



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, February 3, 2025 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Rev. Keith Thompson, Brevard-Davidson River Presbyterian Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. January 21, 2025 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Proclamation No. 2025-03 Career and Technical Education Month, February 2025
2. Presentation of AARP Certificate of Renewal as an Age-Friendly Community - Rebecca Chaplin, Associate State Director, AARP NC Mountain Region

I. Special Presentation(s)

1. Evidence Room Audit Report

J. Public Hearing(s)

1. Proposed Amendment to Brevard Code of Ordinances Chapter 43-5(1) - Social District Expansion

K. Consent and Information

1. Property Tax Releases - January 2025
2. Finance Report for the Quarter Ending December 31, 2024
3. Budget Amendment 25-03, Insurance Proceeds

4. Budget Amendment 25-04 - Mower purchase, NCLM Safety Grant
5. Council Public Safety Committee Minutes-November 25, 2024
6. Council Public Works & Utilities Committee Minutes-December 5, 2024
7. Council Housing Committee Minutes-December 10, 2024
8. Council Downtown Master Plan Committee Minutes-December 11, 2024
9. Council Finance, Human Resources, & Citizen Appointments Committee Minutes-December 16, 2024
10. Council Parks, Trails, & Recreation Committee Minutes-December 18, 2024
11. Council Public Safety Committee Minutes-January 6, 2025
12. Correspondence *(No Action. Offered as information only.)*
 - a. ABC Board Minutes-December 5, 2024

L. Unfinished Business

1. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 12 and 19 - Signs

M. New Business

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

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

P. Adjourn

Agenda Posted, Website, Sunshine List (January 30, 2025)
D. Hodsdon, City Clerk

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

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
January 21, 2025 – 5:30 PM**

The Brevard City Council met in regular session on Tuesday, January 21, 2025, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

Absent – Mayor Pro Tem Gary Daniel

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant City Manager David Todd, Assistant to the City Manager Selena Coffey, Human Resources Director Kelley Craig, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Communications Coordinator Becky McCann, Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, Water Treatment Plant ORC Dennis Richardson, Community Center Director Tyree Griffin, Police Captain Aaron Thompson, and Police Department Evidence Collection Technician Eden Hinds

Guests/Presenters – Brevard Music Center President/CEO Jason Posnock and Staff Members; Sara VanLear of UNC School of Government Development Finance Initiative (via Zoom)

Press – Dave Bradley, Transylvania Times.

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

B. Invocation – Pastor Andrew Crimmins of St. Timothy United Methodist Church offered an invocation.

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

D. Certification of Quorum – City Clerk Denise Hodsdon certified that a quorum was present. Mr. Morrow moved, seconded by Ms. Holder to excuse Mayor Pro Tem Daniel. The motion carried unanimously.

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

F. Approval of Minutes

F-1. January 6, 2025 Regular Meeting – Ms. Holder moved, seconded by Mr. Baker to approve the minutes of the January 6, 2025 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments – None.

H. Certificates/Awards/Recognition

H-1. Proclamation No. 2025-01 Brevard Music Center Day – Mayor Copelof read the proclamation aloud. She presented the proclamation and a Key to the City to Brevard Music Center President/CEO Jason Posnock and Staff Members.

**Proclamation No. 2025-01
Brevard Music Center Day**

WHEREAS, Brevard Music Center has been an important part of the Brevard Community since 1944; and

WHEREAS, on September 27, 2024 Hurricane Helene tore through Western North Carolina producing historical flooding and landslides in Brevard and Transylvania County, causing devastating loss of homes and displacement of residents; and

WHEREAS, in collaboration with local authorities, Brevard Music Center immediately and unconditionally opened its doors to provide temporary housing for displaced families and visiting work crews, as well as making its food storage facilities available to support the efforts of local emergency providers ; and

WHEREAS, Brevard Music Center housed a total of 113 people in its dorms at no cost between September 30th and December 9th; and

WHEREAS, 58 tree workers were housed for a total of 30 days; and

WHEREAS, Brevard Music Center partnered with Grace Brevard and El Centro to house 8 families, a total of 22 people from the community from October 9th until December 9th; and

WHEREAS, 3 families from Brevard College were housed from October 7th to November 20th; and

WHEREAS, Brevard Music Center provided housing for 7 families of its current and previous staff and community partners during the month of October.

NOW, THEREFORE, in recognition of Brevard Music Center’s unselfish support of our community, I, Maureen Copelof, Mayor of the City of Brevard, do hereby proclaim Friday, January 24th, 2025 as **BREVARD MUSIC CENTER DAY** in the City of Brevard, North Carolina, and commend its observance to all its residents. I encourage residents to reach out and express their appreciation to Brevard Music Center for the extraordinary and critical support they provided to help the community during this time of unprecedented need.

Further, I hereby present Brevard Music Center with a Key to the City; it is not a key to any lock, but is the true key to the hearts of the citizens of Brevard.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 21st day of January, 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

H-2. Proclamation No. 2025-02 White Squirrel Day – Mayor Copelof read the proclamation aloud.

**Proclamation No. 2025-02
White Squirrel Day**

The City of Brevard hereby proudly declares and ordains February 2, 2025, as “White Squirrel Day”, and further orders that “Groundhog Day” will forever and hereafter be recognized and honored in the City of Brevard as “White Squirrel Day” for the following reasons:

WHEREAS, in keeping with Brevard’s great heritage of welcoming and receiving visitors from around the world, Pisgah Piper honorably serves as the City’s official white squirrel ambassador for Brevard; and

WHEREAS, Pisgah Piper has established herself as a beloved and valued member of this community, and openly asserts her love for Brevard, waterfalls, mountain biking, hiking, and everything else that makes our town the coolest small town in America; and

WHEREAS, Pisgah Piper has further established herself as possessing unique and valuable skills in making useful and accurate predictions, including accurately predicting the winner of the Super Bowl each year, while Punxsutawney Phil has established himself as (let’s be honest) an ill-tempered and a highly unreliable predictor of anything.

THEREFORE, we celebrate this day as Pisgah Piper assumes the duties and responsibilities asked of her, and heretofore will make all predictions asked of her on “White Squirrel Day,” thereby forever relieving Punxsutawney Phil of these duties. Besides, she’s way cuter than Phil.

I, Maureen Copelof, Mayor of the City of Brevard, do hereby proclaim February 2, 2025, as **White Squirrel Day** in the City of Brevard.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 2nd day of February, 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 12 and 19 - Signs – Aaron Bland explained that Chapter 12 in the UDO that addresses signs was overhauled in 2020 in response to a US Supreme Court case. Following that rewrite, minor cleanup amendments were made to the sign chapter in 2021 and 2022. This is another staff-initiated text amendment to clean up some language and inconsistencies within Chapter 12. He noted there is no real substantive change to signage that is allowed. The amendments include the following:

- Shortening the amount of time political signs can be displayed to match NC General Statutes – reduced from 90 days prior to the beginning of early voting to 30 days prior to the beginning of early voting
- Specifying what temporary signs require a permit
- Material requirements for permanent ground signs
- Removing duplicative language
- Updating mural language to better reflect the City's Public Art Policy

The Planning Board discussed the proposed amendment at its December 17, 2024 meeting and recommended in favor.

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

Public Participation:

Steve Keate of 269 Evergreen St. said I respectfully urge you to reconsider and ultimately modify the proposed changes to Section 12.8.2 regarding freestanding temporary signs. What's being proposed would place the City in a precarious position of regulating political speech by restricting the number and size of signs citizens can display in their yards during an election season. The proposal raises two significant areas of concern. First, the practical issues: does the City really want to dedicate its limited resources to enforcing these rules; and how would the City determine which political opinions merit larger signs or more signs? Such a task would not only be resource-intensive but would undoubtedly invite unnecessary controversy and conflict. I'm sure there are more pressing matters that deserve the City's attention and energy. Second, far more serious, is the impact on free speech. The proposed changes constitute a clear infringement on our First Amendment rights. At the heart of our democracy is the right of every citizen to express their political opinions freely. For many, placing political signs in their yard is the most accessible way to participate in political discourse. Restricting this form of expression, whether through size limits, numerical caps, or permit requirements would be profoundly un-American. As patriotic Americans who value free speech, free expression, and robust political debate, I believe we can all agree that such restrictions undermine these cherished principles. I urge you to exclude political signs from the changes being proposed by the Planning Board.

Harvey Sankey of 41 Pine St. said I happen to agree wholeheartedly with what Steve just said tonight. I'm not going to repeat everything, but how is this going to be enforced? Are we going to go up to private property and measure the signs to make sure they're in compliance? For a person to go up on private property without notifying the individual that I'm going to measure your sign doesn't make sense. As a matter of

fact, that person is going up there without any warrant or without any information as to why they're going up there, and they're not notified ahead of time to do this. Basically, the enforcement is the issue here. Is the Planning Board going to go around and look at every sign on everybody's property? They've got plenty other things to do and they're going to have to enforce it by going around everybody's property that has a sign. I would urge you to table this motion and go back to the Planning Board and ask them to revise this motion.

At 6:00 p.m. Mr. Morrow moved, seconded by Mr. Baker to close the public hearing. The motion carried unanimously.

During discussion, Council asked for clarification of the language in Section 12.8.2 regarding political signs. Mr. Bland explained that the only change is the duration of when the limit is suspended. Currently everyone can have one of these Type 1 signs in their yard expressing some sort of opinion whenever, but that limit of one is suspended 90 days before the start of early voting for an election. That is the City's ordinance, which applies on city rights-of-way within city jurisdiction. The state statute says you can put political signs out beginning 30 days prior. The amendment changes the 90 days to 30 days to match the General Statute, and that is the only change being presented. He noted that the 2020 Supreme Court case referenced hinged on the idea that sign regulation must be content-neutral, and political signs, real estate signs, event signs, etc. all have the same rules and regulations. Attorney McKeller added that the Supreme Court was clear that reasonable time, place and manner regulations can be put into effect and in order to keep a litter affect from going on all around the city at all times, the time, place, and manner of those signs will be limited under this, except for this one expansion period around election time.

This item will be added to Council's agenda for action at the February 3, 2025 meeting.

J-2. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 2, 3, 4, 5, 8, 10, 12 and 13 – Pisgah Gateway District – Aaron Bland recalled that in November Council created the Pisgah Gateway Mixed Use (PGX) District, however in December, with the veto override of Senate Bill 382, the General Assembly amended state law to greatly restrict local government discretion to amend local zoning ordinances. The statutory provision, included as part of the Disaster Recovery Act of 2024 (Session Law 2024-57), alters the definition of "down-zoning" to include creating any sort of non-conformity, and prevents local governments from adopting down-zoning without written consent from all impacted owners. The precise interpretation, breadth, and impact of this change are not perfectly clear and zoning officials across the state, including the UNC School of Government, have lots of unanswered questions. For some time, North Carolina law has limited down-zonings by third parties, but local government has always retained the authority to make decisions about rezoning properties in their jurisdictions in accordance with local needs and planning documents. This new session law changes that and prohibits local governments from initiating any down-zoning, as well as broadening the definition of what down-zoning is. This has implications on the PGX District as this new law retroactively applies to any ordinances adopted 180 days prior.

Mr. Bland recalled that PGX was enacted by two different ordinances back in November, one to amend the text of the UDO to create the district and all of its standards, and the other amended the zoning map to apply it to certain properties. By applying it to those properties, we did create non-conformities without the written consent of all affected property owners. Therefore, the two ordinances previously adopted have been invalidated and rendered unenforceable by SL 2024-57.

In order to move forward in compliance with the new definition of down-zoning, Staff is proposing that Council readopt the UDO amendments creating the standards for the PGX district, but not the zoning map amendment that actually applies it to properties. This way, it is not creating nonconformities since it is not being applied to any parcel of land. With the PGX text back in place, property owners can "opt in" to the

new district by requesting a rezoning to the new district, with the explicit written consent needed by the new law. Staff believes there are several property owners who would benefit from the PGX district who will be willing to request to be rezoned. Planning Staff will begin outreach efforts to contact these property owners and hopefully bring several to be rezoned all at once at a future council meeting. In order to show the area where it is appropriate to apply the PGX district, Staff is also proposing an amendment to the Future Land Use Map of the Building Brevard 2030 Comprehensive Land Use Plan to establish a Pisgah Gateway Character Area. This will help protect against spot zoning concerns and also give a rational reason for denial of any rezoning applications that request PGX outside the intended area. Mr. Bland noted that an enacting ordinance was included in the Council packet should Council wish to act without waiting until the February 3rd meeting.

At 6:23 p.m. Ms. Holder moved, seconded by Mr. Morrow to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:23 p.m. Mr. Wise moved, seconded by Mr. Baker to close the public hearing. The motion carried unanimously.

Following questions and comments by Council, Mr. Wise moved, seconded by Mr. Morrow to approve the enacting ordinance. The motion carried unanimously.

**ORDINANCE NO. 2025-04
AN ORDINANCE AMENDING THE FUTURE LAND USE MAP AND
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,

WHEREAS, the City Council of the City of Brevard previously created the Pisgah Gateway Mixed-Use zoning district by adopting Ordinances 2024-43 and 2024-44 on November 18, 2024; and,

WHEREAS, on December 11, 2024, the North Carolina General Assembly enacted Session Law 2024-57 via a veto override which included a provision that amended the definition of “down-zoning” in a manner that dramatically alters the authority for local governments to amend local zoning ordinances, thereby invalidating the previous creation of the Pisgah Gateway Mixed-Use zoning district; and,

WHEREAS, following the adoption of SL 2024-57, a second public hearing was conducted on Tuesday, January 21, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is still the desire of the City Council of the City of Brevard that the Unified Development Ordinance be amended as outlined below in order to enact a new context-specific zoning district in the Pisgah Forest gateway area.

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. The Future Land Use Map and Character Areas of the Building Brevard Comprehensive Land Use Plan is hereby amended as depicted in Exhibit B, which is attached hereto and incorporated herein by reference.

SECTION 3. The Planning Director is directed to reach out to property owners in the desired Pisgah Gateway Mixed Use district area and inform them of this change in state law and that they must now voluntarily opt into the PGX district with written consent.

SECTION 4. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 5. 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 6. 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 21st day of January 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

Approved as to Form: Mack McKeller, City Attorney

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

K-1. Tax Settlement Report – December 2024

K-2. Resolution re Jimmy Carter Memorial Wall Installation in Clemson Plaza

RESOLUTION NO. 2025-07

RESOLUTION ADOPTING HABITAT FOR HUMANITY’S

“JIMMY CARTER MEMORIAL WALL” INSTALLATION IN CLEMSON PLAZA AND “HONORING A LIFE OF SERVICE” AS OFFICIAL GOVERNMENT SPEECH

WHEREAS, President Jimmy Carter and Mrs. Carter led the Jimmy and Rosalynn Carter Work Project for Habitat for Humanity International for more than 35 years; and

WHEREAS, the Carter Work Project has rallied 108,100 volunteers to build, renovate and repair 4,447 Habitat for Humanity homes in 14 countries, raising awareness of the critical need for affordable housing; and

WHEREAS, Transylvania Habitat for Humanity is committed to continuing the work inspired by President and Mrs. Carter; and

WHEREAS, Transylvania Habitat for Humanity wishes to honor the legacy of President Carter who has helped Habitat focus worldwide attention on the issue of adequate housing and helped Habitat homeowners build strength, stability and self-reliance through shelter; and

WHEREAS, Transylvania Habitat for Humanity, in “Honoring a Life of Service”, plans to erect a framed memorial wall with a door in Clemson Plaza, symbolizing the many doors that President Carter helped to open; and

WHEREAS, members of the public will be invited to pay their respects and sign the memorial wall, leaving their reflections and memories.

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

Section 1. The Brevard City Council adopts the “Jimmy Carter Memorial Wall” installation in Clemson Plaza and “Honoring a Life of Service” as official government speech.

Section 2. This resolution shall be effective upon adoption.

Adopted and approved this the 21st day of January, 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

K-3. Estatoe Trail Boardwalk Assessment and “Mini-Brooks” Act Exemption

**RESOLUTION NO. 2025-08
RESOLUTION APPROVING A “MINI BROOKS ACT” EXEMPTION FOR
THE ESTATOE TRAIL BOARDWALK ASSESSMENT AS PER G.S. 143-64.32**

WHEREAS, G.S. 143-64.31 (often referred to as the “Mini Brooks Act”) requires the initial solicitation and evaluation of firms to perform architectural , engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee; and

WHEREAS, the City at times has a need for services estimated to cost below the \$50,000 exemption threshold per G.S. 143-64-32 that authorizes local-government exemption from the qualifications-based selection requirements of G.S. 143-64.31; and

WHEREAS, the proposed cost for the Estatoe Trail Boardwalk Assessment is less than \$50,000 (\$16,030); and

WHEREAS, the design firm, WSP, is well qualified and experienced in both the design and inspection of multi-use trails including boardwalks and raised boardwalks; and

WHEREAS, the City wishes to use WSP for these design services.

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

Section 1. The selection of the designer WPS for the Estatoe Trail Boardwalk Assessment be exempt from the ‘Mini Brooks” Act as per G.S. 143-64-32.

Section 2. This resolution shall be effective upon adoption.

Adopted and approved this 21st day of January, 2025.

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

L. Unfinished Business

L-1. Proposed Amendment to City of Brevard Fee Schedule – Utility Tap Fees – Mr. Hooper recalled that this is a proposal to waive utility tap fees for temporary, recovery-related uses during a Chapter 21 declared state of emergency and Council held a public hearing on this proposed amendment at its January 6th meeting. Mr. Morrow moved, seconded by Mr. Baker to approve the proposal and the Fee Schedule as amended. The motion carried unanimously.

**ORDINANCE NO. 2025-03
AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE
FY 2024-2025 CITY OF BREVARD BUDGET**

WHEREAS, the City of Brevard adopted the FY 2025 budget on June 3, 2024, including a schedule of fees; and,

WHEREAS, the City Council of Brevard adopted Ordinance No. 2024-48 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 2025 budget fee schedule be amended as outlined below.

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

SECTION 01. The City of Brevard FY 2025 fee schedule is hereby amended as described below:

SECTION 02. Adding a footnote to the “Water Tap Fees”, “Sewer Tap Fees”, and “System Development Fees” section of the schedule as follows:

During a "State of Emergency" as defined in Chapter 21.2 of the Brevard Unified Development Ordinance, the Zoning Administrator may temporarily waive such fees for temporary uses associated with emergency response and recovery as described in Chapter 21.3

of the UDO. The duration of the waiver shall correspond with the duration of the State of Emergency, after which the fees must be paid in full or the meters recovered and the utility access terminated.

SECTION 03. The City Manager of the City of Brevard is hereby authorized to amend the official FY 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 21st day of January, 2025.

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

s/ Maureen Copelof, Mayor

M. New Business

M-1. Guiding Public Interests and Engagement Summary for Azalea Avenue Property – Mr. Hooper explained that these statements of public interest regarding the possible low-to-moderate income (LMI) housing project on the Azalea Avenue site have already been endorsed by the Housing Committee and referred to Council for approval. With Council’s endorsement, the public interests will become the foundation of the architecture firm’s proposed development scenarios. DFI conducted a series of public engagements and their memorandum regarding community engagement feedback is included in the Council packet. Based on the community input received, the following are the refined guiding public interests for the Azalea Avenue site.

Affordable housing development on the Azalea Avenue site should:

- *optimize the number of new, quality rental units affordable to Brevard’s low-to-moderate income households and the local workforce.*
- *include access to green space and community amenities for residents.*
- *attract as much private investment as possible to maximize the impact of public investment in affordable housing.*
- *accommodate the City’s sewer infrastructure extension into in the Azalea/Rhododendron neighborhood.*

Mr. Morrow moved, seconded by Mr. Wise to adopt the resolution endorsing the guiding public interests as presented. The motion carried unanimously.

RESOLUTION NO. 2025-09 RESOLUTION ENDORSING THE GUIDING PUBLIC INTERESTS FOR DEVELOPMENT OF AFFORDABLE HOUSING ON THE AZALEA AVENUE AND OLD HENDERSONVILLE HIGHWAY PROPERTY

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

WHEREAS, the City contracted the Development Finance Initiative (DFI) to assess affordable housing development opportunities; and

WHEREAS, the City executed an option to purchase agreement for three parcels on Azalea Avenue and Old Hendersonville Highway for affordable housing development for low-to-moderate income households; and

WHEREAS, the City and DFI conducted community engagement to form the guiding public interest for the project; and

WHEREAS, the guiding public interests are site-specific goal statements that define project values, set site-specific parameters, and inform actionable trade-offs for the site’s development as affordable housing; and

WHEREAS, based on the community input received, the following are refined guiding public interests:

Affordable housing development on the Azalea Avenue site should:

1. *optimize the number of new, quality rental units affordable to Brevard's low-to-moderate income households and the local workforce.*
2. *include access to green space and community amenities for residents.*
3. *attract as much private investment as possible to maximize the impact of public investment in affordable housing.*
4. *accommodate the City's sewer infrastructure extension in the Azalea/Rhododendron neighborhood.*

WHEREAS, the Housing Committee unanimously recommended in favor of the guiding public interests for the project on January 14, 2025; and

WHEREAS, City Council heard a presentation on the guiding public interests for this project and a summary of community feedback at its January 21, 2025, meeting.

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

Section 01. The guiding public interests for affordable housing development on the Azalea Avenue site listed above and presented to the City Council at its meeting on January 21, 2025, are hereby endorsed.

Adopted and approved this the 21st day of January, 2025.

Attest: Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

M-2. Transition of Planner Position from Part-time to Full-time – Mr. Hooper explained that this type of request would normally be made during budget discussions, but the need is immediate, and if granted, would support the Planning Department's expanding responsibilities, including management of significant initiatives such as trail development, affordable housing projects, and other important projects in support of Council's strategic priorities. Mr. Ray reviewed the Department's scope of work and their upcoming needs in the months to come. He said transitioning this part-time planner position to full-time status is critical for the continued success of the Planning Department's timely completion of ongoing projects and the high quality of service it provides the community. Mr. Morrow moved, seconded by Mr. Wise to approve the request. The motion carried unanimously.

N. Remarks/Future Agenda Considerations.

Ms. Holder thanked everyone who supported the Martin Luther King, Jr. Day celebration. She said it was well-attended, and the feeling of community was overwhelming.

Mr. Wise expressed appreciation for everyone who comes to listen to Council discussion. He said I think we have a lot coming up in the next year and it's going to be exciting, so stay tuned.

Mr. Hooper reported that he attended a session hosted by Land of Sky last week where staff from our Congressional delegation reported on the latest in the federal and state governments' disaster funding negotiations. He said things are still being sorted out and they are still talking about how much money will be available for hazard mitigation programming. They indicated that the fires in California would have no effect on FEMA funding for our area. He also reported that the organizers of the local long-term recovery group are convening tomorrow evening to hear from stakeholders and folks who want to weigh in on what the long-term recovery group might look like. He explained that the long-term recovery group is essentially a group set up by locals who will take over from FEMA when it leaves the area.

Mayor Copelof thanked Council Member Pastor Holder for organizing the Martin Luther King celebration. She said it was wonderful to see all the diversity and the participation from the children was very special. She also thanked Bethel "A" Baptist Church, NAACP, and the Police Department. She expressed thanks to the Mary C. Jenkins Community Center Board for the Unity Dinner on Saturday evening. She said it was very special to recognize the Brevard Music Center tonight. They are an incredible

partner that really stood up, along with a lot of our other partners, during the hurricane. She also noted that a Code Purple has been declared for all this week and expressed appreciation to the Cove Shelter for providing free shelter and meals to anyone that is unhoused.

O. Closed Session

O-1. Pending Litigation: NCGS §143-318.11.(a)(3) – At 7:07 p.m. Mr. Baker moved, seconded by Ms. Holder to go into closed session to discuss pending litigation matter City of Brevard et al. vs. HCA et al. and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 7:43 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 7:43 p.m. Ms. Holder moved, seconded by Mr. Baker, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: February 3, 2025



Proclamation No. 2025-03 Career and Technical Education Month

WHEREAS, the month of February is designated Career and Technical Education (CTE) Month® by the Association for Career and Technical Education; and

WHEREAS, CTE offers students the opportunity to gain the academic, technical and employability skills necessary for true career readiness; and

WHEREAS, students in CTE programs participate in authentic, meaningful experiences that improve the quality of their education and increase their engagement and achievement; and

WHEREAS, CTE provides students with career exploration opportunities early in their educational experience, which enables them to make informed and beneficial decisions about their academic coursework and pursue established programs of study and career pathways; and

WHEREAS, leaders from business and industry nationwide report increasing challenges related to addressing the skills gap and connecting qualified professionals with careers in critical and growing CTE-related fields; and

WHEREAS, CTE programs in Transylvania County provide hands-on learning experiences in fields such as business, hospitality, technology, and skilled trades, preparing students for both college and career pathways and leading to the attainment of industry-recognized credentials; and

WHEREAS, CTE programs ensure that employers have access to a qualified and thriving workforce, ensuring our nation is a strong and competitive economy.

NOW, THEREFORE, I, Maureen Copelof, Mayor of Brevard, do hereby proclaim February 1-28, 2025 as Career and Technical Education Month in the City of Brevard, and urge all citizens to become familiar with the services and benefits offered by the CTE programs in our community and to support and participate in these programs to enhance their individual skills and productivity.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 3rd day of February, 2025.

ATTEST:


Denise Hodsdon, CMC
City Clerk


Maureen Copelof
Mayor



STAFF REPORT

City Council, Monday, February 3, 2025

Title: Evidence Room Audit Report

Speaker: Tom Jordan, Chief of Police

Prepared by: Tom Jordan, Police Chief

Approved by: Wilson Hooper, City Manager

The Brevard Police Department recently completed a comprehensive evidence/property room audit. A comprehensive audit is different than a full audit. A full audit will only examine 400 items within an agency's collection. A comprehensive audit examines every piece of property/evidence in the collection. The International Association of Property Evidence (IAPE) is the organization that provides for best industry practices in managing law enforcement agency property evidence rooms. They recommend that a comprehensive audit be completed before moving a property/evidence room collection to a new location. The Brevard Police Department moved to a new facility at 132 Commerce Street in the Spring of 2024. The comprehensive audit was completed after an initial inventory and barcoding system was implemented from January to June of 2024. The comprehensive audit was completed from June to December of 2024.

BPD presented the results to the Public Safety Committee on January 6, 2025, and the committee referred the matter to full Council for presentation. Chief Jordan will present the results of the audit this evening.

Attachments:

1. AUDIT 2024 COMPLETE

Property and Evidence Room Audit and Reorganization

January 6, 2025



Brevard Police Department
132 Commerce Street
Brevard, NC 28712
828.883.2212

C. Thomas Jordan,
Chief of Police

Eden Hinds, Ed.D.
Evidence Specialist



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Executive Summary

Audit of the Property and Evidence Room – Brevard Police Department

The Brevard Police Department has conducted a comprehensive audit of the Property and Evidence Room to ensure compliance with North Carolina's ordinances and statutes on evidence management. The audit, conducted by Evidence Specialist Eden Hinds, set out to accomplish the following:

1. Verify proper documentation and chain of custody.
2. Assess inventory accuracy and management controls.
3. Follow industry best practices, which dictate that a full evidence and property room audit must occur whenever the Chief, Evidence, or Property Specialist changes.
4. Prepare for the upcoming move to a new facility in 2025.

Audit Highlights

1. Background and Objectives:

- The Property and Evidence Room stores high-value and sensitive items, including cash, firearms, narcotics, and biological evidence.
- The audit is critical for ensuring integrity, preventing mishandling, and maintaining public trust.

2. Audit Methodology:

- A new barcoding system was introduced to improve efficiency and tracking.
- Procedures included physical inspections, interviews with personnel, compliance testing, and benchmarking against best practices.

3. Findings:

- There is high compliance in inventory management (99.5% accuracy, with only 19 unaccounted items out of 3,543 in the collection).

- When accounting for both categories of unaccounted closed-case items and the 16 items listed as destroyed but currently lack clear paperwork, the total number of 35 items, which translates to an accuracy rate of 99.02%.
 - Only four potential high-risk items are unaccounted for. Three of the four are suspected of marijuana, with the fourth item of unknown medication in the form of pills as items must go to the crime lab for verification. None of the items are attached to any active case.
 - Implementation of barcoding and designated storage areas for all collection items is complete.
 - A new property and evidence policy was published in November 2024.
 - Previous evidence specialists used inconsistent documentation practices due to varying training methodologies.
 - In the past, there was no consistent periodic review schedule for a regular disposal process for outdated evidence.
 - There is a need for a consistent audit documentation process to reduce discrepancies in storage records due to turnover.
- **Security and Organization:**
 - The facility requires more robust security measures and centralized recordkeeping. These measures will be implemented when the evidence room moves to its new location at 132 Commerce Street.

4. **Key Risks:**

- Misplacement or contamination of evidence due to prior disorganization
- Insufficient procedures for disaster recovery, highlighted by mild flooding in 2024

5. **Compliance:**

- The department adheres to the International Property and Evidence Association's requirements for evidence handling and requires periodic reviews and documentation improvement (IAPE 15.2)

Recommendations

1. Process Improvements:

- A. Establish regular quarterly and annual audits.
- B. Develop a review and notification system for evidence disposal.
- C. Enhance training programs for staff on evidence management.

2. Security Enhancements:

- A. Upgrade to a fully integrated security system for all evidence-related documentation in the new building.
- B. Ensure currency security protocols with established banking relationships.

3. Facility Preparations:

- A. Ensure a seamless transition to the new evidence room by conducting pre- and post-move audits.
- B. Address disaster recovery protocols and ensure evidence safety during emergencies.

Conclusion

The audit underscores the department's commitment to accountability and transparency in evidence management. Addressing identified gaps and maintaining regular reviews will bolster public trust and operational efficiency. The move to a new facility in 2025 provides an opportunity to implement these improvements systematically.

The Evidence Specialist, Eden Hinds, has completed the report for the Police Property and Evidence Room Collection Audit. The purpose of this audit was to:

- Determine if the Property and Evidence Room maintained and completed the proper documentation to support the chain of custody of the property and
- Determine if inventory is adequately accounted for and if proper controls exist over the inventory management system.
- Follow the industry best practices policy, which holds that a full evidence and property room audit must occur whenever the Chief or Evidence Specialist changes or moves to a new location:

“The Internal Association of Property Evidence Association Policy 15.1 is conducted annually and limits the time frame for investigating missing items.” (IAPE Standards, 2024).

This report outlines the observations, results, and recommendations of the Police and Property Evidence Room Collection Audit. This is documented as a comprehensive and complete audit due to the upcoming relocation of the Brevard Police Department. Prior audits were completed but were not fully exhaustive. This audit is critical in ensuring compliance with North Carolina property and evidence ordinances and statutes, which mandate strict accountability and management of police evidence and property.

The Evidence Specialist would like to acknowledge the contributions of the Brevard Police Department's administration and staff in completing this audit.

Audit Background

In the City, the two-person team responsible for managing and securing property and evidence consists of the Evidence Specialist and Supervisor (Captain). Items housed in the Property and Evidence Room include valuable and sensitive items such as cash, jewelry, firearms, drugs, biological evidence, and other material items. All officers are responsible for securing and submitting evidence and recovering property appropriately. Property and evidence must be kept in secure packaging at the correct temperature to preserve integrity. The Evidence Specialist also maintains the chain of custody, allowing the evidence to be admitted in subsequent court proceedings. Finally, the Evidence and Property Specialist completes the lawful disposition of the items in their custody.

Property and evidence must be kept in secure envelopes or packages to ensure alteration and theft do not occur, preserving the chain of custody. In addition, property and evidence must be kept at the correct temperature to ensure that deterioration does not happen.

The system's integrity depends upon the proper handling of items from when law enforcement takes possession until they are legally returned to their owners, sold, destroyed, or retained for agency use. The mishandling of items by law enforcement agencies can lead to criminal charges against officers, financial liability for the law enforcement agency, the loss or theft of property, or the contamination and destruction of evidence. The mishandling of property and evidence by law enforcement agencies may also reduce residents' confidence in law enforcement and, ultimately, the integrity of the City and the criminal justice system.

The audit conductor also maintained an awareness of potential fraud as distinct from disorganization.

This is the first fully comprehensive collection audit conducted by the Brevard Police Department under Chief Jordan in preparation for the physical relocation of the agency. Small audits comprising fewer than 40 items were conducted in 2016 and 2018. Aaron Thompson, with Lee Kruse (2017-2020), and Catherine Cook (2022-2024), performed annual inventories. Wilson Bunn and Adam Moore took over the responsibility of implementing a barcoding process and inventory in March 2024 after Cook resigned in February 2024. Eden Hinds was hired in June 2024 and officially began a comprehensive collection audit in late June 2024. Prior to this most recent audit, no missing evidence was indicated, except in 2017 by Aaron Thompson after a 2016 spot audit showed a double entry. Wilson Bunn and Adam Moore did not report any missing items or discrepancies with their inventory completed during the barcoding process.

This audit is necessary as the Brevard Police Department (BPD) must move the entire Evidence Room to a new facility at 132 Commerce Street in 2025.

Compliance with North Carolina Ordinances and Statutes

The State of North Carolina has established several ordinances and statutes governing the management of police evidence and property:

1. North Carolina General Statutes (NCGS) § 15-11: This statute requires law enforcement agencies to maintain accurate records of property held as evidence and mandates regular audits to ensure proper management and disposition of such property.
2. NCGS § 15-11.1: This statute emphasizes the necessity for law enforcement agencies to have procedures in place for the inventory and destruction of evidence and property no longer needed for prosecution.

3. Administrative Code: The North Carolina Administrative Code outlines specific guidelines for the handling, storing, and disposing of evidence, reinforcing the importance of accountability and transparency in police operations.

Audit Overview

The audit, preceded by the implementation of a new barcoding system, aimed to enhance the efficiency and accuracy of the Brevard Police Department's Records Management System (RMS) for evidence management.

The introduction of the barcoding system has streamlined the organization of evidence, allowing for more precise tracking and management of items within the inventory. The audit process involved thoroughly verifying each item against departmental records, ensuring compliance with established statutes and improving overall operational integrity.

Audit Methodology:

Auditing the evidence collection room of a city police department involves a systematic approach to ensure compliance with laws, regulations, and best practices.

1. Scope: Specific audited areas include evidence handling, storage conditions, inventory management, and chain of custody. This audit covers the activities of the collections intake, custody, and disposal of items listed as "in custody" in the RMS.

The objectives of this audit include the following:

- a. Verification that the Property and Evidence Room has sufficient controls for collecting, storing, and securing all police evidence.
- b. Evaluation of the efficiency and effectiveness of operations; and
- c. Ensuring all items listed in RMS are physically accounted for within the collection.

This audit was conducted using the 2021 International Association for Property and Evidence's (IAPE) Evidence and Property Room Procedure Manual and forensic data searches, which provided a reasonable basis for the conclusions reached.

The Evidence Specialist, Eden Hinds, performed the following procedures:

1. Utilized the IAPE Evidence and Property Room Procedure Manual as a guideline for procedural step evaluations.
2. Interviewed Wilson Bunn, Aaron Thompson, and staff member Adam Moore about the evidence and inventory history and the current barcoding process.

3. Reviewed packaging of property and evidence procedures.
4. Observed the intake area to ensure all items needed for packaging property and evidence were in stock and easily accessible.
5. Observed the staff documentation process through RMS.
6. Reviewed the property and evidence training materials provided to officers and the Evidence Specialist to ensure that the packaging of property and evidence is under Standard Operating Procedures (SOP).
7. Walked through and participated in barcoding all inventory in the collections area.
8. Reviewed records and performed workflow audits of specific inventory.
9. Benchmarked with Hendersonville County and the City of Hendersonville Evidence Collection Specialists.
10. Reviewed inventory by matching Incident report data with RMS collection data.
11. Analyzed all paper files for missing documents and followed trails to inventory locations/dispositions.
12. Physically reviewed items to match within RMS.
13. Opened sealed packages that are labeled to contain multiple items and compared paperwork.
14. Collected and matched crime lab submissions and returned receipts to track inventory items.
15. Selected a sample of high-risk items to determine whether they were ready to be disposed of or returned from checkout.
16. Built an inclusive filing system to house all inventory paperwork.
17. Reviewed the property storage and evidence by type and determined whether the storage was adequate for perishable items, guns, DNA, cash, and drugs.
18. Built inventory spreadsheets for 2024 and the entire collection to identify high-risk categorization that must be manually obtained through RMS.
19. Verified that the storage areas were maintained, clean, and orderly.
20. Reviewed firearms storage.

21. Compared destruction and Returned to Owner records with Transylvania County records.
22. Requested orders for comparison from the District Attorney's office.

Preliminary Information:

Wilson Bunn and Adam Moore started barcoding and reorganizing the evidence room before Eden Hinds entered the Evidence Specialist role on May 28, 2024.

Eden Hinds reviewed IAPE collection policies and current in-house policies given by Wilson Bunn and Aaron Thompson. She inquired about procedures and regulations governing evidence collection and management that were followed before her employment with Thompson, Bunn, and Moore. This included the new barcoding system and the vision for reorganizing the inventory room. Bunn shared that pictures were taken at the beginning of the process for documentation.

Eden Hinds was placed on the accreditation team in August 2024. Hinds supports property and evidence collection and reports to Captain Godman and, ultimately, Chief Tom Jordan. Hinds, who had a career in educational leadership, has significant experience managing schools' extensive inventories, audits, and board reporting. Updated Evidence and Property Control Procedures were approved and published. This document will be used to determine alignment in processes and inventory.

The Property and Evidence Room uses a browser-based inventory records management system called RMS. This system tracks property and evidence throughout its life cycle, from intake to release or disposal. Items in this system can be retrieved as early as 2009.

The Brevard Police Department currently holds 3,542 items, of which approximately 1,200 are subject to disposal due to closed cases and expired statute of limitations. Between January 1, 2024, and November 11, 2024, the Brevard Police Department received 130 new inventory items.

Audit Team:

Aaron Thompson, a Captain, consulted on previous collection procedures and acted as the department historian for the past 10 years.

Eden Hinds, Ed.D., is the new Evidence Specialist. She has a doctorate in Education and Ethics with a concentration in policy within personnel handbooks. She received her MBA

certificate from Rice University, focusing on Change Management. As of September 11, 2024, Hinds is the sole auditor of Brevard Collections.

Wilson Bunn and Adam Moore were consulted regarding their inventory and barcoding implementation before Hinds became the sole auditor.

Preparation

Dr. Hinds began working through categorizations to gain a strong understanding of the collections, starting with found and safekeeping categories. She then built a spreadsheet of items inventoried in 2024 and added all inventoried items for each category. RMS does not offer categories of guns, narcotics, paraphernalia, drug intake, currency, counterfeit, DNA, or assault kits, so each item had to be manually identified and labeled.

The current inventory level has been regularly documented and updated through the RMS system. In the first print of the inventory, 98 items had uncertain physical locations. As no straightforward process or recognized regular inventory checks and reconciliations were found, the auditor had to search for individual items to link history and location manually.

Risk Assessment

Between 2015 and the present, the collection room has had five Evidence Collection Specialists. Small spot audits were completed in 2016, 2018, and 2022.

The training varied with the changes in personnel, filing organization, and types of documentation methods for Specialists/Technicians. Through interviews with Wilson Bunn, it has been noted that many specialists had not received proper documentation training and oversight within their first year in the role.

Officer Kruse noted many disparities in written documentation and RMS's "General" section. This included double entries, with multiple people allowed to enter documentation for a single item within the records system.

A previous Evidence Specialist, Catherine Cook, noted the need for support in dispositions. Cook enlisted the help of Wilson Bunn and Adam Moore, who completed the process for her. With short notice, Cook resigned in February 2024, leaving paperwork, disposition orders, and requests to be scanned, processed, and activated.

Because of the turnover of Evidence Specialists, the building's previous mold and mildew issues, paperwork storage, documentation variation searches through personnel storage spaces before the implementation of the barcode system, and the redesign of the inventory

room earlier this year, there were significant risks of misplacement and undocumented disposals.

The disposal policy and procedures do not require a single list of the items destroyed or a signature from the person observing the disposal, making it challenging to determine and verify the number of items removed from the collection in bulk. Because destruction orders must be scanned into the system and noted within RMS under the "disposition" section, the step halted the audit timeline as disposition papers were found in various locations. The auditor had to manually check all individual papers accumulated to ensure a complete life cycle of the evidence item. There is a significant possibility that destruction orders could have been destroyed. This proved the case during Eden Hinds's first week in the Evidence Specialist role when she witnessed Adam Moore disposing of a plastic bin of destruction orders and papers as offices were cleared in preparation for the move to the new police precinct.

There is one camera at the entrance of the property room and one lock to open the gate. The number of days of video footage the cameras contain is still being determined. The footage is only reviewed to look for irregular activities. Police Captains have access to these cameras.

As of September 11, 2024, the Evidence Specialist, Eden Hinds, is the only person with access to the gate key. The spare key will be placed in a secure box with new access codes for Captain Aaron Thompson.

The auditor is wary of misinterpretation, particularly concerning evidence obtained from other people. This evidence audit is conclusive as of November 20, 2024, given the limited time to produce this report and the need for more research on inadequate material. Follow-up measures will be listed at the end of this report.

Physical Inspection

The evidence collection room was inspected for security, accessibility, and cleanliness. It is vacuumed and dusted. Cabinets and bins are adequately labeled. The stickers are falling off in certain areas due to humidity and are being replaced. All items processed with a barcode have been placed in new envelopes and bins.

The auditor reviewed RMS documentation and available files in Kruse, Thompson, and Cook's drawers and filing system. Large stacks of unprocessed paperwork were found in the collection area in tubs, boxes, and tables. The auditor manually assessed logs,

inventory records, and chain of custody forms. In going through RMS, the auditor verified compliance with destruction orders, disposal protocols, dates, and notations.

After each review, new RMS spreadsheets were printed to determine updated locations.

Compliance Testing

A. Sample Evidence Examination:

As a preliminary to the audit, the auditor selected ten evidence items and traced each through the chain of custody, verifying that proper procedures were followed from collection to storage: 2024-003600; 2024-00242; 2024-003057; 2018-16644; 2018-17553; 201709-049; 2018-08819; 2018-14059; 201408-029; 2023-067488.

Some narcotics were not appropriately weighed, so Kruse, the Evidence Specialist at the time of one of the entries, sent the items back to the patrol. Some items' documentation stated they were still in the lab, so the auditor asked Moore to review them. He verified their presence.

The auditor ran four more samples of 10 items in each high-risk category for a total of 40 sampled items to identify location with 92.5% accuracy. Once packages were opened, the auditor found many items were placed in a single package from the same case file, moving the accuracy to 100%.

Data Analysis

With multiple physical reviews, RMS spreadsheets, and paperwork process pathways, the auditor created a detailed inventory of the Brevard Police Department's evidence and property collection:

Table 1: Collection Totals as of November 2024

LOCATION	GENERAL	NARCOTICS	CURRENCY	GUNS	PARAPHENLIA	LAB	DNA	COUNTERFEIT	Sum of Storage
LAB/lab box	0	0	0	0	0	0	59	0	59
SA	8	0	0	0	0	0	3	0	11
Back Wall	8	0	0	0	0	0	2	0	10
Flammable	5	0	0	0	0	0	0	0	5
LT Boxes	15	0	0	0	0	0	31	0	46
LT1	258	3	0	0	0	0	40	0	301
HR1	0	92	1	0	15	0	0	0	108
HR2	138	0	0	0	22	0	0	0	160
HR3	42	120	0	0	5	0	0	0	167
HR4	0	139	0	0	41	0	1	0	181
HR5	2	34	0	5	7	0	0	0	48
HR6	1	0	0	22	0	0	0	0	23
HR7	0	93	0	0	4	0	0	0	97
HR8	6	0	57	1	0	0	0	50	114
HR9/Top Drawer	0	9	0	0	0	0	0	0	9
GEN1								0	0
GEN2	18	0	0	0	0	0	0	0	18
GEN3	51	1	0	0	4	0	3	0	59
GEN4	16	0	0	0	2	0	0	0	18
GEN5	19	0	0	0	0	0	3	0	22
GEN6	46	4	0	0	40	0	16	1	107
GEN7	25	0	0	0	0	0	4	0	29
GEN8	22	0	0	0	26	0	0	0	48
GEN9	24	0	0	0	9	0	0	0	33
GEN10	14	1	0	0	0	0	0	0	15
GEN11	3	0	0	0	3	0	0	0	6
GEN12	23	0	0	0	0	0	0	0	23
GEN14	14	0	0	0	0	0	0	0	14
GEN15	21	0	0	0	0	0	2	0	23
GEN16	14	2	0	0	8	0	0	1	25
GEN17	5	0	0	0	0	0	0	0	5
GEN18	19	0	0	0	0	0	0	0	19
GEN20	3	0	0	0	0	0	0	0	3
GEN21	18	0	0	0	0	0	3	0	21
GEN22	39	5	0	0	7	0	0	0	51
GEN23	29	0	0	0	7	0	2	0	38
GEN24	32	0	0	0	0	0	0	0	32
GEN25	16	0	0	0	0	0	0	0	16
GEN26	13	0	0	0	0	0	0	0	13
GEN27	11	12	0	0	0	1	0	0	24
GEN28	54	0	1	0	18	0	2	0	75
GEN29	42	1	1	0	7	0	0	0	51
GEN30	5	0	0	0	0	0	0	0	5
FLOOR	7	0	0	0	0	0	0	0	7
BIKE	6	0	0	0	0	0	0	0	6
FRIDGE	0	0	0	0	0	0	27	0	27
HOM	170	0	0	0	0	0	0	0	170
INC BOX 2	0	8	0	0	0	0	0	0	8
CURRENCY	0	0	35	0	0	0	0	0	35
LANDFILL	52	0	0	0	0	0	0	0	52
AUCTION	11	0	0	0	0	0	0	0	11
DESTRUCTION	1	13	0	0	7	0	0	0	21
THG	0	0	0	60	0	0	0	0	60
LONG GUNS	0	0	0	16	0	0	0	0	16
CAB1	44	0	0	0	36	0	0	2	82
CAB2	19	5	0	0	71	0	0	0	95
CAB3	33	2	0	0	2	0	23	1	61
CAB4	12	2	0	0	57	0	0	0	71
CAB5	9	0	0	0	54	0	4	0	67
CAB6	45	5	0	0	26	0	10	1	87
CAB7	19	0	0	0	0	0	32	0	51
CAB8	87	5	0	0	1	0	0	0	93
CAB9	79	0	1	0	23	0	20	0	123
CAB10	69	0	0	0	0	0	0	0	69
CAB11	17	0	0	0	32	0	4	0	53
CAB12	26	0	0	0	33	0	0	0	59
CAB13	11	5	0	0	30	0	1	0	47
									3503
CATEGORY TOTAL	1796	561	96	104	597	1	292	56	3503

Table 2: Paths of Disposition

Unknown Location	19	See Table 7
Probable Destruction	16	See Table 6
Possible in files	0	Located (2)
TOTAL	35	
CUMULATIVE TOTAL		3543

Aging and Composition

In reviewing the respective disposal process and statute of limitations, Evidence Technicians removed items from the collection an average of once a year since 2015 unless identified by an officer for immediate destruction. In 2022, evidence was disposed of two times in a single year. This aligns with the policy to dispose of such evidence at least once per calendar year.

Due to target dates and expired timelines, 34% of the current collection, or 1,204 items, can be disposed of.

TABLE 3: Aging and Composition

YEAR STORED	
2001	1
2004	3
2006	1
2007	5
2008	18
2009	19
2010	15
2011	14
2012	21
2013	46
2014	63
2015	189
2016	145
2017	154
2018	466
2019	218
2020	212
2021	530
2022	679
2023	457
2024	287
TOTAL	3543

TABLE 4A: Categorized Items by Age and Classification

CLASSIFICATION	3 years or less	3-6 yrs	6-10 yrs	10+ yrs	Older than 11yrs	TOTAL
Narcotics	373	176	10	2	0	561
Guns	75	26	3	0	0	104
Currency	52	42	2	0	0	96
Counterfeit	22	34	0	0	0	56
Evidence/General	518	897	336	51	32	1845
DNA Kits and Items	117	128	22	20	6	292
Paraphernalia	400	193	3	1	0	597
TOTALS	1568	1496	376	72	38	3543

TABLE 4B: Additional Label for Items

Lost/Found items	271
Safekeeping	90
For destruction	83
Recovered	68
TOTALS	512

Crime Lab Items Sent and Returned

During the audit, five large folders in different formats were found that contained a variety of crime lab submissions and receipts. Over 8 hours were spent matching these forms. Crime lab forms are kept in the same file cabinet as other collection documentation. Once the receipt and return forms are matched, they will be filed with the case file paperwork, keeping those papers together. These documents are available for review in the Evidence Specialist's office.

The following DNA items are still at the crime lab or disposed of by lab technicians after review. Not all are found in Forensic Advantage.

Table 5: Crime Lab Items

OCA	No.	Tag Number	Date Stored	Specialist
2021-59827	1	blue underwear	3/15/2022	Kruse
2021--59827	1	SAEK S004816	3/15/2022	Kruse
2022-016413	1	Blood kit	5/11/2022	Kruse
2022-019283	1	Blood	5/11/2022	Kruse
2022-019740	1	DWI Blood Kit	5/11/2022	Kruse
2022-044482	1	Blood Draw Kit	11/9/2022	Thompson
2022-044482	1	Blood Draw Kit	SB5 only	Thompson
2022-0510146	1	SAECK	11/21/2023	Cook
2022-051046	1	SAEK	11/21/2023	Cook
2022-051046	1	buccal swabs	11/21/2023	Cook
2022-054756	1	Sealed blood test kit	11/9/2022	Thompson
2022-054756	1	Sealed blood test kit	SB5 only	Thompson
2022-069465	1	Blood	1/10/2023	Cook
2023-002222	1	Blood	2/22/2023	Cook
2023-011797	1	Blood	5/18/2023	Cook
2023-012004		SAEK	8/2/2023	Cook
2023-012925	1	Samsonite bag	11/21/2023	Cook
2023-012925	1	buccal swabs	11/21/2023	Cook
2023-012925	1	fingerprint card	11/21/2023	Cook
2023-017319	1	Blood Kit	8/2/2023	Cook
2023-022698	2	SAEKs	11/21/2023	Cook
2023-022698	1	SAECK A	11/21/2023	Cook
2023-022698	1	SAECK B	11/21/2023	Cook
2023-028388	1	SAEK	11/21/2023	Cook
2023-028388	1	SAECK	11/21/2023	Cook
2023-028388	1	Urine and Blood	11/21/2023	Cook
2023-030215	1	large SAEK	11/21/2023	Cook
2023-030215	1	Urine	11/21/2023	Cook
2023-030215	1	SAECK	11/21/2023	Cook
2023-031890	1	Tritech blood draw kit	8/2/2023	Cook
2023-034402	1	DWI Blood Test Kit	8/2/2023	Cook
2023-042193	1	Blood	10/4/2023	Cook
2023-042193	1	Urine	10/4/2023	Cook
2023-042193	1	Sexual Assault Kit	10/4/2023	Cook
2023-046796	1	DWI Blood Kit	10/4/2023	Cook
2023-055515	1	Thumb Drive	2/28/2024	Cook
2023-056484	1	Dwi Blood test kit	11/21/2023	Cook
2023-056484	1	Dwi blood kit	11/21/2023	Cook
2023-060307	1	Dwi Blood test kit	11/21/2023	Cook
2023-060307	1	DWI Blood Draw Kit	11/21/2023	Cook
2023-064444	1	glove, black, purple	11/21/2023	Cook
2023-066026	1	Blood Draw Kit	2/28/2024	Cook
2021-023528	1	White Crystal Powder	3/15/2022	Kruse
2021-023528	1	1/2 white pill	3/15/2022	Kruse

OCA	No.	Tag Number	Date Stored	Specialist
2018-04513	1	DWI Blood kit	4/4/2018	Kruse
2018-01935	1	DWI Blood kit	2/14/2018	Kruse
2018-21978	1	DWI Blood Kit	12/13/2018	Kruse
2018-18106	1	DWI Blood kit	11/5/2018	Kruse
2018-17864	1	DWI Blood kit	11/5/2018	Kruse
2018-17800	1	DWI Blood Kit	11/5/2018	Kruse
2018-17234	1	DWI Blood kit	9/24/2018	Kruse
2018-11038	1	DWI Blood kit	9/12/2018	Kruse
2018-09207	1	DWI Blood Kit	5/30/2018	Kruse
2018-08906	1	DWI Blood Kit	5/30/2018	Kruse

Qualitative Analysis:

After reviewing the paper organization, the auditor found no unified, dedicated physical or digital collection of paperwork files except through RMS printouts. Physical paperwork must be compiled in one location, and case file paperwork should also be collected in a virtual database for easy access. This includes a yearly intake spreadsheet shared with the Brevard patrol officers.

During this audit and reorganization, the auditor uploaded 183 paperwork artifacts, including crime lab entries/returns, property receipts, disposition orders, and various items found in folders, tubs, desks, wrong files, record boxes, storage closets, file cabinets, and under evidence into the RMS system under the correct case files. 74 of the items found were destruction orders.

The auditor removed nine inaccurate receipts from the wrong case file and reloaded them with the correct ones. She also noted and corrected the seven double and one incomplete entry in the RMS system.

Through this process, it was discovered that 53 items from 2018 to 2023 are still at the crime lab. A spreadsheet was developed to track submissions and returns.

Reported Findings

Audit Objective One: *Verification that the Property and Evidence Room has sufficient controls surrounding collecting, storing, and securing all police evidence.*

Intake:

- Evidence packaging follows a consistent, standardized process.
- Mentoring officers have provided training on the intake process to ensure proper packaging.
- A processing handbook is available near the packaging station.
- Supplies necessary for the intake process are always stocked.
- Property placed in a temporary storage locker can be accessed only by the Evidence Specialist.

Disposition:

- Adequate authorization (e.g., court order, internal destruction order, Return to Owner) is received before the disposition of evidence.
- Inconsistent uploads for dispositions loaded within RMS.
- Inconsistent training for officers on disposition of property and evidence to owners.
- Lack of an organizational system for paperwork to ensure dispositions were correctly done.

Storage and Preservation:

- High-risk property and evidence such as drugs, cash, guns, and DNA have designated storage areas.
- Long-term refrigerated storage is maintained to preserve biological evidence.
- SOPs specify procedures for storage and preservation.
- Cash should be deposited to the banks, and only cash marked as evidence should be retained in the collections.

Security:

- Other personnel and visitors are allowed access only if the Evidence Specialist accompanies them.
- Access is held only by the Evidence Specialist, with a spare key held by a Captain.
- A single camera is focused on the caged entrance.

Audit Objective Two: *To evaluate the efficiency and effectiveness of operations.*

The reviewed paperwork and RMS reporting show that the former Evidence Specialists inconsistently maintained and/or failed to complete the proper documentation to support

the final disposition of the property, resulting in an incomplete record of the life cycle of those collected items. Items checked out for court with officers were well documented. Destruction orders were inconsistent throughout 2018-2023.

Packages were adequately sealed with a date, signature, and name of the officer on the package.

Audit Objective Three: *Ensure all items listed in RMS are physically accounted for within the collection.*

3,543 items were identified as part of the property and evidence collection. The audit results indicate high compliance, with only 18 items (approximately 0.00508% of the total collection) identified as “not found.” This minimal discrepancy reflects the effectiveness of the newly implemented barcoding system and the Brevard Police Department's commitment to upholding best practices in evidence management.

Best practices state that unlocated items within the system should not exceed 5% of the inventory. Brevard’s evidence collection is above standard with less than 1%.

Although a disposition order was not attached to several documents, notes from former evidence specialists and officers added in the RMS “general” section and placed in a destruction cart strongly suggest that items were removed from the life cycle.

According to the auditor, some paperwork was destroyed without being entered within the RMS system: “On the floor in front of the chair was a large tub filled with papers from items Wilson and Bunn had previously disposed of. When asked if the documents were something I needed to go through, Adam Moore said they were disposed of, and we didn’t need the papers. He then had them shredded.”

Property and evidence are tracked in the RMS. Monitoring deletions and changes should be reviewed yearly to help flag issues of improper data changes. The many items uploaded to match cases revealed anomalies and alterations that needed verification.

Table 6 : Possible Destruction

The date and timing align with the destruction of the following items:

OCA	Control No.	Tag Number	Date Stored	Item Description	Research Notes
201701-009	20170102686	1007184	01/05/2017	MARIJUANA IN CPB	MISSING SINCE 2020 was confirmed by a spot audit in 2021. Case CLOSED 2017. Code 35A, one count, porn charge. Raxter, Godman.
201508-031	20150802085	1005024	03/29/2016	LATENT PRINT LIFTS	This OCA shows a target disposal date of 2017 with no lab match. It was stored in 2016, so it is possible that it was destroyed. CLOSED 2024, 220, No arrest.
201511-061	20151202227	1005570	12/10/2015	PIECE OF ROPE	This single item was stored initially in 2015, . Another piece of rope is identified under the same OCA Item: 01005436, so this is a double entry. The item was disposed of in a landfill.
2018-05833	20180403261	1009137	04/16/2018	CPB	These are clear plastic bags stored on a shelf. It is reasonable to assume they are destroyed and not associated with charges. CLOSED, Raxter/Bickford, 23D Larceny. No arrest.
2022-042054	20221104853	1013659	08/08/2022	bottle of Barefoot wine	This was collected from a homeless person. The disposition date is August 2023, which means it was tossed as liquids are prohibited in evidence. CLOSED 2022. 230. Arrest made.
2020-17120	20201104250	1011914	10/26/2020	DARK COLOR FEMALE HAIR EXTENSION	Item 1 does not have a property receipt. There is another PR for four bullet casings. CLOSED 2024, 520, no arrest. This is a double entry under the same OCA.
4117752	20170903009	1008107	09/27/2017	GREEN LEAFY MARIJUANA 0.5 GM	As RMS identifies, this was placed in a destruction cart.
201408-003	20140801678	1003838	08/04/2014	DOCUMENTS	As RMS identifies, this was placed in a destruction cart.
201408-003	20140801678	1003839	08/04/2014	.22 ROUNDS AND NOTE	As RMS identifies, this was placed in a destruction cart.
201604-056	20160402392	1006210	04/20/2016	GOLD CHAIN	As RMS identifies, this was placed in a destruction cart.
201604-056	20160402392	1006211	04/20/2016	LARGER GOLD CHAIN	As RMS identifies, this was placed in a destruction cart.
201701-009	20170102686	1007185	01/05/2017	DIGITAL SCALE	As RMS identifies, this was placed in a destruction cart.
201701-009	20170102686	1007186	01/05/2017	LOOSE MARIJUANA	As RMS identifies, this was placed in a destruction cart.
201701-009	20170102686	1007187	01/05/2017	LOOSE MARIJUANA	As RMS identifies, this was placed in a destruction cart.
2023-007565	20230204922	1013826	02/08/2023	2004 Dodge Caravan w/ NC plate TCL5146	Sancoucy did intake at county impound on 2-8-2023. There was a warrant to search. CLOSED 2023. 280. Arrest made. It was given back to the owner without a signature.
2021-019582	20210504378	1012327	04/27/2021	Fictitious SC ID	As RMS identifies, this was placed in a destruction cart.

Each entry has been labeled as “UTL- Unable to Locate- Possible Destruction” in the RMS system, including a note in the General section:

Property Control Number: 20150802085	Open Mode: Edit	Secured: No				
General Items Suspect/Offender Info Offense Image						
Date Of Entry: 08/26/2015	Tag Number: 	Incident Number: 201508-031	Reason Entered: Evidence	Court Date: 	Assigned Officer: 3468	Officer Name: DANNY E. GODMAN
Notes: November 20, 2024 Audit Hinds: This item could not be located. After research through files, physical inventory, associated evidence and case files, I have listed this as 'Disposed-Unable to Locate-UTL'. This OCA shows a target disposal date of 2017 with no lab match. It was stored in 2016, so it is possible that it was destroyed. CLOSED 2024, 220, No arrest.						
				View Owner... View Obtained From...		

1. Item 2. Vehicle/Drug 3. Owner 4. Obtained From						
Item Tag/Barcode: 01005024	Property Type: 77	Item Category: Other Evidence	Value: 	Quantity: 3	Description: LATENT PRINT LIFTS	
Make: 	Model: 	Serial Number: 	Owner Applied Number: 	Primary Color: 	Secondary Color: 	
*Container: ENV SBI	Date Sent To Lab: 08/26/2015	*Lab Sent To: SBI Western	Lab Number: W201503262	Lab Results: NO MATCH	Hazard/Warning: 	
5. Storage 6. Chain Of Custody 7. Disposition						
Disposition: Other	Disposition Description: Unable to Locate-UTL		Date Disp. Executed: 11/20/2024	Time Disp. Executed: 	Officer Executing Disposition: S11	Officer Name: Eden Hinds
Disposition Authority: 	Authority Date: 	Officer Witnessing Item Destruction: 	Officer Name: 	Auction/ Sale Amount: 	Released to Last Name (If Not Owner): 	Suffix:
First Name: 	Middle Name: 	Address: 	City: 	State: 	Zip Code: 	Phone Number:

The following items could not be located through paperwork, RMS, or conversations and are designated with unknown locations. Comments are summarized from research and Captain Thompson.

Table 7: Unknown Location

OCA	Control No.	Tag Number	Date Stored	Item Description	Field Notes
2018-11894	20180903460	1009731	08/16/2018	RX BOTTLE W 26 CAPSULES	It was last stored by Godman in 2018 and disposed of in 2021. No DO or paperwork is located. The paperwork is disjointed, with one sheet uploaded 8 times. CLOSED, inactive case, Raxter, 16-year-old overdose case.
201704-005	20170502841	1007623	05/26/2017	blue SanDisk 8GB w/ data	It was stored by Thompson in 2017. CLOSED 2018. Offense 90Z: It is likely stored with the other listed items in the case. If not, there's a chance it is in the case file or turned over to the Feds.
2018-03242	20180203214	1008963	02/28/2018	3 TAPINGS FROM SEATS IN PRIUS	These items were seized from a vehicle the defendant had consented to drive before his crimes. As such, they would not have been critical of the case and probably not used. A search of the crime lab database shows they seem to have yet to be processed there. CJ Leads shows his case here was disposed of in court in 2018 (guilty) and thus should have been CLOSED, cleared by arrest. These items were in custody in our complete inventory in 2021. It's entirely possible and would have been appropriate for them to have been destroyed.
2018-03242	20180203214	1008964	02/28/2018	4 SWABBINGS IN 2 BOXES LABELED	
2018-03242	20180203214	1008965	02/28/2018	7 LATENT PRINTS FROM PRIUS	
2010030002	20120300726	1001485	03/15/2012	SEXUAL ASSAULT EVIDENCE KIT	It shows as returned from the lab on 8/3/2016 and stored by Hutchenson back in 2012 With a disposal date of 2019. The case was identified as CLOSED in 2010 by Woodson. There is no indication that it was stored after returning from the lab. The lab report in early 2017 indicated there was insufficient DNA to amplify. There were other issues with the case, too, so Hutch likely destroyed this kit in early 2017.
201608-019	20190103603	1010163	01/10/2019	BUCCAL SWAB	The storage history shows it was placed in 2019 when Kruse returned it from the lab. CLOSED 2017. No arrest. This case was prosecuted Federally (defendant Keith Saunders). The swab is likely mixed in with the victim's evidence 2018-02445. It will not have been destroyed. The case is closed and cleared by arrest.
2022-003625	20220104590	1012894	01/26/2022	CPB W/ Green leafy substance TPW 3.1 GM	Paperwork uploaded by Bunn and Moore with no location besides identified by Kruse in 2022 with a disposal date of July 25, 2022. CLOSED 2022. Arrest made.
2022-003625	20220104590	1012896	01/26/2022	GREEN GRINDER W/ FACE ON LID	Bunn and Moore uploaded paperwork with no location besides identified by Kruse in 2022, with a disposal date of July 25, 2022. CLOSED 2022. Arrest made.
2021-011031	20210404350	1012245	04/12/2021	NC DL OLIVER RAYMOND ANTHONY	The attached PRs do not describe the evidence in this file. It is the right OCA, but the inventory needs to match. CLOSED case, Sansoucy. 280, Arrest.

OCA	Control No.	Tag Number	Date Stored	Item Description	Field Notes
2021-011031	20210404350	1012248	04/12/2021	BLK CASE W/ JUMPSTARTER	The attached PRs do not describe the evidence in this file. It is the right OCA, but the inventory needs to match. CLOSED case, Sansoucy. 280, Arrest.
2021-011031	20210404350	1012252	04/12/2021	HIGHWAY PATROL TAG FOR VEHICLE	The attached PRs do not describe the evidence in this file. It is the right OCA, but the inventory needs to match. CLOSED case, Sansoucy. 280, Arrest.
2021-011031	20210404350	1012253	04/12/2021	CONDEMNED HOME NOTICE BUN COUN	The attached PRs do not describe the evidence in this file. It is the right OCA, but the inventory needs to match. CLOSED case, Sansoucy. 280, Arrest.
2021-011031	20210404350	1012251	04/12/2021	KEY, FOB, BLUE TAG NISSAN PATHFINDER	The attached PRs do not describe the evidence in this file. It is the right OCA, but the inventory needs to match. CLOSED case, Sansoucy. 280, Arrest.
2022-032762	20220704732	1013300	06/21/2022	BLACK BATTERY	This is unknown. They were last stored in temporary storage by Kruse in 2022. CLOSED 2024. 23H, No arrest. This battery was related to a trailer stolen from Ecusta Brewing on Pisgah Highway.
2023-023237	20230504981	1013968	05/01/2023	.9 grams TPW Green leafy substance	This is identified as evidence found by Cook, and disposal is set for May 2024. CLOSED 2023; Arrest made.
2023-023237	20230504981	1013969	05/01/2023	3.5 grams Green leafy substance	This is identified as evidence found by Cook, with disposal set for May 2024. CLOSED 2023; Arrest made.
2023-055515	20231005069	1014178	10/06/2023	containing one swab	Other items in this spot were disposed of in early 2024. He was released to TCSO on March 26th and could be there. CLOSED, Reeves and Bickford. CFS, Hit and Run
2023-055515	20231005069	1014179	10/06/2023	brown evidence bag containing one swab	Other items in his spot were released to TCSO on March 26th and could be there. CLOSED, Reeves and Bickford. CFS, Hit and Run

We must provide memos for the 18 unknown locations in the file. These will be uploaded within RMS and included with the physical file's audit report (see *Appendix A*).

Each entry has been labeled as “UTL- Unable to Locate” in the RMS system, including a note in the General section:

Property Control Number: 0170502841	Open Mode: Edit	Secured: No	
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General | Items | Suspect/Offender Info | Offense | Image

Date Of Entry: 05/26/2017	Tag Number: 	Incident Number: 201704-005	Reason Entered: Evidence	Court Date: 	Assigned Officer: 3468	Officer Name: DANNY E. GODMAN
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Notes:

07/19/2022 Kruse.
Thompson decision to hold it for policy, 07/20/2022 Kruse.

October 31 Audit Hinds: Item location is unknown. No DO paperwork found. Last statement of location is from Kruse in 2022.

November 20, 2024 Audit Hinds: This item could not be located. After research through files, paperwork, interviews, physical inventory, associated evidence and case files, I have listed this as 'Disposed-Unable to Locate-UTL' to move off current inventory for documentation as this may reappear as we move inventory in the future.

1. Item | 2. Vehicle/Drug | 3. Owner | 4. Obtained From

Item Tag/Barcode: 01007623	Property Type: 07	Item Category: Other Evidence	Value: 	Quantity: 1	Description: blue Sandisk 8GB w/ data
Make: 	Model: 	Serial Number: 	Owner Applied Number: 	Primary Color: BLU	Secondary Color:
*Container: BAG PL	Date Sent To Lab: 	*Lab Sent To: 	Lab Number: 	Lab Results: 	Hazard/Warning:

5. Storage | 6. Chain Of Custody | 7. Disposition

Disposition: Other	Disposition Description: Unable to Locate	Date Disp. Executed: 11/20/2024	Time Disp. Executed: 	Officer Executing Disposition: S11	Officer Name: Eden Hinds
Disposition Authority: 	Authority Date: 	Officer Witnessing Item Destruction: 	Officer Name: 	Auction/Sale Amount: 	Released to Last Name (If Not Owner):
First Name: 	Middle Name: 	Address: 	City: 	State: 	Zip Code:
Phone Number: 					

Audit Comments

1. Strengths:

1. Intake, storage, and preservation processes are in place to ensure the security and integrity of the property and evidence.
2. We use Adobe for digital notification and signatures for property disposal.
3. Patrol boxes handguns properly.

4. A formal written standard operating procedure was published in 2018, and a new property and evidence policy was released in November 2024.
5. Our collection preparation table is well supplied.
6. The property room has been updated with a barcoding system for ease and efficiency in organization.
7. The Evidence and Property Room has designated areas for high-risk and found items.

2. Challenges:

1. It is recognized that a more consistent system for disposing of authorized items with proper record-keeping must be maintained.
2. We need an on-site incinerator to create more efficient disposal.
3. A calendar alert system cadence should be consistently utilized to identify target disposal date frames for items that are connected to an offense for which the statute of limitations has expired, have no apparent offense linked to the item to warrant prolonged storage, have exceeded storage lengths, or were not destroyed when the officer designates on the Property and Evidence Receipt form.
4. A more consistent framework for annual and quarterly audits with formal reporting is needed.
5. The evidence currency deposit system should be re-established so that cash is not kept within the evidence area.

3. Opportunities:

1. Design a review process for items for disposition that includes notifying personnel to alert them of expired timelines or review dates and obtain authorization for disposal.
2. Designate a captain to implement a meeting cadence, notifying case detectives and investigators to review items for potential disposition based on scheduled review dates for each category of property and evidence.

3. Implement regular training sessions for personnel on evidence handling and inventory management.
4. Place designated review schedules on a master calendar for transparency.
5. Establish a schedule and designate people to conduct announced and unannounced audits to ensure the quality of processes and procedures.
6. Establish a schedule for annual audits to ensure ongoing compliance and identify potential areas of improvement. This includes a system for staff to continually provide feedback on the inventory process to refine and enhance operational efficiencies.
7. Require annual sworn officer training for property and evidence packaging and crime lab submissions.
8. Install a visual board of packaging and processing in the packaging area of the new police collections room.
9. Develop a process form to notify officers of evidence denial with corrective action in packaging items for collection acceptance.

4. Recommendations for addressing identified issues:

1. Revise and update the Standard Operating Evidence and Property Collection Procedures manual. This includes specifying property disposal for drug-related items in the property unit over three years old and identifying them for destruction.
2. Each inventory should be kept on an Excel spreadsheet and given to the administration for records and documentation. The annual inventory should be kept in the same file cabinet for easy access and review.
3. Brevard should embrace IAPE Standard 6.1: temporary storage includes any location where evidence may be stored for 72 hours or less, protected from tampering, theft, contamination, and the environment.
 - a. Prohibit items from being kept in personal lockers, vehicles, and filing cabinets. Institute time limits on booking items.
 - b. Designate a locker to hold improperly documented or packaged items until the submitting officer can make corrections.
4. Rotating monthly inspections should cover security, access control, safety practices, training, missing evidence, housekeeping, and cleanliness. These

inspections should include inventory spot checks for each high-risk category and general intake, equaling 90% of the entire inventory by the end of the year.

5. The Police Department should develop an emergency and disaster recovery plan and procedures for the Property and Evidence Room. Mild flooding occurred in the current evidence area in September 2024. An SOP should be developed to secure evidence necessary for criminal cases, describing what actions the Specialist and staff should take and how remediation should occur. This should include the transportation and relocation of personnel and all evidence items in the event of evacuation, including a method for tracking each item.
6. The Evidence Specialist should have access to a bank account for evidence currency deposits. This process and internal policy must be rewritten to IAPE standards and industry standards best practices.

5. Conclusion:

Brevard Police Department's first comprehensive, detailed property and inventory room audit in recent history marks a significant milestone in meeting its accountability and transparency goals regarding evidence management. Moving forward, it is essential to continue regular audits, maintain the barcoding system, and provide ongoing training to staff to ensure adherence to North Carolina's property and evidence ordinances. This proactive approach will bolster public trust and support the department's mission to serve and protect the community effectively. All policy structures are evident, and the system's integrity is intact.

6. Follow-Up Actions:

Several items must be relocated to more centralized drawers and shelves to ensure clearly labeled categorical filings. During the barcoding process, some packaged outliers in topical filings were overlooked.

We have held internal destruction orders until the audit is complete. The Evidence Specialist will begin to pull these for destruction, incineration, auction, department use, and the landfill, removing items from our inventory. This set will be added to our destruction bins in the evidence room.

The Evidence Specialist will regularly track the crime lab submissions and returns.

The Evidence Specialist will coordinate with the District Attorney's office for dispositions needing signatures.

The Evidence Specialist will prepare to move to the new inventory room at 132 Commerce Street. Evidence and property will remain at the old police station at 95 West Main Street until the evidence room is secured. As best practice, one internal spot audit and one external spot audit will be conducted before shipping. Once evidence and property have been transported to the new facility, a complete inventory check will be performed.

After conferring with Nick Zecher, Evidence Custodian with Henderson County Sheriff's Office, the Evidence Specialist will create a disposition method called "Unable to Locate" or "UTL" in RMS so that those items are disposed of in RMS and do not continue to appear in items to be inventoried. This will also include individual memos for each file.

In the spirit of transparency, Chief Jordan and the Evidence Specialist will meet with the City Manager and District Attorney to review our audit.

7. Continuous Improvement:

As we move toward department accreditation, we will build a comprehensive calendar that includes quarterly feedback loop touchpoints, annual property and evidence training for officers, and quarterly audits (internal and external) to assure quality and transparency.

We will follow up on scheduled audits to ensure compliance with the action plan and practice improvements.

8. Conclusion:

This audit aimed to enhance the integrity and security of the evidence collection room, ensuring that the Brevard Police Department adheres to best practices in evidence management. Regular audits will comprise a crucial part of our ongoing commitment to transparency and accountability.

Appendix A: Memo for File for Items Unable to Locate (UTL)

City of Brevard Police Department Missing Evidence / Property Checklist	
OCA	
Officer	
Sequence Number	
Item Number	
Item Description	
Purpose of Item (Evidence, DV Order, Found, etc.)	
Location shown in RMS and paperwork	
Date last known Secure	
Time last known Secure	
Last known secure by	
Date noticed missing	
Time noticed missing	
Noticed missing by who	
How was item noticed missing	
Checked in RMS	
Checked in RMS: Case, Incident, Arrest, Evidence, and Evidence Items narratives	
Location double checked	
Surrounding areas checked	
Paperwork checked	
Recent disposition paperwork checked	
Last FFL and Auction spreadsheets checked	
Date Professional Responsibility Lieutenant Advised	
Narrative:	
Missing Evidence / Property Checklist	Updated 11/20/2024

STAFF REPORT

City Council, Monday, February 3, 2025

Title: Proposed Amendment to Brevard Code of Ordinances Chapter 43-5(1) - Social District Expansion

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

Prepared by: Emily Brewer, Senior Planner, Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

On September 8, 2021, North Carolina Session Law 2021-150 was ratified, allowing governments to establish "Social Districts" within their jurisdiction. A social district is an exception to NC's open container law in a designated area during certain times. Social districts allow for establishments with ABC permits to sell alcohol that may be taken into common areas for consumption. The common area includes participating privately-owned properties, public streets, crosswalks, and parking areas. The act was subsequently amended with Session Law 2022-49, which refined the initial legislation and provides additional details on the operation of social districts.

On August 21, 2023, Brevard City Council approved amendments to the text of the Code of Ordinances that would allow the establishment of a social district in the area depicted in Attachment 1. The Council also approved the required management plan and fee for participating business. The social district was put into effect on February 9, 2024.

After one-year of operation, the social district has resulted in no significant challenges. Therefore, the City's partners at Heart of Brevard are requesting an extension of the social district boundaries to expand its benefits to more participants and better accommodate events.

The expansion is supported by various members of the Downtown Master Plan Committee and Public Safety Committee. Given the time-sensitive nature of this request, neither committee made a formal recommendation on this matter.

Discussion

As currently situated, the social district encompasses six square blocks, running east/west from Gaston St. to England St., and north/south from Probart St. to Jordan St (the current social district boundaries are included as Attachment 1). The Heart of Brevard Board of Directors is requesting that the Downtown Brevard Social District boundaries be expanded to address the following:

- The current footprint does not correspond with the Municipal Service District/Heart of Brevard district, and some eligible businesses with ABC permits

for on-premises consumption fall outside its boundaries. These businesses are Wild Morel, The Bohemian Restaurant, Love Eat Thai, and Quotations Coffee Spot .

- The current boundary does not correspond with the boundaries set for events like White Squirrel Festival and Halloweenfest, creating a confusing environment for attendees about where alcoholic beverages are permitted and where they aren't.

Specifically, the Heart of Brevard is requesting that the social district boundaries be amended to align with the full Municipal Service District / Heart of Brevard boundary, excluding the Transylvania County, First Baptist Church, and City Camper properties. This request would roughly bring the boundaries west to Oaklawn Ave, south to Morgan Street, and east to Rice Street. The exact boundaries are included in Attachment 3. In January, the Heart of Brevard Board of Directors unanimously endorsed a statement in support of the expansion, which is included as Attachment 2.

Staff has assessed the Heart of Brevard's request and forwards the following considerations:

- The two blocks east of the current social district between Gaston and Rice Street are appropriate for the expansion. These blocks are commercial in nature and contain restaurants, retail, and the Transylvania Visitor Center. These blocks are typically included in the Heart of Brevard's festival areas for vendors and live performances.
- The two blocks between Oaklawn Avenue and England Street, to the west of the current social district, are more residential in nature with smaller buildings set back further from the right-of-way and a lower density of development. Though these blocks contain two restaurants with ABC-permits, they also contain businesses that are not likely to participate, including the US Post Office, United Community Bank and Transylvania Heritage Museum. Additionally, these two blocks have historically not been included in the festival boundaries for the Heart of Brevard's special events.
- The area of the MSD / Heart of Brevard south of Jordan Street does not include any businesses with ABC licenses. Instead, it includes First Citizens Bank, Transylvania County administrative offices, and future medical offices. Including these properties may also be challenging as they are near other Transylvania County buildings and the First Baptist Church properties.
- As a taxing jurisdiction, the MSD / Heart of Brevard boundary is not intended to serve as a digestible map for the public. Following the boundaries of that map would not be easy for social district participants to understand and would make enforcement challenging. Police Chief Tom Jordan has concurred with this assessment.
- Additionally, State law requires that the boundaries of the social district be clearly designed with signs posted at all entrance and exit points. The convoluted MSD / Heart of Brevard boundary would require approximately 35 signs to be placed in order to adequately fulfill this requirement. This would likely also require

additional trashcans to be placed to ensure participants have a place to dispose of their beverages before exiting the district.

With these in mind, Staff has prepared alternative scenarios for City Council's consideration.

- Staff Alternative #1: Expand the Social District eastward along Main Street two blocks to Rice Street. This scenario would expand the district to more closely match festival footprints and accommodate the traditional stage / seating area for downtown festivals.
- Staff Alternative #2: Amend the map to show the rights-of-way where the Social District is active instead of the area where businesses may opt-in and expand the boundaries two blocks to Rice Street. In this scenario, the language of Chapter 43 would need to be amended to state that any business that *abuts* the social district would be allowed to participate. The benefits of this scenario would be that the social district boundaries would be able to extend to both sides of streets (i.e., Jordan Street) and align with the footprints of downtown festivals. However, this may be more challenging for businesses and patrons to understand.

Implementation Considerations and Next Steps

In order for the amended social district boundaries to go into effect, the social district must be re-registered with the ABC Commission, which may take several months for confirmation. Additionally, the City must order and install signage at all points of ingress / egress, update the management plan, communicate the changes with the public, and work with new business owners that may choose to participate (either by selling beverages for consumption in the social district or by allowing beverages within their establishment).

The Heart of Brevard is requesting immediate action in order for the amended social district to be in effect before White Squirrel Weekend in May. As soon as Council makes a decision, Staff will immediately begin preparations and submit the necessary documentation to the ABC Commission. However, given the time constraints, it is not guaranteed that the amended social district would be in effect by White Squirrel Weekend nor that the Heart of Brevard would be able to proceed without securing the appropriate ABC licenses for the event.

Action

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

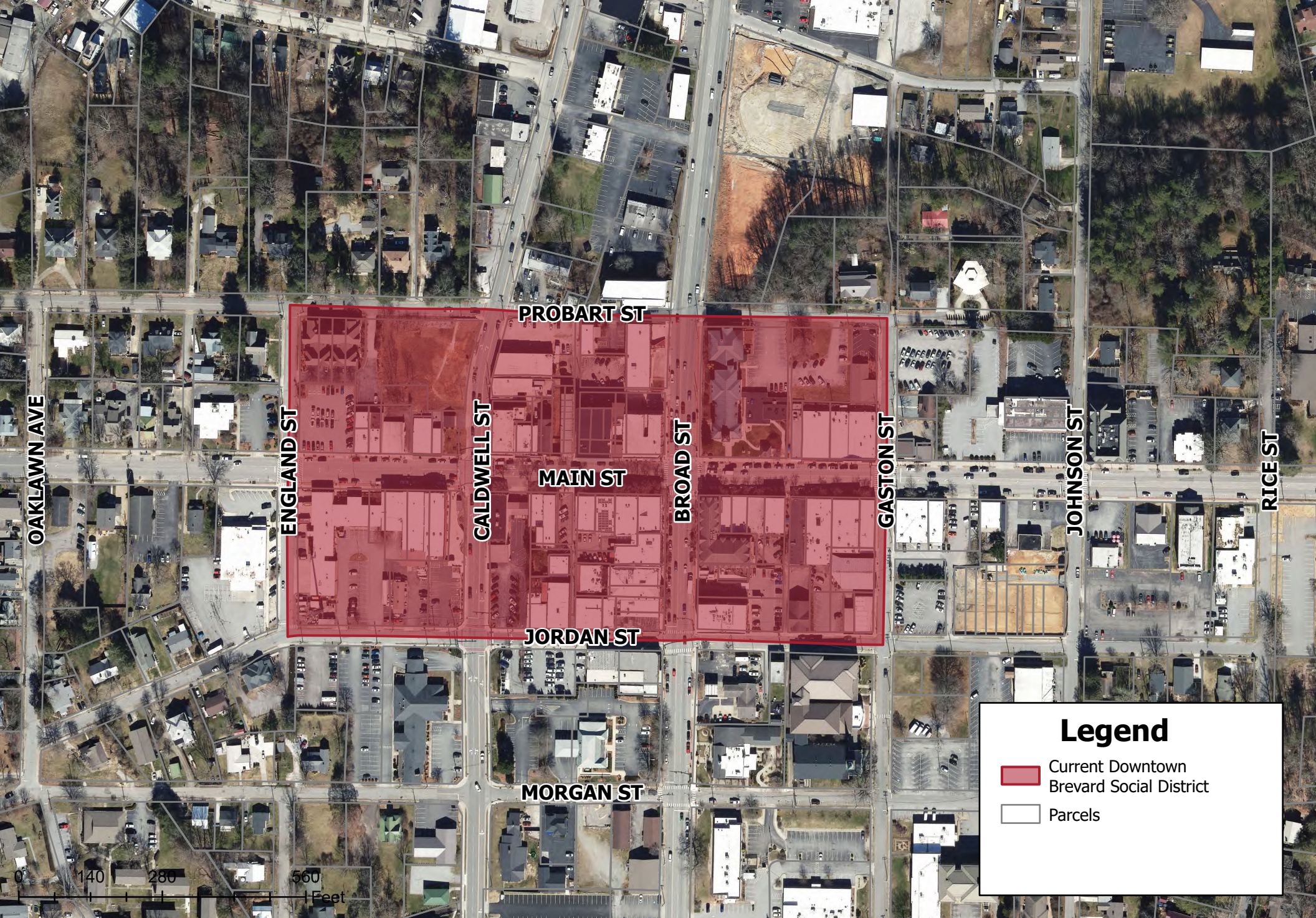
1. Schedule action for the next full City Council meeting (February 17, 2025)
2. Adopt the amendments as requested by the Heart of Brevard
3. Adopt the amendments of Staff Alternative #1
4. Adopt the amendments of Staff Alternative #2
5. Revise the amendments and adopt as revised by City Council
6. Reject the amendments

7. Refer the amendments to a specific committee for further consideration

Again, please note that postponing action may jeopardize the request's ability to get approved prior to White Squirrel Weekend in May.

Attachments:

1. Current Social District Map
2. Heart of Brevard Board of Directors Statement of Support for Expanding Brevard
3. Heart of Brevard Request Map
4. Staff Alternative #1 Map
5. Staff Alternative #2 Map
6. Text Amendment for Staff Alternative 2
7. Draft Enacting Ordinance



Legend

-  Current Downtown Brevard Social District
-  Parcels

Heart of Brevard Board of Directors Statement of Support for Expanding Brevard's Social District

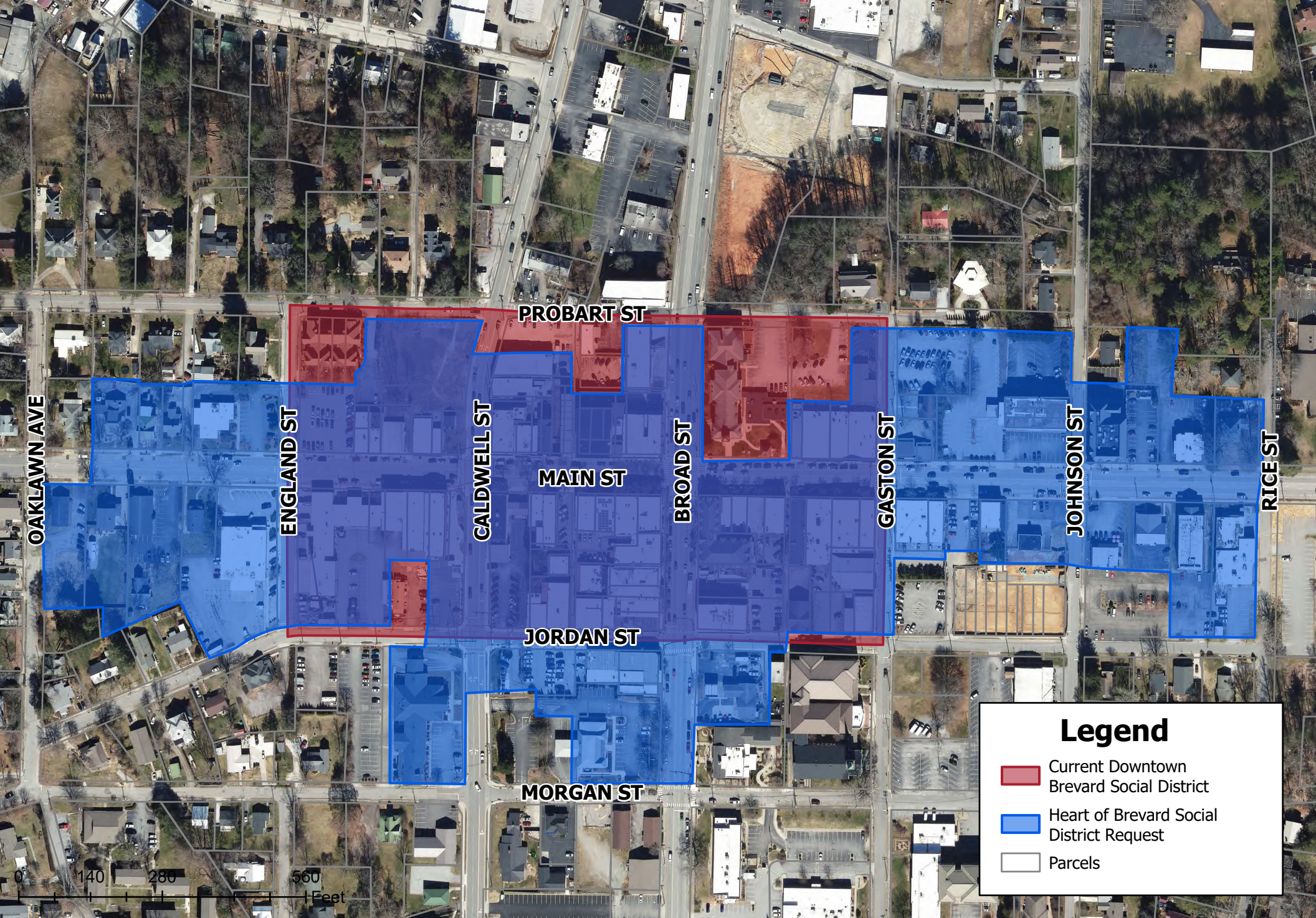
The Heart of Brevard Board of Directors wholeheartedly supports the expansion of Brevard's Social District to the full Municipal Service District (MSD), excluding the Transylvania County Courthouse and First Baptist Church properties. In addition, we support the idea of taking the City Camper site out of the current social district until all construction and development of the site has been completed. Since its launch in February 2024, the Social District has become a cornerstone of downtown Brevard, fostering economic growth, enhancing community connections, and significantly contributing to the success of major events like White Squirrel Weekend and Halloweenfest.

We estimate the Social District has generated in less than one year \$127,500 in direct beverage sales based on the 19,500 beverage stickers distributed and the proceeds from White Squirrel Weekend. This figure reflects only direct sales, underscoring the additional benefits of increased foot traffic, tourism, and retail activity across downtown businesses. Expanding the district will amplify these impacts, creating greater opportunities for local businesses and fostering long-term economic growth.

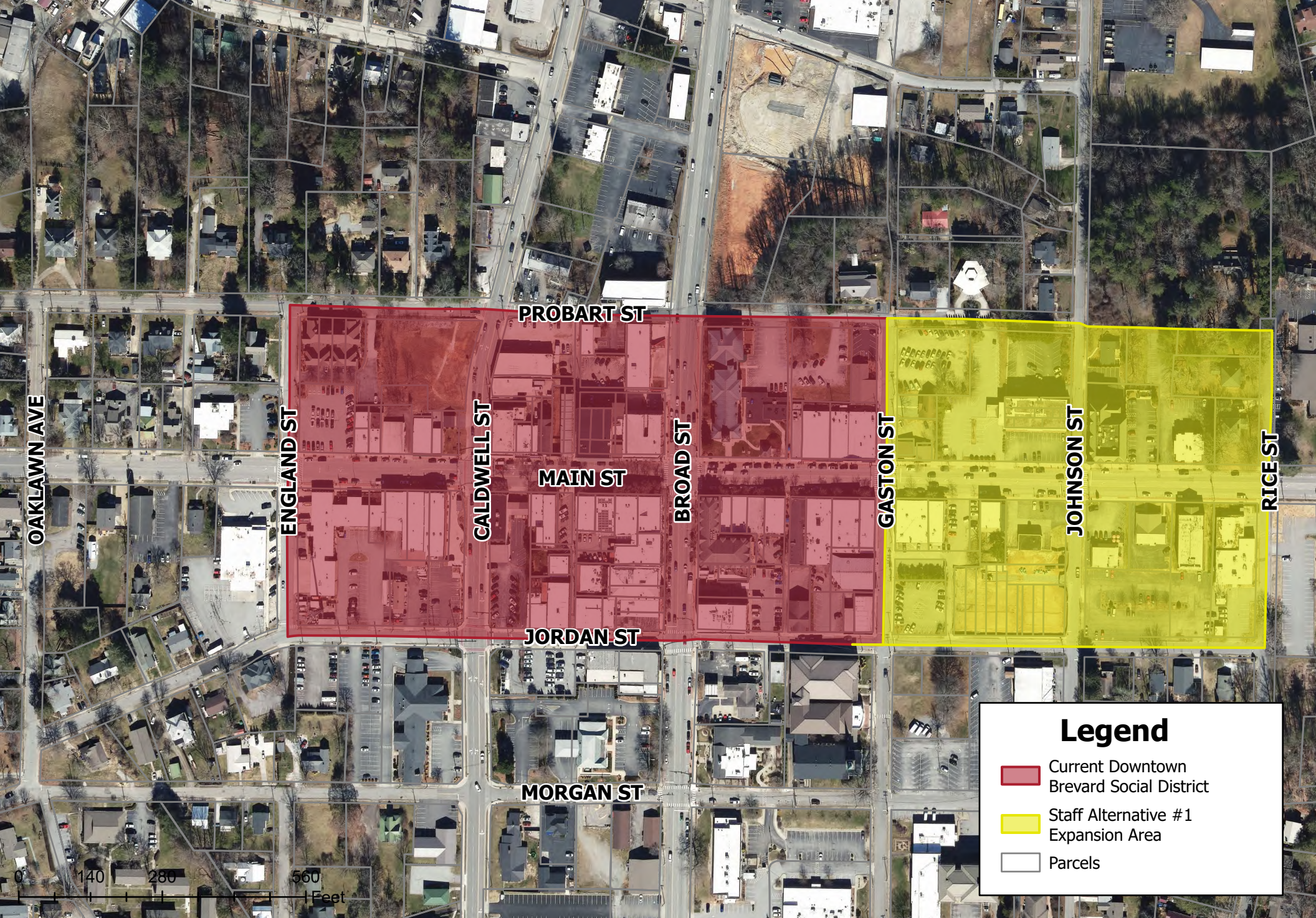
Operationally, this expansion is essential. The current six-block footprint creates logistical challenges, requiring additional permits and temporary boundaries for events. These complexities place unnecessary strain on the City of Brevard Police who must dedicate significant resources to managing these boundaries, as well as Heart of Brevard staff and volunteers. A larger, consistent district would streamline event management, allowing staff to focus on enhancing event experiences and freeing police resources to ensure overall downtown safety.

The Social District has become an integral part of Brevard's major events, encouraging attendees to explore beyond event boundaries and driving foot traffic throughout downtown. This expanded footprint will eliminate operational inefficiencies, create more inclusive opportunities for businesses to participate, and provide the flexibility to host larger-scale events that enhance community connections.

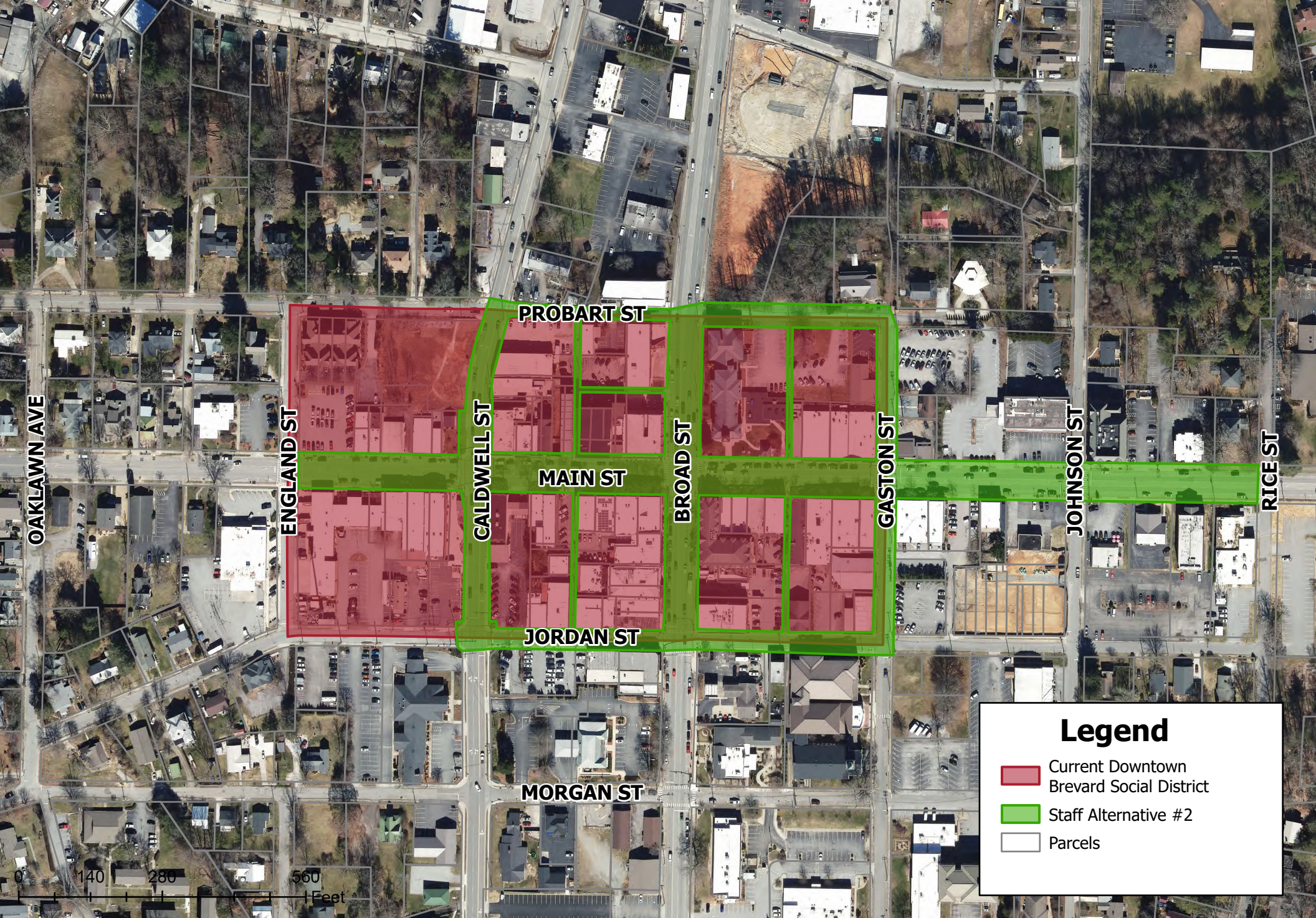
By adopting this ordinance, the City of Brevard will solidify downtown as a vibrant hub for business, culture, and tourism. Together, we can build on the success of the pilot program and ensure downtown Brevard continues to thrive as a destination where businesses succeed, events flourish, and community connections grow. Your commitment and partnership are vital to realizing this vision, and we are thankful for your continued support of our downtown.



Heart of Brevard Social District Request



Social District Staff Alternative #1



Legend

- Current Downtown
Brevard Social District
- Staff Alternative #2
- Parcels



CHAPTER 43. SOCIAL DISTRICTS

ARTICLE I. IN GENERAL

43-1. Purpose and intent.

- A. Pursuant to the provisions of N.C.G.S § 160A-205.4, et seq, a municipality may, by ordinance, designate one or more social districts within the City for use in accordance with N.C.G.S. § 18B-300.1. The social district(s) established by the City are described herein, along with the days and hours of operation.
- B. The social district(s) shall be created, designated, and managed in accordance with the requirements contained in N.C.G.S. § 160A-205.4 and Chapter 18B.
- C. The City shall establish and approve a management and maintenance plan for each established and designated social district. The plans are to be maintained and posted, along with a rendering of the boundaries of the social district and days and hours during which alcoholic beverages may be consumed in the social district on the City's website.

43-2. Reserved.

43-3. Application.

- A. The social districts shall operate during the hours and days provided within this article. At all other times, the provisions and terms contained in this article are not in effect and all provisions of state and local laws concerning the possession and consumption of alcohol shall be in full force and effect.
- B. Any alcoholic beverage purchased for consumption in a social district established by this ordinance shall:
 - 1. only be consumed in the social district or within a participating establishment, as established in Article III of this Chapter, and
 - 2. be disposed of before the person in possession of the alcoholic beverage exits the Social District.

43-4. Severability.

- A. If any section, phrase, sentence or portion of this Chapter is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE II. DISTRICTS

43-5. Downtown Brevard Social District.

- A. The social district established by the City Council pursuant to G.S. §160A-205.4 is described herein, along with the days and hours of operation.
 - 1. *Boundary.* The Downtown Brevard Social District is hereby established as shown on the "Official Downtown Brevard Social District Map," as adopted by the Brevard City Council and certified by the city clerk.



2. *Days and Hours.* The days and hours of operation for this social district shall be Monday to Sunday, from 11 a.m. to 10 p.m. At all other times, the provisions and terms contained in this article are not in effect and all provisions of state and local laws concerning the possession and consumption of alcohol shall be in full force and effect.

43-6 – 43-10. Reserved.

ARTICLE III. PARTICIPATION

43-11. Participation in general.

- A. Each ABC permittee and non-permittee located within or contiguous to an established and designated social district and voluntarily wishes to participate shall display a uniform sign, provided by the City or its designee, indicating its inclusion in the Social District, and allows alcoholic beverages on its premises when the social district is active.
- B. No business shall be required to participate or be included in the social district or to allow customers to bring alcohol onto its premises.
- C. ABC permittees and non-permittee businesses in a multi-tenant establishment located within the social district may participate in the social district regardless of whether the multi-tenant establishment has a common area entertainment permit, in accordance with N.C.G.S Chapter 18B.

43-12. Requirements for ABC permittee participation in a social district.

- A. An ABC permittee located in or contiguous to the social district may sell alcoholic beverages for consumption within the social district it is located in accordance with the following requirements:
 1. The ABC permittee shall obtain a permit from the City of Brevard;
 2. The ABC permittee shall only sell and serve alcoholic beverages on its licensed premises;
 3. The ABC permittee shall only sell alcoholic beverages for consumption in the social district for which they are located, in a container that meets the following requirements:
 - a. The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased.
 - b. The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
 - c. The container is not comprised of glass.
 - d. The container displays, in no less than 12-point font, the statement, “Drink Responsibly – Be 21.”
 - e. The container shall not hold more than 16 fluid ounces.
- B. Nothing in this section shall be construed to authorize the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in N.C.G.S. § 18B- 1010.
- C. Nothing in this section shall be construed to authorize the sale and delivery of alcoholic beverages without proper license to be obtained by the ABC permittee from the North Carolina Alcoholic Beverage Control Commission.

43-13. Requirements for non-permittee participation in a social district.



- A. A non-permittee business located in or contiguous to that is part of the social district and allows customers to bring alcoholic beverages onto its premises is not responsible for enforcement of N.C.G.S. §18B but must comply with the following requirements:
1. The non-permittee business shall post the uniform signage established by the social district indicating that customers may bring alcoholic beverages onto the premises of the non-permittee business during the days and hours that the social district is active.
 2. Clearly, post signage at any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.
 3. Allow law enforcement officers access to the areas of the premises accessible by customers during the days and hours the social district is active.

43-14. Requirements for possession and consumption of alcoholic beverages within a social district.

- A. The possession and consumption of an alcoholic beverage in an established and designated social district is subject to all of the following requirements:
1. Only alcoholic beverages purchased from an ABC permittee located in or contiguous to the social district may be possessed and consumed in the social district.
 2. Open container alcoholic beverages purchased from participating ABC permittees located in or contiguous to the social district shall only be in the containers meeting the requirements set in Section 43-12 of this article. Except for open containers sold by an ABC permittee for consumption on the ABC permittee's premises.
 3. Open container alcoholic beverages shall only be possessed and consumed during the days and hours set for in **ARTICLE II** of this Chapter for the social district in which the beverage was purchased from the participating ABC permittee.
 4. Nothing in this subsection shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set for in N.C.G.S § 18B-1010.
 5. All open container alcoholic beverages purchased from participating ABC permittees located in or contiguous to ~~within~~ the social district shall be disposed prior to a person exiting the social district boundaries, unless the person is reentering the licensed premises where the alcoholic beverage was purchased.
- B. As authorized by and subject to the limitations of N.C.G.S. § 18B-300.1(f), an ABC permittee or non-permittee business may allow a person to possess and consume on the business's premises alcoholic beverages purchased from an ABC permittee in the social district.
- C. A person, including a customer who is in possession of an open container of an alcoholic beverage authorized under this Chapter, may possess alcoholic beverages in closed containers in a social district to the extent allowed by law.

43-15. Exceptions

- A. To the extent required by applicable State law, any portion of a social district described within this Chapter that overlaps with a premises subject to a permit for on-premises consumption of alcohol issued by the North



Carolina Alcoholic Beverage Control Commission for a special event shall be suspended during the event to the extent the social district and the permitted premises are in conflict.

- B. When a special event held pursuant to the issuance of a special event permit, issued by the City, the terms of the special event permit supersede the provisions of this article within the boundaries of the special event.

43-16. Enforcement.

- A. *Infraction.* An ABC permittee, non-permittee business or person who violates or fails to comply with the provisions of this Chapter shall be subject to one or a combination of the following methods:
1. *Permit revocation, suspension, or permanent ban.* Any ABC permittee, non-permittee business or person who violates any provision of this article may be subject to its Social District Permit being revoked or suspended, or permanently banned from participating in City of Brevard social districts. Any permit revocation or permanent ban shall be reported to the North Carolina ABC Commission.
 2. *Civil penalty.* Any ABC permittee, non-permittee business, or person who violates any provision of this article may be fined by a civil penalty of \$100.00 per occurrence which may be recovered by the City in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days from the date the violator is notified of the penalty. Any other service charges imposed by this article may be collected by the City as a civil penalty in a civil action.
 3. *Equitable remedy.* The City may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.
- B. *Notice.* The City of Brevard Police Department shall serve written notice of any violation of this Chapter to the offender.
- C. *Appeal.* Any offender so assessed a violation under this Chapter shall have the right to appeal upon serving written notice of appeal on the Police Chief within 10 days of issuance of the notice of violation.

ORDINANCE NO. 2025-____

**AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES
CHAPTER 43 – SOCIAL DISTRICTS AND
THE OFFICIAL DOWNTOWN BREVARD SOCIAL DISTRICT MAP**

WHEREAS, the North Carolina General Assembly enacted legislation in 2021 allowing municipalities to designate social districts within their jurisdiction to allow alcoholic beverages sold by licensed premises to be consumed within the district, outside of the establishment where the beverage was purchased; and

WHEREAS, the City of Brevard and the Heart of Brevard worked together to propose a social district in downtown Brevard in accordance with North Carolina General Statutes 160A-205.4 and Chapter 18B; and,

WHEREAS, the City of Brevard adopted the Downtown Brevard Social District on August 21, 2023; and,

WHEREAS, the Heart of Brevard requested that the social district boundaries be amended to better correspond with the boundaries set for festivals and special events held in downtown; and,

WHEREAS, the City of Brevard and the Heart of Brevard believe that a social district is a valuable tool to increase economic activity and the vibrancy of downtown Brevard; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following adopted plans and policies:

Building Brevard 2030 Comprehensive Land Use Plan

- **Goal 7:** *Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.*
- **Economic Development, Infrastructure & Resiliency - 13:** *Consider designation of one or more social districts to encourage the food and beverage cluster.*

and,

WHEREAS, a public hearing was conducted on Monday, February 3, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Code of Ordinances be amended as outlined below.

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

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

SECTION 02. The Official Downtown Brevard Social District map is hereby amended as depicted herein as **Exhibit B** which is attached hereto and incorporated herein by reference.

SECTION 03. Staff is hereby directed to amend the management and maintenance plan for the Downtown Brevard Social District that establishes policies and procedures for enforcement of this Ordinance. The amended management and maintenance plan and the social district boundaries map shall be posted on the City's website.

SECTION 04. Staff is hereby instructed to submit a detailed map of the amended Downtown Brevard Social District, the days and hours during which the Social District shall

be in operation, and all other necessary documentation to the North Carolina Alcoholic Beverage Control Commission.

SECTION 05. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 06. 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.

Adopted and approved upon first reading this the 3rd day of February 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, February 3, 2025

Title: Property Tax Releases - January 2025

Speaker:

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

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

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 January 2025: \$86.40

Recommendation

Approve resolution to release values from the tax scroll.

Attachments:

1. 02 Resolution Tax Release February 2025

RESOLUTION 2025-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 May 2024 property values from the tax scroll in the amount of:

2025: \$ 86.40

Adopted and approved this the 3rd day of February 3, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, February 3, 2025

Title: Finance Report for the Quarter Ending December 31, 2024

Speaker: Dean M. Luebbe, Assistant City Manager/Finance Director

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

Approved by: Wilson Hooper, City Manager

Background

The Finance Department presents FY25 results as of December 31, 2024 for the major operating funds of the City. The Finance Director is happy to answer any questions.

Discussion

Tax collection rates are similar to past fiscal years. The City is hopeful that Hurricane Helene's impact on sales tax will be minimal, but should have a clearer view in the next couple months. The City is more fully staffed in FY25, which has led to higher personnel costs.

Action

No action is necessary. For information only.

Attachments:

1. 12-31-24 finance report

City of Brevard Financial Report

FY25 12-31-2024

GENERAL FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE (\$)	ACTUAL TO DATE (%)	LAST FY ACTUAL TO DATE (\$)	YoY GROWTH (%)
AD VALOREM TAXES	\$ 6,484,600	\$ 5,631,547	86.8%	\$ 5,466,809	▲ 3%
SALES AND UTILITY TAXES	3,086,850	792,257	25.7%	753,393	▲ 5%
POWELL BILL	255,000	283,149	111.0%	257,715	▲ 10%
ABC REVENUES	240,000	120,000	50.0%	60,000	▲ 100%
UTILITY FUND REIMB	661,000	330,550	50.0%	262,500	▲ 26%
INTEREST REVENUE	508,805	248,435	48.8%	258,911	▼ -4%
SANITATION REVENUE	1,253,800	597,040	47.6%	574,129	▲ 4%
MISC	545,200	304,483	55.8%	233,722	▲ 30%
DEBT PROCEEDS	-	-	#DIV/0!	200,276	▲ -100%
FUND BALANCE APPROP	70,000	-	0.0%	-	
TOTAL	\$ 13,105,255	\$ 8,307,461	63.4%	\$ 8,067,455	▲ 3%

EXPENDITURES AND ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE (\$)	ENCUMBRANCES TO DATE (\$)	TOTAL COMMITTED (%)	LAST FY EXPENDITURES TO DATE (\$)
GOVERNING BOARD	\$ 194,410	\$ 98,583	\$ 2,097	52%	\$ 113,124
ADMINISTRATION	1,049,500	487,312	39,085	50%	424,640
FINANCE	917,200	476,800	109,100	64%	423,606
PLANNING	1,005,400	491,064	113,311	60%	355,256
BUILDING AND GROUNDS	557,500	265,045	15,245	50%	236,772
POLICE	3,949,600	1,942,987	290,940	57%	1,587,779
PW ADMINISTRATION	626,000	315,773	-	50%	207,196
PW GARAGE	462,800	250,761	5,808	55%	203,673
PW STREETS LOCAL	824,400	442,844	40,149	59%	392,564
PW STREETS POWELL BILL	243,000	66,738	193,767	107%	20,802
SANITATION	1,157,600	541,947	108,227	56%	502,387
COMMUNITY CENTER	155,700	76,370	10,415	56%	59,741
RECREATION	287,900	87,904	76,166	57%	100,515
NON DEPARTMENTAL	1,674,245	935,568	-	56%	1,081,281
TOTAL	\$ 13,105,255	\$ 6,479,696	\$ 1,004,310	57%	\$ 5,709,336

FIRE FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE (\$)	ACTUAL TO DATE (%)	LAST FY ACTUAL TO DATE (\$)	YoY GROWTH (%)
TRANSYLVANIA COUNTY	\$ 646,155	\$ 266,285	41.2%	\$ 455,046	▼ -41%
TRANSFER FROM GENERAL FUND	789,745	394,872	50.0%	363,000	▲ 9%
DEBT PROCEEDS	1,550,000	-	0.0%	694,588	
OTHER REVENUES	6,000	67,432	1123.9%	10,534	▲ 540%
FUND BALANCE APPROP	-	-	0.0%	-	
TOTAL	\$ 2,991,900	\$ 728,589	24.4%	\$ 1,523,168	▲ -52%

EXPENDITURES AND ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE (\$)	ENCUMBRANCES TO DATE (\$)	TOTAL COMMITTED (%)	LAST FY EXPENDITURES TO DATE (\$)
PERSONNEL	\$ 730,500	\$ 413,529	\$ -	57%	\$ 334,341
OPERATING	362,400	214,753	-	59%	180,191
CAPITAL	1,550,000	764,465	845,871	104%	-
DEBT PAYMENTS	349,000	176,197	-	50%	52,997
TOTAL	\$ 2,991,900	\$ 1,568,944	\$ 845,871	81%	\$ 567,529

WATER FUND

REVENUES	CURRENT BUDGET	ACTUAL TO DATE (\$)	ACTUAL TO DATE (%)	LAST FY ACTUAL TO DATE (\$)	YoY GROWTH (%)
CHARGES FOR SERVICES	\$ 6,931,300	\$ 3,460,281	49.9%	\$ 3,310,831	▲ 5%
METER AND CONNECTION FEES	340,000	109,285	32.1%	175,886	▼ -38%
OTHER REVENUES	161,500	85,150	52.7%	63,000	▲ 35%
TRANSFER IN	-	-			
FUND BALANCE APPROP	-	-		-	
TOTAL	\$ 7,432,800	\$ 3,654,716	49.2%	\$ 3,549,717	▲ 3%

EXPENDITURES AND ENCUMBRANCES	CURRENT BUDGET	EXPENDITURES TO DATE (\$)	ENCUMBRANCES TO DATE (\$)	TOTAL COMMITTED (%)	LAST FY EXPENDITURES TO DATE (\$)
PERSONNEL	\$ 2,158,200	\$ 980,589	\$ -	45%	\$ 850,888
OPERATING	2,410,100	997,464	431,853	59%	1,044,775
CAPITAL	141,000	116,654	-	83%	135,591
TRANSFERS OUT	1,018,800	330,500	-	32%	225,000
DEBT PAYMENTS	1,704,700	161,970	-	10%	167,271
TOTAL	\$ 7,432,800	\$ 2,587,177	\$ 431,853	41%	\$ 2,423,525

- At 12-31-2024, expenses and revenues which flow evenly throughout the year, should approximate 50% of budgeted amounts. However, Sales and Utility tax revenues are on a three month lag. (Although not reported here, the first full month of sales tax after Hurrican Helene (October 2024, received in January 2025) was 5% higher than the previous fiscal year)

- 90% of real property taxes have been received as of 12-31-2024. Real property and vehicle taxes are highlighted as "Ad Valorem Taxes" under General Fund revenues and they show 86.8% collected as vehicle taxes are collected more evenly through the fiscal year at approximately \$25,000 per month.

- General Fund expenditures are \$770,000 higher than the previous fiscal year. \$140,000 of this amount relates to an insurance allocation recorded in January of 2024 of the previous fiscal year. Many departments are more fully staffed than last year, and certain capital expenditures have been paid in the first half of FY25. Police, Planning, and Public Works Admin have shown the biggest increases. The Finance Department is monitoring these situations.

- Fire Fund expenditures show an increase from \$567,529 in FY24 to \$1,568,944 in FY25. Over 887K of this amount relates to budgeted capital expenditures and debt payments.

- In the Water and Sewer Fund, meter and connection fees are at \$109,285 in FY25, as compared to \$175,886 in the previous fiscal year due at least in part to Hurrican Helene.

- Water and Sewer debt payments appear very low, but the majority (1.3M) are due in May of 2025.

STAFF REPORT

City Council, Monday, February 3, 2025

Title: Budget Amendment 25-03, Insurance Proceeds

Speaker: Dean M. Luebbe, Assistant City Manager/Finance Director

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

Approved by: Wilson Hooper, City Manager

Background

The City has incurred larger than normal insurable events in the first half of FY25, and wishes to record a budget amendment to increase both unplanned expenditures and insurance reimbursements related to the insurable events.

Discussion

In past fiscal years, the Finance Director has requested a budget amendment related to insurance closer to the end of a fiscal year, but the higher dollar amounts of the events this fiscal year warrant a mid-year entry.

Fiscal Impact

Budgeted revenues and expenditures will increase in the General and Fire funds.

Recommendation

Adopt budget amendment as presented.

Attachments:

1. Budget Amendment Ordinance \$116,000 insurance proceeds
2. FY25 budget amendments
3. GL summaries for insurance proceeds

ORDINANCE NO. 2025-XX
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-03

SUBJECT: Budget Amendment for insurance proceeds from July 1, 2024 through December 31, 2024

AGENDA INFORMATION

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

BRIEF SUMMARY: The City has incurred a higher-than-normal dollar amount of insurable events in the first half of fiscal year 2025 and wishes to propose a budget amendment to increase expenditures and record the insurance proceeds. The events included a severely damaged sanitation truck, a totaled 2022 police car, and three events involving loss in the fire department.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-03, as submitted, increasing the budget in expenditure account:

10-5100-7400 (Capital Outlay)	\$31,100
10-5800-7400 (Capital Outlay)	\$57,300
10-5800-4500 (Contracted Services)	\$13,200
40-5300-4500 (Contracted Services)	\$14,400
TOTAL	\$116,000

And increasing the budget in revenue account:

10-3660-0000 (Insurance Proceeds)	\$101,600
40-3600-0000 (Insurance Proceeds)	\$14,400
TOTAL	\$116,000

ATTACHMENTS: None.

MANAGER’S RECOMMENDATION: Adopt as presented.

Approved and adopted this third day of February 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

Budget Amendment Number 25-03

Fiscal Year 2024-2025

	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
	10-5100-7400	Capital Outlay	31,100.00	
	10-5800-7400	Capital Outlay	57,300.00	
	10-5800-4500	Contracted Services	13,200.00	
	10-3600-0000	Insurance Proceeds		101,600.00
	40-5300-4500	Contracted Services	14,400.00	
	40-3600-0000	Insurance Proceeds		14,400.00
		TOTAL DEBITS/CREDITS	116,000.00	116,000.00

EXPLANATION:

Insurance proceeds 7/1/24 thru 12/31/24.

JE# _____ **SYSTEM #** _____ **Date Posted** _____ **BY:** _____

Fiscal Year _____ **Month** _____ **Finance Director Signature** _____ **Date** _____

CITY OF BREVARD
DETAIL ACCOUNT INQUIRY BY ACCOUNT

FY 2024-2025

PERIOD: 07/01/2024 TO 12/31/2024

10-3600-0000 INSURANCE PROCEEDS

				<u>BUDGET</u>	<u>PERIOD TO DATE</u>	<u>ENCAMT</u>	<u>REM BAL</u>
				0.00	-101,376.36	0.00	-101,376.36
<u>DATE</u>	<u>MOD</u>	<u>REFERENCE</u>	<u>JE # or VOUCHER#</u>	<u>CHECK#</u>	<u>DEBIT</u>	<u>CREDIT</u>	<u>BALANCE</u>
BALANCE FORWARD							0.00
08/23/2024	FL	INS-SANI TRUCK TOWING 7/24/24	8516			5,775.00	-5,775.00
10/25/2024	FL	AMTS TO BE DIST-VARIOUS	8669			57,250.00	-63,025.00
11/03/2024	FL	AMTS TO BE DISTRIBUTED-VARIOUS	8678			7,332.36	-70,357.36
11/04/2024	FL	AMTS TO BE DIST-POLICE VEHICLE	8682			31,019.00	-101,376.36
SUBTOTALS FOR ACCOUNT 10-3600-0000 :					0.00	101,376.36	
					0.00	101,376.36	

CITY OF BREVARD
DETAIL ACCOUNT INQUIRY BY ACCOUNT

FY 2024-2025

PERIOD: 07/01/2024 TO 12/31/2024

40-3600-0000 INSURANCE PROCEEDS				BUDGET	PERIOD TO DATE	ENC AMT	REM BAL
				0.00	-14,346.52	0.00	-14,346.52
DATE	MOD	REFERENCE	JE # or VOUCHER#	CHECK#	DEBIT	CREDIT	BALANCE
BALANCE FORWARD							0.00
10/25/2024	FL	AMTS TO BE DIST-VARIOUS	8669			2,492.00	-2,492.00
11/03/2024	FL	AMTS TO BE DISTRIBUTED-VARIOUS	8678			8,251.52	-10,743.52
12/20/2024	FL	PROCESS AMTS TO BE DISTRIBUTED	8776			3,603.00	-14,346.52
SUBTOTALS FOR ACCOUNT 40-3600-0000 :					0.00	14,346.52	
					0.00	14,346.52	

STAFF REPORT

City Council, Monday, February 3, 2025

Title: Budget Amendment 25-04 - Mower purchase, NCLM Safety Grant

Speaker: Dean Luebbe

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

Approved by: Wilson Hooper, City Manager

Background

The City wishes to purchase a John Deere Q850R mower, which will provide more stability for City employees on slopes exceeding 20 degrees. The City received a recommendation for this equipment from OSHA after a voluntary inspection. The League of Municipalities will cover \$5,000 of this purchase, in the form of a Safety Grant.

Fiscal Impact

The overall General Fund budget will be increased by \$12,900, and fund balance will be reduced by \$7,900.

Recommendation

Adopt budget amendment 25-04 as presented.

Attachments:

1. Budget Amendment Ordinance \$116,000 insurance proceeds
2. budget amendment 25-04
3. 11-8-24 letter from City requesting grant
4. mower quote - Meade Tractor

ORDINANCE NO. 2025-XX
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-03

SUBJECT: Budget Amendment for insurance proceeds from July 1, 2024 through December 31, 2024

AGENDA INFORMATION

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

BRIEF SUMMARY: The City has incurred a higher-than-normal dollar amount of insurable events in the first half of fiscal year 2025 and wishes to propose a budget amendment to increase expenditures and record the insurance proceeds. The events included a severely damaged sanitation truck, a totaled 2022 police car, and three events involving loss in the fire department.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-03, as submitted, increasing the budget in expenditure account:

10-5100-7400 (Capital Outlay)	\$31,100
10-5800-7400 (Capital Outlay)	\$57,300
10-5800-4500 (Contracted Services)	\$13,200
40-5300-4500 (Contracted Services)	\$14,400
TOTAL	\$116,000

And increasing the budget in revenue account:

10-3660-0000 (Insurance Proceeds)	\$101,600
40-3600-0000 (Insurance Proceeds)	\$14,400
TOTAL	\$116,000

ATTACHMENTS: None.

MANAGER’S RECOMMENDATION: Adopt as presented.

Approved and adopted this third day of February 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

Budget Amendment Number 25-04
Fiscal Year 2024-2025

	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
	10-5000-7400	Capital Outlay	12,900.00	
	10-3940-0000	NCLM Safety Grant		5,000.00
	10-3990-0000	Fund Balance		7,900.00
		TOTAL DEBITS/CREDITS	12,900.00	12,900.00

EXPLANATION:

John Deere Q850-R mower purchase funded partially by NCLM Safety Grant.

JE# _____ **SYSTEM #** _____ **Date Posted** _____ **BY:** _____

Fiscal Year _____ **Month** _____ **Finance Director Signature** _____ **Date** _____



CITY of BREVARD

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

November 8, 2024

Re: City Manager Approval of WC Grant Submission

To whom it may concern,

I am the City Manager of the City of Brevard. I would like to approve the grant submittal for the FY25 Safety Grant. Participants of the Workers Compensation and Property & Casualty programs are eligible to participate in this grant program whereby the league will help pay the cost of resources intended to reduce injuries and liability claims.

This grant will be used for the purchase of a John Deere Q850R Commercial Quik Trak R Series mower that is rated to mow up to 20° slopes while riding and can be used as a walk behind mower for the extreme slopes throughout our city. We voluntarily had an OSHA inspection earlier this year and they recommended that we have mowers that can handle the higher degree slopes that we have in this region of Western North Carolina.

I have reviewed and approve the purchase of John Deere Q850R Commercial Quik Trak R Series mower with a total cost of \$13,550.00. This will have a huge safety impact and safeguard our Building and Grounds employees from the life-threatening accidents that can occur when using a traditional riding mower.

Thank you for your consideration and helping to make our employees safe,

Wilson B. Hooper
City Manager

City of Brevard
95 W Main St.
Brevard, North Carolina
(828) 885-5602
Wilson.Hooper@cityofbrevard.com
www.cityofbrevard.com

Quote Id: 32207808

Prepared For:
CITY OF BREVARD PUBLIC WORKS FACILITY



Prepared By: **Chris Daves**

Meade Tractor
30 Carland Circle
Mills River, NC 28759

Tel: 828-891-8111
Fax: 828-891-0032
Email: cdaves@meadetractor.com

Date: 14 January 2025

Offer Expires: 31 January 2025

Confidential



Quote Id: 32207808

14 January 2025

CITY OF BREVARD PUBLIC WORKS FACILITY
494 CASHIERS VALLEY RD
BREVARD, NC 28712

Greetings,

We at Meade Tractor are thankful for the opportunity to prepare this quote for you. We appreciate the confidence you have shown in our equipment, our company and our ability to provide solutions for you and/or your business.

Please feel free to follow up with any questions you may have regarding this quote.

If we did not meet your expectations in the preparation and delivery of the quote, please let us know how we can improve to better meet your needs.

Thanks again for your time and consideration and we look forward to following up soon.

For the equipment you need, think Meade.

Chris Daves
828-891-8111
Meade Tractor

Quote Summary

Prepared For:

CITY OF BREVARD PUBLIC WORKS FACILITY
 494 CASHIERS VALLEY RD
 BREVARD, NC 28712
 Business: 828-884-2171

Prepared By:

Chris Daves
 Meade Tractor
 30 Carland Circle
 Mills River, NC 28759
 Phone: 828-891-8111
 cdaves@meadetractor.com

Quote Id: 32207808
Created On: 14 January 2025
Last Modified On: 14 January 2025
Expiration Date: 31 January 2025

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE Q850R Commercial QuikTrak R Series	\$ 12,900.00 X	1 =	\$ 12,900.00
Equipment Total			\$ 12,900.00

Quote Summary

Equipment Total	\$ 12,900.00
SubTotal	\$ 12,900.00
Sales Tax - (6.75%)	\$ 870.75
Est. Service Agreement Tax	\$ 0.00
Total	\$ 13,770.75
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 13,770.75

Salesperson : X _____

Accepted By : X _____

**JOHN DEERE**

Selling Equipment

Quote Id: 32207808

Customer: CITY OF BREVARD PUBLIC WORKS FACILITY

JOHN DEERE Q850R Commercial QuikTrak R Series

Hours:

Stock Number:

				Selling Price
				\$ 12,900.00
Code	Description	Qty	Unit	Extended
23E0TC	Q850R Commercial QuikTrak R Series	1	\$ 13,999.00	\$ 13,999.00
Standard Options - Per Unit				
001A	United States/Canada	1	\$ 0.00	\$ 0.00
1040	24x12N12 Michelin X Tweel Tire.	1	\$ 1,357.00	\$ 1,357.00
1502	54 In. 7-IRON PRO™ Side Discharge Mower Deck	1	\$ 0.00	\$ 0.00
Standard Options Total				\$ 1,357.00
Value Added Services Total				\$ 0.00
Other Charges				
	FUEL/FREIGHT	1	\$ 25.00	\$ 25.00
	Freight	1	\$ 200.00	\$ 200.00
	EnviroCrate	1	\$ 65.00	\$ 65.00
	Setup	1	\$ 135.00	\$ 135.00
Other Charges Total				\$ 425.00
Suggested Price				\$ 15,781.00
Customer Discounts				
Customer Discounts Total			\$ -2,881.00	\$ -2,881.00
Total Selling Price				\$ 12,900.00

MINUTES
City Council Public Safety Committee

Monday, November 25, 2024 – 3:30 PM
City Hall Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Mac Morrow, Vice-Chair, Council Member
Kevin Gallo, Citizen Member
Mayor Mauren Copelof, Ex-Officio Member

Staff Present Wilson Hooper, City Manager
Tom Jordan, Police Chief
Bobby Cooper, Fire Chief
Becky McCann, Communications Coordinator
Aaron Bland, Assistant Planning Director
Selena Coffey, Assistant to the City Manager

Guests: Linda Gallo, Lani Callison, Monica Driscoll, Bill Shamrock, and Don Rowe

A. Welcome & Call to Order

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

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes of October 28, 2024 Meeting

Motion by Mr. Morrow, seconded by Mr. Gallo to approve the minutes of the October 28, 2024 meeting as presented. The motion passed unanimously.

E. Update on Traffic Calming Measures

Mr. Hooper reported to the Committee about speed cushions placed on Probart Street and that the next speed cushions will be installed within the next month. He

shared that staff is currently considering the use of these traffic calming measures on Kilpatrick Street and Pisgah Drive. Mr. Morrow asked about a four-way stop and crosswalk at Rosenwald and Mr. Hooper agreed to have staff research this and determine if a three-way stop or crosswalk may be feasible notwithstanding this section's geometric challenges.

Mr. Baker requested a staff review of Fisher Road from McLean to the school for consideration of a sidewalk, which Mr. Hooper agreed to look into. Mr. Gallo distributed photos with suggested locations for future speed cushions on Probart Street, the Committee discussed, and Mr. Hooper agreed to have staff review the suggestions to determine if they were feasible. Mr. Hooper will continue work on traffic calming measures, reporting back at the next Committee meeting.

F. Police Department Accreditation Grant Award

Police Chief Jordan reported that the Brevard Police Department received a two-year grant from the Community Oriented Policing Division of the U.S. Department of Justice for \$131,524 for the Department's accreditation process. Funds will be used to ensure that the Department's new physical location will provide adequate space for evidence storage and evidence management policies are appropriate. Mr. Hooper and Chief Jordan shared the benefits of being an accredited agency, such as discounts on insurance and other expenditures.

G. Resolution Supporting Changing State Law regarding Age for Purchase of Tobacco/Vaping Products

Guest Lani Callison, Regional Tobacco Control Manager for the North Carolina Department of Health and Human Services, was in attendance to provide a presentation regarding a request for the City to endorse a resolution supporting changing State law to match Federal law for increasing the age for purchase of tobacco and vaping products from 18 to 21 years of age. The Committee discussed the request at length.

Mr. Gallo moved to recommend City Council's adoption of a resolution asking the State to change the North Carolina law increasing the age for purchase of tobacco and vaping products to 21 years of age. Mr. Morrow seconded, and the Committee voted unanimously to support the motion.

H. Vehicle & Pedestrian Safety at West Main Street and Oaklawn Avenue Intersection

Mr. Baker shared with the Committee that the intersection of West Main Street and Oaklawn Avenue had been brought up at a recent City Council meeting due to pedestrian and vehicle safety concerns. Mr. Hooper noted that he will be asking City Council at its upcoming meeting to authorize staff to approach the North Carolina Department of Transportation (NCDOT) and ask to take over West Main Street. He

noted that, if this is granted, the City will be able to change this intersection to make it safer. The Committee discussed the benefits of the City having ownership of this section with regard to ensuring additional safety measures are implemented. Mr. Bland noted that the process for having the City take over the Street could take up to a year depending on the State's timing of the decision.

I. School Crossing Safety

Chief Jordan provided history and an update on the Brevard Police Department's practices for staffing school crossings. He shared that the Department provides staffing at Brevard Elementary School in the mornings by 7:25am and afternoons at the end of the school day and an additional staff member on the other side of the school on Elm Bend in the mornings and afternoons. The Committee discussed NCDOT's future improvements at the Elementary School. Mr. Baker asked that the Committee be provided with the concept plans for these improvements.

J. Planned Timelines for Improvements to Certain Crossings within Multi-Use Path

Mr. Baker introduced this agenda item asking for reports on the crossings at Rosman Highway and McLean Road. Mr. Hooper noted that the City has flashing lights that can be installed at McLean Road. He noted that Rosman Highway may require some negotiation with the State for a commitment for them to install a crosswalk and sidewalk to this area. Mr. Morrow noted that this project is included and at the top of the State Transportation Improvement Plan (STIP) for fiscal years 2026-2032.

Mr. Baker then raised the issue of the crossing at Asheville Highway and a recent cycle accident. Chief Jordan addressed the accident and indicated that the system worked the way it should have, but indicated that the driver was not attentive, which caused the accident.

Mr. Baker raised an issue brought to him by a resident regarding the alignment of the Probart Street crossing. Mr. Hooper agreed that the crosswalk is awkward, but that geometry makes the crosswalk difficult. He indicated that having the crosswalk that close to a stop sign is not ideal, but other alternatives would be challenging due to the Manual on Uniform Traffic Control Devices (MUTCD) standards. The Committee and Mr. Hooper continued this discussion of potential improvements, including the possibility of redesigning the curb in that area.

K. Public Comment

Bill Shamrock expressed concern regarding traffic hazards at trail crossings in the City, but specifically addressed the bike trail from McLean to Probart. He asserted that flashing lights are needed at the McLean crossing due to vehicular traffic



speeds. He also asserted that the stop sign needs to be in front of the crosswalk on Probart Street and that stop signs shouldn't be used to control speed.

Don Rowe shared his concern about the intersection of South Oaklawn Avenue and Carver Street being a dangerous intersection due to poor visibility and speeding vehicles. Mr. Hooper asked Mr. Roe if he might be willing to sell or donate a portion of his yard, removing some bushes to improve the sightline. Mr. Roe indicated that he would be willing to consider this.

Linda Gallo expressed appreciation for the speed cushion installations and for the Police Department's staffing of school crossings. She suggested that parents may be invited to volunteer to assist with school crossings in the future.

Monica Driscoll spoke about the parents' responsibility to stay with their children until staff arrives at school crossings and her agreement that the City should adopt the resolution increasing the age for purchase of tobacco and vape products. Ms. Driscoll asked that the City consider the use of overhead crossings for the multi-use path street crossings.

City Communication Coordinator Becky McCann read an email from a resident, Kellyn Haight, expressing concern about speeding on Carolina Avenue.

L. Set Date for Next Meeting

The Committee rescheduled the December 23, 2024 meeting for Monday, January 6, 2025 at 3:30PM. The meeting will be held at City Hall. Mr. Hooper noted that City Council had a meeting in the room that evening but indicated that there could be a short Committee meeting agenda or that the Committee could meet in another space on that date.

M. Adjourn

There being no further business, the meeting was adjourned at 5:15 PM.

Minutes Approved: January 6, 2025

X 

Aaron Baker
Chair, Council Member

X 

Selena Coffey
Assistant to the City Manager



Figure 1.1

Figure 1.1 shows the relationship between the variables in the model. The variables are arranged in a hierarchical structure, with the most important variables at the top and the least important at the bottom. The variables are arranged in a hierarchical structure, with the most important variables at the top and the least important at the bottom.



MINUTES

City Council Public Works & Utilities Committee

Thursday, December 5, 2024 – 3:30 PM
City Council Chambers

Members Present: Mac Morrow, Chair, Council Member
Lauren Wise, Vice-Chair, Council Member
Owen Carson, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: Wilson Hooper, City Manager (arrived at 3:55pm)
David Todd, Assistant City Manager/Infrastructure, Utilities, Public Works
Dean Luebbe, Assistant City Manager/Finance Director
Dennis Richardson, Water Treatment Plant Supervisor
Emory Owen, Wastewater Treatment Plant Supervisor
Aaron Winans, Wastewater Treatment Plant Staff
Becky McCann, Communications Coordinator
Selena Coffey, Assistant to the City Manager

Guests: Harvey Sankey

A. Welcome and Call to Order

Committee Chair Mac Morrow called the meeting to order at 3:34 pm.

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes – November 6, 2024 Meeting

Motion by Mr. Carson, seconded by Mr. Wise, to approve the minutes of the November 6, 2024 meeting as presented. The motion carried unanimously.

E. Discussion of Special Order of Consent

Mr. Todd introduced the agenda item regarding entering into a special order of consent for the City's wastewater treatment system. Mr. Luebbe provided financial implications regarding the potential order, noting that the City has approximately \$10,000 in fines

and the North Carolina Department of Environmental Quality (DEQ) would forgive 75% of these fines with improvements to the system and equipment that staff is currently correcting. Mr. Todd, Mr. Luebbe, and Mr. Owen submitted that they shared mixed opinions about entering into the special order of consent and asked for the Committee's input into the matter.

Committee members and staff continued extensive discussion regarding the advantages and disadvantages of proceeding with the special order of consent.

After considerable discussion, the Committee recommended that City staff continue working with DEQ staff and reconsider later before proceeding with the special order of consent.

F. Staff Update on KCI Capacity Projections

Mr. Todd shared a presentation by KCI Technologies (KCI), noting that staff had heard an extensive presentation by KCI representatives and wanted to share the information with the Committee. He stated that KCI had finished the initial phase of their study in reviewing City's land to determine the feasibility of using the current wastewater treatment plant site and adding modern equipment. The second phase of KCI's work was to evaluate the City's wastewater treatment capacity by looking at developable and currently developed acreage in the City limits and in its extra-territorial jurisdiction (ETJ).

(KCI presentation attached to minutes)

Mr. Todd reviewed the KCI presentation in its entirety, focusing on capacity projections for future years, responding to questions from the Committee as necessary. Mr. Todd noted that the City's plant is currently designed for 2.5 million gallons per day (MGD), but staff is realizing that the plant can only operate on 1.6 MGD, attributed to a much higher concentration of waste now than when the plant was built due to older and less efficient equipment. The KCI study reveals that the current site can accommodate a 5.0 MGD plant and they have recommended that the City develop a phasing plan to arrive at a 4.0 MGD plant in order to best plan for the future. Mr. Todd recommended that the City plan for a 3.0 MGD plant since the City has the footprint for a 5.0 MGD plant available for future needs.

The Committee had extensive discussion regarding the KCI study and its recommendations. Manager Hooper noted that the KCI projections did not consider the possibility of significant expansion to the system all at once, nor did KCI calculate the cost of adding significant industrial capacity within their study. He noted that it is important for the City to build a system that incorporates capacity for economic development and unanticipated growth. Mr. Wilson also emphasized that building a larger plant and spending more on the front end would be a positive approach if the City was willing to spend more upfront in planning for the future.

Committee members were pleased to hear that the current site could be used for expansion and noted that it would be difficult to find another site.

Mr. Todd noted the next steps as staff visiting other sites to look at equipment and technology being used in other jurisdictions. Mr. Hooper stated that additional follow-up and information was needed from KCI regarding stakeholders such as Transylvania County and Rosman regarding the potential for a regional plant. He further suggested that KCI may be able to present their final recommendations to the Committee and City Council in spring of 2025.

G. Public Comment

Harvey Sankey asked about NCDEQ's role regarding the City's wastewater treatment plant design and whether the City builds a 2.5 MGD or 4.0 MGD plant. Mr. Todd responded that he believes that DEQ will allow the City to build in phases. Mr. Sankey then asked Mr. Hooper about the potential for grants. Mr. Hooper reminded the group that the City has maintained \$12.5 million of the \$13 million that it received from the State for the project and applications for additional grants will be dependent on the final cost estimate for the project.

H. Set Date for Next Meeting

With the next scheduled meeting of the Committee falling on January 1, 2025, the Committee decided to reschedule the meeting to *Thursday, January 9, 2025* at 3:30pm in Council Chambers.

I. Adjourn

There being no further business, Mr. Wise moved to adjourn, seconded by Mr. Carson. Meeting adjourned at 4:55pm.

Minutes Approved:

January 9, 2025



Mac Morrow
Chair, Council Member



Selena D. Coffey
Assistant to the City Manager

MINUTES

CITY COUNCIL HOUSING COMMITTEE

Tuesday, December 10, 2024 – 3:45 PM

City Hall Council Chambers

Members Present: Pamela Holder, Chair, City Council Member (arrived at 3:55pm)
Aaron Baker, Vice Chair, City Council Member
Victor Foster, Citizen Member
Mayor Maureen Copelof, Ex-Officio (arrived at 3:51pm)

Members Absent: None

Staff Present: Emily Brewer, Planner
Becky McCann, Communications Coordinator
Selena Coffey, Assistant to the City Manager

Guests: Monica Driscoll

A. Welcome and Call to Order

Vice-chair Aaron Baker welcomed everyone and called the meeting to order at 3:30pm.

B. Certification of Quorum

Quorum was certified by Assistant to the City Manager Selena Coffey, with two of three members present initially.

C. Approval of Agenda

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

D. Approval of Minutes – November 19, 2024 Meeting

Mr. Foster made the motion to approve the November 19 meeting minutes, seconded by Mr. Baker. The motion carried unanimously.

E. Fairhaven Meadows Funding Request Update

Ms. Brewer provided a brief update on the affordable housing project, Fairhaven Meadows project. The project was originally planned for 60 apartment units but was

reduced to 42 units due to construction costs. Ms. Brewer noted that the developer, Commonwealth Companies, still has a \$1.7 million funding gap, which needs to be filled before tax credits expire in March 2025. She noted that the developer is negotiating a loan, but there will continue to be a funding gap after receipt of the loan. Ms. Brewer shared that Mayor Copelof had sent a letter to Transylvania County Commissioners to advocate for County funding to offset \$524,000 for utility-related expenses and an additional \$84,000 to waive building permit fees for the project.

The Committee discussed the funding gap and the need to receive offsetting funding from Transylvania County and/or the Asheville Regional Housing Consortium for the project to move forward. Mayor Copelof informed the Committee that she and the Mayor Pro Tem and City Manager Wilson Hooper will be advancing the funding request when they meet with County leaders this week. Ms. Copelof suggested that she will ask that the request be placed on the County's agenda for the Board of Commissioners' consideration.

No action was taken on this matter.

F. DFI Progress Update

Ms. Brewer updated the Committee that there was good participation for the community input sessions on the future affordable housing development in the Azalea/Rhododendron neighborhood. She noted that the majority of those in attendance were supportive of the project and that DFI will be publishing a survey this week for additional input. Ms. Brewer concluded that the next step will be for DFI to summarize the input received and refine the public interests for presentation to the Committee and/or City Council in January 2025.

The Committee discussed the project, and the community input received to date, as well as potential funding to further the project along once it is initiated.

No action was taken on the topic.

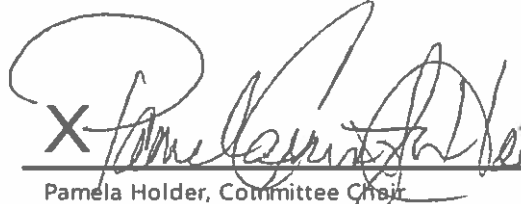
G. Set Date for Next Meeting

The next meeting of the Committee is scheduled for Tuesday, January 14, 2025 at 3:45pm.

H. Adjourn

Ms. Holder asked for a motion to adjourn. Mr. Foster moved to adjourn, seconded by Mr. Baker. Meeting adjourned at 4:15pm.

Minutes Approved: January 14, 2025

X 
Pamela Holder, Committee Chair
City Council Member

X 
Selena D. Coffey
Assistant to the City Manager



MINUTES

COUNCIL DOWNTOWN MASTER PLAN COMMITTEE

Wednesday, December 11, 2024 – 4:00 PM

City Hall Council Chambers

Members Present: Gary Daniel , Chair, Council Member
Billy Parrish, Heart of Brevard Representative
Lee McMinn, Citizen Member
Nicole Bentley, Executive Director, Heart of Brevard
Parker Platt, At-Large Member
Mayor Maureen Copelof, Ex-Officio

Members Absent: Pamela Holder, Vice Chair, Council Member

Staff Present: Wilson Hooper, City Manager
Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director
Selena Coffey, Assistant to the City Manager

Guests: Maggie DeLap, Platt Architecture
Doug Miller

Media: Jon Rich, Transylvania Times

A. Welcome & Call to Order

Committee Chair Gary Daniel welcomed everyone and called the meeting to order at 4:00pm.

B. Certification of Quorum

Quorum was certified by Assistant to the City Manager Selena Coffey.

C. Approval of Agenda

Mr. McMinn moved, seconded by Ms. Bentley to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes of September 19, 2024 Meeting

Mr. McMinn moved, seconded by Mr. Platt to approve the minutes of the September 19, 2024 meeting as presented. The motion carried unanimously.

E. Presentation Regarding Bike Connectivity to Downtown

Ms. Bentley introduced Maggie DeLap, who provided a presentation entitled *Bike Lane Connecting the Estatoe Trail to Downtown*. This presentation displayed the existing Estatoe Greenway, showing where it intersects West Main Street and provided the Heart of Brevard's concept plan for adding a bike parking area on England Street, adding signage reflecting the direction to bike to downtown and the location of bike racks, and the painting of bike lanes on designated streets, including Main Street. Ms. DeLap shared ideas from the City of Asheville for street painting delineating the bike lanes and provided renderings of options for bike parking at the curb of the England Street parking lot.

Mr. Daniel raised the question of why Clemson Plaza wasn't considered for the bike racks instead of the England Street parking area. He reminded everyone that the proposed bike parking on England Street would be dangerous with vehicular traffic entering and exiting the parking area. He also noted that he thought there would be more bikes coming downtown than were planned with the proposed bike racks, suggesting the need for more space. Ms. Copelof agreed with the need for more bike parking and proposed the use of England Street as well as Clemson Plaza for bike racks. Mr. Hooper shared with the Committee that City Council had given approval to staff to proceed with requesting ownership of West Main Street from NCDOT.

Mr. Hooper asked if the idea was to provide a shared vehicle and bike lane, and Ms. DeLap agreed. Discussion continued with input from Committee members. Mr. Parrish noted that the goal for the presentation was to ask for input and an initial consensus on moving forward before the Heart of Brevard begins applying for funding to support the project. Ms. Copelof suggested the need for a wholistic planning approach for Clemson Plaza before installing bike racks. Mr. Hooper summarized the members' input and agreed to take the concept to the City's traffic consultants and NCDOT to ask about the steps necessary to do a pilot program on Main Street. He further noted that staff would begin looking into the cost of various styles of bike racks and the appropriate signage and present the information to City Council to ascertain how they would like to proceed. He noted that staff would add Clemson Plaza to the concept plan for presentation to Council.

F. Parking Study

Mr. Hooper introduced this agenda item by providing background information on the last parking study completed by the City's Assistant Planning Director Aaron Bland thirteen years previously. He then asked for the Committee's input on what should be included in a new parking study.

Committee members discussed the scope for a new parking study, providing input into what should be addressed within the study, including visitors' parking habits in addition to parking availability in downtown Brevard. The Committee spent significant time discussing their thoughts about downtown parking as it relates to visitors and customers downtown, business owners and employee parking, and the City's demographics. Mr. Platt suggested that the City

develop a request for proposals (RFP) for the study to include input received from Committee members. Mr. Parrish added that goals for the study should include a parking management plan and implementation, as well as parking inventory, access, and use. Mr. Hooper shared that the City is working to enhance the use of wayfinding signage downtown, which may help visitors being able to locate available parking.

Mr. Hooper summarized the Committee's input noting that a new parking study should utilize the existing parking study as a template and should address the following:

- Driver behavior or user profiles of those who park downtown;
- Demographic information on visitors who park downtown and implications in this regard;
- Improvements to pedestrian infrastructure;
- Ways to accommodate transit to reduce parking demands downtown;
- Parking management concepts; and
- Ensure that data collected within the study is relevant to small businesses.

Mr. Hooper concluded that staff will develop a scope of work for inclusion in a RFP for the parking study and move forward with this task.

G. Public Comment

Doug Miller thanked the Committee for their consideration of bike and pedestrians downtown and parking challenges.

Another guest suggested that the Committee and City consider more destination parking downtown.

Mr. Daniel asked the Committee if they were interested in making a recommendation to the Public Safety Committee to expand the City's social district, which had been previously discussed. The Committee reached consensus to make the recommendation that the social district be extended down Main Street to Rice Street at this time and potentially consider extending the district west at a later date.

Mr. Parker asked for an update on the status of the landscaping at the end of Arcade Alley. Mr. Hooper indicated that the landscaping was going to be postponed until after the first of 2025 in order to dig trench and install waterproofing at the Platt building prior to landscaping. Mr. Ray indicated that the contractor had informed staff that completing this trenching and landscaping would be very disruptive to pedestrians and traffic during the holiday season, which was the primary reason for the delay.

H. Set Date for Next Meeting

The next meeting of the Downtown Master Plan Committee was scheduled for Wednesday, January 8, 2025 at 4:00pm.

I. Adjourn

There being no further business, the meeting was adjourned at 5:07pm.

Minutes Approved - January 8, 2025

X

Gary Daniel
Committee Chair

X

Selena Coffey
Assistant to the City Manager

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, December 16, 2024 – 11:00 AM
City Hall Council Chambers

Members Present: Lauren Wise, Chair, Council Member
Gary Daniel, Vice-Chair, Council Member
Susan Miller, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Staff Present: Wilson Hooper, City Manager
Dean Luebbe, Assistant City Manager/Finance Director
Becky McCann, Communications Coordinator
Selena Coffey, Assistant to the City Manager

Guests: None

A. Welcome & Call to Order

Committee Chair Lauren Wise welcomed everyone and called the meeting to order at 11:00am.

B. Certification of Quorum

Quorum was certified by Assistant to the City Manager

C. Approval of Agenda

Motion by Mr. Daniel, seconded by Ms. Miller, to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes of October 28, 2024 Meeting

Motion by Mr. Daniel seconded by Ms. Miller to approve the minutes of the October 28, 2024 meeting as presented. The motion carried unanimously.

E. Review of Fiscal Year 2025-2026 Budget Schedule

Mr. Hooper provided an overview of the fiscal year 2025-2026 budget calendar noting that the budget year holds a number of potential challenges, particularly noting Storm Helene and the County's property revaluation. He also noted the importance of City

Council's upcoming priority-setting retreat in developing the budget. Mr. Wilson highlighted the following budget activities and timelines from the distributed budget calendar, noting that the process will begin on December 17, 2024 with the initial kick-off with Leadership Team. See below:

FY 2025-2026 Budget Calendar

December 17, 2024	Staff Budget Kick-Off
Before Christmas	Send funding letters to non-profits
January 6 - 10	Individual Department Kick-Off Meetings w/Wilson, Dean, David, and Selena
February 3	If necessary, David to hold supplemental meetings on CIP Base operating budget, capital needs, and Service Level Change requests (SLCs) due
February 4 - 28	Dean embarks on warpath to get early reval numbers from county and sales tax estimates from DoR/NCLM Dean/Finance compile expenses and prepare revenue projection
February 17 - 28	Evaluate corporate-wide resource demands (compensation, ins. etc) Wilson/Dean/David review SLCs Prep for Priority Setting Retreat
March 7	Priority Setting Retreat
March 8 - April 8 (tentative) or April 14	Craft first draft budget
April 8 (tent.) or 14	Distribute budget retreat materials
April 11 (tent.) or 17	Budget retreat w/straw votes
April 18 - May 1	Craft recommended budget Produce recommended budget document
May 1	Distribute recommended budget document
May 5	Manager presents recommended budget Call for public hearing
May 19	Conduct public hearing
June 2	Approve budget
June 16	Relief date if not approved June 2

Ms. Miller asked about the potential for receiving property valuation figures from realtors or other sources if staff did not receive County revaluation figures early enough to determine the revenue available to fund City operations. She also questioned if there were resources for gathering information about how previous storms had impacted the City's budget. Mr. Daniel asked about the CIP, Capital Improvements Program, and Mr. Wilson explained that he would like to focus more on estimating capital improvements at five or ten years in the upcoming budget process. There was some discussion about the City's funding of vehicle replacements within the budget.

No action was taken.

F. Discussion of Retreat Goals

Mr. Hooper shared that he had scheduled Lydian Altman and Kimberly Dickerson from the University of North Carolina - Chapel Hill School of Government to facilitate City Council's upcoming retreat. He posed the following questions for the Committee ahead of the retreat:

1. What would need to happen at the retreat for you to consider it a success?
2. What are your objectives for your time together?
3. What are the agenda items the group wishes to discuss?
4. Is there a preferred method for priority-setting, i.e. sticky dots, numerical ratings, etc.?
5. Is there a preferred method for making decisions? Will the method be the same for all decisions?
6. What are the particular strengths of the group? What might hold the group back from being most effective?
7. What would help the group function at its best?

In response to the first question about the success of the retreat, Mr. Daniel noted that City Council needed to share a clear understanding of finances and goals. Mr. Wise agreed with Mr. Daniel and noted that he felt that City Council's strategic goals from last year still align with current goals. The Committee continued their discussions, noting particularly change they prefer for the upcoming retreat process. The Committee agreed that City Council should focus on actual key strategic actions (KSA) and where funds go within the budget.

Mr. Hooper asked the Committee to provide input regarding his presentation of the financial report at a City Council meeting beforehand. The Committee agreed that this would be a good plan for proceeding and noted that there needed to be more of a focus on the KSAs and less on team building activities at the retreat because Council had already worked together.

The Committee discussed the decision-making process and recommended that City Council have direct conversations about the decisions to be made as opposed to using sticky notes, etc.

Mr. Hooper asked the Committee who should be responsible for deciding topics to be discussed. Ms. Miller shared that she felt that staff should be permitted to provide their input with the City Manager because they know best about their departmental needs and resources necessary for operations. Mr. Wise agreed with Ms. Miller and added that City Council didn't have a grasp of the best framework as well as the City's professional department heads have with regard to their operations. Mr. Daniel agreed with Mr. Wise and Ms. Miller that the information should come from staff.

In responding to what would help to make the group function at its best for the retreat, Mr. Wise felt that simply having a game plan for the retreat would be best. Ms. Miller noted that setting the stage a week before by the Manager with the presentation of the finance report would be helpful.

When Mr. Hooper asked about the objectives for the retreat, Mr. Daniel noted that last year the facilitators didn't ask whether City Council's agenda had been met during the retreat and stressed the importance of this. All agreed that this should be addressed in this year's retreat.

G. Fund Balance Review

Mr. Luebke provided two documents, a comparison of available fund balance and fund balance policies for other area jurisdictions and a summary of projects/funds in relation to the City's fund balance. He reviewed the following information with the Committee. See below.

Fund Balance at 6-30-2023

Available Fund Balance as a % of General Fund Expenditures

City	Population	Fund Balance Available of General Fund Expenditures	Policy	
Brevard	8,198	41%	25%	
Fletcher	8,491	121%	45%	
Black Mountain	8,515	67% available	30% unassigned	59.00% unassigned
Mills River	7,554	144%	65%-75%	
Hendersonville	14,277	30%	25%	
Waynesville (electric city)	10,131	61%	N/A	
Weaverville	4,726	97%	40%	
	Average	86.78%		

Mr. Luebbe then reviewed the second document. See below.

FUND BALANCE	FY 22	FY 23	FY 24
General			
Total	5,076,218	4,849,072	4,933,492
Unassigned	3,469,706	3,200,810	3,355,857
Unassigned %	36%	31%	37%
Available	3,893,686	3,628,594	3,957,744
Available %	38%	41%	42%
Water and Sewer			
Net Position	855,719	1,587,068	1,585,813
Capital Reserve			
Reserved for water and sewer	356,773	417,376	518,036
Downtown Master Plan	276,280	247,466	272,880
Housing Trust	399,627	352,803	569,756
Parking Lot	268,571	199,968	278,575
Multi Use Path	1,069,907	1,309,028	1,259,197
Rosenwald	633,556	404,667	56,638

Mr. Luebbe noted that the City's current fund balance policy requires 25% of available General Fund expenditures and noted that the City has one of the lowest percentages of fund balance of those on the list.

He noted that last year's audited financials reflected that the City was at 41% in fund balance. He noted that he was recommending that the City increase its "floor" for fund balance to 35% with a "ceiling" at 60%. He explained that the ceiling would allow the City to have funds available for capital or other projects as necessary and encourage the City to put any fund balance over 60% to use as opposed to letting it sit in the account. He noted that the policy would need to be updated to reflect these changes and that it would be important that he provide a quarterly report on available fund balance.

The Committee discussed Mr. Luebbe's recommendation with Ms. Miller asking how the ABC funds were budgeted. Mr. Luebbe explained that the ABC Board has their own separate audit and financial accounting, but their contributions to the City would be included within the City's General Fund fund balance.

There was conversation about the fund balance of other jurisdictions on the list and how those jurisdictions were able to hold higher fund balances. Mr. Wise stated that he likes the idea of having the ceiling cap on fund balance. Mr. Daniel agreed and stated that it would be important to note to the public when the City was saving for capital projects and transferring money from fund balance to a capital reserve account. Ms.

Miller agreed that having a strong fund balance was important and she liked the idea of having a ceiling on it.

Although formal action was not required, the Committee agreed with Mr. Luebbe's fund balance recommendation for a 35% floor and ceiling at 60%.

H. Public Comment

Harvey Sankey asked about the timing of the revaluation and it not being complete until after Mr. Hooper submitted his proposed budget. He also asked about the retreat facilitator and capital reserves within the City's budget, particularly street repaving and repairs. Mr. Hooper and Mr. Luebbe responded to his questions. Ms. Copelof and Ms. McCann also noted that information regarding streets could be found on the City's website.

I. Set Date for Next Meeting

The next meeting of the Committee was scheduled for January 27, 2025 at 11:00am

J. Adjourn

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

X



Lauren Wise
Chair, Council Member

Minutes Approved:

January 27, 2025

X



Selena Coffey
Assistant to the City Manager

MINUTES

City Council Parks, Trails, & Recreation Committee

Wednesday, December 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
JD Powers, Citizen Member
Reba Osborne, Citizen Member
Nancy DePippo, Citizen Member
Mayor Maureen Copelof, Ex-Officio

Absent: Wyn Birkenthal, Citizen Member

Staff Present: Wilson Hooper, City Manager
David Todd, Assistant City Manager
Wesley Shook, Public Works Director
Paul Ray, Planning Director
Becky McCann, Communications Coordinator
Stephanie Holland, Planner
Selena Coffey, Assistant to the City Manager

A. Welcome & Call to Order

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

B. Certification of Quorum

Quorum was certified by Assistant to the City Manager Selena Coffey.

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 – November 20, 2024 Meeting

Ms. Osborne moved, seconded by Ms. DePippo, to approve the minutes of the November 20, 2024 meeting as presented. The motion carried unanimously.

E. Update on Shade Structures at Skate Park

Ms. Holland provided an overview of her research on shade structures for the City's skate park. She presented the following options for the Committee's consideration:

Skate Park Shade Sails Options

1. Carolina Shade Sails: The company offers shade structure that includes 14'x14'pre-engineered kits, with shipping and installation not included in price of \$7,141. The sails feature powder-coated steel posts and frames with a 20-year warranty and the sails themselves have a 15-year warranty.
2. Atlantic Coast Shade: These shades are 14'x14'pre-engineered kits, with shipping and installation included in price of \$8,950 (plus tax). The sails feature powder-coated steel posts and a frame with a 20-year warranty and the sails themselves have a 15-year warranty.
3. ShadeSails.com: These are 15'x15'pre-engineered sails and hardware kits with posts installed by owner. The sails feature high quality fabric with a 2-year warranty, steel black pipe posts that are estimated at \$650, steel galvanized posts estimated at \$1,400, wooden pressure-treated 6'x6' posts estimated at \$650, wooden pressure-treated 8'x8' posts estimated at \$1,100, wooden pressure-treated utility posts estimated at \$1,000.

Mr. Granat initiated the Committee's discussion regarding his preference for the 10'x12' cantilevered shade structure, *The Calabash*, sold by Atlantic Coast Shade. There was Committee agreement regarding this particular structure and the Committee reached a consensus that it would like to request that the City obtain cost estimates for this product and consider the potential for purchasing two of the structures. Ms. Holland noted that she would request color swatches for the Committee's consideration. Mr. Wilson noted that he will take the proposal to City Council and ask if they would like to move forward with the purchase of one or two of *The Calabash* shade structures.

F. Update on Bracken Preserve/Brevard Music Center Trail Easement

Mr. Hooper and Mr. Granat noted that they had not yet been able to get in contact with Keith Arbogast, the CFO & Senior Director of Campus Operations for Brevard Music Center, for an update on the Bracken Preserve/Brevard Music Center trail easement. Mr. Granat provided updates regarding the Bracken Preserve trail improvements.

Mr. Baker summarized that the Committee will review the updated map for Climbing Trail Loop and hear about the emergency access agreement and agreement on Laurel Falls at its next meeting.

G. Review of Timelines for Estatoe Trail Projects

Mr. Ray provided an overview of the status of the Estatoe Trail Projects, noting that the City now has the land necessary for the section from Main Street to the Mary C. Jenkins

Community and Cultural Center and a surveyor will be working to determine the easements necessary to continue the trail to the Community Center.

Mr. Ray shared that the City is under contract with NCDOT to manage the Tannery North project because it runs through a Brownfield site and the City was required to have archeological and environmental studies completed. He noted that these studies have not revealed new challenges for the project. He noted that the City will need to work around the bat moratorium, which begins in April and ends in October. The Committee discussed the design elements necessary for this portion of the Trail.

Mr. Ray noted that the City has worked with NCDOT regarding the trail crossing at Rosman Highway. He stated that the City will be constructing a sidewalk to the Marathon gas station and across the street to Subway and NCDOT will then construct the crossing itself, to include a stop light, a crosswalk, etc. Mr. Ray reported that the next step would be more complicated and the City would likely need an elevated boardwalk to cross North Creek until the trail reached dry land. He noted that four easements may be necessary at the beginning of the trail until it reaches the school property. He noted that the City has received an easement from the Board of Education for the section of the Trail stretching to the high school. He noted that the City awaits permits from NCDEQ and the Army Corps of Engineers, as well as the topographical and geotechnical studies, in order to continue the project.

Mr. Todd provided an update on the status of the Estatoe Trail boardwalk revitalization project, noting that he has requested cost estimates to 1) fix the current boardwalk and, 2) to rebuild it with more substantial materials. Mr. Hooper shared that he has spoken with potential external funding sources who may be interested in assisting with funding the repairs and/or rebuilding of the boardwalk. The Committee discussed the crossing, and the traffic circle and Mr. Hooper noted that staff has requested NCDOT approval for improvements to this section. The Committee continued their discussions, with a focus on adding safety improvements along this section of the Trail.

H. Discussion of Master Planning Process for City Sports Complex

Mr. Hooper introduced this agenda item and asked the Committee to provide input on the scope of the master planning process for the City sports complex. Mr. Baker noted that Mr. Birkenthal (absent from this meeting) had previously advocated for an extensive master planning process. He then shared that the City is currently leasing the properties within the complex and the Committee discussed the current uses of the property and potential future uses at length.

Mr. Hooper summarized that the Committee wanted the master plan to highlight that the City is satisfied with the type of recreation facilities currently available at the sports complex, but wants to look at ways to improve its complementary facilities. Ms. Copelof raised the need for improved handicapped parking at the complex and the Committee continued with this discussion, asking that the master planning process address this as well.

Mr. Hooper noted that he will bring the scope of work for the master plan back to the Committee for their review and then take it before City Council for final approval to move forward.

I. Public Comment – None.

J. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee was scheduled for Wednesday, January 15, 2025 at 3:30pm.

K. Adjourn

There being no further business, the meeting was adjourned at 4:56pm with a motion by Ms. Osborne, second by Mr. Wise, and all in favor.

Minutes Approved: _____

X



Aaron Baker
Chair, Council Member

X

Selena Coffey
Assistant to the City Manager

MINUTES
City Council Public Safety Committee

Monday, January 6, 2025 – 3:30 PM
City Hall Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Mac Morrow, Vice-Chair, Council Member
Kevin Gallo, Citizen Member
Mayor Mauren Copelof, Ex-Officio Member

Staff Present Wilson Hooper, City Manager
Tom Jordan, Police Chief
Bobby Cooper, Fire Chief
Becky McCann, Communications Coordinator
Eden Hinds, Evidence Specialist
David Todd, Assistant City Manager
Selena Coffey, Assistant to the City Manager

Guests: Linda Gallo, Kellyn Haight, Kaitlyn Walters, Morris Jenkins, Nick Haseloff (Transylvania Times)

A. Welcome & Call to Order

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

B. Certification of Quorum

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

C. Approval of Agenda

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

D. Approval of Minutes

Motion by Mr. Morrow, seconded by Mr. Gallo to approve the minutes of the November 25, 2024 meeting. The motion passed unanimously.

E. Overview of Quarterly Pedestrian Incidents

Fire Chief Bobby Cooper provided an overview of pedestrian incidents for the year, with a focus on the last quarter of 2024. He highlighted 4 bicycle incidents in the fourth quarter, one in Silversteen Community Park and others on North Country Club Road, the intersection of Broad Street and Fisher Road, and Asheville Highway. Chief Cooper noted that the bike path on Asheville Highway is a common location for incidents. The Committee discussed the report briefly.

F. Update on Traffic Calming Measures

Mr. Hooper reported that staff will be meeting again this week to continue progress on the items on the traffic calming list. He noted that staff has posted the sign on Fisher Road and collected data and the sign will be moved to McLean soon in order to collect additional data.

Mr. Todd provided an update on the speed bumps on Probart noting that the initial plan was to install 10, but staff had found funding to install 11 in total. He noted that the goal is to get all installed in January and that staff continues to analyze the intersection of the railroad at Probart for safety improvements. This was discussed extensively by the Committee.

G. Evidence Audit Report

Mr. Hooper introduced this agenda item noting that an evidence audit is required anytime the City hires a new evidence specialist and/or moves evidence to a new location. Chief Jordan commended Evidence Specialist Eden Hinds, noting that she had audited the Department's evidence thoroughly and meticulously for 7 months. He then provided an overview of the evidence audit report highlighting some of the following key findings:

- The industry standard is a 95% accuracy rate and the City's audit revealed that the department has a 99.5% accuracy rate.
- A total of 3,543 items are in evidence collection and only 19 of which unaccounted for items, none of which are attached to active cases and some items as old as the year 2010.
- Only four potential high-risk items that were unaccounted for, of which three were suspected of being marijuana and the fourth being pills. He reiterated that none of these were attached to active cases.
- Additional 16 items listed as being destroyed but lacking clear paperwork verifying that they were destroyed.
- The department has implemented a barcoding system and designated storage areas for all items collected.
- A new property and evidence policy was published in November 2024.

Chief Jordan noted that the evidence audit was difficult but was necessary to increase the accuracy of the Department's evidence collections. He noted that the next step is to implement additional evidence security measures, to include a new camera system to complement the existing locking system for restricting access to evidence.

Mr. Gallo asked how long evidence was required to be maintained. Chief Jordan explained that it varies based on the category of the evidence item. He also noted that moving the evidence will require an additional audit and an independent person, not associated with the Brevard Police Department, will oversee the move. He noted that this will likely be someone from the Internal Association of Property Evidence (IAPE).

Mr. Baker asked about accreditation standards, leading to a discussion about policies and requirements for the destruction of evidence. Chief Jordan noted that the Evidence Audit Report is a public document, and it has been shared with the District Attorney's office as per routine practice.

Mr. Baker suggested that the report be presented to City Council at least as a part of the consent agenda after having received input from the District Attorney's office. Mr. Hooper again noted that the audit is a public document and is available for anyone to review.

H. Public Comment

Kaitlyn Walters, owner of Earth Mountain Bicycle, spoke about safety concerns near the middle school. She noted that there is a significant problem with speeding vehicles along McLean and Fisher Road, especially near the school. She also asked if there was any interest in illuminating the bike path from the lab connecting to the middle school due to it being very dark in that area. She noted that she and friends had felt unsafe due to the darkness in that section and suggested the installation of biking. Finally, she noted that speeding and illegal u-turns are very common downtown and suggested that the Committee consider addressing these issues.

Kellyn Haight spoke about the potential for creating a three-way stop at the intersection of Carolina Avenue and Shipman. She noted that NCDOT had told her that this was City of Brevard issue. She noted that she had also spoken with Public Works Director Wesley Shook about this issue, along with Aaron Bland, Assistant Planning Director, about the issue. Ms. Haight also noted that the City also needs to ensure that the sight line in this area is clear as well, noting the large maple tree obstructing the view.

Mr. Hooper noted that staff will contact NCDOT to verify which portions of Carolina Avenue are actually City-owned versus State-owned because the City's map isn't clear about this.

Ms. Gallo noted that the stop sign at Probart has been helpful and residents have been pleased with this safety improvement.

Mr. Gallo referenced an email exchange about dogs on Hill Street and asked if there had been a resolution. Chief Jordan noted that the City's animal control staff was addressing the issue. Ms. Copelof then noted that City staff may need to update the form for reporting barking dogs based on the respective ordinance.

Ms. Haight asked the Committee what would be necessary to get a three-way sign installed at Carolina Avenue and Shipman Road. Mr. Hooper shared with her that the state asks for reporting of near misses in the absence of crash reports and encouraged Ms. Haight to report these near misses to the City.

I. Set Date for Next Meeting

The next meeting was scheduled for Monday, January 27, 2025 at 3:30pm.

J. Adjourn

There being no further business, Mr. Baker asked for a motion to adjourn. Mr. Morrow made the motion, which was seconded by Mr. Gallo. The meeting was adjourned at 4:31pm.

Minutes Approved:

January 27, 2025

X 

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

X 

Selena D. Coffey
Assistant to the City Manager

**MINUTES
BREVARD ABC BOARD
December 5, 2024**

Approved	
Pearsall:	
Brewer:	
Miller:	
McKeller:	
Conner:	

The Brevard ABC Board met in regular session on Thursday, December 5, 2024 at 8:30am in City Council Chambers at City Hall.

Members Present: Lisa Conner
Frank Pearsall
Ron Brewer
Susan Miller
Paula McKeller

Staff Present: Jackie Jarvis, Interim General Manager
Paxton McAbee, Assistant General Manager
Selena Coffey, Assistant to the City Manager

Guest: Terry Anderson and Roger Warren, Gould-Killian CPA Firm

A. Welcome & Call to Order

Board Chair Lisa Conner welcomed Board members and guests and called the meeting to order at 8:30am.

B. Quorum

Assistant to the City Manager Selena Coffey certified a quorum noting that all members were present.

C. Approval of Agenda

Ms. Jarvis requested that Item E.2. Discussion of Audit, be moved to E.1. Mr. Pearsall made the motion to approve the agenda with this amendment. Motion seconded by Mr. Brewer.

D. Approval of Minutes

Mr. Pearsall made a motion to approve the regular meeting minutes for the October 24, 2024 meeting. Motion was seconded by Mr. Brewer. The vote carried unanimously.

E. New Business

1. Discussion of Audit

Terry Anderson and Roger Warren were present for the presentation of the annual audit for the Brevard ABC Board, with Mr. Anderson presenting the audit findings. Mr. Anderson noted the strong financial position of the Board and indicated that the audit has been presented to the State. As he reviewed the audit document, Mr. Anderson provided audit highlights including but not limited to the following:

- Gross profit from sales increased by 2.5% for the year and actual working capital (cash invests plus inventory less liabilities) increased by 4.4%.
- Overall, \$2.4 million in total assets at year end, a decrease of approximately \$40,000 from the previous year.
- Liabilities of \$997,000, a decrease from the previous year.
- Net position of \$1.087 million at year end, compared to \$977,000 at prior year end.
- Gross sales of \$6.5 million compared to \$6.285 million in the previous year.
- Higher operating expenses by \$69,500 over the previous year.
- Income from operations less than prior year at \$543,000 compared to \$572,000 last year.
- Amount for distribution for law enforcement was \$19,600 and alcohol education was \$2,500, with the remaining profits to City at \$332,600 and County at \$111,000.
- Cash flow from operating activities \$694,000, a significant increase over the prior year at \$221,000.

Mr. Anderson noted that non-compliance with N.C. General Statutes was noted for delays in quarterly distributions and budget overages that did not include budget amendments.

Ms. Jarvis noted that CPA Trish Cheek had corrected inventory reports last month. Mr. Anderson asked that June statements be sent to him to make clarifications in the audit.

Mr. Anderson and Mr. Warren completed their presentation and left the meeting. Upon their leaving the meeting, the Board continued discussion of the audit and indicated that they wanted more time to review the audit. The consensus was to add the audit to the January 2025 agenda for final Board approval.

The Board discussed the potential for contracting with a different firm for the next ABC audit due to unexpected expenses this year and a recommendation from the State. The Board directed Ms. Jarvis to get a copy of the current contract with Gould-Killian and receive another proposal from other auditors for next year's audit.

The Board and Ms. Jarvis discussed ways to improve the procedures for quarterly distributions and budget amendments and Mr. Jarvis noted that she has been

developing improvements in this area and will be sharing information with the Board on these issues.

2. Manager's Report / Sales Update

Ms. Jarvis reported that overall sales were down by \$1,300 for the month of October 2024. She noted that this was likely due to only one store being operational and the use of cash sales only. She noted that the month of November sales are up by \$22,000 over the prior year sales for the month.

3. Employee Party

Ms. Jarvis notified the Board that the annual Holiday Employee Appreciation Party will be held at Hog Wild on December 15, 2024 at 3:00pm, inviting the Board to attend.

F. Closed Session

Chair Lisa Conner asked for a motion to go into closed session to discuss a personnel matter. Ms. Miller made the motion, seconded by Ms. McKeller. All in favor. Closed session began at 9:08am

Staff, including Ms. Coffey, were invited to stay for closed session initially, with Ms. Jarvis and Ms. McAbee excused for a portion of closed session. Ms. Coffey remained in closed session for its entirety.

[Closed session]

Motion was made by Mr. Brewer to conclude the closed session and return to open session, seconded by Mr. Pearsall. Vote on motion passed unanimously.

Return to Open Session

Upon return to open session at 9:22am, the Board voted to remove the "Interim" designation from Ms. Jarvis' title, making her regular *General Manager*, with a motion by Mr. Pearsall, with a second by Mr. Brewer. All voted in favor.

G. Next Meeting – January 23, 2025 at 8:30am

Chairwoman Conner noted that the next meeting will be held on Thursday, January 23, 2025 at 8:30am in City Council Chambers at City Hall.

H. Adjourn

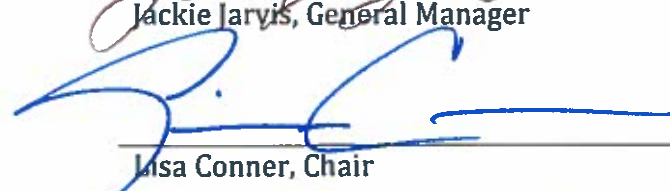
With no further business, Mr. Pearsall moved to adjourn the meeting, with a second by Mr. Brewer and all in favor. Meeting adjourned at 9:29am.

Minutes Approved:

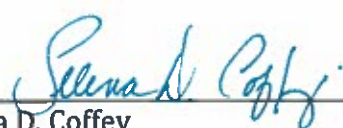
January 23, 2025



Jackie Jarvis, General Manager



Lisa Conner, Chair



Selena D. Coffey
Assistant to the City Manager

STAFF REPORT

City Council, Monday, February 3, 2025

Title: Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 12 and 19 - Signs

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

The chapter of the City of Brevard Unified Development Ordinance (UDO) that addresses signs, Chapter 12, was overhauled in 2020 in response to the US Supreme Court case *Reed et al. v. Town of Gilbert*. Following this rewrite, minor amendments were made to the sign chapter in 2021 and 2022 to increase clarity and continue to follow ever-changing best practice recommendations from the American Planning Association and the UNC School of Government.

This is another Staff-initiated text amendment that is intended to reduce confusion for both applicants and administrators, eliminate conflicts, and ensure the sign ordinance meets the City's traffic safety and aesthetic goals in regulating signage, very similar to the 2021 and 2022 amendments.

City Council held a public hearing on these amendments at their January 21, 2025 meeting.

Discussion

During the public hearing and subsequent discussion by Council, the issue of putting a timeline on political signs was questioned. To help Council consider the options for regulating temporary signs around an election, Staff has done additional research on this particular issue.

Below is a table of several other municipalities in North Carolina and the timeframe around an election that they allow temporary political signs to be displayed on private property. The specifics vary, but it is common for cities to establish a window before and after the election, with a display window beginning 90, 60 or 30 days before early voting starts and ending 7-10 days after election day. Some cities say such signs are allowed without describing a timeframe, and others only establish a deadline for removing them after an election.

City	Display Window (before early voting - after election day)

Black Mountain	No limit given
Cape Carteret	30 before - 10 after
Chapel Hill	Remove 10 after
Davidson	30 before - 7 after
Forest City	No limit given
Fuquay-Varina	Remove 14 after
Garner	30 before - 10 after
Gastonia	No limit given
Greensboro	Remove 7 after
Hendersonville	60 before - 3 after
Highlands	Remove 7 after
Kannapolis	30 before - 10 after
Kitty Hawk	90 before - 14 after
Lake Lure	Remove 7 after
Morehead City	6 weeks - 1 week
Mount Airy	No limit given
New Bern	Remove 3 after
North Wilkesboro	60 before - 7 after
Ocean Isle Beach	90 before - 7 after
Rutherfordton	60 before - 5 after

Salisbury	60 before
Siler City	30 before - 10 after
Topsail Beach	30 before - 10 after
Waynesville	30 before - 10 after

There are several options provided for Council to choose from, depending on the timeframe desired. Council also has the ability to pick another timeframe as specified in a motion.

- **OPTION #1**

- Planning Board/Staff recommended
- Same as presented at the public hearing
- 30 days before early voting to 10 days after Election Day for both private property and in ROWs

- **OPTION #2**

- Represents no change in how temporary political signs are regulated.
- Private property: 90 days before early voting to 10 days after Election Day (keep current standard, but with amended language)
- In ROWs: 30 days before early voting to 10 days after Election Day (current practice, but add to UDO)

- **OPTION #3**

- Timeframe shortened but not as much as Option 1.
- Private property: 60 days before early voting to 10 days after Election Day
- In ROWs: 30 days before early voting to 10 days after Election Day (current practice, but add to UDO)

Policy Analysis

Historically, the intent of the City's sign regulations has been first and foremost a safety concern. Signs can obstruct sight lines for motorists and get dislodged to become a hazard or obstruction on sidewalks and roadways. A secondary purpose is to ensure that signs are permitted in a manner that is consistent with land use and zoning objectives and regulations. Aesthetic and community character are also key considerations.

The *Building Brevard Comprehensive Land Use Plan* does not discuss signage specifically.

However, there are many mentions and actions related to safe transportation and maintaining Brevard's sense of place, including Goals #2 and #4:

2. Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.

4. Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.

Recommendation

The Planning Board discussed these amendments at their December 17, 2024 meeting. Following discussion, the board recommended in favor with one minor amendment. Planning Board's recommendation is Option 1.

Fiscal Impact

None.

Action

Council's options for action on a text amendment are as follows:

1. Adoption of the amendment as written; (Option 1)
2. Adoption of the amendment as revised by the Planning Board or by City Council; (Option 2 or 3, or any other timeframe Council wishes)
3. Rejection of the amendment;
4. Send the application back to the Planning Board for further study and consideration; or
5. Call for additional public hearings on petitions brought before them.

A motion to adopt should specify which option being picked, or a different timeframe as specified by Council.

Attachments:

1. Adopting Ordinance
2. Option 1
3. Option 2
4. Option 3
5. Consistency Statement

ORDINANCE NO. 2025-____

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE:
CHAPTER 12 – SIGNS AND CHAPTER 19 – DEFINITIONS TO CLARIFY REQUIREMENTS
AND REGULATIONS FOR VARIOUS TYPES OF TEMPORARY AND PERMANENT SIGNS**

WHEREAS, the City of Brevard Planning Board has 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 following adopted plans and policies of the City of Brevard:

Building Brevard Comprehensive Land Use Plan:

Goal 2: Encourage a development pattern that respects Brevard’s sense of place and prioritizes livable communities.

Goal 4: Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.

WHEREAS, a public hearing was conducted on Tuesday, January 21, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Unified Development Ordinance be amended as outlined below.

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

SECTION 01. Brevard City Code, Unified Development Ordinance 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 3rd day of February 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney



CHAPTER 12. SIGNS

12.1. Purpose.

- A. The purpose of this section is to promote the effective and compatible use of signage within the City of Brevard's planning jurisdiction by ensuring that no sign will, due size, location, color, illumination, movement, construction, materials, or manner of display, endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health and safety. Because signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for reasonable regulation, this chapter aims to permit and regulate signs in such a way as to ensure public safety, and to support and complement land use objectives set forth in this ordinance and the Comprehensive Land Use Plan.
- B. These regulations aim to ensure the protection of property values and the character of Brevard and to create a convenient, attractive, and harmonious community.
- C. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, compliment the landscaping and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- D. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the city. They are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- E. These regulations do not entirely eliminate all of the potential harms that may be created by the installation and display of signs. They strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

12.2. Applicability.

- A. No sign of any type shall be constructed, erected, painted, posted, placed, replaced, enlarged, moved or hung in any district except without first obtaining a permit from the Administrator in compliance with this ordinance.
- B. All signs shall fully comply with the requirements of the State of North Carolina Building and Electrical Codes.

12.3. Severability.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Code.

12.4. Substitution.

Signs containing noncommercial speech are permitted anywhere advertising or business signs are permitted, subject to the same regulations applicable to such signs as described herein.

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 on or after October 1, 2021. For signs removed from October 1, 2021 to 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.
 - 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:

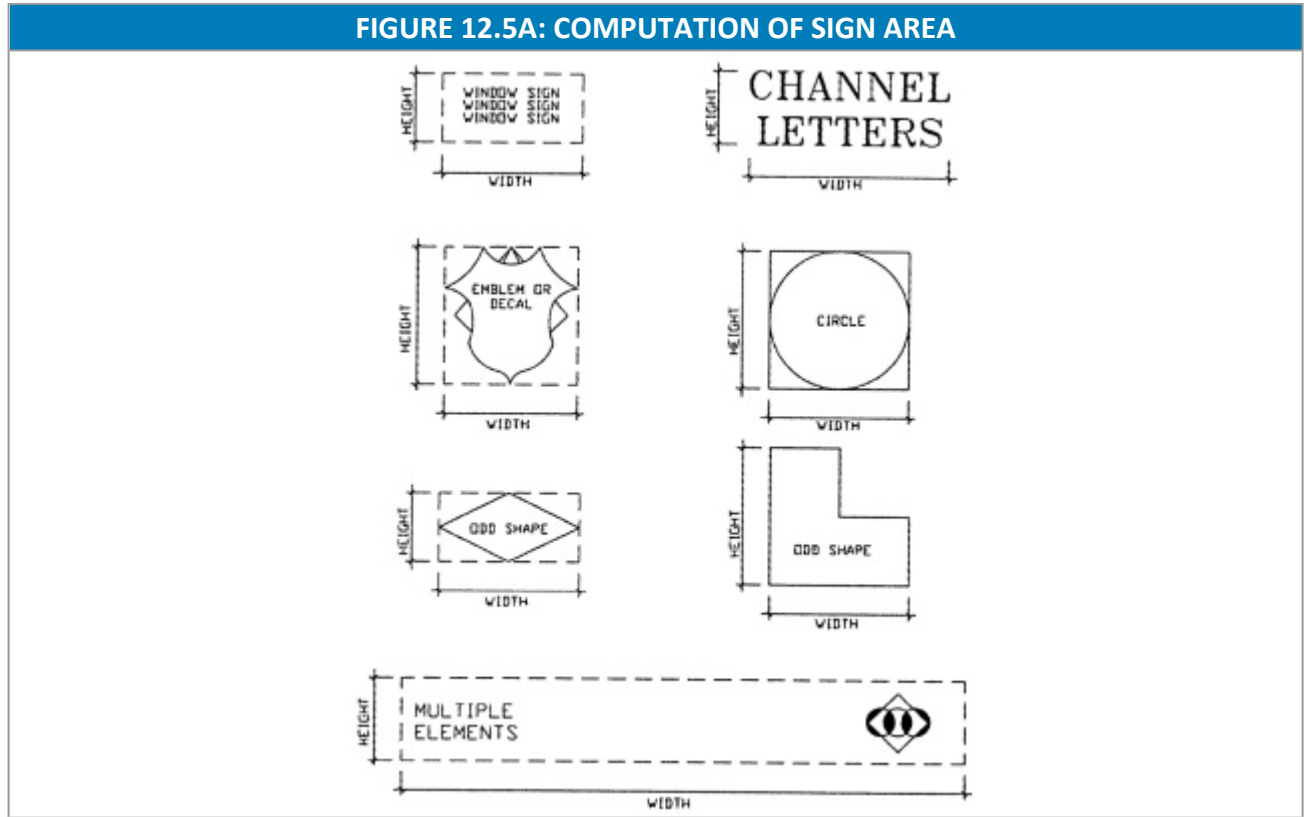
1. Signs identifying establishments no longer in existence, products no longer being sold, and services no longer being rendered shall be removed from the premises within 30 days from the date of termination of such activities, except that ground sign supports, braces, and guys which are not easily dismantled 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 façade 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

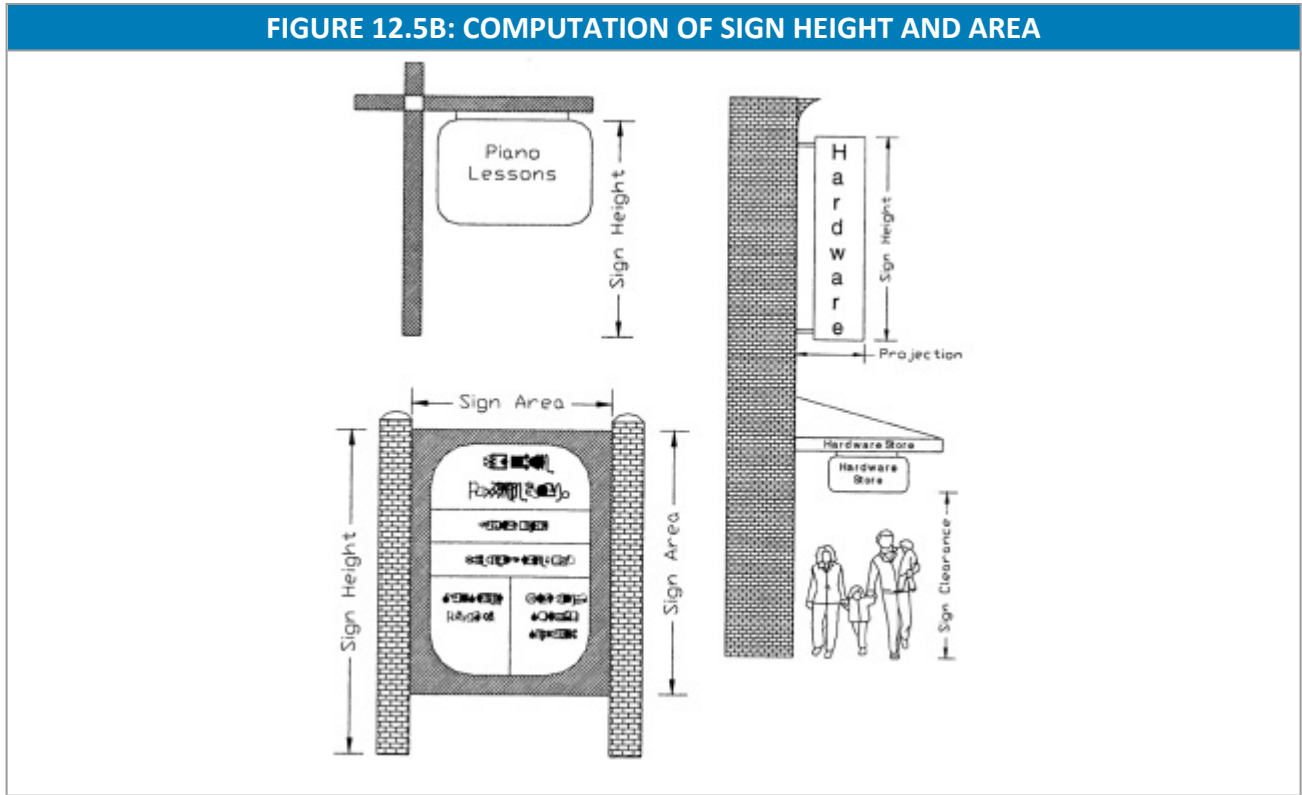


2. *Height.*

- 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.



FIGURE 12.5B: COMPUTATION OF SIGN HEIGHT AND AREA



- 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.

12.6. Prohibited signs.

The following signs are prohibited in all districts, unless otherwise permitted elsewhere in this chapter:

- A. *Signs constituting traffic hazards:*** Any sign located in a manner or place so as to constitute a hazard to traffic as demonstrated by the administrator, including signs placed within any required sight triangle.
- B. *Signs within public right-of-way or easement:*** Any freestanding sign located within or extending into a public right-of-way or easement, except as otherwise allowed by this chapter. City personnel may remove any sign located fully or partially within a public right-of-way.
- C. *Signs obstructing passages:*** Any sign that obstructs or interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building.
- D. *Off-premises advertising signs:*** Billboards and other types of off-premises advertising signs. Off-premises directional signs may be permitted (Section 12.9.5).
- E. *Signs on vehicles parked off-premises and/or near the right-of-way:*** Except when in the process of loading or unloading or generally carrying out activities associated with the normal conduct of business (except



advertising), vehicles, trailers, commercial trucks displaying signage for the principal use of advertising rather than transport are prohibited. Vehicles with signs for advertising may park in any legally-established parking space on the property where the commercial activity being advertised is conducted.

- F. Any, electronic sign, sign that includes a monitor or TV screen, flashing device, or sign displaying flashing, animated, or intermittent lights or lights of changing degrees of intensity not expressly allowed by Section 12.9.3.
- G. *Moving devices*: Any moving signs or device to attract attention, all or any part of which moves by any means, including by air, electrical, human, or other means, including but not limited to pennants, flags, propellers, discs, or inflatables, whether or not any said device has a written message. Except those allowed by Section 12.9.4.
- H. Any sign posted to utility poles, bridges, overpasses, trees, fences, rocks, or other signs.
- I. *Copies of official signs*: Any sign which is a copy or an imitation of an official sign or traffic light, or which purports to have official status.
- J. Roof signs.
- K. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by City Council or in accordance with North Carolina General Statutes.
- L. Signs that promote illegal activity.
- M. Reflective signs or signs containing mirrors.
- N. Any sign not expressly permitted elsewhere in this ordinance.

12.7. Exempt signs.

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

- A. *Government signs*: Official signs installed by units or agencies of local government having jurisdiction within the City of Brevard, and agencies of the State of North Carolina or the federal government are exempt from the regulations established by this section. For the purposes of this section, official signs shall include any sign erected by the City of Brevard. Such signs may be illuminated, flashing, or moving as required.
- B. *Signs required by law*: Signs erected pursuant to federal, state, or local laws or ordinances.
- C. *Architectural features*: Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.
- D. *Public-owned ball field signs*: Signs attached to the field's fencing, provided that such signs are made of weather-durable materials and are not self-illuminated.
- E. *Window signs*: Signs placed on or behind window glass, provided that no window signs shall include electronic or flashing elements as prohibited by Section 12.6.E.
- F. *Historic properties*: Buildings or properties that are either locally or nationally listed as a historic landmark may have small identifying signs on the building or property.
- G. *Murals*:
 - 1. A mural, as defined herein, is any image painted, applied, or affixed directly on to a privately owned, nonresidential building wall, retaining and screening wall, or other large existing outdoor surface in nonresidential zoning districts for artistic and/or aesthetic purposes [as opposed to advertising](#). A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image. [Murals may incorporate logos, symbols, and copy](#)



within the image, however such elements combined shall not exceed eight percent of the mural's total surface area, and any murals that do not adhere to this requirement shall be considered wall signs and permitted as such.

~~1. —~~

2. Murals may be permanent, or temporary and shall be maintained in good condition by the property owner.
3. Owners seeking to create murals shall receive City Council approval. Based on adopted policies, City Council shall issue a resolution stating its approval or denial of the mural request in all nonresidential zoning districts.

~~4. — Murals do not require a sign permit if they adhere to the following:~~

- ~~a. — If media other than, or in addition to, paint are used in a mural such media shall not extend more than twelve inches (12") above the surface on which the mural is applied, or affixed and may not extend into a right-of-way.~~
- ~~b. — The mural may incorporate logos, symbols, and copy within the image, however such elements combined shall not exceed eight percent of the mural's total surface area.~~
- ~~c. — The following shall be used for purposes of measuring surface area:~~
 - ~~i. — The area of a mural shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or paint or other media, together with any material or color forming an integral part of the background of the display or used to differentiate the mural from the backdrop or structure against which it is placed.~~
 - ~~ii. — Architectural elements on building walls such as windows, doors, and awnings that are harmoniously incorporated into the mural's design shall be counted in the overall square footage of the mural.~~

~~5. — Murals shall not be placed or installed on locally designated historic buildings by the Joint Historic Preservation Commission or those listed on the National Register of Historic Places.~~

~~6. — Murals that do not adhere to the requirements of this section shall be considered wall signs and shall adhere to all provisions therein and require the issuance of a sign permit.~~

H. Vintage signs:

1. Vintage signs are defined as any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs may be incorporated into murals, or placed on building walls of privately owned, nonresidential buildings, and retaining/screening walls in nonresidential zoning districts.
2. Vintage signs are allowed in all zoning districts.
3. Vintage signs shall require only a letter of compliance before placement if they adhere to the following:
 - a. If used by a property owner with no affiliation to the active, or closed business, vintage signs may be placed or incorporated:
 - i. On a building wall as long as no more than 40 percent of the wall face is covered;
 - ii. On a pitched or flat roof as long as no more than 20 percent of the area of the surface plane on which the vintage sign is placed is covered; or
 - iii. Within murals as long as all provisions for murals are met in addition to those for vintage signs provided herein.



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

12.8. Temporary signs.

12.8.1. General temporary sign standards.

- A. All temporary signs shall comply with the following common standards:
 1. Temporary signs shall not be illuminated or be displayed by any electrified device.
 2. Temporary signs shall not be placed within any public right-of-way, including within medians, unless expressly permitted by this ordinance or the North Carolina General Statutes.
 3. Temporary signs attached to buildings shall not be placed in a manner that obstructs any window, door, fire department sprinkler connection, ingress, egress, or street number sign.
 4. Temporary signs shall not be affixed to any permanent sign or its supporting structure.
 5. Temporary signs shall not be placed in a manner that obstructs clear sight distance (e.g. within the required sight triangle) for motorists, bicyclists, or pedestrians at street intersections or driveways.
 6. Temporary signs, other than Type 4 freestanding temporary signs as allowed in Section 12.8.2, shall not be placed upon any sidewalk or other pedestrian walkway.
 7. Temporary signs shall not be placed on the roof of a building, or affixed to a tree, rock, bridge, utility pole, or permanent sign.
 8. Any required period of separation between such the number or duration of temporary sign displays shall carry over the changing of calendar years, and shall be observed prior to initiating the first allowed display during the new calendar year.

12.8.2. Freestanding (ground) temporary signs.

- A. **General provisions.** The following standards apply to all freestanding temporary signs:
 1. Signs shall not be affixed to any supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
 2. Signs, other than Type 4 freestanding temporary signs as allowed herein, shall not be placed in the right-of-way.
 3. No more than one freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted.
- B. **Type 1 freestanding temporary signs.** Signs in this category consist of small, temporary yard signs that are typically associated with, but are not limited to, the advertisement of real estate, political campaigns, and meetings.
 1. *Where permitted.* Type 1 freestanding temporary signs may be displayed in any zoning district and may be associated with any use, including parcels containing vacant or undeveloped land.
 2. *Size.* The maximum sign display area is limited to four square feet.



3. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
4. *Number.*
 - a. One Type 1 freestanding temporary sign may be displayed per parcel, per street frontage, without a permit. Additional Type 1 freestanding temporary signage may be allowed with the issuance of a permit.
 - b. During the period beginning 30 days before the beginning date of early voting under G.S. 163-166.40 and ending 10 days after the primary or election day~~Beginning 90 days prior to the beginning of early voting for any scheduled primary or election, as established by the North Carolina Board of Elections, and ending ten days following the primary or election,~~ this limit on the number of Type 1 freestanding temporary signs that may be displayed without a permit is suspended for residential parcels ~~zoned GR or RMX~~. All other regulations associated with such signage shall remain in effect during such period of suspension.
5. *Material.* Type 1 freestanding temporary sign faces shall be made of a rigid material.
6. *Mounting standard.* Signs may only be mounted and supported by posts or stakes.
7. *Number of sides.* The display area may be either single or dual sided.
8. *Duration of display.* The duration of the display of a Type 1 sign is limited to 100 days, with a minimum separation period of 10 days between displays.
- C. ***Type 2 freestanding temporary signs.*** Signs in this category are commonly referred to as "banners" that are typically associated with, but not limited to, the announcement of new business openings, community events, and similar unique events.
 1. *Where permitted.* Type 2 signs are permitted only on parcels in the RMX, NMX, PGX, DMX, CMX, GI, and IC zoning districts. A permit is required for this type of temporary signage.
 2. *Size.* The maximum sign display area is limited to 18 square feet in RMX, NMX, PGX, and DMX districts, and 32 square feet in CMX, GI, and IC districts.
 3. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
 4. *Number:* One Type 2 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
 5. *Material.* Sign faces shall be made of a flexible material.
 6. *Mounting standard.* Signs may only be mounted and supported by posts or stakes.
 7. *Number of sides.* The display area may be either single or dual sided.
 8. *Duration of display.* Type 2 freestanding temporary signs are permitted to be displayed during the initial openings of businesses, community events, or special sales, for a maximum of 14 days at a time. A maximum of six separate displays are permitted during each calendar year with a minimum of ten days of separation between displays by the same use/business/tenant.
- D. ***Type 3 freestanding temporary signs.*** Signs in this category are larger temporary signs typically associated with, but not limited to, the advertisement of large tracts of land for sale, construction and development activity, or the advertisement of commercial or industrial buildings for sale or lease.
 1. *Where permitted.* Type 3 signs are permitted-allowed with a permit only on parcels or groups of adjacent parcels under common ownership that meet one of the following:



- a. A residential use on a parcel or group of adjacent parcels under common owner-ship that is a minimum of three acres in size zoned GR;
 - b. Vacant or undeveloped land where the parcel or group of adjacent parcels under common ownership that is a minimum of one acre in size in any zoning district;
 - c. A non-residential use in any non-residential zoning district upon a parcel that has a minimum of 200 feet of frontage on a public street, as measured at the right-of-way; or
 - d. A non-residential use in any non-residential zoning district upon a parcel that has construction or development activity per an active development permit.
2. *Simultaneous display prohibited.* A Type 3 sign shall not be displayed upon a parcel that contains a permanent freestanding sign or sign structure.
 3. *Size.* The maximum area is limited to 16 square feet in GR and RMX districts, and 24 square feet in all other districts.
 4. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to five feet above the lowest adjacent grade in GR and RMX districts, and eight feet above the lowest adjacent grade in all other districts.
 5. *Setbacks.*
 - a. Front: No portion of any freestanding ground sign described in this section may be located closer than ten feet (10') to any street right-of-way, except in the DMX district where signs shall be no closer than five feet (5') to any street right-of-way.
 - b. Side and Rear: No portion of any freestanding sign described in this section shall be located any closer than ten feet (10') to any side or rear property line.
 6. *Number:* One Type 3 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
 7. *Material.* Sign faces shall be made of a rigid material.
 8. *Mounting standard.* Signs shall be mounted to and supported by a minimum of two (2) separate posts or stakes.
 9. *Number of sides.* The display area may be either single or dual sided.
 10. *Duration of display.*
 - a. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership which contain only vacant or undeveloped land for which no development permits have been issued.
 - b. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership zoned NMX, PGX, CMX, DMX, or GI that have unoccupied commercial buildings.
 - c. In all other cases, the duration of display shall be limited to two months.
 - d. Where the display of a Type 3 sign is subject to a limit on the duration of display, there shall be a minimum period of separation of 60 days between the removal of the previously permitted sign and the display of a new sign. Such period of separation shall apply in all cases where a sign subject to a limit on the duration of its display is removed, regardless of whether the maximum allowed duration for its display has been reached at the time of its removal.
- E. **Type 4 freestanding temporary signs.** The category of signs defined as Type 4 freestanding temporary signs shall include only those signs which are constructed in a manner that is commonly referred to as an "A-frame" or "sandwich board" sign, consisting of two sides connected at the top by hinges or similar mechanisms.



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

12.8.3. Wall-mounted temporary signs.

- A. Temporary signs mounted to building walls shall include all wall-mounted temporary signs, including but not limited to, wall-mounted signs or banners for the announcement of new business openings, community events, and/or availability of vacant tenant space. ~~may be displayed~~ subject to the following provisions:
1. Where permitted. Wall mounted temporary signs are ~~permitted~~ allowed on buildings housing a commercial use in any zoning district with a permit.
 2. Size. Maximum display area for temporary wall signs:

TABLE 12.8.3A: MAXIMUM SIZE OF WALL- MOUNTED TEMPORARY SIGNS BY ZONING DISTRICT

Zoning District	Maximum Size (ft. ²)
<u>GR</u>	<u>16 ft.²</u>
<u>RMX</u>	<u>16 ft.²</u>
<u>NMX</u>	<u>24 ft.²</u>
<u>PGX</u>	<u>24 ft.²</u>
<u>DMX</u>	<u>24 ft.²</u>
<u>CMX</u>	<u>32 ft.²</u>
<u>GI</u>	<u>38 ft.²</u>
<u>IC</u>	<u>32 ft.²</u>

3. Number.

- a. One temporary wall sign may be displayed per building occupied by a single tenant.
- a.b. Buildings designed for occupancy by multiple tenants may display one temporary wall sign per tenant, but the sum of all signage displayed at one time is limited to the maximum for the building's zoning district as set forth ~~below~~ above.

4. Location.



a. Temporary wall signs shall be mounted flush against the building wall and secured at each corner.

b. Temporary wall signs shall not be permitted on awnings, canopies, or building roof.

~~3.5. Maximum display area for temporary wall signs:~~

TABLE 12.8.3A: MAXIMUM SIZE OF WALL-MOUNTED TEMPORARY SIGNS BY ZONING DISTRICT

Zoning District	Maximum Size (ft. ²)
GR	16 ft. ²
RMX	16 ft. ²
NMX	24 ft. ²
PGX	24 ft. ²
DMX	24 ft. ²
CMX	32 ft. ²
G1	38 ft. ²
IC	32 ft. ²

5. Duration of Display.

- Temporary wall signs may be displayed for a maximum of 30 consecutive calendar days.
- Temporary wall signs may be displayed a maximum of four times per calendar year. A minimum of 30 days of separation shall pass before a new temporary wall sign permit can be issued.

12.8.4. Temporary use signage.

- Upon issuance of a temporary use permit from the City of Brevard, properties being used for the permitted temporary use may display one temporary ground sign on each street frontage of the location of the temporary use for the period of operation as specified in the temporary use permit.
- The operator of the temporary use may choose any temporary ground sign type found in Section 12.8 and must adhere to all requirements set forth for the sign type, except that the duration of display which may match period of operation as specified in the approved permit.

12.8.5. Special event signage.

- Upon issuance of a special event permit from the City of Brevard, properties being used for the permitted special event may display signs, banners, balloons, decorative flags, and windsocks (hereafter, "special event signage") may be displayed subject to the following requirements:
 - Special event signage may be displayed for the duration of the event and up to one week prior to the start of the event.
 - Special event signage shall be approved by the administrator before being displayed. A plan showing the location, type and amount of all decorative signage and devices, along with the duration of the event, must be submitted to the administrator for review and approval.



3. ~~A deposit must be given to the city ensuring removal of all special event signage, as specified in the City of Brevard Fee Schedule.~~ If ~~the~~ special event signage has not been removed within ten days of the event's end, as specified in the event's permit, the ~~deposit-sign(s)~~ will be forfeited to the city.
4. Special event signage may not be illuminated, moving, or otherwise cause a hazard or create a visual or physical obstruction to motorists or pedestrians.
5. Permitted Special Events may also be allowed to display dispersed Type 1 Temporary Signs (Section 12.8.2) in multiple locations throughout the City's jurisdiction. A map of such signs shall be provided to the Administrator and all signs must be removed within 10 days following the event's end.

12.8.6. Community banners.

- A. The city may hang temporary banners in the right-of-way at specific locations in order to communicate community events held or hosted by charitable, religious, civic, fraternal, governmental, or other non-profit organizations, subject to the ~~City of Brevard street-Street banner-Banner policy-Policy~~ as set by the City of Brevard Public Works Department.
- ~~B.~~ Fees for the installation of community banners shall be set in the city's fee schedule.
- ~~B-C.~~ ~~Such banners displayed over NCDOT streets shall comply with all pertinent state laws and NCDOT policies.~~

12.9. Permanent signs.

12.9.1. General permanent sign standards.

- A. *Applicability:* The following regulations govern the installation and display of permanent signage within the jurisdiction of this ordinance. All permanently installed signage shall comply with these regulations unless otherwise explicitly exempted by the provisions of this section.

12.9.2. Signs mounted to walls.

- A. **Wall signs.**
 1. *Where permitted.* Wall signs shall be permitted to be displayed in association with any non-residential use in any zoning district.
 2. *Location.* Wall signs may be displayed on any building wall that includes a customer or public entrance, faces a public street, or faces a parking area.
 3. *Number.*
 - a. In residential districts, maximum of 1 wall sign per street frontage.
 - b. In all other districts, maximum of 3 wall signs per street frontage.
 4. *Maximum area.*
 - a. Subject to the other provisions of this section, the maximum size for all wall signs combined shall be determined as follows:
 - i. There may not be more than 1.0 square feet of sign surface area per linear foot of a building's main façade, or the portion of the building rented by the tenant, up to 200 linear feet
 - ii. There may not be up to 0.5 square feet of additional sign surface area per linear foot in excess of 200 feet.



iii. The "main façade" shall be the side of the building which faces the public street, or faces the street of highest classification.

b. In DMX and PGX districts no single wall sign shall be larger than 64 square feet.

5. *Changeable copy.* Wall signs may only include changeable copy features when displayed on buildings containing "Entertainment/Recreation" and "Civic/Institutional" uses, per the Table of Permitted Uses (Section 2.2.C).
6. *Illumination.* Wall signs may be illuminated either internally or externally. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting:* Wall signs may not project more than 12 inches from the building wall to which they are mounted and shall not be mounted in a manner where any part of the sign extends past the top of the building wall.

B. Projection signs.

1. *Where permitted.* Projection signs shall be permitted to be displayed by any non-residential use in any non-residential zoning district.
2. *Location.* Projection signs shall be located at the main entrance of the business or on the corner of the building occupied by the business.
3. *Number.* One per business establishment.
4. *Maximum area.* The maximum permitted area for projection signs shall not exceed eight square feet per side.
5. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted to be included on a projection sign.
6. *Illumination.* Projection signs may be illuminated externally. The light source shall be mounted directly to the sign. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting.* Projection signs shall be designed so that each face of the sign is parallel to the other face. When mounted at a location other than the corner of a building, the faces of the projecting sign shall be aligned so that they are perpendicular to the building wall.
8. *Minimum clearance required.* Projecting signs shall be installed in such a manner as to provide a minimum of eight feet of clearance above grade.
9. *Maximum projection.* Projecting signs shall not project greater than five feet from the building wall to which they are attached. Projecting signs shall be installed so that the edge of the sign closest to the building wall is no greater than 12 inches from such wall.

C. Awning signs.

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



5.6. *Illumination.* Awning signs shall not be illuminated.

12.9.3. Freestanding (ground) signs.

A. *Setbacks.*

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

B. *Non-residential uses in General Residential and residential-Residential Mixed Use districts.*

1. Nonresidential uses permitted in residential districts shall be allowed one ground or wall sign, subject to the following:
 - a. *Number.* One ground or wall sign may be displayed per business.
 - b. *Maximum area.* Shall be no larger than twenty-four square feet.
 - c. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted.
 - d. *Height.* Such ground signs shall not exceed five feet in height.

e. *Illumination.* Neither such wall or ground signs shall not be illuminated.

e.f. *Material.* Sign faces shall be composed of rigid material. A banner affixed to a rigid surface shall not suffice for this requirement.

2. *Nameplate signs.* Home occupations shall be allowed one nameplate sign that shall not exceed four square feet of surface area, shall be attached to the residence, and shall not be illuminated.

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

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



TABLE 12.9.3A: MAXIMUM SIGN SIZE FOR NON-RESIDENTIAL USES IN NON-RESIDENTIAL DISTRICTS

District	Max Size in Square Feet (ft. ²)
RMX	32 ft. ²
NMX	32 ft. ²
PGX	32 ft. ²
DMX	32 ft. ²
CMX	85 ft. ²
IC	24 ft. ²
GI	50 ft. ²
Highway 64 Corridor Sign Overlay District	85 ft. ² in surface area

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

D. Canopy signs.

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

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

1. *Where permitted.* Non-residential business establishments within the DMX, NMX, PGX, and RMX zoning districts may elect for an A-frame sandwich board sign in lieu of a traditional ground sign.
2. *Location.* Such a-frame signs shall be placed on the sidewalk adjacent to the front of the individual business or on the brick paved area providing such a location does not pose a safety hazard, maintains five feet of unobstructed paved space, does not obstruct any building entrances or exits, or impede any public infrastructure, utilities, and amenities. ~~Such signs must comply with Section 46-1 of the City Code.~~ Such A-frame signs must be removed each day at the end of business hours.
3. *Number.* One ground or wall sign may be displayed per business.
4. *Maximum area.* Such A-frame signs shall not exceed eight square feet in area per side.



5. *Height.* Such A-frame signs shall not exceed four feet in height.
 6. *Changeable copy.* Manual changeable copy features are allowed.
 7. *Illumination.* Such A-frame signs shall not be illuminated.
 8. *Alleys.* Business establishments located in any official city-owned alley may also be permitted to collectively place one Type 4 freestanding temporary sign near the primary alleyway entrance, provided the location of the sign does not pose a safety hazard, and that the sign is removed at the end of each day when the last business in the alley closes.
- F. *Electronic display signs.*** Electronic display signs may be permitted as ground signs, subject to the following additional requirements:
1. *Where permitted. Only the following uses shall be permitted to install electronic display signs:*
 - a. *Colleges/universities;*
 - b. *Schools—Elementary and Secondary;*
 - c. *Schools—Vocational/Technical; and*
 - d. *Government services.*
 2. *Master planned campuses of different uses than described in this section may have one electronic display sign that is internal to the campus and not visible from any public street.*
 3. Only one electronic display sign shall be permitted per parcel.
 4. Only one electronic display sign shall be permitted within any group development, conditional zoning district, or institutional campus.
 5. Electronic display signs shall display only non-moving text and images with changes alternating on not less than a five second level, and shall display no scrolling, flashing, blinking, or otherwise moving message.
 6. Electronic display signs shall adhere to all other applicable wall or ground sign requirements of this chapter, as well as the lighting standards of [CHAPTER 11](#) of this ordinance.
 - ~~7. *Only the following uses shall be permitted to install electronic display signs:*~~
 - ~~a. *Colleges/universities;*~~
 - ~~b. *Schools—Elementary and Secondary;*~~
 - ~~c. *Schools—Vocational/Technical; and*~~
 - ~~d. *Government services.*~~
 - ~~8. *Master planned campuses of different uses than described in this section may have one electronic display sign that is internal to the campus and not visible from any public street.*~~

12.9.4. Incidental signs.

- A.** The following incidental signs may be displayed in accordance with the specific standards listed below, without a permit or fee.
- ~~B. *Pedestrian-oriented signs.*~~**
- ~~1. *Suspended. One sign no larger than six square feet in area may be suspended from an awning, canopy, or other pedestrian cover directly in front of a customer entrance for a non-residential use. Such signs shall be mounted perpendicularly to the customer entrance and maintain a minimum of eight feet of clearance above the pedestrian walkway. Such signs may not be illuminated.*~~



- ~~2. *Wall.* Non-residential uses may display one sign, not to exceed four square feet in area, on a building wall immediately adjacent to each customer entrance. No more than one sign per entrance is permitted. Signs shall be mounted within four feet of the customer entrance with which they are associated.~~

C.B. *Private directional signs.*

1. Private, unofficial traffic signs not exceeding three feet in height nor two square feet in area, which indicate directions, entrances, and exits, may be displayed on each side of street entrances to a parking area or internal driveway network and within the parking lot of a non-residential use. Such signs associated with industrial uses may be up to six feet (6') in height and eight square feet (8 ft²).
2. Such signs must be located entirely on the property to which they pertain, unless approved by NCDOT and/or the City of Brevard to be located in a public right-of-way. In such cases an encroachment agreement may be necessary.
3. Such signs shall not contain any advertising message beyond a business name or logo.

D.C. *Miscellaneous signs.*

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

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

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

F.E. *Neighborhood signs.*

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

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

12.9.5. Off-premise directional signs.



- A. **Permit required.** A sign permit must be obtained for all off-premises directional signs indicating compliance with relevant sign setback requirements applicable to the district in which the sign is to be located.
- B. **Businesses in Downtown Mixed-Use (DMX) districts.**
1. *Where permitted.* Both the business establishment and the off-premises directional sign must be located in the DMX district. Such signs are only allowed as wall signs and may be placed on the building the establishment is located in, or another nearby building with written permission from the property owner(s).
 2. *Number.* One sign per establishment.
 3. *Maximum area.* Such signs shall be no larger than eight square feet.
 4. *Design.* Such signs shall be of a uniform design to be approved by the city.
 5. *Changeable copy.* Only manual changeable copy shall be allowed.
 6. *Illumination.* Such signs shall not be illuminated.
- C. Operators of off-premise parking lots may have one additional ground sign located on the parking lot property provided the following conditions are met.
1. *Number.* One per parking lot.
 2. *Maximum area.* No larger than 12 square feet.
 3. *Height.* Shall not exceed six feet in height.
 4. *Changeable copy.* Manual or electronic changeable copy shall be allowed.
 5. *Illumination.* Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
- D. No other new off-premises directional signs shall be allowed after the effective date of this ordinance. Existing off-premises directional signs shall be allowed to remain and be maintained. Such pre-existing signs destroyed by vandalism or an adverse weather event (not be interpreted to as normal weathering) shall be allowed to be replaced in the exact same location, in the exact same manner, and with the exact same design, text, and graphics of the same size as the previously destroyed sign.

12.9.6. Additional standards for ~~conditional zoning districts, group developments, institutional campuses, and similar developments~~group developments.

- A. **Ground signs visible from a public street.** One ground sign may be permitted at each building provided that:
1. A ground sign may be situated at the convergence of two public streets upon which the development fronts but where no entrance is located. However, signs permitted under this provision shall be considered as situated upon both converging streets and shall be separated from all other ground signs within the same development in accordance with this ordinance.
 2. Developments that are divided by a public street shall be considered as separate developments for the purposes of this subsection.
 3. These requirements shall apply regardless of whether such developments are subdivided into individual parcels.
 4. All other requirements of this chapter shall apply to such ground signs. Ground sign size and height requirements shall be the same as the base district within which the development is located.



5. Out-parcels shall be allowed one ground sign in accordance with Section 12.9.3.

B. **Wall signs visible from a public street.** Individual businesses and buildings located within ~~conditional zoning districts, group developments, institutional campuses, and other similar projects may~~ developments may have the following:

1. One wall sign which shall not exceed 64 square feet or 25 percent of the surface area of the wall upon which the sign is located, whichever is the lesser, or as stated in an adopted Conditional Zoning District ordinance.
2. For buildings having frontage on more than one public right-of-way, signs may be placed on both walls fronting the public right-of-way.
3. One identification sign not to exceed 16 square feet. That sign may be located on the rear or side of the business.
4. One menu reader board for each restaurant drive-through lane. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.
5. One suspended or projection identification sign per business establishment, not to exceed eight square feet per side. Suspended or projected identification signs shall be located at the main entrance of the business.
6. The aggregate area of all wall signs, including building identification signs, business identification signs, identification signs, suspended signs, projection signs, menu reader boards, and product information signs, shall not exceed 25 percent of the total surface area of the front wall space of the business (surface area of said wall shall be computed excluding windows and doors).

C. **Internal development signage.**

1. There shall be no limit to the number signs posted within an ~~Institutional Campus, group development, conditional zoning district, or other similar developments,~~ when such signs are in no way visible from any public street or right-of-way, or any adjacent property.
2. Ground signs permitted under this provision shall comply with this ordinance.
3. Ground signs permitted under this provision shall be no larger than 32 square feet of surface area and shall not exceed five feet in height.

D. **Compliance.** Otherwise, signs permitted within the development under this section shall comply with all other requirements of this chapter, and other forms of signage within the development shall comply with all requirements of this chapter.

19.3. Definitions.

The following words, terms and phrases, when used in this UDO, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Awning: A roof-like shelter of canvas or other material extending over a doorway from the top of the window, over a deck, etc., in order to provide protection from the weather.

Illumination of signs: The lighting of a sign or exposing of a sign to artificial light either from within or without. In no instance shall the illumination of a sign interfere with adjacent traffic or disturb residential neighborhoods.



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

Sign: Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, graphic depiction of a product and/or process, trade names or trademarks by which anything is known, including any surface fabric or other material or structure designed to carry such devices, such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit.

Sign, advertising: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, manufactured, or offered. Such signs are further classified according to location, as follows:

1. On the same premises as the business, commodity, service, or entertainment advertised by the sign;
2. Remote from the business, commodity, service, or entertainment advertised by the sign (see Off-Premises Sign).

Sign, awning: A sign constructed of a fabric-like nonrigid material which is part of a fabric or plastic awning. ~~Awning signs constructed of a flammable substance are prohibited in the fire district.~~

Sign, directional: A sign which carries no advertising message or information, but simply the name or the logo of an establishment and information directing persons to the location of said establishment or for traffic control within a parking lot.

Sign, electronic display: A sign designed where the face or portion thereof is a "screen" that receives information to create motion pictures or creates a light-emitting electrochemical cell or emissive electroluminescent layering using light emitting diode displays such as LED or OLED, fiber optics, or other technological advanced illumination methods within the electronic display panel (other than mere lightbulbs behind a semi translucent motionless sign face) which is capable of forming messages, capable of displaying moving text and graphical imagery at high-intensity illumination. These signs are usually controlled by a computer or modem and use proprietary software or cloud-based technology to communicate advertising messages or moving graphics using primarily blue light rays with the shortest wavelengths and highest energy as a means of drawing attention. Exceptions include signs or sign toppers that only display time and temperature at not less than five second intervals.

Sign, freestanding: A sign that is not attached to any building structure. Such signs shall include, but not be limited to, signs mounted on poles and A-frame signs.

Sign, identification: A sign which carries no advertising message and is used to identify only the following:

- A. The name of an institutional use or organization occupying the premises on which the sign is located;
- B. The name, title and/or occupation or profession of the occupant of the premises on which the sign is located;
- C. The name and the type of nonretail business occupying the premises on which the sign is located; or



- D. The name of the building on which the sign is located, including names and types of firms occupying the building.

Sign, illuminated: A sign that is illuminated by electric or other devices mainly for clear visibility at night.

Sign, incidental: A sign which carries no advertising message, and is clearly incidental to other major advertising signs on-site, and which is used to do one or more of the following:

- B. Direct traffic flow, either vehicular or pedestrian;
- C. Indicates clearly the location of ingress or egress points;
- D. Direct certain activities to certain areas (i.e., parking, waiting, etc.);
- E. Provide other incidental information.

Sign, marquee: A sign affixed to a hood, canopy, or projecting roof structure over the entrance to a building, store, or place of public assembly.

Sign, menu reader board: A one-sided sign that displays a menu and pricing for food and beverage services available on site that may include an audible speaker and microphone integral to the sign.

Sign, nameplate: A sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. When nameplates are used to identify more than one occupant, each nameplate shall be attached to one freestanding master identification sign.

Sign, off-premises: A sign that directs attention to a business, commodity, service, or facility that is not located on the premises upon which the sign is located. This includes billboards and other outdoor displays for the purpose of directing attention to a business, commodity, service, or entertainment conducted, sold, manufactured, or offered at a location other than the location of said sign.

Sign, political: A sign attracting attention to political candidates or issues.

Sign, portable: A sign which rests on the ground or other surface, and is not directly attached to such surface, and which is designed and/or constructed to be mobile or movable.

Sign, product information: An on-premises, advertising sign which denotes a particular commodity, service, or entertainment offered by said establishment. Identification signs and reader boards shall not be construed as product information signs.

Sign, projection: A sign projecting out from and attached to the exterior wall of any building, and forming an angle of 30 degrees or more to said wall, or suspended from the underside of an awning, canopy, or marquee.

Sign, reader board: A permanent sign, affixed either to the wall of a structure or to an existing freestanding identification sign, which is comprised of a surface to which letters may be attached on a temporary basis thereby forming messages advertising special sales or services offered. Reader boards may not serve in substitution for identification signs.

Sign, real estate: Any sign pertaining to the sale, lease, or rental of land or buildings.

Sign, roof: A sign erected, constructed, or maintained upon the roof of the building.

Sign, suspended: ~~A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surface.~~

Sign, temporary: A banner or A-frame sign used for advertising purposes as set forth in this ordinance.



Sign, traffic: A sign indicating federal, state, or city regulations for automobile, truck, bicycle, and pedestrian traffic.

Sign, vintage: Any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs are considered a sub-type of wall signs as defined by this chapter.

Sign, wall: A sign affixed to the surface of, and whose plane is parallel to, the exterior wall of a building, or which forms an angle of less than 30 degrees with said wall and does not project out from the wall more than 24 inches from said wall. No wall sign shall extend above the roofline of the building upon which it is located. In cases of flat roofs, no sign shall extend above the parapets. Mansard roofs with an angle of 60 degrees or more from horizontal shall be considered as wall space for the placement of signs.

Sign, window: Any sign oriented toward and visible from the exterior of a building which is placed directly on a glass window.

Surface area: The entire area of a sign as measured by the square, rectangle, semicircle, or parallelogram thereof, and comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding the base or apron, supports and other structural members. In the case of three-dimensional letters or painted letters directly on the wall surface, the surface area shall be defined as the area encompassing the individual letters themselves including any trim or border and excluding the background that supports the three-dimensional letters.



CHAPTER 12. SIGNS

12.1. Purpose.

- A. The purpose of this section is to promote the effective and compatible use of signage within the City of Brevard's planning jurisdiction by ensuring that no sign will, due size, location, color, illumination, movement, construction, materials, or manner of display, endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health and safety. Because signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for reasonable regulation, this chapter aims to permit and regulate signs in such a way as to ensure public safety, and to support and complement land use objectives set forth in this ordinance and the Comprehensive Land Use Plan.
- B. These regulations aim to ensure the protection of property values and the character of Brevard and to create a convenient, attractive, and harmonious community.
- C. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, compliment the landscaping and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- D. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the city. They are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- E. These regulations do not entirely eliminate all of the potential harms that may be created by the installation and display of signs. They strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

12.2. Applicability.

- A. No sign of any type shall be constructed, erected, painted, posted, placed, replaced, enlarged, moved or hung in any district except without first obtaining a permit from the Administrator in compliance with this ordinance.
- B. All signs shall fully comply with the requirements of the State of North Carolina Building and Electrical Codes.

12.3. Severability.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Code.

12.4. Substitution.

Signs containing noncommercial speech are permitted anywhere advertising or business signs are permitted, subject to the same regulations applicable to such signs as described herein.

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 on or after October 1, 2021. For signs removed from October 1, 2021 to 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.
 - 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:

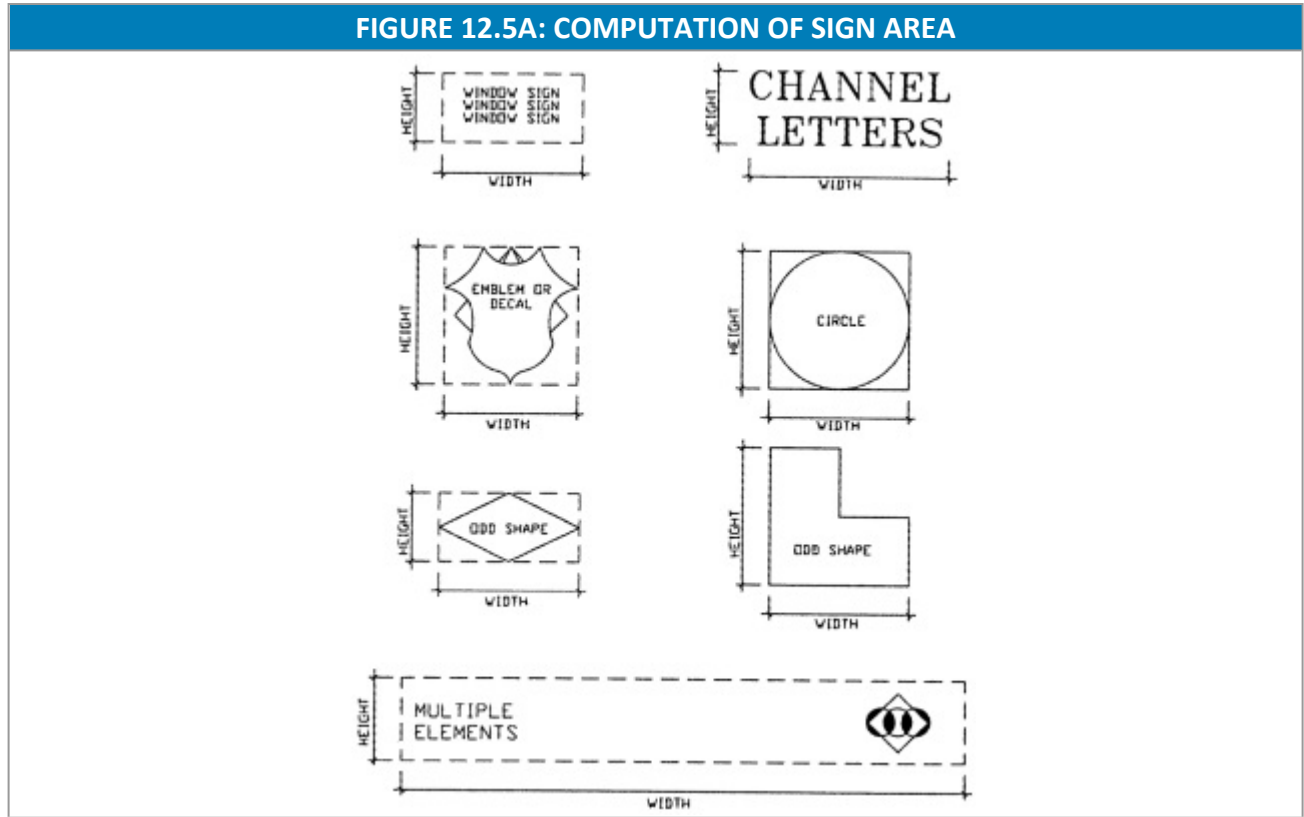
1. Signs identifying establishments no longer in existence, products no longer being sold, and services no longer being rendered shall be removed from the premises within 30 days from the date of termination of such activities, except that ground sign supports, braces, and guys which are not easily dismantled 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 façade 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

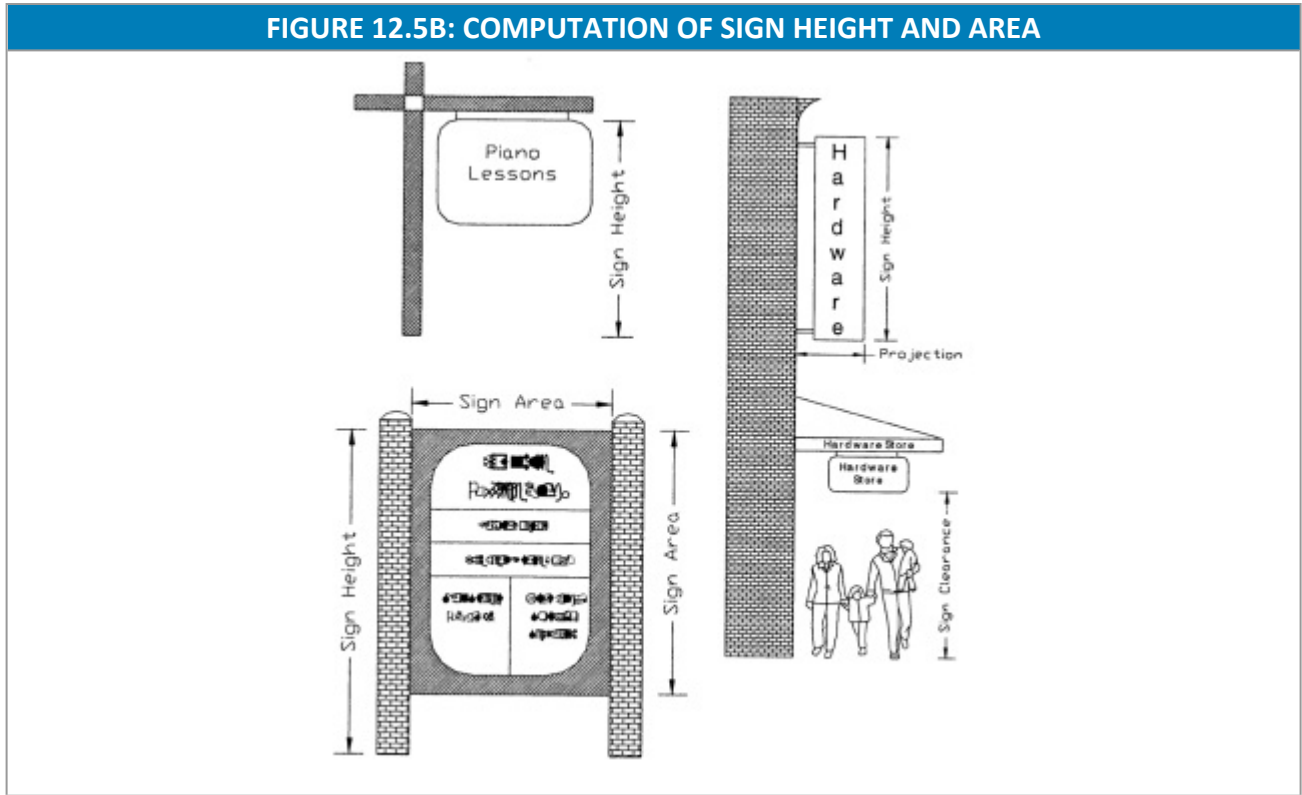


2. *Height.*

- 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.



FIGURE 12.5B: COMPUTATION OF SIGN HEIGHT AND AREA



- ~~**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.~~

12.6. Prohibited signs.

The following signs are prohibited in all districts, unless otherwise permitted elsewhere in this chapter:

- A. Signs constituting traffic hazards:** Any sign located in a manner or place so as to constitute a hazard to traffic as demonstrated by the administrator, including signs placed within any required sight triangle.
- B. Signs within public right-of-way or easement:** Any freestanding sign located within or extending into a public right-of-way or easement, except as otherwise allowed by this chapter. City personnel may remove any sign located fully or partially within a public right-of-way.
- C. Signs obstructing passages:** Any sign that obstructs or interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building.
- D. Off-premises advertising signs:** Billboards and other types of off-premises advertising signs. Off-premises directional signs may be permitted (Section 12.9.5).
- E. Signs on vehicles parked off-premises and/or near the right-of-way:** Except when in the process of loading or unloading or generally carrying out activities associated with the normal conduct of business (except



advertising), vehicles, trailers, commercial trucks displaying signage for the principal use of advertising rather than transport are prohibited. Vehicles with signs for advertising may park in any legally-established parking space on the property where the commercial activity being advertised is conducted.

- F. Any, electronic sign, sign that includes a monitor or TV screen, flashing device, or sign displaying flashing, animated, or intermittent lights or lights of changing degrees of intensity not expressly allowed by Section 12.9.3.
- G. *Moving devices*: Any moving signs or device to attract attention, all or any part of which moves by any means, including by air, electrical, human, or other means, including but not limited to pennants, flags, propellers, discs, or inflatables, whether or not any said device has a written message. Except those allowed by Section 12.9.4.
- H. Any sign posted to utility poles, bridges, overpasses, trees, fences, rocks, or other signs.
- I. *Copies of official signs*: Any sign which is a copy or an imitation of an official sign or traffic light, or which purports to have official status.
- J. Roof signs.
- K. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by City Council or in accordance with North Carolina General Statutes.
- L. Signs that promote illegal activity.
- M. Reflective signs or signs containing mirrors.
- N. Any sign not expressly permitted elsewhere in this ordinance.

12.7. Exempt signs.

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

- A. *Government signs*: Official signs installed by units or agencies of local government having jurisdiction within the City of Brevard, and agencies of the State of North Carolina or the federal government are exempt from the regulations established by this section. For the purposes of this section, official signs shall include any sign erected by the City of Brevard. Such signs may be illuminated, flashing, or moving as required.
- B. *Signs required by law*: Signs erected pursuant to federal, state, or local laws or ordinances.
- C. *Architectural features*: Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.
- D. *Public-owned ball field signs*: Signs attached to the field's fencing, provided that such signs are made of weather-durable materials and are not self-illuminated.
- E. *Window signs*: Signs placed on or behind window glass, provided that no window signs shall include electronic or flashing elements as prohibited by Section 12.6.E.
- F. *Historic properties*: Buildings or properties that are either locally or nationally listed as a historic landmark may have small identifying signs on the building or property.
- G. *Murals*:
 - 1. A mural, as defined herein, is any image painted, applied, or affixed directly on to a privately owned, nonresidential building wall, retaining and screening wall, or other large existing outdoor surface in nonresidential zoning districts for artistic and/or aesthetic purposes [as opposed to advertising](#). A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image. [Murals may incorporate logos, symbols, and copy](#)



within the image, however such elements combined shall not exceed eight percent of the mural's total surface area, and any murals that do not adhere to this requirement shall be considered wall signs and permitted as such.

~~1. —~~

2. Murals may be permanent, or temporary and shall be maintained in good condition by the property owner.
3. Owners seeking to create murals shall receive City Council approval. Based on adopted policies, City Council shall issue a resolution stating its approval or denial of the mural request in all nonresidential zoning districts.

~~4. — Murals do not require a sign permit if they adhere to the following:~~

- ~~a. — If media other than, or in addition to, paint are used in a mural such media shall not extend more than twelve inches (12") above the surface on which the mural is applied, or affixed and may not extend into a right-of-way.~~
- ~~b. — The mural may incorporate logos, symbols, and copy within the image, however such elements combined shall not exceed eight percent of the mural's total surface area.~~
- ~~c. — The following shall be used for purposes of measuring surface area:~~
 - ~~i. — The area of a mural shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or paint or other media, together with any material or color forming an integral part of the background of the display or used to differentiate the mural from the backdrop or structure against which it is placed.~~
 - ~~ii. — Architectural elements on building walls such as windows, doors, and awnings that are harmoniously incorporated into the mural's design shall be counted in the overall square footage of the mural.~~

~~5. — Murals shall not be placed or installed on locally designated historic buildings by the Joint Historic Preservation Commission or those listed on the National Register of Historic Places.~~

~~6. — Murals that do not adhere to the requirements of this section shall be considered wall signs and shall adhere to all provisions therein and require the issuance of a sign permit.~~

H. Vintage signs:

1. Vintage signs are defined as any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs may be incorporated into murals, or placed on building walls of privately owned, nonresidential buildings, and retaining/screening walls in nonresidential zoning districts.
2. Vintage signs are allowed in all zoning districts.
3. Vintage signs shall require only a letter of compliance before placement if they adhere to the following:
 - a. If used by a property owner with no affiliation to the active, or closed business, vintage signs may be placed or incorporated:
 - i. On a building wall as long as no more than 40 percent of the wall face is covered;
 - ii. On a pitched or flat roof as long as no more than 20 percent of the area of the surface plane on which the vintage sign is placed is covered; or
 - iii. Within murals as long as all provisions for murals are met in addition to those for vintage signs provided herein.



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

12.8. Temporary signs.

12.8.1. General temporary sign standards.

- A. All temporary signs shall comply with the following common standards:
 1. Temporary signs shall not be illuminated or be displayed by any electrified device.
 2. Temporary signs shall not be placed within any public right-of-way, including within medians, unless expressly permitted by this ordinance or the North Carolina General Statutes.
 - i. [Political and farm signs are allowed within city and state public rights-of-way as described in G.S. 136-32.](#)
 - 2.3. Temporary signs attached to buildings shall not be placed in a manner that obstructs any window, door, fire department sprinkler connection, ingress, egress, or street number sign.
 - 3.4. Temporary signs shall not be affixed to any permanent sign or its supporting structure.
 - 4.5. Temporary signs shall not be placed in a manner that obstructs clear sight distance (e.g. within the required sight triangle) for motorists, bicyclists, or pedestrians at street intersections or driveways.
 - 5.6. Temporary signs, other than Type 4 freestanding temporary signs as allowed in Section 12.8.2, shall not be placed upon any sidewalk or other pedestrian walkway.
 - 6.7. Temporary signs shall not be placed on the roof of a building, or affixed to a tree, rock, bridge, utility pole, or permanent sign.
 - 7.8. Any required period of separation between such the number or duration of temporary sign displays shall carry over the changing of calendar years, and shall be observed prior to initiating the first allowed display during the new calendar year.

12.8.2. Freestanding (ground) temporary signs.

- A. **General provisions.** The following standards apply to all freestanding temporary signs:
 1. Signs shall not be affixed to any supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
 2. Signs, other than Type 4 freestanding temporary signs as allowed herein, shall not be placed in the right-of-way.
 3. No more than one freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted.
- B. **Type 1 freestanding temporary signs.** Signs in this category consist of small, temporary yard signs that are typically associated with, but are not limited to, the advertisement of real estate, political campaigns, and meetings.
 1. *Where permitted.* Type 1 freestanding temporary signs may be displayed in any zoning district and may be associated with any use, including parcels containing vacant or undeveloped land.



2. *Size.* The maximum sign display area is limited to four square feet.
3. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
4. *Number.*
 - a. One Type 1 freestanding temporary sign may be displayed per parcel, per street frontage, without a permit. Additional Type 1 freestanding temporary signage may be allowed with the issuance of a permit.
 - b. During the period beginning 90 days before the beginning date of early voting under G.S. 163-166.40 and ending 10 days after the primary or election day~~Beginning 90 days prior to the beginning of early voting for any scheduled primary or election, as established by the North Carolina Board of Elections, and ending ten days following the primary or election~~, this limit on the number of Type 1 freestanding temporary signs that may be displayed without a permit is suspended for residential ~~zoned GR or RMX~~ parcels. All other regulations associated with such signage shall remain in effect during such period of suspension.
5. *Material.* Type 1 freestanding temporary sign faces shall be made of a rigid material.
6. *Mounting standard.* Signs may only be mounted and supported by posts or stakes.
7. *Number of sides.* The display area may be either single or dual sided.
8. *Duration of display.* The duration of the display of a Type 1 sign is limited to 100 days, with a minimum separation period of 10 days between displays.

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

1. *Where permitted.* Type 2 signs are permitted only on parcels in the RMX, NMX, PGX, DMX, CMX, GI, and IC zoning districts. A permit is required for this type of temporary signage.
2. *Size.* The maximum sign display area is limited to 18 square feet in RMX, NMX, PGX, and DMX districts, and 32 square feet in CMX, GI, and IC districts.
3. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
4. *Number:* One Type 2 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
5. *Material.* Sign faces shall be made of a flexible material.
6. *Mounting standard.* Signs may only be mounted and supported by posts or stakes.
7. *Number of sides.* The display area may be either single or dual sided.
8. *Duration of display.* Type 2 freestanding temporary signs are permitted to be displayed during the initial openings of businesses, community events, or special sales, for a maximum of 14 days at a time. A maximum of six separate displays are permitted during each calendar year with a minimum of ten days of separation between displays by the same use/business/tenant.

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

1. *Where permitted.* Type 3 signs are permitted-allowed with a permit only on parcels or groups of adjacent parcels under common ownership that meet one of the following:



- a. A residential use on a parcel or group of adjacent parcels under common owner-ship that is a minimum of three acres in size zoned GR;
 - b. Vacant or undeveloped land where the parcel or group of adjacent parcels under common ownership that is a minimum of one acre in size in any zoning district;
 - c. A non-residential use in any non-residential zoning district upon a parcel that has a minimum of 200 feet of frontage on a public street, as measured at the right-of-way; or
 - d. A non-residential use in any non-residential zoning district upon a parcel that has construction or development activity per an active development permit.
2. *Simultaneous display prohibited.* A Type 3 sign shall not be displayed upon a parcel that contains a permanent freestanding sign or sign structure.
 3. *Size.* The maximum area is limited to 16 square feet in GR and RMX districts, and 24 square feet in all other districts.
 4. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to five feet above the lowest adjacent grade in GR and RMX districts, and eight feet above the lowest adjacent grade in all other districts.
 5. *Setbacks.*
 - a. Front: No portion of any freestanding ground sign described in this section may be located closer than ten feet (10') to any street right-of-way, except in the DMX district where signs shall be no closer than five feet (5') to any street right-of-way.
 - b. Side and Rear: No portion of any freestanding sign described in this section shall be located any closer than ten feet (10') to any side or rear property line.
 6. *Number:* One Type 3 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
 7. *Material.* Sign faces shall be made of a rigid material.
 8. *Mounting standard.* Signs shall be mounted to and supported by a minimum of two (2) separate posts or stakes.
 9. *Number of sides.* The display area may be either single or dual sided.
 10. *Duration of display.*
 - a. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership which contain only vacant or undeveloped land for which no development permits have been issued.
 - b. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership zoned NMX, PGX, CMX, DMX, or GI that have unoccupied commercial buildings.
 - c. In all other cases, the duration of display shall be limited to two months.
 - d. Where the display of a Type 3 sign is subject to a limit on the duration of display, there shall be a minimum period of separation of 60 days between the removal of the previously permitted sign and the display of a new sign. Such period of separation shall apply in all cases where a sign subject to a limit on the duration of its display is removed, regardless of whether the maximum allowed duration for its display has been reached at the time of its removal.
- E. **Type 4 freestanding temporary signs.** The category of signs defined as Type 4 freestanding temporary signs shall include only those signs which are constructed in a manner that is commonly referred to as an "A-frame" or "sandwich board" sign, consisting of two sides connected at the top by hinges or similar mechanisms.



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

12.8.3. Wall-mounted temporary signs.

- A. Temporary signs mounted to building walls shall include all wall-mounted temporary signs, including but not limited to, wall-mounted signs or banners for the announcement of new business openings, community events, and/or availability of vacant tenant space. ~~may be displayed~~ subject to the following provisions:
1. Where permitted. Wall mounted temporary signs are ~~permitted~~ allowed on buildings housing a commercial use in any zoning district with a permit.
 2. Size. Maximum display area for temporary wall signs:

TABLE 12.8.3A: MAXIMUM SIZE OF WALL- MOUNTED TEMPORARY SIGNS BY ZONING DISTRICT

Zoning District	Maximum Size (ft. ²)
<u>GR</u>	<u>16 ft.²</u>
<u>RMX</u>	<u>16 ft.²</u>
<u>NMX</u>	<u>24 ft.²</u>
<u>PGX</u>	<u>24 ft.²</u>
<u>DMX</u>	<u>24 ft.²</u>
<u>CMX</u>	<u>32 ft.²</u>
<u>GI</u>	<u>38 ft.²</u>
<u>IC</u>	<u>32 ft.²</u>

3. Number.

- a. One temporary wall sign may be displayed per building occupied by a single tenant.
- a.b. Buildings designed for occupancy by multiple tenants may display one temporary wall sign per tenant, but the sum of all signage displayed at one time is limited to the maximum for the building's zoning district as set forth ~~below~~ above.

4. Location.



a. Temporary wall signs shall be mounted flush against the building wall and secured at each corner.

b. Temporary wall signs shall not be permitted on awnings, canopies, or building roof.

3.5. Maximum display area for temporary wall signs:

TABLE 12.8.3A: MAXIMUM SIZE OF WALL-MOUNTED TEMPORARY SIGNS BY ZONING DISTRICT

Zoning District	Maximum Size (ft. ²)
GR	16 ft. ²
RMX	16 ft. ²
NMX	24 ft. ²
PGX	24 ft. ²
DMX	24 ft. ²
CMX	32 ft. ²
GI	38 ft. ²
IC	32 ft. ²

5. Duration of Display.

- Temporary wall signs may be displayed for a maximum of 30 consecutive calendar days.
- Temporary wall signs may be displayed a maximum of four times per calendar year. A minimum of 30 days of separation shall pass before a new temporary wall sign permit can be issued.

12.8.4. Temporary use signage.

- Upon issuance of a temporary use permit from the City of Brevard, properties being used for the permitted temporary use may display one temporary ground sign on each street frontage of the location of the temporary use for the period of operation as specified in the temporary use permit.
- The operator of the temporary use may choose any temporary ground sign type found in Section 12.8 and must adhere to all requirements set forth for the sign type, except that the duration of display which may match period of operation as specified in the approved permit.

12.8.5. Special event signage.

- Upon issuance of a special event permit from the City of Brevard, properties being used for the permitted special event may display signs, banners, balloons, decorative flags, and windsocks (hereafter, "special event signage") may be displayed subject to the following requirements:
 - Special event signage may be displayed for the duration of the event and up to one week prior to the start of the event.
 - Special event signage shall be approved by the administrator before being displayed. A plan showing the location, type and amount of all decorative signage and devices, along with the duration of the event, must be submitted to the administrator for review and approval.



3. ~~A deposit must be given to the city ensuring removal of all special event signage, as specified in the City of Brevard Fee Schedule.~~ If ~~the~~ special event signage has not been removed within ten days of the event's end, as specified in the event's permit, the ~~deposit-sign(s)~~ will be forfeited to the city.
4. Special event signage may not be illuminated, moving, or otherwise cause a hazard or create a visual or physical obstruction to motorists or pedestrians.
5. Permitted Special Events may also be allowed to display dispersed Type 1 Temporary Signs (Section 12.8.2) in multiple locations throughout the City's jurisdiction. A map of such signs shall be provided to the Administrator and all signs must be removed within 10 days following the event's end.

12.8.6. Community banners.

- A. The city may hang temporary banners in the right-of-way at specific locations in order to communicate community events held or hosted by charitable, religious, civic, fraternal, governmental, or other non-profit organizations, subject to the ~~City of Brevard street-Street banner-Banner policy-Policy~~ as set by the City of Brevard Public Works Department.
- ~~B.~~ Fees for the installation of community banners shall be set in the city's fee schedule.
- ~~B-C.~~ ~~Such banners displayed over NCDOT streets shall comply with all pertinent state laws and NCDOT policies.~~

12.9. Permanent signs.

12.9.1. General permanent sign standards.

- A. *Applicability:* The following regulations govern the installation and display of permanent signage within the jurisdiction of this ordinance. All permanently installed signage shall comply with these regulations unless otherwise explicitly exempted by the provisions of this section.

12.9.2. Signs mounted to walls.

- A. **Wall signs.**
 1. *Where permitted.* Wall signs shall be permitted to be displayed in association with any non-residential use in any zoning district.
 2. *Location.* Wall signs may be displayed on any building wall that includes a customer or public entrance, faces a public street, or faces a parking area.
 3. *Number.*
 - a. In residential districts, maximum of 1 wall sign per street frontage.
 - b. In all other districts, maximum of 3 wall signs per street frontage.
 4. *Maximum area.*
 - a. Subject to the other provisions of this section, the maximum size for all wall signs combined shall be determined as follows:
 - i. There may not be more than 1.0 square feet of sign surface area per linear foot of a building's main façade, or the portion of the building rented by the tenant, up to 200 linear feet
 - ii. There may not be up to 0.5 square feet of additional sign surface area per linear foot in excess of 200 feet.



iii. The "main façade" shall be the side of the building which faces the public street, or faces the street of highest classification.

b. In DMX and PGX districts no single wall sign shall be larger than 64 square feet.

5. *Changeable copy.* Wall signs may only include changeable copy features when displayed on buildings containing "Entertainment/Recreation" and "Civic/Institutional" uses, per the Table of Permitted Uses (Section 2.2.C).
6. *Illumination.* Wall signs may be illuminated either internally or externally. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting:* Wall signs may not project more than 12 inches from the building wall to which they are mounted and shall not be mounted in a manner where any part of the sign extends past the top of the building wall.

B. Projection signs.

1. *Where permitted.* Projection signs shall be permitted to be displayed by any non-residential use in any non-residential zoning district.
2. *Location.* Projection signs shall be located at the main entrance of the business or on the corner of the building occupied by the business.
3. *Number.* One per business establishment.
4. *Maximum area.* The maximum permitted area for projection signs shall not exceed eight square feet per side.
5. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted to be included on a projection sign.
6. *Illumination.* Projection signs may be illuminated externally. The light source shall be mounted directly to the sign. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting.* Projection signs shall be designed so that each face of the sign is parallel to the other face. When mounted at a location other than the corner of a building, the faces of the projecting sign shall be aligned so that they are perpendicular to the building wall.
8. *Minimum clearance required.* Projecting signs shall be installed in such a manner as to provide a minimum of eight feet of clearance above grade.
9. *Maximum projection.* Projecting signs shall not project greater than five feet from the building wall to which they are attached. Projecting signs shall be installed so that the edge of the sign closest to the building wall is no greater than 12 inches from such wall.

C. Awning signs.

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



5.6. *Illumination.* Awning signs shall not be illuminated.

12.9.3. Freestanding (ground) signs.

A. *Setbacks.*

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

B. *Non-residential uses in General Residential and residential-Residential Mixed Use districts.*

1. Nonresidential uses permitted in residential districts shall be allowed one ground or wall sign, subject to the following:
 - a. *Number.* One ground or wall sign may be displayed per business.
 - b. *Maximum area.* Shall be no larger than twenty-four square feet.
 - c. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted.
 - d. *Height.* Such ground signs shall not exceed five feet in height.

e. *Illumination.* Neither such wall or ground signs shall not be illuminated.

e.f. *Material.* Sign faces shall be composed of rigid material. A banner affixed to a rigid surface shall not suffice for this requirement.

2. *Nameplate signs.* Home occupations shall be allowed one nameplate sign that shall not exceed four square feet of surface area, shall be attached to the residence, and shall not be illuminated.

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

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



TABLE 12.9.3A: MAXIMUM SIGN SIZE FOR NON-RESIDENTIAL USES IN NON-RESIDENTIAL DISTRICTS

District	Max Size in Square Feet (ft. ²)
RMX	32 ft. ²
NMX	32 ft. ²
PGX	32 ft. ²
DMX	32 ft. ²
CMX	85 ft. ²
IC	24 ft. ²
GI	50 ft. ²
Highway 64 Corridor Sign Overlay District	85 ft. ² in surface area

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

D. Canopy signs.

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

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

1. *Where permitted.* Non-residential business establishments within the DMX, NMX, PGX, and RMX zoning districts may elect for an A-frame sandwich board sign in lieu of a traditional ground sign.
2. *Location.* Such a-frame signs shall be placed on the sidewalk adjacent to the front of the individual business or on the brick paved area providing such a location does not pose a safety hazard, maintains five feet of unobstructed paved space, does not obstruct any building entrances or exits, or impede any public infrastructure, utilities, and amenities. ~~Such signs must comply with Section 46-1 of the City Code.~~ Such A-frame signs must be removed each day at the end of business hours.
3. *Number.* One ground or wall sign may be displayed per business.
4. *Maximum area.* Such A-frame signs shall not exceed eight square feet in area per side.



5. *Height.* Such A-frame signs shall not exceed four feet in height.
 6. *Changeable copy.* Manual changeable copy features are allowed.
 7. *Illumination.* Such A-frame signs shall not be illuminated.
 8. *Alleys.* Business establishments located in any official city-owned alley may also be permitted to collectively place one Type 4 freestanding temporary sign near the primary alleyway entrance, provided the location of the sign does not pose a safety hazard, and that the sign is removed at the end of each day when the last business in the alley closes.
- F. *Electronic display signs.*** Electronic display signs may be permitted as ground signs, subject to the following additional requirements:
1. Where permitted. Only the following uses shall be permitted to install electronic display signs:
 - a. Colleges/universities;
 - b. Schools—Elementary and Secondary;
 - c. Schools—Vocational/Technical; and
 - d. Government services.
 2. Master planned campuses of different uses than described in this section may have one electronic display sign that is internal to the campus and not visible from any public street.
 3. Only one electronic display sign shall be permitted per parcel.
 4. Only one electronic display sign shall be permitted within any group development, conditional zoning district, or institutional campus.
 5. Electronic display signs shall display only non-moving text and images with changes alternating on not less than a five second level, and shall display no scrolling, flashing, blinking, or otherwise moving message.
 6. Electronic display signs shall adhere to all other applicable wall or ground sign requirements of this chapter, as well as the lighting standards of [CHAPTER 11](#) of this ordinance.
 - ~~7. Only the following uses shall be permitted to install electronic display signs:~~
 - ~~a. Colleges/universities;~~
 - ~~b. Schools—Elementary and Secondary;~~
 - ~~c. Schools—Vocational/Technical; and~~
 - ~~d. Government services.~~
 - ~~8. Master planned campuses of different uses than described in this section may have one electronic display sign that is internal to the campus and not visible from any public street.~~

12.9.4. Incidental signs.

- A.** The following incidental signs may be displayed in accordance with the specific standards listed below, without a permit or fee.
- ~~B. Pedestrian-oriented signs.~~**
- ~~1. Suspended. One sign no larger than six square feet in area may be suspended from an awning, canopy, or other pedestrian cover directly in front of a customer entrance for a non-residential use. Such signs shall be mounted perpendicularly to the customer entrance and maintain a minimum of eight feet of clearance above the pedestrian walkway. Such signs may not be illuminated.~~



- ~~2. *Wall.* Non-residential uses may display one sign, not to exceed four square feet in area, on a building wall immediately adjacent to each customer entrance. No more than one sign per entrance is permitted. Signs shall be mounted within four feet of the customer entrance with which they are associated.~~

C.B. *Private directional signs.*

1. Private, unofficial traffic signs not exceeding three feet in height nor two square feet in area, which indicate directions, entrances, and exits, may be displayed on each side of street entrances to a parking area or internal driveway network and within the parking lot of a non-residential use. Such signs associated with industrial uses may be up to six feet (6') in height and eight square feet (8 ft²).
2. Such signs must be located entirely on the property to which they pertain, unless approved by NCDOT and/or the City of Brevard to be located in a public right-of-way. In such cases an encroachment agreement may be necessary.
3. Such signs shall not contain any advertising message beyond a business name or logo.

D.C. *Miscellaneous signs.*

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

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

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

F.E. *Neighborhood signs.*

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

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

12.9.5. Off-premise directional signs.



- A. **Permit required.** A sign permit must be obtained for all off-premises directional signs indicating compliance with relevant sign setback requirements applicable to the district in which the sign is to be located.
- B. **Businesses in Downtown Mixed-Use (DMX) districts.**
1. *Where permitted.* Both the business establishment and the off-premises directional sign must be located in the DMX district. Such signs are only allowed as wall signs and may be placed on the building the establishment is located in, or another nearby building with written permission from the property owner(s).
 2. *Number.* One sign per establishment.
 3. *Maximum area.* Such signs shall be no larger than eight square feet.
 4. *Design.* Such signs shall be of a uniform design to be approved by the city.
 5. *Changeable copy.* Only manual changeable copy shall be allowed.
 6. *Illumination.* Such signs shall not be illuminated.
- C. Operators of off-premise parking lots may have one additional ground sign located on the parking lot property provided the following conditions are met.
1. *Number.* One per parking lot.
 2. *Maximum area.* No larger than 12 square feet.
 3. *Height.* Shall not exceed six feet in height.
 4. *Changeable copy.* Manual or electronic changeable copy shall be allowed.
 5. *Illumination.* Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
- D. No other new off-premises directional signs shall be allowed after the effective date of this ordinance. Existing off-premises directional signs shall be allowed to remain and be maintained. Such pre-existing signs destroyed by vandalism or an adverse weather event (not be interpreted to as normal weathering) shall be allowed to be replaced in the exact same location, in the exact same manner, and with the exact same design, text, and graphics of the same size as the previously destroyed sign.

12.9.6. Additional standards for ~~conditional zoning districts, group developments, institutional campuses, and similar developments~~group developments.

- A. **Ground signs visible from a public street.** One ground sign may be permitted at each building provided that:
1. A ground sign may be situated at the convergence of two public streets upon which the development fronts but where no entrance is located. However, signs permitted under this provision shall be considered as situated upon both converging streets and shall be separated from all other ground signs within the same development in accordance with this ordinance.
 2. Developments that are divided by a public street shall be considered as separate developments for the purposes of this subsection.
 3. These requirements shall apply regardless of whether such developments are subdivided into individual parcels.
 4. All other requirements of this chapter shall apply to such ground signs. Ground sign size and height requirements shall be the same as the base district within which the development is located.



5. Out-parcels shall be allowed one ground sign in accordance with Section 12.9.3.

B. *Wall signs visible from a public street.* Individual businesses and buildings located within ~~conditional zoning districts, group developments, institutional campuses, and other similar projects may~~ developments may have the following:

1. One wall sign which shall not exceed 64 square feet or 25 percent of the surface area of the wall upon which the sign is located, whichever is the lesser, or as stated in an adopted Conditional Zoning District ordinance.
2. For buildings having frontage on more than one public right-of-way, signs may be placed on both walls fronting the public right-of-way.
3. One identification sign not to exceed 16 square feet. That sign may be located on the rear or side of the business.
4. One menu reader board for each restaurant drive-through lane. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.
5. One suspended or projection identification sign per business establishment, not to exceed eight square feet per side. Suspended or projected identification signs shall be located at the main entrance of the business.
6. The aggregate area of all wall signs, including building identification signs, business identification signs, identification signs, suspended signs, projection signs, menu reader boards, and product information signs, shall not exceed 25 percent of the total surface area of the front wall space of the business (surface area of said wall shall be computed excluding windows and doors).

C. *Internal development signage.*

1. There shall be no limit to the number signs posted within an ~~Institutional Campus, group development, conditional zoning district, or other similar developments,~~ when such signs are in no way visible from any public street or right-of-way, or any adjacent property.
2. Ground signs permitted under this provision shall comply with this ordinance.
3. Ground signs permitted under this provision shall be no larger than 32 square feet of surface area and shall not exceed five feet in height.

D. *Compliance.* Otherwise, signs permitted within the development under this section shall comply with all other requirements of this chapter, and other forms of signage within the development shall comply with all requirements of this chapter.

19.3. Definitions.

The following words, terms and phrases, when used in this UDO, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Awning: A roof-like shelter of canvas or other material extending over a doorway from the top of the window, over a deck, etc., in order to provide protection from the weather.

Illumination of signs: The lighting of a sign or exposing of a sign to artificial light either from within or without. In no instance shall the illumination of a sign interfere with adjacent traffic or disturb residential neighborhoods.



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

Sign: Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, graphic depiction of a product and/or process, trade names or trademarks by which anything is known, including any surface fabric or other material or structure designed to carry such devices, such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit.

Sign, advertising: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, manufactured, or offered. Such signs are further classified according to location, as follows:

1. On the same premises as the business, commodity, service, or entertainment advertised by the sign;
2. Remote from the business, commodity, service, or entertainment advertised by the sign (see Off-Premises Sign).

Sign, awning: A sign constructed of a fabric-like nonrigid material which is part of a fabric or plastic awning. ~~Awning signs constructed of a flammable substance are prohibited in the fire district.~~

Sign, directional: A sign which carries no advertising message or information, but simply the name or the logo of an establishment and information directing persons to the location of said establishment or for traffic control within a parking lot.

Sign, electronic display: A sign designed where the face or portion thereof is a "screen" that receives information to create motion pictures or creates a light-emitting electrochemical cell or emissive electroluminescent layering using light emitting diode displays such as LED or OLED, fiber optics, or other technological advanced illumination methods within the electronic display panel (other than mere lightbulbs behind a semi translucent motionless sign face) which is capable of forming messages, capable of displaying moving text and graphical imagery at high-intensity illumination. These signs are usually controlled by a computer or modem and use proprietary software or cloud-based technology to communicate advertising messages or moving graphics using primarily blue light rays with the shortest wavelengths and highest energy as a means of drawing attention. Exceptions include signs or sign toppers that only display time and temperature at not less than five second intervals.

Sign, freestanding: A sign that is not attached to any building structure. Such signs shall include, but not be limited to, signs mounted on poles and A-frame signs.

Sign, identification: A sign which carries no advertising message and is used to identify only the following:

- A. The name of an institutional use or organization occupying the premises on which the sign is located;
- B. The name, title and/or occupation or profession of the occupant of the premises on which the sign is located;
- C. The name and the type of nonretail business occupying the premises on which the sign is located; or



- D. The name of the building on which the sign is located, including names and types of firms occupying the building.

Sign, illuminated: A sign that is illuminated by electric or other devices mainly for clear visibility at night.

Sign, incidental: A sign which carries no advertising message, and is clearly incidental to other major advertising signs on-site, and which is used to do one or more of the following:

- B. Direct traffic flow, either vehicular or pedestrian;
- C. Indicates clearly the location of ingress or egress points;
- D. Direct certain activities to certain areas (i.e., parking, waiting, etc.);
- E. Provide other incidental information.

Sign, marquee: A sign affixed to a hood, canopy, or projecting roof structure over the entrance to a building, store, or place of public assembly.

Sign, menu reader board: A one-sided sign that displays a menu and pricing for food and beverage services available on site that may include an audible speaker and microphone integral to the sign.

Sign, nameplate: A sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. When nameplates are used to identify more than one occupant, each nameplate shall be attached to one freestanding master identification sign.

Sign, off-premises: A sign that directs attention to a business, commodity, service, or facility that is not located on the premises upon which the sign is located. This includes billboards and other outdoor displays for the purpose of directing attention to a business, commodity, service, or entertainment conducted, sold, manufactured, or offered at a location other than the location of said sign.

Sign, political: A sign attracting attention to political candidates or issues.

Sign, portable: A sign which rests on the ground or other surface, and is not directly attached to such surface, and which is designed and/or constructed to be mobile or movable.

Sign, product information: An on-premises, advertising sign which denotes a particular commodity, service, or entertainment offered by said establishment. Identification signs and reader boards shall not be construed as product information signs.

Sign, projection: A sign projecting out from and attached to the exterior wall of any building, and forming an angle of 30 degrees or more to said wall, or suspended from the underside of an awning, canopy, or marquee.

Sign, reader board: A permanent sign, affixed either to the wall of a structure or to an existing freestanding identification sign, which is comprised of a surface to which letters may be attached on a temporary basis thereby forming messages advertising special sales or services offered. Reader boards may not serve in substitution for identification signs.

Sign, real estate: Any sign pertaining to the sale, lease, or rental of land or buildings.

Sign, roof: A sign erected, constructed, or maintained upon the roof of the building.

Sign, suspended: ~~A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surface.~~

Sign, temporary: A banner or A-frame sign used for advertising purposes as set forth in this ordinance.



Sign, traffic: A sign indicating federal, state, or city regulations for automobile, truck, bicycle, and pedestrian traffic.

Sign, vintage: Any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs are considered a sub-type of wall signs as defined by this chapter.

Sign, wall: A sign affixed to the surface of, and whose plane is parallel to, the exterior wall of a building, or which forms an angle of less than 30 degrees with said wall and does not project out from the wall more than 24 inches from said wall. No wall sign shall extend above the roofline of the building upon which it is located. In cases of flat roofs, no sign shall extend above the parapets. Mansard roofs with an angle of 60 degrees or more from horizontal shall be considered as wall space for the placement of signs.

Sign, window: Any sign oriented toward and visible from the exterior of a building which is placed directly on a glass window.

Surface area: The entire area of a sign as measured by the square, rectangle, semicircle, or parallelogram thereof, and comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding the base or apron, supports and other structural members. In the case of three-dimensional letters or painted letters directly on the wall surface, the surface area shall be defined as the area encompassing the individual letters themselves including any trim or border and excluding the background that supports the three-dimensional letters.



CHAPTER 12. SIGNS

12.1. Purpose.

- A. The purpose of this section is to promote the effective and compatible use of signage within the City of Brevard's planning jurisdiction by ensuring that no sign will, due size, location, color, illumination, movement, construction, materials, or manner of display, endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health and safety. Because signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for reasonable regulation, this chapter aims to permit and regulate signs in such a way as to ensure public safety, and to support and complement land use objectives set forth in this ordinance and the Comprehensive Land Use Plan.
- B. These regulations aim to ensure the protection of property values and the character of Brevard and to create a convenient, attractive, and harmonious community.
- C. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, compliment the landscaping and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- D. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the city. They are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- E. These regulations do not entirely eliminate all of the potential harms that may be created by the installation and display of signs. They strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

12.2. Applicability.

- A. No sign of any type shall be constructed, erected, painted, posted, placed, replaced, enlarged, moved or hung in any district except without first obtaining a permit from the Administrator in compliance with this ordinance.
- B. All signs shall fully comply with the requirements of the State of North Carolina Building and Electrical Codes.

12.3. Severability.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Code.

12.4. Substitution.

Signs containing noncommercial speech are permitted anywhere advertising or business signs are permitted, subject to the same regulations applicable to such signs as described herein.

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 on or after October 1, 2021. For signs removed from October 1, 2021 to 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.
 - 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:

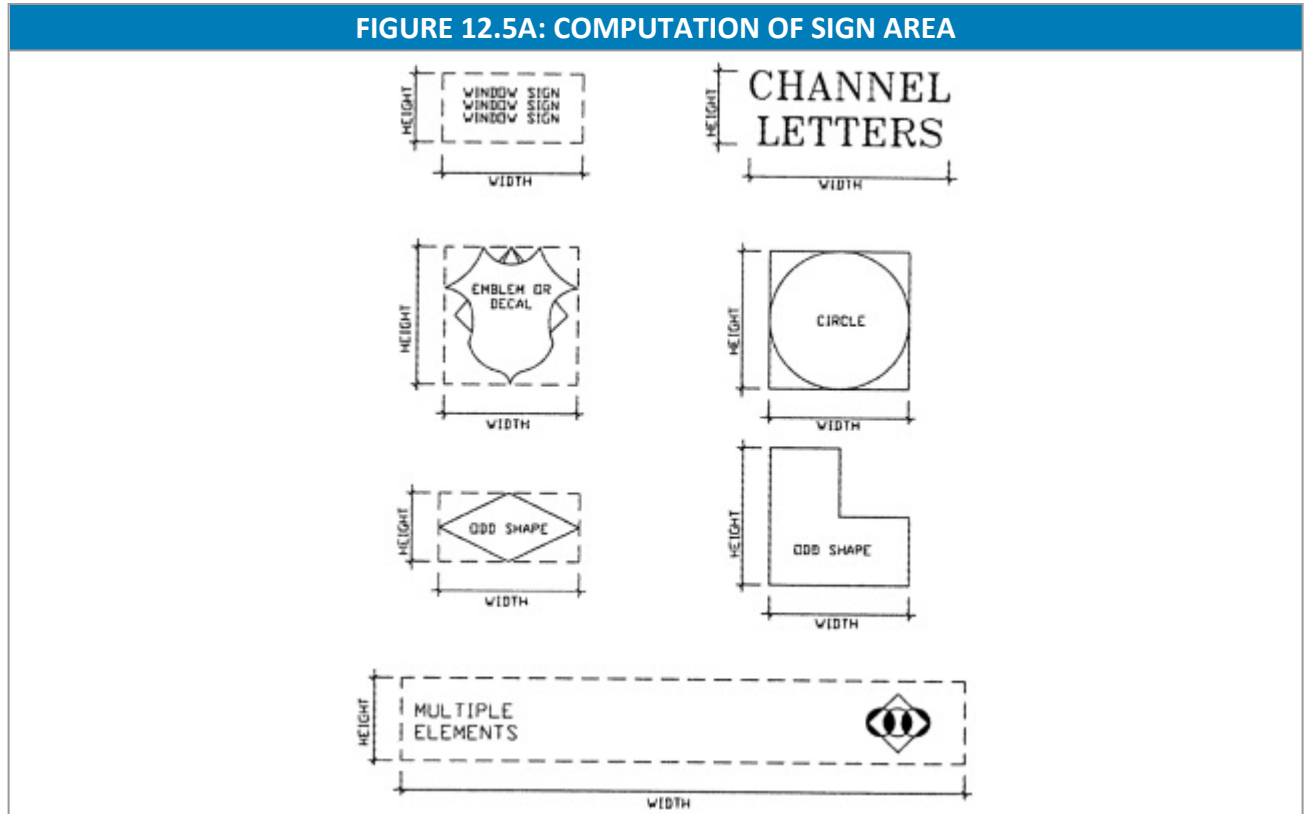
1. Signs identifying establishments no longer in existence, products no longer being sold, and services no longer being rendered shall be removed from the premises within 30 days from the date of termination of such activities, except that ground sign supports, braces, and guys which are not easily dismantled 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 façade 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

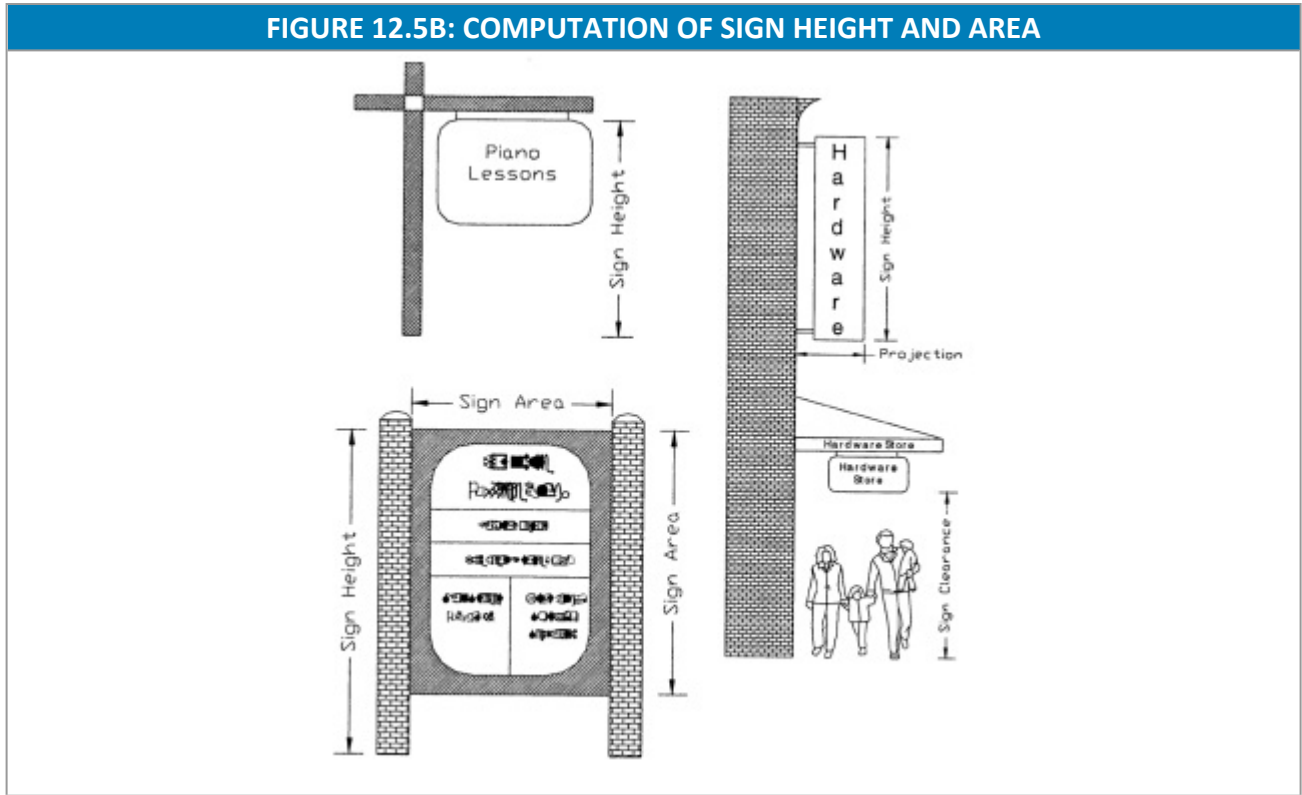


2. *Height.*

- 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.



FIGURE 12.5B: COMPUTATION OF SIGN HEIGHT AND AREA



- 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.

12.6. Prohibited signs.

The following signs are prohibited in all districts, unless otherwise permitted elsewhere in this chapter:

- A. *Signs constituting traffic hazards:*** Any sign located in a manner or place so as to constitute a hazard to traffic as demonstrated by the administrator, including signs placed within any required sight triangle.
- B. *Signs within public right-of-way or easement:*** Any freestanding sign located within or extending into a public right-of-way or easement, except as otherwise allowed by this chapter. City personnel may remove any sign located fully or partially within a public right-of-way.
- C. *Signs obstructing passages:*** Any sign that obstructs or interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building.
- D. *Off-premises advertising signs:*** Billboards and other types of off-premises advertising signs. Off-premises directional signs may be permitted (Section 12.9.5).
- E. *Signs on vehicles parked off-premises and/or near the right-of-way:*** Except when in the process of loading or unloading or generally carrying out activities associated with the normal conduct of business (except



advertising), vehicles, trailers, commercial trucks displaying signage for the principal use of advertising rather than transport are prohibited. Vehicles with signs for advertising may park in any legally-established parking space on the property where the commercial activity being advertised is conducted.

- F. Any, electronic sign, sign that includes a monitor or TV screen, flashing device, or sign displaying flashing, animated, or intermittent lights or lights of changing degrees of intensity not expressly allowed by Section 12.9.3.
- G. *Moving devices*: Any moving signs or device to attract attention, all or any part of which moves by any means, including by air, electrical, human, or other means, including but not limited to pennants, flags, propellers, discs, or inflatables, whether or not any said device has a written message. Except those allowed by Section 12.9.4.
- H. Any sign posted to utility poles, bridges, overpasses, trees, fences, rocks, or other signs.
- I. *Copies of official signs*: Any sign which is a copy or an imitation of an official sign or traffic light, or which purports to have official status.
- J. Roof signs.
- K. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by City Council or in accordance with North Carolina General Statutes.
- L. Signs that promote illegal activity.
- M. Reflective signs or signs containing mirrors.
- N. Any sign not expressly permitted elsewhere in this ordinance.

12.7. Exempt signs.

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

- A. *Government signs*: Official signs installed by units or agencies of local government having jurisdiction within the City of Brevard, and agencies of the State of North Carolina or the federal government are exempt from the regulations established by this section. For the purposes of this section, official signs shall include any sign erected by the City of Brevard. Such signs may be illuminated, flashing, or moving as required.
- B. *Signs required by law*: Signs erected pursuant to federal, state, or local laws or ordinances.
- C. *Architectural features*: Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.
- D. *Public-owned ball field signs*: Signs attached to the field's fencing, provided that such signs are made of weather-durable materials and are not self-illuminated.
- E. *Window signs*: Signs placed on or behind window glass, provided that no window signs shall include electronic or flashing elements as prohibited by Section 12.6.E.
- F. *Historic properties*: Buildings or properties that are either locally or nationally listed as a historic landmark may have small identifying signs on the building or property.
- G. *Murals*:
 - 1. A mural, as defined herein, is any image painted, applied, or affixed directly on to a privately owned, nonresidential building wall, retaining and screening wall, or other large existing outdoor surface in nonresidential zoning districts for artistic and/or aesthetic purposes [as opposed to advertising](#). A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image. [Murals may incorporate logos, symbols, and copy](#)



within the image, however such elements combined shall not exceed eight percent of the mural's total surface area, and any murals that do not adhere to this requirement shall be considered wall signs and permitted as such.

~~1. —~~

2. Murals may be permanent, or temporary and shall be maintained in good condition by the property owner.
3. Owners seeking to create murals shall receive City Council approval. Based on adopted policies, City Council shall issue a resolution stating its approval or denial of the mural request in all nonresidential zoning districts.

~~4. — Murals do not require a sign permit if they adhere to the following:~~

- ~~a. — If media other than, or in addition to, paint are used in a mural such media shall not extend more than twelve inches (12") above the surface on which the mural is applied, or affixed and may not extend into a right-of-way.~~
- ~~b. — The mural may incorporate logos, symbols, and copy within the image, however such elements combined shall not exceed eight percent of the mural's total surface area.~~
- ~~c. — The following shall be used for purposes of measuring surface area:~~
 - ~~i. — The area of a mural shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or paint or other media, together with any material or color forming an integral part of the background of the display or used to differentiate the mural from the backdrop or structure against which it is placed.~~
 - ~~ii. — Architectural elements on building walls such as windows, doors, and awnings that are harmoniously incorporated into the mural's design shall be counted in the overall square footage of the mural.~~

~~5. — Murals shall not be placed or installed on locally designated historic buildings by the Joint Historic Preservation Commission or those listed on the National Register of Historic Places.~~

~~6. — Murals that do not adhere to the requirements of this section shall be considered wall signs and shall adhere to all provisions therein and require the issuance of a sign permit.~~

H. Vintage signs:

1. Vintage signs are defined as any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs may be incorporated into murals, or placed on building walls of privately owned, nonresidential buildings, and retaining/screening walls in nonresidential zoning districts.
2. Vintage signs are allowed in all zoning districts.
3. Vintage signs shall require only a letter of compliance before placement if they adhere to the following:
 - a. If used by a property owner with no affiliation to the active, or closed business, vintage signs may be placed or incorporated:
 - i. On a building wall as long as no more than 40 percent of the wall face is covered;
 - ii. On a pitched or flat roof as long as no more than 20 percent of the area of the surface plane on which the vintage sign is placed is covered; or
 - iii. Within murals as long as all provisions for murals are met in addition to those for vintage signs provided herein.



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

12.8. Temporary signs.

12.8.1. General temporary sign standards.

- A. All temporary signs shall comply with the following common standards:
 1. Temporary signs shall not be illuminated or be displayed by any electrified device.
 2. Temporary signs shall not be placed within any public right-of-way, including within medians, unless expressly permitted by this ordinance or the North Carolina General Statutes.
 - i. [Political and farm signs are allowed within city and state public rights-of-way as described in G.S. 136-32.](#)
 - 2.3. Temporary signs attached to buildings shall not be placed in a manner that obstructs any window, door, fire department sprinkler connection, ingress, egress, or street number sign.
 - 3.4. Temporary signs shall not be affixed to any permanent sign or its supporting structure.
 - 4.5. Temporary signs shall not be placed in a manner that obstructs clear sight distance (e.g. within the required sight triangle) for motorists, bicyclists, or pedestrians at street intersections or driveways.
 - 5.6. Temporary signs, other than Type 4 freestanding temporary signs as allowed in Section 12.8.2, shall not be placed upon any sidewalk or other pedestrian walkway.
 - 6.7. Temporary signs shall not be placed on the roof of a building, or affixed to a tree, rock, bridge, utility pole, or permanent sign.
 - 7.8. Any required period of separation between such the number or duration of temporary sign displays shall carry over the changing of calendar years, and shall be observed prior to initiating the first allowed display during the new calendar year.

12.8.2. Freestanding (ground) temporary signs.

- A. **General provisions.** The following standards apply to all freestanding temporary signs:
 1. Signs shall not be affixed to any supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
 2. Signs, other than Type 4 freestanding temporary signs as allowed herein, shall not be placed in the right-of-way.
 3. No more than one freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted.
- B. **Type 1 freestanding temporary signs.** Signs in this category consist of small, temporary yard signs that are typically associated with, but are not limited to, the advertisement of real estate, political campaigns, and meetings.
 1. *Where permitted.* Type 1 freestanding temporary signs may be displayed in any zoning district and may be associated with any use, including parcels containing vacant or undeveloped land.



2. *Size.* The maximum sign display area is limited to four square feet.
3. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
4. *Number.*
 - a. One Type 1 freestanding temporary sign may be displayed per parcel, per street frontage, without a permit. Additional Type 1 freestanding temporary signage may be allowed with the issuance of a permit.
 - b. During the period beginning 60 days before the beginning date of early voting under G.S. 163-166.40 and ending 10 days after the primary or election day~~Beginning 90 days prior to the beginning of early voting for any scheduled primary or election, as established by the North Carolina Board of Elections, and ending ten days following the primary or election~~, this limit on the number of Type 1 freestanding temporary signs that may be displayed without a permit is suspended for residential parcels ~~zoned GR or RMX~~. All other regulations associated with such signage shall remain in effect during such period of suspension.
5. *Material.* Type 1 freestanding temporary sign faces shall be made of a rigid material.
6. *Mounting standard.* Signs may only be mounted and supported by posts or stakes.
7. *Number of sides.* The display area may be either single or dual sided.
8. *Duration of display.* The duration of the display of a Type 1 sign is limited to 100 days, with a minimum separation period of 10 days between displays.

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

1. *Where permitted.* Type 2 signs are permitted only on parcels in the RMX, NMX, PGX, DMX, CMX, GI, and IC zoning districts. A permit is required for this type of temporary signage.
2. *Size.* The maximum sign display area is limited to 18 square feet in RMX, NMX, PGX, and DMX districts, and 32 square feet in CMX, GI, and IC districts.
3. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to four feet above the lowest adjacent grade.
4. *Number:* One Type 2 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
5. *Material.* Sign faces shall be made of a flexible material.
6. *Mounting standard.* Signs may only be mounted and supported by posts or stakes.
7. *Number of sides.* The display area may be either single or dual sided.
8. *Duration of display.* Type 2 freestanding temporary signs are permitted to be displayed during the initial openings of businesses, community events, or special sales, for a maximum of 14 days at a time. A maximum of six separate displays are permitted during each calendar year with a minimum of ten days of separation between displays by the same use/business/tenant.

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

1. *Where permitted.* Type 3 signs are permitted-allowed with a permit only on parcels or groups of adjacent parcels under common ownership that meet one of the following:



- a. A residential use on a parcel or group of adjacent parcels under common owner-ship that is a minimum of three acres in size zoned GR;
 - b. Vacant or undeveloped land where the parcel or group of adjacent parcels under common ownership that is a minimum of one acre in size in any zoning district;
 - c. A non-residential use in any non-residential zoning district upon a parcel that has a minimum of 200 feet of frontage on a public street, as measured at the right-of-way; or
 - d. A non-residential use in any non-residential zoning district upon a parcel that has construction or development activity per an active development permit.
2. *Simultaneous display prohibited.* A Type 3 sign shall not be displayed upon a parcel that contains a permanent freestanding sign or sign structure.
 3. *Size.* The maximum area is limited to 16 square feet in GR and RMX districts, and 24 square feet in all other districts.
 4. *Height.* The maximum height of the sign, including any supporting posts or stakes, is limited to five feet above the lowest adjacent grade in GR and RMX districts, and eight feet above the lowest adjacent grade in all other districts.
 5. *Setbacks.*
 - a. Front: No portion of any freestanding ground sign described in this section may be located closer than ten feet (10') to any street right-of-way, except in the DMX district where signs shall be no closer than five feet (5') to any street right-of-way.
 - b. Side and Rear: No portion of any freestanding sign described in this section shall be located any closer than ten feet (10') to any side or rear property line.
 6. *Number:* One Type 3 freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy.
 7. *Material.* Sign faces shall be made of a rigid material.
 8. *Mounting standard.* Signs shall be mounted to and supported by a minimum of two (2) separate posts or stakes.
 9. *Number of sides.* The display area may be either single or dual sided.
 10. *Duration of display.*
 - a. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership which contain only vacant or undeveloped land for which no development permits have been issued.
 - b. Type 3 signs may be displayed up to 90 days on any parcel or group of adjacent parcels under common ownership zoned NMX, PGX, CMX, DMX, or GI that have unoccupied commercial buildings.
 - c. In all other cases, the duration of display shall be limited to two months.
 - d. Where the display of a Type 3 sign is subject to a limit on the duration of display, there shall be a minimum period of separation of 60 days between the removal of the previously permitted sign and the display of a new sign. Such period of separation shall apply in all cases where a sign subject to a limit on the duration of its display is removed, regardless of whether the maximum allowed duration for its display has been reached at the time of its removal.
- E. Type 4 freestanding temporary signs.** The category of signs defined as Type 4 freestanding temporary signs shall include only those signs which are constructed in a manner that is commonly referred to as an "A-frame" or "sandwich board" sign, consisting of two sides connected at the top by hinges or similar mechanisms.



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

12.8.3. Wall-mounted temporary signs.

- A. Temporary signs mounted to building walls shall include all wall-mounted temporary signs, including but not limited to, wall-mounted signs or banners for the announcement of new business openings, community events, and/or availability of vacant tenant space. ~~may be displayed~~ subject to the following provisions:
1. Where permitted. Wall mounted temporary signs are ~~permitted~~ allowed on buildings housing a commercial use in any zoning district with a permit.
 2. Size. Maximum display area for temporary wall signs:

TABLE 12.8.3A: MAXIMUM SIZE OF WALL- MOUNTED TEMPORARY SIGNS BY ZONING DISTRICT

Zoning District	Maximum Size (ft. ²)
<u>GR</u>	<u>16 ft.²</u>
<u>RMX</u>	<u>16 ft.²</u>
<u>NMX</u>	<u>24 ft.²</u>
<u>PGX</u>	<u>24 ft.²</u>
<u>DMX</u>	<u>24 ft.²</u>
<u>CMX</u>	<u>32 ft.²</u>
<u>GI</u>	<u>38 ft.²</u>
<u>IC</u>	<u>32 ft.²</u>

3. Number.

- a. One temporary wall sign may be displayed per building occupied by a single tenant.
- a.b. Buildings designed for occupancy by multiple tenants may display one temporary wall sign per tenant, but the sum of all signage displayed at one time is limited to the maximum for the building's zoning district as set forth ~~below~~ above.

4. Location.



a. Temporary wall signs shall be mounted flush against the building wall and secured at each corner.

b. Temporary wall signs shall not be permitted on awnings, canopies, or building roof.

~~3.5. Maximum display area for temporary wall signs:~~

TABLE 12.8.3A: MAXIMUM SIZE OF WALL-MOUNTED TEMPORARY SIGNS BY ZONING DISTRICT

Zoning District	Maximum Size (ft. ²)
GR	16 ft. ²
RMX	16 ft. ²
NMX	24 ft. ²
PGX	24 ft. ²
DMX	24 ft. ²
CMX	32 ft. ²
GI	38 ft. ²
IC	32 ft. ²

5. Duration of Display.

- Temporary wall signs may be displayed for a maximum of 30 consecutive calendar days.
- Temporary wall signs may be displayed a maximum of four times per calendar year. A minimum of 30 days of separation shall pass before a new temporary wall sign permit can be issued.

12.8.4. Temporary use signage.

- Upon issuance of a temporary use permit from the City of Brevard, properties being used for the permitted temporary use may display one temporary ground sign on each street frontage of the location of the temporary use for the period of operation as specified in the temporary use permit.
- The operator of the temporary use may choose any temporary ground sign type found in Section 12.8 and must adhere to all requirements set forth for the sign type, except that the duration of display which may match period of operation as specified in the approved permit.

12.8.5. Special event signage.

- Upon issuance of a special event permit from the City of Brevard, properties being used for the permitted special event may display signs, banners, balloons, decorative flags, and windsocks (hereafter, "special event signage") may be displayed subject to the following requirements:
 - Special event signage may be displayed for the duration of the event and up to one week prior to the start of the event.
 - Special event signage shall be approved by the administrator before being displayed. A plan showing the location, type and amount of all decorative signage and devices, along with the duration of the event, must be submitted to the administrator for review and approval.



3. ~~A deposit must be given to the city ensuring removal of all special event signage, as specified in the City of Brevard Fee Schedule.~~ If ~~the~~ special event signage has not been removed within ten days of the event's end, as specified in the event's permit, the ~~deposit-sign(s)~~ will be forfeited to the city.
4. Special event signage may not be illuminated, moving, or otherwise cause a hazard or create a visual or physical obstruction to motorists or pedestrians.
5. Permitted Special Events may also be allowed to display dispersed Type 1 Temporary Signs (Section 12.8.2) in multiple locations throughout the City's jurisdiction. A map of such signs shall be provided to the Administrator and all signs must be removed within 10 days following the event's end.

12.8.6. Community banners.

- A. The city may hang temporary banners in the right-of-way at specific locations in order to communicate community events held or hosted by charitable, religious, civic, fraternal, governmental, or other non-profit organizations, subject to the ~~City of Brevard street-Street banner-Banner policy-Policy~~ as set by the City of Brevard Public Works Department.
- ~~B.~~ Fees for the installation of community banners shall be set in the city's fee schedule.
- ~~B-C.~~ ~~Such banners displayed over NCDOT streets shall comply with all pertinent state laws and NCDOT policies.~~

12.9. Permanent signs.

12.9.1. General permanent sign standards.

- A. *Applicability:* The following regulations govern the installation and display of permanent signage within the jurisdiction of this ordinance. All permanently installed signage shall comply with these regulations unless otherwise explicitly exempted by the provisions of this section.

12.9.2. Signs mounted to walls.

- A. **Wall signs.**
 1. *Where permitted.* Wall signs shall be permitted to be displayed in association with any non-residential use in any zoning district.
 2. *Location.* Wall signs may be displayed on any building wall that includes a customer or public entrance, faces a public street, or faces a parking area.
 3. *Number.*
 - a. In residential districts, maximum of 1 wall sign per street frontage.
 - b. In all other districts, maximum of 3 wall signs per street frontage.
 4. *Maximum area.*
 - a. Subject to the other provisions of this section, the maximum size for all wall signs combined shall be determined as follows:
 - i. There may not be more than 1.0 square feet of sign surface area per linear foot of a building's main façade, or the portion of the building rented by the tenant, up to 200 linear feet
 - ii. There may not be up to 0.5 square feet of additional sign surface area per linear foot in excess of 200 feet.



iii. The "main façade" shall be the side of the building which faces the public street, or faces the street of highest classification.

b. In DMX and PGX districts no single wall sign shall be larger than 64 square feet.

5. *Changeable copy.* Wall signs may only include changeable copy features when displayed on buildings containing "Entertainment/Recreation" and "Civic/Institutional" uses, per the Table of Permitted Uses (Section 2.2.C).
6. *Illumination.* Wall signs may be illuminated either internally or externally. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting:* Wall signs may not project more than 12 inches from the building wall to which they are mounted and shall not be mounted in a manner where any part of the sign extends past the top of the building wall.

B. Projection signs.

1. *Where permitted.* Projection signs shall be permitted to be displayed by any non-residential use in any non-residential zoning district.
2. *Location.* Projection signs shall be located at the main entrance of the business or on the corner of the building occupied by the business.
3. *Number.* One per business establishment.
4. *Maximum area.* The maximum permitted area for projection signs shall not exceed eight square feet per side.
5. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted to be included on a projection sign.
6. *Illumination.* Projection signs may be illuminated externally. The light source shall be mounted directly to the sign. Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
7. *Mounting.* Projection signs shall be designed so that each face of the sign is parallel to the other face. When mounted at a location other than the corner of a building, the faces of the projecting sign shall be aligned so that they are perpendicular to the building wall.
8. *Minimum clearance required.* Projecting signs shall be installed in such a manner as to provide a minimum of eight feet of clearance above grade.
9. *Maximum projection.* Projecting signs shall not project greater than five feet from the building wall to which they are attached. Projecting signs shall be installed so that the edge of the sign closest to the building wall is no greater than 12 inches from such wall.

C. Awning signs.

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



5.6. *Illumination.* Awning signs shall not be illuminated.

12.9.3. Freestanding (ground) signs.

A. *Setbacks.*

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

B. *Non-residential uses in General Residential and residential-Residential Mixed Use districts.*

1. Nonresidential uses permitted in residential districts shall be allowed one ground or wall sign, subject to the following:
 - a. *Number.* One ground or wall sign may be displayed per business.
 - b. *Maximum area.* Shall be no larger than twenty-four square feet.
 - c. *Changeable copy.* No changeable copy feature, either manual or electronic, is permitted.
 - d. *Height.* Such ground signs shall not exceed five feet in height.

e. *Illumination.* Neither such wall or ground signs shall not be illuminated.

e.f. *Material.* Sign faces shall be composed of rigid material. A banner affixed to a rigid surface shall not suffice for this requirement.

2. *Nameplate signs.* Home occupations shall be allowed one nameplate sign that shall not exceed four square feet of surface area, shall be attached to the residence, and shall not be illuminated.

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

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


TABLE 12.9.3A: MAXIMUM SIGN SIZE FOR NON-RESIDENTIAL USES IN NON-RESIDENTIAL DISTRICTS

District	Max Size in Square Feet (ft. ²)
RMX	32 ft. ²
NMX	32 ft. ²
PGX	32 ft. ²
DMX	32 ft. ²
CMX	85 ft. ²
IC	24 ft. ²
GI	50 ft. ²
Highway 64 Corridor Sign Overlay District	85 ft. ² in surface area

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

D. Canopy signs.

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

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

1. *Where permitted.* Non-residential business establishments within the DMX, NMX, PGX, and RMX zoning districts may elect for an A-frame sandwich board sign in lieu of a traditional ground sign.
2. *Location.* Such a-frame signs shall be placed on the sidewalk adjacent to the front of the individual business or on the brick paved area providing such a location does not pose a safety hazard, maintains five feet of unobstructed paved space, does not obstruct any building entrances or exits, or impede any public infrastructure, utilities, and amenities. ~~Such signs must comply with Section 46-1 of the City Code.~~ Such A-frame signs must be removed each day at the end of business hours.
3. *Number.* One ground or wall sign may be displayed per business.
4. *Maximum area.* Such A-frame signs shall not exceed eight square feet in area per side.



5. *Height.* Such A-frame signs shall not exceed four feet in height.
 6. *Changeable copy.* Manual changeable copy features are allowed.
 7. *Illumination.* Such A-frame signs shall not be illuminated.
 8. *Alleys.* Business establishments located in any official city-owned alley may also be permitted to collectively place one Type 4 freestanding temporary sign near the primary alleyway entrance, provided the location of the sign does not pose a safety hazard, and that the sign is removed at the end of each day when the last business in the alley closes.
- F. *Electronic display signs.*** Electronic display signs may be permitted as ground signs, subject to the following additional requirements:
1. Where permitted. Only the following uses shall be permitted to install electronic display signs:
 - a. Colleges/universities;
 - b. Schools—Elementary and Secondary;
 - c. Schools—Vocational/Technical; and
 - d. Government services.
 2. Master planned campuses of different uses than described in this section may have one electronic display sign that is internal to the campus and not visible from any public street.
 3. Only one electronic display sign shall be permitted per parcel.
 4. Only one electronic display sign shall be permitted within any group development, conditional zoning district, or institutional campus.
 5. Electronic display signs shall display only non-moving text and images with changes alternating on not less than a five second level, and shall display no scrolling, flashing, blinking, or otherwise moving message.
 6. Electronic display signs shall adhere to all other applicable wall or ground sign requirements of this chapter, as well as the lighting standards of [CHAPTER 11](#) of this ordinance.
 - ~~7. Only the following uses shall be permitted to install electronic display signs:~~
 - ~~a. Colleges/universities;~~
 - ~~b. Schools—Elementary and Secondary;~~
 - ~~c. Schools—Vocational/Technical; and~~
 - ~~d. Government services.~~
 - ~~8. Master planned campuses of different uses than described in this section may have one electronic display sign that is internal to the campus and not visible from any public street.~~

12.9.4. Incidental signs.

- A.** The following incidental signs may be displayed in accordance with the specific standards listed below, without a permit or fee.
- ~~B. Pedestrian-oriented signs.~~**
- ~~1. Suspended. One sign no larger than six square feet in area may be suspended from an awning, canopy, or other pedestrian cover directly in front of a customer entrance for a non-residential use. Such signs shall be mounted perpendicularly to the customer entrance and maintain a minimum of eight feet of clearance above the pedestrian walkway. Such signs may not be illuminated.~~



- ~~2. *Wall.* Non-residential uses may display one sign, not to exceed four square feet in area, on a building wall immediately adjacent to each customer entrance. No more than one sign per entrance is permitted. Signs shall be mounted within four feet of the customer entrance with which they are associated.~~

C.B. *Private directional signs.*

1. Private, unofficial traffic signs not exceeding three feet in height nor two square feet in area, which indicate directions, entrances, and exits, may be displayed on each side of street entrances to a parking area or internal driveway network and within the parking lot of a non-residential use. Such signs associated with industrial uses may be up to six feet (6') in height and eight square feet (8 ft²).
2. Such signs must be located entirely on the property to which they pertain, unless approved by NCDOT and/or the City of Brevard to be located in a public right-of-way. In such cases an encroachment agreement may be necessary.
3. Such signs shall not contain any advertising message beyond a business name or logo.

D.C. *Miscellaneous signs.*

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

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

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

F.E. *Neighborhood signs.*

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

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

12.9.5. Off-premise directional signs.



- A. **Permit required.** A sign permit must be obtained for all off-premises directional signs indicating compliance with relevant sign setback requirements applicable to the district in which the sign is to be located.
- B. **Businesses in Downtown Mixed-Use (DMX) districts.**
1. *Where permitted.* Both the business establishment and the off-premises directional sign must be located in the DMX district. Such signs are only allowed as wall signs and may be placed on the building the establishment is located in, or another nearby building with written permission from the property owner(s).
 2. *Number.* One sign per establishment.
 3. *Maximum area.* Such signs shall be no larger than eight square feet.
 4. *Design.* Such signs shall be of a uniform design to be approved by the city.
 5. *Changeable copy.* Only manual changeable copy shall be allowed.
 6. *Illumination.* Such signs shall not be illuminated.
- C. Operators of off-premise parking lots may have one additional ground sign located on the parking lot property provided the following conditions are met.
1. *Number.* One per parking lot.
 2. *Maximum area.* No larger than 12 square feet.
 3. *Height.* Shall not exceed six feet in height.
 4. *Changeable copy.* Manual or electronic changeable copy shall be allowed.
 5. *Illumination.* Illumination levels shall be in compliance with all other applicable provisions as established in Section 11.2, Outdoor Lighting Standards.
- D. No other new off-premises directional signs shall be allowed after the effective date of this ordinance. Existing off-premises directional signs shall be allowed to remain and be maintained. Such pre-existing signs destroyed by vandalism or an adverse weather event (not be interpreted to as normal weathering) shall be allowed to be replaced in the exact same location, in the exact same manner, and with the exact same design, text, and graphics of the same size as the previously destroyed sign.

12.9.6. Additional standards for ~~conditional zoning districts, group developments, institutional campuses, and similar developments~~group developments.

- A. **Ground signs visible from a public street.** One ground sign may be permitted at each building provided that:
1. A ground sign may be situated at the convergence of two public streets upon which the development fronts but where no entrance is located. However, signs permitted under this provision shall be considered as situated upon both converging streets and shall be separated from all other ground signs within the same development in accordance with this ordinance.
 2. Developments that are divided by a public street shall be considered as separate developments for the purposes of this subsection.
 3. These requirements shall apply regardless of whether such developments are subdivided into individual parcels.
 4. All other requirements of this chapter shall apply to such ground signs. Ground sign size and height requirements shall be the same as the base district within which the development is located.



5. Out-parcels shall be allowed one ground sign in accordance with Section 12.9.3.

B. *Wall signs visible from a public street.* Individual businesses and buildings located within ~~conditional zoning districts, group developments, institutional campuses, and other similar projects may~~ developments may have the following:

1. One wall sign which shall not exceed 64 square feet or 25 percent of the surface area of the wall upon which the sign is located, whichever is the lesser, or as stated in an adopted Conditional Zoning District ordinance.
2. For buildings having frontage on more than one public right-of-way, signs may be placed on both walls fronting the public right-of-way.
3. One identification sign not to exceed 16 square feet. That sign may be located on the rear or side of the business.
4. One menu reader board for each restaurant drive-through lane. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.
5. One suspended or projection identification sign per business establishment, not to exceed eight square feet per side. Suspended or projected identification signs shall be located at the main entrance of the business.
6. The aggregate area of all wall signs, including building identification signs, business identification signs, identification signs, suspended signs, projection signs, menu reader boards, and product information signs, shall not exceed 25 percent of the total surface area of the front wall space of the business (surface area of said wall shall be computed excluding windows and doors).

C. *Internal development signage.*

1. There shall be no limit to the number signs posted within an ~~Institutional Campus, group development, conditional zoning district, or other similar developments,~~ when such signs are in no way visible from any public street or right-of-way, or any adjacent property.
2. Ground signs permitted under this provision shall comply with this ordinance.
3. Ground signs permitted under this provision shall be no larger than 32 square feet of surface area and shall not exceed five feet in height.

D. *Compliance.* Otherwise, signs permitted within the development under this section shall comply with all other requirements of this chapter, and other forms of signage within the development shall comply with all requirements of this chapter.

19.3. Definitions.

The following words, terms and phrases, when used in this UDO, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Awning: A roof-like shelter of canvas or other material extending over a doorway from the top of the window, over a deck, etc., in order to provide protection from the weather.

Illumination of signs: The lighting of a sign or exposing of a sign to artificial light either from within or without. In no instance shall the illumination of a sign interfere with adjacent traffic or disturb residential neighborhoods.



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

Sign: Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, graphic depiction of a product and/or process, trade names or trademarks by which anything is known, including any surface fabric or other material or structure designed to carry such devices, such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit.

Sign, advertising: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, manufactured, or offered. Such signs are further classified according to location, as follows:

1. On the same premises as the business, commodity, service, or entertainment advertised by the sign;
2. Remote from the business, commodity, service, or entertainment advertised by the sign (see Off-Premises Sign).

Sign, awning: A sign constructed of a fabric-like nonrigid material which is part of a fabric or plastic awning. ~~Awning signs constructed of a flammable substance are prohibited in the fire district.~~

Sign, directional: A sign which carries no advertising message or information, but simply the name or the logo of an establishment and information directing persons to the location of said establishment or for traffic control within a parking lot.

Sign, electronic display: A sign designed where the face or portion thereof is a "screen" that receives information to create motion pictures or creates a light-emitting electrochemical cell or emissive electroluminescent layering using light emitting diode displays such as LED or OLED, fiber optics, or other technological advanced illumination methods within the electronic display panel (other than mere lightbulbs behind a semi translucent motionless sign face) which is capable of forming messages, capable of displaying moving text and graphical imagery at high-intensity illumination. These signs are usually controlled by a computer or modem and use proprietary software or cloud-based technology to communicate advertising messages or moving graphics using primarily blue light rays with the shortest wavelengths and highest energy as a means of drawing attention. Exceptions include signs or sign toppers that only display time and temperature at not less than five second intervals.

Sign, freestanding: A sign that is not attached to any building structure. Such signs shall include, but not be limited to, signs mounted on poles and A-frame signs.

Sign, identification: A sign which carries no advertising message and is used to identify only the following:

- A. The name of an institutional use or organization occupying the premises on which the sign is located;
- B. The name, title and/or occupation or profession of the occupant of the premises on which the sign is located;
- C. The name and the type of nonretail business occupying the premises on which the sign is located; or



- D. The name of the building on which the sign is located, including names and types of firms occupying the building.

Sign, illuminated: A sign that is illuminated by electric or other devices mainly for clear visibility at night.

Sign, incidental: A sign which carries no advertising message, and is clearly incidental to other major advertising signs on-site, and which is used to do one or more of the following:

- B. Direct traffic flow, either vehicular or pedestrian;
- C. Indicates clearly the location of ingress or egress points;
- D. Direct certain activities to certain areas (i.e., parking, waiting, etc.);
- E. Provide other incidental information.

Sign, marquee: A sign affixed to a hood, canopy, or projecting roof structure over the entrance to a building, store, or place of public assembly.

Sign, menu reader board: A one-sided sign that displays a menu and pricing for food and beverage services available on site that may include an audible speaker and microphone integral to the sign.

Sign, nameplate: A sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. When nameplates are used to identify more than one occupant, each nameplate shall be attached to one freestanding master identification sign.

Sign, off-premises: A sign that directs attention to a business, commodity, service, or facility that is not located on the premises upon which the sign is located. This includes billboards and other outdoor displays for the purpose of directing attention to a business, commodity, service, or entertainment conducted, sold, manufactured, or offered at a location other than the location of said sign.

Sign, political: A sign attracting attention to political candidates or issues.

Sign, portable: A sign which rests on the ground or other surface, and is not directly attached to such surface, and which is designed and/or constructed to be mobile or movable.

Sign, product information: An on-premises, advertising sign which denotes a particular commodity, service, or entertainment offered by said establishment. Identification signs and reader boards shall not be construed as product information signs.

Sign, projection: A sign projecting out from and attached to the exterior wall of any building, and forming an angle of 30 degrees or more to said wall, or suspended from the underside of an awning, canopy, or marquee.

Sign, reader board: A permanent sign, affixed either to the wall of a structure or to an existing freestanding identification sign, which is comprised of a surface to which letters may be attached on a temporary basis thereby forming messages advertising special sales or services offered. Reader boards may not serve in substitution for identification signs.

Sign, real estate: Any sign pertaining to the sale, lease, or rental of land or buildings.

Sign, roof: A sign erected, constructed, or maintained upon the roof of the building.

Sign, suspended: ~~A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surface.~~

Sign, temporary: A banner or A-frame sign used for advertising purposes as set forth in this ordinance.



Sign, traffic: A sign indicating federal, state, or city regulations for automobile, truck, bicycle, and pedestrian traffic.

Sign, vintage: Any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs are considered a sub-type of wall signs as defined by this chapter.

Sign, wall: A sign affixed to the surface of, and whose plane is parallel to, the exterior wall of a building, or which forms an angle of less than 30 degrees with said wall and does not project out from the wall more than 24 inches from said wall. No wall sign shall extend above the roofline of the building upon which it is located. In cases of flat roofs, no sign shall extend above the parapets. Mansard roofs with an angle of 60 degrees or more from horizontal shall be considered as wall space for the placement of signs.

Sign, window: Any sign oriented toward and visible from the exterior of a building which is placed directly on a glass window.

Surface area: The entire area of a sign as measured by the square, rectangle, semicircle, or parallelogram thereof, and comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding the base or apron, supports and other structural members. In the case of three-dimensional letters or painted letters directly on the wall surface, the surface area shall be defined as the area encompassing the individual letters themselves including any trim or border and excluding the background that supports the three-dimensional letters.

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-24-007**

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: 2030 Comprehensive Land Use Plan

Goal 2: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.

Goal 4: Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.