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

The Brevard City Council met in regular session on Monday, February 17, 2025, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

Present – Mayor Maureen Copelof, Mayor Pro Tem Gary Daniel, and Council Members Mac Morrow, Lauren Wise and Pamela Holder

Absent – Council Member Aaron Baker

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, 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, Communications Coordinator Becky McCann, Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, Water Treatment Plan ORC Dennis Richardson, and Community Center Director Tyree Griffin

Press – Dave Bradley, Transylvania Times.

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

B. Invocation – Fater 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. Mr. Morrow moved, seconded by Ms. Holder to excuse Council Member Baker. The motion carried unanimously.

E. Approval of Agenda – Attorney McKeller asked to add a closed session to discuss pending litigation matter City of Brevard et al. vs. HCA et al. as Item O-1. Ms. Holder moved, seconded by Mr. Wise to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. February 3, 2025 Regular Meeting – Mr. Morrow moved, seconded by Mr. Daniel to approve the minutes of the February 3, 2025 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Chris Weiner of 503 S. Broad St. said my name is Sgt. Chris Weiner. I stand before you today, not out of choice, but out of duty – Uniform Code of Military Justice (UCMJ), Article 92 and AR 699-20 (Army Command Policy) require me to report when an officer may be found derelict in duty and failure to obey a lawful order. Madam Mayor, you once wore the uniform of the United States Nay, sworn to uphold the highest standards of honor, courage, and commitment. That uniform is not just a piece of fabric – it is a symbol of trust, responsibility, and sacrifice. It represented the oath, an oath which you are still bound by having not resigned your commission. Council, by issuing a virtual declaration of Brevard as a sanctuary city, a policy that defies federal immigration law, you have actively undermined the rule of law and abandoned your duty. US Code 1324 makes it a federal crime to harbor or shield illegal aliens from detention. Sanctuary policies, like the one Brevard has signaled, place personal and

political interests above the security of the American people. What's moreover is that these actions place undue risk of millions of dollars of federal funding, funding that our city relies on to support critical programs. Law enforcement grants, infrastructure funding, educational assistance, and public safety initiatives all depend on compliance with federal law. To be clear, no one here is advocating for indiscriminate deportations. A fair and just immigration system requires a criminal-only deportation approach, ensuring that those who commit violent crimes, drug trafficking, or fraud are removed from our communities. But we must also acknowledge that those who entered the country illegally or have overstayed their visa broke the law. There must be a pathway to legal residency, one which does not ignore the initial violation of sovereignty. The 1996 Immigration Reform and Immigration Responsibility Act provides a foundation for removing criminal offenders while allowing non-criminal undocumented immigrants a structured, lawful avenue to rectify their status. Your decision to support these policies blurs these distinctions, not only to the people of Brevard but to the fundamental principles of law and order. Leadership demands accountability, and yet we have not demonstrated some. Now the question before is simple – will you take corrective action? Will you do what honor demands? Appropriate actions must and will be taken. The citizens of Brevard, and indeed the nation, are watching. History will remember which side of this you choose to do next.

Dawn Rossi of 154 White Oak Lane said many of you know my position on your immigration statement. Tonight, I want to highlight how this statement has put Brevard in the spotlight and could deeply impact our community. Small towns like ours thrive on trust, hard work, and strong sense of community. However, unchecked illegal immigration introduces challenges we cannot ignore. In early February residents received a video and social media statement on this issue, both appearing to originate from an outside town. Here is the statement from the Police Chief at Tukwila, WA released January 23, 2025, alongside yours. The similarities suggest a lack of independent thought. Beyond the absolutely 50 terrified people mentioned in emails between the Mayor and the City Council, many of the town worry about the performative activism that is reshaping Brevard. These emails also reveal concerns from some City Council members and from the City Attorney on this position. If Brevard is on a path to become like Tukwila, a city of 20,000 ranked among the top five most-dangerous towns recently declaring a state of emergency, we must take this very seriously. In the past few weeks individuals from India, Mexico, Guatemala, El Savadore were arrested in Tukwila with crimes ranging from theft to child rape. Now they're in ICE custody. This is not about race or nationality; it's about the rule of law, fairness and our town's wellbeing. Legal immigration strengthens America, we know that, but ignoring illegal immigration weakens security, strains our resources, and erodes trust. Small towns are America's backbone built on faith, family and hard work. But as progressive ideology sweeps through local government, schools, and businesses we must ask is it making our town stronger, or is it eroding the very foundation it is built on? Instead of addressing real community needs, our city government has embraced divisive policies potentially leading to fewer resources and rising crimes, something we cannot afford. We must work together with law enforcement to ensure cooperation with federal immigration authorities, advocate for policy that prioritizes the legal system, and direct our tax dollars to those who contribute legally. To preserve what makes Brevard safe and prosperous we must act with common sense, not virtue signaling. Brevard is worth protecting. I urge you to make common sense action. We must stand for what is right; prioritizing safety, economic growth and traditional values over radical activism; and we must elect leaders to serve our town, not outside agendas.

Peter Rossi of 154 White Oak Lane said Albert Einstein once said the world is a dangerous place to live, not because of the people who are evil, but because of the people who don't do anything about it. Mayor, City Council, the statement that you have released puts a spotlight on the City of Brevard where it could possibly lead someone that speaks English as a second language, or does not understand English, to think that this has become a sanctuary city. Center of Immigration studies 56% of all illegal aliens live in sanctuary cities. It is a well-known and documented fact that these aliens communicate with each other and allow each other to know where to go for sanctuary cities. Migrants in North Carolina cost us $3.1B, works out to about $779 per taxpayer.

A majority of these people are very good people, hard workers, and are an asset to the community, but there does leave that small minority of them that are up to no good and can cause harm, as my wife alluded to some of the other arrests, and you've seen on the news. It puts a strain on the department when crime increases. A little background on myself – 20 years in federal law enforcement, 4 of those years were as an instructor at the federal law enforcement academy in Charleston, SC. I have a little bit of knowledge on the way police and law enforcement works. Our police department last year faced some allegations and had some very low marks for morale that were from all of the police officers around. This stems from bad leadership, going from the Chief of Police and also their boss, yourself Mayor, and you know that if this was a military unit with a low morale, with the attrition rate, you would probably be relieved of command for lack of confidence. Hopefully, this election will go ahead and show that most of the city is getting tired of this, and a lack of confidence will be shown at the election.

Josh Fisher of 402 Greenville Hwy. said tonight I want to talk about censorship. I don't know who is in charge of the Police Department's Facebook page, but I have not been able to comment on it. As far as I know, that is a violation of the First Amendment; other people can. I'm going to read a couple of things: It is considered a violation of the First Amendment for a government agency to block someone from commenting on their Facebook page as it can be seen as censorship of viewpoints, particularly if the blocking is based on the content of the comment and not just technical issues. Now, if there is threats or harassment, that's different. Everything I have said has been truthful; I have not made a physical threat towards anybody; there's no reason to have me blocked on that. It's also considered that a government's Facebook page, or any social media page is considered a limited public forum. So, what I'm asking you guys tonight is to look into that, and if you guys find that you agree with me, then have that unblocked as soon as possible. If you don't and I find out further, Mr. McKeller, then I will retain legal counsel for my First Amendment rights. I'm not trying to do that, but I have a right just like everybody else does to express how I feel. You guys may not agree with it, but that's the way it goes. Obviously, you can hear the rest of the people who spoke tonight; that was part of what I was going to talk about. I guess I don't need to because the rest of the city is here talking about it. You guys might say it's not a sanctuary city, but that's how you portrayed it; that's how a lot of people take it. If you guys don't retract your statements or say something that that's not how you meant it, a lot of you guys will be voted out, I can guarantee you that. The citizens are not happy. You saw the backlash on the Facebook page. Also, when you guys made that, there were a lot of comments that were deleted from citizens, and we have screenshots of it all. I do want to personally thank Mr. Wise though. I have gained a lot of respect for him and his viewpoints and so I want to personally say I apologize for stuff before. I respect you and Mr. Baker who is not here. The rest of you guys, all you do is sit there, you stare; I understand you can't comment, but it doesn't even matter what the public says. If you disagree with them, it goes in one ear and out the other. I urge you to look into the First Amendment and see why I have been stopped from commenting on the Police Facebook page.

James Carli of 230 Burrell Ave. said I wish to commend the declaration in support of our immigrant residents and neighbors and friends. I'm a big welcome guy, a big hospitality guy. I'm from North Carolina, but I lived in New Jersey in an apartment complex that had people from over 120 different nationalities. My wife and I were one of the very few white Americans and we had a building full of old Russian and Ukrainian ladies and some of the greatest serenity I experienced were some of the Muslim men who pray to the masjid in the basement. Everywhere I go and every time I interact with foreigners I look into the eyes of people who are yearning for peace, safety, freedom, opportunity that all of us experience. Just to walk you through what some of the Good Book says – Exodus 22:21 do not mistreat or oppress a foreigner; remember that you are foreigners in Egypt; Leviticus 19:33-34 do not mistreat foreigners who are living in your land, treat them as you would an Israelite and love them as you love yourselves. Remember you were once foreigners in the land of Egypt; I am the Lord your God Deuteronomy 2:7-19. I could keep going, but you get the point. The Bible and the Christian faith and all the ancient faiths are very clear on the importance of showing hospitality and welcome to foreigners as angels of God. I am a firm believer in that

spirit of hospitality, and I do not believe that any of our neighbors should live in fear of anything. We are human beings who desire the same things. By the way, the foreigners commit crimes at far fewer rates than native-born Americans, and they also make our cuisine pretty good. I would encourage everyone in our community to exercise compassion and grace and find it within you that sense of hospitality that has existed within all these people as souls, many of whom have been forced to flee conditions which have made where they came from inhospitable, some of which is because of American actions in their homelands. I wish to support the Council and your statement and to encourage all of us to just see the individual behind the eyes of the spirit of God and that soul yearning for peace.

Dr. Paula Hartman-Stein of 249 Pine Mountain Trail said I currently volunteer as Brevard's Age Friendly Task Force Coordinator. I have some good news tonight on behalf of our age friendly initiatives. I was notified last week that an AARP regional mini grant for $1,000 that I wrote, with some wordsmithing suggestions by Becky McCann, will be funded. The money will go for 150 emergency preparedness bags with items suggested by County Emergency Management Director Kevin Shook and a Task Force member Susan Zelle, who worked for the State Department in Africa for many years and she knows about emergencies. The bags will be distributed two ways—the first 50 people who attend our upcoming summit on disaster preparedness on April 23rd at the Rogow Room; and 100 will be distributed to all of the homebound older adults who receive meals in our city and county as far as the Toxaway area. Also, we will be distributing pamphlets published by AARP that are filled with really good information. A national grant in progress, another AARP microgrant for $2500, if it is funded will reach out to three demographics of older adults – those across Carolina in hurricane-prone regions who are digitally savvy and go to websites for information and to local locations in our city and county where harder to reach older adults go to socialize. I hope you will avail yourself of the knowledge and experience of our three county directors in the emergency field regarding how to prepare for disasters and from Becky McCann our city Communications Director on how to sign up for city alerts. All of this on April 23rd at 2:00 to 4:30 p.m.

Wayne Clark of 34 Warren Lane said I am very proud of what you all have done so far for our community, and I think it is a real community service. I want to echo what James Carli said too. We have an obligation, moral and otherwise, to be good neighbors to everyone in the community. I want to urge you to do more and the reason I say that is because the Trump administration is going to come down even harder on the migrants in our country. They are shipping people around the world and they put them in a plane, and they treat them like prisoners, including women and children. They handcuff them and they stay handcuffed and virtually immobilized for eight hours on their trip down to Guantanamo. Plus, the Trump administration will be seeking millions in additional revenues to expand and add on to Guantanamo. The facility down there was set up for prisoners, it wasn't set up for migrants. This administration has no qualms about separating women and children. The cruelty is almost beyond comprehension. This is not the way America should be; this is not the way my 17-year-old ancestor fought in the Revolution for; he didn't fight for policies like that. And my three uncles and my dad, my father-in-law, did not fight fascism and all the deportation that went into the fascist regimes, and we know about the 11 million people who died during WWII. My ancestors and yours too probably didn't fight for that kind of a country and we don't need to go down that path again. We need to be aware of what happened then, and we need to be very much aware that it can happen again. So let's do what we can, let's look ahead and let's see what else we can do to protect these vulnerable people.

H. Certificates/Awards/Recognition – None.

I. Special Presentations

I-1. Priority Setting Retreat Prologue – Mr. Hooper explained that his remarks are intended to talk about some of our accomplishments over the past year and to talk about the current environment in order to give a sense of what will influence our work

in the year to come. He reviewed the city's accomplishments of each of last year's priorities:

Goal 1 – Community Safety
- New BPD facility
- Successfully implemented cadet program
- Completed evidence room audit
- Starting BPD organizational assessment
- Received and deployed new BFD rescue truck
- Monitoring county-level discussion on revisions to countywide fire department funding model

Goal 2 – Infrastructure
- Times Arcade Alley stormwater and bulb outs substantially complete
- Made progress on HoB sidewalk and pedestrian survey
- LoS doing preliminary stormwater infrastructure survey; RFQ for Master Plan about to hit the street
- Hired KCI for WWTP PER; already made recommendations to PWC about next steps
- RFPs for WTP improvements and pump station improvements about to hit the streets

Goal 3 – Economic Vibrancy
- Developed terms for Pisgah Labs that will likely be the basis for our future Economic Incentives policy

Goal 4 – Affordable Housing
- Diligence on BDRPC property
- Developed negotiation and agreement model for future partnerships
- Acquired purchase option for Azalea Ave. project
- Shifted DFI support from BDRPC property to Azalea Ave.
- Reapplied for PRO Housing; have plan B in case we don't get it
- Possible partnerships in the works with Habitat and HAC
- Financially supported Fairhaven Meadows

Goal 5 – Community Partnerships
- Expanded Social District

Goal 6 – Efficient, High-quality Organization
- Upgrading technology; transitioning to better time keeping system
- Reconfigured city hall to accommodate new staff
- Passed updated purchasing policy
- Utilizing most of the Civic Alert suite of products to enhance external communications

Goal 7 – Connected Transportation Network
- Safety improvements along Probart; collecting data to justify treatments at other locations
- Lots of movement on Estatoe Trail
    - Purchased Baslaugh property
    - Commissioned 30% design for remaining segments
    - Made handshake agreement re: Rosman Hwy crossing
- Formed ETAB 2.0 and got to work prioritizing amenities
- 30% design of Ecusta Trail essentially complete; negotiating 70% design contract
- Studied trail-related improvements to R5800 and submitted proposals to NCDOT
- Started construction on new trails at Bracken Preserve

Mr. Hooper noted that despite our progress, we are facing some challenges that will have an impact in the year to come:

- New environment/uncertainty from Washington
- Headwinds from Raleigh – unlikely to continue to hand out earmarks
- Storm recovery will likely be a continued focus both locally and in Raleigh for the foreseeable future
- Organization will recover from the storm quickly; long-term community impacts still unknown
- Uncertain how each of the above-referenced phenomena will impact our budget and operations
- Revaluation delays when we can project property tax revenue
- Internal staffing levels good in professional departments; stable in Public Works, Water/Sewer and Fire Department; challenged in Police Department
- Approaching inflection point with regard to the adequacy of our infrastructure

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. Morrow moved, seconded by Mr. Daniel to approve the consent agenda. The motion carried unanimously.

K-1. Tax Settlement Report – January, 2025

K-2. 2024 Unpaid Taxes and Authorization to Advertise and Begin Enforced Collection Remedies

K-3. Amendment to Fee Schedule – Removal of Sidewalk Usage Fees

ORDINANCE NO. 2025-09
AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE
FY 2024-2025 CITY OF BREVARD BUDGET

WHEREAS, the City of Brevard adopted the FY 2024-2025 budget on June 3, 2024, including a schedule of fees; and,

WHEREAS, the City Council of Brevard adopted Ordinance No. 2024-41 amending the City of Brevard Code of Ordinances Chapter 1, Chapter 46, and Chapter 62 to update the regulations for placing objects within public rights-of-way, in accordance with North Carolina General Statutes; and,

WHEREAS, the Downtown Master Plan Committee recommended removing the fee for sidewalk usage at their regular meeting on February 12, 2025; and,

WHEREAS, it is the desire of the City Council of the City of Brevard that the FY 2025 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 2025 fee schedule is hereby amended as described below:

SECTION 02. Establish that there is no permit fee for Sidewalk Usage.

SECTION 03. 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 17th day of February 2025.

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

K-4. Eastabrook Avenue Survey "Mini-Brooks" Act Exemption

RESOLUTION NO. 2025-11
RESOLUTION APPROVING A "MINI BROOKS ACT" EXEMPTION FOR EASTABROOK AVENUE SURVEY AS PER G.S. 143-64.32

WHEREAS, G.S. 143-64.31 (often referred to as the "Mini Brooks Act") requires the initial solicitation and evaluation of firms to perform architectural , engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee; and

WHEREAS, the City at times has a need for services estimated to cost below the $50,000 exemption threshold per G.S. 143-64-32 that authorizes local-government exemption from the qualifications-based selection requirements of G.S. 143-64.31; and

WHEREAS, the proposed cost for the Eastabrook Avenue Survey is less than $50,000 ($2800.00); and

WHEREAS, the survey firm, McAbee and Associates, P.A. is well qualified and experienced in proving surveys, including in the City of Brevard, and specifically the Eastabrook Avenue area; and

WHEREAS, the City wishes to use McAbee and Associates, P.A. for these surveying services.

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

Section 1. The selection of the surveyor McAbee and Associates, P.A. for the Eastabrook Avenue Survey be exempt from the 'Mini Brooks" Act as per G.S. 143-64-32.

Section 2. This resolution shall be effective upon adoption.

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

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

K-5. Council Public Works & Utilities Committee Minutes – January 9, 2025

L. Unfinished Business – None.

M. New Business

M-1. Fairhaven Meadows Contribution – Mr. Hooper clarified that this agenda item is mistitled and should say "Fairhaven Meadows Loan" and noted that the legal and procedural steps we must take are different for a loan and a grant. He asked Attorney McKeller to discuss some of the legalities of this matter. Attorney McKeller said I want to clarify for the public record that from a legal standpoint this is well within the ability of the Council to do and that a low-income loan, as opposed to a grant, is clearly allowed because we are assisting in the provision of LMI housing. He explained that there is a clause in the Constitution of North Carolina that requires any monies expended on behalf of the public to be spent for public purpose. The NC Supreme Court in the 1930s determined that providing affordable housing to persons of low income is "one of the first duties of a civilized and Christian state is to aid the poor, the unfortunate, and the orphan." Attorney McKeller said therefore he almost considers it an obligation to provide and work for affordable housing as a municipality and as a local government. The county has different requirements and regulations than a city does. We are encouraged to follow that provision of the Constitution requiring aid to the poor, unfortunate and the orphan. The North Carolina Housing Authorities Act, Chapter 157 of the NC General Statutes, gives very specific ways in which the city could assist in encouraging affordable housing in our area. In pursuing our obligation to provide some assistance to the poor, unfortunate, and the orphan, we are given a lot of tools. One is what is being presented tonight, which is the use of our ability as a housing authority to provide low-income loans to developers who are providing housing for LMI people. In 1982 the North Carolina Supreme Court specifically authorized giving loans to create housing for people who otherwise can't afford housing assistance. What is being discussed tonight is potential support for the Fairhaven Meadows project to allow for the building of a LIHTC project to provide the very housing that we are talking about.

Mr. Hooper explained that this project has a number of funding sources, primarily by Low Income Housing Tax Credits (LIHTC). The project was also awarded HOME funds from the Asheville Housing Consortium, and has a privately issued mortgage, a second loan from Self Help Credit Union underwritten by the Western NC Community Foundation. Mr. Hooper is recommending that the city help this project close its funding gap by making a $1.169M loan to the developer Commonwealth Companies, payable in two tranches; one each in FY26 and FY27. He presented two proposed funding scenarios for Council's consideration and noted that staff is recommending Option 2, which will draw down more of our funds, but allows continued pursuit of the Azalea Ave. property.

Fairhaven Meadows funding strategy Option 1 (Maintain healthy fund balances; table Azalea Ave.)					
Funding Options	Avail. Balance/value	Related FM need	Proposed contr.	Remaining balance	Est FY26 replenish
Housing Trust Fund	$638,402[1]		($511,881)	$126,521	$200k-$264k plus remaining proceeds from property sale
Former Parking Lot Fund (now GF)	$278,575	$269,885	($200,000)	$78,575	$75k-$100k
Capital Reserve Fund	$542,536	$499,509	($387,119)[2]	$155,417	$75k-$100k[3]
Sale of properties	$118,000[4]		($70,000)	UNK	
Total	$1,577,513	$1,169,000	$1,169,000	$360,513	

Fairhaven Meadows funding strategy Option 2 (Deplete funds; keep pursuing Azalea Ave.)					
Fund	Avail. Balance/value	Related FM need	Proposed contr.	Remaining balance	Est FY26 replenish
Housing Trust Fund	$543,402[5]		($525,000)	$18,402	$75k[6] plus proceeds from property sale
Former Parking Lot Fund (now GF)	$278,575	$269,885	($215,000)	$63,575	$75k-$100k
Capital Reserve Fund	$542,536	$499,509	($387,119)[7]	$155,417	$75k-$100k
Sale of properties	$118,000[8]		($41,881)	UNK	
Total	$1,482,513	$1,169,000	$1,169,000	$237,394	

[1] HTF Balance is $682,782 but there are $139,380 in encumbrances: Rowhouse architects ($23,380), Solid Ground engineering ($1,000), Azalea Ave. purchase option ($115,000), equating to $543,402. Option 1 would likely foreclose on the possibility of acquiring Azalea Ave., so we could cancel $90k of the option encumbrance, leaving us an available balance of $638,402. Option 2 would proceed with the remaining option payments, thus reduce the balance to $543,403
[2] Staff's analysis has concluded that only $387,119 of FM's request qualifies as public utility infrastructure for this purpose
[3] This fund replenished by system development fees generated by new hook ups to Brevard's utility system. Those fees must be used for the expansion of the utility system.
[4] City will apply the proceeds from the sale of three properties: 3150 James St. (appraised value $70,000), 6574 Cashiers Valley Rd. (tax value $120,000), 5389 Cashiers Valley Rd. (tax value $36,000). For budgeting purposes, assume all properties sell for half of their identified value. If this $118k must be applied, HTF will front the money and be replenished by the proceeds upon sale.
[5] See footnote 1
[6] Under this scenario, we would finance the purchase of the Azalea Ave. property and use a significant percentage of our "Two pennies for housing" to repay debt service on the approx. $925,000 loan. Assuming finance terms of 6 years at 6% which equates to approximately $175,000 in debt service payments each year.
[7] See footnote 2
[8] See footnote 3

Mr. Hooper explained that no specific terms have been negotiated with Commonwealth and Council is asked to authorize the City Attorney and City Manager to negotiate the terms with the understanding that the term of the loan would be for 20 years at an interest rate of approximately 1% with a balloon payment due on the maturity date. He pointed out that the city will be in the fifth creditor's position, meaning that should the project go into default the city will be unlikely to recover its full investment.

Mr. Morrow moved, seconded by Mr. Wise to adopt Option 2 and approve the resolution. Following discussion, the motion carried unanimously.

RESOLUTION NO. 2025-12
A RESOLUTION SUPPORTING A LOAN AGREEMENT BETWEEN CITY OF BREVARD AND COMMONWEALTH COMPANIES FOR FAIRHAVEN MEADOWS HOUSING PROJECT

WHEREAS, Fairhaven Meadows is a 42-unit planned low-to-moderate income housing development to be developed by Commonwealth Companies and located at 1505 Asheville Highway; and

WHEREAS, Fairhaven Meadows will bring much-needed affordable housing units to the area; and

WHEREAS, despite its diverse financing package consisting of Low Income Housing Tax Credits (LIHTC), Asheville Housing Consortium Funding, and a low-interest loan from Self Help Credit Union, the project has a funding gap of $1,169,000; and

WHEREAS, Commonwealth Companies has requested assistance from the City of Brevard to provide financing to close the gap; and

WHEREAS, City Council identified Housing Policy Action / Funding as a "Category 1: Essential" priority in its FY23-24 and FY24-25 Strategic Planning Retreats; and

WHEREAS, on February 17, 2025 the Brevard City Council was presented with information, summarized in the affixed staff report, regarding funding strategy options to close the funding gap.

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

Section 1. City Council supports giving a loan to Commonwealth Companies, funded according to the strategy referenced in the attached staff report and under the terms included in the attached loan/note/deed of trust documents.

Section 2. City Council authorizes the City Attorney and City Manager to negotiate and execute the terms of the loan agreement.

Approved and adopted this 17th day of February, 2025.

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

M-2. Times Arcade Alley Change Orders and Funding Gap – Mr. Hooper explained that there are two matters at play – approval of funding for some elective change orders and filling a funding gap caused by an unexpected decision from NCDEQ.

Change orders – Mr. Hooper explained that Council's approval is required since prior emergency change orders put the project over the approved budget. The additional change orders, totaling $57,820 come at the request of some of the property owners along the alley in the hopes of adding further protection against water intrusion on their foundations and basements.

Funding Gap – The two outside funding sources applied to this project were a $250,000 Golden Leaf grant and a $700,000 stormwater grant from NCDEQ. Though the state sent a letter of intent to fund the project, it was unclear that their intent was to only fund the specific stormwater elements of the project. Non-stormwater items were deemed ineligible for reimbursement, leaving a funding gap of $319,000. Mr. Hooper noted that some of the change orders may be eligible for reimbursement, so that number may be reduced.

Between the unfunded change orders and the funding gap, the project needs approximately $373,000 to break even. Mr. Hooper presented staff's funding recommendation for Council's consideration.

Times Arcade Alley Change Orders and Funding Gap Net costs of unfunded change orders $57,820 Net ARPA-ineligible expenses $319,000 **Total Target $373,000**[1]				
Funding Option	Avail balance	Proposed contribution	Remaining balance	Est. FY 26 replenish
DMP Fund	$127,880	$95,000	$32,880	UNK
Stormwater Fund	$194,194	$194,194	$0	$225,000
General Fund unoblig fund balance above 25% policy limit	$1,596,186	$83,806	$1,512,383	UNK
Total	**$1,918,260**	**$373,000**	**$1,545,263**	

Mr. Hooper noted that the project amendment before Council tonight is only for the resources needed for the change orders. If Council agrees with the sources proposed to close the funding gap, an additional amendment will be placed on the next agenda.

Mr. Morrow moved, seconded by Ms. Holder to adopt the resolution to approve the change orders and the alternate funding sources for the Times Arcade Alley project.

During discussion Mr. Daniel said there is a design flaw with a $23,000 expense to fix it and there are several issues on this project that fit this same criteria, and I'm not sure why the city is responsible for that. Mr. Wise echoed that concern and said I feel that there are multiple problems with the engineering and construction on this project and that both change orders could have been prevented. He wondered if the city has any recourse. Ms. Holder also agreed and said I feel like we are paying for the same

thing twice and we should identify the responsibility and have the responsible party share or absorb the cost. Vote on the motion was 3 in favor; 1 opposed (Holder). The motion carried.

RESOLUTION NO. 2025-13
RESOLUTION APPROVING CHANGE ORDERS AND ALTERNATIVE FUNDING SOURCES FOR TIMES ARCADE ALLEY IMPROVEMENTS PROJECT

WHEREAS, on August 21, 2023 City Council adopted Capital Project Ordinance No. 2023-35 for the Times Arcade Alley Improvements project, establishing funding sources in the amount of $1,082,000, including a $700,000 ARPA stormwater grant; and

WHEREAS, on City Council adopted a Capital Project Amendment Ordinance No. 2023-59 increasing the project expenditures to $1,207,000; and

WHEREAS, five change orders were approved administratively over the course of the project; and

WHEREAS, two additional change orders have been requested that will exceed the approved budget for the project; and

WHEREAS, NCDEQ has determined that only $381,000 of the project's expenses are eligible for reimbursement from the ARPA stormwater grant funds; and

WHEREAS, on February 17, 2025 the Brevard City Council was presented with information, summarized in the affixed staff report, regarding the change orders and alternative funding sources.

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

Section 1. City Council hereby approves Change orders 5 through 7 referenced in the staff report for the Times Arcade Alley Improvement Project.

Section 2. City Council approves the funding sources identified in the attached staff report.

Approved and adopted this 17th day of February, 2025.

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

ORDINANCE NO. 2025-10
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE NO. 2023-35 AND 2023-59 TIMES ARCADE ALLEY IMPROVEMENTS

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 2024-10 will be increased by $105,900 from $1,207,000 to $1,312,900. Staff has already approved change orders, with the largest involving unsuitable soil removal, and the City Manager is requesting Council approval on change orders involving waterproofing and an additional trench drain. In June of 2024, Council approved the FY25 budget, which included a $95,000 transfer from the General Fund to the Downtown Masterplan Fund, and staff has received a commitment from a Times Arcade business owner for an additional $10,900 in reimbursement for waterproofing which benefitted this business.

Section 2: The Project constructed new publicly owned stormwater infrastructure in the Times Arcade Alley to capture runoff from rooftops and street surfaces. Trench drains were also added at intervals through the alley to capture and convey stormwater, and the alley and disturbed parking areas were resurfaced. The new infrastructure will handle the runoff from a 25 -year storm (7. 69"/ 24 hours), which will significantly mitigate flooding in the alley and on Main Street and Jordan Street that receive the alley' s runoff. The project is largely completed at this time.

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

Account Number	Account Name	Budget Amount
83-4900-4550	Times Arcade Alley Improv.	$1,154,000
83-4990-4560	Contingency	$53,000

83-4900-4550	**Times Arcade Alley Improv.**	**$105,900**
	TOTAL PROJECT APPROPRIATION	**$1,312,900**

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

Account Number	Account Name	Budget Amount
83-3750-0230	ARPA Storm Grant	$700,000
83-3750-0240	Golden Leaf Grant	$250,000
83-3020-0150	Transfer from GF-TAA	$132,000
83-3750-0250	Reimbursement	$32,000
83-3990-0000	Fund Balance	$40,000
83-3020-0200	Transfer from GF-TAA Contingency	$53,000
83-3020-0150	**Transfer from GF-TAA**	**$95,000**
83-3750-0250	**Reimbursement**	**$10,900**
	TOTAL PROJECT REVENUE	**$1,312,900**

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 17th day of February, 2025.

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

M-3. City Hall Building Envelope Inspection Designer Approval – Mr. Todd explained that given the age and visible condition of the City Hall building, in addition to recent incidents of water entering the building in multiple areas, resulting in issues related to indoor air quality and moisture in the building, and in keeping with the "Mini Brooks Law" the City solicited qualifications packages from eligible engineering firms to conduct a building envelope assessment. Based on interviews and qualification packages, the recommended firms in priority order are Terracon of Arden, Walker Consultants of Charlotte, and BECS of Raleigh. It is estimated that the cost for the inspection would be less than $30,000. Once the inspection is complete and any deficiencies have been identified with cost estimates, staff will have a better idea of total project cost. Staff is requesting Council's approval of the recommended firms and delegation of authority to the City Manager to begin negotiations with the firms in priority order. Mr. Daniel moved, seconded by Mr. Wise to approve the resolution to approve the recommended firms and delegating authority to the City Manager to begin negotiations. The motion carried unanimously.

RESOLUTION NO. 2025-14
RESOLUTION TO APPROVE CITY HALL BUILDING ENVELOPE INSPECTION DESIGNER RECOMMENDATION AS PER NORTH CAROLINA GENERAL STATUE G.S. 143-64.31

WHEREAS, the City Council of Brevard, NC has determined that it is in the best interests of the City to conduct a building envelope inspection of the City Hall building to identify any deficiencies in the building envelope and associated repair cost to correct identified deficiencies; and

WHEREAS, the building envelope inspection will be planned and supervised by City staff; and

WHEREAS, G.S. 143-64.31 (often referred to as the "Mini Brooks Act") requires the initial solicitation and evaluation of firms to perform architectural , engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee; and,

WHEREAS, City Staff has also issued Request for Qualifications ("RFQs") to obtain the services of qualified designers and engineering firms for the Project; and

WHEREAS, City Staff has carefully evaluated each response to those RFQs utilizing a number of criteria as specified by the North Carolina State Construction Office rules and guidelines including such elements as qualifications, prior experience with the City of Brevard, whether the design or engineering firm represents a historically underutilized business, whether the design or engineering firm represents a local business entity, and other relevant factors; and

WHEREAS, City Staff in conjunction with the City Manager has selected and interviewed three qualified designers or engineering firms in priority order: Terracon of Arden, NC, Walker Consultants of Charlottle, NC and BECS of Raleigh, NC ("Recommended Designers"); and

WHEREAS, the City Council is charged by the State of North Carolina with the authority and responsibility to approve the selection of designers and engineers for projects in the City of Brevard, NC; and

WHEREAS, City Staff recommends approval by City Council of the Recommended Designers for the City Hall Building Envelope Inspection.

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

Section 1. City Council hereby approves the recommended Designers.

Section 2. The City Manager, or his designee, is authorized to select one of the Recommended Designers in priority order, and to execute a contract dependent on successful negotiations, for the City Hall Building Envelope Inspection.

Adopted and approved this 17th day of February 2025.

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

N. Remarks/Future Agenda Considerations.

Mr. Daniel said during public comments one phrase jumped out at me, and that was "radical activism", because we stated the law.

Mr. Wise said we have a specific moral and civic responsibility and duty to help the underprivileged in our municipality and I think the efforts we have taken today on providing housing especially is something that we will need to focus on and help the County understand in the coming years.

Ms. Holder said Mack got my brain going about helping the poor, the unfortunate, and the orphan, and as Gary stated, our statement is in line with the law. Any way that we can help our brothers and sisters, at the end of the day we're all strangers in this land, and how do we help one another as brothers and sisters?

Mr. Morrow gave a shout out to Tyree Griffin. He said I met with him today and learned about his Legacy program, which is a great opportunity for local folks who want to understand not only what is going on around the country, but what is really important for folks here. He thanked Mr. Griffin for what he is doing to promote that legacy.

Attorney McKeller said I realized when I was quoting the Constitution of the State of North Carolina I forgot to cite it. It is Article 11, Section 4 Welfare policy – "Beneficent provision for the poor, the unfortunate, and the orphan is one of the first duties of a civilized and a Christian state." He said I was also listening with a lot interest the discussion about Times Arcade Alley, and I will be talking with the Manager about that. Just know that your concerns have been heard, and we will look to see if there are any possible steps to take for that.

Mr. Hooper mentioned that there will be an open house at the new Brevard Police facility at 132 Commerce Street on Wednesday at 2:00 pm and hoped to see everyone there.

Mayor Copelof noted that this is Black History Month and there will be a fashion show at MCJCCC on Saturday from 3-5pm. An Aging in Place Summit will be held in partnership and conjunction with the County on March 6th from 10:30-12:30 in the Rogow Room. The next Meet the Mayor will be on March 14th. She said I am extremely proud of our city and that we stand firm for the values, the moral responsibility we have to all of our citizens, and to what is the moral foundation of this country, and we have shown that in our statement regarding law enforcement and immigration. There was nothing new, there was nothing other than clarification and reiteration to make sure that we had clarity for a group in our community that was confused and frightened. It is, in my opinion, the responsibility of an elected leader to try and deal with that kind of fear and to make sure the facts are out there. That is what we had the courage to do and I am proud of Council and the stance that we took. Those are the values of honor that I learned in the United States military. Those are the values I took when I raised my hand to support and defend the Constitution, both as a military member and as an elected official. I am also proud today that we had the courage to stand behind our priority to make sure that we are providing housing for those who need it the most. This Council deciding to go forward, even though it is expensive, tells me that our values are absolutely consistent. We want to make sure that everyone has a decent safe place to live. This is the first housing project in over 12 years, and we have worked hard to get it where it is and will continue to work hard on it. Thank you to our community that has supported us and thank you to all of the staff and elected officials who have worked so hard to make sure that we are standing firm with that moral responsibility and foundation.

O. Closed Session

O-1. Pending Litigation: NCGS §143-318.11.(a)(3) – At 7:22 p.m. Mr. Wise moved, seconded by Ms. Holder to go into closed session to discuss pending litigation matter City of Brevard et al. vs. HCA et al. 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 and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 8:07 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 8:07 p.m. Ms. Holder moved, seconded by Mr. Daniel, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof	Denise Hodsdon, CMC
Mayor	City Clerk

Minutes Approved: March 17, 2025