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

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

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager David Todd, Communications Coordinator Becky McCann, Human Resources Director Kelley Craig, Planning Director Paul Ray, Senior Planner Emily Brewer, Interim Police Chief Jack Moorman, Fire Chief Chase Owen, Water Treatment Plant ORC Dennis Richardson, and Community Center Director Tyree Griffin

Guests – AARP Age Friendly Task Force Volunteer Coordinator Dr. Paula Hartman-Stein, and Incoming Police Chief Christy Wentzell

Press – David Bradley, Transylvania Times

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

B. Invocation – Rev. Rob Field, Director of the Center for Spiritual Wisdom 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 – Mr. Hooper noted that Item O-1 Closed Session re Property Acquisition could be removed from the agenda. He also noted that there was an updated plat to be submitted for the record for Item K-2 Resolution Declaring Intent to Permanently Close an Unopened Public Right-of-Way; and that there was an updated staff report for the record for Item I-1, and that the title of that item should be changed to Confirmation of Appointment of Christy Wentzell as Brevard Chief of Police. Mr. Wise moved, seconded by Ms. Holder to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. October 30, 2025 Special Meeting – Mr. Morrow moved, seconded by Ms. Holder to approve the minutes of the October 30, 2025 Special Meeting as presented. The motion carried unanimously.

F-2. November 3, 2025 Regular Meeting – Mr. Morrow moved, seconded by Mr. Baker to approve the minutes of the November 3, 2025 Regular meeting as presented. The motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Recognition of Paula Hartman-Stein, Volunteer Coordinator of AARP Age-Friendly – Mayor Copelof read Proclamation No. 2025-29 and presented it to Dr. Hartman-Stein, together with a Mayor's Challenge Coin, in appreciation of her service to the City and its citizens.

PROCLAMATION N0. 2025-29
A PROCLAMATION HONORING DR. PAULA HARTMAN-STEIN FOR DISTINGUISHED PUBLIC SERVICE TO THE CITY OF BREVARD

WHEREAS, Dr. Paula Hartman-Stein organized and led a diverse Age-Friendly Community Task Force comprised of elected officials, residents, non-profit partners and stakeholder organizations which organized, promoted, analyzed and worked on age friendly goals for the city; and

WHEREAS, Dr. Hartman-Stein used her professional expertise to design a community survey and conducted community listening sessions to ensure Brevard's Age-Friendly program reflected the needs and priorities of the community; and

WHEREAS, Dr. Hartman-Stein led the Age-Friendly Task Force to develop Brevard's Age-Friendly Action Plan accepted by City Council in January 2025 and accepted by AARP in February 2025; and

WHEREAS, Dr. Hartman-Stein organized and led a series of four intergenerational forums focused on increasing understanding between generations and reducing ageism; and

WHEREAS, Dr. Hartman-Stein organized a series of Healthy Aging Across the Lifespan forums in conjunction with the Blue Ridge Community College Nursing program. When Hurricane Helene hit, she immediately pivoted and changed the focus of the remaining sessions to emotional recovery needs of both the nursing students and the public; and

WHEREAS, Dr. Paula Hartman-Stein was responsible for the City of Brevard receiving AARP grants totaling four thousand dollars for recovery and disaster preparedness programs after Hurricane Helene. She used these funds to conduct in-person training sessions for vulnerable populations as well as creating a 40-minute video now available country-wide to help the public and volunteers understand and develop emotional resilience after a disaster; and

WHEREAS, Dr. Hartman-Stein's unwavering dedication, creative initiatives and expert leadership firmly established Brevard's Age-Friendly program and has had a positive impact across the community as the City of Brevard continues to improve as an Age-Friendly city.

NOW THEREFORE, BE IT PROCLAIMED that I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, publicly recognize and commend Dr. Paula Hartman-Stein for her service to the City of Brevard and its citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 17th day of November, 2025.

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

H. Public Comments

Sarah Knox of 98 Hemphill Circle said I am here today about the Norton Creek Stream restoration project. My question is to how it will affect a lot of people that have lived there a long time. People that have lived in the community a long time would like to be considered and be more of a part of what's going on. The problem that I see with the greenway that I want to address is there are other properties, and we have a lot of greenway in this whole town and county. This will affect like people coming into your backyard. It is going to bring all kinds of traffic and people to your backyard to where we have already experienced people coming through our yard saying they were coming for the bike path. I'm asking that as this project grows and you begin to work on it to consider people that have already been living there and get more input from us as well.

Doug Powell of 170 Oakdale wished everyone a Happy Thanksgiving and shared the origin of the first Thanksgiving and why it is a national holiday.

I. Special Presentations

I-1. Confirmation of Appointment of Christy Wentzell as Brevard Chief of Police – Mr. Hooper was pleased to recommend Captain Christy Wentzell of the Apex, NC Police Dept. for confirmation as the next Brevard Chief of Police. He shared her law enforcement experience and qualifications and requested that Council approve the resolution memorializing confirmation of her appointment. Ms. Holder moved, seconded by Mr. Daniel to approve the resolution. The motion carried unanimously. Mr. Hooper noted that Chief Wentzell will begin work the first week of January.

Incoming Chief Wentzell then shared some remarks. She said I am honored to serve as the next Chief of Police for the City of Brevard. Brevard is a remarkable community, and it is a privilege to continue working to protect those and support those that call Brevard home. My commitment is, and will always remain, to serve with integrity, transparency, and respect. I look forward to strengthening partnerships with the community, building trust, and ensuring that every resident feels safe, and more importantly feels heard. I want to express my profound gratitude to the men and women of the Brevard Police Department that put their lives on the line every single day. It is my honor to serve them, to support them and to advocate for them, and to ensure they have the resources, training and leadership they need to succeed successfully in their job, but always to go home every day safely.

RESOLUTION NO. 2025-70
RESOLUTION CONFIRMING CITY MANAGER'S APPOINTMENT OF CHRISTY WENTZELL AS CHIEF OF POLICE

WHEREAS, Chapter 50-73 of the Brevard Code of Ordinances states "the chief of police shall be appointed by the city manager subject to confirmation by the city council"; and

WHEREAS, during a Closed Session following the October 20, 2025 City Council meeting, held according to the provisions of NCGS 143-318.11(6), the city manager shared his intention to appoint Christy Wentzell as chief of police; and

WHEREAS, the City Council accepted the recommendation and agreed to hold a public vote on their confirmation at their November 17, 2025 meeting; and

WHEREAS, on November 17, 2025 the city manager publicly presented Christy Wentzell's credentials and conditions of employment.

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

The Brevard City Council does hereby confirm Christy Wentzell as Chief of Police based on the qualifications presented by the city manager at the November 17, 2025 City Council meeting.

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

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

J. Public Hearing(s)

J-1. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 4, and 8 – Institutional Campus Zoning District – Emily Brewer explained that this is a Staff-initiated text amendment to address some dimensional challenges in the Institutional Campus zoning district. Per Section 2.1 of the UDO, the Institutional Campus (IC) zoning district "is coded to allow for the continued and future use, expansion, and new development of academic and religious campuses, as well as government and health-care facilities. Unlike regular buildings which are oriented towards public streets, campus buildings are introverted towards spaces within the campus such as quadrangles." The IC zoning district was intended to allow for large "campus"-style development without much interaction with adjacent properties, so the requirements included large setbacks and buffers and don't interact with any other land uses. The IC zoning district has smaller parcels where the large setbacks (40 feet on all sides) do not work. The proposed amendments reduce some of the dimensional requirements for the IC zoning district for added flexibility and better incorporation into the City's other land uses. Planning Board considered this proposal at their October 28, 2025 meeting and unanimously recommended approval.

At 6:05 p.m. Mr. Morrow moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:05 p.m. Mr. Morrow moved, seconded by Ms. Holder to close the public hearing. The motion carried unanimously.

J-2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3, and 19 – Temporary Use Regulations – Emily Brewer explained that this is a Staff-initiated text amendment to revise the standards for temporary uses and clarify when an applicant needs to secure a temporary use permit and when the applicant needs a special event permit. Temporary uses are land uses on private property that are established only for a fixed, limited period of time with the intent of discontinuing it and removing any associated structures or tents as soon as it expires. The current ordinance conflates temporary uses with special events, which are temporary events held on public rights-of-way. This is part of a larger effort to revise both temporary uses and special events. The below matrix describes how uses may be permitted based on where they are held.

	CITY PROPERTY (Depot, MCJCC and FBCC)	**RIGHT-OF-WAY OR CLEMSON PLAZA**	**PRIVATE PROPERTY**
Events / Festivals / Carnivals / Etc.	Facility Reservation	Special Event Permit *(being discussed by the Public Safety Committee)*	Temporary Use Permit *(City may require a Special Event permit too if the event is deemed to "substantially hinder or prevent the normal flow of vehicular or pedestrian traffic")*
Vendors	Not allowed *(being discussed by the Finance & HR Committee)*	Not allowed *(being discussed by the Finance & HR Committee)*	Temporary Use Permit
Temporary Land Use	Not allowed	Not allowed	Temporary Use Permit

These amendments establish standards and procedures for the temporary land uses to ensure the protection of public health, safety, and welfare. Temporary uses may occur for a limited period of time, typically 90 days within the ordinance, and they must comply with all other requirements. City-sponsored events, such as the Transylvania Farmers Market, are exempted from certain duration limits. The administrator, along with the Technical Review Committee has broad discretion to impose conditions related to safety, traffic, parking, hours of operation, and other operational factors. Activities must cease by 10:00 PM when near residential areas and debris and temporary structures must be removed promptly after the event. The specific categories of temporary uses are:

- Agricultural/Produce Stands: Allows short-term sale of fresh produce and related products using temporary structures; vehicles and trailers cannot serve as sales structures.
- Construction Offices: Permits temporary structures for on-site project management and storage during active construction; valid for the duration of construction.
- Outdoor Seasonal Sales: Allows sales of seasonal goods (e.g., Christmas trees, pumpkins) for up to 90 days, with limits on frequency and location within zoning districts.
- Temporary Dwellings: Provides for short-term housing for residents displaced by disasters; limited duration (12 months, with one 6-month renewal) and subject to placement and floodplain regulations. (Note that events with a declared State of Emergency fall under Chapter 21 Emergency Response and Recovery of the UDO.)
- Temporary Mobile Classrooms: Permitted only for educational or religious institutions when the main building is damaged; allowed up to 12 months with extensions.

- Temporary Mobile Vendors: Allows small, non-motorized vending carts on private property for up to 30 days; excludes food trucks and vending on City property.
- Temporary One-Day Events: Permitted without a zoning permit if held no more than four times per year per site and without structures or street closures.
- Temporary Outdoor Events: Includes outdoor performances, markets, festivals, and similar activities; allowed for up to 14 days, with up to six events per property per year. Events impacting public rights-of-way may also require a special event permit.
- Temporary Outdoor Storage Containers: Includes portable moving and storage units. Containers may remain up to 30 days without a permit or up to 90 days with a permit and compliance with general standards.

The Planning Board considered this proposal at their October 28, 2025 meeting and unanimously recommended approval.

At 6:16 p.m. Mr. Morrow moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:16 p.m. Mr. Morrow moved, seconded by Mr. Daniel to close the public hearing. The motion carried unanimously.

During Council questions and comments Mr. Daniel suggested that the construction offices temporary use should be for permitted construction. He asked for clarification on temporary markets and how that differs from the weekly market at The Yard. Ms. Brewer said that is what this amendment would be talking about. Currently they are securing a temporary use permit for the duration of that project. The way it has been written into the amendment is that no one event may be longer than 14 calendar days and that no more than six outdoor events may be permitted per property per calendar year. After that it becomes more permanent in nature, and this is to clarify when something is in fact temporary and when something is permanent and needs to be treated with other development standards. Mr. Daniel expressed concern about how this would affect the market at The Yard and asked for more clarity on how something like that would be allowed. Ms. Brewer will provide additional context at the next meeting.

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

K-1. Tax Settlement Report – October 2025

K-2. Resolution Declaring Intent to Permanently Close an Unopened Right-of-Way – Hendersonville Pediatrics

RESOLUTION NO. 2025-71
A RESOLUTION DECLARING THE INTENT OF THE BREVARD CITY COUNCIL TO CONSIDER THE CLOSING OF AN UNIMPROVED ALLEY BETWEEN JORDAN STREET AND MORGAN STREET

WHEREAS, North Carolina General Statute §160A-299 authorizes the City Council to close any street or alley within its jurisdiction, provided that certain procedures are followed, including the adoption of a resolution declaring the City's intent to do so and the scheduling of a public hearing; and

WHEREAS, HP Brevard, LLC has requested the closure of an unimproved public alley that runs between Jordan Street and Morgan Street, located within the downtown block containing its property; and

WHEREAS, the City has determined that this alley extends the full length of the block, and a revised survey and legal description have been prepared to accurately describe the right-of-way proposed for closure; and

WHEREAS, the City Council desires to initiate the process required by State law in order to consider the requested closure.

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

1. Intent Declared. It is the intent of the City Council to permanently close the public alley extending between Jordan Street and Morgan Street as described in the survey and legal description prepared by the applicant's surveyor.

2. Public Hearing Scheduled. A public hearing on the proposed alley closure shall be held in the Council Chambers at Brevard City Hall on December 15, 2025, at 5:30 PM, at which time all interested persons will be given an opportunity to be heard.

3. Notice Requirements. The City Clerk is hereby directed to:
   - Publish this Resolution once a week for four (4) successive weeks in the Transylvania Times;
   - Send a copy of this Resolution by certified mail to each property owner adjoining the alley; and
   - Post a notice of the proposed closure in at least two conspicuous locations along the alley.

4. Further Action. Following the public hearing, the City Council may adopt an Order permanently closing the alley if it determines that the closure is not contrary to the public interest and that no property owner will be deprived of reasonable access.

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

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

K-3. Ordinance Declaring Street Closures for Holiday Events

ORDINANCE NO. 2025-55
AN ORDINANCE DECLARING MULTIPLE
ROAD CLOSURES FOR SPECIAL EVENTS

WHEREAS, Brevard City Council acknowledges a tradition of providing for festivals and special events downtown for the pleasure and enjoyment of citizens and visitors alike; and,

WHEREAS, Brevard City Council acknowledges that festivals and special events provide an opportunity for family-oriented activities that celebrate our small-town charm; and,

WHEREAS, Brevard City Council acknowledges these events require NCDOT system roads to be closed for setup, activities, and cleanup; and,

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

SECTION 1. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Light Up the Night

Date:	Saturday, December 6, 2025
Time:	6:00 AM – 8:00 PM
Route Description:	Main Street (US 276) from Caldwell Street to Rice Street; Broad Street (US 64) from Probart Street to Morgan Street

SECTION 2. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Holiday Parade

Date:	Saturday, December 6, 2025
Time:	1:30 PM – 5:00 PM

Route Description: North Country Club Road (SR 1116) from Brevard High School to South Broad Street; Broad Street (US 64) from North Country Club Road to the Brevard College main entrance.

SECTION 3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 17th day of November 2025.

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

K-4. Downtown Master Plan Committee Minutes – September 10, 2025

K-5. Council Public Works & Utilities Committee Minutes – October 1, 2025

L. Unfinished Business

L-1. Proposed Amendments to City of Brevard Code of Ordinances Chapters 1 and 38 – Restrictions on Hemp-Derived Consumable Products – Mr. Hooper recalled that Council held a public hearing on the proposed amendments at its November 3rd meeting. The proposal would prohibit shops located within 2000 feet of schools, parks, and after school facilities from selling hemp-derived consumable products to persons under the age of 21, and they must demand proof of age from prospective purchasers who appear under the age of 30. Likewise, it would be a violation for anyone under the age of 21 to attempt to buy hemp-derived consumable products at the prohibited locations and use a fake ID to do so. All of these violations would be punishable by a fine of $100 for the first offense, $250 for the second, and $500 for all subsequent offenses. Enforcement will be performed by the Brevard Police Department using methods similar to what ALE uses to enforce the drinking age. If this is passed, it won't take effect until January 1, 2026 to allow time to notify the affected vendors.

Mr. Morrow moved, seconded by Mr. Daniel to approve the amendment to the Code of Ordinances as presented. The motion carried unanimously.

ORDINANCE NO. 2025-56
AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES, CHAPTER 1 - GENERAL PROVISIONS AND CHAPTER 38 – HEALTH AND SANITATION: SPECIFICALLY ADDING RESTRICTIONS ON HEMP-DERIVED CONSUMABLE PRODUCTS

WHEREAS, the City of Brevard wishes to strengthen its regulation and legal enforcement authorities governing the trade and use of hemp-derived consumable products by persons under the age of 21 within 2,000 feet of any public or private school, public park, or after school facility; and

WHEREAS, certain provisions of the Code of Ordinances must be updated to legally enable enhanced enforcement of the trade and use of hemp-derived consumable products by persons under the age of 21 at these locations; and

WHEREAS, a public hearing was conducted on November 3, 2025, by Brevard City Council, and after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the Brevard City Council that the City Code of Ordinances be amended as outlined below.

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

SECTION 01. The City of Brevard Code of Ordinances is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Code of Ordinances to reflect the changes as set forth in the aforementioned Exhibit A.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such

portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. This Ordinance shall be in full force and in effect on January 1, 2026.

Adopted and approved on the 17th day of November, 2025.

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

L-2. Resolution in Support of HB 328 – Regulation of Hemp-Derived Consumable Products – Mr. Hooper noted that this resolution endorses House Bill 328 (HB328), entitled "An Act to Regulate the Sale, Distribution, and Possession of Hemp-Derived Consumable Products and to Add Kratom as a Schedule VI Controlled Substance". HB328 is legislation under consideration by the NC General Assembly that would place additional statewide regulations on the sale of hemp-derived consumable products to young people. The bill has followed a circuitous route through the NCGA's legislation process. Forms of the bill have passed both houses, but procedural nuances have caused the legislation to stall out in the Committee on Rules, Calendar, and Operations of the House.

Mr. Baker moved, seconded by Mr. Wise to approve the resolution supporting the passage of HB328. The motion carried unanimously. The resolution will be sent to our legislators.

RESOLUTION NO. 2025-72
RESOLUTION SUPPORTING THE PASSAGE OF HOUSE BILL 328 REGULATING THE SALE OF HEMP-DERIVED CONSUMABLE PRODUCTS

WHEREAS, the Brevard City Council believes the prevalence of hemp-derived consumable products poses a public health hazard; and

WHEREAS, in response the Brevard City Council has taken action to create reasonable local rules designed to regulate the sale of hemp-derived consumable products to people under the age of 21; and

WHEREAS, the Brevard City Council is aware of House Bill 328 entitled "An Act to Regulate the Sale, Distribution, and Possession of Hemp-Derived Consumable Products and to Add Kratom as a Schedule VI Controlled Substance" under consideration in the North Carolina General Assembly; and

WHEREAS, the Brevard City Council reviewed the provisions of the proposed legislation at its November 17, 2025 meeting.

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

Section 1. The Brevard City Council does hereby endorse the passage of House Bill 328

Section 2. City Staff are directed to convey this resolution to Representative Mike Clampitt, Senator Kevin Corbin, and other legislators as it sees fit.

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

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

M. New Business

M-1. R-5799 Sidewalk Betterments – Paul Ray presented options for betterments to NCDOT's Project R-5799, which includes two roundabouts on Asheville Hwy., one at Deavor Rd. and the other at US 64/ US 276 at the entrance to Pisgah National Forest. He noted that Council previously authorized the City Manager to work with NCDOT on pedestrian improvements to align with our Pedestrian and Bicycle Plan, but NCDOT has come back with some additional options for widening the sidewalk and extending the multi-use path. This part of the corridor is extremely busy for pedestrians and cyclists at the entrance to the national forest, and its proximity to places like Dolly's, The Hub, and Pisgah Tavern. This activity is expected to increase with the opening of the Ecusta Trail in 2027. The current NCDOT design includes:

- North side of US 276: A 10-foot multi-use path narrows to a 5-foot sidewalk from Pizza Hut to Dolly's Ice Cream. There is a 6-foot bicycle lane along the roadway.

- South side of US 276: A 10-foot multi-use path at the Pisgah Plaza shopping center and Davidson River Outfitters narrows to a 5-foot-wide sidewalk and continues in front of Hawg Wild Restaurant to the connector path leading to the boardwalk of the new pedestrian bridge.

There are four options for widening the pedestrian connections for Council consideration, with the option to mix and match to create additional options if desired:

- **Option 1 – North Side (5' to 8'):** Widen the sidewalk from 5 feet to 8 feet along the north side of US 276 between Pizza Hut, The Hub and Dolly's, providing additional space for shared pedestrian and bicycle movement in front of these high-traffic destinations.

- **Option 2 – South Side (5' to 8'):** Widen the sidewalk from 5 feet to 8 feet on the south side of US 276 between Pisgah Plaza and Pisgah National Forest, improving comfort and safety for pedestrians and cyclists exiting the Forest and connecting to the 10-foot multi-use path at the US 64/276 intersection.

- **Option 3 – South Side (5' to 10'):** Widen the sidewalk from 5 feet to 10 feet along the same south-side segment described in Option 2, creating a continuous 10-foot multi-use facility from the intersection to the Forest, consistent with the City's Pedestrian & Bicycle Plan recommendation for shared-use paths in gateway corridors.

- **Option 4 – No Additional Betterments:** Proceed with no changes to the current NCDOT plans. Under this option, sidewalks and multi-use paths would be constructed exactly as designed by NCDOT, with no additional City-funded enhancements.

Mr. Ray noted that Staff recommends a combination of Option 1 and Option 3, an 8-foot sidewalk on the north side between the Hub and Dolly's, which complies with the UDO standards, and a 10-foot multi-use path on the south side between Pisgah National Forest and US 64/276, which aligns with the Pedestrian & Bicycle Plan. The combined cost to the City is approximately $27,000. If Council chooses any option other than Option 4, Staff would like direction on whether to use Fund 75 (Roundabouts) or Fund 78 (Multi-use Path) for these expenses.

Mr. Morrow moved, seconded by Mr. Baker to adopt the combination of Option 1 and Option 3 as recommended by staff. The motion carried unanimously.

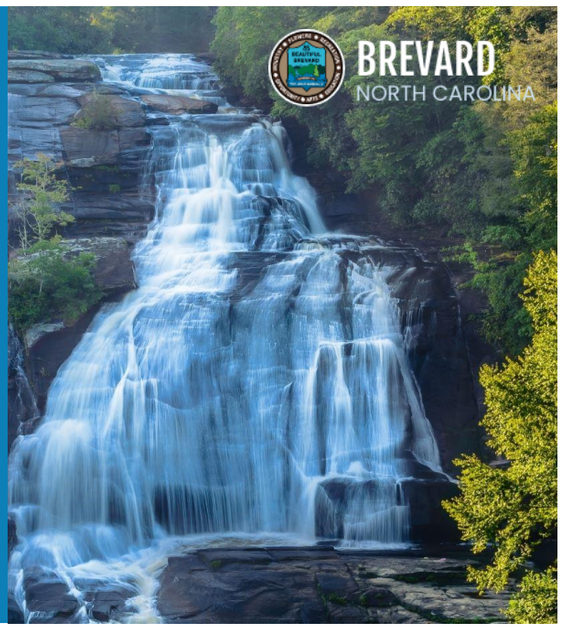
Mr. Baker moved, seconded by Mr. Wise to use Fund 75 to fund the betterments. The motion carried unanimously.

M-2. Proposed Utility Connection Requirements for Properties in the Azalea / Rhododendron Neighborhood – Mr. Hooper explained that this item is part of an ongoing policy negotiation between the City and Transylvania County, which stems from a discussion at the Board of County Commissioners a few months ago about how they would divide up $12M in funding they had for housing and infrastructure improvements. They agreed to fund the design of the Azalea Ave. utility extension in full but stopped short of agreeing to fund the construction of the project until the matter of which unincorporated properties would be eligible to tap on to the utility extension was resolved. This recommendation by the Housing Committee has been shared with the County Manager and Chairman Chappell and they suggested that if full Council affirmed this, they would consider it as a board. If Council adopts the Housing Committee's recommendation, staff will send an official letter with Council's decision, along with a request to fund the construction of the project.

Emily Brewer gave a PowerPoint presentation outlining the proposed utility connection requirements:

Proposed Utility Connection Requirements for Properties in Azalea / Rhododendron Neighborhood

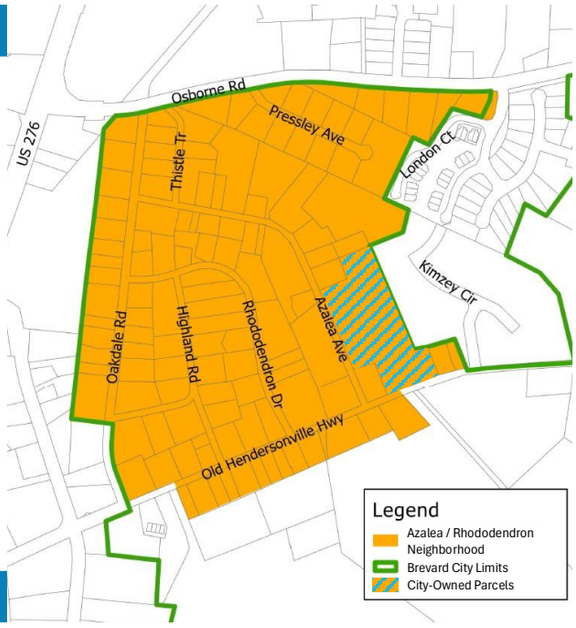
City Council
November 17, 2025



Azalea/Rhododendron Neighborhood

- Predominately low-income neighborhood plagued with failing septic systems
- 126 residential parcels
- City-owned Azalea / Old Hendersonville Hwy site for affordable housing
- Flood hazard areas

Sewer extension would resolve a public health crisis and promote the creation and preservation of housing in the area.



BREVARD NORTH CAROLINA

Timeline

- **August – September 2025**
  - County Commissioners asked Brevard and Rosman to submit infrastructure funding requests
  - City staff submitted the Azalea / Rhododendron sewer extension project for the Commissioners' consideration (among others)
- **September 26, 2025**
  - County Commissioners agreed to fund design / engineering for the project
  - Commissioners requested additional information on the utility connection requirements for this project
- **October 14, 2025**
  - Housing Committee discussed the alternatives and recommended this proposal
- **Next Steps**
  - Council adopts a resolution memorializing the decision on the utility connection requirements for this project (tonight)
  - Staff forwards the resolution to County Commissioners for consideration along with the funding request for construction
  - Staff works with the County to finalize MOU for design / engineering and (hopefully) construction

BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 3

Council Exceptions for Public Health & Safety

Brevard City Code Section 2-292(C)

- 2. Wastewater collection service may be provided to ***residential customers*** outside the corporate limits of the City of Brevard in order to ***resolve an immediate danger to the public health and safety***, upon recommendation by the Transylvania County Health Department and:
  - a. The city manager may approve connection to the utility system on a temporary basis for a period not to exceed one year, at which time voluntary annexation shall be required.
  - b. ***Permanent utility connection*** to ***property and/or neighborhood*** to resolve an immediate health danger may be granted according to provisions as set by city council.

BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 4

Deed Restrictions Discussion

- Legally binding covenants on the property title that set restrictions and conditions for its use and resale
  - When used for affordable housing – deed restrictions limit the resale prices using a set formula
- Challenges and Considerations
  - Some funding sources (federal and state) do not allow for deed restrictions or other types of permanent restrictions on properties.
  - Administering deed restriction programs are labor-intensive
  - Properties with resale deed restrictions are not eligible for many traditional mortgage types (conventional loans, VA loans, USDA loans, etc.)
    - New homes may not be able to secure a mortgage
    - Existing residents with mortgages could violate their loan agreements and/or unable to secure additional financing if necessary

BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 13

Housing Committee Discussion

- ***How do you want to grant the exception to the annexation requirement?***
  - City Council may grant on a permanent basis to resolve a public health and safety matter, subject to terms and conditions
  - Deed restrictions (previously discussed, presents challenges)
  - Utility Service Agreements (more details to follow)

- ***To whom do you want to offer the exception to the annexation requirement?***
  - Exempting the entire neighborhood
  - Exempting all existing residences
  - Exempting only properties with failing or inadequate septic systems (upon recommendation by County Health Department)

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Utility Service Agreements

- Formal agreement between property owner and city where sewer service is provided to properties outside of corporate limits.
  - Allows property owners to ***voluntarily agree*** to the utility service agreement with terms of usage set by the City in exchange for not annexing.
- Terms of the Utility Service Agreement
  - Utility rates (paying higher out-of-town rates)
  - Annexation (not required, provided the terms of this agreement are met)
  - Infrastructure costs (who pays what costs – infrastructure, taps, system development)
  - Access and easements (if line extends beyond public rights-of-way, City retains access for repairs and maintenance)
  - Property use (required to remain residential)
  - Noncompliance (likely loss of service and/or fines; annexation required if not remedied)

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Housing Committee Recommendation

- ***How do you want to grant the exception to the annexation requirement?***
  - City Council may grant on a permanent basis to resolve a public health and safety matter, subject to terms and conditions
  - Deed restrictions (previously discussed, presents challenges)
  - ***Utility Service Agreements – Recommended by Housing Committee)***

- ***To whom do you want to offer the exception to the annexation requirement?***
  - Exempting the entire neighborhood
  - Exempting all existing residences
  - ***Exempting only properties with failing or inadequate septic systems (upon recommendation by County Health Department) – Recommended by Housing Committee***

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Housing Committee Recommendation

Property owners would be given a set of choices once sewer is available:

1. Do not connect to the sewer system
2. Connect to the sewer system through annexation
3. If the septic system has failed or is failing (upon designation by the County Department of Public Health), connect to sewer without annexing by signing the utility service agreement

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Policy Analysis

Building Brevard 2030 Comprehensive Land Use Plan

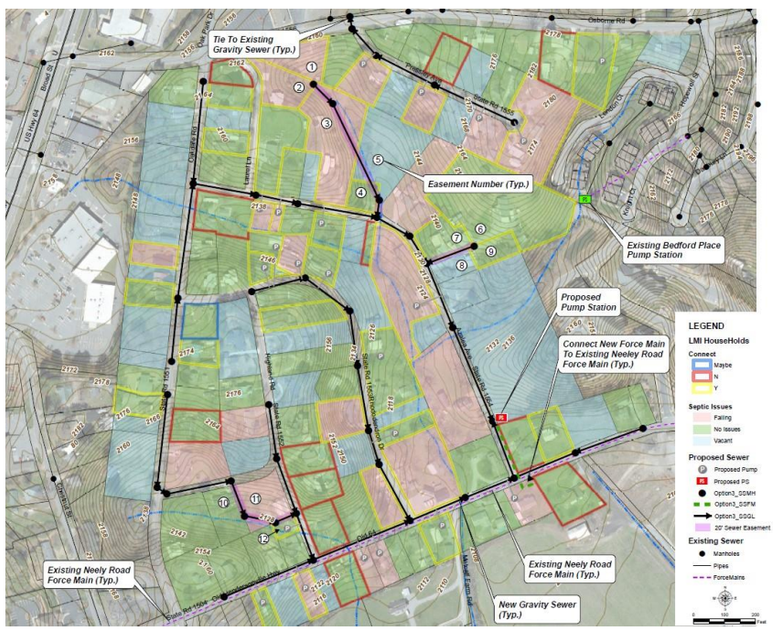
- **GOAL 1**: Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **GOAL 2**: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **GOAL 3**: Ensure fairness and equity in providing for the health, safety, and welfare of all citizens and groups.
- **GOAL 4**. Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.
- **GOAL 5**. Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.
- **GOAL 8**. Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.

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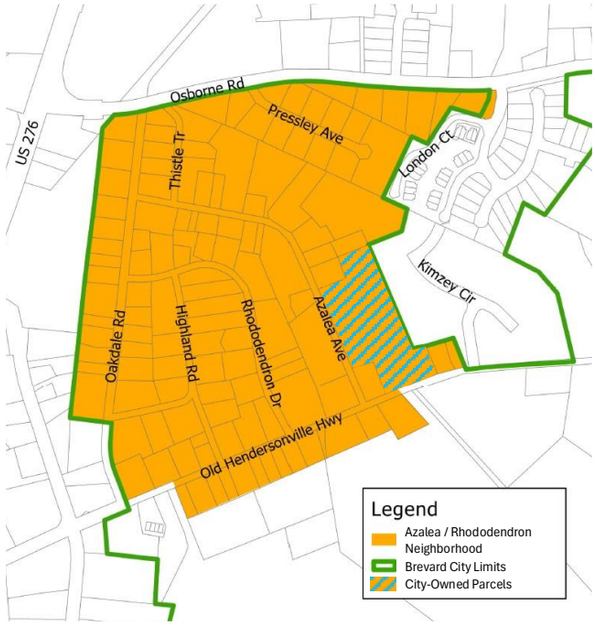
Action Requested

- Attached resolution that memorializes the version recommended by the Housing Committee
- Staff requests that Council take one of the following actions tonight:
  - Adopt the resolution as presented;
  - Adopt the resolution as revised by Council; or
  - Reject the resolution.
- Adopted resolution will be forwarded to County Commissioners for their consideration.

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Map prepared by Summit Engineering with 2020 survey data and used in preparing cost estimate.



Mr. Baker moved, seconded by Mr. Morrow to adopt the Resolution as presented. During discussion Ms. Holder expressed concern about gentrification and keeping the homes affordable in this neighborhood. Following discussion, the motion carried unanimously.

RESOLUTION NO. 2025-73
A RESOLUTION MEMORIALIZING CITY COUNCIL'S INTENT TO ALLOW SEWER CONNECTION TO CERTAIN PROPERTIES IN THE AZALEA / RHODODENDRON NEIGHBORHOOD TO RESOLVE IMMEDIATE DANGER TO PUBLIC HEALTH AND SAFETY

WHEREAS, the City of Brevard owns and operates a municipal sewer system designed to protect public health, safety, and the environment by providing adequate wastewater collection and treatment; and

WHEREAS, the Azalea / Rhododendron neighborhood is identified as the properties located outside of the City of Brevard corporate limits generally bound by Osbourne Road to the north, Oakdale Road to the west, Old Hendersonville Highway to the south and London Court and Kimzey Circle to the east and further identified by Exhibit A; and,

WHEREAS, certain properties located outside the corporate limits of the City in the Azalea / Rhododendron neighborhood have been identified as posing an urgent threat to public health and safety due to failing or inadequate on-site septic systems; and

WHEREAS, the Transylvania County Department of Public Health has determined that the continued use of said systems presents a clear and present danger to the health of residents and the protection of surface and groundwater resources; and

WHEREAS, Section 2-292 of Brevard City Code authorizes City Council to grant permanent utility connection to certain residential customers outside of the corporate limits to resolve a danger to health and safety pursuant to provisions as set by City Council; and

WHEREAS, the City Council finds that authorizing limited sewer connections outside the corporate limits, under specific conditions and agreements, is in the best interest of public health, safety, and welfare; and

WHEREAS, the City Council further finds it appropriate to require that property owners benefiting from such connection enter into utility service agreements to ensure the orderly provision and protection of municipal services.

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

Section 01. City staff are hereby authorized to pursue funding for extension of wastewater collection systems to serve the Azalea / Rhododendron neighborhood with the intention of allowing sewer connection to certain properties in the neighborhood without annexation to resolve immediate dangers to public health and safety; and

Section 02. City staff, in consultation with the Transylvania County Department of Public Health, are hereby authorized to identify properties with failed or failing septic systems in the Azalea / Rhododendron neighborhood that would qualify for connection without annexation in accordance with this resolution; and

Section 03. City staff are hereby authorized to prepare utility service agreements terms for Council's consideration.

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

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

N. Remarks/Future Agenda Considerations.

Ms. Holder said my passion is affordable housing and keeping it affordable so when we build houses in a neighborhood and another house that is already there sells for a higher sale price, then that falls on the affordable housing as well. The tax value is going to go up if someone else sells their house at a higher price. I want to make sure that whoever is in that house can stay in the house and that we can attract people to this city who can afford to buy a house and be a homeowner.

Mr. Wise offered congratulations to Council Member Baker and Mayor Copelof on their reelection and to Councilmember-elect Dean Lytle. He also welcomed Chief Wentzell to the team.

Mr. Baker thanked the voters for their trust and said he was excited to get started on a second term. He said I believe we had a record turnout this year at 43%. I also want to thank all the candidates that ran this year. I feel compelled to mention some of the things we are seeing in Charlotte with the Border Patrol acting in those areas. I speak for myself, but there are a lot of others in our community that are concerned about this, and I want to say publicly that we do not have a crime issue among the immigrants in our city. We just got through a hurricane a year ago that destroyed many of the homes that some of our immigrant families were living in. After that occurred we saw churches, builders, and volunteers come together to rebuild those homes to keep people in this community. The idea that after coming through a natural disaster like that that threatened not only the lives of these people, but the homes that they live in and their ability to stay here, that they would be unceremoniously ripped away is hard for me to talk about. I appreciate our community and the spirit we exhibited after the hurricane and I am going to hold onto that spirit.

Mr. Hooper noted that Councilmember-elect Lytle visited with the Mayor and staff for most of the day on Friday.

Mayor Copelof thanked the voters and offered congratulations to Council-member Baker and Councilmember-elect Lytle. She noted that on December 1st Council will hold its Organizational Meeting and we will be saying farewell to Councilmember Morrow after 35 years of public elected service and will swear-in the reelected and newly elected councilmembers. She welcomed our new permanent Police Chief Wentzell and expressed appreciation to Interim Police Chief Moorman. She expressed appreciation for staff's work on the hemp-derived consumable products and on the utility connection for the Azalea / Rhododendron neighborhood. She also thanked the County for the $350,000 to fund the engineering work for utility expansion into that neighborhood. She said next week is Thanksgiving and this is a hard time for many of our families and asked everyone to remember those that don't have as much as you might have, and to work with our non-profits on ways to step up and make a difference.

O. Closed Sessions

O-1. Personnel and/or Employment: NCGS §143- 318.11.(a)(3)(5)(6) – At 7:31 p.m. Mr. Morrow moved, seconded by Mr. Baker to go into closed session to discuss a personnel matter and to clear Council Chambers. The motion carried

unanimously. City Manager Wilson Hooper was authorized to remain for the closed session with Council and Attorney McKeller.

Council Returned to Regular Session – at 8:15 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 8:15 p.m. Ms. Holder moved, seconded by Mr. Morrow, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: December 1, 2025