this budget affordable for those of us that have lived here all our lives.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:30 p.m and opened it up for Council questions or comments.

Council Questions/Comments: Mr. Daniel said I would like to address promises that were made in the past concerning the Downtown Master Plan, housing, and the Estatoe Trail. We have raised taxes for those express purposes in the past and we did that because we have had numerous public input sessions throughout the city that provide direction that these are the projects that people want to see completed. And not funding these projects seems disingenuous to me. The grants that we've received for these projects were not 100%; they are partial grants, either 50/50 or 20/80, and without additional funding from the city these projects will wither on the vine. The grants that we have received were because we had funds to contribute and none of these projects are finished. I have a proposition that we fund the Estatoe Trail and the Downtown Master Plan at $100,000 each this year and that we reduce the police car to one this year. My conversation with the Police Chief is that that would be acceptable - not ideal and not a safety issue. Two would be a problem. I would suggest that we fund the one car from the Fund Balance. If the Fund Balance is to deal with emergencies and unexpected expenditures, then our need to move the Police Department should qualify for that I would think. I also think we need to take a look at the Fund Balance, as it exceeds our minimum percentage considerably. But if we need to raise that percentage, then we need to have that conversation. But I don't think we need to shortchange our projects without having that conversation. Although I am in favor of adding 3 full-time firemen, I am not willing to take on the additional financial burden without a better understanding of the long-term implications in our relationship with the County.

Mr. Baker said I am also not in favor of the 2-cent tax increase this year. We've got a lot of needs in the budget, but I believe we have the necessary funds to move forward with those. I agree with Mr. Daniel that the partnership that we're involved in with the County in funding the Fire Department is complex and there's no getting around it; that's not going away anytime soon. For us to go out on our own, representing the city residents and increase the funding for the Fire Department with no assurances from the County that they will help us with that seems incredibly misguided, particularly when that is attached to a tax increase; a tax increase that led the headlines in the paper. To me, if we're going to do that, we need to have done our due diligence with our partner in the County before we make that decision. I also quibble a little bit with how some of the budget was put together. In my mind there are ongoing expenses and there's one-time expenses. There's also expected expenses and unexpected expenses. A major part of the budget this year that we're all sort of finding ourselves dancing around is the unexpected cost of moving the Police Department. That is a safety need and something that unanimously we're all in favor of, but that is an unexpected cost. Within that unexpected cost there are both one-time costs of upfitting the new space and there's also a lot of ongoing costs with the rent on the new building. Just that one expense gives you a little window into how complex some of these issues are. And I'll agree with Mr. Daniel on mentioning the Fund Balance because in my mind we have put that money away for those unexpected expenses and we should be moving forward quickly on funding those things through things like our Fund Balance. Then when the budget rolls around, we can work hard to build that Fund Balance back up. That's a big chunk of the budget that we're having to deal with, but I'm not going to be in favor of the property tax increase connected with the Fire Department. I think we need to have the negotiation with the County and a long-term plan for how that funding split looks going forward. With the remaining budget, the Estatoe Trail is a promise that we've made; addressing the housing issue is also a promise that we made just last year and it doesn't sit well with me that we're already taking a step back from the housing fund. It also doesn't sit well with me that we're 25 years into a project in the Estatoe Trail and we're talking about reducing our contribution to that to the point where progress is going to be stalled out even further. And you could say the same for Downtown Master Plan funding. I think we can move some things around – I would be in favor of asking the Police Department to get by with the one vehicle in the next year and using some of those funds to maintain, as best we can, the funding for some of these ongoing projects that we have.

Mr. Morrow said I really like this budget because it covers so many things and it's complex. And as I've said before, with respect to the Fire Department, I don't think we have a choice. We need to ensure that our firemen met OSHA requirements and we need those extra folks to do that, so safety is an issue there. I also believe the Police Department deserves their two vehicles and a schedule that saves us down the road. Respective to the Estatoe Trail, we know in our budget that we have a $352,467 balance in the Multi-use Path Fund and in addition to that we have $786,062 that has not been spent of a $1.5M budget. As I said last time, we are spending more than a penny. Just this year alone, we'll spend $345,788 on Country Club; we just improved that intersection connected Gallimore to the high school. We're going to spend $310,000 on the Davidson River pedestrian bridge that is going to be delivered next month. So, we are spending money and I don't think we need the $125,000 to tell you the truth. I think this is a great year where the budgets that were set in 2022 and 2023 we're still working on projects. The fact that we're getting over $500,000 from NCDOT to complete Tannery North this year, which complements what Public Works did in completing Tannery South this year. A lot of good things going on.

Mr. Wise thanked the public for coming out and speaking tonight. He said I want to thank the staff, especially Chief Cooper and Chief Jordan who helped me understand some of our real-world needs and making some very hard decisions moving forward. After talking to Chief Cooper I cannot support the 2-cent property tax raise for firemen for many of the reasons Mr. Baker pointed out. I went to the County budget meeting last week and they had brought up concerns with the overall fire departments, especially with the fit of Brevard having to handle a very rural district like Sylvan 2. I think there are places in that contract for us to discuss about what works and what doesn't moving forward and it's hard to say that we're responsible for medical first response, fire in the city and rural district where we have to buy and maintain special equipment without any room to kind of open a discussion with the County. On top of a 2-cent property tax increase, we have heard that it's going to be very burdensome. I think we have other increases in this budget that we have to have and are the only ways for us to move forward, but we don't need to also add a 2-cent property tax on top of that. I feel comfortable saying that after having a conversation with our head of departments. As for the police car, Chief Jordan and I had a good conversation about this and I agree that we need to have one car right now. I think that is important moving forward for the safety of our community. We did have a number of unexpected expenses by having to move the Police Department out of their current location. We all agree that was absolutely critical for the health, morale and safety of our police officers and I think I can speak for everyone that those guys are critical to us. However, that did place a burden upon us and we can find a way to move forward with just one car. Third, I also agree that we need to take a look at our Fund Balance. I know that we're over our minimum percentage. I don't know what the magic number there is, but I do think this might be a great time to look at that because, I wasn't on the Council when this happened, but we did make a promise to people in previous years to fund certain projects. Some of these projects have been around for more than 20 years and I think as a new member of City Council I have to honor those decisions. I take them as critical decisions, especially with things like housing, Downtown Master Plan; these are promises we made after numerous public input sessions with our public. Ultimately I think we are very close to getting there. I think the 2-cent property tax increase is a really big one that we can not place upon our public right now, renegotiate and talk to the County and look at what our options are.

Ms. Holder thanked everyone for being here and for their comments and interest. She said I kind of like the Locks budget. It was interesting, but it also gave me the inspiration to look at this a little bit deeper and a little bit harder. On the day that we were in the budget session I said then how much housing is important to me and how much I did not want to raise rates and taxes in four different areas – rates in three areas, taxes in another area. I too am against raising the taxes by 2 cents and I also agree that we need to negotiate more with the County before we hire 3 more fire personnel. I think that is possible and perhaps they are starting to see, as we are starting to see, that conversation/negotiation needs to happen. I also asked at the

budget meeting that there had been a new treatment cost that we're using now and that cost is down and so my question tonight is when will we know whether it is going to continue with the experiment that we've been doing, when will the decision be made that we can use that permanently? And, then how would that spill over into the public as far as that cost decrease? Regarding the Police Department and two cars, I too talked with Chief Jordan and he was very helpful in answering my questions. I like having protection and knowing that it's there. If we can manage with one car, that would be great, especially since as Mr. Wise said that we were having to endure the cost of moving into Commerce Place. That cost won't be there next year and so we could use that to buy the car next year. I don't want to however, raise taxes next year because we're saying we've got to buy three cars instead of two. So, can we just get one car this year and then pick up the schedule next year to get two from that point? As far as if we decrease by one car, I am not in a position to support taking the funds to Estatoe Trail. I'm not against the trail, it's just that I'm struggling with taking that money, putting it to the trail when we have housing crisis and we have people who are homeless. It about brings me to tears driving by or walking by people on a trail who don't have a home. I just can't put my head around that and I don't know how we can do that. So, if we took money out of the Police Department by getting one car, I would say put it in housing or put it in something that would help to support our houseless community, but not to put it on the trail. Yes, it's a 20-year project, but we've got something that involves people that don't know where they're going to sleep at night. I have watched a woman who has been living in the woods across the street from my house go from place to place with her tent and it's hard to watch. To think about that; they may have to end up staying on the trail. I can't do it; I'm sorry. If we could wait to get the car next year and use those funds to help with our housing and our houseless community I would be in full support of that. If we can't do that, then go ahead and get the two cars.

Mr. Hooper noted that Staff will take these additional alternatives and calculate the various trade-offs and put them in the addendum document. He said I would like to make a couple of comments and offer some advice on the Fund Balance proposal. All the signs are pointing to an economic slowdown and maintaining a healthy Fund Balance may help our organization have a soft landing should the economy tip into a recession. By dialing back on our voluntary spending and not tapping into our Fund Balance, we may help save our core services from cuts in the future. On the flip side, if the economy stays level or starts to improve, showing discipline and not using Fund Balance to fund what essentially is a recurring expense, a regular annual endowment to Downtown Master Plan and Estatoe Trail, makes it easier to borrow for future capital projects. When you avoid tapping into your Fund Balance to balance your budget the LGC looks at you more favorably and the banks that extend you credit for your capital projects deem you to be more creditworthy. Finally, it's called a rainy-day fund for a reason. Before the mill in Canton closed they were already dealing with a budget crunch because they were recovering from a flood. And, just this past week or so my previous town had a tornado come through. In both cases they are going to have to dip into their reserves to pay for recoveries from those two natural disasters. Indeed we have $1.4M over our 25% minimum threshold for a total of $3.6M. That puts us at 41.1%, but that's low. If you compared us to other cities like us we would be in the bottom half. It's not concerningly low, it's not low in the sense that the LGC is going to look at us and wag their finger, but it's low enough that it puts us in another category compared to our peers. The closest one that we are most familiar with due to some staff history there is Black Mountain and theirs is 56% and it's not considered particularly high either. I will write up that option and put it on the list of alternatives, but I would strongly discourage you from looking to the Fund Balance to balance the budget.

Mr. Daniel said I would suggest that my proposal of $70,000 is a drop in the bucket of $1.4M and I don't think it would affect our Fund Balance that much. I would not tap into the Fund Balance lightly, but if we are in a financial tight place, it seems appropriate that that small amount of money could be taken from the Fund Balance to alleviate some of our immediate needs without really jeopardizing that number.

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

J-2. Ordinance – Voluntary Contiguous Annexation – Pisgah Hospitality, LLC / Intersection of Lambs Creek Road and US Hwy 64 – Aaron Bland explained that Pisgah Hospitality, LLC has submitted a petition for voluntary contiguous annexation for multiple parcels located near the intersection of Asheville Highway and Lambs Creek Road. The subject parcels are within the City's ETJ adjacent to the corporate limits and other parcels are already inside the corporate limits. The applicant wishes to annex the rest of their properties so that the entire project site is inside the city limits and can have full city services. They are proposing a vacation rental development called The Station at Brevard that will have a lodge, cabin rental units, a restaurant and entertainment venue. The service delivery impacts are estimated to be minimal given that the site is already in the ETJ and City Fire District. The financial impacts are estimated to be a net positive for the City. The Planning Board discussed this request at their April 23rd meeting and unanimously recommended approval.

Mayor Copelof opened the public hearing at 7:09 p.m.

Public Hearing Public Participation – None.

Public Hearing Closed – Mayor Copelof closed the hearing at 7:09 p.m.

J-3. Proposed Amendments to City of Brevard Unified Development Ordinance, Chapters 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 16, 17, and 19 – Group Developments and Subdivision Regulations – Emily Brewer explained that this is a staff-initiated text amendment that resolves a number of different challenges that we face with our subdivision regulations. The major changes are as follows:

1. Establishment of a Group Development regulation section and establishing different types of group developments that have different permissions and standards.
2. New Missing Middle Housing Type – Cluster home development which allows for small lot residential development in a manner that organizes multiple dwellings around a common open space, designed as a cohesive whole and maintained in shared stewardship by residents.
3. Location of Off-Street Parking in Group Developments which will allow for denser development with more creative site design and/or more appropriate site design that accommodates topographic and logistical challenges.
4. Types of Subdivisions – revised definitions of exempt, minor and major subdivisions to clarify the processes and submittal requirements.
5. Variances to Subdivision Regulations – the proposed amendments separate the subdivision regulations from the zoning standards and establishes a new Chapter 4 [Lot and Subdivision Requirements] with limited variance authority.
6. Subdivision Approval Procedures – Clarifies the review process and amends the subdivision regulations to be entirely administrative with Staff as the approval authority for all subdivision decisions, and appeals being sent to the Board of Adjustment.
7. Minimum Lot Size to clarify the density requirements.
8. Private Roads for Subdivisions – clarifies what constitutes a public street, but also adds stipulations for when a private street may satisfy road frontage requirements for new lots in the ETJ.
9. Plat Requirements and Certifications have been updated to reflect NCGS and clarify the administrative review items.
10. Connectivity Index Requirements – removes the connectivity index measurements for new neighborhoods found in Section 9.2.

Ms. Brewer presented a PowerPoint presentation explaining the proposed amendments regarding regulation of both subdivisions and group developments and the different types of each. A copy of her presentation is attached.

Mayor Copelof opened the public hearing at 7:32 p.m.

Public Hearing Public Participation – None.

Public Hearing Closed – Mayor Copelof closed the hearing at 7:32 p.m.

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

K-1. Tax Settlement Report – April, 2024

K-2. Capital Project Close Out – Main Street Water and Sewer Improvements

ORDINANCE NO. 2024-13

CAPITAL PROJECT ORDINANCE TO CLOSE ORDINANCE NO. 2022-30 and 2023-26, MAIN STREET WATER AND SEWER IMPROVEMENTS PROJECT

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

Section 1: On June 6, 2022, project amendment 2022-230 was approved by the City Council in the amount of $600,000, to rehabilitate degraded water and sewer infrastructure on Main Street ahead of the NCDOT repaving. The City repaired 1,300 linear feet of 8-inch gravity sewer and replaced 18 water service lines. As the Project progressed, the City Public Works Department was able to complete a large portion of the water service line replacement, which allowed the City to transfer $200,000 of the budgeted funds of this Project to the Silversteen Park/Norton Creek Streambank Project, leaving the Project budget at $400,000. Work was performed by Summit Engineering, Prism Contractors and Engineers and Carolina Specialties Construction, LLC. . The project was $59,685 under the project budget.

Section 2: The project will be closed with actual revenues of $400,000 and actual expenditures of $340,315. Actual and budgeted revenues and expenditures will be reversed on the City financial software, and no further expenditures will be required on the project.

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

Account Number	**Account Name**	**Budget Amount**
31-8540-4800	Main Street Water/Sewer Improv	$400,000
TOTAL PROJECT APPROPRIATION		**$400,000**

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

Account Number	**Account Name**	**Budget Amount**
31-3760-1650	Transfer from ARPA – Main St	$400,000
TOTAL PROJECT REVENUE		**$400,000**

Section 5: The Finance Director will 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: The Finance Director will maintain a detailed analysis of all revenues and expenses associated with the project since its inception.

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 20th day of May, 2024.

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

K-3. Council Parks, Trails & Recreation Committee Minutes – February 21, 2024

K-4. Council Parks, Trails & Recreation Committee Minutes – April 24, 2024

K-5. Council Downtown Master Plan Committee Minutes – March 18, 2024

K-6. Council Downtown Master Plan Committee Minutes – April 10, 2024

L. Unfinished Business

L-1. Proposed Amendment to City of Brevard Unified Development Ordinance, Chapter 15 – Board Roles – Aaron Bland recalled that Council held a public hearing on this proposed amendment at its May 6th meeting. This is a staff-initiated text amendment that will bring the roles of the Board of Adjustment and the Planning Board into compliance with the new land use statute 160D. It eliminates anything currently listed in the UDO for each of those boards that is not expressly authorized by the statutes. It ensures and makes clear each board's required duties as they appear in the statutes and lists the optional responsibilities that they actually engage and eliminates others that they don't. Additionally, it amends the makeup of the Planning Board to switch an ETJ seat to a City seat to better proportionally represent our citizens in the city limits versus the ETJ. Mr. Daniel moved, seconded by Mr. Wise to adopt the amendment. The motion carried unanimously.

ORDINANCE NO. 2024-14
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE: CHAPTER 15 – BOARDS AND COMMISSIONS TO AMEND THE ROLES, RESPONSIBILITIES, AND MEMBERSHIP OF THE PLANNING BOARD AND BOARD OF ADJUSTMENT

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 neither consistent nor inconsistent with the City's comprehensive land use plan or other adopted plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, May 6, 2024, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Unified Development Ordinance be amended as outlined below.

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

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

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

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

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

Adopted and approved this the 20th day of May 2024.

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

M. New Business

M-1. Approval of FY24 Supplemental Spending Plan and Related Budget/ Project Amendments – Mr. Hooper explained that this spending plan supplements the FY25 Budget and essentially uses savings and other sources of FY24 funds to fund some projects and priorities that we couldn't afford to put in FY25. This plan includes the following:

• City Hall Reconfiguration	$40,000
• 132 Commerce St. Upfits	$100,000 - $150,000
• Internal Email Upgrade	$50,000
• Farmer's Market Contribution	$18,200
• Fix HOB Walkability Study Concerns	$40,000 - $43,000
• Probart Street Traffic Calming	$30,000
• Norton Creek Streambank Restoration Phase 2	$72,000
• R5800 Trail Betterments Study	$12,000

Mr. Hooper noted that if Council passes the resolution approving the supplemental spending plan, it would simultaneously pass the appropriate budget and project amendments that are necessary to make this money available to spend, with the exception of the first three. He said he is requesting permission to move forward with those projects but the actual budget amendments won't be ready for approval until next month because we need to know more about the timing of those projects before we move the money around. Mr. Morrow moved, seconded by Mr. Wise to approve the Supplemental Spending Plan and the related budget/project amendments. The motion carried unanimously.

RESOLUTION NO. 2024-19
RESOLUTION ADOPTING FY24 SUPPLEMENTAL SPENDING PLAN

WHEREAS, in February 2024 the Brevard City Council adopted seven goals where they wished for City resources to be applied in the coming year; and

WHEREAS, the City's FY25 budget cannot accommodate all resource requests on its own; and

WHEREAS, the City has several reserve funds with money available to spend;

WHEREAS, by utilizing these dollars the City can move a number of priorities forward without burdening the FY25 budget; and

WHEREAS, the City Manager has presented an FY24 Supplemental Spending Plan attached hereto; and

WHEREAS, the plan recommends several activities to be funded with reserve funds and the corresponding funding source for each activity; and

WHEREAS, the plan incorporates feedback given by the City Council at its April 12 budget workshop.

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

Section 1. The FY24 Supplemental Spending Plan, attached hereto, is hereby adopted; and

Section 2. All the appropriate budget and project amendments, also attached hereto, are hereby adopted.

Adopted and approved this the 20th day of May, 2024.

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

ORDINANCE NO. 2024-15
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET.
BUDGET AMENDMENT NUMBER 24-06

SUBJECT: Budget Amendment to increase revenues and expenditures in the to fund Farmers Market

AGENDA INFORMATION

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

BRIEF SUMMARY: As highlighted in the FY24-25 Manager Recommended Budget and discussed at the budget work session on April 12, 2024, the City wishes to fund the Farmers Market for the FY24-25 budget year from excess revenues expected in the FY24 fiscal year. Prior year Ad Val taxes were budgeted at $32,000 in the current fiscal year and are currently at $51,100.

MOTION FOR CONSIDERATION: To approve Budget Amendment 24-06 as submitted, increasing the budget in expenditure account:

10-4100-5700 (Non Profit Contributions) $18,200

And increasing the budget in the revenue account:

10-3010-0422 (Prior Year Ad Val Taxes) $18,200

ATTACHMENTS: Budget Amendment 24-06.

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 20th day of May, 2024

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

ORDINANCE NO. 2024-16
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET.
BUDGET AMENDMENT NUMBER 24-07

SUBJECT: Budget Amendment to increase revenues and expenditures to fund improvements in Downtown Walkability.

AGENDA INFORMATION

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

BRIEF SUMMARY: On May 2, 2024, the City received $43,263 from Pardee Memorial Hospital as payment related to a sidewalk fee in lieu. The City wishes to use these funds to allow for the Public Works Department to purchase materials needed to improve walkability in the Downtown Heart of Brevard District.

MOTION FOR CONSIDERATION: To approve Budget Amendment 24-07 as submitted, increasing the budget in expenditure account:

10-5600-3300 (Department Supplies) $43,300

And increasing the budget in the revenue account:

10-3350-0500 (Sidewalk Fee in Lieu) $43,300

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 20th day of May, 2024.

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

ORDINANCE NO. 2024-17
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET.
BUDGET AMENDMENT NUMBER 24-08

SUBJECT: Budget Amendment to increase revenues and expenditures to fund traffic calming measures on Probart Street.

AGENDA INFORMATION

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

BRIEF SUMMARY: As highlighted in the FY24-25 Manager Recommended Budget and discussed at the April 12, 2024 budget workshop, the City wishes to fund speedbumps and other traffic calming measures on Probart Street. Interest revenues are expected to exceed budgeted amounts in FY24 by over $50,000, so this the City will utilize this overage as a source for the work.

MOTION FOR CONSIDERATION: To approve Budget Amendment 24-08 as submitted, increasing the budget in expenditure account:

10-4900-0925 (Professional Services) $30,000

And increasing the budget in the revenue account:

10-3290-0000 (Interest Revenue) $30,000

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 20th day of May, 2024.

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

ORDINANCE NO. 2024-18
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET.
BUDGET AMENDMENT NUMBER 24-09

SUBJECT: Budget Amendment to transfer $72,000 to the Rosenwald Fund (Fund 83), Norton Creek Streambank Restoration Project, for the City portion of NCDEQ Grant.

AGENDA INFORMATION

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

BRIEF SUMMARY: As highlighted in the FY24-25 Manager Recommended Budget and discussed at the April 12, 2024 budget workshop, the City wishes to transfer $72,000 of fund balance in the General Fund to the Norton Creek Upstream Stream Repair Project in the Rosenwald Fund. On April 10, 2024, the City received notification from the North Carolina Department of Environmental Quality that the City had been awarded $72,000 in grant funding, and the City is responsible to match that amount.

MOTION FOR CONSIDERATION: To approve Budget Amendment 24-09 as submitted, increasing the budget in expenditure account:

10-6600-9266 (Transfer to Fund 83 – Norton Creek) $72,000

And increasing the budget in the revenue account:

10-3990-0000 (Fund Balance Appropriated) $72,000

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 20th day of May, 2024.

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

ORDINANCE NO. 2024-19
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2020-36, 2022-28, AND 2023-26 SILVERSTEEN PARK IMPROVEMENT PROJECT

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

Section 1: The budgeted expenditures and revenues listed under the ordinance 2023-26 will be increased from $850,000 to $994,000. Funding will come from a $72,000 Grant from NCDEQ and a $72,000 transfer from the General Fund.

Section 2: The original project scope consisted of approximately 500 linear feet of streambank restoration and 600 linear feet of pedestrian pathway near the Silversteen playground and basketball court.

Section 3: The amended project scope consists of restoring approximately 70 linear feet of Norton Creek north of Hillview Street bound by Silversteen Park and a residential home. It will include stabilizing creek banks, reshaping the creek and the replacement of an existing stormwater culvert within the project area.

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

Account Number	**Account Name**	**Budget Amount**
82-4100-2920	Silversteen Park	$850,000
82-4100-2920	**Silversteen Park**	**$144,000**
	TOTAL PROJECT APPROPRIATION	**$994,000**

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

Account Number	**Account Name**	**Budget Amount**
82-3300-0000	Donations	$27,000
82-3300-0150	Bethel A Church Donation	$10,200
82-3250-0000	Transfer from General Fund	$367,800
82-3300-0250	NCDEQ Grant	$95,000
82-3990-0000	Fund Balance Approp	$150,000
82-3250-0200	Transfer from 31 – Main W/S	$200,000
82-3250-0000	**Transfer from General Fund**	**$72,000**
82-3300-0250	**NCDEQ Grant**	**$72,000**
	TOTAL PROJECT REVENUE	**$994,000**

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 20th day of May, 2024.

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

M-2. Application for Public Art – Moms Mabley Mural in Clemson Plaza – Paul Ray explained that this an application from the Heart of Brevard for a mural to be painted on the brick wall in Clemson Plaza. The request is to commission artist Scott Nurkin to paint a 15' x 20' mural of Loretta Mary Aiken "Moms Mabley" as part of the North Carolina Musician Murals Trail. The Downtown Master Plan Committee in conjunction with the Arts Advisory Subcommittee recommended in favor of approving the mural. No cost is expected to be incurred by the City, but if the application is approved Staff may seek funding from the WNC Community Enhancement grant to help support the implementation of the project. Mr. Baker moved, seconded by Mr. Wise to approve the resolution approving the mural. The motion carried unanimously.

RESOLUTION NO. 2024-20
A RESOLUTION APPROVING A MURAL ON
THE EAST EXTERIOR WALL OF 79 W. MAIN STREET
"CLEMSON PLAZA"

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

WHEREAS, the mural shall illustrate Loretta Mary Aiken, "Moms Mabley" who was from Brevard, North Carolina and made significant contributions in comedy, entertainment, and civil rights activism, and

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

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

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

WHEREAS, Local art, such as high-quality wall murals enrich the cultural landscape and enhance the urban experience for the residents of Brevard.

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

Section 1. City Council, in concurrence with a recommendation from the Downtown Master Plan Committee in conjunction with the Arts Advisory Subcommittee, hereby approve an application for a wall mural on the east side of the building at 79 W. Main Street, in accordance with Brevard City Code of Ordinances Chapter 42 and Brevard Unified Development Ordinance Chapter 12.

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

Adopted and approved this the 20th day of May, 2024.

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

M-3. Ground Lease with Brevard Davidson River Presbyterian Church for Workforce/Affordable Housing Project – Emily Brewer, Mr. Hooper and Attorney McKeller presented a PowerPoint presentation that explains what affordable housing is, what it looks like, why we are talking about it today, and how we got to where we are. A copy of their presentation is attached.

Ms. Brewer explained that this project is a partnership that started in late 2021 when the Brevard-Davidson River Presbyterian Church approached the City with approximately 4 acres of undeveloped land that is adjacent to their facilities. At the same time the City was launching its housing initiatives and considering how they might contribute to housing efforts in our community. Both the City and the Church have a shared goal of ensuring that Brevard's workforce and its community members can afford to live here. This project was launched in 2022 when the City contracted with UNC School of Government's Development Finance Initiative (DFI) to evaluate the housing opportunities on this and other sites in Brevard. DFI's scope of services consists of two phases. DFI has completed Phase 1 which included conducting a housing needs assessment and identifying key sites. The proposed lease agreement

between the Church and the City will allow us to move forward with Phase 2 – site specific predevelopment analysis.

Attorney McKeller summarized the proposed lease between the Church and the City. The City has to have control of the property in order to engage DFI to do the analysis they need to do to proceed. The proposed lease is for 3 years at $1.00 per year with an option to purchase the property at the end of that time if it can be established that it will be feasible to build some sort of affordable housing on the property. The only thing the City would be allowed to do during the term of the lease is to engage DFI to conduct the feasibility studies. The City would find a development partner to build at least 24 units, which must be completed within 5 years of the purchase or the land reverts back to the Church. If the City ends up buying the property, we would be required to use it in very specific ways for affordable housing purposes and those restrictions would transfer further to a development partner. He noted that per the Presbyterian Church rules, the purchases or sales of property can't be done until they are approved by the entire church. This lease has been approved by the Church's leadership group, called the Session, which has recommended that it be brought to the full congregation for their approval, but it is coming to the City first. If Council deems it appropriate to approve the lease it will be sent on to the full congregation for their final approval on June 9th.

Mr. Hooper explained that once the lease is approved and signed, we will send the geotechnical expert that we are about to hire out into the field to start his work. It will take him a couple of weeks to do the fieldwork and another couple weeks to put together his report about the condition of the site and what would need to be done to develop something there. We will pass that report onto the architecture firm which we haven't hired yet, but we do have proposals from three firms that we are currently reviewing. Hopefully by the end of summer they will have an initial plan of what a development on the site might look like and the cost. Then this fall or by next winter when we start developing the budget, Council will have to begin holding serious conversations about what our financial contribution to this project is going to look like. These kind of projects require gap financing from various sources and the City will need to be part of the funding team. Mr. Hooper added that public engagement is almost as important as the technical sitework for us in this project. Our public engagement will include both voluntary and legally required opportunities. This site will require a rezoning and there are a number of public input opportunities built into any rezoning process, but we will also have a handful of voluntary public input opportunities in the months to come.

Ms. Holder moved, seconded by Mr. Morrow to approve the resolution adopting the ground lease. Following discussion, the motion carried unanimously.

RESOLUTION NO. 2024-21
RESOLUTION ENDORSING TERMS OF GROUND LEASE WITH BREVARD DAVIDSON RIVER PRESBYTERIAN CHURCH FOR DEVELOPMENT OF AFFORDABLE/WORKFORCE HOUSING AND AUTHORIZING ITS EXECUTION

WHEREAS, the City of Brevard ("City") and Davidson River Presbyterian Church ("Church") wish to collaborate on the creation of a low-to-moderate income (LMI) housing project on approximately 4 acres of undeveloped property owned by the church; and

WHEREAS, the City has agreed to conduct an assessment of the property to determine whether it is suitable for development and, if so, take the lead on coordinating the development of LMI housing; and

WHEREAS, the Constitution of the State of North Carolina prohibits public resources from being used for the benefit of a private party; and

WHEREAS, therefore, the City must have legal control over the property to legally conduct its activities; and

WHEREAS, the Church wishes to ensure that the property be used for LMI housing in perpetuity; and

WHEREAS, City staff and representatives from the Church's governing body have negotiated a lease agreement that gives the City control of the property for three years with an option to purchase the property with deed restrictions limiting its use to LMI housing thereafter; and

WHEREAS, the City's Housing Committee endorsed these terms at its April 9, 2024 meeting, referring them to full City Council; and

WHEREAS, the full City Council heard a presentation on the lease at its May 20, 2024 meeting.

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

Section 1. The terms of the draft Ground Lease attached hereto and presented to the City Council at its regular meeting on May 20, 2024 are hereby endorsed; and

Section 2. Maureen Copelof, the Mayor, is authorized to execute the document attached hereto on the City's behalf.

Adopted and approved this the 20th day of May, 2024.

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

N. Remarks/Future Agenda Considerations.

Mr. Wise said the Public Works Week should be the Public Works Month and Year because those guys are amazing. He encouraged everyone to go to the County's comprehensive plan workshops. He said that is important for all us; we're in the city, but we're part of the County and it will really help govern our whole path and direction.

Ms. Holder said I confirmed that Mrs. Jones' report that the fee for special collections is going from $50 to $75. What I was thinking is what if we had one free pickup per year per resident for big items. I don't think we have a lot of pickups as it is, so it's not a lot towards the budget to add to the budget and so it wouldn't take that much from it. But, I think that would help some of our residents if we give them one free pickup per year. As you can see I'm all for residents and doing whatever we can to help each other in this process of living life.

Mr. Morrow said I want to talk about Clemson Plaza and tonight's decision, if you will, moves us in a certain direction. But, let's not forget that the Frank D. Clement Building was an amazing $600,000 building in 1926 that held the first jewelry store, photography shop, the home of First Citizens Telephone Company, Brevard Federal Savings & Loan, not to mention a state-of-the art movie theater that would be the first integrated theater in Transylvania County in 1939. Out of that, those businesses were sort of an incubator of civic leadership. The building was owned/built by Frank B. Clement and was called the Frank B. Clement Building. His son Verne who had just come back for WWI, he would build this movie theater for him because that was his interest. He had been the former manager of the auditorium which was the existing theater that was over what today is Highland Books. You've got to remember talking movies were the brand-new thing in 1926 and so my sense is that what I would really like to see is let's restore the name Clemson Plaza to honor that history. Let's do a rendering of the building and tell the story. John Ford built an addendum for Brevard Federal Savings & Loan and Fords Corner became an item and he became Mayor, just as did Verne Clement, Frank's son. So, there's a story there, but I do like the part that Moms Mabley's Dad owned the land before. So, there's a lot to be told. The story of the very first integrated movie *Parody to the West* written by Zane Grey, who it's been determined in some way is an illegitimate son born in Transylvania County. Interesting why they picked that movie. There's a lot to be told there and that's just one thing. I would like to see the Downtown Master Plan Committee, Staff or whoever, let's look at this thing holistically. I would like to ask Mr. Manager, in the budget we have $74,000 for Franklin Pool, does that include swimming lessons? I would like to suggest that we ask the management company if they could provide swimming lessons, and if so what the impact might be. Mr. Luebbe said they are working on that, but they need lifeguards who can give them. Mr. Morrow added that he met with the RPO last week and there was a lot about Brevard in the meeting. They did approve the downtown circulation

last week, as well as announcing that the Davidson River bridge would be delivered next month.

Mr. Baker said I'll piggyback on something Mac said about the RPO. Several of us are members of outside boards and I've been thinking lately that we probably need a mechanism for reporting back to this body some of the activities of those boards, whether that's through the consent agenda and minutes that might be included in that or a biannual report from those groups. Things like the downtown circulation pattern, I would love to know what that is and what that approval means for Brevard and whether that is still the study of…is it the one-ways? Those are the types of things that I think we would be interested in knowing and just a way to stay up to date on the activities of these different boards. One more thing related to the budget that made me think of it when the housing topic discussed tonight came up – we can do big things as a small city, but it does take a level of dedication and focus that I think can be difficult for a small municipality. That's certainly been my experience in the last few years on Council and sometimes I feel like we're a bit like a golden retriever who's in a yard full of squirrels and we have a hard time planning ahead for a project that may take 20 years. One of the ways we do that is by creating funds that we then endow with monies over a multi-year period and that money can then be brought to bear for grants that duplicate the effort and make it bigger than it is, but it starts with the seed money from the city and a dedication from this Council on certain big things that we agree are priorities, and certainly housing is at the top of the list for me. But, the Estatoe Trail also and things like the Downtown Master Plan. I hope that we can maybe avoid being those golden retrievers too often and focus on some big priorities that we all have.

Mr. Hooper said I want to recognize Pastor Keith of Brevard Davidson River Presbyterian Church for his leadership role in the lease and holding the hand of his ad hoc committee and his Session through this very complicated and arduous process. He's a clergy so he's a peacemaker and he did it with a gentle hand. I just admired his leadership during this whole thing, and I hope it will continue forward as we work further on this project. So, thank you Keith. I feel very honored to be a part of this. Earlier I said something was serendipitous, well I think on this particular project, it's providential that the Church's discipleship and our public service aligned at this moment in time. I am very grateful for that, and I look forward to seeing it unfold over the next few years.

Mayor Copelof said you can see how busy and how dynamic our little town is. You can see how difficult it is for a Council wrestling with the budget on all of the priorities and all of the things we want to do, but we are moving forward in such important areas. I have to echo what everyone has said that I am so excited that we are moving forward with the Presbyterian Church's initiative. I want to thank Pastor Keith and I also want to thank Councilman Morrow because that's where it started; with these two gentlemen right here. They had the vision, they understand the potential, and they started this about two years ago. It took a lot of time and I know there have been a lot more staff involvement, but I am extremely excited that we are collaborating with one of our faith organizations on something that is so critical to the future of our community. The City cannot do these projects alone; we need our non-profits, our faith groups, we need people to step up and work with us to make this the community what we want in the future. Thank you Pastor Keith; thank you to the Presbyterians. I look forward to hearing from the full congregation and moving forward. And, also moving forward with Clemson Plaza now that we have approved one of our first pieces of public art. We've talked about this for years. Again, we are honoring our history; we are honoring what was in Clemson Plaza; we are honoring Moms Mabley; we are saying how much we value our downtown and how we want it to be a dynamic place that people come to, to not just enjoy but to learn about the history of Brevard. We are moving forward with Probart Street with the approval of the supplemental funding. We are putting in place traffic safety on one of our streets, another major accomplishment to see if we can get some of the speeding under control. A couple of reminders: White Squirrel Weekend starts Friday night through Sunday night; the pool is opening on Saturday and will be open on Memorial Day and on weekends until school gets out and then to our full schedule; our Memorial Day ceremony will be on Monday at 10:00 am in

front of the Courthouse; the next Meet the Mayor will be on June 11th from noon to 1:30 at the Mary C. Jenkins Community Center.

O. Closed Session

Closed Session – At 8:51 p.m. Mr. Baker moved, seconded by Mr. Wise to enter into closed session to discuss a pending litigation matter City of Brevard vs. Bauslaugh - Case No. 21-CVS-381 and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 9:16 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 9:16 p.m. Mr. Morrow moved, seconded by Ms. Holder, to adjourn the meeting. The motion carried unanimously.

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Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: June 3, 2024