MINUTES
BREVARD CITY COUNCIL
Regular Meeting
March 17, 2025 – 5:30 PM

The Brevard City Council met in regular session on Monday, March 17, 2025, 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, Lauren Wise and Pamela Holder

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant to the City Manager Selena Coffey, Planning Director Paul Ray, Senior Planner Emily Brewer, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, Water Treatment Plan ORC Dennis Richardson, and Community Center Director Tyree Griffin

Guests/Presenters – Travis Keever, Gould Killian CPA Group; Juan Mullerat and Dylan Gehring, Plusurbia

Press – Dave Bradley, Transylvania Times.

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

B. Invocation – Rev. Veranita Alvord of Brevard First United Methodist Church offered an invocation.

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

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

E. Approval of Agenda – Attorney McKeller asked to add a closed session to discuss a potential litigation matter as Item O-2. Mr. Baker moved, seconded by Mr. Wise to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. February 17, 2025 Regular Meeting – Mr. Morrow moved, seconded by Ms. Holder to approve the minutes of the February 17, 2025 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Rodney Locks of 187 S. Rice St. said I attended your workshop on March 7th. My first impression was that it was well organized, you were very cordial to each other, and you agreed with each other in most cases. I like the triangle you had for priorities – recruitment, housing and tourism. You discussed essential services and core services, but when I think of tourism, I think of it as the icing on the cake. I was expecting you to prioritize the cake, and the cake are the people who live here. People who work in Brevard cannot afford to live in Brevard. We need high-paying jobs and means to get to high-paying jobs. New homes are affordable to build, but not affordable to rent or buy. This year I hope you will make the citizens of Brevard a higher priority. You have tough decisions; are you going to make the next tax rate an increase or revenue neutral? Are you going to work closer with the County Commissioners, because both of you are in the same boat. If you sink, they sink. Are you going to fill these vacant buildings around town? You have tough decisions to make, and I just hope you make the right ones.

Dr. Paula Hartman-Stein of 249 Pine Mountain Trail gave an update on Age-Friendly Brevard initiatives. She said on March 6th we sponsored, along with AARP, a summit on safely aging in place and we had a record number of 92 people attend. The feedback was excellent. On Thursday of this week, I am sitting in for our Mayor at a national forum. The topic is the domino effect, that is how age-friendly programs have connected with and impacted organizations throughout the Brevard area.

Harvey Sankey of 51 Lake House Trail said I am here concerning a statement that was made and signed by all City Council members and the Mayor concerning immigration-related law enforcement. I would like to challenge each Council Member and Mayor tonight in the remarks section to state specifically that the City of Brevard is not a sanctuary city. This statement was a little wishy-washy. I know how it was arrived at, but I will not go over it again. There was one important person on this dais who raised reservations about this, and that person also raised reservations about this statement in the end also. I think this statement was virtue signaling and it also caused anxiety and concern that some of our neighbors are feeling about this statement. They are saying "we're a sanctuary city?" They have a lot of fear about the fact this may indicate that it is a sanctuary city. Also, this may affect federal funding if we're considered a sanctuary city. So, I'd like each one of you to make a specific comment about whether or not we're a sanctuary city tonight. If you don't make that comment, I would assume you agree that we are a sanctuary city.

Doug Powell of 170 Oakdale Rd. said I am here to speak against the Azalea so-called affordable housing project that is being proposed. We can all agree that our local workforce needs lower-cost housing and better paying jobs. This is not a debatable issue. I am not here to question your motives with this project because only you know what those are. The challenge before us is will building this low-income housing project just outside of Brevard city limits help or hurt our community and its quality of life. History of these tax credit programs, and its Section 8 requirements point to a resounding no. Everyone's idea of success for projects such as this is different to each individual. For many on the Council, it might be just getting the building built and doing something. But the nature of the funding and the federal tax credits needed to fund this project will not allow the stipulations necessary to keep this community safe. If this project is truly to bring affordable workforce housing to Brevard, then why isn't there a requirement to be employed in order to live there. That's simple – because it goes against fair housing laws. And if this project is being sold as a net positive to our community and our quality of life, why aren't there any requirements for clean and sober living? Again, because this would be illegal for a government-funded concept. So, the question really is, if the project is funded and built, will it make us all feel good, or will it actually do good? Mr. Powell referenced four projects in Asheville that promise similar housing solutions and said on any given day these affordable housing solutions are notorious for draining valuable emergency resources of police, fire and EMT to respond to drug and violence issues. This in turn slows emergency response times for the rest of the citizens of Asheville. He said before voting on this plan, please take a City Council field trip to these apartment buildings and see what you're planning to bring to Brevard. He read a Yelp review from a prior resident of one of the Asheville properties and said I hope the Council thinks twice before moving forward.

H. Certificates/Awards/Recognition

H-1. Recognition of Emory Owen – Mayor Copelof read Proclamation No. 2025-04 Honoring Emory Owen on His Retirement, Declaring March 31, 2025 through April 5, 2025 as "Emory Owen Week" and Bestowing Emory Owen a Key to the City. She presented the Proclamation and Key to the City to Mr. Owen, together with a plaque in recognition of his 45 years of service to the City of Brevard. Mr. Owen was accompanied by his wife Krista, daughter Alexandra, and grandsons Theo and Sawyer.

PROCLAMATION NO. 2025-04
A PROCLAMATION HONORING EMORY BAINE OWEN ON HIS RETIREMENT, DECLARING MARCH 31, 2025 THROUGH APRIL 5, 2025 AS "EMORY OWEN WEEK", AND BESTOWING EMORY OWEN A KEY TO THE CITY

WHEREAS, Emory Baine Owen is a Transylvania County native who began working for the City of Brevard part-time in 1979 and full-time in 1980 for the Public Works Department; and

WHEREAS, in 1983 Emory transitioned to the Wastewater Treatment Plant where he has served to this day; and

WHEREAS, over the years Emory achieved higher degrees of certification in his field, reaching the highest industry grade of IV in 1999; and

WHEREAS, his unique mixture of knowledge and experience earned him a promotion to Plant Superintendent in 2016; and

WHEREAS, throughout his career Emory has brought best practices from his industry to Brevard, including the region's first industrial pre-treatment program and notable efficiency improvements to his physical plant; and

WHEREAS, Emory's work helps preserve Brevard values—conservation, recreation, community health; and

WHEREAS, Emory's public service spirit is also present in his personal life where he has been heavily involved with Mud Creek Baptist Church and charitable groups such as The Carpenter's Hand Ministry and United Way; and

WHEREAS, Emory's long and fruitful forty-five-year career is a model of public service, and the City of Brevard owes him a debt of gratitude.

NOW, THEREFORE, BE IT PROCLAIMED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BREVARD THAT:

1. This body expresses to you, Emory Owen, on behalf of our citizens and officials, our thanks, appreciation, and deep gratitude for your forty-five years of service to the City of Brevard and its residents.
2. March 31, 2025, through April 5, 2025, shall be recognized as "Emory Owen Week" in the City of Brevard, and its observance commended to all Brevard's residents.
3. A Key to the City is hereby bestowed to you, Emory Owen, in recognition of the character of your long service—faithful, effective, invaluable—and the contributions you have rendered to the City of Brevard and its residents.

IN WITNESS WHEREOF, we have set our hands and executed the Great Seal of the City of Brevard on this the 17th day of March 2025.

s/ Maureen Copelof, Mayor
s/ Mac Morrow, Council Member
s/ Pamela Holder, Council Member
s/ Gary Daniel, Mayor Pro Tem
s/ Aaron Baker, Council Member
s/ Lauren Wise, Council Member

Attest: s/ Denise Hodsdon, City Clerk

I. Special Presentations

I-1. City of Brevard Annual Independent Audit for Year Ending June 30, 2024 – Mr. Hooper noted a correction to the staff report that indicated we had no Financial Performance Indicators of Concern (FPIC) and said that there is one FPIC. He introduced Travis Keever of Gould Killian CPA Group to share the results of their independent audit for the year ending June 30, 2024. Mr. Keever gave a PowerPoint presentation (copy attached) and reported that they issued an unmodified (clean) opinion on the June 30, 2024 financial statements; the financial statements conform with generally accepted accounting principles; they reported no material weaknesses in internal control; and no instances of reportable noncompliance with federal or state grant awards. He explained that the Local Government Commission (LGC) has a benchmarking program that they call Financial Performance Indicators of Concern, and they ask auditors to submit financial data measured against certain benchmarks for thresholds they have put in place, and if anything related to the city's financials trips one of those thresholds, it has to be presented at a public meeting. The City had one FPIC this year where the unrestricted cash in the Utility Fund only represented about one month of expenditures, and the LGC would like to see a minimum of two months.

He noted this seems to be a one-time occurrence due to a timing difference when some bills were paid versus when the reimbursements were allowed to be submitted. The expectation is that that will be corrected in the coming year. Mr. Keever reviewed a breakdown of General Fund revenues and expenditures. He reviewed available fund balance comparisons from 2021 to 2024 and noted that the total fund balance and available fund balance both are slightly trending upwards over time and is at 36% for FY24. Mr. Keever noted that the City has a healthy property tax collection rate above 99%. Lastly, he reviewed selected comparison financial statistics for the Utility Fund from 2021 to 2024.

I-2. Architectural Standards – Plusurbia Presentation – Emily Brewer explained that this is the culmination of about a year and a half's worth of work, including a full review of the architectural styles and vernacular within the city of Brevard and lots of research and community engagement. The Plusurbia team and staff engaged an estimated 400 individuals as part of the public input process, which consisted of design workshops, open houses, walking tours, project website, online survey and neighborhood meetings. She recalled that the first phase of Plusurbia's work was the creation of the building design guidelines, found in a standalone document referred to as the *City of Brevard Architectural Visual Guidelines*. Those guidelines were used in codifying the architectural standards, which will be presented during the public hearing portion of the meeting. She introduced Juan Mullerat and Dylan Gehring of Plusurbia to present an overview of the updated architectural standards. A copy of their presentation is attached. Mr. Gehring noted that under North Carolina state law, these architectural standards do not and cannot apply to 1-4 unit residential structures.

J. Public Hearing(s)

J-1. Proposed Amendment to City of Brevard Unified Development Ordinance Chapter 19 – Definitions in Response to Session Law 2024-57 – Emily Brewer explained that in December 2024, the North Carolina General Assembly amended state law to greatly restrict local government discretion to amend local zoning ordinances. This Session Law 2024-57 (S.B. 382) broadly defines "down-zoning" and provides that local governments cannot adopt a down-zoning without written consent from all impacted owners. The precise interpretation and breadth of impact of this law are not perfectly clear; Staff is seeking guidance from City Council on how amendments to the UDO may be applied given the change and associated uncertainty in state law. The City Attorney has advised that a great way to do that is to codify some definitions related to state law.

Generally, "down-zoning" refers to rezoning a property to a new zoning district that is less intense or less dense than the prior district, but North Carolina law defines down-zoning more broadly, especially after this recent change, to now include an amendment that creates "any type of nonconformity on land not in a residential zoning district." This broad definition significantly alters the applicability of the down-zoning legislation, and it has even greater implications as it now applies to local government-initiated amendments and not just third-party requests. North Carolina law has limited down-zonings by third parties for some time to prevent an individual property owner from requesting a reduction of the development rights on their neighbor's property without their written consent. Prior to this state law local government authority was allowed to create down-zonings without that additional level of scrutiny and additional approval, and the local governing board could make local legislation decisions to adjust rules according to local needs and priorities. Now, that exemption for local governments no longer applies.

Given that the new architectural standards will create nonconformities without written consent of affected property owners, the implementation of the new standards has been modified from what was originally envisioned when the process started, long before SL 2024-57 was enacted. This text amendment aims to provide a context within the bounds of the new law in which the City can apply the new architectural standards and any other future text amendments. Specifically, this text amendment includes two

definitions - one for "New Construction" and another for "Residential Zoning District." Ms. Brewer said staff and the City Attorney are prepared for a conversation about the legal implications that should be considered when selecting a proposed definition for each item. Planning Board discussed the definitions at their February meeting and offered recommendations regarding these definitions. Current definitions and recommendations for proposed definitions are as follows:

New Construction:

Current Definition: Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Proposed Definition: Any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:

- Additions to existing structures that equal or exceed **[50%, two-thirds, 75%, etc.]** of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed **[50%, two-thirds, 75%, etc.]** of the value of the existing structure and require the issuance of at least **[two or three]** trade permits from the Transylvania County Building and Inspections Department.

Planning Board and Staff Recommendation: Any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:

- Additions to existing structures that equal or exceed **75%** of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed **75%** of the value of the existing structure and require the issuance of at least **two** trade permits from the Transylvania County Building and Inspections Department.

Residential Zoning District:

Current Definition: None

Proposed Definition – Option # 1: A zoning district that is entirely reserved for residential land uses. *[Note there are none in our jurisdiction]*

Proposed Definition – Option # 2 [Staff Recommendation]: A zoning district that is primarily intended for residential land uses. This shall apply to the following zoning districts: General Residential-4 (GR4), General Residential-8 (GR8), and Residential Mixed-Use (RMX).

Proposed Definition – Option # 3 [Planning Board Recommendation]: Any zoning district that permits residential land uses. This shall apply to all zoning districts except General Industrial (GI).

At 6:31 p.m. Mr. Morrow moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation: None.

At 6:32 p.m. Ms. Holder moved, seconded by Mr. Daniel to close the public hearing. The motion carried unanimously.

Questions/Comments from Council: Mr. Baker noted that this bill does not define for us what "new construction" or "residential zoning district" might mean. He asked Attorney McKeller to discuss some of the trade-offs that we are talking about here. Attorney McKeller explained that some of the definitions in SL 2024-57 leave some openings that would allow the city to continue to operate the way that we have been in certain circumstances. Specifically speaking for instance, to what is a "Residential Zoning District", this new law does not apply to residential zoning district. Therefore, if all of our districts, other than General Industrial contain residential uses, then if we define that as a Residential Zoning District, then in most every district we could still make the modifications that we have come to expect to be able to as a municipality, exercising our ability to determine what our community needs. There is a possibility that at some point a statewide definition of "Residential Zoning District" will be established, which may or may not comport with what we have. There is also the

possibility that we could be targeted for changing this definition. He noted that in meeting with a number of other municipalities from around the state, nobody really understands what is happening with this, so we're all trying to come up with our own ways to allow us to continue to do what we have always done, which is to take responsibility for making our communities the best we can. This is one way to do it. There is a little bit of a risk – I believe the proposed definition option #3 is the largest allowance for the city. Option #1 steps out there a little further than perhaps we should. But nonetheless that would allow us then to continue to make the necessary changes to most of our zoning districts, depending on how we define "Residential Zoning District". He noted that there has already been a bill submitted to the General Assembly to overturn SL 2024-57, but it hasn't been passed and there is a long way to go with those things. Part of the reason is because nobody could say what really caused this law to be passed, thereby giving us some idea what harm the General Assembly was trying to mitigate. So, we need to create our own definitions if we are not given any and that is what this proposal is, and to allow us to proceed forward with modification of our architectural standards.

Ms. Brewer explained that "start of construction" is very important for the architectural standards because the question of applying all of our architectural standards to new construction only, means that there is no nonconformity already there and it is starting from the ground up. But, there are times when additions or substantial improvements should be considered new construction. So, we have proposed some other ways to define something as a newly constructed building or structure for the purposes of all of our UDO, but specifically contemplated as it relates to the architectural standards. The Planning Board landed on a much higher threshold at 75%. She noted that the lower that threshold, the more likely it is to be considered a nonconformity or challenged, so these are risk tolerance decisions and understanding the impact of how we are instructed to administer the ordinance.

Mr. Daniel noted that the 75% construction threshold on existing buildings triggers all of the non-conformity regulations, not just architectural standards, and that could be a high bar to achieve. He said he would consider two-thirds. Mr. Wise agreed that two-thirds would be a balance between what we want for the city and the burden to the property owner.

~~ At 6:57 p.m. Mayor Copelof called for a ten-minute break ~~

J-2. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 2, 3, 5, 14, 16, 17 and 19 – Architectural Standards – Emily Brewer explained these new architectural standards are intended to preserve and enhance the distinct character of Brevard by regulating key aspects of the built environment. By setting a high standard for quality design across the jurisdiction, every new development can become a thoughtful, lasting addition to Brevard, enhancing the community for years to come. The new Chapter 5 is structured around building types and architectural styles, each with various elements and design requirements. The new standards also place greater emphasis on the architectural legacy of specific character areas. She noted that SL 2024-57 changed the City's ability to enact amendments to development regulations. The version presented for Council's consideration only includes two character areas (Downtown and Pisgah Gateway), instead of the four that were initially envisioned. It does not include the Railroad Avenue District or the US-64 Highway Corridor and has different boundaries for the Downtown character area. Plusurbia has prepared proposed standards and boundaries for those character areas, so if there is a change to state law they can be adopted. The applicability section of the architectural standards is a little bit different in response to state law, specifically applying to new construction. There is a provision in Chapter 5.2 that talks about how the applicability of the standards can also apply to things that you are specifically doing as they relate to architectural changes.

At 7:15 p.m. Mr. Morrow moved, seconded by Mr. Wise to open the public hearing. The motion carried unanimously.

Public Participation: None.

At 6:32 p.m. Ms. Holder moved, seconded by Mr. Baker to close the public hearing. The motion carried unanimously.

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. Wise moved, seconded by Mr. Daniel to approve the consent agenda. The motion carried unanimously.

K-1. Tax Settlement Report – February, 2025

K-2. Approval of MOU with MountainTrue for Wilson Road Boat Ramp Improvements

RESOLUTION NO. 2025-15
RESOLUTION APPROVING EXECUTION OF MEMORANDUM OF UNDERSTANDING WITH MOUNTAIN TRUE AUTHORIZING RENOVATION OF WILSON ROAD BOAT RAMP

WHEREAS, the City entered a Memorandum of Understanding (MOU) with MountainTrue, a non-profit organization, in November of 2023 to develop a site plan and cost estimate to renovate the Wilson Road Boat Ramp; and

WHEREAS, MountainTrue has provided construction drawings that have been approved by the City's Planning Department; and

WHEREAS, MountainTrue has agreed to renovate the boat ramp and provide the indicated amenities without cost to the City; and

WHEREAS, MountainTrue has agreed to provide and sign a new MOU holding the City harmless as MountainTrue and its agents and contractors renovate the boat ramp.

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

Section 1. The City Manager, or his designee, is authorized to execute the Memorandum of Understanding with MountainTrue Authorizing Renovation of the Wilson Road Boat Ramp.

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

Adopted and approved this the 17th day of March, 2025.

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

K-3. Declaration of City-owned Property as Surplus

RESOLUTION NO. 2025-16
RESOLUTION DECLARING CERTAIN CITY-OWNED PROPERTIES AS SURPLUS AND AUTHORIZING THEIR SALE

WHEREAS, on February 17, 2025 the Brevard City Council agreed to loan Fairhaven Meadows low-to-moderate income (LMI) housing project $1.169 million to finance construction of 42 units of LMI housing in Brevard; and

WHEREAS, loan funding would be drawn from several sources including the Housing Trust Fund, the Capital Reserve Fund, and the General Fund; and

WHEREAS, Council also agreed to sell certain city-owned properties and apply a portion of the expected sale proceeds to the loan amount; and

WHEREAS, a series of ministerial actions, the first being to officially declare the properties as surplus, is required to execute this strategy.

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

Section 1. The following properties are declared surplus and approved for sale on the open market via the upset bid method of public property disposal:

1. James St. near W. Main (PIN 8586-32-3150-000)
2. 99 Cashiers Valley Rd near Tannery (PIN 8586-20-6574-000)
3. Cashiers Valley Rd. east of Public Works building (8585-19-5389-000)

Section 2. The City Manager (or his designee) is hereby authorized to prepare the properties for sale, advertise them on the open market, and administer the upset bid procedure for each property.

Section 3. This Resolution shall become effective upon its adoption and approval.

Approved and adopted this 17th day of March, 2025.

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

K-4. Sewer Pump Stations Rehabilitation Project Easements

RESOLUTION NO. 2025-17
RESOLUTION APPROVING SEWER PUMP STATION REHABILITATION PROJECT EASEMENTS CITY ORDINANCE NUMBER 2022-64

WHEREAS, the City's Sewer Pump Station Rehabilitation Project requires the construction of a new sewer pump station to replace the existing Gallimore Road Sewer Pump Station; and

WHEREAS, the City has a need for several easements related to the construction of the New Gallimore Road Pump Station from both Transylvania County and Torres Properties; and

WHEREAS, Transylvania County has agreed to provide the needed permanent easement through the county property in exchange for a sewer tap on an adjacent county property; and

WHEREAS, Tores Properties has agreed to provide the needed permanent and temporary easements in exchange for a approximately 45' wide driveway curb cut and reconstruction of a small portion of Picklesimer Park including at least one bench; and

WHEREAS, the cost to the City for these exchanges is estimated to be approximately $1,000.00 in materials and approximately $5,000.00 in labor hours from the City's work force.

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

Section 1. The City Manager, or his delegee, may proceed with finalizing the easements and associated exchanges between Transylvania County for a Permanent Easement and Tores Properties for both a Temporary Construction Easement and a Permanent Easement.

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

Adopted and approved this 17th day of March, 2025.

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

K-5. Resolution Directing Clerk to Investigate Sufficiency of Petition Requesting a Non-contiguous Annexation – John Valenti and MTS Properties, LLC, Reservoir Rd. and Hampton Rd.

RESOLUTION NO. 2025-18
A RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF A PETITION FOR AN ANNEXATION PURSUANT TO NCGS 160A-31, AS AMENDED

WHEREAS, a petition was received on February 24, 2025, requesting the annexation of a contiguous area described in said Petition as the John Valenti property and the MTS Properties, LLC property located on Reservoir Road and Hampton Road, Brevard, NC 28712, consisting of 1.091 acres, more or less, be annexed into the City of Brevard. (Tax Property Identification Numbers: 8586-24-

2193; 8586-24-3036; 8586-24-3061; and 8586-23-3984).

Metes and Bounds Property Description:

Beginning at a found rebar with a plastic ID cap 0.1' below grade and having North Carolina NAD 83/2011 grid coordinates of North: 563933.72 East: 882529.34; said rebar standing N 88°15'59" W a distance of 287.74' from NCGS BURL AZ MK which has North Carolina NAD 83/2011 grid coordinates of North: 563925.02 East: 882816.94;

thence S 53°56'47" W a distance of 82.25' to a ½" iron pipe;

thence S 53°45'51" W a distance of 74.75' to a ½" iron pipe;

thence N 41°40'29" W a distance of 103.15' to a ½" rebar;

thence N 28°27'17" W a distance of 49.43' to a ¾" iron pipe;

thence N 28°17'47" W a distance of 48.93' to a 1½" leaning iron pipe;

thence N 22°23'09" W a distance of 98.94' to an axle;

thence N 67°29'48" E a distance of 157.61' to a 1½" leaning iron pipe;

thence S 33°41'55" E a distance of 98.10' to a ¾" iron pipe;

thence S 29°17'29" E a distance of 44.39' to a ½" iron pipe;

thence S 30°55'47" E a distance of 39.32' to a rebar with a plastic cap;

thence S 28°49'39" E a distance of 78.46' to a rebar with a plastic cap; which is the place of beginning.

WHEREAS, said Petition has been received by the City Council of the City of Brevard, North Carolina; and

WHEREAS, NCGS 160A-31, as amended, provides that the sufficiency of the Petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Brevard deems it advisable to proceed in response to this request for annexation.

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

Section 1. The City Clerk is hereby directed to investigate the sufficiency of the above-described Petition and to certify as soon as possible to the City Council the result of her investigation.

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

Adopted and approved this the 17th day of March, 2025.

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

K-6. Police Purchase from ABC Funds

ORDINANCE NO. 2025-11
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-05

SUBJECT: Budget Amendment for Police ABC fund expenditures, $24,100

AGENDA INFORMATION

Agenda Location: **New Business**
Department: **Finance**
Contact: **Dean Luebbe, Assistant City Manager and Finance Director**

BRIEF SUMMARY: The Police Department receives approximately $25,000 per year as a restricted revenue from the Brevard ABC store, to be used exclusively for law enforcement purposes. The Police

Department initiated two purchases from these funds in FY25. The first was to add modules to the preexisting PowerDMS in August of 2024 in the amount of $15,213.28 for first year service and setup of PowerIA and PowerAction. PowerIA tracks all internal and external complaints and assists the department with early intervention in compliance with Senate Bill 300. PowerAction creates online forms for both the public and internally to better track and route external and internal requests for service. The second purchase was to NITV Federal Services in January of 2025 in the amount of $8,796.00, for the purchase of a Computer Voice Stress Analyzer (CVSA) to assist with investigations and to be used for pre-employment screening. The CVSA is similar to a polygraph, but with a 95% degree of accuracy in detecting deceptive statements to assist in pre-employment decisions and with other investigations. Most agencies use some form of pre-employment statement verification either with a polygraph or CVSA to detect deceptive statements on employment applications. The BPD had not been using any method and seeks to "raise the bar" with hiring standards and to increase the integrity of hiring for sensitive law enforcement related positions.

After these purchases, the balance in the ABC funds for the Police Department is $31,488.46, and the City expects to receive approximately $10,000 additionally by June 30, 2025.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-05, as submitted, increasing the budget in expenditure account:

10-5100-4100 (Police ABC Expenditures)	$24,100
TOTAL	**$24,100**

And increasing the budget in revenue account:

10-3990-0000 (Fund Balance)	$24,100
TOTAL	**$24,100**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 17th day of March, 2025.

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

K.7. Resolution in Support of House Bill 24 An Act to Restore the Authority for Local Governments to Initiate Down-zoning

RESOLUTION NO. 2025-19
A RESOLUTION IN SUPPORT OF HOUSE BILL 24
AN ACT TO RESTORE THE AUTHORITY FOR LOCAL GOVERNMENTS
TO INITIATE DOWNZONING

WHEREAS, the North Carolina General Assembly will be considering House Bill 24, which provides for Subpart III-K LOCAL GOVERNMENT of North Carolina Session Law 2024-57 (Senate Bill 382) to be repealed in its entirety; and

WHEREAS, provisions within this legislation support local municipal governing bodies in making their own zoning decisions based on the will of the voters that elected them; and

WHEREAS, North Carolina Session Law 2024-57 entitled "AN ACT TO MAKE MODIFICATIONS TO AND PROVIDE ADDITIONAL APPROPRIATIONS FOR DISASTER RECOVERY; TO MAKE TECHNICAL, CLARIFYING AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2023; AND TO MAKE VARIOUS CHANGES TO THE LAW", became law on the 11th of December 2024; and

WHEREAS, Subpart III-K of Session Law 2024-57 amends North Carolina General Statutes 160D-601(d) by prohibiting local governments from enacting or enforcing any zoning regulations or zoning map amendments that would constitute "downzoning" without first obtaining the written consent of all property owners whose property would be subject to such an amendment; and

WHEREAS, the passage of North Carolina Session Law 2024-57 severely erodes municipal authority to adopt zoning text amendments applicable to entire zoning districts given the time, effort, and cost of identifying all of the owners of the parcels within such zoning districts. Moreover, the new law as

adopted would empower a single property owner to override the will of a unanimous governing body, a developer, and perhaps all or a vast majority of the property owners affected by the amendment; and

WHEREAS, in land use law "downzoning" is commonly referred to as rezoning a property to a new zoning district that is less intense or less dense than the prior district. North Carolina Session Law 2024-57 broadened the definition of downzoning and created significant limits to local authority by including any development regulations as prompting a "nonconformity", effectively banning the creation of any non-trivial development ordinances from occurring. This legislation greatly impacts local governments from establishing development standards like parking, setbacks, landscaping, signage, and more, that are in the best interest of their communities; and

WHEREAS, all North Carolina local governments continue to face challenges presented by growth and development. Each local government's zoning authority has historically provided a means to balance those challenges with the needs of the community based on the will of the residents as determined through the municipal elections; and

WHEREAS, the downzoning provision of North Carolina Session Law 2024-57 effectively freezes local government zoning and greatly diminishes the role of local governments granted by the Constitution of the State of North Carolina to manage growth and change consistent with the needs of its jurisdiction.

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

Section 01. The City Council of the City of Brevard is unanimously in support of the passage of the proposed House Bill 24 to Restore the Authority of Local Governments to Initiate Downzoning; and

Section 02. The City Council of the City of Brevard are requesting that the elected representatives for the City of Brevard in Transylvania County who serve in the North Carolina General Assembly secure the passage of the proposed bill; and

Section 03. The City Clerk is hereby directed to provide a certified copy of this resolution to all elected representatives representing the City of Brevard in the North Carolina General Assembly as well as the entire Transylvania County Delegation.

Adopted and approved this the 17th day of March, 2025.

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

K-8. Authorize City Manager to Approve Contract with Berry Dunn for Police Department Workplace Study

RESOLUTION NO. 2025-20
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BERRY DUNN FOR BREVARD POLICE DEPARTMENT ORGANIZATIONAL HEALTH STUDY

WHEREAS, on March 17, 2025 the Brevard City Council was presented with information, summarized in the affixed staff report, on the terms of a proposed agreement between City of Brevard and BerryDunn for the professional services related to Brevard Police Department organizational health study.

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

Section 1. The City Manager (or his designee) is hereby authorized to negotiate and execute necessary agreements with BerryDunn for the purposes described in the above referenced staff report.

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

Approved and adopted this 17th day of March, 2025.

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

K-9. Rosenwald Community Advisory Board Minutes – October 17, 2024

K-10. Rosenwald Community Advisory Board Meeting Notes – November 21, 2024

K-11. Council Downtown Master Plan Committee Minutes – January 8, 2025

K-12. Council Parks, Trails and Recreation Committee Minutes – January 15, 2025

K-13. Council Finance, Human Resources and Citizen Appointment Committee Minutes – January 27, 2025

K-14. Council Public Safety Committee Minutes – January 27, 2025

K-15. Council Public Works & Utilities Committee Minutes – February 5, 2025

K-16. Correspondence *(No Action. Offered as information only.)*

K-16.a. ABC Board Minutes – January 23, 2025

K-16.b. ABC Board Minutes – February 27, 2025

L. Unfinished Business – None.

M. New Business

M-1. Approval of Two Regular Part-time Housekeeping Positions – Selena Coffey explained that historically housekeeping services for city facilities have been accomplished through a combination of outsourced housekeeping services and the City's own force labor. Presently, only the MCJCCC is maintained by an outsourced vendor, with all other housekeeping services being performed by a combination of Buildings and Grounds Staff, supplemented by Streets and Sanitation personnel. This additional workload has resulted in overtime and has taken staff from other projects. Based on the loss of service, an RFQ was issued for housekeeping services for city facilities, not including the water and sewer plants. The bids were analyzed against several options including the current use of Public Works personnel, a single new full-time housekeeping position, and two part-time housekeeping positions. Staff has concluded that hiring two in-house part-time positions would lend greater flexibility to service levels and needs, allowing for more thorough cleaning and the ability to clean spaces needing the most attention as seasons dictate. The fiscal impact of adding two part-time positions would be approximately $32,000 per year. Mr. Morrow moved, seconded by Mr. Baker to approve the resolution creating two part-time housekeeping positions. The motion carried unanimously.

RESOLUTION NO. 2025-21
RESOLUTION APPROVING THE CREATION OF TWO PART-TIME HOUSEKEEPING POSITIONS

WHEREAS, the City's most recent housekeeping contractor abandoned their post and stopped providing housekeeping services to City Hall; and

WHEREAS, the City's Building and Grounds skilled staff along with supplemental labor from the Streets and Sanitation crews have been providing housekeeping services in the absence of a provider; and

WHEREAS, a thorough analysis of different housekeeping strategies and associated cost was completed by City staff; and

WHEREAS, housekeeping service levels to City facilities has been declining largely in part due to work loads of staff members providing the current housekeeping services.

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

Section 1. Two new part-time housekeeping positions will be created for the housekeeping needs of the City owned facilities.

Section 2. This Resolution shall become effective upon its adoption and approval.
Adopted and approved this 17th day of March, 2025.

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

M-2. Betsy Smith MOU / Easement – 46 Grove Street – Mr. Hooper explained that in 2023 Betsy Smith appeared at a Council meeting to bring attention to a large sink hole that appeared within a few feet of the foundation of her house at 46 Grove Street, possibly compromising its structural integrity. As a courtesy, city staff stabilized the sink hole. However, they have not made permanent repairs to the sinkhole and surrounding infrastructure because ownership of the infrastructure is in dispute. In the intervening months staff have continued to negotiate with Ms. Smith and her attorney to find a compromise that could avoid litigation. Council is asked to consider approving the negotiated terms of a compromise agreement that Ms. Smith has tentatively agreed to, and that would result in a fixed sinkhole, saving the house, and clear ownership of the infrastructure. The proposed resolution would give the City Manager and City Attorney the authority to negotiate the agreement with Ms. Smith as outlined in the draft MOU. In exchange for the city repairing the sinkhole and replacing the failing infrastructure, Ms. Smith agrees to:

- Grant the city a full and permanent utility easement for the upgraded stormwater infrastructure on her property
- Release the city from any legal and financial liability regarding the sinkhole, stormwater infrastructure, or repair activities on her property
- Release the city from any financial responsibility regarding the replacement of fencing on the property
- Split the cost of the required property survey with the City
- Assume ownership of the upgraded catch basin that will be installed on the property

Mr. Hooper explained that even though this is on private property, if we don't fix the infrastructure, we could have flooding in other areas of that neighborhood. This is an unbudgeted expense that would be paid for out of pre-budgeted operating dollars designated for infrastructure repairs. Ms. Holder moved, seconded by Mr. Wise to approve the resolution endorsing the terms of the MOU and authorizing the City Manager to execute the agreement. Following discussion, the motion carried unanimously.

RESOLUTION NO. 2025-22
RESOLUTION APPROVING THE TERMS OF A MEMORANDUM OF UNDERSTANDING BETWEEN ELIZABETH SMITH AND THE CITY OF BREVARD FOR STORMWATER INFRASTRUCTURE TRAVERSING PRIVATELY-OWNED PROPERTY AT 46 GROVE STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, on March 17, 2025 the Brevard City Council heard a presentation from staff, summarized in the affixed staff report, on the proposed terms of a Memorandum of Understanding between Elizabeth S. Smith and the City of Brevard for stormwater infrastructure traversing privately-owned property located at 46 Grove Street in Brevard.

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

Section 1. The Memorandum of Understanding and Grant of Site Access between Elizabeth S. Smith and the City of Brevard is hereby approved.

Section 2. The City Manager or his designee is hereby authorized to execute the Memorandum of Understanding with Elizabeth S. Smith.
Section 3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 17th day of March, 2025.

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

M-3. City Council Approval of Electronic Only Advertising for Construction Contracts – Mr. Hooper explained that North Carolina state law allows municipalities the option to use electronic, rather than print, advertising for statewide solicitations on large projects. The ability to advertise electronically only, whether or not through newspapers, will greatly reduce the City's required advertising costs. Mr. Morrow moved, seconded by Mr. Daniel to approve the resolution. The motion carried unanimously.

RESOLUTION NO. 2025-23
RESOLUTION APPROVING ELECTRONIC ONLY ADVERTISING OF GOODS AND SERVICES COVERED BY G.S. 143-129

WHEREAS, G.S. 143-129 requires construction or repair work in an amount estimated to be equal to or more than $500,000, or the purchase of apparatus, supplies, materials or equipment requiring an estimated expenditure equal to or more than $90,000 to comply with the provisions of G.S. 143-129; and

WHEREAS, Section (b) Advertising and Letting of Contracts of G.S. 143-129 requires that where the contract is to be let by a board or governing body of the State government or of a State institution, proposals shall be invited by advertisement in a newspaper having general circulation in the State of North Carolina. Where the contract is to be let by a political subdivision of the State, proposals shall be invited by advertisement in a newspaper having general circulation in the political subdivision or by electronic means, or both; and

WHEREAS, G.S.143-129.b goes on to say, "A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to this Article, shall be approved by the governing board of the political subdivision of the State at a regular meeting of the board"; and

WHEREAS, Electronic advertising in many cases is free and where not free, such as with a newspaper, is greatly reduced in cost; and

WHEREAS, the City believes electronic only advertising is sufficient given the current widespread use of electronic technology; and

WHEREAS, Electronic only advertising will result in significant cost savings to the City in all future advertising for goods and services covered by G.S 143-129.

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

Section 1. The use of electronic only advertising for goods and services covered by G.S. 143-129 is approved.

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

Adopted and approved this 17th day of March, 2025.

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

N. Remarks/Future Agenda Considerations.

Mr. Daniel remarked that this was an exciting meeting with the recognition of Emory Owen and the presentation by Plusurbia.

Mr. Baker thanked staff for the recently held priority setting workshop and said I was struck by the fact that this board and city leadership has a very clear and consistent long-term vision for how we see Brevard in ten years. He called out that the MOU with MountainTrue to upgrade the Wilson Road boat ramp, which was included on the consent agenda, was the culmination of about 8 years of work by the TDA focusing on the river, leading to the production of a Blueway plan for the French Broad River, all funded by occupancy tax dollars paid by visitors. He pointed out that our occupancy tax rate is currently set at 5% and we have the ability to raise that to 6% if the County Commissioners so choose, which would be paid 100% by visitors and we could put it to

good use. He thanked all city staff who worked throughout this weekend's storm. He said it was mentioned by the Reverend earlier how awful of a weekend this community endured. My son was in homeroom with one of the kids that was unfortunately killed in that accident. One of my very good friends was the father of the other family that was impacted. So, it is very close to me, and I wanted to mention that TC Strong, which is an amazing organization here locally, has a drop-in for kids impacted by these events. Youth mental health is obviously in a crisis state. The Mayor is fond of mentioning the partnerships that we have, and this is one of those things that is not solvable by the City of Brevard, but we need to be involved, and I think it is important that we form those partnerships. Regarding housing, he said I am glad that we are making progress on Azalea Avenue and the Fairhaven Meadows, but I also feel like we have a lot more incremental development that could help. I have talked with the City Manager about what we could do with encouraging backyard cottages and ADU's and making it easier for folks to find the financing possible to unlock the potential of their backyard and at the same time house people that need it so desperately. On the Azalea Avenue project mentioned during public comment, it never ceases to amaze me how early the fearmongering and hyperbole can start, and I want to say that I don't have to go to Asheville to see what kind of project that might turn into. I can literally throw a rock up the hill from there to Broad River Terrace, which I think is one of the shining beacons in our city for housing, and it was a LIHTC federally funded project. I've asked the Police Chief whether we have issues there and he responded with a resounding not really. It is a well-maintained housing development and is exactly the type of housing we foresee on the Azalea Avenue site. Recently some of the County Commissioners were responding to our request for them to help with the Fairhaven Meadows project, and some of them seemed to suggest that we were not forthright, or were somehow tricking them by requesting that money, or it was sort of a setup for them. I want to say that is completely false and I think it is kind of embarrassing that they would suggest that. It is just the type of mistrust that we need to get beyond, and I want to make a commitment to do better and hope we can partner on housing in the future.

Mr. Morrow said with all the unfortunate wind events this week, I would like to ask staff to initiate an inspection of city property where there are trees that potentially could be diseased.

Ms. Holder mentioned that as part of the celebration of Women's Month, there will be an event celebrating the memories of Moms Mabley on Saturday at the MCJCCC. She said I too am troubled by the loss of life due to the winds on Saturday and today to find out a student died by suicide. I hope we begin to say as a community "died by suicide". People commit crimes, but people who die of suicide die by disease of mental health; they have not committed any crimes.

Mr. Wise said we did suffer tragic loss in our community this weekend and this winter has felt to me like a long season of loss. I have been encouraged because spring is coming and rebirth is coming, and I hope that both locally and regionally and nationally we can start to kind of rethink some of what the toll of that loss has been. He also thanked city staff for their work during the storm this weekend and wished everyone a Happy St. Patrick's Day.

Attorney McKeller said I will respond to a citizen comment from this evening that the statement sent out by the City on February 4th never mentions the word "sanctuary". We live in this weird time where words take on bizarre meanings. All of a sudden the federal government is not funding anything with the word "diversity" in it, or "inclusion", both of which are perfectly acceptable normal proper words that are in the constitution. To demand that you as Council make a statement about are you a sanctuary city or not, that word has never been defined and it's meaningless. I am pleased that you forwent the opportunity to do that tonight. It is a silly request to ask for you to call yourself something when it's an undefined word and we live in a time when words have apparently lost their meaning. Thank you for not responding to that.

Mr. Hooper sent his condolences to the families of the children we lost this weekend. He said I also want to lift up the first responders that responded to those

tragedies, some of which are affiliated with our organization, and I'd like to request that everyone keep those folks in your thoughts as well. It is also traumatic for them. I want to send my thanks to all my teammates from Police, Fire, Public Works and Communications who participated in our storm response this weekend.

Mayor Copelof said once again tonight we have seen the incredible amount of work that our staff does and the wide variety of issues that our staff and elected body take on in order to keep our city functioning. Tonight, we heard about the architectural standards and how they will be folded in our ordinance. We looked at the finance report and the wonderful job done by our Finance staff. We saw that this weekend our staff had to go out unexpectedly and deal with storm related issues to continue services throughout the city. And we recognized Emory who has been with us for 45 years. This is Women's History Month, and it shows the diversity when we think about what women of all colors have given. The entire reason that we recognize a month for a group is because historically that group has been underrecognized and its accomplishments are not promoted. Take time to learn about some of the incredible accomplishments of women in our history, such as Loretta Aiken "Moms Mabley". This was a heartbreaking weekend with the devastating loss of three young people, and we are all hurting. I can't imagine what the families are going through, but I know our community will rally and surround them with love, caring and kindness, and we will try to provide whatever they need. This is a time when we need to come together and take care of one another.

O. Closed Session

O-1. Pending Litigation: NCGS §143-318.11.(a)(3) – At 8:30 p.m. Mr. Baker moved, seconded by Ms. Holder to go into closed session to discuss pending litigation matter City of Brevard et al. vs. HCA et al. 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 8:41 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.

O-2. Potential Litigation: NCGS §143-318.11.(a)(3) – At 8:41 p.m. Mr. Wise moved, seconded by Ms. Holder to go into closed session to discuss a potential litigation matter. 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 8:58 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 8:58 p.m. Mr. Morrow moved, seconded by Ms. Holder, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof	Denise Hodsdon, CMC
Mayor	City Clerk

Minutes Approved: April 7, 2025