MINUTES
BREVARD CITY COUNCIL
Regular Meeting
June 3, 2024 – 5:30 PM

The Brevard City Council met in regular session on Monday, June 3, 2024, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

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

Guests/Presenters – Juan Mullerat and Dylan Gehring, Plusurbia

Press – Jon Rich, Transylvania Times

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

B. Invocation – Reverend Elizabeth Roles of St. Phillips Episcopal Church offered an invocation.

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

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

E. Approval of Agenda – Mr. Daniel recommended moving Item L-1 Personnel Policy Revisions and Item L-3 Ordinance-Voluntary Contiguous Annexation-Pisgah Hospitality to the Consent Agenda. He also asked to remove Item K-3 Bracken Preserve Maintenance Agreement with Pisgah Area SORBA from the Consent Agenda and add it to the discussion of Non-Profit Contributions in the Budget. Mr. Morrow moved, seconded by Mr. Wise to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. May 20, 2024 Regular Meeting – Mr. Baker moved, seconded by Ms. Holder to approve the minutes of the May 20, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Mary McKeller of 660 E. Main Street said I am here today as representation of Transylvania Young Progressives to show my unwavering support and thanks for the proclamation designating June as Pride Month here for the City of Brevard. Recognizing Pride Month is more than a symbolic gesture. It is an affirmation of our city's commitment to inclusivity, diversity and equality. By acknowledging and celebrating Pride Month, we honor the history, struggles and achievements of the LGBTQ+ community, both here in Brevard and beyond. The LGBTQ+ community has contributed immensely to the cultural and economic vitality of our city. From small business

owners to educators, artists and healthcare providers, the LGBTQ+ individuals are integral to the fabric of our community. Recognizing Pride Month is an opportunity for us to show our appreciation and support for their contributions, ensuring that everyone in Brevard feels seen, heard, respected and valued. Furthermore, designating June as Pride Month aligns with a broader goal of fostering a welcome and inclusive environment for all residents and visitors. It sends a clear message that Brevard stands against discrimination and is committed to the principles of equality and human rights. This proclamation is not just about celebrating diversity. It is about ensuring that every individual, regardless of their sexual orientation or gender identity, can live openly and authentically without fear of prejudice or exclusion. In conclusion, I completely support the proclamation designating June as Pride Month for the City of Brevard. Thank you for recognizing the incredible contributions that the LGBTQ+ community has given and will continue to give to our great city.

Ashley Hart of 144 Buckberry Lane said my first visit here to the City Council was on May 20th, 2024 and it was to bring attention to the fact that there was a pride event happening where there was no age restriction. My concerns were how participants would be dressed around the minors and how the behavior would be around while the minors were present. I am happy to report that none of this was an issue. I do, however, recommend to any child who does not want to participate to tell another adult or a safe person and you can do that by calling Hope for NC at 1-855-587-3463. With the remainder of my time, I would like to thank Emmet Casciato for his time served on the Board of Commissioners. However, with his seat being vacant, I would like to step up to fill his seat. I may not look like a county commissioner, but what I bring to the table is a youthful passionate energy, helpful hands and a love for Transylvania County. In addition to that, as a promise to the people here, if I am selected for his replacement, I myself would love to volunteer to do a lot of work on these projects at no additional cost. I also urge city council members, county commissioner members, and school board members to all take some time to volunteer. I hate to have to leave this speech, but now I'm headed to the school board meeting. It would be very accommodating to have city council meetings and school board meetings on different days for those who attend both.

James Carli said I also would like to express my support and enthusiasm and gratitude for the pending proclamation declaring June as Pride Month here in our beautiful mountain city. We all just took a Pledge of Allegiance where we pledged to uphold freedom and justice for all. A free society is one where individuals are free to pursue their full flourishing in peace and safety, free from fear of violence, oppression and persecution. Indeed, fear is the antithesis of liberty. By making this declaration you are telling many members of our community who have for far too long lived in fear that they need not live in fear any longer. You are telling our LGBTQIA+ and gender non-conforming citizens that they are also welcome here in our city. Thank you for making this proclamation. As a planning board member, your agenda item in support of the cottage court issues is very positive and encouraging pro-growth opportunity for the City of Brevard and I look forward to hearing and following up with your discussions on that issue as well, because that will allow for greater housing construction more easily at a lower cost to builders, and on net will help contribute a relative reduction in spiking home prices for all.

Cindy MacConnie said this is my first city council meeting and I am here because the Pride proclamation issue is very near and dear to my heart, so I just simply want to express my gratitude. Mr. Carli and Ms. McKeller have covered all the points beautifully so I will keep mine short and sweet. I am somebody who has family members and friends in the LGBTQ+ community so, I am delighted that Brevard is officially proclaiming June as Pride Month.

Tara McDonald said I have been a resident here for 18 years. There are going to be a lot of comments tonight about Pride Month, those of a religious nature and others of a biological nature. I'm a social scientist and a former campus minister so I am going to speak to both of those. The data from all scientific disciplines has long been in agreement that the phenomenon of gay, bi, non-binary, and trans humans has existed

for as long as our species has and is in thousands of other species across the natural world besides ours. So, pretending that some segments of basic biology we disagree with don't exist is kind of like sticking our heads in the sand and it is sad to see some of our citizenry behave that way. I don't like mosquitoes much, but pretending they aren't God's creation too doesn't just magically make them go bye-bye. And in the case of gay and trans people, doing so only causes the highest suicide rates of any demographic except perhaps indigenous people. Others say this is the population from which groomers and pedophiles come and I would argue as a sociologist to show me that data because every single study ever conducted has found no evidence of that. The numbers of that are so incredibly rare as to be what's considered statistically insignificant. If you want to find groomers and pedophiles, look to your straight men. Look at fathers; they are the most likely; stepfathers, pastors, neighbors, trusted friends; and these are all the people that society is the most likely to defend when a victim is strong enough to come forward and we don't believe the victims; we believe the perpetrators. I think acknowledging the existence of gay people and trans people is one step toward protecting victims because it makes the education of the populus important. As to the religious piece, Paul spoke only against pederasty, the Greek phenomenon of having a tutor and tutee be in a sexual relationship. The group of men badgering Locke's house was a drunken group of straight men seeking only to gain grapes. So, the only relevant place in the Bible is Leviticus. If we want to ignore Jesus and imbibe the Levitican law, we'll give up our barbecue, our bacon, our cotton-poly clothes, we will not leave the house on our periods, and we will not plant our beans and taters in the same row. Thank so much for honoring God's creation, all of it, and honoring all of our citizenry. I have the greatest respect for that.

Olivia Tiner said I have lived in Brevard since I was 1½ years old. I have grown up here and my brother was also born and raised here. I want to thank the entire council for declaring June as Pride Month. As someone who is by myself and has lots of friends who are part of the LGBTQIA population, it is really heartening and exciting to see that, while so much on a national level is going against the progress that we've made, that somewhere in a small town in the south, we have a council that is willing to honor all of its people and make all of its constituents feel welcome. I am really proud that a council, where I am often the youngest person in the room when I come to these, and where most are past middle age, is still so willing to stay with the times and to honor the youth and how we are faring to bring up these issues and how we look upon it.

Rodney Locks of 187 S. Rice Street said, from personal experience, I know that you have some hard decisions to make. I urge you to seriously consider and in most cases take the advice of the City Manager and City Attorney, especially when it's not what you want to hear. In 2023 you made affordable housing your number one goal. This year 2024 affordable housing is your number four goal. Your own data shows the people who work here cannot afford to live in Brevard. However, they still want to live, work and raise their children and children's children right here and call Brevard and Transylvania County home. Some think this is a safe environment. You recognize that public safety is a major concern and you made public safety your top priority. You also made capital improvement to water treatment plant and economic vibrancy your second and third goals. Goals 1, 2 and 6 are all related to public safety. Goal 1 says ensure practical safety conditions that is adequate response time, road and traffic safety. Goal 2 says maintain existing public safety infrastructure – sidewalks and streets. Goal 6 says attract and retain high qualified staff, ensure adequate space and equipment for employees to do their job. Goal 1 also says cultivate a positive public perception and trust in the public safety offices. Implementing these goals will enhance public perception and trust in the city council. Your safety officials have given you their data and made their recommendation. In this budget you can now show continued commitment to affordable housing and show your commitment to the best public safety environment money can buy. The public wants to know what is city council going to do about public safety and affordable housing. Finally, you must do something new - that is work with all the elected officials to make the quality of life better for all the citizens you serve. We are an interconnected community with different roles but the same objectives.

David Warren of 36 Downing Park Court said Mayor Copelof, I voted for you and I also read your book "Discovering Germany: The Treasures of Beer, Castles, Food and Friends" published about 12 years ago. I remember how you related your impressions when you visited the town of Weinheim and saw the Schmalste Haus and Gerberbachviertel, the Tanners Quarter, and you ask how could anyone live in these tiny houses. Well, it sounds like you and the city council are now investigating that very question here in Brevard. When does the size get too small? Standards have already been set in the city's Unified Development Ordinance, but now it seems there's going to be amendments made. Who would these proposed amendments really affect? The answer seems obvious: primarily the poor. Those who live in spacious homes on large lots are demanding more density in the use of the land available here in Brevard. But, they're not really the ones who will be impacted by the amendments. I was here two weeks ago and heard several citizens come forward to this very microphone and plead with the city not to raise the city's property taxes. Their backs are already against the wall; they can hardly afford the taxes now, much less a 2-cent hike in the property tax. Of course that's 2-cents per $100 in the valuation of their property, or $20 if you're talking about $100,000 in value. It seems to me that to have a property tax that is 50 cents across the board for anyone at any economic level, on every $100,000 in value disproportionately affects those on the low end of the economic spectrum. For example, when it comes to federal income tax, if one's taxable income is $45,000 then you pay 11% of that as your federal tax; that's for a married couple filing jointly. If your taxable income is $95,000, then it's 12% for the tax. $100,000 jumps up to 22%; at $191,000 or thereabouts, the tax rate is 24%; at $365,000 of taxable income, it is now the rate of 32% in tax. Why is the city's property tax a flat 50 cents across the board for $100 in value? If we are really concerned about density, then shouldn't those whose property takes up more square footage pay a higher rate? Not just a higher amount, a higher rate in the property tax. It seems to me that the same property tax rate across the board disproportionately affects those who are on the other end of the economic spectrum from your city leaders. The same seems true of these proposed amendments, in my opinion, for the Unified Development Ordinance. These amendments really will not impact any of you, will they?

H. Certificates/Awards/Recognition

H-1. Oath of Office – Stephanie Holland, Planner – City Clerk Denise Hodsdon administered the Oath of Office to Planner Stephanie Holland who was accompanied by her husband and children.

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Stephanie Holland, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as Planner for the City of Brevard, North Carolina, so help me God.

Oath Administered by: Denise Hodsdon, City Clerk s/Stephanie Holland

H-2. Proclamation No. 2024-14 Juneteenth – Mayor Copelof read the proclamation aloud and presented it to members of the Mary C. Jenkins Community Board of Directors.

PROCLAMATION NO. 2024-14
JUNETEENTH

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, declaring the slaves in Confederate territory free, paving the way for the passing of the 13th Amendment which formally abolished slavery in the United States of America; and

WHEREAS, word about the signing of the Emancipation Proclamation was delayed some two and one-half years, to June 19, 1865, in reaching authorities and African Americans in the South and Southwestern United States; and

WHEREAS, Emancipation Day observations are held on different days in different states in the South and Southwest, and in other parts of the nation; and

WHEREAS, June 19th has a special meaning to African Americans, and is called "JUNETEENTH" combining the words June and Nineteenth, and has been celebrated by the African American community for over 150 years; and

WHEREAS, the annual Juneteenth celebration in the City of Brevard this year will be a weekend-long celebration taking place on June 15th and 16th at the Mary C. Jenkins Community & Cultural Center and Silversteen Park; and a film screening commemorating Juneteenth on June 19th at the Mary C. Jenkins Community & Cultural Center; and

WHEREAS, beginning this year Juneteenth is an official City of Brevard holiday and City offices will be closed on June 19th.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby declare June 19th, 2024, as JUNETEENTH in the City of Brevard, North Carolina, and urge all citizens to become more aware of the significance of this celebration in African American History and in the heritage of our nation and City.

Proclaimed this the 3rdth day of June, 2024.

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

H-3. Proclamation No. 2024-15 Pride Month – Mayor Copelof read the proclamation aloud.

PROCLAMATION NO. 2024-15
LGBTQIA+ Pride Month

WHEREAS, the City of Brevard is committed to promoting equality, diversity, and inclusivity for all its residents; and

WHEREAS, the LGBTQIA+ community has made significant contributions to the social, cultural, and economic fabric of the City; and

WHEREAS, June is widely recognized as LGBTQIA+ Pride Month, commemorating the Stonewall Uprising in 1969, which marked a pivotal moment in the fight for LGBTQIA+ rights and liberation; and

WHEREAS, Pride Month serves as an opportunity to honor the LGBTQIA+ community, celebrate their achievements, and raise awareness about the challenges they continue to face; and

WHEREAS, the community needs to foster an environment of understanding, acceptance, and support for all individuals, regardless of sexual orientation or gender identity; and

WHEREAS, the City of Brevard embraces and values the principles of equality, justice, and respect for all its residents.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, do hereby proclaim the month of June as **LGBTQIA+ Pride Month**. I encourage all residents to engage in educational opportunities and events that promote understanding, respect, and acceptance of the LGBTQIA+ community, and express support for LGBTQIA+ individuals, their families, and allies, and acknowledge the ongoing work needed to achieve full equality and justice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 3rd day of June, 2024.

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

I. Special Presentations

I-1. Plusurbia Presentation of Architectural Visual Guidelines – Paul Ray explained that the City has contracted with Plusurbia, Inc. to begin updating the City's architectural standards. Plusurbia and Staff have been working together researching Brevard's current and past architectural styles and envisioning our future vernacular through community engagement. Staff and the Plusurbia team held several design workshops and open houses, a downtown walking tour, launched a project website and created an online survey. Updating the city's architectural standards is a two-part process. The first is the creation of architectural visual guidelines, used for understanding and communicating what we want in terms of quality building design across years of development. He noted that these guidelines are found in a standalone document, the *City of Brevard Architectural Visual Guidelines*, which is a precursor to Brevard's new Architectural Standards in the UDO and offer much needed guidance in architecture and color schemes, especially in Character Areas (Downtown, the Lumberyard District, Pisgah Gateway, US-64 Corridor, and the Rosenwald Neighborhood). The second phase of the project is an actual codification of the design standards into the UDO, which will begin later this year. Once the UDO is amended the Visual Guideline book will act as a companion document helping Staff and design professionals speak the same language in architecture. He introduced Juan Mullerat of Plusurbia who presented the draft Architectural Visual Guidelines. A copy of the draft *City of Brevard Architectural Visual Guidelines* is on file in the Clerk's office and is also available for viewing on the City's website.

During Council comments/questions, Ms. Holder said one of the reasons I ran for Council was for us to work together as a community, and I just didn't feel that in this process. The Rosenwald Community I understand there were several meetings and we didn't know about the meetings. There was a meeting that was held a few weeks ago that for the first time we saw some of the presentation that you shared tonight. I would love to see the process where we would be more involved in totality as a community, where we can all come together and share our thoughts. I think you have some great ideas, but I'm feeling a little left out here. I would love to see where we can get into a process that would involve the community as a whole, regardless of where we live; if it involves Brevard and we are Brevardians, then we can come together as Brevardians and work together.

J. Public Hearing(s) – None.

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

K-1. Ordinance Declaring Road Closures for Special Event – 4th of July

ORDINANCE NO. 2024-20
AN ORDINANCE DECLARING A ROAD CLOSURE
FOR THE 2024 JULY FOURTH CELEBRATION

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

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

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

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

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

July 4th Celebration	
Date:	Thursday, July 4, 2024
Time:	**3**:00 PM – 10:00 PM
Route Description:	East Main Street (U.S. 276) from Broad Street to Gaston Street North Broad Street (U.S. 64/U.S. 276) from Main Street to French Broad Street

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

Adopted and approved this the 3rd day of June 2024.

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

K-2. Property Tax Releases – May, 2024

RESOLUTION 2024-22
A RESOLUTION APPROVING PROPERTY TAX RELEASES

WHEREAS, The City of Brevard has previously determined to collect property taxes for the City of Brevard and the Heart of Brevard, and it is necessary to release the below shown amount from the city tax records.

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

The Tax Collector is hereby authorized to remove May 2024 property values from the tax scroll in the amount of:

2023: $ 970.83

Adopted and approved this the 3rd day of June, 2024.

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

K-4. (L-1) Personnel Policy Revisions

RESOLUTION NO. 2024-24
A RESOLUTION AMENDING THE CITY OF BREVARD PERSONNEL POLICY

WHEREAS, the City of Brevard is a governmental entity employing many persons for the purpose of carrying out the operations of local government; and

WHEREAS, the rules, regulations, mandates, court interpretations and laws governing personnel administration have changed since the last amendment to the Personnel Policy on July 1, 2023; and

WHEREAS, to keep the Personnel Policy current with the revised rules, regulations, laws, etc., and to incorporate voluntary provisions for the employees of Brevard, those responsible for the maintenance of the policy recommend that the Personnel Policy dated July 1, 2023 be repealed and replaced with the updated Personnel Policy effective July 1, 2024.

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

Section 1. The Personnel Policy dated July 1, 2023 is repealed and the updated Personnel Policy will become effective July 1, 2024 as the official policy governing the appointment, classification, salary, benefits, and conditions of employment of the employees of the City of Brevard.

Section 2. This resolution shall become effective upon its adoption and approval on this the 3rd day of June, 2024.

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

K-5. (L-3) Ordinance – Voluntary Contiguous Annexation – Pisgah Hospitality, LLC / Intersection of Lambs Creek Road and US Hwy 64

ORDINANCE NO. 2024-22
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF BREVARD, NORTH CAROLINA

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-31, as amended, to annex the contiguous area described herein, and,

WHEREAS, the City Council has by Resolution No. 2024-11 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Brevard Planning Board reviewed the Petition at their meeting held on April 23, 2024 and recommended approval of the voluntary contiguous annexation; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2024-13 fixing a date of public hearing. By authority granted by G.S. 160A-31, a public hearing on the question of this annexation was held at the City Council Chambers at 5:30 P.M. on the 20th day of May, 2024, after due notice by publication on the 6th day of May, 2024; and

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by Pisgah Hospitality, LLC, as shown and being a portion of that property described in the deeds recorded in Document Book 1050, Pages 151-153 and Document Book 1057, Pages 393-395, in the Transylvania County Register of Deeds and that certain plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as of the 3rd day of June, 2024.

Said property is more fully described as follows:

Location: Intersection of Lambs Creek Road and US Highway 64. Transylvania County Tax Property Identification Numbers 8597-01-8529-000; 8597-01-6950-000; 8597-02-9059-000; 8597-12-0348-000; and a portion of 8597-11-1969-000

Property Description:

Beginning on an unmarked point in the existing City of Brevard City Limits, being located in the North boundary line of the property of David Chak Chieu per Deed Book 115, Page 272 and as shown on a plat recorded in Plat File 9, Slide 787. Said point also being located N 74°17'02" W, 164.95' from an iron rod set at the Northeast corner of the noted Chieu property. Thence running with the Chieu property line and with the existing City of Brevard City Limits two calls: N 74°17'06" W, 295.00' and N 74°17'08" W, 5.19' to existing 5/8" iron rod found. Thence running N 74°17'05" W, 83.83' to an existing 3/4" iron pipe found at a fence corner. Thence running with the Eastern boundary of a 1' wide greenway area per Plat File 11, Slides 900-902 and generally with an existing wire fence and existing City Limits for two calls: N 16°09'02" E, 183.78' to an existing concrete monument found at a fence corner and N 17°55'07" W, 446.31' to an existing concrete monument found at a fence corner. Thence leaving the existing City Limits boundary and running generally with an existing wire fence and with the Violet W. Whitmire property per Deed Book 695, Pages 643-647 two calls: N 25°05'36" E, 282.31' to an existing 5/8" iron rod and N 25°05'36" E, 38.00' to an unmarked point in the center of Lambs Creek Road, State Road No. 1359. Thence running with the center of Lambs Creek Road, S 36°07'48" E, 11.33' to an unmarked point. Thence leaving Lambs Creek Road and running the with the boundary of Roy B. Davis, III per Deed Book 841, Pages 494-498 for three calls: N 11°43'35" E, 33.94' to an existing 5/8" iron rod found, N 11°43'35" E, 4.71' to a 62" poplar tree and N 11°43'35" E, 84.25' to an unmarked point in the center of Lambs Creek, thence running down and with the center of Lambs Creek for three calls to unmarked points: S 25°51'42" E, 44.90', S 22°20'06" W, 18.08' and S 23°52'22" E, 60.27'. Thence running with the property of Barbara Merrell per Deed Book 107, Page 224 for four calls: N 80°39'49" E, 15.00' to an iron rod set, N 80°39'49" E, 175.62' to a 1/2" iron pipe found, N 27°39'49" E, 96.00' to an unmarked point and N 27°39'49" E, 78.12' to a concrete monument found. Thence running with the Enno F. Camenzind property per Deed Book 284, Page 511 for two calls: N 13°53'09" E, 186.82' to a 1/2" iron pipe found and N 13°53'09" E, 32.18' to a nail set in the center of Tanglewood Heights Road, State Road No. 1383. Thence generally running with the center of Tanglewood Heights Road, S 51°15'42" E, 25.52' to a nail found and S 47°19'07" E, 41.28' to nail found and S 48°58'57" E, 20.25' to a spike found and still running generally with the center of Tanglewood Heights Road for thirteen calls to unmarked points: S 34°10'10" E, 23.70' and S 36°14'47" E, 23.40' and S 32°09'23" E, 24.62' and S

28°56'00" E, 29.71' and S 23°02'47" E, 24.06' and S 20°28'58" E, 20.46' and S 17°46'17" E, 18.79' and S 14°15'17" E, 16.98' and S 10°23'40" E, 19.15' and S 07°30'45" E, 20.21' and S 04°57'52" E, 121.92' and S 07°12'49" E, 88.49' and S 07°12'49" E, 57.44' to an unmarked point in Tanglewood Heights Road in the City of Brevard City Limits and then running with the City Limits boundary on a curve running in a Southwestern direction with a radius of 1,495' and an arc length of 918.81' with a cord bearing and cord distance of S 16°10'08" W, 904.42' to the unmarked point at the Point of Beginning. Containing 12.23 acres +/- and as shown on a plat recorded in Plat File 22 at Slide 295. Being a portion of the property owned by: PISGAH HOSPITALITY, LLC, a South Carolina limited liability company per Document Book 1050, Pages 151-153 and Document Book 1057 Pages 6-8 and Document Book 1057, Pages 393-395.

Section 2. Upon and after the 3rd day of June, 2024 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-31.

Also being all of that property described in a plat prepared by E. Roger Raxter, PLS for Pisgah Hospitality, LLC, dated November 6, 2022 and recorded in Plat File _____, Slide _____, of the Transylvania County Registry.

Section 3. Pursuant to 160A-29 it shall be the duty of the Mayor of the City of Brevard to cause an accurate map of the annexed territory as described in Section 1 hereof, together with a duly certified copy of this Ordinance, to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Brevard.

Adopted and approved this the 3rd day of June, 2024.

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

~~ At 7:00 PM Mayor Copelof called for a ten-minute break ~~

L. Unfinished Business

L-2. Adoption of FY 2024-2025 Budget and Ordinance – Mr. Hooper explained that there were a couple of procedural nuances that Council had to follow with regard to the budget. He noted that Mr. Daniel added to that list of procedural nuances with his request to consider the SORBA agreement as part of the budget discussion. He referred to the list of Non-Profit Contributions and explained that state law requires that anyone who sits on the board of directors for a non-profit entity that receives grants or financial support from the local government must recuse themselves from the vote. The list of **Non-Profit Contributions** as listed on Page 34 of the Manager's Recommended Budget is as follows:

Chamber of Commerce	$ 4,000
Rise and Shine	$ 5,000
El Centro	$ 7,000
Heart of Brevard	$39,000
Sharing House	$10,000
Pisgah SORBA	$ 5,600
Pisgah Conservancy	$ 5,710
Transylvania Economic Alliance	$ 5,000

Mr. Baker serves on the board of Transylvania Economic Alliance and Ms. Holder serves on the board of Rise and Shine. Mr. Morrow moved, seconded by Mr. Wise to recuse Mr. Baker and Ms. Holder from discussion and vote of those appropriations. The motion carried.

Mr. Daniel moved, seconded by Mr. Wise to approve the Non-Profit Contributions as presented.

Discussion: Mr. Daniel said my concern is that SORBA is receiving these funds via a contract for services rendered. In the past we have made these non-profit contributions to be 1% of our total budget, but this year we actually didn't use this formula so it does not necessarily apply in this case. However, if and when we do return to the 1%, my feeling is that contractual payments such as this should not be included in this charitable ranking because it takes up money that could be more appropriately allocated to a charitable social service that we need to support in our community. Because it is a contract for services rendered, and I have also raised that same issue with the Heart of Brevard, these should be coming out of the General Fund in my opinion. I'm not saying that I don't want to spend the money, I do, but I don't think the money is coming from the right place and I would like that clarified in future budgets. Mr. Morrow agreed that in this case Pisgah SORBA is no longer a non-profit in the sense that they are providing a service. Mr. Wise also agreed.

Vote on the motion to approve the Non-Profit Contributions was 3-0. The motion carried.

(Item K-3) . Bracken Preserve Maintenance Agreement with Pisgah Area SORBA Mr. Hooper noted that the Parks, Trails and Recreation Committee has reviewed the agreement and recommends approval. Mr. Wise moved, seconded by Mr. Baker to approve the agreement with Pisgah Area SORBA. The motion carried unanimously.

RESOLUTION NO. 2024-23
RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH
PISGAH AREA SOUTHERN OFF-ROAD BICYCLE ASSOCIATION
FOR BRACKEN PRESERVE MAINTENANCE

WHEREAS, the City of Brevard is desirous to enhance the maintenance and upkeep of the trails and recreational areas at city-owned Bracken Preserve; and

WHEREAS, the Pisgah Area chapter of the Southern Off-Road Bicycle Association (PASORBA) is a non-profit organization dedicated to preserving outdoor opportunities by maintaining and improving trail systems in the Pisgah Ranger District and surrounding region; and

WHEREAS, PASORBA has offered to enter into an agreement with the City of Brevard to practice their maintenance and improvement activities to trails at Bracken Preserve; and

WHEREAS, PASORBA and the City's Parks, Trails & Recreation Committee have negotiated the terms of an agreement that each deem to be mutually beneficial; and

WHEREAS, the Parks, Trails & Recreation Committee endorsed the agreement attached hereto at its May 15, 2024 meeting.

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

Section 1. The terms of the agreement attached hereto and presented to the City Council at its June 3, 2024 meeting are hereby endorsed; and

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

Section 3. This resolution shall be effective upon adoption.

Adopted and approved this the 3rd day of June, 2024.

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

Remainder of FY 2024-2025 Budget – Mr. Hooper suggested that any motion to adopt the budget include the recommended budget and any of the eight alternatives that Council wished to adopt.

Mr. Baker moved, seconded by Mr. Daniel to approve the Manager's Recommended Budget with Alternative 1 and Alternative 4.

Mayor Copelof explained that Alternative 1 was to maintain the current tax rate and Alternative 4 is to remove funding for two police vehicles and allocate those funds to the Downtown Master Plan and the Estatoe Trail and designate unobligated Fund Balance to purchase one police vehicle.

Discussion: Mr. Baker reiterated that he didn't think the tax increase was appropriate, given it was directly tied to the increase in the Fire Department personnel, until we address the long-term prospects of the contract with the County. He said I am a proponent of both the Multi-use Path Fund and the Downtown Master Plan as fulfilling the priorities and the vision that this Council and Councils before us have set. I also take this opportunity to correct some comments from public comment regarding the priorities that Council set at our Strategic Planning Retreat. As I understand them, we had eight priorities but they were not listed in our preferred order. I believe this Council still supports the Multi-use Path Fund and the goal of completing the Estatoe Trail and also continuing to fund the Downtown Master Plan, as we have made some improvements recently, but we know there is more to do to fulfill the master plan.

Mr. Daniel said as far as the tax increase goes, I feel that we do need to do this and it is an important goal that we need to have, but we have a particular relationship with the County that is a shared financial responsibility for our fire safety. I know that our Fire Chief has done extensive work on negotiating this, but I feel like it needs to go to the next level. I think that we need to hear a more definitive answer and if the County Commissioners are not going to do this, I want to hear them say that out loud because there is a responsibility that is shared for fire safety. Things have been happening with the Estatoe Trail and the Downtown Master Plan and I personally think when you're rolling, you don't hit the brakes. I would like to see us maintain the momentum that we've had on those projects by continuing to fund them.

Mr. Morrow said you've heard my comments about supporting the tax increase and the Fire Department, but what is wrong with taking Alternative 3 to remove funding for downtown planters and allocating those funds to Downtown Master Plan. Mr. Daniel said I think Alternatives 1 and 4 is the cleanest.

Ms. Holder said I like Alternative 1 that proposes that we maintain the current tax rate. I like Mr. Warren's suggestion maybe next year to study the progression of tax increases based on the property value. I would like to further propose, because one of the key items that we talked about is safety, that we purchase one police vehicle and use that $70,000 and use the $20,000 that Mr. Morrow just mentioned for the planters, and that could go towards a full-time firefighter. We would just need to find $5,000 more. Doing this would help us keep that number one goal of safety, and still talk to the County about adding fire staff members; we need that protection. And we need to know that we're covered prior to taking funds to build trails that will need security coverage and maintenance. If we can't do that, just purchase one vehicle and use $70,000 to go towards housing; or just buy the two vehicles. Going forward I would like to know more about the fleet of vehicles and what is the criteria to replace them, and do we need to each year. I certainly don't want to look at purchasing three next year just because we only purchased one this year.

Mr. Wise said I am also not in favor of the property tax increase for fire. I think there is a lot of negotiation to happen there. I do want to emphasize that the Ecusta Trail and Estatoe Trail are happening and they are going to bring a huge amount of development. We have not planned for that development and as we just saw with Plusurbia, if we don't plan for that we won't have control over it. Although we have funding for some of that, we don't have full funding for those projects. We have funding for construction, but we don't have full funding for everything there. I think it is really important we keep moving those projects forward because they are recreational trails, but more importantly they are engines for development in our communities and they are going to drive people here, drive housing, and drive businesses. We can't lose sight of that.

Mayor Copelof asked Mr. Baker if he wished to amend his motion based on discussion. Mr. Baker said he would leave the motion as is. Vote on the motion was 3 in favor (Baker, Daniel and Wise); 2 opposed (Morrow and Holder). The motion carried.

City of Brevard FY2024-2025 Budget Ordinance

Ordinance No. 2024-21

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

Section 1. It is estimated that the following revenues will be available to the General Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

REVENUES		BUDGET
AD VALOREM TAXES	$	6,493,600
OTHER TAXES		2,546,850
UNRESTRICTED REVENUES		920,500
RESTRICTED INTERGOVERNMENTAL		271,200
SALES AND SERVICES		1,518,300
MISCELLANEOUS		1,284,805
FUND BALANCE APPROPRIATED		70,000
TOTAL	$	13,105,255

Section 2. The following amounts are hereby appropriated in the General Fund for the operation of the City Government and its activities for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025 in accordance with the Chart of Accounts heretofore established for the City of Brevard:

EXPENDITURES		BUDGET
GOVERNING BODY	$	194,410
ADMINISTRATIVE		1,049,500
FINANCE		917,200
PLANNING		1,005,400
COMMUNITY CENTER		155,700
BUILDING AND GROUNDS		557,500
POLICE		3,949,600
PUBLIC WORKS - ADMINISTRATION		626,000
PUBLIC WORKS - GARAGE		462,800
PUBLIC WORKS - STREETS - LOCAL		824,400
PUBLIC WORKS - STREETS - POWELL BILL		243,000
RECREATION		287,900
SANITATION		1,157,600
NON DEPARTMENTAL		1,674,245
TOTAL	$	13,105,255

Section 3. It is estimated that the following revenues will be available to the Water and Sewer Utility Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

REVENUES		BUDGET
WATER BILLINGS	$	3,450,500
SEWER BILLINGS		3,480,800
METER FEES		180,000
OTHER REVENUES		321,500
FUND BALANCE APPROPRIATED		-
TOTAL	$	7,432,800

Section 4. The following amounts are hereby appropriated in the Water and Sewer Utility Fund for the operation of said utilities for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

EXPENDITURES		BUDGET
WATER TREATMENT	$	1,081,200

WASTEWATER TREATMENT		1,731,900
WATER AND SEWER MAINTENANCE		1,896,200
NON DEPARTMENTAL		2,723,500
TOTAL	$	7,432,800

Section 5. The following revenues will be continued for the Capital Reserve Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

REVENUES		BUDGET
FUND BALANCE APPROPRIATED	$	-
SYSTEM DEVELOPMENT FEES		100,000
TOTAL	$	100,000

Section 6. The following expenditures will be continued for the Capital Reserve Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

EXPENDITURES		BUDGET
INCREASE IN FUND BALANCE		100,000
TOTAL	$	100,000

Section 7. It is estimated that the following revenues will be available to the Fire District Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

REVENUES		BUDGET
TRANSFER FROM GENERAL FUND	$	789,745
FIRE DISTRICT TAX		646,155
OTHER REVENUES		6,000
FUND BALANCE APPROPRIATED		-
LOAN PROCEEDS		1,550,000
TOTAL	$	2,991,900

Section 8. The following amounts are hereby appropriated in the Fire District Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

EXPENDITURES		BUDGET
PERSONNEL, OPERATING, CAPITAL, DEBT		2,991,900
TOTAL	$	2,991,900

Section 9. It is estimated that the following revenues will be available to the Stormwater Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

REVENUES		BUDGET
CHARGES FOR SERVICES		244,000
TOTAL	$	244,000

Section 10. The following amounts are hereby appropriated in the Stormwater Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

EXPENDITURES		BUDGET
OPERATING		244,000
TOTAL	$	244,000

Section 11. It is estimated that the following revenues will be available to the Bjerg Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

REVENUES		BUDGET
INTEREST ON INVESTMENTS		2,800
TOTAL	$	2,800

Section 12. The following amounts are hereby appropriated in the Bjerg Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

EXPENDITURES		BUDGET
INCREASE IN FUND BALANCE		2,800
TOTAL	$	2,800

Section 13. The following revenue amounts will be available in the Health Insurance Fund for Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

REVENUES		BUDGET
FUND BALANCE APPROPRIATED	$	129,900
TRANSFER FROM OTHER FUNDS		1,545,000
DENTAL DEPENDENT PREMIUMS		32,000
HEALTH DEPENDENT PREMIUMS		82,000
RETIREE PREMIUMS		44,000
TOTAL	$	1,832,900

Section 14. The following amounts are hereby appropriated in the Health Insurance Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

EXPENDITURES		BUDGET
HEALTH INSURANCE COSTS		1,832,900
TOTAL	$	1,832,900

Section 15. It is estimated that the following revenues will be available to the Heart of Brevard Municipal Service District Tax Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

REVENUES		BUDGET
SERVICE DISTRICT TAX - CURRENT AND PRIOR YEARS	$	160,000
TRANSFER FROM GENERAL FUND		11,000
TOTAL	$	171,000

Section 16. The following amounts are hereby appropriated in the Heart of Brevard Municipal Service District Tax Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

EXPENDITURES		BUDGET
CONTRACT SERVICES	$	160,000
TRANSFER TO DOWNTOWN MASTER PLAN		11,000
TOTAL	$	171,000

Section 17. It is estimated that the following revenues will be available to the Housing Trust Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

REVENUES		BUDGET
TRANSFER FROM GENERAL FUND	$	198,000
DEVELOPER LOAN PAYMENT		2,000
TOTAL	$	200,000

Section 18. The following amounts are hereby appropriated in the Housing Trust Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

EXPENDITURES		BUDGET
OPERATING	$	50,000
INCREASE IN FUND BALANCE		150,000
TOTAL	$	200,000

Section 19. The Revenues and Expenditures set forth in Section 1 through Section 18 of this Ordinance are hereby summarized as follows:

BUDGET APPROPRIATIONS		BUDGET
GENERAL FUND	$	13,105,255
STORMWATER FUND		244,000

WATER & SEWER FUND		**7,432,800**
FIRE DISTRICT FUND		**2,991,900**
CAPITAL RESERVE FUND		**100,000**
BJERG FUND		**2,800**
HEALTH INSURANCE RESERVE FUND		**1,832,900**
HEART OF BREVARD FUND		**171,000**
HOUSING TRUST FUND		**200,000**
TOTAL	**$**	**26,080,655**

Section 20. There is here hereby levied a tax at the rate of forty eight cents ($0.4800) per one hundred dollars ($100) valuation of property as listed for taxes as of January 1, 2024 for the purpose of raising the revenue listed as Taxes in the General Fund in Section 1 of this Ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of $1,350,000,000 and an estimated collection rate of 99.3%.

Section 21. There is hereby further levied a tax at the rate of $0.2130 cents per one hundred dollars ($100) valuation of property as listed for taxes as of January 1, 2024 within the boundaries of the Heart of Brevard Municipal Service District for the purpose of raising the revenue listed as Taxes in the Heart of Brevard Municipal Service District Tax Fund in Section 15 of this Ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of $71,000,000 and an estimated collection rate of 99.3%.

Section 22. There is hereby further attached (Exhibit A) to said Ordinance a schedule of taxes, fees, and charges for the General and Utility Funds.

Section 23. The Budget Officer shall be authorized to reallocate departmental appropriations among the various line item expenditures of that department, as said officer believes necessary. The Budget Officer shall be authorized to effect interdepartmental transfers, in the same fund, provided that no departmental budget shall be reduced by more than ten percent without the prior approval of the City Council. Any such transfers shall be reported to the City Council at its next regular meeting and shall be entered in the minutes.

Section 24. Copies of the Budget Ordinance shall be furnished to the Budget Officer and Finance Officer of the City to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Brevard City Code and the General Statutes of the State of North Carolina.

Adopted and approved this the 3rd day of June, 2024.

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

L-2. Proposed Amendments to City of Brevard Unified Development Ordinance, Chapters 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 16, 17, and 19 – Group Developments and Subdivision Regulations – Emily Brewer recalled that Council held a public hearing on this item at the last meeting. She explained that the *Building Brevard 2030* Comprehensive Land Use Plan calls for "a development pattern that respects Brevard's sense of place and prioritizes livable communities." The Unified Development Ordinance establishes procedures and standards for the development and subdivision of land within its corporate limits and extra-territorial jurisdiction. This staff-initiated text amendment began as a comprehensive review of the City's subdivision regulations, which govern how a property may be divided in order to:

- Provide for the orderly growth and development of the City and its extra-territorial jurisdiction;
- Protect and enhance property ownership and land values;
- Maintain conditions essential to the public's health, safety, and general welfare;
- Facilitate adequate provision of public services; and
- Facilitate the further re-subdivision of larger tracts into smaller parcels of land for development.

During this process, Staff considered when the regulations should encourage subdivision of land and when subdivision wouldn't be necessary. The scope of this effort was expanded to examine development patterns, more generally, in the UDO. This includes revised group development regulations, where more than one principal structure is permitted on a property.

The major changes are as follows:

1. Establishment of a Group Development regulation section and establishing different types of group developments that have different permissions and standards.
2. New Missing Middle Housing Type – Cluster home development which allows for small lot residential development in a manner that organizes multiple dwellings around a common open space, designed as a cohesive whole and maintained in shared stewardship by residents.
3. Location of Off-Street Parking in Group Developments which will allow for denser development with more creative site design and/or more appropriate site design that accommodates topographic and logistical challenges.
4. Types of Subdivisions – revised definitions of exempt, minor and major subdivisions to clarify the processes and submittal requirements. Since the public hearing, Staff made one minor change in response to a Council member's concern about the potential for circumvention. The proposed amendments now include the caveat that developments creating interior lots for development (i.e., not environmental containment and conservation lots) are required to follow the same submittal / review process as major subdivisions. This change ensures the subdivision is subject to review by the Technical Review Committee and shared improvements are reviewed at this stage of the development process.
5. Variances to Subdivision Regulations – the proposed amendments separate the subdivision regulations from the zoning standards and establishes a new Chapter 4 [Lot and Subdivision Requirements] with limited variance authority.
6. Subdivision Approval Procedures – Clarifies the review process and amends the subdivision regulations to be entirely administrative with Staff as the approval authority for all subdivision decisions, and appeals being sent to the Board of Adjustment.
7. Minimum Lot Size to clarify the density requirements.
8. Private Roads for Subdivisions – clarifies what constitutes a public street, but also adds stipulations for when a private street may satisfy road frontage requirements for new lots in the ETJ.
9. Plat Requirements and Certifications have been updated to reflect NCGS and clarify the administrative review items.
10. Connectivity Index Requirements – removes the connectivity index measurements for new neighborhoods found in Section 9.2.

Mr. Morrow moved, seconded by Mr. Wise to adopt the amendments as written. The motion carried unanimously.

ORDINANCE NO. 2024-23
AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO AMEND THE GROUP DEVELOPMENT AND SUBDIVISION REGULATIONS

WHEREAS, the City of Brevard Planning Board has recommended that the Brevard City Code, Unified Development Ordinance Chapter 1 – Purpose and Applicability; Chapter 2 – District Provisions; Chapter 3 – Use Definitions and Standards; Chapter 4 – General Lot and Structure Provisions; Chapter 5 – Building Types and Architectural Standards; Chapter 6 – Environmental Protection; Chapter 8 – Tree Protection and Landscaping; Chapter 9 – Circulation and Connectivity; Chapter 10 – Parking Standards; Chapter 12 – Signs; Chapter 13 – Infrastructure Improvement Requirements; Chapter 14 – Nonconformities; Chapter 16 – Administration; Chapter 17 – Development Plan Requirements; and Chapter 19 – Definitions be amended; 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 Land Use Plan *Building Brevard 2030*:

Goals

- ***GOAL 2:*** *Encourage a* ***development pattern*** *that respects Brevard's sense of place and prioritizes* ***livable communities****.*
- ***GOAL 7:*** *Support economic vitality and* ***grow the tax base****, cultivate local businesses, and attract sustainable industry.*
- ***GOAL 8:*** *Plan* ***for efficient, equitable, and resilient infrastructure*** *and services that maintain and improve quality of life throughout the city.*

Actions

- ***LUH-4:*** *Identify areas across the city that are best positioned to accommodate future growth.*
- ***LUH-9****: Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*
- ***LUH-19****: Enhance communication of land use planning efforts, policy development, approvals and processes.*

WHEREAS, a public hearing was conducted on Monday, May 20, 2024, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Unified Development Ordinance be amended as outlined below.

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

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

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

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

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

Adopted and approved this the 3rd day of June 2024.

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

M. New Business

M-1. Authorize City Manager to Enter into Lease Agreement for 132 Commerce Street – Mr. Hooper explained the lease is still under negotiation, but the highlights are as follows:

- A five-year initial term with two optional two-year extensions.
- A regular monthly lease rate of $6,666.67 and a TICAM (taxes, insurance, common area maintenance) charge of $1,100/month.
- A 3% annual increase to the regular lease rate.
- Enumerated maintenance responsibilities for each party.
- Written exceptions to the building's condominium association requirements to accommodate the police department's unique needs.

He explained that the things we are still negotiating are special exceptions to the building's condominium association to accommodate our special needs as a Police Department, such as the landlord's access to the facility. He asked Council to authorize him to continue negotiating and finalize the terms of the lease and sign it on the City's behalf in order to begin the process of relocating the Police Department to their new facility. Mr. Daniel moved, seconded by Mr. Wise to authorize the City Manager to enter into the lease agreement. The motion carried unanimously.

RESOLUTION NO. 2024-25
RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LONG-TERM LEASE AND OTHER RELATED DOCUMENTS FOR 132 COMMERCE STREET FOR NEW BREVARD POLICE DEPARTMENT HEADQUARTERS

WHEREAS, there is a need to relocate the Brevard Police Department from its current facility in the basement of City Hall; and

WHEREAS, the City has signed a short-term lease to temporarily relocate the Police Department to a facility located at 132 Commerce Street while investigating longer-term options; and

WHEREAS, Staff chose to focus their efforts on using the facility located at 132 Commerce Street as the longer-term solution and has engaged contractors to make upfits to the facility; and

WHEREAS, Staff has negotiated a longer-term lease with the owners of the 132 Commerce Street property.

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

Section 1. The City Manager is authorized to negotiate and execute a long-term Lease Agreement on behalf of the City of Brevard for the facility located at 132 Commerce Street for relocation of the Brevard Police Department, subject to final review and approval of the City Attorney.

Adopted and approved this the 3rd day of June, 2024.

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

M-2. Burrell Mountain Water Tank Project Amendment and Funding Increase – Mr. Hooper pointed out that the money for this extra debt service of the 0% loan is already included in the budget. Mr. Morrow moved, seconded by Mr. Wise to approve the funding increase for the Burrell Mountain water tank project. The motion carried unanimously.

RESOLUTION NO. 2024-26
RESOLUTION BY CITY COUNCIL OF THE CITY OF BREVARD TO ACCEPT INCREASE IN LOAN FUND ON BURRELL MOUNTAIN WATER TANK

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects; and

WHEREAS, the City of Brevard has previously accepted $2,143,538 in principal forgiveness and $714,512 in State Revolving Loan for the construction of a new Water Tank on Burrell Mountain; and

WHEREAS, the Project expenditures have exceeded budgeted amounts, mainly due to unexpected change orders related to substandard soils, as highlighted by the engineer, Brown Consultants PA, at the August 21, 2023 City Council meeting; and

WHEREAS, the North Carolina Department of Environmental Quality has offered to increase the State Revolving Loan, from $714,512 to $947,597 to cover the change orders required for the construction of the Burrell Mountain Water Tank; and

WHEREAS, the City of Brevard has constructed said project in accordance with the approved plans and specifications.

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

1. That the City of Brevard does hereby accept the State Revolving Loan, offer of $947,597.

2. That the City of Brevard does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan offer, Section II - Assurances will be adhered to.

3. That Dean Luebbe, Assistant City Manager and Finance Director, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and

to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted and approved this 3rd day of June, 2024.

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

ORDINANCE NO. 2024-24
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2021-37 BURRELL MOUNTAIN WATER TANK 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 2021-37 will be increased from $2,915,211 to $3,165,211.

Section 2: The Project replaced a one million gallon water tank on Burrell Mountain that was over sixty years old. The Project was completed in December of 2023

Section 3: The Project exceeded budget, mainly due to the removal of large amounts of substandard soil that was not anticipated.

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

Account Number	Account Name	Budget Amount
31-8540-1000	Burrell Mountain Water Tank	$2,915,211
31-8540-1000	**Burrell Mountain Water Tank**	**$250,000**
TOTAL PROJECT APPROPRIATION		**$3,165,211**

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

Account Number	Account Name	Budget Amount
31-3250-0000	Transfer from Water Fund	$57,161
31-3970-0420	NCDEQ Loan Forgiveness	$2,143,538
31-3970-0420	NCDEQ Debt Payable	$714,512
31-3970-0420	**NCDEQ Debt Payable**	**$233,085**
31-3970-0000	**Fund Balance Approp**	**$16,915**
TOTAL PROJECT REVENUE		**$3,165,211**

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 3rd day of June, 2024.

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

M-3. Amendments to City Council Meeting Calendar – Staff recommended changes to City Council's meeting schedule as follows:

1. Addition of an Ecusta Trail Workshop on June 26, 2024
2. Cancel July 15, 2024 meeting
3. Amend location of August 19, 2024 meeting to MCJCCC

Mr. Morrow moved, seconded by Mr. Baker to approve the amendments to the City Council Meeting Calendar. The motion carried unanimously.

N. Remarks/Future Agenda Considerations.

Mr. Wise said I don't want to lose sight of the importance of our two proclamations we had this evening, both for Juneteenth and for Pride Month. I think these are fantastic for our city to show people that we are an all-inclusive caring community. I would argue that Juneteenth is one of the most important holidays our country has and it goes a little distance in fixing something that is so egregious it's hard to actually conceptualize. Pride Month hopefully begins to bring people into our community that have been marginalized for far too long for no reason at all. I think these are both really important and really joyous things to think about as we are kind of moving some difficult other issues happening in our community. They reemphasize the strength of our community and the importance of all the people here.

Ms. Holder said I want to say again how important I feel it is that we come together as a community. I don't want to belabor the point, but there was one meeting in Rosenwald, but there were several in the community. It would have been good for us to come together and I think this is an opportunity for us to explore that. We're not going to always agree, but at least we can come together and make the effort. Deep down, I think that we are all willing to do that; I certainly am. I would like to see this as an opportunity to move forward in a different way.

Mr. Morrow said ditto.

Mr. Daniel said I think that this meeting, and I would include the White Squirrel Festival, exemplifies the hard work that our staff does. It is reflected in several of these presentations and our budget as well. I would like to thank them for that.

Mr. Baker said this is the first meeting since the White Squirrel Festival and I want to thank Nicole and the Heart of Brevard. It felt like we were back to normal and even exceeded what was normal before Covid. By all accounts it was a great festival and very well organized. Saturday night was wild and it was incredible to see that many people on Main Street. Also, it was the first year that we had the Social District open during the festival and downtown did not burn down surprisingly. I was anticipating that based on earlier comments. It was a great event and I look forward to more in the future.

Attorney McKeller said I want to thank you folks sitting up here. It has become apparent over the last week or so that not all meetings are done or performed in such a genteel honest way. Sometimes you hear stuff during public comments that you don't necessarily like and that every fiber of your being wants you to jump over the table and take a swing at somebody. I just appreciate that you take public comment for what it is – taking input from the public and listening to what's being said by the constituents that put you up here. I want to thank you for doing that and I really appreciate it.

Mr. Hooper referred back to a comment that Mr. Warren and Ms. Holder made earlier about exploring the possibility of a differentiated property tax rate for different income levels. He said that is a meritorious idea, but unfortunately it is not legal in the state of North Carolina according to the State Constitution. Another nuance is that any exemption you make for property tax has to be made statewide and has to be set by the General Assembly. With that said, there is a movement afoot amongst county commissioners in the western and eastern counties of the state to get the General

Assembly to pass a different tax rate for second homes. And so communities like ours that have a lot of vacation homes and second homes that sit vacant most of the year, but still burden our services, would have to pay a different rate. It is the first time in a long time that notion has got some momentum. Our own County Manager Jaime Laughter is on the North Carolina Association of County Commissioners Legislative Committee and she is helping push this effort. Perhaps in sessions to come, we might have the ability to charge a different tax rate to second homes and that would benefit the tax base of our community greatly. Mr. Hooper added that our Public Works Director Wesley Shook welcomed his second grandchild today.

Mayor Copelof said I want to thank the staff and I want to thank the public for the budget that we now have. I appreciate all of the time, the effort, the comments, the people that came that made us think about it, and as you can see we have listened to a lot of the comments. That 2-cent tax increase did not go into the budget this year. I know how much work it took for the staff and I particularly want to thank our City Manager for all of the effort that went into the budget. I think this is a budget that is going to balance and allow us to go forward in the areas that we are so committed to moving forward on. About the White Squirrel Festival – for a little town of 8,000 and for our partner Heart of Brevard who has two full-time employees and one part-time employee to put on a 3-day festival that rivals any festival in a gigantic city is absolute amazing. You guys rock and you absolutely brought it home; that was the best White Squirrel Festival and this community has the best main street organization ever! Thank you. I am really proud today that we were able to recognize Juneteenth and Pride Month here in the city. Brevard is a very special place. Brevard has an incredible heart; we have an incredible welcoming nature and I hope that we all embrace that. I encourage you to come to our Juneteenth celebration on Saturday and Sunday June 15th and 16th. Please come and join us in fellowship, in community, in inclusion, and in learning more about what Juneteenth is about; about the past that we need to understand in order to be able to move forward.

O. Closed Session – None.

P. Adjourn – There being no further business, at 8:06 p.m. Mr. Morrow moved, seconded by Ms. Holder, to adjourn the meeting. The motion carried unanimously.

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Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: June 17, 2024