MINUTES
BREVARD CITY COUNCIL
Regular Meeting
June 17, 2024 – 5:30 PM

The Brevard City Council met in regular session on Monday, June 17, 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, and Aaron Baker

Absent – Lauren Wise and Pamela Holder

Staff Present –Attorney Elise Wall, 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 Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, Water Treatment Plant ORC Dennis Richardson, Community Center Director Tyree Griffin, Police Detective Chrystal Hibbs and members of Brevard Police Department

Press – Jon Rich, Transylvania Times

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

B. Invocation – Pastor Dema Barishnikov of Destiny 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. Mr. Morrow moved, seconded by Mr. Daniel to excuse Councilmember Wise and Councilmember Holder. The motion carried unanimously.

E. Approval of Agenda – Ms. Hodsdon requested to add a Road Closure Ordinance for National Night Out to the Consent Agenda as Item K-10. Mr. Morrow moved, seconded by Mr. Baker to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. April 12, 2024 Budget Workshop – Mr. Daniel moved, seconded by Mr. Baker to approve the minutes of the April 12, 2024 Budget Workshop as presented. The motion carried unanimously.

F-2. June 3, 2024 Regular Meeting – Mr. Morrow moved, seconded by Mr. Baker to approve the minutes of the June 3, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Harvey Sankey of 41 Pine Street said my comment is related to the budget. You took $70,000 for one police car out of the unobligated fund balance. The unobligated fund balance represents surplus funds not yet assigned to specific expenses or projects. These funds should be prudently reserved for one-time purchases rather than reoccurring expenses to ensure fiscal stability and to prevent future budget shortfalls.

Under that statement, I disagree with you taking $70,000 out of the unobligated funds to pay for the police car. I think it is totally unnecessary based on the comment that I just made here. You could take that and put it back into the operating expense account for the Police Department, which you have done in prior years. It is a reoccurring expense to replace police cars; it's not a one-time expense. That's why I'm saying it should go back into the operating expense account for the Police Department. The other thing is, okay, what happens to that $70,000 now that we put it back into the operating expense? You could reduce the Fund 78 and Fund 83, which are the Estatoe Trail and Planning by $35,000 each. You have taken and increased these funds by $70,000. If you take $35,000 out of each, you'll be okay as far as your operating budget is concerned and it won't affect the tax rate. $140,000 was initially for two police cars and you added the $70,000 and $70,000 again to the Estatoe Trail and Downtown Master Plan. As far as the Estatoe Trail, it is a 180% increase over what the City Manager represented, and the Downtown fund is 112% over what the City Manager wanted to have. You could change this and you could transfer funds around. If you needed all $70,000 you could take some money out of the Police Department's funds for increasing their department expense for their new headquarters and put that into your unobligated fund balance.

H. Certificates/Awards/Recognition

H-1. Badge Pinning Ceremony – Chrystal Hibbs Promotion to Detective – Police Chief Tom Jordan recognized Police Officer Chrystal Hibbs who has been promoted to Detective. Chief Jordan presented the Detective's badge to Detective Hibbs who was joined by family members.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Amendment to Traffic Schedule to Name and Establish Regulation for New City Street – Aaron Bland explained that the City recently accepted the dedication of an access road off Deerlake Road behind the EnMarket gas station. It accesses the rear of the Arby's parking lot. This Traffic Schedule amendment will establish a name, speed limit, and no parking for the new city street. The speed limit would be set at 15 MPH with the entirety of the road designated as a no parking area. The requirement to stop before entering Deerlake Road will also be codified. Mr. Bland noted that the main question before Council tonight is to decide on the name of the street. He referred to the naming guidelines in the City Code and provided a list of possible names should Council wish to consider these:

- Lambo Court – nearby creek that runs through the nearby Deerlake neighborhood
- Eldridge Court – former owner of the property
- Ironwood Court – colloquial name of a tree that is found nearby
- Catbrier Court – name of an understory plant that is found nearby
- Carolina Lily Court – the official state wildflower
- Brookie Court – the official state freshwater fish which is native to our local rivers

Mayor Copelof opened the public hearing at 5:45 p.m.

Public Hearing Public Participation: None.

Public Hearing Closed – Mayor Copelof closed the hearing at 5:45 p.m.

During Council comments, Mr. Morrow noted that there is a historical significance here as it was the site of the first meeting grounds where every year everybody would come and meet. It was the mustering ground for the soldiers in the Civil War. It was the center of local government before we were a local government and where Transylvania County began, as it was the location of the

very first meeting of county commissioners. He thought it would take a little bit of thought to honor that history. There was consensus that Council would provide input separately to the Planning Department prior to Council's vote at the next meeting.

J-2. Proposed Amendments to City of Brevard Code of Ordinances Chapters 1, 46, and 62 – Sidewalk Usage Policy – Emily Brewer presented a PowerPoint presentation that explains rationale and background for this proposed amendment, the process it has undergone, and a visual of what it will look like. A copy of her presentation is attached. She explained that North Carolina General Statutes §160A-296 states that cities have general authority and regulatory authority over all public sidewalks within its corporate limits. It is the stated duty of a municipality to keep the public sidewalks "open for travel and free from unnecessary obstructions." She noted that the City recently completed the Main Street improvements from the Downtown Master Plan, added new public amenities, and established a social district in Downtown. She explained that these steps to improve the pedestrian experience prompted Staff to revisit the sidewalk usage ordinance. The North Carolina League of Municipalities (NCLM), the City's insurance provider, advised Staff that, in order to be adequately covered, all items placed in the public rights-of-way need to be permitted with insurance naming the City as an additional insured and an executed hold harmless agreement. Additionally, the City needs to proactively monitor the sidewalk encroachments and take enforcement actions to remedy violations when necessary. This is a staff-initiated text amendment to ensure that all items (e.g., merchandise, planters, furnishings) placed in City or State rights-of-way have insurance and meet the minimum separation requirements as set forth by State law. The proposed changes also aim to reduce the burden on business owners by making it a one-time permit. Ms. Brewer noted that because these amendments directly impact the City's liability coverage, Staff is requesting a vote on these amendments following the public hearing. By voting on the matter tonight, Staff will immediately begin working on resolving the outstanding liability questions over the summer, instead of waiting for a vote at the next Council meeting in August.

Mayor Copelof opened the public hearing at 6:07 p.m.

Public Hearing Public Participation:

Paul Hawkins said my biggest issue is the fact that brick usage, which has been longtime available to us and I have, as far as I know, a permit and I do have insurance for a small clothing rack that was on a diagram that I gave to the City a number of years ago. I haven't heard any remarks why the brick would be all of a sudden off limits. It's out of the sidewalk, the pedestrian walkway. It definitely helps business; it brings people in; I make sales from the rack. Some of us shops are open later and it's just an extra "hey we're open" and all of that benefits the City due to the sales tax that we collect on our sales. So, I would think it's in your best interest to have us be successful as businesses. Going back to the new permit fee which I don't understand why it would be $100; same reason I just mentioned – it's all about us making money so the revenue can go back to the City. It just doesn't seem like this very small business friendly. I mean you already took a bunch of parking which to locals has made a huge deficit in shopping downtown. Some of it is just objective; there is still some parking farther away but it is still deterred parking so we're missing revenue that way. On that subject, other cities use a one-hour free on their city-pay lots which would also be a great benefit for locals to shop downtown. Back to the permit fee, you know everything is going up, why do we need an extra permit fee to go up too? Rent's gone up, utilities have gone up, cost of goods has gone up, labor's gone up. I think that covers everything. Thanks for your attention.

John Taylor of 171 W. Probart Street said I am a little unnerved by all of the activity that has been going on in the city since the pandemic. The new parking situation took 20% of my parking spaces away from me and my business is down 20% for Christmas and I don't think that's a coincidence. I mean, we are a destination, but if you can't park when you get to the destination, it's a real problem. I had a customer

yesterday that got an $85 ticket because she parked in a pay to play lot and she didn't put her ticket on her dashboard, so they gave her an $85 ticket even though she had already paid the fee to park there. So parking is a real problem. This just seems really nitpicky. I have been doing business in downtown Brevard since 1982 and okay, it has been a free-for-all. There are some liability issues, but nobody's ever tripped over my soldiers that guard the doors outside. But I have had seven people trip in the handicap parking zone that is right in front of my door and three of them were hospitalized, four of them signed a release and walked away. The latest one, I sent pictures to the Mayor's office and she was banged up really bad. She should have gone to the hospital but she didn't. The traffic problem, it's a cutout to allow handicapped people to get out on the street level and then go up a ramp to the sidewalk, but people don't pay attention to the cutout and they just step right off of it. Dick Berg who I play tennis with broke his elbow there when he was just out for a walk. There's only five feet there now because of that cutout, so that kind of eliminates what I can do on my street because there isn't enough room to put anything outside. It's really kind of a problem. I don't abuse the outside stuff; I don't take up the whole sidewalk, but I would like for my little soldiers to be able to stand outside. Thank you for letting me talk.

Doug Miller said my wife and I own Newfound Artisan in the Heart of Brevard. We are located on W. Jordan Street. I am here today because our side of Jordan will definitely be impacted by the proposed sidewalk policy. The policy, as you know, states that businesses located in front of sidewalks less than seven feet in width are not allowed to take advantage of the sidewalk in front of their business. The new requirements specifically exclude using the brick utility strip when measuring the sidewalk width even when there is nothing placed in the strip. So, essentially what it is saying is that the brick of the sidewalk is not the sidewalk. The proposed policy also states that there must be five feet of unobstructed space at all times, but there are places on Jordan Street where there aren't even five feet of sidewalk concrete space. It's just not that wide. So, by adopting these proposed standards, you will actually have a city-owned street and a city-owned sidewalk that's not up to your own standards. So, will you be widening the sidewalk or maybe reconsider using the brick utility strip that is already there that people actually use a part of the sidewalk, at least on our part of town; maybe not on Broad Street, but on Jordan Street it's the sidewalk, it's the brick and people use it. The actual impact of this is that three businesses on West Jordan Street will have to remove planters and benches in front of our businesses. Our benches are not just reserved for customers, they are available for anyone to use them and they are indeed often used by members of the public. We've put them out in front of our shop because there is not a single public bench on West Jordan Street. The only benches on West Jordan Street are those provided by businesses like ours. On Main Street between Caldwell and Broad there are ten public benches plus alley dining and high-top tables and chairs with umbrellas. On Main Street between Broad and Gaston there are twelve public benches plus additional seating in the alley and high-tops with chairs and umbrellas; and on Broad Street between Main and Jordan Street there are six public benches. That's 28 public benches, not a single one on Jordan Street. We're asking that this policy get sent back to committee for additional refinement. Brevard is a small community; it's possible to create a more nuanced policy that doesn't affect one street so heavily. We would also urge the City to consider providing West Jordan Street, home to two businesses that were recently featured in the June 2024 issue of *Southern Living* in an article about spending a great weekend in Brevard, with more support when it comes to public benches, signage, and general upkeep. All of us who own businesses and everyone who enjoys walking around would definitely appreciate that. I can also say I don't have a PowerPoint to bring a bunch of pictures and things like that. I have pictures when I was in Silva recently and they certainly allow sidewalk dining there. I'm not sure if they just turn a blind eye to it, but I ate outside at a very lovely restaurant on the sidewalk. I think there is a lot more to consider. I think there's proposals, there's policy and then there's the reality. The reality is that we use the brick for sidewalk; we can call it something else, but it is the sidewalk. Thank you.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:16 p.m.

Mayor Copelof noted that Staff is asking for a decision tonight and asked if there was a motion regarding this item. Mr. Daniel moved, seconded by Mr. Baker to table this issue and send it back to the committee for further review until we come up with a more nuanced plan.

During discussion Mr. Daniel said I am on the Downtown Master Plan Committee and I think it became obvious almost immediately after we voted unanimously to present this to City Council that many of us were having second thoughts. I think that our concerns are not only about the public input process, but also some of the issues that have been raised today. I think that this is something we need to address. I feel like we're close, but I don't think we have the plan that represents the City of Brevard as we envision it.

Mr. Baker agreed. He said I think we're not too far away, but given some conversations I had this week and certainly what we've heard tonight, it sounds like this does need just a little bit more time to be more nuanced. We certainly need rules and I didn't hear anybody advocate for zero rules downtown on this issue. I will also say that I have personally seen downtown businesses utilize public infrastructure for their own needs as a business and actually obstruct that public infrastructure from being used, which I don't think is something that anybody would argue should be allowed. If there is a bench for the public to use, it should be used as a bench; or if there is a bike rack downtown that is for the public to use, it should be used and open as a bike rack. So there are rules that we have to have, but we're a small town. We have a great downtown organization in the Heart of Brevard. Being a small town I think we can have realistic conversations about things like this and we don't have to get down in the weeds that sometimes happens in bigger municipalities or even nationally. I've got some questions as well on the brick utility strip and why that was recommended to be excluded. Certainly there are streets within the downtown that are different than Broad and Main Streets and is a one-size-fits-all appropriate, or should the rules be nuanced enough to take those into account so that certain businesses aren't impacted more? I don't think we're too far off; there is a lot in this policy that I agree with, but as we go forward this needs a little bit more time and also needs more communication before it is voted on in the public. I'll say that downtown has experienced a lot of change in the past 18 to 24 months. I am of the opinion that that change is all overwhelmingly positive. I know there are people that might disagree with that. I think in the long run certainly we'll be in a better place, but as a small city we should be able to understand that we've asked a lot of change and we have asked a lot of our downtown businesses over a short period of time. Sometimes that might require us to take a little break or make sure that when we're making additional changes that we fully communicate those. That's why I'm voting on this the way I am tonight.

Mr. Morrow said all good points. I have two others. I would like to thank you Emily for your presentation and for this staff-initiated movement. Let's make downtown safe and meet our obligations to the general public in a liability sort of way. The other piece is because we don't have two council members here, I think it is appropriate to table it until they have a chance to give their input.

Vote on the motion to table the amendment and send it back to the committee was unanimously in favor. The motion carried.

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. Daniel to approve the consent agenda. The motion carried unanimously.

K-1. Tax Settlement Report – May, 2024

K-2. Resolution of Support re Visual Architectural Standards

RESOLUTION NO. 2024-27
RESOLUTION BY BREVARD CITY COUNCIL ADOPTING
ARCHITECTURAL VISUAL GUIDELINES

WHEREAS, the City of Brevard recognizes the importance of adopting architectural visual guidelines for identifying and communicating building typology; and

WHEREAS, the architectural visual guidelines serves to express a desired stylistic character to endure across years of future development; and

WHEREAS, the 2030 Comprehensive Land Use Plan recommends evaluating the City's existing built form and updating its architectural standards in which architectural visual guidelines may inform; and

WHEREAS, architectural visual guidelines may influence the evolution of the Unified Development Ordinance depicting "General to All" for introducing universal building types in Brevard, and variations of building types in unique character areas such as Downtown, Lumberyard District, Pisgah Gateway US-64 Corridor and Rosenwald Neighborhood.

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

Section 1. The City of Brevard City Council hereby approves and adopts the Architectural Visual Guidelines.

Section 2. The Architectural Visual Guidelines is a best practice, urban planning document.

Section 3. The Architectural Visual Guidelines may serve as a companion to the Unified Development Ordinance.

Section 4. Staff is hereby directed to proceed with updating the architectural standards of the Unified Development Ordinance

Adopted and approved this the 17th day of June 2024.

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

K-3. End of Fiscal Year Budget Amendments

ORDINANCE NO. 2024-25
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET.
BUDGET AMENDMENT NUMBER 24-10

SUBJECT: Budget Amendment at fiscal year end to increase expenditures in various departments by a total of $211,600 to cover budget overages.

AGENDA INFORMATION

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

BRIEF SUMMARY: At fiscal year end, actual City expenditures may not exceed budgeted amounts at the department level. During the fiscal year**,** general ledger accounts can go over budget for a variety of reasons, including unforeseen cost increases for products, unexpected events (higher than normal maintenance and repair is one example), or budgeting errors by staff. The following departments within the government currently require budget amendments to assure that they are not over budget at fiscal year end. Fund balance is not affected by this budget amendment.

MOTION FOR CONSIDERATION: To approve Budget Amendment 24-10 as submitted, increasing the budget in expenditure account:

10-4100-4500 (Contracted Serv – Gov Board)	$5,000
10-5000-0210 (Overtime – Building Grounds)	$10,000
10-5000-1500 (MR Buildings - Building Grounds)	$10,000
10-5550-3120 (MR – County Veh – Garage)	$30,000
10-5600-1600 (MR Equipment – Streets)	$10,000
10-5600-4500 (Contracted Serv – Streets)	$10,000
30-8140-1300 (Utilities – Water Dist)	$15,000

30-8140-3300(Dept Supplies – Water Dist)	$25,000
30-8280-1300 (Utilities – Wastewater Coll)	$75,000
10-5100-1700 (MR Auto – Police)	$15,000
40-5300-1500 (MR – Buildings)	$6,600
TOTAL	**$211,600**

And increasing the budget in the revenue account (or decreasing the budget in expenditure accounts):

10-3010-0423 (Current Year Ad Val Tax)	$45,000
10-3970-1100 (County Reimb – MR)	$30,000
30-3710-0200 (Charges for Service – Sewer)	$40,000
30-8220-1300 (Utilities – Wastewater Treatment)	$75,000
10-3600-0000 (Insurance Proceeds – Police)	$15,000
40-3600-0000 (Insurance Proceeds – Fire)	$6,600
TOTAL	**$211,600**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 17th day of June, 2024.

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

K-4. Establishing Facilities Improvements Capital Project

ORDINANCE NO. 2024-26

CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT FOR FACILITY IMPROVEMENTS

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

Section 1: The project will make necessary improvements to City Hall, and the new Police facility at 132 Commerce Street. City Hall is in need of one additional office space at this time, and the rented Police facility is in need of upgrades to make it more functional for the Police Department and the citizens of the City.

Section 2: The City has contracted with G & M Construction Company, Weaverville, NC in the amounts of $145,166 for the Police Department facility at 132 Commerce Street. The City has contracted with Radar Contruction, Brevard, NC in the amount of $36,347.09 for the work at City Hall.

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

Account Number	Account Name	Budget Amount
32-4400-4500	Contracted Services	$40,000
32-5100-4500	Contracted Services	$150,000
TOTAL PROJECT APPROPRIATION		**$190,000**

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

Account Number	Account Name	Budget Amount
32-3750-0000	Transfer from General Fund	$190,000
TOTAL PROJECT REVENUE		**$190,000**

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 17th day of June, 2024.

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

ORDINANCE NO. 2024-27
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET.
BUDGET AMENDMENT NUMBER 24-11

SUBJECT: Budget Amendment transferring funds for building improvements at City Hall and 132 Commerce Street.

AGENDA INFORMATION

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

BRIEF SUMMARY: This budget amendment is in conjunction with the establishment of the Facilities Improvement Capital Project, involving work to be conducted at City Hall and 132 Commerce Street. City Hall is in need of additional office space, and the Police Department is in the process of relocating to 132 Commerce Street, as their offices in the lower level of City Hall have had mold and mildew issues, and have not provided adequate office space for the Police Department.

MOTION FOR CONSIDERATION: To approve Budget Amendment 24-11 as submitted, increasing the budget in expenditure account:

10-6600-9267 (Transfer to GCPF – Facilities Improvements)	$190,000
TOTAL	**$190,000**

And decreasing the budget in expenditure account:

10-5100-0200 (Salaries – Regular)	$190,000
TOTAL	**$190,000**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 17th day of June, 2024.

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

K-5. Council Rosenwald Community Advisory Board Minutes – March 21, 2024

K-6. Council Housing Committee Minutes – April 9, 2024

K-7. Council Finance, Human Resources & Citizen Appointment Committee Minutes – April 22, 2024

K-8. Council Public Works & Utilities Committee Minutes – May 1, 2024

K-9. Council Downtown Master Plan Committee Minutes – May 8, 2024

K-10. Ordinance Declaring Road Closures for Special Event – 2024 National Night Out

ORDINANCE NO. 2024-28
AN ORDINANCE DECLARING A ROAD CLOSURE
FOR THE 2024 NATIONAL NIGHT OUT EVENT

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:

Date:	Tuesday, August 6, 2024
Time:	4:00 PM – 10:00 PM
Route Description:	East Main Street (U.S. 276) from Broad Street to Johnson Street

SECTION 2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 17th day of June 2024.

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

L. Unfinished Business – None.

M. New Business

M-1. Approval of Purchasing Policy – Mr. Luebbe explained that local governments are required by law to abide by purchasing and contracting guidelines and thresholds when it comes to purchasing goods and services. In addition to the NC General Statutory provisions pertaining to local governmental purchasing, the City should also have its own local purchasing policy to establish guidelines for the expenditure of funds used to procure goods and services by City departments. The Finance, Human Resources and Citizen Appointment Committee has recommended approval of the proposed policy, which includes stricter thresholds than the limits set by statute. Mr. Luebbe reviewed the major differences in the thresholds set forth in the City's proposed policy compared to the statutory limits:

- Formal bids will be required for purchases of $75,000 and construction-type services over $250,000
- Informal bids will be required for purchases over $25,000 but less than $75,000, and construction-type services over $30,000 but less than $250,000

Purchases in the formal range require the approval of the City Council. Alternatively, City Council may delegate this authority to the City Manager for each fiscal year, with the delegated authority expiring at the end of that fiscal year. Construction-type services in the formal bid range must be approved by City Council and cannot be delegated.

Mr. Daniel moved, seconded by Mr. Morrow to approve the Purchasing Policy. During discussion, Mr. Baker noted that in Section 2.10.C. City Manager Authority, it states that whenever the City Manager deviates from any part of the purchasing policy

the City Council will be notified in a "timely manner" and suggested changing that to a more specific timeframe. Mr. Wilson suggested amending it to "at or before the next Council meeting". Mr. Daniel amended his motion to include that amendment and Mr. Morrow agreed with the amended motion. Vote on the motion to approve the Purchasing Policy as amended was 3-0. The motion carried.

RESOLUTION NO. 2024-28
A RESOLUTION ADOPTING THE CITY OF BREVARD PURCHASING POLICY

WHEREAS, it is the policy of the City of Brevard to maintain a responsible procurement process that obtains the best apparatus, supplies, materials, equipment, and services at the best price and in compliance with all applicable laws; and

WHEREAS, Staff has drafted a Purchasing Policy establishing guidelines for the expenditure of funds used to procure goods and services by City departments; and

WHEREAS, the City Council Finance, Human Resources and Citizen Appointment Committee has reviewed the draft Purchasing Policy and recommends approval.

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

Section 1. The City of Brevard Purchasing Policy attached hereto and presented to City Council at its June 17, 2024 meeting is hereby adopted.

Section 2. The City of Brevard Purchasing Policy shall become effective on July 1, 2024 .

Adopted and approved this the 17th day of June 2024.

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

M-2. Approval of Scope of Work for Wastewater Treatment Plant – KCI Associates of NC – Mr. Hooper explained that the Public Works and Utilities Committee (PWC) conducted a comprehensive qualifications-based selection for a PER engineering firm to give us a recommendation on what type of wastewater treatment plant upgrade or replacement we should pursue. The PWC interviewed four firms, and follow-up interviews with two finalists and selected the firm KCI as its finalist. The PWC instructed Mr. Hooper to begin negotiating a scope of work with KCI. After review and discussion at its June 5, 2024 meeting, the PWC referred the scope of work to the full Council for approval. The total cost of this project is estimated to be about $352,000 and once the scope of work is approved by Council, our first step will be to go to the State and apply to use some of our $13M earmark for this purpose. Mr. Morrow moved, seconded by Mr. Daniel to approve the scope of work and resolution. The motion carried 3-0.

RESOLUTION NO. 2024-29
RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH
KCI ASSOCIATES OF NORTH CAROLINA P.A.

WHEREAS, the City of Brevard is desirous to upgrade or replace its aging wastewater treatment plant; and

WHEREAS, the City released a Request for Qualifications to solicit professional engineering firms to make projections as to the City's future wastewater needs and make a recommendation as to which type of upgrade, enhancements, or replacements are needed; and

WHEREAS, after interviewing qualified firms the Public Works and Utilities Committee chose KCI as its preferred firm and instructed the City Manager to begin negotiations; and

WHEREAS, the City Manager and KCI have negotiated the terms of an agreement that each deem to be mutually beneficial; and

WHEREAS, the Public Works and Utilities Committee endorsed the agreement attached hereto at its June 5, 2024 meeting.

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

Section 1. The scope of work attached hereto and presented to the City Council at its June 17, 2024 meeting are hereby endorsed; and

Section 2. The City Manager or his designee is authorized to make minor adjustment as needed and execute this document and the associated contract on the City's behalf; and

Section 3. This resolution shall be effective upon adoption.

Adopted and approved this the 17th day of June, 2024.

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

M-3. Appointments to ABC Board – The ABC Board has two upcoming vacancies for terms set to expire in July 2024. As Vice-Chair of the Finance, Human Resources and Citizen Appointment Committee Mr. Daniel reported that the committee discussed this after hearing from Staff that the ABC Board is under a transition period and that the city should exercise increased oversight over the board during this period. The committee's recommendation was to forego the public recruitment process and appoint Susan Miller and the City Manager to that board. Mr. Baker moved, seconded by Mr. Daniel to approve the resolution as presented.

During discussion, Mr. Morrow said I think the intention here is okay, but the ABC Board has always been a totally separate board with their own auditors, personnel policy, etc. and I question whether we want the linkage directly to the City Manager. He also objected to the exclusion of other public candidates that might like to apply. This is not the first time where they had an issue. They got city support and in that case we extended the term of the current leadership until the issue was resolved, with the help of the attorney and the city manager, not necessarily on the board. Mr. Daniel recommended postponing vote on this until the full Council was present. Following further discussion, Mr. Baker withdrew his motion. Mr. Morrow moved, seconded by Mr. Daniel to extend the terms of the current board members through September and advertise the positions per our standard procedures and then bring back to Council for another vote. The motion carried 3-0. Mr. Baker requested more information about the ABC Board, their relationship with the City, and their particular period of transition before this comes back to Council for vote.

N. Remarks/Future Agenda Considerations.

Mr. Daniel said if you didn't go to the festival at Silversteen celebrating Juneteenth, you missed it. It was great; it was good food, good music, and good company. Kudos to Tyree and the Mary C. Jenkins board for putting on an excellent event. It was fun and I enjoyed myself. Thank you.

Mr. Baker said I drove by the Terminix on Rosman Highway and noticed their lovely new sidewalk that serves absolutely no public purpose whatsoever and probably won't for the next 25 years. I know I have brought it up before, and maybe Staff is investigating it, but I haven't gotten a clear answer whether we are legal to require a fee in lieu rather than build a sidewalk. I would love an answer on that definitively as we go forward.

Mr. Hooper yielded his time to Chief Cooper and asked him to share some news about certification that members of the Brevard Fire Department recently received.

Chief Cooper reported that a few weeks ago the Fire Department received a recertification of our heavy rescue certification. In 2014 we went through the process to get our heavy rescue certification through the North Carolina Association of Rescue and EMS. They look at your policies and procedures and they do an inspection of your equipment. We were hoping to push this off until our new rescue truck came in. We did do the final inspection on our new rescue truck last week. There's a little bit more work to do, but hopefully we'll have the truck here sometime next month. But we did

get the recertification inspection done last month and they looked at all the equipment, certifications and policies and procedures. It is a pretty thorough inspection process and they renew it every five years. This is the second time we have gone through recertification.

Mayor Copelof said Juneteenth was great and I think you missed the best party of the year if you didn't go. I think everybody had a great time. A big thank you to the Mary C. Jenkins Board of Directors who put a lot of time and effort into organizing it. Thank you to Tyree - great job. I know the kids loved the ice cream truck. I think the displays and information inside the MCJCCC were superb in terms of helping people understand what Juneteenth is all about. It was a fun, but also educational day and when you can combine those two, that's a big win. Just a heads up, we do have another celebration coming up in conjunction with our Veterans Museum and the County. On June 25th we are going to be celebrating Korean War Remembrance Day. The Korean War started on June 25th in 1950 when North Korea invaded the South. The celebration will be at 2:00 pm on June 25th at the Brevard College Ingram Auditorium. We will be honoring some of our Korean War veterans and also be celebrating with some of the Korean community that is coming with some Korean dances and food. It is a free event and I invite everyone to attend. Tonight, and at our last meeting, you saw City Council make significant progress on two absolutely critical and important, but also big complicated and hard issues. We put under contract moving forward on our new wastewater treatment plant, something that is absolutely vital to going forward and to get that engineering started. Last meeting, we approved the lease on the affordable housing project with the Presbyterian Church. If there are two things that this community really is facing, that we have got to tackle over the next few years, it's making sure that that critical infrastructure is in place and also making sure that we deal with that critical lack of affordable housing. We made significant progress on both of those and I want to commend City Council and Staff for moving forward in such a great way to move our community forward.

O. Closed Session – None.

P. Adjourn – There being no further business, at 7:13 p.m. Mr. Baker moved, seconded by Mr. Daniel, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof	Denise Hodsdon, CMC
Mayor	City Clerk

Minutes Approved: August 5, 2024