MINUTES
BREVARD CITY COUNCIL
Regular Meeting
December 15, 2025 – 5:30 PM

The Brevard City Council met in regular session on Monday, December 15, 2025, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

Present – Mayor Maureen Copelof, Mayor Pro Tem Aaron Baker, and Council Members Gary Daniel, Lauren Wise, and Dean Lytle

Absent – Council Member Pamela Holder

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant City Manager David Todd, Communications Coordinator Becky McCann, Human Resources Director Kelley Craig, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Planner Stephanie Holland, Interim Police Chief Jack Moorman, Fire Chief Chase Owen, Public Works Director Wesley Shook, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans and Community Center Director Tyree Griffin

Press – David Bradley, Transylvania Times

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

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

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

D. Certification of Quorum – City Clerk Denise Hodsdon certified that a quorum was present. Mr. Wise moved, seconded by Mr. Daniel to excuse Council Member Holder. The motion carried unanimously.

E. Approval of Agenda – Mr. Lytle requested that the minutes of the December 1, 2025 Organizational Meeting be revised to add comments made by Council Member Holder regarding appointment of Mayor Pro Tem and that approval of the minutes be removed from the agenda. Mr. Baker suggested that Item L-3 Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 4, and 8 – Institutional Campus Zoning District, and Item M-1 Appointment of Citizen Members to Policy Committees be moved to the Consent Agenda as Items K-11 and K-12. Mr. Daniel moved, seconded by Mr. Wise to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes – Removed from agenda.

G. Certificates / Awards / Recognition

G-1. Proclamation No. 2025-31 Kwanzaa Week – Mayor Copelof read the proclamation aloud and presented it to Mary C. Jenkins Community Center Board President Randy Lytle and NAACP Representative Rebecca Wynn.

PROCLAMATION N0. 2025-31
KWANZAA WEEK PROCLAMATION

WHEREAS, Kwanzaa is an observance week annually celebrated from December 26 to January 1 celebrating African American family, heritage, community contributions and culture throughout the world. The name 'Kwanzaa' translates to "first fruits of the harvest" in the Swahili; and

WHEREAS, Kwanzaa was created by Dr. Maulana Karenga, professor and chairman of Africana Studies at California State University. Since 1966, Kwanzaa has been celebrated for a week with the lighting of a 7 prong candle holder, called a *Kinara*. Kwanzaa is organized with proclamations by mayors and city councils, festivities and events to recognize the significance of values and core principles. The three official colors are black, red and green which are symbolic and representative of Kwanzaa. The green color represents the hope for a better future, the red represents the struggle and barriers throughout history and the single black candle which is placed in the center represents African people; and

WHEREAS, the 7 core principles include Unity, Self-determination, Collective Work and Responsibility, Cooperative Economics, Purpose, Creativity and Faith. Throughout the week there are fundamental activities of the ingathering of people, spiritual worship, commemoration of the past and commitments to positively build proactively for future generations; and

WHEREAS, the City of Brevard, North Carolina, honors cultural diversity, equity and inclusion for all to enjoy. This city upholds a tradition to enrich the community with values, proactively preserve African American historical preservation and welcome all residents to participate in recognizing Kwanzaa as an opportunity to continue to unite; and

WHEREAS, this city will continue to successfully build strong foundations, collectively embracing cultural diversity that empowers people of all faiths, ethnic backgrounds and focus on aspiring towards the future that educates and respects cultural diversity. Diversity strengthens our city socially, economically and improves the quality of life for all residents.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim December 26, 2025 to January 1, 2026, as **KWANZAA WEEK** in the City of Brevard and commend its observance to all citizens.

Signed this 15th day of December, 2025

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

H. Public Comments

Doug Powell of 170 Oakdale offered congratulations to Mayor Copelof and Council Members Baker and Lytle. He noted that today we celebrate Bill of Rights Day, which was ratified on December 15, 1791 and includes our freedom of religion, freedom of speech, due process, among many other God-given rights derived from the Bible and protected in the Constitution. He added that we are exactly 200 days from our nation's 250th birthday and 10 days from celebrating our national holiday of Christmas, where we gather in homes and churches to honor the birth of our Savior Jesus Christ. He then talked about John Quincy Adams, one of our founding fathers, who he said knew how to reconcile these two important birthdays and national celebrations. He wished everyone a very Merry Christmas.

Scott Sullivan of 211 West Lane said I frequent The Yard, and I have a business there. I wanted to speak to the amendments to the UDO and would hope that The Yard would be a shining case study of a place that should be edited into the UDO and not edited out. I also produce the winter market at The Yard. We just had our second one and it's really great, so I am speaking both on behalf of myself and in support of all the small businesses that operate at The Yard, the makers and the families that rely on this space. What is The Yard? It's not a large commercial development, it's not condos, it's not a Walmart. It should be governed differently; it's small-scale community-oriented space; it's incremental development. It functions as a third place, other than work and home, so people can come together there. It was previously a vacant lot that was kind of an eyesore. It was heavily used by the city's subcontractors – large trucks in and out of there, fill dirt, moving services. I would say the impact was actually higher before the current owners of The Yard took over. They planted a ton of native trees, pollinator gardens, they have invested in the streetscape, they've created affordable and flexible space for small businesses and non-profits to thrive, they've hosted weekly farmers markets and seasonal makers markets, they built a kids bike path and a play area free, you don't have to pay to go spend time there, they commissioned public art in the great mural that they have, and they brought people to downtown Brevard, even from outside Brevard in a really positive family-friendly way. Why it matters to me personally? It's allowed my business to grow and thrive, I see friends and family there, and The Yard doesn't have the financial capacity as a large developer, requiring big box-level infrastructure cost, which would effectively eliminate small-community scale

spaces like this. The Yard is asking for reasonable accommodations, not special treatment, and the impact it creates is far greater than the physical footprint it occupies. I am asking the City to recognize The Yard as unique low-impact community space. Adjust and clarify the UDO so spaces like this can exist.

Josh Fisher of Greenville Hwy. said I want to take you guys back to May of 2025 when I sent the City, City Council, and the Mayor an email. We're going to back to a day in May of 2025—Transylvania County Services arrived at a city-employee's house to find a dead dog in a dog pen. This is all public record so nothing I am saying is confidential. A dead dog in a dog pen that had been starved to death, another dog that had been abused. They decided to take the dogs away from this city employee. They charged one person that lived there with misdemeanor animal cruelty, but not the other person. The other person that resides there is a city employee. Why weren't they charged when they reside there too? Obviously there is something else going on. Both parents should have been charged. They blamed it on a little boy who is supposed to take care of their dog. Who's the adults? Are they adults, are you guys adults? Who's going to take accountability at some point within this city? When I emailed the city for comment on this, I got that you guys can't comment. Every other city and county in the nation, when they are asking for public comment on wrongdoing from a city employee, they will give a public statement. I understand you can't talk about internal stuff, but you guys made no statement. I have today, and Mr. McKeller, I understand that the District Attorney cannot file charge on somebody, but I have reached out to the District Attorney today to look into the other person that lives at this residence. But also, the person that does live here, this Lieutenant with the Brevard Police Department, has also…hearsay has been saying the he's going to sue people that talk about this. This is public record, so you can give him a message for me. He can sue me. This is all public record, I'm ready, my attorneys are ready. This is a picture where the dog died. Remember this picture; think of a dead dog that was starved to death. What if that was your pets? I'm asking the city to make a public statement and now that this is public, please say something and do something. I'm not going to stop until something is done.

Rodney Locks of 187 S. Rice St. noted that at the Organizational Meeting, the City Council elects from its members a Mayor Pro Tem to serve in the absence of the Mayor, and to perform duties as assigned. In other words, the Mayor Pro Tem is the alternate face of the City locally, regionally, statewide, and wherever the Mayor cannot attend. I say all this to remind you that the Mayor Pro Tem is not a symbolic position. It would help the community if you would clarify Council's criteria for selecting a Mayor Pro Tem.

Justin Straborny of 224 Burrell Ave. said I am here to speak in support of The Yard. I have a 3-year old and a 6-year old and we find ourselves there almost every other day. You run into people there all the time that enjoy the area and space that's there for the community. Just this past weekend I ran into a friend I worked with in Raleigh two years ago who was enjoying the winter market. I also ran into an old high school friend who lives in Rosman that I hadn't seen in a while. These are moments that happen organically and I feel it is important that The Yard continue to be able to do what it's doing, and grow organically if possible at a reasonable cost to them.

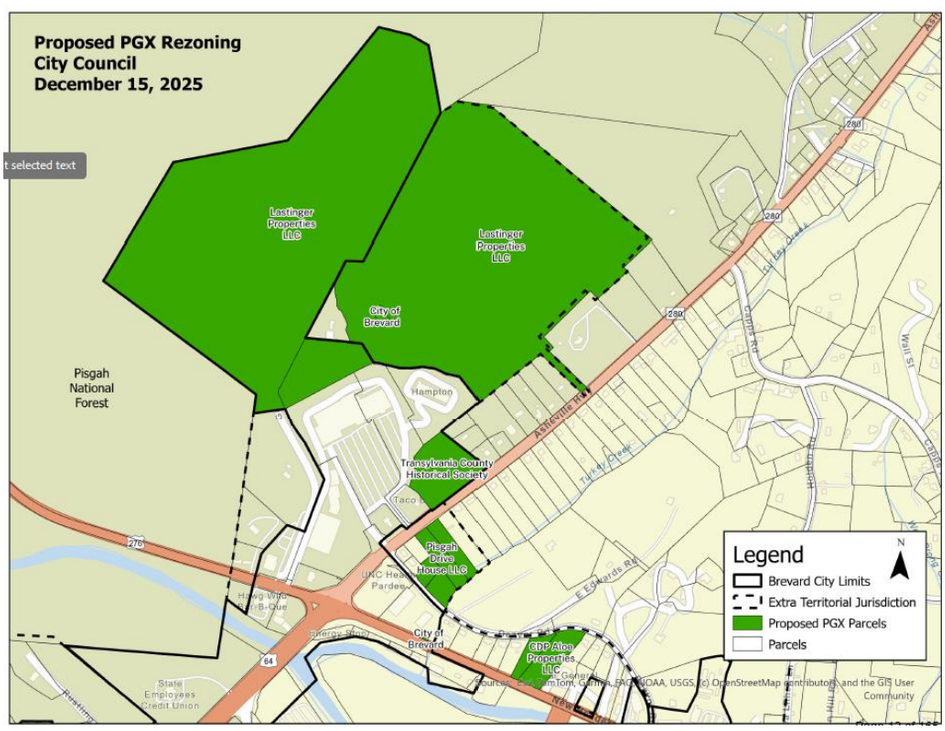
Carole Stone of S. Caldwell St. said I want to make a comment about The Yard because I just recently found that it was underneath the zoning and changes on that. As the other speakers have said, I was pretty surprised to find out that this is being questioned about it being rezoned. I remember when there was nothing there and the City put the Railroad Depot there, and the citizens of Brevard were pretty outraged about the dollar amount that was spent on that parking lot, and it was pretty much a parking lot for nobody. I don't know anybody or any of the owners or the people associated with The Yard, but I live in the area, so I drive past all the time. So an idea was sparked, an Airstream showed up, coffee and ice cream, and then there was picnic tables inviting the community and families and children. Then Creekside food truck showed up to carry on a well-loved local business that had been closed because of a roundabout coming. Now it seems like the Planning Department is seeking to destroy a gathering place that the locals are craving. There are so many places, and so many

comments made that the children in Brevard don't have any place to go and there is nothing to do. Of course, we all have the forest and we know we can go there, but taking your children to the forest is an event. But when there's somewhere in our backyard that the children can go, ride their bikes, and community members can hook up with other community members, I would hate to see that destroyed because they want to operate it like a business. Yes, they do special permits there, they have improved the site, and it is my understanding that when they do these permits there that they do apply and pay the permit fees before they do this. So, I'm asking City Council if this is included in another part of the rezoning, to ask for an exclusion for this and let The Yard continue to be the park and spot that it is in Brevard.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed Amendments to the Official Zoning May of the City of Brevard – Aaron Bland recalled that in June and September of 2024 the Planning Board first discussed rezoning much of the area surrounding the US 64 / US 276 / NC 280 intersection at the entrance to Pisgah National Forest to a new zoning district called the Pisgah Gateway Mixed Use District (PGX). The Board forwarded a favorable recommendation to City Council, who enacted the rezoning and updates to the UDO on November 18, 2024. After that, as a part of SL 2024-57 the General Assembly amended a provision of the General Statutes that pertains to "downzoning" which retroactively invalidated that rezoning. In February of 2025 Council readopted just the text amendments to the UDO creating the PGX District and all of it's regulations, but did not apply that to any land in the city's jurisdiction. In May of 2025, Staff brought the idea of creating PGX back to the Planning Board, which again recommended in favor. A public hearing was held by City Council in June, however, due to the uncertainty of pending legislation that could have potentially re-amended the downzoning statute, Staff requested Council table the matter. Council did just that at their August 4, 2025 meeting. Throughout that time, Staff has been discussing PGX with different property owners in the area because there was a provision in the downzoning changes that allowed the rezoning to happen with written property owner permission. Since being tabled, none of the various proposed bills in the General Assembly have progressed. Therefore, Staff is recommending moving forward with the PGX rezoning, but only for those properties who have expressly consented to the downzoning it would create. Mr. Bland noted that the two properties that go between US 64 and Deavor Rd. have sold since the property owners gave permission and the current property owners have not given consent, so those will need to be excluded.



The Planning Board discussed this at its November 18th meeting and recommended in favor as presented. The Planning Board also suggested that Staff continue their outreach to property owners in the area and try to do a "Phase 2" rezoning of multiple properties in the future, which Staff agreed to do.

At 6:06 p.m. Mr. Baker moved, seconded by Mr. Wise to open the public hearing. The motion carried unanimously.

Public Participation:

Patricia Wrinkle of 425 Deavor Rd. said I am CDP Aloe Properties (CDP) and you have our go ahead and we will be down to see you tomorrow. We've got several properties on Deavor Rd., two of which also go out to 64. I've got two long-term rentals and since I've been working on one getting it ready to rent, it has become quite apparent that Deavor Rd. is becoming a highway. Everybody uses it as a cut-through, particularly after the roundabouts. I am for the commercial part of it. I also enjoy the lack of commercial, so I'm good either way. I just hope you guys come up with a ruling on the zoning because we're kind of waiting for you all to decide. Some of the things that have come up today, food trucks, anything for the community is good, housing…we're open to anything to develop, but we need the zoning to know where to go from there, other than rental houses.

At 6:09 p.m. Mr. Baker moved, seconded by Mr. Wise to close the public hearing. The motion carried unanimously.

J-2. Closure of Unopened Alleyway – Hendersonville Pediatrics – Paul Ray explained that Hendersonville Pediatrics Brevard, LLC has requested the closure of an unimproved alley that runs across their parking lot between Jordan Street and Morgan Street. On November 17, 2025, City Council adopted a Resolution declaring its intent to consider closing this alley, as required by NCGS 160A-299. Tonight's public hearing is the next step in the required legal process for closing a public street or alley. Closing a public street or alley results in transferring a public asset into private ownership. When this occurs, it is important that the City receives a benefit of comparable public value. Staff has been negotiating with HP Brevard; however, a final agreement has not yet been reached. No action is requested at this time. Staff will return with a final legal agreement for Council's consideration and vote.

At 6:20 p.m. Mr. Daniel moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation:

Dustin Alderson one of the pediatricians and owners at Hendersonville Pediatrics said we have been the only pediatricians in Transylvania County for over 40 years and take care of the vast majority of the children in the City of Brevard and Transylvania County. We're grateful to have that opportunity; it's a real privilege. If any of you have been to our current, soon to be old office, you are well aware of the fact that we outgrew that office probably 10 to 15 years ago. We actually operate at about twice the national average for patients per square foot per day. So, we have been looking for a place to move our clinic for 10 years and two years ago we were able to identify where we wanted to move, which happens to be right here behind City Hall. We're very pleased and looking forward to the opportunity to continue taking care of patients there. Along with taking care of our patients, we are going to be having MAHEC, which is a FQHC and they are going to be bringing expanded OB services, internal medicine, a pharmacy, and psychiatry. This is not official, but they have talked about even moving their child and adolescent psychiatry fellowship here to Brevard from Asheville. All that to say there will be extensive vital services for the children of the City Brevard and Transylvania County. That expansion will necessitate a significant amount of parking, as you can imagine. So, our hope is that, in exchange for closing this alley, that we will, and our intent is to allow public parking as much as is absolutely possible and/or feasible, while still honoring the needs of our patients, MAHEC's

patients, and any of the other potential tenants, which we're nearing having two other entities that serve the public along with us. We appreciate the opportunity.

At 6:24 p.m. Mr. Baker moved, seconded by Mr. Wise to close the public hearing. The motion carried unanimously.

During Council questions and comments Mr. Lytle commented that it's good to see this space being occupied, but the City does want to get a like for like benefit from it and we just need a little more time for staff to negotiate.

Mr. Daniel agreed with Mr. Lytle but noted that it looks like they are operating as if they have already got this right of way. He said I understand they are offering a great service to our community, but I also feel for them to proceed seemingly without having concern for the negotiations that were initiated by the City, to sort of disregard that completely, I have a problem with that. This is a substantial piece of property that is being considered to be given for a fairly small compensation as far as the lot size is concerned. This is already one of the largest private parking lots in the City of Brevard, and we're talking about making it larger without an equal compensation and I have some personal concerns about this.

Mr. Baker said I was excited to hear that they are moving downtown and I was also excited about the original idea we had to do a little bit of a swap to add public parking to the City's lot next door. I think it would be in the general public's interest and in the business's interest to maximize the amount of parking there. I'm looking forward to how we can negotiate this out over the next few weeks, and I'm hopeful we can come to a good conclusion.

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 – November 2025

K-2. notice of Change Orders Nos. 1 & 2 for the Water Treatment Plan Upgrade

K-3. Budget Amendment – FY25 – GASB 87 – Lease of Police Station at 132 Commerce St.

ORDINANCE NO. 2025-57
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-17

SUBJECT: Budget Amendment to increase General Fund budget by $668,700 to comply with GASB 87 regulations concerning the Police department lease at 132 Commerce Street.

AGENDA INFORMATION

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

BRIEF SUMMARY: The Governmental Accounting Standards Board (GASB) implemented GASB 87 in June of 2021, in an effort to better reflect financial activity involving leases. Since that time, the City has recognized a lease receivable involving a cell tower at the Fire Department, but has not needed to record a lease payable. In July of 2024, the City finalized a five year lease for the Police Department at 132 Commerce Street. Because GASB 87 requires that a right to use asset and lease liability to be recorded, a budget entry is needed to prevent the Police Department FY25 budget from showing a budget violation. Additionally, the monthly lease payments should have been recorded under "Non-Departmental", alongside other City debt. More information concerning this lease will be available in the FY25 financial statements, Note 8. This budget entry has no effect on fund balance.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-17, as submitted, increasing (decreasing) the budget in expenditure account:

10-5100-7400 (Capital Outlay)	$668,700
10-6600-9380 (Lease Principal – Police)	$52,500
10-6600-9381 (Lease Interest – Police)	$27,600
10-5100-4200 (Commerce St Lease)	($80,100)
TOTAL	**$668,700**

And increasing the budget in the revenue account:

10-3920-0040 (Debt Proceeds)	$668,700
TOTAL	**$668,700**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this15th day of December 2025.

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

K-4. Council Finance, Human Resources & Citizen Appointment Committee Minutes – September 22, 2025

K-5. Council Housing Committee Minutes – October 14, 2025

K-6. Rosenwald Community Advisory Board Minutes – October 16, 2025

K-7. Council Downtown Master Plan Committee Minutes – October 24, 2025 Special Meeting

K-8. Council Public Safety Committee Minutes – October 28, 2025

K-9. Council Downtown Master Plan Committee Minutes – November 12, 2025

K-10. Correspondence *(No action. Offered as information only.)*

K-10-a. Mayor's Report re AARP Age-Friendly Task Force

K-10-b. ABC Board Minutes – October 23, 2025

K-10-c. ABC Board Minutes – November 3, 2025 Special Meeting

K-11. (L-3) Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 4, and 8 – Institutional Campus Zoning District

ORDINANCE NO. 2025-58
AN ORDINANCE AMENDING CHAPTERS 2, 4, AND 8 OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO REVISE DIMENSIONAL STANDARDS FOR INSTITUTIONAL CAMPUS ZONING DISTRICT

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance Chapter 2 – Districts and General Provisions; Chapter 4 – Lot and Subdivision Requirements; and Chapter 8 – Tree Protection and Landscaping be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the goals and objectives of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*, specifically LUH-23: *Incorporate flexible zoning standards and simplified approvals for camps, campuses, and institutions*.

WHEREAS, a public hearing was conducted on Monday, November 17, 2025, by the 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 City Council of the City of Brevard 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. City of Brevard Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

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 from and after the date of its adoption and approval.

Adopted and approved this the 15th day of December, 2025.

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

K-12. (M-1) Appointment of Citizen Members to Policy Committees

RESOLUTION NO. 2025-77
RESOLUTION APPOINTING MEMBERS TO POLICY COMMITTEES

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

WHEREAS, committees were designated into one of three categories: policy committees, statutory committees, and advisory committees; and

WHEREAS, the Council initiated a new system for making appointments that would apply to every body to which the Council makes appointments; and

WHEREAS, the terms of citizen members appointed to policy committees were set at two years with all terms expiring on December 31st; and

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

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

WHEREAS, the applications received during the recruitment period were reviewed by the Finance, Human Resources and Citizen Appointment Committee at their November 24, 2025 meeting; and

WHEREAS, at that meeting the Committee recommended appointments to the Finance, Human Resources and Citizen Appointment Committee; Housing Committee; Public Safety Committee; and Public Works and Utilities Committee to full City Council.

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

1) The Brevard City Council does hereby reappoint Susan Miller to the Finance, Human Resources and Citizen Appointment Committee, effective January 1, 2026 and expiring on December 31, 2027; and

2) The Brevard City Council does hereby reappoint Victor Foster to the Housing Committee, effective January 1, 2026 and expiring on December 31, 2027; and

3) The Brevard City Council does hereby reappoint Kevin Gallo to the Public Safety Committee, effective January 1, 2026 and expiring on December 31, 2027.

4) The Brevard City Council does hereby reappoint William Owen Carson to the Public Works and Utilities Committee, effective January 1, 2026 and expiring on December 31, 2027

Adopted and approved this the 15th day of December, 2025.

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

L. Unfinished Business

L-1. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3, and 19 – Temporary Use Regulations – Emily Brewer noted that this is a follow-up to the public hearing Council held on November 17th. She explained that this is a staff-initiated text amendment to revise the standards for all temporary uses and to clarify when an applicant needs to secure a temporary use permit and when an applicant needs to secure 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 once that time expires. This text amendment looks at all the different temporary uses within the ordinance and outlines some specific requirements. These requirements are in two different buckets – there is general for all of them, and there are some specific temporary uses that are established with their own definition and standards. These include outdoor seasonal sales, temporary mobile classrooms, temporary vendors, temporary events and other items.

No members of the public participated at the public hearing on November 17th, but Council members requested some additional information about how a development could pursue a permanent farmers market or flea market on their property. Following the public hearing, many constituents sent comments with concern about the future of the regular farmers market held at The Yard. One of the objectives of this text amendment is to clearly identify when temporary use permits amount to a permanent use. A weekly farmers market held all-year round acts as a permanent use. Despite this being a permanent program, our current ordinance allows for this to be operating under temporary use permits. The Yard has been legally operating the market for the past 8 months under three successive temporary use permits. Under this text amendment, this use would be subject to the same zoning standards as other permanent uses where applicable, such as the provision of parking, landscaping buffers, sidewalks/circulation requirements, etc., which are required of any developer or property owner who is looking to put a permanent land use on their property. The proposed amendment would mean The Yard and any other outdoor events on private property would be unable to operate with a temporary use permit if they intend to hold more than 6 outdoor events per calendar year. Instead, The Yard and any other developer/property owner interested in regular open-air markets could pursue one of the following:

- Special use permit for a flea market – currently in the UDO as a permanent use in RMX, NMX, PGX, DMX and CMX zoning districts. The property owner could apply for a Special Use Permit, which is heard by the Board of Adjustment. The Board of Adjustment is a quasi-judicial board that assesses the proposed use's location, design, and configuration and determines whether or not it is appropriate for that site.
- Conditional Zoning District – explicitly in our Code to allow for innovative and creative developments that would not otherwise be permitted within the broader ordinance requirements. Similar to the Special Use Permit procedures, Council would consider the location, design and configuration of the entire development to ensure the project is compatible with the area and in line with the City's goals and objectives.

Mayor Maureen Copelof, City Manager Wilson Hooper, and Planning Director Paul Ray met with the owner of The Yard, most recently, on November 25 and shared these options. As of the publication of the agenda on Thursday, December 11, staff have not heard back from the owner. This amendment affects all of the City's jurisdiction where temporary uses of any kind are allowed.

The Planning Board heard this item on October 28th and recommended approval.

Mr. Daniel moved, seconded by Mr. Baker to adopt the amendment as presented.

During discussion, Mr. Daniel commented that he and a lot of people enjoy The Yard and think a lot of it, and he thinks that Staff thinks this is a great thing. The person that doesn't seem to think it's a great thing seems to be the owner of The Yard because all they have to do is get a permit. But to do that, you have to commit to what you're doing and there doesn't seem to be a will to do that by the owner. They are pushing back against getting either a Special Use Permit or Conditional Zoning, which is what anybody in the City of Brevard has to do. I want to see this continue so I'll encourage that we get this permit taken care of. This is not a rezoning; it's a clarification of what a temporary permit is. Misusing the temporary zoning permit has led us to this point, and the intent is if you're doing it temporarily you get a temporary permit; if you're doing it permanently, you follow these regulations that are clearly in our ordinances and always have been. I hope that we can resolve this by just getting a permit.

Mr. Baker noted that there are several businesses in the city operating now under a Special Use Permit, which is a permanent way for them to keep doing what they're doing. A Special Use Permit seems like a very reasonable and incremental step towards deciding what the permanent use is for the site. The Yard is beloved and I think everybody loves the markets there, and part of what makes it special is that it has grown organically and in an incremental way. We don't want to do things that are going to prohibit that organic growth. If you take all the details out of it, this was a business that started grassroots, they pulled a couple of temporary permits so they could prove their concept, and now we're at a point where hopefully they feel comfortable pulling this Special Use Permit, which sort of enshrines that as a permanent use, and then maybe down the road once they have grown a little more, the Conditional Zoning District might make more sense. So, there are steps along the way that are available. I think we have a system that works pretty well, despite what some people might think. I am hopeful that we can continue talking to them about the Special Use Permit. I think that seems like a reasonable thing to ask.

Mr. Lytle said I would agree with most of what's being said and hoped it can be resolved.

Mr. Wise noted that this started out as a clerical clarification as a lot of our UDO amendments start out as. I think for some reason The Yard felt like it was targeted as the reason this was happening and it was not. But, to me this does show how well the UDO does work; it's acting exactly the way that it should. I would say that The Yard is incredibly valuable, but it's also not unique in our community. This has happened before and that's why we have provisions in place to ensure it can continue. It makes a lot of sense for them to pull temporary permits for a while, they get established, and now they've grown. To me, this is encouraging because I love it when the public pays attention. We got a lot of great emails, it helped us clarify, and it also helps the owners move forward because these provisions are not in place to protect the City. They're in place to protect the owner and the people who visit their sites and that's why they're there. For us, it's about trying to make sure everything moves forward in a safe way that this event can grow. I appreciate the public speaking to us about this and I hope we have helped answer why we moved through these steps.

Following discussion, the motion carried unanimously.

ORDINANCE NO. 2025-59
AN ORDINANCE AMENDING CHAPTERS 2, 3, AND 19 OF
THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE
TO AMEND THE TEMPORARY USE REGULATIONS

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance Chapter 2 – Districts and General Provisions; Chapter 3 – Use Definitions and Standards; and Chapter 19 – Definitions be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the goals and objectives of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*, specifically:

- **GOAL 6**: Integrate arts, culture, diversity, and history into everyday life and build on Brevard's identity as a dynamic community to live, work, play, and create.
- **GOAL 7**: Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.
- **PNRC-1**: Maintain and expand public parks and programming.
- **PNRC- 22**: Invest in public infrastructure and facilities, as well as the operations and maintenance necessary to support festivals and cultural events occurring in Downtown public spaces.
- **PNRC- 25**: Create opportunities for arts and cultural programming, public art, sculptures, and murals throughout the City.

WHEREAS, a public hearing was conducted on Monday, November 17, 2025, by the 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 City Council of the City of Brevard 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. City of Brevard Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

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 from and after the date of its adoption and approval.

Adopted and approved this the 15th day of December, 2025.

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

L-2. Bear Sculpture and Roundabout Landscaping/Betterments – Paul Ray recalled that City Council previously approved a final design for optional landscaping improvements associated with NCDOT's roundabout project at the intersection of Highway 280, Deaver Road, and Highway 64/276 (Project R-5799). Most recently, a group of local artists, led by Ann DerGara, has proposed installing a bear sculpture within the Highway 64/276 (Pisgah Forest) roundabout. The sculpture would likely be created by Charles Calvin, and approximately $20,000 in pledged donations has been raised toward the cost of the piece. On August 4, 2025, City Council authorized staff to engage McAdams to prepare a scope and cost estimate for revising the previously approved landscaping plans to accommodate the sculpture and assist the City in seeking NCDOT approval. The total estimated cost for McAdams' professional services is $19,660, and Ann DerGara has raised an additional $20,000 to cover this amount with no cost to the City. City Council is asked to consider a resolution requesting NCDOT approval for the installation of public art in the right-of-way of the Pisgah Forest roundabout and authorizing the City Manager to execute the professional services contract with McAdams and accept the funds raised by Ann DerGara to cover the cost of engineering.

Mr. Wise moved, seconded by Mr. Baker to approve the resolution requesting NCDOT approval and authorizing the City Manager to execute the professional services contract. The motion carried unanimously.

RESOLUTION NO. 2025-76
A RESOLUTION REQUESTING APPROVAL FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PUBLIC ART WITHIN THE RIGHT-OF-WAY OF HIGHWAY 64/276 (PISGAH FOREST) ROUNDABOUT

WHEREAS, the North Carolina Department of Transportation (NCDOT) is constructing the roundabout project (STIP Project #R-5799) at the intersection of U.S. Highway 64/276 and N.C. Highway

280 in Brevard, North Carolina; and

WHEREAS, the City of Brevard previously collaborated with NCDOT and its consultant, McAdams, to design and fund optional landscaping betterments within the project; and

WHEREAS, the Brevard community, led by a group of local artists, has proposed the installation of a bear sculpture within the center island of the Highway 64/276 (Pisgah Forest) roundabout, project R-5799, as a public art feature celebrating Brevard's natural heritage and serving as a gateway to the City; and

WHEREAS, NCDOT's Public Art in the Right-of-Way Policy requires that requests for artwork within the State highway right-of-way be formally initiated through a resolution of support adopted by the governing body; and

WHEREAS, in accordance with NCDOT requirements, the City shall provide an opportunity for the community to consider and comment on the proposed art project through a public meeting at a regularly scheduled City Council Meeting; and

WHEREAS, the City Council has duly considered all comments received and finds that the proposed installation will enhance the public realm and is consistent with community goals; and

WHEREAS, the City has engaged McAdams to assist in preparing necessary documentation, design amendments, and coordination with NCDOT for the required encroachment review.

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

Section 1. The City of Brevard formally requests that the North Carolina Department of Transportation consider and approve the installation of a bear sculpture within the center island of the U.S. Highway 64/276 (Pisgah Forest) roundabout as part of the Public Art in the Right-of-Way program.

Section 2. The City acknowledges that the proposed artwork, its installation, and its long-term maintenance will be the responsibility of the City of Brevard, not NCDOT.

Section 3. The City further authorizes its staff and consultants to coordinate with NCDOT Division 14 and the Art in the Right-of-Way Committee to provide all necessary plans, analyses, and documentation to complete the encroachment review process.

Section 4. City Council hereby authorizes City staff to execute a contract with McAdams consistent with the stated terms and conditions and to proceed with the additional scope of work necessary to support the preparation, submittal, and coordination of the public art encroachment request with the North Carolina Department of Transportation.

Adopted and approved this the 15th day of December 2025.

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

M. New Business – None.

N. Remarks/Future Agenda Considerations.

Mr. Lytle said I'm excited to be a part of Council and do what we set out to do when I began my campaign and something that I repeated over and over again was that I thought that Brevard can be the best small town in the country and I hope to do my part with my colleagues here to make that a reality. There's lots of things that need to get done, but at the same time we live in a great place and we can't forget that. I think we can do two things at once—we can be where our feet are and enjoy and understand where we live and that it's great, but also look at how we can make it better on a daily basis.

Mr. Daniel said when I read the minutes of the Public Safety Committee meeting about cameras being considered in Clemson Plaza, it reminded me that there has been some conversation that Clemson Plaza may become a bike depot. If it were to be so, I

would encourage that they be cameras that would allow live feed streaming so that folks could view their bikes in real time. I think that would be a very important security measure for that kind of space. He also wished everyone a wonderful Holiday.

Mr. Baker congratulated and welcomed Council Member Lytle. He thanked the Council for its confidence in choosing him as Mayor Pro Tem. He said my first duty was to go to the Job Corps' holiday lunch and it was great to be there and meet some of the students and staff. He offered congratulations to the Blue Devils on their historic run to the State Championship game and noted that the team really excited people here and brought people together. He wished everyone a Happy Hanukkah, Merry Christmas and Happy Holidays.

Mr. Wise also welcomed Council Member Lytle and expressed appreciation to the public for speaking to Council tonight for outreach and feedback during The Yard and other issues. He wished Happy Holidays to everyone.

Attorney McKeller also congratulated and welcomed Council Member Lytle.

Ms. Hodsdon wished everyone a joyful holiday season.

Mr. Hooper informed Council that the football team will be invited to a future meeting to recognize them for their successful season, and he expressed appreciation to all involved with the team, the band, the cheerleading team for sharing their talents with us and for making us proud. He also expressed gratitude for the public commenters who spoke earlier tonight. He informed Council that the Local Government Commission has changed the deadline for submission of the City's annual audit to December 31st and hopefully the auditors can present the audit to Council in January or February. He reported that Staff got unofficial word that the State has approved our application for $5M to cover the funding gap for Phase I of the Wastewater Treatment Plant upgrade. The City's request for Phase II funding is still outstanding. Finally, he thanked Interim Police Chief Jack Moorman who stepped in and helped bridge the gap between Chief Jordan's retirement and Chief Wentzell coming on board.

Mayor Copelof expressed excitement about the new Council and said I am looking forward to incredible things we will be doing in 2026. We've got some challenges, but working together with our community, non-profits, volunteers, committees, elected officials, and staff, we can do just about anything. She said seeing the community support for our Blue Devils was very special and she looks forward to welcoming them here so we can recognize them. She expressed thanks to everyone who helped make our holiday celebration so special, including the Police Department, Fire Department and Public Works Dept. She wished everyone a safe and joy-filled holiday.

O. Closed Sessions – None.

P. Adjourn – There being no further business, at 7:07 p.m. Mr. Baker moved, seconded by Mr. Wise, to adjourn the meeting. The motion carried unanimously.

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Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: January 5, 2026