MINUTES
BREVARD CITY COUNCIL
Regular Meeting
November 4, 2024 – 5:30 PM

The Brevard City Council met in regular session on Monday, November 4, 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, and Lauren Wise

Absent – Council Member Pamela Holder

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant City Manager David Todd, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Human Resources Director Kelley Craig, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Public Works Director Wesley Shook, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant Assistant ORC Aaron Winans, Community Center Director Tyree Griffin, and Police Captain Aaron Thompson

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

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

B. Invocation – Shelly Webb of Sharing House offered an invocation.

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

D. Certification of Quorum – City Clerk Denise Hodsdon certified that a quorum was present. Mr. Morrow moved, seconded by Mr. Baker to excuse Council Member Holder. The motion carried unanimously.

E. Approval of Agenda – Mr. Daniel requested to move Item M-1 Designation of ABC Board Chair to the Consent Agenda as Item K-12. Attorney McKeller requested to add a Closed Session for a Pending Litigation matter as Item O-1. Mr. Daniel moved, seconded by Mr. Wise to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. October 21, 2024 Regular Meeting – Mr. Wise moved, seconded by Mr. Morrow to approve the minutes of the October 21, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments – None.

H. Certificates/Awards/Recognition

H-1. Proclamation No. 2024-23 Veteran's Day – Mayor Copelof read the proclamation aloud.

Proclamation 2024-23
Commemorating Veterans Day
November 11, 2024

WHEREAS, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

WHEREAS, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, we owe a great debt to those who have served in defense of this nation, as throughout the generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

WHEREAS, for many, that sacrifice had ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

WHEREAS, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principles of freedom and democracy.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, call upon our citizens to salute all Brevard and Transylvania County veterans who have served with honor and distinction, and to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this Country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag; and to show our veterans we appreciate their great sacrifice.

Proclaimed this 4th day of November, 2024.

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

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed City of Brevard Unified Development Ordinance Text Amendment re Pisgah Forest Gateway District – Aaron Bland explained that this is a staff-initiated rezoning and text amendment to create a new zoning district for the Pisgah Gateway Entrance area and that his presentation would cover both public hearings regarding the proposed new district. A copy of his presentation is attached. He noted that the current zoning of that area is inappropriate for its context as it is mostly zoned the same as Downtown, which has caused some issues from a permitting standpoint over the years. The proposed rezoning and text amendment would create a new district, the Pisgah Gateway Mixed Use (PGX) district, that captures the unique character of this area with more context-specific standards. Additionally, this is one of the unique character areas that will have its own architectural standards in the coming months. The Planning Board discussed the PGX district at their June 25th and September 24th meetings and they recommended omitting the single-family houses that front on Deavor Road, but Staff is continuing to recommend that the entire architectural standards character area be included to avoid split-zoning some of the parcels that front on both the highway and Deavor Road.

At 5:54 p.m. Mr. Morrow moved, seconded by Mr. Daniel to open the public hearing. The motion carried unanimously.

Public Participation:

Donna Duty of 212 Deavor Road said my father passed earlier this year and lived at 212 Deavor Road. By us they were allowed to build a big wall and raise their property up for commercial next door to his house. When the flood come, it just stops at the wall; it took our natural flow of water through that house and the pasture into the drains. There is no drainage so when the flood happened a few weeks ago, I know it was a lot of rain, it just built up at the wall and kept rising to 44 inches. So, I have an issue that, because his land…they are working on the road behind us (64) and they've already built the bank that took the ditchline so we don't have a ditch. I've asked them to please put some kind of ditch to drain it to the creek which sets behind Pisgah Forest. My question is if that's a flood zone, which it is now, they consider it a flood zone, and they build up, I'm going to have a wall behind the house just like the wall that sits next to us and then we're going to be like a fishbowl with water, because there's no drainage. So, my problem is what does that do to my property value? It is a big concern and I do

have pictures showing the wall and showing what it does. That is a big concern with me, to zone it in because the property goes down hill and I know they won't build on the bottom; they'll raise it up like they did to the property next to us. There is no drainage; they said they were going to put drainage in, but no drainage whatsoever. It just stops at the wall.

At 5:58 p.m. Mr. Morrow moved, seconded by Mr. Baker to close the public hearing. The motion carried unanimously.

During Council comments/questions, Mr. Wise asked for more information regarding the Planning Board's recommendation to omit the residences on Deavor Road and Staff's concern regarding split-zoning. Mr. Bland explained that under the new PGX those residences would be considered a pre-existing non-conformity for as long as they are lived in and they would be allowed to make improvements and add on to an existing house. He thought the Planning Board's main concern was with the few mobile homes that are there that would not be allowed to upgrade to a new stick-built house.

This item will be placed on the agenda for Council action at its November 18, 2024 meeting.

J-2. Proposed City of Brevard Zoning Map Amendment re Pisgah Forest Gateway District

At 6:07 p.m. Mr. Wise moved, seconded by Mr. Morrow to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:07 p.m. Mr. Morrow moved, seconded by Mr. Wise to close the public hearing. The motion carried unanimously.

This item will be placed on the agenda for Council action at its November 18, 2024 meeting.

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

K-1. Resolution Fixing a Date of Public Hearing for Annexation – Mills Ave Properties, LLC / Forest Hill Drive

RESOLUTION NO. 2024-48
A RESOLUTION FIXING A DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION PURSUANT TO NCGS 160A-31, AS AMENDED

WHEREAS, a petition was received on September 17, 2024, requesting the annexation of a contiguous area described in said Petition as the Mills Ave Properties, LLC property located on Forest Hill Drive, Brevard, NC 28712, consisting of 4.64 acres, more or less, be annexed into the City of Brevard. (Tax Property Identification Numbers: 8585-36-0021; 8585-35-0899-000; 8585-35-1747-000; and 8585-35-1676-000).

WHEREAS, the Brevard City Council has by Resolution No. 2024-47 directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by Mills Ave Properties, LLC, will be held at Brevard City Hall at 5:30 P.M. on the 4th day of December, 2024.

Section 2. The area proposed for annexation is described as follows:

Beginning at a broken concrete monument having North Carolina NAD 83/86 grid coordinates of North: 555675.23 East: 882903.55; said monument standing S 36°49'51" E a distance of 1,328.41 from NCGS MONUMENT GEORGE which has North Carolina NAD 83/86 grid coordinates of North: 556738.54 East: 882107.07 and 6.2' away from an existing utility pole in the right of way for Forest Hill Road; thence N 72°35'30" W a distance of 9.48' to a calculated point on the old 45' right of way; thence N 22°22'36" W a distance of 58.85' to a calculated point on the old 45' right of way; thence N 22°22'36" W a distance of 30.91' to a calculated point on the old 45' right of way; thence with a curve turning to the right with an arc length of 27.95', with a radius of 289.00', with a chord bearing of N 19°36'24" W, with a chord length of 27.93', to a calculated point on the old 45' right of way; thence with a compound curve turning to the right with an arc length of 58.85', with a radius of 289.00', with a chord bearing of N 11°00'10" W, with a chord length of 58.75', to a calculated point on the old 45' right of way; thence with a compound curve turning to the right with an arc length of 58.87', with a radius of 289.00', with a chord bearing of N 00°39'58" E, with a chord length of 58.76', to a calculated point on the old 45' right of way; thence leaving the old right of way N 42°42'28" E a distance of 18.15' to a point in the center of a ditch; thence down and with the center of a ditch N 70°17'08" E a distance of 32.99' to a point in the center of the ditch; thence N 65°22'33" E a distance of 44.58' to a point in the center of a ditch; thence N 39°05'26" E a distance of 19.33' to a point in the center of a ditch; thence N 13°02'07" W a distance of 42.04' to a point in the center of a ditch; thence N 15°38'54" E a distance of 60.58' to a point in the center of a ditch; thence N 27°30'15" E a distance of 27.48' to a point in the center of a ditch; thence N 46°24'44" E a distance of 34.48' to a point in the center of a ditch; thence N 52°18'45" E a distance of 44.06' to a point in the center of a ditch; thence N 63°35'23" E a distance of 24.90' to a point in the center of a ditch; thence N 68°35'48" E a distance of 34.51' to a point in the center of a ditch; thence N 82°42'23" E a distance of 18.77' to a point in the center of a ditch; thence N 59°06'04" E a distance of 10.91' to a point where the ditch meets the center of Brushy Creek; thence down and with the center of Brushy Creek S 31°45'09" E a distance of 62.74' to a point in the center of Brushy Creek; thence S 36°59'42" E a distance of 95.95' to a point in the center of Brushy Creek; thence S 36°59'42" E a distance of 76.42' to a point in the center of Brushy Creek; thence S 11°00'05" E a distance of 45.80' to a point in the center of Brushy Creek; thence S 19°22'35" E a distance of 32.79' to a point in the center of Brushy Creek; thence S 38°07'26" E a distance of 24.16' to a point in the center of Brushy Creek; thence S 58°35'26" E a distance of 37.39' to a point in the center of Brushy Creek; thence S 38°46'28" E a distance of 17.91' to a point in the center of Brushy Creek; thence S 38°46'28" E a distance of 15.80' to a point in the center of Brushy Creek; thence S 28°10'33" E a distance of 121.25' to a point in the center of Brushy Creek; thence S 22°12'32" E a distance of 22.95' to a point in the center of Brushy Creek; thence S 09°32'28" E a distance of 3.35' to a point in the center of Brushy Creek; thence S 09°32'28" E a distance of 16.33' to a point in the center of Brushy Creek; thence S 18°24'11" W a distance of 35.66' to a point in the center of Brushy Creek; thence S 33°58'27" W a distance of 65.28' to a point in the center of Brushy Creek; thence S 44°26'22" W a distance of 31.27' to a point in the center of Brushy Creek; thence S 14°19'46" W a distance of 29.38' to a point in the center of Brushy Creek; thence leaving the center of Brushy Creek N 77°32'22" W a distance of 21.02' to a point in the center of a ditch; thence N 70°38'59" W a distance of 156.06' to a point in the center of a ditch; thence N 77°40'10" W a distance of 71.18' to a 5/8" rebar; thence N 72°39'09" W a distance of 29.26' to a 5/8" rebar; thence N 46°48'46" W a distance of 41.05' to a 5/8" rebar; thence S 89°46'32" W a distance of 60.26' to 5/8" rebar; thence N 72°47'04" W a distance of 28.12' to a 5/8" rebar; thence N 72°50'41" W a distance of 30.42' to a broken concrete monument; which is the place and point of beginning and containing Tracts 2A, 2B, 2C and 2D as shown on Plat File 22, Slide 158, and having an area of 4.640 acres.

Section 3. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.

Section 4. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 4th day of November, 2024.

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

K-2. Resolution Authorizing Staff to Renew Adopt a Green Space Contracts

RESOLUTION NO. 2024-49
A RESOLUTION IMPLEMENTING ADMINISTRATIVE DUTIES
UNDER THE ADOPT A GREEN SPACE PROGRAM

WHEREAS, the City of Brevard has long valued exceptional quality of life and a beautiful natural setting; and

WHEREAS, the City's 2030 Comprehensive Land Use Plan identifies a policy goal to Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems (Goal 5-PNRC); and

WHEREAS, Brevard is blessed with an active citizenry that is willing to volunteer time and energy into the community; and

WHEREAS, the City wishes to maintain its green spaces utilizing the most environmentally-friendly methods possible; and

WHEREAS, the City implemented the Adopt a Green Space Program via Resolution No. 2022-38.

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

SECTION 1. The City Planning Department and Community Center Director are hereby authorized to implement renewals of adoptions for the Adopt a Green Space Program: where the adoptee agrees to adopt another year; and no other applications have been received for the same site; and the adoptee has maintained the green space satisfactory according to the contract; therefore, the administrator of the program may renew the adoption without going through the entire new adoption process again.

SECTION 2. This Resolution shall become effective upon its adoption and approval.

Approved and adopted this 4th day of November, 2024.

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

K-3. Resolution Accepting $352,000 Grant for Wastewater Treatment Plant Engineering

RESOLUTION NO. 2024-50
BY THE CITY COUNCIL OF THE CITY OF BREVARD
ACCEPTING FUNDING OF $352,000 FOR ENGINEERING
SERVICES RELATED TO THE WASTEWATER TREATMENT
PLANT UPGRADE OR REPLACEMENT

WHEREAS, the City of Brevard has received a Directed Projects grant from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting their water/wastewater infrastructure needs; and

WHEREAS, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of $352,000 to perform work detailed in the submitted application; and

WHEREAS, the City of Brevard intends to perform said project in accordance with the agreed scope of work.

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

SECTION 1. That the City of Brevard does hereby accept the 2023 Appropriations Act Directed Projects Grant offer of $352,000.

SECTION 2. That the City of Brevard does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

SECTION 3. That Wilson Hooper, City Manager, 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 4th day of November, 2024.

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

K-4. Capital Project Amendment – WWTP - $352,000 Grant Funding SRP-W-134-0175

ORDINANCE NO. 2024-40
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE NO. 2024-30
WASTEWATER TREATMENT PLANT UPGRADE OR REPLACEMENT 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 2024-30 will be decreased from $357,800 to $352,000.

Section 2: The Project involves the upgrade or replacement of the Wastewater Treatment Plant, and is currently in the preliminary engineering phase. The City received notification in September of 2024, that grant funding would be allowed for the preliminary engineering phase

Section 3: The Project is expected to last several years, and while total projected costs are unknown at this time, they could exceed $50M, dependent upon the scope of the improvements needed.

Section 4: The following amounts are appropriated for the project:

Account Number	**Account Name**	**Budget Amount**
31-8220-0925	Professional Services	$357,800
31-8220-0925	**Professional Services**	**($5,800)**
	TOTAL PROJECT APPROPRIATION	**$352,000**

Section 5: The following revenues are anticipated to be available for the project:

Account Number	**Account Name**	**Budget Amount**
31-3760-1908	Trans f/ Water – WWTP	$357,800
31-3760-1908	**Trans f/Water - WWTP**	**($357,800)**
31-3970-0800	**NCDEQ SRP-W-134-0175**	**$352,000**
	TOTAL PROJECT REVENUE	**$352,000**

Section 6: 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 7: 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 8: 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 9: 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 10: 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 4th day of November, 2024.

Attest: Denise Hodsdon, CMC, City Clerk s/Maureen Copelof, Mayor
Approved as to Form: Mack McKeller, City Attorney

K-5. Public Safety Committee Minutes – July 22, 2024

K-6. Ecusta Trail Advisory Board Minutes – August 22, 2024

K-7. Council Rosenwald Community Advisory Board Minutes – August 27, 2024

K-8. Ecusta Trail Advisory Board Minutes – September 5, 2024

K-9. Finance, Human Resources & Citizen Appointment Committee Minutes – September 17, 2024

K-10. Ecusta Trail Advisory Board Minutes – September 25, 2024

K-11. Correspondence *(No Action. Offered as information only.)*

K-11.a. ABC Board Minutes – August 22, 2024

K-12 (M-1.) Designation of ABC Board Chair

RESOLUTION NO. 2024-53
RESOLUTION DESIGNATING ABC BOARD CHAIR

WHEREAS, pursuant to NC G.S. § 18B-700(a) Local ABC Board members are appointed by the City Council as the appointing authority; and

WHEREAS, NC G.S. § 18B-700(a) also states "the appointing authority shall designate one member of the local board as chairman"; and

WHEREAS, pursuant to Section 6.3 of the City of Brevard Charter, the Mayor and City Council shall annually appoint one member of the ABC Board to serve as chairman; and

WHEREAS, the Brevard ABC Board Chair has historically served a one-year term from July 1 to June 30 to coincide with the fiscal year; and

WHEREAS, at its meeting on October 24, 2024 the Brevard ABC Board nominated Lisa Conner to serve as ABC Board Chair until June 30, 2025.

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 Brevard ABC Board Member Lisa Conner to serve as Chair effective immediately until June 30, 2025.

Adopted and approved this 4th day of November, 2024.

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

L. Unfinished Business

L-1. Proposed Amendments to City of Brevard Code of Ordinances Chapters 1, 46, and 62 – Sidewalk Usage Policy – Emily Brewer recalled that this is a staff-initiated text amendment to ensure that all items placed in City or State rights-of-way have insurance and meet minimum separation requirements. Council held a public hearing at its last meeting. Mr. Daniel moved, seconded by Mr. Baker to approve the proposed amendment to the City of Brevard Code of Ordinances, Chapters 1, 46, and 62 – Sidewalk Usage Policy as presented. The motion carried unanimously.

ORDINANCE NO. 2024-41
AN ORDINANCE AMENDING CITY OF BREVARD CODE OF ORDINANCES CHAPTER 1 – GENERAL PROVISIONS, CHAPTER 46 – PEDDLERS AND SOLICITORS; AND CHAPTER 62 – STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

WHEREAS, North Carolina General Statutes Section 160A-296 states that municipalities have regulatory authority over all public sidewalks within its corporate limits and are responsible for keeping these public sidewalks open for travel and free from unnecessary obstructions; and,

WHEREAS, the City of Brevard Downtown Master Plan Committee reviewed the proposal and unanimously recommended in favor on August 29, 2024; and,

WHEREAS, the City of Brevard Downtown Master Plan Committee unanimously recommended in favor of amending City of Brevard Code of Ordinances Chapter 1 – General Provisions, Chapter 46 – Peddlers and Solicitors; and Chapter 62 – Streets, Sidewalks and Other Public Ways on August 29, 2024; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the goals and objectives of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030* and the City of Brevard Downtown Master Plan;

WHEREAS, a public hearing was conducted on Monday, October 21, 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 Code of Ordinances be amended as outlined below.

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

SECTION 01. City of Brevard Code of Ordinances 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 4th day of November 2024.

Attest: Denise Hodsdon, CMC, City Clerk s/Maureen Copelof, Mayor
Approved as to Form: Mack McKeller, City Attorney

L-2. Approval of Pisgah Labs Agreement and Acceptance of US EDA Grant – Mr. Hooper recalled that in 2023 Council amended the Code of Ordinances to allow properties outside the city limits to connect to the city's wastewater system without annexing according to certain conditions as part of a joint economic development agreement between the City and the property owner. Pisgah Labs, a pharmaceutical manufacturing company with a facility in Transylvania County, plans to expand its operations at the facility, which will include a $55M investment and is expected to result in the creation of at least 55 full-time jobs. The expansion project has already been awarded state and county incentives. Connection to municipal utilities would help with expansion. To fund the utility connection project the City applied for and was awarded a $2.4M grant from the US Economic Development Administration. Mr. Hooper reviewed the following terms of a draft Economic Development and Utility Extension Agreement with Pisgah Labs:

City Commitments

- Permit property to connect to municipal utilities without immediate annexation if the terms of the agreement are met
- Construct water and wastewater extension to property using US EDA grant funds and local match from Transylvania County
- Assume ownership and maintenance/repair responsibility of the infrastructure at conclusion of project

Company Commitments

- Meet all investment and job creation requirements as outlined in the company's incentive agreement with Transylvania County
- Remove subject property from floodplain using FEMA-approved procedures, and obtain a "Letter of Map Revision Based on Fill" prior to connection
- Wastewater discharge must comply with Brevard Code of Ordinances 70-91 through 70-95 and provisions of 40 CFR subchapter N Part 401.
- Voluntarily annex into the Brevard corporate limits by no later than 12/31/2039

Other considerations

- If company fails to meet the terms of the agreement, they must make us (and our partners) financially whole, up to $5M

- The company must agree to these terms by March 1, 2025 or else they're subject to renegotiation

Mr. Hooper said if Council agrees to move forward with the negotiation under these conditions, he would ask that that decision be memorialized by approving two resolutions; one approving the terms of the agreement, and one accepting the $2.4M US EDA grant. Mr. Baker moved, seconded by Mr. Daniel to approve the terms of the agreement and to authorize the City Manager to execute the agreement on the City's behalf. Following discussion, the motion carried unanimously.

RESOLUTION NO. 2024-51
RESOLUTION APPROVING TERMS OF ECONOMIC DEVELOPMENT AND UTILITY EXTENSION AGREEMENT WITH PISGAH LABS

WHEREAS, the Pisgah Labs currently operates a pharmaceutical manufacturing facility in Transylvania County; and

WHEREAS, the Pisgah Labs plans to expand its operations at the facility, which will include at least fifty-five million ($55,000,000) of investments in real and business personal property in the County (the "Project"); and

WHEREAS, the Project is expected to result in the creation of at least fifty-five (55) full-time equivalent employees at the Facility, with average wages exceeding the County's average wage of $39,028 for full-time employment, plus other benefits; and

WHEREAS, the Project will result in a new source of ad valorem property taxes, sales tax, and other revenues which will ultimately benefit the citizens of Transylvania County; and

WHEREAS, the City is the owner/operator of a water and wastewater utility system, access to which is advantageous to the Project; and

WHEREAS, the City typically requires properties wishing to receive municipal utility services to voluntarily annex.

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

SECTION 1. To support the Project, the City agrees to waive its typical requirement and allow access to its utilities without immediate annexation if the Company agrees to certain terms as outlined in the attached agreement.

SECTION 2. Pisgah Labs must agree to the terms as offered by March 1, 2025. If Company fails to sign the agreement by that date, the City may offer new terms.

SECTION 3. Brevard City Council designates the City Manager to sign and execute the attached agreement.

Approved and adopted this the 4th day of November, 2024.

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

Mr. Wise moved, seconded by Mr. Baker to approve the resolution accepting the $2.4M US EDA grant. The motion carried unanimously.

RESOLUTION NO. 2024-52
RESOLUTION ACCEPTING $2.4M GRANT FROM THE UNITED STATE'S ECONOMIC DEVELOPMENT ADMINISTRATION TO FUND UTILITY EXTENSION TO SUPPORT PISGAH LABS EXPANSION

WHEREAS, the City of Brevard supports economic development projects that generate investment and bring well-paying jobs to the area; and

WHEREAS, Pisgah Labs is a pharmaceutical company in Transylvania County that has been awarded incentives from the State of North Carolina and Transylvania County in exchange for $55M in real investment and the commitment to create 55 well-paying jobs; and

WHEREAS, connection to reliable municipal utilities would support the project; and

WHEREAS, the expansion also supports the goals of the US Economic Development Administration, who awarded it a $2.4M grant to extend municipal utilities to the property.

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

SECTION 1. Brevard City Council accepts the US Economic Development Administration's $2.4M grant and all burdens and responsibilities thereof.

SECTION 2. Using the grant dollars and matching funds from Transylvania County, the City intends to construct utility extensions to the property and permit the property's connection per the terms of a separate agreement with Pisgah Labs.

SECTION 3. Brevard City Council designates the City Manager to execute the grant acceptance and administer the grant program.

Approved and adopted this the 4th day of November, 2024.

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

M. New Business – None.

N. Remarks/Future Agenda Considerations.

Mr. Wise noted that November 11th is Veterans Day and that is an opportunity to thank veterans for their service. He also reminded everyone to vote tomorrow if they have not done so already. Finally, he thanked City Manager Hooper for his work in coordinating the emergency response efforts during Helene.

Mr. Daniel also encouraged everyone to vote. He said I would also like to mention that this Friday the Mayor and City Manager will be meeting with the League of Municipalities and I would like to speak as a Council Member to the City Manager. The meeting is to discuss our present and future needs as a result of the storm and I would say that our most immediate need, as well as our greatest future need is housing. The storm has exacerbated our existing shortage beyond crisis point, and as it was discussed at the last emergency housing group meeting, I think there needs to be a comprehensive assessment of homes damaged by the storm and to know the cost to enable us to properly address funding. I think this effort would be most proficient with a full-time staff person to organize that data and to coordinate with the aid groups that have been mentioned that are already doing an excellent job. I think if we can get this in a true organized fashion it would be beneficial for everyone, and if there is help available from any of these organizations that you will be meeting with, it would be welcome. Our long-term needs…the ongoing effort to increase our affordable housing, and more directly, how we get low-income housing out of the floodplain, that's a great need. We also have the need that many of the other towns in our area do, of our downtown businesses and how are we going to address their needs; what other ideas are out there? I hope that we get a report back.

Mr. Baker said since the storm there are some immediate impacts that have been occupying a lot of our attention over the last few weeks and I also have been thinking what our response long-term should be. We've talked many times about the lack of buildable land and our position between a large amount of public land that cannot be developed and a large floodplain which limits the space we have for the city to grow and develop into the future. I feel like land use, which is always a hot topic for us, it becomes even more important for us to manage that strategically with an eye far into the future so that we don't put people in harms way, but we also allow for the types of development that are going to help with affordability, and help with jobs in the county and the city. I am hoping that as we get out of the emergency mindset that we can shift towards a more strategic mindset going forward. He also reminded everybody that tomorrow is Election Day. He congratulated the Brevard High School Men's Cross Country Team for winning back-to-back state championships and noted that they have won three of the last four. He added that the Brevard College Women's Soccer team is toward the end of an undefeated season and the Men's Soccer team and the Football team are also having success; and Brevard High Football team is on the doorstep of a conference championship.

Mr. Hooper reported that we are welcoming Selena Coffey to our staff starting

next Tuesday. She is a former Assistant County Manager in Henderson County and Town Manager of Weaverville, NC and I am excited to have such an experienced person joining our staff. He also reported that the County will be holding its Emergency Operations Center debrief on November 19th. Mr. Hooper and staff will be attending and will report back after that meeting.

Mayor Copelof said recovery efforts are continuing, and we have a very good collaborative group that is working hard on the temporary housing situation. We have four campers arriving this Friday, we have gotten the Habitat for Humanity site at Woodlawn Terrace ready to go, and we already have families assigned to the trailers. A big thank you to Duke Power for getting the power up there. We are slowly making progress, but there still is quite a lot of need out there. There is an initiative by the Platt organization raising money to purchase additional trailers. A big thank you to both our business community that has stepped up to help and to our non-profit community that has been doing everything they can to make this happen. She mentioned that the regional meeting for cities and counties impacted by the hurricane will be an opportunity to look at things strategically from a regional level in terms of, not just what is needed today for recovery, but also for that long-term strategic work and how we move forward in a coordinated fashion as a region to rebuild communities that have been decimated. She reminded everyone of Veterans Day and noted that City and County buildings have got the green lights going in support of our veterans. She also mentioned that the Community Support Group, dealing with the emotional impact of the hurricane, meets on Mondays from 9 to 11am for the next five weeks at Blue Ridge Community College.

O. Closed Session

O-1. Pending Litigation: NCGS §143-318.11.(a)(3) – At 6:48 p.m. Mr. Baker moved, seconded by Mr. Morrow to go into closed session to discuss pending litigation matter City of Brevard vs. Bauslaugh - Case No. 21-CVS-381 and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 6:53 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 6:53 p.m. Mr. Baker moved, seconded by Mr. Morrow, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof Mayor	Denise Hodsdon, CMC City Clerk

Minutes Approved: November 18, 2024