



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, March 17, 2025 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Rev. Veranita Alvord, Brevard First United Methodist Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. February 17, 2025 Regular Meeting

G. Public Comments

H. Certificates / Awards / Recognition

1. Recognition of Emory Owen

I. Special Presentation(s)

1. City of Brevard Annual Independent Audit for Year Ending June 30, 2024
2. Architectural Standards - Plusurbia Presentation

J. Public Hearing(s)

1. Proposed Amendment to City of Brevard Unified Development Ordinance Chapter 19 - Definitions in Response to Session Law 2024-57
2. Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 2, 3, 5, 14, 16, 17 and 19 - Architectural Standards

K. Consent and Information

1. Tax Settlement Report - February, 2025
2. Approval of MOU with MountainTrue for Wilson Road Boat Ramp Improvements

3. Declaration of City-owned Property as Surplus
4. Sewer Pump Stations Rehabilitation Project Easements
Resolution Directing Clerk to Investigate Sufficiency of Petition Requesting a Non-
5. Contiguous Annexation - John Valenti and MTS Properties, LLC, Reservoir Rd. and Hampton Rd.
6. Police purchase from ABC funds
7. Resolution in Support of House Bill 24 An Act to Restore the Authority for Local Governments to Initiate Down-zoning
8. Authorize City Manager to Approve Contract with Berry Dunn for Police Department Workplace Study
9. Rosenwald Community Advisory Board Minutes - October 17, 2024
10. Rosenwald Community Advisory Board Meeting Notes - November 21, 2024
11. Council Downtown Master Plan Committee Minutes - January 8, 2025
12. Council Parks, Trails, and Recreation Committee Minutes - January 15, 2025
13. Council Finance, Human Resources and Citizen Appointment Committee Minutes - January 27, 2025
14. Council Public Safety Committee Minutes - January 27, 2025
15. Council Public Works & Utilities Committee Minutes - February 5, 2025
16. Correspondence (*No Action. Offered as information only.*)
 - a. ABC Board Minutes - January 23, 2025
 - b. ABC Board Minutes - February 27, 2025

L. Unfinished Business

M. New Business

1. Approval of 2 Regular Part-time Housekeeping Positions
2. Betsy Smith MOU / Easement - 46 Grove Street
3. City Council Approval of Electronic Only Advertising for Construction Contracts

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

1. Pending Litigation: NCGS §143-318.11.(a)(3)

P. Adjourn

Agenda Posted, Website, Sunshine List (March 13, 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
February 17, 2025 – 5:30 PM

The Brevard City Council met in regular session on Monday, February 17, 2025, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

Absent – Council Member Aaron Baker

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, 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, Senior Planner Emily Brewer, Communications Coordinator Becky McCann, Public Works Director Wesley Shook, Wastewater Treatment Plant ORC Emory Owen, Water Treatment Plant ORC Dennis Richardson, and Community Center Director Tyree Griffin

Press – Dave Bradley, Transylvania Times.

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

B. Invocation – Father Shawn O’Neal of Sacred Heart Catholic 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 Council Member Baker. The motion carried unanimously.

E. Approval of Agenda – Attorney McKeller asked to add a closed session to discuss pending litigation matter City of Brevard et al. vs. HCA et al. as Item O-1. Ms. Holder moved, seconded by Mr. Wise to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. February 3, 2025 Regular Meeting – Mr. Morrow moved, seconded by Mr. Daniel to approve the minutes of the February 3, 2025 Regular Meeting as presented. The motion carried unanimously.

G. Public Comments

Chris Weiner of 503 S. Broad St. said my name is Sgt. Chris Weiner. I stand before you today, not out of choice, but out of duty – Uniform Code of Military Justice (UCMJ), Article 92 and AR 699-20 (Army Command Policy) require me to report when an officer may be found derelict in duty and failure to obey a lawful order. Madam Mayor, you once wore the uniform of the United States Navy, sworn to uphold the highest standards of honor, courage, and commitment. That uniform is not just a piece of fabric – it is a symbol of trust, responsibility, and sacrifice. It represented the oath, an oath which you are still bound by having not resigned your commission. Council, by issuing a virtual declaration of Brevard as a sanctuary city, a policy that defies federal immigration law, you have actively undermined the rule of law and abandoned your duty. US Code 1324 makes it a federal crime to harbor or shield illegal aliens from detention. Sanctuary policies, like the one Brevard has signaled, place personal and

political interests above the security of the American people. What's moreover is that these actions place undue risk of millions of dollars of federal funding, funding that our city relies on to support critical programs. Law enforcement grants, infrastructure funding, educational assistance, and public safety initiatives all depend on compliance with federal law. To be clear, no one here is advocating for indiscriminate deportations. A fair and just immigration system requires a criminal-only deportation approach, ensuring that those who commit violent crimes, drug trafficking, or fraud are removed from our communities. But we must also acknowledge that those who entered the country illegally or have overstayed their visa broke the law. There must be a pathway to legal residency, one which does not ignore the initial violation of sovereignty. The 1996 Immigration Reform and Immigration Responsibility Act provides a foundation for removing criminal offenders while allowing non-criminal undocumented immigrants a structured, lawful avenue to rectify their status. Your decision to support these policies blurs these distinctions, not only to the people of Brevard but to the fundamental principles of law and order. Leadership demands accountability, and yet we have not demonstrated some. Now the question before is simple – will you take corrective action? Will you do what honor demands? Appropriate actions must and will be taken. The citizens of Brevard, and indeed the nation, are watching. History will remember which side of this you choose to do next.

Dawn Rossi of 154 White Oak Lane said many of you know my position on your immigration statement. Tonight, I want to highlight how this statement has put Brevard in the spotlight and could deeply impact our community. Small towns like ours thrive on trust, hard work, and strong sense of community. However, unchecked illegal immigration introduces challenges we cannot ignore. In early February residents received a video and social media statement on this issue, both appearing to originate from an outside town. Here is the statement from the Police Chief at Tukwila, WA released January 23, 2025, alongside yours. The similarities suggest a lack of independent thought. Beyond the absolutely 50 terrified people mentioned in emails between the Mayor and the City Council, many of the town worry about the performative activism that is reshaping Brevard. These emails also reveal concerns from some City Council members and from the City Attorney on this position. If Brevard is on a path to become like Tukwila, a city of 20,000 ranked among the top five most-dangerous towns recently declaring a state of emergency, we must take this very seriously. In the past few weeks individuals from India, Mexico, Guatemala, El Savadore were arrested in Tukwila with crimes ranging from theft to child rape. Now they're in ICE custody. This is not about race or nationality; it's about the rule of law, fairness and our town's wellbeing. Legal immigration strengthens America, we know that, but ignoring illegal immigration weakens security, strains our resources, and erodes trust. Small towns are America's backbone built on faith, family and hard work. But as progressive ideology sweeps through local government, schools, and businesses we must ask is it making our town stronger, or is it eroding the very foundation it is built on? Instead of addressing real community needs, our city government has embraced divisive policies potentially leading to fewer resources and rising crimes, something we cannot afford. We must work together with law enforcement to ensure cooperation with federal immigration authorities, advocate for policy that prioritizes the legal system, and direct our tax dollars to those who contribute legally. To preserve what makes Brevard safe and prosperous we must act with common sense, not virtue signaling. Brevard is worth protecting. I urge you to make common sense action. We must stand for what is right; prioritizing safety, economic growth and traditional values over radical activism; and we must elect leaders to serve our town, not outside agendas.

Peter Rossi of 154 White Oak Lane said Albert Einstein once said the world is a dangerous place to live, not because of the people who are evil, but because of the people who don't do anything about it. Mayor, City Council, the statement that you have released puts a spotlight on the City of Brevard where it could possibly lead someone that speaks English as a second language, or does not understand English, to think that this has become a sanctuary city. Center of Immigration studies 56% of all illegal aliens live in sanctuary cities. It is a well-known and documented fact that these aliens communicate with each other and allow each other to know where to go for sanctuary cities. Migrants in North Carolina cost us \$3.1B, works out to about \$779 per taxpayer.

A majority of these people are very good people, hard workers, and are an asset to the community, but there does leave that small minority of them that are up to no good and can cause harm, as my wife alluded to some of the other arrests, and you've seen on the news. It puts a strain on the department when crime increases. A little background on myself – 20 years in federal law enforcement, 4 of those years were as an instructor at the federal law enforcement academy in Charleston, SC. I have a little bit of knowledge on the way police and law enforcement works. Our police department last year faced some allegations and had some very low marks for morale that were from all of the police officers around. This stems from bad leadership, going from the Chief of Police and also their boss, yourself Mayor, and you know that if this was a military unit with a low morale, with the attrition rate, you would probably be relieved of command for lack of confidence. Hopefully, this election will go ahead and show that most of the city is getting tired of this, and a lack of confidence will be shown at the election.

Josh Fisher of 402 Greenville Hwy. said tonight I want to talk about censorship. I don't know who is in charge of the Police Department's Facebook page, but I have not been able to comment on it. As far as I know, that is a violation of the First Amendment; other people can. I'm going to read a couple of things: It is considered a violation of the First Amendment for a government agency to block someone from commenting on their Facebook page as it can be seen as censorship of viewpoints, particularly if the blocking is based on the content of the comment and not just technical issues. Now, if there is threats or harassment, that's different. Everything I have said has been truthful; I have not made a physical threat towards anybody; there's no reason to have me blocked on that. It's also considered that a government's Facebook page, or any social media page is considered a limited public forum. So, what I'm asking you guys tonight is to look into that, and if you guys find that you agree with me, then have that unblocked as soon as possible. If you don't and I find out further, Mr. McKeller, then I will retain legal counsel for my First Amendment rights. I'm not trying to do that, but I have a right just like everybody else does to express how I feel. You guys may not agree with it, but that's the way it goes. Obviously, you can hear the rest of the people who spoke tonight; that was part of what I was going to talk about. I guess I don't need to because the rest of the city is here talking about it. You guys might say it's not a sanctuary city, but that's how you portrayed it; that's how a lot of people take it. If you guys don't retract your statements or say something that that's not how you meant it, a lot of you guys will be voted out, I can guarantee you that. The citizens are not happy. You saw the backlash on the Facebook page. Also, when you guys made that, there were a lot of comments that were deleted from citizens, and we have screenshots of it all. I do want to personally thank Mr. Wise though. I have gained a lot of respect for him and his viewpoints and so I want to personally say I apologize for stuff before. I respect you and Mr. Baker who is not here. The rest of you guys, all you do is sit there, you stare; I understand you can't comment, but it doesn't even matter what the public says. If you disagree with them, it goes in one ear and out the other. I urge you to look into the First Amendment and see why I have been stopped from commenting on the Police Facebook page.

James Carli of 230 Burrell Ave. said I wish to commend the declaration in support of our immigrant residents and neighbors and friends. I'm a big welcome guy, a big hospitality guy. I'm from North Carolina, but I lived in New Jersey in an apartment complex that had people from over 120 different nationalities. My wife and I were one of the very few white Americans and we had a building full of old Russian and Ukrainian ladies and some of the greatest serenity I experienced were some of the Muslim men who pray to the masjid in the basement. Everywhere I go and every time I interact with foreigners I look into the eyes of people who are yearning for peace, safety, freedom, opportunity that all of us experience. Just to walk you through what some of the Good Book says – Exodus 22:21 do not mistreat or oppress a foreigner; remember that you are foreigners in Egypt; Leviticus 19:33-34 do not mistreat foreigners who are living in your land, treat them as you would an Israelite and love them as you love yourselves. Remember you were once foreigners in the land of Egypt; I am the Lord your God Deuteronomy 2:7-19. I could keep going, but you get the point. The Bible and the Christian faith and all the ancient faiths are very clear on the importance of showing hospitality and welcome to foreigners as angels of God. I am a firm believer in that

spirit of hospitality, and I do not believe that any of our neighbors should live in fear of anything. We are human beings who desire the same things. By the way, the foreigners commit crimes at far fewer rates than native-born Americans, and they also make our cuisine pretty good. I would encourage everyone in our community to exercise compassion and grace and find it within you that sense of hospitality that has existed within all these people as souls, many of whom have been forced to flee conditions which have made where they came from inhospitable, some of which is because of American actions in their homelands. I wish to support the Council and your statement and to encourage all of us to just see the individual behind the eyes of the spirit of God and that soul yearning for peace.

Dr. Paula Hartman-Stein of 249 Pine Mountain Trail said I currently volunteer as Brevard's Age Friendly Task Force Coordinator. I have some good news tonight on behalf of our age friendly initiatives. I was notified last week that an AARP regional mini grant for \$1,000 that I wrote, with some wordsmithing suggestions by Becky McCann, will be funded. The money will go for 150 emergency preparedness bags with items suggested by County Emergency Management Director Kevin Shook and a Task Force member Susan Zelle, who worked for the State Department in Africa for many years and she knows about emergencies. The bags will be distributed two ways—the first 50 people who attend our upcoming summit on disaster preparedness on April 23rd at the Rogow Room; and 100 will be distributed to all of the homebound older adults who receive meals in our city and county as far as the Toxaway area. Also, we will be distributing pamphlets published by AARP that are filled with really good information. A national grant in progress, another AARP microgrant for \$2500, if it is funded will reach out to three demographics of older adults – those across Carolina in hurricane-prone regions who are digitally savvy and go to websites for information and to local locations in our city and county where harder to reach older adults go to socialize. I hope you will avail yourself of the knowledge and experience of our three county directors in the emergency field regarding how to prepare for disasters and from Becky McCann our city Communications Director on how to sign up for city alerts. All of this on April 23rd at 2:00 to 4:30 p.m.

Wayne Clark of 34 Warren Lane said I am very proud of what you all have done so far for our community, and I think it is a real community service. I want to echo what James Carli said too. We have an obligation, moral and otherwise, to be good neighbors to everyone in the community. I want to urge you to do more and the reason I say that is because the Trump administration is going to come down even harder on the migrants in our country. They are shipping people around the world and they put them in a plane, and they treat them like prisoners, including women and children. They handcuff them and they stay handcuffed and virtually immobilized for eight hours on their trip down to Guantanamo. Plus, the Trump administration will be seeking millions in additional revenues to expand and add on to Guantanamo. The facility down there was set up for prisoners, it wasn't set up for migrants. This administration has no qualms about separating women and children. The cruelty is almost beyond comprehension. This is not the way America should be; this is not the way my 17-year-old ancestor fought in the Revolution for; he didn't fight for policies like that. And my three uncles and my dad, my father-in-law, did not fight fascism and all the deportation that went into the fascist regimes, and we know about the 11 million people who died during WWII. My ancestors and yours too probably didn't fight for that kind of a country and we don't need to go down that path again. We need to be aware of what happened then, and we need to be very much aware that it can happen again. So let's do what we can, let's look ahead and let's see what else we can do to protect these vulnerable people.

H. Certificates/Awards/Recognition – None.

I. Special Presentations

I-1. Priority Setting Retreat Prologue – Mr. Hooper explained that his remarks are intended to talk about some of our accomplishments over the past year and to talk about the current environment in order to give a sense of what will influence our work

in the year to come. He reviewed the city's accomplishments of each of last year's priorities:

Goal 1 – Community Safety

- New BPD facility
- Successfully implemented cadet program
- Completed evidence room audit
- Starting BPD organizational assessment
- Received and deployed new BFD rescue truck
- Monitoring county-level discussion on revisions to countywide fire department funding model

Goal 2 – Infrastructure

- Times Arcade Alley stormwater and bulb outs substantially complete
- Made progress on HoB sidewalk and pedestrian survey
- LoS doing preliminary stormwater infrastructure survey; RFQ for Master Plan about to hit the street
- Hired KCI for WWTP PER; already made recommendations to PWC about next steps
- RFPs for WTP improvements and pump station improvements about to hit the streets

Goal 3 – Economic Vibrancy

- Developed terms for Pisgah Labs that will likely be the basis for our future Economic Incentives policy

Goal 4 – Affordable Housing

- Diligence on BDRPC property
- Developed negotiation and agreement model for future partnerships
- Acquired purchase option for Azalea Ave. project
- Shifted DFI support from BDRPC property to Azalea Ave.
- Reapplied for PRO Housing; have plan B in case we don't get it
- Possible partnerships in the works with Habitat and HAC
- Financially supported Fairhaven Meadows

Goal 5 – Community Partnerships

- Expanded Social District

Goal 6 – Efficient, High-quality Organization

- Upgrading technology; transitioning to better time keeping system
- Reconfigured city hall to accommodate new staff
- Passed updated purchasing policy
- Utilizing most of the Civic Alert suite of products to enhance external communications

Goal 7 – Connected Transportation Network

- Safety improvements along Probart; collecting data to justify treatments at other locations
- Lots of movement on Estatoe Trail
 - Purchased Baslaugh property
 - Commissioned 30% design for remaining segments
 - Made handshake agreement re: Rosman Hwy crossing
- Formed ETAB 2.0 and got to work prioritizing amenities
- 30% design of Ecusta Trail essentially complete; negotiating 70% design contract
- Studied trail-related improvements to R5800 and submitted proposals to NCDOT
- Started construction on new trails at Bracken Preserve

Mr. Hooper noted that despite our progress, we are facing some challenges that will have an impact in the year to come:

- New environment/uncertainty from Washington
- Headwinds from Raleigh – unlikely to continue to hand out earmarks
- Storm recovery will likely be a continued focus both locally and in Raleigh for the foreseeable future
- Organization will recover from the storm quickly; long-term community impacts still unknown
- Uncertain how each of the above-referenced phenomena will impact our budget and operations
- Revaluation delays when we can project property tax revenue
- Internal staffing levels good in professional departments; stable in Public Works, Water/Sewer and Fire Department; challenged in Police Department
- Approaching inflection point with regard to the adequacy of our infrastructure

J. Public Hearing(s) – None.

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

K-1. Tax Settlement Report – January, 2025

K-2. 2024 Unpaid Taxes and Authorization to Advertise and Begin Enforced Collection Remedies

K-3. Amendment to Fee Schedule – Removal of Sidewalk Usage Fees

**ORDINANCE NO. 2025-09
AN ORDINANCE AMENDING THE FEE SCHEDULE OF THE
FY 2024-2025 CITY OF BREVARD BUDGET**

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

WHEREAS, the City Council of Brevard adopted Ordinance No. 2024-41 amending the City of Brevard Code of Ordinances Chapter 1, Chapter 46, and Chapter 62 to update the regulations for placing objects within public rights-of-way, in accordance with North Carolina General Statutes; and,

WHEREAS, the Downtown Master Plan Committee recommended removing the fee for sidewalk usage at their regular meeting on February 12, 2025; 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. Establish that there is no permit fee for Sidewalk Usage.

SECTION 03. The City Manager of the City of Brevard is hereby authorized to amend the official FY 2024-2025 budget to reflect the change as set forth herein.

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

Adopted and approved upon first reading this the 17th day of February 2025.

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

s/ Maureen Copelof, Mayor

K-4. Eastabrook Avenue Survey “Mini-Brooks” Act Exemption

RESOLUTION NO. 2025-11 RESOLUTION APPROVING A “MINI BROOKS ACT” EXEMPTION FOR EASTABROOK AVENUE SURVEY 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 Eastabrook Avenue Survey is less than \$50,000 (\$2800.00); and

WHEREAS, the survey firm, McAbee and Associates, P.A. is well qualified and experienced in proving surveys, including in the City of Brevard, and specifically the Eastabrook Avenue area; and

WHEREAS, the City wishes to use McAbee and Associates, P.A. for these surveying services.

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

Section 1. The selection of the surveyor McAbee and Associates, P.A. for the Eastabrook Avenue Survey 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 17th day of February, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

K-5. Council Public Works & Utilities Committee Minutes – January 9, 2025

L. Unfinished Business – None.

M. New Business

M-1. Fairhaven Meadows Contribution – Mr. Hooper clarified that this agenda item is mistitled and should say “Fairhaven Meadows Loan” and noted that the legal and procedural steps we must take are different for a loan and a grant. He asked Attorney McKeller to discuss some of the legalities of this matter. Attorney McKeller said I want to clarify for the public record that from a legal standpoint this is well within the ability of the Council to do and that a low-income loan, as opposed to a grant, is clearly allowed because we are assisting in the provision of LMI housing. He explained that there is a clause in the Constitution of North Carolina that requires any monies expended on behalf of the public to be spent for public purpose. The NC Supreme Court in the 1930s determined that providing affordable housing to persons of low income is “one of the first duties of a civilized and Christian state is to aid the poor, the unfortunate, and the orphan.” Attorney McKeller said therefore he almost considers it an obligation to provide and work for affordable housing as a municipality and as a local government. The county has different requirements and regulations than a city does. We are encouraged to follow that provision of the Constitution requiring aid to the poor, unfortunate and the orphan. The North Carolina Housing Authorities Act, Chapter 157 of the NC General Statutes, gives very specific ways in which the city could assist in encouraging affordable housing in our area. In pursuing our obligation to provide some assistance to the poor, unfortunate, and the orphan, we are given a lot of tools. One is what is being presented tonight, which is the use of our ability as a housing authority to provide low-income loans to developers who are providing housing for LMI people. In 1982 the North Carolina Supreme Court specifically authorized giving loans to create housing for people who otherwise can’t afford housing assistance. What is being discussed tonight is potential support for the Fairhaven Meadows project to allow for the building of a LIHTC project to provide the very housing that we are talking about.

Mr. Hooper explained that this project has a number of funding sources, primarily by Low Income Housing Tax Credits (LIHTC). The project was also awarded HOME funds from the Asheville Housing Consortium, and has a privately issued mortgage, a second loan from Self Help Credit Union underwritten by the Western NC Community Foundation. Mr. Hooper is recommending that the city help this project close its funding gap by making a \$1.169M loan to the developer Commonwealth Companies, payable in two tranches; one each in FY26 and FY27. He presented two proposed funding scenarios for Council's consideration and noted that staff is recommending Option 2, which will draw down more of our funds, but allows continued pursuit of the Azalea Ave. property.

Fairhaven Meadows funding strategy Option 1 (Maintain healthy fund balances; table Azalea Ave.)					
Funding Options	Avail. Balance/value	Related FM need	Proposed contr.	Remaining balance	Est FY26 replenish
Housing Trust Fund	\$638,402 ¹		(\$511,881)	\$126,521	\$200k-\$264k plus remaining proceeds from property sale
Former Parking Lot Fund (now GF)	\$278,575	\$269,885	(\$200,000)	\$78,575	\$75k-\$100k
Capital Reserve Fund	\$542,536	\$499,509	(\$387,119) ²	\$155,417	\$75k-\$100k ³
Sale of properties	\$118,000 ⁴		(\$70,000)	UNK	
Total	\$1,577,513	\$1,169,000	\$1,169,000	\$360,513	

Fairhaven Meadows funding strategy Option 2 (Deplete funds; keep pursuing Azalea Ave.)					
Fund	Avail. Balance/value	Related FM need	Proposed contr.	Remaining balance	Est FY26 replenish
Housing Trust Fund	\$543,402 ⁵		(\$525,000)	\$18,402	\$75k ⁶ plus proceeds from property sale
Former Parking Lot Fund (now GF)	\$278,575	\$269,885	(\$215,000)	\$63,575	\$75k-\$100k
Capital Reserve Fund	\$542,536	\$499,509	(\$387,119) ⁷	\$155,417	\$75k-\$100k
Sale of properties	\$118,000 ⁸		(\$41,881)	UNK	
Total	\$1,482,513	\$1,169,000	\$1,169,000	\$237,394	

¹ HTF Balance is \$682,782 but there are \$139,380 in encumbrances: Rowhouse architects (\$23,380), Solid Ground engineering (\$1,000), Azalea Ave. purchase option (\$115,000), equating to \$543,402. Option 1 would likely foreclose on the possibility of acquiring Azalea Ave., so we could cancel \$90k of the option encumbrance, leaving us an available balance of \$638,402. Option 2 would proceed with the remaining option payments, thus reduce the balance to \$543,403

² Staff's analysis has concluded that only \$387,119 of FM's request qualifies as public utility infrastructure for this purpose

³ This fund replenished by system development fees generated by new hook ups to Brevard's utility system. Those fees must be used for the expansion of the utility system.

⁴ City will apply the proceeds from the sale of three properties: 3150 James St. (appraised value \$70,000), 6574 Cashiers Valley Rd. (tax value \$120,000), 5389 Cashiers Valley Rd. (tax value \$36,000). For budgeting purposes, assume all properties sell for half of their identified value. If this \$118k must be applied, HTF will front the money and be replenished by the proceeds upon sale.

⁵ See footnote 1

⁶ Under this scenario, we would finance the purchase of the Azalea Ave. property and use a significant percentage of our "Two pennies for housing" to repay debt service on the approx. \$925,000 loan. Assuming finance terms of 6 years at 6% which equates to approximately \$175,000 in debt service payments each year.

⁷ See footnote 2

⁸ See footnote 3

Mr. Hooper explained that no specific terms have been negotiated with Commonwealth and Council is asked to authorize the City Attorney and City Manager to negotiate the terms with the understanding that the term of the loan would be for 20 years at an interest rate of approximately 1% with a balloon payment due on the maturity date. He pointed out that the city will be in the fifth creditor's position, meaning that should the project go into default the city will be unlikely to recover its full investment.

Mr. Morrow moved, seconded by Mr. Wise to adopt Option 2 and approve the resolution. Following discussion, the motion carried unanimously.

RESOLUTION NO. 2025-12
A RESOLUTION SUPPORTING A LOAN AGREEMENT BETWEEN
CITY OF BREVARD AND COMMONWEALTH COMPANIES
FOR FAIRHAVEN MEADOWS HOUSING PROJECT

WHEREAS, Fairhaven Meadows is a 42-unit planned low-to-moderate income housing development to be developed by Commonwealth Companies and located at 1505 Asheville Highway; and

WHEREAS, Fairhaven Meadows will bring much-needed affordable housing units to the area; and

WHEREAS, despite its diverse financing package consisting of Low Income Housing Tax Credits (LIHTC), Asheville Housing Consortium Funding, and a low-interest loan from Self Help Credit Union, the project has a funding gap of \$1,169,000; and

WHEREAS, Commonwealth Companies has requested assistance from the City of Brevard to provide financing to close the gap; and

WHEREAS, City Council identified Housing Policy Action / Funding as a “Category 1: Essential” priority in its FY23-24 and FY24-25 Strategic Planning Retreats; and

WHEREAS, on February 17, 2025 the Brevard City Council was presented with information, summarized in the affixed staff report, regarding funding strategy options to close the funding gap.

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

Section 1. City Council supports giving a loan to Commonwealth Companies, funded according to the strategy referenced in the attached staff report and under the terms included in the attached loan/note/deed of trust documents.

Section 2. City Council authorizes the City Attorney and City Manager to negotiate and execute the terms of the loan agreement.

Approved and adopted this 17th day of February, 2025.

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

M-2. Times Arcade Alley Change Orders and Funding Gap – Mr. Hooper explained that there are two matters at play – approval of funding for some elective change orders and filling a funding gap caused by an unexpected decision from NCDEQ.

Change orders – Mr. Hooper explained that Council’s approval is required since prior emergency change orders put the project over the approved budget. The additional change orders, totaling \$57,820 come at the request of some of the property owners along the alley in the hopes of adding further protection against water intrusion on their foundations and basements.

Funding Gap – The two outside funding sources applied to this project were a \$250,000 Golden Leaf grant and a \$700,000 stormwater grant from NCDEQ. Though the state sent a letter of intent to fund the project, it was unclear that their intent was to only fund the specific stormwater elements of the project. Non-stormwater items were deemed ineligible for reimbursement, leaving a funding gap of \$319,000. Mr. Hooper noted that some of the change orders may be eligible for reimbursement, so that number may be reduced.

Between the unfunded change orders and the funding gap, the project needs approximately \$373,000 to break even. Mr. Hooper presented staff’s funding recommendation for Council’s consideration.

Times Arcade Alley Change Orders and Funding Gap				
Net costs of unfunded change orders \$57,820				
Net ARPA-ineligible expenses \$319,000				
Total Target \$373,000 ¹				
Funding Option	Avail balance	Proposed contribution	Remaining balance	Est. FY 26 replenish
DMP Fund	\$127,880	\$95,000	\$32,880	UNK
Stormwater Fund	\$194,194	\$194,194	\$0	\$225,000
General Fund unoblig fund balance above 25% policy limit	\$1,596,186	\$83,806	\$1,512,383	UNK
Total	\$1,918,260	\$373,000	\$1,545,263	

Mr. Hooper noted that the project amendment before Council tonight is only for the resources needed for the change orders. If Council agrees with the sources proposed to close the funding gap, an additional amendment will be placed on the next agenda.

Mr. Morrow moved, seconded by Ms. Holder to adopt the resolution to approve the change orders and the alternate funding sources for the Times Arcade Alley project.

During discussion Mr. Daniel said there is a design flaw with a \$23,000 expense to fix it and there are several issues on this project that fit this same criteria, and I’m not sure why the city is responsible for that. Mr. Wise echoed that concern and said I feel that there are multiple problems with the engineering and construction on this project and that both change orders could have been prevented. He wondered if the city has any recourse. Ms. Holder also agreed and said I feel like we are paying for the same

thing twice and we should identify the responsibility and have the responsible party share or absorb the cost. Vote on the motion was 3 in favor; 1 opposed (Holder). The motion carried.

RESOLUTION NO. 2025-13
RESOLUTION APPROVING CHANGE ORDERS AND ALTERNATIVE FUNDING SOURCES
FOR TIMES ARCADE ALLEY IMPROVEMENTS PROJECT

WHEREAS, on August 21, 2023 City Council adopted Capital Project Ordinance No. 2023-35 for the Times Arcade Alley Improvements project, establishing funding sources in the amount of \$1,082,000, including a \$700,000 ARPA stormwater grant; and

WHEREAS, on City Council adopted a Capital Project Amendment Ordinance No. 2023-59 increasing the project expenditures to \$1,207,000; and

WHEREAS, five change orders were approved administratively over the course of the project;

WHEREAS, two additional change orders have been requested that will exceed the approved budget for the project; and

WHEREAS, NCDEQ has determined that only \$381,000 of the project's expenses are eligible for reimbursement from the ARPA stormwater grant funds; and

WHEREAS, on February 17, 2025 the Brevard City Council was presented with information, summarized in the affixed staff report, regarding the change orders and alternative funding sources.

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

Section 1. City Council hereby approves Change orders 5 through 7 referenced in the staff report for the Times Arcade Alley Improvement Project.

Section 2. City Council approves the funding sources identified in the attached staff report.

Approved and adopted this 17th day of February, 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

ORDINANCE NO. 2025-10
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2023-35 AND 2023-59 TIMES ARCADE ALLEY IMPROVEMENTS

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

Section 1: The budgeted expenditures and revenues listed under the ordinance 2024-10 will be increased by \$105,900 from \$1,207,000 to \$1,312,900. Staff has already approved change orders, with the largest involving unsuitable soil removal, and the City Manager is requesting Council approval on change orders involving waterproofing and an additional trench drain. In June of 2024, Council approved the FY25 budget, which included a \$95,000 transfer from the General Fund to the Downtown Masterplan Fund, and staff has received a commitment from a Times Arcade business owner for an additional \$10,900 in reimbursement for waterproofing which benefitted this business.

Section 2: The Project constructed new publicly owned stormwater infrastructure in the Times Arcade Alley to capture runoff from rooftops and street surfaces. Trench drains were also added at intervals through the alley to capture and convey stormwater, and the alley and disturbed parking areas were resurfaced. The new infrastructure will handle the runoff from a 25 -year storm (7. 69"/ 24 hours), which will significantly mitigate flooding in the alley and on Main Street and Jordan Street that receive the alley's runoff. The project is largely completed at this time.

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

Account Number	Account Name	Budget Amount
83-4900-4550	Times Arcade Alley Improv.	\$1,154,000
83-4990-4560	Contingency	\$53,000

83-4900-4550	Times Arcade Alley Improv.	\$105,900
TOTAL PROJECT APPROPRIATION		\$1,312,900

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

Account Number	Account Name	Budget Amount
83-3750-0230	ARPA Storm Grant	\$700,000
83-3750-0240	Golden Leaf Grant	\$250,000
83-3020-0150	Transfer from GF-TAA	\$132,000
83-3750-0250	Reimbursement	\$32,000
83-3990-0000	Fund Balance	\$40,000
83-3020-0200	Transfer from GF-TAA Contingency	\$53,000
83-3020-0150	Transfer from GF-TAA	\$95,000
83-3750-0250	Reimbursement	\$10,900
TOTAL PROJECT REVENUE		\$1,312,900

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

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

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

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

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 17th day of February, 2025.

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

s/ Maureen Copelof, Mayor

M-3. City Hall Building Envelope Inspection Designer Approval – Mr. Todd explained that given the age and visible condition of the City Hall building, in addition to recent incidents of water entering the building in multiple areas, resulting in issues related to indoor air quality and moisture in the building, and in keeping with the “Mini Brooks Law” the City solicited qualifications packages from eligible engineering firms to conduct a building envelope assessment. Based on interviews and qualification packages, the recommended firms in priority order are Terracon of Arden, Walker Consultants of Charlotte, and BECS of Raleigh. It is estimated that the cost for the inspection would be less than \$30,000. Once the inspection is complete and any deficiencies have been identified with cost estimates, staff will have a better idea of total project cost. Staff is requesting Council’s approval of the recommended firms and delegation of authority to the City Manager to begin negotiations with the firms in priority order. Mr. Daniel moved, seconded by Mr. Wise to approve the resolution to approve the recommended firms and delegating authority to the City Manager to begin negotiations. The motion carried unanimously.

RESOLUTION NO. 2025-14
 RESOLUTION TO APPROVE CITY HALL BUILDING ENVELOPE INSPECTION DESIGNER
 RECOMMENDATION AS PER NORTH CAROLINA GENERAL STATUE G.S. 143-64.31

WHEREAS, the City Council of Brevard, NC has determined that it is in the best interests of the City to conduct a building envelope inspection of the City Hall building to identify any deficiencies in the building envelope and associated repair cost to correct identified deficiencies; and

WHEREAS, the building envelope inspection will be planned and supervised by City staff; and

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, City Staff has also issued Request for Qualifications (“RFQs”) to obtain the services of qualified designers and engineering firms for the Project; and

WHEREAS, City Staff has carefully evaluated each response to those RFQs utilizing a number of criteria as specified by the North Carolina State Construction Office rules and guidelines including such elements as qualifications, prior experience with the City of Brevard, whether the design or engineering firm represents a historically underutilized business, whether the design or engineering firm represents a local business entity, and other relevant factors; and

WHEREAS, City Staff in conjunction with the City Manager has selected and interviewed three qualified designers or engineering firms in priority order: Terracon of Arden, NC, Walker Consultants of Charlotte, NC and BECS of Raleigh, NC (“Recommended Designers”); and

WHEREAS, the City Council is charged by the State of North Carolina with the authority and responsibility to approve the selection of designers and engineers for projects in the City of Brevard, NC; and

WHEREAS, City Staff recommends approval by City Council of the Recommended Designers for the City Hall Building Envelope Inspection.

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

Section 1. City Council hereby approves the recommended Designers.

Section 2. The City Manager, or his designee, is authorized to select one of the Recommended Designers in priority order, and to execute a contract dependent on successful negotiations, for the City Hall Building Envelope Inspection.

Adopted and approved this 17th day of February 2025.

Attest: s/ Denise Hodsdon, CMC, City Clerk

s/ Maureen Copelof, Mayor

N. Remarks/Future Agenda Considerations.

Mr. Daniel said during public comments one phrase jumped out at me, and that was “radical activism”, because we stated the law.

Mr. Wise said we have a specific moral and civic responsibility and duty to help the underprivileged in our municipality and I think the efforts we have taken today on providing housing especially is something that we will need to focus on and help the County understand in the coming years.

Ms. Holder said Mack got my brain going about helping the poor, the unfortunate, and the orphan, and as Gary stated, our statement is in line with the law. Any way that we can help our brothers and sisters, at the end of the day we’re all strangers in this land, and how do we help one another as brothers and sisters?

Mr. Morrow gave a shout out to Tyree Griffin. He said I met with him today and learned about his Legacy program, which is a great opportunity for local folks who want to understand not only what is going on around the country, but what is really important for folks here. He thanked Mr. Griffin for what he is doing to promote that legacy.

Attorney McKeller said I realized when I was quoting the Constitution of the State of North Carolina I forgot to cite it. It is Article 11, Section 4 Welfare policy – “Beneficent provision for the poor, the unfortunate, and the orphan is one of the first duties of a civilized and a Christian state.” He said I was also listening with a lot interest the discussion about Times Arcade Alley, and I will be talking with the Manager about that. Just know that your concerns have been heard, and we will look to see if there are any possible steps to take for that.

Mr. Hooper mentioned that there will be an open house at the new Brevard Police facility at 132 Commerce Street on Wednesday at 2:00 pm and hoped to see everyone there.

Mayor Copelof noted that this is Black History Month and there will be a fashion show at MCJCCC on Saturday from 3-5pm. An Aging in Place Summit will be held in partnership and conjunction with the County on March 6th from 10:30-12:30 in the Rogow Room. The next Meet the Mayor will be on March 14th. She said I am extremely proud of our city and that we stand firm for the values, the moral responsibility we have to all of our citizens, and to what is the moral foundation of this country, and we have shown that in our statement regarding law enforcement and immigration. There was nothing new, there was nothing other than clarification and reiteration to make sure that we had clarity for a group in our community that was confused and frightened. It is, in my opinion, the responsibility of an elected leader to try and deal with that kind of fear and to make sure the facts are out there. That is what we had the courage to do and I am proud of Council and the stance that we took. Those are the values of honor that I learned in the United States military. Those are the values I took when I raised my hand to support and defend the Constitution, both as a military member and as an elected official. I am also proud today that we had the courage to stand behind our priority to make sure that we are providing housing for those who need it the most. This Council deciding to go forward, even though it is expensive, tells me that our values are absolutely consistent. We want to make sure that everyone has a decent safe place to live. This is the first housing project in over 12 years, and we have worked hard to get it where it is and will continue to work hard on it. Thank you to our community that has supported us and thank you to all of the staff and elected officials who have worked so hard to make sure that we are standing firm with that moral responsibility and foundation.

O. Closed Session

O-1. Pending Litigation: NCGS §143-318.11.(a)(3) – At 7:22 p.m. Mr. Wise 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 8:07 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 8:07 p.m. Ms. Holder moved, seconded by Mr. Daniel, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: March 17, 2025

STAFF REPORT

City Council, Monday, March 17, 2025

Title: City of Brevard Annual Independent Audit for Year Ending June 30, 2024

Speaker: Travis Keever, Gould Killian CPA Group
Dean Luebbe, Asst. City Manager/ Finance Director

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

Approved by: Wilson Hooper, City Manager

Background

NCGS 159.34 requires that each local government entity annually compile its financial statements for the prior fiscal year, and have them audited according to GAAP (Generally Accepted Accounting Principals). By requiring this review, the statute helps keep NC local governments financially healthy, and ensures transparency in public spending.

Brevard contracts with Gould Killian CPA Group out of Asheville to both compile the financial statements and audit them according to GAAP. Gould Killian submitted the audit to the state Local Government Commission (LGC) on Brevard's behalf in January 2025, a later date approved by the LGC to help accomodate local governments affected by Helene. Travis Keever from Gould Killian will summarize the audit's findings.

Discussion

The state government prescribes the format of the document. The financial statements express the city's overall financial conditions. They review more than just revenue in and expenses out, they calculate the value of all the city's assets and weigh them against the value of all the city's liabilities. The audit renders an independent opinion on the accuracy and reliability of those statements, and comments on the adequacy of internal controls. The combined report also calculates the city's fund balance, which is an important bellwether used by the LGC to gauge the city's creditworthiness and financial health.

In summary, the report finds the city in healthy financial condition overall. Available fund balance sits at \$4,004,659 or 36% of the budgeted general fund expenditures. (The city's policy is to maintain at least 25%). The auditors gave Brevard an "unmodified opinion", meaning a clean report with no concerns about the accuracy of the City's numbers or its internal controls. Likewise the LGC approved the document with no notes or Financial Performance Indicators of Concern" (FPICs). Last year Brevard had two minor FPICs.

Action

No action requested. For information and discussion only.

Attachment:

The FY23/24 Audit can be viewed at the following

link: <https://www.cityofbrevard.com/DocumentCenter/View/5624/City-of-Brevard->

[Audit-Report---Year-Ending-June-30-2024](#)

Hard copies were made available to Mayor and Council members in late February.

Attachments:

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Architectural Standards - Plusurbia Presentation

Speaker: Plusurbia Team

Prepared by: Emily Brewer, Senior Planner

Approved by: Wilson Hooper, City Manager

Background

Members of the Plusurbia team will be at the meeting to walk through the proposed architectural standards and share the findings from the multi-phased project.

Action

No action is requested at this time. Please refer to Public Hearing Item J.2 on this agenda for the details of the project and proposed changes.

Attachments:

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Proposed Amendment to City of Brevard Unified Development Ordinance Chapter 19 - Definitions in Response to Session Law 2024-57

Speaker: Emily Brewer, Senior Planner
Paul Ray, Planning Director

Prepared by: Emily Brewer, Senior Planner

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

Background

On December 11, 2024, the North Carolina General Assembly amended state law to greatly restrict local government discretion to amend local zoning ordinances. The statutory provision, amended as part of the Disaster Recovery Act of 2024 – Part III, Session Law 2024-57 (S.B. 382), broadly defines “down-zoning” and provides that local governments cannot adopt a down-zoning without written consent from all impacted owners. The precise interpretation and breadth of impact of this law are not perfectly clear; Staff is seeking guidance from City Council on how amendments to the Unified Development Ordinance may be applied given the change and associated uncertainty in state law.

Discussion

North Carolina law has limited down-zonings by third parties for some time to prevent an individual from requesting to reduce the development rights on their neighbor’s property without their consent. However, a local government’s authority to make decisions about rezoning property and adjusting zoning standards was maintained, and the local governing board could make local legislation decisions to adjust rules according to local needs and priorities. This new law now prohibits local government-initiated down-zoning, as well as broadens the definition of what a “down-zoning” is in North Carolina.

Generally, “down-zoning” refers to rezoning a property to a new zoning district that is less intense or less dense than the prior district. An example of this would be if a property zoned Residential Mixed-Use with a maximum allowable residential density of 15 dwelling units per acre was rezoned to General Residential-8, with a maximum residential density of 8 dwelling units per acre and fewer permitted commercial uses. North Carolina law, however, defines down-zoning more broadly, especially after this recent change, to include an amendment that creates “any type of nonconformity on land not in a residential zoning district.” This broad definition significantly alters the applicability of the down-zoning legislation, and it is even greater implications as it applies to local government-initiated amendments and not just third-party requests.

Given that the new architectural standards will create nonconformities without written consent of affected property owners, the implementation of the new standards must be modified from what was originally envisioned when the process started, long before SL

2024-57 was enacted. This text amendment aims to provide a context within the bounds of the new law in which the City can apply the new architectural standards and any other future text amendments. Specifically, this text amendment includes two definitions - one for "New Construction" and another for "Residential Zoning District." Staff will have a discussion with the Council about the legal implications that should be considered when selecting a proposed definition for each item.

Planning Board discussed the definitions at their meeting on February 25, 2025, and offers recommendations regarding these definitions.

Policy Analysis

Ensuring the new architectural standards can legally be applied within the City's jurisdiction works towards the same priorities of the *Building Brevard 2030 Comprehensive Land Use Plan* as the architectural standards themselves. Most notably, Goal #2: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.

Action

No action is requested at this time; information is provided for public hearing purposes only. Staff will request that Council take one of the following actions at the next regular meeting on April 7, 2025:

- Adopt the amendments as written;
- Revise and adopt the amendments as revised by Council;
- Reject the amendment;
- Send the amendment back to the Planning Board for further study and consideration; or
- Call for additional public hearings brought before them.

Attachments:

1. Excerpt from SL 2024-57
2. Proposed Amendments
3. Consistency Statement

GENERAL ASSEMBLY OF NORTH CAROLINA
EXCERPT FROM SESSION LAW 2024-57 / SENATE BILL 382

SUBPART III-K. LOCAL GOVERNMENT

NO LOCAL GOVERNMENT INITIATED DOWN-ZONING WITHOUT CONSENT OF AFFECTED PROPERTY OWNER

SECTION 3K.1.(a) G.S. 160D-601(d) reads as rewritten:

"(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be ~~initiated nor is it enforceable~~ initiated, enacted, or enforced without the written consent of all property owners whose property is the subject of the down-zoning amendment, ~~unless the down-zoning amendment is initiated by the local government.~~ amendment. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.
- (3) By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element."

SECTION 3K.1.(b) If any provision of this section is declared unconstitutional or invalid by the courts, it does not affect the validity of this section as a whole or any part other than the part so declared to be unconstitutional or invalid.

SECTION 3K.1.(c) This section is effective when it becomes law and applies to local government ordinances adopted on or after that date and any local government ordinance enacting down-zoning of property during the 180 days prior to the date this section becomes effective. Ordinances adopted in violation of this section shall be void and unenforceable.

New Construction:

Current Definition: Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Proposed Definition: Any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:

- Additions to existing structures that equal or exceed **[50%, two-thirds, 75%, etc.]** of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed **[50%, two-thirds, 75%, etc.]** of the value of the existing structure and require the issuance of at least **[two or three]** trade permits from the Transylvania County Building and Inspections Department.

Planning Board and Staff Recommendation: Any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:

- Additions to existing structures that equal or exceed **75%** of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed **75%** of the value of the existing structure and require the issuance of at least **two** trade permits from the Transylvania County Building and Inspections Department.

Residential Zoning District:

Current Definition: None

Proposed Definition – Option # 1: A zoning district that is entirely reserved for residential land uses.
[Note there are none in our jurisdiction]

Proposed Definition – Option # 2 [Staff Recommendation]: A zoning district that is primarily intended for residential land uses. This shall apply to the following zoning districts: General Residential-4 (GR4), General Residential-8 (GR8), and Residential Mixed-Use (RMX).

Proposed Definition – Option # 3 [Planning Board Recommendation]: Any zoning district that permits residential land uses. This shall apply to all zoning districts except General Industrial (GI).

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-25-003**

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

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

Building Brevard Comprehensive Land Use Plan:

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 3:** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **LUH-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
- **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
- **EDIR-3:** Encourage building and site upgrades Downtown and in other key commercial areas.

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Proposed Amendment to City of Brevard Unified Development Ordinance Chapters 2, 3, 5, 14, 16, 17 and 19 - Architectural Standards

Speaker: Emily Brewer, Senior Planner
Paul Ray, Planning Director
Stephanie Holland, Planner

Prepared by: Emily Brewer, Senior Planner

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

Background

In December 2023, City Council passed a resolution authorizing the City Manager to sign a contract with the planning and urban design consulting firm Plusurbia Inc. to begin updating the City's architectural standards, which are found primarily in Chapter 5 of the City's Unified Development Ordinance (UDO). Since that time, Plusurbia and Planning Staff have been working together in researching and defining Brevard's architectural styles and vernacular. A big component of the process was community engagement. Staff and the Plusurbia team engaged with an estimated 400 individuals during public input process, which consisted of design workshops and open houses, a downtown walking tour, project website, online survey, and neighborhood meetings.

Plusurbia's work is generally defined by two phases. The first phase was the creation of building design guidelines. These guidelines are found in a standalone document, the *City of Brevard Architectural Visual Guidelines*, which is the precursor to Brevard's new architectural standards in the UDO. The full Architectural Visual Guidelines, along with more information about the project, can be found at www.cityofbrevard.com/architecturalstandards. These guidelines were endorsed by City Council on June 17, 2024.

The second phase is actual codification of the design guidelines into the UDO. The standards are now fully developed and were unanimously recommended by Planning Board at their February 25th meeting.

Discussion

The new Architectural Standards are intended to preserve and enhance the distinct character of Brevard by regulating key aspects of the built environment. By setting a high standard for quality design across the jurisdiction, every new development can become a thoughtful, lasting addition to Brevard, enhancing the community for years to come. The new Chapter 5 is structured around building types and architectural styles, each with various elements and design requirements. The new standards also place greater emphasis on the architectural legacy of character areas by restricting the building types and architectural styles to only those that are most compatible with the community's vision for

these key area.

In December, the North Carolina General Assembly passed Session Law 2024-57 (also known as Senate Bill 382) which changed the City's ability to enact amendments to development regulations. Local governments are no longer allowed to enact changes to development regulations that create nonconformities without the written consent of all affected property owners. As a result, the version being presented for adoption does not entirely reflect the results of the community engagement. More specifically, the version before you does not include two of the character areas identified (the Railroad Avenue District and the US-64 Highway Corridor) and has different boundaries for the Downtown character area. While this adoptable version does not include these two character areas, Plusurbia has prepared proposed standards and boundaries for those character areas, so if there is a change to state law they can be adopted.

Members of the Plusurbia team will be at the meeting to walk through the document and share the findings from the multi-phased project.

Policy Analysis

Updating the UDO's architectural standards is a component of the *Building Brevard 2030 Comprehensive Land Use Plan* Goal #2: Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities. Specifically:

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 3:** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **LUH-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
- **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
- **EDIR-3:** Encourage building and site upgrades Downtown and in other key commercial areas.

Notes for Council's Review

The sections that are entirely new have a **highlighted title**, which includes Chapter 5 and all the included definitions. Other amended sections have the traditional strikethrough changes - blue text is new, ~~red text~~ is removed and black text is existing.

Action

No action is requested at this time; information is provided for public hearing purposes only. Staff will request that Council take one of the following actions at the next regular meeting on April 7th:

- Adopt the amendments as written;
- Revise and adopt the amendments as revised by Council;

- Reject the amendment;
- Send the amendment back to the Planning Board for further study and consideration; or
- Call for additional public hearings brought before them.

Attachments:

1. Proposed Amendments
2. Consistency Statement



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.2. Use categories and tables of permitted uses.

- A. All uses permitted in this Code have been divided into 10 general categories as detailed below and are generally defined as follows:
1. *Residential*: Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month's duration.
 2. *Lodging*: Premises available for short-term human habitation for a fee, including daily and weekly rental.
 3. *Commercial*: Premises available for the transaction of general business, the provision of services, the commercial sale of merchandise, and/or food and drink consumption, but excluding manufacturing.
 4. *Civic/institutional*: Premises available for organizations dedicated to religion, education, government, social service, health care, and other similar functions.
 5. *Entertainment/recreation*: Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.
 6. *Agriculture*: Premises primarily used to grow crops, produce, flowers, etc., raise animals, harvest timber, or other similar functions.
 7. *Manufacturing/wholesale/storage*: Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
 8. *Infrastructure*: Uses and structures dedicated to transportation, communication, information, and utilities.
 9. *Accessory*: Uses of land or of a building or structure or portion thereof, which is incidental and subordinate to a principal use on the same lot.
 10. *Temporary*: Uses of land which, having met certain requirements and conditions, that may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event.
- B. *Interpretation of use matrices.*
1. The use matrix is not intended to be a comprehensive list of all possible uses, but rather a list of more common uses likely to be proposed within the city.
 2. In the event that a particular use is not listed in the use matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the administrator shall determine whether a materially similar use exists in this chapter.
 - a. Should the administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the administrator's decision shall be recorded in writing pursuant to G.S. 160D-403.



- b. Should the administrator determine that a materially similar use does not exist, this chapter may be amended to establish a specific listing for the use in question in accordance with the provisions set forth for text amendments in [CHAPTER 16](#).
 3. When determining whether a proposed use is materially similar to a listed use, the administrator may consider the following criteria:
 - a. The actual or projected characteristics of the proposed use;
 - b. The relative amount of site area or floor area and equipment devoted to the proposed use;
 - c. Relative amounts of sales;
 - d. The customer type;
 - e. The relative number of employees;
 - f. Hours of operation;
 - g. Amount and frequency of deliveries;
 - h. Building and site arrangement;
 - i. Types of vehicles used and their parking demands;
 - j. The number of vehicle trips generated;
 - k. Signs;
 - l. How the proposed use is advertised;
 - m. The likely impact on surrounding properties; and
 - n. Whether the activity is likely to be found independent of the other activities on the site.
 4. Prohibited uses within the applicable zoning district or uses for which the administrator determines there is not a materially similar use in the matrix may be permitted through the application of a conditional zoning district in accordance with the provisions set forth in [CHAPTER 16](#).
- C. *Use matrix.* The following matrix sets forth the manner by which certain uses may be permitted within the various districts set forth above.
 1. "P" denotes those uses that are permitted "by right."
 2. "—" denotes those uses that are not permitted within the given district.
 3. "SUP" denotes those uses that are permitted upon issuance of a special use permit in accordance with the provisions set forth in [CHAPTER 16](#). Additional standards for certain uses requiring a special use permit are set forth in [CHAPTER 3](#) and [CHAPTER 5](#) of this ordinance.
 4. "PS" denotes those uses that are permitted with additional standards, which are set forth in [CHAPTER 3](#).
 5. "MHD" denotes those uses that are permitted within a Manufactured Housing Overlay District.

TABLE 2.2-A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Residential										
Household Living	3.5.1	Dwelling—Single-Family	P	P	—	—	—	—	P	—
		Dwelling—Duplex	P	P	P	P	—	—	P	—
		Dwelling—Multifamily 3—4 units/bldg.	P	P	P	P	P	P	P	—



TABLE 2.2-A: LAND USE MATRIX

Category	Section (a)	Use	Zoning Districts							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Dwelling—Multifamily more than 4 units/bldg.	—	P	P	P	P	P	P	—
		Dwelling—Townhome	P	P	P	P	P	P	P	—
		Manufactured Home	MHD	MHD	MHD	MHD	MHD	MHD	MHD	—
		Live-Work Units	PS	PS	PS	PS	PS	—	PS	—
		Mixed-Use Residential Unit	—	—	PS	PS	PS	PS	PS	—
Group Living	3.5.2	Family Care Home	P	P	P	P	P	P	P	—
		Housing Services for the Elderly	SUP	P	P	P	P	P	P	—
		Rooming or Boarding House	P	P	P	—	P	P	P	—
Social Services	3.5.3	Group Care Facility	P	P	P	—	P	P	P	—
		Shelter	SUP	P	P	—	P	P	P	—
Lodging										
Overnight Accommodations	3.6.1	All overnight accommodations, except as listed below	—	—	—	P	P	P	P	—
		Bed and Breakfast	PS	PS	PS	PS	PS	PS	PS	—
		Short-Term Rental (STR)	—	PS	PS	PS	PS	PS	PS	—
Camping	3.6.2	Campground/Recreational Vehicle Park	SUP	SUP	SUP	SUP	—	—	SUP	—
		Rental Cottage/Cabins	PS	PS	PS	PS	—	—	—	—
		Seasonal Camp	PS	—	—	PS	—	—	PS	—
Commercial										
Eating and Drinking Establishments	3.7.1	All restaurants and other eating and drinking establishments except as listed below	—	—	P	P	P	P	P	—
		Bar/Night Club	—	—	PS	PS	P	P	—	—
Personal Services	3.7.2	All personal services, except as listed below	—	P	P	P	P	P	P	—
		Day Care Center	PS	PS	PS	PS	PS	PS	PS	PS
Professional Services	3.7.3	All professional services, except as listed below	SUP	P	P	P	P	P	P	P
		Adult Establishment	—	—	—	—	—	—	—	SUP
		Banks, Credit Unions, Financial Services, and ATMs	—	—	P	P	P	P	P	P
		Funeral Homes and Services	—	—	P	—	P	P	P	—
		Human Crematories and Crematoriums	—	—	PS	—	PS	PS	PS	PS
		Indoor Animal Services	—	—	P	P	P	P	P	P
		Kennels and Outdoor Animal Services	—	—	SUP	—	—	PS	—	PS
		Landscaping and Contractor Services	SUP	SUP	SUP	—	—	—	—	P



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Retail	3.7.4	Vehicle Services—Major Repair/Body Work	—	—	—	—	—	PS	—	PS
		Vehicle Services—Minor Maintenance/Repair	—	—	SUP	—	SUP	PS	PS	PS
		All retail and sales establishments except as listed below	—	—	P	P	P	P	P	—
		Alcoholic Beverage Sales Store	—	—	SUP	P	P	P	—	—
		Auto/Mechanical Parts Sales	—	—	—	P	P	P	—	P
		Gas Station	—	—	SUP	PS	SUP	PS	—	PS
Civic/Institutional	3.8.1	Gunsmiths and Weapon Sales	—	—	SUP	SUP	PS	PS	—	PS
		All educational uses except as listed below	SUP	P	P	P	P	P	P	—
		Colleges/Universities	—	—	SUP	SUP	P	P	P	—
		Schools—Vocational/Technical	—	SUP	P	P	P	P	P	P
		All government uses, except as listed below	—	P	P	P	P	P	P	P
		Correctional Facilities	—	—	SUP	—	SUP	P	P	P
Medical	3.8.3	Public Safety Station	SUP	SUP	P	P	P	P	P	P
		All medical offices and facilities except as listed below	—	P	P	P	P	P	P	—
		Hospital	—	—	—	—	—	P	P	—
		All religious institutions or places of worship	SUP	P	P	—	P	P	P	—
		Cemeteries	PS	PS	PS	—	PS	PS	PS	—
		Entertainment/Recreation								
Indoor Recreation	3.9.1	All indoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P
		Cultural or Community Facility	SUP	P	P	P	P	P	P	—
		Indoor Amusements	—	—	SUP	P	P	P	SUP	P
		Indoor Firing Range	—	—	—	SUP	—	SUP	SUP	SUP
		Live Performance Theater	—	SUP	SUP	P	P	P	P	—
		Movie Theater	—	—	—	P	P	P	—	—
		Special Event Venue	SUP	SUP	PS	PS	PS	PS	PS	—
		Studios, Galleries and Workshops - High Impact	—	—	SUP	SUP	SUP	P	P	P
		Studios, Galleries and Workshops - Low Impact	—	P	P	P	P	P	P	—
		Outdoor Recreation								
Outdoor Recreation	3.9.2	All outdoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P



TABLE 2.2-A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Non-Residential Swimming Pool or Pond	—	SUP	SUP	SUP	PS	PS	PS	—
		Outdoor Amusements	—	—	SUP	P	SUP	P	—	P
		Outdoor Firing Range	—	—	—	—	—	—	—	SUP
		Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P
Agriculture										
Agriculture	3.10.1	All agricultural uses	PS	—	—	—	—	PS	PS	PS
Manufacturing/Wholesale/Storage										
Light Industrial and Manufacturing	3.11.1	All light industrial and manufacturing activities, except as listed below	—	—	—	—	—	SUP	—	P
		Brewery, Distillery, Winery, Cider - High Impact	—	—	—	SUP	—	P	—	P
		Brewery, Distillery, Winery, Cider - Low Impact	—	—	SUP	PS	PS	PS	—	PS
		Laboratory	—	—	—	—	—	P	P	P
		Laundry, Dry Cleaning Plant	—	—	—	—	—	SUP	P	P
		Manufacturing Research and Development	—	—	—	P	—	P	P	P
		Media Production	—	—	P	P	P	P	P	P
Heavy Manufacturing	3.11.2	All heavy manufacturing activities, except as listed below	—	—	—	—	—	—	—	SUP
		Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	SUP	P	—	P
Storage and Disposal	3.11.3	All storage and disposal uses, except as listed below	—	—	—	—	—	SUP	—	P
		Chemical Storage Facility	—	—	—	—	—	—	—	P
		Solid Waste Disposal Facilities	—	—	—	—	—	—	—	PS
		Junkyard / Salvage Yard	—	—	—	—	—	—	—	SUP
Wholesaling and Distribution	3.11.4	All wholesaling and distribution activities, except as listed below	—	—	—	—	—	P	—	P
		Equipment Rental	—	—	—	—	—	P	—	P
		Indoor Vehicle/Heavy Equipment Sales	—	—	PS	—	PS	PS	—	PS
		Outdoor Vehicle/Heavy Equipment Sales	—	—	—	—	—	PS	—	PS
Extractive Industries	3.11.5	All extractive industries, except as listed below	—	—	—	—	—	—	—	P
		Extractive industries involving blasting	—	—	—	—	—	—	—	SUP
Infrastructure										



TABLE 2.2-A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Utilities	3.12.1	Utilities—Class 1	P	P	P	P	P	P	P	P
		Utilities—Class 2	P	P	P	P	P	P	P	P
		Utilities—Class 3	—	—	—	—	—	—	—	P
Telecommunications	3.12.2	All wireless telecommunication facilities, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Wireless Telecommunication Facility—Tower	—	—	—	—	—	SUP	—	PS
Transportation	3.12.3	Parking Lot	SUP	PS	PS	PS	PS	PS	PS	PS
		Passenger Vehicle Terminals	—	—	P	P	P	P	—	P
Accessory										
Residential Accessory	3.13.1	All residential accessory uses, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Day Care Home	PS	PS	PS	PS	PS	PS	PS	—
		Dwelling—Accessory Unit (ADU)	PS	PS	PS	PS	PS	PS	PS	—
		Home Occupation	PS	PS	P	P	P	P	P	—
		Keeping Bees	PS	PS	PS	PS	PS	PS	PS	PS
		Keeping Domestic Fowl (Chickens)	PS	PS	PS	PS	PS	PS	PS	PS
		Swimming Pool or Pond	PS	PS	PS	PS	PS	PS	PS	—
Non-Residential Accessory	3.13.2	All non-residential accessory uses, except as listed below	—	PS	PS	PS	PS	PS	PS	PS
		Accessory Retail	—	—	PS	PS	PS	PS	PS	PS
		Drive-Thrus	—	—	SUP	SUP	—	PS	—	—
		Mobile Food Vendor Site	—	SUP	PS	PS	PS	PS	PS	PS
		Recycling - Small Collection	—	—	—	—	—	SUP	SUP	P
		Rooftop Amenity Space	—	—	SUP	PS	PS	PS	PS	PS
Temporary										
Events and Structures	3.14.1	All temporary events and structures, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Carnivals or Circus	—	—	—	—	—	PS	PS	PS
		Farmers Market	—	—	PS	PS	PS	PS	PS	—
Vendors	3.14.2	All temporary vendors, except as listed below	—	—	PS	PS	PS	PS	—	—
		Vending Pushcarts	—	—	—	—	PS	—	—	—
(a) This column refers to the section of this ordinance that contains the use definition and additional standards.										

(a) This column refers to the section of this ordinance that contains the use definition and additional standards.

2.6. Density and dimensional requirements.



2.6.2. Building height.

A. **Maximum building height.** The maximum building height for a structure varies based on zoning district.

1. ~~See the requirements for tall structures as set forth in Section 5.15.~~

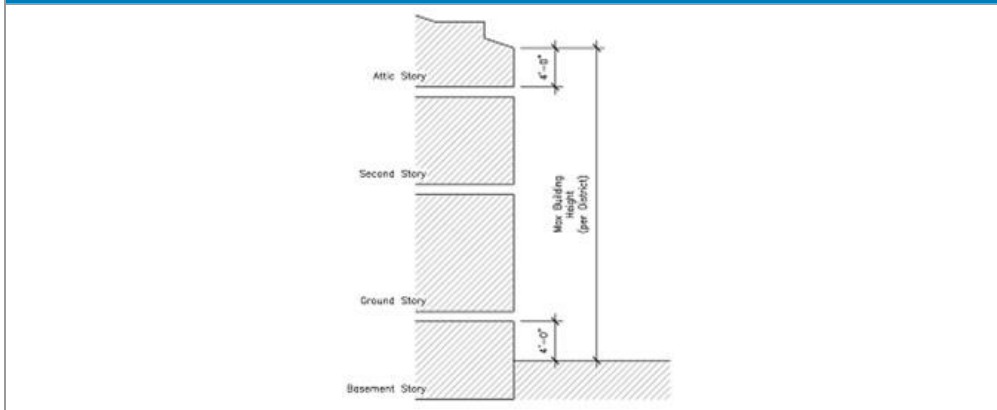
TABLE 2.6.2-A: MAXIMUM BUILDING HEIGHT BY RIGHT	
District	Maximum Height by Right
GR4	35 feet
GR8	35 feet
RMX	35 feet
NMX	35 feet
PGX	35 feet
DMX	50 feet
CMX	50 feet
IC	50 feet
GI	50 feet
<i>Note: Projects or development that do not meet the above standards may apply for conditional zoning in accordance with Section 2.1.C.</i>	

B. **Computation of building height.**

1. "Building height" is measured as the vertical distance above a reference elevation measured to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof. The height of a terraced or stepped building is the maximum height of any segment of the building.
2. The reference elevation shall be selected using the greater of either of the following:
 - a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than ten feet above the lowest grade; or,
 - b. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection B.1, above is more than 10 feet above the lowest grade.



FIGURE 2.6.2-A: BUILDING HEIGHT MEASUREMENT



3. *Items not included in calculation:* The height limitations of this section shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas; provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport zones or flight patterns.

C. Maximum story height.

1. A building story shall not exceed 14 feet in height from finished floor to finished floor.
2. Basements that emerge less than 4 feet from grade or attics not exceeding 4 feet at the knee-wall shall not constitute a story.

2.7. Yards and setbacks.

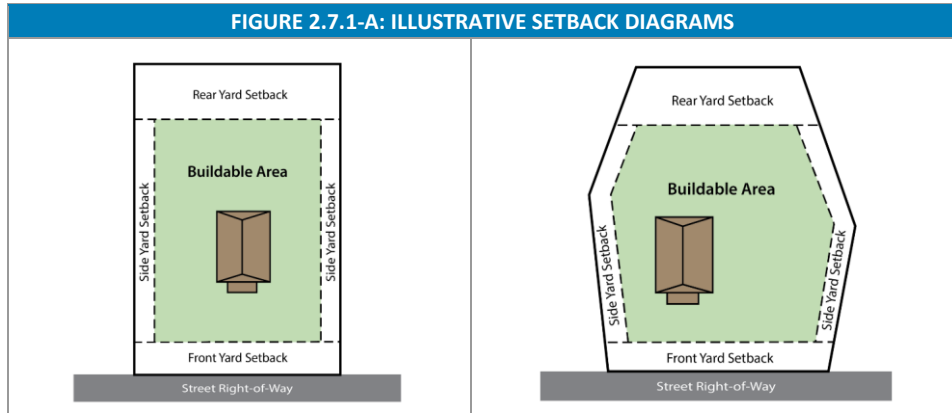
2.7.1. General standards for all yards and setbacks.

- A.** A building, structure, lot, or sign shall not be developed, used or occupied unless it meets the minimum setback requirements set forth herein for the use or the zoning district in which it is located, except permitted encroachments in Section [5.472.7.9](#).
1. Landscaping requirements set forth in [CHAPTER 8](#) of this ordinance may supersede setbacks listed herein.
 2. No portion of any structure shall be placed upon any parcel boundary or within any public or private right-of-way or easement, unless otherwise provided for by this ordinance. This provision shall not prohibit zero lot line structures with common walls situated on one or more lot lines.
- B. Types of setbacks:**
1. Front yard setbacks shall apply to the portion of the lot adjacent to the right-of-way. All lots are required to have a front yard.
 2. Rear yard setbacks shall apply to the portion of the lot on the opposite side of the lot from the front yard setback. All lots are required to have a rear yard.



3. Side yard setbacks shall be the required setback from any property line other than front or rear property lines.

FIGURE 2.7.1-A: ILLUSTRATIVE SETBACK DIAGRAMS

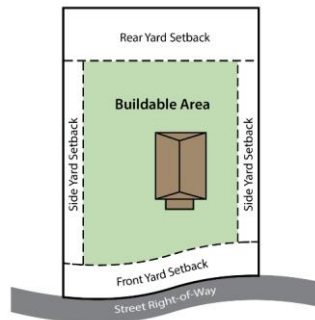


C. Measurement of setbacks and building lines:

1. Required yard setbacks and building lines are measured parallel to the applicable lot line or public right-of-way line.
 - a. Front yard setbacks and building lines shall be measured from the property line or the edge of the right-of-way, whichever is further from the centerline of the roadway.
 - b. Side yard and rear yard setbacks and building lines shall be measured from the property line(s).
2. When lot lines are curvilinear, setbacks and building lines shall be measured parallel to the curvilinear lot line.

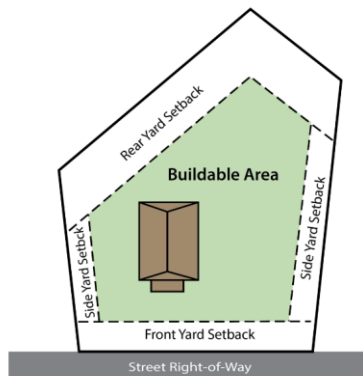


FIGURE 2.7.1-B: SETBACKS FROM CURVILINEAR LOT LINES



3. When there are multiple rear lot lines, the rear yard setback and building line must be measured from each of the rear lot lines.

FIGURE 2.7.1-C: SETBACKS FROM MULTIPLE REAR LOT LINES



D. Administrative decisions for setbacks:

1. The administrator may impose additional setbacks based upon specific guidance from the City of Brevard Comprehensive Plan, the City of Brevard Downtown Master Plan and other district or small area/master plans, the City of Brevard Comprehensive Pedestrian Plan, the City of Brevard Street Schedule, or other plans or policies of the city.
 - a. For private streets, a right-of-way in accordance with [CHAPTER 13](#) shall be assumed by the administrator.



- b. When determining the edge of the right-of-way, the administrator shall account for existing or proposed additional automobile, bicycle, or pedestrian travel lanes, turn lanes, roundabouts, on-street parking, and other improvements that deviate from a standard street cross-section.
2. The administrator may approve deviations from required setbacks by up to 20 percent of the required area in accordance with [CHAPTER 16](#) in order to:
 - a. protect existing or proposed rights-of-way and other infrastructure improvements
 - b. ensure environmental protection of sensitive and/or conservation areas, including steep slope areas
 - c. account for surface water protection and/or satisfy flood damage prevention requirements
3. For non-conforming lots without street frontage, the administrator shall designate a front yard for the purposes of setback measurement.
4. The administrator may grant exceptions to the setback requirements of this ordinance for infill developments where the average setback on already-built-upon lots located wholly or in part within the same block and zoning district, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front and side yard setbacks on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.
5. The administrator may determine that in established neighborhoods the functional rear yard is not opposite the front yard based on the peculiar shape of the parcel or the development pattern. In these cases, the administrator may determine that another line shall be considered the rear lot line for setback purposes.

2.7.9. Encroachments.

Certain structural and architectural features are permitted to encroach ~~across parcel lines,~~ into setback areas and into rights-of-way. The following standards shall be established for encroachments:

- A. **Awnings:** Awnings on structures within commercial and mixed-use zoning districts may encroach upon the front setback area and rights-of-way provided that the following conditions are met:
 1. Awnings shall be supported by means of a frame attached directly to the structure receiving beneficial use of the awning. In no case shall awnings be supported by a frame attached to a sidewalk or other public right-of-way.
 2. ~~Storefront~~ [Shopfront](#) awnings projecting the width of the sidewalk pedestrian zone must be attached to the building at 14 feet above the grade of the sidewalk. Awnings may only project two-thirds the width of the sidewalk pedestrian zone if attached lower than 14 feet above the grade of the sidewalk.
 3. Awnings shall not project into the furniture/landscape zone of any sidewalk, nor over a street or adjacent on-street parking, and, in no event, shall they project further than seven feet from the face of the building.
 4. The lowest point of any awning shall be at least nine feet above the grade of the sidewalk.
 5. All awnings in other zoning districts shall be considered a part of the structure for purposes of measuring and complying with area and setback regulations.
- B. **Handicapped ramps:** The administrator may approve the installation of handicapped landings, ramps, and similar structures as additions to existing structures, even though such additions do not meet the minimum setback requirements of this ordinance, provided such additions meet the following criteria:
 1. They are intended for the sole purpose of providing handicapped access to an existing structure.

Commented [EB1]: This section was located in Chapter 5 but has been relocated to the setback section



2. They fully conform to North Carolina Building Code and are designed to minimize setback deviations to the maximum extent possible.
3. Prior to the issuance of any permit the administrator shall inspect the site of the proposed addition and may impose such conditions as are necessary to minimize any conflicts that may arise from the construction thereof, including the encroachment of such additions upon setback lines.
4. No such addition shall encroach into a public or private right-of-way or easement, regulatory floodway, or surface water protection area.

C. *Roof overhangs and gutters:*

1. Roof overhangs and gutters may encroach into front, rear, or side yard setbacks by up to two feet.

D. *Uncovered porches, stoops, and stairs:*

1. Uncovered porches, stoops, and stairs, intended primarily for means of ingress and egress, nominally in line with the first floor above grade or any floor below that, may encroach into front, or rear yard setbacks up to one-third of the required setback dimension up to a height of four feet above the elevation of the floor being served. The area of each porch not including landings between runs of stairs, shall be no greater than fifty square feet.

E. *Balconies and bay windows:*

1. Covered or uncovered balconies and bay windows may encroach into front or rear setbacks up to three feet into the required setback dimension. Balconies or bay windows may not exceed ten feet in width. Cumulative total of balconies and bay windows projecting into the setback shall not exceed 33 percent of the total width of each elevation.

F. *Chimneys:*

1. Chimneys may encroach into front, rear, or side setbacks by up to two feet. Width of the chimney encroachment shall not exceed that necessary for the fireplace, flue, and the typical building walls enclosing the fireplace or flue.

- G.** No such eve, bay window, balcony, stairs, stoop, porch, chimney shall encroach into a public or private right-of-way or easement, regulatory floodplain, or surface water protection area.

CHAPTER 3. USE DEFINITIONS AND STANDARDS

3.5. Residential uses.

3.5.1. Household living use category.

A. *Household living.*

1. Definition: Residential occupancy of a dwelling unit by a household. Household living includes the following uses:
 - a. Dwelling – Single-family;
 - b. Dwelling – Duplex;
 - c. Dwelling – Multifamily 3-4 units/building;



- d. Dwelling – Multifamily more than 4 units/building;
- e. Dwelling – Townhome;
- f. Manufactured Home (single unit);
- g. Live-Work Units; and
- h. Mixed-Use Residential Units

B. Dwelling—Single-family.

- 1. Definition: A free-standing building designed for and/or occupied by one household. These residences may be individually owned as residences or owned by rental or management companies. Single-family dwellings are typically site-built structures that comply with the North Carolina Residential Building Code, current edition, but also include factory-built, modular home units.

C. Dwelling—Duplex.

- 1. Definition: A building containing two residential dwelling units that is typically divided horizontally, each unit having a separate entrance from the outside or through a common vestibule.

D. Dwelling—Multi-family (three or four units/building).

- 1. Also known as a Triplex or Quadraplex
- 2. Definition: A building containing three or four residential dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings may include triplexes or fourplexes (buildings under one ownership with three or four dwelling units in the same structure),

E. Dwelling—Multi-family (more than four units/building).

- 1. Definition: A building containing more than four residential dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. These structures may include apartments (five or more units under one ownership in a single building)

F. Dwelling—Townhome.

- 1. Definition: A building that contains three or more separate dwellings divided vertically and connected by shared walls. Each unit has a separate entrance to a front and/or rear yard. This definition includes subdivisions where townhomes are located in zero lot line developments where common walls are situated on one or more lot lines.

G. Manufactured home.

- 1. Definition: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly on the building site which also meets the following requirements:
 - a. It is at least eight feet in width and 32 feet in length;
 - b. It is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance;
 - c. It is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site; and
 - d. It does not have any wheels or axles permanently attached to its body or frame.
- 2. Additional Standards:
 - a. A manufactured home must bear a seal certifying that it meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

Commented [EB2]: The changes included here are currently located in Chapter 5. They are not new changes – just relocating from the other chapter.



~~a-b.~~ This definition does not include recreational vehicles (RV), park model RVs, and other structures that are not constructed to the United States Department of Housing and Urban Development Standards or to North Carolina Building Code.

- i. Recreational vehicles (RV), park model RV's, and other structures that are not constructed to the United States Department of Housing and Urban Development Standards or to North Carolina Building Code shall not be permitted, nor shall such structures become occupied within any other property within the jurisdiction of the City of Brevard, except as otherwise provided for in this ordinance.

~~b. — Manufactured homes are permitted with standards in the Manufactured Home Overlay District.~~

- c. Dwelling units built to, or utilizing any of, the following as primary construction standards are NOT considered manufactured homes suitable for use as permanent dwelling units: National Electrical Code Article 551; National Fire Protection Association No. 1192; and American National Standards Institute No. 119.5.

d. Manufactured homes shall be set up on the site in accordance with the standards set by the N.C. Department of Insurance.

e. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the N.C. Department of Insurance.

f. The tongue, axes, transporting lights, and removable towing apparatus shall be removed after placement on the lot and before occupancy.

g. Within 30 days following setup, manufactured homes shall be fitted with skirting in compliance with the following:

- i. Skirting of the lower area below the floor level shall be required on all manufactured home units.
- ii. Skirting shall be of such material and color to blend with the color, material, fabric and/or design of the mobile home itself.

h. A permanent foundation, wall or basement, constructed in compliance with the N.C. Department of Insurance regulations, may be erected to support any mobile home unit in lieu of the above requirements for skirting.

i. Manufactured homes shall not be used for nonresidential purposes.

H. Live-work unit.

2. Definition: A residential building type that consists of both a residential use and a non-residential use that is allowed in the applicable zoning district.
3. Additional Standards:
 - a. Typically, the enterprise or non-residential use is located on the ground floor and the residential unit is above or behind.
 - b. Non-residential uses within a live-work unit must be listed within Section 2.2.C as a permissible use within the district in which the live-work unit is proposed and such non-residential use must be approved by means of the appropriate permitting process.
 - c. In districts where residential building types are not permitted live-work units may be permitted within pre-existing non-conforming residential structures.

I. Mixed-use residential unit.



1. **Definition:** A non-residential building type that consists of both a residential use and a non-residential use that is allowed in the applicable zoning district.
2. **Additional Standards:**
 - a. Location of residential unit:
 - i. In the Downtown Development Overlay District, the non-residential use shall be located on the ground floor unit with the residential unit or units above.
 - ii. In all other districts, the ground floor shall be primarily non-residential, with the residential unit or units encouraged to be above or behind the non-residential space.
 - b. Non-residential uses within a mixed-use residential unit must be listed within Section 2.2.C as a permissible use within the district in which the live-work unit is proposed and such non-residential use must be approved by means of the appropriate permitting process.

CHAPTER 5. ARCHITECTURAL STANDARDS

5.1. Purpose and intent.

Architecture has played an undeniable role in defining Brevard's distinct character and lasting identity. These Architectural Standards are intended to preserve and enhance that character by regulating key aspects of the built environment. By setting a high standard for quality design across the jurisdiction, every new development can become a thoughtful, lasting addition to Brevard, enhancing the community for years to come.

While these Standards reflect Brevard's local culture, heritage, environment, and architectural identity, the city will continue to evolve over the years following their adoption. As such, they are not intended to be static but adaptable, outlining the typical characteristics and specifications for pedestrian-oriented, authentic, durable, context-sensitive, and climate-responsive buildings.

These Standards are intended to be interpreted alongside **Brevard's Architectural Visual Guidelines**, which act as a comprehensive catalog of Brevard's architectural identity, presenting best practices meticulously tailored to the city's one-of-a-kind character. These Standards enforce the policies of that document.

Commented [EB3]: Hyperlink to the document

5.2. Applicability.

- A. This chapter shall apply when any of the following occurs:
 1. New construction of a building or buildings; and
 2. Any new changes to building facades, including but not limited to replacement of exterior building elements such as wall material/design, roof material/design, or other exterior remodeling. In this case, only the element and/or material of the building that is being changed or modified (including but not limited to the wall material/design, roof material/design, windows, or doors) will be subject to these regulations.
- B. The following structures are exempt from the building design elements adopted under this Chapter:
 1. Structures subject to regulation under the North Carolina Residential Code (see N.C.G.S. § Section 160D-702(b)).

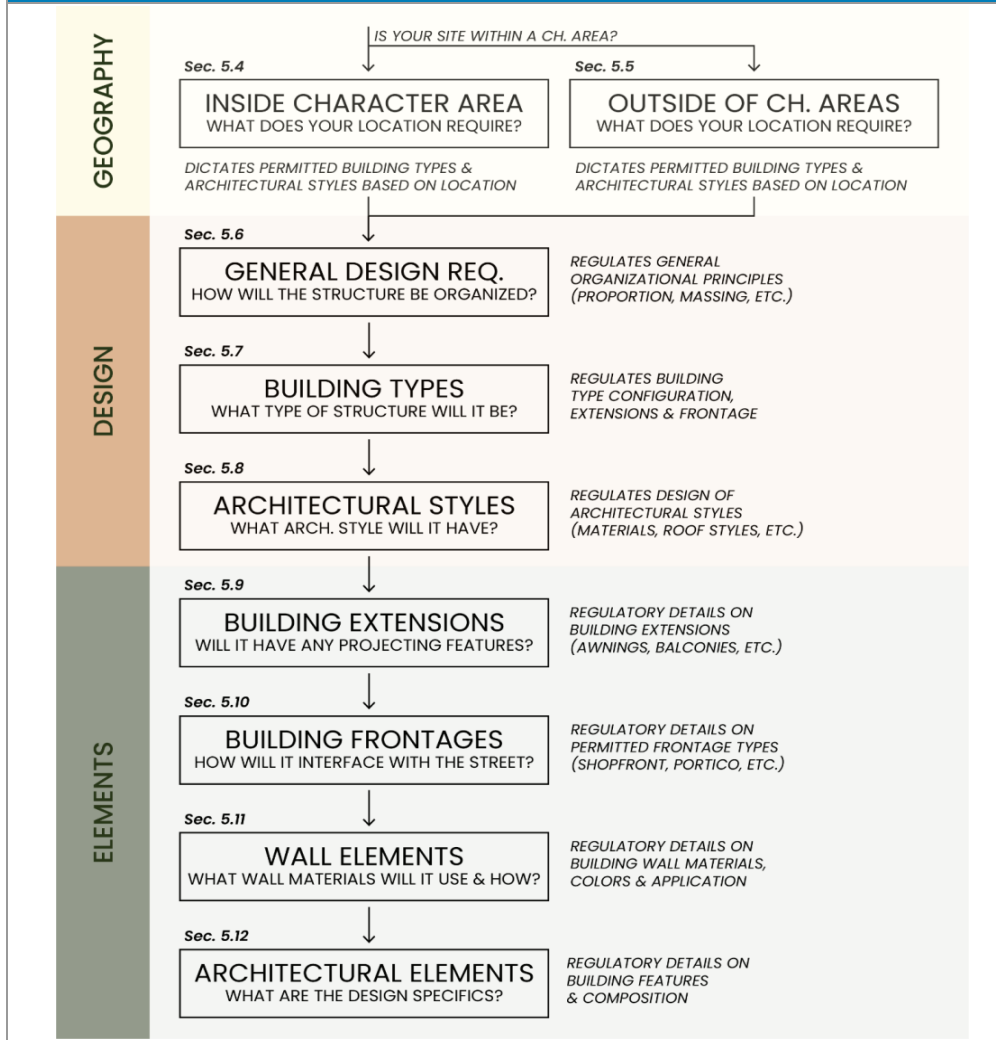
Commented [EB4]: Risk tolerance question for Council

5.3. Process.



- A. The following diagram shall demonstrate the process for understanding and applying the architectural standards.

TABLE 5.3-A: PROCESS FOR APPLYING ARCHITECTURAL STANDARDS TO DEVELOPMENT PROJECTS



5.4. Inside of Character Areas.



5.4.1. Purpose and applicability.

- A. This section seeks to strengthen distinct districts in Brevard by designating them as Architectural Character Areas.
- B. Properties within each Architectural Character Area are subject to additional regulations concerning permitted architectural styles, materiality, and building elements.
- C. The applicability of Architectural Character Areas are as follows:

TABLE 5.4.1-A: ARCHITECTURAL CHARACTER AREAS AND ZONING CLASSIFICATIONS	
Character Area	Zoning Classification
Downtown	Downtown Development Overlay District (DDOD)
Pisgah Gateway	Pisgah Gateway Mixed-Use (PGX)

5.4.2. Character area descriptions.

- A. **Downtown.** Downtown Brevard’s most distinctive buildings share a common architectural style of Brick Masonry Vernacular, featuring naturally warm-colored brick with various bond patterns. Examples of Revival styles can also be found in Downtown, but should be generally reserved for Civic buildings. As a pedestrian-focused area, mixed use building shopfronts adorned with large, symmetrical windows and doors, as well as canopies or colored fabric awnings, play a significant role in reinforcing Downtown’s character.

TABLE 5.4.2-A: DOWNTOWN BUILDING EXAMPLES	
Transylvania County Courthouse	McMinn Building
	

- B. **Pisgah Gateway.** The Pisgah Gateway stands at the foot of the National Forest entrance; for many visitors it represents their first or only impression of Brevard. This area should reinforce a strong architectural character, drawing on Brevard’s mountain tradition of rustic stone and timber construction.



TABLE 5.4.2-B: PISGAH GATEWAY BUILDING EXAMPLES



5.4.3. Permitted building types by character area.

- A. Based on the historical patterns and desired future of the local built environment, the following building types are permitted within each Character Area as follows:

TABLE 5.4.3-A: PERMITTED BUILDING TYPES BY ARCHITECTURAL CHARACTER AREA

BUILDING TYPE	SECTION (a)	CHARACTER AREA	
		Downtown	Pisgah Gateway
Civic*	5.7.1	YES	YES
Institutional	5.7.2	—	YES
Warehouse	5.7.3	—	—
Main Street Building	5.7.4	YES	YES
Flex Building	5.7.5	—	—
Liner Building	5.7.6	YES	YES
Live/Work Building	5.7.7	YES	YES
Neighborhood Business	5.7.8	—	YES
Large-Scale Commercial	5.7.9	—	—
Roadside Business	5.7.10	—	YES
Stacked Flats	5.7.11	YES	YES
Multiplex	5.7.12	YES	YES
Small Multiplex	5.7.13	YES	YES
Accessory Building	5.7.14	YES	YES

(a) This column refers to the section of this ordinance that contains the building type definition and standards.

* For all government uses, see Section 5.7.1.

5.4.4. Permitted architectural styles by character area.



- A. Based on the historical patterns and desired future of the local built environment, the following Architectural Styles are permitted within each Character Area as follows:

TABLE 5.4.4-A: PERMITTED ARCHITECTURAL STYLES BY ARCHITECTURAL CHARACTER AREA			
ARCHITECTURAL STYLE	SECTION (a)	CHARACTER AREA	
		Downtown	Pisgah Gateway
Brick Masonry Vernacular	5.8.1	YES	—
Stone Masonry Vernacular	5.8.2	—	YES
Rustic Frame Vernacular	5.8.3	—	YES
Industrial Vernacular	5.8.4	—	—
Colonial Revival*	5.8.5	YES	—
Brevard Contemporary	5.8.6	—	—

(a) This column refers to the section of this ordinance that contains the building type definition and standards.
 * For all government uses, see Section 5.8.5

5.5. Outside of Character Areas.

5.5.1. Purpose and applicability.

- A. Properties located outside of all Architectural Character Areas are subject to a distinct set of standards offering greater flexibility, which are described within this section.

5.5.2. Permitted building types by zoning district.

- A. For properties located outside of Architectural Character Areas, the permitted building typologies vary by zoning district in accordance with the following table:

TABLE 5.5.2-A: PERMITTED BUILDING TYPES BY ZONING DISTRICT								
BUILDING TYPE	SECTION (a)	ZONING DISTRICT*						
		GR	RMX	NMX	DMX	CMX	IC	GI
Civic**	5.7.1	YES	YES	YES	YES	YES	YES	YES
Institutional	5.7.2	YES	YES	—	—	YES	YES	YES
Warehouse	5.7.3	—	—	—	—	—	YES	YES
Main Street Building	5.7.4	—	—	—	YES	YES	YES	YES
Flex Building	5.7.5	—	—	—	—	YES	YES	YES
Liner Building	5.7.6	—	—	YES	YES	YES	YES	YES
Live/Work Building	5.7.7	—	YES	YES	YES	YES	YES	YES
Neighborhood Business	5.7.8	—	—	YES	YES	YES	YES	YES
Large-Scale Commercial	5.7.9	—	—	—	—	YES	—	—
Roadside Business	5.7.10	—	—	YES	—	YES	—	YES



TABLE 5.5.2-A: PERMITTED BUILDING TYPES BY ZONING DISTRICT

BUILDING TYPE	SECTION (a)	ZONING DISTRICT*						
		GR	RMX	NMX	DMX	CMX	IC	GI
Stacked Flats	5.7.11	—	—	—	YES	YES	—	—
Multiplex	5.7.12	—	YES	YES	YES	YES	YES	—
Small Multiplex	5.7.13	—	YES	YES	YES	YES	YES	—
Accessory Building	5.7.14	YES	YES	YES	YES	YES	YES	YES

(a) This column refers to the section of this ordinance that contains the building type definition and standards.

*The Pisgah Gateway Mixed-Use (PGX) Zoning District is intended to coincide with the boundaries of the Pisgah Gateway Character Area. Permitted Building Types for PGX are listed in Section 5.4.3.

** For all government uses, see Section 5.7.1.

- B. Because of their unique characteristics, group developments may be allowed to utilize additional building types not permitted in the zoning district.

5.5.3. Permitted architectural styles by zoning district.

- A. Except for Government uses, properties located outside of all Architectural Character Areas may choose from any of the architectural styles designated as appropriate or authentic to Brevard in Section 5.8.

5.6. General design requirements.

5.6.1. Proportion and massing.

- A. All buildings shall be designed with Proportion, including but not limited to 2:3, 3:5, or 5:8.
- Proportion shall be used to determine overall building form, massing, roof lines, and the location and scale of Building Extensions, Building Frontages, and Architectural Elements.
 - Building Extensions, Building Frontages and Architectural Elements shall be designed with Proportion.
- B. Building mass shall be broken down into basic forms and shapes, with a primary building mass and secondary massing for wings, Building Extensions, and Building Frontages.
- The building mass shall use changes in roof height, façade depth, materials, and articulation to express important elements in the building, such as a main entrance or a gathering space.

5.6.2. Vertical organization / hierarchy.

- A. All buildings shall have a clearly articulated base, middle, and top.
- Base.** The base of the building shall express a load-bearing function. The base of the building may be expressed in the following ways:
 - Through the building foundation only, or
 - Through the bottom half of the Ground Floor, or
 - Through the entire Ground Floor.



2. **Middle.** The middle shall be designed with a simple rhythm and pattern that expresses the function of the building. The middle should constitute the majority of the building exterior.
 - a. The middle can include all floors of the building (with the Foundation serving as the Base, and the Roof serving as the Top), or
 - b. The middle can include only the middle floors of the building.
3. **Top.** Design of the building's top shall express the special location where the building meets the sky.
 - a. The top may simply be the roof of the building, or
 - b. The top may be defined by a change in the Building Extensions on the highest floor of the building, such as the addition or removal of balconies or awnings, or
 - c. The top may be defined by a special articulation in the Wall Elements of highest floor of the building, such as a change in material, pattern, or color.
4. **Transitions.** The transition between the Base, Middle and Top of the building can be physically defined with architectural elements or a change in materials.
 - a. *For masonry construction:* Watertables, string courses, cornices, moldings, and expression lines may be used to delineate the transitions between Base, Middle, and Top – this is most relevant to the Brick Masonry Vernacular, Stone Masonry Vernacular, and Colonial Revival architectural styles.
 - b. *For frame construction:* There may not be any horizontal delineation between base middle and top. If horizontal delineation exists, it can be expressed through a subtle change in the type of wood siding (such as from board and batten siding to shingles), through subtle changes in paint color, or it can be expressed with wood trim or moldings.

5.6.3. Horizontal organization / rhythm.

- A. Buildings that exceed 100 feet in width shall have façade articulation to break up the façade width into smaller sections.
- B. Each section shall be a maximum of 50' in width and may consist of multiple Bays, or regularly spaced window openings.
 1. To create an emphasis on symmetry in the main building mass, an odd number of opening Bays is recommended.
 2. For secondary building wings and extensions, an even number of opening Bays is recommended.
- C. Sections shall be articulated through window spacing and window grouping, as well as Pilasters, Columns, special brick or stone patterns, or a change in façade depth.

5.6.4. Fenestration and transparency.

- A. Windows shall express each individual floor of the building; windows shall not span multiple floors.
- B. The top of all windows on the same floor of a building shall be aligned horizontally.
- C. The centerlines of all windows on multi-floor buildings shall be aligned vertically.
- D. Each building story shall feature a façade transparency of 20% min to 33% max.
 1. Façade transparency shall be calculated for the area between finished floors and shall be the total percentage of door and window area along that portion of the façade. Upper floor transparency shall be measured to the finished ceiling.



2. Applicants shall provide a diagram to demonstrate compliance with these provisions.
- E. Fenestration standards do not apply to Shopfront Frontages, which are regulated under the design standards in Section 5.10.2.
- F. For tailored Window regulations based on architectural style, refer to Section 5.8.

5.6.5. Equipment screening.

- A. All outdoor electrical, plumbing, mechanical, HVAC, communications equipment or similar shall be concealed from view from any frontage or sidewalk.
 1. All equipment screening enclosures, including those located on the building roof, must use materials complimentary to the selected Architectural Style.

5.6.6. Material mixing.

- A. Material mixing on the exterior walls of a building is not required. However, in some architectural styles, more than one material may be permitted on the exterior wall of a building. If more than one material is used, these regulations shall apply.
 1. Material mixing shall be applied in horizontal layers and shall evoke structural rules of material weight.
 2. Lighter-appearing materials shall always be placed on top of heavier-appearing materials.
 3. Vertical mixing of materials is not permitted on any building.
 4. Architectural style-specific standards for material mixing, showing appropriate horizontal layering from the lightest material on top to the heaviest material on bottom, are provided below:

TABLE 5.6.6-A: MATERIAL MIXING BY ARCHITECTURAL STYLES		
Architectural Style	Material	Hierarchy
Brick Masonry Vernacular	<i>No material mixing permitted.</i>	
Stone Masonry Vernacular	<i>No material mixing permitted.</i>	
Rustic Frame Vernacular	Wood Shingle	Lightest
	Wood Board and Batten Siding	
	Wood Plank Siding	
	Wood Logs	
	Stone (typically for foundation or ground level only)	Heaviest
Industrial Vernacular	Metal	Lightest
	Brick	Heaviest
Colonial Revival	Wood / Fiber Cement Plank Siding (Gable ends and Dormers only)	Lightest
	Brick	Heaviest
Brevard Contemporary	Stucco	Lightest
	Wood Shingle	
	Wood Board and Batten Siding	
	Wood Plank Siding	



TABLE 5.6.6-A: MATERIAL MIXING BY ARCHITECTURAL STYLES

Architectural Style	Material	Hierarchy
	Brick or Stone (Must select only one, permitted on the ground level only)	Heaviest

5.6.7. Ground floor finishing height.

- A. All buildings with a residential ground floor use shall have a minimum ground floor finished floor height of 24 inches along the front façade to provide adequate privacy and separation from the street.
- B. All buildings with non-residential ground floor uses shall have a ground floor finished floor height of 0 inches min to 6 inches max along the front façade.

5.6.8. Large building standards.

- A. **Applicability.** Large buildings shall meet additional requirements to minimize its aesthetic and environmental impact on the community. These standards shall apply to:
 - 1. Any single structure with a gross floor area of 100,000 square feet or greater;
 - 2. Any single structure or grouping of structures with a combined total gross floor area of 100,000 square feet or more when such structures are joined by a firewall or partiwall.
- B. **Heat island effect mitigation.** Based on their characteristics, roofs on large buildings must meet the following heat island effect mitigation standards:
 - 1. *All Roofs:* May use a green (vegetative) roof for at least 50% of roof surface as an alternative to the below requirements, or may use a combination of high SRI materials and partial green roofs as an alternative to the above requirements if: $\text{Total Roof Area} \leq (\text{Area of SRI Roof} * 1.33) + (\text{Area of Green Roof} * 2)$
 - 2. *Roof Slope 2:12 or Above:* Must use a material with a Minimum Solar Reflective Index (SRI) of 78 for at least 75% of roof surface
 - 3. *Roof Slope Less Than 2:12:* Must use a material with a Minimum Solar Reflective Index (SRI) of 29 for at least 75% of roof surface
- C. **Façade requirements.** In addition to regulations based on the chosen Building Type, Architectural Style, and those stated elsewhere in Section 5.6, façade design on large buildings shall adhere to the following additional requirements:
 - 1. At least 60% of the front façade ground floor shall incorporate shopfront, portico, or gallery features.
 - 2. Articulation of bays shall include wall plane projections or recesses at least 5% of the length of the façade in depth.
 - 3. Plane projections and recesses should extend horizontally for at least 20% of the entire façade length.
- D. **Roof features.** Variations in front rooflines shall be used to reduce the scale of buildings. Roof features shall be required which will complement the character of adjoining and nearby structures.

5.7. Building types



5.7.1. Civic building.

- A. Civic buildings are the most important structures in the city, often acting as landmarks.
1. Civic buildings are required to include either a Tower or a Cupola and one permitted building frontage type.
 2. All government uses shall conform to the Civic Building Type and the Colonial Revival Architectural Style (see Section 5.8.5).

FIGURE 5.7.1-A: CIVIC BUILDING ILLUSTRATION

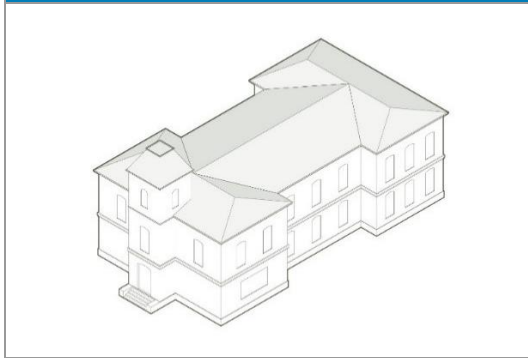


TABLE 5.7.1-A: CIVIC BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Building Extensions	
Tower (see Section 5.9.1)	Required (see above)
Cupola (see Section 5.9.2)	Required (see above)
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Not Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Not Permitted
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted
Courtyard (see Section 5.10.6)	Permitted



5.7.2. Institutional building.

- A. Institutional buildings are purpose-built structures designed to host a particular public, semi-public or private use, such as a school or medical facility.

FIGURE 5.7.2-A: INSTITUTIONAL BUILDING ILLUSTRATION

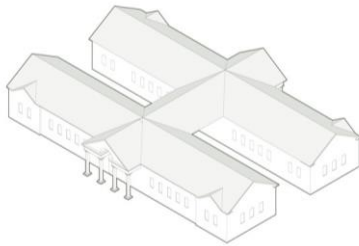


TABLE 5.7.2-A: INSTITUTIONAL BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street, or interior campus spaces if in IC
Building Extensions	
Tower (see Section 5.9.1)	Permitted
Cupola (see Section 5.9.2)	Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Not Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Not Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Not Permitted
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted
Courtyard (see Section 5.10.6)	Permitted

5.7.3. Warehouse.



A. Warehouses are open-plan structures with vaulted or gabled roofs that typically have less façade articulation and fewer openings than other structures. Based on zoning, these buildings can be constructed or re-tooled for a variety of purposes, ranging from light manufacturing to showrooms or recreational centers.

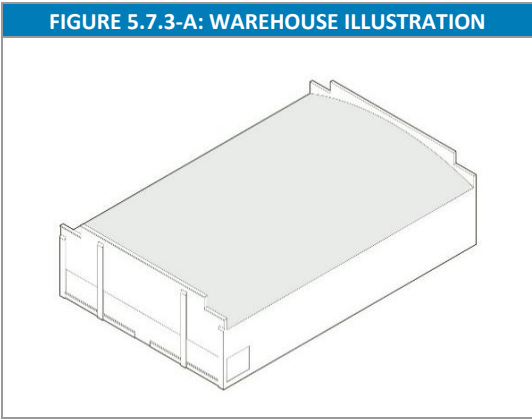


TABLE 5.7.3-A: WAREHOUSE BUILDING TYPE SPECIFICATIONS	
Building Dimensions / Configuration	
Building Orientation	Facing primary street
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Not Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Permitted
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Not Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.4. Main street building.



- A. Main street buildings are medium to large in scale and vertically integrate two or more distinct land uses within a single building. This building type should account for the majority of downtown structures and feature high transparency shopfronts along the ground floor.
1. An Awning or Canopy is required above a shopfront. The applicant may choose which, but shall only use one.

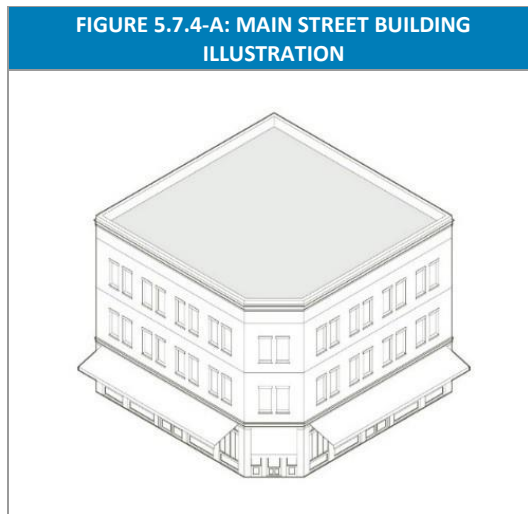


TABLE 5.7.4-A: MAIN STREET BUILDING TYPE SPECIFICATIONS	
Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	2 min
Primary Façade Width	150' max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Required over Shopfront (see above)
Canopy (see Section 5.9.5)	Required over Shopfront (see above)
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted



TABLE 5.7.4-A: MAIN STREET BUILDING TYPE SPECIFICATIONS

Porch (see Section 5.10.3)	Not Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.5. Flex building.

- A. Flex buildings can be used to provide a vertical or horizontal mix of uses with ground-floor industrial, service, or retail uses and upper-floor service, residential or lodging uses. It may also be a single-use building.

FIGURE 5.7.5-A: FLEX BUILDING ILLUSTRATION

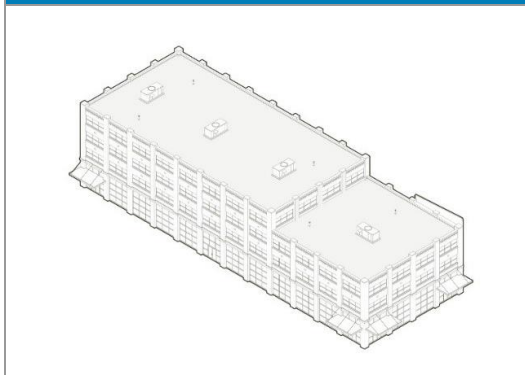


TABLE 5.7.5-A: FLEX BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	2 min
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Permitted



TABLE 5.7.5-A: FLEX BUILDING TYPE SPECIFICATIONS

Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Not Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.6. Liner building.

- A. Liner buildings are shallow structures that wrap the perimeter of a large-scale commercial building (big box retail, theater, convention center, etc.) or parking structure to create habitable street frontage and conceal large, blank facades. Liner buildings may contain a variety of uses, including ground floor retail, and/or upper-level services, residential or lodging.
1. An Awning or Canopy is required above a shopfront. The applicant may choose which but shall only use one.

FIGURE 5.7.6-A: LINER BUILDING ILLUSTRATION

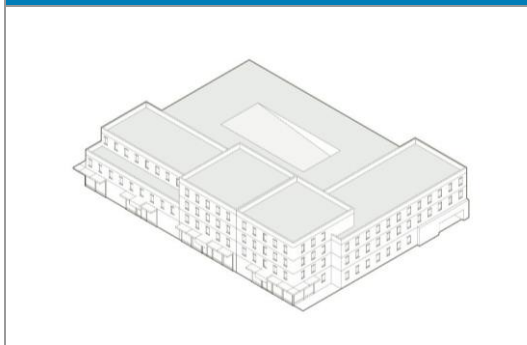


TABLE 5.7.6-A: LINER BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	Equal to or more than the structure it is lining
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Required over Shopfront (see above)
Canopy (see Section 5.9.5)	Required over Shopfront (see above)
Balcony (see Section 5.9.6)	Permitted



TABLE 5.7.6-A: LINER BUILDING TYPE SPECIFICATIONS	
External Staircase (not Stoop) (see Section 5.9.7)	Not Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Not Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.7. Live/work building.

- A. Live/Work buildings are small to medium-sized structures designed to provide a flexible combination of residential and limited commercial functions. Commercial space is typically located on the ground floor and accessed through a shopfront.
1. An Awning or Canopy is required above a shopfront. The applicant may choose which but shall only use one.

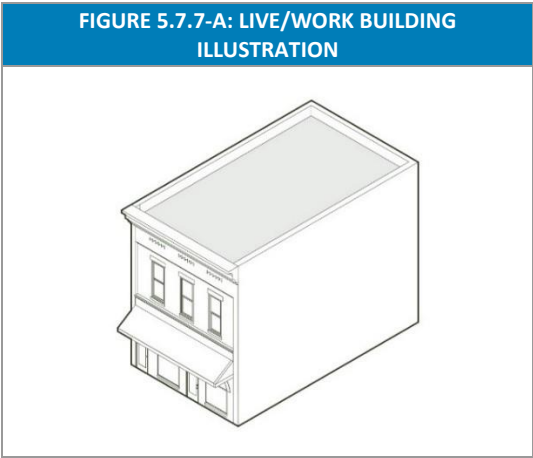


TABLE 5.7.7-A: LIVE/WORK BUILDING TYPE SPECIFICATIONS	
Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	Equal to or more than the structure it is lining
Building Width	50 feet max
Building Extensions	



TABLE 5.7.7-A: LIVE/WORK BUILDING TYPE SPECIFICATIONS	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Required over Shopfront (see above)
Canopy (see Section 5.9.5)	Required over Shopfront (see above)
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.8. Neighborhood business.

- A. A Neighborhood Business complements walkable neighborhoods by facilitating a small increment of mixed use through a pedestrian-friendly ground floor retail or service use accessed from a sidewalk shopfront. Residential units, storage or small offices may be located on upper floors.
 - 1. An Awning or Canopy is required above a shopfront. The applicant may choose which but shall only use one.

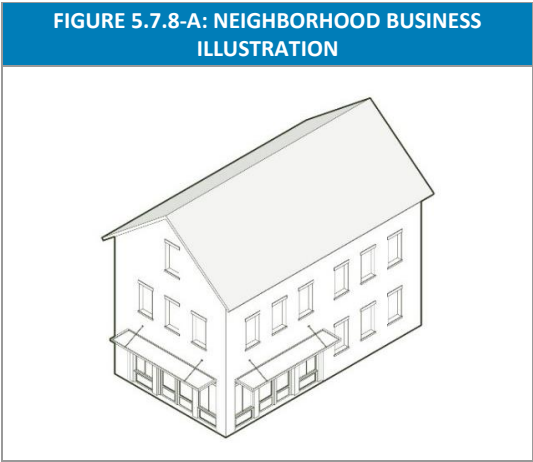




TABLE 5.7.8-A: NEIGHBORHOOD BUSINESS BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	Equal to or more than the structure it is lining
Building Width	60 feet max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Required over Shopfront (see above)
Canopy (see Section 5.9.5)	Required over Shopfront (see above)
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Not Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Not Permitted

5.7.9. Large commercial building.

- A. Large Commercial Buildings are among the most sizeable structures in the city by floorplate, accommodating one or several commercial tenants. This typology is intended for heavily auto-oriented areas with larger lots and larger buildings, accommodating intense commercial activities.
1. If a large commercial building is unable to meet transparency requirements, it must be concealed by a liner building.
 2. Large commercial buildings may use a flat roof type regardless of the selected Architectural Style, but only when the attached porticos and/ or galleries have pitched elements (when called for by that Style).
 3. On large commercial buildings, Shopfronts or Galleries are required along the primary façade.



FIGURE 5.7.9-A: LARGE COMMERCIAL BUILDING ILLUSTRATION

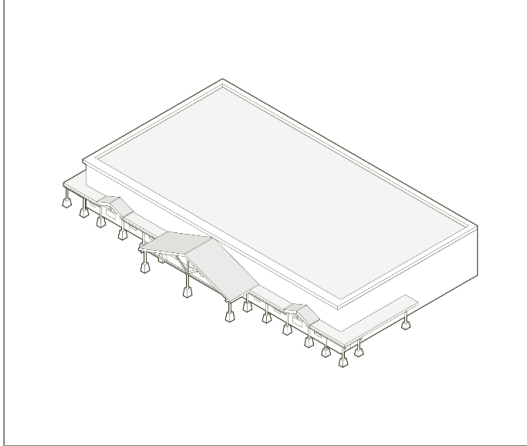


TABLE 5.7.9-A: LARGE COMMERCIAL BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Ground Floor Area	50,000 square feet min
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Not Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Not Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Required
Porch (see Section 5.10.3)	Not Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Permitted



5.7.10. Roadside business.

- A. Quite adaptable, roadside business buildings can appear in either a pedestrian or auto-oriented context, and can accommodate special site features, such as a drive-thru, which may or may not include a porte cochere.

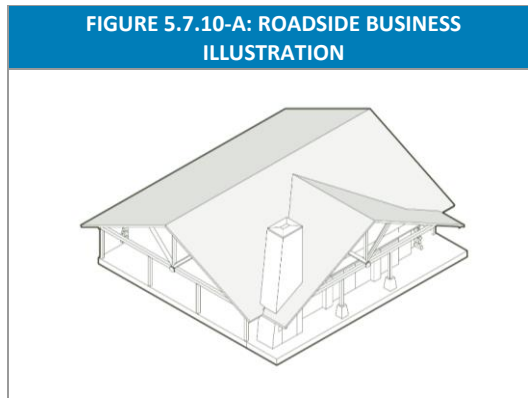


TABLE 5.7.10-A: ROADSIDE BUSINESS BUILDING TYPE SPECIFICATIONS	
Building Dimensions / Configuration	
Building Orientation	Facing primary street
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Not Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Required
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Not Permitted
Courtyard (see Section 5.10.6)	Permitted

5.7.11. Stacked flats.



- A. Stacked flats are medium-to-large sized structures that consist of multiple dwelling units or hotel rooms. Each unit may have its own individual entry or may share a common entry point. Stacked flats may include a courtyard.

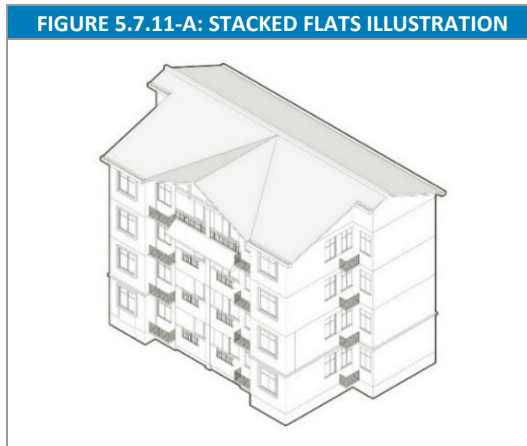


TABLE 5.7.11-A: STACKED FLATS BUILDING TYPE SPECIFICATIONS	
Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	2 min
Building Width	150 feet max
Building Depth	70 feet max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Not Permitted
Balcony (see Section 5.9.6)	Required
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Not Permitted
Gallery (see Section 5.10.2)	Not Permitted
Porch (see Section 5.10.3)	Required
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted



TABLE 5.7.11-A: STACKED FLATS BUILDING TYPE SPECIFICATIONS

Courtyard (see Section 5.10.6)	Permitted
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5.7.12. Multiplex.

- A. Multiplexes are medium-to-large sized structures that consists of 5-18 side-by-side and/or stacked dwelling units or hotel rooms, typically with one shared entry. Between stacked flats and the small multiplex in scale, this type is appropriately scaled to fit within medium-density areas, especially transitions at the edge of downtown.

FIGURE 5.7.12-A: MULTIPLEX ILLUSTRATION

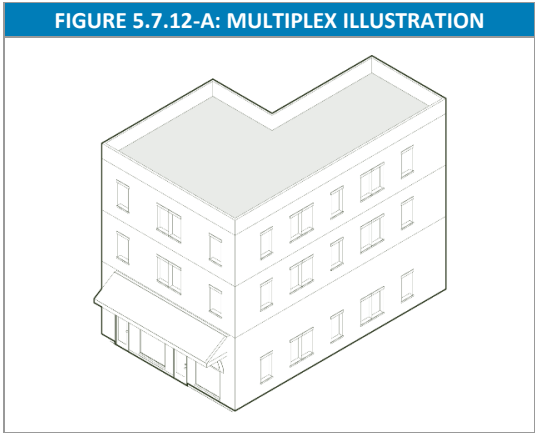


TABLE 5.7.12-A: MULTIPLEX BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Number of Stories	2 min
Building Width	150 feet max
Building Depth	70 feet max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Required
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	



TABLE 5.7.12-A: MULTIPLEX BUILDING TYPE SPECIFICATIONS

Shopfront (see Section 5.10.1)	Not Permitted
Gallery (see Section 5.10.2)	Not Permitted
Porch (see Section 5.10.3)	Required
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted
Courtyard (see Section 5.10.6)	Permitted

5.7.13. Small multiplex.

- A. Small multiplex buildings are low-rise residential structures that typically accommodate between 5-10 units. These buildings can foster a close-knit community and can be designed to architecturally blend with single-family neighborhoods.

FIGURE 5.7.13-A: SMALL MULTIPLEX ILLUSTRATION

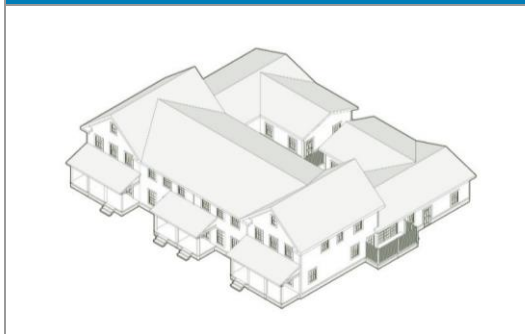


TABLE 5.7.13-A: SMALL MULTIPLEX BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Building Orientation	Facing primary street
Building Width	100 feet max
Building Depth	70 feet max
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Not Permitted
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted



TABLE 5.7.13-A: SMALL MULTIPLEX BUILDING TYPE SPECIFICATIONS

Building Frontages	
Shopfront (see Section 5.10.1)	Not Permitted
Gallery (see Section 5.10.2)	Not Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted
Courtyard (see Section 5.10.6)	Permitted

5.7.14. Accessory structure.

- A. Accessory structures are secondary structures that share its lot with the principal structure it is designed to support.
 - 1. Accessory structures are permitted in all zoning districts but require a principal structure to co-exist on the same lot, except as otherwise provided by this ordinance (see Section 2.5).
 - a. Structures larger than 25% of the ground floor area of the principal structure are considered additional principal structures and shall be considered as a group development.
 - 2. All accessory structures shall use the same Architectural Style, Wall Materials, and Roofing Materials as the principal structure.
- B. The following accessory structures are exempt from these requirements:
 - 1. Accessory dwelling units (ADUs) and other structures regulated under the North Carolina Residential Code (see NCGS Section 160D-702(b)).
 - 2. Any accessory structure that shares a lot with a principal structure regulated under the North Carolina Residential Code.

FIGURE 5.7.14-A: ACCESSORY STRUCTURE ILLUSTRATION

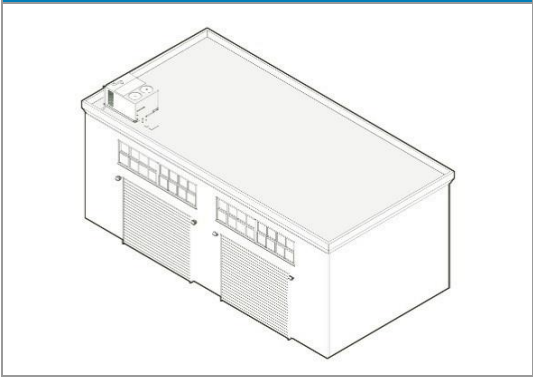




TABLE 5.7.14-A: ACCESSORY STRUCTURE BUILDING TYPE SPECIFICATIONS

Building Dimensions / Configuration	
Number of Stories	2 max (unless otherwise specified in Section 2.5)
Ground Floor Area	No more than 25% of the ground floor area of the principal structure
Building Extensions	
Tower (see Section 5.9.1)	Not Permitted
Cupola (see Section 5.9.2)	Not Permitted
Porte Cochere (see Section 5.9.3)	Not Permitted
Awning (see Section 5.9.4)	Permitted
Canopy (see Section 5.9.5)	Permitted
Balcony (see Section 5.9.6)	Permitted
External Staircase (not Stoop) (see Section 5.9.7)	Permitted
Building Frontages	
Shopfront (see Section 5.10.1)	Permitted
Gallery (see Section 5.10.2)	Permitted
Porch (see Section 5.10.3)	Permitted
Portico (see Section 5.10.4)	Permitted
Stoop (see Section 5.10.5)	Permitted
Courtyard (see Section 5.10.6)	Permitted

5.8. Architectural styles.

5.8.1. Brick masonry vernacular.

- A. Brick masonry vernacular architecture reflects skilled craftsmanship and simple materials. It can be load-bearing brick construction or a brick veneer. There are many options for brick glazing finish, warm colors, bond patterns, and mortar techniques. Brick Masonry Vernacular buildings can stand out through innovative masonry stylization used along the parapet, cornice, window openings, stringcourse, water table, and wall edges



FIGURE 5.8.1-A: BRICK MASONRY VERNACULAR ILLUSTRATIONS





TABLE 5.8.1-A: BRICK MASONRY VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
Exterior Walls (see Section 5.11)	
Material	<i>Permitted:</i> Brick, Brick Veneer (Thin Brick)
Finish	<i>Permitted:</i> Glazed or Unglazed Brick <i>Not Permitted:</i> Painted Brick*
Bond Type	<i>Permitted:</i> Running, Common, Flemish, or English <i>Not Permitted:</i> Stack*
Mortar Technique	<i>Permitted:</i> Concave, Flush, Vee, or Grapevine <i>Not Permitted:</i> Beaded, Raked, Struck, Extruded, Weather, Overgrout*
Roof	
Roof Shape	<i>Permitted:</i> Flat with Parapet (Partiwall buildings), Parapet Gable Roof (Free-standing buildings only)
Roof Pitch	3:12 max (must be concealed by parapet)
Roofing Material	<i>Permitted:</i> Metal, Slate, Clay Tile, Concrete Tile, Asphalt Shingle, Built-up (flat roof buildings only)
Roof-Wall Junction	<i>Permitted:</i> Parapet, Cornice
Primary Windows	
Window Proportions	Vertically Proportioned, 2:3 max (width x height)
Window Types	<i>Permitted:</i> Casement, Sash, Awning
Window Grouping	<i>Permitted:</i> Single, Double, Grouped, or Horizontal Bands
Window Surround	<i>Required Above:</i> Lintel or an Arch <i>Required Below:</i> Sill <i>Optional:</i> Operable Shutters
Window Frame	<i>Permitted:</i> Metal or Wood (any color)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	<i>Permitted Shapes:</i> Segmental, Flat, Semi-Circular
Columns	Permitted.
Pilasters	Permitted.
Exposed Wood Structures	Permitted only on buildings outside of designated fire district.

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.8.2. Stone masonry vernacular.

- A. Stone is a locally available building material in Brevard and it was traditionally sourced from small quarries, fields, and from local rivers. It can be used for chimneys, foundations, retaining walls, and landscape features, as well as the construction of entire buildings such as schools, churches, roadside businesses and other focal



buildings that might be visible from all four sides. Stone is typically uncoursed and can be used as load-bearing walls or applied as a veneer.

FIGURE 5.8.2-A: STONE MASONRY VERNACULAR ILLUSTRATIONS

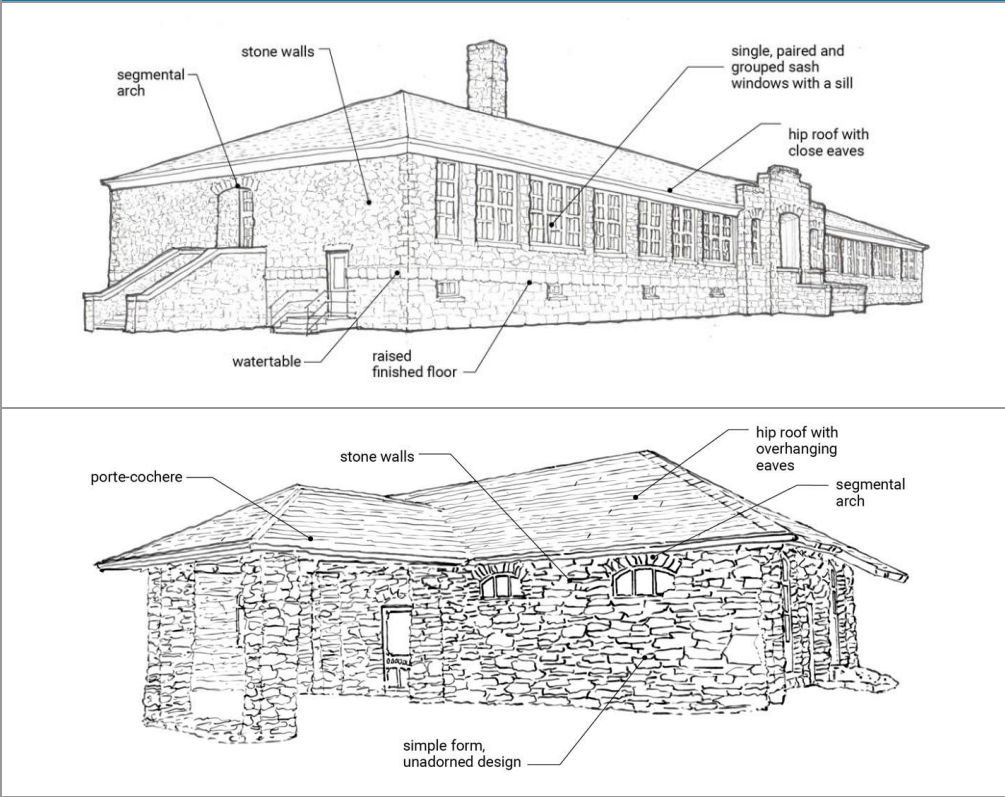


TABLE 5.8.2-A: STONE MASONRY VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
<i>Exterior Walls (see Section 5.11)</i>	
Material	<i>Permitted:</i> Load-bearing Stone or Stone Veneer
Finish	<i>Permitted:</i> River Rock, Granite, Quarry Rock <i>Not Permitted:</i> Manufactured Stone, Painted Stone*
Cuts and Courses	<i>Permitted:</i> Uncut, Rough-Cut, Ashlar-Cut <i>Not Permitted:</i> No Courses, Irregular Courses, Regular Courses*



TABLE 5.8.2-A: STONE MASONRY VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
Mortar Technique	<i>Permitted:</i> Concave, Flush, Vee, or Grapevine <i>Not Permitted:</i> Beaded, Raked, Struck, Extruded*
Roof	
Roof Shape	<i>Permitted:</i> Parapet Gable Roof, Hip Roof
Roof Pitch	5:12 min, 12:12 max
Roofing Material	<i>Permitted:</i> Wood Shingles, Slate Shingles, Concrete Tile, Asphalt Shingle, Composition Shingle, Composite Shake/Slate
Roof-Wall Junction	<i>Permitted:</i> Parapet (Gable End only, if applicable), Close Eaves, Boxed Eaves, Overhanging Eaves
Primary Windows	
Window Proportions	Vertically Proportioned, 2:3 max (width x height)
Window Types	<i>Permitted:</i> Casement, Sash, Awning
Window Grouping	<i>Permitted:</i> Single, Double, Grouped, or Horizontal Bands
Window Surround	<i>Required Above:</i> Lintel or an Arch <i>Required Below:</i> Sill <i>Optional:</i> Operable Shutters
Window Frame	<i>Permitted:</i> Metal or Wood (any color)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	<i>Permitted Shapes:</i> Segmental, Flat
Columns	Permitted.
Pilasters	Permitted.
Exposed Wood Structures	Permitted.

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.8.3. Rustic frame vernacular.

- A. The Rustic Frame Vernacular style is recognizable for its exposed wood structure, which can include exposed log walls with chinking, exposed wood trusses, wood bracing, and half-timber construction. The exterior walls are rough-hewn, unpainted and untreated exterior wood. This can be found as shingles, rough-hewn siding, logs, or vertical board-and-batten siding. Window glass is divided with mullions. Rough stone can be used for foundations, chimneys, and piers. The roof is typically a gable roof and the overall form of the buildings is a simple rectangular or L-shaped.



FIGURE 5.8.3-A: RUSTIC FRAME VERNACULAR ILLUSTRATIONS

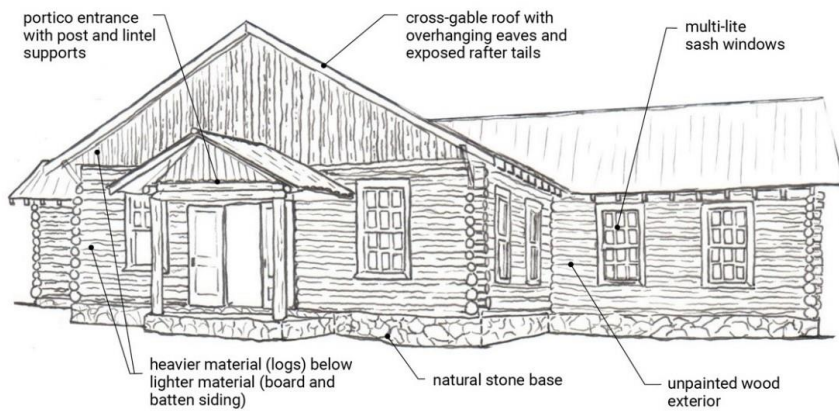
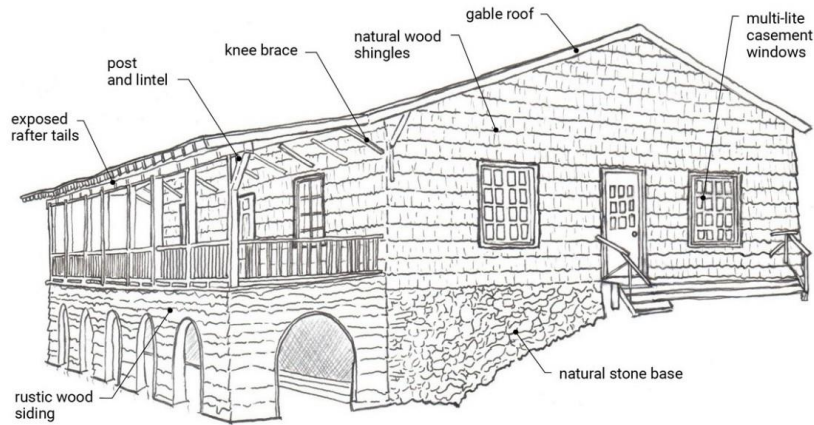


TABLE 5.8.3-A: RUSTIC FRAME VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
<i>Exterior Walls (see Section 5.11)</i>	
Material	<i>Permitted:</i> Wood - Main Exterior Walls; Stone - Base, Foundations, Piers, Chimneys



TABLE 5.8.3-A: RUSTIC FRAME VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
Finish	<i>Permitted:</i> Natural, Rough-Hewn, Unpainted Wood, Transparent and Semi-transparent Stain, Natural Stone <i>Not Permitted:</i> Painted Wood, Painted Stone*
Wood Application Type	Any natural wood, including but not limited to Wood Shingles, Wood Logs with visible chinking, Rough-hewn Horizontal Wood Siding, Board-and-Batten Vertical Wood Siding
Roof	
Roof Shape	<i>Permitted:</i> Gable (Main Building Roof), Shed (Porches, Building Extensions, Dormers)
Roof Pitch	<i>Gable:</i> 5:12 min, 18:12 max <i>Shed:</i> 3:12 min
Roofing Material	<i>Permitted:</i> Slate Shingle, Composition Shingle, Tile
Roof-Wall Junction	<i>Permitted:</i> Overhanging Eaves, Exposed Rafter Tails
Primary Windows	
Window Proportions	Vertically Proportioned, 2:3 max (width x height)
Window Types	<i>Permitted:</i> Casement, Sash, Awning
Window Grouping	<i>Permitted:</i> Single, Double, Grouped, or Horizontal Bands
Window Surround	<i>Required Above:</i> Wood frame <i>Required Below:</i> Wood frame <i>Optional:</i> Operable Shutters
Window Frame	<i>Permitted:</i> Wood (any color)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	Not Permitted.
Columns	Not Permitted.
Pilasters	Not Permitted.
Exposed Wood Structures	Permitted.

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.8.4. Industrial vernacular.

- A. Industrial architecture in Brevard is recognizable for its simple, utilitarian form, structure, and materials. Industrial buildings typically have a large interior open space with a wide gable or curved roof supported on metal trusses. Windows historically were designed to be large and sometimes were grouped or banded to provide maximum light to the interior space. Windows are encouraged to be multi-lite with mullions. In the case of warehouses, there may have been solid blank walls. The exterior materials may be brick, vertical or horizontal metal siding, or corrugated metal.



FIGURE 5.8.4-A: INDUSTRIAL VERNACULAR ILLUSTRATIONS

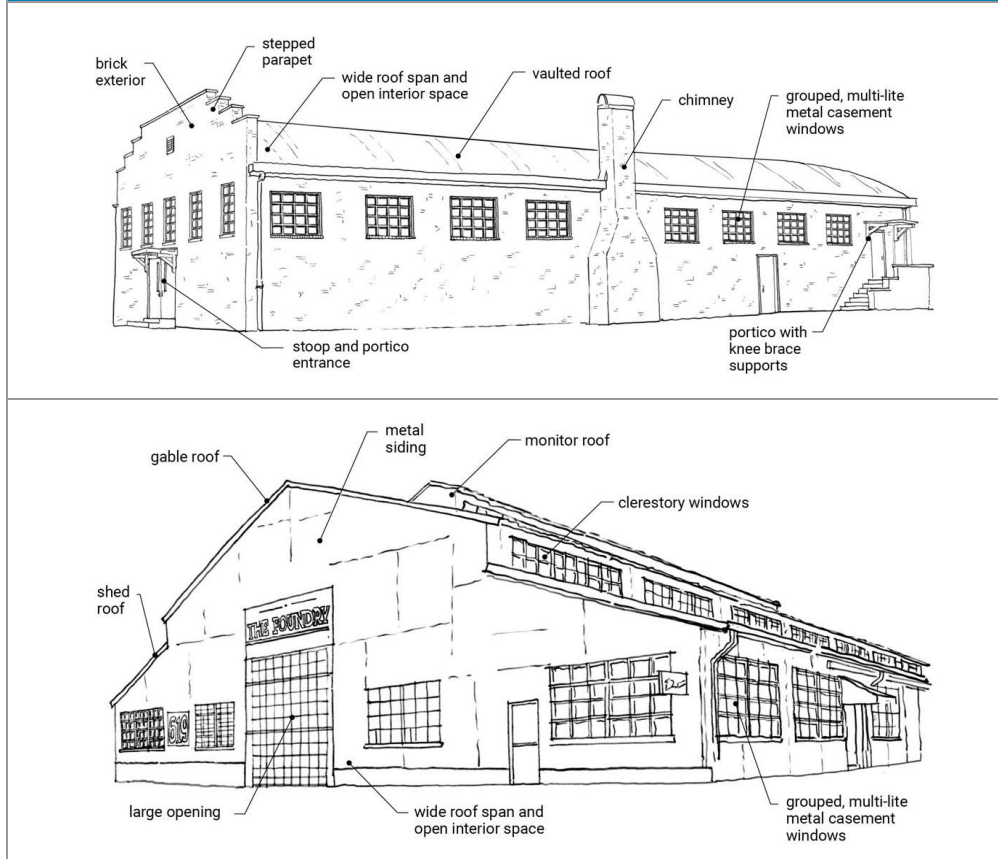


TABLE 5.8.4-A: INDUSTRIAL VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
<i>Exterior Walls (see Section 5.11)</i>	
Material	<i>Permitted:</i> Metal, Brick, Wood
Finish	<i>Permitted:</i> Unpainted Metal, Painted Metal, Weathering Steel (Corten Steel), Unpainted Brick, Painted Brick, Unpainted Wood, Painted Wood
Material Application Type	<i>Permitted:</i> Corrugated Metal, Metal Siding (Horizontal or Vertical), Horizontal Wood Siding, Board-and-Batten Vertical Wood Siding, Load-bearing Brick or Brick Veneer



TABLE 5.8.4-A: INDUSTRIAL VERNACULAR STYLE REQUIREMENTS

Style Characteristics	Regulations
Roof	
Roof Shape	<i>Permitted:</i> Gable (Main Building Roof), Shed (Porches, Building Extensions, Dormers), Vaulted (Warehouse space), Monitor Roof over Gable
Roof Pitch	<i>Gable:</i> 3:12 min, 5:12 max <i>Shed:</i> 3:12 min
Roofing Material	<i>Permitted:</i> Metal
Roof-Wall Junction	<i>Permitted:</i> Overhanging Eaves, Close Eaves
Primary Windows	
Window Proportions	<i>Permitted:</i> Any
Window Types	<i>Permitted:</i> Any
Window Grouping	<i>Permitted:</i> Any
Window Surround	Not required.
Window Frame	<i>Permitted:</i> Metal (any color)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	Not Permitted.
Columns	Not Permitted.
Pilasters	Not Permitted.
Exposed Wood Structures	Permitted (for Industrial Vernacular, these structures shall be constructed of metal).

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.8.5. Colonial revival.

- A. Colonial Revival is a patriotic architectural style in Brevard that is notable for symmetrical facades, brick construction, and centrally located, prominent front entryway. The entry is accented with classical columns and semi-circular features such as a classical door surround or a double-height front porch. Windows are often multi-lite with mullions.
1. All government uses shall conform to the Civic Building Type (see Section 5.7.1) and the Colonial Revival Architectural Style.



FIGURE 5.8.5-A: COLONIAL REVIVAL ILLUSTRATIONS

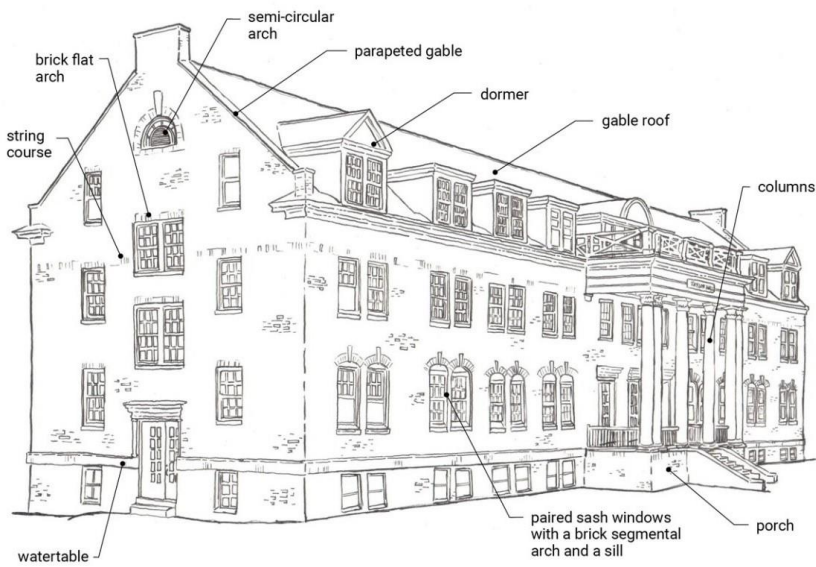
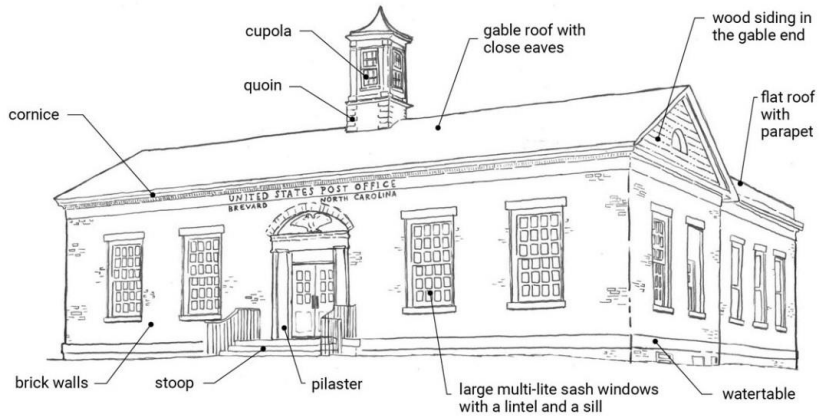




TABLE 5.8.5-A: COLONIAL REVIVAL STYLE REQUIREMENTS

Style Characteristics	Regulations
Exterior Walls (see Section 5.11)	
Material	<i>Permitted:</i> Brick or Brick Veneer (Thin Brick)
Finish	<i>Permitted:</i> Glazed or Unglazed Brick <i>Not Permitted:</i> Painted Brick*
Bond Type	<i>Permitted:</i> Running, Common, Flemish, English <i>Not Permitted:</i> Stack*
Mortar Technique	<i>Permitted:</i> Concave, Flush, Vee, Grapevine <i>Not Permitted:</i> Beaded, Raked, Struck, Extruded*
Roof	
Roof Shape	<i>Permitted:</i> Gable, Hip, Flat with Parapet
Roof Pitch	3:12 min, 5:12 max
Roofing Material	<i>Permitted:</i> Slate Shingle, Composition Shingle, Tile
Roof-Wall Junction	<i>Permitted:</i> Close Eaves, Parapet (on the gable edge)
Primary Windows	
Window Proportions	Vertically Proportioned, 2:3 max (width x height)
Window Types	<i>Permitted:</i> Sash
Window Grouping	<i>Permitted:</i> Single, Double
Window Surround	<i>Required Above:</i> Lintel or Arch <i>Required Below:</i> Sill <i>Optional:</i> Operable Shutters
Window Frame	<i>Permitted:</i> Wood (White only)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	<i>Permitted Shapes:</i> Segmental, Flat, Semi-circular
Columns	Permitted.
Pilasters	Permitted.
Exposed Wood Structures	Not Permitted.
Architectural Elements	
Trim and Molding	Permitted. <i>Materials:</i> Stone, Cast Stone, Brick, Wood, Stucco
Railings	Permitted. <i>Materials:</i> Metal
Pediments	Permitted.
Swags, Garlands, Medallions	Permitted. <i>Materials:</i> Stone, Cast Stone, Brick Wood, Stucco

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.



5.8.6. Brevard contemporary.

- A. The Brevard Contemporary architectural style gives homage to Brevard’s mountain geography and rural heritage, while accommodating modern construction trends. It allows greater flexibility for larger retail providers and multi-family housing which is an important part of Brevard’s evolution as a resilient community. The Brevard Contemporary style allows for alternative materials such as stucco.

FIGURE 5.8.6-A: BREVARD CONTEMPORARY ILLUSTRATIONS

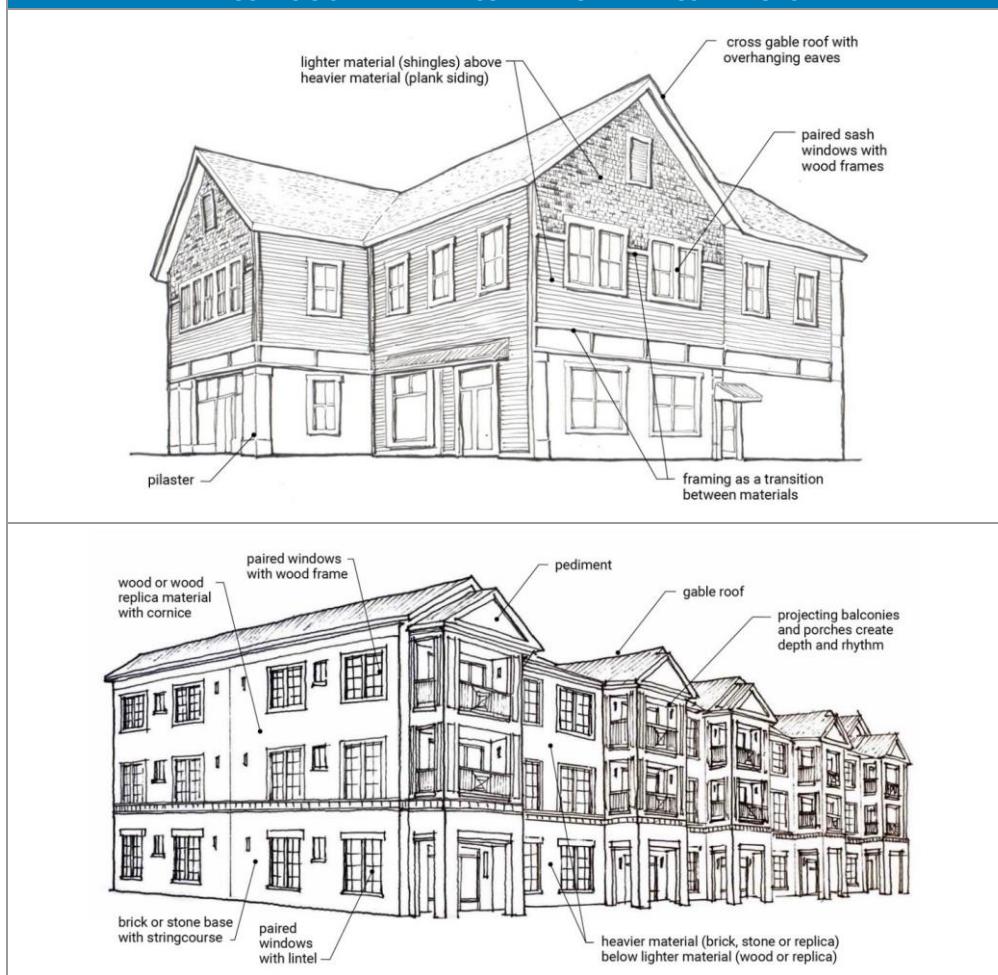




TABLE 5.8.6-A: BREVARD CONTEMPORARY STYLE REQUIREMENTS

Style Characteristics	Regulations
Exterior Walls	
Ground Floor Material	<i>Permitted:</i> Stained or Painted Wood, Painted Fiber Cement Siding, Stone, Brick <i>Not Permitted:</i> Vinyl, Metal, Stucco*
Upper Floor Material	<i>Permitted:</i> Stained or Painted Wood, Painted Fiber Cement Siding, Stucco <i>Not Permitted:</i> Vinyl, Metal, Stone, Brick*
Gable, Pediment, and Dormer Material	<i>Permitted:</i> Painted Wood, Painted Fiber Cement Siding, Stucco <i>Not Permitted:</i> Vinyl, Metal, Stone, Brick*
Roof	
Roof Shape	<i>Permitted:</i> Gable, Hip, Dutch Gable
Roof Pitch	3:12 min, 12:12 max
Roofing Material	<i>Permitted:</i> Slate Shingle, Composition Shingle, Tile, Metal
Roof-Wall Junction	<i>Permitted:</i> Close Eaves, Overhanging Eaves, Boxed Eaves
Primary Windows	
Window Proportions	Vertically Proportioned, 2:3 max (width x height)
Window Types	<i>Permitted:</i> Any
Window Grouping	<i>Permitted:</i> Single, Double, Grouped, Horizontal Bands
Window Surround	<i>Required Above:</i> Frame <i>Required Below:</i> Sill <i>Optional:</i> Operable Shutters
Window Frame	<i>Permitted:</i> Any (Any Color)
Window Glass	<i>Permitted:</i> Clear Glass <i>Not Permitted:</i> Tinted Glass, Reflective Glass*
Visible Structural Elements (see Section 5.12)	
Arches	Not Permitted.
Columns	Permitted.
Pilasters	Permitted.
Exposed Wood Structures	Permitted.
Architectural Elements	
Trim and Molding	Permitted. <i>Materials:</i> Wood, Fiber Cement, Stucco
Railings	Permitted. <i>Materials:</i> Metal, Wood
Pediments	Permitted.
<i>*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.</i>	

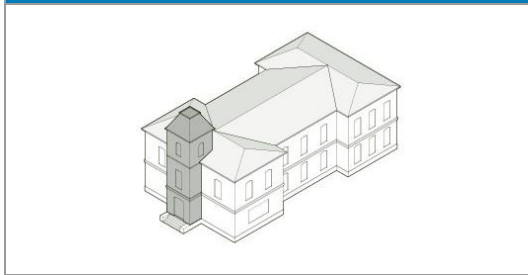


5.9. Building extensions.

5.9.1. Towers.

- A. A tower is a portion of a building that is significantly taller than it is wide and projects above the roofline of the rest of the structure. Towers are iconic architectural elements that combine functionality and symbolism to elevate a building's importance against the rest of the city.

FIGURE 5.9.1-A: TOWER ILLUSTRATION



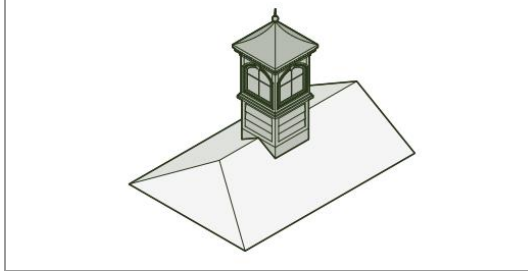
- B. *Use.*
1. Towers shall be reserved for civic or institutional structures.
 2. With administrative approval, towers may be used, by exception, to hide overruns and other structures protruding from the roofline.
- C. *Dimensions.*
1. The footprint of a tower shall be no larger than 20 feet by 20 feet. Circular towers must also fit within this area.
 2. Towers can extend up to 20 feet above the maximum building height, as established by Section 2.6.2.
- D. *Placement.* One or more tower facades shall be located forward of the remaining building façade.
- E. *Materials.* Towers shall use same façade and roof materials as the rest of the building (see Architectural Styles).

5.9.2. Cupolas.

- A. Similar to towers, cupolas may also be used to create urban landmarks, though their base begins at the building's roofline, instead of projecting from the façade.



FIGURE 5.9.2-A: CUPOLA ILLUSTRATION



B. Dimensions.

1. The footprint of a cupola shall be no larger than 10 feet by 10 feet.
2. Cupolas are limited to square, hexagonal, or octagonal in shape.
3. Towers can extend up to 10 feet above the maximum building height, as established by Section 2.6.2.

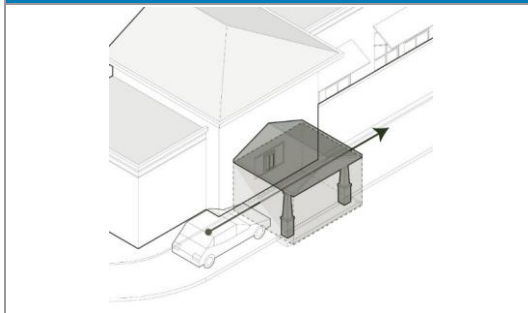
C. Placement. Cupolas shall only be placed on the rooftop of a structure.

D. Materials. Base and cap materials may differ from rest of building if they conform to selected Architectural Style.

5.9.3. Porte cocheres.

- A.** A Porte Cochere is a porch or covered area at a building entrance designed to shelter persons entering and exiting vehicles, though they may also be used in drive-thru and gas station applications to shelter service windows and fuel pumps.
- B.** Porte cocheres must architecturally relate to the structure they are attached to, reflecting the same or complementary materials, roofing, colors and other details.

FIGURE 5.9.3-A: PORTE COCHERE ILLUSTRATION



C. Quantity. There shall be a maximum of one porte cochere per principal structure, if permitted by Building Type.



D. Dimensions.

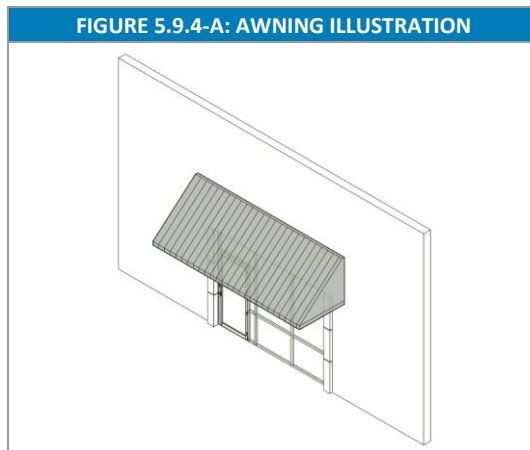
1. Porte cocheres shall be structurally connected to the primary building, unless used to protect fuel pumps.
2. Porte cocheres can be a maximum of 400 square feet if located on the front façade of the building.
3. If located on the side of the building, the porte cocheres can be a maximum of 1,200 square feet.
4. Porte cocheres have no maximum square footage if located at the rear of the building.

E. Height. If attached to the primary structure, the height of the porte cochere shall be lower than the primary structure roofline.

F. Materials. Porte cocheres shall comply with the selected Architectural Style of the primary structure.

5.9.4. Awnings.

- A.** An Awning is a roof-like covering mounted above a building entrance or windows to protect pedestrians and the façade from the natural elements. Unlike other architectural extensions, awnings are wholly supported by the building façade they project from. They are constructed with a metal frame and textile or metal covering, and the entire apparatus may be retractable.



B. Dimensions and design.

1. Awnings shall stretch either the entire width of the entry, entire width of shopfront windows, or across the full shopfront.
2. Awnings shall only be angled or triangular; semi-circular, concave, or convex awnings shall not be permitted.
3. Text shall not be printed or placed directly onto an awning. Any signage must be permitted in accordance with [CHAPTER 12](#).

C. Placement.

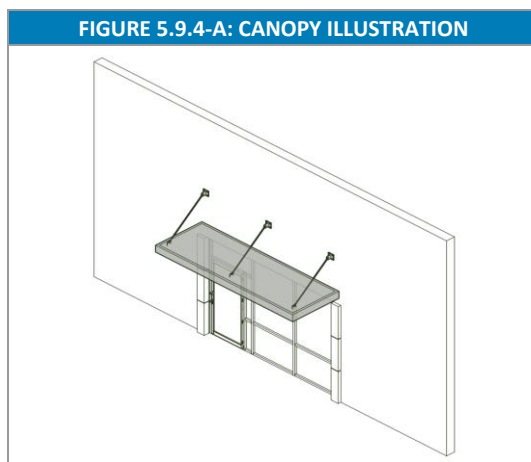
1. When on the ground floor, the awning shall be placed directly above building entrances and shopfronts and below upper-story windows, expression lines, and signbands, if applicable.



2. When on upper floors, the awning shall be located directly above individual windows or window groups.
3. Awnings may encroach into setbacks and rights-of-way, in accordance with Section 2.7.9.

5.9.5. Canopies.

- A. Canopies are fixed, structural overhangs that serve the same purpose as awnings. They are non-retractable and fully supported by the building façade they project from.



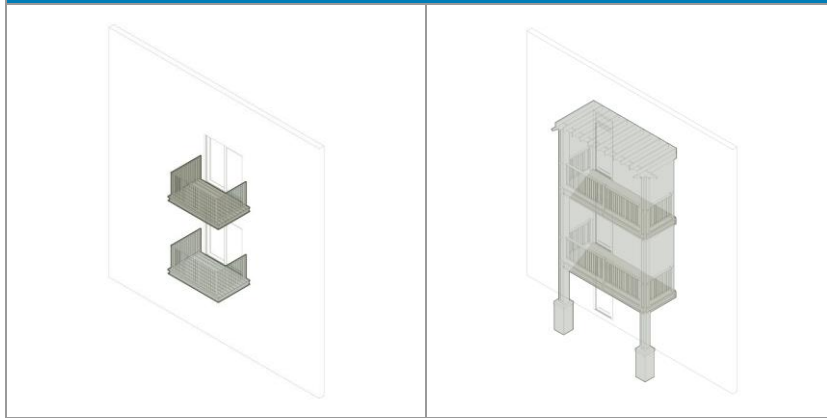
- B. *Dimensions and design.*
1. Canopies shall stretch either the entire width of the entry, entire width of shopfront windows, or across the full shopfront.
 2. Canopies shall be primarily constructed of metal, and shall match railings, balconies, and other metallic architectural elements on the principal structure.
- C. *Placement.*
1. When on the ground floor, the canopy shall be placed directly above building entrances and shopfronts and below upper-story windows, expression lines, and signbands, if applicable.
 2. Canopies may encroach into setbacks and rights-of-way, in accordance with Section 2.7.9.

5.9.6. Balconies.

- A. A balcony is a raised, enclosed platform extending from a building façade, designed to provide outdoor space and enhanced views to upper stories.



FIGURE 5.9.6-A: BALCONY ILLUSTRATIONS



B. Design.

1. Balconies shall be constructed of metal or wood, depending on the Architectural Style of the building.
2. All balconies shall be enclosed by railing / balustrade. Composite materials or glass shall not be used for railing / balustrade.
3. Balconies must be visibly supported from below, using corner posts, structural brackets, or an exposed cantilever that complements the balcony's other materials. If balconies are inset, structural support requirements may be fulfilled by adjacent side walls.
4. Balconies may be stacked and fully covered by canopies, awnings, or roofs.

C. Placement.

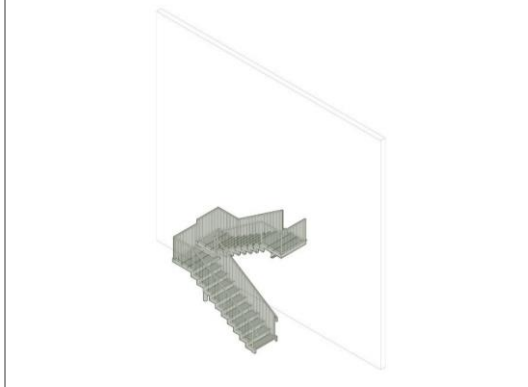
1. Balconies may encroach into setbacks and rights-of-way, in accordance with Section 2.7.9.

5.9.7. External staircases.

- A.** Different from stoops, external staircases can be found throughout Brevard, and serve multiple purposes, such as providing multi-floor building access (including roof access), integrated balconies or landings, and design enhancements.



FIGURE 5.9.7-A: EXTERNAL STAIRCASE ILLUSTRATION



B. Design.

1. Metal or wood construction is required, depending on Architectural Style for the building. Composite materials or glass shall not be used for railing/ balustrade.
2. Bright colors may be used on metal staircases to coordinate with railings or balconies and act as an architectural accent, particularly for monochromatic buildings.

C. Location. External staircases shall only be on the side or rear building facades.

D. Exception. Staircases located in partially enclosed breezeways, such as on multi-family buildings, are exempt from the requirements of this section, except that railings/ balustrades shall be identical to those used on balconies.

5.10. Building frontages.

5.10.1. General standards for building frontages.

- A. A building frontage marks the place where the private interior space of the building meets the public space of the primary street. This is the location where people enter and exit the building. The design of building frontages varies based on the location and purpose of the building.
- B. All buildings in Brevard must be oriented toward the street of higher classification, with clearly delineated, pedestrian-oriented building entrances fronting the primary street.

5.10.2. Shopfront.

- A. Shopfronts should have large glass windows that both create advantageous display spaces and allow natural light to filter deeper into the building. Inset entrances prevent doors from swinging into the pedestrian right-of-way. Shopfronts often include a bulkhead, cornice, and piers or pilaster. They may also include awnings or canopies to provide protection from the weather.



FIGURE 5.10.2-A: SHOPFRONT ILLUSTRATION



B. Dimensions.

1. The maximum distance between fenestration is 2 feet.
2. The ground floor transparency shall be between 70-90% on the primary street and 30-90% on the side street.
3. The shopfront door shall be recessed a maximum of 5 feet.
4. Multiple entrances shall be a maximum of 40 feet apart along the primary street.

C. Components.

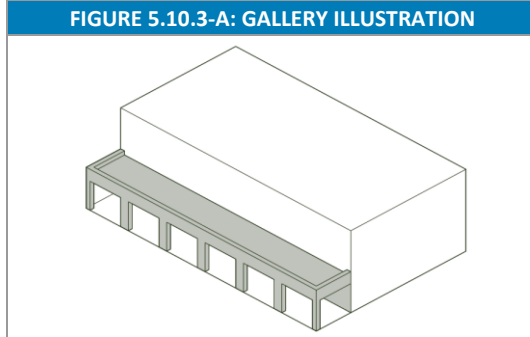
1. Each shopfront frontage shall have an entrance. The door may have a transparency between 40-90%.
2. Display windows shall use clear glass or clear low-e glass.
3. Fascia is permitted.
4. Sills are required with a height between 1.5 inches and 3 inches.

D. Design. The shopfront must use materials that complement the Architectural Style of the building.

5.10.3. Gallery.

- A.** A gallery overlaps the sidewalk, extending beyond the building facade wall and eliminating the need for a canopy or awning. The gallery may be one or two stories in height (using upper-levels as balcony/porch-like outdoor space), and is intended for buildings with ground floor retail uses.

FIGURE 5.10.3-A: GALLERY ILLUSTRATION



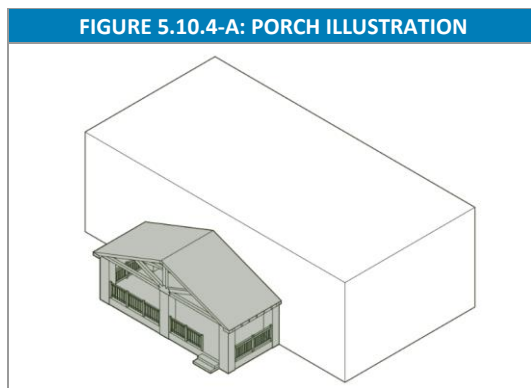
B. Dimensions.



1. The minimum depth of the gallery shall be 8 feet.
 2. The gallery may be a maximum of 2 stories, but shall not exceed the number of stories on the building.
 3. The clear height shall be a minimum of 12 feet on the ground floor and 9 feet on the second floor.
- C. *Design.* The gallery must use materials that complement the Architectural Style of the building.

5.10.4. Porch.

- A. Porches project beyond the main façade of a building, but unlike galleries, do not extend into the right-of-way. The porch is used to access a first floor that is elevated above the sidewalk to ensure privacy within the building. Unlike a portico, a porch is large enough to function as an outdoor living space.



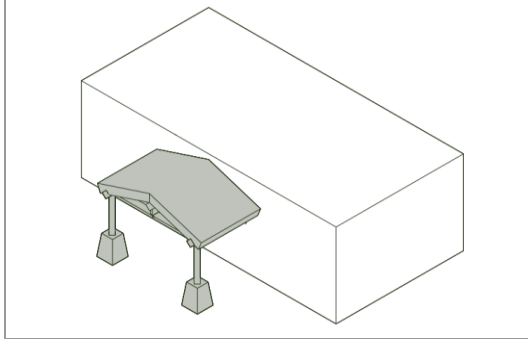
- B. *Dimensions.*
1. Porches shall be a minimum of 8 feet wide by 8 feet deep.
 2. The porch may be a maximum of 2 stories, but shall not exceed the number of stories on the building.
 3. The clear height shall be a minimum of 8 feet.
 4. The porch finish height shall be a minimum of 1.5 inches above the sidewalk.
- C. *Design.* The porch must use materials that complement the Architectural Style of the building.

5.10.5. Portico.

- A. Porticos are used to enhance the building entrance and provide protection from weather elements. Porticos project forward from a building façade but shall not encroach upon the right-of-way. Where both are permitted, porticos may be paired with any stoop, and function as small, entryway covers that project over the entire stoop or its landing. Without a stoop, porticos are useful to shelter at-grade entrances that require greater visual distinction and can be effective tools to break up blank facades. Unlike porches, porticos do not serve as living space.



FIGURE 5.10.5-A: PORTICO ILLUSTRATION



B. Dimensions.

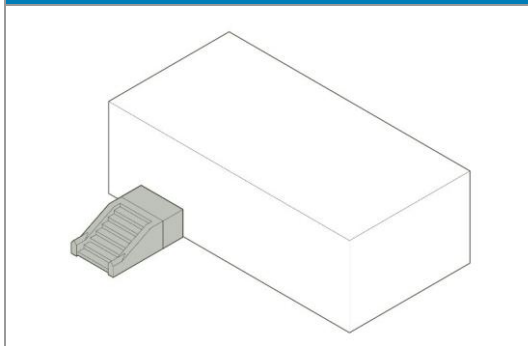
1. Porticos shall be a minimum of 5 feet wide by 5 feet deep.
2. The portico may be a maximum of 2 stories, but shall not exceed the number of stories on the building.
3. The clear height shall be a minimum of 8 feet.
4. The porch finish height shall be a minimum of 1.5 inches above the sidewalk.

C. Design. The portico must use materials that complement the Architectural Style of the building.

5.10.6. Stoop.

- A.** Stoops project forward from a building façade but may not encroach upon the right-of-way. A stoop functions to access a first floor that is elevated above the sidewalk, ensuring greater privacy within the building. They are primarily intended for entrances to first floor residences.
- B.** Stairs from the stoop may descend perpendicular or parallel to the façade.

FIGURE 5.10.6-A: STOOP ILLUSTRATION



C. Dimensions.



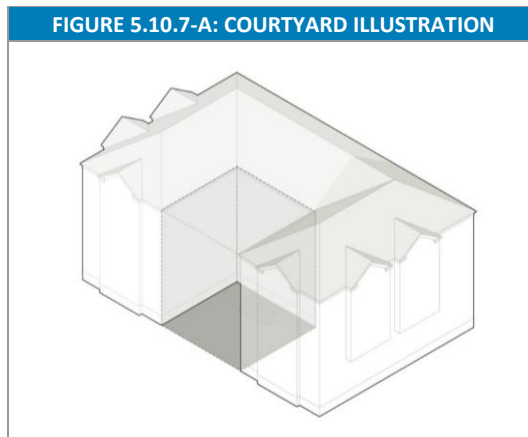
1. Stoops shall be a minimum of 5 feet wide by 5 feet deep and a maximum of 8 feet wide by 8 feet wide.
2. The stoop finish height shall be a minimum of 1.5 inches above the sidewalk.

D. Design.

1. If installed along the stoop, railings shall use an identical finish to those installed on any balconies or external staircase.

5.10.7. Courtyard.

- A.** Courtyard frontages are created by setting back a central portion of a building's main facade. This common space can be used as an apartment entry court, garden space, or for restaurant outdoor dining on mixed use/flex buildings. Courtyards are particularly useful for creating intimate street-level spaces and promoting pedestrian activity in more auto-oriented areas.



B. Dimensions.

1. Courtyards shall be a minimum of 20 feet wide by 20 feet deep.

C. Design.

1. A minimum of 70% of the courtyard area shall be uncovered with sky exposure. Shade furniture shall not contribute to this percentage.

5.11. Wall elements.

5.11.1. Brick.

- A.** When used as a façade or visible structural material on applicable buildings, bricks shall conform to the following standards:



TABLE 5.11.1-A: BRICK STANDARDS

Characteristics	Regulations
Finish	<i>Permitted:</i> Glazed or Unglazed Brick <i>Not Permitted:</i> Painted Brick*
Color	<i>Permitted:</i> Warm Colors - shades of brown, tan, red, orange or yellow <i>Not Permitted:</i> Cool Colors - shades of white, gray, black, blue, or purple*
Shape	<i>Permitted:</i> Standard Modular Brick: 7-5/8" x 3-5/8" x 2-1/4" <i>Not Permitted:</i> Other Brick Sizes such as Roman or Norman*
Structure	<i>Permitted:</i> Load-bearing walls, Veneer
Bond Type	<i>Permitted:</i> Running, Common, Flemish, or English <i>Not Permitted:</i> Stack*
Mortar	<i>Permitted:</i> Concave, Flush, Vee, or Grapevine <i>Not Permitted:</i> Beaded, Raked, Struck, Extruded*
Façade Elements	<i>Optional:</i> Corbel, Parapet, Belt Course, String Course, Water Table, Quoining, Arches, Lintels, Sign Band

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.11.2. Stone.

- A. When used as a façade or visible structural material on applicable buildings, stone shall conform to the following standards:

TABLE 5.11.2-A: STONE STANDARDS

Characteristics	Regulations
Finish and Color	<i>Permitted:</i> Locally sourced river rock; locally sourced granite <i>Not Permitted:</i> Airstone Cement Wall Tiles, Quartzite, Marble, Manufactured Stone, Cement Stone*
Structure	<i>Permitted:</i> Load-bearing walls, Veneer
Cuts	<i>Permitted:</i> Uncut, Rough Cut, Ashlar Cut
Courses	<i>Permitted:</i> No courses, Irregular Courses, Regular Courses
Mortar	<i>Permitted:</i> Concave, Flush, Vee, or Grapevine <i>Not Permitted:</i> Beaded, Raked, Struck, Extruded*
Façade Elements	<i>Optional:</i> Corbel, Parapet, Belt Course, String Course, Water Table, Quoining, Arches, Lintels

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.11.3. Wood.

- A. When used as a façade or visible structural material on applicable buildings, wood shall conform to the following standards:



TABLE 5.11.3-A: WOOD STANDARDS

Characteristics	Regulations
Material and Finish	<i>Permitted:</i> Unpainted Wood, Painted Wood (for some Architectural Styles) <i>Not Permitted:</i> Vinyl products*
Color (see Section 5.11.6)	<i>Body Color:</i> Depending on Architectural Style, the natural color of the unpainted wood, or maximum of 2 different colors based on Approved Palette. <i>Trim Color:</i> Natural color of the unpainted wood if primary façade material is also left natural. Trim must be painted/ colored if body material is painted/ colored.
Wood Application Type	<i>Permitted:</i> Wood Shingles, Wood Logs with visible chinking, Rough-hewn Horizontal Wood Siding, Board-and-Batten Vertical Wood Siding <i>Not Permitted:</i> Shiplap siding, Lap siding*
Material Mixing (see Section 5.6.6)	More than one Permitted Wood Application Type may be used on a building. In all cases, visually heavier applications should be placed beneath lighter applications in the following order, with lightest on top and heaviest on bottom: ▪ Shingle ▪ Board and Batten ▪ Plank Siding ▪ Smooth Cut Logs ▪ Rough Hewn Logs

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.11.4. Metal siding.

- A. When used as a façade or visible structural material on applicable buildings, metal shall conform to the following standards:

TABLE 5.11.4-A: METAL SIDING STANDARDS

Characteristics	Regulations
Material and Finish	<i>Permitted:</i> Uncoated and unpainted Corten Steel, Steel, Aluminum, Copper, and Zinc; Coated or painted (PVDF) Steel, Aluminum; Flat and Matte finish coatings and paints. <i>Not Permitted:</i> High gloss finishes*
Color (see Section 5.11.6)	<i>Body Color:</i> 1 Color based on Approved Palette
Material Mixing (see Section 5.6.6)	<i>Permitted:</i> Corrugated, 5V-Crimp

*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.

5.11.5. Stucco.



- A. When compatible with the selected Architectural Style, stucco use is permitted as a façade material across the jurisdiction of these Architectural Standards, except on buildings within the Downtown and Pisgah Gateway Character Areas, as defined in Section 5.4.
- B. When used on applicable buildings, stucco shall conform to the following standards:

TABLE 5.11.5-A: STUCCO STANDARDS	
Characteristics	Regulations
Material and Finish	<i>Permitted:</i> Flat and Matte finishes; Manufactured Panels less than or equal to 4' in dimension that are used as accents (Upper Floors) <i>Not Permitted:</i> Stucco/ EIFS products on the Ground Level of any building; Plain Stucco Finish Panels that exceed 4' in width or height; High gloss finishes*
Color (see Section 5.11.6)	<i>Body Color:</i> Maximum of 2 different colors based on Approved Palette
Application Type	<i>Permitted:</i> Manufactured Panels less than or equal to 4' in dimension that are used as accents (Upper Floors); Trim; Cornices <i>Not Permitted:</i> Stucco/ EIFS products on the Ground Level of any building; Window and Door Surrounds; Window Sills*
*The "Not Permitted" lists are not intended to be exhaustive but illustrative of common alternatives.	

5.11.6. Applied colors.

- A. For Architectural Styles that allow for applied colors (such as the painting of materials or selection of materials that have been artificially colored during manufacturing), the colored materials shall follow the following requirements:
 1. Flat and matte finish paints are permitted, but high gloss finishes shall not be used.
 2. Multiple Body Colors: If more than 1 color is selected, the colors must be applied in horizontal layers separated by an architectural element such as trim.
 3. Trim Color: Any 1 color is permitted for trim, including window frames, door frames, brackets, roof eaves, soffits, fascia, rafter tails, porch elements, etc. If more than one color is desired for trim, the second color must be white.
 4. The application of 1 or multiple colors shall approximately adhere to these proportions:
 - a. *Body Color #1:* 60% of Façade (90% of Façade if there is only one Body Color)
 - b. *Body Color #2, if used:* 30% of Façade
 - c. *Trim Color:* 10% max of Overall Façade
 5. Fluorescent colors are not permitted.
 6. Corporate signature colors are strongly discouraged, unless compatible with the overall color scheme and design of the entire project.

5.11.7. Material authenticity.

- A. During construction and qualifying renovations, applicants shall use as many authentic, historic building materials as possible (ex. brick, natural wood, local stone, etc.).



- B. When using entirely authentic, historic building materials is not possible, contemporary substitute materials that closely imitate the required materials may be used on a limited basis.
 - 1. To qualify for use in the project, substitute materials must have a demonstrated record of long-term quality and durability.
 - 2. The physical properties of substitute materials must be similar to those of the historic materials they mimic to enable them to follow the same standards.
- C. When considering substitute materials, the closer an element is to the viewer, the more closely the material and craftsmanship should match the original.
 - 1. Substitute materials are not recommended for use on the ground floor of any project.
 - 2. The appropriateness of substitute materials shall be reviewed on an individual basis.

5.12. Architectural elements.

A. *Doors.*

- 1. Doors shall reflect the architectural style of the building. The table below provides general guidance on the types of doors that are permitted in the City of Brevard. Please refer to the architectural style section for more specific guidance on the types of doors that are permitted for different architectural styles.
- 2. In addition to these standards, Shopfront doors shall also comply with the standards in Section 5.10.2.
- 3. Doors may be placed as a single or paired.
- 4. The door shall be constructed of wood or metal.
- 5. The permitted door surrounds are frame, quoins, lintel, column, pilaster, arch, transom, sidelights, or pediment.
- 6. Glass may be permitted in the door but shall be clear, clear low-e, or frosted glass. Other types of glass, including but not limited to tinted, colored or reflective glass, shall not be permitted.

B. *Masonry arches.*

- 1. If used, arches should relate to the overall architectural design of the building.
- 2. Arches shall be designed to appear to be load-bearing.
- 3. All elements of the arch shall align to a center point.
- 4. The springing of the arch shall align with its means of support.
- 5. Permitted arch shapes are limited to: Segmental (Bowspring), Flat (Jack), Semi-circular (Roman)

C. *Columns.*

- 1. If used, columns should relate to the overall architectural design of the building.
- 2. Columns shall be designed to appear to be load-bearing.
- 3. All columns shall be circular or square in section.

D. *Pilasters and engaged columns.*

- 1. If used, pilasters and engaged columns shall match the design of the selected column, pier or post used in the overall building design (for instance, if Doric columns are selected, then the Pilaster or Engaged Column shall also be Doric).
- 2. Pilasters shall project from the wall a minimum of four inches. If a semi-circular pilaster or engaged column is selected, it shall be exactly half of the round column in section.



E. *Exposed wood structures.*

1. Visible structural wood elements may be incorporated into the design of the building to express a utilitarian, rustic, or craftsman aesthetic.
2. Potential exposed wood structures include rafter tails, rafters, trusses, brackets, knee braces, and post and lintel construction.
 - a. If selected, exposed wood structures shall be made of real wood materials and should remain unpainted, unless otherwise noted.

CHAPTER 14. NONCONFORMITIES

14.3. Nonconforming principal structures.

- A. A nonconforming principal structure containing a use permitted in the district may continue only in accordance with the provisions of this chapter.
- B. Normal repair and maintenance may be performed to allow the continuation of nonconforming structures and any nonconforming use contained therein.
- C. A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity.
- D. Subject to the provisions of Section 14.3(E) and 14.3(F), when a nonconforming structure is moved on lot upon which it is located, it shall, if possible, be moved so as to make the structure conforming. Otherwise, the moved structure shall be placed on the lot in as conforming a manner as possible.
- E. If a nonconforming structure is significantly damaged or significantly improved, the following requirements shall apply in the issuance of any permit:
 1. Where modifications are proposed to repair damages to a structure, a permit for reconstruction of such structure must be secured no later than 180 days from the date of its destruction.
 2. If the structure can be rebuilt on the same lot and meet all district and building type requirements, it shall be.
 3. If the structure cannot be rebuilt at the same size (ground floor area) in accordance with the minimum standards of the district in which it is located or building type, then it shall be placed on the lot in as conforming a manner as possible.
 4. A nonconforming structure shall not be rebuilt in a manner which increases its nonconformity.
 5. Significant damage and/or significant improvement to any non-conforming structure that is located within a lot containing any other non-conforming condition shall, to the maximum extent possible, require the satisfaction all other requirements of this ordinance and the elimination of all non-conforming conditions. Examples include, but are not limited to, the provision of sufficient parking, landscaping and buffering, and public improvements (i.e., sidewalks and other), and full compliance with all applicable signage, flood hazard reduction, surface water protection, and stormwater management provisions.
 6. In no case shall significantly damaged structure be rebuilt so as to encroach upon any public right-of-way, easement, regulatory floodway, surface water protection area or except as allowed by [CHAPTER 6](#) of this ordinance or Chapter 34 of Brevard City Code.
 7. A non-conforming use which existed within the structure to which modifications are made may reoccupy such structure upon issuance of certificate of occupancy provided that:



- a. Modifications do not result in an expansion of the nonconforming use.
 - b. The nonconforming use is reestablished within the structure within 60 days of the issuance of a certificate of occupancy.
 - c. Any use requiring the issuance of a special use permit shall not be reestablished in a district within which such special use is not permitted.
- F. If a nonconforming structure is substantially damaged or substantially improved, the structure, all nonconforming uses contained therein, and all non-conforming conditions within the same property (i.e., parking, landscaping, signage, flood hazard issues, and etc.) shall be brought into full compliance with the requirements of this ordinance.
1. [This provision shall not necessitate full compliance with CHAPTER 5 unless the applicability standards of Section 5.2 are met.](#)

14.4. Nonconforming manufactured homes/mobile homes, and mobile home parks.

- A. A nonconforming manufactured home may only be replaced in accordance with the ~~design criteria found in CHAPTER 5 of this ordinance~~ standards set forth in [Section 3.5.1](#).
- B. A manufactured home may continue to be placed or replaced within a non-conforming manufactured home subdivision or park on previously platted lots or previously approved spaces, as well as make any necessary improvements to the subdivision or park infrastructure, but shall not be permitted to expand the area or number of units contained within the boundary of the subdivision or park, except as otherwise provided in [CHAPTER 2](#) of this ordinance.
- C. A nonconforming manufactured home may be replaced with another manufactured home only if the manufactured home meets all regulating district requirements.

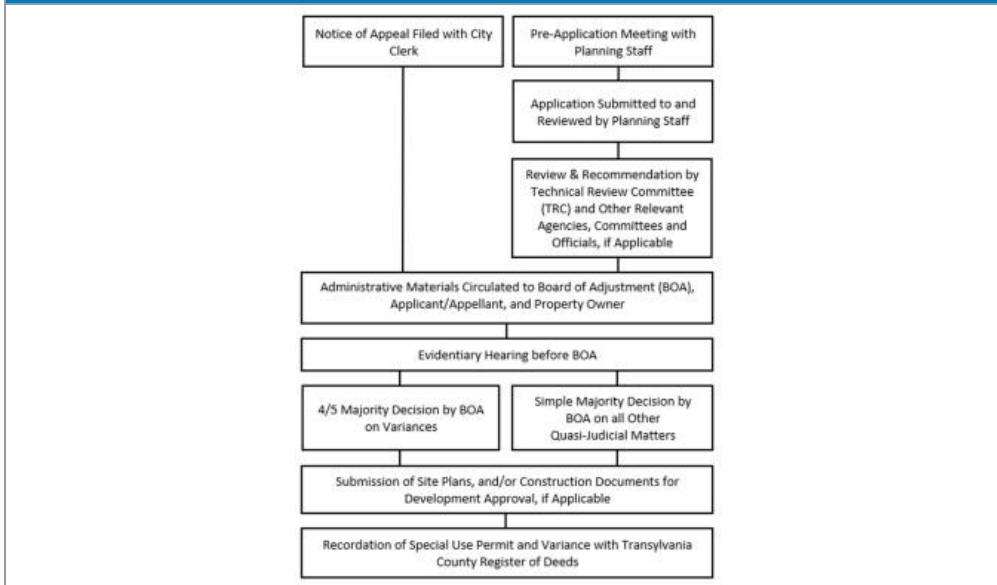
CHAPTER 16. ADMINISTRATION

16.8. Quasi-judicial decisions.

- A. *Outline of review procedures for quasi-judicial decisions.*



FIGURE 16.8A: REVIEW PROCEDURES FOR QUASI-JUDICIAL DECISIONS



B. *General procedures.* In accordance with G.S. 160D-102, a quasi-judicial decision is a process that involves the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative decisions that are final and binding. Pursuant to G.S. 160D-406, the board shall follow quasi-judicial procedures for all quasi-judicial decisions.

1. *Procedure for filing appeals and applications.* Notices of appeal shall be filed with the city clerk. Applications for variances, and special use permits, ~~and architectural special use permits~~ shall be filed with the administrator in accordance with Section 16.5. Certificates of appropriateness are outlined in CHAPTER 20 of this Ordinance.
2. *Notice of evidentiary hearing.* Notice of evidentiary hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal or application is the subject of the hearing; to the owner of the property that is the subject of hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by these regulations. In the absence of evidence to the contrary, the city may rely on the Transylvania County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an



evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

3. *Administrative materials.* The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
4. *Hearings.* The board shall conduct an evidentiary hearing on the appeal or application. It shall determine contested facts and make its decision within 45 days of the conclusion of hearing. The board's decision shall be based upon competent, material, and substantial evidence in the record of the hearing.
 - a. The applicant, the city, and any person who would have standing to appeal the decision under G.S. 160D-1402 shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value, traffic impacts, or other matters about which only expert testimony would generally be admissible under the rules of evidence.
 - b. Objections regarding jurisdictional and evidentiary issues, including but not limited to, the timeliness of an appeal, the inclusion or exclusion of administrative material, or the standing of a party, may be made to the board. The board chair shall rule on any objections and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.
 - c. Witnesses shall testify under oath. The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
 - d. The official who made the decision, or the person currently occupying that position if the decision-maker is no longer employed by the city, shall be present at the hearing as a witness. The appellant shall not be limited at the evidentiary hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the BOA shall continue the hearing.
 - e. When hearing an appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160D-1402(j).
 - f. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of members shall be required to decide any other quasi-judicial matter or to determine an appeal in the nature of certiorari. For the purposes of this paragraph, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under Section 15.5 shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
 - g. The decision shall be reduced to writing and reflect the board's findings of contested facts, if any, the facts' application to applicable standards, and conclusions of law. The written decision shall be approved by the board and signed by the chair or other duly authorized member of the board. The



decision of the board shall be effective upon filing such decision with the clerk to the board. The clerk shall see that the decision is delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, any entity granted party status at the hearing, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective and shall certify that proper notice has been made.

5. *Burden of persuasion.* In all quasi-judicial hearings, the applicant or appellant, as the case may be, shall have the burden of persuasion.

6. *Rehearings.*

a. An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of 15 days after the date of the board's decision. In addition, specific information to enable the board to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the board, if, in its judgment, a prima facie case for such change has not been alleged. A quasi-judicial hearing shall not be required to be held by the board to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four-fifths of the board for a variance and a simple majority for all other matters. In the event that the board finds that a rehearing is warranted, it shall proceed as in the original hearing except that the application fee shall be waived.

b. Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.

7. *Appeals of the BOA's decisions.* Every quasi-judicial decision of the BOA under this section shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. A petition for review shall be filed with the clerk of superior court within the times specified in G.S. 160D-1405(d).

C. *Procedures for special use permits.* Special uses are generally compatible with the land uses permitted by right in a zoning district but require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as special uses in a zoning district shall be authorized by the BOA. Applications for special use permits shall be processed, considered, and decided upon using the same procedures and subject to the same requirements as those established in Section 16.8.A, except as provided below.

1. *Application required.*

- a. The applicant shall submit a sketch plan, in accordance with Section 17.4.
- b. The applicant shall submit a description or narrative stating why the special use is requested.
- c. The administrator may request an environmental survey.
- d. The administrator may require any other documentation, such as construction documents and building elevations, deemed necessary by the administrator in order to provide a complete and accurate description of the proposed use.

2. *Administrative review procedure.*

- a. The applicant shall submit the completed application, pursuant to Section 16.5 at least 45 days prior to the BOA meeting at which it will first be reviewed. For urgent matters, the administrator may request the BOA to review the application at an earlier meeting if processing time permits.



- b. The administrator shall review and comment on the application and supporting materials in accordance with Section 16.6.
 - c. The administrator may require that the application and supporting materials be reviewed by the technical review committee (TRC) in accordance with Section 15.1.
 - d. The administrator may require that the application be circulated to other relevant city, county, and state agencies and officials for comment(s) as to the proposed development's conformance to all applicable standards and requirements and whether approval is recommended.
 - e. The administrator may require a neighborhood compatibility meeting in order to gather neighborhood feedback, and may require the person proposing the special use permit to report on any communication with neighboring property owners and residents.
 - f. Once the administrator has reviewed the application and circulated it to other relevant agencies, committees, and officials, the administrator shall transmit the application to the BOA for action.
3. *Hearings.*
- a. The evaluation and approval of the special use permit shall be based upon the sworn testimony and evidence presented at the hearing relevant to the following findings of fact:
 - i. The use meets all requirements and specifications of the ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
 - ii. The proposed use or structure will, if developed according to the plan submitted and approved, be visually and functionally compatible to the surrounding area; and
 - iii. The proposed use or structure will not be injurious to the public health, safety, and welfare, and will not be detrimental to the value of adjoining property and associated uses.
 - b. The BOA may require a traffic impact study, an environmental survey or impact statement, and any other additional information or evidence as necessary to properly consider the application.
4. *Permit approval.*
- a. In approving an application for a special use permit, the BOA may attach reasonable and appropriate conditions on the location, nature, and extent of the proposed use, which support the required findings of fact. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. These conditions shall not include requirements for which the city does not have the statutory authority to impose or for which the courts have held to be unenforceable if imposed directly the city. Only those conditions mutually approved in writing by the BOA and the applicant shall be incorporated into the permit requirements.
 - b. The BOA may not require the landowner to waive a vested right as a condition of the special use permit approval. The burden of proof of producing evidence to support these findings and to overcome any challenges that approval of the plan would be contrary to one or more of these findings shall rest entirely with the applicant or landowner.
 - c. Following the approval of the special use permit by the BOA, the applicant shall submit to the administrator all construction documents and any other documents specified by CHAPTER 17 for project development approval and administration. The administrator shall require evidence of approval of any other permit required by any other federal, state, or local agency (i.e., NCDOT permits, NCDENR permits, Army Corps of Engineers permits, etc.).



5. *Effect of approval.* If an application is approved, the special use permit that is established and all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions. The approved special use permit shall be recorded with the Transylvania County Register of Deeds and a copy of the recordation be submitted to the city, pursuant to G.S. 160D-705(c).
 6. *Modifications.* Modifications to an approved special use permit shall be in accordance with Section 16.9.
 7. *Revocation of special use permits.*
 - a. Revocation of special use permits shall be conducted pursuant to Section 16.13.
 - b. In addition to the reasons for revocation outlined in Section 16.13, the applicant must secure a valid building permit within a 12-month period from date of approval of the special use permit unless otherwise specified.
- D. *Procedures for administrative appeals.* Appeals of administrative decisions and development approvals shall follow the same procedures and be subject to the same requirements as those established in Section 16.8.A except as provided below:
1. *Applicability.* In accordance with G.S. 160D-405, the BOA shall hear and decide appeals of final and binding decisions made by administrative officials charged with enforcement of any development regulations, including administrative modifications and denials of development permits. Any person who has standing under G.S. 160D-405 or the city may appeal a decision to the BOA. The owner of the property or any other party with standing shall have 30 days from receipt of notice, pursuant to Section 16.4, within which to file a notice of appeal stating the grounds for appeal.
 2. *Stays.*
 - a. An appeal of a notice of violation or other enforcement order stays enforcement of the decision appealed from and accrual of any fines assessed unless the official who made the decision certifies to the BOA after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulations. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after such a request is filed.
 - b. Notwithstanding the foregoing, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulations shall not stay further review of an application for development approvals to use such property; in these situations the appellant or city may request, and the BOA may grant, a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.
 3. *Hearings.* The board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all powers of the official who made the decision.
 4. *Alternative dispute resolution.* The parties to an appeal may agree to mediation or other forms of alternative dispute resolution.
- E. *Procedures for variances.* Except as limited herein, the board of adjustment shall have the authority to vary provisions of the UDO in accordance with this section. Applications for variances shall follow the same



procedures and be subject to the same requirements as those established in Section 16.8.A except as provided below.

1. Administrative review procedure:
 - a. The applicant shall submit the completed application, pursuant to Section 16.5 at least 45 days prior to the BOA meeting at which it will first be reviewed. For urgent matters, the administrator may request the BOA to review the application at an earlier meeting if processing time permits.
 - b. The administrator shall review and comment on the application and supporting materials in accordance with Section 16.6.
 - c. The administrator may require that the application and supporting materials be reviewed by the technical review committee (TRC) in accordance with Section 15.1.
 - d. The administrator may require that the application be circulated to other relevant city, county, and state agencies and officials for comment(s) as to the proposed development's conformance to all applicable standards and requirements and whether approval is recommended.
 - e. Once the administrator has reviewed the application and circulated it to other relevant agencies, committees, and officials, the administrator shall transmit the application to the BOA for action.
2. *Standards for granting variances.* Except as limited by subsection 16.8.D.4, below, when unnecessary hardships would result from carrying out the strict letter of the UDO, the BOA shall vary such regulations upon a showing of all of the following:
 - a. Unnecessary hardship would result from the strict application of the regulations. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - d. The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.
3. *Guiding principles.* In judging a request for a variance, the BOA shall be guided by the following principles:
 - a. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
 - b. The hardship relates to the applicant's land, rather than personal circumstances;
 - c. The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
 - d. The hardship is not the result of the applicant's own actions; and
 - e. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not constitute an unnecessary hardship.
 - f. Hardships for the following regulations are shared across many properties, are broadly required for public safety and general welfare, and are unlikely to create a situation warranting a variance.

- i. To provide relief from the requirements of Section 9.5 for visibility at street intersections and driveways. In order to ensure that the requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured and substantial justice is achieved, the following additional requirements shall apply:
 - (A) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, ordinances.
 - (B) The variance shall only be issued upon the inclusion of the following determinations:
 - (1) The variance will not pose a danger to the public safety based on competent evidence. As used in this subsection, competent evidence shall not be deemed to include the opinion testimony of lay witnesses as to vehicular safety resulting from the reduction of visibility of the sight triangle.
 - (2) The variance is the minimum necessary to afford relief.
 - ii. To provide relief from the surface water protection requirements of Section 6.7 pertaining to encroachments into surface water protection areas other than that portion lying in the regulatory floodway may be considered. In order to ensure that the requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured and substantial justice is achieved, the following additional requirements shall apply:
 - (A) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, ordinances.
 - (B) Variances shall only be issued upon the following determinations:
 - (1) The granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws ordinances.
 - (2) The variance is the minimum necessary to afford relief.
 - (C) Variances shall only be issued prior to floodplain development approval.
- ditions.* The BOA, in granting a variance, may prescribe appropriate conditions and safeguards on any variance, provided that the conditions are reasonably related to the variance. Violation of such conditions or safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this ordinance and shall be punishable as prescribed in CHAPTER 18.
- itations on board's authority.* The BOA shall not have authority to grant variances in the following situations:
- To change the permitted uses for any property.
- To provide relief from the environmental protection requirements in CHAPTER 6 including, but not limited to, steep slope, sedimentation and erosion prevention, stormwater runoff, surface water protection, and flood damage prevention, except those surface water protection areas of Section 6.7 outlined in subsection 3 above.
- To provide relief from the water, sewer, and utility requirements of Section 13.4.
- formance with City Code.* Structures and uses permitted by means of a variance from a provision of the code shall otherwise conform to all other applicable provisions of this ordinance and the Brevard County CODE OF ORDINANCES.
- approved variance shall be recorded with the Transylvania County Register of Deeds and a copy of the recordation be submitted to the city, pursuant to G.S. 160D-705(c).



CHAPTER 17. DEVELOPMENT PLAN REQUIREMENTS

17.11. Architectural plans.

- A. Architectural plans shall ~~depict~~ demonstrate compliance with the requirements of CHAPTER 5. At a minimum, the plans must depict architectural details of the proposed development and shall consist of:
1. ~~Preliminary~~ Renderings of building elevations plus typical cross sections to clearly define the character of the project as required by the administrator;
 2. A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development; ~~and~~
 3. An exterior building materials inventory and details; and
 - ~~3-4. Any other submittals deemed necessary by the administrator to demonstrate compliance with CHAPTER 5.~~
- ~~B. Architectural plans do not include full construction drawings and interior arrangements are not considered as part of this review.~~

CHAPTER 19. DEFINITIONS

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:

Approved Palette: When modifying façade material finishes, applied colors are based on this set, inspired by Brevard's natural setting and rustic vernacular styles. This palette serves as inspiration for potential colors, as opposed to an exhaustive list of options.

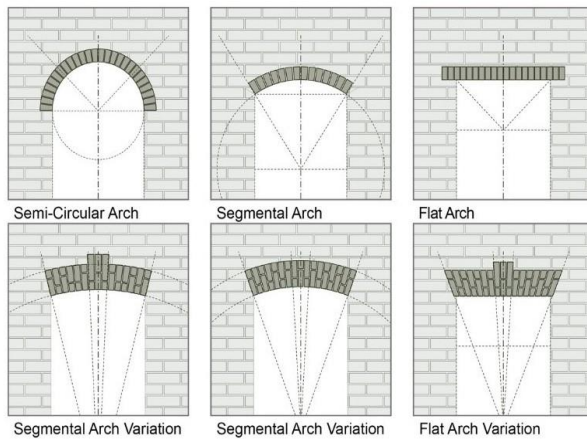


APPROVED COLOR PALETTE



Arch: A curved, structural element that spans an opening and supports weight from above.

TYPES OF ARCHES





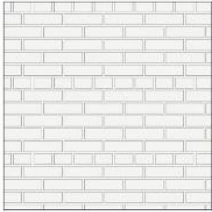
Awning: A roof-like shelter of canvas or other material extending over a doorway from the top of the window, over a deck, etc., in order to provide protection from the weather.

Bay: A building façade division between two vertical architectural elements, typically featuring a window or other opening.

Belt course: A continuous row or layer of stones or brick set in a wall. Set in line with window sills, it helps to make the horizontal line of the sills visually more prominent. Also called a String Course.

Brick bond: Various uniform patterns in which brickwork can be laid for structural and aesthetic benefits. In Brevard, brick patterns reflect traditional load-bearing bonds or veneer patterns, including Common Bond, English Bond, Flemish Bond, and Running Bond.

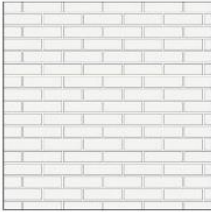
BRICK BOND TYPES



Common Bond



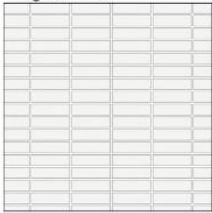
English Bond



Running Bond



Flemish Bond



Stack Bond

Brick finish: An exterior coating or texture applied to bricks to create a desired look and to protect them from the elements. In Brevard, bricks should express warm, natural colors, including shades of brown, tan, red, orange or yellow, reflecting the natural color of local soils.



BRICK FINISH EXAMPLES



Decorative brickwork in the parapet



Red brick with common bond



Herringbone brick pattern in parapet



Red brick with running bond and soldier course



Red brick wall with a structural pilaster



Multi-color brick with semi-circular arch



Red brick with running bond



Red brick with common bond and quoining



Red brick wall with structural pilaster and flat arch



Multi-color brick with extruded mortar



Red brick with flush mortar is used as veneer



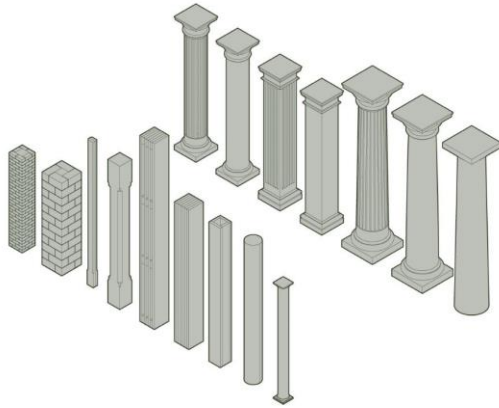
Red brick with common bond and concave mortar

Clear height: The distance from the ground or floor to the lowest hanging overhead obstruction.

Column: A vertical structural element, consisting of a rounded or square shaft with a capital and base.

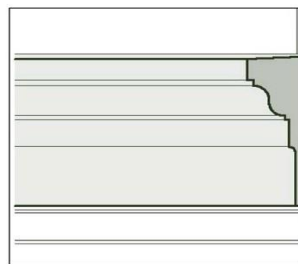


COLUMN ILLUSTRATIONS



Cornice: A horizontal molded projection crowning a building or architectural element, such as at the junction between the roof and the wall or above a main entrance or porch.

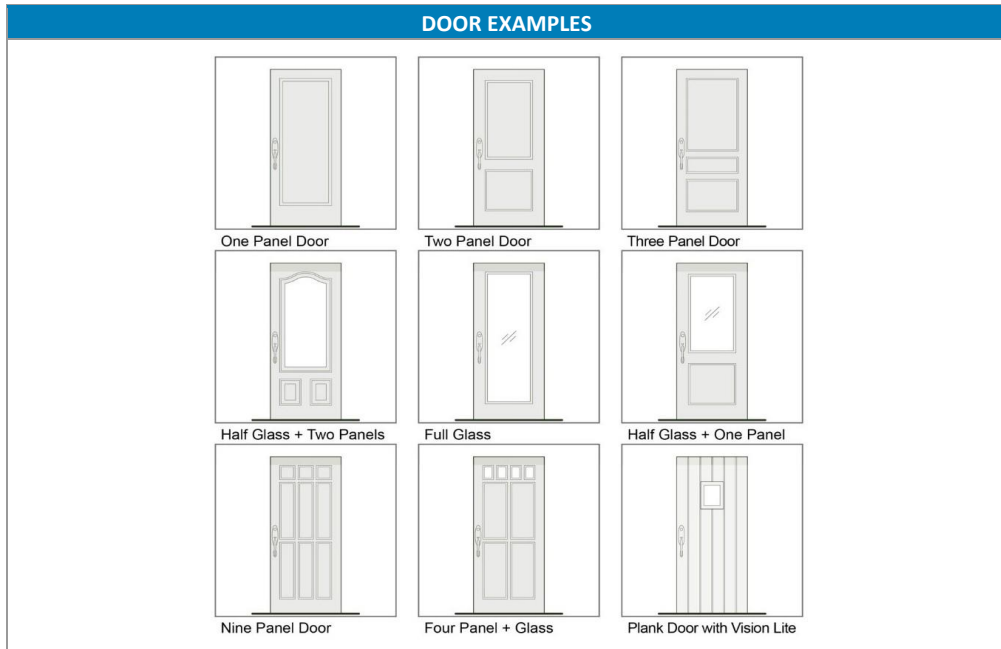
CORNICE ILLUSTRATION



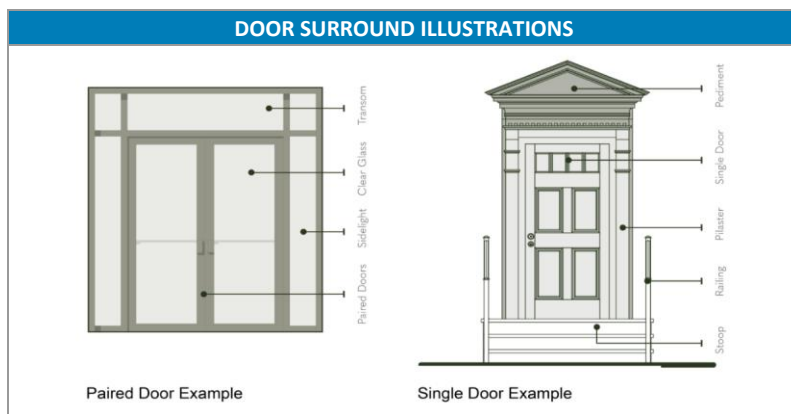
Cornice

Display window: A large window within a Shopfront frontage that is designed to display items for sale and attract customers to the store

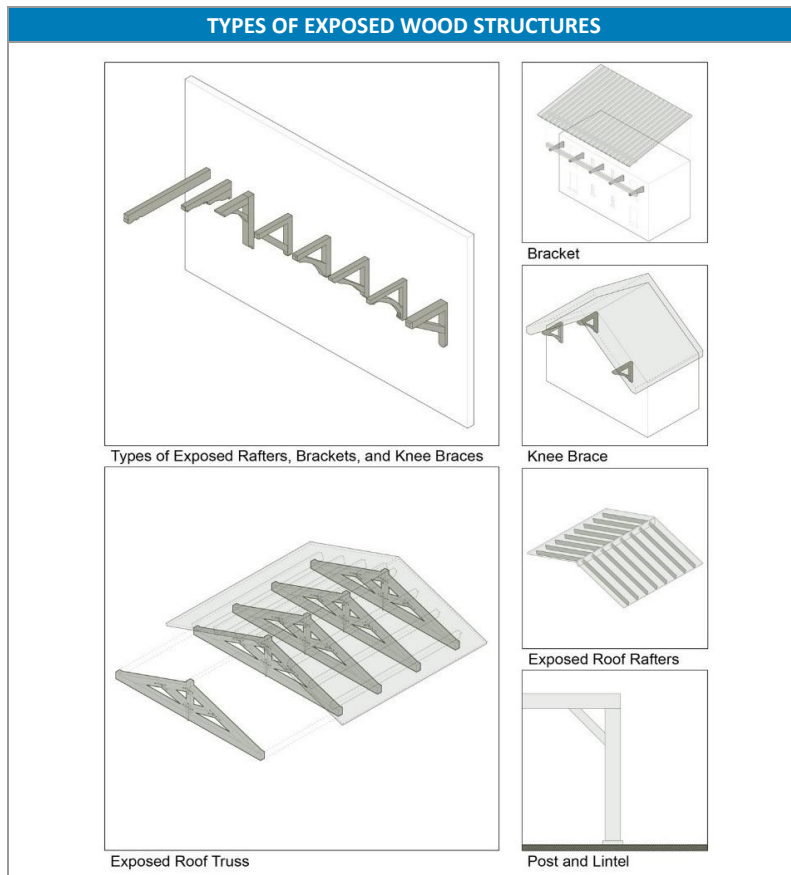
Door: Operable barriers installed at building ingress and egress points.



Door surround: The functional and decorative framing structure surrounding a door.



Exposed wood structures: Structural supports that may be added to a building exterior for functional and aesthetic reasons. Depending on the architectural style, these may include rafters, brackets, knee braces, trusses, and more.



Facade: The exterior portion of a building exposed to public view.

Fascia: The plain, wide band above a Shopfront and its Transom Windows that can be used for the placement of signage. See also Signband.

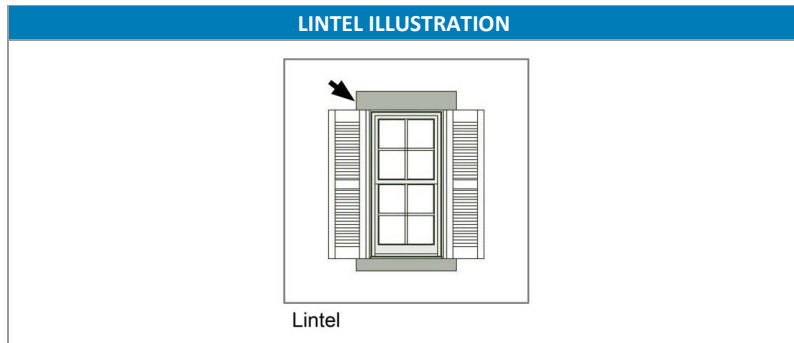
Fenestration: Openings on a building façade, such as Windows and Doors. Fenestration expresses each floor of the building.

Horizontal band: A horizontal band of three or more windows separated by mullions. They are most commonly found in industrial and institutional buildings where there is a need for greater natural light in the interior space.

Horizontal organization: Breaking up long facades into smaller building increments or bays. See also Rhythm.

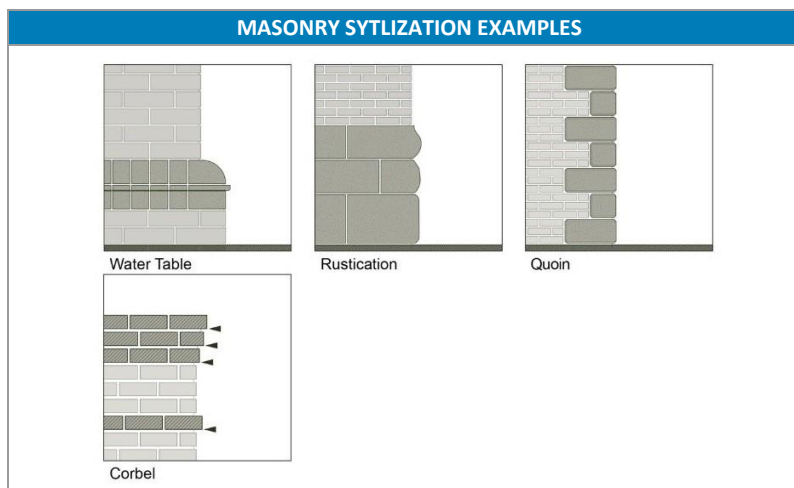


Lintel: A horizontal beam that spans openings in a building, such as doors or windows. Lintels can be decorative, structural, or both.



Masonry stylization: Stylistic masonry features that can be applied to the façade to express weatherproofing, structure, and building function. These may include:

- A. Horizontal masonry features for weatherproofing purposes, such as Water Tables, Belt Courses, String Courses, and Parapets.
- B. Structural expression techniques, such as Quoining, Rustication, Corbeling, Lintels, and Arches.
- C. Functional expression purposes, such as Signbands.



Massing: How the primary building mass relates to building extensions, building frontages, and building wings.

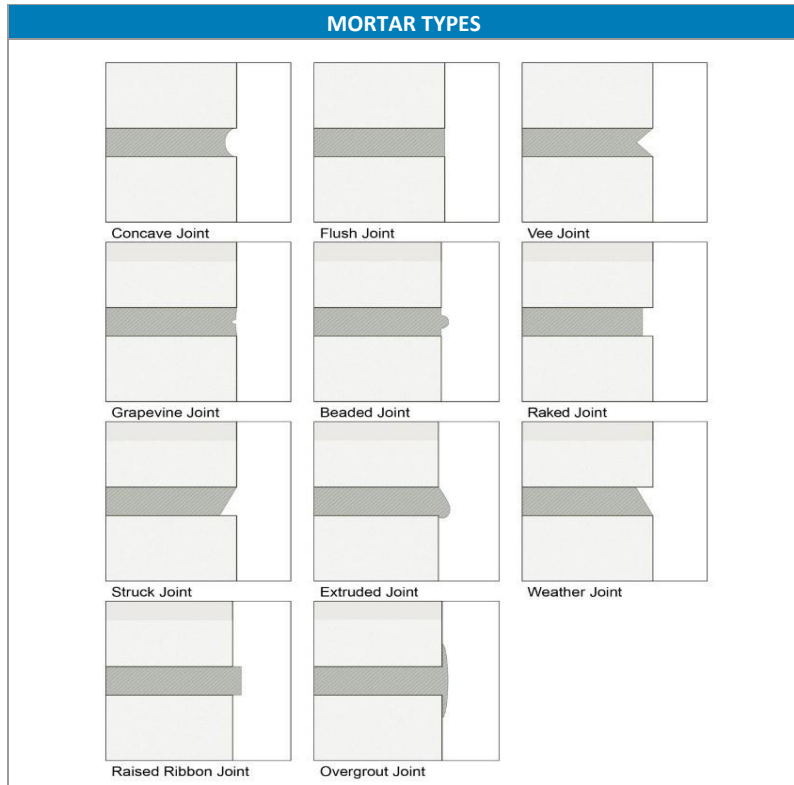


Metal Finish: Treating a metal surface to create a desired appearance and/or strengthen its performance. In Brevard, natural coloration, weathering (corten) steel, and paint can be used to achieve a rustic effect.



Monitor: A raised structure running along the ridge of a double-pitched roof, with its own roof running parallel to the main roof. The long sides of monitors usually contain Clerestory Windows or louvers to light or ventilate the area under the roof. Monitors are usually located on industrial buildings.

Mortar: The bonding agent used to join masonry building blocks. Mortar can be applied in many styles, such as Concave, Vee, Grapevine, or Flush to maximize durability and weatherproofing for the exposed materials. For the best appearance, mortar should be lighter in color than the brick it is paired with.

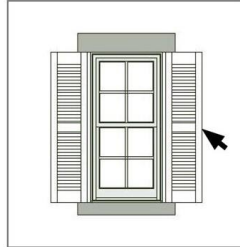


Mullion: A vertical or horizontal bar that separates units of glass on a multi-lite window.

Operable shutter: Hinged, movable panels fixed outside a window that can be closed for security, storms, privacy or to keep out light. Shutters can be paneled or louvered. Unlike fixed, decorative shutters, operable shutters are designed to open and close, and are sized to fit the window opening.



OPERABLE SHUTTER ILLUSTRATION



Operable Shutters

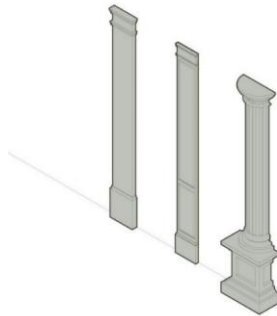
Parapet: Low wall projecting from the edge of a platform, terrace, roof, or exterior wall of a building.

Parapet gable roof: A type of gable roof treatment where the building walls on each end of the gable roof extend above the roof level and are capped with waterproof coping.

Pediment: A structural and decorative gable directly supported by posts or columns, typically located above an entrance. Pediments are distinct features from the building roof.

Pilaster: A vertical architectural element, resembling a column, that is embedded into or attached to a wall.

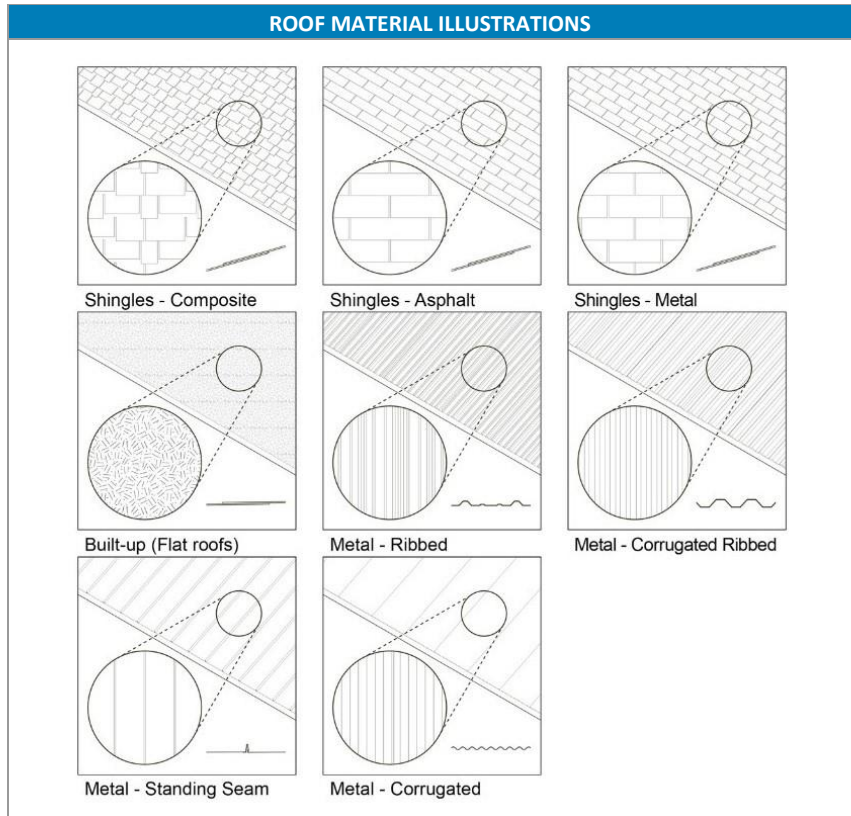
PILASTER ILLUSTRATION



Proportion: Time-tested ratios in design such as the Golden Section, squares, and circles.

Rhythm: The repetition of elements to create a sense of movement, harmony, and balance in a space. It can be achieved through the consistent use of lines, shapes, colors, textures, lighting, and patterns.

Roof Material: The material used on the outermost roof layer. Roof materials may include shingles, metal, or conventional flat roof systems, and use natural colors such as browns, tans and grays.

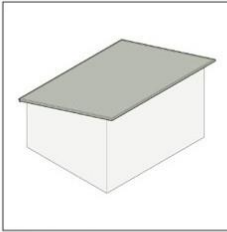


Roof pitch: The slope or incline of a roof, expressed as the ratio of vertical rise over horizontal run.

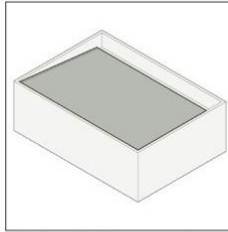
Roof shape: The shape of a building roof, which is highly related to architectural style. Common examples include Gable, Hip, Flat, and Shed.



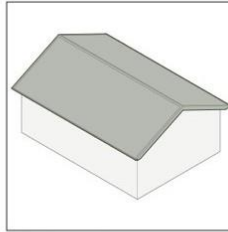
ROOF SHAPE ILLUSTRATIONS



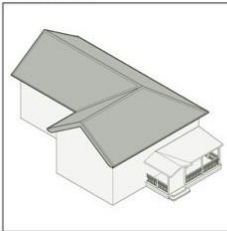
Shed roof



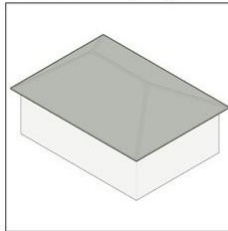
Flat roof with parapet



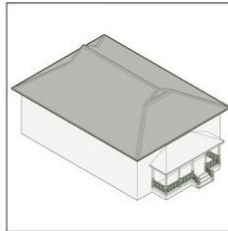
Gable roof



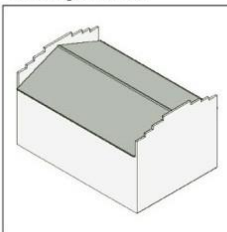
Cross gable roof



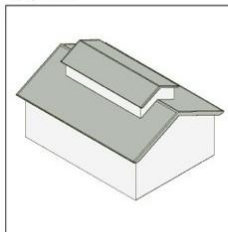
Hip roof



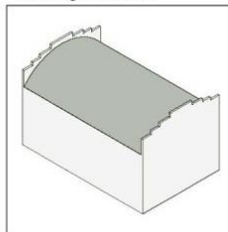
Dutch gable roof



Gable roof with parapet

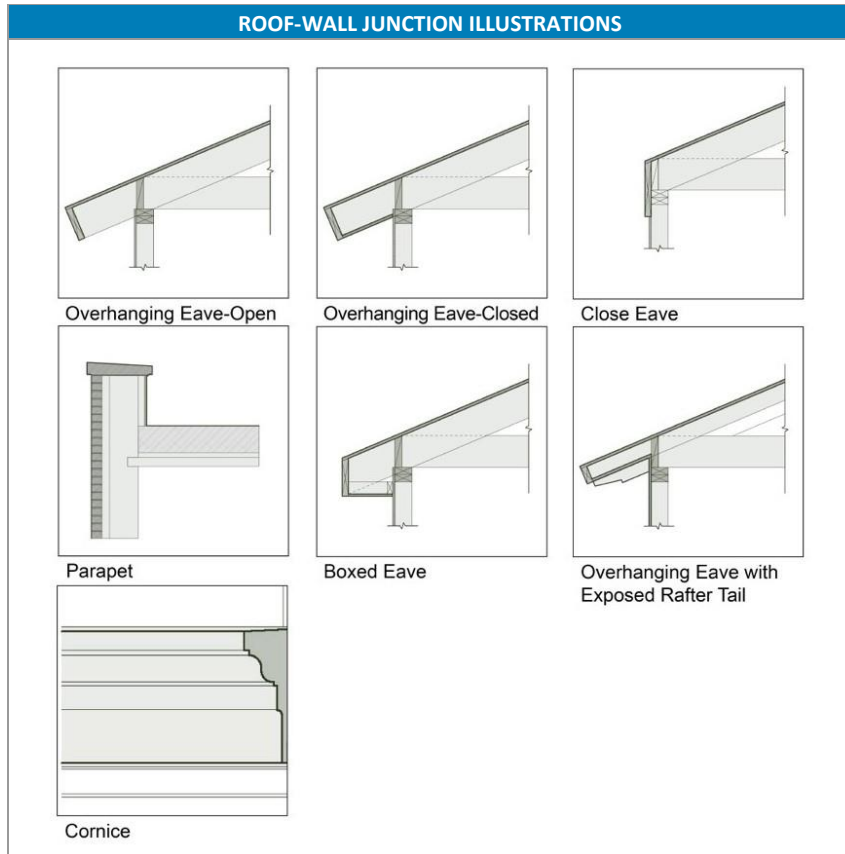


Monitor roof over gable



Vaulted roof (with parapet)

Roof-wall junction: The area where the roof meets the building wall. Junction types are selected based on roof shape and include Parapet, Parapet with Cornice, Projecting Eaves, Close Eaves, and Boxed Eaves.

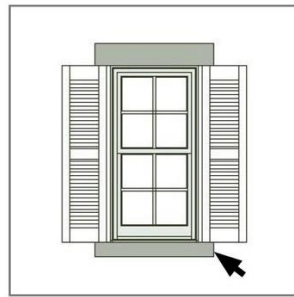


Sidelite (or sidelight) window: A narrow, vertical fixed window that is usually placed on either side of an exterior door.

Sill: A horizontal beam that forms the bottom of a window or doorway. A sill can be made of timber, stone or brick and the exterior of the sill may be tilted to shed rainwater.



SILL ILLUSTRATION

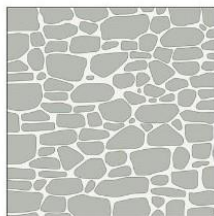


Sill

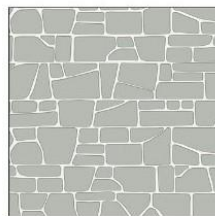
Signband: The plain, wide band above a Shopfront and its Transom Windows, that can be used for the placement of signage. This area above the Shopfront can also be referred to as the Fascia.

Stone course: Similar to Brick Bonds, Stone Courses are horizontal layers of stones arranged uniformly in a wall for structural and aesthetic benefits.

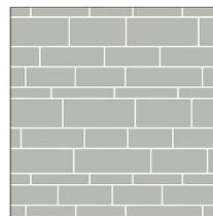
STONE COURSE EXAMPLES



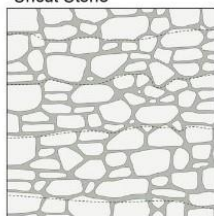
Uncut Stone



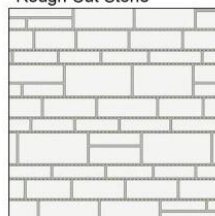
Rough Cut Stone



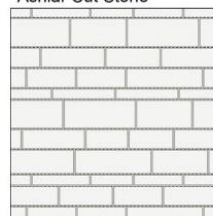
Ashlar Cut Stone



No Courses



Irregular Courses



Regular Courses

Stone finish: The texture and appearance of stone materials. In Brevard, river rock or granite quarry rock reflect locally available stone.



STONE FINISH EXAMPLES



Rough cut stone with irregular courses



Uncut river rock with no courses



Uncut river rock with no courses



Rough cut river rock veneer with irregular courses



Rough cut stone veneer with irregular courses



Rough cut river rock veneer with irregular courses



Rough cut granite with irregular courses



Ashlar cut granite with regular courses



Rough cut granite veneer with irregular courses



Ashlar cut granite with regular courses



Rough cut stone with regular courses



Ashlar cut granite with regular courses

String course: A horizontal band, often projecting, extending across the face of a wall. The band can be composed of a course of bricks, stone, or other materials. It can also be referred to as a Belt Course.

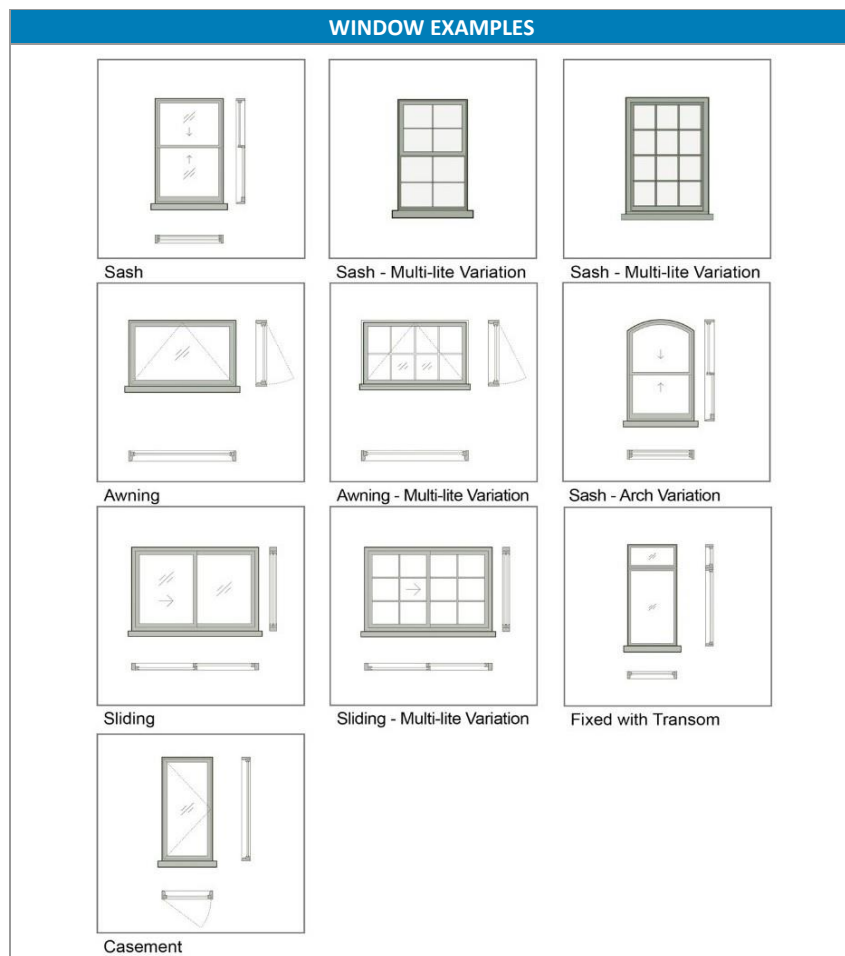
Transom window: A secondary window placed directly above a Window, Display Window, or Door that is used to provide additional light or ventilation into the interior. Transom Windows can be Fixed (non-operable), Awning, or Hopper type of windows.



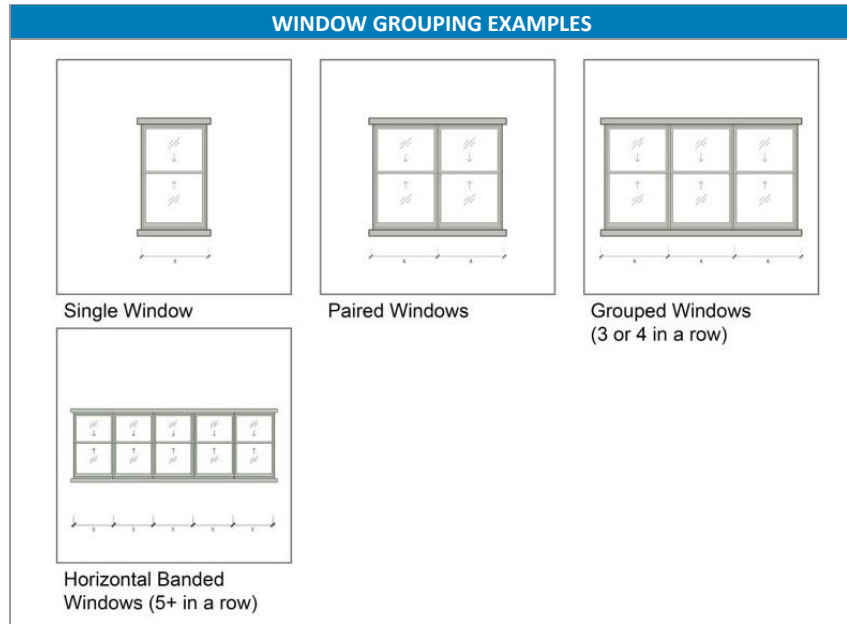
Vaulted roof: A broad, curved roof supported with trusses, usually located on large, open floor plan buildings. Most often found on industrial or institutional buildings.

Vertical organization: Dictates the hierarchy of building design, including the division of the building into base, middle and top portions.

Window: An opening in a wall or roof to allow for light and air penetration into a building interior.



Window grouping: Arrangements of multiple windows to allow for greater transparency.



Wood finish: Application of a finish can be used to alter the appearance of wood products, as well as strengthen their durability for use on a façade.



UNPAINTED WOOD FINISH EXAMPLES



Unpainted wood shingles



Unpainted wood shingles



Unpainted wood plank siding with half-timbering



Unpainted board and batten siding



Unpainted vertical plank siding



Unpainted wood logs as an exterior material



Unpainted board and batten siding



Unpainted wood shingles



Unpainted wood logs with visible clay chinking



Unpainted board and batten siding



Unpainted wood shingles



Unpainted rustic wood siding



PAINTED WOOD FINISH EXAMPLES



Painted board and batten siding



Painted board and batten siding that is weathered



Painted wood shingles



Painted fiber cement plank siding



Painted wood shingles



Painted wood shingles



Painted fiber cement board and batten siding

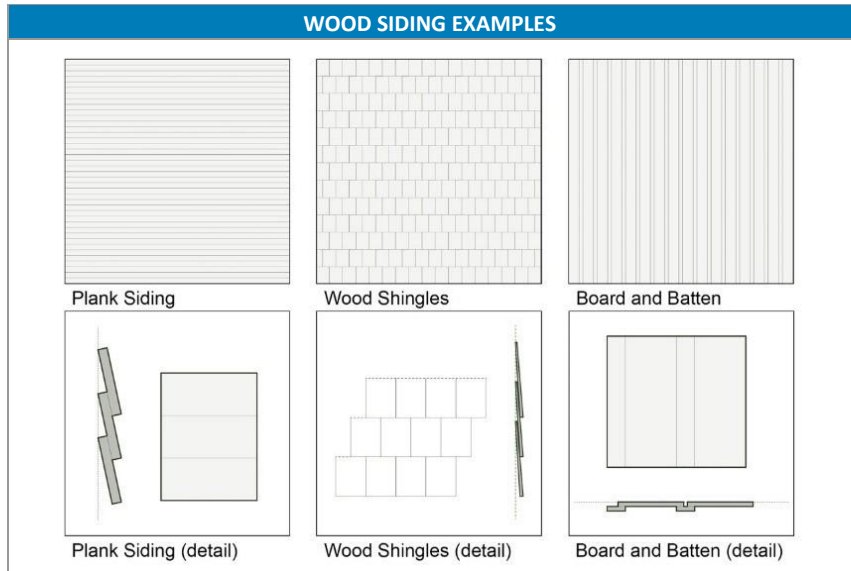


Painted board and batten wood siding



Painted fiber cement plank siding

Wood siding: Patterns of stacking and arranging wood on a façade, such as plank siding, board & batten siding, and shingles.



**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-25-002**

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

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

Building Brevard Comprehensive Land Use Plan:

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 3:** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **LUH-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
- **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
- **EDIR-3:** Encourage building and site upgrades Downtown and in other key commercial areas.



CITY of BREVARD

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

TAX SETTLEMENT REPORT FOR MONTH ENDED FEBRUARY 28, 2025

Tina Tanner
Certified Tax Collector

HEART OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING FEBRUARY 28, 2025

UPDATED: 03.07.2025

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
2024		\$ 64,583.54	\$ 12,538.17	\$ 45.99	\$ 8,318.48	\$ 28,612.21	
2023-2011	\$ 28.47	\$ 137.22			\$ 625.39		
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTAL:	\$ 28.47	\$ 64,720.76	\$ 12,538.17	\$ 45.99	\$ 8,943.87	\$ 28,612.21	
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2024	\$ 18,255.99	\$ 929.82					\$ 133,284.20
2023-2011	\$ 737.92						\$ 1,529.00
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ 18,993.91	\$ 929.82	\$ -	\$ -	\$ -	\$ -	\$ 134,813.20

CITY OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING FEBRUARY 28, 2025

UPDATED: 03.07.2025

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
2024		\$ 4,145,519.25	\$ 355,192.81	\$ 150,837.61	\$ 169,949.16	\$ 660,227.95	
2023-2011	\$ 3,514.80	\$ 4,462.58	\$ 2,327.19	\$ 4,626.24	\$ 2,855.63	\$ 1,778.13	
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTAL:	\$ 3,514.80	\$ 4,149,981.83	\$ 357,520.00	\$ 155,463.85	\$ 172,804.79	\$ 662,006.08	
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
2024	\$ 395,194.02	\$ 42,533.66					\$ 5,919,454.46
2023-2011	\$ 3,258.13	\$ 743.42					\$ 23,566.12
2010 - Prior	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:	\$ 398,452.15	\$ 43,277.08	\$ -	\$ -	\$ -	\$ -	\$ 5,943,020.58

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Approval of MOU with MountainTrue for Wilson Road Boat Ramp Improvements

Speaker: David Todd, Assistant City Manager

Prepared by: David Todd, Assistant City Manager

Approved by: Wilson Hooper, City Manager

Background

In November of 2023 the City entered into a Memorandum of Understanding (MOU) with Mountain True which granted the non-profit access to the Wilson Road Boat Ramp property to allow them to develop a site plan and estimated construction cost to renovate and enhance the Wilson Road Boat Ramp to include an expanded parking area with ADA access, an improved wider and less steep boat ramp, streambank stabilization, a new kiosk with updated river recreation signage, and a possible ground-secured picnic table.

Discussion

Mountain True completed updated drawings for the renovated boat ramp in September of 2024 but the project was postponed due to Helene Recovery. Mountain True has now approached the City and offered to complete the renovations without cost to the City and has requested a new MOU, which will hold the City harmless and grant Mountain True and their, agents, contractors, etc... access to the site for the purposes of renovating the ramp. The new design has been approved by the City's Planning Department and a construction permit will be sought from the County once the project is fully approved. The Parks, Trails, and Recreation Committee also endorsed the plan at a recent meeting.

Fiscal Impact

Mountain True has agreed to complete the renovations without cost to the City. This project will not impact the City's budget and should offset repair and maintenance cost needed for the current ramp if it remains as is.

Action

Staff request Council approve the attached resolution delegating signature authority of the new MOU which allows Mountain True construction access to the Wilson Road Boat Ramp to the Manager or his designee.

Attachments:

1. Res_2025-XX_Wilson Road Boat Ramp Renovation Resolution
2. Original MOU Authorizing Creation of Site Plan and Cost Estimate 11152023 (countersigned)

3. Wilson Road Boat Ramp Replacement Const Plans 092324
4. New MOU Authorizing Mountain True Construction Access

RESOLUTION NO. 2025-XX

**RESOLUTION APPROVING EXECUTION OF MEMORANDUM OF UNDERSTANDING WITH
MOUNTAIN TRUE AUTHORIZING RENOVATION OF WILSON ROAD BOAT RAMP**

WHEREAS, the City entered a Memorandum of Understanding (MOU) with Mountain True, a non-profit organization, in November of 2023 to develop a site plan and cost estimate to renovate the Wilson Road Boat Ramp; and

WHEREAS, Mountain True has provided construction drawings that have been approved by the City's Planning Department; and

WHEREAS, Mountain True has agreed to renovate the boat and provide the indicated amenities without cost to the City; and

WHEREAS, Mountain True has agreed to provide and sign a new MOU holding the City harmless as Mountain True and its agents and contractors renovate the boat ramp.

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

The City Manager or his designee are authorized to execute the Memorandum of Understanding with Mountain True Authorizing Renovation of the Wilson Road Boat Ramp.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

Memorandum of Understanding and Grant of Site Access

This Memorandum of Grant of Site Access ("agreement") is made effective the date of the last signature by and between the City of Brevard ("City") and MountainTrue ("non-profit"). The City and non-profit hereafter may collectively be referred to as the "Parties."

RECITALS

WHEREAS, MountainTrue is a non-profit organization whose purpose is to champion resilient forests, clean waters, and healthy communities in the Southern Blue Ridge; and

WHEREAS, the City of Brevard is a municipal government organization chartered by the State of North Carolina that owns and maintains properties for the purpose of providing recreational opportunities to its resident and visitors; and

WHEREAS, the City owns property adjacent to the French Broad River (PIN 8596-57-7084 and adjacent right of way) that is publicly accessible as a "put-in/take-out" location for canoers, kayakers, and other recreational users of the river; and

WHEREAS, the expansion and enhancement of this property was identified in the "Strategic Master Plan for the French Broad River Blueway" document published by the Transylvania County Tourism Development Authority and Conserving Carolina in December 2021; and

WHEREAS, the non-profit supports the creation and maintenance of Blueways by employing a "French Broad Paddle Trail Manager"; and

WHEREAS, the Parties have a shared interest in enhancing the safety and usability of this property; and

WHEREAS, in April 2023 the non-profit's French Broad Paddle Trail Manager appeared at the City's Parks, Trails, and Recreation Advisory Committee to inquire about the City's interest in partnering to expand and enhance the property; and

WHEREAS, the Committee instructed the Brevard City Manager to work with the non-profit to grant access to the property for the purpose of developing plans for possible future expansion.

NOW, THEREFORE, the Parties hereto, in consideration of the mutual agreements and promises contained herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, do hereby agree as follows:

- 1.) The City agrees to grant the non-profit and its agents access to the property for the purpose of surveying, measuring, and other activities related to creating a site plan. The non-profit may plant temporary stakes, utilize temporary marking paint, or use other reasonable methods to demarcate the property for this purpose.
- 2.) Upon request of the non-profit, the City agrees to share the location of underground utilities, infrastructure, and other non-publicly available information on the property germane to the design of an enhanced recreation amenity.
- 3.) The non-profit agrees to give the City at least ten (10) days notice if its activities shall block public access to any part of the property.

- 4.) The non-profit shall receive permission from the City's director of Public Works before digging, boring, pruning trees, or embarking on any activity that disturbs the physical state of the property.
- 5.) The non-profit agrees to hold harmless the City and all its respective officers, directors, employees, agents, contractors, subcontractors, representatives, successors and assigns, from any and all claims, rights, liabilities, demands, actions, causes of action, damages, expenses, and costs, including but not limited to attorney's fees, raised against the parties identified above arise from any loss, injury or damage, whether to person or property, including, but not limited to, death, resulting from acts or omissions of the non-profit, its contractors, subcontractors, agents and assigns during the completion of the project described in this agreement.
- 6.) The non-profit agrees to create a site plan and estimated construction cost for an expanded and enhanced property which may contain such amenities as:
 - a. Expanded/improved pervious parking area
 - b. Improved and/or updated boat ramp and fishing pier
 - c. Updated/improved kiosk signage
 - d. Overhead lighting, bike rack, picnic tables, and trash receptacles
 - e. Stabilization of streambank with native riparian vegetation
- 7.) The City agrees to consider, through its normal deliberative process, partnering with non-profit and other relevant partners to implement site plan.
- 8.) The length of this agreement shall be twenty-four (24) months with the possibility of extension upon mutual agreement by the parties.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives, to be effective as of the date of the last signature below

CITY OF BREVARD

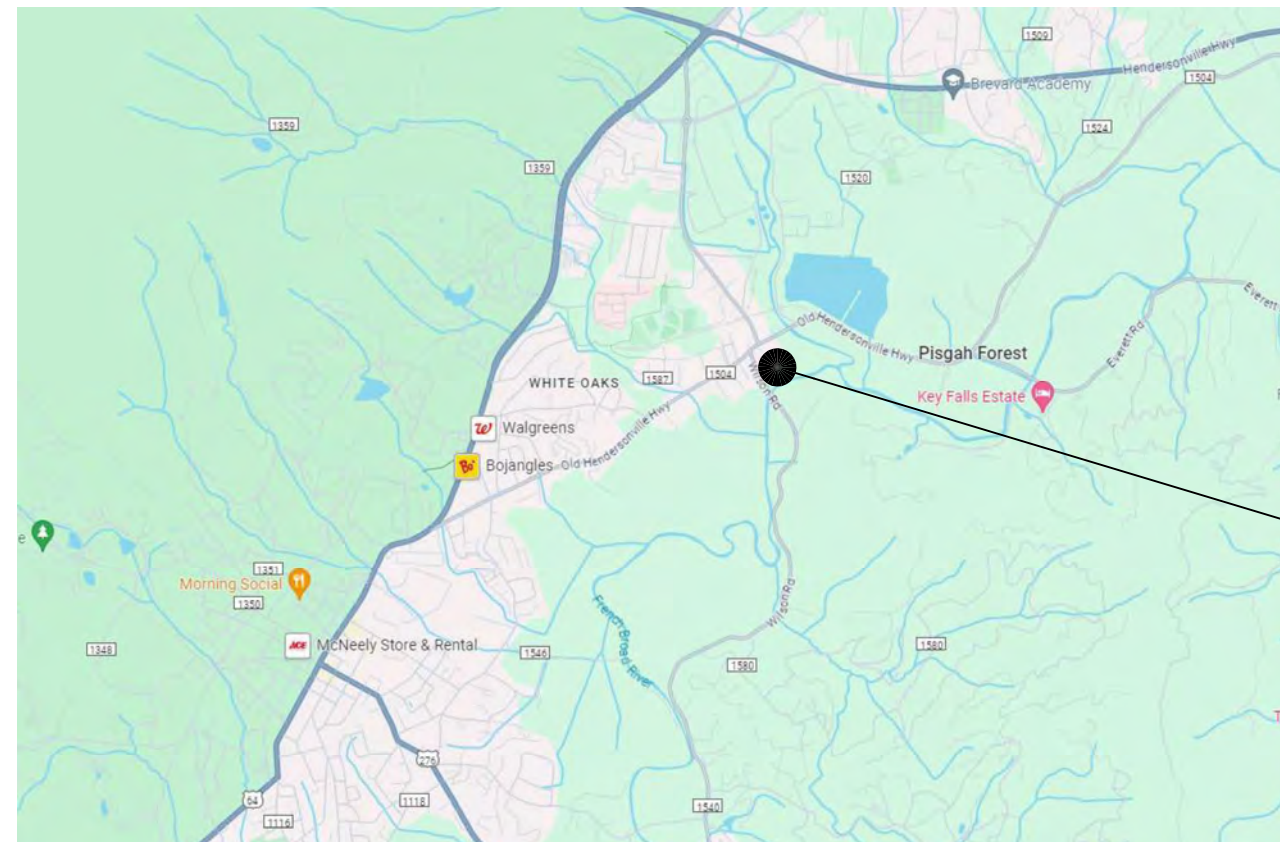
By: Wilson Hooper
Title: City Manager
Signature: Wilson Hooper
Date: 11/17/23

MountainTrue

By: Bob Wagner
Title: Executive Director
Signature: Bob Wagner
Date: 11/15/2023

CONSTRUCTION PLANS
BOAT RAMP REPLACEMENT
PISGAH FOREST, NORTH CAROLINA

FRENCH BROAD
RIVER BASIN



— PROJECT SITE



VICINITY MAP
NTS

LIST OF SHEETS

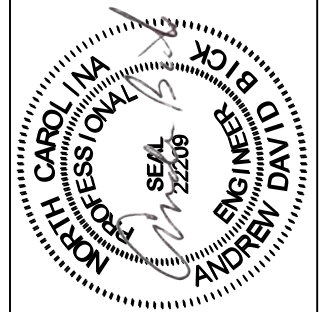
1. TITLE
2. NOTES & CONSTRUCTION SEQUENCE
3. PLAN
- 4-5. DETAILS

PREPARED FOR:



29 N. MARKET STREET, SUITE 610
ASHEVILLE, NC 28801
828.258.8737

REVISIONS				
	DESCRIPTION	DATE	APP.	
A				
B				
C				



BOAT RAMP REPLACEMENT
WILSON ROAD
PISGAH FOREST, NC

DATE: SEPT. 2024

SCALE: AS SHOWN

TITLE

SHEET 1 OF 5

FINAL FOR CONSTRUCTION

CONSTRUCTION SEQUENCE:

GENERAL NOTES

1. WORK WILL TAKE PLACE UNDER EXISTING USACE PERMIT SAW-2024-01577 AND NC DWR GC4261.
2. ALL EQUIPMENT AND MATERIALS NECESSARY TO COMPLETE THE PROJECT SHALL BE MOBILIZED TO THE SITE BEFORE WORK BEGINS.
3. NO GRADING ACTIVITIES ARE TO TAKE PLACE DURING WET WEATHER OR PERIODS OF PREDICTED WET WEATHER.
4. CLEAN ALL EQUIPMENT PRIOR TO MOBILIZATION AND MAINTAIN IT TO BE FREE OF LEAKS.
5. FUELING SHALL BE PERFORMED IN A CONTAINED AREA AT LEAST 100 FEET FROM FLOWING WATER.
6. PROTECT ALL SITE FEATURES AND VEGETATION NOT MARKED FOR REMOVAL.
7. TAKE MEASURES TO PROTECT THE PUBLIC AT ALL TIMES.
8. WORK SHALL BE STAGED SUCH THAT NO MORE GROUND IS DISTURBED THAN CAN BE STABILIZED AT THE END OF THAT WORK DAY.
9. CONCRETE POURS SHALL BE STAGED SUCH THAT PROPER FINISHING CAN BE ACCOMPLISHED GIVEN WEATHER CONDITIONS, NOT ALLOWING CONCRETE TO SUDDENLY SET.
10. PLACE SILT FENCE ON LIVE RIVER SIDE OF ALL TEMPORARY STOCKPILES. REMOVE ACCUMULATED SEDIMENT BEFORE 50% OF SILT FENCE CAPACITY IS REACHED.
11. EXCESS EXCAVATED MATERIAL MUST BE DISPOSED OFF-SITE IN A PERMITTED WASTE SITE.
12. STABILIZE DISTURBED AREAS WITH SEED, MULCH (AND MATTING IF APPLICABLE) WITHIN 24 HOURS OF REACHING FINAL GRADES.

PRECAST "PUSH-SLAB" AND CAST-IN-PLACE RAMP CONSTRUCTION

13. DEMOLISH EXISTING CONCRETE RAMP AND DISPOSE OF RUBBLE OFF-SITE.
14. GRADE SIDE SLOPES AND RAMP PROFILE. STABILIZE SLOPES WITH SEED, MULCH AND MATTING. DISPOSE OF CUT SOILS OFF-SITE.
15. PLACE AND COMPACT AGGREGATE BASE COURSE AND LAYER OF WASHED STONE OVER THE BOTTOM 60' OF THE RAMP TO PROMOTE PUSH SLAB SLIDING.
16. FORM PUSH SLAB SECTION OF RAMP, TIE REBAR AND POUR CONCRETE AT LEAST 2' ABOVE THE RIVER WATER LEVEL. TAKE MEASURES TO PREVENT A RELEASE OF FRESH CONCRETE TO THE RIVER.
17. LEAVE PROJECTIONS OF LONGITUDINAL BARS EXTENDING UPHILL AND CREATE V-GROOVE FINISH ON THE PUSH SLAB RAMP PER THE DETAILS.
18. ALLOW PUSH SLAB TO CURE FOR AT LEAST 14 DAYS PRIOR TO PUSHING INTO PLACE. PUSH PRECAST PUSH SLAB INTO PLACE. PLACE STONE AND BOULDERS AT END OF RAMP AS DIRECTED.
19. PLACE AND COMPACT ANY REMAINING AGGREGATE BASE COURSE.
20. FORM CAST-IN-PLACE PORTION OF RAMP, TIE REBAR AND POUR CONCRETE. CREATE V-GROOVE FINISH PER THE DETAILS.

PARKING / SIDEWALK CONSTRUCTION

21. FORM AND PLACE ACCESSIBLE PARKING SPACE AND SIDEWALK PER THE PLAN AND DETAILS.
22. INSTALL BARRIER AT THE TOP OF RAMP AND AROUND PARKING / SIDEWALK TO PREVENT ACCESS FOR AT LEAST SEVEN DAYS AFTER CONCRETE POUR.

CONSTRUCTION STORMWATER INSPECTIONS:

1. THE CONTRACTOR IS RESPONSIBLE FOR KEEPING DAILY RECORDS OF RAINFALL EVENTS IN AN ON-SITE PERMIT BOX.
2. EROSION AND SEDIMENT CONTROL PRACTICES MUST BE INSPECTED AT LEAST ONCE PER 7 CALENDAR DAYS AND WITHIN 24 HOURS OF ALL RAINFALL EVENTS GREATER THAN 0.5"/24 HR PERIOD.
3. NECESSARY MAINTENANCE OR REPAIRS MUST BE COMPLETED IMMEDIATELY UPON IDENTIFICATION OF THE PROBLEM.
4. EROSION AND SEDIMENT CONTROL CONTACTS DURING CONSTRUCTION: _____; ANDREW BICK, HEADWATERS ENG. 828.606.0306

DATE: SEPT. 2024		NOTES & SEQUENCE		SHEET 2 OF 5																																	
SCALE: AS SHOWN																																					
BOAT RAMP REPLACEMENT WILSON ROAD PISGAH FOREST, NC		 HEADWATERS ENGINEERING headwaters-eng.com NCBELS Lic. No. C-4500																																			
																																					
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DATE: SEPT. 2024

SCALE: AS SHOWN

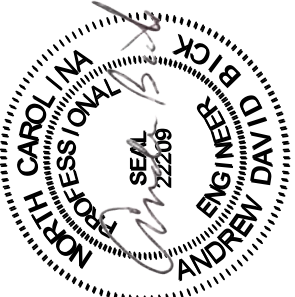
SITE PLAN

SHEET 3 OF 5

BOAT RAMP REPLACEMENT
WILSON ROAD
PISGAH FOREST, NC

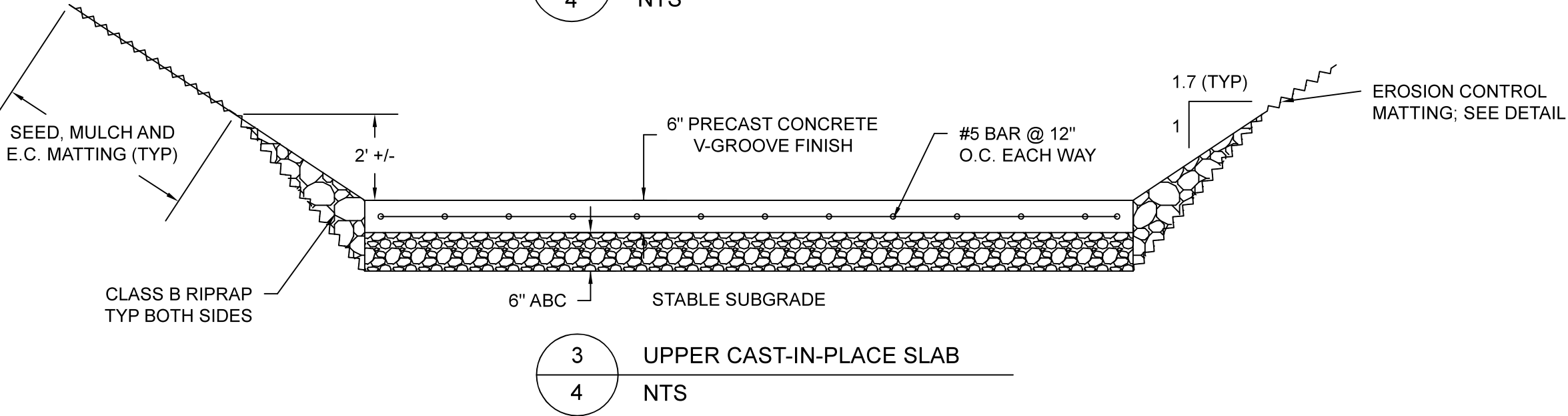
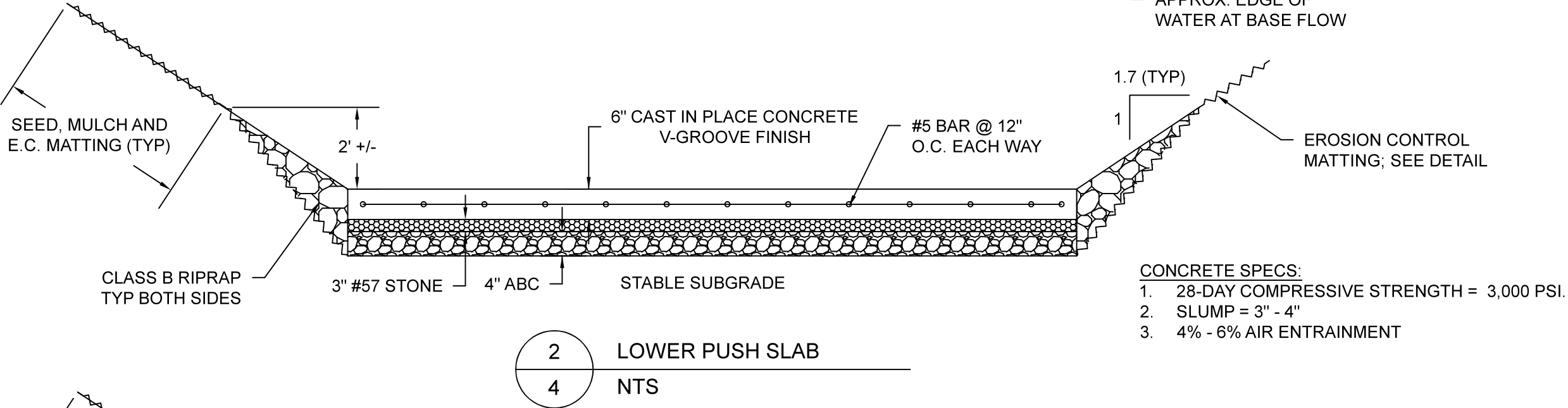
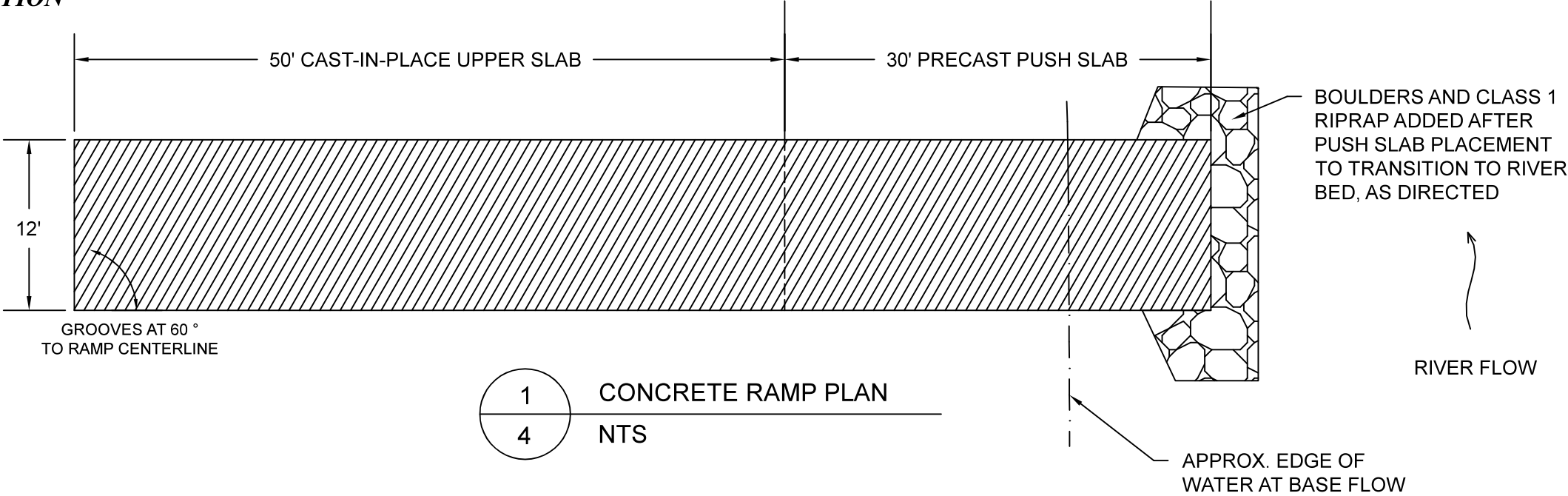


HEADWATERS
ENGINEERING
headwaters-eng.com
NCBELS Lic. No. C-4500

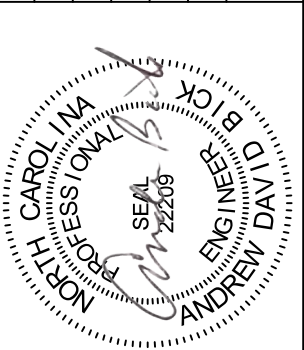


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A	B	C	DESCRIPTION	DATE	APP.	REVISIONS



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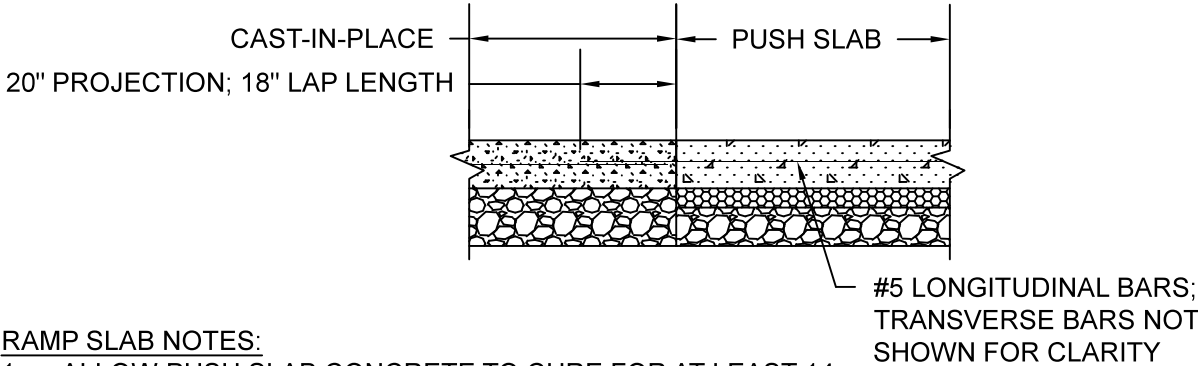
BOAT RAMP REPLACEMENT
WILSON ROAD
PISGAH FOREST, NC

DATE: SEPT. 2024

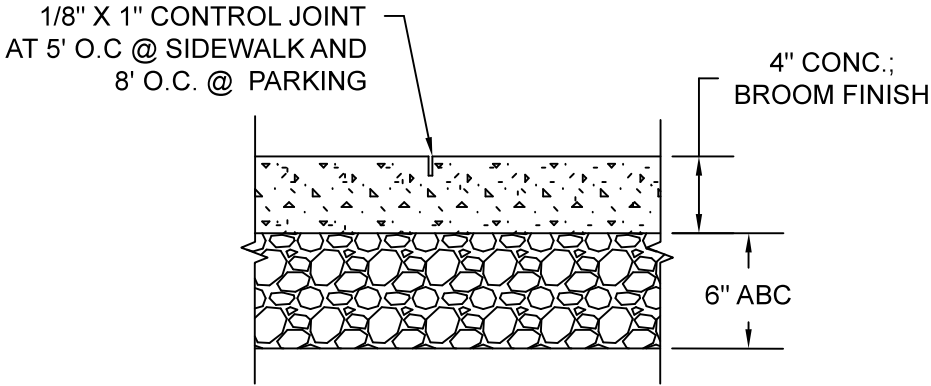
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RAMP DETAILS

SHEET 4 OF 5

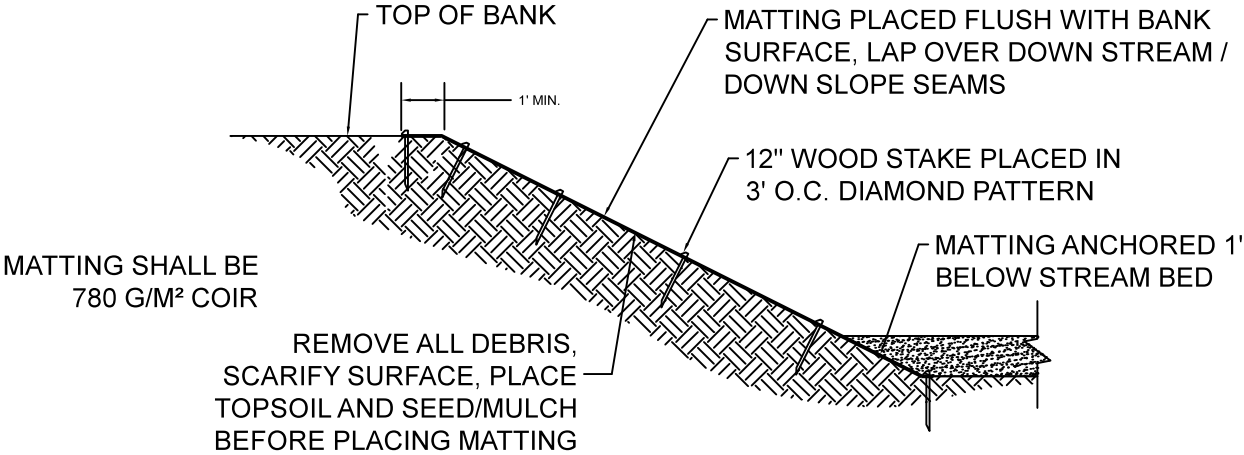
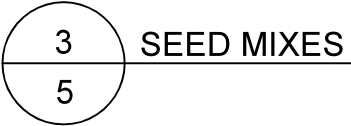


- RAMP SLAB NOTES:
- 1. ALLOW PUSH SLAB CONCRETE TO CURE FOR AT LEAST 14 DAYS PRIOR TO PUSHING.
 - 2. LEAVE 20" OF LONGITUDINAL BARS PROJECTING UPSLOPE.
 - 3. PLACE WOODEN SHIMS OR BLOCKS BETWEEN PROJECTING BARS WHILE PUSHING SLAB INTO PLACE WITH A BULLDOZER SET SQUARE TO SLAB END.
 - 4. PLACE CAST-IN-PLACE UPPER RAMP SLAB TO ENCASE PROJECTING LONGITUDINAL BARS.

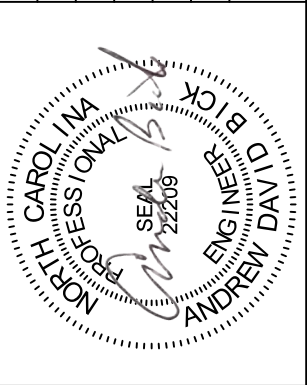


TEMPORARY SEED MIX				
Application Dates	Common Name	Scientific Name	Rate (lb/acre) Applied Separately	Rate (lb/acre) Applied w/ Riparian Mix
August 15 to May 1	Rye Grain	Secale cereale	120	60
May 1 to August 15	Browntop Millet	Panicum ramosum	40	20

RIPARIAN SEED MIX - APPLIED TO STREAM BANKS AND BUFFERS		
Seeding Rate = 20 lb/acre		
Mulching: wheat or oat straw mulch applied at 2 tons/acre		
Common Name	Scientific Name	Percentage
Indiangrass	Sorghastrum nutans	20
Big Bluestem	Andropogon gerardi	20
Virginia Wildrye	Elymus virginicus	20
Soft Rush	Juncus effusus	20
Beaked Panicgrass	Panicum anceps	10
Fox Sedge	Carex vulpinoidea	10



A	B	C				APP.	DATE	DESCRIPTION	REVISIONS





HEADWATERS
ENGINEERING

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BOAT RAMP REPLACEMENT
WILSON ROAD
PISGAH FOREST, NC

DATE: SEPT. 2024
SCALE: AS SHOWN

DETAILS

SHEET 5 OF 5

Memorandum of Understanding and Grant of Site Access

This Memorandum of Grant of Site Access ("agreement") is made effective the date of the last signature by and between the City of Brevard ("City") and MountainTrue ("non-profit"). The City and non-profit hereafter may collectively be referred to as the "Parties."

RECITALS

WHEREAS, MountainTrue is a non-profit organization whose purpose is to support resilient forests, clean waters, and healthy communities in the Southern Blue Ridge; and

WHEREAS, the City of Brevard is a municipal government organization chartered by the State of North Carolina that owns and maintains properties for the purpose of providing recreational opportunities to its resident and visitors; and

WHEREAS, the City owns property adjacent to the Davidson River (PIN 8596-57-7084 and adjacent right of way) that is publicly accessible as a "put-in/take-out" location for canoers, kayakers, and other recreational users of the river; and

WHEREAS, the expansion and enhancement of this property was identified in the "Strategic Master Plan for the French Broad River Blueway" document published by the Transylvania County Tourism Development Authority and Conserving Carolina in December 2021; and

WHEREAS, the non-profit supports the creation and maintenance of Blueways by employing a "French Broad Paddle Trail Manager"; and

WHEREAS, the Parties have a shared interest in enhancing the safety and usability of this property; and

WHEREAS, in April 2023 the non-profit's French Broad Paddle Trail Manager appeared at the City's Parks, Trails, and Recreation Advisory Committee to inquire about the City's interest in partnering to expand and enhance the property; and

WHEREAS, the Committee instructed the Brevard City Manager to work with the non-profit to grant access to the property for the purpose of developing plans for possible future expansion.

WHEREAS, in November 2023, the Parties signed the original version of this agreement permitting the following:

- 1.) The City agrees to grant the non-profit and its agents access to the property for the purpose of surveying, measuring, and other activities related to creating a site plan. The non-profit may plant temporary stakes, utilize temporary marking paint, or use other reasonable methods to demarcate the property for this purpose.
- 2.) Upon request of the non-profit, the City agrees to share the location of underground utilities, infrastructure and other non-publicly available information on the property germane to the design of an enhanced recreation amenity.
- 3.) The non-profit agrees to give the City at least ten (10) days notice if its activities shall block public access to any part of the property.
- 4.) The non-profit shall receive permission from the City's director of Public Works before digging, boring, pruning trees, or embarking on any activity that disturbs the physical state of the property.

- 5.) The non-profit agrees to hold harmless the City and all its respective officers, directors, employees, agents, contractors, subcontractors, representatives, successors and assigns, from any and all claims, rights, liabilities, demands, actions, causes of action, damages, expenses, and costs, including but not limited to attorney's fees, raised against the parties identified above arise from any loss, injury or damage, whether to person or property, including, but not limited to, death, resulting from acts or omissions of the non-profit, its contractors, subcontractors, agents and assigns during the completion of the project described in this agreement.
- 6.) The non-profit agrees to create a site plan and estimated construction cost for an expanded and enhanced property which may contain such amenities as:
 - a. Expanded/improved pervious parking area
 - b. Improved and/or updated boat ramp and fishing pier
 - c. Updated/improved kiosk signage
 - d. Overhead lighting, bike rack, picnic tables, and trash receptacles
 - e. Stabilization of streambank with native riparian vegetation
- 7.) The City agrees to consider, through its normal deliberative process, partnering with non-profit and other relevant partners to implement site plan.

NOW, THEREFORE, the Parties hereto, in consideration of the mutual agreements and promises contained herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, do hereby agree as follows:

- 1.) The City agrees to grant the non-profit and its agents access to the property for the purpose of permitting and construction activities related to implementing the site plan created under the previous agreement. These activities include:
 - a. Aquatic wildlife surveys and relocations as required and conducted by the North Carolina Wildlife Resources Commission.
 - b. Replacement of the current boat ramp with a wider and less-steep boat ramp as specified in the design plans.
 - c. Addition of a paved accessible parking space connected to the boat ramp by a paved accessible walkway as specified in the design plans.
 - d. Stabilization of the streambank with native riparian vegetation as specified in the design plans.
 - e. Addition of a new kiosk and updated river recreation signage.
 - f. Possible addition of ground-secured picnic tables.
- 2.) The non-profit agrees to give the City at least ten (10) days notice if its activities shall block public access to any part of the property.
- 3.) The non-profit agrees to hold harmless the City and all its respective officers, directors, employees, agents, contractors, subcontractors, representatives, successors and assigns, from any and all claims, rights, liabilities, demands, actions, causes of action, damages, expenses, and costs, including but not limited to attorney's fees, raised against the parties identified above arise from any loss, injury or damage, whether to person or property, including, but not limited to, death, resulting from acts or omissions of the non-profit, its contractors, subcontractors, agents and assigns during the completion of the project described in this agreement.
- 4.) The length of this agreement shall be for twenty-four (24) months with the possibility of extension upon mutual agreement by the parties.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives, to be effective as of the date of the last signature below

CITY OF BREVARD

By: _____

Title: _____

Signature: _____

Date: _____

MountainTrue

By: _____

Title: _____

Signature: _____

Date: _____

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Declaration of City-owned Property as Surplus

Speaker: Denise Hodsdon, City Clerk

Prepared by: Denise Hodsdon, Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background and Discussion

At their last meeting, City Council agreed to sell three city properties and dedicate the proceeds to housing-related activities, specifically the Fairhaven Meadows loan. To execute that plan, a number of ministerial steps must be taken. This evening, staff is asking Council to take the first of those steps: officially declaring the three properties as "surplus" and authorizing their disposition.

The three properties are:

1. James St. near W. Main (PIN 8586-32-3150-000)
2. 99 Cashiers Valley Rd near Tannery (PIN 8586-20-6574-000)
3. Cashiers Valley Rd. east of Public Works building (8585-19-5389-000)

Staff intends to use the "Upset Bid" disposition method. The process will begin with the city advertising the properties for sale. Once a bona fide offer on a property is received, the process requires staff return to Council and receive a resolution accepting the offer and initiating the upset bid procedure. Once the process has been exhausted, Council must accept (or reject) the highest offer before the sale can be concluded. In other words, Council will have to take a few more bites at the apple before the sale is concluded.

Action

Staff asked that Council approve the attached resolution declaring the above-referenced properties surplus and authorizing staff to begin their disposition.

Attachments:

1. Resolution re Three City Properties Surplus

RESOLUTION NO. 2025-XX

**DECLARING CERTAIN CITY-OWNED PROPERTIES AS SURPLUS
AND AUTHORIZING THEIR SALE**

WHEREAS, on February 17, 2025 the Brevard City Council agreed to loan Fairhaven Meadows low-to-moderate income (LMI) housing project \$1.169 million to finance construction of 42 units of LMI housing in Brevard.

WHEREAS, loan funding would be drawn from several sources including the Housing Trust Fund, the Capital Reserve Fund, and the General Fund.

WHEREAS, Council also agreed to sell certain city-owned properties and apply a portion of the expected sale proceeds to the loan amount.

WHEREAS, a series of ministerial actions, the first being to officially declare the properties as surplus, is required to execute this strategy.

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

The following properties are declared surplus and approved for sale on the open market via the upset bid method of public property disposal:

1. James St. near W. Main (PIN 8586-32-3150-000)
2. 99 Cashiers Valley Rd near Tannery (PIN 8586-20-6574-000)
3. Cashiers Valley Rd. east of Public Works building (8585-19-5389-000)

The City Manager (or his designee) is hereby authorized to prepare the properties for sale, advertise them on the open market, and administer the upset bid procedure for each property.

Approved and adopted this ____ day of _____, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Sewer Pump Stations Rehabilitation Project Easements

Speaker: David Todd, Assistant City Manager
Wilson Hooper, City Manager

Prepared by: David Todd, Assistant City Manager

Approved by: Wilson Hooper, City Manager

Background

The Sewer Pump Station Rehabilitation Project plans to rehabilitate the Gallimore Road Pump Station, Fish Camp Pump Station and add a generator to the Wilson Road Pump Station. The engineering design of this project has determined the most viable approach to rebuilding the Gallimore Road Pump Station is to close the existing station and build a new pump station in a nearby location preserving as much infrastructure as possible and allowing for continuous operation during construction and the switchover between the old and new stations. The new pump station will be built on City owned property but will require an easement from the County to connect some of the infrastructure and will require both a temporary construction easement and permanent access easement from a private property owner. This report is focused on the easements related to the Gallimore Road Pump Station (GRPS) but it should be noted that in the near future easements will need to be obtained for the Fish Camp Pump Station as well, as the footprint of that station is growing.

The new GRPS will be located on Gallimore Road on a parcel of property currently known as Picklesimer Park. The park is small and primarily consists of brick pavers (including labeled donation pavers), a bench, two picnic tables, and a water fountain. The new pump station will occupy the portion of the property farthest from Gallimore Road and will preserve a small portion of the existing park and will be large enough to hold all the donation pavers, the bench, and possibly the water fountain. The property is adjacent to property belonging to Tores Properties LLC. Both the acquisition of the Temporary Construction Easement and the Permanent Access Easement will need to be obtained from Torres Property.

Discussion

Discussions have taken place with both the County and Tores Properties LLC and both entities are agreeable to granting the easements as shown on the attached DRAFT surveys. In exchange for the easements the entities have requested the following:

The County has requested a sewer tap on a nearby property they own known commonly as the Picklesimer Airport and may one day be developed into a recreational amenity.

Tores Properties has requested an approximate 45' driveway curb cut entrance into the property that will also encompass or allow for the permanent maintenance access. The

driveway curb cut is in preparation for future yet to be determined development. Tores Properties also requested the minimal portion of Picklesimer Park, including at least one bench, remain.

Fiscal Impact

The fiscal impact to the City as a result of these easements will be largely surveying cost, legal fees and recording fees. The sewer tap for the county easement will require a few materials and force labor to install but is estimated to cost less than \$500 in materials and approximately \$1,000 in force labor.

A minor amount of force labor will also be used to relocate the donation pavers and reestablish Picklesimer Park post construction. The requested driveway curb cut will be needed in any case for maintenance access and extending it will result in minimal if any additional cost. The park relocation is estimated to cost \$500 in materials and \$4,000 in force labor.

Action

Staff request Council approve the attached resolution approving the requested Easement Exchanges and delegation of authority to the City Manager or his designee to proceed with finalizing the easements and associated exchanges.

Attachments:

1. DRAFT Sewer Pump Station Rehabilitation Easements Reolution
2. 23-093_Easement_TRANSYLVANIA COUNTY-Prelim_2-27-25
3. 23-093_Easement_TORES PROPERTIES LLC_TCE-Prelim_2-27-25
4. 23-093_Easement_TORES PROPERTIES LLC_PERM EASE-Prelim_2-27-25

RESOLUTION NO. 2025-XX

RESOLUTION APPROVING SEWER PUMP STATION REHABILITATION PROJECT EASEMENTS
CITY ORDINANCE NUMBER 2022-64

WHEREAS, the City's Sewer Pump Station Rehabilitation Project requires the construction of a new sewer pump station to replace the existing Gallimore Road Sewer Pump Station; and,

WHEREAS, the City has a need for several easements related to the construction of the New Gallimore Road Pump Station from both Transylvania County and Torres Properties; and,

WHEREAS, Transylvania County has agreed to provide the needed permanent easement through the county property in exchange for a sewer tap on an adjacent county property; and,

WHEREAS, Tores Properties has agreed to provide the needed permanent and temporary easements in exchange for a approximately 45' wide driveway curb cut and reconstruction of a small portion of Picklesimer Park including at least one bench; and,

WHEREAS, the cost to the City for these exchanges is estimated to be approximately \$1,000.00 in materials and approximately \$5,000.00 in labor hours from the City's work force.

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

The City Manager or his delegee may proceed with finalizing the easements and associated exchanges between Transylvania County for a Permanent Easement and Tores Properties for both a Temporary Construction Easement and a Permanent Easement.

Adopted and approved this 17th day of March, 2025

Maureen Copelof

Mayor

SYMBOL LEGEND:

- CALCULATED POINT
- EXISTING IRON REBAR (EIR)
- EXISTING CONCRETE MONUMENT (ECM)
- C.S.D. CONTROL POINT
- SMH SANITARY SEWER MANHOLE (SMH)
- CO SANITARY SEWER CLEAN-OUT (CO)
- WM WATER METER (WM)
- VALVE
- UTILITY POLE
- LIGHT POLE
- CI CURB INLET (CI)
- YI YARD INLET (YI) DROP INLET (DI)
- EM ELECTRIC METER (EM)
- DECIDUOUS TREE (SIZE AND TYPE AS NOTED)

ABBREVIATIONS:

- NTS... NOT TO SCALE
- (T)... TOTAL
- DB... DEED BOOK OR DOCUMENT BOOK
- PF... PLAT FILE
- PG... PAGE
- PIN... PARCEL IDENTIFICATION NUMBER
- NAD... NORTH AMERICAN DATUM
- NAVD... NORTH AMERICAN VERTICAL DATUM
- NSRS... NATIONAL SPATIAL REFERENCE SYSTEM
- AG... ABOVE GRADE
- BG... BELOW GRADE
- RW... RIGHT OF WAY
- ID... SURVEYOR'S IDENTIFICATION CAP
- CONC... CONCRETE
- CL... CENTER LINE
- HOL... HOLLY TREE
- CMY... GRAPE MYRTLE TREE
- U.T... UNKNOWN TREE
- MAG... MAGNOLIA TREE
- T.C.E... TEMPORARY CONSTRUCTION EASEMENT

LINE	BEARING	DISTANCE
L1	N 30°59'08" E	46.70'
L2	N 30°55'24" E	295.62'
L3	N 30°55'24" E	13.77'
L4	S 82°23'51" E	28.11'
L5	S 82°15'43" E	15.43'
L6	S 30°55'24" W	287.61'
L7	S 30°59'08" W	46.72'
L8	N 59°00'55" W	40.00'
L9	S 39°28'13" W	77.54'
L10	N 58°24'27" W	174.94'

PRELIMINARY: NOT FOR
RECORDATION, SALES OR
CONVEYANCES

LINE LEGEND:

- BOUNDARY/DEED LINE
- NEW PERMANENT EASEMENT LINE
- RIGHT OF WAY LINE
- FM FORCEMAIN LINE
- SS SANITARY SEWER LINE
- TIE LINE ONLY
- C/L STORM DITCH
- OHU OVERHEAD UTILITY LINE
- SR SPLIT RAIL FENCELINE
- CL CHAIN LINK FENCELINE
- FEMA FLOODLINE
- W WATER LINE
- FOC FIBER OPTIC LINE
- UGE UNDERGROUND ELECTRIC LINE

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

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

REVIEW OFFICER

DATE

Certificate of Ownership
I hereby certify that I am the owner of the property shown and described
hereon, which is located within the subdivision jurisdiction of the City of Brevard,
North Carolina, and that I hereby freely adopt this plan.

Owner(s) Date

Certificate of Exemption and Zoning Approval
I hereby certify that the subdivision plat shown is exempt from the
subdivision provisions of the Brevard Unified Development Ordinance.
The plat has been found to comply with the zoning regulations of the
Brevard Unified Development Ordinance, and has been approved by
the City of Brevard for recording in the Office of the Register of Deeds of
Transylvania County, provided that this plat is recorded within thirty (30)
days of the date of my signature below.

Review Officer Date

Flood Hazard Disclosure
Areas delineated upon this plat as a protection area or Special
Flood Hazard Areas is subject to limitations upon development as
set forth CHAPTER 34 of Brevard City Code, and any development,
disturbance, or encroachment is prohibited except in accordance
therewith.

Acceptance of Public Infrastructure
I hereby certify that the City of Brevard, North Carolina accepts the
public infrastructure dedicated on this plat, in accordance with the
dedication agreement dated

City Manager, City of Brevard Date

THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- CLASS OF SURVEY: CLASS A (HORIZONTAL)
- POSITIONAL ACCURACY: 0.04 (H) & 0.06 (V) @ 95% CONFIDENCE
- TYPE OF GPS FIELD PROCEDURE: RTK
- DATES OF SURVEY: 7-20-2023
- DATUM/EPOCH: NAD 83 (NSRS 2011), EPOCH 2010.00 (H) & NAVD 88 (V)
- PUBLISHED/FIXED-CONTROL USED: NCGS MONUMENT "GEORGE"
- GEOD MODEL: GEOID 18
- COMBINED GRID FACTOR(S): 0.999776 (@ LOCALIZED POINT)
- UNITS: US SURVEY FOOT



549 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804
PHONE: 828-251-7025
NC FIRM #C-3106 | SC COA #4052

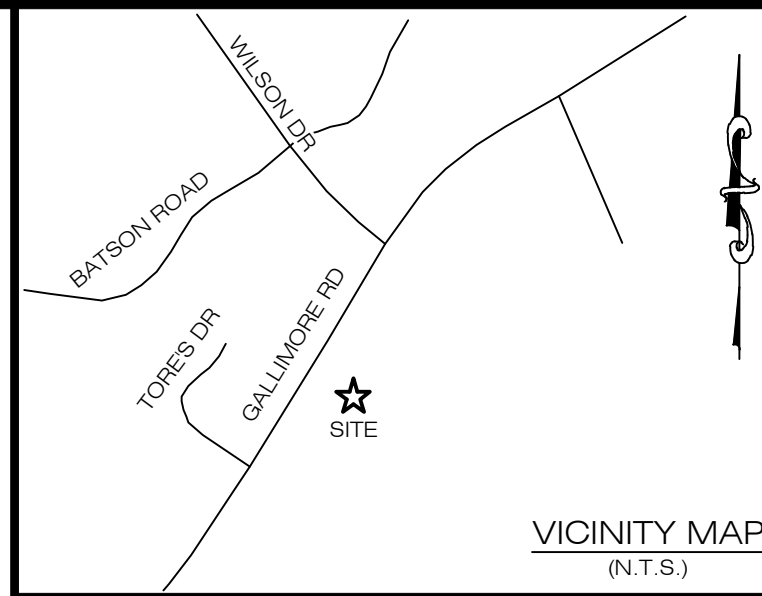
EASEMENT SURVEY FOR:

CITY OF BREVARD

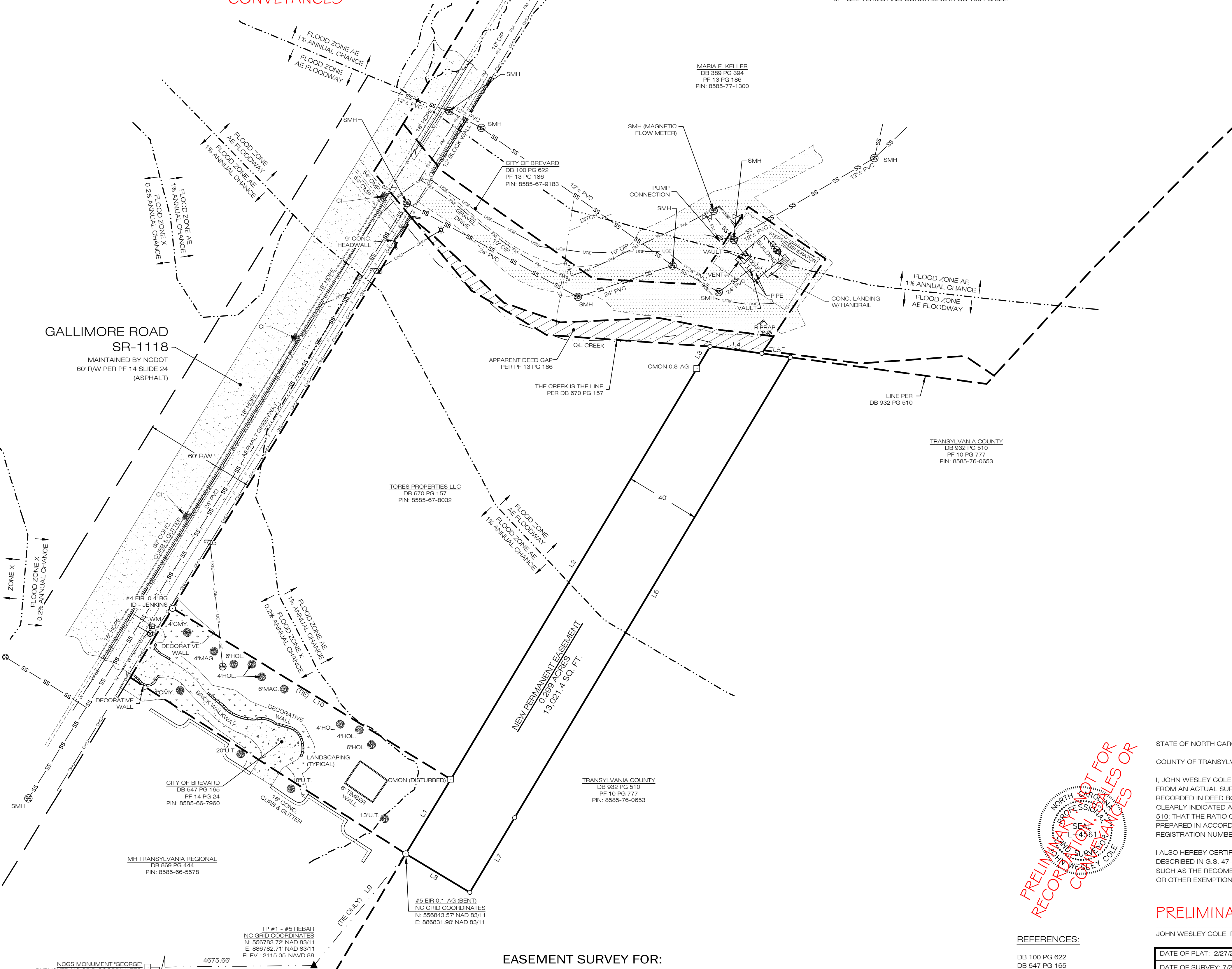
(OWNERS OF RECORD: TRANSYLVANIA COUNTY)
CITY OF BREVARD, TRANSYLVANIA COUNTY, NC

NOTES:

- THE PROPERTY OR PROPERTIES DISPLAYED WERE SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT SHOW ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, ENCUMBRANCES, ETC. (WRITTEN OR UNWRITTEN) THAT WOULD BE REVEALED BY A CURRENT AND THOROUGH EXAMINATION OF TITLE BY A NC LICENSED ATTORNEY-AT-LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE SUBJECT IS FREE FROM ENCUMBRANCES.
- ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE TRANSYLVANIA COUNTY GIS WEBSITE AND DEEDS AND PLATS OF RECORD AS NOTED.
- AREA SHOWN HEREON WAS COMPUTED BY THE COORDINATE METHOD.
- ALL DISTANCES ARE HORIZONTAL GRID DISTANCES IN US FEET UNLESS OTHERWISE NOTED.
- THIS PROPERTY IS ZONED GR8 BY THE CITY OF BREVARD.
- BY GRAPHICAL LOCATION, PROPERTY IS SHOWN AS LYING INSIDE THE 1% ANNUAL CHANCE FLOODPLAIN PER FEMA FIRM MAP NO. 3700858500J, EFFECTIVE DATE 10/2/2009.
- THIS SURVEY IS SUBJECT TO ANY AND ALL UNDERGROUND UTILITIES THAT MAY EXIST. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED SOLELY ON ABOVE GROUND STRUCTURES, APPURTENANCES, AND LINES MARKED TO SUE LEVEL B BY JMT. THIS SURVEYOR MAKES NO CERTIFICATION TO THE EXISTENCE/NON-EXISTENCE OF UNDERGROUND UTILITIES, STORAGE FACILITIES, OR OTHER UNDERGROUND STRUCTURES AND LINES. NO EXCAVATIONS HAVE BEEN MADE TO VERIFY THE LOCATIONS OF UNDERGROUND UTILITIES HORIZONTAL OR VERTICAL POSITIONS. PIPE SIZE DIAMETER AND MATERIAL ARE NOTED FROM AS-BUILT RECORD DRAWINGS/GIS INFORMATION AND/OR VISUAL INSPECTION FROM THE EXTERIOR OF MANHOLES/STORMWATER BOXES. DIAL 811 BEFORE DIGGING.
- ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PROFESSIONALS AUTHORIZED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
- SEE TERMS AND CONDITIONS IN DB 100 PG 622.



GALLIMORE ROAD
SR-1118
MAINTAINED BY NODOT
60' RW PER PF 14 SLIDE 24
(ASPHALT)



STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, JOHN WESLEY COLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION
FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION
RECORDED IN DEED BOOK 932 PAGE 510); THAT THE BOUNDARIES NOT SURVEYED ARE
CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOK 932, PAGE
510; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS
PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. MY ORIGINAL SIGNATURE,
REGISTRATION NUMBER AND SEAL THIS 27th DAY OF FEBRUARY, A.D., 2025.

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORIES AS
DESCRIBED IN G.S. 47-30(f)(1)(d); THAT THE SURVEY IS OF ANOTHER CATEGORY,
SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY,
OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

PRELIMINARY - FOR REVIEW

JOHN WESLEY COLE, P.L.S. L-4561

REFERENCES:

- DB 100 PG 622
- DB 547 PG 165
- DB 670 PG 157
- PF 13 PG 186
- PF 14 PG 24



DATE OF PLAT: 2/27/2025	REVISIONS		
DATE OF SURVEY: 7/20/23 THRU 9/5/23	NO.	DATE	DESC.
PROJECT NO.: 23-093			
FIELD WORK: EL			
DRAWN BY: JWC & BJO			
SCALE: 1" = 30'			
PIN: 8585-76-0653			

SYMBOL LEGEND:

- CALCULATED POINT
- EXISTING IRON REBAR (EIR)
- EXISTING CONCRETE MONUMENT (ECM)
- C.S.D. CONTROL POINT
- SMH SANITARY SEWER MANHOLE (SMH)
- SCO SANITARY SEWER CLEAN-OUT (CO)
- WM WATER METER (WM)
- V VALVE
- UP UTILITY POLE
- LI LIGHT INLET (LI)
- CI CURB INLET (CI)
- YI YARD INLET (YI/DROP INLET (DI))
- EM ELECTRIC METER (EM)
- DT DECIDUOUS TREE (SIZE AND TYPE AS NOTED)

ABBREVIATIONS:

- NTS...NOT TO SCALE
- (T)...TOTAL
- DB...DEED BOOK OR DOCUMENT BOOK
- PF...PLAT FILE
- PG...PAGE
- PIN...PARCEL IDENTIFICATION NUMBER
- NAD...NORTH AMERICAN DATUM
- NAVD...NORTH AMERICAN VERTICAL DATUM
- NSRS...NATIONAL SPATIAL REFERENCE SYSTEM
- AG...ABOVE GRADE
- BG...BELOW GRADE
- RW...RIGHT OF WAY
- ID...SURVEYOR'S IDENTIFICATION CAP
- CONC...CONCRETE
- CL...CENTER LINE
- HOL...HOLLY TREE
- CMY...GRAPE MYRTLE TREE
- U.T...UNKNOWN TREE
- MAG...MAGNOLIA TREE
- T.C.E...TEMPORARY CONSTRUCTION EASEMENT

LINE	BEARING	DISTANCE
L1	N 58°24'27" W	166.03
L2	N 31°35'33" E	15.00
L3	N 58°24'27" W	108.93
L4	N 31°31'42" E	35.00
L5	S 58°24'27" E	174.42
L6	S 30°55'24" W	50.00
L7	S 30°55'08" W	46.70
L8	S 39°28'13" W	77.54
L9	N 30°55'24" E	206.61
L10	N 58°24'27" W	108.91

PRELIMINARY: NOT FOR
RECORDATION, SALES OR
CONVEYANCES

LINE LEGEND:

- BOUNDARY/DEED LINE
- TEMPORARY CONSTRUCTION EASEMENT LINE
- RIGHT OF WAY LINE
- FORCEMAIN LINE
- SANITARY SEWER LINE
- TIE LINE ONLY
- C/L STORM DITCH
- OVERHEAD UTILITY LINE
- SPLIT RAIL FENCELINE
- CHAIN LINK FENCELINE
- FEMA FLOODLINE
- WATER LINE
- FIBER OPTIC LINE
- UNDERGROUND ELECTRIC LINE

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

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

REVIEW OFFICER

DATE

Certificate of Ownership
I hereby certify that I am the owner of the property shown and described
hereon, which is located within the subdivision jurisdiction of the City of Brevard,
North Carolina, and that I hereby freely adopt this plan.

Owner(s) _____ Date _____

Certificate of Exemption and Zoning Approval
I hereby certify that the subdivision plat shown is exempt from the
subdivision provisions of the Brevard Unified Development Ordinance.
The plat has been found to comply with the zoning regulations of the
Brevard Unified Development Ordinance, and has been approved by
the City of Brevard for recording in the Office of the Register of Deeds of
Transylvania County, provided that this plat is recorded within thirty (30)
days of the date of my signature below.

Review Officer _____ Date _____

Flood Hazard Disclosure
Areas delineated upon this plat as a protection area or Special
Flood Hazard Areas is subject to limitations upon development as
set forth CHAPTER 34 of Brevard City Code, and any development,
disturbance, or encroachment is prohibited except in accordance
therewith.

Acceptance of Public Infrastructure
I hereby certify that the City of Brevard, North Carolina accepts the
public infrastructure dedicated on this plat, in accordance with the
dedication agreement dated _____.

City Manager, City of Brevard _____ Date _____

THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- CLASS OF SURVEY: CLASS A (HORIZONTAL)
- POSITIONAL ACCURACY: 0.04 (H) & 0.06 (V) @ 95% CONFIDENCE
- TYPE OF GPS FIELD PROCEDURE: RTK
- DATES OF SURVEY: 7-20-2023
- DATUM/EPOCH: NAD 83 (NSRS 2011), EPOCH 2010.00 (H) & NAVD 88 (V)
- PUBLISHED/FIXED-CONTROL USED: NCGS MONUMENT "GEORGE"
- GEOD MODEL: GEOID 18
- COMBINED GRID FACTOR(S): 0.999776 (@ LOCALIZED POINT)
- UNITS: US SURVEY FOOT



549 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804
PHONE: 828-251-7025
NC FIRM #C-3106 | SC COA #4052

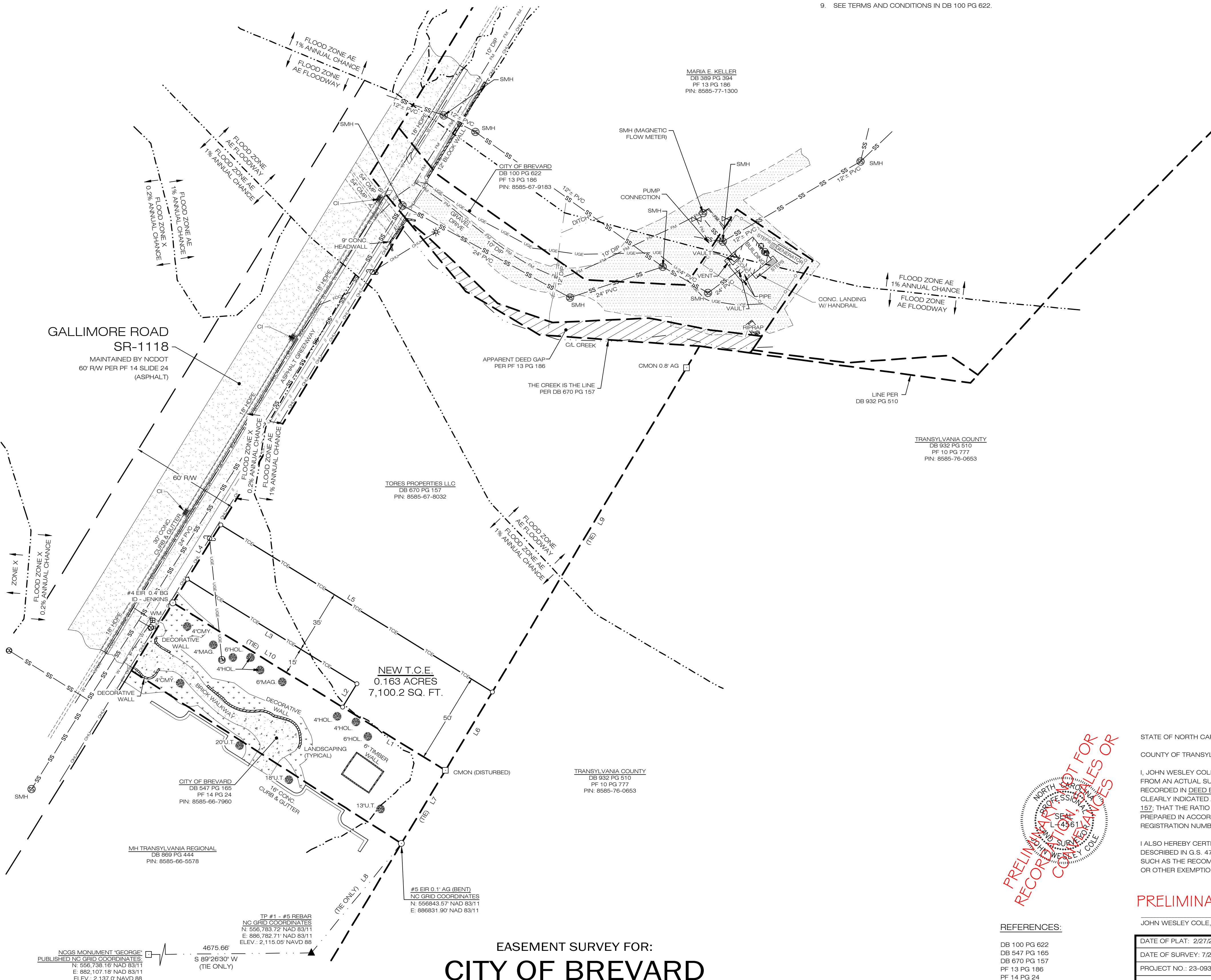
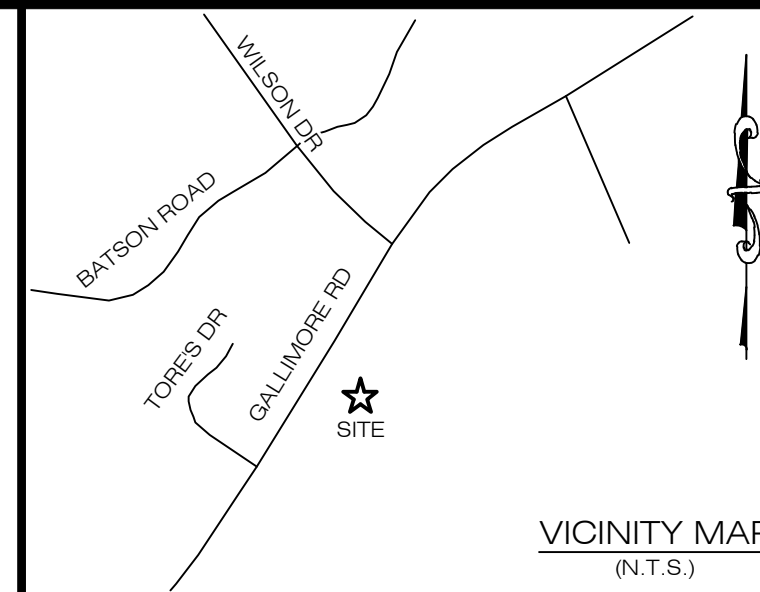
EASEMENT SURVEY FOR:

CITY OF BREVARD

(OWNERS OF RECORD: TORES PROPERTIES, LLC)
CITY OF BREVARD, TRANSYLVANIA COUNTY, NC

NOTES:

- THE PROPERTY OR PROPERTIES DISPLAYED WERE SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT SHOW ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, ENCUMBRANCES, ETC. (WRITTEN OR UNWRITTEN) THAT WOULD BE REVEALED BY A CURRENT AND THOROUGH EXAMINATION OF TITLE BY A NC LICENSED ATTORNEY-AT-LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE SUBJECT IS FREE FROM ENCUMBRANCES.
- ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE TRANSYLVANIA COUNTY GIS WEBSITE AND DEEDS AND PLATS OF RECORD AS NOTED.
- AREA SHOWN HEREON WAS COMPUTED BY THE COORDINATE METHOD.
- ALL DISTANCES ARE HORIZONTAL GRID DISTANCES IN US FEET UNLESS OTHERWISE NOTED.
- THIS PROPERTY IS ZONED GR8 BY THE CITY OF BREVARD.
- BY GRAPHICAL LOCATION, PROPERTY IS SHOWN AS LYING INSIDE THE 1% ANNUAL CHANCE FLOODPLAIN PER FEMA FIRM MAP NO. 3700858500J, EFFECTIVE DATE 10/2/2009.
- THIS SURVEY IS SUBJECT TO ANY AND ALL UNDERGROUND UTILITIES THAT MAY EXIST. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED SOLELY ON ABOVE GROUND STRUCTURES, APPURTENANCES, AND LINES MARKED TO SUE LEVEL B BY JMT. THIS SURVEYOR MAKES NO CERTIFICATION TO THE EXISTENCE/NO-EXISTENCE OF UNDERGROUND UTILITIES, STORAGE FACILITIES, OR OTHER UNDERGROUND STRUCTURES AND LINES. NO EXCAVATIONS HAVE BEEN MADE TO VERIFY THE LOCATIONS OF UNDERGROUND UTILITIES HORIZONTAL OR VERTICAL POSITIONS. PIPE SIZE DIAMETER AND MATERIAL ARE NOTED FROM AS-BUILT RECORD DRAWINGS/GIS INFORMATION AND/OR VISUAL INSPECTION FROM THE EXTERIOR OF MANHOLES/STORMWATER BOXES. DIAL 811 BEFORE DIGGING.
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- SEE TERMS AND CONDITIONS IN DB 100 PG 622.



PRELIMINARY: NOT FOR
RECORDATION, SALES OR
CONVEYANCES

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, JOHN WESLEY COLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION
FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION
RECORDED IN DEED BOOK 670 PAGE 157); THAT THE BOUNDARIES NOT SURVEYED ARE
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DATE OF PLAT: 2/27/2025	NO.	DATE	REVISIONS	DESC.	BY
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PROJECT NO.: 23-093					
FIELD WORK: EL					
DRAWN BY: JWC & BJO					
SCALE: 1" = 30'					
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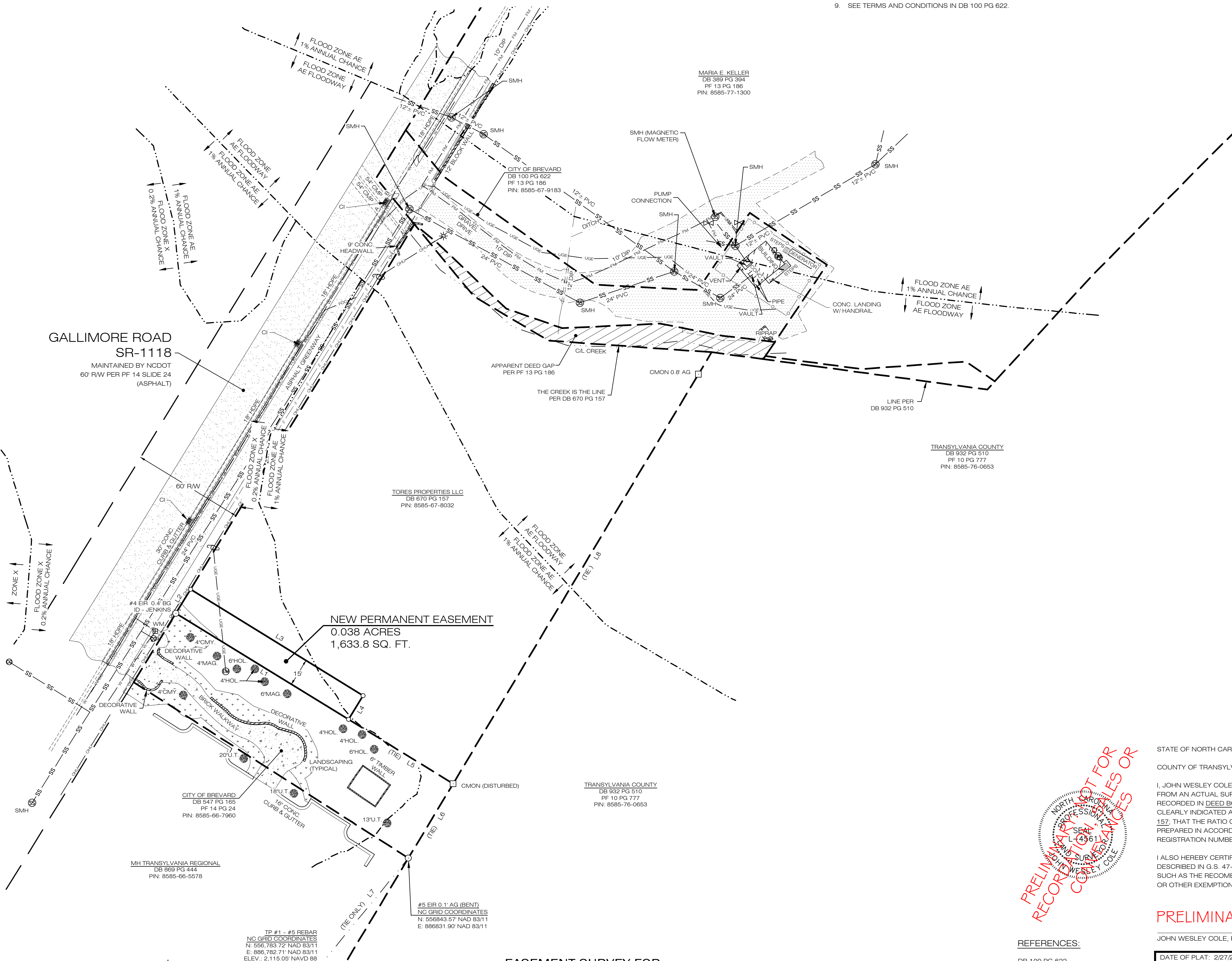
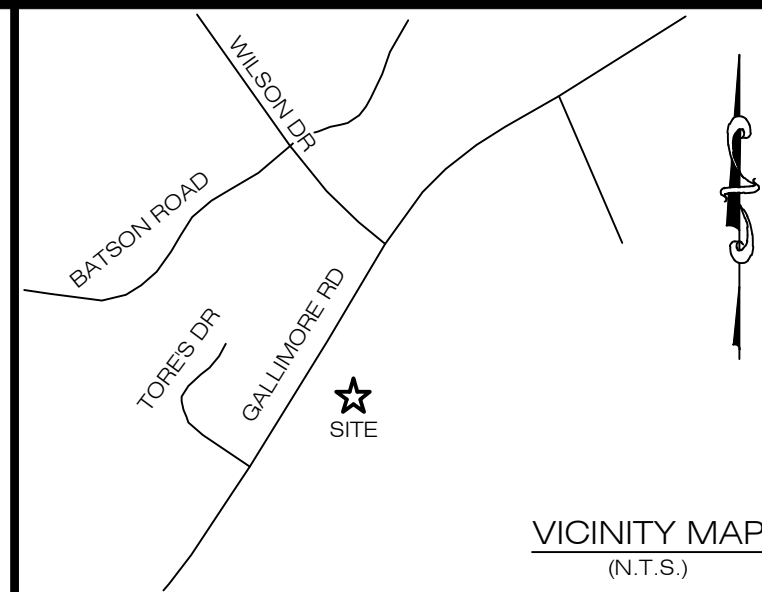
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STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

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PRELIMINARY - FOR REVIEW

JOHN WESLEY COLE, P.L.S.

L-4561

REFERENCES:

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PROJECT NO.: 23-093			
FIELD WORK: EL			
DRAWN BY: JWC & BJO			
SCALE: 1" = 30'			
PIN: 8585-67-8032			

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Resolution Directing Clerk to Investigate Sufficiency of Petition Requesting a Non-Contiguous Annexation - John Valenti and MTS Properties, LLC, Reservoir Rd. and Hampton Rd.

Speaker: Denise Hodson, City Clerk

Prepared by: Denise Hodsdon

Approved by: Wilson Hooper, City Manager

Background

A Petition Requesting Voluntary Non-contiguous Annexation was submitted on February 24, 2025 by John Valenti, individually and as managing partner of MTS Properties, LLC. The preliminary annexation plat was received on the same date. The petition requests that four parcels located on Reservoir Road and Hampton Road be annexed into the City of Brevard. (Tax Property Identification Numbers: 8586-24-2193; 8586-24-3036; 8586-24-3061; and 8586-23-3984).

Discussion

In keeping with NCGS 160A-31(c), City Council is asked to direct the City Clerk to Investigate the Sufficiency of the Petition.

Policy Analysis

In keeping with the City's annexation procedures, the applicant has submitted a Petition, metes and bounds description of the property, a copy of the Warranty Deed, and an annexation plat.

Fiscal Impact

None.

Action

Staff recommends Council adopt the drafted Resolution Directing the City Clerk to Investigate Sufficiency of the submitted Annexation Petition.

Attachments:

1. Petition for Non-contiguous Annexation
2. Preliminary Annexation Plat
3. Resolution Directing Clerk to Investigate Sufficiency of Petition

RECEIVED
2/24/2025
dh

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



**PETITION REQUESTING A NON-CONTIGUOUS
ANNEXATION**

G.S. 160A-58.1 (As Amended)

Date: _____

To the City Council of the City of Brevard:

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

Transylvania County Property Identification Number(s): 8586-24-2193;
8586-24-3036; 8586-24-3041; 8586-23-3984

Street Address: 1054 117 Reservoir Rd; 82 & 84 Hampton Road

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

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

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

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

- a. Name John A. Valenti
Address 84 Hampton Rd
Brevard, NC 28712
Telephone 828 342 0204 Email jademvalenti@gmail.com
Signature [Signature]
- b. Name _____
Address _____
Telephone _____ Email _____
Signature _____
- c. Name _____
Address _____
Telephone _____ Email _____
Signature _____

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

- a. Name John A. Valenti
Address 84 Hampton Rd
Brevard, NC 28712
Telephone 828 342 0204 Email jademvalenti@gmail.com
By: [Signature] Managing Member
Type or Print Name and Title (President / Managing Member)
Signature [Signature]

MTS Properties, LLC

b. Name John Valenti
Address 84 Hampton Rd
Brevard NC 28712
Telephone 828 342 0204 Email jadamvalenti@gmail.com
By: John A. Valenti Managing Member
Type or Print Name and Title (President / Managing Member)
Signature [Signature]

c. Name _____
Address _____
Telephone _____ Email _____
By: _____
Type or Print Name and Title (President / Managing Member)
Signature _____

AGENT:

Name: _____
Address: _____
Telephone: _____ Email: _____

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

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

CITY ANNEXATION LEGAL DESCRIPTION
FOR PIN#'S 8586-24-2193; 8586-24-3036; 8586-24-3061 AND 8586-23-3984

Beginning at a found rebar with a plastic ID cap 0.1' below grade and having North Carolina NAD 83/2011 grid coordinates of North: 563933.72 East: 882529.34; said rebar standing N 88°15'59" W a distance of 287.74' from NCGS BURL AZ MK which has North Carolina NAD 83/2011 grid coordinates of North: 563925.02 East: 882816.94;

thence S 53°56'47" W a distance of 82.25' to a ½" iron pipe;

thence S 53°45'51" W a distance of 74.75' to a ½" iron pipe;

thence N 41°40'29" W a distance of 103.15' to a 1/2" rebar;

thence N 28°27'17" W a distance of 49.43' to a 3/4" iron pipe;

thence N 28°17'47" W a distance of 48.93' to a 1 ½" leaning iron pipe;

thence N 22°23'09" W a distance of 98.94' to a axle;

thence N 67°29'48" E a distance of 157.61' to a 1 ½" leaning iron pipe;

thence S 33°41'55" E a distance of 98.10' to a ¾" iron pipe;

thence S 29°17'29" E a distance of 44.39' to a ½" iron pipe;

thence S 30°55'47" E a distance of 39.32' to a rebar with a plastic cap;

thence S 28°49'39" E a distance of 78.46' to a rebar with a plastic cap;

which is the place and point of beginning.



2024001279
TRANSYLVANIA COUNTY NC FEE \$26.00
STATE OF NC REAL ESTATE EXT
\$20.00
PRESENTED & RECORDED
03/22/2024 01:16:34 PM
BETH C LANDRETH
REGISTER OF DEEDS
BY: DELIA MCCALL
DEPUTY REGISTER OF DEEDS
BK: DOC 1109
PG: 111 - 113

Please do not place anything in the 3" margin above – (for recording information only)
NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 20.00
Parcel Identifier No.: 8586-24-2193-000
Mail after recording to: The Van Winkle Law Firm
422 S. Main St., Hendersonville, NC 28792
This instrument was prepared by: Van Winkle, Buck, Wall, Starnes & Davis, P.A. (Michael M. Thompson)
Brief description for the Index:
THIS DEED made this 22 day of March 2024, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook nka Marilyn Young Cook, single and Wanda Faye Ackroyd nka Wanda Young Robinson, single	MTS Properties, LLC, A North Carolina limited liability company 84 Hampton Road, Brevard, NC 28712

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e. g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

This instrument was prepared by Michael M. Thompson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in the County of Transylvania, North Carolina, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE
submitted electronically by "Van Winkle Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Transylvania County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry.

All or a portion of the property herein conveyed _____ includes or _____ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Easements, covenants, conditions, and restrictions of record; 2024 ad valorem taxes; and utilities physically located on the property.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Alan Kyle Young (Seal)
 Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young

Teresa Young (Seal)
 Teresa Young

Marilyn Elaine Cook (Seal)
 Marilyn Elaine Cook nka Marilyn Young Cook

Wanda Young Robinson (Seal)
 Wanda Faye Ackroyd nka Wanda Young Robinson

STATE OF NORTH CAROLINA
 COUNTY OF HENDERSON

I, MORGAN E. GORDON, a Notary Public of the County and State aforesaid, certify that Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook nka Marilyn Young Cook, single and Wanda Faye Ackroyd nka Wanda Young Robinson, single, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn and subscribed to before me. Witness my hand and official stamp or seal, this 22 day of March 2024.

SEAL / STAMP

Morgan E. Gordon
 Notary Public
 My Commission Expires: 10-19-2024

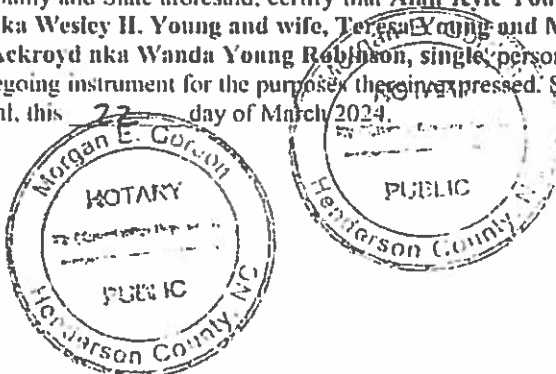


EXHIBIT A

WHEREAS, the subject property was conveyed to Wesley Hughes Young and wife, Mary Joyce Young by deed recorded June 25, 1984 in Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry; and

WHEREAS, Mary Joyce Young died June 20, 2021 and title to the subject property passed to her surviving spouse Wesley H. Young, by right of survivorship; and,

WHEREAS, Wesley H. Young aka Wesley Hughes Young died testate in Transylvania County, NC on June 1, 2023, and pursuant to the terms of his Last Will and Testament duly admitted to probate in Transylvania County Clerk of Superior Court File 23-E- 209, the subject property was devised to his devisees, his children, namely Alan Kyle Young, Marilyn Elaine Cook now known as Marilyn Young Cook, Wanda Faye Ackroyd now known as Wanda Young Robinson; and,

WHEREAS, Alan Kyle Young was qualified and duly appointed as Executor of said estate; and,

WHEREAS, the spouses, if any, join in this instrument to convey their marital interests in and to the subject property.

NOW THEREFORE THIS CONVEYANCE:

BEGINNING on an iron stake standing on the east side of Hampton Road, the same being Clarence Holden's corner, and runs with Clarence Holden's line, North 66 deg. 30 min. East 176 feet to an iron stake at the Reservoir Road; thence with said Reservoir Road, South 30 deg. 30 min. East 42½ feet to an iron stake; thence South 63 deg. 30 min. West 182 feet to a stake at the Hampton Road; thence with the Hampton Road, North 23 deg. West 50 feet to the BEGINNING.

As surveyed and platted by T. N. Davis, RLS, on May 24, 1947.

BEING all of that same real property as deed recorded June 25, 1984 in Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry

This property is conveyed together with and subject to the terms and conditions of that right of way agreement recorded in Book 316 Page 296, Transylvania County Registry, reference to which is hereby made and incorporated herein for greater certainty of description.

2024001294

TRANSYLVANIA COUNTY NC FEE \$26.00
STATE OF NC REAL ESTATE EXTX

\$300.00

PRESENTED & RECORDED
03/25/2024 10:49:06 AM

BETH C LANDRETH
REGISTER OF DEEDS
BY: KARIN SMITH
ASSISTANT

BK: DOC 1109
PG: 160 - 162

Please do not place anything in the 3" margin above - for recording information only

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 300.00

Parcel Identifier No.: 8586-24-2193-000

Mail after recording to: The Van Winkle Law Firm
422 S. Main St., Hendersonville, NC 28792

This instrument was prepared by: Van Winkle, Buck, Wall, Starnes & Davis, P.A. (Michael M. Thompson)

Brief description for the Index:

THIS DEED made this 22 day of March 2024, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook nka Marilyn Young Cook, single and Wanda Faye Ackroyd nka Wanda Young Robinson, single	MTS Properties, LLC, a North Carolina limited liability company 84 Hampton Road, Brevard, NC 28712

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e. g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

This instrument was prepared by Michael M. Thompson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in the County of Transylvania, North Carolina, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

submitted electronically by "Van Winkle Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Transylvania County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 185 Page 505, Transylvania County Registry.

All or a portion of the property herein conveyed ____ includes or ____ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Easements, covenants, conditions, and restrictions of record; 2024 ad valorem taxes; and utilities physically located on the property.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Alan Kyle Young {Seal}
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young

Teresa Young {Seal}
Teresa Young

Marilyn Elaine Cook {Seal}
Marilyn Elaine Cook aka Marilyn Young Cook

Wanda Faye Ackroyd {Seal}
Wanda Faye Ackroyd aka Wanda Young Robinson

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, MORGAN E. GORDON, a Notary Public of the County and State aforesaid, certify that Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook aka Marilyn Young Cook, single and Wanda Faye Ackroyd aka Wanda Young Robinson, single, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn and subscribed to before me. Witness my hand and official stamp or seal, this 15 day of March 2024.

SEAL / STAMP

Morgan E. Gordon
Notary Public
My Commission Expires: 10-19-2024

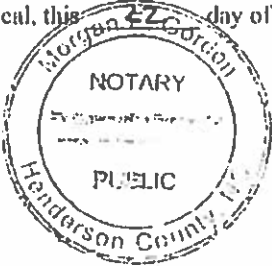


EXHIBIT A

WHEREAS, the subject property was conveyed to Wesley H. Young and wife, Mary Joyce Young by deed recorded July 17, 1970 in Deed Book 185 Page 505, Transylvania County Registry; and

WHEREAS, Mary Joyce Young died June 20, 2021 and title to the subject property passed to her surviving spouse Wesley H. Young, by right of survivorship; and,

WHEREAS, Wesley H. Young aka Wesley Hughes Young died testate in Transylvania County, NC on June 1, 2023, and pursuant to the terms of his Last Will and Testament duly admitted to probate in Transylvania County Clerk of Superior Court File 23-E- 209, the subject property was devised to his devisees, his children, namely Alan Kyle Young, Marilyn Elaine Cook now known as Marilyn Young Cook, Wanda Faye Ackroyd now known as Wanda Young Robinson; and,

WHEREAS, Alan Kyle Young was qualified and duly appointed as Executor of said estate; and,

WHEREAS, the spouses, if any, join in this instrument to convey their marital interests in and to the subject property.

NOW THEREFORE THIS CONVEYANCE:

BEGINNING on an iron pin in the Eastern margin of Hampton Road, formerly known as Subdivision Drive and runs thence with the Eastern margin of said road North 25 degrees 40 minutes West 98.30 feet to an iron pin; thence North 64 degrees East (passing an iron pin at 151.74 feet) 158.63 feet to a stake in the Western margin of Reservoir Road; thence with the Western margin of said road South 35 degrees 29 minutes East 100 feet to a stake; thence leaving said road South 64 degrees West 176 feet to the point of **BEGINNING** as surveyed and platted by P.R. Paxter, R.L.S., July 8, 1970.

It is intended to convey by this Deed all of the property included in the conveyance from Hilliard Pressley and wife, Mariska Pressley to Clarence Holden and wife, Marv Holden dated November 13th, 1940 and recorded in Deed Book 90, Page 284 of the Deed records of Transylvania County.

BEING all of that same real property as recorded in Book 185 Page 505, Transylvania County Registry.

This property is conveyed together with and subject to the terms and conditions of that right of way agreement recorded in Book 316 Page 296, Transylvania County Registry, reference to which is hereby made and incorporated herein for greater certainty of description.



2013005335
TRANSYLVANIA CO, NC FEE \$26.00
NO TAXABLE CONSIDERATION
PRESENTED & RECORDED
09-25-2013 02:56:52 PM
CINDY M OWNBEY
REGISTER OF DEEDS
BY: KARIN SMITH
DEPUTY REGISTER OF DEEDS
BK: DOC 671
PG: 244-246

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$0.00
Parcel Identifier No. 8586-23-3984-000 & 8586-24-3061-000 Verified by _____ County on the 25 day of Sept, 2013
By: [Signature]
Mail/Box to: H. Paul Averette, Attorney, P.C., P. O. Box 348, Brevard, NC 28712
This instrument was prepared by: H. Paul Averette, Attorney at Law (NO TITLE SEARCH PERFORMED)
Brief description for the Index: 2 Tracts – Brevard Township

THIS DEED made this 24th day of September, 2013, by and between

GRANTOR	GRANTEE
ALAN VALENTI and wife, MARY VALENTI	JOHN VALENTI
37 Huntcliff Drive Taylors, SC 29687	84 Hampton Road Brevard, NC 28712

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, _____ Brevard _____ Township, Transylvania _____ County, North Carolina and more particularly described as follows:

Being all of that property as described in Exhibit "A" attached hereto and incorporated herein by reference.

All or a portion of the property herein conveyed _____ includes or X does not include the primary residence of the Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____, page _____.

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

 (SEAL)
ALAN VALENTI

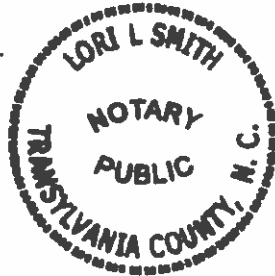
 (SEAL)
MARY VALENTI

State of North Carolina - County of Transylvania

I certify the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: ALAN VALENTI and MARY VALENTI.

Date: September 24, 2013

My Commission Expires:
09/10/2016




Lori L. Smith, Notary Public

EXHIBIT "A"

All of our undivided one-half (1/2) interest in and to the following described parcels:

TRACT I:

Being all of that property as described in a deed from Carolyn J. Gillespie and husband, Alvin B. Gillespie to John Valenti and Alan Valenti, recorded on October 4, 2002 in Document Book 123 at Page 547 of the Transylvania County Registry.

TRACT II:

Being all of that property as described in a deed from Carolyn J. Gillespie, acting Individually and as Administrator of the Estates of Vessie Stamey and Clara Louise Stamey and husband, Alvin B. Gillespie; Dawn D. Sentelle and husband, Kerry Sentelle; and Forrest Duane Stamey, (a divorced and unremarried man) to John Valenti and Alan Valenti, recorded on October 4, 2002 in Document Book 123 at Page 550 of the Transylvania County Registry.

TOGETHER WITH and subject to all rights of way, easements and restrictions appurtenant to the Grantors.

CITY OF BREVARD
CASH RECEIPT
DUPLICATE

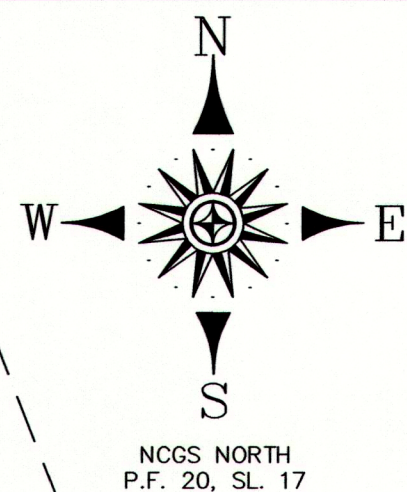
Receipt No: 700074
Date: 2/24/2025
Time: 1:58:12PM

Received From:
JOHN VALENTI

Received: 500.00

For
ZONING ADMIN 500.00
105 RESERVOIR RD-S

Credit 500.00
V 0517
RECEIVED BY WINDOW



JAMES SCOTT CLARK &
JESSICA HUNTER BACHAR
DOC. BK. 1015, PG. 307
PIN: 8586-24-2251

OWNER CERTIFICATION-ANNEXATION

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

DATE

OWNER(S)

STATE OF NORTH CAROLINA COUNTY OF TRANSYLVANIA

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

REVIEW OFFICER

DATE

CITY OF BREVARD-ANNEXATION

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

CITY CLERK

STATE OF NORTH CAROLINA COUNTY OF TRANSYLVANIA

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

PERSONALLY APPEARED
BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE
EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE _____ DAY
OF _____, 20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

LEGEND

PIN	TAX PARCEL IDENTIFICATION NUMBER
NTS	NOT TO SCALE
SR	5/8" SET REBAR WITH IDENTIFICATION CAP
FIP	FOUND IRON PIPE
FR	FOUND REBAR
FIR	FOUND IRON ROD
CP	CALCULATED POINT
C.F.	COMBINED SCALE FACTOR
P.F. SL.	PLAT FILE, SLIDE
DOC. BK., PG.	DOCUMENT BOOK, PAGE
D.B., PG.	DEED BOOK, PAGE
O/A	OVERALL
LEAN	LEANING OVER, LOCATED AT BASE
ABG	ABOVE GRADE
@G	AT GRADE
BG	BELOW GRADE

P	UTILITY POLE
S	SANITARY SEWER MANHOLE
C	SEWER CLEAN OUT
G	GAS METER
H	HVAC PUMP
M	H2O METER

	CONCRETE
	ASPHALT
	GRAVEL
	ANNEX AREA

	BUILDING WALL
	OVER HEAD WIRE
	PRIVACY FENCE
	WIRE FENCE
	ADJOINING LINE NOT SURVEYED
	TIE LINE
	INTERNAL LINES

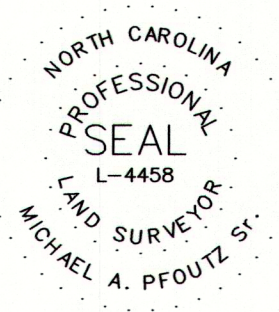
THIS PLAT WAS PREPARED FOR MTS PROPERTIES LLC AND JOHN VALENTI AND IS PROVIDED AS PART OF THE WORK PRODUCT TO OUR CLIENTS. THIS PLAT IN PART OR IN WHOLE IS NOT TRANSFERABLE AND SHALL NOT BE ALTERED IN ANY WAY OR REUSED IN ANY FORM BY ANY INDIVIDUAL OR ENTITY WITHOUT WRITTEN AUTHORIZATION BY MICHAEL A. PFOUTZ SR. AND IS INTENDED SOLELY FOR THE USE OF THE ORIGINAL CLIENT.
THIS DRAWING IS NOT VALID UNLESS THE ORIGINAL SIGNATURE AND STAMP OF THE SURVEYOR ARE ATTACHED. ANY REPRODUCTION OR VARIANCE TO THIS SURVEY BY ELECTRONIC OR ANY OTHER MEANS ARE NOT TO BE CONSIDERED ISSUED BY THE LICENSED SURVEYOR.

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

I, MICHAEL A. PFOUTZ Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION
I, MICHAEL A. PFOUTZ Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION FROM INFORMATION REFERENCED HEREON; AND THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES BEFORE ADJUSTMENT IS NOT LESS THAN 1:10,000; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE
NUMBER, AND SEAL THIS THE 12th DAY OF
NOVEMBER, 2024, A.D.

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



ORDINANCE No.

105,117 RESERVOIR RD & 82,84 HAMPTON RD
and
PIN's 8586-24-3036 & 8586-24-3061
PROPERTY SITUATE IN
BREVARD TOWNSHIP
TRANSYLVANIA COUNTY, NORTH CAROLINA
OWNERS OF RECORD: MTS PROPERTIES LLC
and JOHN VALENTI

CITY ANNEXATION PLAT

PREPARED FOR

MTS PROPERTIES LLC and
JOHN VALENTI

DATE

NOVEMBER 12, 2024

FIELD RECORDS

DATA COLLECTOR

DRAWING

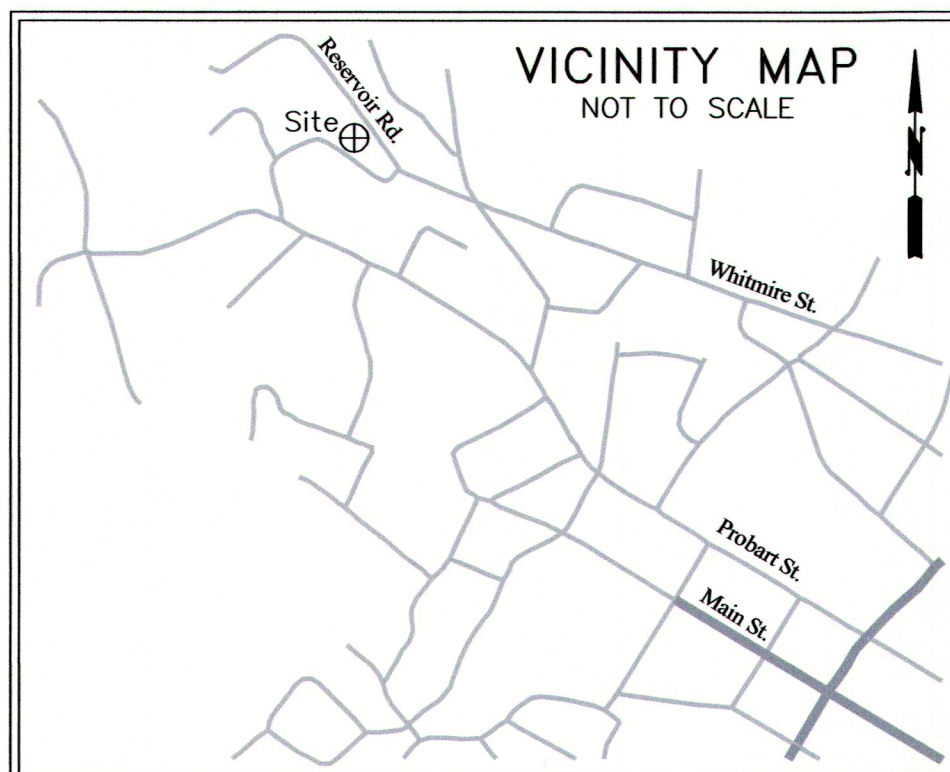
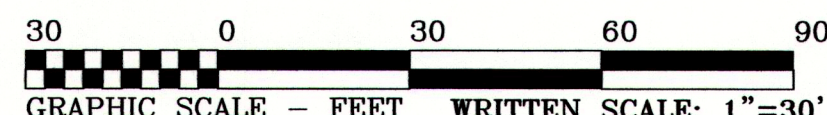
CMS24017-ANNEX

COORD. FILE

CMS24017.CRD

PROJECT NUMBER

CMS24017



NOTES:

- 1) ORIGINALLY SURVEYED IN MARCH AND APRIL 2024. DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND UNLESS NOTED OTHERWISE.
- 2) THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THIS PROPERTY IS SUBJECT TO ALL RIGHT-OF-WAYS, COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD BOTH SHOWN AND NOT SHOWN HEREON.
- 3) DEED REFERENCE: PIN: 3984; DOC. BK. 671, PG. 244. PIN: 3061; DOC. BK. 671, PG. 244. PIN: 3036; DOC. BK. 1109, PG. 111. PIN: 2193 DOC. BK. 1109, PG. 160
- 4) PLAT REFERENCE: P.F. 9, SL. 832
- 5) AREAS: PIN 2193 = 0.375 OF AN ACRE (SURVEY)
PIN 3036 = 0.189 OF AN ACRE (SURVEY)
PIN 3061 = 0.181 OF AN ACRE (SURVEY)
PIN 3984 = 0.346 OF AN ACRE (SURVEY)
TOTAL PLAT AREA = 1.091 ACRES
AREA DERIVED AT BY COORDINATE COMPUTATION
- 6) TAX PARCEL IDENTIFICATION NUMBERS: 8586-24-2193; 8586-24-3036; 8586-24-3061; 8586-23-3984.
- 7) NO UNDERGROUND UTILITIES WERE MARKED OR LOCATED FOR THIS SURVEY.
- 8) BUILDING TIES WHERE SHOWN ARE TO THE STRUCTURAL WALLS AND ARE PERPENDICULAR TO PROPERTY LINE
- 9) THIS PROPERTY IS NOT WITHIN THE BREVARD CITY LIMITS, IT IS WITHIN THE ETJ, AND IS CURRENTLY ZONED GR4.
- 10) RESEARCH DID NOT REVEAL A DOCUMENT DELINEATING A DEFINED WIDTH OF A R/W FOR EITHER HAMPTON ROAD OR RESERVOIR ROAD. THE ROAD R/W WIDTH VARIES BETWEEN PROPERTY LINES AND CORNERS ON BOTH SIDES OF THE ROADS.

RESOLUTION NO. 2025-XX

A RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF A PETITION FOR AN ANNEXATION PURSUANT TO NCGS 160A-31, AS AMENDED

WHEREAS, a petition was received on February 24, 2025, requesting the annexation of a contiguous area described in said Petition as the John Valenti property and the MTS Properties, LLC property located on Reservoir Road and Hampton Road, Brevard, NC 28712, consisting of 1.091 acres, more or less, be annexed into the City of Brevard. (Tax Property Identification Numbers: 8586-24-2193; 8586-24-3036; 8586-24-3061; and 8586-23-3984).

Metes and Bounds Property Description:

Beginning at a found rebar with a plastic ID cap 0.1' below grade and having North Carolina NAD 83/2011 grid coordinates of North: 563933.72 East: 882529.34; said rebar standing N 88°15'59" W a distance of 287.74' from NCGS BURL AZ MK which has North Carolina NAD 83/2011 grid coordinates of North: 563925.02 East: 882816.94;

thence S 53°56'47" W a distance of 82.25' to a ½" iron pipe;

thence S 53°45'51" W a distance of 74.75' to a ½" iron pipe;

thence N 41°40'29" W a distance of 103.15' to a ½" rebar;

thence N 28°27'17" W a distance of 49.43' to a ¾" iron pipe;

thence N 28°17'47" W a distance of 48.93' to a 1½" leaning iron pipe;

thence N 22°23'09" W a distance of 98.94' to an axle;

thence N 67°29'48" E a distance of 157.61' to a 1½" leaning iron pipe;

thence S 33°41'55" E a distance of 98.10' to a ¾" iron pipe;

thence S 29°17'29" E a distance of 44.39' to a ½" iron pipe;

thence S 30°55'47" E a distance of 39.32' to a rebar with a plastic cap;

thence S 28°49'39" E a distance of 78.46' to a rebar with a plastic cap; which is the place of beginning.

WHEREAS, said Petition has been received by the City Council of the City of Brevard, North Carolina; and

WHEREAS, NCGS 160A-31, as amended, provides that the sufficiency of the Petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Brevard deems it advisable to proceed in response to this request for annexation.

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

Section 1. The City Clerk is hereby directed to investigate the sufficiency of the above-described Petition and to certify as soon as possible to the City Council the result of her investigation.

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 17th day of March, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Police purchase from ABC funds

Speaker: Dean Luebbe

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

Approved by: Wilson Hooper, City Manager

Background

The City of Brevard Police Department receives approximately \$25,000 per year from the Brevard ABC store, to be used exclusively for law enforcement purposes. The department has made two purchases in FY25. Additional information is included in the attached budget ordinance.

Recommendation

Approve budget amendment 25-05 as submitted.

Attachments:

1. Budget Amendment \$24,100 Police ABC expenditures

ORDINANCE NO. 2024-XX
AN ORDINANCE AMENDING THE FY2024-2025 BUDGET.
BUDGET AMENDMENT NUMBER 25-05

SUBJECT: Budget Amendment for Police ABC fund expenditures, \$24,100

AGENDA INFORMATION

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

BRIEF SUMMARY: The Police Department receives approximately \$25,000 per year as a restricted revenue from the Brevard ABC store, to be used exclusively for law enforcement purposes. The Police Department initiated two purchases from these funds in FY25. The first was to add modules to the preexisting PowerDMS in August of 2024 in the amount of \$15,213.28 for first year service and setup of PowerIA and PowerAction. PowerIA tracks all internal and external complaints and assists the department with early intervention in compliance with Senate Bill 300. PowerAction creates online forms for both the public and internally to better track and route external and internal requests for service. The second purchase was to NITV Federal Services in January of 2025 in the amount of \$8,796.00, for the purchase of a Computer Voice Stress Analyzer (CVSA) to assist with investigations and to be used for pre-employment screening. The CVSA is similar to a polygraph, but with a 95% degree of accuracy in detecting deceptive statements to assist in pre-employment decisions and with other investigations. Most agencies use some form of pre-employment statement verification either with a polygraph or CVSA to detect deceptive statements on employment applications. The BPD had not been using any method and seeks to “raise the bar” with hiring standards and to increase the integrity of hiring for sensitive law enforcement related positions.

After these purchases, the balance in the ABC funds for the Police Department is \$31,488.46, and the City expects to receive approximately \$10,000 additionally by June 30, 2025.

MOTION FOR CONSIDERATION: To approve Budget Amendment 25-05, as submitted, increasing the budget in expenditure account:

10-5100-4100 (Police ABC Expenditures)	\$24,100
TOTAL	\$24,100

And increasing the budget in revenue account:

10-3990-0000 (Fund Balance)	\$24,100
TOTAL	\$24,100

ATTACHMENTS: None.

MANAGER’S RECOMMENDATION: Adopt as presented.

Approved and adopted this 17th day of March, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Resolution in Support of House Bill 24 An Act to Restore the Authority for Local Governments to Initiate Down-zoning

Speaker: Emily Brewer, Senior Planner
Paul Ray, Planning Director

Prepared by: Emily Brewer, Senior Planner

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

Background & Discussion

As previously discussed, in December 2024, the North Carolina General Assembly adopted Session Law 2024-57, entitled "AN ACT TO MAKE MODIFICATIONS TO AND PROVIDE ADDITIONAL APPROPRIATIONS FOR DISASTER RECOVERY; TO MAKE TECHNICAL, CLARIFYING AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2023; AND TO MAKE VARIOUS CHANGES TO THE LAW." Subpart III-K of Session Law 2024-57 amends North Carolina General Statutes 160D-601(d) by prohibiting local governments from enacting or enforcing any zoning regulations or zoning map amendments that would constitute "downzoning" without first obtaining the written consent of all property owners whose property would be subject to such an amendment. The passage of this provision severely erodes municipal authority to adopt zoning text amendments.

In this year's legislative session, the North Carolina General Assembly will be considering House Bill 24, which provides for Subpart III-K LOCAL GOVERNMENT of North Carolina Session Law 2024-57 (Senate Bill 382) to be repealed in its entirety. State Representative Mike Clampitt, representing Transylvania County, has co-sponsored the bill.

Action

Staff is requesting that City Council adopts the attached resolution to signify its support of House Bill 24. If approved, the resolution will be forwarded to the various North Carolina General Assembly representatives for the City of Brevard and Transylvnaia County.

Attachments:

1. Resolution in Support of HB24

RESOLUTION NO. 2025-XX

**A RESOLUTION IN SUPPORT OF HOUSE BILL 24
AN ACT TO RESTORE THE AUTHORITY FOR LOCAL GOVERNMENTS
TO INITIAITE DOWNZONING**

WHEREAS, the North Carolina General Assembly will be considering House Bill 24, which provides for Subpart III-K LOCAL GOVERNMENT of North Carolina Session Law 2024-57 (Senate Bill 382) to be repealed in its entirety; and

WHEREAS, provisions within this legislation support local municipal governing bodies in making their own zoning decisions based on the will of the voters that elected them; and

WHEREAS, North Carolina Session Law 2024-57 entitled “AN ACT TO MAKE MODIFICATIONS TO AND PROVIDE ADDITIONAL APPROPRIATIONS FOR DISASTER RECOVERY; TO MAKE TECHNICAL, CLARIFYING AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2023; AND TO MAKE VARIOUS CHANGES TO THE LAW”, became law on the 11th of December 2024; and

WHEREAS, Subpart III-K of Session Law 2024-57 amends North Carolina General Statutes 160D-601(d) by prohibiting local governments from enacting or enforcing any zoning regulations or zoning map amendments that would constitute “downzoning” without first obtaining the written consent of all property owners whose property would be subject to such an amendment; and

WHEREAS, the passage of North Carolina Session Law 2024-57 severely erodes municipal authority to adopt zoning text amendments applicable to entire zoning districts given the time, effort, and cost of identifying all of the owners of the parcels within such zoning districts. Moreover, the new law as adopted would empower a single property owner to override the will of a unanimous governing body, a developer, and perhaps all or a vast majority of the property owners affected by the amendment; and

WHEREAS, in law use law “downzoning” is commonly referred to as rezoning a property to a new zoning district that is less intense or less dense than the prior district. North Carolina Session Law 2024-57 broadened the definition of downzoning and created significant limits to local authority by including any development regulations as prompting a “nonconformity”, effectively banning the creation of any non-trivial development ordinances from occurring. This legislation greatly impacts local governments from establishing development standards like parking, setbacks, landscaping, signage, and more, that are in the best interest of their communities; and

WHEREAS, all North Carolina local governments continue to face challenges presented by growth and development. Each local government’s zoning authority has historically provided a means to balance those challenges with the needs of the community based on the will of the residents as determined through the municipal elections; and

WHEREAS, the downzoning provision of North Carolina Session Law 2024-57 effectively freezes local government zoning and greatly diminishes the role of local governments granted by the Constitution of the State of North Carolina to manage growth and change consistent with the needs of its jurisdiction.

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

Section 01. The City Council of the City of Brevard is unanimously in support of the passage of the proposed House Bill 24 to Restore the Authority of Local Governments to Initiate Downzoning; and

Section 02. The City Council of the City of Brevard are request that the elected representatives for the City of Brevard in Transylvania County who serve in the North Carolina General Assembly secure the passage of the proposed bill; and

Section 02. The City Clerk is hereby directed to provide a certified copy of this resolution to all elected representatives representing the City of Brevard in the North Carolina General Assembly as well as the entire Transylvania County Delegation.

Adopted and approved this the 17th day of March, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Authorize City Manager to Approve Contract with Berry Dunn for Police Department Workplace Study

Speaker: Wilson Hooper, City Manager
Kelly Craig, Human Resources Director
Tom Jordan, Police Chief

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

Last fall, Council and City Manager agreed to focus on staffing challenges at, and negative survey results from, the Brevard Police Department. Though the effort was delayed because of Helene, since last fall staff wrote and published an RFQ, evaluated 13 submissions to the RFQ, interviewed five firms, selected the firm Berry Dunn based on their qualifications, and negotiated a scope of work. The Manager has updated the Council throughout the process via several forums, most recently at the February 26 Public Safety Committee meeting.

Discussion

Staff are now ready to proceed with the study, and have negotiated a comprehensive scope of work (attached). The section regarding "Services" in the City's Purchasing Policy reads: "Contracts directly authorized by the City Council through direct award or budget authorization may be executed by the City Manager." Since this project was not budgeted for in the FY25 spending plan, staff seek Council's permission to proceed.

Fiscal Impact

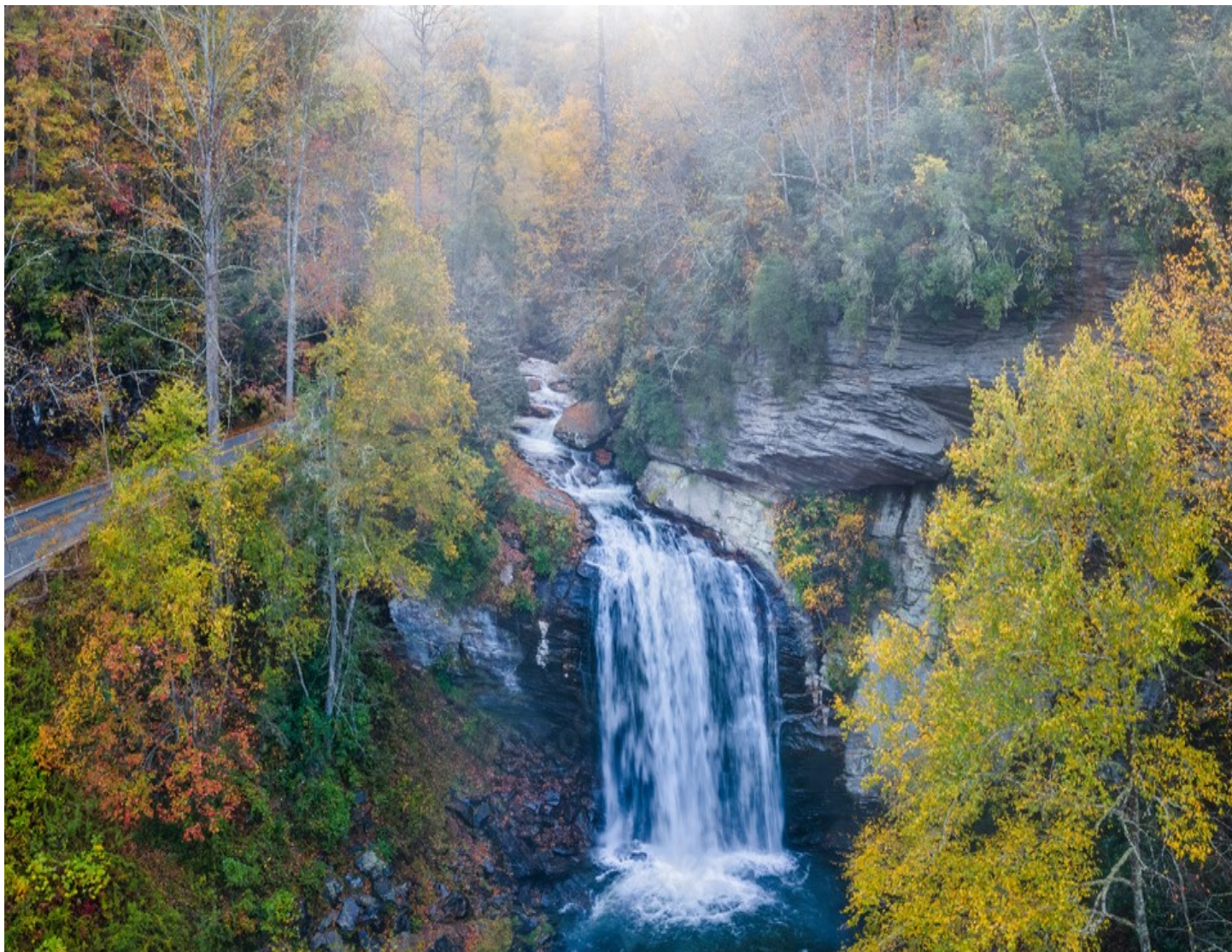
The expected \$75,000 cost will be funded from Brevard Police Department budget savings. It is likely that the savings will be drawn from the "Personnel Services" half of the budget, and will therefore require a budget amendment to adjust the "Operational" half. If necessary, the amendment will be presented to Council near the end of the fiscal year with other routine wrap-up amendments.

Action

Staff request Council pass the attached resolution authorizing the City Manager to execute the contract with Berry Dunn.

Attachments:

1. BerryDunn Scope v.2 with Cost
2. Resolution re BerryDunn BPD org. study



PROPOSAL TO
Brevard Police Department,
North Carolina

TO PROVIDE
Organizational Health
Assessment and Change
Management Strategy

BerryDunn
2211 Congress Street
Portland, ME 04102
207.541.2200

Doug Rowe, Principal
drowe@berrydunn.com

Michele Weinzel, Engagement Manager
mweinzel@berrydunn.com

Proposal Submitted On:
January 27, 2025 (via email)

January 27, 2025

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

Sent via email to: Wilson.Hooper@cityofbrevard.com

Dear Wilson Hooper:

On behalf of Berry, Dunn, McNeil & Parker, LLC (BerryDunn), I am pleased to submit this amended proposal, which we have revised from our original proposal from December 6, 2024, based on our conversations with your project team. The proposal revised is in response to the City of Brevard (the City's) Request for Qualifications (RFQ) seeking an Organizational Health Assessment and Change Management Strategy for the Brevard Police Department (BPD), and it includes adjustments to the project scope, work plan, and schedule, and includes our proposed fees.

BerryDunn is a nationally recognized independent management and information technology (IT) consulting firm focused on inspiring organizations to transform and innovate. Founded in 1974, we are a stable and well-established firm that has preserved our core values and reputation for excellence throughout our longstanding history. We have enjoyed steady growth by providing consistent, high-quality services to our clients in all 50 states—including North Carolina—as well as Canada, Guam, Puerto Rico, and the United States Virgin Islands.

We are pleased to propose a team of law enforcement professionals with direct policing experience, as well as experience conducting similar studies for police agencies across the country. Leveraging our breadth and depth of experience, we will help the BPD evaluate the department's culture and workplace environment. BerryDunn's effort will identify strategies for improving the culture and environment while maintaining professionalism and support recruitment and retention, employee health and satisfaction, and the effective provision of law enforcement services.

While each client is unique, our goal is to deeply understand your current environment, help formulate a vision for the future and map the way to get there. The final report resulting from in-depth data collection will highlight the BPD's strengths and identify opportunities for improvement. We are prepared, and qualified, to guide the City through a period of complex change as a result of this review.

Why BerryDunn?

As evident in the key points that follow, we have a strong desire to partner with the City on this initiative. We have a clear understanding of the work effort required and the City's needs; extensive experience conducting similar projects nationally; and several notable attributes that differentiate us from other proposers.

- ▶ **Our team's robust public-sector experience is augmented by strong project management skills.** Our consultants stand out through their hands-on policing experience—we understand our clients' perspectives because we have been in their position. Our engagement manager, Michele Weinzetl, brings 27 years of experience in law enforcement. While this direct policing experience informs our work, even more important for the success of the City's project is our strong organizational assessment and change management expertise, gained from years of national consulting experience. This is valuable to the City for two reasons: our ability to connect and build rapport with the BPD and its

stakeholders and keeping the project progressing on time, within scope, and with clear lines of communication.

- ▶ **Our approach to conducting organizational assessments and staffing analyses is proven, thorough, and reliable.** BerryDunn has a proven research-based approach and model for conducting operational and cultural assessments. Our methodology includes a mixed-methods research design, which uses both quantitative and qualitative data. Our process includes substantial data analysis and the use of numerous information-gathering tools and instruments, including individual and group interviews. Through this extensive approach, BerryDunn produces valid, reliable, and actionable findings and recommendations for our clients that are grounded in data and meet or exceed best practices within the law enforcement industry. We have demonstrated success in completing these studies for agencies comparable to the BPD.
- ▶ **Our emphasis on relationships and quality.** Lastly, and perhaps most importantly, our team is not just interested in getting the job done; we care about how we get the job done—something we believe is reflected in the fact that our clients regularly invite us back to conduct more work with them. We invest time and energy in building trust and credibility with staff and stakeholders. Given the nature of this study, it is important for the City to know it is working with people it will enjoy collaborating with and can rely upon.

As a principal in BerryDunn's Local Government Practice Group, I am legally authorized to bind, negotiate, make presentations on behalf of, and commit our firm and our resources. If you have any questions regarding our proposal or updates on the evaluation process, please consider me your primary point of contact and feel free to contact me directly. Thank you for your time and consideration.

Sincerely,



Doug Rowe, PMP®, ITIL(F) | Principal
Local Government Practice Group
t/f: 207-541-2330 | e: drowe@berrydunn.com

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1.0 Qualifications

BerryDunn is a nationally recognized consulting firm formed in 1974. We employ more than 900 staff members—including more than 335 consultants who work exclusively with government organizations. Our team members bring valuable perspective from their extensive project experience working with more than 650 state, local, and quasi-governmental agencies, as well as their prior experience serving state and local government public safety agencies. We provide a full range of professional services, including:

- ▲ Business Process Reviews and Redesign
- ▲ Cost of Service and Fee Studies
- ▲ Enterprise and Departmental Strategic Planning
- ▲ Facilitation
- ▲ IT Assessments
- ▲ IT Strategic Planning
- ▲ **Leadership and Organization Development**
- ▲ **Organizational Change Management**
- ▲ **Organizational and Staffing Analyses**
- ▲ Performance Analyses
- ▲ **Police Department Operational and Management Studies**
- ▲ Project Assessments and Remediation
- ▲ Software Planning, Procurement, and Implementation
- ▲ Strategic Planning

The City will be supported by members of BerryDunn's Justice and Public Safety Practice, which focuses on helping our clients advance their most critical public safety initiatives. This involves improving business processes, operations, and modernizing the technological systems that keep our communities safe. Our experience expands the full justice spectrum, from initial justice involvement to adjudication and management of offenders. We've worked with corrections departments, district attorneys, fire and police departments, judiciaries, probation departments, and sheriffs' offices, among others. As such, we understand the interconnectedness between various public safety entities and their stakeholders.

Conducting police department organizational assessments that identify opportunities for improvement is a core service of our Justice and Public Safety Practice.

BerryDunn has a successful track record of working with police departments to evaluate internal processes, examine organizational and operational data, conduct individual interviews, facilitate internal and external group discussions, and identify and assess community expectations. In Table 1 below, we have included descriptions of three recent projects for which we provided services similar to those requested in the City's RFQ. We have included reference contact information for each of these projects in **Section 4.0** of our response.

Table 1: Relevant Project Experience

Client and Project Dates	Project Description
City of Dunwoody, Georgia (12/2022 to 12/2023)	Organizational assessment of the Dunwoody Police Department to plan for current and future public safety services, including a workload-based review of all police department staffing, patrol work schedule, and the efficiency and effectiveness of the deployment of patrol personnel
City of Gresham, Oregon (11/2021 to 08/2022)	Police department operations and management study, strategic plan, and implementation and change management
Village of Oak Park, Illinois (05/2023 to present)	Strategic plan implementation and community co-production policing model support

In **Appendix A**, we have included resumes for each of our proposed project team members, which demonstrate their relevant qualifications and project experience.

2.0 Approach and Understanding

2.1 Project Approach

Meeting the goals of the City for this project will require closely reviewing qualitative and quantitative data—including both historical data and new data created as a part of this project. Our team is skilled at digesting raw data (from computer-aided dispatch [CAD] records, for example), recognizing patterns, and translating it into meaningful findings and recommendations. BerryDunn will engage a variety of techniques to collect data, as listed below. Our team recognizes the sensitivity of collecting this data and will conduct the project in a respectful and conscientious manner.

Community Engagement and Feedback: We place significant emphasis on connecting with and soliciting input from the community—and stakeholders—you serve. Every project we lead finds its foundation in a diverse collection of feedback and opinions—helping an organization set goals that support efficiency and improved service delivery. Given the shift to online and remote engagement over recent years, we plan to provide a robust online project hub where community members can share their perspective and easily stay up to date on project progress and updates.

Customizable Tools: As a thought leader in the industry, Michele Weinzetl has created multiple customizable tools (such as surveys, worksheets, and assessments) that we will bring to our work with you. For example, she created a Police Field Technology Assessment tool that provides a general assessment of the deployment and functionality of the hardware and software technology of BPD's patrol fleet. We will leverage this, along with other customizable instruments (such as the Patrol Schedule Assessment and 21st Century Policing Assessment Tools), to collaboratively assess BPD's performance.

Document and Data Review: BerryDunn is committed to conducting a quality and thorough study. In Table 2, we provide a representative sample of the type of agency data BerryDunn generally analyzes in public safety studies. This information will help ensure BerryDunn understands BPD's current state and operations. This will position us to provide actionable, realistic, and achievable recommendations.

We recognize that the time expended to produce this data might be significant, depending on where and how the data are stored and the ability to retrieve the data. We also anticipate that in some cases the data requested might not exist. In addition, some of the requested data will need to be produced in a specific format and will need to include specific data elements in order to be useful. Where appropriate, BerryDunn will provide guidance or other support on how BPD can compile the data to help ensure it is produced in a usable format and to improve the efficiency in retrieving and providing data for this study.

Table 2: Sample Project Data Request

Worksheets		Surveys		Agency Information	
»	Authorized personnel	»	21st Century Policing checklist	»	Accountability standards and metrics
»	CAD / records management systems (RMS) data set	»	Investigations survey	»	Impartial police data
»	Command data	»	Organizational climate and culture survey	»	Organizational chart
»	Hiring process	»	Patrol workload analysis	»	Patrol schedule
»	Investigations case, leave, and personnel data	»	Recruiting	»	Patrol district/sector map
»	Patrol leave data			»	Policy manual
»	Patrol unit data			»	Staffing levels and models
				»	Vision, goals, and objectives

Fact-Finding Interviews: In collaboration with the BPD, BerryDunn will identify appropriate project stakeholders to interview. These interviews will help us understand the processes and policies unique to the department and will give us a well-rounded perspective of the BPD as a whole. We will discuss organizational goals, business needs, and a vision for the future; we will elicit input from stakeholders regarding process strengths and weaknesses, perceived internal and external problems and threats, and unique features or uses of data programs and processes.

Public Safety Best Practices Review: BerryDunn will leverage our national experience to examine the BPD's policies, procedures, and practices for each of its divisions. We will leverage and apply the 21st Century Policing Task Force Report standards as a framework and as a metric with which to measure against. Our project manager has created a custom checklist that assesses an agency's alignment with the six primary pillars of the 21st Century Policing Task Force Report.

2.2 Change Management Methodologies

A project of this nature will likely change workflows, processes, and even cultural attitudes within the BPD. BerryDunn has observed resistance to change in most of our business process improvement and efficiency consulting engagements. We will work with the City to proactively address resistance by engaging stakeholders at the right level throughout the project. From initial planning through implementation of our recommendations, we will build understanding for the need for change and gain support from all stakeholders.

We have adopted the Prosci® change management methodology and trained over 100 consultants to become Prosci® Certified Change Practitioners—including our engagement manager, Michele Weinzel. A central focus of the Prosci® change management approach is the belief that in order for change to work in an organization, individuals must be willing to change and understand change.

3.0 Proposed Methodology and Work Plan

3.1 Data Analysis Methodology

As noted above, BerryDunn engages a mixed-methods research design and leverages significant quantitative and qualitative data analysis. BerryDunn will evaluate all **qualitative data** to produce key themes from the analysis. **Quantitative data** will be analyzed to produce numeric outputs that represent key datapoints. BerryDunn will analyze all of these data against each other to help ensure alignment and to validate recommendations that rely upon them.

Further, BerryDunn will assess these data against numerous benchmark data produced in prior studies and based on other available datasets (e.g., Federal Bureau of Investigation [FBI] Uniform Crime/National Incident-Based Reporting System [NIBRS] Reports). BerryDunn will produce appropriate tables and figures to represent quantitative data analysis outputs, and themed qualitative data will be provided in a narrative form that supports associated findings and recommendations.

BerryDunn has a successful track record of working with public safety departments nationwide to evaluate internal processes, examine organizational and operational data, conduct individual interviews, facilitate internal and external group discussions, and identify and assess community expectations.

To meet the City's goals for this project, BerryDunn will evaluate extensive data collected from the BPD in comparison to our prior work; against professional standards and similar organizations; and in relation to the challenges facing law enforcement today. Our work will begin with an examination of the BPD's

policing environment and an analysis of additional factors and trends including but not limited to patrol functions, specialized functions and specialty units, the Professional Standards Bureau, administrative functions, sworn and non-sworn staff, future projected growth, and recruitment and retention.

Our standard law enforcement agency operational analysis includes the following areas:

Community Engagement: a review of community policing philosophies and actions by the agency, impartial policing strategies, engagement with the media, and problem-solving efforts and methods

Data, Technology, and Equipment: a review of agency software and related technology resources and access/use of crime and other call for service data for operational purposes; includes a general review of department equipment

Dispatch/Communications: a review of agency interaction with the communications center, dispatching protocols, alternative response to calls for service (CFS), and reviewing communication center policies

Internal Affairs/Professional Standards Bureau: a review of the internal affairs process, including case routing, review, dispositions, and dissemination of investigation results

Investigations Services: an overview of the investigations section examining staffing, case assignments, closure, routing, and supervision

Juveniles and Youth Engagement: a review of agency policies and programs relating to juveniles and youth engagement efforts, as well as the School Resource Officer (SRO) program

Operations and Staffing: an analysis of the organizational structure (including sworn and non-sworn staffing), policing philosophy, support services and specialty assignments, and organizational relationships

Operational Policies: an overall review of critical department policies, risk management strategies, and the process of policy creation, review, training, and dissemination

Organizational Culture and Leadership: a review of organizational communication, ethics, accountability, supervision, management, and leadership philosophy

Patrol Services: an analysis of patrol staffing, patrol work schedule, and personnel deployments, and response to CFS

The Law Enforcement Service Environment: an overview of the police setting, the service community, the structure of the government and police agency, personnel data, and crime and service data

Training and Education: a review of pre- and in-service department training, field training, and staff development

Recruitment, Retention, and Selection: a review of agency practices related to hiring, retention, and selection of personnel

BerryDunn will leverage our broad experience in the law enforcement field to carefully and thoroughly examine the policing environment for the City and to make best practices recommendations that align with overall police operations.

3.2 Detailed Project Work Plan

In the following pages, we offer a **high-level overview** of our proposed project tasks followed by a **detailed narrative** to provide more context for deeper understanding. Please note that our plan uses an incremental approach to developing a Needs Assessment Report, submitting the Report in sections as they are completed. The sections generally align with the phases as described below—including Current State Analysis, Future State Visioning, Gap Analysis, and Recommendations and Timeline—culminating with the submission of a final version of the Needs Assessment Report. Each of these components will be incorporated into the Needs Assessment Report as discrete sections.

Phase 1: Project Initiation and Planning and Current State Analysis

Task 1.1	BerryDunn will develop a project kickoff meeting PowerPoint presentation, including draft project timeline, deliverable list, document request list (DRL), stakeholder list, roles and responsibilities list, file sharing approach, and overall project expectations.
Task 1.2	BerryDunn and the City will conduct a project planning meeting for introductions and to review items developed in Task 1.1.
Task 1.3	BerryDunn will incorporate the City's feedback into the planning document(s), then send the final version(s) to the City.
Task 1.4	BerryDunn and the City will conduct on-site sessions with BDP staff to discuss and document current state processes related to the BPD environment, as well as challenges and/or areas for improvement (two days onsite)
Task 1.5	BerryDunn will issue surveys and worksheets to BPD staff as follows: • Culture and Climate Survey: Used to assess various culture and operational issues within the BPD • Peace Officer Development Matrix Worksheets (PODM): Used as a tool to identify current development areas for supervisors and command staff • Bug List Worksheet: Used to develop a broad awareness of issues that might benefit from targeted changes
Task 1.6	BerryDunn will request documents by submitting the DRL to the City to understand the current state of the BPD processes and functions and completion of stakeholder list for working session scheduling purposes.
Task 1.7	The City is asked to provide requested documents and completes stakeholder list for BerryDunn.
Task 1.8	BerryDunn will develop working session schedules and messaging (project awareness and working session) and send to the City for review and feedback. BerryDunn will begin review of documents.
Task 1.9	The City will provide feedback to BerryDunn on the working session schedules and messaging.
Task 1.10	BerryDunn will incorporate the City's feedback into the working session schedules and messaging and then send the final versions to the City and distribute the project awareness messaging to participating stakeholders.
Task 1.11	BerryDunn will send City staff working session invitations and corresponding messaging.
Task 1.12	BerryDunn will finish the review of documents provided by the City.
Task 1.13	BerryDunn will conduct remote exit interviews with up to eight persons who have voluntarily separated from the BPD in the prior 24 months. These individuals will be identified by the City and will need to voluntarily agree to being interviewed by BerryDunn.
Task 1.14	BerryDunn will conduct additional on-site sessions with selected stakeholders to discuss and document current state processes related to the BPD environment, as well as challenges and/or areas for improvement (1.5 days onsite)
Task 1.15	BerryDunn will refine current state process documentation as a result of the working sessions and send to the City for review and feedback.
Task 1.16	The City is asked to provide written feedback to BerryDunn on current state documentation.
Task 1.17	BerryDunn and the City will conduct walkthrough of current state process documentation to discuss City feedback and elaborate on results.
Task 1.18	Emergent Issues Memo (optional). If needed, BerryDunn will prepare this document and submit it to the City/BPD for review and discussion.

Task 1.19	Book Read and Discussion: BerryDunn will facilitate a learning opportunity for BPD command staff, which will include feedback, a training session, and associated Action Planning
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BerryDunn will begin by holding a project planning meeting between key BerryDunn and City resources. During the meeting, we will review and discuss the following:

- A DRL that asks the City to provide BerryDunn with existing documents that will help us begin to understand the public safety environment, procedures, tasks, and key stakeholders
- A list of project roles and responsibilities for BerryDunn, the City, and other relevant stakeholders
- A project schedule with start and finish dates for all project tasks to be completed by BerryDunn and/or the City

After receiving feedback from the City on the above-listed items, we will finalize the items and develop a detailed schedule for all stakeholder interviews and working sessions. The schedule will include selected stakeholder participant names and groups for key public safety personnel and other key stakeholders; session times and videoconference links; and processes to be documented and topics to be discussed.

To keep stakeholders informed and aware of project activities, we are proposing the development and distribution of the following communications:

Stakeholder Project Awareness Memo: This memo will summarize the project and its goals and objectives, as well as the role that BerryDunn and City stakeholders will play in the project. Additionally, it will lay out high-level expectations regarding stakeholder participation in the project, including when and where their participation will be necessary, and any potential impact to the stakeholders.

Interview Participation Messaging: This messaging will accompany our stakeholder working session meeting invitations. This messaging will summarize our plans to review support services processes for the current state. Our messaging will include the goals and objectives for the sessions and outline the processes to be covered during the sessions.

BerryDunn will facilitate a series of current state working sessions with the stakeholders identified by the City for the selected processes. To maximize the results and efficiency of these sessions, BerryDunn will use techniques it has successfully applied to similar engagements, including:

- Applying BerryDunn's knowledge of public safety services processes and existing documentation when working with City staff to identify their current state
- Working to identify pain points that exist in the current processes during the working sessions

Following the current state working sessions, we will edit and improve the documents and ask any clarifying questions. Documentation of the policing environment includes not only the steps in the process but also the existing inefficiencies, bottlenecks, or pain points.

Special Task Discussion

Task 1.5: PODM

The Peace Officer Development Matrix is a worksheet that is used to assess the development phase of supervisory and command staff (it can also be used for patrol staff), within the interpersonal, intrapersonal, and cognitive domains. It is used to identify potential training and development areas within these domains, and it can serve as a blueprint for creating an individual development and support plan for persons in these positions.

Task 1.18 (optional): Emergent Issues Memo

BerryDunn recognizes that its clients often have a sense of urgency around the receipt of certain assessment results, as this data can affect budget planning and other operational considerations. Moreover, in some cases, BerryDunn observes operational conditions at early stages of a project that would benefit from prompt attention, as opposed to waiting until the project report is finalized. For these reasons, our methodology includes presentation of critical initial findings and/or observations early in the project. This process is outlined immediately below, is also described in the Project Work Plan.

Deliverable 2 (optional): Emergent Issues Memo. Our initial analysis of data collected in Phase 1, including information collected during interviews, will focus on identifying any major procedural gaps, inefficiencies, or other issues creating a substantial risk to the department. If needed, based on this initial analysis, we will prepare an Emergent Issues Memo that will detail any significant operational challenges or emergent issues that require immediate attention. We will provide this document for the City to review and schedule a videoconference with project staff to discuss the details.

Task 1.19: Book Read and Discussion.

The purpose of this process is to collect feedback for use in a group discussion of the books, Flight of the Buffalo, and Crucial Conversations. BerryDunn will analyze this feedback and develop topics for discussion in a joint command team meeting. The intent of these discussions is to help BPD staff broaden their collaborative and strategic approach to communication and leadership. This will help align the philosophy and approach of the entire BPD leadership team, and help the team manage current operations, and prioritization and implementation of the recommendations produced by this study. If others from City staff would like to participate in this process, they would be welcome to do so without additional expense to the City.

Deliverable 1: Project Work Plan and Schedule

Deliverable 2 (optional): Emergent Issues Memo

Deliverable 3: Needs Assessment Report – Current State Analysis Section

Phase 2: Future State Visioning and Gap Analysis

Task 2.1	BerryDunn will send City staff visioning session invitations and corresponding messaging.
Task 2.2	BerryDunn will conduct on-site visioning sessions with selected stakeholders to document opportunities for improvement and the City's vision for public safety services in the future.
Task 2.3	BerryDunn will document the desired future state in narrative form and develop a Future State Vision Section of the Needs Assessment Report that describes the future vision of public safety services; BerryDunn will submit this section of the Report to the City for feedback.
Task 2.4	BerryDunn will analyze the gaps between the current state processes and the desired future state, resulting in the Gap Analysis Section of the Needs Assessment Report. BerryDunn will submit this section to the City for feedback.
Task 2.5	The City is asked to provide written feedback to BerryDunn on the Future State Vision and Gap Analysis sections.
Task 2.6	BerryDunn will update the Needs Assessment Report based on City feedback.

BerryDunn views Phase 2 as being a transitional phase between the current state and future state business processes. In this phase, we plan to conduct a series of visioning exercises with stakeholder

groups with the goal of determining the gap between the current state (as defined in Phase 1) and the City's vision of the future state.

BerryDunn team members will engage with City stakeholders for visioning exercises for the purpose of helping define a viable concept of the future business. Typically, in these sessions, we ask questions such as:

- Where will your organization be in three years? Five years?
- What inefficiencies and bottlenecks can be corrected and with what possible ideas?
- What high-level changes do you foresee to business processes that will impact functional or technical requirements for the future environment?

In these visioning exercises, the BerryDunn team will create an environment that allows participants to explore and discuss ideas in a fair, respectful, and balanced manner. Our methodology also emphasizes shared vision and consensus-based strategies that help remove the blockages to implementation and provide what is needed to instill ownership, commitment, and accountability for action toward the vision.

The visioning exercises will result in a section of the Needs Assessment Report that will include narrative descriptions of the future state for the business processes, as well as the gaps between the current and future states.

Deliverable 4: Needs Assessment Report – Future State Vision Section

Deliverable 5: Needs Assessment Report – Gap Analysis Section

Phase 3: Recommendations and Timeline

Task 3.1	BerryDunn will develop a set of initiatives designed to close the gap between the current and future state, as well as describe the resources, tools, and technologies required to advance the City to the desired future state.
Task 3.2	BerryDunn will schedule and facilitate a series of workshops with the City designed to prioritize the initiatives.
Task 3.3	BerryDunn will develop the Recommendations and Timeline Section of the Needs Assessment Report and submit to the City for review and feedback.
Task 3.4	The City is asked to provide written feedback to BerryDunn on the Recommendations and Timeline Section.
Task 3.5	BerryDunn will update the Recommendations and Timeline Section.

BerryDunn believes that the City is seeking a “Culture and Climate Improvement Strategic Plan” that can be used to guide this transition. Such a strategic plan must include a series of projects or initiatives that the City can conduct to advance toward the desired future state. The current and future state descriptions, documented earlier in this phase, along with the gaps between them, will inform BerryDunn’s development of a series of initiatives for the City’s consideration.

BerryDunn will travel on-site to review the proposed initiatives with the City and facilitate a series of workshops in which the City will prioritize the initiatives over a timeline—typically, three to five years. Initiative descriptions will include, but are not limited to the following:

- Both short and detailed descriptions
- Resources required to implement
- Anticipated duration
- Considerations and predecessors

Once the City has prioritized the initiatives, BerryDunn will populate a Recommendations and Timeline Section of the Needs Assessment Report and provide it to the City for review and feedback. BerryDunn will incorporate the City’s feedback and resubmit the Report to the City in its final form.

Deliverable 6: Needs Assessment Report – Recommendations and Timeline Section

3.3 Schedule Management and Proposed Timeline

Based on our experience, we anticipate approximately eight months to complete the initial study of the BPD. We are flexible in our timing and plan to finalize this schedule during project planning activities with the City.

Figure 1: Project Timeline (original)

No.	Phase	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8
1	Project Initiation and Planning and Current State Analysis								
2	Future State Visioning and Gap Analysis								
3	Recommendations and Timeline								

We approach schedule management with the end in mind—i.e., timely completion of the project, without compromising quality. To achieve this objective, we follow the approach outlined by the Project Management Institute®’s Project Management Body of Knowledge® Guide when developing project schedules. During monthly project status meetings, our team will review and discuss project updates that occurred throughout the month and highlight risks or delays. These meetings will help ensure any potential drift from the project schedule are quickly identified, impacts of significant schedule variances are determined, and variance resolution options are discussed.

Revised Timeline

Based on discussions with the City, BerryDunn is proposing an adjusted timeline as shown in Figure 2 below. This timeline makes certain assumptions about scheduling and the prompt return of data requests. It also reflects BerryDunn’s proposed onsite trips.

Figure 2: Project Timeline (proposed)

No.	Phase	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8
1	Project Initiation and Planning and Current State Analysis	Trip 1 2 Days		Trip 2 1 Day					
2	Future State Visioning and Gap Analysis				Trip 3 2 Days				
3	Recommendations and Timeline						Trip 4 2 Days		

3.4 Project Fees

BerryDunn's fees are broken down into a series of deliverables as shown in Table 1; note that some deliverables may not be completed in the sequence represented in the table below. The costs provided in Table 1 are all-inclusive and include four onsite trips (as reflected in Figure 2 above). BerryDunn will use progress billing for each deliverable and will bill final costs for each deliverable based on receipt and acceptance of the City and the BPD.

Table 1: Cost Per Deliverable

No.	Deliverable	Cost
1	Project Work Plan and Schedule	\$ 5,000
2	Emergent Issues Memo (optional)	Included
3	Needs Assessment Report – Current State Analysis Section	
4	Needs Assessment Report – Future State Vision Section	\$32,000
5	Needs Assessment Report – Gap Analysis Section	\$20,000
6	Needs Assessment Report – Recommendations and Timeline Section	\$18,000
Total		\$75,000

4.0 References

In Table 3 below, we provide reference information for three similar projects BerryDunn has recently been engaged on. We have included a more detailed description of each project in **Section 1.0** of our response.

Table 3: Project References

Client	Project	Reference Contact
City of Dunwoody, Georgia	Police Department Organizational Study	Eric Linton, City Manager 678-382-6704 eric.linton@dunwoodyga.gov
City of Gresham, Oregon	Police Department Organizational Review	William Smith, Deputy Chief 503-618-2396 william.smith@greshamoregon.gov
Village of Oak Park, Illinois	Independent Assessment of Policing, Training, Accountability, and Community Engagement	Shatonya Johnson, Chief of Police 708-358-5503 sjohnson@oak-park.us

Appendix A: Project Team Member Resumes

Doug Rowe, ITIL(F), PMP®

PRINCIPAL



EDUCATION AND CERTIFICATIONS

BS, Math and Computer Science, University of New Hampshire

Project Management Professional® (PMP®), Project Management Institute®

Information Technology Infrastructure Library (ITIL) Foundation Certification

RELEVANT EXPERIENCE AT BERRYDUNN

13 years

AFFILIATIONS AND MEMBERSHIPS

- Project Management Institute® (PMI®), National Chapter, member
- Corrections Technology Association (CTA), professional member

Doug Rowe is a principal in BerryDunn's Government Consulting Group with over 40 years of IT industry experience and 20 years of working with justice and public safety agencies. Doug's experience includes executive IT leadership, project management, enterprise system deployment, quality assurance, curriculum development and training, and strategic technology support services. He has presented at the national and regional level, sharing his knowledge to support justice and public safety efforts.

KEY QUALIFICATIONS

- Justice and Public Safety Practice Leader
- 40 years of IT industry experience
- 20 years of state and local agency justice and public safety consulting experience
- Expertise in corrections department business processes, operations, and technology
- Experience leading projects focused on planning, requirements development, and procurement of system modernizations
- Expertise in justice and public safety agency business processes, operations, and technology
- Experience leading projects focused on planning, requirements development, procurement, and implementation system modernizations
- Deep understanding of the interactions among justice partners (i.e., courts, public safety, corrections, prosecution)

PROJECT EXPERIENCE

BerryDunn (06/2011 To Present)

– Village of Oak Park, IL Police Department (OPPD)

Police Department Operational Study (01/2020 to present)

Doug is providing engagement management support to the BerryDunn team as they provide the OPPD with an assessment of their organization and processes. The OPPD engaged BerryDunn to

conduct a systematic and comprehensive assessment of the operations of the OPPD. This project involves determining whether the OPPD organizational structure; spans of control; and personnel allocations and their associated duties and responsibilities; efficiently and effectively match service demands and community and stakeholder expectations. This project also involves a comparison of the operational and organizational factors of the OPPD against industry standards and best practices.

– **City of Gresham, OR Police Department (GPD)**

Police Department Operational Study (10/2021 to 11/2023)

Doug provided engagement management support to the BerryDunn team as they provided the GPD with an assessment of their organization and processes. The GPD engaged BerryDunn to conduct a systematic and comprehensive assessment of the operations of the GPD. This project involved determining whether the GPD organizational structure; spans of control; and personnel allocations and their associated duties and responsibilities; efficiently and effectively match service demands and community and stakeholder expectations. This project also involved a comparison of the operational and organizational factors of the GPD against industry standards and best practices.

– **City of Eugene, OR Police Department (EPD)**

Police Department Operational Study (06/2022 to 09/2023)

Doug provided engagement management support to the BerryDunn team as they provided the EPD with an assessment of their organization and processes. The EPD engaged BerryDunn to conduct a systematic and comprehensive assessment of the operations of the EPD. This project involved determining whether the EPD organizational structure; spans of control; and personnel allocations and their associated duties and responsibilities; efficiently and effectively match service demands and community and stakeholder expectations. This project also involved a comparison of the operational and organizational factors of the EPD against industry standards and best practices.

– **City of Stillwater, MN Police Department (SPD)**

Police Department Study (05/2022 to 03/2023)

Doug provided engagement management support to the BerryDunn team as they provided the SPD with an assessment of their organization and processes. The SPD engaged BerryDunn to conduct a systematic and comprehensive assessment of the operations of the SPD.

– **City of Northglenn CO Police Department (NPD)**

Police Department Operational Study (01/2020 to 01/2023)

Doug provided engagement management support to the BerryDunn team as they provided the NPD with an assessment of their organization and processes. The NPD engaged BerryDunn to conduct a systematic and comprehensive assessment of the operations of the NPD. This project involved determining whether the NPD organizational structure; spans of control; and personnel allocations and their associated duties and responsibilities; efficiently and effectively match service demands and community and stakeholder expectations. This project also involved a comparison of the operational and organizational factors of the NPD against industry standards and best practices.

– **City of Duluth, MN Police Department**

Police Department Operational Study (03/2019 to 09/2019)

Doug provided engagement management support to the BerryDunn team as they provided the Duluth Police Department (DPD) with an assessment of their organization and processes. The DPD engaged BerryDunn to conduct a systematic and comprehensive assessment of the operations of

the DPD. This project involved determining whether the DPD organizational structure; spans of control; and personnel allocations and their associated duties and responsibilities; efficiently and effectively match service demands and community and stakeholder expectations. This project also involved a comparison of the operational and organizational factors of the DPD against industry standards and best practices.

– **North Carolina Administrative Office of the Courts (AOC)**

e-Courts Strategic Plan (02/2016 to 11/2016)

In the role of engagement manager, Doug supervised the BerryDunn project team to help the AOC assess its current IT environment and develop a comprehensive strategic plan that dictates how to allocate most effectively the AOC's technology resources to a prioritized set of IT initiatives over the next three to five years.

Loryx Systems (11/2010 to 05/2011)

As product manager for a jail case management software solution, Doug developed and managed product roadmaps for strategic enterprise software solutions and collaborated with customers, industry experts, internal sales, and the software development team to meet the objectives of the market. This position required a deep understanding of the county-level JPS marketplace as it relates to an integrated justice model.

Abilis New England (03/2004 to 11/2010)

Doug served as project manager for an at-risk \$10 million enterprise-level case management software development project for a state DOC, which resulted in a successful implementation. In addition, as strategic solutions manager, Doug worked with county- and state-level government corrections clients to determine case management business requirements, while reducing risk and maintaining profitability for the software product. In both roles, he was responsible for managing a geographically dispersed team that provided varied levels of technical and business expertise.

Unum (1989 to 2002)

As a manager of technology support services for UNUM (a disability and life insurance company), Doug provided internal business units with technical and training services. In this role, he developed a collaborative framework within which UNUM's Technology Training Team and Technology Help Desk staff provided single point of contact services to the business units. He also worked with the HR Team and IT managers to develop and deploy a skills assessment/management model for IT professionals, including a core set of competencies and skills required by the various IT roles.

PUBLICATIONS AND PRESENTATIONS

- *Victim notification system: It's easier (and harder) than you think*, a BerryDunn blog

Michele Weinzetl, Ed.D., Prosci®

CCP

ENGAGEMENT MANAGER



EDUCATION AND CERTIFICATIONS

Ed. D., Higher Education and Adult Learning, Walden University

MA, Organizational Management, Concordia University

BA, Organizational Management, Concordia University

AAS, Law Enforcement, North Hennepin Community College

Prosci® Certified Change Practitioner

Master Chief Law Enforcement Officer Certification

Michele Weinzetl has over 27 years of experience in the public-sector, specifically with police. Her background includes more than 17 years as a Chief of Police for three different Minnesota Police Departments. Michele has extensive experience instructing hundreds of police officers and police executives in the areas of supervision, leadership development, and a variety of policing skills. Michele's experience also includes several years serving as a subject matter expert, consultant and adjunct faculty member for the International Association of Chiefs of Police (IACP) Leading by Legacy program.

KEY QUALIFICATIONS

- Over 27 years of police experience
- Former Chief of Police for three Minnesota Police Departments
- Instructed hundreds of police officers and police executives in the areas of supervision, leadership development, and a variety of policing skills
- Extensive experience for operational oversight of management studies, staffing studies and other technical assistance engagements

KEY FOCUS AREAS

Chief of Police: Michele's prior work includes more than 17 years as a Chief of Police for three different Minnesota Police Departments, and eight years with the Minnesota Chiefs of Police Association as a board member and president. As a consultant, she is a sought-after leader in the areas of police force management, development, and best practices. She advocates for a community co-production (CCP) Policing model, which unifies police agencies and communities through shared responsibilities in areas such as guidance, oversight, and the development of policies, operational strategies, public safety priorities, and other shared goals.

SELECT CLIENTS

City of Eugene, OR
City of Stillwater, MN
Village of Oak Park, IL
City of Gresham, OR
City of Northglenn, CO
City of Albany, GA
City of Duluth, MN

Organizational Management: Michele has dual degrees in Organizational Management and Communication from Concordia University, and years of experience leading organizational management and development projects. During her time as senior project manager for the IACP, she conducted several management studies including those related to full operations and management; technical assistance; recruiting, hiring, and retention; and patrol and staffing.

Leadership Development: Michele served as a subject matter expert, consultant, and adjunct faculty member for the IACP Leading by Legacy program for six years. She instructed hundreds of police officers and police executives in the areas of supervision, leadership and development, and a variety of policing skills. She has written a book on leadership, written numerous journal articles, presented at many conferences, including the IACP annual conference, and developed the CCP police reform model.

International Association of Chiefs of Police: Michele previously served as a senior project manager for the IACP, conducting several management study projects including: full operations and management; technical assistance; recruiting, hiring, and retention; and patrol and staffing.

IACP Leading by Legacy: Michele's background includes serving as a subject matter expert, consultant and adjunct faculty member for the IACP Leading by Legacy program for six years, instructing hundreds of police officers and police executives in the areas of supervision, leadership and development, and a variety of policing skills.

Publications: Michele's prior experiences include authoring a book on leadership, writing numerous journal articles, presenting at many conferences, including the IACP annual conference, and development of a collaborative police reform model.

Kristen Fleming

BUSINESS ANALYST



EDUCATION AND CERTIFICATIONS

BA, Business
Administration, Saint
Joseph's College

AS, Business
Administration, Casco Bay
College

Kristen Fleming is a staff consultant in BerryDunn's Public Safety Practice. She has over 25 years of experience in the public-sector in Maine, Georgia, and Nevada. Her background includes work in the fields of public safety and traffic management communications, police, fire and emergency medical services departments, a community correctional center, and human resources.

REPRESENTATIVE EXPERIENCE

BerryDunn

- Consultant providing a key role in data analytics support

North Las Vegas Community Correctional Center

- Assistant to Director

City of Perry

- Human Resources Technician II

Maine Turnpike Authority

- Traffic Management and Communications Manager
- Electronic Toll Coordinator
- Communications Supervisor

Portland Fire Department

- Assistant to the Fire Chief

Freeport Police Department

- Public Safety Dispatcher

Cumberland Fire Department

- Principal Administrative Officer

KEY FOCUS AREAS

Public Safety Communications: Kristen has over 15 years of experience in the field of public safety communications, working at several different communications centers in Southern Maine, and leading the team at the Traffic Management Center at the Maine Turnpike Authority. During that time, she wrote standard operating procedures and training programs for the centers. In addition to being a trainer within her own centers, she also acted as a trainer for a newly formed regional communications center on both their CAD system and fire communications. Kristen has worked as both a

consultant for best practices for an agency rolling out a new CAD/RMS system and has also been instrumental in building out her own agency's CAD system to provide the most accurate statistical reporting for her department. She advanced the public notification procedures for the Turnpike Authority, worked with regional partners to help ensure consistency in communications and intelligent transportation systems activations, and coordinated and implemented a system-wide upgraded radio system installation.

Process Improvement: Kristen has held several roles in the public safety field where she has been instrumental in improving policies, procedures, and processes. She has instituted and/or improved the reporting abilities for her agency, developed databases and tracking systems where RMS have lacked an ability to track the required data, improved response time for communications staff to complete required tasks, revised policies and procedures to meet the current day needs of the organization and region, and sought out/implemented technology solutions to resolve gaps in service.

Fred Fletcher

SME



EDUCATION AND CERTIFICATIONS

BBA, Accountant,
University of Texas

Class 242 – 2009,
Federal Bureau of
Investigation (FBI)
National Academy

Austin Police Department,
Leadership Command
College

Officer Candidate, United
States Marine Corps
Platoon Leaders Class

ACCOLADES

- Vision Award,
Chattanooga
Connected
- Public Official of the
Year Award, Regional
National Association of
Social Workers,
Chattanooga
- Award of Excellence,
United States Army
- Community Champion
Award, La Paz
Chattanooga

Fred Fletcher has nearly 23 years of law enforcement experience, 15 of which have been in various leadership capacities such as in an executive, command, or supervisory capacity. Fred has used his leadership to promote technology efficiencies and effectiveness. He now consults with police agencies around the country in the areas of efficiency, community and stakeholder trust, victim services. He uses best industry practices to conduct comparative analysis as a means to increase efficiencies and identify gaps in current policing policies.

PROJECT EXPERIENCE

BerryDunn

– Village of Oak Park

Independent Assessment of Policing, Training, Accountability, and Community Engagement of the Oak Park Police Department

– City of Gresham, OR

Police Department Organizational Review and Strategic Planning

– City of Northglenn, CO Police Department

Staffing and Operations Study

– City of Albany, GA

Police Department Operations Assessment

RELEVANT EXPERIENCE

Chief of Police: As Chief of Police for the Chattanooga Police Department, Fred maximized efficiency and increased effectiveness. He reorganized the department to address violent crime, employee empowerment, and accountability through statistical analysis and technology. He also implemented field-based quality control system report writing, which reduced data lag from 15+ days to mere minutes, eliminating the need for excessive data entry.

Data-Driven Policing: In Chattanooga, Fred developed a customized approach to data-driven policing and built a Real-Time Intelligence Center (RTIC) that included a robust business intelligence capability, extensive citywide public safety camera system, mobile police/community interaction application, and near 24-hour intelligence and investigative support for patrol and investigators. In Austin, he implemented initiatives to reduce crime based on national practices, including intelligence-led and data-driven policing using daily statistical analysis, a Geographic Profiling Study through a

- Community Service and Leadership Award, Caritas of Austin
 - Chief of the Year Award, Tennessee Association of Chiefs of Police
- partnership with local policing experts in academia, and state analysis.
- Financial Management:** During his 20 years with the Austin Police Department, Fred demonstrated fiduciary responsibility over police budget and resources by utilizing creative staffing models and active leadership.

RESOLUTION NO. 2025-XX

**AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENT WITH BERRY DUNN FOR
BREVARD POLICE DEPARTMENT ORGANIZATIONAL HEALTH STUDY**

WHEREAS, on March 17, 2025 the Brevard City Council was presented with information, summarized in the affixed staff report, on the terms of a proposed agreement between City of Brevard and BerryDunn for the professional services related to Brevard Police Department organizational health study.

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

The City Manager (or his designee) is hereby authorized to negotiate and execute necessary agreements with BerryDunn for the purposes described in the above referenced staff report.

Approved and adopted this ____ day of _____, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

MINUTES

Rosenwald Community Advisory Board

Thursday, October 17, 2024 - 6:00 PM
Mary C. Jenkins Community & Cultural Center

Members Present: Pamela Holder, Co-Chair, Council Member
Randy Lytle, Co-Chair
Victor Foster, Citizen Member (Arrived at 6:10 pm)
Susan Threlkel, Citizen Member
Edith Darity, Citizen Member
Rebecca Wynn, Citizen Member (Arrived at 6:10 pm)
Mayor Maureen Copelof, Ex-Officio

Members Absent: Gary Daniel, Council Member
Ella Jones, Citizen Member

Staff Present: Wilson Hooper, City Manager
Paul Ray, Planning Director
Denise Hodsdon, City Clerk

Guests: Housing Assistance Corporation representatives Meg Lebeck, Susan Frady, Crystal Watkins and Sean Rose

A. Welcome & Call to Order

Co-Chair Pamela Holder welcomed everyone and called the meeting to order at 6:07 p.m.

B. Invocation

Mr. Lytle offered an invocation.

C. Certification of Quorum

Quorum was certified by City Clerk Denise Hodsdon.

D. Approval of Agenda

Ms. Holder noted that Item F. Silversteen Park Educational Signage Project needed to be removed from the agenda as it would be postponed until the next meeting. Mr. Lytle requested to add an item regarding Kitchen Fees. Motion by Ms. Threlkel, seconded by Mr. Foster to approve the agenda as amended. The motion carried unanimously.

E. Approval of Minutes from August 27, 2024.

Motion by Mr. Lytle, seconded by Mr. Foster to approve the minutes of the August 27, 2024 meeting as presented. The motion carried unanimously.

F. Housing Assistance Corporation Presentation/Discussion

The Housing Assistance Corporation (HAC) Team introduced themselves and gave an overview of what HAC does and how it intersects with the need for affordable housing. They reviewed their Home Ownership Program and how it works. They explained that approximately 50% of their work is about affordable housing building. They own 12 multi-family developments in Henderson County and have built 206 single-family homes there. They said they are excited to be in Transylvania County talking about new construction as they have done home repair in and around this neighborhood for the last ten years. HAC uses USDA backed loan programs to qualify people who wouldn't typically qualify for conventional loans. When they are building a neighborhood, they identify a piece of land in advance and then do groups of four to six homeowners at a time who work together over a period of months and put in "sweat equity" which gives them a zero-dollar downpayment on their mortgage. It starts out with a group of people who will be neighbors and they all work on each other's homes and the homes are all completed at the same time. The neighborhoods tend to be 18 to 20 houses and when the homes are completed, they each own the land and the house with a mortgage and no deed restrictions regarding resale. If people are qualifying for these mortgages, they often will qualify for additional financial aid through the North Carolina Housing Finance Agency (NCHFA) which will provide a monthly mortgage assistance. In order to receive those funds, they have to stay in the house for a 15-year period and then those funds are forgiven. If they leave the house before 15 years, they would owe back some of the investments that the NCHFA or USDA had made. The loans are targeted toward those with 80% AMI and below.

HAC is considering building a neighborhood of approximately 10 homes on the city-owned parcel on Cashiers Valley Road. They shared some of the designs of the different sized homes they build (copy attached) and asked for feedback from the committee. There was consensus that this was a great concept and for the City to continue to work with HAC.

G. Stop Sign Public Meeting

Mr. Hooper informed the Committee that the City is considering making the intersection by Silversteen Park at Mills Ave and Hillview Ave. a 4-way stop. Since the new road was built there is heavy pedestrian use of folks crossing from the parking lot to the park. Our traffic engineer has advised that that intersection is suitable for a 4-way stop, which would slow traffic and make it more comfortable for pedestrians. He said we would like to take this through our traffic calming process, and we wanted to get the Committee's thoughts before taking it to the community for public input. There was consensus that it would make that intersection safer and to proceed with the process.

H. Kitchen Fees

Mr. Lytle explained that there is an issue at the Community Center in regard to people utilizing the kitchen and not cleaning it properly after. Currently a MCJCCC board member has been cleaning and rearranging the kitchen after people have used it for events. He said the board has been trying to come up with ways to prevent the issue. People who use the kitchen are charged a \$50 fee in addition to the rental fee and one suggestion the board had was to give the \$50 fee to the board, and it could be given to the board member that is doing the cleaning. The board is currently paying her through their treasury. During discussion Ms. Wynn suggested that the renter's deposit be held back if the kitchen hasn't been cleaned properly. Mr. Hooper said he would need to look into this further, as there are some conditions that the city's vendors have to meet, including general liability insurance. He will bring back information at a future meeting.

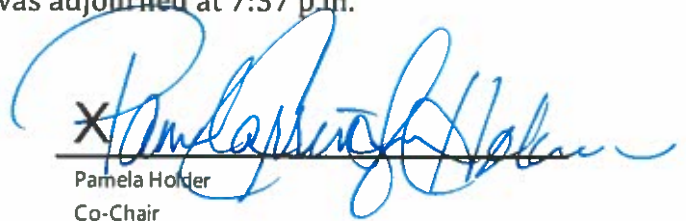
I. Set Date for Next Meeting

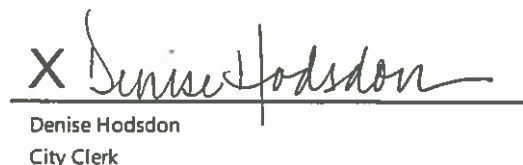
The next meeting was scheduled for Thursday, November 21, 2024 at 6:00 p.m. at the Mary C. Jenkins Community & Cultural Center.

J. Adjourn

There being no further business, the meeting was adjourned at 7:37 p.m.

Minutes Approved: February 20, 2025

X 
Pamela Holder
Co-Chair

X 
Denise Hodsdon
City Clerk

HOUSING ASSISTANCE



USDA 502 Home Ownership Program:

SELF-HELP

Assist 10-13 hr/wk in a group of 2-6 on your groups home for sweat equity on a site we have.

NEW HOME

You pay full price for the home and our crew does the full build. On a site we have.

DIRECT

We package the USDA 502 Loan for you and upon approval you obtain a Realtor that will assist you in location of a home that meets USDA requirements and your Loan allowable limit within 120 days of approval.

www.housing-assistance.com



EQUAL HOUSING
OPPORTUNITY



HOUSING ASSISTANCE



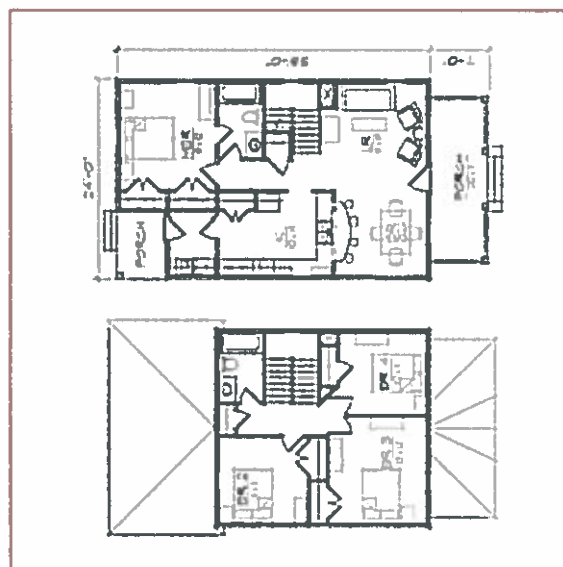


Gibson III

square footage.....	1430 sq ft
bedrooms.....	4
bathrooms.....	2
stories.....	2
width.....	24' 0"
depth.....	45' 0"
1st floor ceiling height.....	9' 0"
2nd floor ceiling height.....	8' 0"
roof pitch.....	8/12

This two story Prairie style house of 1430 square feet features a large, open living room and a spacious kitchen with a breakfast bar that opens to the dining area. The first floor also has a separate laundry room, ample storage and a master bedroom suite. The second floor includes three bedrooms and one full bathroom. The historically inspired exterior offers a gable roof with an accent of shingles, a full front porch covered with a hip roof and gabled entry, and covered rear porch. At 24'-0" in width, it is ideally suited for a narrow lot.

*Contact us for more information on handicap, basement, garage, foundation, or framing modifications.



TightLines Designs

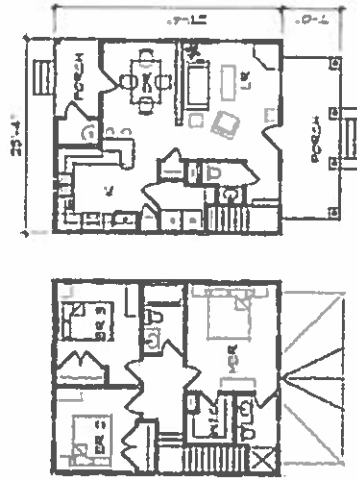
creating great places to live



Forbes I

square footage	1167 sq ft
bedrooms	3
bathrooms	2.5
stories	2
width	23' 4"
depth	34' 4"
1st floor ceiling height	9' 0"
2nd floor ceiling height	8' 0"
roof pitch	8/12

This two story Prairie style house of 1167 square feet features a large open living and dining area, spacious kitchen, private master bedroom suite, and includes a total of three bedrooms, two full bathrooms, a laundry room, a powder room and U-shaped kitchen with a breakfast bar that opens to the dining room. The Craftsman inspired exterior offers a hip roof with an accent of shingles, a full front porch covered with a hip roof and gabled entry, covered rear porch, and exterior storage room. At 23'4" in width, it is ideally suited for a narrow lot.



*Contact us for more information on handicap, basement, garage, foundation, or framing modifications.



4 BEDROOM 2 BATH - 1493 SF

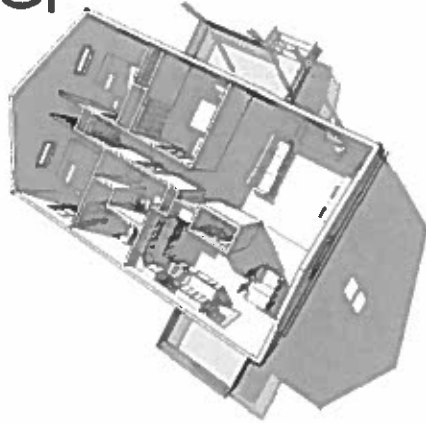
HOUSING ASSISTANCE CORPORATION



Abstract

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3 BEDROOM 2 BATH - 1178 SF

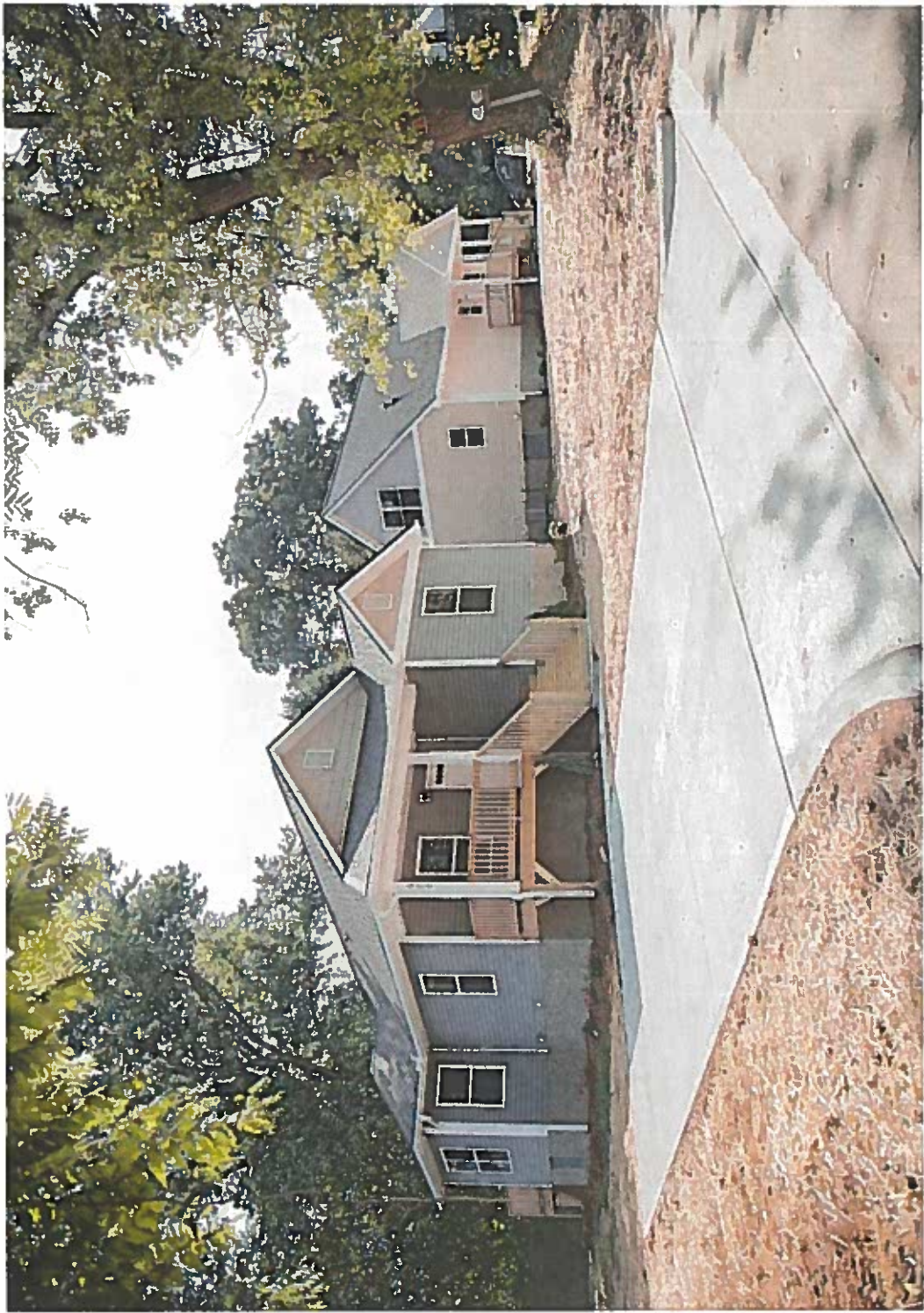


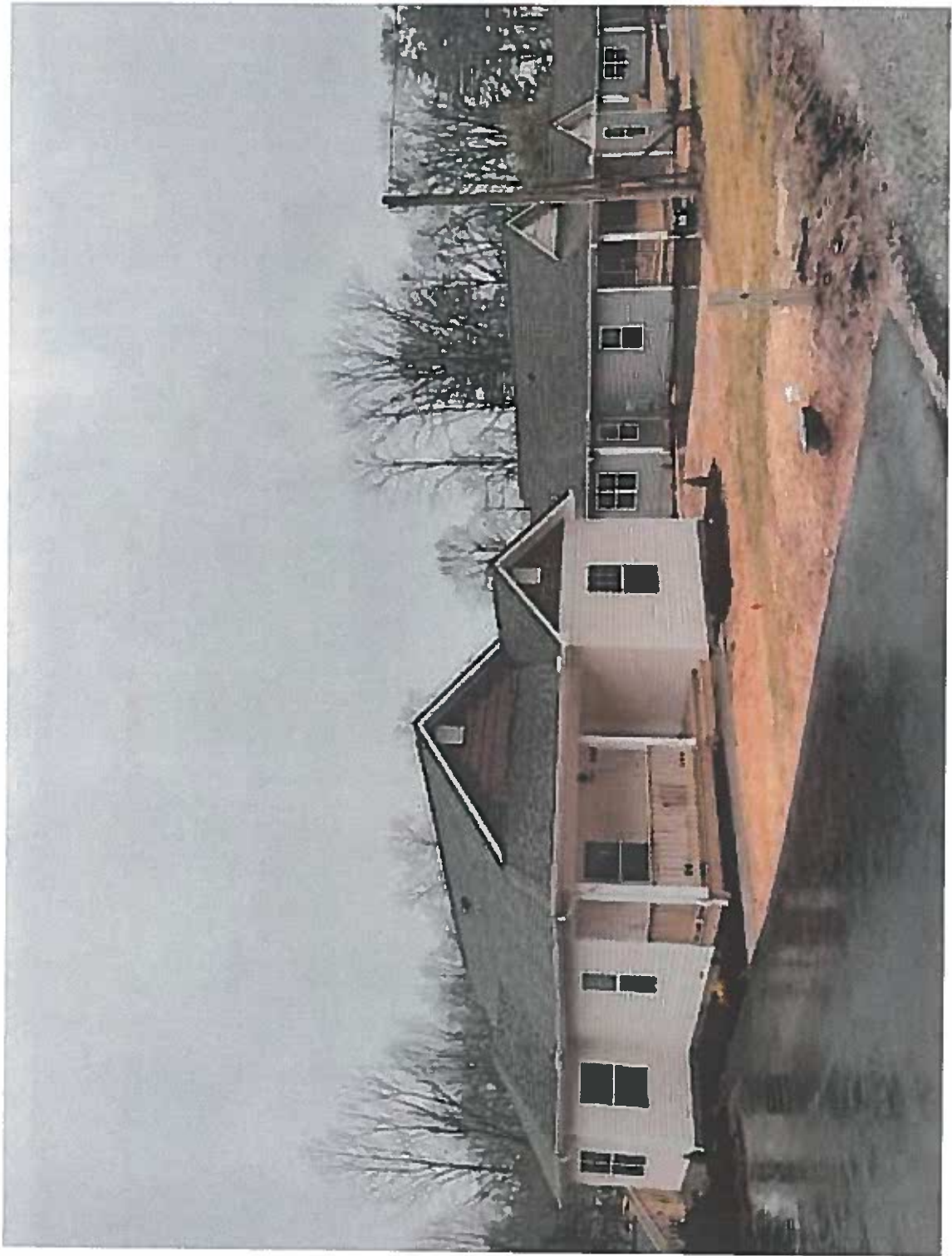
1 Endorse Plan Now

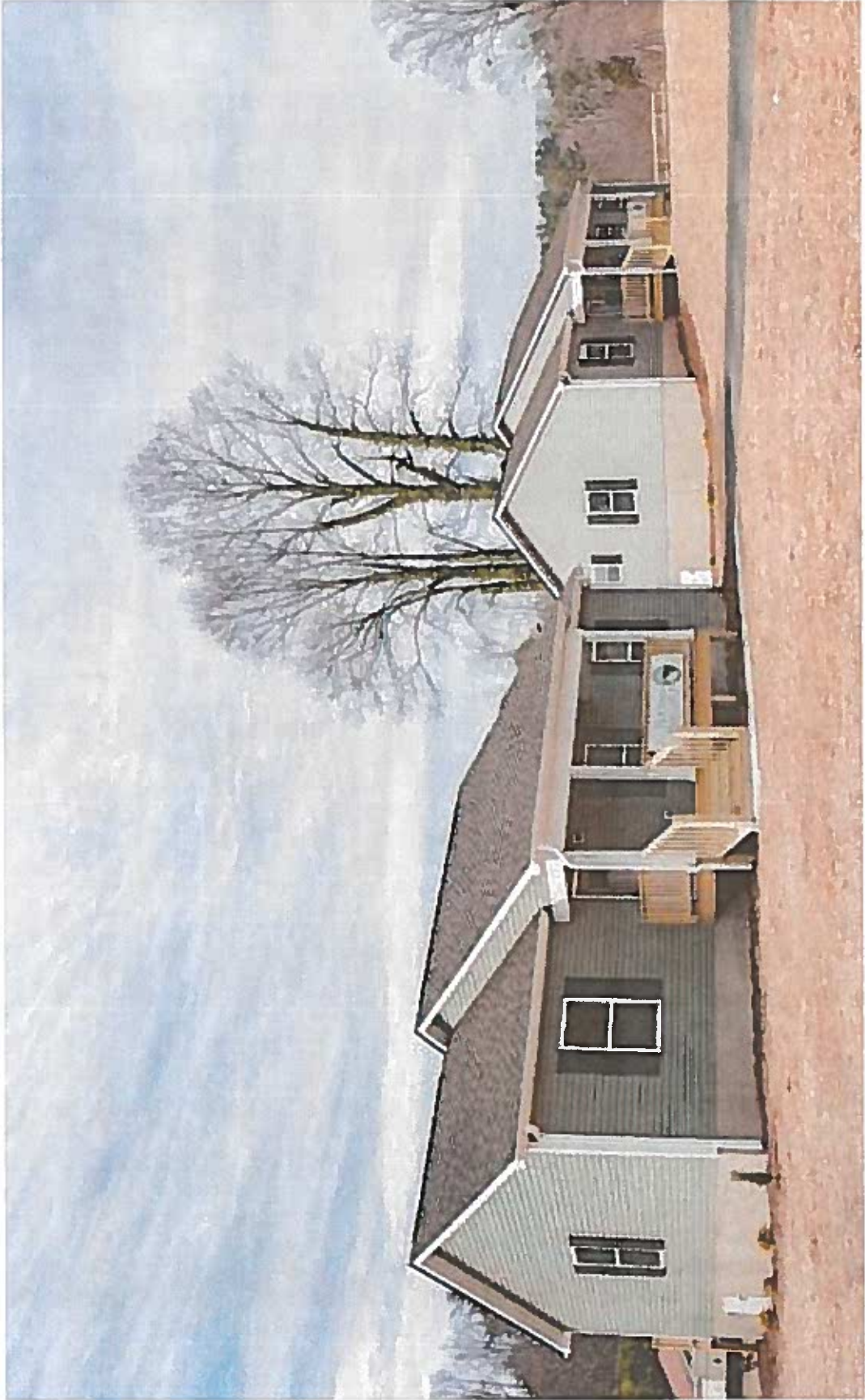
First Paragraph

GENERAL NOTES		DIRECTORY		DRAWING INDEX					
IT IS THE ARCHITECTS INTENT TO PROVIDE DRAWINGS IN FULL COMPLIANCE WITH ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, AND REQUIREMENTS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF THE EXISTING THAT AFFECT THIS PROJECT. DRAWINGS PREPARED TO MEET CODE REQUIREMENTS OF THE 2018 NORTH CAROLINA RESIDENTIAL CODE. CONTRACTOR SHALL TAKE CARE TO BUILDING CODE AND ALL OTHER STATE AND LOCAL REGULATIONS PERTAINING TO THE PROJECT. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY ALL DIMENSIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES OR VARIATIONS PRIOR TO THE DIMENSIONS AND CONDITIONS OF THE EXISTING BEING PREPARED TO FABRICATION AND INSTALLATION OF MATERIALS OR ASSEMBLIES. GROUND AND WATER CONTROL TO BE THE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR TO VERIFY THAT ALL SOIL AND STRUCTURAL FILL CONDITIONS MEET MINIMUM BEARING REQUIREMENT OF 2000 PSF.	OWNER	Sheet Number	Sheet Name	Print Date	Issued For Count	Contract Revision Description	Contract Revision Date		
	HOUSING ASSISTANCE CORPORATION 214 N. KING STREET HENDERSONVILLE, NC 28782 (628) 692-4744	21	Cover	10/25/23	1	None			
		22	Foundation Plan	10/25/23	1	None			
		23	Foundation Plan	10/25/23	1	None			
		24	Foundation Plan	10/25/23	1	None			
	ARCHITECT		25	Foundation Plan	10/25/23	1	None		
	HOME SMITH ARCHITECTURE, PLLC 224 SOUTH GROVE STREET - SUITE G HENDERSONVILLE, NC 28792 (628) 697-5985								

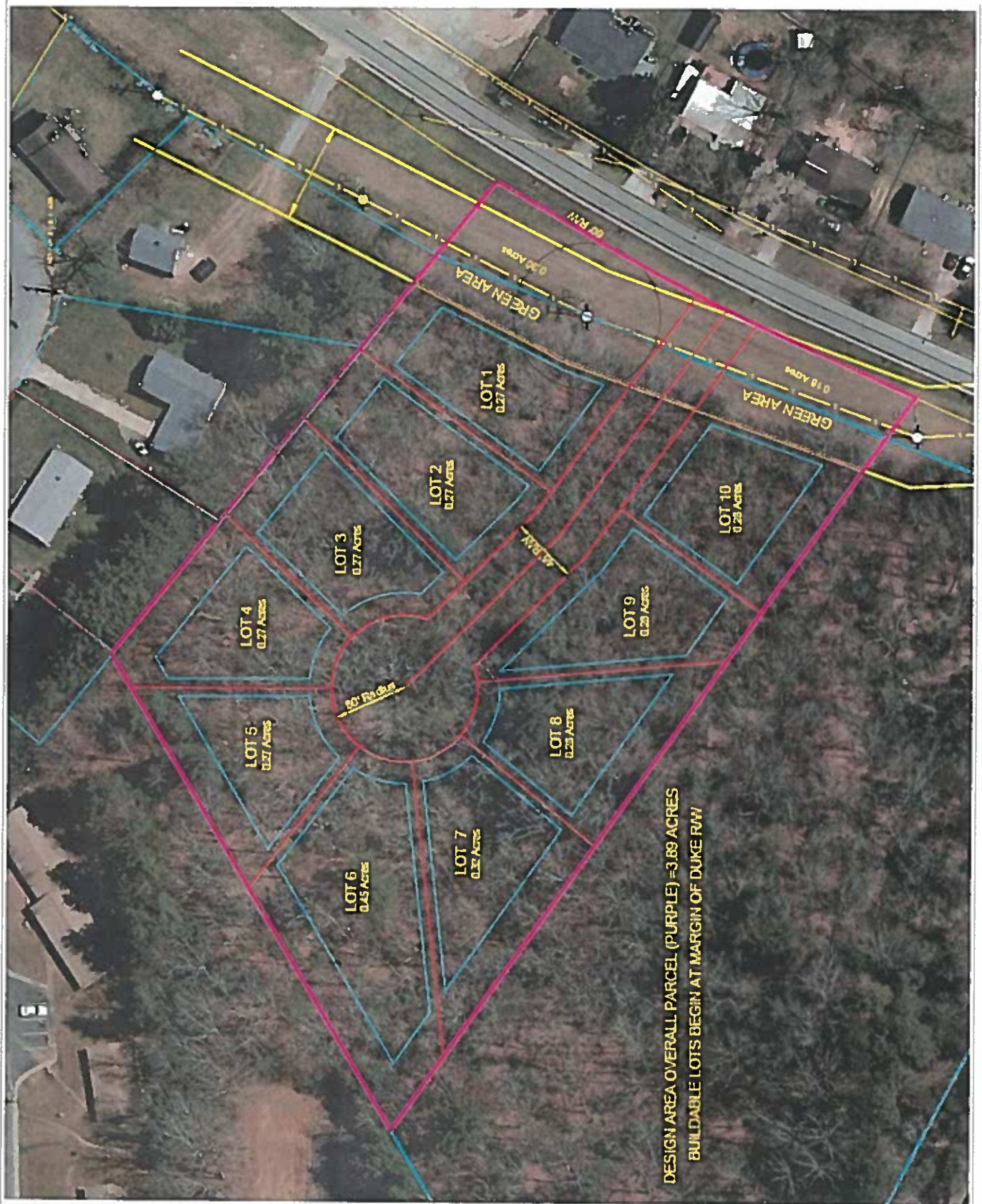












**MEETING NOTES – FOR INFORMATION ONLY
(No Quorum Present, Listening Session Only)**

Rosenwald Community Advisory Board

Thursday, November 21, 2024 - 6:00 PM
Mary C. Jenkins Community & Cultural Center

Members Present: Pamela Holder, Co-Chair, Council Member
Victor Foster, Citizen Member
Ella Jones, Citizen Member
Rebecca Wynn, Citizen Member

Members Absent:
Randy Lytle, Co-Chair
Gary Daniel, Council Member
Susan Threlkel, Citizen Member
Edith Darity, Citizen Member

Staff Present: Wilson Hooper, City Manager
Tyree Griffin, Community Center Director
Selena Coffey, Assistant to the City Manager

Guests: Destini Petitt, Silversteen Park Signage Project
David White, WNC Source

A. Welcome & Call to Order

Co-Chair Pamela Holder welcomed everyone at 6:00pm.

B. Invocation

Mr. Lytle offered an invocation.

C. Certification of Quorum

Assistant to the City Manager Selena Coffey noted that a quorum of members was not present and no action could be taken. The meeting continued as a listening session to hear from the invited presenters.

D. Approval of Agenda

With no quorum, there was no approval for and no changes to the agenda.

E. Approval of Minutes from October 17, 2024.

Minutes could not be approved due to lack of quorum. Minutes will be added to the next agenda for approval.

F. Silversteen Park Educational Signage Project

Co-Chair Holder introduced Destini Petitt, who introduced an educational signage project proposed for Silversteen Park. Ms. Petitt, who teaches at Brevard College, is pursuing this community partnership project as a prerequisite for receiving her North Carolina Environmental Educators Certification. This signage would educate the public about the history of the park, the stream restoration project, and different wildlife and plants found in the park. This would include at least two signs within the park. Ms. Petitt shared photo examples of the signage and asked for Board input.

Board members asked questions and shared their input favoring the signage. Members were particularly interested in ensuring that the history of the park was included on the signs in addition to the nature aspects of the park. There was discussion about Bethel A Baptist Church's donation of the property and members were interested in ensuring that this was included in the signage. Ms. Petitt noted that she plans for the signs to be purchased with a grant from the North Carolina Environmental Education Program and the City would only be responsible for future maintenance. Ms. Petitt shared that she hopes to have the signs installed in the calendar year 2025. Mr. Hooper shared with Ms. Petitt that City Council will need to approve the signage content and placement before moving forward.

Ms. Coffey shared with the group that approval would need to be added to a future agenda because there was not a quorum at this meeting.

G. WNC Source Feedback

Mr. Hooper introduced this agenda item and Mr. David White, CEO for WNC Source Community Services. Mr. Hooper shared that he and Mayor Copelof had met with Mr. White regarding the English property and wanted the Rosenwald Community Advisory Board's input before moving forward with WNC Source's plans.

Mr. White provided background regarding the English property from the 1990s and the work completed by WNC Source to include the childcare center, English Hills, and English House. He then asked for input from the members regarding English Hills, and the childcare center. Members provided positive comments about the English Hills development.

Mr. White noted that WNC Source wishes to add 100-115 additional housing units in English Hills and to replace the childcare center with a new facility. Members asked a variety of questions regarding the affordability of the proposed new housing units and how the last funding was used. Mr. White noted that the additional housing would be mixed-income housing and he would look into the specifics on how the funding had been allocated previously.

Mr. White then asked what type of architectural styles the Board members would like to see built. Mr. Holder suggested that the new units not be more than two stories and that the architecture should match the current units. Other members provided general agreement.

Mr. White noted that there will be more opportunities for input on the project and WNC Source hopes to break ground on the project in the next 2-3 years.

H. Set Date for Next Meeting

Those in attendance suggested that the December meeting be cancelled, meaning the Board would meet next on Thursday, January 16, 2025 at 6:00p.m. at the Mary C. Jenkins Community & Cultural Center.

I. Adjourn

There being no further business, the meeting ended at 6:50p.m.

Minutes Approved: February 20, 2025

X

Pamela Holder
Co-Chair

X

Selena Coffey
Assistant to the City Manager

MINUTES

COUNCIL DOWNTOWN MASTER PLAN COMMITTEE

Wednesday, January 8, 2025 – 4:00pm
City Hall Council Chambers

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

Members Absent: Lee McMinn, Citizen Member

Staff Present: Wilson Hooper, City Manager
Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director
Stephanie Holland, Planner
David Todd, Assistant City Manager
Selena Coffey, Assistant to the City Manager

Guests: None

Media: None

A. Welcome & Call to Order

Committee Chair Gary Daniel welcomed everyone and called the meeting to order at 4:02pm.

B. Certification of Quorum

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

C. Approval of Agenda

Mr. Wilson asked that Item F, Barber Shop Outdoor Dining Lease, be removed from the agenda. Ms. Holder moved, seconded by Ms. Bentley to approve the agenda as amended. The motion carried unanimously.

D. Approval of Minutes

Ms. Bentley motioned, seconded by Ms. Holder to approve the minutes of the December 11, 2024 meeting. The motion carried unanimously.

E. Application for Public Art: Looking Glass Realty Proposed Mural Art Project

Ms. Bentley presented a request from Looking Glass Realty for a mural to be created on the backside of Looking Glass Realty, facing into the City-owned Jordan parking lot. She noted that the business has been making improvements to their building and they would like to hire an artist to paint a mural on half of the wall as presented in the application, which was shared with the Committee.

The Committee discussed the application and proposal, primarily focusing on whether the electrical panels could be covered by the mural. Some Committee members had questions about the mural, which Ms. Bentley answered during her presentation. City staff noted that the meters cannot be obstructed/painted due to regulations.

Ms. Bentley made a motion to support the project and the motion was seconded by Mr. Platt. All voted in favor of recommending the project to City Council.

F. Times Arcade Alley/Jordan Street Bump-out Options

City Planner Stephanie Holland presented options for the Jordan Street bump-out as per the slides below:

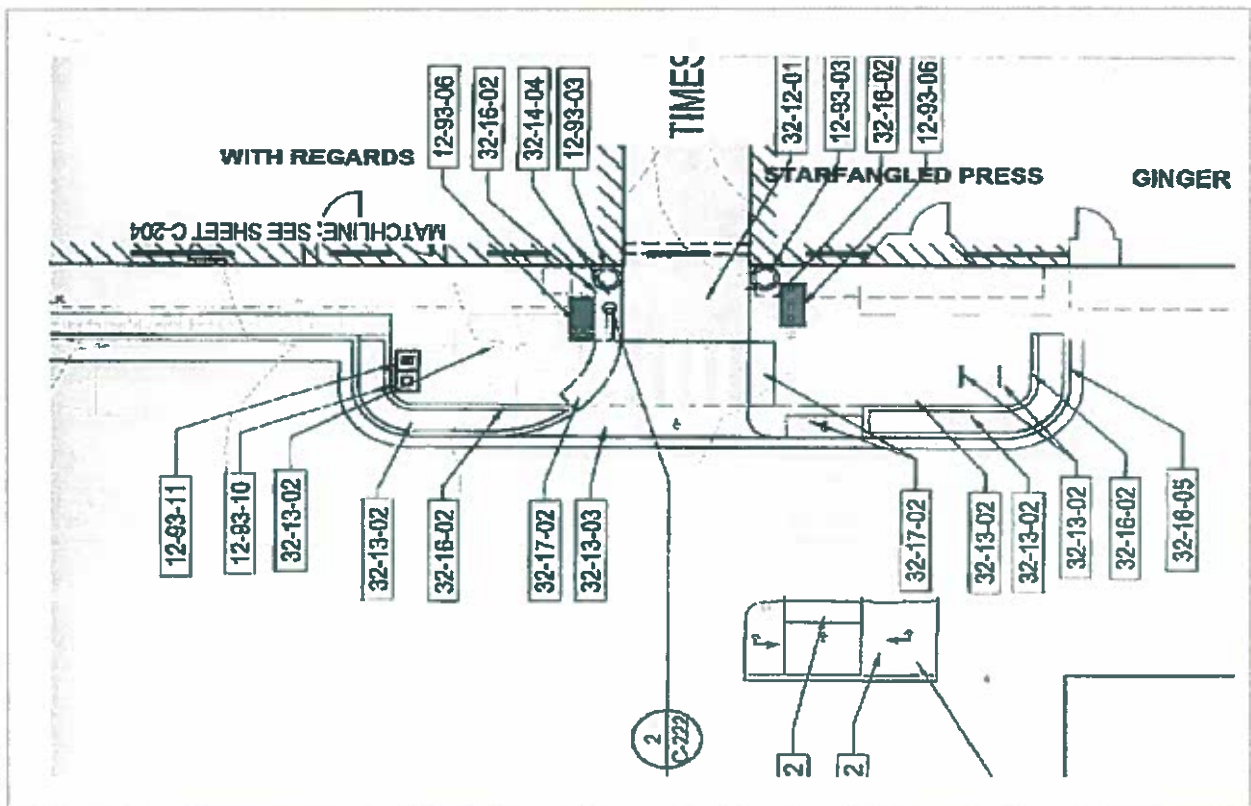
Jordan Street Bump Out

Existing Conditions

- The pedestrian route across the alley is not clear.
- A utility pole remains in a location inconsistent with the plan.
- The distance between the utility pole and the building is 8'-4".
- The stop sign is low and a hazard for pedestrians.
- Truncated domes are in front of the utility pole.

Proposed Improvements

- Remove the stop sign and add a stop bar at the end of the alley.
- Add truncated domes and crosswalk marking to reinforce the location of the pedestrian path.
- Add guardrails at the alley to direct pedestrians to cross alley away from the buildings.
- Consolidate wayfinding signs to one post to eliminate a post.
- Place benches near the guardrails with backs to buildings to help guide pedestrians away from the buildings at the alley.



Relocate Times Arcade wayfinding sign and post to Pedestrian Crossing sign position on Broad St side of alley and stack both signs on shared post.

Remove stop sign and post from the end of the alley.

Add a stop bar at the end of the alley.

Add 3' guardrail on each side of alley.

Add truncated domes in the new pedestrian way North of the utility pole.

Paint 5' wide cross walk striping across the alley and next to the guardrails.

Benches may be turned with backs to the building.



Relocate Times Arcade wayfinding sign and post to Pedestrian Crossing sign position on Broad St side of alley and stack both signs on shared post.

Remove stop sign and post from the end of the alley.

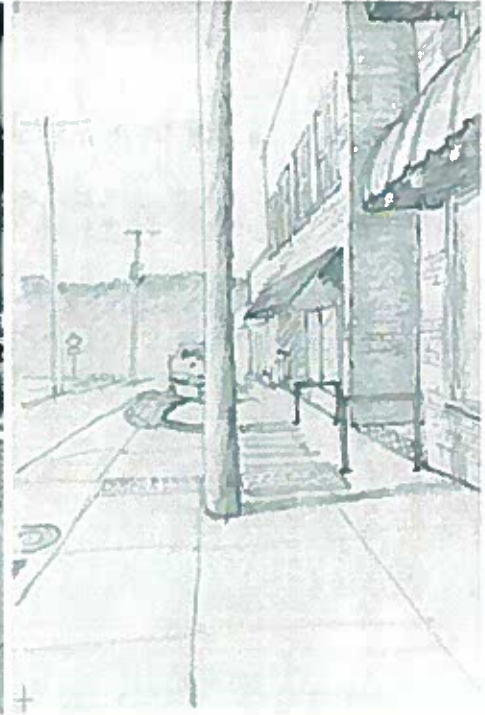
Add a stop bar at the end of the alley.

Add 3' guardrail on each side of alley.

Add truncated domes in the new pedestrian way North of the utility pole.

Paint 5' wide cross walk striping across the alley and next to the guardrails.

Benches may be turned with backs to the building.



Relocate Times Arcade wayfinding sign and post to Pedestrian Crossing sign position on Broad St side of alley and stack both signs on shared post.

Remove stop sign and post from the end of the alley.

Add a stop bar at the end of the alley.

Add 3' guardrail on each side of alley.

Add truncated domes in the new pedestrian way North of the utility pole.

Paint 5' wide cross walk striping across the alley and next to the guardrails.

Benches may be turned with backs to the building.

Install bike racks.



As Ms. Holland explained her presentation, the Committee extensively discussed various information they had received from N.C.D.O.T and the original design of this area. They then had an extensive discussion of potential new design elements to include permanent benches, improved placement of way finder signage, and improvements to guard rail

installation, truncated domes, utility pole placement, ADA issues, sidewalk width, the addition of striping for the pedestrian crosswalk, etc. There was significant discussion of the need to find ways to improve the area to benefit visually impaired pedestrians.

The Committee further discussed Duke Energy's previous unwillingness to move the utility pole and how this impacted the area. Mr. Hooper asked to hear the Committee's input as to whether it was worth the disruption if the City received agreement from Duke to move their utility pole. Ms. Copelof suggested asking the business owners for their input. Mr. Platt agreed with this approach. Ms. Copelof reiterated that the City has had a difficult time gaining agreement from Duke to move the utility pole and suggested that several of the improvements that were being discussed be implemented in the near term before continuing negotiations with Duke regarding moving the utility pole. She indicated her concern for the safety needs in the area and Committee members agreed. Mr. Daniels noted the expense for making the improvements and reiterated that Duke should have placed the utility pole in the correct location. Committee discussion continued with comments focused on the provision of ample pedestrian walking space, elimination of safety hazards, the addition of guard rails on both sides of the street, and the need for truncated domes to enhance safety. Mr. Parrish suggested that the City make the improvements that are possible while simultaneously working to get Duke's agreement to move the utility pole to its correct location.

After substantial Committee input and discussion, Mr. Hooper summarized the Committee's consensus and guidance as follows:

City staff will:

- Move forward with installing 6' guardrails on both sides
- Remove the truncated domes next to the utility pole
- Remove the signage and consolidate it on the Broad Street side of the alley
- Place benches along the guardrails
- Paint the crosswalk and a stop bar
- Add a pathway indicator for visually impaired pedestrians at the bump-out
- Rework the truncated domes to make the vehicular turning radius more effective at the street

Mr. Ray then shared that the contractor will begin the waterproofing and landscaping in the area in the near future. He noted that the contractor is waiting on cost estimates for the extra channel drain that will go in at the Square Root handicapped ramp and the plan is to cut out some of the concrete in the alleyway closest to Jordan Street to reduce the pitch towards the building. This should reduce some of the water flow in this area.

G. Public Comment – None

H. Set Date for Next Meeting

The next meeting of the Downtown Master Plan Committee was scheduled for Wednesday, February 12, 2025 at 4:00pm by motion by Mr. Platt, second by Ms. Holder, and all in favor.

I. Adjourn

There being no further business, the meeting was adjourned at 5:02pm.

Minutes Approved:

February 12, 2025

X



Gary Daniel
Chair, Council Member

X



Selena D. Coffey
Assistant to the City Manager

MINUTES

City Council Parks, Trails, & Recreation Committee

Wednesday, January 15, 2025 - 3:30 PM
City Council Chambers

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

Absent: Aaron Baker, Chair, Council Member

Staff Present: David Todd, Assistant City Manager
Aaron Bland, Assistant Planning Director
Becky McCann, Communications Coordinator
Stephanie Holland, Planner
Selena Coffey, Assistant to the City Manager

Guests: Dave Bradley (*Transylvania Times*)

A. Welcome & Call to Order

Committee Vice Chair Lauren Wise welcomed everyone and called the meeting to order at 3:30pm.

B. Certification of Quorum

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

C. Approval of Agenda

Ms. Osbourne moved, seconded by Ms. DePippo, to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes – December 18, 2024 Meeting

Mr. Granat moved, seconded by Ms. DePippo, to approve the minutes of the December 18, 2024 meeting as presented. The motion carried unanimously.

E. Review of New Map for Bracken Trail/Climbing Trail Loop

Mr. Granat introduced the agenda item and stated that there isn't a new map to share yet. He updated the Committee that it is expected that there will be an additional 1.5 miles for this portion of the trail, while some sections may be decommissioned. He stated that a new map is expected, along with a quote, within the next two weeks and estimated that the quote may be \$25,000-\$30,000.

The Committee continued its discussion and expressed enthusiasm with adding this section as a "lunch loop" that will connect closely to the parking lot area. Further discussion ensued regarding funding this section of the trail, as well as signage and maintenance of the trail.

F. Review of Emergency Access Agreement

Assistant Planning Director Aaron Bland introduced the agenda item summarizing that this is an effort to formalize an access agreement with the Taylor family who owns substantial property on Laurel Falls Road. He clarified that this is an access point that was used during the initial development of the trails over 10 years ago. The access has continued to be used over the years and approximately a year ago, the Taylor family approached the city to formalize the agreement. Since that time, the plat and agreement are substantially complete, and staff expects final approval soon.

The Committee talked about speaking with property owners in Waterford to discuss the potential for another emergency access point. Mayor Copelof asked Mr. Granat for the contact information for a Waterford representative and agreed to contact them to discuss the potential emergency access point.

G. Scope of Work for Soccer Complex Master Plan

Assistant Planning Director Aaron Bland provided a draft scope of work for the Sports Complex and asked for feedback from the Committee. He indicated that this scope of work focused on capital improvement planning and how to upgrade and improve the current complex, but not a scope for master planning for new facilities.

Mr. Wise noted that he and Mr. Baker had spoken and felt that the scope should focus on moving restrooms to the core of the park, parking and ADA accessibility, and reviewing the City's agreement with Little League. Ms. Osborne questioned whether enhancements could be made to bring more tournaments to the complex and thus increase overnight stays in the city. The Committee discussed the County's use of their side of the park and utilization of the city fields by Little League. Ms. Copelof suggested that any new plans should incorporate the County's recreation planning efforts as much as possible.

Mr. Todd noted that he felt like the process should be a master planning process based on the feedback that he was hearing from the Committee members. Mr. Wise stated that

he agreed with Mr. Todd but noted that his only concerns were that the City probably doesn't have the funds or time to complete a redesign of the complex and he would prefer to address the City's immediate needs for restrooms and ADA accessibility, while learning about the County's future plans. Ms. Copelof recommended asking a representative from the County recreation program to come to a future meeting to further discuss their plans.

The Committee reached consensus that the scope of work should focus on the immediate needs for the restrooms and ADA accessibility and improved parking, with the recognition that a comprehensive master plan needs to be addressed within the next couple of years.

Mr. Wise noted that he would ask Mr. Baker to invite a representative from the County's recreation program to speak to the Committee at its next meeting.

H. Public Comment

There was no public comment, but Mr. Granat asked about the status of the crosswalk lighting at the railroad. Mr. Todd responded that the City is placing a light at the crosswalk at McLean and Railroad and staff is working to ensure that the City addresses all safety and ADA requirements when installing the lighting.

Ms. Copelof asked about the status of the sunshades for the Skate Park. Ms. Coffey noted that per the minutes, Mr. Hooper will be addressing this since purchase of at least one sunshade was approved by the Committee at the December meeting and some funds are included within the budget. Mr. Todd obtained the color swatches for the sunshade(s) and shared them with the Committee. The Committee noted that they liked the top blue swatch best. Mr. Todd shared that the selected sunshade cost estimate came in at \$9,300 per sunshade. The Committee agreed that one should be purchased initially since that approximate amount had already been budgeted.

Ms. Copelof asked about the need to replace playground equipment at Franklin Park. Mr. Todd noted that Public Works staff feels that the equipment needs to be replaced. The Committee agreed that the playground equipment needs to be considered and asked for a safety report and update on the equipment at its February meeting.

I. Set Date for Next Meeting

The next regular meeting of the Parks, Trails & Recreation Committee was scheduled for Wednesday, February 19, 2025 at 3:30pm.

J. Adjourn

There being no further business, the meeting was adjourned at 4:36pm with a motion by Ms. Osborne, second by Mr. Powers, and all in favor.

Minutes Approved:

February 19, 2025



Aaron Baker, Chair or
Lauren Wise, Vice Chair



Selena D. Coffey
Assistant to the City Manager

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, January 27, 2025 – 11:00 AM
City Hall Council Chambers

Members Present: Lauren Wise, Chair, Council Member
Gary Daniel, Vice-Chair, Council Member
Susan Miller, Citizen Member

Staff Present: Wilson Hooper, City Manager
Dean Luebbe, Assistant City Manager/Finance Director
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 Ms. Miller, seconded by Mr. Daniel, to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes of December 16, 2024 Meeting

Motion by Mr. Daniel seconded by Ms. Miller to approve the minutes of the December 16, 2024 meeting as presented. The motion carried unanimously.

E. Code of Ethics for Appointed Committee Members

Mr. Hooper introduced this agenda item and noted that he didn't expect the discussion to be finalized at this meeting but wanted to begin discussions with the Committee. He stated that his goal was for this to go to the full City Council when a draft code of ethics was ready.

Mr. Hooper noted that this proposed code of ethics should set forward standards of behavior, performance, ethics, and the procedure for rescinding appointments. Mr. Hooper further explained that the City appoints members to four statutory committees and eight elective committees, with all appointments being approved by the full City Council. Mr. Hooper's documents identified the committees as follows:

Statutory Committees:

Codified with in statute or City ordinance, whereby members can only be removed for cause and must be given due process.

1. ABC Board of Directors
2. Brevard Board of Adjustment
3. Brevard Planning Board
4. Brevard Housing Authority

Elective Committees:

Appointed by resolution, whereby committee members serve at the pleasure of City Council

1. Downtown Master Plan Committee
2. Finance, Human Resources, & Citizen Appointment Committee
3. Parks, Trails, & Recreation Committee
4. Public Safety Committee
5. Public Works & Utilities Committee
6. Housing Committee
7. Rosenwald Community Advisory Board
8. Ecusta Trail Advisory Board

Mr. Hooper posed the question as to whether the Committee felt comfortable having two sets of standards, one for statutory committees and another for elective committees, or one set of standards for both types of committees.

Mr. Hooper recommended that the code of ethics address confidentiality, conflicts of interest, and procedures for removal from committees. After providing an overview of his recommendations, Mr. Hooper requested feedback from Committee members.

Mr. Daniel commented that he agreed with having committee members abide by a code of ethics. He noted that he thought City Council should also abide by a code of ethics and stated that the City should have an orientation for new council members. When asked if this type of orientation should be held for appointed committee members as well, Mr. Daniel responded affirmatively. Mr. Wise agreed stating that he felt that a code of ethics was especially important for statutory committees. He felt that one standard code of ethics would be easier to administer as opposed to having two separate codes, one for statutory committees and another for elective committees. Mr. Wise and Mr. Daniel agreed that the City should subject codified and elective committees to a stricter local conflict of interest standard.

Mr. Daniel noted that there should be an easier way to remove people from committees if necessary. Mr. Hooper asked the Committee members if they felt that all committee appointees should have due process for removal from a committee. Mr. Daniel stated that he would like to see one warning before an appointee was removed from a committee as opposed to a "three strikes, you're out" approach. Mr. Hooper noted that some instances may require a "one strike, you're out" approach.

Ms. Miller asked if Mr. Hooper has noted a process for reporting misbehavior by a committee member and who would oversee that process. Mr. Hooper responded that he would recommend that the City Manager be responsible for receiving reports of committee appointee misbehavior but ask that City Council make the decision about the next step.

Mr. Hooper referred to the addendums provided that listed the types of behaviors expected of committee appointees, examples of unsatisfactory performance, and examples of and asked the Committee to review these and be prepared to discuss further at a future meeting.

F. Public Comment

None.

G. Set Date for Next Meeting

The next meeting of the Committee was scheduled for February 24, 2025 at 11:00am

H. Adjourn

There being no further business, Mr. Daniel made a motion to adjourn, seconded by Ms. Miller, and all in favor. Meeting adjourned at 11:44am.

Minutes Approved:

February 24, 2025

X



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

X



Selena D. Coffey
Assistant to the City Manager

MINUTES
City Council Public Safety Committee

Monday, January 27, 2025 – 3:30 PM
City Hall Council Chambers

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

Member Absent: Aaron Baker, Chair, Council Member (Present via Zoom)

Staff Present Wilson Hooper, City Manager
Tom Jordan, Police Chief
Bobby Cooper, Fire Chief
David Todd, Assistant City Manager
Emily Brewer, Senior Planner
Selena Coffey, Assistant to the City Manager

Guests: Robert Senecal, Linda Gallo, Rachel Hall, Clarke Wellborn, Kellyn Haight, Millie Hyman, Wayne Hyman, Raymond Hipp

A. Welcome & Call to Order

Committee Vice Chair Mac Morrow 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. Gallo, seconded by Mr. Morrow to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes

Mr. Gallo noted typographical errors “evident,” which should be “evidence” on page 1 and on page 3, “eliminate” should be “illuminate” in the January 6, 2025 minutes. Motion by Mr. Morrow, seconded by Mr. Gallo to approve the minutes as corrected. The motion passed unanimously.

E. Police Department Workplace Culture Study Update

Mr. Hooper stated that the city has embarked on a workplace culture study for the Brevard Police Department to focus on issues including recruitment, retention, employee satisfaction, and other elements, to ensure professionalism in the Department. He noted that an RFQ for the study was issued in November 2024 and the city received 10 responses from qualified firms. Mr. Hooper noted that the review team, which comprised himself, the city's Human Resources Director Kelley Craig, and the Brevard Police Chief Tom Jordan, chose to move forward in interviewing 5 finalists. The finalists were interviewed in January and the review team concluded that the company, Berry Dunn, was the top candidate because their project team has significant experience in law enforcement and organizational development. Berry Dunn is now developing their draft scope of work, which should be finalized soon. Mr. Hooper shared that Berry Dunn's fee is expected to be within reason and the firm felt that they could complete the project within 6-8 months. There were no questions from the committee and the members voiced support for the study.

F. Update on Traffic Calming Measures

Mr. Hooper led an update on a list of locations/streets that the committee had asked staff to evaluate for potential traffic calming measures.

Fisher Road was the first street discussed. Mr. Hooper noted that Fisher Road becomes McLean Road. Mr. Hooper noted that staff has been collecting traffic data on the upper and lower sections of Fisher Road and that the road is a state road, which means that the city will need to ensure that the State of North Carolina agrees with any calming measures implemented.

Railroad Avenue was the second street discussed. Mr. Hooper noted that the trail crossing in this area is awkward due to the geometry, the trail curving to meet Railroad Avenue, and the presence of utilities. He noted that the beacon that is planned for installation is solar powered, but ADA regulations may require the addition of a push button, the installation of underground conduit, a concrete pad, and appropriate signage. Mr. Hooper stated that the city's traffic consultant will be reviewing this street and giving staff recommendations for improvements and potential traffic calming measures.

The intersection of Oaklawn Avenue and Carver Street was the next location discussed. Mr. Hooper stated that the city's traffic consultant will be reviewing this location to ensure that the right turn from Oaklawn to Carver is sufficient to install a stop bar on eastbound Carver. He noted that the traffic engineer will also look at the possibility of adding a pedestrian crosswalk to connect sidewalks. Mr. Hooper added

that the irregular four-way junction of Oaklawn Avenue, Carver Street, Hamlin Avenue, and Morgan Street would make this a difficult location for traffic calming measures because the streets do not form a typical 90-degree intersection. He raised the idea of installing a miniature roundabout at this intersection and noted that the city's traffic consultant/engineer will also review this and give her opinion.

Carolina Avenue and Shipman Avenue were the next streets discussed. Mr. Hooper noted that the state has confirmed that a portion of Carolina Avenue belongs to the city, with the Shipman Avenue intersection being the boundary. He noted that everything north of the intersection to Cashiers Valley Road belongs to the city and everything south remains the state's road. Mr. Hooper noted that any traffic calming measures proposed for the intersection would need to meet state standards. He further noted that he felt that the state would consider a three-way stop and that once staff gets data back, they would approach the state with this proposal. Finally, Mr. Hooper noted that staff has discussed additional possibilities for the remainder of Carolina Avenue, noting that the data received would inform the next steps for traffic calming. He introduced the concept of the "advisory bicycle lane," which could be helpful in this area. Mr. Hooper concluded that even though the city doesn't control the southern portion of Carolina Avenue, the state probably wouldn't object to the city taking steps to decrease the traffic volume on the street because traffic incidents are high.

Members of the committee and the public asked general questions about the Railroad Avenue intersection, which were addressed by Mr. Hooper and Mr. Todd.

G. City of Brevard Fire Department 2024 Annual Report

Fire Chief Bobby Cooper presented the Brevard Fire Department Annual Report for 2024 and copies of the report were distributed. Mr. Cooper noted that the 2024 calls for service were up by 176 over 2023 with type of calls, time of day, and days of the week remaining relatively consistent. He also highlighted the number of overlapping incidents as 830, where multiple incidents are happening at the same time. He noted that this can significantly strain resources. Mr. Cooper noted that the staffing ratios stands out in comparison to other fire departments because the Brevard Fire Department has less regarding staffing ratios but maintains a high number of calls for service.

Mr. Gallo asked what was driving the increase in calls from 2021 to 2024. Mr. Cooper noted that additional full-time staffing was added in 2022, and the Department began assuming medical response calls at that time, which caused an increase in calls.

The committee commended the Chief and the Fire Department for their work in responding to calls. Mr. Hooper also noted that Transylvania County is considering

changing their funding model, but he isn't sure if that will impact the city's fire services funding.

H. Public Comment

Robert Senecal, Carolina Avenue, indicated that he came to the meeting to hear about traffic calming measures on Carolina Avenue.

Linda Gallo, Probart Street, indicated that she encouraged the city to continue with installing the speed cushions on Probart.

Rachel Hall, Probart Street, questioned where the remaining speed cushions would be installed on Probart. Mr. Todd responded that the locations for future speed cushions are painted on the pavement of the street. Ms. Hall noted that she was curious why some of the speed cushions are concentrated more in some areas on the street. Mr. Todd responded that there are 11 total speed cushions planned. Mr. Hooper responded that the speed cushions are concentrated where the road is most curvy, where there's grade, and where the road is most narrow.

Clarke Wellborn, Carolina Avenue, spoke to endorse Kellyn Haight's proposals and that he felt there was a significant speeding problem on Carolina Avenue.

Kellyn Haight, Carolina Avenue, asked who provided traffic engineering for the city. Mr. Hooper noted that the City contracts with the traffic engineering firm. Ms. Haight asked what involvement NCDOT has with Carolina Avenue. Mr. Morrow noted that this is yet to be determined based on Mr. Hooper's presentation about traffic calming measures earlier in the meeting. Ms. Haight asked why the current tracker is placed so close to the highway. Mr. Jordan responded that placed in locations to gather the best information for traffic speeds and traffic volume. Ms. Haight then asked what determined the need for improvements to the sidewalks. Mr. Morrow responded that the city must have right of ways for sidewalk construction. Mr. Hooper responded that the city could receive these rights of way via donation of land, purchases, or by eminent domain.

Millie Hyman, Shipman Avenue, noted that she and her husband do not live in the city, but are in the county. She noted that she and her husband don't see the need for a four-way stop, but supportive of a three-way stop sign at the Carolina Avenue and Shipman Avenue intersection.

Wayne Hyman, Shipman Avenue, asked if it was possible to cut the bank back on Silversteen Drive going towards Caldwell Street. Mr. Hooper responded that the city will review this possibility.

Raymond Hipp, Carolina Avenue, who lives outside the city, spoke about speeding on Carolina Avenue and encouraged law enforcement to enforce speeding more in this area. Mr. Jordan responded that he and his staff would investigate this issue.

Ms. Copelof thanked the public for their input at the meeting and the staff team for its work on making improvements to public safety.

Mr. Baker spoke via Zoom, thanking members of the public for attending and participating in the meeting and noted that he appreciates the work being done to improve public safety in the city.

I. Set Date for Next Meeting

The next meeting was scheduled for Monday, February 24, 2025, at 3:30pm.

J. Adjourn

There being no further business, Mr. Morrow asked for a motion to adjourn. Mr. Gallo made the motion, which was seconded by Mr. Morrow. The meeting was adjourned at 4:41pm.

Minutes Approved:

February 24, 2025

X



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

X



Selena D. Coffey
Assistant to the City Manager

MINUTES

City Council Public Works & Utilities Committee

Wednesday, February 5, 2025 – 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: David Todd, Assistant City Manager
Dennis Richardson, Water Treatment Plant Supervisor
Emory Owen, Wastewater Treatment Plant Supervisor
Wesley Shook, Public Works Director
Aaron Winans, Wastewater Treatment Plant Staff
Becky McCann, Communications Coordinator
Dean Luebbe, Finance Director
Selena Coffey, Assistant to the City Manager

Guests: Harvey Sankey, Kevin Gallo, Linda Gallo, Kyle Seaman (KCI), Matt Broderick (KCI), Tom Vollmar (KCI), Dave Bradley (Transylvania Times)

A. Welcome and Call to Order

Committee Chair Mac Morrow 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. Wise, seconded by Mr. Carson to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes – January 9, 2025 Meeting

Mr. Todd asked that an item be added to the agenda as item A regarding traffic circle retaining walls. Mr. Wise made a motion to approve the agenda as amended, seconded by Mr. Owen, and all voted in favor.

E. Traffic Circle Retaining Walls

Mr. Todd introduced the agenda item, noting that NCDOT had asked what the city preferred regarding two options of faux stone for two different concrete retaining walls.

He asked the committee what they would like the rock retaining walls near the traffic circles to look like. The committee discussed the options provided by NCDOT noting that they would prefer a color that more closely resembles other retaining walls in the city and specifically similar to the rock used on the gateway monument leading into the Pisgah National Forest.

F. Gallimore Sewer Basin Rehabilitation Project

Mr. Todd introduced the agenda item noting that the project was intended to rehabilitate and replace approximately 10,000 liner feet of gravity sewer and manholes in the Brushy Creek, Jumping Branch, Singing Branch, and Gallimore Sewer basins. The company that won the bid and was able to make repairs for less cost than originally anticipated, resulting in approximately \$600,000 in savings, which allowed the city to make additional improvements that weren't available in the original scope of work. Mr. Todd noted that he felt that this project could be completed within the allocated budget.

G. Sewer Lift Station Rehabilitation Project

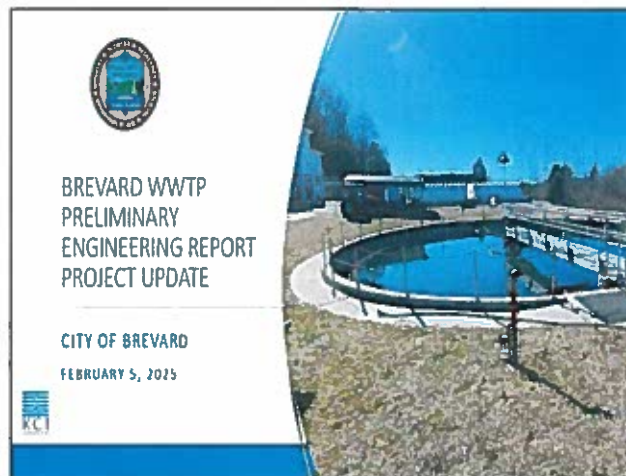
Mr. Todd led this update noting that the city was building a new lift station for the Gallimore Road basin, rehabilitating the Fish Camp lift station, and adding a generator there as well as sewer at the Wilson Road lift station assuming the budget/bids allow. He noted that the bids were currently being advertised and due by March 4, 2025. He estimated construction of approximately 500 days for the project(s) with a spending deadline of December 2026. Mr. Todd noted that the Gallimore Road property easement discussion is going well, and the Fish Camp easement is taking more time for negotiations. He noted that there may be potential for eminent domain for this property as a worst-case scenario.

H. Water Treatment Plant Renovation Update

Mr. Todd spoke on this update, noting that the project budget is approximately \$5 million and is currently out for bid, which closes on March 25, 2025. He expects construction to continue through July 2025 with pump replacements, a new clearwell tank, and rehabilitation of basins. Mr. Todd stated that \$900,000 has been committed for design on this project and he expects that there will be more money committed for the construction observation administration purposes, or approximately 25%+ of construction cost for design work. He indicated that the grant administration and permitting are significant portions of this percentage.

I. KCI Wastewater Treatment Plant Update

Mr. Todd introduced this agenda item, stating that KCI will be leading the more formal presentation. He noted that the city has a \$352,000 contract with KCI and asked Matt Broderick from KCI Technologies to then present the following PowerPoint:

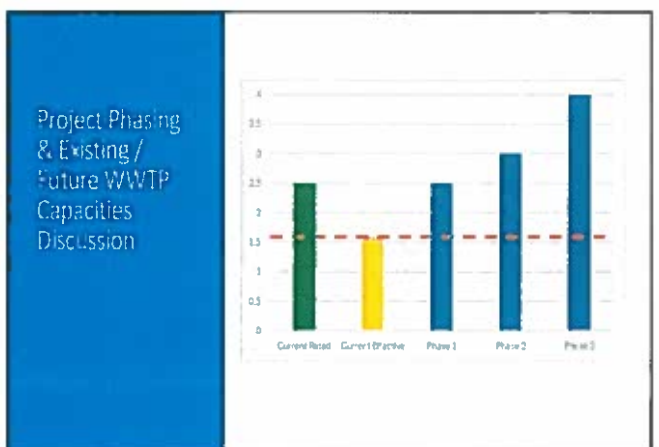


Agenda

- Project Phasing Discussion
- Design Flows Discussion
- Schedule

Project Phasing & Existing / Future WWTP Capacities Discussion

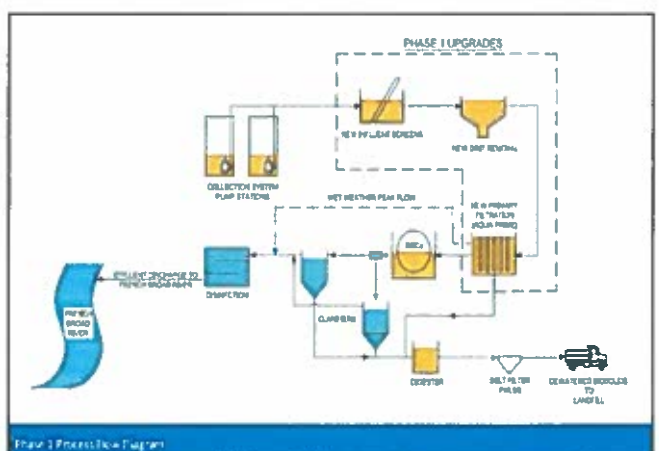
- Existing WWTP
 - Rated Capacity: 2.5 MGD
 - Effective Treatment Capacity: ~1.7 MGD
- WWTP Upgrade (Phase 1)
 - Headworks upgrades, keep existing RBC's
 - Rated Capacity: 2.5 MGD
- WWTP Upgrade (Phase 2)
 - New Biological Process
 - Rated Capacity: 2.5 or 3.0 MGD
- WWTP Upgrade (Phase 3)
 - Additional Capacity to New Biological Process Install in Phase 2
 - Rated Capacity: 4.0 or 5.0 MGD



WWTP Phase 1 Upgrade

Phase 1:

- Available Funding: \$12.3 Million
 - Engineering Fees: ~\$1.3 Million
 - Construction: ~\$11.0 Million
- Demolish Existing Admin. Building
 - Provide Temporary Trailers for Lab/admin/office space
- Install Aqua Prime
 - Reduce BOD/TSS
- Upgrades to Screening and Grit Removal
- EQ Basin Improvements (if funding available)
 - Mixing Upgrades
 - Pumping Modifications



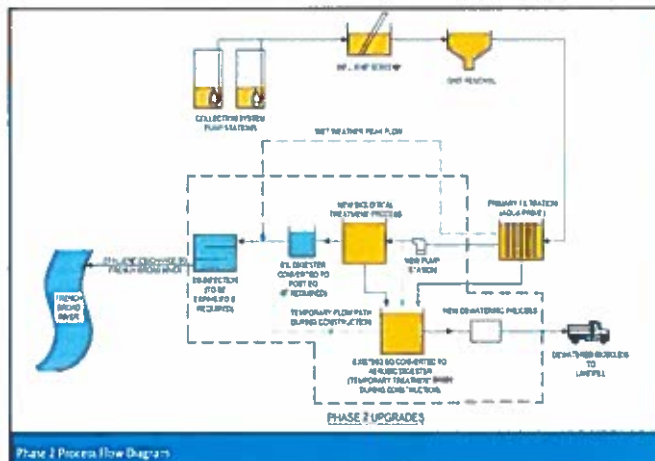
WWTP Phase 2 & 3 Upgrades

Phase 2:

- Build new Admin. Building
- Install New Treatment Process
 - Demolish RBCs and Abandon Clarifiers
 - Install new Treatment Process (SBR, CAS, etc.) rated for 2.5 or 3.0 MGD
- Convert EQ Tank to Aerobic Digester
 - Use as Treatment Basin during Construction
 - Convert existing Digester to Post EQ Basin
- Dewatering Improvements
 - Replace existing BFPs with new BFPs or Centrifuges

Phase 3:

- Expand Treatment Capacity to 4.0 or 5.0 MGD
- Expand Treatment Process built in Phase 2



Phase 1 Process Flow Diagram

BREVARD WWTP PER - ESTIMATED PROJECT SCHEDULE

Activity	Start	End	Duration	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
Original Preliminary Schedule																				
1. Preliminary Engineering Review	1/1/24	3/1/24	2 Mo																	
2. Design & Permitting	3/1/24	12/31/24	10 Mo																	
3. Building & Construction	12/31/24	12/31/26	24 Mo																	
Proposed Schedule																				
1. Phase I - Headworks	1/1/24	12/31/24	12 Mo																	
2. Phase II - Secondary Treatment & Dewatering	1/1/25	12/31/25	12 Mo																	
3. Phase III - Tertiary Treatment	1/1/26	12/31/26	12 Mo																	
4. Phase IV - Final Discharge	1/1/27	12/31/27	12 Mo																	
5. Phase V - Final Discharge	1/1/28	12/31/28	12 Mo																	
6. Phase VI - Final Discharge	1/1/29	12/31/29	12 Mo																	
7. Phase VII - Final Discharge	1/1/30	12/31/30	12 Mo																	
8. Phase VIII - Final Discharge	1/1/31	12/31/31	12 Mo																	
9. Phase IX - Final Discharge	1/1/32	12/31/32	12 Mo																	
10. Phase X - Final Discharge	1/1/33	12/31/33	12 Mo																	

PHASED SCHEDULE

Next Steps

- Meeting Summary
- Aqua Aerobic Equipment R&D Facility Visit
- Phase 1 – Headworks PER Draft

Closing

Mr. Broderick focused on the estimated project schedule, noting completion of the first two phases of the project is expected by 2029. He noted that the improvements in the project upon completion of all three phases is expected to double the city's wastewater capacity from 1.6 mgd¹ to 4.0 mgd and this could serve the city adequately for 20 or more years.

After reviewing the presentation, Mr. Broderick asked the committee for feedback and direction on 1) What size makes sense for the first upgrade in phase II, 2.5 mgd or 3.0 mgd? and 2) For full build out, would the committee be comfortable with a 4.0 mgd facility as opposed to 5.0 mgd?

Mr. Wise stated that he felt comfortable with the 3.0 mgd for Phase II and 4.0 mgd for the full build out. Mr. Morrow and Mr. Carson both agreed with Mr. Wise. Mr. Wise made a motion to approve a 3.0 mgd capacity for phase II and a 4.0 mgd capacity for phase III, as well as upgrading the headworks in phase I. Mr. Carson seconded the motion and the vote was unanimous.

¹ Million gallons per day

Ms. Copelof noted that she felt positive about the project because the city has the funding available for the initial phases. Mr. Carson stated that he felt that it would be important that the city keeps the public informed about the project throughout implementation. Ms. McCann noted that she would keep the city's website updated in this regard. Mr. Morrow asked that staff provide the committee with the original Brevard Basin study and flow projections report.

BREVARD WWTP PER - ESTIMATED PROJECT SCHEDULE



			2025				2026				2027				2028				2029			
ITEM #	DESCRIPTION	Duration	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	Original Preliminary Schedule																					
1	Preliminary Engineering Report	5 Mo																				
2	Design & Permitting	24 Mon																				
3	Bidding & Construction	24 Mon																				
	Proposed Schedule																					
1	Phase I - Headworks																					
2	PER (Accelerated Headworks Deliverable)	5 Mon																				
3	Design & Permitting	9 Mon																				
4	Bidding & Construction	16 Mon																				
5	Phase II - Initial Upgrade																					
6	PER (Full Plant Upgrade Deliverable)	7 Mon																				
7	Design & Permitting	24 Mon																				
8	Bidding & Construction	24 Mon																				
9	Phase III - Future Upgrade (TBD)																					
1	Funding Evaluation																					

J. Public Comment

Harvey Sankey asked about the next step in the wastewater treatment plant project and Mr. Broderick responded and reiterated the final slide. Mr. Sankey asked about permitting and subsequent cost increases. Mr. Broderick responded that this would be based on market variability and economic volatility.

Kevin Gallo thanked Public Works for their diligence with snow removal recently and expressed appreciation for Public Works, Wastewater Treatment, and Water Services departments in general.

K. Set Date for Next Meeting

The next meeting was scheduled for Wednesday, March 5, 2025 at 3:30pm.

L. Adjourn

With no additional business before the committee, the meeting was adjourned at 4:52pm with a motion by Mr. Wise, second by Mr. Carson, and all in favor.

Minutes Approved:

March 5, 2025



Mac Morrow, Chair, Council Member

Lauren Wise, Vice Chair, Council Member



Selena D. Coffey

Assistant to the City Manager

MINUTES

ABC BOARD MEETING

Thursday, January 23, 2025 – 8:30am
City Hall Council Chambers

The Brevard ABC Board met in regular session on Thursday, January 23, 2025 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

Guests: None

A. Welcome & Call to Order

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

B. Certification of Quorum

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

C. Approval of Agenda

A motion was made by Ms. Miller to approve the agenda. Seconded by Mr. Pearsall. Motion passed unanimously.

D. Approval of Minutes

Minutes from the December 5, 2024 regular meeting and respective closed session minutes were reviewed and Mr. Pearsall made a motion to approve. The motion was seconded by Ms. Miller and all voted in favor.

E. Follow-up Discussion of ABC Audit

Ms. Jarvis shared with the Board a review of expenses associated with the audit, noting that the last audit was over \$5,150 more than Gould Killian CPA Firm had

estimated initially. She then noted that the Board had previously discussed changing auditors for the upcoming year and asked for the Board's feedback. Mr. Pearsall shared that he felt that the Board needed to change auditors. Mr. Brewer agreed and raised the question of whether the Board should ask for reimbursement of the approximate overage. Board members had significant discussion and agreed that the Board should send a letter to Gould Killian CPA Firm asking for reimbursement of any overages charged. Mr. Pearsall made the motion for Ms. Miller to draft a letter to be signed by Board Chairwoman Conner to ask for a refund of some of the audit charges. The motion was seconded by Ms. McKeller and all voted in favor.

The Board discussed the potential for retaining a new audit firm and there was general consensus to change firms, but the Board wanted to discuss this further at the next meeting.

F. Manager's Report/Sales Update

Ms. Jarvis noted that November 2024 sales were \$30,456 over November 2023 sales (5.5% increase). She also noted that December 2024 sales were \$35,101 over December 2023. She reminded the Board that the months of January through March are generally not as profitable.

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

Chairwoman Conner noted that the next meeting will be held on Thursday, February 27, 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 8:54am.

Minutes Approved: February 27, 2025


Jackie Jarvis, General Manager


Lisa Conner, Board Chair


Selena D. Coffey, Assistant to the City Manager

MINUTES

ABC BOARD MEETING

Thursday, February 27, 2025 – 8:30am
City Hall Council Chambers

The Brevard ABC Board met in regular session on Thursday, January 23, 2025 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
Denise Hodsdon, City Clerk

A. Welcome & Call to Order

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

B. Certification of Quorum

City Clerk Denise Hodsdon certified a quorum noting that all members were present.

C. Approval of Agenda

A motion was made by Ms. Miller to approve the agenda. Seconded by Mr. Pearsall. Motion passed unanimously.

D. Approval of Minutes

Minutes from the January 23, 2025 regular meeting minutes were reviewed and Mrs. McKeller made a motion to approve. The motion was seconded by Ms. Miller and all voted in favor.

E. New Business

1. Manager's Report and Sales Update

Ms. Jarvis shared that sales were up approximately \$6,800 over January 2024. She noted that staff is currently cross-training employees during the lulls in business during January, February, and March.

Ms. Miller asked questions about the balance sheet and Ms. Jarvis was responsive to her questions. Ms. Conner asked that interest earned be highlighted in future balance sheets under profit and losses.

2. Discussion of Wages

Mr. Brewer led this discussion and indicated that the living wage in Brevard is \$23.15 hourly, and the ABC employees are mostly only making \$18 hourly. He felt that the board should pay employees higher wages. After a discussion about various employees' needs, Ms. Jarvis confirmed that full-time employees do receive benefits, i.e. insurance, retirement, etc., but part-time employees do not receive benefits. Mr. Pearsall stated that the board has an opportunity to provide raises for employees. He recommended that employees be increased to at least \$24 per hour and do a press release to encourage other employers in the county to provide employee increases.

Ms. McKeller reminded board members that they can't pay employees more based on their personal circumstances. She noted that there should be clear policies in place for any employee increases. McKeller agreed to speak with the Living Wage Coalition to discuss employee wages in the area and request recognition for increasing ABC wages.

Mr. Pearsall preferred making pay increases effective now rather than waiting until after Ms. McKeller spoke with the Living Wage Coalition. Extensive discussion ensued. The board members reached consensus to raise employees by percentages.

Mr. Pearsall made a motion to increase any employee who is currently making below \$23.15 hourly to \$23.15 hourly and pay the reciprocal percentage increase to all other employees. This motion was seconded by Mr. Brewer. All voted in favor of the motion.

Ms. McKeller stated that this increase would equate to 28%.

Ms. Miller made the motion that employees making over the living wage of \$23.15 hourly be awarded a 28% increase in hourly wages. Mr. Pearsall seconded the motion. All voted in favor and the motion passed unanimously.

The board members reached consensus to make these increases effective with the next payroll.

Ms. Jarvis was directed to bring back a budget amendment showing wage increases at the next meeting of the board for approval.

F. Response and Discussion from Audit Letter

Ms. Conner reviewed the letter drafted to be sent to the former auditors regarding the overage they charged for the last audit. Ms. Conner reviewed the letter, noting

that the board is "requesting a full accounting of the tasks that exceeded the July 1, 2024 proposal that accounts for the \$5,150 billing." Ms. Miller stated that the board should get an accounting of the auditor's additional fee and then begin looking for new auditors. Board members continued their discussions regarding the audit and subsequent response to be sent to the auditors. Ms. Conner noted that she will be mailing the letter to the auditors and noted the need for financial oversight. Ms. Miller offered to help Ms. Jarvis with financial issues. Ms. Miller noted that it is important for the board to have knowledge of significant financial transactions and asked that Ms. Jarvis develop a feedback system to provide information to all board members.

Ms. Conner stated that Ms. Jarvis should begin requesting three proposals for new auditors to begin next year. The board members agreed that they should be responsible for choosing the next auditor.

G. Next Meeting – March 27, 2025 at 8:30am

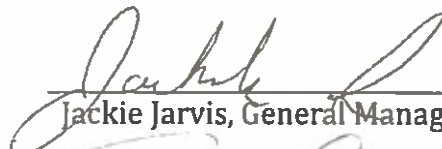
The next meeting will be held on Thursday, March 27, 2025 at 8:30am in City Council Chambers at City Hall.

H. Adjourn

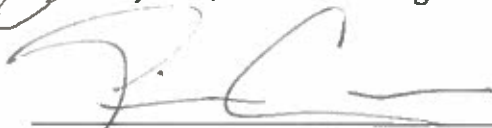
With no further business, Mr. Pearsall moved to adjourn the meeting, with a second by Mr. Brewer and all voted in favor. Meeting adjourned at 9:25am.

Minutes Approved:

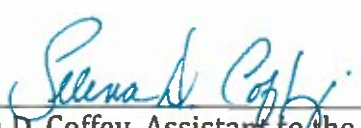
March 6, 2025



Jackie Jarvis, General Manager



Lisa Conner, Board Chair



Selena D. Coffey, Assistant to the City Manager

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Approval of 2 Regular Part-time Housekeeping Positions

Speaker: David Todd, Assistant City Manager
Selena Coffey, Assistant to the City Manager
Wilson Hooper, City Manager

Prepared by: David Todd, Assistant City Manager

Approved by: Wilson Hooper, City Manager

Background

Historically, housekeeping services for City facilities have been accomplished through a combination of outsourced housekeeping services and the City's own force labor. Primary facilities like City Hall, the Police Department and Mary C. Jenkins Community (MJCCC) Center have been outsourced, while facilities like the Depot, French Broad Community Center, Franklin Park, the Sports Complex, Public Works Building, water and sewer plants have been maintained with city personnel. In early to mid 2024 the outsourced services maintaining City Hall and the Police Department became unreliable and eventually stopped servicing the City facilities.

At present only the MCJCC is maintained by an outsourced entity. Housekeeping services are primarily conducted 5 days a week except City Hall public restrooms and the Depot restrooms which are currently cleaned 6 days a week. Based on this loss of service an RFQ was issued for housekeeping of several of the above City Facilities but not including the water and sewer plants. The RFQ was designed to allow the City to pick and choose which facilities would be cleaned based on cost and was written as a 3 year contract for options to renew for 2 years. In the interim, housekeeping services for City Facilities have been completed by a combination of Buildings and Grounds Staff supplemented by Streets and Sanitation workers. This additional workload has resulted in overtime and in some cases missed opportunities to address items like those noted on the Heart of Brevard Walkability Study or the installation of speed bumps on Probart Street.

Discussion

Once bids were received an exhaustive analysis was conducted which included analyzing various cleaning options and levels of service. The outsourced housekeeping bids were analyzed against several options including the current force account labor, a single new full-time housekeeping position and two part time housekeeping positions.

A comparison of the current force labor to the single full-time position and two part-time positions quickly reveals a cost savings by utilizing two part-time positions largely due to the difference in benefits payout. Two part-time positions also allows for better coverage when sickness occurs or vacation time is taken. The final analysis of our own labor pool, whether new or existing, resulted in a recommendation of two part-time positions maintaining City Facilities Monday through Friday and Buildings and Grounds Staff

maintaining the City Hall and Depot restrooms on Saturdays.

A comparison of two part-time positions against the outsourced quotes does not paint as clear of a picture. When compared against the low bidder the outsourced company appears to be more cost effective but what the comparison does not take into account is the flexibility we would have with our own staff to vary service levels and clean additional facilities or to respond to emergency cleanups much like a day porter. The primary analysis against the outsourced service was that services were provided only to City Hall, the Police Department, MJCCC, and the Depot. The analysis did not include cleaning of the French Broad Community Center, Franklin Park, the Sports Complex, and the Public Works Office and restroom areas.

In the opinion of the review committee, while on paper 2 part-time positions appear to have a higher cost, with correct supervision it is believed that a higher service level of cleaning can be achieved and the remaining buildings not included in the comparison can be cleaned as well through the adjustment of service levels and frequency which would not be possible with an outsourced company.

In summary, it is staff's belief that outsourced housekeeping services are unreliable and service levels drop over time as you have no direct supervision over the housekeeping staff, as was the case with our recent outsourced contract. In-house, part-time positions would lend great flexibility to service levels and needs, allowing for better more thorough cleaning and the ability to clean spaces needing the most attention as seasons dictate, for example Franklin Park and the Sports Complex.

Fiscal Impact

In all of the analyses it was assumed the City would provide paper products to achieve the highest level of cost savings. The remaining analyses assume the cost of labor and cleaning supplies.

The fiscal impact to the City's budget as a result of creating two new part-time positions including benefits would be approximately \$82,000/year, a net increase of approximately \$50,000 after accounting for the current money budgeted for outsourced housekeeping services and its lower level of service.

When comparing the proposal against our present situation, our Building and Grounds crew is currently requiring approximately \$41,000 in overtime and cleaning supplies. The net increase of the proposal would therefore be \$41,000.

If outsourced at the service levels described in the bid documents, the annual cost would be approximately \$50,000, so the net increase of the part-time proposal would be \$32,000 per year.

Despite the fact that the proposal is the most expensive option, staff recommend it because it has the highest service level. It is extremely difficult to quantify the benefits of

supervising our own cleaning staffing, adjust service levels and cleaning frequencies to more fully utilize the staff.

The cost of the service would be prorated between departments who would benefit from it, and therefore constitute a nominal increase in each of their operating budgets.

Action

Staff request Council approve the resolution which creates two new part time housekeeping positions to assist with housekeeping on City owned facilities.

Attachments:

1. DRAFT Housekeeping of City Facilities and Creation of Two Part-Time Positions Resolution

RESOLUTION NO. 2025-XX

RESOLUTION APPROVING THE CREATION OF TWO PART-TIME HOUSEKEEPING POSITIONS

WHEREAS, the City's most recent housekeeping contractor abandoned their post and stopped providing housekeeping services to City Hall; and,

WHEREAS, the City's Building and Grounds skilled staff along with supplemental labor from the Streets and Sanitation crews have been providing housekeeping services in the absence of a provider; and,

WHEREAS, a thorough analysis of different housekeeping strategies and associated cost was completed by City staff; and,

WHEREAS, housekeeping service levels to City facilities has been declining largely in part to work loads of staff members providing the current housekeeping services.

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

Two new part-time housekeeping positions will be created for the housekeeping needs of the City owned facilities.

Adopted and approved this 17th day of March, 2025

Maureen Copelof

Mayor

STAFF REPORT

City Council, Monday, March 17, 2025

Title: Betsy Smith MOU / Easement - 46 Grove Street

Speaker: David Todd, Assistant City Manager

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

Approved by: Wilson Hooper, City Manager

Background

In 2023, a large sink hole appeared on the privately-owned property at 46 Grove St. The sinkhole appeared within a few feet of the foundation of the house on the property, possibly compromising its structural integrity. The sinkhole is attributable to the failure of stormwater infrastructure running through the property. The property's owner, Betsy Smith, appeared at Council shortly after, bringing the matter to the city's attention.

As a courtesy, city staff stabilized the sink hole. However, they have not made permanent repairs to the sinkhole and surrounding infrastructure because the ownership of the infrastructure (and therefore responsibility for its maintenance) is under dispute (see "discussion" section). In December 2023 staff offered a deal to Ms. Smith to repair the sinkhole and replace the failing pipe running from the sinkhole to the city-owned right-of-way in exchange for a permanent easement on the property. The City agreed to initiate the work prior to the formal easement being registered if Ms. Smith would agree to sign a preliminary MOU pledging to grant the formal easement once a survey was complete. Believing the city to be the responsible party, in early 2024 Ms. Smith rejected the deal at the time, asking the city to repair all the stormwater infrastructure on her property instead. This counteroffer was transmitted to the City via Ms. Smith's attorney, who implied that she was prepared to initiate legal action if staff didn't agree to their terms.

In the intervening months, staff have continued to negotiate with Ms. Smith and her attorney to find a compromise that could avoid litigation. This evening staff will review the terms of the agreement that Ms. Smith has tentatively agreed to, and ask Council for their approval of the terms.

Discussion

There is no generally accepted rule of thumb regarding ownership of stormwater infrastructure. Some is publicly owned, some private. Publicly owned infrastructure that runs through private property should have a corresponding easement or right-of-way, neither of which exists in this case. Neither can staff locate a plat or site plan from when the property was developed that suggests ownership of the infrastructure was transferred to the city. However, the pipe does transmit some stormwater runoff from city streets.

Staff's position is that stormwater infrastructure on private property is privately owned unless proven otherwise. However, staff acknowledge that extenuating circumstances

sometimes exist which urge city involvement. In this case, both the threat of litigation and the potential code enforcement action that a repair could head off are compelling reasons in staff's opinion. The terms of the agreement are expressed in the attached draft MOU.

In exchange for the city's involvement, Ms. Smith agrees to:

- Grant the city a full and permanent utility easement for the upgraded stormwater infrastructure on her property
- Release the city from any legal and financial liability regarding the sinkhole, stormwater infrastructure, or repair activities on her property
- Release the city from any financial responsibility regarding the replacement of fencing on the property
- Split the cost of the required property survey with the City
- Assume ownership of the upgraded catch basin that will be installed on the property

Fiscal Impact

The estimated cost of the repairs is \$46,000. It will be paid for out of pre-budgeted operating dollars designated for infrastructure repairs.

Action

Council is asked to take one of the following actions:

- Approve the attached resolution endorsing the terms of the MOU and authorizing the City Manager to execute the agreement
- Propose amended terms and instruct staff to present the amended terms to Ms. Smith and her attorney
- Reject the terms and instruct staff to renegotiate
- Reject the terms and decline to enter into an agreement with Ms. Smith

Attachments:

1. DRAFT 46 Grove Street MOU 2-24-2025
2. 46 Grove Street Proposed Stormwater Modification
3. DRAFT 46 Grove Street Utility Easement
4. CMS24004-22079-46 GROVE ST PLAT ADD EASEMENT 03-10-25
5. Resolution Approving Terms of MOU

Memorandum of Understanding and Grant of Site Access

This Memorandum of Understanding and Grant of Site Access ("agreement") is made effective the date of the last signature by and between the City of Brevard ("City") and Elizabeth S. Smith of 46 Grove Street, Brevard, NC ("resident"). The City and resident hereafter may collectively be referred to as the "Parties."

RECITALS

WHEREAS, resident is the owner of the property at 46 Grove Street (PIN 8585-59-8339-000); and

WHEREAS, a stormwater pipe of unknown ownership traverses the front yard of 46 Grove Street before discharging into a catch basin on Grove Street; and

WHEREAS, a failure in a portion of stormwater pipe has caused a sinkhole and other soil settlement to occur on the property at 46 Grove Street; and

WHEREAS, the Parties have a shared interest in enhancing the safety and usability of the stormwater infrastructure on this property; and

WHEREAS, in exchange for an explicit easement over stormwater infrastructure on the property, the City agreed to repair the sinkhole and replace the failing stormwater pipe with new; and

WHEREAS, time is of the essence; and

NOW, THEREFORE, the Parties hereto, in consideration of the mutual agreements and promises contained herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, do hereby agree as follows:

- 1.) The City agrees to proceed with the repair, approximated in Attachment 1, prior to the formal granting of the easement.
- 2.) Resident agrees the new pipe laid by the City will connect to a catch basin whose ownership remains with the resident.
- 3.) Resident agrees to take ownership of the pipes left abandoned on their respective properties by the repair; City agrees to fill abandoned pipes with concrete or similar treatment to prevent further subsidence.
- 4.) Resident agrees to grant access to the property for the purposes of conducting the repair and future maintenance of the pipe.
- 5.) Resident agrees to hold harmless the City and all its respective officers, directors, employees, agents, contractors, subcontractors, representatives, successors and assigns, from any and all claims, rights, liabilities, demands, actions, causes of action, damages, expenses, and costs, including but not limited to attorney's fees, raised against the parties identified above arise from any loss, injury or damage, whether to person or property, including, but not limited to, death, resulting from acts or omissions of the City, its contractors, subcontractors, agents and assigns during the completion of the project described in this agreement.
- 6.) Resident agrees to fully grant a permanent utility easement once the official

documents are finalized.

- 7.) Resident is responsible for providing a sealed engineering drawings of the catch basin detailing any needed repairs and piping connections.
- 8.) Resident agrees to evenly split the cost of the survey that defines the easement with the City.
- 9.) Resident agrees if the property were to sell prior to full issuance of the easement that they will notify the potential buyer of both the easement and the associated stormwater piping work.
- 10.) Resident is fully responsible for and needed fencing relocation or repairs.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives, to be effective as of the date of the last signature below:

CITY OF BREVARD

By:_____

Title:_____

Signature:_____

Date:_____

RESIDENT

Betsy S. Smith (46 Grove Street)

Signature:_____

Date:_____

ATTACHMENT 1

(Attach Parcel Information Data Card and PDF of planned Repair Here)

STATE OF NORTH CAROLINA)
) STORMWATER EASEMENT
COUNTY OF TRANSYLVANIA) Transylvania Co. Map #8585-59-8339-000

KNOW ALL MEN BY THESE PRESENTS, by this instrument, Elizabeth S Smith (Grantor) in consideration of the sum of \$1.00 received from the City of Brevard (Grantee), a body politic, organized, and existing under the laws of the State of North Carolina, does hereby grant, bargain, sell, and convey to Grantee, its successors and assigns, a Permanent Stormwater Easement over, under, and through the following described real estate. The easement shown, delineated and depicted on Exhibit “A” attached hereto, is for the purpose of locating, constructing, improving, grading, landscaping and other necessary work, including the operation of equipment, and the movement of a work force, over, upon and across the described easement, together with the right of ingress and egress for the construction, installation, repair, reconstruction, removal, and inspection of a new stormwater drainage system, and all supporting, related or ancillary structures, and equipment, in, upon, across, over, beneath and through the real property owned by Grantor located in the County of Transylvania, State of North Carolina, (described as all or part of Deed Book 00727, Page 0260; Plat Book 8, Page 783) the said easement and right-of-way being more fully shown, delineated and depicted on the drawing attached hereto as **Exhibit “A”**, dated January 16, 2024, revised March 10, 2025 entitled Storm Water Easement Dedication Survey and Plat prepared for the City of Brevard and Elizabeth S Smith-8585-59-8339-000 Elizabeth S Smith, and prepared for the City of Brevard by Carolina Mountain Surveying consisting of:

- approximately 0.032 acres of permanent stormwater easement

TOGETHER WITH, the continuous rights of ingress and egress over and along the said easement area for any and all the aforesaid purposes and the right from time to time to redesign, or alter said stormwater drainage system, apparatus, equipment and appurtenances as the City of Brevard, it's successors and assigns, may at any time deem necessary, and the right to remove said stormwater drainage system or any part thereof and to do whatever may be required, necessary, or desirable for the enjoyment of the rights herein granted, including the right to clear and keep clear the said easement and right-of-way.

Grantor understands and agrees for themselves, their heirs, successors and assigns, not to cause or allow the construction or maintenance of any building or other structure in or upon the area

of the permanent easement conveyed without the prior written consent of Grantee, which may be granted or allowed in Grantee's sole discretion. Grantor understands and agrees that Grantee may cause the summary removal of any such building or structure so placed without Grantor's consent and that Grantor shall make no claim for and shall hold Grantee harmless from any claim by a third person for damage to or destruction of the property so removed.

Grantor further agrees for themselves, their heirs, successors and assigns, that it shall not cause or allow any act or occurrence or condition of land that disturbs the subjacent or lateral support of the area conveyed and that Grantee shall have the right of reasonable access over any property adjacent to the area conveyed, for the purpose of construction, grading, maintenance, repair, and reconstruction of the stormwater drainage system, and planting or removing vegetation, in or on the area conveyed and the right to remove any structure necessary or convenient to accomplish same.

Grantee, at the termination of construction, agrees to stabilize any disturbed soil surface resulting from Grantee's activities. Stabilization shall be accomplished by vegetation planting, application of erosion control fabric, or other means considered practical and effective.

TO HAVE TO AND TO HOLD the above granted easement and right-of-way described and depicted on the attached Exhibit "A" and hereby intended to be granted and conveyed, together with the rights, privileges, appurtenances, and advantages thereto belonging or appertaining, unto and for the benefit of the Grantee, forever, its heirs, successors and assigns, forever.

This Agreement is binding upon the heirs, executors, administrators, successors and assigns of both parties and it is understood that this Agreement cannot be changed or altered in any way except by writing, legally signed by both parties concerned herewith.

TO THESE COVENANTS, the Grantor(s) does hereby consent and agree.
IN WITNESS WHEREOF, the Grantor and Grantee have hereunto affixed their hands
and seals this _____ day of _____, 202__.

GRANTOR:

_____	_____
Witness	Signature

	Printed Name, Title

	Signature
_____	_____
Witness	Printed Name, Title

STATE OF	)	
	)	ACKNOWLEDGMENT
COUNTY OF	)	

I, the undersigned Notary Public for the State of _____, do
hereby certify that the Grantors above named personally appeared before me this _____ day of
_____, 20 , and acknowledged the due execution of the
foregoing instrument.

Notary Public for _____
My Commission Expires: _____

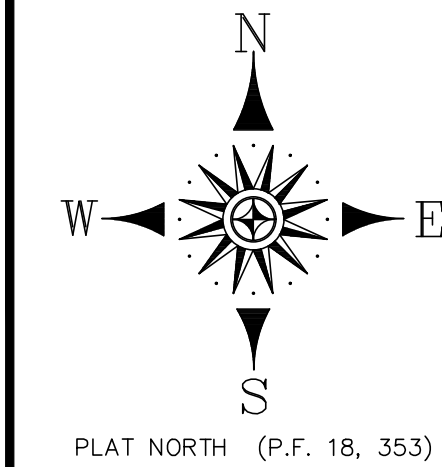
GRANTEE:

_____	By: _____
Witness	Wilson Hooper
	Its: City Manager
	Grantee

STATE OF NORTH CAROLINA	)	
	)	ACKNOWLEDGMENT
COUNTY OF TRANSYLVANIA	)	

I, the undersigned Notary Public for the State of North Carolina do hereby certify
that the above named Grantee, _____, personally appeared
before me this _____ day of _____, 202__, and acknowledged the
due execution of the foregoing instrument on behalf of the City of Brevard.

Notary Public for North Carolina
My Commission Expires: _____



EASEMENT CALL TABLE

Course	Bearing	Distance
E1	S 69°18'05" W	20.00'
E2	N 20°44'44" W	37.23'
E3	N 68°44'04" E	7.13'
E4	N 20°54'46" W	48.98'
E5	N 69°15'16" E	13.02'
E6	S 20°44'44" E	86.30'

3/4" FIP 0.4' ABG
N86°03'08"W (TIE)39.96'
3/4" FIP 0.8' ABG IN TREE

THIS PLAT WAS PREPARED FOR ELIZABETH S SMITH AND IS PROVIDED AS PART OF THE WORK PRODUCT TO OUR CLIENTS. THIS PLAT IN PART OR IN WHOLE IS NOT TRANSFERABLE AND SHALL NOT BE ALTERED IN ANY WAY OR REUSED IN ANY FORM BY ANY INDIVIDUAL OR ENTITY WITHOUT WRITTEN AUTHORIZATION BY MICHAEL A. PFOUTZ SR. AND IS INTENDED SOLELY FOR THE USE OF THE ORIGINAL CLIENT.
THIS DRAWING IS NOT VALID UNLESS THE ORIGINAL SIGNATURE AND STAMP OF THE SURVEYOR ARE ATTACHED. ANY REPRODUCTION OR VARIANCE TO THIS SURVEY BY ELECTRONIC OR ANY OTHER MEANS ARE NOT TO BE CONSIDERED ISSUED BY THE LICENSED SURVEYOR.

NCGS "PUBLIC"
NAD83(2001)
N: 559196.71
E: 884138.11

(GRID TIE)
S85°32'14"W (NTS)1,675.79'
C.F. 0.99976899731893
S77°35'41"W (TIE)106.68'

3/4" FIP @G

FINAL DRAWING
FOR REVIEW PURPOSES ONLY

G.S. 47-30 f(11) c.4.

I, MICHAEL A. PFOUTZ Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3

G.S. 47-30 f(11) c.1.

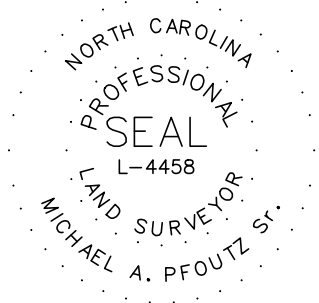
I, MICHAEL A. PFOUTZ Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

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

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS THE 10th DAY OF

MARCH, 2025, A.D.

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



PREPARED BY
CAROLINA MOUNTAIN SURVEYING

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

PROPERTY SITUATE IN
CITY OF BREVARD
BREVARD TOWNSHIP
TRANSYLVANIA COUNTY
NORTH CAROLINA

OWNER OF RECORD: ELIZABETH S SMITH

STORM WATER EASEMENT
DEDICATION SURVEY and PLAT

PREPARED FOR

THE CITY OF BREVARD
AND
ELIZABETH S SMITH

LEGEND

PIN
NCGS
NTS
C.F.
BT
FIP
FR
CAP
CP
P.F., SL.
DOC. BK., PG.
D.B., PG.
O/A
ABG
@G
BG
P
I

TAX PARCEL IDENTIFICATION NUMBER
NORTH CAROLINA GEODETIC SURVEY
NOT TO SCALE
COMBINED FACTOR
BUILDING TIE
FOUND IRON PIPE
FOUND REBAR
PLASTIC ID CAP
CALCULATED POINT
PLAT FILE, SLIDE
DOCUMENT BOOK, PAGE
DEED BOOK, PAGE
OVERALL
ABOVE GRADE
AT GRADE
BELOW GRADE

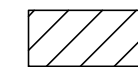
UTILITY POLE
CATCH BASIN



CONCRETE



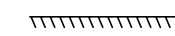
ASPHALT



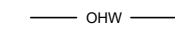
STORM WATER EASEMENT



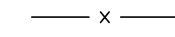
CULVERT



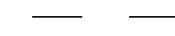
BUILDING WALL



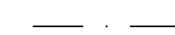
OVER HEAD WIRE



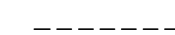
FENCE



ADJOINING LINE OR NOT SURVEYED



TIE LINE



EASEMENT

NOTES:

- THIS IS NOT A FULL BOUNDARY SURVEY. SURVEYED IN JANUARY 2024. DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND UNLESS NOTED OTHERWISE. EASEMENT REVISED AND FINALIZED IN MARCH 2025
- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THIS PROPERTY IS SUBJECT TO ALL RIGHT-OF-WAYS; COVENANTS; EASEMENTS; AND RESTRICTIONS OF RECORD BOTH SHOWN AND NOT SHOWN HEREON.
- DEED REFERENCE: DOC. BK. 727, PG. 206.
- PLAT REFERENCE: P.F. 8, SL. 783.
- AREAS: PROPERTY = 0.243 OF AN ACRE (SURVEY AND PLAT-INCLUDES EASEMENT)
STORM WATER EASEMENT = 1,380 SQ. FT (0.032 OF AN ACRE (SURVEY)
AREA DERIVED AT BY COORDINATE COMPUTATION
- TAX PARCEL IDENTIFICATION NUMBER: 8585-59-8339
- NOT ALL UNDERGROUND UTILITIES WERE MARKED OR LOCATED FOR THIS SURVEY.
- THIS PROPERTY IS ZONED R2
- BUILDING TIES ARE TO STRUCTURAL WALLS AND ARE PERPENDICULAR TO PROPERTY LINE.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

DATE

OWNER(S)

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, _____, A NOTARY PUBLIC OF SAID STATE
AND COUNTY, DO HEREBY CERTIFY THAT _____
PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED
THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE ____ DAY
OF _____, 20 ____

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

VICINITY MAP
NOT TO SCALE



CERTIFICATE OF APPROVAL FOR RECORDING

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

DATE

REVIEW OFFICER, CITY OF BREVARD

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

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

REVIEW OFFICER

DATE

ACCEPTANCE OF DEDICATIONS

- I HEREBY CERTIFY
- THAT STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS DEPICTED HEREUPON HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY SPECIFICATIONS AND STANDARDS OR
 - THAT A GUARANTEE OF THE INSTALLATION OF THE REQUIRED IMPROVEMENTS IN AN AMOUNT OR MANNER SATISFACTORY TO THE CITY OF BREVARD HAS BEEN RECEIVED. PURSUANT SECTIONS 13.3 AND 16.6 OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE, I HEREBY ACCEPT THE PUBLIC IMPROVEMENTS DEPICTED HEREUPON FOR OWNERSHIP AND MAINTENANCE BY THE CITY OF BREVARD, BUT ASSUME NO RESPONSIBILITY TO OPEN OR MAINTAIN SAME UNTIL I DEEM IT TO BE IN THE PUBLIC INTEREST TO DO SO.

DATE

CITY MANAGER

DATE

PLANNING DIRECTOR

DATE

PUBLIC WORKS DIRECTOR, CITY OF BREVARD

I, _____, THE CITY CLERK OF THE CITY OF BREVARD
NORTH CAROLINA, DO HEREBY CERTIFY THAT ON THE ____ DAY OF ____
20 ____ , THE REVIEW OFFICER OF THE CITY OF BREVARD APPROVED THIS
PLAT FOR RECORDING AND THE CITY MANAGER OF THE CITY BREVARD
ACCEPTED THE DEDICATION OF THE STREETS, EASEMENTS, RIGHTS-OF-WAY,
PUBLIC PARKS, AND OTHER SITES FOR PUBLIC PURPOSES AS SHOWN
HEREON PURSUANT TO SECTIONS 13.3 AND 16.6 OF THE CITY OF BREVARD
DEVELOPMENT ORDINANCE, BUT ASSUME NO RESPONSIBILITY TO OPEN OR
MAINTAIN SAME UNTIL, IN THE OPINION OF THE CITY MANAGER OF THE
CITY OF BREVARD, IT IS IN THE PUBLIC INTEREST TO DO SO.

DATE

CITY CLERK

DATE

JANUARY 16, 2024

EASEMENT REVISED MARCH 10, 2025

FIELD RECORDS

DATA COLLECTOR

DRAWING

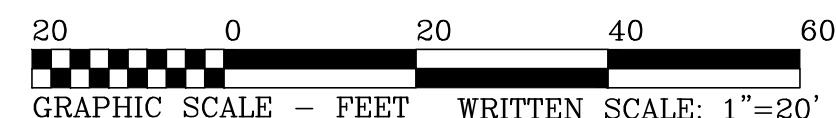
CMS24004-EASE

COORD. FILE

CMS24004.CRD

PROJECT NUMBER

CMS24004



RESOLUTION NO. 2025-XX

**RESOLUTION APPROVING THE TERMS OF A MEMORANDUM OF UNDERSTANDING
BETWEEN ELIZABETH SMITH AND THE CITY OF BREVARD FOR STORMWATER
INFRASTRUCTURE TRAVERSING PRIVATELY-OWNED PROPERTY AT 46 GROVE
STREET
AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, on March 17, 2025 the Brevard City Council heard a presentation from staff, summarized in the affixed staff report, on the proposed terms of a Memorandum of Understanding between Elizabeth S. Smith and the City of Brevard for stormwater infrastructure traversing privately-owned property located at 46 Grove Street in Brevard.

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

Section 1. The Memorandum of Understanding and Grant of Site Access between Elizabeth S. Smith and the City of Brevard is hereby approved.

Section 2. The City Manager or his designee is hereby authorized to execute the Memorandum of Understanding with Elizabeth S. Smith.

Section 3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 17th day of March, 2025.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, March 17, 2025

Title: City Council Approval of Electronic Only Advertising for Construction Contracts

Speaker: David Todd, Assistant City Manager
Wilson Hooper, City Manager

Prepared by: David Todd, Assistant City Manager

Approved by: Wilson Hooper, City Manager

Background

North Carolina General Statute 143-129, Procedure for letting of public contracts, requires construction or repair work in an amount estimated to be equal to or more than \$500,000, or the purchase of apparatus, supplies, materials or equipment requiring an estimated expenditure equal or more than \$90,000 to comply with the provisions of the above section. Section (b) Advertising and Letting of Contracts, of this statute requires that where the contract is to be let by a board or governing body of the State government or of a State institution, proposals shall be invited by advertisement in a newspaper having general circulation in the State of North Carolina. Where the contract is to be let by a political subdivision of the State, proposals shall be invited by advertisement in a newspaper having general circulation in the political subdivision or by electronic means, or both.

Discussion

The recent advertisements for the construction bids for both the Water Treatment Plant Improvements and the Sewer Pump Rehabilitation project resulted in several thousands dollars of advertising fees. In keeping with best practice of advertising for Designers in the same fashion as we advertise for construction bids, our designer solicitations for Open Ended Service Agreements and the Stormwater Master Plan also resulted in significant expenditures. While not required, typical best practice is to advertise in Sunday issues of the newspapers, which are significantly more expensive than other days. However, G.S.143-129.b goes on to say, "A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to this Article, shall be approved by the governing board of the political subdivision of the State at a regular meeting of the board."

Electronic advertising in many cases is free and where not free, such as with a newspaper, is greatly reduced in cost. The ability to advertise electronically only, whether or not through newspapers will greatly reduce the City's required advertising costs.

Fiscal Impact

A typical one day, Sunday edition, newspaper advertisement, published in the *Charlotte Observer*, *Asheville Citizen Times* and the *Transylvania Times* has a total approximate cost of \$2,000. Electronic (digital) advertising in many cases, such as the City's website is free, and the City's website, for example, is monitored and relayed to other online venues by

several private companies. Digital only newspaper ads are also substantially cheaper, but pricing is difficult to compare as it varies greatly by ad type and size. Moving to advertising by electronic means only has the potential to save the City as least \$10,000 if not more over the next 5 years.

Action

Staff requests Council approve the attached resolution requesting the ability to advertise electronically only for goods and services covered by G.S. 143-129. It should be noted that nothing about this approval prevents the City from advertising in print for specific goods and services if the City believes it is advantageous to do so.

Attachments:

1. Res_2025-XX_Electronic Only Advertising of Goodsand Services Covered by GS 143-129

RESOLUTION NO. 2025-XX

RESOLUTION APPROVING ELECTRONIC ONLY ADVERTISING OF GOODS AND SERVICES COVERED BY G.S. 143-129

WHEREAS, G.S. 143-129 requires construction or repair work in an amount estimated to be equal to or more than \$500,000, or the purchase of apparatus, supplies, materials or equipment requiring an estimated expenditure equal or more than \$90,000 to comply with the provisions of G.S. 143-129; and

WHEREAS, Section (b) Advertising and Letting of Contracts of G.S. 143-129 requires that where the contract is to be let by a board or governing body of the State government or of a State institution, proposals shall be invited by advertisement in a newspaper having general circulation in the State of North Carolina. Where the contract is to be let by a political subdivision of the State, proposals shall be invited by advertisement in a newspaper having general circulation in the political subdivision or by electronic means, or both; and

WHEREAS, G.S. 143-129.b goes on to say, “A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to this Article, shall be approved by the governing board of the political subdivision of the State at a regular meeting of the board”; and

WHEREAS, Electronic advertising in many cases is free and where not free, such as with a newspaper, is greatly reduced in cost; and

WHEREAS, the City believes electronic only advertising is sufficient given the current widespread use of electronic technology; and

WHEREAS, Electronic only advertising will result in significant cost savings to the City in all future advertising for goods and services covered by G.S. 143-129.

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

The use of electronic only advertising for goods and services covered by G.S. 143-129 is approved.

Adopted and approved this 17th day of March, 2025

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk