



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, December 2, 2024 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Rev. Dr. Pamela Holder, Bethel "A" Baptist Church / Council Member

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. November 18, 2024 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Proclamation 2024-24 Brevard High School Boys' Cross Country Team State Champions
2. Proclamation No. 2024-25 Kwanzaa

I. Special Presentation(s)

1. DFI Presentation of Presbyterian Church Property Findings

J. Public Hearing(s)

1. Ordinance - Voluntary Contiguous Annexation - Mills Ave Properties, LLC / Forest Hill Drive
2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 3 and 21 - Emergency Response and Recovery
3. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3, 5, 6, 9, 12, 13, 16, 17, and 19 - Legislative Changes

K. Consent and Information

1. Property Tax Releases - November, 2024
2. Personnel Policy Revisions to add language for new law prohibiting pornography on government networks and devices.
3. Council Housing Committee Minutes-September 9, 2024
4. Council Parks, Trails, and Recreation Committee Minutes-September 18, 2024

L. Unfinished Business**M. New Business**

1. Application for Public Art from Kristie Nichols, 360 Whitmire St.
2. Amendment to Fee Schedule - Permit Fees for Emergency Response and Recovery
3. Discussion of possible changes to tap fee policy to support recovery
4. Request to NCDOT for City to Take Ownership of W. Main Street from Caldwell Street to Oaklawn Avenue
5. City Council 2025 Meeting Schedule and Set Date for Priority Setting Retreat
6. Amendment to 2024 City Council Meeting Schedule - Cancel December 16, 2024 Meeting

N. Remarks / Future Agenda Considerations**O. Closed Session(s)**

1. Potential Litigation: GS § 143-318.11.(a)(3)
2. Personnel and/or Employment: GS § 143-318.11. (a)(3)(5)(6)

P. Adjourn

Agenda Posted, Website, Sunshine List (November 27, 2024)
D. Hodsdon, City Clerk

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

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
November 18, 2024 – 5:30 PM

The Brevard City Council met in regular session on Monday, November 18, 2024, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

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

Press – Jon Rich, Transylvania Times

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

B. Invocation – Norm Bossert of the Brevard Jewish Community offered an invocation.

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

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

E. Approval of Agenda – Attorney McKeller requested to add a Closed Session for a Pending Litigation matter as Item O-2 and a Closed Session for a Personnel matter as Item O-3. Mr. Morrow moved, seconded by Mr. Wise to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. November 4, 2024 Regular Meeting – Mr. Baker moved, seconded by Ms. Holder to approve the minutes of the November 4, 2024 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Joshua Fisher of Greenville Hwy said protecting our children in the city is very near and dear to my heart. I have been in contact with the Chief and Mr. Hooper about crossing guards in the city. What I have been told is that the reason the Police Department does it is to build relationships with the children; a courtesy is what they call it. Every other city and county that I have lived in in this country has cross guards to protect our children; either the city doesn't, or they do. If it is not the City Police Department responsibility, or a duty, then just tell us parents. Right now, I have a lot of parents that are onboard with me that are very upset that their children have to cross there every morning. School starts at 7:30. I talked with Chief Jordan, and he said that he changed it to 7:25 after talking with Mr. Kirst. The crossing guards don't get there until 7:32 or 7:33; we're only talking about 2 or 3 minutes, yet that's the 2 or 3 minutes that kids can cross there and some kids get there at 7:30. If they're crossing at 7:29 or 7:30 and they get hit by a car; a 10-year old kid, such as my son, should not have to judge if they can walk across that intersection on a foggy morning with cars coming. Adults with driver's licenses make mistakes driving, so how do we expect a child to

make that decision? It's fine if he says he doesn't want to do it and we'll let all the citizens know, all the parents know, and we'll start a citizen team that wants to do it. But as of right now, all I'm getting is the beat around on it; either it is, or it isn't. When I brought it up to Chief Jordan he said, "well let me know when my personnel is late." So now you want me to manage city employees? He and Mr. Hooper said it would be helpful. So, I asked Kelley Craig, who is ultimately responsible for city employees if they're late for work. She said she doesn't have control over city employees who don't directly report to her. So, if it's not the Chief, the HR Director or the City Manager, who is it? Which one of you guys are going to take responsibility of protecting these children? The second thing is when Dan Godman told me last year that it wasn't the city's responsibility to protect the children, that still upsets me today. Since we're still not doing it, I am taking it to my heart. When are we going to start protecting the children? After I got involved in this I started talking with the citizens and I started talking with current Brevard Police Department Officers, which I am not going to name. If Dan Godman has had his instructor's license suspended from the Police Academy, why hasn't the City looked into that? And if you have, why haven't you told the citizens about it? With all the allegations coming from the Brevard Police Department and the officers? I started a petition for Dan Godman and Tom Jordan to resign since they can't do their jobs, and nobody wants to take responsibility.

Courtney Dale of Elseetos Drive said I was not aware of all of these issues until fairly recently when I've seen things passed online through various local forums and groups. As a fellow concerned citizen and parent of the City of Brevard, I just want to state to you I moved from an area when I found out I was having a son, that I was told, and I believed that was a utopia for children and families. I would like to believe that we can continue as such in this community and up until now, very recently, I have had wonderful experiences raising my son and I love having him here. I came from Wilmington just for reference, a much higher crime rate. I fairly recently have become aware and been shown several different aspects of negligence and corruption within the law enforcement in our city, as well as our county, but that's a different issue. I would hope that you, as fellow citizens of this city, would take this seriously because we as parents of this community rely on Brevard being a safe and engaging environment for our children, who will one day be us here. Once you come to Brevard, you most likely never leave. I would just hope that you guys can take that to heart and take what I say with a grain of salt.

Monica Driscoll of Kimzey Circle said I've got a couple of things on my mind. The first one I've talked about before and that is communications and access to information. I know there have been efforts to improve that and I really believe the Communications Director has made a big difference, but it's not enough and if there is anything I can do in the way of...just bringing it to your attention again I feel like is a good effort. I wish I had some of the answers to present to you. Even accessing information online is difficult to do. Over the weekend I was trying to access some information, and I had the agenda packet, but it's hard to get it in a form or copy it into something on my computer that I can use to make notes or highlight or even travel from one page to another. So there are some difficulties there. The second item has to do with, in particular I'm talking about the Pisgah Gateway right now. I didn't know about the information session until it was taking place and that was probably on me. I know that efforts were made, and I want to commend the Planning Department for their information sessions that they are doing on a semi-regular basis when subjects come up. I think that's terrific, but not enough people are finding out about it. Again, it's communications and I just know people that would come if they knew in advance what was being discussed. I can't do it all; I can't even get the information myself. One of the things about that that has bothered me is learning that the recommendations of the Planning Department about setbacks in the Pisgah Gateway were not approved by the Planning Board. I don't know exactly why, and I did talk with the Planning Department and they told me that maybe the issue that is bothering me is not set in stone as far as not being mandated setbacks. It bothers me that that's coming for City Council approval tonight and it hasn't even...I would think that the minutes from the Planning Board would have to be approved by the Planning Board before they come to you all and that meeting in

October did not take place because there was no quorum. So, I don't understand why it's in your hands tonight and maybe I'll get an answer to that.

H. Certificates/Awards/Recognition – None.

I. Special Presentations

I-1. Update from Helene Regional Recovery Convening – On November 8th Mayor Copelof and City Manager Hooper attended a convening of local officials from jurisdictions affected by Tropical Storm Helene. Speakers included FEMA head Deanne Criswell, Governor Roy Cooper, Senator Tom Tillis, and members of the North Carolina General Assembly. The primary purpose of the meeting was for those leaders to share the latest on the recovery efforts directly with leaders from the impacted communities, and to hear directly from local leaders as to what their recovery needs are. Mayor Copelof and Mr. Hooper shared information received at the convening, and follow-up steps that have been taken or will be taken. Mayor Copelof also shared information regarding the status of local recovery efforts with regard to housing. A copy of Mayor Copelof's PowerPoint presentation is attached.

J. Public Hearing(s) – None.

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

K-1. Tax Settlement Report – October 2024

K-2. Ordinance Declaring Road Closure for Special Event – Light Up the Night and Holiday Parade

**ORDINANCE NO. 2024-42
AN ORDINANCE DECLARING MULTIPLE
ROAD CLOSURES FOR SPECIAL EVENTS**

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:

Light Up the Night
Date: Saturday, December 7, 2024
Time: 6:00 AM – 8:00 PM
Route Description: Main Street (US 276) from Caldwell Street to Gaston Street; Broad Street (US 64) from Probart Street to Morgan Street

SECTION 2. 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:

Holiday Parade
Date: Saturday, December 7, 2024
Time: 1:30 PM – 5:00 PM
Route Description: North Country Club Road (SR 1116) from Brevard High School to South Broad Street; Broad Street (US 64) from North Country Club Road to the Brevard College main entrance.

SECTION 3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 18th day of November 2024.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

Approved as to Form: Mack McKeller, City Attorney

K-3. Pump Station Easements

RESOLUTION NO. 2024-54

AUTHORIZING CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS FOR PERMANENT AND/OR TEMPORARY EASEMENTS FOR PUMP STATIONS

WHEREAS, The City is preparing to solicit bids for its ARPA-funded "Pump Station Rehabilitation and Replacement" project to upgrade or replace sewer pump stations near Gallimore Rd., Pisgah Fish Camp, and Wilson Rd.; and

WHEREAS, the Gallimore Rd. and Pisgah Fish Camp projects both require property acquisition in the form of permanent and/or temporary easements; and

WHEREAS, The Pisgah Fish Camp project will require the city to purchase a permanent easement and a temporary construction easement in the parking lot of the Fish Camp restaurant; and

WHEREAS, The Gallimore Rd. project will require acquisition of a temporary construction easement on parcel 8585-67-8032 owned by Tore's Properties LLC, and acquisition of a permanent utility easement on parcel 8585-76-0653 owned by Transylvania County.

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 easement agreements with the above listed property owners.

Approved and adopted this 18th day of November, 2024.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

K-4. Council Public Works & Utilities Committee Meeting Minutes – September 3, 2024

L. Unfinished Business

L-1. Proposed City of Brevard Unified Development Ordinance Text Amendment re Pisgah Gateway District – Emily Brewer recalled that Council held public hearings on the proposed text amendment and Zoning Map amendment at its November 4, 2024 meeting. This is a staff-initiated rezoning and text amendment to create a new district, the Pisgah Gateway Mixed Use (PGX) district. She explained that to adopt PGX, Council would need to make two separate motions: one for the text amendment and another for the map amendment and each has two separate recommendations for consideration. The two recommendations for the text amendment are:

- Staff Recommendation and Rationale
 - Places of Worship – Not Permitted
 - Community input identified religious institutions and places of worship as “unfavorable
 - Front Setback – 15 feet
 - High traffic area with a significant right-of-way
 - Aligns with NMX requirements
- Planning Board Recommendation and Discussion
 - Places of Worship – Permitted by-right
 - Places of worship are permitted in NMX and DMX
 - Front Setback – Edge of right-of-way

- Allowing buildings to be placed at the right-of-way will create an enhanced “gateway feeling”
- Prioritizing walkability along major thoroughfares

Mr. Morrow moved, seconded by Mr. Daniel to approve the text amendment written by Staff.

During discussion, Mr. Baker said he preferred the setback recommendation from the Planning Board, which he felt better fit the idea of a gateway and the effect of entering a city. Ms. Holder said she was not in favor of not permitting places of worship. Vote on the motion was 3 in favor (Morrow, Daniel and Wise); 2 opposed (Baker and Holder). The motion carried.

ORDINANCE NO. 2024-43
AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF THE CITY OF
BREVARD UNIFIED DEVELOPMENT ORDINANCE TO CREATE THE PISGAH
GATEWAY MIXED USE ZONING DISTRICT AND ASSOCIATED REGULATIONS

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

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

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

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

WHEREAS, a public hearing was conducted on Monday, November 4, 2024, 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 the 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 1. Brevard City Code, Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

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

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

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

Adopted and approved this the 18th day of November 2024.

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

s/ Maureen Copelof, Mayor

L-2. Proposed City of Brevard Zoning Map Amendment re Pisgah Gateway District – Emily Brewer explained that the two recommendations for the Zoning Map amendment are as follows:

- Staff Recommendation and Rationale
 - Entire area presented – Include Deavor Road in PGX, Single-family homes not permitted
 - Recommendation to rezone all of the property in the area to PGX:
 - Aligns more with the Future Land Use Map

- Aligns with the architectural character area endorsed by Council in June
 - Removes split-zoned properties (clearer, more objective standards)
- Existing single-family homes and manufactured homes are grandfathered in and allowed to improve / expand their homes (Section 14.2)
- Planning Board Recommendation and Discussion
 - Entire area *except* frontage on Deavor Road – Do not rezone properties on Deavor Road, remain RMX where single-family homes are permitted
 - Concern that the few single-family homes on Deavor Road would be limited in improving their homes / upgrading their manufactured homes

Mr. Morrow moved, seconded by Mr. Wise to adopt the Zoning Map amendment recommended by Staff. The motion carried unanimously.

ORDINANCE NO. 2024-44
AN ORDINANCE AMENDING THE CITY OF BREVARD
OFFICIAL ZONING MAP TO CREATE THE PISGAH
GATEWAY MIXED USE ZONING DISTRICT

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

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

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

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

***Future Land Use Map** identifies parcels in this area as a mix of Major Activity Center, Urban Corridor, and Conservation Design.*

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 location of the proposed zoning district is centered around the entrance to the Pisgah National Forest.
- The size of the proposed rezoning diminishes any spot zoning concerns.
- There is a strong relationship between the currently allowed uses and the allowed uses of the proposed new district.
- The new district benefits landowners by replacing an inappropriate downtown-focused district with a more context-sensitive district.
- Conditions at the US64/US276/NC280 intersection will be changing due to the NCDOT R-5799 intersection improvement project.
- It is in the public interest to create a more context-sensitive zoning district for this area as it is one of the primary gateways to our community, heavily trafficked by residents and visitors alike.
- 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 on Monday, November 4, 2024, 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 the Official Zoning Map be amended as outlined below.

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

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

8597-45-0298-000, 8597-45-1544-001, 8597-45-2252-000, 8597-45-2811-000, 8597-45-3585-000, 8597-45-4145-000, 8597-45-6400-000, 8597-45-7490-000, 8597-45-7785-000, 8597-45-8002-000, 8597-45-9061-000, 8597-46-3093-000, 8597-46-7468-000, 8597-47-3949-000, 8597-47-7210-000, 8597-54-1925-000, 8597-54-2869-000, 8597-54-3864-000, 8597-54-4908-000, 8597-54-5783-000, 8597-54-5936-000, 8597-54-6984-000, 8597-54-8650-000, 8597-54-8898-000, 8597-54-8900-000, 8597-54-9896-000, 8597-55-1410-000, 8597-55-1810-000, 8597-55-2546-000, 8597-55-2991-000, 8597-55-3136-000, 8597-55-3428-000, 8597-55-3549-000, 8597-55-4424-000, 8597-55-5313-000, 8597-55-5503-000, 8597-55-5681-000, 8597-55-6667-000, 8597-56-1525-000, 8597-56-4170-000, 8597-56-4615-000, 8597-57-0292-000, 8597-57-7985-000, 8597-64-1942-000, 8597-64-2864-000, 8597-64-3698-000, 8597-64-4657-000, 8597-64-4992-000, 8597-64-5558-000, 8597-64-5877-000, 8597-64-5877-000, 8597-64-6683-000, 8597-64-6737-000, 8597-64-7555-000, 8597-64-7714-000, and 8597-64-8466-000.

SECTION 2. The Planning Director is hereby authorized and directed to modify the City’s Official Zoning Map, Comprehensive Land Use Plan, and Future Land Use Map consistent with this Ordinance.

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

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

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

Adopted and approved this the 18th day of November 2024.

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

s/Maureen Copelof, Mayor

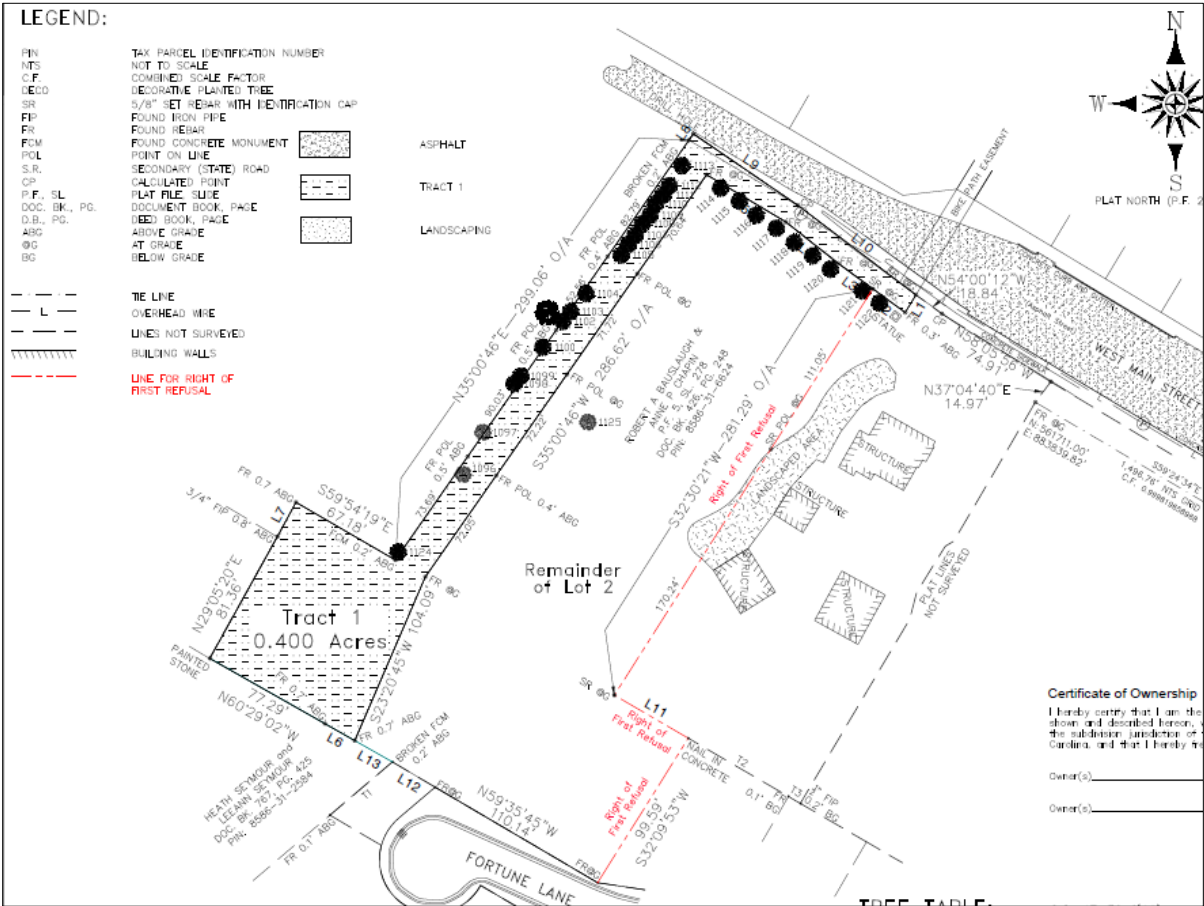
~~ At 6:51 PM Mayor Copelof called for a ten-minute break ~~

M. New Business

M-1. Approval of Settlement Agreement and Purchase of Robert Bauslaugh Property at 287 W. Main Street – Attorney McKeller explained that in 2021 the City filed an action for eminent domain to acquire a thin strip of property near 287 W. Main St. for the Estatoe Trail from Main Street toward the Mary C. Jenkins Center. The City deposited \$53,000 in escrow with the Court as compensation for the taking, based on an appraisal of the property at the time. The property owners disagreed with the appraised value and initiated a legal action against the City contesting the taking. Following mediation and reappraisal of the property, the City and the property owner came to a settlement agreement as follows:

- The City shall pay an additional \$147,000 to purchase the property and receive the other considerations in the settlement. This makes the final purchase price \$200,000.
- Landowner agrees to convey in fee simple the property displayed as Tract 1 in the map below, which includes the original trail right-of-way and an additional area at the south end of the property.
- The City agrees to permit a future curb cut near 287 W Main St. for future development of the property and to allow motorized vehicles to cross the bike path at that location.
- The City agrees to build a fence along the entirety of the bike path separating it from the adjacent 287 W. Main St. property
- The Landowner agrees to release the City from all claims relating to, or arising out of the civil action and the taking of the easement.

- The Landowner grants the City a one-time right of first refusal to purchase the vacant remnant parcel adjacent to which the bike path will run if the landowner receives and accepts a bona fide offer to purchase that property.



Mr. Hooper provided two options for funding the additional \$147,000. The first was to take it from unobligated Fund Balance, but Mr. Hooper cautioned that we need to preserve those funds to make up for any shortfalls that we might experience as a result of the storm. His recommendation was Option 2, which was to take it from the fund established for development of the Estatoe Trail.

Mr. Morrow moved, seconded by Mr. Wise to approve the resolution to accept the settlement agreement. The motion carried unanimously.

RESOLUTION NO. 2024-55
APPROVING THE TERMS OF A SETTLEMENT AGREEMENT
BY AND BETWEEN CITY OF BREVARD AND ROBERT BAUSLAUGH
REGARDING PROPERTY AT 287 WEST MAIN STREET

WHEREAS, the City filed condemnation action 21 CVS 381 (“Civil Action”) in the Transylvania Superior Court on August 31, 2021 against Robert A. Bauslaugh and Anne P. Chapin relating to property at 287 West Main Street; and

WHEREAS, pursuant to G.S. 40A et. Seq., the City, through the Civil Action, acquired an easement in the Property for the construction of a public bicycle path; and

WHEREAS, the City deposited Fifty-three Thousand (\$53,000) Dollars with the Court as estimate of just compensation; and

WHEREAS, defendant Anne P. Chapin passed away on January 26, 2024 and her interest in the property passed to Robert Bauslaugh by operation of law; and

WHEREAS, the City and Robert Bauslaugh have come to a settlement agreement.

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

SECTION 1. City Council hereby approves the terms of the attached Settlement Agreement by and between the City of Brevard and Robert A. Bauslaugh.

SECTION 2. Brevard City Council hereby designates the Mayor to sign and execute the Settlement Agreement.

Approved and adopted this 18th day of November, 2024.

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

Ms. Holder moved, seconded by Mr. Morrow to fund the \$147,000 from Staff's recommendation of Option 2. The motion carried unanimously.

ORDINANCE NO. 2024-45
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2024-10 ESTATOE TRAIL PROJECT

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

Section 1: The budgeted expenditures and revenues listed under the ordinance 2024-10 will be increased by \$147,000.

Section 2: The Project involves the City obtaining portions the Bauslaugh property, (as detailed in the Settlement Agreement) located at 287 West Main Street for the purpose of completing the section of the Estatoe Trail between Main Street and the Mary C. Jenkins Community Center.

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

Account Number	Account Name	Budget Amount
78-6300-4400	Estatoe Trail Project	\$147,000
TOTAL PROJECT APPROPRIATION		\$147,000

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

Account Number	Account Name	Budget Amount
78-3990-0000	Fund Balance	\$147,000
TOTAL PROJECT REVENUE		\$147,000

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 18th day of November, 2024.

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

N. Remarks/Future Agenda Considerations.

Mr. Baker noted that there are some large properties within city limits that are currently vacant and have been for some time. Those properties are the former K-Mart and Bi-Lo buildings, and they have the same owner. He requested a Staff presentation to Council for open discussion about potential strategies for dealing with properties

that are left vacant for a long time. He mentioned that in the last year two former council members were hit by a car while riding their bike. He said we don't talk a lot about these incidents, and this is a reminder that we have more work to do on bicycle safety and it is a reason to keep plugging along on the multi-use path so people can walk and bike safely. He said he was thankful for the massive housing effort that has gone into helping the families that were impacted by the storm. Housing has been a slow-motion crisis for a long time, and it is obvious to us when 53 families are affected by a horrible storm. It is less obvious when someone loses their job or has a medical issue that affects their ability to pay for housing and they cannot find another place to live and have to move out of the city. He expressed pride in Council's support of housing issues over the past few years, but thought the hurricane and its impact should mean we have more focus on that in the future. He thanked the County Commissioners for approving some help to extend water and sewer to Pisgah Labs.

Mr. Morrow commended Mayor Copelof for her impressive report on Hurricane Helene recovery. He mentioned that NCDOT will be giving a report this Thursday at a combined meeting of the Land of Sky RPO and the French Broad River MPO.

Ms. Holder agreed with Mr. Baker's comments regarding housing. She repeated her concerns about safety issues at the W. Main St. and Oaklawn Ave. intersection.

Mr. Wise echoed Mr. Baker's comments. He commented that a lot has happened in our country since we last met here and reminded everyone that local government is what really powers our communities. He said it is fantastic to see people here and talking to us, because we cannot make decisions without you, and we want to listen, and we need to be your voice.

Mr. Hooper welcomed the City's newest staff member, Assistant to the City Manager Selena Coffey. He also informed Council that after 40-plus years, Wastewater Treatment Plant ORC Emory Owen has announced he will be retiring in the spring.

Mayor Copelof said we have the most remarkable community. We are doing more in our county and our city to take care of our people than any of the 23 other counties and 40 or so other municipalities that were at that regional meeting. I am proud of the companies and non-profits that have stood up, and of our staff going out of their way. The City and the County have been aligned and partnered on this for the last 50 days and collaborating with all these partners has allowed us to focus on creative solutions. She thanked Staff and the Military Museum for a wonderful Veterans Day ceremony. She announced several upcoming events for the week.

O. Closed Session

O-1. Potential Litigation: NCGS §143-318.11.(a)(3) – At 7:38 p.m. Mr. Baker moved, seconded by Ms. Holder to go into closed session to discuss a potential litigation matter and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper, City Clerk Denise Hodsdon and Planning Director Paul Ray.

Council Returned to Regular Session – At 7:52 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

O-2. Pending Litigation: NCGS §143-318.11.(a)(3) – At 7:52 p.m. Mr. Wise moved, seconded by Mr. Morrow to go into closed session to discuss pending litigation matter City of Brevard et al vs. HCA et al. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

Council Returned to Regular Session – At 8:05 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

O-3. Personnel and/or Employment: GS § 143-318.11. (a)(5)(6) – At 8:05 p.m. Ms. Holder moved, seconded by Mr. Morrow to go into closed session to discuss a personnel matter. The motion carried unanimously. City Clerk Denise Hodsdon was authorized to remain for the closed session with Council and the Attorney.

Council Returned to Regular Session – At 8:12 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 8:12 p.m. Mr. Baker moved, seconded by Mr. Morrow, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

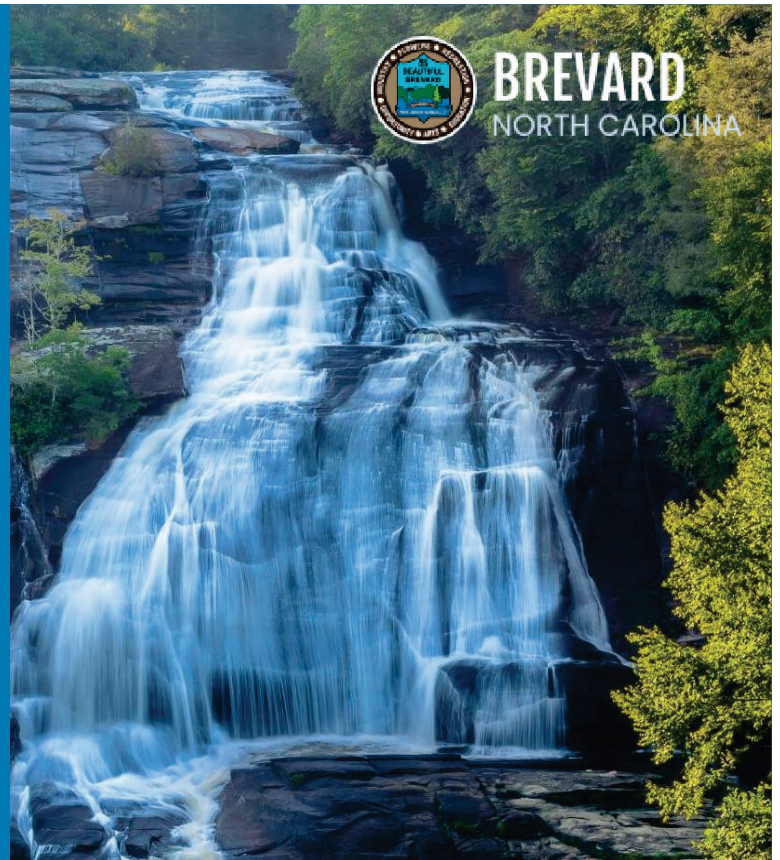
Minutes Approved: December 2, 2024

Hurricane Helene Recovery Update

Mayor Maureen Copelof
November 2024



BREVARD
NORTH CAROLINA



Emergency Housing

- Approximately 52 homes substantially damaged in COB/ETJ
- Families initially in emergency shelter, staying with friends, remaining in damaged homes, STRs
- BMC provided temporary housing for 15 families
 - Housing not heated so families need to move by early December
- FEMA provided initial \$750 emergency funds, housing vouchers and instituted the direct lease program
 - 11 local properties approved for direct leasing
- Sunset Motel accepting housing vouchers



OFFICE OF THE MAYOR | 2

Temporary Housing Task Force

- Transylvania County
- City of Brevard
- Habitat for Humanity
- Housing Assistance Corporation (HAC)
- Platt-- Helene Emergency Assistance Longtime (HEAL)
- El Centro
- Sycamore Builders
- Brevard Music Center
- Amy Fisher
- Builders Association of the Blue Ridge Mountains



OFFICE OF THE MAYOR | 3

Long Term Temporary Housing

- Habitat arranged 6 campers from Operation Helo, 1 additional from donor
 - Arrived Nov 8th. Families already moved in.
- 8 Campers purchased by Platt HEAL & managed by HAC
- 1 trailer from Baptist Home Mission
- Consolidated list of families from FEMA, HAC, El Centro, Habitat.
 - Almost everyone on list now has temporary housing
 - May still be more who have not signed up
- Working one on one to situate families in trailers or houses
 - 13 families placed in local homes for long term rental
 - 16 families into trailers
- Goal is to move families out of BMC by end of month

Regional Helene Recovery Meeting Convened by NCLM and NCACC

- Mayors, Chairs of County Commissions and Managers from WNC
- State Legislators, Governor Cooper, FEMA Administrator, NCEM Chief of Staff, Senator Tillis
- Current status (as of Nov 8th): 273 roads still closed; 18 water systems still boil advisory; 15 WWTP various states of disrepair (3 no power; 5 closed significant damage)
- Look at: Immediate Needs (Response); Intermediate Needs (Recovery); Future Needs (Rebuilding)

Land of Sky (Buncombe, Transylvania, Henderson & Madison Counties) Priorities

- **Immediate funding for government, individual and businesses**
 - Cash flow issues; reduced sales taxes; waived fees; businesses loss of revenue;
 - Grant funding needed in NC Supplemental Funding Bill. Follow COVID example
 - SBA funding needed at federal level
- **Housing**
 - FEMA regulations; time delay with programs; not enough contractors or engineering expertise
 - Need to cut the red tape. Eliminate middle man.
 - Longterm assistance: Revamp LIHTC; Reinstate state level funding programs;
- **Water & Sewer Repair & Replacement & Resiliency**
 - What do we do so it doesn't happen again? Interconnections. Eliminate single points of failure.
- **Other Infrastructure (roads, bridges, communication systems)**
 - Satellite communication versus fiber?
- **Debris Removal**

Other Issues

- Mental Health services needed.
- Technical assistance to comply with FEMA programs.
- Grant writing assistance.
- Regional Coordination.
- Extension of PA and IA deadlines
- Relaxing of NCDOT and DEQ procurement requirements
- Focus on Climate Resilience & Mitigation efforts

Leadership Comments

- **FEMA Administrator:** Flexibility in system. If you find creative solutions challenge her team on authorities.
- **Governor Cooper:** Over \$53B in damage. Need GA to approve grants to small businesses not just loans; state needs to front the money for Hazard Mitigation Grant Program, recoup from Federal Govt later. Push GA for COVID like programs. This taking big portion of this years and future years budgets.
- **Senator Tillis:** Most deadly and damaging storm in NC. Think long term. Need to look regionally. Forge new partnerships. Redefine what recovery looks like. Need swift, decisive government. Use COVID relief programs as examples. Get private sector investment. We need a new model.

Next Steps

- Immediate:
 - Review need for additional temporary housing
 - Assisting families with navigating the process. Nov 21st Information Meeting
 - COB Submission of PA request.
 - COB repair of infrastructure
- Long Term:
 - COB review of infrastructure for resilience/strengthening underway
 - Lobbying State Representatives for measures Governor Cooper mentioned
 - Lobbying Washington for SBA funding and robust funding of CDBG-Disaster Recovery Grant program



Proclamation No. 2024-24
In Recognition of Brevard High Boys Cross Country Team
Winning 2024 State Championship

WHEREAS, on November 2, 2024, Brevard High School Boys Cross Country Team captured the 2024 North Carolina High School Athletic Association (NCHSAA) 2A Cross Country State Championship; and

WHEREAS, under the guidance of Coach Ben Morgan and Coach Jackie Witherspoon, the Brevard Blue Devils Cross Country Team has won 4 consecutive conference championships, and are back-to-back Regional and State Champions, capturing the third State Championship in school history; and

WHEREAS, this year Senior Avan Hinkle, Senior Leo Murray, and Sophomore Keaton Campbell gained All-State Honors; and

WHEREAS, Senior Max Bailey won the prestigious Sportsmanship Award; and

WHEREAS, through hard work, dedication, teamwork, and commitment, the Boys Cross Country Team brought honor upon themselves, Brevard High School, and Transylvania County.

NOW, THEREFORE, be it proclaimed that the Brevard City Council expresses its congratulations and appreciation to the athletes, coaches, staff and parents of the Brevard High School Boys Cross Country Team. Let it be remembered that each and every one of these individuals are a valuable asset to the City of Brevard and Transylvania County and will shape our future as they continue on the path towards adulthood.

Further, I, Mayor Maureen Copelof and Brevard City Council, do hereby proclaim Tuesday, **December 3, 2024**, as "**BLUE DEVILS BOYS CROSS COUNTRY TEAM DAY**" in the City of Brevard, North Carolina, and call upon all citizens to join us in recognizing the Brevard High School Boys Cross Country Team and coaching staff for their achievements.

Proclaimed this the 2nd day of December 2024.

ATTEST:


Denise Hodsdon, CMC
City Clerk




Maureen Copelof
Mayor



Proclamation No. 2024-25 Kwanzaa Week Proclamation

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

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

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

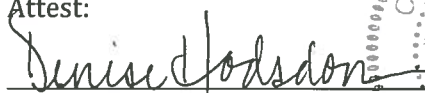
WHEREAS, the City of Brevard, North Carolina, honors cultural diversity, equity and inclusion for all to enjoy. This city upholds a tradition to enrich the community with values, proactively preserve African American historical preservation and welcome all residents to participate in recognizing Kwanzaa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

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

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim December 26, 2024 to January 1, 2025, as **KWANZAA WEEK** in the City of Brevard and commend its observance to all citizens.

Signed this 2nd day of December, 2024.

Attest:


Denise Hodsdon, CMC, City Clerk




Maureen Copelof, Mayor

STAFF REPORT

City Council, Monday, December 2, 2024

Title: DFI Presentation of Presbyterian Church Property Findings

Speaker: Sara Van Lear, Development Finance Initiative
Sara Odio, Development Finance Initiative

Prepared by: Emily Brewer, Senior Planner, Paul Ray, Planning Director,
Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

At the September 3, 2024 City Council meeting, staff shared the preliminary results of the geotechnical work performed at the wooded Brevard Davidson River Presbyterian Church (BDRPC) site that is under consideration for the development of low-to-moderate (LMI) housing. The geotechnical work revealed challenging ground conditions that would significantly add to the cost of any potential development. The City's partners at the UNC School of Government's Development Finance Initiative (DFI) were going to informally shop the results with the NC Housing Finance Agency (NCHFA) and LMI developers to see if the project would still be financially feasible. They will share the results of their inquiries and their analysis of the impacts of the ground conditions on a project pro forma this evening. The results have already been shared with Ad Hoc committee at BDRPC, the group that's representing the church during this process.

Discussion

The geotechnical analysis concluded that the site is covered with a layer of silty organic topsoil, and the underlying soil is a mix of unconsolidated (soft) soil consisting of sandy clay, sandy silt, and silty sand approximately 15 to 18 feet deep. To develop the site, unconsolidated (soft) soil would need to be undercut and regraded with structural fill to stabilize each building area. Alternatively, ground improvement with aggregated piers could be used to stabilize future building areas and a retaining wall. Due to the depth of soft soil at the site, the site work methods described above are higher cost than those of an average site in western North Carolina. Furthermore, the cost estimates were made prior to Hurricane Helene, and are likely to be more expensive now that construction crews are engaged with other work throughout the region.

As expected, the significant new expense related to preparing the land has implications on the feasibility of the project. DFI will share information about how the new costs not only drive up the price tag, but also impact the project's competitiveness for LIHTC and other sources of outside funding.

Action

No formal action requested. Council is asked to share thoughts on next steps.

Attachments:

1. Brevard Site Development Cost Estimate Evaluation



SOLID GROUND NC

August 23, 2024

City of Brevard
c/o Sara VanLear
Project Manager
Development Finance Initiative | UNC School of Government
Campus Box 3330
Chapel Hill, NC 27599-3330

RE: Proposal for Site Development Cost Estimates
Brevard-Davidson River Presbyterian Church Property
Brevard, Transylvania County, North Carolina
Solid Ground NC Project No. NC24-0070

Dear Sara:

Solid Ground Engineering NC, PLLC (Solid Ground NC) is pleased to provide you with this High-Level Site Development Cost Estimate Evaluation for the above-referenced property.

PROJECT UNDERSTANDING

It is our understanding that the site is being evaluated for use as a residential development. Based on our preliminary geotechnical evaluation of the site, we have identified several challenges to construction which include the following:

- The soils are in a very soft to soft consistency and a very loose to loose density.
- Shallow footings cannot be utilized on the site without significant ground improvement.
- Raft foundations or aggregate piers will be required to support the buildings and retaining walls.
- On-site clay soils are moderately plastic (expansive) and cannot be used for structural fill.
- Most of the on-site silts and sands are lightweight and micaceous, making them very poor for re-use as structural fill or retaining wall backfill. As such, retaining walls will have to be designed very conservatively or significant imported fill will be required.
- All pavements will require undercutting and stabilization with geotextiles and/or crushed stone.

We understand that the client desires to further evaluate the site development costs associated with a couple of potential conceptual site plans.

SCOPE OF SERVICES

Solid Ground NC was provided with a couple of different conceptual designs for the project site prepared by others. Conceptual Plans for each design are attached as Figures 1 and 2. The Scenarios for the concepts included the following:

Scenario 1: Low density townhome development

- 1 story
- 1,200 sqft/unit
- 36 units
- 72 parking spaces
- One entry/exit off Appletree St
- No secondary exit as illustrated in the image

Scenario 2: Medium density multi-family apartment buildings

- 3 stories
- 1,000 sqft/unit
- 50 units
- 90 parking spaces
- One entry/exit off Appletree St
- No secondary exit as illustrated in the image

For each of the scenarios evaluated, the buildable area was estimated to be on the order of approximately 3.3 acres. The grading for each of the scenarios was also similar and assumed the creation of a generally level buildable pad at an approximate elevation of 2164, which is a balance of the site.

For each of the scenarios, Solid Ground developed estimated site development costs for the concept that assumed 1) near ideal soil conditions and 2) challenging soils that we encountered at the site.

DISCUSSION

The results of our evaluation are presented in the attached tables. The results of Scenario 1 constructed on adequate soils were estimated at \$1,679,080 total, or a cost of \$508,812 per acre. In order to construct Scenario 1 on this particular site, retaining walls require ground improvement using aggregate piers, the structures were assumed to be constructed on rafts, and estimates for ground improvement for pavements increased the total development costs to \$3,024,970, or a cost of \$916,657 per acre. Total site development costs for the Scenario 1 concept equate to approximately \$84,026 per unit.

The results of Scenario 2 constructed on adequate soils were estimated at \$1,273,740 total, or a cost of \$385,981 per acre. In order to construct Scenario 2 on this particular site, retaining walls require ground improvement using aggregate piers, the structures require ground improvement using aggregate piers, and estimates for ground improvement for pavements increased the total development costs to \$4,062,240, or a cost of \$1,230,981 per acre. Total site development costs for the Scenario 2 concept equate to approximately \$81,245 per unit.

CLOSING

Thank you for the opportunity to submit this proposal to provide services and serve as your consultant. We look forward to the opportunity to work with you on this project and to hopefully serve as your consultant in the future. If you have any questions, or if we can be of any additional service, please contact us.

Sincerely,
Solid Ground Engineering NC, PLLC



Aric V. Geda, P.E.
Principal Engineer

Attachments: Figure 1- Scenario 1 Conceptual Design
 Figure 2- Scenario 2 Conceptual Design
 Table 1- Scenario 1 Site Development Cost Estimates
 Table 2- Scenario 2 Site Development Cost Estimates



FIGURE 1- SCENARIO 1 CONCEPTUAL DESIGN

**Brevard-Davidson River
Presbyterian Church Property**
East Main Street
Brevard, North Carolina

SOLID GROUND
— NC —
3714 Alliance Drive, Suite 400
Greensboro, North Carolina 27407
(919) 800-9093

Project Number NC24-0070

Not to scale
August 2024



FIGURE 2- SCENARIO 2 CONCEPTUAL DESIGN

**Brevard-Davidson River
Presbyterian Church Property**
East Main Street
Brevard, North Carolina

SOLID GROUND
—NC—
3714 Alliance Drive, Suite 400
Greensboro, North Carolina 27407
(919) 800-9093

Project Number NC24-0070

Not to scale
August 2024

Scenario 1: Low density TH development (typical soil conditions)				
	Quantity	Units	Cost/Unit	Total Cost
Site Preparation				
Demolition	0	SF	\$5.00	\$0.00
Clearing and Grubbing	3.3	AC	\$7,000.00	\$23,100.00
Earthwork	39,000	CY	\$6.00	\$234,000.00
Rock Allowance	0.0	CY	\$32.00	\$0.00
Infrastructure				
Retaining Wall Construction	6,600	SF	\$40.00	\$264,000.00
Roadway Construction	310	LF	\$550.00	\$170,500.00
Electrical Service	1,200	LF	\$150.00	\$180,000.00
Water Service	1,050	LF	\$150.00	\$157,500.00
Sewer Service	1,050	LF	\$250.00	\$262,500.00
Subtotal				\$1,291,600.00
GC, Profit, Overhead, Contingencies			30%	\$387,480.00
Total				\$1,679,080.00
			Cost per acre:	\$508,812.12

Scenario 1: Low density TH development (required ground improvement)				
	Quantity	Units	Cost/Unit	Total Cost
Site Preparation				
Demolition	0	SF	\$5.00	\$0.00
Clearing and Grubbing	3.3	AC	\$7,000.00	\$23,100.00
Earthwork	39,000	CY	\$6.00	\$234,000.00
Rock Allowance	0.0	CY	\$32.00	\$0.00
Infrastructure				
Retaining Wall Construction	6,600	SF	\$40.00	\$264,000.00
Roadway Construction	310	LF	\$550.00	\$170,500.00
Electrical Service	1,200	LF	\$150.00	\$180,000.00
Water Service	1,050	LF	\$150.00	\$157,500.00
Sewer Service	1,050	LF	\$250.00	\$262,500.00
Ground Improvement				
Agg. Piers for Retaining Walls	770	EA	\$1,100.00	\$847,000.00
Raft Foundations/prep for structures	43,200	SF	\$4.00	\$172,800.00
Pavement Ground Improvement	1,550	CY	\$10.00	\$15,500.00
Subtotal				\$2,326,900.00
GC, Profit, Overhead, Contingencies			30%	\$698,070.00
Total				\$3,024,970.00
			Cost per acre:	\$916,657.58

Scenario 2: Medium density MF apt. buildings (typical soil conditions)				
	Quantity	Units	Cost/Unit	Total Cost
Site Preparation				
Demolition	0	SF	\$5.00	\$0.00
Clearing and Grubbing	3.3	AC	\$7,000.00	\$23,100.00
Earthwork	39,000	CY	\$6.00	\$234,000.00
Rock Allowance	0.0	CY	\$32.00	\$0.00
Infrastructure				
Retaining Wall Construction	6,600	SF	\$40.00	\$264,000.00
Roadway Construction	234	LF	\$550.00	\$128,700.00
Electrical Service	600	LF	\$150.00	\$90,000.00
Water Service	600	LF	\$150.00	\$90,000.00
Sewer Service	600	LF	\$250.00	\$150,000.00
Subtotal				\$979,800.00
GC, Profit, Overhead, Contingencies			30%	\$293,940.00
Total				\$1,273,740.00
			Cost per acre:	\$385,981.82

Scenario 2: Medium density MF apt. buildings (required ground improvement)				
	Quantity	Units	Cost/Unit	Total Cost
Site Preparation				
Demolition	0	SF	\$5.00	\$0.00
Clearing and Grubbing	3.3	AC	\$7,000.00	\$23,100.00
Earthwork	39,000	CY	\$6.00	\$234,000.00
Rock Allowance	0.0	CY	\$32.00	\$0.00
Infrastructure				
Retaining Wall Construction	6,600	SF	\$40.00	\$264,000.00
Roadway Construction	234	LF	\$550.00	\$128,700.00
Electrical Service	600	LF	\$150.00	\$90,000.00
Water Service	600	LF	\$150.00	\$90,000.00
Sewer Service	600	LF	\$250.00	\$150,000.00
Ground Improvement				
Agg. Piers for Retaining Walls	770	EA	\$1,100.00	\$847,000.00
Agg. Piers for Structures	1,160	EA	\$1,100.00	\$1,276,000.00
Pavement Ground Improvement	2,200	CY	\$10.00	\$22,000.00
Subtotal				\$3,124,800.00
GC, Profit, Overhead, Contingencies			30%	\$937,440.00
Total				\$4,062,240.00
			Cost per acre:	\$1,230,981.82

STAFF REPORT

City Council, Monday, December 2, 2024

Title: Ordinance - Voluntary Contiguous Annexation - Mills Ave Properties, LLC / Forest Hill Drive

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

On September 13, 2024, Mills Avenue Properties, LLC. ("Applicant") submitted a request for voluntary continuous annexation for four properties on Forest Hill Drive, further identified by PINs 8585-360021-000, 8585-35-0899-000, 8585-35-1747-000, and 8585-35-1676-000.

Discussion

The subject properties are located within the City's Extra-Territorial Jurisdiction (ETJ) adjacent to the corporate limits and is zoned General Residential – 4 (GR4). The Applicant wishes to annex the entirety of the four parcels. There are currently no structures on the property, but the applicant has expressed interest in developing the parcels with residential units following the typical "by-right" zoning regulations.

Policy Analysis

Voluntary, contiguous annexations are governed by North Carolina General Statute §160A-31 which authorizes cities to annex any area contiguous to its borders on receipt of a petition signed by all the owners of real property within the area proposed for annexation. The subject property qualifies for annexation under this statute.

Recommendation

The Planning Board discussed this request at their November 19th meeting and voted in favor of the request.

Fiscal Impact

There will be a minor increase in property tax revenue and the cost of extending services will be borne by the property owner. Future development would result in increased utility revenues. Service impacts are anticipated to be minimal.

Action

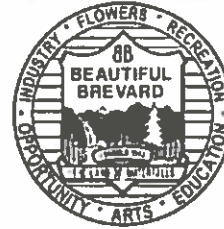
This presentation is for public hearing purposes only and no action is requested at this time.

Attachments:

1. Annexation Petition - Mills Ave Properties LLC - Forest Hill Road
2. Annexation Plat

3. Ordinance Extending Corporate Limits - Mills Ave Properties, LLC

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



PETITION REQUESTING A CONTIGUOUS
ANNEXATION
(G.S. 160A-31)

Date: 9/13/2024

To the City Council of the City of Brevard:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Brevard.
2. The area to be annexed is contiguous to the City of Brevard and the boundaries of such territory are as follows:

Transylvania County Property Identification Number(s): 8585-36-0021-000,
8585-35-0899-000, 8585-35-1747-000 - 8585-35-1676-000

Street Address: LOTS: TR-2A, TR-2B, TR-2C, + TR-2D

(ATTACH A METES AND BOUNDS PROPERTY
DESCRIPTION AS "ATTACHMENT A")

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Brevard. (ATTACH MAP AS "ATTACHMENT B", including the Tax Map PIN)
4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Property Owner(s): Do you declare vested rights? Yes ☒ No ☐
(Vested rights are rights belonging completely and unconditionally to a person which cannot be impaired or taken away by another party.)

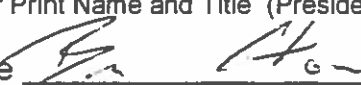
Property Owners Contact Information (If there are more than three property owners, provide their names, contact information and signatures upon a separate and attached sheet.)

a. Name _____
Address _____
Telephone _____ Email _____
Signature _____

b. Name _____
Address _____
Telephone _____ Email _____
Signature _____

c. Name _____
Address _____
Telephone _____ Email _____
Signature _____

Property Ownership by Corporation or LLC: (If there are more than three principals or managing members then provide their names, contact information and signatures upon a separate and attached sheet.)

a. Name MILLS AVE PROPERTIES LLC
Address 86 W. MORGAN ST.
BREVARD, NC 28712
Telephone 828 553 3565 Email Benjamin.steinstone@gmail.com
By: BEN STONE
Type or Print Name and Title (President / Managing Member)
Signature 

b. Name _____
Address _____

Telephone _____ Email _____

By: _____
Type or Print Name and Title (President / Managing Member)

Signature _____

c. Name _____
Address _____

Telephone _____ Email _____

By: _____
Type or Print Name and Title (President / Managing Member)

Signature _____

AGENT:

Name: _____

Address: _____

Telephone: _____ Email _____

Petition along with a copy of the property Deed, Metes and Bounds description (Attachment A), Map / Survey (Attachment B) and cash/credit or check in the amount of \$500 made payable to the City of Brevard is to be returned to:

Denise Hodsdon, City Clerk
City of Brevard
95 West Main St., Brevard, NC 28712



NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$628.00

Return after recording to: Donald E. Jordan

Brief description for the Index: Tracts 2A, 2B, 2C & 2D, Brevard Township

This Deed was prepared by: Donald E. Jordan, Attorney at Law

This property does not include the primary residence of Grantor

sp 5-6-22

This DEED is made this 4th day of May, 2022, by and between:

GRANTOR: **THOMAS WEAVER and
LINDA M. WEAVER,
Husband and Wife**
Grantor's Address: 83 Buena Vista Drive, Brevard, NC 28712

GRANTEE: **MILLS AVE PROPERTIES, LLC,
a North Carolina limited liability company**
Grantee's Address: 86 West Morgan Street, Brevard, NC 28712

The designation Grantor and Grantee in this Deed shall include the parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

The Grantor, for a valuable consideration paid by the Grantee (the receipt of which is acknowledged) grants, bargains, sells and conveys to the Grantee in fee simple, all of the lot or parcel of land located in Brevard Township, Transylvania County, North Carolina, and as is described in the attached Exhibit A. This is a portion of the same property acquired by Grantor by Deeds recorded in Document Book 255, Page 215 and Document Book 255, Page 218, Transylvania County Registry. This conveyance is made subject to easements and rights of way of record, to any covenants of record, and to real property taxes for the current year.

THIS CONVEYANCE IS MADE FOR THE GRANTEE TO HAVE AND TO HOLD the Property and all privileges and appurtenances belonging to the Property in fee simple.

The Grantor covenants with the Grantee that Grantor is seized of the Property in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons, subject only to the stated exceptions.

Grantor is signing this Deed as of the date specified above.


Thomas Weaver

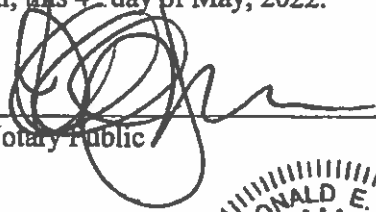

Linda M. Weaver

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, Donald E. Jordan, a Notary Public of the specified County and State, certify that Thomas Weaver and Linda M. Weaver personally appeared before me this day and acknowledged the voluntary execution of this Deed.

Witness my signature and official stamp or seal, this 4th day of May, 2022.

My commission expires: August 30, 2024


Notary Public

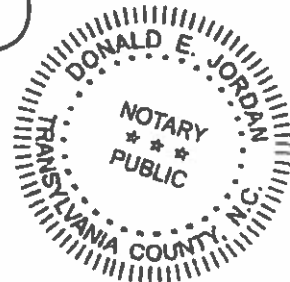


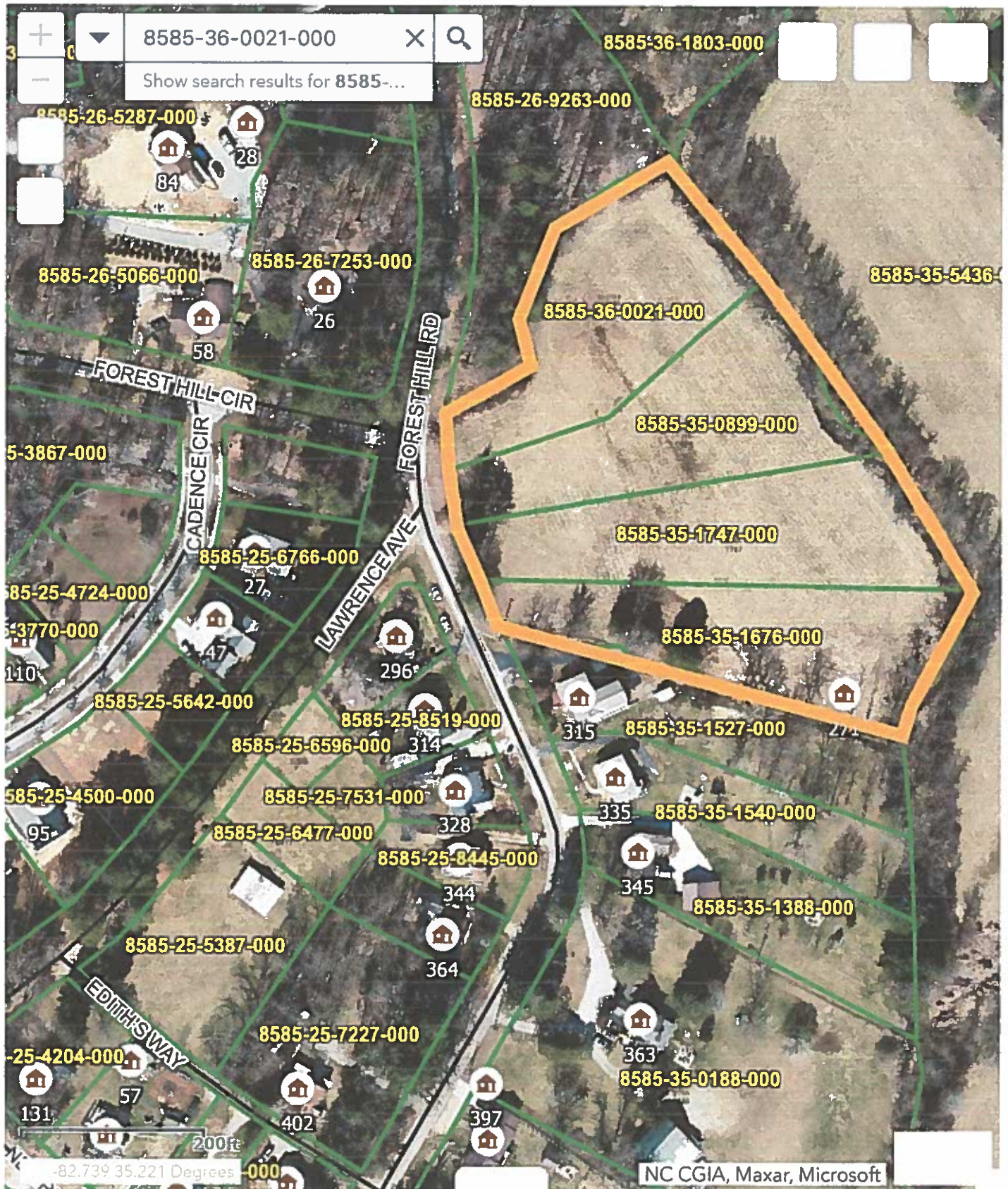
EXHIBIT A - LEGAL DESCRIPTION

All of Tracts 2A, 2B, 2C and 2D as shown on the plat of survey, dated April 27, 2022, prepared by Carolina Mountain Surveying, for Thomas and Linda M. Weaver, recorded in Plat File 22, Slide 158, Records of Plats for Transylvania County, in the office of the Register of Deeds, Transylvania County, North Carolina.

Together with and subject to all rights of way, easements and restrictions of record.



Tax Administration Portal



All rights reserved

Plat file 22, Slide 158

LEGEND

P.B. PG
P.T. SL
PIN
NCGS
NAD
FCM
SR
FR
NTS
C/L
R/W
CP
H/W
O/A
DOC. BK. PG.
SR/POL
S.R.
①

PLAT BOOK, PAGE
PLAT FILE, SLIDE
TAX PARCEL IDENTIFICATION NUMBER
NORTH CAROLINA GRID SYSTEM
NORTH AMERICAN DATUM
FOUNDED CONCRETE MONUMENT
SET REBAR
FOUND REBAR
NOT TO SCALE
CENTRILINE
RIGHT OF WAY
CALCULATED POINT
HIS WIFE
OVERALL
DOCUMENT BOOK, PAGE
SET REBAR/POINT ON LINE
SECONDARY ROAD
UTILITY POLE



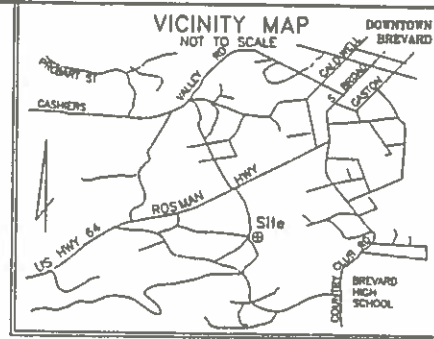
ASPHALT
FLOODWAY
FLOOD ZONE A
FLOOD ZONE AC
FLOOD ZONE BC

NCGS MONUMENT
"GEORGE"
(NAD 83/86)
N: 558738.54'
E: 882107.07'

NCGS MONUMENT
"MILLER"
(NAD 83/86)
N: 558333.12'
E: 880841.14'

CERTIFICATE OF APPROVAL FOR RECORDING
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE REGULATING ORDINANCE FOR BREVARD, NORTH CAROLINA, AND THAT THIS PLAT HAS BEEN APPROVED BY THE CITY OF BREVARD FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF TRANSYLVANIA COUNTY. I FURTHER CERTIFY THAT THE CITY COUNCIL HAS ACCEPTED THE DEDICATION OF THE PUBLIC OPEN SPACE AS SHOWN, IF SUCH PARCELS ARE LOCATED WITHIN THE CORPORATE LIMITS OF BREVARD, BUT ASSUMES NO RESPONSIBILITY TO OPEN OR MAINTAIN THE DEDICATED OPEN SPACE UNLESS IN THE OPINION OF THE CITY COUNCIL IT IS THE PUBLIC INTEREST TO DO SO.

5/2/22
DATE
Emily Brewer
REVIEW OFFICER, CITY OF BREVARD



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF BREVARD AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, PRESERVE AND PROTECT ALL SIGNIFICANT TREES OVER 15 INCHES DIAMETER IN THE TREE AND ROOT PROTECTION AREA, AND PLANT SUPPLEMENTARY TREES AS REQUIRED. FURTHERMORE, I HEREBY DEDICATE ALL PUBLIC OR PRIVATE USES AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL SANITARY SEWER, STORM SEWER, AND WATER LINES THAT ARE LOCATED IN PUBLIC UTILITY EASEMENTS OR RIGHTS-OF-WAY TO THE CITY OF BREVARD. FURTHERMORE, I HEREBY SET ASIDE IN PERPETUITY FOR PERMANENT PRESERVATION, ALL REGULATORY FLOODWAYS, STREAM CORRIDOR PROTECTION AREAS, AND OTHER PROTECTED NATURAL AREAS AS SHOWN, DESCRIBED, OR OTHERWISE NOTED HEREON.

5-2-22
DATE
Emily Brewer
OWNER

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
Emily Brewer
REVIEW OFFICER

OF TRANSYLVANIA COUNTY, CITY OF BREVARD, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

5/2/22
DATE
Emily Brewer
REVIEW OFFICER

NOTES:

- 1) PARCELS SHOWN HEREON ARE IDENTIFIED BY THEIR TAX PARCEL IDENTIFICATION NUMBERS. PROPERTY ORIGINALLY SURVEYED AND COMBINED INTO 1 TRACT IN FEBRUARY AND MARCH OF 2008 BY HATLER LAND SURVEYING. PROPERTY IS BEING SUBDIVIDED BY SURVEY ON MARCH 22, 2022. TRACT 1 IS BEING RESTORED TO ITS ORIGINAL CONFIGURATION AND WAS NOT RESURVEYED. PORTIONS OF TRACTS 2A, 2B, 2C AND 2D WERE SURVEYED IN 2022 BY CAROLINA MOUNTAIN SURVEYING. NOT ALL IMPROVEMENTS ARE SHOWN HEREON. DISTANCES SHOWN ARE HORIZONTAL AND UNLESS NOTED OTHERWISE, THE CREEK LOCATION WAS NOT RESURVEYED FROM THE ORIGINAL SURVEY/PLAT. THE PROPERTY LINE BY DEED IS THE CENTRILINE OF BRUBLY CREEK (TUCKER'S or NICHOLSON) CREEK.
- 2) AREA OF TRACT 1 = 1.571 ACRES
TRACT 2A = 1.192 ACRES
TRACT 2B = 1.134 ACRES
TRACT 2C = 1.148 ACRES
TRACT 2D = 1.168 ACRES
TOTAL PLATTED AREA = 5.210 ACRES
AREA CALCULATED BY COORDINATE COMPUTATION
- 3) THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THIS PROPERTY IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS OF RECORD BUILT SHOWN AND NOT SHOWN HEREON.
- 4) MOOT CLAIMS A 60' WIDE R/W AS CALCULATED FROM THE C/L OF FOREST HILL DRIVE. ALSO KNOWN AS LAWRENCE AVENUE. NO DEED WAS FOUND TO VERIFY THE WIDTH OF THE R/W CLAIMED.
- 5) PLAT BOOK 1, PAGE 5 - SECTIONS 1 & 2 (WHICH INCLUDE THIS PROPERTY) ESTABLISHED A 45' R/W ALONG LAWRENCE AVENUE ALSO KNOWN AS FOREST HILL DRIVE. DOCUMENT BOOK 255, PAGE 215 STATES THAT THE PROPERTY BEGINS ALONG THE EASTERN MARSH OF LAWRENCE AVENUE. PROPERTY CORNERS HAVE BEEN CALCULATED 22.5 FEET OFF OF THE C/L OF LAWRENCE AVENUE/FOREST HILL DRIVE TO CORRESPOND WITH THE PLATTED 45' R/W FOUND IN PLAT BOOK 1, PAGE 5. REBAR HAVE BEEN OFFSET 30 FEET FROM THE C/L OF FOREST HILL DRIVE TO REFLECT THE 60' WIDE R/W AS CLAIMED BY MOOT. THE PROPERTY LINES ARE THE CALCULATED LINES 22.5' OFF OF THE CENTRILINE OF FOREST HILL DRIVE.
- 6) DEED REFERENCE: TRACT 1 - DOCUMENT BOOK 255, PAGE 215
TRACT 2 - DOCUMENT BOOK 255, PAGE 216
- 7) SET REBAR HAVE PLASTIC ID CAP
- 8) PLAT REFERENCE: P.B. 1, P.L. 5, P.F. 11, SL. 725
- 9) PIN REFERENCE: 6885-28-9188
- 10) THIS PROPERTY IS LOCATED WITHIN THE ONE MILE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF BREVARD AND IS CURRENTLY ZONED GENERAL RESIDENTIAL A.
- 11) POINTS ALONG THE C/L OF BRUBLY CREEK AND THE C/L OF THE DITCH ARE CALCULATED AND WERE NOT SET
- 12) FLOODWAY, FLOOD ZONES, AND PORTIONS OF THE ROADWAY WERE DOWNLOADED FROM N.C. FLOODMAPS.COM FROM FLOOD INSURANCE RATE MAP STORED/ISSUED EFFECTIVE DATE OCTOBER 2, 2009.

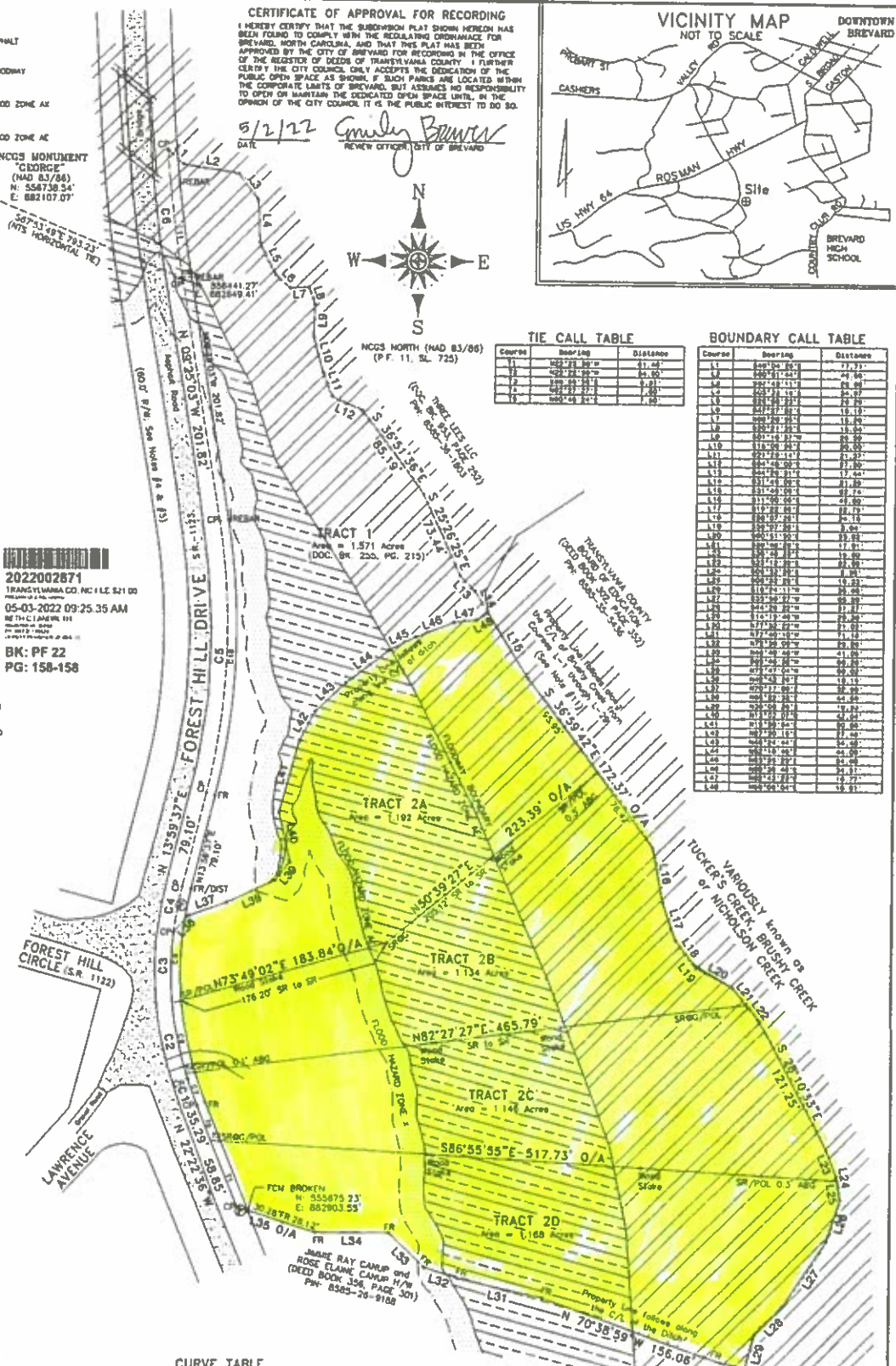
UDOT 7.7.E. AREAS DELINEATED UPON THIS PLAT OR PLAN AS A PROTECTION AREA OR A SPECIAL FLOOD HAZARD AREA IS SUBJECT TO LIMITATIONS UPON DEVELOPMENT AS SET FORTH IN CHAPTER 8 OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE AND ANY DEVELOPMENT, DISTURBANCE OR ENCROACHMENT IS PROHIBITED EXCEPT IN ACCORDANCE THEREWITH.

G.S. 47-30 (1)(1) a.
I, MICHAEL A. PROFFIT, JR., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR JURISDICTION THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
I, MICHAEL A. PROFFIT, JR., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION FROM INFORMATION FOUND IN PLAT FILE 11, SLIDE 725. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION REFERENCED HEREON. THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED BY LATITUDES AND DEPARTURES BEFORE ADJUSTMENT IS NOT LESS THAN 1/1000, AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS THE 27th DAY OF

APRIL, 2022 A.D.

MICHAEL A. PROFFIT, JR.
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-4458



CURVE TABLE

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C2	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C3	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C4	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C5	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C6	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C7	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C8	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C9	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C10	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C11	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"

FIELD RECORDS

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C2	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C3	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C4	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C5	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C6	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C7	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C8	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C9	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C10	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"
C11	289.50'	15.75'	34.50'	11.50'	18.26°	31.25'	81°12'30.00"

DRAWING NUMBER

CMS22024-SUB
COORDINATE FILE
CMS22024-CRD
PROJECT NUMBER
CMS22024
REP: PHOENIX

PREPARED BY
CAROLINA MOUNTAIN SURVEYING
FIRM LICENSE NUMBER #F-1205
137 NORTH BROAD STREET, SUITE 2
BREVARD, NORTH CAROLINA 28712
(828) 883-2670
CMSURVEYING@COMPTONUM.NET

SUBDIVISION SURVEY OF TRACTS 1 AND TRACTS 2A, 2B, 2C AND 2D
PREPARED FOR
THOMAS and LINDA M. WEAVER
SITUATE IN
BREVARD TOWNSHIP
TRANSYLVANIA COUNTY, NORTH CAROLINA
OWNER OF RECORD: THOMAS and LINDA M. WEAVER

DATE
APRIL 27, 2022

DATA COLLECTOR

GRAPHIC SCALE - FEET WRITTEN SCALE: 1"=60'

REVISIONS

CITY ANNEXATION LEGAL DESCRIPTION
FOR TRACTS 2A-2D ON FOREST HILL ROAD
PLAT FILE 22, SLIDE 158

Beginning at a broken concrete monument having North Carolina NAD 83/86 grid coordinates of North: 555675.23 East: 882903.55; said monument standing S 36°49'51" E a distance of 1,328.41 from NCGS MONUMNET GEORGE which has North Carolina NAD 83/86 grid coordinates of North: 556738.54 East: 882107.07 and 6.2' away from an existing utility pole in the right of way for Forest Hill Road;

thence N 72°35'30" W a distance of 9.48' to a calculated point on the old 45' right of way;

thence N 22°22'36" W a distance of 58.85' to a calculated point on the old 45' right of way;

thence N 22°22'36" W a distance of 30.91' to a calculated point on the old 45' right of way;

thence with a curve turning to the right with an arc length of 27.95', with a radius of 289.00', with a chord bearing of N 19°36'24" W, with a chord length of 27.93', to a calculated point on the old 45' right of way;

thence with a compound curve turning to the right with an arc length of 58.85', with a radius of 289.00', with a chord bearing of N 11°00'10" W, with a chord length of 58.75', to a calculated point on the old 45' right of way;

thence with a compound curve turning to the right with an arc length of 58.87', with a radius of 289.00', with a chord bearing of N 00°39'58" E, with a chord length of 58.76', to a calculated point on the old 45' right of way;

thence leaving the old right of way N 42°42'28" E a distance of 18.15' to a point in the center of a ditch;

thence down and with the center of a ditch N 70°17'08" E a distance of 32.99' to a point in the center of the ditch;

thence N 65°22'33" E a distance of 44.58' to a point in the center of a ditch;

thence N 39°05'26" E a distance of 19.33' to a point in the center of a ditch;

thence N 13°02'07" W a distance of 42.04' to a point in the center of a ditch;

thence N 15°38'54" E a distance of 60.58' to a point in the center of a ditch;

thence N 27°30'15" E a distance of 27.48' to a point in the center of a ditch;

thence N 46°24'44" E a distance of 34.48' to a point in the center of a ditch;

thence N 52°18'45" E a distance of 44.06' to a point in the center of a ditch;

thence N 63°35'23" E a distance of 24.90' to a point in the center of a ditch;

thence N 68°35'48" E a distance of 34.51' to a point in the center of a ditch;

thence N 82°42'23" E a distance of 18.77' to a point in the center of a ditch;

thence N 59°06'04" E a distance of 10.91' to a point where the ditch meets the center of Brushy Creek;

thence down and with the center of Brushy Creek S 31°45'09" E a distance of 62.74' to a point in the center of Brushy Creek;

thence S 36°59'42" E a distance of 95.95' to a point in the center of Brushy Creek;

thence S 36°59'42" E a distance of 76.42' to a point in the center of Brushy Creek;

thence S 11°00'05" E a distance of 45.80' to a point in the center of Brushy Creek;

thence S 19°22'35" E a distance of 32.79' to a point in the center of Brushy Creek;

thence S 38°07'26" E a distance of 24.16' to a point in the center of Brushy Creek;

thence S 58°35'26" E a distance of 37.39' to a point in the center of Brushy Creek;

thence S 38°46'28" E a distance of 17.91' to a point in the center of Brushy Creek;

thence S 38°46'28" E a distance of 15.80' to a point in the center of Brushy Creek;

thence S 28°10'33" E a distance of 121.25' to a point in the center of Brushy Creek;

thence S 22°12'32" E a distance of 22.95' to a point in the center of Brushy Creek;

thence S 09°32'28" E a distance of 3.35' to a point in the center of Brushy Creek;

thence S 09°32'28" E a distance of 16.33' to a point in the center of Brushy Creek;

thence S 18°24'11" W a distance of 35.66' to a point in the center of Brushy Creek;

thence S 33°58'27" W a distance of 65.28' to a point in the center of Brushy Creek;

thence S 44°26'22" W a distance of 31.27' to a point in the center of Brushy Creek;

thence S 14°19'46" W a distance of 29.38' to a point in the center of Brushy Creek;

thence leaving the center of Brushy Creek N 77°32'22" W a distance of 21.02' to a point in the center of a ditch;

thence N 70°38'59" W a distance of 156.06' to a point in the center of a ditch;

thence N 77°40'10" W a distance of 71.18' to a 5/8" rebar;

thence N 72°39'09" W a distance of 29.26' to a 5/8" rebar;

thence N 46°48'46" W a distance of 41.05' to a 5/8" rebar;

thence S 89°46'32" W a distance of 60.26' to 5/8" rebar;

thence N 72°47'04" W a distance of 28.12' to a 5/8" rebar;

thence N 72°50'41" W a distance of 30.42' to a broken concrete monument;

which is the place and point of beginning and containing Tracts 2A, 2B, 2C and 2D as shown on Plat File 22, Slide 158, and having an area of 4.640 acres

CITY OF BREVARD
CASH RECEIPT

Receipt No: 686981
Date: 10/17/2024
Time: 11:15:44AM

Received From:
MILLS AVE PROP

Received: 500.00

For
ZONING ADMIN 500.00
CITY ANNEX FOREST HILL-S

Check 500.00
1090
RECEIVED BY WINDOW

LEGEND

P.F., SL. TAX PARCEL IDENTIFICATION NUMBER
NAD NORTH CAROLINA GRID SYSTEM
FCM FOUND CONCRETE MONUMENT
FR FOUND REBAR
NTS NOT TO SCALE
C/L CENTERLINE
R/W RIGHT OF WAY
CP CALCULATED POINT
H/W HIS WIFE
O/A OVERALL
DOC. BK., PG. DOCUMENT BOOK, PAGE
SR/POL SET REBAR/POINT ON LINE
S.R. SECONDARY ROAD

UTILITY POLE

ASPHALT

FLOODWAY

FLOOD ZONE AX

FLOOD ZONE AE

ANNEX AREA

CURRENT CITY LIMITS—
TRANSYLVANIA COUNTY
SCHOOL BOARD PROPERTY

ADJOINING LINES NOT SURVEYED

RIGHT OF WAY

EXISTING LOT LINES 2A-2D

ANNEX PARCEL
CALL TABLE

LINE	BEARING	DISTANCE
A1	N42°42'28"E	18.15'
A2	N70°17'08"E	32.99'
A3	N65°22'33"E	44.58'
A4	N39°05'26"E	19.33'
A5	N13°02'07"W	42.04'
A6	N15°38'54"E	60.58'
A7	N27°30'15"E	27.48'
A8	N46°24'44"E	34.48'
A9	N52°18'45"E	44.06'
A10	N63°35'23"E	24.90'
A11	N68°35'48"E	34.51'
A12	N82°42'23"E	18.77'
A13	N59°06'04"E	10.91'
A14	S31°45'09"E	62.74'
A15	S11°00'05"E	45.80'
A16	S19°22'35"E	32.79'
A17	S38°07'26"E	24.16'
A18	S58°35'26"E	37.39'
A19	S38°46'28"E	17.91'
A20	S22°12'32"E	22.95'
A21	S09°32'28"E	3.35'
A22	S09°32'28"E	16.33'
A23	S18°24'11"W	35.66'
A24	S33°58'27"W	65.28'
A25	S44°26'22"W	31.27'
A26	S14°19'46"W	29.38'
A27	N77°32'22"W	21.02'
A28	N77°40'10"W	71.18'
A29	N72°39'09"W	29.26'
A30	N46°48'46"W	41.05'
A31	S89°46'32"W	60.26'
A32	N72°47'04"W	28.12'
A33	N72°50'41"W	30.42'
A34	S72°35'30"E	9.48'
A35	S72°35'30"E	9.48'

ANNEX PARCEL CURVE TABLE

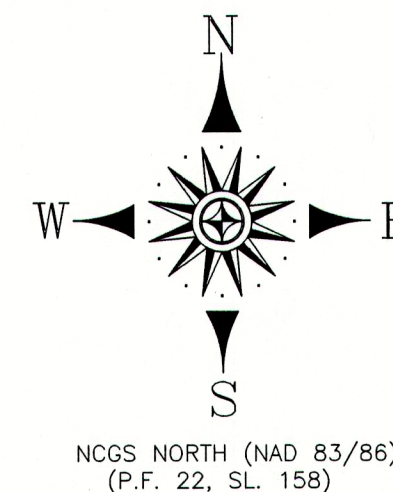
CURVE	CHORD BEARING	CHORD LENGTH	RADIUS	ARC LENGTH	DELTA ANGLE
AC1	N19°36'24"W	27.93'	289.00'	27.95'	5°32'25"
AC2	N11°00'10"W	58.75'	289.00'	58.85'	11°40'02"
AC3	N00°39'58"E	58.76'	289.00'	58.87'	11°40'14"

OWNER CERTIFICATION—ANNEXATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS PLAT OF ANNEXATION WITH MY (OUR) FREE CONSENT

10/17/24
DATE

By: Ben Stone
Mills Ave. Properties, LLC
OWNER(S)

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, _____, REVIEW OFFICER OF TRANSYLVANIA COUNTY, CITY OF BREVARD, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE

CITY OF BREVARD—ANNEXATION

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION HAS FOLLOWED ALL REQUIREMENTS AND PROCEDURES AND A PUBLIC HEARING WAS HELD BY THE CITY OF BREVARD TO ANNEX THE PROPERTY HEREIN DESCRIBED. THE CITY OF BREVARD ADOPTED ORDINANCE NUMBER _____ TO ANNEX THE PROPERTY DESCRIBED HEREIN ON _____ WITH THE EFFECTIVE DATE OF ANNEXATION ON _____

CITY CLERK

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

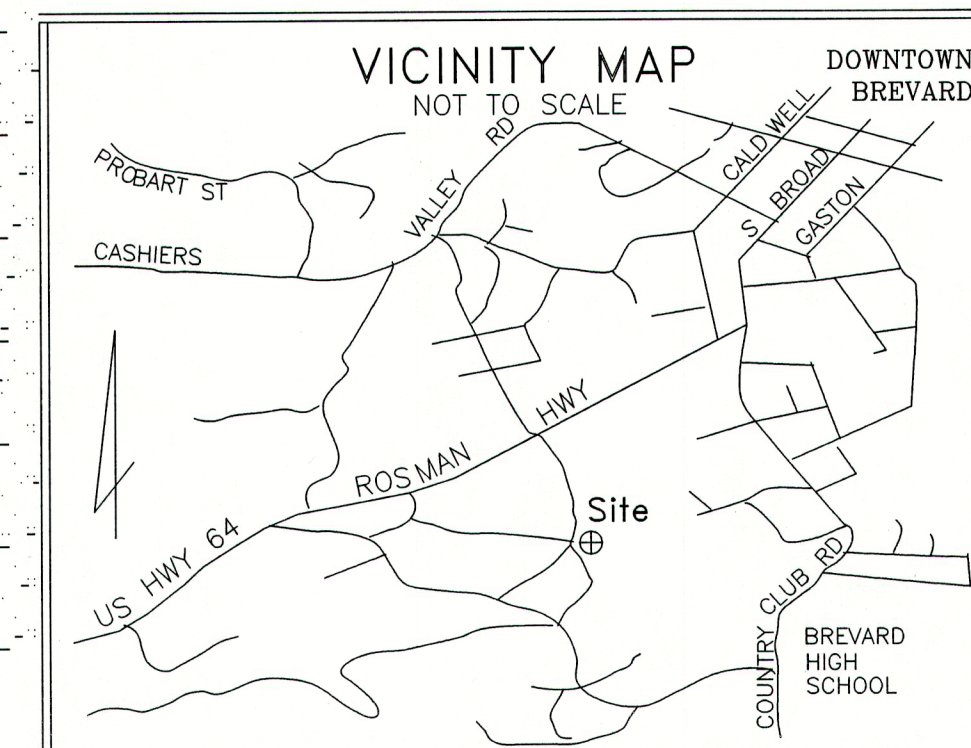
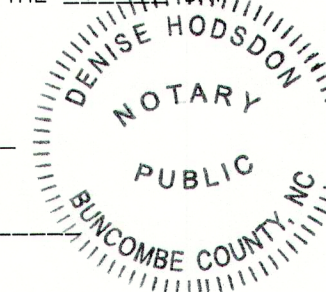
I, Denise Hodsdon, A NOTARY PUBLIC OF SAID STATE AND COUNTY, DO HEREBY CERTIFY THAT

Ben Stone, Owner, Mills Ave. Properties, LLC PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE 17th DAY OF October, 2024.

Denise Hodsdon
NOTARY PUBLIC

MY COMMISSION EXPIRES: 10/6/2029



NOTES:

1) PARCELS SHOWN HEREON ARE IDENTIFIED BY THEIR TAX PARCEL IDENTIFICATION NUMBERS. PROPERTY ORIGINALLY SURVEYED IN JUNE OF 2022. THIS PLAT IS DEFINING THE PROPERTY THAT IS BEING ANNEXED INTO CITY LIMITS. LOTS 2A, 2B, 2C, AND 2D ARE BEING ANNEXED INTO THE CITY LIMITS. TRACT 1 IS NOT BEING ANNEXED INTO THE CITY LIMITS. NOT ALL IMPROVEMENTS ARE SHOWN HEREON. DISTANCES SHOWN ARE HORIZONTAL GROUND UNLESS NOTED OTHERWISE. THE CREEK LOCATION WAS NOT RE-SURVEYED FROM THE ORIGINAL SURVEY/PLAT. THE PROPERTY LINE BY DEED IS THE CENTERLINE OF BRUSHY (TUCKER'S or NICHOLSON) CREEK.

2) AREA OF TRACT 2A = 1.192 ACRES
TRACT 2B = 1.134 ACRES
TRACT 2C = 1.146 ACRES
TRACT 2D = 1.168 ACRES

TOTAL PLATTED AREA = 4.640 ACRES
AREA CALCULATED BY COORDINATE COMPUTATION

3) THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THIS PROPERTY IS SUBJECT TO ALL RIGHT-OF-WAYS, COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD BOTH SHOWN AND NOT SHOWN HEREON

4) SEE P.F. 22, SL. 158 FOR DETAILED INFORMATION ON RIGHT OF WAYS, NCGS TIE, AND CALLS AND DESCRIPTIONS FOR THE INTERNAL LINES.

5) DEED REFERENCE: DOC. BK. 1035, PG. 743

6) PLAT REFERENCE: P.F. 22, SL. 158

7) TAX PINS: 2A 8585-36-0021

2B 8585-35-0899

2C 8585-35-1747

2D 8585-35-1676

8) THIS PROPERTY IS CURRENTLY ZONED GENERAL RESIDENTIAL 4.

9) POINTS ALONG THE C/L OF BRUSHY CREEK AND THE C/L OF THE DITCH ARE CALCULATED AND WERE NOT SET.

10) FLOODWAY, FLOOD ZONES, AND PORTIONS OF THE ROADWAY WERE DOWNLOADED FROM FRIS.NC.GOV FROM FLOOD INSURANCE RATE MAP 37008585000; EFFECTIVE DATE OCTOBER 2, 2009.

G.S. 47-30 f(11) d.

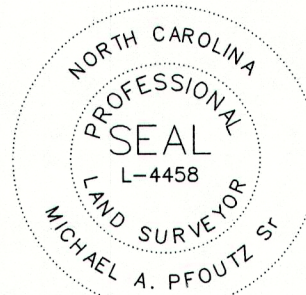
I, MICHAEL A. PFOUTZ Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION

I, MICHAEL A. PFOUTZ, Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION FROM INFORMATION IN P.F. 22, SL. 158; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION REFERENCED HEREON; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED BY LATITUDES AND DEPARTURES BEFORE ADJUSTMENT IS NOT LESS THAN 1 : 10,000 ; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS THE 27th DAY OF

SEPTEMBER, 2024, A.D.

Michael A. Pfoutz Sr.
MICHAEL A. PFOUTZ Sr.
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-4458

PREPARED BY
CAROLINA MOUNTAIN SURVEYING

FIRM LICENSE NUMBER #F-1205
137 NORTH BROAD STREET, SUITE 2
BREVARD, NORTH CAROLINA 28712
(828) 883-2670
CMSURVEYING@COMPORIUM.NET

ORDINANCE No. _____

PROPERTY SITUATE IN
CITY OF BREVARD, BREVARD TOWNSHIP
TRANSYLVANIA COUNTY, NORTH CAROLINA
OWNERS OF RECORD: MILLS AVE PROPERTIES LLC

ANNEXATION PLAT

PREPARED FOR
MILLS AVE PROPERTIES LLC

DATE

SEPTEMBER 27, 2024

FIELD RECORDS

DATA COLLECTOR

DRAWING

CMS24053-ANNEX

COORD. FILE

CMS18084.CRD

PROJECT NUMBER

CMS24053

60 0 60 120 180
GRAPHIC SCALE - FEET WRITTEN SCALE: 1"=60'

ORDINANCE NO. 2024-XX
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF BREVARD, NORTH CAROLINA

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-31, as amended, to annex the contiguous area described herein, and,

WHEREAS, the City Council has by Resolution No. 2024-47 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Brevard Planning Board reviewed the Petition at their meeting held on November 19, 2024 and recommended approval of the voluntary contiguous annexation; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2024-48 fixing a date of public hearing. By authority granted by G.S. 160A-31, a public hearing on the question of this annexation was held at the City Council Chambers at 5:30 P.M. on the 2nd day of December, 2024, after due notice by publication on the 18th day of November, 2024; and

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by Mills Ave Properties, LLC, as shown and being that property described in the deed recorded in Document Book 1035, Pages 743-745, in the Transylvania County Register of Deeds and that certain plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as of the _____ day of _____, 20__.

Said property is more fully described as follows:

Location: Forest Hill Drive, Brevard, NC 28712. Transylvania County Tax Property Identification Numbers: 8585-36-0021; 8585-35-0899-000; 8585-35-1747-000; and 8585-35-1676-000

Property Description:

Beginning at a broken concrete monument having North Carolina NAD 83/86 grid coordinates of North: 555675.23 East: 882903.55; said monument standing S 36°49'51" E a distance of 1,328.41 from NCGS MONUMENT GEORGE which has North Carolina NAD 83/86 grid coordinates of North: 556738.54 East: 882107.07 and 6.2' away from an existing utility pole in the right of way for Forest Hill Road; thence N 72°35'30" W a distance of 9.48' to a calculated point on the old 45' right of way; thence N 22°22'36" W a distance of 58.85' to a calculated point on the old 45' right of way; thence N 22°22'36" W a distance of 30.91' to a calculated point on the old 45' right of way; thence with a curve turning to the right with an arc length of 27.95', with a radius of 289.00', with a chord bearing of N 19°36'24" W, with a chord length of 27.93', to a calculated point on the old 45' right of way; thence with a compound curve turning to the right with an arc length of 58.85', with a radius of 289.00', with a chord bearing of N 11°00'10" W, with a chord length of 58.75', to a calculated point on the old 45' right of way; thence with a compound curve turning to the right with an arc length of 58.87', with a radius of 289.00', with a chord bearing of N 00°39'58" E, with a chord length of 58.76', to a calculated point on the old 45' right of way; thence leaving the old right of way N 42°42'28" E a distance of

18.15' to a point in the center of a ditch; thence down and with the center of a ditch N 70°17'08" E a distance of 32.99' to a point in the center of the ditch; thence N 65°22'33" E a distance of 44.58' to a point in the center of a ditch; thence N 39°05'26" E a distance of 19.33' to a point in the center of a ditch; thence N 13°02'07" W a distance of 42.04' to a point in the center of a ditch; thence N 15°38'54" E a distance of 60.58' to a point in the center of a ditch; thence N 27°30'15" E a distance of 27.48' to a point in the center of a ditch; thence N 46°24'44" E a distance of 34.48' to a point in the center of a ditch; thence N 52°18'45" E a distance of 44.06' to a point in the center of a ditch; thence N 63°35'23" E a distance of 24.90' to a point in the center of a ditch; thence N 68°35'48" E a distance of 34.51' to a point in the center of a ditch; thence N 82°42'23" E a distance of 18.77' to a point in the center of a ditch; thence N 59°06'04" E a distance of 10.91' to a point where the ditch meets the center of Brushy Creek; thence down and with the center of Brushy Creek S 31°45'09" E a distance of 62.74' to a point in the center of Brushy Creek; thence S 36°59'42" E a distance of 95.95' to a point in the center of Brushy Creek; thence S 36°59'42" E a distance of 76.42' to a point in the center of Brushy Creek; thence S 11°00'05" E a distance of 45.80' to a point in the center of Brushy Creek; thence S 19°22'35" E a distance of 32.79' to a point in the center of Brushy Creek; thence S 38°07'26" E a distance of 24.16' to a point in the center of Brushy Creek; thence S 58°35'26" E a distance of 37.39' to a point in the center of Brushy Creek; thence S 38°46'28" E a distance of 17.91' to a point in the center of Brushy Creek; thence S 38°46'28" E a distance of 15.80' to a point in the center of Brushy Creek; thence S 28°10'33" E a distance of 121.25' to a point in the center of Brushy Creek; thence S 22°12'32" E a distance of 22.95' to a point in the center of Brushy Creek; thence S 09°32'28" E a distance of 3.35' to a point in the center of Brushy Creek; thence S 09°32'28" E a distance of 16.33' to a point in the center of Brushy Creek; thence S 18°24'11" W a distance of 35.66' to a point in the center of Brushy Creek; thence S 33°58'27" W a distance of 65.28' to a point in the center of Brushy Creek; thence S 44°26'22" W a distance of 31.27' to a point in the center of Brushy Creek; thence S 14°19'46" W a distance of 29.38' to a point in the center of Brushy Creek; thence leaving the center of Brushy Creek N 77°32'22" W a distance of 21.02' to a point in the center of a ditch; thence N 70°38'59" W a distance of 156.06' to a point in the center of a ditch; thence N 77°40'10" W a distance of 71.18' to a 5/8" rebar; thence N 72°39'09" W a distance of 29.26' to a 5/8" rebar; thence N 46°48'46" W a distance of 41.05' to a 5/8" rebar; thence S 89°46'32" W a distance of 60.26' to 5/8" rebar; thence N 72°47'04" W a distance of 28.12' to a 5/8" rebar; thence N 72°50'41" W a distance of 30.42' to a broken concrete monument; which is the place and point of beginning and containing Tracts 2A, 2B, 2C and 2D as shown on Plat File 22, Slide 158, and having an area of 4.640 acres.

Section 2. Upon and after the _____ day of _____, 20____ the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-31.

Also being all of that property described in a plat prepared by Michael A. Pfoutz, Sr., PLS for Mills Ave Properties, LLC, dated September 27, 2024, and recorded in Plat File _____, Slide _____, of the Transylvania County Registry.

Section 3. Pursuant to 160A-29 it shall be the duty of the Mayor of the City of Brevard to cause an accurate map of the annexed territory as described in Section 1 hereof, together with a duly certified copy of this Ordinance, to be recorded in the office of the

Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Brevard.

Adopted and approved this the _____ day of _____, 20____.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, December 2, 2024

Title: Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 3 and 21 - Emergency Response and Recovery

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background

In late September, Western North Carolina was struck by a series of storm events, including Tropical Storm Helene, that brought mass damage to our communities. The full extent of the damage is unknown at this time, but the County experienced flash flooding, high winds, landslides, fallen trees, and debris flow. Communications and power outages were widespread across the county. Dozens of roads remain impassable due to fallen trees, landslides and other hazardous conditions. For weeks after the storm, thousands of households and businesses remained without power and cell service quality continues to fluctuate as repairs occur throughout the greater Western North Carolina area. On September 29th, President Biden approved major disaster declaration for many Western North Carolina counties, including Transylvania County.

In the wake of this major disaster, many government agencies, aid organizations, and local nonprofits brought aid to those that lost their homes, livelihoods, and belongings in Transylvania County. The City's Unified Development Ordinance does not contemplate temporary solutions in the aftermath of an emergency, particularly as it relates to uses and signage, and how the ordinance and its procedures need to be flexible in response.

This is a staff-initiated text amendment to establish a framework that enhances community resilience in the face of disasters and emergencies. The regulations aim to ensure that development activities following a declared emergency:

- Support swift response and recovery efforts post-disaster,
- Improve the response capabilities of the City's Unified Development Ordinance,
- Ensure displaced residents have safe and adequate temporary housing options,
- Allow for efficient restoration of essential services and infrastructure, and
- Promote the timely rebuilding of affected areas.

Planning Board reviewed the proposed amendments at their meeting on November 19, 2024, and unanimously recommended in favor. Since, then staff made two additional changes included in the proposal:

- Clarification that City Council can waive permit fees for temporary uses associated with emergency response and recovery efforts by amending the fee schedule.
- Adding that temporary housing accommodations can serve displaced persons or recovery personnel.

Proposed Amendments

The proposed amendments establish a new Chapter 21 – Emergency Response and Recovery – that would only be applicable following a declared emergency. This would apply during any declared emergency, not just for natural disasters. The new chapter adds stipulations for temporary uses (residential and non-residential) and signage.

- **Temporary housing:** Immediately following Tropical Storm Helene, temporary housing solutions came to the surface as a critical need. Staff consulted with local nonprofits and housing advocates to assess potential ways to codify temporary dwelling options. The proposed amendments include three options for where new temporary housing units can be placed: (1) on a lot where active repair and reconstruction of the primary structure is occurring, regardless of the underlying zoning district; (2) on a lot within a residential zoning district as a type of temporary accessory dwelling unit (ADU); or (3) on a lot within a residential zoning district as a type of group development that is set up for multiple temporary dwellings. Given this new Chapter, the section of Chapter 3 that discusses temporary housing has also been amended to reflect the changes. Additionally, this section includes a caveat that preexisting non-conforming short-term rentals and other lodging uses may be used for temporary housing accommodations without putting their non-conforming status in jeopardy.
- **Temporary non-residential uses:** Temporary non-residential uses can vary from temporary personal services (e.g., pop-up laundry services or showers) and medical facilities (e.g., vaccination sites) to government or social service offices. This section is relatively open-ended, but states that the permit is valid for six months, with an optional extension of six months if evidence is provided that the service is still required.
- **Temporary signage:** Temporary signage is an important form of communication during states of emergency. As such, the proposed amendments allow certain types of temporary signage to be placed without a permit by non-residential uses that are actively engaged in public service efforts.

Policy Analysis

Though the *Building Brevard 2030* Comprehensive Land Use Plan does not contemplate emergency response and recovery, the plan does include goals and actions related to resilience and how the city and maintain and improve the quality of life for all.

- **GOAL 8:** *Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.*

- ***EDIR-18:*** *Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather.*

Action

Given the time-sensitive nature of emergency response and recovery efforts in the wake of Tropical Storm Helene, Staff is requesting City Council take one of the following actions at this meeting following the public hearing:

1. Adopt the amendment as written;
2. Revise and adopt the amendment as revised by city council
3. Reject the amendment;
4. Send the application back to the BPB for further study and consideration; or
5. Call for additional public hearings on petitions brought before you.

In accordance with North Carolina General Statutes, the Planning Board also submits a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard (included as Attachment 2).

Attachments:

1. Proposed Text Amendment - Strikethrough Version
2. Consistency Statement
3. Draft Ordinance



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 3. USE DEFINITIONS AND STANDARDS

3.14. Temporary uses.

3.14.1. Temporary events and structures use category.

A. *Temporary events and structures:*

1. Definition: An activity or use of land which, having met certain requirements and conditions, may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event. Examples of these activities include, without limitation, the following:
 - a. carnivals or circuses;
 - b. contractor's office and equipment sheds
 - c. farmers markets;
 - d. outdoor meetings;
 - e. satellite real estate sales office;
 - f. seasonal structures; and
 - g. special events
2. Additional Standards:
 - a. In the consideration of any temporary use, structure or special event, the administrator shall have broad discretion to impose such conditions as may be necessary to protect the health, safety and welfare of the public.
 - b. The use shall clearly be of a temporary nature.
 - c. The use shall be limited to a period not to exceed 90 days except as otherwise provided.
 - d. The use shall not obstruct any public travel way except by specific approval by the city and will cause no traffic congestion;
 - e. The use shall not create a nuisance to surrounding uses.
 - f. The use shall not create hazards or adverse impacts related to parking, drainage, fire protection, or other adverse impacts.
 - g. The operator shall provide a plan for the management of waste generated by the use, and sanitary facilities if the administrator or health department deems it is necessary.
 - h. The operator shall satisfy all other requirements of the director of public health, the building inspector or the fire marshal.
 - i. The operator shall secure a business license, street closure permit, sidewalk closure permit, or parade permit if required.



- j. The applicant and/or operator shall promote the temporary use or special event as tobacco and nicotine free (including, but not limited to smoking, vaping, dipping, and chewing).
- k. The total area of a temporary use or special event, including tents, display areas, and other appurtenances of the use, shall not exceed 2,000 square feet. This requirement shall not apply to the following categories of temporary uses or special events:
 - i. Special events, upon approval by the administrator.
 - ii. Farmers markets.
 - iii. Carnivals and circuses.
- l. Tents and structures:
 - i. Applicants shall provide flame retardancy certifications for all tents.
 - ii. Temporary structures shall not exceed 120 square feet. Tents, shipping containers, satellite offices and classrooms, ~~and~~ equipment sheds, and temporary dwellings, as described herein, shall not be subject to this requirement.
 - iii. Seasonal greenhouses, tents, and other temporary structures may be permitted for a period not to exceed 90 days. These structures must be removed on the expiration date of the permit.
 - iv. A satellite office and equipment shed may be permitted in any district for a period covering the construction phase of a project, not to exceed one year, provided that such office be placed on the property on which the project is situated.
 - i. The administrator may approve the temporary set-up and occupancy of recreational vehicles (or other temporary dwellings in consultation with the building inspector) when the principal residence of the occupant has been destroyed by wind, fire, movement of earth, or other manmade or natural disaster, ~~and subsequent to such event having been declared a disaster by the Mayor of the City of Brevard, the County Manager of the County of Transylvania, the Governor of the State of North Carolina, or the President of the United States. In no case shall such a vehicle or temporary dwelling be set up or occupied for a period exceeding 180 days. The temporary permit shall be issued for a temporary dwelling located on the same property as the damaged structure for a period of time not exceeding 12 months while repair and reconstruction of principal residence is taking place. The permit may be renewed for an additional six-month period, provided the applicant provides documentation demonstrating: progress has been made to repair and/or reconstruct the primary structure on the lot;~~
 - a. This provision is only applicable for events that are not declared an emergency by the Mayor of the City of Brevard, the Chair of the Transylvania County Board of Commissioners, the Governor of the State of North Carolina, or the President of the United States. If it is a declared emergency by any of the aforementioned officials, this provision is superseded by Chapter 21.
 - b. The setup or occupancy of a recreational vehicle shall not be permitted within the City of Brevard for any other reason whatsoever, except as otherwise provided for in this ordinance.
 - c. Shipping containers shall only be permitted to be used for temporary storage and must be in conjunction with a non-residential use.
- m. Site layout:



- i. Temporary uses, structures and special events shall be arranged so as to maximize public safety, to minimize conflicts among vehicles and pedestrians, to minimize conflicts with existing, permanent uses.
- ii. Temporary uses, structures and special events shall be situated at least ten feet from all property lines and any road right-of-way, shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space. This requirement shall not apply to special events approved by the city for placement upon public streets.
- iii. Temporary uses, structures and events may obstruct travel ways within parking areas only upon determination by the administrator that such obstruction will not impede commerce, hinder the flow of traffic or endanger the safety of motorists or pedestrians. Uses, structures or events shall be clearly delineated and separated from areas of active vehicle operation by means of traffic safety cones, signage, flagging, or other approved means.
- iv. Temporary uses, structures and special events shall be situated at least ten feet from points of ingress and egress, and shall not obstruct the sight triangle at any intersection. Ingresses and egresses to the temporary uses, structures and special events shall be designated.
- n. The administrator shall require an operations and site plan for each temporary use, structure, or special event, and shall require written permission for the operation of the temporary use, structure or special event by the owner(s) of the subject property.
- o. The administrator may require that the operator provide a performance bond in the amount of 125 percent of the cost of removal of the use and restoration of the site, as authorized by G.S. 160D-702.
- p. The temporary use, structure or special event shall comply with all other applicable provisions of City Code.

B. *Carnival or circus.*

1. Definition: A business providing temporary outdoor commercial entertainment, which may consist of sideshows, concessions, rides, games of chance, and other amusements.
2. Additional Standards:
 - a. Carnivals and circuses may be permitted for a period not to exceed 21 days.
 - b. Carnivals and circuses shall only be permitted within undeveloped, vacant lots, or within developed parking lots that serve a principal structure, which structure is unoccupied for the duration of the carnival or circus.
 - c. Carnivals and circuses shall not employ registered sex offenders.

C. *Farmers markets:*

1. Definition: Venues wherein multiple vendors sell or offer for sale, seasonal products directly to consumers on a non-wholesale basis. Farmers markets shall be accessible to the general public and managed by public or non-profit entities. Farmers markets are a form of temporary use.
2. Additional Standards:
 - a. Vendors may offer seasonal horticultural, agricultural, aquacultural or forest products, including but not limited to raw fruits, vegetables, perennials, annuals bulbs, dried flowers, Christmas trees, and similar products.
 - b. Vendors may offer value-added horticultural, agricultural, aquacultural or forest products which were produced by the vendor, including but not limited to baked goods, meat, dairy, honey, cider, preserves, relishes, jams, jellies and similar products.



- c. Vendors may offer hand-made crafts and works of art which were produced by the vendor; provided, however, that such products shall not exceed 25 percent of all products sold within the venue on any given day of operation.
- d. Vendors may offer food items prepared by the vendor; provided, however, that such products shall not exceed 25 percent of all products sold within the venue on any given day of operation, and provided that the vendor shall comply with all applicable requirements of the director of public health and the North Carolina Department of Agriculture.
- e. The sale of live animals is prohibited.
- f. All vendors, including vendors utilizing vending push carts, shall situate products for sale, as well as associated vehicles, push carts, tents, tables or other materials within a designated vending space as delineated upon a site plan provided to the administrator.
- g. The operator shall provide the administrator an operations plan, operating rules, and a list of the names of the vendors (persons, firms or corporations) who shall provide merchandise for sale as part of the market. The list shall generally describe the type of item to be sold by each said vendor.

CHAPTER 21. EMERGENCY RESPONSE AND RECOVERY

21.1. Purpose and intent.

The purpose of these emergency response and recovery regulations is to establish a comprehensive framework that enhances community resilience in the face of disasters and emergencies. The regulations aim to ensure that development activities following a declared emergency:

- A. Support swift response and recovery efforts post-disaster,
- B. Improve the response capabilities of this ordinance,
- C. Ensure displaced residents have safe and adequate temporary housing options,
- D. Allow for efficient restoration of essential services and infrastructure, and
- E. Promote the timely rebuilding of affected areas.

21.2. Applicability.

- A. This chapter shall apply following an event having been declared a disaster and subject to a "State of Emergency" by:
 - 1. City Manager and/or Mayor of the City of Brevard;
 - 2. County Manager and/or Chair of the Board of Commissioners of Transylvania County;
 - 3. Governor of the State of North Carolina; and/or
 - 4. President of the United States of America.
- B. The applicability of this chapter shall terminate one year from the emergency declaration date. If deemed appropriate given ongoing response and recovery efforts, the City Manager or a majority vote of City Council may extend or shorten the applicability of this chapter for a specified period of time.



21.3. Temporary uses associated with emergency response and recovery.

- A.** The administrator may approve the establishment of temporary uses associated with emergency response and recovery efforts for a specified duration. These uses include, but are not limited to, temporary housing, shelters, personal services (laundry, showers, etc.), medical facilities, and/or government or social service offices.
- B.** The administrator may consult with the Technical Review Committee and may apply additional conditions to ensure public health, safety, and welfare are not compromised as a result of the temporary use and/or its location.
- C.** Temporary uses may be subject to additional agency approvals which may include, but are not limited to, utilities connections, stormwater reviews, floodplain development permits, and building permits.
- D.** Permit or other development fees for temporary uses associated with emergency response and recovery efforts may be waived by an amendment of the fee schedule adopted by City Council, as permitted by law.

21.3.1. Temporary residential uses.

- A.** The administrator may approve temporary housing accommodations for displaced persons or recovery personnel following a declared emergency, subject to the following conditions.
 - 1. Type:**
 - a.** The temporary dwelling shall be one of the following types:
 - i.** Recreational vehicle,
 - ii.** Temporary and transportable manufactured home,
 - iii.** Travel trailer, or
 - iv.** Other temporary structures in consultation with the building inspector.
 - b.** Any type of temporary dwelling may be permitted, regardless of underlying use permissions and density requirements.
 - 2. Placement:**
 - a.** Temporary housing units may be permitted in the following circumstances:
 - i.** On a lot where active repair and reconstruction of the primary structure is occurring, regardless of the underlying zoning district;
 - ii.** On a lot within a residential zoning district as a type of temporary accessory dwelling unit (ADU); or
 - iii.** On a lot within a residential zoning district as a type of group development that is set up for multiple temporary dwellings.
 - b.** Setback requirements may be waived during the duration that the temporary housing unit is permitted, such that:
 - i.** The placement of the temporary housing will allow for unobstructed repair and reconstruction on the site, if applicable;
 - ii.** The temporary housing unit does not extend into any public or private right-of-way, easement, or adjacent property; and



iii. The placement of the temporary housing unit does not violate any applicable provisions of NC Building Code or Fire Code.

c. Temporary dwellings shall not be placed in flood hazard area, unless active repair or reconstruction of the primary structure is occurring on site and there is no feasible location outside of the flood hazard area for the temporary dwelling to be placed.

i. If placed in the special flood hazard area the temporary dwelling shall be fully movable, properly licensed and ready for highway use. A recreational vehicle or other type of temporary dwelling is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.

3. Duration:

a. The temporary housing permit shall be issued for a period of time not exceeding 12 months. The permit may be renewed for an additional six-month period, provided the applicant provides documentation demonstrating:

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

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

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

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

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

21.3.2. Temporary non-residential uses.

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

1. Type:

a. The temporary structure shall be one of the following types:

i. Recreational vehicle,

ii. Travel trailer,

iii. Disaster relief tents or emergency response tents, or

iv. Other temporary structures in consultation with the building inspector.

2. Placement:

a. Temporary non-residential uses may be permitted in the following circumstances:

i. As a temporary installation in a publicly-accessible parking area;



- ii. Vacant property in a non-residential zoning district; or
 - iii. Within a vacant area of a property occupied by other non-residential uses in a non-residential zoning district.
- b. Setback requirements may be waived during the duration that the temporary non-residential use is permitted, such that:
 - i. The placement of the temporary non-residential use will not impede any repairs or reconstruction of any damaged permanent structures on the site, if applicable;
 - ii. The temporary non-residential use does not extend into any public or private right-of-way, easement, or adjacent property; and
 - iii. The placement of the temporary non-residential use does not violate any applicable provisions of NC Building Code or Fire Code.
- c. Temporary non-residential uses shall not be placed in the special flood hazard area.
- 3. Duration:
 - a. The temporary non-residential use shall be issued for a period of time not exceeding six months. The permit may be renewed for an additional six-month period, provided the applicant provides documentation demonstrating the non-residential services are still required.
 - b. The temporary non-residential use must be removed from the lot within thirty days following the closure of the use or within thirty days following the expiration of the zoning permit.

21.4. Temporary signage associated with emergency response and recovery.

- A. Any non-residential use that is actively engaged in ongoing public service efforts in response to the emergency shall be permitted to display temporary signage.
 - 1. Permit:
 - a. Type 1 and Type 2 freestanding temporary signs, as described in Section 12.8, associated with emergency response and recovery shall not require a permit.
 - b. Other types of signage shall be subject to the provisions of the underlying zoning district and requires a permit.
 - 2. Number:
 - a. Uses actively engaged in response and recovery efforts shall be allowed two temporary signs per location. Additional signage may be permitted in accordance with the ordinance provisions.
 - b. Government uses shall not be subject to this limitation.
 - 3. Duration:
 - a. The temporary signs are permitted to be displayed for the duration of the declared emergency or the applicability of this chapter, whichever is longer, provided the public service advertised is active and ongoing.

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-24-009**

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

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

Building Brevard Comprehensive Land Use Plan:

- **Goal 8:** "Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city."
- **EDIR-18:** Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather.

ORDINANCE NO. 2024-____

**AN ORDINANCE AMENDING CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 3 – USE DEFINITIONS AND STANDARDS AND ESTABLISHING CHAPTER 21 –
EMERGENCY RESPONSE AND RECOVERY**

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance be amended; and,

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

- *Goal 8: “Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.”*
- *EDIR-18: Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather;*

WHEREAS, a public hearing was conducted on Monday, December 2, 2024, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Code of Ordinances be amended as outlined below.

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

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

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

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

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

Adopted and approved this the 2nd day of December 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, December 2, 2024

Title: Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3, 5, 6, 9, 12, 13, 16, 17, and 19 - Legislative Changes

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background & Discussion

This is a staff-initiated text amendment that codifies changes to address recent updates to state legislation related to zoning and land use. The changes include the following:

Session Law	General Statutes	Description	UDO
2023-137	NCGS 160D-702	Three- and four-unit residential buildings are incorporated into the residential code and are no longer subject to architectural standards	5.2, 5.3, 5.9, 5.11
2024-32	NCGS 106-645	Cities can only regulate beehives in the corporate limits, not the ETJ	3.13.1
2024-32	NCGS 160D-903	Horse-related businesses included in the definition of agriculture and bona-fide farms	3.10.1, 19.3
2024-45	NCGS 160D-912.1	On-premises advertising sign may be relocated / reconstructed within the same parcel provided it complies with the ordinance at the time it was constructed	12.5
2024-49	NCGS 143-214.7D	Amended definition of “built-upon area” or impervious surface that local governments are required to use	19.3
2024-49	NCGS 160D-111	Zoning administrators are not permitted to make administrative decisions on the scope of work covered by architects or engineers	6.6, 9.3, 17.12
2024-49	NCGS 160D-804	Allowance for developers to use NCDOT curb and gutter design standards adjacent to low-density residential (4 units or less)	13.5

2024-49	NCGS 160D- 804.1	Changes to the procedure for release of performance guarantees and local government authority over sidewalks in the ETJ	13.2, 16.12
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Policy Analysis

This text amendment is neither consistent nor inconsistent with the City's adopted plans and policies.

Action

Given that some of the legislation is effective January 1, 2025, and the December 16th meeting may be cancelled, Staff is requesting City Council take one of the following actions at this meeting following the public hearing:

1. Adopt the amendment as written;
2. Revise and adopt the amendment as revised by city council
3. Reject the amendment;
4. Send the application back to the BPB for further study and consideration; or
5. Call for additional public hearings on petitions brought before you.

In accordance with North Carolina General Statutes, the Planning Board also submits a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard (included as Attachment 2).

Attachments:

1. Proposed Text Amendment - Strikethrough Version
2. Consistency Statement
3. Draft Ordinance



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.5. Accessory structures.

- A. ***Principal buildings required.*** The construction of an accessory structure or building is not permitted unless a principal building is located on the lot, except as set forth below or as otherwise provided in this ordinance. Accessory structures shall be incidental and subordinate to the principal structure(s). Accessory and principal buildings may be constructed concurrently.
1. Accessory structures utilized for agricultural purposes in association with ~~bona-fide~~ agricultural ~~operations~~ principal uses may be permitted in the absence of a principal structure.
 2. Garden sheds may be permitted in the absence of a principal structure subject to the following requirements:
 - a. Garden sheds shall be no larger than 120 square feet in size;
 - b. Garden sheds shall be single-story;
 - c. Garden shed shall not be connected to water, sewer, or electricity; and
 - d. Garden sheds shall be utilized only for the storage of lawn equipment, garden utensils, and other implements necessary for the maintenance of gardens and grounds.
- B. ***Dimensional requirements.***
1. Accessory structures shall meet the yard and setback requirements of Section 2.7.
 2. Accessory structures shall not exceed two stories in height.
- C. ***Accessory structures on lots with single-family dwellings and duplexes.***
1. Maximum number permitted. No more than two accessory structures shall be permitted per lot. Beehives and chicken coops shall not count toward the maximum number of accessory structures on a lot.
 2. Accessory structures shall be located only in the side or rear yards, except for gazebos, private garages, and carports. Such structures shall comply with the front yard setbacks for primary structures in Section 2.7.2. The administrator shall make a determination as to the side or rear yard for accessory structures proposed to be located on lots fronting more than one street.
 3. Under no circumstances shall the use of a shipping container be permitted for the purpose of providing permanent storage as an accessory use.
- D. ***Accessory structures on lots with non-residential uses, multi-family uses, and group developments.***
1. Maximum number permitted. No more than two accessory structures shall be permitted per lot, except in General Industrial (GI). In all other zoning districts, additional structures shall be considered as principal structures in a group development.
 2. Accessory structures shall be located only in side or rear yards except for bona-fide agricultural enterprises.



3. Accessory structures shall comply with the applicable landscaping requirements of [CHAPTER 8](#) of this ordinance.
4. Accessory structures shall be clad in materials similar in appearance to the principal structure in accordance with [CHAPTER 5](#), except when such material is non-conforming with this ordinance.

E. *Exempt structures.*

1. Structures including but not limited to mailboxes, newspaper boxes, birdhouses, flagpoles, pump covers, garden boxes and planters, doghouses, and any other similar small or ornamental structures shall not be considered principal or accessory structures and shall not require a permit.

2.8. Fences and walls.

- A. All fences and walls shall be constructed so that the best face faces outward from the parcel upon which it is constructed and towards adjacent properties. The "best face" shall generally mean the side opposite to framing members.
- B. Fences and walls shall not be placed within public utility easements or public right-of-way without first securing an encroachment agreement from the City of Brevard, the North Carolina Department of Transportation, or other appropriate entity.
- C. Fence or wall height shall be measured from the side of the fence or wall that is exterior to the property as the vertical distance between the lowest adjacent ground level, natural or filled, and the top of the fence material. Fence heights are restricted as follows:
 1. In industrial districts, and public safety and other critical facilities. Fences or walls shall be no greater than six feet in height in the front yard(s) and no greater than eight feet in height in the side and rear yards.
 2. All other districts and uses. Fences or walls shall be no greater than four feet in height in the front yard(s) and no more than eight feet in the side and rear yards.
 3. No closed fence or wall shall be greater than two-and-a-half feet in height when placed within the sight triangle of any intersection as specified in [Section 9.5](#) of this ordinance. Open fences are exempt from this provision.
- D. Fence and wall materials shall conform to the following requirements:
 1. *Residential districts:*
 - a. All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability, except that chain link or woven wire may be used in the side and rear yards.
 - b. All other wire fences, including barbed wire or concertina wire, are prohibited.
 - c. Nothing in this chapter shall prevent the administrator from approving architecturally variant uses of material to allow creative fence design, such as the contemporary look of heavy-gauged welded wire panels framed in timber.
 - d. The use of plastic plumbing pipe is a prohibited fence material.
 2. *Commercial districts:*
 - a. All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability.
 - b. Chain link wire fences may be used as secure enclosures internal to the property or site subject to the following requirements:



- i. Chain link fences shall not be visible from a public right-of-way,
 - ii. Chain link fences shall not serve as a perimeter fence or property line fence unless buffered by a type A buffer yard on all sides, and then only in the side or rear yard behind the front building line.
- c. All other wire fences, including barbed wire or concertina wire, are prohibited.
- d. All walls and fences shall be materially similar to other walls and fences in the same block or general vicinity.
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 [agricultural operations with livestock and any](#) bona-fide agricultural operations within any zoning district.
- E. Retaining walls shall also conform to the following requirements:
 1. Retaining walls should minimize the impacts of cut and fill on a site.
 2. The height of any retaining wall should not exceed five feet unless required to be higher for engineering reasons.
 - a. An increase in retaining wall height may be allowed if the proposed design minimizes the cut and fill impacts and enhances the existing landscape.
 3. In areas where cuts are steeper, a stepped or terraced wall should be used. Large, unbroken retaining walls in a uniform plane should be avoided.

CHAPTER 3. USE DEFINITIONS AND STANDARDS

3.10. Agriculture uses.

3.10.1. Agricultural use category.

- A. *Agriculture:*
1. Definition: Land primarily used to grow crops, produce, flowers, etc., raise animals, harvest timber, and harvest fish and other animals from a farm, ranch, or their natural habitats. A farm, as an establishment, may be one or more tracts of land, which may be owned, leased, or rented by the farm operator. Agricultural uses include, but are not limited to, the following:
 - a. farms,
 - b. urban farms,
 - c. ranches,



- d. dairies,
- ~~d~~e. horse boarding,
- ~~e~~f. community gardens,
- ~~f~~g. greenhouses,
- ~~g~~h. nurseries,
- ~~h~~i. orchards, or
- ~~i~~j. hatcheries.

2. Additional Standards:

- a. Areas of cultivation and accessory structures shall be set back:
 - i. A minimum of five feet from side and rear lot lines.
 - ii. A minimum of ten feet from any lot line abutting a street.
- b. The sale of items grown on-site is prohibited unless permitted separately.
- c. Property that is located in the city's ETJ and that is used for bona fide farm purposes as defined in G.S. 160D-903 is exempt from zoning regulations.
 - i. This does not limit zoning regulation with respect to the use of farm property for nonfarm purposes.
 - ii. Property that ceases to be used for bona fide farm purposes shall become subject to exercise of the city's zoning regulations.
 - iii. For purposes of complying with state or federal law, property that is exempt from the exercise of municipal extraterritorial planning and development regulation jurisdiction shall be subject to floodplain regulation provisions.
- d. Animals and livestock
 - i. Per Brevard City Code Section 14-4, no person shall keep or maintain any cow, bull, calf, hog, pig, horse, mule, pony, goat or sheep or other livestock within the city limits.
 - ii. Animals and livestock may be kept on property in the city's ETJ, provided that:
 - (A) No person shall keep any cows, cattle, sheep, horses, pigs, goats or other livestock within 150 feet of any neighboring, occupied residential building.
 - (B) Any person owning or having the use of any stable, shed or place where any livestock is kept shall keep such place in a clean and sanitary condition.
- e. For agricultural research establishments administering programs for regulating and conserving land, mineral, wildlife, and forest use, the administrator shall apply the relevant institutional or research and development categories.

3.13. Accessory uses.

3.13.1. Residential accessory use category.

A. Residential accessory use.

- 1. Definition: A use of land or of a building or structure or portion thereof, which is incidental and subordinate to a residential or lodging principal use on the same lot.



2. Additional Standards:

- a. Accessory uses shall be clearly incidental to the residential or lodging principal use and shall not change the essential character of the dwelling or the neighborhood.
- b. Accessory uses shall adhere to the standards outlined in Section 2.5 and all other applicable sections.

B. *Day care home.*

1. Definition: Supervision or care provided on a regular basis, as an accessory use within a principal residential dwelling unit, by a resident of the dwelling for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

2. Additional Standards:

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

C. *Dwelling— accessory unit (ADU).*

1. Definition: A dwelling unit that exists either as part of a principal dwelling or as an accessory building and is secondary and incidental to the use of the property as single-family or duplex residential.

2. Additional Standards:

- a. Accessory dwelling units within residentially-zoned, single-family and duplex lots shall be encouraged and designed to meet housing needs. ADUs shall be secondary and subordinate in size to the primary living quarters.
- b. ADUs may be created as an independent structure (detached), as an addition to an existing primary structure (attached), conversion of existing space, such as a basement with an exterior entrance, or as a second story within detached garages.
 - i. When built as a second story of a detached garage, the ground floor area of the garage shall not be considered part of the total square footage of the ADU.
- c. Structures for ADUs shall comply with the provisions of Section 2.5, except as provided below.
 - i. Not more than one ADU is permitted on any lot.
 - ii. An ADU shall be located in the side or rear yard unless an existing structure is being converted to an ADU.



- iii. The total area of an ADU shall not exceed 1,200 square feet or two-thirds of the primary structure, whichever is the lesser. The ground floor area of a detached garage shall not be considered as part of the total square footage of any ADU that is built as the second story of a detached garage; provided, however, such ground floor garage area shall not be subsequently converted to dwelling space.
- d. ADUs shall not be considered additional dwelling units for the purpose of determining maximum density or other dimensional requirements as set forth in [CHAPTER 2](#) of this ordinance.
- e. ADUs shall be constructed according to North Carolina Building Code.
- f. The administrator may impose reasonable conditions regarding the height, bulk, orientation, or location of the structure in order to protect the privacy of existing dwelling units on adjacent parcels in accordance with G.S. 160D-702(b).

D. Home occupation.

- 1. Definition: An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home occupations are small and quiet non-retail businesses which generally cannot be discerned from the frontage, are seldom visited by clients, require little parking, little or no signage, have only one or two employees and provide services such as professional services, music instruction, and hair styling.
- 2. Additional Standards:
 - a. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or the neighborhood.
 - b. Home occupation activities shall be confined to the interior of an approved structure. A home occupation housed within a dwelling shall occupy no more than 25 percent of the total floor area of the dwelling. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this ordinance.
 - c. The use shall employ no more than two persons who are not residents of the dwelling.
 - d. There shall be no business signage or visible display of stock in trade which is sold on the premises.
 - e. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
 - f. The existence and operation of the home occupation shall not be visible and/or audible to neighboring residents from a street.
 - g. Only non-commercial vehicles are permitted in connection with the conduct of the home occupation.
 - h. Home occupations utilizing or proposing to utilize public water and sanitary sewer services shall be subject to all applicable water and sewer system development fees as per Brevard City Code, [CHAPTER 70](#) Utilities.
 - i. Home occupations shall comply with all applicable requirements of any federal, state, or local agency with jurisdiction over the proposed use. The applicant shall provide the administrator with evidence of approval by any relevant agency.
 - j. Responsibilities of the administrator and applicant(s):
 - i. The administrator may impose any necessary condition upon the operation of a home occupation, shall monitor home occupations and conduct site inspections to ensure compliance with this ordinance and any condition of approval, and shall revoke any permit for



the operation of a home occupation and cause the use to be terminated in accordance with the procedures set forth in CHAPTER 18 of this ordinance upon a determination that such use is in violation of this ordinance or any condition of approval.

- ii. The administrator shall have broad authority to deny any application for home occupation if in the opinion of the administrator, the proposed use would not be in keeping with the spirit and intent of this section. The burden of proving that a proposed home occupation would be in keeping with the spirit and intent of, and satisfy all requirements of this section as well as any condition of the administrator, shall lie with the applicant.
 - iii. In reviewing any application for home occupation and in the monitoring and enforcement of any approved permit for home occupation the administrator shall strongly consider the expectation that the residential use and character of each residentially zoned neighborhood be preserved and shall take into consideration these unique characteristics of any proposed use and its relationship to the site and surrounding properties in considering whether such use would be suitable as a home occupation.
- k. Uses permitted as home occupations:
- i. Examples of uses that may be permitted as home occupations include but are not limited to professional services such as those provided by an architect, engineer or accountant; art, music, or dance instruction; hair styling; bicycle repair or vehicle cleaning; and may include other uses defined herein or listed upon the use matrix in Section 2.2 of this ordinance when such uses can be performed in a manner that is strictly in keeping with the spirit and intent of, and satisfy all requirements of, this section.
 - ii. Uses involving the fabrication of products may be permitted provided, however, the home occupation shall not utilize mechanical, electrical, or other equipment, materials or processes, or create any by-product or effect, which produces noise, electrical or magnetic interference, vibration, heat, glare, odor, dust, pollution or other nuisances outside the dwelling or accessory structure housing the home occupation. Examples of such uses include but are not limited to baking, candle or soap making, fly-tying, woodworking, engraving, gunsmithing and or other similar small scale craft production or fabrication. This provision shall not be construed to authorize industrial uses within residential zoning districts.
 - iii. Home occupation shall not include any use that is primarily retail in nature. It is the intention of his section that goods and merchandise produced as part of any home occupation be sold off-site; any on-site retail activity must be incidental to the purpose of this home occupation.
- l. Duration of permit:
- i. Home occupation permits are temporary, and shall not establish a vested right to renewal. Home occupation permits shall be valid for a period of one year from the date upon which approval is granted.
 - ii. Applicants may apply for renewal of home occupation permits. Applications for renewal shall include a written report demonstrating compliance with the previously approved permit.
 - iii. In approving renewal applications, the administrator may modify prior conditions of approval and may impose any necessary, additional conditions. The administrator may deny a request for permit renewal and require the applicant to terminate the home occupation or relocate the home occupation to an appropriate commercial or mixed-use zoning district upon determination that the home occupation operated in violation of a requirement of this section or other applicable condition or requirement; or, that the home occupation has generated



unanticipated effects that are detrimental to the residential character of the neighborhood in which the home occupation is located.

E. *Keeping bees.*

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

F. *Keeping domestic fowl (chickens).*

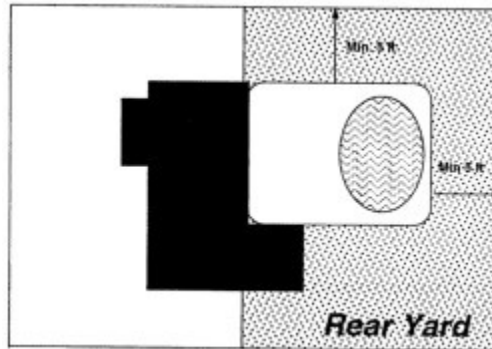
1. Definition: The keeping of geese, ducks, chickens or other domestic fowl as an accessory use. This definition shall include any permanent or temporary structures related to domestic fowl.
2. Additional Standards:
 - a. Keeping domestic fowl shall be permitted following the standards set forth in the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

G. *Swimming Pool or Pond*

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



FIGURE 3.13A: SWIMMING POOL OR POND PLACEMENT



- b. Pools and related structures, walks and patio areas shall be set back a minimum of five feet from all side and rear property lines. Patio areas at grade have no setback requirements from rear and side lot lines.
- c. All pools shall be designed to prevent unsupervised access by children. Pools shall be enclosed within a secured structure or by an unclimbable privacy fence (with lockable self-latching gate) with a minimum height of four feet and a maximum of eight.

CHAPTER 5. BUILDING TYPES AND ARCHITECTURAL STANDARDS

5.2. Applicability.

With the exception of ~~single-family and two-family residential~~ structures subject to [North Carolina Residential Code](#) and industrial development as specifically referenced herein, the standards contained in this chapter shall apply throughout the jurisdiction of this ordinance, regardless of the underlying zoning district provisions.

5.3. Exceptions.

- A. While it is expected that some new building types will be introduced to the city, these variations should be based upon the predominant types listed in this chapter. Innovative planning or design ideas for development in any district where the proposed building types are different than those allowed by the base district requirements may be approved as a special use permit by the board of adjustment in accordance with the provisions of [CHAPTER 16](#) of this ordinance.
- B. Synthetic and other materials may be substituted for required building materials when the substitute materials are similar in appearance and equal or exceed the durability of the original material.
- C. Any regulation relating to building design elements may not be applied to any structures subject to regulation under the North Carolina Residential Code ~~for One- and Two-Family Dwellings~~ except as authorized under G.S. 160D-702(b).



- D. Structures in General Industrial (GI) Districts are exempt from the provisions of this Chapter unless otherwise specified herein.

5.9. ~~Building type: House~~Reserved.

- ~~A. Description: The house is the predominant building type in the City of Brevard. It is flexible in use, accommodating single family uses, multi-family uses up to four units, home occupations, professional offices, and limited retail uses based on the zoning district in which it is located. The two types of houses addressed herein are distinguished by how the lot is accessed with an automobile. Hence, there are different standards for lots accessed by a driveway from a fronting street and for lots accessed by a rear lane or alley. In general, within a block, building types should be uniform in their use of driveways or rear lanes/alleys.~~
- ~~B. Applicability: These requirements shall only apply to such structures that have uses other than as a single family dwelling or duplex.~~

FIGURE 5.9A - ILLUSTRATION OF HOUSE WITH DRIVEWAY

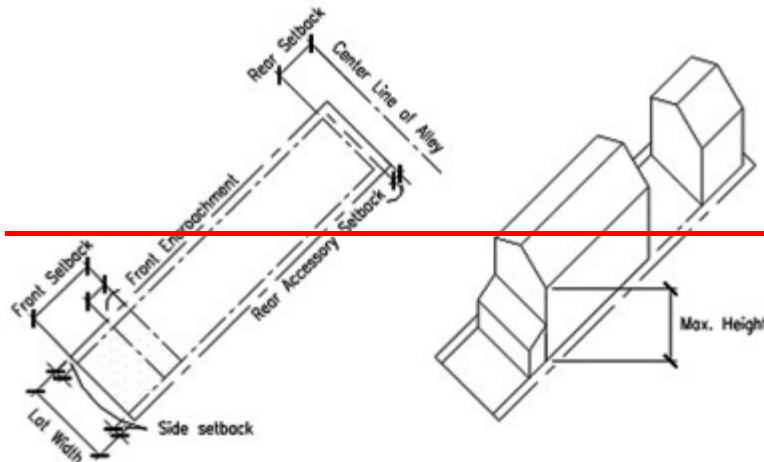
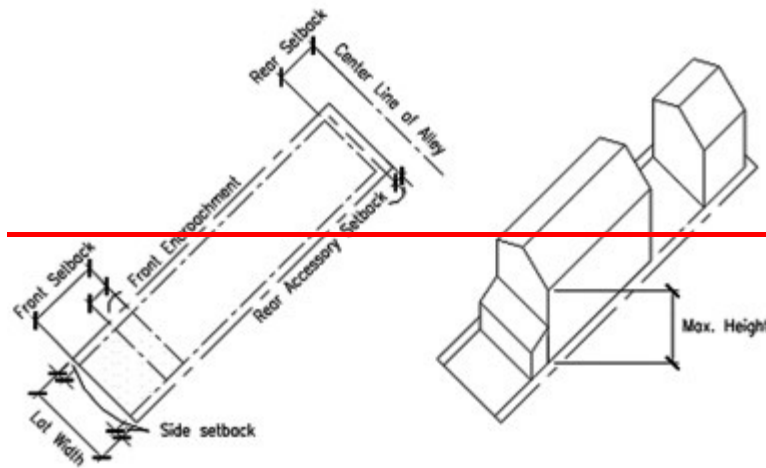




FIGURE 5.9B - ILLUSTRATION OF HOUSE WITH REAR LANE/ALLEY



C. General requirements:

1. Usable porches and stoops should be used as a primary architectural element of the building design and be located on the front and/or side of the home. Useable front porches are at least eight feet deep and extend more than 50 percent of the facade.
2. The width of an attached garage shall not exceed 40 percent of the width of the building facade.
3. Triplexes and quadraplexes shall have a single main entry. Additional auxiliary entrances shall be hidden from street view. Primary building entrances shall be visibly emphasized, architecturally embellished, and accessible from a street or sidewalk.
4. The architectural features (including colors, materials, embellishments, landscaping) shall be similar or complimentary to that of surrounding buildings and landscape to achieve unity of design and to not detract from buildings in the vicinity, especially if they are designated as architecturally or historically significant. Bay windows, cornices, and other architectural elements are encouraged, particularly when similar to surrounding buildings.

D. Materials:

1. Residential building walls shall be primarily clad in one or more of the following materials: wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or superior in appearance and durability.
2. Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or synthetic materials similar and/or superior in appearance and durability.

E. Other requirements:

1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be pitched less than 4:12.
2. Two wall materials may be combined horizontally on one facade. The heavier material should be vertically placed below the other material.
3. The undercroft of buildings shall be enclosed.



4. ~~Overhanging eaves may expose rafters.~~
5. ~~Flush eaves shall be finished by profiled molding or gutters.~~

FIGURE 5.9C: EXAMPLE OF HOUSE BUILDINGS

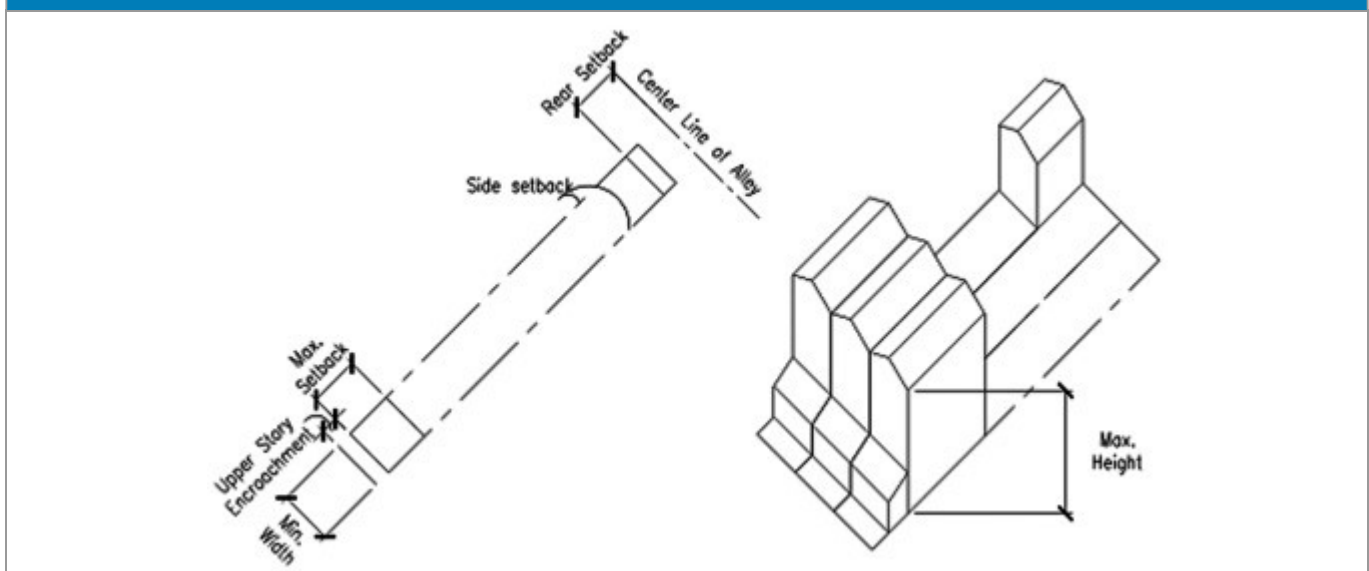


5.11. Building type: Townhouse.

The following restrictions only apply to regulation of townhouse buildings not subject to the N.C. Residential Code ~~for One- and Two-Family Dwellings.~~

- A. Description:** The townhome is a building with more than two residential units that are located side-by-side. When an entrance is provided at-grade, the townhome may be used as a live-work unit. The uses permitted within the building are determined by the regulations in place for the district in which it is located.

FIGURE 5.11A : ILLUSTRATION OF ATTACHED HOUSE



B. General requirements:

1. The bulk and scale of townhome infill development shall be similar to and consistent with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and surrounding the proposed



development. All buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.

2. Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the building. Useable front porches are at least eight feet deep and extend more than 30 percent of the facade.
3. Garage doors are not permitted on the front elevation of any townhome.
4. All building elevation visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front elevations, and a minimum of 30 percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces, and/or windows. This standard applies to each full and partial building story.
5. To provide privacy, all front entrances shall be raised from the finished grade (at the building line) a minimum of 1½ feet.
6. All townhome buildings shall provide detailed design along all elevations. Detailed design shall be provided by using as many of the following architectural features on all elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
 - a. Dormers.
 - b. Gables.
 - c. Recessed entries.
 - d. Covered porch entries.
 - e. Cupolas or towers.
 - f. Pillars or posts.
 - g. Eaves (minimum ten-inch projections which may include gutter).
 - h. Off-sets in building face or roof (minimum 16 inches).
 - i. Window trim (minimum four inches wide).
 - j. Bay windows.
 - k. Balconies.
 - l. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features).
 - m. Decorative cornices and roof lines (for flat roofs).



FIGURE 5.11B: EXAMPLES OF TOWNHOUSE BUILDINGS

Multi-Family Townhomes with Alley	Multi-Family Townhomes with Alley
	
Multi-Family Townhomes with Driveways	Live-Work Units
	

C. Materials:

1. Residential building walls shall be one or more of the following: wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, or vinyl.
2. Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, and/or asphalt shingles.

D. Other requirements:

1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be pitched less than 4:12.
2. Two wall materials may be combined horizontally on one facade. The heavier material should be vertically placed below the other material.
3. The undercroft of buildings shall be enclosed.
4. All buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
5. Overhanging eaves may expose rafters.
6. Flush eaves shall be finished by profiled molding or gutters.
7. All rooftop equipment shall be screened from view.



FIGURE 5.11C : ILLUSTRATION OF TOWNHOUSE BUILDING FACADE



CHAPTER 6. ENVIRONMENTAL PROTECTION

6.6. Stormwater runoff provisions.

The purpose this section is to (1) protect life and property and minimize nuisances by limiting destructive runoff and flooding generated by impervious surface areas; (2) to protect water quality and natural ecosystems by filtering sediments and pollutants such as nitrogen, phosphorus, trace metals, and hydrocarbons; and (3) limit additional impervious surface areas to the greatest extent possible.

- A. Affected property:** The requirements of this section shall apply to the following activities:
1. Any new non-residential or mixed-use development that disturbs more than one acre of land, or will have an impervious surface area more than 50 percent of the total acreage of the site.
 2. Any new residential development or subdivision of eight or more dwelling units.
 3. Any project for which stormwater management is required as a condition of approval by the planning board, board of adjustment, or city council.
 4. In the event of redevelopment that results in increased impervious area, only the new impervious areas are subject to the standards in subsection 6.6.C.
- B. Exempt activities:** The following activities are exempt from the stormwater management provisions of this section:
1. Existing bona fide agricultural structures used exclusively for agricultural purposes.
 2. Development or redevelopment of a single one or two-family dwelling unit that disturbs less than one acre and will have an impervious surface area less than 20,000 square feet.
 3. Redevelopment that results in no net increase of impervious surface area on a property.
 4. Development or redevelopment of parcels located within the Heart of Brevard Municipal Service District.
 5. Small accessory buildings or structures, or additions less than 400 square feet.
 6. Residential infill development as defined in [CHAPTER 19](#) of this ordinance.
- C. Stormwater management requirements:** The following requirements shall apply to all impervious surface areas of affected properties.
1. Design standards:



- a. Runoff volume shall be calculated with the use of the Soil Conservation System (SCS) method.
 - b. The stormwater run-off generated by a two-year and ten-year, 24-hour rain event, shall be limited to the pre-development discharge rates.
 - c. At a minimum, stormwater measure shall be designed to remove 85 percent of the Total Suspended Solids (TSS) from the first inch of any rain event.
 - d. Stormwater measure shall have a drawdown of 48 hours, but not more than 120 hours.
2. Stormwater measures shall be designed by a ~~North Carolina Licensed Professional Engineer~~certified design professional licensed in the State of North Carolina, and shall be constructed and maintained in accordance with commonly accepted best practices.
 3. Small scale Stormwater management practices, non-structural techniques, low-impact designs (LID), and site planning designed to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources must be implemented. Only when it is absolutely necessary is the use of a structural BMP warranted.
 4. Structural treatment devices used as an alternative to, or in conjunction with LID techniques are acceptable only when practically necessary.
 5. Stormwater measures may be located off-site provided such measures are located within a parcel of land under the same ownership as the affected property or within a common area under the management of a property owners' association or similar entity. When stormwater measures are located off-site, deeds of both the affected property and the property containing the stormwater measure shall be provided and shall clearly reference an access easement and the right and responsibility of the owner of the affected property to access and maintain such measure.
 6. In all instances stormwater measures shall be designed to complement a development and surrounding community and to minimize any threat to public health. If ponds or lakes are used, such areas shall be landscaped as amenities or hidden from view. This provision applies regardless whether the pond or lake typically contains water or may be dry for periods of time.
- D. Permit requirements:** The administrator shall review all stormwater plans required by this ordinance to ensure compliance therewith. In making this determination, the administrator shall use the *Stormwater Best Management Practices Design Manual* published by the North Carolina Department of Environmental Quality or other commonly accepted information and engineering data.
1. Stormwater management system concept plan. When required as part of any project, a written or graphic concept plan of the proposed post-development stormwater management system shall be submitted along with other application materials and shall include the following: preliminary selection and location of proposed structural stormwater controls; low impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.
 2. As-built plans and final approval. Upon completion of a project, and before final zoning approval or a certificate of occupancy may be granted, the applicant shall certify that the completed project has been built in accordance with the approved stormwater management plans and designs. The applicant shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed.
 3. The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as



installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance.

4. A final inspection and approval by the administrator is necessary prior to the issuance of any certificate of occupancy, release of performance guarantee, or other final approval.
- E. *Inspection of measures:* The Administrator may, from time to time, inspect approved stormwater measures for compliance with this section and approved plans. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater measures; and evaluating the condition of stormwater measures. No person shall obstruct, hamper or interfere with the Administrator while carrying out his or her official duties. If the owner or occupant of any affected property refuses to allow such inspection, the Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor.
- F. *Maintenance of stormwater measures:*
 1. The owner of any stormwater measure installed pursuant to this section shall maintain and operate such measure so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the stormwater measure was designed.
 2. Furthermore, stormwater measures installed prior to the enactment of this ordinance as a requirement of the issuance of any permit shall be subject to the maintenance requirements herein.
 3. The owner of each stormwater measure, whether structural or non-structural in design, shall maintain it so as not to create or permit a nuisance condition.
- G. *Reserved.*
- H. *Illicit discharges:* Except as provided herein, no person shall cause or allow the discharge, emission, disposal, pouring, or pumping, whether directly or indirectly, of any liquid, solid, gas, or other substance, other than stormwater, into any surface water, ground water, or stormwater conveyance. This prohibition applies to any substance deposited upon the land in manner and amount that the substance is likely to reach a stormwater conveyance, surface or ground water.
 1. The following discharges shall not be deemed illicit and shall be permitted under the terms stated:
 - a. Water line flushing, except any anti-freezing agent;
 - b. Landscape irrigation;
 - c. Diverted stream flows;
 - d. Rising ground waters;
 - e. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
 - f. Uncontaminated pumped ground water;
 - g. Discharges from potable water sources;
 - h. Foundation drains;
 - i. Air conditioning condensation;
 - j. Irrigation water;
 - k. Springs;
 - l. Water from crawl space pumps;
 - m. Footing drains;
 - n. Lawn watering;



- o. Individual residential car washing;
 - p. Flows from riparian habitats and wetlands;
 - q. Dechlorinated swimming pool discharges;
 - r. Street wash water; and
 - s. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina.
- 2. Prohibited discharges include but are not limited to the following:
 - a. Discharges of oil, anti-freeze, chemicals, paints, garbage, litter;
 - b. Raw sewage discharges or overflows;
 - c. Discharges of wash water resulting from the hosing or cleaning of gasoline stations, auto repair garages, or other types of automotive service facilities;
 - d. Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility (including motor vehicles, cement-related construction equipment, port-a-potty servicing, etc.);
 - e. Discharges of wash water from mobile operations such as steam cleaning, power washing, pressure washing, carpet cleaning, and mobile carwash facilities; discharges of wash water from the cleaning or hosing of impervious surfaces in industrial and commercial areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards, and outdoor eating or drinking areas;
 - f. Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil or hazardous materials or chemicals;
 - g. Discharges of pool or fountain water containing chlorine, biocides or other chemicals, and also discharges of pool or fountain filter backwash water;
 - h. Discharges of water containing sediment or construction-related wastes; and
 - i. Discharges of food-related wastes such as grease, oil, fish processing water, kitchen mat wash water, trash bin wash water, pouring liquids into dumpsters.
- I. *Illicit connections*: Other than those exceptions listed in Section 6.6.H.1, above, it shall be unlawful to cause or permit any connection to a surface water or stormwater conveyance or stormwater conveyance system that allows the discharge of anything other than stormwater.
 - 1. Prohibited connections include, but are not limited to the following: floor drains, wastewater from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and wastewater from septic systems.
 - 2. Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this ordinance. Provided, however, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.
 - 3. Upon determining that an illicit connection may result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat or that a connection was made in violation of any applicable regulation or ordinance, other than this section the administrator shall designate the time



limit within which the connection shall be removed. In setting the time limit for compliance, the administrator shall take these matters into consideration:

- a. The quantity and complexity of the work;
- b. The consequences of delay;
- c. The potential harm to the environment, to the public health, and to public and private property; and
- d. The cost of remedying the damage.

J. *Fee-in-lieu of stormwater compliance:* On-site compliance with the requirements of this section may be impractical or impossible on certain parcels within the city. The owner and/or developer of affected properties may pursuant to the provisions set forth herein, opt to pay a fee-in-lieu of compliance with the stormwater management requirements of this section.

1. Payment may be made in the form of contribution of funds, contribution of land, contribution of engineered stormwater control construction work, or a combination of these.
2. Fees shall be based upon the actual cost of construction of a structural stormwater measure to control and treat stormwater runoff from the total impervious surface area of the affected property.
3. Fee-in-lieu contributions shall be set aside in a dedicated fund, and applied to stormwater management and other water quality improvement projects.

Purposes eligible for fee-in-lieu contributions include the following:

- a. The acquisition, design, or construction of stormwater control and treatment measures.
 - b. Stream bank, wetland, or other surface water protection and restoration projects that enhance stormwater management goals, reduce erosion, and enhance water quality.
 - c. The elimination of illicit or inappropriate connections to stormwater conveyances.
 - d. Other activities identified by the city manager, provided that such activities are for the sole purpose of improving water quality.
 - e. Matching funds for grants to fund any of the aforementioned types of activities.
 - f. Matching funds for participation in any water quality improvement program funded by the Transylvania County Soil and Water Conservation Service, the North Carolina Department of Environmental Quality, the USDA Natural Resources Conservation Service, or other local, regional, state or federal agencies.
4. The expenditure of stormwater contributions is limited as follows:
- a. To the extent practical, contributions shall be applied to activities that will result in water quality benefits comparable to the benefits of controlling and treating stormwater on the contributing property.
 - b. Contributions shall not be applied to the stormwater management requirements of other affected properties, or to the same affected property to satisfy the stormwater management requirements of future site plan approvals.
 - c. Contributions shall not be applied to any other purpose or activity of the city not directly related to stormwater management and water quality improvement.



CHAPTER 9. CIRCULATION AND CONNECTIVITY

9.3. Access management.

Access management standards that regulate the connection of new driveways to the street system shall be as follows. NCDOT must approve the design and location for the connection of new driveways when located on state-maintained roadways.

A. New driveways, on public streets with curbing, shall be limited in accordance with the following standards:

TABLE 9.3A: DRIVEWAY SEPARATION DISTANCES		
Posted Speed Limit (mph)	Minimum Distance Between Driveways	Minimum Distance Between Driveways and Intersections*
15	20 feet	40 feet
20	40 feet	80 feet
25 to 35	60 feet	120 feet
40	120 feet	240 feet
45	140 feet	280 feet
50	160 feet	320 feet
55	180 feet	360 feet

Note: Access separation between driveways shall be measured from inside edge of curb cuts. Access separation between a driveways and intersecting streets shall be measured from the nearest inside edge of the driveway curb cut to the intersecting right-of-way lines.

B. *Shared Private Drives*: Whenever feasible in the interests of access management the administrator shall encourage the establishment of shared private drives and entrances with adjacent properties, and may require that driveways and entrances be situated along property lines. The approving authority may require the establishment of access easements along property lines to be reserved for future use by adjacent properties as part of any development.

1. *Capacity* – No more than 3 properties or 6 dwelling units shall use the same driveway. At all times, the shared private drive shall be maintained in a good, safe and usable condition, in good repair, and in compliance with all applicable state, county and local ordinances.
2. *Easement* – The minimum width of the easement for shared private drives shall be 30 feet.
3. *Minimum Design and Construction* – The minimum design and construction standards which apply to a public street (Section 13.5) shall apply to a shared private drive except that:
 - a. All shared private drives are to be paved to City standards with a minimum width of 20 feet.
 - b. Street names shall not be allowed for shared private drives. The properties with ingress and egress on the shared private drive are required to have an address on the abutting public street.
 - c. Pedestrian and bicycle infrastructure shall not be required, but it is encouraged. This also includes multi-use paths and other similar types of infrastructure.
3. *Plats* - All shared private drives must be shown as such on all affected plats.



4. *Through Streets* - Through streets connecting 2 public streets may not be designated as a shared private drive.
5. *Connections to Public Streets* - All shared private drives connecting with public streets require approved driveway applications from the city (or NCDOT, if applicable).
- C. *Additional private access, when all frontage requirements are met:* The administrator may permit the establishment of additional private rights-of-way or access easements to properties that otherwise conform to public street frontage requirements of this ordinance.
- D. *Additional provisions:*
 1. The administrator shall require the closure of any nonconforming driveway or curb cut as a condition of approval of any land development application.
 2. Single-family, duplex, and secondary dwellings on existing lots of record and new infill development lots on roads 35 mph and under shall be exempt from the "Minimum distance between driveways" standards for the first driveway, but shall meet minimum separation requirements for additional driveways. Additionally, driveway separation distances on new dead-end streets posted 30 mph and under and with no on-street parking may also be exempted by the administrator. Further modification of these requirements shall be considered by the board of adjustment.
 3. Parking lots with a one-way drive aisle that are required to have at least two driveways in accordance with Section 10.8 may be exempt from the "minimum distance between driveways" standards. The exemption may be granted by the administrator for local and private roads and by NCDOT for state roads.
 4. The board of adjustment may modify these requirements only after the following are satisfactorily provided by an applicant:
 - a. A transportation assessment performed by an ~~engineer~~-certified professional licensed in the State of North Carolina containing sufficient detail to demonstrate that the modification request does not adversely impact public safety or traffic operation; and
 - b. Evidence that the modification request represents the minimum necessary to address existing site constraints or to improve site circulation stemming from urban infill and/or redevelopment.

CHAPTER 12. SIGNS

12.5. General standards for all signs.

- A. *Maintenance of signs:*
 1. Repainting. Nonconforming painted signs may be repainted so long as the new coat of paint is for maintenance purposes and the design of the sign is not altered in any fashion. If, during repairing, the design of the sign or structure is altered in any way, then the entire structure shall comply with the provisions of this ordinance.
 2. Vandalism and adverse weather. Signs destroyed by vandals or adverse weather events shall be allowed to be replaced even if such signs do not conform to this ordinance provided they existed before the date of enactment of this ordinance and they are replaced in the exact same location, in the exact same manner, and with the exact same advertising copy and graphics of the same size as the previously destroyed sign. However, if a sign is allowed to deteriorate over time due to exposure to the weather elements, then it shall not be deemed as replaceable under this section.



3. Any maintenance action that alters or modifies the location, area, height, or illumination of a sign, shall require a permit and full compliance with this chapter.

B. Permitting:

1. *Permits required.* A permit, issued by the administrator, shall be required for all signs unless otherwise exempted herein. No permit shall be issued until the administrator inspects plans for such signs and determines that they are in accordance with the requirements contained in this chapter. The fee schedule for sign permits shall be determined by city council. When a permit is required, a permit shall be issued prior to the installation or placement of such sign.
2. *Inspections.* Preliminary and final site inspections may be required by the Administrator as necessary.
3. Only those signs which meet all of the requirements established by this chapter for the particular type of sign may be permitted.
4. Failure to obtain a permit for any sign that is required to be permitted prior to displaying it is a violation of this ordinance.
5. In accordance with NCGS 160D-912.1, a lawfully erected on-premises advertising sign visible from a public road may be relocated or reconstructed within the same parcel so long as the square footage of the total advertising surface area is not increased, and the sign complies with the local development rules in place at the time the sign was erected.
 - a. However, the City of Brevard may require the removal of preexisting nonconforming on-premises advertising sign that were lawfully erected, provided adequate monetary compensation, in accordance with state law, is paid to the sign owner.
 - b. These provisions shall apply to any on-premises advertising signs removed from October 1, 2021 through July 9, 2024. Construction work on the relocation or reconstruction, in accordance with this section and NCGS 160D-912.1, must commence before July 9, 2026.
 - ~~a-c.~~ These provisions shall not apply to signage for establishments no longer in existence, products no longer being sold, and services no longer being rendered on the property.

C. Removal of obsolete signs:

1. Signs identifying establishments no longer in existence, products no longer being sold, and services no longer being rendered shall be removed from the premises within 30 days from the date of termination of such activities, except that ground sign supports, braces, and guys which are not easily dismantled and are to be sold as a portion of the business assets or property may remain.
2. Upon failure of the owner or lessee of these signs to remove such signs within the prescribed time period, the administrator may order their removal, subject to the terms of this article and **CHAPTER 18** of this ordinance, and any expense of removal shall be billed to the owner or lessee of said sign(s).

D. Signs on public property forfeited: Any sign installed or placed on public property or within a public right-of-way, except in conformance with the requirements of this section, shall be forfeited and is subject to confiscation. In addition to other remedies in **CHAPTER 18**, the administrator shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

E. Sign area computations: The following principles shall control the computation of sign area and sign height:

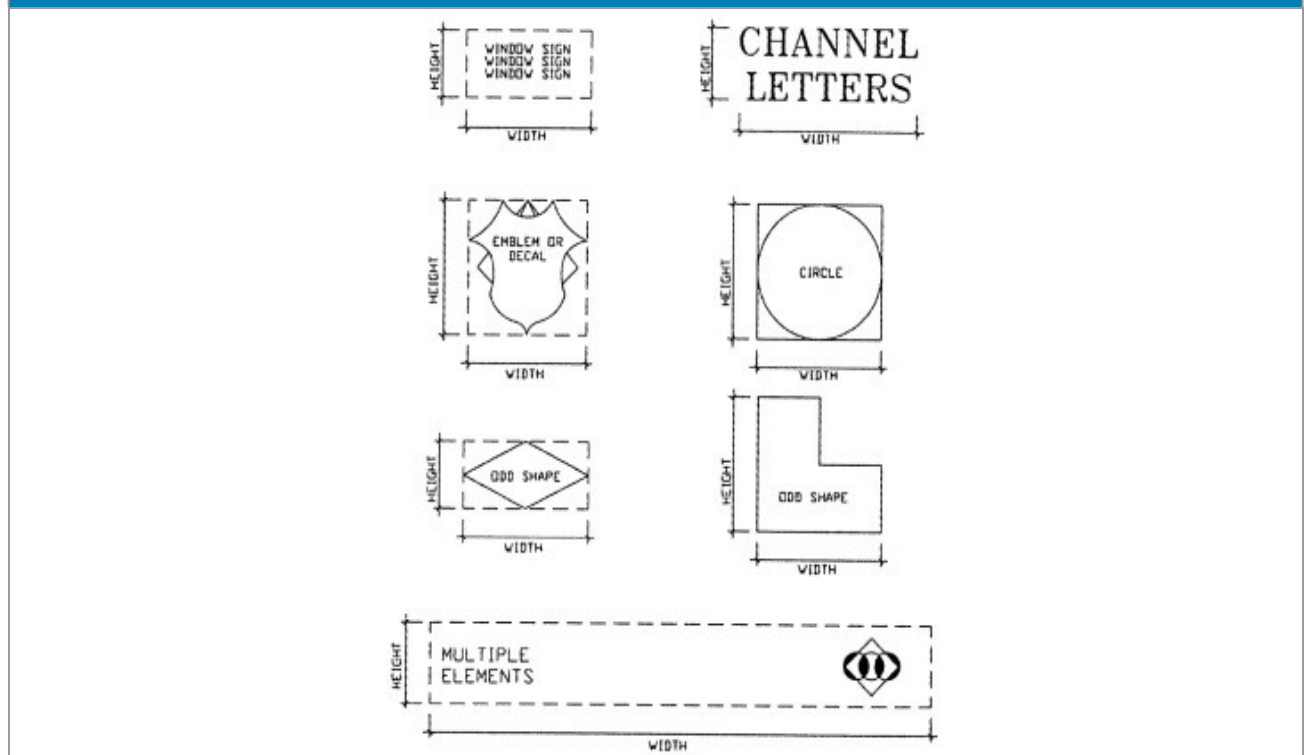
1. *Area.*
 - a. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an



integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed but not including any supporting framework, base, bracing, or decorative fence or wall when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself.

- b. For a single wall on a single-occupant building, all pieces of information or other graphic representations on that wall shall be measured as though part of one sign, encompassed within one rectangle, which may not exceed the permitted total wall area to which the sign is affixed. For a single wall on a multi-occupant building, the area of signs shall be computed using these principles and each individual sign shall not exceed the permitted total wall area for the facade area of the space occupied by the tenant requesting the sign.
- c. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or less, only one display face shall be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign. Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one time or from one vantage point should be considered in measuring that side of the sign.
- d. Spherical, cylindrical, or other three-dimensional signs not having conventional sign faces shall be computed from the smallest three-dimensional geometrical shape or shapes which will best approximate the actual surface area of such faces.

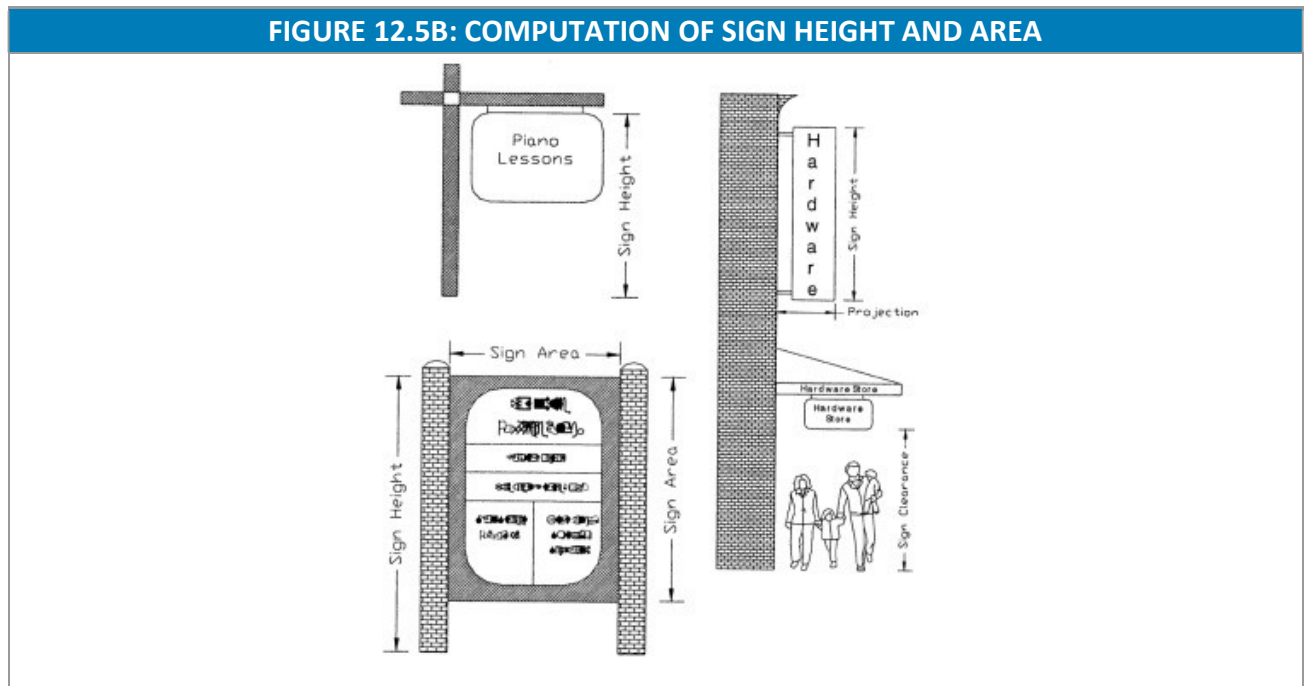
FIGURE 12.5A: COMPUTATION OF SIGN AREA



2. Height.



- a. Sign height shall be measured from the street grade of the closest point in the street the sign is located along or the grade at the base of the sign, whichever is higher, to the highest point of the sign structure.



- F. *Clear sight distance at street intersections required:* Signs shall be located outside of the required sight triangle as detailed in Section 9.5.
- G. *Building code compliance:* All signs and support structures shall comply with all applicable State of North Carolina Building Code requirements.
- H. *Enforcement:* Violations of this ordinance shall be subject to the enforcement provisions of CHAPTER 18.

CHAPTER 13. INFRASTRUCTURE IMPROVEMENT REQUIREMENTS

13.2. Required improvements for all development plans.

Pursuant to G.S. 160D-702, the following improvements are required for all development plans within the city limits of the City of Brevard and its Extraterritorial Jurisdiction. Specific requirements for the following public improvement types are set forth in subsequent sections.



TABLE 13.2A: REQUIRED PUBLIC IMPROVEMENTS

Public Improvement Types	Brevard City Limits	Extraterritorial Jurisdiction
Potable Water	City Water Required Dedication to City Required	Private Water Required; City Water Optional with dedication to City required
Fire Suppression System	Hydrants Required Dedication to City Required	Hydrants required if City Water Provided; Dry Hydrants may be required
Sanitary Sewer	City Sewer Required Dedication to City Required	Adequate Septic Required; City Sewer Optional with dedication to City required.* ¹
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
Utility and Access Easements	Required. Dedication to City Required	Required. Dedication to City Required
Sidewalks	Required. Dedication to City Required	Optional ²
Multi-Use Paths/Other Pedestrian Facilities	Required when identified upon adopted transportation plans, recreation plans, and similar plans and policies of the City of Brevard or Transylvania County Dedication to City may be Required	Required when identified upon adopted transportation plans, recreation plans, and similar plans and policies of the City of Brevard or Transylvania County Dedication to City may be Required
Pedestrian Easements or Right-of-Way	Dedication to City Required	Required Along Streets; Dedication to NCDOT Required
Curb and Gutter	Required Dedication to City Required	As required by NCDOT
Street lights	Required Dedication to City Required	Optional
Underground Wiring	Required	Optional
Dedicated Open Space	Required as per CHAPTER 7 of this ordinance. Dedication to City may be Required	Required as per CHAPTER 7 of this ordinance
Street Trees and Landscaping	Required. Dedication to City may be Required	Required

Notes:

¹*Annexation is required in order to provide sanitary sewer to properties lying outside the corporate limits of the City of Brevard, except in certain circumstances outlined in Brevard City Code Section 2-292.

² In accordance with NCGS 160D-804(c), sidewalks are not required in the extraterritorial jurisdiction.



13.5. Street design.

A. *Streets required:*

1. 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.
2. 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.
3. 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.
4. 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 9](#) and [CHAPTER 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. *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.

G. *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.



- H. *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.
- I. *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.
- J. *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.
- K. *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.
- L. *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.
- M. *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.



N. 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:

TABLE 13.5A: PEDESTRIAN AND BICYCLE IMPROVEMENT WIDTHS		
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.
- O. *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.



FIGURE 13.5A: ILLUSTRATION OF CLOSE

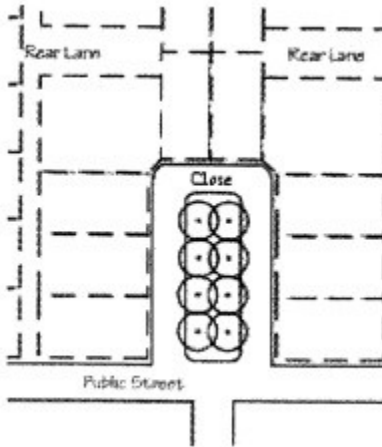
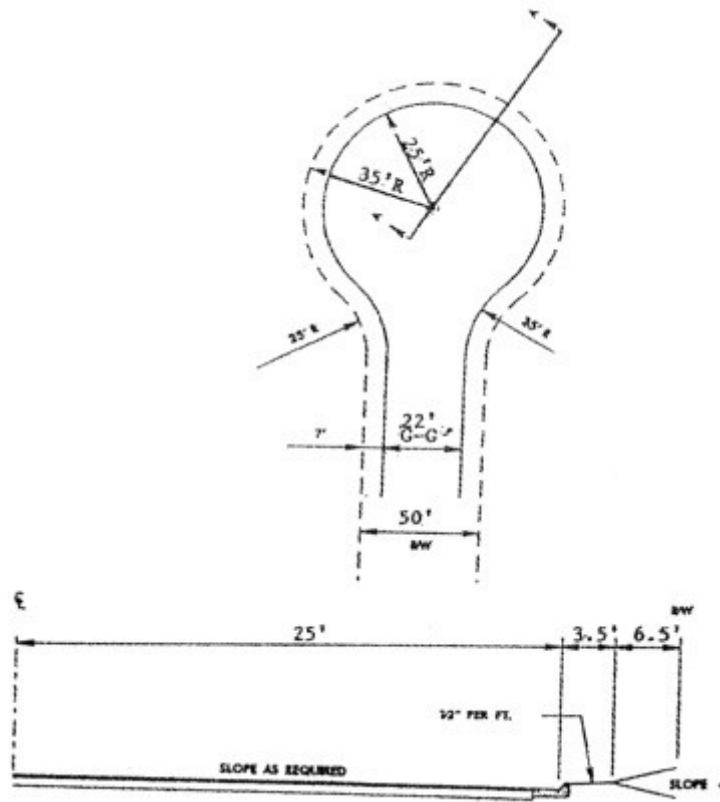


FIGURE 13.5B: ILLUSTRATION OF CUL-DE-SAC WITH CURB AND GUTTER SECTION



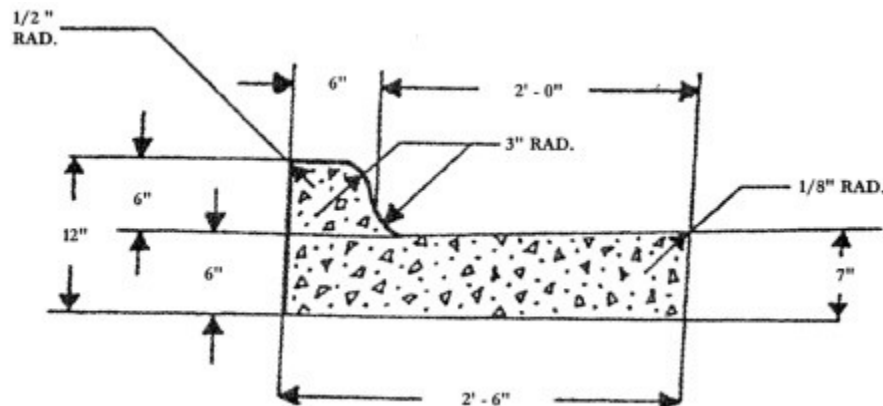
P. Intersections:

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.
- Q. 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.
- R. 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.

FIGURE 13.5C: STANDARD VERTICAL FACE CURB AND GUTTER

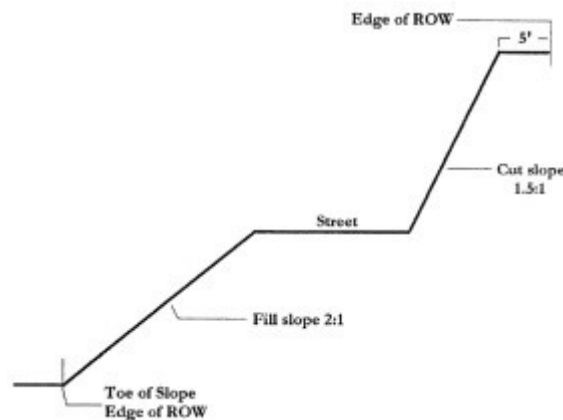


1. Curb and gutter shall be required on all new residential and commercial streets constructed within the city.
2. Standard vertical face curb and gutter within the city shall be two-foot, six-inch concrete with a height of six inches (see graphic, above). All curbing shall be properly backfilled.
 - i. 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.
 - ii. [This shall not limit, or prohibit the use of, curb and gutter design standards adopted by the North Carolina Department of Transportation for subdivision roads adjacent to, and serving dwellings subject to North Carolina Residential Code.](#)



3. Vertical face curbing is required along all streets with on-street parking and around all required landscaping areas and parking lots.
4. All drainage gates must be safe for bicyclists. Bicycle-safe drainage grates are types E, F, and G as approved by the NCDOT.
5. City street culvert dimensions shall be subject to the requirements of the public works director.
6. 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).

FIGURE 13.5D: RIGHT-OF-WAY MAXIMUM SLOPE CROSS SECTION



- S. *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.
- T. *Street lights:* Street lights shall be installed by the developer on all streets in accordance with [CHAPTER 12](#) of this ordinance.
- U. *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.
- V. *Street grades:* The maximum permissible street grade shall be 18 percent.
- 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. *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.



CHAPTER 16. ADMINISTRATION

16.12. Performance guarantees.

- A. To assure compliance with these and other development regulation requirements, G.S. 160D-702(a) and 160D-804.1 provides for performance guarantees to assure successful completion of required improvements at the time the subdivision plat is recorded or the certificate of occupancy issued for site plans. For any specific development, the type of performance guarantee shall be at the election of the person required to give the performance guarantee.
- B. In lieu of meeting the requirement for the completion, installation and dedication of any and all public infrastructure improvements (e.g., underground utilities, streets, sidewalks, storm drainage, trees, landscaping, supplemental buffer plantings, street lights, etc.) prior to final plat approval for subdivisions or certificate of occupancy for site plans, the city manager (or the administrator for new sidewalks along existing streets and landscaping) may enter into a written agreement with the developer whereby the developer shall agree to complete all required improvements (which shall be called an infrastructure improvement agreement). Once the agreement is signed by the city manager and the developer and the required financial security is provided, the final plat or certificate of occupancy (only in cases where public infrastructure is not the subject of the guarantee) may be approved by the administrator if all other requirements of this Code are met. To secure this agreement, the developer shall provide either one, or a combination of the following performance guarantees:
 - 1. Surety bond issued by any company authorized to do business in this state.
 - 2. Letter of credit issued by any financial institution licensed to do business in this state.
 - 3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- C. Any expenses associated with the cost of reviewing and entering into the agreement, including expenses associated with reviewing and approving the instrument of financial security and the estimate of costs of the secured improvements shall be paid entirely by the developer.
- D. The base cost of the guarantee shall be the entire cost of installing all required improvements and conveying or dedicating the same to the City of Brevard as estimated and certified by a licensed design professional and verified/approved by the city manager or his designee, plus any expenses associated with the cost of reviewing and entering into the agreement, plus any costs associated with inspecting the associated infrastructure during and after installation. Further, the base cost shall be adjusted upwards in an amount equal to the most recent Consumer Price Index (as issued by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor) multiplied by the base cost, multiplied by the number of years that the guarantee will be in effect [i.e., (base cost + ((base cost*CPI)*number of years of guarantee))]. The amount of the performance guarantee shall not exceed 125 percent of the reasonably estimated cost of completion at the time the performance guarantee is issued. Any extension of the performance guarantee necessary to complete required improvements shall not exceed 125 percent of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.
- E. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.
- F. No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:



1. The local government to whom such performance guarantee is provided.
2. The developer at whose request or for whose benefit such performance guarantee is given.
3. The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer.

G. *Inspection of improvements upon completion:* The City shall conduct an inspection of the improvements subject to a performance guarantee within 30 days of a request received from a developer and advise the developer whether the improvements are completed to the required specifications. In the event a the City and the developer disagree whether a required improvement is completed to the required specifications, a developer may obtain a certification under seal from a licensed professional engineer that the required improvements have been completed to the specifications of the City of Brevard.

G.H. *Dedication of improvements and release of guarantee security:* The performance guarantee shall be returned or released, as appropriate, ~~in a timely manner~~ within 30 days upon the acknowledgement by the ~~local government~~ City of Brevard that the improvements for which the performance guarantee is being required are complete or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the specifications of the City. Upon completion of public improvements, such improvements shall be dedicated to the City of Brevard by means of a plat of dedication, dedication agreement, and other documents in confirmation of dedication in accordance with procedures established by the administrator within 30 days. When the city manager has accepted dedication of the improvements on behalf of the city, the administrator shall release the security posted by the developer. The dedication agreement shall stipulate a warranty period of not less than three years for the accepted improvements.

H.I. *Extension:* If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer. No reduction in the security will be allowed under any circumstances prior to completion of the required improvements.

H.J. *Default:* Upon default as defined in **CHAPTER 19**, the developer shall pay all or any portion of the bond, cash account, or funds represented by the letter of credit to the City of Brevard up to the amount needed to complete the improvements based on an estimate by the city. Any surety or bank issuing a letter of credit shall likewise comply with the city's demand for payment. Upon payment, the city, in its discretion, may expend such portion of these funds, as it deems necessary to complete all or any portion of the required improvements, including dedication of the improvements to the city and acceptance by the city. The amount to be withdrawn from the deposit account, or the claim against a surety bond, or a drawing statement against a letter of credit upon default may, in the city manager's discretion, be the exact amount expended or expected to be expended, or an estimate of such costs. The city shall return to the developer any funds not spent in completing and dedication of the improvements.

CHAPTER 17. DEVELOPMENT PLAN REQUIREMENTS

17.12. Traffic impact study (TIS).



- A. *Rezoning traffic analysis:* Evaluates whether adequate transportation capacity exists or will be available within a reasonable time period to safely and conveniently accommodate proposed uses permitted under the requested land use or zoning classification.
- B. *Traffic impact report:* Required for certain uses, land subdivisions, and preliminary plats exceeding specific trip generation threshold.
- C. *Preparation:* The applicant shall provide the full rationale, from a ~~North Carolina Licensed Engineer~~[licensed design professional](#), to support the recommendations of this analysis. The submission shall include all pertinent traffic data and computations affecting the design proposal.
- D. *Contents:* The rezoning traffic analysis or the traffic impact report shall contain the following:
1. *Site description:* A detailed report, containing illustrations and narrative, shall describe the site's characteristics, adjacent land uses, as well as any anticipated development within the site's vicinity influencing future traffic conditions.
 - a. A rezoning traffic analysis shall provide a description of the development's potential uses.
 - b. A traffic impact report shall include access plans, staging plans, and land use/intensity information.
 2. *Study area:* The report shall indicate the geographic location of the study area, roadway segments, critical intersections, and access points to be analyzed. The study area shall extend not less than one-half mile from the site.
 3. *Existing traffic conditions:* An analysis of the existing traffic conditions, including all data used for the analysis shall be provided in the report, including:
 - a. Traffic count and turning movement information, including the date and source from which this information was obtained;
 - b. Correction factors used to convert collected traffic data into representative average daily traffic volumes;
 - c. Roadway characteristics, including:
 - Design configuration of existing or proposed roadways;
 - Existing traffic control measures;
 - Existing driveways and turning movement conflicts in the vicinity of the site
 - d. Existing level of service (LOS) for roadways and intersections without project development traffic. LOS shall be calculated for the weekday peak hour, and in the case of uses generating high levels of weekend traffic, the Saturday peak hour.
 4. *Horizon year(s) and background traffic:* The report shall identify the horizon year(s) that were analyzed in the study, the background traffic growth factors for each horizon year, and the method and assumptions used to develop the background traffic growth. Unless otherwise approved, development impacts shall be examined for the first (1st) and tenth (10th) years after the development is completed.
 5. *Trip generation, trip reduction, and trip distribution:* A summary of projected a.m. and p.m. peak hour and average daily trip generation for the proposed development shall be provided in addition to projected trip distribution to and from the site. The factors used to determine trip generation, reduction, and distribution are also to be included in the summary.
 6. *Traffic assignment:* The report shall identify the projected roadway segment, intersection or driveway traffic volumes, with and without the proposed development, for the horizon year(s) of the study.



7. *Impact analysis:* The report shall address the impact of projected horizon year(s) traffic volumes. It shall identify the methodology used to evaluate the impact. The weekday peak hour impact shall be evaluated as well as the Saturday peak hour for those uses exhibiting high levels of weekend traffic generation.
8. *Mitigation/alternatives:* The report shall identify alternatives for achieving traffic service standards, including:
 - a. Additional rights-of-way necessary to implement mitigation strategies.
 - b. Suggested phasing improvements necessary to maintain compliance with traffic service standards.
 - c. Anticipated costs of recommended improvements.
9. *Procedures:*
 - a. The applicant shall work with the city engineer to determine if a traffic study is necessary and its associated parameters.
 - b. The report shall be submitted to the city engineer for distribution to staff and related roadway jurisdictions. The city engineer shall notify the applicant if additional studies or analysis are necessary.
 - c. Once a report is determined to be complete, a finding shall be made by the administrator on the traffic impact study. Proceedings on any application that were stayed pending completion of traffic analysis may resume.
10. *Report findings:* If a proposed development does not meet the applicable service level standards, one or more of the following actions may be necessary:
 - a. Reduce the size, scale, scope, or density of the development to decrease traffic generation.
 - b. Divide the project into phases, allowing for only one phase at a time until traffic capacity is adequate for the next phase of development;
 - c. Dedicate right-of-way for street improvements;
 - d. Construct new streets;
 - e. Expand the capacity of existing streets;
 - f. Redesign ingress and egress to the project to reduce traffic conflicts;
 - g. Alter the use and type of development to reduce peak hour traffic;
 - h. Reduce existing traffic;
 - i. Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;
 - j. Integrate non-vehicular design components (i.e. pedestrian and bicycle and transit improvements) to reduce trip generation;
 - k. Recommend denial of the application for which the TIS is submitted.

CHAPTER 19. DEFINITIONS

19.3. Definitions.



Agriculture: Land primarily used to grow crops produce, flowers, etc., raise animals, harvest timber, and harvest fish and other animals from a farm, ranch, or their natural habitats. A farm, as an establishment, may be one or more tracts of land, which may be owned, leased, or rented by the farm operator. Agricultural uses include, but are not limited to the following: farms, urban farms, ranches, dairies, [horse boarding](#), community gardens, greenhouses, nurseries, orchards, or hatcheries.

Impervious area: Any man-made surface which restricts the percolation of rain water into the soil including, but not limited to, areas covered by roofs, roof extensions, patios, porches, driveways, sidewalks, parking areas and athletic courts. [Also referred to as built-upon area, impervious surface or impervious coverage. In accordance with NCGS 143-214.7D, the following is not considered an impervious area:](#)

- [1. A slatted deck.](#)
- [2. The water area of a swimming pool.](#)
- [3. The surface of number 57 stone, as designed by the American Society for Testing and Materials, laid at least 4 inches thick over a geotextile fabric.](#)
- [4. A trail or greenway that is either unpaved or paved with pavement that is porous with a hydraulic conductivity greater than 0.001 centimeters per second \(1.41 inches per hour\).](#)
- [5. Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.](#)
- [1.6. Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.](#)

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-24-010**

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

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **neither consistent nor inconsistent** with the following elements of the City's adopted plans and policies.

ORDINANCE NO. 2024-____

AN ORDINANCE AMENDING MULTIPLE CHAPTER OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO ADDRESS RECENT UPDATES TO STATE LEGISLATION

WHEREAS, the City of Brevard Planning Board has unanimously recommended that the Brevard City Code, Unified Development Ordinance Chapter 2 – Districts and General Provisions; Chapter 3 – Use Definitions and Standards; Chapter 5 – Building Types and Architectural Standards; Chapter 6 – Environmental Protection; Chapter 9 – Circulation and Connectivity; Chapter 12 – Signs; Chapter 13 – Infrastructure Improvement Requirements; Chapter 16 – Administration; 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 neither consistent nor inconsistent with the goals and objectives of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*.

WHEREAS, a public hearing was conducted on Monday, December 2, 2024, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Code of Ordinances be amended as outlined below.

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

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

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

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

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

Adopted and approved this the 2nd day of December 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, December 2, 2024

Title: Property Tax Releases - November, 2024

Speaker:

Prepared by: Tina Tanner, Tax Collector/Water/Finance

Approved by: Wilson Hooper, City Manager

STAFF REPORT

DATE: December 2, 2024

The City of Brevard has been notified by the Transylvania County Tax Administration of the following releases from the tax scroll of the City of Brevard.

The governing body of the City of Brevard is required by General Statute to approve these releases and instruct the Tax Collector to remove these property values from the city tax records.

General Statute 105-381

(b) Action of Governing Body.--Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct tax liability or notify the taxpayer in writing that no release or refund will be made.

A finance officer, manager, or attorney to whom this authority is delegated shall monthly, report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body. If a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in his annual settlement.

Release Amount for November 2024: \$386.52

-

Attachments:

1. 12 Resolution Tax Release December 2024

RESOLUTION 2024-XX

A RESOLUTION APPROVING PROPERTY TAX RELEASES

WHEREAS, The City of Brevard has previously determined to collect property taxes for the City of Brevard and the Heart of Brevard, and it is necessary to release the below shown amount from the city tax records.

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

The Tax Collector is hereby authorized to remove November 2024 property values from the tax scroll in the amount of:

2024: \$ 386.52

Adopted and approved this the 2nd day of December, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, December 2, 2024

Title: Personnel Policy Revisions to add language for new law prohibiting pornography on government networks and devices.

Speaker: Kelly Craig, Human Resources

Prepared by: Kelley Craig, Human Resources Director

Approved by: Wilson Hooper, City Manager

Background

New legislation requires each public agency to adopt a policy governing the use of its network as well as the use of devices owned, leased, maintained, or otherwise controlled by that public agency, no later than January 1, 2025. North Carolina General Statute 143-805 mandates that public agencies "shall not permit" employees, elected officials, or appointees to view pornography on devices owned, leased, maintained or otherwise controlled by a public agency, the judicial branch, or legislative branch, respectively. In addition, the law indicates that public agencies "shall not permit" employees to view pornography on their respective networks. G.S. 143-805(d) carves out a list of exceptions to the prohibition for an official or employee who is engaged in specific activities in the course of their official duties. The law also requires the public agency to submit an annual report to the State Chief Information Officer with information related to the unauthorized viewing or attempted viewing on the network or devices.

Discussion

The City is amending the current Personnel Policy to include the necessary language to comply with this new provision of the law. The policy revisions can be found under Article V, Section 18. Computer and Electronic Communication Policy. The suggested revisions meet the policy requirements by the imposed deadline.

Action

Staff request that City Council adopt the resolution amending the City Personnel Policy with the revisions as presented.

Attachments:

1. Personnel Policy Proposed December.2.2024
2. Res_2024-XX_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

Revised & Adopted July 1, 2023

Revised & Adopted July 1, 2024

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) periodically investigating the operation and effect of the personnel provisions of this Policy;
- j) assist the City Manager and Department Heads by ensuring adherence to this policy; and
- k) 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 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 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, 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 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 minimum for the assigned pay grade.

SECTION 5. PROBATIONARY PAY INCREASES

Employees hired at or promoted into the 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 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 promotional 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 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 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 five 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 minimum 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 minimum rate established for their respective classes shall have their salaries raised at least to the new minimum rate for their classes. For employees who have completed probation, the employee's salary shall be advanced to five (5) percent above 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 212 hours for Fire personnel in a 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 without City Manager approval. 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 \$2.00(two dollars) 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 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 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, 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.

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 and facilities are open to provide regular services to the public during periods of inclement weather or other conditions of a non-emergency nature. 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. 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 employees 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 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, random 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:

- 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.
- 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) as defined below~~ 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. Employee access to the City's electronic systems and devices imposes certain responsibilities and obligations and as such, access is granted subject to relevant City policies and local, State and Federal laws. This policy applies to all City of Brevard employees, elected officials, and appointees.~~

Definitions:

1. Electronic Communication Systems – are systems owned, operated, or leased by the City. They include but are not limited to telephones, cellular phone lines, MiFi's, voicemail, email, and internet access.
2. Device – A device is a cellular phone, desktop computer, laptop, tablet, MiFi, or other electronic equipment used for communication that is capable of connecting to a network or the internet.
3. Network – Any of the following, whether through owning, leasing, maintaining, or otherwise controlling:
 - a. The interconnection of communication systems with a computer through remote or local terminal, or a complex consisting of two or more interconnected computers or telephone switching equipment.
 - b. Internet service.
 - c. Internet access.
 - a-d. Pornography - Any material depicting sexual activity, and "sexual activity" is defined in G.S. 14-190.23. If the material depicts any of the seven categories of acts defined as "sexual activity" in G.S. 14-190-13, then it constitutes "pornography" for the purpose of this policy.

Employees are authorized to use only the computer software and hardware licensed by the City. A City employee is authorized to use these systems when they have been given a user name and password and has read and signed the Personnel Policy acknowledgement.

Electronic communication systems and devices are for business use any personal use must be brief, infrequent, not interfere with the employee's or other employees' work and be on the employee's own time.

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~~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.

The City shall not permit employees, elected officials, or appointees to view pornography on devices owned, leased, maintained, or otherwise controlled by the City.

The City shall not permit employees, elected officials, or appointees, to view pornography via the City's electronic communication systems, including its internet network, regardless of what device is utilized, even if the City does not own the device.

The City shall report to the State Chief Information Officer, in the format required by the State Chief Information Officer, annually by August 1st each year, all unauthorized viewing of pornography on the City's network or devices.

Certain employees might need to view material that would be considered pornography in order to carry out their official duties. The City does not prohibit the viewing of pornography on a City issued device or network by any employee who is engaged in any of the following activities in the course of performing their official job duties:

- Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes;
- Identifying potential security or cybersecurity threats;
- Protecting human life;
- Establishing, testing, and maintaining firewalls, protocols, and otherwise implementing G.S. 143-805;
- Participating in judicial or quasi-judicial proceedings;
- Researching issues related to the drafting of analysis of state laws as necessary to fulfill the requirements of the employee's official duties.

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 regular 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
June	Juneteenth	June 19 th
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 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. Employees will also be granted one day of Floating Holiday per calendar year (starting in January 2025). This leave is provided to support diversity and offer flexibility by giving employees discretion to choose a holiday, event or paid day off that is significant to them.

- The Floating Holiday must be scheduled and approved in advance by the employee's supervisor.
- Every effort will be made to approve the requested holiday as work demands allow as long as approval does not adversely affect City services.
- Department Heads may rescind approval of an employee's Floating Holiday in the event of emergency/unforeseen situations that may arise, in order to meet work demands. In that situation, the impacted employee shall be allowed to submit a request for a different day to be utilized before the end of the calendar year.
- Eligible employees must submit Floating Holiday requests in full day increments.
- No Floating Holiday leave balance will be carried over to subsequent years.
- All unused Floating Holiday leave shall end and terminate without compensation when the employee resigns or is separated from the City.
- All other rules and conditions of Holiday Pay outlined in this policy apply to Floating Holiday.

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)
0-4	12	3.692
5-9	15	4.65
10-14	17	5.230
15-19	20	6.153
20-24	22	6.77
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 an 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 the 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 with 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 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 July 1, 2024.

Coverage and Eligibility

An employee's eligibility for Paid Parental Leave shall be made based on the employee's months of continuous service and hours worked as of the date that the child is born or placed via adoption, foster or other legal placement.

Employees who have completed at least 30 days of employment but less than 6 months of employment immediately preceding the date of the event, are eligible for 2 weeks of Paid Parental Leave.

Employees who have completed six months but less than 1 year of employment immediately preceding the date of the event, are eligible for 4 weeks of Paid Parental Leave.

Employees who have completed at least 12 months of service immediately preceding the date of the event will be eligible for 6 weeks of Paid Parental Leave. Employees do not gain additional weeks of paid leave during the 12 months following the event, eligibility is based on the service time as of the date of the event.

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 Parental 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 an 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 fails 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 the 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 in which they are on leave without pay. Employees receiving Workers' Compensation benefits shall cease contributing to the North Carolina Local Governmental Employees' Retirement System. Upon returning to work, employees may purchase credit for the period of time they received Workers' Compensation benefits. Additional information on purchasing service credits can be obtained from the State Retirement System. 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 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 a 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 the 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 compliance 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 regard 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 an Administrative leave period.

If administrative leave is imposed, the employee shall be notified in writing that the 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 leave and why an administrative leave 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 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 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 service 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 Step 1. The City Manager shall respond to the appeal, stating the determination of decision within ten (10) working days after receipt of the appeal.

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. 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.

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 are 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. 2024-XX

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 July 1, 2024; and

WHEREAS, to keep the Personnel Policy current with the revised rules, regulations, laws, etc., and to incorporate voluntary provisions for the employees of Brevard, those responsible for the maintenance of the policy recommend that the Personnel Policy dated July 1, 2024 be repealed and replaced with the updated Personnel Policy effective December 2, 2024.

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

Section 1. The Personnel Policy dated July 1, 2024 is repealed and the updated Personnel Policy will become effective December 2, 2024 as the official policy governing 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 2nd day of December, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

MINUTES

CITY COUNCIL HOUSING COMMITTEE

Monday September 9, 2024 – 2:30 PM

City Hall Council Chambers

Members Present: Aaron Baker, Vice Chair, City Council Member
Victor Foster, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Members Absent: Pamela Holder, Chair, City Council Member

Staff Present: Dean Luebbe, Assistant City Manager/Finance Director
Paul Ray, Planning Director
Emily Brewer, Planner
Becky McCann, Communications Coordinator
Denise Hodsdon, City Clerk

A. Welcome and Call to Order

Aaron Baker welcomed everyone and called the meeting to order at 2:32 PM.

B. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

Mr. Baker asked to add Brevard Housing Coalition Update as Item F. Mr. Foster moved, seconded by Mr. Baker to approve the agenda as amended. The motion carried unanimously.

D. Approval of Minutes – August 13, 2024 Meeting

Mr. Foster moved, seconded by Mr. Baker to approve the minutes of the August 13, 2024 meeting as presented. The motion carried unanimously.

E. PRO Housing Grant

Emily Brewer explained that the Proactively Removing Obstacles to Housing grant is a federal funding program through HUD. The City applied for funding last year, but our application was not awarded funding. Staff is working on an application for the second

round of funding, and we can apply for up to \$7M. She said we are trying to reposition ourselves to be more competitive this year by reducing our ask, by leaning stronger into our partnerships with the County and Habitat for Humanity, and by expanding our scope of who we can impact and increasing our leverage. We were approached by the County that they have approximately \$3M in ARPA funding remaining, which needs to be spent on infrastructure and obligated by December 31st. We sent a letter today to the County requesting some of that funding that we can use to support this initiative and use as our leverage. Our request included the following options:

Summary of Requested Funding Options

Projects	Cost
Option 1: Engineering and Construction of Main Spine of Azalea / Rhododendron Neighborhood Sewer Extension (along Old Hendersonville Hwy) and Pump Station	\$1,839,231
Option 2: - Construction of Habitat for Humanity Woodland Terrace Sewer Extension (\$636,000) - Engineering of the Entire Azalea / Rhododendron Neighborhood Sewer Extension (\$347,389)	\$983,389

Ms. Brewer reviewed the Azalea / Rhododendron project area and noted that the request for engineering and construction under Option 1 would significantly reduce the cost of the entire neighborhood extension.

AZALEA / RHODODENDRON NEIGHBORHOOD SEWER EXTENSION

	Engineering	Construction	Total
Main Spine and Pump Station	\$95,000	\$1,744,231	\$1,839,231
Remainder of Neighborhood	\$252,389	\$2,598,140	\$2,850,529
Entire Project	\$347,389	\$4,342,371	\$4,689,760

She explained that under Option 2 Habitat for Humanity owns an 8-acre parcel that they want to develop as affordable housing units, which would require a sewer extension and annexation into city limits.

Ms. Brewer noted that whatever the County decides to fund us, or not fund us, has a big ramification on our PRO Housing grant application, because we can use it as leverage, and we can ask for more funding. She reviewed the following table outlining the various options for our funding request, with and without County funding.

PRO HOUSING FUNDING REQUEST

	Costs	Option 1 <i>County ARPA Funds Entirety of Main Spine</i>	Option 2 <i>County ARPA Funds Habitat and Engineering</i>	No County Funding <i>No County ARPA Funding</i>
Project Costs				
Habitat for Humanity Sewer Extension	\$636,000	\$636,000	(ARPA)	\$636,000
A/R Main Spine Engineering	\$95,000	(ARPA)	(ARPA)	\$95,000
A/R Main Spine Construction	\$1,744,231	(ARPA)	\$1,744,231	\$1,744,231
A/R Remainder Engineering	\$252,389	\$252,389	(ARPA)	\$252,389
A/R Remainder Construction	\$2,598,140	\$2,598,140	\$2,598,140	
Total Sewer Extention Project Costs		\$3,486,529	\$4,342,371	\$2,727,620
Preservation Program				
Request	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000
TOTAL PRO HOUSING ASK		\$4,686,529	\$5,542,371	\$3,927,620

Notes

- This is the only option where we may receive funding for remainder of A/R
- This is the only option where we still have significant leverage even if we don't have Azalea property secured

- Habitat not included in grant application
- Engineering to be used as leverage
- Unlikely to receive entire neighborhood funding, but could include in ask / remove if receiving lesser amount

Ms. Brewer explained that the \$1.2M in Preservation Programming would mean that we could couple our investment in transformational infrastructure with anti-displacement measures, including home repairs, weatherization, ADA accessibility improvements, etc.

The PRO Housing grant application is due October 15th and, while we don't have an exact plan for our funding request at this time, it will definitely include support for the Azalea/Rhododendron neighborhood and the \$1.2 Preservation Programming. Staff will seek public comment through a number of ways by September 24th and a public hearing will be scheduled for Council's October 7th meeting.

F. Brevard Housing Coalition Update

Mayor Copelof briefed the Committee on an upcoming event put on by the Brevard/Transylvania Housing Coalition called "Housing for All: A Community Tour", which will be combined with World Homelessness Day on October 10th. The event will be a tour of housing resource providers in our community, with the idea of highlighting how local

organizations provide shelter, rental assistance, and housing support for residents facing housing instability. It will offer an opportunity to “walk in the shoes” of a neighbor and experience the challenges they face. She reviewed the agenda for the tour and noted that elected officials, community leaders and the general public are invited to attend.

G. Set Date for Next Meeting

The date of the next meeting to be determined.

H. Adjourn

There being no further business, the meeting adjourned at 3:18 pm.

Minutes Approved: 11/19/2024

X 
Aaron Baker
City Council Member

X 
Denise Hodsdon
City Clerk

MINUTES

City Council Parks, Trails, & Recreation Committee

Wednesday, September 18, 2024 - 3:30 PM
City Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Lauren Wise, Vice Chair, Council Member
Howie Granat, Citizen Member
Wyn Birkenthal, Citizen Member
JD Powers, Citizen Member
Reba Osborne, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Absent: Nancy DePippo, Citizen Member

Staff Present: Wilson Hooper, City Manager
David Todd, Assistant City Manager
Wesley Shook, Acting Public Works Director
Paul Ray, Planning Director
Becky McCann, Communications Coordinator
Denise Hodsdon, City Clerk

Guests: None

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:31 pm.

B. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

C. Approval of Agenda

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

D. Approval of Minutes from August 21, 2024 Meeting

Mr. Granat moved, seconded by Ms. Osborne to approve the minutes of the August 21, 2024 meeting as presented. The motion carried unanimously.

E. Bracken Preserve Update

Mr. Hooper reported that we received the results of the first maintenance evaluation conducted by SORBA last week. Mr. Granat added that the evaluation is a review of ongoing work that needs to be done on a regular basis, but some of the work will be done at their workday this weekend. Some of the highlights of the evaluation and work to be done include drain cleaning to control water flow and erosion and evaluation of bridges for wood decay. Mr. Granat said some of the items go beyond trail maintenance and would go into the trail building category and may require some machinery to do the work. The trail work will be a combination of trail maintenance that Pisgah SORBA would do, and trail construction. This weekend's workday will be all trail maintenance with Pisgah SORBA; the following week will be a combination of Pisgah SORBA and Long Cane Trails; and then they will go into next phases of trail construction. Pisgah SORBA will essentially be providing the labor and Long Cane Trails will be doing the physical construction with machinery and coordination of getting whatever materials are needed to do trail building.

Mr. Hooper added that Conserving Carolina is willing to work with the homeowner's association for the neighborhood to get two of the bank-owned properties donated to Conserving Carolina and then transferred over to them in exchange for a permanent easement so we can widen the trails at the pinch-point. Mr. Granat said he saw that both of those parcels have been listed for sale for \$79,000, and pointed out that it is probably unlikely they will just donate them to us.

Mr. Hooper said he is still working with Keith Arbogast at Brevard Music Center on the easement, and they seem confident that it will happen. Mr. Hooper said he got the impression from Mr. Arbogast that whatever agreement we sign will have a condition that if they ever want to use the property we would agree to give it back.

Mr. Granat said the general plan for 2024 is, other than the two scheduled workdays, we will probably have another two or three trail days. Once we get approval from the Music Center, we will start the climbing trail. The other piece is the emergency access trail from Laurel Falls Road to Waterford Place. He asked Todd Branham to put together his plans and proposal and cost estimate for that piece as well. Essentially Phase 1 would be completed within this year. We should then have money left over to either consider putting into signage or hold the funds for use in Phase 2, which would be the new trail construction on the top portion of the land. He said the general estimates are \$40,000 to \$50,000 for each phase, which would use up what we have in escrow with Conserving Carolina.

Additional Updates

Estatote Trail – Mr. Hooper and Mr. Ray updated the committee on the Estatote Trail. Council took the Committee's recommendation and named Main St. to Mary C. Jenkins the top priority for Estatote Trail moving forward. Council gave staff direction and feedback on our acquisition strategy for the properties in that area. We are going to

apply for a Great Trails State Program grant to pay for 100% design for that section and the section from the Rosman Highway to the High School.

Council also encouraged staff to work on the Rosman Highway crossing, which we have plans for, and we are trying to work out a deal with NCDOT.

The let date for Tannery North has been pushed back to fall of next year, with construction starting soon after. It most likely won't be done until early 2026. The reason for the delay is because it is funded with federal dollars, and those funds were just released to NCDOT, so they are starting the design and engineering for the project now. It can only be constructed in the wintertime because of the bat moratorium, so we will have to wait until next year's construction season. We are looking into whether Public Works can start doing some of the prep work this winter in order to shorten NCDOT's timeline next winter.

Mayor Copelof asked if there was any update on the shade cloths for the benches at the skate park. Mr. Hooper reported that Staff is working on getting information and cost estimates. Mr. Granat added that approximately 1/3 of the \$9500 from Conserving Carolina, that had originally been for the skate park but now transferred to Bracken, is being set aside until we have a cost estimate for the shade cloths.

Mr. Granat asked about a timeline for opening the new Davidson River bridge. Mr. Hooper said staff will follow up and report back to the committee.

F. Public Comment – None.

G. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee was scheduled for Wednesday, October 16, 2024 at 3:30 PM.

H. Adjourn

There being no further business, the meeting was adjourned at 4:21 PM.

Minutes Approved:

11/20/2024

X

Aaron Baker

Aaron Baker
Chair, Council Member

X

Denise Hodsdon

Denise Hodsdon
City Clerk

STAFF REPORT

City Council, Monday, December 2, 2024

Title: Application for Public Art from Kristie Nichols, 360 Whitmire St.

Speaker: Paul Ray, Planning Director

Prepared by: Emily Brewer, Senior Planner

Approved by: Wilson Hooper, City Manager

Background

Kristie Nichols, owner of The Yard at 360 Whitmire Street, submitted an application for public art. Her application includes a description and image of the proposed artwork to be painted as a mural on the side of the grey outbuilding in The Yard. It also includes a narrative describing the theme of the design. The mural will be painted by local artist Todd Weinkam.

Discussion

The mural is described as "a vivid celebration of our local flora and fauna, with a focus on some of our most striking and inspiring fungi." The mural will depict a bouquet of local mushrooms, and eastern newt, monarch butterfly and gray tree frog, which are all commonly found in the local mountains. The mural "intends to both beautify the Railroad Avenue and Bike Path Corridor as well as invite close-up exploration of the piece at eye level." The dimensions of the mural are approximately 37 feet wide by 11 feet tall.

Policy Analysis

Given the mural location in the Railroad Avenue District, the Downtown Master Plan Committee did not review the application.

Fiscal Impact

The owner is required to sign a Public Arts Maintenance Agreement to ensure the artwork will be maintained at no expense to the City.

Action

Council is asked to consider approving the attached Resolution granting permission for the described wall mural.

Attachments:

1. Public Art Application
2. City of Brevard Public Art Policy
3. Draft Resolution



APPLICATION FOR PUBLIC ART

APPLICANT: Kristie Nichols

Contact Information:

Mailing Address: 360 Whitmore St City: Brevard State: NC ZIP: 28712
Email: info@thecityofbrevard.com Phone: 828-237-1081

Property Owner Information (Not applicable for artwork proposed on City Property):

Property Owner Name: Agabode Brevard
Mailing Address: 360 Whitmore City: Brevard State: NC ZIP: 28712
Email: info@thecityofbrevard.com Phone: 828-237-1081

Location of Property: See attached

Property Identification Number (PIN): See attached
8586-53-1004-000

Type of Artwork:

- ☒ Mural ~~Temporary~~ ☐ Memorial ☐ Other: _____
☐ Sculpture ☐ Functional Art (i.e. bike rack) _____

Proposed location(s) for the art (side wall, rear yard, alcove, etc): See attached

Following must be Included with All Applications:

- ☐ Description and images or other illustrative graphics of the artwork to be installed. Dimensions (height, width, etc.) must be included in these descriptions.
☐ Narrative describing the theme and design.
☐ Photograph of the proposed location (if specific location in mind).
☐ Signed Maintenance Agreement provided by the City.
☐ Cost estimate: \$K
☐ Project Installation Timeline: 2 months

Following must be Included with Mural Applications:

- ☐ Dimensions of any logos, symbols or text within the mural. - see attached

SIGNATURES

If the Applicant is other than the property owner, proof of the owner's consent is required, unless the property owner is the City of Brevard. Owner's signature proves consent. The applicant will be the liaison with the City and will be the party to receive official notice. Notice communicated to the applicant will be deemed communicated to the owner. By signing this application, the applicant is consenting to the designation for these purposes.

Property Owner: K Nichols Date: 9/25/24
Applicant: K Nichols Date: 9/25/24

PUBLIC ART MAINTENANCE AGREEMENT

THIS Agreement is made as of the 25 day of Month September, Year 2024 by and between:

City of Brevard (hereinafter "City")
95 West Main Street
Brevard, NC 28712

and

Kristie Nichols ("Owner").
284 Railroad Avenue ("Physical Address of project")
360 Whitnise St. ("Mailing Address of Owner")
828-237-1081 ("Telephone Number")
info@thearchbrevard.com ("Email Address")

WHEREAS, the City has determined in order to beautify public areas, enhance the quality of life for Brevard citizens, attract tourism, promote arts and culture, and encourage businesses to locate within the city, thus expanding Brevard's economic base, it is the policy of the City of Brevard to promote public art, where appropriate, through the implementation of a clarified process and design guidelines, and

WHEREAS, the Owner desires to facilitate this policy by installing public art as approved by the Brevard City Council pursuant to Ordinance 42-16 of the Brevard City Code and Chapter 12 of the Unified Development Ordinance;

WHEREAS, the Owner is aware that as a condition of being allowed to install any public art, the Owner must agree to certain maintenance and other requirements as set forth in the policy.

NOW THEREFORE, the Owner, subject to the approval of the said public art project by the Brevard City Council, agrees as follows:

1. Owner agrees to complete the installation work within one calendar year from the date of approval by City and all work shall be completed according to state and local building codes and ordinances, and approved, when necessary, by the proper authorities.
2. Owner accepts the sole responsibility of maintenance during the lifetime of the artwork and authorizes the City to perform such maintenance if these responsibilities are not fulfilled by the Owner. In the event the City is required to perform maintenance on the said project due to the Owners failure to maintain, the Owner shall reimburse the City for the reasonable costs of the maintenance. Maintenance shall include, but is not limited to, re-painting/touch-up painting to keep the art looking current and not faded, as determined by the DMPC, and abating graffiti, or other forms of vandalism, within 48 hours from the time the property owner has been notified. Owner maintenance may also include painting over the mural effectively ending its lifetime if no public funds were used in its creation and if there is no prior, conflicting agreement between the City and the property owner unless both parties are in agreement. Owner further agrees to follow the maintenance

guidelines set forth in Section VIII of the Public Art Policy and Application Process manual.

3. Once a project is complete, Owner shall apply an anti-graffiti coating to protect its surface if determined by the DMPC to be feasible.
4. The Owner agrees to allow images and video of the completed installation to be placed on the City of Brevard's web pages, social media, publications/videos, and local media.
5. Any disputes that arise between the parties with respect to the performance of this agreement shall be submitted to mediation prior to either party invoking the court system.
6. This agreement shall be governed by the laws of the State of North Carolina and shall be subject solely to the jurisdiction of the District or Superior Court of Transylvania County North Carolina.

IN WITNESS WHEREOF, the Owner hereto has signed this Agreement as of the date first above written.

OWNER, Kristin Nichols by:

Kristin Nichols (SEAL)
Owner Signature

Photograph:



Physical description:

37 ft wide x 11 ft tall Mural applied to the primed side of the grey outbuilding located within The Yard. Local artist Todd Weinkam will use Belton Molotow Artist's Spraypaint and a Sherwin Williams UV protective/Anti-Graffiti topcoat for longevity and vibrance.

Location:

Mural will be applied to the North-facing side of The Yard's grey outbuilding located at 35.23930, -82.73501.

Narrative:

A vivid celebration of our local flora and fauna, with a focus on some of our most striking and inspiring fungi.

Prominently displayed among a dramatic bouquet of local mushrooms (chanterelles, chicken of the woods, yellow staghorn and more) are an eastern newt, monarch butterfly and gray tree frog. These species, revered in our greater mountain region, are also commonly encountered as close as the city's Bracken Preserve. Nature lovers will immediately recognize the species showcased here while the we pique the curiosity of more casual viewers.

This mural intends to both beautify the Railroad Ave and Bike Path Corridor as well as invite close-up exploration of the piece at eye level. It is aimed to excite and inspire all people and all ages.



The City of
Brevard
North Carolina



Public Art Policy and Application Process

Version: February 2021
Adopted by City Council

Disclaimer

The City reserves the right to deny applications based upon City of Brevard's policies and the qualifications stated herein. The materials available are for informational purposes only and not for providing legal advice. You should contact your attorney to obtain advice with respect to any issue or problem.

95 West Main Street • Brevard, NC 28712 • (828) 885-5600

SECTION I. PURPOSE OF PUBLIC ART POLICY AND APPLICATION PROCESS

In order to beautify public areas, enhance the quality of life for Brevard citizens, attract tourism, promote arts and culture, and encourage businesses to locate within the city, thus expanding Brevard's economic base, it is the policy of the City of Brevard to promote public art, where appropriate, through the implementation of a clarified process and design guidelines.

SECTION II. WHAT IS PUBLIC ART?

Simply put, public art is art in public spaces. The term "public art" may conjure images of historic bronze statues of a soldier on horseback in a park. Today, public art can take a wide range of forms, sizes, and scales—and can be temporary or permanent. It often interprets the history of the place, its people, and may address a social or environmental issue. What distinguishes public art is the unique association of how it is made, where it is, and what it means. Public art can express community values, enhance our environment, transform a landscape, heighten our awareness, or question our assumptions. Placed in publicly-visible sites, this art is there for everyone, a form of collective community expression. Publicly-visible sites include both publicly- or privately-owned, non-residential spaces that are visible from public streets and pedestrian walkways.

Public art may include murals, sculpture, memorials, integrated architectural or landscape architectural work, community art, public fixtures, furniture, or other functional elements that are designed and/or built by an artist. Public art may be attached to a building or be a free-standing installation. In addition, it cannot be interpreted to be signage by the Planning Director or their designee. Public art that contains any business names, brand names, product names, letters of the alphabet, logos, symbols, trademarks, trade names, or other messages are considered signs and must meet the requirements of the City of Brevard's Unified Development Ordinance (UDO).

The Brevard UDO regulates signs in such a way to ensure public safety and to support and complement land use objectives decided on by City Council. Applicants looking to execute a mural are exempt from acquiring a sign permit if the combination of any logos, symbols, and text within the mural do not exceed eight percent of the surface area. While murals do not require a permit, there is a review process where the Planning Department Staff will review mural designs to ensure compliance with sign regulations prior to the Downtown Master Plan Committee's review and recommendation. See the City of Brevard's UDO Sec. 12.7.G.



SECTION III. GOALS OF PUBLIC ART

Public art is an investment in cultural capital that goes far beyond tourism, improved aesthetics, better business traffic, increase in building occupancy, or eradication of blight. Public artworks contribute to a town's unique identity, its cultural cohesiveness, and sense of place.

The City of Brevard has appointed the Downtown Master Plan Committee (DMPC) with the responsibility of reviewing and recommending approval of public art requests on privately- and publicly-owned, non-residential property in the Heart of Brevard Downtown District using the criteria and processes set forth below. *

Applications for public art on privately- and publicly-owned, non-residential properties in the Heart of Brevard Downtown District must be reviewed through the City of Brevard Public Art Policy and Application Process and approved by City Council.

When adding public art to the landscape, Brevard's DMPC will consider the following goals as guides to the review process and recommendation of public artwork to City Council:

- Public art should create an image of Brevard, North Carolina as a vibrant hub for the arts.
- In keeping with Brevard's history of creativity and exploration, public art should be considered a vehicle to educate citizens about local culture and history, and a means to expand the boundaries of artistic endeavor.
- Public art projects should reflect and express the core community values including geography, age, cultural and other diversities, community heritage, and history.
- Public art should be integrated into all aspects of the community.
- Public art should include thoughtful and inclusive community participation.
- Public art should showcase local, regional, national, and international artists.
- Public art should strive for the integration of Brevard's many design professionals and artists into the planning, design, and development of the community to ensure the highest standard of design.
- Public art should be considered a vehicle in the creation of distinct places, spaces, and objects, and in furthering Brevard's unique sense of place.
- Public art should be considered as a cultural and economic asset.
- Public art should be for all people. Without people to engage with it, experience it, and interact with it, art would not be public.

*Requests for public art installations outside of the Downtown Development Overlay District shall be sent to the Brevard Planning Department, reviewed for completeness, and brought before the City Council for approval.



SECTION IV. GUIDELINES

City of Brevard Planning Staff will assess applications based on adherence to the City of Brevard UDO, at which point the application will go before the Downtown Master Plan Committee to be reviewed based on the guidelines listed below.

Eligibility

- The applicant must be the owner/tenant of a building/property located within the boundaries of the Public Art and Mural program, which is identified as the Downtown Development Overlay District.
- If the applicant is the tenant, the artist, or the sponsoring nonprofit or organization, they must have the owner's written permission with the application.

Criteria

- Improvements shall conform to the City of Brevard's Unified Development Ordinance (UDO), and other applicable plans and policies of the City of Brevard.
- *Theme and Design.* Public art projects must reflect:
 - The character, culture, and/or history of Downtown and the City of Brevard.
 - Appropriate themes and other relationships to the surrounding environment.
 - Readability and appropriateness of scale.
 - Harsh and sharp edges should be avoided.
- *Site Guidelines.* Selection of a specific site for public art shall consider the following factors:
 - Visibility and accessibility of the site by the general public, including universal design and accessibility for people with disabilities.
 - Ability of the artwork location and size to engage and encourage pedestrian interaction.
 - Public safety.
 - Interior and exterior vehicular and pedestrian patterns and sight lines.
 - Relationship of the proposed site to existing or future architectural, landscaping, and natural features.
 - Context should not have a negative impact to the backdrop of significant historical institutions (refer to the Historic Buildings section below).
 - Future development plans for the area.
 - Environmental impact such as noise or light associated with the artwork or obstruction of views of adjacent property owners.
 - Impact on City operational functions such as maintenance or snow removal.

Mural-Specific Guidelines

The context of the building and the surrounding area is a critical component to the evaluation of an appropriate location for a mural. Each building is unique, and it is recommended the applicant reach out to the Brevard DMPC to discuss potential locations prior to planning the mural project. Mural projects may not detract from the architectural integrity and historic character of the primary facades of the building.



Below are general guidelines, as recommended by the Brevard Downtown Master Plan Committee, to help direct location selection for murals:

- Blank firewalls are the preferred location for murals and should be utilized whenever possible.
- Alley and non-street facing walls may be afforded more leeway in regard to location guidelines than street-facing walls, depending on street visibility.
- Murals should not compete with or overwhelm existing architectural features such as windows with trim, moldings, entryways, or similar detailing. Do not engulf key architectural features within murals.

Historic Buildings

Any public art projects proposed for properties designated as Local Historic Landmarks shall receive approval and Certificate of Appropriateness from Transylvania County Joint Historic Preservation Commission (JHPC). The Secretary of the Interior's Standards for Rehabilitation as interpreted by the Preservation Briefs are the recommended guidelines for public art projects impacting historic buildings and historic districts:

- <https://www.nps.gov/tps/how-to-preserve/briefs.htm>
- <https://www.nps.gov/tps/standards/rehabilitation.htm>

In addition to the above guidelines, historic buildings may have more restrictions regarding location and how the mural is attached to the structure. The historic context of the structure shall be maintained. Drilling into or otherwise altering the historic façades must be avoided. Painting murals or installing public art directly to the building's exterior is the preferred method of media and installation. However, considerations to materials and condition of historic building facades (such as brick or stucco) will further influence whether a mural and/or public art is appropriate for the proposed location. Consider locating murals and public art on non-historic buildings, non-contributing buildings in the National Register Historic District, or on less prominent locations of the building to minimize impact to historic integrity of building materials and character.

SECTION V. CONDITIONS

- The property owner must agree to complete the work within one calendar year from the date of approval and that all work is completed according to state and local building codes and ordinances, and approved, when necessary, by the proper authorities.
- The building owner must sign a contractual agreement with the City of Brevard agreeing to accept the responsibilities of maintenance during the lifetime of the artwork and authorizing the City to perform such maintenance if these responsibilities are not fulfilled by the property owner. Maintenance shall include, but is not limited to, re-painting/touch-up painting to keep the art looking current and not faded, as determined by the DMPC and abating graffiti, or



other forms of vandalism, within 48 hours from the time the property owner has been notified. Owner maintenance may also include painting over the mural effectively ending its lifetime if no public funds were used in its creation and if there is no prior, conflicting agreement between the City and the property owner unless both parties are in agreement.

- In the case of publicly funded art or art on City property, a contract shall be used to clearly establish the project's parameters and outline responsibilities while establishing the expectations of both parties involved, including but not limited to the lifetime of the public art and its maintenance.
- Once a project is complete, an anti-graffiti coating should be applied to protect its surface if determined by the DMPC to be feasible.
- Existing public art projects prior to February 15, 2021 are grandfathered for a period of three years from the adoption of this policy. After three years grandfathered projects, which the owner desires to retain, will be evaluated for compliance with this policy and subject to the rules and requirements stated within.
- The building owner agrees to allow images and video of the completed installation to be placed on the City of Brevard's web pages, social media, publications/videos, and local media.

SECTION VI. APPLICATION PROCESS

1. Applicant shall complete the application, including plans/sketches, cost estimate and project timeline, along with any public funding source if applicable. The property owner must also submit a signed maintenance agreement provided by the City. Applications shall be submitted to the City of Brevard Planning Department at 95 W. Main Street or **planning@cityofbrevard.com**. Planning Department will submit and present the application to the Downtown Master Plan Committee for review and approval recommendation.
2. A public notice may be issued to obtain community feedback as determined by the DMPC. This may be important for determining buy-in and support for the applicant's public art project. The public notice may take the form of, but is not limited to, a posted notice at the artwork location, a public meeting (notice for which should be provided at least 7 days beforehand), and/or mailed notification letters to property owners adjacent to the proposed public artwork.
3. A recommendation from Downtown Master Plan Committee will be presented to Brevard City Council for approval.
4. A notification letter will be sent to applicants concerning the approval or denial of the application within 90 days of receipt of a completed application.
5. Planning Staff and DMPC representatives will perform a preliminary inspection of the location to verify installation is in accordance with the approval and program guidelines. An approval



letter referencing a City Council Resolution must be received BEFORE the public art is installed, at which time Planning Staff and DMPC representatives will inspect completed work to verify installation is in accordance with the approval and program guidelines.

SECTION VII. MEDIA AND OTHER COMPONENTS

Colors of the public artwork are not restricted but should complement the surrounding area. Throughout the duration of the installation, the artwork shall be well maintained through: repainting, graffiti removal, application of sealants, component replacement, and other means not specifically noted.

If the proposed public art project is anything other than paint applied directly to the wall surface, the Downtown Master Plan Committee shall be provided details on all materials, hardware, and installation processes for approval. If using brackets or other structural or electrical components, contact the Brevard Planning Department with questions pertaining to building permits.

Supplemental components, such as lighting, shall meet all standards as found in the City of Brevard UDO. Installations that contain changing images, electrical components, or mechanical components do not qualify for the Public Art Policy program.

SECTION VIII. MAINTENANCE

The applicant is responsible for ensuring that a public art project is maintained in good condition and is repaired in the case of vandalism or accidental destruction. The party providing maintenance to the public artwork is encouraged to establish measures that will discourage vandalism or facilitate an easier, less costly repair of the artwork in the future.

In particular, there are many maintenance best practices to prolong a mural's lifespan, reduce deterioration, and increase the likelihood of a successful installation. Such best practices may include, but are not limited to: proper engineering of armatures or panels that may be installed; preliminary wall prep or pre-cleaning, priming, curing; the use of proper paints, enamels or materials that best match the surface; top coats, sacrificial layers, graffiti coats that do not compromise the painting by yellowing or trapping moisture; consideration of drip edges, gutters or sprinkler overspray as water may degrade the mural over time; environmental considerations such as exposure to direct sun, bird nesting cavities, the potential industrial trash cans to damage the surface; and considering the height and line of sight in relation to how repairable the design is.

In the case of excessive deterioration due to the elements and/or the natural aging process, the artwork should be considered for removal.



SECTION IX. ARTIST SELECTION AND ARTWORK ACQUISITION

Public art projects that are **publicly-funded** or **publicly-owned** are required to follow an open selection process. In order to promote professional, high quality public art and murals while ensuring a greater level of communication for ease of process, a competitive selection process may be utilized but is not required for **privately-funded** projects.

The DMPC may elect to use, but are not limited to, any of the following potential methods or a combination of methods depending on funding sources:

- **Open Competition:** An open competition is a “Call to Artists” for a specific project in which artists are asked to submit evidence of their past work. Any artist may submit credentials and/or proposal subject to any limitations established by the Downtown Master Plan Committee. Calls for entries for open competitions will be sufficiently detailed to permit the artist(s) to determine whether their work is appropriate to the project under consideration.
- **Limited Competition:** A limited number of artists shall be invited by the DMPC to submit credentials and/or proposals for a specific project. Artists shall be invited based on their past work and exhibited abilities to meet situations posed by particular project requirements or based on other project goals.
- **Invitational Competition:** In an invitational competition, a very small number of artists (usually between three and five) are invited to submit credentials and/or proposals for a specific project. Invited artists shall be selected directly by staff or identified by the DMPC in an initial slide review process. Artists shall be included based on their ability to meet situations presented by the given project.
- **Direct Selection:** At times, the DMPC may elect to make a direct selection in which they contract a specific artist for a particular project. An ongoing list of eligible artists shall be gathered by the committee for use in direct selection projects.
- **Direct Purchase:** The DMPC may elect to select an existing piece of artwork to install and recommend purchase to City Council.
- **Donations:** The DMPC may recommend acceptance of the artwork along with a proposed site to City Council.

ACQUISITION

If existing artwork is purchased by the City or donated to the City, the artist shall be responsible for transportation of the work to the site and installation of the work. Artist will provide the City with specifications for routine maintenance of artwork.

If artwork is to be commissioned, a contract between the City and the selected artist shall be executed outlining the purchase process, responsibilities of the artist, responsibilities of the City, timeline and deadline for installation of the work. The artist shall be responsible for all expenses associated with design, labor, materials, contracted services, operations and travel required to complete the work, as well as transportation of the work to the site. Installation of the work shall be done by the City Public Works Department under the advisement of the artist. The artist shall provide specifications for routine maintenance of artwork.



RESOLUTION NO. 2024-XX

**A RESOLUTION APPROVING A MURAL ON
THE NORTH EXTERIOR WALL OF 360 WHITMIRE ST**

WHEREAS, City Council has been presented with a proposal for the placement of a wall mural painted by local artist, Todd Weinkam, and

WHEREAS, the mural shall represent a celebration of Brevard’s local floral and fauna, and

WHEREAS, City Council believes the proposed mural is consistent with the stated goals outlined in the Public Art Policy, and

WHEREAS, City Council recognizes the value of publicly displayed art and the importance of promoting public and private economic development efforts, and

WHEREAS, City Council also recognizes the value of local artists in the community and the need to be innovative and creative in developing ways of attracting visitors to the central business district, and

WHEREAS, Local art, such as high-quality wall murals, create a sense of place for the residents of Brevard.

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

Section 1. City Council hereby approves an application for a wall mural on the north side of the building at 360 Whitmire Street, in accordance with Brevard City Code of Ordinances Chapter 42 and Brevard Unified Development Ordinance Chapter 12.

Section 2. The Resolution shall become effective upon its adoption.

Adopted and approved this the 2nd day of December, 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, December 2, 2024

Title: Amendment to Fee Schedule - Permit Fees for Emergency Response and Recovery

Speaker: Emily Brewer, AICP, Senior Planner
Wilson Hooper, City Manager

Prepared by: Emily Brewer, Senior Planner

Approved by: Wilson Hooper, City Manager

Background & Discussion

Fees are intended to defray the cost of certain services, usually those that have greater benefit to an individual than they do to the community. All General Fund fee-based services are subsidized by the general taxpayer to some degree, as even a service that mainly benefits an individual -like a permit- has some public benefit. The fees are set by Council and reassessed periodically as part of the budget process, who weigh the public benefit when considering to what degree the service is subsidized.

In the wake of Hurricane Helene, the North Carolina General Assembly adopted a moratorium on certain permit fees. Under Part 16 of the Disaster Recovery Act of 2024 (Session Law 2024-51), local governments “shall not impose any fee associated with a permit, inspection, or certificate of occupancy required by law for construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of a manufactured home, building, dwelling, or structure damaged as a direct result of Hurricane Helene.” The moratorium runs from September 26, 2024, to December 31, 2024.

As part of the adoption of UDO Chapter 21 - Emergency Response and Recovery, Staff is proposing that all planning permit fees associated with emergency response and recovery be amended to have no fee. This would include all repairs, demolitions, or new temporary uses following a declared state of emergency, not just those impacted by flooding during Hurricane Helene.

Fiscal Impact

The proposed fee schedule amendments would only apply following a disaster event and a "State of Emergency" declaration. Following Hurricane Helene, Planning Department assessed the flood damage incurred by structures located in the special flood hazard area. The current number of substantially damaged structures that would require repairs that exceed 50% of the home value is 49 homes (note: this number is subject to change). There currently is no fee for a floodplain development permit for a residential structure, but these homeowners would be required to obtain an additional zoning permit for the repairs (\$50). Additionally, a zoning permit for a new temporary use is \$50.

Given the limited applicability (only with a "State of Emergency") and the relatively low

number of impacted structures and new temporary uses, Staff estimates that the impact of the fee schedule amendment related to Hurricane Helene to a nominal loss of revenue between \$3,000 and \$6,000 over the next two fiscal years. The impact following future emergencies would be comparable or less than the estimation for Hurricane Helene.

Action

Should Council adopt the Emergency Response and Recovery text amendment, Staff requests that Council adopt the attached ordinance amending the fee schedule to include:

- No fee for temporary uses for emergency response and recovery activities.
- No fee for the construction, There shall be no permit fees for construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any structure damaged as a direct result of an event having been declared a disaster and subject to a "State of Emergency."

Attachments:

1. Select Planning Department Fees with Proposed Amendments
2. Draft Ordinance

SELECT PLANNING DEPARTMENT FEES ADOPTED FY 2025 FEE SCHEDULE

Annexation & Dedication

Activity	Fee
Annexation – Voluntary	\$500
Dedication of Infrastructure	\$100
Performance Guarantee ¹	Actual Cost + % as set forth in UDO Ch. 16
Street, Right-of-Way, & Easement Abandonment	\$500 + Actual Cost

Development²

Activity	Residential Fee	Non-Residential Fee ³
Accessory Structures	\$50	\$100
Demolition	\$50	\$100 + \$500 reimbursable bond
Development Review ⁴	N/A	\$500
Driveway, Curb Cut, & Encroachment on City Right-of-Ways	\$50	\$50
Fee in Lieu – Parking	N/A	\$5,000 per space
Fee in Lieu – Sidewalk	Actual Cost	Actual Cost
Fee in Lieu – Stormwater	Actual Cost	Actual Cost
Fence	\$50	\$50
Floodplain Development	No fee	\$200
Grading and Other Land Disturbance	\$50	\$100 + \$500 reimbursable bond
Improvements or Additions to Existing Structures – Incidental (up to 25% market value of structure) ⁵	\$50 ⁶	\$100
Improvements or Additions to Existing Structures – Significant (26 - 49% of market value of structure)	\$50	\$150

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 [There shall be no permit fees for construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any structure damaged as a direct result of an event having been declared a disaster and subject to a "State of Emergency," as defined by Chapter 21 of the City's Unified Development Ordinance.](#)

³ Includes multifamily structures larger than 4 dwelling units, residential projects with 8 or more dwelling units, and subdivisions with 8 or more lots.

⁴ The development review fee shall apply to any project where landscaping plans, stormwater plans, lighting plans, architectural plans, etc. are to be reviewed in addition to a basic site plan. Other fees (e.g., new construction, substantial improvement) are paid in addition. (Note: this fee does not apply to cluster home developments or manufactured home parks with less than 8 dwelling units).

⁵ Incidental improvements typically include installation of handicapped ramps and entryways, awning, unenclosed decks and patios, and lighting improvements and other minor changes of an incidental nature.

⁶ When a handicapped ramp or other accessibility accommodation 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.

Activity	Residential Fee	Non-Residential Fee ³
Improvements or Additions to Structures – Substantial (50%+ market value of structure)	\$50	\$200
Interior Remodels & Non-Structural Changes	N/A	\$150
New Construction	\$200 per dwelling unit ⁷	\$0.06 per heated sq. ft.
Parking Lots – New & Reconfiguration	N/A	\$150
Parking Lots – Resurface	N/A	\$50
Permit Extension	\$50	\$500
Tree Removal	N/A	\$25 per tree

Land Use

Activity	Fee
Change of Use/Occupancy	\$100
Food Truck Site	\$150
Home Occupation	\$50
Sidewalk Dining	\$100
Sidewalk Usage	\$100
Social District Permit	\$200
Special Use Permit	\$250
Temporary Vendors	\$200 per location and permit period
Temporary Uses	\$50
Temporary Uses associated with Emergency Response and Recovery⁸	No fee
Utility Encroachments	\$500
Wireless Communication Facilities	\$1,000

Regulations & Zoning

Activity	Fee
Appeal – Staff Determination	\$100
Map Amendment – Conditional Zoning District ⁹	\$600
Map Amendment – Rezoning	\$400
Modification – Major	\$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

⁷ Includes accessory dwelling units and manufactured home set ups.

⁸ See Chapter 21 of the City's Unified Development Ordinance.

⁹ This fee includes the review of a preliminary and/or final master plan as part of the Conditional Zoning District.

Subdivision of Land

Activity	Fee
Major Subdivision ¹⁰	\$500 + \$20 per lot (total)
Minor Subdivision	\$75 + \$20 per lot (total)
Exempt Subdivisions ¹¹	\$75

Signs

Activity	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

Special Events¹²

Activity	Fee
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

¹⁰ This fee is required for final subdivision plat approval.

¹¹ This category includes recombinations of previously subdivided lots, lot line adjustments, and other items defined by the Unified Development Ordinance Chapter 19 and NCGS Section 160D-802.

¹² Special event fees are for one-time or one-day events. A multi-day event shall pay the required fees for each day. 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

Other Closures¹³

Activity	Fee
City Road Closure	\$100 (per day) + \$1,000 bond
Public Alley Closure	\$50 (per day) + \$500 bond
Public Parking Space (per space) Closure	\$100 (per day) + \$500 bond
Public Sidewalk Closure	\$500 (per day) + \$500 bond
State Road Closure	\$1,500 (per day) + \$2,000 bond

Other

Activity	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

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.

¹³ Other closure fees are for one-time or one-day events not associated with a special event. A multi-day closure shall pay the required fees for each day. Closures for maintenance and repairs, not exceeding five days, do not have a fee but may be required to retain a reimbursable bond in the amount specified. Closures for maintenance and repairs are charged for each day after five days.

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.

ORDINANCE NO. 2024-____

**AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE
FY 2024-2025 CITY OF BREVARD BUDGET**

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

WHEREAS, the City Council of Brevard adopted Ordinance No. 2024-XX amending the Unified Development Ordinance to include Chapter 21 – Emergency Response and Recovery, in accordance with North Carolina General Statutes; and,

WHEREAS, it is the desire of the City Council of the City of Brevard that the FY 2024 budget fee schedule be amended as outlined below.

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

SECTION 01. The City of Brevard FY 2024 fee schedule is hereby amended as described below:

SECTION 02. Establish that there is no permit fee for Temporary Uses associated with Emergency Response and Recovery, and

SECTION 03. Establish that there is no permit fee for construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any structure damaged as a direct result of an event having been declared a disaster and subject to a “State of Emergency,” as defined by Chapter 21 of the City’s Unified Development Ordinance

SECTION 04. The City Manager of the City of Brevard is hereby authorized to amend the official FY 2024-2025 budget to reflect the change as set forth herein.

SECTION 04. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 2nd day of December 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, December 2, 2024

Title: Discussion of possible changes to tap fee policy to support recovery

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

In the aftermath of Hurricane Helene, City Council and city staff have been exploring ways to assist residents recovering from the storm. The Public Hearing earlier in the evening on proposed changes to the Unified Code of Ordinances is one example.

While most of the provisions in the City's regulations are important for maintaining safe and orderly development, and for ensuring the city remains financially capable of providing the services long term, some can be tweaked or temporarily waived to promote recovery.

The North Carolina General Assembly has already passed legislation waiving permitting fees until December 31, 2024 and the changes considered earlier this evening would extend the waiver of permitting fees until September 2025. Staff wishes to test another such possibility with City Council this evening: waiving utility tap fees for recovery-related uses.

Discussion

The primary beneficiary of such a change would be temporary structures erected to support recovery. For example, temporary dwellings like the ones Habitat for Humanity established on Woodland Terrace. Staff is reviewing another proposed temporary housing project on Baston Rd.

The UNC SOG has offered an interpretation, based on case law and their research, that differing utility rates must be based on utility-based reasons. This rationale was cited previously by staff when Council inquired about a tap fee waiver for affordable housing projects. However, based on Raleigh's own willingness to waive fees and the messages from state leaders to municipalities about recovery, staff believe that the risks of taking a different track are worth considering, particularly if the change is temporary.

Fiscal Impact

For a typical residential utility installation (3/4 inch tap), the total cost is \$4,250 (\$1,375 for water tap fee, \$1,375 for sewer tap fee, and \$1,500 for the combined water/sewer system development fee). Staff anticipate no more than a handful of requests for this exemption, and the

Action

Council is asked to share feedback with staff on their appetite for this proposal. If they wish to move forward, staff will investigate the means for making the change. It is possible that a mid-year change to a Utility fee requires a Public Hearing. If so, staff will advertise the Public Hearing and conduct it on January 6 and ask Council to make their decision the same night.

Attachments:

STAFF REPORT

City Council, Monday, December 2, 2024

Title: Request to NCDOT for City to Take Ownership of W. Main Street from Caldwell Street to Oaklawn Avenue

Speaker: Wilson Hooper, City Manager
Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

The City's Ecusta Trail Advisory Board has a complementary working group made up of City staff and representatives from partner agencies such as the Tourism Development Authority and Transylvania Economic Alliance. During a recent meeting of this working group, the question of how to connect the eventual terminus of the Ecusta Trail on Main Street into downtown was discussed. One idea proposed by the Heart of Brevard was to use colorful patterns and designs painted on Main Street to act as a path to lead trailusers the several blocks eastward into the commercial core of downtown, where facilities like long-term bike parking would be provided to help facilitate visitors in exploring downtown Brevard.

One major hurdle in changing the streetscape of Main Street to include something like this is that this stretch of West Main Street is a state road, owned and maintained by the North Carolina Department of Transportation (NCDOT). Any such changes have to go through a rigorous and lengthy process for NCDOT approval. The idea was put forward that the City could take over West Main Street between the trail terminus and Caldwell Street, thereby giving the City more control and flexibility of these sorts of decisions.

Staff reached out to NCDOT Division 14 staff to determine how such a transfer of the road would occur. The process begins with a formal request from the City to Division 14 in the form of a resolution adopted by the governing board; such a resolution is attached for Council's consideration. The request is then taken before the State Board of Transportation for their consideration.

Discussion

Taking over responsibility for this section of West Main Street would give the City far more flexibility to facilitate a connection to downtown from the trail terminus near Galloway Street. City Staff would work with the Heart of Brevard to create a safe, efficient, and enjoyable connection into the commercial heart of downtown Brevard. The City taking responsibility for this section would also enable other traffic safety initiatives such as creating a four-way stop at the Main/Oaklawn intersection.

Policy Analysis

The *2023 Pedestrian & Bicycle Plan* recommends that this section of Main Street receives

some type of on-street shared lane markings (SLM). Shared lane markings are on-street markings used to indicate a shared lane environment for both bicycles and cars. These can be as simple as "sharrows" or more elaborate painted paths on the street. Shared lane markings reinforce the legitimacy of bicycle traffic on the street, encourages proper bicyclist positioning, encourages safe passing by motorists, and may be configured to offer directional and wayfinding guidance.

Recommendation

The Public Works and Utilities Committee discussed this proposal at their November 6th meeting. After some discussion about future maintenance needs and safety along this section of Main Street, the Committee came to consensus to proceed with the request.

Fiscal Impact

Adding this section of West Main Street will increase the City's total length of Powell Bill eligible streets by 0.16 miles, which will result in approximately \$263 in additional Powell Bill funding for the City annually.

Action

Council may either approve or reject the included resolution requesting NCDOT to make this change. If approved, the City Manager will submit the request to the NCDOT District Engineer, and it will be forwarded to the State Board of Transportation for consideration.

Attachments:

1. Res 2024-XX Resolution Requesting W Main Transfer

RESOLUTION NO. 2024-XX

**A RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION DELETE FROM THE STATE HIGHWAY SYSTEM AND
AUTHORIZE THE CITY OF BREVARD TO ASSUME MAINTENANCE UNDER
THE POWELL BILL SYSTEM A PORTION OF WEST MAIN STREET**

WHEREAS, the North Carolina Department of Transportation (NCDOT) provides maintenance of certain roads and highways within the state, including a portion of West Main Street in the City of Brevard; and

WHEREAS, the City of Brevard also provides maintenance of certain roads within its jurisdiction and receives Powell Bill funding from NCDOT to do so; and

WHEREAS, the Ecusta Trail is fully funded and construction is anticipated to start in 2026 with the western terminus to end along West Main Street in Brevard; and

WHEREAS, the City of Brevard is committed to connecting the terminus of the Ecusta Trail into downtown Brevard in the most safe, efficient, and cost effective manner possible; and

WHEREAS, on November 6, 2024, the City of Brevard Public Works committee discussed the possibility of the City taking ownership and maintenance responsibility for a portion of West Main Street to facilitate this connection to downtown, coming to consensus that the City should move forward with such a request; and

WHEREAS, the City of Brevard is specifically requesting that NCDOT delete from its maintenance system West Main Street (SR 1349) between Caldwell Street and Oaklawn Avenue; and

WHEREAS, the City of Brevard intends to take into its street maintenance system for Powell Bill assistance West Main Street (SR 1349) between Caldwell Street and Oaklawn Avenue.

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

Section 1. The City of Brevard City Council will agree to accept into its maintenance system for Powell Bill assistance the above-described section of street upon the approval of NCDOT to delete said section of street from the state highway system; and

Section 2. The City Manager is hereby authorized and directed to submit this request to the NCDOT District Engineer.

Adopted and approved this the 2nd day of December 2024.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, December 2, 2024

Title: City Council 2025 Meeting Schedule and Set Date for Priority Setting Retreat

Speaker: Denise Hodsdon, City Clerk

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Background/Discussion

In keeping with City Council Rules of Procedure, Council annually adopts their coming year meeting schedule.

The proposed 2025 Meeting Schedule includes an all-day Priority Setting Retreat on either Friday, February 28, 2025 or Friday, March 7, 2025. Therefore, Staff recommends that Council not hold a regular meeting on Monday, March 3rd.

The proposed Meeting Schedule also includes an all-day Budget Workshop on Friday, April 18, 2025. Therefore, Staff recommends that Council not hold a regular meeting on Monday, April 21st.

Council may subsequently amend its regular meeting schedule at any time to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule at least 7 calendar days before the first meeting held pursuant to the revised schedule.

Action

Staff requests that Council set the date for the Priority Setting Retreat and adopt the attached 2025 Meeting Schedule.

Attachments:

1. Proposed 2025 Council Meeting Schedule_DRAFT 2

Brevard City Council 2025 Meeting Schedule

Day / Date	Time	Type	Location
Monday, January 6, 2025	5:30 PM	Regular Meeting	Council Chambers
Tuesday, January 21, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, February 3, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, February 17, 2025	5:30 PM	Regular Meeting	Council Chambers
Friday, February 28, 2025 or Friday, March 7, 2025	8:30 AM	Priority Setting Retreat	TBD
Monday March 17	5:30 PM	Regular Meeting	Council Chambers
Monday, April 7, 2025	5:30 PM	Regular Meeting	Council Chambers
Friday, April 18, 2025	8:30 AM	Budget Workshop	TBD
Monday, May 5, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, May 19, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, June 2, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, June 16, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, July 21, 2025 (If Needed)	5:30 PM	Regular Meeting	Council Chambers
Monday, August 4, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, August 18, 2025	5:30 PM	Regular Meeting	Council Chambers
Tuesday, September 2, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, September 15, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, October 6, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, October 20, 2025	5:30PM	Regular Meeting	Council Chambers
Monday, November 3, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, November 17, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, December 1, 2025	5:30 PM	Regular Meeting	Council Chambers
Monday, December 15, 2025 (If Needed)	5:30 PM	Regular Meeting	Council Chambers

Adopted: December __, 2024
Distribution: December __, 2024
D Hodsdon, City Clerk

STAFF REPORT

City Council, Monday, December 2, 2024

Title: Amendment to 2024 City Council Meeting Schedule - Cancel December 16, 2024 Meeting

Speaker: Wilson Hooper

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Background

When Council set its 2024 Meeting Schedule at the beginning of the year, the schedule included a meeting on Monday, December 16, 2024, *if needed*. Staff has determined that currently there are no items of an urgent nature that would require City Council action on December 16, 2024.

Recommendation

Staff recommends canceling the December 16, 2024 meeting and amending the Brevard City Council 2024 Meeting Schedule to reflect the cancelation.

Attachments:

1. 2024 Council Meeting Schedule as Amended 12/2/2024

Brevard City Council 2024 Meeting Schedule

Day / Date	Time	Type	Location
Tuesday, January 16, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, February 5, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, February 19, 2024	5:30 PM	Regular Meeting	Council Chambers
Thursday, February 29, 2024	8:30 AM	Strategic Planning Session	MCJCCC
Monday, March 18, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, April 1, 2024	5:30 PM	Regular Meeting	Council Chambers
Friday, April 12, 2024	8:30 AM	Budget Workshop	TBD
Monday, May 6, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, May 20, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, June 3, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, June 17, 2024	5:30 PM	Regular Meeting	Council Chambers
Wednesday, June 26, 2024	1:30 PM	Ecusta Trail Workshop	Council Chambers
Monday, August 5, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, August 19, 2024	5:30 PM	Regular Meeting	MCJCCC
Tuesday, September 3, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, September 16, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, October 7, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, October 21, 2024	5:30PM	Regular Meeting	Council Chambers
Monday, November 4, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, November 18, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, December 2, 2024	5:30 PM	Regular Meeting	Council Chambers
Monday, December 16, 2024 ——(If Needed)	5:30 PM	Regular Meeting	Council Chambers

Amended: October 8, 2024
 Amended: September 3, 2024
 Amended: June 3, 2024
 Amended: December 18, 2023
 Adopted: December 4, 2023
 Distribution: December 5, 2023
 D Hodsdon, City Clerk