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

The Brevard City Council met in regular session on Monday, February 5, 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, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Human Resources Director Kelley Craig, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Deputy Fire Chief Bradley Elmore, Acting Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, Water Treatment Plant ORC Dennis Richardson and Community Center Director Tyree Griffin

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 Ken Albright of Lutheran Church of the Good Shepherd offered an invocation.

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

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

E. Approval of Agenda – Attorney McKeller asked to add an additional closed session regarding a property acquisition matter. Mr. Morrow moved, seconded by Ms. Holder to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F.1 – January 16, 2024 Regular Meeting – Mr. Wise moved, seconded by Ms. Holder to approve the minutes of the January 16, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Morris Jenkins of 148 W. Probart Street said I am here about the Probart Street traffic calming. A group of us have been working on this with several people on the Council and the City over the last year and we also worked with the Public Safety Committee. We are concerned because of increased speed and volume of traffic on Probart; as well as narrowing of the road; increased number of large trucks, which don't always obey the yellow line; and also increased bicycle traffic as we are a bicycle-friendly town. I would like to thank the people from the City who have helped us: City Manager Wilson Hooper, Brevard City Staff, the Public Safety Committee, which is chaired by Aaron Baker now, Mac Morrow and formerly Maurice Jones; also Mayor Copelof, as well as Police Chief Tom Jordan and Fire Chief Robert Cooper and our citizen representative Kevin Gallo. I also want to announce and invite anyone who has an interest in traffic on Probart, who is a stakeholder, to come to a meeting scheduled for next Monday, February 12th at 6:00 pm at the Mary C. Jenkins Center. That is an information-gathering and survey meeting for people with an interest in this issue of traffic calming.

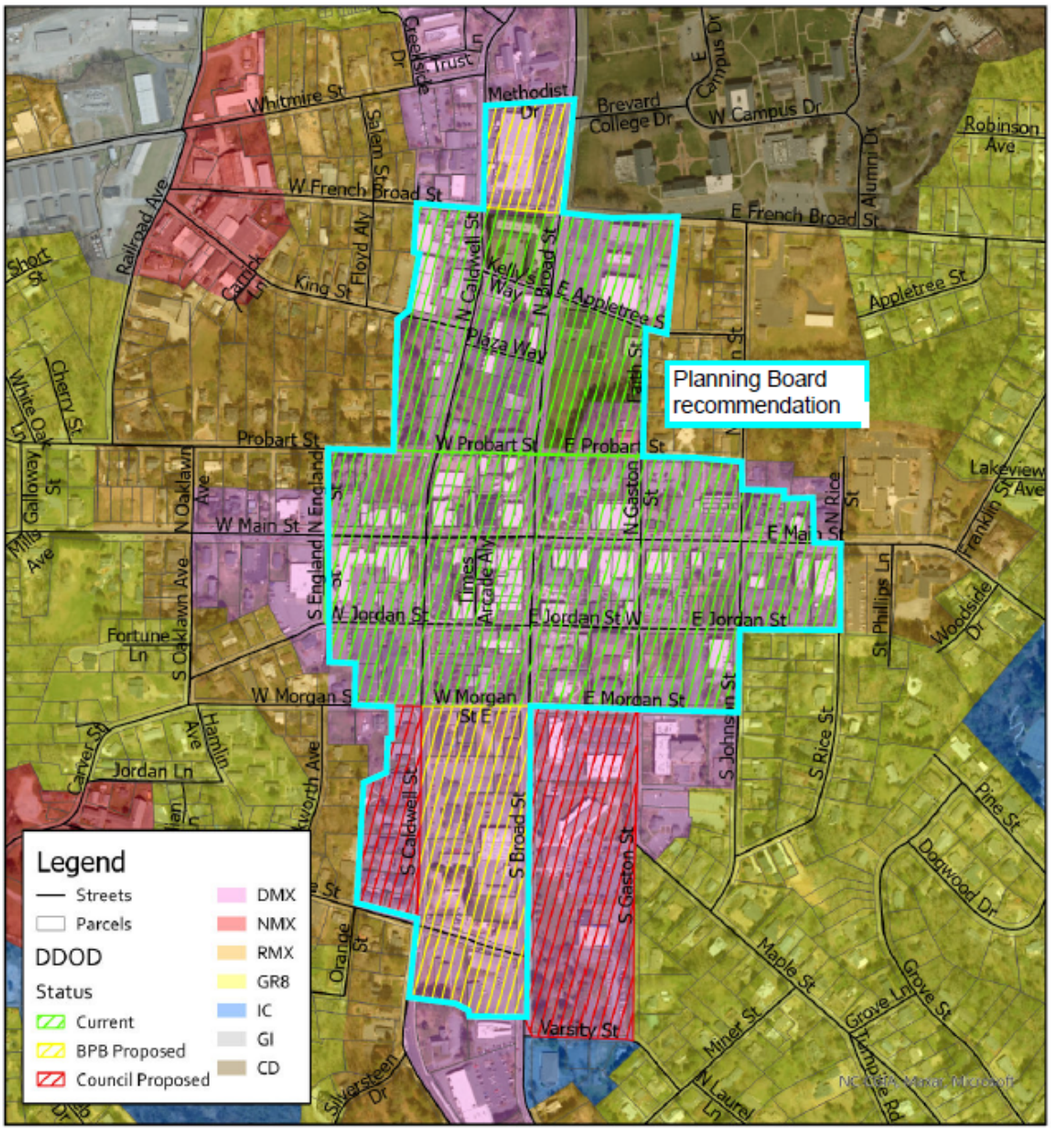
H. Certificates/Awards/Recognition – None.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Additional Proposed Rezoning / Expansion of Downtown Overlay District – Aaron Bland recalled that on November 6, 2023 Council voted to enlarge the Downtown Development Overlay District (DDOD), an overlay district in the heart of downtown which has a build-to line as its primary requirement on top of the typical Downtown Mixed-Use Zoning District requirements. Prior to Council voting on the expansion, the Planning Board reviewed the map amendment and forwarded a recommendation to Council that would have enlarged the area to be rezoned, but the City Attorney noted that the UDO does not grant the Planning Board the authority to make a recommendation that enlarges the rezoning area. Given that advice, Council voted to approve the original expansion area proposed by Staff, but in their discussion expressed interest in the expanded area proposed by the Planning Board and instructed Staff to initiate a second map amendment to enlarge it further.

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



Mr. Bland presented the above map and explained that the green hatching represents that newly extended area which goes up to W. French Broad Street. The Planning Board's original enlarged recommendation is the yellow-hatched area, including College Plaza to the north and the areas between Caldwell and Broad Streets

going south to just before Cardinal Drive-in. Council expressed interest in going on the other side of Broad and Caldwell Streets, one parcel deep, and that area is indicated by the red hatching. Mr. Bland noted that on the Broad Street side that is all County property and goes all the way to Gaston Street; and on the Caldwell Street side, it is approximately half-way through the block to Duckworth Ave. When the Planning Board discussed this second expansion on December 12th, they made the recommendation that the DDOD be further expanded as outlined in blue, which includes the Caldwell Street frontage on the opposite side, but not the Broad Street frontage on the opposite side. The reasoning is because it is all County facilities and it is not parceled out for development like Caldwell Street, and the library is already built close to the sidewalk.

Mr. Bland noted that one project that is now underway that had not yet been initiated when the first DDOD expansion went before the Board is the rewrite of Chapter 5 of the UDO, which includes all the City's architectural standards. Part of the scope of the Chapter 5 rewrite will include adding specific architectural requirements and standards to the DDOD. Right now, the only real requirement is the build-to line or a maximum setback, but this project will include some more form-based code type requirements for this district. Staff believes expanding the DDOD too far beyond the downtown city center could be problematic when adding these standards and recommends careful consideration of further expansion to the DDOD until these new standards are in place.

Mayor Copelof opened the public hearing at 5:45 PM.

Public Hearing Public Participation – There were no public comments at the meeting. However, Doug Harris offered the following comments via email prior to the meeting and requested they be submitted for the record:

"First, let me apologize for my not being able to attend this public hearing. A matter before the Board of Education has come up on short notice and pulled me away. A difficult decision that I hope you understand.

I would like to address the proposed extension of the Downtown Brevard Overlay District. I am a retired architect with nearly 40 years of experience, having practiced in Brevard for more than 25 of those years. My wife and I were the principals of Harris Architects in Brevard, having completed several projects for the City over those years. My experience includes urban design as well as building projects.

I spoke at the hearing last Fall about the first extension to the Overlay District and my comments here are similar to those. Conceptually, I fully support the proposed extension of the district. I think it will strengthen what we love about downtown Brevard and enlarge the area of the City that exhibits those qualities.

My concerns have to do with the location of the lines defining the proposed district. With this type of proposal or design, what should be focused on is not the buildings but the street. It is the space being designed by the ordinances. The buildings, regulated by the ordinances, are the walls that define the outdoor rooms or the streets. In urban design, the streets are referred to as the negative spaces but are the spaces being designed.

Think about where the public or community life of Downtown Brevard takes place. It is not inside the buildings. It is between the walls, faces or facades of the buildings, in that linear outdoor room called the street. That is what your ordinances should focus on.

The lines defining the district should generally be moved back and be located mid-block so both sides of all streets will be developed with the same design characteristics or according to the same design rules.

You might envision a street as a room with the district line running down the middle, as the proposal before you now proposes in several areas. One set of rules applies to the left wall and a different set of rules applies to the right wall. The left wall is required to be 12' tall and have stained wood paneling while the right wall is required to be 20' tall and have classical columns and crown molding, all painted white. The resulting room would be odd and very unpleasant. Admittedly, this is an absurd example but gives you an idea why, when you think about the street as the room, the same rules or ordinances should apply to both sides.

I suggest to the Council that the location of boundary lines for the proposed extension of the Downtown Overlay District be revised so both sides of all streets carry the same requirements on both sides of the street. In most cases this means both sides of the street will carry the higher density, more urban requirements. In a few cases it means one side of the street should lose its more urban designation and stay lower density or more residential in character to match the opposite side of the street."

Mr. Hooper informed Council that the County Manager has advised that the County Commissioners plan to submit comments following their upcoming meeting next week. When those comments are received, they will be distributed to Council for consideration.

Public Hearing Closed – Mayor Copelof closed the hearing at 5:46 PM and then opened it up for questions from Council.

Mr. Baker requested to see at the next meeting an analysis of which properties within the yellow and red areas are currently in compliance with the expanded district and which ones would not be in current compliance.

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

K-1. Property Tax Releases – January, 2024

RESOLUTION 2023-05

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 September 2023 property values from the tax scroll in the amount of:

2023: $ 9.06

Adopted this the 5th day of February, 2024.

K-2. Quarterly Pedestrian/Bicyclist Incident Report

K-3. Police Department Annual Report

K-4. Fire Department Annual Report

K-5. Council Parks, Trails and Recreation Committee Minutes – October 18, 2023

K-6. Council Downtown Master Plan Committee Minutes – November 8, 2023

K-7. Council Finance, Human Resources and Citizen Appointment Committee Minutes – November 27, 2023

K-8. Council Public Safety Committee Minutes – November 27, 2023

K-9. Rosenwald Community Advisory Board Minutes – November 28, 2023

L. Unfinished Business – None.

M. New Business.

M-1. Board/Committee Appointments

M-1-a. Ecusta Trail Advisory Board – Mr. Daniel moved, seconded by Ms. Holder to appoint Madeline Hanley to the Ecusta Trail Advisory Board. The motion carried unanimously.

RESOLUTION NO. 2024-03

RESOLUTION APPOINTING MEMBER TO BREVARD/TRANSYLVANIA COUNTY ECUSTA TRAIL ADVISORY BOARD

WHEREAS, in Fall 2022 the City of Brevard City Council held a work retreat to reform its committee structure; and

WHEREAS, the Council initiated a new system for making appointments that would apply to every body to which the Council makes appointments which includes the Brevard/ Transylvania County Ecusta Trail Advisory Board; and

WHEREAS, the Finance and Human Resources Committee was renamed the Finance, Human Resources and Citizen Appointment Committee and charged with reviewing applicants for the various committees/advisory groups and making appointment recommendations to the full Council; and

WHEREAS, a seat on the Brevard/Transylvania County Ecusta Trail Advisory Board opened upon the resignation of Lauren Wise to serve on City Council; and

WHEREAS, under the direction of the Finance, Human Resources and Citizen Appointment Committee, city staff conducted an open recruitment for citizens interested in serving on the advisory board; and

WHEREAS, the applications received during the recruitment period were reviewed by the Finance, Human Resources and Citizen Appointment Committee at their January 22, 2024 meeting;

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee voted to recommend Madeline Hanley to full City Council for appointment.

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

1) The Brevard City Council does hereby appoint Madeline Hanley to the Brevard/ Transylvania County Ecusta Trail Advisory Board effective immediately.

Adopted and approved this the 5th day of February, 2024.

M-2-a. Brevard Housing Authority – Mr. Wise moved, seconded by Mr. Morrow to reappoint Jennifer Kerr to the Brevard Housing Authority. The motion carried unanimously.

RESOLUTION NO. 2024-04

RESOLUTION REAPPOINTING MEMBER TO BREVARD HOUSING AUTHORITY

WHEREAS, the Brevard City Council's Finance, Human Resources and Citizen Appointment Committee is charged with reviewing applicants for the bodies to which the City appoints members and making appointment recommendations to the full Council; and

WHEREAS, the term of a member of the Brevard Housing Authority expired in November 2023; and

WHEREAS, board incumbent Jennifer Kerr applied for reappointment; and

WHEREAS, Ms. Kerr's reapplication to the Brevard Housing Authority was reviewed by the Finance, Human Resources and Citizen Appointment Committee at their January 22, 2024 meeting;

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee voted to recommend Jennifer Kerr for reappointment.

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

1) The Brevard City Council does hereby reappoint Jennifer Kerr to the Brevard Housing Authority effective immediately and expiring in November 2028.

Adopted and approved this the 5th day of February, 2024.

N. Remarks/Future Agenda Considerations.

Mr. Wise said I was sad to see we have six more weeks of winter, but this hasn't been the most grueling winter yet and we've got to get one snow. A couple of us were just at a gathering of leaders called Perpetuating a Special Place about how we feel about Brevard, how it's growing, and the sense of community here. It was really encouraging to see that there are a lot of people in the community who are interested in trying to find the path forward, for not just Brevard, but the county as a whole, and especially how we merge together the City and County relationship. I just wanted to let you know that that's being talked about and I'm excited to see how that moves forward.

Ms. Holder said my heart is concerned tonight about persons who have either overdosed or committed suicide. I don't know how we move forward in addressing that as a community, as a Council, but I want to move forward personally to find out what we can do and would like to perhaps come to you at a later time with suggestions and ideas as I plow through this emotional feelings of what's going on in our community.

Mr. Daniel said I have a couple of things I would like to address to Chief Jordan regarding the Police Department Annual Report. I notice that crime is up very slightly and that our arrests are down by 25%. I think I probably know the answer, but I would like some clarification on that. The other thing is we just started our parking enforcement and I would like to see the information that we gather on that as well at a later date.

Mr. Hooper reported that the Social District starts on Friday at 11:00 am. It was in the paper last week and Becky is going to do some other releases this week. I just wanted to give everyone fair warning that you might see some folks walking around with their cups on Friday afternoon.

Mayor Copelof said I was pleased to see the number of people volunteering to be on our committees. We have talked a lot about civic engagement, about participation, about having your voice heard, and this is one of the key ways that you can do that. It's a wonderful problem to have more applicants than we have openings. I encourage people, even if you are not selected to serve on a board, that all of our boards are open to the public and everybody is welcome to those board meetings. At the end of meetings, there is almost always time when public input is accepted by the chairman of that particular committee. The boards and committees meet on a consistent bases and the schedule is on our website. If there are topics you are interested in or concerned about, this is a wonderful way to get them into our system. Even if you are not an official member, you can certainly come and hear the conversation about what is being worked on. The traffic calming on Probate Street is a wonderful example. That was brought to our Public Safety Committee by the public and now we are moving forward with some ideas. We are holding that public meeting to get more public input so that we can make an informed decision on how to use resources to try and do the traffic calming based on what the community really feels is needed. I am very happy to announce that we have been officially designated a Bronze Level Bicycle Friendly City. Thank you to the Planning Department who worked so hard in putting in our application. This reflects the vision that we are going forward, to try and have that multi-modal transportation, to make it more bikeable, to make it more friendly and create that healthy environment. We are one of 479 other cities that are officially Bike Friendly cities and we will continue to work toward Silver Level. Last Friday we had a wonderful White Squirrel Day and there were approximately 60 people from the community who came to watch Pisgah Penny, our official White Squirrel ambassador, declare that we are going to have six more weeks of winter. A big thank you to the White Squirrel Institute for putting that on. They are a non-profit that raises money for the rehabilitation of injured animals, not just squirrels. When an animal is injured, you have to take it to a licensed rehabilitator to try and have it recover. Pisgah Penny was

hit by a car and has injuries that do not allow her to be released back into the wild, so the only way she can survive is to live at the rehabilitation center and she fulfills her duty and responsibility to the city as our ambassador. A big thank you to Pisgah Penny, who did an incredible job. Two weeks ago we held our first Age Exchange Forum, an initiative to try to break down some of those silos that exist. It is sort of aligned with the meeting that a number of us were just at in terms of creating more unity. This is to bring people of different generations together to talk about a particular subject. Over 90 people between the ages of 11 and 94 attended the first forum. We will continue to do this with the idea of creating social environments and activities where people can meet people that are outside of your normal sphere. The next one is on February 17th from 11:00 am to 1:00 pm at the Porter Center and we are going to talk about nature; how different generations view the environment and that how viewpoint impacts their lives. There will be four speakers, each representing a different generation, and it is free to attend. The next Meet the Mayor is on February 22nd from 11:30 am to 1:30 pm at the Mary C. Jenkins Community Center.

O. Closed Session

Closed Session #1 – At 6:06 p.m. Mr. Morrow moved, seconded by Ms. Holder to enter into closed session to discuss a potential litigation matter 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, City Clerk Denise Hodsdon, and Water Treatment Plant ORC Dennis Richardson.

Council Returned to Regular Session – at 6:26 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.

Closed Session #2 – At 6:27 p.m. Mr. Wise moved, seconded by Mr. Baker to enter into closed session to discuss a property acquisition matter. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, City Clerk Denise Hodsdon, and Planning Director Paul Ray.

Council Returned to Regular Session – at 6:52 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 6:52 p.m. Mr. Baker moved, seconded by Mr. Daniel, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof	Denise Hodsdon, CMC
Mayor	City Clerk

Minutes Approved: February 19, 2024