

**MINUTES  
BREVARD CITY COUNCIL  
Regular Meeting  
January 3, 2023 – 5:30 PM**

The Brevard City Council met in regular session on Tuesday, January 3, 2023, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

**Present** – Mayor Maureen Copelof, Mayor Pro Tem Gary Daniel and Council Members Mac Morrow, Aaron Baker, and Geraldine Dinkins.

**Absent** – Council Member Maurice Jones

**Staff Present** – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Acting Public Works Director Wesley Shook, Community Center Director Tyree Griffin, ORC Water Treatment Plant Dennis Richardson, and ORC Wastewater Treatment Plant Emory Owen

**Press** – Jon Rich, Transylvania Times

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

**B. Invocation** – Pastor Keith Thompson of Brevard Davidson River Presbyterian Church offered an invocation.

**C. Pledge of Allegiance** - Mayor Copelof led the pledge of allegiance.

**D. Certification of Quorum** – City Clerk Denise Hodsdon certified a quorum present. Mayor Copelof noted that Council Member Jones was absent due to a death in his family and asked for a motion to excuse him. Mr. Morrow so moved, seconded by Mr. Daniel. The motion carried unanimously.

**E. Approval of Agenda** – Mr. Daniel asked to move Item M-5 Budget Amendment-Police Department-Governor's Crime Commission Grant and Item M-6 Budget Amendment-Fire-CPR Equipment to the Consent Agenda, however, Mr. Baker said that he had a question about item M-5, therefore only item M-6 would be moved to consent and would become item K-8. Ms. Dinkins moved, seconded by Mr. Baker to approve the agenda as amended. The motion carried unanimously.

**F. Approval of Minutes** – Mr. Morrow moved, seconded by Mr. Daniel, to approve the minutes from the December 5, 2022 meeting as presented. The motion carried unanimously.

**G. Public Comment** –

Monica Driscoll said As the Reverend alluded to, I'm here in an effort "to do good work" in the best way I know how. My general focus in commenting this evening has to do generally with communications. I know that's a subject that has been brought up in the past and will likely continue to be until it is resolved. I object to anything being presented initially at a City Council meeting with a "request" for a vote at that time or, if not possible, at the next meeting, barring true emergencies. Such requests should be planned and prepared enough in advance by the requestor or requestors for the public to have access to the information for consideration. Whenever possible there should be an opportunity to pursue discussion with you or other resources in order to provide informed comments to members of this body for additional consideration and response before "deadlines" loom. This would allow - not stymie - community involvement, however great or meager. Doing otherwise is denying that participation and in direct opposition to what the mayor, council members and committee members have repeatedly professed as desirable and have encouraged. In order to

accept and consider public input, I urge City Council to table, at a minimum, any such requests that essentially bypass public participation. It is not appropriate for individuals or public bodies to determine if or when the community should be entitled to inquire about issues or voice concerns. At least one such request is on tonight's agenda. I encourage you not to rush to a vote.

**H. Certificates/Awards/Recognition** – None.

**I. Special Presentation(s)** – None.

**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. Baker to approve the consent agenda as presented. Motion carried unanimously.

**K-1. Tax Settlement Report-November, 2022**

**K-2. Parks, Trails & Recreation Committee Minutes-October 19, 2022**

**K-3. Public Safety Committee Minutes-October 24, 2022**

**K-4. Public Works & Utilities Committee Minutes-November 2, 2022**

**K-5. Downtown Master Plan Committee Minutes-October 12, 2022**

**K-6. Parks, Trails & Recreation Committee Minutes-November 16, 2022**

**K-7. Correspondence** (*No Action. Offered as information only.*)

**a. Proclamation 2022-23 George Sarros Day**

**Proclamation No. 2022-23  
George Sarros Day**

**WHEREAS**, George Sarros was born in Chicago, Illinois in 1925 and, at the age of eighteen, joined the United States Navy; and

**WHEREAS**, George was a motor machinist on LST 515 which would unload tanks, ambulances, cargo and troops directly onto the Normandy Beach during the D-Day invasions of World War II; and

**WHEREAS**, on April 22, 1944 during "Exercise Tiger" George's craft rescued survivors from Allied ships sunk by the German navy; and

**WHEREAS**, on June 6, 1944 George's ship landed on Normandy Beach to unload supplies. It also collected wounded to take back to hospitals in England. Ultimately the craft made sixty-five crossings of the English Channel; and

**WHEREAS**, after the war George and his wife Enrica lived in Hawaii, California, and Oregon before settling in Western North Carolina in 2001; and

**WHEREAS**, in Brevard, George was an active part of the city's large community of veterans, contributing to veterans' and community causes; and

**WHEREAS**, on December 7, 2022 George was awarded the French Legion d'honneur Medal by Consul General of France in Atlanta Anne-Laure Desjonqueres.

**WHEREAS**, the medal is the highest merit bestowed by the French Government based on exemplary services rendered to France; and

**WHEREAS**, George's services to the United States, France, and the community of Brevard are meritorious and deserving of recognition.

**NOW, THEREFORE**, be it proclaimed that I, Maureen Copelof, Mayor of the City of Brevard, do hereby proclaim December 7, 2022 as **GEORGE SARROS DAY** in the City of Brevard, North Carolina and commend its observance to all its residents.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 7<sup>th</sup> day of December, 2022.

**K-8. (M-6) Budget Amendment – Fire – CPR Equipment**

**ORDINANCE NO. 2023-03  
AN ORDINANCE AMENDING THE FY2022-2023 BUDGET  
AMENDMENT NUMBER 20**

**SUBJECT:** Budget Amendment to increase expenditures and revenues in the Fire Fund for \$18,600, for CPR equipment.

**AGENDA INFORMATION**

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

**BRIEF SUMMARY:** The City and County split the cost of this needed expenditure. The amount received from the County (\$9,287.44) is separate from the quarterly tax contribution that was included in the FY22-23 Budget. The LUCAS is an automated CPR compression device that provides high quality uninterrupted chest compressions, and is much safer than trying to do manual compressions in the back of a moving ambulance.

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

40-5300-3300 (Department Equipment)	\$18,600
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And increasing the budget in the revenue accounts

40-3830-0100 (Contribution from Trans County)	\$9,300
40-3990-0000 (Fund Balance Appropriated)	\$9,300

**ATTACHMENTS:** None

**MANAGER'S RECOMMENDATION:** Adopt as presented

Approved and adopted this 3rd day of January, 2023.

**L. Unfinished Business –**

**L-1. Order-Closing a Portion of Street So Named Woodlawn Avenue-Gilligan.** Paul Ray recalled that a petition to close a portion of an unimproved right-of-way known as Woodlawn Avenue was received from Robert and Ainslye Gilligan and Jonathan and Laura Merrill. On November 3, 2022 Council adopted Resolution 2022-34 declaring the intent to permanently close a public street, which directed the City Clerk to advertise for a public hearing. The hearing was held before City Council on December 5, 2022. Council did not take action at that time and the item was continued to the January 3, 2023 meeting. Mr. Morrow moved, seconded by Mr. Daniel to adopt the order abandoning a portion of an unopened public right-of-way known as "Woodlawn Avenue". The motion carried unanimously.

**ORDER NO. 2023-01**

**AN ORDER ABANDONING A PORTION OF AN UNOPENED PUBLIC RIGHT-OF-WAY  
KNOWN AS "WOODLAWN AVENUE".**

**WHEREAS**, on November 3, 2022, the City Council of the City of Brevard directed the City Clerk to publish a Resolution number 2022-34 declaring the intent to close a portion of a street so named Woodlawn; and,

**WHEREAS**, Resolution 2022-34 advertised that a public hearing would be held at 5:30 PM, on Monday, December 5, 2022, in the Council Chambers at City Hall located at 95 W. Main Street, Brevard, North Carolina and was published in the Transylvania Times newspaper once a week for four (4) successive weeks; and

**WHEREAS**, said right-of-way is represented and depicted upon the following plat:

SURVEY AND PLAT PREPARED OF CLOSURE FOR PETITIONED AREA ON WOODLAWN AVENUE, prepared for Robert J. and Ainslye L. Gilligan and Jonathan R. and Laura Carter Merrill, by Kevin D. Goldsmith, P.L.S., License Number #L-3669, 2847 Pleasant Grove Church Road, Hendersonville, NC 28739. Dated \_\_\_\_/\_\_\_\_/\_\_\_\_, recorded in the Transylvania County Registry on \_\_\_\_/\_\_\_\_/\_\_\_\_, in Plat File \_\_\_\_\_, Slide \_\_\_\_\_; and,

**WHEREAS**, the City Clerk has, in fact, sent notice to each of said abutting property owners advising them of the date, time and place of the public hearing, by copy of the City Council's Resolution of Intent, and advising said abutting property owners that the question as to the closing of said public right-of-way would be acted upon at the public hearing; and

**WHEREAS**, a notice of the closing and public hearing was prominently posted in at least two places along the street or alley; and

**WHEREAS**, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said public right-of-way, City Council find as follows:

1. The abandonment of said public right-of-way will in no way degrade the efficiency of the provision of any City service, including but not limited to garbage, fire, police, EMS, sewer / water; and
2. The closing of the public right-of-way is not contrary to the public interest and no individual owning property either abutting the alleyway or in the vicinity of said alleyway, will as a result of said abandonment, be thereby deprived of a reasonable means of ingress and egress.

**WHEREAS**, it appears to the satisfaction of the City Council that the abandonment of said public right-of-way will be in the public interest.

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:**

**Section 1.** A portion of the public right-of-way named Woodlawn Avenue depicted and denoted upon the aforementioned plat is hereby abandoned and all rights, title, and interests that may be vested in the public to said area for public purposes is hereby released to the abutting property owners in accordance with Chapter § 160A-299, as amended, of the North Carolina General Statutes.

**Section 2.** The aforementioned plat shall serve as a plat of abandonment for the purposes of this order.

**Section 3.** The City Clerk is hereby authorized and directed to file in the Office of the Register of Deeds in Transylvania County a certified copy of this Order, a copy of the published Resolution of Intent and a notarized statement that all the abutting property owners were notified by certified mail.

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

Adopted and approved this the 3rd day of January, 2023.

**L-2. Main Street Sewer Improvements Contract Award / Main Street Water Improvements Change Order Authorization.** Mr. Hooper noted that this project is time sensitive, as we hope to have this project, as well as the Main Street and Times Arcade Alley Streetscape and Stormwater Project completed prior to NCDOT's Main Street repaving this summer. This project will replace existing water and sewer service lines on Main Street between Oaklawn Avenue and Gaston Street and has a budget of \$600,000. Initially the water and sewer portions were bid together, but no bids were received. On the recommendation of Summit Engineering, the project was then split into two components and the project was rebid as a sewer only project. One bid was received from Prism Contractors and Engineers in the amount of \$280,700. Summit Engineering approached Carolina Specialties, who had recently been awarded the contract for the Whitmire Waterline Replacement, to see if they would also agree to do the Main Street waterline work. They agreed to do so at a price of \$186,295. Staff is requesting that Council approve a resolution awarding Main St. sewer work to Prism Contractors and Engineers and authorizing the City Manager to execute a contract for \$280,700, and authorizing the City Manager to execute a change order in the amount of \$186,295 with Carolina Specialties to perform Main St. waterline work. Mr. Morrow moved, seconded by Ms. Dinkins to approve the resolution. The motion carried unanimously.

**RESOLUTION NO. 2023-05****RESOLUTION AWARDING CONTRACT AND AUTHORIZING CITY MANAGER TO EXECUTE VARIOUS DOCUMENTS REGARDING MAIN ST. WATER AND SEWER LINE PROJECT**

**WHEREAS**, the City of Brevard budgeted \$600,000 for repair and replacement of underground water and sewer utilities along Main St.;

**WHEREAS**, when the water and sewer portions were bid as a package, the City received no bidders;

**WHEREAS**, on the advice of its consulting engineer, the City split the water and sewer work and sought out interested firms;

**WHEREAS**, Prism Contractors and Engineers submitted a bid for sewer work, and Carolina Specialties agreed to perform the water work as a Change Order to their existing contract.

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

A contract for \$280,700 for Main St. Sewer Line repair and replacement is hereby awarded to Prism Contractors and Engineers, and the City Manager (or his designee) is hereby authorized to execute

The City Manager (or his designee) is hereby authorized to execute a change order with Carolina Specialties for \$186,295 to add Main St. waterline maintenance and repair to the scope of work for the existing Whitmire Waterline Replacement project.

Approved and adopted this 3rd day of January, 2023.

**L-3. Water Treatment Plant Improvements.**

- a. **Accept Funding-ARPA Project Grant**
- b. **Capital Project Ordinance**

Mr. Hooper explained that this is an administrative action to accept the grant of \$4,929,000 in ARP funds for improvements to the Water Treatment Plant. Staff is requesting that Council approve a resolution authorizing the City Manager to accept the fund and to adopt a project ordinance establishing the Water Treatment Plant Improvement Project. Mr. Daniel moved, seconded by Mr. Morrow to approve the resolution and project ordinance. The motion carried unanimously.

**RESOLUTION NO. 2023-01  
BY GOVERNING BODY OF THE CITY OF BREVARD**

**WHEREAS**, the City of Brevard has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$4,929,000 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:**

- 1) That the City of Brevard does hereby accept the American Rescue Plan Grant offer of \$4,929,000.
- 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.
- 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 the 3<sup>rd</sup> day of January, 2023.

**ORDINANCE NO. 2023-01**

**CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT FOR WATER TREATMENT PLANT IMPROVEMENTS**

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

**Section 1:** The project will upgrade the major pumps used in the treatment process, and replace a forty two year old generator. The project also provides new electrical and control equipment.

**Section 2:** This project is entirely funded at \$4,929,000 through the American Rescue Plan funding from the State Recovery Fund.

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

<b>Account Number</b>	<b>Account Name</b>	<b>Budget Amount</b>
31-8540-5100	Water Treatment Plant Improv	\$4,929,000
<b>TOTAL PROJECT APPROPRIATION</b>		<b>\$4,929,000</b>

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

<b>Account Number</b>	<b>Account Name</b>	<b>Budget Amount</b>
31-3760-0150	WTP Grant – ARP - 0222	\$4,929,000
<b>TOTAL PROJECT REVENUE</b>		<b>\$4,929,000</b>

**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 January, 2023.

**M. New Business –**

**M-1. Resolution Supporting RAISE Grant Application.** Paul Ray informed Council that applications for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program are due on February 28, 2023. Staff is proposing that City Council authorize the City Manager to apply for the 2023 RAISE grant, and partner with NCDOT to secure funding to cover the cost of grant writing. NCDOT has agreed to sponsor the Ecusta Trail project including the entire 8-mile section in Transylvania County and parts in Henderson County. Alta Planning + Design has been chosen to write the grant application. Staff believes that NCDOT’s sponsorship of this project will carry considerable weight in strengthening our application. Mr. Baker moved, seconded by Ms. Dinkins to approve the resolution authorizing the City Manager to apply for a RAISE grant for the construction of the Ecusta Trail.

**RESOLUTION NO. 2023-02****A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) GRANT FOR THE CONSTRUCTION OF THE ECUSTA TRAIL**

**WHEREAS**, The City of Brevard has long valued quality multi-modal transportation infrastructure to meet the needs of our citizens, a value expressed through numerous public input efforts and planning processes over many years of various studies; and

**WHEREAS**, The City has already accepted \$1 million in grant funding through the Federal Lands Access Program for the design of the Ecusta Trail and is now seeking further funding for its construction; and

**WHEREAS**, the City has invested in multiple transportation related plans and partnered with other regional entities to develop these plans, including the: Downtown Masterplan of 2002, 2012 and 2021, the FHWA supported Ecusta Rail Trail Planning Study and Economic Impact Analysis of 2012, the Comprehensive Transportation Plan of 2007 and 2025, the Brevard Bicycle-Friendly Community Improvement Plan of 2018, the Transylvania County Bicycle Plan of 2019, the Blue Ridge Regional Bike Plan, and the Brevard Comprehensive Pedestrian Plan of 2006 and 2018, to name a few; and

**WHEREAS**, these plans and investments confirm the interest to provide efficient alternative modes of transportation such as bike, transit, pedestrian and multi-use spaces in existence and coordination with traditional vehicular use corridors; and

**WHEREAS**, the City has partnered with the North Carolina Department of Transportation on the Ecusta Trail project, and

**WHEREAS**, Brevard understands that a safe, reliable, affordable and accessible transportation system for all users is essential to the quality of life of our residents and to the health of our economy; and

**WHEREAS**, as stated in Resolution 2021-21, approved June 21, 2021, the City of Brevard has committed to taking on a lead role in securing funding, overseeing construction, and managing the public use of the section of the Ecusta Trail within Transylvania County; and

**WHEREAS**, the Ecusta Trail is a 19-mile regional trail system connecting Transylvania County to Henderson County that will bring many recreational, public health, and economic benefits to local residents and businesses within and beyond the City of Brevard; and

**WHEREAS**, the United States Department of Transportation has issued another round of its Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program, providing \$1.5 billion of funding for planning and capital investments in surface transportation infrastructure, to be awarded on a competitive basis for projects that will have a significant local or regional impact; and

**WHEREAS**, RAISE funding can support roads, bridges, transit, rail, ports or intermodal transportation that include, implement or enhance safety, economic competitiveness, quality of life, environmental sustainability, state of good repair, innovation, and partnerships; and

**WHEREAS**, the 2023 RAISE applications are due by February 28, 2023, at 11:59pm and notification of awards is expected on or before June 28, 2023.

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

**SECTION 1.** The City Manager is hereby authorized to apply for a RAISE grant and accept funding for the construction of the Ecusta Trail.

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

Adopted and approved this the 3<sup>rd</sup> day of January 2023.

**M-2. Municipal Advocacy Goals.** Mr. Hooper explained that the North Carolina League of Municipalities (NCLM) is the state's preeminent municipal advocacy and service organization. Prior to each biennial session of the North Carolina General Assembly (NCGA), the NCLM creates a list of legislative goals. These goals are the foundation of NCLM's lobbying strategy. As a member of NCLM, we are allowed to vote on what those goals are going to be. Of the sixteen proposed goals, each member organization may select their ten highest priority goals. He asked Council to select ten

of the sixteen proposals and to designate Mayor Copelof as our voting member to cast a vote on behalf of the City of Brevard. Mr. Hooper recommended the following ten priorities for Council's consideration:

- Expand federal and state resources for affordable housing
- Create an adequate and permanent funding stream for local infrastructure
- Extend deadlines for completion of federal infrastructure projects
- Expand state transportation funding streams for construction and maintenance for municipal and state-owned secondary roads
- Support integrated and multi-modal transportation solutions
- Expand incentives and funding for local economic development
- Expand incentives that encourage regionalization of water and sewer, as well as other municipal services, when appropriate
- Enhance state systems and resources for local law enforcement officer recruitment, training, and retention
- Provide state assistance for yearly financial audits, ensuring that an adequate number of auditors is available
- Provide local revenue options beyond property tax

Mr. Daniel moved, seconded by Mr. Morrow to approve the recommendation of the City Manager. Following discussion, the motion carried unanimously.

**RESOLUTION NO. 2023-03**

**A RESOLUTION ENUMERATING THE CITY OF BREVARD'S PREFERRED LEGISLATIVE PRIORITIES FOR THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES (NCLM)**

**WHEREAS**, the biennial "long-session" of the North Carolina General Assembly is scheduled to convene in January 2023; and

**WHEREAS**, during the "long-session" the North Carolina General Assembly develops the state's biennial budget, and considers new legislation; and

**WHEREAS**, in North Carolina, the General Assembly endows municipalities with their powers; and

**WHEREAS**, in North Carolina, the General Assembly may grant state funding to municipalities to fund projects of local concern; and

**WHEREAS**, for those reasons and others it is in municipalities' best interest to maintain positive working relationships with their legislators and make clear their needs; and

**WHEREAS**, on January 3, 2023 the Brevard City Council discussed in open session a list of legislative priorities that they ask the North Carolina League of Municipalities to lobby for on their behalf.

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

1) The City of Brevard identifies the following ten items as its chosen priorities for NCLM's legislative advocacy during the 2023 General Assembly;

- Expand federal and state resources for affordable housing
- Create an adequate and permanent funding stream for local infrastructure
- Extend deadlines for completion of federal infrastructure projects
- Expand state transportation funding streams for construction and maintenance for municipal and state-owned secondary roads
- Support integrated and multi-modal transportation solutions
- Expand incentives and funding for local economic development
- Expand incentives that encourage regionalization of water and sewer, as well as other municipal services, when appropriate
- Enhance state systems and resources for local law enforcement officer recruitment, training, and retention
- Provide state assistance for yearly financial audits, ensuring that an adequate number of auditors is available
- Provide local revenue options beyond property tax



2) That Mayor Maureen Copelof is designated as Brevard's voting delegate for the purposes of recording the city's ten priority goals with NCLM.

Approved and adopted this 3rd day of January, 2023.

**M-3. City of Brevard Legislative Requests.** Mr. Hooper informed Council that Rep. Mike Clampitt visited Brevard on December 6, 2022 and he suggested that the City submit to him by January 31st a list of legislative priorities that he can advocate for in the upcoming long-session of the General Assembly. This could include requests for financial earmarks and legislative changes. He encouraged Brevard to submit now rather than wait until proposals are more refined so that he could begin lobbying on our behalf. Staff has developed list of legislative requests as follows:

- Funding Requests:
  - \$300,000 for Davidson River Pedestrian Bridge
  - \$65M for Wastewater Treatment Plan Process and Capacity Upgrades
  - \$3M for Azalea/Rhododendron Sewer Extension
- Policy Requests:
  - Amend NCGS 160D-1316 to permit municipalities to support the creation of workforce housing serving beneficiaries having incomes of up to 120% Area Median Income
  - Oppose legislation that limits local authority over zoning
  - Consider legislation that opens policies and funding sources currently reserved for economic development activities to be used for the provision of affordable housing.

Mr. Morrow moved, seconded by Mr. Daniel to approve the list of legislative requests as presented. Following discussion, the motion carried unanimously.

**RESOLUTION NO. 2023-04**

**A RESOLUTION IDENTIFYING THE CITY OF BREVARD'S REQUESTS FOR THE 2023 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

**WHEREAS**, the biennial "long-session" of the North Carolina General Assembly is scheduled to convene in January 2023; and

**WHEREAS**, during the "long-session" the North Carolina General Assembly develops the state's biennial budget, and considers new legislation; and

**WHEREAS**, in North Carolina, the General Assembly endows municipalities with their powers; and

**WHEREAS**, in North Carolina, the General Assembly may grant state funding to municipalities to fund projects of local concerns; and

**WHEREAS**, for those reasons and others it is in municipalities best interest to maintain positive working relationships with their legislators and make clear their needs; and

**WHEREAS**, on January 3, 2023 the Brevard City Council discussed in open session a list of legislative requests that they feel will enable them to better serve the people of Brevard and Transylvania County

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

- 1) The "City of Brevard's 2023 Legislative Request" document, incorporated by reference, is hereby respectfully submitted to the North Carolina General Assembly for their consideration; and
- 2) The City Manager is instructed to submit, in a form acceptable to its recipients, its contents to Rep. Mike Clampitt (NC-119), Sen. Kevin Corbin (NC-50), and other appropriate parties.

Approved and adopted this 3rd day of January, 2023.

**M-4. City Council Meeting Schedule Amendment.** Mr. Hooper recommended that Council schedule its yearly Strategic Planning Session for Wednesday March 1,

2023 from 8:30 AM to 4:30 PM. This date works for the facilitator and staff. Staff also recommends that because the Strategic Planning Session is scheduled for the first week of March, that Council hold a second regular meeting in February on Monday, February 20, 2023 and that the March 6, 2023 meeting be canceled. Mr. Morrow moved, seconded by Mr. Daniel to approve the amended schedule. During discussion Ms. Dinkins said she would not be able to do an all-day meeting and asked Council to consider scheduling the Strategic Planning Session during the evening. Mr. Baker suggested breaking it up into two evenings. Ms. Dinkins moved, seconded by Mr. Daniel to table this item until the next meeting. The motion carried unanimously. Mr. Hooper will contact the facilitator to see if he is available the evenings of March 1 and March 2 and bring this back to the next meeting.

**M-5. Budget Amendment-Police Department-Governor's Crime**

**Commission Grant.** Dean Luebbe explained that the Police Department received a \$19,800 grant for the purchase of civil disturbance gear and this is a budget amendment recording the grant proceeds and increasing the budget. Mr. Morrow moved, seconded by Ms. Dinkins to approve the budget amendment. Following discussion, the motion carried unanimously.

**ORDINANCE NO. 2023-02  
AN ORDINANCE AMENDING THE FY2022-2023 BUDGET  
AMENDMENT NUMBER 19**

**SUBJECT:** Budget Amendment to increase expenditures and revenues in the General Fund for \$19,800, for a Police Grant received from the Governors Crime Commission.

**AGENDA INFORMATION**

**Agenda Location:** New Business  
**Department:** Finance  
**Contact:** Dean Luebbe, Finance Director

**BRIEF SUMMARY:** Chief Jordan began the application process for the 2021-2022 Governor's Crime Commission grant in January, 2021. The purpose of the funding was officer safety during crowd control and riots, and to provide the City with the capacity to assist neighboring jurisdictions when requested. Council passed a resolution authorizing reception of this grant and the requisitioning of funds in its implementation, on January 19, 2021. The City was awarded the grant in November of 2021. The City purchased twenty-six gas-masks, seventeen body-shields, and twenty-one side-handle batons, totaling \$19,763.49, and we received full reimbursement in December of 2022.

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

10-5100-6000 (Department Equipment)	\$19,800
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And increasing the budget in the revenue account

10-3910-0775 (Grant – Governor's Crime Commission)	\$19,800
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**ATTACHMENTS:** None

**MANAGER'S RECOMMENDATION:** Adopt as presented

Approved and adopted this 3rd day of January, 2023.

**M-6. (M-7) Paved Trails Feasibility Study Grant Program.** Aaron Bland explained that the Integrated Mobility Division of NCDOT was allocated \$2 million in one-time funding from the North Carolina General Assembly to establish a Paved Trails Feasibility Study Program. The purpose of the program is to improve the pipeline of bicycle and pedestrian projects accessing state and federal funding, resulting in successful implementation of projects led by communities prioritizing multimodal infrastructure. The Parks, Trails & Recreation Committee discussed this grant opportunity at its November 16<sup>th</sup> and December 21<sup>st</sup> meetings and came to consensus on recommending that staff apply for the grant for a feasibility study for a greenway along Old Hendersonville Highway which would connect to the future Ecusta Trail. One of the requirements of the application is a resolution of support from the participating

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

**RESOLUTION NO. 2023-06**

**A RESOLUTION OF SUPPORT FOR AN APPLICATION  
TO THE IMD FEASIBILITY STUDY GRANT PROGRAM**

**WHEREAS**, the NCDOT was allocated \$2 million for a new one-time discretionary grant program to develop feasibility studies for sidewalk and shared-use path projects in North Carolina; and

**WHEREAS**, the Parks, Trails & Recreation Committee voted to recommend the City apply to this program seeking funding for a feasibility study for a greenway adjacent to Old Hendersonville Highway, from Broad Street to Ecusta Road; and

**WHEREAS**, a greenway along Old Hendersonville Highway would provide additional connections to residential, employment, and recreation destinations including the future Ecusta Trail; and

**WHEREAS**, a greenway along Old Hendersonville Highway is identified as a priority greenway in both the 2006 Pedestrian Plan and the draft 2022 Pedestrian and Bicycle Plan;

**NOW THEREFORE, BE IT RESOLVED** that the Brevard City Council supports the application to the IMD Feasibility Study Grant Program for a study of a greenway along Old Hendersonville Highway, and authorizes City Staff to submit all the required application documents and materials.

Adopted and approved this the 3<sup>rd</sup> day of January, 2023.

**M-8. (M-9) Resolution of Support for Carbon Reduction Program Funding.**

Paul Ray explained that in 2021 the President signed the Bipartisan Infrastructure Law which authorizes a new Carbon Reduction Program (CRP) to reduce transportation emissions through the development of State carbon reduction strategies and by funding projects designed to reduce transportation emissions. Nationally, \$1.234 billion has been authorized for FY 2022. CRP funding may be used on projects that support the reduction of transportation emissions, including a transportation alternative such as the construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation. Consideration is also given to projects that support underserved communities. Staff believe the ¾ mile Tannery Park section of the Estatoe Trail is a strong project for CRP funding as this project clearly demonstrates a low carbon, connectivity model in the emergent field of urban green design and is located on city-owned land through a historically underserved part of town. An approved Brownfield Agreement and Environmental Management Plan provide the regulatory guidance and permissions from NCDEQ, and full design plans have been completed by an engineering firm. This section of the trail is separated by Silversteen Drive. The northern side, crossing the brownfield, is estimated to cost \$592,000. The southern side ends at Rosman Highway and is estimated to cost \$295,000. An environmental survey or categorical exclusion document will be necessary prior to construction, and 10% will go to NCDOT for managing the project. The City's grant application will be for one million dollars. If approved, the City would pay a local match of \$200,000 from the Multi-Use Path Fund. Applications are due to NCDOT by March 17, 2023, with notifications expected to be made in June, 2023. Mr. Morrow moved, seconded by Ms. Dinkins to approve the resolution of support for an application to the Carbon Reduction Program. Following discussion, the motion carried unanimously.

**RESOLUTION NO. 2023-07**

**A RESOLUTION OF SUPPORT FOR AN APPLICATION  
TO THE CARBON REDUCTION PROGRAM**

**WHEREAS**, the Bipartisan Infrastructure Law authorizes 1.234 billion in funding for FY 2022 for a new Carbon Reduction Program to reduce transportation emissions by funding projects designed to reduce transportation emissions and increase safety; and

**WHEREAS**, an objective in the Environmental Health Element of the 2015 Comprehensive Plan is the reduction of the City's carbon and ecological footprint; and

**WHEREAS**, the City of Brevard is committed to collaborating across all safety stakeholders including Land of Sky Regional Planning Organization and North Carolina Department of Transportation

to increase the safety of all road users, including those who walk, bike, drive, ride transit, and other modes of travel to lessen impact forces to the environment, promote good health and reduce injuries; and

**WHEREAS**, providing safe accommodations for walking and bicycling can help to reduce automobile dependency, which in turn leads to a reduction in vehicle emissions - a benefit for North Carolinian and the surrounding environment; and

**WHEREAS**, the Parks, Trails & Recreation Committee has been notified of CRP funding as an opportunity to construct sections of the Estatoe Trail; and

**WHEREAS**, the Estatoe Trail begins in Pisgah National Forest, the most frequently visited national forests in the country and connects people to shopping, hospitals, schools and industry via multi-use path, and the Tannery section will connect the Rosenwald neighborhood, a historically marginalized, underserved community of disinvestment, to a public, non-motorized greenway system.

**NOW THEREFORE, BE IT RESOLVED** that the Brevard City Council supports the application to the Carbon Reduction Program to fund the construction of the Estatoe Trail through Tannery Park in the Rosenwald Community and authorizes City Staff to submit all the required application documents and materials.

Adopted and approved this the 3<sup>rd</sup> day of January 2023.

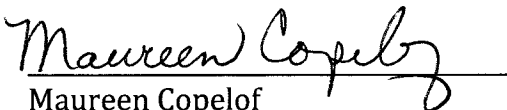
**N. Remarks/Future Agenda Considerations.**

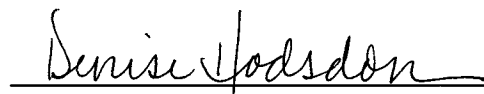
Mr. Baker said I want us to have options available for funding the Tannery section of the multi-use path ourselves the day we know that we did or did not get that grant. I think we also need to get the engineering done now on the next section. We can't always wait for the money to magically appear. I am appreciative of how much work staff puts into looking for and applying for these grants. I think on our end it is more of the administrative part of how do we make sure when we do apply for those grants that it doesn't represent potentially a slowdown in the whole process, which is what I don't want to see anymore.

Mayor Copelof thanked staff who worked over the holidays. We had really cold weather and it took a lot of extra effort at our Water Plant and Wastewater Treatment Plant and I appreciate the dedicated efforts to keep our services going under tough conditions. Also thank you to our Police and Fire Department for keeping the community safe through the holidays. It is easy to forget when we are with our families that there are people on watch and keeping everything going. I think today showed a lot of what we are going to be talking about at our strategic planning meeting. It was good to see a lot of the infrastructure funding that we've got, but also that long-range strategic look at what do we need to do to position this city so that we are ready for the next three or four decades in terms of our critical infrastructure. I want to commend everybody that worked to get the \$5M grant for the Water Treatment Plant, we've got the water and sewer upgrades going in on Main Street, and we are starting the discussion with Rep. Clampitt. The next Meet the Mayor session is on January 12<sup>th</sup> from 10:00 to 11:30 AM in the Council Chambers at City Hall.

**O. Closed Session(s) – None.**

**P. Adjourn** – There being no further business, at 7:15 p.m. Mr. Daniel moved, seconded by Mr. Baker, to adjourn the meeting. The motion carried unanimously.

  
Maureen Copelof  
Mayor

  
Denise Hodsdon, CMC  
City Clerk

Minutes Approved: January 17, 2023