



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, June 5, 2023 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Pastor Veranita Alvord, Brevard First United Methodist Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. Monday, May 15, 2023 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Proclamation 2023-12 Juneteenth

I. Special Presentation(s)

J. Public Hearing(s)

1. Proposed Amendment to Flood Plain Ordinance

K. Consent and Information

1. Ordinance-Declaring Road Closure for National Night Out
2. Sewer Pump Station Rehabilitation and Replacement Project Engineering Services Agreement
3. Resolutions Accepting American Rescue Plan Funds for Asset Inventory & Assessment Study
4. Resolution in Support of Partners for Green Growth Program Grant - Green Growth Audit of City Codes

5. Rosenwald Community Advisory Board Minutes - February 16, 2023
6. Rosenwald Community Advisory Board Minutes - March 16, 2023
7. Council Finance, Human Resources & Citizen Appointment Committee Minutes - March 27, 2023
8. Council Public Safety Committee Minutes - April 24, 2023

L. Unfinished Business

1. Adoption of Personnel Policy Revisions
2. Adoption of FY 2023-2024 Budget and Ordinance
3. Rezoning Request for 1699 Old Hendersonville Highway from CMX to GR4 - Jeremy and Maria Watson
4. Request to Rezone Deerlake Parcels from Conditional Zoning District to CMX - Tore Borhaug
5. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 4, 6, 13, 17 and 19 - Steep Slopes

M. New Business

1. Powell Bill Budget Amendment and Main Street Streetscape Project Ordinance - Stamped Crosswalks
2. Commitment to Landscaping and Sidewalk Costs for R-5799 -Roundabouts at Pisgah Forest entrance and Deavor Rd.
3. Committee Appointments

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

Agenda Posted, Website, Sunshine List (June 1, 2023)
D. Hodsdon, City Clerk

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

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
May 15, 2023 – 5:30 PM**

The Brevard City Council met in regular session on Monday, May 15, 2023, 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, Maurice Jones, Geraldine Dinkins, and Aaron Baker

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Human Resources Director Kelley Craig, Communications Coordinator Becky McCann, Police Chief Tom Jordan, Fire Chief Bobby Cooper, Community Center Director Tyree Griffin, Acting Public Works Director Wesley Shook, ORC Water Treatment Plant Dennis Richardson, and ORC Wastewater Treatment Plant Emory Owen

Press – Jon Rich, Transylvania Times

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

B. Invocation – Pastor Victor Foster of Glade Creek Baptist Church offered an invocation.

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

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

E. Approval of Agenda – Ms. Dinkins requested that Item K-3 Interlocal Agreement with Town of Rosman for Water Supply Interconnect be pulled from the Consent Agenda and added to New Business as Item M-1. Ms. Dinkins moved, seconded by Mr. Jones to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. Monday, May 1, 2023 Regular Meeting – Mr. Morrow moved, seconded by Ms. Dinkins, to approve the minutes of the May 1, 2023 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments – None.

H. Certificates/Awards/Recognition – None.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed FY 2023-2024 Budget and Ordinance – Mr. Hooper noted that the his recommended FY 2023-2024 Budget was presented at the May 1, 2023 meeting and summarized the proposed Budget as follows:

- The total budget is \$24,894,607 across all funds.
- Approximately \$11.3M of that is in the General Fund.
- Approximately \$1.5M in the Sanitation Fund.
- Approximately \$2.9M in the Fire Fund.
- Approximately \$7M in the Water and Sewer Utility Fund.

- Dedicates \$.02 to housing and the portfolio of housing programs.
- Increased compensation for City employees to be more competitive with surrounding agencies.
- A proposed \$.03 increase in Brevard's property tax rate from \$.45 to \$.48 per \$100 of valuation, an increase that would equate to approximately \$105 more in property taxes for a home with an assessed value of \$350,000.
- In order to pay for water and sewer utilities and to jump start our significant capital investment in upgrading or replacing our wastewater plant, the proposed budget includes the pre-planned 4% increase in the consumption rate.
- These increases help us fund Council's named priorities and maintain or enhance service levels in all other City functions.

Mayor Copelof opened the public hearing at 5:42 PM.

Public Hearing Public Participation – Judith West said she was here as a representative of the Living Wage Coalition of Transylvania County. I want to thank you all for including significant changes in the budget, such as a parental leave policy. That puts you in a small group of cities in Western North Carolina that have done that. You have also increased wages to a living wage, at least \$16.42 per hour for all full-time employees and significant increases in the firefighter wage, moving toward a living wage. I can't say enough in support of these changes. It is good for the City, it is good for your employees, it is good for recruitment, and it is good for retention. Thank you for doing the right thing and the smart thing for the City and your employees.

Rodney Locks said I come to reject the proposed tax rates in your budget. I seldom ever agree with the County, but I do agree that the citizens of Brevard cannot afford an additional tax rate. What I am asking you to do is to direct the City Manager to consider three options: 1) to fund the proposed budget with fund balance or any reserves you have; 2) reduce from 3% to 2% to 1% back down to zero; consider those options and give you the impact of reducing the tax rate; 3) given the amended option 2, fund that with fund balance or any reserve so that the citizens don't have to pay a tax rate. You are being real clever with the utility rate increases and I believe that even though we only pay our taxes once, we pay our utility rates every month and that is coming out of people's pockets. I ask you to consider, if you have to raise utility rates, how to do that wisely and without affecting the citizens of Brevard.

Public Hearing Closed – Mayor Copelof closed the hearing at 5:45 PM.

J-2. Rezoning Request for 1699 Old Hendersonville Highway from CMX to GR4 – Jeremy and Maria Watson – Emily Brewer explained that Jeremy and Maria Watson submitted an application in February, 2023 requesting a rezoning of their property located at 1699 Old Hendersonville Highway near Ecusta Road. The parcel is currently zoned Corridor Mixed-Use (CMX). The request is to rezone to General Residential-4 (GR-4) in order for the applicants to restore the historic structure and return it to use as a single-family home. The property abuts CMX, GR-4, and General Industrial (GI) zoning districts.

The property currently has a historic single-family home built in the 1840s. According to the applicants, it has gone through many owners and over time fell into disrepair and was ultimately abandoned. The applicants intend to work with the Joint Historic Preservation Commission to maintain the home's historical character and upgrade the interior to modern living standards. Though the property was previously used as a single-family home, the property cannot return to this use in the current zoning district because it was abandoned for more than 180 days.

The Corridor Mixed-Use District is coded to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the city's major thoroughfares. The requested zoning district, GR-4, is intended for primarily-residential neighborhoods. It should also be noted that rezoning this property alters the permitted uses for future development. For this site in particular,

the majority of commercial, institutional, and manufacturing uses would no longer be permitted on the property if it was rezoned to GR-4.

The Building Brevard 2030 Comprehensive Land Use Plan designates the property as a Major Activity Center. Activity Centers represent unique destinations across the City. They are meant to be the focus of targeted urban design initiatives with a focus on infill, adaptive reuse, and creative solutions to address opportunities and challenges in each unique place. GR-4 is not considered an applicable zoning district for a Major Activity Center, thus this rezoning is considered inconsistent with the Future Land Use Map. This rezoning would effectively change the Future Land Use Map to allow this parcel to be a Low Density Character Area. Despite this the Comprehensive Land Use Plan does include the following goals and recommendations related to historic preservation and creation of housing and these should be considered by City Council:

- Land Use and Housing-2: Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.
- Land Use and Housing-6: Encourage rezonings to allow for a mix of uses in Activity Centers.
- Land Use and Housing-9: Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.
- Land Use and Housing-18: Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.

The Planning Board discussed this application at their April 25th regular meeting. After a lengthy discussion, the Board recommended that the property be placed in a Conditional Zoning District instead of the requested zoning district, GR-4. They cited NCDOT's upcoming round-about and realignment of Wilson Road/Ecusta Road project and the inconsistency with the future land use map adopted by City Council in March. A Conditional Zoning District is a special district that is considered separately from the base zoning districts. These are considered somewhat of a negotiation where the property owner is granted some allowances that differ from a traditional zoning district and the City can impose additional conditions that address the needs and concerns of the nearby residents or the City's priorities for the area.

During their discussion, Planning Board discussed the City's ability to rezone the property back to CMX for whatever reason. Cities are allowed to initiate rezonings in their jurisdiction and there is no amount of time that must pass for a traditional rezoning. For Conditional Zoning Districts, the applicant has 2 years from the date of approval before the City can initiate a rezoning back to a base district.

Though their request for GR-4 zoning has not changed, the applicants are open to a Conditional Zoning District with CMX as the base district, provided that *Single-family Dwelling* and *Short-term Rental* are allowed as permitted by-right and *House* is a permitted building type.

Mayor Copelof opened the public hearing at 5:52 PM.

Public Hearing Public Participation – Jeremy Watson said anyone who knows this property knows that it has been in terrible shape for a long time. It has fallen into disrepair, neglect and abandonment. It has been repossessed a couple of times by the bank. We are looking to get it back to its fighting weight, to put it back to work, and restore it to its former glory. It is a gorgeous property with beautiful hardwood floors and historic two sections built in the 1840's and the 1860's. I think it could be a showpiece for Brevard; the history of Brevard and the modern kind of wrapped up into one. I don't know how to make it that unless we can use it afterwards. It is not a living museum and we don't have federal funds for that. Effectively the funds that go into it are my life savings, trying to bring it back to fighting weight. Just the foundation alone is going to be a six-figure investment. We are just looking for the approval to say when

we get it back to fighting weight, if we have not spent all the money in the world on it, we would love to live there for a while. If we have spent all the money in the world on it, we would have to have some way to recuperate funds. I don't know how to open a restaurant or a bike shop, my experience is real estate based. We are looking for ways to say depending on how much it cost, we need a viable exit strategy for our zoning to say how do we put it to use and highlight the best parts of Brevard. That is our hope with the project. With all the changes we are seeing around such as the roundabout, the Ecusta Trail and the big project on the old Ecusta property, it could be a gorgeous property for the future and we would love to be involved.

Public Hearing Closed – Mayor Copelof closed the hearing at 5:55 PM and asked for any questions or comments from Council.

Ms. Dinkins said she has a concern regarding the short-term rental aspect and it looks like it is permitted under the sought-after zoning district GR-4, but not in the CMX. This goes counter to our Land Use Plan that we have just passed. She asked Mr. Watson if he would be using it for short-term rental.

Mr. Watson said it depends on the cost of the project. If it costs \$200,000 to \$400,000 we plan to live in it ourselves for a while and would love to keep it primarily personal use. However, if the cost is over \$400,000 and eats up a substantial amount of my life savings, we are going to have to have some way to recuperate funds. Short-term rental would be the plan if it really balloons and gets out of hand for how do we put it to work and get the asset actually functioning and returning some money. We absolutely ask for that to be included, just depending on how the budget ends up.

Mr. Daniel commended Mr. Watson's effort. He asked if we did the conditional zoning and the house was sold and someone tore it down, would it automatically revert? Ms. Brewer explained it would not; it would have to be an initiated rezoning either by the applicant or by the City after two years.

Mr. Baker said this seems like a common sense way to deal with this. The future use of the property is of concern given how it falls into the Future Land Use, but it is important to recognize that the Land Use Plan also calls out historic structures and the goal of the City to preserve those when possible. With that in mind, this is a massive undertaking to preserve this structure and we have lost a lot of similar historic structures and I think we all are better when these things can be preserved for the future. This makes sense to me and seems like a compromise and I am willing to support this in the future.

J-3. Request to Rezone Deerlake Parcels from Conditional Zoning District to CMX – Tore Borhaug – Aaron Bland explained that in September, 2020 Council adopted Ordinance No. 2020-18, approving what was then called a Planned Development District (PDD) and preliminary master plan for these three parcels off of Deerlake Road. It created the Independent Living for Tore's Home PDD, or conditional zoning district. The property owner, Tore Borhaug has now submitted an application to rezone these three properties, currently in the conditional district, back to typical base zoning districts. The two long narrow parcels that adjoin the Deerlake neighborhood are proposed to revert back to General Residential-8 (GR-8), which was what they were before. The third larger parcel to the east would become Corridor Mixed Use (CMX), and adjoin other CMX parcels that front on Asheville Highway.

A conditional zoning district is a rezoning in which the developer and the City negotiate site-specific development standards for the site/project. These standards are codified in a stand-alone ordinance. Base districts, in contrast, are the typical standard zoning districts applied throughout the City. Rezoning to those base districts would undo the site-specific standards in the conditional district, including any of the special conditions or deviations from the typical UDO standards. Moving forward, any development on the site would have to follow the typical UDO standards.

CMX is one of our least restrictive districts. As with any rezoning, Council has the option to impose a more restrictive zoning district than the applicant requested. If Council should decide to exercise that option, there are several districts that could be utilized for the parcel requested to be CMX. The first is Institutional Campus (IC), which is adjacent to the north with the Catholic Church. It is the only other zoning district adjacent to the subject properties besides GR and CMX. IC would lower the allowed residential density to 15 units per acre, which would still allow the Applicant to build out according to the approved master plan. The allowed uses in IC are slightly more restrictive than CMX but it does allow for a number of commercial uses.

Another option that would work for the currently approved preliminary master plan in terms of uses and density is Residential Mixed Use (RMX). This also reduces the density to 15 units per acre but allows far fewer non-residential uses. In discussions prior to this meeting, the applicant has indicated that he is amenable to rezoning the third parcel as RMX instead of CMX. The issue with rezoning to RMX instead of CMX is that there are no other RMX parcels in the vicinity. This brings up the question of what is known as “spot zoning”, which is the act of treating one parcel differently from the surrounding properties and is highly scrutinized by the courts in North Carolina. It is permitted as long the local government can establish that the zoning is reasonable. Whether or not it is reasonable is tested in the courts with the following factors:

1. The size and nature of the tract
2. Compatibility with existing plans
3. Impact on the landowner, the immediate neighbors, and the surrounding community
4. The relationship between the newly allowed and previously allowed uses

The key question is whether the zoning authority is being exercised in the public interest and not for the benefit of one or a few individual landowners. Council should carefully consider these four points in consultation with the City Attorney and Planning Staff if it wishes to explore rezoning to a zoning district besides GR and CMX.

When we look at this request in context with the Future Land Use Map, it identifies the two parcels to be GR-8 as within the Traditional Neighborhood character area, and the parcel proposed to be CMX within the Urban Corridor character area. CMX, RMX and Neighborhood Mixed Use are all appropriate districts for that character area.

The Planning Board discussed this proposal at their April 25, 2023 meeting and, after a brief discussion, unanimously recommended rezoning as requested, with two parcels reverting to GR8 and one to CMX.

Mayor Copelof opened the public hearing at 6:05 PM.

Public Hearing Public Participation – Phil Davis said I represent and am the Vice President of the Deerlake Association Board. I represent a number of people that elected you as they elected me to my position. We on the board have no objection to the rezoning of the two five-acre lots nearest Deerlake. They were GR-8 in the beginning and returning to GR-8 from the conditional zoning district is a good move. As reasonable neighbors, the Deerlake Board would like to support the rezoning of the front seven-acre parcel to RMX, not CMX and we have several reasons and suggestions. Affordable housing is important for the future of city development plans. If rezoned to CMX, housing options are more limited when compared to RMX. The front parcel could become almost any commercial land use, almost any commercial owner. It could become a Dollar Store or another Mexican restaurant and we don't want either of those. Some of the potential CMX uses would burden the City and the citizens, especially with the limited street access from Deerlake Road. There is only one small access area. There are very few, if any, commercial parcels in this city that are three-deep from the main corridor. RMX provides a transition from the nearby commercial CMX parcels to the front along Asheville Highway and both to the proposed Borhaug development and then on to Deerlake and Fortune Cove residents surrounding this area. RMX is a mixed

zone buffer to these residential areas, but still allows Mr. Borhaug to continue his plan of building the residence, daycare, office, and community center. Use of RMX may provide the city with a good transition for future housing developments, maybe one that hasn't been used in the past. It's use in this case could assist with improved land use plans. RMX better fits with Borhaug's 2020 City Council approved design of the residence on that conditional zoning district parcel. Many of you approved that. RMX is a sound zoning tool for use as the City expands affordable housing not offered within the CMX zoning option. In summary, regarding the rezoning request, the Deerlake Board has no objections to the GR-8 zoning of the two five-acre lots and suggests that RMX zoning has many advantages over the requested CMX for the front seven-acre lot.

Susan Toscani said I am a member of the Board of the Deerlake Village Community Association. All of us on the Deerlake Board have full confidence that you, our elected officials, will make the best decision on behalf of all your constituents. We also have confidence that the Mayor, the City Council, and City departments will professionally review the project's erosion control plans and closely monitor water and sediment runoff during construction so as to protect those properties downstream; to ensure that Deerlake Road remains open to resident traffic with minimal disruption during construction; that Deerlake Road remains open for access to Police, Fire and any emergency vehicles; and lastly, to pursue however possible, that another access road be made available to the new development, possibly via the Osborne interchange, to relieve traffic on Deerlake Road for everyone's safety and benefit.

Richard Schram said my comments relate somewhat directly to what Susan Toscani was speaking about, specifically related to the importance of emergency access to Deerlake Village. I offer some relatively recent age statistics pertaining to our population of approximately 455 owners and residents occupying 220 homes. Of the owners who live in Deerlake full-time, some 85% are age 65 or older. This is significantly more than the county's percentage of slightly over 30%. Deerlake's full-time resident owner population average age, at last count, was 73; the median age was about 76; and more than a dozen residents were in their 90's. I suspect every local EMS employee is well-acquainted with the streets in Deerlake. EMS visits are not uncommon. Given Deerlake's age statistics, and this relates almost entirely to access or difficulties associated with access during the construction process, denial of EMS access, even for a short time has potentially lethal implications. The one road in, one road out access problem associated with Mr. Borhaug's Deerlake project is more than inconvenience. It has the potential to be about residents' lives.

Dick Smith said I have been a realtor in the community for 33 years and I am a Roman Catholic and go to the Catholic Church regularly. The first time I spotted that empty field next to the parking lot of the Catholic Church, I thought what a marvelous place for a retirement community for Catholic priests. I have been pursuing this emotionally, have watched the stories unfold over the last four or five years, and have kind of stayed out of the conversation because I didn't want to get into the middle of it all and create unnecessary turmoil. My position for you is if we decide to do anything to that community I hope that you think very carefully about the water and sewer availability for that remaining healthy little piece of property. I have been chatting with everybody that will talk to me and I have been told by several people that we are fairly close to reaching the capacity of our water service for Brevard. If a lot of houses start going up, we have no idea of what is going to be happening to all of the other property in Brevard. I see a house torn down and four go up in its place; that seems to be the trend. I am just asking you to make sure that the water system is adequate for whatever ends up coming and if things present an opportunity, I may sit down with Tore and talk about an alternative to some of the things he's thinking of doing.

Tore Borhaug explained the reasons he applied for CMX on the seven acres. Two years ago I applied for a rezoning of four acres on Osborne Road and it was tabled because of the master plan ordinance you were putting together. It was tabled to prevent spot zoning. A decision has not been made regarding that one yet, but because of the challenges with spot zoning was the reason that I applied for CMX on the seven acres since there are no other RMX parcels in the area. The other reason is density. I

could care less about the commercial aspect of CMX; it is not my intention, but to get that increased density CMX would afford more density than an RMX for seven acres. As many of you are aware, I have been on this mission for quite some time now and you are having concerns about housing in our community. In the last year, in particular, not to mention the last two years, if not three years, doing it affordably has become a lot more challenging than it was three years ago. The issues that we are faced with today are that interest rates have more than doubled. Construction cost has gone out of sight which makes it even more challenging. Housing, based on what I am seeing, and I am seeing a lot of tragic situations, elderly are not getting the service they need. We are turning away people every week in our homecare business because we don't have the staff to do it, in part because they don't have anywhere to live. Brevard has become a place where working people can no longer afford to live. You know it, I know it, and people trying to get help know it. Third, you have adopted several changes to the ordinance that would give me more flexibility compared to what I was approved for three years ago. Those are the three reasons that I have applied for this change and depending on the discussion, I would like to be able to address whatever issues come up.

Public Hearing Closed – Mayor Copelof closed the hearing at 6:20 PM and opened it up to Council for questions and comments.

Mr. Baker asked what is the density difference between CMX and RMX? Mr. Bland explained that RMX allows 15 dwelling units per acre and CMX allows 40. Mr. Baker noted that is a significant difference and it seems there should be some sort of compromise. He said I hear the residents of Deerlake and CMX doesn't really fit for the intended use of housing. I am also cognizant that to dig ourselves out of this housing crisis requires densely building housing, especially given the land limitations that we have within the city. I understand the willingness to go to RMX, and for this particular project it may work, but we have to think about all future projects as well. I wonder if there is a way to compromise and create a conditional zoning district just on that seven acre property that allows for a little greater density just for housing, but does not allow for some of the commercial uses which are of concern.

Mr. Daniel said I share all of our concern about housing and that we need housing. I am also starting to be a little concerned about unintended consequences. Forty units on an acre is a little scary to me and considering the nature of our community, I would like to see some compromise. I am just concerned about what consequences we are not aware of.

Mr. Bland said based on those two comments, another district that would be applicable per the Future Land Use Map is Neighborhood Mixed Use (NMX). NMX is between CMX and RMX and allows 25 units per acre. It does open up non-residential uses that RMX does not, such as banks, funeral homes, medical and veterinary offices.

Mr. Jones asked Mr. Borhaug if it was correct that he was only concerned about the housing and not about the commercial. Mr. Borhaug said his intentions are housing, community center, childcare, possibly adult daycare, and a dining hall with a commercial kitchen.

Ms. Dinkins said we desperately need the housing and I believe that this is not a bad location for density because it is close to a lot of infrastructure. I am going to be in favor of following the recommendation of the Planning Board for CMX.

Mr. Morrow said to Mr. Borhaug that no one has done more to educate us all about how market forces can help bring housing to Brevard. There is no secret of what your mission is. Your commitment to the elderly of this community and your commitment to address the needed childcare, those are the things that make workforce housing work. Your scope and work is all about workforce housing and you need to be commended for that.

Mr. Borhaug said I would love to see NMX on the seven acres as compromise number one and for compromise number two, it would be a little band-aid if you added Lot 1995 (the middle lot) to RMX.

J-4. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 4, 6, 13, 17, and 19 – Steep Slopes – Emily Brewer explained that the steep slope ordinance has been discussed many times in the past few years, especially as infill residential development becomes more of a priority. Revisions have been presented to Planning Board and City Council most recently in the fall of 2022. Staff proposed relatively minor changes to the review process and the requirements for Conditional Zoning Districts with steep slope areas. The text amendment was intended to be interim revisions that clarify the language in advance of some broader changes in the coming months. Planning Board recommended approval of the text amendment to City Council. During the discussion on October 17, 2022, multiple members of City Council expressed an interest in seeing a fully revised version of Section 6.4 – Steep Slope Area Requirements – instead of small revisions. Since then Staff has been working with Planning Board to develop fully revised steep slope regulations. Staff presented the fully-revised steep slope ordinance to Planning Board twice in March and April. On April 25, 2023 the Planning Board recommended approval of the revised ordinance. Ms. Brewer presented a PowerPoint presentation (copy attached) outlining the background and purpose, staff goals, and the proposed amendments. A full matrix of all the changes is also attached.

Mayor Copelof opened the public hearing at 7:10 PM.

Public Hearing Public Participation – None.

Public Hearing Closed – Mayor Copelof closed the hearing at 7:10 PM.

~~ At 7:10 PM Mayor Copelof called for a ten minute break ~~

Council Questions – Ms. Brewer answered clarifying questions from Mr. Jones regarding slope determination, from Mr. Baker regarding the slope calculator, and from Mr. Daniel regarding geotechnical analysis.

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

K-1. Tax Settlement Report – April, 2023

K-2. Resolution for Discount for City of Brevard and Heart of Brevard Property Taxes

RESOLUTION 2023-24

RESOLUTION TO OFFER DISCOUNT OF TWO PERCENT (2%) FOR CITY OF BREVARD AND HEART OF BREVARD PROPERTY TAX PAYERS

WHEREAS, the City of Brevard collects taxes for the City of Brevard and the Heart of Brevard Municipal Service District;

WHEREAS, beginning in fiscal year 2019-2020, the City has offered a two percent (2%) discount to taxpayers, if their tax bill is paid on or before August 31, of the fiscal year.

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

- 1) The City of Brevard desires to offer a two percent (2%) discount to City of Brevard and Heart of Brevard Municipal Service District taxpayers for the 2023-2024 property tax bills if paid on or before August 31, 2023.

Approved and adopted this 15th day of May, 2023.

K-4. Council Public Works & Utilities Committee Minutes – April 5, 2023

K-5. Council Downtown Master Plan Committee Minutes – March 8, 2023

K-6. Correspondence *(No Action. Offered as information only.)*

K-6-a. Transylvania County Building Permit Activity Report – April 2023

L. Unfinished Business – None.

M. New Business.

M-1 (K-3). Interlocal Agreement with Town of Rosman for Water Supply Interconnect – Mr. Hooper explained that the Town of Rosman has submitted a legislative request for \$19M to create a water interconnect with the City of Brevard in order to purchase water from us in an emergency situation. Rosman's water system uses wells that are susceptible to drought and other risks. As a public safety matter, to keep their residents in water, they wanted to have access to buy water from us if needed. Rosman was the first to propose an interlocal agreement. That version was discussed by the Council's Public Works and Utilities Committee in March. The committee requested that staff create a new draft containing some additional provisions protecting the city. The main three provisions added were: 1) a hold harmless agreement so that we are not liable if the water we sell to them doesn't react favorably with their water; 2) we will supply water to them only if we are capable of producing 1.6M gallons a day; and 3) a provision clarifying that this shall not be construed as us forming a water authority or our water systems merging in any way. The committee endorsed the terms of the updated draft at its meeting in April and referred it to full Council. Mr. Morrow moved, seconded by Mr. Jones to approve the agreement. Following discussion, the motion carried unanimously.

RESOLUTION NO. 2023-25

**A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT
BETWEEN THE TOWN OF ROSMAN AND THE CITY OF BREVARD
FOR WATER SUPPLY INTERCONNECTION**

WHEREAS, in 2023 the Town of Rosman requested financial support from the State of North Carolina for the construction of a water-supply interconnect between it and the City of Brevard; and

WHEREAS, the Town of Rosman asked the City of Brevard to approve the interconnection and proposed terms governing the exchange of water; and

WHEREAS, the City of Brevard wished to amend the terms; and

WHEREAS, an agreement entitled "An Interlocal Agreement Establishing Procedures for Use of City-Town Water Supply Interconnects Between the City of Brevard and the Town of Rosman" was drafted by Brevard staff and legal counsel; and

WHEREAS, in early May 2023 the Brevard City Council's Public Works & Utilities Committee approved the content of the amended proposal and referred it to full Council for approval.

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

SECTION 1: The terms of the above referenced Interlocal Agreement are endorsed by City Council; and

SECTION 2: The Mayor is authorized to sign the agreement and the City Manager and Public Works Director are authorized to execute its terms.

Approved and adopted this 15th day of May 2023.

N. Remarks/Future Agenda Considerations.

Mr. Jones said I am Chair of the Community Relations Board and we have taken on a new way of handling business. We have representation from the City, NAACP, Rainbow Coalition, some students, Police, Chamber of Commerce, El Centro, the Sheriff's Department, and County Commission. Every month when we meet, each one of those representatives from those entities will be in charge of the meeting and discussion. Since I am the Chair, I decided to go first for the City. On June 1st, since the City has been talking about homelessness I have invited Emily Lowery to the meeting and we are going to have a discussion around homelessness and see where we go beyond that. What we are doing here at the City was more focused on code. We are going to be talking about it in a more general aspect and thoughts and ideas of what we can do to affect it in a positive way. I invite everyone to come; it is every first Thursday of the month and we usually hold meetings at the Chamber of Commerce building. A couple of meetings ago, I had spoken about running again for election in November, but after discussion with family and my doctor, for personal reasons, I have decided not to run for reelection in November. I want to thank everyone that I have worked with over the twelve years of being on Council – my mentors, support of my mother who is here today, and the citizens who believed in me and elected me to be here for twelve years, I thank you for your support. I am going to miss it, but at the same time, I think I need to do what is best for me, my health, and my family.

Mr. Baker mentioned that we are going to do a workday at the Tannery Skate Park on Monday, May 22nd at 5:30 pm. It will be just general cleanup, landscaping, mulching and weeding. There is a little garden there that was put in a couple of years ago and it needs some love. That area is seeing a lot of activity right now with the community garden and the Estatoe Trail work going on over there. We would love to see more people out there. I think in the Transylvania Times tomorrow there is an article on the affordability of housing in Transylvania County and Brevard. It is a really well written article and has a lot of personal stories from folks in town and some who have had to move away because of lack of housing. I know that this board has been incredibly supportive over the last year or so in terms of housing and it is certainly reflected in the budget, but I thought it was important to call that out for the citizens. I hope everybody will read that article and be sure to have some empathy for folks who might be in a different situation than you. Six months ago, I said the words “housing crisis” in a meeting, and I got an email from somebody who questioned my use of the word “crisis” and I think they even suggested some other terms that I maybe could have used instead. But for a lot of people in our city, it is a crisis. It may not feel like a crisis for you personally, or maybe the folks you see most often, but it is a crisis for many people. I am not just talking about folks who might be experiencing homelessness; we are talking about young people who are just out of high school or in college, working families. It is a very large problem and I encourage people to read that article and be thinking about other people and how they are experiencing housing within the city.

Mr. Daniel said I would like to repeat what I said earlier about development and design. I think as we are working on housing, we are limited in what we can do by the state to guide that design. It would be nice to look at what we can do with natural landscaping and things of that nature. It seems some of the things that are happening as some of the apartments are being built and some of the buildings are going up it seems to me that that is something we probably should address as we move forward. I would like to also say that I have been thinking about this a lot and wasn't going to run, but I have decided to run for the election. I think, especially now that Maurice has made his announcement, there is the need for continuity as we move forward with our new budget and some of the shifts in our priorities. If I were reelected, I would like to help provide that continuity.

Mayor Copelof said I am extremely glad that we approved the agreement with Rosman. I do think collaboration, partnership and working together on these issues is important. Mayor Shelton came to me right after Asheville had been without water for a number days. Emergencies do happen and being a good neighbor is part of what makes us as a community so special; our whole focus on people, on community, on

partnership and working together, on respecting one another; doing it right with protections that we put in there. I look forward to moving forward with Rosman, not just on this, but on other areas where we, as really the two municipalities in this county, need to partner and we need to be there for one another. Thank you to Council for passing that resolution and I look forward to working with Mayor Shelton as we go to the legislature and try to get funding. We have a number of events coming up:

- White Squirrel Festival will be held from May 26th to 28th
- Memorial Day on Monday, May 29th there is a separate ceremony to recognize our fallen military
- North Carolina Secretary of State Elaine Marshall will be visiting Brevard on Monday, May 22nd. She will be meeting with local leaders and businesses
- Meet the Mayor on Tuesday, May 23rd at the Mary C. Jenkins Community Center from 10 am to noon

N. Closed Session – None.

O. Adjourn – There being no further business, at 8:02 p.m. Mr. Morrow moved, seconded by Mr. Baker, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: June 5, 2023

Steep Slopes Public Hearing

City Council | May 15, 2023



The City of
Brevard
North Carolina

Agenda

Agenda

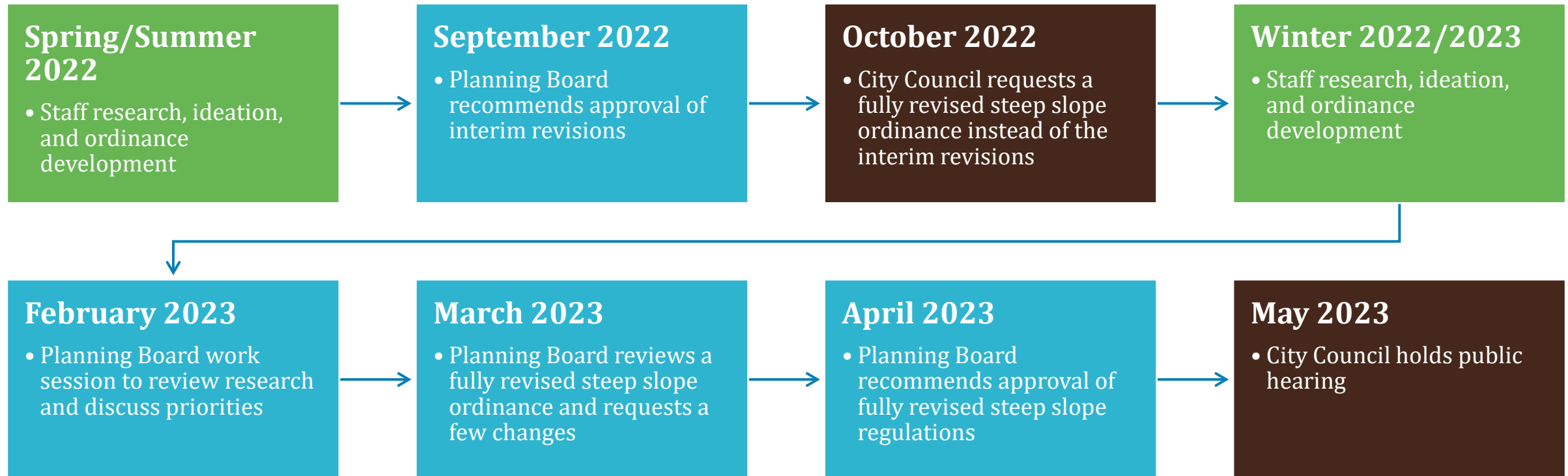
- Background & Purpose
- Staff Goals
- Understanding Slope
- Proposed Changes
 - Definition & Applicability
 - Slope Determination
 - Safety & Erosion
 - Development Type & Design
 - Other Minor Revisions
- Public Hearing



Image Source: Romantic Asheville



TXT-22-006 Process



Purpose

Development regulations around steep slopes and hillside protections generally have the following objectives:

1. Protecting the natural land conditions and respecting existing topography
2. Preventing inappropriate and/or unsafe development
3. Preserving the aesthetic and scenic qualities
4. Ensuring the public health, safety, and general welfare

*Ultimately, this is about **safety** and **aesthetics** that provide **economic value** and promote **quality of life** in Brevard*



2030 Comprehensive Land Use Plan

Goals

- **GOAL 2:** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **GOAL 5:** Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.

Recommendations

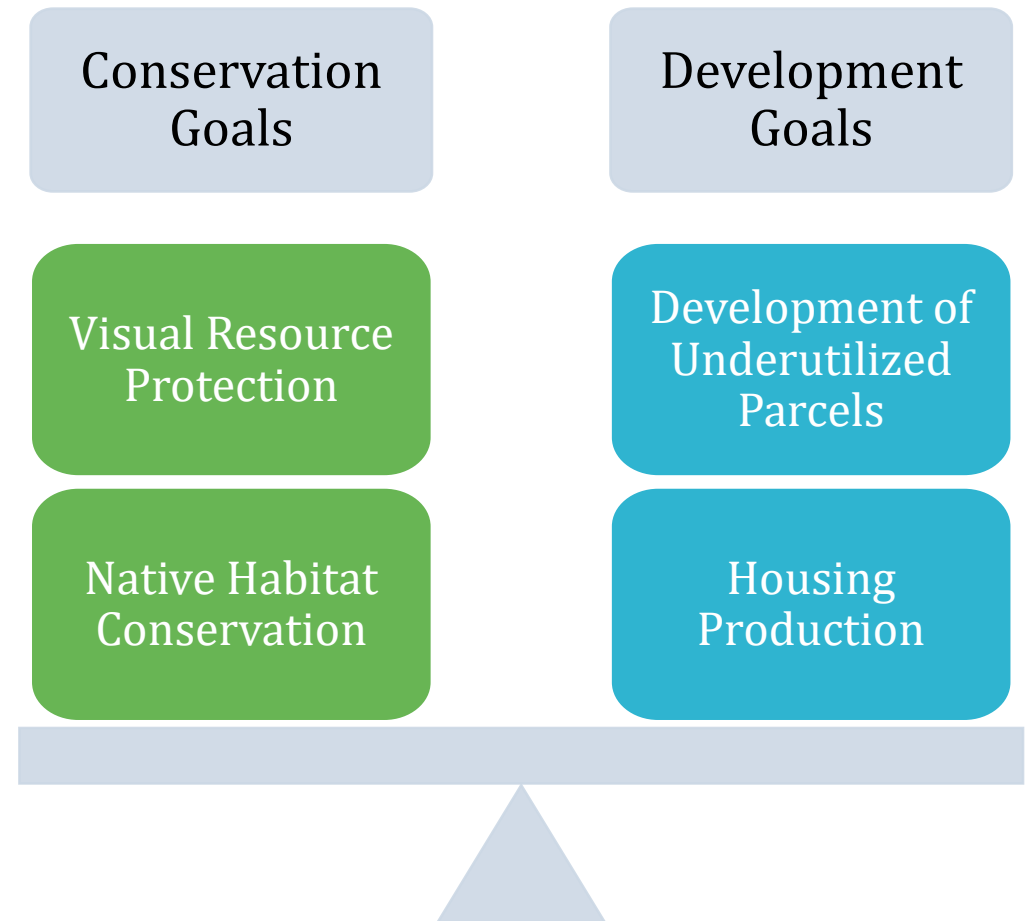
- **LUH-4:** Identify areas across the City that are best positioned to accommodate future growth.
- **LUH-9:** Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.
- **LUH-24:** Refine zoning districts and slope regulations in constrained areas
- **PNRC-10:** Preserve steep slopes and natural areas adjacent to Pisgah Forest.



2030 Comprehensive Land Use Plan

Goals

- **GOAL 2:** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **GOAL 5:** Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.



Staff's Goals

The Steep Slope Ordinance Should:

- Accomplish the steep slope ordinance objectives
- Allow development *if* it is safe and doesn't diminish the community's scenic qualities and character
- Ensure development respects the natural form and doesn't lead to extensive grading and disturbance
- Ensure that all development on sensitive steep slopes are subject to regulations and protections
- Allow "reasonable use" of a property owner's land
- Be easy (or easier) to administer and enforce
- Ensure consistent and fair application

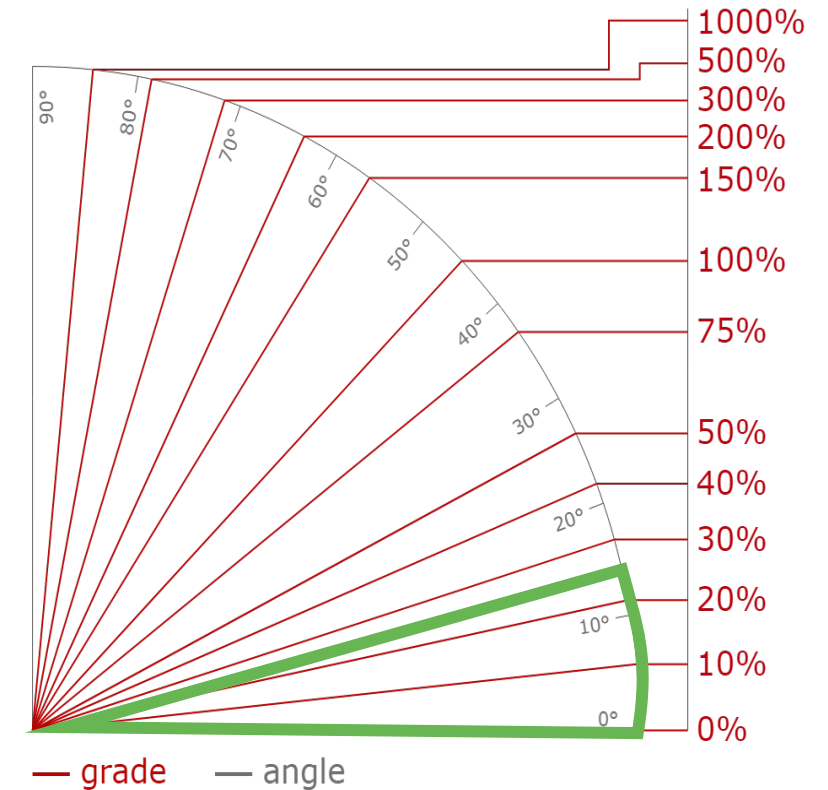
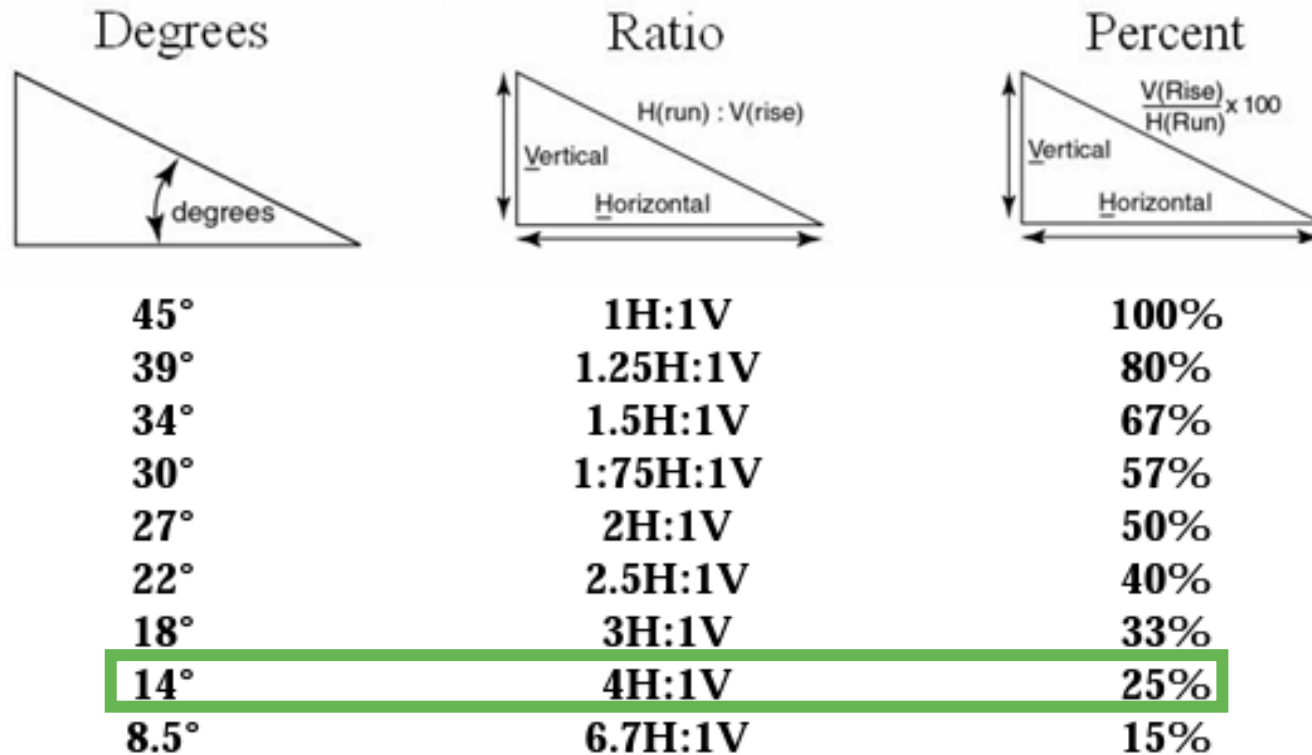
Steep Slope Ordinance Purpose

1. Protect the natural land conditions and respecting existing topography
2. Prevent inappropriate and/or unsafe development
3. Preserve the aesthetic and scenic qualities
4. Ensure the public health, safety, and general welfare



What is Slope?

Slope Measurements



Review of Other WNC Jurisdictions

Notable Takeaways

- All jurisdictions reviewed vary regulations at different slope percentages.
- No other jurisdiction (except Hendersonville) *prohibits* development on steep slopes. Instead, they impose regulations regarding that increase in severity as the slope increases.
- Heavier development regulations typically do not start until 35% slope.
- Many jurisdictions use an elevation trigger for regulations to apply.
- All other jurisdictions (except Boone) use the same slope formula.
- Many require geotechnical engineering be completed to ensure development plans are safe and do not contribute to further erosion and sedimentation.



Proposed Changes

- Definition & Applicability
- Slope Determination
- Safety & Erosion
- Development Type & Design
- Other Minor Revisions



Image Source: Jennifer Bryant via VRBO



Definition & Applicability | Current Ordinance

Development Prohibition

- Areas with 25% + slope are deemed “protection areas for which ***no development shall be permitted***”
- Property owners should be granted reasonable use of their land and a strict prohibition wouldn’t be allowed

Exception for Pre-existing Lots

- “***Only one principal structure*** shall be permitted within ***preexisting lots*** containing steep slope areas unless all proposed principal structures can be constructed on portions of the lot not considered to be a steep slope area and still conform to all other requirements of this ordinance.”

Lots that “Pre-date the Ordinance” were created before

April 3, 2006

The only way for us to determine this is by searching historic deeds and plats for each individual parcel.



Definition & Applicability | Current Ordinance

Lots Created before April 2006, Regardless of Slope

- One principal structure permitted
- ***No other regulations or protections***

Lots Created after April 2006 with 15-24% Slope

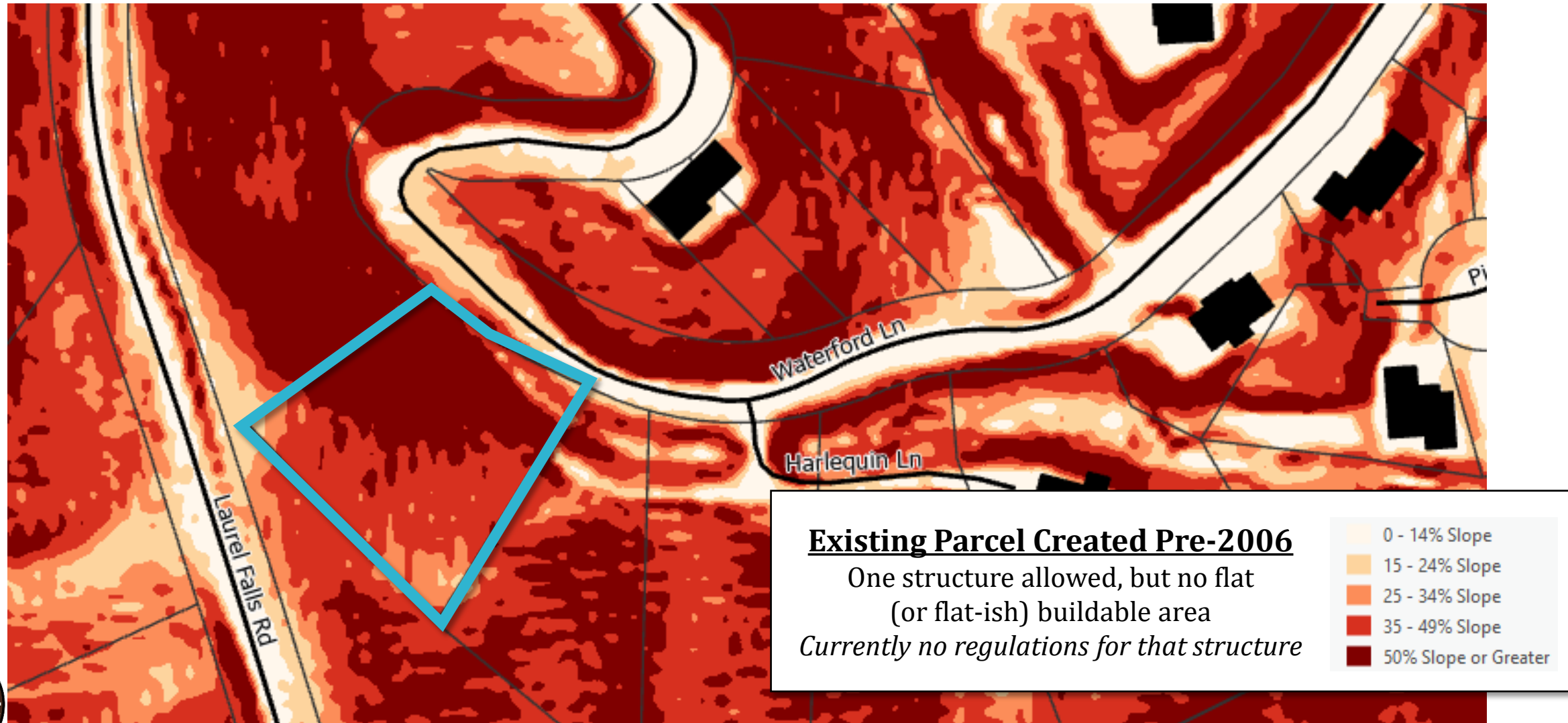
- Administrators **may** impose conditions to ensure safe development
- Encouraged to be a conditional zoning district

Lots Created after April 2006 with 25% Slope or Greater

- **No development allowed**
- Minimal allowances may be allowed via conditional zoning district



Definition & Applicability | Current Ordinance



Definition & Applicability

Scale of Regulations

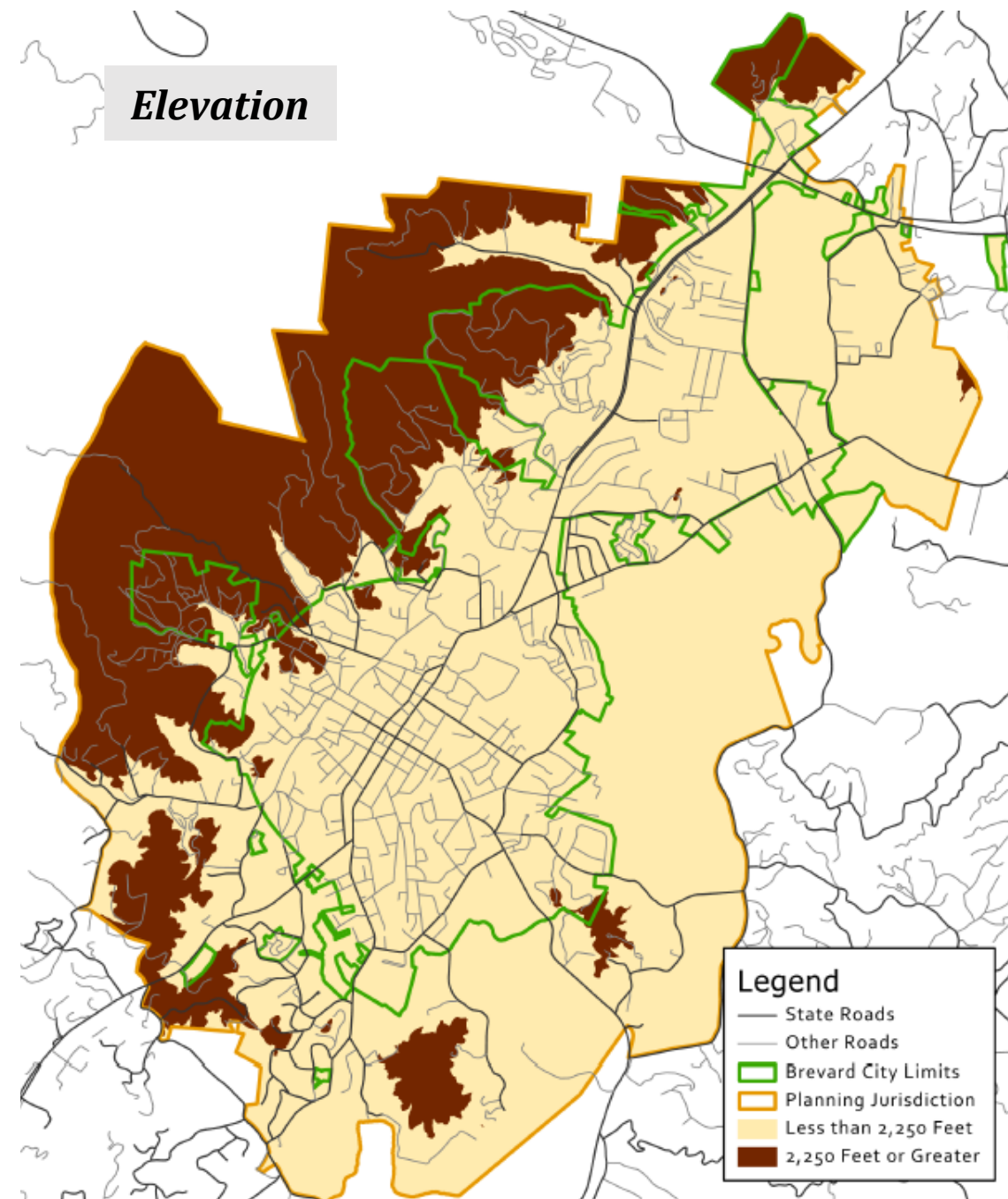
- Moderately Steep Slopes: 25-34% Slope
- Steep Slopes: 35% + Slope
- *Regulations/protections increase as slope does*

Pre-existing Lots

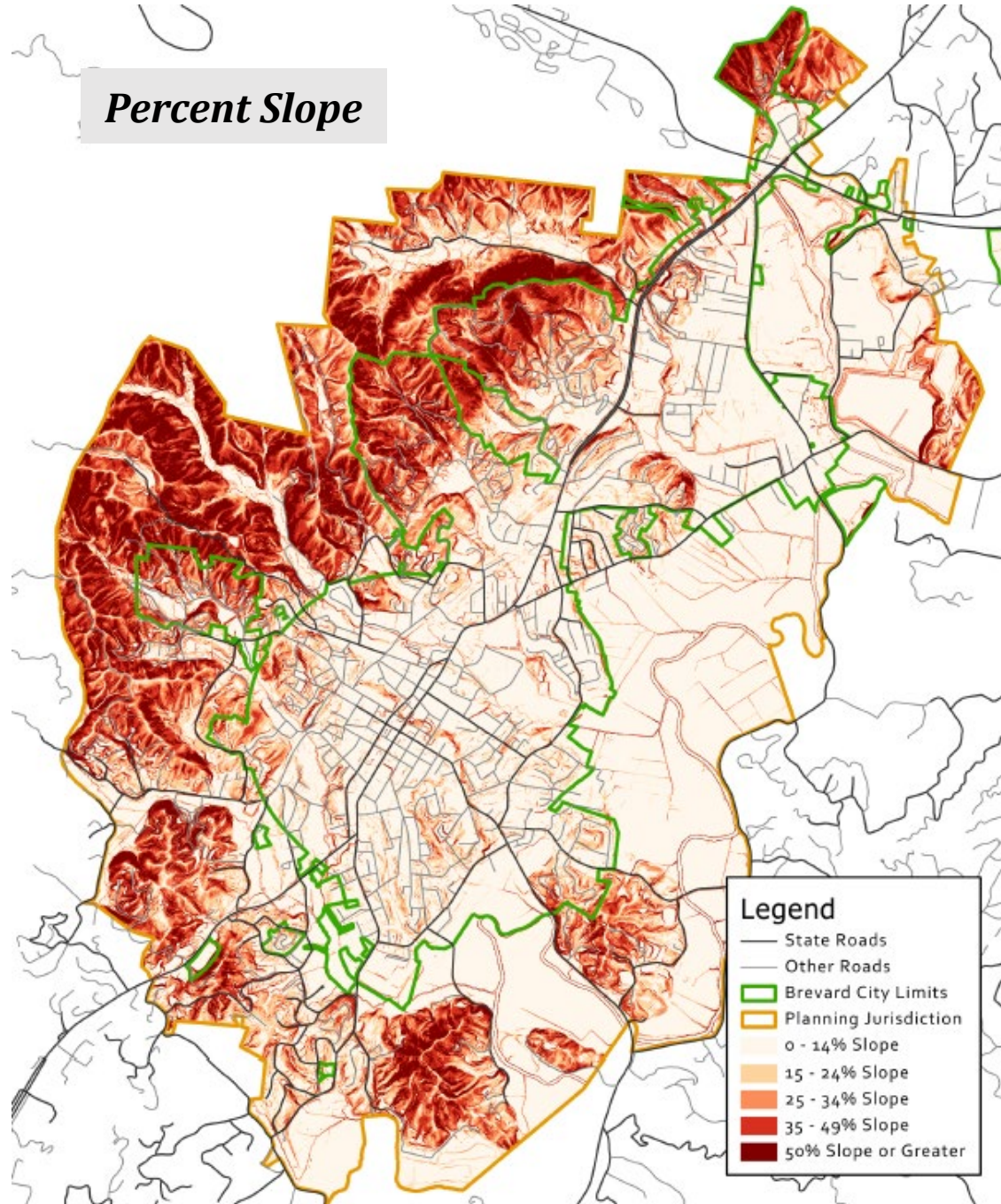
- Removing prohibition, so no longer required
- All parcels meeting the definition would be subject to regulations

Elevation Trigger

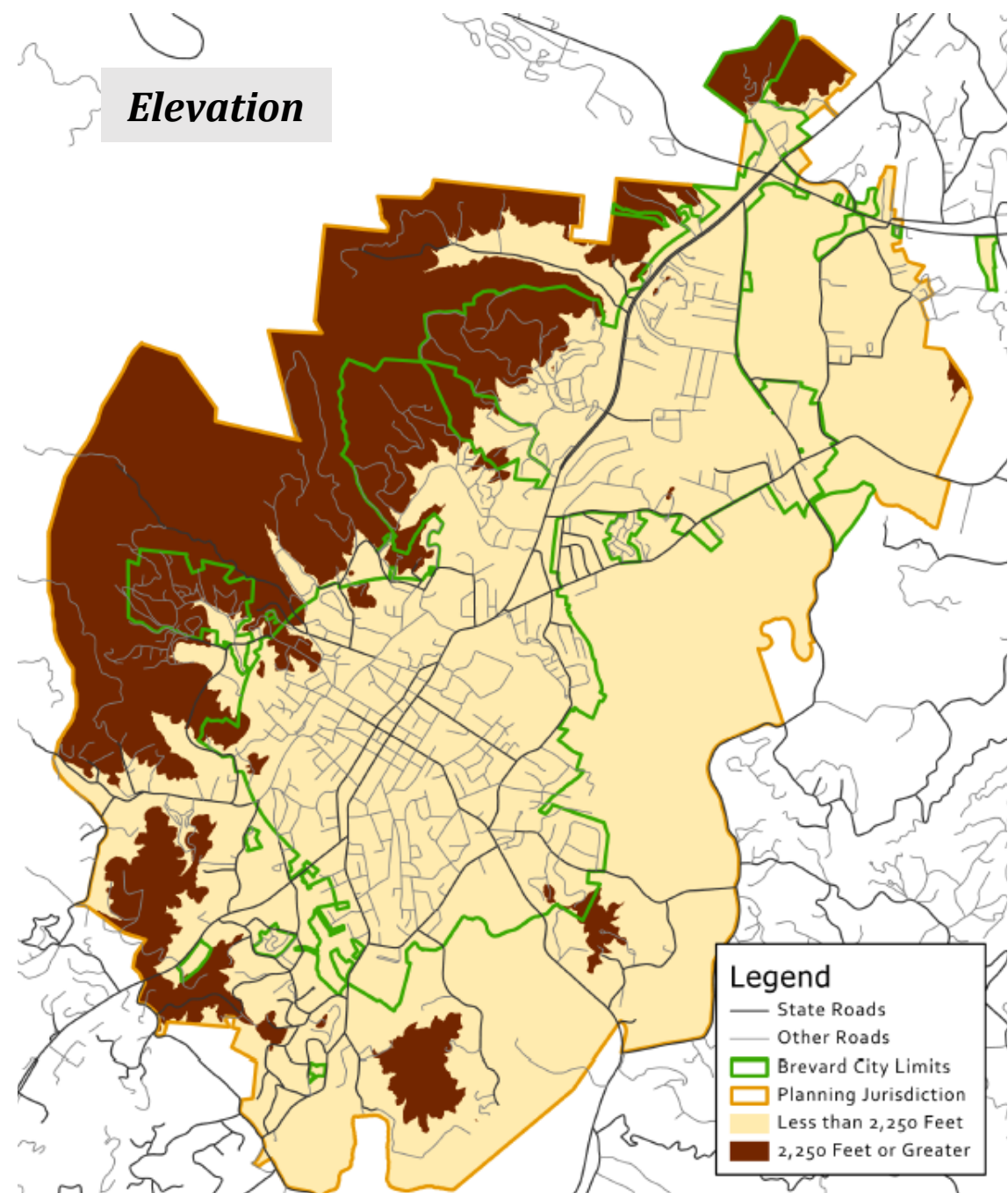
- All parcels at or above 2,250 feet in elevation
- Protects the most visible “viewshed” slopes and exempts already developed parts of town



Percent Slope



Elevation



Slope Determination

Calculation Methods

- Slope (**S%**) is equal to the total length (**L**) of contour lines within parcel, multiplied by the contour interval (5ft or less) (**I**) of area, then multiplied by .0023, divided by the total area of the parcel (**A**).

$$S\% = \frac{.0023(I)(L)}{A}$$

- Analysis conducted and sealed by a professional surveyor, engineer, or landscape architect using recognized, industry-accepted method.

Area of Measurement

- Calculated for the entire parcel
- Creates a simpler permitting process (pre-calculated and available for lookup) and allows for greater preservation of the natural landscape
- Incentives to place permanent protections

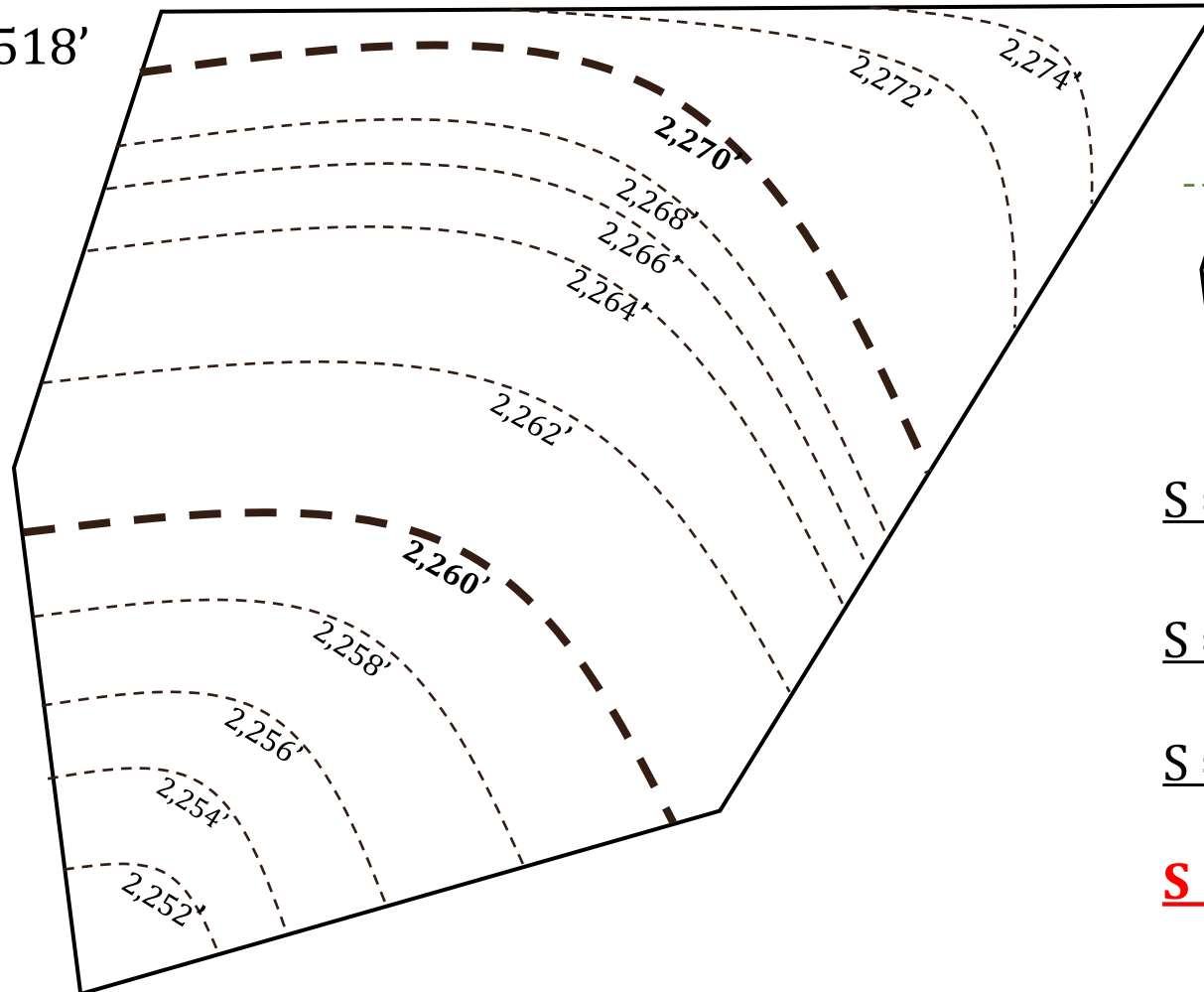
Others that Use This Formula:

Asheville
Black Mountain
Buncombe County
Jackson County
Sylva
Waynesville
Weaverville



Slope Determination

Contour Length – 14,518'
 Contour Interval – 2'
 Area – 3 acres



Not to Scale

$$S = \frac{(l \times i)}{a} .0023$$

--- Contour line
 ▭ Parcel

$$S = \frac{(14,518 \times 2)}{3} .0023$$

$$S = \frac{(29,036)}{3} .0023$$

$$S = \frac{66.78}{3}$$

$$\underline{\underline{S = 22.26}}$$



Slope Determination

Process for Property Owners

- Look up and/or calculate slope and submit to Planning Department
- Property owners may choose to recalculate with incentives and/or appeal the determination

Slope Lookup

- Planning Dept calculates slope for every parcel and publishes it (via lookup or map)
- Ensures consistent methodology for all parcels
- Easy for property owners, developers, zoning administrators, etc. to use and understand
- Doesn't add additional expense to small projects where slope wouldn't be an issue

Find Slope for a Parcel

1. Use [SimpliCity](#) or [mapAsheville](#) to find the PIN of the parcel you are interested calculating slope for.

2. Enter the 10 or 15 digit PIN below and click Calculate.

To calculate the slope of multiple parcels enter a comma separated list PINs.

Calculate

Jurisdiction: Asheville

Acres: 0.22000

Maximum Elevation: 2120

Percent Slope: 14.89

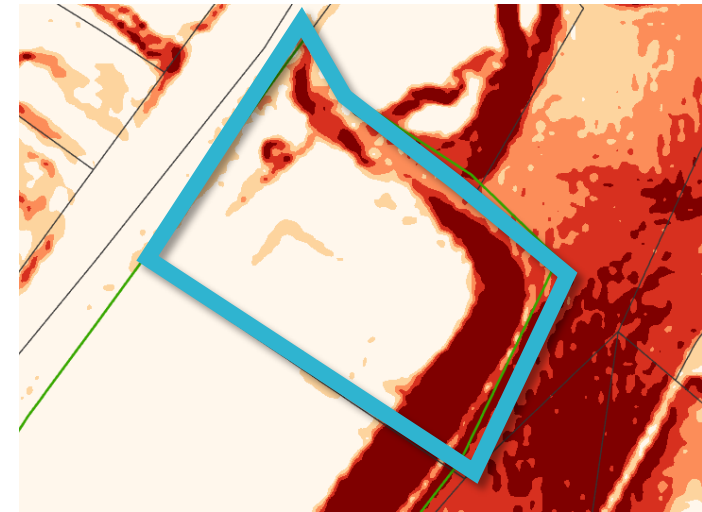
Example: Buncombe County Calculator ([mapWNC](#))



Slope Determination

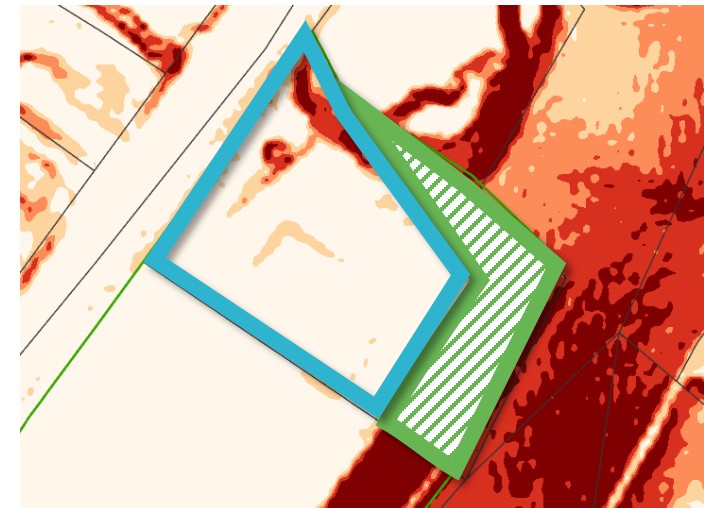
How do I reduce the average slope of my property?

- Property owners may remove ***permanently protected areas*** from their slope calculation
 - Permanent conservation easement,
 - Dedicated to the public for open space,
 - Protected as open space by restrictive covenants, or
 - Other means of permanently protecting in a natural state
- Incentivizes ***permanent protection*** of very steep slopes



Max Elevation:
2,275 ft

Current Parcel
Average: 26%



If steep slopes
are permanently
protected: <10%



Safety & Erosion

Geotechnical Analysis

- Planners are not experts in assessing the safety of developing on steep slopes
- Geotechnical Analysis provides:
 - Subsurface/soil composition and stability assessment
 - Recommendations for safe construction, grading, foundations, soil reinforcement, etc.
- Required in steep slope areas (35%+)

Other Amendments

- Maximum slope for cut and fills
- Retaining wall height

Other Cities Require Geotechnical Analysis at:

- Greater than 35% Slope
 - Asheville, Black Mountain, Buncombe County, & Sylva
- Greater than 40% Slope
 - Weaverville
- Greater than 50% Slope
 - Boone & Banner Elk



Development Type & Design

Tiered, multistory structure that conforms to the natural landscape



Cut and fill the natural grade to create a flat surface for development



Development Type & Design

Regulations and Protections

- Requiring development be clustered on portions of the lot not considered to be steep;
- Limiting the amount of the parcel that can be graded;*
- Reducing allowable density of development;*
- Restricting the height and reducing visual bulk of structures; and
- Preserving all trees and vegetation except in approved areas.

* Incentives to “Win Back” the Reductions

- Architectural features, limiting the amount of grading, additional landscaping / screening, and permanently protecting steepest portions

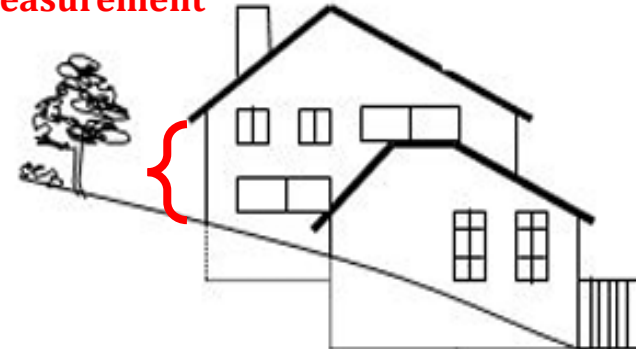


Development Type & Design

Building Height

- Current building height measured from the ***highest*** adjacent grade to the ***eave*** of the structure (35 ft in GR)
- Proposed max height in steep slope areas is ***35 ft*** measured perpendicular from the ***pre-development grade*** to the ***top*** of the built structure
- Encouraged to utilize ***step-back or terraced building approach*** to reduce the visual bulk of the structure.

Highest adjacent grade measurement



Current



Proposed

Development Type & Design

Residential Density

- Densities are reduced in steep slope areas by the average existing slope

	Max Residential Density	GR-4	GR-8	RMX
Not in Steep Slope Area	Allowed by right	4 du / acre	8 du / acre	15 du / acre
35% - 39%	20% reduction of underlying zoning district	3 du / acre	6 du / acre	12 du / acre
40% - 44%	50% reduction of underlying zoning district	2 du / acre	4 du / acre	8 du / acre
45% or greater	70% reduction of underlying zoning district	1 du / acre	2 du / acre	5 du / acre

du = dwelling unit



Development Type & Design

Residential Density

- Densities are reduced in steep slope areas by the average existing slope
- However, the developer can win back the reduction with conditions
 - Max credits is 40% and cannot exceed underlying zoning district maximum (green # below)

	Max Residential Density	GR-4	GR-8	RMX
Not in Steep Slope Area	Allowed by right	4 du / acre	8 du / acre	15 du / acre
35% - 39%	20% reduction of underlying zoning district	3 du / acre 4 du / acre max	6 du / acre 8 du / acre max	12 du / acre 15 du / acre max
40% - 44%	50% reduction of underlying zoning district	2 du / acre 4 du / acre max	4 du / acre 7 du / acre max	8 du / acre 14 du / acre max
45% or greater	70% reduction of underlying zoning district	1 du / acre 3 du / acre max	2 du / acre 6 du / acre max	5 du / acre 11 du / acre max

du = dwelling unit



Summary

Proposed Changes

- Definition & Applicability
- Slope Determination
- Safety & Erosion
- Development Type & Design
- Other Minor Revisions

Next Steps

- Public Hearing & Adoption
- Slope Lookup Development



Image Source: Jennifer Bryant via VRBO



STEEP SLOPE CHANGES

TOPIC	CURRENT ORDINANCE	PROPOSED TEXT	RATIONALE/TRADEOFF
Definition & Applicability			
Scale	15-24% - Administrator may impose conditions to ensure safe development 25% + - Development is prohibited	25-34% - Moderately steep slopes with some regulations 35% + - Steep slopes with heavier regulations and environmental protections that increase as slope does	Current UDO doesn't regulate the specifics of development. It only allows administrators the ability to impose conditions on development from 15-24% and outright prohibits any development on greater slopes. Other cities impose regulations regarding building height, density, amount of grading, etc. that are increase in severity as the slope increases (typically starting at 25% or greater). Sets explicit regulations for slope development but permit development on previously prohibited slopes
Pre-existing Lots	Preexisting lots containing steep slope areas are permitted to have one principal structure [no other regulations]	Removing the prohibition on development, so this exception is no longer required	Under NC law, property owners should be granted reasonable use of their land and a strict prohibition would not be permissible. Thus why Brevard's ordinance had an exception for parcels created prior to April 3, 2006. This is likely the majority of parcels in the City's jurisdiction. No more "grandfathered" properties
Elevation Trigger	None	All development projects and subdivisions on parcels at or above 2,250 ft in elevation must provide a slope calculation	The proposed amendments protect the most visible "viewshed" slopes while exempting lower-lying sloped areas in the already developed parts of town that would otherwise be restricted by the existing ordinance. Regulations only apply to some properties.
Slope Determination			
Calculation	Using a linear average (rise over run) or using "commonly accepted slope GIS modeling software"	Slope (S%) is the total length (L) of contour lines in feet within a given parcel, multiplied by the contour interval (I), then multiplied by .0023, divided by the area (A) of the parcel in acres. Or, could provide a slope analysis conducted and sealed by a professional surveyor or engineer.	Current is vague and over-simplified. The proposed calculation aligns Brevard's formula with a generally accepted method used extensively in Western North Carolina. This is a more complex formula, but more consistent with neighboring communities.
Area of Measurement	Not specified	Parcel	Creates a simpler permitting process (e.g., slope calculations could be pre-calculated and available for lookup) and would allow for greater preservation of the natural landscape.
Process	Not specified	Calculations must be submitted to the Planning Dept for review to confirm the assessment.	Ensures consistency in calculating/regulating slope on different parcels. Prevents any circumvention of regulations or inaccurate calculations.
Permanent Protection	None	Areas placed in a conservation easement or otherwise permanently protected are removed from the calculation.	Incentive to permanently preserve the steepest and most sensitive portions of a lot, while still allowing reasonable development of the remainder of a property owner's land. May open up parcels otherwise considered "sensitive" or "steep" to development in return for some degree of conservation

TOPIC	CURRENT ORDINANCE	PROPOSED TEXT	RATIONALE
Safety & Erosion			
Geotechnical Analysis	None	Requiring geotechnical analysis for steep slope areas (35%+)	Expert analysis necessary to ensure slopes can be safety development. Additional procedural step to ensure safety
Sedimentation & Erosion	All cut and fill slopes must be maintained at a 2:1 slope [roughly 50%]	All cut and fill slopes must be maintained at 40%	Under current, the cut and fill slope must be maintained at ~50%, which is well above the prohibited number of 25%. Changing the ratio to percentage to be consistent in expressing slope and brings the ratio down.
Retaining Walls	Regulated the same as fences.	Maximum height of 5 ft, unless required for engineering. Encouraging stepped or terraced walls instead of a large, unbroken retaining wall.	Reduces the visual bulk of a project and protects the natural slope to the greatest extent possible.
Development Type & Design			
Clustering Development	Administrator may impose some conditions to ensure safe development	Requiring development to be clustered on portions of the lot not considered to be steep, minimized land disturbance, and avoiding rigid contouring.	Previous measures only applicable case-by-case now incorporated as a de jure regulation to ensure development on steep slopes protects the natural environment to the greatest extent possible
Amount of Grading	None, except prohibiting development all together	Limiting the amount of the parcel that can be graded.	Grading limits incorporated as a regulation to ensure development on steep slopes protects the natural environment to the greatest extent possible
Residential Density	None	Reducing the maximum allowable density of development based on the parcels' slope.	Incorporating density reductions as a regulation to ensure development on steep slopes protects the natural environment to the greatest extent possible
Building Height	Current building height measured from the highest adjacent grade to the eave of the structure (35 ft in GR).	Max height in steep slope areas is 35 ft measured perpendicular from the pre-development grade to the top of the built structure	Creates a maximum building height plane measured from the pre-development grade. Encourages step-back or terraced buildings to reduce the visual bulk of the structure.
Vegetation Preservation	None, except prohibiting development all together	Preserving all trees and vegetation except in the area approved for grading in steep slope areas. Requiring landscaping plan that blends in.	Codifies vegetation preservation measures to ensure the vegetation is preserved and any new vegetation/landscaping should blend in.
Architectural Standards	None	Development incentives for property owners to "win back" the reductions for architectural features.	Municipalities cannot regulate the architecture or design of single-family homes and duplexes under NC law. Offering incentives allows the City the ability to impose some architectural standards. Reductions in density and amount of grading may be sacrificed for architecture features that blend in with the natural landscape.

TOPIC	CURRENT ORDINANCE	PROPOSED TEXT	RATIONALE
Other Revisions			
Conditional Zoning Districts	Council may permit development on steep slopes at a density of 1 dwelling per 3 acres, if property is unusable	Council may enact site-specific standards via conditional zoning districts.	Removing overly-prescriptive provision about max density and enables Council to impose conditions that minimize the impacts and uphold the intent of this section. Permits development on land where it was previously discouraged in exchange for conditions
Steep Slope Infrastructure	Infrastructure in steep slopes in Chapter 17	Infrastructure in steep slopes moved to Section 6.4	Consolidating regulations in one section
Subdivisions	None	Ensures new parcels have developable potential	Enacting a similar stipulation to the floodplain ordinance
Reference to Slope in Other Sections	15% slope and 2-foot contour intervals are in other sections	35% slope and 5-foot contour intervals are in other sections	Aligning with new steep slope regulations



PROCLAMATION NO. 2023-12

JUNETEENTH

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, declaring the slaves in Confederate territory free, paving the way for the passing of the 13th Amendment which formally abolished slavery in the United States of America; and

WHEREAS, word about the signing of the Emancipation Proclamation was delayed some two and one half years, to June 19, 1865, in reaching authorities and African-Americans in the South and Southwestern United States; and

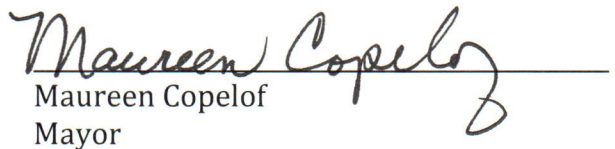
WHEREAS, Emancipation Day observations are held on different days in different states in the South and Southwest, and in other parts of the nation; and

WHEREAS, June 19th has a special meaning to African-Americans, and is called "JUNETEENTH" combining the words June and Nineteenth, and has been celebrated by the African-American community for over 150 years; and

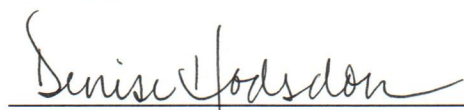
WHEREAS, the annual Juneteenth celebration in the City of Brevard this year will be a weekend-long celebration taking place on June 17th at the Mary C. Jenkins Community & Cultural Center and on June 18th at Silversteen Park.

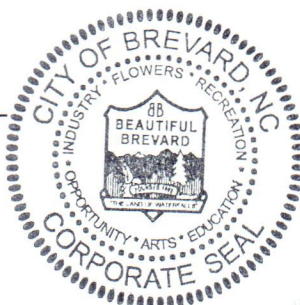
NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby declare June 19th, 2023, as JUNETEENTH in the City of Brevard, North Carolina, and urge all citizens to become more aware of the significance of this celebration in African-American History and in the heritage of our nation and City.

Proclaimed this the 5th day of June, 2023.


Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon, CMC
City Clerk



STAFF REPORT

City Council, Monday, June 5, 2023

Title: Proposed Amendment to Flood Plain Ordinance

Speaker: Paul C. Ray; Planning Director

Prepared by: Paul Ray, Planning Director

Approved by: Wilson Hooper, City Manager

Background

Staff is proposing an amendment to Chapter 34 of the City's Code of Ordinance, "Flood Damage Prevention" amending the procedures for hearing an appeal. This amendment will align with NC. GS. 160D-405, by clarifying such appeals shall be heard by the Board of Adjustment.

Discussion

The purpose of the Flood Damage Prevention ordinance is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by enforcing the provisions designed to accomplish these goals. The Planning Director, or his designee, is the Floodplain Manager for the City responsible for enforcing these provisions and maintaining the City's participation in the National Flood Insurance Program. The City of Brevard is classified as a level 8 community where citizens who need flood insurance are eligible to purchase it for a 10% discount on their premium.

As with most regulations, there are provisions for appealing an administrative decision, but the City's ordinance contains conflicting language. Section 34-24(b) references appealing an Order to the local elected governing body, which is City Council, but also states the City's Board of Adjustment shall hear such appeals.

Policy Analysis

NC. GS. 160D-406(a) states that, "Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision."

Fiscal Impact

None

Recommendation

The Board of Adjustment is responsible for making quasi-judicial decisions and the City Council typically makes legislative decisions. Staff recommends amending the Code of Ordinance to clarify that appeals are heard by the Board of Adjustment.

Action

No action requested. For information and public hearing only. City Council will be asked to take one of the following actions at its June 19, 2023 meeting:

1. Approve the text amendment as presented.
2. Approve the text amendment with modifications.
3. Reject the text amendment.

Attachments:

1. Exhibit A
2. Enacting_Ordinance

Sec. 34-24. Corrective procedures.

- (a) *Violations to be corrected.* When the administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (b) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
- (1) That the building or property is in violation of the floodplain management regulations;
 - (2) That a hearing will be held before the administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (3) That following the hearing, the administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (c) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the flood damage prevention ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (d) *Appeal.* Any owner who has received an order to take corrective action may appeal the order to the ~~local elected governing body~~ Board of Adjustment by giving notice of appeal in writing to the administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The ~~City of Brevard~~ Board of Adjustment shall hear an appeal within a reasonable time and as provided in Chapter 16, Section ~~16.4~~ 16.8 of the City of Brevard Unified Development Ordinance.
- (e) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the ~~governing body~~ Board of Adjustment following an appeal, the owner shall be subject to remedies and penalties as provided for in Chapter 18 of the City of Brevard Unified Development Ordinance.
- (Ord. No. 20-09, § 5(Exh. C), 9-21-09; Ord. No. 2021-16, § 1(Exh. A), 4-19-21)

ORDINANCE NO. 2023-

**AN ORDINANCE AMENDING FLOOD DAMAGE PREVENTION SECTION 34-24(b)
THE CITY OF BREVARD CODE OF ORDINANCE**

WHEREAS, a public hearing was conducted on June 5, 2023, by Brevard City Council, and after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Section 34-24(b) of the City Code of Ordinance be amended as outlined below.

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

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

SECTION 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Code of Ordinance to reflect the change as set forth in the aforementioned Exhibit A.

SECTION 03. The City Manager of the City of Brevard is hereby authorized and directed to cause the enforcement of the provisions of this ordinance through the Police Department.

SECTION 04. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

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

Adopted and approved on the 5th day of June 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Charles W. McKeller, Attorney at Law
City Attorney

STAFF REPORT

City Council, Monday, June 5, 2023

Title: Ordinance-Declaring Road Closure for National Night Out

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

The North Carolina Department of Transportation (NCDOT) requires local approval for special events that involve the closing or repurposing of state-owned highways and roads.

Discussion

The NCDOT guidelines state the local municipality must pass an ordinance for each street closure of City-sponsored events. The State will neither approve nor deny such requests for closures. They will, however, recommend alternative routes should they have a project scheduled for the same day as a special event.

The attached ordinance is for the Police Department's National Night Out event to be held on August 1, 2023 with East Main Street from Broad Street to Johnson Street closed from 4:00pm to 9:30pm.

Policy Analysis

The City has been sponsoring and permitting special events for several years. The passing of an ordinance only applies to City-sponsored special events on state roads. Permits sponsored by individuals or non-profits are permitted differently and do not require an ordinance. Council has passed ordinances for City-sponsored festivals since 2015.

Action

Council's options are to adopt or reject the street closure ordinance.

Fiscal Impact

None.

Attachments:

1. ORD_2023-XX Road Closure Ordinance National Night Out

ORDINANCE NO. 2023-XX

**AN ORDINANCE DECLARING A ROAD CLOSURE
FOR THE 2023 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:

National Night Out

Date: Tuesday, August 1, 2023

Time: 4:00 PM – 9:30 PM

Route Description: Main Street (U.S. 276) from Broad Street (U.S. 64) 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 5TH day of June 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, June 5, 2023

Title: Sewer Pump Station Rehabilitation and Replacement Project
Engineering Services Agreement

Speaker: Dean Luebbe, Assistant City Manager/Finance Director

Prepared by: Dean Luebbe, Finance Director

Approved by: Wilson Hooper, City Manager

BACKGROUND

The NC Department of Environment Quality's Division of Water Infrastructure (DWI) approved Brevard's \$2,873,000 grant application for sewer pump station rehabilitation and replacement in September 2022. The state's award was underwritten with ARPA dollars. At that time, the city hired CDM Smith to prepare a preliminary engineering report and environmental information document as required by the state. The documents were successfully submitted in November 2022.

Per grant rule, Brevard must now prepare and submit final engineering plans and permit applications by November 2023. Once those are completed and approved by the state, Brevard must select the construction contractor through a competitive bidding process.

DISCUSSION

After discussions with multiple firms, CDM Smith was chosen to submit the preliminary engineering and environment reports in September 2022, and staff now recommends that they be awarded the remaining survey, geotechnical, design, permitting, and bidding services work. These elements are all related and thus having one firm manage them is the most efficient approach. CDM's proposed costs for all these services is \$575,000, which will be funded by the grant.

ACTION:

Council is asked to approve the attached resolution authorizing the City Manager or his designee to enter into a contract in the amount of \$575,000 with CDM Smith for survey, geotechnical, design, permitting, and bidding services related to the aforementioned capital project.

Attachments:

1. 2023.05.17 City of Brevard WW Pump Station Improvement Scope and Fee Proposal
2. Resolution Authorizing City Manager to Execute Contract with CDM Smith

APPENDIX

EXHIBIT A

This Exhibit A is for professional engineering services by CDM Smith Inc. (ENGINEER) for final design and permitting services for the City of Brevard's (CITY) Sewer Pump Station Rehabilitation and Replacement Project (Project).

1.0 PROJECT BACKGROUND AND DESCRIPTION

The North Carolina Division of Water Infrastructure (DWI) approved the CITY's American Rescue Plan Act (ARPA) State Fiscal Recovery Fund grant application on May 2, 2022, for a loan amount of \$2,873,000. DWI issued a Letter of Intent to Fund (LOIF) for the project on September 2, 2022. In accordance with DWI's ARPA State Recovery Fund grant rules, the CITY hired ENGINEER to prepare and submit an Engineering Report and Environmental Information Document (ER/EID). The ER/EID was successfully submitted in November 2022.

Per grant rule, the CITY must now prepare and submit final engineering plans and permit applications by November 2023 to comply with the Loan requirements. The work described herein is for preparing final design and bidding documents and required permit applications for the upgrades and improvements presented by ENGINEER in the ER/EID. A detailed list of improvement includes the following with additional information in the ER/EID:

1. Fish Camp Pump Station

- a. Demolish existing submersible pumps, discharge piping and valves, controls, and instrumentation.
- b. Refurbish existing wet well with new coating system, and raise wet well top slab by 2-ft above the base flood elevation (BFE)
- c. Provide new, in-kind submersible pumps, discharge piping, and valves.
- d. Provide new control panel and instrumentation (flow meter and level indicators)
- e. Provide a new perimeter fence with locking gate.
- f. Provide new, outdoor, sound-attenuated, natural gas generator set with automatic transfer switch.

2. Gallimore Road Pump Station

- a. Demolish and abandon the existing pump station including equipment, controls, and infrastructure located above grade and 3-ft below grade. Remove utilities located 5-feet below grade, and backfill infrastructure located greater than 3-ft below grade.
- b. Perform hydraulic calculations to select pumps for the revised pump station location. The pumps will be selected to achieve the same FIRM capacity as the existing pump station.

- c. Provide a new, duplex, wet-pit submersible pump station complete with pre-cast concrete wetwell, valve vault and meter vault. The valve vault will include isolation plug valves and check valves. The meter vault will contain a magnetic flow meter with piped bypass.
 - d. Provide a new pressure relief valve on discharge piping within a precast concrete manhole.
 - e. Provide new electrical pad-mounted equipment rack with canopy for utility meter, power distribution panels, control panels, and telemetry equipment.
 - f. Provide new 10-inch discharge force main to convey pumped flow to existing 10-inch force main located in Right-of-Way.
 - g. Redirect existing force mains and gravity sewers to the new pump station site. It is assumed new piping will be by open cut installation.
 - h. Coordinate and provide new utility connection for electric power.
 - i. Coordinate and provide new 1" waterline connection, meter, backflow preventer, and yard hydrant.
 - j. Relocate the 200-kW diesel generator from the existing Gallimore Road Pump Station to the new pump station location. It is assumed that the existing 200 kW generator will be sufficient for standby power at the new facility.
3. Wilson Road Pump Station
- a. Remove the existing trailer-mounted diesel generator and appurtenances.
 - b. Provide new, outdoor, sound attenuated, natural gas generator set with automatic transfer switch. No upgrades to other existing electrical or control equipment is anticipated.

ENGINEER will provide the following services under this Scope of Work:

- Task 100. Project Management, Meetings and Site Visits
- Task 200. Field Survey
- Task 300. Geotechnical Investigations
- Task 400. Final Design
- Task 500. Permitting Services
- Task 600. Bidding Services

The ENGINEER will provide future professional services for construction administration and observation, project commissioning, and closeout support under separate scope and fee.

2.0 SCOPE OF SERVICES

The detailed scope of services for the basic services included under this Agreement (Tasks 100 through 600) follows:

Task 100. Project Management, Meetings and Site Visits

The project management task includes those activities involved with the detailed planning and subsequent monitoring and control of the Project. In addition to the ENGINEER's normal in-house staff management and job tracking procedures, the following subtasks will be considered project management services:

Task 101: Develop Project Schedule

A detailed schedule will be developed for all engineering activities during the design phase of the Project. The schedule will be based on the milestone dates shown below and include the tasks outlined in this Scope of Services. The schedule will be reviewed with the CITY and finalized, with copies sent to the CITY. The schedule will be developed using Microsoft Project software, which will also be used during the duration of the Project.

The schedule will incorporate interim deliverables and review periods for the following:

- 60- and 90-percent design packages and review meetings
- Final bid ready documents
- 2 – Week Review Time for the CITY after each design submittal
- Construction cost estimates at the 60- and 90-percent deliverables
- Local and State permitting agency review periods.

Task 102: Project Initiation

A Project kickoff meeting will be held virtually with the CITY to discuss Project schedule, administrative procedures, respective responsibilities, communications, CITY contacts, CITY expectations, progress reporting, data collection, and other Project matters as appropriate. Key stakeholders of the CITY and ENGINEER's Project team are expected to attend.

Task 103: Project Meetings

The ENGINEER has assumed that formal Project meetings will be held only at major milestones which will include:

- Kickoff Meeting
- 60-percent Design
- 90-percent Design

ENGINEER will develop meeting minutes and a review comment tracking spreadsheet.

Task 104: Site Meetings

The ENGINEER has assumed two (2) site meetings; an initial site visit by engineering disciplines, and a second site visit between the 60 and 90-percent submittals by the Project Manager and Civil, Process, and Environmental Permitting discipline leads.

TASK 200 FIELD SURVEY

Task 201: Survey

The ENGINEER will contract with a licensed surveyor to perform surveying services at the following locations to provide accurate information as to the horizontal and vertical locations of existing structures, land features, utilities, right of way (ROW), property identification, wetland delineation flagging and utilities:

- Fish Camp Pump Station
 - Pump Station Site
 - Adjacent Properties boundary
 - Boundary survey of CITY-owned property and partial boundary of Gumstand Gap LLC Property
 - Turkey Creek Limits and Hendersonville Highway ROW
- Gallimore Road Pump Station
 - Existing Pump Station Site
 - Existing sewer manholes and invert sewer elevations
 - Existing force main locations
 - Singing Branch Creek top of bank, bottom of bank, stream depth and limits
 - Adjacent property to the south of Singing Branch Creek and north of CITY park
 - Gallimore Road Right of Way
- Wilson Road Pump Station
 - A survey of the Wilson Road Pump Station site will not be performed. Generator location will be shown on a site plan using other available information from past projects of aerial imagery.

Surveying shall be in accordance with current North Carolina surveying standards and conducted using conventional, GPS, or other accepted methods. Local benchmark(s) as established by the National Geodetic Survey shall be used to establish horizontal and vertical control within the Project limits. The NAD83 and NAVD88 horizontal and vertical datums, respectively, shall be used.

Where feasible, underground utilities in the project area will be identified and marked in the field by the Surveyor who will schedule and coordinate the locates.

Task 202: Topographic Survey

A topographic survey will be performed at the locations previously mentioned. The topographic survey will locate both horizontally and vertically (where appropriate) exposed structures, land features, property corners (only as required for impacted parcels), and utilities, including location of paved roads and driveways (w/type identified); stormwater culverts with inverts and any headwalls or inlet/junction boxes (w/size and invert elevations identified); stormwater ditches (w/top and bottom of banks identified); power poles and guy wires (w/connection of overhead power lines to adjacent poles); electric boxes; gas valves and meters; water valves, meters, and fire hydrants; exposed pipes (w/type, diameter, and material identified); cable boxes; telephone pedestals; fences; signage (street name, traffic, etc.); tree and brush lines; trees 8-inches in diameter and larger (with identification of size and type); and other miscellaneous aboveground structure or feature.

State, County, and City ROWs and any existing obvious and apparent utility easements within the Project limits shall be researched through the appropriate entity and identified, if available, by the survey subcontractor for use during the survey and used for design purposes. This information shall be included in the electronic file and survey drawings.

Survey control points will be re-established as benchmarks at each pump station site. They can be used by the selected general contractor for both horizontal and vertical control during construction. These benchmarks shall be set in accordance with current NC surveying standards and at a level acceptable for construction control.

Task 203: Level B Subsurface Utility Engineering (SUE)

Level B SUE will be performed within the full area of the proposed topographic survey as described above. The utilities shall be marked with paint or flags and then surveyed. The utilities shall be located utilizing electromagnetic equipment.

Task 204: Plats and Easements

If directed by the CITY, the subcontractor licensed surveyor will prepare a recombination plat or easement on an 18-inch by 24-inch sheet for the new Gallimore Road Pump Station Site and expanded area for the Fish Camp Pump Station Site. No plats or easements are included for the Wilson Road site.

Task 205: Wetland Delineation

ENGINEER's subcontractor will delineate jurisdictional stream and wetland boundaries in the Project study area adjacent to Singing Branch Creek at the proposed Gallimore Road Pump Station site according to the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual and the 2012 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0). Jurisdictional areas will be flagged in the field for confirmation by USACE and/or the NC Division of Water Resources (NCDWR). It is assumed that the stream and wetland boundaries can be delineated in a 1-day site visit. Upon completion of the site visit, ENGINEER will prepare a Preliminary Jurisdictional Determination request and will contact a representative of USACE to schedule a site visit to approve the delineation.

This Task includes a 1-day site visit with the USACE representative (and DWR as applicable) to verify and approve ENGINEER's delineation. Upon confirmation by USACE, ENGINEER will contract with a licensed

surveyor to survey the delineation flagging and will incorporate this information in the overall project survey, per Task 201. Delineation maps will be prepared if required.

TASK 300 GEOTECHNICAL INVESTIGATIONS

Task 301: Geotechnical Services

ENGINEER will retain a subconsultant to perform a geotechnical investigation to document subsurface conditions at the proposed Gallimore Road site. Subconsultant will perform a test boring, observation well installation, and laboratory testing of collected soil and rock samples. The ENGINEER will provide remote field direction of the test boring by a qualified geotechnical engineer to direct the work, log the test boring and observation well, and assign laboratory testing. One test boring is assumed to be required for the pump station investigation to a depth of up to 40 feet below grade and up to one observation well to a depth of up to 30 feet below grade for the wet well. Split spoon samples, observation well, and rock coring will be conducted to classify the subsurface conditions. It is assumed that up to 20 feet of rock coring will be conducted in the test boring.

The subconsultant will prepare a Geotechnical Design Report for the Project summarizing the subsurface conditions, foundation design, and construction considerations.

TASK 400 FINAL DESIGN

Task 401: Design Drawings and Specifications

The ENGINEER will prepare Contract Documents to include design drawings showing the scope, extent, and character of the work to be performed and furnished by Contractor, and specifications (which shall be prepared in general conformance with the 50-division format of the Construction Specifications Institute). ENGINEER will develop front-end and technical specifications. The Contract Documents shall be developed as a single package assuming a single prime construction contract. The Contract Documents shall include the following:

- Sediment and erosion control requirements.
- Relevant environmental features and special provisions related to construction.
- Details for pipe installation.
- Pump Station drawings shall include civil/site work requirements including, structural requirements, mechanical requirements, instrumentation (including SCADA), and electrical requirements.
- Prepare construction bid documents to include general and special conditions, bid advertisement, measurement and payment descriptions, special requirements for construction, and technical specifications.

The 60 percent submittal will include the following:

1. Drawings
 - a. Preliminary Civil sheets including force main/sewer alignments and profiles (Primary details)

- b. Preliminary Structural sheets (Primary details)
 - c. Preliminary Mechanical sheets (Primary details)
 - d. Preliminary Electrical sheets (Primary details)
 - e. Preliminary Instrumentation sheets (Primary details)
2. Updated opinion of probable construction cost from the ER/EID
 3. Updated Table of Contents with draft Technical Specifications for major pieces of equipment/materials such as pumps, generator, and variable frequency drives
 4. Updated schedule

The 90 percent submittal will be used for permit submittals and include the following:

1. All drawings and specifications in pre-final format
2. Front-end and Technical Specifications
3. Updated schedule

The 100 percent complete, final bid set will be issued after permit approvals are received. Final bid set will include:

1. Up to three (3) full size and three (3) half size printed copies of the signed/sealed drawings
2. An electronic copy (PDF) of the final signed/sealed drawings and specifications
3. Updated opinion of probable construction cost from 60% Design

TASK 500 PERMITTING SERVICES

The ENGINEER shall assist the OWNER in securing permits associated with the Project including the following subtasks:

Task 501: Regulatory Review

The ENGINEER shall finalize the list of permits and approval requirements based on the information collected during the initial site assessment. Where necessary, the ENGINEER will discuss the proposed project with the applicable regulatory agencies to fully define the permit requirements and identify major permitting issues that must be resolved. A permitting strategy shall be developed to address the major issues identified and facilitate the permit acquisition process.

Task 502: Permit Applications

The ENGINEER will prepare permit applications for submittal on behalf of the CITY. It is assumed the following permit applications and submittals are required:

- North Carolina Department of Environmental Quality (NCDEQ) Erosion and Sedimentation control plan
- National Pollutant Discharge Elimination Survey (NPDES) Stormwater Permit for Construction Activities

- NCDEQ Division of Water Resources (DWR), Pretreatment, Emergency Response and Collection System (PERCS) Sanitary Sewer extension Fast-Track Permit (NC DEQ Fast-Track permit)
- NCDEQ Department of Water Infrastructure (DWI) review for American Rescue Plan Act (ARPA) funding utilization
- North Carolina Department of Transportation (NCDOT) Encroachment Agreement
- NCDOT Driveway Permit
- City of Brevard Site Plan / Zoning Permit
- City of Brevard Floodplain Development Permit
- United States Army Corps of Engineers (USACE) Clean Water Act (CWA) Section 404 Permit (Nationwide Permit 58 – Utility Line Activities for Water and Other Substances) and corresponding NCDEQ DWR CWA Section 401 Water Quality Certification
- USACE Wetlands Preliminary Jurisdictional Determination (JD) and Delineation Concurrence (DC)
- Threatened and Endangered species review of the sites will be conducted and documented to US Fish and Wildlife. It is assumed that no threatened or endangered species will be encountered in the work area and special surveys will not be required.
- Cultural resource database searches will be completed. It is assumed that detailed cultural resource studies will not be required.
- Transylvania County Building Permit Submittal (preliminary submittal)

It is assumed that the OWNER will pay all permit fees.

TASK 600 BIDDING SERVICES

ENGINEER will provide services during the Bidding Phase of the Project, which is expected to include a single bid period without readvertisement. Under this task, ENGINEER will distribute bid packages to prospective bidders, attend a pre-bid meeting and develop/distribute meeting minutes to attendees, issue up to three (3) addenda, prepare an Authority to Award (ATA) for NCDEQ DWI, and prepare a bid tabulation sheet and recommendation to award. ENGINEER will attend the bid opening. CITY will provide PDF copies of all bid packages within one day of (1) bid opening.

TASK 700 UNSPECIFIED ADDITIONAL SERVICES ALLOWANCES

During the Project, additional services not specified in this Scope of Work may be needed to support the completion of the work effort. Examples of additional services include additional permits beyond that mentioned above, additional design drawings beyond those listed herein including Traffic Management Plans (TMP), additional structural design of deep foundations based upon geotechnical findings, temporary or permanent easement, development of flow projections, modification of design based upon increased capacity requirements, coordination and revision of the Gallimore Pump Station location, surge control, a second bidding effort. These services will be performed by the ENGINEER as needed only after being authorized in writing by the CITY. ENGINEER will prepare a scope and fee and submit to the CITY for approval.

3.0 SCHEDULE AND COMPENSATION

It is anticipated that the Project will be completed within 12-15 months starting within two weeks of receipt of a formal notice to proceed (NTP). Total duration to complete bidding will depend on regulatory agency and permit approvals and approval from NC DWI to advertise the project for bids. The ENGINEER will provide a detailed schedule within the first 30 days after receiving a written NTP. Major Milestones are anticipated as follows:

- 60% Design Deliverable – 90 days from Notice to Proceed
- 90% Design Deliverable – 60 days from Receipt of 60% Design Review Comments
- 100% Bid Ready Deliverable – 30 days from Receipt of 90% Design Review Comments
- Bid Advertisement/Bid Period – Will depend on receipt of approval to proceed from NCDEQ and receipt of permits from regulatory agencies.

It is anticipated that a request for extension to the dates identified by NCDEQ in their Letter of Intent to Fund will be required. This request will be made at NTP, so that a final schedule with milestone dates can be established.

As compensation for the engineering services described in the Agreement and this Exhibit, the ENGINEER will be paid on a lump sum basis for the services listed herein. The lump sum fee for this scope of services is \$ 575,000.00 as complete compensation for the services described in Tasks 100 through 600. Payments will be made monthly based on percentage of the work completed with the balance due at project completion. An estimated breakdown of cost by task is provided for informational purposes below.

Task Number	Task Name	Total Cost
100	Project Management, Meetings, and Site Visits	\$80,000
200	Field Survey	\$42,000
300	Geotechnical Investigations	\$23,000
400	Final Design	\$337,000
500	Permitting Services	\$73,000
600	Bidding Services	\$20,000
	Total Fee	\$575,000

4.0 CITY'S RESPONSIBILITIES

- Provide record drawings and other information of existing pump station sites and discharge force mains to final discharge location.
- Provide access to Project sites.

- Locate existing force mains and manholes for survey and SUE activities.
- Provide review comments within two (2) weeks of submission.
- Provide documentation/approvals needed for submittal of permit applications.

5.0 ASSUMPTIONS AND EXCLUSIONS

- Hazardous materials inspection is excluded.
- A total of 61 drawings sheets are assumed.
- Utility crossing across Singing Branch Creek at the Gallimore Road pump station will be open cut installation. Design of jack and bore or directional drill is excluded.
- No survey is required at the Wilson Road Pump Station. Existing survey and record documents will be used to establish site drawings.
- A hydraulic analysis for the Fish Camp Pump station is not included, the pumps will be replaced in-kind.
- NCDEQ will accept a Fast-Track permit and not require a Sewer Extension permit for the Project.
- Air quality permits for auxiliary generators are excluded from this scope of work.
- A Stormwater Management Plan will not be required.
- Rezoning permits will not be required.
- LOMR and CLOMR will not be required for floodplain permitting.
- Proposed site has adequate cellular or radio communications. No radio path survey is required.
- Traffic Management Plans (TMP) will not be required to obtain an encroachment permit for the North Carolina Department of Transportation (NCDOT)
- It is assumed power for the new Gallimore Pump Station will be coordinated with the local electric utility. Design of electrical service from utility to transformer is excluded.
- Analysis, modifications, or reinforcement of existing structures is excluded from this scope of work.
- Structural condition assessment and repair work is not required and excluded from this scope of work.
- Odor control is excluded.
- Landscaping plans are excluded.
- It is assumed that wetland and stream impacts will be permitted under a Nationwide Permit and an Individual Permit will not be required.
- It is assumed that mitigation for impacts to streams or wetlands will not be required.
- It is assumed that field surveys, if requested by USFWS or NCSHPO, for individual species or historical/archaeological resources are excluded from this scope of work and will be performed under separate scope and fee.
- Conforming documents for construction are not included, this may be added by amendment.

RESOLUTION NO. 2023-XX

**AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT
WITH CDM SMITH**

WHEREAS, in September, 2022 the City of Brevard received \$2,873,000 in American Rescue Plan (ARP) funding from the North Carolina Department of Environmental Quality Division of Water Infrastructure for sewer pump station rehabilitation and replacement;

WHEREAS, the City of Brevard hired CDM Smith to prepare a preliminary engineering report and environmental information document, which was submitted in November, 2022;

WHEREAS, final engineering plans and permit applications must be submitted to North Carolina Department of Environmental Quality Division of Water Infrastructure by November, 2023;

WHEREAS, upon approval of the engineering plans and permit applications, the City of Brevard will select a construction contractor through a competitive bidding process;

WHEREAS, the City of Brevard desires to award the remaining survey, geotechnical, design, permitting, and bidding services work to CDM Smith.

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

The City Manager (or his designee) is hereby authorized to execute a contract with CDM Smith for a total of \$575,000 for work associated with the Sewer Pump Station Rehabilitation and Replacement project.

Approved and adopted this 5th day of June, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, June 5, 2023

Title: Resolutions Accepting American Rescue Plan Funds for Asset Inventory & Assessment Study

Speaker: Dean Luebbe, Assistant City Manager/Finance Director

Prepared by: Dean Luebbe, Finance Director

Approved by: Wilson Hooper, City Manager

Background

In August of 2022, the City was notified by the North Carolina Department of Environmental Quality (NCDEQ) that the City had been approved for a total of \$387,500 in funding for water and sewer inventory and assessment. In December of 2022, the City contracted with Summit Engineering to perform the services required and established a Capital Project Ordinance (2022-77). Though complementary, the water and sewer inventories are technically and administratively separate projects.

Discussion

In May of 2023, the City received an official “offer and acceptance for American Rescue Plan Funding” from NCDEQ, requiring a resolution approved by City Council. This is an extra procedural step required by virtue of the funds being ARPA.

Action

Adopt a resolution authorizing the Assistant City Manager or his designee to accept the financial award offers.

Attachments:

1. Res_2023-XX_Accepting ARPA Funds-AIA water
2. Res_2023-XX_Accepting ARPA Funds-AIA sewer
3. Funding Offer and Acceptance

RESOLUTION NO. 2023-XX
BY GOVERNING BODY OF THE CITY OF BREVARD
ACCEPTING AMERICAN RESCUE PLAN FUNDS

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$187,500 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

WHEREAS, the City of Brevard intends to perform said project in accordance with the agreed scope of work,

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

- 1) That the City of Brevard does hereby accept the American Rescue Plan (ARP) offer of \$187,500.
- 2) That the City of Brevard does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.
- 3) That Dean Luebbe, Assistant City Manager and Finance Director, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted and approved this the 5th day of June, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

RESOLUTION NO. 2023-XX
BY GOVERNING BODY OF THE CITY OF BREVARD
ACCEPTING AMERICAN RESCUE PLAN FUNDS

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$200,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

WHEREAS, the City of Brevard intends to perform said project in accordance with the agreed scope of work,

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

- 1) That the City of Brevard does hereby accept the American Rescue Plan (ARP) offer of \$200,000.
- 2) That the City of Brevard does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.
- 3) That Dean Luebbe, Assistant City Manager and Finance Director, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted and approved this the 5th day of June, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

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

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

City of Brevard
95 W. Main Street
Brevard, NC 28712

Project Number: AIA-D-ARP-0124

Recipient's UEID#: JDX5KBDPSQH8

Drinking Water ☒	Wastewater ☐	Both ☐	Total Grant Offered
Distressed ☐	Not Distressed ☒		
ARP Training Grant	☐		
ARP Asset Inventory & Assessment Grant (AIA)	☒		\$187,500
ARP Merger/Regionalization Feasibility Grant (MRF)	☐		

Project Description:

Water Asset Inventory Assessment

Total Financial Assistance Offer: **\$187,500**

**ARP-funded projects are exempt from both the grant fee and match requirements.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance,

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

Shadi Eskaf, Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality

<i>Stephanie Suter for Shadi Eskaf</i>	5/10/2023
Signature	Date

On Behalf of:

The City of Brevard

Name of Representative in Resolution:

Dean Luebke

Title (Type or Print):

Finance Director

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the Assurances and the Standard Conditions.

Signature	Date
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STANDARD ASSURANCES FOR AIA GRANTS

1. The Recipient acknowledges that no disbursements will be made until applicable service agreements or contracts are submitted. The description of work listed on invoices must be included in the scope of work shown on the agreements or contracts.
2. The Recipient is responsible for paying for ineligible project costs as determined by the Division.
3. The Recipient 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 (3) years following completion of the project.
4. All ARP funds shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the Recipient's compliance with the Standard Conditions and Assurances of this Award. The Recipient agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute. Requests for reimbursement must be made using the Division's reimbursement form.
5. All funds provided pursuant to North Carolina General Statute 159G must be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34, as amended. **The Recipient must 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 any contract(s) and the Recipient is expected to uphold its contract obligations regarding timely payment.
6. The Recipient must provide summaries of project progress every other month during the project or as otherwise directed by the Division.
7. The Recipient must provide a digital copy of the final report in a universally readable format including GIS shape files as applicable.
8. The Recipient must provide an executive level summary of the work performed, any conclusions made, and the next steps to be taken as a result of this work.
9. The Recipient must provide approved minutes or a resolution confirming the final report has been presented to the recipient's governing board.
10. A maximum of 95% of the grant will be paid prior to receipt of the documentation described in Standard Assurance Nos. 7, 8, and 9. After receipt of this documentation, the final reimbursement request will be processed.

Acknowledgement of Standard Conditions and Assurances

The Recipient hereby gives assurance to the Department of Environmental Quality that the declarations, assurances, representations, and statements made by the Applicant in the Application; and all documents, amendments, and communications filed with the Department of Environmental Quality by the Applicant in support of its request for financial assistance will be fulfilled.

.....
Signature

.....
Date

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

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

City of Brevard
95 W. Main Street
Brevard, NC 28712

Project Number: AIA-W-ARP-0106

Recipient's UEID#: JDX5KBDPSQH8

Drinking Water ☐	Wastewater ☒	Both ☐	Total Grant Offered
Distressed ☐	Not Distressed ☒		
ARP Training Grant ☐			
ARP Asset Inventory & Assessment Grant (AIA) ☒			\$200,000
ARP Merger/Regionalization Feasibility Grant (MRF) ☐			

Project Description:

Sewer Asset Inventory Assessment

Total Financial Assistance Offer: **\$200,000**

**ARP-funded projects are exempt from both the grant fee and match requirements.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance,

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

Shadi Eskaf, Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality

<i>Stephanie Suter for Shadi Eskaf</i> Signature	5/10/2023 Date
---	-------------------

On Behalf of:

Name of Representative in Resolution:

Title (Type or Print):

The City of Brevard

Dean Luebke

Finance Director

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the Assurances and the Standard Conditions.

Signature	Date
-----------	------

STANDARD ASSURANCES FOR AIA GRANTS

1. The Recipient acknowledges that no disbursements will be made until applicable service agreements or contracts are submitted. The description of work listed on invoices must be included in the scope of work shown on the agreements or contracts.
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4. All ARP funds shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the Recipient's compliance with the Standard Conditions and Assurances of this Award. The Recipient agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute. Requests for reimbursement must be made using the Division's reimbursement form.
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6. The Recipient must provide summaries of project progress every other month during the project or as otherwise directed by the Division.
7. The Recipient must provide a digital copy of the final report in a universally readable format including GIS shape files as applicable.
8. The Recipient must provide an executive level summary of the work performed, any conclusions made, and the next steps to be taken as a result of this work.
9. The Recipient must provide approved minutes or a resolution confirming the final report has been presented to the recipient's governing board.
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Acknowledgement of Standard Conditions and Assurances

The Recipient hereby gives assurance to the Department of Environmental Quality that the declarations, assurances, representations, and statements made by the Applicant in the Application; and all documents, amendments, and communications filed with the Department of Environmental Quality by the Applicant in support of its request for financial assistance will be fulfilled.

.....
Signature

.....
Date

STAFF REPORT

City Council, Monday, June 5, 2023

Title: Resolution in Support of Partners for Green Growth Program Grant - Green Growth Audit of City Codes

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background

On March 20, 2023, Brevard City Council adopted a new Comprehensive Land Use Plan, *Building Brevard 2030*. The Plan will be used to guide all planning and development decisions over the next decade. One of the major goals of the plan is to: *Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.* In adopting the Comprehensive Land Use Plan, City Council has effectively charged the Planning staff with seeking out best practices in conservation design and land use planning.

North Carolina Wildlife Resources Commission's (NCWRC) Partners for Green Growth Program provides support to local government planning projects that consider wildlife and natural resource conservation in land use and development planning, incentives, and ordinances. The program is a cooperative agreement where selected projects are eligible for reimbursement of cost-share funds and technical assistance from NCWRC wildlife biologists.

Discussion

The proposed project is a *Green Growth Audit and Implementation Guide*. The audit would comb through the City of Brevard's Unified Development Ordinance and City Code to identify opportunities to reduce regulatory barriers to conservation, update regulations to reflect best practices in conservation design, enhance requirements for native plantings and vegetation preservation in development, and incentivize greater wildlife habitat protections in sensitive areas. Code sections of particular interest include the City's floodplain development regulations, slope development regulations, stormwater runoff provisions, landscaping requirements, and lighting standards. Ultimately, the findings will be compiled in a report and prioritized in a recommended action plan.

On May 12, 2023, City staff submitted a project idea for the Program and was invited to submit a full application. The full application requires a resolution of support from City Council in advance of the application deadline on June 15, 2023. The full application and draft resolution are included as Attachment 2 and Attachment 3, respectively.

Fiscal Impact

The grant application is a cost-share reimbursement program with additional technical support from NCWRC. At least 25% in-kind match is required, which can be fulfilled with

City staff time. When the Comprehensive Land Use Plan was adopted, City Council instructed Staff to work on plan implementation. Because of this, any expense attributed to increased Staff time will be negligible.

Policy Analysis

The Building Brevard 2030 Comprehensive Land Use Plan calls for conservation design and green development and protection of the City's sensitive natural resources.

Building Brevard 2030 Goals

- **GOAL 5:** Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems."

Building Brevard 2030 Recommendations

- PNRC-5: Require conservation design in areas with sensitive cultural resources.
- PNRC-6: Encourage natural amenities to be preserved as open space in new development.
- PNRC-10: Preserve steep slopes and natural areas adjacent to Pisgah Forest.
- PNRC-11: Preserve and restore natural areas adjacent to the French Broad River.
- PNRC-13: Encourage the use of native species in public projects and private development.
- PNRC-16: Maintain and improve diversity (age and species) of the urban tree canopy.

Action

Staff requests that City Council adopt the attached resolution affirming City Council's support of the grant application.

Attachments:

1. Partners for Green Growth Cost-share Funding Application
2. Draft Application
3. Draft Resolution of Support



Wildlife & Natural Resource
Stewardship in Planning



Partners for Green Growth

This is a cost-share funding resource offered by the N.C. Wildlife Resources Commission's (NCWRC) Green Growth Toolbox program. The goal of Partners for Green Growth is to provide support for local government planning projects that consider wildlife and natural resource conservation in land use and development planning, incentives and ordinances.

We encourage you to share your ideas with us ahead of all deadlines.

Funding Summary

For projects that qualify, the Partners for Green Growth program will *reimburse* cost-share funds of \$10,000 to \$20,000 and will provide 80 hours of technical assistance from North Carolina Wildlife Resources Commission (NCWRC) wildlife biologists. Projects that request funds up to \$10,000 are preferred so that we may fund more projects. The funding request can only be up to 75 percent of the entire project cost and 25 percent non-federal in-kind match is required (details below) to make up the remaining total project cost.

Deadlines

All projects should begin by July 1 or October 15th and be completed in 18 months or less. For project ideas that qualify, final applications will be invited and a contract agreement will be made from the contents of the final application. **Project Idea Submissions are due May 15, 2023.** Invited applications will be due June 5th.

Eligibility

Eligible applicants are local governments (North Carolina counties and incorporated municipalities) and Councils of Government. Partnerships between local governments and non-governmental, non-profit (NGO) conservation-related organizations are also eligible. Local government project applications are encouraged.

Important: These funds cannot be used to write or draft an ordinance or regulation (due to legal constraints on funds that are the source for Partners for Green Growth). However time spent on writing or drafting actual conservation-related ordinances can count as non-federal in-kind match (details below). Funds *can* be used to: gather background or supporting information for an ordinance, create a model ordinance, or to craft conservation development or land use guidelines to be considered by the governing board for adoption. Funds can be used to write plans. Adoption of any plan, incentive, ordinance, or guidance document is *NOT* a condition for reimbursement of funds and is not required under any circumstances.

Requirements:

1. We must comply with federal funding policies, which do not allow for project extensions. As such projects need to meet interim report or final report deadlines in order to reimburse any of the funding to the local government.
2. A secondary staff member must be available to take on management of the project should the original applicant / project manager change jobs. This will help to minimize delays in projects if staff members change jobs.
3. Interim reports must demonstrate the project is proceeding on schedule and deliverables are met.
4. Regular meetings must be held with NCWRC to discuss progress and the contract timeline.
5. The project principal and any consultants must have either taken the Green Growth Toolbox workshop or demonstrate a background in natural resources conservation planning.
6. ***(Invited final applications only) Please provide proof of review and approval of this final application by your Board of Commissioners (See the end of this document for a support statement and signature line).***

Purpose and Criteria

This is a program of the NCWRC to support conservation-based land use planning projects by local government entities through a cooperative agreement. Eligible projects will focus on plans, incentives or ordinance methods that would better conserve Species of Greatest Conservation Need (SGCN) and Priority Habitats as defined by the North Carolina Wildlife Action Plan (2015). Planning projects should support the principles of wildlife conservation planning detailed in the Green Growth Toolbox (www.ncwildlife.org/greengrowth) including, but not limited to, projects such as:

- Removing regulatory barriers to wildlife habitat conservation in local ordinance procedures and requirements. For example, by enabling:
 - Conservation subdivisions that conserve large contiguous areas of wildlife habitat in secondary development growth or rural districts and wetland, floodplain and stream protection in all districts.
 - Higher density, mixed-use development in or near town or city centers and Low Impact Development (LID).
- Creation or improvement of incentives for conservation-based land use and or development through local ordinances.
- An evaluation of opportunities for natural resource conservation overlay districts or voluntary conservation districts based on effective density bonus incentives.
- A wildlife habitat conservation plan to be considered for adoption by the governing board.
- A land use, transportation or other plan draft that considers effective wildlife conservation.
- Implementation of an existing plan for wildlife habitat conservation such as establishing a conservation or natural resources committee or completing a process to measure plan, incentive or ordinance effectiveness.
- Establishment of a local fund to defray the cost of conservation easements or acquisitions.

- Creation of voluntary conservation-based development and land use guidelines to be considered for adoption by the governing board.
- Conducting conservation-based development charrettes for specific areas that have a high conservation value and a high likelihood of development. These results of these charrettes can be provided to developers free of cost.
- Planning projects that reduce development encroachment near permanently conserved areas, like those that support military training.
- Planning that supports conservation of wildlife travel corridors.

GIS Maps

GIS maps of priority wildlife habitat are already available statewide and extensive additional mapping may not be needed for your community. We prefer that GIS mapping costs represent only a minor portion of the funds requested and that GIS mapping time or costs be provided as non-federal in-kind match (details below) to the maximum extent possible. NCWRC biologists can assist you with GIS mapping and provide conservation data layers to your county.

Please see the following for existing wildlife habitat GIS maps:

Conservation Data for Green Growth:

www.ncwildlife.org/Conserving/Programs/GreenGrowthToolbox/ConservationData.aspx

NC Natural Heritage Program and Natural Heritage Data Explorer: <http://ncnhp.org/web/nhp>,
<https://ncnhde.natureserve.org/>

Projects that demonstrate a high likelihood for improved conservation of Species of Greatest Conservation Need and Priority Habitats are required. Twenty-five percent in-kind match from non-federal sources is required (see below for further information). Preference will be given to projects from communities in areas of high biodiversity where dispersed development is occurring. Landscape level projects, large site projects, or projects that protect military training are preferred.

Please refer to the Green Growth Toolbox (www.ncwildlife.org/greengrowth) and to the NC Wildlife Action Plan (2015) (www.ncwildlife.org/plan.aspx) in preparing your project ideas and invited applications. Projects should be able to be completed in one year.

Non-federal In-kind Match Guidelines

At least twenty-five percent non-federal in-kind match is required. Non-federal in-kind match is additional staff time or funding from a non-federal source that is spent on the proposed project. The non-federal in-kind match does not need to be a cash amount. Non-federal in-kind match can be in the form of hours of staff or consultant time expended working on the project that equates to a dollar value based on salary (from non-federal funds). In-kind match in the form of time spent on the project can be attributed to non-staff board members, public input meeting attendees, or volunteers at a rate of \$16.08 per hour. In-kind match is calculated as a proportion of the entire project cost. For example, if \$10,000 is requested from Partners for Green Growth then \$10,000 is 75 percent of the entire project cost and the entire project cost is \$13,333 (\$10,000 / 0.75). Twenty-five percent in-kind match is \$3,333 (25% of \$13,333).

Partners for Green Growth – Grant Application

Date	June 15, 2023
Contact Information	Emily Brewer, Senior Planner, emily.brewer@cityofbrevard.com , 828-885-5630
Name of Municipality	City of Brevard
Amount Requested	\$15,000
Non-federal in-kind match amount	\$5,000
Alternate Project Contact	Aaron Bland, Assistant Planning Director, aaron.bland@cityofbrevard.com , 828-885-5630
Billing Contact (for receipt of funds by check)	Dean Luebbe, Finance Director, dean.luebbe@cityofbrevard.com , 828-885-8515

BACKGROUND & SCOPE OF WORK

With the French Broad River to the east and Pisgah National Forest to the west, Brevard is surrounded by many valuable natural resources. Brevard's unique geography and natural environment contribute greatly to its desirability as a place to live and visit, yet these resources are continually threatened in different ways. The French Broad River suffers from intermittent water quality issues due to runoff, agriculture, and impacted riparian habitat. Popular recreation sites, such as those in nearby Pisgah National Forest become overcrowded during the summer, and are increasingly grappling with how to accommodate large numbers of visitors and their vehicles. Viewsheds and wildlife migration corridors are under threat of development, and non-native invasive species have gained a foothold in some areas.

In recent years, Brevard has experienced tremendous growth as people continue to move to the area, in large part because of the myriad of benefits – social, economic, physical, etc. – derived from surrounding oneself with nature. However, a large percentage of lands within the City limits and extra-territorial jurisdiction are environmentally sensitive and/or difficult to develop and pose additional threats to the area's native habitats. The City's land use and development regulations are a critical tool in ensuring new development respects and protects Brevard's natural resources and character as a "Beautiful Brevard."

On March 20, 2023, Brevard City Council adopted a new Comprehensive Land Use Plan, *Building Brevard 2030*. The Plan, which can be found at www.cityofbrevard.com/clup, will be used to guide all planning and development decisions over the next decade. One of the major goals of the plan is to: *Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.* In adopting the Comprehensive Land Use Plan, City Council has effectively charged the Planning staff with seeking out best practices in conservation design and land use planning. This conservation goal is then followed with recommendations, an entire section of which is centered around Parks, Natural Resources & Cultural Resource (PNRC). These include:

- PNRC-5: Require conservation design in areas with sensitive cultural resources.

- PNRC-6: Encourage natural amenities to be preserved as open space in new development.
- PNRC-10: Preserve steep slopes and natural areas adjacent to Pisgah Forest.
- PNRC-11: Preserve and restore natural areas adjacent to the French Broad River.
- PNRC-13: Encourage the use of native species in public projects and private development.
- PNRC-16: Maintain and improve diversity (age and species) of the urban tree canopy.

The proposed project is a *Green Growth Audit and Implementation Guide*. In addition to the goals and recommendations from the City's Comprehensive Land Use Plan, the project will accomplish the following objectives:

- identify opportunities to reduce regulatory barriers to conservation,
- update regulations to reflect best practices in conservation design,
- enhance requirements for native plantings and vegetation preservation in development, and
- incentivize greater wildlife habitat protections in sensitive areas.

The scope of work, along with anticipated deliverables and request for NCWRC's technical support, is detailed below:

PHASE 1: Green Growth Audit

The *Green Growth Audit* will comb through the City of Brevard's Unified Development Ordinance (UDO) and City Code to provide deeper understanding of the regulatory barriers and incentive opportunities. This audit will allow us to more effectively and efficiently work towards the City's conservation goals. Both the UDO and the City Code can be found at www.cityofbrevard.com/ordinances. Code sections of particular interest include the:

- floodplain development regulations (City Code Chapter 34),
- slope development regulations (UDO Section 6.4),
- stormwater runoff provisions (UDO Section 6.6),
- open space requirements (UDO Chapter 7)
- landscaping requirements (UDO Chapter 8), and
- lighting standards (UDO Chapter 11).

NCWRC's expertise will be essential in conducting the audit, understanding the unique challenges of conservation efforts in Brevard, and reviewing best practices from other municipalities. City staff will work with NCWRC to gather information, provide insight on local ordinances, and balance conservation goals with development realities.

At the conclusion of Phase 1, a report with the findings and recommendations for improvement will be prepared.

PHASE 2: Implementation Guide

City staff will work with NCWRC to identify the items of greatest impact and determine the appropriate order for making the greatest progress of the City's adopted conservation goals. The findings will be compiled in a report that will serve as an action plan for ordinance text amendments to facilitate green growth in Brevard.

At the conclusion of the project, Staff will present the findings and report to the Brevard Planning Board, City Council, and the public. The final product will also be published on the City's website. The City is under contract with EnCodePlus to develop and host an interactive online City Code, Unified Development Ordinance, and GIS portal. The site is anticipated to launch in July. With this new platform, the City will publish relevant Conservation Data for Green Growth and the final product for public view. Staff believes this will improve public knowledge about and accessibility to conservation design and green growth practices.

PROJECT BUDGET

The project budget is \$20,000, with \$15,000 requested from Partners for Green Growth program. The non-federal in-kind match of \$5,000 will be entirely funded by staff time. It is divided between the Senior Planner (Emily Brewer), the Assistant Planning Director (Aaron Bland) and the Planning Director (Paul Ray). The pay rate and hours can be provided upon request. The bulk of the funding, staff time, and NCWRC technical assistance (~85%) will be required for the conducting the actual *Green Growth Audit*. The balance (~15%) will be dedicated for the implementation plans.

BUDGET TABLE

Description	City of Brevard [non-federal match]	The Commission NCWRC PGG funds	Sub-Total
Personnel	\$5,000	\$15,000	\$20,000
Fringe Benefits			
Travel			
Equipment			
Supplies			
Contractual			
Construction			
Other			
<i>Total Direct Charges</i>	<i>\$5,000</i>	<i>\$15,000</i>	<i>\$20,000</i>
<i>Overhead / Indirect</i>			
Total	\$5,000	\$15,000	\$20,000

PROJECT TIMELINE & DELIVERABLES

Staff anticipates the project would take approximately 8 months to be completed. Staff is prepared to launch the project as early as August 1, 2023. An estimated schedule is provided

below. The exact timeline and deadlines are dependent on NCWRC's capacity for technical assistance.

Anticipated Project Timeline

Potential Dates	Month 1 Aug	Month 2 Sep	Month 3 Oct	Month 4 Nov	Month 5 Dec	Month 6 Jan	Month 7 Feb	Month 8 Mar
Phase 1: Green Growth Audit								
Project Launch								
Green Growth Audit								
Recommendations						★		
Phase 2: Implementation Guide								
Action Plan							★	
Public Launch							▲	●

Deliverable ★

Planning Board Meeting ▲

City Council Meeting ●

RESOLUTION NO. 2023-XX

**A RESOLUTION OF SUPPORT FOR A PARTNERS FOR GREEN GROWTH PROGRAM
GRANT APPLICATION THROUGH THE NORTH CAROLINA WILDLIFE RESOURCES
COMMISSION**

WHEREAS, the City of Brevard recognizes the benefits of development the community while also conserving trees, wildlife habitat, biological diversity and other natural resources for future generations; and

WHEREAS, the City adopted the *Building Brevard 2030* Comprehensive Land Use Plan to guide all planning and development decisions over the next decade; and

WHEREAS, one of the major goals of this Plan is to “*Celebrate Brevard’s natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems;*” and

WHEREAS, the City would benefit from a comprehensive review of the City Code of Ordinances and Unified Development Ordinance to identify opportunities to reduce regulatory barriers to conservation and update regulations to reflect best practices in conservation design; and

WHEREAS, the North Carolina Wildlife Resources Commission’s (NCWRC) Partners for Green Growth Program provides support to local government planning projects that consider wildlife and natural resource conservation in land use and development planning, incentives, and ordinances through a cooperative agreement; and

WHEREAS, selected projects are eligible for reimbursement of cost-share funds and technical assistance from NCWRC wildlife biologists; and

WHEREAS, the City will provide non-financial support to the project to ensure efforts made on the project meet Brevard’s goals to balance natural resource conservation with other land use and development goals;

NOW THEREFORE, BE IT RESOLVED that the City of Brevard City Council supports the Partners for Green Growth Program grant application.

Adopted and approved this the 5th day of June, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

MINUTES

Rosenwald Community Advisory Board

Thursday, February 16, 2023 - 6:00 PM

Mary C. Jenkins Community & Cultural Center

Members Present: Maurice Jones, Co-Chair, Council Member
Randy Lytle, Co-Chair, President MCJCC Board
Gary Daniel, Council Member
Susan Threlkel, Citizen Member
Victor Foster, Citizen Member
Edith Darity, Citizen Member

Members Absent: Karen Darity, Citizen Member

Staff Present: Wilson Hooper, City Manager
Tyree Griffin, Community Center Director
Denise Hodsdon, City Clerk
Paul Ray, Planning Director

Guest: Alvin Fuller, Summit Engineering

A. Welcome & Call to Order

Co-Chair Maurice Jones welcomed everyone and called the meeting to order at 6:00 PM.

B. Invocation

Mr. Foster offered an invocation.

C. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

D. Approval of Agenda

Ms. Hodsdon asked to remove approval of the January 19, 2023 minutes from the agenda. Motion by Mr. Daniel, seconded by Ms. Threlkel to approve the agenda as amended. The motion carried unanimously.

E. Discussion re MCJCCC Parking Lot

Mr. Hooper reported that the Cashiers Valley Road parking lot is nearing completion

and should be done in the next few weeks. However, the refuge area won't be completed until the existing road is demolished, which will not happen until the new road is ready to open. Project manager Alvin Fuller of Summit Engineering answered questions from the board and explained the layout of the parking lot. He noted that there have been several renditions of the plan and the current design is different than the original design that was presented to the board. He explained that some parking places in the original design were lost with the addition of the bike refuge area, which provides connectivity to the bike path. There will be approximately 38 parking spaces. He noted the proposed site plan also includes a future parking area to be completed when funds allow.

F. Mission & Goals

Mr. Hooper noted the distinction between vision, mission and goals. Vision is intended to be your aspirations of what you want the group to be about. Mission declares your purpose and the tools you plan to use to reach your vision. Goals are the actual actions you are going to take to accomplish your mission. He recalled that at the last meeting there was talk of significant engagement activities, continuing with the educational aspect of the community center, and trust-building, which board members felt were important actions. Perhaps a mission statement could be built around those three actions. He asked board members to share other words that they felt expressed the values and aspirations of the board. Some of the words they shared were "engagement", "education", "sounding board", "trust building", "conduit for the community voice", and "safe comfortable place". Mr. Jones asked Mr. Hooper and Staff to take a stab at crafting vision and mission statements using these words and bring them back to the group for further consideration at the next meeting.

G. Moms Mabley Statue

Mr. Hooper said there was some uncertainty about who would approve a public art project outside of downtown. He suggested that this board send a letter, that he offered to help draft, to the appropriate body, whether that be Downtown Master Plan Committee or City Council, requesting that Rosenwald be considered as the location of the Moms Mabley statue. The board requested that the artist be invited to the next meeting to share his plan for the statue.

H. Committee Member Staggered Terms

The Board discussed asking City Council to consider instituting staggered terms for the Rosenwald Community Advisory Board. There was also discussion on amending term limits for this board to permit members to continue serving. Staff will investigate these requests more and bring information back to the next meeting.

I. Set Date for Next Meeting

The next meeting was scheduled for Thursday, March 16, 2023 at 6:00 PM at the

Mary C. Jenkins Community & Cultural Center.

J. Adjourn

There being no further business, the meeting was adjourned at 7:12 PM.

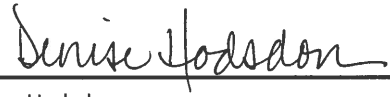
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Maurice Jones
Co-Chair/Council Member

Minutes Approved: May 18, 2023

X



Denise Hodsdon,
City Clerk

MINUTES

Rosenwald Community Advisory Board

Thursday, March 16, 2023 - 6:00 PM

Mary C. Jenkins Community & Cultural Center

Members Present:

Randy Lytle, Co-Chair, President MCJCC Board
Gary Daniel, Council Member
Susan Threlkel, Citizen Member
Victor Foster, Citizen Member
Edith Darity, Citizen Member

Members Absent:

Maurice Jones, Co-Chair, Council Member
Karen Darity, Citizen Member

Staff Present:

Wilson Hooper, City Manager
Tyree Griffin, Community Center Director
Denise Hodsdon, City Clerk

Guest:

Stephen Rapp, Artist

A. Welcome & Call to Order

Co-Chair Randy Lytle welcomed everyone and called the meeting to order at 6:04 PM.

B. Invocation

Mr. Foster offered an invocation.

C. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

D. Approval of Agenda

Mr. Lytle asked to add an item regarding Mary C. Jenkins concerns. Motion by Ms. Threlkel, seconded by Mr. Foster to approve the agenda as amended. The motion carried unanimously.

E. Approval of Minutes of January 19, 2023 Meeting

Motion by Mr. Daniel, seconded by Mr. Foster to approve the minutes of the January 19, 2023 meeting as presented. The motion carried unanimously.

F. Moms Mabley Statue – Stephen Rapp

Mr. Hooper reported that the Board's request to locate the statue at the MCJCCC to the Downtown Master Plan Committee, but then discovered that that committee is only charged with overseeing art in downtown. Since this center is outside of downtown, the ultimate approval authority falls with City Council and they have asked the committees to review art proposals for appropriateness. If the Board finds this proposal agreeable, we will take it to the full Council for final approval. He added that the Downtown Master Plan Committee is supportive of locating the statue at MCJCCC.

Mr. Hooper asked Stephen Rapp if he had any objections to locating the statue here instead of Clemson Plaza. Mr. Rapp said he had no objection, but noted that whoever pays for the sculpture will want to have a say on where it goes. Mr. Rapp then presented his proposal for a bronze sculpture of Moms Mabley. He said he has studied Moms Mabley and feels that she is a national treasure who should be memorialized. He noted that the most important thing about a bronze statue memorial of an individual is the gesture. He has begun working on clay studies of different gestures. He said that bronze is an expensive medium and he has received funding to begin the studies. He is at the point now where he needs to go to the next financial step and that will determine the timing. He said he is pretty confident that the big expense of the foundry will be covered. He is looking for general support and approval to proceed so he can solicit funding to make this happen in a timely manner. Mr. Hooper suggested that he and staff continue to work with Mr. Rapp to explore the funding possibilities and how they differ based on location, with an eye toward having the statue at MCJCCC if the funding works out.

At the end of the meeting Mr. Daniel noted that Mr. Rapp had said that the funding drives the location of the statue and we need to be aware of that. If his funding source wants the statue to be in Clemson Plaza, would this board be okay with that if it were approved? There was consensus that the board would prefer it to be located in the Rosenwald Community, but if it came down to either Clemson Plaza or nothing, we want it there.

G. Committee Vision/Mission/Goals

Mr. Hooper presented some possible vision and mission statements and goals using some of the key words provided by the Board at the last meeting. Following review and discussion, Mr. Daniel moved, seconded by Ms. Threlkel to adopt the following vision and mission statements:

- Vision Statement: Unifying the voices of the Rosenwald Community with local leaders
- Mission Statement: To provide a conduit through which the voices and concerns of the Rosenwald Community are transmitted to local officials, and to be a sounding board for public officials on matters that impact Rosenwald

The motion carried unanimously.

H. Committee Member Staggered Terms

This item was postponed. Mr. Hooper noted that the committee recruitment period for this and other committees has been extended for another month. He encouraged the MCJCC Board to decide, of their four appointments, who they want to be 2-year appointments and who they want to be 1-year appointments. The other two seats are for at-large community members. Mr. Hooper explained that if a current MCJCC Board member is not reappointed by the MCJCC Board, that member will need to apply for one of the at-large seats.

I. MCJCC Concerns

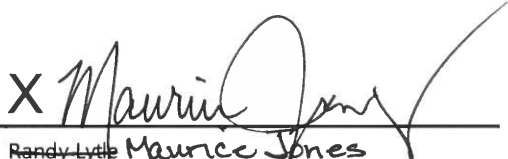
Mr. Lytle asked for an update on the punch list for the community center. Mr. Hooper said we have made some progress such as the outside lighting and some other small maintenance projects. There are some items remaining on the list and Mr. Griffin has contacted the contractor but they have not yet been back to work on those items. Mr. Hooper said we can get Public Works crews to do the things that they can do. Mr. Daniel noted that the punch list is part of the contractor doing business and if we are fixing items on that list, we should send them a bill. He also pointed out that there is a crack in the tile in the men's restroom from the floor to the ceiling that he feels is a serious structural concern.

J. Set Date for Next Meeting

The April meeting was canceled. The next meeting was scheduled for Thursday, May 18, 2023 at 6:00 PM at the Mary C. Jenkins Community & Cultural Center.

K. Adjourn

There being no further business, the meeting was adjourned at 7:05 PM.

X 
Randy Lytle
Co-Chair

Minutes Approved: May 18, 2023

X 
Denise Hodsdon,
City Clerk

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, March 27, 2023 – 11:00 AM
City Hall Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Mac Morrow, Vice Chair, Council Member

Staff Present: Wilson Hooper, City Manager
Dean Luebbe, Finance Director
Kelley Craig, Human Resources Director
Becky McCann, Communications Coordinator
Denise Hodsdon, City Clerk

Guest: Kevin Jones, ABC Board Chair

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 11:00 AM.

B. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

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

D. Approval of Minutes of February 27, 2023 Meeting

Motion by Mr. Morrow, seconded by Mr. Baker to approve the minutes of the February 27, 2023 meeting as presented. The motion carried unanimously.

E. ABC Board Request for Capital Account

Mr. Hooper explained that ABC Board Chair Kevin Jones will share a plan that the Board has to sure up their finances and avail themselves of some opportunities in the years to come. The City is their parent agency and is entitled to a financial contribution from

them each year based on their sales and some other factors. Our contribution from them would be affected somewhat if we give them the go ahead to proceed with this plan that Mr. Jones is going to share with us.

Mr. Jones explained that the ABC Board is looking to ask City Council for permission to save more money than we already are. He shared that the Board was founded in 1967 and has always leased its retail space. The current lease on the Downtown store expires on March 31, 2029 with no renewal options, and the lease on the Pisgah Forest store expires in 2026 with a five-year lease option. The Board has doubled its revenue from \$3,028,426 in 2014 to \$6,069,693 in 2022. Currently the Board's total profit on \$6M in sales is a little under \$600,000. What we are currently doing with that is profit sharing with the City in the amount of \$240,000 and County in the amount of \$80,000. Five percent goes to Law Enforcement and we usually allocate \$10,000 for alcohol education.

Mr. Jones said it is not unreasonable that eight years from now, just like the last eight years, we are going to see a doubling of sales. We are trying to look forward to eight years from now when we are a \$12M per year business. Our leases are not really secured or guaranteed and we don't know if we want to be leasing again in five years; we may want to own a property. However, we know that right now we are not in a cash position to start talking about investing in property and taking out mortgages. That is the point of us coming to City Council. According to Part 4, Section 6.3(F) of our Code we are looking for permission to set aside money in a separate capital accumulation account in order to have some cash on hand if we decided to look at purchasing a property in the future. A second reason for doing that is because we are growing fast, we currently have a 9-10% profit margin on sales, but in looking at other ABC Boards, there are several that have 15% profit margins and they own their own stores. Looking forward to eight years from now, the difference between 10% and 15% is an extra \$600,000 per year. Rather than our profit going up to \$1.2M, maybe it will be going up to \$1.8M eight years from now. Ultimately, one way or another the monies are going to come back to the City and the decision the Council is going to have to make is whether they want a little more now or a lot more later. In another year we are going to hit a point where we have retained as much money as we can in our cash account without having this second capital account. Our first step to making more profit is to buy more inventory when it is on sale and our ultimate vision is never having to pay actual wholesale for a bottle of liquor so that every time we sell it we are realizing extra profit. If we had this capital reserve account we start saving money this year and we could put a lot more cash into inventory. If we were funding a capital reserve account, for every dollar we would put in there, we would increase the amount of profit we pay to the City by 25% and the County by 8%. For example, if we are saving \$150,000 in our capital account, aside from making the initial profit sharing of \$240,000 to the City, we would be adding \$37,500. At the same time we would be building the capital account to either purchase a building, expand inventory, or maybe build a warehouse if needed. We are looking for the okay from the City to stockpile cash for a future business investment.

Mr. Hooper added that they have a cap on how much money they can save and anything

beyond that the City is entitled to all of it. Essentially what they are asking is for us to give up our claim to all of it and let them keep a little more to save and conduct their business with. Our \$240,000 is protected; essentially we are talking about giving up our claim to any surplus profit they generate so that they can start to save. Mr. Luebbe added that hypothetically twenty years from now if they bought a building and paid it off, then our distributions would start to be considerably larger. If for some reason they don't buy a building and they find another favorable lease, that money would transfer to their operating capital and would get distributed to the City anyway.

Following discussion, there was consensus to take the ABC Board proposal to the full Council for consideration.

F. Personnel Policy Revisions

Ms. Craig reviewed proposed revisions to the Personnel Policy, some of which are elected changes intended to increase the City's ability to hire competitively, increase morale, and make the City a more attractive place to work. There are also a number of changes recommended by the Class and Compensation Study or to keep pace with prescribed governing standards. A summary of the proposed revisions is attached.

During discussion, Mr. Baker suggested that this might be an opportunity to also update the section in the policy regarding employment of relatives. Mr. Hooper and Ms. Craig will review that section and make recommendation for revision prior to sending to the full Council. Motion by Mr. Morrow, seconded by Mr. Baker to send the proposed revisions to City Council with a recommendation to approve. The motion carried unanimously.

G. Update re Committee Applications

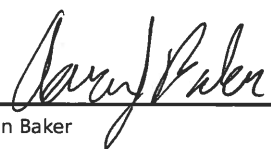
There was consensus to keep the application period for advisory committees open until the end of March with the goal of filling all vacancies by May 1st.

H. Set Date for Next Meeting

The next meeting of the Finance & Human Resources Committee will be on Monday, April 24, 2023, at 11:00 am.

I. Adjourn

There being no further business, the meeting was adjourned at 12:09 PM.

X 

Aaron Baker
Chair, Council Member

Minutes Approved: May 22, 2023

X Denise Hodsdon
Denise Hodsdon
City Clerk

PERSONNEL POLICY UPDATE

2023

ELECTIVE POLICY CHANGES

1. Holiday Schedule Update

- ✓ *Addition of Juneteenth Holiday to the list of approved City holidays.*

Anticipated budgetary impact would be approximately \$5,000 annually given there are employees who work on the holiday and are paid holiday hours in excess of their regularly scheduled hours (police, fire, water, wastewater, etc.).

2. Paid Parental Leave

- ✓ *Article VII, Section 18. Paid Parental Leave is a new section providing up to 6 weeks of paid parental leave for the birth or placement of a child for an eligible employee.*

3. Personnel Board

- ✓ *Delete Article XII. Personnel Board*
- ✓ *Removal of reference to appeal to Personnel Board in Article X. Grievance Procedure and Adverse Action Appeal.*

POLICY CHANGES UPDATES FROM COMPENSATION STUDY OR OTHER COMPLIANCE/CLEAN UP.

4. Pay Plan Change to Range Names

- ✓ *Our current pay plan has a hiring rate, minimum rate, and maximum rate. Included in the compensation study recommendations, was the recommendation to re-name our hiring rate the minimum rate. This is standard pay plan and compensation administration practices.*

This change would impact multiple sections throughout the policy where the hiring rate was referenced. This reference would be changed to minimum, grade minimum, or minimum salary.

Our current hiring rate would become the minimum.

5. Overtime Pay Provisions

- ✓ *With the addition of full-time fire department staff, we have placed those employees on a pay schedule in accordance with the Fair Labor Standards Act that pays them for overtime based on a 28 day work period and when hours worked are over 212 hours in that work period. A revision to **Article III, Section 12** of the policy just reflects this change that is already in place and agreed upon by the hire letters signed by those employees.*

6. Inclement Weather and Emergency Closings

- ✓ *Language added to make the section more thorough and expansive to cover situations like pandemics and other situations other than weather where city operations might be impacted.*

7. Holidays and Leaves of Absences

- ✓ *Change in Vacation Accrual for those with 0-2 years of service, moving them to the same accrual rate as those who have been here 3-4 years.*

Prorating leave accruals for those who work more than 40 hours per week on average (Police & Fire).

- *For example, a firefighter works on average 56 hours per week so would get 11.2 hours per each holiday instead of 8 hours for each holiday.*
- *A Police officer works on average 42 hours a week and thus would get 8.4 hours per each holiday instead of 8 hours per holiday.*
- *Vacation and sick leave hours would be adjusted up as well based on the calculations.*

There may be a budgetary impact to the adjusted accruals if an employee were to leave service and there were a vacation payout. This is hard to calculate.

Section 20. Workers' compensation leave section has language added to clarify leave is not subject to retirement system contributions and 401k contributions. Also new section regarding return to work provisions (modeled after the state policy).

8. Administrative Leave

- ✓ *Cleaning up the language to be consistent on administrative leave and taking out reference to suspension.*

9. Internal Application Process

- ✓ *Article IV, Section V has a slight change to the language indicating that employees wishing to apply for promotions need to submit an internal application. This removes the need to contact Human Resources for an application.*

With the implementation of our online system, all positions are posted online including internal only postings and employees can complete the internal application online or via paper and submit it to Human Resources.

MINUTES
City Council Public Safety Committee

Monday, April 24, 2023 – 3:30 PM
City Hall Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Maurice Jones, Vice-Chair, Council Member
Kevin Gallo, Citizen Member
Mayor Maureen Copelof, Ex-Officio Member

Staff Present Wilson Hooper, City Manager
Tom Jordan, Police Chief
Denise Hodsdon, City Clerk
Becky McCann, Communications Coordinator
Paul Ray, Planning Director
Emily Brewer, Senior Planner
Captain Steve Woodson, Police Dept.
Captain Danny Godman, Police Dept.
Sergeant Aaron Thompson, Police Dept.

Guests: Nicole Bentley and Julie Guy, Heart of Brevard
Madeline Magin, 185 King Street
James Carli, Planning Board Member
Residents Linda Gallo, Morris Jenkins and Monica Driscoll

Media: Jon Rich, Transylvania Times

A. Welcome & Call to Order

Committee Chair Mac Morrow welcomed everyone and called the meeting to order at 3:31 PM.

B. Introduction of New Committee Member Kevin Gallo

Mr. Morrow welcomed newly appointed Citizen Member Kevin Gallo. Mr. Gallo introduced himself to the committee and staff.

C. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

D. Approval of Agenda

Motion by Mr. Gallo, seconded by Mr. Morrow to approve the agenda as presented. The motion passed unanimously.

E. Minutes from February 27, 2023 Meeting

Motion by Mr. Morrow, seconded by Mr. Gallo to approve the minutes of the February 27, 2023 meeting as presented. The motion carried unanimously.

F. Social Districts

Mr. Ray explained that a state law passed in 2021 allows local governments to create social districts which are essentially exceptions to the open container rules and regulations in specific areas. Emily Brewer presented a PowerPoint presentation describing social districts and their requirements for operation and management (copy attached). Ms. Brewer said approval of a social district would require adoption of an ordinance.

During discussion, Mr. Jones expressed concern about the City's insurance going up due to an increased risk and we will need to look at that.

Mr. Morrow noted that Brevard has the King Street area and the downtown area and it would make sense for the Heart of Brevard to take on the management of downtown. He asked if we could have split districts. Ms. Brewer said there could be more than one district, but they could have the same responsible entity managing them.

Chief Jordan said that although social districts can be done responsibly, he does see some vulnerabilities. My job is public safety and looking out for these vulnerabilities such as what to do about people handing a cup to an underage individual and what accountability would the ABC permittee that sold that cup have? Once a drink leaves an establishment, there are no eyes on that drink anymore. He had concerns about overserving as well. At what point does accountability shift from ABC permittees to the City because we have designated a social district? The Brevard Police Department handles ABC compliance for the City and he expressed concern about the need to have extra officers when we are already experiencing staffing shortages.

The committee asked Staff to draft a proposal for social districts to include answers to these questions, information on the estimated cost of implementation, a management arrangement with Heart of Brevard or a similar group, and the necessary changes to the ordinance. Staff will contact other municipalities who have implemented social districts to discuss management pros and cons and bring a draft proposal back for the committee's review in June.

G. Ecusta Trail – Preconstruction Enforcement

Mr. Hooper clarified that this discussion is about law enforcement along the Ecusta Trail in its current state. Once the trail is completed we will reassess, but right now in its unbuilt state, there have been some questions about who is responsible for law enforcement. We think it is a split responsibility, but that the typical mutual aid agreement that we have with Transylvania County is sufficient enough to govern that split responsibility. Chief Jordan explained that right now the trail is in a “gray zone”. We have had some complaints, mostly about people riding ATV’s and dirt bikes where the railroad line used to be. The Sheriff’s Office is saying it is the City’s trail and the City needs to handle complaints. Chief Jordan said we can handle it, but it does require us to go outside of our patrol area, and with limited personnel it means that the response time will be longer than what you would normally see here in the City. If it is an emergency call or medical call, that is governed by the Fire Districts and they will send emergency personnel regardless. Reports of an active crime in progress will initiate mutual aid and involvement of the Sheriff’s office.

H. Set Date for Next Meeting

The next meeting of the Public Safety Committee will be on Monday, May 22, 2023 at 3:30 pm at City Hall.

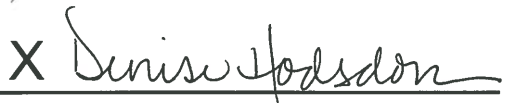
I. Adjourn

There being no further business, the meeting was adjourned at 4:20 PM.

Minutes Approved: May 22, 2023

X 

Mac Morrow,
Chair, Council Member

X 

Denise Hodsdon,
City Clerk



Social Districts Discussion

Public Safety Committee | April 24, 2023



The City of
Brevard
North Carolina

What is a Social District?

A social district is an exception to NC's open container law in a designated area during certain times.

- This applies to privately-owned property, including those with and without an ABC permit, and public streets, crosswalks, and parking areas.
- The alcohol being consumed in the district must be sold by an ABC permittee located in the district and in a specific cup



Other Social Districts

32 North Carolina municipalities have adopted social districts:

- Albemarle
- Charlotte
- Claremont
- Cornelius
- Durham
- Elkin* (5/8)
- Elon
- Garner
- Greensboro
- Greenville
- Fayetteville
- Hickory
- High Point
- Huntersville
- Kannapolis
- Lenoir
- Madison
- Manteo (4/5)
- Monroe
- Mooresville
- Newton
- Norwood
- Oxford
- Pilot Mountain
- Raleigh
- Salisbury
- Selma
- Statesville
- Sylva
- Washington
- Wendell
- Wilson
- Youngsville

Elkin, NC will be the 33rd NC community with a social district. On 4/10, Commissioners voted to move forward with the social district. The ordinance will be presented on 5/8.



City Process

The City must...

- Adopt an ordinance designating a social district, along with:
 - Days and hours of operation
 - Boundaries
 - Management/maintenance plan
- Publish the management and maintenance plan and all other information
- Register the social district with the NC ABC Commission



Social District Requirements

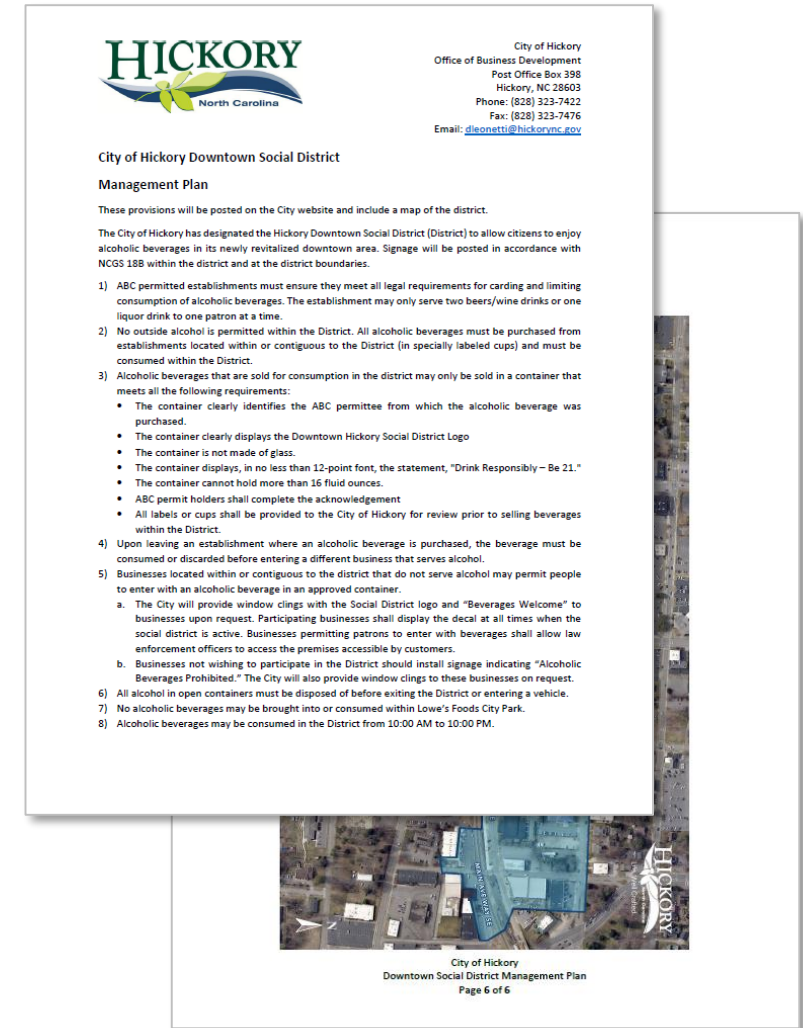
The Social District must have...

- Boundaries clearly defined with signs, noting:
 - Geographic area of the district (some cities use a QR Code with a link)
 - Days and hours allowed to consume alcohol
 - Contact information for the NC ALE Division and local law enforcement
 - Statement that all beverages must be consumed in the social district and needs to be disposed of before exiting the district
- Uniform signs indicating how/if the district is participating in the social district

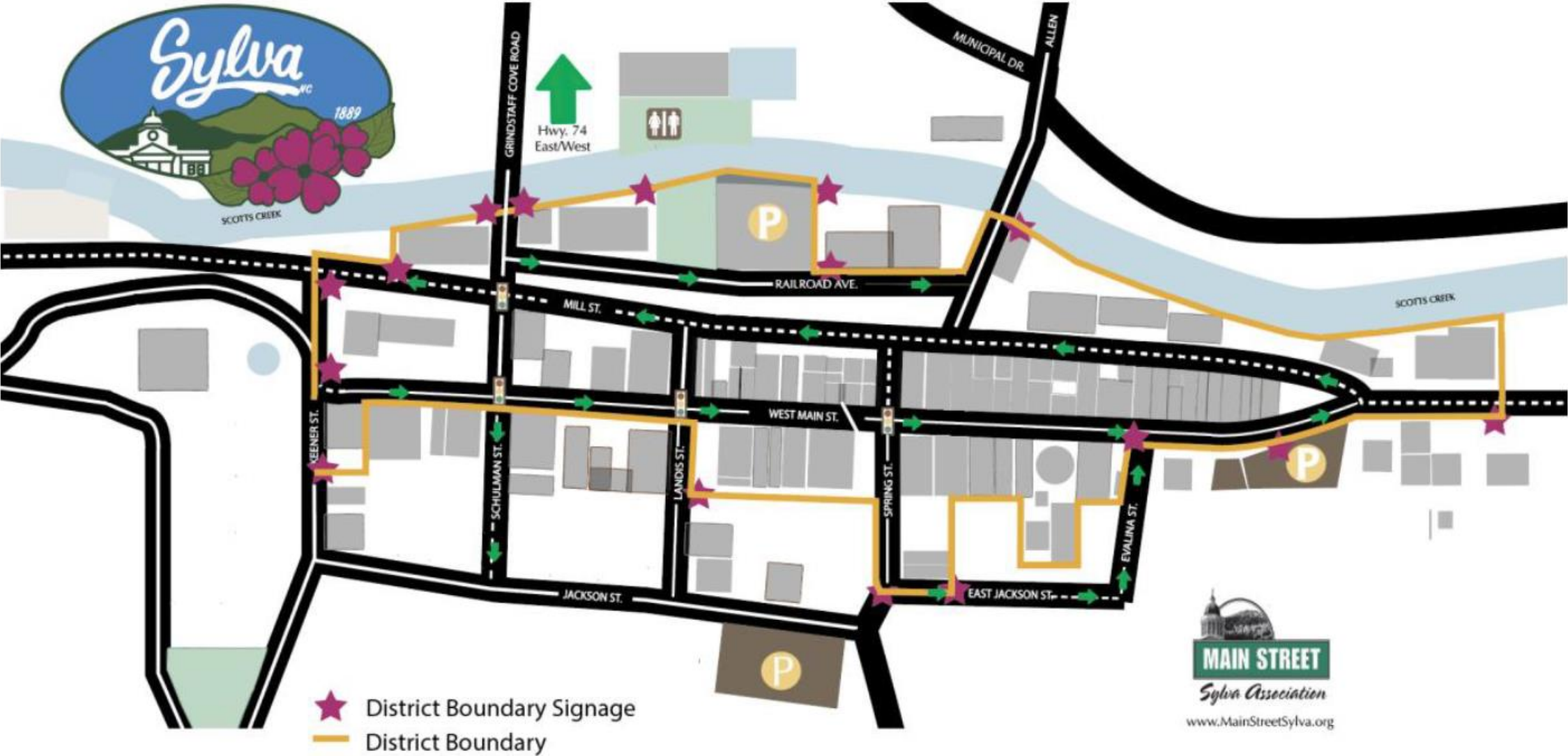


Operations

- Management & Maintenance Plan
 - Outlines the rules, boundaries, signage and cup requirements, etc. in a concise document
 - Can delegate responsibilities to a private entity, such as a downtown organization, local chamber of commerce or owner of a shopping center.
- Enforcement
 - Local police officers will enforce the requirements of the Social District.
 - Violations are reported to the local police and/or to the NC ALE



SOCIAL DISTRICT FOR THE TOWN OF SYLVA



District Signage



Businesses must Opt-In or Opt-Out

- Window clings or other signage to designate a business' level of participation in the social district.
- Some cities provide these upon request and others just provide a template for businesses to order.



Designated Cups

- Alcohol sold to be consumed in the district must be in a cup that:
 - Identifies the ABC permittee from which the alcoholic beverage was purchased
 - Displays the Social District logo
 - Is not made of glass
 - Displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21"
 - Cannot hold more than 16 fluid ounces



Commonly Asked Questions

- Who can sell alcohol for consumption in the social district?
 - Alcoholic beverages must be sold by a permittee located within the social district
 - Participating locations must have **an ABC permit for on-site consumption**
 - No personal beer, wine, or liquor can be brought into the social district.
- What happens if I leave the social district boundaries?
 - Individuals who leave the district with alcohol can be **criminally charged**.
 - Cups should be **disposed of prior to exiting the district**.
 - Open containers of alcohol are still prohibited for people driving or riding in a vehicle, including bicycles.
- How many alcoholic drinks can I purchase at one time in a social district?
 - A single patron can't buy more than 2 alcoholic beverage drinks at one time of beer or wine and more than 1 alcoholic beverage at one time of a drink containing liquor.



Financial Considerations

- Insurance
- Signage
- Additional Trash Receptacles
- Wall Clings for Businesses



STAFF REPORT

City Council, Monday, June 5, 2023

Title: Adoption of Personnel Policy Revisions

Speaker: Kelley Craig, Human Resources

Prepared by: Kelley Craig, Human Resources Director

Approved by: Wilson Hooper, City Manager

BACKGROUND

Brevard's Personnel Policy governs personnel administration for all employees of the City organization. It is established under authority of NCGS 160A, Article 7. It was last updated in December 2020.

The Policy endows Council the responsibility to establish and approve personnel policies and the position classification and pay plan.

The changes being proposed this evening were discussed with the Finance, Human Resources, and Citizen Appointment Committee at its March 27, 2023 meeting, and with full Council at their May 1, 2023 meeting.

DISCUSSION

Staff is proposing a number of updates to the Policy that serve several purposes: bring certain provisions in-line with FLSA requirements, revise classification and pay plans to reflect results of recently concluded class/comp study, enhance employee benefits, and clean up grievance/employee appeal processes by eliminating the "Personnel Board". Per the Finance, Human Resources and Citizen Appointment Committee's direction, staff have also proposed an update to the provision regarding the employment of relatives or those with whom a supervisor holds a close personal relationship.

ACTION

Staff requests Council approve the attached resolution updating the Personnel Policy.

Attachments:

1. Personnel Policy w/Recommended Revisions
2. A Resolution Amending the City of Brevard Personnel Policy



CITY OF BREVARD

PERSONNEL POLICY

Adopted May 2, 2005

Revised & Adopted October 1, 2007

Revised & Adopted October 5, 2009

Revised & Adopted June 17, 2013

Revised & Adopted May 19, 2014

Revised & Adopted December 7, 2020

CITY OF BREVARD

PERSONNEL POLICY

BE IT RESOLVED by the City Council of the City of Brevard that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the City of Brevard.

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ARTICLE I. GENERAL PROVISIONS

SECTION 1. PURPOSE OF THE POLICY

It is the purpose of this policy to establish a fair and uniform system of personnel administration for all employees of the City of Brevard, under the supervision of the City Manager. This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

The City retains the right, in its sole discretion and at any time, to change, modify, suspend, interpret differently, or cancel, in whole or in part, any of the policies or procedures herein even though not previously communicated to employees or reprinted, provided that notice of any such change to the published personnel policies or procedures is posted in a place accessible to the employees prior to the effective date thereof.

SECTION 2. AT WILL EMPLOYMENT

The City of Brevard is an “at will” employer. Nothing in this policy creates an employment contract or a guarantee of employment for any period of time or term between the City and its employees. No person has the authority to grant any employee any contractual rights of employment. The provision of the benefits described in this Personnel Policy are subject to availability of funds and the approval of the City Council in the City’s annual budget. The provisions of this Personnel Policy may be changed at any time, with or without notice to the Employees, at the discretion of the City Council.

SECTION 3. MERIT PRINCIPLE

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of that such individual’s race, color, religion, sex, national origin, political affiliation, non-disqualifying disability, or age.

SECTION 4. RESPONSIBILITIES OF THE CITY COUNCIL

The City Council shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits at their discretion, with or without prior notice to Employees. They also shall make and confirm appointments when so specified by the general statutes.

SECTION 5. RESPONSIBILITIES OF THE CITY MANAGER

The City Manager shall be accountable to the City Council for the administration and technical direction of the personnel program. The City Manager shall appoint, suspend, and remove all City employees except those whose appointment is otherwise provided for by law. The City Manager shall make appointments, dismissals and suspensions in accordance with the City charter and other policies and procedures spelled out in other Articles in this Policy.

The City Manager shall supervise or participate in:

- a) recommending rules and revisions to the personnel system to the City Council for consideration;
- b) making changes as necessary to maintain an up to date and accurate position classification plan;
- c) preparing and recommending necessary revisions to the pay plan;
- d) determining which employees shall be subject to the overtime provisions of FLSA;
- e) establishing and maintaining a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- f) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- g) performing such other duties as may be assigned by the City Council not inconsistent with this Policy; and
- h) appointing an employee to the role of Human Resources Director.

The City Manager must authorize any action that has the effect of changing the status of any city employee as outlined by this policy.

SECTION 6. RESPONSIBILITIES OF THE HUMAN RESOURCES DIRECTOR

The responsibilities of the Human Resources Director are to make recommendations to the City Manager on the following:

- a) recommending rules and revisions to the personnel system to the City Manager for consideration;
- b) recommending changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommending necessary revisions to the pay plan;
- d) recommending which employees shall be subject to the overtime provisions of FLSA;
- e) maintaining a roster of all persons in the municipal service;
- f) establishing and maintaining a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- h) developing and coordinating training and educational programs for City employees;

~~i) serve as the Clerk to the Personnel Board;~~

~~ii)~~ periodically investigating the operation and effect of the personnel provisions of this Policy;

~~iii)~~ assist the City Manager and Department Heads by ensuring adherence to this policy; and

~~iv)~~ performing such other duties as may be assigned by the City Manager consistent with this Policy.

SECTION 7. APPLICATION OF POLICIES, PLAN, RULES, AND REGULATIONS

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all City employees. The City Manager, City Attorney, members of the City Council and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

SECTION 8. DEPARTMENTAL RULES AND REGULATIONS

Because of the particular personnel and operational requirements of the various departments of the City, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the City Manager, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Policy. In the event of any conflict or perceived conflict, the provisions of this Policy shall control. A copy of any such Departmental Rules and Regulations must be provided to the Human Resources Director to be filed.

SECTION 9. DEFINITIONS

For the purposes of this Policy, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Full-time employee. An employee who is in a position for which an average work week equals at least at least 30 hours per week and continuous employment of at least 12 months, are required by the City.

Grievance. A claim or complaint by an employee based on an event, term, or condition which adversely affects the circumstances under which an employee works, allegedly caused by the misinterpretation, unfair application, or lack of an established policy pertaining to employment conditions.

Part-time employee. An employee who is in a position for which an average work week of at least 20 hours and less than 30 hours and continuous employment of at least 12 months are required by the City.

Regular employee. An employee appointed to a full or part-time position who has successfully completed the designated probationary period.

Probationary employee. An employee appointed to a full or part-time position who has not yet successfully completed the designated probationary period.

Temporary employee. An employee appointed to a position for which either the average work week required by the City over the course of a year is less than 20 hours, or continuous employment required by the City is less than 12 months.

Trainee employee. An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

ARTICLE II. POSITION CLASSIFICATION PLAN

SECTION 1. PURPOSE.

The position classification plan provides a complete inventory of all authorized and regular positions in the City service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

SECTION 2. COMPOSITION OF THE POSITION CLASSIFICATION PLAN

The classification plan shall consist of:

- a) a grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) class titles descriptive of the work of the class;
- c) written specifications for each class of positions; and
- d) an allocation list showing the class title of each position in the classified service.

SECTION 3. USE OF THE POSITION CLASSIFICATION PLAN

The classification plan is to be used:

- a) as a guide in recruiting and examining applicants for employment;
- b) in determining lines of promotion and in developing employee training programs;
- c) in determining salary to be paid for various types of work;
- d) in determining personnel service items in departmental budgets; and
- e) in providing uniform job terminology.

SECTION 4. ADMINISTRATION OF THE POSITION CLASSIFICATION PLAN

The Human Resources Director shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Human Resources Director shall periodically review portions of the classification plan and recommend appropriate changes to the City Manager

- Department heads shall be responsible for bringing it to the attention of the Human Resources Director when there have been substantial and/or material changes in the nature of duties, responsibilities, or working conditions that affect the classification of a position. When the Human Resources Director finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Human Resources Director shall make a

recommendation to the City Manager for one of the following; Direct that the existing class specification be revised

- Reallocate the position to the appropriate class within the existing classification plan, or

Amend the classification plan to establish a new class to which the position may be allocated.

SECTION 5. AMENDMENT OF THE CLASSIFICATION PLAN

Classes of positions shall be added to, modified within, and deleted from the classification plan by the City Manager, but shall be approved by the City Council as part of the annual review and approval of the budget

SECTION 6. AUTHORIZATION OF NEW POSITIONS

New regular positions shall be established upon recommendation of the City Manager and approval of the City Council. New positions shall be recommended to the City Council with a recommended class title after which the City Manager shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated. The City manager may authorize the hiring of temporary staff during the budget year to meet workforce demands, and if there is a need for ongoing employment in a regular position, Council should review the request for a regular position at a regularly scheduled meeting and/or during the annual budget process.

ARTICLE III. THE PAY PLAN

SECTION 1. DEFINITION

The pay plan includes the basic salary schedule and the *Assignment of Classes to Grades* adopted by the City Council. The salary schedule consists of ~~hiring rate~~, minimum or beginning, midpoint, and maximum rates of pay for all classes of positions, and a designation of the standard hours in the work week for each position.

SECTION 2. ADMINISTRATION AND MAINTENANCE

The City Manager, assisted by the Human Resources Director, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in probationary status, trainee status, or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions with consideration to differences in the duties and responsibilities, comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the City, and other factors. To this end, each budget year the Human Resources Director shall make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and may recommend to the City Manager such

changes in salary ranges as appear to be pertinent. Periodically, the City Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class subject to the approval of the City Council.

SECTION 3. STARTING SALARIES

All persons employed in positions approved in the position classification plan shall be compensated at a rate within the approved pay range for the position classification. When a Department Director wishes to hire someone greater than five percent above the grade minimum-hiring rate, they must get the approval of the Human Resources Director and the City Manager.

SECTION 4. TRAINEE DESIGNATION AND PROVISIONS

Applicants being considered for employment or City employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the City Manager to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head. "Trainee" salaries shall be at least 5% below the hiring minimum salary rate established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as being in a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend from three to eighteen months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the City Manager, the trainee shall be transferred, demoted, or dismissed. If the trainee successfully meets the required qualifications and completes the probationary period, the employee shall be moved to the minimum of the pay grade for which the employee is assigned. Trainees expected to have a probationary period beyond 6 months may have negotiated pay increases during the trainee period as long as the pay rate remains below the hiring rate minimum for the assigned pay grade.

SECTION 5. PROBATIONARY PAY INCREASES

Employees hired at or promoted into the hiring minimum rate of the pay range may receive a salary increase within the pay range of approximately 5% upon successful completion of the probationary period. Employees serving a twelve-month probationary period may be considered for this increase after six months of employment if recommended by the Department Director and approved by the City Manager.

~~Employees hired between the hiring rate and minimum rate of the pay range may receive a salary increase to the minimum of the pay range upon successful completion of the probationary period.~~

Employees hired at or promoted to a rate equal to or above the minimum for the pay range are not automatically eligible for a pay increase upon completion of probation. Employees may be eligible if so determined at the time of hiring and/or promotion and with the approval of the Human Resources Director and City Manager.

SECTION 6. PERFORMANCE PAY

Upward movement within the established salary range for an employee is not automatic. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the City Manager.

Each fiscal year, the City Manager shall issue an administrative memorandum, based on approval of the budget, giving guidance to the Department Heads on the availability of funds for performance pay increases or performance pay bonuses and in what percentage amounts may be allotted.

Employees who are at the maximum amount of the salary range for their position are eligible to be considered for a performance bonus. Performance bonuses may be awarded when appropriate and subject to availability of funds, based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. This bonus shall be awarded in lump sum payments and do not become part of base pay.

SECTION 7. SALARY EFFECT OF PROMOTIONS, DEMOTIONS, TRANSFERS, AND RECLASSIFICATIONS

All promotions, demotions, transfers and reclassifications must be submitted to the Human Resources Director to make recommendations to the City Manager. The City Manager will make the final decision on all requests.

Promotions. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the hiring minimum rate of the new position, or to a salary which provides an increase of approximately 5% per pay grade increase with a maximum of 15% increase whichever is greater. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the City Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employee's qualifications for the job and relative worth to the City, taking into account the range of the position and the relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the City shall consider internal comparisons with other employees in the same or similar jobs.

Demotions. When an employee is demoted to a position for which they are qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job and consistent with the placement of other employees within the same classification in that salary range when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least 5%. Salaries of demoted employees may be no greater than the maximum of the new range. In setting the salary, the City shall consider internal comparisons with other employees in the same or similar jobs.

Transfers. The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of approximately 5% per pay grade (with a 15% increase maximum) or an increase to the hiring-minimum rate of the new pay range, whichever is higher. If the employee has completed probation, the employee's salary shall be advanced to at least the-minimumfive percent above the minimum of the minimum -rate in the new range.

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

SECTION 8. SALARY EFFECT OF SALARY RANGE REVISIONS

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least approximately 5% per increase in range, or to the hiringminimum rate of the new range, whichever is higher. If the employee has passed probation, the employee's salary shall be advanced at least to 5% above the minimum in the new range. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum step established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

SECTION 9. TRANSITION TO A NEW SALARY PLAN

The following principles shall govern the transition to a new salary plan:

- a) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- b) All employees being paid at a rate lower than the hiring-minimum rate established for their respective classes shall have their salaries raised at least to the new hiring-minimum rate for their classes. For employees who have completed probation, the employee's salary shall be advanced to at five (5) percent above least the minimum for the new salary rate in the new plan.
- c) All employees being paid at a rate below the maximum rate established for their respective classes shall maintain their current rate of pay unless the transition includes pay adjustments approved by City Council.
- d) All employees being paid at a rate above the maximum rate established for their respective classes shall have their salaries maintained at that salary level with no increases until such time as the employees' salary range is increased above the employees' current salary.

SECTION 10. EFFECTIVE DATE OF SALARY CHANGES

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period. Performance Pay increases or bonuses will become effective the first

day of the first full pay period of the new fiscal year, or at such specific date as may be provided by procedures approved by the City Manager.

SECTION 11. PAYROLL AND TIMESHEETS

The pay week for all City departments will begin Monday and end Sunday night. However, exceptions may be made by the City Manager based on the needs of each department. Documentation shall be maintained by Human Resources and shall be reviewed annually by Human Resources as part of the budget process. Payroll is processed on a bi-weekly schedule and time cards are to be turned in following the weeks worked with signatures from both the employee and Department Head for the accurate time worked and/or any sick, vacation or holiday pay which has been approved.

If an employee willfully records time that was not worked in order to be paid these actions will be grounds for disciplinary action as outlined in Article IX.

Except for extenuating circumstances, any employee's failure or refusal to submit a signed time card will result in an employee's time not being processed for that pay week. Time worked will be paid upon completion of and the signing of the time card. Such actions may be grounds for disciplinary actions as outlined in Article IX.

Payroll will be run once a month for the City Council and the Mayor. Other council appointed boards that are eligible for meeting stipends, as designated by the City Council, will be paid semiannually during the year.

SECTION 12. OVERTIME PAY PROVISIONS

Employees of the City can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the City and determined by the Department Head. Overtime work should normally be approved in advance by the Department Head or City Manager.

To the extent that local government jurisdictions are so required, the City will comply with the Fair Labor Standards Act (FLSA). The City Manager and the Human Resources Director shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours worked up to the FLSA established limit for their position (40 hours in a 7-day period; 86 hours for police, in a 14 day period, and ~~53~~212 hours for Fire personnel in a ~~7-28~~ day period). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate.

In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, compensatory time used, or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime or compensatory time.

When time off within the work period cannot be granted, overtime worked will be paid or compensatory time will be accrued at 1 ½ times the regular rate of pay, in accordance with the FLSA.

Employees that accrue compensatory time shall be required to use compensatory time prior to using vacation leave. Compensatory time balances may not exceed a maximum of 80 hours. Any employee who has a comp time balance exceeding 80 hours, will be required to work with their department to schedule time off to reduce the compensatory time balance to below 80 hours.

Department Heads will carefully review each employee's comp time earned, comp time paid and/or comp time "banked" request with each payroll. Departments will receive bi-weekly leave reports showing the amount of hours earned and banked for each employee's comp time.

All employees comp time must be recorded on timesheets for recordkeeping in the payroll system. Comp time reflected in the payroll system supersedes any comp time records established or maintained by departments or individuals.

Employees in positions determined to be classified as "exempt" by the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees, due to the nature of their work and pay classification, will not receive compensation time for these hours. Exempt employees will be granted one week of exempt flex time at the beginning of each calendar year. Flex-time must be used prior to any vacation time. Flex time cannot be converted to regular vacation and/or sick time and will not be paid out at the time of separation. Flex time cannot be carried over from one calendar year to the next. Any time not used by December 31st of each year will be lost. An exempt employee hired after the first of the calendar year will be granted a prorated amount of flex time.

State of Emergency. When the Governor declares a State of emergency, overtime will be paid or compensatory time will be granted at straight-time to FLSA exempt employees when the following conditions occur:

- a) A gubernatorial declaration of state of emergency,
- b) Requirement by management for employees to work overtime for purposes of response and/or recovery during the emergency, and
- c) Funds are available. The City Manager shall determine if funds are available to cover the overtime payments. The City shall distribute any overtime pay consistently with a pre-defined standard that treats all employees equitably.

SECTION 13. ON-CALL PAY

The City provides a continuous twenty-four hour a day, seven day a week service to its citizens. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the City is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position.

Each applicable department has an established rotation where different employees share responsibility for being ready to return to work for a specified period of time when called. On-call status in a department must be regularly shared by more than one employee on a rotating basis. The employee must be in touch by pager, radio, or telephone numbers left available at all times of assignment, wherever he or she goes. On-call status means being fit and able to report to work within an acceptably short period of time, as designated by the department.

Departments may also establish procedures where employees may request in advance to have a substitute cover for him/her for a designated portion of the on-call time for reasons acceptable to and approved by the supervisor. The hours which were covered by the substitute would be deducted from the total on-call hours of the primary employee, and would be paid to the substitute.

If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the City Manager.

SECTION 14. ON-CALL COMPENSATION AND CALL-BACK PAY.

When designated on-call employees are not performing work duties, the City will provide compensation in appreciation for the commitment of being on-call. Compensation will be paid to non-exempt employees at the rate of \$.90 (90 cents) per hour of on-call time.

When a non-exempt employee is actually called back to work or a worksite because of special needs or emergencies, non-exempt employees will be paid for a minimum of two hours of work, even if their actual work time was shorter. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).

SECTION 15. PAYROLL DEDUCTION

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the City Manager as to capability of payroll equipment, associated increase in workload and appropriateness of the deduction.

It is the City's policy to comply with the provisions of the FLSA with regard to deductions from exempt employees' salaries. Accordingly, improper deductions from exempt employees' salaries are specifically prohibited. If an employee believes that an improper deduction has been made, immediately contact your supervisor and the Human Resources Director. Any exempt employee who believes that an improper deduction has been made from their salary may also file a grievance in accordance with the provisions of Article X.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, reimbursement for that deduction will be provided.

SECTION 16. LONGEVITY PAY

Full-time employees of the City may be compensated for years of continuous service by payment of a longevity supplement based on the following table. Annual longevity amounts are based on years of service and amount listed as outlined below. The date of eligibility will be set as of January 1st of each year. Payments shall be made the week of Thanksgiving.

Employees hired **after** July 1, 2014 will use the following guidelines:

Years of Service	Longevity Amount
5 -9	\$500.00
10-14	\$750.00
15-20	\$1000.00
21 yrs. and over	\$1250.00

Maximum longevity payment shall have a ceiling of \$1,250.00.

Employees hired **before** July 1, 2014 will maintain a grandfathered status and will use the following guidelines:

Years of Service	Longevity Amount
0-4	\$150.00
5 -9	\$500.00
10-14	\$750.00
15-20	\$1000.00
21 yrs. and over	\$1250.00

Maximum longevity payment shall have a ceiling of \$1,250.00.

Longevity pay is not guaranteed, but rather is subject to the approval of the City Council and may or may not be approved each fiscal year depending upon the financial conditions of the City and other factors. Longevity pay would not be considered a part of the annual base pay. Appropriate federal state, retirement, etc. deductions will be made.

Former employees returning to the City of Brevard for employment will be subject to the new Longevity Pay schedule and will not receive credit for prior service.

The Human Resources Department will maintain records of those employees who qualify as grandfathered and those who will follow the new Longevity Pay schedule.

An employee must be in active status through November 30th in order to be eligible for payment. Any eligible employee in a leave without pay status will not receive payment until they have returned to work and in an active pay status.

SECTION 17. BONUS FOR TEMPORARY PERSONNEL AND PART-TIME FIRE PERSONNEL

In lieu longevity, Temporary Personnel and Part-time Fire Personnel are eligible for a \$75 bonus if they meet the following eligibility requirements:

1. Employed prior to January 1 of the year of the bonus.
2. Worked over 200 hours during the current year and are still active on the department's roster.

Payments shall be made the week of Thanksgiving.

These bonuses are not guaranteed, but rather are subject to the approval of the City Council and may or may not be paid as approved for each fiscal year depending on the financial conditions and other factors. These Bonuses are not to be considered a part of annual base pay. Appropriate federal and state, retirement etc. deductions will be made.

An employee must be in active status through November 30th in order to be eligible for payment. Any eligible employee in a leave without pay status will not receive payment until they have returned to work and in an active pay status.

SECTION 18. PAY FOR ACTING IN A HIGHER LEVEL CLASSIFICATION

An employee who is formally designated to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification may receive an increase for the duration of the "Acting" assignment. The employee may receive a salary adjustment to the minimum level of the job in which the employee is acting or an increase of 5% increase per grade (with a 15% maximum increase), whichever is greater. Any such salary increase shall be temporary and upon completion of the assignment, the employee shall go back to the salary he or she would have had if not assigned in the "Acting" role, taking into account any increases the employee would have received if they had not been placed in the "Acting" role.

If a cost of living adjustment (COLA) increase is given during this time then the increase will be based on the original position. In the event a performance increase is given it will be based on the original position.

Department Heads who work in a capacity other than their department, along with assigned duties, for a temporary time frame will receive a minimum increase of 5% at the discretion of the City Manager.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

SECTION 1. EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the City to foster, maintain and promote equal employment opportunity. The City shall select employees on the basis of the applicant's qualifications for the job and award them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), political affiliation, marital status, disability or genetic information. Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties with or without reasonable accommodation.

SECTION 2. IMPLEMENTATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), political affiliation, marital status, disability or genetic information. Notices with regard to equal employment matters shall be posted in conspicuous places on City premises in places where notices are customarily posted.

SECTION 3. RECRUITMENT, SELECTION AND APPOINTMENT.

When full-time and part-time position vacancies occur the Human Resources Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources, including organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary to establish a diverse and qualified applicant pool. —

Job Advertisements.

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment.

All persons expressing interest in employment with the City shall be given the opportunity to file an application for positions which are currently vacant and open for applications.

Selection.

Department Heads, with the assistance of the Human Resources Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience

qualifications required for the position, including criminal history where job-related using the DCI when needed. All selection devices administered by the City shall be valid measures of job performance.

Appointment.

Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Human Resources Director including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the City Manager. The City Manager will make the final decision on all internal and external applicants.

SECTION 4. PROBATIONARY PERIOD

An employee appointed or promoted to a regular position shall serve a probationary period of six-months, except that employees in sworn police, entry level fire, and Department Heads positions shall serve a twelve-month probationary period. Employees hired as "trainees" shall remain on probation until the provisions of their trainee status are satisfied. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Employees serving a twelve-month probation shall have a probationary review at the end of six months as well as before the end of twelve months. The probationary period for employees of the fire department and sworn police officers may be shortened (but to no less than 6 months) for employees based on experience and qualifications upon the recommendation of the Department Head and approval of the Human Resources Director and City Manager.

Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. The City Manager, upon a recommendation from the Department Head and Human Resources Director may extend the probationary period for a maximum of six additional months

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this Policy. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed.

While serving in a probationary status, regular employees shall receive all benefits provided in accordance with this policy except that such employees may not take vacation leave (unless the denial of such leave will create a hardship) and shall not be entitled to utilize the appeal or grievance procedures established by this Policy.

SECTION 5. PROMOTION

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the City's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is the best suited of all applicants, that applicant shall be appointed to that position. The City will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Therefore, except in rare situations where previous City experience is essential (such as promotions to Police Sergeant), or exceptional qualifications of an internal candidate so indicate, the City will consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions by ~~contacting the Human Resources Director for an Internal Application~~ submitting an internal application.

SECTION 6. DEMOTION AND REASSIGNMENT

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position.

Voluntary Demotion: When an employee wishes to be considered for a position with less complex duties and reduced responsibilities, they may apply by contacting Human Resources and submitting an Internal Application. A voluntary demotion is made without using disciplinary procedures.

Involuntary Demotion: A disciplinary demotion shall follow the disciplinary procedures outlined in this Policy.

SECTION 7. TRANSFER

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual internal application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation through the Human Resources Director to the City Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this Policy.

An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

SECTION 1. WORK SCHEDULE

Department Heads shall establish work schedules in consultation with the Human Resources Director and may implement with the approval of the City Manager which meet the operational needs of the department in the most cost effective manner possible. Any alterations to employee schedules or shifts must be submitted to the Human Resources Director. Recommendations will be made by the Human Resources Director and Department Head to the City Manager for final approval.

Attendance with respect to these work schedules are the responsibility of all City employees. Excessive absenteeism and tardiness over a period of time are grounds for disciplinary action as outlined in Article IX.

SECTION 2. POLITICAL ACTIVITY

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the City for political or partisan purposes;
- e) Use any supplies or equipment of the City for political or partisan purposes; or
- f) Be a candidate for nomination or election to office under the City Charter;

Any violation of this section shall subject the employee to disciplinary action including dismissal.

SECTION 3. OUTSIDE EMPLOYMENT AND ACTIVITIES

The work of the City shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the Department Head. The Department Head Human Resources Director and the City Manager will review such employment for possible conflict of interest and then submit a record of the employment and review to the personnel file.

Conflicting or unreported outside employment, or the use of City resources for such employment are grounds for disciplinary action up to and including dismissal. Documentation of the approval of outside employment will be placed in the employee's personnel file. In some cases, non-compensated activities may also create a conflict of interest. Employees are encouraged to report such activities and to use good judgment when determining whether such activities are appropriate when considering their position with the City.

Examples of conflicts of interest in outside employment and/or activities *include but are not limited to*:

- a) employment/positions with organizations or in capacities that are regulated by the employee or employee's department; or
- b) employment/positions with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's City duties.

SECTION 4. DUAL EMPLOYMENT

A full or part-time employee of the City may simultaneously hold another position with the City if the temporary position is in a different department and clearly different program area from that of the full or part-time position. The work of the temporary position must also be performed on an occasional or sporadic basis as identified in Fair Labor Standards Act regulations. However, the work of the full or part-time position shall take precedence over the temporary position, and such temporary work will not ordinarily count toward the calculation of overtime for pay or time off.

SECTION 5. EMPLOYMENT OF RELATIVES

The City prohibits the hiring and employment of immediate family or those with a close personal relationship ~~(defined as significant other, domestic partner or similar situation)~~ in positions if such employment will result in one being in the chain of supervision of the other, nor where one member occupies a position which has influence over the others employment, promotion, salary administration, or other related management or personnel considerations. Employment of immediate family members or those with a close personal relationship in shall be prohibited within the same department, positions within the same work unit unless approved by the City Manager. This policy is intended to avoid circumstances that could create problems within the work unit or could undermine the public's perception of fairness in providing equal opportunity. For these reasons the city has limitations on the employment of relatives. This policy is not intended to prohibit relatives from working for the City.

DEFINITIONS:

- a) "Immediate Family" is defined -as: Spouse, parents, guardian, children, siblings, grandparents, great-grandparents, ~~grandchildren~~, aunts, uncles, nieces and nephews, plus the various combination of half, step, in-law and adopted relationships that can be derived from the relationships above.

- b) “Close Personal Relationship” for the purposes of this policy will include any relationship where the degree of closeness may suggest that problems might be created within the work unit, or that the public’s perception of fairness in providing equal opportunity for employment to all qualified individuals would be violated. This may include couples, roommates, other relatives who grew up together, or similar relationships.

The City also prohibits the employment of any person into a regular position who is an immediate family member or has a close personal relationship of individuals holding the following positions: Mayor, Mayor Pro Temp, City Council Member, City Manager, or Human Resources Director.

RULES AND PROCEDURES

- a. An employee who fails to report any existing relationship as defined above on his/her employment application will be subject to corrective action up to and including dismissal.
- b. Employees shall report any existing relationships as defined above when applying for other positions within the City of Brevard.
- c. An employee who has, or develops, a relationship as defined above must report that relationship and/or any changes to those relationships to the Department Head, who shall notify Human Resources.
- d. An employee must notify the Department Head in those cases where the degree of closeness of a relationship would suggest that problems might be created as defined above. The department will determine, in collaboration with the Human Resources Director, whether the closeness would result in a restriction on the position or job assignment.
- e. If the reported relationship would require a restriction or job assignment, the Human Resources Director will work with the department to affect changes whenever possible. If changes are not possible to comply with this policy, one of the relatives may be required to resign from City employment.
- f. Failure of an employee or supervisor to report any relationships that might be restricted by this policy to the Human Resources Director will result in corrective action, up to, and including dismissal.
- g. Department Directors shall be responsible for ensuring compliance with this policy.

a.—

~~The City also prohibits the employment of any person into a regular position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Temp, City Council Member, City Manager, or Human Resources Director.~~

~~Otherwise, the City will consider employing family members, related persons, or individuals in a close personal relationship in the service of the City, provided that such employment does not:~~

- ~~a) result in a supervisory/subordinate relationship;~~
- ~~b) result in on party auditing the work of another; ;~~
- ~~c) create a conflict of interest with either relative/close person and the City; or~~
- ~~d) create the potential or perception of favoritism.~~

~~This provision shall not apply retroactively to anyone employed when the provision is adopted by the City. In case of actual or potential problems, the City will take prompt action. This can include reassignment or, if necessary, termination of employment for one or both of the individuals involved.~~

SECTION 6. INCLEMENT WEATHER AND EMERGENCY CLOSINGS

The City of Brevard recognizes there may be instances of inclement weather or emergency conditions that may prevent or modify its ability to provide full services to the community. This policy sets forth guidelines for determination of modification in operating hours and services, designation of essential employees, and how employees shall account for their time when released from their regular work schedule due to inclement weather or emergency conditions.

Definitions:

Inclement Weather: Adverse weather or other conditions that may prohibit some employees from reporting to work, but do not necessitate the closing of facilities or curtailment of operations.

Emergency Closing Condition: Conditions that may be hazardous to life or safety and necessitate the closing of a City facility or curtailment of operations such as: catastrophic life-threatening weather (i.e. snow, ice, hurricane, tornado, earthquake, flood, pandemic, or other natural disaster), fire, equipment failure, disruption of power and/or water, contamination by hazardous agents, terrorist acts, or forced evacuations from the work site.

Essential Employees: Employees whose nature of work/job duties and responsibilities are required for the essential operations of the City. Essential employees will be required to report for work per their regular schedule or may be called in to work on an unscheduled workday, despite an official closing, delay, or cancellation. Essential employees who are required to remain at work during hazardous times may be relieved of duties for the period necessary to assure the safety of their families.

Non-essential Employees: Employees whose nature of work/job duties and responsibilities are not generally required for the essential operation of the City. Non-essential employees are excused from work during an official closing, delay, or cancellation unless they are notified by an appropriate supervisor that they must report for work to support the necessary operations of the City government in spite of a closing, delay, or cancellation. Such determinations and notifications are made on a situation-

specific basis and will not necessarily result in a permanent change to the non-essential employee designation for the position or require a change to the position description.

It is the general policy of the City that offices ~~do not close for inclement weather or in cases of~~ and facilities are open to provide regular services to the public during periods of inclement weather or other conditions of a non-emergency nature. ~~emergency.~~ However, the City Manager, or designee, shall determine when conditions exist that warrant the modification of operational hours such as a late opening, closing for the full day, or closing early.

Mandatory Operations and Essential Employee Designation:

Some City departments and operations must continue to provide services during periods of inclement weather and emergency conditions. These include Police, Fire, Public Works, Water Treatment, and Wastewater Treatment, and other internal service department staff needed as designated by the Department Head and/or City Manager.

The department head or City Manager shall pre-determine, as much as possible, services required and designate employees for provision of mandatory operations. It must also be determined if additional non-essential employees will be needed to support City functions on a case-by-case basis. Employees who are considered essential are required to report to work. Department heads will exercise their best judgment for each situation as to which employees are considered essential.—An essential employee's late reporting or failure to report will result in review by the department head and can result in adjustment in leave hours, leave without pay, or disciplinary action as circumstances warrant.

Administrative Leave and Accounting for Time:

When the City Manager closes a facility and/or department for an entire day, non-essential employees will be required to use accrued time (compensatory time or vacation leave, in that order), or leave without pay. Department heads may authorize employee to work from home under certain circumstances. If such work is authorized, any hours worked will be counted as normal work hours. Employees unable to work remotely may request to be reassigned to assist with essential functions and if work is available will be allowed to report and be paid for any hours worked.

Department Heads may also authorize employees to make up some of the missed hours during the same work week if work is available.

When the City Manager modifies operational hours (delayed opening or closing early) eligible non-essential employees may be granted paid Administrative Leave.

In order for a non-essential employee to be considered for Administrative Leave

- 1) The employee must be a ~~regular~~ full-time or part-time employee (regularly scheduled at least 20 hours per week).

- 2) The day in which operational hours are altered must be a day on which the employee would normally work.
- 3) The hours during which the City offices are altered must fall within the employees normally scheduled work day.
- 4) Employees already scheduled off work due to vacation or sick leave are not eligible for paid Administrative Leave.
- 5) Employees must report to work during the hours designated as open. An employee who does not report to work, reports later than scheduled opening or leaves earlier than scheduled closing will be not be eligible for any Administrative Leave.
- 6) Paid Administrative Leave hours cannot be used to take an employee's hours above their scheduled work day and/or work week.
 - a) If an employee has already exceeded the hours of his/her standard workweek, the employee does not receive Administrative Leave for hours the City offices are closed.
 - b) If actual hours worked on the day in which operational hours are altered are greater than the employee's scheduled work day, the employee does not receive Administrative Leave.

The City Manager may authorize additional pay to exempt employees at straight time for additional hours worked when all the following conditions occur:

- The Mayor has declared a state of emergency.
- Exempt employees are required to work additional hours for purposes of response and/or recovery
- during the emergency.
- Funds are available, and the department head has obtained approval from the Town Manager to use such funds for this purpose.

Auxiliary and Temporary employees are not eligible for paid Administrative Leave.

Any deviation from this policy in any way will only be on the authority of the City Manager, or his designee.

SECTION 7. WORKPLACE HARASSMENT

The City believes that all employees are entitled to work in an environment free from harassment, intimidation and coercion, allowing each employee to reach his or her full potential. The City prohibits any form of harassment, discrimination or intimidation based on age, color, disability, national origin, race, religion, sex, sexual orientation, or other characteristic or activity protected by federal, state or local law. Forms of harassment under this policy would include, but are not limited to:

- Racial slurs, ethnic jokes, sexual remarks;
- Posting of offensive statements, posters or cartoons, offensive material downloaded from the internet;

- Solicitation of sexual favors, unwelcome physical contact, sexually explicit telephone, text message or e-mail communications.

Any employee who believes they have personally experienced or directly observed an act of harassment should report the incident to their supervisor/manager or a member of the Human Resources department immediately.

An employee may skip a level(s) in the management chain in order to seek an impartial, uninvolved party with which to lodge their complaint.

Supervisor/managers or Directors who receive a complaint, or who personally observe harassing conduct, should inform the Human Resources Department immediately.

The City will not retaliate in any way against an individual who makes a report of harassment, nor will it permit any other employee to do so. Retaliation is a serious violation of this policy and should be reported immediately to those persons involved in investigating the initial complaint.

The Human Resources and/or Legal departments will conduct an investigation and will be required to report the findings to the appropriate Executive for further action.

The privacy of the employee filing the report and the employee under investigation shall be respected at all times, consistent with the obligation to conduct a fair and thorough investigation.

In the event Human Resources does not establish probable cause or determines the event did not occur, the parties involved will be notified and the findings of the investigation communicated on a need-to-know basis.

Any substantiated intentional act of harassment or proven retaliation in response to a complaint of harassment is considered to be a serious violation of this policy and will be dealt with accordingly through the City's Disciplinary procedures. Additionally, any employee proven to have falsely accused another employee of an act of harassment as defined under this policy will be subject to disciplinary action.

Although the City encourages and expects prompt reporting of harassment claims so that rapid responses and appropriate actions may be taken, no limited time frame will be instituted for reporting such claims. The late reporting of a claim will not in and of itself preclude the City from investigating and/or taking remedial action.

SECTION 8. SOLICITATION AND ACCEPTANCE OF GIFTS AND FAVORS

- 1) No official or employee may accept any gift, favor, or thing of value from any person who, to the knowledge of the official or employee, is interested directly or indirectly in any manner whatsoever in business dealings with the City, or who stands to derive some financial benefit by any action or decision of the City, under circumstances where such acceptance may have or may reasonably appear to have a tendency to influence that official or employee in the discharge of duties.

- 2) No official or employee may grant in the discharge of duties any improper favor, service, or thing of value.
- 3) No official or employee may use his position with the City to secure a contract for the purchase of goods or services from any firm or organization in which he has a direct financial interest.
- 4) No elected official may be employed by the City in any capacity. If an employee is elected or selected to an official position, then he or she forfeits his or her employment with the City upon assuming that office.

SECTION 9. SAFETY

Safety is the responsibility of both the City and its employees. It is the policy of the City to establish a safe work environment for employees. The City shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads, Supervisors, and the Safety Committee are responsible for ensuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal. The City Manager is responsible for the administration of a comprehensive safety program or his designee

SECTION 10. SOCIAL MEDIA

The City of Brevard recognizes that social media has become a common form of communication in the workplace and the community at large. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room.

The City has adopted this Social Media Policy to provide guidance to City of Brevard employees when using social media in order to prevent violations of existing City policies and protect against inappropriate social media content. Employees who fail to conduct themselves in a manner consistent with this policy are subject to discipline, up to and including termination.

Employee Guidance for Participating In Social Media

- 1) Follow all copyright and privacy protection and disclosure laws that might apply to the City or your functional area.
- 2) Whenever possible and wherever content deems it appropriate, make it clear you are speaking for yourself and not on behalf of the City. Be mindful of your posts as you represent the City of Brevard, both on and off the clock. It is recommended that when commenting on City-related posts on non-City platforms or sites, in the spirit of transparency, that you identify yourself as a City employee.
- 3) The City advises that employees use discretion when using social media sites. Remember that what you write is public, may be public for a long period of time, and may spread to large

audiences. Refrain from posting information that you would not want your supervisor or other employees to read or that you would be embarrassed to see in the newspaper or on television.

- 4) The City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City. Employees shall not engage in inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similarly inappropriate or unlawful conduct.
- 5) Employees should be mindful when posting photos on their personal social media accounts that could be deemed questionable in nature.
- 6) City employees shall not divulge private, non-public, and confidential information gained by reason of their authority or position. This includes personal information (social security numbers or home addresses) about your co-workers without their consent, information that may put your co-workers in harm's way, and Human Resources investigations. Any posts outside of these parameters are subject to review by Brevard Human Resources.
- 7) Employees shall not post any material that could impair the effective delivery of public service or seriously disrupt the normal operation of any branch of the City government.
- 8) Employees shall not post photographs or other depictions of departments' uniforms, badges, patches, marked units and City, Police Department and/or Fire Department logos in a manner not befitting of and/or clearly harmful to the City's reputation unless pre-approved by the City Manager.
- 9) Brevard public safety employees shall not like, share or post any information about on-going criminal investigations, confidential departmental affairs or active emergency scenes. Where applicable, police and fire personnel should be mindful of the possible adverse consequences of postings regarding cross-examination in criminal cases.

When in doubt employees are encouraged to seek the guidance of supervisors regarding any posting that may adversely reflect upon either the department or upon the professionalism or integrity of the employee.

City employees should expect that any information created, transmitted, downloaded, exchanged or discussed in a public online forum may be accessed by the City at any time without prior notice. The City reserves the right to monitor social media activities of employees, whether or not such activities are conducted with City resources, to the extent permitted and in accordance with applicable law.

Any employee who becomes aware of or has knowledge of any posting, website, or web page in violation of the provisions of this policy should notify his or her supervisor immediately for appropriate action.

As with checking personal email or personal use of Internet browsing on City equipment or technology, employees should limit participation for personal use on social networking or through websites or services such as Twitter, Facebook, or similar sites/services or posting to a blog or website, during working time. Personal use must not interfere with the employee's or other employees' ability to perform their jobs. Such personal use will be kept to a minimum and abuse of this privilege can result in disciplinary action up to and including termination.

SECTION 11. SUBSTANCE ABUSE POLICY

In order to ensure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations, the City is committed to providing a drug and alcohol free workplace for all employees.

No employee may use, possess, manufacture, distribute, dispense or sell alcohol or any controlled substance or illegal drug in the workplace or on the City's property, while on duty, on-call or while operating a City vehicle. In addition, no employee may report to work, remain on duty, or be placed on an on-call status while under the influence of or impaired by any illegal drug, controlled substance, or alcohol.

The City has procedures for pre-employment screenings, reasonable suspicion screenings, and post-accident screenings in order to facilitate this policy. These procedures are implemented by the Human Resources Director.

All employees are responsible for helping assure that we maintain a safe, drug and alcohol free workplace. If any employee has a reasonable suspicion of any violations of this policy, the employee must immediately report this issue to their supervisor or Human Resources.

The City will investigate thoroughly and promptly all claims of violations of this policy, WITHOUT CONSEQUENCE TO THE EMPLOYEE REPORTING THE CONDUCT, so long as the report is made in good faith and the information provided is truthful to the best of the employee's knowledge. However, if, after investigating any allegation of a violation of this policy, the City determines that the report was not bona fide and was not made in good faith, or that any employee has provided false information, disciplinary action may be taken against the employee who filed the improper report or who gave the false information.

Retaliation against employees who make reports under this section is expressly prohibited.

VIOLATIONS OF THIS POLICY OR RETALIATION AGAINST EMPLOYEES FOR MAKING BONA FIDE REPORTS UNDER THIS POLICY, WILL SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION UP TO AND INCLUDING IMMEDIATE DISMISSAL.

SECTION 12. DISRUPTION OF THE WORK PLACE

The City has a responsibility to maintain a productive and professional work environment conducive to conducting the City's business. To that end, employees are expected to keep any work place disruptions and distractions to a minimum. This includes personal visits and phone calls, receiving personal mail or packages, charitable solicitations, or other activities that distract an employee or coworkers from the work of the City. Supervisors will provide feedback to employees on any actions that are becoming distracting.

SECTION 13. WORK PLACE VIOLENCE

The City of Brevard is committed to the safety of its employees and the public. The City's mission is to maintain a workplace that is free of violence. Violence by employees or anyone else against an employee or visitor on City property will not be tolerated.

All employees are responsible for helping assure that we avoid incidents of workplace violence in the workplace. It is the responsibility of every employee to contribute to the safety of our work environment by refraining from threats, violence or activities that may provoke violence, and conducting City business with respect for all City employees and its citizens.

Workplace violence includes, but is not limited to, the following:

- 1) Harassment; stalking; physical violence; the use of weapons of any kind; the direct or implied threat of physical violence toward any employee or member of the public during working hours or by an employee on City premises or in City uniform.
- 2) This list of behaviors, while not inclusive, provides examples of conduct that is prohibited by this policy:
 - a) Causing physical injury to another person
 - b) Making threatening remarks
 - c) Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress
 - d) Intentionally damaging employer property or property of another employee
 - e) Committing acts motivated by, or related to sexual harassment or domestic violence

Any potentially dangerous situation must be reported immediately to a supervisor/manager and if necessary, the Police Department. Reports or incidents warranting confidentiality will be handled appropriately and confidentiality will be maintained to the farthest extent possible.

To promote this safe workplace, the City has developed reporting guidelines for possible internal and external threats. If any employee receives, overhears or becomes aware of any threatening communications from an employee or outside third party, the employee must report it to his/her supervisor or the Department Head, immediately and follow the City's reporting guidelines. An employee's failure to report such conduct or to fully cooperate in the City's investigation of such conduct could result in disciplinary action.

Employees should not engage in or encourage another employee to engage in either physical or verbal confrontation with a potentially violent individual. If any employee encounters any individual who is threatening immediate harm to the employee, themselves or any other person, contact the police immediately.

The City reserves the right to seek a civil "no-contact" order in accordance with the provisions of the North Carolina General Statutes on behalf of any City employee who has been the victim or target of workplace violence or other unlawful conduct in the workplace in violation of this policy.

Anyone with questions in regards to potential violence or threats should contact his/her Department Head, Human Resources Director or the City Manager.

VIOLATIONS OF THIS POLICY AGAINST WORKPLACE VIOLENCE WILL SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION UP TO AND INCLUDING IMMEDIATE DISMISSAL.

SECTION 14. VEHICLE OPERATION

All employees driving City vehicles or driving personal vehicles for work related reasons must adhere to all traffic laws, speed limits, and pedestrian courtesies. When an incident warrants investigation one will be conducted by the Department Head, Supervisor, Human Resources Director, Finance Director and other resources as needed. A recommendation will be forwarded to the City Manager upon evaluation of the investigation and actions could warrant disciplinary actions outlined in Article IX.

SECTION 15. APPROPRIATE PERSONAL APPEARANCE, CLEANLINESS & UNIFORMS

All City employees will be advised of the appropriate dress for each department. It is the responsibility of all employees to adhere to the appropriate personal appearance for that work area.

In some departments uniforms may be provided along with professional cleaning service for these items. Uniform items provided by the City for employees include the following: appropriate safety shoes, work shirts, pants & jackets (when needed and budgeted by department), and safety equipment. These items must be purchased by the Department Head or Supervisor. In the event an individual makes purchases for uniform items and requests reimbursement the Finance Department may ask for additional receipts or information in regards to those items purchased. Items in question may be forwarded to the Department Head and City Manager for clarification prior to any reimbursement for items purchased.

In addition to personal cleanliness, all employees should keep their work unit clean and free of safety hazards.

Concerns regarding personal appearance or cleanliness should be forwarded to Department Heads and the Human Resources Director.

SECTION 16. PROHIBITION OF WEAPONS

Under no circumstances are weapons permitted on any City property, including parking areas, including but not limited to the following: firearms, switchblade knives, knives with a blade longer than four (4) inches, dangerous chemicals, explosives, including blasting caps, chains and other object carried for the apparent use of injuring or intimidating another.

Provided however that this section shall not be applicable to Police and/or Fire Department personnel with respect to such items which are issued for use in the performance of their official duties.

SECTION 17. ADHERENCE TO ADOPTED SECURITY POLICIES

In order to ensure the safety and security of the City of Brevard employees, city officials and the public, all employees are required to adhere to the City Hall Security Policy and such other Security Policies as may be adopted by the City Council from time to time.

SECTION 18. COMPUTER AND ELECTRONIC COMMUNICATION POLICY

ELECTRONIC COMMUNICATIONS

The City may maintain electronic communication systems (e.g. voice mail, e-mail, internet access), and may provide computers and other electronic devices (e.g. cell phones, personal data assistants) for employees' use. These systems and electronic devices are provided to assist employees in the conduct of City business, and should be used only for those purposes. Employees are responsible to check for and respond to messages in a timely manner.

Employees are authorized to use only the computer software and hardware licensed by the City. A City employee is authorized to use these systems then he/she has been given a user name and password and has read and signed the Computer and Electronic Communication Policy.

Unauthorized reading or listening to other employee's voice or electronic communications by other employees is expressly prohibited except where necessary for the conduct of City business; however these systems and electronic devices are not private. All such systems and electronic devices and the data stored on them are and remain at all times the property of the City. All electronic communications and/or messages composed, sent and received on personal computers or other electronic communication systems or devices are and remain the property of the City, and no employee has an expectation of privacy with regard to their use of any of these systems or devices. The City reserves the right to retrieve, read, monitor, randomly audit and/or retain any message or information transmitted, composed, sent, received or accessed on any such system or device, including but not limited to for the purpose of enforcing the City's No-Harassment/No-Discrimination policy and other policies.

Usage of these systems and electronic devices is a privilege and good judgment should be exercised at all time. Examples of prohibited/inappropriate uses of electronic communication systems (including e-mail) by City employees include, but not are limited to: Illegal activities, Threats, Harassment, Slander, Defamation, violations of the City's workplace violence policy, Political endorsements, commercial activity (defined as buying/selling items or services for personal gain), chain letters, violations of copyright laws, violation of City policy, or for any purpose which would compromise the integrity of the City in any way. Under no circumstances may any electronic communication systems or other electronic devices provided by the City be used to send, receive or retrieve any material that may be reasonably considered offensive or disruptive to any employee. Examples of prohibited material would include, but not be limited to: sexual comments or images, racial slurs, pornographic material or any words or images which could reasonably be considered to be in violation of the City's No-Harassment/No-Discrimination Policy.

These systems are subject to public records laws in many cases. Electronic message procedures are recommended as the following. If messages have reference of administrative value and meet the definition of a Public Record, these should be printed and the hard copy, including transmission and receipt date, be placed in the corresponding case/project file. Messages that do not hold any administrative or reference value should be deleted immediately. Messages that are subject to the Public Records Law should be deleted according to the municipal records retention policy.

Employees who learn of any misuse or violations of this electronic communications policy should notify their supervisor, department head, the HR Director or the City Manager immediately.

Violations of this electronic communications policy may result in discipline, up to and including discharge.

SECTION 19. WORKPLACE INSPECTIONS AND PRIVACY NOTICE

In order to safeguard the property of the City and our employees, maintain a safe working environment for our employees, and to help prevent the possession, sale and/or use of illegal drugs on City property, the City reserves the right to search any employee's office, desk, files, locker, sleeping areas, City owned vehicles or any other area or article which is on City property. Inspections may be conducted at any time, when the City Manager or department head determines that a search is appropriate.

Please be aware that all offices, desks, files, lockers, sleeping areas, City owned or maintained vehicles etc. are considered City property, and are provided for employee's use in their employment. The City will maintain a master key and/or a record of any combination/passcode for any locks installed in or on such areas. No employee should have an expectation of privacy with respect to any items or information located on or in City property, including but not limited to the areas listed above. As such, information and items which any employee considers private and/or personal should not be maintained on or in City property.

Refusal to cooperate or permit any inspection pursuant to this policy may result in disciplinary action, up to and including termination.

This policy regarding workplace searches shall be posted in conspicuous places on City premises where notices are customarily posted.

ARTICLE VI. EMPLOYEE BENEFITS

SECTION 1. ELIGIBILITY

All full-time employees of the City are eligible for employee benefits as provided for in this Article to the extent such benefits are made available to other similarly situated employees. The provision of the benefits described in this Personnel Policy are subject to availability of funds and the approval of the City Council in the City's annual budget, which is subject to change at the City's discretion with or without notice to the Employees. Temporary employees are eligible only for workers' compensation and FICA.

Regular Part-Time employees are eligible solely for the North Carolina Local Government Employee Retirement System, if they work the minimum number of hours to qualify, workers compensation, social security, unemployment compensation as prescribed by law and the Employee Assistance Program. Part-Time employees are also eligible to participate in any supplemental insurance or retirement plans.

SECTION 2. GROUP HEALTH AND DENTAL INSURANCE

The City provides group health and dental insurance programs for eligible full-time employees and their dependents. The provision of this benefit is subject to change and contingent upon the approval of the City Council.

Employees who meet the eligibility requirements may, if they so desire, purchase available group health and group dental through the City for themselves or for themselves and qualified dependents.

Employees shall be enrolled in the programs in accordance with the provision of the insurance contracts. Current employees enrolled in the group health plan and/or dental plan may make qualifying event changes only during the plan year and will have the opportunity to make election changes during Open Enrollment.

Information concerning cost and benefits will be available to all employees in the Human Resources office.

Continuation of benefits will be extended to all employees upon termination of employment, as required by law, and administered by the City's third party administrator for health benefits. The former employee will be responsible for the total premium amount for the type coverage designated on a timely basis.

SECTION 3. GROUP LIFE INSURANCE, SHORT-TERM DISABILITY, DEPENDENT LIFE INSURANCE

The City provides group life insurance, short-term disability, and dependent life insurance for each full-time employee subject to the stipulations of the insurance contract. Life insurance, short-term disability, and dependent life insurance will be provided on an annual basis to City employees based upon an outline of benefits recommended by the City Manager and approved by the City Council.

SECTION 4. OTHER OPTIONAL SUPPLEMENTAL INSURANCE PLANS

The City may make other supplemental insurance plans available to employees upon authorization of the City Manager or City Council. Upon this authorization the supplemental insurance options are up to the discretion of the employee and funded completely by the employee.

SECTION 5. RETIREE BENEFITS: HEALTH INSURANCE, DENTAL INSURANCE & NCLGER SYSTEM

The provision of Retiree Benefits described in this Personnel Policy are subject to the applicable provisions of the various benefits plans which may be available over time, the availability of funds and the approval of the City Council in the City's annual budget. All such benefits are subject to change at the City's discretion with or without notice to the Employees and/or Retirees.

Health & Dental Insurance. Employees who retire with the City under the North Carolina Local Government Employees' Retirement System may currently elect to stay on the group health and/or group dental policy until they are Medicare and/or Medicaid eligible; however the retirees must pay for the full cost of the coverage. Retired employee's premiums must be paid by the first of each month based on a system established by the Finance Director. Failure to pay the required premium will result in loss of coverage. Retirees may elect to retain dental insurance even after becoming Medicare and/or Medicaid eligible.

Upon retirement the former employees must elect all health, dental, and life insurance benefits for themselves and any of their dependents. Once these elections are made, the retirees may not be eligible for coverage's that weren't elected at the time of retirement, meaning coverage's that were dropped will not be extended to a retiree upon this election to drop the coverage.

NCLGERS. Each employee who is expected to work for the City more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System on the first day of employment as a condition of employment. Newly hired employees, who are current members of the NC Local or State Government Employees' Retirement Systems, shall be covered under the retirement system by the City on their first day of employment.

Employee and employer contributions are mandated by the Retirement System. Employee contributions are paid as payroll deductions. Employer contributions are not paid as a match; this is the required amount for an employer to enroll an employee in the retirement plan.

SECTION 6. LAW ENFORCEMENT SEPARATION ALLOWANCE

The City of Brevard provides a separation allowance to retired sworn law enforcement officers, as defined by N.C. Gen Stat. 128-21(11d) or N.C. Gen Stat 143-166.50, and as required and provided by N.C. Gen Stat 143-166.42. Eligibility and continuation of these benefits shall be subject to the conditions outlined in N.C. Gen Stat. 143-166.42.

SECTION 7. SUPPLEMENTAL RETIREMENT BENEFITS

The City may make other supplemental retirement plans available to employees upon authorization of the City Manager or City Council. These can include but are not limited to 401K plans, 457 deferred compensation plans, and Roth IRA's. Upon this authorization the supplemental retirement options are up to the discretion of the employee and funded completely by the employee.

SECTION 8. SOCIAL SECURITY

The City, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

SECTION 9. WORKERS' COMPENSATION

All employees of the City (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once. The HR Director must be notified within 24 hours of any injury, illness or incident. Upon return to work, the employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled based upon performance and other compensation policies.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Department Head and the Human Resources Director will assist the employee in filing the claim.

SECTION 10. UNEMPLOYMENT COMPENSATION

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. City employees who are terminated due to a reduction in force or released from City service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

SECTION 11. TUITION ASSISTANCE PROGRAM

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the City service. Tuition, registration fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed for eligible expenses for one class per academic semester or quarter.

Requests for tuition assistance shall be submitted to the Department Head prior to course registration and are subject to the review by the Human Resources Director and approval of City Manager, subject to availability of funds. The City will require a certificate of satisfactory completion of the course prior to reimbursement.

SECTION 12. EMPLOYEE ASSISTANCE PROGRAM

The City provides an Employee Assistance Network designed to help employees and their families deal with financial difficulty, family or marital conflicts, substance abuse, etc. This is an extremely confidential benefit. An employee, or family member residing in the same household, who is experiencing a personal crisis should feel free to contact the Employee Assistance Network. Contact information is available online at the City's website or with the Human Resources Director.

In the event a Department Head or supervisor identifies a problem with job performance or personal conduct issues on the job a management referral can be made to the Employee Assistance Network. This referral can be completed by contacting the Human Resources Director. Upon evaluation of the situation and approval by the City Manager this referral to the Employee Assistance Network can be considered a condition of employment. This decision will be made on a case by case basis and clearly communicated to the employee.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

SECTION 1. POLICY

The policy of the City is to provide vacation leave, sick leave, and holiday leave to all full-time and part-time employees. Employees shall accrue leave proportionately with each payroll. Part-time Fire Department personnel, or temporary personnel are not eligible for holidays, sick or vacation leaves under this policy

SECTION 2. HOLIDAYS

The following days, and other such days as the City Council may designate, are holidays with pay for full-time and part-time employees of the City:

Month	Holiday	Observed
January	New Year's Day	January 1 st
January	Martin Luther King, Jr. Day	Third Monday in January
March/April	Good Friday	Friday Preceding Easter
May	Memorial Day	Last Monday of May
<u>June</u>	<u>Juneteenth</u>	<u>June 19th</u>
July	Independence Day	July 4 th
September	Labor Day	First Monday in September
November	Veteran's Day	November 11 th
November	Thanksgiving	Fourth Thursday in November (2 days – Thursday and Friday)
December	Christmas	December 25 (3 days – see schedule below)

If Christmas day falls on the day of the week indicated below, the days set forth will be observed as holidays:

<u>Day of the Week</u>	<u>Days Off</u>
Sunday	Friday, Monday and Tuesday
Monday	Monday, Tuesday and Wednesday

Tuesday	Monday, Tuesday and Wednesday
Wednesday	Tuesday, Wednesday and Thursday
Thursday	Wednesday Thursday and Friday
Friday	Thursday, Friday and Monday
Saturday	Thursday, Friday and Monday

When any recognized holiday (except Christmas), falls on Saturday, the preceding Friday will be the designated holiday. When any other recognized holiday (except Christmas), falls on Sunday, the following Monday will be the designed holiday.

Eligibility: In order to receive a paid holiday, the employee must have been in a paid status (including the use of approved leave accruals) the day before and the day after the holiday (working at least 50% of regular working week). Employees will not be paid for a holiday if he or she is on leave without pay.

Part-time employees will also receive these holidays, provided that they are regularly scheduled to work on the day of the holiday. The amount of time for which the employee receives holiday pay will be based on the average scheduled hours per week.

Employees required to work on any of these holidays shall receive the equivalent time off or receive the 8 hours of holiday pay in addition to hours worked. The City Manager may at his discretion work with departments to adjust schedules as needed when work is required on one of these holidays.

SECTION 3. HOLIDAYS: EFFECT ON OTHER TYPES OF LEAVE

Regular holidays which occur during a vacation, sick or other type of paid leave period of any employee shall not be considered as vacation, sick, or other leave.

SECTION 4. HOLIDAYS: COMPENSATION WHEN WORK IS REQUIRED OR REGULARLY SCHEDULED OFF FOR SHIFT PERSONNEL

Employees that work in departments that do not close for holidays (i.e. Police Department, Water Treatment and Wastewater Treatment) shall be compensated for the holidays designated as a legal holiday in the following manner:

- 1) Work performed on the holiday shall be paid at the normal rate for the hours actually worked; unless hours worked meet or exceed overtime provisions.
- 2) Additional eight hours holiday paid will be paid for holiday pay.
- 3) An employee in one of these departments, similar to all other City employees, who are scheduled off on both the actual holiday and the day celebrated shall be entitled to pay for eight hours holiday pay.

Employees required to work on any of these holidays shall receive the equivalent time off or compensation as outlined above.

Departments may have additional policies regarding scheduled holiday time. These policies must be uniformly applied to everyone in that department and approved by the Human Resources Director.

SECTION 5. VACATION LEAVE

Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the City. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the City.

SECTION 6. VACATION LEAVE: USE BY PROBATIONARY EMPLOYEES

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of employment. Exceptions may be approved by the Department Head and/or the City Manager.

SECTION 7. VACATION LEAVE: ACCRUAL RATE

Each full and part-time employee of the City shall earn vacation at the following schedule, prorated by the average number of hours in the workweek (Section 16):

Years of Service	Days Accrued Per Year	Hours Per Pay Period (80 hrs)
0-2	10	3.076
30 -4	12	3.692
5-9	15	4.615
10-14	17	5.230
15-19	20	6.153
20-24	22	6.769 <u>77</u>
25 plus	24	7.384

Accruals will be made on a bi-weekly period basis. Accruals may be adjusted/pro-rated when an employee does not work a full two weeks.

ANNUAL LEAVE ACCRUAL WITH PRIOR LOCAL GOVERNMENT SERVICE.

The City of Brevard will allow each new employee with prior service in the North Carolina Local Government Employees Retirement System (LGERS) to accrue vacation accruals based on years of

contributing service to the LGERS when there has not been more than a one-year break in service. Employees must provide Human Resources with documentation that shows their total years of service in the LGERS within 60 days of hire. Years of service that have been withdrawn and/or purchased will not be eligible for consideration in calculating total years of service. Failure to provide proof of years of service within 60- days after the hire date will result in forfeiting this benefit.

This benefit will be made available for 60 days for any current City of Brevard employee who is earning annual leave at a rate less than the rate which equals their total years of service in the North Carolina Government Employee Retirement System (LGERS) prior to employment with the City of Brevard. Current employees will have 60 days from the adoption of this policy to provide Human Resources with notification either in person or via email that they have additional years of service in the LGERS.

Human Resources will verify employee's total service years. Accrual rates will be adjusted after the verification is complete and will not be retroactive, but will take effect once verification has occurred. The new Annual Leave accrual rate will be effective beginning January 1, 2021.

This benefit of recognizing additional service years, not earned in the City of Brevard, does not affect an employee's qualification for longevity pay or seniority.

SECTION 8. VACATION LEAVE: MAXIMUM ACCUMULATION

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. However, if the employee departs from service, payment for accumulated vacation leave shall not exceed 240 hours.

Effective with the last payroll in the calendar year, any employee with more than 240 hours of accumulated leave shall have the excess accumulation removed so that only 240 hours are carried forward to January 1 of the next calendar year. Employees are not eligible to receive pay for vacation time not taken. At the end of the calendar year any employee with more than the designated number of vacation leave shall have the excess accumulation converted to sick leave. Converted sick leave shall be used in the same way as accrued sick leave.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

SECTION 9. VACATION LEAVE: REQUESTING USE OF VACATION LEAVE

Employees should request vacation leave in advance of the proposed leave period and leave shall be granted at those times designated by the Department Head which will least obstruct normal operations of the City. Department Heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Requests should be made in advance to provide

Department Heads the maximum opportunity to evaluate the request and ensure the workplace is adequately staffed.

SECTION 10. VACATION LEAVE: COORDINATION OF LEAVE

- 1) Pay in lieu of vacation shall not be an option.
- 2) The City does not advance vacation time. Employees must have earned vacation leave before the leave may be used.
- 3) Vacation leave shall not be used to complete a resignation period after the last day of actual work.
- 4) If an employee is on vacation and becomes hurt or ill, that person may exercise the option to use sick time; the Department Head may request medical verification.
- 5) After having used all eligible sick leave, an employee may request to use accrued vacation leave or compensatory time off for a qualified Family and Medical Leave event.

SECTION 11. VACATION LEAVE: PAYMENT UPON SEPARATION

An employee who has successfully completed the probationary period will normally be paid for accumulated vacation leave upon separation not to exceed 240 hours, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation, four weeks in advance of the effective date for Department Heads. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the City Manager when deemed to be in the best interest of the City.

Employees who are involuntarily separated may receive payment for accumulated vacation leave subject to the 240 hours maximum. Employees dismissed for criminal conduct or detrimental personal conduct, as defined in Article IX, may be determined ineligible to receive vacation pay.

The estate of an employee who dies while employed by the City shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the 240 hour maximum established.

SECTION 12. SICK LEAVE

Sick leave with pay is not a right which an employee may demand but a privilege granted by City Council for the benefit of an employee.

Full-time and regular part-time employees may be granted sick leave for an absence due to the following reasons:

- 1) Sickness or bodily injury that prevents the employee from performing his/her regular duties.
- 2) Medical or dental appointments.
- 3) Exposure to a contagious disease when continuing to work might jeopardize the health of others,
- 4) To care for a member of the immediate family who is ill,
- 5) Absences related to the death of an immediate family member, but not to exceed three days for any one occurrence, and
- 6) To supplement Workers' Compensation and Short Term Disability leave.

Immediate Family: Spouse, parents, guardian, children, siblings, grandparents, great-grandparents, grandchildren, aunts, uncles, nieces and nephews, plus the various combination of half, step, in-law and adopted relationships that can be derived from the relationships above.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or according to departmental procedures.

SECTION 13. SICK LEAVE: ACCRUAL RATE AND ACCUMULATION

Each ~~regular~~ full-time employee shall earn sick leave on a bi-weekly basis at the equivalent of 12 days per year, based on the average work week. Sick leave for part-time employees shall be prorated as described in this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the City, except as stated for employees retiring or terminated due to reduction in force.

SECTION 14. TRANSFER OF SICK LEAVE FROM PREVIOUS EMPLOYER

The City will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the State or Local Government Retirement System and the employee did not withdraw accumulated contributions from that employer when leaving employment. The sick leave will be treated as though it were earned with the City of Brevard. The sick leave amount must be certified by the previous employer and it is the employee's responsibility to provide documentation from his or her previous employer within three (3) months of employment. Transferred sick leave will be credited to the employee upon successful completion of the probationary period.

The same standards shall apply for an individual who is re-employed with the City of Brevard and has a prior documented sick leave balance that was not transferred to another employer.

SECTION 15. SICK LEAVE: MEDICAL CERTIFICATION

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee's or employee's family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) There will be no abuse of leave privileges.

- 3) Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

SECTION 16. LEAVE PRORATED

Holiday, annual, and sick leave earned by full-time and part-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours)
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by 26 shall be the number of hours of leave earned biweekly.

SECTION 17. BEREAVEMENT LEAVE

A full-time or regular part-time, employee who has a death in the Immediate Family (as defined in Section 12 of this Article) is eligible for up to 3 days of paid bereavement leave. An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor as soon as possible. If more leave time is desired or needed, or for deaths that are not covered by the Immediate Family designation, vacation leave or accrued compensatory time may be taken with the approval of the supervisor. Bereavement leave pay cannot duplicate any other compensation for the same time period or be used to pay an employee more than their regularly scheduled hours for the workweek. Employees out on approved Family Medical Leave, Workers' Compensation, or Leave without pay are not eligible for Bereavement Leave.

SECTION 18. PAID PARENTAL LEAVE

Regular full-time and regular part-time employees are eligible for up to six (6) weeks of paid parental leave following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with the Family and Medical Leave Act (FMLA) Policy, as applicable. This policy will be in effect for births, adoptions, or placements of foster children occurring on or after XXXXX.

Coverage and Eligibility

An employee's eligibility for Paid Parental Leave shall be made based on the employee's months of service and hours worked as of the date of the qualifying life event. Employees who become parents via birth, adoption, foster or another legal placement are eligible if:

- Employee is a regular full-time or regular part-time position.

- Employee has been continuously employed by the City of Brevard for the immediate 12 preceding months.
- Employee has worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.

Eligibility determinations are made as of the date that the child is born or placed via adoption, foster or other legal placement.

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger).
- Note: Other legal placement does not include parental custody cases or legal assignments as a Guardian ad Litem (GAL). This provision does not apply to the adoption of a stepchild by a stepparent or similar circumstances.
- Surrogate mothers and sperm donors are not eligible for parental leave.

Amount, Time Frame and Duration of Paid Parental Leave

- Eligible employees will receive a maximum of six (6) weeks of paid parental leave per birth, adoption, or placement of a child/children. The fact that a multiple birth, adoption, or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the six-week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than six weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.
- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay (to exclude overtime, on-call, or any supplemental pay types). Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates. Employees who work alternate schedules (police, fire, Water, Wastewater, etc.) will only receive six consecutive calendar weeks, regardless of schedule.
- Approved paid parental leave may be taken at any time during the 12-month period immediately following the birth, adoption, or placement of a child with the employee. Paid parental leave may not be used or extended beyond this 12-month time frame.
- Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the 12-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the 12-month time frame.

- Upon termination of the individual's employment, he or she will not be paid for any unused paid parental leave for which he or she was eligible.
- If the employee requires leave before the actual birth, adoption, or placement due to medical reasons or to fulfill legal obligations, other available leave balances shall be utilized in accordance with the city's policy. Paid parental leave shall not be used prior to the qualifying event.

Coordination with Other Policies

- Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- After the paid parental leave has been exhausted, any employee requesting additional leave that may be available still under the FMLA (if balance exists) will be compensated through employees' accrued sick, vacation and compensatory time. Upon exhaustion of accrued sick, vacation and compensatory time, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- The city will maintain all benefits for employees during the paid parental leave period just as if they were taking any other city paid leave such as paid vacation leave or paid sick leave.
- If a city holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement.
- If the employee is on paid parental leave when the city offers administrative leave (known as an "admin day"), that time will be recorded as paid parental leave. Administrative leave will not extend the paid parental leave entitlement.
- An employee who takes paid parental leave that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee were on FMLA-qualifying leave.
- Paid Family Leave cannot be paid concurrently with any other leave or any applicable Short Term Disability.

Employee Responsibility

- The employee will provide his or her supervisor and the human resource department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible).
- The employee must complete the necessary HR forms and provide all documentation as required by the HR department to substantiate the request. Official documents may include FMLA certification paperwork, Birth Certificate or Report of Birth, Adoption Order, Proof of Placement, etc.

SECTION 19. FAMILY AND MEDICAL LEAVE POLICY

Eligible Employees are regular full-time and part-time employees who: (1) have been employed with the City for at least 12 months; (2) have worked at least 1,250 hours during the 12 months immediately prior to the commencement of the leave; and (3) are employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

Basic FMLA Leave

Eligible Employees may take up to 12 weeks of unpaid leave during any 12-month period for any one or a combination of the following reasons:

- to care for the employee's child after birth or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter or parent with a serious health condition;
- for the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) which makes the employee unable to perform one or more of the essential functions of his/her job; and/or
- because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

Rules and definitions pertaining to basic FMLA Leave.

- **Serious Health Condition.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider (generally within 30 days of the first day of incapacity) or one visit and a regimen of continuing treatment under the supervision of the health care provider; incapacity due to pregnancy or for prenatal care; incapacity or treatment due to a chronic serious health condition; permanent or long-term conditions; or conditions which require multiple treatments. Other conditions may also meet the definition of continuing treatment.

- The amount of basic FMLA Leave an eligible employee is entitled to will be calculated based on a rolling 12-month period. This means that any FMLA Leave an eligible employee has used during the preceding twelve (12) months will be counted to determine the amount of available FMLA Leave remaining. Thus, each time an employee uses FMLA Leave, the amount of FMLA Leave which the employee has available is the balance of the twelve (12) weeks that the employee has not used during the immediately preceding twelve (12) months.
- FMLA Leave for the birth, placement for adoption or foster care of a child is available only during the first twelve (12) months after the birth or placement of the child for foster care or adoption.
- When both spouses work for the City and are both Eligible Employees, the total leave in any 12-month period for both spouses will be limited to 12 weeks if the leave is taken for the birth, care after birth, placement for adoption or foster care of a child, or to care for a sick parent.
- In the case of FMLA Leave for the birth, placement for adoption or foster care of a healthy child, intermittent leave or working reduced hours is not ordinarily permitted.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Rules Applicable to Special Injured Service member Leave

- A Covered Service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is (1) undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness or (2) A covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.
- An employee may take up to 15 days of qualifying exigency leave related to the military member's Rest and Recuperation.
- Leave to care for a Covered Service member must be taken within the single 12 month period following the date the Eligible Employee first commences leave to care for a Covered Service member. Any leave remaining after the single 12 month period expires is forfeited.
- Leave to care for a Covered Service member, when combined with another FMLA qualified leave may not exceed 26 weeks during the single 12 month period.
- When both spouses work for the City and are both Eligible Employees, the total leave in any single 12-month period for both spouses will be limited to a combined total of 26 weeks if the

leave is taken for the birth, care after birth, placement for adoption or foster care of a child, to care for a sick parent, or to care for a covered service member with a serious injury or illness.

Intermittent and Reduced-Schedule Leave

Intermittent leave and reduced work schedules may be permitted: (1) when medically necessary due to the employee's serious medical condition; (2) when medically necessary to care for a parent, son, or daughter with a serious health condition; (3) when medically necessary to care for a Covered Service member with a serious injury or illness; (4) to provide care of psychological comfort to a covered family member with a serious health condition or a Covered Service member with a serious injury or illness; or (5) due to a Qualifying Exigency.

Rules Applicable to Intermittent/Reduced Leave Schedule

- In the case of FMLA Leave for the birth, placement for adoption or foster care of a healthy child or care of a parent, intermittent leave or working reduced hours is not ordinarily permitted.
- If and eligible employee requests intermittent leave or leave on a reduced work schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations.
- If an eligible employee requests intermittent leave or leave on a reduced hours basis, the City reserves the option in the City's sole discretion, to require the employee to transfer, at their current pay and benefit level, to an alternative job for which the employee is qualified and which better accommodates the employee's need for intermittent leave or reduced hours than the employee's regular job.

General Rules for FMLA Leave

Employee Obligations

- All requests for FMLA Leave should be submitted to the Human Resources Director, and all questions regarding potential FMLA leaves of absence, eligibility, availability, etc. should be directed to the Human Resources Director. If FMLA Leave is planned in advance (expected or foreseeable) the employee must submit a request for leave at least thirty (30) days before the leave is expected to begin.
- If FMLA Leave is unexpected, or if an employee has less than thirty (30) days before the leave is scheduled to begin, the employee should notify his/her Supervisor and the Human Resources Director as soon as the employee is aware they will need leave. In this case an employee should submit their request for leave as soon as possible. Except in emergency situations, all employees will be expected to comply with the City's normal call-in policies for absences.
- If an employee fails to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or fail to comply with the City's call-in requirements, the employee's FMLA leave request may be denied or delayed.

- Employees must provide the City with sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. An employee may do this by either requesting FMLA leave specifically or explaining the reasons they need leave sufficiently so that the City can ascertain that the leave is FMLA qualifying.
- An employee must advise the City if the reason they are requesting leave is for a reason for which FMLA leave was previously taken or certified.
- Employees must also respond to questions and provide requested information to Human Resources to enable us to determine if they qualify for FMLA leave.
- It is the employee's responsibility to provide the City with complete and sufficient medical certification to support their need for leave because of their own or a covered relative's serious health condition. Calling in "sick" without providing the reasons the employee needs leave, is not sufficient. Failure to provide the information requested or to authorize your health care provider or family member's health care provider to provide the required information may result in denial of the employee's request for leave.
- The City reserves the right to require an employee to obtain a second opinion from a health care provider selected by the City if we deem it appropriate. If there is disagreement between the health care providers with respect to an employee's need for leave, the City may require the opinion of a third, mutually agreed upon health care provider. In certain circumstances the City may also contact an employee's health care provider for clarification or authentication of the employee's leave certification form.
- It is the employee's responsibility to provide the City with complete and sufficient certification and supporting documentation supporting the employee's need for military family leave. This may include copies of relevant active duty orders or other documentation issued by the military, a certification from the employee setting forth the reasons the leave is needed and /or certifications completed by an authorized health care provider of the Covered Service member.
- If the City determines that the reason an employee is out on leave is FMLA qualified, the City will designate the leave as FMLA leave at the City's discretion even if the employee has not specifically requested FMLA leave. In some cases the City may designate this leave retroactively as FMLA leave with written notice to the employee of this designation.
- Employees should initiate a discussion with the Human Resources Director if the employee questions whether any absence should have been considered as a FMLA leave.

While an Employee is on FMLA Leave:

- The City may require the employee to report periodically on the employee's status and intention to return to work, and the City may also require periodic reports from the employee or the employee's family member's health care provider.
- Employees should notify the Human Resources Director as soon as they become aware of any change in the circumstances of the original FMLA Leave request, (i.e. the employee is able to return to work earlier than expected, or the employee will require FMLA Leave for longer than originally expected). Additional health care provider certifications/recertification may be required for extensions of FMLA Leave or situations where an employee will be returning to work prior to the expiration of your original certification.

- An employee will be required to use all of their accrued and unused sick, vacation, and compensatory leave as a part of their twelve (12) weeks of FMLA leave, unless they are out on worker's compensation leave. Once the employee's accrued leave time has been exhausted, the balance of FMLA Leave will be unpaid unless the employee is eligible for paid leave such as worker's compensation.
- Any share of health and dental premiums, along with any elected voluntary benefits, normally paid by the employee prior to leave must continue to be paid by the employee during the leave period. If the employee goes into an unpaid FMLA status, they must work with Human Resources Department and make arrangements to pay those premiums. If the employee's failure to make the premium payment leads to a lapse in coverage, the City shall upon the employee's return to work, restore the health coverage equivalent to that which the employee would have had if leave had not been taken and the premium payments had not been missed. If an employee is out on FMLA Leave as a result of a Worker's Compensation injury, the employee's FMLA Leave and Worker's Compensation leave will run concurrently (i.e. Worker's Compensation leave will count against the employee's FMLA Leave entitlement).
- Employees will be eligible to receive Holiday pay while the employee is on FMLA Leave as long as they have accrued leave to use for the day prior to and after the holiday. Employees will not be eligible for Holiday pay if they are in an unpaid FMLA status. ***The City's Obligations***
- The employee is entitled to receive written notice telling the employee: 1) whether the employee is eligible for FMLA leave; 2) the amount of leave to which the employee is entitled; 3) any additional information that will be required; 4) the employee's rights and responsibilities; and 5) if the City has determined the employee is not eligible for FMLA leave, the reasons why.
- During an employee's FMLA leave, all of the employee's group health benefits (e.g., major medical, hospitalization, and dental insurance) will continue, provided the employee continues to make the regular employee contributions to these plans, if any. Other benefits, such as pension, 401(k), life insurance, and long-term disability, will be governed in accordance with the terms of each benefit plan.
- Vacation, other employment benefits and seniority will accrue during periods of paid FMLA Leave and for purposes of vesting in pension or other retirement plans, an employee's service will be treated as continuing without a break during paid FMLA Leave. When an employee is in an unpaid FMLA leave status, leave accruals and retirement contributions will not continue.
- When an employee returns from FMLA Leave, the employee is entitled to be reinstated to his/her former or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Exceptions to this provision may apply: (a) if business circumstances have changed during the FMLA Leave (e.g. the employee's job is no longer available due to a downsizing or job elimination); (b) the employee is a highly compensated employee; (c) the employee's leave has exceeded the amount of FMLA leave to which the employee was entitled; or (d) the employee has been on light duty in excess of 12 months.

Conditions on Return to Work/Failure to Return after Leave.

- In the case of FMLA Leave taken for an employee's own serious health condition, before the employee will be permitted to return to work from FMLA Leave, the employee will be required to present the City with a medical certification that he/she is capable of returning to work. (No certification will be required in the case of intermittent leave unless there are safety concerns or physical restrictions).
- If an employee is able to return to work earlier than expected, the employee will be required to give the City at least two business days' notice prior to the date the employee intends to report back to work if feasible, and the employee will be required to present the City with a medical certification that he/she is capable of returning to work on that date.
- If an employee fails to return to work after the expiration of his/her FMLA Leave, the employee will be required to reimburse the City for the full premiums for group health benefits premiums paid on his/her behalf during the FMLA Leave, unless the reason for the employee's failure to return to work is the continuation or presence of a serious health condition or circumstances beyond the employee's control.

Enforcement Information.

Under the FMLA, it is unlawful for any employer to interfere with, restrain or deny the exercise of any right provided under the FMLA or to discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

An employee may file a complaint with the United States Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

In the event of any conflict between the provisions of the FMLA and this policy or any other leave policy of the City, the FMLA shall prevail.

SECTION 19. LEAVE OF ABSENCE WITHOUT PAY

A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve months by the City Manager. The leave shall be used for reasons of personal disability, sickness or disability of immediate family members, continuation of education, special work that will permit the City to benefit by the experience gained or the work performed, or for other reasons deemed justified by the City Manager.

A leave of absence is a discretionary benefit to regular full and part time City employees. The City has no obligation to approve an unpaid leave of absence. The City will consider certain factors in making determination, some, but not all of which are included below:

- a) Length of employment
- b) Operational needs of the department

c) Prior performance and employment records

d) The reason for the leave of absence.

Leave of Absence requests are considered only after an employee has exhausted, or will have exhausted, all other leave that can be used for the situation under consideration. This may include, but is not limited to, compensatory time, holiday leave, annual leave, sick leave or donated leave.

Requests for a leave of absence are to be submitted in advance and in writing to the employee's Department Head, stating the anticipated start date, anticipated date of return, and the reason for the leave. An employee should not begin an unpaid leave of absence before it is approved. The City will consider extraordinary circumstances with appropriate documentation.

Approval: A Department Head may approve an unpaid leave of absence request of five (5) days or less. For requests of more than five (5) days, the requests must be approved by the Human Resources Director and City Manager.

The employee is obligated to return to duty within or at the end of the time determined appropriate by the City Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

Effect on Benefits. An employee on unpaid leave may continue his or her participation in the City's insurance or other benefit plans at his or her expense, subject to any regulations approved by the City and any regulations of the insurance carrier. In addition, any employee on unpaid leave ceases to accrue vacation and sick leave and paid holiday benefits on the date that the leave without pay begins.

SECTION 20. WORKERS' COMPENSATION LEAVE

North Carolina Workers' Compensation law provides medical and disability compensation including a weekly compensation benefit for time lost from work, which is a percentage of the employee's average weekly wage up to a maximum established annually by the NC Industrial Commission. Benefits are provided to employees through the workers compensation insurance provider if the injury/illness meets their eligibility guidelines.

There is a seven (7) calendar day waiting period where no compensation for lost time will be provided. During the seven (7) day waiting period, employees may elect to use their accumulated compensatory time, vacation or sick leave. If the employee has exhausted his/her leave hours, he/she will be placed on Workers' Comp leave without pay immediately.

The City allows eligible employees the option to use previously accrued leave (compensatory time, sick or vacation) as a supplement to the payments provided by workers compensation. This optional supplement can only be used to cover payroll deductions such as medical, dental, vision, etc. and the remaining one-third of salary. At no time shall the combination of the supplemental leave benefit and the weekly workers' compensation payments exceed the employees' normal net compensation after taxes. Supplemental leave benefits are subject to withholdings such as state and federal income taxes, Social Security and Medicare. Supplemental leave benefits will not be subject to retirement system contributions or 401k contributions per retirement system guidelines.

When an employee is placed on Workers Comp leave without pay, the employee will cease to earn vacation and sick leave accruals and holiday pay for any week which they are on leave without pay. In addition, employer/employee contributions to the NC Retirement system will not be reported when on unpaid leave status, nor will the employee receive retirement service credit. Contributions for 401(k) will cease while an employee is on unpaid leave status. Temporary and part-time employees will go directly into leave without pay status and will receive all eligible benefits under the Worker's Compensation Act.

Return to Work

When an injured employee is released to return to work by the authorized treating physician and the employee has not been separated, the employer should act as follows:

1. If an injured employee has reached maximum medical improvement and has been released to return to work without restrictions or with restrictions that can be accommodated, the City shall return the employee to the same position held prior to the period of workers' compensation leave.
2. If an injured employee has reached maximum medical improvement and has been released to return to work by the authorized treating physician but has been assigned work restrictions which cannot be accommodated in the previous position, the City shall attempt to place the employee in another position that is suitable to the employee's capacity.

3. If an injured employee has not reached maximum medical improvement but is able to return to work with restrictions assigned by the authorized treating physician, the City shall provide a work assignment suitable to the employee's capacity and approved by the treating physician if such work is available.

Refusal of Suitable Employment

If an employee who is released to return to work by written statement of the authorized treating physician refuses suitable employment or work assignment, the employer shall request termination of disability compensation payments and implement separation procedures.

SECTION 21. MILITARY LEAVE

Regular employees who are members of the National Guard or Armed Forces Reserve have all leave and job rights under applicable state and federal law.

In addition to their rights under law, the City provides the following benefits:

Regular employees who are members of the National Guard or Armed Forces Reserve will be allowed fifteen (15) calendar day of military training leave annually with full Pay. If military duty is required beyond this fifteen (15) day period, the employee shall be eligible to elect to take accumulated vacation leave, or be placed in a leave without pay status once accrued vacation leave is exhausted. While on military leave – either with or without pay – the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the City during this period, to the full extent permitted under the City's benefit policies and applicable law.

SECTION 22. CIVIL LEAVE

A City employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the City any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

SECTION 23. PARENTAL SCHOOL LEAVE

A City employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- a) The leave must be taken at a time mutually agreed upon by the employee and the City;
- b) The City may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- c) The City may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (vacation time or compensatory time) taken by an employee to attend to school activities of his or her child shall count toward the fulfillment of this provision by the City.

SECTION 24. SHARED LEAVE

The City's Shared Leave policy provides the opportunity for an employee to donate vacation leave to another employee on an "employee to employee" basis. This is a benefit supported solely by the contribution of vacation leave and is designed to provide extended sick leave benefits due to a serious medical condition of the employee or a member of the employee's family who lives in the employee's place of residence, or children, stepchildren, parents or spouse, regardless of place of residence; and will require the employee's absences for an extended period of time (at least 4 weeks).

In order to be eligible to receive voluntary shared leave an employee must have complied with the existing leave policies and:

- a) Recipient must work in a regular full-time position for at least one (1) year, serving at minimum of 30 hours per week.
- b) Have a prolonged serious medical condition (or a member of the employee's family as described above) that requires the employee's absence for a prolonged period of time.
- c) Have exhausted all accrued leave (vacation, sick, compensatory time)

- d) Short term, incidental, non-critical medical situations, including normal pregnancies not requiring bed rest, and absences for well-baby care are not considered *Verifiable Medical Emergencies*.
- e) Absences covered by worker's compensation shall not be considered under this policy.
- f) Employees, who have given notice that they are resigning or retiring from the City, shall not be eligible to donate leave under this policy.
- g) Apply to become a recipient.
- h) Produce medical certification documenting the need for the leave beyond the available accumulated leave including the estimated length of time needed, and
- i) Be approved by the City Manager.

Upon approval, any additional unused donated leave shall be returned to the donor on a prorated basis and credited to the leave account from which it was donated. If a recipient separates from employment, participation in the program ends and donated leave will be returned to the donor on the same prorated basis.

An employee on short-term disability will only be allowed to use shared leave in increments to supplement short-term disability payments. At no time shall the combination of the shared leave and the short-term disability payments exceed the employees' normal net compensation after taxes.

The Human Resources Director will establish a system of leave accountability and record keeping.

No employee will be allowed to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right which the employee may have with respect to donating, receiving, or using leave under this program. Any such action may be grounds for disciplinary action.

Federal and State privacy laws require that medical information remain confidential. Therefore, when disclosing information on an approved recipient (employee or family member), only a statement that the recipient has a prolonged medical condition can be made. If the recipient wishes to make either his or her identity or his or her medical status public, then he or she must sign a release to allow the information to be known.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

SECTION 1. TYPES OF SEPARATIONS

All separations of employees from positions in the service of the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

SECTION 2. RESIGNATION

An employee may resign by submitting the reasons for resignation and the effective date in writing to their immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks; four weeks for Department Heads. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the City Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

SECTION 3. REDUCTION IN FORCE

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

SECTION 4. DISABILITY

An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the City. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the City Manager. The City may require an examination, at the City's expense, performed by a physician of the City's choice.

SECTION 5. RETIREMENT

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

SECTION 6. DEATH

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

SECTION 7. DISMISSAL

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

SECTION 8. REINSTATEMENT

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the City Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

SECTION 9. REHIRING

An employee who resigns while in good standing may be rehired with the approval of the City Manager, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Because the City aspires to high standards of performance and behavior from its employees, it has established a progressive discipline policy. This policy is intended for guidance and does not entitle employees to progressive discipline in all situations. This discipline policy does not alter the at-will nature of employment.

SECTION 1. DISCIPLINARY ACTION FOR UNSATISFACTORY JOB PERFORMANCE

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance. Ordinarily, the procedure outlined below should be followed; however it is within the Department Head's discretion, with the concurrence of the Human Resources Director, to bypass any or all of the below procedures when this is deemed to be in the best interest of the City.

The City Manager may delegate the responsibility to Department Heads in all cases of disciplinary suspension, demotion or dismissal. Department Heads must work closely with the Human Resources Director in all cases of disciplinary suspension, demotion or dismissal to ensure compliances with all applicable policies.

SECTION 2. UNSATISFACTORY JOB PERFORMANCE DEFINED

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head or City Manager.

Examples of unsatisfactory job performance include, but are not limited to, the following:

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of City property or equipment;
- 3) Physical or mental incapacity to perform duties after reasonable accommodation;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Improper use of leave privileges;
- 7) Failure to report for duty at the assigned time and place;
- 8) Failure to complete work within time frames established in work plan or work standards;
- 9) Failure to meet work standards over a period of time; or
- 10) Failure to follow the chain of command to address work-related issues.
- 11) Violation or neglect of safety rules, including unsafe actions, failure to promptly report a work-related injury or accident.
- 12) Conduct that discredits the employee or the City or willful conduct resulting in the misrepresentation of the City.
- 13) Failure to adhere to traffic laws while operating City vehicles or conducting work related business in personal vehicles.
- 14) Failure to comply with the Computer Usage Policy.

Provision to follow the chain of command DOES NOT apply in the following circumstances:

- a) an employee may discuss any concerns he/she has with the Human Resources Director at any time;
- b) an employee may contact the City Manager directly concerning a harassment complaint;
- c) an employee may contact the City Manager directly concerning a discrimination complaint.

SECTION 3. COMMUNICATION AND WARNING PROCEDURES PRECEDING DISCIPLINARY ACTION FOR UNSATISFACTORY JOB PERFORMANCE

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor shall meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions shall be noted in the employee's file by the supervisor. These counseling sessions should be communicated to the Human Resources Director by the supervisor.

An employee whose job performance is unsatisfactory over a period of time should normally, but not necessarily, receive at least two documented warnings, one of which may be in the final written warning, from the supervisor before disciplinary action resulting in dismissal is taken by the Department Head; however it is within the Department Head's discretion, with the concurrence of the Human Resources Director, to bypass any or all of the below procedures when this is deemed to be in the best interest of the City.

Where such meetings occur, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should ordinarily use the following steps:

- 1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the Department Head for disciplinary action such as suspension, demotion, or dismissal.

In the event that a supervisor is not present within a Department, the Department Head will assume the role of the supervisor in the above stated outline. During all stages of the process the Department should be communicating with the Human Resources Director. The City Manager assumes the role of the supervisor in the above stated outline for Department Heads in regards to disciplinary action for unsatisfactory job performance.

Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job, but shows promise and commitment to performing successfully in a lower level job. If no other options are available, dismissal is appropriate.

If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed.

SECTION 4. DISCIPLINARY ACTION FOR DETRIMENTAL PERSONAL CONDUCT

Upon agreement between the Department Head and the Human Resources Director, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to City service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons.

The City Manager is responsible for any disciplinary action for Department Heads regarding detrimental personal conduct as defined below.

SECTION 5. DETRIMENTAL PERSONAL CONDUCT DEFINED

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the City may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated.

Examples of detrimental personal conduct include, but are not limited to, the following:

- 1) Fraud or theft;
- 2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of City funds or inappropriate personal use of equipment, supplies or computers;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality or excessive force in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary and does not impair job performance and the supervisor is notified;
- 10) Engaging in incompatible employment or serving a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this Policy;
- 13) Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status; or
- 14) Harassment of an employee or the public with threatening or obscene language and/or gestures;
- 15) Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work;
- 16) Unauthorized release of confidential information or official records;
- 17) Failure to follow the grievance procedure set forth herein in reporting a grievance;
- 18) Gross negligence in operating City vehicle or personal vehicle while conducting City business.

SECTION 6. CONFERENCE

Before suspension, demotion, or dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the Department Head, with the Human Resources Director will conduct a conference with the employee. At this conference, the employee in attendance may present any response to the proposed disciplinary action. The Department Head will consider the employee's response, if any, to the proposed disciplinary action and will, within three working days following the conference; notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and employee's appeal rights.

The City Manager, in cases for Department Heads, will hold a conference consistent with the outline above.

SECTION 7. ADMINISTRATIVE LEAVE

With the approval of the City Manager, a department head may impose administrative leave (with or without pay) on any employee who has been accused of some action which, if the accusation is substantiated, would constitute a cause for disciplinary action. There may be no appeal from a ~~non-disciplinary suspension~~ Administrative leave period.

If administrative leave is imposed, the employee shall be notified in writing that the ~~suspension-leave~~ is non-disciplinary and temporary in nature (for example, pending the outcome of an investigation). Additionally, the employee will be told what the accusations or allegations are that triggered the ~~suspension-leave~~ and why an administrative leave ~~-suspension~~ has been imposed in the particular case. If the allegations or accusations are the subject of an internal investigation, such investigation shall be completed within 90 days of the commencement of the ~~suspension-leave period~~ unless prevented by events beyond the control of the City. If it is determined (through criminal trial, internal investigation or otherwise) that the charges are not substantiated, then the employee shall be reinstated with full recovery of any lost wages or benefits. If it is determined that the charges are substantiated, then appropriate disciplinary action may be taken in accordance with City policy. If an employee has been suspended without pay pending the outcome of the investigation and the employee is not dismissed and the discipline imposed is less severe than the suspension without pay the employee has already experienced, the employee may be entitled to partial recovery of lost wages or benefits according to the discipline imposed.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

SECTION 1. POLICY

It is the policy of the City to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedures shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal from City service.

SECTION 2. GRIEVANCE DEFINED

A grievance is a claim or complaint by a current or a former employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

SECTION 3. PURPOSES OF THE GRIEVANCE PROCEDURE

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.
- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command; and
- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the City or its leaders, thus freeing up employee motivation, productivity, and creativity.

SECTION 4. PROCEDURE

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the City Manager after a recommendation from the Department Head and Human Resources Director.

The grievance procedure may be altered by deletion of step 1 with the following qualifying events:

- 1) In the case of dismissal the former employee has five working days to submit an appeal to the City Manager and begin the procedure at Step 2 upon notification to the Human Resources Director.
- 2) In the event a situation is present that has been formally discussed and documented with an employee, Department Head and Human Resources Director, the steps outlined in number one are void. The employee who wishes to file for a grievance can submit an appeal to the City Manager, outlined in Step 2, upon notification to the Human Resources Director.

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the grievance. In addition, the employee or supervisor may request mediation from a local mediation services or other qualified parties to resolve the conflict, upon approval of the Human Resources Director. Mediation may be used at any step in the process when mutually agreed upon by the employee and relevant City supervisor or Manager. Mediation is the process where a neutral party assists the parties in conflict with identifying mutually agreeable solutions or understandings.

Step 1. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to their Department Head in writing. The grievance must be presented within five (5) working days of the event or learning of the event or condition. Upon receipt of this notification the Department Head will alert the City Manager and the Human Resources Director. The Department Head shall respond to the grievance within five working days after receipt of the grievance. The Department Head, should, and is encouraged to, consult with any employee of the City in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the Department Head is required to cooperate to the fullest extent possible.

The response from the Department Head for each step in the formal grievance process shall be in writing and signed by the Department Head. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

Step 2. If the grievance is not resolved to the satisfaction of the employee at the end of Step 1, the employee may appeal, in writing, to the City Manager within five (5) working days after receipt of the response from Step1. The City Manager shall respond to the appeal, stating the determination of decision within ten (10) working days after receipt of the appeal.

~~**Step 3.** If the grievance has not been resolved to the satisfaction of the employee at the end of Step 2, the employee may request a hearing before the Personnel Board. Such request must be in writing and be submitted to the Personnel Board no later than five (5) working days after the City Manager's response in Step 2 of this procedure.~~

~~The Personnel Board will act upon the case within fifteen (15) working days following receipt of the written request for a hearing and submit to the City Manager a report in which it shall summarize its findings and state its recommendation in the case. Time allotted for action may be extended when quorum is not available, not to exceed a total of thirty (30) days, unless agreed upon by both parties.~~

~~**Step 4.** Upon receipt of the Personnel Board findings the City Manager will make a decision within five (5) working days. The City Manager's decision will be final.~~

Grievance Accountabilities: Any grievance not processed in accordance with the time limits provided above shall be considered abandoned conclusively. Any grievance not answered by management in the time limits provided above automatically advances to the next higher step of the grievance procedures.

SECTION 5. ROLE OF THE HUMAN RESOURCES DIRECTOR

Throughout the grievance procedure, the role of the Human Resources Director shall be as follows:

- 1) To advise parties (including employee, supervisors, Department Head, and City Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
- 2) To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
- 3) To give notices to parties concerning timetables of the process, etc.;
- 4) To assist employees and supervisors in drafting statements; and
- 5) To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- 6) To help locate mediation or other resources as needed.

SECTION 6. GRIEVANCE AND ADVERSE ACTION APPEAL PROCEDURE FOR DISCRIMINATION

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or non-job related handicap), he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the City Manager ~~or Personnel Board~~. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant must appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action.

ARTICLE XI. RECORDS AND REPORTS

SECTION 1. PUBLIC INFORMATION

In compliance with GS 160A-168, the following information with respect to each City employee is a matter of public record: name; age; date of original employment or appointment to the service; the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the city has the written contract or a record of the oral contract in its possession; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the City may adopt.

SECTION 2. ACCESS TO CONFIDENTIAL RECORDS

All information contained in a City employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- 1) The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
- 5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of assisting in an investigation of (the employee's) tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- 6) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail,

information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

- 7) The city manager, with concurrence of the council, may inform any person of the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action. Before releasing the information, the manager or council shall determine in writing that the release is essential to maintaining public confidence in the administration of city services or to maintaining the level and quality of city services. This written determination shall be retained in the office of the manager or the city clerk, and is a record available for public inspection and shall become part of the employee's personnel file.
- 8) Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:
- 9) Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the city's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.
- 10) Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.
- 11) Information that might identify an undercover law enforcement officer or a law enforcement informer.
- 12) Notes, preliminary drafts and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

The city council may permit access, subject to limitations they may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that person certifies that he will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the city as long as each personnel file examined is retained.

Notwithstanding any provision of this section to the contrary, the Retirement Systems Division of the Department of State Treasurer may disclose the name and mailing address of former local governmental employees to domiciled, nonprofit organizations representing 2,000 or more active or retired State government, local government, or public school employees.

SECTION 3. PERSONNEL ACTIONS

The Human Resources Director, with the approval of the City Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of

the personnel system. There shall be one set of official personnel files, centrally located as designated by the City Manager, normally in the Human Resources office. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, Disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

SECTION 4. RECORDS OF FORMER EMPLOYEES

The provisions for access to records apply to former employees as they apply to present employees.

SECTION 5. REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

SECTION 6. INTERNAL INVESTIGATION RECORDS

Records relating to internal investigation into the conduct of an employee shall be kept separate from the personnel files. Such records shall be kept confidential and no person may have access to such records or disclose any information contained therein without the written approval of the City Manager.

If an internal investigation is undertaken in response to a complaint by a citizen, then the City Manager may disclose to the complainant that an investigation was made and whether the charge was founded or unfounded. The City may not disclose the nature of any disciplinary action taken except to the extent authorized by Section 7 of this Article.

SECTION 7. PENALTIES FOR PERMITTING ACCESS TO CONFIDENTIAL RECORDS

Section 160A-168 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to information contained in a personnel file, except as is permitted by the general statutes, is guilty of a Class 3 misdemeanor and upon conviction shall be fined in an amount specified by the general statutes.

SECTION 8. EXAMINING AND/OR COPYING CONFIDENTIAL MATERIAL WITHOUT AUTHORIZATION

Section 160A-168 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

SECTION 9. DESTRUCTION OF RECORDS REGULATED

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or

destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Policy 132.3 of the General Statutes.

Destruction of any public record(s) shall be coordinated with the City Clerk and disposed of in compliance with the Records Retention Schedule as adopted by Council. A complete list of records to be destroyed shall be filed with the City Clerk prior to destruction.

ARTICLE XII. PERSONNEL BOARD

SECTION 1. CREATION, NUMBER OF MEMBERS, DUTIES

A Personnel Board for the City, consisting of three (3) members, is hereby created. The duties of the Board are:

- 1) To advise the City Manager, Personnel Director, and City Council on matters of personnel policy.
- 2) To represent the public interest in the improvement of personnel administration.
- 3) To hold and conduct hearings involving appeals of any employee from any decision affecting his employment or terms and conditions thereof made by the administrative officer of the City and submit a report with findings and recommendations on disposition of the case to the City Manager.

SECTION 2. COMPOSITION; OFFICERS

The members of the Personnel Board shall be appointed by City Council. Each member shall serve for a period of three (3) years except that in the initial setup of membership of the Personnel Board, one member shall be selected for a term of one year, one member for a term of two (2) years, and one member for a term of three (3) years. On the expiration of the term of membership for those initially selected for one year or two (2) terms their successors shall be selected for full terms of three (3) years. Members of the Board shall select yearly from their own membership a chairman to serve at the pleasure of the Board; the Human Resources Director shall serve as Executive Secretary and Clerk to the Board. No person who has been convicted of a crime involving moral turpitude shall be eligible to hold such office.

SECTION 3. REMOVAL

Members of the Personnel Board may be removed by the City Council by majority vote for incompetency, neglect of duty, or malfeasance in office. In the event of resignation or death of a board member or his removal from office, the City Council shall within twenty (20) days, appoint a member to fill the unexpired term of office.

SECTION 4. MEETINGS

The Personnel Board shall hold not less than one regular meeting quarterly and may hold other meetings at the call of the chairman as may be required for the transaction of the business of the Board or when deemed necessary. The Personnel Board must have all three regular members present to hold a regular meeting or hear a case during a grievance procedure. In the event of a grievance procedure, the alternates should make every effort to attend

CITY OF BREVARD

PERSONNEL POLICY ACKNOWLEDGMENT FORM

I have received a copy of the City of Brevard's Personnel Policy.

I am agreeing to work under these standards and guidelines as outlined in the policy.

I understand these policies are a guide for procedures, benefits, and general information only and is in no way contractual in nature.

I understand the City reserves the right to make changes to these policies and procedures upon the approval of the City Council.

My signature indicates I understand the above statements.

Employee Name (Printed): _____ Date: _____

Employee Signature: _____

Department: _____

HR Director Signature: _____ Date: _____

RESOLUTION NO. 2023-

A RESOLUTION AMENDING THE CITY OF BREVARD PERSONNEL POLICY

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

WHEREAS, the rules, regulations, mandates, court interpretations and laws governing personnel administration have changed since the last amendment to the Personnel Policy on December 7, 2020; AND

WHEREAS, to keep the Personnel Policy current with the revised rules, regulations, laws, etc., and to incorporate voluntary provisions for the employee of Brevard, those responsible for the maintenance of the policy recommend that the Personnel Policy dated December 7, 2020 be repealed and replaced with the updated Personnel Policy effective July 1, 2023.

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

Section 1. The Personnel Policy dated December 7, 2020 is repealed and the updated Personnel Policy will become effective July 1, 2023 as the official policy government the appointment, classification, salary, benefits, and conditions of employment of the employees of the City of Brevard.

Section 2. This resolution shall become effective upon its adoption and approval on this the 5th day of June, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

STAFF REPORT

City Council, Monday, June 5, 2023

Title: Adoption of FY 2023-2024 Budget and Ordinance

Speaker: Wilson Hooper, City Manager
Dean Luebke, Assistant City Manager/Finance Director

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

BACKGROUND

The proposed FY23/24 budget is the culmination of months of work by both the Brevard staff and the city's elected officials. Staff began compiling information on the costs of providing their services prior to the start of the calendar year, and submitted requests for funding for new initiatives soon after that. The City Council held its Strategic Planning Retreat on March 1 and March 2, identifying the priorities that staff used to create the budget proposal. Council held Budget Workshops on April 3 and April 4 to review options and give preliminary approval of a spending plan. The City Manager publicly presented the proposed spending plan at the May 1, 2023 Council meeting. The statutorily required Public Hearing was held on May 15, 2023.

DISCUSSION

The proposed FY23/24 budget endows Council's named priorities and maintains or enhances service levels across the City of Brevard enterprise. The proposal:

- Sets the total budget at \$24,894,607 across all funds, a 4.8% decrease from last year. If last year's one-time ARPA dollars are removed from the calculation, the FY23/24 budget grew by 5.4%
- Dedicates \$264,000, two pennies on the property tax rate, to the creation and maintenance of affordable housing in the City of Brevard.
- Fully funds the recommendations of the recently concluded "Classification and Compensation" study, keeps employee compensation competitive, and makes sure the City of Brevard remains an attractive place to work.
- Jumpstarts work on the upgrade or replacement of the City's aging Wastewater Treatment Plant.
- Further endows capital funds that are dedicated to downtown improvements and the Estatoe Trail, though to a lesser degree than previous years.

The proposal funds these expenses via:

- Modest natural growth in the city's three main General Fund revenue sources: property tax, sales tax, and interest income.
- Modest increases in General Fund planning/zoning fees which, even at their new values, are not markedly different than similar fees in neighboring municipalities.

- A proposed \$.03 increase in Brevard's property tax rate (from \$.45 to \$.48). The new rate equates to approximately \$105 more in property taxes for a property with an assessed value of \$350,000. The tax rate itself (\$.48) is decidedly average. Canton's is \$.54, Hendersonville's is \$.52, Sylva's is \$.44, and Waynesville's is \$.439.
- A proposed 4% increase on the city's "per/1000 gallon" utility fee, and a corresponding 4% increase on the city's industrial High Strength Wastewater Collection and Treatment Surcharge rate.

ACTION:

Council is asked to take the following actions:

- 1.) Consider a motion to recuse Mayor Copelof from discussion of "Governing Board" budget, ordinance section two line one, to avoid conflict of interest by virtue of her service on the board of directors of two non-profits being funded with that budget.
- 2.) Consider a motion to approve "Governing Board" budget, ordinance section two line one.
- 3.) Consider a motion to approve balance of FY2023-2024 budget ordinance.

Attachments:

1. FY2023-2024 Budget Ordinance
2. FY2023-2024 Recommended Budget

City of Brevard FY2023-2024 Budget Ordinance

Ordinance No. 2023-XX

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

Section 1. It is estimated that the following revenues will be available to the General Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

REVENUES	BUDGET
AD VALOREM TAXES	\$ 6,303,900
OTHER TAXES	2,553,527
UNRESTRICTED REVENUES	874,000
RESTRICTED REVENUES	268,980
SALES AND SERVICES	278,500
MISCELLANEOUS	1,021,600
FUND BALANCE APPROPRIATED	-
TOTAL	\$ 11,300,507

Section 2. The following amounts are hereby appropriated in the General Fund for the operation of the City Government and its activities for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024 in accordance with the Chart of Accounts heretofore established for the City of Brevard:

EXPENDITURES	BUDGET
GOVERNING BODY	\$ 214,100
ADMINISTRATIVE	974,400
FINANCE	878,800
PLANNING	970,200
COMMUNITY CENTER	135,300
BUILDING AND GROUNDS	514,500
POLICE	3,659,192
PUBLIC WORKS - ADMINISTRATION	594,100
PUBLIC WORKS - GARAGE	438,800
PUBLIC WORKS - STREETS - LOCAL	766,100
PUBLIC WORKS - STREETS - POWELL BILL	235,000
RECREATION	265,500
NON DEPARTMENTAL	1,654,515
TOTAL	\$ 11,300,507

Section 3. It is estimated that the following revenues will be available to the Sanitation Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

REVENUES	BUDGET
TRANSFER FROM THE GENERAL FUND	\$ 156,600
REFUSE AND RECYCLING COLLECTIONS	1,175,000
PROCEEDS FROM DEBT	-
TOTAL	\$ 1,331,600

Section 4. The following amounts are hereby appropriated in the Sanitation Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

EXPENDITURES	BUDGET
SANITATION	\$ 1,112,900
NONDEPARTMENTAL	218,700
TOTAL	\$ 1,331,600

City of Brevard FY2023-2024 Budget Ordinance

Ordinance No. 2023-XX

Section 5. It is estimated that the following revenues will be available to the Water and Sewer Utility Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

REVENUES	BUDGET
WATER BILLINGS	\$ 3,280,000
SEWER BILLINGS	3,060,000
METER FEES	185,000
OTHER REVENUES	392,000
FUND BALANCE APPROPRIATED	28,500
TOTAL	\$ 6,945,500

Section 6. The following amounts are hereby appropriated in the Water and Sewer Utility Fund for the operation of said utilities for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

EXPENDITURES	BUDGET
WATER TREATMENT	\$ 1,030,100
WATER DISTRIBUTION	706,700
WASTEWATER TREATMENT	2,194,100
WASTEWATER COLLECTION	816,800
NON DEPARTMENTAL	2,197,800
TOTAL	\$ 6,945,500

Section 7. The following revenues will be continued for the Capital Reserve Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

REVENUES	BUDGET
FUND BALANCE APPROPRIATED	\$ -
SYSTEM DEVELOPMENT FEES	110,000
TOTAL	\$ 110,000

Section 8. The following expenditures will be continued for the Capital Reserve Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

EXPENDITURES	BUDGET
INCREASE IN FUND BALANCE	110,000
TOTAL	\$ 110,000

Section 9. It is estimated that the following revenues will be available to the Fire District Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

REVENUES	BUDGET
TRANSFER FROM GENERAL FUND	\$ 726,715
FIRE DISTRICT TAX	594,585
FUND BALANCE APPROPRIATED	120,000
LOAN PROCEEDS	1,475,000
TOTAL	\$ 2,916,300

Section 10. The following amounts are hereby appropriated in the Fire District Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

EXPENDITURES	BUDGET
OPERATING, CAPITAL, AND DEBT	2,916,300
TOTAL	\$ 2,916,300

City of Brevard FY2023-2024 Budget Ordinance

Ordinance No. 2023-XX

Section 11. It is estimated that the following revenues will be available to the Bjerg Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

REVENUES	BUDGET
INTEREST ON INVESTMENTS	1,500
TOTAL	\$ 1,500

Section 12. The following amounts are hereby appropriated in the Bjerg Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

EXPENDITURES	BUDGET
INCREASE IN FUND BALANCE	1,500
TOTAL	\$ 1,500

Section 13. The following revenue amounts will be available in the Health Insurance Fund for Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

REVENUES	BUDGET
FUND BALANCE APPROPRIATED	\$ 121,000
TRANSFER FROM OTHER FUNDS	1,470,000
DENTAL DEPENDENT PREMIUMS	36,000
EMPLOYEE PREMIUMS	90,000
RETIREE PREMIUMS	55,000
TOTAL	\$ 1,772,000

Section 14. The following amounts are hereby appropriated in the Health Insurance Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

EXPENDITURES	BUDGET
HEALTH INSURANCE COSTS	1,772,000
TOTAL	\$ 1,772,000

Section 15. It is estimated that the following revenues will be available to the Heart of Brevard Municipal Service District Tax Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

REVENUES	BUDGET
SERVICE DISTRICT TAX - CURRENT AND PRIOR YEARS	\$ 150,000
TRANSFER FROM GENERAL FUND	11,000
TOTAL	\$ 161,000

Section 16. The following amounts are hereby appropriated in the Heart of Brevard Municipal Service District Tax Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

EXPENDITURES	BUDGET
CONTRACT SERVICES	\$ 150,000
TRANSFER TO DOWNTOWN MASTER PLAN	11,000
TOTAL	\$ 161,000

City of Brevard FY2023-2024 Budget Ordinance

Ordinance No. 2023-XX

Section 17. It is estimated that the following revenues will be available to the Housing Trust Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

REVENUES	BUDGET
TRANSFER FROM GENERAL FUND	\$ 264,000
DEVELOPER LOAN PAYMENT	2,200
TOTAL	\$ 266,200

Section 18. The following amounts are hereby appropriated in the Housing Trust Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

EXPENDITURES	BUDGET
OPERATING	\$ 100,000
INCREASE IN FUND BALANCE	166,200
TOTAL	\$ 266,200

Section 19. It is estimated that the following revenues will be available to the Parking Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

REVENUES	BUDGET
PARKING FEE REVENUE	90,000
TOTAL	\$ 90,000

Section 20. The following amounts are hereby appropriated in the Parking Fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024:

EXPENDITURES	BUDGET
OPERATING	90,000
TOTAL	\$ 90,000

Section 23. The Revenues and Expenditures set forth in Section 1 through Section 20 of this Ordinance are hereby summarized as follows:

BUDGET APPROPRIATIONS	BUDGET
GENERAL FUND	\$ 11,300,507
SANITATION FUND	1,331,600
WATER & SEWER FUND	6,945,500
FIRE DISTRICT FUND	2,916,300
CAPITAL RESERVE FUND	110,000
BJERG FUND	1,500
HEALTH INSURANCE RESERVE FUND	1,772,000
HEART OF BREVARD FUND	161,000
HOUSING TRUST FUND	266,200
PARKING LOT FUND	90,000
TOTAL	\$ 24,894,607

City of Brevard FY2023-2024 Budget Ordinance

Ordinance No. 2023-XX

Section 24. There is hereby levied a tax at the rate of forty five cents (\$0.4800) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2023 for the purpose of raising the revenue listed as Taxes in the General Fund in Section 1 of this Ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of \$1,339,000,000 and an estimated collection rate of 98.1%.

Section 25. There is hereby further levied a tax at the rate of \$0.2130 cents per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2023 within the boundaries of the Heart of Brevard Municipal Service District for the purpose of raising the revenue listed as Taxes in the Heart of Brevard Municipal Service District Tax Fund in Section 19 of this Ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of \$71,450,000 and an estimated collection rate of 98.1%.

Section 26. There is hereby further attached (Exhibit A) to said Ordinance a schedule of taxes, fees, and charges for the General and Utility Funds.

Section 27. The Budget Officer shall be authorized to reallocate departmental appropriations among the various line item expenditures of that department, as said officer believes necessary. The Budget Officer shall be authorized to effect interdepartmental transfers, in the same fund, provided that no departmental budget shall be reduced by more than ten percent without the prior approval of the City Council. Any such transfers shall be reported to the City Council at its next regular meeting and shall be entered in the minutes.

Section 28. Copies of the Budget Ordinance shall be furnished to the Budget Officer and Finance Officer of the City to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Brevard City Code and the General Statutes of the State of North Carolina.

Adopted and approved this the 5th day of June, 2023.

ATTEST:

Denise Hodsdon
City Clerk

Maureen Copelof
Mayor

Mack McKeller
City Attorney



City of Brevard

RECOMMENDED BUDGET

Fiscal Year

2023/2024



-



City of Brevard

RECOMMENDED BUDGET

financial year

2023/2024

MISSION STATEMENT

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.

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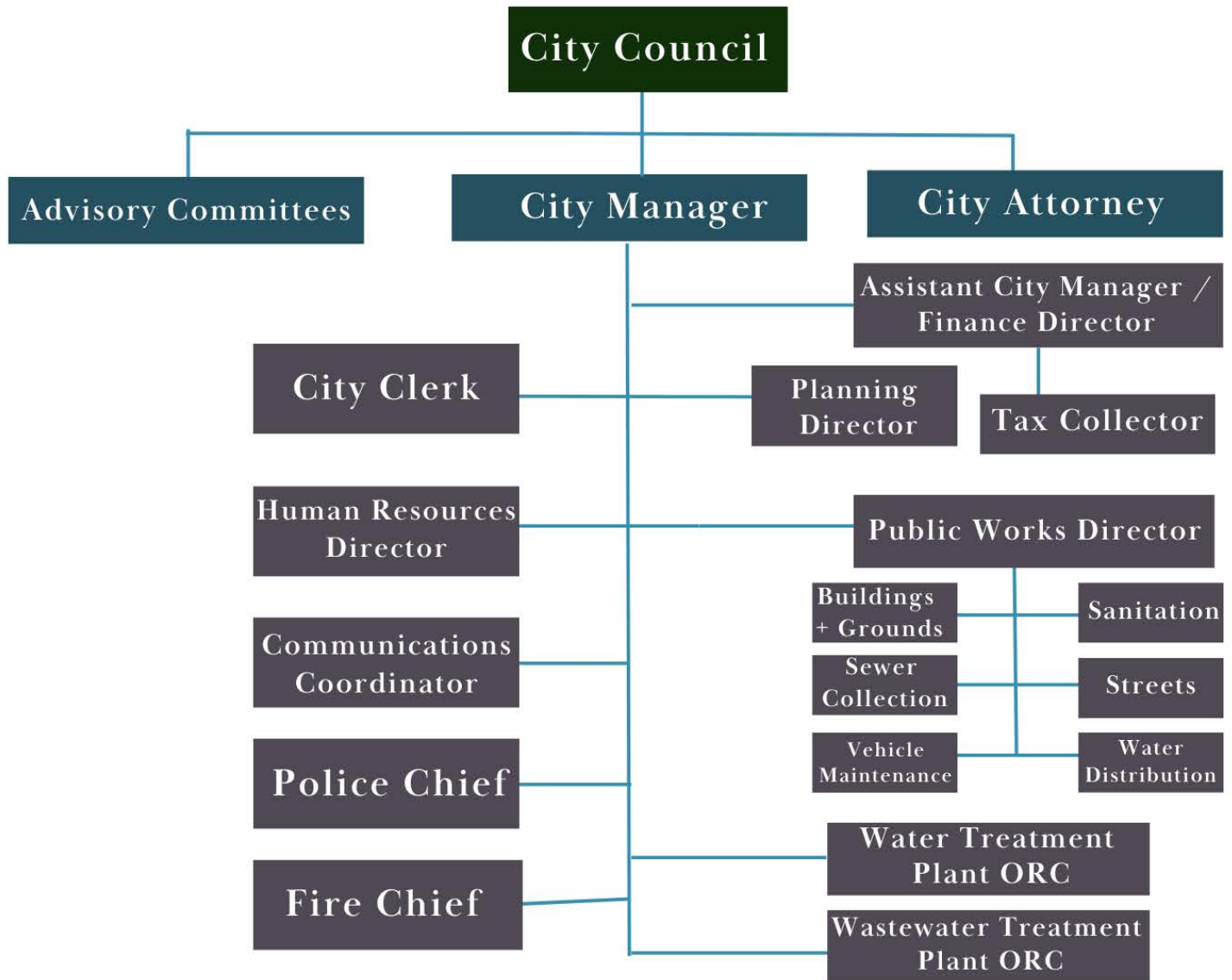
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City of Brevard

Organizational Chart





Brevard City Council



Mayor
Maureen Copelof



Mayor Pro Tempore
Gary Daniel



Aaron Baker



Geraldine Dinkins



Maurice Jones



Mac Morrow

MAYOR AND CITY COUNCIL MEMBERS

Mayor Maureen Copelof
Mayor Pro Tem Gary Daniel
City Council Member Aaron Baker
City Council Member Geraldine Dinkins
City Council Member Maurice Jones
City Council Member Mac Morrow

MANAGEMENT STAFF

City Manager Wilson B. Hooper
Assistant City Manager and Finance Director Dean Luebbe
City Clerk..... Denise Hodsdon
Communications Coordinator Becky McCann
Human Resources Director Kelley Craig
Planning Director..... Paul Ray
Police Chief Tom Jordan
Fire Chief..... Bobby Cooper
Public Works Director (Interim) Wesley Shook
Wastewater Treatment Plant O.R.C. Emory Owen
Water Treatment Plant O.R.C. Dennis Richardson
City Attorney.....Mack McKeller, Carr, Blackwell & Associates, PA

The name of the project, fund, or operating unit

Information to contextualize the budget information that follows

The CLUP or policy goals, if applicable, that the project or operating unit helps accomplish

Information about the project or operating unit's activity

PLANNING

The Planning Department manages the long-term physical development of the community. The department's funds cover the operational costs associated with planning and zoning, which include personnel costs, professional services, supplies and materials, dues and subscriptions, continuing education and training, and some City projects.

The Planning Department's 5 staff are responsible for drafting many crucial long-range planning documents—such as the CLUP and the Housing Trust Bylaws & Guidebook—that guide the City's future development. They also maintain policy documents such as the Bicycle & Pedestrian Plan, the Official Zoning Map, and the Powell Bill Map.

Planning Department staff perform code enforcement, issue zoning and subdivision permission, and oversee floodplain development for the City and its extraterritorial jurisdiction (ETJ). The department also coordinates planning efforts with local, regional, state, and federal agencies and reviews development projects to ensure they are in compliance with adopted ordinances, codes, and regulations.

The Planning Department drafted and is responsible for overseeing the CLUP. Major policy recommendation topics include

- Land Use & Housing
- Active Transportation & Community Health
- Parks, Natural Resources, & Cultural Resources
- Economic Development, Infrastructure, & Resiliency



General Fund - Planning

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 414,833	\$ 491,300	\$ 491,300	\$ 482,825	\$ 556,800	13.3%
OPERATING	369,263	416,500	426,500	355,600	413,400	-0.7%
CAPITAL	31,093	-	-	-	-	0.0%
TOTAL	\$ 815,189	\$ 907,800	\$ 917,800	\$ 838,425	\$ 970,200	6.9%

Notable Changes from the FY22-23 Budget

Personnel

Budgeted personnel expenses are \$65,000 higher than the previous fiscal year. \$40,000 of this is for a new part time position which is funded through planning zoning fee increases.

Operating

The operating budget is largely flat. The City budgets \$80,000 of its annual \$128,000 legal fees to the Planning Department. The Department has also budgeted \$75,000 for Comprehensive Land Use Plan implementation.

Last year's budgeted amount

Staff's end-of-year projection

Expenditure amount recommended in this document

Explanatory information on any notable changes

The various compensation elements for the department's employees



General Fund - Planning

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4900-0200	SALARIES - REGULAR	\$ 284,652	\$ 336,200	\$ 336,200	\$ 238,170	\$ 334,400	\$ 336,200
	MARKET ADJUSTMENT	-	-	-	-	-	3,600
	5% COLA ADJUSTMENT	-	-	-	-	-	21,200
10-4900-0210	SALARIES - REG - OT	36	1,500	1,500	-	-	1,500
10-4900-0300	SALARIES - PART TIME	2,215	5,000	5,000	1,075	2,300	40,000
10-4900-0500	FICA	20,695	25,800	25,800	17,426	24,725	25,800
10-4900-0600	GROUP INSURANCE	72,000	75,000	75,000	56,250	75,000	75,000
10-4900-0700	RETIREMENT	32,635	41,000	41,000	28,948	41,400	43,400
10-4900-0730	401K EMPLOYER MATCH	2,600	6,800	6,800	3,771	5,000	10,100
TOTAL PERSONNEL		\$ 414,833	\$ 491,300	\$ 491,300	\$ 345,640	\$ 482,825	\$ 556,800

Costs for day-to-day needs by category



Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4900-0925	PROF SERVICES	\$ 232,386	\$ 298,500	\$ 308,500	\$ 129,961	\$ 250,000	\$ 270,000
10-4900-1000	TRAINING	4,298	18,000	18,000	6,380	16,000	18,000
10-4900-1100	TELEPHONE AND INTERNET	3,748	4,500	4,500	2,733	4,500	4,500
10-4900-1600	M & R EQUIPMENT	13,635	10,000	10,000	7,827	9,000	6,700
10-4900-1700	M & R VEHICLE	406	1,500	1,500	1,636	1,500	1,500
10-4900-3100	UNLEADED & DIESEL	396	500	500	370	500	500
10-4900-3300	DEPT SUPPLIES & MATERIALS	16,638	8,000	8,000	6,917	12,000	11,000
10-4900-4500	CONTRACTED SERVICES	86,571	63,000	63,000	25,105	50,000	88,200
10-4900-5300	DUES & SUBSCRIPTIONS	2,402	3,000	3,000	1,884	3,000	3,500
10-4900-5400	INSURANCE - WC AND LIAB	8,783	9,500	9,500	8,819	9,100	9,500
TOTAL OPERATING		\$ 369,263	\$ 416,500	\$ 426,500	\$ 191,632	\$ 355,600	\$ 413,400

Costs for equipment or assets to be financed



Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4900-7400	CAPITAL OUTLAY	31,093	-	-	-	-	-
TOTAL CAPITAL		\$ 31,093	\$ -	\$ -	\$ -	\$ -	\$ -

General Fund - Planning

Budget By Line Item / 10-4900-XXXX

0200 Salaries - Regular		\$ 336,200
1 Planning Director		-
1 Assistant Planning Director		-
1 Senior Planner		-
1 Planner/Assistant Zoning Admin		-
1 Admin Services Manager		-
	Market COLA	\$ 3,600
		\$ 21,200
0210 Salaries - Regular - Overtime		\$ 1,500
0300 Salaries-PT		\$ 40,000
0500 FICA		\$ 25,800
0600 Group Insurance		\$ 75,000
0700 Retirement		\$ 43,400
0730 401K Employer Match		\$ 10,100
0925 Pro Services		\$ 270,000
Legal	80,000	
Code Enforcement (possibly Police)	10,000	
Outreach and education	5,000	
Legal - Board of Adjustment	20,000	
CLUP	75,000	
Misc	80,000	
1000 Training		\$ 18,000
Planning Board training	2,000	
Staff Training	15,000	
Misc	1,000	
1100 Telephone and Internet		\$ 4,500
Stipend	2,100	
Verizon	2,400	
1600 M & R -Equipment		\$ 6,700
Ipads and IT	4,200	
Misc	2,500	

← Category of expense

← A green cell denotes a notable new or higher expense

← Detail on the actual item or service the budgeted amount is intended for

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May 1, 2023

Honorable Mayor and Councilmembers,

Attached herein are my recommendations for the City of Brevard's FY23/24 municipal budget. Before I get into the heart of my message I want to thank each of you for the time and attention you put into this process. Building a budget is always challenging, but the challenge is multiplied without a focused and engaged board. Your work on the budget is commendable, and I thank you for it.

A budget is a financial playbook, but it's also a policy document. There is no clearer way to make known an elected board's values than by endowing the works that accomplish them with financial resources. That's why people in my profession consider the board's priority-setting retreat at the start of spring the official kick-off of budget season. Managers need to know what your priorities are before we start thinking about money.

This proposal endows your priorities, and maintains or enhances service levels across the City of Brevard enterprise. The FY23/24 budget proposal:

- Is set at \$24,894,607 across all funds, a 4.8% decrease from last year. If last year's one-time ARPA dollars are removed from the calculation, the FY23/24 budget grew by 5.4%.
- Dedicates \$264,000, two pennies on the property tax rate, to the creation and maintenance of affordable housing in the City of Brevard.
- Fully funds the recommendations of the recently concluded "Classification and Compensation" study, keeps employee compensation competitive, and makes sure the City of Brevard remains an attractive place to work.
- Jumpstarts work on the upgrade or replacement of the City's aging Wastewater Treatment Plant. This will likely be a decade-long project.
- Further endows capital funds that are dedicated to downtown improvements and the Estatoe Trail, though to a lesser degree than previous years.

Since the City's budget is several distinct budgets -general fund (GF), sanitation fund (SF), water/sewer fund (W/S), and fire fund- I'll discuss each in turn.

GENERAL FUND

I recommend you set the GF at \$11,300,507 a 7.3% increase over last year. This shall be funded via the diverse set of revenues that support the general fund, which are covered in greater detail

later in this booklet. The budget projects modest natural growth in year-over-year collections for the GF's three largest revenue sources: property tax, sales tax, and interest income.

But natural growth alone isn't enough to fund Council's priorities while simultaneously maintaining service levels. Therefore, my recommendation includes a \$.03 increase to Brevard's property tax rate. This will take the rate from \$.45 per/100 of valuation to \$.48, and yield approximately \$396,000 more dollars in revenue.

This new \$.48 tax rate is decidedly average. Canton's is \$.54, Hendersonville's is \$.52, Sylva's is \$.44, Waynesville's is \$.439.

On a home valued at \$350,000, the new rate equates to approximately \$105 more in property taxes per year.

The two main drivers of the increased rate are, as mentioned above, the "pennies for housing" and the "classification and compensation" study.

Pennies for housing

Housing was a priority of the Council in FY22/23 as well, and the work of the Council and the Housing Trust Fund Advisory Committee (now known as the Housing Committee) set the stage for what's proposed here. Over the course of the past year, the committee created a menu of practices the city could undertake to support housing. They then updated the governing document -the Housing Trust Fund bylaws- to incorporate the new options. Full Council approved the committee's updates in spring.

There's more detail on the changes later in this document. As policymaking goes, this was a significant achievement. But it's all academic without money behind it.

In simplest terms, my budget proposes two pennies of Brevard's \$.48 property tax levy -equaling \$264,000- be dedicated exclusively to providing financial resources to the city's housing strategy as expressed in the updated bylaws.

I encourage readers to click on the attached QR to read more about why investing in housing is so important. But suffice it to say, the very scarce supply of affordable housing units in Brevard has far reaching affects on the well-being of our residents, the health of our economy, and the reputation of our city.



Classification and compensation study

The services that a municipality provides are only as good as the employees providing them. Therefore, municipalities must ensure that they have competent and dedicated employees by compensating employees competitively. There is a moral and philosophical dimension to this discussion as well, as inflation and other economic pressures have made it harder for working

people to afford housing, food, medicine, and other essentials. But from a practical point-of-view competitive compensation is *essential* to the effective functioning of government.

In FY22/23 the city hired the Piedmont Triad Regional Council to conduct a “Classification and Compensation” study. This study was intended to ensure Brevard’s positions were all classified correctly based on job duties and responsibilities, and ensure that the assigned pay-ranges for each classification were competitive with the surrounding public agencies with whom Brevard competes for employees.

The study concluded that Brevard’s pay ranges needed to be adjusted upwards to keep pace with other agencies, and that some classifications needed “market adjustments” to keep them on a level playing field with their peers.

The findings applied to positions in all funds, but their largest impact was on the GF. These compensation adjustments, combined with an elective 5% cost-of-living adjustment for all employees, add approximately \$415,000 to the general fund.

Other priorities

Contributions to the Downtown Master Plan Fund and Multi-use Path Fund (informally known as the Estatoe Trail Fund) continue in this recommendation at \$132,000 apiece.

With this contribution, the Multi-use Path Fund will have an available balance of approximately \$600,000, which is enough to fund physical construction of the Tannery South (formerly know as the “Rathie” property) segment and design of the segment from Rosman Hwy to Brevard High



School. There will also be enough to meet the 20% expected match of any grant funds the city may receive for construction of the shovel-ready Tannery segment, though it will not be sufficient to fund the construction of that segment on its own.

The Downtown Master Plan Fund was exhausted in FY22/23 to pay for streetscape upgrades. The FY23/24 contribution will begin building up cash for future downtown improvements. The next project, Times Arcade Alley stormwater improvements, is estimated to cost \$1.5M, so the GF contribution will not be adequate on its own to pay for that project. The city *is* in possession of a \$575,000 stormwater grant currently programed for the Tannery site that could be reprogrammed to Times Arcade, but that is a Council decision. Staff estimate that \$132,000 can pay for debt service on approximately \$1.1M in debt.

In all other areas, the GF budget recommendation funds services at current levels with a few notable exceptions:

- Funding for a new parking enforcement system for Brevard Police Department. The new system will add teeth to BPD’s existing enforcement efforts by enabling them to better track repeat offenders and more efficiently collect fines.
- A part-time staff person for the Planning Department for permitting and zoning enforcement is funded via small increases in planning and zoning fees. The PT staff person will enable FT staff to focus on long-range efforts such as housing, transportation/trails, and other priority issues recommended in the Comprehensive Land Use Plan. The increased fees are not markedly different than similar fees in neighboring municipalities.
- Funding for a new “time and attendance” system for recording employee work hours. Will introduce additional accountability measures to timekeeping and replace a paper system.

SANITATION FUND

I recommend that the Sanitation Fund (SF) be set at \$1,331,600. Later in this book you’ll see that this is down from FY22/23 because last year’s budget included a \$330,000 capital purchase that inflated the bottom line. In a practical sense the fund’s expenses are up because of the addition of compensation adjustments (\$25,800), GF cost reimbursement (\$75,000) and debt service for the aforementioned capital purchase (\$73,500).

The fund’s revenues are derived from three main sources: a \$20 per household monthly charge for refuse collection, a \$4 per household monthly charge for recycling collection, and the proceeds from the sale of cardboard and recyclable material that the city collects which equates to about \$87,000/year.

Brevard’s waste collection function is considered a self-supporting “enterprise fund”. In other words, the fee revenue it collects should be enough to fund the entire service. This isn’t an uncommon model, but in my experience most municipalities still have waste collection as part of their general fund. To balance revenue and expenses, the SF must receive a \$156,000 contribution from the general fund in FY23/24.

This contribution will preclude the need for a fee increase, which the Council considered to be regressive and unduly burdensome on residents of modest means.

FIRE FUND

I recommend that the Brevard Fire Fund (Fire) be set at \$2,916,300. This figure is higher than normal because it includes a +\$1.5M capital purchase. Compensation adjustments increased the budget by approximately \$30,000.

Fire is the second typically-GF function that’s accounted for in a separate fund. In this case, it is because the Brevard Fire Department (BFD) is jointly funded by Brevard and Transylvania County and the terms of the city’s agreement with the county require a discrete fund.



The GF's \$726,715 contribution -which shows up in that fund's bottom line, but is specifically accounted for as a transfer in the "Non-Departmental" section- is the single biggest source of Fire's operating revenue. The contribution is 27% higher than last year because it contains the first debt service payment for the aforementioned capital purchase.

WATER/SEWER FUND

Also known as the Utility Fund, water/sewer (W/S) is the most independent of Brevard's enterprise funds. Funded exclusively with rate revenue, W/S is financially autonomous. In fact, W/S pays a cost reimbursement (\$450,000 in this proposed budget) to the GF to pay for the support services (administration, finance, HR, etc.) the latter provides to the former.

I recommend that W/S be set at \$6,945,500 a 9% increase over FY22/23. Compensation adjustments (\$195,847), and engineering expenses for WWTP replacement (\$150,000) constitute the bulk of this increase. These two matters were Council's top priority for the W/S fund. Urgent facility maintenance (\$96,000) and higher operating costs are the other significant pressures on the W/S budget.

To fund this, I recommend that Brevard continue with its planned 4% increase on rates. This increase, applicable only to the per/1000 gallon fee customers pay, will equate to approximately \$2.00 more per month for a customer who consumes 3,000 gallons. The 4% increase also applies to the existing High Strength Wastewater Collection and Treatment Surcharge rates charged to industrial customers.

Not included in my recommendation is a High Strength Waster Surcharge for commercial customers. However, the Council discussed this concept at its April budget workshop and approved it for further development. Staff and I plan to finalize our recommendation on this charge and bring it to Council for consideration during Q1 of FY23/24, with a planned implementation of January 1, 2024.

This new charge will help us build up reserve cash that will serve two purposes. First, it should help us get off the Local Government Commission's (LGC) Financial Performance Indicators of Concern (FPIC) list. Though the W/S's cash reserve is low because the money is at work funding capital projects, that does not really matter to the LGC. Its low level makes it an FPIC nonetheless. Second, the reserve will help us start saving for expenses related to upgrade/replacement of the wastewater treatment plant. Based on what the estimated cost of the new facility will be, we'll need funding support from the State of North Carolina or some other source to construct it. But to make a stronger case for that support, we'll need to pay for some of the early engineering work ourselves, thus the need for cash up front.

CONCLUSION

I believe this proposal accomplishes City Council's specific goals while simultaneously improving or maintaining existing services.

The tax and fee increases proposed in this budget are modest, and most of them will be borne by the owners of high-value properties. They will permit the city to help its employees live

comfortably, its vulnerable populations find/keep adequate housing, and all its residents have high-quality public services.

I ask that you consider this recommendation, and offer it for public consideration and public hearing at your May 15, 2023 meeting. I also ask that you consider approving this recommendation as offered or with amendments at your June 5, 2023 meeting.

Mayor and Councilmembers, as always please feel free to call or email me with any questions or comments.

Best regards,

Wilson Hooper
City Manager



Strategic Priorities

Clear strategic priorities are the foundation on which municipal budgets are built. Brevard's priorities are derived from two main sources: the City Council's March 2023 Strategic Planning Retreat and the Brevard Comprehensive Land Use Plan (CLUP), which was adopted in March 2023. Together, the retreat results and the CLUP shall guide the work of the City's policymakers and staff in the year to come.

Priorities Identified at the March 2023 Strategic Planning Retreat

Category I: Essential

- Housing Policy Action / Funding
- Personnel Compensation
- Wastewater Treatment Plant

Category II: Key Needs / High Priority

- Downtown Master Plan
- Estatoe Trail / Multi-Use Path

The Comprehensive Land Use Plan is an essential tool for guiding the City of Brevard's growth & development in a way that reflects the community it serves.



The 2030 CLUP, which was adopted in March 2023, is intended to act as a guide for the next ten to twenty years.



Strategic Priority:

HOUSING

Brevard's limited supply of available housing units, particularly those considered to be affordable, challenges new and established residents and hurts the city's economic competitiveness.



During FY22/23, the City undertook the following actions:

- Approved the Housing Trust Fund Bylaws and Guidebook
- Adopted the Comprehensive Land Use Plan, which includes zoning tools to facilitate the creation of additional affordable and workforce housing
- Expanded the scope of the Housing Committee
- Revised the City's Unified Development Ordinance to encourage infill development and codified opportunities to create "missing middle" housing
- Contracted with the Development Finance Initiative and established community partnerships to review potential housing sites
- Partnered with the Asheville Regional Housing Consortium
- Submitted proposed legislative changes to NC General Assembly
- Short-Term Rental Task Force completed community survey

City Council and the wider Brevard community have consistently labelled housing as a top priority. As a result, the City has identified the need to establish a dedicated funding stream for the Housing Trust. The revenue stream created by the "2 pennies for housing" proposal increase will allow the City to launch programs that work to maintain current affordable housing by funding critical housing repairs and renter assistance. The revenue generated via "pennies for housing" can also be set aside to subsidize housing developments that create new affordable and workforce housing units.



Number one goal identified at community input sessions:

“Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.”

Strategic Priority:

PERSONNEL

The daily operations and continued improvement of the city depend on highly qualified staff. In October 2022, City Council commissioned a classification and compensation study to gauge the competitiveness of the City's compensation structure. The results of that study, produced in March 2023, proposed market rate increases for select positions in addition to the 5% cost of living adjustment recommended by the City Manager.

The classification and compensation study compared the City of Brevard to other regional municipalities and municipalities of similar size. Alongside the compensation recommendations in the budget, staff are recommending updates to the personnel policy that would add the Juneteenth holiday, paid parental leave, increased vacation accrual for employees in their first two years of service, and an alternate calculation of leave accrual for public safety employees whose schedules exceed the typical 40-hour work week.

With the implementation of living-wage increases, all full-time City staff will now earn at least \$16.42/hour. The \$15.00/hour for new part-time Fire staff reflects a 3-dollar increase over last year's starting salary. Additionally, the Brevard Police department introduced a new Police Cadet Program that seeks to increase BPD's recruiting and retention efforts. In exchange for a 2-year commitment with BPD, new cadets will receive a salary and tuition while they complete their Basic Law Enforcement Training (BLET) Program at Blue Ridge Community College.

With the adoption of the Comprehensive Land Use Plan and the Housing Trust Bylaws and Guidebook, the Planning Department has requested 1 additional part-time employee to assist with day-to-day operations and make more staff time available for long-term projects.

Strategic Priority:

WASTEWATER TREATMENT PLANT

As Brevard continues to expand, the City must ensure it has the technology and infrastructure to serve all of its residential and commercial customers.

Brevard's wastewater treatment plant sits at a Class B (recreational) water source on the French Broad River upstream of two other major municipal users, Hendersonville and Asheville. The plant went online at its current Wilson Road location in 1987. The plant is permitted to treat 2.5 million gallons a day and currently receives about 1.7 gallons daily. As the WWTP draws closer to the 80% capacity mark, the NC Department of Water Quality (DWQ) advises expanding operations. If the City fails to begin planning the expansion by the time it reaches 80% capacity, the State can strip it of its ability to issue new building permits.

With increased development in city limits, the plant has struggled to remain in compliance with organic waste treatment standards. Its capacity to treat organic waste is limited by the surface area available for Rotating Biological Contractors (RBC) shafts. The original plans for the current WWTP included 10 RBC shafts, but due to budget limitations during the plant's construction, only 8 were installed. The RBC treatment method is considered outdated; thus, the market for replacement parts is limited.

Finally, a modern wastewater treatment program is an essential component of a healthy and vibrant economy. Manufacturers, institutions, and visitor-related industries—all of which are large employers—rely on municipal utilities.

This proposal contains \$150,000 dedicated to funding initial professional services related to the WWTP expansion and replacement project. This may include an initial needs assessment, preliminary design, grant-writing assistance, and other needed services that staff cannot perform on their own.

This proposal does not include any new changes or fees to help the City build up its cash reserve to fund the expansion/replacement. At their April 2023 budget workshop, however, the City Council solemnly acknowledged the need for such fees and shared their feedback on a number of new revenue concepts. City management will likely propose a new rate model in the first quarter of FY23/24 for implementation on January 1, 2024.

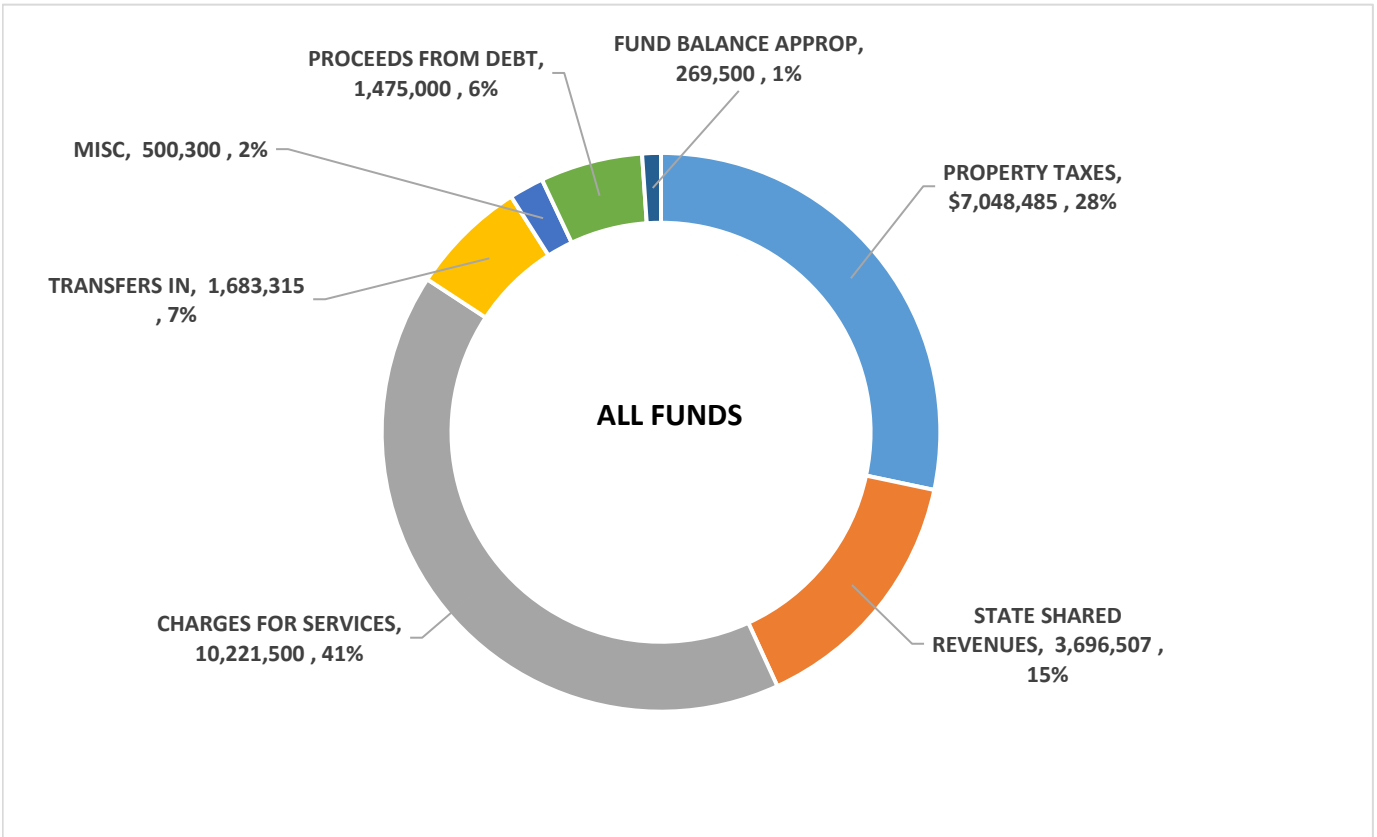
ALIGNMENT WITH CLUP GOALS

Economic Development, Infrastructure, & Resiliency-2: Pursue upgrades to the public water and sewer system. Prioritize updates to the wastewater treatment plant to accommodate growth and maintain water quality in the French Broad River.



All Funds

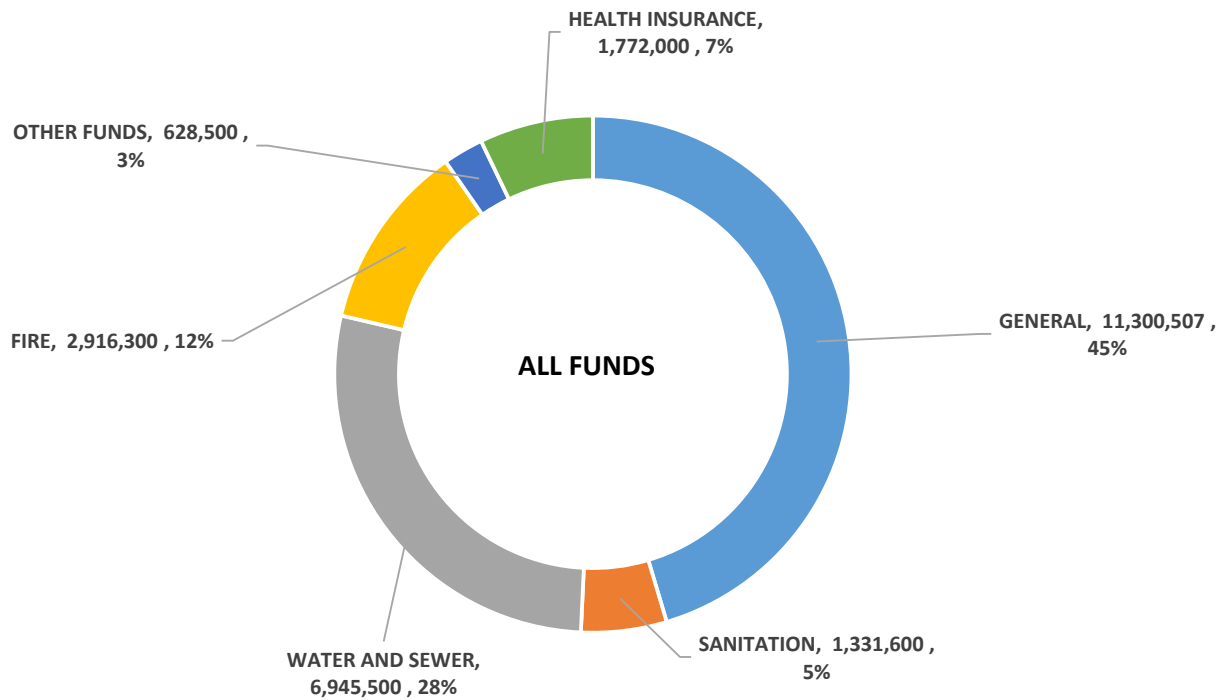
City of Brevard Total Revenue



	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
PROPERTY TAXES	\$ 6,308,779	\$ 6,410,702	\$ 6,410,702	\$ 6,368,000	\$ 7,048,485	9.9%
STATE SHARED REVENUES	3,244,144	4,469,217	4,721,517	4,868,198	3,696,507	-17.3%
CHARGES FOR SERVICES	9,268,938	9,505,800	9,505,800	10,001,600	10,221,500	7.5%
TRANSFERS IN	1,512,531	1,876,156	1,876,156	1,462,700	1,683,315	-10.3%
MISC	137,555	28,000	405,400	515,000	500,300	1686.8%
PROCEEDS FROM DEBT	-	1,805,000	1,805,000	330,000	1,475,000	-18.3%
FUND BALANCE APPROP	-	2,054,600	2,920,100	-	269,500	-86.9%
TOTAL	\$ 20,471,947	\$ 26,149,475	\$ 27,644,675	\$ 23,545,498	\$ 24,894,607	-4.8%

All Funds

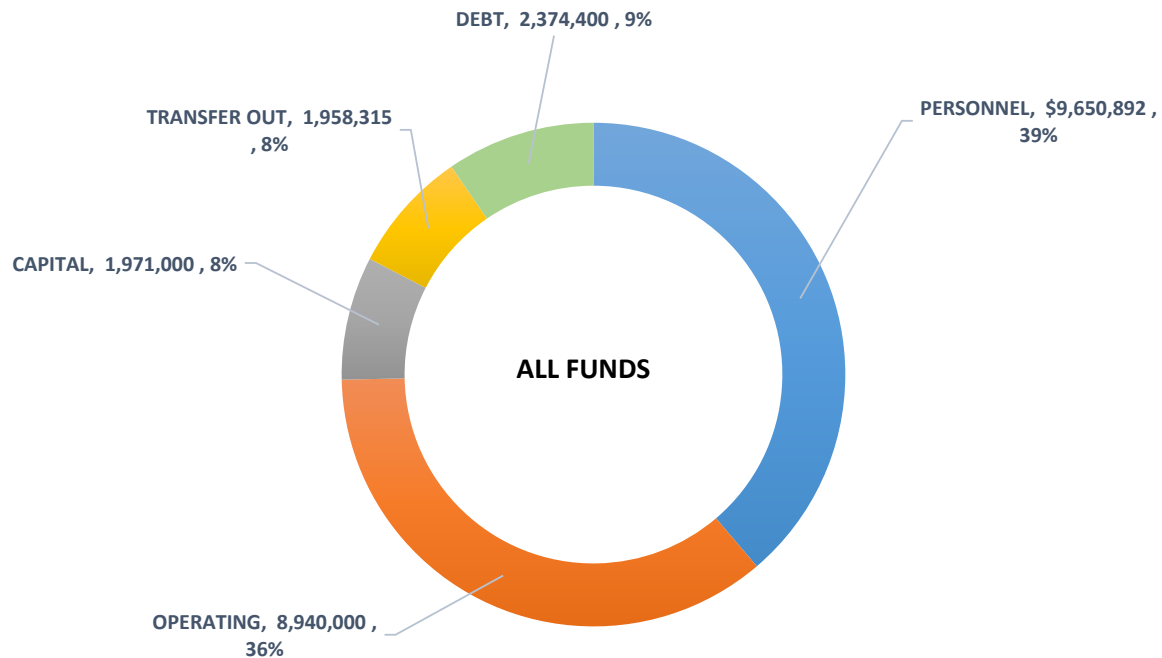
City of Brevard Total Expenditures By Fund



	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
GENERAL	10,172,145	10,533,675	11,370,175	11,031,842	11,300,507	7.3%
SANITATION	1,043,778	1,513,300	1,513,300	1,476,700	1,331,600	-12.0%
WATER AND SEWER	6,082,351	6,339,942	6,537,942	6,257,600	6,945,500	9.6%
FIRE	727,637	2,658,700	2,790,200	1,088,300	2,916,300	9.7%
CAPITAL RESERVE	-	100,000	191,200	91,200	110,000	10.0%
BJERG	-	100	100	-	1,500	1400.0%
HEALTH INSURANCE	1,547,479	1,788,000	1,788,000	1,641,000	1,772,000	-0.9%
HEART OF BREVARD	152,959	154,000	154,000	161,000	161,000	4.5%
HOUSING TRUST	-	2,300	100,300	20,000	266,200	11473.9%
PARKING	558,309	533,458	673,458	146,300	90,000	-83.1%
ARPA FUND	-	2,526,000	2,526,000	2,526,000	-	-100.0%
TOTAL	20,284,658	26,149,475	27,644,675	24,439,942	24,894,607	-4.8%

All Funds

City of Brevard Total Expenditures By Function



	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
PERSONNEL	\$ 7,781,513	\$ 8,951,500	\$ 8,884,200	\$ 8,625,075	\$ 9,650,892	7.8%
OPERATING	7,405,033	8,395,877	8,776,177	8,129,410	8,940,000	6.5%
CAPITAL	414,496	2,197,000	2,356,000	683,457	1,971,000	-10.3%
TRANSFER OUT	2,870,737	4,499,856	5,523,056	5,109,600	1,958,315	-56.5%
DEBT	1,812,879	2,105,242	2,105,242	1,892,400	2,374,400	12.8%
TOTAL	\$ 20,284,658	\$ 26,149,475	\$ 27,644,675	\$ 24,439,942	\$ 24,894,607	-4.8%

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GENERAL FUND

The following departments fall under the purview of the General Fund: the governing board, administration, finance, planning, police, buildings and grounds, public works administration, the garage, streets—local, streets—Powell Bill, recreation, the Mary C. Jenkins Community Center, and non-departmental. Revenues are derived primarily from ad valorem property tax, Brevard's portion of state sales taxes, utilities franchise taxes, and investment earnings.

GENERAL FUND REVENUE REFERENCE

This document contains brief descriptions of the General Fund's top eight revenue sources. These sources make up more than 97% of the GF's revenues.

Ad Valorem Tax (\$6,303,900) – Also known as “property tax” or “millage tax,” this is the General Fund's primary source of revenue. All taxable properties are subject to this tax. The tax is determined by multiplying the City's tax rate (48 cents per \$100 of valuation) by a property's assessed value divided by one hundred. See the example below:

$$\begin{aligned}\text{Tax rate X (assessed value/100)} &= \text{Tax liability} \\ .48 \text{ X } (\$350,000/100) &= \$1,680\end{aligned}$$

Brevard projects its revenues by multiplying the tax rate (\$.48) against the sum total assessed value of all taxable properties within the city limits. This figure, computed annually by Transylvania County, constitutes Brevard's “tax base” and for 2023 is set at \$1,339,000,000. This figure includes real property and automobiles. The City calculates once more with a projected collection percentage, for this year 98.5%, to produce its final revenue projection.

A small fraction of this revenue is collections of prior year Ad Valorem taxes, and interest income from the tax's holding account.

Sales Tax (\$2,423,527) – This revenue is the City's share of the 6.75% state-authorized point-of-sale taxes charged in Transylvania County. Transylvania County distributes its portion of the tax using the Ad Valorem method, which means the proceeds must be divided between the county and the municipalities in proportion to the total amount of Ad Valorem taxes levied by each. Note that these taxes are paid by all who make purchases in Transylvania County whether they are county residents or not, and Brevard receives a portion of sales made outside city limits.

Brevard projects its FY23/24 collections will be up 4% over FY22/23 collections. This is a conservative figure, as some local government groups are projecting 6.4% growth in the coming fiscal year. Sales taxes constitute most of the total in the “Other Taxes” category on the revenue pages that follow.

Utilities Franchise Taxes (\$565,000) – These revenues are fees collected from private utility providers doing business in Brevard (Duke, Dominion, Comporium) that the utilities must pay in exchange for having a statutory monopoly in their respective sectors. The particulars vary for each utility, but by and large the amounts are based on gross receipts. Changes in consumer consumption can therefore have an effect on collections. Municipalities typically base their projects on trend and publicly available industry data. Distributions of these taxes

are made quarterly. Utilities Franchise Tax constitutes a majority of the “Unrestricted Intergovernmental” category on the revenue pages that follow, so named because they can be used for any purpose.

Investment Earnings (\$470,000) – This is the revenue the City receives by virtue of holding nearly \$12M in cash in interest bearing accounts. The vast majority of these investments are in accounts managed by the North Carolina Capital Management Trust, but a much smaller portion are held in more liquid accounts at United Community Bank.

This revenue is projected significantly higher than last year, when it was only projected at \$2,000. Last year’s figure was created when interest rates were at record lows (near zero), and investment accounts were yielding paltry sums. Now the economic pendulum has swung to the other side, and interest rates have risen to levels not seen in generations. Signals from the Federal Reserve indicate that rates will stay high for the foreseeable future, making this a safe projection. These revenues are listed in the “Miscellaneous” revenue category in the pages that follow.

Payments from Enterprise Funds (\$525,000) – These revenues are derived from Enterprise Fund payments to General Fund for administration, finance, human resources, and other supportive services provided by the latter fund. These revenues are listed in the “Miscellaneous” revenue category.

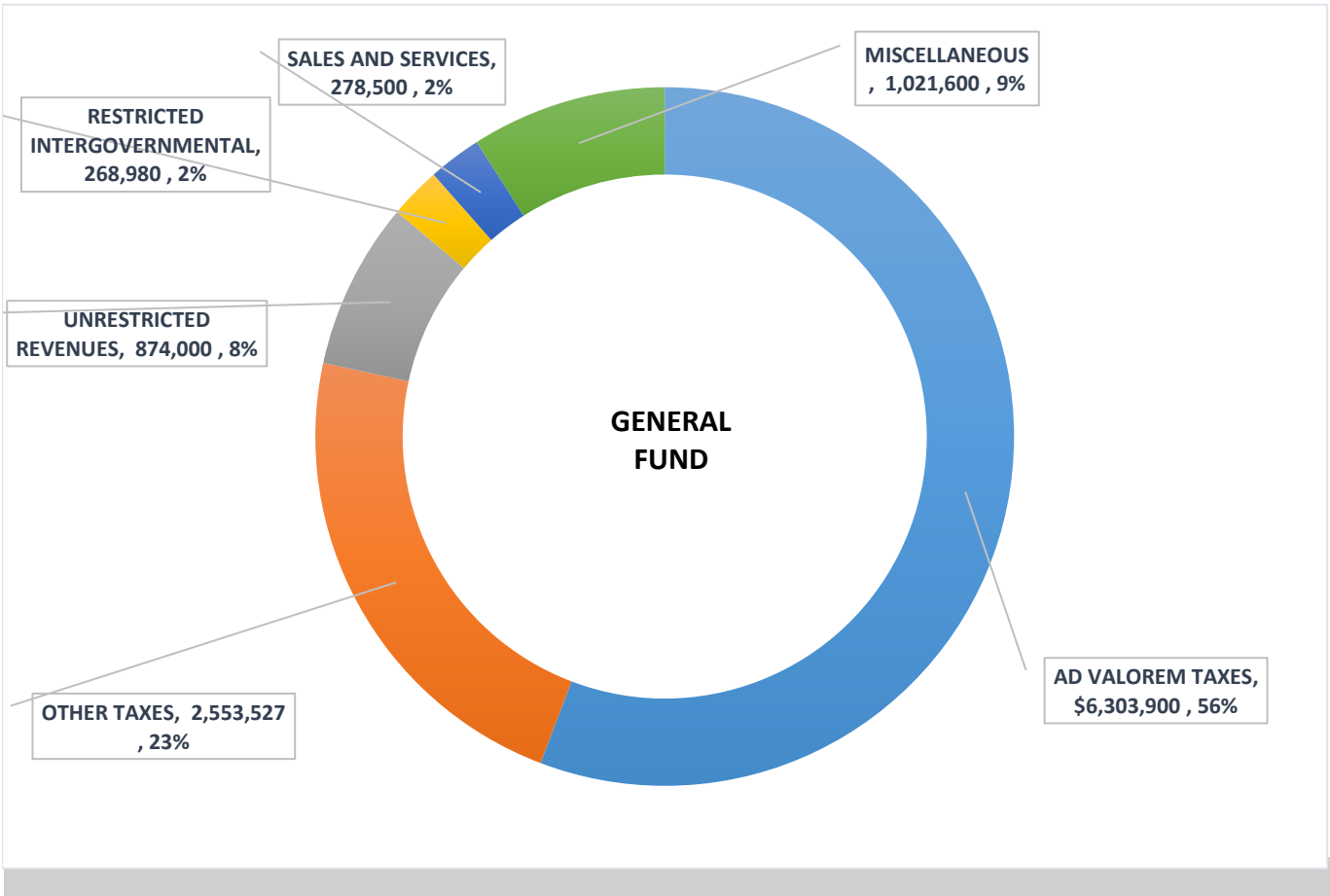
ABC Revenues (\$240,000) – Brevard ABC is the exclusive legal retailer of spiritous beverages in Transylvania County. It is legally considered a “component unit” of the City of Brevard and, therefore, must share a large portion of its profits with the city. The City’s code of ordinances also requires Brevard ABC distribute a smaller portion of its profits to Transylvania County as well. This revenue is listed in the “Unrestricted Intergovernmental” category in the pages that follow.

Powell Bill (\$238,000) – These dollars are granted directly by the state based on a formula that takes into account population and number of lane-miles within the jurisdiction. The money is meant to cover the cost of repairing and maintaining transportation infrastructure such as roads and sidewalks. This revenue is listed in the “Restricted Intergovernmental” revenue category on the pages that follow because the funds can only be used for defined purposes.

County vehicle maintenance agreement (\$215,000) – City forces maintain vehicles for Transylvania County. The revenue is made up of two sources: a \$76,000 fixed contribution to fund salaries and other set costs, and a full cost reimbursement for the cost of each repair. The fixed contribution is contractually set. This revenue is listed in the “Sales and Services” category on the pages that follow as the majority of the revenue is collected in exchange for actual services provided.

General Fund

General Fund Total Revenue



	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
AD VALOREM TAXES	\$ 5,753,085	\$ 5,778,400	\$ 5,778,400	\$ 5,885,000	\$ 6,303,900	9.1%
OTHER TAXES	2,157,527	2,108,717	2,309,217	2,420,000	2,553,527	21.1%
UNRESTRICTED REVENUES	840,185	841,500	861,500	875,500	874,000	3.9%
RESTRICTED INTERGOVERNMENTAL	246,432	256,000	287,800	309,700	268,980	5.1%
SALES AND SERVICES	251,330	232,700	232,700	269,200	278,500	19.7%
MISCELLANEOUS	1,146,294	1,316,358	1,900,558	1,340,400	1,021,600	-22.4%
TOTAL	\$ 10,394,853	\$ 10,533,675	\$ 11,370,175	\$ 11,099,800	\$ 11,300,507	7.3%

General Fund

Total Revenue

Ad Valorem Taxes

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-3010-0417	AD VAL PRIOR YEARS	\$ 39,632	\$ 15,000	\$ 15,000	\$ 52,780	\$ 50,000	\$ 33,000
10-3010-0421	AD VAL 2021	5,405,986	-	-			
10-3010-0422	AD VAL 2022	-	5,473,400	5,473,400	5,477,992	5,520,000	5,943,500
10-3120-0000	REFUNDS	-	-	-	6,905		-
10-3170-0000	PENALTIES	-	-	-	-		-
10-3170-0017	INTEREST	22,392	15,000	15,000	9,046	15,000	20,000
10-3190-0000	MOTOR VEHICLES	285,075	275,000	275,000	178,525	300,000	307,400
TOTAL AD VALOREM TAXES		\$ 5,753,085	\$ 5,778,400	\$ 5,778,400	\$ 5,725,248	\$ 5,885,000	\$ 6,303,900

Other Taxes

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-3450-0000	ARTICLE 39	\$ 801,381	\$ 823,717	\$ 925,217	\$ 457,248	\$ 915,000	\$ 948,527
10-3450-0100	ARTICLE 40 1/2	444,513	410,000	443,000	248,667	475,000	495,000
10-3450-0150	ARTICLE 42 1/2	399,059	410,000	443,000	223,626	450,000	470,000
10-3450-0200	HOLD HARMLESS	454,023	410,000	443,000	254,500	490,000	510,000
10-3350-0200	ZONING ADMINISTRATION	58,551	55,000	55,000	71,769	90,000	130,000
TOTAL OTHER TAXES		\$ 2,157,527	\$ 2,108,717	\$ 2,309,217	\$ 1,255,810	\$ 2,420,000	\$ 2,553,527

Unrestricted Intergovernmental

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-3370-0000	UTILITIES FRANCHISE TAX	\$ 569,437	\$ 540,000	\$ 540,000	\$ 281,889	\$ 565,000	\$ 565,000
10-3370-0100	CATV	38,479	40,000	40,000	17,997	37,500	35,000
10-3470-0000	ABC REVENUES	200,000	220,000	240,000	140,000	240,000	240,000
10-3410-0000	WINE AND BEER TAX	30,667	35,000	35,000	-	31,000	32,000
10-3510-0000	COURT COSTS	1,602	1,500	1,500	1,235	2,000	2,000
10-3090-0000	PMNT IN LIEU OF TAXES	-	5,000	5,000	-	-	-
TOTAL UNRESTRICTED INTERGOVERNMENT		\$ 840,185	\$ 841,500	\$ 861,500	\$ 441,121	\$ 875,500	\$ 874,000

Restricted Intergovernmental

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-3360-0000	UNAUTHORIZED SUBSTANCE TAX	\$ 158	\$ -	\$ -	\$ 501	\$ 1,000	\$ 500
10-3430-0000	POWELL BILL	236,211	225,000	225,000	237,578	237,600	238,000
10-3430-0100	ABC REVENUES - POLICE	9,278	30,000	30,000	13,145	29,200	30,000
10-3530-0200	DONATIONS - MCJ MAINT ACCT	-	-	-	9,549	9,600	-
10-3910-0725	AARP GRANT	-	-	12,000	12,000	12,000	-
10-3910-0775	POLICE GRANT REVENUE	-	-	19,800	19,763	19,800	-
10-3530-0150	SCRUGGS SCHOLARSHIP	785	1,000	1,000	372	500	480
TOTAL RESTRICTED INTERGOVERNMENT		\$ 246,432	\$ 256,000	\$ 287,800	\$ 292,908	\$ 309,700	\$ 268,980

General Fund

Total Revenue

Sales and Services

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-3310-0000	RENT REV - CELL TOWER	\$ 30,014	\$ 32,700	\$ 32,700	\$ 24,557	\$ 32,700	\$ 33,000
10-3320-0000	RENT REV - RR AVE DEPOT	3,275	5,000	5,000	2,650	4,500	5,000
10-3380-0000	RENT REV - COMM GARDEN	365	1,000	1,000	20	500	500
10-3320-0100	RENT REV - MARY C JENKINS	-	-	-	2,355	3,000	4,000
10-3320-0200	RENT REV - FRENCH BROAD	-	-	-	650	1,000	1,000
10-3520-0000	PARKING VIOLATIONS	4,615	4,000	4,000	4,863	7,500	20,000
10-3970-1100	COUNTY VEHICLE MAINT	213,061	190,000	190,000	106,575	220,000	215,000
TOTAL SALES AND SERVICES		\$ 251,330	\$ 232,700	\$ 232,700	\$ 141,670	\$ 269,200	\$ 278,500

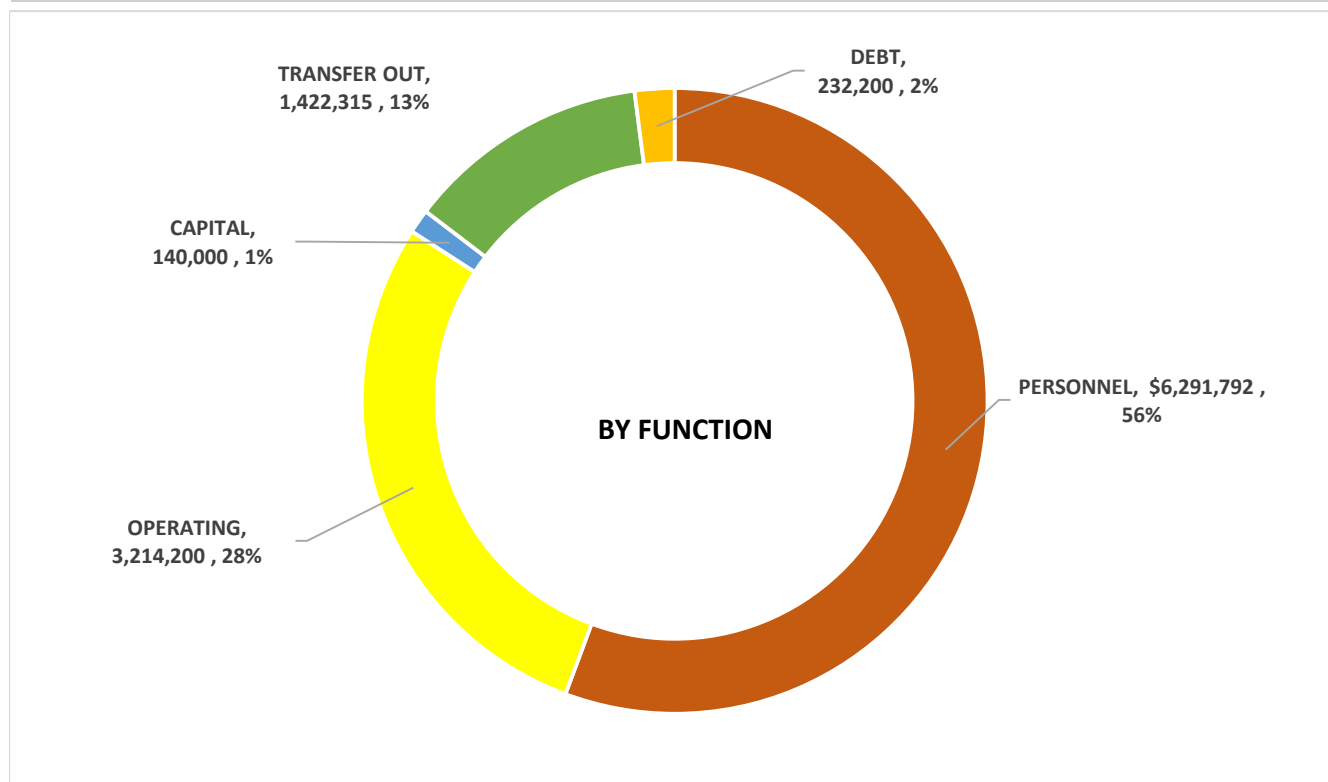
Miscellaneous

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-3290-0000	INVESTMENT EARNINGS	\$ 14,911	\$ 2,000	\$ 346,200	\$ 294,914	\$ 425,000	\$ 470,000
10-3250-0000	PRIVILEGE LICENSES	1,852	600	600	105	600	600
10-3280-0000	DONATIONS - COMM GARD	8,400	1,000	1,000	120	500	500
10-3300-0000	DONATIONS - SILVERSTEEN	200	-	-	-	-	-
10-3300-0100	DONATIONS - MC JENKINS	1,100	-	-	800	2,000	1,000
10-3530-0100	DONATIONS - POLICE	2,095	2,000	2,000	-	500	1,000
10-3600-0000	INSURANCE PROCEEDS	-	-	-	12,535	15,000	-
10-3600-0100	STAND BY PAY REIMB - POLICE	-	-	-	1,110	2,500	2,500
10-3800-0000	DONATIONS - DOG PARK	3,440	-	-	625	1,000	1,000
10-3830-0000	SALE OF FIXED ASSETS	8,058	5,000	5,000	3,700	6,000	5,000
10-3910-0000	REIMB FROM WATER AND SEW	600,000	600,000	600,000	450,000	600,000	450,000
10-3910-0020	REIMB FROM SANITATION	-	-	-	-	-	75,000
10-3910-0040	REIMB FROM FIRE	-	-	-	-	-	-
10-3910-0400	LOAN REIMB FRM FUND 78	45,000	-	-	-	-	-
10-3910-0250	TRANSFER FROM ARPA	-	277,300	277,300	277,300	277,300	-
10-3980-0250	TRANSFER FROM PARKING	413,458	413,458	413,458	-	-	-
10-3920-0040	PROCEEDS FROM DEBT	-	-	-	-	-	-
10-3990-0000	FUND BALANCE APPROP	-	-	240,000	-	-	-
10-3350-0100	MISC REVENUE	47,780	15,000	15,000	2,251	10,000	15,000
TOTAL MISCELLANEOUS		\$ 1,146,294	\$ 1,316,358	\$ 1,900,558	\$ 1,043,460	\$ 1,340,400	\$ 1,021,600

TOTAL	\$ 10,394,853	\$ 10,533,675	\$ 11,370,175	\$ 8,900,217	\$ 11,099,800	\$ 11,300,507
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General Fund

General Fund Total Expenditures By Function



	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
PERSONNEL	\$ 5,230,014	\$ 5,828,100	\$ 5,760,800	\$ 5,689,575	\$ 6,291,792	8.0%
OPERATING	2,859,485	3,274,077	3,315,877	3,139,810	3,214,200	-1.8%
CAPITAL	151,363	210,000	280,000	211,457	140,000	-33.3%
TRANSFER OUT	1,857,279	960,398	1,752,398	1,752,400	1,422,315	48.1%
DEBT	74,004	261,100	261,100	238,600	232,200	-11.1%
TOTAL	\$ 10,172,145	\$ 10,533,675	\$ 11,370,175	\$ 11,031,842	\$ 11,300,507	7.3%

Notable Changes from the FY22-23 Budget

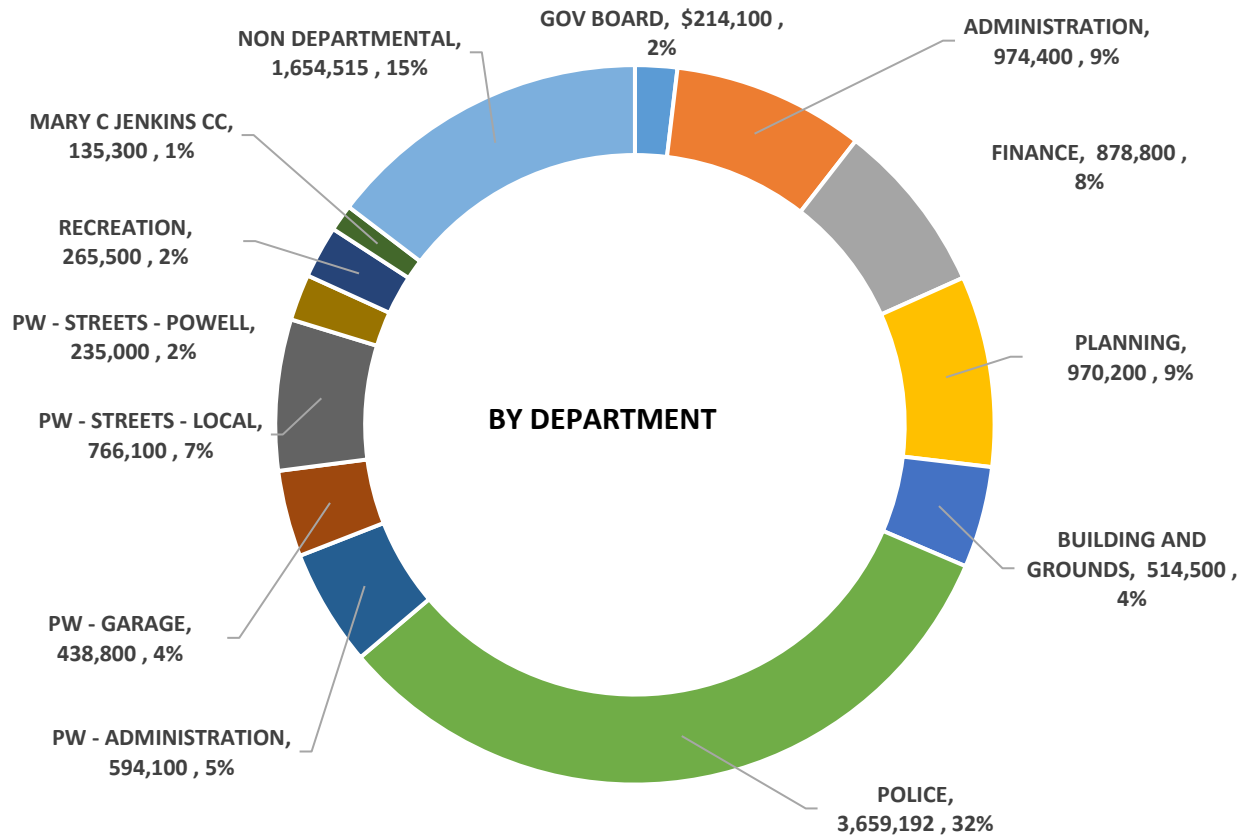
The General Fund budget is \$767,000, (or 7.33%) higher than the previous fiscal year.

Salaries and benefits are \$463,000, (or 8%) higher than the previous fiscal year. A classification and compensation study was completed in March of 2023, and the recommended budget includes the proposed market adjustment along with the cost of living increase to ensure that the City remains competitive in today's job market. Over 60% of General Fund employees received a market adjustment. All full time positions are now at a living wage, as determined for rural counties in Western North Carolina.

Transfers out have increased \$462,000 from the previous fiscal year. The annual transfer to the Fire Fund is \$152,000 higher because of debt payments on previously committed-to capital expenditures. In keeping with the Council's named priorities, the City is transferring \$264,000 to the Housing Trust Fund and \$156,600 to the Sanitation Fund. In previous fiscal years, the City has transferred two cents of tax values to other Capital Project Funds. The Manager Recommended Budget has reduced or eliminated some of these transfers.

General Fund

Fund Overview By Department



	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
GOV BOARD	\$ 99,562	\$ 229,277	\$ 229,277	\$ 189,900	\$ 214,100	-6.6%
ADMINISTRATION	775,915	912,100	854,800	873,210	974,400	6.8%
FINANCE	759,081	770,500	770,500	772,000	878,800	14.1%
PLANNING	815,189	907,800	917,800	838,425	970,200	6.9%
BUILDING AND GROUNDS	386,308	476,100	476,100	551,457	514,500	8.1%
POLICE	3,209,140	3,451,900	3,471,700	3,414,300	3,659,192	6.0%
PW - ADMINISTRATION	528,325	466,100	456,100	431,550	594,100	27.5%
PW - GARAGE	410,845	415,500	415,500	410,600	438,800	5.6%
PW - STREETS - LOCAL	813,783	861,600	861,600	802,200	766,100	-11.1%
PW - STREETS - POWELL	247,909	482,300	482,300	451,000	235,000	-51.3%
RECREATION	190,271	229,200	311,200	195,500	265,500	15.8%
MARY C JENKINS CC	4,534	109,800	109,800	110,700	135,300	23.2%
NON DEPARTMENTAL	1,931,283	1,221,498	2,013,498	1,991,000	1,654,515	35.4%
TOTAL	\$ 10,172,145	\$ 10,533,675	\$ 11,370,175	\$ 11,031,842	\$ 11,300,507	7.3%

GOVERNING BOARD

The mayor and 5 members of the City Council are elected by the voters of Brevard and, together, comprise the governing body of the City of Brevard. The councilmembers appoint one member to act as mayor pro tempore and to perform duties in the mayor's absence.

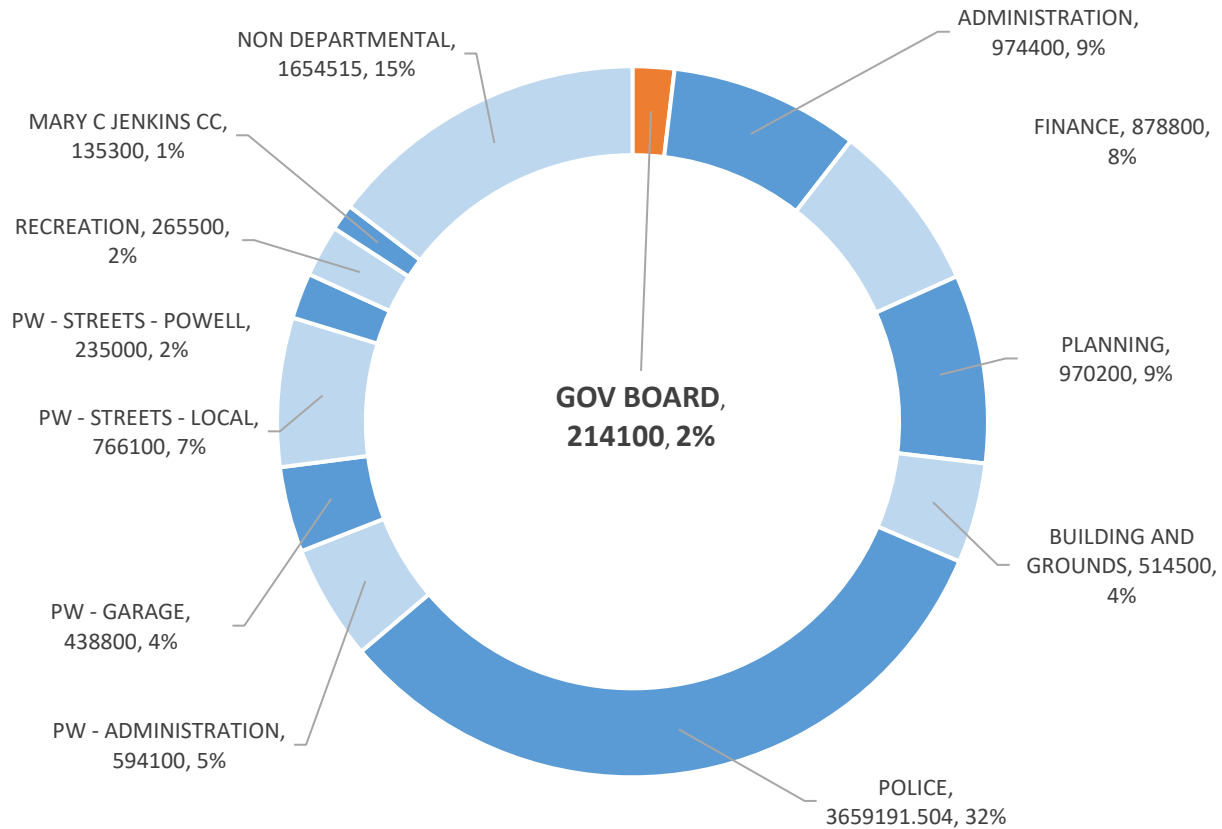
The mayor presides over all City Council meetings and votes only in cases of equal division of the council. City Council exercises the legislative powers of the City by establishing ordinances and policies. It appoints the City Manager and City Attorney and sets the strategic direction for the municipal agency.

Mayor and councilmembers also serve on various community boards and commissions. They help build and maintain partnerships with outside groups. They represent the City in Raleigh and Washington, D.C.

Contributions to nonprofit organizations are budgeted in this section.

General Fund - Governing Board

Overview



Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 48,308	\$ 47,400	\$ 47,400	\$ 47,400	\$ 47,400	0.0%
OPERATING	51,254	181,877	181,877	142,500	166,700	143.4%
CAPITAL	-	-	-	-	-	
TOTAL	\$ 99,562	\$ 229,277	\$ 229,277	\$ 189,900	\$ 214,100	83.0%

Notable Changes from the FY22-23 Budget

Operating

The contracted services line is \$15,000 lower than the previous fiscal year. Elections are held in November of 2023, so the City is estimating an expense of \$12,500, but tap fee waivers have been reduced from \$23,700 to \$0.00, as the City will fund these via the Housing Trust Fund.

General Fund - Governing Board

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4100-0300	SALARIES - PART TIME	\$ 44,875	\$ 44,000	\$ 44,000	\$ 33,000	\$ 44,000	\$ 44,000
10-4100-0500	FICA	3,433	3,400	3,400	2,525	3,400	3,400
TOTAL PERSONNEL		\$ 48,308	\$ 47,400	\$ 47,400	\$ 35,525	\$ 47,400	\$ 47,400

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4100-1100	TELEPHONE AND INTERNET	\$ 2,241	\$ 2,400	\$ 2,400	\$ 1,629	\$ 2,000	\$ 2,400
10-4100-4500	CONTRACTED SERVICES	20,358	4,000	4,000	775	2,000	16,500
10-4100-5300	DUES & SUBSCRIPTIONS	13,015	14,000	14,000	11,793	13,000	14,000
10-4100-5400	INSURANCE - WC AND LIAB	10,540	11,000	11,000	10,212	10,500	11,000
10-4100-5600	TAP FEE WAIVER	-	23,677	23,677	-	5,000	-
10-4100-5700	NON PROFIT CONTRIBUTIONS	5,100	126,800	126,800	96,575	110,000	122,800
TOTAL OPERATING		\$ 51,254	\$ 181,877	\$ 181,877	\$ 120,984	\$ 142,500	\$ 166,700

TOTAL	\$ 99,562	\$ 229,277	\$ 229,277	\$ 156,509	\$ 189,900	\$ 214,100
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General Fund - Governing Board

Budget By Line Item / 10-4100-XXXX

0300 Salaries - Part Time		\$ 44,000
1 Mayor		-
5 Board Members		-
0500 FICA		\$ 3,400
		-
1100 Telephone and Internet		\$ 2,400
Data	2,400	
4500 Contracted Services		\$ 16,500
Election	12,500	
Misc	4,000	
5300 Dues & Subscriptions		\$ 14,000
League of Municipalities	9,000	
Land of Sky	4,000	
Misc	1,000	
5400 Insurance - Workers Comp and Liability		\$ 11,000
Liability	6,000	
Workers Comp	5,000	
5600 Tap Fee Waiver		\$ -
	-	-
5700 Non Profit Contributions		\$ 122,800
Arts Council	10,000	
Chamber of Commerce	4,000	
Rise and Shine	5,000	
Bread of Life	5,500	
Boys/Girls Club	15,000	
El Centro	5,000	
Heart of Brevard	39,000	
Farmers Market	20,000	
Kids Camp	800	
Sharing House	10,000	
Misc reception,visits, recognition	4,000	
Mayor donation	4,500	
TOTAL		\$ 214,100

ADMINISTRATION

The Administration department provides centralized, corporate-level oversight for all the City's operating functions. In addition, the Administration department facilitates the policymaking work of the City Council and executes its decisions. Executive management, City Clerk, public information, and human resources functions are housed in this department. The City's outside legal counsel is partially funded via this department.

General Fund - Administration

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 535,427	\$ 680,100	\$ 622,800	\$ 636,800	\$ 720,800	6.0%
OPERATING	240,488	232,000	232,000	236,410	253,600	9.3%
CAPITAL	-	-	-	-	-	-
TOTAL	\$ 775,915	\$ 912,100	\$ 854,800	\$ 873,210	\$ 974,400	6.8%

Notable Changes from the FY22-23 Budget

Personnel

Budgeted personnel expenses are \$40,000 higher than the previous fiscal year.

Operating

Operating expenses show an increase of \$31,600 from the previous fiscal year. Advertising expenses related mainly to City meetings and Planning Department items show a \$15,000 increase. The Human Resources Department has added a Time and Attendance tracking system at a cost of \$15,000.

Certain line items appear different from the previous fiscal year. Expenses have been shifted between contracted and professional services to better reflect function, while the entire expense associated with the recording of City ordinance changes is now being recorded in the Planning Department.

General Fund - Administration

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4200-0200	SALARIES - REGULAR	\$ 344,099	\$ 483,500	\$ 426,200	\$ 255,632	\$ 416,000	\$ 484,900
	MARKET ADJUSTMENT	-	-	-	-	-	6,000
	5% COLA ADJUSTMENT	-	-	-	-	-	21,800
10-4200-0210	SALARIES - REG - OT	-	1,000	1,000	1,422	2,500	1,000
10-4200-0300	SALARIES - PART TIME	45,951	-	-	33,015	33,500	-
10-4200-0500	FICA	28,804	37,000	37,000	21,645	35,000	37,100
10-4200-0600	GROUP INSURANCE	72,000	90,000	90,000	67,500	90,000	90,000
10-4200-0700	RETIREMENT	39,061	58,900	58,900	31,258	50,000	62,600
10-4200-0710	401K SUPPLEMENT	3,699	-	-	3,231	5,000	-
10-4200-0730	401K EMPLOYER MATCH	1,813	9,700	9,700	2,730	4,800	17,400
TOTAL PERSONNEL		\$ 535,427	\$ 680,100	\$ 622,800	\$ 416,433	\$ 636,800	\$ 720,800

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4200-0925	PROF SERVICES	\$ 96,535	\$ 104,000	\$ 104,000	\$ 65,148	\$ 100,000	\$ 65,000
10-4200-1000	TRAINING	5,359	4,000	4,000	5,068	6,000	13,000
10-4200-1100	TELEPHONE AND INTERNET	5,306	6,000	6,000	2,307	5,000	5,100
10-4200-1110	POSTAGE	83	-	-	-	-	-
10-4200-1200	PRINTING	162	1,000	1,000	404	1,000	1,000
10-4200-1400	TRAVEL	6,452	3,000	3,000	3,132	4,500	3,500
10-4200-1410	AUTO ALLOWANCE	6,684	6,000	6,000	3,377	5,500	6,000
10-4200-1600	M & R EQUIPMENT	11,326	12,000	12,000	11,149	14,000	2,500
10-4200-1700	M & R VEHICLES	-	-	-	306	400	-
10-4200-2600	ADVERTISING	26,884	20,000	20,000	29,055	35,000	35,000
10-4200-3100	UNLEADED & DIESEL	283	500	500	284	200	500
10-4200-3300	OFFICE SUPPLIES	17,842	14,000	14,000	6,238	12,500	14,000
10-4200-4500	CONTRACTED SERVICES	30,695	19,000	19,000	18,979	20,000	63,000
10-4200-5300	DUES & SUBSCRIPTIONS	6,294	6,500	6,500	4,398	6,000	6,500
10-4200-5400	INSURANCE - WC AND LIAB	11,012	10,000	10,000	5,462	9,500	10,000
10-4200-5410	UNEMPLOYMENT INSURANCE	-	-	-	2,210	2,210	2,500
10-4200-5411	PRE EMPL PHYS & DRUG SCREEN	1,354	3,500	3,500	722	500	3,500
10-4200-5425	EMPLOYEE TRAINING PROGRAMS	670	5,000	5,000	-	2,000	5,000
10-4200-5500	SAFETY OSHA & ADA	861	5,000	5,000	-	2,000	5,000
10-4200-5700	EMPLOYEE RECOGNITION	12,608	12,500	12,500	5,165	10,000	12,500
10-4200-5701	RECORDING FEES	78	-	-	50	100	-
TOTAL OPERATING		\$ 240,488	\$ 232,000	\$ 232,000	\$ 163,454	\$ 236,410	\$ 253,600

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4200-7400	CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL CAPITAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL	\$ 775,915	\$ 912,100	\$ 854,800	\$ 579,887	\$ 873,210	\$ 974,400
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General Fund - Administration

Budget By Line Item / 10-4200-XXXX

0200 Salaries - Regular		\$ 484,900
1 City Manager		
1 Executive Assistant to City Manager		
1 City Clerk		
1 Human Resource Director		
1 Human Resource Specialist		
1 Communications		
	Market	\$ 6,000
	COLA	\$ 21,800
0210 Salaries - Regular - Overtime		\$ 1,000
0300 Salaries-Part Time		\$ -
0500 FICA		\$ 37,100
0600 Group Insurance		\$ 90,000
0700 Retirement		\$ 62,600
0710 401K Supplement		\$ -
0730 401K Employer Match		\$ 17,400
0925 Professional Services		\$ 65,000
Safety Consultant	12,000	
Legal	48,000	
Retreats, misc	5,000	
1000 Training		\$ 13,000
Finance	3,500	
Munic Admin for Clerk	5,500	
Misc	4,000	
1100 Telephone and Internet		\$ 5,100
Cell stipends	1,800	
Data and cell	3,300	
1200 Printing		\$ 1,000
1400 Travel		\$ 3,500
1410 Auto Allowance		\$ 6,000
City Manager	6,000	
1600 M & R Equipment		\$ 2,500

Misc	2,500		
2600 Advertising		\$	35,000
3100 Unleaded & Diesel		\$	500
3300 Office Supplies & Materials		\$	14,000
4500 Contracted Services		\$	63,000
Copier lease	3,200		
Copier maint contract	1,800		
Civic Plus - Agenda	9,000		
Website - Civic Plus amount	15,000		
Time and Attendance System	15,000		
Applicant tracking	10,000		
Laserfiche	4,000		
Misc	5,000		
5300 Dues & Subscriptions		\$	6,500
UNC School of Government	1,200		
National League of Cities	1,000		
ICMA	1,200		
Newspaper	600		
Misc	2,500		
5400 Insurance - Workers Comp and Liability		\$	10,000
Liability	5,500		
Workers Comp	4,500		
5410 Unemployment Insurance		\$	2,500
5411 Pre-Employment Physical & Drug Screen		\$	3,500
5425 Employee Training Programs		\$	5,000
5500 Safety OSHA ADA		\$	5,000
5700 Employee Recognition		\$	12,500
Christmas, Employee picnic			
TOTAL		\$	974,400

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FINANCE

Overseen by the Assistant City manager, this department manages all financial tasks including preparation of the annual budget, accounting, accounts payable, accounts receivable/utility collections, and tax collections. Funds for the city's annual external audit are budgeted in this department.

General Fund - Finance

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 436,051	\$ 448,900	\$ 448,900	\$ 461,500	\$ 513,300	14.3%
OPERATING	323,030	321,600	321,600	310,500	365,500	13.7%
CAPITAL	-	-	-	-	-	0.0%
TOTAL	\$ 759,081	\$ 770,500	\$ 770,500	\$ 772,000	\$ 878,800	14.1%

Notable Changes from the FY22-23 Budget

Personnel

Budgeted personnel expenses are \$65,000 higher than the previous fiscal year.

Operating

The operating budget is \$44,000 higher than the previous fiscal year. Audit fees are \$8,000 higher due to ARPA reporting, and the City has budgeted \$15,000 to aide in tax collection.

Postage is budgeted \$13,000 higher than the previous fiscal year. A credit that the City had been receiving for the past eighteen months will be completed, so the City will be paying full postage on our water billings for the bulk of FY23-24.

The City has increased IT replacement from \$15,000 to \$25,000.

General Fund - Finance

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4400-0200	SALARIES - REGULAR	\$ 295,884	\$ 300,200	\$ 300,200	\$ 225,023	\$ 312,000	\$ 316,500
	MARKET ADJUSTMENT	-	-	-	-	-	16,500
	5% COLA ADJUSTMENT	-	-	-	-	-	20,600
10-4400-0210	SALARIES - REG - OT	8,450	8,000	8,000	7,125	8,000	10,000
10-4400-0500	FICA	22,203	23,000	23,000	17,324	24,000	24,300
10-4400-0600	GROUP INSURANCE	72,000	75,000	75,000	56,250	75,000	75,000
10-4400-0700	RETIREMENT	34,850	36,600	36,600	28,226	39,000	40,900
10-4400-0730	401K EMPLOYER MATCH	2,664	6,100	6,100	3,795	3,500	9,500
TOTAL PERSONNEL		\$ 436,051	\$ 448,900	\$ 448,900	\$ 337,743	\$ 461,500	\$ 513,300

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4400-0925	PROF SERVICES	\$ 61,885	\$ 45,000	\$ 45,000	\$ 50,429	\$ 44,500	\$ 68,000
10-4400-1000	TRAINING	2,873	6,000	6,000	2,663	6,500	6,500
10-4400-1100	TELEPHONE AND INTERNET	22,312	25,500	25,500	17,854	26,000	26,000
10-4400-1110	POSTAGE	24,492	16,900	16,900	11,697	17,500	31,500
10-4400-1600	M & R EQUIPMENT	53,179	60,200	60,200	49,612	57,500	52,000
10-4400-3300	DEPT SUPPLIES & MATERIALS	6,715	5,000	5,000	2,382	4,500	5,000
10-4400-4500	CONTRACTED SERVICES	133,641	151,000	151,000	104,169	143,000	164,500
10-4400-5300	DUES & SUBSCRIPTIONS	650	2,000	2,000	665	1,500	2,000
10-4400-5400	INSURANCE - WC AND LIAB	8,283	10,000	10,000	9,550	9,500	10,000
10-4400-5800	TL SCRUGGS SCHOLARSHIPS	9,000	-	-	-	-	-
TOTAL OPERATING		\$ 323,030	\$ 321,600	\$ 321,600	\$ 249,021	\$ 310,500	\$ 365,500

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4400-7400	CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL CAPITAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL	\$ 759,081	\$ 770,500	\$ 770,500	\$ 586,764	\$ 772,000	\$ 878,800
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General Fund - Finance

Budget By Line Item / 10-4400-XXXX

0200	Salaries - Regular		\$ 316,500
	1 Assistant City Manager/Finance Director		-
	1 Tax Collector		-
	1 Utility Accounts Supervisor		
	1 Senior Customer Service Rep		
	1 Accountant		-
		Market	\$ 16,500
		COLA	\$ 20,600
0210	Salaries - Regular - Overtime		\$ 10,000
			-
0500	FICA		\$ 24,300
			-
0600	Group Insurance		\$ 75,000
			-
0700	Retirement		\$ 40,900
			-
0730	401K Employer Match		\$ 9,500
			-
0925	Professional Services		\$ 68,000
	Annual Audit	48,000	
	Actuary	5,000	
	Legal Fees - Tax Collection	15,000	
	Utility Billing	-	
1000	Training		\$ 6,500
			-
1100	Telephone and Internet		\$ 26,000
	Cell stipends	500	
	Comporium	25,500	
1110	Postage		\$ 31,500
	Utility Bill postage	27,500	
	AP postage	4,000	
1600	M & R Equipment		\$ 52,000
	Governmental software	48,000	
	Misc	4,000	
3300	Department Supplies & Materials		\$ 5,000
4500	Contracted Services		\$ 164,500
	Copier lease	3,200	
	Copier maint contract	1,800	
	Managed IT	108,000	
	Comporium	9,500	

	Utility Bill printing & envelope	6,000	
	Misc	5,000	
	Pitney Bowes	3,000	
	Citywide IT replacement and upgrade	25,000	
	Lexis Nexis	3,000	
5300	Dues & Subscriptions		\$ 2,000
			-
5400	Insurance - Workers Comp and Liability		\$ 10,000
	Liability	5,500	
	Workers Comp	4,500	
TOTAL			\$ 878,800

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PLANNING

The Planning Department manages the long-term physical development of the community. The department's funds cover the operational costs associated with planning and zoning, which include personnel costs, professional services, supplies and materials, dues and subscriptions, continuing education and training, and some City projects.

The Planning Department's 5 staff are responsible for drafting many crucial long-range planning documents—such as the CLUP and the Housing Trust Bylaws & Guidebook—that guide the City's future development. They also maintain policy documents such as the Bicycle & Pedestrian Plan, the Official Zoning Map, and the Powell Bill Map.

Planning Department staff perform code enforcement, issue zoning and subdivision permission, and oversee floodplain development for the City and its extraterritorial jurisdiction (ETJ). The department also coordinates planning efforts with local, regional, state, and federal agencies and reviews development projects to ensure they are in compliance with adopted ordinances, codes, and regulations.

The Planning Department drafted and is responsible for overseeing the CLUP. Major policy recommendation topics include

- Land Use & Housing
- Active Transportation & Community Health
- Parks, Natural Resources, & Cultural Resources
- Economic Development, Infrastructure, & Resiliency



General Fund - Planning

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 414,833	\$ 491,300	\$ 491,300	\$ 482,825	\$ 556,800	13.3%
OPERATING	369,263	416,500	426,500	355,600	413,400	-0.7%
CAPITAL	31,093	-	-	-	-	0.0%
TOTAL	\$ 815,189	\$ 907,800	\$ 917,800	\$ 838,425	\$ 970,200	6.9%

Notable Changes from the FY22-23 Budget

Personnel

Budgeted personnel expenses are \$65,000 higher than the previous fiscal year. \$40,000 of this is for a new part time position which is funded through planning zoning fee increases.

Operating

The operating budget is largely flat. The City budgets \$80,000 of its annual \$128,000 legal fees to the Planning Department. The Department has also budgeted \$75,000 for Comprehensive Land Use Plan implementation.

General Fund - Planning

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4900-0200	SALARIES - REGULAR	\$ 284,652	\$ 336,200	\$ 336,200	\$ 238,170	\$ 334,400	\$ 336,200
	MARKET ADJUSTMENT	-	-	-	-	-	3,600
	5% COLA ADJUSTMENT	-	-	-	-	-	21,200
10-4900-0210	SALARIES - REG - OT	36	1,500	1,500	-	-	1,500
10-4900-0300	SALARIES - PART TIME	2,215	5,000	5,000	1,075	2,300	40,000
10-4900-0500	FICA	20,695	25,800	25,800	17,426	24,725	25,800
10-4900-0600	GROUP INSURANCE	72,000	75,000	75,000	56,250	75,000	75,000
10-4900-0700	RETIREMENT	32,635	41,000	41,000	28,948	41,400	43,400
10-4900-0730	401K EMPLOYER MATCH	2,600	6,800	6,800	3,771	5,000	10,100
TOTAL PERSONNEL		\$ 414,833	\$ 491,300	\$ 491,300	\$ 345,640	\$ 482,825	\$ 556,800

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4900-0925	PROF SERVICES	\$ 232,386	\$ 298,500	\$ 308,500	\$ 129,961	\$ 250,000	\$ 270,000
10-4900-1000	TRAINING	4,298	18,000	18,000	6,380	16,000	18,000
10-4900-1100	TELEPHONE AND INTERNET	3,748	4,500	4,500	2,733	4,500	4,500
10-4900-1600	M & R EQUIPMENT	13,635	10,000	10,000	7,827	9,000	6,700
10-4900-1700	M & R VEHICLE	406	1,500	1,500	1,636	1,500	1,500
10-4900-3100	UNLEADED & DIESEL	396	500	500	370	500	500
10-4900-3300	DEPT SUPPLIES & MATERIALS	16,638	8,000	8,000	6,917	12,000	11,000
10-4900-4500	CONTRACTED SERVICES	86,571	63,000	63,000	25,105	50,000	88,200
10-4900-5300	DUES & SUBSCRIPTIONS	2,402	3,000	3,000	1,884	3,000	3,500
10-4900-5400	INSURANCE - WC AND LIAB	8,783	9,500	9,500	8,819	9,100	9,500
TOTAL OPERATING		\$ 369,263	\$ 416,500	\$ 426,500	\$ 191,632	\$ 355,600	\$ 413,400

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-4900-7400	CAPITAL OUTLAY	31,093	-	-	-	-	-
TOTAL CAPITAL		\$ 31,093	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL	\$ 815,189	\$ 907,800	\$ 917,800	\$ 537,272	\$ 838,425	\$ 970,200
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General Fund - Planning

Budget By Line Item / 10-4900-XXXX

0200	Salaries - Regular		\$	336,200
	1 Planning Director			-
	1 Assistant Planning Director			
	1 Senior Planner			
	1 Planner/Assistant Zoning Admin			-
	1 Admin Services Manager			-
		Market	\$	3,600
		COLA	\$	21,200
0210	Salaries - Regular - Overtime		\$	1,500
0300	Salaries-PT		\$	40,000
0500	FICA		\$	25,800
0600	Group Insurance		\$	75,000
0700	Retirement		\$	43,400
0730	401K Employer Match		\$	10,100
0925	Pro Services		\$	270,000
	Legal			80,000
	Code Enforcement (possibly Police)			10,000
	Outreach and education			5,000
	Legal - Board of Adjustment			20,000
	CLUP			75,000
	Misc			80,000
1000	Training		\$	18,000
	Planning Board training			2,000
	Staff Training			15,000
	Misc			1,000
1100	Telephone and Internet		\$	4,500
	Stipend			2,100
	Verizon			2,400
1600	M & R -Equipment		\$	6,700
	Ipads and IT			4,200
	Misc			2,500
1700	M & R- Vehicles		\$	1,500
3100	Unleaded and Diesel		\$	500
3300	Department Supplies and Materials		\$	11,000
4500	Contracted Services		\$	88,200
	ESRI-GIS			10,500

	Trans County GIS	1,200		
	Encode	15,000		
	Misc appraisals	10,000		
	Copier lease	3,200		
	Copier maint contract	1,800		
	Permitting software	10,500		
	Avineon, Archrive Social,Adobe, zoom	11,000		
	Misc - grant appl, appraisals	25,000		
5300	Dues and Subscriptions		\$	3,500
				-
5400	Insurance - Workers Comp and Liability		\$	9,500
	Liability	5,000		
	Workers Comp	4,500		
7400	Capital Outlay		\$	-
		-		-
TOTAL			\$	970,200

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Mary C. Jenkins Center

The Mary C. Jenkins Community & Cultural Center (MCJCC) is one of 3 community centers owned and operated by the City of Brevard. This unit accounts for the cost of operating the newest and most active facility, the MCJCC. The costs of maintaining the Depot Railroad Avenue Park and the French Broad Community Center are budgeted in the Buildings & Grounds budget. The Community Center Director is responsible for organizing and scheduling events at the community centers and for managing rental requests at each location.

Cultural programming,
inter-generational game
nights, holiday celebrations,
& special events



Afterschool
programs &
college
information
sessions



- Fitness classes
- Community health screenings
- Healthcare information sessions
- Substance abuse support groups



 Music lessons

ALIGNMENT WITH CLUP GOALS

Parks, Natural Resources, & Cultural Resources-25: Create opportunities for arts and cultural programming, public art, sculptures, and murals throughout the City.



MISSION STATEMENT

The Mary C. Jenkins Community & Cultural Center strives to promote a healthy, livable community with opportunities for educational, personal, and cultural enrichment.

General Fund - Community Center

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 4,234	\$ 74,800	\$ 74,800	\$ 74,200	\$ 85,000	13.6%
OPERATING	300	35,000	35,000	36,500	50,300	43.7%
CAPITAL	-	-	-	-	-	0.0%
TOTAL	\$ 4,534	\$ 109,800	\$ 109,800	\$ 110,700	\$ 135,300	23.2%

Notable Changes from the FY22-23 Budget

The Mary C. Jenkins Community Center opened in November of 2022 and the budget is gradually developing. Increases from the previous fiscal year are in part associated with the cost of high speed internet and janitorial services for the facility.

General Fund - Mary C Jenkins Community Center

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-6150-0200	SALARIES - REGULAR	\$ 3,539	\$ 49,000	\$ 49,000	\$ 35,348	\$ 49,000	\$ 53,700
	MARKET ADJUSTMENT	-	-	-	-	-	-
	5% COLA ADJUSTMENT	-	-	-	-	-	3,400
10-6150-0500	FICA	271	3,800	3,800	2,536	3,800	4,200
10-6150-0600	GROUP INSURANCE	-	15,000	15,000	11,250	15,000	15,000
10-6150-0700	RETIREMENT	424	6,000	6,000	4,549	6,000	7,000
10-6150-0730	401K EMPLOYER MATCH	-	1,000	1,000	82	400	1,700
TOTAL PERSONNEL		\$ 4,234	\$ 74,800	\$ 74,800	\$ 53,765	\$ 74,200	\$ 85,000

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-6150-1100	TELEPHONE AND INTERNET	\$ -	\$ 5,000	\$ 5,000	\$ 8,318	\$ 10,000	\$ 7,800
10-6150-1300	UTILITIES	-	-	-	2,567	3,500	6,000
10-6150-1500	M & R BUILDINGS	300	15,000	15,000	5,709	12,000	5,000
10-6150-3200	OFFICE SUPPLIES	-	5,000	5,000	-	2,500	4,000
10-6150-3300	DEPT SUPPLIES & MATERIALS	-	10,000	10,000	4,561	5,000	5,500
10-6150-4500	CONTRACTED SERVICES	-	-	-	208	500	11,500
10-6150-5300	DUES & SUBSCRIPTIONS	-	-	-	250	500	1,000
10-6150-5400	INSURANCE - WC AND LIAB	-	-	-	1,963	2,500	9,500
TOTAL OPERATING		\$ 300	\$ 35,000	\$ 35,000	\$ 23,576	\$ 36,500	\$ 50,300

TOTAL	\$ 4,534	\$ 109,800	\$ 109,800	\$ 77,341	\$ 110,700	\$ 135,300
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General Fund - Mary C Jenkins Community Center

Budget By Line Item / 10-XXXX-XXXX

0200	Salaries - Regular		\$ 53,700
	1 Community Center Director		
		COLA	\$ 3,400
0500	FICA		\$ 4,200
0600	Group Insurance		\$ 15,000
0700	Retirement		\$ 7,000
0730	401K Employer Match		\$ 1,700
1100	Telephone and Internet		\$ 7,800
	ERC	7,200	
	Verizon	600	
1300	Utilities		\$ 6,000
	Electricity	3,500	
	Natural Gas	2,500	
1500	M-R Buildings		\$ 5,000
1600	Office Supplies		\$ 4,000
3300	Department Supplies & Materials		\$ 5,500
4500	Contracted Services		\$ 11,500
	Pest care	500	
	Janitorial	6,000	
	MCJ lawn care	5,000	
5300	Dues and Subscriptions		\$ 1,000
5400	Insurance - Workers Comp and Liability		\$ 9,500
TOTAL			\$ 135,300

POLICE

The Brevard Police Department is committed to serving the city by enforcing the law, keeping the peace, and protecting those who reside in and visit Brevard.

In FY 22/23, the Brevard Police department introduced a new Police Cadet Program that seeks to increase BPD's recruiting and retention efforts. In exchange for a 2-year commitment with BPD, new cadets will receive a salary and tuition while they complete their Basic Law Enforcement Training (BLET) Program at Blue Ridge Community College.

The department also released its new app, which increases transparency and enhances the BPD's community outreach capabilities.

In FY23/24 and beyond, the department will continue to enhance traffic and pedestrian safety by participating in the TC Vision Zero Initiative.

BPD will also continue to enforce Brevard minimum housing and non-residential building codes to ensure structures are maintained in a condition that does not endanger public health or safety.

Traffic Enforcement



Contacts **2,915**



25,330
Calls for Service

Current
Staff
28



15
Special
Events
Managed



"My vision for our community and department is to provide the highest quality of police services while adhering to the principles of ethical service and community policing. Our department is constantly evolving and seeking to keep the public safe, enforce laws impartially, and continually improve our ability to serve the community."

Chief C. Thomas Jordan

ALIGNMENT WITH CLUP GOALS

Access to Healthcare and Healthy Living-11: Prioritize pedestrians in Downtown and Major Activity Centers.

- Increase enforcement activities to curtail speeding in key areas such as along Broad and Caldwell Street.

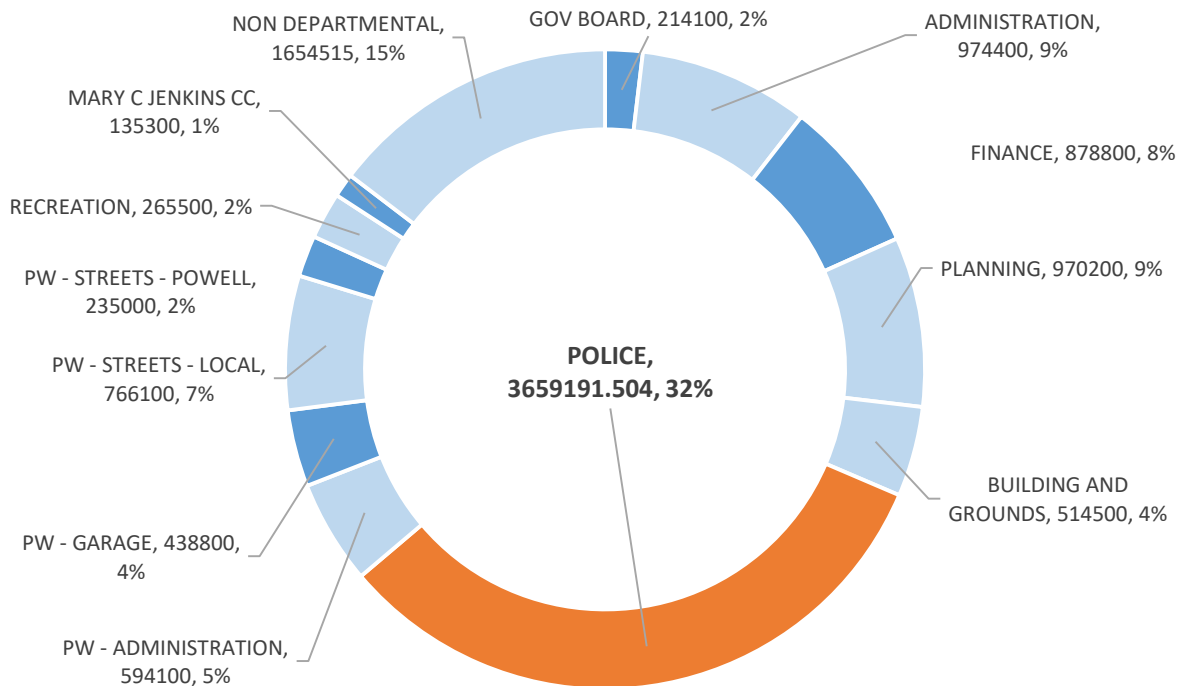
Access to Healthcare and Healthy Living-15: Review and enhance City's approach to traffic calming.

- Policies should require a speed study and target low-volume neighborhood streets with high speeds.

Access to Healthcare and Healthy Living Resources-20: Support healthy initiatives including the Transylvania County Vision Zero initiative.

About Vision Zero: Vision Zero is a traffic safety approach focused on eliminating traffic deaths and serious injuries, while improving access to safe, sustainable, and equitable mobility for everyone.

General Fund - Police



Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 2,498,892	\$ 2,616,700	\$ 2,616,700	\$ 2,578,400	\$ 2,823,592	7.9%
OPERATING	611,138	675,200	695,000	680,900	695,600	3.0%
CAPITAL	99,110	160,000	160,000	155,000	140,000	-12.5%
TOTAL	\$ 3,209,140	\$ 3,451,900	\$ 3,471,700	\$ 3,414,300	\$ 3,659,192	6.0%

Notable Changes from the FY22-23 Budget

Personnel

Budgeted personnel expenses are \$207,000 higher than the previous fiscal year.

Operating

Operating expenses are \$20,000 higher than FY23. The Police Department will implement a new parking enforcement program in FY24 at a cost of \$20,000. This is expected to be a revenue neutral item, as parking revenues are also expected to increase.

Capital

Two (2) police vehicles have been budgeted at \$70,000 each. This price includes the cost of complete upfitting of both vehicles.

General Fund - Police

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5100-0200	SALARIES - REGULAR	\$ 1,545,186	\$ 1,628,800	\$ 1,628,800	\$ 1,126,011	\$ 1,598,000	\$ 1,606,560
	MARKET ADJUSTMENT	-	-	-	-	-	129,200
	5% COLA ADJUSTMENT	-	-	-	-	-	97,500
10-5100-0210	SALARIES - OT - HOLIDAY	61,210	65,000	65,000	81,914	100,000	65,000
10-5100-0300	SALARIES - PART TIME	42,647	45,000	45,000	24,201	39,000	45,000
10-5100-0500	FICA	126,161	127,400	127,400	93,713	120,000	122,940
10-5100-0600	GROUP INSURANCE	403,200	420,000	420,000	315,000	420,000	435,000
10-5100-0700	RETIREMENT	193,282	213,400	213,400	155,544	194,000	223,583
10-5100-0710	401K SUPPLEMENT	75,658	81,500	81,500	51,596	70,000	76,808
10-5100-0720	SEPARATION ALLOWANCE	50,527	35,600	35,600	27,953	35,600	20,000
10-5100-0730	401K EMPLOYER MATCH	1,021	-	-	1,239	1,800	2,000
TOTAL PERSONNEL		\$ 2,498,892	\$ 2,616,700	\$ 2,616,700	\$ 1,877,171	\$ 2,578,400	\$ 2,823,592

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5100-0925	PROF SERVICES	\$ 6,138	\$ 5,000	\$ 5,000	\$ 1,100	\$ 3,500	\$ 5,000
10-5100-1000	TRAINING	8,451	10,000	10,000	2,430	7,500	10,000
10-5100-1100	TELEPHONE AND INTERNET	28,647	29,400	29,400	18,218	27,000	28,000
10-5100-1110	POSTAGE	212	200	200	22	-	-
10-5100-1400	TRAVEL	-	5,000	5,000	3,007	5,000	5,000
10-5100-1500	M & R BUILDINGS	8,988	4,000	4,000	3,527	4,000	4,000
10-5100-1600	M & R EQUIPMENT	2,016	10,000	10,000	6,289	9,000	10,000
10-5100-1700	M & R AUTOS & TRUCKS	31,653	25,000	25,000	20,639	25,000	25,000
10-5100-3100	UNLEADED & DIESEL	65,734	50,000	50,000	28,936	60,000	55,000
10-5100-3200	OFFICE SUPPLIES	1,639	1,500	1,500	966	1,500	1,500
10-5100-3300	DEPT SUPPLIES & MATERIALS	9,344	15,000	15,000	4,104	12,500	15,000
10-5100-3500	CLEANING & DRY CLEAN	8,125	8,400	8,400	4,579	8,400	8,400
10-5100-3600	UNIFORMS	22,318	20,500	20,500	17,320	20,000	20,500
10-5100-4500	CONTRACTED SERVICES	270,712	314,100	314,100	242,224	310,000	337,700
10-5100-5300	DUES & SUBSCRIPTIONS	696	1,500	1,500	934	1,500	1,500
10-5100-5400	INSURANCE - WC AND LIAB	97,811	100,000	100,000	94,904	98,000	100,000
10-5100-5700	MISC SMITH ACCOUNT	656	3,000	3,000	1,342	3,000	3,000
10-5100-5720	COMMUNITY PROJECTS	-	5,000	5,000	3,694	5,000	5,000
10-5100-6000	DEPARTMENT EQUIPMENT	47,998	67,600	87,400	52,694	80,000	61,000
TOTAL OPERATING		\$ 611,138	\$ 675,200	\$ 695,000	\$ 506,929	\$ 680,900	\$ 695,600

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5100-7400	CAPITAL OUTLAY	99,110	160,000	160,000	52,961	155,000	140,000
TOTAL CAPITAL		\$ 99,110	\$ 160,000	\$ 160,000	\$ 52,961	\$ 155,000	\$ 140,000

TOTAL	\$ 3,209,140	\$ 3,451,900	\$ 3,471,700	\$ 2,437,061	\$ 3,414,300	\$ 3,659,192
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General Fund - Police

Budget By Line Item / 10-5100-XXXX

0200	Salaries - Regular		\$ 1,606,560
	1 Police Chief		
	2 Captains		
	1 Office Assistant		
	1 Parking and Support Specialist		
	1 Records Specialist		
	5 Shift Supervisors (Lieutenant)		
	6 Senior Officers (Sergeant)		
	3 Detectives (one unfunded in FY23-24)		
	9 Police Officers		
	1 Code Enforcement		
		Market	\$ 129,200
		COLA	\$ 97,500
0210	Salaries-Overtime/Holiday		\$ 65,000
0300	Salaries-PT		\$ 45,000
0500	FICA		\$ 122,940
0600	Group Insurance		\$ 435,000
0700	Retirement		\$ 223,583
0710	401K Supplement		\$ 76,808
0720	Separation Allowance		\$ 20,000
0730	401K Employer Match		\$ 2,000
0925	Professional Services		\$ 5,000
	Legal, misc		
1000	Training		\$ 10,000
1100	Telephone and Internet		\$ 28,000
	Cell stipend	9,000	
	Verizon	14,000	
	Comporium	5,000	
1400	Travel		\$ 5,000
1500	M & R Buildings		\$ 4,000
	General repairs	2,000	
	Office furniture	2,000	

1600	M & R Equipment		\$	10,000
	General repairs and upkeep	5,000		
	Replacement costs	5,000		
1700	M & R Autos/Trucks		\$	25,000
3100	Unleaded and Diesel		\$	55,000
3200	Office Supplies		\$	1,500
3300	Department Supplies and Materials		\$	15,000
	Ammunition	10,000		
	Evidence Supplies	2,500		
	Misc	2,500		
3500	Cleaning and Dry Clean		\$	8,400
3600	Uniforms		\$	20,500
	Uniform purchase and repl costs	17,000		
	Clothing allowance	3,500		
4500	Contracted Services		\$	337,700
	Transylvania County	260,000		
	SBI services	6,000		
	Parking Enforcement System	20,000		
	Investigative databases	4,000		
	Body cameras	11,000		
	Taser contract	5,600		
	Recorded line	3,200		
	Policy management system	6,500		
	Shredding	2,000		
	Police Mobile App	1,000		
	Psych services	2,500		
	Firing Range	3,500		
	Copier lease	3,600		
	Copier maint contract	1,800		
	Records Management System	7,000		
5300	Dues and Subscriptions		\$	1,500
5400	Insurance - Workers Comp and Liability		\$	100,000
	Liability	50,000		
	Workers Comp	50,000		
5700	Miscellaneous Smith Account		\$	3,000
5720	Community Projects		\$	5,000
	Promotional events	2,500		
	Community events	2,500		

6000	Department Equipment		\$ 61,000
	Equipment purchase and repl	30,000	
	Equipment for vehicles	25,000	
	Firearms	6,000	
7400	Capital Outlay		\$ 140,000
	2 Police interceptor AWD, hybrid	140,000	
TOTAL			\$ 3,659,192

PUBLIC WORKS

Administration, Buildings and Grounds,
Garage, Streets, and Recreation

The Public Works Department is responsible for maintaining and improving City-owned spaces. The department also provides on-call services and staff for emergency situations.

The duties of the Building & Grounds Division include maintenance, repair, housekeeping, and landscaping operations for City-owned facilities. Additionally, the BGD provides assistance for festivals and other City-sponsored events.

The Vehicle Maintenance Division performs regular maintenance and repair services for the City's vehicle and equipment fleet and contractual maintenance for Transylvania County vehicles.

The Streets Local Division oversees City infrastructure including streets, sidewalks, handicap ramps, storm drains, bridges, and rights-of-way. The division maintains 39.4 miles of streets, performs snow removal, and mows utility strips and rights-of-way. It is also responsible for managing traffic light systems, signage, and street lighting on City-owned streets. Some expenditures are budgeted in the Streets Powell Bill Division.

The Recreation Division encompasses the operational expenses of City-owned parks, playgrounds, sports facilities, and the seasonal contracting of Franklin Park Pool lifeguarding services.

ALIGNMENT WITH CLUP GOALS

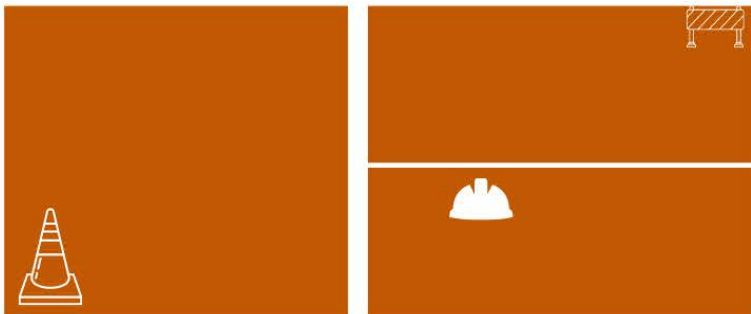
Economic Development, Infrastructure, & Resiliency-5: Prioritize street and sidewalk repairs based on recent condition assessments

Active Transportation & Community Health-2: Prioritize implementation of the Brevard Pedestrian and Bicycle Plan and improvement of neighborhood connections to existing and planned sidewalks and greenways.

- Identify sidewalks in need of repair/replacement and prioritize missing links in Downtown, Major Activity Centers and surrounding neighborhoods.

Parks, Natural Resources, & Cultural Resources-1: Maintain and improve existing parks.

Parks, Natural Resources, & Cultural Resources-15: Maintain Tree City USA designation. Continue Arbor Day Proclamation and consider expanded events to include educational activities for K-12 schools.



General Fund - Public Works - Administration

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 366,078	\$ 385,300	\$ 375,300	\$ 357,350	\$ 514,000	33.4%
OPERATING	162,247	80,800	80,800	74,200	80,100	-0.9%
CAPITAL	-	-	-	-	-	0.0%
TOTAL	\$ 528,325	\$ 466,100	\$ 456,100	\$ 431,550	\$ 594,100	27.5%

Notable Changes from the FY22-23 Budget

Personnel

Personnel expenses show an increase of \$129,000 from the previous fiscal year. A large portion of this can be attributed to the Finance Department now recording the Assistant Public Works Director under this division. In previous fiscal years, it was under the Streets division of Public Works.

General Fund - Public Works - Administration

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5450-0200	SALARIES - REGULAR	\$ 245,818	\$ 260,700	\$ 250,700	\$ 169,161	\$ 221,500	\$ 318,200
	MARKET ADJUSTMENT	-	-	-	-	-	22,600
	5% COLA ADJUSTMENT	-	-	-	-	-	15,600
10-5450-0210	SALARIES - REG - OT	12,096	7,500	7,500	18,711	25,000	7,500
10-5450-0500	FICA	19,161	20,000	20,000	13,745	18,500	24,400
10-5450-0600	GROUP INSURANCE	57,600	60,000	60,000	45,000	60,000	75,000
10-5450-0700	RETIREMENT	29,557	31,800	31,800	22,845	29,050	41,100
10-5450-0730	401K EMPLOYER MATCH	1,846	5,300	5,300	1,662	3,300	9,600
TOTAL PERSONNEL		\$ 366,078	\$ 385,300	\$ 375,300	\$ 271,124	\$ 357,350	\$ 514,000

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5450-0925	PROF SERVICES	\$ 94,147	\$ -	\$ -	\$ -	\$ -	
10-5450-1000	TRAINING	-	1,000	1,000	-	1,000	1,000
10-5450-1100	TELEPHONE AND INTERNET	8,173	11,700	11,700	8,775	14,000	13,600
10-5450-1110	POSTAGE	250	300	300	-	-	-
10-5450-1300	UTILITIES	14,008	15,000	15,000	10,062	15,000	15,000
10-5450-1400	TRAVEL	-	300	300	-	300	300
10-5450-1500	M & R BUILDINGS	22,377	26,000	26,000	8,917	20,000	23,000
10-5450-1600	M & R EQUIPMENT	2,368	5,000	5,000	749	3,000	5,000
10-5450-1700	M & R AUTOS & TRUCKS	569	1,000	1,000	202	1,000	2,000
10-5450-3100	UNLEADED & DIESEL	1,356	2,000	2,000	477	2,000	2,000
10-5450-3200	OFFICE SUPPLIES	8,320	8,000	8,000	4,884	8,000	8,000
10-5450-3300	DEPT SUPPLIES & MATERIALS	-	-	-	56	100	-
10-5450-3600	UNIFORMS	900	1,500	1,500	578	800	1,200
10-5450-5300	DUES & SUBSCRIPTIONS	2,752	1,000	1,000	458	1,000	1,000
10-5450-5400	INSURANCE - WC AND LIAB	7,027	8,000	8,000	7,427	8,000	8,000
TOTAL OPERATING		\$ 162,247	\$ 80,800	\$ 80,800	\$ 42,585	\$ 74,200	\$ 80,100

TOTAL	\$ 528,325	\$ 466,100	\$ 456,100	\$ 313,709	\$ 431,550	\$ 594,100
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General Fund - Public Works - Administration

Budget By Line Item / 10-5450-XXXX

0200	Salaries - Regular		\$	318,200
	1 Public Works Director			
	1 Assistant Public Works Director			
	1 Admin Services Manager			
	2 Office Assistant			
		Market	\$	22,600
		COLA	\$	15,600
0210	Salaries - Regular - Overtime		\$	7,500
0500	FICA		\$	24,400
0600	Group Insurance		\$	75,000
0700	Retirement		\$	41,100
0730	401K Employer Match		\$	9,600
1000	Training		\$	1,000
1100	Telephone and Internet		\$	13,600
	Verizon	3,600		
	Comporium	10,000		
1300	Utilites		\$	15,000
	Electricity	12,000		
	Natural Gas	3,000		
1400	Travel		\$	300
1500	M & R Buildings		\$	23,000
	General repairs and supplies			
1600	M & R Equipment		\$	5,000
1700	M & R Auto/Trucks		\$	2,000
3100	Unleaded and Diesel		\$	2,000
3200	Office Supplies		\$	8,000
3600	Uniforms		\$	1,200
5300	Dues and Subscriptions		\$	1,000
				-
5400	Insurance - Workers Comp and Liability		\$	8,000
	Liability	4,000		
	Workers Comp	4,000		
TOTAL			\$	594,100

General Fund - Building and Grounds

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 176,466	\$ 265,400	\$ 265,400	\$ 293,000	\$ 290,400	9.4%
OPERATING	209,842	160,700	160,700	202,000	224,100	39.5%
CAPITAL	-	50,000	50,000	56,457	-	-100.0%
TOTAL	\$ 386,308	\$ 476,100	\$ 476,100	\$ 551,457	\$ 514,500	8.1%

Notable Changes from the FY22-23 Budget

Personnel

Budgeted personnel expenses are \$25,000 higher than the previous fiscal year.

Operating

Operating expenses are budgeted \$64,000 higher than FY22-23.

The Maintenance and Repair Buildings and Contracted Services line items make up this increase. Both have shown significant increases from the previous fiscal year. The repairs needed to the HVAC system at City Hall is a major contributor to these increases.

General Fund - Building and Grounds

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5000-0200	SALARIES - REGULAR	\$ 106,957	\$ 165,600	\$ 165,600	\$ 122,183	\$ 181,000	\$ 163,500
	MARKET ADJUSTMENT	-	-	-	-	-	10,000
	5% COLA ADJUSTMENT	-	-	-	-	-	14,600
10-5000-0210	SALARIES - REG - OT	5,106	3,500	3,500	12,701	15,000	3,500
10-5000-0500	FICA	8,072	12,700	12,700	9,964	15,000	12,600
10-5000-0600	GROUP INSURANCE	43,200	60,000	60,000	45,000	60,000	60,000
10-5000-0700	RETIREMENT	12,864	20,200	20,200	16,399	22,000	21,200
10-5000-0730	401K EMPLOYER MATCH	267	3,400	3,400	-	-	5,000
TOTAL PERSONNEL		\$ 176,466	\$ 265,400	\$ 265,400	\$ 206,247	\$ 293,000	\$ 290,400

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5000-0925	PROF SERVICES	\$ 5,810	\$ 2,000	\$ 2,000	\$ 1,525	\$ 2,200	\$ 2,000
10-5000-1000	TRAINING	-	1,000	1,000	-	500	1,000
10-5000-1100	TELEPHONE AND INTERNET	4,640	8,900	8,900	6,139	8,900	9,900
10-5000-1300	UTILITIES	42,104	38,000	38,000	35,539	40,000	46,000
10-5000-1400	TRAVEL	-	500	500	-	500	500
10-5000-1500	M & R BUILDINGS	44,908	25,000	25,000	20,921	33,000	38,000
10-5000-1600	M & R EQUIPMENT	2,354	3,000	3,000	1,430	3,000	3,000
10-5000-1700	M & R AUTOS & TRUCKS	2,470	2,000	2,000	1,026	2,000	2,000
10-5000-2300	M & R PARKING LOTS	1,411	1,500	1,500	-	500	1,500
10-5000-3100	UNLEADED & DIESEL	3,934	4,500	4,500	2,072	4,100	5,000
10-5000-3200	OFFICE SUPPLIES	2,666	3,000	3,000	1,481	2,800	3,000
10-5000-3300	DEPARTMENT SUPPLIES	21,653	15,000	15,000	8,990	12,000	20,000
10-5000-3600	UNIFORMS	4,424	3,100	3,100	4,479	5,000	5,000
10-5000-4500	CONTRACTED SERVICES	66,617	46,200	46,200	69,156	80,000	79,200
10-5000-5300	DUES & SUBSCRIPTIONS	-	500	500	-	-	500
10-5000-5400	INSURANCE - WC AND LIAB	6,851	6,500	6,500	7,212	7,500	7,500
TOTAL OPERATING		\$ 209,842	\$ 160,700	\$ 160,700	\$ 159,970	\$ 202,000	\$ 224,100

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5000-7400	CAPITAL OUTLAY	-	50,000	50,000	56,457	56,457	-
TOTAL CAPITAL		\$ -	\$ 50,000	\$ 50,000	\$ 56,457	\$ 56,457	\$ -

TOTAL	\$ 386,308	\$ 476,100	\$ 476,100	\$ 422,674	\$ 551,457	\$ 514,500
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General Fund - Building and Grounds

Budget By Line Item / 10-5000-XXXX

0200 Salaries - Regular		\$ 163,500
1 Building and Grounds Crew Leader		
3 Building and Grounds Maintenance		
	Market	\$ 10,000
	COLA	\$ 14,600
0210 Salaries - Regular - Overtime		\$ 3,500
		-
0500 FICA		\$ 12,600
		-
0600 Group Insurance		\$ 60,000
		-
0700 Retirement		\$ 21,200
		-
0730 401K Employer Match		\$ 5,000
		-
0925 Professional Services		\$ 2,000
Survey, engineering, legal		-
1000 Training		\$ 1,000
		-
1100 Telephone and Internet		\$ 9,900
Comporium	8,400	
Stipend	1,500	
1300 Utilities		\$ 46,000
Electricity	36,000	
Natural Gas	10,000	
1400 Travel		\$ 500
1500 M & R Buildings		\$ 38,000
Repairs and Supplies - 9 Buildings,		
Janitorial supplies, breakroom supplies		
1600 M & R Equipment		\$ 3,000
1700 M & R Autos & Trucks		\$ 2,000
2300 M & R Parking Lots		\$ 1,500
3100 Unleaded and Diesel		\$ 5,000
3200 Office Supplies		\$ 3,000
3300 Department Supplies and Materials		\$ 20,000
Tools and Small Equipment	10,000	
Landscape Materials	10,000	
3600 Uniforms		\$ 5,000
Uniform Rental	3,000	

Shoes and PPE	2,000	
4500 Contracted Services		\$ 79,200
City Hall cleaning	21,000	
HVAC	25,000	
Misc	5,000	
Elevator	3,200	
Depot cleaning	3,200	
Downtown Planters	12,000	
Lease-Calwell-Main	3,000	
Silversteen Playground lawn care	4,000	
Pest Control	2,800	
5300 Dues and Subscriptions		\$ 500
5400 Insurance - Workers Comp and Liability		\$ 7,500
Liability	4,300	
Workers Comp	3,200	
7400 Capital Outlay		\$ -
	-	
	-	
TOTAL		\$ 514,500

General Fund - Public Works - Garage

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 202,870	\$ 228,200	\$ 228,200	\$ 222,600	\$ 240,600	5.4%
OPERATING	207,975	187,300	187,300	188,000	198,200	5.8%
CAPITAL	-	-	-	-	-	0.0%
TOTAL	\$ 410,845	\$ 415,500	\$ 415,500	\$ 410,600	\$ 438,800	5.6%

Notable Changes from the FY22-23 Budget

Personnel

Budgeted personnel expenses are \$12,400 higher than the previous fiscal year

Operating

Operating expenses are \$11,000 higher than FY23. This is almost entirely related to the expense the City anticipates incurring for County vehicle maintenance and fuel sales. This is offset by a General Fund revenue which is also budgeted at a higher level than FY23.

General Fund - Public Works - Garage

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5550-0200	SALARIES - REGULAR	\$ 127,947	\$ 147,000	\$ 147,000	\$ 98,468	\$ 144,000	\$ 140,400
	MARKET ADJUSTMENT	-	-	-	-	-	8,700
	5% COLA ADJUSTMENT	-	-	-	-	-	9,200
10-5550-0210	SALARIES - REG - OT	6,478	4,000	4,000	1,451	3,500	4,000
10-5550-0500	FICA	9,855	11,300	11,300	7,474	11,000	10,800
10-5550-0600	GROUP INSURANCE	43,200	45,000	45,000	33,750	45,000	45,000
10-5550-0700	RETIREMENT	15,297	17,900	17,900	12,018	17,600	18,200
10-5550-0730	401K EMPLOYER MATCH	93	3,000	3,000	862	1,500	4,300
TOTAL PERSONNEL		\$ 202,870	\$ 228,200	\$ 228,200	\$ 154,023	\$ 222,600	\$ 240,600

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5550-1000	TRAINING	\$ -	\$ 100	\$ 100	\$ 143	\$ 300	\$ 500
10-5550-1300	TELEPHONE AND INTERNET	1,387	2,700	2,700	1,058	2,000	2,000
10-5550-1600	M & R EQUIPMENT	18,397	15,000	15,000	9,668	12,000	15,000
10-5550-1700	M & R AUTOS & TRUCKS	2,195	2,000	2,000	672	2,000	2,000
10-5550-3100	UNLEADED & DIESEL	1,755	3,000	3,000	779	2,000	2,500
10-5550-3120	M & R COUNTY	128,282	115,000	115,000	78,478	115,000	120,000
10-5550-3130	UNLEADED & DIESEL - COUNTY	14,747	15,300	15,300	10,793	16,000	20,000
10-5550-3300	DEPT SUPPLIES & MATERIALS	26,638	20,000	20,000	13,724	22,000	20,000
10-5550-3600	UNIFORMS	4,005	3,500	3,500	2,359	3,500	3,500
10-5550-4500	CONTRACTED SERVICES	1,037	1,200	1,200	551	1,200	1,200
10-5550-5400	INSURANCE - WC AND LIAB	9,532	9,500	9,500	11,214	12,000	11,500
TOTAL OPERATING		\$ 207,975	\$ 187,300	\$ 187,300	\$ 129,439	\$ 188,000	\$ 198,200

TOTAL	\$ 410,845	\$ 415,500	\$ 415,500	\$ 283,462	\$ 410,600	\$ 438,800
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General Fund - Public Works - Garage

Budget By Line Item / 10-5550-XXXX

0200	Salaries - Regular		\$ 140,400
	1 Fleet Maint Supervisor		
	2 Fleet Mechanic		
		Market	\$ 8,700
		COLA	\$ 9,200
0210	Salaries - Regular - Overtime		\$ 4,000
0300	Salaries-PT		\$ -
0500	FICA		\$ 10,800
0600	Group Insurance		\$ 45,000
0700	Retirement		\$ 18,200
0730	401K Employer Match		\$ 4,300
1000	Training		\$ 500
1100	Telephone and Internet		\$ 2,000
	Cell stipend	1,300	
	Comporium	700	
1600	M & R Equipment		\$ 15,000
1700	M & R Autos/Trucks		\$ 2,000
3100	Unleaded and Diesel		\$ 2,500
3120	M & R -County		\$ 120,000
3130	Unleaded and Diesel - County		\$ 20,000
3300	Department Supplies and Materials		\$ 20,000
3600	Uniforms		\$ 3,500
	Uniform rental	2,200	
	Shoes and PPE	1,300	
4500	Contracted Services		\$ 1,200
	Clean Green	900	
	FCC Environmental	300	
5400	Insurance - Workers Comp and Liability		\$ 11,500
	Liability	5,500	
	Workers Comp	6,000	
TOTAL			\$ 438,800

General Fund - Public Works - Streets - Local

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 546,855	\$ 590,000	\$ 590,000	\$ 535,500	\$ 499,900	0.0%
OPERATING	253,678	271,600	271,600	266,700	266,200	-2.0%
CAPITAL	13,250	-	-	-	-	0.0%
TOTAL	\$ 813,783	\$ 861,600	\$ 861,600	\$ 802,200	\$ 766,100	-11.1%

Notable Changes from the FY22-23 Budget

Personnel

Budgeted personnel expenses are \$90,000 lower than the previous fiscal year. The Assistant Public Works Director position is now being budgeted under the Public Works - Admin division.

General Fund - Public Works - Streets - Local

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5600-0200	SALARIES - REGULAR	\$ 334,563	\$ 369,300	\$ 369,300	\$ 199,159	\$ 320,000	\$ 285,700
	MARKET ADJUSTMENT	-	-	-	-	-	3,300
	5% COLA ADJUSTMENT	-	-	-	-	-	18,500
10-5600-0210	OVERTIME - STREETS - LOCAL	28,680	20,000	20,000	16,552	25,000	20,000
10-5600-0500	FICA	26,517	28,300	28,300	16,097	26,500	21,900
10-5600-0600	GROUP INSURANCE	115,200	120,000	120,000	90,000	120,000	105,000
10-5600-0700	RETIREMENT	41,618	45,000	45,000	26,221	42,000	36,900
10-5600-0730	401K EMPLOYER MATCH	277	7,400	7,400	794	2,000	8,600
TOTAL PERSONNEL		\$ 546,855	\$ 590,000	\$ 590,000	\$ 348,823	\$ 535,500	\$ 499,900

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5600-0925	PROF SERVICES	\$ 12,625	\$ 3,500	\$ 3,500	\$ 1,400	\$ 3,500	\$ 3,500
10-5600-1100	TELEPHONE AND INTERNET	1,033	1,700	1,700	932	1,700	1,700
10-5600-1300	UTILITIES - STREET LIGHTS	117,167	125,000	125,000	82,402	125,000	125,000
10-5600-1350	LED LIGHT PROJECT	(1,500)	4,900	4,900	-	-	-
10-5600-1600	M & R EQUIPMENT	14,648	15,000	15,000	7,454	12,000	12,500
10-5600-1700	M & R AUTOS & TRUCKS	18,578	20,000	20,000	9,582	15,000	15,000
10-5600-2300	M & R PARKING LOTS	-	-	-	-	-	-
10-5600-2400	M & R STREET NAME SIGNS	9	4,000	4,000	3,390	3,500	4,000
10-5600-3100	UNLEADED & DIESEL	14,087	23,000	23,000	8,811	18,000	20,000
10-5600-3300	DEPARTMENT SUPPLIES	45,028	38,000	38,000	32,917	42,000	42,000
10-5600-3400	BRIDGE INSPECTIONS	779	2,000	2,000	-	1,000	2,000
10-5600-3600	UNIFORMS	9,630	8,500	8,500	6,250	10,500	10,500
10-5600-4500	CONTRACTED SERVICES	4,910	8,000	8,000	11,290	13,500	11,000
10-5600-5400	INSURANCE - WC AND LIAB	16,684	18,000	18,000	20,617	21,000	19,000
TOTAL OPERATING		\$ 253,678	\$ 271,600	\$ 271,600	\$ 185,045	\$ 266,700	\$ 266,200

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5600-7400	CAPITAL OUTLAY	13,250	-	-	-	-	-
TOTAL CAPITAL		\$ 13,250	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL	\$ 813,783	\$ 861,600	\$ 861,600	\$ 533,868	\$ 802,200	\$ 766,100
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General Fund - Public Works - Streets - Local

Budget By Line Item / 10-5600-XXXX

0200	Salaries - Regular		\$	285,700
	1 Streets Crew Leader			
	1 Skilled Maintenance Worker			
	5 Streets Maintenance Worker			
		Market	\$	3,300
		COLA	\$	18,500
0210	Salaries - Regular - Overtime		\$	20,000
0500	FICA		\$	21,900
0600	Group Insurance		\$	105,000
0700	Retirement		\$	36,900
0730	401K Employer Match		\$	8,600
0925	Pro Services		\$	3,500
1100	Telephone and Internet		\$	1,700
	Cell stipend	900		
	Verizon	800		
1300	Utilities- Steet Lights		\$	125,000
1600	M & R Equipment		\$	12,500
1700	M & R Autos/Trucks		\$	15,000
	17 Trucks			
2400	M & R Street Name Signs		\$	4,000
3100	Unleaded and Diesel		\$	20,000
3300	Department Supplies and Materials		\$	42,000
3400	Bridge Inspections		\$	2,000
	Railroad Ave and Cherry St.			
3600	Uniforms		\$	10,500
	Uniform rental	6,500		
	Safety Shoes and PPE	4,000		
4500	Contracted Services		\$	11,000
	Decorative Street Light Repairs	4,000		
	Tree Removal	7,000		
5400	Insurance - Workers Comp and Liability		\$	19,000
	Liability	10,000		
	Workers Comp	9,000		
7400	Capital Outlay		\$	-
				-
TOTAL			\$	766,100

General Fund - Public Works - Streets - Powell

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
OPERATING	247,909	482,300	482,300	451,000	235,000	-51.3%
CAPITAL	-	-	-	-	-	0.0%
TOTAL	\$ 247,909	\$ 482,300	\$ 482,300	\$ 451,000	\$ 235,000	-51.3%

Notable Changes from the FY22-23 Budget

Special Note

The Powell Bill budget shows a decrease of \$247,300, but in reality it is essentially flat.

The fiscal year 23 budget included a \$200,000 General Fund transfer to supplement the Powell Bill funds used largely for street paving. Additionally, during FY23, the City mistakenly over-budgeted Powell Bill revenues by \$40,000.

The City can expect to receive \$238,000 of Powell Bill funds from the State in FY24.

General Fund - Public Works - Streets - Powell

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5700-0925	PROF SERVICES	\$ 30,300	\$ -	\$ -	\$ -		
10-5700-2500	M & R SIDEWALKS	7,120	10,000	10,000	10,117	8,000	10,000
10-5700-2700	M & R STREETS	8,476	15,000	15,000	7,219	14,000	15,000
10-5700-2800	M & R CURB & GUTTER	2,242	5,000	5,000	30	3,000	5,000
10-5700-2900	M & R STORM DRAIN	13,217	10,000	10,000	3,805	6,000	10,000
10-5700-4500	CONTRACTED SERVICES	186,554	442,300	442,300	336,072	420,000	195,000
TOTAL OPERATING		\$ 247,909	\$ 482,300	\$ 482,300	\$ 357,243	\$ 451,000	\$ 235,000

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-5700-5400	CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL CAPITAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL	\$ 247,909	\$ 482,300	\$ 482,300	\$ 357,243	\$ 451,000	\$ 235,000
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General Fund - Public Works - Streets - Powell

Budget By Line Item / 10-5700-XXXX

0925	Professional Services	\$	-
2500	M & R Sidewalks	\$	10,000
2700	M & R Streets	\$	15,000
2800	M & R Curb &Gutter	\$	5,000
2900	M & R Storm Drain	\$	10,000
4500	Contracted Services	\$	195,000
	Paving, sidewalks, stamped crosswalks		
TOTAL		\$	235,000

General Fund - Recreation

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
OPERATING	182,361	229,200	241,200	195,500	265,500	15.8%
CAPITAL	7,910	-	70,000	-	-	0.0%
TOTAL	\$ 190,271	\$ 229,200	\$ 311,200	\$ 195,500	\$ 265,500	15.8%

Notable Changes from the FY22-23 Budget

The Recreation budget is \$36,300 higher than the previous fiscal year.

Costs to staff the swimming pool have increased from \$50,000 to \$70,000, as the City wishes to have the pool more accessible to the public than it had been last year.

Additionally, the Finance Director has recorded the cost of the Fourth of July fireworks under the Recreation Department, instead of under the Governing Board budget, as it had been in previous years.

General Fund - Recreation

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-6200-1100	TELEPHONE AND INTERNET	\$ 2,846	\$ -	\$ -	\$ -	\$ -	\$ -
10-6200-1300	UTILITIES	15,342	15,000	15,000	10,277	15,000	15,000
10-6200-1500	M & R BUILDINGS	68,527	80,500	80,500	24,081	55,000	56,000
10-6200-1600	M & R EQUIPMENT	2,264	3,000	3,000	748	2,500	3,000
10-6200-1700	M & R VEHICLES	2,492	2,000	2,000	884	2,500	2,500
10-6200-1800	M & R BRACKEN PRESERVE	-	10,000	10,000	-	5,000	10,000
10-6200-1900	COMMUNITY GARDEN	-	-	12,000	12,035	12,000	5,000
10-6200-2600	M & R PEDESTRIAN PATH	18,282	21,500	21,500	2,182	10,000	20,000
10-6200-3100	UNLEADED & DIESEL	3,934	5,000	5,000	2,071	5,000	5,000
10-6200-3300	DEPT SUPPLIES & MATERIALS	14,722	30,000	30,000	33,220	38,000	30,000
10-6200-4500	CONTRACTED SERVICES	45,724	50,200	50,200	24,276	40,000	107,000
10-6200-5300	CITY EVENTS - FESTIVALS	6,449	10,000	10,000	3,764	8,500	10,000
10-6200-5400	INSURANCE - WC AND LIAB	1,779	2,000	2,000	1,857	2,000	2,000
TOTAL OPERATING		\$ 182,361	\$ 229,200	\$ 241,200	\$ 115,395	\$ 195,500	\$ 265,500

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-6200-7400	CAPITAL OUTLAY	7,910	-	70,000	-	-	-
TOTAL CAPITAL		\$ 7,910	\$ -	\$ 70,000	\$ -	\$ -	\$ -

TOTAL	\$ 190,271	\$ 229,200	\$ 311,200	\$ 115,395	\$ 195,500	\$ 265,500
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General Fund - Recreation

Budget By Line Item / 10-6200-XXXX

1100	Telephone and Internet		\$	-
	Comporium			
1300	Utilities		\$	15,000
	Electricity			
1500	M & R Buildings		\$	56,000
	Maint - parks, playgrounds etc	25,000		
	Field dirt, supplies for ballfields	25,000		
	Skate Park maint	5,000		
	Community Garden	1,000		
1600	M & R Equipment		\$	3,000
1700	M & R Vehicles		\$	2,500
1800	M & Bracken Preserve		\$	10,000
1900	Community Garden		\$	5,000
2600	M & R Pedestrian/Bike/Hike Path		\$	20,000
3100	Unleaded and Diesel		\$	5,000
3300	Department Supplies and Materials		\$	30,000
	Tools & Small Equipment	15,000		
	Landscape Materials	15,000		
4500	Contracted Services		\$	107,000
	Portable toilets - four locations	13,000		
	Fireworks	24,000		
	Swim Club Pool Management (PY 50K)	70,000		
5300	City Events and Festivals		\$	10,000
5400	Insurance - Workers Comp and Liability		\$	2,000
	Liability	1,000		
	Workers Comp	1,000		
7400	Capital Outlay		\$	-
TOTAL			\$	265,500

GENERAL FUND

Non-Departmental

Non-departmental items are General Fund expenses that, by their nature, fall outside a specific department operating budget. General Fund debt payments are recorded in this department along with transfers to other funds.

General Fund - Non Departmental

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED 6-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
OPERATING	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
TRANSFER OUT	1,857,279	960,398	1,752,398	1,752,400	1,422,315	48.1%
DEBT	74,004	261,100	261,100	238,600	232,200	-11.1%
TOTAL	\$ 1,931,283	\$ 1,221,498	\$ 2,013,498	\$ 1,991,000	\$ 1,654,515	35.4%

Notable Changes from the FY22-23 Budget

Transfer Out

Transfers out are \$462,000 higher than FY23 budgeted amounts.

Significant factors include:

The transfer to the Fire Department has increased from \$574,398 in FY23 to \$726,715 in FY24. This increase is associated with expected debt payments on capital purchases. The City is responsible for 55% of the Fire Department and Transylvania County is responsible for 45%.

The City will transfer \$264,000 (two cents of the tax rate) to the Housing Trust Fund to address the need for affordable housing in the area.

The Sanitation Fund budget is in need of a \$156,600 transfer to balance the budget of this enterprise fund.

Historically, the City has transferred two cents of the tax rate to the Downtown Masterplan Fund, the Rosenwald Revitalization Fund, and the Multi-Use Path Fund. The current budget has not funded or reduced these amounts.

Debt

Debt service payments make up only 2% of the total General Fund budget. The majority of this amount is from the construction of the Mary C. Jenkins Community Center.

General Fund - Non Departmental

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
		-	-	-	-	-	-
TOTAL OPERATING		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Transfer Out

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-6600-9220	OPEB TRANSFER	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10-6600-9240	TO FIRE DEPT	488,073	574,398	574,398	430,800	574,400	726,715
10-6600-9249	TO HEART OF BREVARD	11,000	11,000	11,000	11,000	11,000	11,000
10-6600-9251	TO FUND 83 - DOWNTOWN	208,000	250,000	812,000	749,500	812,000	132,000
10-6600-9256	TO FUND 82 - ROSENWALD	208,000	-	-	-	-	-
	TO FUND 70 - HOUSING	-	-	-	-	-	264,000
	TO FUND 20 - SANITATION	-	-	-	-	-	156,600
10-6600-9257	TO FUND 78 - MULTI	896,644	-	-	-	-	-
10-6600-9258	TO FUND 80 - COMMUNICATION	45,562	-	-	-	-	-
10-6600-9259	TO FUND 78 - ESTATOE	-	125,000	125,000	125,000	125,000	82,000
10-6600-9261	TO FUND 82 - MCJ	-	-	130,000	130,000	130,000	-
10-6600-9270	TO FUND 78 - ROUNDABOUTS	-	-	100,000	100,000	100,000	50,000
TOTAL TRANSFER OUT		\$ 1,857,279	\$ 960,398	\$ 1,752,398	\$ 1,546,300	\$ 1,752,400	\$ 1,422,315

Debt

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
10-6600-9120	DEBT PRINC DUE - BBT004	\$ 19,229	\$ 19,600	\$ 19,600	\$ 12,992	\$ 19,500	\$ 20,000
10-6600-9121	DEBT INT DUE - BBT004	1,226	1,000	1,000	645	900	600
10-6600-9130	DEBT PRINC DUE - FC9262	14,817	15,200	15,200	11,337	15,000	15,500
10-6600-9131	DEBT INT DUE - FC9262	1,094	800	800	595	800	400
10-6600-9140	DEBT PRINC DUE - FC7705	17,226	-	-	-	-	-
10-6600-9141	DEBT INT DUE - FC7705	156	-	-	-	-	-
10-6600-9150	DEBT PRINC DUE - UNIT7431	7,153	6,800	6,800	4,894	6,800	-
10-6600-9151	DEBT INT DUE - UNIT7431	329	800	800	96	300	-
10-6600-9170	DEBT PRINC DUE - ST001	10,180	10,800	10,800	8,032	10,500	11,100
10-6600-9171	DEBT INT DUE - ST001	2,594	2,100	2,100	1,545	2,000	1,800
10-6600-9180	DEBT PRINC DUE - MCJ	-	157,000	157,000	135,988	136,000	138,700
10-6600-9181	DEBT INT DUE - MCJ	-	47,000	47,000	46,765	46,800	44,100
TOTAL DEBT		\$ 74,004	\$ 261,100	\$ 261,100	\$ 222,889	\$ 238,600	\$ 232,200

TOTAL	\$ 1,931,283	\$ 1,221,498	\$ 2,013,498	\$ 1,769,189	\$ 1,991,000	\$ 1,654,515
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General Fund - Non Departmental

Budget By Line Item / 10-6600-XXXX

9120	Debt Princ Due-FY20 Cap-BBT004	\$	20,000
			-
9121	Debt Int Due-FY20 Cap-BBT004	\$	600
			-
9130	Debt Princ Due- Duke -FC9262	\$	15,500
			-
9131	Debt Int Due-Duke-FC9262	\$	400
			-
9170	Debt Princ Due-FY19 Cap- ST001	\$	11,100
			-
9171	Debt Int Due- FY 19 Cap-ST001	\$	1,800
			-
9180	Debt Princ Due - Mary C Jenkins	\$	138,700
			-
9181	Debt Int Due - Mary C Jenkins	\$	44,100
			-
9220	O-P-E-B Transfer	\$	-
			-
9240	Transfer to Fire Dept Fund	\$	726,715
			-
9249	Transfer to Heart of Brevard	\$	11,000
			-
9251	Transfer to Fund 83 Downtown Master Plan Fund	\$	132,000
			-
9256	Transfer to Fund 82 Rosenwald Fund	\$	-
			-
9259	Transfer to Fund 78 Multi-Use Paths - Estatoe	\$	82,000
			-
9270	Transfer to Fund 78 - Roundabouts	\$	50,000
			-
92xx	Transfer to Fund 20- Sanitation	\$	156,600
			-
92xx	Transfer to Fund 76 - Housing Trust Fund	\$	264,000
			-
TOTAL		\$	1,654,515

SANITATION FUND

Brevard's Sanitation division is responsible for collecting and disposing of solid waste and recycling materials for residential and commercial customers. Solid waste collection includes the removal of brush, leaves, and bulky items (e.g., furniture, appliances, and electronics). The division also provides corrugated cardboard collection for commercial customers.

The Sanitation division is funded by monthly fees and from proceeds from the sale of cardboard and other recyclables to firms that repurpose them into raw materials.

ALIGNMENT WITH CLUP GOALS

Parks, Natural Resources, & Cultural Resources-22: Invest in public infrastructure and facilities, as well as the operations and maintenance necessary to support festivals and cultural events occurring in Downtown public spaces.

Economic Development, Infrastructure, & Resiliency-16: Promote "triple-bottom-line" sustainability with equal emphasis on economic, environmental, and social impacts. Assist businesses with managing waste, conservation of water and energy, sustainable sourcing of goods and services.

Economic Development, Infrastructure, & Resiliency-17: Reduce the City's carbon and ecological footprint.



Sanitation Fund

Total Revenue

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
20-3590-0100	REFUSE COLLECTION FEES	\$ 396,726	\$ 426,500	426,500	\$ 275,845	\$ 412,000	\$ 420,000
20-3590-0200	SPECIAL REFUSE COLL CHARGES	6,975	6,500	6,500	4,075	6,000	6,500
20-3590-0300	COUNTY DISPOSAL FEES - REFUSE	410,797	424,000	424,000	288,217	432,000	440,000
20-3590-0400	SOLID WASTE DISPOSAL TAX	4,478	4,000	4,000	4,623	7,500	6,000
20-3590-0500	SPECIAL - ELECTRONICS - MULCH	640	1,000	1,000	575	1,000	1,000
20-3590-0600	COMMERCIAL CARDBOARD MON	62,285	84,300	84,300	44,165	66,000	55,000
20-3750-0000	RECYCLING MONTHLY	171,887	237,000	207,000	145,474	220,000	225,000
	TRANSFER FROM GENERAL FUND	-	-	-	-	-	156,600
20-3750-0100	SALE OF RECYCABLES	22,857		30,000	13,293	26,400	21,500
20-3970-0300	PROCEEDS FROM DEBT	-	330,000	330,000	-	330,000	-
TOTAL PERSONNEL		\$ 1,076,645	\$ 1,513,300	\$ 1,513,300	\$ 776,267	\$ 1,500,900	\$ 1,331,600

Sanitation Fund

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 571,472	\$ 691,500	\$ 691,500	\$ 615,500	\$ 714,900	3.4%
OPERATING	369,468	421,600	421,600	461,000	398,000	-5.6%
CAPITAL	-	330,000	330,000	330,000	-	-100.0%
TRANSFER OUT	-	-	-	-	75,000	0.0%
DEBT	102,838	70,200	70,200	70,200	143,700	104.7%
TOTAL	\$ 1,043,778	\$ 1,513,300	\$ 1,513,300	\$ 1,476,700	\$ 1,331,600	-12.0%

Notable Changes from the FY22-23 Budget

Personnel

Current year budgeted amounts are \$23,400 higher than the previous fiscal year.

Operating

Operating expenses are budgeted \$23,600 lower than FY22-23. Cost increases in M & R Trucks and fuel were more than offset by decreases in amounts budgeted for disposal charges and brush grindings.

Transfer Out

Enterprise funds should "pay back" the General Fund for the cost of services provided. The City has included a \$75,000 transfer for this purpose.

Debt

Debt payments are \$73,500 higher than the previous year. In April of 2023, the City initiated a loan for \$320,000 to fund two sanitation capital items. The debt has an interest rate of 4.16% and a term of fifty nine months.

Sanitation Fund - Operations

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
20-5800-0200	SALARIES - REGULAR	\$ 358,030	\$ 428,000	\$ 428,000	\$ 253,770	\$ 364,000	\$ 416,000
	MARKET ADJUSTMENT						-
	5% COLA ADJUSTMENT						25,800
20-5800-0210	SALARIES - REG - OT	13,355	5,000	5,000	8,510	13,500	10,000
20-5800-0500	FICA	27,553	32,800	32,800	19,253	27,500	31,900
20-5800-0600	GROUP INSURANCE	129,600	165,000	165,000	123,750	165,000	165,000
20-5800-0700	RETIREMENT	42,560	52,100	52,100	31,492	44,500	53,700
20-5800-0730	401K EMPLOYER MATCH	374	8,600	8,600	135	1,000	12,500
TOTAL PERSONNEL		\$ 571,472	\$ 691,500	\$ 691,500	\$ 436,910	\$ 615,500	\$ 714,900

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
20-5800-1600	M & R EQUIPMENT	\$ 5,975	\$ 6,000	\$ 6,000	\$ 4,946	\$ 5,500	\$ 6,000
20-5800-1700	M & R AUTO & TRUCKS	37,878	20,000	20,000	54,617	58,000	45,000
20-5800-3100	UNLEADED & DIESEL	49,773	45,000	45,000	27,903	55,000	54,000
20-5800-3200	RECYCLING	599	23,000	23,000	22,313	22,000	5,000
20-5800-3300	OFFICE SUPPLIES	632	3,000	3,000	1,443	3,000	3,000
20-5800-3600	UNIFORMS	13,490	9,500	9,500	10,516	13,500	15,000
20-5800-4500	CONTRACTED SERVICES	59,406	97,100	97,100	41,146	85,000	60,000
20-5800-5000	COUNTY DISPOSAL CHARGES	184,936	200,000	200,000	105,315	200,000	190,000
20-5800-5400	INSURANCE & BONDS	16,779	18,000	18,000	17,923	19,000	20,000
TOTAL OPERATING		\$ 369,468	\$ 421,600	\$ 421,600	\$ 286,122	\$ 461,000	\$ 398,000

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
20-5800-7400	CAPITAL OUTLAY	-	330,000	330,000	125,136	330,000	-
TOTAL CAPITAL		\$ -	\$ 330,000	\$ 330,000	\$ 125,136	\$ 330,000	\$ -

TOTAL	\$ 940,940	\$ 1,443,100	\$ 1,443,100	\$ 848,168	\$ 1,406,500	\$ 1,112,900
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Sanitation Fund - Operations

Budget By Line Item / 20-5800-XXXX

0200	Salaries - Regular			\$	416,000
	4 Sanitation Truck Driver				
	7 Sanitation Worker				
			Market Cola		-
				\$	25,800
0210	Salaries - Regular - Overtime			\$	10,000
0500	FICA			\$	31,900
0600	Group Insurance			\$	165,000
0700	Retirement			\$	53,700
0730	401K Employer Match			\$	12,500
1600	M & R Equipment			\$	6,000
1700	M & R Autos/Trucks			\$	45,000
3100	Unleaded and Diesel			\$	54,000
3200	Recycling			\$	5,000
	Recycle carts and bins	2,000			
	Recycling disposal fee	2,000			
	Misc	1,000			
3300	Department Supplies and Materials			\$	3,000
3600	Uniforms			\$	15,000
	Uniform rental	10,500			
	Shoes and PPE	4,500			
4500	Contracted Services			\$	60,000
	Garbage-recycling - Jordan St.	7,100			
	Brush grindings and disposal	42,900			
	Soil samplings	10,000			
5000	County Disposal Charges			\$	190,000
5400	Insurance - Workers Comp and Liability			\$	20,000
	Liability	10,000			
	Workers Comp	10,000			
7400	Capital Outlay			\$	-
		-			
		-			
		-			
TOTAL				\$	1,112,900

Sanitation Fund - Non Departmental

Detailed Expenditures

Transfer Out

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
20-6600-9100	REIMBURSE GEN FUND FOR SERV	-	-	-	-	-	75,000
TOTAL TRANSFER OUT		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,000

Debt

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
20-6600-9210	DEBT PRINC DUE - FC7705	\$ 32,632	\$ -	\$ -	\$ -	\$ -	\$ -
20-6600-9211	DEBT INTEREST DUE - FC7705	294	-	-	-	-	-
20-6600-9220	DEBT PRINC DUE - BBT005	24,349	24,800	24,800	18,521	24,800	25,200
20-6600-9221	DEBT INTEREST DUE - BBT005	2,702	2,400	2,400	1,767	2,400	2,000
20-6600-9230	DEBT PRINC DUE - UNIT1078	17,272	17,700	17,700	13,284	17,700	18,100
20-6600-9231	DEBT INTEREST DUE - UNIT1078	3,693	3,300	3,300	2,440	3,300	2,900
20-6600-9240	DEBT PRINC DUE - UNIT7431	17,929	18,500	18,500	14,111	18,500	19,100
20-6600-9241	DEBT INTEREST DUE - UNIT7431	3,967	3,500	3,500	2,311	3,500	2,900
20-6600-9250	DEBT PRINC DUE - FY23 CAPITAL	-	-	-	-	-	61,500
20-6600-9251	DEBT INT DUE - FY23 CAPITAL	-	-	-	-	-	12,000
TOTAL DEBT		\$ 102,838	\$ 70,200	\$ 70,200	\$ 52,434	\$ 70,200	\$ 143,700

TOTAL	\$ 102,838	\$ 70,200	\$ 70,200	\$ 52,434	\$ 70,200	\$ 218,700
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Sanitation Fund - Non Departmental

Budget By Line Item / 20-6600-XXXX

9100	Reimburse General Fund	\$	75,000
9220	Debt Princ Due -FY21 Cap-BBT005	\$	25,200
			-
9221	Debt Int Due-FY21 Cap-BBT005	\$	2,000
			-
9230	Debt Princ Due-FY20 Cap-Unit 1078	\$	18,100
			-
9231	Debt Int Due-FY20 Cap-Unit 1078	\$	2,900
			-
9240	Debt Princ Due- FY18 Cap-Unit 7431	\$	19,100
			-
9241	Debt Int Due- FY18 Cap-Unit 7431	\$	2,900
			-
9250	Debt Princ Due- FY23 Cap	\$	61,500
			-
9251	Debt Int Due- FY23 Cap	\$	12,000
			-
TOTAL		\$	218,700

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WATER & SEWER FUND

Water Treatment, Water Distribution,
Wastewater Collections, & Wastewater Treatment

Brevard's water/sewer utility provides safe, affordable drinking water to approximately 5,000 meters both inside and outside the city limits. It is a full-service utility providing raw water treatment, drinking water distribution, wastewater collection, and wastewater treatment with a staff of 24.

The utility has four operating divisions: water treatment, distribution, collections, wastewater treatment. In FY23/24 the Water Treatment division, whose mission statement appears at the end of this brief, currently produces about 550 million gallons of potable water every year for the City of Brevard. The WTP has received funding in the amount of \$4,929,000 from the NC Department of Environmental Quality's (DEQ) Division of Water Infrastructure (DWI) to renovate portions of the plant, which has been in operation since 1980. These renovations, which are slated to begin in fall 2024, will ensure the plant can continue to provide residents and visitors with a vital resource while meeting all State and EPA standards.

ALIGNMENT WITH CLUP GOALS

Economic Development, Infrastructure, & Resiliency—2: Pursue upgrades to the public water and sewer system. Budget and pursue grants to address infiltration and inflow in the sewer system, serve areas with aging septic tanks, replace water tanks and key transmission infrastructure, and locate a new water intake downstream of current intake.

Water Supply Evaluation: A 2015 water supply analysis modeled nearly 100 years of stream flow data for Cathey's Creek and demand projections for population growth and new industrial users. The study found that the current water supply has low vulnerability in the near future but is projected to exceed 80% of its permitted capacity as soon as 2045. The report recommended the construction of a second intake on Cathey's Creek immediately upstream of its confluence with the French Broad River and an expansion of treatment capacity by 50% to 3.9 MGD.

550 MILLION
Gallons of Water
Treated & Delivered 


5
Employees

4.9 Million
Dollars of Grant
 Funding for
Plant Renovations

4,000 + 
Chemical, physical,
& bacteriological tests performed

WATER & SEWER FUND cont.

Water Treatment, Water Distribution, Wastewater Collections, & Wastewater Treatment

The Distribution division maintains the City's water infrastructure, which consists of 86 miles of water mains. The staff is also responsible for the installation and repairs of all water distribution system lines, fire hydrants, and water meters.

The Collections division maintains and repairs the City's sewer infrastructure, which consists of 55 miles of gravity sewer, 6 miles of force main sewer lines, and 16 lift stations. Operators are responsible for maintaining main service and transmission lines, manholes, pumps and facilities, and a proactive inflow and infiltration reduction program.

Operating details and strategic plan for the Wastewater Treatment division are on page 106.

MISSION STATEMENT

The mission of the Water Treatment Plant is to transform runoff originating in Pisgah National Forest and arriving at the facility from Cathey's Creek into a dependable, high-quality supply of potable water to sustain the quality of life expected by and owed to our citizens and visitors.



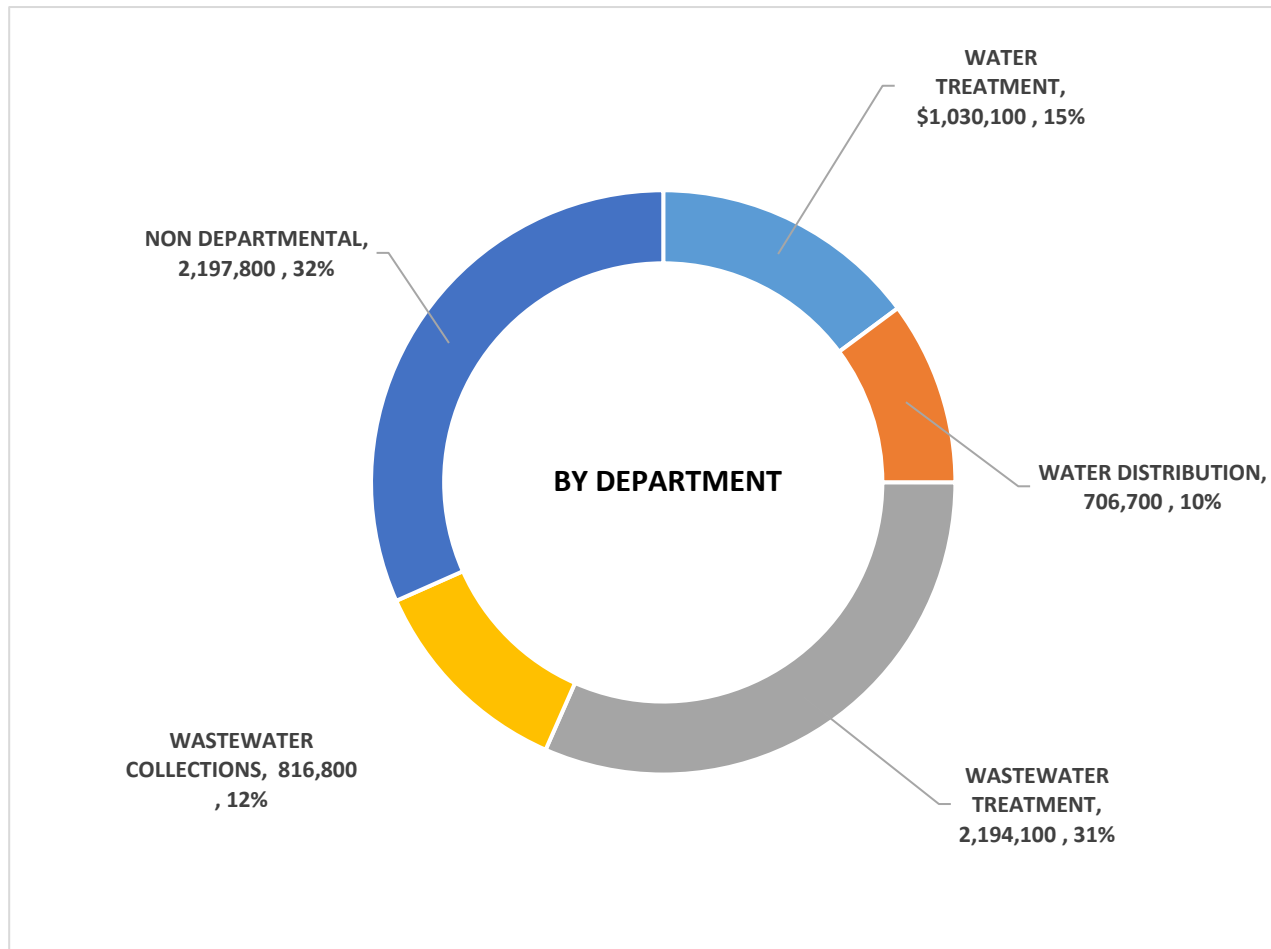
Water and Sewer Fund

Total Revenue

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-3350-0100	MISC UTILITY FEES	\$ 1,100	\$ 1,000	\$ 1,000	\$ 2,650	\$ 2,000	\$ 1,000
30-3710-0100	WATER CHARGES	3,043,000	3,050,000	3,050,000	2,358,135	3,200,000	3,280,000
30-3710-0200	SEWER CHARGES	2,809,302	2,728,800	2,728,800	2,227,830	3,000,000	3,060,000
30-3710-0300	METER CHARGES	177,562	180,000	180,000	134,276	180,000	185,000
30-3710-0400	METER REACTIVATION	1,380	1,000	1,000	480	500	1,000
30-3730-0100	WATER TAP & CONNECT FEE	64,171	60,000	60,000	50,058	75,000	85,000
30-3730-0200	SEWER TAP & CONNECT FEE	42,385	35,000	35,000	28,625	55,000	65,000
30-3750-0200	LATE - RECONNECT FEES	56,657	58,000	58,000	39,120	60,000	65,000
30-3760-0000	SEPTAGE PRETREATMENT	58,575	58,000	58,000	49,125	68,000	175,000
30-3990-0000	FUND BALANCE APPROP	-	168,142	366,142	-	-	28,500
TOTAL REVENUE		\$ 6,254,132	\$ 6,339,942	\$ 6,537,942	\$ 4,890,299	\$ 6,640,500	\$ 6,945,500

Water and Sewer Fund

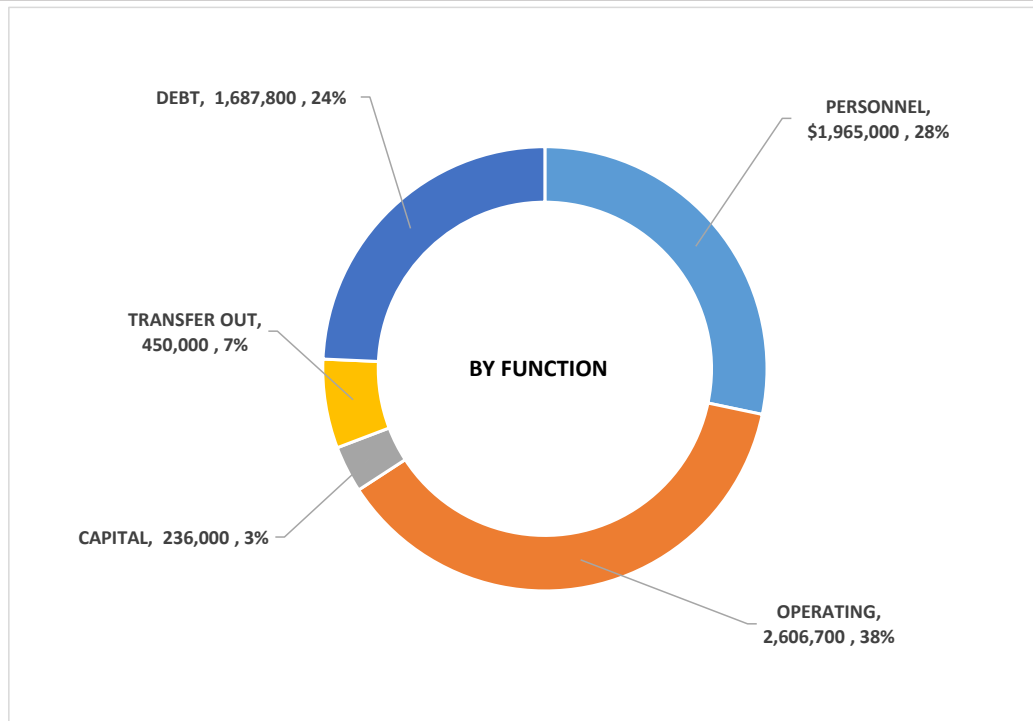
Total Expenditures By Department



	ACTUAL	FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
WATER TREATMENT	\$	895,803	\$ 961,900	\$ 961,900	\$ 925,600	\$ 1,030,100	7.1%
WATER DISTRIBUTION		618,318	659,900	659,900	611,700	706,700	7.1%
WASTEWATER TREATM		1,667,980	1,627,500	1,627,500	1,605,300	2,194,100	34.8%
WASTEWATER COLLEC		643,916	737,400	737,400	691,500	816,800	10.8%
NON DEPARTMENTAL		2,256,334	2,353,242	2,551,242	2,423,500	2,197,800	-6.6%
TOTAL	\$	6,082,351	\$ 6,339,942	\$ 6,537,942	\$ 6,257,600	\$ 6,945,500	9.6%

Water and Sewer Fund

Total Expenditures By Function



	ACTUAL	FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
PERSONNEL	\$	1,601,757	\$ 1,766,300	\$ 1,766,300	\$ 1,684,300	\$ 1,965,000	11.2%
OPERATING		2,156,858	2,206,400	2,404,400	2,345,800	2,606,700	18.1%
CAPITAL		122,657	62,000	62,000	62,000	236,000	280.6%
TRANSFER OUT		600,000	600,000	600,000	600,000	450,000	-25.0%
DEBT		1,601,079	1,705,242	1,705,242	1,565,500	1,687,800	-1.0%
TOTAL	\$	6,082,351	\$ 6,339,942	\$ 6,537,942	\$ 6,257,600	\$ 6,945,500	9.6%

Notable Changes from the FY22-23 Budget

Personnel

Current year budgeted amounts are \$198,700 higher than the previous fiscal year.

Operating

Operating expenses are budgeted \$400,000 higher than FY22-23. While many expenditures show increases, the majority of this amount is related to the higher cost of chemicals needs at Wastewater Treatment, and \$150,000 the City has budgeted for preliminary engineering and other professional services needed as the City begins the process of replacing the Wastewater Treatment Plant.

Transfer Out

The Water and Sewer Fund reimbursement to the General Fund has been reduced from \$600,000 to \$450,000.

Debt

Water and Sewer debt payments are \$17,400 lower than the previous year. Certain interest expenses due to the State are on a declining balance schedule. The majority of Water and Sewer debt is not scheduled to be paid off until 2033 or later.

Water and Sewer Fund - Water Treatment

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
PERSONNEL	\$ 416,343	\$ 429,400	\$ 429,400	\$ 440,000	\$ 455,800	6.1%
OPERATING	479,460	532,500	532,500	485,600	574,300	7.8%
CAPITAL	-	-	-	-	-	0.0%
TOTAL	<u>\$ 895,803</u>	<u>\$ 961,900</u>	<u>\$ 961,900</u>	<u>\$ 925,600</u>	<u>\$ 1,030,100</u>	<u>7.1%</u>

Notable Changes from the FY22-23 Budget

Personnel

Current year budgeted amounts are \$26,400 higher than the previous fiscal year.

Operating

Operating expenses are budgeted \$41,800 higher than FY22-23. The bulk of this increase involves an upgrade to the SCADA system.

Water and Sewer Fund - Water Treatment

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8120-0200	SALARIES - REGULAR	\$ 279,998	\$ 286,700	\$ 286,700	\$ 206,114	\$ 291,500	\$ 266,500
	MARKET ADJUSTMENT	-	-	-	-	-	26,500
	5% COLA ADJUSTMENT	-	-	-	-	-	17,500
30-8120-0210	SALARIES - REG - OT	6,173	5,000	5,000	10,237	12,000	7,500
30-8120-0500	FICA	20,734	22,000	22,000	15,115	21,000	20,400
30-8120-0600	GROUP INSURANCE	72,000	75,000	75,000	56,250	75,000	75,000
30-8120-0700	RETIREMENT	34,649	34,900	34,900	26,308	36,000	34,400
30-8120-0730	401K EMPLOYER MATCH	2,789	5,800	5,800	2,935	4,500	8,000
TOTAL PERSONNEL		\$ 416,343	\$ 429,400	\$ 429,400	\$ 316,959	\$ 440,000	\$ 455,800

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8120-0925	PRO SERVICES	\$ 110,057	\$ 96,300	\$ 96,300	\$ 55,549	\$ 93,000	\$ 141,000
30-8120-1000	TRAINING	1,496	2,500	2,500	1,863	3,000	3,000
30-8120-1100	TELEPHONE AND INTERNET	8,725	9,300	9,300	5,266	9,000	7,100
30-8120-1300	UTILITIES	76,230	78,000	78,000	63,953	76,000	80,000
30-8120-1500	M & R BUILDINGS	18,174	44,500	44,500	39,037	53,000	38,000
30-8120-1600	M & R EQUIPMENT	48,446	70,500	70,500	4,260	40,000	69,000
30-8120-1700	M & R AUTO & TRUCKS	3,488	3,000	3,000	444	2,000	3,000
30-8120-3100	UNLEADED & DIESEL	2,710	3,000	3,000	1,312	3,000	3,000
30-8120-3200	OFFICE SUPPLIES	1,209	1,500	1,500	367	1,200	1,800
30-8120-3300	DEPT SUPPLIES & MATERIALS	27,341	24,500	24,500	19,760	23,000	26,000
30-8120-3400	OTHER SUPPLIES & MATERIALS	167,415	187,000	187,000	147,565	170,000	190,000
30-8120-3600	UNIFORMS	2,306	2,400	2,400	1,501	2,400	2,400
30-8120-5300	DUES & SUBSCRIPTIONS	580	1,000	1,000	925	1,000	1,000
30-8120-5400	INSURANCE - WC AND LIAB	11,283	9,000	9,000	8,355	9,000	9,000
TOTAL OPERATING		\$ 479,460	\$ 532,500	\$ 532,500	\$ 350,157	\$ 485,600	\$ 574,300

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8120-7400	CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL CAPITAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL	\$ 895,803	\$ 961,900	\$ 961,900	\$ 667,116	\$ 925,600	\$ 1,030,100
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Water and Sewer Fund - Water Treatment

Budget By Line Item / 30-8120-XXXX

0200	Salaries - Regular		\$ 266,500
	1 Plant Superintendent/ORC		
	2 Plant Operator 1		
	2 Plant Operator 3		
		Market	\$ 26,500
		Cola	\$ 17,500
0210	Salaries - Regular - Overtime		\$ 7,500
0500	FICA		\$ 20,400
0600	Group Insurance		\$ 75,000
0700	Retirement		\$ 34,400
0730	401K Employer Match		\$ 8,000
0925	Pro Services		\$ 141,000
	FY24 SCADA upgrade	35,000	
	SCADA Hardware, software update and maint	35,000	
	Misc engineering services	50,000	
	Compliance testing, tech calibrations	16,500	
	Certification and Permit fees	4,500	
1000	Training		\$ 3,000
1100	Telephone and Internet		\$ 7,100
	Verizon	1,200	
	Cell Stipend	500	
	Comporium	5,400	
1300	Utilities		\$ 80,000
	Electricity	74,000	
	Natural Gas/Diesel	6,000	
1500	M & R Buildings		\$ 38,000
	Basin scimmer adj	-	
	Contract labor	10,000	
	Fence repairs	7,500	
	Sand removal	6,000	
	Water process equipment	5,000	
	Tools and materials	2,000	
	Misc repairs	7,500	
1600	M & R Equipment		\$ 69,000
	Pump/motor replace/repair	45,000	
	Chemical feeds pumps and tubing	10,000	
	Contract labor	12,000	
	Tools and materials	2,000	
1700	M & R Autos/Trucks		\$ 3,000

3100	Unleaded and Diesel		\$	3,000
3200	Office Supplies		\$	1,800
3300	Department Supplies and Materials		\$	26,000
	Lab equip., reagents, gen supp			
3400	Other Supl & Matl		\$	190,000
	Water treatment chemicals			
	Sodium Bicarbonate, Poly Aluminium Chloride, Bleach, Phosphate			
3600	Uniforms		\$	2,400
5300	Dues & Subscriptions		\$	1,000
5400	Insurance - Workers Comp and Liability		\$	9,000
	Liability	4,500		
	Workers Comp	4,500		
7400	Capital Outlay		\$	-
		-		
		-		
		-		
		-		
TOTAL				\$ 1,030,100

Water and Sewer Fund - Water Distribution

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
PERSONNEL	\$ 299,325	\$ 379,600	\$ 379,600	\$ 350,700	\$ 415,400	9.4%
OPERATING	318,993	280,300	280,300	261,000	291,300	3.9%
CAPITAL	-	-	-	-	-	0.0%
TOTAL	\$ 618,318	\$ 659,900	\$ 659,900	\$ 611,700	\$ 706,700	7.1%

Notable Changes from the FY22-23 Budget

Personnel

Current year budgeted amounts are \$36,800 higher than the previous fiscal year.

Operating

Operating expenses are budgeted \$11,000 higher than FY22-23. The M & R Trucks line item accounts for \$6,000 of this amount.

Water and Sewer Fund - Water Distribution

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8140-0200	SALARIES - REGULAR	\$ 186,021	\$ 241,700	\$ 241,700	\$ 152,016	\$ 219,000	\$ 239,600
	MARKET ADJUSTMENT	-	-	-	-	-	19,200
	5% COLA ADJUSTMENT	-	-	-	-	-	15,000
30-8140-0210	SALARIES - REG - OT	15,307	10,000	10,000	6,625	10,000	10,000
30-8140-0500	FICA	15,614	18,500	18,500	11,629	16,500	18,400
30-8140-0600	GROUP INSURANCE	57,600	75,000	75,000	56,250	75,000	75,000
30-8140-0700	RETIREMENT	24,305	29,500	29,500	19,291	29,500	31,000
30-8140-0730	401K EMPLOYER MATCH	478	4,900	4,900	417	700	7,200
TOTAL PERSONNEL		\$ 299,325	\$ 379,600	\$ 379,600	\$ 246,228	\$ 350,700	\$ 415,400

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8140-0925	PROF SERVICES	\$ 65,554	\$ 31,000	\$ 31,000	\$ 25,785	\$ 30,000	\$ 31,000
30-8140-1100	TELEPHONE AND INTERNET	2,369	2,000	2,000	1,362	2,000	2,000
30-8140-1200	TRAINING	-	3,000	3,000	-	1,500	3,000
30-8140-1400	TRAVEL	-	3,000	3,000	-	1,500	3,000
30-8140-1500	M & R BUILDINGS	17,294	4,000	4,000	3,565	5,000	4,000
30-8140-1600	M & R EQUIPMENT	7,772	10,000	10,000	9,073	12,000	10,000
30-8140-1700	M & R AUTO & TRUCKS	5,544	4,000	4,000	15,287	20,000	10,000
30-8140-3100	UNLEADED & DIESEL	8,806	9,000	9,000	2,133	6,500	9,000
30-8140-3200	OFFICE SUPPLIES	2,534	3,000	3,000	945	2,000	3,000
30-8140-3300	DEPT SUPPLIES & MATERIALS	175,626	135,000	135,000	110,361	115,000	135,000
30-8140-3400	WATER TANK MAINT PROGRAM	14,107	14,200	14,200	-	14,200	14,200
30-8140-3600	UNIFORMS	3,768	3,100	3,100	4,085	3,300	3,100
30-8140-4500	CONTRACTED SERVICES	6,948	47,500	47,500	32,790	36,000	50,500
30-8140-5300	DUES & SUBSCRIPTIONS	1,077	3,500	3,500	566	1,500	3,500
30-8140-5400	INSURANCE - WC AND LIAB	7,594	8,000	8,000	11,057	10,500	10,000
TOTAL OPERATING		\$ 318,993	\$ 280,300	\$ 280,300	\$ 217,009	\$ 261,000	\$ 291,300

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8140-7400	CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL CAPITAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL	\$ 618,318	\$ 659,900	\$ 659,900	\$ 463,237	\$ 611,700	\$ 706,700
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Water and Sewer Fund - Water Distribution

Budget By Line Item / 30-8140-XXXX

0200	Salaries - Regular		\$	239,600
	1 Public Works Supervisor			
	2 Meter Technician			
	1 Senior Distribution - Collection System Operator			
	1 Distribution - Collection System Operator			-
		Market	\$	19,200
		Cola	\$	15,000
0210	Salaries - Regular - Overtime		\$	10,000
0500	FICA		\$	18,400
0600	Group Insurance		\$	75,000
0700	Retirement		\$	31,000
0730	401K Employer Match		\$	7,200
0925	Pro Services		\$	31,000
	Water Meter base station fee	26,000		
	SCADA	2,000		
	Computer Support	2,000		
	Misc	1,000		
1000	Training		\$	3,000
	AWWA Utility School - 3 operators			
1100	Telephone and Internet		\$	2,000
	Verizon	2,000		
	Misc	-		
1400	Travel		\$	3,000
1500	M & R Buildings		\$	4,000
1600	M & R Equipment		\$	10,000
	Air Compressor, backhoe, etc			
1700	M & R Autos/Trucks		\$	10,000
3100	Unleaded and Diesel		\$	9,000
3200	Office Supplies		\$	3,000
3300	Department Supplies and Materials		\$	135,000
	water pipe, fittings, hydrants			
	pumps, meters etc			
3400	Water Tank Maint Program		\$	14,200
	Utility Service Group / Suez			
3600	Uniforms		\$	3,100

	Cintas Uniform Rental Contract	2,200		
	Safety Shoes & PPE	900		
4500	Contracted Services		\$	50,500
	USIC Locating Services - 1/2	30,000		
	Soil Samplings (Excavations)	10,000		
	Scrap Soils Disposal	10,000		
	NC811 License (User Fee)	500		
5300	Dues and Subscriptions		\$	3,500
				-
5400	Insurance - Workers Comp and Liability		\$	10,000
	Liability	5,000		
	Workers Comp	5,000		
7400	Capital Outlay		\$	-
	System Model Plan			
TOTAL			\$	706,700

Water and Sewer Fund - Wastewater Treatment

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
PERSONNEL	\$ 613,086	\$ 664,300	\$ 664,300	\$ 634,100	\$ 784,900	18.2%
OPERATING	932,237	901,200	901,200	909,200	1,173,200	30.2%
CAPITAL	122,657	62,000	62,000	62,000	236,000	280.6%
TOTAL	<u>\$ 1,667,980</u>	<u>\$ 1,627,500</u>	<u>\$ 1,627,500</u>	<u>\$ 1,605,300</u>	<u>\$ 2,194,100</u>	<u>34.8%</u>

Notable Changes from the FY22-23 Budget

Personnel

Current year budgeted amounts are \$120,600 higher than the previous fiscal year. The Wastewater Treatment division received a large market adjustment from the compensation study, and one position was reclassified to add additional work responsibilities.

Operating

Operating expenses are budgeted \$272,000 higher than FY22-23. The City has budgeted \$150,000 for professional services related to the Wastewater Treatment Plant project, and cost of chemicals needed to operate the plant continues to rise.

Capital

Items budgeted include a key card system, which will allow the City to more accurately charge septage haulers, a replacement pickup truck, and two urgent equipment replacements at the plant.

Water and Sewer Fund - Wastewater Treatment

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8220-0200	SALARIES - REGULAR	\$ 393,592	\$ 434,400	\$ 434,400	\$ 287,758	\$ 413,500	\$ 451,700
	MARKET ADJUSTMENT	-	-	-	-	-	68,600
	5% COLA ADJUSTMENT	-	-	-	-	-	27,700
30-8220-0210	SALARIES - REG - OT	20,589	15,000	15,000	13,286	16,000	15,000
30-8220-0500	FICA	32,081	33,300	33,300	22,046	30,800	33,100
30-8220-0600	GROUP INSURANCE	115,200	120,000	120,000	90,000	120,000	120,000
30-8220-0700	RETIREMENT	50,078	52,900	52,900	36,604	50,000	55,800
30-8220-0730	401K EMPLOYER MATCH	1,546	8,700	8,700	2,530	3,800	13,000
TOTAL PERSONNEL		\$ 613,086	\$ 664,300	\$ 664,300	\$ 452,224	\$ 634,100	\$ 784,900

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8220-0925	PROF SERVICES	\$ 36,314	\$ 32,500	\$ 32,500	\$ 8,376	\$ 20,000	\$ 174,700
30-8220-1000	TRAINING	1,089	3,000	3,000	540	2,500	3,000
30-8220-1100	TELEPHONE AND INTERNET	8,835	9,000	9,000	5,797	9,000	8,400
30-8220-1300	UTILITIES	127,798	135,000	135,000	114,867	130,000	135,000
30-8220-1500	M & R BUILDINGS	15,974	27,500	27,500	21,390	30,000	52,000
30-8220-1600	M & R EQUIPMENT	121,993	94,000	94,000	7,868	50,000	91,200
30-8220-1700	M & R AUTO & TRUCKS	11,932	15,300	15,300	937	8,500	10,000
30-8220-3100	UNLEADED & DIESEL	13,602	12,000	12,000	7,844	17,500	18,000
30-8220-3200	OFFICE SUPPLIES	-	1,300	1,300	559	1,200	2,000
30-8220-3300	DEPT SUPPLIES & MATERIALS	15,238	19,800	19,800	16,181	20,000	19,800
30-8220-3400	OTHER SUPPLIES & MATERIALS	383,445	358,000	358,000	286,683	400,000	420,000
30-8220-3500	OTHER - TANK/SEPTIC CLEANING	-	20,000	20,000	-	-	5,000
30-8220-3600	UNIFORMS	1,673	5,800	5,800	1,545	3,500	3,500
30-8220-4500	CONTRACTED SERVICES	179,152	145,000	145,000	89,683	200,000	1,800
30-8220-5000	COUNTY DISPOSAL CHARGES	-	-	-	14,142	-	205,000
30-8220-5300	DUES & SUBSCRIPTIONS	574	7,000	7,000	460	1,000	7,800
30-8220-5400	INSURANCE - WC AND LIAB	14,618	16,000	16,000	14,854	16,000	16,000
TOTAL OPERATING		\$ 932,237	\$ 901,200	\$ 901,200	\$ 591,726	\$ 909,200	\$ 1,173,200

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8220-7400	CAPITAL OUTLAY	122,657	62,000	62,000	14,700	62,000	236,000
TOTAL CAPITAL		\$ 122,657	\$ 62,000	\$ 62,000	\$ 14,700	\$ 62,000	\$ 236,000

TOTAL	\$ 1,667,980	\$ 1,627,500	\$ 1,627,500	\$ 1,058,650	\$ 1,605,300	\$ 2,194,100
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Water and Sewer Fund - Wastewater Treatment

Budget By Line Item / 30-8220-XXXX

0200	Salaries - Regular		\$	451,700
	1 Superintendent/ORC			
	1 Lab Supervisor			
	1 Plant Maintenance Supervisor			
	2 Plant Maintenance Technician			
	1 Treatment Plant Operator 1			
	2 Treatment Plant Operator 3			
		Market	\$	68,600
		Cola	\$	27,700
0210	Salaries - Regular - Overtime		\$	15,000
0500	FICA		\$	33,100
0600	Group Insurance		\$	120,000
0700	Retirement		\$	55,800
0730	401K Employer Match		\$	13,000
0925	Pro Services		\$	174,700
	Certification and permit fees	-		
	WWTP study	150,000		
	Compliance testing, calibrations	9,700		
	Misc consulting and engineering	15,000		
1000	Training		\$	3,000
	Operator schools/exam fees			
1100	Telephone and Internet		\$	8,400
	Comporium	5,400		
	Verizon	1,200		
	Cell stipend	1,800		
1300	Utilities		\$	135,000
	Electricity	125,000		
	Natural Gas	10,000		
1500	M & R Buildings		\$	52,000
	Flooring, walls, windows, concrete	25,000		
	Paint, tools, materials	5,400		
	Emulsifiers and degreasers	11,500		
	Lubrication and Hydraulic Support	2,100		
	Maint contracts	2,700		
	Door repl	5,300		
1600	M & R Equipment		\$	91,200
	Equipment, parts, supplies	36,800		
	Replacement of Digester Blower	33,000		
	RBC shaft resurfacing			
	SCADA, electronic, digital parts	13,600		

	Belts for press	4,800		
	Bush hog	3,000		
1700	M & R Autos/Trucks		\$	10,000
	Vehicle maint - dump truck	6,200		
	Vehicle maint - routine	3,800		
3100	Unleaded and Diesel		\$	18,000
3200	Office Supplies		\$	2,000
3300	Department Supplies and Materials		\$	19,800
	Lab supplies, glassware, sampling kits	10,500		
	PH probe and accessories	1,100		
	Chemical reagents, repl probes	5,200		
	New dissolved oxygen probe	3,000		
3400	Other Supplies and Materials		\$	420,000
	FY24 cost increase	60,000		
	BSP Captor	107,000		
	Poly Aluminium Chlorhydrate	91,300		
	Sodium Hypochlorite (Bleach)	96,000		
	Polymer for the Belt Press	52,100		
	Emulsifiers, degreasers etc	11,500		
	Lubrication and Hydraulic Supp	2,100		
3500	Other-Tank /Septic Cleaning		\$	5,000
3600	Uniforms		\$	3,500
	Protective clothing, boots, etc			
4500	Contracted Services		\$	1,800
	Copier maint contract	1,800		
5000	County Disposal Fees		\$	205,000
	FY24 increase	60,000		
	Landfill fees	145,000		
5300	Dues and Subscriptions		\$	7,800
	Assoc Fees and Operator Licenses			
5400	Insurance - Workers Comp and Liability		\$	16,000
	Liability	8,000		
	Workers Comp	8,000		
7400	Capital Outlay		\$	236,000
	Clarifyer bearing replacement	56,000		
	Digester replacement blower	30,000		
	Peterbilt Tandem Truck	-		
	Truck Replacement	40,000		
	Key Card System for Septage	110,000		
TOTAL			\$	2,194,100

Water and Sewer Fund - Wastewater Collections

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
PERSONNEL	\$ 273,003	\$ 293,000	\$ 293,000	\$ 259,500	\$ 308,900	5.4%
OPERATING	370,913	444,400	444,400	432,000	507,900	14.3%
CAPITAL	-	-	-	-	-	0.0%
TOTAL	\$ 643,916	\$ 737,400	\$ 737,400	\$ 691,500	\$ 816,800	10.8%

Notable Changes from the FY22-23 Budget

Personnel

Current year budgeted amounts are \$15,900 higher than the previous fiscal year.

Operating

Operating expenses are budgeted \$63,500 higher than FY22-23. The Maintenance and Repair Equipment and Supplies and Equipment line items have been increased as the cost of providing these services has trended higher in recent years.

Water and Sewer Fund - Wastewater Collections

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8280-0200	SALARIES - REGULAR	\$ 154,136	\$ 178,900	\$ 178,900	\$ 97,515	\$ 156,000	\$ 171,600
	MARKET ADJUSTMENT	-	-	-	-	-	10,600
	5% COLA ADJUSTMENT	-	-	-	-	-	11,100
30-8280-0210	SALARIES - REG - OT	13,553	15,000	15,000	7,322	11,500	15,000
30-8280-0500	FICA	13,060	13,700	13,700	7,710	12,000	13,200
30-8280-0600	GROUP INSURANCE	72,000	60,000	60,000	45,000	60,000	60,000
30-8280-0700	RETIREMENT	20,254	21,800	21,800	12,748	20,000	22,200
30-8280-0730	401K EMPLOYER MATCH	-	3,600	3,600	-	-	5,200
TOTAL PERSONNEL		\$ 273,003	\$ 293,000	\$ 293,000	\$ 170,295	\$ 259,500	\$ 308,900

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8280-0925	PROF SERVICES	\$ 84,851	\$ 26,200	\$ 26,200	\$ 10,458	\$ 15,000	\$ 26,200
30-8280-1000	TRAINING	-	3,000	3,000	-	1,500	2,000
30-8280-1100	TELEPHONE AND INTERNET	1,342	2,000	2,000	372	1,000	2,000
30-8280-1400	TRAVEL	-	3,000	3,000	-	1,500	2,000
30-8280-1500	M & R BUILDING & GROUNDS	3,647	5,000	5,000	990	4,000	4,000
30-8280-1600	M & R EQUIPMENT	72,934	101,000	101,000	141,780	150,000	140,000
30-8280-1700	M & R AUTO & TRUCKS	33,780	10,000	10,000	12,809	15,000	15,000
30-8280-3100	UNLEADED & DIESEL	14,964	13,500	13,500	5,729	13,000	13,500
30-8280-3200	OFFICE SUPPLIES	2,934	4,000	4,000	963	3,000	3,500
30-8280-3300	DEPT SUPPLIES & MATERIALS	121,489	80,000	80,000	94,279	120,000	100,000
10-8280-3400	INFLOW & INFILTRATION	8,928	100,000	100,000	25,946	40,000	100,000
30-8280-3500	OTHER SUPPLIES & MATERIALS	-	-	-	842	1,000	-
30-8280-3600	UNIFORMS	6,950	7,200	7,200	5,054	6,500	7,200
30-8280-4500	CONTRACTED SERVICES	-	77,000	77,000	36,411	50,000	80,000
30-8280-5300	DUES & SUBSCRIPTIONS	699	2,000	2,000	1,820	1,500	2,000
30-8280-5400	INSURANCE - WC AND LIAB	18,395	10,500	10,500	5,975	9,000	10,500
TOTAL OPERATING		\$ 370,913	\$ 444,400	\$ 444,400	\$ 343,428	\$ 432,000	\$ 507,900

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-8280-7400	CAPITAL OUTLAY	-	-	-	-	-	-
TOTAL CAPITAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL	\$ 643,916	\$ 737,400	\$ 737,400	\$ 513,723	\$ 691,500	\$ 816,800
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Water and Sewer Fund - Wastewater Collections

Budget By Line Item / 30-8280-XXXX

0200	Salaries - Regular		\$ 171,600
	1 Public Works Supervisor		
	3 Distributions/Collections System Operator		
		Market	\$ 10,600
		Cola	\$ 11,100
0210	Salaries - Regular - Overtime		\$ 15,000
			-
0500	FICA		\$ 13,200
			-
0600	Group Insurance		\$ 60,000
			-
0700	Retirement		\$ 22,200
			-
0730	401K Employer Match		\$ 5,200
			-
0925	Pro Services		\$ 26,200
	Misc	10,000	
	USDA permit	9,600	
	SCADA	2,000	
	Computer Support	2,000	
	NCDEQ permit	1,400	
	Sewer line permit	1,200	
1000	Training		\$ 2,000
1100	Telephone and Internet		\$ 2,000
	Verizon	800	
	Stipend	1,200	
1400	Travel		\$ 2,000
			-
1500	M & R Buildings		\$ 4,000
	Lift station facilities		-
1600	M & R Equipment		\$ 140,000
	FY24 increase	40,000	
	Backhoe, sewer jetter, smoke testing equipment, ORC printer, air compressor	100,000	
	lift station pump repl.,		
	Sewer camera software support		
1700	M & R Autos/Trucks		\$ 15,000
	Nine vehicles		-
3100	Unleaded and Diesel		\$ 13,500
3200	Office Supplies		\$ 3,500
3300	Department Supplies and Materials		\$ 100,000
	FY24 increase	20,000	

	Pipes, fittings, manhole lids	80,000	
	and rings, other supplies		
	Asphalt for utility cuts.		
	Stone, gravel.		
3400	Inflow & Infiltration		\$ 100,000
	Sewer line repair/remediation	90,000	
	Smoke and dye testing	10,000	
3500	Other Suppl & Matl		\$ -
3600	Uniforms		\$ 7,200
	Uniform rental	6,000	
	PPE and boots	1,200	
4500	Contracted Services		\$ 80,000
	USIC locating (1/2)	30,000	
	Emergency assist-pump/haul	25,000	
	Soil samplings	10,000	
	Soil disposal	10,000	
	Lift station generators	3,000	
	Transmitter calibrations	1,000	
	Misc	1,000	
5300	Dues and Subscriptions		\$ 2,000
5400	Insurance - Workers Comp and Liability		\$ 10,500
	Liability	5,000	
	Workers Comp	5,500	
TOTAL			\$ 816,800

Water and Sewer Fund - Non Departmental

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
OPERATING	\$ 55,255	\$ 48,000	\$ 48,000	\$ 60,000	\$ 60,000	25.0%
TRANSFER	600,000	600,000	798,000	798,000	450,000	-25.0%
DEBT	1,601,079	1,705,242	1,705,242	1,565,500	1,687,800	-1.0%
TOTAL	\$ 2,256,334	\$ 2,353,242	\$ 2,551,242	\$ 2,423,500	\$ 2,197,800	-6.6%

Notable Changes from the FY22-23 Budget

Transfer

The cost reimbursement to the General Fund has been reduced from \$600,000 to \$450,000

Water and Sewer Fund - Non Departmental

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-6600-5800	ONLINE / CREDIT CARD FEES	\$ 55,255	\$ 48,000	\$ 48,000	\$ 44,418	\$ 60,000	\$ 60,000
30-6600-9100	REIMBURSE GENERAL FUND FOR	600,000	600,000	600,000	450,000	600,000	450,000
30-6600-9406	TRANSFER TO 31 - WHITMIRE	-	-	54,000	54,000	54,000	-
30-6600-9405	TRANSFER TO 31 - ESTATOE STORMW	-	-	100,000	100,000	100,000	-
30-6600-9407	TRANSFER TO 31 - AIA	-	-	44,000	44,000	44,000	-
TOTAL OPERATING		\$ 655,255	\$ 648,000	\$ 846,000	\$ 692,418	\$ 858,000	\$ 510,000

Debt

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
30-6600-9240	DEBT PRINC DUE-FY17CAP-FC7705	\$ 23,243	\$ -	\$ -	\$ -	\$ -	\$ -
30-6600-9241	DEBT INT DUE-FY17CAP-FC 7705	209	-	-	-	-	-
30-6600-9250	DEBT PRINC DUE-FY20CAP-UNIT1078	18,711	19,200	19,200	14,390	19,200	19,600
30-6600-9251	DEBT INT DUE-FY20CAP-UNIT1078	4,001	3,600	3,600	2,644	3,600	3,200
30-6600-9260	DEBT PRINC DUE-FY18 CAP-UNIT7438	3,214	3,000	3,000	2,476	3,000	-
30-6600-9261	DEBT INT DUE-FY18 CAP-UNIT7438	148	200	200	45	100	-
30-6600-9270	DEBT PRINC DUE-FY18CAP-UNIT7431	6,631	6,900	6,900	5,112	6,800	7,100
30-6600-9271	DEBT INT DUE-FY18 CAP-UNIT 7431	1,467	1,300	1,300	962	1,300	1,100
30-6600-9310	DEBT PRINC DUE-BELT PR-DEQ476-03	71,413	71,500	71,500	-	71,500	71,500
30-6600-9311	DEBT INT DUE-BELT PR-DEQ476-03	14,025	12,300	12,300	6,136	12,300	10,600
30-6600-9320	DEBT PRINC DUE-BURRELL-11-1778	146,728	146,800	146,800	-	146,800	146,800
30-6600-9330	DEBT PRNC DUE-6-8 UPG-DEQ476-04	84,000	84,000	84,000	-	84,000	84,000
30-6600-9331	DEBT INT DUE-6-8 UPG-DEQ476-04	25,200	23,600	23,600	11,760	23,600	21,900
30-6600-9340	DEBT PRINC DUE-RADIO M-12-1787	74,828	74,900	74,900	-	74,900	74,900
30-6600-9350	DEBT PRINC DUE-KC1-DEQ476-05	37,469	37,500	37,500	-	37,500	37,500
30-6600-9351	DEBT INT DUE-KC1-DEQ476-05	8,993	8,300	8,300	4,121	8,300	7,500
30-6600-9360	DEBT PRINC DUE-KC2-DEQ476-06	71,789	71,800	71,800	-	71,800	71,800
30-6600-9370	DEBT PRINC DUE-KC3-DEQ476-07	74,198	74,200	74,200	-	74,200	74,200
30-6600-9380	DEBT PRINC DUE-SEWER-DEQ476-08	649,363	649,400	649,400	-	649,400	649,400
30-6600-9381	DEBT INT DUE-SEWER-DEQ476-08	203,121	191,200	191,200	95,586	191,200	179,300
30-6600-9410	DEBT PRINC DUE-FY19CAP-ST001	20,518	21,000	21,000	15,689	21,000	21,600
30-6600-9411	DEBT INT DUE-FY19CAP-ST001	4,424	4,000	4,000	3,018	4,000	3,500
30-6600-9420	DEBT PRINC DUE-DUKE-FC9262	29,631	30,400	30,400	22,667	30,200	31,100
30-6600-9421	DEBT INT DUE-DUKE-FC9262	2,187	1,600	1,600	1,191	1,600	800
30-6600-9430	DEBT PRINC DUE-WATMET-ST600-002	20,922	25,300	25,300	17,477	25,000	25,500
30-6600-9431	DEBT INT DUE-WATMET-ST600-002	4,646	2,700	2,700	3,442	4,200	3,200
30-6600-9440	DEBT PRINC DUE-GALLIMORE	-	86,742	86,742	-	-	87,800
30-6600-9460	DEBT PRINC DUE-KING ST	-	13,550	13,550	-	-	13,600
30-6600-9461	DEBT INT DUE-KING ST	-	4,500	4,500	-	-	4,500
30-6600-9470	DEBT PRINC DUE-BURRELL MTN	-	35,750	35,750	-	-	35,800
TOTAL DEBT		\$ 1,601,079	\$ 1,705,242	\$ 1,705,242	\$ 206,716	\$ 1,565,500	\$ 1,687,800

TOTAL	\$ 2,256,334	\$ 2,353,242	\$ 2,551,242	\$ 899,134	\$ 2,423,500	\$ 2,197,800
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Water and Sewer Fund - Non Departmental

Budget By Line Item / 30-6600-XXXX

5800	Online/Credit Card Fees	\$	60,000
			-
9100	Reimburse General Fund for Services	\$	450,000
			-
9408	Transfer to Fund 31 - Wastewater Treatment Plant Upgrade	\$	-
			-
9220	O-P-E-B Transfer	\$	-
			-
9250	Debt Princ Due-FY20Cap-Unit 1078	\$	19,600
			-
9251	Debt Inct Due- FY20Cap-Unit 1078	\$	3,200
			-
9270	Debt Prince Due-FY18 Cap -Unit 7431	\$	7,100
			-
9271	Debt Int Due- FY18 Cap- Unit 7431	\$	1,100
			-
9310	Debt Princ Due-Belt PR- DEQ476-03	\$	71,500
			-
9311	Debt Int Due- Belt PR- DEQ476-03	\$	10,600
			-
9320	Debt Princ Due- Burrell -11-1778	\$	146,800
			-
9330	Debt Prin Deu -6-8 UPG-DEQ476-04	\$	84,000
			-
9331	Debt Int Due-6-8 UPG-DEQ476-04	\$	21,900
			-
9340	Debt Princ Due-Radio M-12-1787	\$	74,900
			-
9350	Debt Princ Due-KC1-DEQ476-05	\$	37,500
			-
9351	Debt Int Due-KC1-DEQ476-05	\$	7,500
			-
9360	Debt Princ Due-KC2-DEQ476-06	\$	71,800
			-
9370	Debt Princ Due-KC3 DEQ476-07	\$	74,200
			-
9380	Debt Princ Due-Sewer- DEQ476-08	\$	649,400
			-
9381	Debt Int Due-Sewer- DEQ476-08	\$	179,300
			-
9410	Debt Princ Due- FY19 Cap- ST001	\$	21,600
			-
9411	Debt Int Due- FY19 Cap- ST001	\$	3,500
			-

9420	Debt Princ Due -Duke-FC9262	\$	31,100
			-
9421	Debt Int Due -Duke-FC9262	\$	800
			-
9430	Debt Princ Due-WATMET- ST600-002	\$	25,500
			-
9431	Debt Int Due-WATMET- ST600-002	\$	3,200
			-
9440	Debt Princ Due-Gallimore Road	\$	87,800
			-
9460	Debt Princ Due-King St	\$	13,600
			-
9461	Debt Int Due-King St	\$	4,500
			-
9470	Debt Princ Due-Burrell Mountain Tank	\$	35,800
			-
TOTAL		\$	2,197,800

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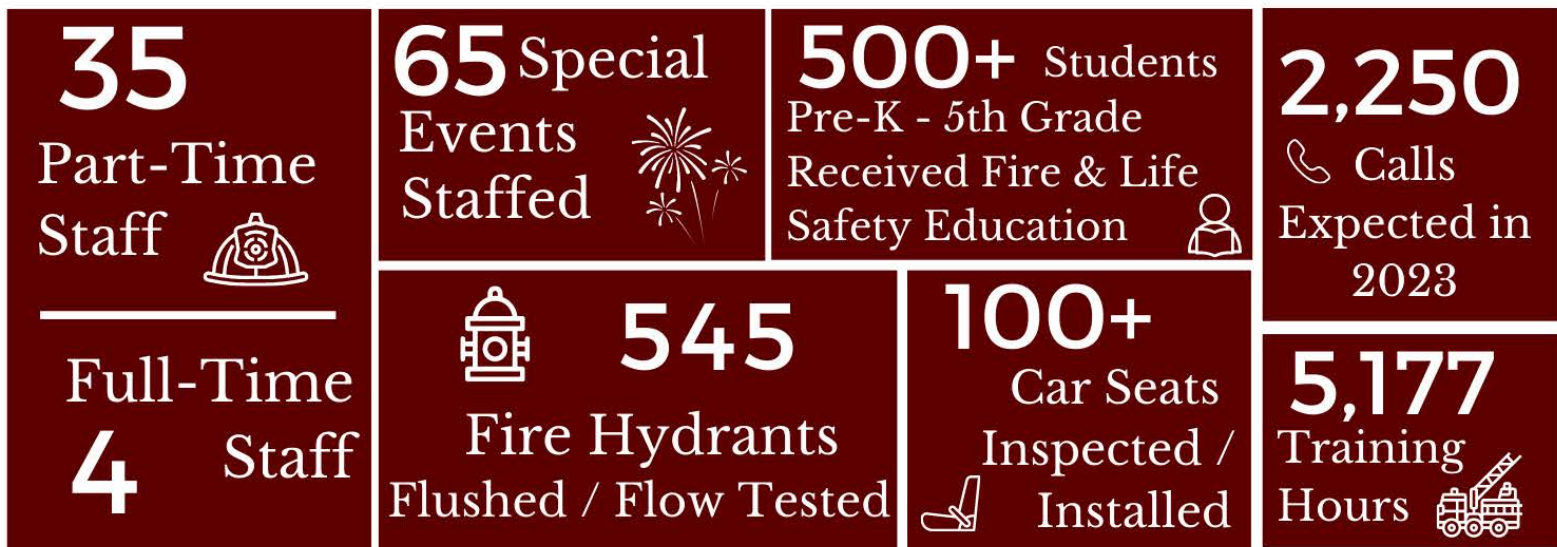


FIRE FUND

The Brevard Fire Department (BFD) provides a team of highly trained, professional emergency service personnel to the citizens of Brevard and the Sylvan Valley II rural fire district. The services provided by the department include fire suppression, motor vehicle collision response, rescue, fire cause determination, hazardous material incident mitigation, fire and life safety education, fire prevention activities, and car seat installation.

In August 2022, BFD began serving as a primary response unit for Medical First Response calls, which led to a significant increase in the department's call volume. BFD currently responds to 6 to 8 incidents a day, averaging 186 incidents a month. In the aggregate, these figures represent a 146% increase in year-over-year incident volume since initiating the First Response program in August 2022.

To ensure BFD maintains adequate resources for this level of incident response, Chief Robert Cooper has asked the City to support the department in moving toward a more full-time employment model. BFD now has 4 full-time staff, including the Chief and three Shift Engineers, in addition to the 35 part-time staff. BFD has also ordered a new rescue truck and engine to replace some of the aging vehicles. Debt payment will not begin until the apparatuses are delivered.



MISSION STATEMENT

The City of Brevard Fire Department is committed to protecting the people, property, and environment within our community.

Fire Fund

Total Revenue

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
40-3350-0000	MISC REVENUE	\$ 898	\$ -	-	\$ 1,000	\$ 2,000	\$ -
40-3530-0100	DONATIONS	1,335	-	-	270	500	-
40-3600-0000	INSURANCE PROCEEDS	-	-	13,900	13,833	13,900	-
40-3600-0100	STAND BY PAY	-	-	-	8,117	12,000	-
40-3830-0100	CONTRIBUTION FROM TRANS COUNTRY	-	-	9,300	9,287	9,300	-
40-3970-0000	FIRE DISTRICT TAX - CURRENT YEAR	413,736	489,302	489,302	505,939	483,000	594,585
40-3970-0500	LOAN PROCEEDS	-	1,475,000	1,475,000	-	-	1,475,000
40-3970-0550	GRANT - COVID 19 - FIRE MARSHALL	-	-	10,000	10,000	10,000	-
40-3970-0600	TRANSFER FROM GENERAL FUND	488,073	574,398	574,398	287,200	574,400	726,715
40-3990-0000	FUND BALANCE APPROPRIATED	-	120,000	218,300	-	-	120,000
TOTAL DEBT		\$ 904,042	\$ 2,658,700	\$ 2,790,200	\$ 835,646	\$ 1,105,100	\$ 2,916,300

Fire Fund

Total Expenditures

	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24	CHANGE IN % FROM FY22-23 ORIGINAL
SALARY & BENEFITS	\$ 378,270	\$ 665,600	\$ 665,600	\$ 635,700	\$ 679,200	2.0%
OPERATING	314,409	329,400	371,900	354,500	331,400	0.6%
CAPITAL	-	1,595,000	1,684,000	80,000	1,595,000	0.0%
DEBT	34,958	68,700	68,700	18,100	310,700	352.3%
TOTAL	\$ 727,637	\$ 2,658,700	\$ 2,790,200	\$ 1,088,300	\$ 2,916,300	9.7%

Notable Changes from the FY22-23 Budget

Personnel

Current year budgeted amounts are \$13,600 higher than the previous fiscal year.

Capital

There is no "new" capital included in the FY23-24 budget for the Fire Department. The amount listed (\$1,595,000) represent three items approved by the City and Transylvania County in the last two budgets. Supply side delays and other reasons have seriously delayed the deliveries of Fire equipment, and thus pushed the expenses into FY23/24. The City is expecting all of these item by September of 2023.

Debt

Debt payments are considerably higher, as the City will begin payment on 1.5M of the two aforementioned capital items. The term is fifty nine months and the interest rate is 4.16%.

Fire Fund - Operations

Detailed Expenditures

Personnel

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
40-5300-0200	SALARIES - REGULAR	\$ 92,497	\$ 251,000	\$ 251,000	\$ 171,363	\$ 246,500	\$ 248,400
	MARKET ADJUSTMENT						-
	5% COLA ADJUSTMENT						15,900
40-5300-0210	SALARIES - OVERTIME	-			11,100	12,000	12,000
40-5300-0300	SALARIES - PART TIME	217,552	261,600	261,600	150,683	230,000	244,500
40-5300-0500	FICA	25,670	39,300	39,300	25,086	38,000	38,800
40-5300-0600	GROUP INSURANCE	14,400	60,000	60,000	45,000	60,000	60,000
40-5300-0700	RETIREMENT	27,205	48,600	48,600	30,977	46,000	51,700
40-5300-0730	PRUDENTIAL 401(k) NON-LE SUPP	946	5,100	5,100	1,984	3,200	7,900
TOTAL PERSONNEL		\$ 378,270	\$ 665,600	\$ 665,600	\$ 436,193	\$ 635,700	\$ 679,200

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
40-5300-0925	PRO SERVICES	\$ -	\$ 5,000	\$ 5,000	\$ -	\$ 2,500	\$ 5,000
40-5300-1000	TRAINING	8,327	12,200	12,200	1,026	10,000	12,200
40-5300-1100	TELEPHONE AND INTERNET	7,589	9,000	9,000	8,932	11,500	9,000
40-5300-1400	TRAVEL	9,298	10,500	10,500	5,295	10,000	10,500
40-5300-1500	M & R BUILDINGS	15,922	10,000	23,900	25,395	28,000	10,000
40-5300-1600	M & R EQUIPMENT	20,556	10,000	10,000	9,890	12,000	10,000
40-5300-1700	M & R AUTOS/TRUCKS	38,689	48,000	48,000	29,292	45,000	48,000
40-5300-3100	UNLEADED AND DIESEL	25,417	22,000	22,000	11,576	24,000	24,000
40-5300-3200	OFFICE SUPPLIES	5,777	5,000	5,000	2,456	2,500	5,000
40-5300-3300	DEPT SUPL & MATL	78,196	78,000	106,600	80,628	96,000	78,000
40-5300-3500	P/R + EDUCATION	2,833	1,500	1,500	2,776	3,500	1,500
40-5300-3600	UNIFORMS	15,019	9,500	9,500	4,214	8,500	9,500
40-5300-4500	CONTRACTED SERVICES	10,047	15,000	15,000	4,065	12,000	15,000
40-5300-5200	PENSION FUND DUES	2,160	3,200	3,200	-	2,500	3,200
40-5300-5300	DUES & SUBSCRIPTIONS	2,751	4,000	4,000	2,818	4,000	4,000
40-5300-5400	INSURANCE - WC AND LIAB	71,828	86,000	86,000	80,519	82,000	86,000
40-5300-5700	MISCELLANEOUS	-	500	500	-	500	500
TOTAL OPERATING		\$ 314,409	\$ 329,400	\$ 371,900	\$ 268,882	\$ 354,500	\$ 331,400

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
40-5300-7300	CAPITAL OUTLAY - FY22-23		\$ 800,000	\$ 800,000	\$ -	\$ -	\$ 1,595,000
40-5300-7400	CAPITAL OUTLAY - FY21-22		795,000	884,000	70,557	80,000	-
TOTAL CAPITAL		\$ -	\$ 1,595,000	\$ 1,684,000	\$ 70,557	\$ 80,000	\$ 1,595,000

TOTAL	\$ 692,679	\$ 2,590,000	\$ 2,721,500	\$ 775,632	\$ 1,070,200	\$ 2,605,600
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Fire Fund - Operations

Budget By Line Item / 40-5300-XXXX

0200	Salaries - Regular		\$	248,400
	1 Fire Chief			-
	3 Fire Engineer			
		Market	\$	-
		Cola	\$	15,900
0210	Salaries - Overtime		\$	12,000
				-
0300	Salaries - Part Time		\$	244,500
				-
0500	FICA		\$	38,800
				-
0600	Group Insurance		\$	60,000
				-
0700	Retirement		\$	51,700
				-
0730	401K Employer Match		\$	7,900
				-
0925	Professional Services		\$	5,000
				-
1000	Training		\$	12,200
	Fire Dept Instructors Conf	5,000		
	Other training, classes and meetings	6,000		
	Supplies for training burns	1,200		
1100	Telephone and Internet		\$	9,000
	Verizon	6,000		
	Comporium	3,000		
1400	Travel		\$	10,500
				-
1500	M & R Buildings		\$	10,000
	Bay Door Maint	2,000		
	Air Vac Filters	3,000		
	Cleaning/Maintenance Supplies and Building Improvements	5,000		
1600	M & R Equipment		\$	10,000
	Ladder and Hose Testing	5,000		
	SCBA mask testing	2,000		
	Fire Extinguisher Maintenance	1,000		
	Radio Maintenance	1,000		
	Medical Device Maintenance	1,000		
1700	M & R Autos/Trucks		\$	48,000
				-
3100	Unleaded and Diesel		\$	24,000
				-
3200	Office Supplies		\$	5,000
	IT Supplies	4,000		
	Office Supplies	1,000		

3300	Department Supplies and Materials	\$ 78,000
	Protective Gear	20,000
-	Fire Suppression Equipment	10,000
-	Fire Hose	12,000
	Rescue Tools and Equipment	5,000
	Radio and Pagers	15,000
	PPE and Medical Supplies	8,000
	Car Seats	6,000
	Operational Supplies	2,000
3500	PR and Education	\$ 1,500
		-
3600	Uniforms	\$ 9,500
	Dress uniforms/shirts	3,400
	Repl uniforms - day staff	3,400
	Boots and T-shirts	2,700
4500	Contracted Services	\$ 15,000
	Emergency Reporting System	3,800
	Annual physicals	4,700
	Emergency Services Agreement	2,800
	Copier lease and maint contract	1,800
	Active 911	800
	Code Scheduling	600
	Family Concepts	500
5200	Pension Fund Dues	\$ 3,200
		-
5300	Dues and Subscriptions	\$ 4,000
	State Fire Assoc	1,400
	NC Rescue and EMS	800
	National Fire Safety Council	400
	NC Association of Fire Chiefs	300
	Other Dues	1,100
5400	Insurance - Workers Comp and Liability	\$ 86,000
	Liability	40,000
	Workers Comp	40,000
	Supplemental	6,000
5700	Misc	\$ 500
		-
7400	Capital Outlay	\$ 1,595,000
	FY21-22 Rescue (debt funded)	675,000
	Brush Truck (Trans County has already paid)	120,000
	FY22-23, 4 wheel drive Engine (debt funded)	800,000
TOTAL		\$ 2,605,600

Fire Fund - Non Departmental

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
40-6600-9100	REIMBURSE GEN FUND FOR SERVICES	-	-	-	-	-	-
TOTAL OPERATING		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Debt

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
40-6600-9210	DEBT PRINC DUE-TANKER-ST8904	\$ 30,202	\$ 18,100	\$ 18,100	\$ 17,881	\$ 17,900	\$ -
40-6600-9211	DEBT INT DUE-TANKER-ST8904	588	2,600	2,600	116	200	-
40-6600-9220	DEBT PRINC DUE-EXTRICATION-ST4785	4,159	-	-	-	-	-
40-6600-9221	DEBT INT DUE-EXTRICATION-ST4785	9	-	-	-	-	-
40-6600-9230	DEBT PRINC DUE - FY22-23	-	44,000	44,000	-	-	251,800
40-6600-9230	DEBT INTEREST DUE - FY22-23	-	4,000	4,000	-	-	58,900
TOTAL DEBT		\$ 34,958	\$ 68,700	\$ 68,700	\$ 17,997	\$ 18,100	\$ 310,700

TOTAL	\$ 34,958	\$ 68,700	\$ 68,700	\$ 17,997	\$ 18,100	\$ 310,700
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Fire Fund - Non Departmental

Budget By Line Item / 40-6600-XXXX

9100	Reimburse General Fund	\$	-
9230	Debt Princ Due - FY23 - Rescue	\$	144,800
9231	Debt Interest Due - FY23 - Rescue	\$	27,900
923x	Debt Princ Due - FY23 - Engine	\$	107,000
923x	Debt Interest Due - FY23 - Engine	\$	31,000
TOTAL		\$	310,700

OTHER FUNDS

The City maintains a number of discrete additional funds that, for accounting purposes, require complete segregation from other City funds. The following pages display the projected revenues (additions) and expenses (deductions) for each fund in FY23/24.

Bjerg Trust Fund

Detailed Revenues

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
51-3290-0000	INTEREST ON INVESTMENTS	92	100	100	1,429	2,000	1,500
TOTAL REVENUES		\$ 92	\$ 100	\$ 100	\$ 1,429	\$ 2,000	\$ 1,500

TOTAL	\$ 92	\$ 100	\$ 100	\$ 1,429	\$ 2,000	\$ 1,500
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Bjerg Trust Fund

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
51-9900-5600	INCREASE IN FUND BALANCE	-	100	100	-	-	1,500
TOTAL OPERATING		\$ -	\$ 100	\$ 100	\$ -	\$ -	\$ 1,500

TOTAL	\$ -	\$ 100	\$ 100	\$ -	\$ -	\$ 1,500
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Heart of Brevard Fund

Total Revenue

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
70-3170-0019	HOB TAX INTEREST AND PENALTY 2019	\$ 3	\$ -	\$ -	\$ -	\$ -	\$ -
70-3170-0020	HOB TAX INTEREST AND PENALTY 2020	698	-	-	3	-	-
70-3170-0021	HOB TAX INTEREST AND PENALTY 2021	757	-	-	302	-	-
70-3170-0022	HOB TAX INTEREST AND PENALTY 2022	-	143,000	143,000	159	-	-
70-3190-0000	MOTOR VEHICLE TAX	4,078	-	-	1,776	-	-
70-3970-0019	HOB AD VAL TAX 2019	20	-	-	-	-	-
70-3970-0020	HOB AD VAL TAX 2020	5,252	-	-	9	-	-
70-3970-0021	HOB AD VAL TAX 2021	131,150	-	-	3,141	-	-
70-3970-0022	HOB AD VAL TAX 2022	-	-	-	133,767	-	-
70-3970-0023	HOB AD VAL TAX 2023	-	-	-	-	-	150,000
70-3980-0000	TRANSFER FROM GENERAL FUND	11,000	11,000	11,000	11,000	11,000	11,000
TOTAL REVENUE		\$ 152,958	\$ 154,000	\$ 154,000	\$ 150,157	\$ 11,000	\$ 161,000

Heart of Brevard Fund

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
70-6900-4400	TRANSFER TO FUND 83	\$ 11,000	\$ 11,000	\$ 11,000	\$ -	\$ 11,000	\$ 11,000
70-6900-4500	CONTRACTED SERVICES	141,959	143,000	143,000	144,824	150,000	150,000
TOTAL OPERATING		\$ 152,959	\$ 154,000	\$ 154,000	\$ 144,824	\$ 161,000	\$ 161,000

Housing Trust Fund

Detailed Revenues

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
76-3980-0300	DEVELOPER LOAN PAYMENT	\$ 2,394	\$ 2,300	\$ 2,300	\$ 2,176	\$ 2,200	\$ 2,200
	TRANSFER FROM GENERAL FUND	-	-	-	-	-	264,000
76-3990-0000	FUND BALANCE APPROP	-	-	98,000	-	-	-
TOTAL REVENUES		\$ 2,394	\$ 2,300	\$ 100,300	\$ 2,176	\$ 2,200	\$ 266,200

TOTAL	\$ 2,394	\$ 2,300	\$ 100,300	\$ 2,176	\$ 2,200	\$ 266,200
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Housing Trust Fund

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
76-4900-0925	PROFESSIONAL SERVICES	\$ -	\$ -	\$ 98,000	\$ -	\$ 20,000	\$ 100,000
35-5000-9900	INCREASE IN FUND BALANCE	-	2,300	2,300	-	-	166,200
TOTAL OPERATING		\$ -	\$ 2,300	\$ 100,300	\$ -	\$ 20,000	\$ 266,200

Transfer Out

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
35-5000-9930	TRANSFER TO UTILITY FUND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
35-5000-9935	TRANSFER TO CAPITAL PROJ FUND	-	-	-	-	-	-
TOTAL TRANSFER OUT		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

The Manager Recommended budget is estimating that \$100,000 will be expended in the Housing Trust Fund in FY24, as the City begins its focus on improving the affordable housing availability in the region. Depending on the speed of the implementation, budget amendments may be needed.

TOTAL	\$ -	\$ 2,300	\$ 100,300	\$ -	\$ 20,000	\$ 266,200
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Parking Lot Fund

Total Revenue

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY24
89-3900-0000	KIOSK PARKING REVENUE	\$ 72,775	\$ 120,000	\$ 120,000	\$ 49,990	\$ 85,000	\$ 90,000
89-3310-0100	CHARGING STATION REBATE	20,000	-	-	-	-	-
89-3990-0000	FUND BALANCE APPROPRIATED	-	413,458	553,458	-	-	-
TOTAL REVENUE		\$ 92,775	\$ 533,458	\$ 673,458	\$ 49,990	\$ 85,000	\$ 90,000

The Parking Lot Fund is estimated to have a fund balance of **\$210,000** at **June 30, 2023**

Parking Lot Fund

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY24
89-6350-3300	DEPARTMENT SUPPLIES	\$ -	\$ -	\$ -	\$ 148	\$ 300	\$ 300
89-6350-4500	CREDIT CARD FEES	4,375	5,000	5,000	5,798	6,000	6,000
89-4900-4560	CONTINGENCY	-	115,000	115,000	-	-	83,700
TOTAL OPERATING		\$ 4,375	\$ 120,000	\$ 120,000	\$ 5,946	\$ 6,300	\$ 90,000

Transfer Out

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY24
89-5000-0630	TRANSFER TO DOWNTOWN MASTERP	\$ -	\$ -	\$ 140,000	\$ 140,000	\$ 140,000	\$ -
89-6600-9110	TRANSFER TO GENERAL FUND	413,458	413,458	413,458	-	-	-
TOTAL TRANSFER OUT		\$ 413,458	\$ 413,458	\$ 553,458	\$ 140,000	\$ 140,000	\$ -

Capital

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY24
89-4900-0100	OFF STREET PARKING	\$ 35,223	\$ -	\$ -	\$ -	\$ -	\$ -
89-4490-0200	PARKING LOT - COED THEATRE	105,253	-	-	-	-	-
TOTAL CAPITAL		\$ 140,476	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL	\$ 558,309	\$ 533,458	\$ 673,458	\$ 145,946	\$ 146,300	\$ 90,000
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American Rescue Plan Fund

Total Revenues

Transfer Out

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY24
90-3300-0000	AMERICAN RESCUE PLAN	\$ -	\$ 1,263,000	\$ 1,263,000	\$ 1,262,998	\$ 1,262,998	\$ -
90-3990-0000	FUND BALANCE APPROPRIATED	-	1,263,000	1,263,000	-	-	-
TOTAL TRANSFER OUT		\$ -	\$ 2,526,000	\$ 2,526,000	\$ 1,262,998	\$ 1,262,998	\$ -

American Rescue Plan Fund

Detailed Expenditures

Transfer Out

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY24
90-6600-9221	TO F78 - RR AVE BRIDGE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
90-6600-9222	TO F31 - ESTATOE TRL PH 1 STORMWATER	-	420,000	420,000	420,000	420,000	-
90-6600-9223	TO 83 - TIMES ARCADE ALLEY	-	125,000	125,000	125,000	125,000	-
90-6600-9224	TO F31 - MAIN ST WATER/SEWER	-	600,000	600,000	600,000	600,000	-
90-6600-9225	TO F31 - WHITMIRE WATERLINE REPL	-	556,000	556,000	556,000	556,000	-
90-6600-9226	TRANSFER TO GF / POWELL BILL	-	277,300	277,300	277,300	277,300	-
90-6600-9227	TRANSFER TO F78 - ESTATOE TRAIL	-	315,600	315,600	315,600	315,600	-
90-6600-9228	TRANSFER TO F83 - DOWNTOWN M PLAN	-	232,100	232,100	232,100	232,100	-
90-6600-9210	TRANSFER TO UTILITY FUND	-	-	-	-	-	-
90-6600-9220	TRANSFER TO CAPITAL PROJ FUND	-	-	-	-	-	-
TOTAL TRANSFER OUT		\$ -	\$ 2,526,000	\$ 2,526,000	\$ 2,526,000	\$ 2,526,000	\$ -

Health Insurance Reserve Fund

Total Revenue

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
53-3290-0000	INTEREST	\$ 2	\$ -	\$ -	\$ -	\$ -	
53-3460-0000	HEALTH DEPENDENT PREMIUMS	76,692	100,000	100,000	59,558	85,000	90,000
53-3470-0000	RETIREE PREMIUMS	38,238	40,000	40,000	36,084	55,000	55,000
53-3480-0000	DENTAL DEPENDENT PREMIUMS	31,394	43,000	43,000	24,419	36,000	36,000
53-4200-0600	ADMIN GROUP MEDICAL	72,000	90,000	90,000	67,500	90,000	90,000
53-4400-0600	FINANCE GROUP MEDICAL	72,000	75,000	75,000	56,250	75,000	75,000
53-4900-0600	PLANNING GROUP MEDICAL	72,000	75,000	75,000	56,250	75,000	75,000
53-5000-0600	BLDG & GROUNDS GROUP MEDICAL	43,200	60,000	60,000	45,000	60,000	60,000
53-5100-0600	POLICE GROUP MEDICAL	403,200	420,000	420,000	315,000	420,000	450,000
53-5300-0600	FIRE GROUP MEDICAL	14,400	60,000	60,000	45,000	60,000	60,000
53-5450-0600	PW - ADMIN GROUP MEDICAL	57,600	60,000	60,000	45,000	60,000	-
53-5550-0600	PW - GARAGE GROUP MEDICAL	43,200	45,000	45,000	33,750	45,000	45,000
53-5600-0600	PW - STREETS GROUP MEDICAL	115,200	120,000	120,000	90,000	120,000	105,000
53-5800-0600	SANITATION GROUP MEDICAL	129,600	165,000	165,000	123,750	165,000	165,000
53-6250-0600	MARY C JENKINS CC GROUP MEDICAL	-	15,000	15,000	11,250	15,000	15,000
53-8120-0600	WTP GROUP MEDICAL	72,000	75,000	75,000	56,250	75,000	75,000
53-8140-0600	WATER DIST GROUP MEDICAL	57,600	75,000	75,000	56,250	75,000	75,000
53-8220-0600	WWTP GROUP MEDICAL	115,200	120,000	120,000	90,000	120,000	120,000
53-8280-0600	WW COLLECTIONS GROUP MEDICAL	72,000	60,000	60,000	45,000	60,000	60,000
53-3990-0000	FUND BALANCE APPROPRIATED	-	90,000	90,000	-	-	121,000
TOTAL REVENUE		\$ 1,485,526	\$ 1,788,000	\$ 1,788,000	\$ 1,256,311	\$ 1,691,000	\$ 1,772,000

The Health Insurance Reserve Fund is classified as an Internal Service Fund.

Technically, Internal Service Funds do not need to be included as a part of the Budget Ordinance. (NC GS 159-13.1)

By definition, the large majority of revenues and expenditures in Internal Service Funds support activities that originate in other operating funds of the government. The Health Insurance Reserve Funds is used to record health and other benefit revenues and expenses related to full time employees in the General, Sanitation, Water and Sewer, and Fire funds.

Health Insurance Reserve Fund

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED TO 06-30-23	MANAGER RECOMMENDED FY23-24
53-2250-0100	THIRD PARTY ADMIN FEES	\$ 22,630	\$ 30,000	\$ 30,000	\$ -	\$ -	
53-2250-0200	CONSULTING FEES	21,400	22,000	22,000	10,938	22,000	22,000
53-2250-0400	CIGNA NETWORK FEES	17,241	-	-	-	-	
53-2250-0500	AGGREGATE INS PREMIUM	277,414	-	-	203	1,000	
53-2250-0600	HEALTH INSURANCE COSTS	1,103,974	1,601,000	1,601,000	1,182,114	1,400,000	1,500,000
53-2250-0610	EMPLOYER HSA DEPOSITS	-	-	-	82,250	85,000	95,000
53-2250-0650	DENTAL CLAIMS PAID	-	-	-	30,487	40,000	40,000
53-2250-0700	WELLNESS PROGRAMS	70,419	95,000	95,000	34,999	55,000	75,000
53-2250-0800	EMP ASSISTANCE PROGRAM	3,409	4,000	4,000	4,000	4,000	4,000
53-2250-0900	LIFE ACCIDENTAL D&D	17,135	19,000	19,000	14,620	18,000	19,000
53-2250-0910	LIFE INS - DEPENDENT	855	1,000	1,000	668	1,000	1,000
53-2250-0920	SHORT TERM DISABILITY	13,002	16,000	16,000	11,037	15,000	16,000
TOTAL OPERATING		\$ 1,547,479	\$ 1,788,000	\$ 1,788,000	\$ 1,371,316	\$ 1,641,000	\$ 1,772,000

Health Insurance costs are expected to increase by 9.5% from fiscal year 23 actual amounts.

Capital Reserve Fund

Detailed Revenues

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
35-3350-0500	SIDEWALKS FEES IN LIEU	\$ 7,530	\$ -	\$ -	\$ 21,143	\$ 30,000	\$ 15,000
35-3750-0100	SYSTEM DEVELOPMENT FEE - WATER	36,660	35,000	35,000	29,650	40,000	35,000
35-3750-0200	SYSTEM DEVELOPMENT FEE - SEWER	64,340	65,000	65,000	55,010	75,000	60,000
35-3990-0000	FUND BALANCE APPROP	-	-	91,200	-	-	-
TOTAL REVENUES		\$ 108,530	\$ 100,000	\$ 191,200	\$ 105,803	\$ 145,000	\$ 110,000

The Capital Reserve Fund is estimated to have a fund balance of **\$400,000** at **June 30, 2023**

TOTAL	\$ 108,530	\$ 100,000	\$ 191,200	\$ 105,803	\$ 145,000	\$ 110,000
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Capital Reserve Fund

Detailed Expenditures

Operating

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
35-5000-9900	INCREASE IN FUND BALANCE	-	100,000	100,000	-	-	110,000
TOTAL OPERATING		\$ -	\$ 100,000	\$ 100,000	\$ -	\$ -	\$ 110,000

Transfer Out

ACCOUNT NUMBER	DESCRIPTION	ACTUAL FY22	ORIGINAL BUDGET FY22-23	AMENDED BUDGET FY22-23	ACTUAL 3-31-23	PROJECTED FY23	MANAGER RECOMMENDED FY24
35-5000-9930	TRANSFER TO UTILITY FUND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
35-5000-0630	TRANSFER TO DOWNTOWN MASTERP	-	-	91,200	91,200	91,200	-
TOTAL TRANSFER OUT		\$ -	\$ -	\$ 91,200	\$ 91,200	\$ 91,200	\$ -

TOTAL		\$ -	\$ 100,000	\$ 191,200	\$ 91,200	\$ 91,200	\$ 110,000
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CAPITAL PROJECTS

In an effort to limit new city debt financing while planning for major capital upgrades, the City obtained over 14 million dollars in grant funding for capital projects in FY22/23. A brief review of the status of each major capital project can be found below:

Rosenwald Revitalization Fund

- The **Mary C. Jenkins Center** opened in October 2022, and, as of May 2023, the parking area and sidewalk extension are approaching completion.
- The **Silversteen Memorial Playground** re-opened in 2021, with the addition of other features pending. Streambank restoration is needed on the streambank by the park; the project will bid out for bid in May 2023.

Downtown Master Plan Fund

- The **Main Street Streetscapes Project** began in March 2023; construction is slated to conclude in late-June 2023. The project includes enhanced traffic calming and pedestrian safety features including expanded corner bulb-outs with upgraded ADA-compliant tactile plates at crossing points. Funding has come from a mix of sources including the Downtown Master Plan Fund and a \$175,000 grant from the Transylvania Tourism Development Authority.
- Stormwater improvements along **Times Arcade Alley** are next in priority order in the Downtown Master Plan but are currently unfunded.

Multi-Use Paths Fund

- Work on the **Railroad Avenue Bridge Replacement** has been taken over by NCDOT and should be complete by the end of 2023.
- The portion of the **Estatoe Trail** from the Depot to Main Street is functional with only minor additions (e.g., crossing beacons) remaining. With the approval of this budget, the **Multi-Use Path Fund** will have just under \$600,000 available for the creation of new segments of the trail.

ALIGNMENT WITH CLUP GOALS

Active Transportation & Community Health-16: Complete priorities greenways including the Estatoe Trail and the Ecusta Trail. Pursue grants and prioritize local funding to be used for key segments and/or matching grants.

Parks, Natural Resources, & Cultural Resources-1: Maintain and improve existing parks.

- Continue improvements at Silversteen Park.

Active Transport & Community Health-11: Prioritize pedestrians in Downtown and Major Activity Centers.

Economic Development, Infrastructure, & Resiliency-2: Pursue upgrades to the public water and sewer system.

14+ Million 
Dollars in Outside Funding

CAPITAL PROJECTS cont.

Water and Sewer Capital Project Fund

- The **Gallimore Sewer Rehabilitation Project** has been completed and came in more than \$350,000 under budget. Remaining funds from that project may be used to complete line work on Caldwell Street.
- The replacement of the **Burrell Mountain Water Tank** began in April 2023 with the demolition of the old tank. The installation of the new 1-million-gallon tank should be complete by the end of 2023. The project received \$57,161 from the General Fund, and loan forgiveness comprises \$2.1 million for a total debt balance of \$714,512.
- Work on the **King Street Waterline** began in March 2023 and is 99% complete. \$800,000 of the project's revenue is loan forgiveness, and, as of March 2023, the project was slated to come in more than \$100,000 under budget.
- Funding for the **Whitmire Waterline Improvements** come from both a \$54,000 transfer from the Water Fund and a \$556,000 transfer from federal ARPA funds. The project is reaching the half-way point and should be complete in late 2023
- **Main Street Water Improvements** were completed in March 2023, prior to the initiation of construction on the Main Street Streetscape Project. The **Main Street Sewer Improvements** should be finished by fall 2023.
- The **Asset Inventory and Assessment** is conducting a manhole assessment in the Lamb Creek basin for the GIS database that should be complete in June 2024.
- While NCDOT is responsible for the construction of Brevard's new roundabouts, the City has transferred **\$100,000** from the General Fund for the creation and maintenance of **Roundabout Betterments** and will transfer another \$50,000 in FY 23/24.
- In December 2022, the State Water Infrastructure Authority approved the City's application for ARP funding in the amount of \$4,929,000 from the NCDEQ for **Water Treatment Plant Improvements**. The engineering report has been approved, and the bid and design package must be submitted by November 1, 2023. The renovations are slated to begin in fall 2024.



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ORDINANCE NO. 2022-50

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2022-27, MARY C JENKINS COMMUNITY CENTER

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 (2022-27) will be increased by \$55,000. A change order was needed on the Cashiers Valley parking lot segment of the project because unexpected issues related to underground pipes. This amount will be transferred from General Fund fund balance.

Section 2: The project was authorized in November of 2019 to construct the Mary C Jenkins Community Center and improve the Cashier Valley parking lot. The current project budget is \$2,530,000 and the requested amendment will increase the budget to \$2,585,000.

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

Account Number	Account Name	Budget Amount
82-4100-2910	Mary C Jenkins Community Center	\$2,585,000
TOTAL PROJECT APPROPRIATION		\$2,585,000

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

Account Number	Account Name	Budget Amount
82-3920-0040	Proceeds from Borrowing	\$2,350,000
82-3250-0000	Transfer from General Fund	\$235,000
TOTAL PROJECT REVENUE		\$2,585,000

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.

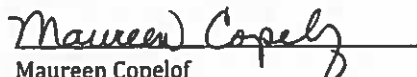
Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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 15th day of August, 2022.


Maureen Copelof
Mayor

MARY C JENKINS COMMUNITY CENTER

As of March 31, 2023		Budget	Prior Year	Current Year	Total prior plus current
Expenditures					
82-4100-2910	Mary C Jenkins	2,660,000	2,107,971	431,600	2,539,571
Revenues					
82-3920-0040	Mary C Jenkins debt	2,350,000	1,954,792	389,413	2,344,205
82-3250-0100	Transfer from GF	310,000	180,000	130,000	310,000
Total		2,660,000	2,134,792	519,413	2,654,205

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Summit	58,725	62,816	11,192	74,008	15,150
Matthews	114,857	110,370	4,487	114,857	0
First Victory	1,876,934	1,852,900	24,034	1,876,934	(0)
First Victory	502,355	-	374,415	374,415	127,940
Jim Alderman	21,376	13,126	8,250	21,376	1
Other	77,981	68,759	9,222	77,981	-
	2,652,228	2,107,971	431,600	2,539,570	143,091

ORDINANCE NO. 2022-28

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2020-36, SILVERSTEEN MEMORIAL PLAYGROUND

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 revenues and expenditures listed under the original ordinance (2020-36) will be cancelled and replaced with the amounts listed under sections 3 and 4 of this document.

Section 2: This project is authorized to make improvements to the Silversteen Memorial Playground and adjoining areas.

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

Account Number	Account Name	Budget Amount
82-4100-2920	Silversteen Park	\$500,000

TOTAL PROJECT APPROPRIATION **\$500,000**

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

Account Number	Account Name	Budget Amount
82-3300-0000	Donations	\$27,000
82-3300-0150	Bethel Church Donation	\$10,200
82-3250-0000	Transfer from General Fund	\$367,800
78-3300-0250	NCDEQ Grant	\$95,000

TOTAL PROJECT REVENUE **\$500,000**

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.

SILVERSTEEN PARK

As of March 31, 2023		Budget	Prior Year	Current Year	Total prior plus current
Expenditures					
82-4100-2920	Silversteen Park	500,000	331,780	4,770	336,550
Revenues					
82-3300-0000	Donations	27,000	26,682	-	26,682
82-3300-0150	Bethel Church Donation	10,200	10,144	-	10,144
82-3250-0000	Transfer from GF	367,800	350,000	-	350,000
82-3300-0250	NCDEQ Grant	95,000			
	TOTAL	500,000	386,826	-	386,826

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Summit	-	49,359	4,770	54,129	22,500
Landscape Structures		138,369		138,369	
Cantrell		37,502		37,502	
Carolina Park and Play		42,397		42,397	
Snapspots		11,449		11,449	
Owen Concrete		22,300		22,300	
Cole Surveying		850		850	
Other		29,554	-	29,554	
	-	331,780	4,770	336,550	22,500

ORDINANCE NO. 2023-11

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2022-13 AND 2022-47, MAIN STREET STREETScape 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 (2022-33, Times Arcade Alley Improvements) of \$550,000 will be eliminated and transferred to the Main Street Streetscape Project, bringing the total project to \$880,000. Additionally, \$918,200 will be added to this project from the following sources:

1. \$91,200 will be transferred from the Capital Reserve Fund.
2. \$140,000 will be transferred from the Parking Fund, fund balance.
3. The City is in the process of completing paperwork requesting \$125,000 from the Tourism Development Authority.
4. \$562,000 will be transferred from the General Fund, as certain revenue line items are projected to be over budget, and cost savings associated with the Administration Department budget.

Section 2: The Project will create 3 mid-block bump-outs, corner bump-outs at the intersection of Main St. & Broad St., new landscaping including 16 street trees, shrubs, groundcover, and flowers along with outdoor seating furniture, trash receptacles and a water bottle filling station.

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

Account Number	Account Name	Budget Amount
83-6600-4570	Main Street Streetscape Project	\$1,798,200
TOTAL PROJECT APPROPRIATION		\$1,798,200

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

Account Number	Account Name	Budget Amount
83-3020-0100	Transfer from ARPA	\$357,100
83-3990-0000	Fund Balance Approp	\$522,900
83-3010-0000	Transfer from Cap Res Fund	\$91,200
83-3020-0300	Transfer from Parking Fund	\$140,000
83-3020-0000	Transfer from General Fund	\$562,000
83-3950-0500	Contribution from TDA	\$125,000
TOTAL PROJECT REVENUE		\$1,798,200

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.

MAIN STREET STREETSCAPE

As of April 20, 2023		Budget	Prior Year	Current Year	Total prior plus current
Expenditures					
83-6600-4570	Downtown Masterplan Implemen	1,798,200	-	841,524	841,524
Revenues					
83-3020-0100	Transfer from ARPA	357,100	-	357,100	357,100
	2023 transfer from GF	250,000		187,500	
83-3990-0000	Fund Balance Approp	272,900	335,400		
83-3010-0000	Transfer from Cap Res Fund	91,200		91,200	
83-3020-0300	Transfer from Parking	140,000		140,000	
83-3020-0000	Transfer from General Fund	562,000		562,000	
83-3950-0500	Contribution from TDA	125,000			
	TOTAL	1,798,200	335,400	1,337,800	1,673,200

[illegible]

ORDINANCE NO. 2023-01

**CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT
FOR WATER TREATMENT PLANT IMPROVEMENTS**

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

Section 1: The project will upgrade the major pumps used in the treatment process, and replace a forty two year old generator. The project also provides new electrical and control equipment.

Section 2: This project is entirely funded at \$4,929,000 through the American Rescue Plan funding from the State Recovery Fund.

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

Account Number	Account Name	Budget Amount
31-8540-5100	Water Treatment Plant Improv	\$4,929,000

TOTAL PROJECT APPROPRIATION	\$4,929,000
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Section 4: The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
31-3760-0150	WTP Grant – ARP - 0222	\$4,929,000

TOTAL PROJECT REVENUE	\$4,929,000
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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 3rd day of January, 2023.


Maureen Copelof
Mayor

WATER TREATMENT PLANT IMPROVEMENTS

As of March 24, 2023		Budget	Prior Year Expenditures	Current Year Expenditure	Total prior plus current
Expenditures					
31-8540-5100	WTP Improvements	4,929,000	41,000	82,712	123,712
Revenues					
31-3760-0150	Loan Forgiveness	4,929,000	-	-	-

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
				-	
Brown	935,000	41,000	82,712	123,712	811,288
				-	
				-	
	935,000	41,000	82,712	123,712	811,288

30-8120-0925 the first 41K was paid from this account prior to fy23
29500
11500
41000 861933

ORDINANCE NO: 2021-18
AN ORDINANCE ESTABLISHING A PROJECT BUDGET
FOR GALLIMORE ROAD SEWER REHAB PROJECT

WHEREAS, in accordance with the applicable provisions of the North Carolina Local Government Budget and Control Act NCGS 159-13.2; and

WHEREAS, the City of Brevard requires certain fiscal actions to effectively provide continues and improved service to its customers; and

WHEREAS, the City of Brevard's grant/loan application has been approved in the amount of \$2,234,845 towards "The Project"; and

WHEREAS, the City of Brevard desires to accept the grant/loan under the conditions stipulated by NCDEQ and complete the project, including providing local funds required meeting the overall project cost.

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

Section 1. Projected Expenditures for this project are budgeted in the Water and Sewer Utility Capital Projects Fund as follows:

Revenue

NCDEQ Loan (no interest/20 years)	\$1,734,845
NCDEQ Grant	\$500,000
Local Cost	<u>\$34,700</u>
Total Revenue	\$2,269,545

Expenditures

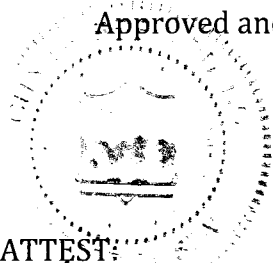
Design & Construction Expenditure	\$2,234,845
Loan Origination Fee	<u>\$34,700</u>
Total Expenditures	\$2,269,545

Section 2. The City Manager is hereby authorized to engage and enter into contractual agreements with the NCDEQ for the execution of the grant/loan.

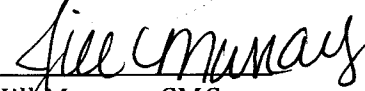
Section 3. The City Manager is hereby authorized to engage and enter into contractual agreements as necessary, and in accordance with the laws of North Carolina for the execution of the project.

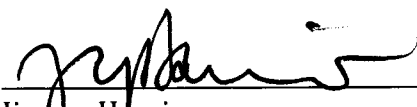
Section 4. This Project Budget Ordinance shall become effective upon its adoption and approval.

Approved and adopted this 17th day of May, 2021.

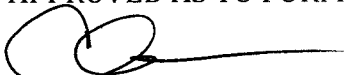


ATTEST:


Jill Murray, CMC
City Clerk


Jimmy Harris
Mayor

APPROVED AS TO FORM:


Mack McKeller
City Attorney

GALLIMORE ROAD SEWER REHABILITATION

As of April 14, 2023		Budget	Prior Year	Current Year	Total prior plus current
Expenditures					
31-8540-4400	Gallimore Road Sewer Basin	2,234,845	1,060,144	428,375	1,488,519
Revenues					
31-3760-0120	Gallimore Debt Proceeds	2,234,845	976,548	393,452	1,370,000
loan forgiveness	500,000		-	-	-
debt 20 year 0%	1,734,845		-	-	-
Total Revenues		2,234,845	976,548	393,452	1,370,000

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Summit Engineering	363,000	277,482	65,649	343,131	19,869
Other		44,826	-	44,826	-
AM Liner	1,844,547	737,836	362,726	1,100,562	743,985
	2,207,547	1,060,144	428,375	1,488,519	763,854

ORDINANCE NO: 2021-37

**AN ORDINANCE ESTABLISHING A PROJECT BUDGET
FOR BURRELL MOUNTAIN FINISHED WATER TANK PROJECT**

WHEREAS, in accordance with the applicable provisions of the North Carolina Local Government Budget and Fiscal Control Act; and

WHEREAS, the City Council retained Brown Consultants, P.A. to provide design and construction services for the Burrell Mountain Finished Water Tank Project; and

WHEREAS, the City Council now desires to establish a project budget to account for the receipt and disbursement of funds for the construction of the Burrell Mountain Finished Water Tank Project; and

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

Section 1. Revenues for this project are budgeted in the Water and Sewer Capital Projects Fund as follows:

DWSRF Loan	\$2,858,050
Water and Sewer Utility Fund (Closing Fee)	\$57,161
Total Revenue	\$2,915,211

Section 3. Projected Expenditures for this project are budgeted in the Water and Sewer Capital Projects Fund as follows:

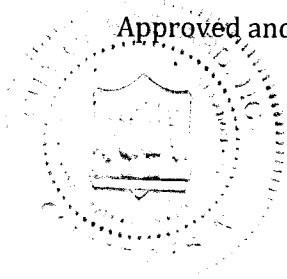
Design Engineering	\$273,200
Construction Administration	\$241,850
Construction and Contingency	\$2,343,000
Closing Fee	\$57,161
Total Expenditures	\$2,915,211

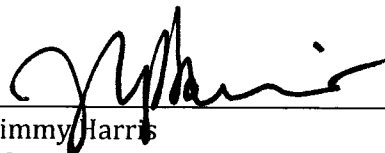
Section 4. This Ordinance shall remain in effect until the completion of the Burrell Mountain Finished Water Tank Project.

Section 5. The City Manager is hereby authorized to engage and enter into contractual agreements as necessary, and in accordance with the laws of North Carolina for the execution of the project.

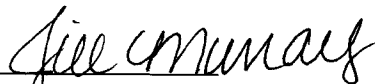
Section 6. This Ordinance shall become effective upon its adoption and approval.

Approved and adopted this 16th day of August, 2021.

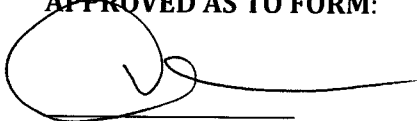



Jimmy Harris
Mayor

ATTEST:


Jill Murray, CMC
City Clerk

APPROVED AS TO FORM:


Mack McKeller
City Attorney

BURRELL MOUNTAIN WATER TANK

As of April 10, 2023		Budget	Prior Year	Current Year FY23	Total prior plus current
Expenditures					
31-8540-1000	Burrell Mountain Water Tank	2,915,211	281,925	422,937	704,862
Revenues					
??	Transfer from GF	57,161	-	-	-
31-3970-0420	Burrell Mtn debt and loan	2,858,050	-	-	-
	loan forgive	2,143,538	-	-	-
20 year	0% debt	714,512	-	-	-
Total Revenues		2,915,211	-	-	-

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Brown	548,050	281,925	75,526	357,451	190,599
NCDEQ	-	-	57,161	57,161	
MB Kahn	2,372,500	-	290,250	290,250	2,082,250
	2,920,550	281,925	422,937	704,862	2,272,849

(62,500)

ORDINANCE NO: 2021-36

**AN ORDINANCE ESTABLISHING A PROJECT BUDGET
FOR THE KING STREET WATERLINE REPLACEMENT PROJECT**

WHEREAS, in accordance with the applicable provisions of the North Carolina Local Government Budget and Fiscal Control Act; and

WHEREAS, the City Council retained Brown Consultants, P.A. to provide design and construction services for the King Street Waterline Replacement Project; and

WHEREAS, the City Council now desires to establish a project budget to account for the receipt and disbursement of funds for the construction of the King Street Waterline Project; and

WHEREAS, the City of Brevard has been offered a Drinking Water State Revolving Loan in the amount of \$1,086,918; and

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

Section 1. Revenues for this project are budgeted in the Water and Sewer Capital Projects Fund as follows:

DWSRF Loan	\$1,086,918
Water & Sewer Fund	\$21,738
Total Revenue	\$1,108,656

Section 2. Projected Expenditures for this project are budgeted in the Water and Sewer Capital Projects Fund as follows:

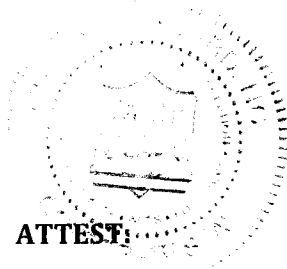
Design Engineering	\$156,400
Construction Administration	\$121,400
Construction and Contingency	\$809,118
Loan Closing Fee	\$21,738
Total Expenditures	\$1,108,656

Section 3. This Ordinance shall remain in effect until the completion of the King Street Waterline Replacement Project

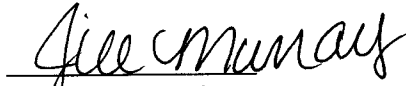
Section 4. The City Manager is hereby authorized to engage and enter into contractual agreements as necessary, and in accordance with the laws of North Carolina for the execution of the project.

Section 5. This Ordinance shall become effective upon its adoption and approval.

Approved and adopted this 16th day of August, 2021.



ATTEST:


Jill Murray, CMC
City Clerk


Jimmy Harris
Mayor

APPROVED AS TO FORM:


Mack McKeller
City Attorney

KING STREET WATERLINE REPLACEMENT

As of April 10, 2023		Budget	Prior Year	Current Year FY23	Total prior plus current
Expenditures					
31-8540-2000	King St Waterline	1,108,656	204,268	512,868	717,136
Revenues					
	Transfer from W/S Fund	21,738	-	-	-
31-3970-0300	King St Water line loan	1,086,918	-	668,732	668,732
loan forgiveness	815,189				
debt 0%, 20 year	271,729				
Total Revenues		1,108,656	-	668,732	668,732

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Brown Engineering	319,600	193,368	80,672	274,040	45,560
NCDEQ	19,081	150	18,931	19,081	-
S&ME	10,750	10,750	-	10,750	-
Ledford and Parker	597,096	-	413,265	413,265	183,831
	946,527	204,268	512,868	717,136	229,391

The project ordinance was passed on August 16th, 2021.

The project involves the replacement of 2,755 linear feet of old 4 inch waterline with new 6 inch waterline on King Street, Salem Street and Whitmire Street. This project is waterline installation only. Existing customers will be reconnected to the new waterline.

On June 20, 2022 the City Council approved the construction contract with Ledford Parker for \$597,096.

Work is expected to start in March of 2023, and is expected to be completed by September of 2023. The start date is delayed because of the availability of the 6 inch waterline. The contractor ordered it in July, and was told on October 18th, that estimated delivery date is now March

As it curenly stands, this project is currently under budget by \$162K.

ORDINANCE NO. 2022-29

CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT
FOR WHITMIRE WATERLINE IMPROVEMENTS

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

Section 1: The Whitmire Waterline Improvement Project will replace an existing waterline which currently runs under a number of homes into the public right of way. The project will also increase fire flow in the neighborhood.

Section 2: The project was initiated in July of 2021, and is expected to be completed by January of 2023. The project is funded in the FY22-23, through a \$556,000 transfer from the ARPA Fund.

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

Account Number	Account Name	Budget Amount
31-8540-5000	Whitmire St Waterline	\$556,000

TOTAL PROJECT APPROPRIATION	\$556,000
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Section 4: The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
31-3760-1660	Tr from ARPA - Whitmire	\$556,000

TOTAL PROJECT REVENUE	\$556,000
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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.

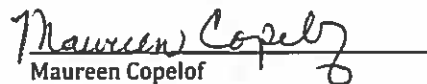
Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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 6th day of June, 2022.


Maureen Copelof
Mayor

WHITMIRE WATERLINE IMPROVEMENTS

As of March 31, 2023		Budget	Prior Year Activity	Current Year Expenditure FY23	Total prior plus current
Expenditures					
31-8540-5000	Whitmire St Waterline	610,000	44,584	289,253	333,837
Revenues					
31-3760-1660	Transfer from ARPA - Whitmire	556,000	-	556,000	556,000
31-3760-1906	Transfer from Water	54,000		54,000	54,000
Total Revenues		610,000	-	610,000	610,000

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Summit Engineering	84,000	44,584	28,119	72,703	11,297
Carolina Specailties	525,718	-	261,134	261,134	264,584
	609,718	44,584	289,253	333,837	275,881

ORDINANCE NO. 2022-30

CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT
FOR MAIN STREET WATER AND SEWER IMPROVEMENTS

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

Section 1: The Main Street Water and Sewer Project will replace existing water and sewer service lines on Main Street between Oaklawn Avenue and Gaston Street.

Section 2: The project was initiated in September of 2021, and will coincide with the NCDOT repaving of Main Street. The City is expecting the project to be completed by August of 2023.

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

Account Number	Account Name	Budget Amount
31-8540-4800	Main St. Water & Sewer	\$600,000

TOTAL PROJECT APPROPRIATION **\$600,000**

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

Account Number	Account Name	Budget Amount
31-3760-1650	Tr from ARPA -Main St	\$600,000

TOTAL PROJECT REVENUE **\$600,000**

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.

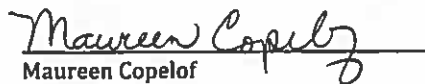
Section 6: Funds may be advanced from the General Fund or from any Enterprise Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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 6th day of June, 2022.


Maureen Copelof
Mayor

MAIN STREET WATER AND SEWER

As of March 31, 2023		Budget	Prior Year Expenditures	Current Year Expenditure FY23	Total prior year plus current year
Expenditures					
31-8540-4800	Main St water and sewer	600,000	51,095	29,920	81,015
Revenues					
31-3760-1650	Transfer from ARPA Fund	600,000	-	600,000	600,000
Total Revenues		600,000	-	600,000	600,000

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Summit Engineering	126,500	51,095	29,919	81,014	45,486
Carolina Spec (water)	186,295	-	-	-	186,295
Prism (sewer)	280,700	-	-	-	280,700
	593,495	51,095	29,919	81,014	512,481

ORDINANCE NO. 2022-49

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2022-32, STORMWATER, ESTATOE TRAIL, DEPOT TO MAIN

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 (2022-32) will be increased by \$100,000. A change order was needed on the stormwater segment of the project because the need for waterline relocation. This amount will be transferred from Water and Sewer Fund fund balance.

Section 2: The project was authorized in June of 2022 to construct the Estatoe Trail between the Railroad Avenue Depot and Main Street and to improve stormwater infrastructure along Railroad Avenue.. The current project budget is \$420,000 and the requested amendment will increase the budget to \$520,000.

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

Account Number	Account Name	Budget Amount
31-8540-4700	Stormwater, Estatoe, Depot to Main	\$520,000
TOTAL PROJECT APPROPRIATION		\$520,000

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

Account Number	Account Name	Budget Amount
31-3760-1900	Transfer from ARPA	\$420,000
31-3760-1905	T F Water - Estatoe. Stormwater	\$100,000
TOTAL PROJECT REVENUE		\$520,000

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. The City Manager is allowed to execute any change orders that fall within the Appropriation Total of the Budget Ordinance.

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.

DEPOT TO MAIN STREET - STORMWATER PORTION

As of March 24, 2023		Budget	Prior Year Activity	Current Year Expenditure	Total prior plus current
Expenditures					
31-8540-4700	Estatoe Trial - Phase 1 - stormwater	520,000	178,313	342,768	521,081
Revenues					
31-3760-1900	Transfer from ARPA	420,000	-	420,000	420,000
31-3760-1905	Transfer from 30	100,000	-	100,000	100,000
Total Revenues		520,000	-	520,000	520,000

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
SME	13,200	13,200	-	13,200	-
Brown	31,200	7,959	19,315	27,274	3,926
Ledford Parker	61,468	-	58,968	58,968	2,500
Patton Construction	406,500	157,154	261,985	419,139	(12,639)
	512,368	178,313	340,268	518,581	(6,213)

ORDINANCE NO. 2022-77

**CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT
FOR WATER AND SEWER ASSET INVENTORY AND ASSESSMENT GRANT**

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: The project will provide a detailed assessment of the City's water and sewer system which will improve the ability of staff in short and long term capital budgeting. This project will assess and document the size, material, age, and condition of the existing wastewater and drinking water infrastructure, create a database of the information, and a replacement schedule.

Section 2: This project is funded through two asset and inventory grants from the North Carolina Department of Environmental Quality totaling \$387,500, and a \$44,000 transfer from the Water and Sewer Utility Fund.

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

Account Number	Account Name	Budget Amount
31-8540-4900	W/S Asset/Invent Assessment	\$431,500
TOTAL PROJECT APPROPRIATION		\$431,500

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

Account Number	Account Name	Budget Amount
31-3760-0140	AIA Grant	\$387,500
31-3760-1907	Transfer from 30 - AIA	\$44,000
TOTAL PROJECT REVENUE		\$431,500

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.

ASSET INVENTORY AND ASSESSMENT

As of March 31, 2023		Budget	Prior Year	Current Year	Total prior plus current
Expenditures					
31-8540-4900	W/S Asset Inventory and Assessment	431,500	-	49,445	49,445
Revenues					
31-3760-0140	AIA Grant	387,500	-	-	-
31-3760-1907	Transfer from 30	44,000		44,000	
	TOTAL	431,500	-	44,000	44,000

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
Summit	431,500	-	49,445	49,445	382,055
				-	
				-	
				-	
				-	
				-	
				-	
	431,500	-	49,445	49,445	382,055

ORDINANCE NO. 2022-64

CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT
FOR SEWER PUMP STATIONS REHABILITATION

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: The project will improve three existing pump stations (Fish Camp, Gallimore Road, and Wilson Road) by replacing equipment. This project does not increase capacity at these pump stations.

Section 2: This project is funded 100% through the North Carolina State Water Infrastructure Authority.

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

Account Number	Account Name	Budget Amount
31-8540-6000	Sewer Pump Stations Rehab	\$2,873,000
TOTAL PROJECT APPROPRIATION		\$2,873,000

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

Account Number	Account Name	Budget Amount
31-3970-0700	Grant - Sewer - ARP-0236	\$2,873,000
TOTAL PROJECT REVENUE		\$2,873,000

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 3rd day of October, 2022.


Maureen Copelof
Mayor

SEWER PUMP STATIONS REHAB

As of March 24, 2023		Budget	Prior Year Activity	Current Year Expenditure FY23	Total prior plus current
Expenditures					
31-8540-6000	Sewer Pump Stations Rehab	2,873,000	-	65,000	65,000
Revenues					
31-3970-0700	Sewer Grant Funding ARPA	2,873,000	-	-	-
Total Revenues		2,873,000	-	-	-

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
CDM Smith	77,000	-	65,000	65,000	12,000
	77,000	-	65,000	65,000	12,000

ORDINANCE NO. 2022-21

**CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2013-09 (REPLACEMENT OF BRIDGE #102 ALONG RAILROAD AVENUE)**

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: The budgeted revenues and expenditures listed under the original ordinance (2013-09) will be cancelled and replaced with the amounts listed under sections 3 and 4 of this document. The City intends to have this project completed by November of 2023.

Section 2: The project authorized is to replace the bridge located on Railroad Avenue near the intersection with Commerce Street. The project will provide access in the near and long term future for residents and businesses in the Railroad Avenue and King Street districts.

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

Account Number	Account Name	Budget Amount
78-6500-4500	Railroad Avenue Bridge Repl	\$1,740,000
TOTAL PROJECT APPROPRIATION		\$1,740,000

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

Account Number	Account Name	Budget Amount
78-3345-0000	NCDOT B-5550	\$832,000
78-3750-0000	Transfer from Gen Fund	\$208,000
78-3755-0000	Transfer from ARPA	\$700,000
TOTAL PROJECT REVENUE		\$1,740,000

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.

RAILROAD AVENUE BRIDGE REPLACEMENT

As of March 31, 2023		Budget	Prior Year	Current Year	Total prior plus current
Expenditures					
78-6500-4500	Railroad Ave Bridge Repl	1,810,000	595,249	-	595,249
Revenues					
78-3345-0000	NCDOT Kings Creek Bridge	832,000	383,526	-	383,526
78-3750-0000	Transf from GF	208,000	208,000	-	208,000
78-3755-0110	NCDOT Supplemental Agreement	700,000			
78-3750-0020	Transfer from GF - CDM Smith eng	70,000			
Total Revenues		1,810,000	591,526	-	591,526

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
CDM Smith		380,202	-	380,202	
Easements		196,251	-	196,251	
Brown Consultants		8,920		8,920	
Other		9,875	-	9,875	
CDM Smith	70,000		60,480	60,480	9,520
	70,000	595,249	60,480	655,729	9,520

ORDINANCE NO. 2022-51

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2022-22, ESTATOE TRAIL

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 (2022-22) will be increased by \$315,600. ARPA funds were able to be reallocated because of NCDOT funding on the Railroad Avenue Bridge Replacement Project.

Section 2: This funding is intended to cover the City portion of the cost for the portion of the Estatoe Trail near Brevard High School.

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

Account Number	Account Name	Budget Amount
78-6300-4400	Estatoe Trail	\$1,557,600

TOTAL PROJECT APPROPRIATION	\$1,557,600
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Section 4: The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
78-3750-0000	Transfer from General Fund	\$125,000
78-3990-0000	Fund Balance Approp	\$290,000
78-3345-0400	PARTF Grant	\$80,300
78-3990-0200	Contribution from TC Tourism	\$46,700
78-3345-0300	OSBM Stormwater Grant	\$575,000
78-3345-0200	OSBM Capital Grant	\$125,000
78-3350-0220	T F ARPA - Estatoe -High School	\$315,600

TOTAL PROJECT REVENUE	\$1,557,600
------------------------------	--------------------

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. The City Manager is allowed to execute any change orders that fall within the Appropriation Total of the Budget Ordinance.

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.

ESTATOE TRAIL PROJECT

As of March 31, 2023		Budget	Prior Year	Current Year	Total prior plus current
Expenditures					
78-6300-4400	Estatoe Trail Project	1,557,600	233,452	151,647	385,099
Revenues					
		-	-	-	-
78-3750-0000	Transf from GF	125,000	-	125,000	125,000
78-3990-0000	Fund Balance Approp	290,000	521,447		521,447
78-3345-0400	PARTF	80,300	80,266	-	80,266
78-3900-0200	Contribution from Trans Co Tourism	46,700	46,666	-	46,666
78-3345-0300	OSBM stormwater grant	575,000			-
78-3345-0200	OSBM capital grant	125,000	125,000	-	125,000
78-3345-0220	Transfer from ARPA - Brevard High	315,600	-	315,600	315,600
Total Revenues		1,557,600	773,379	440,600	1,213,979

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Remaining on Contract
Carolina Mtn Survey	22,000	13,425	-	13,425	8,575
Summit	44,000	19,348	33,066	52,414	(8,414)
S&ME	5,400	5,400	-	5,400	-
Carolina Spec	41,438	-	-	-	41,438
NCDOT - Country Club	320,000				320,000
NCDOT - Davidson Ped Bri	428,000	120,000		120,000	308,000
Patton Construction	144,260	16,878	118,581	135,459	8,801
Other		58,400	-	58,400	
	1,005,098	233,451	151,647	385,098	678,400

ORDINANCE NO. 2022-48

**CAPITAL PROJECT ORDINANCE TO ESTABLISH PROJECT
FOR ROUNDABOUT BETTERMENTS**

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: The project will improve the overall look of City of Brevard roundabouts for citizens and visitors as they enter and travel throughout the City and region.

Section 2: This project will include nine roundabouts, and supplemental agreements from NCDOT will be provided to the Board for approval as they are received by staff.

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

Account Number	Account Name	Budget Amount
78-6600-4550	Roundabout Betterments	\$100,000

TOTAL PROJECT APPROPRIATION	\$100,000
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Section 4: The following revenues are anticipated to be available for project expenses:

Account Number	Account Name	Budget Amount
78-3750-0220	Transfer from General Fund Roundabout Betterments	\$100,000

TOTAL PROJECT REVENUE	\$100,000
------------------------------	------------------

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 1st day of August, 2022.


 Maureen Copelof
 Mayor

ROUNABOUT BETTERMENTS

As of February 28, 2023		Budget	Prior Year Expenditures	Current Year Expenditure FY23	Total prior year plus current year
Expenditures					
78-6600-4550	Roundabout Betterments	100,000	-	12,468	12,468
Revenues					
78-3750-0220	Transfer from GF - Roundabout Bett	100,000	-	100,000	100,000
Total Revenues		100,000	-	100,000	100,000

Expenditure Detail	Contract Amount	Prior Year Expenses	Current Year Expenditure	Total prior plus current	Amount Remaining on Contract
7082 Traffic Planning and design	4,640	-	778	778	3,862
7264 Traffic Planning and design	29,500	-	11,690	11,690	17,810
7265 Traffic Planning and design	2,300	-	-	-	2,300
7139 NCDOT	85,076				85,076
	121,516	-	12,468	12,468	109,048

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Proposed Fee Schedule – General Fund

FY2024 Budget

Property Tax Rates

City-Wide	0.4500 0.4800 / \$100 Valuation
Heart of Brevard MSD	0.2130 / \$100 Valuation

ABC Licensing Fees

Fees regulated by the State of North Carolina for the sale of beer and wine.

The license year for the following runs from May 1 through April 30 (NCGS 105-113.70(b). License is not to be pro-rated.

Code	NCGS	Business Activity	Rate
		Beer & Wine (Copy of ABC Permit required.)	
D-101		On premise malt	\$15.00
D-102		Off premise malt	\$15.00
D-103		Wholesale beer	\$37.50
D-104		On premise wine	\$15.00
D-105		Off premise wine	\$15.00
D-106		Wholesale wine	\$37.50
D-107		Wholesale beer & wine	\$62.50

Taxi Licensing Fees

Tax regulated by North Carolina General Statutes 20-97 and NCGS 160A-211

Code B-146 - NCGS 20-97 - **Taxicabs** *Requires Approval Rate: \$15 per vehicle

*Taxi / Vehicles for Hire. City of Brevard Code of Ordinances, Chapter 78

Solid Waste Removal Fees

Residential Garbage Collection	\$9.75 plus \$10.25 County Disposal Fee / \$20.00 per month total
Commercial Dumpster	\$8.50 plus \$8.50 County Disposal Fee times number of monthly pickups / \$20.00 per month total
Small Commercial Collection	\$9.75 plus \$10.25 County Disposal Fee times number of monthly pickups / \$20.00 per month total
Special Refuse Pick Up (Includes appliances & furniture)	\$20.00 per single item \$50.00 per load
Television / Computer Monitor Collection	ALL TV's - \$15.00

Recycling Fees

Residential Recycling Fee	\$4.00 per month
Commercial Recycling Fee	\$5.75 per month (Additional 96-gallon containers \$5.75 each)
Commercial Cardboard Recycling	\$10.00 per month per water meter for all commercial customers
Mulch Fee	Pickup truck loads, City Residents - \$0 All other loads - \$10 per yard

Proposed Fee Schedule – General Fund

FY2024 Budget

Franklin Pool Fees

Admission	\$2.00 per day per individual
Individual Season Pass	\$50 per season
Family Season Pass	\$150 per season
Family Day Pass	\$7.00 per day
Party / Event Rental	\$100

Depot Railroad Avenue Park Rental Fees

WEEKDAYS (Monday through Friday)		
Outdoor Pavilion Only	Non-Profit	Private
Morning Block	\$50	\$75
Afternoon Block	\$50	\$75
Evening Block	\$50	\$75
Meeting Room Only	Non-Profit	Private
Morning Block	\$50	\$75
Afternoon Block	\$50	\$75
Evening Block	\$50	\$75
Meeting Room and Outdoor Pavilion	Non-Profit	Private
Morning Block	\$100	\$125
Afternoon Block	\$100	\$125
Evening Block	\$100	\$125

WEEKENDS (Saturday and Sunday)		
Outdoor Pavilion Only	Non-Profit	Private
Morning Block	\$150	\$200
Evening Block	\$150	\$200
Full Day	\$250	\$300
Meeting Room Only	Non-Profit	Private
Morning Block	\$150	\$200
Evening Block	\$150	\$200
Full Day	\$250	\$300
Meeting Room and Outdoor Pavilion	Non-Profit	Private
Morning Block	\$250	\$275
Evening Block	\$250	\$275
Full Day	\$350	\$375

Mary C. Jenkins Community Center Rental Fees

Community Room	Non-Profit 501(c)3	Individual/Organization
Weekday Hourly Rate (2 Hour Minimum Block)	\$40	\$80
Weekday Daily Rate	\$180	\$320
Weekend Hourly Rate (2 Hour Minimum Block)	\$60	\$160
Weekend Daily Rate	\$220	\$400
Additional Hourly Rate (After 2 Hour Minimum Block)	\$25	\$25
Security Deposit	\$100	\$100
Meeting Rooms	Non-Profit 501(c)3	Individual/Organization
During Regular Center Hours	No Fee	No Fee
Security Deposit - Outside Regular Center Hours Only	\$100	\$100
Outside Patio (Exclusive Use)	Non-Profit 501(c)3	Private Individual/Organization
Hourly Rate (In Addition to Room Rental)	\$25	\$25
Kitchen	Non-Profit 501(c)3	Individual/Organization
If Appliances Used for Meal Preparation	\$50	\$50

Proposed Fee Schedule – General Fund

FY2024 Budget

Community Garden Fees

Garden Plot Rental	Fee
5-foot x 5-foot Plot	\$5
5-foot x 10-foot Plot	\$10
5-foot x 15-foot Plot	\$15
5-foot x 20-foot Plot	\$20
ADA Accessible Plot	\$5

Proposed Fee Schedule – General Fund

FY2024 Budget

Planning and Zoning Fees

Annexation & Dedication	Fee
Annexation – Voluntary	\$500
Dedication of Infrastructure	\$50
Performance Guarantee ¹	Actual Cost + % as set forth in UDO Ch. 16
Street, Right-of-Way, & Easement Abandonment	\$500 + Actual Cost

Development	Residential Fee	Non-Residential Fee ²
Additions & Accessory Structures	\$50	\$100
Demolition	\$50	\$50-\$100 + \$500 reimbursable bond
Development Review	N/A	\$500
Driveway, Curb Cut, & Encroachment on City Right-of-Ways	\$50	\$50
Fee in Lieu – Parking	N/A	\$14,500 \$5,000 per parking space
Fee in Lieu - Sidewalk	Actual Cost x 1.25%	Actual Cost x 1.25%
Fee in Lieu – Stormwater	Actual Cost x 1.25%	Actual Cost x 1.25%
Fence	\$10 \$20	\$10 \$50
Floodplain Development	No fee	No fee \$200
Grading and Other Land Disturbance	\$50	\$50-\$100 + \$500 reimbursable bond
Incidental Improvements to Existing Structures ³	\$50 ⁴	\$50-\$75
Interior Remodels	\$50 N/A	\$50-\$150
New Construction	\$200 per dwelling unit ⁵	\$0.06 per heated sq. ft., \$500 minimum
Parking Lots – New & Reconfiguration	N/A	\$50-\$150
Parking Lots – Resurface	N/A	No fee \$50
Permit Extension	\$50	1 st Time - \$150, 2 nd Time - \$500
Substantial Improvements or Significant Improvements to Existing Structures	No fee \$50	\$100-\$150
Tree Removal (per tree)	N/A	\$25

Development fees are now separated into residential & non-residential projects. The changes are largely concentrated on non-residential fees.

The non-residential new construction fee of \$500 minimum was incorporated above in a new Development Review fee.

¹ The Administrator, in consultation with the City Manager and City Attorney, may accept a performance guarantee or surety bond for public improvements associated with any development. Performance guarantees shall be prepared and administered in accordance with the Procedure for the Installation & Dedication of Public Improvements.

² Includes multifamily structures larger than 4 dwelling units and subdivisions with 8 or more lots.

³ Incidental improvements include installation of handicapped ramps and entryways, awning, unenclosed decks and patios, and lighting improvements and other minor, non-structural changes of an incidental nature.

⁴ When a handicapped ramp is built by a tax-exempt organization or by volunteers, without expense for either labor or materials being paid by the owners or occupants, the fee may be waived by the administrator.

⁵ Includes accessory dwelling units and manufactured home set up not within a new manufactured home park.

Proposed Fee Schedule – General Fund

FY2024 Budget

Planning and Zoning Fees

Land Use	Fee
Change of Use/Occupancy	\$50 \$100
Food Truck Site	\$100 \$150
Home Occupation	\$100 \$50
Manufactured Home Park	\$500 + \$20 per manufactured home space
Sidewalk Usage – Dining Areas	\$100 (annually)
Sidewalk Usage – Semi-permanent & Permanent Objects	\$50
Special Use Permit	\$250
Temporary Vendors	\$200 per location and permit period
Temporary Uses	\$50
Wireless Communication Facilities – Co-Location and Stealth	\$200
Wireless Communication Facilities – All Other	\$1,000

Regulations & Zoning	Fee
Appeal – Staff Determination	No fee \$100
Map Amendment – Conditional Zoning District	\$500 \$600
Map Amendment – Rezoning	\$500 \$400
Modification – Major	\$500 \$400
Modification - Minor	\$150
Reinspection Fee – Failed Zoning Inspections	\$50 per reinspection
Text Amendment	\$500
Variance	\$250
Vested Right Determination	\$500
Zoning Consistency Determination / Farm Exemption Certification	\$25
Zoning Code Enforcement Abatement Administrative Fee	\$250

Subdivision	Fee
Major Subdivision	\$500 + \$20 per lot (total)
Minor Subdivision – New Public Infrastructure Proposed	\$500 + \$20 per lot (total)
Minor Subdivision - No New Public Infrastructure Proposed (except sidewalks)	\$75 + \$20 per lot (total)
Recombination Plats & Lot Line Adjustments	\$75

Proposed Fee Schedule – General Fund

FY2024 Budget

Special Events & Closures⁶	Fee⁷
City-Sponsored Events (adopted by resolution)	No fee
Carnivals & Circuses	\$500 per location and permit period
Farmers Markets & Tailgate Markets	\$200 per location
Other Events on Private Property – No parking space, sidewalk, or street closures	No fee
Other Events on Private Property – Parking space, sidewalk, or street closures	\$200 (per day) + \$500 bond
Other Events on Public Property – Park, greenway, or similar facilities	\$200 (per day) + \$500 bond
Other Closure – City Road	\$100 (per day) + \$1,000 bond
Other Closure – Public Alley	\$50 (per day) + \$500 bond
Other Closure – Public Parking Space (per space)	\$100 (per day) + \$500 bond
Other Closure – Public Sidewalk	\$500 (per day) + \$500 bond
Other Closure – State Road	\$1,500 (per day) + \$2,000 bond

Signs	Fee
A-Frame Signs	\$50
Electronic Signs (Including Message & Reader Boards)	\$1,000
Ground Signs	\$200
Panel Replacement, Reface & Resurface	\$50
Special Event Signs	\$50
Street Banners	\$250
Temporary Signs for Which a Permit is Required	\$50
Wall & Marquee Signs	\$100
All Other Signs for Which Permit is Required	\$100

Other	Fee
Custom Mapping	\$40 per hour + cost of map
Black & White Printing – 8.5"x11" – 11"x17" (1 sheet)	No Fee
Black & White Printing – 8.5"x11" – 11"x17" (>1 sheet)	10 cents per page
Black & White Printing – Larger than 11"x17"	\$25 per page
Color Printing – 8.5"x11" – 11"x17" (1 sheet)	No Fee
Color Printing – 8.5"x11" – 11"x17" (>1 sheet)	50 cents per page
Color Printing – Larger than 11"x17"	\$25 per page

⁶ Special event and closure fees are for one-time or one-day events. A multi-day even shall pay the required fees for each day. Closures not part of a special event are subject to the "Other Closure" fees.

⁷ The administrator may assess fees for the actual cost of services provided by City forces (i.e., personnel, deployment of fire apparatus., solid waste removal, provision of barricades, State Fire Code inspections, etc.) in support of special events or temporary uses. Refer to the Departmental Cost of Services fee schedule for additional "cost of service" fees.

Proposed Fee Schedule – General Fund

FY2024 Budget

Planning and Zoning Fees

Professional Services:

The Administrator may secure the services of a qualified professional (e.g., licensed architect, attorney, engineer, landscape architect, arborist, surveyor, or planner) in the review of any application. Professional services purposes include but are not limited to: the review of floodplain development proposals, proposed public infrastructure of stormwater systems, traffic impact analysis, specialized legal services, etc. The actual cost of professional services shall be the responsibility of the applicant. The applicant shall be informed in advance of the City's intention to secure professional services. The applicant shall be provided any and all reports generated by qualified professionals, and copies of all statements and receipts. The applicant shall reimburse the City for professional services expenditure prior to the issuance of a certificate of occupancy or final zoning / project approval.

Reimbursable Bonds for Land Disturbance:

The Administrator may waive bonds for demolition, grading or other land disturbance upon determination that such bond would serve no useful purpose. Administrator may require a bond in excess of \$500 if such is deemed necessary in the interests of public health or safety. These bonds shall be prepared and administered in accordance with the improvement guarantee procedures set forth in the procedure for the installation and dedication of public improvements. The administrator may require a demolition, in association with any development activity for which such bond is relevant.

Bonds for Public Infrastructure Closures:

The Administrator may waive bonds for building maintenance, renovations, demolition, or if the bond does not serve a useful purpose, for up to 5 days. City Manager may extend this timeframe, when necessary, to incentivize development or maintenance.

Proposed Fee Schedule – General Fund

FY2024 Budget

Traffic Violation Fees

Parking Ticket	\$30 per violation
Fire Hydrant, Fire Lane Obstruction	\$75 per violation
Vehicle Towing	True cost of towing

Departmental Cost of Service Fees for Special Events and Temporary Use

The following fees are intended to recoup cost for the delivery of services in support of Special Events, Temporary Uses, and unique emergency situations (including but not limited to bomb threats, hazardous materials events, manhunts, and other unique calls for service). The specific mechanism and timing of fee recovery will be determined by the applicable department heads on a case-by-case basis.

Fire Department Inspections for City Permits	Fee
Carnivals / Fairs	\$100 per event
Explosives	\$50 per 48 hours or \$100 per 30 days
Use of Outdoor Fireworks (Does not include standby apparatus or personnel)	\$100 per event
Open Burning & Open Flame Use	\$50
Pyrotechnics Special Effects	\$50
Fireworks Tent	\$300 per 30 days
Assembly Tent	\$75 per 30 days

Proposed Fee Schedule – General Fund

FY2024 Budget

Departmental Cost of Service Fees for Special Events and Temporary Use

Fire Department, Deployment of Personnel, Apparatus & Equipment	Fee
Officer	\$40 per hour
Firefighter	\$35 per hour
Light Duty Quick Response Vehicle / Boat / Support Vehicle	\$20 per hour
Fire Engine	\$200 per hour
Rescue Truck	\$250 per hour
Ladder Truck	\$300 per hour

Public Services Department, Deployment of Personnel & Equipment	Fee
Special Dumpster Service	\$50

Police Department, Deployment of Personnel & Equipment	Fee
Officer	\$30 per hour

Alarm System Fees

The following fees are intended to recoup cost for the delivery of services in support alarm systems which may be installed, operated and maintained within the emergency communications center situated in the City Police Department.

Alarm System Connection Application Fee	\$50
Subscriber Charge for Failure to Appear Within 30 Minutes of Notification	\$10 per event
False Alarm Charge	\$30 per false alarm in excess of three per month
Alarm System Original Installation Fee	\$100 (one-time fee)

Miscellaneous Fees

Return Check Fee	\$30 per check per occurrence
Code Enforcement Abatement Administrative Fee	\$250

Proposed Fee Schedule – Utility Fund

FY2024 Budget

Water Rates

Residential, Commercial, and Institutional

Gallons	Purchase Range	In City	Outside City
All	All	\$13.65	\$20.50
All	All	\$8.77 9.12 / 1,000	\$13.19 13.72 / 1,000

Industrial*

Gallons	Purchase Range	In City	Outside City
All	All	\$13.65	\$20.50
All	All	\$7.73 8.04 / 1,000	\$11.61 12.07 / 1,000

Meter Fees

Diameter	Cost
3/4 inch	\$2.70/month
1 inch	\$2.70/month
1.5 inch	\$15.00/month
2.0 inch	\$18.00/month
3.0 inch	\$25.00/month
4.0 inch	\$44.00/month
6.0 inch	\$67.00/month

*Industrial water users are manufacturers as defined and described in the 2012 North American Industry Classification System, Sectors 31-33 (refer to the following United States Census website: <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2012>).

Sewer Rates

Residential, Commercial, Institutional, and Industrial

Gallons	Purchase Range	In City	Outside City
All	All	\$13.65	\$20.50
All	All	\$8.77 9.12 / 1,000	\$13.19 13.72 / 1,000

All multi-family dwellings, including apartments and condominiums, shall pay \$27.29 per unit or the meter reading, whichever is greater.

Proposed Fee Schedule – Utility Fund

FY2024 Budget

Economic Development Utility Rates

City Council may, as a means of supporting economic development within the City of Brevard and Transylvania County, authorize a business to receive a 30% reduction in utility rates, subject to an agreement that such business achieve certain economic development performance measures.

Water Charges		
Description	In City	Outside City
Basic Charge (per month)	\$13.65	\$20.50
Water (per gallon, Residential, Commercial, and Institutional)	\$8.77 9.12/1,000 gal	\$13.19 13.72 /1,000gal
Water (per gallon, Industrial)	\$7.73 8.04/1,000 gal	\$11.61 12.07/1,000 gal
Meter Fees		
	3/4 inch \$2.70/month	
	1 inch \$2.70/month	
	1.5 inch \$15.00/month	
	2.0 inch \$18.00/month	
	3.0 inch \$25.00/month	
	4.0 inch \$44.00/month	
	6.0 inch \$67.00/month	
	All multi-family dwellings, including apartments and condominiums, shall pay \$27.29 per unit or the meter reading, whichever is greater	
Meter Reactivation Fee	\$60.00	

Sewer Charges		
Description	In City	Outside City
Basic Charge (per month)	\$13.65	\$20.50
Sewer Water (per gallon)	\$8.77 9.12/1,000 gal	\$13.19 13.72/1,000gal

Water Tap Fees	
Tap Size (inches)	Tap and Meter Setting Fee ⁸
3/4	\$1,375
1	\$1,600
2	\$4,500
Charges for taps greater than 2", 6' in depth, or require disturbance to NCDOT infrastructure or right-of-way will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, meters, materials and equipment (including asphalt repair), plus 35 percent of the direct labor charge; however, no fee for a tap larger than two inches shall be less than \$2,440.	

Sewer Tap Fees	
Tap Size (inches)	Tap Fee
Up to 6" Tap	\$1,375
Charges for taps greater than 6", 6' in depth, or require disturbance to NCDOT infrastructure or right-of-way will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, materials and equipment (including asphalt repair), plus 35 percent of the direct labor charge; however, no fee for a tap larger than two inches shall be less than \$955.	

⁸ The Public Works Director may impose additional fees to recover the true cost of water and/or sewer tap installation when such is warranted by site conditions. In such cases, fees shall be computed at the sum total of the cost of labor, materials, and equipment necessary for completion of the work plus 35 percent of the direct labor charge.

Proposed Fee Schedule – Utility Fund

FY2024 Budget

System Development Fees

Connection Size (in)	Max Flow (gpm)	Water	Sewer
¾	30	\$500	\$1,000
1	50	\$830	\$1,670
1.5	100	\$1,660	\$3,340
2	160	\$2,660	\$5,340
3	320	\$5,320	\$10,680
4	500	\$8,310	\$16,690
6	1,000	\$16,620	\$33,380
8	1,600	\$25,590	\$53,410
10	2,300	\$38,220	\$76,780
12	3,100	\$51,510	\$103,490

Sewer Tap Relocation Fee	Fee
Flat Fee	\$1,375
Charges for sewer tap relocations will be calculated on a case-by-case basis by the Public Works Director. Charges for such taps shall include the city's cost of personnel time, materials, and equipment, plus 35 percent of the direct labor charge. The minimum and maximum sewer tap relocation fees are set forth above.	

Septage Pretreatment Charges

0 – 1,300 Gallons	\$75.00 Per Load
1,301 Gallons or Greater	\$150.00 Per Load
All out of County haulers will be charged double the above amounts	
Annual Hauler License Fee	\$100.00

New Utility Account Deposit Fees

Use	Fee
Deposit fee for new utility accounts	\$ 100.00

High Strength Wastewater Collection and Treatment Surcharge Rates

Parameters	Rates
BOD 5	\$0.47 0.49/lb. BOD 5
Suspended solids	\$0.44 0.46/lb. SS
Leachate	\$0.05/gallon

□

Proposed Fee Schedule – Utility Fund

FY2024 Budget

Miscellaneous Utility Fees

Late Payment Fee	\$5 applied on the 21st day of each month
Cut-Off / Cut-On Fee	\$25 applied on the 28th day of each month
Return Check Fee	\$30 per check per occurrence
Meter Location	\$30 per occurrence
Meter Location Change	\$250
Meter reactivation	\$60
Fire Hydrant Flow Test (two or more hydrants)	\$250
Well Permit ⁸	\$1,000
Tanker Truck Access Fee	\$25
Others as specified in Chapter 70 Sec. 70-38 of the Brevard City Code	

⁸ Refer to Chapter 70 of City Code

Debt Obligations

By Fund - FY22 to FY23

General Fund

ISSUE YEAR	DESCRIPTION	ORIGINAL LOAN AMOUNT	LOAN TERM	LOAN END	LOAN INTEREST RATE	TOTAL LOAN PAYMENT FOR FY24
2014	DUKE PROPERTY	\$ 141,652	10	2025	2.25%	\$ 15,911
2020	FY20 CAPITAL	97,762	5	2025	1.79%	20,455
2022	MARY C JENKINS	2,350,000	15	2037	1.99%	182,753
2019	FY19 CAPITAL	113,360	10	2029	2.58%	12,769
GENERAL FUND TOTAL						\$ 231,888

Sanitation Fund

ISSUE YEAR	DESCRIPTION	ORIGINAL LOAN AMOUNT	LOAN TERM	LOAN END	LOAN INTEREST RATE	TOTAL LOAN PAYMENT FOR FY24
2018	FY18 CAPITAL	\$ 187,753	10	2028	3.09%	\$ 21,896
2021	FY21 CAPITAL	180,988	7	2028	1.61%	27,052
2024	FY20 CAPITAL	187,378	10	2030	2.24%	20,965
2020	FY24 CAPITAL	320,000	5	2029	4.16%	73,500
SANITATION FUND TOTAL						\$ 143,413

Water and Sewer Fund

ISSUE YEAR	DESCRIPTION	ORIGINAL LOAN AMOUNT	LOAN TERM	LOAN END	LOAN INTEREST RATE	TOTAL LOAN PAYMENT FOR FY24
2014	DUKE PROPERTY	\$ 283,306	10	2025	2.25%	\$ 31,822.32
2018	FY18 CAPITAL	69,443	10	2028	3.09%	8,099
2013	BELT PRESS GRIT REMOVAL	1,142,606	15	2029	2.46%	82,100
2019	FY19 CAPITAL	221,432	10	2029	2.58%	24,493
2019	WATER METERS	245,631	10	2029	2.58%	27,891
2020	FY20 CAPITAL	202,993	10	2030	2.24%	22,712
2016	BURRELL MTN WATER TANK	2,641,100	15	2033	0.00%	146,727
2013	KINGS CREEK SEWER	749,375	20	2033	2.00%	45,000
2017	NEELY ROAD PUMP STATION	12,987,256	18	2035	1.84%	828,700
2016	GRAVITY SEWER UPGRADE	1,680,000	20	2036	2.00%	105,900
2017	RADIO READ METERS	1,496,550	20	2036	2.00%	74,827
2018	KINGS CREEK 2	1,435,784	20	2037	0.00%	71,789
2018	KINGS CREEK 3	1,483,971	20	2037	0.00%	74,198
2023	KING ST WATERLINE (ESTIMATED)	271,729	20	2043	3.50%	18,050
2023	BURRELL MTN TANK (ESTIMATED)	714,512	20	2043	0.00%	35,750
2023	GALLIMORE SEWERLINE (ESTIMATED)	1,734,845	20	2043	0.00%	86,742
WATER AND SEWER FUND TOTAL						\$ 1,684,801

Fire Fund

ISSUE YEAR	DESCRIPTION	ORIGINAL LOAN AMOUNT	LOAN TERM	LOAN END	LOAN INTEREST RATE	TOTAL LOAN PAYMENT FOR FY24
2013	TANKER	\$ -	10	0	0.00%	\$ -
2022	FY22 CAPITAL	700,000	5	2029	4.16%	310,700
FIRE FUND TOTAL						\$ 310,700

TOTAL	\$ 2,370,802
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PROPOSED PAY CLASSIFICATION SCHEDULE (TO BE EFFECTIVE JULY 1, 2023)

By Grade

Proposed Grade	CLASSIFICATION	PROPOSED RANGES		
		ANNUAL MINIMUM	ANNUAL MIDPOINT	ANNUAL MAXIMUM
10	Sanitation Worker	\$ 34,159.00	\$ 42,698.93	\$ 51,239.00
11	Building & Grounds Maintenance Worker	\$ 35,866.95	\$ 44,834.13	\$ 53,800.95
11	Customer Service Representative	\$ 35,866.95	\$ 44,834.13	\$ 53,800.95
11	Landscape Technician	\$ 35,866.95	\$ 44,834.13	\$ 53,800.95
11	Maintenance Worker	\$ 35,866.95	\$ 44,834.13	\$ 53,800.95
11	Office Assistant	\$ 35,866.95	\$ 44,834.13	\$ 53,800.95
11	Parking and Support Officer	\$ 35,866.95	\$ 44,834.13	\$ 53,800.95
11	Senior Sanitation Worker	\$ 35,866.95	\$ 44,834.13	\$ 53,800.95
11	Streets Maintenance Worker	\$ 35,866.95	\$ 44,834.13	\$ 53,800.95
12	Accounting Clerk	\$ 37,660.30	\$ 47,075.94	\$ 56,491.00
12	Administrative Specialist	\$ 37,660.30	\$ 47,075.94	\$ 56,491.00
12	Meter Technician	\$ 37,660.30	\$ 47,075.94	\$ 56,491.00
12	Records Specialist	\$ 37,660.30	\$ 47,075.94	\$ 56,491.00
12	Sanitation Truck Driver	\$ 37,660.30	\$ 47,075.94	\$ 56,491.00
12	Senior Customer Service Representative	\$ 37,660.30	\$ 47,075.94	\$ 56,491.00
12	Skilled Maintenance Worker	\$ 37,660.30	\$ 47,075.94	\$ 56,491.00
13	Distribution & Collections Systems Operator	\$ 39,543.31	\$ 49,429.53	\$ 59,315.55
14	Code Enforcement Officer	\$ 41,520.48	\$ 51,901.11	\$ 62,281.32
14	Code Enforcement Officer	\$ 41,520.48	\$ 51,901.11	\$ 62,281.32
14	Fleet Mechanic	\$ 41,520.48	\$ 51,901.11	\$ 62,281.32
14	Senior Dist/Collections System Operator	\$ 41,520.48	\$ 51,901.11	\$ 62,281.32
14	Treatment Plant Operator I	\$ 41,520.48	\$ 51,901.11	\$ 62,281.32
15	Accounting Technician	\$ 43,596.50	\$ 54,496.37	\$ 65,395.39
15	Plant Maintenance Technician	\$ 43,596.50	\$ 54,496.37	\$ 65,395.39
15	Treatment Plant Operator II	\$ 43,596.50	\$ 54,496.37	\$ 65,395.39
16	Police Officer	\$ 45,776.33	\$ 57,221.01	\$ 68,665.16
16	Public Works Supervisor I	\$ 45,776.33	\$ 57,221.01	\$ 68,665.16
16	Treatment Plant Operator III	\$ 45,776.33	\$ 57,221.01	\$ 68,665.16
16	Utility Accounts Supervisor	\$ 45,776.33	\$ 57,221.01	\$ 68,665.16
17	Administrative Services Manager	\$ 48,065.14	\$ 60,081.75	\$ 72,098.42
17	Community Center Director	\$ 48,065.14	\$ 60,081.75	\$ 72,098.42
17	Field Operations Supervisor	\$ 48,065.14	\$ 60,081.75	\$ 72,098.42
17	Human Resources Specialist	\$ 48,065.14	\$ 60,081.75	\$ 72,098.42
17	Police Detective	\$ 48,065.14	\$ 60,081.75	\$ 72,098.42

PROPOSED PAY CLASSIFICATION SCHEDULE (TO BE EFFECTIVE JULY 1, 2023)

By Grade

Proposed Grade	CLASSIFICATION	PROPOSED RANGES		
		ANNUAL MINIMUM	ANNUAL MIDPOINT	ANNUAL MAXIMUM
18	Accountant	\$ 50,468.40	\$ 63,085.84	\$ 75,703.34
18	Assistant to City Mgr	\$ 50,468.40	\$ 63,085.84	\$ 75,703.34
18	Fire Engineer	\$ 50,468.40	\$ 63,085.84	\$ 75,703.34
18	Fleet Maintenance Supervisor	\$ 50,468.40	\$ 63,085.84	\$ 75,703.34
18	Planner/Assistant Zoning Administrator	\$ 50,468.40	\$ 63,085.84	\$ 75,703.34
18	Public Works Supervisor II	\$ 50,468.40	\$ 63,085.84	\$ 75,703.34
18	Senior Police Officer (Sergeant)	\$ 50,468.40	\$ 63,085.84	\$ 75,703.34
18	Senior Police Officer (Sgt.) Investigations	\$ 50,468.40	\$ 63,085.84	\$ 75,703.34
18	Tax Collector	\$ 50,468.40	\$ 63,085.84	\$ 75,703.34
19	Plant Maintenance Supervisor	\$ 52,991.82	\$ 66,240.00	\$ 79,488.51
20	Trtmt Plant Lab Supervisor/Pretreatment Coord	\$ 55,641.41	\$ 69,552.00	\$ 83,462.93
20	Wastewater Trtmen Plant Asst ORC	\$ 55,641.41	\$ 69,552.00	\$ 83,462.93
20	Senior Planner	\$ 55,641.41	\$ 69,552.00	\$ 83,462.93
21	Assistant Planning Director	\$ 58,423.48	\$ 73,029.60	\$ 87,636.08
21	Police Shift Supervisor (Lieutenant)	\$ 58,423.48	\$ 73,029.60	\$ 87,636.08
22	City Clerk	\$ 61,344.66	\$ 76,681.60	\$ 92,017.88
22	Public Information Officer (Comm Coord)	\$ 61,344.66	\$ 76,681.60	\$ 92,017.88
23	Assistant Public Works Director	\$ 64,411.89	\$ 80,515.68	\$ 96,618.78
24	Police Captain	\$ 67,632.48	\$ 84,541.46	\$ 101,449.72
24	Wastewater Treatment Plant Supt/ORC	\$ 67,632.48	\$ 84,541.46	\$ 101,449.72
24	Water Treatment Plant Supt/ORC	\$ 67,632.48	\$ 84,541.46	\$ 101,449.72
30	Fire Chief	\$ 90,635.00	\$ 113,293.64	\$ 135,952.32
30	Human Resources Director	\$ 90,635.00	\$ 113,293.64	\$ 135,952.32
30	Planning Director	\$ 90,635.00	\$ 113,293.64	\$ 135,952.32
30	Police Chief	\$ 90,635.00	\$ 113,293.64	\$ 135,952.32
30	Public Works Director	\$ 90,635.00	\$ 113,293.64	\$ 135,952.32
31	Assistant City Manager/Finance Director	\$ 95,167.00	\$ 118,958.33	\$ 142,749.94

Staffing Summary

FY2023 - 2024 Recommended Funded Full Time Equivalents (FTEs)

DEPARTMENTS	FY19-20 ADOPTED	FY20-21 ADOPTED	FY21-22 ADOPTED	FY22-23 ADOPTED	FY23-24 RECOMMENDED
Administration	5	5	5	6	6
Finance	5	5	5	5	5
Planning	5	5	5	5	5
Building and Grounds	3	3	3	4	4
Police	32	32	28	29	29
Public Works - Administration	4	4	4	4	4
Public Works - Garage	3	3	3	3	3
Public Works - Streets	8	8	8	8	8
Mary C Jenkins Community Center	0	0	0	1	1
Sanitation	9	9	9	11	11
Water Treatment	5	5	5	5	5
Water Distribution	4	4	4	5	5
Wastewater Treatment	8	8	8	8	8
Waste Water Collections	5	5	5	4	4
Fire	1	1	1	4	4
TOTAL FUNDED FTEs	97	97	93	102	102

Glossary of Terms

Accrual Basis – Method of accounting in which transactions are recognized at the time they are incurred as opposed to when cash is received or spent.

Adopted Budget – The budget approved by City Council and enacted via a budget ordinance on or before June 30 of each year.

Ad Valorem Taxes – Commonly referred to as property taxes, ad valorem taxes are levied on the value of real, certain personal, and public utility property according to the property's valuation and the tax rate.

Appropriated Fund Balance – The amount of fund balance appropriated as a revenue for a given fiscal year to offset expenditures that exceed current revenue.

Assessed Value – The fair market value placed on personal and real property owned by taxpayers by the Transylvania Tax Assessor.

Budget – A plan of financial operation comprised of an estimate of proposed expenditures for a fiscal year and the proposed means of financing those expenditures (revenue estimates).

Budget Amendment – Formal action by City Council to change an appropriation or revenue estimate during the fiscal year.

Budget Calendar – The schedule of key dates or milestones which the City follows in the preparation and adoption of the annual budget.

Budget Document – The official written statement prepared by the City Manager which presents the proposed budget to the City Council.

Budget Message – A general discussion of the proposed budget presented to the Mayor and City Council by the City Manager as a part of the budget document. The budget message explains principal budget issues against the background of financial experience in recent years and presents recommendations made by the City Manager.

Budget Ordinance – The official enactment by City Council establishing the legal authority for City administrative staff to obligate and expend funds.

Budget Process – Activities that encompass the development, implementation, and evaluation of a plan for the provision of services and capital needs.

Glossary of Terms

Capital Outlay – Items of significant value (more than \$5,000) and having a useful life of several years, also referred to as fixed assets.

Contingency – A budgetary reserve set aside for emergencies or unforeseen expenditures not otherwise budgeted.

Debt Service – Payment of interest and principal on borrowed funds, such as bonds or installment financing.

Department – A management unit overseeing divisions and activities.

Enterprise Fund – A type of fund that accounts for governmental operations that are financed and operated in a manner similar to private business enterprises. It is financed primarily from charges to users for services provided. Included in this category is the Water & Sewer Fund.

Expenditures – The cost of goods received or services rendered whether payment for such goods and services has been made or not.

Fiscal Year – An accounting period extending from July 1 through the following June 30.

Full Time Equivalent Position (FTE) – A unit for measuring staffing levels equal to one position working 40 hours per week for an entire year. Temporary or part-time positions are not included in the FTE count.

Fund – A fiscal entity with a self-balancing set of accounts used to account for an activity(s) with common objectives.

Fund Balance – The cumulative excess of revenues over expenditures in a fund at the end of a fiscal year. With certain limitations, fund balance may be used to balance the subsequent year's budget.

General Fund – A type of governmental fund used to account for revenues and expenditures for regular day-to-day operations of the City which are not accounted for in the proprietary funds; i.e., Enterprise and Intergovernmental Service Funds. The primary sources of revenue for this fund are local taxes, state shared revenues, franchise fees, and charges for services.

Glossary of Terms

Generally Accepted Accounting Principles (GAAP) – The set of accounting rules and procedures used by governmental agencies to account for the receipt and expenditure of funds.

Interfund Transfer – The movement of monies between funds of the same governmental entity.

Line-Item Budget – A budget summarizing the detail categories of expenditure for goods and services that the City intends to purchase during the fiscal year.

Local Government Budget and Fiscal Control Act – The legal guidelines of the State of North Carolina which govern budgetary and fiscal affairs of local governments.

Modified Accrual Basis – A method for recording receipts and expenditures are recognized when the goods or services are received, and revenues are recognized when measurable and available to pay expenditures in the accounting period.

Operating Budget – The City’s financial plan which outlines proposed expenditures for the fiscal year and estimates the revenues which will be used to finance them.

Proposed Budget – The City Manager’s recommended balanced budget which is submitted to Mayor and City Council prior to June 1.

Proprietary Fund – A type of fund that accounts for governmental operations that are financed and operated in a manner similar to a private business enterprise. It is financed primarily from charges to users for services provided. Proprietary funds used by the City of Brevard include the Enterprise Funds.

Revenue – A term used to represent actual or expected income to a specific fund.

Special Revenue Fund – Funds that are established to account for “general government” financial resources that are restricted by law or by contractual agreement to specific purposes.

Tax Collection Rate – The percentage of the tax levy that can reasonably be expected to be collected during the fiscal year.

Tax Rate – The level at which taxes are levied. For example, the proposed General Fund tax rate is \$0.48 per \$100 of assessed value.

Tax Levy – The total dollar amount of tax that optimally should be collected based on tax rates and assessed values of personal and real properties.

STAFF REPORT

City Council, Monday, June 5, 2023

Title: Rezoning Request for 1699 Old Hendersonville Highway from CMX to GR4 - Jeremy and Maria Watson

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background

On February 22, 2023, an application was submitted by Jeremy and Maria Watson ("Applicants") requesting a map amendment (rezoning) of their property. The property is located at 1699 Old Hendersonville Highway near Ecusta Road, identified by PIN 8596-58-8230-000. The parcel is currently zoned Corridor Mixed-Use (CMX). The request is to rezone to General Residential-4 (GR-4) in order to restore the historic structure and return it to use as a single-family home. The property abuts CMX, GR-4, and General Industrial (GI) zoning districts. See Attachment 1 for the application materials and Attachment 2 for a map of the current zoning.

City Council held a public hearing on the application on May 15, 2023. In accordance with North Carolina General Statutes, a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard is included for the Board's review as Attachment 4.

Discussion

The property currently has a historic single-family home built in the 1840s. According to the applicants, it has gone through many owners and over time fell into disrepair and was ultimately abandoned. The applicants intend to work with the Joint Historic Preservation Commission to maintain the home's historical character and upgrade the interior to modern living standards.

Though the property was previously used as a single-family home, the property cannot return to this use in the current zoning district because it was abandoned for more than 180 days. The CMX zoning district is described by the Unified Development Ordinance as follows:

The Corridor Mixed-Use District is coded to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the city's major thoroughfares. In addition, this district is established to assure the continuation of the natural beauty and green appearance of the major thoroughfares leading into the city, for enhancement of the appearance of newly developed and redeveloped properties, and for the promotion of public safety by limiting the number and location of access points.

The requested zoning district, GR-4, is intended for primarily-residential neighborhoods.

Below is a comparison of density and dimensional requirements of the existing and proposed districts:

Requirement	CMX	GR-4
Maximum dwelling unit density	40/acre	4/acre
Maximum ground floor area for principal structures	50,000 SF	10,000 SF
Minimum setbacks for principal structures (front/side/rear)	10/0/10*	15/6/25
Minimum setbacks for accessory structures < 120 square feet (side/rear)	0/0	3/3
Minimum setbacks for accessory structures ≥ 120 square feet (side/rear)	0/0	6/10
Maximum height by right	50 feet	35 feet
Minimum lot width	0 feet	30 feet

**Side and rear setbacks are increased if adjacent to residential district.*

It should also be noted that rezoning this property alters the permitted uses for future development (see Attachment 3 for a comparison of uses in CMX and GR). For example, the majority of commercial, institutional, and manufacturing uses would no longer be permitted on the property.

Policy Analysis

The *Building Brevard 2030* Comprehensive Land Use Plan designates the property as a Major Activity Center (see Attachment 2). Activity Centers represent unique destinations across the City. They are meant to be the focus of targeted urban design initiatives with a focus on infill, adaptive reuse, and creative solutions to address opportunities and challenges in each unique place.

According to the Future Land Character Area Table, GR-4 is not an applicable zoning district for a Major Activity Center:

Future Land Use Character Areas	Applicable Zoning Districts
City Center / Downtown	Downtown Mixed-Use, Corridor Mixed Use, Residential Mixed-Use
Activity Center – Major	Corridor Mixed-Use, Neighborhood Mixed-Use
Activity Center – Minor	Neighborhood Mixed-Use, Residential Mixed-Use
Urban Corridor	Corridor Mixed-Use, Neighborhood Mixed-Use
Office, Institutional, Special District	Institutional Campus, General Industrial

Traditional Neighborhood	General Residential-8, Residential Mixed-Use
Conservation Design / Low Density	General Residential-4
Conservation / Open Space	-

Though GR-4 is inconsistent with the future land use map, the Comprehensive Land Use Plan does include goals and recommendations related to historic preservation and creation of housing. The following goals and recommendations are related to this rezoning request and should be considered by City Council:

Goals

- **GOAL 1:** *Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.*
- **GOAL 6:** *Integrate arts, culture, diversity, and history into everyday life and build on Brevard's identity as a dynamic community to live, work, and play.*

Recommendations

- **Land Use and Housing-2:** *Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.*
- **Land Use and Housing-6:** *Encourage rezonings to allow for a mix of uses in Activity Centers.*
- **Land Use and Housing-9:** *Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*
- **Land Use and Housing-18:** *Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.*
- **Parks, Natural Resources, and Cultural Resources-17:** *Continue participating in North Carolina Historic Preservation Office's Certified Local Government Program via the Transylvania County Joint Historic Preservation Commission.*

Planning Board Recommendation - Conditional Zoning District

Planning Board discussed this application at their April 25th regular meeting. After a lengthy discussion, the Board recommended that the property be placed in a Conditional Zoning District (CZD) instead of the requested zoning district, GR-4. They cited NCDOT's upcoming round-about and realignment of Wilson Road/Ecusta Road project and the inconsistency with the future land use map adopted by City Council in March.

A CZD is a special district that is considered separately from the base zoning districts. According to UDO Section 2.1, they are *"intended to provide an effective means for the city to:*

- *manage the impacts of large-scale developments; to manage developments in sensitive contexts;*
- *to provide developers with the flexibility for creative design approaches;*
- *to allow for the establishment of specific land uses not otherwise permitted in the underlying base district;*
- *to allow for changes in the density and dimensional requirements of Section 2.3.”*

These districts are considered somewhat of a negotiation, where the property owner is granted some allowances that differ from a traditional zoning district and the City can impose additional conditions that address the needs/concerns of the nearby residents or the City’s priorities for the areas.

Though their request for GR-4 zoning has not changed, the applicants are open to a CZD with CMX as the base district, provided that *Dwelling – Single-family* and *Short-term Rental* are allowed as permitted by-right and *House* is a permitted building type.

Staff Recommendation Regarding Conditional Zoning District

Staff, in consultation with the City Attorney, is recommending **against** a CZD for the following reasons.

- The applicant would only ask that a few items be varied – namely the allowable uses – and the City does not have any additional conditions to impose at this time. This runs the risk of being challenged as a use variance, which is prohibited under North Carolina General Statutes. Uses are allowed to be varied as part of a CZD because of the unique circumstances and the “give-and-take” between the property owner and the City. So, while it is legally permissible to vary uses in a CZD, this application does not reflect the stated intention of balancing a number of competing priorities described above.
- The UDO requires either a preliminary or a final master plan be submitted as part of the CZD. If the applicant does not submit a final master plan, they are required to bring one before Planning Board within a year. No permit can be issued for construction, remodel, or rehabilitation until the final master plan is approved. The process of submitting a final master plan adds an additional step for the property owners to ensure compliance with all of the conditions set forth in the CZD. If a property owner has to vary the master plan (preliminary or final) for any reason, they have to submit another application to the Planning Department. If it is deemed a major modification, which includes a change in the proposed use, the application must go before City Council for approval. These steps are important for larger, more complex projects, but they add additional time and expense to smaller projects, such as this one, which may prove prohibitive.

- Cities have the broad authority to amend the zoning regulations and zoning map at its discretion (so long as the proper procedures are followed). This means cities are allowed to initiate rezonings in their jurisdiction. There is no amount of time that must pass for a city to be allowed to rezone a parcel. However, CZDs are essentially development agreements between a property owner and the City. Therefore, the property owner must consent to rezoning their property. The only exception is if the applicant has not made any progress on the project within 2 years from its date of approval, then the City can initiate a rezoning to a base district (UDO Section 16.7). In other words, if any progress is made (a final master plan has been approved, a permit has been issued, and/or construction has begun), the City is unable to initiate a rezoning, even if the project is unable to move forward for some reason down the line.

As part of the legislative hearing process, City Council has the authority to rezone a property to a *more restrictive* general zoning district than requested without holding an additional public hearing on the matter. General Residential-4 is considered the most restrictive base zoning district. Therefore, if Council chooses to examine a Conditional Zoning District for the site, a new public hearing must be set (Action 3 below).

Action

Staff requests that Council take one of the following actions:

1. Grant the zoning map amendment as requested (property becomes GR-4);
2. Deny the application (property remains CMX);
3. Call for a new public hearing for a Conditional Zoning District (Planning Board's recommendation);
4. Send the application back to the Planning Board for further consideration;
5. Table the rezoning for further discussion and consideration.

With the aforementioned challenges regarding the adoption of a Conditional Zoning District, Staff recommends Council either grant the zoning map amendment as requested (Action 1) or deny the application (Action 2).

Attachments:

1. Application Materials
2. Current Zoning and Future Land Use Map
3. Comparison of Allowable Uses
4. Consistency Statement
5. Draft Ordinance (GR-4)



The City of Brevard North Carolina

REQUEST FOR ZONING MAP AMENDMENT (REZONING)

Applicant Information:

Name: Jeremy and Maria Watson

Address: 5236 Mulholland dr Summerville SC

Phone: 801-833-3372

Property Owner Information (if different than applicant):

Name: Same as above

Address: _____

Phone: _____

Location of Property:

1699 Old Hendersonville Hwy

Pisgah Forest, NC 28768

Property Identification Number (PIN): 8596588230000

Present Zoning District: Corridor mixed use

Request District to be Changed to: Residential 4 (attach additional explanation if necessary)

Existing Use of Adjacent Properties:

North Commercial

West Commercial

South Residential + Vacant

East Recycling Center

[Signature]
Signature of Applicant

2/22/23
Date

* * * * *

Planning Department must receive the following prior to placement on BPB agenda:

____ Completed Application Form
____ Survey of Property
____ Application Fee (\$500.00) – Date Paid _____, Receipt # _____

Heard by Planning Board on: _____

Planning Board's Recommendation: ____ Approval ____ Denial

Heard by City Council on: _____

City Council Action: ____ Approval – Ord. Number _____ Effective Date _____
____ Denial

To Whom It May Concern,

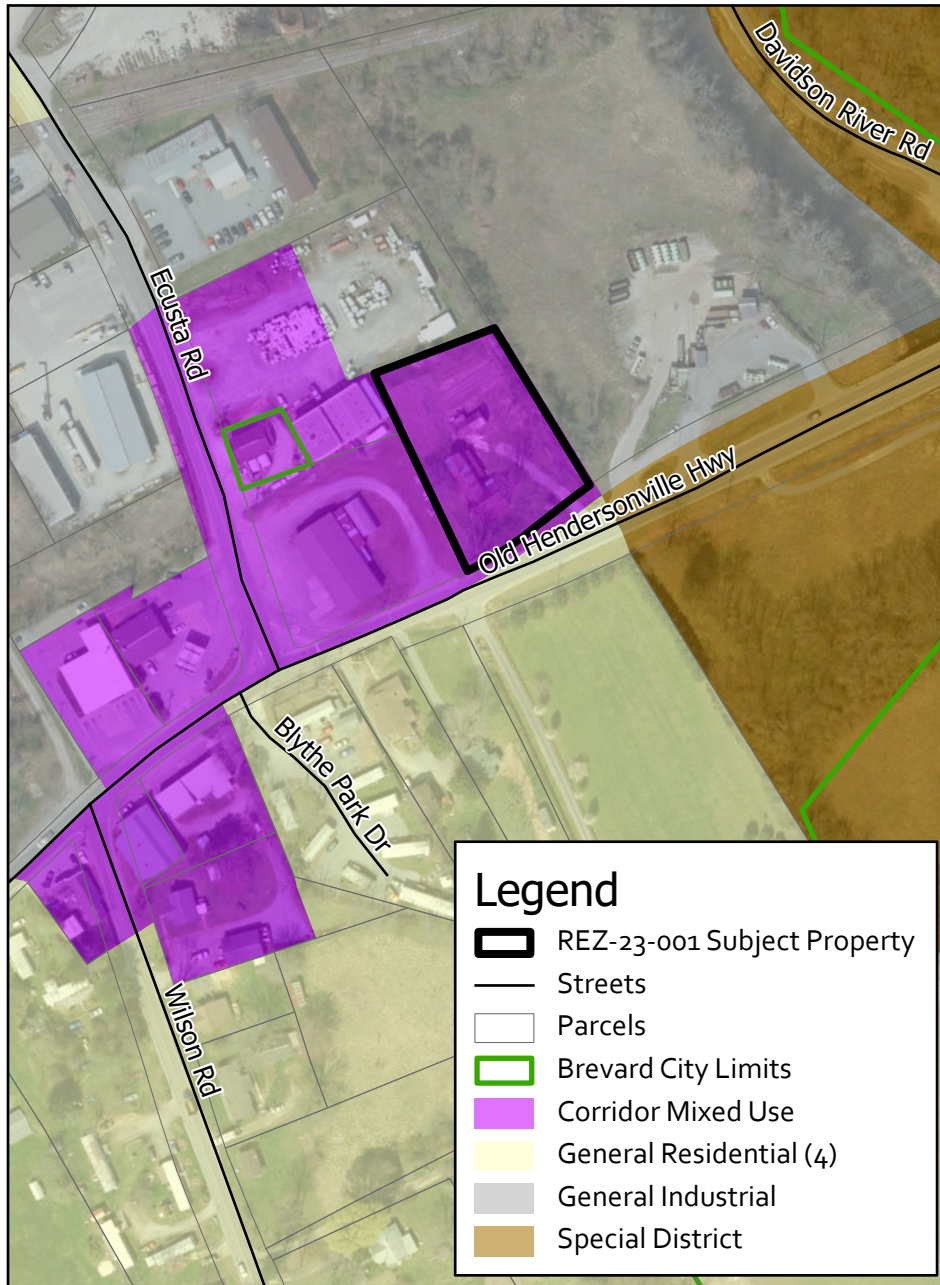
The Elizur and Ann Patton House was built in the 1840s and was a beloved family home for about a century to two different Patton families. It was the hub of a thriving farm which helped build and support the community we now reside in. The property has gone through several owners and adjustments through the decades and fell into disuse and disrepair until it was finally abandoned. There have been several attempts to rehab and restore this property but to no avail. My husband and I recently bought this home and we hope to make it a family home once more which is why we are petitioning to rezone the building back to residential.

Our plan is to work closely with the historical society respecting the home's unique architectural details. Our goals are to restore the original windows, doors, fix the exterior siding, roof, and improving its overall curb appeal. We will also be bringing the interior up to modern living standards while also maintaining the home's historical character. We are still at the beginning of this project but we hope that you will see the value of us committing to this property and bring back a piece of Brevard's history to function and prominence.

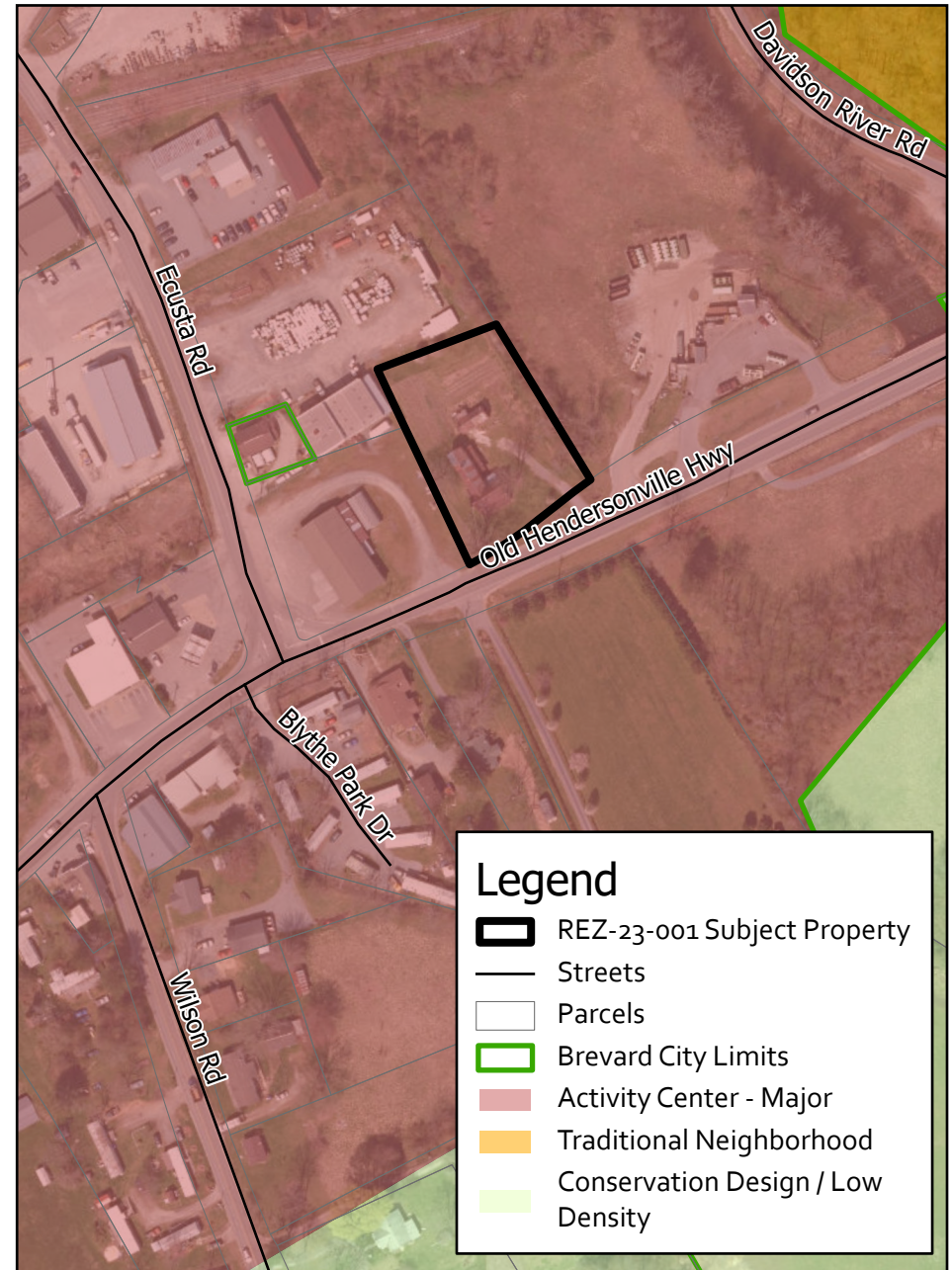
Thank you,

Maria and Jeremy Watson

REZ-23-001 Current Zoning



REZ-23-001 Future Land Use



0 55 110 220 330 440 Feet
1 inch = 217 feet

This map was prepared by the City of Brevard Planning Department, May 2023.

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.

COMPARISON OF ALLOWABLE LAND USES
GENERAL RESIDENTIAL AND CORRIDOR MIXED-USE

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS	
Residential			GR	CMX
Household Living	3.5.1	Dwelling—Single-Family	P	—
		Dwelling—Duplex	P	—
		Dwelling—Multifamily 3—4 units/bldg.	P	P
		Dwelling—Multifamily more than 4 units/bldg.	—	P
		Dwelling—Townhome	P	P
		Manufactured Home (single unit)	MHD	MHD
		Manufactured Home Park	MHD	MHD
		Live-Work Units	PS	—
		Mixed-Use Residential	—	PS
Group Living	3.5.2	Family Care Home	P	P
		Housing Services for the Elderly	SUP	P
		Rooming or Boarding House	P	P
Social Services	3.5.3	Group Care Facility	P	P
		Shelter	SUP	P
Lodging			GR	CMX
Overnight Accommodations	3.6.1	All overnight accommodations, except as listed below	—	P
		Bed and Breakfast	PS	PS
		Short-Term Rental	PS	—
Camping	3.6.2	Campground/Recreational Vehicle Park	SUP	—
		Rental Cottage/Cabins	PS	—
		Seasonal Camp	PS	—
Commercial			GR	CMX
Eating and Drinking Establishments	3.7.1	All restaurants and other eating and drinking establishments except as listed below	—	P
		Bar/Night Club	—	P
Personal Services	3.7.2	All personal services, except as listed below	—	P

		Day Care Center	PS	PS
Professional Services	3.7.3	All professional services, except as listed below	SUP	P
		Adult Establishment	—	—
		Banks, Credit Unions, Financial Services, and ATMs	—	P
		Funeral Homes and Services	—	P
		Human Crematories and Crematoriums	—	PS
		Indoor Animal Services	—	P
		Kennels and Outdoor Animal Services	—	PS
		Landscaping and Contractor Services	SUP	—
		Vehicle Services—Major Repair/Body Work	—	PS
		Vehicle Services—Minor Maintenance/Repair	—	PS
Retail	3.7.4	All retail and sales establishments except as listed below	—	P
		Alcoholic Beverage Sales Store	—	P
		Auto/Mechanical Parts Sales	—	P
		Gas Station	—	PS
		Gunsmiths and Weapon Sales	—	PS
Shopping Centers	3.7.5	All shopping centers	—	PS
Civic/Institutional			GR	CMX
Educational	3.8.1	All educational uses except as listed below	SUP	P
		Colleges/Universities	—	P
		Schools—Vocational/Technical	—	P
Government	3.8.2	All government uses, except as listed below	—	P
		Correctional Facilities	—	P
		Public Safety Station	SUP	P
Medical	3.8.3	All medical offices and facilities except as listed below	—	P
		Hospital	—	P
Places of Worship	3.8.4	All religious institutions or places of worship	SUP	P
		Cemeteries	PS	PS

Entertainment/Recreation			GR	CMX
Indoor Recreation	3.9.1	All indoor recreation facilities, except as listed below	SUP	P
		Cultural or Community Facility	SUP	P
		Indoor Amusements	—	P
		Indoor Firing Range	—	SUP
		Live Performance Theater	—	P
		Movie Theater	—	P
		Special Event Venue	SUP	PS
		Studios, Galleries and Workshops - High Impact	—	P
		Studios, Galleries and Workshops - Low Impact	—	P
Outdoor Recreation	3.9.2	All outdoor recreation facilities, except as listed below	SUP	P
		Non-Residential Swimming Pool or Pond	—	PS
		Outdoor Amusements	—	P
		Outdoor Firing Range	—	—
		Parks, Open Space, and Greenways	P	P
Agriculture			GR	CMX
Agriculture	3.10.1	All agricultural uses	PS	PS
Manufacturing/Wholesale/Storage			GR	CMX
Light Industrial and Manufacturing	3.11.1	All light industrial and manufacturing activities, except as listed below	—	SUP
		Brewery, Distillery, Winery, Cidery - High Impact	—	P
		Brewery, Distillery, Winery, Cidery - Low Impact	—	PS
		Laboratory	—	P
		Laundry, Dry Cleaning Plant	—	SUP
		Manufacturing Research and Development	—	P
		Media Production	—	P
Heavy Manufacturing	3.11.2	All heavy manufacturing activities, except as listed below	—	—

		Metal Products Fabrication, Machine or Welding Shop	—	P
Storage and Disposal	3.11.3	All storage and disposal uses, except as listed below	—	SUP
		Chemical Storage Facility	—	—
		Solid Waste Storage or Disposal Facilities	—	—
		Junkyard / Salvage Yard	—	—
Wholesaling and Distribution	3.11.4	All wholesaling and distribution activities, except as listed below	—	P
		Equipment Rental	—	P
		Indoor Vehicle/Heavy Equipment Sales	—	PS
		Outdoor Vehicle/Heavy Equipment Sales	—	PS
Infrastructure			GR	CMX
Utilities	3.12.1	Utilities—Class 1	P	P
		Utilities—Class 2	P	P
		Utilities—Class 3	—	—
Telecommunications	3.12.2	All wireless telecommunication facilities, except as listed below	PS	PS
		Wireless Telecommunication Facility—Tower	—	SUP
Transportation	3.12.3	Parking Lot	PS	PS
		Passenger Vehicle Terminals	—	P
Accessory			GR	CMX
Residential Accessory	3.13.1	All residential accessory uses, except as listed below	PS	PS
		Day Care Home	PS	PS
		Dwelling—Accessory Unit (ADU)	PS	PS
		Home Occupation	PS	P
		Keeping Bees	PS	PS
		Keeping Domestic Fowl (Chickens)	PS	PS
		Swimming Pool or Pond	PS	PS
Non-Residential Accessory	3.13.2	All non-residential accessory uses, except as listed below	—	PS
		Accessory Retail	—	PS

		Drive-Thrus	—	PS
		Mobile Food Vendor Site	—	PS
		Recycling - Small Collection	—	SUP
		Rooftop Amenity Space	—	PS
		Taproom / Tasting Room	—	P
Temporary			GR	CMX
Events and Structures	3.14.1	All temporary events and structures, except as listed below	PS	PS
		Carnivals or Circus	—	PS
		Farmers Market	—	PS
Vendors	3.14.2	All temporary vendors, except as listed below	—	PS
		Vending Pushcarts	—	—

(a) This column refers to the section of this ordinance that contains the use definition and additional standards.

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
REZ-23-001**

NCGS 160D-604 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 2030 Goals

- **GOAL 1:** *Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.*
- **GOAL 6:** *Integrate arts, culture, diversity, and history into everyday life and build on Brevard's identity as a dynamic community to live, work, and play.*

Building Brevard 2030 Recommendations

- **Land Use and Housing-18:** *Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.*
- **Parks, Natural Resources, and Cultural Resources-17:** *Continue participating in North Carolina Historic Preservation Office's Certified Local Government Program via the Transylvania County Joint Historic Preservation Commission.*

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

Building Brevard 2030 Future Land Use Map

The Future Land Use Map recommends *Activity Center – Major* as the future character area:

Activity Centers represent unique destinations across the City. They are meant to be the focus of targeted urban design initiatives with a focus on infill, adaptive reuse, and creative solutions to address opportunities and challenges in each unique place.

The appropriate character area for the proposed zoning district is *Conservation Design / Low-Density*.

Building Brevard 2030 Recommendations

- ***Land Use and Housing-2:*** Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.
- ***Land Use and Housing-6:*** Encourage rezonings to allow for a mix of uses in Activity Centers.
- ***Land Use and Housing-9:*** Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is in the public interest and **reasonable** due to the following factors:

- As defined in the City of Brevard Unified Development Ordinance, the General Residential-4 zoning district is a logical and appropriate zoning district for a single-family home.
- The Plan is consistent with the goals and recommendations outlined in the City's Comprehensive Land Use Plan.

ORDINANCE NO. 2023-____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE
CITY OF BREVARD TO REZONE A PARCEL LOCATED
ON OLD HENDERSONVILLE HIGHWAY NEAR ECUSTA ROAD

WHEREAS, Jeremy and Maria Watson request that the Official Zoning Map of the City of Brevard be amended by rezoning a parcel of land, from the Corridor Mixed-Use district to the General Residential - 4 district; such the parcel is identified by PIN 8596-58-8230-000, and is hereafter referred to as the “Subject Property” and,

WHEREAS, a public hearing was conducted May 15, 2023, in consideration of this rezoning request; and,

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment, identified as REZ-23-001, on April 25, 2023; and,

WHEREAS, in accordance with North Carolina General Statute 160D-605, Brevard City Council finds the following:

- 1) The proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

Building Brevard 2030 Goals

- **GOAL 1:** *Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.*
- **GOAL 6:** *Integrate arts, culture, diversity, and history into everyday life and build on Brevard's identity as a dynamic community to live, work, and play.*

Building Brevard 2030 Recommendations

- **Land Use and Housing-18:** *Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.*
- **Parks, Natural Resources, and Cultural Resources-17:** *Continue participating in North Carolina Historic Preservation Office's Certified Local Government Program via the Transylvania County Joint Historic Preservation Commission.*

- 2) The proposed zoning map amendment is **inconsistent** with the following elements of the City's adopted plans and policies:

Building Brevard 2030 Future Land Use Map

- The Future Land Use Map recommends *Activity Center – Major* as the future character area. The appropriate character area for the proposed zoning district is *Conservation Design / Low-Density*.

Building Brevard 2030 Recommendations

- **Land Use and Housing-2:** *Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.*
- **Land Use and Housing-6:** *Encourage rezonings to allow for a mix of uses in Activity Centers.*
- **Land Use and Housing-9:** *Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*

- 3) The proposed zoning map amendment is in the public interest and reasonable due to the following factors:

- As defined in the City of Brevard Unified Development Ordinance, the General Residential-4 zoning district is a logical and appropriate zoning district for a single-family home.
- The Plan is consistent with the goals and recommendations outlined in the City's Comprehensive Land Use Plan.

and,

WHEREAS, the City of Brevard, 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 Official Zoning Map of the City of Brevard is hereby amended as depicted herein on Exhibit A which is attached hereto and incorporated by reference.

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

Section 3. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 5th day of June 2023.

Maureen Copelof,
Mayor

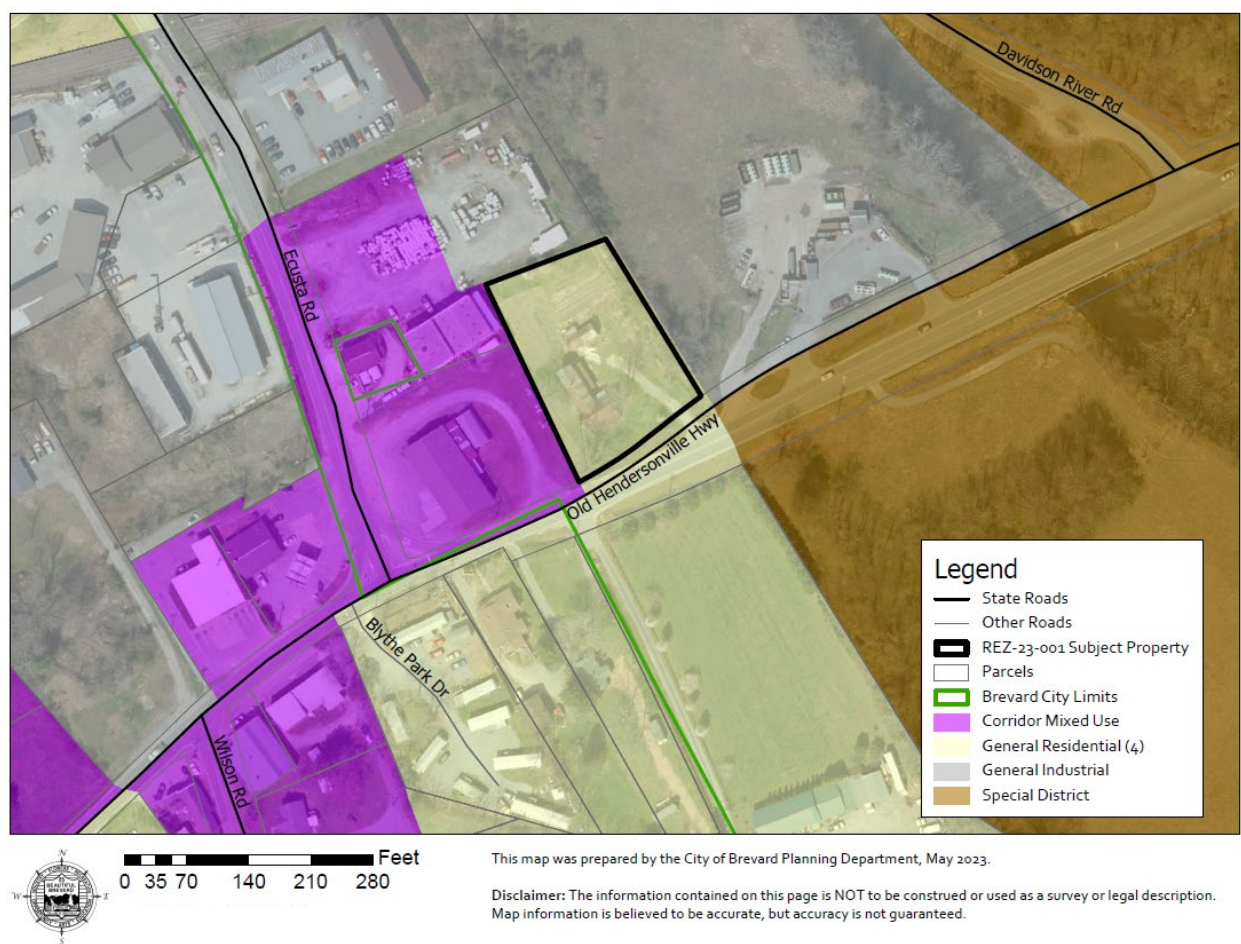
ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

EXHIBIT A



STAFF REPORT

City Council, Monday, June 5, 2023

Title: Request to Rezone Deerlake Parcels from Conditional Zoning District to CMX - Tore Borhaug

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by:

Background

On October 17, 2019, an application was submitted by Tore Borhaug, of Lift Holdings, LLC, along with a preliminary master plan for a mixed-use development located along Deerlake Road. The three parcels that make up the subject area were all zoned General Residential – 8 (GR8) and the Applicant was seeking a conditional zoning district, then called a “planned development district” (PDD) to establish a site-specific ordinance tailored to the proposed mixed-use development of the site. Following multiple Planning Board and Council meetings, Council adopted Ordinance No. 2020-18 approving the PDD and preliminary master plan on September 21, 2020.

Mr. Borhaug is now requesting to rezone the properties, which are currently subject to the PDD, back to traditional “base zoning” districts. Two of the parcels would revert to GR8 while the third parcel would become Corridor Mixed Use (CMX), which is how this rezoning request was advertised. This zoning district adjoins other CMX parcels. Council held a public hearing regarding this request at their May 15, 2023 meeting.

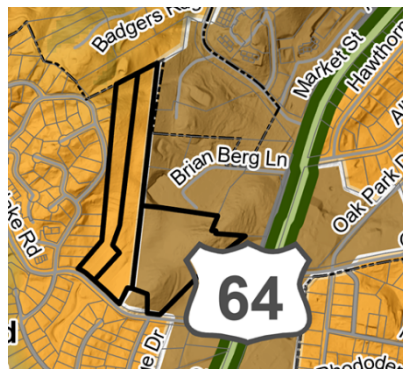
Discussion

Council's discussion at the public hearing on May 15th included questions regarding the potential to rezone the CMX parcel to a different district in response to concerns raised by neighboring property owners over the amount of non-residential uses allowed in CMX. The main alternative discussed was Residential Mixed Use (RMX), which reduces the by-right residential density to 15 dwelling units per acre, compared to the 40 per acre allowed by CMX, and also greatly reduces the allowed non-residential uses. Another option mentioned as a compromise between RMX and CMX was Neighborhood Mixed Use (NMX). NMX allows 25 dwelling units per acre and many, but not all, of the non-residential uses of CMX. A table comparing the three options: GR8+RMX, GR8+NMX, and GR8+CMX is attached.

Policy Analysis

Recommendation LUH-2 of the Comprehensive Land Use Plan states “Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.” The Future Land Use Map identifies the two parcels proposed to revert to GR8 as within the Traditional Neighborhood character area, and the parcel proposed to be CMX, NMX, or RMX as within the Urban Corridor character area. The Future Land Use Character Area Table shows that GR8 is an applicable zoning district for the Traditional Neighborhood character areas. Additionally, CMX, NMX, and RMX are all listed as applicable zoning districts for the

Urban Corridor area. Therefore, this proposal would consistent with the Future Land Use Map and LUH-2 no matter which option is chosen for the mixed use parcel.



Character Areas

 Downtown & City Center
 Activity Center - Major
 Activity Center - Minor
 Urban Corridor
 Office, Institutional, Special District
 Traditional Neighborhood

Future Land Use Character Area	Applicable Zoning Districts
City Center / Downtown	DMX, CMX, RMX
Activity Center - Major	CMX, NMX
Activity Center - Minor	NMX, RMX
Urban Corridor	CMX, NMX, RMX
OISD	IC, GI
Traditional Neighborhood	GR8, RMX

Recommendation

The Planning Board discussed this proposal at their April 25, 2023 meeting and, after a brief discussion, unanimously recommended rezoning as requested, with two parcels reverting to GR8 and one to CMX. The Board also submits to Council the attached statement of consistency and reasonableness, in accordance with North Carolina General Statutes.

Fiscal Impact

None.

Action

If Council desires to approve one of the rezoning combinations discussed, Staff has included three enacting ordinances that Council can choose from. Council's options are:

1. Grant the zoning map amendment as requested; GR8, GR8 and CMX;
2. Grant the zoning map amendment with a reduction in the area requested;
3. Grant the zoning map amendment to a more restrictive general zoning district, such as RMX or NMX instead of CMX;
4. Deny the application;
5. Table for further discussion or consideration.

Attachments:

1. Comparison Table
2. Ord 2023-XX - CMX Option
3. Ord 2023-XX - NMX Option
4. Ord 2023-XX - RMX Option

	Existing PDD	GR + RMX	GR + NMX	GR + CMX
Land Uses				
<i>Dwelling – Duplex</i>	Permitted	Permitted in both	Permitted in both	Permitted in both
<i>Dwelling – Multifamily 3-4 units/building</i>	Permitted	Permitted in both	Permitted in both	Permitted in both
<i>Dwelling – Multifamily >4 units/building</i>	Permitted	GR: Not permitted RMX: Permitted	GR: Not permitted NMX: Permitted	GR: Not permitted CMX: Permitted
<i>Cultural or Community Facility</i>	Permitted	GR: SUP RMX: Permitted	GR: SUP NMX: Permitted	GR: SUP CMX: Permitted
<i>Professional Service</i>	Permitted	GR: SUP RMX: Permitted	GR: SUP NMX: Permitted	GR: SUP CMX: Permitted
<i>Adult/Child Day Care Center</i>	Permitted	Permitted in both	Permitted in both	Permitted in both
<i>Cemeteries</i>	Permitted	Permitted in both	Permitted in both	Permitted in both
<i>Parking</i>	Permitted	Permitted in both	Permitted in both	Permitted in both
<i>Fences</i>	Permitted	Permitted in both	Permitted in both	Permitted in both
<i>Dwelling – Single Family</i>	Not permitted	GR: Permitted RMX: Permitted Max 1 per lot	GR: Permitted NMX: Not Permitted Max 1 per lot	GR: Permitted CMX: Not Permitted Max 1 per lot
<i>Dwelling – ADU</i>	Not permitted	Permitted in both – up to 1,200 sqft or 2/3 of principal house area	Permitted in both – up to 1,200 sqft or 2/3 of principal house area	Permitted in both– up to 1,200 sqft or 2/3 of principal house area
<i>Rooming and Boarding House</i>	Not permitted	Permitted in both	Permitted in both	Permitted in both
<i>Housing Services for the Elderly</i>	Not permitted	GR: SUP RMX: Permitted	GR: SUP NMX: Permitted	GR: SUP CMX: Permitted
Dimensional Requirements				
<i>Setbacks</i>	Rear yard setback 15'	Rear yard setback 25'	Rear yard setback 25'	Rear yard setback 25'
<i>Density</i>	Max 11.2 du/acre	GR: Max 8 du/acre RMX: Max 15 du/acre	GR: Max 8 du/acre NMX: Max 25 du/acre	GR: Max 8 du/acre CMX: Max 40 du/acre
<i>Ground Floor Area</i>	Follow master plan	GR: 8,000 sqft RMX: 8,000 sqft	GR: 8,000 sqft NMX: 30,000 sqft	GR: 8,000 sqft CMX: 50,000 sqft
Building Types and Architectural Standards	Follow master plan	Comply with Chapter 5 of UDO	Comply with Chapter 5 of UDO	Comply with Chapter 5 of UDO

Environmental Protection	Comply with UDO	Comply with UDO	Comply with UDO	Comply with UDO
Open Space				
<i>Greenway Dedication</i>	15-foot wide	Not required	Not required	Not required
<i>Functional Open Space</i>	Satisfied by above	Not required – existing greenway satisfies UDO	Not required – existing greenway satisfies UDO	Not required – existing greenway satisfies UDO
Tree Protection & Landscaping				
<i>Buffers</i>	Comply with GR standards Type A buffer (10')	GR abutting GR: None RMX abutting GR: Type B (20')	NMX abutting GR: Type B (20')	CMX abutting GR: Type D (30')
	Parking			
<i>Duplex structures</i>	1-1.5 spaces per dwelling	1.5 spaces per dwelling	1.5 spaces per dwelling	1.5 spaces per dwelling
<i>Off-Street</i>	Angled off-street parking minimum of 8 feet wide	Parking space dimensions of 9'x18'	Parking space dimensions of 9'x18'	Parking space dimensions of 9'x18'
<i>Apartment Buildings</i>	Comply with UDO	Comply with UDO	Comply with UDO	Comply with UDO
Lighting	Comply with UDO	Comply with UDO	Comply with UDO	Comply with UDO
Signage	Comply with UDO	Comply with UDO	Comply with UDO	Comply with UDO
Public Infrastructure				
<i>Driveway Curb Cuts</i>	Max 30 feet wide	12-24' wide	12-24' wide	12-24' wide
<i>ROW for New Streets</i>	Min 45 feet	Neighborhood street = 60' ROW	Neighborhood street = 60' ROW	Neighborhood street = 60' ROW
<i>On-Street Parking</i>	Not allowed	Depends on street design	Depends on street design	Depends on street design
Phasing	Allowed with condition that the community center be built before Apartment Buildings 2, 3 & 4	Allowed	Allowed	Allowed

ORDINANCE NO. 2023-XX

**AN ORDINANCE AMENDING THE OFFICIAL ZONING
MAP OF THE CITY OF BREVARD TO REZONE
THREE PARCELS LOCATED ON DEERLAKE ROAD**

WHEREAS, Tore Borhaug of Paralift Holdings LLC requests that the Official Zoning Map of the City of Brevard be amended by rezoning three parcels of land, from the Independent Living at Tore's Home Planned Development District to the General Residential – 8 and Corridor Mixed Use districts; these parcels are identified by PINs 8586-87-0180-000, 8586-86-1995-000, and 8586-86-4675-000, and are hereafter referred to as the "Subject Properties" and

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on April 25, 2023 and unanimously recommended approval; and

WHEREAS, in accordance with North Carolina General Statute 160D-604, the Brevard City Council finds that this proposed zoning map amendment is consistent with the following elements of the City's adopted plans and policies:

Comprehensive Land Use Plan & Future Land Use Map

Recommendation Land Use & Housing – 2: Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.

The Future Land Use Map identifies the two parcels proposed to revert to GR8 as within the *Traditional Neighborhood* character area, and the parcel proposed to be CMX within the *Urban Corridor* character area. Both of the proposed new zoning districts are applicable zoning districts for the character areas as outlined in the Future Land Use Character Area Table. Therefore, the Board finds that this proposed zoning map amendment is consistent with the Future Land Use Map and LUH-2.

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

- The relationship between the current permissible development and land uses in the existing conditional zoning district is very similar to the development and land uses permissible under the proposed zoning districts.
- The size of the parcels and proximity to existing areas of the proposed zoning districts does not constitute spot zoning.
- The Plan is consistent with the above elements of the Comprehensive Land Use Plan and the Future Land Use Map.

WHEREAS, a public hearing was conducted May 15, 2023 in consideration of this request; and

WHEREAS, the City of Brevard, 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 the subject parcels is hereby rezoned as depicted below and in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference:

PIN 8586-87-0180-000 – General Residential 8
PIN 8586-86-1995-000 – General Residential 8
PIN 8586-86-4675-000 – Corridor Mixed Use

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

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section 4. All ordinances or portions thereof in conflict herewith, including but not limited to Ordinance 2020-18 which established the Independent Living at Tore’s Home Planned Development District, are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this the 5th day of June 2023.

Maureen Copelof
Mayor

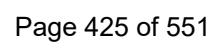
ATTEST:

Denise Hodsdon CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

LOCATION MAP
REZ-23-002



ORDINANCE NO. 2023-XX

**AN ORDINANCE AMENDING THE OFFICIAL ZONING
MAP OF THE CITY OF BREVARD TO REZONE
THREE PARCELS LOCATED ON DEERLAKE ROAD**

WHEREAS, Tore Borhaug of Paralift Holdings LLC requests that the Official Zoning Map of the City of Brevard be amended by rezoning three parcels of land, from the Independent Living at Tore’s Home Planned Development District to the General Residential – 8 and Neighborhood Mixed Use districts; these parcels are identified by PINs 8586-87-0180-000, 8586-86-1995-000, and 8586-86-4675-000, and are hereafter referred to as the “Subject Properties” and

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on April 25, 2023 and unanimously recommended approval; and

WHEREAS, in accordance with North Carolina General Statute 160D-604, the Brevard City Council finds that this proposed zoning map amendment is consistent with the following elements of the City’s adopted plans and policies:

Comprehensive Land Use Plan & Future Land Use Map

Recommendation Land Use & Housing – 2: Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.

The Future Land Use Map identifies the two parcels proposed to revert to GR8 as within the *Traditional Neighborhood* character area, and the parcel proposed to be CMX within the *Urban Corridor* character area. Both of the proposed new zoning districts are applicable zoning districts for the character areas as outlined in the Future Land Use Character Area Table. Therefore, the Board finds that this proposed zoning map amendment is consistent with the Future Land Use Map and LUH-2.

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

- The relationship between the current permissible development and land uses in the existing conditional zoning district is very similar to the development and land uses permissible under the proposed zoning districts.
- The size of the parcels and proximity to existing areas of the proposed zoning districts does not constitute spot zoning.
- The Plan is consistent with the above elements of the Comprehensive Land Use Plan and the Future Land Use Map.

WHEREAS, a public hearing was conducted May 15, 2023 in consideration of this request; and

WHEREAS, the City of Brevard, 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 the subject parcels is hereby rezoned as depicted below and in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference:

PIN 8586-87-0180-000 – General Residential 8
PIN 8586-86-1995-000 – General Residential 8
PIN 8586-86-4675-000 – Neighborhood Mixed Use

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

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section 4. All ordinances or portions thereof in conflict herewith, including but not limited to Ordinance 2020-18 which established the Independent Living at Tore’s Home Planned Development District, are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this the 5th day of June 2023.

Maureen Copelof
Mayor

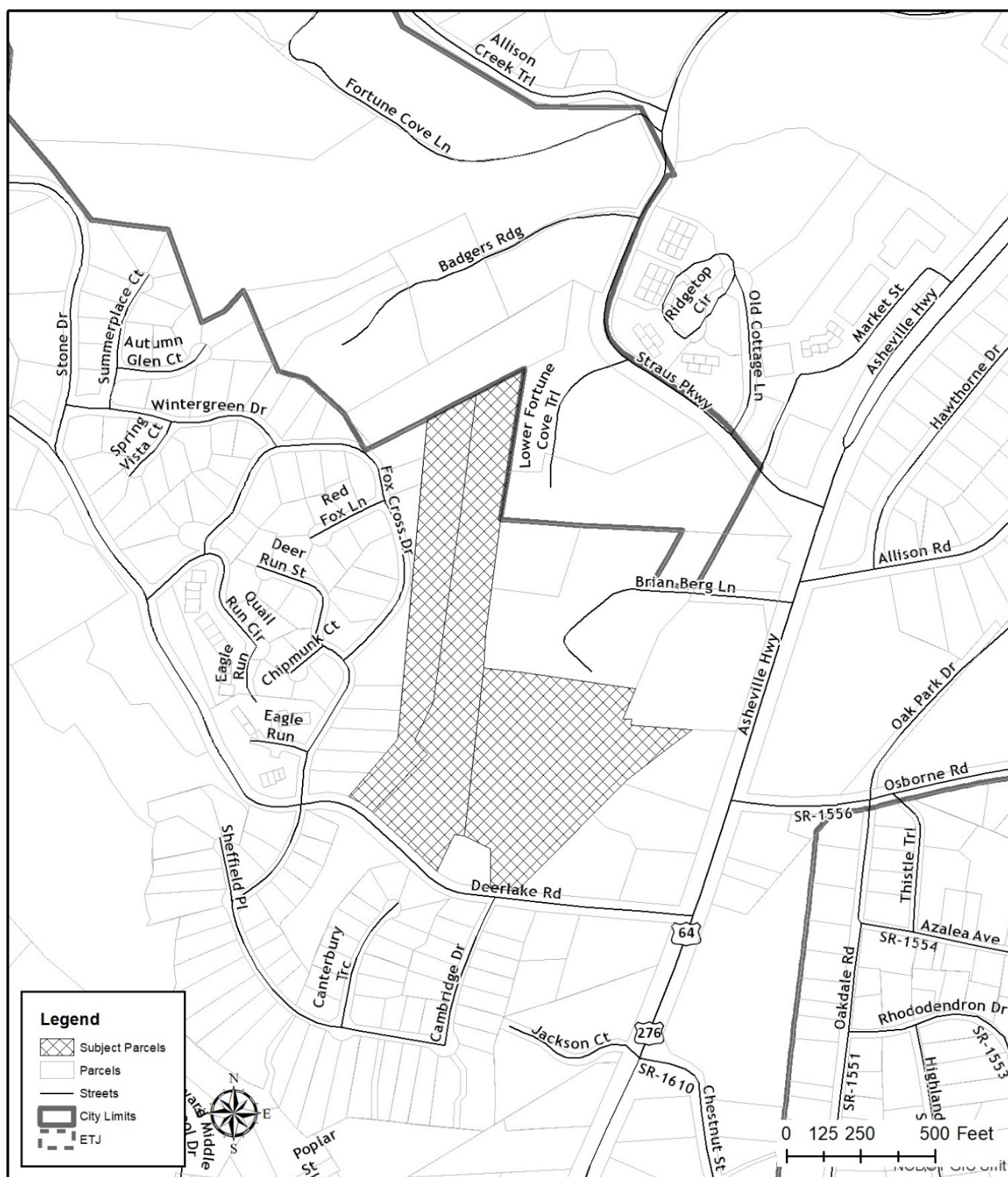
ATTEST:

Denise Hodsdon CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

LOCATION MAP
REZ-23-002



ORDINANCE NO. 2023-XX

**AN ORDINANCE AMENDING THE OFFICIAL ZONING
MAP OF THE CITY OF BREVARD TO REZONE
THREE PARCELS LOCATED ON DEERLAKE ROAD**

WHEREAS, Tore Borhaug of Paralift Holdings LLC requests that the Official Zoning Map of the City of Brevard be amended by rezoning three parcels of land, from the Independent Living at Tore’s Home Planned Development District to the General Residential – 8 and Residential Mixed Use districts; these parcels are identified by PINs 8586-87-0180-000, 8586-86-1995-000, and 8586-86-4675-000, and are hereafter referred to as the “Subject Properties” and

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on April 25, 2023 and unanimously recommended approval; and

WHEREAS, in accordance with North Carolina General Statute 160D-604, the Brevard City Council finds that this proposed zoning map amendment is consistent with the following elements of the City’s adopted plans and policies:

Comprehensive Land Use Plan & Future Land Use Map

Recommendation Land Use & Housing – 2: Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.

The Future Land Use Map identifies the two parcels proposed to revert to GR8 as within the *Traditional Neighborhood* character area, and the parcel proposed to be CMX within the *Urban Corridor* character area. Both of the proposed new zoning districts are applicable zoning districts for the character areas as outlined in the Future Land Use Character Area Table. Therefore, the Board finds that this proposed zoning map amendment is consistent with the Future Land Use Map and LUH-2.

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

- The relationship between the current permissible development and land uses in the existing conditional zoning district is very similar to the development and land uses permissible under the proposed zoning districts.
- The size of the parcels and proximity to existing areas of the proposed zoning districts does not constitute spot zoning.
- The Plan is consistent with the above elements of the Comprehensive Land Use Plan and the Future Land Use Map.

WHEREAS, a public hearing was conducted May 15, 2023 in consideration of this request; and

WHEREAS, the City of Brevard, 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 the subject parcels is hereby rezoned as depicted below and in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference:

PIN 8586-87-0180-000 – General Residential 8
PIN 8586-86-1995-000 – General Residential 8
PIN 8586-86-4675-000 – Residential Mixed Use

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

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section 4. All ordinances or portions thereof in conflict herewith, including but not limited to Ordinance 2020-18 which established the Independent Living at Tore’s Home Planned Development District, are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this the 5th day of June 2023.

Maureen Copelof
Mayor

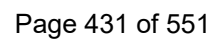
ATTEST:

Denise Hodsdon CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

LOCATION MAP
REZ-23-002



STAFF REPORT

City Council, Monday, June 5, 2023

Title: Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 4, 6, 13, 17 and 19 - Steep Slopes

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background

The City of Brevard is endowed with a diverse and dynamic topography that defines its character as a mountain town nestled within the Blue Ridge Mountains. Development regulations for steep slopes are a critical tool in ensuring this identity is protected for future generations of Brevardians.

The steep slope ordinance has been discussed many times in the past few years, especially as infill residential development becomes more of a priority. Revisions have been presented to Planning Board and City Council most recently in the fall of 2022. Staff shared relatively minor changes to the review process and the requirements for Conditional Zoning Districts with steep slope areas. The text amendment was intended to clarify language around steep slopes in advance of broader changes in the coming months. Planning Board recommended approval of the text amendment to City Council. During the discussion on October 17th, multiple members of City Council expressed an interest in seeing a fully revised version of Section 6.4 – Steep Slope Area Requirements – instead of small revisions.

Staff has worked closely with Planning Board to develop fully revised steep slope regulations:

- On February 28, 2023, Staff facilitated a work session with Planning Board to establish priorities for steep slope development regulations and protections. During this discussion, Staff shared lessons learned from researching other municipalities, conducted a mapping exercise to assess where regulations would be necessary, and evaluated the viability of potential solutions.
- On March 28, 2023, Staff presented a fully revised steep slope ordinance for Planning Board's review. Planning Board worked with Staff to address some outstanding questions and requested a few changes.
- On April 25, 2023, Planning Board recommends approval of fully revised steep slope regulations.

The proposed text amendment is included in Attachment 1 (strikethrough version) and Attachment 2 (clean revision). A matrix summary of the changes can be found in

Attachment 3.

City Council held a public hearing on the proposed amendments on May 15, 2023.

Discussion

The discussion in February included Staff's findings from reviewing steep slope ordinances of many other Western North Carolina jurisdiction. A matrix of findings can be found in Attachment 4. Notable takeaways are as follows:

- All jurisdictions reviewed vary regulations at different slope percentages.
- Brevard's ordinance does not *regulate* the particulars of slope development. It only allows administrators the *ability* to impose conditions on development from 15-24% case-by-case and outright *prohibits* any development on greater slopes.
- No other jurisdiction (except Hendersonville) prohibits development on steep slopes. However, many of them impose regulations regarding building height, density, amount of grading, etc. that increase in severity as the slope increases. None of these regulations are currently in Brevard's steep slope ordinance.
- Heavier development regulations typically do not start until a parcel reaches 35% in slope.
- Many jurisdictions that were reviewed use an elevation trigger for regulations to apply.
- All other jurisdictions (except Boone) use the same slope formula (detailed below).
- Many other cities require geotechnical engineering be completed to ensure development plans are safe and do not contribute to further erosion and sedimentation.

With Planning Board's guidance and input, Staff has prepared a revised amendment to the steep slope ordinance and other related sections. The details of the text amendment and the rationales for including them are outlined below.

Proposed Changes - Definition & Applicability

Currently, Section 6.4 of the UDO defines "steep slopes" as areas with a slope of "15 percent or greater." However, there are no meaningful regulations stated for parcels with an average slope between 15-24%. The only stipulation is that the administrators have the ability to impose conditions to ensure safe development.

Furthermore, the current ordinance states that areas with "an average slope of 25 percent or greater" are deemed "protection areas for which no development shall be permitted." However, under NC law, property owners should be granted reasonable use of their land and a strict prohibition would not be permissible. Because of this, there is a caveat in our ordinance that:

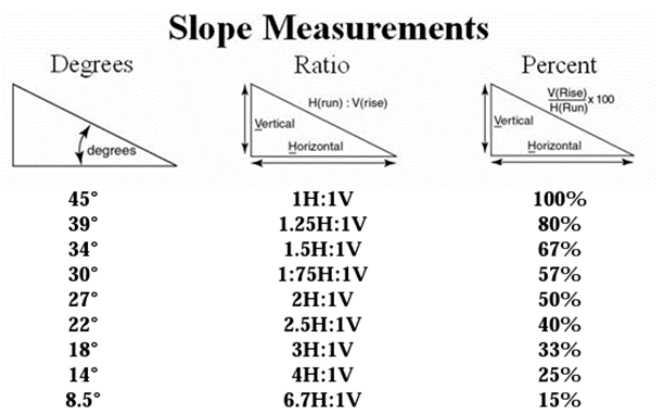
*"Only one principal structure shall be permitted within **preexisting lots containing steep slope areas** unless all proposed principal structures can be constructed on portions of the*

lot not considered to be a steep slope area and still conform to all other requirements of this ordinance.”

This means that even if a lot has a slope of 25% or greater, if it was established before April 3, 2006 (the date of the UDO), the parcel would be exempt from the steep slope ordinance regulations, except that they may only have one principal structure. Staff believes that the majority of the parcels in the City’s planning jurisdiction were created (via subdivision, recombination, etc.) before 2006, meaning most of our jurisdiction would be exempt from this section with that one exception. This is contrary to the stated purpose and objectives of the chapter to protect our natural resources and minimize the impact to sensitive areas (Sections 6.2 and 6.3).

Staff discussed these issues at length with Planning Board. They concurred with Staff’s recommendation to remove the prohibition of development and instead levy development regulations and vegetation preservation requirements that scale up as the slope increases.

Staff and Planning Board extensively discussed the applicability of regulations, referring to the slope ordinances of other municipalities and examining existing parcels in the jurisdiction. The group came to consensus that protections should begin at 25% (equating to a 4H:1V ratio or 14 degrees) with heavier regulations at 35% (roughly 20 degrees) and above.



At the work session, Planning Board also recommended that steep slope regulations only be applicable to properties above a certain elevation, similar to those of other Western North Carolina municipalities. With this, properties located below the elevation can be entirely exempt from steep slope regulations, while those above it with a grade of 25% or greater will be subject. Staff led Planning Board through a mapping exercise to visualize the elevation of the jurisdiction. Ultimately, the Board recommended 2,250 feet above sea level as this trigger elevation. This protects the most visible “viewshed” slopes while exempting lower-lying sloped areas in the already developed parts of town that would otherwise be restricted.

The revised section now stipulates that all development projects and subdivisions on parcels at or above 2,250 feet in elevation must provide a slope calculation. Based on the

calculated slope of the parcel, it may be designated as a “moderately steep slope area” (25-34%) with moderate regulations or a “steep slope area” (35%+) with more regulations and environmental protections. See Attachment 5 and 6 for maps of the elevation and slope across the City's planning jurisdiction.

Proposed Changes - Slope Determination

The slope calculation is vague and over-simplified using a linear assessment or a simple average. The existing language can be applied with relative ease in areas of uniform, gentle elevation changes, but not with Brevard's diverse and dynamic topography. Many, if not most, parcels have significant elevation changes within the property lines.

The proposed amendments provide a specific formula which can be applied to any property as to calculate the average existing grade. The Board proposed using the following contour interval formula, which is very commonly used even within Western North Carolina (see Attachment 4). The formulas is as follows:

Slope (**S%**) is equal to the total length (**L**) of contour lines in feet within a given parcel, multiplied by the contour interval (**I**) of said parcel, then multiplied by .0023, divided by the area (**A**) of the parcel in acres.

Or,

$$S = ((.0023 \times (L) \times (I)) / A$$

.0023 is the product of two constants, one of which converts feet into acres and one of which converts a decimal fraction into a percentage, the value of .0023 is the percentage of one square foot of one acre.

Attachment 7 includes an example on a three-acre tract with 2-foot contour intervals.

Property owners would also have the option to provide a slope analysis conducted and sealed by a professional surveyor, engineer, or landscape architect.

Furthermore, the ordinance does not specify if it is the average of the whole parcel or just the area to be built upon. Staff discussed the area of measurement with Planning Board at the work session. The pros and cons are outlined below:

	Whole Parcel	Area of Disturbance
Principle	Doesn't always protect what we want to protect (especially without elevation trigger)	Allows "reasonable use" of a property owner's land
Application	Doesn't account for less steep portions of the lot that are not sensitive for development	Allows development on less steep portions of the lot
Process	Could be automatically calculated and property owners can look it up (see Asheville/Buncombe County)	Would need to be an additional step in the permitting process where staff determines the slope for them with GIS

Grading Extent	Could regulate (very common)	Doesn't allow for regulations that limit grading extent because not disturbing the whole property
Vegetation Preservation	Could regulate (very common)	Doesn't allow for broad tree preservation because not disturbing the whole property (would need to be incentives and/or buffer regulations)

Following discussion, Planning Board concurred with Staff that using the whole parcel as the area of measurement would create an easier permitting process (e.g., slope calculations could be pre-calculated and available for lookup) and would allow for greater preservation of the natural landscape.

The text amendment allows property owners to remove areas from their slope calculation if it is placed in a permanent conservation easement or otherwise permanently protected in a natural state with a legal prohibition on vegetation removal and land disturbance. This provides an incentive to permanently preserve the steepest and most sensitive portions of a lot, while still allowing reasonable development of the remainder of a property owner's land.

Proposed Changes - Safety & Erosion

The planners administering the code are not experts in assessing the safety of developing on steep slopes. Staff would prefer to rely on professional engineers to determine the feasibility of projects. Other municipalities have addressed this with geotechnical analysis requirements (see Attachment 4). These reports typically include subsurface/soil compositions, stability assessments, and recommendations for safe construction, grading, soil reinforcement, etc. Planning Board concurred and decided that geotechnical engineering should be required for projects in "steep slope areas" (35% or greater), which is in line with the regulations in Asheville, Black Mountain, Buncombe County, and Sylva.

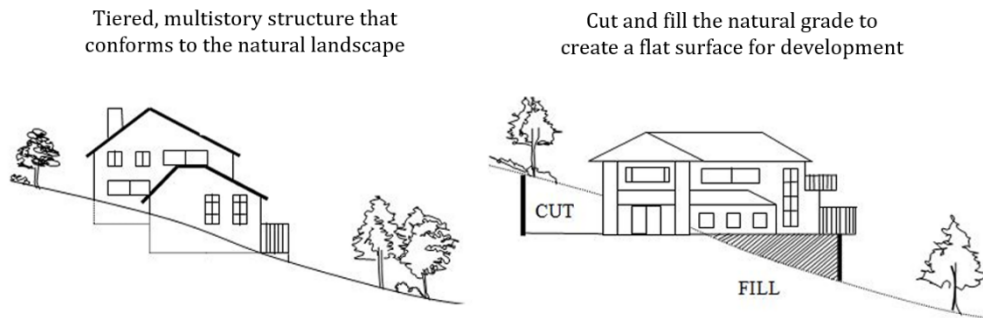
Under the current Section 6.5, the cut, fill and other artificial slopes must be maintained at 2:1 slope. This equates to roughly 50% slope, which is well above the prohibition of 25% in the previous section. The proposed changes bring the ratio to 40% slope, which is more in line with the new regulations and is expressed as a percentage for consistency.

Planning Board also expressed a strong desire to limit the height of retaining walls in steep slope areas in an effort to reduce the visual bulk of a project and protect the natural slope to the greatest extent possible. Staff determined that this does not need to be limited to steep slope areas, so additional regulations have been incorporated into Section 4.9 "Fences and Walls." The maximum height of the retaining wall is proposed as 5 feet, unless required to be higher for engineering reasons.

Proposed Changes - Development Type & Design

At the work session, Staff presented examples of two types of development: step-back or

tiered development and cut-and-fill development.



Both Staff and Planning Board wish to incentivize development to occur using the former. Additionally, the development should blend in with the natural surroundings and conform to the natural topography. Under the *North Carolina Residential Code for One- and Two-Family Dwellings*, municipalities cannot impose architectural standards for single-family residences and duplexes. Instead, Staff and Planning Board proposed regulations for certain features that are allowed under NC law and development incentives for other architectural standards.

The regulations that are incorporated to create appropriate development on sloped parcels, include:

- Requiring development and subdivision plans for moderately steep slope and steep slope areas cluster development on portions of the lot not considered to be steep, minimize land disturbance, and avoid rigid contouring;
- Limiting the amount of the parcel that can be graded for moderately steep slope and steep slope areas;
- Reducing the maximum allowable density of development in steep slope areas;
- Restricting the maximum height and reducing visual bulk of structures in steep slope areas; and
- Preserving all trees and vegetation except in the area approved for grading in steep slope areas.

For two of the regulations – maximum grading extent (second bullet above) and maximum allowable density (third bullet) – the Board discussed offering development incentives for property owners to “win back” the reductions. These credits include: exterior colors that blend with natural surroundings, permanently protecting the steepest portions of the lot, and screening the buildings to reduce the visual impact.

Proposed Changes - Other Revisions

In the current ordinance, City Council has the authority to make minimal allowances to facilitate development on steep slopes as part of a Conditional Zoning District. This section is overly prescriptive about the maximum allowable density permissible. The revisions

remove this provision and enable the Council to include any density or development design conditions necessary to uphold the intent of the steep slope ordinance while still allowing development on a case-by-case basis.

Other revisions were made throughout the UDO to better align with these changes, such as moving the regulations about infrastructure in steep slope areas to new Section 6.4 and removing reference to 15% slope in other sections.

Policy Analysis

The *Building Brevard 2030* Comprehensive Land Use Plan calls for refinements to the zoning standards to facilitate infill development that is safe and does not compromise the natural character of these areas.

Goals

- **GOAL 2:** *Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.*
- **GOAL 5:** *Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.*

Recommendations

- **LUH-4:** *Identify areas across the City that are best positioned to accommodate future growth.*
- **LUH-9:** *Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*
- **LUH-24:** *Refine zoning districts and slope regulations in constrained areas*
- **PNRC-10:** *Preserve steep slopes and natural areas adjacent to Pisgah Forest.*

In accordance with North Carolina General Statutes, the Planning Board must also submit a statement analyzing the consistency and reasonableness of this proposal with regards the existing policies or plans of the City of Brevard. A Statement of Consistency and Reasonableness is included for the Board's review (Attachment 8).

Action

Staff requests that Council take one of the following actions :

1. Adopt the amendments as written;
2. Revise and adopt the amendments as revised;
3. Reject the amendments; or
4. Table the amendments for further public hearings and/or consideration.

Attachments:

1. Proposed Text Amendment - Strikethrough Version
2. Proposed Text Amendment - Clean Version
3. Text Amendment Summary Matrix
4. Matrix of Other Western North Carolina Steep Slope Ordinances
5. Elevation Map
6. Slope Map
7. Slope Calculation Demonstration
8. Consistency Statement
9. Draft Ordinance

4.9. 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, and public safety and other critical facilities. Fences or walls shall be no greater than six feet in height before the front building line and no greater than eight feet in height in the side or rear yard.
 2. All other districts and uses. Fences or walls shall be no greater than eight feet in height behind the front building line or four feet in height before the front building line.
 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 4.5 of this ordinance. Open fences are exempt from this provision.
- D. Fence and wall materials shall conform to the following requirements:
1. *Residential 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 yard behind the front building line.
 - (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 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:
 - (1) Chain link fences shall not be visible from a public right-of-way,
 - (2) 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.
 3. *Industrial districts, public safety facilities, and other critical facilities:*
 - (a) ~~Materials:~~

~~(1)~~ 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.

~~(2)~~ 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 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.

6.1. Statutory Authority and Legislative Findings-of-Fact.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Articles 7, 11, 9, and 13 of Chapter 160D; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental the responsibility units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

The City Council of the City of Brevard, North Carolina, makes the following legislative findings-of-fact.

- A. The flood prone areas within the City of Brevard and its extraterritorial jurisdiction are subject to periodic inundation which results in loss of life, property, health hazards, safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. The development activities listed herein contribute, individually and cumulatively, to the flood losses addressed above: (1) obstructions in floodplains causing increases in flood heights and velocities; (2) the occupancy in flood prone areas of uses vulnerable to floods or other hazards; (3) the loss of wetlands, streamside riparian areas, and other lands that slow, absorb, retain, and cleanse storm and flood waters; and (4) the expansion of impervious surfaces both within and outside of flood prone areas that cause increases in the velocity and rate of the discharge of stormwater into bodies of water.
- C. The discharge of urban pollutants and sedimentation into bodies of water results in health and safety hazards and the impairment of environmentally and economically significant aquatic wildlife habitat, adversely affecting the public health, safety, and general welfare.
- D. Development activities cause sedimentation pollution through untreated and uncontrolled stormwater from impervious areas, improper land disturbance, and the loss of wetlands, streamside riparian areas, and other lands that absorb and cleanse storm and flood waters.

E. Brevard is in a unique geographical location where mountains, valleys and hills constitute significant natural topographical features. The mountains and hillsides of Brevard are visible from many locations within the city, adding to the quality of life for residents and improving tourism opportunities. These areas are sensitive to development and measures shall be taken to preserve viewshed, maintain slope stability, control erosion and stormwater runoff.

~~E.F.~~ The steeply sloping areas within the City of Brevard and its extraterritorial jurisdiction are particularly susceptible to erosion and landslides, and pose particular difficulties in the construction and maintenance of public infrastructure and the provision of public services. Development activities in such areas are likely to result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

~~F.G.~~ On June 20, 2005, the City of Brevard, in conjunction with Transylvania County and the City of Rosman, adopted the Multi-Jurisdictional Hazard Mitigation Plan as an additional resource to substantially and permanently reduce the planning area's vulnerability to natural hazards. The plan is intended to promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the natural environment. This is to be achieved by increasing public awareness, documenting resources for risk reduction and loss prevention, and identifying activities to guide the planning area towards the development of a safer, more sustainable community.

6.2 Statement of Purpose

~~A.~~ It is the purpose of this chapter to protect and promote the public health, safety and general welfare by preventing the loss of life and/or public and private economic loss due to landslides, floods, erosion and sedimentation pollution. It is further the purpose of this chapter to protect our existing environmental resources, including steep slopes, floodplains, stream corridors, wetlands, watershed and groundwater recharge areas, soils, forest stands, specimen trees, and other significant vegetation and wildlife, which are of economic value to the city and its citizens and make Brevard a desirable place to live and visit.

In furtherance of this purpose, the regulations contained herein are designed to accomplish the following:

1. Restrict or prohibit uses that are or may be dangerous to health, safety, and property or that may result in damaging increases in erosion, flood heights or velocities;
2. Require that uses and infrastructure vulnerable to the movement of earth or flooding be protected against such damage at the time of initial construction;
3. Control the alteration of steep slopes, natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodgates;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage;
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands; and
6. Require that stormwaters that may damage property, increase flood hazards, or pollute surface waters be adequately controlled and treated.

6.3. Objectives.

The objectives of this chapter are as follows:

1. To protect human life and health;

2. To minimize the expenditure of public money for costly stormwater or flood control and stormwater management projects;
3. To minimize the need for rescue and relief efforts associated with flooding [and landslides](#) and generally undertaken at the expense of the general public;
4. To minimize prolonged business losses and interruptions;
5. To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located on steep slopes or in flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of steep slope areas, flood prone areas, and the control of stormwater runoff;
7. To minimize the impairment of, or damage to, sensitive natural areas and bodies of water; and
8. [To ensure that potential buyers are aware that property is in a special flood hazard area or area of known landslide potential.](#)
- ~~8.~~ [9. Protect the viewshed and natural beauty of natural slopes and floodplains.](#)

6.4. Steep slope area requirements.

In accordance with G.S. 160D-703(d), the provisions contained in this section shall apply to all areas within the planning jurisdiction of the City of Brevard that are classified as [“moderately steep slope areas”](#) and “steep slope areas”. These provisions do not limit or negate the effect of other provisions of this ordinance which may apply to steep slope areas.

A. Applicability: ~~Steep slope areas are defined as those areas with a slope of 15 percent or greater.~~

1. This section shall apply to any subdivision plat, land-disturbing activity, building permit, or any other development proposal on a parcel located at or above 2,250 feet in elevation above mean sea level and with an average slope of 25% or greater.

i. “Moderately steep slope” areas are defined as those areas with a slope of 25% to 34%.

ii. “Steep slope” areas are defined as those areas with a slope of 35% or greater.

iii. A parcel is considered at or above the elevation if any area within the parcel boundaries is at or above the stated elevation.

2. The provisions in this section are intended to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the community.

B. Determining slope: Slope shall be determined in accordance with the methods and procedures contained herein.

1. Prior to commencing any development or land-disturbing activity and prior to issuing any permits and/or other approvals, the calculated slope for the parcel(s) shall be approved by the Planning Department.

i. Parcels where no portion of the lot is located at or above 2,250 feet in elevation above mean sea level are exempt from this requirement.

ii. Incidental improvements and additions to existing structures, accessory structures less than 1,000 square feet in ground floor area, and interior renovations are exempt from this requirement.

2. Calculations and supporting documentation shall be submitted to the Planning Department for review prior to or in conjunction with the applicable submittals. The administrator

shall: (a) request additional information; (b) request revisions to the slope calculation submittal; or (c) issue written concurrence with the determination of slope, as submitted.

i. Each slope calculation and supporting documentation submitted to the Planning Department for review shall include a scaled map, accurately showing the topography for the entire land tract and the parcel boundaries.

ii. In cases where the applicant or property owner does not agree with the determination made by the administrator, the alternative slope analysis shall be heard and decided on by the Board of Adjustment, following a notice of appeal filed with the City Clerk.

3. Slope shall be determined through use of one of the following methods:

i. The approved contour interval formula:

Slope (S%) is equal to the total length (L) of contour lines in feet within a given parcel, multiplied by the contour interval (I) of said parcel, then multiplied by .0023, divided by the area (A) of the parcel.

Or,

$$S\% = \frac{(L \times I) \times .0023}{A}$$

The calculation shall use the smallest contour interval for which maps are available or at a minimum of five-foot intervals.

.0023 is the product of two constants, one of which converts feet into acres and one of which converts a decimal fraction into a percentage, the value of .0023 is the percentage of one square foot of one acre.

ii. Analysis conducted and sealed by a professional surveyor, engineer, or landscape architect using recognized, industry-accepted methods.

1. The administrator may require slope calculations to be sealed by a professional surveyor, engineer, or landscape architect for projects with over an acre of disturbed area.

~~1. Slope shall be determined by measuring the change in height for every 100 feet of horizontal distance. For example, a change in elevation of 15 feet over a horizontal distance of 100 feet equals a 15 percent slope. Alternatively, slope may be determined by means of commonly accepted slope Geographic Information System modeling software using commonly accepted topographical baseline data produced by the United States Government, the State of North Carolina, Transylvania County, or the City of Brevard.~~

~~4. General standards: Slope shall be rounded to the nearest whole number and noted in increments of less than 15 percent, 15—24 percent, or 25 percent or greater on all development plans required by this ordinance.~~

5. Areas placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land-disturbing activities may be removed from the calculation of parcel slope.

i. The applicant shall provide the legal documentation for permanent protection and a closed perimeter line delineating the revised boundaries for calculating slope.

ii. Nothing shall limit the ability of moderately steep slope areas, steep slope areas, conservation easements, or other means of permanent land protections to be included in the total parcel area for the means of calculating density.

C. Geotechnical analysis:

220 1. Development in steep slope areas shall be required to undergo geotechnical analysis by a
221 registered professional engineer to determine the stability of the underlying geology and
222 soils to support the proposed project. The geotechnical analysis report shall be required to
223 be submitted prior to the issuance of a zoning permit.

224 2. If a geotechnical analysis has been performed for subdivision approval that includes
225 building pad analysis of the individual lots, it is unnecessary to submit a new analysis for
226 each lot, provided the location of structures on each lot does not change by more than 20
227 feet in any one direction.

228 D. ~~C. Pre-existing lots:~~ General standards for development projects with moderately steep slope areas
229 and/or steep slope areas:

230 1. Development and subdivision plans shall be designed to minimize disturbance to the
231 natural landform and should not destroy the visual quality and community character.

232 i. To the extent possible given topographic and other physical constraints, land
233 disturbance should be confined to portions of the lot not considered to be steep
234 slope areas.

235 ii. Developers shall make reasonable efforts to preserve and protect existing natural
236 features of the slope, such as trees and other plant materials, and rock
237 outcroppings which may help to stabilize the slope.

238 iii. Buildings, parking, and other improvements should be clustered on less steep and
239 less sensitive areas of the site to reduce the amount of grading.

240 iv. Projects are encouraged to demonstrate terrain-adaptive design and construction
241 techniques.

242 2. Proposed land-disturbing activity shall meet all applicable local and State regulations
243 relating to soil erosion and sedimentation control.

244 3. Land disturbance shall be limited to the minimum required for building foundations,
245 driveways, stormwater management measures and immediate areas surrounding these
246 elements as required by this ordinance.

247 i. With the exception of approved stockpiling or restoration efforts, substantial earth
248 moving beyond that required for the installation or construction of approved
249 buildings, structures, driveways, or stormwater management measures shall not
250 be permitted.

251 4. When grading is necessary, it should be blended with the natural land form as much as
252 possible. Rigid contouring should be avoided, and contours should be rounded to appear
253 undulating and natural.

254 5. The approving authority shall have the right to impose such conditions as are necessary to
255 ~~ensure safe construction protect public health, safety, and welfare for projects in within the~~
256 ~~moderately~~ steep slope ~~or steep slope~~ areas ~~as authorized under the provisions of this~~
257 ~~section of pre-existing lots when,~~ because ~~the minimum standards set forth in this~~
258 ~~ordinance are insufficient given the~~ of exceptional and unique conditions of topography,
259 location, shape, size, drainage or other physical features of the site, or because of the
260 special nature and character of surrounding development, ~~the minimum standards set~~
261 ~~forth within this ordinance would not reasonably protect the public health, safety, or~~
262 ~~welfare.~~

263 i. Such conditions shall be reasonable and shall be limited to the minimum additional
264 improvements necessary to protect the public health, safety or welfare. Such
265 conditions may, without limitation, pertain to the following:

266 1. The retention and planting of vegetation;

- 267 2. Sedimentation and erosion controls;
268 3. Cut and fill slope design and stabilization;
269 4. The degree of land disturbance; and
270 5. The location, form and design of proposed structures and driveways so as
271 to minimize land disturbance and ensure structural integrity; and;
272 6. f. — The location, form and design of subdivision lots, streets, and
273 public utilities, so as to minimize land disturbance and ensure structural
274 integrity.
- 275 ii. ~~2. —~~ The ~~approving authority~~ administrator may reduce the required setbacks ~~by~~
276 ~~up to 20 percent of the required distance~~ in accordance with Section 2.3 in order to
277 facilitate compliance with this section.
- 278 3. ~~Only one principal structure shall be permitted within preexisting lots containing steep slope~~
279 ~~areas unless all proposed principal structures can be constructed on portions of the lot not~~
280 ~~considered to be a steep slope area and still conform to all other requirements of this~~
281 ~~ordinance.~~
- 282 B.E. ~~Development projects approved subsequent to the enactment of this ordinance:~~ Conditional zoning
283 districts with steep slope areas:
- 284 1. It is strongly encouraged that any proposed development project ~~subdivision~~ containing
285 extensive steep slope areas be considered in accordance with the procedures for
286 conditional zoning districts, which process allows for creative designs that may enhance
287 development potential while achieving the steep slope protection requirements of this
288 section.
- 289 2. ~~The approving authority shall have the right to impose such conditions as are necessary to~~
290 ~~ensure safe construction within the steep slope area of pre-existing lots when, because of~~
291 ~~exceptional and unique conditions of topography, location, shape, size, drainage or other~~
292 ~~physical features of the site, or because of the special nature and character of surrounding~~
293 ~~development, the minimum standards set forth within this ordinance would not reasonably~~
294 ~~protect the public health, safety, or welfare.~~
- 295 3. ~~Such conditions shall be reasonable and shall be limited to the minimum additional~~
296 ~~improvements necessary to protect the public health, safety or welfare. Such conditions may,~~
297 ~~without limitation, pertain to the following:~~
- 298 a. ~~The retention and planting of vegetation;~~
299 b. ~~Sedimentation and erosion controls;~~
300 c. ~~Cut and fill slope design and stabilization;~~
301 d. ~~The degree of land disturbance;~~
302 e. ~~The location, form and design of proposed structures and driveways so as to minimize~~
303 ~~land disturbance and ensure structural integrity; and~~
304 f. ~~The location, form and design of subdivision lots, streets, and public utilities, so as to~~
305 ~~minimize land disturbance and ensure structural integrity.~~
- 306 4. ~~Steep slope areas with an average slope of 25 percent or greater shall be delineated upon all~~
307 ~~final development plans and plats and shall be noted as protection areas for which no~~
308 ~~development shall be permitted. These areas shall be off limits to all development or land~~
309 ~~disturbances of any kind whatsoever and shall be maintained in a naturally vegetated state,~~
310 ~~except that forest management in accordance with the provisions set forth in this ordinance~~
311 ~~may be permitted.~~

5. ~~The applicant may transfer development potential from protected steep slope areas described in section 6.4(D(4)) to other areas of the project not set aside from development. Such transferred development potential shall be calculated at a ratio of one dwelling unit for every three acres.~~

~~6.2. City council~~ Council may ~~make such minimal allowances as are necessary in order to allow development on steep slope areas 25 percent or greater when Section 6.4(D(4)) would render the property unusable due to the absence of meaningful developable area with slopes less than 25 percent. In such situations council may,~~ by means of a conditional zoning district, ~~permit development on slopes 25 percent or greater at a maximum average density of one dwelling unit for every three acres.~~ Council ~~shall~~ may require the clustering of structures and impose any other necessary condition upon the design of the development in order to minimize impacts and uphold the intent of this section.

~~2.~~

F. Grading extent:

1. The maximum extent of grading on a property with moderately steep or steep slope areas shall be reduced to support the goals and objectives of this section. This shall be governed by the following table:

<u>Average Existing Slope</u>	<u>Maximum Percent of Site Graded</u>
<u>25% - 29%</u>	<u>70%</u>
<u>30% - 34%</u>	<u>60%</u>
<u>35% - 39%</u>	<u>50%</u>
<u>40% - 44%</u>	<u>35%</u>
<u>45% or greater</u>	<u>20%</u>

2. Additional grading may be awarded to projects on steep slope areas if any of the following conditions are met. The credits may accumulate to equal the total reduction outlined herein.

<u>Credit</u>	<u>Conditions</u>
<u>10%</u>	<u>Buildings and parking areas are properly screened by vegetation to minimize the visual impact from key viewing areas, which include downtown, public parkland and other public recreational areas, and major streets and highways</u>
<u>10%</u>	<u>The steepest portions and/or most visible portions of the lot are placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land-disturbing activities</u>
<u>10%</u>	<u>Exterior colors for new buildings and structures, including roofs, are coordinated with the predominate colors of the surrounding landscape to minimize contrast between the structure and the natural environment</u>

3. Additional grading may also be permitted as part of a conditional zoning district.

G. Density:

1. Densities of residential development shall be reduced in steep slope areas to support the goals and objectives of this section. This shall be governed by the following table:

<u>Average Existing Slope</u>	<u>Maximum Residential Density</u>
<u>35% - 39%</u>	<u>20% reduction of underlying zoning district</u>
<u>40% - 44%</u>	<u>50% reduction of underlying zoning district</u>
<u>45% or greater</u>	<u>70% reduction of underlying zoning district</u>

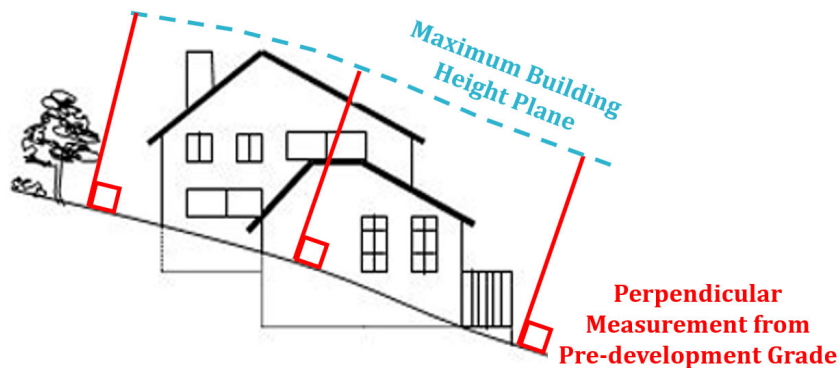
2. Additional density may be awarded to projects on steep slope areas if any of the following conditions are met. The credits may accumulate to equal the total reduction outlined herein.

Credit	Conditions
10%	<u>Grading is limited to 10% of more under the maximum allowed under this section</u>
10%	<u>Buildings and parking areas are properly screened by vegetation to minimize the visual impact from key viewing areas, which include downtown, public parkland and other public recreational areas, and major streets and highways</u>
10%	<u>The steepest portions and/or most visible portions of the lot are placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land-disturbing activities</u>
10%	<u>Exterior colors for new buildings and structures, including roofs, are coordinated with the predominate colors of the surrounding landscape to minimize contrast between the structure and the natural environment</u>

i. The maximum residential density shall not exceed the maximum residential density permitted in the underlying zoning district as outlined in Section 2.3, unless such provisions are specified in a conditional zoning district.

H. Building height:

1. The maximum height of principal structures in steep slope areas shall be limited to 35 feet measured perpendicular from the pre-development grade to the top of the built structure.



2. The property owner is encouraged to utilize step-back or terraced building approach to reduce the visual bulk of the structure.

3. Accessory structures shall not exceed 15 feet in height on any side.

4. Applicants shall provide architectural plans and building elevations to demonstrate compliance with this section.

I. Tree and vegetation preservation:

1. Landscaping / vegetation preservation plans, in accordance with Section 17.9, shall be required for all development projects on steep slopes to ensure compliance with this section.

2. Plant materials should be used that blend with the hillside. Landscape schemes that are rough, natural, and/or subdued in character are encouraged.

357 3. All trees and other specified vegetation shall be preserved except in the area approved for
358 grading or within 20 feet of the building footprints.

359 i. Non-native or invasive species may be removed.

360 4. In the event a property owner desires to remove trees and other protected vegetation
361 required to be preserved in this section, they may submit an alternative landscape plan for
362 consideration by the Brevard Planning Board.

363 i. This alternative landscape plan must contain:

364 1. a tree survey of the property showing which trees and other protected
365 vegetation will be removed and which will remain;

366 2. the location of any structures, driveways, and other impervious surfaces;
367 and

368 3. an explanation of the reason(s) for removal of required trees and other
369 protected vegetation, including a statement of how the removal of the
370 required trees and other protected vegetation supports the purposes of
371 this section or how such removal can be mitigated consistent with the
372 purposes of this section.

373 ii. The Planning Board may approve, approve with conditions, or deny the alternative
374 landscape plan. If conditions are established, they shall be enforceable in
375 accordance with the provisions of the development permit.

376 ~~6.J.~~ Infrastructure:

377 1. Infrastructure shall be installed in steep slope areas ~~as defined in chapter 6~~ in accordance
378 with the provisions of this ~~chapter~~ section and any other applicable provisions in chapter
379 13.

380 2. Roads and driveways created on parcels with steep slopes should follow the natural
381 terrain, unless necessary to accomplish the purpose.

382 ~~2.3.~~ The approving authority shall have the authority to modify infrastructure requirements
383 and impose such conditions as are necessary to minimize the disturbance caused by the
384 installation of infrastructure in steep slope areas.

385 i. Modifications and conditions shall be intended to minimize disturbance and
386 increase the safety and stability of infrastructure, and shall not be granted or
387 imposed to reduce cost to the developer.

388 ii. Modifications and conditions may relate but shall not be limited to pavement
389 width, sidewalk width, curb and gutter design and width, and shoulder design. The
390 maximum road grade requirement shall not be modified.

391 ~~3.4.~~ Culs-de-sac:

392 i. The required turnaround on a dead-end street in a steep slope area shall have a
393 roadway diameter of not less than 50 feet.

394 ii. If the street length does not exceed 300 feet and if construction difficulties will not
395 permit a turnaround, the use of a "Y" or "T" or other turning space of a design such
396 as will allow a vehicle with a wheel base of at least 20 feet to complete a turning
397 movement with a maximum of one backing movement may be permitted.

398 ~~4.5.~~ Grading:

399 i. Grading shall not be required for the full right-of-way in steep slope area if the
400 administrator determines that full grading will prevent convenient access to
401 adjoining property or will destroy the natural beauty of the site by excessive cut
402 and fill.

ii. Shoulder fill slopes shall not be steeper than ~~2:1~~40%.

K. Subdivision of land:

1. Newly created parcels of land shall have adequate developable area outside of steep slope areas, except parcels created and restricted for the purpose of recreation, conservation or open space protection and land processes which are exempt from the subdivision ordinance.

6.5. - Sedimentation and erosion prevention.

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, drainage networks, or other surface waters, the property owner shall at all times comply with all requirements of the North Carolina Sedimentation Pollution Control Act of 1973, as amended.

- A. The following conditions are considered hazardous, a nuisance, and a threat to property and the environment; creating such conditions and/or allowing them to continue shall constitute a violation of this ordinance.
 1. The discharge or deposition of sedimentation pollution from one parcel of land onto another parcel of land of the same or different ownership.
 2. The discharge or deposition of sedimentation pollution onto a street or public right-of-way, including drainage ditches and swales within a public right-of-way.
 3. The discharge or deposition of sedimentation pollution into any surface water, including drainage ditches and swales.
 4. The discharge or deposition of sedimentation pollution into wetlands, surface water protection areas, or other protected areas.
 5. The uncontrolled or uncontained movement of sedimentation pollution within any parcel of land.
 6. The presence of destabilized slopes that may collapse and pose a hazard to life or property.
 7. Any other condition that may pose a nuisance or hazard to life, property, or the environment by means of the movement, collapse, discharge, or deposition of earth.
- B. *Requirements of the property owner and developer.* The property owner or developer or both, as the case may be, are responsible for ensuring that development complies with the following requirements of this ordinance:
 1. No land disturbance activity of any kind shall take place without a site plan approval authorizing development of the site. The tilling of earth for the cultivation of crops and other incidental land disturbances as determined by the administrator shall be exempt from this requirement.
 2. Development shall at all times comply with the provisions of this Chapter and with the provisions of the North Carolina Sedimentation Pollution Control Act.
 3. The discharge of sedimentation pollution from agricultural fields, gardens, unsurfaced driveways and parking lots, grading, excavations, open cuts, side slopes, and other land surface disturbances shall be prevented, and all grading, excavations, open cuts, side slopes, and other land surface disturbances shall be mulched, seeded, sodded, or otherwise protected with appropriate sedimentation and erosion control treatments.
 4. All cut slopes, fill slopes, side slopes, road or driveway embankments, and any other sloping excavated area or land disturbance shall be stabilized at all times to prevent potentially

hazardous subsidence or collapse, or the discharge of sedimentation pollution. Such areas shall at all times be maintained at a ~~slope ratio of no greater than two feet of horizontal run to one foot of vertical rise (2:1 slope)~~ grade of no greater than 40%.

5. Erosion and sedimentation from all land disturbance activities shall be controlled and contained with silt fencing, road matting, and any other method approved by the administrator to prevent the deposition of sedimentation pollution upon adjoining parcels, lots, streets, and any surface water. Failure to properly install and/or properly maintain approved sedimentation/erosion control measures shall constitute a violation of this ordinance.
6. Furthermore, it is recognized that development projects are dynamic and that proposed and approved sedimentation/erosion control measures may, from time to time, prove inadequate. Therefore, it shall also be a violation of this ordinance to fail to install additional sedimentation/erosion control measures upon observing, or being notified, that approved and installed sedimentation/erosion control measures are insufficient.
7. Erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the calculated maximum peak rate of runoff from a ten-year storm.
8. On-site areas that are subject to severe erosion, and off-site areas that are especially vulnerable to damage from erosion and/or sedimentation, shall be identified and receive special attention.
9. All land-disturbing activities shall be planned and conducted to limit exposure to the shortest feasible time.
10. Exposed slopes shall be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion within 30 calendar days after completion of any phase of grading.
11. All uncovered areas shall be provided with protective cover unless the administrator has granted an extension of time, for good cause shown, upon written request of the property owner and developer. This cover shall be planted within 15 working days (exclusive of days where seedbed preparation is not possible due to weather as determined by the administrator) or 90 days following completion of any phase of grading, whichever period is shorter. Ground cover is not required on cleared land forming the future basin of a planned reservoir.
12. Land disturbance shall not be permitted within surface water protection areas, except as permitted within this chapter.

C. Duties of the administrator:

1. The administrator shall require a copy of a North Carolina Department of Environmental Quality approved sedimentation and erosion control plan prior to the issuance of site plan approval for any project proposing to disturb one acre or more of land.
2. The administrator shall, from time to time, inspect areas of land disturbance for compliance with this section and shall take necessary action to remedy violations.
3. Upon observation of any violation of this section, the administrator shall notify the property owner and developer of such violation and the need to remedy it. If the property owner and developer fail to take immediate and appropriate action to remedy the violation, the administrator shall take action to remedy the violation in accordance with the procedures set forth herein. Furthermore, the administrator shall notify the appropriate office of the North Carolina Department of Environmental Quality of a potential violation of the North Carolina Sedimentation Pollution Control Act of 1973

13.5. Street design.

A. *Streets required:*

1. All new development shall abut a public street as required in Chapter 4 of this ordinance.
2. New development and substantial improvements to existing development with frontages on existing public streets shall be required to upgrade all their frontages to meet the standards of this chapter.
3. New development without frontages upon a public street shall, in all cases, extend and connect to a public street. Public street extensions and improvements required for new development, including those beyond the development boundary, are the sole responsibility of the developer. Such improvements must be provided in accordance with the requirements of the Chapter 62 of Brevard City Code and this ordinance. This section shall apply to all subdivisions, the development of which is subject to the control of the city, both inside and outside the city limits.
4. Streets shall be installed by the developer and dedicated to the city prior to the approval of any final subdivision plat or development plan unless a performance guarantee is provided to the administrator in accordance with City Code, this ordinance, and procedures established by the administrator. Streets shall be installed by the developer and dedicated to the city prior to the issuance of any certificates of occupancy for any building within that phase or on that street, as applicable to the particular development.
5. City streets shall be built to the minimum specifications of this chapter and Chapter 62 of Brevard City Code, and shall comply with all standards and specifications of the public works director. New streets in the ETJ shall meet all standards and requirements of the North Carolina Department of Transportation.

B. *Streets to connect:* Streets shall interconnect within a development and with adjoining development in accordance with Chapter 8 and 10 of this ordinance. Culs-de-sac are permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs shall be provided with development adjacent to open land to provide for future connections at the discretion of the administrator. Streets shall be planned with due regard to the designated corridors shown on adopted plans and policies of the city or Transylvania County.

C. *Pedestrian and bicycle infrastructure:* Pedestrian and bicycle infrastructure shall be required as set forth within this chapter and conformance with adopted plans and policies of the city or Transylvania County.

D. *Topographic considerations:* Wherever possible, street locations should account for difficult topographical conditions, paralleling excessive contours to avoid excessive cuts and fills and the destruction of significant trees and vegetation outside of street-rights-of way on adjacent lands.

E. [Infrastructure in steep slope areas: Infrastructure shall be installed in steep slope areas in accordance with the provisions of this chapter and any other applicable provisions in chapter 6.](#)

F. *Private streets and reserve strips:* There shall be no private streets or reserve strips platted in any subdivision except as provided for in Chapter 4 of this ordinance.

~~F~~G. *On-street parking:*

1. On-street parking may be required by the administrator.
2. When required, all on-street parking provided shall be parallel. Curb or angle parking is permitted upon approval of the administrator when the fronting buildings are more than 22 feet in height to provide spatial definition and when the posted speed limit is less than 25 mph.
3. When required, minimum right-of-way widths shall be modified to account for on street parking.

- 537 **GH.** *Traffic calming devices:* The use of approved traffic calming measures is encouraged as alternatives to
538 conventional traffic control measures on Neighborhood Streets and within circulation areas of
539 commercial and mixed-use developments.
- 540 **HJ.** *Flood elevations:* No street in an area subject to flooding shall be approved if it is more than one foot
541 below the elevation of the 100-year flood. The administrator may require, where necessary, profiles and
542 elevations of streets for areas subject to flooding. Fill may be used for streets in accordance with
543 Chapter 34 of Brevard City Code. Drainage openings shall be so designed as to not restrict the flow of
544 water and unduly increase flood heights.
- 545 **I.** *Storm drainage:* Stormwater shall not be discharged into any stream and shall be retained and treated
546 accordance with Chapter 6 of this ordinance, except that streets and related retention/treatment
547 infrastructure shall be designed to accommodate a 25-year, 24-hour storm drainage standard.
- 548 **JK.** *Street names:* Streets shall be named and property addressing assigned in accordance with Brevard City
549 Code, Chapter 62, Streets, Sidewalks and Other Public Ways, Article VII, Property Addressing and Road
550 Naming. The administrator shall require evidence that road names and property addresses have been
551 approved and assigned by the Transylvania County Property Addressing Coordinator prior to approving
552 any development.
- 553 **LK.** *Blocks:*
- 554 1. The lengths, widths, and shapes of blocks shall be determined with due regard to:
- 555 a. The provision of adequate building sites suitable to the special needs of the type of use
556 contemplated, and adequate public open spaces accessible and visible to residents.
- 557 b. District requirements and design criteria.
- 558 c. Needs of non-vehicular and vehicular traffic circulation and traffic control and safety.
- 559 d. Opportunities and constraints of topography, with convenient access to important physical
560 and topographical features such as lakes and rivers, significant areas of trees and other
561 natural features, and areas of high ground offering scenic views.
- 562 2. Blocks shall not be less than 200 feet nor more than 660 feet ($\frac{1}{8}$ -mile), as measured from edge of
563 right-of-way, unless site and topography or other special circumstances are present as determined
564 by the administrator. Where deemed necessary by the administrator, a pedestrian crosswalk of at
565 least ten feet in width may be required.
- 566 3. Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single
567 tier lots are required to separate residential development from another type of use, or when
568 abutting a perennial stream or lake.
- 569 **LM.** *Landscaping:*
- 570 1. Streets shall be landscaped with street trees. Commercial streets shall have trees which
571 compliment the face of the buildings and which shade the sidewalk. Residential streets shall
572 provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a
573 visual buffer between the street and the home.
- 574 2. All street trees shall be installed in accordance with Chapter 8 of this ordinance. Large canopy
575 trees shall be planted in a planting strip at a minimum average distance of 40 feet on-center.
- 576 3. The minimum width of all planting strips shall be six feet. For large canopy trees such as Willow
577 Oaks and Red Maples, a minimum of eight foot planting strip is suggested. Refer to Chapter 8 of
578 this ordinance for additional information on landscaping.
- 579 **MN.** *Street markers and traffic control signs:* Street markers and traffic control signs shall be required and
580 posted in accordance with city standards and the Manual of Uniform Traffic Control Devices. Such
581 infrastructure shall be installed by the developer prior to the issuance of any Certificates of Occupancy
582 for any building on that street.

N.O. *Pedestrian and bicycle infrastructure:* Sidewalks, multi-use paths, or other pedestrian/bicycle infrastructure shall be constructed in accordance with the following requirements:

1. In determining the type of pedestrian/bicycle infrastructure that shall be required the Administrator shall refer to any adopted plan or policy of the city for guidance. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan*, other master plans and small area plans, and other plans and policies.
2. Sidewalks, multi-use paths, and other pedestrian and bicycle improvements shall be installed by the developer and dedicated to the city prior to the approval of any final subdivision plat, or issuance of final zoning approval or certificate of occupancy for any development plan. Pedestrian and/or bicycle infrastructure shall be constructed within the street right-of-way. The approving authority shall require the dedication of additional street right-of-way or a pedestrian easement when sufficient right-of-way does not exist to comply with this requirement. The approving authority may accept the dedication of additional right-of-way or a pedestrian easement in order to accommodate alternative routes and designs that do not follow streets.
3. Streets shall be bordered by pedestrian/bicycle infrastructure on both sides. Exceptions to this requirement and modifications to the design of pedestrian/bicycle infrastructure may be granted by the TRC for developments in steep slope areas and where warranted by environmental or topographic conditions, or where this requirement would serve no useful purpose.
4. Without exception, pedestrian/bicycle infrastructure shall be required along all new public and private streets within new subdivisions or developments, and within new phases of existing subdivisions and any other form of development.
5. Without exception, pedestrian/bicycle infrastructure shall be required along existing streets within or abutting new subdivisions and any other form of development (except subdivisions in GR districts establishing less than eight dwelling units); or along existing streets within or abutting any form of existing development undergoing substantial improvement (except single-family and duplex residential structures in GR districts).
6. Pedestrian/bicycle infrastructure shall be required along the same side of the street upon which the development fronts, except that when a development project is located on both sides of the same street the approving authority may require that infrastructure be installed on both sides of the street.
7. When site characteristics and/or traffic patterns are such that the construction of pedestrian/bicycle infrastructure in accordance with this section would be a hardship and would not result in useful pedestrian walkways, the administrator, upon recommendation from the TRC may allow the applicant to pay the designated cost of constructing such infrastructure into the city sidewalk fund in lieu of requiring construction of the infrastructure. In determining whether to accept a fee in lieu of construction of infrastructure, the administrator shall refer to any adopted plan or policy of the City for guidance. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan*, other master plans and small area plans, and other plans and policies.
8. The administrator may accept a performance guarantee for the construction of sidewalks on behalf of the city in situations where no other public infrastructure is proposed in accordance with Chapter 16 of this ordinance.
9. Multi-use paths and other infrastructure:
 - a. Multi-use paths, and other pedestrian and bicycle infrastructure shall be provided instead of or in addition to sidewalks wherever called for on an adopted plan or policy of the city. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City*

of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan, other master plans and small area plans, and other plans and policies.

- b. When a multi-use path is required in an area not adjacent to a public or private street, then such facility shall be credited towards the satisfaction of the open space requirements as set forth in Chapter 7 of this ordinance.
- c. All required multi-use paths shall be dedicated to the City of Brevard by means of right-of-way or pedestrian easement.
- d. On-street bicycle lanes shall be required when called for upon an adopted plan or policy of the city.

10. Pedestrian and bicycle improvements shall be as follows:

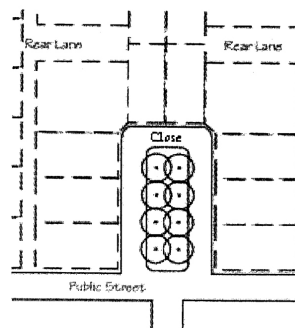
Zoning District	Facility Width	
	City Streets	NCDOT Streets*
GR	5 feet	5 feet
RMX, NMX, CMX, DMX, GI, IC	5 feet	8 feet
Public Streets	City Streets Required; Dedication to City Required	NCDOT Streets Required
Street Rights-of-Way	Required; Dedication to City Required	Required; Dedication to NCDOT Required
Multi-Use Path (where required)	10 feet	10 feet
On-Street Bike Lane (where required)	5 feet	5 feet

**Sidewalks are not required along alleys and commercial service streets except when required as a condition of a Conditional Zoning District, Group Development, or special use permit.*

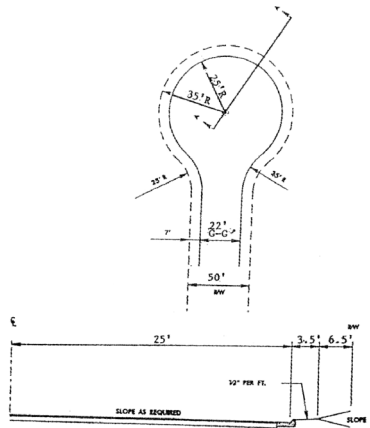
- 11. All pedestrian/bicycle infrastructure shall comply with the minimum requirements for handicapped accessibility in compliance with the North Carolina Accessibility Code or other federal, state, or local regulations. During the construction of pedestrian/bicycle infrastructure, whether new or replacement, handicapped ramps shall be placed in the sidewalk where it intersects with streets and other pedestrian and vehicular travel ways.
- 12. All sidewalks shall be made of 4,000 PSI concrete with a minimum depth of four inches, except that street and driveway crossings shall be a minimum of six inches in depth. Bike lanes and multi-use paths shall be made of asphalt, designed according to the North Carolina Bicycle Planning and Design Guidelines published by the NCDOT and shall include all appropriate signage and pavement markings. Alternative materials and designs may be approved by the TRC in consultation with the public works director.

- ⓪. *Culs-de-sac and closes.* Where practical, a close (see graphic, below) shall be used in place of a cul-de-sac. Culs-de-sac and closes shall be designed to facilitate the turning radius of emergency vehicles.

Close



Cul-de-sac with Curb and Gutter Section

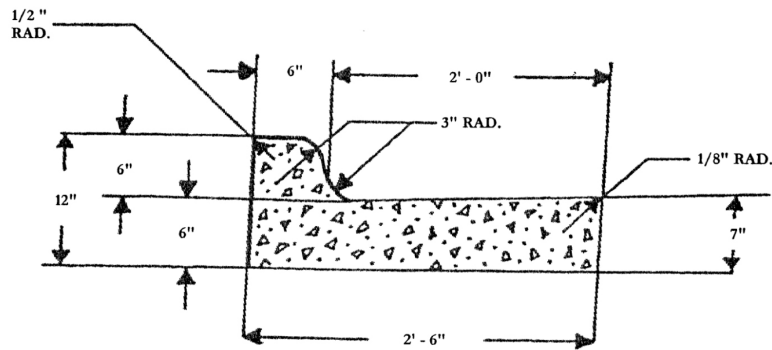


PQ. Intersections:

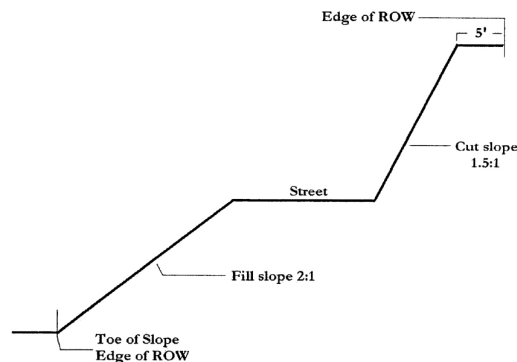
1. All streets shall intersect at right angles as nearly as possible and no street shall intersect at less than 60 degrees.
2. Where practical, intersections should be aligned to create four-way intersections.
3. Off-set intersections for local streets and neighborhood collectors should be at least 125 feet apart measured from centerline to centerline. A larger spacing in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards may be required for all other streets.
4. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. At an angle of intersection of less than 90 degrees, a greater radius may be required.
5. Proper sight lines shall be maintained at all intersections of streets to permit adequate sight distance. Where the posted speed limit is less than 20 mph, the intersection sight distance may be reduced to 105 feet.
6. Bulb-outs are discouraged on narrow streets (less than 30 feet face-of-curb to face-of-curb) but encouraged on wider streets.
7. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. Where a street intersects a state highway, the design standards of the state department of transportation shall apply.

QR. *Curb radii:* Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed 20 feet except along NCDOT-maintained roads.

RS. *Curbs and drainage for city streets:* The following requirements shall apply to streets within the city. Streets within the ETJ shall meet all applicable requirements of the North Carolina Department of Transportation.



1. Curb and gutter shall be required on all new residential and commercial streets constructed within the city.
2. Standard vertical face curb and gutter within the city shall be two-foot, six-inch concrete with a height of six inches (see graphic, above). All curbing shall be properly backfilled.
3. Exceptions to this requirement may be made by the administrator subject to circumstances in the area under study. Such circumstances shall relate to the topography of the area, future maintainability of the streets, or other factors deemed relevant by the administrator.
4. Vertical face curbing is required along all streets with on-street parking and around all required landscaping areas and parking lots.
5. All drainage gates must be safe for bicyclists. Bicycle-safe drainage grates are types E, F, and G as approved by the NCDOT.
6. City street culvert dimensions shall be subject to the requirements of the public works director.
7. The right-of-way shall extend from a point five feet outward from the top of the bank of any cut slope to the toe of any fill slope. Maximum slope of any cut slope shall be at a ratio of no greater than 1.5 feet of horizontal run to one foot of vertical rise (1.5:1 slope), and the maximum slope of any fill slope shall be at a ratio of no greater than two feet of horizontal run to one foot of vertical rise (2:1 slope).



- ST.** *Centerline radius:* A 90-foot minimum centerline radius shall be used for local streets, parkside drives, and minor streets between reverse curves though they may be reduced to 45 feet for design speeds less than 20 mph. All other streets shall be in accordance with AASHTO standards.
- TU.** *Street lights:* Street lights shall be installed by the developer on all streets in accordance with Chapter 12 of this ordinance.
- UV.** *Posted speed limits:* All streets shall be posted in accordance with the Manual of Uniform Traffic Control Devices and the City of Brevard Traffic Schedule.

~~W~~W. *Street grades*: The maximum permissible street grade shall be 18 percent.

~~W~~W. *Design standards*: Design standards not specifically addressed in this ordinance must comply with the minimum design and construction criteria of the N.C. Department of Transportation.

~~X~~Y. *Minimum right-of-way*: The administrator shall determine right-of-way widths based upon the characteristics of the proposed development. However, unless otherwise specified, the minimum right-of-way for all new streets within the city shall be 50 feet, and shall satisfy minimum requirements of the North Carolina Department of Transportation in the ETJ.

13.7. Infrastructure requirements in steep slope areas. ~~Reserved~~

~~A. ——— *Infrastructure*: Infrastructure shall be installed in steep slope areas as defined in chapter 6 in accordance with the provisions of this chapter. However, the approving authority shall have the authority to modify infrastructure requirements and impose such conditions as are necessary to minimize the disturbance caused by the installation of infrastructure in steep slope areas. Modifications and conditions shall be intended to minimize disturbance and increase the safety and stability of infrastructure, and shall not be granted or imposed to reduce cost to the developer. Modifications and conditions may relate but shall not be limited to pavement width, sidewalk width, curb and gutter design and width, and shoulder design. The maximum road grade requirement shall not be modified.~~

~~B. ——— *Culs-de-sac*: The required turnaround on a dead-end street in a steep slope area shall have a roadway diameter of not less than 50 feet. If the street length does not exceed 300 feet and if construction difficulties will not permit a turnaround, the use of a "Y" or "T" or other turning space of a design such as will allow a vehicle with a wheel base of at least 20 feet to complete a turning movement with a maximum of one backing movement may be permitted.~~

~~C. ——— *Grading*: Grading shall not be required for the full right-of-way in steep slope area if the administrator determines that full grading will prevent convenient access to adjoining property or will destroy the natural beauty of the site by excessive cut and fill. Shoulder fill slopes shall not be steeper than 2:1.~~

17.3. Environmental survey.

Identification of existing trees, understory vegetation, known endangered species, habitats, wetlands, perennial streams, floodplains, and topographical features on a site prior to the advanced preparation of development plans enables the reasonable and practical planned preservation of existing and environmentally sensitive areas.

This requirement provides the city and the applicant the ability to evaluate the proposed development in order to preserve vegetation, to improve the appearance of the development proposed and to encourage the use of the existing forest and tree canopy, specimen trees, and significant vegetation to satisfy the requirements of this chapter.

An environmental survey is intended to identify forest stands or trees of a uniform size and species; specimen trees of varying sizes and species, particularly free standing or open-grown or field grown trees; a distinctive tree line or forest edge; existing watercourses; and previously documented endangered species habitats.

A. The use of digital geographic data obtained from the City of Brevard, ~~or~~ Transylvania County, or the State of North Carolina is deemed to be sufficient for the sketch plan and master plan phases of submittal requirements.

B. For construction documents, the environmental survey requirements are as follows

1. Provide a general written description of the significant vegetation. Significant vegetation is defined as being 12 inches in diameter at breast height (DBH) or greater and native understory species two inches or greater (e.g. dogwood, holly, redbud, etc.), including tree

- 761 species and uniform the size and height of stands of homogeneous trees including the typical
762 tree species composition of the forest stand, typical tree size, and general health and vigor of
763 the stand and specimen trees.
- 764 2. Denote the dripline of any existing forest stand, as measured between existing tree trunks six
765 inches or greater located at the edge of the stand.
- 766 3. Identify all free standing, open grown or field-grown specimen trees located on the site 12
767 inches or greater DBH.
- 768 4. Show all other important natural features influencing site design such as the location of
769 wetlands, rock outcroppings, site topography at ~~two-foot~~ contour intervals not greater than
770 five feet, slopes steeper than ~~15-35~~ percent, and perennial streams, natural drainage ways,
771 lakes, and other water bodies, and floodplains indicating both the flood fringe and the flood
772 way. USGS and FEMA data shall be used to determine the location of perennial streams.
- 773 5. Denote the presence of any known endangered species' habitats indicated in any surveys
774 completed by Transylvania County, the State of North Carolina, or other governmental
775 agency.
- 776 6. Show all buffer delineations as follows:
- 777 i. Buffer boundaries including all undisturbed buffer zones must be clearly delineated on
778 all development plans for approval by the city, on all construction documents,
779 including grading and clearing plans, erosion and sediment control plans, and site
780 plans.
- 781 ii. Buffer boundaries for all required undisturbed buffer zones must be clearly delineated
782 on-site prior to any land disturbing activities. Where existing trees are to be preserved
783 in a buffer zone, limits of grading shall maintain a minimum 20-foot separation from
784 the base of each tree on the upland side of the buffer or to the dripline.
- 785 iii. Buffer boundaries including all buffer zones as well as all buffer requirements must be
786 specified on the record plat, on individual deeds, and in property association
787 documents for lands held in common.
- 788 C. This requirement can be waived by the administrator if the site lacks qualifying natural features.
789

790 **17.4. Sketch plan requirements.**

791 In addition to information on the environmental survey, the sketch plan shall show in simple sketch
792 form the proposed layout of streets, lots, buildings, public open spaces and other features in relation to
793 existing conditions based upon the size of the tract proposed for development. All plans shall be submitted at
794 a scale not less than one inch = 50 feet unless otherwise authorized by the administrator. It shall also include
795 the following information:

- 796 A. A sketch vicinity map, including north arrow, showing the location of any proposed building(s) or
797 subdivision in relation to neighboring tracts, subdivisions, roads, and waterways.
- 798 B. The name, address, and telephone number of the property owner.
- 799 C. The name of the proposed development project.
- 800 D. The boundary lines of the property.
- 801 E. The total acreage.
- 802 F. The existing and proposed land uses and the existing land uses of adjacent properties.

- G. The existing topographic conditions of the property including contours not exceeding five-foot intervals. Transylvania County, ~~or City of Brevard~~, or State of North Carolina topographic information may be used to fulfill this requirement.
- H. The location, names, and private and recorded right-of-way widths of any existing streets on or within 300 feet of the land to be subdivided.
- I. Lots of adjacent developed or platted properties.
- J. Zoning classification of the land and adjacent properties.
- K. Illustrative building elevations denoting general design elements and materials.
- L. Watershed classification, if any.
- ~~M. Delineation of slopes greater than 15 percent.~~
- ~~N. Delineation of slopes greater than 25 percent.~~
- MO. Floodway, non-encroachment, and surface water protection area delineation.
- NP. Floodplain delineation.

17.5. Master plan requirements.

The master plan shall be drawn to the following specifications and must contain or be accompanied by the information listed below. This section defines both preliminary and final master plans. A preliminary master plan may only be submitted as part of an application for a conditional zoning district. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the administrator.

- A. Processing or review of a preliminary or final master plan may not proceed without all of the following information:
1. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements or other significant features of the tract.
 2. Scale denoted both graphically and numerically with north arrow.
 3. A vicinity map at a scale no smaller than one inch equals 1,200 feet showing the location of the subdivision with respect to adjacent streets and properties.
 4. The proposed name of the development, street names, the owner's name and address, the names of adjoining subdivisions or property owners, the name of the city, county, and state in which the development is located, the date of plan preparation, and the zoning classification of the tract to be developed, and of adjoining properties.
 5. Corporate limits and extraterritorial jurisdiction boundaries (where applicable).
 6. A timetable for estimated project completion for each phase proposed.
 7. Original contours at intervals of not greater than ~~two~~ five feet for the entire area to be subdivided or developed and extending into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property and 50 feet at all other points of common project boundaries. Transylvania County or City of Brevard digital topography may be used to satisfy this requirement but should be field-verified to ensure accuracy. This requirement may be waived for developments smaller than one acre or where insufficient topographic changes warrant such information.
 8. The location of any building restriction areas (i.e. flood hazard areas, buffer locations, watershed protection districts, and/or jurisdictional wetlands), where applicable.

- 845 9. Site calculations shall include total acreage of tract, acreage in parks and other non-
846 residential uses, total number and acreage of parcels, and the total number of housing units.
- 847 10. The following statement shall be placed upon all final master plan documents, as applicable:
848 "Areas delineated upon this plat or plan as a protection area or Special Flood Hazard Areas is
849 subject to limitations upon development as set forth Chapter 34 of Brevard City Code, and
850 any development, disturbance, or encroachment is prohibited except in accordance
851 therewith."
- 852 B. Requirements for preliminary master plans. A preliminary master plan may only be submitted as
853 part of an application for a conditional zoning district. A preliminary master plan may be more
854 conceptual in nature than a final master plan, and shall be sufficient to demonstrate deviations
855 from the base zoning district and the scope of the project.
- 856 1. At a minimum, a preliminary master plan shall show the conditions both requested and
857 offered that deviate from the base zoning district.
- 858 2. A preliminary master plan may divide the district into land use areas and specify proposed
859 uses and other development standards which shall apply to such land use area. The
860 preliminary master plan may also depict transition zones between any such land use areas
861 which shall permit deferring the determination of the precise boundaries between land use
862 areas until final master plan review.
- 863 3. Additional submittal requirements for the preliminary master plan shall be determined by
864 the administrator in the pre-application meeting or during review. The approving authority
865 may require additional submittals as deemed necessary due to the particulars of the project.
866 A preliminary master plan may include the following information, as applicable:
- 867 (a) The location of proposed buildings, parking and loading areas, streets, alleys,
868 easements, lots, parks or other open spaces, site reservations (i.e. school sites),
869 property lines and building setback lines with street dimensions, and tentative lot
870 dimensions.
- 871 (b) The traffic and circulation system demonstrating a safe and adequate on-site
872 transportation system that addresses vehicular, bicycle, transit and pedestrian
873 circulation. The on-site transportation system shall be integrated with the off-site
874 transportation circulation system of the city.
- 875 (c) The proposed limits of construction for all proposed development activity, including all
876 required protected areas and open space.
- 877 (d) Landscaping plan and/or vegetation preservation plan in accordance with Section
878 17.9.
- 879 ~~(e) Tree preservation plan in accordance with Section 17.9.~~
- 880 (ef) Lighting plan in accordance with Section 17.10.
- 881 (fg) Architectural plans in accordance with Section 17.11.
- 882 (gh) Traffic impact analysis (if required) in accordance with Section 17.12.
- 883 (hi) Stormwater management concept plan in accordance with Section 17.13.
- 884 (ij) Conceptual utilities plan. Conceptual plans for utilities to serve the development,
885 including sanitary sewers, storm sewers and water lines.
- 886 (jk) Environmental impact statement, pursuant to Article 113A of the North Carolina
887 General Statutes, if: the development exceeds two acres in area, and; if the BPB deems
888 it necessary due to the nature of the land or peculiarities in the proposed design.
- 889 (kl) Development permit and certification application with supporting documentation as
890 required by the flood hazard prevention requirements of Chapter 6 of this ordinance.

C. Requirements for final master plans.

1. A final master plan shall include all of the following information, as applicable:

- (a) The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, site reservations (i.e. school sites), property lines and building setback lines with street dimensions, and tentative lot dimensions.
- (b) The transportation and circulation system showing typical cross-sections of proposed streets. Where a proposed street is an extension of an existing street, the profile of the street shall include 300 feet of the existing roadway, with a cross section of the existing street. Where a proposed street within the development abuts a tract of land that adjoins the development and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
- (c) The proposed limits of construction for all proposed development activity, including all required protected areas and open space.

2. Additional submittal requirements for the final master plan shall be determined by the administrator in the pre-application meeting or during review. The approving authority may require additional submittals as deemed necessary due to the particulars of the project. A final master plan may include the following information and supplemental plans, as applicable.

- (a) Landscaping plan and/or vegetation preservation plan in accordance with Section 17.9.

~~(b) Tree preservation plan in accordance with Section 17.9.~~

- ~~(b)~~ (e) Lighting plan in accordance with Section 17.10.

- ~~(c)~~ (d) Architectural plans in accordance with Section 17.11.

- ~~(d)~~ (e) Traffic impact analysis (if required) in accordance with Section 17.12.

- ~~(e)~~ (f) Stormwater management concept plan in accordance with Section 17.13.

- ~~(f)~~ (g) Conceptual utilities plan. Conceptual plans for utilities to serve the development, including sanitary sewers, storm sewers and water lines.

- ~~(g)~~ (h) Environmental impact statement, pursuant to Article 113A of the North Carolina General Statutes, if: the development exceeds two acres in area, and; if the BPB deems it necessary due to the nature of the land or peculiarities in the proposed design.

- ~~(h)~~ (i) Development permit and certification application with supporting documentation as required by the flood hazard prevention requirements of Chapter 6 of this ordinance.

17.9. Landscape plan requirements.

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

1. All non-residential uses;

2. All ~~and~~ multi-family uses in a residential district; ~~prior to any site disturbance.~~

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. ~~A.~~ An accurate drawing of property boundaries.
2. ~~B.~~ A development summary including the total development acreage, proposed use(s), required parking and provided parking spaces, and total building square footage.
3. ~~C.~~ The location of proposed buildings, driveways, parking areas, required parking spaces, and traffic patterns.
4. ~~D.~~ The location of all overhead and underground utilities.
5. ~~E.~~ Name of the project, name and address of owner, name and address of engineer, scale, date, legend, and north arrow.
6. ~~F.~~ General location, type and quantity of existing plant materials.
7. ~~G.~~ Existing plant materials and areas to be left in natural state.
8. ~~H.~~ Methods and details for protecting the critical root zone (CRZ) of existing plant materials during construction.
9. ~~I.~~ Locations, size and labels for all proposed plants.
10. ~~J.~~ Plant lists with common name, botanical name, quantity, and spacing and size of all proposed landscape material at the time of planting.
11. ~~K.~~ 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. ~~L.~~ Planting and installation details as necessary to ensure conformance with all required standards as referenced in Chapter 9.

19.3. Definitions.

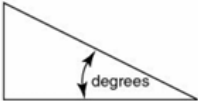
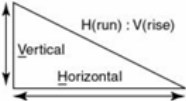
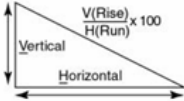
Cut slope: The exposed ground surface resulting from excavation of material.

Fill slope: The exposed ground surface resulting from deposition of material.

Grade: See Slope.

Slope: The extent to which a land form deviates from the perfectly horizontal as expressed in percent, degree, ratio. The following table explains the conversion between these separate methods of expressing the extent of slope.

Slope Measurements

Degrees	Ratio	Percent
		
45°	1H:1V	100%
39°	1.25H:1V	80%
34°	1.5H:1V	67%
30°	1:75H:1V	57%
27°	2H:1V	50%
22°	2.5H:1V	40%
18°	3H:1V	33%
14°	4H:1V	25%
8.5°	6.7H:1V	15%

Slope, moderately steep: Areas at or above 2,250 feet in elevation above mean sea level and with an average slope between 25% and 34%.

Slope, steep: Areas at or above 2,250 feet in elevation above mean sea level and with an average slope of 35% or greater.

4.9. 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, and public safety and other critical facilities. Fences or walls shall be no greater than six feet in height before the front building line and no greater than eight feet in height in the side or rear yard.
 2. All other districts and uses. Fences or walls shall be no greater than eight feet in height behind the front building line or four feet in height before the front building line.
 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 4.5 of this ordinance. Open fences are exempt from this provision.
- D. Fence and wall materials shall conform to the following requirements:
1. *Residential 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 yard behind the front building line.
 - (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 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:
 - (1) Chain link fences shall not be visible from a public right-of-way,
 - (2) 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.
 3. *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 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.

6.1. Statutory Authority and Legislative Findings-of-Fact.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Articles 7, 11, 9, and 13 of Chapter 160D; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental the responsibility units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

The City Council of the City of Brevard, North Carolina, makes the following legislative findings-of-fact.

- A. The flood prone areas within the City of Brevard and its extraterritorial jurisdiction are subject to periodic inundation which results in loss of life, property, health hazards, safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. The development activities listed herein contribute, individually and cumulatively, to the flood losses addressed above: (1) obstructions in floodplains causing increases in flood heights and velocities; (2) the occupancy in flood prone areas of uses vulnerable to floods or other hazards; (3) the loss of wetlands, streamside riparian areas, and other lands that slow, absorb, retain, and cleanse storm and flood waters; and (4) the expansion of impervious surfaces both within and outside of flood prone areas that cause increases in the velocity and rate of the discharge of stormwater into bodies of water.
- C. The discharge of urban pollutants and sedimentation into bodies of water results in health and safety hazards and the impairment of environmentally and economically significant aquatic wildlife habitat, adversely affecting the public health, safety, and general welfare.
- D. Development activities cause sedimentation pollution through untreated and uncontrolled stormwater from impervious areas, improper land disturbance, and the loss of wetlands, streamside riparian areas, and other lands that absorb and cleanse storm and flood waters.
- E. Brevard is in a unique geographical location where mountains, valleys and hills constitute significant natural topographical features. The mountains and hillsides of Brevard are visible from

many locations within the city, adding to the quality of life for residents and improving tourism opportunities. These areas are sensitive to development and measures shall be taken to preserve viewshed, maintain slope stability, control erosion and stormwater runoff.

- F. The steeply sloping areas within the City of Brevard and its extraterritorial jurisdiction are particularly susceptible to erosion and landslides, and pose particular difficulties in the construction and maintenance of public infrastructure and the provision of public services. Development activities in such areas are likely to result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- G. On June 20, 2005, the City of Brevard, in conjunction with Transylvania County and the City of Rosman, adopted the Multi-Jurisdictional Hazard Mitigation Plan as an additional resource to substantially and permanently reduce the planning area's vulnerability to natural hazards. The plan is intended to promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the natural environment. This is to be achieved by increasing public awareness, documenting resources for risk reduction and loss prevention, and identifying activities to guide the planning area towards the development of a safer, more sustainable community.

6.2 Statement of Purpose

It is the purpose of this chapter to protect and promote the public health, safety and general welfare by preventing the loss of life and/or public and private economic loss due to landslides, floods, erosion and sedimentation pollution. It is further the purpose of this chapter to protect our existing environmental resources, including steep slopes, floodplains, stream corridors, wetlands, watershed and groundwater recharge areas, soils, forest stands, specimen trees, and other significant vegetation and wildlife, which are of economic value to the city and its citizens and make Brevard a desirable place to live and visit.

In furtherance of this purpose, the regulations contained herein are designed to accomplish the following:

1. Restrict or prohibit uses that are or may be dangerous to health, safety, and property or that may result in damaging increases in erosion, flood heights or velocities;
2. Require that uses and infrastructure vulnerable to the movement of earth or flooding be protected against such damage at the time of initial construction;
3. Control the alteration of steep slopes, natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodgates;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage;
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands; and
6. Require that stormwaters that may damage property, increase flood hazards, or pollute surface waters be adequately controlled and treated.

6.3. Objectives.

The objectives of this chapter are as follows:

1. To protect human life and health;
2. To minimize the expenditure of public money for costly stormwater or flood control and stormwater management projects;

3. To minimize the need for rescue and relief efforts associated with flooding and landslides and generally undertaken at the expense of the general public;
4. To minimize prolonged business losses and interruptions;
5. To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located on steep slopes or in flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of steep slope areas, flood prone areas, and the control of stormwater runoff;
7. To minimize the impairment of, or damage to, sensitive natural areas and bodies of water; and
8. To ensure that potential buyers are aware that property is in a special flood hazard area or area of known landslide potential.
9. Protect the viewshed and natural beauty of natural slopes and floodplains.

6.4. Steep slope area requirements.

In accordance with G.S. 160D-703(d), the provisions contained in this section shall apply to all areas within the planning jurisdiction of the City of Brevard that are classified as "moderately steep slope areas" and "steep slope areas". These provisions do not limit or negate the effect of other provisions of this ordinance which may apply to steep slope areas.

A. *Applicability:*

1. This section shall apply to any subdivision plat, land-disturbing activity, building permit, or any other development proposal on a parcel located at or above 2,250 feet in elevation above mean sea level and with an average slope of 25% or greater.
 - i. "Moderately steep slope" areas are defined as those areas with a slope of 25% to 34%.
 - ii. "Steep slope" areas are defined as those areas with a slope of 35% or greater.
 - iii. A parcel is considered at or above the elevation if any area within the parcel boundaries is at or above the stated elevation.
2. The provisions in this section are intended to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the community.

B. *Determining slope:* Slope shall be determined in accordance with the methods and procedures contained herein.

1. Prior to commencing any development or land-disturbing activity and prior to issuing any permits and/or other approvals, the calculated slope for the parcel(s) shall be approved by the Planning Department.
 - i. Parcels where no portion of the lot is located at or above 2,250 feet in elevation above mean sea level are exempt from this requirement.
 - ii. Incidental improvements and additions to existing structures, accessory structures less than 1,000 square feet in ground floor area, and interior renovations are exempt from this requirement.
2. Calculations and supporting documentation shall be submitted to the Planning Department for review prior to or in conjunction with the applicable submittals. The administrator shall: (a) request additional information; (b) request revisions to the slope calculation submittal; or (c) issue written concurrence with the determination of slope, as submitted.

- 174 i. Each slope calculation and supporting documentation submitted to the Planning
175 Department for review shall include a scaled map, accurately showing the
176 topography for the entire land tract and the parcel boundaries.
- 177 ii. In cases where the applicant or property owner does not agree with the
178 determination made by the administrator, the alternative slope analysis shall be
179 heard and decided on by the Board of Adjustment, following a notice of appeal filed
180 with the City Clerk.
- 181 3. Slope shall be determined through use of one of the following methods:
- 182 i. The approved contour interval formula:
- 183 Slope (**S%**) is equal to the total length (**L**) of contour lines in feet within a given
184 parcel, multiplied by the contour interval (**I**) of said parcel, then multiplied by
185 .0023, divided by the area (**A**) of the parcel.
- 186 Or,
- 187
$$S\% = \frac{(L \times I) .0023}{A}$$
- 188 A
- 189 The calculation shall use the smallest contour interval for which maps are available
190 or at a minimum of five-foot intervals.
- 191 .0023 is the product of two constants, one of which converts feet into acres and
192 one of which converts a decimal fraction into a percentage, the value of .0023 is the
193 percentage of one square foot of one acre.
- 194 ii. Analysis conducted and sealed by a professional surveyor, engineer, or landscape
195 architect using recognized, industry-accepted methods.
- 196 1. The administrator may require slope calculations to be sealed by a
197 professional surveyor, engineer, or landscape architect for projects with
198 over an acre of disturbed area.
- 199 4. Slope shall be rounded to the nearest whole number and noted on all development plans
200 required by this ordinance.
- 201 5. Areas placed in a permanent conservation easement, dedicated to the public for open space,
202 protected as open space by restrictive covenants, or otherwise permanently protected in a
203 natural state with prohibition on vegetation removal and land-disturbing activities may be
204 removed from the calculation of parcel slope.
- 205 i. The applicant shall provide the legal documentation for permanent protection and
206 a closed perimeter line delineating the revised boundaries for calculating slope.
- 207 ii. Nothing shall limit the ability of moderately steep slope areas, steep slope areas,
208 conservation easements, or other means of permanent land protections to be
209 included in the total parcel area for the means of calculating density.
- 210 C. *Geotechnical analysis:*
- 211 1. Development in steep slope areas shall be required to undergo geotechnical analysis by a
212 registered professional engineer to determine the stability of the underlying geology and
213 soils to support the proposed project. The geotechnical analysis report shall be required to
214 be submitted prior to the issuance of a zoning permit.
- 215 2. If a geotechnical analysis has been performed for subdivision approval that includes
216 building pad analysis of the individual lots, it is unnecessary to submit a new analysis for
217 each lot, provided the location of structures on each lot does not change by more than 20
218 feet in any one direction.

- 219 D. *General standards for development projects with moderately steep slope areas and/or steep slope*
220 *areas:*
- 221 1. Development and subdivision plans shall be designed to minimize disturbance to the
222 natural landform and should not destroy the visual quality and community character.
- 223 i. To the extent possible given topographic and other physical constraints, land
224 disturbance should be confined to portions of the lot not considered to be steep
225 slope areas.
- 226 ii. Developers shall make reasonable efforts to preserve and protect existing natural
227 features of the slope, such as trees and other plant materials, and rock
228 outcroppings which may help to stabilize the slope.
- 229 iii. Buildings, parking, and other improvements should be clustered on less steep and
230 less sensitive areas of the site to reduce the amount of grading.
- 231 iv. Projects are encouraged to demonstrate terrain-adaptive design and construction
232 techniques.
- 233 2. Proposed land-disturbing activity shall meet all applicable local and State regulations
234 relating to soil erosion and sedimentation control.
- 235 3. Land disturbance shall be limited to the minimum required for building foundations,
236 driveways, stormwater management measures and immediate areas surrounding these
237 elements as required by this ordinance.
- 238 i. With the exception of approved stockpiling or restoration efforts, substantial earth
239 moving beyond that required for the installation or construction of approved
240 buildings, structures, driveways, or stormwater management measures shall not
241 be permitted.
- 242 4. When grading is necessary, it should be blended with the natural land form as much as
243 possible. Rigid contouring should be avoided, and contours should be rounded to appear
244 undulating and natural.
- 245 5. The approving authority shall have the right to impose such conditions as are necessary to
246 protect public health, safety, and welfare for projects in moderately steep slope or steep
247 slope areas as authorized under the provisions of this section because the minimum
248 standards set forth in this ordinance are insufficient given the exceptional and unique
249 conditions of topography, location, shape, size, drainage or other physical features of the
250 site, or because of the special nature and character of surrounding development.
- 251 i. Such conditions shall be reasonable and shall be limited to the minimum additional
252 improvements necessary to protect the public health, safety or welfare. Such
253 conditions may, without limitation, pertain to the following:
- 254 1. The retention and planting of vegetation;
- 255 2. Sedimentation and erosion controls;
- 256 3. Cut and fill slope design and stabilization;
- 257 4. The degree of land disturbance; and
- 258 5. The location, form and design of proposed structures and driveways so as
259 to minimize land disturbance and ensure structural integrity; and
- 260 6. The location, form and design of subdivision lots, streets, and public
261 utilities, so as to minimize land disturbance and ensure structural
262 integrity.
- 263 ii. The administrator may reduce the required setbacks in accordance with Section
264 2.3 in order to facilitate compliance with this section.

E. *Conditional zoning districts with steep slope areas:*

1. It is strongly encouraged that any proposed development project containing extensive steep slope areas be considered in accordance with the procedures for conditional zoning districts, which process allows for creative designs that may enhance development potential while achieving the steep slope protection requirements of this section.
2. City Council may allow development on steep slope areas by means of a conditional zoning district. Council may require the clustering of structures and impose any other necessary condition upon the design of the development in order to minimize impacts and uphold the intent of this section.

F. *Grading extent:*

1. The maximum extent of grading on a property with moderately steep or steep slope areas shall be reduced to support the goals and objectives of this section. This shall be governed by the following table:

Average Existing Slope	Maximum Percent of Site Graded
25% - 29%	70%
30% - 34%	60%
35% - 39%	50%
40% - 44%	35%
45% or greater	20%

2. Additional grading may be awarded to projects on steep slope areas if any of the following conditions are met. The credits may accumulate to equal the total reduction outlined herein.

Credit	Conditions
10%	Buildings and parking areas are properly screened by vegetation to minimize the visual impact from key viewing areas, which include downtown, public parkland and other public recreational areas, and major streets and highways
10%	The steepest portions and/or most visible portions of the lot are placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land-disturbing activities
10%	Exterior colors for new buildings and structures, including roofs, are coordinated with the predominate colors of the surrounding landscape to minimize contrast between the structure and the natural environment

3. Additional grading may also be permitted as part of a conditional zoning district.

G. *Density:*

1. Densities of residential development shall be reduced in steep slope areas to support the goals and objectives of this section. This shall be governed by the following table:

Average Existing Slope	Maximum Residential Density
35% - 39%	20% reduction of underlying zoning district
40% - 44%	50% reduction of underlying zoning district
45% or greater	70% reduction of underlying zoning district

2. Additional density may be awarded to projects on steep slope areas if any of the following conditions are met. The credits may accumulate to equal the total reduction outlined herein.

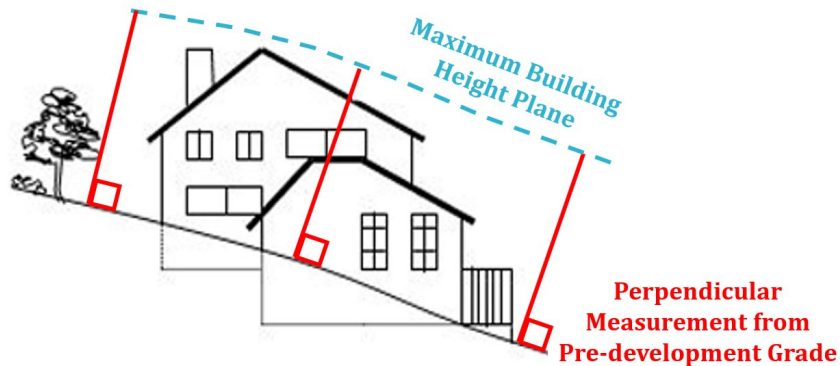
Credit	Conditions
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10%	Grading is limited to 10% of more under the maximum allowed under this section
10%	Buildings and parking areas are properly screened by vegetation to minimize the visual impact from key viewing areas, which include downtown, public parkland and other public recreational areas, and major streets and highways
10%	The steepest portions and/or most visible portions of the lot are placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land-disturbing activities
10%	Exterior colors for new buildings and structures, including roofs, are coordinated with the predominate colors of the surrounding landscape to minimize contrast between the structure and the natural environment

- i. The maximum residential density shall not exceed the maximum residential density permitted in the underlying zoning district as outlined in Section 2.3, unless such provisions are specified in a conditional zoning district.

H. *Building height:*

1. The maximum height of principal structures in steep slope areas shall be limited to 35 feet measured perpendicular from the pre-development grade to the top of the built structure.



2. The property owner is encouraged to utilize step-back or terraced building approach to reduce the visual bulk of the structure.
3. Accessory structures shall not exceed 15 feet in height on any side.
4. Applicants shall provide architectural plans and building elevations to demonstrate compliance with this section.

I. *Tree and vegetation preservation:*

1. Landscaping / vegetation preservation plans, in accordance with Section 17.9, shall be required for all development projects on steep slopes to ensure compliance with this section.
2. Plant materials should be used that blend with the hillside. Landscape schemes that are rough, natural, and/or subdued in character are encouraged.
3. All trees and other specified vegetation shall be preserved except in the area approved for grading or within 20 feet of the building footprints.
 - i. Non-native or invasive species may be removed.

4. In the event a property owner desires to remove trees and other protected vegetation required to be preserved in this section, they may submit an alternative landscape plan for consideration by the Brevard Planning Board.

i. This alternative landscape plan must contain:

1. a tree survey of the property showing which trees and other protected vegetation will be removed and which will remain;
2. the location of any structures, driveways, and other impervious surfaces; and
3. an explanation of the reason(s) for removal of required trees and other protected vegetation, including a statement of how the removal of the required trees and other protected vegetation supports the purposes of this section or how such removal can be mitigated consistent with the purposes of this section.

ii. The Planning Board may approve, approve with conditions, or deny the alternative landscape plan. If conditions are established, they shall be enforceable in accordance with the provisions of the development permit.

J. Infrastructure:

1. Infrastructure shall be installed in steep slope areas in accordance with the provisions of this section and any other applicable provisions in chapter 13.
2. Roads and driveways created on parcels with steep slopes should follow the natural terrain, unless necessary to accomplish the purpose.
3. The approving authority shall have the authority to modify infrastructure requirements and impose such conditions as are necessary to minimize the disturbance caused by the installation of infrastructure in steep slope areas.
 - i. Modifications and conditions shall be intended to minimize disturbance and increase the safety and stability of infrastructure, and shall not be granted or imposed to reduce cost to the developer.
 - ii. Modifications and conditions may relate but shall not be limited to pavement width, sidewalk width, curb and gutter design and width, and shoulder design. The maximum road grade requirement shall not be modified.

4. Culs-de-sac:

- i. The required turnaround on a dead-end street in a steep slope area shall have a roadway diameter of not less than 50 feet.
- ii. If the street length does not exceed 300 feet and if construction difficulties will not permit a turnaround, the use of a "Y" or "T" or other turning space of a design such as will allow a vehicle with a wheel base of at least 20 feet to complete a turning movement with a maximum of one backing movement may be permitted.

5. Grading:

- i. Grading shall not be required for the full right-of-way in steep slope area if the administrator determines that full grading will prevent convenient access to adjoining property or will destroy the natural beauty of the site by excessive cut and fill.
- ii. Shoulder fill slopes shall not be steeper than 40%.

K. Subdivision of land:

1. Newly created parcels of land shall have adequate developable area outside of steep slope areas, except parcels created and restricted for the purpose of recreation, conservation or open space protection and land processes which are exempt from the subdivision ordinance.

6.5. - Sedimentation and erosion prevention.

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, drainage networks, or other surface waters, the property owner shall at all times comply with all requirements of the North Carolina Sedimentation Pollution Control Act of 1973, as amended.

- A. The following conditions are considered hazardous, a nuisance, and a threat to property and the environment; creating such conditions and/or allowing them to continue shall constitute a violation of this ordinance.

1. The discharge or deposition of sedimentation pollution from one parcel of land onto another parcel of land of the same or different ownership.
2. The discharge or deposition of sedimentation pollution onto a street or public right-of-way, including drainage ditches and swales within a public right-of-way.
3. The discharge or deposition of sedimentation pollution into any surface water, including drainage ditches and swales.
4. The discharge or deposition of sedimentation pollution into wetlands, surface water protection areas, or other protected areas.
5. The uncontrolled or uncontained movement of sedimentation pollution within any parcel of land.
6. The presence of destabilized slopes that may collapse and pose a hazard to life or property.
7. Any other condition that may pose a nuisance or hazard to life, property, or the environment by means of the movement, collapse, discharge, or deposition of earth.

- B. *Requirements of the property owner and developer.* The property owner or developer or both, as the case may be, are responsible for ensuring that development complies with the following requirements of this ordinance:

1. No land disturbance activity of any kind shall take place without a site plan approval authorizing development of the site. The tilling of earth for the cultivation of crops and other incidental land disturbances as determined by the administrator shall be exempt from this requirement.
2. Development shall at all times comply with the provisions of this Chapter and with the provisions of the North Carolina Sedimentation Pollution Control Act.
3. The discharge of sedimentation pollution from agricultural fields, gardens, unsurfaced driveways and parking lots, grading, excavations, open cuts, side slopes, and other land surface disturbances shall be prevented, and all grading, excavations, open cuts, side slopes, and other land surface disturbances shall be mulched, seeded, sodded, or otherwise protected with appropriate sedimentation and erosion control treatments.
4. All cut slopes, fill slopes, side slopes, road or driveway embankments, and any other sloping excavated area or land disturbance shall be stabilized at all times to prevent potentially hazardous subsidence or collapse, or the discharge of sedimentation pollution. Such areas shall at all times be maintained at a grade of no greater than 40%.

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5. Erosion and sedimentation from all land disturbance activities shall be controlled and contained with silt fencing, road matting, and any other method approved by the administrator to prevent the deposition of sedimentation pollution upon adjoining parcels, lots, streets, and any surface water. Failure to properly install and/or properly maintain approved sedimentation/erosion control measures shall constitute a violation of this ordinance.
 6. Furthermore, it is recognized that development projects are dynamic and that proposed and approved sedimentation/erosion control measures may, from time to time, prove inadequate. Therefore, it shall also be a violation of this ordinance to fail to install additional sedimentation/erosion control measures upon observing, or being notified, that approved and installed sedimentation/erosion control measures are insufficient.
 7. Erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the calculated maximum peak rate of runoff from a ten-year storm.
 8. On-site areas that are subject to severe erosion, and off-site areas that are especially vulnerable to damage from erosion and/or sedimentation, shall be identified and receive special attention.
 9. All land-disturbing activities shall be planned and conducted to limit exposure to the shortest feasible time.
 10. Exposed slopes shall be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion within 30 calendar days after completion of any phase of grading.
 11. All uncovered areas shall be provided with protective cover unless the administrator has granted an extension of time, for good cause shown, upon written request of the property owner and developer. This cover shall be planted within 15 working days (exclusive of days where seedbed preparation is not possible due to weather as determined by the administrator) or 90 days following completion of any phase of grading, whichever period is shorter. Ground cover is not required on cleared land forming the future basin of a planned reservoir.
 12. Land disturbance shall not be permitted within surface water protection areas, except as permitted within this chapter.

C. Duties of the administrator:

1. The administrator shall require a copy of a North Carolina Department of Environmental Quality approved sedimentation and erosion control plan prior to the issuance of site plan approval for any project proposing to disturb one acre or more of land.
2. The administrator shall, from time to time, inspect areas of land disturbance for compliance with this section and shall take necessary action to remedy violations.
3. Upon observation of any violation of this section, the administrator shall notify the property owner and developer of such violation and the need to remedy it. If the property owner and developer fail to take immediate and appropriate action to remedy the violation, the administrator shall take action to remedy the violation in accordance with the procedures set forth herein. Furthermore, the administrator shall notify the appropriate office of the North Carolina Department of Environmental Quality of a potential violation of the North Carolina Sedimentation Pollution Control Act of 1973

13.5. Street design.

A. Streets required:

1. All new development shall abut a public street as required in Chapter 4 of this ordinance.
 2. New development and substantial improvements to existing development with frontages on existing public streets shall be required to upgrade all their frontages to meet the standards of this chapter.
 3. New development without frontages upon a public street shall, in all cases, extend and connect to a public street. Public street extensions and improvements required for new development, including those beyond the development boundary, are the sole responsibility of the developer. Such improvements must be provided in accordance with the requirements of the Chapter 62 of Brevard City Code and this ordinance. This section shall apply to all subdivisions, the development of which is subject to the control of the city, both inside and outside the city limits.
 4. Streets shall be installed by the developer and dedicated to the city prior to the approval of any final subdivision plat or development plan unless a performance guarantee is provided to the administrator in accordance with City Code, this ordinance, and procedures established by the administrator. Streets shall be installed by the developer and dedicated to the city prior to the issuance of any certificates of occupancy for any building within that phase or on that street, as applicable to the particular development.
 5. City streets shall be built to the minimum specifications of this chapter and Chapter 62 of Brevard City Code, and shall comply with all standards and specifications of the public works director. New streets in the ETJ shall meet all standards and requirements of the North Carolina Department of Transportation.
- B. *Streets to connect:* Streets shall interconnect within a development and with adjoining development in accordance with Chapter 8 and 10 of this ordinance. Culs-de-sac are permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs shall be provided with development adjacent to open land to provide for future connections at the discretion of the administrator. Streets shall be planned with due regard to the designated corridors shown on adopted plans and policies of the city or Transylvania County.
- C. *Pedestrian and bicycle infrastructure:* Pedestrian and bicycle infrastructure shall be required as set forth within this chapter and conformance with adopted plans and policies of the city or Transylvania County.
- D. *Topographic considerations:* Wherever possible, street locations should account for difficult topographical conditions, paralleling excessive contours to avoid excessive cuts and fills and the destruction of significant trees and vegetation outside of street-rights-of way on adjacent lands.
- E. *Infrastructure in steep slope areas:* Infrastructure shall be installed in steep slope areas in accordance with the provisions of this chapter and any other applicable provisions in chapter 6.
- F. *Private streets and reserve strips:* There shall be no private streets or reserve strips platted in any subdivision except as provided for in Chapter 4 of this ordinance.
- G. *On-street parking:*
1. On-street parking may be required by the administrator.
 2. When required, all on-street parking provided shall be parallel. Curb or angle parking is permitted upon approval of the administrator when the fronting buildings are more than 22 feet in height to provide spatial definition and when the posted speed limit is less than 25 mph.
 3. When required, minimum right-of-way widths shall be modified to account for on street parking.
- H. *Traffic calming devices:* The use of approved traffic calming measures is encouraged as alternatives to conventional traffic control measures on Neighborhood Streets and within circulation areas of commercial and mixed-use developments.
- I. *Flood elevations:* No street in an area subject to flooding shall be approved if it is more than one foot below the elevation of the 100-year flood. The administrator may require, where necessary, profiles and elevations of streets for areas subject to flooding. Fill may be used for streets in accordance with

Chapter 34 of Brevard City Code. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood heights.

J. *Storm drainage:* Stormwater shall not be discharged into any stream and shall be retained and treated accordance with Chapter 6 of this ordinance, except that streets and related retention/treatment infrastructure shall be designed to accommodate a 25-year, 24-hour storm drainage standard.

K. *Street names:* Streets shall be named and property addressing assigned in accordance with Brevard City Code, Chapter 62, Streets, Sidewalks and Other Public Ways, Article VII, Property Addressing and Road Naming. The administrator shall require evidence that road names and property addresses have been approved and assigned by the Transylvania County Property Addressing Coordinator prior to approving any development.

L. *Blocks:*

1. The lengths, widths, and shapes of blocks shall be determined with due regard to:

a. The provision of adequate building sites suitable to the special needs of the type of use contemplated, and adequate public open spaces accessible and visible to residents.

b. District requirements and design criteria.

c. Needs of non-vehicular and vehicular traffic circulation and traffic control and safety.

d. Opportunities and constraints of topography, with convenient access to important physical and topographical features such as lakes and rivers, significant areas of trees and other natural features, and areas of high ground offering scenic views.

2. Blocks shall not be less than 200 feet nor more than 660 feet ($\frac{1}{8}$ -mile), as measured from edge of right-of-way, unless site and topography or other special circumstances are present as determined by the administrator. Where deemed necessary by the administrator, a pedestrian crosswalk of at least ten feet in width may be required.

3. Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single tier lots are required to separate residential development from another type of use, or when abutting a perennial stream or lake.

M. *Landscaping:*

1. Streets shall be landscaped with street trees. Commercial streets shall have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets shall provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home.

2. All street trees shall be installed in accordance with Chapter 8 of this ordinance. Large canopy trees shall be planted in a planting strip at a minimum average distance of 40 feet on-center.

3. The minimum width of all planting strips shall be six feet. For large canopy trees such as Willow Oaks and Red Maples, a minimum of eight foot planting strip is suggested. Refer to Chapter 8 of this ordinance for additional information on landscaping.

N. *Street markers and traffic control signs:* Street markers and traffic control signs shall be required and posted in accordance with city standards and the Manual of Uniform Traffic Control Devices. Such infrastructure shall be installed by the developer prior to the issuance of any Certificates of Occupancy for any building on that street.

O. *Pedestrian and bicycle infrastructure:* Sidewalks, multi-use paths, or other pedestrian/bicycle infrastructure shall be constructed in accordance with the following requirements:

1. In determining the type of pedestrian/bicycle infrastructure that shall be required the Administrator shall refer to any adopted plan or policy of the city for guidance. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard*

- 536 *Comprehensive Land Use Plan, City of Brevard Recreation Plan, other master plans and small area*
537 *plans, and other plans and policies.*
- 538 2. Sidewalks, multi-use paths, and other pedestrian and bicycle improvements shall be installed by
539 the developer and dedicated to the city prior to the approval of any final subdivision plat, or
540 issuance of final zoning approval or certificate of occupancy for any development plan. Pedestrian
541 and/or bicycle infrastructure shall be constructed within the street right-of-way. The approving
542 authority shall require the dedication of additional street right-of-way or a pedestrian easement
543 when sufficient right-of-way does not exist to comply with this requirement. The approving
544 authority may accept the dedication of additional right-of-way or a pedestrian easement in order
545 to accommodate alternative routes and designs that do not follow streets.
- 546 3. Streets shall be bordered by pedestrian/bicycle infrastructure on both sides. Exceptions to this
547 requirement and modifications to the design of pedestrian/bicycle infrastructure may be granted
548 by the TRC for developments in steep slope areas and where warranted by environmental or
549 topographic conditions, or where this requirement would serve no useful purpose.
- 550 4. Without exception, pedestrian/bicycle infrastructure shall be required along all new public and
551 private streets within new subdivisions or developments, and within new phases of existing
552 subdivisions and any other form of development.
- 553 5. Without exception, pedestrian/bicycle infrastructure shall be required along existing streets
554 within or abutting new subdivisions and any other form of development (except subdivisions in
555 GR districts establishing less than eight dwelling units); or along existing streets within or abutting
556 any form of existing development undergoing substantial improvement (except single-family and
557 duplex residential structures in GR districts).
- 558 6. Pedestrian/bicycle infrastructure shall be required along the same side of the street upon which
559 the development fronts, except that when a development project is located on both sides of the
560 same street the approving authority may require that infrastructure be installed on both sides of
561 the street.
- 562 7. When site characteristics and/or traffic patterns are such that the construction of
563 pedestrian/bicycle infrastructure in accordance with this section would be a hardship and would
564 not result in useful pedestrian walkways, the administrator, upon recommendation from the TRC
565 may allow the applicant to pay the designated cost of constructing such infrastructure into the city
566 sidewalk fund in lieu of requiring construction of the infrastructure. In determining whether to
567 accept a fee in lieu of construction of infrastructure, the administrator shall refer to any adopted
568 plan or policy of the City for guidance. Such plans or policies include but are not limited to: *City of*
569 *Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of*
570 *Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation*
571 *Plan, other master plans and small area plans, and other plans and policies.*
- 572 8. The administrator may accept a performance guarantee for the construction of sidewalks on
573 behalf of the city in situations where no other public infrastructure is proposed in accordance with
574 Chapter 16 of this ordinance.
- 575 9. Multi-use paths and other infrastructure:
- 576 a. Multi-use paths, and other pedestrian and bicycle infrastructure shall be provided
577 instead of or in addition to sidewalks wherever called for on an adopted plan or policy of
578 the city. Such plans or policies include but are not limited to: *City of Brevard*
579 *Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City*
580 *of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard*
581 *Recreation Plan, other master plans and small area plans, and other plans and policies.*
- 582 b. When a multi-use path is required in an area not adjacent to a public or private street,
583 then such facility shall be credited towards the satisfaction of the open space
584 requirements as set forth in Chapter 7 of this ordinance.

- c. All required multi-use paths shall be dedicated to the City of Brevard by means of right-of-way or pedestrian easement.
- d. On-street bicycle lanes shall be required when called for upon an adopted plan or policy of the city.

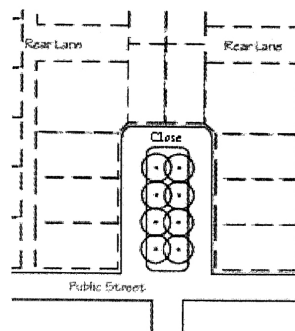
10. Pedestrian and bicycle improvements shall be as follows:

Zoning District	Facility Width	
	City Streets	NCDOT Streets*
GR	5 feet	5 feet
RMX, NMX, CMX, DMX, GI, IC	5 feet	8 feet
Public Streets	City Streets Required; Dedication to City Required	NCDOT Streets Required
Street Rights-of-Way	Required; Dedication to City Required	Required; Dedication to NCDOT Required
Multi-Use Path (where required)	10 feet	10 feet
On-Street Bike Lane (where required)	5 feet	5 feet

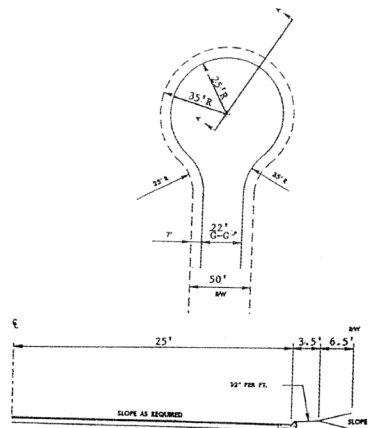
**Sidewalks are not required along alleys and commercial service streets except when required as a condition of a Conditional Zoning District, Group Development, or special use permit.*

- 11. All pedestrian/bicycle infrastructure shall comply with the minimum requirements for handicapped accessibility in compliance with the North Carolina Accessibility Code or other federal, state, or local regulations. During the construction of pedestrian/bicycle infrastructure, whether new or replacement, handicapped ramps shall be placed in the sidewalk where it intersects with streets and other pedestrian and vehicular travel ways.
 - 12. All sidewalks shall be made of 4,000 PSI concrete with a minimum depth of four inches, except that street and driveway crossings shall be a minimum of six inches in depth. Bike lanes and multi-use paths shall be made of asphalt, designed according to the North Carolina Bicycle Planning and Design Guidelines published by the NCDOT and shall include all appropriate signage and pavement markings. Alternative materials and designs may be approved by the TRC in consultation with the public works director.
- P. *Culs-de-sac and closes.* Where practical, a close (see graphic, below) shall be used in place of a cul-de-sac. Culs-de-sac and closes shall be designed to facilitate the turning radius of emergency vehicles.

Close



Cul-de-sac with Curb and Gutter Section



Q. Intersections:

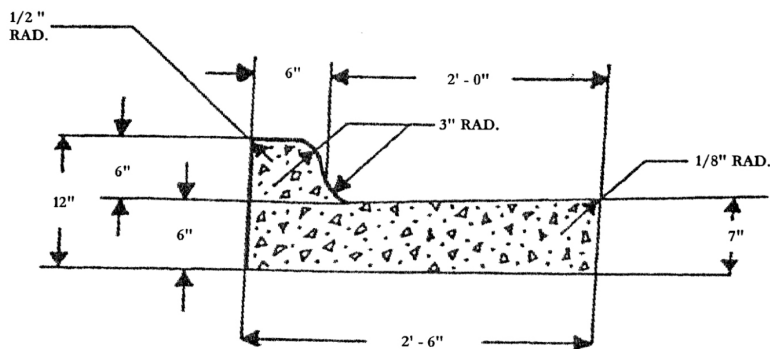
1. All streets shall intersect at right angles as nearly as possible and no street shall intersect at less than 60 degrees.
2. Where practical, intersections should be aligned to create four-way intersections.
3. Off-set intersections for local streets and neighborhood collectors should be at least 125 feet apart measured from centerline to centerline. A larger spacing in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards may be required for all other streets.
4. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. At an angle of intersection of less than 90 degrees, a greater radius may be required.
5. Proper sight lines shall be maintained at all intersections of streets to permit adequate sight distance. Where the posted speed limit is less than 20 mph, the intersection sight distance may be reduced to 105 feet.
6. Bulb-outs are discouraged on narrow streets (less than 30 feet face-of-curb to face-of-curb) but encouraged on wider streets.
7. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. Where a street intersects a state highway, the design standards of the state department of transportation shall apply.

R. *Curb radii:* Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed 20 feet except along NCDOT-maintained roads.

S. *Curbs and drainage for city streets:* The following requirements shall apply to streets within the city. Streets within the ETJ shall meet all applicable requirements of the North Carolina Department of Transportation.

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Standard Vertical Face Curb and Gutter



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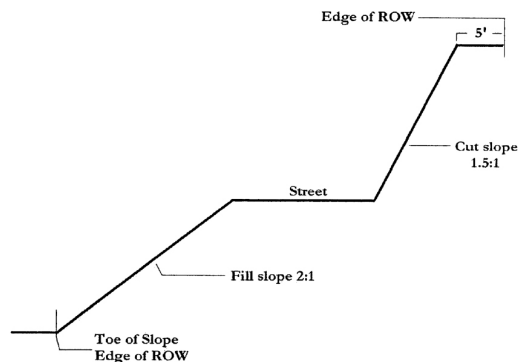
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1. Curb and gutter shall be required on all new residential and commercial streets constructed within the city.
2. Standard vertical face curb and gutter within the city shall be two-foot, six-inch concrete with a height of six inches (see graphic, above). All curbing shall be properly backfilled.
3. Exceptions to this requirement may be made by the administrator subject to circumstances in the area under study. Such circumstances shall relate to the topography of the area, future maintainability of the streets, or other factors deemed relevant by the administrator.
4. Vertical face curbing is required along all streets with on-street parking and around all required landscaping areas and parking lots.
5. All drainage gates must be safe for bicyclists. Bicycle-safe drainage grates are types E, F, and G as approved by the NCDOT.
6. City street culvert dimensions shall be subject to the requirements of the public works director.
7. The right-of-way shall extend from a point five feet outward from the top of the bank of any cut slope to the toe of any fill slope. Maximum slope of any cut slope shall be at a ratio of no greater than 1.5 feet of horizontal run to one foot of vertical rise (1.5:1 slope), and the maximum slope of any fill slope shall be at a ratio of no greater than two feet of horizontal run to one foot of vertical rise (2:1 slope).



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- T. *Centerline radius:* A 90-foot minimum centerline radius shall be used for local streets, parkside drives, and minor streets between reverse curves though they may be reduced to 45 feet for design speeds less than 20 mph. All other streets shall be in accordance with AASHTO standards.
- U. *Street lights:* Street lights shall be installed by the developer on all streets in accordance with Chapter 12 of this ordinance.
- V. *Posted speed limits:* All streets shall be posted in accordance with the Manual of Uniform Traffic Control Devices and the City of Brevard Traffic Schedule.

- W. *Street grades*: The maximum permissible street grade shall be 18 percent.
- X. *Design standards*: Design standards not specifically addressed in this ordinance must comply with the minimum design and construction criteria of the N.C. Department of Transportation.
- Y. *Minimum right-of-way*: The administrator shall determine right-of-way widths based upon the characteristics of the proposed development. However, unless otherwise specified, the minimum right-of-way for all new streets within the city shall be 50 feet, and shall satisfy minimum requirements of the North Carolina Department of Transportation in the ETJ.

13.7. Reserved

17.3. Environmental survey.

Identification of existing trees, understory vegetation, known endangered species, habitats, wetlands, perennial streams, floodplains, and topographical features on a site prior to the advanced preparation of development plans enables the reasonable and practical planned preservation of existing and environmentally sensitive areas.

This requirement provides the city and the applicant the ability to evaluate the proposed development in order to preserve vegetation, to improve the appearance of the development proposed and to encourage the use of the existing forest and tree canopy, specimen trees, and significant vegetation to satisfy the requirements of this chapter.

An environmental survey is intended to identify forest stands or trees of a uniform size and species; specimen trees of varying sizes and species, particularly free standing or open-grown or field grown trees; a distinctive tree line or forest edge; existing watercourses; and previously documented endangered species habitats.

A. The use of digital geographic data obtained from the City of Brevard, Transylvania County, or the State of North Carolina is deemed to be sufficient for the sketch plan and master plan phases of submittal requirements.

B. For construction documents, the environmental survey requirements are as follows

1. Provide a general written description of the significant vegetation. Significant vegetation is defined as being 12 inches in diameter at breast height (DBH) or greater and native understory species two inches or greater (e.g. dogwood, holly, redbud, etc.), including tree species and uniform the size and height of stands of homogeneous trees including the typical tree species composition of the forest stand, typical tree size, and general health and vigor of the stand and specimen trees.
2. Denote the dripline of any existing forest stand, as measured between existing tree trunks six inches or greater located at the edge of the stand.
3. Identify all free standing, open grown or field-grown specimen trees located on the site 12 inches or greater DBH.
4. Show all other important natural features influencing site design such as the location of wetlands, rock outcroppings, site topography at contour intervals not greater than five feet, slopes steeper than 35 percent, and perennial streams, natural drainage ways, lakes, and other water bodies, and floodplains indicating both the flood fringe and the flood way. USGS and FEMA data shall be used to determine the location of perennial streams.
5. Denote the presence of any known endangered species' habitats indicated in any surveys completed by Transylvania County, the State of North Carolina, or other governmental agency.
6. Show all buffer delineations as follows:

- i. Buffer boundaries including all undisturbed buffer zones must be clearly delineated on all development plans for approval by the city, on all construction documents, including grading and clearing plans, erosion and sediment control plans, and site plans.
 - ii. Buffer boundaries for all required undisturbed buffer zones must be clearly delineated on-site prior to any land disturbing activities. Where existing trees are to be preserved in a buffer zone, limits of grading shall maintain a minimum 20-foot separation from the base of each tree on the upland side of the buffer or to the dripline.
 - iii. Buffer boundaries including all buffer zones as well as all buffer requirements must be specified on the record plat, on individual deeds, and in property association documents for lands held in common.
- C. This requirement can be waived by the administrator if the site lacks qualifying natural features.

17.4. Sketch plan requirements.

In addition to information on the environmental survey, the sketch plan shall show in simple sketch form the proposed layout of streets, lots, buildings, public open spaces and other features in relation to existing conditions based upon the size of the tract proposed for development. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the administrator. It shall also include the following information:

- A. A sketch vicinity map, including north arrow, showing the location of any proposed building(s) or subdivision in relation to neighboring tracts, subdivisions, roads, and waterways.
- B. The name, address, and telephone number of the property owner.
- C. The name of the proposed development project.
- D. The boundary lines of the property.
- E. The total acreage.
- F. The existing and proposed land uses and the existing land uses of adjacent properties.
- G. The existing topographic conditions of the property including contours not exceeding five-foot intervals. Transylvania County, City of Brevard, or State of North Carolina topographic information may be used to fulfill this requirement.
- H. The location, names, and private and recorded right-of-way widths of any existing streets on or within 300 feet of the land to be subdivided.
- I. Lots of adjacent developed or platted properties.
- J. Zoning classification of the land and adjacent properties.
- K. Illustrative building elevations denoting general design elements and materials.
- L. Watershed classification, if any.
- M. Floodway, non-encroachment, and surface water protection area delineation.
- N. Floodplain delineation.

17.5. Master plan requirements.

The master plan shall be drawn to the following specifications and must contain or be accompanied by the information listed below. This section defines both preliminary and final master plans. A preliminary master plan may only be submitted as part of an application for a conditional zoning district. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the administrator.

- A. Processing or review of a preliminary or final master plan may not proceed without all of the following information:
1. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements or other significant features of the tract.
 2. Scale denoted both graphically and numerically with north arrow.
 3. A vicinity map at a scale no smaller than one inch equals 1,200 feet showing the location of the subdivision with respect to adjacent streets and properties.
 4. The proposed name of the development, street names, the owner's name and address, the names of adjoining subdivisions or property owners, the name of the city, county, and state in which the development is located, the date of plan preparation, and the zoning classification of the tract to be developed, and of adjoining properties.
 5. Corporate limits and extraterritorial jurisdiction boundaries (where applicable).
 6. A timetable for estimated project completion for each phase proposed.
 7. Original contours at intervals of not greater than five feet for the entire area to be subdivided or developed and extending into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property and 50 feet at all other points of common project boundaries. Transylvania County or City of Brevard digital topography may be used to satisfy this requirement but should be field-verified to ensure accuracy. This requirement may be waived for developments smaller than one acre or where insufficient topographic changes warrant such information.
 8. The location of any building restriction areas (i.e. flood hazard areas, buffer locations, watershed protection districts, and/or jurisdictional wetlands), where applicable.
 9. Site calculations shall include total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, and the total number of housing units.
 10. The following statement shall be placed upon all final master plan documents, as applicable:
"Areas delineated upon this plat or plan as a protection area or Special Flood Hazard Areas is subject to limitations upon development as set forth Chapter 34 of Brevard City Code, and any development, disturbance, or encroachment is prohibited except in accordance therewith."
- B. Requirements for preliminary master plans. A preliminary master plan may only be submitted as part of an application for a conditional zoning district. A preliminary master plan may be more conceptual in nature than a final master plan, and shall be sufficient to demonstrate deviations from the base zoning district and the scope of the project.
1. At a minimum, a preliminary master plan shall show the conditions both requested and offered that deviate from the base zoning district.
 2. A preliminary master plan may divide the district into land use areas and specify proposed uses and other development standards which shall apply to such land use area. The preliminary master plan may also depict transition zones between any such land use areas

- 790 which shall permit deferring the determination of the precise boundaries between land use
791 areas until final master plan review.
- 792 3. Additional submittal requirements for the preliminary master plan shall be determined by
793 the administrator in the pre-application meeting or during review. The approving authority
794 may require additional submittals as deemed necessary due to the particulars of the project.
795 A preliminary master plan may include the following information, as applicable:
- 796 (a) The location of proposed buildings, parking and loading areas, streets, alleys,
797 easements, lots, parks or other open spaces, site reservations (i.e. school sites),
798 property lines and building setback lines with street dimensions, and tentative lot
799 dimensions.
- 800 (b) The traffic and circulation system demonstrating a safe and adequate on-site
801 transportation system that addresses vehicular, bicycle, transit and pedestrian
802 circulation. The on-site transportation system shall be integrated with the off-site
803 transportation circulation system of the city.
- 804 (c) The proposed limits of construction for all proposed development activity, including all
805 required protected areas and open space.
- 806 (d) Landscaping plan and/or vegetation preservation plan in accordance with Section 17.9.
- 807 (e) Lighting plan in accordance with Section 17.10.
- 808 (f) Architectural plans in accordance with Section 17.11.
- 809 (g) Traffic impact analysis (if required) in accordance with Section 17.12.
- 810 (h) Stormwater management concept plan in accordance with Section 17.13.
- 811 (i) Conceptual utilities plan. Conceptual plans for utilities to serve the development,
812 including sanitary sewers, storm sewers and water lines.
- 813 (j) Environmental impact statement, pursuant to Article 113A of the North Carolina
814 General Statutes, if: the development exceeds two acres in area, and; if the BPB deems
815 it necessary due to the nature of the land or peculiarities in the proposed design.
- 816 (k) Development permit and certification application with supporting documentation as
817 required by the flood hazard prevention requirements of Chapter 6 of this ordinance.
- 818 C. Requirements for final master plans.
- 819 1. A final master plan shall include all of the following information, as applicable:
- 820 (a) The location of proposed buildings, parking and loading areas, streets, alleys,
821 easements, lots, parks or other open spaces, site reservations (i.e. school sites),
822 property lines and building setback lines with street dimensions, and tentative lot
823 dimensions.
- 824 (b) The transportation and circulation system showing typical cross-sections of proposed
825 streets. Where a proposed street is an extension of an existing street, the profile of the
826 street shall include 300 feet of the existing roadway, with a cross section of the existing
827 street. Where a proposed street within the development abuts a tract of land that
828 adjoins the development and where said street may be expected to extend into said
829 adjoining tract of land, the profile shall be extended to include 300 feet of the said
830 adjoining tract.
- 831 (c) The proposed limits of construction for all proposed development activity, including all
832 required protected areas and open space.
- 833 2. Additional submittal requirements for the final master plan shall be determined by the
834 administrator in the pre-application meeting or during review. The approving authority may
835 require additional submittals as deemed necessary due to the particulars of the project. A

- 836 final master plan may include the following information and supplemental plans, as
837 applicable.
- 838 (a) Landscaping plan and/or vegetation preservation plan in accordance with Section 17.9.
 - 839 (b) Lighting plan in accordance with Section 17.10.
 - 840 (c) Architectural plans in accordance with Section 17.11.
 - 841 (d) Traffic impact analysis (if required) in accordance with Section 17.12.
 - 842 (e) Stormwater management concept plan in accordance with Section 17.13.
 - 843 (f) Conceptual utilities plan. Conceptual plans for utilities to serve the development,
844 including sanitary sewers, storm sewers and water lines.
 - 845 (g) Environmental impact statement, pursuant to Article 113A of the North Carolina
846 General Statutes, if: the development exceeds two acres in area, and; if the BPB deems
847 it necessary due to the nature of the land or peculiarities in the proposed design.
 - 848 (h) Development permit and certification application with supporting documentation as
849 required by the flood hazard prevention requirements of Chapter 6 of this ordinance.
- 850

851 **17.9. Landscape plan requirements.**

- 852 A. A landscaping plan and/or vegetation preservation plan shall be required prior to any site
853 disturbance for:
- 854 1. All non-residential uses;
 - 855 2. All multi-family uses in a residential district;
 - 856 3. Any development in steep slope areas, in accordance with Section 6.4; and
 - 857 4. Any other development where a landscaping plan and/or vegetation preservation plan is
858 deemed necessary by the administrator due to the particulars of the project.
- 859 B. The plan shall contain the following information:
- 860 1. An accurate drawing of property boundaries.
 - 861 2. A development summary including the total development acreage, proposed use(s), required
862 parking and provided parking spaces, and total building square footage.
 - 863 3. The location of proposed buildings, driveways, parking areas, required parking spaces, and
864 traffic patterns.
 - 865 4. The location of all overhead and underground utilities.
 - 866 5. Name of the project, name and address of owner, name and address of engineer, scale, date,
867 legend, and north arrow.
 - 868 6. General location, type and quantity of existing plant materials.
 - 869 7. Existing plant materials and areas to be left in natural state.
 - 870 8. Methods and details for protecting the critical root zone (CRZ) of existing plant materials
871 during construction.
 - 872 9. Locations, size and labels for all proposed plants.
 - 873 10. Plant lists with common name, botanical name, quantity, and spacing and size of all proposed
874 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.

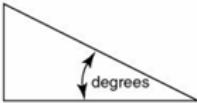
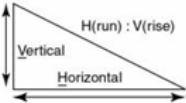
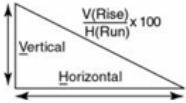
19.3. Definitions.

Cut slope: The exposed ground surface resulting from excavation of material.

Fill slope: The exposed ground surface resulting from deposition of material.

Grade: See Slope.

Slope: The extent to which a land form deviates from the perfectly horizontal as expressed in percent, degree, ratio. The following table explains the conversion between these separate methods of expressing the extent of slope.

Slope Measurements		
Degrees	Ratio	Percent
		
45°	1H:1V	100%
39°	1.25H:1V	80%
34°	1.5H:1V	67%
30°	1:75H:1V	57%
27°	2H:1V	50%
22°	2.5H:1V	40%
18°	3H:1V	33%
14°	4H:1V	25%
8.5°	6.7H:1V	15%

Slope, moderately steep: Areas at or above 2,250 feet in elevation above mean sea level and with an average slope between 25% and 34%.

Slope, steep: Areas at or above 2,250 feet in elevation above mean sea level and with an average slope of 35% or greater.

STEEP SLOPE CHANGES

TOPIC	CURRENT ORDINANCE	PROPOSED TEXT	RATIONALE/TRADEOFF
Definition & Applicability			
Scale	15-24% - Administrator may impose conditions to ensure safe development 25% + - Development is prohibited	25-34% - Moderately steep slopes with some regulations 35% + - Steep slopes with heavier regulations and environmental protections that increase as slope does	Current UDO doesn't regulate the specifics of development. It only allows administrators the ability to impose conditions on development from 15-24% and outright prohibits any development on greater slopes. Other cities impose regulations regarding building height, density, amount of grading, etc. that are increase in severity as the slope increases (typically starting at 25% or greater). Sets explicit regulations for slope development but permit development on previously prohibited slopes
Pre-existing Lots	Preexisting lots containing steep slope areas are permitted to have one principal structure [no other regulations]	Removing the prohibition on development, so this exception is no longer required	Under NC law, property owners should be granted reasonable use of their land and a strict prohibition would not be permissible. Thus why Brevard's ordinance had an exception for parcels created prior to April 3, 2006. This is likely the majority of parcels in the City's jurisdiction. No more "grandfathered" properties
Elevation Trigger	None	All development projects and subdivisions on parcels at or above 2,250 ft in elevation must provide a slope calculation	The proposed amendments protect the most visible "viewshed" slopes while exempting lower-lying sloped areas in the already developed parts of town that would otherwise be restricted by the existing ordinance. Regulations only apply to some properties.
Slope Determination			
Calculation	Using a linear average (rise over run) or using "commonly accepted slope GIS modeling software"	Slope (S%) is the total length (L) of contour lines in feet within a given parcel, multiplied by the contour interval (I), then multiplied by .0023, divided by the area (A) of the parcel in acres. Or, could provide a slope analysis conducted and sealed by a professional surveyor or engineer.	Current is vague and over-simplified. The proposed calculation aligns Brevard's formula with a generally accepted method used extensively in Western North Carolina. This is a more complex formula, but more consistent with neighboring communities.
Area of Measurement	Not specified	Parcel	Creates a simpler permitting process (e.g., slope calculations could be pre-calculated and available for lookup) and would allow for greater preservation of the natural landscape.
Process	Not specified	Calculations must be submitted to the Planning Dept for review to confirm the assessment.	Ensures consistency in calculating/regulating slope on different parcels. Prevents any circumvention of regulations or inaccurate calculations.
Permanent Protection	None	Areas placed in a conservation easement or otherwise permanently protected are removed from the calculation.	Incentive to permanently preserve the steepest and most sensitive portions of a lot, while still allowing reasonable development of the remainder of a property owner's land. May open up parcels otherwise considered "sensitive" or "steep" to development in return for some degree of conservation

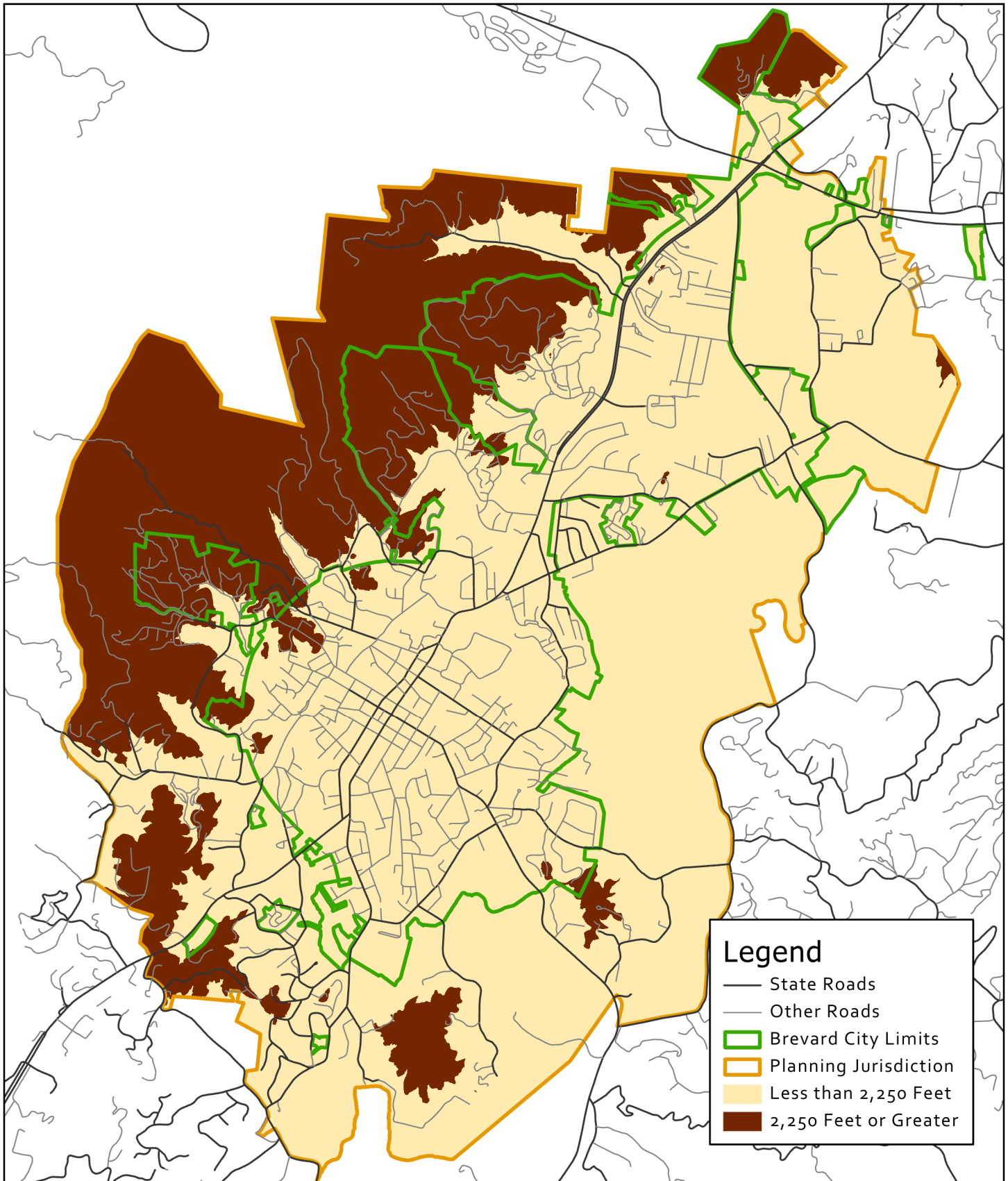
TOPIC	CURRENT ORDINANCE	PROPOSED TEXT	RATIONALE
Safety & Erosion			
Geotechnical Analysis	None	Requiring geotechnical analysis for steep slope areas (35%+)	Expert analysis necessary to ensure slopes can be safety development. Additional procedural step to ensure safety
Sedimentation & Erosion	All cut and fill slopes must be maintained at a 2:1 slope [roughly 50%]	All cut and fill slopes must be maintained at 40%	Under current, the cut and fill slope must be maintained at ~50%, which is well above the prohibited number of 25%. Changing the ratio to percentage to be consistent in expressing slope and brings the ratio down.
Retaining Walls	Regulated the same as fences.	Maximum height of 5 ft, unless required for engineering. Encouraging stepped or terraced walls instead of a large, unbroken retaining wall.	Reduces the visual bulk of a project and protects the natural slope to the greatest extent possible.
Development Type & Design			
Clustering Development	Administrator may impose some conditions to ensure safe development	Requiring development to be clustered on portions of the lot not considered to be steep, minimized land disturbance, and avoiding rigid contouring.	Previous measures only applicable case-by-case now incorporated as a de jure regulation to ensure development on steep slopes protects the natural environment to the greatest extent possible
Amount of Grading	None, except prohibiting development all together	Limiting the amount of the parcel that can be graded.	Grading limits incorporated as a regulation to ensure development on steep slopes protects the natural environment to the greatest extent possible
Residential Density	None	Reducing the maximum allowable density of development based on the parcels' slope.	Incorporating density reductions as a regulation to ensure development on steep slopes protects the natural environment to the greatest extent possible
Building Height	Current building height measured from the highest adjacent grade to the eave of the structure (35 ft in GR).	Max height in steep slope areas is 35 ft measured perpendicular from the pre-development grade to the top of the built structure	Creates a maximum building height plane measured from the pre-development grade. Encourages step-back or terraced buildings to reduce the visual bulk of the structure.
Vegetation Preservation	None, except prohibiting development all together	Preserving all trees and vegetation except in the area approved for grading in steep slope areas. Requiring landscaping plan that blends in.	Codifies vegetation preservation measures to ensure the vegetation is preserved and any new vegetation/landscaping should blend in.
Architectural Standards	None	Development incentives for property owners to "win back" the reductions for architectural features.	Municipalities cannot regulate the architecture or design of single-family homes and duplexes under NC law. Offering incentives allows the City the ability to impose some architectural standards. Reductions in density and amount of grading may be sacrificed for architecture features that blend in with the natural landscape.

TOPIC	CURRENT ORDINANCE	PROPOSED TEXT	RATIONALE
Other Revisions			
Conditional Zoning Districts	Council may permit development on steep slopes at a density of 1 dwelling per 3 acres, if property is unusable	Council may enact site-specific standards via conditional zoning districts.	Removing overly-prescriptive provision about max density and enables Council to impose conditions that minimize the impacts and uphold the intent of this section. Permits development on land where it was previously discouraged in exchange for conditions
Steep Slope Infrastructure	Infrastructure in steep slopes in Chapter 17	Infrastructure in steep slopes moved to Section 6.4	Consolidating regulations in one section
Subdivisions	None	Ensures new parcels have developable potential	Enacting a similar stipulation to the floodplain ordinance
Reference to Slope in Other Sections	15% slope and 2-foot contour intervals are in other sections	35% slope and 5-foot contour intervals are in other sections	Aligning with new steep slope regulations

WESTERN NORTH CAROLINA STEEP SLOPE ORDINANCES

City / County	% Slope When Regs Start	Elevation Trigger?	Use Slope Formula?	Measurement Area?	Prohibition?	Scale	Geotechnical Analysis Required?
Brevard	15%	No	No	Not defined	Yes	15-24% - May impose conditions, no regulations 25%+ - Prohibited	None
Asheville	15%	Yes, 2,220 ft and 2,350 ft	Yes	Not defined	No	Varies by slope and elevation	36% +
Black Mountain	25% (<1 acre) 16% (>1 acre) Any parcel above 2,600 ft	Yes (some), 2,600 ft	Yes	Parcel	No	16-25% - "Minimize impact" 25%+ - Regulated (varies)	36% +
Boone	30%	No	No	Parcel	No	30-49% - Regulated some (varies) 50%+ - Regulated more (varies)	50% +
Buncombe County	15%	Yes, 2,500 ft	Yes	Parcel	No	35% + - Regulated (varies)	36% +
Hendersonville	15%	No	No	Parcel	Yes	15-35% - Regulated (varies) 35%+ - Prohibited	None
Jackson County	35%	Somewhat, overlay trigger	Yes	Area of Disturbance	No	35% + - Regulated (varies)	None
Sylva	15%	No	Yes	Not defined	No	15-30% - Regulated some (varies) 30%+ - Regulated more (varies)	36% +
Waynesville	25%	Yes, 2,900 ft	Yes	Parcel	No	25% + - Regulated (varies)	None
Weaverville	15%	No	Yes	Parcel	No	15% + - Regulated (varies)	40% +

City of Brevard Elevation

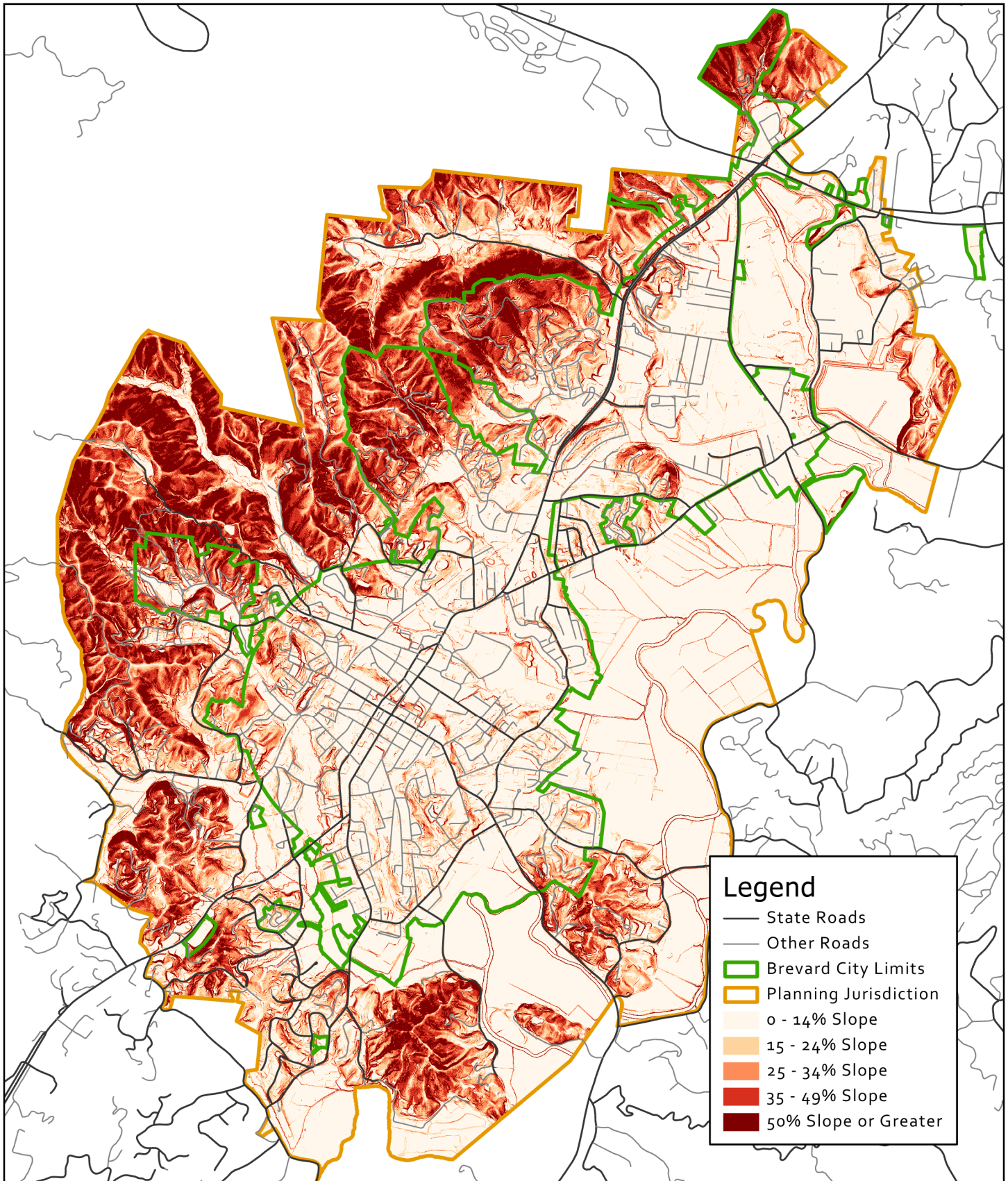


0 1,000 2,000 4,000 6,000 Feet

1 inch = 3,458 feet

This map was prepared by the City of Brevard Planning Department, May 2023.
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.

City of Brevard Percent Slope



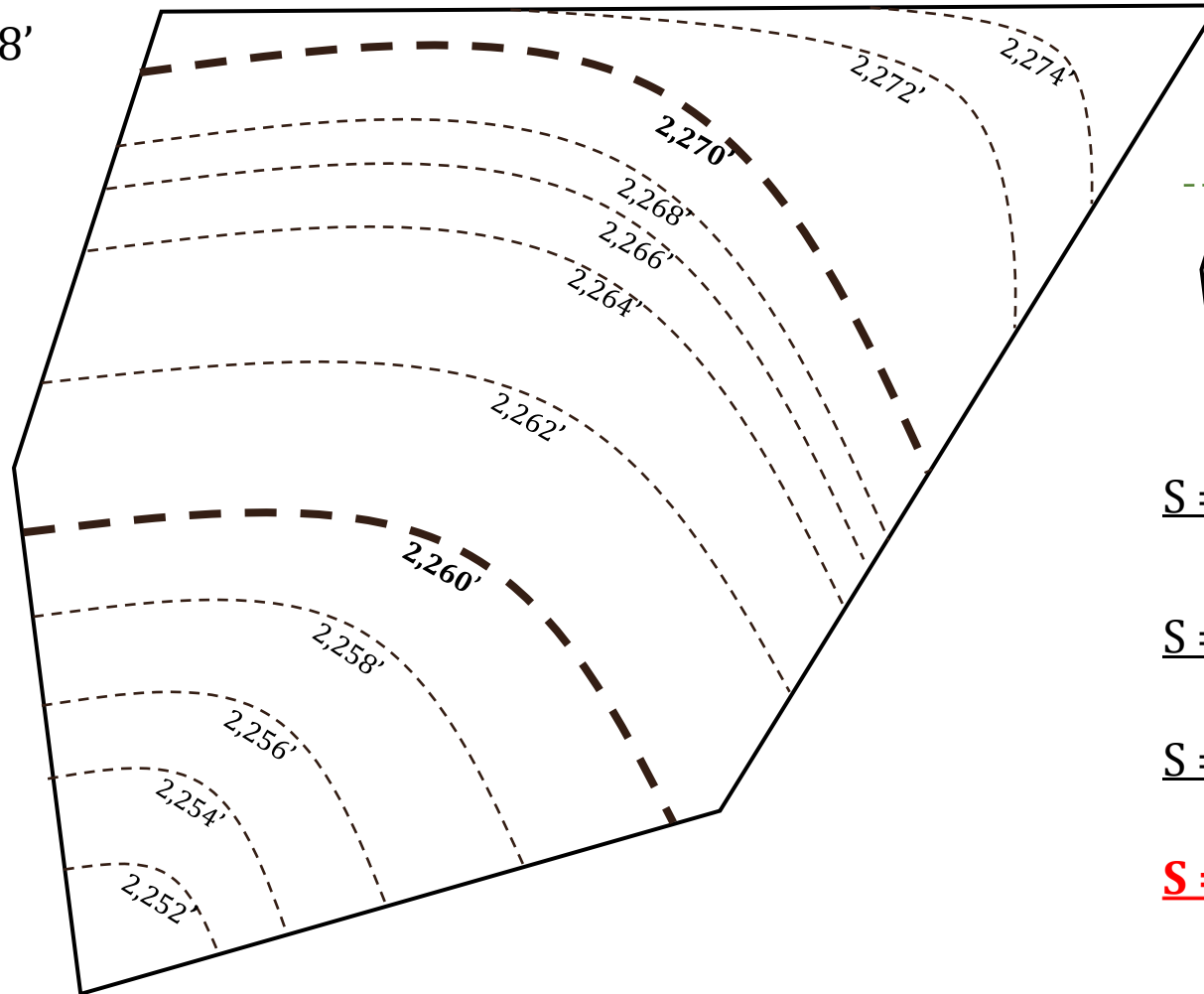
0 1,000 2,000 4,000 6,000 Feet

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Slope Calculation Demonstration

Contour Length – 14,518'
 Contour Interval – 2'
 Area – 3 acres



Not to Scale

$$S = \frac{(l \times i)}{a} .0023$$

--- Contour line
 ▭ Parcel

$$S = \frac{(14,518 \times 2)}{3} .0023$$

$$S = \frac{(29,036)}{3} .0023$$

$$S = \frac{66.78}{3}$$

$$\underline{\underline{S = 22.26}}$$



COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS

NCGS 160D-604 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 text amendment is **consistent** with the following elements of the City's adopted plans and policies:

Building Brevard 2030 Comprehensive Land Use Plan Goals

GOAL 2: *Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.*

GOAL 5: *Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.*

Building Brevard 2030 Comprehensive Land Use Plan Actions

PNRC-10: *Preserve steep slopes and natural areas adjacent to Pisgah Forest.*

LUH-4: *Identify areas across the City that are best positioned to accommodate future growth.*

LUH-9: *Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*

LUH-24: *Refine zoning districts and slope regulations in constrained areas*

ORDINANCE NO. 2023-____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT
ORDINANCE CHAPTER 4 – GENERAL LOT & STRUCTURE PROVISIONS, CHAPTER 6 –
ENVIRONMENTAL PROTECTION, CHAPTER 13 – INFRASTRUCTURE IMPROVEMENT
REQUIREMENTS, CHAPTER 17 – DEVELOPMENT PLAN REQUIREMENTS, AND
CHAPTER 19 – DEFINITIONS

WHEREAS, the City of Brevard Planning Board has recommended that Brevard City Code, Unified Development Ordinance, Chapter 4 – General Lot & Structure Provisions, Chapter 6 – Environmental Protection, Chapter 13 – Infrastructure Improvement Requirements, Chapter 17 – Development Plan Requirements, and Chapter 19 – Definitions be amended; and,

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

Building Brevard 2030 Goals

- **GOAL 2:** *Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.*
- **GOAL 5:** *Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.*

Building Brevard 2030 Recommendations

- **Parks, Natural Resources & Cultural Resources - 10:** *Preserve steep slopes and natural areas adjacent to Pisgah Forest.*
- **Land Use & Housing - 4:** *Identify areas across the City that are best positioned to accommodate future growth.*
- **Land Use & Housing - 9:** *Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*
- **Land Use & Housing - 24:** *Refine zoning districts and slope regulations in constrained areas*

and,

WHEREAS, a public hearing was conducted on Monday, May 15, 2023, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance be amended as outlined below.

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

SECTION 01. Brevard City Code, Unified Development Ordinance Chapters 4, 6, 13, 17, and 19 hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

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

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

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

Adopted and approved upon first reading this the 5th day of June 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

EXHIBIT A

4.9. 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, and public safety and other critical facilities. Fences or walls shall be no greater than six feet in height before the front building line and no greater than eight feet in height in the side or rear yard.
 2. All other districts and uses. Fences or walls shall be no greater than eight feet in height behind the front building line or four feet in height before the front building line.
 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 4.5 of this ordinance. Open fences are exempt from this provision.
- D. Fence and wall materials shall conform to the following requirements:
1. *Residential 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 yard behind the front building line.
 - (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 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:
 - (1) Chain link fences shall not be visible from a public right-of-way,
 - (2) 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.
 3. *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 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.

6.1. Statutory Authority and Legislative Findings-of-Fact.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Articles 7, 11, 9, and 13 of Chapter 160D; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental the responsibility units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

The City Council of the City of Brevard, North Carolina, makes the following legislative findings-of-fact.

- A. The flood prone areas within the City of Brevard and its extraterritorial jurisdiction are subject to periodic inundation which results in loss of life, property, health hazards, safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. The development activities listed herein contribute, individually and cumulatively, to the flood losses addressed above: (1) obstructions in floodplains causing increases in flood heights and velocities; (2) the occupancy in flood prone areas of uses vulnerable to floods or other hazards; (3) the loss of wetlands, streamside riparian areas, and other lands that slow, absorb, retain, and cleanse storm and flood waters; and (4) the expansion of impervious surfaces both within and outside of flood prone areas that cause increases in the velocity and rate of the discharge of stormwater into bodies of water.
- C. The discharge of urban pollutants and sedimentation into bodies of water results in health and safety hazards and the impairment of environmentally and economically significant aquatic wildlife habitat, adversely affecting the public health, safety, and general welfare.
- D. Development activities cause sedimentation pollution through untreated and uncontrolled stormwater from impervious areas, improper land disturbance, and the loss of wetlands, streamside riparian areas, and other lands that absorb and cleanse storm and flood waters.
- E. Brevard is in a unique geographical location where mountains, valleys and hills constitute significant natural topographical features. The mountains and hillsides of Brevard are visible from many locations within the city, adding to the quality of life for residents and improving tourism opportunities. These areas are sensitive to development and measures shall be taken to preserve viewshed, maintain slope stability, control erosion and stormwater runoff.
- F. The steeply sloping areas within the City of Brevard and its extraterritorial jurisdiction are particularly susceptible to erosion and landslides, and pose particular difficulties in the construction and maintenance of public infrastructure and the provision of public services. Development activities in such areas are likely to result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- G. On June 20, 2005, the City of Brevard, in conjunction with Transylvania County and the City of Rosman, adopted the Multi-Jurisdictional Hazard Mitigation Plan as an additional resource to substantially and permanently reduce the planning area's vulnerability to natural hazards. The plan is intended to promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the natural environment. This is to be achieved by increasing public awareness, documenting resources for risk reduction and loss prevention, and identifying activities to guide the planning area towards the development of a safer, more sustainable community.

6.2 Statement of Purpose

It is the purpose of this chapter to protect and promote the public health, safety and general welfare by preventing the loss of life and/or public and private economic loss due to landslides, floods, erosion and sedimentation pollution. It is further the purpose of this chapter to protect our existing environmental resources, including steep slopes, floodplains, stream corridors, wetlands, watershed and groundwater recharge areas, soils, forest stands, specimen trees, and other significant vegetation and wildlife, which are of economic value to the city and its citizens and make Brevard a desirable place to live and visit.

In furtherance of this purpose, the regulations contained herein are designed to accomplish the following:

1. Restrict or prohibit uses that are or may be dangerous to health, safety, and property or that may result in damaging increases in erosion, flood heights or velocities;
2. Require that uses and infrastructure vulnerable to the movement of earth or flooding be protected against such damage at the time of initial construction;

- 3. Control the alteration of steep slopes, natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodgates;
- 4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage;
- 5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- 6. Require that stormwaters that may damage property, increase flood hazards, or pollute surface waters be adequately controlled and treated.

6.3. Objectives.

The objectives of this chapter are as follows:

- 1. To protect human life and health;
- 2. To minimize the expenditure of public money for costly stormwater or flood control and stormwater management projects;
- 3. To minimize the need for rescue and relief efforts associated with flooding and landslides and generally undertaken at the expense of the general public;
- 4. To minimize prolonged business losses and interruptions;
- 5. To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located on steep slopes or in flood prone areas;
- 6. To help maintain a stable tax base by providing for the sound use and development of steep slope areas, flood prone areas, and the control of stormwater runoff;
- 7. To minimize the impairment of, or damage to, sensitive natural areas and bodies of water; and
- 8. To ensure that potential buyers are aware that property is in a special flood hazard area or area of known landslide potential.
- 9. Protect the viewshed and natural beauty of natural slopes and floodplains.

6.4. Steep slope area requirements.

In accordance with G.S. 160D-703(d), the provisions contained in this section shall apply to all areas within the planning jurisdiction of the City of Brevard that are classified as “moderately steep slope areas” and “steep slope areas”. These provisions do not limit or negate the effect of other provisions of this ordinance which may apply to steep slope areas.

A. *Applicability:*

- 1. This section shall apply to any subdivision plat, land-disturbing activity, building permit, or any other development proposal on a parcel located at or above 2,250 feet in elevation above mean sea level and with an average slope of 25% or greater.
 - a. “Moderately steep slope” areas are defined as those areas with a slope of 25% to 34%.
 - b. “Steep slope” areas are defined as those areas with a slope of 35% or greater.
 - c. A parcel is considered at or above the elevation if any area within the parcel boundaries is at or above the stated elevation.
- 2. The provisions in this section are intended to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the community.

B. *Determining slope:* Slope shall be determined in accordance with the methods and procedures contained herein.

- 1. Prior to commencing any development or land-disturbing activity and prior to issuing any permits and/or other approvals, the calculated slope for the parcel(s) shall be approved by the Planning Department.
 - a. Parcels where no portion of the lot is located at or above 2,250 feet in elevation above mean sea level are exempt from this requirement.
 - b. Incidental improvements and additions to existing structures, accessory structures less than 1,000 square feet in ground floor area, and interior renovations are exempt from this requirement.
- 2. Calculations and supporting documentation shall be submitted to the Planning Department for review prior to or in conjunction with the applicable submittals. The administrator

shall: (a) request additional information; (b) request revisions to the slope calculation submittal; or (c) issue written concurrence with the determination of slope, as submitted.

a. Each slope calculation and supporting documentation submitted to the Planning Department for review shall include a scaled map, accurately showing the topography for the entire land tract and the parcel boundaries.

b. In cases where the applicant or property owner does not agree with the determination made by the administrator, the alternative slope analysis shall be heard and decided on by the Board of Adjustment, following a notice of appeal filed with the City Clerk.

3. Slope shall be determined through use of one of the following methods:

a. The approved contour interval formula:

Slope (**S%**) is equal to the total length (**L**) of contour lines in feet within a given parcel, multiplied by the contour interval (**I**) of said parcel, then multiplied by .0023, divided by the area (**A**) of the parcel.

Or,

$$S\% = \frac{(L \times I) .0023}{A}$$

A

The calculation shall use the smallest contour interval for which maps are available or at a minimum of five-foot intervals.

.0023 is the product of two constants, one of which converts feet into acres and one of which converts a decimal fraction into a percentage, the value of .0023 is the percentage of one square foot of one acre.

b. Analysis conducted and sealed by a professional surveyor, engineer, or landscape architect using recognized, industry-accepted methods.

1. The administrator may require slope calculations to be sealed by a professional surveyor, engineer, or landscape architect for projects with over an acre of disturbed area.

4. Slope shall be rounded to the nearest whole number and noted on all development plans required by this ordinance.

5. Areas placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land-disturbing activities may be removed from the calculation of parcel slope.

a. The applicant shall provide the legal documentation for permanent protection and a closed perimeter line delineating the revised boundaries for calculating slope.

b. Nothing shall limit the ability of moderately steep slope areas, steep slope areas, conservation easements, or other means of permanent land protections to be included in the total parcel area for the means of calculating density.

C. *Geotechnical analysis:*

1. Development in steep slope areas shall be required to undergo geotechnical analysis by a registered professional engineer to determine the stability of the underlying geology and soils to support the proposed project. The geotechnical analysis report shall be required to be submitted prior to the issuance of a zoning permit.

2. If a geotechnical analysis has been performed for subdivision approval that includes building pad analysis of the individual lots, it is unnecessary to submit a new analysis for each lot, provided the location of structures on each lot does not change by more than 20 feet in any one direction.

D. *General standards for development projects with moderately steep slope areas and/or steep slope areas:*

1. Development and subdivision plans shall be designed to minimize disturbance to the natural landform and should not destroy the visual quality and community character.

a. To the extent possible given topographic and other physical constraints, land disturbance should be confined to portions of the lot not considered to be steep slope areas.

b. Developers shall make reasonable efforts to preserve and protect existing natural features of the slope, such as trees and other plant materials, and rock outcroppings which may help to stabilize the slope.

c. Buildings, parking, and other improvements should be clustered on less steep and less sensitive areas of the site to reduce the amount of grading.

- 230 d. Projects are encouraged to demonstrate terrain-adaptive design and construction
231 techniques.
- 232 2. Proposed land-disturbing activity shall meet all applicable local and State regulations
233 relating to soil erosion and sedimentation control.
- 234 3. Land disturbance shall be limited to the minimum required for building foundations,
235 driveways, stormwater management measures and immediate areas surrounding these
236 elements as required by this ordinance.
- 237 a. With the exception of approved stockpiling or restoration efforts, substantial earth
238 moving beyond that required for the installation or construction of approved
239 buildings, structures, driveways, or stormwater management measures shall not
240 be permitted.
- 241 4. When grading is necessary, it should be blended with the natural land form as much as
242 possible. Rigid contouring should be avoided, and contours should be rounded to appear
243 undulating and natural.
- 244 5. The approving authority shall have the right to impose such conditions as are necessary to
245 protect public health, safety, and welfare for projects in moderately steep slope or steep
246 slope areas as authorized under the provisions of this section because the minimum
247 standards set forth in this ordinance are insufficient given the exceptional and unique
248 conditions of topography, location, shape, size, drainage or other physical features of the
249 site, or because of the special nature and character of surrounding development.
- 250 a. Such conditions shall be reasonable and shall be limited to the minimum additional
251 improvements necessary to protect the public health, safety or welfare. Such
252 conditions may, without limitation, pertain to the following:
- 253 1. The retention and planting of vegetation;
- 254 2. Sedimentation and erosion controls;
- 255 3. Cut and fill slope design and stabilization;
- 256 4. The degree of land disturbance; and
- 257 5. The location, form and design of proposed structures and driveways so as
258 to minimize land disturbance and ensure structural integrity; and
- 259 6. The location, form and design of subdivision lots, streets, and public
260 utilities, so as to minimize land disturbance and ensure structural
261 integrity.
- 262 b. The administrator may reduce the required setbacks in accordance with Section
263 2.3 in order to facilitate compliance with this section.

264 E. *Conditional zoning districts with steep slope areas:*

- 265 1. It is strongly encouraged that any proposed development project containing extensive
266 steep slope areas be considered in accordance with the procedures for conditional zoning
267 districts, which process allows for creative designs that may enhance development
268 potential while achieving the steep slope protection requirements of this section.
- 269 2. City Council may allow development on steep slope areas by means of a conditional zoning
270 district. Council may require the clustering of structures and impose any other necessary
271 condition upon the design of the development in order to minimize impacts and uphold the
272 intent of this section.

273 F. *Grading extent:*

- 274 1. The maximum extent of grading on a property with moderately steep or steep slope areas
275 shall be reduced to support the goals and objectives of this section. This shall be governed
276 by the following table:

Average Existing Slope	Maximum Percent of Site Graded
25% - 29%	70%
30% - 34%	60%
35% - 39%	50%
40% - 44%	35%
45% or greater	20%

- 277 2. Additional grading may be awarded to projects on steep slope areas if any of the following
278 conditions are met. The credits may accumulate to equal the total reduction outlined
279 herein.

Credit	Conditions
10%	Buildings and parking areas are properly screened by vegetation to minimize the visual impact from key viewing areas, which include downtown, public parkland and other public recreational areas, and major streets and highways

10%	The steepest portions and/or most visible portions of the lot are placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land-disturbing activities
10%	Exterior colors for new buildings and structures, including roofs, are coordinated with the predominate colors of the surrounding landscape to minimize contrast between the structure and the natural environment

3. Additional grading may also be permitted as part of a conditional zoning district.

G. Density:

1. Densities of residential development shall be reduced in steep slope areas to support the goals and objectives of this section. This shall be governed by the following table:

Average Existing Slope	Maximum Residential Density
35% - 39%	20% reduction of underlying zoning district
40% - 44%	50% reduction of underlying zoning district
45% or greater	70% reduction of underlying zoning district

2. Additional density may be awarded to projects on steep slope areas if any of the following conditions are met. The credits may accumulate to equal the total reduction outlined herein.

Credit	Conditions
10%	Grading is limited to 10% of more under the maximum allowed under this section
10%	Buildings and parking areas are properly screened by vegetation to minimize the visual impact from key viewing areas, which include downtown, public parkland and other public recreational areas, and major streets and highways
10%	The steepest portions and/or most visible portions of the lot are placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land-disturbing activities
10%	Exterior colors for new buildings and structures, including roofs, are coordinated with the predominate colors of the surrounding landscape to minimize contrast between the structure and the natural environment

a. The maximum residential density shall not exceed the maximum residential density permitted in the underlying zoning district as outlined in Section 2.3, unless such provisions are specified in a conditional zoning district.

H. Building height:

1. The maximum height of principal structures in steep slope areas shall be limited to 35 feet measured perpendicular from the pre-development grade to the top of the built structure.



- 2. The property owner is encouraged to utilize step-back or terraced building approach to reduce the visual bulk of the structure.
- 3. Accessory structures shall not exceed 15 feet in height on any side.
- 4. Applicants shall provide architectural plans and building elevations to demonstrate compliance with this section.

I. Tree and vegetation preservation:

1. Landscaping / vegetation preservation plans, in accordance with Section 17.9, shall be required for all development projects on steep slopes to ensure compliance with this section.
2. Plant materials should be used that blend with the hillside. Landscape schemes that are rough, natural, and/or subdued in character are encouraged.
3. All trees and other specified vegetation shall be preserved except in the area approved for grading or within 20 feet of the building footprints.
 - a. Non-native or invasive species may be removed.
4. In the event a property owner desires to remove trees and other protected vegetation required to be preserved in this section, they may submit an alternative landscape plan for consideration by the Brevard Planning Board.
 - a. This alternative landscape plan must contain:
 1. a tree survey of the property showing which trees and other protected vegetation will be removed and which will remain;
 2. the location of any structures, driveways, and other impervious surfaces; and
 3. an explanation of the reason(s) for removal of required trees and other protected vegetation, including a statement of how the removal of the required trees and other protected vegetation supports the purposes of this section or how such removal can be mitigated consistent with the purposes of this section.
 - b. The Planning Board may approve, approve with conditions, or deny the alternative landscape plan. If conditions are established, they shall be enforceable in accordance with the provisions of the development permit.

J. Infrastructure:

1. Infrastructure shall be installed in steep slope areas in accordance with the provisions of this section and any other applicable provisions in chapter 13.
2. Roads and driveways created on parcels with steep slopes should follow the natural terrain, unless necessary to accomplish the purpose.
3. The approving authority shall have the authority to modify infrastructure requirements and impose such conditions as are necessary to minimize the disturbance caused by the installation of infrastructure in steep slope areas.
 - a. Modifications and conditions shall be intended to minimize disturbance and increase the safety and stability of infrastructure, and shall not be granted or imposed to reduce cost to the developer.
 - b. Modifications and conditions may relate but shall not be limited to pavement width, sidewalk width, curb and gutter design and width, and shoulder design. The maximum road grade requirement shall not be modified.
4. *Culs-de-sac:*
 - a. The required turnaround on a dead-end street in a steep slope area shall have a roadway diameter of not less than 50 feet.
 - b. If the street length does not exceed 300 feet and if construction difficulties will not permit a turnaround, the use of a "Y" or "T" or other turning space of a design such as will allow a vehicle with a wheel base of at least 20 feet to complete a turning movement with a maximum of one backing movement may be permitted.
5. *Grading:*
 - a. Grading shall not be required for the full right-of-way in steep slope area if the administrator determines that full grading will prevent convenient access to adjoining property or will destroy the natural beauty of the site by excessive cut and fill.
 - b. Shoulder fill slopes shall not be steeper than 40%.

K. Subdivision of land:

1. Newly created parcels of land shall have adequate developable area outside of steep slope areas, except parcels created and restricted for the purpose of recreation, conservation or open space protection and land processes which are exempt from the subdivision ordinance.

6.5. - Sedimentation and erosion prevention.

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, drainage networks, or other surface waters, the property owner shall at all times comply with all requirements of the North Carolina Sedimentation Pollution Control Act of 1973, as amended.

A. The following conditions are considered hazardous, a nuisance, and a threat to property and the environment; creating such conditions and/or allowing them to continue shall constitute a violation of this ordinance.

1. The discharge or deposition of sedimentation pollution from one parcel of land onto another parcel of land of the same or different ownership.
2. The discharge or deposition of sedimentation pollution onto a street or public right-of-way, including drainage ditches and swales within a public right-of-way.
3. The discharge or deposition of sedimentation pollution into any surface water, including drainage ditches and swales.
4. The discharge or deposition of sedimentation pollution into wetlands, surface water protection areas, or other protected areas.
5. The uncontrolled or uncontained movement of sedimentation pollution within any parcel of land.
6. The presence of destabilized slopes that may collapse and pose a hazard to life or property.
7. Any other condition that may pose a nuisance or hazard to life, property, or the environment by means of the movement, collapse, discharge, or deposition of earth.

B. *Requirements of the property owner and developer.* The property owner or developer or both, as the case may be, are responsible for ensuring that development complies with the following requirements of this ordinance:

1. No land disturbance activity of any kind shall take place without a site plan approval authorizing development of the site. The tilling of earth for the cultivation of crops and other incidental land disturbances as determined by the administrator shall be exempt from this requirement.
2. Development shall at all times comply with the provisions of this Chapter and with the provisions of the North Carolina Sedimentation Pollution Control Act.
3. The discharge of sedimentation pollution from agricultural fields, gardens, unsurfaced driveways and parking lots, grading, excavations, open cuts, side slopes, and other land surface disturbances shall be prevented, and all grading, excavations, open cuts, side slopes, and other land surface disturbances shall be mulched, seeded, sodded, or otherwise protected with appropriate sedimentation and erosion control treatments.
4. All cut slopes, fill slopes, side slopes, road or driveway embankments, and any other sloping excavated area or land disturbance shall be stabilized at all times to prevent potentially hazardous subsidence or collapse, or the discharge of sedimentation pollution. Such areas shall at all times be maintained at a grade of no greater than 40%.
5. Erosion and sedimentation from all land disturbance activities shall be controlled and contained with silt fencing, road matting, and any other method approved by the administrator to prevent the deposition of sedimentation pollution upon adjoining parcels, lots, streets, and any surface water. Failure to properly install and/or properly maintain approved sedimentation/erosion control measures shall constitute a violation of this ordinance.
6. Furthermore, it is recognized that development projects are dynamic and that proposed and approved sedimentation/erosion control measures may, from time to time, prove inadequate. Therefore, it shall also be a violation of this ordinance to fail to install additional sedimentation/erosion control measures upon observing, or being notified, that approved and installed sedimentation/erosion control measures are insufficient.
7. Erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the calculated maximum peak rate of runoff from a ten-year storm.
8. On-site areas that are subject to severe erosion, and off-site areas that are especially vulnerable to damage from erosion and/or sedimentation, shall be identified and receive special attention.
9. All land-disturbing activities shall be planned and conducted to limit exposure to the shortest feasible time.
10. Exposed slopes shall be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion within 30 calendar days after completion of any phase of grading.

11. All uncovered areas shall be provided with protective cover unless the administrator has granted an extension of time, for good cause shown, upon written request of the property owner and developer. This cover shall be planted within 15 working days (exclusive of days where seedbed preparation is not possible due to weather as determined by the administrator) or 90 days following completion of any phase of grading, whichever period is shorter. Ground cover is not required on cleared land forming the future basin of a planned reservoir.

12. Land disturbance shall not be permitted within surface water protection areas, except as permitted within this chapter.

C. Duties of the administrator:

1. The administrator shall require a copy of a North Carolina Department of Environmental Quality approved sedimentation and erosion control plan prior to the issuance of site plan approval for any project proposing to disturb one acre or more of land.
2. The administrator shall, from time to time, inspect areas of land disturbance for compliance with this section and shall take necessary action to remedy violations.
3. Upon observation of any violation of this section, the administrator shall notify the property owner and developer of such violation and the need to remedy it. If the property owner and developer fail to take immediate and appropriate action to remedy the violation, the administrator shall take action to remedy the violation in accordance with the procedures set forth herein. Furthermore, the administrator shall notify the appropriate office of the North Carolina Department of Environmental Quality of a potential violation of the North Carolina Sedimentation Pollution Control Act of 1973

13.5. Street design.

A. Streets required:

1. All new development shall abut a public street as required in Chapter 4 of this ordinance.
2. New development and substantial improvements to existing development with frontages on existing public streets shall be required to upgrade all their frontages to meet the standards of this chapter.
3. New development without frontages upon a public street shall, in all cases, extend and connect to a public street. Public street extensions and improvements required for new development, including those beyond the development boundary, are the sole responsibility of the developer. Such improvements must be provided in accordance with the requirements of the Chapter 62 of Brevard City Code and this ordinance. This section shall apply to all subdivisions, the development of which is subject to the control of the city, both inside and outside the city limits.
4. Streets shall be installed by the developer and dedicated to the city prior to the approval of any final subdivision plat or development plan unless a performance guarantee is provided to the administrator in accordance with City Code, this ordinance, and procedures established by the administrator. Streets shall be installed by the developer and dedicated to the city prior to the issuance of any certificates of occupancy for any building within that phase or on that street, as applicable to the particular development.
5. City streets shall be built to the minimum specifications of this chapter and Chapter 62 of Brevard City Code, and shall comply with all standards and specifications of the public works director. New streets in the ETJ shall meet all standards and requirements of the North Carolina Department of Transportation.

B. Streets to connect: Streets shall interconnect within a development and with adjoining development in accordance with Chapter 8 and 10 of this ordinance. Culs-de-sac are permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs shall be provided with development adjacent to open land to provide for future connections at the discretion of the administrator. Streets shall be planned with due regard to the designated corridors shown on adopted plans and policies of the city or Transylvania County.

C. Pedestrian and bicycle infrastructure: Pedestrian and bicycle infrastructure shall be required as set forth within this chapter and conformance with adopted plans and policies of the city or Transylvania County.

D. Topographic considerations: Wherever possible, street locations should account for difficult topographical conditions, paralleling excessive contours to avoid excessive cuts and fills and the destruction of significant trees and vegetation outside of street-rights-of way on adjacent lands.

E. Infrastructure in steep slope areas: Infrastructure shall be installed in steep slope areas in accordance with the provisions of this chapter and any other applicable provisions in chapter 6.

F. Private streets and reserve strips: There shall be no private streets or reserve strips platted in any subdivision except as provided for in Chapter 4 of this ordinance.

G. On-street parking:

1. On-street parking may be required by the administrator.
 2. When required, all on-street parking provided shall be parallel. Curb or angle parking is permitted upon approval of the administrator when the fronting buildings are more than 22 feet in height to provide spatial definition and when the posted speed limit is less than 25 mph.
 3. When required, minimum right-of-way widths shall be modified to account for on street parking.
- H. *Traffic calming devices:* The use of approved traffic calming measures is encouraged as alternatives to conventional traffic control measures on Neighborhood Streets and within circulation areas of commercial and mixed-use developments.
- I. *Flood elevations:* No street in an area subject to flooding shall be approved if it is more than one foot below the elevation of the 100-year flood. The administrator may require, where necessary, profiles and elevations of streets for areas subject to flooding. Fill may be used for streets in accordance with Chapter 34 of Brevard City Code. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood heights.
- J. *Storm drainage:* Stormwater shall not be discharged into any stream and shall be retained and treated accordance with Chapter 6 of this ordinance, except that streets and related retention/treatment infrastructure shall be designed to accommodate a 25-year, 24-hour storm drainage standard.
- K. *Street names:* Streets shall be named and property addressing assigned in accordance with Brevard City Code, Chapter 62, Streets, Sidewalks and Other Public Ways, Article VII, Property Addressing and Road Naming. The administrator shall require evidence that road names and property addresses have been approved and assigned by the Transylvania County Property Addressing Coordinator prior to approving any development.
- L. *Blocks:*
1. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - a. The provision of adequate building sites suitable to the special needs of the type of use contemplated, and adequate public open spaces accessible and visible to residents.
 - b. District requirements and design criteria.
 - c. Needs of non-vehicular and vehicular traffic circulation and traffic control and safety.
 - d. Opportunities and constraints of topography, with convenient access to important physical and topographical features such as lakes and rivers, significant areas of trees and other natural features, and areas of high ground offering scenic views.
 2. Blocks shall not be less than 200 feet nor more than 660 feet ($\frac{1}{8}$ -mile), as measured from edge of right-of-way, unless site and topography or other special circumstances are present as determined by the administrator. Where deemed necessary by the administrator, a pedestrian crosswalk of at least ten feet in width may be required.
 3. Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single tier lots are required to separate residential development from another type of use, or when abutting a perennial stream or lake.
- M. *Landscaping:*
1. Streets shall be landscaped with street trees. Commercial streets shall have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets shall provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home.
 2. All street trees shall be installed in accordance with Chapter 8 of this ordinance. Large canopy trees shall be planted in a planting strip at a minimum average distance of 40 feet on-center.
 3. The minimum width of all planting strips shall be six feet. For large canopy trees such as Willow Oaks and Red Maples, a minimum of eight foot planting strip is suggested. Refer to Chapter 8 of this ordinance for additional information on landscaping.
- N. *Street markers and traffic control signs:* Street markers and traffic control signs shall be required and posted in accordance with city standards and the Manual of Uniform Traffic Control Devices. Such infrastructure shall be installed by the developer prior to the issuance of any Certificates of Occupancy for any building on that street.
- O. *Pedestrian and bicycle infrastructure:* Sidewalks, multi-use paths, or other pedestrian/bicycle infrastructure shall be constructed in accordance with the following requirements:
1. In determining the type of pedestrian/bicycle infrastructure that shall be required the Administrator shall refer to any adopted plan or policy of the city for guidance. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan*, other master plans and small area plans, and other plans and policies.
 2. Sidewalks, multi-use paths, and other pedestrian and bicycle improvements shall be installed by the developer and dedicated to the city prior to the approval of any final subdivision plat, or issuance of final zoning approval or certificate of occupancy for any development plan. Pedestrian and/or bicycle infrastructure shall be constructed within the street right-of-way. The approving

authority shall require the dedication of additional street right-of-way or a pedestrian easement when sufficient right-of-way does not exist to comply with this requirement. The approving authority may accept the dedication of additional right-of-way or a pedestrian easement in order to accommodate alternative routes and designs that do not follow streets.

3. Streets shall be bordered by pedestrian/bicycle infrastructure on both sides. Exceptions to this requirement and modifications to the design of pedestrian/bicycle infrastructure may be granted by the TRC for developments in steep slope areas and where warranted by environmental or topographic conditions, or where this requirement would serve no useful purpose.
4. Without exception, pedestrian/bicycle infrastructure shall be required along all new public and private streets within new subdivisions or developments, and within new phases of existing subdivisions and any other form of development.
5. Without exception, pedestrian/bicycle infrastructure shall be required along existing streets within or abutting new subdivisions and any other form of development (except subdivisions in GR districts establishing less than eight dwelling units); or along existing streets within or abutting any form of existing development undergoing substantial improvement (except single-family and duplex residential structures in GR districts).
6. Pedestrian/bicycle infrastructure shall be required along the same side of the street upon which the development fronts, except that when a development project is located on both sides of the same street the approving authority may require that infrastructure be installed on both sides of the street.
7. When site characteristics and/or traffic patterns are such that the construction of pedestrian/bicycle infrastructure in accordance with this section would be a hardship and would not result in useful pedestrian walkways, the administrator, upon recommendation from the TRC may allow the applicant to pay the designated cost of constructing such infrastructure into the city sidewalk fund in lieu of requiring construction of the infrastructure. In determining whether to accept a fee in lieu of construction of infrastructure, the administrator shall refer to any adopted plan or policy of the City for guidance. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan*, other master plans and small area plans, and other plans and policies.
8. The administrator may accept a performance guarantee for the construction of sidewalks on behalf of the city in situations where no other public infrastructure is proposed in accordance with Chapter 16 of this ordinance.
9. Multi-use paths and other infrastructure:
 - a. Multi-use paths, and other pedestrian and bicycle infrastructure shall be provided instead of or in addition to sidewalks wherever called for on an adopted plan or policy of the city. Such plans or policies include but are not limited to: *City of Brevard Comprehensive Transportation Plan, City of Brevard Comprehensive Pedestrian Plan, City of Brevard Street Schedule, City of Brevard Comprehensive Land Use Plan, City of Brevard Recreation Plan*, other master plans and small area plans, and other plans and policies.
 - b. When a multi-use path is required in an area not adjacent to a public or private street, then such facility shall be credited towards the satisfaction of the open space requirements as set forth in Chapter 7 of this ordinance.
 - c. All required multi-use paths shall be dedicated to the City of Brevard by means of right-of-way or pedestrian easement.
 - d. On-street bicycle lanes shall be required when called for upon an adopted plan or policy of the city.
10. Pedestrian and bicycle improvements shall be as follows:

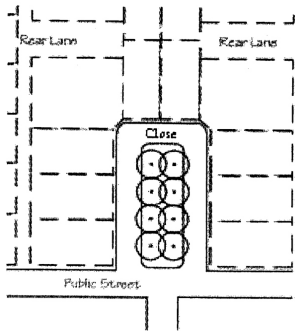
Zoning District	Facility Width	
	City Streets	NCDOT Streets*
GR	5 feet	5 feet
RMX, NMX, CMX, DMX, GI, IC	5 feet	8 feet
Public Streets	City Streets Required; Dedication to City Required	NCDOT Streets Required
Street Rights-of-Way	Required; Dedication to City Required	Required; Dedication to NCDOT Required
Multi-Use Path (where required)	10 feet	10 feet
On-Street Bike Lane (where required)	5 feet	5 feet

*Sidewalks are not required along alleys and commercial service streets except when required as a condition of a Conditional Zoning District, Group Development, or special use permit.

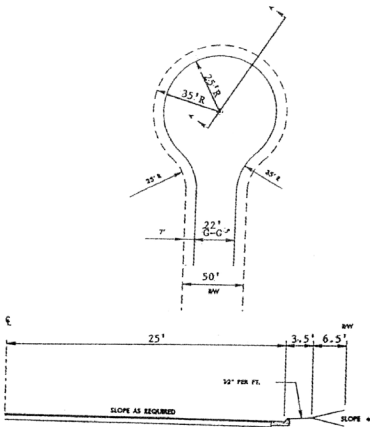
11. All pedestrian/bicycle infrastructure shall comply with the minimum requirements for handicapped accessibility in compliance with the North Carolina Accessibility Code or other federal, state, or local regulations. During the construction of pedestrian/bicycle infrastructure,

- whether new or replacement, handicapped ramps shall be placed in the sidewalk where it intersects with streets and other pedestrian and vehicular travel ways.
12. All sidewalks shall be made of 4,000 PSI concrete with a minimum depth of four inches, except that street and driveway crossings shall be a minimum of six inches in depth. Bike lanes and multi-use paths shall be made of asphalt, designed according to the North Carolina Bicycle Planning and Design Guidelines published by the NCDOT and shall include all appropriate signage and pavement markings. Alternative materials and designs may be approved by the TRC in consultation with the public works director.
- P. *Culs-de-sac and closes.* Where practical, a close (see graphic, below) shall be used in place of a cul-de-sac. Culs-de-sac and closes shall be designed to facilitate the turning radius of emergency vehicles.

Close

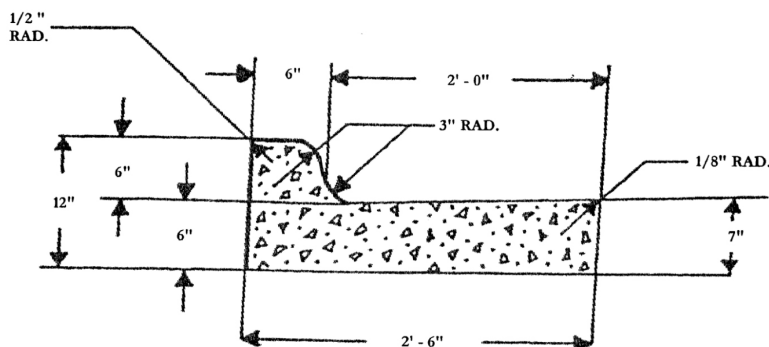


Cul-de-sac with Curb and Gutter Section

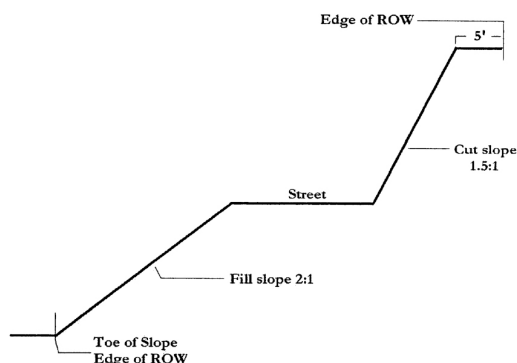


- Q. *Intersections:*
1. All streets shall intersect at right angles as nearly as possible and no street shall intersect at less than 60 degrees.
 2. Where practical, intersections should be aligned to create four-way intersections.
 3. Off-set intersections for local streets and neighborhood collectors should be at least 125 feet apart measured from centerline to centerline. A larger spacing in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards may be required for all other streets.
 4. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. At an angle of intersection of less than 90 degrees, a greater radius may be required.
 5. Proper sight lines shall be maintained at all intersections of streets to permit adequate sight distance. Where the posted speed limit is less than 20 mph, the intersection sight distance may be reduced to 105 feet.
 6. Bulb-outs are discouraged on narrow streets (less than 30 feet face-of-curb to face-of-curb) but encouraged on wider streets.
 7. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. Where a street intersects a state highway, the design standards of the state department of transportation shall apply.
- R. *Curb radii:* Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed 20 feet except along NCDOT-maintained roads.
- S. *Curbs and drainage for city streets:* The following requirements shall apply to streets within the city. Streets within the ETJ shall meet all applicable requirements of the North Carolina Department of Transportation.

Standard Vertical Face Curb and Gutter



1. Curb and gutter shall be required on all new residential and commercial streets constructed within the city.
2. Standard vertical face curb and gutter within the city shall be two-foot, six-inch concrete with a height of six inches (see graphic, above). All curbing shall be properly backfilled.
3. Exceptions to this requirement may be made by the administrator subject to circumstances in the area under study. Such circumstances shall relate to the topography of the area, future maintainability of the streets, or other factors deemed relevant by the administrator.
4. Vertical face curbing is required along all streets with on-street parking and around all required landscaping areas and parking lots.
5. All drainage gates must be safe for bicyclists. Bicycle-safe drainage grates are types E, F, and G as approved by the NCDOT.
6. City street culvert dimensions shall be subject to the requirements of the public works director.
7. The right-of-way shall extend from a point five feet outward from the top of the bank of any cut slope to the toe of any fill slope. Maximum slope of any cut slope shall be at a ratio of no greater than 1.5 feet of horizontal run to one foot of vertical rise (1.5:1 slope), and the maximum slope of any fill slope shall be at a ratio of no greater than two feet of horizontal run to one foot of vertical rise (2:1 slope).



- T. *Centerline radius:* A 90-foot minimum centerline radius shall be used for local streets, parkside drives, and minor streets between reverse curves though they may be reduced to 45 feet for design speeds less than 20 mph. All other streets shall be in accordance with AASHTO standards.
- U. *Street lights:* Street lights shall be installed by the developer on all streets in accordance with Chapter 12 of this ordinance.
- V. *Posted speed limits:* All streets shall be posted in accordance with the Manual of Uniform Traffic Control Devices and the City of Brevard Traffic Schedule.
- W. *Street grades:* The maximum permissible street grade shall be 18 percent.
- X. *Design standards:* Design standards not specifically addressed in this ordinance must comply with the minimum design and construction criteria of the N.C. Department of Transportation.
- Y. *Minimum right-of-way:* The administrator shall determine right-of-way widths based upon the characteristics of the proposed development. However, unless otherwise specified, the minimum right-of-way for all new streets within the city shall be 50 feet, and shall satisfy minimum requirements of the North Carolina Department of Transportation in the ETJ.

13.7. Reserved

17.3. Environmental survey.

Identification of existing trees, understory vegetation, known endangered species, habitats, wetlands, perennial streams, floodplains, and topographical features on a site prior to the advanced preparation of development plans enables the reasonable and practical planned preservation of existing and environmentally sensitive areas.

This requirement provides the city and the applicant the ability to evaluate the proposed development in order to preserve vegetation, to improve the appearance of the development proposed and to encourage the use of the existing forest and tree canopy, specimen trees, and significant vegetation to satisfy the requirements of this chapter.

An environmental survey is intended to identify forest stands or trees of a uniform size and species; specimen trees of varying sizes and species, particularly free standing or open-grown or field grown trees; a distinctive tree line or forest edge; existing watercourses; and previously documented endangered species habitats.

- A. The use of digital geographic data obtained from the City of Brevard, Transylvania County, or the State of North Carolina is deemed to be sufficient for the sketch plan and master plan phases of submittal requirements.
- B. For construction documents, the environmental survey requirements are as follows
 - 1. Provide a general written description of the significant vegetation. Significant vegetation is defined as being 12 inches in diameter at breast height (DBH) or greater and native understory species two inches or greater (e.g. dogwood, holly, redbud, etc.), including tree species and uniform the size and height of stands of homogeneous trees including the typical tree species composition of the forest stand, typical tree size, and general health and vigor of the stand and specimen trees.
 - 2. Denote the dripline of any existing forest stand, as measured between existing tree trunks six inches or greater located at the edge of the stand.
 - 3. Identify all free standing, open grown or field-grown specimen trees located on the site 12 inches or greater DBH.
 - 4. Show all other important natural features influencing site design such as the location of wetlands, rock outcroppings, site topography at contour intervals not greater than five feet, slopes steeper than 35 percent, and perennial streams, natural drainage ways, lakes, and other water bodies, and floodplains indicating both the flood fringe and the flood way. USGS and FEMA data shall be used to determine the location of perennial streams.
 - 5. Denote the presence of any known endangered species' habitats indicated in any surveys completed by Transylvania County, the State of North Carolina, or other governmental agency.
 - 6. Show all buffer delineations as follows:
 - i. Buffer boundaries including all undisturbed buffer zones must be clearly delineated on all development plans for approval by the city, on all construction documents, including grading and clearing plans, erosion and sediment control plans, and site plans.
 - ii. Buffer boundaries for all required undisturbed buffer zones must be clearly delineated on-site prior to any land disturbing activities. Where existing trees are to be preserved in a buffer zone, limits of grading shall maintain a minimum 20-foot separation from the base of each tree on the upland side of the buffer or to the dripline.
 - iii. Buffer boundaries including all buffer zones as well as all buffer requirements must be specified on the record plat, on individual deeds, and in property association documents for lands held in common.
- C. This requirement can be waived by the administrator if the site lacks qualifying natural features.

17.4. Sketch plan requirements.

In addition to information on the environmental survey, the sketch plan shall show in simple sketch form the proposed layout of streets, lots, buildings, public open spaces and other features in relation to existing conditions based upon the size of the tract proposed for development. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the administrator. It shall also include the following information:

- A. A sketch vicinity map, including north arrow, showing the location of any proposed building(s) or subdivision in relation to neighboring tracts, subdivisions, roads, and waterways.
- B. The name, address, and telephone number of the property owner.
- C. The name of the proposed development project.

- D. The boundary lines of the property.
- E. The total acreage.
- F. The existing and proposed land uses and the existing land uses of adjacent properties.
- G. The existing topographic conditions of the property including contours not exceeding five-foot intervals. Transylvania County, City of Brevard, or State of North Carolina topographic information may be used to fulfill this requirement.
- H. The location, names, and private and recorded right-of-way widths of any existing streets on or within 300 feet of the land to be subdivided.
- I. Lots of adjacent developed or platted properties.
- J. Zoning classification of the land and adjacent properties.
- K. Illustrative building elevations denoting general design elements and materials.
- L. Watershed classification, if any.
- M. Floodway, non-encroachment, and surface water protection area delineation.
- N. Floodplain delineation.

17.5. Master plan requirements.

The master plan shall be drawn to the following specifications and must contain or be accompanied by the information listed below. This section defines both preliminary and final master plans. A preliminary master plan may only be submitted as part of an application for a conditional zoning district. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the administrator.

- A. Processing or review of a preliminary or final master plan may not proceed without all of the following information:
 - 1. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements or other significant features of the tract.
 - 2. Scale denoted both graphically and numerically with north arrow.
 - 3. A vicinity map at a scale no smaller than one inch equals 1,200 feet showing the location of the subdivision with respect to adjacent streets and properties.
 - 4. The proposed name of the development, street names, the owner's name and address, the names of adjoining subdivisions or property owners, the name of the city, county, and state in which the development is located, the date of plan preparation, and the zoning classification of the tract to be developed, and of adjoining properties.
 - 5. Corporate limits and extraterritorial jurisdiction boundaries (where applicable).
 - 6. A timetable for estimated project completion for each phase proposed.
 - 7. Original contours at intervals of not greater than five feet for the entire area to be subdivided or developed and extending into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property and 50 feet at all other points of common project boundaries. Transylvania County or City of Brevard digital topography may be used to satisfy this requirement but should be field-verified to ensure accuracy. This requirement may be waived for developments smaller than one acre or where insufficient topographic changes warrant such information.
 - 8. The location of any building restriction areas (i.e. flood hazard areas, buffer locations, watershed protection districts, and/or jurisdictional wetlands), where applicable.
 - 9. Site calculations shall include total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, and the total number of housing units.
 - 10. The following statement shall be placed upon all final master plan documents, as applicable:
"Areas delineated upon this plat or plan as a protection area or Special Flood Hazard Areas is subject to limitations upon development as set forth Chapter 34 of Brevard City Code, and any development, disturbance, or encroachment is prohibited except in accordance therewith."
- B. Requirements for preliminary master plans. A preliminary master plan may only be submitted as part of an application for a conditional zoning district. A preliminary master plan may be more conceptual in nature than a final master plan, and shall be sufficient to demonstrate deviations from the base zoning district and the scope of the project.
 - 1. At a minimum, a preliminary master plan shall show the conditions both requested and offered that deviate from the base zoning district.

2. A preliminary master plan may divide the district into land use areas and specify proposed uses and other development standards which shall apply to such land use area. The preliminary master plan may also depict transition zones between any such land use areas which shall permit deferring the determination of the precise boundaries between land use areas until final master plan review.
3. Additional submittal requirements for the preliminary master plan shall be determined by the administrator in the pre-application meeting or during review. The approving authority may require additional submittals as deemed necessary due to the particulars of the project. A preliminary master plan may include the following information, as applicable:
 - (a) The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, site reservations (i.e. school sites), property lines and building setback lines with street dimensions, and tentative lot dimensions.
 - (b) The traffic and circulation system demonstrating a safe and adequate on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation. The on-site transportation system shall be integrated with the off-site transportation circulation system of the city.
 - (c) The proposed limits of construction for all proposed development activity, including all required protected areas and open space.
 - (d) Landscaping plan and/or vegetation preservation plan in accordance with Section 17.9.
 - (e) Lighting plan in accordance with Section 17.10.
 - (f) Architectural plans in accordance with Section 17.11.
 - (g) Traffic impact analysis (if required) in accordance with Section 17.12.
 - (h) Stormwater management concept plan in accordance with Section 17.13.
 - (i) Conceptual utilities plan. Conceptual plans for utilities to serve the development, including sanitary sewers, storm sewers and water lines.
 - (j) Environmental impact statement, pursuant to Article 113A of the North Carolina General Statutes, if: the development exceeds two acres in area, and; if the BPB deems it necessary due to the nature of the land or peculiarities in the proposed design.
 - (k) Development permit and certification application with supporting documentation as required by the flood hazard prevention requirements of Chapter 6 of this ordinance.

C. Requirements for final master plans.

1. A final master plan shall include all of the following information, as applicable:
 - (a) The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, site reservations (i.e. school sites), property lines and building setback lines with street dimensions, and tentative lot dimensions.
 - (b) The transportation and circulation system showing typical cross-sections of proposed streets. Where a proposed street is an extension of an existing street, the profile of the street shall include 300 feet of the existing roadway, with a cross section of the existing street. Where a proposed street within the development abuts a tract of land that adjoins the development and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
 - (c) The proposed limits of construction for all proposed development activity, including all required protected areas and open space.
2. Additional submittal requirements for the final master plan shall be determined by the administrator in the pre-application meeting or during review. The approving authority may require additional submittals as deemed necessary due to the particulars of the project. A final master plan may include the following information and supplemental plans, as applicable:
 - (a) Landscaping plan and/or vegetation preservation plan in accordance with Section 17.9.
 - (b) Lighting plan in accordance with Section 17.10.
 - (c) Architectural plans in accordance with Section 17.11.
 - (d) Traffic impact analysis (if required) in accordance with Section 17.12.
 - (e) Stormwater management concept plan in accordance with Section 17.13.
 - (f) Conceptual utilities plan. Conceptual plans for utilities to serve the development, including sanitary sewers, storm sewers and water lines.

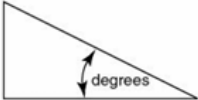
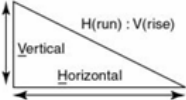
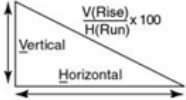
- (g) Environmental impact statement, pursuant to Article 113A of the North Carolina General Statutes, if: the development exceeds two acres in area, and; if the BPB deems it necessary due to the nature of the land or peculiarities in the proposed design.
- (h) Development permit and certification application with supporting documentation as required by the flood hazard prevention requirements of Chapter 6 of this ordinance.

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 district;
 - 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.

19.3. Definitions.

- Cut slope:* The exposed ground surface resulting from excavation of material.
- Fill slope:* The exposed ground surface resulting from deposition of material.
- Grade:* See Slope.
- Slope:* The extent to which a land form deviates from the perfectly horizontal as expressed in percent, degree, ratio. The following table explains the conversion between these separate methods of expressing the extent of slope.

Slope Measurements		
Degrees	Ratio	Percent
		
45°	1H:1V	100%
39°	1.25H:1V	80%
34°	1.5H:1V	67%
30°	1:75H:1V	57%
27°	2H:1V	50%
22°	2.5H:1V	40%
18°	3H:1V	33%
14°	4H:1V	25%
8.5°	6.7H:1V	15%

Slope, moderately steep: Areas at or above 2,250 feet in elevation above mean sea level and with an average slope between 25% and 34%.

Slope, steep: Areas at or above 2,250 feet in elevation above mean sea level and with an average slope of 35% or greater.

STAFF REPORT

City Council, Monday, June 5, 2023

Title: Powell Bill Budget Amendment and Main Street Streetscape Project Ordinance - Stamped Crosswalks

Speaker: Dean Luebbe, Assistant City Manager/Finance Director

Prepared by: Dean Luebbe, Finance Director

Approved by: Wilson Hooper, City Manager

Background

On March 20, 2023, City Council approved project ordinance 2023-11, increasing the Main Street Streetscapes project to \$1,798,200. This fund, endowed from various sources outlined by staff at a Council meeting earlier in the calendar year, was originally intended to cover the bump outs and landscaping upgrades currently being performed by Sossamon Construction. NCDOT is estimating the cost of the stamped crosswalks on Main Street at Gaston, Broad, and England, to be an additional \$170,000.

Staff Report

Since that time, NCDOT has given the city updated estimates on the cost of installing stamped crosswalks at the intersections of Main/Gaston, Main/Broad, and Main/England during NCDOT's repave later this summer. The updated estimates are around \$170,000. Though optional, stamped crosswalks create pedestrian paths that are more visible to drivers and pedestrians than typical crosswalks. They will also make the new streetscape more attractive.

To fund the stamped crosswalks, staff is recommending the Main Street Streetscape project be increased by \$200,000. Funding will originate from two areas.

1. The Tourism Development Authority has generously committed \$175,000 to this project. The current project ordinance has budgeted only \$125,000 from the TDA.
2. The City will transfer \$150,000 from Powell Bill funds.

This action requires a budget amendment in the Powell Bill division of the General Fund transferring \$150,000 to the Main Street Streetscape Capital Project Fund, and an amendment to the Main Street Streetscapes Capital Project, increasing the budget by \$200,000

With this project and budget amendment, the City is still able to expend approximately \$200,000 for street repaving as budgeted in the proposed FY24 budget. Currently, NCDOT has NOT provided an actual agreement for the City to review concerning the stamped crosswalks, but has estimated the cost to the City to be \$170,000.

Proposed Action

Though Council typically waits til its next scheduled meeting to take action on items such as this, staff requests action this evening due to the time sensitive nature of the matter. Staff requests that Council adopt a resolution authorizing the City Manager to sign any necessary agreements, and pass budget and project Ordinances that:

1. Increase the Main Street Streetscape project by \$200,000.
2. Approve the \$150,000 budget amendment in the Powell Bill division of the General Fund.

Attachments:

1. A Resolution Authorizing City Manager to Execute Agreements re: Stamped Crosswalks
2. Main Street Streetscapes Cap Proj Amendment, \$200,000
3. Budget Amendment, Powell Bill transfer to Streetscapes, 150K
4. 150K Powell Bill transfer

RESOLUTION NO. 2023-XX

**AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENTS WITH NCDOT REGARDING
DOWNTOWN STAMPED CROSSWALKS**

WHEREAS, on June 5, 2023 the Brevard City Council heard a presentation from staff, summarized in the affixed staff report, on the need to designate funds for sidewalk and landscape betterments on NCDOT's Downtown Brevard streetscape improvement, specifically stamped crosswalks;

WHEREAS, stamping creates more visible crosswalks that are more visible to motorists and pedestrians, and more attractive.

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

The City Manager (or his designee) is hereby authorized to execute necessary agreements with the North Carolina Department of Transportation for the purposes described in the above referenced staff report.

Approved and adopted this ____ day of _____, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

ORDINANCE NO. 2023-XX

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2023-11, MAIN STREET STREETScape 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 (2023-11, Main Street Streetscapes) will be increased by \$200,000 to provide for three stamped crosswalks on Main Street (Gaston, Broad, and England).

Section 2: The enhancement to the Project will increase visibility of pedestrian crossings by adding brick-red coloring and stamped treatments to the walking surface and improve the aesthetics of these downtown intersections.

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

Account Number	Account Name	Budget Amount
83-6600-4570	Main Street Streetscape Project	\$1,798,200
	Increase	\$200,000
TOTAL PROJECT APPROPRIATION		\$1,998,200

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

Account Number	Account Name	Budget Amount
83-3020-0100	Transfer from ARPA	\$357,100
83-3990-0000	Fund Balance Approp	\$522,900
83-3010-0000	Transfer from Cap Res Fund	\$91,200
83-3020-0300	Transfer from Parking Fund	\$140,000
83-3020-0000	Transfer from General Fund	\$562,000
83-3950-0500	Contribution from TDA	\$125,000
	Increase from TDA	\$50,000
	Transfer from Powell Bill	\$150,000
TOTAL PROJECT REVENUE		\$1,998,200

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 5th day of June, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

ORDINANCE NO. 2023-XX
AN ORDINANCE AMENDING THE FY2022-2023
BUDGET AMENDMENT NUMBER 24

SUBJECT: Budget Amendment to transfer \$150,000 of Powell Bill funds to the Main Street Streetscape Capital Project to fund stamped crosswalks at three intersections.

AGENDA INFORMATION

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

BRIEF SUMMARY: NCDOT has provided the City an estimate of \$170,000 to complete three stamped crosswalks on Main Street (England, Broad, and Gaston). This budget entry does not affect the \$200,000 currently being proposed in the FY24 budget for street repaving.

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

10-5700-4700 (Transfer to Streetscapes Project) \$150,000

And decreasing the budget in the expenditure account:

10-5700-4500 (Contracted Services) (\$150,000)

ATTACHMENTS: None

MANAGER'S RECOMMENDATION: Adopt as presented

Approved and adopted this 5th day of June, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

Budget Amendment Number 24 Fiscal Year 2022-2023

	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
	10-5700-4700	Transfer to Streetscapes Project	150,000.00	
	10-5700-4500	Contracted Services		150,000.00
		TOTAL DEBITS/CREDITS	150,000.00	150,000.00

EXPLANATION:

To fund stamped crosswalks

JE# _____ **SYSTEM #** _____ **Date Posted** _____ **BY:** _____

Fiscal Year _____ **Month** _____ **Finance Director Signature** _____ **Date** _____

STAFF REPORT

City Council, Monday, June 5, 2023

Title: Commitment to Landscaping and Sidewalk Costs for R-5799 - Roundabouts at Pisgah Forest entrance and Deavor Rd.

Speaker: Dean Luebbe, Assistant City Manager/Finance Director

Prepared by: Dean Luebbe, Finance Director

Approved by: Wilson Hooper, City Manager

Background

The City established a Roundabout Capital Project by Ordinance 2022-48 on August 1, 2022. Initially, this project was endowed with \$100,000 to cover voluntary betterments, such as landscaping and wide sidewalks, on all NCDOT roundabout projects planned for Asheville Hwy. NCDOT allows for landscaping costs of up to 1.5% of the total project cost, any additional costs for voluntary enhancements must be borne by the locality. Of the initial \$100,000 endowment, about \$90,000 has been spent or encumbered to pay for landscaping design services and the enhanced landscaping currently being installed on the recently completed roundabout.

Project R-5799 is NCDOT's next project. It includes two separate roundabouts on the Asheville Highway (at the entrance to Pisgah Forest, and at Deavor Road).

Discussion

NCDOT estimates the landscaping plans for R-5799 previously approved by Council will exceed the 1.5% ceiling by approximately \$113,727, and that extra wide sidewalks in keeping with the nearby bike/ped trails will exceed by \$40,410.

The roundabouts at these two locations are the first thing many visitors see as they enter the City. City Council has recognized the importance of a positive “first impression”, and the landscaping design was approved by City Council on July 15, 2020. Likewise, the sidewalks are essentially segments of the nearby Estatoe/Ecustra Trails and are important pieces of a Council-designated priority.

At the moment, the funds to pay for the betterments have not yet been collected. The project fund's balance is about \$10,000, and will increase to about \$62,000 on July 1 since the proposed FY23/24 budget includes an additional \$52,000 for roundabouts. Though the bill will not come due until the project is completed (probably 2025 or beyond), the City will need to continue budgeting annual transfers into the Roundabouts Capital Project to pay for this and other discretionary enhancements on forthcoming NCDOT roundabout projects.

By taking action tonight, the Council is committing to budgeting and reserving money for at least the next two fiscal years for this specific purpose.

Proposed Action

Though Council typically waits til its next scheduled meeting to take action on items such as this, staff requests action this evening due to the time sensitive nature of the matter. Staff requests Council approve a resolution authorizing the City Manager to enter into agreements with NCDOT committing the City to pay an additional approximately \$113,727 for landscaping betterments and \$40,410 for sidewalk betterments for R-5799.

Attachments:

1. Resolution Authorizing City Manager to Execute Agreements re: R-5799
2. R-5799 Landscaping Agreement
3. R-5799 Sidewalk Agreement

RESOLUTION NO. 2023-XX

**AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENTS WITH NCDOT REGARDING
SIDEWALK AND LANDSCAPING BETTERMENTS ON R-5799**

WHEREAS, on June 5, 2023 the Brevard City Council heard a presentation from staff, summarized in the affixed staff report, on the need to designate funds for sidewalk and landscape betterments on NCDOT's project R-5799;

WHEREAS, attractive landscaping on Brevard's transportation gateways and wide bicycle/pedestrian paths align with City Council's priorities.

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

The City Manager (or his designee) is hereby authorized to execute necessary agreements with the North Carolina Department of Transportation for the purposes described in the above referenced staff report.

Approved and adopted this ____ day of _____, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

AGREEMENT OVERVIEW

DATE: 3/8/2023

NORTH CAROLINA
TRANSYLVANIA COUNTY

PROJECT NUMBERS

PARTIES TO THE AGREEMENT:

TIP NUMBER: R-5799(L)
WBS ELEMENTS: 44984.3.2

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

AND

CITY OF BREVARD

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF PROJECT: The Project consists of landscape installation within the Project scope limits of R-5799(L). The City of Brevard shall maintain all landscape post construction. The City of Brevard shall be responsible for all cost above the 1.5% as specified in STIP funding.

ESTIMATED COST OF THE PROJECT: \$353,727

ESTIMATED PARTICIPATION BY THE DEPARTMENT: \$240,000

ESTIMATED COSTS TO OTHER PARTY: \$113,727

PAYMENT TERMS: The Department will bill the other party upon completion of the Project.

MAINTENANCE: Municipality

EFFECTIVE DATES OF AGREEMENT:

START: Upon Full Execution of this Agreement

END: When work is complete and all terms are met.

This **AGREEMENT** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **Department** and the City of Brevard, hereinafter referred to as the **Municipality**

The parties to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the parties with respect to its subject matter and supersedes any previous communication or agreements that may exist.

WITNESSETH:

WHEREAS, the **Department** and the **Municipality** propose to make certain landscape/streetscape improvements under Project R-5799(L) in Transylvania, North Carolina; and

WHEREAS, the **Municipality** has requested the **Department** to perform the installation of landscape aesthetics.

WHEREAS, the **Municipality** has agreed to participate in the maintenance responsibilities of the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows.

I. RESPONSIBILITIES

- I. The **Department** shall be responsible for all phases of project delivery to include planning and installation of landscape aesthetics, and the **Municipality** will be responsible for maintenance as shown in the **PROJECT DELIVERY** Provision.
- II. The **Municipality** shall be responsible for payment as shown in the **COSTS AND FUNDING** Provision.

II. PROJECT DELIVERY REQUIREMENTS

PLANNING, DESIGN, AND INSTALLATION

The **Department** will be responsible for preparing the environmental and/or planning document, obtaining any environmental permits and preparing the project plans and specifications.

The **Department** shall install, or caused to be installed, said plantings, streetscape items and lighting in accordance with the plans and specifications of said project as filed with, and approved by, the **Department**.

MAINTENANCE

LANDSCAPING

Upon completion of the plantings, the **Municipality** shall maintain said planting areas and landscape. The **Municipality** will pay to replace the splitter islands with concrete in full if they become a maintenance issue.

The **Municipality** shall assume responsibility for all maintenance and replacement of the landscape materials. Maintenance shall include, but not be limited to, the following: watering, irrigation, mulching, pruning, fertilizing, weeding, pest control, mowing, and replacing plant materials. All costs of maintenance shall be borne by the **Municipality**, in accordance with the following provisions:

- A. The **Municipality** agrees to continually maintain all plantings in accordance with generally accepted horticultural practices. The **Department** shall have the right to periodically inspect the maintenance practices being utilized by the **Municipality**.
- B. If the **Department** determines that the **Municipality** is not properly maintaining the plantings, the **Department** shall notify the **Municipality**. If proper maintenance is not performed by the **Municipality** within a reasonable time after notification, the **Municipality** agrees that the **Department** shall perform the necessary maintenance, or at the **Department's** option, shall return the planted area to a natural condition (i.e. seeded and mulched, etc.). It is further agreed that the costs of the restoration shall be reimbursed to the **Department** by the **Municipality**. Reimbursement to the **Department** shall be made in one final payment within sixty (60) days of invoicing by the **Department**. The **Department** shall charge a late payment penalty and interest on any unpaid balance due in accordance with N.C.G.S. § 147-86.23.

The **Department**, at the end of the one (1) year establishment period, shall not be responsible for any damage to the plantings that may be done by third parties.

III. COSTS AND FUNDING

The **Department** will participate in costs of landscaping up to 1.5% of the construction contract. Any costs that exceed that amount are the responsibility of the **Municipality**. The estimated cost of the landscaping is \$357,727. The **Department's** estimated participation is \$240,000. The **Municipality's** estimated responsibility is \$113,727.

Upon completion of the Project, the **Department** will bill the **Municipality** all costs that exceed the **Department's** participation. The **Municipality** shall reimburse the **Department** within sixty (60) days of invoicing by the **Department**. The **Department** will charge a late payment penalty and interest on any unpaid balance due in accordance with G. S. 147-86.23.

I. STANDARD PROVISIONS

Agreement Modifications

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a written Supplemental Agreement.

Assignment of Responsibilities

The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

Agreement for Identified Parties Only

This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

Other Agreements

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality to meet the terms of this Agreement. The Department is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the Department under the terms of this Agreement.

Authorization to Execute

The parties hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective parties to the terms contained herein.

Debarment Policy

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Entity certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

Indemnification

To the extent authorized by state and federal claims statutes, the Entity shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the Department, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns to the extent allowed by law, from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Agreement. The Department shall not be liable and shall be held harmless from any and all third party claims that might arise on account of the Entity's negligence and/or responsibilities under the terms of this agreement.

Availability of Funds

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

Gift Ban

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the DEPARTMENT and the MUNICIPALITY by authority duly given.

City of Brevard

FED TAX ID NO: _____

Authorized Signer: _____

REMITTANCE ADDRESS:

Print Name: _____

Title: _____

Date Signed: _____

**If applicable, this Agreement has been
pre-audited in the manner required by
the Local Government Budget and Fiscal
Act:**

Finance Officer: _____

Print Name: _____

Date Signed: _____

DEPARTMENT OF TRANSPORTATION

BY: _____

TITLE: Chief Engineer

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

AGREEMENT OVERVIEW

DATE: 4/19/2023

NORTH CAROLINA
TRANSYLVANIA COUNTY

PROJECT NUMBERS

TIP NUMBER: R-5799
WBS ELEMENT (PE):
WBS ELEMENT (ROW):
WBS ELEMENT (CON): 44984.3.1

PARTIES TO THE AGREEMENT:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION "DEPARTMENT"

AND

CITY OF BREVARD "MUNICIPALITY"

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF TIP Project ("Project"): The Project consists of construction improvements at the intersections of US 64 and US 276 and US 64 and NC 280.

ADDITIONAL WORK: At the request of Municipality the Department will construct sidewalks at the intersection of US 64 and NC 280.

ESTIMATED COST OF THE ADDITIONAL WORK: \$202,050

COSTS TO OTHER PARTY: \$40,410

DEPARTMENT'S FUNDING: \$161,640

PAYMENT TERMS: The Department will bill the City of Brevard upon completion of the Project.

MAINTENANCE: City of Brevard

EFFECTIVE DATES OF AGREEMENT:

START: Upon Full Execution of this Agreement

END: When work is complete and all terms are met.

This **AGREEMENT** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **Department** and the **City of Brevard**, hereinafter referred to as the **Municipality**.

The parties to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the parties with respect to its subject matter and supersedes any previous communication or agreements that may exist.

I. WHEREAS STATEMENTS

WHEREAS, this Agreement is made under the authority granted to the **Department** by the **North Carolina General Assembly** under **General Statutes of North Carolina (NCGS)**, particularly **Chapter 136-66.1** and **136-66.3**; and,

WHEREAS, the **Department** and the **Municipality** have agreed that the jurisdictional limits of the Parties, as of the date of entering the agreement for the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the Parties hereto for the purposes of this Agreement; and,

WHEREAS, the **Municipality** has requested that the **Department** perform all phases of said work or provide services; and,

WHEREAS, the Parties hereto wish to enter into an agreement for scoped work to be performed or provided by the **Department** (including reviews, goods or services) with reimbursement for the costs thereof by the **Municipality** as hereinafter set out; and,

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

II. RESPONSIBILITIES

- The **Department** shall be responsible for all phases of project delivery to include construction as shown in the **PROJECT DELIVERY** Provision. The **Municipality** shall be responsible for maintenance.
- The **Municipality** shall be responsible for maintenance of the additional work, as shown in the **PROJECT DELIVERY** Provision; and payment as shown in the **COSTS AND FUNDING** Provision.

III. PROJECT DELIVERY REQUIREMENTS

A. PLANNING, DESIGN, AND CONSTRUCTION

The **Department** will be responsible for preparing the environmental and/or planning document, obtaining any environmental permits and preparing the project plans and specifications.

The **Department** shall construct the Project in accordance with the plans and specifications for the Project. The **Department** shall administer the construction contract for said Project. All work shall be done in accordance with Departmental standards, specifications, policies and procedures.

B. RIGHT OF WAY ACQUISITION

The **Department** will be responsible for acquiring any needed right of way required for the Project in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

C. MUNICIPAL UTILITY RELOCATIONS

RESPONSIBILITIES

The **Municipality** shall be responsible for the relocation and adjustment of all municipally owned utilities in conflict with the Project and shall exercise any rights that it may have under any franchise to effect all necessary changes, adjustments, and relocations of communications and electric power lines; underground cables, gas lines, and, and other pipelines or conduits; or any privately- or publicly-owned utilities.

1. Said work shall be performed in a manner satisfactory to the **Department** prior to the **Department** beginning construction of the Project. The **Municipality** shall make every effort to promptly relocate said utilities in order that the **Department** will not be delayed in the construction of the Project.
2. The **Municipality** shall make all necessary adjustments to house or lot connections or services lying within the right of way or construction limits, whichever is greater, of the Project.
3. The **Department**, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing manholes, meter boxes, and valve boxes at no expense to the **Municipality**.
4. The **Department** shall not be liable for any work that the **Municipality** undertakes with respect to said utility relocation.

COSTS AND FUNDING

5. If applicable, the **Department** will reimburse the **Municipality** in accordance with NCGS 136-27.1. A separate utility agreement may be prepared to address these costs and payment terms.

UTILITY RELOCATION BY DEPARTMENT

6. If the **Municipality** requests the **Department** to include the relocation and/or adjustment of municipally owned utilities in its construction contract provisions, and the **Department** agrees, then a separate utility agreement will be prepared to state the cost estimate and the reimbursement terms, if applicable. The **Municipality** shall reimburse the **Department** all or a portion of the costs associated with said relocation, in accordance with NCGS 136-27.1. Reimbursement will be based on final project plans and actual costs of relocation.

D. MAINTENANCE

Upon completion of the Project:

1. The **Department** shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highway," and department criteria.
2. The roadway improvements that are within state-owned right of way shall be considered a part of the State Highway System and shall be owned and maintained by the **Department**.
3. The **Municipality** shall maintain the sidewalk within the limits of the Project.

IV. COSTS AND FUNDING

A. ADDITIONAL WORK

At the request of the **Municipality** and in accordance with the **Department's** Pedestrian Policy Guidelines or the Complete Streets Guidelines, the **Department** shall include provisions in its construction contract for the construction of pedestrian facilities and/or other additional work as indicated in the Table below. Said work shall be performed in accordance with the additional work as indicated in the Table below. Said work shall be performed in accordance with the **Department's** policies, procedures, standards, and specifications, and the provisions of this Agreement.

Description	Cost to Municipality
• 4,490 SY of 4" Sidewalk	\$40,410
Total Estimated Cost to Municipality	\$40,410

The estimated Municipal share of the additional work is \$40,410. The Parties understand that this is an estimated cost and subject to change.

B. PROJECT COSTS

The **Municipality** has agreed to participate in Project costs as follows:

The estimated cost of the additional work is \$202,050. The **Municipality** shall participate in 20% of actual costs. The estimated cost to the **Municipality** is \$40,410. The **Department** will participate in the amount of \$161,640 or 80% of actual costs. The **Municipality** shall be responsible for 20% all costs that exceed the total estimated cost of the Project.

C. CONFERENCE ON COSTS AS PROJECT PROGRESSES

The **Department** may consult with the **Municipality** on changes to cost estimates prior to construction, or changes to costs during construction. Consultation between the **Department** and the **Municipality** is offered as a courtesy to apprise the **Municipality** of potential cost increases and to allow appropriate budgeting. Failure of the **Department** to notify the **Municipality** of cost increases does not affect the payment terms of the agreement.

D. INVOICING BY THE DEPARTMENT

Upon completion of the Project, the **Department** will calculate actual costs of the Project and will invoice the **Municipality** for their share of the actual costs of the Additional Work. Reimbursement to the **Department** shall be made in one final payment within sixty days of invoicing by the **Department**. A late payment penalty and interest will be charged on any unpaid balance due in accordance with G. S. 147-86.23.

If the **Municipality** has pre-paid or made any previous down payment, those funds will be counted against final costs. If costs are less than the funding received, then the **Department** will return any overpayment.

In the event the **Municipality** fails for any reason to pay the **Department** in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the **Department** to withhold so much of the **Municipality's** share of funds allocated to said **Municipality** by North Carolina General Statute, Section 136-41.1, until such time as the **Department** has received payment in full.

V. STANDARD PROVISIONS

A. Agreement Modifications

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a written Supplemental Agreement.

B. Assignment of Responsibilities

The **Department** must approve any assignment or transfer of the responsibilities of the **Municipality** set forth in this Agreement to other parties or entities.

C. Agreement for Identified Parties Only

This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

D. Other Agreements

The **Municipality** is solely responsible for all agreements, contracts, and work orders entered into or issued by the **Municipality** to meet the terms of this Agreement. The **Department** is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the **Department** under the terms of this Agreement.

E. Authorization to Execute

The parties hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective parties to the terms contained herein.

F. DocuSign

Department and **Municipality** acknowledge and agree that the electronic signature application DocuSign may be used, at the sole election of the **Department** or the **Municipality**, to execute this Agreement. By selecting "I Agree," "I Accept," or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the DocuSign application, **Department** and **Municipality** consent to be legally bound by the terms and conditions of Agreement and that such act constitutes **Department's** signature as if actually signed by **Department** in writing or **Municipality's** signature as if actually signed by **Municipality** in writing. **Department** and **Municipality** also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. **Department** and **Municipality** acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby through the DocuSign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

G. Debarment Policy

It is the policy of the **Department** not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the **Municipality** certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or **Department** and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

H. Indemnification

To the extent authorized by state and federal claims statutes, the **Municipality** shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the **Department**, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns to the extent allowed by law, from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the **Department** in connection with this Agreement. The **Department** shall not be liable and shall be held harmless from any and all third-party claims that might arise on account of the **Municipality's** negligence and/or responsibilities under the terms of this agreement.

I. Availability of Funds

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

J. Gift Ban

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the DEPARTMENT and the MUNICIPALITY by authority duly given.

CITY OF BREVARD

FED TAX ID NO: _____

Authorized Signer: _____

REMITTANCE ADDRESS:

Print Name: _____

Title: _____

Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Act:

Finance Officer: _____

Print Name: _____

Date Signed: _____

DEPARTMENT OF TRANSPORTATION

BY: _____

TITLE: Chief Engineer

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

STAFF REPORT

City Council, Monday, June 5, 2023

Title: Committee Appointments

Speaker: Denise Hodsdon, City Clerk
Wilson Hooper, City Manager

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

BACKGROUND

In December 2022 the Brevard City Council passed a series of reforms to its committee/advisory board structure. Several of the reforms revolved around the membership composition of the bodies, and how seats would be filled when vacancies occurred. The Finance, Human Resources and Citizen Appointment Committee (HRF) was charged with reviewing applicants, soliciting feedback from the committees themselves on applicants, and making membership recommendations to Council.

Earlier in the spring, the Committee recommended -and full Council approved- appointments for the Housing, Public Safety, and Public Works policy committees, the Planning Board, the Brevard Housing Authority, and the Transylvania Economic Alliance.

DISCUSSION

After an additional period of recruitment, enough applications were received to consider filling forthcoming vacancies on the remaining committees: Finance, Human Resources and Citizen Appointment, Downtown Master Plan, Parks Trails and Recreation, and Rosenwald Community Advisory Board. After soliciting feedback from the subject committees/advisory boards, HRF made recommendations at its May 22, 2023. Their rationale can be read in the draft meeting minutes which are attached to this item.

In all but one case, HRF's referrals aligned with the recommendations made by the subject committees/advisory boards. However, at a special meeting on Thursday, May 25, 2023 the Rosenwald Community Advisory Board recommended Ella Jones and Rebecca Wynn. Their rationale can be read in the draft meeting minutes which are attached to this item.

ACTION:

Council is asked to consider the attached resolution appointing the listed individuals to the various committees and advisory boards.

Attachments:

1. Resolution Appointing Members to Policy Committees and Advisory Committees/Groups
2. Finance, Human Resources & Citizen Appointment Committee Draft Minutes - May 22, 2023
3. Rosenwald Community Advisory Board Special Meeting Draft Minutes - May 25, 2023

RESOLUTION NO. 2023-XX

RESOLUTION APPOINTING MEMBERS TO POLICY COMMITTEES AND ADVISORY COMMITTEES/GROUPS

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

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

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

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

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

WHEREAS, the applications received during the initial recruitment period were reviewed by the Finance, Human Resources and Citizen Appointment Committee at their February 27, 2023 meeting; and

WHEREAS, at that meeting the Committee recommended to full Council appointments to the Housing Committee, Public Safety Committee, Planning Board, Transylvania Economic Alliance, and Brevard Housing Authority to full City Council; and

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee agreed to extend the recruitment period for Public Works and Utilities Committee; Finance, Human Resources and Citizen Appointment Committee; Downtown Master Plan Committee; Parks, Trails & Recreation Committee; and Rosenwald Community Advisory Board to recruit more candidates; and

WHEREAS, on March 20, 2023 the City Council appointed members to the Housing Committee, Public Safety Committee, Public Works and Utilities Committee, Planning Board, Transylvania Economic Alliance, and Brevard Housing Authority.

WHEREAS, after an additional period of recruitment, the Finance, Human Resources and Citizen Appointment Committee considered applications and, at their May 22, 2023 meeting recommended the following appointments to full City Council:

- 1.) Finance, Human Resources and Citizen Appointment Committee – Susan Miller

- 2.) Parks, Trails and Recreation Committee – Nancy DePippo, Howie Granat, Wyn Birkenthal, Reba Osborne, JD Powers
- 3.) Downtown Master Plan Committee – Lee McMinn, Parker Platt
- 4.) Rosenwald Advisory Group – Ursula Wynn, Royce Jenkins

NOW, THEREFORE, BE IT RESOLVED by the Brevard City Council that:

The Brevard City Council does hereby appoint Susan Miller to the Finance, Human Resources and Citizen Appointment policy committee effective June 1, 2023 and expiring on May 31, 2025; and

The Brevard City Council does hereby appoint Nancy DePippo, Howie Granat, Wyn Birkenthal, Reba Osborne, and JD Powers to the Parks, Trails and Recreation advisory committee effective June 1, 2023 and expiring on May 31, 2025; and

The Brevard City Council does hereby appoint Lee McMinn and Parker Platt to fill vacant seats on the Downtown Master Plan advisory committee, effective June 1, 2023 and expiring on May 31, 2025; and

The Brevard City Council does hereby appoint Ursula Wynn and Royce Jenkins to the Rosenwald Community Advisory Board, effective June 1, 2023 and expiring on May 31, 2025.

Adopted and approved this the _____ day of June, 2023.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, May 22, 2023 – 11:00 AM
City Hall Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Mac Morrow, Vice Chair, Council Member

Staff Present: Wilson Hooper, City Manager
Dean Luebke, Finance Director
Kelley Craig, Human Resources Director
Becky McCann, Communications Coordinator
Denise Hodsdon, City Clerk

Guest: Nora Jane Montgomery, Resident

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 10:59 AM.

B. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

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

D. Approval of Minutes of March 27, 2023 Meeting

Motion by Mr. Morrow, seconded by Mr. Baker to approve the minutes of the March 27, 2023 meeting as presented. The motion carried unanimously.

E. Review of Committee Applications

The Committee reviewed applications and made recommendations for the following committees/boards:

1. Finance, Human Resources & Citizen Appointment Committee

Applicants: Susan Miller

Motion by Mr. Morrow, seconded by Mr. Baker to recommend to City Council the appointment of Susan Miller to the Finance, Human Resources & Citizen Appointment Committee. The motion carried unanimously.

2. Downtown Master Plan Committee

Applicants: Lee McMinn, Parker Platt, and Reba Osborne

Downtown Master Plan Committee Feedback: Lee McMinn and Parker Platt have both served just one term and it was suggested to reappoint both in order to provide continuity at this time.

Motion by Mr. Morrow, seconded by Mr. Baker to recommend to City Council the reappointment of Lee McMinn and Parker Platt to the Downtown Master Plan Committee. The motion carried unanimously.

3. Parks, Trails & Recreation Committee

Applicants: Nancy DePippo, Howie Granat, Jack Woerner, Wyn Birkenthal, Reba Osborne and John David "J.D." Powers.

Parks, Trails & Recreation Committee Recommendation: The committee voted to recommend the reappointment of Nancy DePippo and Howie Granat, and the appointment of Wyn Birkenthal, Reba Osborne and J.D. Powers.

Motion by Mr. Morrow, seconded by Mr. Baker to recommend to City Council the reappointment of Nancy DePippo and Howie Granat, and the appointment of Wyn Birkenthal, Reba Osborne and J.D. Powers to the Parks, Trails & Recreation Committee. The motion carried unanimously.

4. Rosenwald Community Advisory Board

Applicants:

At-Large: Ursula Wynn, Royce Jenkins, Ella Jones

Current Rosenwald Community Advisory Board/MCJCC Board Members:
Randy Lytle, Susan Threlkel, Victor Foster and Edith Darity

Mr. Hooper noted that because the Rosenwald Community Advisory Board was missing a few of their members at last week's meeting, they did not discuss the applicants. They have called a special meeting for later this week for that

discussion. Mr. Hooper said I wanted to bring the applications to this committee anyway to let you decide whether to make recommendations of your own and then offer their feedback on the candidates to the full Council as supplementary information, or if you want to postpone your referral until you have heard from them, knowing that if we do that, we would have to postpone it a month to come back to you at your June meeting. Additionally, we received applications from Ella Jones and MCJCC Board member Edith Darity in May, which was past the agreed upon deadline. We don't yet know who the MCJCC Board is appointing as their four designated members and they will have to decide who their appointees are going to be at their meeting this week. We have two at-large seats to fill and we have three at-large candidates, but there is a little bit of controversy surrounding some of these candidates.

Mr. Morrow said he liked the two at-large candidates as they are truly at-large and they have both been involved in the community. Ursula Wynn has organized the basketball tournaments the last couple of years and Royce Jenkins helped raise money for the playground. They both have the know in the community and this is the kind of people we are looking for. Mr. Baker agreed but said of all the advisory boards, this is the one he would want to weigh in on a little bit.

Mr. Hooper mentioned that due to the schedule of upcoming committee meetings and Council meetings, if the committee decides to not make a recommendation now, it will probably be August before these seats are filled. If the committee does choose to make a recommendation now, you can do so without the formal feedback from the existing Rosenwald Community Advisory Board. Because Council ultimately makes the decision, they will receive the feedback from the Rosenwald Community Advisory Board.

Motion by Mr. Morrow, seconded by Mr. Baker to recommend to the full Council the appointment of Ursula Wynn and Royce Jenkins to the Rosenwald Community Advisory Board. The motion carried unanimously.

F. Committee Staggered Terms

Mr. Hooper informed the Committee that the Rosenwald Community Advisory Board had inquired about the possibility of staggering its members' terms. The committee considered the pros and cons of staggered committee terms and the decision was made to keep the current term structure for advisory committees at this time, but to revisit this matter in eighteen months prior to the expiration of upcoming member terms.

G. Set Date for Next Meeting

The next meeting of the Finance & Human Resources Committee will be on Monday, June 26, 2023, at 11:00 am.

H. Adjourn

There being no further business, the meeting was adjourned at 11:26 AM.

X

Aaron Baker
Chair, Council Member

Minutes Approved: _____

X

Denise Hodsdon
City Clerk

MINUTES

Rosenwald Community Advisory Board Special Meeting

Thursday, May 25, 2023 - 6:00 PM

Mary C. Jenkins Community & Cultural Center

Members Present: Maurice Jones, Co-Chair, Council Member
Gary Daniel, Council Member
Susan Threlkel, Citizen Member
Victor Foster, Citizen Member
Edith Darity, Citizen Member
Karen Darity (Arrived at 6:33 PM)

Members Absent: Randy Lytle, Co-Chair, President MCJCC Board
Karen Darity, Citizen Member

Staff Present: Wilson Hooper, City Manager
Tyree Griffin, Community Center Director
Denise Hodsdon, City Clerk

Guest: Mayor Maureen Copelof

A. Welcome & Call to Order

Co-Chair Maurice Jones welcomed everyone and called the meeting to order at 6:15 PM.

Mr. Daniel asked to make a statement before the start of the meeting. He said I think it is highly inappropriate that the Mayor is here for this discussion considering her connection with Ursula Wynn. I asked her to not be here and she has decided to be here. I feel like there is a certain amount of intimidation by her presence here. She doesn't usually come to this, but she decides to come to this meeting. I just want that on the record and I will repeat it later if needed.

Mayor Copelof responded by saying I often go to committee meetings and sit in when there is a topic that I want to hear the discussion on. I do want to hear the discussion today. I know Ursula and I also know Rebecca Wynn quite well and served for years on boards with her. I know Royce quite well and in fact I know every applicant quite well. I don't view the fact that I am sitting here to hear a discussion that I care about as intimidation. I just want to be informed and know what people are thinking and I would like to hear it firsthand, not second and thirdhand. That's why I am here and it is an open meeting.

B. Invocation

Mr. Foster offered an invocation.

C. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

D. Committee Member Applications

The Mary C. Jenkins Community Center Board has appointed the following four members to the Rosenwald Community Advisory Board:

Randy Lytle
Victor Foster
Edith Darity
Susan Threlkel

The Committee reviewed and discussed applications for at-large membership received from the following community members:

Ursula Wynn	Application received 3/21/2023
Royce Jenkins	Application received 3/30/2023
Ella Jones	Application received 5/20/2023
Rebecca Wynn	Application received 5/23/2023

Maurice Jones began the discussion and said this is a strong list of applicants and all would qualify in a sense of being members of the Rosenwald Community. I do have ill concerns about two of the applicants just for character reasons. These two individuals socially harassed me over what was going on in this community for a long time with very ill words. I would want somebody who would rather seek ways to move forward than to put another member of that committee down in front of people on social media. Ursula Wynn does have a voice and it could be powerful and very positive and it is going to be her choice if she wants to lead in a positive and powerful way to help her community. I would support her on another board, but I don't want her on this board. If she gets on this board, I will give my resignation from the Rosenwald Community Advisory Board. I will not be recommending Ursula Wynn or Royce Jenkins.

Mr. Foster said I have worked a lot with Rebecca Wynn and I know how strong she is, we've even had disagreements with each other in love, because she is strong in what she believes in. I admire her tenacity and wanting to always do what is right. I do recommend her and Ella Jones is like my sister. My personal vote is for Ella Jones and Rebecca Wynn.

Gary Daniel said I would agree with those two.

Susan Threlkel said I only saw parts of the social media video referenced earlier and had never met her at that point. I was petrified that Jim Fatland would see that video and it would end what we had been working on for so long. If she had realized that there was a committee desperately working on this and that it was actually going to happen, I don't think she would have done that. It all turned out okay, but it was still disturbing.

Ms. Edith Darity said I know the two young people that made the outrageous statements. It was so insulting when she mentioned Bethel "A" Baptist Church and the people who had been trustees over that property for forty years. They were getting ready to give us the land so that we would be able to build this building and have proper parking. I agree, they are not the two that should be on this board representing this community and speaking out on behalf of all that we have tried to do in a very decent and intelligent and respectful way. Not yet. I think Rebecca Wynn and Ella Jones would make good board members of this Advisory Board. They have wisdom and understanding of the community, they work with many organizations, both of them are loved and members of our church and they would look at things with a very wise eye.

Karen Darity said we have a lot of sweat in this game. We do not take any actions or movements on behalf of the community lightly. My primary concern with Ms. Ursula – she is a female Black business owner and I am proud of that because that is the first time that we have had somebody represented uptown. My fear is...on her application where it asks why do want to be on the advisory committee, she said that the community trusts her. I am very concerned about that because if you are in a position of leadership, you have to get your facts right. We are trying to bridge the relationship between Rosenwald and Transylvania County and I just feel that one particular person may not have our best interest at heart. I do not say that in a disrespectful way because she is a business owner and that takes a lot. Given time, I feel she would be a great asset to the community because she does draw the young people. But I am just not okay with people that promote us in a negative way. For Mr. Jenkins, I don't know him that well and have only seen him once or twice. I am not really sure what his opinion would be of the community center or of the board. Neither one of them have approached any of the board members to my knowledge to ask to get involved or offer their service or anything beyond wanting to be in charge of the kitchen, but we already had somebody slated for that. So, I am not sure about what he anticipates on doing, but again, once they get something under their belt, they will be great assets to the community.

Mr. Jones said I think they all can bring something good to the table, but what we're looking at is not just something, we need the whole person to be able to bring positivity and forward movement. Again, I think those would be Ella and Rebecca. It sounds like our recommendations are the exact opposite of the Finance, Human Resources and Citizen Appointment Committee.

Ms. Karen Darity said no matter who is appointed, we are going to go with it and we are

going to welcome them. But at the same time, we have to think about who is coming behind us and what legacy we are leaving behind.

Mr. Jones moved, seconded by Mr. Foster to nominate Ella Jones and Rebecca Wynn for the two at-large seats for the Rosenwald Community Advisory Board. The motion carried unanimously.

Mr. Hooper noted that the substance of the Board's feedback and official referral will be shared with the full Council in their packet alongside the Finance, Human Resources & Citizen Appointment Committee.

Mr. Jones inquired about whether he would need to recuse himself from the Council vote on the appointments, since nominee Ella Jones is his mother. Mr. Hooper said he didn't think recusal was legally necessary because there are no financial implications to the appointment but that he would consult with the City Attorney and have a more definitive answer before the Council vote. Mr. Hooper said Mr. Jones might consider a voluntary recusal to avoid a perceived conflict of interest.

Before adjourning, Ms. Karen Darity noted that this is her last official meeting. She said she has enjoyed serving on the Board and she wished the Board much success because there is a lot of work to do in the community. She will continue to serve as a member of the MCJCC Board. Members of the Board thanked her for your input and commitment.

E. Adjourn

There being no further business, the meeting was adjourned at 6:58 PM.

Minutes Approved: _____

X

Maurice Jones
Co-Chair

X

Denise Hodsdon,
City Clerk