MINUTES
BREVARD CITY COUNCIL
Regular Meeting
March 16, 2026 – 5:30 PM

The Brevard City Council met in regular session on Monday, March 16, 2026, 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, Pamela Holder and Dean Lytle

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, Assistant to the City Manager Shawnee Cummings, Human Resources Director Kelley Craig, Planning Director Paul Ray, Senior Planner Emily Brewer, Police Chief Christy Wentzell, Public Works Director Wesley Shook, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans, Community Center Director Tyree Griffin, Police Officers Andrea Thomas and Ryan Costa, and Police Dept. Administrative Specialist Carrie Hart

Press – None.

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

B. Invocation – Father Shawn O'Neal of Sacred Heart Catholic Church offered an invocation.

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

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

E. Approval of Agenda – Mr. Daniel requested to move Item K-3. Silversteen Park Pavilion Capital Project Fund Establishment from the Consent Agenda to New Business as Item M-2. Mr. Baker moved, seconded by Mr. Daniel to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. February 16, 2026 Regular Meeting – Mr. Baker moved, seconded by Mr. Wise to approve the minutes of the February 16, 2026 Regular Meeting as presented. The motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Police Officers Swearing-in

G-1-a. Andrea Thomas – Andrea Thomas was sworn in as a Law Enforcement Officer by City Clerk Denise Hodsdon.

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Andrea Ellen Thomas, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I

will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a Law Enforcement Officer for the City of Brevard, so help me God.

s/ Andrea Ellen Thomas

Oath Administered by: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Andrea Ellen Thomas, do solemnly swear that I will be alert and vigilant to enforce the criminal laws of this State; that I will not be influenced in any matter on account of personal bias or prejudice; and that I will faithfully and impartially execute the duties of my office as a Law Enforcement Officer according to the best of my skill, abilities, and judgment; so help me God.

s/ Andrea Ellen Thomas

Oath Administered by: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

G-1-b. Ryan Costa – Ryan Costa was sworn in as a Law Enforcement Officer by City Clerk Denise Hodsdon.

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Ryan Nicholas Costa, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a Law Enforcement Officer for the City of Brevard, so help me God.

s/ Ryan Nicholas Costa

Oath Administered by: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Ryan Nicholas Costa, do solemnly swear that I will be alert and vigilant to enforce the criminal laws of this State; that I will not be influenced in any matter on account of personal bias or prejudice; and that I will faithfully and impartially execute the duties of my office as a Law Enforcement Officer according to the best of my skill, abilities, and judgment; so help me God.

s/ Ryan Nicholas Costa

Oath Administered by: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

G-2. Recognition of Former Board of Adjustment Member Tad Fogel – Mayor Copelof presented a Certificate of Appreciation and the Mayor's Challenge Coin to Tad Fogel in recognition of his 12 years of service on the Board of Adjustment.

G-3. Proclamation No. 2026-04 Sexual Assault Awareness Month, April 2026 – Mayor Copelof read the proclamation aloud and presented it to SAFE representative Sterling Woodruff.

Proclamation No. 2026-04
Sexual Assault Awareness Month
April 2026

WHEREAS, nationally one in three women and one in four men will experience some form of sexual assault in their lifetime; and

WHEREAS, Sexual Assault Awareness Month draws attention to the fact that sexual violence is widespread and has implications for every community member; and

WHEREAS, there is compelling evidence that we can be successful in reducing sexual violence through prevention education, increased awareness, and holding perpetrators who commit acts of violence responsible for their actions; and

WHEREAS, we must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and

WHEREAS, anyone can be a leader in preventing and ending sexual violence. As employers, educators, parents, and friends, we all have an obligation to uphold the basic principle that every individual should be free from violence and fear; and

WHEREAS, sexual harassment, assault, and abuse can happen anywhere, including in online spaces. For too long harassment, cyberbullying, and sexual abuse and exploitation have come to be expected as typical and unavoidable behaviors online; and

WHEREAS, the theme for Sexual Assault Awareness Month this year **"25 Years Stronger: Looking Back, Moving Forward**," celebrates the resilience of survivors and the communities that have worked for change.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim the month of April as **Sexual Assault Awareness Month** and urge the citizens of Brevard to work together to eliminate sexual assault from our community, to keep our community members safe from this crime and to stand with survivors and victims of sexual assault.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 16th day of March, 2026.

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

G-4. Proclamation No. 2026-05 Second Chance Month, April 2026 – Mayor Copelof read the proclamation aloud and presented it to Jim Hardy, Executive Board member of THReCon Re-Entry Council.

Proclamation No. 2026-05
Designation of April as Second Chance Month

WHEREAS, every person is endowed with human dignity and value; and

WHEREAS, redemption and second chances are American values; and

WHEREAS, an estimated 70 million American citizens have a criminal record; and

WHEREAS, those individuals who have paid their debt after committing a crime face significant barriers, also known as collateral consequences, to reintegrating into society; and

WHEREAS, gaining meaningful employment is one of the most significant predictors of successful reentry, and ninety percent of those who have been incarcerated struggle to find employment because of societal and legal barriers; and

WHEREAS, while education is also a significant predictor of successful reentry, those with a criminal record have significant difficulty acquiring admission to and funding for educational programs; and

WHEREAS, , people with a criminal history also face significant barriers in securing a place to live, and this inability to access housing has been found to increase the number of individuals returning to prison; and

WHEREAS, these and other barriers prevent the 70 million Americans with criminal records from contributing fully to their families and communities, which negatively impacts the well-being of their children and families for generations; and

WHEREAS, the designation of April as Second Chance Month can contribute to increased awareness about the challenges faced by those who have paid their debt and generate opportunities for individuals, employers, congregations, and communities to extend second chances.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim April 2026 as "Second Chance Month." During this month I call on residents to honor the work of those who strive to remove barriers that prevent individuals with a criminal record from becoming productive members of society and to observe Second Chance Month through actions and programs that promote opportunities to unlock second chances.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 16th day of March, 2026.

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

H. Public Comments

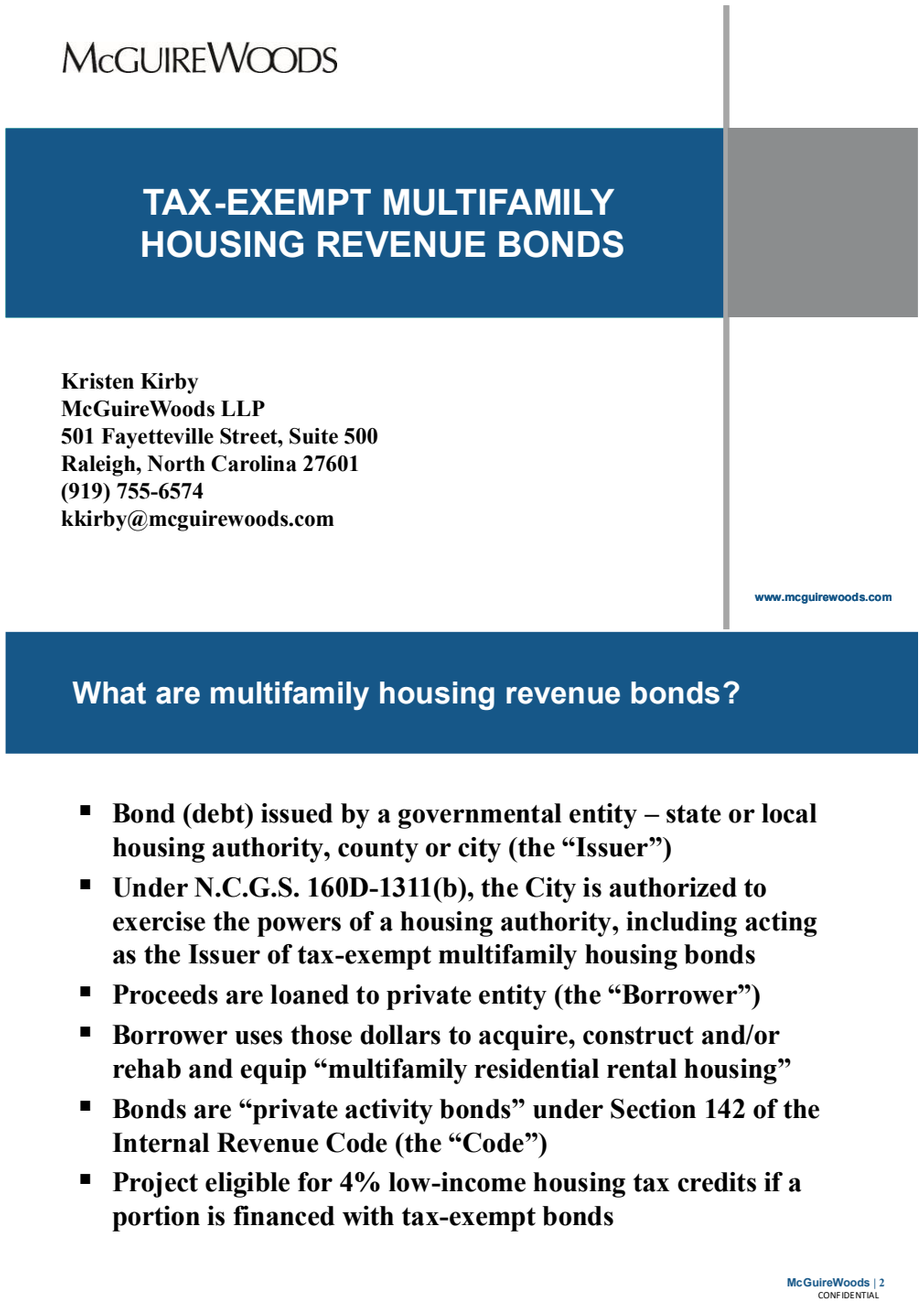
Abby Steel, owner of the CoEd Cinema gave the annual report for their lease with the City and an update on the repairs from the recent water leak. She reported that tourism was down in 2025 and the film industry as a whole has not returned to pre-Covid numbers, and they had some major equipment breakdowns over the summer but were able to make some upgrades to their projection and sound systems, as well as their concession equipment. They also made some large repairs to their HVAC system, replacing one of the condensers, and repairs to the ceiling in the auditorium, the outside neon sign, the structure of the marquee, and numerous small repairs to the plumbing, painting, and electrical. In terms of repairs from the water leak, they are currently in the insurance phase with the parties deciding what needs to happen before they can open and what the costs will be. The water leak caused considerable damage to both floors so they will need some extra remediation for hazardous materials in the walls. They are on schedule for the abatement on March 30th. The City has done appraisals and inspections to determine what the building needs, and outside what was damaged by the leak, it looks like the building will need some additional work to make it operational again. She said Eli and I are committed to getting the CoEd back up and running. We have felt an unbelievable amount of support from our community, so thank you all for that. We believe in the value of the CoEd and what it brings to our town and the people of Brevard have made that clearer than ever this past month and a half. Thank you to the Council and we hope to have some more good news to share about repairs soon.

Doug Powell noted that America's 250th Birthday is only 110 days away and considering our town's focus on the libations consumed during the Revolutionary era, he spoke about some of the famous taverns in our history. Several taverns played a critical role in the practical coordination of American Patriots, such as the Green Dragon Tavern in Boston where the Sons of Liberty were established, with one of their principal jobs being reprinting of famous sermons of the day, which culminated in almost every big idea written in the Declaration of Independence, including life, liberty and the pursuit of happiness. These taverns weren't just common bars but were a much less public extension of the public square where sensitive information and political ideas could be debated and discussed away from the spotlight of British authority. The taverns hosted a variety of community meetings and served patrons not only food and drink, but sometimes it was a place to stay or receive mail. He said let the citizenry keep this in mind when Brevard celebrates our Patriots who used these taverns as a meeting place to establish freedom in our land, rather than just a gathering place to drink beer.

I. Special Presentations

I-1. Housing Conduit Bond Resolution – Paul Ray explained that this relates to an affordable housing development proposed by developer Woda Cooper Companies. Cascade Ridge Affordable Housing would be located on Morris Rd. and would consist of 84 apartment units serving low-to-moderate-income households. This project relies on multiple funding sources, including the federal Low-Income Housing Tax Credit (LIHTC) program administered through the North Carolina Housing Finance Agency. As part of

that process, the developer has asked the City to consider serving as the issuing authority for the tax-exempt conduit bonds. Council is being asked to consider an inducement resolution, which simply signals the City's willingness to explore issuing conduit bonds so the developer can move forward with the financing. This is one of the creative ways the City can support affordable housing initiatives without any cost or financial risk to the City or taxpayers as the bonds would be repaid by the project revenue. Because the finance process can be technical, Staff has asked bond counsel to provide a brief overview. Mr. Ray introduced Kristen Kirby of McGuire Woods, LLP who specializes in public finance and affordable housing bond issuances across North Carolina. Attorney Kirby explained that if the City chooses to move forward, she would serve as bond counsel to the City, with all costs for those services paid by the developer. She gave the following PowerPoint presentation explaining the bond process and the City's role as a conduit issuer:



Project must meet Income Restrictions

Either

20% of units must be set aside for individuals whose income is 50% or less of area median income ("AMI")

Or

40% of units must be set aside for individuals whose income is 60% or less of AMI

- **Income limits based on HUD guidelines; subject to family size**
- **Income determination must be made at least annually**
- **Restrictions apply for the LONGER of 15 years or life of bonds**

Who are the players in a bond deal?

- **Issuer** - governmental unit that issues bonds
- **Borrower** – developer of the project
- **Purchaser** – in privately placed deal, entity or bank that purchases bonds
- **Underwriter** - investment banking firm that structures the deal and finds buyers
- **Trustee/Fiscal Agent** - holds project fund and other funds for the bonds; collects debt service payments from Borrower and pays to bondholders
- **Bond counsel** – oversees entire process and issues opinion that bonds are tax-exempt
- **Issuer's counsel** – looks out for issuer's interests
- **Borrower's counsel** - looks out for Borrower's interest; generally does real estate work and opinion
- **Purchaser's counsel** – represents purchaser of privately placed bonds
- **Underwriter's counsel** - prepares disclosure document to sell bonds to the market
- **Trustee/Fiscal Agent Counsel**

What is the role of the City?

- **City would be acting as a conduit issuer**
- **Bonds are not a debt of the City or a pledge of its faith and credit or taxing power**
- **Bonds do not affect the City's debt ratios or legal debt limit**
- **Bonds do not affect the City's credit rating**
- **City has no financial responsibility for the bonds; the Borrower is solely responsible for repayment of principal and interest on the bonds**
- **Issuers often receive a fee for serving as the bond issuer and the developer is responsible for paying all costs of issuance (including bond counsel and City's attorney)**

What steps are required?

- **Developer files application with North Carolina Housing Finance Agency (NCHFA) for approval of volume cap for bonds**
- **City Council adopts Inducement resolution – indicates the City's willingness to issue bonds if all approvals are obtained**
  - **Not an approval for any other purpose (i.e. zoning, planning, construction approvals separate)**
- **Developer receives allocation of volume cap from NCHFA**
- **City Council holds a public hearing (also called the TEFRA hearing) as required under the federal tax code and adopts a resolution approving in principle the issuance of the bonds**

What steps are required?

- **City Council adopts findings resolution making findings required by Local Government Commission (LGC), if LGC approval required; findings based solely on information provided by developer/borrower**
- **City Council adopts resolution approving documents and financing (usually done at the same time as findings resolution)**
- **Approval by LGC if term of bonds is 5 years or longer**
- **Sign documents at closing**
- **Post issuance: receive monitoring reports regarding compliance with low-income requirements**

Following questions and comments by Council, Mr. Wise moved, seconded by Ms. Holder to approve the resolution for the inducement bond. The motion carried unanimously.

RESOLUTION NO. 2026-10
A RESOLUTION GIVING PRELIMINARY APPROVAL FOR THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CASCADE RIDGE APARTMENTS

WHEREAS, the City Council (the "City Council") of the City of Brevard, North Carolina (the "City") met in Brevard, North Carolina at 5:30pm on the 16th day of March, 2026; and

WHEREAS, pursuant to Section 160D-1311(b) of the General Statutes of North Carolina, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the "Act"); and

WHEREAS, the Act in N.C.G.S. § 157-9 gives the City, exercising the powers of a housing authority, the power "to provide for the construction, reconstruction, improvement, alteration or repair of any housing project" and "to borrow money upon its bonds, notes, debentures or other evidences of indebtedness and to secure the same by pledges of its revenues"; and

WHEREAS, an affiliated or related entity of Woda Cooper Companies, Inc. (the "Company"), intends to provide affordable housing in the City; and

WHEREAS, the Company has requested that the City assist it in financing the acquisition, construction and equipping of an 84-unit qualified residential rental project to be known as Cascade Ridge Apartments and located at approximately 373 Morris Road in the City (the "Development"); and

WHEREAS, the Company has described to the City the benefits of the Development to the City and the State of North Carolina and has requested that the City agree to issue its multifamily housing revenue bonds in

such amounts as may be necessary to finance the costs of acquiring, constructing and equipping the Development; and

WHEREAS, the City would be acting as a "conduit" issuer for such bonds, and would have no liability whatsoever for any such bonds, which will not constitute a debt or a pledge of the faith and credit of the City, but will be payable solely from the revenues and other funds provided by the Company; and

WHEREAS, the City is of the opinion that the Development is a facility that can be financed under the Act and that the financing of the same will be in furtherance of the purposes of the Act;

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

1. It is hereby found and determined that the Development will involve the acquisition, construction and equipping of a multifamily housing facility, and that therefore, pursuant to the terms and subject to the conditions hereinafter stated and the Act, the City agrees to assist the Company in every reasonable way to issue bonds to finance the acquisition, construction and equipping of the Development, and, in particular, to undertake the issuance of the City's multifamily housing revenue bonds (the "Bonds") in an amount now estimated not to exceed Ten Million Dollars ($10,000,000) to provide all or part of the cost of the Development.

2. The Bonds shall be issued in such series and amounts and upon such terms and conditions as are mutually agreed upon between the City and the Company. The City and the Company shall enter into a "financing agreement" pursuant to the Act for a term and upon payments sufficient to pay the principal of, premium if any, and interest on the Bonds and to pay all of the expenses of the City in connection with the Bonds and the Development. The Bonds will be issued pursuant to an indenture or security agreement between the City and a trustee (the "Trustee") or the bondholder which will set forth the form and terms of the Bonds and will assign to the Trustee for the benefit of the holders of the Bonds, or directly to the bondholder, the City's rights to payments under the financing agreement, except the City's right to payment of fees and expenses and indemnification. The Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit of the State of North Carolina or any political subdivision or agency thereof, including the City, but shall be payable solely from the revenues and other funds provided under the proposed agreements with the Company.

3. The City hereby authorizes the Company to proceed, upon the prior advice, consent and approval of bond counsel and the City's counsel, to obtain approvals in connection with the issuance and sale of the Bonds and to obtain an allocation of a sufficient amount of the State of North Carolina's "private activity bond limit", as required by Section 146 of the Code and as defined in Section 146 of the Code, for the Bonds.

4. The City intends that the adoption of this resolution be considered as "official action" toward the issuance of the Bonds within the meaning of the regulations issued by the Internal Revenue Service pursuant to Section 1.150-2 of the Treasury Regulations issued under the Internal Revenue Code of 1986, as amended (the "Code").

5. It having been represented to the City that it is desirable to proceed with the acquisition, construction and equipping of the Development, the City agrees that the Company may proceed with plans for such acquisition, construction and equipping, enter into contracts for the same, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Company to obligate the City without its written consent in each instance to the payment of any monies or the performance of any act in connection with the Development and no such consent shall be implied from the City's adoption of this resolution. The City agrees that the Company may be reimbursed from the proceeds of the Bonds, if and when issued, for all qualifying costs so incurred as permitted by Treasury Regulations Section 1.150-2.

6. All obligations hereunder of the City are subject to the further agreement of the City and the Company to terms for the issuance, sale and delivery of the Bonds and the execution of a financing agreement, indenture or security agreement and other documents and agreements necessary or desirable for the issuance of the Bonds. The City has not authorized and does not authorize the expenditure of any funds or monies of the City from any source other than the proceeds of the Bonds. All costs and expenses in connection with the financing and the acquisition, construction and equipping of the Development, including the reasonable fees and expenses of the City's counsel, bond counsel and the agent or underwriter for the sale of the Bonds, shall be paid from the proceeds of the Bonds or by the Company, but if for any reason the Bonds are not issued, all such expenses shall be paid by the Company and the City shall have no responsibility therefor. It is understood and agreed by the City and the Company that nothing contained in this resolution shall be construed or interpreted to create any personal liability of the officers or council members from time to time of the City.

7. The City's agreement to act as the issuer of the Bonds to finance the Development shall not be construed as approval of the Development for any other purpose including, but not limited to, zoning, land use, permitting or any other aspect of the Development that may require approval by the City or any department or agency of the City.

8. The officers of the City are hereby authorized and directed to take all actions in furtherance of the resolution and the issuance of the Bonds.

9. The City hereby approves McGuireWoods LLP, Raleigh, North Carolina, to act as bond counsel for the Bonds.

10. This resolution shall take effect immediately.

Council member Gary Daniel moved the passage of the foregoing resolution and Council member Pamela Holder seconded the motion, and the resolution was passed by the following vote:

Ayes: 5

Nays: 0

Not voting: 0

Adopted and approved this the 16th day of March 2026.

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

J. Public Hearing(s)

J-1. Ordinance – Voluntary Contiguous Annexation – City-owned Parcels on Azalea Ave. and Old Hendersonville Hwy. PIN #8596-05-5338. #8596-05-8315, and #8596-05-6391 – Emily Brewer explained that this is the property on Azalea Ave. and Old Hendersonville Hwy. that the City acquired to pursue a City-supported affordable housing development. The City has entered into an agreement with Fitch Irick Corporation to submit the project for a Low-Income Housing Tax Credit award. To facilitate the development, the City needs to annex the property prior to the final application deadline in May in order to show the project is able to connect to sewer. The project is immediately adjacent to the corporate limits. City Council approved a resolution of intent to annex the municipally-owned property on February 16th. The Planning Board considered this request at their February 24th meeting and recommended in favor. Staff requested that Council take action on this matter tonight to provide Fitch Irick with ample time to prepare their application.

At 6:44 p.m. Mr. Baker moved, seconded by Ms. Holder to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:44 p.m. Mr. Baker moved, seconded by Ms. Holder to close the public hearing. The motion carried unanimously.

Mr. Baker moved, seconded by Mr. Wise to approve the ordinance to extend the corporate limits of the City of Brevard. The motion carried unanimously.

ORDINANCE NO. 2026-06
AN ORDINANCE TO EXTEND THE CORPORATE
LIMITS OF THE CITY OF BREVARD, NORTH CAROLINA

WHEREAS, the City of Brevard owns three parcels located on Azalea Avenue and Old Hendersonville Highway, Brevard, NC 28712, consisting of 3.669 acres, more or less (Tax Property Identification Numbers: 8596-05-5538; 8596-05-8315; and 8596-05-6391); and

WHEREAS, by virtue of the authority granted by North Carolina G.S. 160A-31, on February 16, 2026 the Brevard City Council adopted Resolution No. 2026-09 declaring the intent to consider annexation of City-owned property located on Azalea Avenue and Old Hendersonville Highway and fixing the date of public hearing; and

WHEREAS, the Brevard Planning Board reviewed the proposed annexation at their meeting held on February 24, 2026 and recommended approval of the contiguous annexation; and

WHEREAS, by authority granted by G.S. 160A-31, a public hearing on the question of this annexation was held at the City Council Chambers at 5:30 P.M. on the 16th day of March, 2026, after due notice by publication on the 2nd day of March, 2026; and

WHEREAS, the City Council desires to annex the City-owned parcels described herein.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by the City of Brevard, as shown and being that property described in the deed recorded in Document Book 1152, Pages 647-649; and in Book 1152, Pages 644-646, in the Transylvania County Register of Deeds, and that certain plat to be duly recorded upon annexation, is hereby annexed and made a part of the City of Brevard as of the 16th day of March, 2026.

Said property is more fully described as follows:

Location: Azalea Avenue and Old Hendersonville Highway, Brevard, NC 28712. Transylvania County Tax Property Identification Numbers: 8596-05-5538; 8596-05-8315; and 8596-05-6391

Property Description:

TRACT 1 – PIN: 8596-05-5538-000
BEGINNING at an iron pin near the eastern edge of Azalea Avenue in the line of Mills, and running thence with said line, N 70 deg. 11 min. E 98.01 ft.; thence S 25 deg. E 4.0 feet to an iron pin, corner of Green; thence with Green's line, N 67 deg. 29 min. E 99.54 ft. to an iron pin, corner of a 9.11 acre tract; thence with the line of said tract, N 25 deg. W 513.64 ft. to an iron pin in the line of Morris; thence with said line, S 64 deg. 07 min. W 141.30 ft. to an iron pin, corner of Hunnicut; thence with the line of Hunnicut, two calls as follows: S 25 deg. 46 min. E 101.71 ft. to an iron pin, and S 63 deg. 14 min. W 143.73 ft. to a stake at the edge of the pavement of Azalea Avenue; thence along said edge, S 25 deg. 29 min. E 377.25 ft. to a stake; thence N. 70 deg. 11 min. E 7.5 ft. to the point of BEGINNING. Containing 2.87 acres, more or less.

Being all the property described in Deed Book 191, Page 536, Transylvania County.

TOGETHER WITH AND SUBJECT TO those rights of way, easements and restrictive covenants as recorded in the Transylvania County, North Carolina Register's Office; reference to which is hereby made and incorporated herein.

Being that property described in Deed Book 277, at Page 443 of the Transylvania County, NC Register's Office; reference to which is hereby made and incorporated for a more particular description of said property.

TRACT 2 – PIN: 8596-05-8315-000
Being all of Lot 1, 0.463 acres, more or less, as shown on a survey entitled Martha Lyday Dobbins et al dated November 9, 2009 and recorded in Plat File 13 at Slide 339, Transylvania County Registry.

This conveyance is made subject to the rights-of-way of all roads which may presently traverse the property, to all road rights-of-way which may presently appear of record, to the rights-of-way of all utility lines which may presently traverse the property and to all rights-of-way for public utilities which may presently appear of record.

Tract 1 and Tract 2 being the same property described in a deed from Kirk Davis Hooper and wife, Sharon Vance Hooper to The City of Brevard, dated June 9, 2025, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 1152, Pages 647-649.

TRACT 3 – PIN: 8596-05-6391
Being all of the same land described in a deed from Gregory Cochran and wife, Martha Cochran, to Thomas Fulcher dated January 12, 1996, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 396, Page 801, said land being more particularly described in said deed as follows:

BEGINNING at an iron pipe found in the north margin of the right of way of Old US Highway 64, said iron pipe being located in the property line of a tract of land described in a deed to Miller recorded in Book 278, Page 450, Records of Deeds for Transylvania County, and runs thence leaving said margin of the right of way of said highway and along the property line of Miller, North 25 deg. 00 min. 00 sec. West 150.19 feet to an iron pipe found just south of a fence line in the property line of a tract of land described in a deed to Cain recorded in Book 277, Page 443, Records of Deeds for Transylvania County; thence leaving the property line of Miller and along the property line of Cain, North 68 deg. 10 min. 09 sec. East 99.96 feet to an iron pipe found in the property line of a tract of land conveyed to Lyday in a deed recorded in Book 222, Page 258, Records of Deeds for Transylvania County; thence leaving the property line of Cain and along the property line of Lyday, South 24 deg. 59 min. 29 sec. East 142.82 feet to an iron pipe found in the north margin of the right of way of Old US Highway 64; thence leaving the property line of Lyday and along said margin of the right of way of said highway, South 63 deg. 56 min. 25 sec. West 99.80 feet to the BEGINNING. Containing 0.336 acres, more or less, as surveyed and platted by Robert L. Haller, RLS, on October 31, 1990, and updated on January 8, 1996, designated as Drawing Number 95135.

This conveyance is made subject to the right of way of all roads which may presently traverse the property, to all road rights of way which may presently appear of record, to the rights of way of all utility lines which may presently traverse the property and to all rights of way for utility lines which may presently appear of record.

Tract 3 being the same property described in a deed from Patrick Brian Scott and wife, Amber Hooper Scott to The City of Brevard, dated June 9, 2025, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 1152, Pages 644-646.

Section 2. Upon and after the 16th day of March, 2026 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-31.

Also being all of that property described in a plat prepared by Cole Surveying & Design, PA for the City of Brevard, dated February 19, 2026 and recorded in Plat File _____, Slide _____, of the Transylvania County Registry.

Section 3. Pursuant to 160A-29 it shall be the duty of the Mayor of the City of Brevard to cause an accurate map of the annexed territory as described in Section 1 hereof, together with a duly certified copy of this Ordinance, to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Brevard.

Adopted and approved this the 16th day of March, 2026.

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

J-2. Proposed Amendment to the Official Zoning Map of the City of Brevard – City-owned Parcels on Azalea Ave. and Old Hendersonville Hwy. PIN #8596-05-5338. #8596-05-8315, and #8596-05-6391 – Emily Brewer explained that these are the same properties that were just annexed and the proposal is for a Conditional Zoning District. A conditional zoning district is a special district, where the developer and the City negotiate site-specific development standards for a particular project. These standards are codified in a custom ordinance working in conjunction with the Unified Development Ordinance. Conditional Zoning Districts are meant to be flexible, particularly in the areas of density, architectural design, and the mixing of land uses. With added flexibility comes an expectation that the developer will offer a high-quality project which goes “above and beyond” the baseline ordinance requirements. In these rezonings, the City has considerable authority to negotiate with the applicant and impose such conditions as necessary to protect the public interest and ensure high-quality development.

This is a staff-initiated rezoning of City-owned property to accommodate a potential affordable housing project developed by Fitch Irick Corporation. On January 20th, City Council endorsed the proposed development plan as part of Fitch Irick's proposal. Staff worked with Fitch Irick to prepare the appropriate conditions to accommodate that development. The details of which are:

The proposed project, called Azalea Place, is an affordable multifamily housing development with up to 60 units. The project consists of 3 buildings — two larger buildings that are 2 to 3 stories terraced to match the contour of the topography and a smaller 2-story building facing Old Hendersonville Highway. The project will have a community space in the small building, as well as a playground and protected green space on the northern end with an ephemeral stream. The project will also have space reserved for a future sewer pump station that is necessary to provide wastewater service to the greater Azalea / Rhododendron neighborhood.

The development concept and master plan prepared by Fitch Irick used the guiding public interests vetted by the community and endorsed by City Council, preliminary development concepts, and their LIHTC expertise. Staff worked with Fitch Irick to translate this plan into a conditional zoning district. The proposed base zoning

district is Residential Mixed-Use (RMX). Though the property is not adjacent to RMX, the area is identified as the "Traditional Neighborhood" character area on the Future Land Use Map, RMX is identified as an appropriate zoning district for that character area. The proposed conditions beyond the RMX base zoning district are as follows:

Name	Section	Base District Requirement (RMX)	Proposed Requirement in CZD
Density	2.6.1	15 du/acre *(57 du allowed on site)*	18 du/acre *(69 du allowed on site)*
Retaining Walls	2.8(E)	Maximum retaining wall height of 5 feet, unless necessary for engineering purposes	Maximum retaining wall height of 10 feet
Architectural Building Type	5.7.12	Stacked Flats *(two large buildings)* • 150' max building width • 70' max building depth	Stacked Flats *(two large buildings)* • 175' max building width • 80' max building depth
Ground Floor Finishing Height	5.6.7	Minimum finishing height for residential ground floor use is 24 inches along front façade	No required minimum finishing height
Landscape Buffer	8.4	Type B buffer yard (20 feet wide, semi-opaque screening from 0 to 6 feet)	Type A buffer (10 feet wide, semi-opaque screening 0 to 6 ft) along property lines abutting General Residential
Parking Area Landscaping	8.7	All spaces must be within 50 ft of canopy tree	All spaces will be within 80 ft of a canopy tree.
Off-Street Loading Spaces	10.4	Required based on square footage of building	No off-street loading spaces required
Street Frontage Elements	13.6	Sidewalks are required on all road frontages	Sidewalk only required on Old Hendersonville Hwy frontage

The Planning Board considered this proposal at their February 24th meeting. The Board recommended in favor of the rezoning as presented. Staff requested that Council take action on this matter tonight to provide Fitch Irick with ample time to prepare their application which is due May 15th.

At 6:54 p.m. Mr. Daniel moved, seconded by Ms. Lytle to open the public hearing. The motion carried unanimously.

Public Participation:

Peter Godfrey said he and his wife Jaime live at 484 Old Hendersonville Hwy, which is catty-corner to this project. We are little late to the party; a lot of planning has already gone in and we do have a lot of questions. But, we understand that we don't know quite a lot. Our concerns are probably predictable—it's our neighborhood for walking our dogs and we drive through there. There are some very dignified small houses and there are other houses that maybe don't present dignified. I think it would not harm our neighborhood. We have no issue with apartment buildings. The other large apartment complex has had no impact on us. I think using my imagination, I would say maybe speed humps for Azalea if there is a lot more traffic there. I think there would be a lot more traffic as it's a cut-through street already. We have a lot of interest in housing values. You're well aware that housing prices are shooting up and we don't expect ours to be hurt too badly by this, considering what you have already said about the state of housing in Brevard, so Jaime and I are not concerned about that. We have a suspicion that it might help us regarding sewer, but we don't know that. We do know that our property is on septic and we're having a hard time. I don't know if the proposed sewer runs past our house, but we would like to find that out. We support low-income housing.

Doug Powell said I'm going to share some of my first-hand knowledge from the state I came from. I do share your desire to provide affordable housing in Brevard, whether that's on Azalea or across from Public Safety Way. I realize that the horses have left the barn, but I did address this group about two years ago on this subject. In my experience the only entity that comes away happy in many of these deals is the Section 8 housing developers. It rarely ends up as advertised. Why?...because to qualify for the HUD funds the project just needs bodies that fall under their income qualifications. They don't require to house citizens of this county and projects like these often end up importing citizens of other counties, and even states, to qualify for HUD funds. This does not solve our problem. We are being sold that those who will live in these units will help with the affordable workforce housing, but there are zero job requirements to live in these type of units. By definition a solution solves a problem. These projects do not, at least for the good citizens of Brevard. Lastly, our sewerage is at capacity and every time there is a heavy rain, we release raw sewage into our French Broad River, which creates a new problem to consider if we add multiple units to our already over-taxed infrastructure. Please pause and continue to ask more of these types of questions before going headlong into low-income housing. Make sure these projects actually can solve our citizens' problems rather than importing new challenges instead of just lining the pockets of Section 8 developers who will never live in our city.

At 7:01 p.m. Mr. Baker moved, seconded by Ms. Holder to close the public hearing. The motion carried unanimously.

Following Council comments, Mr. Wise moved, seconded by Ms. Holder to approve the ordinance amending the official zoning map of Brevard creating the Azalea Place Conditional Zoning District. The motion carried unanimously.

ORDINANCE NO. 2026-07
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD CREATING THE AZALEA PLACE CONDITIONAL ZONING DISTRICT

WHEREAS, the City of Brevard has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the City of Brevard owns three properties on Azalea Avenue and Old Hendersonville Highway (described as PINs 8596-05-5538-000, 8596-05-6391-000, and 8596-05-8315-000) and seeks to rezone these properties to a Residential Mixed Use Conditional Zoning District; and

WHEREAS, the City of Brevard Technical Review Committee has considered this application and submitted all pertinent comments to the Planning Department for incorporation into this Conditional Zoning District; and

WHEREAS, the City of Brevard Planning Board considered CZD-26-0001 on February 24, 2026, and recommended approval by City Council; and

WHEREAS, the Brevard Planning Board and City Council have determined that this rezoning and associated project is consistent with the following policies and goals of the City's 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.
- **Action LUH-2:** Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.
- **Action LUH-9:** Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.
- **Action LUH-11:** Identify and address dimensional requirements that may serve as obstacles to housing development.

- **Action LUH-14:** Seek developer agreements for divestment of City properties that guarantee affordable and workforce housing units for a defined period of time.

- **Action LUH-18:** Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.

- **Action ATCH-12:** Ensure site plans include safe pedestrian access between public right-of-way and building entrance.

- **Action PNRC-5:** Require conservation design in areas with sensitive natural resources

- **Action EDIR-2:** Pursue upgrades to the public water and sewer system; and

WHEREAS, the Brevard Planning Board and City Council have determined that this rezoning is reasonable and appropriate within the context of the existing zoning districts and the prevalence of uses in the vicinity of the Subject Parcel, due to the following factors

- This property is located in the Traditional Neighborhood character area in the Future Land Use Map, for which RMX is an applicable zoning district

- The size and alignment with the future land use map of the proposed rezoning diminishes spot zoning concerns.

- There is strong relationship between the currently allowed uses and the allowed uses of the proposed new district.

- The rezoning is consistent with the above elements of the Comprehensive Land Use Plan; and

WHEREAS, a public hearing was conducted by Council on March 16, 2026; and

WHEREAS, the City of Brevard City Council, after hearing all persons wishing to comment on this request, desires to approve said request.

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

Section 1. The zoning classification of that certain real property depicted in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference, is hereby rezoned to be the Azalea Place Conditional Zoning District with the Residential Mixed Use District base district, as shown on Exhibit A attached hereto.

Section 2. The District is a conditional zoning district established pursuant to the Unified Development Ordinance of the City of Brevard by means of authority granted by the North Carolina General Statutes.

Section 3. Development and use of lands within the District shall occur in accordance with the approved List of Conditions and Final Master Plan, which are attached to this ordinance as Exhibit B and Exhibit C, respectively.

Section 5. This Ordinance and its exhibits shall run with the land and shall be binding on the property owner, its heirs and assigns.

Section 6. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map consistent with this Ordinance.

Section 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of the ordinance.

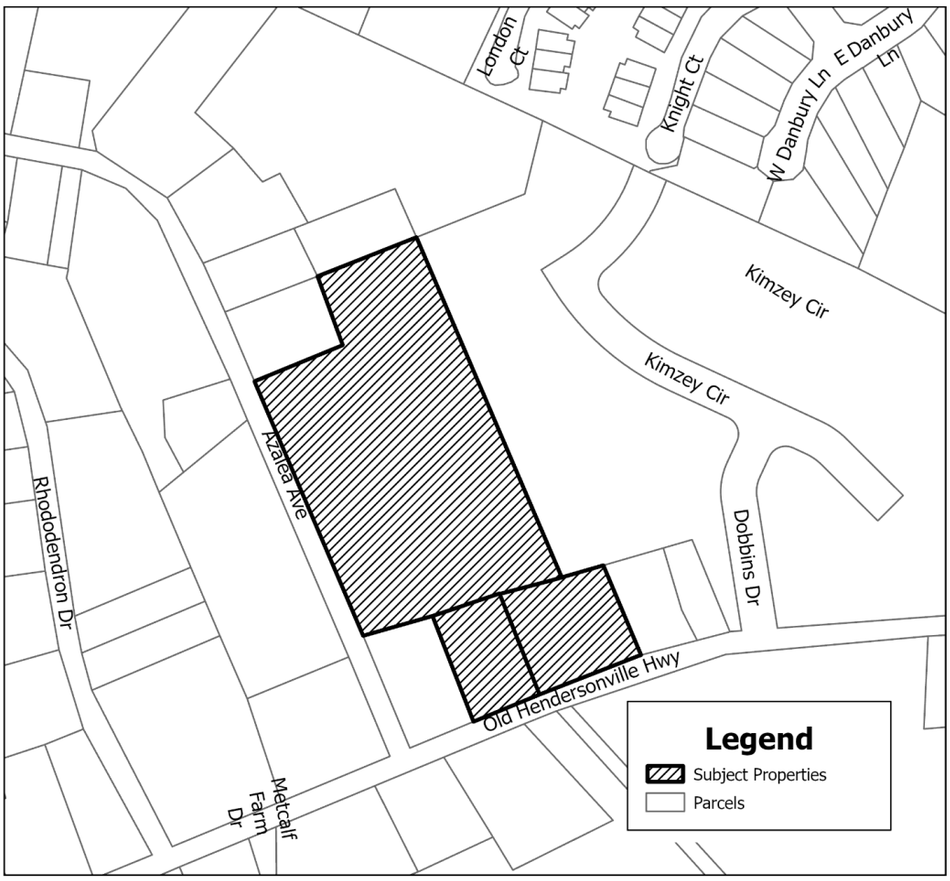
Section 8. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. This ordinance shall be in full force and effect from and after the date of adoption.

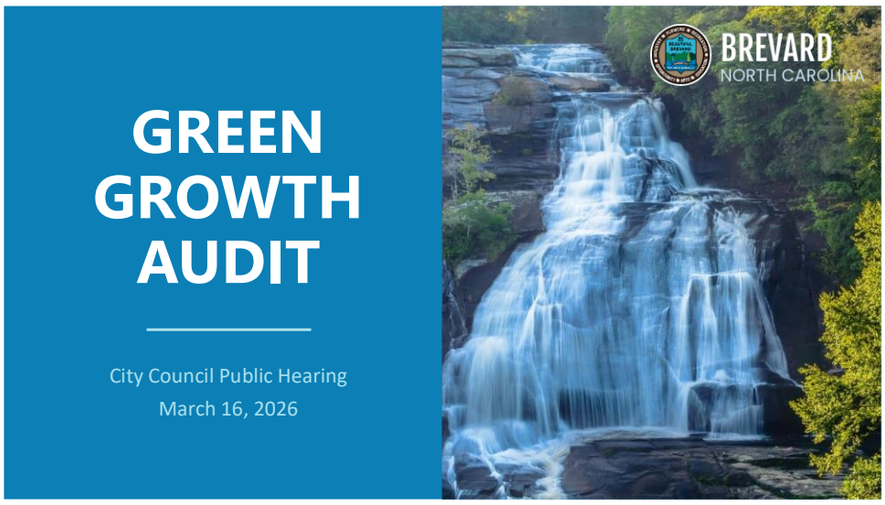
Adopted this the 16th day of March, 2026.

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

EXHIBIT A
Ordinance Number 2026-07
AZALEA PLACE CONDITIONAL ZONING DISTRICT: LOCATION MAP



J-3. Proposed Amendment to the Building Brevard 2030 Comprehensive Land Use Plan – Adoption of City's Green Growth Audit as an Addendum – Emily Brewer shared a PowerPoint presentation explaining the purpose, strategies and recommended actions of the proposed Green Growth Audit, which is intended to be an addendum to the Building Brevard 2030 Comprehensive Land Use Plan. A copy of the proposed Green Growth Audit is on file in the Planning Department.



What is Green Growth?

"GREEN GROWTH" means conserving wildlife, habitat, and other valuable natural resources as communities continue to grow.

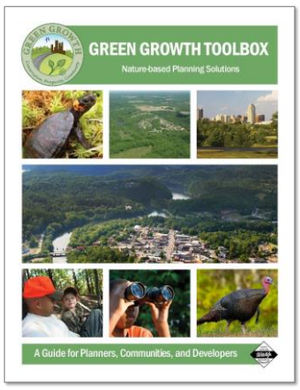
- Balance new development and economic opportunity with environmental goals
- Development can be both environmentally sustainable and economically beneficial



BREVARD NORTH CAROLINA

Background

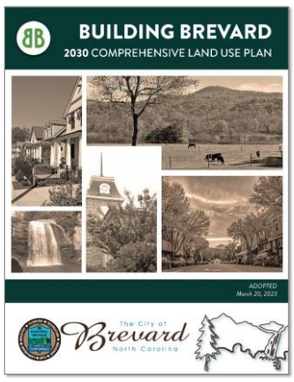
- In 2023, **North Carolina Wildlife Resource Commission (NCWRC)** selected City of Brevard to participate in their Partners for Green Growth program
- Provided technical and financial support to audit the City's Unified Development Ordinance (UDO) and identify opportunities for better aligning development regulations with green growth principles.
- Staff, with support from NCWRC, completed a comprehensive review of the UDO – the **"Green Growth Audit"**



BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 3

Background

- Build on the goals and recommendation from the City's Comprehensive Land Use Plan
  - Goal 2: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities
  - 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



BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 4

Purpose

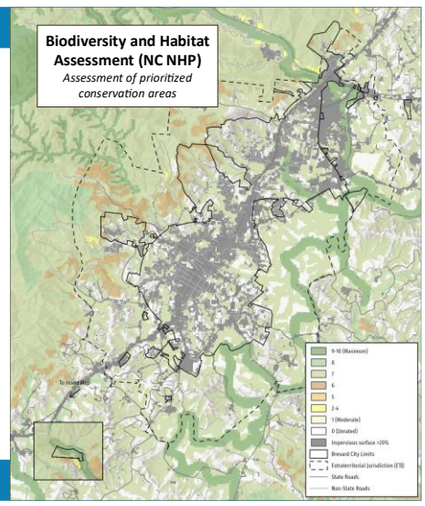
- Urban development and growth should align with sustainability, environmental preservation, and climate resilience goals
- Analyze the UDO's effectiveness in promoting sustainable development, reducing environmental impact, and enhancing resilience to climate change.
- Identify opportunities to:
  - reduce regulatory barriers to conservation;
  - align ordinance requirements with best practices;
  - enhance requirements for native plantings and vegetation preservation; and
  - incentivize greater wildlife habitat protections in sensitive areas.
- Develop actionable recommendations to strengthen the UDO's alignment with green growth principles



BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 5

Environmental Context

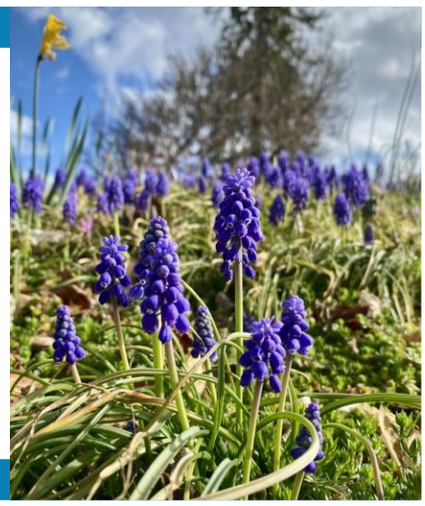
- Comprehensive review of environmental conditions
  - Habitat assessment, elevation, landslide susceptibility, surface waters, tree canopy, etc.
- Utilizing data from NCWRC, NC Natural Heritage Program, NC Department of Environmental Quality, among others
- Emphasizes the importance of protecting natural habitats and ecosystems in the sensitive areas and concentrating development in built-out areas



BREVARD NORTH CAROLINA

Green Growth Strategies

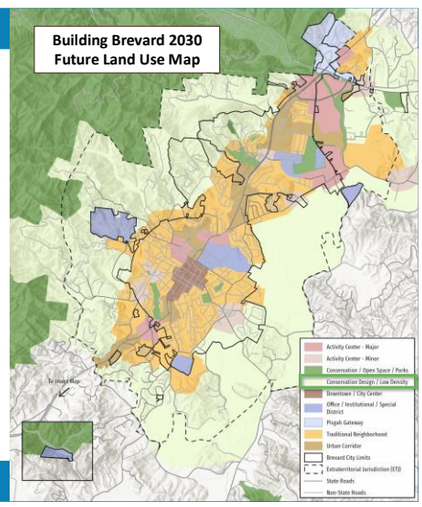
1. Conservation of Land with Efficient Development Strategies
2. Mitigation of Negative Impacts of Development
3. Preservation of Sensitive Areas
4. Restoration of Natural Ecosystems and Wildlife Habitats



BREVARD NORTH CAROLINA

Strategy 1: Conservation of Land with Efficient Development Strategies

1. **Limit development in sensitive areas**
   - Reframe the General Residential–4 (GR-4) zoning district as a "Conservation Zoning District" to conserve sensitive areas and limit sprawled development
2. **Prioritize infill development in regulations**
   - Consider additional incentives for infill development
   - Upzone areas of the existing GR-4 that are suitable for development and do not require additional environmental protections



BREVARD NORTH CAROLINA

Strategy 2: Mitigation of the Negative Impacts of Development

1. **Require environmental assessments prior to large-scale construction**
   - Introduce scalable submittal requirements based on project size and scope
   - Establish performance-based standards tied to the survey results
   - Prepare guidance for environmental assessments with information to fulfill this requirement and additional sources
2. **Control sedimentation and erosion from development**
   - Allow administrator to require erosion and sedimentation control plan for smaller projects in sensitive areas
   - Bolster procedures for the review of sedimentation and erosion control measures for smaller projects



BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 9

Strategy 2: Mitigation of the Negative Impacts of Development

3. **Improve stormwater management**
   - Refine the types of development activities that are required to comply with the stormwater management provisions
   - Establish incentives for small developments that are exempt from stormwater management requirements to implement low-impact development techniques
   - Amend the infrastructure / street design standards to utilize existing curb and gutter systems where available, and establish alternative street designs that reduce stormwater channelization



BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 10

Strategy 2: Mitigation of the Negative Impacts of Development

4. **Preserve and expand tree canopy and conservation landscaping**
   - Revise screening and buffer standards to mitigate the impact of high-intensity areas (e.g., parking lots, roads, industrial uses) but prioritizing environmental function
   - Require all landscaping plans be sealed by a qualified design professional
   - Limit removal of trees to a defined building envelope, driveways and utility routes in sensitive areas
5. **Manage urban heat**
   - Amend the applicability of the heat island mitigation requirements to include smaller buildings and/or any flat roofs
   - Set performance measures for tree canopy coverage of sidewalks and other pedestrian areas



BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 11

Strategy 3: Preservation of Sensitive Areas

1. **Protect steep slopes**
   - Maintain the City's recently amended steep slope regulations and monitor its effectiveness
   - Consider adding other provisions to the steep slope regulations pertaining to higher erosion control and stormwater measures
2. **Prevent flood damage**
   - Maintain the City's high standards for flood damage prevention and retain or improve the standing as Level 8 in the CRS program
   - Codify incentives to set aside the floodplain as preserved open space (like steep slope regulations)
3. **Enhance surface water protection**
   - Consider requiring an additional buffer for low-impact use / managed vegetation beyond the 30-foot protected riparian buffer for perennial streams and incentivize for others
   - Codify procedures for permitting streambank restoration efforts

BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 12

Strategy 4: Restoration of Natural Ecosystems & Wildlife Habitats

1. **Integrate restorative open spaces in development**
   - Establish purpose-based open space categories (e.g., conservation areas, passive recreation, active recreation, stormwater management, greenways)
   - Refine minimum design standards (e.g., size, shape, slope, access and usability)
2. **Reduce light pollution**
   - Establish a dark sky zone with higher requirements (likely as part of a conservation zoning district)
   - Require downward-aiming, shields, louvers, and glare reduction techniques for all fixtures on certain projects or in certain zoning districts
   - Prepare guidance that outline the lighting requirements and direct applicants to resources and pre-approved products
3. **Incorporate native species in landscaping**
   - Adopt official lists of native and non-native species by reference and update administratively
   - Amend regulations for nuisance grass and clearly define exemptions for intentional natural areas

BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 13

Implementation Guide & Next Steps

- A suggested roadmap for potential revisions to the UDO
- Matrix assesses the impact, time frame, resources, and viability under state law
- Legislative authority – SL 2024-57
  - Changes to "down-zoning" authority – requires written consent of property owner
  - Cannot create "nonconformities" in non-residential district

STRATEGY	ACTION	IMPACT	TIME FRAME	RESOURCES	VIABILITY
1. Conservation of Land with Efficient Development Strategies					
1.1 Limit development in sensitive areas	A. Maintain the City's no minimum lot size and associated flexibility in calculating development density on the parent parcel, allowing the clustering of development in less sensitive areas and accommodating unique environmental conditions	Low	Ongoing	Staff time	Possible
	B. Reframe the General Residential–4 (GR-4) zoning district as a "conservation zoning district" with the stated purpose of the zoning district being to conserve sensitive areas and limit sprawled development	High	Long-Term	Staff time	Impossible with associated regulations

BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 14

Implementation Guide & Next Steps

- Implementing the recommendations is an intentional and incremental process
- Guidance, not a list of required actions
  - City Council will ultimately consider each action prior to adoption – balancing community impacts, environmental outcomes, and the city's shared goals
- Not every improvement must be comprehensive or immediate to be meaningful
- Any step is a tangible improvement and builds momentum for future transformative changes



BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 15

Adoption as Addendum to the CLUP

What this Means

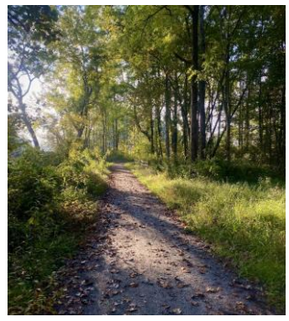
- Becomes part of the adopted policy guide for "the present and future physical, social and economic development of the jurisdiction" (NCGS 160D-501)
- Used to assess the reasonableness of planning and zoning changes (consistency with the plan)

Process to Formally Amend the CLUP

✓Planning Board – Recommended approval February 24th

✓City Council Public Hearing – Tonight

- City Council Vote – April 20th



BREVARD NORTH CAROLINA PLANNING DEPARTMENT | 16

At 7:39 p.m. Mr. Baker moved, seconded by Mr. Daniel to open the public hearing. The motion carried unanimously.

Public Participation:

Kristy Lampe, a member of the Brevard Sustainability Council said I am very impressed with this document. It shows that there is a lot of care, a lot of interest, and a lot of love in this community trying to maintain everything that is good and try to make it even better. Growth happens but trying to do it in a sustainable way that makes things work for people and tries to make us more resilient, because we know we're dealing with all kinds of changes. My house has just been rebuilt from a tree that fell on it during Helene, so I know that there are things that need to be done, can be done, are being done. This green plan, this audit helps. It's going to help water quality, the air we breathe, and will also help problems like reducing landslides, making people more aware of them, i.e. making this a good community for current residents and for visitors

and tourists, and for the future. I would encourage you to please consider this very strongly, and perhaps make some modifications if necessary, but add it to your 2030 Plan because it's going to make Brevard really great.

Joellen Risacher, Co-Chair of the Brevard Sustainability Council (BSC) said I could just say ditto to what Kristy said, but I do have a few remarks. The BSC is here to express our support for the Green Growth Audit. It is adding to, supplementing, and tweaking existing environmental protections within the Comprehensive Land Use Plan. And evaluating, researching best practices are standard tools of good government. This is a solid planning document with objectives important for the sustainable and healthy future development of this area. It's also an educational tool, quite readable and with great maps. We want to commend staff for creating this potentially valuable tool.

Destini Petitt, Co-Chair of the Brevard Sustainability Council and Chair of the Land of the Sky Chapter of the North Carolina Native Plant Society said I also hold a PhD in hydrology and ecology which focuses on stream restoration, sedimentation and erosion. I am here to support adopting the City's Green Growth Audit as an addendum to the Building Brevard 2030 Comprehensive Land Use Plan, particularly the provisions addressing sensitive area protection, environmental assessment, sedimentation and erosion control, stormwater management, steep slope protection, and native species integration. I want to start with what I believe is the most urgent piece of this amendment, and that is sedimentation and erosion control, not just because I wrote a 300-page dissertation on it, but because it is the single-most pollutant to our fresh water systems in North America. Sedimentation is horrible for our fresh water so anything that we can do to protect our fresh water from that sediment is very important. When we disturb the soil through large scale construction without adequate controls, or adequate growth audits like we are proposing here today, we get a cascade of that sediment into our streams, which then affect our waters and our drinking water, water sources, and basically all aspects of our life. Here in Brevard we are surrounded by headwaters of multiple really important river systems and we're in one of the most biologically diverse places on the planet, so our stakes cannot be higher for protecting our land and waterways. Sediment smothers stream beds, it destroys aquatic habitats, it does something called filling interstitial spaces. I have spent years working to restore landscapes and working in streams that have been impacted by this specific problem, so requiring a meaningful erosion and sediment control plan is super important and it is the bare minimum that we can do as citizens. The requirement for environmental assessments prior to large-scale construction is a logical companion to the protections you already have in place. Before a shovel breaks the ground in any of these sensitive terrains, we need to understand what's there, the hydrology, the slope stability, wildlife corridors, any kind of wetlands in these areas. These assessments give developers, city staff and the public information needed to make sound decisions, and they will help prevent costly mistakes and the destruction of our aquatic habitats. If we can limit development in those sensitive areas that we've already mentioned—steep slopes and riparian buffers—it's not anti-growth, it's smart growth. So doing the right thing upfront to help us protect ourselves from things like landslides, flash floods, and downstream sedimentation. Protecting these areas will help us reduce risks to life, property and infrastructure, and will help us in the long-term. As the Chair of the Land of Sky Chapter of the North Carolina Native Plant Society, I also want to talk about native plants. Incorporating native plants into our development is not only an aesthetic preference, but it actually helps our pollinators and our ecosystems, which are the foundation of our region. Adding these native plants will help support insects, birds and pollinators, and hold our food systems and natural ecosystems together. Native plants also outperform non-native plants in stormwater absorption, slope stabilization, and our long-term resiliency, and they require less maintenance once established. Requiring native plants into new development and the Green Growth Audit is cost-effective, it's science-backed, and it's a beautiful way to make Brevard's growth work with, not against nature. I built my own house on a steep slope. I know these practices work because I implemented them myself in my house construction. It does take time and effort, but it is the right thing to do. This amendment represents a vision of Brevard that honors what makes this place extraordinary, so I really urge you to adopt this Green Growth Audit because the plan works.

At 7:47 p.m. Mr. Baker moved, seconded by Mr. Lytle to close the public hearing. The motion carried unanimously.

~~At 7:48 p.m. Mayor Copelof called for a ten-minute break~~

During Council questions/comments Mr. Baker noted the importance of being cognizant that not every development needs to be treated with the same rules, and scaling up the requirements makes a lot of sense, and when making decisions, we should keep in our minds the fiscal impact of what that means for a developer or for a household.

J-4. Proposed Moratorium on Data Centers and Similar High-Intensity Land Uses – Mr. Hooper explained that at the February 16, 2026 City Council meeting, Council asked staff to look into the adequacy of the city's zoning regulations regarding data centers. If inadequate, they also asked staff to look into the legal steps necessary to impose a moratorium on data center development. Data centers are physical facilities or buildings that house critical computing and networking infrastructure, including servers, storage systems, and related equipment, to store, process, and manage data and applications. They are typically large square footage and involve significant demands on electrical and water infrastructure. They are a relatively new type of land use.

After considering the current text of the Unified Development Ordinance (UDO), staff recommend updates to the code to ensure that it responsibly governs the presence of data centers and similar high-intensity land uses. In the weeks to come staff will bring text amendment options to the Planning Board at its next meeting, and hopefully to Council shortly thereafter. Staff have not had any contact with or inquiries from data center developers, but it begs the question of whether it would be appropriate to pause them until appropriate regulations are in place. The moratorium under consideration tonight will be set at 90 days in order for the matter to work its way through the text amendment process.

At 8:09 p.m. Ms. Holder moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation:

Joellen Risacher said I am reading quite a bit about these data centers and it's really fascinating, but also quite alarming. The reputed need for massive amounts of water and electricity should give pause to any municipality considering giving permission to the construction of a data center. I wholly support the moratorium that you are proposing.

Destini Petitt said I am here in full support of a moratorium on data centers and similar high-intensity land uses. I think it goes without saying that we're all reading about data centers and there are question marks in our head about what they use and what they consume. But, what we do know is that data centers are amongst the most resource-intensive land uses that exist currently. On water alone, the science is very stark. According to a peer-reviewed study published in the *Clean Water Journal* by David Mytton in 2021 a small 1 MW data center can consume more than 25 million liters of water per year for cooling and a larger facility can consume the equivalent of a city with 10,000 to 50,000 residents. As a hydrologist, I can tell you that that kind of demand on our mountain watershed is not just a minor concern, it is a serious one, and it deserves a rigorous study before any approvals should move forward. On energy, a 2024 study by Lawrence Berkeley National Laboratory found that US data centers consumed 176 TWh of electricity in 2023, which is a roughly 4.4% of total national consumption. That project figures can nearly triple by 2028—more data centers, more energy. The Electric Power Research Institute has warned that data centers could account for up to 9% of US electrical generation by 2030, and these are not just local problems in abstract. According to a Carnegie Mellon University study, they found that data center growth could increase average household electric bills by 8% nationally,

with some markets seeing in excess of 25% in those bills. Beyond water and energy, a peer-reviewed study by MIT in 2022 documented that data center noise and light pollution operating 24 hours a day and 7 days a week have measurable impacts on human health and wildlife, including elevated cortisol levels, hypertension, and disrupting our beautiful wildlife and how they behave. According to a University of Michigan research study, data centers can function as what we call sensory danger zones—areas where noise and light exceeds thresholds—and that will threaten the fitness of local species and those include us as human beings. In this biodiverse region we call home this is not a risk that we can take lightly, so it definitely should be studied. Finally, I believe these facilities are fundamentally incompatible with the scale and character of Brevard. Our economy has been built upon clean water, natural beauty, outdoor recreation, and of course tourism. Data centers will bring industrial-scale impacts, noise, heat, land disturbance, resource consumption, and with a very limited economic benefit that we know that they have. This is not a trade that we would like to have and it's not something that we can make without independent review. A moratorium is the right and responsible action and will give the city time to study these impacts carefully, establish proactive standards, and do this before we have to retroactively act. I really urge you all to adopt this moratorium without delay and think about what you want Brevard to look like in the future.

At 8:14 p.m. Mr. Baker moved, seconded by Ms. Holder to close the public hearing. The motion carried unanimously.

Following Council questions/comments Mr. Baker moved, seconded by Ms. Holder to approve the Resolution of Required Statements and an Ordinance Imposing a Temporary Moratorium on Data Center, Cryptomining, and Similar Facilities. The motion carried unanimously.

ORDINANCE NO. 2026-11
RESOLUTION OF REQUIRED STATEMENTS AND AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON DATA CENTER, CRYPTOMINING, AND SIMILAR FACILITIES

WHEREAS, North Carolina General Statute 160D-107 outlines the legal conditions under which local governments can declare moratoria on development approvals; and

WHEREAS, data centers, cryptomining facilities and similar facilities typically involve significant demands on electrical and water infrastructure, generate noise and heat, and may have land use impacts that are not adequately addressed by the City of Brevard's Unified Development Ordinance (UDO); and

WHEREAS, western North Carolina is already home to three large data centers—Apple in Maiden, Meta in Forest City, and Google in Lenoir; and

WHEREAS, at their February 16, 2026 meeting, Brevard City Council directed City staff to investigate the adequacy of Brevard's Unified Development Ordinance and, if necessary, bring options for updating it; and

WHEREAS, City staff recommend that Brevard Planning Board and City Council consider text amendments to clarify the conditions under which data centers, cryptomining facilities, and similar facilities can locate within the City's zoning jurisdiction; and

WHEREAS, City staff also recommend that City Council declare a temporary pause on new data center development, per the provisions of NCGS 160D-107, to protect the public health, safety, and welfare while the City evaluates appropriate zoning and regulatory updates; and

WHEREAS, the NCGS 160D-107 requires that "any development regulation establishing a development moratorium must include, at the time of adoption," the statements proclaimed below.

NOW, THEREFORE, THE CITY COUNCIL OF BREVARD, NORTH CAROLINA FINDS THAT:

Statement 1. Data centers/cryptomining facilities are not specifically addressed in Brevard's Unified Development Ordinance, and therefore City Council believe that the ordinance as written does not adequately evaluate and regulate such high-intensity land uses. The City considered continuing to regulate potential data center developments under the existing "heavy manufacturing" provisions, but concluded that the rules for that land use do not adequately consider the heavy utility impacts typical of data center-type uses.

Statement 2. The moratorium applies to the acceptance, processing, and approval of development approvals for data centers, cryptomining facilities, server farms, and other high-

impact digital infrastructure facilities, including but not limited to zoning permits, special use permits, site plan approvals, building permits, and other development approvals required under the City of Brevard Unified Development Ordinance. Temporarily suspending these approvals will prevent the establishment or expansion of such facilities under regulatory provisions that do not adequately address their infrastructure demands, noise, heat generation, and utility consumption while the City evaluates and adopts appropriate zoning and development standards.

Statement 3. The moratorium shall expire July 2, 2026 unless earlier ended by act of City Council. This date gives the City of Brevard adequate time to consider text amendments to its Unified Development Ordinance, have them approved by its Planning Board and City Council, and comply with the notice and public hearing requirements that text amendments before those two boards must follow.

Statement 4. The City of Brevard will present text amendment options to the City's Planning Board in late April 2026, advertise that board's proposed updates to the Unified Development Ordinance in May 2026, hold a Public Hearing on the proposed changes at a City Council meeting in late May or early June 2026, and consider approval of the proposed changes at a City Council meeting in June 2026.

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

The City hereby imposes a temporary moratorium on the acceptance, processing, and approval of any application for data centers, cryptomining facilities, server farms or other high-impact digital infrastructure facilities.

Adopted and approved this 16th day of March 2026.

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

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. Baker to approve the consent agenda. The motion carried unanimously.

K-1. Tax Settlement Report – February 2026

K-2. Property Tax Releases – February 2026

RESOLUTION 2026-11
A RESOLUTION APPROVING PROPERTY TAX RELEASES

WHEREAS, The City of Brevard has previously determined to collect property taxes for the City of Brevard and the Heart of Brevard, and it is necessary to release the below shown amount from the city tax records.

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

The Tax Collector is hereby authorized to remove February 2026 property values from the tax scroll in the amount of:

TAX YEAR 2025: $ 297.24

Adopted and approved this 16th day of March 2026.

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

K-4. Capital Project Amendment – Bracken Expansion - $32,973

ORDINANCE NO. 2026-09
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE NO. 2023-32
BRACKEN PRESERVE ENHANCEMENT PROJECT

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1: The budgeted expenditures and revenues listed under the ordinance 2023-32 will be increased by $32,973. In January of 2026, the City signed a contract with Long Cane Trails in the amount of $39,688 to provide services to construct approximately 1.8 miles of new

beginner/intermediate skill and fitness level hiking and biking natural surface trails. The new trails will connect the existing Bracken Preserve trail system with the newly acquired expansion property, providing a greater option of trail experience to a wider range of trail users.

Section 2: At 7/1/2025 the Bracken Preserve Enhancement Capital Project Fund had a fund balance of $9,999. Since that time, the City has received the following outside contributions:

A. Jason and Jamie Ramsey Family $10,000.
B. Conserving Carolina $19,940
C. Pisgah SORBA $3,033

These contributions, along with the initial fund balance will allow the City to complete the project.

Section 3: The following amounts are appropriated for the project:

Account Number	Account Name	Budget Amount
78-6200-4000	Bracken Preserve Enhancement	$70,000
78-6200-4000	**Bracken Preserve Enhancement**	**$32,973**
	TOTAL PROJECT APPROPRIATION	**$102,973**

Section 4: The following revenues are anticipated to be available for the project:

Account Number	Account Name	Budget Amount
78-3750-0220	Transfer from GF – Bracken	$70,000
78-3750-0240	**Bracken Contribution**	**$32,973**
	TOTAL PROJECT REVENUE	**$102,973**

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 16th day of March, 2026.

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

K-5. Resolution in Support of the Addition of Mars Hill and Marshall to the Asheville Regional Housing Consortium

RESOLUTION NO. 2026-12
A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF BREVARD TO EXECUTE AN AMENDED JOINT COOPERATION AGREEMENT TO ADD THE TOWN OF MARS HILL AND THE TOWN OF MARSHALL TO THE ASHEVILLE REGIONAL HOUSING CONSORTIUM

WHEREAS, affordable, safe, and sanitary housing is essential to the health, safety, and general welfare of the residents of the City of Brevard; and,

WHEREAS, the provision of affordable, safe and sanitary housing will benefit work force productivity and area economic development; and

WHEREAS, a cooperative approach to providing housing in the Asheville Regional area will avoid duplication of effort and promote more effective delivery of housing services; and

WHEREAS, a consortium of local governments is entitled to receive funds from the U.S. Department of Housing and Urban Development that they would otherwise be unqualified to receive individually; and

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, makes provisions whereby units of general local government may enter into cooperation agreements and form Consortia to undertake or assist in undertaking affordable housing pursuant to the HOME Investment Partnerships Program; and

WHEREAS, the City of Brevard is a current member of and, along with the other regional units of general local government members, desires to continue the Asheville Regional Housing Consortium to undertake or assist in undertaking affordable housing under the Cranston-Gonzalez National Affordable Housing Act of 1990; and

WHEREAS, the Town of Mars Hill and the Town of Marshall each wish to join the Asheville Regional Housing Consortium; and

WHEREAS, it is the desire of the City of Brevard to admit the Town of Mars Hill and the Town of Marshall as members of the Asheville Regional Housing Consortium; and

WHEREAS, Article 20 Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute any undertaking.

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

SECTION 01. The City of Brevard hereby supports the addition of Mars Hill and Marshall to the Asheville Regional Housing Consortium; and

SECTION 02. The Mayor of the City of is authorized to execute an amended Joint Cooperation Agreement with the other member governments of the Asheville Regional Housing Consortium; and

SECTION 03. The Mayor of the City of Brevard is further authorized to sign all contracts, approved by the Brevard City Attorney, with other Governmental Agencies as may be required to carry out activities of the Cooperation Agreement.

Adopted and approved this the 16th day of March 2026.

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

K-6. Resolution Adopting Brevard Music Center's 90th Anniversary Promotions as Government Speech

RESOLUTION NO. 2026-13
RESOLUTION ADOPTING BREVARD MUSIC CENTER 90th ANNIVERSARY CELEBRATION CONTENT AS GOVERNMENT SPEECH

WHEREAS, the Brevard Music Center is a well-known cultural institution located in the City of Brevard, North Carolina, that contributes significantly to the area's culture, economy, and reputation; and

WHEREAS, in 2026 the Brevard Music Center is celebrating its 90th anniversary; and

WHEREAS, the City of Brevard wishes to support this milestone by promoting the anniversary and related activities on public properties around the city.

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

Section 1. The Brevard City Council adopts non-commercial content related to the Brevard Music Center 90th anniversary as official government speech.

Section 2. The Brevard City Council approves the installation and posting of items containing this content on public properties approved by the City Manager until October 31, 2026.

Adopted and approved this the 16th day of March, 2026.

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

K-7. Proclamation No,. 2026-06 Month of the Young Child & Child Abuse Prevention Month, April 2026

Proclamation No. 2026-06
Month of the Young Child &
Child Abuse Prevention Month

WHEREAS, the youth-serving agencies of Transylvania County come together to celebrate The Month of the Young Child during the month of April 2026 to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs; and

WHEREAS, children's cognitive, physical, social and emotional, and language and literacy development are built on a foundation of children's positive, safe, and nurturing interactions with adults, peers, and their environment; and

WHEREAS, youth-serving agencies of Transylvania County are collaborating to raise awareness and prevent child abuse in our community; and

WHEREAS, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development; and

WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; and

WHEREAS, communities that provide parents with the social support, knowledge of parenting and child development, and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential; and

WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim April as the **Month of the Young Child and Child Abuse Prevention Month** and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders, and businesses to increase their participation in our efforts to support families, thereby supporting early childhood programs and preventing child abuse and strengthening the communities in which we live.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 16th day of March, 2026.

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

K-8. Finance, Human Resources, and Citizen Appointment Committee Meeting Minutes – November 24, 2025

K-9. Downtown Master Plan Committee Meeting Minutes – December 10, 2025

K-10. Public Works and Utilities Committee Meeting Minutes – February 4, 2026

L. Unfinished Business

L-1. Proposed Amendment to the Official Zoning Map of the City of Brevard – The Family Place – Paul Ray recalled that Council held a public hearing on the proposed amendment on February 16, 2026. The rezoning would remove the existing conditional zoning district and apply the base district of Residential Mixed Use.

Motion by Mr. Baker, seconded by Mr. Daniel to approve the zoning map amendment as requested. The motion carried unanimously.

ORDINANCE NO. 2026-10
AN ORDINANCE AMENDING THE CITY OF
BREVARD OFFICIAL ZONING MAP TO REZONE
970 OLD HENDERSONVILLE HIGHWAY

WHEREAS, the City has initiated that the Official Zoning Map of the City of Brevard be amended by rezoning one parcel of land, identified by PIN 8596-25-8855-000 and hereafter referred to as the "Subject Property," the Family Place of Transylvania County Conditional Zoning District to Residential Mixed Use (RMX); and,

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on January 27, 2026 and has recommended approval; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following elements of the Building Brevard 2030 Comprehensive Land Use Plan:

LUH-2: *Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.*
LUH-6: *Encourage rezonings to allow for a mix of uses in Activity Centers.*

Future Land Use Map: *the subject parcel is identified as an Activity Center - Minor character area, for which RMX is an applicable zoning district*

and,

WHEREAS, in accordance with North Carolina General Statute 160D-605, the Brevard City Council finds that this proposed zoning map amendment is reasonable due to the following factors:

- This property is located in the *Activity Center – Minor* character area in the Future Land Use Map, for which RMX is an applicable zoning district.
- The location of the proposed rezoning to existing RMX diminishes spot zoning concerns.
- There is significant overlap between the currently allowed uses and the allowed uses of the proposed new district.
- The rezoning is consistent with the above elements of the Comprehensive Land Use Plan.

WHEREAS, a public hearing was conducted on February 16, 2026, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendment, it is the desire of the City Council of the City of Brevard Official Zoning Map be amended as outlined below.

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

SECTION 1. The zoning classification of the parcels identified by the Parcel Identification Number 8596-25-8855-000 is hereby rezoned to Residential Mixed Use, as depicted in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference.

SECTION 2. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map, Comprehensive Land Use Plan, and Future Land Use Map if needed, consistent with this Ordinance.

SECTION 3. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

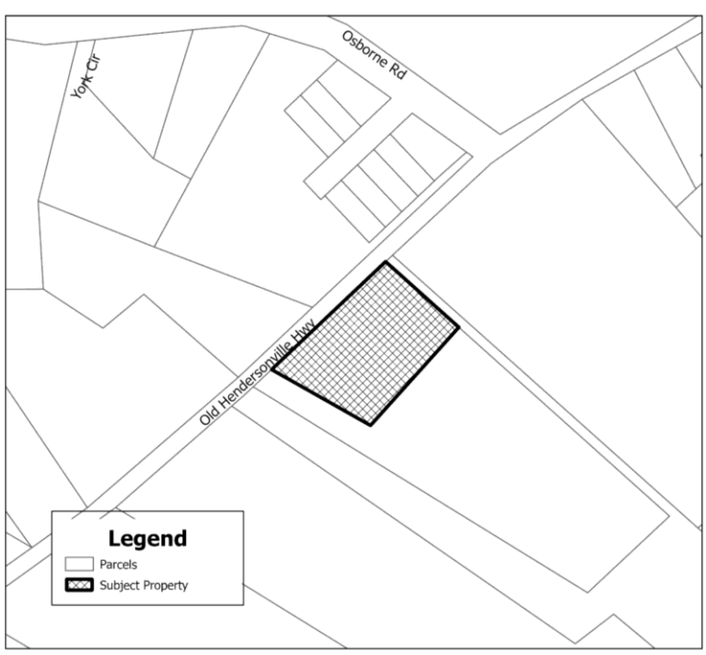
SECTION 4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 05. 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 16th day of March 2026.

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

EXHIBIT A



M. New Business

M-1. Consider Offer of County Funding for Azalea Ave. Sewer Extension Project and Identify Source for City Contribution – Mr. Hooper reported that last week the County Transylvania County Commissioners agreed to fund $3.55M of the approximately $4.5M construction costs.

They also agreed to help the City find funding for the approximately $600,000 in costs they deemed ineligible for the earmark funds. These elements are service taps and cleanouts for 125 properties, essentially every house in the neighborhood, and 50 actual connections from the meter to the homes' plumbing. Those are things that benefit property owners directly and thus are ineligible for the County's money, which is coming from their legislative direct appropriation from 2024 that is earmarked for water and wastewater infrastructure projects.

That left a funding gap of between $535,000 and $910,000--depending on which voluntary expenses are left in the project budget--for the City to fund. In order to lock-in the County's funding and give Fitch Irick the certainty they need to move forward with the City's May LIHTC application, staff recommend the Council approve up-to $535,000 from FY27 surplus funds to fill the "construction-only" funding gap. He noted that the funding gap may grow closer to $1M if the City chooses to keep some of the voluntary elements from the original scope.

Mr. Hooper noted that as of early March, staff are projecting the Water/Sewer Fund to run a $750,000 surplus for FY27. It was his recommendation to pledge some of this surplus to this project, which leaves the City's reserve funds untouched. Staff will continue to work on finding outside funding sources that would not only allow us to add those voluntary elements back in but perhaps cover some of the City's construction expenses.

Mr. Lytle moved, seconded by Mr. Baker to approve the Resolution Accepting Transylvania County's Offer of $3.55M for Azalea/Rhododendron Sewer Extension and Pledging City of Brevard Funds for the Same Purpose. Following questions and comments, the motion carried unanimously.

RESOLUTION NO. 2026-14
RESOLUTION ACCEPTING TRANSYLVANIA COUNTY'S OFFER OF $3.55M FOR AZALEA/RHODODENDRON SEWER EXTENSION AND PLEDGING CITY OF BREVARD FUNDS FOR THE SAME PURPOSE

WHEREAS, the Azelea/Rhododendron Sewer Extension Project would extend municipal sewer to currently unserved properties in the unincorporated Azalea/ Rhododendron neighborhood, an area beset by failing septic systems; and

WHEREAS, the project would also support the development of low-to-moderate income housing units by making a city-owned property pledged for that purpose more developable; and

WHEREAS, in early March 2026 the Transylvania County Board of Commissioners granted the City of Brevard's request for financial assistance by pledging project management and $3.55M to the project; and

WHEREAS, a condition of the pledge was that the City of Brevard contribute a portion of the funding gap and cover the cost of voluntary non-infrastructure elements of the project like tap fees with municipal dollars or outside grant funding; and

WHEREAS, Transylvania County and the City of Brevard will work cooperatively to find grant or outside funding for the voluntary non-infrastructure costs; and

WHEREAS, it is essential to begin the infrastructure development as soon as feasible in order to meet funding deadlines for the City's planned low-to-moderate income housing project; and

WHEREAS, the City's portion of the infrastructure only costs is calculated at around $535,000.

NOW, THEREFORE, THE CITY COUNCIL OF BREVARD, NORTH CAROLINA DOES HEREBY RESOLVE:

1. The City of Brevard accepts, with gratitude, Transylvania County's offer of $3.55M of financial support and project management for this mutually beneficial project.

2. The City of Brevard pledges up to $535,000 in surplus revenue from its FY27 Water/Sewer Utility budget to fill the anticipated construction funding gap.

3. City staff are directed to work with Transylvania County to pursue outside sources to fund tap fees and other non-infrastructure costs that will multiply the project's benefits.

Adopted and approved this 16th day of March 2026.

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

M-2. (K-3) Silversteen Park Pavilion Capital Project Fund Establishment – Mr. Daniel asked if Council initiated this project to build a picnic shelter at Silversteen Park. Mr. Hooper replied that Council did not, but a picnic shelter was envisioned as a part of the Silversteen Park Masterplan several years ago. Mr. Daniel said this is sort of the exact opposite of some of the other situations we have where things come to Council without going to committee. I am on that committee, and I know we discussed it, but it never came to Council. My second question is what is the protocol for establishing a capital fund for a project that Council has not approved. Mr. Hooper explained that the capital project was established mainly to keep the donated money separated and discreet from other sources of money as a courtesy to the donor. This is merely an accounting maneuver that allows us to keep his money separate. Mr. Daniel said my concern is we just had a finance retreat and there was a lot of discussion about other issues, especially in the parks area, and I just wanted to say that I'm a little concerned about this process.

Ms. Holder said she would like for Council to have opportunity to see the design drawing before final approval. Mr. Baker agreed and noted that he shares some of Mr. Daniel's concerns. He said donating this amount of money to the City should be accepted with our thanks, but for the sake of transparency, we have no money available to actually fund the construction of the picnic shelter. Council has discussed many other parks and recreation projects which I would personally put at a different priority level than this for public funds. He stressed that this is simply accepting a very generous donation, and this project will be in competition with other projects for parks and recreation dollars. Mayor Copelof added that the plan is not to ask for any city tax dollars for this project. The plan was to get a drawing and cost estimate in order to pursue grant funding and that any match from that grant would come from a donor. This would be totally done with outside funding.

Following discussion, Mr. Baker moved, seconded by Mr. Wise to approve the establishment of the capital project fund as submitted and request that Council review the initial design work for the Silversteen Park Pavilion at a future meeting. The motion carried unanimously.

ORDINANCE NO. 2026-08
CAPITAL PROJECT ORDINANCE TO ESTABLISH
SILVERSTEEN PARK PAVILION CAPITAL PROJECT FUND

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: In February of 2026, the City received a donation of $45,800 from Clay and Lisa Sykes to cover the expected architectural and engineering costs for the Silversteen Park Pavilion located on Hillview Street. The preliminary concept is to construct a 30 by 40 foot pavilion with toilets and a storage/mechanical room on PIN # 586-21-4208.

Section 2: This Project will be recorded in the newly established Silversteen Park Pavilion Capital Projects Fund. The City is expecting that the initial project budget of $45,800 will be increased as the specifics of the Project become known.

Section 3: The following amounts are appropriated for the project:

Account Number	Account Name	Budget Amount
60-6200-0925	Prof Serv – Silversteen Pavilion	$45,800
	TOTAL PROJECT APPROPRIATION	**$45,800**

Section 4: The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
60-3750-0250	Silversteen Pavilion Contribution	$45,800
	TOTAL PROJECT REVENUE	**$45,800**

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 16th day of March, 2026.

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

N. Remarks/Future Agenda Considerations.

Ms. Holder thanked everybody for their hard work in everything we've seen tonight.

Mr. Wise congratulated the new Police Officers. He added that he and Mr. Baker attended the Main Street Conference in New Bern, and they learned a lot about the power of cities and density and anchoring.

Mr. Baker said he feels proud to be where we are at with a lot of our housing projects and it is great to see real things happening. He gave a shoutout to Habitat for Humanity which is working on so many varied projects in many places within our city.

Mr. Daniel mentioned that when he first came on Council 8-10 years ago, he was on the Housing Committee, which had no money or direction. We have gone from that to where we are now and I think that is due in large part to our staff. You should be proud of yourselves because I'm proud of you. That is the kind of work that is necessary for us to be able to accomplish what we've done, which I think is pretty amazing.

Mr. Lytle said he is glad to see our great community, staff, council and county all working together to solve issues. We saw an example of that tonight, and let's all just keep going.

Mayor Copelof commented that we had many good things tonight—the new police officers, the new housing projects, the Green Audit, and the collaboration with the County. She said I want to thank our donor that stood up and gave us the money to move a project forward that has sat with no movement for four years and I look forward to bringing the schematic drawings back to Council so we can continue to move it forward and find the outside funding to make that project a reality.

O. Closed Sessions

O-1. Potential Litigation: NCGS §143 318.11(a)(3) – At 9:01 p.m. Mr. Baker moved, seconded by Ms. Holder to go into closed session to discuss a potential litigation matter and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, Assistant City Manager David Todd and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 9:22 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

O-2. Potential Litigation: NCGS §143 318.11(a)(3) – At 9:23 p.m. Mr. Baker moved, seconded by Mr. Daniel to go into closed session to discuss a potential litigation matter. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 9:38 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

O-3. Personnel and/or Employment: NCGS §143- 318.11.(a)(3)(5)(6) – At 9:41 Ms. Holder moved, seconded by Mr. Baker to go into closed session to discuss a personnel matter. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 10:00 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 10:00 p.m. Mr. Daniel moved, seconded by Mr. Lytle, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof	Denise Hodsdon, CMC
Mayor	City Clerk

Minutes Approved: April 20, 2026