AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, August 4, 2025 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Pastor Victor Foster, Glade Creek Baptist Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. June 16, 2025 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Presentation of The Order of the Long Leaf Pine Award to Emory Owen
2. Police Officers Swearing-in
   a. Hannah Langford Owen
   b. Jesse Vincent Wallin

I. Special Presentation(s)

J. Public Hearing(s)

1. Proposed Amendment to City of Brevard Traffic Schedule - No Parking on Railroad Avenue and Galloway Street
2. Proposed Amendments to the City of Brevard Unified Development Ordinance, Multiple Chapters - Specificity on General Residential and Residential Mixed Use Districts

K. Consent and Information

1. Tax Settlement Report - June, 2025

2. Capital Project Amendment - WWTP - KCI - $878,000
3. Budget Amendment - Bucket Truck - $150,000 - Debt Financed
4. Establishing Norton Creek Streambank Restoration Capital Project (Cashiers Valley Road to Rosman Highway)
5. City Council Finance, Human Resources, & Citizens Appointment Committee Meeting Minutes - April 28, 2025
6. City Council Public Safety Committee Meeting Minutes - April 28, 2025
7. City Council Public Works & Utilities Committee Meeting Minutes - May 7, 2025
8. City Council Housing Committee Meeting Minutes - May 13, 2025
9. City Council Parks, Trails, & Recreation Committee Meeting Minutes - May 21, 2025
10. City Council Public Safety Committee Meeting Minutes - May 27, 2025
11. City Council Finance, Human Resources, and Citizen Appointment Committee Meeting Minutes - May 28, 2025
12. Correspondence *(No action. Offered as information only.)*
    a. ABC Board Meeting Minutes - May 22, 2025
    b. ABC Board Meeting Minutes - June 26, 2025

L. Unfinished Business

1. Proposed Amendment to the Official Zoning Map of the City of Brevard - Pisgah Gateway District (Request to Table)

M. New Business

1. Resolution re Brevard Sustainability Council
2. Potential Amendment to Roundabout Design Contract/Bear Statue Proposal
3. ABC Board Appointments - Board Member and Designation of Board Chair

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

1. Pending Litigation: NCGS §143-318.11(a)(3) - *In re Mission Health Antitrust Litigation*

P. Adjourn

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Agenda Posted, Website, Sunshine List (July 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
Regular Meeting
June 16, 2025 – 5:30 PM

The Brevard City Council met in regular session on Monday, June 16, 2025, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant City Manager David Todd, Assistant to the City Manager Selena Coffey, Human Resource Director Kelley Craig, Communications Coordinator Becky McCann, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Police Chief Tom Jordan, Assistant Fire Chief Mark Norton, Wastewater Treatment Plant ORC Aaron Winans, Water Treatment Plant ORC Dennis Richardson, and Community Center Director Tyree Griffin

Press – Dave Bradley, Transylvania Times

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

B. Invocation – Reverend Shelly Webb of Sharing House offered an invocation.

C. Pledge of Allegiance – Mayor Copelof led the pledge of allegiance.

D. Certification of Quorum – City Clerk Denise Hodsdon certified that a quorum was present.

E. Approval of Agenda – Mr. Baker asked to remove Item K-13 Project and Budget Amendment-Norton Creek Restoration Phase 2-$100,000 from the Consent Agenda and add it to New Business as Item M-1. Mayor Copelof asked to add a resolution supporting Schenck Job Corps Center to New Business as Item M-2. Ms. Holder moved, seconded by Mr. Baker to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. April 11, 2025 Budget Workshop – Mr. Morrow moved, seconded by Mr. Baker to approve the minutes of the April 11, 2025 Budget Workshop as presented. The motion carried unanimously.

F-2. June 2, 2025 Regular Meeting – Mr. Wise moved, seconded by Mr. Baker to approve the minutes of the June 2, 2025 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Warren Johnson said I have property at 22 Lakeview Ave. in Franklin Park, and I want to talk about the Inn at Brevard. I want to talk about the structure, and you can see it from the curb—it's got 12 air conditioning units hanging out of the windows, steel standing seam roof material, mismatched columns and caps/bases, and vinyl windows in the kitchen addition. How did these features pass for a historically preserved house built in the mid 1800's? I think these people have been skating by for years paying half property taxes, both city and county, while not being compliant. Still looking for $47,000? Alcohol Sales: alcohol sales in Brevard restarted in 1967 when they built the ABC store where Metcalf Pharmacy now is. They built that building in 30 days after

they passed being able to sell alcohol in Brevard. We spent tons of time on fighting alcohol and all of a sudden we want to put alcohol in a residential neighborhood. We can roll a tennis ball and hit two churches and a kindergarten from that property. That used to be a problem. Where was the foresight that this town needs to revolve around an issue that it battled for decades. I'm in the building supply business and I deal with a lot of builders; had a lot of conversations with them about repairs to a building that was built in the 1800's. Their feelings were you can easily be dealing with a money pit—$1M for foundation, heating, plumbing, chimney, and roof repairs. Add that to the asking price of $2M equals a pretty expensive undertaking for some people that are going to sell pottery and teach guitar lessons. Not throwing off on them, but it doesn't sound right. The annex proposal is to house working staff. Eight of the ten rooms are without a kitchen and that's out of compliance with Brevard. You can't have people living in housing that doesn't have a kitchen. Who is going to keep tabs on how long it's going to take to fix that upper driveway, the lower driveway? I will leave you with these two words and you can fill in the blanks…City Camper.

H. Certificates/Awards/Recognition

H-1. Recognition of Outgoing Committee/Board Citizen Members – Mayor Copelof presented Certificates of Appreciation and the Mayor's Challenge Coin to the following outgoing Committee and Board Members:

- Lee McMinn – Downtown Master Plan Committee
- Nancy DePippo – Parks, Trails & Recreation Committee
- Wyn Birkenthal – Parks, Trails & Recreation Committee
- Rebecca Wynn – Rosenwald Community Advisory Board
- James Carli – Planning Board

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed Amendment to the Official Zoning Map of the City of Brevard – Pisgah Gateway District – Aaron Bland explained that this rezoning for a new district at the entrance to Pisgah National Forest was discussed last year by both the Planning Board and Council. Council enacted the new district on November 18, 2024, however following that action the General Assembly adopted SL 2024-57 that included a tweak to the definition to "downzonings", which retroactively invalidated Council's enactment of the PGX District. In February 2025 Council re-adopted the text amendments of the UDO that created the PGX District but did not re-apply the new district to any parcels of land. On April 7, 2025 Council amended the UDO to create a definition for "residential zoning district", which was previously undefined by the UDO or by state statute. In the absence of the statutes defining this key term, Council created one for the purposes of Brevard's zoning enforcement and administration. The definition adopted is "any zoning district that permits residential land uses." This has allowed us to introduce the re-adoption of the zoning map amendment to apply to the PGX District. Staff are proposing to rezone the same geographic area previously adopted. The Planning Board discussed this matter at its May 27th meeting and recommended approval as presented.

At 5:54 p.m. Mr. Morrow moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation:

Chuck Kitchen said I represent Christine Sorrells who is a property owner which appears to be part of this rezoning. I say appears to be as she is included in the map that you show on your website and was sent out with the notice. However, your website also says that the only people being included are people who opt in to the rezoning by May 9th. That is on there as of Saturday, anyway; I have not checked it today, but that is what the town is saying is included. She did not opt in. She does not want to be opted in. This is the property on the forest side of Deavor Road roundabout.

It is the last property in this proposed rezoning. Quite frankly, I don't think it makes sense to be in it. I can't see how it's going to be redeveloped as a commercial property; it's just not suitable. You have the roundabout…everything to the southeast of the roundabout is in a flood zone. So, there is actually a natural break between this rezoning and that property. Further, I do not believe you can rezone it without her consent. What was changed last December I don't think really affected this. One of the ways you have a downzoning is reducing the permitted uses. It has nothing to do with residential or not. This rezoning will reduce the permitted uses for this property. Currently it is used as a single-family residence. It would no longer be allowed to be a single-family residence under your PGX zone. You simply do away with single-family. You can have multi-family, but not single family. Secondly, I do not agree that you can arbitrarily define residential. You have several mixed use zones in the City of Brevard. Just saying they're all residential I don't think makes them residential. I think you're trying to get around the clear intent of the General Assembly by doing that and I would submit that this proposed rezoning is in violation of 160D-601, both sections (d)(2) and (3), which is the reduction of use and creating a nonconformity, which this would. I would ask the City Council to remove this property from rezoning. Thank you and I will leave copies of my comments with the Clerk.

James Carli said I am very excited to hear about the resubmission of this proposal. My background is in fact in land use planning, Appalachian State Dept. of Geography and Planning. It was a pleasure to come back because…a real quick story…eight years before I ever moved to Brevard back in 2012 I was working at a summer camp over there in Hendersonville and we'd bring the kids over here to Pisgah to go camping. I loved the drive through the trees from Hendersonville every year and then I'd get to Brevard just before we'd go into the forest and I was crestfallen to encounter what was a giant strip mall shopping center with a Walmart right next to this beautiful wilderness. I always thought that that area of land could be made better over time. This kind of proposal will lay the foundations for over the next decade, or two or three decades, for the improvement of this area into a gateway type of development befitting an attractive wilderness mountain town in North Carolina. As I understand it, properties are grandfathered into their current uses as long as the property owner resides there and does not sell their property. What this will permit is the addition of new residential housing redevelopments in a giant…for example, conceivably, that Walmart parking lot has a lot of potential to be improved with the addition of buildings that include new apartments, new residences, new retail facilities, and create a really nice second anchor to the City of Brevard that will not, to the fear of some, draw folks away from downtown, but increase the capacity of both residences and visitors alike to enjoy and optimize both the sense of place and our economy here in this town. I am very excited to watch over the many years to come what we will look like as this area gradually improves with new buildings, new residences, new opportunities for commerce, new opportunities for recreation, and creates a sense of place that creates a really nice gateway next to our giant wilderness forest. I am very excited to encourage all of you to pass this as we have developed it here, to examine any questions about property owners' rights—the property owner should be entitled to do so. I believe that the property owners did receive all due notification for zoning hearings by deadlines, whether or not they replied, I would check with City Staff. I think this is a really solid step forward to making Brevard the wonderful little mountain town that it can be.

At 6:02 p.m. Mr. Baker moved, seconded by Ms. Holder to close the public hearing. The motion carried unanimously.

Following questions and comments from Council, Mayor Copelof asked if Council wished to vote on this item now or to wait until the next meeting. Ms. Holder moved, seconded by Mr. Baker to wait until the next meeting to vote on this. The motion carried unanimously.

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 – May, 2025

K-2. Ordinance Declaring Road Closures for July 4th Festival

ORDINANCE NO. 2025-28
AN ORDINANCE DECLARING STREET CLOSURES
FOR THE 2025 FOURTH OF JULY FESTIVAL

WHEREAS, Brevard City Council acknowledges a tradition of providing for festivals and special events downtown for the pleasure and enjoyment of citizens and visitors alike; and,

WHEREAS, Brevard City Council acknowledges that festivals and special events provide an opportunity for family-oriented activities that celebrate our small-town charm; and,

WHEREAS, Brevard City Council acknowledges these events require NCDOT system roads to be closed for setup, activities, and cleanup; and,

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

SECTION 1. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closures on the following described portions of the State Highway System:

Date:	Friday, July 4, 2025
Time:	8:00 AM – 11:00 PM
Description:	Main Street (U.S. 276) from Caldwell Street to Gaston Street Broad Street (U.S. 64) from Appletree Street to Morgan Street

SECTION 2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this, the 16th day of June 2025.

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

K-3. Ordinance Declaring Road Closures for National Night Out

ORDINANCE NO. 2025-29
AN ORDINANCE DECLARING A ROAD CLOSURE
FOR THE 2025 NATIONAL NIGHT OUT EVENT

WHEREAS, Brevard City Council acknowledges a tradition of providing for festivals and special events downtown for the pleasure and enjoyment of citizens and visitors alike; and,

WHEREAS, Brevard City Council acknowledges that festivals and special events provide an opportunity for family-oriented activities that celebrate our small-town charm; and,

WHEREAS, Brevard City Council acknowledges these events require NCDOT system roads to be closed for setup, activities, and cleanup; and,

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

SECTION 1. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Date:	Tuesday, August 5, 2025
Time:	4:00 PM – 10:00 PM
Route Description:	East Main Street (U.S. 276) from Broad Street to Johnson Street

SECTION 2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 16th day of June 2025.

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

K-4. Resolution Adopting the South Mountains Regional Hazard Mitigation Plan

RESOLUTION NO. 2025-43
A RESOLUTION ADOPTING THE SOUTH MOUNTAIN
REGIONAL HAZARD MITIGATION PLAN FOR THE CITY OF BREVARD

WHEREAS, the citizens and property within the City of Brevard are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to drought, extreme heat, hailstorm, hurricane and tropical storm, lightning, thunderstorm wind/high wind, tornado, winter storm and freeze, flood, hazardous material incident, and wildfire; and

WHEREAS, the City of Brevard desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Article 5, Section 160D-501 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has enacted General Statute Section 166A-19.41 (*State emergency assistance funds*) which provides that for a state of emergency declared pursuant to G.S. 166A-19.20(a) after the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2002, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act; and.

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the City of Brevard and Transylvania County have performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the City Council of the City of Brevard to fulfill this obligation in order that the City of Brevard will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

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

1. Adopts the South Mountains Regional Hazard Mitigation Plan.

2. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Approved and adopted this the 16th day of June, 2025.

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

K-5. Approval of KCI Design Amendment No. 2

RESOLUTION NO. 2025-44
RESOLUTION APPROVING KCI ASSOCIATES OF NORTH CAROLINA, P.A. AMENDMENT NO. 2 FOR THE WASTEWATER TREATMENT PLANT RENOVATION PROJECT

WHEREAS, in July of 2024 the City selected KCI Associates of North Carolina P.A. (KCI) as the engineer of record for the Wastewater Treatment Plant project to develop a Preliminary Engineering Report (PER) to determine the need for renovation or replacement of the City's Wastewater Treatment Plant; and

WHEREAS, the KCI analysis, which included a predictive flow analysis of current and future flows, determined the current plant could be renovated within the present footprint versus constructing a new plant on a different location; and

WHEREAS, the KCI analysis determined that flow increase would happen slowly over time allowing for a 3 phase approach over the next 20 to 30 years, depending on growth, to implement the renovation of the plant; and

WHEREAS, the Public Works and Utilities Committee approved and recommended proceeding with the 3 phase approach to implementing the renovation of the plant; and

WHEREAS, City staff have negotiated in good faith with KCI to define the scope and cost of Amendment No. 2; and

WHEREAS, the City Manager and staff recommend proceeding with KCI to complete the design and construction of Phase 1, and PERs for Phases 2 and 3 using the remaining $9 million portion of the previous $12 million appropriation designated for improvements to water and sewer systems, pending State approval.

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

Section 1. The City Manager and or his designee are directed to approve the KCI Design Amendment No.2.

Section 2. This resolution shall be effective upon adoption.

Adopted and approved this 16th day of June 2025.

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

K-6. Finance Report at 4-30-2025

K-7. Budget Amendment – Powell Bill - $28,200

ORDINANCE NO. 2025-30
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-10

SUBJECT: Budget Amendment to increase Powell Bill related expenditures and revenues by $28,000.

AGENDA INFORMATION

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

BRIEF SUMMARY: Powell Bill revenues received during FY24-25 were $28,200 higher the budgeted. The City elected to spend this unexpected overage on repaving of City streets. In total, the City expended $248,147.25 in street repaving during FY24-25.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-10, as submitted, increasing the budget in expenditure account:

10-5700-4500 (Contracted Services)	$28,200
TOTAL	**$28,200**

And increasing the budget in the revenue account:

10-3430-0000 (Powell Bill revenues)	$28,200
TOTAL	**$28,200**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 16th day of June 2025.

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

K-8. Budget Amendment – Finance - $30,000

ORDINANCE NO. 2025-31
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-11

SUBJECT: Budget Amendment to increase Finance Department expenditures by $30,000.

AGENDA INFORMATION

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

BRIEF SUMMARY: Managed IT costs for the entire City have historically been budgeted through the Finance Department. These costs were higher than budgeted in FY24-25, in part because of the email upgrade. The City has elected to spread these costs over the individual funds and departments receiving these services in the FY25-26 budget.

Fortunately, motor vehicle taxes were originally budgeted at $304,700 and are expected to end the fiscal year in excess of $350,000, so the City will utilize a portion of this underbudgeted revenue as the offset.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-11, as submitted, increasing the budget in expenditure account:

10-4400-4500 (Contracted Services)	$30,000
TOTAL	**$30,000**

And increasing the budget in the revenue account:

10-3190-0000 (Motor vehicle taxes)	$30,000
TOTAL	**$30,000**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 16th day of June 2025.

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

K-9. Budget Amendment – Streets Department - $77,500

ORDINANCE NO. 2025-32
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-12

SUBJECT: Budget Amendment to increase Streets Department expenditures by $77,500.

AGENDA INFORMATION

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

BRIEF SUMMARY: The Streets Department needs an end of fiscal year budget amendment for three different reasons.

Firstly, the budgeted amount for streetlights was slightly underbudgeted, but this was compounded by the fact that Duke rates greatly increased in the last 24 months. (As an example, payments made to Duke for streetlights, (Jan. 2023 $10,560.11), (Jan. 2024 $12,279.63), (Jan. 2025 $13,483.26). A $30,000 budget amendment is needed on the streetlight account.

Secondly, the speed cushions project on Probart Street took longer than anticipated and ended up being recorded as an expense in FY25. Originally, the City Manager had requested and received Council approval to include this project in the Supplemental Spending Plan from the FY24-25 budget. At that time, the City was hopeful that the project would be completed by June 30, 2024. Ultimately, it was

completed in February of 2025. A $27,500 budget amendment is needed on the contracted services account.

Lastly, the Department Supplies account is in need of a $20,000 budget increase as the department has needed more of everything, particularly coldpatch.

The budget offset to these entries come from savings in the Sanitation Department.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-12, as submitted, increasing the budget in expenditure account:

10-5600-1300 (Streetlights)	$30,000
10-5600-4500 (Contracted Services)	$27,500
10-5600-3300 (Department Supplies)	$20,000
TOTAL	**$77,500**

And decreasing the budget in the expenditure account:

10-5800-7400 (Capital Outlay)	$57,300
10-5800-4500 (Contracted Services)	$18,200
TOTAL	**$77,500**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 16th day of June 2025.

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

K-10. Budget Amendment – Community Center - $16,000

ORDINANCE NO. 2025-33
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-13

SUBJECT: Budget Amendment to increase Community Center expenditures by $16,000.

AGENDA INFORMATION

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

BRIEF SUMMARY: As highlighted in the FY25-26 budget, the City is in the process of separating certain costs to the better reflect the department that utilizes the service. Previously, many utility and maintenance and repair expenditures were recorded in the Public Buildings Department, but in the FY25-26 budget, many of these charges have been budgeted under the Community Center Department. The Finance Department actually started recording these entries during FY25, so the Community Center is in need of a $16,000 budget amendment.

The offsetting entry, reduces budgeted expenditures in the Public Building Department.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-13, as submitted, increasing the budget in expenditure accounts:

10-6150-1540 (Maint and Repair)	$10,000
10-6150-1120 (Telephone and Internet - FBCC)	$ 6,000
TOTAL	**$16,000**

And decreasing the budget in the expenditure account:

10-5000-1300 (Utilities)	$16,000
TOTAL	**$16,000**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 16th day of June 2025.

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

K-11. Budget Amendment – Public Works Admin - $42,000

ORDINANCE NO. 2025-34
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-14

SUBJECT: Budget Amendment to increase Public Works, Administration expenditures by $40,000.

AGENDA INFORMATION

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

BRIEF SUMMARY: The Public Works Administration Department is in need of a $42,000 budget. The Assistant City Manager was hired at a higher salary than anticipated and overtime wages for other employees in the department have exceeded budget.

The budget offset to this entry will come from savings in the Police Department related to vacancies.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-14, as submitted, increasing the budget in expenditure accounts:

10-5450-0200 (Salaries)	$22,000
10-5450-0210 (Salaries - Overtime)	$ 9,000
10-5450-0500 (FICA)	$ 3,000
10-5450-0700 (LGERS Retirement)	$ 5,000
10-5450-0710 (Empower 401K)	$ 3,000
TOTAL	**$42,000**

And decreasing the budget in the expenditure account:

10-5100-0200 (Police Salaries - Regular)	$42,000
TOTAL	**$42,000**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 16th day of June 2025.

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

K-12. Budget Amendment – Housing Trust Fund - $925,000

ORDINANCE NO. 2025-35
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-15

SUBJECT: Budget Amendment to increase revenues and expenditures in the Housing Trust Fund by $925,000 for the purchase of three properties at 543 Old Hendersonville Highway and the related debt.

AGENDA INFORMATION

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

BRIEF SUMMARY: On June 10, 2025 the City closed on the purchase of three properties located at Old Hendersonville Highway and Azalea Avenue. The City and the UNC School of Government Development Finance Initiative (UNC DFI) had identified the property over two years ago as a potential

site for affordable housing units. The total purchase price was 1.1M. The City obtained funding in the amount of $925,000 from United Community Bank at a rate of 4.33%. The debt will be repaid over fifty nine months, and the monthly payment will be $17,460.89.

The expenditure side of this budget amendment would look a bit cleaner except for the following. In October of 2024 the Finance Director proposed a budget amendment for $115,000 for the option to purchase the property. This amendment should have been for $175,000. Additionally, there were $6,282.78 in closing costs associated with the transaction. The $10,000 adjustment to the professional services line item refers to services needed on the Cashier Valley Road property. Proceeds from the sale of that property will revert to the Housing Trust Fund.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-15, as submitted, increasing (decreasing) the budget in expenditure accounts:

76-4900-0925 (Prof Services)	$10,000
76-4900-7400 (Capital Outlay)	$992,000
76-4900-5800 (Increase in Fund Balance)	($77,000)
TOTAL	**$925,000**

And decreasing the budget in the expenditure account:

76-3970-0300 (Debt Proceeds)	$925,000
TOTAL	**$925,000**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 16th day of June 2025.

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

L. Unfinished Business

L-1. Proposed Amendment to the Official Zoning Map of the City of Brevard – Inn at Brevard Conditional Zoning District – Aaron Bland recalled that this request is for a Conditional Zoning District with a base of Residential Mixed Use, which is the current zoning of the property. Council held a public hearing on this request at its June 2nd meeting. Mr. Baker moved, seconded by Mr. Daniel to grant the creation of the district as requested with the agreed-upon conditions. Following comments by Council, the motion carried unanimously.

ORDINANCE NO. 2025-38
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD CREATING THE INN AT BREVARD CONDITIONAL ZONING DISTRICT

WHEREAS, the City of Brevard has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, in response to an application for rezoning filed by Joy Shind for the property described as PIN 8586-60-6150-000 to be rezoned to a Residential Mixed Use Conditional Zoning District; and

WHEREAS, the City of Brevard Technical Review Committee has considered this application and submitted all pertinent comments to the Planning Department for incorporation into this Conditional Zoning District; and

WHEREAS, the City of Brevard Planning Board considered REZ-25-002 on April 22, 2025 and unanimously recommended approval by City Council; and

WHEREAS, the Brevard Planning Board and City Council have determined that this rezoning is both consistent with the following policies and goals of the City's Comprehensive Land Use Plan:

- **Goal 7:** Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.

- **LUH- 18:** Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.

- **LUH-20:** Encourage the creation of well-designed complete and cohesive neighborhoods; and

WHEREAS, the Brevard Planning Board and City Council have determined that this rezoning is reasonable and appropriate within the context of the existing zoning districts and the prevalence of uses in the vicinity of the Subject Parcel, due to the following factors

- This property is located in the Traditional Neighborhood character area in the Future Land Use Map, for which RMX is an applicable zoning district

- The size of the proposed rezoning diminishes any spot zoning concerns

- 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 creating a more context-sensitive conditional zoning district

- The rezoning is consistent with the above elements of the Comprehensive Land Use Plan; and

WHEREAS, a public hearing was conducted by Council on June 2, 2025; and

WHEREAS, the City of Brevard City Council, after hearing all persons wishing to comment on this request, desires to approve said request.

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

Section 1. The zoning classification of that certain real property depicted in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference, is hereby rezoned to be the Inn at Brevard Conditional Zoning District with the Residential Mixed Use District base district, as shown on Exhibit A attached hereto.

Section 2. The District is a conditional zoning district established pursuant to the Unified Development Ordinance of the City of Brevard by means of authority granted by the North Carolina General Statutes.

Section 3. Development and use of lands within the District shall occur in accordance with the approved List of Conditions and Final Master Plan, which are attached to this ordinance as Exhibit B and Exhibit C, respectively.

Section 5. This Ordinance and its exhibits shall run with the land and shall be binding on the property owner, its heirs and assigns.

Section 6. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map consistent with this Ordinance.

Section 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of the ordinance.

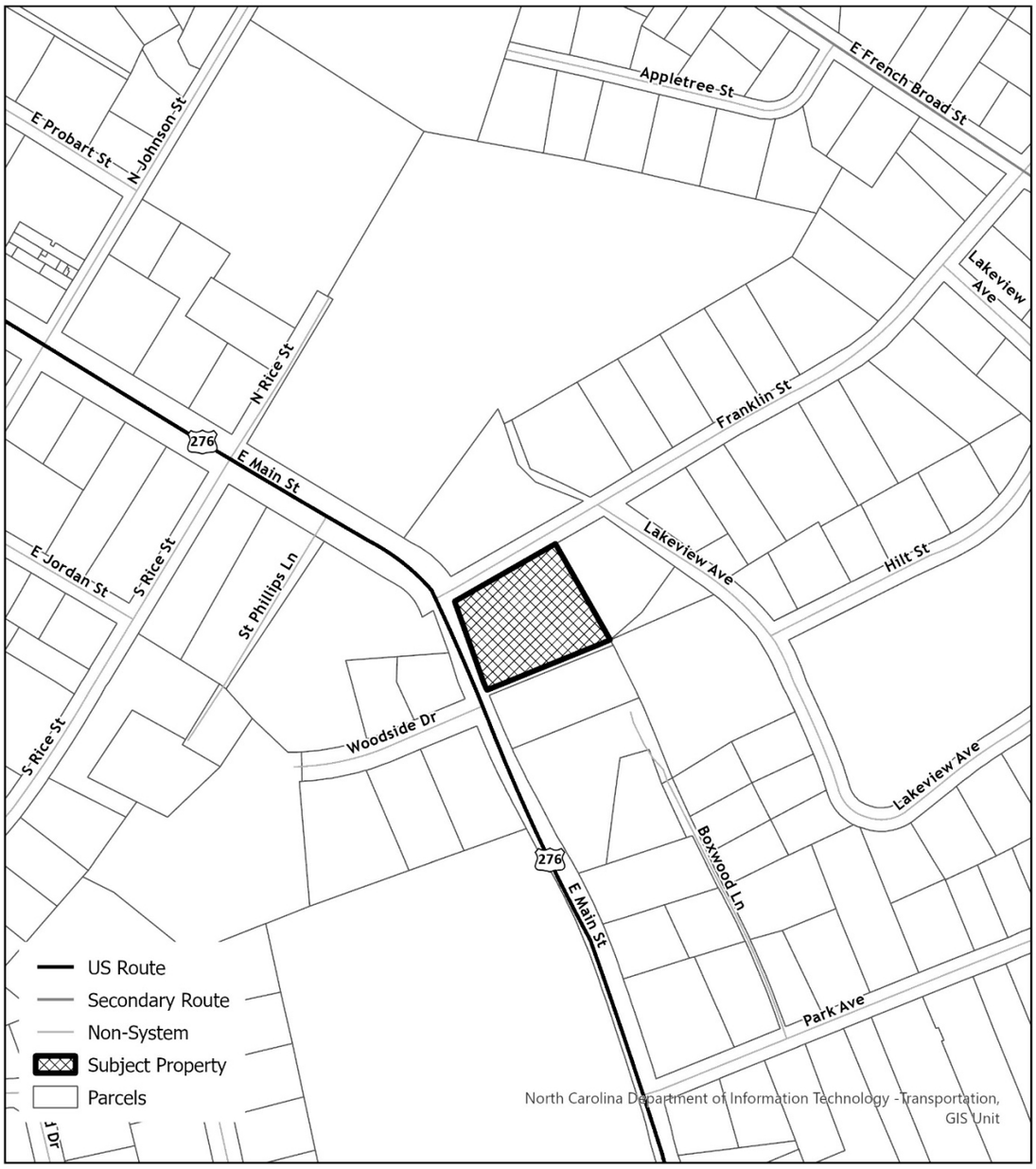
Section 8. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this the 16th day of June, 2025.

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

EXHIBIT A
Ordinance Number 2025-38
INN AT BREVARD CONDITIONAL ZONING DISTRICT: LOCATION MAP



M. New Business

M-1. (K-13.) Project and Budget Amendment – Norton Creek Restoration Phase 2 - $100,000 – Mr. Baker had asked Mr. Hooper if we really think it will cost that much. Mr. Hooper said probably not, but we are intentionally overbudgeting because we won't know until we bid it. There is $142,000 already budgeted for the project and we hope that with a $100,000 cushion we will be able to afford the entirety of the project. Mr. Baker noted that we have already asked NCDEQ to contribute an additional amount for their match, and asked if we have inquired whether they would be willing to increase that amount to match ours 50/50 as they have done with the rest of the project? Mr. Luebbe said he reached out to them today via email and asked that question. Mr. Baker moved, seconded by Mr. Wise to approve the budget amendment. The motion carried unanimously.

ORDINANCE NO. 2025-36
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-16

SUBJECT: Budget Amendment to transfer $100,000 from the General Fund to the Silversteen Park, Norton Creek Streambank Restoration Project Phase 2.

AGENDA INFORMATION

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

BRIEF SUMMARY: City staff has contracted with Summit Engineering for additional streambank restoration work required by NCDEQ at Norton Creek. Additional funding on the project is expected to be needed as city staff estimates the sum of engineering and construction will exceed the $144,000 currently budgeted for the project.

The budget offset for this transfer will come from Police salary accounts. If the entire $100,000 is not needed on the project, the unneeded portion could be returned to the General Fund.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-16, as submitted, increasing the budget in expenditure accounts:

10-6600-9266 (Transfer to Fund 82)	$100,000
TOTAL	**$100,000**

And decreasing the budget in the expenditure account:

10-5100-0200 (Police salaries)	$100,000
TOTAL	**$100,000**

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 16th day of June 2025.

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

ORDINANCE NO. 2025-37
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2024-19 SILVERSTEEN PARK IMPROVEMENT PROJECT

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1: The budgeted expenditures and revenues listed under the ordinance 2024-19 will be increased by $100,000.

Section 2: The additional streambank restoration work required by NCDEQ on Norton Creek is expected to exceed the $144,000 currently budgeted for the project.

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

Account Number	Account Name	Budget Amount
82-4100-2920	Silversteen Park	$ 994,000
82-4100-2920	**Silversteen Park**	**$ 100,000**
TOTAL PROJECT APPROPRIATION		**$1,094,000**

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

Account Number	Account Name	Budget Amount
82-3300-0000	Donations	$ 27,000
82-3300-0150	Bethel A Church Donation	$ 10,200
82-3250-0000	Transfer from General Fund	$ 367,800
82-3300-0250	NCDEQ Grant	$ 95,000
82-3990-0000	Fund Balance Approp	$ 150,000
82-3250-0200	Transfer from 31 – Main W/S	$ 200,000
82-3250-0000	Transfer from General Fund	$ 72,000
82-3300-0250	NCDEQ Grant	$ 72,000
82-3250-0000	**Transfer from General Fund**	**$ 100,000**
	TOTAL PROJECT REVENUE	**$1,094,000**

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 16th day of June, 2025.

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

M-2. Resolution Expressing Support for Schenck Job Corps Center and Urging Continued Federal Funding for the Job Corps Program – Mayor Copelof explained that this was brought to her Friday afternoon by the Schenck Job Corps. In its 2026 proposed budget, the Federal Government cuts all funding for the Job Corps programs. Our Job Corps Center has been in existence for 62 years and has approximately 100 students throughout the year. They are asking for this statement of support to be sent to the Governor, our representatives in Washington and Raleigh to lobby for funding to continue the Job Corps. Ms. Holder moved, seconded by Mr. Morrow to approve the resolution. The motion carried unanimously. Ms. Holder suggested that the resolution may have more impact if it were signed by all Councilmembers.

RESOLUTION NO. 2025-45
A RESOLUTION EXPRESSING SUPPORT FOR THE SCHENCK JOB CORPS CENTER AND URGING CONTINUED FEDERAL FUNDING FOR THE JOB CORPS PROGRAM

WHEREAS, the Schenck Job Corps Center, located in Pisgah Forest, North Carolina, provides vital career and technical education to young adults, equipping them with skills necessary for gainful employment; and

WHEREAS, the Schenck Job Corps Center has been instrumental in fostering a skilled workforce that contributes significantly to the local economy and community development; and

WHEREAS, the City of Brevard recognizes the importance of the Job Corps program in offering life-changing opportunities to underserved and economically disadvantaged youth across diverse communities; and

WHEREAS, recent federal actions have placed the continued operation of the Schenck Job Corps Center in jeopardy, threatening the livelihoods of its students and staff, as well as the economic stability of the region; and

WHEREAS, the Brevard Council acknowledges the positive impact of the Schenck Job Corps Center on the community and the potential adverse effects that its closure would entail.

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

Section 1. The City of Brevard hereby expresses its strong support for the continued operation and federal funding of the Schenck Job Corps.

Section 2. The City of Brevard urges the Governor of North Carolina, the North Carolina State Legislature, and the North Carolina Congressional Delegation to advocate for the preservation and funding of the Job Corps program, recognizing its critical role in workforce development and community enrichment.

Section 3. A copy of this resolution shall be transmitted to the Governor of North Carolina, the members of the North Carolina State Legislature, and the North Carolina Congressional Delegation to convey Brevard's position in this matter.

Adopted and approved this the 16th day of June, 2025.

s/ Maureen Copelof, Mayor
s/ Mac Morrow, Councilmember
s/ Lauren Wise, Councilmember
s/ Gary Daniel, Mayor Pro Tem
s/ Aaron Baker, Councilmember
s/ Pamela Holder, Councilmember

Attest: s/ Denise Hodsdon, CMC, City Clerk

N. Remarks/Future Agenda Considerations.

Ms. Holder informed everyone of upcoming Juneteenth events.

Mr. Wise thanked the outgoing committee members and encouraged anyone interested in serving on a committee to consider applying. He said this weekend was an amazing weekend for America. We saw a lot of people gather and protest against actions in a peaceful way and no matter what that was about in particular, it highlights the importance of that freedom and why we have to do everything in our power to protect it, because it is under threat.

Mr. Baker said I'll echo some of what Mr. Wise said about the protests. I had to be in Colorado for work this weekend so wasn't able to attend events here, but stopped by one in Colorado. I was able to check in on Brevard on social media and it was amazing to see that all that action was going on. He also expressed appreciation to the outgoing committee members.

Mr. Hooper noted that starting at 12:01 tomorrow morning, Transylvania County Sheriff's Office will be taking over patrols of the city limits for the next six months.

Mayor Copelof informed Council that she and the City Manager met with the Brevard Sustainability Council last week. They have asked that we create a liaison to that committee, and to endorse their efforts by working with them on how they can assist the City and community on sustainability efforts. She has volunteered to be the City's liaison because we have no staff time to dedicate to this and we have no funding to put toward this particular project. She said however, there are ways that we can support this community effort, such as promotion of educational programs. She said this would be very similar to how we do the Age-Friendly Task Force. She would like to have a resolution of support of sustainability in Brevard from Council at the next meeting and asked for a thumbs up/down from Council. There were 4 thumbs up and 1 down. The resolution will be on the agenda for Council's August 4th meeting. Mayor Copelof mentioned that the public gathering this past Saturday was peaceful and the largest she has ever seen—there were 1000 people in support of democracy and our Constitution. She mentioned upcoming events celebrating the 4th of July.

O. Closed Sessions

O-1. Potential Litigation: NCGS §143-318.11.(a)(3) – At 6:49 p.m. Mr. Morrow moved, seconded by Mr. Baker to go into closed session to discuss a potential litigation matter and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, Assistant City Manager David Todd, and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 7:03 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

O-2. Pending Litigation: NCGS §143-318.11.(a)(3) – At 7:03 p.m. Mr. Baker moved, seconded by Mr. Wise to go into closed session to discuss a pending litigation matter City of Brevard et al. v. HCA et al. in the Western District of North Carolina United States District Court. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 7:13 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

O-3. Personnel and/or Employment: NCGS §143-318.11.(a)(6) – At 7:13 p.m. Mr. Baker moved, seconded by Mr. Wise to go into closed session to discuss a personnel matter. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, City Clerk Denise Hodsdon, and Human Resources Director Kelley Craig.

Council Returned to Regular Session – At 7:34 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 7:34 p.m. Ms. Holder moved, seconded by Mr. Morrow, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof Mayor	Denise Hodsdon, CMC City Clerk

Minutes Approved: August 4, 2025

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

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

_____
Hannah Langford Owen

Oath Administered By:

_____
Denise Hodsdon, CMC
City Clerk

August 4, 2025
Date

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Hannah Langford Owen, 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 according to the best of my skill, abilities, and judgment; so help me God.

_____
Hannah Langford Owen

Oath Administered By:

_____
Denise Hodsdon, CMC
City Clerk

August 4, 2025
Date

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

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

_____
Jesse Vincent Wallin

Oath Administered By:

_____
Denise Hodsdon, CMC
City Clerk

August 4, 2025
Date

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Jesse Vincent Wallin, 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 according to the best of my skill, abilities, and judgment; so help me God.

_____
Jesse Vincent Wallin

Oath Administered By:

_____
Denise Hodsdon, CMC
City Clerk

August 4, 2025
Date

STAFF REPORT
City Council, Monday, August 4, 2025

Title:	Proposed Amendment to City of Brevard Traffic Schedule - No Parking on Railroad Avenue and Galloway Street
Speaker:	David Todd, Assistant City Manager
Prepared by:	David Todd, Assistant City Manager
Approved by:	Wilson Hooper, City Manager

Background
Chapter 66 of the Code of Ordinances constitutes Brevard's "traffic schedule", the regulations establishing speed limits, no parking zones, limited parking zones, one-way streets, etc. within the city limits. Since these regulations are codified in an ordinance, it has been Brevard's practice to pre-advertise and hold public hearings for potential changes to the schedule. This evening, staff will briefly explain the latest proposed change and host a hearing for public feedback.

Discussion
Railroad Ave. is an approximately .55 mile north/south route within the city limits. There are industrial, recreational, commercial, and residential uses along its length. There are private lots, off-street public parking, and designated on-street public parking along it. However, in recent months cars have been seen parking in undesignated on- and off-street parking areas. In some cases those cars encroach on the pedestrian/bike trail near Probart St. In other cases they create a one-lane condition near the intersection of Whitmire St. Brevard's police and fire departments have noticed the latter condition, noting that it will inhibit emergency response if public safety vehicles must take that route when vehicles are parked along it. Therefore, staff are recommending that all of Railroad Ave. (with the exception of the designated on-street parking recently added to the section of the street between French Broad and Whitemire) be added to the "Schedule I: No Parking Areas" section of the schedule.

Galloway is an approximately 300-foot street connecting W Main and W Probart. It is exclusively residential in character, and thus is narrow in width. Like Railroad, when cars park along Galloway they create a condition that inhibits emergency response. Therefore, staff are recommending that all of Galloway St. be added to the "Schedule I: No Parking Areas" section of the traffic schedule

Fiscal Impact
Minimal. The costs of signs and posts will be covered by operating dollars intended for these kinds of purchases.

Action
No action requested. For information and public hearing only.

Attachments:

STAFF REPORT
City Council, Monday, August 4, 2025

Title:	Proposed Amendments to the City of Brevard Unified Development Ordinance, Multiple Chapters - Specificity on General Residential and Residential Mixed Use Districts
Speaker:	Aaron Bland, Asst Planning Director
Prepared by:	Aaron Bland, Asst Planning Director
Approved by:	Wilson Hooper, City Manager

Background
In April City Council adopted new definitions in the City's Unified Development Ordinance (UDO) in response to NC Session Law 2024-57 via Ordinance 2025-13. The two new definitions codified were "new construction" and "residential zoning district." This is a staff-initiated text amendment to clarify various requirements throughout the UDO that relied on a former interpretation of the phrase "residential zoning district."

Discussion
When this term did not have a codified definition, it was standard practice to interpret it as meaning the General Residential and Residential Mixed Use zoning districts. However, the new codified definition changes this.

The definition now reads "any zoning district that permits residential land uses" which includes several districts besides GR and RMX. In fact, it includes every zoning district except for General Industrial. This amendment replaces any instance of vague language such as "residential districts" with an explicit list of applicable zoning districts. Staff also found and replaced other related terms like "non-residential districts" impacted by the new definition. This creates clear guidance on what requirements apply in what zoning districts.

Policy Analysis
Ensuring the UDO is clear and understandable is an overarching goal of good planning practices and is supported throughout the Building Brevard comprehensive land use plan, most notably in LUH-19 which specifies "make planning documents and UDO more approachable and user friendly."

Recommendation
The Planning Board discussed these amendments at their July 22nd meeting, unanimously recommending in favor as written. In accordance with North Carolina General Statutes, the Planning Board also submits to Council the attached statement analyzing the consistency and reasonableness of this proposal with regard to existing policies or plans of the City of Brevard.

Action

Because the amendments make no changes to the actual UDO regulations and only seek to codify the interpretations that have always been made, Staff is requesting Council take action at this time to avoid any complications or conflicts with applicants.

Council's options are:

1. Adoption of the amendment as written
2. Adoption of the amendment as revised by Council
3. Rejection of the amendment
4. Send the amendment back to the Planning Board for further study and consideration
5. Call for additional public hearings
6. Table the matter and vote at the next meeting

Attachments:

1. Draft Amendments
2. Consistency Statement
3. Enacting Ordinance

2.7.2. Setbacks for principal structures.

A. The minimum setback distance for principal structures varies by zoning district and shall be measured in accordance with this section.

TABLE 2.7.2-A: SETBACKS FOR PRINCIPAL STRUCTURES			
District	**Front Yard Setback**	**Rear Yard Setback**	**Side Yard Setback**
GR (4, 8)	15 feet	25 feet	6 feet
RMX	10 feet	25 feet	6 feet
NMX	Edge of right-of-way	10 feet	0 feet / 10 feet from GR & RMX ~~residential district~~
PGX	15 feet	10 feet	6 feet
DMX	Edge of right-of-way	0 feet	0 feet
CMX	10 feet	10 feet / 25 feet from GR & RMX ~~residential district~~	0 feet / 10 feet from GR & RMX ~~residential district~~
IC	40 feet	40 feet	40 feet
GI	15 feet	10 feet / 25 feet from GR & RMX ~~residential district~~	10 feet / 25 feet from GR & RMX ~~residential district~~
CZD	To be determined by approving authority		

(Ord. No. 2023-61, § 1(Exh. A), 12-18-23; Ord. No. 2024-23, § 1(Exh. A), 6-3-24; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25)

DRAFT

2.7.3. Setbacks for accessory structures.

A. Setbacks for accessory structures vary based on the size of the structure and the zoning district.

TABLE 2.7.3-A: SETBACKS FOR ACCESSORY STRUCTURES				
District	Side Yard Setback		Rear Yard Setback	
	< 120 sq. ft.	≥ 120 sq. ft.	< 120 sq. ft.	≥ 120 sq. ft.
GR (4, 8)	3 feet	6 feet	3 feet	10 feet
RMX	0 feet	3 feet	0 feet	3 feet
NMX	0 feet	3 feet	0 feet	3 feet
PGX	0 feet	3 feet	0 feet	3 feet
DMX	0 feet	0 feet	0 feet	0 feet
CMX	0 feet	0 feet	0 feet	0 feet
IC	40 feet along all external boundaries			
GI	10 feet/25 feet from ~~residential district~~ GR & RMX	10 feet/25 feet from ~~residential district~~ GR & RMX	10 feet/25 feet from ~~residential district~~ GR & RMX	10 feet/25 feet from ~~residential district~~ GR & RMX
CZD	To be determined by approving authority			

B. Accessory structures to residential uses located within 6 feet of the principal structure are considered to be attached for the purpose of setbacks, and shall comply with the setback requirements of the principal structure.

(Ord. No. 2023-61, § 1(Exh. A), 12-18-23; Ord. No. 2024-23, § 1(Exh. A), 6-3-24; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25)

DRAFT

2.8. Fences and walls.

A. All fences and walls shall be constructed so that the best face faces outward from the parcel upon which it is constructed and towards adjacent properties. The "best face" shall generally mean the side opposite to framing members.

B. Fences and walls shall not be placed within public utility easements or public right-of-way without first securing an encroachment agreement from the City of Brevard, the North Carolina Department of Transportation, or other appropriate entity.

C. Fence or wall height shall be measured from the side of the fence or wall that is exterior to the property as the vertical distance between the lowest adjacent ground level, natural or filled, and the top of the fence material. Fence heights are restricted as follows:

1. In ~~industrial districts~~ the General Industrial district, and public safety and other critical facilities. Fences or walls shall be no greater than six feet in height in the front yard(s) and no greater than eight feet in height in the side and rear yards.
2. All other districts and uses. Fences or walls shall be no greater than four feet in height in the front yard(s) and no more than eight feet in the side and rear yards.
3. No closed fence or wall shall be greater than two-and-a-half feet in height when placed within the sight triangle of any intersection as specified in Section 9.5 of this ordinance. Open fences are exempt from this provision.

D. Fence and wall materials shall conform to the following requirements:

1. ~~*Residential*~~ *GR and RMX districts:*
   a. All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability, except that chain link or woven wire may be used in the side and rear yards.
   b. All other wire fences, including barbed wire or concertina wire, are prohibited.
   c. Nothing in this chapter shall prevent the administrator from approving architecturally variant uses of material to allow creative fence design, such as the contemporary look of heavy-gauged welded wire panels framed in timber.
   d. The use of plastic plumbing pipe is a prohibited fence material.
2. ~~*Commercial*~~ *CMX, DMX, PGX, NMX, and IC districts:*
   a. All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability.
   b. Chain link wire fences may be used as secure enclosures internal to the property or site subject to the following requirements:
      i. Chain link fences shall not be visible from a public right-of-way,
      ii. Chain link fences shall not serve as a perimeter fence or property line fence unless buffered by a type A buffer yard on all sides, and then only in the side or rear yard behind the front building line.
   c. All other wire fences, including barbed wire or concertina wire, are prohibited.
   d. All walls and fences shall be materially similar to other walls and fences in the same block or general vicinity.

DRAFT

3. ~~*Industrial*~~ *General Industrial districts*~~,~~ *, public safety facilities, and other critical facilities:*
    a. All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability, and shall be materially similar to other walls and fences on the same block or general vicinity.
    b. Vinyl coated, chain link fencing may be approved by the administrator as perimeter fencing with additional filtering through openings using opaque or semi opaque slats or screening or by installing a type A landscaping buffer between incompatible uses, between different zoning districts or where visible from a public street.
4. *Barbed wire:* Barbed wire may be permitted within agricultural operations with livestock and any bona-fide agricultural operations within any zoning district.

E. Retaining walls shall also conform to the following requirements:

1. Retaining walls should minimize the impacts of cut and fill on a site.
2. The height of any retaining wall should not exceed five feet unless required to be higher for engineering reasons.
    a. An increase in retaining wall height may be allowed if the proposed design minimizes the cut and fill impacts and enhances the existing landscape.
3. In areas where cuts are steeper, a stepped or terraced wall should be used. Large, unbroken retaining walls in a uniform plane should be avoided.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22; Ord. No. 2023-22, § 1(Exh. A), 6-4-23; Ord. No. 2023-61, § 1(Exh. A), 12-18-23; Ord. No. 2024-23, § 1(Exh. A), 6-3-24; Ord. No. 2024-46, § 1(Exh. A), 12-2-24)

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3.7.3. Professional services use category.

A. ***Professional services.***

1. Definition: Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others. Such services include, but are not limited to, the following:
   a. accounting, tax, bookkeeping, and payroll services;
   b. adult establishments;
   c. advertising, media, and photography services;
   d. animal services;
   e. architectural, engineering, and related services;
   f. banks, credit unions, financial services, and ATMs;
   g. business support services;
   h. community and social services;
   i. consulting services;
   j. funeral homes and services;
   k. graphic, industrial, and interior design services;
   l. human crematoriums;
   m. investment banking, securities, brokerages and insurance-related services
   n. landscaping and contractor services;
   o. legal services;
   p. real estate services; and
   q. vehicle services.
2. Additional Standards:
   a. For Special Use Permit:
      i. When professional services are offered in ~~a residential~~ the GR or RMX districts, no more than one principal building shall be permitted on any lot less than one acre in size and no more than three principal buildings shall be permitted on any lot one acre or more in size. This restriction applies regardless of whether such buildings are used as residences or professional offices or both.
      ii. No building shall exceed 3,000 square feet of floor area. When more than one building is permitted on a lot under this section, the total floor area for all buildings shall not exceed 6,000 square feet exclusive of open carports or shelters.
      iii. The overall general appearance of all buildings shall be residential in character.
      iv. No more than two principal professionals shall be permitted in any building.
      v. No more than six employees shall be permitted in any building exclusive of principal professional personnel.

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vi. No more than ten spaces shall be provided for any building, with none located in the front yard area except as permitted by Section 10.7.G of this ordinance. Driveways shall be established in accordance with CHAPTER 13 of this ordinance.

vii. Normal hours of operation shall be between 8:00 a.m. and 6:00 p.m., Monday through Saturday, excluding national holidays. Professional services may be provided outside these time frames only in emergencies. Overnight care or service is not permitted.

viii. Each building in which professional services are offered under this section may have one identification sign with a maximum sign area of eight square feet. The sign may be either a wall or ground sign. No other outside sign or identifying structure is permitted. Signs shall not exceed five feet in height and shall not be illuminated.

ix. Vehicles normally kept or housed on-site must be regular passenger-carrying vehicles, including pickup trucks of not more than three-fourths ton capacity. Such vehicles may not bear any business identification signs greater than three square feet in size. Trucks over three-fourths ton rated capacity, ambulances and other vehicular equipment are not permitted.

B. ***Adult establishment.***

1. Definition: Any establishment defined in N.C.G.S. §14-202.10 (or any successor thereto), including adult bookstores, adult motion picture theatres, adult mini motion picture theatres, and adult live entertainment businesses. This does not include massage and bodywork therapy.

2. Additional Standards:

   a. No portion of a lot for an adult establishment may be located within a 300-foot radius (determined by a straight line and not street distance) of any place of worship, school (public or private), specialty school, day care facility, public park, hospital or the IC, GR, or RMX zoning districts~~, or any residential zoning district~~. No portion of the lot on which the adult establishment is located shall be situated within 300 feet of another adult establishment.

   b. The owner/operator of the adult establishment must have a current, valid business license. The owner/operator and employees must make disclosure of criminal record and consent to a criminal records check. Persons with a record of sex offenses will be denied a business license or employment.

   c. The owner/operator must be in full compliance with ARTICLE II, CHAPTER 42, of the Brevard City Code.

   d. No adult establishment shall adversely impact public services and facilities such as parking, traffic, police, etc., and the secondary effects of such uses shall not adversely impact adjacent properties. In this regard, secondary effects include, but are not limited to, noise, crime, transients, light, stormwater runoff, parking, pedestrian circulation and safety.

   e. There shall be no more than one adult establishment business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult establishment business.

   f. The structure in which the adult establishment is located shall contain no sleeping quarters.

   g. The adult establishment shall not be open for business between the hours of 12:00 midnight and 12:00 noon. The establishment shall be closed on Sundays.

   h. If dancers are employed as a feature of the adult establishment, the performing areas for such dancers shall be separated from patrons by at least ten feet.

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i. If viewing booths are provided, such viewing booths shall be designed so as to allow the body of the person occupying the booth to be completely visible from a portion of the premises open and available to the public.

j. The applicant shall propose and implement a site-lighting plan that is consistent with CHAPTER 11 of this ordinance.

k. An adult establishment may be advertised by one sign on the premises that is not greater than 70 square feet in size in which may be illuminated in compliance with CHAPTER 13. No printed material, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

l. Upon making the following findings, the BOA may modify the radius requirements contained herein:

i. Practical difficulties or unnecessary hardships would result from the strict enforcement of the radius requirements;

ii. The proposed use will not be injurious to property or improvements in the affected area;

iii. The proposed use will not enlarge or encourage the development of a blighted condition within an area;

iv. The permitting of an adult establishment in the area will not be contrary to any governmental program of neighborhood conservation, rehabilitation, improvement or revitalization; and

v. All of the conditions for special use permits as set forth in CHAPTER 16 have been met.

m. After notice and hearing, the BOA may revoke the special use permit, following the same procedures as the approval in accordance with G.S. 160D-403(f), upon one or more of the following grounds:

i. Failure to comply with the aforementioned standards;

ii. Employment of any person under the age of 21;

iii. Operating an establishment disruptive of peace and good order as evidenced by lack of sufficient on-premises security or by a conviction of a criminal offense, a material element of which occurred on the premises of the adult establishment.

iv. Admittance of patrons younger than 21 years of age.

v. Excessive criminal activity on or near the premises if the BOA finds that the operation of the adult establishment is related to such criminal activity or attracts transients or other persons who have been involved or are likely to be involved in such criminal activity.

vi. Violation of any provision of CHAPTER 16 pertaining to special use permits.

vii. Violation of any specific condition or requirement of the board of adjustment.

C. ***Banks, credit unions, financial services institutions, and automated teller machines (ATMs).***

1. Definition: Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

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D. ***Funeral homes and services.***

1. Definition: Establishments for preparing the dead for burial or interment and for conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

E. ***Human crematory or human crematorium.***

1. Definition: Establishments that house the cremation equipment, the holding and processing facilities, the business office, and other parts of the crematory business.
2. Additional Standards:
   a. A crematory must comply with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the standards set by the North Carolina Board of Funeral Service and the North Carolina Cremation Authority.
   b. Under no circumstances shall a crematory permitted as an accessory use exceed 533 cremations per year. All crematories shall adhere to the rules and regulations as prescribed in G.S. 90-210.120, "The North Carolina Crematory Act" and Title 21, Chapter 34, Subsection 34C of North Carolina Administrative Code, or any successor thereto.
   c. Crematories shall only employ equipment that is contemporary and recognized by the industry and the North Carolina Board of Funeral Service and North Carolina Cremation Authority, as "Best Available Technology."
   d. The Administrator may impose such additional, site-specific conditions specific as are necessary in order to protect the health, safety and general welfare of the public and to maintain conditions inimical to the normal activities of the district.

F. ***Indoor animal services.***

1. Definition: Establishments that include primarily indoor services for animals, including but not limited to services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals, boarding services for pets, grooming and indoor canine obedience and agility training. This term does not include outdoor facilities or "kennels".

G. ***Kennels and outdoor animal services.***

1. Definition: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale, training, or overnight boarding for persons other than the owner of the lot that includes overnight outdoor activity. This includes all private, public and commercial kennels, breeding facilities, and outdoor pet day care establishments This term does not include veterinary clinics or other "animal services" in which the overnight boarding of animals is necessary for, or accessory to, the testing and medical treatment of the physical disorders of animals.
2. Additional Standards:
   a. Outside runs, holding pens, exercise areas or other open-air type enclosures and shelters shall be located at least 200 feet from any dwelling, other than that of the owner/operator, and at least 50 feet from adjoining property lines.
   b. Kennels shall be located in the side or rear yard area of any principal structure on the same parcel of land.
   c. Kennels shall be designed to effectively buffer all noise audible to surrounding properties.
   d. All kennels shall be surrounded by fence, wall, earthen berm, or type B buffer yard.

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i. Within NMX districts, all holding pens and runs shall be indoors, within an entirely enclosed structure. The approving authority may permit one outdoor exercise area; provided, however, that animals shall not utilize outdoor exercise areas between the hours of sunset and sunrise as set forth in the most recent Sunrise-Sunset Table as published by the North Carolina Wildlife Resources Commission.

ii. Within NMX districts, the barking of dogs and other noises associated with the care and sheltering of animals that originate from within a kennel structure shall not be audible from the exterior of such kennel structure, and solid walls and ceilings, noise-cancelling materials, noise-cancelling electronic devices and other noise-cancelling practices and technologies shall be utilized as necessary and appropriate to achieve this requirement. The approving authority may require the operator to provide documentation and certification that a proposed new or expanding kennel will comply with this requirement.

e. A waste management plan that demonstrates compliance with applicable state and local regulations and which ensures sanitary handling of animal waste and prevents contamination or pollution of adjacent lands or water bodies shall be submitted to and approved by the administrator prior to establishment of such uses.

f. Kennels shall at all times adhere to all other applicable state and local regulations.

g. Kennels shall at all times maintain a sanitary and humane environment.

h. The approving authority may impose additional conditions upon the operation of any kennel, including but not limited to hours of operation, the size and scale of a kennel, or the number of animals to be housed within a kennel.

i. The animal control officer may conduct periodic inspections of all Kennels and shall report any violation to the approving authority. After reviewing the findings of the animal control officer and upon conclusion of the kennel operator's due process procedures as set forth in Chapters 16 and 18 of this ordinance, the approving authority may revoke permits for the operation of any kennel that has been found to be in violation of this ordinance, in accordance with G.S. 160D-403(f).

H. ***Landscaping and contractor services.***

1. Definition: An operation where equipment and materials are kept, and which provides yard and garden landscaping and maintenance service, or other contractor services. This may include an office or other buildings and structures to store inventory, equipment, and vehicles, but shall not include a dump heap or landfill.

2. Additional Standards:

a. Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited for this use.

b. All outdoor storage shall be located in the side and/or rear yard only.

c. Equipment storage and facilities shall be screened from off-site view from adjacent properties by a Type E buffer yard.

d. Storage of odorous materials including but not limited to manure, compost, and fertilizers shall be located at least 150 feet from property lines adjacent to GR and RMX parcels. The administrator may reduce the required setback of openly stored odorous material when measures have been taken to mitigate the effect on neighboring property as determined by the administrator.

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e. Site grading shall be completed to ensure that surface run-off is directed away from any, and all material storage areas.

f. Excessive noise, dust, odor, vibration or light shall not be generated to disturb the surrounding neighborhood.

g. The hours of operation for material pick-ups, delivery, and outdoor processing operations shall be limited to 7:00 a.m. to 6:00 p.m.

h. In GR districts, parcels shall be at least two acres in size.

i. When a special use permit is required, the board of adjustment may impose additional conditions that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site.

I. ***Vehicle services—Major repair/body work.***

1. Definition: The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Major repair and body work encompasses towing, collision repair, other body work vehicle painting services, and tire recapping.

2. Additional Standards:

a. Major vehicle services are permitted within institutional campuses only for the purposes of maintaining vehicles associated with the operation of the campus and for instructional classes. For example, a college may operate a maintenance shop for the campus fleet and/or for instructional classes. Other vehicle service operations shall not be permitted within institutional campuses.

b. All areas where vehicles are stored temporarily shall be considered as parking lots and must comply with the provisions of CHAPTER 10. All such vehicle storage areas shall be located at the rear or side of the building.

c. No outdoor automobile work areas shall be located in front of the building.

d. All auto work areas shall be screened from adjacent properties.

e. Storage of vehicles for 15 days or more or junking of vehicles is prohibited.

f. Vehicles in storage shall be covered or fenced off and not visible from the public right-of-way.

g. Tires, equipment, replacement parts and/or accessories shall be stored inside. Discarded parts shall not be stored outside.

h. Vehicles associated with the use shall not be stored or repaired within federal, state, or local public rights-of-way, including streets and sidewalks.

i. The sale of vehicles is prohibited except as part of an approved vehicle sales establishment in appropriate districts as set forth in CHAPTER 2 of this ordinance.

j. Any fuel island shall conform to the requirements of a gas station, described herein.

k. Service areas shall be screened from visibility from adjacent residential properties or GR or RMX districts by a type A buffer yard.

J. ***Vehicle services—Minor maintenance and repair.***

1. Definition: The repair, servicing, alteration, restoration, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor maintenance and repair facilities provide limited repair and maintenance services. Examples include, but are not limited to:

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a. car washes (attended and self-service),
b. car stereo and alarm system installers,
c. detailing services,
d. muffler and radiator shops,
e. quick-lube services, and
f. tire and battery sales and installation (not including recapping).

2. Additional Standards:
   a. All areas where vehicles are stored temporarily shall be considered as parking lots and must comply with the provisions of CHAPTER 10. All such vehicle storage areas shall be located at the rear or side of the building.
   b. No outdoor automobile work areas shall be located in front of the building.
   c. All auto work areas shall be screened from adjacent properties.
   d. Storage of vehicles for 15 days or more or junking of vehicles is prohibited.
   e. Vehicles in storage shall be covered or fenced off and not visible from the public right-of-way.
   f. Tires, equipment, replacement parts and/or accessories shall be stored inside. Discarded parts shall not be stored outside.
   g. Vehicles associated with the use shall not be stored or repaired within federal, state, or local public rights-of-way, including streets and sidewalks.
   h. The sale of vehicles is prohibited except as part of an approved vehicle sales establishment in appropriate districts as set forth in CHAPTER 2 of this ordinance.
   i. Any fuel island shall conform to the requirements of a gas station, described herein.
   j. Service areas shall be screened from visibility from adjacent residential properties or districts by a type A buffer yard.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22)

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3.7.4. Retail use category.

A. ***Retail.***

1. Definition: Facilities involved in the sale, lease, or rental of new or used products, merchandise and prepared foods to the general public. Retail uses are conducted primarily indoors within an enclosed building. Retail sales include, but are not limited to, the following: .
    a. alcoholic beverages for off-premises consumption;
    b. auto/mechanical parts;
    c. art supplies, crafts and fabric;
    d. bicycles and recreational goods;
    e. clothing and secondhand goods;
    f. computers, electronic equipment;
    g. convenience and pharmaceuticals;
    h. flowers, plants, and garden supplies;
    i. gifts and novelties;
    j. groceries, produce, dry goods; and baked goods;
    k. home improvement items, hardware, and appliances;
    l. household products;
    m. medical supplies;
    n. music and musical instruments; and
    o. office supplies and package shipping.

B. ***Alcoholic beverage sales store.***

1. Definition: The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption.

C. ***Auto/mechanical parts sales.***

1. Definition: Establishments selling new, used, or rebuilt automotive or mechanical parts and accessories. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, tires and tube shops, and similar shops for other types of motorized or mechanical equipment.

D. ***Gas station.***

1. Definition: An establishment that primarily retails automotive fuels. These establishments may also provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included.
2. Additional Standards:
    a. Location of pumps, canopies, and associated service areas.
        i. Automobile pumps, canopies, and associated service areas are prohibited in any established front yard abutting a street. Rather, they shall be located in the side or rear yard of the principal structure.
        ii. Automobile pumps, canopies, and associated service areas for gas stations on double-fronted lots and corner lots shall be situated in accordance with the adjacent schematic. On double-

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fronted lots, the canopy must be located in the front yard of the street of lesser classification and the principal building shall be built to the street of higher classification. On corner lots, the principal building shall be built to the corner.

iii. All areas where vehicles are stored temporarily shall be considered as parking lots and must comply with the provisions of CHAPTER 10 of this ordinance. All such vehicle storage areas shall be located to the rear of the building.

b. Car wash facilities, if applicable, must be located in the rear yard of the principal structure and screened from view.

c. Lighting provided by canopies shall comply with the specifications contained in CHAPTER 11 of this ordinance.

d. No outdoor public address system which is audible beyond the boundaries of the property shall be permitted.

e. Any gas station that is also a vehicle service station shall conform with the requirements established herein.

f. Canopies shall be screened from visibility from adjacent residential uses or GR or RMX districts by a Type A buffer yard.

E. ***Gunsmiths and weapon sales.***

1. Definition: Establishments engaged in the business of keeping in stock, selling, offering for sale, or repairing any guns, weapons, firearms, and/or ammunition.
2. Additional Standards:
   a. The establishment shall at all times be a properly licensed dealer pursuant to 18 U.S.C. § 921, et seq., or G.S. 105-80.
   b. No firing or testing of weapons on site, unless as part of a permitted indoor or outdoor firing range.

F. ***Flea market.***

1. Definition: A periodic sales activity held in an open area, semi-open facility, or temporary structure, where individual merchants offer goods, new and used, for sale to the general public. This definition shall not include private yard sales or garage sales that are conducted on a residentially developed lot by members of the household.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22) Ord. No. 2025-19, § 1(Exh. A & B), 5-5-25)

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3.12.2. Telecommunications use category.

A. ***Wireless telecommunication facility.***

1. Definition: Equipment constructed in accordance with Section 332(c)(7) of the Telecommunications Act at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes one or more of the following, with all associated cabling, wiring equipment enclosures, etc.:
   a. antennas or antenna arrays,
   b. stealth wireless telecommunication towers,
   c. non-stealth wireless telecommunication towers,
   d. support structures,
   e. transmitters,
   f. receivers,
   g. base stations,
   h. combiners,
   i. amplifiers,
   j. repeaters,
   k. filters, or
   l. other electronic equipment.
2. Additional Standards:
   a. Telecommunications facilities in all districts shall be designed and installed in a manner to make them unobtrusive.
   b. All facilities shall be mounted so that the personal wireless service facilities do not extend beyond the top of the building or structure on which they are mounted.
   c. Facilities shall be designed to blend in with the existing structure or buildings with similar colors or other techniques as appropriate.
   d. All wireless telecommunication facilities shall be set back from any ~~residential~~ GR or RMX district using a distance equivalent to the fall radius of the structure or 200 feet, whichever is greater.
   e. Antenna standards.
      i. Antennas shall not interfere with the usual and customary radio and television reception accepting broadcast facilities as provided for in the regulations of the Federal Communications Commission.
      ii. Antennas shall comply with FCC and FAA guidelines. The antenna owner shall provide the city each year with a copy of any FCC and FAA license issued.
      iii. Antennas shall be restricted to the minimum standards of lighting required by the FAA. Antennas required by the FAA to have flashing lights shall utilize a dual lighting system consisting of a white strobe light for daytime lighting and a red flashing light for nighttime lighting.
      iv. Antennas and related mechanical equipment placed on structures other than towers shall be concealed antennas. Antennas located on top of buildings or other structures shall not

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exceed 30 percent of the building height. In no event shall an antenna extend beyond the structure in any direction greater than 25 feet.

(A) The setback requirement above, may be exempted provided certified drawings from an engineer are given attesting that the proposed replacement tower and debris would fall within the boundary lines on which the tower is located.

v. Antennas and supporting electrical and mechanical equipment shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

vi. Antennas erected solely for a residential, noncommercial individual use, such as residential television antennas, satellite dishes, or ham radio antennas, are exempt from these requirements.

B. ***Wireless telecommunication facility - tower.***

1. Definition: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. This does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

2. Additional Standards:

a. Towers shall be positioned to contain on-site any ice-fall or debris from tower failure. The distance from the tower's base to any property line shall equal or exceed the tower's fall radius.

b. Towers shall be restricted to the minimum standards of lighting required by the FAA. Strobe lights shall be red at night and may be either red or white during daylight unless otherwise required by federal or state regulation.

c. A single sign, two square feet in size, shall be displayed in a visible location near the tower. The sign shall contain a number to be assigned to the company and a telephone number for 24-hour emergency contact. No other signs shall be permitted on the facility.

d. Towers shall be set back from any ~~residential~~ GR or RMX district using a distance equivalent to the fall radius of the tower or 200 feet, whichever is greater.

e. The base of the tower, along with any individual guy wires, shall be enclosed by a commercial grade fence a minimum of eight feet in height.

f. If the tower is between 120 feet and 200 feet in height, the tower shall be engineered and constructed to accommodate at least one additional telecommunication antenna.

g. At the time a tower is approved, the owner shall provide written authorization that the tower and its accessories may be shared by other telecommunication antenna(s). The owner shall record in the register of deeds' office a letter of intent prior to the issuance of the building permit. This letter shall bind all subsequent owners of the approved tower.

h. If the city or county determines that the proposed tower will be situated in a location that will enhance the city and/or county's telecommunication system, the applicant shall, prior to the issuance of a building permit, agree to allow the city and/or county to co-locate its telecommunication equipment at fair market value.

i. No telecommunication tower shall exceed 200 feet in height.

j. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. The design of the tower and

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related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

k. A vegetation screen consisting of two staggered rows of evergreen trees shall surround the perimeter of the property containing the base of the tower and related equipment. Evergreen vegetation shall be of sufficient density to serve the purpose of a solid screen to keep the tower area itself from being visible from any public right-of-way or adjacent property.

l. The applicant shall provide written proof that the proposal complies with all applicable FAA and FCC regulations.

m. Replacement of existing towers. Towers existing at the time of this ordinance may be replaced one time only with a taller tower, and reviewed for approval by the administrator in lieu of the BOA, provided the replacement tower conforms to the standards detailed above, as well as the following standards:

   i. The height of the replacement tower may not exceed the height of the original tower by more than 50 feet.

   ii. The replacement tower shall be located in as close proximity to the base of the original tower as reasonably possible, and in any event, no more than 50 feet from the base of the original tower.

   iii. The replacement tower shall utilize monopole construction and shall be designed and equipped with the technological and structural capability to accommodate at least one other wireless communication carrier or provider.

   iv. The owner of the replacement tower shall provide the planning director with an affidavit stating that at least one other wireless communications carrier needs a wireless communications facility within 1,250 feet of the subject site and that such carrier has agreed to co-locate on the replacement tower.

   v. The base of the replacement tower shall be screened to the extent practical on a case-by-case basis. Solid screen (fencing) or vegetative screens, or both, shall be utilized based upon CHAPTER 8 of this ordinance.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22)

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3.13.1. Residential accessory use category.

A. ***Residential accessory use.***

1. Definition: A use of land or of a building or structure or portion thereof, which is incidental and subordinate to a residential or lodging principal use on the same lot.
2. Additional Standards:
   a. Accessory uses shall be clearly incidental to the residential or lodging principal use and shall not change the essential character of the dwelling or the neighborhood.
   b. Accessory uses shall adhere to the standards outlined in Section 2.5 and all other applicable sections.

B. ***Day care home.***

1. Definition: Supervision or care provided on a regular basis, as an accessory use within a principal residential dwelling unit, by a resident of the dwelling for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.
2. Additional Standards:
   a. Child day care homes shall comply with the definitions and standards for family child care homes set forth in N.C.G.S. §110 (or any successors thereto).
   b. Adult day care homes shall comply with the definitions and standards for adult day care programs as set forth in N.C.G.S. §131-D (or any successors thereto).
   c. Child day care homes shall provide ample open area in the form of a rear yard with a minimum of 2,500 square feet suitable for children's play. Child day care homes located adjacent to parks are exempt from this provision.
   d. Client drop-off and pick-up areas shall be located on the site so as not to obstruct traffic flow on adjacent public streets.
   e. All day care establishments shall at all times be properly licensed by the State of North Carolina and all other appropriate governmental entities.
   f. All equipment shall be stored in the side or rear yard.
   g. No structural or decorative alteration which would alter the single-family character of an existing or proposed residential structure or which would be incompatible with surrounding residences shall be permitted.

C. ***Dwelling— accessory unit (ADU).***

1. Definition: A dwelling unit that exists either as part of a principal dwelling or as an accessory building and is secondary and incidental to the use of the property as single-family or duplex residential.
2. Additional Standards:
   a. Accessory dwelling units within residentially-zoned, single-family and duplex lots shall be encouraged and designed to meet housing needs. ADUs shall be secondary and subordinate in size to the primary living quarters.
   b. ADUs may be created as an independent structure (detached), as an addition to an existing primary structure (attached), conversion of existing space, such as a basement with an exterior entrance, or as a second story within detached garages.

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i. When built as a second story of a detached garage, the ground floor area of the garage shall not be considered part of the total square footage of the ADU.

c. Structures for ADUs shall comply with the provisions of Section 2.5, except as provided below.

i. Not more than one ADU is permitted on any lot.

ii. An ADU shall be located in the side or rear yard unless an existing structure is being converted to an ADU.

iii. The total area of an ADU shall not exceed 1,200 square feet or two-thirds of the primary structure, whichever is the lesser. The ground floor area of a detached garage shall not be considered as part of the total square footage of any ADU that is built as the second story of a detached garage; provided, however, such ground floor garage area shall not be subsequently converted to dwelling space.

d. ADUs shall not be considered additional dwelling units for the purpose of determining maximum density or other dimensional requirements as set forth in CHAPTER 2 of this ordinance.

e. ADUs shall be constructed according to North Carolina Building Code.

f. The administrator may impose reasonable conditions regarding the height, bulk, orientation, or location of the structure in order to protect the privacy of existing dwelling units on adjacent parcels in accordance with G.S. 160D-702(b).

D. *Home occupation.*

1. Definition: An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home occupations are small and quiet non-retail businesses which generally cannot be discerned from the frontage, are seldom visited by clients, require little parking, little or no signage, have only one or two employees and provide services such as professional services, music instruction, and hair styling.

2. Additional Standards:

a. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or the neighborhood.

b. Home occupation activities shall be confined to the interior of an approved structure. A home occupation housed within a dwelling shall occupy no more than 25 percent of the total floor area of the dwelling. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this ordinance.

c. The use shall employ no more than two persons who are not residents of the dwelling.

d. There shall be no business signage or visible display of stock in trade which is sold on the premises.

e. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.

f. The existence and operation of the home occupation shall not be visible and/or audible to neighboring residents from a street.

g. Only non-commercial vehicles are permitted in connection with the conduct of the home occupation.

h. Home occupations utilizing or proposing to utilize public water and sanitary sewer services shall be subject to all applicable water and sewer system development fees as per Brevard City Code, CHAPTER 70 Utilities.

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i. Home occupations shall comply with all applicable requirements of any federal, state, or local agency with jurisdiction over the proposed use. The applicant shall provide the administrator with evidence of approval by any relevant agency.

j. Responsibilities of the administrator and applicant(s):

i. The administrator may impose any necessary condition upon the operation of a home occupation, shall monitor home occupations and conduct site inspections to ensure compliance with this ordinance and any condition of approval, and shall revoke any permit for the operation of a home occupation and cause the use to be terminated in accordance with the procedures set forth in CHAPTER 18 of this ordinance upon a determination that such use is in violation of this ordinance or any condition of approval.

ii. The administrator shall have broad authority to deny any application for home occupation if in the opinion of the administrator, the proposed use would not be in keeping with the spirit and intent of this section. The burden of proving that a proposed home occupation would be in keeping with the spirit and intent of, and satisfy all requirements of this section as well as any condition of the administrator, shall lie with the applicant.

iii. In reviewing any application for home occupation and in the monitoring and enforcement of any approved permit for home occupation the administrator shall strongly consider the expectation that the residential use and character of each residentially zoned neighborhood be preserved and shall take into consideration these unique characteristics of any proposed use and its relationship to the site and surrounding properties in considering whether such use would be suitable as a home occupation.

k. Uses permitted as home occupations:

i. Examples of uses that may be permitted as home occupations include but are not limited to professional services such as those provided by an architect, engineer or accountant; art, music, or dance instruction; hair styling; bicycle repair or vehicle cleaning; and may include other uses defined herein or listed upon the use matrix in Section 2.2 of this ordinance when such uses can be performed in a manner that is strictly in keeping with the spirit and intent of, and satisfy all requirements of, this section.

ii. Uses involving the fabrication of products may be permitted provided, however, the home occupation shall not utilize mechanical, electrical, or other equipment, materials or processes, or create any by-product or effect, which produces noise, electrical or magnetic interference, vibration, heat, glare, odor, dust, pollution or other nuisances outside the dwelling or accessory structure housing the home occupation. Examples of such uses include but are not limited to baking, candle or soap making, fly-tying, woodworking, engraving, gunsmithing and or other similar small scale craft production or fabrication. This provision shall not be construed to authorize industrial uses within ~~residential~~ the GR or RMX zoning districts.

iii. Home occupation shall not include any use that is primarily retail in nature. It is the intention of his section that goods and merchandise produced as part of any home occupation be sold off-site; any on-site retail activity must be incidental to the purpose of this home occupation.

l. Duration of permit:

i. Home occupation permits are temporary, and shall not establish a vested right to renewal. Home occupation permits shall be valid for a period of one year from the date upon which approval is granted.

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ii. Applicants may apply for renewal of home occupation permits. Applications for renewal shall include a written report demonstrating compliance with the previously approved permit.

iii. In approving renewal applications, the administrator may modify prior conditions of approval and may impose any necessary, additional conditions. The administrator may deny a request for permit renewal and require the applicant to terminate the home occupation or relocate the home occupation to an appropriate commercial or mixed-use zoning district upon determination that the home occupation operated in violation of a requirement of this section or other applicable condition or requirement; or, that the home occupation has generated unanticipated effects that are detrimental to the residential character of the neighborhood in which the home occupation is located.

E. ***Keeping bees.***

1. Definition: The keeping of bees as an accessory use. This definition shall include any permanent or temporary structures related to beekeeping.
2. Additional Standards:
   a. Keeping bees within the City of Brevard's corporate limits shall be permitted following the standards set forth in the Brevard City Code, Section 14-9, Keeping bees.
   b. In accordance with NCGS §106-645, the keeping of bees within the City's extra-territorial jurisdiction is not subject to the regulations of this ordinance.
   c. Movable frame hives may be permitted upon parcels of land where no principal structure is present.

F. ***Keeping domestic fowl (chickens).***

1. Definition: The keeping of geese, ducks, chickens or other domestic fowl as an accessory use. This definition shall include any permanent or temporary structures related to domestic fowl.
2. Additional Standards:
   a. Keeping domestic fowl shall be permitted following the standards set forth in the Brevard City Code, Section 14-6, Keeping fowl.
   b. Chicken coops and chicken runs, as defined in Section 14-1 of Brevard City Code, may be permitted upon parcels of land where no principal structure is present, subject to the requirements set forth in Brevard City Code, CHAPTER 14, Animals and Fowl; Article I, Generally; Sections 14-1, Definitions, and 14-6, Keeping fowl.

G. ***Swimming Pool or Pond.***

1. Definition: A structure, in-ground or above ground, that contains water over 18 inches deep and is typically intended for swimming or recreational bathing. The definition of a pool includes all structures, walks or patio areas of cement, stone, or wood, at or above grade, built for, and used in conjunction with the pool.
2. Additional Standards:
   a. All pools permitted as residential accessory uses and structures, whether above-ground or in-ground, shall be built only in side or rear yards.

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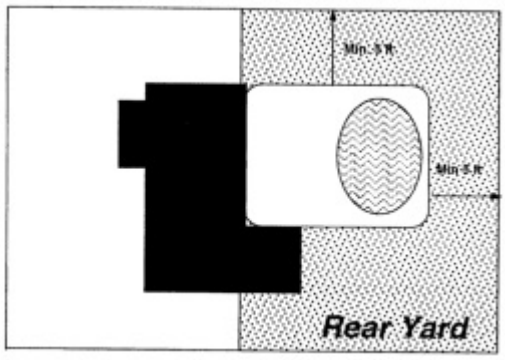
FIGURE 3.13A: SWIMMING POOL OR POND PLACEMENT



b. Pools and related structures, walks and patio areas shall be set back a minimum of five feet from all side and rear property lines. Patio areas at grade have no setback requirements from rear and side lot lines.

c. All pools shall be designed to prevent unsupervised access by children. Pools shall be enclosed within a secured structure or by an unclimbable privacy fence (with lockable self-latching gate) with a minimum height of four feet and a maximum of eight.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22; Ord. No. 2023-53, § 1(Exh. A), 11-6-23; Ord. No. 2024-46, § 1(Exh. A), 12-2-24)

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3.13.2. Non-residential accessory use category.

A. ***Non-residential accessory use.***

1. Definition: A use of land or of a building or structure or portion thereof, which is incidental and subordinate to a non-residential principal use on the same lot.
2. Additional Standards:
   a. Accessory uses shall adhere to the standards outlined in Section 2.5 and all other applicable sections.

B. ***Accessory retail.***

1. Definition: The on-premises, retail sale of products directly to customers, where the retail use is incidental to a primary use conducted upon the same premises. Examples include but are not limited to the following: a furniture manufacturer who operates a show floor for the display and sales of furniture produced by the manufacturer or a bicycle manufacturer who operates a floor for the display and sales of bicycles produced by the manufacturer.
2. Additional Standards:
   a. Accessory retail uses shall be directly related to and accessory to a conforming, principal use.
   b. Products offered for sale within accessory retail uses shall be products which are produced or processed by the associated principal use, or which are directly related to, and offered in support of, products which are produced or processed by the associated principal use. For example, a manufacturer of bicycles may operate an accessory retail use wherein bicycles, which were manufactured within the principal use, are offered for direct, on-premises retail sale. Bicycle accessories (such as tires, helmets), which were not produced by the manufacturer but which clearly relate to and support products which are produced or processed by the principal use, may also be offered for sale. However, products that do not clearly relate to and support products which are produced or processed by the principal use (such as backpacking or rock-climbing gear in the case of the bicycle manufacturer) cannot be offered for retail sale.
   c. Accessory retail uses shall comply with all applicable standards of federal, state or local law that would otherwise apply to retail oriented principal uses. For example, parking areas serving accessory retail uses within a General Industrial zoning district shall comply with the surfacing requirements of Section 10.7.
   d. Accessory retail uses are limited to an area that is equivalent to 20 percent of the gross floor area of the structure(s) containing the principal use.
   e. Accessory retail uses shall be indoors, and shall not include the outdoor display of products or merchandise.

C. ***Drive-thru.***

1. Definition: A facility where food and other products or services may be purchased or obtained by motorists without leaving their vehicles. Examples include drive-through fast-food restaurants, coffee, photo stores, pharmacies, bank teller windows, convenience stores, and dry-cleaning pick-up stores without dry cleaning equipment. This term does not include gas stations or other vehicle services, which are separately defined.
2. Additional Standards:

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a. Drive-through stacking lanes, windows, and associated equipment shall not be permitted within 50 feet of a ~~residential~~ GR or RMX district or residential use.

b. Drive-through windows and services shall be located and accessed only at the rear or side of the building and shall not be located between the principal structure and a public street. Service lanes shall not be located between the building and the street.

c. When situated at the side of the building, windows and services shall be located at least 20 feet back from the front façade of the building.

d. Vehicle storage for drive-through uses shall be located outside of, and physically separated from, the right-of-way of any street. This area shall not interfere with the efficient internal circulation of the site, adjacent property, or adjacent street right-of-way.

e. Service lanes shall be a minimum of 80 feet long for a single stacking lane or 80 feet per lane when there is more than one service lane. A service lane is measured from the curb cut to the service area or the order area if an outdoor order area precedes the service area. Service lanes do not have to be linear. Stand-alone automatic teller machines shall provide stacking distance for four vehicles outside of any right-of-way, parking area, or travel lane.

f. Drive-through service lanes shall provide a minimum of ten stacking spaces on site for restaurant and food sale uses with drive-through facilities and a minimum of six stacking spaces on site for banking, pharmacies and similar non-food-related uses with drive-through facilities. Each stacking space shall be a minimum of nine feet by 18 feet.

g. A service lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations. A service lane is required for full-service drive-through automobile cleaning establishments.

h. Service lanes shall be designed so that they do not interfere with parking, parking access and vehicle circulation. Crossings shall be situated so as to minimize conflicts between pedestrians and vehicles. Where service lanes are traversed by pedestrian crossing areas, such crossings shall be clearly marked. Warning signage may be required at the discretion of the administrator in the interest of pedestrian safety.

i. All service lanes shall be clearly identified by means of striping, landscaping, curbing, and the like.

j. Site access and egress shall be shared by the drive-through and inside customer service functions.

k. The drive-through service lane shall first exit into other circulation lanes within the same project, and then onto a public street via the same exit curb cut as the other circulation lanes within the same project.

l. Service lanes shall be designed for a one-way traffic pattern only.

m. The drive-through shall be limited to a maximum of two service lanes and one additional lane for an automated teller machine (ATM).

n. Drive-through facilities shall be screened from off-site view from adjacent properties by a Type A buffer with a minimum width of ten feet.

o. Speaker box sounds from the drive-through lane shall not unreasonably disturb the peace and quiet of abutting residential property.

p. A traffic impact study may be required by the approving authority.

D. ***Mobile food vendor site.***

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1. Definition: A permanent location for licensed mobile food vendors or food trucks to offer food and beverages for sale consumption.
2. Additional Standards:
   a. Mobile food vendors shall only vend at permanent locations permitted under this section.
   b. The owner, or authorized agent thereof, of any property upon which a mobile food vendor(s) proposes to operate, shall secure a permit for the establishment of a mobile food vendor site.
   c. Mobile food vendors using the designated site shall secure all necessary permits required by the Transylvania County Health Department.
      i. Mobile food vendors must follow all applicable rules and requirements of the Transylvania County Health Department and any other relevant agencies of Transylvania County or the State of North Carolina.
      ii. In the issuance of permits for mobile food vendor sites and mobile food vendors, the administrator shall have broad discretion to assign such conditions as may be necessary to protect the health, safety, and welfare of the public
   d. Number of mobile food vendor sites:
      i. In NMX, PGX and DMX zoning districts, only 1 mobile food vendor site shall be permitted per parcel.
      ii. In CMX, IC, and GI zoning districts, each parcel is permitted up to 3 mobile food vendor sites, so long as all other separation and site requirements as set forth in this section are met.
      iii. Additional mobile food vendor sites may be permitted with the issuance of a special use permit in accordance with CHAPTER 16.
   e. Separation requirements:
      i. Mobile food vendors shall be situated at least 10 feet from all property lines and any road right-of-way, shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space.
         (A) This requirement shall not apply to special events approved by the city for placement upon public streets.
      ii. Mobile food vendors shall be situated at least 20 feet from one another.
      iii. Mobile food vendors shall be situated at least 25 feet from any permanent structures.
         (A) The administrator may, upon recommendation of the fire marshal, approve the placement of mobile food vendors within 25 feet or less of a permanent structure. Such approval shall be based upon building type, building materials, existing fire breaks, and other pertinent information. Such reductions shall be reviewed on a case-by-case basis, at the discretion of the administrator.
         (B) There shall be no reduction in separation between mobile food vendors and permanent structures within the downtown fire district.
      iv. Mobile food vendors shall be situated at least 200 feet from any residential structure that is located within GR zoning district.
      v. Mobile food vendors must be set back a minimum of ten feet in all directions from fire hydrants.
   f. Power.

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i. Outside of the Heart of Brevard district, generators may be used to power the vending unit. Within the Heart of Brevard only dedicated power supplies shall be used.

ii. For dedicated power supplies the applicant must present documentation that power load supplied to the vehicle is sufficient to meet the vehicles needs while in operation.

g. Hours of operation for mobile food vendors shall be limited to 7:00 a.m. to 10:00 p.m., except during an approved special event, when other operating hours may be established as part of the event.

h. Mobile food vendor operators or their designee must be present at all times during operation, except in the event of an emergency.

i. Each food truck 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 food truck operator's waste.

j. Mobile food vendor signage shall be limited to the following:

i. Mobile food vendors shall be allowed signage only as described in Chapter 12 of this Ordinance.

ii. Nothing in this Ordinance shall be construed to mean that mobile food vendor vehicles cannot be painted or decorated, or display menus affixed to the side(s) of the vendor vehicle.

E. ***Recycling—small collection.***

1. Definition: A location where the public may donate, redeem or sell recyclable materials, which occupies an area of 350 square feet or less. Such facility may include the following: a mobile unit; bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and kiosk-type units that may include permanent structures.

F. ***Rooftop amenity space.***

1. Definition: A covered or uncovered space on a building rooftop that is intended to be an accessory use for residents of a building or mixed-use building type or for the patrons of a commercial building.

2. Additional Standards:

a. Any structure on a rooftop amenity space shall not exceed 12 feet in height.

b. The rooftop amenity space shall not be enclosed.

c. No sign affixed to any structure in a rooftop amenity space shall be visible from the street.

G. ***Taproom or tasting room.***

1. Definition: An area that is ancillary to the production of beer or other types of alcohol at a brewery, distillery, winery, cidery, etc. where the public can purchase and/or consume the alcoholic beverage produced on site.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22; Ord. No. 2023-17, § 1(Exh. A), 5-1-23; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25)

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12.7. Exempt signs.

The following signs are exempt from the provisions of this ordinance and do not require a permit:

A. *Government signs:* Official signs installed by units or agencies of local government having jurisdiction within the City of Brevard, and agencies of the State of North Carolina or the federal government are exempt from the regulations established by this section. For the purposes of this section, official signs shall include any sign erected by the City of Brevard. Such signs may be illuminated, flashing, or moving as required.

B. *Signs required by law:* Signs erected pursuant to federal, state, or local laws or ordinances.

C. *Architectural features:* Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.

D. *Public-owned ball field signs:* Signs attached to the field's fencing, provided that such signs are made of weather-durable materials and are not self-illuminated.

E. *Window signs:* Signs placed on or behind window glass, provided that no window signs shall include electronic or flashing elements as prohibited by Section 12.6.F.

F. *Historic properties:* Buildings or properties that are either locally or nationally listed as a historic landmark may have small identifying signs on the building or property.

G. *Murals:*

1. A mural, as defined herein, is any image painted, applied, or affixed directly on to a privately owned, nonresidential building wall, retaining and screening wall, or other large existing outdoor surface in ~~nonresidential~~ any zoning districts except GR or RMX for artistic and/or aesthetic purposes as opposed to advertising. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image. Murals may incorporate logos, symbols, and copy within the image, however such elements combined shall not exceed eight percent of the mural's total surface area, and any murals that do not adhere to this requirement shall be considered wall signs and permitted as such.
2. Murals may be permanent, or temporary and shall be maintained in good condition by the property owner.
3. Owners seeking to create murals shall receive City Council approval~~. Based~~ based on adopted City policies~~, City Council shall issue a resolution stating its approval or denial of the mural request in all nonresidential zoning districts~~.

H. *Vintage signs:*

1. Vintage signs are defined as any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs may be incorporated into murals, or placed on building walls of privately owned, nonresidential buildings, and retaining/screening walls in ~~nonresidential~~ any zoning districts~~ except~~ GR or RMX.
2. Vintage signs are allowed in all zoning districts.
3. Vintage signs shall require only a letter of compliance before placement if they adhere to the following:
   a. If used by a property owner with no affiliation to the active, or closed business, vintage signs may be placed or incorporated:
      i. On a building wall as long as no more than 40 percent of the wall face is covered;

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ii. On a pitched or flat roof as long as no more than 20 percent of the area of the surface plane on which the vintage sign is placed is covered; or

iii. Within murals as long as all provisions for murals are met in addition to those for vintage signs provided herein.

4. Vintage signs shall require a sign permit if used by an operational business in place of its current advertising signage. In such instances the vintage sign shall be considered wall signage and shall adhere to all provisions therein and require the issuance of a sign permit.

(Ord. No. 2020-34 , § 1(Exh. A), 12-7-20; Ord. No. 2021-06 , § 1(Exh. A), 2-22-21; Ord. No. 2025-07, § 1(Exh. A), 2-3-25)

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12.8.2. Freestanding (ground) temporary signs.

A. ***General provisions***. The following standards apply to all freestanding temporary signs:

1. Signs shall not be affixed to any supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
2. Signs, other than Type 4 freestanding temporary signs as allowed herein, shall not be placed in the right-of-way.
3. No more than one freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted.

B. ***Type 1 freestanding temporary signs***. Signs in this category consist of small, temporary yard signs that are typically associated with, but are not limited to, the advertisement of real estate, political campaigns, and meetings.

1. *Where permitted*. Type 1 freestanding temporary signs may be displayed in any zoning district and may be associated with any use, including parcels containing vacant or undeveloped land.
2. *Size*. The maximum sign display area is limited to four square feet.
3. *Height*. The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
4. *Number.*
   a. One Type 1 freestanding temporary sign may be displayed per parcel, per street frontage, without a permit. Additional Type 1 freestanding temporary signage may be allowed with the issuance of a permit.
   b. During the period beginning 30 days before the beginning date of early voting, under N.C.G.S. 163-166.40, and ending 10 days after the primary or election day, this limit on the number of Type 1 freestanding temporary signs that may be displayed without a permit is suspended for residential parcels. All other regulations associated with such signage shall remain in effect during such period of suspension.
5. *Material*. Type 1 freestanding temporary sign faces shall be made of a rigid material.
6. *Mounting standard*. Signs may only be mounted and supported by posts or stakes.
7. *Number of sides*. The display area may be either single or dual sided.
8. *Duration of display*. The duration of the display of a Type 1 sign is limited to 100 days, with a minimum separation period of 10 days between displays.

C. ***Type 2 freestanding temporary signs***. Signs in this category are commonly referred to as "banners" that are typically associated with, but not limited to, the announcement of new business openings, community events, and similar unique events.

1. *Where permitted*. Type 2 signs are permitted only on parcels in the RMX, NMX, PGX, DMX, CMX, GI, and IC zoning districts. A permit is required for this type of temporary signage.
2. *Size*. The maximum sign display area is limited to 18 square feet in RMX, NMX, PGX, and DMX districts, and 32 square feet in CMX, GI, and IC districts.
3. *Height*. The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.

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4. *Number*: One Type 2 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
5. *Material*. Sign faces shall be made of a flexible material.
6. *Mounting standard*. Signs may only be mounted and supported by posts or stakes.
7. *Number of sides*. The display area may be either single or dual sided.
8. *Duration of display*. Type 2 freestanding temporary signs are permitted to be displayed during the initial openings of businesses, community events, or special sales, for a maximum of 14 days at a time. A maximum of six separate displays are permitted during each calendar year with a minimum of ten days of separation between displays by the same use/business/tenant.

D. ***Type 3 freestanding temporary signs***. Signs in this category are larger temporary signs typically associated with, but not limited to, the advertisement of large tracts of land for sale, construction and development activity, or the advertisement of commercial or industrial buildings for sale or lease.

1. *Where permitted*. Type 3 signs are allowed with a permit only on parcels or groups of adjacent parcels under common ownership that meet one of the following:
   a. A residential use on a parcel or group of adjacent parcels under common owner-ship that is a minimum of three acres in size zoned GR;
   b. Vacant or undeveloped land where the parcel or group of adjacent parcels under common ownership that is a minimum of one acre in size in any zoning district;
   c. A non-residential use in any ~~non-residential~~ zoning district except GR or RMX upon a parcel that has a minimum of 200 feet of frontage on a public street, as measured at the right-of-way; or
   d. A non-residential use in any ~~non-residential~~ zoning district except GR or RMX upon a parcel that has construction or development activity per an active development permit.
2. *Simultaneous display prohibited*. A Type 3 sign shall not be displayed upon a parcel that contains a permanent freestanding sign or sign structure.
3. *Size*. The maximum area is limited to 16 square feet in GR and RMX districts, and 24 square feet in all other districts.
4. *Height*. The maximum height of the sign, including any supporting posts or stakes, is limited to five feet above the lowest adjacent grade in GR and RMX districts, and eight feet above the lowest adjacent grade in all other districts.
5. *Setbacks*.
   a. Front: No portion of any freestanding ground sign described in this section may be located closer than ten feet (10') to any street right-of-way, except in the DMX district where signs shall be no closer than five feet (5') to any street right-of-way.
   b. Side and Rear: No portion of any freestanding sign described in this section shall be located any closer than ten feet (10') to any side or rear property line.
6. *Number*: One Type 3 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
7. *Material*. Sign faces shall be made of a rigid material.
8. *Mounting standard*. Signs shall be mounted to and supported by a minimum of two (2) separate posts or stakes.
9. *Number of sides*. The display area may be either single or dual sided.

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10. *Duration of display*.
    a. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership which contain only vacant or undeveloped land for which no development permits have been issued.
    b. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership zoned NMX, PGX, CMX, DMX, or GI that have unoccupied commercial buildings.
    c. In all other cases, the duration of display shall be limited to two months.
    d. Where the display of a Type 3 sign is subject to a limit on the duration of display, there shall be a minimum period of separation of 60 days between the removal of the previously permitted sign and the display of a new sign. Such period of separation shall apply in all cases where a sign subject to a limit on the duration of its display is removed, regardless of whether the maximum allowed duration for its display has been reached at the time of its removal.

E. ***Type 4 freestanding temporary signs***. The category of signs defined as Type 4 freestanding temporary signs shall include only those signs which are constructed in a manner that is commonly referred to as an "A-frame" or "sandwich board" sign, consisting of two sides connected at the top by hinges or similar mechanisms.

1. *Where permitted*. Type 4 freestanding temporary signs are allowed with a permit in the RMX, NMX, PGX, DMX, CMX, and IC zoning districts.
2. *Size*. The maximum sign display area is limited to eight square feet per side.
3. *Height*. The maximum height of the sign is limited to four feet above the grade of the surface upon which it is displayed when placed in its display position.
4. *Number.* One Type 4 freestanding temporary sign may be displayed per tenant space, provided that no more than two Type 4 signs may be displayed per parcel along the same building street frontage.
5. *Material*. Sign faces shall be composed of rigid material.
6. *Location*. Type 4 freestanding temporary signs may be placed upon a public sidewalk or other pedestrian walkway, provided that a minimum of five feet of unobstructed clearance is maintained along the directional path of the walkway. In no case shall a Type 4 sign be placed in a manner that obstructs vehicular access, movement, or visibility. Such signs shall not be locked, chained, or otherwise tethered to posts, utility poles, trees, permanent signs, or any other permanent object.
7. *Duration of display*. Type 4 signs may only be displayed during the period beginning 30 minutes prior to the daily opening and ending 30 minutes following the daily closing of the business displaying the sign.

(Ord. No. 2015-32, §§ 02, 03, 11-16-15; Ord. No. 2020-34 , § 1(Exh. A), 12-7-20; Ord. No. 2022-09, § 1(Exh. A), 3-21-22; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25; Ord. No. 2025-07, § 1(Exh. A), 2-3-25)

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12.9.2. Signs mounted to walls.

A. ***Wall signs***.

1. *Where permitted*. Wall signs shall be permitted to be displayed in association with any non-residential use in any zoning district.
2. *Location*. Wall signs may be displayed on any building wall that includes a customer or public entrance, faces a public street, or faces a parking area.
3. *Number*.
   a. In ~~residential~~ GR and RMX districts, maximum of 1 wall sign per street frontage.
   b. In all other districts, maximum of 3 wall signs per street frontage.
4. *Maximum area*.
   a. Subject to the other provisions of this section, the maximum size for all wall signs combined shall be determined as follows:
      i. There may not be more than 1.0 square feet of sign surface area per linear foot of a building's main façade, or the portion of the building rented by the tenant, up to 200 linear feet
      ii. There may not be up to 0.5 square feet of additional sign surface area per linear foot in excess of 200 feet.
      iii. The "main façade" shall be the side of the building which faces the public street, or faces the street of highest classification.
   b. In DMX and PGX districts no single wall sign shall be larger than 64 square feet.
5. *Changeable copy.* Wall signs may only include changeable copy features when displayed on buildings containing "Entertainment/Recreation" and "Civic/Institutional" uses, per the Table of Permitted Uses (Section 2.2.C).
6. *Illumination.* Wall signs may be illuminated either internally or externally. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting*: Wall signs may not project more than 12 inches from the building wall to which they are mounted and shall not be mounted in a manner where any part of the sign extends past the top of the building wall.

B. ***Projection signs***.

1. *Where permitted*. Projection signs shall be permitted to be displayed by any non-residential use in any ~~non-residential~~ zoning district except GR and RMX.
2. *Location*. Projection signs shall be located at the main entrance of the business or on the corner of the building occupied by the business.
3. *Number*. One per business establishment.
4. *Maximum area*. The maximum permitted area for projection signs shall not exceed eight square feet per side.
5. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted to be included on a projection sign.

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6. *Illumination.* Projection signs may be illuminated externally. The light source shall be mounted directly to the sign. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting.* Projection signs shall be designed so that each face of the sign is parallel to the other face. When mounted at a location other than the corner of a building, the faces of the projecting sign shall be aligned so that they are perpendicular to the building wall.
8. *Minimum clearance required*. Projecting signs shall be installed in such a manner as to provide a minimum of eight feet of clearance above grade.
9. *Maximum projection*. Projecting signs shall not project greater than five feet from the building wall to which they are attached. Projecting signs shall be installed so that the edge of the sign closest to the building wall is no greater than 12 inches from such wall.

C. ***Awning signs***.

1. *Where permitted*. Awning signs shall be permitted to be displayed on awnings associated with any non-residential use in any zoning district.
2. *Location*. Awning signs may only be displayed on awnings which are installed to cover an entrance that is used by customers.
3. *Number*. One per awning valance on awnings installed to cover a customer entrance.
4. *Maximum area*. The maximum permitted area for awning signs shall not exceed 80 percent of the width of the valance of the awning.
5. *Material.* Awning signs in the fire district shall not be constructed of a flammable substance.
6. *Illumination*. Awning signs shall not be illuminated.

(Ord. No. 15-08, § 32, 12-5-08; Ord. No. 2015-12, §§ 1, 2, 6-15-15; Ord. No. 2017-09, § 1(Exh. A), 4-24-17; Ord. No. 2020-11 , § 1(Exh. A), 6-29-20; Ord. No. 2020-34 , § 1(Exh. A), 12-7-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. 2022-09, § 1(Exh. A), 3-21-22; Ord. No. 2022-39, § 1(Exh. A), 6-20-22; Ord. No. 2022-72, § 1(Exh. A), 11-21-22; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25; Ord. No. 2025-07, § 1(Exh. A), 2-3-25)

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12.9.3. Freestanding (ground) signs.

A. ***Setbacks.***

1. *Front.* No portion of any freestanding ground sign described in this section may be located closer than ten feet to any street right-of-way, except in the DMX district where signs shall be no closer than five feet to any street right-of-way.
2. *Side and rear.* No portion of any freestanding sign described in this section shall be located any closer than ten feet to any side or rear property line.

B. ***Non-residential uses in General Residential (GR) and Residential Mixed-Use (RMX) districts.***

1. Nonresidential uses permitted in ~~residential~~ GR and RMX districts shall be allowed one ground or wall sign, subject to the following:
   a. *Number.* One ground or wall sign may be displayed per business.
   b. *Maximum area.* Shall be no larger than twenty-four square feet.
   c. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted.
   d. *Height.* Such ground signs shall not exceed five feet in height.
   e. *Illumination.* Neither such wall or ground signs shall not be illuminated.
   f. *Material.* Sign faces shall be composed of rigid material. A banner affixed to a rigid surface shall not suffice for this requirement.
2. *Nameplate signs.* Home occupations shall be allowed one nameplate sign that shall not exceed four square feet of surface area, shall be attached to the residence, and shall not be illuminated.

C. ***Non-residential uses all other zoning districts.*** The following standards shall apply to individual businesses on individual parcels. Non-residential group developments, non-residential conditional zoning districts, and institutional campuses shall be subject to the same dimensional requirements, but the number of allowable ground signs in such developments is set forth in Section 12.9.6.

1. *Where permitted.* Any zoning district provided the business lies outside the Downtown Development Overlay District. Businesses located in this overlay district may display A-frame signs as described herein.
2. *Number.* One ground sign may be displayed per establishment.
3. *Maximum area.* Shall be no larger than the maximum size as defined in the table below, unless specifically defined elsewhere in this ordinance.

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TABLE 12.9.3A: MAXIMUM SIGN SIZE FOR NON-RESIDENTIAL USES ~~IN NON-RESIDENTIAL DISTRICTS~~	
District	**Max Size in Square Feet ($ft.^2$)**
~~RMX~~	~~32 $ft.^2$~~
NMX	32 $ft.^2$
PGX	32 $ft.^2$
DMX	32 $ft.^2$
CMX	85 $ft.^2$
IC	24 $ft.^2$
GI	50 $ft.^2$
Highway 64 Corridor Sign Overlay District	85 $ft.^2$ in surface area

4. *Changeable copy*. Changeable copy features are allowed.
5. *Height*. No portion of any ground sign shall exceed 20 feet in height.
6. *Illumination*. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Material*. Sign faces shall be composed of rigid material. A banner affixed to a rigid surface shall not suffice for this requirement.

D. ***Canopy signs***.

1. *Where permitted*. Canopy signs shall be permitted to be displayed in association with any non-residential use in any ~~non-residential~~ zoning district except GR or RMX.
2. *Location*. Canopy signs may be displayed on any freestanding or attached canopy covering a vehicular use area, such as an automobile fueling area or passenger drop-off area.
3. *Number*. One sign may be displayed per side of the canopy.
4. *Maximum area*. Signs may occupy up to 20 percent of the area of the valance of the canopy, up to a maximum of 24 square feet in ~~non-residential~~ zoning districts except GR or RMX.
5. *Changeable copy*. No changeable copy feature, either manual or electronic, is permitted to be included on a canopy sign.
6. *Illumination*. Canopy signs may be illuminated internally. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.

E. ***A-frame/sandwich board signs***. A sandwich board sign is an A-frame or inverted V-shape sign which is portable and usually double-sided.

1. *Where permitted.* Non-residential business establishments within the DMX, NMX, PGX, and RMX zoning districts may elect for an A-frame sandwich board sign in lieu of a traditional ground sign.
2. *Location.* Such a-frame signs shall be placed on the sidewalk adjacent to the front of the individual business or on the brick paved area providing such a location does not pose a safety hazard, maintains five feet of unobstructed paved space, does not obstruct any building entrances or exist, or impede any public infrastructure, utilities, and amenities. Such A-frame signs must be removed each day at the end of business hours.
3. *Number.* One ground or wall sign may be displayed per business.
4. *Maximum area.* Such A-frame signs shall not exceed eight square feet in area per side.

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5. *Height.* Such A-frame signs shall not exceed four feet in height.
6. *Changeable copy.* Manual changeable copy features are allowed.
7. *Illumination.* Such A-frame signs shall not be illuminated.
8. *Alleys.* Business establishments located in any official city-owned alley may also be permitted to collectively place one Type 4 freestanding temporary sign near the primary alleyway entrance, provided the location of the sign does not pose a safety hazard, and that the sign is removed at the end of each day when the last business in the alley closes.

F. ***Electronic display signs.*** Electronic display signs may be permitted as ground signs, subject to the following additional requirements:

1. *Where permitted*. Only the following uses shall be permitted to install electronic display signs:
   a. Colleges/universities;
   b. Schools—Elementary and Secondary;
   c. Schools—Vocational/Technical; and
   d. Government services.
2. Master planned campuses of different uses than described in this section may have one electronic display sign that is internal to the campus and not visible from any public street.
3. Only one electronic display sign shall be permitted per parcel.
4. Only one electronic display sign shall be permitted within any group development, conditional zoning district, or institutional campus.
5. Electronic display signs shall display only non-moving text and images with changes alternating on not less than a five second level, and shall display no scrolling, flashing, blinking, or otherwise moving message.
6. Electronic display signs shall adhere to all other applicable wall or ground sign requirements of this chapter, as well as the lighting standards of CHAPTER 11 of this ordinance.

(Ord. No. 15-08, § 32, 12-5-08; Ord. No. 2015-12, §§ 1, 2, 6-15-15; Ord. No. 2017-09, § 1(Exh. A), 4-24-17; Ord. No. 2020-11 , § 1(Exh. A), 6-29-20; Ord. No. 2020-34 , § 1(Exh. A), 12-7-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. 2022-09, § 1(Exh. A), 3-21-22; Ord. No. 2022-39, § 1(Exh. A), 6-20-22; Ord. No. 2022-72, § 1(Exh. A), 11-21-22; Ord. No. 2024-43, § 1(Exh. A), 11-18-24; Ord. No. 2025-04, § 1(Exh. A), 1-21-25; Ord. No. 2025-07, § 1(Exh. A), 2-3-25)

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12.9.4. Incidental signs.

A. The following incidental signs may be displayed in accordance with the specific standards listed below, without a permit or fee.

B. ***Private directional signs.***

1. Private, unofficial traffic signs not exceeding three feet in height nor two square feet in area, which indicate directions, entrances, and exits, may be displayed on each side of street entrances to a parking area or internal driveway network and within the parking lot of a non-residential use. Such signs associated with industrial uses may be up to six feet (6') in height and eight square feet (8 ft^2).
2. Such signs must be located entirely on the property to which they pertain, unless approved by NCDOT and/or the City of Brevard to be located in a public right-of-way. In such cases an encroachment agreement may be necessary.
3. Such signs shall not contain any advertising message beyond a business name or logo.

C. ***Miscellaneous signs.***

1. Signs in conjunction with the operation of equipment or other functional elements of non-residential uses such as a drive-thru, ATM, gas pumps/tanks, or similar uses.
2. Memorial signs, monuments, or plaques which are non-commercial in nature may be displayed so long as they do not pose a safety or traffic hazard.

D. ***Automobile and motorized vehicle dealer signs.***

1. Automobile dealers and motorized vehicle dealers ~~within commercial districts~~ are allowed to attach to vehicles for sale small pennants, flags, or balloons.
2. Said devices shall not exceed two per vehicle; devices shall be less than three square feet in size; and devices must be maintained and secured in a proper manner.
3. If a device is not secured or maintained to the satisfaction of the administrator such device shall be deemed a prohibited moving device and be immediately removed.

E. ***Neighborhood signs.***

1. *Where permitted.* Distinct neighborhoods, residential subdivisions, residential group developments, residential conditional zoning districts, older existing communities that may not have been permitted as unified projects, and manufactured home parks in any zoning district.
2. *Number.* One ground sign at each entrance.
3. *Maximum area.* Such signs shall be no larger than 32 square feet.
4. *Design.* Such signs shall be of a uniform design to be approved by the city. Designs and locations shall be approved by the administrator.
5. *Height.* Such signs shall not exceed five feet in height.
6. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted to be included on any neighborhood sign.
7. *Illumination.* Such signs may be illuminated externally in accordance with CHAPTER 11 of this ordinance.

F. ***Regulatory signs.*** Signs required to be installed by any local, state, or federal rule, regulation, or ordinance. Examples of such signs include required building address signs, fire safety signage, and public notices required by law.

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(Ord. No. 15-08, § 32, 12-5-08; Ord. No. 2015-12, §§ 1, 2, 6-15-15; Ord. No. 2017-09, § 1(Exh. A), 4-24-17; Ord. No. 2020-11 , § 1(Exh. A), 6-29-20; Ord. No. 2020-34 , § 1(Exh. A), 12-7-20; Ord. No. 2021-16 , § 1(Exh. A), 4-19-21; Ord. No. 2022-09, § 1(Exh. A), 3-21-22; Ord. No. 2022-39, § 1(Exh. A), 6-20-22; Ord. No. 2022-72, § 1(Exh. A), 11-21-22; Ord. No. 2025-07, § 1(Exh. A), 2-3-25)

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17.9. Landscape plan requirements.

A. A landscaping plan and/or vegetation preservation plan shall be required prior to any site disturbance for:

1. All non-residential uses;
2. All multi-family uses in a ~~residential~~ GR and RMX districts;
3. Any development in steep slope areas, in accordance with Section 6.4; and
4. Any other development where a landscaping plan and/or vegetation preservation plan is deemed necessary by the administrator due to the particulars of the project.

B. The plan shall contain the following information:

1. An accurate drawing of property boundaries.
2. A development summary including the total development acreage, proposed use(s), required parking and provided parking spaces, and total building square footage.
3. The location of proposed buildings, driveways, parking areas, required parking spaces, and traffic patterns.
4. The location of all overhead and underground utilities.
5. Name of the project, name and address of owner, name and address of engineer, scale, date, legend, and north arrow.
6. General location, type and quantity of existing plant materials.
7. Existing plant materials and areas to be left in natural state.
8. Methods and details for protecting the critical root zone (CRZ) of existing plant materials during construction.
9. Locations, size and labels for all proposed plants.
10. Plant lists with common name, botanical name, quantity, and spacing and size of all proposed landscape material at the time of planting.
11. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, lights, courtyards, walks or paved areas. Berms shall have topo.
12. Planting and installation details as necessary to ensure conformance with all required standards as referenced in CHAPTER 9.

(Ord. No. 2023-22, § 1(Exh. A), 6-5-23)

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Mural: Any image painted, applied, or affixed directly on to a privately owned, nonresidential building wall, retaining and screening wall, or other large existing outdoor surface in ~~nonresidential~~ the CMX, DMX, PGX, NMX, IC, or GI zoning districts for artistic and/or aesthetic purposes as opposed to advertising. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image. Murals may incorporate logos, symbols, and copy within the image, however such elements combined shall not exceed eight percent of the mural's total surface area, and any murals that do not adhere to this requirement shall be considered wall signs and permitted as such.

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21.3.1. Temporary residential uses.

A. The administrator may approve temporary housing accommodations for displaced persons or recovery personnel following a declared emergency, subject to the following conditions.

1. *Type*:
   a. The temporary dwelling shall be one of the following types:
      i. Recreational vehicle,
      ii. Temporary and transportable manufactured home,
      iii. Travel trailer, or
      iv. Other temporary structures in consultation with the building inspector.
   b. Any type of temporary dwelling may be permitted, regardless of underlying use permissions and density requirements.
2. *Placement*:
   a. Temporary housing units may be permitted in the following circumstances:
      i. On a lot where active repair and reconstruction of the primary structure is occurring, regardless of the underlying zoning district;
      ii. On a lot within a ~~residential~~ GR or RMX zoning district as a type of temporary accessory dwelling unit (ADU); or
      iii. On a lot within a ~~residential~~ GR or RMX zoning district as a type of group development that is set up for multiple temporary dwellings.
   b. Setback requirements may be waived during the duration that the temporary housing unit is permitted, such that:
      i. The placement of the temporary housing will allow for unobstructed repair and reconstruction on the site, if applicable;
      ii. The temporary housing unit does not extend into any public or private right-of-way, easement, or adjacent property; and
      iii. The placement of the temporary housing unit does not violate any applicable provisions of NC Building Code or Fire Code.
   c. Temporary dwellings shall not be placed in flood hazard area, unless active repair or reconstruction of the primary structure is occurring on site and there is no feasible location outside of the flood hazard area for the temporary dwelling to be placed.
      i. If placed in the special flood hazard area the temporary dwelling shall be fully movable, properly licensed and ready for highway use. A recreational vehicle or other type of temporary dwelling is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.
3. *Duration*:
   a. The temporary housing permit shall be issued for a period of time not exceeding 12 months. The permit may be renewed for an additional six-month period, provided the applicant provides documentation demonstrating:

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i. When placed on a lot where active repair and reconstruction of the primary structure is occurring, progress has been made to repair and/or reconstruct the primary structure on the lot;

ii. When placed on a lot as a type of temporary accessory dwelling unit, progress has been made to repair and/reconstruct the occupant's primary residence;

iii. When placed on a lot as a type of group development, progress has been made to repair and/or reconstruct the primary residence of each occupant and/or additional displaced persons or recovery personnel are in need of temporary housing accommodations as a result of the emergency event.

b. The temporary housing unit(s) must be removed from the lot within thirty days following the completion of the repair and reconstruction of the displaced person's primary residence or within thirty days following the expiration of the zoning permit.

B. Preexisting nonconforming short-term rentals (STRs) or other lodging uses may be used as temporary housing accommodations in response to the local, state, or federal emergency for a period without being considered abandoned as set forth in Section 14.2 – *Nonconforming uses*.

(Ord. No. 2024-47, § 1(Exh. A), 12-2-24)

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21.3.2. Temporary non-residential uses.

A. The administrator may approve temporary non-residential uses providing emergency response and recovery services, subject to the following conditions.

1. *Type*:
   a. The temporary structure shall be one of the following types:
      i. Recreational vehicle,
      ii. Travel trailer,
      iii. Disaster relief tents or emergency response tents, or
      iv. Other temporary structures in consultation with the building inspector.
2. *Placement*:
   a. Temporary non-residential uses may be permitted in the following circumstances:
      i. As a temporary installation in a publicly-accessible parking area;
      ii. Vacant property in a ~~non-residential~~ CMX, DMX, PGX, NMX, IC, or GI zoning district; or
      iii. Within a vacant area of a property occupied by other non-residential uses in a ~~non-residential~~ CMX, DMX, PGX, NMX, IC, or GI zoning district.
   b. Setback requirements may be waived during the duration that the temporary non-residential use is permitted, such that:
      i. The placement of the temporary non-residential use will not impede any repairs or reconstruction of any damaged permanent structures on the site, if applicable;
      ii. The temporary non-residential use does not extend into any public or private right-of-way, easement, or adjacent property; and
      iii. The placement of the temporary non-residential use does not violate any applicable provisions of NC Building Code or Fire Code.
   c. Temporary non-residential uses shall not be placed in the special flood hazard area.
3. *Duration*:
   a. The temporary non-residential use shall be issued for a period of time not exceeding six months. The permit may be renewed for an additional six-month period, provided the applicant provides documentation demonstrating the non-residential services are still required.
   b. The temporary non-residential use must be removed from the lot within thirty days following the closure of the use or within thirty days following the expiration of the zoning permit.

(Ord. No. 2024-47, § 1(Exh. A), 12-2-24)

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COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-25-005

NCGS 160D-605 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

Building Brevard Comprehensive Land Use Plan:

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 3**: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **LUH-19:** Enhance communication of land use planning efforts, policy development, approvals and processes.

ORDINANCE NO. 2025-____

AN ORDINANCE AMENDING CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE CHAPTER 19 – DEFINITIONS TO CODIFY NEW DEFINITIONS

WHEREAS, on December 11, 2024, the North Carolina General Assembly enacted Session Law 2024-57 via a veto override which included a provision that amended the definition of "down-zoning"; and,

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

WHEREAS, in April of this year, the City Council adopted Ordinance 2025-13 to establish these definitions in the Unified Development Ordinance in order to comply with SL 2024-57; and,

WHEREAS, with these new definitions in place, it is the desire of the City Council to further clarify the standards contained within the Unified Development Ordinance that have relied on these previously undefined terms; and,

WHEREAS, the Brevard Planning Board considered these amendments on July 22, 2025, and unanimously recommended in favor; and,

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

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 3**: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **LUH-19:** Enhance communication of land use planning efforts, policy development, approvals and processes.

and,

WHEREAS, a public hearing was conducted on Monday, August 4, 2025, by the Brevard City Council.

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

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

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

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved this the 4th day of August 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

CITY of BREVARD

The mission of the City of Brevard is to promote a high quality of life, support economic prosperity, and cultivate community while honoring its heritage and culture

TAX SETTLEMENT REPORT

FOR MONTH ENDED

JUNE 30, 2025

Tina Tanner

Certified Tax Collector

Finance Department | (828) 885-5600
95 West Main Street | Brevard, North Carolina 28712 | www.cityofbrevard.com

CITY OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING JUNE 30, 2025

UPDATED: 07.11.2025

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2024		$ 4,145,519.25	$ 355,192.81	$ 150,837.61	$ 169,949.16	$ 660,227.95
2023-2011	$ 3,514.80	$ 4,462.58	$ 2,327.19	$ 4,626.24	$ 2,855.63	$ 1,778.13
2010 - Prior	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ 3,514.80	$ 4,149,981.83	$ 357,520.00	$ 155,463.85	$ 172,804.79	$ 662,006.08

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2024	$ 395,194.02	$ 42,533.66	$ 67,943.21	$ 39,878.70	$ 28,773.78	$ 15,892.86	$ 6,071,943.01
2023-2011	$ 3,258.13	$ 743.42	$ 3,740.29	$ 982.09	$ 2,266.74	$ 2,085.14	$ 32,640.38
2010 - Prior	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ 398,452.15	$ 43,277.08	$ 71,683.50	$ 40,860.79	$ 31,040.52	$ 17,978.00	**$ 6,104,583.39**

HEART OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING JUNE 30, 2025

UPDATED: 07.11.2025

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2024		$ 64,583.54	$ 12,538.17	$ 45.99	$ 8,318.48	$ 28,612.21
2023-2011	$ 28.47	$ 137.22			$ 625.39	
2010 - Prior	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ 28.47	$ 64,720.76	$ 12,538.17	$ 45.99	$ 8,943.87	$ 28,612.21

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2024	$ 18,255.99	$ 929.82	$ 1,285.50	$ 1,825.86	$ 32.82	$ 474.48	$ 136,902.86
2023-2011	$ 737.92		$ 0.71	$ -	$ 5.75	$ -	$ 1,535.46
2010 - Prior	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL:	$ 18,993.91	$ 929.82	$ 1,286.21	$ 1,825.86	$ 38.57	$ 474.48	**$ 138,438.32**

STAFF REPORT
City Council, Monday, August 4, 2025

Title:	Capital Project Amendment - WWTP - KCI - $878,000
Speaker:	Dean Luebbe
Prepared by:	Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background
On June 30, 2025, the City requested from NCDEQ to utilize an additional $878,000 of the $13.1M awarded to the City in the FY24 budget for water and sewer needs. The $878,000 will be used to complete Phase 1 design work and develop a professional engineering report (PER) for phases 2 and 3 of the Wastewater Treatment Plant Upgrade Project. The City received approval for this request on July 25, 2025. The work will be performed by KCI Associates.

Recommendation
Staff request Council approve Capital Project Amendment as presented.

Attachments:
1. CPO Amendment 878K WWTP
2. City of Brevard Request for Funding WWTP 6-30-25
3. Funding Offer signed 878,000
4. KCI Amendment No. 2 Partially Executed 6-24-2025

ORDINANCE NO. 2025-XX

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE NO. 2024-40 WASTEWATER TREATMENT PLANT UPGRADE PROJECT

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1: The budgeted expenditures and revenues listed under the ordinance 2024-40 will be increased by $878,000.

Section 2: Assistant City Manager David Todd has worked closely with KCI in developing the supplemental agreement which has been approved by NCDEQ and is intended to finish the design of Phase 1 and complete preliminary engineering reports for Phases 2 and 3 of the Wastewater Treatment Plant Upgrade.

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

Account Number	Account Name	Budget Amount
31-8220-0925	Professional Services	$352,000
31-8220-0925	**Professional Services**	**$878,000**
TOTAL PROJECT APPROPRIATION		**$1,230,000**

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

Account Number	Account Name	Budget Amount
31-3970-0800	NCDEQ SRP-W-134-0175	$352,000
31-3970-0800	**NCDEQ SRP-W-134-0175**	**$878,000**
TOTAL PROJECT REVENUE		**$1,230,000**

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 4th day of August, 2025.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

_____
Mack McKeller
City Attorney

CITY of BREVARD

The mission of the City of Brevard is to promote a high quality of life, support economic prosperity, and cultivate community while honoring its heritage and culture.

Office of City Manager
(828) 885-5601

David Smith
Engineer
Grants Management Unit
North Carolina Department of Environmental Quality
217 West Jones Street
Raleigh, NC 27603

Mr. Smith,

As a part of the FY24 State budget, the City of Brevard was awarded a $13.1M State appropriation to address water and sewer utility needs within the City.

The City's current highest need in regard to this funding is related to our Wastewater Treatment Plant and our Wastewater Collection System. In as much the City advertised for and hired the engineering firm KCI, to help the City determine if our current plant could be renovated or if it needed to be replaced and potentially moved to a different location.

On September 2, 2024, the City received notification that KCI's proposal for Preliminary Engineering Report (PER) for our Wastewater Treatment Plant had been approved in the amount of $352,000. (SRP-W-134-0175). The (PER) will be used to develop a predictive flow analysis and then help determine the best approach for dealing with predicted increased future flows by either renovation or replacement of the plant.

The PER revealed that based on the predictive flow analysis and the footprint of our current plant that a 3 phased renovation over the next 3-5 years would be suitable to keep up with the predicted flows. Because renovation was deemed possible, it was not necessary to review other sites resulting in a lower than anticipated PER cost. A request was made and granted, via KCI Amendment No.1, to reallocate the remainder of the $352K to begin design work on Phase 1 renovations.

The City is now requesting to use an additional $878K of the original $13.1M appropriation to award KCI Amendment No.2, which will complete Phase 1 design work and PERs for Phases 2 & 3. The City is hoping to award Amendment No. 2 in the immediate future so that design work on

Phase 1 can be completed and hopefully put out for bid as soon as possible.

It should also be noted that in addition to the above project, the City has also received ARPA funding for the rehabilitation of three of our sewer pump stations. The project was designed and put out for bids. Bids revealed that the project budget was inadequate for this much needed project. The City requested and was granted the authority to use $3M of the original $13.1M appropriation to supplement the Sewer Pump Station Rehab project (SRP-W-134-0277). The sewer pump station project is presently fully funded.

The City intends to use the remainder of the original $13.1M appropriation to fund construction of Phase 1 of the Wastewater Treatment Plant renovation as soon as design work and the PERs for Phases 2 & 3 are complete.

A copy of the supplemental agreement from KCI in the amount of $878,000 is attached. The City is requesting approval from NCDEQ for this supplemental agreement for this vital project.
If you have any questions or concerns, please feel free to contact either David Todd (david.todd@cityofbrevard.com) or Dean Luebbe (dean.luebbe@cityofbrevard.com)

Sincerely,



Wilson B. Hooper
City Manager

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE

Funding Offer Modification

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

ALN Number: N/A

Funding Offers Being Modified:

	Date of Previous Funding Offer	Previous Funding Offer Amount	Modification Amount	New Funding Offer Amount
SRP-W-134-0175	10/22/2024	$352,000	$878,000	$1,230,000

Modification Information and Change in Project Description:

The City of Brevard has a total of $13,000,000 earmarked under S.L 2023-134. There are currently two different Funding Offers under this earmark. Pursuant to the request from the City of Brevard received June 30, 2025, this document acknowledges and carries out the request for previously unused S.L 2023-134 funds to be added to one of those Funding Offers as indicated above. All Assurances and Conditions from the previous Funding Offers for the project numbers above

For The State of North Carolina: On Behalf Of: **Shadi Eskaf, Director, Division of Water Infrastructure**
North Carolina Department of Environmental Quality

Signed by:
Stephanie Suter
ECDB3F178E434D9...
Signature

7/23/2025
Date

I, the undersigned, being duly authorized to take such action, as evidenced by the CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Modification.

On Behalf of: City of Brevard
Name of Representative in Resolution: Wilson Hooper
Title (Type or Print): City Manager

Wilson Hooper
Signature

7/25/25
Date

CC:

Wilson Hooper, City Manager, City of Brevard (wilson.hooper@cityofbrevard.com)
Dean Luebbe, Finance Director, City of Brevard (dean.luebbe@cityofbreavard.com)
David DePratter, PE, KCI Associates of North Carolina, PA (david.depratter@kci.com)
Deidra Joyner – Deidra.Joyner@deq.nc.gov
Jonathan Griffin –Jon.Griffing@deq.nc.gov
Mark Hubbard – Mark.Hubbard@deq.nc.gov
COM-FOM 2000077993

Attachment: Request from the City of Brevard Received June 30, 2025
Conditions and Assurances

1. The Subrecipient intends to construct the project or cause it to be constructed to final completion in accordance with the Application or Request for Funding approved for financial assistance by the Division.

2. If the project is co-funded with federal funding sources (e.g., State Revolving Funds, CDBG-Infrastructure, American Rescue Plan Act), the conditions and assurances of the federal funding program will also apply.

3. The Subrecipient acknowledges that in the event a milestone contained in the most recent Letter of Intent to Fund is missed, the Department of Environmental Quality may rescind this Funding Offer.

4. The Subrecipient is responsible for paying for the costs ineligible for DWI funding.

5. All projects must comply with North Carolina General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying Services. Any services provided that were not selected in compliance with state requirements will be ineligible for disbursement.

6. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.

7. As of the acceptance of this Funding Award Offer, steps identified in the SRP Guidance will be complete. These Assurances, likewise, incorporate the most recent version of the SRP Guidance, and the Subrecipient hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the SRP Guidance document. The remaining steps generally govern project design, bidding, contracting, inspection, disbursements, closeout and repayment.

8. The Subrecipient will provide and maintain adequate engineering supervision and inspection.

9. The Subrecipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.

10. All SRP funds must be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan or grant will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the Subrecipient's compliance with the Standard Conditions of this Award. The Subrecipient agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.

11. The Subrecipient will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Subrecipient is expected to uphold its contract obligations regarding timely payment.

12. The Subrecipient, if a local government unit or public authority, must comply with the requirements of NC GS 159-34 in having its accounts audited each fiscal year and to submit a copy of the audit report to the Secretary of the Local Government Commission by the established deadlines. Failure to comply with these requirements may result in delays in disbursement of the funds to the Subrecipient and/or the rescission of this Funding Offer.

13. The Subrecipient acknowledges that any loan funds contained in this Funding Offer <u>requires approval from the North Carolina Local Government Commission</u> before they can be disbursed.

14. Local government units designated as distressed must complete associated requirements of statute §159G-45(b).

WBH 7/25/25

15. Payment of the sums specified herein are subject to and contingent upon the availability, allocation, and appropriation of funds to the Department of Environmental Quality by the State or Federal government.

WBH 7/25/25

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City of Brevard, NC

Wastewater Treatment Plant
Renovation/Replacement Project
Ordinance No. 2024-30/40

SUPPLEMENTAL AGREEMENT

Amendment # 2: (June 17, 2025)

Per Amendment #2 KCI to provide the following additional services:

Task 7.2	Phase 1: Final Design
Task 7.3	Phase 1: Bidding
Task 7.4	Phase 1: Construction Administration
Task 7.5	Phase 1: RPR
Task 8	Phase 2 and 3 Preliminary Engineering Report
Task A-1	Funding Assistance Allowance

As described on the attached ement of Work proposal dated June 11, 2025, the lump sum fee is hereby increased by **$878,000.00** to a new total of **$1,230,000.00 IN WITNESS WHEREOF** the Owner and the Designer have executed this Agreement, the day and year first above written.

Designer
KCI Associates of North Carolina, P.A.

Witness:

DocuSigned by:
Kara Hrkach
59136BFB80D2441...

By: Signed by: Bayne Smith 301D9788EF154C7...

Date: 6-18-25

Owner
City of Brevard, NC

Witness:

_____

By: _____

Date: _____

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AMENDMENT #2 TO
BREVARD WWTP PRELMINARY ENGINEERING REPORT
STATEMENT OF WORK

KCI Project No. 412403571
June 11, 2025

THIS AMENDMENT NO. 1 TO BREVARD WWTP PRELIMINARY ENGINEERING REPORT STATEMENT OF WORK ("**Amendment**") is entered into as of the date of last signature between City of Brevard ("**Client**") and KCI Associates of North Carolina, P.A. ("**KCI**"), hereinafter referred to jointly as the "**Parties**" or singularly as the "**Party**".

1. **Amendment to the Statement of Work**. The following Section of the Statement of Work between the Client and KCI dated July 1, 2024 ("**Statement of Work**") is hereby amended by mutual agreement of the Parties as of the Effective Date:

a) **PURPOSE OF AMENDMENT**

KCI to provide the following additional services:

7.2	Phase 1: Final Design
7.3	Phase 1: Bidding
7.4	Phase 1: Construction Administration
7.5	Phase 1: RPR
8	Phase 2 & 3 Preliminary Engineering Report
A-1	Funding Assistance Allowance

TASK 7.2: PHASE 1: FINAL DESIGN

- Provide geotechnical investigation of the proposed construction site for use in structural design.
- Prepare detailed design drawings including civil/site, mechanical process, piping and instrumentation diagrams, electrical, structural, and other disciplines as required.
- Perform no-rise modeling study and prepare necessary documents for submission to the Brevard Floodplain Manager.
- Incorporate 30% design review comments into drawings and technical specifications.
- Coordinate with the Client staff and funding agency to prepare Contract Documents ("front-end" documents) conforming with Client and/or funding agency requirements.
- Prepare 60% OPC.
- Deliver 60% Plans, Specifications, Contract Documents, and OPC for Client review.
- Schedule and attend a 60% design review meeting with Client (on-site).
- Incorporate 60% design review comments into Plans, Specifications, and Contract Documents.
- Prepare Final OPC based on 90% Plans and Specifications.
- Update Project Schedule.
- Deliver 90% Plans, Specifications, Contract Documents, OPC, and schedule for Client

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review.
- Schedule and attend a 90% design review meeting with Client (remote).
- Incorporate 90% design review comments into Final Construction Documents (Contract Documents, Plans, and Specifications).
- Deliver Final Construction Documents and application packages, as required, to appropriate review and permitting agencies for approval. KCI assumes agency review is limited to NCDEQ Division of Water Infrastructure for Plan and Specification approval to bid, NCDEQ Water Quality permitting for an Authorization to Construct and Transylvania County for a Floodplain Development Permit.
- Respond to one set of comments from each agency and update Construction Documents accordingly.

Task 7.2 Assumptions:
- Three (3) virtual progress meetings are included in this Task
- Three (3) in-person 3-4 hour workshop will be conducted to review the 60% Plans and Specifications, 90% Plans and Specifications and Final Construction Documents after agency review and approval.

Task 7.2 Deliverables (all in PDF format):

- 60% Plans and Specifications
- 60% OPC
- 90% Plans and Specifications
- 90% OPC
- 90% Contract Documents
- Final Construction Documents for Agency review

TASK 7.3: PHASE 1: BIDDING

- Prepare Contract / Bid Documents and obtain approval to advertise from the City and the funding agencies. It is anticipated that the project will consist of one prime construction contract.
- Coordinate the insertion of an advertisement or invitation to bid in a local newspaper. Notification of the advertisement or invitation to bid will also be sent to area contractors who might be interested in bidding the project.
- Host the Contract / Bid Documents on our website, Quest, for bidders to download.
- Conduct a Pre-bid conference and provide meeting minutes to all plan holders.
- During the bid advertisement / invitation period, provide necessary information to satisfactorily resolve any questions which might arise from potential bidders or equipment/material suppliers.
- Conduct bid opening, review and tabulate all bids received and review the qualifications of any bidder, if deemed appropriate.
- Provide a Recommendation of Award.
- Submit Approval to Award package to NCDEQ.

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Task 7.3 Assumptions:

- One (1) in-person 1-2 hour pre-bid meeting will be conducted for potential bidders.

Task 7.3 Deliverables (all in PDF format):

- Recommendation of Award
- Approval to Award package for NCDEQ approval

TASK 7.4: PHASE 1: CONSTRUCTION ADMINISTRATION (CA)

- Upon authorization to award the construction project, prepare and coordinate the completion and execution of the contract documents. It is anticipated that the project will consist of one prime construction contract.
- Schedule and conduct a pre-construction conference.
- Shop Drawings:
    - Establish and administer a procedure for receiving all tracking all submittals made by the Contractor.
    - Review, approve, or take other appropriate action in respect to Shop Drawings, Samples, and other data in which Contractor is required to submit, but only for conformance with the requirements set for the in the Contract Documents and compatibility with the design concept of the completed project as a functioning whole as indicated by the Contract Documents. Such reviews, approvals, or other actions will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto.
    - KCI shall meet the review schedule as required by the Contract Documents.
- Construction Site Visits
    - Make periodic site visits to the construction site to confirm that design is completed in accordance with the design documents.
    - Visits shall be appropriate to the various stages of construction and may include attendance at critical activities such as concrete pours.
    - A total of twenty (20) visits is included in the scope. Note that these site visits are exclusive of the routine construction observation included in Task 7.5 (Resident Project Representative).
- Schedule, prepare for, attend, and conduct progress meetings at the project site to include City staff and Contractor's representative(s). These meetings will normally be held on a monthly basis. Prepare and distribute meeting minutes to all attendees and key team members. A total of fifteen (15) on-site progress meetings is assumed in the scope, plus three (3) remote meetings during mobilization, demobilization, or other low activity periods.
- Recommend to the City that Contractor's Work be rejected while it is in progress if, on the basis of the KCI's observations, KCI believes that such Work will not produce a completed project that conforms generally to the Contract Documents or that it will threaten the integrity of the design concept of the completed project as a functioning whole as indicated in the Contract Documents.
- Issue necessary clarifications and interpretations of the Contract Documents as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will

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be consistent with the intent of and reasonably inferable from the Contract Documents.

- Should the Contractor submit claims related to the project and/or modifications become necessary to meet the City's needs for the project, KCI shall review the claims and/or proposed modifications and advise the City on the approach for resolution of the related issues. KCI shall review justification for all claims for modifications to the project cost and/or schedule and develop recommendations to the City for the fair and equitable resolution of such claims. This will include the review and preparation of Change Orders to the Contract.
- Receive and review certificates of inspections, tests, and approvals required by the Contract Documents. KCI's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. KCI shall be entitled to rely on the results of such tests.
- Pay Request Review
    - Determine the amounts that KCI recommends the Contractor be paid, based on such observations and review, that, to the best of KCI's knowledge, information, and belief, Contractor's Work has progressed to the point indicated, the quality of such Work is generally in accordance with the Contract Documents, and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is KCI's responsibility to observe Contractor's Work.
    - By recommending any payment, KCI shall not thereby be deemed to have represented that observations made by KCI to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to KCI in this Agreement and the Contract Documents. Neither KCI's review of Contractor's Work for the purposes of recommending payments nor KCI's recommendation of any payment including final payment will impose on KCI responsibility to supervise, direct, or control Contractor's Work in progress or for the means, methods, techniques, sequences, or procedures of construction or safety applicable to Contractor's furnishing and performing the Work. It will also not impose responsibility on KCI to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any portion of the Work in progress, materials, or equipment has passed to Owner free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between Owner and Contractor that might affect the amount that should be paid.
- Receive, review, and transmit to the City maintenance and operating manuals, schedules, guarantees, bonds, certificates, or other evidence of insurance required by the Contract Documents, certificates of inspection, tests and approvals, Shop Drawings, Samples, and other data approved as described above.
- Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with the City and the Contractor, conduct a pre-final inspection to determine if the Work is substantially complete. If after considering any objections of the City, KCI considers substantially complete, KCI shall deliver a letter

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certifying the date of the Substantial Completion to the City and Contractor.

- Prepare a punch list of items for the Contractor to address, assist in resolving punch list items with the Contractor, and perform follow-up visits to verify the satisfactory resolution of all punch list items.
- In company with the City's representative, conduct a final inspection to determine if the completed Work of Contractor is acceptable so that KCI may recommend, in writing, final payment to Contractor.
- Startup Services
    - Prior to final acceptance, observe operational testing of the new WPCP components including: influent pump station, headworks, equalization basin, mixed liquor recycle system, recycle pump station, biosolids handling system, disinfection system, effluent pump station, and effluent and site piping. A total of four (4) one-day startup site visits are included in the scope.
- Based on "as-built" drawings provided by the contractor, prepare final "Record Drawings" and provide to City both a digital PDF copy and one (1) hard copy.
- Arrange for the final inspections with appropriate representatives of the Contractor(s), City, NCDEQ, and other appropriate parties.
- Compile an O&M Manual for the upgraded facility. O&M Manual will address overall facility management; unit process descriptions, design conditions, process narratives, and setpoints; plant operations during normal and emergency conditions; equipment maintenance (including references to manufacturer's manuals and maintenance schedules); and safety.
- Provide related engineering services necessary to complete/close-out the project as required by City, funding agencies, or permitting authorities.

TASK 7.5: PHASE 1: RESIDENT PROJECT REPRESENTATIVE (RPR)

- Provide observations services by a Resident Project Representative (RPR) during construction of the work to ascertain the progress of the work and to ensure general compliance with the contract documents. Observation services shall include an average of 8 hours on-site per week (during the active construction periods, assume 12 months active construction) by a qualified project representative. Additional visits will be provided as required during concrete placement, jacking/boring activities, open cuts of NCDOT roadways, creek crossings, pump station and equipment start-ups, testing activities, and coordination of critical WWTP tie-ins.
- Completion time for all construction activities is anticipated within 365 days of the issuance of a Notice to Proceed to the successful bidder(s).
- Provide a Resident Project Representative (RPR) to be periodically present at the project site to observe and document quality and progress of construction. RPR tasks are inclusive but not limited to the following:
- Report to the City whenever Resident Project Representative (RPR) believes that any part of the Work is defective under the terms and standards set forth in the Construction Contract Documents and provide recommendations as to whether such Work should be corrected, removed and replaced, or accepted as provided in the Construction Contract Documents.

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- Inspections, Tests, and System Start-ups:
  - Consult with the City staff in advance of scheduled inspections, tests, and systems start-ups.
  - Verify that tests, equipment, and systems start-ups and operating and maintenance training are conducted in the presence of appropriate Engineer's personnel, and that Contractor maintains adequate records thereof.
  - Observe, record appropriate details relative to the test procedures and systems start-ups.
- Observe whether Contractor has arranged for inspections required by Laws and Regulations, including but not limited to those to be performed by public or other agencies having jurisdiction over the Work.
- Accompany visiting inspectors representing public or other agencies having jurisdiction over the Work and record the results of these inspections.
- Records:
  - Prepare a report (for each site visit) recording Contractor's hours on the site, subcontractors present at the site, weather conditions, data relative to questions of change orders, work change directives, or changed conditions, site visitors, deliveries of equipment or materials, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures.
  - Photograph (or video when practical) work in progress or site conditions.
- Reports:
  - Furnish to the City periodic reports (monthly) of the progress of the work and of Contractor's compliance with the progress schedule.
  - Furnish to the City copies of inspection, test, and system start-up reports.
  - Review applications for payment with Contractor for compliance with the contract documents and progress of work.
- Completion:
  - Participate in visits to the site regarding Substantial Completion, assist in the determination of Substantial Completion, and prior to the issuance of a Certificate of Substantial Completion submit a punch list of observed items requiring completion or correction.
  - Participate in the visit to the site in the company of Engineer and Contractor, to determine completion of the Work, and prepare a final punch list of items to be completed or corrected by Contractor.

TASK 8 – PHASE 2 & 3 PRELIMINARY ENGINEERING REPORT

- Evaluate up to three (3) treatment technology alternatives utilizing a decision matrix for replacement of the existing 2.5 MGD WWTP capacity and expandability for future flow needs for 3.0 MGD and 4.0 MGD. The equipment decision matrix will consider such factors as:
  - Capital costs
  - Overall footprint
  - Equipment efficiency and energy usage
  - Equipment availability
  - Manufacturing and delivery lead times

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  - Construction sequencing
  - O&M costs
  - Spare parts and maintenance support from the manufacturer
- Preliminary process and hydraulic models will be created for each alternative to confirm feasibility of operation and ability to meet project parameters.
- Conduct a final in-person workshop to review the treatment technology alternatives with Client staff.
- Summarize the workshop conclusions and our final recommendation in a TM for concurrence by the Client.
- After approval of the TM, KCI will prepare a full Preliminary Engineering Report suitable for NCDEQ funding submission.

Task 8 Assumptions:

- Three (3) virtual progress meetings are included in this Task
- Two (2) in-person 3-4 hour workshops will be conducted to review treatment technologies and the engineering alternatives TM (if regionalization partner(s) are identified, intent would be for them to attend this workshop for input/comment).

Task 8 Deliverables:

- Technical Memorandum summarizing treatment technology alternatives.
- Preliminary Engineering Report with proposed treatment technology and equipment alternatives.

TASK A-1: FUNDING ASSISTANCE ALLOWANCE

KCI recommends setting aside an owner-directed allowance for funding assistance to allow KCI to assist in exploring potential funding opportunities with the Client. This task will be billed on a Lump Sum Basis based on the percentage of work completed as authorized by the Client. This could include coordination with existing Division of Water Infrastructure funds, and other potential funding sources (i.e. ARC, WIFIA, SRF, etc.)

EXCLUSIONS AND ADDITIONAL SERVICES

Specific exclusions from the Scope of Services that may be performed as Additional Services at an additional cost are as follows:

1. Preparation of application for individual wetlands permit(s).
2. Additional site visits.
3. Preparation of Environmental Assessments or Environmental Impact Statements.
4. Applicable permit fees (construction, land disturbance, stormwater, etc.).
5. Easement negotiation and preparation of easement documents.
6. New SCADA system design for future upgrades is excluded from Phase 1 scope of services. If Client desires to implement new SCADA system under Phase 1, this can be

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provided for an additional fee.
7. Public road ROW encroachment permit applications.
8. Materials testing (soil compaction, concrete testing, etc.) during construction.

b) The Fee and Payment Section of the Statement of Work is modified as follows:

Task No	Task Description	Duration[1] (Months)	Fee Type Lump Sum / T&E	Estimated Fee
1	*Project Goal Definition*	*1*	*Lump Sum*	*$ 36,900*
2	*Data Collection and Existing Equipment Review*	*1*	*Lump Sum*	*$ 86,100*
3	*Flow Projections and Design Basis*	*2*	*Lump Sum*	*$ 63,000*
4	*Engineering Alternatives Analysis – Site Selection*	*3*	*Lump Sum*	*$ 11,700*
5	*Treatment Technology Evaluation*	*3*	*Lump Sum*	*$ 38,610*
6	*Prepare Final Recommendations and Consolidated Report*	*2*	*Lump Sum*	*$4,800*
7.1	*Phase 1: Preliminary Design*	*4*	*Lump Sum*	*$110,890*
7.2	Phase 1: Final Design	5	Lump Sum	$374,000
7.3	Phase 1: Bidding	2	Lump Sum	$40,000
7.4	Phase 1: Construction Administration	18	Lump Sum	$200,000
7.5	Phase 1: RPR	18	T&E	$130,000
8	Phase 2 & 3 Preliminary Engineering Report	5	Lump Sum	$109,000
A-1	Funding Assistance Allowance	TBD	Lump Sum	$ 25,000
	Total			**$ 1,230,000**

*Tasks in *Gray Italics* were part of Amendment #1

c) Amendment Summary:

Original Contract Amount	$ 352,000
Amount from Previous Amendments	$0
Amount this Amendment	$878,000
Total Revised Contract Amount	**$1,230,000**

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2. **Definitions**. Capitalized terms used and not defined in this Amendment have the respective meanings assigned to them in the Statement of Work.

3. **Statement of Work Remains in Effect**. Except as expressly provided in this Amendment, all of the terms and provisions of the Statement of Work are and shall remain in full force and effect and are hereby ratified and confirmed by the Parties. On and after the Effective Date, each reference in the Statement of Work to "this Statement of Work," "the Statement of Work," "hereunder," "hereof," "herein," or words of like import will mean and be a reference to the Statement of Work as amended by this Amendment.

4. **Counterparts**. This Amendment may be executed in counterparts, each of which is deemed an original, but all of which constitute one and the same agreement. Delivery of an executed counterpart of this Amendment electronically shall be effective as delivery of an original executed counterpart of this Amendment.

KCI:
KCI Associates of North Carolina, P.A.
BY: Signed by: Bayne Smith 381D9788FF154C7...
Signature

Bayne Smith
Name

Secretary and Treasurer
Title

6-18-25
Date

City of Brevard.:
BY:

Signature

Name

Title

Date

STAFF REPORT
City Council, Monday, August 4, 2025

Title:	Budget Amendment - Bucket Truck - $150,000 - Debt Financed
Speaker:	Dean Luebbe
Prepared by:	Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background
The City of Brevard bucket truck has been out of service for the last couple of months, and is unable to be repaired. Since that time, the City has been leasing a bucket truck at a cost of $1,750 per week. The truck was purchased in 1998, and because of its age and condition, repair facilities will no longer work on it. The City wishes to purchase a new bucket truck at an estimated cost of $150,000 and finance the vehicle over five years, along with the Vacuum Truck and Sanitation Truck, both of which were approved by City Council in the FY26 budget. Assistant City Manager David Todd and Public Works staff are in the process of fine tuning the specifications needed for the purchase.

Recommendation
Staff requests Council approve the budget amendment as presented.

Attachments:
1. Budget Amendment Bucket Truck purchase $150,000

ORDINANCE NO. 2025-XX
AN ORDINANCE AMENDING THE FY2025-2026 BUDGET.
BUDGET AMENDMENT NUMBER 26-01

SUBJECT: Budget Amendment to increase General Fund budget by $150,000 for the purchase of a new Ford F550 Bucket Truck.

AGENDA INFORMATION

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

BRIEF SUMMARY: The one bucket truck that the City owns was purchased in 1998 and has recently required extensive repairs that make it inoperable. City staff has contacted repair facilities that have previously worked on the vehicle, and they have communicated they cannot work on the vehicle, because of its age and potential liability issues. The City desires to purchase a new Ford F550 Bucket Truck (or an equivalent vehicle) at an estimated cost of $150,000 and include this in the debt offering being sent out for the Vacuum Truck and Sanitation Truck, which were approved by City Council in the FY25-26 budget.

MOTION FOR CONSIDERATION: To approve Budget Amendment 26-01, as submitted, increasing the budget in expenditure account:

10-5600-7400 (Capital Outlay)	$150,000
TOTAL	**$150,000**

And increasing the budget in the revenue account:

10-3950-0100 (Debt Proceeds)	$150,000
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

STAFF REPORT
City Council, Monday, August 4, 2025

Title:	Establishing Norton Creek Streambank Restoration Capital Project (Cashiers Valley Road to Rosman Highway)
Speaker:	Dean Luebbe
Prepared by:	Dean Luebbe, Assistant City Manager/Finance Director
Approved by:	Wilson Hooper, City Manager

Background/Discussion
The City wishes to establish a Capital Project to account for the Norton Streambank Restoration between Cashiers Valley Road and Rosman Highway. The City has contracted with the Land of Sky Regional Council and obtained $75,000 in grant funding from the North Carolina Land and Water Fund. The City is hopeful that this is just the beginning of a long term project which will ultimately find workable solutions to the streambank degradation in the area.

Action
Staff requests Council approve the Capital Project Ordinance as submitted.

Attachments:
1. CPO Establishment - Norton Creek Streambank Restoration - Cashiers Valley Road to Rosman Hwy

ORDINANCE NO. 2025-XX

CAPITAL PROJECT ORDINANCE TO ESTABLISH NORTON CREEK STREAMBANK RESTORATION CAPITAL PROJECT (CASHIERS VALLEY ROAD TO ROSMAN HWY)

BE IT ORDAINED by the City Council of the City of Brevard, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: In February of 2025, the City and the Land of Sky Regional Council finalized a grant contract with the North Carolina Land and Water Fund in the amount of $75,000 for the purpose of developing a stream restoration alternative on Norton Creek between Cashiers Valley Road and Rosman Highway. For some time, the City has been aware that the area in question has needed attention, and we are hopeful this is just the beginning of what will ultimately be a wide ranging plan to improve the physical environment of the City in this area, and reduce the impacts of erosion and overflow.

Section 2: This Project will be recorded in the newly established Stormwater Capital Projects Fund. The City is expecting that the initial project budget of $75,000 will be increased as the specifics of the Project become known, and the Project will likely be ongoing for a number of years, and will likely require additional grant funding.

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

Account Number	Account Name	Budget Amount
36-4900-0925	Prof Serv – Norton Creek	$75,000
TOTAL PROJECT APPROPRIATION		**$75,000**

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

Account Number	Account Name	Budget Amount
36-3910-0300	NC Land & Water Fund Grant	$75,000
TOTAL PROJECT REVENUE		**$75,000**

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 4th day of August, 2025.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

_____
Mack McKeller
City Attorney

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, April 28, 2025 – 11:00am
City Hall Council Chambers

Members Present:	Lauren Wise, Chair, Council Member Gary Daniel, Vice-Chair, Council Member Susan Miller, Citizen Member
Staff Present:	Dean Luebbe, Finance Director Kelley Craig, Human Resources Director Becky McCann, Communications Coordinator Selena Coffey, Assistant to the City Manager
Guests:	Dave Bradley, Transylvania Times

A. Welcome & Call to Order

Committee Chair Lauren Wise welcomed everyone and called the meeting to order at 11:02am.

B. Certification of Quorum

The quorum was certified by Assistant to the City Manager Selena Coffey.

C. Approval of Agenda

Ms. Coffey asked that Item G, Code of Ethics Follow-up, be removed from the agenda since Mr. Hooper was not in attendance for the meeting. Mr. Daniel made a motion to approve the agenda with this amendment. Ms. Miller seconded the motions to approve the agenda as adjusted. The motion carried unanimously.

D. Approval of Minutes

Motion by Ms. Miller and seconded by Mr. Daniel to approve the minutes of the March committee minutes as presented. The motion carried unanimously.

E. Discussion of Property Tax Revaluation Process

Mr. Luebbe introduced this agenda item stating that the manager had been in contact with Transylvania County's tax assessment department and a meeting has been scheduled this week to discuss discrepancies in tax values for residential versus

commercial properties and the seemingly larger increase in property values for the previously lower valued homes within the community. It was noted that the County's Tax Assessor will be present at a future council meeting to respond to council members' questions about the revaluation methodology and obvious disparities.

F. Review of Committee Applications

The committee thanked City Clerk Denise Hodsdon for her staff report on committee membership.

Ms. Miller made a motion to recommend the reappointment of Parker Platt and new appointment of Dakota Chapman to the Downtown Master Plan Committee. This motion was seconded by Mr. Daniel and all voted in favor.

Ms. Miller made a motion to recommend the reappointment of JD Powers, Reba Osborne, and Howie Granat and the new appointments of Jackson Tate and Daniel Jessee to the Parks, Trails, & Recreation Committee. Mr. Daniel seconded the motion and all voted in favor.

Mr. Daniel made a motion to recommend the reappointment of Ella Jones and the new appointment of Morgan Monshaugen to the Rosenwald Community Advisory Board. Ms. Miller seconded the motion and all voted in favor.

G. Code of Ethics Follow-up

With Mr. Hooper unable to attend this meeting, the committee asked that this item be brought back to the next meeting.

H. Public Comment

No public comment.

I. Set Date for Next Meeting

The next meetingof the committee was scheduled for May 28, 2025 at 11am.

J. Adjourn

With no further business, Mr. Daniel made a motion to adjourn the meeting, seconded by Ms. Miller. All voted in favor and the meeting adjourned at 11:31am

Minutes Approved: May 28, 2025

X _____

Lauren Wise, Chair, Council Member or
Gary Daniel, Vice Chair, Council Member

X _____

Selena D. Coffey
Assistant to the City Manager

MINUTES
City Council Public Safety Committee

Monday, April 28, 2025 – 3:30pm
City Hall Council Chambers

Members Present:	Aaron Baker, Chair, Council Member Mac Morrow, Vice Chair, Council Member Mayor Maureen Copelof, Ex-Officio Member
Members Absent:	Kevin Gallo, Citizen Member
Staff Present	Wilson Hooper, City Manager David Todd, Assistant City Manager Tom Jordan, Police Department Bradley Elmore, Interim Fire Chief Becky McCann, Communications Coordinator Denise Hodsdon, City Clerk Aaron Bland, Assistant Planning Director

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:32pm.

B. Certification of Quorum

Assistant to the City Manager Selena Coffey certified that a quorum was present.

C. Approval of Agenda

Motion by Vice Chair Morrow, seconded by Mr. Baker to approve the agenda as presented. The motion carried.

D. Approval of Minutes -February 24, 2025

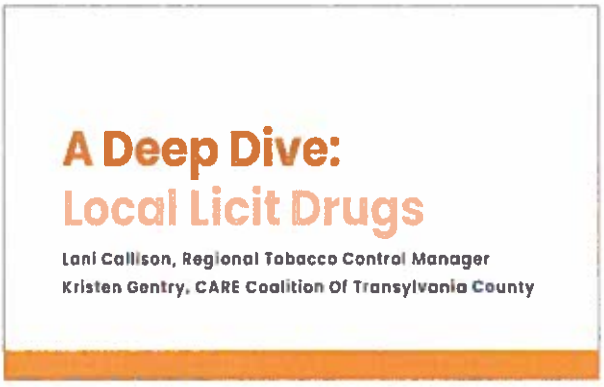
Mr. Baker asked for approval of the minutes. There was discussion of the minutes and Mr. Gallo's request for more detail-oriented minutes. Following a brief discussion by Mr. Morrow and Mr. Baker that, from their recollection of the meeting, the minutes were accurate, Mr. Morrow made a motion to approve the February 24, 2025 minutes and the motion was seconded by Mr. Baker. Both voted in favor of the motion.

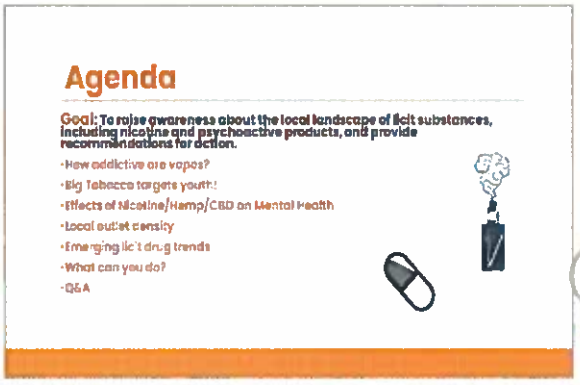
E. Approval of Minutes – March 24, 2025

Mr. Morrow made a motion to approve the minutes for the March 24, 2025 meeting and this motion was seconded by Mr. Baker. The motion to approve the minutes carried.

F. Presentation by CARE Coalition on Emerging Drug Trends by Lani Callison

Lani Callison, Regional Tobacco Prevention and Cessation Manager and Tobacco Treatment Specialist with the Division of Public Health, Tobacco Prevention and Control Branch of the North Carolina Department of Health and Human Services, was present to present the following Powerpoint on the stated subject. Kristen Gentry, Ms. Callison's colleague, was also present to assist with information shared with the committee.



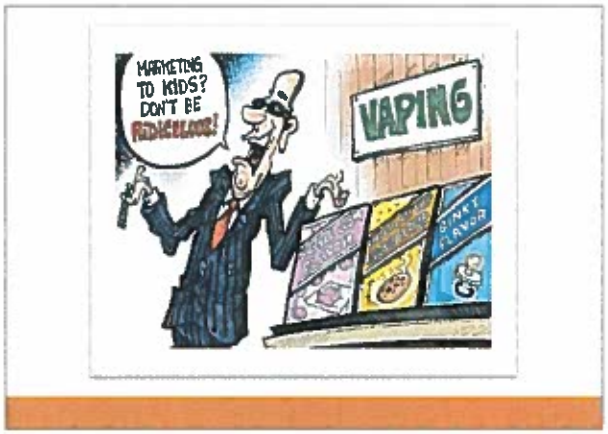


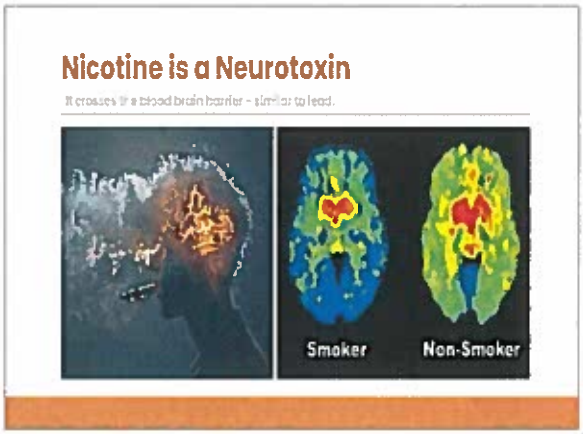


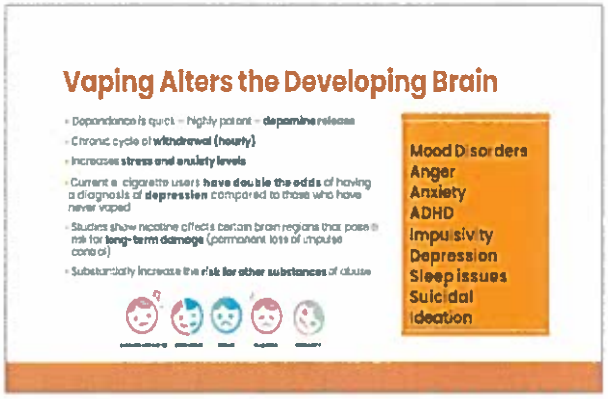



...IT'S GOOD TO BE BACK IN SCHOOL...
NICOTINE ADDICTION


Very Easy to Start, Very Hard to Quit
Hard to get through school day without vaping
• 25% High School
• 33% Middle School
• 8000 Flavors/Harshness removed
Want to quit, tried to quit
• 64% High School
• 68% Middle School
• Endless cycle of addiction

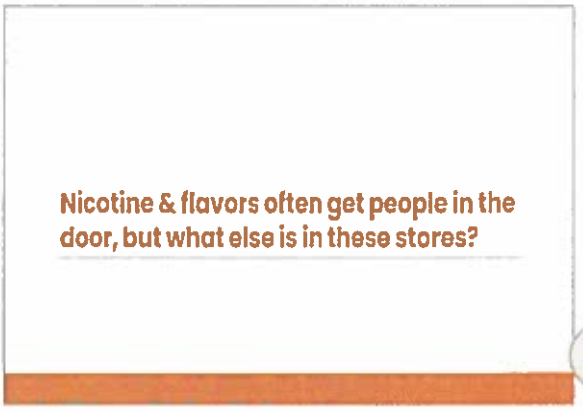

MARKETING TO KIDS? DON'T BE RIDICULOUS!
VAPING

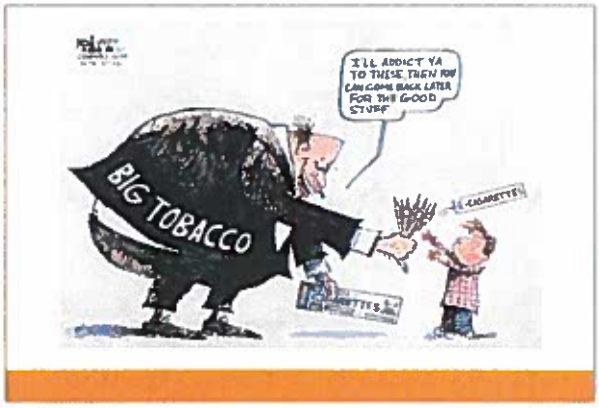

Nicotine is a Neurotoxin
Smoker
Non-Smoker


Vaping Alters the Developing Brain
Dependence is quick – highly potent – dopamine release
Chronic cycle of withdrawal (hourly)
Increases stress and anxiety levels
Current e-cigarette users have double the odds of having a diagnosis of depression compared to those who have never vaped
Studies show nicotine affects certain brain regions that pose a risk for long-term damage (permanent loss of impulse control)
Substantially increase the risk for other substances of abuse
Mood Disorders
Anger
Anxiety
ADHD
Impulsivity
Depression
Sleep issues
Suicidal ideation


ZYN
ZYN


CHINESE IMPORTS: FLOODING OUR PORTS
Chinese single-use disposable vapes pouring into our ports
Teen favorite Elf Bar among these
CHINA BANS flavored disposable vapes "to protect Chinese children"
Chinese factories can change packaging and names of products seemingly overnight to avoid regulations at borders
FDA seized 1.4M units of illegal e-cigs at LAX in Dec. 2023
FDA must continue to act


Nicotine & flavors often get people in the door, but what else is in these stores?



Access Points for Nicotine and Psychoactive Drugs in Our Community



As of April 2025, there are 12 vape/hemp shops within Brevard City limits

* We does not include commercial centers or gas stations/ markets, like grocery, etc.)

Equating to approximately 1 shop per 0.4 square miles and 1 shop per 645 Brevard City residents

Additionally, each outlet is within at least 0.5 miles of a school, college, or day care facility

Student survey data and anecdotal reports suggest that youth can purchase products at these stores

Highlighted Substances Sold in Brevard

Delta 8 THC: main psychoactive compound in cannabis. Illegal in North Carolina, retailers exploit legal loopholes by selling low THC or chemically altered products like THCA, Delta 8 (distillate) – **No product regulation or age restriction**

Nicotine Vapes/E-cigarettes: delivers **high** concentrations of addictive nicotine in aerosolized form along with harmful substances like formaldehyde & heavy metals. **Federally the purchase age is 21, but NC still allows sales to those 18+**

Smokeless Tobacco/Nicotine: these products, like chew and pouches, are consumed orally and linked to oral health problems such as gum disease and tooth decay. **Very few brands are regulated. Federally the purchase age is 21, but NC still allows sales to those 18+**

Kratom: is an herbal extract with stimulant effects at low doses and sedative, opioid-like effects at higher doses, often sold in forms such as **capsules**, or food products. **Causes dependence, withdrawal, and overdose**, and 7-hydroxy – 10-fold greater potency than kratom. **No product regulation and minimum purchase age in North Carolina is 18.**

Ampakine: is a nootropic drug which is most commonly known to cause vomiting, confusion, altered perception, and in high doses, seizures or death. It is sold as teas or edibles with **no product regulation or age restriction**

Xylazine: is a drug with opioid-like effects, often sold as "Tranq" or "**gas station heroin**," and can lead to **confusion, coma, or death**. As of December 2024, it is illegal to sell or possess without a prescription due to its classification as a Schedule III substance.

Phenibut: potentiator dependent with sedative & mood-altering effects that lead to dependence and cognitive impairment. **No product regulation or age restriction**



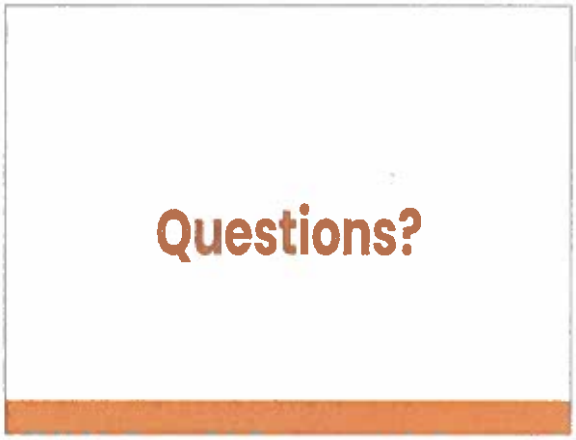


Unregulated "Wild, Wild West"




Skittles
Skittles
Skittles





During and following Ms. Callison's presentation, committee members discussed the prevalence and addictive aspects of nicotine in the form of vapes and pouches and how these products are being marketed to society's youth.

While the presentation did not necessitate action and was being presented to the committee for its information, Police Chief Jordan and Planning Director Paul Ray agreed that he would check in with businesses in the city who sell the aforementioned products to ensure that these businesses are following all rules and regulations to attempt to prevent the marketing and sale of these products to the city's youth.

G. Fire Department Quarterly Incident Report

Interim Fire Chief Bradley Elmore reported that the Brevard Fire Department has had 5 incidents this first quarter of 2025. These are detailed below:

Date	Location	Details
1/5/2025	N. Broad and Old Hendersonville Hwy.	Car vs. bicycle, no injury, canceled
3/18/2025	S. Broad and W. Morgan	Car vs pedestrian, minor injury
3/18/2025	Fisher Road/Bike Path	Bicycle crash, head injury
3/18/2025	Avery's Creek Road	Bicycle crash, minor injury
3/18/2025	Whitmire and N Caldwell	Car vs. pedestrian, minor injury

H. Police Department Workplace Culture Study Update

Mr. Hooper reported the Berry Dunn will begin their work on collecting data and initiating the "trust building phase" in individual meetings with the department's employees the following day, April 29, 2025. He reported that the firm will also meet with 8 former employees after meeting with current employees and will meet with committee members in August. Mr. Hooper shared that Lieutenants and those ranked above, along with himself and the Human Resources Director are also involved in a beneficial book review process as part of the process. He briefly

outlined the remaining steps for the study. Ms. Copelof asked when the committee and/or city council will receive the final analysis and Mr. Hooper responded November or December. Mr. Baker indicated that he would like a regular update on the study progress and Mr. Hooper agreed to update the committee monthly.

I. Update on Traffic Calming Measures

Probart Street

Mr. Todd reported that all 11 speed bumps have now been installed on Probart Street. He indicated that staff has received mixed results from the public regarding these speed bumps.

McLean and Railroad Intersection

Mr. Todd reported that McAdams traffic consultant has again reviewed this intersection and made some suggested changes that the city will implement to make the intersection safer. He is working to identify some additional funding for new flashing lights to make these improvements.

Carver and Oaklawn Intersection

Hooper reminded the committee that this is challenging intersection with limited sightlines complicated further by the need for pedestrian crossings. He reported that the staff team is working with the city's traffic consultants, McAdams, to review multiple scenarios for this intersection to provide traffic calming and address the pedestrian safety concerns. Hooper did acknowledge that staff and McAdams agree that the intersection does need to become a four way stop, but safe implementation will be challenging. The committee will receive an update on this intersection once McAdams traffic consultants have made a final recommendation.

Carolina and Shipman Intersection

Hooper indicated that some data had been collected for Carolina Avenue using the radar sign. Chief Jordan indicated further data collection would occur with the new less obtrusive data recorders instead of the radar sign, to ensure we have the best data on hand. Hooper also indicated that the data collected to date did not fully support some of the options the city has been considering for traffic calming in this area but he was hopeful but that the additional data collected by the new devices would be substantial enough to support more options for traffic calming. Hooper also stated that NCDOT has said that they will consider this southern portion of Carolina Avenue to be a city street. He shared that this would provide the city with more opportunities to address safety concerns on Carolina Avenue. The city's traffic consultant, McAdams, remains reluctant to agree to a three-way stop at this intersection because the streets are so dissimilar that installing a three-way stop on Shipman could have the opposite effect, meaning that a vehicle on Shipman waiting to turn left on a narrow road with little traffic may not see the stop sign, which could cause accidents. Hooper noted that staff and the traffic consultants will continue to seek resolutions for this intersection's safety.

Baker asked Jordan questions about potential for new bike-pedestrian lanes. Hooper noted that this has not been added to the MUTCD yet, but some cities have been testing this approach. Hooper shared that the State would likely need to approve the addition of new bike-pedestrian lanes since the MUTCD had not yet been updated.

Chief Jordan shared that the Police Department will be removing the speed detection devices off McLean and Fisher to deploy them in other locations. He stated that 1,334 vehicles were noted to use McLean for one week studied and that 2,412 using Fisher. He noted that the average speed was 24 mph on Fisher and 21 mph on McLean, with the highest speed on McLean being 37 mph and highest speed on Fisher was 50 mph. He also shared thoughts about potential monitoring of speed enforcement on Neily Road.

Mr. Baker raised the potential for the installation of no turn on reds signs when the turn would impact the multi-use path. The committee discussed this, and Mr. Hooper shared that NCDOT had spoken with staff to look at redesigns to R5800 to try to accommodate the trail more. He noted that he will ask that NCDOT try to incorporate some improvements in this area as well. Ms. Copelof noted that she agreed with the need, but this could also impact the Deer Lake neighborhood traffic. This intersection was discussed at length and staff agreed to review options, along with issues of faded markers on North Broad Street.

J. Public Comment

Jonnie Beth Ping spoke about her daughter requesting a speed bump to be installed on Oakdale Street, up from the Sharing House, to protect children and pedestrians from speeding traffic.

Mr. Baker asked for staff to investigate the sightline on Carver and Oakdale.

Ms. Copelof stated that the Superintendent of Transylvania County Public Schools, Dr. Fletcher, asked the city to investigate the potential of improving the crosswalk for students who park in the overflow lot at the high school. Dr. Fletcher requested a "rumble strip" specifically. Mr. Hooper noted that this is an NCDOT road and staff would bring this request to their attention.

Kellyn Haight spoke regarding her continued concerns about speeding on Carolina Avenue and again requested that a stop sign be installed to prevent this. Staff had previously shared that installing a stop sign on this street would be difficult because the roads are too dissimilar. Staff will continue to look for treatments to address speeding on Carolina Avenue.

K. Set Date for Next Meeting

The next meeting was scheduled for Tuesday, May 27, 2025, at 3:30pm.

L. Adjourn

There being no further business, Mr. Morrow made the motion to adjourn, which was seconded by Mr. Baker. The vote carried and the meeting was adjourned at 5:08pm.

Minutes Approved: May 27, 2025

X _____
Aaron Baker, Chair, Council Member or
Mac Morrow, Vice Chair, Council Member

X _____
Selena D. Coffey
Assistant to the City Manager

MINUTES
City Council Public Works & Utilities Committee

Wednesday, May 7, 2025 – 3:30 PM
City Council Chambers

Members Present:	Mac Morrow, Chair, Council Member Lauren Wise, Vice-Chair, Council Member Owen Carson, Citizen Member (Attendance via Zoom)
Staff Present:	Wilson Hooper, City Manager David Todd, Assistant City Manager Dennis Richardson, Water Treatment Plant Supervisor Wesley Shook, Public Works Director Aaron Winans, Wastewater Treatment Plant Superintendent Becky McCann, Communications Coordinator Selena Coffey, Assistant to the City Manager
Guests:	Harvey Sankey, Dave Bradley (Transylvania Times)

A. Welcome and Call to Order

Committee Chair Mac Morrow called the meeting to order at 3:41pm.

B. Certification of Quorum

Assistant to the City Manager Selena Coffey certified that a quorum was present.

C. Approval of Agenda

Mr. Wise made a motion to approve the agenda, and the motion was seconded by Mr. Morrow. The motion passed.

D. Approval of Minutes

Mr. Wise made a motion to approve April 2, 2025, minutes and the motion was seconded by Mr. Morrow. The minutes were approved unanimously.

Mr. Wise made a motion to approve April 8, 2025, minutes and the motion was seconded by Mr. Morrow. The minutes were approved unanimously.

Mr. Wise made a motion to approve April 10, 2025, minutes and the motion was seconded by Mr. Morrow. The minutes were approved unanimously.

E. Project Updates

1. Stormwater Master Plan Update

Mr. Todd provided an update to the committee, stating that the city selected two firms as top priority firms for this project – McAdams and TRC and the staff team is in the process of negotiating with McAdams on the scope of work for the project. Once the scope of work is negotiated, the team will negotiate a price for the project and estimated that the project could be underway within a month. Mr. Wise asked about the anticipated budget for the project. Mr. Todd stated that the city hasn't officially stated this cost because it will be dependent on the scope of work. He noted that the city will use stormwater revenue to cover the cost. Mr. Hooper noted that the stormwater revenue is estimated at $200,000 with the new budget, effective July 1, 2025.

Mr. Carson reminded the committee that he had recused himself from this conversation and the committee was agreeable for him to continue to listen to the conversation during this meeting.

2. Mills Avenue-Hillview Culvert

Mr. Todd reiterated that the committee had decided to move forward with the replacement of the culvert versus the repair. He noted that staff has met with FEMA to discuss this project, and they have indicated that they want to ensure that the work the city does on the project will bring the city to the current code and require an engineer to certify that the new project will meet current and future conditions regarding the 100-year flow. He noted that the current condition of the culvert does not meet this requirement. Mr. Todd shared that FEMA would require a certified cost estimate and further, that the city is working with the firm WSP to develop a scope of work to replace this culvert. He noted that he expects to get WSP under contract within the week. Ms. Coffey noted that FEMA has stated that the city can request some funding for the studies up front. This is estimated at $125,000. Mr. Todd stated that the city should expect this project to take upwards of 6 months. Ms. McCann shared that she has requested signage to install at the road closure, which will give construction timelines and why the road is closed. She expects receiving these signs this week.

Mr. Carson asked if WSP is doing drainage area calculations to determine peak flows that the new pipe will need to accommodate. Mr. Todd stated that WSP will be completing a hydraulic and hydrology study and a no-rise study as required by FEMA.

3. Gallimore Sewer Rehabilitation Project

Mr. Todd stated that Alvin Fuller has made progress on this project with lining planned to be complete within the next month. Once complete, staff wants to

review the scope of work for the project to determine if the original projections have held.

4. **Sewer Lift Station Rehabilitation Project**

Mr. Todd noted that city council approved the bid for the construction work on this project and stated that staff is working closely with DEQ to complete the contract review and begin work after the contract is finalized. Mr. Todd noted that he was concerned about the design for the project in three areas. First, the wet well as designed for the new Gallimore pump station is smaller than the existing pump station and the pumps are the same size. He has asked that this be analyzed again before moving forward with the project. Second, he has asked that the designer consider the addition of a channel grinder into the design. He noted that a change order may be necessary to add this before the project is complete. Finally, Mr. Todd noted that there are three easements necessary for this project – one with the County, one with a private property owner, and other necessary easements at the fish station pump station area and staff is currently waiting on an appraisal for these. Mr. Hooper noted that staff has asked the appraiser to look at a couple of different options for the necessary easement appraisals. Mr. Todd shared that he felt comfortable that the project would be complete within the projected timeline and budget estimates.

Mr. Hooper noted that there will be procedural steps necessary for city council to undertake an the next council meeting to finalize the $3.0 million funding from the State.

5. **Water Treatment Plant Renovation Project**

Mr. Todd stated that city council has approved the contractor agreement and staff is currently working with DEQ to get the contract approved expeditiously. He stated that staff has been corresponding with the contractor on the project to expedite the mobilization of the project.

Mr. Todd concluded that staff has been working with the county on the Rosman interconnect and this project is making good progress. Mr. Wise noted that this portion of the project is not being funded by the city, but by the county.

6. **Wastewater Treatment Plant**

Mr. Todd noted that the phased approach previously discussed by the committee has not been approved yet by city council. KCI has been asked to go back to the design process to develop alternatives for phasing the project efficiently. These alternatives would be sized to handle 4.5-5 million and the Aquastorm element would also be sized accordingly. Mr. Todd and Mr. Winans are going to do a site visit to see how the Aquastorm works. Mr. Todd noted that KCI will be on the May 19, 2025 city council agenda for approval on the phased approach.

Mr. Winans stated that he expects to receive an odor logger this week in order to determine where hydrogen sulfite if emanating from in the current plant operations. This is expected to help staff to find solutions to plant neighbors' odor problems.

Mr. Hooper updated the committee that the city has been notified that there has been an outbreak of canine flu and this will continue to be monitored.

F. Public Comment

Harvey Sankey asked about the presentation by KCI to city council. Mr. Todd stated that KCI will be presenting based on the preliminary engineering report and update council on alternatives for the phased approach on the project.

G. Set Date for Next Meeting

The next meeting was scheduled for Wednesday, June 4, 2025 at 3:30pm.

H. Adjourn

With no additional business before the committee, the meeting was adjourned at 4:27pm with a motion by Mr. Wise, second by Mr. Morrow, and all in favor.

Minutes Approved: June 4, 2025

Mac Morrow, Chair, Council Member
Lauren Wise, Vice Chair, Council Member

Selena D. Coffey
Assistant to the City Manager

MINUTES

CITY COUNCIL HOUSING COMMITTEE

Tuesday, May 13, 2025 – 3:45 PM
City Hall Council Chambers

Members Present:	Pamela Holder, Chair, City Council Member Aaron Baker, Vice Chair, City Council Member Victor Foster, Citizen Member Mayor Maureen Copelof, Ex-Officio
Staff Present:	Wilson Hooper, City Manager Paul Ray, Planning Director Dean Leubbe, Assistant City Manager/Finance Director Denise Hodsdon, City Clerk
Guests:	Meg LeBeck (HAC), Nory LeBrun (representing HAC), Paul and Lily Wilander, David Bradley (representing *Transylvania Times*)

A. Welcome and Call to Order

Chairwoman Pamela Holder welcomed everyone and called the meeting to order at 3:49pm.

B. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

Mr. Foster made the motion to approve the agenda, seconded by Mr. Baker. The motion carried unanimously.

D. Approval of Minutes

Mr. Baker made the motion to approve the April 8, 2025 meeting minutes and the motion was seconded by Mr. Foster. The motion carried unanimously.

E. Cashiers Valley Road Land Disposition Development Agreement

Meg LeBeck, Housing Assistance Corporation (HACV), presented the same presentation regarding the Cashiers Valley Road project that has been presented to the committee twice. She gave a background of the project and other projects completed by HAC. This

covered styles of proposed homes, affordability, use of sweat equity, sizes of homes, use of housing counseling for potential homeowners, etc. Ms. LeBeck estimated that the 3–4-bedroom homes are likely to cost approximately $260,000 and subsidies will reduce interest payments to 1%.

Mr. Ray distributed a draft of the development agreement for the Committee's review and approval. He noted that under this agreement, the City would convey the property to Housing Assistance Corporation for the sole purpose of constructing 10 -20 housing units for sale to low to moderate income households as defined by HUD standards for Transylvania County. Other terms within the agreement are for the city to extend public sanitary sewer services to the site and accept dedicated public infrastructure including the roads, sidewalks, waterlines, potentially the stormwater system, and other necessary improvements built to city standards. Mr. Hooper clarified that the agreement is to extend public sewer from the road to the property line. Ms. LeBeck indicated that HAC may need to find additional funding to bring the sewer lines all the way into the site to the homes to reduce the cost of the homes eventually.

The committee members had additional discussions regarding the number of homes, infrastructure needed, types of homes, including the potential to add town-home style homes. Mr. Hooper noted that the menu on cost of utilities has been sent to the county for their consideration. Mr. Hooper recommended that the city have some sort of protection, even with a handshake agreement or memorandum of understanding (MOU) with HAC for the city to reconsider the project if it has not been initiated within 10 years.

After additional conversation and clarifications from HAC and city staff, Mr. Foster made a motion to recommend that city council approve the development agreement as amended with the above-mentioned MOU to revisit the agreement after a 5–10-year period if the project has not been initiated and/or completed. This motion was seconded by Mr. Baker and both voted in favor of forwarding the development agreement to the full city council for approval.

F. Public Comment

Mr. LeBrun, a member of the HAC board, spoke in favor of the HAC project discussed during the meeting and expressed his support for this project.

Mr. Hooper provided an update that the signed loan documents for Fairhaven Meadows are waiting for First Victory to get their bonds approved. He advised that he will update the committee when a groundbreaking is scheduled. He noted that the Azalea Avenue project is waiting on an appraisal to be completed and hopes to close on the purchase of that property soon.

Mr. Baker expressed his thoughts that he would like to see the city take a more active role in supporting accessory dwelling units (ADU) and long-term rentals as it related to the affordability of housing in general. Wilson suggested that staff will need to begin

revieing the city's code to see what the city can do to encourage the building of more affordable housing related to ADUs and long-term rental housing.

G. Next Meeting Date

The next meeting of the committee was scheduled for June 10, 2025 at 3:45pm.

H. Adjourn

Mr. Foster made a motion to adjourn. Mr. Baker seconded the motion and the motion was adjourned at 4:58pm.

Minutes Approved: June 10, 2025

Pamela Holder, Chair, Council Member
Aaron Baker, Vice Chair, Council Member

Selena D. Coffey
Assistant to the City Manager

MINUTES
City Council Parks, Trails, & Recreation Committee

Wednesday, May 21, 2025 - 3:30 PM
Mary C. Jenkins Community & Cultural Center

Members Present:	Aaron Baker, Chair, Council Member Lauren Wise, Vice Chair, Council Member Howie Granat, Citizen Member Reba Osborne, Citizen Member Nancy DePippo, Citizen Member Wyn Birkenthal, Citizen Member JD Powers, Citizen Member Mayor Maureen Copelof, Ex-Officio
Staff Present:	Dean Luebbe, Assistant City Manager/Finance Director Paul Ray, Planning Director Aaron Bland, Assistant Planning Director Wesley Shook, Public Works Director Becky McCann, Communications Coordinator Denise Hodsdon, City Clerk
Guests:	Dave Bradley

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:33pm.

B. Certification of Quorum

A quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

Mr. Baker asked to switch agenda item E and agenda item F. Mr. Wise made a motion to approve the agenda as amended. Ms. DePippo seconded the motion and all voted in favor.

D. Approval of Minutes

Mr. Granat made a motion to approve the minutes and Ms. Osborne seconded. All voted in favor.

E. Updates

1. Bracken Trail/Climbing Trail Loop

Mr. Granat provided an update on the Bracken Trail, reiterating that there are three potential trail builders being considered. He shared that he expects to receive quotes within the week. He anticipated that the 1.5 miles will cost an estimated $70,000-$110,000. He stated that he will share updated information at the next meeting. He also noted that Pisgah SORBA has been doing some work on the trail and there is still an effort to develop the "BrackenFest" in September to continue fundraising.

2. Sports Complex Restrooms and Parking

Mr. Ray noted that all had agreed the restrooms were needed at the Sports Complex, along with the paving of the parking lot. He updated the committee that the city had received a proposal from McAdams Design Firm for $60,000. He stated that some of the work could possibly be completed in house with the Public Works Department. He distributed a copy of the proposal and scope of work received from McAdams and the committee members asked to further discuss the proposal at the next meeting.

3. Estatoe Boardwalk Assessment

Mr. Ray noted that this item would be discussed under item F, Menu of Choices.

4. 30% Design for Remaining Sections of the Estatoe Trail

Mr. Ray shared that he expected to have a report on 30% design from Summit Engineering and hopes to have preliminary plans for review within the week. Mr. Baker asked that the report via email when staff receives it.

F. Menu of Funding Choices

Mr. Ray distributed a summary of the findings and funding required according to the recently submitted boardwalk assessment report. He and Mr. Bland shared the following funding table for committee discussion.

	With Handrail	Without Handrail	Difference	Lifespan
Permatrek (Concrete)	$1,282,295	$929,695	$351,600	50-75 yrs
Composite Wood	$773,160	$557,360	$175,800	25-30 yrs
Pressure Treated Wood	$615,960	$440,160	$175,800	Up to 20 yrs

The committee discussed the differences between building the boardwalk with materials including the Permatrek concrete, composite wood, and pressure-treated wood. The committee had extensive discussion about the state of the existing boardwalk and implications for replacing it.

The committee had significant discussion about potential funding options for the boardwalk, trails, and other recreational amenities, including grants and the potential for issuance of bonds. The pros and cons of grants and bonds was discussed at length.

Mr. Baker asked that staff investigate the need for easements and firm up cost estimates. Ms. Copelof also asked that staff evaluate whether the existing boardwalk could remain safe for the public for the next couple of years until funding is in place for the replacement.

Mr. Baker shared that he has been working with the TDA for obtain funding for the Estatoe Trail. He stated that the TDA has pledged $1.0 million for the project.

G. Follow-up on Playground Equipment Discussion

With Mr. Hooper unable to attend the meeting, this topic was tabled for the next committee meeting for discussion of public input sessions and plans for replacement.

H. Public Comment

No public comment.

Ms. Copelof asked that staff add Pisgah Health Foundation and Conserving Carolina acreage around the hospital on the next agenda.

Mr. Granat asked Mr. Luebbe if funds were in the budget for Pisgah SORBA. Mr. Luebbe responded that funding is included within the budget within the contracted services line item for trail maintenance.

I. Set Date for Next Meeting

The next meeting was scheduled for June 18, 2025 at 3:30pm.

J. Adjourn

Mr. Granat made a motion to adjourn the meeting, which was seconded by Mr. Wise. All voted in favor. The meeting adjourned at 5:03pm.

Approved: June 18, 2025

Aaron Baker, Chair or
Lauren Wise, Vice Chair

Selena D. Coffey
Assistant to the City Manager

MINUTES
City Council Public Safety Committee

Monday, May 27, 2025 – 3:30pm
Planning Board Conference Room

Members Present:	Aaron Baker, Chair, Council Member Mac Morrow, Vice Chair, Council Member Kevin Gallo, Citizen Member Mayor Maureen Copelof, Ex-Officio Member
Staff Present	Wilson Hooper, City Manager Tom Jordan, Police Department Mark Norton, Brevard Fire Department Selena Coffey, Assistant to the City Manager

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:30pm.

B. Certification of Quorum

Assistant to the City Manager Selena Coffey certified that a quorum was present.

C. Approval of Agenda

Mr. Morrow made a motion to approve the agenda, which was seconded by Mr. Gallo. All voted in favor.

D. Approval of Minutes – April 28, 2025

After Mr. Gallo requested that "Jailhouse Road" be clarified to North Broad Street in last month's minutes, Mr. Gallo moved to approve the amended minutes. This was seconded by Mr. Morrow and all voted in favor.

E. Update on Traffic Calming Measures

Mr. Hooper shared that the traffic calming staff work team had not met due to a death in the family of one of the team members but had prepared some recent data that had been collected on some of the streets that the committee has been discussing.

Mr. Hooper and Mr. Jordan went on the share the following information:

- Three recent areas of focus: Fisher Road/McLean (specifically near Crestwood Drive).
- The McLean location is near Crestwood Drive, where a hill affects traffic speed and visibility.
- Fisher Road data was collected just past the site of a recent accident, on the right-hand side of the road extending toward Asheville.

Mr. Jordan shared the following traffic volume and speed data:

- McLean was less of an issue than Fisher with 11% and 13% enforceable violations recorded, averaging 12%.
- Fisher Road was noted as a greater concern because recorded speeds of 43 mph and 50 mph.
- 53% of vehicles in one section and 47% on another were found in violation of the speed limit.
- Fisher Road is identified as an area requiring a high level of enforcement due to the high percentage of speeding vehicles.
- On Carolina Avenue the average speed is 25 mph, with only 6 cars recorded going 46 mph-50 mph. The data collection boxes are in place for more detailed readings.

School traffic patterns were discussed, and the following issues were shared with the committee:

- During school hours, traffic volume is higher, but speeds are lower.
- Higher speeds are observed outside of school hours, including late at night.
- The straightaway nature of Fisher Road is believed to contribute to excessive speeding.
- Emergency vehicles (rescue squads) may account for some high-speed readings, but not the majority.
- After-school activities may also influence traffic patterns.

The following pedestrian infrastructure and safety concerns were noted:

- Main Street and Galloway: Complaints about speeding on a big hill with no sidewalks; covert speed monitoring devices are being used.
- Crosswalks and ADA ramps are being installed at several locations:
    - Gallimore Road and Hwy 276: Crosswalk and light installation in progress, prompted by requests related to the Boys and Girls Club and elementary school. Staff is awaiting delivery of a metal arm post, after which installation will proceed.
    - Rice Street: New crosswalk planned to address jaywalking near the farmer's market. Direct crossing by the church was not approved due to ADA ramp requirements, so the crosswalk will be placed where feasible.

- Caldwell and King: ADA ramps installed; marked crosswalk with RRFB (Rectangular Rapid Flashing Beacon) to be added soon. This project has been in discussion for several years and is now moving forward.
- Discussion of RRFBs for other crossings, including Rosman Highway Trail and Asheville Highway, as part of ongoing safety improvements.
- The committee noted that the installation of these features is dependent on DOT schedules and the arrival of necessary equipment.

The committee also felt that it would be appropriate to consider traffic calming measures on Oakdale.

F. Update on Traffic Schedule

Mr. Hooper then updated the committee on updates to the traffic schedule. He noted that council had approved a four-way stop for Morgan, Hamlin, Oaklawn and Carver intersection, as well as Oaklawn and Main Street. He noted that the specific signage placement will determine how successful these intersections will be. He shared that work would continue in these areas to ensure appropriate and safe sightlines at these intersections. Mr. Baker asked about the possibility of using cable-mounted signs to improve visibility. Mr. Hooper responded that he would ask the city's traffic consultant to evaluate this possibility along with other options for placement.

Mr. Jordan suggested changes to Railroad Avenue due to cars parked on both sides from Whitmire to McLean, which reduces the road to one lane, creating safety issues. He proposed making this stretch of road a section with no parking on either side of the road. He also noted that there were significant problems on Galloway Street recently with festival parking on both sides, which caused congestion. He suggested that the city specify no parking on at least one side of that section due to narrowness and frequent use by emergency vehicles. The committee discussed the need for clear signage and enforcement to prevent congestion and ensure emergency access.

Mr. Hooper shared a brief overview of work currently being undertaken by the Downtown Master Plan Committee, sharing that they have discussed restriping on Jordan Street. He added that the committee had recommended the use of temporary paint for parking and loading zones, with a loading zone moved to Quixote until the parking study was complete. He stated that there had been ongoing issues with delivery trucks parking on Jordan Street and that the suggestion was to move handicapped parking to improve access. The committee noted that the restriping plan should be tested with temporary markings before making permanent changes, and that feedback from businesses and the public should be considered.

G. Public Comment

Morris Jenkins spoke commending the committee on its work to ensure public safety with the speed cushions on Probart Street.

Linda Gallo thanked the committee for looking at additional streets to install speed calming measures.

H. Set Date for Next Meeting

The next meeting was scheduled for Tuesday, June 23, 2025, at 3:30pm in City Council chambers.

I. Adjourn

There being no further business, Mr. Morrow made the motion to adjourn, which was seconded by Mr. Gallo. The vote carried and the meeting was adjourned at 4:46pm.

Minutes Approved: June 23, 2025

X _____
Aaron Baker, Chair, Council Member or
Mac Morrow, Vice Chair, Council Member

X _____
Selena D. Coffey
Assistant to the City Manager

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, May 28, 2025 – 11:00am
City Hall Council Chambers

Members Present:	Lauren Wise, Chair, Council Member Gary Daniel, Vice-Chair, Council Member Susan Miller, Citizen Member
Staff Present:	Wilson Hooper, City Manager Kelley Craig, Human Resources Director Becky McCann, Communications Coordinator Denise Hodsdon, City Clerk
Guests:	Harvey Sankey

A. Welcome & Call to Order

Committee Chair Lauren Wise welcomed everyone and called the meeting to order at 11:02am.

B. Certification of Quorum

The quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

Ms. Hodsdon asked to discuss the Rosenwald Community Advisory Board within the agenda as item E and code of ethics as item F. Mr. Daniel made the motion to approve the agenda as amended and the motion was seconded by Ms. Miller. All voted in favor.

D. Approval of Minutes

Ms. Miller moved to approve the minutes from the April meeting and Mr. Daniel seconded the motion. All voted in favor.

E. Rosenwald Committee Advisory Board Eligibility Requirements

Mr. Hooper informed the committee that at large members of the Rosenwald Community Advisory Board (RCAB) must be members of the Rosenwald community. Ms. Hodsdon clarified that six at large members of the Rosenwald community and of those six, four are designated as members by the Mary C. Jenkins Community Center

Board of Directors with two designated for unaffiliated Rosenwald residents. Further, Ms. Hodson noted that the rules state that the Finance, Human Resources, and Citizen Appointment Committee may review and recommend changing to the composition of advisory boards at its discretion. Ms. Hodsdon asked if the committee wished to make any changes to the rules for membership. Mr. Daniel stated that he didn't feel that these rules needed to be changed at this point. Ms. Miller noted the importance of having members with relative skills to join the RCAB. It was agreed that no changes needed to be made at this time.

F. Code of Ethics

Mr. Hooper reintroduced the code of ethics that was discussed two months ago. He noted that he has added the recommendations from the committee previously. He stated that the ABC Board, with it being largely governed by the State, would not be necessarily considered within this draft of the Code of Ethics



STAFF REPORT
Finance, Human Resources, & Citizen Appointment Committee May 28, 2025

Title: Code of Ethics, etc. for Council appointments
Speakers: Wilson Hooper, City Manager

Background/Discussion
In January, this committee held its first discussion on a potential Code of Ethic for Council-appointed policy and advisory committees.

The Brevard City Council appoints members to four[1] statutory, and eight[2] elective subcommittees. The criteria for appointment varies from committee to committee, but all appointments are approved by vote of full Council.

The four statutory committees are codified either in statute or city ordinance, while the eight remaining are merely declared by resolution. For the purposes of the matter at hand, this distinction is important because caselaw suggests that appointees to committees codified in law are more permanent and those appointees have more protection by the appointing board. Appointees to committees established by resolution [illegible] serve "at the pleasure of Council"

In other words, appointees of codified boards can only be removed for cause and must be given due process (and the ABC board appears to have further protections by state law) whereas appointees to boards established by resolution can be removed at any time by any reason by the appointing board.

Why does this matter? Because [illegible] Council has no way of removing appointees to codified boards. And for neither category [illegible] - does City Council require that appointees follow a code of ethics[3]

The table on the next page is intended to help start discussion on these matters. Its contents were discussed in January, and updates have been made to reflect committee feedback.

[1] ABC Board of Directors, Brevard Board of Adjustment, Brevard Planning Board, Brevard Housing Authority
[2] Downtown Master Plan Committee, Finance, Human Resources & Citizen Appointment Committee, Parks, Trails, and Recreation Committee, Public Safety Committee, Public Works & Utilities Committee, Housing Committee, Rosenwald Community Advisory Board, Estuary Trail Advisory Board
[3] Statutory committees may have conflict of interest guidance in some of their governing legislation, but it is typically more specific than a code of ethics would be.

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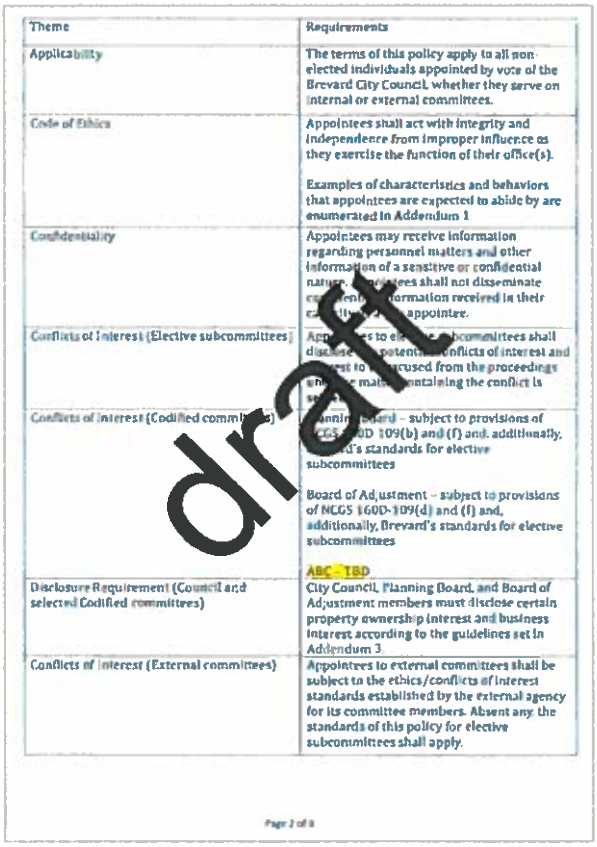
draft



Theme	Requirements
Applicability	The terms of this policy apply to all non-elected individuals appointed by vote of the Brevard City Council, whether they serve on internal or external committees.
Code of Ethics	Appointees shall act with integrity and independence from improper influence as they exercise the function of their office(s). Examples of characteristics and behaviors that appointees are expected to abide by are enumerated in Addendum 1
Confidentiality	Appointees may receive information regarding personnel matters and other information of a sensitive or confidential nature. Appointees shall not disseminate [illegible] information received in their [illegible] appointee.
Conflicts of Interest (Elective subcommittees)	Appointees to elective subcommittees shall disclose potential conflicts of interest and recuse themselves from the proceedings and vote matter containing the conflict is [illegible]
Conflicts of Interest (Codified committees)	Planning Board – subject to provisions of NCGS 160D-109(b) and (f) and, additionally, Brevard's standards for elective subcommittees Board of Adjustment – subject to provisions of NCGS 160D-109(d) and (f) and, additionally, Brevard's standards for elective subcommittees ABC – TBD
Disclosure Requirement (Council and selected Codified committees)	City Council, Planning Board, and Board of Adjustment members must disclose certain property ownership interest and business interest according to the guidelines set in Addendum 3
Conflicts of Interest (External committees)	Appointees to external committees shall be subject to the ethics/conflicts of interest standards established by the external agency for its committee members. Absent any the standards of this policy for elective subcommittees shall apply.

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draft

Addendum 1

A. Behave consistently with respect towards everyone with whom they interact
B. Exhibit trustworthiness
C. Use their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
D. Remain incorruptible, self-governing, and not subject to improper influence while at the same time be able to consider the opinions and ideas of others
E. Disclose contacts and info about issues they receive outside of public meetings, and refrain from seeking or receiving information about quasi-judicial matters outside of quasi-judicial proceedings themselves
F. Treat other committees/boards and committee/board members and the public with respect
G. Be careful not to reach conclusions on issues until all sides have been heard
H. Show respect for their appointed office and refrain from behaving in ways that reflect badly on the office, the committee, the City of Brevard, or the appointing body
I. Recognize that they are part of a larger group and [illegible] propriately
J. Recognize that individual committee/board [illegible] not generally allowed to act on behalf of the committee/board, but may [illegible] if [illegible] board specifically authorizes, and that the board must so author[illegible] official [illegible] a full body
K. Be faithful in the performance of the duties of their [illegible]
L. Act as especially responsible residents [illegible] can [illegible] and respect
M. Abide by the attendance standards es[illegible] the committee/board
N. Be willing to bear the fair share of th[illegible] board [illegible]
O. Avoid the appearance of confli[illegible] and [illegible] use their position for personal gain or profit

Process for removal (Elective subcommittees, external committees)	Though appointees service at the pleasure of City Council, the following due process has been electively applied. Appointees shall be subject to a similar approach utilized for normal employees, with two different procedures being established for "unsatisfactory job performance" and "detrimental personal conduct," the latter being more severe and thus subject to faster action. The City Manager shall be designated to investigate claims of either type of conduct, and he/she shall offer an action/no action recommendation to the full City Council. Inst[illegible]satisfactory job performance" (e[illegible]ich are listed in Addendum 2) [illegible] with an initial com[illegible]ation [illegible]sfactory job perform[illegible] and an opportunity to remedy [illegible] for to any action by Council to res[illegible] the appointment. [illegible] address instances of "detrimental personal conduct" (examples of [illegible] listed in Addendum 2) with immediate action. However, appointees shall be notified by the City Clerk of potential Council action with regard to the appointment.
Process for removal (Co[illegible] comm[illegible])	Caselaw suggests that members of these committees must be offered due process prior to removal. Staff suggests adopting a similar approach to that utilized for normal employees, with two different procedures being established for "unsatisfactory job performance" and "detrimental personal conduct", the latter being more severe and thus subject to faster action. The City Manager shall be designated to investigate claims of either type of conduct, and he/she shall offer an action/no action recommendation to the full City Council.

	Instances of "unsatisfactory job performance" (examples of which are listed in Addendum 2) must be addressed with an initial communication for unsatisfactory job performance and an opportunity to remedy the behavior prior to any action by Council to rescind the appointment. Council may address instances of "detrimental personal conduct" (examples of which are listed in Addendum 2) with immediate action. However, appointees shall be notified by the City Clerk of potential Council action with regard to the appointment.

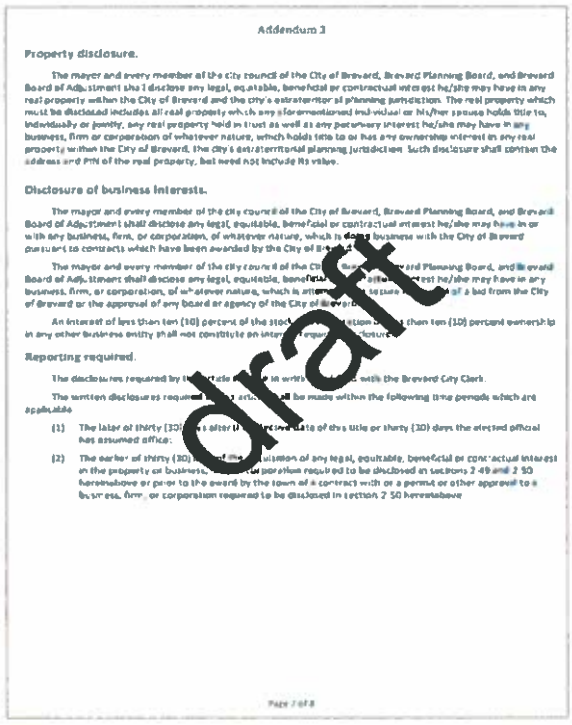
Addendum 2

Examples of unsatisfactory job performance

1. Violation of any provision of the Code of Ethics in the opinion of the appointing body, Brevard City Council
2. Failure to meet the attendance standard as established by the committee/board
3. Physical or mental incapacity to perform duties after reasonable accommodation
4. Conduct that discredits the appointee or the City, or willful conduct resulting in the misrepresentation of the City
5. Use of the platform for political or partisan purposes including but not limited to: endorsing candidates/parties, soliciting donations, interfering with elections, using City supplies or equipment for political/partisan purposes.
6. Consistent and willful obstruction of committee proceedings and staff work, or other acts intended to frustrate the work of the City and its agents

Examples of detrimental personal conduct

1. Fraud or theft
2. Conviction of a felony or the entry of a plea of no[illegible] tendre[illegible]reto
3. Willful or wanton destruction to property
4. Willful or wanton acts that endanger the lives [illegible] prop[illegible] of others
5. Possession of unauthorized firearms or o[illegible] weapo[illegible] the job
6. Brutality of excessive force in the perfor[illegible]ance [illegible]
7. Reporting to work under the influen[illegible] or [illegible] or partaking of such while on duty. Prescribed medication may [illegible] taken w[illegible] the limits set by a physician as long as medically necessary a[illegible] pair job [illegible]ance
8. Requesting or accepting [illegible] in ex[illegible]ge for favors or influence
9. Harassment of an emp[illegible] or th[illegible]blic on the basis of sex or any other protected class
10. Harassment of an em[illegible]yee and/[illegible] public with threatening and/or obscene gestures and/or language
11. Using threatening and/o[illegible] language/gestures during official proceedings
12. Unauthorized release of confidential information or official records



Addendum 3

Property disclosure.

The mayor and every member of the city council of the City of Brevard, Brevard Planning Board, and Brevard Board of Adjustment shall disclose any legal, equitable, beneficial or contractual interest he/she may have in any real property within the City of Brevard and the city's extraterritorial planning jurisdiction. The real property which must be disclosed includes all real property which any aforementioned individual or his/her spouse holds title to, individually or jointly, any real property held in trust as well as any pecuniary interest he/she may have in any business, firm or corporation of whatever nature, which holds title to or has any ownership interest in any real property within the City of Brevard, the city's extraterritorial planning jurisdiction. Such disclosure shall contain the address and PIN of the real property, but need not include its value.

Disclosure of business interests.

The mayor and every member of the city council of the City of Brevard, Brevard Planning Board, and Brevard Board of Adjustment shall disclose any legal, equitable, beneficial or contractual interest he/she may have in or with any business, firm, or corporation, of whatever nature, which is doing business with the City of Brevard pursuant to contracts which have been awarded by the City of Brevard.

The mayor and every member of the city council of the City of Brevard, Brevard Planning Board, and Brevard Board of Adjustment shall disclose any legal, equitable, beneficial or contractual interest he/she may have in any business, firm, or corporation, of whatever nature, which is attempting to secure the award of a bid from the City of Brevard or the approval of any board or agency of the City of Brevard.

An interest of less than ten (10) percent of the stock of a corporation or less than ten (10) percent ownership in any other business entity shall not constitute an interest required to be disclosed.

Reporting required.

The disclosures required by the article shall be in writing and filed with the Brevard City Clerk.

The written disclosures required by this article shall be made within the following time periods which are applicable:

(1) The later of thirty (30) days after the effective date of this title or thirty (30) days the elected official has assumed office;

(2) The earlier of thirty (30) days of the acquisition of any legal, equitable, beneficial or contractual interest in the property or business, or the corporation required to be disclosed in sections 2.49 and 2.50 hereinabove or prior to the award by the town of a contract with or a permit or other approval to a business, firm, or corporation required to be disclosed in section 2.50 hereinabove.

Page 7 of 8

Mr. Hooper asked that the committee refer to the distributed document and began by discussing the disclosure requirements (see attached on page 2). He then noted the requirements for the elective subcommittees, noting the "two strikes, you're out," approach and that appointees must be subject to performance requirements and not demonstrate detrimental person conduct. He noted that some behaviors could rise to the level of immediate dismissal from a committee. Mr. Hooper concluded that the Code of Ethics section listed on page 2 of the draft could use further input from the committee.

The committee discussed the draft at length. Ms. Miller asked if the committee would be involved in the investigation of violation of the code of ethics. Mr. Daniel and Mr. Wise agreed that the committee should not have a role in this way, as the city manager should take the lead in this area and bring his recommendations to the full city council.

Mr. Daniel noted that the code, after approval by the city council, should be presented in a way that doesn't offend the city's volunteer committee members. Ms. Miller stated that the State requires that ABC Board members take an ethics class and that the State does a thorough audit of ABC Boards. Mr. Hooper shared that he seems that the city council could appoint ABC board members, then the city council should have the ability to remove members from that board if necessary. She stated that the city attorney continues to review the ABC/State standards in this regard.

Mr. Hooper shared that he had drafted this code limiting the disclosure to City Council, Planning Board, and Board of Adjustment with regard to their conflict of interest standards. He asked for the committee's input in this regard. Members of the committee

discussed this element of the addendum regarding a committee member's obligation to expose their potential conflict of interest in any relative situation. The committee agreed with Mr. Hooper's draft.

Mr. Daniel made a motion to endorse the code with amendments discussed during the meeting. Ms. Miller seconded the motion and all voted in favor. Mr. Hooper indicated that the Code would go next before full City Council for review and approval.

G. Public Comment

Harvey Sankey asked is the City Council has a Code of Ethics. Mr. Hooper responded in the affirmative but noted that this more stringent Code would supersede the State required ethics course. Mr. Harvey asked if there had been any issue with the code of ethics in the past and asked if all appointees would be required to sign. Mr. Hooper responded in the affirmative.

H. Set Date for Next Meeting

The next meeting of the committee was scheduled for June 23, 2025 at 11am.

I. Adjourn

With no further business, Mr. Daniel made a motion to adjourn the meeting, seconded by Ms. Miller. All voted in favor and the meeting adjourned at 11:38am

Minutes Approved: 7/28/2025

X _____
Lauren Wise, Chair, Council Member or
Gary Daniel, Vice Chair, Council Member

X _____
Selena D. Coffey
Assistant to the City Manager

MINUTES
BREVARD ABC BOARD
May 22, 2025

The Brevard ABC Board met for their monthly meeting at 10:00 AM on May 22, 2025. The meeting was held in the conference room of Store #1 located at 350A North Broad Street. The following were in attendance:

Board Members:	Lisa Conner, Chair
	Ron Brewer
	Frank Pearsall
	Susan Miller
	Paula McKeller
Staff:	Jackie Jarvis, General Manager
	Paxton McAbee, Assistant Manager
	Glenda Sansosti, Acting Secretary

Welcome and Call to Order
Board Chair Lisa Conner called the meeting to order and welcomed those Present.

Certification of Quorum
Acting Secretary Glenda Sansosti noted the presence of all Board Members and further certified a quorum present. Pursuant to G.S. 18B-201 there was no conflict or appearance of a conflict of interest expressed by any Board Member.

Approval of Agenda
A motion was made by Ms. Miller, seconded by Mr. Pearsall and unanimously passed; the agenda was approved as presented.

Approval of Minutes
A motion was made by Mr. Pearsall, seconded by Ms. Miller and unanimously passed approving the Minutes of April 24, 2025 as presented.

Managers' Report
Ms. Jarvis reported revenue was down in April by approximately $7,500 and could be attributed to the sale and closing of Dugan's Pub. She stated revenues would be up in May due to the Bourbon Lottery. Ms. Jarvis also explained revenue should increase with the opening of two new restaurants; ***Tipsy Taco*** (previously Dugan's Pub) on Broad Street and ***Territory*** located on East Main Street.

Review of Preliminary 2025-2026 Budget (Draft Two dated 5/21/2025
The Board reviewed a draft of the proposed budget for FY 2025-2026. Ms. Jarvis reviewed projected wage increases and benefits as well as proposed revenues and distributions. Ms. Jarvis encouraged board members to contact her if they have further questions. The proposed FY2025-2026 Budget will be presented for approval at the June meeting.

Lot[illegible]y Update

The Bourbon Lottery will be held on Saturday, May 24th beginning at 1:00 PM in the store parking lot located at 350A North Broad Street. Those wishing to participate in the lottery will be provided a numbered bracelet and be allowed to purchase bourbon if their number is called.

Special Guest from ABC Commission: Mr. Edwin

Mr. Edwin is a Performance Program Analyst with the North Carolina ABC Commission. He visits local ABC Boards to review and discuss performance standards and advises if improvements are required. There are 171 local ABC Boards in North Carolina. Brevard's last review was in 2015. Mr. Edwin has been working with staff reviewing administrative codes. He reports that Brevard meets all standards and has realized a 37% growth over the past year. He advised staff is doing a great job and keeps excellent records. He will continue his review and present a written report in the near future. Staff will forward the report to the Board.

New Auditor

Ms. Jarvis presented a proposal from Ms. Robin Black of Canton, N.C. to conduct the ABC Audit for Brevard's two stores at a cost of $12,000. Ms. Black has audited other ABC stores and is well qualified to perform the audit. Motion by Mr. Pearsall, seconded by Mr. Brewer and unanimously passed approving the contract and authorizing Ms. Conner, Chair and Ms. Jarvis, General Manager, to sign the contract with Ms. Black in the amount of $12,000. There was no objection to Ms. McKeller's request changing "Town of Brevard to 'City of Brevard" within the contract.

Adjourn

Upon motion by Mr. Brewer, seconded by Ms. McKeller and unanimously passed, the meeting adjourned at 10:40 AM.

Lisa Conner, Chair

Jackie Jarvis, General Manager

Glenda Sansosti, Acting Secretary

Jan 24, 2025
Minutes Approved (Date)

Next Meeting: June 26, 2025
10:00 AM

MINUTES
BREVARD ABC BOARD
JUNE 26, 2025

The Brevard ABC Board met for their monthly meeting at 10:00 AM on June 26, 2025. The meeting was held in the conference room of Store #1 at 350A North Broad Street. The following were in attendance:

Board Members:	Lisa Conner, Chair
	Ron Brewer
	Frank Pearsall
	Susan Miller
	Paula McKeller
Staff:	Jackie Jarvis, General Manager
	Paxton McAbee, Assistant Manager
	Glenda Sansosti, Acting Secretary

Welcome and Call to Order

Board Chair Lisa Conner called the meeting to order and welcomed those present.

Certification Of Quorum

Acting Secretary Glenda Sansosti noted the presence of all Board Members and further certified a quorum present. There was no conflict of interest or appearance of a conflict of interest expressed by any Board Member on any agenda item pursuant to G.S. 18B-201.

Approval of Agenda

A motion was made by Ms. Miller, seconded by Mr. Pearsall and unanimously passed approving the agenda as presented.

Approval of Minutes

A motion was made by Ms. Miller, seconded by Mr. Brewer and unanimously passed approving the Minutes as presented.

Manager's Report

Manager Jarvis stated revenues were up approximately $20,000 during June. The Bourbon Raffle was very successful and helped increase revenues. There were no problems and the raffle was very successful.

Election of ABC Board Chair

Upon motion by Mr. Brewer, seconded by Mr. Pearsall and unanimously passed, Lisa Conner was nominated and elected to serve another year as Chair of the ABC Board.

Review of Correspondence and Voting Ballot from the State ABC Association

The Board of Directors for the ABC State Association is accepting comments extending the terms of office from two terms to three consecutive terms. Following discussion, the Board was in favor of extending the terms for the State ABC Association Board of Directors. Upon motion by Ms. McKeller, seconded by Mr. Pearsall and unanimously passed, Ms. Conner was directed and authorized to convey to the North Carolina ABC Association that all members of the Brevard ABC Board are in favor of extending the terms for the North Carolina ABC Association Board of Directors from two terms to three consecutive terms.

Approval of FY 2025-2026

Following review of the proposed Budget for FY 2025-2026, a motion was made by Mr. Pearsall, seconded by Mr. Brewer and unanimously passed to approve the FY2025-2026 Budget as presented. The Budget is on file in the office of the General Manager. A copy of the Budget will be provided to the ABC Commission and to the City of Brevard.

Review of ABC Commission Report

The Board acknowledged receipt of the ABC Commissions report following review of performance standards by Mr. Edwin on May 22, 2025. The Board was pleased with the report, especially since this was his first visit since 2015. Following a brief discussion on Ethics Training, Ms. Jarvis advised everyone was current; however, she will check on frequence required. The report is on file in the Office of the General Manager.

Recess to Closed Session: Personnel Matter

Motion by Mr. Pearsall, seconded by Mr. Brewer and unanimously passed the meeting recessed to closed session at 10:35 AM for the purpose of discussing a personnel issue. No action was taken in the closed session.

Return to Regular Session

Motion by Mr. Pearsall, seconded by Mr. Brewer and unanimously passed, closed session adjourned into regular session at 11:03 AM. A motion was made by Mr. Pearsall, seconded by Mr. Brewer and unanimously passed increasing General Manager Jackie Jarvis' annual salary to $95,000 effective July 1, 2025.

Motion was made by Mr. Pearsall, seconded by Mr. Brewer and unanimously passed nominating Ms. McKeller and Ms. Miller to review resumes and conduct interviews and make a recommendation to the Board on hiring a replacement for Ms. Jarvis when she retires.

Adjourn

Upon motion by Mr. Brewer, seconded by Ms. McKeller and unanimously passed the meeting adjourned at 10:40 AM.

Minutes Approved: July 24, 2025

Lisa Conner, Board Chair

Jackie Jarvis, General Manager

Glenda Sansosti, Acting Secretary

Next Meeting: July 24, 2025 10:00 AM

STAFF REPORT
City Council, Monday, August 4, 2025

Title:	Proposed Amendment to the Official Zoning Map of the City of Brevard - Pisgah Gateway District (Request to Table)
Speaker:	Aaron Bland, Asst Planning Director
Prepared by:	Aaron Bland, Asst Planning Director
Approved by:	Wilson Hooper, City Manager

Background
At its June 16, 2025 meeting, Council held a public hearing to consider re-instating the Pisgah Gateway Mixed Use District (PGX) which would rezone much of the area around the major US 64 / US 276 / NC 280 intersection at the entrance to Pisgah National Forest.

Discussion
Council's initial enactment of the PGX district in 2024 was nullified when the North Carolina General Assembly adopted SL 2024-57 via a veto override, which included a provision adding a new section to the definition of what constitutes a "downzoning." 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. This is a staff-initiated rezoning that would (re)apply the PGX district to the same geographic area as it was previously.

Another critical change made by SL 2024-57 was removing an exception to the limits on downzoning if the rezoning was initiated by the local government. A new bill working its way through the General Assembly, Senate Bill 587, would add that exception back. SB 587 also makes substantive changes to regulation of nonconformities and vested rights.

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 believes that a new base district is a more appropriate method.

Recommendation
The Planning Board discussed this matter at their May 27th meeting and recommended approval as presented and forwarded the required statement of consistency which was presented in the previous meeting packet.

Action
Due to the uncertainty of the pending legislation, Staff is requesting that Council table this matter to wait for the results of SB 587. The passage of the bill would also necessitate text amendments to the UDO as it relates to vested rights and nonconformities. Staff believe there are avenues to move forward with PGX whether SB 587 is enacted or not, but feel that it is prudent to wait until after we see how the statutes may change before moving

forward.

Attachments:

1. Ord 2025-13 Amending the UDO to Codify New Definitions in Response to Session Law 2024-57
2. Proposed PGX Map
3. SB 587 v2

ORDINANCE NO. 2025-13

AN ORDINANCE AMENDING CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE CHAPTER 19 – DEFINITIONS TO CODIFY NEW DEFINITIONS

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

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

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

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

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

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

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

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

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

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

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

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

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

EXHIBIT A

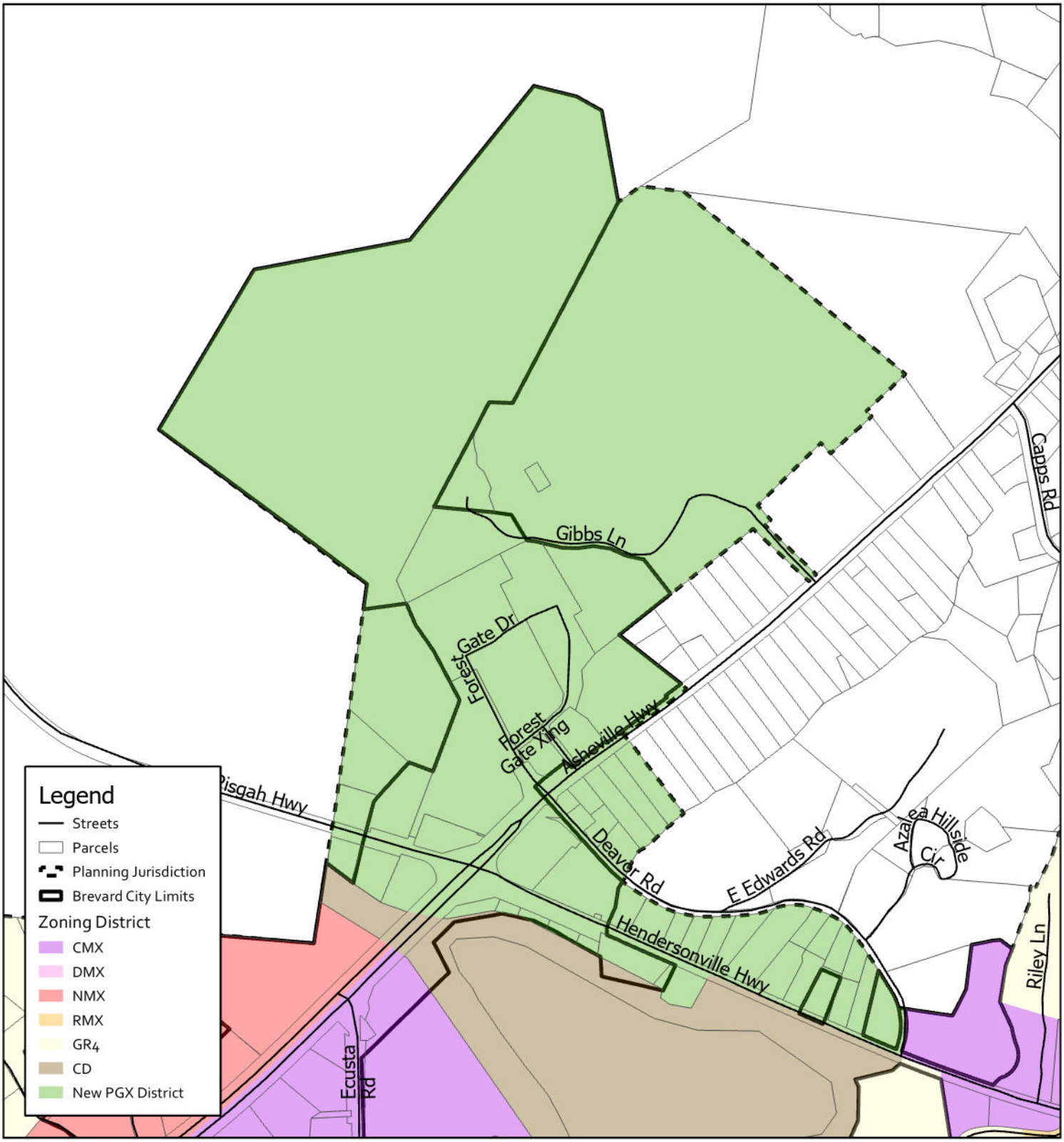
19.3. Definitions.

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

- Additions to existing structures that equal or exceed 66% of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed 66% of the value of the existing structure and require the issuance of at least two trade permits from the Transylvania County Building and Inspections Department.

Residential Zoning District: Any zoning district that permits residential land uses.

REZ-24-001 - Establishment of the Pisgah Gateway Mixed Use District (PGX)



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Feet

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1 inch = 700 feet

This map was prepared by the City of Brevard Planning Department.

Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.

SENATE BILL 587
Second Edition Engrossed 5/7/25

Short Title:	Clarify Nonconforming Uses.	(Public)
Sponsors:	Senators Lazzara and Sawrey (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate	

March 26, 2025

A BILL TO BE ENTITLED

AN ACT TO CLARIFY NONCONFORMITIES IN LAND DEVELOPMENT REGULATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160D-102 is amended by adding a new subdivision to read:

"(23m) Nonconformity. – Any of the following that was lawfully operated, established, or commenced in accordance with applicable development regulations in effect at the time the nonconformity became nonconforming so long as the nonconformity is not extended, expanded, enlarged, increased, or intensified:

a. A lot, parcel, or tract of land that fails to meet all current development regulation requirements.

b. A structure that no longer complies with all current development regulation requirements applicable to that structure.

c. The use of a property for a purpose or activity, or in a manner, made unlawful by a current development regulation.

d. Any dwelling, accessory building, accessory structure, outdoor lighting, fence, wall, sign, off-street parking, vehicular surface area, or private access point."

SECTION 2. Article 1 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"**§ 160D-108.2. Nonconformities.**

(a) Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to a nonconformity. All of the following shall apply to vested rights in a nonconformity established under this section:

(1) The establishment of a vested right under this section does not preclude vesting under one or more other provisions of law or vesting by application of common law principles.

(2) A vested right, once established as provided for in this section or by common law, precludes any action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by applicable development regulations, except where a change in State or federal law mandating local government enforcement occurs after the nonconformity was established that has a fundamental and retroactive effect on the development or use.

(3) G.S. 160D-108(h) shall apply to the claiming of nonconformities.

(4) Unless otherwise specified by this section or another statute, a nonconformity may continue until intentionally and voluntarily discontinued.

(b) The statutory vesting period granted by this section for a nonconformity expires if the nonconformity is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period shall be automatically tolled during any of the following events:

(1) The pendency of any board of adjustment proceeding or civil action in a State or federal court regarding the validity of the use of the property or the existence of the statutory vesting period granted by this section.

(2) The pendency of any litigation involving use of the property that is the subject of the vesting.

(3) The duration of any emergency declaration issued under G.S. 166A-19.20 or G.S. 166A-19.22 for which the defined emergency area includes the property, in whole or in part.

(c) Reconstruction, re-establishment, repair, and maintenance of a nonconformity shall be allowed by right provided the nonconforming is not extended, expanded, enlarged, increased, or intensified by the reconstruction, re-establishment, repair, or maintenance.

(d) This section shall not apply to G.S. 160D-912 and G.S. 160D-912.1."

SECTION 3. G.S. 160D-108 reads as rewritten:

"**§ 160D-108. Permit choice and vested rights.**

…

(d) Duration of Vesting. – Upon issuance of a development permit, the statutory vesting granted by subsection (c) of this section for a development project is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified by this section or other statute, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced. A local land development regulation may provide for a longer permit expiration period. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive.

Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive ~~months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive~~ months. The 24-month discontinuance period is automatically tolled during any of the following:

(1) ~~the~~ The pendency of any board of adjustment proceeding or civil action in a State or federal ~~trial or appellate~~ court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section.

(2) The ~~24-month discontinuance period is also tolled during the~~ pendency of any litigation involving the development project or property that is the subject of the vesting.

(3) The duration of any emergency declaration issued under G.S. 166A-19.20 or G.S. 166A-19.22 for which the defined emergency area includes the property, in whole or in part.

…

(h) Process to Claim Vested Right. – A person claiming a statutory or common law vested right may submit information to substantiate that claim to the zoning administrator or other officer designated by a land development regulation, who shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be

appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1. This subsection shall apply to the claiming of vested rights in a nonconformity under G.S. 160D-108.2.

…."

SECTION 4. G.S. 160D-108.1(f)(3) reads as rewritten:

"(3) Notwithstanding any provision of this section, the establishment of a vested right does not preclude, change, or impair the authority of a local government to adopt and enforce development regulations governing ~~nonconforming situations or uses.~~nonconformities."

SECTION 5. G.S. 63-31(e) reads as rewritten:

"(e) All airport zoning regulations adopted under this Article shall be reasonable, and none shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any ~~nonconforming use,~~ nonconformity as defined in G.S. 160D-102 except as provided in G.S. 63-32, subsection (a)."

SECTION 6. G.S. 63-36 reads as rewritten:

"**§ 63-36. Acquisition of air rights.**

(a) In any case in which:

(1) It is desired to remove, lower, or otherwise terminate a ~~nonconforming use;~~ nonconformity; or

(2) The approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this Article; or

(3) It appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations,

the political subdivision within which the property or ~~nonconforming use~~ nonconformity is located or the political subdivision owning the airport or served by it may acquire, in the manner provided by the law under which municipalities are authorized to acquire real property for public purposes, such an air right, easement, or other estate or interest in the property or ~~nonconforming use~~ nonconformity in question as may be necessary to effectuate the purposes of this Article.

(b) If any political subdivision, or if any board or administrative agency appointed or selected by a political subdivision, shall adopt, administer or enforce any airport zoning regulations which results in the taking of, or in any other injury or damage to any existing structure, such political subdivision shall be liable therefor in damages to the owner or owners of any such property and the liability of the political subdivision shall include any expense which the owners of such property are required to incur in complying with any such zoning regulations.

(c) For purposes of this section, "nonconformity" shall have the same meaning as in G.S. 160D-102."

SECTION 7. G.S. 160A-31(h) reads as rewritten:

"(h) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under ~~G.S. 160D-108 or G.S. 160D-108.1.~~ G.S. 160D-108, G.S. 160D-108.1, or G.S. 160D-108.2. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under ~~G.S. 160D-108 or G.S. 160D-108.1~~ G.S. 160D-108, G.S. 160D-108.1, or G.S. 160D-108.2 shall be binding on the landowner and any such vested right shall be terminated."

SECTION 8. G.S. 160A-58.1(d) reads as rewritten:

"(d) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under ~~G.S. 160D-108 or G.S. 160D-108.1.~~ G.S. 160D-108, G.S. 160D-108.1, or G.S. 160D-108.2. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under ~~G.S. 160D-108 or G.S. 160D-108.1~~ G.S. 160D-108, G.S. 160D-108.1, or G.S. 160D-108.2 shall be binding on the landowner and any such vested rights shall be terminated."

SECTION 9. G.S. 160D-403(c) reads as rewritten:

"(c) Duration of Development Approval. – Unless a different period is specified by this Chapter or other specific applicable law, including for a development agreement, a development approval issued pursuant to this Chapter expires one year after the date of issuance if the work authorized by the development approval has not been substantially commenced. Local development regulations may provide for development approvals of shorter duration for temporary land uses, special events, temporary signs, and similar development. Local development regulations may also provide for development approvals of longer duration for specified types of development approvals. Nothing in this subsection limits any vested rights secured under ~~G.S. 160D-108 or G.S. 160D-108.1.~~G.S. 160D-108, G.S. 160D-108.1, or G.S. 160D-108.2."

SECTION 10.(a) G.S. 160D-601, as amended by Section 3K.1(a) of S.L. 2024-57 reads as rewritten:

"**§ 160D-601. Procedure for adopting, amending, or repealing development regulations.**

…

(d) Down-Zoning. – No amendment to ~~zoning regulations or a zoning map~~ a zoning regulation 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.~~amendment, unless the down-zoning amendment is initiated by the local government.

(e) For purposes of this section, "down-zoning" or "down-zone" means a zoning ~~ordinance~~ regulation that affects an area of land in one of the following ways:

(1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.

(2) By reducing the substantive permitted uses of the land that are specified in a zoning ~~ordinance or land development~~ regulation to fewer uses than were allowed under its previous usage.

~~(3) By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.~~"

SECTION 10.(b) This section is effective when it becomes law and applies retroactively to December 11, 2024. Any development ordinance affected by Section 3K.1 of S.L. 2024-57 shall be treated as if it remained in effect from June 14, 2024, to December 11, 2024.

SECTION 11. Except as otherwise provided, this act is effective when it becomes law and applies to any nonconformity existing on or after December 11, 2024.

STAFF REPORT
City Council, Monday, August 4, 2025

Title:	Resolution re Brevard Sustainability Council
Speaker:	Maureen Copelof, Mayor
Prepared by:	Wilson Hooper, City Manager
Approved by:	Wilson Hooper, City Manager

Background
The Brevard Sustainability Council (BSC) is a citizen-led advocacy group that champions policies and activities that support environmental sustainability. Over the past year, several of the group's members have spoken during Public Comment about the importance of local government involvement in sustainability. They have asked, among other things, for the city to commit to creating a Climate Action Plan and to perform an energy audit of its operations.

During priority-setting and budget season, the Council did not identify sustainability or environmental initiatives as a priority. Yet several Council members have individually expressed support for such initiatives. Tonight, Mayor Copelof will propose a compromise solution that gives some city support to the work of the BSC, but without applying significant city resources (money or staff time) to the pursuit.

Discussion
Council is asked to read the attached draft resolution. Under this proposal, the city would endorse the creation and operation of the BSC and, at its discretion, adopt some of BSC's speech as government speech for the purpose of promoting sustainability in public forums. Mayor Copelof would represent the city on the BSC, and look for opportunities for the entities to support one another. However, any significant commitment of city resources would need to be approved by Council on a case-by-case basis.

Fiscal Impact
No city financial resources will be applied to BSC activities without additional Council approval. Minimal staff time -for example the city's Communications Coordinator posting a BSC message online- will be applied.

Action
Council is asked to take one of the following actions:

1. Adopt the resolution as written
2. Amend the resolution to suit Council's preferences and adopt the amended version
3. Table the resolution with instructions to staff to negotiate different terms with BSC
4. Reject the resolution.

Attachments:

1. Resolution 2025-XX Endorsing Brevard Sustainability Council

RESOLUTION NO. 2025-XX

RESOLUTION ENDORSING THE BREVARD SUSTAINABILITY COUNCIL

WHEREAS, increased frequency and intensity of extreme weather events, including flash floods, severe storms, and prolonged droughts, threaten the safety and economic stability of our community; and

WHEREAS, extreme weather events increasingly damage aging infrastructure including roads, bridges, water systems, and electrical grids that are expensive to repair and often lack redundant systems; and

WHEREAS, the City of Brevard desires to support sustainability efforts that cut down on greenhouse gas (GHG) emissions, reduce waste, protect the natural environment and enhance infrastructure resilience; and

WHEREAS, Brevard's Comprehensive Land Use Plan (CLUP) lists as goals "Celebrating Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems" and "Plan for efficient, equitable and resilient infrastructure and services that maintain and improve the quality of life throughout the city" with the specific task of incorporating climate resiliency into City strategic planning and investments; and

WHEREAS, Brevard's other policy documents are imbued with sustainability themes such as multi-modal transportation, infill development, and replacement of inefficient infrastructure; and

WHEREAS, the Brevard Sustainability Council (BSC) is a volunteer-led group that promotes sustainability through awareness, advocacy, and action; and

WHEREAS, the BSC has offered to undertake efforts to support local sustainability that align with city goals.

NOW, THEREFORE, THE *CITY COUNCIL* OF THE *CITY OF BREVARD* RESOLVES:

Section 1. The City of Brevard endorses the creation and operation of the Brevard Sustainability Council.

Section 2. The City of Brevard supports BSC's efforts to decrease greenhouse gas emissions, increase the prevalence of alternative sources of energy, reduce waste, protect trees and waterways, promote sustainable practices, and increase awareness of the impacts of global warming thereby improving the community's overall resilience.

Section 3. The City of Brevard may adopt, at the discretion of its agents, some of BSC's statements as government speech and share them across government-controlled forums.

Section 4. This resolution becomes effective upon adoption.

Adopted and approved this the _____ day of _____, 2025.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

STAFF REPORT
City Council, Monday, August 4, 2025

Title:	Potential Amendment to Roundabout Design Contract/Bear Statue Proposal
Speaker:	Paul Ray, Planning Director
Prepared by:	Paul Ray, Planning Director, Wilson Hooper, City Manager
Approved by:	Wilson Hooper, City Manager

Background

In 2020, City Council approved the final design for optional landscaping improvements and gateway signage at the Highway 64/276 intersection and the roundabout on Highway 280 at Deaver Road. These roundabouts are part of NCDOT's R5799 transportation project. These enhancements (referred to by NCDOT as "betterments") include landscaping elements and pedestrian and bicycle infrustructure mostly funded through the R5799 budget. However, Council also chose to pursue additional betterments, including a gateway feature marking the entrance to Brevard at the 64/276 intersection. This element would be funded by the City, with support from community partners.

With the construction of R5799 currently underway, it is time to move forward with hiring McAdams to oversee the installation of the landscaping enhancements and secure permits from NCDOT for both the "Welcome to Brevard" sculpture and the stone archway spanning the sidewalk. Permitting artwork within NCDOT's right-of-way is a complex process, requiring the division to convene a special art review committee. Given this, it makes sense to also include permitting for the future sculpture at the Ecusta Road roundabout, which would be crafted from the old digester from the former Ecusta papermill, which received Council approval. The City has negotiated a contract with McAdams for this work. The project is fully budgeted and the contract is eligible for administrative approval.

At the same time, a group of local artists has put forward an idea for the R-5799 roundabout at the entrance to Brevard and Pisgah National Forest. This new idea is being shared with Council tonight to ascertain if there is interest in exploring it further to evaluate its feasibility at a later meeting.

Discussion

A group of local artists, led by Ann Bass, has proposed the installation of a bear statue at the R-5799 Pisgah Forest roundabout. Ms. Bass has submitted a concept rendering (attached), with the idea that the sculpture would be created by artist Charles Calvin. To support this effort, the group has already secured $20,000 in pledged donations toward the cost of producing the piece.

It's important to note that the submitted sketch is conceptual in nature and is not to scale and does not include the structural or engineering details necessary for safe installation.

For the statue to be permitted within the NCDOT right-of-way, it must meet strict requirements related to visibility, safety, and placement. Specifically, it must be designed to maintain appropriate sight lines and incorporate any additional infrastructure required for secure mounting.

To assist with this, McAdams has offered, for a modest fee, to further develop the proposal into a more refined concept that would be suitable for Council's review. As part of this expanded scope, and future presentation to Council, McAdams could also explore the feasibility of incorporating concrete art sculpture pads into the design of the three roundabouts planned along Asheville Highway. These roundabouts are part of NCDOT's R-5800 project, which is scheduled for construction within the next five years. The pads would allow Council to have artwork in the roundabouts, of a particular dimension and weight pre-engineered, so that Council can take their time and take advantage of art opportunities in these roundabouts as seen fit.

Fiscal Impact
The contract with McAdams for the originally-envisioned betterments was anticipated, and funds were reserved in Fund 75 for that purpose. The additional funds needed to pay for the extra work (about $2,200) the proposed statue would require are unbudgeted allocation from that same fund.

Action
Council is asked to take one of the following actions:

1. Instruct staff to amend the scope of the McAdams contract to include a preliminary exploration of the Bear statue proposal
2. Table the issue until staff can get additional information as requested by Council.
3. Reject the bear statue proposal and proceed with the roundabout betterments as previously directed.

Attachments:
1. Renderings of Bear Statue


Pisgal Round-a-Bear

STAFF REPORT
City Council, Monday, August 4, 2025

Title:	ABC Board Appointments - Board Member and Designation of Board Chair
Speaker:	Denise Hodsdon, City Clerk
Prepared by:	Denise Hodsdon, City Clerk
Approved by:	Wilson Hooper, City Manager

Background
Appointment of Board Member: The ABC Board is a 5-member Board with members serving staggered 3-year terms expiring at the end of July. This year there is one seat that expired on July 31st. Staff conducted an open recruitment for citizens interested in serving on the Board. The following applications were received and forwarded to the Finance, Human Resources and Citizen Appointment Committee for review and recommendation:

1. Frank Pearsall - Current member who filled a vacant seat beginning in September, 2020 and was reappointed to a full term in June, 2022.
2. Thomas Carpenter - Applied for membership in July, 2024, but was not appointed. His application was kept on file as active, and he requested that his application be considered again during this round.

At its July 28, 2025 meeting, the Finance, Human Resources and Citizen Appointment Committee recommended the appointment of Thomas Carpenter to the ABC Board.

Designation of ABC Board Chair: Pursuant to NC G.S. § 18B-700(a) Local ABC Board members are appointed by the City Council as the appointing authority. The statute also states "the appointing authority shall designate one member of the local board as chairman". In addition, pursuant to Section 6.3 of the City of Brevard Charter, the Mayor and City Council shall annually appoint one member of the ABC Board to serve as chairman. The Brevard ABC Board Chair has historically served a one-year term to coincide with the fiscal year.

At its meeting on June 26, 2025, the Brevard ABC Board nominated and recommended that Lisa Conner be designated as Board Chair to serve another year until July, 2026.

Action
Council is asked to consider the attached resolution appointing a member to the Brevard ABC Board and designating the ABC Board Chair.

Attachments:
1. ABC Board Applications
2. Resolution Appointing ABC Board Member and Designating ABC Board Chair

EMPLOYMENT APPLICATION

CITY OF BREVARD
95 W Main St
Brevard, North Carolina 28712
http://www.cityofbrevard.com

Pearsall, Frank A
202200016 STATUTORY / CODE COMMITTEE MEMBER

ABC Board

Received: 5/30/25 10:09 AM
For Official Use Only:
QUAL:_____
DNQ:_____
☐Experience
☐Training
☐Other:_____

PERSONAL INFORMATION

POSITION TITLE: STATUTORY / CODE COMMITTEE MEMBER	EXAM ID#: 202200016
NAME: (Last, First, Middle) Pearsall, Frank A	SOCIAL SECURITY NUMBER: N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) 30 Grove Circle, Brevard, North Carolina 28712	EMAIL ADDRESS: plans@comporium.net
HOME PHONE: 828-883-9879	NOTIFICATION PREFERENCE: Paper

PREFERENCES

Nothing Entered For This Section

EDUCATION

Nothing Entered For This Section

WORK EXPERIENCE

Nothing Entered For This Section

CERTIFICATES AND LICENSES

Nothing Entered For This Section

Skills

Nothing Entered For This Section

ADDITIONAL INFORMATION

Nothing Entered For This Section

REFERENCES

Nothing Entered For This Section

Agency-Wide Questions

1. Are you a resident of the City of Brevard? A resident is defined as someone who lives in within the corporate city limits the majority of the year and claims the City of Brevard as their domicile for legal purposes.

   Yes

2. Please list your current place of employment and your occupation.

   Transylvania - Veterans Service Officer

3. Please list any other appointed positions you currently hold in Brevard or Transylvania County. If none, please type "none or n/a"

   N/A

4. Why do you want to be a member of this Board and/or Committee?

   Continue Serving

5. How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard?

   Have already served term

6. Please briefly describe any community involvement you have that may be related and beneficial for City Council to know as they evaluate applicants to serve on this Board and/or Committee.

   Have served on Board of Adjustments, County Jail Site Selection Board

7. Boards and Committees may meet in mornings, afternoons and or evening hours. What limitations do you have for attending meetings?

   None

Job Specific Supplemental Questions

1. Please select from the list below which Statutory / Code Committee and/or Committees you are interested in serving on.
ABC Board

Check One: ____ Initial Application

X Reappointment Application

CITY OF BREVARD
APPLICATION FOR BOARDS/COMMITTEES

RECEIVED 5/30/2025 dh

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board of Directors • Board of Adjustment • Brevard Housing Authority Board of Directors
- City Council Downtown Master Plan Committee • City Council Parks, Trails and Recreation Committee
- City Council Public Works & Utilities Committee • City Council Public Safety Committee
- City Council Finance, Human Resources & Citizen Appointment Committee
- Housing Committee • Planning and Zoning Board • Rosenwald Community Advisory Board
- Terrell Scruggs Scholarship Committee • Transylvania Economic Alliance

Name of Board or Committee Interested In: ABC BOARD

** List only one per Appointment Application form.*

Date 5/27/2025

Name FRANK A. PEARSALL

Home Address 30 GROVE CIR, BREVARD, NC 28712-3899

Phone (home) 828-883-9879 (cell) —

E-Mail Address: plans@compotium.net

Agency-Wide Questions

1. Are you a resident of the City of Brevard? A resident is defined as someone who lives in within the corporate city limits the majority of the year and claims the City of Brevard as their domicile for legal purposes.

YES

2. Please list your current place of employment and your occupation.

TRANSYLVANIA - VETERANS SERVICE OFFICER

3. Please list any other appointed positions you currently hold in Brevard or Transylvania County. If none, please type "none or n/a"

N/A

4. Why do you want to be a member of this Board and/or Committee?

CONTINUE SERVING

5. How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard?

HAVE ALREADY SERVED TERM

6. Please briefly describe any community involvement you have that may be related and beneficial for City Council to know as they evaluate applicants to serve on this Board and/or Committee.

HAVE SERVED ON BOARD OF ADJUSTMENTS, COUNTY JAIL SITE SELECTION BOARD

7. Boards and Committees may meet in mornings, afternoons and or evening hours. What limitations do you have for attending meetings?

NONE.

**Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two yours and then destroyed. You may reapply after that time period.*

Frank A. Pearsall

Signature of Applicant

Please return this application to:
City of Brevard-Attn: Denise Hodsdon, City Clerk
95 W. Main Street, Brevard NC 28712
Phone: 828-885-5614
Email: denise.hodsdon@cityofbrevard.com

FOR CITY USE ONLY

DATE APPLICATION RECEIVED: _____

COUNCIL ACTION: _____ DATE: _____

_____ NEW APPOINTMENT _____ REAPPOINTMENT

DATE APPOINTMENT EXPIRES: _____

9/3/2024 Applicant not selected - keep application on file for 1 year

EMPLOYMENT APPLICATION

CITY OF BREVARD
95 W Main St
Brevard, North Carolina 28712
http://www.cityofbrevard.com

Carpenter, Thomas S
202200016 STATUTORY / CODE COMMITTEE MEMBER

ABC Board

5/28/2025 Mr. Carpenter called to request that his application be considered again this year.

Received: 7/30/24 12:33 PM
For Official Use Only:
QUAL:_____
DNQ:_____
☐Experience
☐Training
☐Other:_____

PERSONAL INFORMATION

POSITION TITLE: STATUTORY / CODE COMMITTEE MEMBER	EXAM ID#: 202200016
NAME: (Last, First, Middle) Carpenter, Thomas S	SOCIAL SECURITY NUMBER: N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) 53 North Rice St., Brevard, North Carolina 28712	EMAIL ADDRESS: floridatscarp@yahoo.com
HOME PHONE: 828-508-1123	NOTIFICATION PREFERENCE: Email
DRIVER'S LICENSE: ■ Yes ☐ No	LEGAL RIGHT TO WORK IN THE UNITED STATES? ■ Yes ☐ No
What is your highest level of education? Bachelor's Degree	

PREFERENCES

ARE YOU WILLING TO RELOCATE?
☐Yes ■No ☐Maybe

WHAT TYPE OF JOB ARE YOU LOOKING FOR?
Regular

TYPES OF WORK YOU WILL ACCEPT:
Full Time

EDUCATION

Nothing Entered For This Section

WORK EXPERIENCE

Nothing Entered For This Section

CERTIFICATES AND LICENSES

Nothing Entered For This Section

Skills

Nothing Entered For This Section

ADDITIONAL INFORMATION

Nothing Entered For This Section

REFERENCES

Nothing Entered For This Section

Agency-Wide Questions

1. Are you a resident of the City of Brevard? A resident is defined as someone who lives in within the corporate city limits the majority of the year and claims the City of Brevard as their domicile for legal purposes.

   Yes

2. Please list your current place of employment and your occupation.

   retired

3. Please list any other appointed positions you currently hold in Brevard or Transylvania County. If none, please type "none or n/a"

   none

4. Why do you want to be a member of this Board and/or Committee?

   im a local and enjoy having input on issues and needs of Brevard nc

5. How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard?

   been involved with public, working and teaching for many years

6. Please briefly describe any community involvement you have that may be related and beneficial for City Council to know as they evaluate applicants to serve on this Board and/or Committee.

   just moved back to area and was intersted in getting involved in the community

7. Boards and Committees may meet in mornings, afternoons and or evening hours. What limitations do you have for attending meetings?

   none

Job Specific Supplemental Questions

1. Please select from the list below which Statutory / Code Committee and/or Committees you are interested in serving on.

ABC Board

The following terms were accepted by the applicant upon submitting the online application:

By clicking the Accept and Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete information may be grounds for not employing me and for termination from employment, after employed.

- I understand that I will have to produce documentation verifying identity and eligibility to work in the United States if offered employment.
- I understand that I may required to verify any and all information on this application.
- I understand that this competed application is the property of the City of Brevard and will not be returned.
- I understand it is my responsibility to notify Human Resources of any change to my name, address and/or phone number
- I authorize my current and former employers to give any information regarding me or my employment, whether or not it is on their records. I hereby release them from any damage whatsoever for issuing same.
- I also authorize educational institutions which I attended to reveal my scholastic ratings, as well as degrees or certificates earned, to the City; and associations, registration and licensing boards and to others to furnish whatever detail is available concerning my qualifications. Notwithstanding any provision of State or Federal law, I expressly waive any right I have to review information the City receives from an employer or educational institution under a promise of confidentiality.
- I also permit the City to conduct a Police, Court, Credit and/or Motor Vehicle Records Investigation of my background where related to the job for which I am applying.
- I understand that if I apply or have applied for certain jobs, I may be tested for drug and alcohol use to determine if I am currently using or abusing these substances. I consent to the testing and understand that the results could prevent my employment.
- I understand and acknowledge that should I be employed by the City, then I serve "at will". This means that I may be terminated at any time. I further understand that this "at will" employment relationship may not be changed by any written document unless such change is specifically approved by the City Manager

This application was submitted by Thomas S Carpenter on 7/30/24 12:33 PM

RESOLUTION NO. 2025-XX

RESOLUTION APPOINTING A MEMBER TO THE BREVARD ABC BOARD AND DESIGNATING ABC BOARD CHAIR

WHEREAS, pursuant to NC G.S. § 18B-700(a) Local ABC Board members are appointed by the City Council as the appointing authority; and

WHEREAS, Brevard ABC Board members serve staggered three-year terms and the term of one member expired in July, 2025; and

WHEREAS, city staff, with the oversight of the Finance, Human Resources and Citizen Appointment Committee, conducted an open recruitment for citizens interested in serving on the ABC Board; and

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee considered applications at their July 28, 2025 meeting and recommended appointment of Thomas Carpenter to the Brevard ABC Board; and

WHEREAS, NC G.S. § 18B-700(a) also states "the appointing authority shall designate one member of the local board as chairman"; and

WHEREAS, pursuant to Section 6.3 of the City of Brevard Charter, the Mayor and City Council shall annually appoint one member of the ABC Board to serve as chairman; and

WHEREAS, the Brevard ABC Board Chair has historically served a one-year term from July 1 to June 30 to coincide with the fiscal year; and

WHEREAS, at its meeting on June 26, 2025 the Brevard ABC Board nominated Lisa Conner to serve another term as ABC Board Chair until July 2026.

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

1) The Brevard City Council does hereby appoint Thomas Carpenter to the Brevard ABC Board effective August 2025 and expiring in July, 2028.

2) The Brevard City Council does hereby designate Brevard ABC Board Member Lisa Conner to serve as Chair effective immediately until June 30, 2025.

Adopted and approved this 4th day of August, 2025.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk