MINUTES
BREVARD CITY COUNCIL
Regular Meeting
April 7, 2025 – 5:30 PM

The Brevard City Council met in regular session on Monday, April 7, 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, Aaron Baker, Lauren Wise and Pamela Holder

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant City Manager David Todd, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Planner Stephanie Holland, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Aaron Winans, Water Treatment Plan ORC Dennis Richardson, and Community Center Director Tyree Griffin

Guests/Presenters – Nicole Bentley, Maggie Delap and Anna Davis of Heart of Brevard; Sara VanLear of UNC School of Government Development Finance Initiative; and Dylan Gehring of Plusurbia

Press – Dave Bradley, Transylvania Times.

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 – Ms. Holder moved, seconded by Mr. Wise to approve the agenda as presented. The motion carried unanimously.

F. Approval of Minutes

F-1. March 17, 2025 Regular Meeting – Mr. Baker moved, seconded by Mr. Daniel to approve the minutes of the March 17, 2025 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Jimmy Perkins of 251 Park Ave. said my concern tonight is Jordan Street and specifically the striping and loading zone that went away on Jordan Street. (He distributed copies of photos he had taken and a copy is on file in the Clerk's office.) We own the property where Rocky's Corner Market and Rocky's is, as well as Newfound Artisan on Jordan Street. I spend a lot of time on Jordan Street and I see a lot of messes going on with trucks trying to get in and out and get unloaded. In some of those pictures the loading zone is still there and it's a tough spot. My real request tonight was that while it is unstriped and before it gets restriped, I would very much like for there to be a conversation involving some of the stakeholders on the street. My understanding is that it actually is on the agenda for the next Downtown Master Plan meeting, so it sounds like my fears are alleviated. I appreciate that and would like to be part of that. He said he got a parking ticket the other night while he was at the city's Jordan Street

parking lot. I got there around 5:00 in the afternoon and I literally had popped in for about 15 minutes to load up some tools and I got the $50 citation, which I'm not going to appeal. I am going to pay it because I know the rules and I broke them. I would only comment that I feel like $50 is excessive. I think, particularly with visitors and whatnot…I was president of Heart of Brevard when there was a lot of discussion about the parking and paid parking strategies and I feel like a lot of that needs to be revisited at this point in time. We're giving the best parking away and making people pay to park on the periphery and I think that is a little bit counterintuitive to human nature. I would like to be part of that discussion.

Ashley Hart of 144 Buckberry Lane said I come to you today not only as a concerned citizen, but quite frankly a fed-up one. We have seen protest after protest after protest after protest this year. They have went from 5 or 10 to numbers upwards to 300 and quite frankly we have a mayor who does nothing but encourage this behavior for not only citizens of Transylvania County and Brevard, but of other counties that have come to protest as well. On President's Day we had 130 people protest; on March 1st at Pisgah National Forest we had about 200 people; at the Hands Off protest Saturday there was upwards to 300 people. You guys see the trend here? These protests are getting bigger and bigger from out-of-towners who only show up to get a paycheck. Protests, once a symbol of democracy, are now spiraling out of control. Sidewalks are clogged making it impossible to walk without weaving through obnoxiously loud paid protestors, and don't forget the rudeness. My personal experience with the far-left radicals is they are as rude as they can be. I have a list of names I have been called by the same people who say my party is just so awful. I won't say the names that I've been called, but I will say I am glad that I wear a body cam to protect myself from any falsehoods that may arise. Not to mention how these protestors trample all over common courtesy, leaving litter behind and walking all over the grass at the courthouse property. I am tired of it as you guys can probably tell, and I know I'm not alone. We deserve better than this; we deserve peaceful streets, respectful neighbors and a community that works together, and not against itself. It's time that we demand order and not just hope for it. Maureen, please stop encouraging the protestors. We don't want it and we don't need it. I encourage you all to find a better way to advocate for what you want instead of causing chaos in Brevard. I would like to say hands off Brevard.

Rodney Locks of 187 S. Rice St. said I attended your priority setting retreat and I saw you had a triangle – one side was recruitment, one side was tourism, and the base was affordable housing costs. I want to remind you that you should not only cater to the tourists, you need to help make life better for people who work and live in Brevard. May I remind you of your own chart, and I gave that to Denise to handout. It says people who work in Brevard cannot afford to rent, much less buy homes in Brevard. You have a vision for Brevard, an action plan with goals and objectives and the budget you pass is to help implement that plan and fulfill the vision. I suggest you remind your constituents what Council is trying to do. The goal is to be seen as the solution to problems, not the problem itself. You have hard decisions to make; I only hope you make the right decisions.

H. Certificates/Awards/Recognition

H-1. Oath of Office – Aaron Winans – Wastewater Treatment Plant Supervisor / Operator in Responsible Charge – Aaron Winans was sworn in as Wastewater Treatment Plant Supervisor / Operator in Responsible Charge by City Clerk Denise Hodsdon.

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Aaron Winans, 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 Wastewater Treatment Plant Supervisor / Operator in Responsible Charge, so help me God.

Attest: s/ Denise Hodsdon, CMC, City Clerk s/ Aaron Winans

H-2. Proclamation No. 2025-05 Sexual Assault Awareness Month, April 2025 – Mayor Copelof read the proclamation aloud and presented it to SAFE representatives Cindy Donaldson and Melissa Smith.

Proclamation No. 2025-05
Sexual Assault Awareness Month - April 2025

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

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

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

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

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

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

Whereas, the theme for Sexual Assault Awareness Month this year **"Together We Act, United We Change**," highlights the importance of working together to address and prevent sexual abuse, assault, and harassment.

NOW, THEREFORE, IT IS PROCLAIMED by the Mayor and City Council of the City of Brevard, North Carolina, the month of April as **Sexual Assault Awareness Month** and urge the citizens of Brevard to work together to eliminate sexual assault from our community, to keep our community members safe from this crime and to stand with survivors and victims of sexual assault.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 7th day of April, 2025.

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

H-3. Proclamation No. 2025-06 Second Chance Month, April 2025 – Mayor Copelof read the proclamation aloud and presented it to Jim Hardy, Executive Board member of THReCon Re-Entry Council.

Proclamation No. 2025-06
Designation of April as Second Chance Month

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

WHEREAS, redemption and second chances are American values; and

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

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

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

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

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

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

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

NOW, THEREFORE, I, Maureen Copelof, Mayor of Brevard, do hereby proclaim April 2025 as "Second Chance Month." During this month I call on residents to honor the work of those who strive to remove barriers that prevent individuals with a criminal record from becoming productive members of society and to observe Second Chance Month through actions and programs that promote opportunities to unlock second chances.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 7th day of April, 2025.

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

I. Special Presentations

I-1. Heart of Brevard Annual Update – Heart of Brevard Executive Director Nicole Bentley presented their 2024 Annual Report. A copy of her presentation is attached.

I-2. Heart of Brevard Downtown Walkability Assessment – Heart of Brevard Vice President Anna Davis and Built Environment Committee Member Maggie Delap presented an overview and summary of the 2025 Heart of Brevard Walkability Study. A copy of their presentation is attached.

J. Public Hearing(s)

J-1. Proposed Amendment to City of Brevard Traffic Schedule to Establish Regulations for Victore Lane – Aaron Bland explained that the City recently accepted the dedication of a new road off Osborne Road serving a new subdivision called Victore Lane. Now that this is a city-owned and maintained street, it must have appropriate traffic regulations codified. The proposed amendment to the Traffic Schedule will establish 1) a speed limit of 15 MPH, 2) that there is no on-street parking allowed on either side, and 3) the requirement to stop before entering Osborne Road.

At 6:43 p.m. Mr. Daniel moved, seconded by Mr. Morrow to open the public hearing. The motion carried unanimously.

Public Participation: None.

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

Mr. Daniel moved, seconded by Mr. Morrow to approve the ordinance amending the Traffic Schedule to add Victore Lane. The motion carried unanimously.

ORDINANCE NO. 2025-15
AN ORDINANCE AMENDING THE BREVARD TRAFFIC SCHEDULE AND BREVARD CITY CODE CHAPTER 66

WHEREAS, a newly constructed street off of Osborne Road named Victore Lane was dedicated to the City on December 7, 2023 (Plat File 23, Slide 342); and

WHEREAS, following a public hearing held on April 7, 2025, the City of Brevard wishes to add this street and its pertinent regulations to the City of Brevard Traffic Schedule.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT THE TRAFFIC SCHEDULE AND THE BREVARD CITY CODE SHALL BE AMENDED AS FOLLOWS:

Section 1. Chapter 66, Schedule I, Section 66-122 of the Brevard City Code and the City's Traffic Schedule is hereby amended as described below:

a) Add both sides of Victore Lane in its entirety.

Section 2. Chapter 66, Article IV, Schedule XI, Section 66-72 of the Brevard City Code and the City's Traffic Schedule is hereby amended as described below:

a) Add Osborne Road from Victore Lane.

Section 3. Chapter 66, Schedule XVIII A, Section 66-87(6) of the Brevard City Code and the City's Traffic Schedule is hereby amended as described below:

a) Add Victore Lane.

Section 4. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Brevard Traffic Schedule to reflect the change as set forth herein.

Section 5. The City Manager of the City of Brevard is hereby authorized and directed to cause the appropriate signs to be installed and enforcement of the foregoing provisions to be implemented.

Section 6. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this 7th day of April 2025.

Attest: Denise Hodsdon, CMC, 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. Wise moved, seconded by Mr. Daniel to approve the consent agenda. The motion carried unanimously.

K-1. Property Tax Releases – March, 2025

RESOLUTION 2025-24
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 March 2025 property values from the tax scroll in the amount of:

2025: $ 1,795.52

Adopted and approved this the 7th day of April, 2025.

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

K-2. Proclamation No. 2025-07 Arbor Day, April 25, 2025

Proclamation No. 2025-07
ARBOR DAY
Brevard, North Carolina

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, this is the 46th year Brevard has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council, do hereby proclaim **April 25, 2025,** as **Arbor Day in the City of Brevard** and we urge all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and we urge all citizens to plant trees to promote the well-being of our present and future.

Adopted and approved this the 7th day of April, 2025.

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

K-3. Proclamation No. 2025-08 Month of the Young Child & Child Abuse Prevention Month, April 2025

Proclamation No. 2025-08
Month of the Young Child &
Child Abuse Prevention Month

Whereas, the youth-serving agencies of Transylvania County come together to celebrate The Month of the Young Child during the month of April 2025 to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs; and

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

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

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 7th day of April, 2025.

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

K-4. Resolution Fixing a Date of Public Hearing for Non-contiguous Annexation–John Valenti and MTS Properties, LLC, Reservoir Rd. & Hampton Rd.

RESOLUTION NO. 2025-25A RESOLUTION FIXING A DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED

WHEREAS, a petition was received on February 24, 2025, requesting the annexation of a non-contiguous area described in said Petition as the John Valenti property and the MTS Properties, LLC property, including four parcels located on Reservoir Road and Hampton Road, Brevard, NC 28712, consisting of 1.091 acres, more or less, be annexed into the City of Brevard. (Tax Property Identification Numbers: 8586-24-2193; 8586-24-3036; 8586-24-3061; and 8586-23-3984).

WHEREAS, the Brevard City Council has by Resolution No. 2025-18 directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by John Valenti and MTS Properties, LLC, will be held at Brevard City Hall at 5:30 P.M. on the 5th day of May, 2025.

Section 2. The area proposed for annexation is described as follows:

Metes and Bounds Property Description:

Beginning at a found rebar with a plastic ID cap 0.1' below grade and having North Carolina NAD 83/2011 grid coordinates of North: 563933.72 East: 882529.34; said rebar standing N 88°15'59" W a distance of 287.74' from NCGS BURL AZ MK which has North Carolina NAD 83/2011 grid coordinates of North: 563925.02 East: 882816.94;

thence S 53°56'47" W a distance of 82.25' to a ½" iron pipe;

thence S 53°45'51" W a distance of 74.75' to a ½" iron pipe;

thence N 41°40'29" W a distance of 103.15' to a ½" rebar;

thence N 28°27'17" W a distance of 49.43' to a ¾" iron pipe;

thence N 28°17'47" W a distance of 48.93' to a 1½" leaning iron pipe;

thence N 22°23'09" W a distance of 98.94' to an axle;

thence N 67°29'48" E a distance of 157.61' to a 1½" leaning iron pipe;

thence S 33°41'55" E a distance of 98.10' to a ¾" iron pipe;

thence S 29°17'29" E a distance of 44.39' to a ½" iron pipe;

thence S 30°55'47" E a distance of 39.32' to a rebar with a plastic cap;

thence S 28°49'39" E a distance of 78.46' to a rebar with a plastic cap; which is the place of beginning.

Section 3. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.

Section 4. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 7th day of April, 2025.

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

K-5. Designation of Mayor Copelof as Voting Delegate for 2025-2026 North Carolina League of Municipalities Board of Directors

K-6. Budget Amendment – Police - $22,700 Governors Crime Commission Grant

ORDINANCE NO. 2025-12
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-06

SUBJECT: Budget Amendment for Police Governors Crime Commission Grant, $22,700

AGENDA INFORMATION

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

BRIEF SUMMARY: The Police Department annually applies and receives a Governors Crime Commission Grant through the North Carolina Department of Public Safety. In March of 2024, the City received notification that the City was approved as a grant recipient. The Police Department ordered and received five Mobile Data Terminals and accompanying in-car mounts and docking stations, which will assist officers with using the State's digitized citation system as well as the timely receipt of critical information in support of officer safety.

The City received $22,634.50 in reimbursement on March 10, 2025

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-06, as submitted, increasing the budget in expenditure account:

10-5100-6000 (Department Equipment)	$22,700
TOTAL	**$22,700**

And increasing the budget in revenue account:

10-3910-0775 (Police Grant Revenue)	$22,700
TOTAL	**$22,700**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 7th day of April 2025.

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

K.7. Countywide Single Fire District Proposal

RESOLUTION NO. 2025-26
RESOLUTION AFFIRMING PUBLIC SAFETY COMMITTEE RECOMMENDATION REGARDING BREVARD FIRE DEPARTMENT PARTICIPATION IN POTENTIAL COUNTY-WIDE FIRE TAXING DISTRICT

WHEREAS, on March 24, 2025 the Brevard City Council's Public Safety Committee (PSC) heard a presentation from Transylvania County staff on the possibility of transitioning to a single countywide fire taxing district, with an inquiry as to whether the city would like to participate; and

WHEREAS, after discussion, the PSC voted to recommend to the full City Council that the city not participate in the countywide fire taxing district; and

WHEREAS, on April 7, 2025 the full City Council considered the issue, summarized in the affixed staff report, and makes the following recommendation.

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

Section 1. The City Council adopts the Public Safety Committee's recommendation to not participate in any potential countywide fire taxing district.

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 7th day of April, 2025.

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

K-8. Council Downtown Master Plan Committee Minutes – February 12, 2025

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

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

K-10.a. ABC Board Minutes – March 6, 2025

~~ At 6:47 p.m. Mayor Copelof called for a five-minute break ~~

L. Unfinished Business

L-1. Follow-up to Council Priority Setting Retreat – Mr. Hooper asked Council to reaffirm the priorities as expressed in the Retreat Notes prepared by UNC School of Government Facilitators Lydian Altman and Kimalee Dickerson for the City Council Priority Setting Retreat on March 7, 2025. Mr. Morrow moved, seconded by Mr. Wise to reaffirm the priorities as presented. Following discussion, the motion carried unanimously.

L-2. Azalea Avenue Property LMI Housing Presentation and Property Acquisition Discussion – Mr. Hooper explained that Staff was seeking Council input on two related items:

1. Preferred development option of the several presented by DFI this evening
2. Guidance on whether to proceed with financing the purchase of the Azalea Avenue property

Sara VanLear of DFI presented their feasibility findings and development options for the Azalea Avenue site, and community engagement feedback on these development options . A copy of her presentation is attached. She explained that the object was to select a preferred development option in order to begin the competitive solicitation process for a qualified development partner. She explained that Development Options 1 and 2 were the heart of discussion with the public during the last round of community engagement. These designs were informed by the public interests established as a part of the first community engagement effort. A majority of participants preferred Development Option 2 based on overall look and feel. Option 2 includes 48 units and 76 parking spaces, with an estimated development cost of $16.5M. In response to discussions with Council and staff, that there is a desire to not remove the single-family house on Old Hendersonville Highway, Ms. VanLear introduced a third option for Council's consideration. This Option 2.1 keeps the single-family house and also includes 48 total units and 72 parking spaces, with an estimated development cost of $16.5M.

Ms. VanLear then reviewed the estimated development timeline for the project, noting that construction would be estimated to take place in 2028/2029. Mr. Hooper noted that the presence of the house is an important factor in whether or not we can afford to do this. The fact that we realistically can't expect to see any construction for four to five years is actually a good thing because we need the house to exist that long. The property's appraised value includes a single-family home and if a bank loans us money contingent on that value, that home needs to be there as collateral. The only way we can make this happen is to finance it. Staff is working on an RFQ for financial institutions to submit proposals for interest rate and terms. Mr. Hooper explained that the loan would have to be for five years or less without the need for approval from the Local Government Commission. The purchase price is $1.1M and we will have paid $175,000 toward that purchase price over the 8-month option period. Therefore, the loan amount would be approximately $925,000, with estimated debt service between $230,000 and $250,000 per year. At our current rate of contribution to the Housing Trust Fund, this would be our housing program.

Mr. Morrow moved, seconded by Mr. Daniel to approve Option 2.1 and buy the house. Following discussion, the motion carried unanimously. Mr. Hooper noted that Staff will ask Council to formally approve the purchase and the loan for the property at its April 21st meeting.

L-3. Proposed Amendment to City of Brevard Unified Development Ordinance Chapter 19 – Definitions in Response to Session Law 2024-57 – Aaron Bland recalled that Council held a public hearing on this proposed amendment on March 17th. These text amendments are in response to changes to state law that restrict local government discretion to amend local zoning ordinances, and aim to provide context within the bounds of the new law in which the City can apply the new architectural standards by adding two definitions to the UDO: one for "New

Construction" and another for "Residential Zoning District." Current definitions and recommendations for proposed definitions are as follows:

New Construction:

Current Definition: Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Proposed Definition: Any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:

- Additions to existing structures that equal or exceed **[50%, two-thirds, 75%, etc.]** of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed **[50%, two-thirds, 75%, etc.]** of the value of the existing structure and require the issuance of at least **[two or three]** trade permits from the Transylvania County Building and Inspections Department.

Planning Board and Staff Recommendation: Any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:

- Additions to existing structures that equal or exceed **75%** of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed **75%** of the value of the existing structure and require the issuance of at least **two** trade permits from the Transylvania County Building and Inspections Department.

Residential Zoning District:

Current Definition: None

Proposed Definition – Option # 1: A zoning district that is entirely reserved for residential land uses. *[Note there are none in our jurisdiction]*

Proposed Definition – Option # 2 [Staff Recommendation]: A zoning district that is primarily intended for residential land uses. This shall apply to the following zoning districts: General Residential-4 (GR4), General Residential-8 (GR8), and Residential Mixed-Use (RMX).

Proposed Definition – Option # 3 [Planning Board Recommendation]: Any zoning district that permits residential land uses. This shall apply to all zoning districts except General Industrial (GI).

Mr. Bland added that during the public hearing Council discussed the importance of ensuring clarity between the new "new construction" definition and existing non-conformity threshold of "significant improvement." Adding a definition of "new construction" does not make any changes to the nonconformities chapter (Chapter 14) or the process by which nonconformities are addressed during permitting.

Adding this "new construction" definition will result in three tiers of improvements to existing structures within the UDO:

1. Significant Improvements – 25% investment of the value of the structure
2. Substantial Improvements – 50% threshold
3. New Construction – proposed 75% threshold

Mr. Bland noted that an overhaul of UDO Chapter 14 is forthcoming, which will rely on these three levels of investment as triggers for upgrading nonconformities.

Mr. Wise moved, seconded by Mr. Morrow to adopt the amendment as written. During discussion Mr. Baker asked for clarification of what the motion is in regard to the options presented. Mr. Wise and Mr. Morrow clarified that it was for the staff recommended definition of "Residential Zoning District" and the 75% threshold for "New Construction". Mr. Baker noted that the Planning Board recommended a different definition for "Residential Zoning District" and asked why Staff preferred Option 2. Mr. Bland said Staff and the City Attorney feel it is more defensible and that it is prudent to be a little more targeted. Mr. Baker said he would prefer to go with Planning Board's

recommendation for the Residential Zoning District and a lower threshold of 66% for the new construction percentage. Mr. Daniel agreed that 75% was a high bar to achieve and said that he would support 66%.

Mr. Wise amended his motion to change the threshold for "New Construction" from 75% to 66% and to approve Option #3 (Planning Board recommendation) for "Residential Zoning District". Mr. Morrow agreed to the amendment. Vote on the motion was unanimously in favor.

ORDINANCE NO. 2025-13
AN ORDINANCE AMENDING CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE CHAPTER 19 – DEFINITIONS TO CODIFY NEW DEFINITIONS

WHEREAS, the 2030 Comprehensive Land Use Plan emphasizes new architectural standards with focus areas that aim to preserve high quality design and improve on other areas of the built environment; and

WHEREAS, on December 11, 2024, the North Carolina General Assembly enacted Session Law 2024-57 via a veto override which included a provision that amended the definition of "down-zoning" in a manner that dramatically alters the authority for local governments to amend local zoning ordinances; and,

WHEREAS, the North Carolina General Statutes lack definitions of critical terms necessary for the interpretation and application of SL 2024-57, leaving the process for enactment of zoning ordinance amendments unclear; and,

WHEREAS, in order to implement updated architectural standards, the City must establish these definitions in the Unified Development Ordinance in order to comply with SL 2024-57; and,

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

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 3**: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **LUH-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
- **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
- **EDIR-3**: Encourage building and site upgrades Downtown and in other key commercial areas;
  and,

WHEREAS, a public hearing was conducted on Monday, March 17, 2025, by the Brevard City Council.

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

SECTION 1. Brevard City Code, Unified Development Ordinance is 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 7th day of April 2025.

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

L-4. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 2, 3, 5, 14, 16, 17 and 19 – Architectural Standards – Paul Ray recalled that Council held a public hearing on the proposed amendments on March 17th. This amendment focuses on updating the City's Architectural Standards. The new Architectural Standards are intended to preserve and enhance the distinct character of Brevard by regulating key aspects of the built environment. The revised Chapter 5 is organized by building types and architectural styles, with tailored requirements for each. There is a particular emphasis placed on character areas where building types and styles are carefully matched by the community's vision. Due to NC Session Law 2024-57, this update does not include two of the character areas identified (the Railroad Avenue District and the US-64 Highway Corridor) and has different boundaries for the Downtown character area than originally envisioned. However, the standards for those two character areas have been written so if the state law changes, we are ready to move forward on them quickly. Mr. Ray noted that there was an error in the amendment included in Council's packet and that Section 5.7.7. Live/work Building and Section 5.7.8. Neighborhood Business both have a minimum requirement of two stories.

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

ORDINANCE NO. 2025-14
AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO ENACT UPDATED ARCHITECTURAL STANDARDS AND ASSOCIATED REGULATIONS

WHEREAS, the 2030 Comprehensive Land Use Plan emphasizes new architectural standards with focus areas that aim to preserve high quality design and improve on other areas of the built environment; and

WHEREAS, the historical architectural vernaculars and building typologies found in the city is an essential component of Brevard's small-town character; and,

WHEREAS, the City Council of the City of Brevard authorized the City to engage the planning and design firm Plusurbia, Incorporated to draft new architectural standards for the City in December of 2023 via Resolution 2023-57; and,

WHEREAS, the City Council of the City of Brevard approved and adopted the Brevard Architectural Visual Guidelines in June of 2024 via Resolution 2024-27; and,

WHEREAS, working in conjunction with these guidelines, this text amendment will help ensure that the desired stylistic character of Brevard's architecture endures across years of future development; and,

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

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 3**: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **LUH-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
- **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
- **EDIR-3**: Encourage building and site upgrades Downtown and in other key commercial areas;
  and,

WHEREAS, a public hearing was conducted on Monday, March 17, 2025, by the Brevard City Council.

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

SECTION 1. Brevard City Code, Unified Development Ordinance is 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 7th day of April 2025.

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

M. New Business

M-1. Approval of Open-Ended Designer Service Agreements – David Todd explained that Staff published Requests for Qualifications (RFQ) for open-ended service agreements in the following disciplines: civil engineering, utility engineering, surveying, environmental services, traffic engineering, architectural, MEP+Fire (includes mechanical, electrical, plumbing and fire protection, and roofing). Staff selected 1-3 firms in each discipline using a qualifications-based criteria. Mr. Daniel moved, seconded by Mr. Baker to approve the resolution approving design firms for annual open-ended service agreements. The motion carried unanimously.

RESOLUTION NO. 2025-27
RESOLUTION APPROVING DESIGN FIRMS FOR
ANNUAL OPEN ENDED SERVICE AGREEMENTS

WHEREAS, G.S. 143-64.31 requires the City to announce all requirements for architectural , engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services"); and

WHEREAS, the City has advertised for Design Firms interested in holding Annual Service Agreements with the City in the following design disciplines; Architectural, Civil Engineering (Traffic), Civil Engineering (Utilities), Environmental Services, Roofing and Building Envelope Design and Surveying in multiple newspapers, with Greater Diversity News, the North Carolina HUB Office and on the City's website; and

WHEREAS, G.S. 143-64.31 (often referred to as the "Mini Brooks Act") requires the 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 including the Assistant City Manager, Director of Planning, Assistant Director of Planning and the Public Works Director, known collectively as the Selection Committee received and reviewed proposals from firms in each of the stated disciplines; and

WHEREAS, the Selection Committee is recommending approval of the three to five firms in each discipline selected on a qualification basis for Annual Service Agreements as shown on Attachment A.

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

Section 1. The designers recommended by the Selection Committee per Attachment A are approved for Annual Service Agreements in the disciplines as specified.

Section 2. The City Manager and/or his designee is authorized to enter into Annual Service Agreements with the recommended design firms as shown on Attachment A.

Section 3. This resolution shall be effective upon adoption.

Adopted and approved this 7th day of April, 2025.

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

N. Remarks/Future Agenda Considerations.

Mr. Morrow said a young lady who was displaced when Creekside closed is interested in putting a food truck at the Depot. She is working out a deal with Keir Manufacturing to use their ghost kitchen. There is an electrical hookup there and whether she needs to use it is yet to be determined, but the issue is the question of whether she would have to pay rent to park there or is it simply an amenity to have a food truck in one of our parks. Her idea is to be there daily Monday through Friday. Mr. Morrow had mentioned this to City Manager Hooper and Mr. Hooper asked him to bring it up tonight. Mr. Hooper said he would like Council's permission to spend time to determine: 1) whether the spot at the Depot conforms with our requirements for food trucks; 2) whether Council is interested in lending out our space in this way; and 3) if so, what are the conditions under which we would permit a food truck to park on one of our properties, such as what would be a fair market rate, whether it's just paying for the electricity, some type of barter exchange, or charge them money. There was consensus to go ahead.

Mr. Daniel said there was a young woman that spoke earlier and called out our mayor by name, and I would like to say that I was very proud to have been there myself. I was very proud of my fellow Transylvania County citizens who were also there exercising our Constitutional right to a peaceful gathering. To suggest that any one person here is somehow responsible for that is misguided and I would say that if you are going to call anyone out, you can call me out too.

Ms. Holder said I had to miss the Hands Off event, but the progression of numbers that we see says that people are interested in standing for the masses and when we stand together in a united way, it speaks volumes. Hopefully the people who really need to hear the volumes that we're speaking across the United States will hear soon how important the message is in taking care of each other and taking care of these United States citizens in a way that we look forward to continuing to live here.

Mr. Baker said I am going to comment on what was said earlier and honestly, I'm surprised to hear that there were any paid protestors there because I didn't seem to get my check in the mail. I do want to harp on that point in particular because it is a lie, and it is a dangerous lie because it means that you don't have to reckon with the facts or accept that your neighbors may have a difference of opinion than you do. And, it is an easy lie to say on cable news, but staring in the face of the people that you are addressing who happened to be there is really beyond the pale. I just want to echo what others have said, that I'm proud to have a Mayor and a Council, and a country that supports the First Amendment, and has a history of protests, particularly a history of protests to win our rights. The people screaming for order in Boston during the Boston Tea Party happen to be the people that we were trying to fight for independence from. Protest is a proud history in this country and peacefully protesting, which is what we saw on Saturday, I think will continue and I hope it will continue as long as there is progress to be made and rights to be won.

Mr. Wise said public speakers who come talk to us are very important and I don't think anyone would want to disenfranchise them. We had two people come to us tonight, and although I think they came from very different sides, had talked a little bit about the locals only versus outsiders, whether it's don't focus on the tourists or paid protestors coming into our community. Spring is here and we are going to see tourists come into our community. They are our lifeblood, and I am personally getting pretty fed up with this locals vs. tourists or locals vs. somebody else rhetoric. We are up here at your pleasure to serve Brevard as a community and look out for the well-being of Brevard. I don't see any benefit to try and separate out who is benefitting our community; locals benefit it, tourists benefit it, and we all are here because we love this community. I would encourage those who come and speak to us or think that one or the other are bad, just to remember that we are all one thing here, and that we need to survive and to do that we need to work together.

Attorney McKeller said I appreciate Mr. Sankey sitting here in the front row and expressing his opinion in a polite, generally appropriate way, and I want to thank you personally for that. We obviously disagree on a wide range of things, but he is always polite, and he is doing it the right way and I hold him up as an example as opposed to some of the things we saw tonight.

Mr. Hooper reminded Council of the Budget Workshop on Friday, April 11th.

Mayor Copelof announced several upcoming events:

- Budget Workshop on April 11th – she encouraged the public to come
- Disaster Preparedness Seminar in partnership with the County on April 23rd from 2:00 to 4:30 pm in the Rogow Room
- Poetry Contest – sponsored by the Mary C. Jenkins Community Center Board of Directors in partnership with our 250th Anniversary Committee. This year's theme is US Revolutionary heroes.
- Arbor Day on April 25th at 3:30 p.m. – We have been a Tree City for 45 years and we are going to be planting trees at the Community Garden in conjunction with school children.
- Meet the Mayor on April 24th from 5-7 pm in the Council Chambers

Mayor Copelof said I was really proud of my city Saturday. It was the largest demonstration that I have ever seen in downtown Brevard, with between 300 and 400 people. It was peaceful, it was well-behaved, there was no name-calling or violence, and it was a positive uplifting expression by people of their concerns. I want to compliment our Police Department, they did a wonderful job, and I don't think we had any incidents. Out of those 300 to 400 people, I probably know 98% of them. They are all residents here; they are not paid outsiders. These are our neighbors, the people that we live with and if you had been there you would have recognized every single person at that event. They were expressing their First Amendment rights and I was proud to be there. As both a military officer and an elected official, I raised my hand and I swore to defend the Constitution of the United States of America and when I think our Constitution is being violated and not being upheld, I will speak out and I don't expect any less from anybody that took an oath of office. Our Constitution is the foundation of everything that we stand for; everything that we as elected officials are here to represent. I expect there probably will be more events, but we certainly do not curtail the ability of people in this community to speak out in an organized permitted fashion.

O. Closed Session

O-1. Pending Litigation: NCGS §143-318.11.(a)(3) – At 8:28 p.m. Mr. Morrow moved, seconded by Mr. Baker 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 8:38 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

O-2. Potential Litigation: NCGS §143-318.11.(a)(3) – At 8:38 p.m. Mr. Wise moved, seconded by Mr. Morrow to go into closed session to discuss a potential litigation matter. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, City Clerk Denise Hodsdon, and Planning Director Paul Ray.

Council Returned to Regular Session – At 8:47 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 8:47 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: April 21, 2025