MINUTES
BREVARD CITY COUNCIL
Regular Meeting
December 18, 2023 – 5:30 PM

The Brevard City Council met in regular session on Monday, December 18, 2023, 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, and Lauren Wise

Absent – Council Member Pamela Holder

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, Senior Planner Emily Brewer, Human Resources Director Kelley Craig, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Community Center Director Tyree Griffin, Acting Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, and Water Treatment Plant ORC Dennis Richardson

Guests/Presenters – Juan Mullerat and Dylan Gehring, Plusurbia

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 – Mayor Copelof offered an invocation.

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

D. Certification of Quorum –City Clerk Denise Hodsdon certified a quorum present. Mayor Copelof noted that Council Member Pamela Holder was absent and asked for a motion to excuse her. Mr. Daniel so moved, seconded by Mr. Wise. The motion carried unanimously.

E. Approval of Agenda – Mr. Hooper advised that Item M-1 Lease of Brevard Davidson River Presbyterian Church Property for LMI Housing was not yet ready for discussion and should be removed from the agenda. He also advised that an additional closed session needed to be added to discuss a property acquisition matter. Mr. Baker requested that Item K-1 Times Arcade Alley Project – Budget Amendment No. 24-02 be pulled from the Consent Agenda and added to New Business as Item M-1. Mr. Daniel moved, seconded by Mr. Baker to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F.1 – December 4, 2023 Organizational Meeting – Mr. Baker moved, seconded by Mr. Morrow to approve the minutes of the December 4, 2023 Organizational Meeting as presented. The motion carried unanimously.

G. Public Comments

Joellen Risacher said I am here to draw attention to an enormous opportunity that was provided recently by our federal government. It is the Inflation Reduction Act (IRA). There are many facets and components of this enormous bill and several of them are focused on local governments to reduce pollution and take climate action and protection. It includes electrification upgrades of buildings and fleets. Imagine all city

vehicles being electric, including the big polluting trucks that we need to use right now. The results of accessing these funds could be great savings of tax dollars, not to mention no small thing, the health benefits to the community. I knew very little about this until a month or two ago I went to a meeting of an organization called the Citizens Climate Lobby (CCL). It is a non-partisan national organization whose focus is to help local governments access and apply for these types of funds. They had enormous resources and data available for your staff and for you to access. It is available to you now by going to their website and see what I mean about this. A significant portion of the IRA is focused on underserved communities and consumer education. This is really a wonderful piece of legislation and could be a tremendous benefit to our community. The City Council will likely need a proclamation or resolution as an initial step. There are plenty of examples available for all these documents and I want to note that Chapel Hill and Asheville have already realized big savings from accessing these funds and putting them into action. Please I ask you, if you can, to act as quickly as possible on this.

Clem Swift said I am here to repeat a lot of what Joellen said. My main hope is to encourage the City Council to consider passing, more specifically, a climate action plan in 2024. My understanding of the situation is that there are pretty generous funding opportunities out there, mainly through the Inflation Reduction Act, for local governments specifically to reduce their own greenhouse gas emissions and encourage and support their communities in doing so. That federal money may not last too much longer. I know there are a few deadlines that have already passed, so sooner is probably better. My understanding of what this would look like is that the City Council would start by passing a resolution to create a climate action plan. That would be the first step and then at that point would have to decide who is going to make it, which there's options; could be a staff member assigned to it, could hire a consultant to do it, or recruit a volunteer board to write the climate action plan. What that group or individual would do would be to figure out where the best opportunities are; of that federal funding what is really going to help Brevard and how best to go about that. I heard that Hendersonville and Waynesville are both in that process of creating climate action plans and I would encourage you all to consider doing the same.

Josh Fisher said I came here tonight to publicly apologize to the Chief of Police of Brevard and to the City Council for the speech I made the last time I was here. I also want to publicly apologize to the Chief for an incident that happened about 1½ to 2 years ago. About 1½ month ago he and I had a discussion where I apologized for my conduct that could be unbecoming to him. After our discussion I realized that he is actually a great person and I do think he is important to the City of Brevard and I think that it's on the right track. He and I discussed some things that I didn't know and I explained to him where I was coming from and I think we are on a great mutual understanding now. So, I just wanted to give him a public apology in front of you guys as well.

Connie Chase said I am speaking to you tonight because I also have a real concern about what's happening to our environment. 2023 is the warmest year in recorded history and in fact, caps 8 years of increasingly higher average temperatures. Climate scientists are clear about the danger of continued warming and that the cause is too much carbon dioxide in the air from the burning of fossil fuels. Individuals, cities, and the entire country need to transition away from them and I would like to see Brevard participate by devising a city-wide climate action plan as many other cities have already done. Like was mentioned, both Waynesville and Hendersonville are currently working on theirs at this time. If properly implemented it can save the city money and help in the needed universal effort to reduce carbon emissions. Also, creating and implementing an action plan will signal to many tourists and visitors that come here that we are dedicated to preserving our local environment, which attracts them in the first place. I am just one person and we are just one town, but I don't want my grandkids to suffer the effects of the climate crisis and wonder why we didn't care, and when we knew about it, why we didn't even try. I don't want them to wonder why we turned a blind eye. So please consider preparing and passing a resolution that

enables an action plan in one of the January meetings so we can begin to make progress on the change and set an example of what individual citizens can accomplish.

Desiree Waterson said I am here to urge the Brevard city to consider a climate change initiative and to apply for the energy-saving grant. I understand that the city is focusing on affordable housing, which is a project that I definitely very much believe in and support wholeheartedly. However, I do believe that avoiding making plans to address the climate crisis is detrimental to being able to support the affordable housing project. We're dealing with the effects of the climate crisis which we know we are currently in right now and that's really expensive. We have droughts and floods and storms, etc., and those are only getting worse, which means they'll only get more expensive and that will only make it harder to be able to realize the goal of affordable housing. I understand that a climate change initiative has been avoided in the past, or has been hesitant to plan for, and I know a couple of the reasons given were that Brevard city is small and that there is little time to focus on that. But, I would posit that because Brevard city is small, because there is little time, those are the exact reasons why we should in fact focus on a climate change initiative and that it is actually vital. This energy-saving grant is actually the most perfect and important opportunity for Brevard city to take advantage of because we're small and because there's little time. This opportunity won't last long. I know that there's only a couple more years before I believe two of them will run out and we won't have that opportunity anymore. So my concern is that Brevard city will come to realize that a climate change initiative is in fact very important, that we should do it, but then the opportunity for a grant will be gone and it will be too late. To be completely open and frank with you, it's starting to feel a little bit like we're in our own version of the movie "Don't Look Up". I think a grant means we'll save energy, which means saving money, which means making affordable housing all the more viable and possible. Brevard city has every benefit to gain from this energy-saving grant. I thank you for taking this matter into consideration very seriously and considering applying for the grant.

H. Certificates/Awards/Recognition

H-1. Proclamation 2023-23 Kwanzaa Week – Mayor Copelof read the proclamation aloud and presented it to Tommy Kilgore, President of the Local Chapter of NAACP.

Proclamation No. 2023-23
Kwanzaa Week Proclamation

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

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

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

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

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

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim December 26, 2023 to January 1, 2024, as **KWANZAA WEEK** in the City of Brevard and commend its observance to all citizens.

Signed this 18th day of December, 2023.

I. Special Presentations

I-1. Plusurbia, a Consulting Firm for New Architectural Standards – Emily Brewer explained that the Unified Development Ordinance is the City's primary regulatory document that guides all development and land use within the city's planning jurisdiction. While many chapters of the UDO have seen significant changes in the past several years, Chapter 5 – Building Types and Architectural Standards has remained largely untouched since it was originally adopted in 2006. Updating the city's architectural and building design standards particularly, using a more form-based approach is mentioned numerous times in the Comprehensive Land Use Plan adopted in March of this year. Ensuring architectural standards codify the appropriate building forms and features is an expertise that is outside the skill set of the Planning Department Staff. As a result, the Planning Department issued a request for qualifications seeking proposals from qualified consultants to assist the City in updating the existing architectural standards of the UDO. Three responses were received and Staff interviewed the project team from each firm and ultimately selected Plusurbia, an urban planning and architectural design firm, for the project. Ms. Brewer added that in the FY23-24 budget, the Planning Department's Professional Services budget included $75,000 specifically earmarked for implementation of the Comprehensive Land Use Plan. The architectural standards update is expected to be done in two phases. The first phase would be allocated as part of this fiscal year and would cost approximately $68,500. A second phase of the project would be initiated next fiscal year at a cost of $56,000; the Planning Department would include this in their budget request for FY24-25. She introduced Juan Mullerat and Dylan Gehring of Plusurbia and noted that following their presentation, Staff is requesting that Council adopt a resolution authorizing the City Manager to enter into a two-phase contract with Plusurbia to draft the new architectural standards.

Juan Mullerat gave a PowerPoint presentation (copy on file in City Clerk's office) about their firm, what they do and what the City can expect during the two phases of the project. He explained that Stage 1 will include:

- Visits to Brevard and an overview of regulations
- Analysis of everything that is existing, not just the code, but also current buildings that are character-rich
- Extensive public engagement, both in person and online, with plenty of time for stakeholders and residents to opine
- Refine and create building types based on the public engagement
- Prepare visual report

Stage 2 will include codifying the existing and proposed typologies and presentation to Planning Board and Council.

Mr. Daniel moved, seconded by Mr. Baker to proceed with the contract with Plusurbia as recommended. Following questions and comments, the motion carried unanimously.

RESOLUTION 2023-57

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A TWO-PART CONTRACT WITH PLUSURBIA, INC., A PLANNING DESIGN CONSULTANT COMMISSIONED TO DRAFT UPDATES TO THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 5 – BUILDING TYPES AND ARCHITECTURAL STANDARDS.

WHEREAS, the 2030 Comprehensive Land Use Plan emphasizes new architectural standards with focus areas that aim to preserve high quality design and improve on other areas of the built environment; and

WHEREAS, architectural standards should consider form-based code for Downtown that supports a human-scaled, pedestrian-friendly environment which preserves and replicates buildings and structures demonstrating aesthetically pleasing elements or historical significance; and

WHEREAS, the architectural standards should help to establish or expand the standards in existing zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area to establish stricter standards and improve multimodal safety and convenience when accessing places for goods, services, housing, and employment through a predictable pattern of development and architectural design; and

WHEREAS, the corridor should accommodate a variety of residential and nonresidential uses in addition to highway-oriented commercial uses which are important gateways to the City and the Pisgah National Forest, and aesthetic considerations should be included into overlay district standards and form-based elements may include building form, site access requirements, parking location or design, block structure, frontage, and public space requirements; and

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

Section 1. Plusurbia, Incorporated is a planning design firm with offices in Greenville, SC; Washington DC; Miami, FL; and San Juan, Puerto Rico, and have been selected to study the City's built environment and draft new architectural standards for the City as recommended in the 2030 Comprehensive Land Use Plan.

Section 2. The City Manager, is authorized and directed to sign a multi-phase contract with Plusurbia, Incorporated.

Section 3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of December 2023.

J. Public Hearing(s)

J-1. Proposed Text Amendment to City of Brevard Code of Ordinances Chapter 14, Section 14-32 - Tethering of Animals – Chief Jordan explained that this was brought to the Public Safety Committee by a resident who was concerned about the tethering of dogs in her neighborhood. In reviewing the city's Code governing the treatment of animals and the city's legal enforcement authorities, Staff noted that there was no language about tethering of animals. The Public Safety Committee asked Staff to update the language of the code and at its November 27, 2023 meeting, the committee approved the proposal and forwarded it to full Council. Chief Jordan explained that when looking at animal control ordinances, especially in cruelty to animals, we have to understand that one-size doesn't fit all. Each incident that we investigate is different so there is not a tried and true formula. We need to have language that would give latitude to our Animal Services Officer to evaluate the totality of the circumstances and the conditions the animal is in; whether the animal has access to food, water, shelter and whether there is enough lead for the animal to move around and exercise. The new language adds tethering as an act that can be regulated by the city, and gives examples of proper and improper tethering. Other changes include clarifying that the Police Department's Code Enforcement Officer is the city's designated enforcement official for these provisions, and that the Chief of Police has authority to issue permits for the temporary keeping of goats and sheep.

Mayor Copelof opened the public hearing at 6:23 PM.

Public Hearing Public Participation – Connie Mields-Perry said I haven't seen the final wording but I have taken it for granted that there is going to be some kind of measure of tethering that is going to be applied to this ordinance. I am in favor of the Council approving the changes to our city ordinance regarding tethering of animals. I think it is important that the City Council pass these changes because the current city ordinance, although it reads with good intentions, does not clearly define how an animal, if necessarily tethered, can be so humanely and safely. Since the current ordinance does not provide specific guidelines for tethering, it leaves the length, type of material used, type of collar, weight of the tether, and hardware attachments up for interpretation on the part of the pet owner and it makes the animal control officer's job

that much more difficult to enforce. If an animal is on a short tether, tied to an inanimate object with an inappropriate collar that could be painful for the animal, then the animal is not able to move freely, possibly cannot reach its shelter when needed, is forced to use its place of rest as its bathroom, and is in danger of harming itself with entanglement. We would not be the first city to address tethering. I think it is important to note that many cities and counties in North Carolina have specific ordinances referencing tethering. In their ordinances there are specific lengths of the tether and the kind of material it is to be made of, the type of hardware that the tether is attached to so that it is safe for the animal, and the type of collar or harness that is acceptable. This would mean the City of Brevard would be following good practices that have already been established in our state of North Carolina. I think it is a great first step toward adopting more humane practices for animals that are restricted to outdoor living.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:25 PM.

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

K-2. Tax Settlement Report – November, 2023

K-3. Amendment to City Attorney Employment Agreement

RESOLUTION NO. 2023-58

RESOLUTION AMENDING CITY ATTORNEY EMPLOYMENT AGREEMENT

WHEREAS, the City named Mack McKeller City Attorney in April 2021;

WHEREAS, at the time of his appointment Mr. McKeller was employed by Carr, Blackwell, and Associations P.C.;

WHEREAS, as of January 1, 2024 Mr. McKeller will be employed by McKeller Wall P.C.;

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

Mayor Maureen Copelof is authorized to execute an amendment to the City Attorney employment agreement reflecting the change described above. No other changes are necessary at this time.

Approved and adopted this 18th day of December, 2023.

K-4. Council Public Safety Committee Minutes – September 14, 2023

K-5. Council Finance, Human Resources, and Citizen Appointment Committee Minutes – September 24, 2023

K-6. Council Public Works and Utilities Committee Minutes – October 4, 2023

K-7. Council Public Safety Committee Minutes – October 23, 2023

K-8. Rosenwald Community Advisory Board Minutes – October 26, 2023

K-9. Council Public Works and Utilities Committee Minutes – November 21, 2023

L. Unfinished Business

L-1. Proposed Text Amendment to the City of Brevard Unified Development Ordinance Chapters 2, 3, 10 & 19 - Extraction Uses – Emily Brewer

recalled that Council held a public hearing on this proposed amendment at its November 20th meeting. She explained that in fielding inquires during day-to-day administration of the UDO, Planning Staff realized that there is no land use in the use matrix for mines, quarries, or other similar uses. "Extractive Industries" include any businesses that excavate and remove rock, stone, ore, soil, gravel, sand, etc. from the surface or subsurface. This amendment adds extractive uses to the UDO in several places: the use matrix in Chapter 2; the use standards in Chapter 3; the parking standards in Chapter 10; and establishes the use definitions in Chapter 19. Ensuring the use matrix is robust and does not have missing land uses is a general best practice for zoning ordinances. The Building Brevard Comprehensive Land Use Plan highlights the importance of maintaining clear and understandable planning documents and making sure that they are approachable and user friendly. The Planning Board discussed this amendment at their October meeting and unanimously recommended in favor of approval. Mr. Morrow moved, seconded by Mr. Daniel to approve the amendment as presented. The motion carried unanimously.

ORDINANCE NO. 2023-60

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE: CHAPTER 2 – DISTRICT PROVISIONS, CHAPTER 3 – USE DEFINITIONS AND STANDARDS, CHAPTER 10 – PARKING, AND CHAPTER 19 – DEFINITIONS TO CREATE THE EXTRACTIVE INDUSTRIES LAND USE

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

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

Building Brevard 2030 Comprehensive Land Use Plan

> ***LUH-19****: Enhance communication of land use planning efforts, policy development, approvals and processes.*

and,

WHEREAS, a public hearing was conducted on Monday, November 20, 2023, 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 18th day of December 2023.

L-2. Proposed Text Amendment to City of Brevard Unified Development Ordinance, Chapters 2, 4, 5, 17 and 19 - Building Line Revisions – Emily Brewer explained that this staff-initiated text amendment continues to clarify the ordinance and the definitions that we use every day. Building lines and yards are used to measure multiple different standards in the UDO, including fence height, placement of structures, amongst many other things. This text amendment clarifies those definitions, adds illustrative diagrams that improve the usability of our document and since the public hearing on November 20th, Staff revised the illustrations based on the comments

received. Planning Board heard this matter at their October meeting and unanimously recommended in favor of adoption. Mr. Morrow moved, seconded by Mr. Baker to approve the amendment as presented. The motion carried unanimously.

ORDINANCE NO. 2023-61

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE CHAPTER 2, CHAPTER 4, CHAPTER 5, CHAPTER 17, AND CHAPTER 19

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance Chapter 2 – District Provisions, District 4 – General Lot and Structure Provisions, District 5 – Building Types and Architectural Standards, Chapter 17 – Development Plan Requirements, and Chapter 19 – Definitions to clarify the definitions and applicability of building lines and yards for zoning purposes; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following elements of the City of Brevard Comprehensive Plans:

Building Brevard 2030

- ***GOAL 2:*** *Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.*

- ***LUH-19:*** *Enhance communication of land use planning efforts, policy development, approvals, and processes.*

and,

WHEREAS, a public hearing was conducted on Monday, November 20, 2023, 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 that Brevard City Code, 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 upon first reading this the 18th day of December 2023.

M. New Business.

M-1. (K-1). Times Arcade Alley Project - Budget Amendment No. 24-02 – Mr. Baker noted that Council only recently passed this and asked for more information on what caused the increase. Assistant City Manager/Finance Director Dean Luebbe explained that the original project ordinance was passed for $1,082,000. The City received two bids for this project with the low base bid being $1,011,000. In November Council voted to add some alternatives to the bid in the amount of $59,000, there are engineering costs of $75,000, and there is a 5% contingency built into the project in the amount of $53,000. Motion by Mr. Baker, seconded by Mr. Wise to adopt the project amendment for the Times Arcade Alley Improvement Project. The motion carried unanimously.

ORDINANCE NO. 2023-58
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET.
BUDGET AMENDMENT NUMBER 24-02

SUBJECT: Budget Amendment to transfer $53,000 from the General Fund to the Times Arcade Alley Improvement Project.

AGENDA INFORMATION

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

BRIEF SUMMARY: Recent changes to the Times Arcade Alley Improvement Project have increased costs from the original budget of $1,082,000 (approved on August 21, 2023, Project Ordinance 2023-35) to $1,207,000). The Project Budget will be increased by $125,000, ($1,207,000 less $1,082,000). $40,000 of this amount will come from fund balance of the Downtown Masterplan Fund. $32,000 is being reimbursed to the City from a property owner in the Times Arcade Alley, for waterproofing and other improvements related to the project. The remaining $53,000 will be transferred from the General Fund, as the City has cost savings in the Public Works Administration department due to vacancies. It should be noted that this project has $53,553 of contingency budgeted into the overall project cost, so that if the project stays on budget, the $53,000 transfer could be returned to the General Fund

MOTION FOR CONSIDERATION: To approve Budget Amendment 24-02 as submitted, increasing the budget in expenditure account:

10-6600-9265 (Transfer to Times Arcade Alley Project) $53,000

And decreasing the budget in the expenditure account:

10-5450-0200 (Salaries - Regular) $53,000

ATTACHMENTS: None

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 18th day of December, 2023.

ORDINANCE NO. 2023-59
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2023-35, TIMES ARCADE ALLEY 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 2023-35 will be increased from $1,082,000 to $1,207,000. This increase will allow the City to complete needed stormwater repairs in the Times Arcade Alley.

Funding will come from $40,000 of fund balance remaining in the Downtown Masterplan Fund, and $32,000 of reimbursement from a property owner, and a $53,000 transfer from the General Fund. The City has received two grants which total $950,000 to fund the large majority of this project.

Section 2: The Project will construct new publicly owned stormwater infrastructure in the Times Arcade Alley to capture runoff from rooftops and street surfaces. All of the existing asphalt will be removed from the alley, two curb inlets and storm drainpipes will be added to the alley's parking area, which will flow into a new 18" storm drainpipe installed through the length of the alley. Six trench drains will also be added at intervals through the alley to capture and convey stormwater. The alley and disturbed parking areas will be resurfaced. The new infrastructure will handle the runoff from a 25-year storm (7.69"/24 hours), which will significantly mitigate flooding in the alley and on Main Street and Jordan Street that receive the alley's runoff. The project is designed and ready to be implemented

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

Account Number	Account Name	Budget Amount
83-4900-4550	Times Arcade Alley	$1,082,000
83-4990-4550	**Times Arcade Alley**	**$72,000**
83-4990-4560	**Times Arcade Contingency**	**$53,000**
	TOTAL PROJECT APPROPRIATION	**$1,207,000**

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

Account Number	Account Name	Budget Amount
83-3750-0230	ARPA Stormwater Grant	$700,000
83-3750-0240	Golden Leaf Grant	$250,000
83-3020-0150	Transfer from General Fund	$132,000
83-3750-0250	**Reimbursement**	**$32,000**
83-3990-0000	**Fund Balance - Fund 83**	**$40,000**
83-3020-0200	**Transfer from General Fund**	**$53,000**
	TOTAL PROJECT REVENUE	**$1,207,000**

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 18th day of December, 2023.

N. Remarks/Future Agenda Considerations.

Mr. Wise said thanks to everyone for being here. I love to see public engagement; it's exciting. I want to wish everyone Happy Holidays and I am very excited about moving forward in the future.

Mr. Morrow said "ditto."

Mr. Daniel noted that we have been asked to cancel the January 2nd meeting as we don't have any business items and there is very little likelihood of incurring any business before then. Mr. Daniel moved, seconded by Mr. Wise, to cancel the January 2nd meeting. The motion carried unanimously.

Mr. Daniel added that he found the conversation on the climate action plan interesting and he would like to hear the City Manager's thoughts on that.

Mr. Baker echoed that and said I am interested in that as well. I know that the city has a lot going on and I was thinking through all the committees that we have right now and which one might be the appropriate one to tackle something like that. I'm not thinking of a specific committee where it would fit perfectly, so I am interested to hear what we might do to tackle that in the future. We are having a ribbon cutting for the newest section of the Estatoe Trail which is open now between Silversteen and Rosman Highway. It will be on Wednesday at 4:15 p.m. right by the Tannery Skate Park and the

Community Garden. Please come out and check it out; it's beautiful. I see people walking on it all day long and it's great to see it being used already. I have mentioned this in the past, but I have been personally interested in some of the bigger storefronts that we have in town that remain vacant and I have had some conversations with the City Attorney on options that the City might have for some of those storefronts. I am thinking specifically of the former K-Mart building and the former BI-LO building and they both happen to be owned by the same entity. I pass them often, as everyone does, and think about what a shame it is that in such a vibrant city like ours and with the city government doing so much and so much activity with building going on that those stores remain empty with giant unused parking lots. Since it's the season of giving and we're reaching the end of the year I just want to say what a gift it would be if the entity that owns those buildings would move forward on using them for something good in the future. I also wish everybody Happy Holidays and see everybody in the new year.

Attorney McKeller wished everybody a Merry Christmas and reminded Council that we need to have a closed session for a pending litigation matter and a second closed session for property acquisition.

Ms. Hodsdon wished everybody Happy Holidays.

Mr. Hooper said I also wish everyone Happy Holidays, particularly my colleagues who picked up the slack for me the last few weeks as I have been dealing with some health issues in my family. Thank you all for doing that and thank you Council for your patience with me during that time.

Mayor Copelof said I too wish everybody a joy-filled holiday season. I want to thank our City Staff for everything that they have done throughout this past year. You can see our very last Council meeting of the year, six days before Christmas, we're still working hard and we are still accomplishing so much. We are reviewing standards, we are updating our UDO, we are taking care of animals, we are looking how the architecture in this city should really go in the future so that we grow in a manner that is consistent with the vision that our community has. I am so proud of all that we have accomplished in 2023 and that is thanks to the dedication, hard work and professionalism of the people that make up the City of Brevard. It is also thanks to all of our partner organizations, because nobody accomplishes things alone. It is team work; it is collaboration; it is all of the non-profits that stand with us as we try to build a better community; it is all of our for-profit companies; it is our downtown businesses; it is all of us that are part of the Brevard family that, working together, we have moved forward so much this year. I am so excited about 2024 because I know we are going to tackle a lot of the issues in front of us and we are going to do it with that same perseverance and professionalism, and we are going to make progress in many, many of these areas. I hope everybody will take care of one another and look out for your neighbors; not everybody has family and not everybody has a life full of joy. For those of us who have been given so much, please reach out to those that might not have so much, that might be lonely or alone, because we are all neighbors and that is what makes this community so very special. May your holiday be joy-filled.

N. Closed Session

Closed Session #1 – At 6:46 p.m. Mr. Baker moved, seconded by Mr. Wise to enter into closed session to discuss a pending litigation matter City of Brevard et al. vs. HCA et al. in the Western District of North Carolina United States District Court 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 7:09 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.

Closed Session #2 – At 7:09 p.m. Mr. Baker moved, seconded by Mr. Daniel to enter into closed session to discuss a property acquisition matter. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, City Clerk Denise Hodsdon, and Senior Planner Emily Brewer. DFI Representatives Sara VanLear and Sarah Odio joined via Zoom.

Council Returned to Regular Session – at 7:33 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

O. Adjourn – There being no further business, at 7:33 p.m. Mr. Wise moved, seconded by Mr. Baker, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof	Denise Hodsdon, CMC
Mayor	City Clerk

Minutes Approved: January 16, 2024