MINUTES
BREVARD CITY COUNCIL
Regular Meeting
December 2, 2024 – 5:30 PM

The Brevard City Council met in regular session on Monday, December 2, 2024, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

Present – Mayor Maureen Copelof, Mayor Pro Tem Gary Daniel, and Council Members Mac Morrow, Aaron Baker, Lauren Wise and Pamela Holder (left the meeting at 5:53 pm and returned at 6:35 pm)

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 Selena Coffey, Human Resources Director Kelley Craig, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Planner Stephanie Holland, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Emory Owen, and Community Center Director Tyree Griffin

Guests/Presenters – Brevard High School Boys XC Team Members and Coaches; Sarah Odio and Sara VanLear of UNC School of Government Development Finance Initiative (DFI)

Press – None.

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

B. Invocation – City Council Member Rev. Dr. Pamela Holder of Bethel "A" 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. Morrow moved, seconded by Ms. Holder to approve the agenda as presented. The motion carried unanimously.

F. Approval of Minutes

F-1. November 18, 2024 Regular Meeting – Mr. Wise moved, seconded by Mr. Baker to approve the minutes of the November 18, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Joshua Fisher of Greenville Hwy said I saw you guys two weeks ago and I want to start off by apologizing for my back-and-forth with the Mayor with reference to time. I am just very passionate about our children and their safety in the city. I have met with the Mayor since then, so I want to personally thank the Mayor for her professionalism and cooperation in trying together to build a better community. I also want to thank Councilmember Aaron Baker. I reached out to a couple of you guys that I thought were listening last time. Mr. Baker did reach back out to me with great professionalism and really showed me he cared. Ms. Holder, last time during the meeting you showed extreme professionalism. I could tell you care about what I was speaking about. I'm not saying the rest of you didn't; I'm just saying it was what I noticed when I was speaking. It seems since then you guys have fixed the crossing guard issue at Greenville Hwy,

which I extremely appreciate. There has been somebody there between 7:25 and 7:30 every morning. However, and I'm not trying to be a smart aleck, the one from Elm Bend now is not there at 7:25 in the morning. Normally you have one at Elm Bend crossing there, and then one at Greenville crossing there. I've noticed since then the Elm Bend one has been shifted over there. If I was only concerned about my kid, I would say great, thank you, because my kid only crosses Greenville Hwy. But, unfortunately other kids cross Elm Bend and like I said, if it's not something you guys can provide, just let the parents know so we can get our kids to school safely. I don't mind taking my kid to school and other parents don't mind as well; we just need to know if there is not going to be somebody there so we can adjust our plans accordingly. The other thing I wanted to say, and it's really hit me hard this last month, I'm not bound to the same policies that the City of Brevard employees, councilmembers and public officials are. I do try to keep myself as professional as possible, but when I get passionate about things sometimes it's hard for me to do that. Last month I don't think, and I'm giving you guys my opinion, a city official or anybody employed by the city should be on Facebook disparaging any citizens at all. I think if that happens, that should be obviously against the city code of conduct and that needs to be addressed immediately. This happened twice within the last month from city officials for two citizens, me being one of them. Somebody under a fictitious name called DL Truthteller commented on a city Facebook post that I commented on, making me seem like a bad parent, that I don't want to take my kid to school. That's the furthest from the truth. I actually am a good parent and I don't mind taking my kid to school. I would hope that you guys will continue to look into who DL Truthteller is, because we already know – I have proof of it – and that you guys will take immediate action when you find out who that is and that that official be held accountable for all their actions.

Gary Roberts said I don't live in the city, I live in Penrose, but I have two boys that go to school and the Boys and Girls Club in the city, so they're in the city 8 to 9 hours a day. So I do have an interest in their and every person's safety and well-being in the city. Saving the Police Department is important to me; I worked there a long time. Mayor, I'm not going to use the word "corrupt" anymore, and I apologize for that. I think "misinformed" is a better word about some things that have happened regarding the Police Department. Are you aware, I'm talking to the camera up there, that the Police Department has lost at least 14 employees in the last two years that Jordan has been the chief? And he promoted a Detective all the way to Captain over much better-qualified employees. He's got employees leaving now; he's got one on notice right now that is supposed to be leaving December 10th I think. And if he's saying that these employees are disgruntled, he's being dishonest. They're not leaving because they're disgruntled; they're leaving because of terrible leadership; they're leaving because of bullying, harassment and intimidation from the Captain, whom if you check, is neither qualified or fit to be the Captain. The Blue Ridge LET scandal proves that. You had mentioned that you were going to do an outside look, and I saw it on Wilson's LinkedIn. If I look at the officers who aren't here anymore, that's where you're going to get the truth about what's going on with the Brevard Police Department. I hear a lot of things because they're scared to speak for themselves; does that make sense? In closing, let me assure you that I want to save the PD; I don't want it go away at all. You, the Council can fix the department by changing the administration, because if you don't, there may not be a PD to save.

H. Certificates/Awards/Recognition

H-1. Proclamation 2024-24 Brevard High School Boys' Cross Country Team State Champions – Mayor Copelof read the proclamation aloud and presented it to Cross Country Team members and coaches.

Proclamation No. 2024-24
In Recognition of Brevard High Boys Cross Country Team
Winning 2024 State Championship

WHEREAS, on November 2, 2024, Brevard High School Boys Cross Country Team captured the 2024 North Carolina High School Athletic Association (NCHSAA) 2A Cross Country State Championship; and

WHEREAS, under the guidance of Coach Ben Morgan and Coach Jackie Witherspoon, the Brevard Blue Devils Cross Country Team has won 4 consecutive conference championships, and are back-to-back Regional and State Champions, capturing the third State Championship in school history; and

WHEREAS, this year Senior Avan Hinkle, Senior Leo Murray, and Sophomore Keaton Campbell gained All-State Honors; and

WHEREAS, Senior Max Bailey won the prestigious Sportsmanship Award; and

WHEREAS, through hard work, dedication, teamwork, and commitment, the Boys Cross Country Team brought honor upon themselves, Brevard High School, and Transylvania County.

NOW, THEREFORE, be it proclaimed that the Brevard City Council expresses its congratulations and appreciation to the athletes, coaches, staff and parents of the Brevard High School Boys Cross Country Team. Let it be remembered that each and every one of these individuals are a valuable asset to the City of Brevard and Transylvania County and will shape our future as they continue on the path towards adulthood.

Further, I, Mayor Maureen Copelof and Brevard City Council, do hereby proclaim Tuesday, **December 3, 2024,** as **"BLUE DEVILS BOYS CROSS COUNTRY TEAM DAY"** in the City of Brevard, North Carolina, and call upon all citizens to join us in recognizing the Brevard High School Boys Cross Country Team and coaching staff for their achievements.

Proclaimed this the 2nd day of December 2024.

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

H-2. Proclamation 2024-25 Kwanzaa – Mayor Copelof read the proclamation aloud.

Proclamation No. 2024-25
Kwanzaa Week Proclamation

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

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

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

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

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

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim December 26, 2024 to January 1, 2025, as **KWANZAA WEEK** in the City of Brevard and commend its observance to all citizens.

Signed this 2nd day of December, 2024.

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

I. Special Presentations

I-1. DFI Presentation of Presbyterian Church Property Findings – Mr. Hooper explained that this is a follow-up to the presentation he gave at the September 3, 2024 City Council meeting regarding the results of the geotechnical work that was performed at the Brevard Davidson River Presbyterian Church site and what its findings meant for the cost of the project, and to summarize, it put us in a big hole. He reminded Council that the lease with the Church only requires a minimum of 24 single-family residential units, though its language permits a large multi-family complex. Mr. Hooper introduced Sara VanLear and Sarah Odio of DFI who gave a PowerPoint presentation (copy attached) providing an overview of the geotechnical findings for an affordable housing development on the Church site, and discussion of the implications of those findings on the financial feasibility of developing affordable housing in the near term on that site. As part of next step considerations, DFI recommends coordinating with the Church to determine how best to proceed with the current ground lease agreement.

Following questions and comments by Council, there was consensus not to give up on this site and to inquire with the Church if they would consider leaving the lease open for five years in case circumstances were to change.

J. Public Hearing(s)

J-1. Ordinance – Voluntary Contiguous Annexation – Mills Ave Properties, LLC / Forest Hill Drive – Aaron Bland explained that on September 13, 2024 Mills Ave Properties, LLC submitted a petition to annex four parcels on Forest Hill Drive, further identified by PINs 8585-360021-000, 8585-35-0899-000, 8585-35-1747-000, and 8585-35-1676-000. The subject properties are located in the ETJ, adjacent to the city limits. The parcels are zoned General Residential – 4 (GR4) and are currently vacant. The Planning Board discussed the request at its November 19th meeting and voted in favor of the request.

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

Public Participation – None.

At 6:20 p.m. Mr. Morrow moved, seconded by Mr. Wise to close the public hearing. The motion carried unanimously.

Mr. Baker said he would like more information before Council's vote at the next meeting on the potential for easements for the multi-use path on this property. He said it appears that we have some easements already nearby and the planned path is just across the creek behind these properties.

J-2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 3 and 21 – Emergency Response and Recovery – Emily Brewer explained that this is a staff-initiated text amendment that starts to contemplate how temporary solutions in the aftermath of an emergency, particularly as it relates to uses and signage, and how our UDO and its procedures can be flexible in the time of response and recovery. The amendment establishes a framework that enhances community resilience in the face of disasters and emergencies. The regulations aim to ensure that development activities that follow a declared emergency:

- Support swift response and recovery efforts post-disaster;
- Improve the response capabilities of the City's Unified Development Ordinance;
- Ensure displaced residents have safe and adequate temporary housing options;
- Allow for efficient restoration of essential services and infrastructure; and
- Promote the timely rebuilding of affected areas.

The proposed amendments establish a new Chapter 21 – Emergency Response and Recovery – that would only be applicable following a declared emergency. This

would apply during any declared emergency, not just for natural disasters. The new chapter adds stipulations for temporary uses (residential and non-residential) and signage.

- Temporary Housing: The proposed amendments include three options for where new temporary housing units can be placed in the city:

    1. On a lot where active repair and reconstruction of the primary structure is occurring, regardless of the underlying zoning district;
    2. On a lot within a residential zoning district as a type of temporary accessory dwelling unit (ADU); or
    3. On a lot within a residential zoning district as a type of group development that is set up for multiple temporary dwellings.

    This section includes a caveat that preexisting non-conforming short-term rentals and other lodging uses may be used for temporary housing accommodations without putting their non-conforming status in jeopardy.

- Temporary non-residential uses can vary from temporary personal services and medical facilities to government or social services offices. This section states that a permit would be valid for six months, with an optional six-month extension if evidence is provided that the service is still required.

- Temporary signage: Allows certain types of temporary signage to be placed without a permit by non-residential uses that are actively engaged in public service efforts.

The Planning Board reviewed the proposed amendments at its November 19th meeting and unanimously recommended in favor. However, since then Staff has made two additional changes – the first to clarify that Council can waive permit fees for temporary uses associated with the emergency response and recovery efforts by amending the fee schedule (see Item M-2); and the second to add that the temporary housing accommodations are intended to serve displaced persons but can also serve recovery aid personnel.

Ms. Brewer said that given that the time-sensitive nature of ongoing emergency response and recovery efforts in the wake of Tropical Storm Helene, Staff is requesting that Council take action following the public hearing.

At 6:29 p.m. Mr. Morrow moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:29 p.m. Mr. Morrow moved, seconded by Mr. Daniel to close the public hearing. The motion carried unanimously.

Mr. Daniel moved, seconded by Mr. Morrow to accept the text amendment as presented.

During discussion, Mr. Baker and Mr. Wise expressed concerns regarding the broadness of what a state of emergency is and who can declare it and why. They both said they would prefer to limit it to response to states of emergency in regard to natural disasters. There was also discussion about applying these provisions to public health events. Mr. Hooper also suggested another possibility was to make these provisions only eligible for states of emergency declared by the Mayor.

Mr. Daniel amended his motion to limit it to a natural disaster or public health event. Mr. Morrow agreed to the amended motion. During additional discussion, Mr. Baker encouraged Council to further amend it to limit it to emergencies declared by the City

Manager and/or Mayor. Mr. Daniel further amended his motion to include that in Section 21.2. Applicability, only Item A.1 City Manager and/or Mayor of the City of Brevard would apply. Mr. Morrow seconded the amendment. The motion as amended carried unanimously.

ORDINANCE NO. 2024-47

AN ORDINANCE AMENDING CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE CHAPTER 3 – USE DEFINITIONS AND STANDARDS AND ESTABLISHING CHAPTER 21 – EMERGENCY RESPONSE AND RECOVERY

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance be amended; and,

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

- *Goal 8: "Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city."*
- *EDIR-18: Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather;*

WHEREAS, a public hearing was conducted on Monday, December 2, 2024, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Code of Ordinances be amended as outlined below.

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

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

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

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

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

Adopted and approved this the 2nd day of December 2024.

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

~~ At 6:53 PM Mayor Copelof called for a ten-minute break ~~

J-3. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3, 5, 6, 9, 12, 13, 16, 17, and 19 – Legislative Changes – Emily Brewer explained that this is staff-initiated text amendment that codifies changes to address recent updates to state legislation related to zoning and land use. Given that some of the legislation is effective January 1, 2025, Staff is requesting that Council take action following the public hearing.

At 7:10 p.m. Mr. Daniel moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 7:10 p.m. Mr. Wise moved, seconded by Mr. Daniel to close the public hearing. The motion carried unanimously.

Mr. Baker moved, seconded by Mr. Daniel to adopt the amendment as written. The motion carried unanimously.

ORDINANCE NO. 2024-46
AN ORDINANCE AMENDING MULTIPLE CHAPTER OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO ADDRESS RECENT UPDATES TO STATE LEGISLATION

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance Chapter 2 – Districts and General Provisions; Chapter 3 – Use Definitions and Standards; Chapter 5 – Building Types and Architectural Standards; Chapter 6 – Environmental Protection; Chapter 9 – Circulation and Connectivity; Chapter 12 – Signs; Chapter 13 – Infrastructure Improvement Requirements; Chapter 16 – Administration; Chapter 17 – Development Plan Requirements; and Chapter 19 – Definitions be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is neither consistent nor inconsistent with the goals and objectives of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*.

WHEREAS, a public hearing was conducted on Monday, December 2, 2024, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Code of Ordinances be amended as outlined below.

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

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

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

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

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

Adopted and approved this the 2nd day of December 2024.

Attest: Denise Hodsdon, City Clerk s/ Maureen Copelof, Mayor
Approved as to Form: 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. Baker moved, seconded by Ms. Holder to approve the consent agenda. The motion carried unanimously.

K-1. Property Tax Releases – November, 2024

RESOLUTION 2024-56
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 November 2024 property values from the tax scroll in the amount of:

2024: $ 386.52

Adopted and approved this the 2nd day of December, 2024.

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

K-2. Personnel Policy Revisions to Add Language for New Law Prohibiting Pornography on Government Networks and Devices

RESOLUTION NO. 2024-57
A RESOLUTION AMENDING THE CITY OF BREVARD PERSONNEL POLICY

WHEREAS, the City of Brevard is a governmental entity employing many persons for the purpose of carrying out the operations of local government; and

WHEREAS, the rules, regulations, mandates, court interpretations and laws governing personnel administration have changed since the last amendment to the Personnel Policy on July 1, 2024; and

WHEREAS, to keep the Personnel Policy current with the revised rules, regulations, laws, etc., and to incorporate voluntary provisions for the employees of Brevard, those responsible for the maintenance of the policy recommend that the Personnel Policy dated July 1, 2024 be repealed and replaced with the updated Personnel Policy effective December 2, 2024.

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

Section 1. The Personnel Policy dated July 1, 2024 is repealed and the updated Personnel Policy will become effective December 2, 2024 as the official policy governing the appointment, classification, salary, benefits, and conditions of employment of the employees of the City of Brevard.

Section 2. This resolution shall become effective upon its adoption and approval on this the 2nd day of December, 2024.

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

K-3. Council Housing Committee Minutes – September 9, 2024

K-4. Council Parks, Trails and Recreation Committee Minutes – September 18, 2024

L. Unfinished Business – None.

M. New Business

M-1. Application for Public Art from Kristie Nichols, 360 Whitmire Street – Paul Ray presented the application from Kristie Nichols, owner of The Yard at 360 Whitmire Street. The application includes a description and image of the proposed artwork to be painted as a mural by local artist Todd Weinkam on the side of the grey outbuilding in The Yard. Ms. Nichols has signed an agreement to maintain the mural at no cost to the City. Mr. Baker moved, seconded by Mr. Morrow to approve the application. The motion carried unanimously.

RESOLUTION NO. 2024-58
A RESOLUTION APPROVING A MURAL ON
THE NORTH EXTERIOR WALL OF 360 WHITMIRE ST

WHEREAS, City Council has been presented with a proposal for the placement of a wall mural painted by local artist, Todd Weinkam, and

WHEREAS, the mural shall represent a celebration of Brevard's local floral and fauna, and

WHEREAS, City Council believes the proposed mural is consistent with the stated goals outlined in the Public Art Policy, and

WHEREAS, City Council recognizes the value of publicly displayed art and the importance of promoting public and private economic development efforts, and

WHEREAS, City Council also recognizes the value of local artists in the community and the need to be innovative and creative in developing ways of attracting visitors to the central business district, and

WHEREAS, Local art, such as high-quality wall murals, create a sense of place for the residents of Brevard.

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

Section 1. City Council hereby approves an application for a wall mural on the north side of the building at 360 Whitmire Street, in accordance with Brevard City Code of Ordinances Chapter 42 and Brevard Unified Development Ordinance Chapter 12.

Section 2. The Resolution shall become effective upon its adoption.

Adopted and approved this the 2nd day of December, 2024.

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

M-2. Amendment to Fee Schedule – Permit Fees for Emergency Response and Recovery – Emily Brewer explained that in the wake of Hurricane Helene, the North Carolina General Assembly adopted a moratorium on certain permit fees. The moratorium is set to expire on December 31, 2024. As part of the earlier adoption of UDO Chapter 21 – Emergency Response and Recovery, Staff is also proposing that all planning permit fees associated with emergency response and recovery be amended to have no fee. This would include all repairs, demolitions, or new temporary uses following any applicable declared state of emergency. Mr. Daniel moved, seconded by Mr. Wise to adopt the ordinance amending the fee schedule as presented. The motion carried unanimously.

ORDINANCE NO. 2024-48
AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE
FY 2024-2025 CITY OF BREVARD BUDGET

WHEREAS, the City of Brevard adopted the FY 2024 budget on June 3, 2024, including a schedule of fees; and,

WHEREAS, the City Council of Brevard adopted Ordinance No. 2024-48 amending the Unified Development Ordinance to include Chapter 21 – Emergency Response and Recovery, in accordance with North Carolina General Statutes; and,

WHEREAS, it is the desire of the City Council of the City of Brevard that the FY 2024 budget fee schedule 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 FY 2024 fee schedule is hereby amended as described below:

SECTION 02. Establish that there is no permit fee for Temporary Uses associated with Emergency Response and Recovery, and

SECTION 03. Establish that there is no permit fee for construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any structure damaged as a direct result of an event having been declared a disaster and subject to a "State of Emergency," as defined by Chapter 21 of the City's Unified Development Ordinance

SECTION 04. The City Manager of the City of Brevard is hereby authorized to amend the official FY 2024-2025 budget to reflect the change as set forth herein.

SECTION 04. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 2nd day of December 2024.

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

M-3. Discussion of Possible Changes to Tap Fee Policy to Support Recovery – Mr. Hooper explained that he was looking for feedback from Council on the concept of waiving utility tap fees for temporary recovery-related uses. He said the attitude he has heard from folks at our superior agencies and from Council is that we ought to do what it takes to support recovery, even if it means taking risks and doing things we wouldn't otherwise do. We have already done that with the flood insurance grace period, and now with these updates to our UDO. He said the proposal to waive tap fees for temporary emergency-related housing is a risky one because the UNC School of Government has offered an interpretation, based on case law, that differences in utility

fees must have a utility-based reason. But I would argue that none of the cases that constitute that case law had this particular set of circumstances; they weren't after an emergency, and they were for permanent connections. Add to that, the General Assembly itself has mandated that we waive permitting fees through the end of the year. We have been fortunate that the properties where trailers and other things have been parked so far already had taps, but what if they hadn't? There is nothing in our code or our UDO that authorizes the City Manager to waive those fees. He noted that if Council did not want to take the risk of waiving the temporary utility fees, there are a couple of alternatives that would accomplish the same goal, but with slightly different tradeoffs. The first one is to waive tap fees for everyone for a timeframe that corresponds to the recovery period. The other one is to set up a program, perhaps underwritten by Housing Trust Fund dollars, that reimburses those fees to qualified temporary housing projects. Both of those possibilities would cost more, but you could justify letting the taps be permanent if you took advantage of one of those alternatives. He asked for Council Member's thoughts on the concept and whether they wanted Staff to proceed and put together a more solid proposal for consideration at the next meeting. There was consensus that it was worth investigation, and Council was interested in hearing a proposal from Staff.

M-4. Request to NCDOT for City to Take Ownership of W. Main Street from Caldwell Street to Oaklawn Avenue – Aaron Bland explained that the Ecusta Trail Advisory Board has a complementary working group made up of City staff and representatives from partner agencies, and during a recent working group meeting, the idea of how we connect trailusers from the eventual terminus of the Ecusta Trail on Main Street to downtown was discussed. One idea proposed by the Heart of Brevard was to do some sort of on-street painting to draw trailusers into downtown. The challenge with that is that this stretch of West Main Street is a state road, owned and maintained by NCDOT and we would have to go through a lengthy process for NCDOT approval. The idea was put forward that the City request to take over West Main Street between the trail terminus and Caldwell Street. Staff reached out to NCDOT Division 14 to determine how that process would occur. The process begins with a formal request, such as a resolution adopted by the governing board, which is then taken before the State Board of Transportation for consideration. Mr. Hooper added that at its November 6th meeting the Public Works and Utilities Committee endorsed the idea and referred it to full Council with a recommendation that Council also endorse it. The Parks, Trails & Recreation Committee also agrees with the idea and wants to see it happen. Mr. Wise moved, seconded by Mr. Morrow to approve the resolution. The motion carried unanimously.

RESOLUTION NO. 2024-59
A RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DELETE FROM THE STATE HIGHWAY SYSTEM AND AUTHORIZE THE CITY OF BREVARD TO ASSUME MAINTENANCE UNDER THE POWELL BILL SYSTEM A PORTION OF WEST MAIN STREET

WHEREAS, the North Carolina Department of Transportation (NCDOT) provides maintenance of certain roads and highways within the state, including a portion of West Main Street in the City of Brevard; and

WHEREAS, the City of Brevard also provides maintenance of certain roads within its jurisdiction and receives Powell Bill funding from NCDOT to do so; and

WHEREAS, the Ecusta Trail is fully funded and construction is anticipated to start in 2026 with the western terminus to end along West Main Street in Brevard; and

WHEREAS, the City of Brevard is committed to connecting the terminus of the Ecusta Trail into downtown Brevard in the most safe, efficient, and cost-effective manner possible; and

WHEREAS, on November 6, 2024, the City of Brevard Public Works committee discussed the possibility of the City taking ownership and maintenance responsibility for a portion of West Main Street to facilitate this connection to downtown, coming to consensus that the City should move forward with such a request; and

WHEREAS, the City of Brevard is specifically requesting that NCDOT delete from its maintenance system West Main Street (SR 1349) between Caldwell Street and Oaklawn Avenue; and

WHEREAS, the City of Brevard intends to take into its street maintenance system for Powell Bill assistance West Main Street (SR 1349) between Caldwell Street and Oaklawn Avenue.

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

Section 1. The City of Brevard City Council will agree to accept into its maintenance system for Powell Bill assistance the above-described section of street upon the approval of NCDOT to delete said section of street from the state highway system; and

Section 2. The City Manager is hereby authorized and directed to submit this request to the NCDOT District Engineer.

Adopted and approved this the 2nd day of December 2024.

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

M-5. City Council 2025 Meeting Schedule and Set Date for Priority Setting Retreat – Mr. Hooper requested that Council set a date for the Priority Setting Retreat for either Friday, February 28, 2025 or Friday, March 7, 2025. Mr. Daniel Moved, seconded by Mr. Baker to schedule the Priority Setting Retreat for Friday, March 7th and to approve the 2025 meeting schedule as presented. The motion carried unanimously.

M-6. Amendment to 2025 City Council Meeting Schedule – Cancel December 16, 2024 Meeting – Mr. Baker moved, seconded by Mr. Morrow to cancel the December 16, 2024 Regular Meeting. The motion carried unanimously.

N. Remarks/Future Agenda Considerations.

Mr. Morrow said I heard today that we got the Davidson River back in public trust and I would like for the City to pursue to make sure that is correct.

Ms. Holder said one of the most difficult parts of pastoring is funerals and today the one that you may be aware of, especially if you are a Brevardian, is Ulysses Wynn. Wynn Street is named after him in English Hills and I was so impressed for all that he did to help our city, so I wanted to pay homage to him today. Please keep his family and the Bethel "A" Church family in your prayers.

Mr. Wise mentioned that this marks his and Ms. Holder's first year on City Council. He said it has been an insanely crazy year, but still pretty amazing.

Mr. Hooper mentioned that DFI representatives Sarah Odio and Sara VanLear will be here through Wednesday to help us with our other housing pursuits and will be facilitating two public engagement sessions tomorrow seeking the guiding public interest for a potential LMI housing development on the Azalea Ave and Old Hendersonville Hwy property for which we have an option to purchase. Those sessions will be at 2:00 pm and 5:30 pm at the Calvary Baptist Church on Osborne Road. There will also be a virtual session on Monday, December 9th at 5:30 pm on Zoom and the link for that will be posted on all of the City's social media and electronic forums.

Mayor Copelof said we had a wonderful Thanksgiving and once again the generosity and caring of our community for those who have less than others was so remarkable. Every year Bread of Life does a community Thanksgiving dinner and this year they served over 350 people and had 200 turkeys cooked by various groups around town. Thanks to all the community groups and individuals that stepped forward. She reminded everyone that this Saturday is our Holiday/Christmas celebration, starting at noon downtown, followed by the parade at 2:30 and the tree lighting at 4:30 pm.

O. Closed Session

O-1. Potential Litigation: NCGS §143-318.11.(a)(3) – At 7:48 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, City Clerk Denise Hodsdon and Planning Director Paul Ray.

Council Returned to Regular Session – At 8:03 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. Personnel and/or Employment: GS § 143-318.11. (a)(5)(6) – At 8:03 p.m. Mr. Wise moved, seconded by Ms. Holder to go into closed session to discuss a personnel matter. The motion carried unanimously. City Clerk Denise Hodsdon was authorized to remain for the closed session with Council and the Attorney.

Council Returned to Regular Session – At 9:20 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 9:20 p.m. Ms. Holder moved, seconded by Mr. Daniel, to adjourn the meeting. The motion carried unanimously.

_____ _____

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: January 6, 2025