



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, January 5, 2026 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Rev. Elizabeth Roles, St. Philip's Episcopal Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. December 1, 2025 Organizational Meeting
2. December 15, 2025 Regular Meeting

G. Certificates / Awards / Recognition

1. Police Chief Christy Wentzell - Oath of Office
2. Proclamation No. 2026-01 St. Philip's Episcopal Church Cornerstone Centennial

H. Public Comments

I. Special Presentation(s)

J. Public Hearing(s)

1. Determination of Need for the City of Brevard to Exercise the Powers of a Housing Authority

K. Consent and Information

1. Sewer Pump Station Rehabilitation Project Change Order No. 1
2. Budget Amendment - Fire Department - Grant Funds and Sale of Trucks
3. Council Parks, Trails & Recreation Committee Minutes - October 15, 2025

L. Unfinished Business

1. Proposed Amendment to the Official Zoning Map of the City of Brevard - (Pisgah Gateway Voluntary Rezonings)

M. New Business

1. Policy re Vendors on City Property
2. Mini-Brooks Exemption for Brown Consultants for Grant Application Assistance for Second Intake at the Water Treatment Plant

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

1. Attorney-Client Privilege: GS §143-318.11.(a)(3)

P. Adjourn

Agenda Posted, Website, Sunshine List (December 31, 2025)
D. Hodsdon, City Clerk

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your Government" tab followed by "Agenda Packets" tab. Agenda packet materials are posted on Thursday afternoon prior to Council's Monday meeting.

MINUTES
BREVARD CITY COUNCIL
Organizational Meeting
December 1, 2025 – 5:30 PM

The Brevard City Council met for its Organizational Meeting on Monday, December 1, 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, Pamela Holder, and Lauren Wise, and Council Member-Elect Dean Lytle

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager David Todd, Communications Coordinator Becky McCann, Human Resources Director Kelley Craig, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Planner Stephanie Holland, Interim Police Chief Jack Moorman, Fire Chief Chase Owen, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans, and Community Center Director Tyree Griffin

Press – David Bradley, Transylvania Times

A. Welcome and Call to Order – Mayor Copelof called the Organizational 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 a Quorum – City Clerk Denise Hodsdon certified a quorum present.

E. Approval of Agenda – Mr. Morrow moved, seconded by Ms. Holder to approve the agenda as presented. The motion carried unanimously.

F. Approval of Minutes

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

G. Recognition of Departing Council Member

G-1. Resolution No. 2025-74 - A Resolution of Respect and Appreciation for Council Member Mac Morrow Upon His Retirement from Brevard City Council – Mayor Copelof read the Resolution aloud and presented it to Council Member Morrow. Council Members Daniel, Baker, Wise and Holder, Attorney McKeller, City Clerk Denise Hodsdon and City Manager Wilson Hooper expressed appreciation to Mr. Morrow for his 34 years of dedicated service to Brevard and its citizens and wished him well.

RESOLUTION NO. 2025-74
A RESOLUTION OF RESPECT AND APPRECIATION FOR
COUNCIL MEMBER MAC MORROW
UPON HIS RETIREMENT FROM BREVARD CITY COUNCIL.

WHEREAS, Spencer Macfie Morrow—better known as “Mac”—is a Brevard, North Carolina, native who has faithfully and tirelessly served both country and community in several capacities; and

WHEREAS, after growing up in Brevard, Mac joined the United States Marine Corps serving honorably for thirty years and retiring with the rank of Colonel; and

WHEREAS, in 1984 in recognition of his military service and his efforts in environmental stewardship in Western North Carolina, Mac was inducted into the Order of the Long Leaf Pine Society, one of the state's most prestigious honors, by North Carolina Governor Jim Hunt; and

WHEREAS, Mac was first appointed to Brevard City Council in 1986. He was subsequently reelected, and served until 1995; and

WHEREAS, Mac was elected to Brevard City Council again in 2001, serving consecutively until this day, including two separate stints as Mayor Pro Tem; and

WHEREAS, during his thirty-four years in elected office Mac served on nine distinct City Councils and innumerable city and community committees, providing leadership, guidance and wisdom to newly elected and appointed officials; and

WHEREAS, more notable than the length of Mac's service is its quality; and

WHEREAS, throughout his time on Brevard City Council Mac worked tirelessly to promote conservation of Brevard's natural resources, expansion and enhancement of its recreational assets, investment in its utility infrastructure, development of the City greenway and the Ecusta Trail, and creation of the Bracken Preserve, while always remembering to preserve the rich and diverse heritage of our community; and

WHEREAS, along with former mayor Jimmy Harris, Mac led the Rosenwald and Railroad Avenue revitalization projects, which included the construction of the new Mary C. Jenkins Community Center, the Silversteen Memorial Park rebuild, and the creation of the Jimmy Harris Railroad Depot Park; and

WHEREAS, Mac's steadfast leadership helped Brevard recover from the closure of the major manufacturing plants in the early 2000s, the 2008/9 economic downturn, the health and economic COVID crisis, Hurricane Helene, and the countless other challenges the Brevard community faced over the decades; and

WHEREAS, Mac's statesmanship was instrumental in the City of Brevard partnering with Transylvania County, Land of Sky Council of Government, NCDOT, US Forest Service and numerous other public and private organizations to achieve regional priorities and a shared vision for Western North Carolina; and

WHEREAS, Mac is well respected by constituents, owing in part to the deep connection to the community he shares with them and his encyclopedic knowledge of the community's families and their histories and his dedication to ensuring that history is respected and preserved; and

WHEREAS, Mac's long and fruitful thirty-four-year career is a model of elected service, and the City of Brevard owes him an immense debt of gratitude.

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

This body expresses to Mac Morrow, on behalf of our citizens and officials, our respect, appreciation and deep gratitude for his three decades of service to the City of Brevard and its residents and commends honors upon him on the occasion of his retirement from elected service.

Adopted and approved this the 1st day of December, 2025.

s/ Maureen Copelof, Mayor
s/ Aaron Baker, Council Member
s/ Pamela Holder, Council Member
s/ Wilson Hooper, City Manager
Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Gary Daniel, Mayor Pro Tem
s/ Lauren Wise, Council Member
s/ Dean Lytle, Council Member
s/ Mack McKeller, City Attorney

Mayor Copelof then read Proclamation No. 2025-30 Naming Mac Morrow as Official Historian for the City of Brevard and presented the proclamation and a Key to the City to Mr. Morrow.

**PROCLAMATION NO. 2025-30
NAMING MAC MORROW AS OFFICIAL HISTORIAN
FOR THE CITY OF BREVARD**

WHEREAS, the preservation and understanding of our City's history is vital to our cultural heritage and future progress; and

WHEREAS, in the City of Brevard it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals to help preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, Mac Morrow's leadership as an elected official for over three decades was critical to Brevard creating a future vision of the city that preserved and celebrated the rich and diverse heritage of our community; and

WHEREAS, Mac Morrow demonstrated an exemplary commitment to researching, documenting, and sharing the rich history of Brevard ensuring City leadership was aware and considered historical and cultural aspects during decision deliberations; and

WHEREAS, Mac Morrow worked closely with the Transylvania County Joint Historic Preservation Committee, Mountain True and the French Broad Riverkeeper, Land of Sky Regional Council, Conserving Carolina, The US Forest Service and other regional organizations to preserve and honor the heritage of the land and our predecessors; and

WHEREAS, Mac Morrow possesses a deep knowledge of our community's past and the skills necessary to ensure its stories are accurately recorded and accessible to all citizens; and

WHEREAS, it is fitting and proper to officially recognize individuals who contribute significantly to the historical integrity of our community.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, hereby name Mac Morrow as the Official Historian for the City of Brevard..

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 1st day of December, 2025.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

City Clerk Hodsdon presented Mr. Morrow with a framed photo of his swearing in ceremony of 1991. Mr. Hooper presented Mr. Morrow with a hand-carved embossed hiking stick, created by local artisan Ty Hardy, a former Navy Seal, from wood that was harvested from Pisgah National Forest.

Mayor Copelof then asked if Council had an additional honor they wished to bestow on Mr. Morrow. Mr. Baker moved, seconded by Mr. Daniel to officially name the soon to be constructed brand new upper loop trail within the Bracken Preserve expansion parcel as the Mac Morrow Trail. The motion carried unanimously.

Mr. Morrow shared some farewell remarks and said it has been a wonderful journey, and it's been a lot of fun too. But, the main thing is the relationships that you get to establish with people over that time. He expressed his appreciation to Councilmembers and to City Staff and said for those of you sitting in the back row in public service you will always be my heroes, and I am glad to be a part of that.

H. Acknowledge Receipt of the Transylvania County Board of Elections Abstract of Votes for the Municipal Election November 4, 2025. Results of the 2025 Municipal Election have been certified, and Maureen Copelof was elected to the Office of Mayor, and Aaron Baker and Dean Lytle were elected to Office of City Council for a term of four years. Mr. Baker moved, seconded by Mr. Daniel to acknowledge receipt of the results of the Municipal Election. The motion carried unanimously.

I. Induction of Mayor and Council Members – Oath of Office

I-1 Administration of the Oath of Office to Mayor Maureen Copelof – City Clerk Denise Hodsdon administered the Oath of Office to Maureen Copelof, who was accompanied by her husband Sylvan.

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Maureen Copelof, 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 Mayor of Brevard, North Carolina, so help me God.

s/ Maureen Copelof

Oath Administered by: Denise Hodsdon, CMC, NCCMC, City Clerk
December 1, 2025

I-2 Administration of the Oath of Office to Council Member Aaron J. Baker – City Clerk Denise Hodsdon administered the Oath of Office to Aaron Baker, who was accompanied by his son Henry and partner Nora Jane.

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

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

s/ Aaron J. Baker

Oath Administered by: Denise Hodsdon, CMC, NCCMC, City Clerk
December 1, 2025

I-3 Administration of the Oath of Office to Council Member Dean Lytle – City Clerk Denise Hodsdon administered the Oath of Office to Dean Lytle, who was accompanied by his wife Setar.

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

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

s/ Dean Lytle

Oath Administered by: Denise Hodsdon, CMC, NCCMC, City Clerk
December 1, 2025

Council Member Seated – Council Member Lytle took his seat at the dais.

J. Consent and Information – Consent Agenda items are considered routine and are enacted by one motion. Mayor Copelof read aloud the items listed and asked for a motion to approve the consent agenda. Mr. Baker moved, seconded by Mr. Wise to approve the consent agenda. The motion carried unanimously.

J-1. Approval of City Council 2026 Meeting Schedule

J-2. Appointment of Council Members to Boards and Committees

**RESOLUTION NO. 2025-75
RESOLUTION APPOINTING COUNCIL MEMBERS TO
COMMITTEES AND BOARDS**

WHEREAS, on October 16, 2023 the City of Brevard City Council adopted Ordinance No. 2023-51 amending the process for appointing council members to serve committees and boards; and

WHEREAS, it is the duty of the mayor to recommend appointment of council members to serve on committees and boards, subject to approval by vote of City Council; and

WHEREAS, Mayor Maureen Copelof has presented a recommended slate of council member appointments for City Council's consideration.

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

Section 1. The Brevard City Council does hereby appoint City Council Members to various committees and boards for a term to be effective immediately and expiring in December 2027 as follows:

Policy Committees:

1. Housing Committee – Chair: Pamela Holder; Vice Chair: Aaron Baker
2. Public Works and Utilities Committee – Chair: Lauren Wise; Vice Chair: Gary Daniel
3. Public Safety Committee – Chair: Aaron Baker; Vice Chair: Dean Lytle
4. Finance, Human Resources and Citizen Appointment Committee – Chair: Dean Lytle; Vice Chair: Pamela Holder

Advisory Committees:

1. Downtown Master Plan Committee: Chair: Gary Daniel; Vice Chair: Lauren Wise
2. Rosenwald Community Advisory Board: Co-chair: Pamela Holder; member Gary Daniel
3. Parks, Trails and Recreation Committee: Chair: Aaron Baker; Vice Chair Lauren Wise
4. Ecusta Trail Advisory Board: Co-Chair: Aaron Baker; Co-Chair: Dean Lytle

Outside Boards:

1. Land of Sky Regional Council: Primary: Maureen Copelof; Alternate: Gary Daniel
2. RPO Transportation Committee: Primary: Lauren Wise; Alternate: Aaron Baker
3. Transylvania Economic Alliance: Dean Lytle
4. Heart of Brevard: Maureen Copelof
5. TC Tourism Development Authority: Lauren Wise
6. Chamber of Commerce: Maureen Copelof
7. Community Relations Board: Dean Lytle

Adopted and approved this the 1st day of December, 2025.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

K. New Business

K-1. Nomination and Appointment of Mayor Pro Tempore – Mr. Daniel moved, seconded by Mr. Wise to nominate Aaron Baker for Mayor Pro Tem. During discussion, Ms. Holder said I will not vote in favor of this and the reason is that I feel when we serve on Council that we are in a position to support and work together with the County and other organizations in a positive way, and I think we have to hold ourselves to a standard. The motion carried 4-1 (Holder). City Clerk Denise Hodsdon administered the Oath of Office to Mayor Pro Tem Baker.

*City of Brevard, North Carolina
Oath of Office*

State of North Carolina
County of Transylvania
City of Brevard

I, Aaron J. Baker, 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 Mayor Pro Tem of Brevard, North Carolina, so help me God.

s/ Aaron J. Baker

Oath Administered by: Denise Hodsdon, CMC, NCCMC, City Clerk
December 1, 2025

L. Adjourn – There being no further business, at 6:21 p.m. Ms. Holder moved, seconded by Mr. Daniel, to adjourn the Organizational meeting. The motion carried unanimously.

Immediately following the meeting, a reception was held at the Pisgah Health Trust Center to extend appreciation to departing Council Member Mac Morrow and to welcome incoming Council Member Dean Lytle and reelected Mayor Maureen Copelof and Council Member Aaron Baker.

Maureen Copelof
Mayor

Denise Hodson, CMC
City Clerk

Minutes Approved: January 5, 2026

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
December 15, 2025 – 5:30 PM

The Brevard City Council met in regular session on Monday, December 15, 2025, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

Present – Mayor Maureen Copelof, Mayor Pro Tem Aaron Baker, and Council Members Gary Daniel, Lauren Wise, and Dean Lytle

Absent – Council Member 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, Communications Coordinator Becky McCann, Human Resources Director Kelley Craig, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Planner Stephanie Holland, Interim Police Chief Jack Moorman, Fire Chief Chase Owen, Public Works Director Wesley Shook, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans and Community Center Director Tyree Griffin

Press – David Bradley, Transylvania Times

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

B. Invocation – Pastor Keith Thompson of Brevard-Davidson River Presbyterian 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. Wise moved, seconded by Mr. Daniel to excuse Council Member Holder. The motion carried unanimously.

E. Approval of Agenda – Mr. Lytle requested that the minutes of the December 1, 2025 Organizational Meeting be revised to add comments made by Council Member Holder regarding appointment of Mayor Pro Tem and that approval of the minutes be removed from the agenda. Mr. Baker suggested that Item L-3 Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 4, and 8 – Institutional Campus Zoning District, and Item M-1 Appointment of Citizen Members to Policy Committees be moved to the Consent Agenda as Items K-11 and K-12. Mr. Daniel moved, seconded by Mr. Wise to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes – Removed from agenda.

G. Certificates / Awards / Recognition

G-1. Proclamation No. 2025-31 Kwanzaa Week – Mayor Copelof read the proclamation aloud and presented it to Mary C. Jenkins Community Center Board President Randy Lytle and NAACP Representative Rebecca Wynn.

PROCLAMATION NO. 2025-31
KWANZAA WEEK PROCLAMATION

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

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

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

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

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

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim December 26, 2025 to January 1, 2026, as **KWANZAA WEEK** in the City of Brevard and commend its observance to all citizens.

Signed this 15th day of December, 2025

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

H. Public Comments

Doug Powell of 170 Oakdale offered congratulations to Mayor Copelof and Council Members Baker and Lytle. He noted that today we celebrate Bill of Rights Day, which was ratified on December 15, 1791 and includes our freedom of religion, freedom of speech, due process, among many other God-given rights derived from the Bible and protected in the Constitution. He added that we are exactly 200 days from our nation's 250th birthday and 10 days from celebrating our national holiday of Christmas, where we gather in homes and churches to honor the birth of our Savior Jesus Christ. He then talked about John Quincy Adams, one of our founding fathers, who he said knew how to reconcile these two important birthdays and national celebrations. He wished everyone a very Merry Christmas.

Scott Sullivan of 211 West Lane said I frequent The Yard, and I have a business there. I wanted to speak to the amendments to the UDO and would hope that The Yard would be a shining case study of a place that should be edited into the UDO and not edited out. I also produce the winter market at The Yard. We just had our second one and it's really great, so I am speaking both on behalf of myself and in support of all the small businesses that operate at The Yard, the makers and the families that rely on this space. What is The Yard? It's not a large commercial development, it's not condos, it's not a Walmart. It should be governed differently; it's small-scale community-oriented space; it's incremental development. It functions as a third place, other than work and home, so people can come together there. It was previously a vacant lot that was kind of an eyesore. It was heavily used by the city's subcontractors – large trucks in and out of there, fill dirt, moving services. I would say the impact was actually higher before the current owners of The Yard took over. They planted a ton of native trees, pollinator gardens, they have invested in the streetscape, they've created affordable and flexible space for small businesses and non-profits to thrive, they've hosted weekly farmers markets and seasonal makers markets, they built a kids bike path and a play area free, you don't have to pay to go spend time there, they commissioned public art in the great mural that they have, and they brought people to downtown Brevard, even from outside Brevard in a really positive family-friendly way. Why it matters to me personally? It's allowed my business to grow and thrive, I see friends and family there, and The Yard doesn't have the financial capacity as a large developer, requiring big box-level infrastructure cost, which would effectively eliminate small-community scale

spaces like this. The Yard is asking for reasonable accommodations, not special treatment, and the impact it creates is far greater than the physical footprint it occupies. I am asking the City to recognize The Yard as unique low-impact community space. Adjust and clarify the UDO so spaces like this can exist.

Josh Fisher of Greenville Hwy. said I want to take you guys back to May of 2025 when I sent the City, City Council, and the Mayor an email. We're going to back to a day in May of 2025—Transylvania County Services arrived at a city-employee's house to find a dead dog in a dog pen. This is all public record so nothing I am saying is confidential. A dead dog in a dog pen that had been starved to death, another dog that had been abused. They decided to take the dogs away from this city employee. They charged one person that lived there with misdemeanor animal cruelty, but not the other person. The other person that resides there is a city employee. Why weren't they charged when they reside there too? Obviously there is something else going on. Both parents should have been charged. They blamed it on a little boy who is supposed to take care of their dog. Who's the adults? Are they adults, are you guys adults? Who's going to take accountability at some point within this city? When I emailed the city for comment on this, I got that you guys can't comment. Every other city and county in the nation, when they are asking for public comment on wrongdoing from a city employee, they will give a public statement. I understand you can't talk about internal stuff, but you guys made no statement. I have today, and Mr. McKeller, I understand that the District Attorney cannot file charge on somebody, but I have reached out to the District Attorney today to look into the other person that lives at this residence. But also, the person that does live here, this Lieutenant with the Brevard Police Department, has also...hearsay has been saying the he's going to sue people that talk about this. This is public record, so you can give him a message for me. He can sue me. This is all public record, I'm ready, my attorneys are ready. This is a picture where the dog died. Remember this picture; think of a dead dog that was starved to death. What if that was your pets? I'm asking the city to make a public statement and now that this is public, please say something and do something. I'm not going to stop until something is done.

Rodney Locks of 187 S. Rice St. noted that at the Organizational Meeting, the City Council elects from its members a Mayor Pro Tem to serve in the absence of the Mayor, and to perform duties as assigned. In other words, the Mayor Pro Tem is the alternate face of the City locally, regionally, statewide, and wherever the Mayor cannot attend. I say all this to remind you that the Mayor Pro Tem is not a symbolic position. It would help the community if you would clarify Council's criteria for selecting a Mayor Pro Tem.

Justin Straborny of 224 Burrell Ave. said I am here to speak in support of The Yard. I have a 3-year old and a 6-year old and we find ourselves there almost every other day. You run into people there all the time that enjoy the area and space that's there for the community. Just this past weekend I ran into a friend I worked with in Raleigh two years ago who was enjoying the winter market. I also ran into an old high school friend who lives in Rosman that I hadn't seen in a while. These are moments that happen organically and I feel it is important that The Yard continue to be able to do what it's doing, and grow organically if possible at a reasonable cost to them.

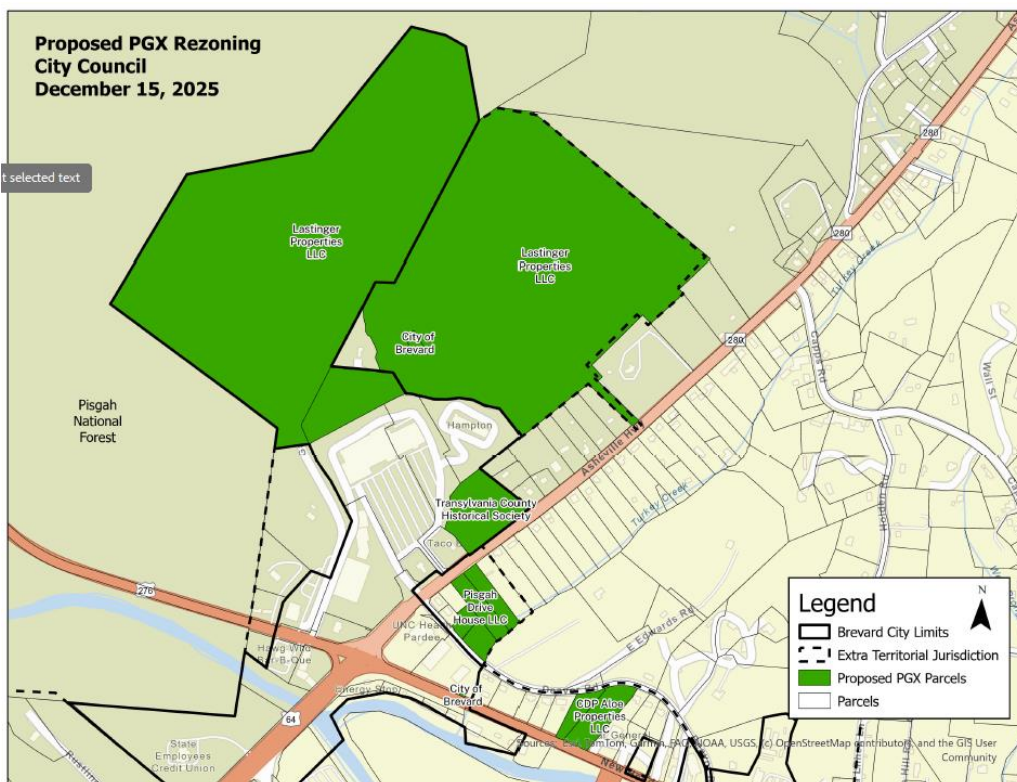
Carole Stone of S. Caldwell St. said I want to make a comment about The Yard because I just recently found that it was underneath the zoning and changes on that. As the other speakers have said, I was pretty surprised to find out that this is being questioned about it being rezoned. I remember when there was nothing there and the City put the Railroad Depot there, and the citizens of Brevard were pretty outraged about the dollar amount that was spent on that parking lot, and it was pretty much a parking lot for nobody. I don't know anybody or any of the owners or the people associated with The Yard, but I live in the area, so I drive past all the time. So an idea was sparked, an Airstream showed up, coffee and ice cream, and then there was picnic tables inviting the community and families and children. Then Creekside food truck showed up to carry on a well-loved local business that had been closed because of a roundabout coming. Now it seems like the Planning Department is seeking to destroy a gathering place that the locals are craving. There are so many places, and so many

comments made that the children in Brevard don't have any place to go and there is nothing to do. Of course, we all have the forest and we know we can go there, but taking your children to the forest is an event. But when there's somewhere in our backyard that the children can go, ride their bikes, and community members can hook up with other community members, I would hate to see that destroyed because they want to operate it like a business. Yes, they do special permits there, they have improved the site, and it is my understanding that when they do these permits there that they do apply and pay the permit fees before they do this. So, I'm asking City Council if this is included in another part of the rezoning, to ask for an exclusion for this and let The Yard continue to be the park and spot that it is in Brevard.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed Amendments to the Official Zoning May of the City of Brevard – Aaron Bland recalled that in June and September of 2024 the Planning Board first discussed rezoning much of the area surrounding the US 64 / US 276 / NC 280 intersection at the entrance to Pisgah National Forest to a new zoning district called the Pisgah Gateway Mixed Use District (PGX). The Board forwarded a favorable recommendation to City Council, who enacted the rezoning and updates to the UDO on November 18, 2024. After that, as a part of SL 2024-57 the General Assembly amended a provision of the General Statutes that pertains to “downzoning” which retroactively invalidated that rezoning. In February of 2025 Council readopted just the text amendments to the UDO creating the PGX District and all of it’s regulations, but did not apply that to any land in the city’s jurisdiction. In May of 2025, Staff brought the idea of creating PGX back to the Planning Board, which again recommended in favor. A public hearing was held by City Council in June, however, due to the uncertainty of pending legislation that could have potentially re-amended the downzoning statute, Staff requested Council table the matter. Council did just that at their August 4, 2025 meeting. Throughout that time, Staff has been discussing PGX with different property owners in the area because there was a provision in the downzoning changes that allowed the rezoning to happen with written property owner permission. Since being tabled, none of the various proposed bills in the General Assembly have progressed. Therefore, Staff is recommending moving forward with the PGX rezoning, but only for those properties who have expressly consented to the downzoning it would create. Mr. Bland noted that the two properties that go between US 64 and Deavor Rd. have sold since the property owners gave permission and the current property owners have not given consent, so those will need to be excluded.



The Planning Board discussed this at its November 18th meeting and recommended in favor as presented. The Planning Board also suggested that Staff continue their outreach to property owners in the area and try to do a "Phase 2" rezoning of multiple properties in the future, which Staff agreed to do.

At 6:06 p.m. Mr. Baker moved, seconded by Mr. Wise to open the public hearing. The motion carried unanimously.

Public Participation:

Patricia Wrinkle of 425 Deavor Rd. said I am CDP Aloe Properties (CDP) and you have our go ahead and we will be down to see you tomorrow. We've got several properties on Deavor Rd., two of which also go out to 64. I've got two long-term rentals and since I've been working on one getting it ready to rent, it has become quite apparent that Deavor Rd. is becoming a highway. Everybody uses it as a cut-through, particularly after the roundabouts. I am for the commercial part of it. I also enjoy the lack of commercial, so I'm good either way. I just hope you guys come up with a ruling on the zoning because we're kind of waiting for you all to decide. Some of the things that have come up today, food trucks, anything for the community is good, housing...we're open to anything to develop, but we need the zoning to know where to go from there, other than rental houses.

At 6:09 p.m. Mr. Baker moved, seconded by Mr. Wise to close the public hearing. The motion carried unanimously.

J-2. Closure of Unopened Alleyway – Hendersonville Pediatrics – Paul Ray explained that Hendersonville Pediatrics Brevard, LLC has requested the closure of an unimproved alley that runs across their parking lot between Jordan Street and Morgan Street. On November 17, 2025, City Council adopted a Resolution declaring its intent to consider closing this alley, as required by NCGS 160A-299. Tonight's public hearing is the next step in the required legal process for closing a public street or alley. Closing a public street or alley results in transferring a public asset into private ownership. When this occurs, it is important that the City receives a benefit of comparable public value. Staff has been negotiating with HP Brevard; however, a final agreement has not yet been reached. No action is requested at this time. Staff will return with a final legal agreement for Council's consideration and vote.

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

Public Participation:

Dustin Alderson one of the pediatricians and owners at Hendersonville Pediatrics said we have been the only pediatricians in Transylvania County for over 40 years and take care of the vast majority of the children in the City of Brevard and Transylvania County. We're grateful to have that opportunity; it's a real privilege. If any of you have been to our current, soon to be old office, you are well aware of the fact that we outgrew that office probably 10 to 15 years ago. We actually operate at about twice the national average for patients per square foot per day. So, we have been looking for a place to move our clinic for 10 years and two years ago we were able to identify where we wanted to move, which happens to be right here behind City Hall. We're very pleased and looking forward to the opportunity to continue taking care of patients there. Along with taking care of our patients, we are going to be having MAHEC, which is a FQHC and they are going to be bringing expanded OB services, internal medicine, a pharmacy, and psychiatry. This is not official, but they have talked about even moving their child and adolescent psychiatry fellowship here to Brevard from Asheville. All that to say there will be extensive vital services for the children of the City Brevard and Transylvania County. That expansion will necessitate a significant amount of parking, as you can imagine. So, our hope is that, in exchange for closing this alley, that we will, and our intent is to allow public parking as much as is absolutely possible and/or feasible, while still honoring the needs of our patients, MAHEC's

patients, and any of the other potential tenants, which we're nearing having two other entities that serve the public along with us. We appreciate the opportunity.

At 6:24 p.m. Mr. Baker moved, seconded by Mr. Wise to close the public hearing. The motion carried unanimously.

During Council questions and comments Mr. Lytle commented that it's good to see this space being occupied, but the City does want to get a like for like benefit from it and we just need a little more time for staff to negotiate.

Mr. Daniel agreed with Mr. Lytle but noted that it looks like they are operating as if they have already got this right of way. He said I understand they are offering a great service to our community, but I also feel for them to proceed seemingly without having concern for the negotiations that were initiated by the City, to sort of disregard that completely, I have a problem with that. This is a substantial piece of property that is being considered to be given for a fairly small compensation as far as the lot size is concerned. This is already one of the largest private parking lots in the City of Brevard, and we're talking about making it larger without an equal compensation and I have some personal concerns about this.

Mr. Baker said I was excited to hear that they are moving downtown and I was also excited about the original idea we had to do a little bit of a swap to add public parking to the City's lot next door. I think it would be in the general public's interest and in the business's interest to maximize the amount of parking there. I'm looking forward to how we can negotiate this out over the next few weeks, and I'm hopeful we can come to a good conclusion.

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

K-1. Tax Settlement Report – November 2025

K-2. notice of Change Orders Nos. 1 & 2 for the Water Treatment Plan Upgrade

K-3. Budget Amendment – FY25 – GASB 87 – Lease of Police Station at 132 Commerce St.

**ORDINANCE NO. 2025-57
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-17**

SUBJECT: Budget Amendment to increase General Fund budget by \$668,700 to comply with GASB 87 regulations concerning the Police department lease at 132 Commerce Street.

AGENDA INFORMATION

Agenda Location	Consent
Department:	Finance
Contact:	Dean Luebbe, Assistant City Manager and Finance Director

BRIEF SUMMARY: The Governmental Accounting Standards Board (GASB) implemented GASB 87 in June of 2021, in an effort to better reflect financial activity involving leases. Since that time, the City has recognized a lease receivable involving a cell tower at the Fire Department, but has not needed to record a lease payable. In July of 2024, the City finalized a five year lease for the Police Department at 132 Commerce Street. Because GASB 87 requires that a right to use asset and lease liability to be recorded, a budget entry is needed to prevent the Police Department FY25 budget from showing a budget violation. Additionally, the monthly lease payments should have been recorded under "Non-Departmental", alongside other City debt. More information concerning this lease will be available in the FY25 financial statements, Note 8. This budget entry has no effect on fund balance.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-17, as submitted, increasing (decreasing) the budget in expenditure account:

10-5100-7400 (Capital Outlay)	\$668,700
10-6600-9380 (Lease Principal – Police)	\$52,500
10-6600-9381 (Lease Interest – Police)	\$27,600
10-5100-4200 (Commerce St Lease)	(\$80,100)
TOTAL	\$668,700

And increasing the budget in the revenue account:

10-3920-0040 (Debt Proceeds)	\$668,700
TOTAL	\$668,700

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 15th day of December 2025.

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

s/ Maureen Copelof, Mayor

K-4. Council Finance, Human Resources & Citizen Appointment Committee Minutes – September 22, 2025

K-5. Council Housing Committee Minutes – October 14, 2025

K-6. Rosenwald Community Advisory Board Minutes – October 16, 2025

K-7. Council Downtown Master Plan Committee Minutes – October 24, 2025 Special Meeting

K-8. Council Public Safety Committee Minutes – October 28, 2025

K-9. Council Downtown Master Plan Committee Minutes – November 12, 2025

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

K-10-a. Mayor's Report re AARP Age-Friendly Task Force

K-10-b. ABC Board Minutes – October 23, 2025

K-10-c. ABC Board Minutes – November 3, 2025 Special Meeting

K-11. (L-3) Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 4, and 8 – Institutional Campus Zoning District

ORDINANCE NO. 2025-58

AN ORDINANCE AMENDING CHAPTERS 2, 4, AND 8 OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO REVISE DIMENSIONAL STANDARDS FOR INSTITUTIONAL CAMPUS ZONING DISTRICT

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance Chapter 2 – Districts and General Provisions; Chapter 4 – Lot and Subdivision Requirements; and Chapter 8 – Tree Protection and Landscaping be amended; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the goals and objectives of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*, specifically LUH-23: *Incorporate flexible zoning standards and simplified approvals for camps, campuses, and institutions.*

WHEREAS, a public hearing was conducted on Monday, November 17, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Code of Ordinances be amended as outlined below.

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

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

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

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

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

Adopted and approved this the 15th day of December, 2025.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

Approved as to Form: s/ Mack McKeller, City Attorney

K-12. (M-1) Appointment of Citizen Members to Policy Committees

RESOLUTION NO. 2025-77

RESOLUTION APPOINTING MEMBERS TO POLICY COMMITTEES

WHEREAS, in Fall 2022 the Brevard City Council held a work retreat to reform its committee structure; and

WHEREAS, committees were designated into one of three categories: policy committees, statutory committees, and advisory committees; and

WHEREAS, the Council initiated a new system for making appointments that would apply to every body to which the Council makes appointments; and

WHEREAS, the terms of citizen members appointed to policy committees were set at two years with all terms expiring on December 31st; and

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

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

WHEREAS, the applications received during the recruitment period were reviewed by the Finance, Human Resources and Citizen Appointment Committee at their November 24, 2025 meeting; and

WHEREAS, at that meeting the Committee recommended appointments to the Finance, Human Resources and Citizen Appointment Committee; Housing Committee; Public Safety Committee; and Public Works and Utilities Committee to full City Council.

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

- 1) The Brevard City Council does hereby reappoint Susan Miller to the Finance, Human Resources and Citizen Appointment Committee, effective January 1, 2026 and expiring on December 31, 2027; and
- 2) The Brevard City Council does hereby reappoint Victor Foster to the Housing Committee, effective January 1, 2026 and expiring on December 31, 2027; and
- 3) The Brevard City Council does hereby reappoint Kevin Gallo to the Public Safety Committee, effective January 1, 2026 and expiring on December 31, 2027.
- 4) The Brevard City Council does hereby reappoint William Owen Carson to the Public Works and Utilities Committee, effective January 1, 2026 and expiring on December 31, 2027

Adopted and approved this the 15th day of December, 2025.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

L. Unfinished Business

L-1. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3, and 19 – Temporary Use Regulations – Emily Brewer noted that this is a follow-up to the public hearing Council held on November 17th. She explained that this is a staff-initiated text amendment to revise the standards for all temporary uses and to clarify when an applicant needs to secure a temporary use permit and when an applicant needs to secure a special event permit.

Temporary uses are land uses on private property that are established only for a fixed, limited period of time with the intent of discontinuing it once that time expires. This text amendment looks at all the different temporary uses within the ordinance and outlines some specific requirements. These requirements are in two different buckets – there is general for all of them, and there are some specific temporary uses that are established with their own definition and standards. These include outdoor seasonal sales, temporary mobile classrooms, temporary vendors, temporary events and other items.

No members of the public participated at the public hearing on November 17th, but Council members requested some additional information about how a development could pursue a permanent farmers market or flea market on their property. Following the public hearing, many constituents sent comments with concern about the future of the regular farmers market held at The Yard. One of the objectives of this text amendment is to clearly identify when temporary use permits amount to a permanent use. A weekly farmers market held all-year round acts as a permanent use. Despite this being a permanent program, our current ordinance allows for this to be operating under temporary use permits. The Yard has been legally operating the market for the past 8 months under three successive temporary use permits. Under this text amendment, this use would be subject to the same zoning standards as other permanent uses where applicable, such as the provision of parking, landscaping buffers, sidewalks/circulation requirements, etc., which are required of any developer or property owner who is looking to put a permanent land use on their property. The proposed amendment would mean The Yard and any other outdoor events on private property would be unable to operate with a temporary use permit if they intend to hold more than 6 outdoor events per calendar year. Instead, The Yard and any other developer/property owner interested in regular open-air markets could pursue one of the following:

- Special use permit for a flea market – currently in the UDO as a permanent use in RMX, NMX, PGX, DMX and CMX zoning districts. The property owner could apply for a Special Use Permit, which is heard by the Board of Adjustment. The Board of Adjustment is a quasi-judicial board that assesses the proposed use's location, design, and configuration and determines whether or not it is appropriate for that site.
- Conditional Zoning District – explicitly in our Code to allow for innovative and creative developments that would not otherwise be permitted within the broader ordinance requirements. Similar to the Special Use Permit procedures, Council would consider the location, design and configuration of the entire development to ensure the project is compatible with the area and in line with the City's goals and objectives.

Mayor Maureen Copelof, City Manager Wilson Hooper, and Planning Director Paul Ray met with the owner of The Yard, most recently, on November 25 and shared these options. As of the publication of the agenda on Thursday, December 11, staff have not heard back from the owner. This amendment affects all of the City's jurisdiction where temporary uses of any kind are allowed.

The Planning Board heard this item on October 28th and recommended approval.

Mr. Daniel moved, seconded by Mr. Baker to adopt the amendment as presented.

During discussion, Mr. Daniel commented that he and a lot of people enjoy The Yard and think a lot of it, and he thinks that Staff thinks this is a great thing. The person that doesn't seem to think it's a great thing seems to be the owner of The Yard because all they have to do is get a permit. But to do that, you have to commit to what you're doing and there doesn't seem to be a will to do that by the owner. They are pushing back against getting either a Special Use Permit or Conditional Zoning, which is what anybody in the City of Brevard has to do. I want to see this continue so I'll encourage that we get this permit taken care of. This is not a rezoning; it's a clarification of what a temporary permit is. Misusing the temporary zoning permit has led us to this point, and the intent is if you're doing it temporarily you get a temporary permit; if you're doing it permanently, you follow these regulations that are clearly in our ordinances and always have been. I hope that we can resolve this by just getting a permit.

Mr. Baker noted that there are several businesses in the city operating now under a Special Use Permit, which is a permanent way for them to keep doing what they're doing. A Special Use Permit seems like a very reasonable and incremental step towards deciding what the permanent use is for the site. The Yard is beloved and I think everybody loves the markets there, and part of what makes it special is that it has grown organically and in an incremental way. We don't want to do things that are going to prohibit that organic growth. If you take all the details out of it, this was a business that started grassroots, they pulled a couple of temporary permits so they could prove their concept, and now we're at a point where hopefully they feel comfortable pulling this Special Use Permit, which sort of enshrines that as a permanent use, and then maybe down the road once they have grown a little more, the Conditional Zoning District might make more sense. So, there are steps along the way that are available. I think we have a system that works pretty well, despite what some people might think. I am hopeful that we can continue talking to them about the Special Use Permit. I think that seems like a reasonable thing to ask.

Mr. Lytle said I would agree with most of what's being said and hoped it can be resolved.

Mr. Wise noted that this started out as a clerical clarification as a lot of our UDO amendments start out as. I think for some reason The Yard felt like it was targeted as the reason this was happening and it was not. But, to me this does show how well the UDO does work; it's acting exactly the way that it should. I would say that The Yard is incredibly valuable, but it's also not unique in our community. This has happened before and that's why we have provisions in place to ensure it can continue. It makes a lot of sense for them to pull temporary permits for a while, they get established, and now they've grown. To me, this is encouraging because I love it when the public pays attention. We got a lot of great emails, it helped us clarify, and it also helps the owners move forward because these provisions are not in place to protect the City. They're in place to protect the owner and the people who visit their sites and that's why they're there. For us, it's about trying to make sure everything moves forward in a safe way that this event can grow. I appreciate the public speaking to us about this and I hope we have helped answer why we moved through these steps.

Following discussion, the motion carried unanimously.

**ORDINANCE NO. 2025-59
AN ORDINANCE AMENDING CHAPTERS 2, 3, AND 19 OF
THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE
TO AMEND THE TEMPORARY USE REGULATIONS**

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance Chapter 2 – Districts and General Provisions; Chapter 3 – Use Definitions and Standards; and Chapter 19 – Definitions be amended; and,

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

- **GOAL 6:** Integrate arts, culture, diversity, and history into everyday life and build on Brevard's identity as a dynamic community to live, work, play, and create.
- **GOAL 7:** Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.
- **PNRC-1:** Maintain and expand public parks and programming.
- **PNRC- 22:** Invest in public infrastructure and facilities, as well as the operations and maintenance necessary to support festivals and cultural events occurring in Downtown public spaces.
- **PNRC- 25:** Create opportunities for arts and cultural programming, public art, sculptures, and murals throughout the City.

WHEREAS, a public hearing was conducted on Monday, November 17, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Code of Ordinances be amended as outlined below.

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

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

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

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

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

Adopted and approved this the 15th day of December, 2025.

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

s/ Maureen Copelof, Mayor

L-2. Bear Sculpture and Roundabout Landscaping/Betterments – Paul Ray recalled that City Council previously approved a final design for optional landscaping improvements associated with NCDOT's roundabout project at the intersection of Highway 280, Deaver Road, and Highway 64/276 (Project R-5799). Most recently, a group of local artists, led by Ann DerGara, has proposed installing a bear sculpture within the Highway 64/276 (Pisgah Forest) roundabout. The sculpture would likely be created by Charles Calvin, and approximately \$20,000 in pledged donations has been raised toward the cost of the piece. On August 4, 2025, City Council authorized staff to engage McAdams to prepare a scope and cost estimate for revising the previously approved landscaping plans to accommodate the sculpture and assist the City in seeking NCDOT approval. The total estimated cost for McAdams' professional services is \$19,660, and Ann DerGara has raised an additional \$20,000 to cover this amount with no cost to the City. City Council is asked to consider a resolution requesting NCDOT approval for the installation of public art in the right-of-way of the Pisgah Forest roundabout and authorizing the City Manager to execute the professional services contract with McAdams and accept the funds raised by Ann DerGara to cover the cost of engineering.

Mr. Wise moved, seconded by Mr. Baker to approve the resolution requesting NCDOT approval and authorizing the City Manager to execute the professional services contract. The motion carried unanimously.

RESOLUTION NO. 2025-76

A RESOLUTION REQUESTING APPROVAL FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PUBLIC ART WITHIN THE RIGHT-OF-WAY OF HIGHWAY 64/276 (PISGAH FOREST) ROUNDABOUT

WHEREAS, the North Carolina Department of Transportation (NCDOT) is constructing the roundabout project (STIP Project #R-5799) at the intersection of U.S. Highway 64/276 and N.C. Highway

280 in Brevard, North Carolina; and

WHEREAS, the City of Brevard previously collaborated with NCDOT and its consultant, McAdams, to design and fund optional landscaping betterments within the project; and

WHEREAS, the Brevard community, led by a group of local artists, has proposed the installation of a bear sculpture within the center island of the Highway 64/276 (Pisgah Forest) roundabout, project R-5799, as a public art feature celebrating Brevard's natural heritage and serving as a gateway to the City; and

WHEREAS, NCDOT's Public Art in the Right-of-Way Policy requires that requests for artwork within the State highway right-of-way be formally initiated through a resolution of support adopted by the governing body; and

WHEREAS, in accordance with NCDOT requirements, the City shall provide an opportunity for the community to consider and comment on the proposed art project through a public meeting at a regularly scheduled City Council Meeting; and

WHEREAS, the City Council has duly considered all comments received and finds that the proposed installation will enhance the public realm and is consistent with community goals; and

WHEREAS, the City has engaged McAdams to assist in preparing necessary documentation, design amendments, and coordination with NCDOT for the required encroachment review.

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

Section 1. The City of Brevard formally requests that the North Carolina Department of Transportation consider and approve the installation of a bear sculpture within the center island of the U.S. Highway 64/276 (Pisgah Forest) roundabout as part of the Public Art in the Right-of-Way program.

Section 2. The City acknowledges that the proposed artwork, its installation, and its long-term maintenance will be the responsibility of the City of Brevard, not NCDOT.

Section 3. The City further authorizes its staff and consultants to coordinate with NCDOT Division 14 and the Art in the Right-of-Way Committee to provide all necessary plans, analyses, and documentation to complete the encroachment review process.

Section 4. City Council hereby authorizes City staff to execute a contract with McAdams consistent with the stated terms and conditions and to proceed with the additional scope of work necessary to support the preparation, submittal, and coordination of the public art encroachment request with the North Carolina Department of Transportation.

Adopted and approved this the 15th day of December 2025.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

M. New Business – None.

N. Remarks/Future Agenda Considerations.

Mr. Lytle said I'm excited to be a part of Council and do what we set out to do when I began my campaign and something that I repeated over and over again was that I thought that Brevard can be the best small town in the country and I hope to do my part with my colleagues here to make that a reality. There's lots of things that need to get done, but at the same time we live in a great place and we can't forget that. I think we can do two things at once—we can be where our feet are and enjoy and understand where we live and that it's great, but also look at how we can make it better on a daily basis.

Mr. Daniel said when I read the minutes of the Public Safety Committee meeting about cameras being considered in Clemson Plaza, it reminded me that there has been some conversation that Clemson Plaza may become a bike depot. If it were to be so, I

would encourage that they be cameras that would allow live feed streaming so that folks could view their bikes in real time. I think that would be a very important security measure for that kind of space. He also wished everyone a wonderful Holiday.

Mr. Baker congratulated and welcomed Council Member Lytle. He thanked the Council for its confidence in choosing him as Mayor Pro Tem. He said my first duty was to go to the Job Corps' holiday lunch and it was great to be there and meet some of the students and staff. He offered congratulations to the Blue Devils on their historic run to the State Championship game and noted that the team really excited people here and brought people together. He wished everyone a Happy Hanukkah, Merry Christmas and Happy Holidays.

Mr. Wise also welcomed Council Member Lytle and expressed appreciation to the public for speaking to Council tonight for outreach and feedback during The Yard and other issues. He wished Happy Holidays to everyone.

Attorney McKeller also congratulated and welcomed Council Member Lytle.

Ms. Hodsdon wished everyone a joyful holiday season.

Mr. Hooper informed Council that the football team will be invited to a future meeting to recognize them for their successful season, and he expressed appreciation to all involved with the team, the band, the cheerleading team for sharing their talents with us and for making us proud. He also expressed gratitude for the public commenters who spoke earlier tonight. He informed Council that the Local Government Commission has changed the deadline for submission of the City's annual audit to December 31st and hopefully the auditors can present the audit to Council in January or February. He reported that Staff got unofficial word that the State has approved our application for \$5M to cover the funding gap for Phase I of the Wastewater Treatment Plant upgrade. The City's request for Phase II funding is still outstanding. Finally, he thanked Interim Police Chief Jack Moorman who stepped in and helped bridge the gap between Chief Jordan's retirement and Chief Wentzell coming on board.

Mayor Copelof expressed excitement about the new Council and said I am looking forward to incredible things we will be doing in 2026. We've got some challenges, but working together with our community, non-profits, volunteers, committees, elected officials, and staff, we can do just about anything. She said seeing the community support for our Blue Devils was very special and she looks forward to welcoming them here so we can recognize them. She expressed thanks to everyone who helped make our holiday celebration so special, including the Police Department, Fire Department and Public Works Dept. She wished everyone a safe and joy-filled holiday.

O. Closed Sessions – None.

P. Adjourn – There being no further business, at 7:07 p.m. Mr. Baker moved, seconded by Mr. Wise, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: January 5, 2026



City of Brevard, North Carolina

Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Christy Wentzell, 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 Chief of Police for the City of Brevard, so help me God.

Christy Wentzell

Oath Administered By:

Denise Hodsdon, CMC, NCCMC
City Clerk

Date



City of Brevard, North Carolina

Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

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

Christy Wentzell

Oath Administered By:

Denise Hodsdon, CMC, NCCMC
City Clerk

Date

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-01

ST. PHILIP'S EPISCOPAL CHURCH CORNERSTONE CENTENNIAL

WHEREAS, the cornerstone of St. Philip's Episcopal Church's historic building was laid in 1926; and

WHEREAS, for over one hundred years, St. Philip's Episcopal Church has provided pastoral support, fellowship, and spiritual inspiration to generations of families in Brevard; and

WHEREAS, the historic church building stands as a testament to the dedication and vision of its early members and continues to serve as a gathering place for beautiful liturgy, music, and religious activities; and

WHEREAS, St. Philip's Episcopal Church has demonstrated unwavering commitment to our community through outreach to those in need and in 2026 will make a gift to two camps serving children in our community; and

WHEREAS, in 2026, St. Philip's Episcopal Church will celebrate this momentous centennial milestone with a year-long series of events including an Evensong liturgy, historical programs, the publication of a book of history, and community gatherings that honor the past while building toward the future; and

WHEREAS, the church's centennial celebration, including a special service of acknowledgment addressing our tragic history of slavery and hopes for a renewed future, reflects the congregation's commitment to honest reflection, reconciliation, and continued service to all citizens of Brevard; and

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, do hereby proclaim February 8, 2026 as

ST. PHILIP'S EPISCOPAL CHURCH CORNERSTONE CENTENNIAL DAY

in the City of Brevard and encourage all citizens to join in celebrating this historic milestone and recognizing the significant contributions St. Philip's Episcopal Church has made to our community over the past century.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 5th day of January, 2026.

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

Maureen Copelof
Maureen Copelof
Mayor



STAFF REPORT
City Council, Monday, January 5, 2026

Title: Determination of Need for the City of Brevard to Exercise the Powers of a Housing Authority

Speaker: Emily Brewer, AICP, Senior Planner
Mack McKeller, City Attorney

Prepared by: Emily Brewer, Senior Planner

Approved by: Wilson Hooper, City Manager, Paul Ray, Planning Director

Background & Discussion

North Carolina General Statutes Chapter 157 authorizes the creation and operation of local housing authorities to address unsafe, unsanitary, and inadequate housing conditions and to expand the supply of affordable housing. Under NCGS § 157-4, a city may exercise the powers of a housing authority itself, rather than creating a separate authority, by formally adopting a resolution declaring the need for such action and assuming those powers. When a city elects to do so, it may carry out all functions granted to a housing authority under Chapter 157, including acquiring, owning, leasing, rehabilitating, and operating housing; entering into agreements with state and federal agencies or private developers; issuing bonds; and undertaking redevelopment or revitalization efforts in areas with substandard housing. This option allows municipalities to integrate housing authority functions directly into city governance, enabling closer coordination with planning and community development activities while still operating within the statutory framework and public purpose established by Chapter 157.

In November 1968, the Brevard Board of Aldermen adopted a resolution declaring the need for a housing authority to function in Brevard. The language in the historical resolution does not explicitly state that the authority be granted exclusively to a separate and discrete body, though staff believe that this is what the Aldermen at the time intended. Therefore to clarify, staff recommend the City repeat the steps outlined in the statute so as to formally and officially endow *itself* with the ability to act as a housing authority.

Action

This information is for public hearing. Staff is requesting that City Council adopt that attached resolution at this meeting to affirm the City's commitment to affordable housing and ability to exercise the powers of a housing authority.

Attachments:

- 1. Petition for Housing Authority Powers
- 2. Draft Resolution

PETITION OF RESIDENTS REQUESTING THE CITY TO EXERCISE THE POWERS OF A HOUSING AUTHORITY (N.C.G.S. § 157)

To the Mayor and Members of the City Council of the City of Brevard, North Carolina:

We, the undersigned residents of the City of Brevard, respectfully petition the City Council to take action to exercise the powers and duties of a municipal housing authority pursuant to North Carolina General Statutes Chapter 157.

1. Affordable, safe, and sanitary housing is essential to the health, safety, and general welfare of the residents of the City of Brevard; and
2. Many residents of our community—including working families, seniors, persons with disabilities, and individuals with low and moderate incomes—face increasing housing cost burdens, limited housing availability, and substandard or overcrowded living conditions; and
3. North Carolina General Statutes § 157-3 recognizes unsafe or unsanitary housing conditions as a public problem and authorizes local governments to address these conditions in furtherance of a valid public purpose; and
4. North Carolina General Statutes § 157-4 expressly authorizes a city, by resolution of its governing body, to determine that such conditions exist and to exercise the powers, duties, and responsibilities of a housing authority, without creating a separate public body; and
5. Allowing the City of Brevard to directly exercise housing authority powers would provide a locally accountable, efficient, and coordinated approach to addressing housing needs, leveraging public and private resources, and advancing affordable housing solutions aligned with local priorities.

Now, therefore, we, the undersigned residents of the City of Brevard, respectfully request that the City Council:

1. Adopt a resolution finding that there is a lack of safe or sanitary dwelling accommodations in the city and surrounding area within the City of Brevard and that there is a need for the City to exercise the powers of a housing authority, pursuant to N.C.G.S. § 157-4; and
2. Elect for the City to exercise all powers, duties, and responsibilities of a housing authority as authorized under Chapter 157 of the North Carolina General Statutes; and
3. Direct City staff to take the necessary administrative, organizational, and planning steps to implement these powers in a transparent and effective manner for the benefit of City residents.

We submit this petition in good faith and respectfully urge the City Council to act in the best interests of the community by advancing policies and programs that promote housing affordability, stability, and the elimination of unsafe and unsanitary housing conditions.

PETITION SIGNATURES

NAME	SIGNATURE	ADDRESS	DATE
Stephanie Holland	Stephanie Holland	194 Lakeview Ave	12/15/25
Katherine Poe	Katherine Poe	90 Aiken St	12/15/25
Rebecca McCann	Rebecca McCann	155 McMinn Ave	12/15/25
Alex Macquon	Alex Macquon	185 Gallimore Rd	12/15/25
BARRETT WHITTEN	Barrett Whitten	119 S. RICE ST. BREWSTER	12/15/25
John Gray	John Gray	227 East View Dr	12/15/25
Wilson Hooper	Wilson Hooper	21 Hidden Pond Lane	12/15/25
DAVID BRADLEY	David Bradley	60 BUNGALOW WAY	12-15-25
PK Young	PK Young	38 Southward Dr	12/15/25
Rodney Locke	Rodney Locke	187 S Rice St	12/15/25
Valerie Berry	Valerie Berry	108 Meadow Ln	12/15/25
Craig Budzinski	Craig Budzinski	79 OVERLOOK DR	12/15/25
Curtis Brown	Curtis Brown	196 Greenville Highway	12/15/25
Christopher Alvarez	Christopher Alvarez	59 Giggan Dr	12/15/25
Mark Nantz	Mark Nantz	31 High School Rd	12-15-25
Bob Hill	Bob Hill	194 Lohme Ave	12-15-25
Jane Holland	Jane Holland	194 Lakeview Ave	12/15/25
Patricia Holland	Patricia Holland	194 Lakeview Ave	12/15/25
Matt Huggins	Matt Huggins	273 Maple St	12/16/25
Kalie Patton	Kalie Patton	161 Trowbridge Ln.	12/16/25
Megan Sotirakopoulos	Megan Sotirakopoulos	240 Maple Street	12/16/25
DENN SPEER	DENN SPEER	84 Mantua Cir	12/16/25
Anne-Monique Ransdell	Anne-Monique Ransdell	104 Cherry St.	12/16/25
Karin Strickland	Karin Strickland	132 King St.	12/16/25
Lorena Uriarte	Lorena Uriarte	203 EAGLE POINT DR.	12/16/25

RESOLUTION NO. 2026-XX

**A RESOLUTION AUTHORIZING THE CITY OF BREVARD TO EXERCISE THE POWERS OF
A HOUSING AUTHORITY (N.C.G.S. § 157)**

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

WHEREAS, many residents of our community—including working families, seniors, persons with disabilities, and individuals with low and moderate incomes—face increasing housing cost burdens, limited housing availability, and substandard or overcrowded living conditions; and

WHEREAS, North Carolina General Statutes § 157-3 recognizes unsafe or unsanitary housing conditions as a public problem and authorizes local governments to address these conditions in furtherance of a valid public purpose; and

WHEREAS, the City of Brevard is committed to the expanding housing opportunities for all residents and is pursuing affordable housing initiatives in response; and

WHEREAS, North Carolina General Statutes § 157-4 expressly authorizes a city, by resolution of its governing body, to determine that such conditions exist and to exercise the powers, duties, and responsibilities of a housing authority, without creating a separate public body; and

WHEREAS, the City of Brevard received a petition of 25 residents of the City and the area within 10 miles from the territorial boundaries setting forth that there is a need for an authority to function and for the City of Brevard to exercise these powers; and

WHEREAS, the City of Brevard, after providing due notice, held a public hearing on January 5, 2026 regarding this petition; and

WHEREAS, allowing the City of Brevard to directly exercise housing authority powers would provide a locally accountable, efficient, and coordinated approach to addressing housing needs, leveraging public and private resources, and advancing affordable housing solutions aligned with local priorities.

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

Section 01. There is a lack of safe or sanitary dwelling accommodations in the city and surrounding area within the City of Brevard and that there is a need for the City to exercise the powers of a housing authority, pursuant to N.C.G.S. § 157-4; and

Section 02. Elect for the City to exercise all powers, duties, and responsibilities of a housing authority as authorized under Chapter 157 of the North Carolina General Statutes; and

Section 03. Direct City staff to take the necessary administrative, organizational, and planning steps to implement these powers in a transparent and effective manner for the benefit of City residents.

Adopted and approved this the 5th day of January, 2026.

Maureen Copelof

Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT
City Council, Monday, January 5, 2026

Title: Sewer Pump Station Rehabilitation Project Change Order No. 1

Speaker:
Prepared by: David Todd, Assistant City Manager
Approved by: David Todd, Assistant City Manager, Wilson Hooper, City Manager

Background

In late 2022 City Council approved Capital Project Ordinance 2022-64 for the rehabilitation of three sewer pump stations. This work includes construction of a new pump station to replace the existing Gallimore Road Pump Station, rehabilitation of the “Fish Camp” Pump station, including the addition of a generator, and the addition of a generator at the Wilson Road Pump Station. The project is funded at \$5,873,000 through a combination of funds, \$2,873,000 from the American Rescue Plan funding administered through the State Recovery Fund and \$3,000,000 from a Special State Appropriation for sewer and water infrastructure improvements.

Discussion

The Sewer Pump Station Rehabilitation Project was designed very conservatively, from a budget standpoint, given the still volatile nature of the bidding and construction market. However, following bidding and a thorough review of the project with the selected contractor it became evident that a few changes were either necessary or made good financial sense to do during this initial construction phase of the project to better prepare the pump station for future growth. These changes, include the following which are defined in more detail on the attachment entitled Sewer Pump Station Rehabilitation Project Change Order No 1 12-30-2025 as well as the attached NC DEQ Determination Letter include:

- Installation of a grinder vault (no grinder only the vault)
- Relocation of 2 Sanitary Sewer Manholes
- Relocation of Electrical Equipment
- Addition of Terminal Cabinets at the Wet well
- Modification of the Perimeter Fence
- Modification of the Force main
- Shift Site Entrance

These items resulted in Change Order No. 1 in the amount of \$222,118.06.

Fiscal Impact

Change Order No. 1 will increase the total project spending by \$222,118.06. However, the

project remains within the original budget and presently is carrying approximately \$135k in contingency. The attached document, Sewer Pump Rehabilitation Project Cost Accounting 12-30-2025, provides a record of the current project commitment and spending status as well as any possible future spending.

Action

No action is requested at this time from Council related to this project. This Staff Report only serves as notification of the project financial status which is presently within the original allotted budget.

Attachments:

- 1. Sewer Pump Station Rehabilitation Project Change Order No 1 12-30-2025
- 2. DEQ Sewer Pump Station Rehabilitation Project Change Order No 1 Determination 12-30-2025
- 3. Sewer Pump Rehabilitation Project Cost Accounting 12-30-2025

CHANGE ORDER NO.: 1

Owner: City of Brevard DWI Project No.: SRP-W-ARP-0236
Engineer: CDM Smith Engineer's Project No.: 286837
Contractor: TP Howard's Plumbing Company Contractor's Project No.: UT25-259
Project: Pump Station Rehabilitation and Replacement
Date Issued: Effective Date of Change Order:

The Contract is modified as follows upon execution of this Change Order:

Description:

1. Installation of Grinder Vault:
 - o Furnish and install one (1) 8' x 8' precast concrete grinder vault at the pump station site.
 - o Includes all associated site work including, but not limited to excavation, backfill, vault setting, piping and associated appurtenances.
 - o This does not include the actual grinder and associated electrical equipment. This will be added at a later date after project is complete.
2. Relocation of Sanitary Sewer Manholes (SSMH 1 and SSMH 2):
 - o Relocate SSMH 1 and SSMH 2 to accommodate revised site layout and installation of the grinder vault.
 - o Includes all associated site work including, but not limited to excavation, backfill, manhole setting, piping and associated appurtenances.
3. Relocation of Electrical Equipment:
 - o Adjust the location of electrical cabinets and the diesel generator per the revised site layout.
 - o Includes modifications to conduit runs, wiring, concrete pads, and grounding systems as necessary to maintain full system functionality.
4. Addition of Terminal Cabinets at Wet Well:
 - o Furnish and install terminal cabinets adjacent to the wet well for electrical terminations.
 - o Work includes cabinet mounting, wiring, conduit installation, and coordination with proposed electrical infrastructure.
5. Modification of Perimeter Fence:
 - o Adjust the alignment and limits of the perimeter fencing to reflect revised site plan.
 - o Fence work shall meet all original material and height specifications and maintain secure access to all areas.
6. Modification of Force Main:
 - o Adjust the alignment and connection to the existing force main as reflected on the revised plans.
7. Shift Site Entrance:
 - o Revise the pump station site access to move the entrance from the Tores property back to the originally design entrance location as shown on the updated plans.

- o Includes demolition, temporary access, clearing and grading and construction of the entrance per the updated plans.

Attachments:

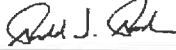
C-5, M-3, M-4

Reason for Change:

A grinder vault is being added upstream of the pump station at the Owner's request to provide a designated location for a future grinder unit and to maintain flexibility for further protecting the pumps from debris/solids. Installing the vault during initial construction avoids future excavation and disturbance and ensures proper hydraulic and structural configuration for future improvements.

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>4,444,000</u>	Original Contract Times: 500 days Ready for final payment: <u>November 19, 2026</u>
Contract Price prior to this Change Order: \$ <u>4,444,000</u>	Contract Times prior to this Change Order: Ready for final payment: <u>November 19, 2026</u>
Increase this Change Order: \$ <u>222,118.06</u>	Increase this Change Order: Additional 75 days Ready for final payment: <u>February 2, 2027</u>
Contract Price incorporating this Change Order: \$ <u>4,666,118.06</u>	Contract Times with all approved Change Orders: Ready for final payment: <u>February 2, 2027</u>


Recommended by Engineer (if required)

By: 

Title: Project Engineer, CDM Smith

Date: December 12, 2025

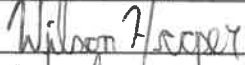
Accepted by Contractor



VP - T.P. Howard's Plumbing Co.

12/12/25

Authorized by Owner

By: 

Title: City Manager

Date: December 19, 2025

Approved by Funding Agency (if applicable)

JOSH STEIN
 Governor
 D. REID WILSON
 Secretary
 SHADI ESKAF
 Director



NORTH CAROLINA
 Environmental Quality

December 18, 2025

Wilson Hooper, City Manager
 City of Brevard
 95 West Main Street
 Brevard, NC 28712

Subject: Eligibility Determination
 Change Order No.: 1
 TP Howard's Plumbing Company
 Pump Station Rehabilitation and Replacement
 City of Brevard
 DWI Project Nos.: SRP-W-ARP-0236
 SRP-W-134-0277

Dear Mr. Hooper:

The Division of Water Infrastructure (Division) has completed its review of the subject change order and supporting documentation, received November 25, 2025, December 4, 2025, and December 15, 2025. Accordingly, we are issuing the following determination of eligibility:

Contract Amount		Total	Eligible Amount		Contract Duration (days)	Contract-Completion Date (FINAL)
				Notice to Proceed	7/7/2025	
Original Contract		\$4,444,000.00	\$4,444,000.00	Original Contract	500	11/19/2026
Change Order No.	1	\$222,118.06	\$222,118.06	Additional Time	75	2/2/2027
New Contract Amount		\$4,666,118.06	\$4,666,118.06	New Contract Completion	575	2/2/2027

Please note the Division takes no position on any contract time extensions associated with change orders. **Please be advised that the recent time extension request has resulted in the contract final completion date falling beyond December 31, 2026. As communicated earlier, the Division will make no disbursements of ARPA funds after December 31, 2026.** For projects funded by loans, the loan repayment schedule is not affected by this eligibility determination.

Please note that this eligibility determination does not change the project funding amount. Please contact **Mark Hubbard**, the unit supervisor for the Division's Grant Management Unit, either by e-mail at mark.hubbard@deq.nc.gov or by telephone at 919-707-9162, if you require additional funding.



North Carolina Department of Environmental Quality | Division of Water Infrastructure
 512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
 919.707.9160

Change Order No. 1 cost includes:

Item No.	Item Description	Total	Eligible Amount
1 of 1	Installation of 8-foot x 8-foot Grinder Vault Structure. Trench shoring, dewatering, and stone bedding as needed. This also includes additional fencing installation, revised force main to replace 45-degree bends with 22.5-degree bends and site entrance relocation.	\$222,118.06	\$222,118.06
Change Total		\$222,118.06	\$222,118.06

The Division finds that the subject change order(s) and related procurement documentation comply with applicable regulations. However, this determination does not relieve you of the responsibility to ensure the validity of the supporting documentation, including the corresponding cost and pricing data. Accordingly, this determination does not prejudice a re-determination of eligible/ineligible costs if a later review or audit discloses new facts.

Please retain this letter and file it with the other project-related documents in your possession. If you have any questions or concerns regarding this matter, please contact your project's assigned inspector, Paul Clark either by telephone at 919.707.9175 or by e-mail at paul.clark@deq.nc.gov.

Sincerely,

Bashar Al-Masri

Bashar Al-Masri, Project Manager
 Wastewater and Stormwater Projects Unit

- EC: Wilson Hooper, City of Brevard, wilson.hooper@cityofbrevard.com
 Rick Rudin, P.E., CDM Smith, rudinrj@cdmsmith.com
 Greaton Sellers, P.E., CDM Smith, sellersgw@cdmsmith.com
 Antonio V. Evans, P.E. (DWI, via e-mail)
 Paul Clark (DWI, via e-mail)
 David Smith (DWI, via e-mail)
 DWI Agreement ID 2000061506 (CHO – ED)

STAFF REPORT
City Council, Monday, January 5, 2026

Title: Budget Amendment - Fire Department - Grant Funds and Sale of Trucks

Speaker: Dean Luebbe

Prepared by: Dean Luebbe, Assistant City Manager/Finance Director

Approved by: Wilson Hooper, City Manager

Background

The Fire Department has received three separate unbudgeted revenues since the beginning of FY26 totaling \$150,000. Two Fire vehicles were sold to neighboring departments and the Department also received a \$50,000 grant from the Fire Marshal's Office related to Hurricane Helene.

Fiscal Impact

The budget amendment increases both Fire revenues and expenditures, but does not draw from fund balance. The proceeds from the sale have been used to equip and upfit new vehicles in the FD fleet.

Action

Staff requests Council adopt budget amendment 26-02 as presented.

Attachments:

- 1. Budget Amendment Fire - Grant and Sale of Trucks

ORDINANCE NO. 2026-XX
AN ORDINANCE AMENDING THE FY2025-2026 BUDGET.
BUDGET AMENDMENT NUMBER 26-02

SUBJECT: Budget Amendment to increase Fire Fund revenues and expenditures by \$150,000.

AGENDA INFORMATION

Agenda Location	Consent
Department:	Finance
Contact:	Dean Luebbe, Assistant City Manager and Finance Director

BRIEF SUMMARY: Since the beginning of FY26, the Fire Department has received a total of \$150,000 of unbudgeted revenue. In July of 2025, a 1995 International Engine was sold to the Etowah-Horseshoe Volunteer Fire Department for \$75,000. In November of 2025, a 2000 Ford F-350 Brush Truck was sold to the North Transylvania Fire and Rescue for \$25,000. Also in November of 2025, the City received grant funding of \$50,000 from the State Fire Marshal. The proceeds from the vehicle sales will be used in large part to fully equip the new Brush Truck and the new four wheel drive engine. The grant funding was mainly used to purchase a 4 X 4 Polaris Ranger Crew along with equipping and upfitting the new medical response vehicle.

MOTION FOR CONSIDERATION: To approve Budget Amendment 26-02, as submitted, increasing the budget in expenditure account:

40-5300-3300 (Supplies)	\$100,000
40-5300-7400 (Capital Outlay)	\$50,000
TOTAL	\$150,000

And increasing the budget in the revenue account:

40-3830-0000 (Sale of Capital Assets)	\$100,000
40-3350-0100 (Grant Revenue)	\$50,000
TOTAL	\$150,000

ATTACHMENTS: None.

MANAGER’S RECOMMENDATION: Adopt as presented.

Approved and adopted this 4th day of August 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

MINUTES
City Council Parks, Trails, & Recreation Committee

Wednesday, October 15th, 2025 - 3:30 PM
City Hall Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Lauren Wise, Vice Chair, Council Member
Daniel Jesse, Citizen Member
Jackson Tate, Citizen Member
JD Powers, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Members Absent: Reba Osborne, Citizen Member
Howie Granat, Citizen Member

Staff Present: David Todd, Assistant City Manager
Wesley Shook, Public Works Director
Becky McCann, Communications Coordinator
Madalin Baker, Administrative Services Manager

A. Welcome & Call to Order

A. Baker welcomed everyone and called the meeting to order at 3:30pm.

B. Certification of Quorum

A quorum was certified by M. Baker.

C. Approval of Agenda

D. Jesse made a motion to approve the agenda. The motion was seconded by J. Tate. All voted in favor.

D. Approval of Minutes – September 17th, 2025

L. Wise made a motion to approve the minutes, and D. Jesse seconded the motion. All voted in favor.

E. Updates

Mayor Copelof shared she is in conversation with a Lake Toxaway resident interested in funding efforts benefiting children in Brevard, and shared a preliminary design of a potential picnic shelter to be constructed in Silversteen Park. She noted the park was

built in phases as funding was secured, and that a picnic shelter, as well as a splash pad and restroom, had been planned in the initial phases of the park development.

1. Bracken Trail Update

D. Todd provided a funding update regarding a meeting held the week before. He shared the next phase of the Bracken Trail project is \$3k short of the current bid price, but that they expect to make up the difference at the scheduled fundraiser at the Co-Ed Theater this week. The bid in question would bring about 1.2 miles of new trail. Some grant applications that could go towards the project are pending responses as well.

L. Wise asked if the updated trail layout had been finalized, and D. Todd shared it's coming soon. A. Baker asked about the construction timeline, which D. Todd shared contractors estimate will be a 4-week construction process, dependent on weather.

2. Estatoe Trail Update

D. Todd shared updates regarding the status of the Estatoe trail. He shared the current trail will meet Rosman Hwy and cross featuring a full stop crosswalk—the crosswalk will be installed by NCDOT, while the City is constructing the sidewalk and already making good progress. The trail alignment falls under the City's work as well. A. Baker asked about NCDOT's timeline regarding the crosswalk, and D. Todd said he is hopeful the install will take place before the end of the year. D. Todd shared the trail from Cashiers' Valley Rd. through the Tannery site and comes out at the garden area behind the Skate Park will be built by NCDOT, with bids opening on March 2nd, and construction on the trail set to begin by June of 2026.

3. Estatoe Boardwalk Update

D. Todd shared the temporary trail surface is complete up to Pender Ln, including the install of privacy fencing. The planned split rail fence at the temporary trail will be installed ASAP. And then the trail will open back up officially. D. Todd shared some potential path considerations for the Pender Rd. trail route and Fisher Rd. crosswalk, citing aspects of Pender Rd (drainage, trees) that could prove challenging.

Mayor Copelof shared there is a group interested in creating a Friends of Franklin Park organization, who desire to perform small park maintenance tasks, raise funds for park projects, etc.

F. Public Comment

None.

G. Set Date for Next Meeting

The next meeting was scheduled for November 19th, 2025 at 3:30pm.

H. Adjourn

L. Wise made a motion to adjourn, which was seconded by D. Jessee. All voted in favor and the meeting adjourned at 4:24pm.

Approved: November 19, 2025



Aaron Baker, Chair or
Lauren Wise, Vice Chair



Madalin Baker
Administrative Services Manager

STAFF REPORT

City Council, Monday, January 5, 2026

Title: Proposed Amendment to the Official Zoning Map of the City of Brevard - (Pisgah Gateway Voluntary Rezoning)

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

In June and September of 2024 the Planning Board first discussed rezoning much of the area around the major US 64 / US 276 / NC 280 intersection at the entrance to Pisgah National Forest to a newly-created base zoning district called the Pisgah Gateway Mixed Use District, or PGX for short. The Board forwarded a favorable recommendation to City Council, who enacted the rezoning on November 18, 2024.

Following this action, the North Carolina General Assembly adopted SL 2024-57 via a veto override, a provision of which pertaining to "downzoning" retroactively invalidated the enactment of PGX. In February of 2025 Council re-adopted the text amendments of the Unified Development Ordinance that created the PGX district and all of its zoning regulations, but did not apply the new district to any parcels of land.

In May of 2025, Staff brought the idea of creating PGX back to the Planning Board, which again recommended in favor. A public hearing was held by City Council in June, however, due to the uncertainty of pending legislation that could have potentially re-amended the downzoning statute, Staff requested Council table the matter. Council did just that at their August 4, 2025 meeting.

Since being tabled, none of the various proposed bills in the General Assembly have progressed. Due to this inaction, at Staff's recommendation, Council held a public hearing at their December 15, 2025 meeting, in order to move forward with the PGX rezoning, but only for those properties who have expressly consented to the downzoning.

Discussion

Section 160D-601 of the General Statutes allows downzonings only with consent from the property owners. This rezoning only proceeds with the new PGX district for properties that have granted such consent. See the attached map, list of consenting properties, and signed consent forms for more information.

Policy Analysis

The creation of a new zoning district in this area is supported by LUH-10 of the Building Brevard 2030 Comprehensive Land Use Plan. LUH-10 recommends an overlay district, but Staff and the Planning Board believe that a new base district is a more appropriate method.

Section § 160D-601(d) of the North Carolina General Statutes states that "No amendment to zoning regulations or a zoning map that down-zones property shall be initiated, enacted, or enforced without the written consent of all property owners whose property is the subject of the down-zoning amendment." Staff has had discussions with multiple property owners in the intended PGX area and has acquired the required written consent for all the properties in this proposed rezoning.

Recommendation

The Planning Board discussed this matter at their November 18th meeting and recommended in favor as presented. The Board also suggested that Staff continue their outreach to property owners in the area and try to do a "Phase 2" rezoning of multiple properties in the future, which Staff agreed to do. In accordance with NC General Statutes, the Planning Board also submits the attached statement of consistency and reasonableness.

Action

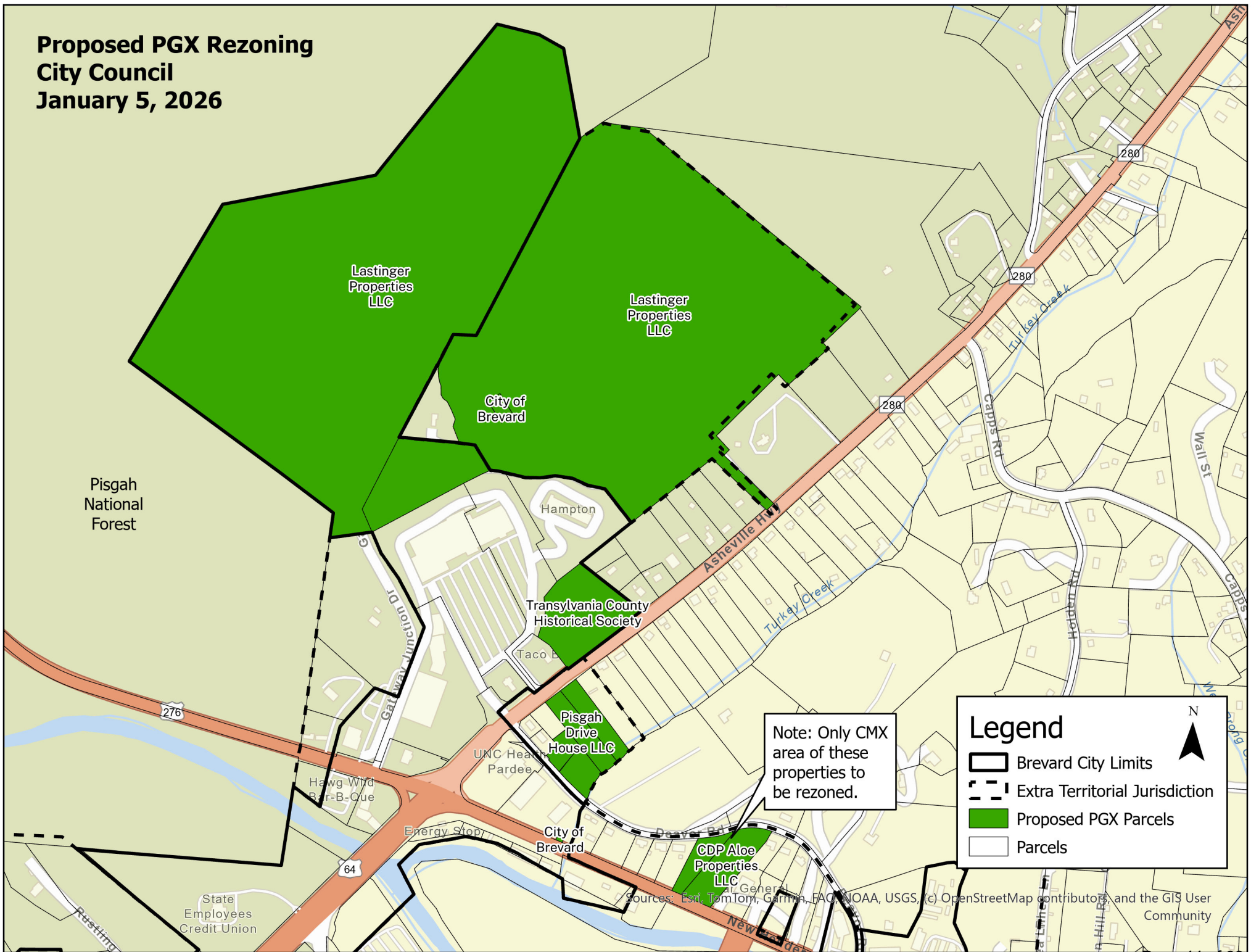
Council's options for a decision concerning a petition for a zoning map amendment are:

- i. Grant the zoning map amendment as requested;
- ii. Grant the zoning map amendment with a reduction in the area requested;
- iii. Grant the zoning map amendment to a more restrictive general zoning district;
- iv. Grant the zoning map amendment with a combination of (ii) and (iii) above;
- v. Deny the application;
- vi. Send the application back to the Planning Board for further study and consideration; or
- vii. Call for additional legislative hearings on petitions brought before them.

Attachments:

- 1. Map
- 2. PGX Consent Forms
- 3. List of Proposed PGX Parcels
- 4. Ord 2026-XXX PGX Map Amendment - Consenting Properties Only

**Proposed PGX Rezoning
City Council
January 5, 2026**



Note: Only CMX area of these properties to be rezoned.

Legend

- Brevard City Limits
- Extra Territorial Jurisdiction
- Proposed PGX Parcels
- Parcels

N
▲

Sources: Esri, TomTom, Garmin, FDOT, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community



The City of
Brevard
North Carolina

PGX REZONING CONSENT FORM

Patricia Winkle Property Owner Name			
495 Hendersonville Hwy		Pisgah Forest, NC	28768
Property Owner Mailing Address		City	State Zip
aloeinc@hotmail.com		954-579-5142	
Property Owner Email		Property Owner Phone	
8597-64-1942-000 & 8597-64-2864-000 - only the CMX portion of both parcels			
Property Identification Number(s) of Parcels to be Rezoned			

ACKNOWLEDGEMENTS

By signing below, I, Patricia Winkle attest that I am an authorized representative of the above listed real property within the City of Brevard zoning jurisdiction, that I understand the rezoning my property to the Pisgah Gateway Mixed Use (PGX) base zoning district may result in the creation of nonconformities on the above property, and that I hereby agree to this rezoning with my free consent in accordance with North Carolina General Statute 160D-601(d) as amended by Subpart III-K of Session Law 2024-57.

Signature: [Signature]

Date: 12/16/25



PGX REZONING CONSENT FORM

LASTINGER PROPERTIES LLC Property Owner Name			
26 Eastwood Rd, Asheville, NC 28803 Property Owner Mailing Address		City	State Zip
lane@pilotcove.com Property Owner Email		727-641-5263 Property Owner Phone	
8597-47-3949-000, 8597-57-7985-000 Property Identification Number(s) of Parcels to be Rezoned			

ACKNOWLEDGEMENTS

By signing below, I, Randall Lane Lastinger attest that I am an authorized representative of the above listed real property within the City of Brevard zoning jurisdiction, that I understand the rezoning my property to the Pisgah Gateway Mixed Use (PGX) base zoning district may result in the creation of nonconformities on the above property, and that I hereby agree to this rezoning with my free consent in accordance with North Carolina General Statute 160D-601(d) as amended by Subpart III-K of Session Law 2024-57.

Signature: 

Date: 4/17/25



The City of
Brevard
North Carolina

PGX REZONING CONSENT FORM

Pisgah Drive House, LLC			
Property Owner Name George Smith			
109 Dec Street New Smyrna Beach, FL			
Property Owner Mailing Address		City	State Zip 32168
take a hike 28768		386 566 0583	
Property Owner Email @gmail.com		Property Owner Phone	
Property Identification Number(s) of Parcels to be Rezoned			

ACKNOWLEDGEMENTS

By signing below, I, George Smith attest that I am an authorized representative of the above listed real property within the City of Brevard zoning jurisdiction, that I understand the rezoning my property to the Pisgah Gateway Mixed Use (PGX) base zoning district may result in the creation of nonconformities on the above property, and that I hereby agree to this rezoning with my free consent in accordance with North Carolina General Statute 160D-601(d) as amended by Subpart III-K of Session Law 2024-57.

Signature: 

Date: 5-15-25

63 Deavor Rd
89 Deavor Rd
2668 Asheville Hwy
2688 Asheville Hwy



The City of
Brevard
North Carolina

PGX REZONING CONSENT FORM

Property Owner Name			
TRANSYLVANIA CITY HISTORICAL SOCIETY			
Property Owner Mailing Address		City	State Zip
PO BOX 2061		BREVARD	NC 28712
Property Owner Email	Property Owner Phone		
tchsociety.com	828.243.2029 GREG HUNTER		
Property Identification Number(s) of Parcels to be Rezoned			
8597-56-470-000			

ACKNOWLEDGEMENTS

By signing below, I, GREG HUNTER attest that I am an authorized representative of the above listed real property within the City of Brevard zoning jurisdiction, that I understand the rezoning my property to the Pisgah Gateway Mixed Use (PGX) base zoning district may result in the creation of nonconformities on the above property, and that I hereby agree to this rezoning with my free consent in accordance with North Carolina General Statute 160D-601(d) as amended by Subpart III-K of Session Law 2024-57.

Signature: G. Hunter

Date: MAY 9 2025

PARCEL_NUM	Owner	Address
8597-64-1942-000	CDP Aloe Properties LLC	240 Deavor Road
8597-64-2864-000	CDP Aloe Properties LLC	
8597-54-4908-000	City of Brevard	
8597-57-0292-000	City of Brevard	344 Gibbs Lane
8597-47-3949-000	Lastinger Properties LLC	319 Gateway Junction Drive
8597-57-7985-000	Lastinger Properties LLC	195 Gibbs Lane
8597-55-4424-000	Pisgah Drive House LLC	63 Deavor Road
8597-55-5313-000	Pisgah Drive House LLC	87 Deavor Road
8597-55-5503-000	Pisgah Drive House LLC	2686 Asheville Highway
8597-55-5681-000	Pisgah Drive House LLC	2688 Asheville Highway
8597-56-4170-000	Transylvania County Historical Society	2753 Asheville Highway

ORDINANCE NO. 2026-____

**AN ORDINANCE AMENDING THE CITY OF BREVARD
OFFICIAL ZONING MAP TO REZONE MULTIPLE PROPERTIES
TO THE PISGAH GATEWAY MIXED USE ZONING DISTRICT**

WHEREAS, the area in the vicinity of the US 64 / US 276 / NC 280 intersection and the entrance to Pisgah National Forest is a unique urban location within the City of Brevard, providing an entrance into the Pisgah National Forest as well as the City of Brevard itself; and,

WHEREAS, the City of Brevard Planning Board has recommended that the Brevard City Code, Unified Development Ordinance be amended to create the Pisgah Gateway Mixed Use (PGX) zoning district in order to codify context-sensitive regulations for this important area; 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*:

***Recommendation Land Use & Housing – 10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area.*

***Future Land Use Map** identifies all subject parcels as the Pisgah Gateway Character Area.*

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

- It is in the public interest to create a more context-sensitive zoning district for this area as it is one of the primary gateways to our community, heavily trafficked by residents and visitors alike.
- There is a strong relationship between the currently allowed uses and the allowed uses of the proposed new district.
- The new district benefits landowners by replacing an inappropriate downtown-focused district with a more context-sensitive district.
- Conditions at the US64/US276/NC280 intersection will be changing due to the NCODT R-5799 intersection improvement project.
- The rezoning is consistent with the above element of the Comprehensive Land Use Plan.
- The rezoning is consistent with the Future Land Use Map, as amended by Ordinance 2025-04.

WHEREAS, a public hearing was conducted on Monday, December 15, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Official Zoning Map be amended as outlined below.

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

SECTION 1. The zoning classification of the parcels identified by the Parcel Identification Numbers (PINs) below is hereby rezoned to Pisgah Gateway Mixed Use (PGX) as depicted in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference:

8597-54-4908-000, 8597-57-0292-000, 8597-47-3949-000,
8597-57-7985-000, 8597-55-4424-000, 8597-55-5313-000,
8597-55-5503-000, 8597-55-5681-000, 8597-56-4170-000,
8597-64-1942-000 (only the CMX portion), and 8597-64-
2864-000 (only the CMX portion).

SECTION 2. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map consistent with this Ordinance.

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

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

SECTION 05. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved this the 5th day of January 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT
City Council, Monday, January 5, 2026

Title: Policy re Vendors on City Property
Speaker: Emily Brewer, AICP, Senior Planner
Prepared by: Emily Brewer, Senior Planner
Approved by: Paul Ray, Planning Director, Wilson Hooper, City Manager

Background

Recently, there has been an uptick in requests for temporary uses, markets, events, and vendors at locations throughout the City. The Planning Department has initiated amendments to the UDO regulations for temporary uses (adopted in December), amendments to the Code of Ordinances for special events (scheduled for discussion at Public Safety Committee), and a new policy for vendors on City property.

The Finance / HR Committee discussed whether or not vendors would be allowed at City facilities at their September and November meetings. The Committee unanimously recommended that vendors may be allowed at certain locations subject to additional requirements. The Committee's recommended policy is attached and discussed further below.

Discussion

The proposed policy allows vendors with non-motorized pushcarts that are designed and equipped to sell food, beverages, or other goods directly to consumers at certain locations on public property. The purpose of the policy is to regulate the operation of non-motorized pushcarts at designated locations on city-owned property to promote local entrepreneurship, enhance public space use, and ensure safety, accessibility, and cleanliness in public areas. The policy applies only to designated public sites and excludes vendors operating as part of permitted special events or temporary uses on private property.

Pushcart vending is limited to a few approved locations, including Clemson Plaza, Franklin Pool, the Dog Park, and the City Sports Complex. Vendors must submit an application, required permits and licenses, proof of insurance, and applicable fees. Reservations are limited to 30 consecutive days per location, followed by a 30-day waiting period before the same space may be reserved again.

The policy establishes detailed operating standards, including size limits for carts, prohibition on motorized equipment and on-site food preparation, restricted hours of operation, setback requirements for safety and accessibility, and requirements for vendor presence, waste management, and professional conduct. Certain activities and products (such as alcohol, tobacco, cannabis, and counterfeit goods) are prohibited. Vendors assume liability for their use of city property and must indemnify the City for damages, supported by required general liability insurance naming the City as an additional insured. The City

may enforce the policy through warnings, fines, reservation suspension or revocation, or confiscation of carts for noncompliance.

Policy Analysis

The 2030 Building Brevard Comprehensive Land Use Plan calls for the City to "support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry" (Goal 7) and "maintain and expand public parks and programming" (PNRC-1). Adopting the attached policy will support small businesses and enhance the usage of public spaces.

Action

Staff is requesting that Council take one of the following actions regarding the proposed policy:

- Approve the policy and adopt the attached resolution;
- Revise and approve the policy and adopt the attached resolution;
- Reject the policy and attached resolution; or
- Table the matter for further consideration.

If Council adopts the policy, staff requests that Council adopt an ordinance that establishes a reservation fee for vendors on city property. A draft ordinance with a fee of \$400 is included as Attachment 3.

Attachments:

1. Vendors on City Property Policy Draft
2. Draft Resolution Adopting Policy
3. Draft Ordinance Amending Fee Schedule
4. Clemson Plaza Location
5. Franklin Pool Location
6. Dog Park Location
7. Skate Park Location
8. Soccer Field Location

CITY OF BREVARD

VENDORS ON CITY PROPERTY POLICY

1. Purpose

The City of Brevard allows vendors with non-motorized pushcarts that are designed and equipped to sell food, beverages, or other goods directly to consumers at certain locations on public property.

The purpose of this policy is to regulate the operation of non-motorized pushcarts at designated locations on city-owned property to promote local entrepreneurship, enhance public space use, and ensure safety, accessibility, and cleanliness in public areas.

Note: This does not apply to vendors included as part of a permitted special event on public rights-of-way or a permitted temporary use on private property.

2. Locations

Vendors with non-motorized push carts are only allowed at the following locations:

- Clemson Plaza (1)
 - Franklin Pool (1)
 - Dog Park (1)
 - City Sports Complex (1 – Soccer Field, 1 – Skate Park)
-

3. Reservation Requirements

When requesting a reservation, the applicant is required to provide the following:

- Completed application form
- Detailed cart design and dimensions
- Proof of insurance (see Section 7)
- Applicable business licenses and sales tax registration
- Health Department permit (if vending food or beverages)
- Payment of applicable fees
- Any other information required by the administrator

Mobile vendor reservations are limited to a period not to exceed 30 consecutive days at one location. After the reservation expires, the vendor shall not be allowed to reserve the same space for another 30 days.

3. Operating Requirements

- The non-motorized mobile vending cart (also known as a pushcart) cannot be connected to power. Any food preparation, if applicable, must take off-site.
- The dimensions of any outdoor mobile vending cart may not exceed the following:
 - 5 square feet in area

- A maximum length or width of 10 feet.
 - A maximum height of 8 feet, including any umbrellas or protective coverings attached to the cart.
 - No temporary structures, tents, tables, etc. are permitted with a temporary mobile vendor. Umbrellas or protective coverings may be permitted if attached to the cart.
 - Mobile vendors may only operate during park hours. Vendors in Clemson Plaza may only operate between 9:00 AM to 10:00 PM. The vending cart and all associated equipment must be removed at the end of each day.
 - No audio amplification is allowed as part of the outdoor mobile vending operations.
 - The outdoor mobile vending cart must be located so the cart is:
 - At least 5 feet from the edge of any driveway, traffic lane, handicapped ramp, building entrance, exit or emergency exit;
 - At least 15 feet from any fire hydrant; and
 - Does not impede, endanger or interfere with pedestrian or vehicular traffic.
 - The mobile vending cart operator or their designee must be present at all times, except in cases of an emergency.
 - Each mobile vendor shall supply at least one waste receptacle which must be removed at the end of each day. All waste receptacles must be emptied at the end of each day and as necessary during the day. City trash receptacles shall not be used for the vendor's waste.
 - Vendors must maintain professional behavior. No harassment of passersby or aggressive solicitation will be tolerated.
-

4. Assumption of Liability

For and in consideration of the use of any Vendor Location, the Responsible Party/Organization agrees to indemnify and hold harmless the City of Brevard, a local government entity, from and against any and all loss, damage, claim, demand, liability, or expense by reason of any damage or injury to property or person which may be claimed to have arisen as a result of or in connection with my/our organization's occupancy or use of said premises. Furthermore, I and/or our organization hereby agree to reimburse the City of Brevard for any and all costs to repair any and all damage that may be caused directly or indirectly to the facility during the time period of occupancy and/or use of said premises.

Failure to follow the rules and regulations as described in this Vendor Use Policy and Rental Agreement will result in forfeiture of deposit. Applicant will be responsible for all costs associated with damage incurred to the facility and grounds in excess of the security deposit.

5. Prohibited Activities

- Use of motorized equipment
 - Sale of alcohol, tobacco, cannabis, hemp products, or controlled substances
 - Sale of counterfeit goods or prohibited items
 - Operation in non-designated areas or during prohibited hours
-

6. Cleanliness & Waste Disposal

Vendors are responsible for:

- Keeping their area clean during and after operation
- Proper disposal of trash and food waste
- Not dumping waste in public trash bins beyond reasonable use

Failure to maintain cleanliness may result in fines or permit revocation.

7. Insurance Requirements

Vendors must carry the following insurance:

- **General Liability Insurance:** Minimum of \$1,000,000 per occurrence
 - City of Brevard must be named as an additional insured
 - Proof of insurance must be submitted with the application
-

8. Enforcement & Penalties

Violations of this policy may result in:

- Written warnings
- Fines up to \$500 per violation
- Suspension or revocation of reservation
- Confiscation of cart if operating without a valid reservation

RESOLUTION NO. 2026-XX

**A RESOLUTION ADOPTING THE CITY OF BREVARD
VENDORS ON CITY PROPERTY POLICY**

WHEREAS, the City of Brevard desires to promote local entrepreneurship, activate public spaces, and provide opportunities for small-scale vendors to operate on city-owned property in a manner that is safe, orderly, and accessible to the public; and

WHEREAS, the City recognizes the need to regulate non-motorized pushcart vending on public property to protect public health, safety, welfare, accessibility, and the integrity and cleanliness of City facilities; and

WHEREAS, City staff has prepared the City of Brevard Vendors on City Property Policy, which establishes designated locations, application and reservation requirements, operational standards, insurance and liability provisions, prohibited activities, cleanliness standards, and enforcement mechanisms for vendors operating non-motorized pushcarts on City property; and

WHEREAS, the policy is intended to provide clear and consistent guidance for vendors and City staff while ensuring compliance with applicable laws and regulations; and

WHEREAS, the Brevard City Council, upon recommendation from the Finance and Human Resources Committee, has reviewed the proposed policy and finds it to be in the best interest of the City and its residents.

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

Section 01. The City of Brevard Vendors on City Property Policy, attached hereto as Exhibit A, is hereby adopted and approved; and

Section 02. City staff are hereby authorized to establish administrative procedures and application forms consistent with the adopted policy and to enforce its provisions.

Adopted and approved this the 5th day of January, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

ORDINANCE NO. 2026-____

**AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE
FY 2025-2026 CITY OF BREVARD BUDGET**

WHEREAS, the City of Brevard adopted the FY 2024 budget on June 2, 2025, including a schedule of fees; and,

WHEREAS, the fee schedule was subsequently amended by Ordinance No. 2025-45 and 2025-47 on August 18, 2025 and September 2, 2025, respectively; and,

WHEREAS, the City Council of Brevard adopted Resolution No. 2026-XX adopting a policy for vendors to temporarily locate at designated locations on City properties; 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:

Establish a reservation fee for Vendors on City Property of \$400.

SECTION 02. The City Manager of the City of Brevard is hereby authorized to amend the official FY 2025-2026 budget to reflect the change as set forth herein.

Adopted and approved this the 5th day of January 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney



Loretta
Mary
Siken

14-0638
FROM BROADWAY TO HARLEM & BACK AGAIN





NOTICE
RESTRICTED USE
OFFENSES AND
ENTRANCE AND
OFFICE BUILDING
OR RECREATION
FACILITY
CITY OF BRUNSWICK

Brevard DOG PARK RULES AND CONDUCT

Pursuant to Chapter 77, Article IV of the City of Brevard Code of Ordinances

1. Open Sunrise to Sunset.
2. No animals other than dogs may be brought into the fenced area.
3. All dogs must be leashed until safely inside the dog park and returned to a leash prior to exiting.
4. Dog owners must remain in the fenced area while their dogs are using the dog park. Owners must be in view of their dogs and have voice control at all times.
5. Aggressive dogs and female dogs in heat are not allowed. Owners must leash and remove dogs at the first sign of aggressive behavior.
6. Owners must dispose of waste properly in the designated on-site containers.
7. Bite-sized training treats are permitted, but food in bowls, long-lasting chews and toys other than balls and frisbees are not allowed.
8. Smoking and eating are not allowed.
9. Limit two (2) dogs per person per visit.
10. Puppies less than four (4) months old are not permitted.
11. Owners are liable for any injury or damage caused by their dog.
12. NC State Law requires all dog bites to be reported. Call Brevard Police at 828-883-2212. Emergencies dial 911. Owners are required to assist investigations of incidents of aggression or biting by providing appropriate identification and information to Brevard Police AND to all dog owners who are involved.
13. Children accompanying dog owners inside must be strictly supervised and at least 12 years old. Spectators should remain outside the fenced area.
14. Please be courteous to others and remove any sick dogs from the dog park.
15. Dogs must be vaccinated for rabies and DHLPP. Current identification and rabies tag must be worn on the dog's collar at all times.

Dog Park participation is at your own risk.



Welcome to the City of Brevard's
SKATEPARK

Have Fun - Be Safe - Respect Others - Show Care

This skatepark is unsupervised. Please treat it and other skaters with respect. Any violation of park rules may result in civil or criminal penalties. The city permits skateboarding and other recreational activities on this property, but is not required to eliminate, alter, or control the inherent risks in these recreational activities.

Dedicated to the people of Brevard
with special thanks to:

Brevard ABC Board, CanC Aid Foundation, The 2017 Cardinal Trust - Jeffrey J. Zander, Patrick + Dina Plarche, Jacquelyne + Bruce Rogow, Chaffe McHenry + The Community Focus Foundation of Transylvania County, Bracken Mountain Design Build, Circle Factory, and all the donors + volunteers who helped realize this public/private project.

Responsibilities + Rules

Helmet and safety gear are required

Skate within your ability and maintain control of your equipment at all times

Do not jeopardize the health, safety and life of yourself and others

With the exception of electric wheelchairs, no other motorized conveyances are allowed

Bicycles are not allowed

Possession and consumption of tobacco, alcohol or other intoxicants are prohibited

City permits are required for all events at this facility

Use trash and recycling containers

No soliciting allowed

Dogs must be kept on a leash at all times

The City of Brevard reserves the right to remove anyone from this facility for violation of these rules or other infractions

Call (828) 883-2212 to report rule violations, call (828) 884-2171 to report damage or maintenance issues

In the event of an emergency, call 911

Park Hours:





STAFF REPORT
City Council, Monday, January 5, 2026

Title: Mini-Brooks Exemption for Brown Consultants for Grant Application Assistance for Second Intake at the Water Treatment Plant

Speaker: David Todd

Prepared by: David Todd, Assistant City Manager

Approved by: Wilson Hooper, City Manager

Background

In approximately 2008, a downed tree in Cathey’s Creek plugged the intake to the Water Treatment Plant. This greatly reduced water production led to an emergency requiring the tree to be removed quickly. Following this event, the City had a second intake installed in Cathey’s Creek to supply the water treatment plant, but its design was such that it frequently collected debris from the river and required routine maintenance to remove blockages.

Given the criticality of the Water Treatment plant’s intake, the structure was renovated in mid-2020, to make it less prone to blockage. This renovation work included a stream bank restoration upstream of the plant intakes, also intended to increase resiliency. However, shortly after this work was completed and before the plantings along the streambank restoration were able to fully take root, Tropical Storm Fred hit in August of 2021. In part due to the streambank restoration plantings not being fully established and in large part due to the strength of the storm, the creek bottom and banks were severely eroded, and large amounts of debris moved in the river and were deposited on top of the newly renovated second intake, completely blocking it. At that time, it was determined that the intake could not just simply be uncovered as the creek banks and bottom had changed in shape such that the intake would no longer work effectively.

Then in September of 2024 Tropical Storm Helene dumped massive amounts of rain which resulted in Cathey’s Creek flooding severely once again. This flooding moved massive amounts of material along the bottom and creek banks of Cathey’s Creek and plugged the entrance to the one remaining intake into the Water Treatment Plant. Due to the high-water levels in the creek, even though plugged, the intake was able to continue to function. However, this quickly led to an emergency as the creek level dropped post storm, requiring heavy equipment to remove the debris restore the creek bottom at the Water Treatment Plant intake.

Discussion

The North Carolina Department of Environmental Quality, Division of Water Infrastructure and the State Water Infrastructure Authority are presently offering funding through the State Revolving Fund – Helene Funding program. Awards are limited to \$10 million for drinking water projects and \$5 million for wastewater projects. This is the same funding

source staff are anticipating will provide \$5 million for the Wastewater Treatment Plant. The funding is principal forgiveness up to \$5 million and a 0% interest loan for additional funding between \$5 million and \$10 million.

Staff are recommending that the City apply for funding to construct an enhanced second intake to improve the resiliency of the city's water treatment system. As no design work has been done yet, staff is estimating the second intake will cost approximately between \$5 million - \$10 million. Staff are requesting the assistance of Brown Consultants PA to help with this grant application as Brown Consultants PA is currently serving as the Engineer of Record for the Water Treatment Plant Improvements, they were involved with the design of the previous second intake structures, and they have a successful record of winning funding for their clients.

Fiscal Impact

If awarded, the City will be required to pay a 2% loan fee (no more than \$400k) upon acceptance of the offer. This will come from current cash or reserves in the Utility Fund. The costs for application assistance and design/permitting will both be eligible for reimbursement from the proceeds of the loan if it is awarded. Upon completion of the project (likely beyond FY30), the city will have *up to* \$250,000/year debt service payments for the next two decades. Utility Fund revenues will need to be maintained at a level sufficient to pay for these expenses. A number of debt service payments for previous completed capital projects conclude in FY30; in FY31 the Utility Fund will see about \$230,000 freed up to pay for new capital expenses.

Action

Staff request Council approve the attached resolution granting Staff approval to apply for the DEQ SRF Helene Funding and exempting the designer section for the Water Treatment Plant Second Intake Grant Application Assistance from the "Mini Brooks" Act as per N.C. General Statute G.S. 143-64.32, given that the proposal from Brown Consultants PA is Not to Exceed \$18,000 and the statute allows municipalities to exempt selection of design services from the "Mini Brooks" Act for projects costing less than \$50,000.

Attachments:

1. Res_2025-XX_Water Treatment Palnt 2nd Intake Grant Application Assistance Mini Brooks Exemption
2. Brown Consultatns Proposal for Professional Engineering Services Grant Application Water Treatment Palnt 2nd Intake

RESOLUTION NO. 2025-XX

**RESOLUTION APPROVING A “MINI BROOKS ACT” EXEMPTION FOR
WATER TREATMENT PLANT 2ND INTAKE GRANT APPLICATION ASSISTANCE
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 North Carolina Department of Environmental Quality Division of Water Infrastructure and the State Water Infrastructure Authority are presently offering a grant up to \$10,000,000 of which up to \$5,000,000 is principal forgiveness with the remaining \$5,000,000 being a 0% interest loan; and

WHEREAS, the City has a need to add a 2nd water intake at the Water Treatment Plant to increase our resilience and redundancy, as proven by past failures and complications at the Water Treatment Plant; and,

WHEREAS, the proposed cost for to provide grant application assistance for funding to support a 2nd Intake at the Water Treatment Plant is less than \$50,000 (\$18,000 Not to Exceed); and

WHEREAS, the engineering firm, Brown Consultants PA is well qualified and experienced in working with the North Carolina Department of Environmental Quality Division of Water Infrastructure and the State Water Infrastructure Authority, and is very familiar with the City’s water treatment facilities; and

WHEREAS, the City wishes to use Brown Consultants PA for assistance with completing the grant application prior to the January 9th, 2026 deadline.

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

Section 1. City Staff are authorized to apply for the North Carolina Department of Environmental Quality, Division of Water Infrastructure and the State Water Infrastructure Authority funding up to \$10 million dollars.

Section 2. The selection of the engineering firm Brown Consultants PA for the Water Treatment Plant 2nd Intake Grant Application Assistance be exempt from the ‘Mini Brooks’ Act as per G.S. 143-64-32.

Section 3. This resolution shall be effective upon adoption.

Adopted and approved this 5th day of January 2026

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk



December 31, 2025

Mr. David Todd, Assistant City Manager
City of Brevard
95 West Main Street
Brevard, NC 28712

RE: Proposal for Engineering Services
City of Brevard
SA-HMW DWSRF Grant Application
City of Brevard Water Infrastructure Redundancy and Resiliency
Brown PA Job No. 25060

Dear Mr. Todd:

Brown Consultants, PA is pleased to provide you with this Proposal for Services for the City of Brevard Water Infrastructure Redundancy and Resiliency grant application. This grant is funded through the American Relief Act, Supplemental Appropriations – Helene, Milton Wildfires (SA-HMW) through NCDEQ- DWSRF program, and is administered by NCEQ-DWI.

Based upon our conversation, prior knowledge, and work experience, understanding of the City of Brevard's infrastructure, and the NCDEQ – Division of Water Infrastructure (DWI) process, please find the attached documents for your information and use, and Basis for this Proposal.

The Scope of Services is as follows:

1. Application to SA-HMW DWSRF includes the cost to develop Project Scope, Project Needs and Justification to meet the Redundancy and Resiliency Requirements of the Grant, preliminary engineering, cost estimates, finance, technical planning meetings, coordinating with City Staff, NCDEQ-DWI, completing and submitting the Grant Application by January 9, 2026.

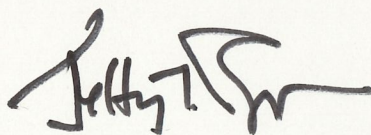
The work shall be at a Time and Materials not to exceed:

- 1. Grant Application to SRF-DWI \$ 18,000.00

We appreciate the continued confidence in our company, and the opportunity to provide engineering services to the City of Brevard.

If you have any questions, please do not hesitate to call me.

Sincerely,



Jeffrey T. Brown, P.E.
President

Signed _____
David Todd, Assistant City Manager

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

(Dean Luebee, Finance Officer).