MINUTES
BREVARD CITY COUNCIL
Regular Meeting
August 3, 2026 – 5:30 PM

The Brevard City Council met in regular session on Monday, August 3, 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, Pamela Holder, Lauren Wise 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, Communications Coordinator Becky McCann, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Police Chief Christy Wentzell, Deputy Police Chief Alan Bonanno, Police Officer Joshua Norton, Fire Chief Chase Owen, Public Works Operations Manager Cliff Justus, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans, and Community Center Director Tyree Griffin

Press – David Bradley, *Transylvania Times* and Jonathan Rich, *Brevard Beagle*

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

B. Invocation – Associate Pastor Victor Foster of Glade Creek Baptist 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. Hooper requested to remove Item M-1. Municipal Service District Task Force, and to add a new item regarding Cashiers Valley Road Sewer Extension as Item I-1. Ms. Holder moved, seconded by Mr. Wise to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. April 10, 2026 Budget Workshop – Mr. Baker moved, seconded by Mr. Lytle to approve the minutes of the April 10, 2026 Budget Workshop as presented. The motion carried unanimously.

F-2. July 20, 2026 Regular Meeting – Ms. Holder moved, seconded by Mr. Baker to approve the minutes of the July 20, 2026 Regular Meeting as presented. The motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Proclamation No. 2026-20 and Presentation of Key to the City to Carolyn Lemmond Winchester – Mayor Copelof read the proclamation aloud and presented it together with a Key to the City to Carolyn Lemond Winchester, who was accompanied by family members.

PROCLAMATION N0. 2026-20
HONORING CAROLYN LEMMOND WINCHESTER ON HER 100TH BIRTHDAY, DECLARING AUGUST 9, 2026 AS "CAROLYN LEMMOND WINCHESTER DAY", AND BESTOWING CAROLYN LEMMOND WINCHESTER A KEY TO THE CITY

WHEREAS, Carolyn Lemmond Winchester is celebrating a monumental milestone, reaching the extraordinary age of 100 years on August 9, 2026; and

WHEREAS, throughout a remarkable century of life, Carolyn Lemmond Winchester has witnessed profound changes in the world and has been a cornerstone of the Brevard community, embodying the values of resilience, wisdom, and grace; and

WHEREAS, Carolyn Lemmond Winchester has dedicated over 40 years of her life to serving the Transylvania County Schools system as a Biology and Spanish Teacher at Brevard High School, and after retirement she developed a Spanish Program for the County's elementary schools, and served as a member of the Transylvania County School Board, leaving a lasting, positive legacy in our community; and

WHEREAS, for the past 13 years Carolyn Lemmond Winchester has been honored by her family with the Carolyn Lemmond Winchester Scholarship which is awarded annually to deserving students of Brevard High School and Rosman High School, based on need and academic performance; and

WHEREAS, Carolyn Lemmond Winchester joined the Brevard-Davidson River Presbyterian Church in 1950 and has served in many leadership roles during the last 76 years, serving as the first director of the Church's Preschool in 1957 and served on its Board for many years; and

WHEREAS, Carolyn Lemmond Winchester was elected as the Worthy Grand Matron of the North Carolina Order of the Eastern Star by its 40,000-plus membership from 1983-1984 and has continued to be active for 80 years; and

WHEREAS, in recognition of her enduring contributions to the City of Brevard and Transylvania County, it is fitting and proper that the City honors this cherished resident.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, on behalf of the City Council and the residents of Brevard, do hereby proclaim August 9, 2026 as **"CAROLYN LEMMOND WINCHESTER DAY"** in the City of Brevard, North Carolina, and commend its observance to all its residents.

AND FURTHERMORE, as a symbol of our city's highest esteem, admiration, and affection, I am proud to present Carolyn Lemmond Winchester with the **KEY TO THE CITY**. May your 100th birthday be filled with the same love, warmth, and happiness you have so generously shared with us all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Brevard to be affixed on this 3rd day of August, 2026.

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

G-2. Certificate of Appreciation – Parks, Trails and Recreation Member Howie Granat – Mayor Copelof presented a Certificate of Appreciation and the Mayor's Challenge Coin to Howie Granat in recognition of his 6½ years of service on the Parks, Trails and Recreation Committee.

G-3. Oath of Office – Police Officer Joshua Norton – Joshua Norton was sworn in as a Law Enforcement Officer by City Clerk Denise Hodsdon. Officer Norton was accompanied by family members.

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Joshua Norton, 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.

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

H. Public Comments

Peter Offen said I come with a public comment of caution as you consider criminalizing certain civil offenses within the city. I urge you to consider how this will impact the unhoused population at large. I understand a small group has caused problems, but don't let that small group force your hand to negatively impact a much larger population. As you know, housing is a crisis here in Brevard, in the county, in our state and in our nation. As you work to address this crisis here by supporting affordable housing projects and bringing online numerous affordable units, do not undermine that progress by criminalizing and shutting out the unhoused. A simple criminal charge can create a barrier to getting an affordable housing unit, perpetrating a cycle of poverty that harms our entire community. Many of the ordinances you are considering tonight are targeted at very specific behavior that appears to already be criminal under state law. I would urge you to enforce those state laws instead of making new criminal offenses. I also urge that if you do pass these ordinances to provide significant oversight to ensure that they're not being used to target the unhoused unfairly. When applying for affordable housing, applicants face background checks where even a trespassing charge, something very small and petty in most instances, can be a barrier to eligibility for that unit that would get them off the street on a path to a better life. For that reason, I urge you to take extreme caution when moving forward with these criminal offenses. Do not undermine your own progress by targeting a larger population that you're working with and working on addressing for the whole county because of only a few people. Instead, work with the service providers and the community—The Haven and The Cove, and its leadership—to update and implement the plan that was put in place two or three years ago. These truly address the underlying causes of homelessness and the unhoused instead of simply arresting them and giving them a place to live for a day until they get out and are back on the street in a worse position than where they were previously. The other issue I want to mention and urge extreme caution on is license plate reader cameras. They are ripe for abuse and present a serious concern for our community, our privacy, and our immigrant neighbors. Data is only owned by the City until a subpoena is issued. The only way to protect that data is to never create it in the first place. Don't slide down that slippery slope.

Rodney Locks said one of the nicest things I like about Brevard is relaxing on the bench, talking to passersby, whether they are walking or in vehicles, giving advice about where to eat, places to go, giving directions, and even waving to total strangers—all things you can't do in most cities and towns. Just so I get it right and don't pass on misinformation, the way I understand it, in Brevard you can drink alcohol openly in the social district, but you need a permit outside of the district. The permit holder is solely responsible for ensuring the customer is in compliance with all city and state laws pertaining to the sale and consumption of alcoholic beverages. Where can I find the definition of "loitering", "public places", "habitual", "loafing"? Most people I talk to are confused. I consider myself a repeat loafer because as a retiree I have plenty of time to sit around and do nothing but talk to passersby and congregate with friends and strangers, whether they are on public or private property, or parking lots. I heard there will be no more cruising or hanging out in Brevard from midnight to 6am. Is that true? I've also heard there will be no more loitering in public because you can be mistaken for being a drug dealer or drug user. But, I also think it is interesting you can ride an e-scooter or bike on the sidewalk, but you can't assemble or collect or stand to obstruct the sidewalk on the public way. Is it true you cannot carry a concealed weapon in the city, but it appears it's alright on county property, like the courthouse, the library, or child development center. Finally, where can I find your city encampment policy?

Doug Powell said the odds are likely that many in this room have had to address some form of addiction, perhaps to help a friend or family member battle that particular demon. In the process, it becomes obvious that there is no hope of saving that life from certain destruction without a firm commitment to get clean and sober. Unfortunately, in many cases, this person has to hit rock bottom before realizing that a drastic change is needed. And more often than not, this shift happens only when confronted with law enforcement and given two options – seek treatment or go to jail. Otherwise, it is like

rearranging the deck chairs on the Titanic, and in turn, the community is enabling these bad habits and behaviors to continue. Living on the streets is not normal, and any community, including Brevard, should make it very uncomfortable for someone to perpetuate this lifestyle, not because we don't love our fellow man, but because we do. Without principled and steady law enforcement of behaviors that are unacceptable in any civilized society, there is no hope of: 1) helping those that are lost, and 2) providing the quality of life promised by civil government for those who do play by the rules. And no taskforce, commission, or committee will ever be effective if they are unwilling to address the real problem. In a previous life, based upon my experience in this arena, I was asked by a friend to help support his efforts to provide practical and proven solutions to his community. Part of this process was canvassing the local businesses and learning what kind of impact these out-of-control behaviors were having on tourism in general and the livelihoods of business owners in particular. One desperate plea was from a general manager at a local family restaurant located along the water. Despite repeated efforts to get the City government and the sheriff's department to engage and actually enforce the law, the boardwalk was continually overrun by persons committing lewd and dangerous acts. Many in the community thought it compassionate to ignore the problem and were also lulled into a false sense of security with dozens of government cameras positioned along the boardwalk. Just a few weeks after my conversation at the restaurant, a known deranged man spent his afternoon badgering and disturbing locals and tourists alike, with many lodging complaints. The sheriff's department monitored the man throughout the day on their many surveillance cameras but did nothing to stop the behavior. A few hours later, that same agitated man walked into the Aloha Steakhouse in Ventura, California and in a random act of violence, stabbed a 35-year old father named Anthony Mele in the neck while his 5-year old daughter sat in his lap. He died the next day. The transformation of Ventura from a safe and desirable tourist destination to a dangerous one happened quickly. The City of Brevard has put a lot of their eggs in the tourism basket, and it's a desirable place to live in and to visit for now, just like Ventura was. But ignoring this cautionary tale and pretending to address this issue by any other means than firm and equitable law enforcement will not end well.

James Veal said what a great meeting, what a great bunch of subjects that have come up, and it's really an example of how many different sides of the coin there are. I'd start with saying that the reason I'm here is because Brevard sucked me in—the trees, the quaintness, the smallness, the relaxness, the cleanness of the air, the things that Mr. Granat talked about walking up Bracken Trail—that's why I'm here. But, then I'm going to use the example of peeling back layers of the onion. There are some layers that need to be peeled back and talked about, because that's the reason you're here, is to fix problems. Also, don't be mistaken that I love the trail; Bracken Trail is amazing. Todd Branham is a magician—the integration of that trail with that geography stands out in a crowd. I'm well-versed in Brevard, fairly well-versed in Pisgah, and Bracken Trail is one for the books; it's a really fabulous deal, connecting to the forest even so. But some of you probably remember why I'm here. Because there are problems, and the lower 200 feet of Bracken is part of the problem, and it's interesting how you can be on how many different sides of the coin. You've probably been told that the City did nothing wrong when they did the eminent domain. Well, I have a different opinion. I think there's more to the story and I beg you all to not believe what you've been told and to dig a little deeper—peel back some of the layers of the onion. The fact of the matter is Bracken is accessed by Pinnacle Rd. Pinnacle Rd. used to be called Mackey Ridge Rd. because Jake and George Mackey settled up there with their family, next door to Isaac Bailey and they started having babies and they created this beautiful community called Pinnacle. That's why the road is now called Pinnacle. Up until the trail was built you could drive…there's 9 pieces of property up there. The City owns one, six of them are adversely affected by the trail because before the trail was built you could drive cars there. You could go to the grocery store, buy groceries, go back to your property and unload, but since the trail got built you can't. That's a fact. Please, I'm begging you, dig deeper, ask some questions, and you all are uniquely positioned to be able to solve the problem more than anybody else.

Adam Perkins, President of the Heart of Brevard spoke about the proposed MSD Task Force. He said while we appreciate the City's transparency in forming a task force to evaluate the future of MSD-funded services, and we respect Council's responsibility under the state law to periodically review this contract, we're here tonight simply to ask that the process include the organization that does this work the best. We ask that Council think about putting this task force together in two distinct phases. The first phase is defining downtown's needs and what shaping the bid document itself looks like—figuring out what services downtown requires, what's worked, what hasn't, what a strong scope of work looks like going forward. This is where Brevard's voice matters most and our preference would be for our Executive Director Nicole Bentley to be represented given her day-to-day work administering the MSD contract. If Council would prefer a different arrangement, we'd welcome consideration of another member of our executive committee. We've partnered with the City in downtown and revitalization for more than 30 years and we have administered the current MSD contract for the past four. We know this work inside and out and what it takes to deliver it well day in and day out. Leaving that expertise out of the room doesn't protect the process, it just makes the process less informed. We recognize the question that naturally comes up—does our role as the current service provider create a conflict of interest? We took that question seriously, which is why we didn't just assume our own answer, we raised it directly to the North Carolina Main Street Program and they confirmed directly to the City Manager that our involvement in shaping the needs and scope is standard best practice and does not represent a conflict. The second phase would be reviewing and scoring the actual bid application. That is a different matter, and we agree that this calls for a bit more distance. In general, if the Council decides that the Heart of Brevard should not hold a seat directly, we respectfully ask for the ability to appoint a representative to the task force ourselves, rather than going unrepresented altogether. That could be a non-profit partner with downtown and economic development experience such as the Transylvania County Tourism Development Authority or a significant downtown property owner or employer who has a real stake in downtown success. Either would help ensure the task force retains that on-the-ground perspective without having a direct role in the current contract. This isn't about second-guessing the process, only about making sure it reflects best practices and includes the perspectives needed to fully evaluate downtown's future. Brevard's small collaborative community and its balanced representation and transparency matter here, especially in a process that could affect the future contracting decisions. We're not asking for control over the process; we're just asking to be a part of it. Heart of Brevard's job for three decades now has been to know Brevard better than anyone else in the room, so we would just like to take our knowledge to help shape what comes next.

I. Special Presentations

I-1. Cashiers Valley Road Sewer Extension – Mr. Hooper explained that this is a follow-up conversation to the PRO Housing grant application for the Housing Assistance Corporation (HAC) affordable housing project. Staff is asking Council's approval to redirect approximately $88,000 from various sources to the Water & Sewer Fund to pay for the extension of utilities down Cashiers Valley Rd. from the vicinity of the Mary C. Jenkins Community Center parking lot to the foot of the HAC property next to the Public Works building. From there the County's pledged money will extend the utilities up the hill into the property where the houses will eventually be built.

In order to make the grant application as competitive as possible, Staff is asking for Council's permission to include this commitment in our application to help the project keep its momentum if the grant is awarded. No specific funding source needs to be identified this evening, only a commitment from Council to fund the project that can be included in the application due tonight. However, Staff's current recommended funding strategy is as follows:

Fund # (Fund Name)	Contribution	Remaining usable balance
Fund 35 (W/S Capital Reserve)	$29,622	$50,000*
Fund 82 (Rosenwald)	$25,000	$49,869
W/S Maintenance budget line 7400 (Capital Outlay)	$33,778	$366,222

Mr. Hooper noted that Staff will bring back funding options for Council's consideration at the next meeting.

Mr. Baker moved, seconded by Mr. Wise to approve and adopt the funding strategy. During discussion, Mr. Baker clarified that the motion was only to approve the commitment of $88,400 this evening, not where that funding would come from, with the understanding that that would come back as a budget amendment in two weeks. Following discussion, the motion carried unanimously.

J. Public Hearing(s) – None.

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 Ms. Holder to approve the consent agenda. The motion carried unanimously.

K-1. Property Tax Releases – July 2026

RESOLUTION 2026-40
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 July 2026 property values from the tax scroll in the amount of:

TAX YEAR 2025: $ 820.46

Adopted and approved this 3rd day of August 2026.

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

K-2. Public Safety Committee Meeting Minutes – June 22, 2026

K-3. Finance, Human Resources and Citizen Appointment Meeting Minutes – June 22, 2026

K-4. Finance, Human Resources and Citizen Appointment Meeting Minutes – July 14, 2026

L. Unfinished Business

L-1. Proposed Amendment to the City of Brevard Unified Development Ordinance Chapters 9 and 19, and the Code of Ordinances Chapter 38 – Sight Triangle Regulations – Aaron Bland briefly recapped the proposed amendments and recalled that Council held a public hearing at its July 20th meeting.

Mr. Wise moved, seconded by Mr. Baker to adopt the amendments as presented. The motion carried unanimously.

ORDINANCE NO. 2026-34
AN ORDINANCE AMENDING CHAPTERS 9 AND 19 OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE AND CHAPTER 38 OF THE CITY OF BREVARD CODE OF ORDINANCES TO AMEND AND CLARIFY REGULATIONS FOR SIGHT TRIANGLES

WHEREAS, the City of Brevard Planning Board has recommended that the City of Brevard Unified Development Ordinance Chapter 9 – Circulation and Connectivity and Chapter 19 – Definitions, and the City of Brevard Code of Ordinances Chapter 38 – Health and Sanitation be amended; and,

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

- **Goal 4:** Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.
  and,

WHEREAS, a public hearing was conducted on Monday, July 20, 2026, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that the Unified Development Ordinance and Code of Ordinances be amended as outlined below.

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

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

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

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved this the 3rd day of August 2026.

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

L-2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 6, 17 and 19, and the Code of Ordinances Chapter 38 – Stormwater Management Development Regulations – Emily Brewer briefly recapped the proposed amendments noting that this is a staff-initiated text amendment to improve the stormwater management requirements to be more equitable, effective and easier to administer. She recalled that Council held a public hearing on the proposed amendments at its July 20th meeting.

Mr. Baker moved, seconded by Mr. Wise to adopt the amendments as presented. The motion carried unanimously.

ORDINANCE NO. 2026-35
AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE AND THE CITY OF BREVARD CODE OF ORDINANCES TO REVISE THE STORMWATER MANAGEMENT REQUIREMENTS

WHEREAS, the City of Brevard has stormwater runoff requirements for development occurring within its Planning Jurisdiction in order to: (1) protect life and property and minimize nuisances by limiting destructive runoff and flooding generated by impervious surface areas; (2) to protect water quality and natural ecosystems by filtering sediments and pollutants such as nitrogen, phosphorus, trace metals, and hydrocarbons; and (3) limit additional impervious surface areas to the greatest extent possible; and,

WHEREAS, the Brevard Planning Board considered revisions to City of Brevard Unified Development Ordinance Chapter 6 – Environmental Protection, Chapter 17 – Development Plan Requirements, and Chapter 19 – Definitions & the City of Brevard Code of Ordinances Chapter 38 – Health and Sanitation on May 26, 2026, and recommended in favor; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent nor inconsistent with the elements of adopted plans;

City of Brevard Building Brevard 2030 Comprehensive Land Use Plan

- **Goal 5:** Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.
- **PNRC-5**: Require conservation design in areas with sensitive natural resources
- **EDIR-7:** Update City's stormwater management plan.
- **EDIR-8:** Encourage and incentivize the use of low-impact development and free stormwater infrastructure techniques to manage stormwater.
- **EDIR-10**: Consider/evaluate built-upon regulations to allow for adequate infiltration in different zoning districts.
- **EDIR-11**: Continue investment in upgrades to stormwater infrastructure downtown and in strategic growth areas.
- **EDIR-18:** Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather.

City of Brevard Green Growth Audit

- **Action 2.3.A**: Review and revise the City's stormwater management requirements to align with modern best practices.
- **Action 2.3.B:** Add definitions and illustrations of low impact development techniques to ensure it is clear they are allowed and encouraged.
- **Action 2.3.C**: Refine the types of development activities that are required to comply with the stormwater management provisions, including instituting an impervious surface-based threshold and all development in sensitive areas.
- **Action 2.3.D:** Consider amendments to the types of development activities that are exempt from stormwater management provisions.
- **Action 2.3.F:** Allow for and encourage the use of porous and semi-porous materials throughout the ordinance
- **Action 2.3.G:** Provide guidance and incentives for developers to use LID and site design to supplement stormwater management requirements by reducing stormwater runoff close to the source, requiring less structured treatment
- **Action 2.3.H:** Consider allowing variation to certain architectural standards for green infrastructure and LID techniques (e.g., alternative roof pitches to allow for green roofs or rain cisterns)

and,

WHEREAS, a public hearing was conducted on Monday, July 20, 2026, by the Brevard City Council.

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

SECTION 1. The City of Brevard Unified Development Ordinance and Code of Ordinances are hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 3. 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 4. 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 3rd day of August 2026.

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

L-3. Proposed Amendments to the City of Brevard Code of Ordinances Chapter 42 – Loitering, Trespassing, Public Intoxication, and Hours of Operation – Mr. Hooper recalled that the proposed amendment would reattach misdemeanor penalties to certain offenses in the Code of Ordinances that up until now had been civil penalties. It is in response to an observed uptick in these offenses and some feedback from constituents that the civil tools have not been effective in deterring these behaviors, which have quality of life implications for residents and visitors. Mr. Hooper

recalled that following the public hearing at the July 20th meeting, Council asked Staff to bring back some data. He clarified that the data Chief Wentzell will present is not on homelessness in general but rather includes the number of these kinds of behaviors observed in the field and the kind of interactions that our Police have with presumed unhoused people. Council had also requested a comparison between local ordinances and state law, and where one might give us a tool that the other doesn't.

Chief Wentzell reviewed the following presentation:

PROPOSED AMENDMENTS

CITY OF BREVARD CODE OF ORDINANCES CHAPTER 42

SENATE BILL 300 (SESSION LAW 2021-138) CRIMINAL JUSTICE REFORM ACT OF 2021

- **Background**
  - Enacted by the North Carolina General Assembly in 2021 as part of a broader criminal justice reform package.
  - Included reforms related to law enforcement training, certification, body worn cameras, officer accountability, and local ordinance enforcement.
  - Changed the default penalty for most local ordinance violations from a criminal offense to a civil or administrative violation unless a municipality affirmatively restored criminal enforcement.
- **Purpose**
  - Encourage local governments to carefully evaluate which ordinances truly require criminal enforcement.
  - Reduce unnecessary criminalization of minor local ordinance violations while preserving local authority when appropriate.

N.C.G.S. § 14-4: Violation of local ordinances misdemeanor

- **"Except as provided... if any person violates an ordinance of a city or town, he or she shall be guilty of a Class 3 misdemeanor and may be fined up to $500, provided the ordinance expressly states the penalty."**
- **Council Action Required**
  - Amend the ordinances
  - Expressly adopt **N.C.G.S. § 14-4** penalty language
  - Designate the violation as a **Class 3 misdemeanor or infraction**

CHAPTER 42 ORDINANCES

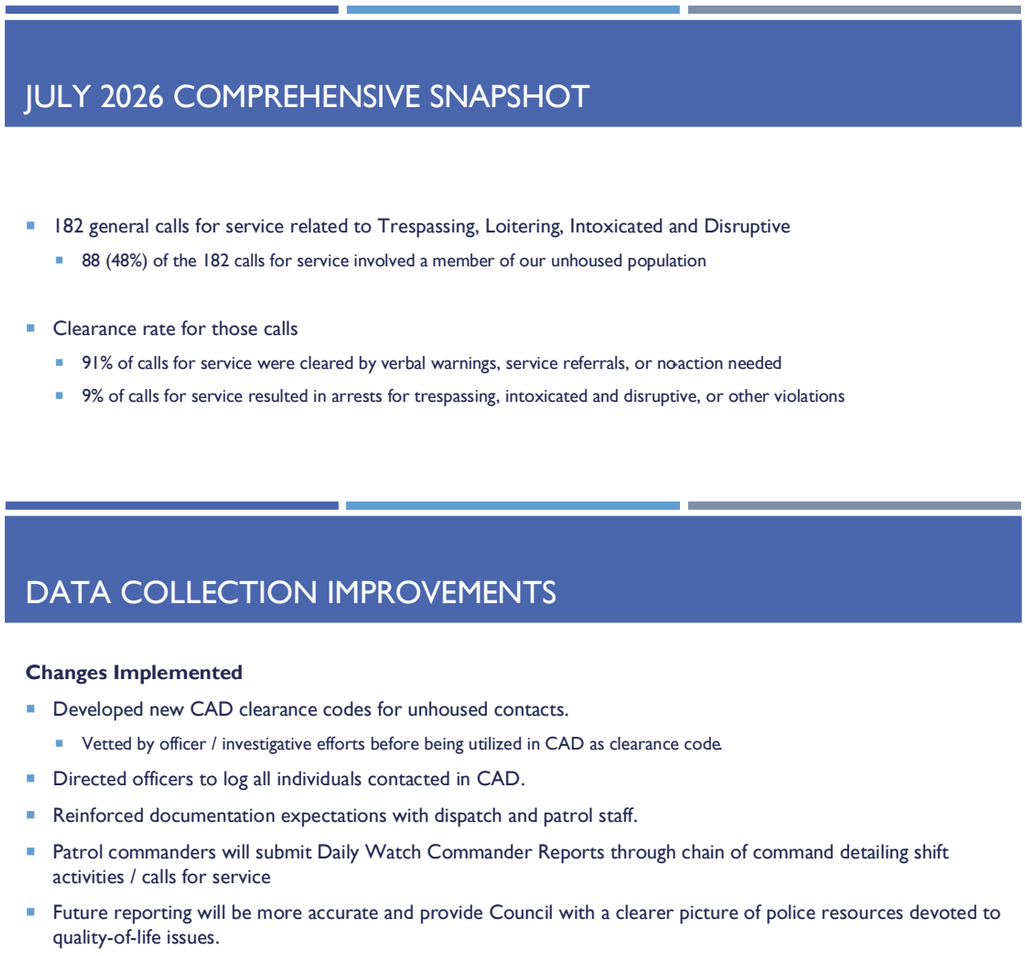
- **42-3. Consumption or possession of alcoholic beverages in public place.**
- **42-5. Trespass on posted property; loitering generally.**
- **42-6. Loitering for purpose of engaging in drug-related activity.**
- **42-14. Carrying concealed weapon on or near city property.**
- **42-17. Hours of Operation**

NC GENERAL STATUTE VS. LOCAL ORDINANCE

Issue	State Law	Why a Local Ordinance Helps
Trespassing	State law covers unlawful entry or remaining after notice.	Allows the City to establish and enforce operating hours for parks and city property.
Loitering and Panhandling	State law is limited, and peaceful solicitation is generally protected.	Can address specific behaviors such as blocking sidewalks, threats, unwanted touching, or aggressive conduct.
Intoxicated and Disruptive	N.C.G.S. 14-444 already addresses intoxication combined with disruptive behavior.	A local ordinance may not be needed when the state statute fully applies.
Open Containers	State law mainly addresses open containers in vehicles.	Allows the City to regulate alcohol in parks, sidewalks, streets, and other public spaces.
Concealed Weapons on City Property	State law regulates concealed weapons and certain prohibited locations.	Allows the City, within state law, to identify and properly post specific city facilities where weapons are prohibited.

DATA COLLECTION CHALLENGES

- Data is dependent on accurate CAD documentation by both dispatchers and officers.
- Inconsistent documentation can affect the accuracy of statistics and trend analysis.
- Common issues identified include:
  - Names entered with different spellings or aliases
  - Subjects not documented in CAD
  - Radio traffic not fully logged by dispatch
  - Officers not documenting contacts or adding case notes
- These documentation inconsistencies make it difficult to accurately identify repeat contacts and quantify resource utilization.



During questions and comments, Councilmembers had several questions for Chief Wentzell. Mr. Baker had a specific question for Attorney McKeller regarding the interpretation of the wording in Section 42-5(C) Trespass on posted property; loitering generally. He said he was uncomfortable with "habitually loaf or loiter on the streets" because it opens the City and our officers up for potential liability. Following discussion, Mr. Baker moved, seconded by Mr. Wise to approve the amendment as presented with the change to Section 42.5 by removing in the title "generally" and amending Section C to read "It shall be unlawful to loiter or to congregate on the streets or sidewalks of the city in such a way as to obstruct or interfere with the free passage into or out of any public business or private property." The motion carried unanimously.

ORDINANCE NO. 2026-36
AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES
CHAPTER 42 – OFFENSES AND MISCELLANEOUS PROVISIONS

WHEREAS, due to an uptick in certain types of offenses, the City of Brevard wishes to amend its Code of Ordinances to affix misdemeanor penalties to the following offenses:

- Consumption or possession of alcoholic beverages in public place;
- Trespassing on posted property; loitering in general;
- Loitering for the purposes of engaging in drug-related activity;
- Assemblages obstructing street;
- Carrying concealed weapons on or near city property;
- Failing to vacate City-owned property when properly notified by a city agent;

and

WHEREAS, the amendment also updates the list of City-owned properties where the carrying of concealed weapons is prohibited; and

WHEREAS, a public hearing was conducted on July 20, 206, by Brevard City Council, and after review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Section 42 – Offenses and Miscellaneous Provisions, of the Brevard City Code of Ordinance be amended as outlined below; and

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

SECTION 01. Chapter 42 of the City of Brevard Code of Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. 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 03. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved on the 3rd day of August, 2026.

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

~~ At 7:32 p.m. Mayor Copelof called for a 5-minute break. ~~

M. New Business

M-1. Municipal Service District (MSD) Task Force – REMOVED.

M-2. Letter of Interest to County re Old Courthouse – By way of background, Mayor Copelof explained that the County is in the process of building the new court-house with construction expected to begin in the fall and an estimated 2-year construction period. They have recently been considering plans for reuse of the old courthouse, which is the most iconic building in the county, and for the last 150 years has symbolized the civic life of the county. As the City considers the future need for a new City Hall, she asked Council to endorse sending a letter to the County expressing the City's interest in the possibility of occupying the old courthouse upon completion of he new courthouse facility. A draft letter of interest was included in the agenda packet for Council consideration. Mr. Wise moved, seconded by Ms. Holder to transmit this official letter to the Transylvania County Board of Commissioners concerning our interest in the courthouse building and interest in a feasibility study moving forward. The motion carried unanimously.

M-3. Appointment of Member to Parks, Trails and Recreation Committee – Finance, Human Resources and Citizen Appointment Committee Chair Dean Lytle reported that at its July 27th meeting, the committee reviewed applications for appointment to the Parks, Trails, and Recreation Committee to fill a vacancy until May 2027. The Committee recommends the appointment of Shanna Powell to the Parks, Trails and Recreation Committee.

Mr. Baker moved, seconded by Mr. Wise to approve the resolution appointing Shanna Powell to the Parks, Trails and Recreation Committee. The motion carried unanimously.

RESOLUTION NO. 2026-41
A RESOLUTION APPOINTING A MEMBER TO THE
PARKS, TRAILS AND RECREATION COMMITTEE

WHEREAS, in Fall 2022 the Brevard City Council held a work retreat to reform its committee structure, and initiated a new system for making appointments that would apply to every body to which the Council makes appointments; and

WHEREAS, the terms of citizen members appointed to advisory committees were set at two years with all terms expiring on May 31st of odd-numbered years; and

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

WHEREAS, City Council appoints five Citizen Members to the Parks, Trails and Recreation Committee, and there is currently one vacancy until May 31, 2027; and

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

WHEREAS, the applications received during the recruitment period were reviewed by the Finance, Human Resources and Citizen Appointment Committee at their July 27, 2026 meeting; and

WHEREAS, at that meeting the Committee recommended that Shanna Powell be appointed as a member of the Parks, Trails and Recreation Committee.

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

1) The Brevard City Council does hereby appoint Shanna Powell as a Member to the Parks, Trails and Recreation Committee, for a term to be effective immediately and expiring in May 2027.

Adopted and approved this the 3rd day of August, 2026.

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

N. Remarks/Future Agenda Considerations.

Mr. Lytle said I echo Mr. Baker's comments regarding the codes and the unhoused, and I think that it is an issue and a crisis that has to be attacked from all ends. One of those is giving our law enforcement officers the ability to act in the moment, and another would be putting those things in place to make sure that we give those persons help after the fact so that there is no repeat. We want to make sure they've got somewhere to sleep, somewhere to congregate and be a part of the community here in downtown. That change and this vote tonight in no way diminishes our commitment to make sure that we tackle what is a crisis and that I take it very seriously, but I know the rest of the council does as well.

Mr. Daniel said I would like to address a vote that we took at our last meeting concerning the food trucks, particularly the one in the Jordan St. parking lot. I voted for that measure, but I thought about that and I think my comment was we'll see how it works, and if it doesn't work we'll deal with it. But, my concern is that by the time you know that a food truck in the Jordan St. parking lot is going to adversely affect one of the restaurants there, that restaurant could possibly be out of business. I feel like I voted for that without giving it full thought, so I would like to raise that concern.

Mr. Baker asked a follow-up question regarding the HAC discussion—if we do not receive the grant, will we build that sewer regardless? Mr. Hooper and Ms. Brewer confirmed that we would because they are pursuing other options to be able to put together a funding stack to support this project. In order to build on that site, they do need sewer connection, and that was part of the development agreement with them.

Ms. Holder shared a personal note regarding her daughter's cancer journey over the past year and said that her cancer treatments are complete and on Tuesday she will ring the bell. She thanked everyone for their prayers and support.

Mr. Hooper offered congratulations to Brevard Music Center for a great special anniversary season, capped off by the Yo-Yo Ma concert last night—probably one of the most significant classical musicians in history was in Brevard. The fact Brevard Music Center's reach is comparable to the largest university in our state is really saying something. Their presence is one of the things that drew me here and I am so grateful that I get to take my kids to see not only famous musicians like him, but future famous musicians that are training there, and expose them to music of all sorts. I look forward to attending more of their events next year.

Mayor Copelof added that the Music Center is one of the things that makes this community so special. Also, what makes it so special are our two awardees today who have given back to this community. That is the type of community that Brevard is—

caring about everybody, regardless of their housing situation, and doing everything we can within our power to help people when they need it. She complimented the Police and Fire Departments for a successful blood drive. She shared that Brevard is hosting the Main Street Conference this week and Main Street managers from across the state will be in town. She asked Chief Wentzell to share information about tomorrow's National Night Out event.

O. Closed Sessions – None.

P. Adjourn – There being no further business, at 8:01 p.m. Ms. Holder moved, seconded by Mr. Baker, to adjourn the meeting. The motion carried unanimously.

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Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: August 17, 2026