

**MINUTES**  
**City Council Parks, Trails, & Recreation Committee**

**Thursday, June 9, 2022 at 3:30 PM**  
City Hall Council Chambers

Members Present: Mac Morrow, Chair, Council Member  
Aaron Baker, Vice-Chair, Council Member  
Steve Harrell, Interim City Manager (via Zoom)  
David Lutz, Public Works Director  
Howie Granat, Citizen Member  
Nancy DePippo, Citizen Member (via Zoom – left at 4:02 pm)  
Matt Christian, Citizen Member (via Zoom)  
Ryan Olson, At-Large Member

Absent: Paul Ray, Planning Director  
Tim Robinson, Citizen Member

Staff Present: Mack McKeller, City Attorney (via Zoom from 4:05 to 4:37 pm)  
Aaron Bland, Assistant Planning Director  
Denise Hodsdon, Executive Assistant

Guests: Caitlyn Murray, Mary Jo Gordon and Josh Shober of TYSA

**A. Welcome & Call to Order**

Committee Chair Mac Morrow welcomed everyone and called the meeting to order at 3:30 pm.

**B. Certification of Quorum**

Quorum was certified by Executive Assistant Denise Hodsdon

**C. Approval of Agenda**

Motion by Mr. Baker, seconded by Mr. Granat, to approve the agenda as presented. The motion carried unanimously.

**D. TYSA Lease Proposal**

Mr. Harrell explained that subsequent to our meeting with TYSA on April 20, 2022, TYSA has found an anonymous donor for the turf, lights and bleachers for the soccer field and they have come back with an alternative to their previous proposal. The latest

proposal includes a request for a 10-year lease with automatic renewal and a Memorandum of Understanding (MOU) between TYSA and the City of Brevard, contingent on the following:

- The City will agree to reimburse TYSA for the development cost raised by TYSA plus statutory interest if the City terminates the lease after one or more renewal periods;
- Engineering or other due diligence must confirm the site has the size and characteristics necessary to host a turf surface field and related facilities; and
- TYSA must have the ability to review other local sites for suitability during an initial due diligence period of 90 days.

Mr. Harrell noted that the proposed MOU (copy attached) was capping the lease at 10 years because under state statute if the City is entering into a lease that is greater than 10 years, it would need to be treated as if it was a sale and the City would be required to give others opportunities to bid on that lease. However, City Attorney Mack McKeller advised that there is a statute that allows the City to lease to a non-profit operating a facility to fulfill a public purpose for a period longer than 10 years.

Additionally, TYSA would like the City to fund a portion of the project such as restroom facilities and parking. Caitlyn Murray of TYSA said that they understand that the City may not be able to provide any funding and there is no expectation that the City will pay for anything. Mr. McKeller noted that the parking lot has to be shared with Little League in addition to soccer and cannot be under the management of TYSA.

During discussion, Caitlyn Murray said that TYSA is eager to have the MOU approved sooner than later so that they can begin their fundraising. She said the donors are ready to move forward with the project.

Mr. McKeller advised that when we start getting down to specifics of a lease in the MOU, that is going to be the sticking point. He suggested that we could change it to something less specific and just say we will consider a long term lease. He recommended that the Committee make whatever modifications it wishes to the MOU, make sure that TYSA is okay with it and that it gives them what they need to move forward with their fundraising, and vote to take that to City Council at their June 20<sup>th</sup> meeting with recommendation to approve.

Following further discussion, motion by Mr. Olson, seconded by Mr. Baker to approve the proposed Memorandum of Understanding with modification to the Therefore section, Item C to remove some of the specificity of the details of the lease agreement to be further discussed and negotiated between TYSA and the City, otherwise the remaining items stand as written.

Mr. McKeller requested that the motion be amended to modify Item C to read “consider a long term lease between the City and TYSA beginning upon commencement of construction of the said improvements by TYSA after further negotiations between the parties.” Mr.

Olson and Mr. Baker agreed to the amendment. Vote on the amended motion was 6 in favor and 1 opposed (H. Granat). The motion carried.

**Additional Comments:**

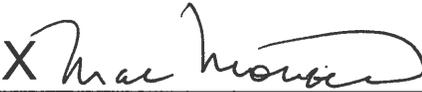
Mr. Morrow asked Mr. Lutz for an update on the Railroad Avenue to Main Street portion of the Estatoe Trail. Mr. Lutz reported that we are two weeks away from the contractor being able to restart the construction because they are waiting on supplies. It will be at least another month after they restart before it will be complete barring any unforeseen circumstances.

Mr. Granat reported that work continues on fundraising for the Bracken Preserve extension. He hopes to have a strategic plan to bring to the next meeting.

Mr. Baker reported that City Council voted this week to enter into a lease with Conserving Carolina for the Ecusta Trail.

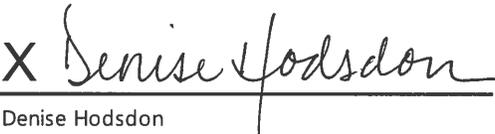
**E. Adjourn**

There being no further business, the meeting was adjourned at 4:52 pm.

X 

Mac Morrow,  
Chair, Council Member

Minutes Approved: August 17, 2022

X 

Denise Hodsdon  
Executive Assistant

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN TRANSYLVANIA YOUTH SOCCER ASSOCIATION AND**  
**THE CITY OF BREVARD, N.C., IN REGARD TO RENOVATION AND MANAGEMENT OF**  
**THE ECUSTA FIELD**

**WHEREAS**, the sole purpose of this Memorandum of Understanding is to memorialize an agreement between the City of Brevard (City) and the Transylvania Youth Soccer Association (TYSA); and

**WHEREAS**, the City has long-championed projects benefiting youth and providing opportunities for recreation in the community; and

**WHEREAS**, the Ecusta Field, a currently operating soccer field located on property owned and managed by the City at 324 Ecusta Road in Brevard, North Carolina, does not at this time provide quality playing experiences for users of the field in its current condition and is in need of renovations, including field turf, lights, fencing and seating, to function at its full capacity; and

**WHEREAS**, TYSA, a nonprofit organization whose mission is to foster the physical, mental, and emotional growth of youth in Transylvania County, NC, through the sport of soccer, has presented a proposal and site plan to the City to renovate the Ecusta Field, located in the Brevard Sports Complex (324 Ecusta Road, Brevard, NC 28712); and

**WHEREAS**, the TYSA has secured match funding from anonymous donors to jumpstart a capital campaign to renovate the Ecusta Field with turf, lights, fencing and seating; and

**WHEREAS**, the renovated Ecusta Field will bring many recreational, health, and opportunities to youth and adults within and beyond the City of Brevard, and

**WHEREAS**, the Brevard City Council has, by resolution duly adopted authorized the City Manager to enter into this Memorandum of Understanding.

**THEREFORE**, the City of Brevard and the Transylvania Youth Soccer Association agree it is in the best interest of all concerned to enter into this Memorandum of Understanding in which the City of Brevard and TYSA agree to:

a) allow TYSA to secure funding for and oversee the aforementioned renovations to the Ecusta Field; and

b) allow TYSA to manage public use of the Ecusta Field after construction under rules established by the City to ensure exclusive use by the public, and

c) consider a ten (10) year lease, after appropriate public notice per N.C.G.S. 160A-272, at a rate of \$10/year between the City and TYSA beginning upon commencement of construction of the said improvements by TYSA.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Transylvania Youth Soccer Association, Inc  
A North Carolina Nonprofit Corporation, by:

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Executive Director

City of Brevard, North Carolina  
A Municipal Corporation, by:

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Steve Harrell  
Interim City Manager