MINUTES
BREVARD CITY COUNCIL
Regular Meeting
February 19, 2024 – 5:30 PM

The Brevard City Council met in regular session on Monday, February 19, 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, Assistant Planning Director Aaron Bland, Human Resources Director Kelley Craig, Communications Coordinator Becky McCann, 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, and Police Captain Aaron Thompson

Guests – Heart of Brevard Representatives Nicole Bentley, Anna Davis and Maggie DeLap

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 Andrew Crimmins of St. Timothy United Methodist Church 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.

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

F. Approval of Minutes

F-1. February 5, 2024 Regular Meeting – Mr. Morrow moved, seconded by Ms. Holder to approve the minutes of the February 5, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Geraldine Dinkins said I am a resident of Brevard since 2006 and I own a home at 500 Probart Street. I am here tonight to speak in support of the traffic calming measures that will come before you in the near future for my street. When Probart Street was first outfitted with the long-lobbied for sidewalk a little less than a decade ago, it changed the character of our street in several significant ways. The strip of concrete was mainly thought to be needed for safety as residents and Brevard Music Center campers increasingly tangled with vehicles speeding to and from downtown. However, what we, as residents on Probart Street did not really bargain for, was that the same sidewalk would also help us build out our individual residences into a tightly knit neighborhood. Where we had previously waved to one another from moving cars, we now had a place to learn each other's names and enough intel for friendly banter. While Probart has grown into a popular street for homeowners, pedestrians and cyclists alike, traffic has never slowed down. On the contrary, as we have grown as a

town, it has become busier and faster, earlier in the day and later at night. Drivers have resisted all of our increasingly creative tactics to slow them down. From speed traps to hand-painted signs, to me driving a few good-size branches into the road, the average speed seems to hover 10 to 15 miles above the 25 mph posted speed limit. And mind you, these drivers are all of us. These aren't just young males in pickup trucks or commuters with coffee travel mugs. These are people we know; parents bent on making school drop-off time, Music Center summer staffers traveling endlessly back and forth, and then the semi-regular Range Rover or Sprinter van in hot pursuit of a parking spot at Bracken Preserve. While I would prefer for all of us to simply slow down and obey the speed limit, because driving the speed limit is a matter of respect for residents along a particular stretch of road, this seems to be too big an ask. Instead, we need to resort to guardrails that force cars to slow down with signs, lights and speed tables. As city leaders, I ask you to protect our neighborhood as something of importance to our town and settle on a funding schedule to calm our street and ultimately other streets as well. I am fully aware that Probart is a street of privilege; nice homes, a lush campus devoted to classical music, and a popular nature preserve alongside it. However, I think of our street as a blueprint. What needs to be done to Probart will need to be considered for other residential streets threatened by disrespectful cut-through traffic. Combined with an investment in sidewalks, this will give rise to strong neighborhoods that are as diverse as they are strong, and this will ultimately benefit our town as a whole.

Martha Carlton said my husband Greg Carlton and I have been residents of the City of Brevard for fourteen years. He wanted to be here tonight but is out of town with his work. We are homeowners and business owners in downtown and believe it to be one of this local area's greatest assets. We are concerned about the project between the City and the Brevard Davidson River Church for several reasons. Putting a multi-story apartment complex in a hundred-plus year old neighborhood does not respect one of the few natural greenspaces left in downtown, the long-term current homeowners, or the charm of downtown, which I might point out was recently an argument the Council supported as a reason to change and limit the short-term rental policies in the city. We would like to see more projects that encourage homeownership in our area for hard working young families that want to stay here long-term but struggle to become homeowners because of current prices. Living in the city is expensive, spoken by someone who has paid city taxes for fourteen years, and there are many buildable areas just outside the city limits that would still be close to downtown and more affordable when looking at a long-term budget. We believe there are better options and this is being driven by the fact that the church has considered giving the land to the City. Something to consider is do we want to actually help young families, or do we want to keep them in the rent cycle, never being able to save enough to buy a home because of their rent cost? Being a business owner downtown I can say that all of my employees are much more concerned with the lack of parking, and what's been done recently to worsen that issue instead of fix it, than they are downtown housing. All of my employees are in the retail worker hourly income bracket and the ones that need to rent a place to live have not had any trouble finding a place to rent close to work. When we as neighbors think about the ramifications of the traffic alone a 60-unit building will impose on our neighborhood, we are distraught. That could be well over 100 automobiles coming and going and needing parking spaces. There are a lot of children in our neighborhood; safety is definitely a concern. But my greatest concern is not knowing who has the correct narrative and the uncertainty that creates. The confusion seems to be coming from a lack of communication between the City, the church leadership, the church members, and the homeowners that this project will affect. Depending on who you talk to, what is going to take place on the land varies. After talking to several church members what they were told was being considered was 7 to 8 affordable homes for families of teachers, police officers and others in that income bracket, and what is being discussed at City Council meetings, 60-unit multilevel apartment buildings are two very different concepts. We believe having more rental units would not contribute to the stability of a downtown community as much as the investment of affordable homeownership would.

Marjorie Lillard of 79 Franklin Street said I am here this evening to discuss the potential housing development on the Davidson River Presbyterian Church property. My neighbors and I were visited in December of 2022 by a member of the Council and the Pastor of the church to be informed that this property was under consideration for workforce housing. At that time, we were told that we would be kept in the loop as the project developed. This has not been the case. Any information that we now have about the property has been discovered by us through research and coincidence. A call to DFI in Chapel Hill also resulted in the answer that we would be informed of any action on the property. Many of us have friends in the congregation and they have no knowledge of what is being proposed on this property. In spite of this, the Housing Committee last week approved a request for $50,000 from the Housing Trust Fund to evaluate the property, with one member stating that this was premature as there is no lease agreement with the church. Some Council members have said that the project is a done deal and indicated that there will be 60 units. All of the current discussion also indicates that there is no such thing as workforce housing, or at the least, no funding for this category. What category of housing is being considered? Will they carry restrictions for 15 to 30 years? What will happen after that time if the final lease with the church is for 99 years? I would also like to know the status of the two affordable housing projects that were announced in the Transylvania Times in 2021 on Rosman Highway and in 2022 on Asheville Highway. These sites have already been approved. Our tax dollars support the Housing Trust Fund. Could this money be used more effectively to pursue these projects, not impact an established neighborhood or use the money to fund more immediate problems such as housing the people being displaced by DOT projects. As neighbors of the Davidson River Church property, we would like clarity about the Council's plans. The project will impact our neighborhood. A Housing Coalition member recently was quoted in the paper as saying about another neighborhood "we strongly believe residents should be closely involved in deciding how their neighborhood grows and we wanted to give them a platform to be heard." We feel that we deserve the same consideration.

Dr. Paula Hartman-Stein of 249 Pine Mountain Trail said I am here to speak a bit about the Age-Friendly Community network that I am advocating you vote for. I've worked as an adjunct professor of psychology at several universities in Ohio and more recently at Brevard College for 1 ½ years, but my primary profession is that of a clinical geropsychologist, which means I specialize in working with older adults and late-life families. As my husband and I have become older adults, and we have a millennial son, we moved to Brevard about three years ago. Why? So, we could live in a community that appears to be age-friendly and has health-conscious features. It was the Blue Zones designation back then that was a major factor. I like living in a smaller community with more green space, less crime, less commotion, less traffic. We chose Brevard because it's a place we think we could live out our lives, as well as contribute. To quote the renowned theologian Rev. Dr. Matthew Fox, "I don't want to retire, I want to refire". Eight months ago, I volunteered to play a small role in Governor Cooper's initiative to create a multisector plan called All Ages, All Stages to improve the resources for all of North Carolina's citizens. I am co-leader of the Lifelong Learning committee. Through that I have learned there are always opportunities to strengthen a state's and community's assets. So, part of what makes a community friendly for all ages is to harness the contribution of all of its residents. While working at the college, I learned about some of the ageist beliefs that young people hold and that we ourselves hold about ourselves. We have an opportunity to reduce ageism and decrease loneliness. Ageism not only affects our health, it affects our economy. In partnership with community leaders of all ages, we can work to guide Brevard toward the implementation of an age-friendly action plan. The AARP community designation is an extension of the organization's work to promote livable communities which boils down to what?...social determinants of health. While we have many areas of strength within this community, there are so-called eight domains of livability that the AARP has identified. There are areas where we can grow and become state, and even nationwide leaders. Let's make Brevard known for more than its waterfalls. Joining the network of Age-Friendly Communities initiates a powerful process of creating and implementing an action plan. I'm all in and I hope you will vote to proceed in applying for this designation. You can count on my support.

Patricia Wrinkle said I also live neighboring the Davidson River Presbyterian Church. I am going to take a different angle. First and foremost, yes, it's going to impact our neighborhood tremendously. I would say there are at least 35 people in that neighboring area. If you're going to put low to middle-income housing as opposed to what you first told us in December, middle income housing, how is that going to affect our property values and are you going to lower our taxes? How are you going to deal with traffic? Sewage is already a problem, especially on Appletree Street. I disagree with the $50,000 being spent; I think you're putting the cart before the horse. The area has several federally protected animals, so it just seems like I said putting the cart before the horse. And yes, lack of communication, very frustrating. We're getting rumors and hearsay from all sides, so we don't know what's going on and it affects us. I understand you want to do some affordable housing, but we need to be a part of it. This is our community, our neighborhood, and we've all spent considerable amounts of money paying taxes and making beautiful homes. You've been there; you know what it's like. So, a little more communication. On another subject, please come and get our streets fixed. French Broad is just horrendous. And parking, yeah, you need to do a better deal on that too. The sidewalk from the mudhole, that's not a sidewalk, that's ridiculous. You threw some gravel down there and call it a sidewalk? Somebody's going to get hurt on that and that's a lawsuit waiting to happen.

Sara Knapp said I am a volunteer with the AARP North Carolina Mountain Region. A couple of years ago I had the great satisfaction of working with Mark Burrows to develop the successful application for an AARP grant to support the City of Brevard's community garden. Now I am excited to participate in an even more far-reaching initiative, as later tonight the Brevard City Council will consider its application to join the AARP network of Age-Friendly Communities. Age-friendly means great places to live for people of all ages. It means having good affordable housing, walkways and bikeways, places to take wheelchairs and strollers, transportation options that are suitable to the area, and a wide array of social activities and opportunities for all of us to volunteer, pitch in and make a difference. Age-friendly communities come in all types and sizes. Last May North Carolina became the tenth state to join the Age-Friendly network. Age-Friendly Communities in North Carolina include the largest population areas of Wake and Mecklenburg Counties, but also communities more relatable to Brevard such as Buncombe County and smaller cities such as Mount Airy and Archdale. And most notably, the City of Hendersonville became an Age-Friendly Community earlier this month. So, let's emphasize the word "network". There are more than 800 AARP Age-Friendly Communities nationwide, sharing a vast array of information on innovative ways to solve common issues. Becoming an Age-Friendly Community isn't about making Brevard a great place to live; it already is. It's about expanding our resources to sustain the best that Brevard has to offer and continuing to take simple steps to ongoing improvements, and I look forward to being a part of this.

Steve Studebaker of AARP provided handouts to Council regarding Age-Friendly Communities (copy on file in the City Clerk's office). He said we know that there is a future, and we know that planning for it is substantial already, but in all of your planning, you may not know of all the resources that you could apply to it. Those resources might come from within the community…volunteers who are ready and willing to help you, and an organizational plan that goes with it. My second page simply says what the state thinks your growth is going to be, and it is quite a bit in our aging categories. The third page talks about the various things you might have to consider, either as a county or as a city, in taking care of your well residents and those that are getting older. The one thing we are starting to plan towards is people aging in place in their homes, which is what people prefer substantially over having to go to a nursing home or to assisted living, which is very expensive. Yes, they refer to our 8 domains in the plan, and one would be overwhelmed to try to do all of these things at once. So what Age-Friendly Communities allows you to do is to have a process by which you can establish which things you think are most important and help identify those with your volunteers bringing the needs to you, identify which organizations may have already sidled up to those needs and help to cooperate with one another to cover those needs. How do we get that done and how do we think about that? That is what Age-Friendly Community network helps you do. The next to the last page describes the

organizational structure of Age-Friendly and how you can participate in it and talks about the process the volunteers will be engaged in to make all these things happen. The last page presents a discussion of collective impact, which was presented to the AAA's like Land of Sky, the source of funding that comes through to you and the county for all age projects and they are highly endorsing of this and eager for it to happen fairly wide across our AAA and Land of Sky. These people in this contact list are ready to come forth and be of help to you. Their communities have been established in this program for up to ten years and very successful in making it happen.

M. Dawn Ellis said I live at 75 Appletree Street and I also own the house at 59 Appletree Street. The main thing that we have is conservation of the endangered species back there. It's one of the green areas that has blacktail vultures that are protected. There's a woodpecker, I've forgotten the name of it right now, that is federally protected. I tried to get a picture of it last night but I have four schnauzers and they barked and it flew before I could get a picture of it as he was going around poking holes in everything. We have foxes; we had three sets of deer fawns last year back there in that wooded area; we have a lot more things. You can't move a box turtle because if you do, they go absolutely into their shell and die. That's an endangered species again that we have there. The Bible says love thy neighbor; you need to be taking care of the neighbors. All of the people on our streets around the church, which I am a member of that church, take care of these animals. It is one of the few green areas left in our town and the reason I moved to Brevard in 1975 when I graduated from college was because it was a nice town. It's not the same as it was in '75. I've owned the house for 39 years on Appletree Street. I bought it because it had wooded behind it; that's the reason I bought it because I grew up in the country where you work. I've been taking care of the church property for 30-some years and spent over $40,000 now keeping that property from invading my property. I asked to buy part of it; three times I've been told I don't know who owns it, whether the church or the diocese. We need to take care of our neighbors. I've lived there 39 years, my neighbor across the street has lived there 48 to 50 years. It's a nice street. You're going to have to do something about E. French Broad if you're going to put more traffic on it. You're going to have to do something on Johnson Street if you're going to put traffic on it because we barely can get in and out with the community center across the street and you sit at the stop light, or the stop sign. I don't mind the stop lights; I don't like the roundabouts, but the stop lights are fine. At least everybody knows when to go and not just stop in the middle. But you need to be here and listening to our neighbors. That's who our town elected you to take care of, is our neighbors and take us into consideration. We're not asking for much. All we're asking is that you put it in a different place where you don't have to waste our tax money of $50,000 seeing if it is buildable. I can tell you right now parts of it is not and you need to think about that.

H. Certificates/Awards/Recognition – None.

I. Special Presentations

I-1. Heart of Brevard Annual Report – Heart of Brevard Executive Director Nicole Bentley presented their FY 2022/2023 Annual Report. A copy of her PowerPoint presentation is attached. She noted that these results came from their Economic Impact Survey and Needs Survey that were conducted in June, 2023. She explained that the purpose of these surveys is to look forward in the coming years and balance the needs of the District and what we have heard from them in these surveys, and continue to put on our community events at the same caliber that we have done so. She said while this is a look back at last year's survey, we really want you to think about this, as we make decisions, this is how we will prioritize and set goals for downtown. We serve as a voice of downtown and I believe if you are going to do surveys, we have to listen to them. I think the needs survey is very telling of what the District would like us to focus our time, tools, and talents on in the coming years.

I-2. Heart of Brevard Downtown Walkability Assessment – Heart of Brevard Vice President Anna Davis and Built Environment Committee Member Maggie

DeLap presented the results of the Heart of Brevard's 2024 Walkability Assessment. A copy of their PowerPoint presentation is attached, and a copy of the full assessment report is on file in the City Clerk's office. Ms. DeLap noted that the Heart of Brevard's purpose is to maintain a vital downtown and serve as the voice of downtown by communicating concerns, advocating for policies, maintaining relationships with City and County officials and staff, and addressing important social issues. This is the category on the Needs Survey that came up under advocacy work. She said with all that in mind, we see this walkability assessment as an important part of how we execute this mission. She explained that this year they extended the assessment beyond the downtown district to try to capture the entryways into downtown, which they felt was an important understanding of the walkability of Brevard. Overall, the four teams collected 245 different findings, which were ranked by priority and then classified into four categories. The presentation included examples from each of the four categories. Of the 245 different findings 76% were on public property and 24% were on privately-owned property. Heart of Brevard is committed to working with those private-sector business owners in order to help fix or enhance those issues that were found.

J. Public Hearing(s)

J-1. Proposed Amendment to City of Brevard Unified Development Ordinance Chapter 16 – Planning Board's Role in Zoning Map Amendments – Aaron Bland explained that this is a City-initiated text amendment that would amend the Planning Board's role in zoning map amendments. During the process of expanding the Downtown Development Overly District it was discovered that the UDO does not grant the Planning Board with authority to forward a recommendation to City Council on zoning map amendments that enlarge the proposed area. Council instructed Staff to initiate an amendment that would provide the Planning Board with that authority.

The concern with granting them that authority has always been that often the property owners in the expanded area would not know that their property has become included in the proposal. Typically, rezonings are initiated by a property owner and they are therefore aware of the potential change. Neighboring property owners that become involved due to an increase in the area need to be made aware of their inclusion. To do that, Staff has included a provision that if the Board wishes to recommend an increase in the rezoning area, they must hold a second Planning Board meeting and the newly included property owners will be sent a letter inviting them to the meeting. At the second meeting, the Board could then hear from them and make their final recommendation to Council considering their feedback. This amendment also includes a new provision that if the City initiates a rezoning, then the property owners are to be sent a letter giving notice of the proposal and the Planning Board meeting. Currently, the only required mailed notice is for the public hearing by City Council; that notice requirement would remain unchanged. The Planning Board discussed this amendment at their January 23rd meeting and unanimously recommended approval as presented.

Mayor Copelof opened the public hearing at 6:43 PM.

Public Hearing Public Participation – None.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:43 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. Baker moved, seconded by Mr. Daniel to approve the consent agenda. The motion carried unanimously.

K-1. Tax Settlement Report – January, 2024

K-2. Report of Unpaid Taxes and Authorization to Advertise

K-3. Budget Amendment – Governors Crime Commission Grant

ORDINANCE NO. 2024-02
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET
AMENDMENT NUMBER 24-03

SUBJECT: Budget Amendment to increase expenditures and revenues in the General Fund for $24,000, for a Police Grant received from the Governors Crime Commission.

AGENDA INFORMATION

Agenda Location: **Consent**
Department: **Finance**
Contact: **Dean Luebbe, Finance Director**

BRIEF SUMMARY: Chief Jordan began the application process for the 2022-2023 Governor's Crime Commission grant in January, 2022. The purpose of the funding was officer safety during crowd control and riots, and to provide the City with the capacity to assist neighboring jurisdictions when requested. Council passed a resolution authorizing reception of this grant and the requisitioning of funds in its implementation, on April 17, 2023. The City was awarded the grant on January 30, 2023. The City purchased five protective armor suits, five ballistic helmets with shields, five side-handle batons, one voice amplifier for a gas mask, five CO2 launchers with less-lethal oleoresin capsicum projectiles, four pairs of electronic control and compliance gloves, with a total of $23,920.18, and we received full reimbursement in January of 2024.

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

10-5100-6000 (Department Equipment)	$24,000

And increasing the budget in the revenue account

10-3910-0775 (Grant – Governor's Crime Commission)	$24,000

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 19th day of February, 2024.

K-4. Budget Amendment – French Broad Community Center Roof

ORDINANCE NO. 2024-03
AN ORDINANCE AMENDING THE FY2023-2024 BUDGET
AMENDMENT NUMBER 24-04

SUBJECT: Budget Amendment to increase expenditures and revenues in the General Fund by $6,600 for improvements on the roof at the French Broad Community Center. The bulk of this expenditure will be transferred from the Bjerg Trust Fund from interest revenues.

AGENDA INFORMATION

Agenda Location: **Consent**
Department: **Finance**
Contact: **Dean Luebbe, Finance Director**

BRIEF SUMMARY: The front section of the roof at the French Broad Community Center needs to be replaced as it is causing water damage to the vinyl siding and decking of the building. The City received a quote from Rader Construction of $6,350.00 to complete the work. The City wishes to transfer $5,600 of interest revenues from the Bjerg Trust Fund to cover the bulk of the expenditure.

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

10-5000-7400 (Capital Outlay)	$6,600
51-5000-6100 (Transfer to General Fund)	$5,600

And increasing the budget in the revenue account

51-2990-0000 (Fund Balance)	$5,600
10-3970-0300 (Transfer from Bjerg Trust Fund)	$5,600
10-2990-0000 (Fund Balance)	$1,000

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 19th day of February, 2024.

K-5. NCLWF Grant Application – Design Plans for Tannery North Streambank Restoration

RESOLUTION NO. 2024-06

RESOLUTION BY THE CITY OF BREVARD CITY COUNCIL COMMITTING TO THE PLANNING AND IMPLEMENTATION OF PHASE II AND PHASE III OF THE NORTON CREEK RESTORATION PROJECT

WHEREAS, the City of Brevard recognizes the importance of stream restoration to protect our community assets and to improve water quality;

WHEREAS, the Norton Creek Restoration Project has been identified as a critical initiative to address erosion and associated property loss, infrastructure integrity, and sedimentation;

WHEREAS, a highly prioritized goal in the 2030 Comprehensive Land Use Plan is celebrating Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation and restoration of native ecosystems;

WHEREAS, the successful planning and implementation of this project will contribute to the long-term safety and well-being of our citizens, and enhance the quality of life in our community;

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

1) The City of Brevard hereby approves the application for planning funding from the NC Land and Water Fund Planning Grant program and will provide staff time to support the successful execution of the project.

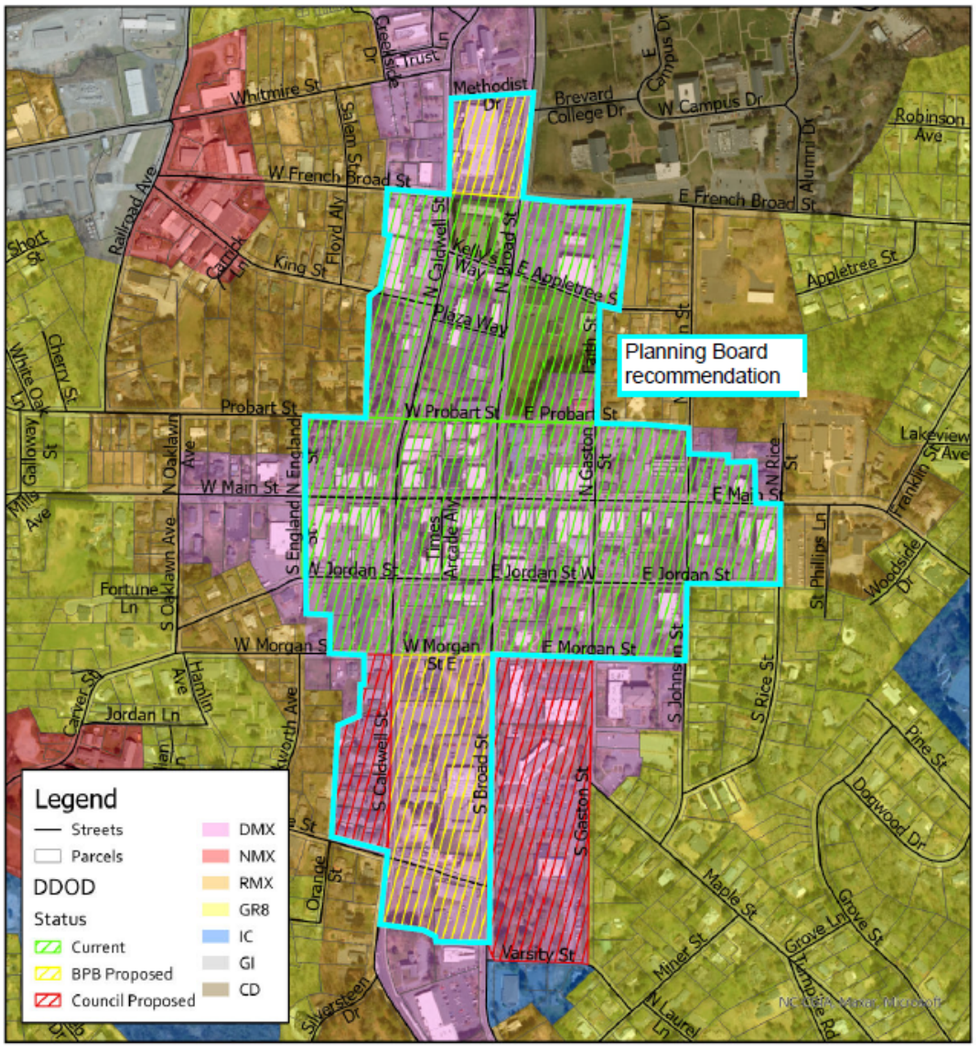
2) The City of Brevard will seek implementation funding following planning and will commit match funding contingent upon available resources, and other budget priorities and constraints.

Adopted and approved this the 19th day of February 2024.

L. Unfinished Business

L-1. Additional Proposed Rezoning / Expansion of Downtown Development Overlay District – Aaron Bland recalled that Council held a public hearing on this proposal on February 5th. The proposed expansion is depicted in the map below.

REZ-23-005 - Downtown Development Overlay District
Second Expansion Proposal



The current DDOD is in the green hatching. There was a proposal by the Planning Board to include what is in the yellow hatched area at the time we expanded the DDOD to the north. They included the College Plaza property and everything between Broad and Caldwell Streets to the south towards Oakdale. At the Council public hearing, it was discussed to widen all properties fronting on both sides of Caldwell and Broad Street, as depicted in the red hatching. When the Planning Board reheard this, they amended their recommendation to include the blue outlined area, which still includes College Plaza, but does not include both sides of Broad Street. One question raised by Council at the public hearing meeting was the number of structures in the proposed area that are already compliant with the build-to line. There are 27 buildings in this area and 8 of them meet the current standard. Mr. Bland noted that the Transylvania County Board of Commissioners has submitted input objecting to any proposal that would include County-owned property bound by E. Morgan Street, S. Gaston Street, Varsity Street and S. Broad Street.

Mr. Morrow said he is all for what we are trying to do here, but we are underway with the rewrite of Chapter 5 of the UDO, which includes the city's architectural standards and I think we can wait until that rewrite is complete. Mr. Morrow moved to table this until after the rewrite of Chapter 5 is complete. Mr. Wise seconded the motion.

During discussion, Mr. Morrow said if I thought we were going to see some big changes in the next year or so, it might be different, but I don't in this zoning area. I think time is on our side and the reality of form based code, which has been a long time

coming and is an exciting event on its own, I think having that, as I understand, would actually enhance this.

Mr. Wise said one of the things I am concerned about is when looking at these districts, we are kind of dividing some of these streets down the middle, and architecturally that's not a great way to define a district because it means a lopsided development could happen on each side of the street. I also realize that this is a difficult process to delineate and I don't feel comfortable approving something I don't fully understand yet. I am actually in support of the district and we are doing a lot of work with the UDO, so I'm not exactly sure where we are with this and what the end goal is and what we're trying to achieve. What I don't want to do is slap this district on without really taking some time to understand what it is. My thoughts and comments about how we really delineate this and how we really define what the streetscape is going to be at the edges are the ones that keep me up at night.

Mr. Baker said I am sensitive to both of the points that were made. In my mind the overlay district sounds fancy, but really there are just two rules in the overlay district and he asked Mr. Bland to explain what those are.

Mr. Bland explained that the main rule is that new buildings have to meet a build-to line within 12 feet of the right-of-way. The intent is to have them closer to the street and sidewalk with a more pedestrian-scale, human-scale friendly development pattern. The only other requirement has to do live/work units and where the businesses are located within the building. That becomes a discussion of where exactly you want to ensure that feeling of downtown to be built. The project that has been mentioned will likely have recommendations for this district and perhaps where it could also be applied to and if you wanted to wait for that it makes sense.

Mr. Baker said I understand and there might be additional rules or guidance that come out of that ongoing project, but in my mind that would not change my opinion and the recommendation from the Planning Board, who has studied this; that this is the correct area for that setback to be right on the right-of-way. I think the new construction on E. Jordan St. is the perfect example of why this is important. Those front doors are very close to the sidewalk and the feeling of Jordan Street has changed tremendously with the construction of those buildings in a positive way. The alternative is that you have a building that is set way back into the lot as it is on Asheville Hwy and once that new building is built that way, you lose the opportunity to extend the feeling of walkability in downtown until it is torn down and rebuilt. To me this is an important change for the future of downtown. We just got this huge document on walkability and certainly all of this important, but one of the things that creates walkability is where the buildings are built. That is what separates our downtown from the rest of the city and it is what creates the walkability and the economic driver that we've learned so much about tonight. I understand the reservations; I hope my fellow council members can understand my position. The positive impact of that setback doesn't change no matter what we determine through the form based code discussions or anything else.

Mr. Daniel said to me this plan is presented simply as follow-up to fill out what we have already approved as far as setbacks on one side of the street and the issue being that we would like for our street to look the same on both sides and be a downtown. That is the plan here. I'm not sure, as far as the form based code, I think this is establishing what we would expect the form based code to work with. Would that not be correct?

Mr. Bland said you would be establishing what you define as the downtown character area to apply those sorts of regulations to.

Mr. Daniel said by doing this we are simply saying this is downtown and I think that would be what I hope our plan would be; that our downtown would grow and that it would look like a downtown rather than a parking lot on one side of the street and

downtown on the other side of the street. We're really trying to just find balance here. I think it makes sense.

Ms. Holder asked for clarity on the division of the street. Would half the street be downtown and then across the street is not downtown; exactly what does that mean? Mr. Bland explained that this was advertised for everything in the red and yellow hatching and Council can apply this overlay district to any of that area, or smaller, at its discretion. The issue of one side of the street or both sides was brought up and it was expressed that we should try to do this one parcel deep with the frontage parcels on both Caldwell and Broad Streets. The problem is that on Broad Street that parcel is all the way to Gaston Street. That's why you still have it going down Gaston Street because the County's property extends all the way across that block. Caldwell is a better example of what Council Member Wise is trying to explain where both sides of the street have the requirement. Both sides of Broad would, but because those parcels go the entire depth of the block, you would still have that issue on Gaston Street. Ms. Holder said I just don't like that idea from what I understand about this.

Mr. Morrow said this has been true always; that the Maple Street neighborhood there has never been a buffer in zoning. In this case we are saying we want to push it right up to a residential neighborhood, so you've got downtown with no buffer and GR8 and that's the point. We received a letter from the County Commissioners and they mentioned that this would not allow them to do the renovations to their Amphitheatre and that's not true at all. To me that shows that they don't quite understand what we're trying to do and I would rather them be a partner with the understanding of what we're trying to do. That's why I say I don't know why we're in such a big hurry.

Mr. Baker said we do need to remember that we have a partnering board in the Planning Board who we appoint members to, and trust to study these issues carefully and make recommendations. They have had this topic for months and a lot of discussion at a lot of meetings. I think we need to study the issue for ourselves of course, but also take the recommendation of the boards that we trust to go even deeper on some of these issues and study them with our staff in those meetings directly being able to answer questions, and trust them when they make a unanimous recommendation.

Vote on the motion to table was three in favor; two opposed (Daniel and Baker). The motion carried.

~~At 7:03 p.m. Mayor Copelof called for a ten minute break.~~

M. New Business.

M-1. Strategic Planning Retreat Prologue: Revenue Outlook – Mr. Hooper reviewed the revenue outlook for FY 2024-2025 for the General Fund, Water/Sewer Fund, Sanitation Fund, and the Fire Fund.

General Fund – The vast majority of our revenue comes from property tax and sales tax. Growth in the property tax revenue comes from the rate, which we can control; and from the property tax base, which we can't control. Last year we raised the rate 3 cents and he suspects that this year there will be a small growth in the property tax base of 4% or less, which would translate to a small growth in our revenues. The state sets the sales tax rate and this is the area where the change in the economic trends that we see and sense will be the most impactful. For the last few years growth in sales tax has been unprecedented, but the trends are returning to normal and sales tax growth is leveling off. Investment earnings have gone up as interest rates rose and in the upcoming year this can once again be considered a notable source of revenue. Transfers from our enterprise funds to the General Fund are intended to cover administration and other support expenses provided by General Fund departments. Mr. Hooper said on the whole, he thinks the General Fund will experience minimal

growth and be challenged by the expenses of our core services. His early projection is that our ability to do any elected projects will be limited.

Fire Fund – The City has a unique arrangement where we partner with Transylvania County to fund the Brevard Fire Department. The County funds 45% of our department's operating budget in exchange for us serving the Sylvan Valley 2 rural fire district. The arrangement gives the County veto power over any service enhancements. Anything above and beyond any service level specified in the contract must be paid for entirely by the City even though it benefits some county residents. He anticipates that, like last year, they will probably not entertain any funding enhancements in the upcoming budget. He has informed the County that as this agreement reaches its expiration date in a few years, he would like for us to review the terms and possibly renegotiate them.

Sanitation Fund – The economics of recycling and refuse collection are shifting and not in our favor. This revenue will go down slightly as the market has been flooded with recyclables thus reducing their value as a commodity. We must now pay to dispose of most of our recyclables. Though the sanitation service is meant to be self-sufficient, it is not. He is recommending bringing that back into the General Fund so it can be underwritten by our general revenues.

Water/Sewer Fund – An early analysis by the Finance Initiative at UNC suggests that our current rate model is only sustainable for about another decade, after which our capital expenses will outpace our collections. That is without factoring in the cost of the wastewater treatment plant. At the moment however, our capital needs are being covered mostly by ARPA funds and our rates are adequate enough to cover our operational expenses and put a little bit of money away. The pressure that the water/ sewer budget will see in the coming years are typical things like increases to employee healthcare and compensation. It also means that to meet state regulations for maintenance, there might be the need to invest some more in maintenance in the coming budget.

Potential Areas for New/Enhanced Revenue:

Water/Sewer Fund – He will recommend that we implement the High Strength Waste Surcharge this year. It would more fairly distribute the cost of treating high-strength waste to the folks who create it and free up some of our general revenues that we collect from the entire customer base to be socked away for future capital improvements.

General Fund – Options he will most likely propose include a higher fee for solid waste special collections to reflect the cost of providing that service. He is not yet ready to recommend raising the flat regular monthly solid waste fee, but thinks we need to talk about that. Another option is to consider increasing the MSD tax by one cent for downtown properties within the Heart of Brevard district as there are a lot of needs downtown that are going to require funding.

M-2. Approve Housing Trust Fund (HTF) Allocation and "Mini-Brooks" Act Exemption for Development Finance Initiative Phase II Work – Mr. Hooper explained that this is a request to approve the Housing Committee's recommendation to allocate $50,000 from the Housing Trust Fund for professional services to assess the developability of the Brevard Davidson River Presbyterian Church property. Included in the request is to declare this project exempt from the "Mini-Brooks" procurement act. The statute authorizes units of local government to exempt contracts for design services from qualification-based selection requirements if the estimated fee is less than $50,000, which would give us the ability to choose the folks we want to use. Mr. Morrow moved, seconded by Mr. Baker to approve the resolution. The motion carried unanimously.

RESOLUTION NO. 2024-07

RESOLUTION APPROVING HOUSING TRUST FUND APPROPRIATION FOR BREVARD DAVIDSON RIVER CHURCH PROPERTY ASSESSMENT (AKA DFI PHASE II) SERVICES AND EXEMPTING PROJECT FROM NCGS 143-64.31 REQUIREMENTS

WHEREAS, the Brevard Housing Trust Fund lists professional services procured for the purpose of housing creation as an eligible expense; and

WHEREAS, the second part of the City's agreement with the Development Finance Initiative calls for an assessment of the Brevard Davidson River Presbyterian Church's wooded property to determine whether it is suitable for building low-to-moderate income housing; and

WHEREAS, the above-described activity will herein be described as Phase II; and

WHEREAS, the City staff propose entering into one or more contracts for professional services to assess the Brevard Davidson River Church property; and

WHEREAS, the City's Housing Committee heard this proposal at its February 13, 2024 meeting, recommending its approval to full City Council; and

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

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than $50,000; and

WHEREAS, the estimated fee for design services for Phase II is less than $50,000.

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

Section 1. Appropriates no-more than $50,000 from the Housing Trust Fund for Phase II design services.

Section 2. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 3. This resolution shall be effective upon adoption.

Adopted and approved this the 19th day of February, 2024.

M-3. AARP Age Friendly Communities Designation – Mayor Copelof explained that in May 2023 Governor Cooper enrolled the State of North Carolina into the AARP Network of Age-Friendly States and Communities and has encouraged municipalities and counties to pursue this designation. This is a program that helps us look at putting an age-friendly lens as we look at development, especially when you keep in mind that we have the demographics here of being one of the oldest counties in the state. The median age is 53, so a significant portion of the people we are responsible for as elected officials fall into that senior citizen category. The framework of this program revolves around 8 domains of livability: Housing; Transportation; Outdoor Spaces and Buildings; Health services and Community Supports; Social Participation; Respect and Social Inclusion; Communication and Information; Civic Participation and Employment. Mayor Copelof noted that these align with the goals in our Comprehensive Land Use Plan. Participating communities can focus their efforts on all 8 livability factors or pick just a few. She noted that the request that Brevard consider enrolling in this program was a grassroots movement that came from several members of the community. After enrolling in the network, the community is expected to create a way, such as through a citizen committee or focus group, to include older residents in the planning process. Then the community conducts a needs assessment, develops a plan of action and works toward implementation of the plan. The way that is done is with a community group and we already have over 15 people who have signed up to be on a community group; and Dr. Paula Hartman-Stein, whose specialty is gerophychology, has volunteered to be the Community Leader for this project. The

volunteer group and Community Leader would support most of the work of the project, therefore utilizing minimal staff resources. As recommendations come, they will be filtered to the City Manager who will send them to the appropriate committee or department for evaluation. To enroll in the program a resolution of support from City Council needs to be included with the application. Mayor Copelof asked that Council consider approving the Resolution Approving Application for AARP Age-Friendly Community Designation.

Attorney McKeller advised Council that in light of the fact that Mayor Copelof is a proponent of this, either another member of Council needs to preside over this issue, or in the alternative if none of the members of Council want to preside over the issue, he recommended that Council make a motion to suspend the rules to allow the Mayor to retain her chair while this debate is going on. Mr. Morrow so moved. Mr. Baker seconded the motion. The motion carried unanimously.

Mr. Morrow moved, seconded by Mr. Wise to approve the resolution. Following discussion the motion carried unanimously.

RESOLUTION NO. 2024-08

RESOLUTION APPROVING APPLICATION FOR AARP AGE-FRIENDLY COMMUNITY DESIGNATION

WHEREAS, the City of Brevard is desirous to better serve its elderly population by growing and improving the City to become more age friendly; and

WHEREAS, Brevard is dedicated to the success of its elderly population by helping them successfully participate in civic, economic, and social life; and

WHEREAS, at its February 19, 2024 meeting the Brevard City Council received a briefing from Mayor Maureen Copelof on the benefits of pursuing the AARP's Age-Friendly Community designation; and

WHEREAS, the City of Brevard wishes to be designated as an AARP Age-Friendly Community, and be eligible for all the privileges and responsibilities such a designation bestows; and

WHEREAS, Brevard's Comprehensive Land Use Plan (CLUP) and Pedestrian & Bicycle Plan indicate that the community is already committed to many of AARP's "domains of livability".

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

Section 1. The City of Brevard will pursue designation as an AARP Age-Friendly Community and become and active and engaged member of the AARP Age-Friendly network;

Section 2. The City of Brevard will designate a Community Leader and volunteer group to review the City's plans through an age-specific lens and make recommendations on how to enhance them for the benefit of the area's aging population.

Section 3. This resolution shall be effective upon adoption.

Adopted and approved this the 19th day of February, 2024.

M-4. Board of Adjustment – Designation of Regular and Alternate Members

Attorney McKeller explained that the Board of Adjustment is made up of eight members serving three-year terms. Three members and two alternates residing inside the city limits are appointed by City Council. Two members and one alternate residing within the ETJ are appointed by the County Board of Commissioners. In February the Board elected Peter Offen as Chair and Kevin Jones as Vice-Chair. The Chair of the Board of Adjustment must be a regular member; however, Peter Offen is currently serving as an alternate member of the Board. Staff is requesting that Council adopt a resolution designating Peter Offen as a regular member and Kevin Jones as an alternate member. This does not change the membership of the committee, nor the term lengths of either Mr. Offen or Mr. Jones. Mr. Morrow moved, seconded by Ms. Holder to approve the

Resolution Designating Regular and Alternate Members of the Board of Adjustment. The motion carried unanimously.

RESOLUTION NO. 2024-09

RESOLUTION DESIGNATING REGULAR AND ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT

WHEREAS, the Board of Adjustment is made up of eight members serving three-year terms; and

WHEREAS, three regular members and two alternates residing inside the city limits are appointed by Brevard City Council. Two members and one alternate residing within the ETJ are appointed by the Transylvania County Board of Commissioners; and

WHEREAS, Kevin Jones was reappointed as a regular member of the Board of Adjustment on November 15, 2021 for a three-year term expiring in November, 2024. Kevin Jones previously served as Board Chair; and

WHEREAS, Peter Offen was appointed as an alternate member on June 20, 2022 to fill a vacancy with his term expiring in November, 2024; and

WHEREAS, at its meeting on February 6, 2024, the Board of Adjustment elected the Chair and Vice-Chair for the year. Peter Offen was unanimously selected as Chair, and Kevin Jones was unanimously selected as Vice-Chair; and

WHEREAS, the Chair of the Board of Adjustment must be a regular member and Peter Offen is currently serving as an alternate member.

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

1) The Brevard City Council does hereby designate Peter Offen as a regular member of the Board of Adjustment effective immediately until the end of his term in November, 2024.

2) The Brevard City Council does hereby designate Kevin Jones as an alternate member of the Board of Adjustment effective immediately until the end of his term in November, 2024.

Adopted and approved this the 19th day of February, 2024.

N. Remarks/Future Agenda Considerations.

Mr. Daniel said along with Lauren and Pamela, I just completed two long days of Essentials of Municipal Government, which I found very enlightening at times. It was a tough two days.

Mr. Baker mentioned that our Social District opened recently. I was there on Friday evening when it opened and took a little stroll with a group and had a beverage. I was shocked to find that there was not chaos in the streets and that maybe I was the only one doing that at the time. I also heard anecdotally a story of a new Mexican restaurant on Main Street, who is either deciding not to have a liquor license or had not received theirs yet. They are right next door to Brevard Brewing Company and some folks that were there for dinner were able to go right next door, purchase a beer from Brevard Brewing and have it with their meal. That story in particular hit home for me; just the practical nature of the Social District and the opportunity it has for collaboration between downtown business owners and the ability for our citizens and visitors to spread their dollars out and make a bigger impact on downtown. Obviously it's February so we are going to watch how it develops over the next few months and I look forward to the positive things to come out of that.

Mr. Wise said I do want to express my thanks to Gary and Pamela for going through Essentials of Municipal Government. It was a great two days, but brutal. I work upstairs on Main Street so I want everyone to know that I have been monitoring closely the street and seeing what's been going on. I haven't seen any hooligans, but I'm monitoring it.

Ms. Holder said it was two grueling days; thank you and I ditto. I am glad that we are going with this opportunity for Age-Friendly Community Designation. My

involvement so far in meeting with the students as well as the more seasoned citizens has been very interesting and I think they're excited as well. To see us collaborate is exciting for me. Thank you so much for bringing that to the Council.

Mr. Morrow said after talking about downtown, it's really nice to see the improvement underway at Times Arcade.

Mr. Hooper mentioned that Planning Director Paul Ray was unable to attend tonight's meeting because he was in a serious car accident over the weekend and was out of work today. He spent an afternoon in the hospital but has been released. He asked everyone to keep him in their thoughts.

Mayor Copelof said I too am really excited and thank you to Council for approving us to go forward with the Age-Friendly Community designation. I think this is going to be an exciting thing to do with our community. I do want to say that Dr. Hartman-Stein and myself and Council Member Holder have been doing these Age Exchange workshops and we had our second one on Saturday. It was not quite as well-attended as the first, but we had 45 people. We have a third one coming up on Saturday, March 2nd from 1:30 to 3:30 pm at the Rogow Room about the end of life and how do you talk about dying. I believe some of the students are going to be asking questions and having a dialogue that is very difficult for people of all ages to have. This is one of the things that we're doing to build that connection and communication; one of the 8 areas of livability. So, we've already got some actual things going on. When I look at our responsibility as an elected body, it is to the whole of our community and to balance across the demographics, and this is part of that balancing. I am looking forward to working with that community group and I will be advertising for anyone else who is interested in joining. We are heading into a very busy time of year. We have our strategic planning session next Thursday from 8:30 am to 5:00 pm at the Mary C. Jenkins Community Center. That is when Council and Staff talk about what are the priorities and those priorities feed right into the budget and how the money you saw the Manager talk about gets used. It is open to the public if you want to come and listen. We are opening applications for our community garden, one of our AARP-funded initiatives. Those applications are available online or can be picked up at City Hall. A reminder that we have early voting going on, so please all do your civic duty and vote. The next Meet the Mayor is this Thursday from 11:30 to 1:00 at the Mary C. Jenkins Community Center.

O. Closed Session – None.

P. Adjourn – There being no further business, at 8:05 p.m. Ms. Holder moved, seconded by Mr. Morrow, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof	Denise Hodsdon, CMC
Mayor	City Clerk

Minutes Approved: March 18, 2024