



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, March 16, 2026 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Father Shawn O'Neal, Sacred Heart Catholic Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. February 16, 2026 Regular Meeting

G. Certificates / Awards / Recognition

1. Police Officers Swearing-in
 - a. Andrea Thomas
 - b. Ryan Costa
2. Recognition of Former Board of Adjustment Member Tad Fogel
3. Proclamation No. 2026-04 Sexual Assault Awareness Month, April 2026
4. Proclamation No. 2026-05 Second Chance Month, April 2026

H. Public Comments

I. Special Presentation(s)

1. Housing Conduit Bond Resolution

J. Public Hearing(s)

1. Ordinance - Voluntary Contiguous Annexation - City-owned Parcels on Azalea Ave and Old Hendersonville Hwy PIN #8596-05-5338, #8596-05-8315, and #8596-05-6391

2. Proposed Amendment to the Official Zoning Map of the City of Brevard - City-owned Parcels on Azalea Ave and Old Hendersonville Hwy PIN #8596-05-5338, #8596-05-8315, and #8596-05-6391
3. Proposed Amendment to the Building Brevard 2030 Comprehensive Land Use Plan - Adoption of City's Green Growth Audit as an Addendum
4. Proposed Moratorium on Data Centers and Similar High-Intensity Land Uses

K. Consent and Information

1. Tax Settlement Report - February 2026
2. Property Tax Releases - February 2026
3. Silversteen Park Pavilion Capital Project Fund Establishment
4. Capital Project Amendment - Bracken Expansion - \$32,973
5. Resolution in Support of the Addition of Mars Hill and Marshall to the Asheville Regional Housing Consortium
6. Resolution Adopting Brevard Music Center's 90th Anniversary Promotions as Government Speech
7. Proclamation No. 2026-06 Month of the Young Child & Child Abuse Prevention Month, April 2026
8. Finance, Human Resources, and Citizen Appointment Committee Meeting Minutes - November 24, 2025
9. Downtown Master Plan Committee Meeting Minutes - December 10, 2025
10. Public Works and Utilities Committee Meeting Minutes - February 4, 2026

L. Unfinished Business

1. Proposed Amendment to the Official Zoning Map of the City of Brevard - The Family Place

M. New Business

1. Consider Offer of County Funding for Azalea Ave. Sewer Extension Project and Identify Source for City Contribution

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

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

P. Adjourn

Agenda Posted, Website, Sunshine List (March 12, 2026)
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 16, 2026 – 5:30 PM

The Brevard City Council met in regular session on Monday, February 16, 2026, at 5:30 p.m. in the Council Chambers of City Hall with Mayor Copelof presiding.

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

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant to the City Manager Shawnee Cummings, Planning Director Paul Ray, Senior Planner Emily Brewer, Police Chief Christy Wentzell, Fire Chief Chase Owen, Public Works Director Wesley Shook, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans, and Community Center Director Tyree Griffin

Press – None.

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

B. Invocation – Pastor Brian Land of Grace Brevard 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.

E. Approval of Agenda – Mr. Baker requested to move Item K-1. Accept State Revolving Fund Loan for Wastewater Treatment Plant Phase 1 Construction from the Consent Agenda to New Business as Item M-4. Attorney McKeller requested to add a Closed Session to discuss a Potential Litigation matter. Mr. Daniel moved, seconded by Mr. Baker to approve the agenda as amended. The motion carried unanimously.

F. Approval of Minutes

F-1. February 2, 2026 Regular Meeting – Mr. Wise moved, seconded by Ms. Holder to approve the minutes of the February 2, 2026 Regular Meeting as presented. The motion carried unanimously.

G. Certificates / Awards / Recognition – None.

H. Public Comments

Rodney Locks mentioned that the House Select Committee on Property Tax Reduction and Reform aims to study options to reduce the property tax burden on North Carolina taxpayers. He suggested that Council provide an input to this process before the committee makes a final decision, as it will affect local government budgets and constituents. He also noted that the City had a warming station at the Fire Dept. during the recent storm and asked if there has been any consideration of temporary use permits to use vacant buildings in an emergency to protect public health and safety.

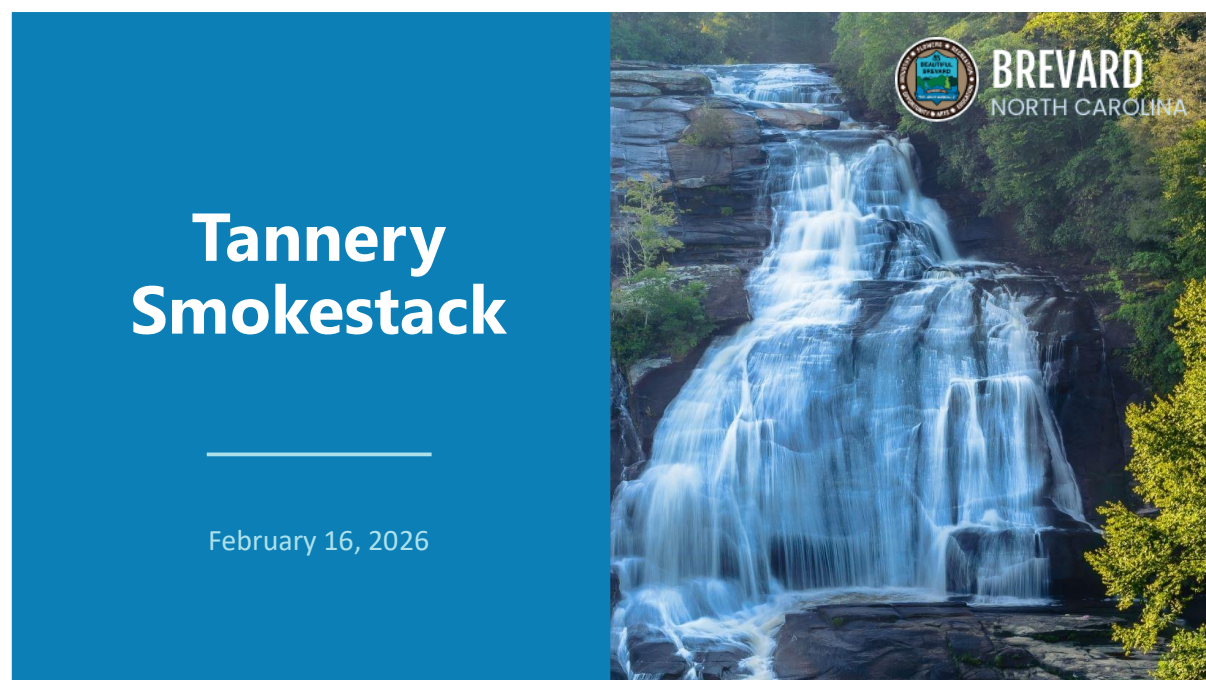
Doug Powell commented on Pisgah Piper's prediction for another six weeks of winter weather. He said considering that we have all enjoyed yet another beautiful day here in the 60's, this is another clear example that just because a particular outcome is predicted, doesn't mean it is destined to happen. That is why Benjamin Franklin has

been attributed in saying it is the first responsibility of every citizen to question authority, and we always need to trust but verify what is being presented as fact. That is why it is imperative to dive into original source documentation regarding our American history and study the actual documents our founders debated and codified, so that none of us are duped into believing a false statement about our country just because it has been said over and over again. One quick example is the word “democracy”. We often hear that we need to protect and defend our democracy, except this word simply can’t be located in any of our founding documents. In fact, our founders believed that a pure democracy was one giant step towards tyranny. The founding fathers loathed democracies and would never in their wildest dreams have presented to the states for ratification a democracy. Their constituents would have tarred and feathered them. That is why Benjamin Rush, a signer of the Declaration said a simple democracy is one of the greatest of evils. And another signer, John Adams, and our second president declared “remember a democracy never lasts long; it soon wastes, exhausts and murders itself.” There never was a democracy yet that did not commit suicide. I would encourage all of you to ignore our dear Pisgah Piper’s prediction, take your Constitution outside, and look up Article 4, Section 4 and discover what actual form of government the framers guaranteed to the citizens of these United States.

Linda Gallo thanked the Public Works Dept. for the long hours they put in through the two recent storms, and for giving us garbage collection that next week. She said they are a great team, and those guys have a heart of gold.

I. Special Presentations

I-1. Tannery Smokestack Update – Mr. Hooper presented information regarding the condition of the Tannery Smokestack, noting that the structure is 125 years old. Over the past year staff have been working to better understand its condition, whether it is contaminated with remnants of the tannery operation, and the risk it poses to users of the future trail segment. His presentation concluded with staff’s recommended path forward, including demolition of the smokestack.



Presentation contents

- History
- Site conditions
- Smokestack condition
- Additional aggravating factors
- What's our recommended path forward?
- Why must we take that path?



PLANNING DEPARTMENT | 2

History

- Transylvania Tanning opened in 1917
- Facility ceased operations in 1950s
- Purchased by Charles Taylor in 1968 who demolished buildings and levelled site
- Site brought to the attention of US EPA in 2006 via citizen's petition.
- Samples collected in 2010
- Not labelled "Superfund", however...
- Contaminants on site earned it a "Brownfield" designation 2014
- City took ownership in 2015



PLANNING DEPARTMENT | 3

Site Conditions

- The facility used the vegetable tanning process, not chrome.
- The tannery burned coal to generate power.
- EPA ground sampling showed the presence of arsenic, copper, and lead above state maximums. Chromium detected above trace amounts but below maximums.
- Chromium, copper, lead, nickel and zinc were detected in samples taken from the onsite portion of Norton Creek, but none downstream
- Monitoring wells are still present on the site but no longer being used.
- Special measures must be utilized during redevelopment to limit the likelihood of ground disturbance.
- A large underground "vault" containing an unknown oily substance is present and must be removed prior to redevelopment.
- Two areas of possible lead contamination may not be accessible to the public even after redevelopment.



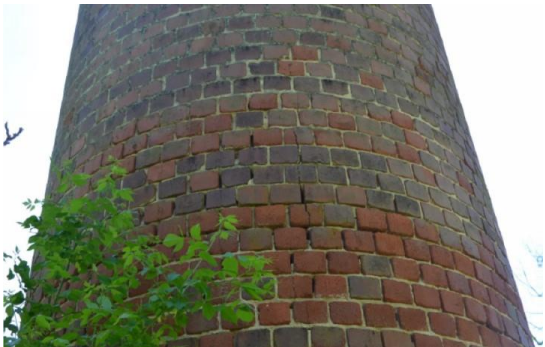
PLANNING DEPARTMENT | 4

Smokestack condition

- An initial assessment of the stack was conducted in 2015
- As part of the brownfield agreement, a second assessment was commissioned in late 2024.
- Initial results were returned in early 2025, but amended and resubmitted in May 2025.
- The engineer “conclude[d] that the overall structure is generally in poor condition.”



Smokestack condition



Smokestack condition

- Structural engineer monitored access for contaminant testing
- Testing vendor took samples from ash on ground, mortar, and bricks themselves
- Tested for the presence of asbestos in brick and mortar; heavy metals in ash/debris
- Analysis revealed no observable asbestos contamination in bricks and mortar
- Detritus at the bottom is “coal ash”
 - Higher than normal levels of boron, uranium, and thorium



Additional aggravating factors

SAFETY RELATED FACTORS

- Private properties within 100 feet of the 125-foot tower's base. Houses within about 160 feet.
- Trail alignment falls within 60 feet of the tower's base.
- Possible contaminant release should the tower fall in an uncontrolled fashion.

OTHER FACTORS

- After report, city's insurer unlikely to continue covering the stack.
- City exclusively liable for any damages caused by the tower.
- Time is of the essence; construction of grant-funded trail scheduled to start this summer.



Recommended path forward

- Staff recommend careful demolition of the stack
 - Demolition must be engineered by a qualified firm
 - An environmental management plan (EMP) for the demolition must accompany the design
 - Bricks and debris may require disposal in a specialized landfill.
 - "Coal ash" will require specialized disposal.
- BLE will design and bid the project for us.
 - At this point, we expect the cost to require formal bidding procedures.
- Council to consider funding strategy at upcoming meeting.
- City to work with neighbors to ensure their safety during demolition.
- City will release a Call for Artists (aka, an artist RFP) to find an individual who can memorialize the stack.



During Council questions/comments Mr. Wise asked if there is any feasible way to save a part of the smokestack. Mr. Hooper explained that the City would be liable for any part of the stack that is left as the City's insurer would not insure it. Ms. Holder expressed concern about how the contaminates would be contained and whether the neighbors had been notified. Mr. Hooper confirmed that BLE will advise in advance how the contaminates will be contained and that the neighbors whose properties are within the fall zone have been notified. Mr. Baker asked if the bricks could be demolished in such a way that they remain separate and able to be taken away in a less expensive manner. Mr. Hooper noted that one of the disposal options that NCDOT has proposed is burying the bricks onsite, but staff plans to ask BLE to explore whether it would be economical to grind up the bricks and use them as beneficial fill for the trail.

J. Public Hearing(s)

J-1. Proposed Amendment to the Official Zoning Map of the City of Brevard – The Family Place – Emily Brewer explained that The Family Place has applied for a rezoning for their property at 970 Old Hendersonville Highway. The request is to remove the conditional zoning district that was enacted in June 2011 and apply the base district of Residential Mixed Use (RMX). The chief condition of the CZD was to allow the "Community Service Organization" land use, which was not allowed in the General Residential zoning district, so that the Family Place could operate on the parcel. The Community Service Organization land use is no longer listed in the UDO's use matrix. The best match in the current use matrix is "Cultural or Community Facility,"

which is allowed by right in RMX. Therefore, the requested rezoning would maintain the Family Place as a legal conforming use. Future use and development of the site would follow RMX regulations. At its meeting on January 27th the Planning Board unanimously recommended approval of the request.

At 6:15 p.m. Mr. Baker moved, seconded by Ms. Holder to open the public hearing. The motion carried unanimously.

Public Participation:

Tony Gillman of 143 Holland Rd., Pisgah Forest and current board member and former chair of The Family Place said that The Family Place has been a non-profit, strengthening families in this city and county for about 30 years. Its mission is to strengthen families and build resiliency through support, education and community building. We offer programs for parents, support programs, at-risk programs, and it allows a parent to bring their child in for some open play and to connect with other parents. The purpose of the application is to put on a new sign. We developed a new logo about a year ago and we have a small sign that people miss all the time, so we’re proposing to increase that sign by two feet, but apparently to do that we needed to do the zoning application change. We are here to answer any questions you may have about this application.

At 6:17 p.m. Ms. Holder moved, seconded by Mr. Baker to close the public hearing. The motion carried unanimously.

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

K-2. 2025 Unpaid Taxes and Authorization to Advertise and Begin Enforced Collection Remedies

K-3. Estatoe Trail Project Amendment – Great Trails State Grant - \$168,500

ORDINANCE NO. 2026-04
CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2026-03 ESTATOE TRAIL PROJECT

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

- Section 1:** The City was awarded the Great Trails State Grant from the North Carolina Division of Parks and Recreation in July of 2025 and received the signed and executed grant agreement from the state in January 2026. The funding is intended to bring engineering from 30% to 100% for the Main Street to Mary C. Jenkins and the Rosman Highway to Brevard High School sections of the Estatoe Trail. These are the last two undesignated sections of the City’s main Estatoe Trail greenway system. The maximum grant funding is \$112,333 and the City’s required match is \$56,167. The City will be utilizing Summit Engineering to perform these services.
- Section 2:** The Estatoe Trail Project currently has a budget of \$1,505,100 and this amendment will increase that budget to \$1,673,600. The fund balance for the project is currently \$851,286. The project also has \$512,075 of current encumbrances, which leaves a spendable fund balance on the project of \$339,611. The General Fund will be transferring an additional \$47,500 to the Project prior to June 30, 2026.
- Section 3:** The following amounts are appropriated for the project:

Account Number	Account Name	Budget Amount
78-6300-4400	Estatoe Trail Project	\$168,500
TOTAL PROJECT APPROPRIATION		\$263,500

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

Account Number	Account Name	Budget Amount
78-3345-0500	Great Trails State Grant	\$112,300
78-3990-0000	Fund Balance Approp	\$56,200
TOTAL PROJECT REVENUE		\$168,500

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

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

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

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

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 16th day of February, 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

Approved as to Form: s/ Mack McKeller, City Attorney

K-4. Budget Amendment – Police Accreditation Grant - \$131,600

ORDINANCE NO. 2026-05

AN ORDINANCE AMENDING THE FY2025-2026 BUDGET.

BUDGET AMENDMENT NUMBER 26-03

SUBJECT: Budget Amendment to increase General Fund expenditures and revenues by \$131,600 for the Police Accreditation Grant.

AGENDA INFORMATION

Agenda Location

Consent

Department:

Finance

Contact:

Dean Luebbe, Assistant City Manager and Finance Director

BRIEF SUMMARY: The City of Brevard Police Department was awarded the FY24 COPS Community Policing Development – Supporting Law Enforcement Agencies Seeking Accreditation Grant in October 2024. While only minimal expenditures have been recorded to date, the department now intends to accelerate project activities to ensure full utilization of the grant award. The total eligible amount of \$131,600 is expected to be expended and reimbursed by June 30, 2026.

This grant supports the Police Department’s efforts to strengthen organizational professionalism and effectiveness by advancing accreditation-related initiatives. These initiatives help reduce liability and operational risk, promote consistent adherence to established industry standards and best practices, and enhance the overall efficiency and effectiveness of departmental operations.

Approval of this budget amendment will allow the BPD to fully execute the grant’s objectives and position the Police Department to achieve and maintain accreditation.

MOTION FOR CONSIDERATION: To approve Budget Amendment 26-03, as submitted, increasing the budget in expenditure account:

10-5100-3700 – Police Accreditation Expenses	\$131,600
TOTAL	\$131,600

And increasing the budget in the revenue account:

10-3910-1020 Police Accreditation Grant	\$131,600
TOTAL	\$131,600

ATTACHMENTS: None.

MANAGER'S RECOMMENDATION: Adopt as presented.

Approved and adopted this 16th day of February 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

Approved as to Form: s/ Mack McKeller, City Attorney

K-5. Resolution Appointing Conserving Carolina Representative to the Ecusta Trail Advisory Board

**RESOLUTION NO. 2026-07
A RESOLUTION APPOINTING A REPRESENTATIVE FROM
CONSERVING CAROLINA AS A MEMBER OF THE
BREVARD/TRANSYLVANIA COUNTY ECUSTA TRAIL ADVISORY BOARD**

WHEREAS, on August 5, 2024 Council adopted Resolution No. 2024-31 Updating the Membership and Charge of the Brevard/Transylvania County Ecusta Trail Advisory Board (ETAB); and

WHEREAS, the membership of ETAB was reconstituted to include two members of Brevard City Council, two at-large members, and one representative from each of the following entities, per each entity’s recommendation: Transylvania County Tourism Development Authority, Friends of Ecusta Trail, Conserving Carolina, Transylvania Economic Alliance, Heart of Brevard and Transylvania County; and

WHEREAS, the membership terms are indefinite; and

WHEREAS, Rebekah Robinson was appointed as the representative for Conserving Caolina; and

WHEREAS, Conserving Carolina has advised that they wish to make a substitution to their representative and recommend that their board member and city resident Kathy Klepfer represent Conserving Carolina going forward.

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

- 1) The Brevard City Council does hereby appoint Kathy Klepfer as a member of the Brevard/Transylvania County Ecusta Trail Advisory Board as the representative for Conserving Carolina.

Adopted and approved this the 16th day of February, 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

K-6. Tax Settlement Report – January 2026

K-7. Public Works and Utilities Committee Minutes – January 7, 2026

K-8. Housing Committee Meeting Minutes – December 9, 2025

L. Unfinished Business – None.

M. New Business

M-1. Habitat for Humanity Request for Tap Fee Reimbursement – Emily Brewer explained that Transylvania Habitat for Humanity has submitted a request for a \$12,375 tap fee reimbursement through the Housing Trust Fund for two of its projects. The first is a recently completed single-family house located at 465 W Main Street. The second is a 6-unit cluster home development at the intersection of Curlee Street and Kings Mill Road. Habitat is also partnering with Blue Ridge Community College to help build the homes which are currently under construction. Transylvania Habitat for Humanity's program aligns with the beneficiary requirements of the Housing Trust

Fund. The Housing Committee considered the request at its February 10th meeting and unanimously recommended approval.

Mr. Baker moved, seconded by Mr. Daniel to grant the request from Habitat for Humanity for tap fee reimbursement. The motion carried unanimously.

M-2. Authorization to Apply for North Carolina Helene Recovery Recycling Infrastructure Grant – Shawnee Cummings explained that this grant is specifically for counties that were impacted by Hurricane Helene to help strengthen recycling infrastructure and reduce waste. The program offers up to \$5M per project, with no local match required. The City's grant application would be for two projects. The first project includes purchasing a new fleet of five recycling trucks, approximately \$250,000 each and totaling \$1.25M. The second proposed project is to purchase 3,000 durable tipper carts for residential waste collection. The carts are estimated to cost \$60 each, for a total project cost of \$180,000.

Mr. Lytle moved, seconded by Mr. Daniel to approve the resolution authorizing the grant application. The motion carried unanimously.

RESOLUTION NO. 2026-08

**A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE
NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY
FOR RECYCLING COLLECTION TRUCKS AND TIPPER CARTS**

WHEREAS, the North Carolina Department of Environmental Quality has a grant available to strengthen recycling infrastructure and reduce waste for Hurricane Helene-impacted local governments, with no local match required; and

WHEREAS, the City of Brevard's existing recycling program serves approximately 3,900 residents, commercial businesses, local institutions, and industrial facilities on a biweekly basis; and

WHEREAS, the City's recycling program currently shares collection trucks with the solid waste disposal program; and

WHEREAS, the City's collection trucks are aging and require substantial maintenance and repairs; and

WHEREAS, the City intends to request funding for five recycling collection trucks; and

WHEREAS, the City's solid waste disposal program currently does not use tipper carts; and

WHEREAS, the City intends to request funding for 3,000 tipper carts to increase the Sanitation Department's efficiency and reduce injury risk; and

WHEREAS, the City of Brevard desires to submit a grant application requesting \$1,430,000 in grant funding toward the purchase of five collection trucks and 3,000 tipper carts.

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

1. City Council hereby authorizes City staff to submit a grant application in the amount of \$1,430,000 to the North Carolina Department of Environmental Quality for the purchase of five collection trucks and 3,000 tipper carts.
2. The City Manager is authorized to execute all necessary agreements, contracts, and related documents to implement the project in accordance with the terms and conditions of the grant.
3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of February, 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

M-3. Resolution of Intent to Annex City-owned Property on Azalea Avenue and Old Hendersonville Hwy – Emily Brewer recalled that in June 2025 the City acquired approximately 3.7 acres on Azalea Avenue and Old Hendersonville Highway to pursue a City-supported affordable housing development. The City has entered into an agreement with Fitch Irick Corporation to submit the project for a Low-Income Housing Tax Credit award. To facilitate the development, the City needs to annex the property

prior to the final application deadline in May to show the project is able to connect to sewer. Staff is requesting that Council adopt a resolution stating its intent to annex the property and setting the date for the public hearing as March 16, 2026.

Mr. Daniel moved, seconded by Mr. Wise to adopt the resolution. The motion carried unanimously.

RESOLUTION NO. 2026-09

**A RESOLUTION DECLARING THE INTENT OF THE BREVARD CITY COUNCIL
TO CONSIDER ANNEXING CITY-OWNED PROPERTY LOCATED ON AZALEA AVENUE
AND OLD HENDERSONVILLE HIGHWAY AND FIXING THE DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO NCGS 160A-31, AS AMENDED**

WHEREAS, North Carolina General Statute §160A-31 authorizes the City Council to initiate annexation of contiguous property owned by the municipality, provided that certain procedures are followed, including the adoption of a resolution declaring the City's intent to do so and the scheduling of a public hearing; and

WHEREAS, the City of Brevard owns three parcels located on Azalea Avenue and Old Hendersonville Highway, Brevard, NC 28712, consisting of 3.669 acres, more or less (Tax Property Identification Numbers: 8596-05-5538; 8596-05-8315; and 8596-05-6391); and

WHEREAS, the City Council desires to initiate the process required by State law in order to consider annexation of the parcels described herein.

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

1. Intent Declared. It is the intent of the City Council to consider annexing the following described properties:

TRACT 1 – PIN: 8596-05-5538-000

BEGINNING at an iron pin near the eastern edge of Azalea Avenue in the line of Mills, and running thence with said line, N 70 deg. 11 min. E 98.01 ft.; thence S 25 deg. E 4.0 feet to an iron pin, corner of Green; thence with Green's line, N 67 deg. 29 min. E 99.54 ft. to an iron pin, corner of a 9.11 acre tract; thence with the line of said tract, N 25 deg. W 513.64 ft. to an iron pin in the line of Morris; thence with said line, S 64 deg. 07 min. W 141.30 ft. to an iron pin, corner of Hunnicut; thence with the line of Hunnicut, two calls as follows: S 25 deg. 46 min. E 101.71 ft. to an iron pin, and S 63 deg. 14 min. W 143.73 ft. to a stake at the edge of the pavement of Azalea Avenue; thence along said edge, S 25 deg. 29 min. E 377.25 ft. to a stake; thence N. 70 deg. 11 min. E 7.5 ft. to the point of BEGINNING. Containing 2.87 acres, more or less.

Being all the property described in Deed Book 191, Page 536, Transylvania County.

TOGETHER WITH AND SUBJECT TO those rights of way, easements and restrictive covenants as recorded in the Transylvania County, North Carolina Register's Office; reference to which is hereby made and incorporated herein.

Being that property described in Deed Book 277, at Page 443 of the Transylvania County, NC Register's Office; reference to which is hereby made and incorporated for a more particular description of said property.

TRACT 2 – PIN: 8596-05-8315-000

Being all of Lot 1, 0.463 acres, more or less, as shown on a survey entitled Martha Lyday Dobbins et al dated November 9, 2009 and recorded in Plat File 13 at Slide 339, Transylvania County Registry.

This conveyance is made subject to the rights-of-way of all roads which may presently traverse the property, to all road rights-of-way which may presently appear of record, to the rights-of-way of all utility lines which may presently traverse the property and to all rights-of-way for public utilities which may presently appear of record.

Tract 1 and Tract 2 being the same property described in a deed from Kirk Davis Hooper and wife, Sharon Vance Hooper to The City of Brevard, dated June 9, 2025, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 1152, Pages 647-649.

TRACT 3 – PIN: 8596-05-6391

Being all of the same land described in a deed from Gregory Cochran and wife, Martha Cochran, to Thomas Fulcher dated January 12, 1996, and recorded in the office of the

Register of Deeds for Transylvania County in Deed Book 396, Page 801, said land being more particularly described in said deed as follows:

BEGINNING at an iron pipe found in the north margin of the right of way of Old US Highway 64, said iron pipe being located in the property line of a tract of land described in a deed to Miller recorded in Book 278, Page 450, Records of Deeds for Transylvania County, and runs thence leaving said margin of the right of way of said highway and along the property line of Miller, North 25 deg. 00 min. 00 sec. West 150.19 feet to an iron pipe found just south of a fence line in the property line of a tract of land described in a deed to Cain recorded in Book 277, Page 443, Records of Deeds for Transylvania County; thence leaving the property line of Miller and along the property line of Cain, North 68 deg. 10 min. 09 sec. East 99.96 feet to an iron pipe found in the property line of a tract of land conveyed to Lyday in a deed recorded in Book 222, Page 258, Records of Deeds for Transylvania County; thence leaving the property line of Cain and along the property line of Lyday, South 24 deg. 59 min. 29 sec. East 142.82 feet to an iron pipe found in the north margin of the right of way of Old US Highway 64; thence leaving the property line of Lyday and along said margin of the right of way of said highway, South 63 deg. 56 min. 25 sec. West 99.80 feet to the BEGINNING. Containing 0.336 acres, more or less, as surveyed and platted by Robert L. Haller, RLS, on October 31, 1990, and updated on January 8, 1996, designated as Drawing Number 95135.

This conveyance is made subject to the right of way of all roads which may presently traverse the property, to all road rights of way which may presently appear of record, to the rights of way of all utility lines which may presently traverse the property and to all rights of way for utility lines which may presently appear of record.

Tract 3 being the same property described in a deed from Patrick Brian Scott and wife, Amber Hooper Scott to The City of Brevard, dated June 9, 2025, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 1152, Pages 644-646.

2. Public Hearing Scheduled. A public hearing on the question of annexation will be held at Brevard City Hall at 5:30 P.M. on the 16th day of March, 2026, at which time all interested persons will be given an opportunity to be heard.
3. Notice Requirements. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.
4. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this, the 16th day of February, 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

M-4. (K-1.) Accept State Revolving Fund Loan for Wastewater Treatment Plan Phase 1 Construction – Mr. Hooper reported that the City has been awarded \$5M from NCDEQ's State Revolving Fund (SRF) Loan program to fund construction of Phase 1 of the WWTP upgrade. The \$5M loan is at 100% principal forgiveness. Mr. Hooper noted that with this award, the estimated cost of Phase 1 of the WWTP project is fully funded.

Mr. Daniel moved, seconded by Mr. Wise to approve the resolution authorizing the acceptance of the loan. The motion carried unanimously.

**RESOLUTION NO. 2026-06
RESOLUTION ACCEPTING LOAN OFFER FOR
WASTEWATER TREATMENT PLANT UPGRADES PROJECT – PHASE 1**

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects; and

WHEREAS, the North Carolina Department of Environmental Quality has offered a Clean Water State Revolving Fund Loan Helene Funds in the amount of \$5,000,000 at 100% Principal Forgiveness for the construction of Wastewater Treatment Plant Upgrades Project – Phase 1; and

WHEREAS, the City of Brevard intends to construct said project in accordance with the approved plans and specifications.

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

Section 1. That the City of Brevard does hereby accept the Clean Water State Revolving Fund Loan Helene Funds offer of \$5,000,000 at 100% Principal Forgiveness.

Section 2. That the City of Brevard does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan offer, Section II - Assurances will be adhered to.

Section 3. That Wilson Hooper, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Section 4. That the City of Brevard has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Approved and adopted this the 16th day of February, 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC, City Clerk

s/ Maureen Copelof, Mayor

N. Remarks/Future Agenda Considerations.

Mr. Wise expressed thanks to Public Works for the great work they do. He also expressed appreciation for staff's efforts in going after and receiving grants. He thanked Mr. Powell for his comments about Pisgah Piper's prediction and noted that it has been really warm. He said it is interesting to me because we are seeing more of a warming trend, and we have been discussing the tannery and the smokestack, and the rampant industrialism that happened, and is still happening in our country. We are contending with Ecusta and the smokestack brownfield sites to this day. I think it is important to remember that the current administration just rescinded all EPA regulations about global warming, which we can physically see and measure. We should pay attention to that because of the impact it has on us here locally and the world. He mentioned that this is President's Day, and he thought it was important to keep in mind what that office is meant to be about—an executive branch to enforce law and not create law. He said we should work to make sure that all three branches of our government are working the way they should, and not the way they are working now.

Ms. Holder clarified her remarks at the last meeting about people who do not have homes and are in the streets when it is cold. She said I didn't mean it for temporary situations like the warming station, but was thinking of a longer term than just when we have a storm—warm places for people to go when we don't have a storm. She also mentioned that today is President's Day and said I thought of the first and only African American president we have ever had, Barack Hussein Obama and if you saw the recent post of him and his beautiful wife...we live in a beautiful America and I just wish everybody would understand that, especially when we are in leadership and in that type of leadership. I'm glad I live in a city where I don't think most of us feel that way, and most of us would not agree with that depiction. I was angered and hurt by it and I am glad that I was able to see the fulfillment of my Dad's prophecy that one day we would have a Black president. I hope that we will have another one and that we will be leaders and not just people who are about themselves.

Mr. Baker mentioned that Canton recently passed a moratorium on data centers and noted that there have been companies that have looked at the Ecusta site. He said as we talk about resources that we have that are limited, one of our greatest resources which is very limited is buildable land. Given what we already know about those operations, which are an incredible drain of resources, and they do not provide very many jobs, he hoped Council would agree to ask staff and the City Attorney to look at what Canton has done and figure out what is legal for us to consider in that space and then consider taking action at a later date. There was consensus to proceed. Mr. Baker also said that we intend to fill up agendas with items that need an action, and I wonder if we need to set aside some time, both at the committee level and at the council level,

for staff to just give general updates to the public. I think we have an obligation to share certain things with the public.

Mr. Daniel echoed Mr. Baker's comments regarding data centers, noting that their operations are bad environmentally. He added that the CoEd Theater was discussed at the last Downtown Master Plan Committee meeting and it was brought up by the Heart of Brevard that there is a grant that the City can apply for up to \$800,000. He said I realize that we don't have an itemized estimate of what needs to be done, but I would like to see our staff begin to work on making that application, which I believe is due in April. I think that even if the insurance companies pay for the damage that's done, I think this grant, as I understood it, would be available even to upgrade the building itself.

Mayor Copelof commented that we live in a special place with a lot going on, and staff has done such a great job—a \$5M grant added to the \$8M we already had, plus the grants we have for building the trails. She said yes, we have challenges, and I think staff have done a wonderful job finding out all of the issues and the details so we can make good risk analysis decisions regarding the tannery smokestack. She encouraged everyone to vote in the upcoming Primary Election and noted that Community Garden applications are available beginning February 18th. She mentioned upcoming events in celebration of Black History Month, and an upcoming public listening session regarding HCA and Mission Hospital.

O. Closed Sessions

O-1. Potential Litigation: NCGS §143 318.11(a)(3) – At 7:04p.m. Mr. Baker moved, seconded by Ms. Holder to go into closed session to discuss a potential litigation matter and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were City Manager Wilson Hooper and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 7:45 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, at 7:45 p.m. Mr. Wise moved, seconded by Mr. Baker, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: March 16, 2026



City of Brevard, North Carolina

Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

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

Andrea Ellen Thomas

Oath Administered By:

Denise Hodsdon, CMC
City Clerk

March 16, 2026

Date



City of Brevard, North Carolina

Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Andrea Ellen Thomas, do solemnly swear that I will be alert and vigilant to enforce the criminal laws of this State; that I will not be influenced in any matter on account of personal bias or prejudice; and that I will faithfully and impartially execute the duties of my office as a Law Enforcement Officer according to the best of my skill, abilities, and judgment; so help me God.

Andrea Ellen Thomas

Oath Administered By:

Denise Hodsdon, CMC
City Clerk

March 16, 2026

Date



City of Brevard, North Carolina

Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

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

Ryan Nicholas Costa

Oath Administered By:

Denise Hodsdon, CMC
City Clerk

March 16, 2026

Date



City of Brevard, North Carolina

Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Ryan Nicholas Costa, do solemnly swear that I will be alert and vigilant to enforce the criminal laws of this State; that I will not be influenced in any matter on account of personal bias or prejudice; and that I will faithfully and impartially execute the duties of my office as a Law Enforcement Officer according to the best of my skill, abilities, and judgment; so help me God.

Ryan Nicholas Costa

Oath Administered By:

Denise Hodsdon, CMC
City Clerk

March 16, 2026

Date



CITY *of* BREVARD

Certificate of Appreciation

Presented to

Harry "Tad" Fogel

*In recognition of dedicated service to the
City of Brevard as a member of the Board of Adjustment
from November, 2013 to November 2025*

Presented March 16, 2026


Maureen Copelof
Mayor

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-04

Sexual Assault Awareness Month

April 2026

WHEREAS, nationally one in three women and one in four men will experience some form of sexual assault in their lifetime; and

WHEREAS, Sexual Assault Awareness Month draws attention to the fact that sexual violence is widespread and has implications for every community member; and

WHEREAS, there is compelling evidence that we can be successful in reducing sexual violence through prevention education, increased awareness, and holding perpetrators who commit acts of violence responsible for their actions; and

WHEREAS, we must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and

WHEREAS, anyone can be a leader in preventing and ending sexual violence. As employers, educators, parents, and friends, we all have an obligation to uphold the basic principle that every individual should be free from violence and fear; and

WHEREAS, sexual harassment, assault, and abuse can happen anywhere, including in online spaces. For too long harassment, cyberbullying, and sexual abuse and exploitation have come to be expected as typical and unavoidable behaviors online; and

WHEREAS, the theme for Sexual Assault Awareness Month this year “**25 Years Stronger: Looking Back, Moving Forward**,” celebrates the resilience of survivors and the communities that have worked for change.

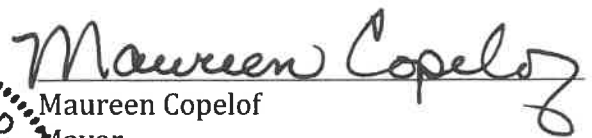
NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim the month of April as **Sexual Assault Awareness Month** and urge the citizens of Brevard to work together to eliminate sexual assault from our community, to keep our community members safe from this crime and to stand with survivors and victims of sexual assault.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 16th day of March, 2026.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk




Maureen Copelof
Mayor

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-05

Designation of April as Second Chance Month

WHEREAS, every person is endowed with human dignity and value; and

WHEREAS, redemption and second chances are American values; and

WHEREAS, an estimated 70 million American citizens have a criminal record; and

WHEREAS, those individuals who have paid their debt after committing a crime face significant barriers, also known as collateral consequences, to reintegrating into society; and

WHEREAS, gaining meaningful employment is one of the most significant predictors of successful reentry, and ninety percent of those who have been incarcerated struggle to find employment because of societal and legal barriers; and

WHEREAS, while education is also a significant predictor of successful reentry, those with a criminal record have significant difficulty acquiring admission to and funding for educational programs; and

WHEREAS, , people with a criminal history also face significant barriers in securing a place to live, and this inability to access housing has been found to increase the number of individuals returning to prison; and

WHEREAS, these and other barriers prevent the 70 million Americans with criminal records from contributing fully to their families and communities, which negatively impacts the well-being of their children and families for generations; and

WHEREAS, the designation of April as Second Chance Month can contribute to increased awareness about the challenges faced by those who have paid their debt and generate opportunities for individuals, employers, congregations, and communities to extend second chances.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim April 2026 as "Second Chance Month." During this month I call on residents to honor the work of those who strive to remove barriers that prevent individuals with a criminal record from becoming productive members of society and to observe Second Chance Month through actions and programs that promote opportunities to unlock second chances.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 16th day of March, 2026.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk




Maureen Copelof
Mayor

STAFF REPORT

City Council, Monday, March 16, 2026

Title: Housing Conduit Bond Resolution

Speaker: Paul Ray, Planning Director

Prepared by: Paul Ray, Planning Director

Approved by: Wilson Hooper, City Manager

Background

Low-to-moderate income housing developer Woda Cooper has approached the City about supporting its upcoming 4% LIHTC application by participating in this issuance of Conduit bonds, a financing mechanism that gives certain private party activities access to tax-exempt financing. This evening, an expert Bond Counsel will give a presentation about a possible "Bond Inducement Resolution" which would allow the City of Brevard to serve as the issuing authority for tax-exempt conduit revenue bonds associated with the proposed Low Income Housing Tax Credit project, Cascade Ridge Affordable Housing Development, to be developed by Woda Cooper Companies.

Discussion

Woda Cooper Companies has proposed development of Cascade Ridge, a new affordable housing community consisting of 84 apartment units serving low- to moderate-income households as defined by the U.S. Department of Housing and Urban Development (HUD). The proposed unit mix includes: 36 one-bedroom units, 42 two-bedroom units, and 6 three-bedroom units. As part of the developer's 4% Low-Income Housing Tax Credit (LIHTC) application, the developer is requesting that the City consider issuing tax-exempt conduit revenue bonds. The bonds would be used in combination with other financing sources to support the construction of affordable housing. Because this financing mechanism may be unfamiliar, the following section summarizes how conduit bonds work in North Carolina:

A conduit bond is a financing tool that allows a private entity to access lower-cost tax-exempt financing through a governmental issuer such as a city, county, or housing authority. Federal law requires that tax-exempt private activity bonds be issued by a governmental entity, even when the project itself is privately developed. Under a conduit financing arrangement:

- The local government issues the bonds.
- Bond proceeds are loaned to the private developer to finance the project.
- The developer – not the city – is responsible for repaying the bonds.
- Bondholders are repaid from project revenues, such as apartment rents.

It is important to note that the bonds are not backed by the City's taxing authority or general fund. The City does not guarantee repayment. All repayment obligations remain

solely with the developer and project revenues. In other words, the City acts primarily as a legal conduit that allows the developer to access tax-exempt financing, but the financial risk is not borne by the City or its taxpayers.

These types of bonds are commonly used in North Carolina to finance affordable housing developments and are frequently reviewed and approved by the North Carolina Local Government Commission as part of the state's oversight of municipal debt issuances. Affordable housing projects often rely on multiple funding sources. One key benefit of tax-exempt bonds is that they allow the developer to access lower interest rates, which helps reduce project costs and make affordable rents financially feasible.

Affordable housing projects often use a layered financing structure, which combines federal tax credits, state housing funds, private lending, and developer equity. The use of tax-exempt bonds allows this project to qualify for federal Low-Income Housing Tax Credits (LIHTC), which is an important source of equity financing for affordable housing developments. The proposed capital stack for Cascade Ridge includes several funding sources:

- Low Income Housing Tax Credit (LIHTC) Equity - \$8,204,093
- First Mortgage - \$2,175,000
- North Carolina Housing Finance Agency CDBG-Disaster Recovery Funds - \$12,550,000
- Deferred Developer Fee - \$14,886
- Total Development Cost: \$22.9 million

The tax-exempt bonds (estimated at \$6.5 million) are part of the approximately \$8.2 million of LIHTC equity the developer is seeking from the North Carolina Housing Finance Agency.

At this stage, City Council is not approving the bonds themselves, but rather an Inducement Resolution, which signals the City's intent to consider issuing conduit bonds for the project and allows the developer to proceed with additional financing steps and applications. It does not obligate the City to ultimately issue the bonds. If the project moves forward, additional approvals and state review would be required before any bonds could be issued.

Fiscal Impact

There is no direct financial obligation to the City associated with the bonds.

- The bonds are not backed by the City's credit or taxing authority.
- The bonds do not count towards the City's overall debt limit.
- Repayment responsibility lies solely with the developer and project revenues.
- Any professional services related to the bond issuance would be paid by the developer, not the City.

Legal Counsel Presentation

To help Council better understand the legal and procedural framework associated with conduit bond financing, Kristen M. Kirby, Partner with McGuireWoods LLP, will be joining the meeting remotely to provide a brief presentation and answer questions. Ms. Kirby specializes in public finance and affordable housing bond issuances across North Carolina. If the City chooses to move forward, she would serve as bond counsel to the City, with all costs for those services paid by the developer.

Action

Staff is requesting that City Council consider adoption of the Bond Inducement Resolution for the Cascade Ridge Affordable Housing Development. This project is time sensitive for the developer to meet funding application deadlines.

However, if Council isn't ready to proceed with approval, the item can be postponed til a future meeting.

Attachments:

1. Brevard - Cascade Ridge - Inducement Resolution
2. Local Conduit Issuances of Affordable Housing Bonds – UNC School of Government Coates' Canons

RESOLUTION GIVING PRELIMINARY APPROVAL FOR THE ISSUANCE
OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE THE
ACQUISITION, CONSTRUCTION AND EQUIPPING OF CASCADE RIDGE
APARTMENTS

WHEREAS, the City Council (the “City Council”) of the City of Brevard, North Carolina (the “City”) met in Brevard, North Carolina at 5:30pm on the 16th day of March, 2026; and

WHEREAS, pursuant to Section 160D-1311(b) of the General Statutes of North Carolina, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the “Act”); and

WHEREAS, the Act in N.C.G.S. § 157-9 gives the City, exercising the powers of a housing authority, the power “to provide for the construction, reconstruction, improvement, alteration or repair of any housing project” and “to borrow money upon its bonds, notes, debentures or other evidences of indebtedness and to secure the same by pledges of its revenues”; and

WHEREAS, an affiliated or related entity of Woda Cooper Companies, Inc. (the “Company”), intends to provide affordable housing in the City; and

WHEREAS, the Company has requested that the City assist it in financing the acquisition, construction and equipping of an 84-unit qualified residential rental project to be known as Cascade Ridge Apartments and located at approximately 373 Morris Road in the City (the “Development”); and

WHEREAS, the Company has described to the City the benefits of the Development to the City and the State of North Carolina and has requested that the City agree to issue its multifamily housing revenue bonds in such amounts as may be necessary to finance the costs of acquiring, constructing and equipping the Development; and

WHEREAS, the City would be acting as a “conduit” issuer for such bonds, and would have no liability whatsoever for any such bonds, which will not constitute a debt or a pledge of the faith and credit of the City, but will be payable solely from the revenues and other funds provided by the Company; and

WHEREAS, the City is of the opinion that the Development is a facility that can be financed under the Act and that the financing of the same will be in furtherance of the purposes of the Act;

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

1. It is hereby found and determined that the Development will involve the acquisition, construction and equipping of a multifamily housing facility, and that therefore, pursuant to the terms and subject to the conditions hereinafter stated and the Act, the City agrees to assist the Company in every reasonable way to issue bonds to finance the acquisition, construction and equipping of the Development, and, in particular, to undertake the issuance of the City’s multifamily housing revenue bonds (the “Bonds”) in an amount now estimated not to exceed **Ten Million Dollars (\$10,000,000)** to provide all or part of the cost of the Development.

2. The Bonds shall be issued in such series and amounts and upon such terms and conditions as are mutually agreed upon between the City and the Company. The City and the Company shall enter into a “financing agreement” pursuant to the Act for a term and upon payments sufficient to pay the principal

of, premium if any, and interest on the Bonds and to pay all of the expenses of the City in connection with the Bonds and the Development. The Bonds will be issued pursuant to an indenture or security agreement between the City and a trustee (the "Trustee") or the bondholder which will set forth the form and terms of the Bonds and will assign to the Trustee for the benefit of the holders of the Bonds, or directly to the bondholder, the City's rights to payments under the financing agreement, except the City's right to payment of fees and expenses and indemnification. The Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit of the State of North Carolina or any political subdivision or agency thereof, including the City, but shall be payable solely from the revenues and other funds provided under the proposed agreements with the Company.

3. The City hereby authorizes the Company to proceed, upon the prior advice, consent and approval of bond counsel and the City's counsel, to obtain approvals in connection with the issuance and sale of the Bonds and to obtain an allocation of a sufficient amount of the State of North Carolina's "private activity bond limit", as required by Section 146 of the Code and as defined in Section 146 of the Code, for the Bonds.

4. The City intends that the adoption of this resolution be considered as "official action" toward the issuance of the Bonds within the meaning of the regulations issued by the Internal Revenue Service pursuant to Section 1.150-2 of the Treasury Regulations issued under the Internal Revenue Code of 1986, as amended (the "Code").

5. It having been represented to the City that it is desirable to proceed with the acquisition, construction and equipping of the Development, the City agrees that the Company may proceed with plans for such acquisition, construction and equipping, enter into contracts for the same, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Company to obligate the City without its written consent in each instance to the payment of any monies or the performance of any act in connection with the Development and no such consent shall be implied from the City's adoption of this resolution. The City agrees that the Company may be reimbursed from the proceeds of the Bonds, if and when issued, for all qualifying costs so incurred as permitted by Treasury Regulations Section 1.150-2.

6. All obligations hereunder of the City are subject to the further agreement of the City and the Company to terms for the issuance, sale and delivery of the Bonds and the execution of a financing agreement, indenture or security agreement and other documents and agreements necessary or desirable for the issuance of the Bonds. The City has not authorized and does not authorize the expenditure of any funds or monies of the City from any source other than the proceeds of the Bonds. All costs and expenses in connection with the financing and the acquisition, construction and equipping of the Development, including the reasonable fees and expenses of the City's counsel, bond counsel and the agent or underwriter for the sale of the Bonds, shall be paid from the proceeds of the Bonds or by the Company, but if for any reason the Bonds are not issued, all such expenses shall be paid by the Company and the City shall have no responsibility therefor. It is understood and agreed by the City and the Company that nothing contained in this resolution shall be construed or interpreted to create any personal liability of the officers or council members from time to time of the City.

7. The City's agreement to act as the issuer of the Bonds to finance the Development shall not be construed as approval of the Development for any other purpose including, but not limited to, zoning, land use, permitting or any other aspect of the Development that may require approval by the City or any department or agency of the City.

8. The officers of the City are hereby authorized and directed to take all actions in furtherance of the resolution and the issuance of the Bonds.

9. The City hereby approves McGuireWoods LLP, Raleigh, North Carolina, to act as bond counsel for the Bonds.

10. This resolution shall take effect immediately.

Council member _____ moved the passage of the foregoing resolution and Council member _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: _____

Nays: _____

Not voting: _____

* * * * *

I, Denise Hodsdon, City Clerk of the City of Brevard, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Brevard, North Carolina, at a regular meeting duly called and held on March 16, 2026, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City Council of the City of Brevard, North Carolina, this 16th day of March, 2026.

(SEAL)

Denise Hodsdon, City Clerk
City of Brevard, North Carolina

Coates' Canons

NORTH CAROLINA LOCAL GOVERNMENT LAW BLOG

September 25, 2023

Local Conduit Issuances of Affordable Housing Bonds in North Carolina: The Basics

Connor Crews

North Carolina **suffers** from a lack of affordable housing options for low and moderate income households. And as my colleague Tyler Mulligan **has noted**, the public sector cannot be expected to solve this problem without private sector capital and expertise.

In a **May 2022 post**, Tyler outlined many of the ways in which North Carolina's local governments can aid the development of privately owned affordable housing. But some units of local governments in our state possess at least one additional tool not mentioned there: the ability to serve as a “conduit issuer” of tax-exempt debt that a private entity can use to finance the construction or rehabilitation of privately-owned affordable multifamily rental housing for low and moderate income individuals.

This blog post explains what a “conduit issuance” is, details the types of local governments in North Carolina that may serve as conduit issuers of tax-exempt bonds for affordable multifamily rental housing, and the advantages of using tax-exempt debt for this purpose. It is not a comprehensive treatment, but instead outlines—in broad terms—some of the federal and state laws and processes that govern conduit bond financing for multifamily affordable housing projects in North Carolina.

How Developers Finance Construction or Rehabilitation of Affordable Housing

Like any private business, an affordable housing developer can rely upon two types of financing when constructing or rehabilitating an affordable housing project: debt financing and equity financing.

Debt and equity financings for affordable housing projects can take a variety of forms. Equity financing might come in the form of a developer's funds or an investment from a third-party investor in exchange for the right to claim federal income tax credits that an affordable housing development generates. Debt financing might take the form of a traditional loan from a bank or a governmental entity; it also might take the form of a “tax-exempt” bond.

As the name suggests, interest paid to a holder of a tax-exempt bond is exempt from federal income tax.^[1] Because the holder of such a bond can receive tax-free interest, it will accept an interest rate that is lower than a comparable debt instrument paying taxable interest. The use of tax-exempt bonds can lower a developer's costs to complete an affordable housing project and might help to make a project feasible. The federal tax code—the Internal Revenue Code of 1986, as amended (the “Code”)—outlines in detail how a bond issued to support a privately owned affordable housing development must be structured to qualify as a tax-exempt bond.

The Internal Revenue Code and Conduit Issuances of Affordable Housing Bonds

Tax-exempt bonds generally come in two varieties under the Code: (1) governmental bonds; and (2) “qualified private activity” bonds.

Governmental Bonds

Units of local government and public authorities in North Carolina frequently issue tax-exempt governmental bonds to finance projects that they will own and operate.^[2] In these cases, a local government is both an “issuer” (i.e., it *issues* the debt) and an “obligor” (i.e., it is legally *obligated* to repay the debt). For example, a municipality might issue general obligation bonds to finance the construction of a city park or it might issue revenue bonds to finance improvements to its water and sewer system. In each case, under state law, the municipality would be responsible for the repayment—from, respectively, general property tax proceeds or the revenues of its water and sewer system—for the debt incurred.

By contrast, in a typical “conduit” financing, a governmental entity acts as an “issuer,” but is not responsible for the repayment of debt. In these cases, a governmental issuer “borrows” money, issue bonds evidencing the debt, and loan that money to a private entity to carry out a statutorily authorized public purpose.^[3] In turn, the private entity repays principal and interest on the loan, which corresponds to and equals the principal and interest owed on the issuer’s bonds. As discussed later in this post, local housing authorities in North Carolina frequently serve as conduit issuers of debt to finance affordable housing projects.

The Code restricts the extent to which bond proceeds can benefit non-governmental entities and still retain their status as tax-exempt governmental bonds. A full explanation of these restrictions is not possible here, but the Code generally will deem a bond to be a “private activity bond”—and interest paid upon such a bond to be taxable—if, among other things, more than five percent of the bond proceeds are loaned to non-governmental persons. See **26 U.S.C. § 141(c)**. A bond that a governmental entity uses to finance a loan to a private affordable housing developer is necessarily a private activity bond.

Despite this restriction, though, Congress has permitted interest paid upon certain types of “qualified private activity bonds” to retain the tax exemption afforded to interest paid to holders of traditional governmental bonds. With proper structuring, bonds issued to finance “qualified residential rental projects”—the construction or rehabilitation of privately owned affordable housing developments—can qualify as tax-exempt qualified private activity bonds under **Section 142 of the Code**.

Qualified Private Activity Bonds for Affordable Housing: “Qualified Residential Rental Projects”

Section 142(d) of the Code and **associated IRS regulations** detail what types of projects a private affordable housing developer can finance using the proceeds of tax-exempt bonds issued for a “qualified residential rental project.” At least 95% of the proceeds of a tax-exempt bond issuance for a qualified residential rental project must be used for related capital costs (e.g., construction or rehabilitation of a residential building and related facilities), and no more than 25% of the proceeds of a bond may be used to acquire land. See **26 U.S.C. § 147(c)**.

Most critically, an eligible project generally requires that either (1) at least 20% of the residential units are occupied by individuals whose income is 50% or less of the area median income (the “20/50 test”), or (2) at least 40% of the residential units are occupied by individuals whose income is 60% or less of the area median income (the “40/60 test”).^[4] See **26 U.S.C. § 142(d)(1)(A) and (B)**.

Often, developers exceed these minimums, in part to ensure that their project obtains separate low-income housing tax credits that can accompany tax-exempt bonds. For more information on that topic, see “*The Critical Advantage of Qualified Residential Rental Bonds = Eligibility for “4% Tax Credits”*” below.

Why Are Local Governments Involved in Conduit Issuances of Bonds for Privately-Owned Housing Projects?

Qualified private activity bonds—including bonds issued to finance a qualified residential rental project—still must be issued by a “[s]tate or political subdivision thereof” to qualify for tax-exempt status. **26 U.S.C. § 103(c)(1)**. Therefore, a state or local governmental entity (e.g., a local housing authority) must be a participant in the bond financing structure, even if it only acts as a “conduit” for a private borrower.

Units of Local Government and Public Authorities That May Serve as Conduit Issuers of Tax-Exempt Bonds for Affordable Housing in North Carolina

State law—not federal tax law—serves as the source of legal authority for North Carolina’s local governments to participate in a conduit financing and issue tax-exempt bonds for privately owned and operated affordable housing.^[5] At present, North Carolina law permits five types of units of local government to issue multifamily housing revenue bonds and loan the proceeds of those bonds to a private entity (e.g., a housing developer): (1) a municipal housing authority; (2) a county housing authority; (3) a municipality exercising the powers of a housing authority; (4) a county exercising the powers of a housing authority; and (5) a regional housing authority. Because municipal and county housing authorities issue the vast majority of tax-exempt bonds used to finance privately owned affordable housing in North Carolina, this section only includes information about these types of local governments.^[6]

Municipal or County Housing Authority – G.S. Chapter 157, Article 1

Under North Carolina law, municipal and county housing authorities are independent governmental entities respectively that a municipality or county creates. See **G.S. 157-9(a); G.S. 157-33, -34**. Among other things, a housing authority may “carry out . . . housing projects.” See **G.S. 157-9(a)**. A “housing project” includes the provision of “loans” to “public or private developers of housing for persons of low income, or moderate income, or low and moderate income.” **G.S. 157-3(12)**.

State law permits a housing authority to issue bonds for the purpose of providing these loans—and in connection with the issuance of these bonds, a housing authority may make the bonds payable from and secured by “[e]xclusively the income and revenues of the housing project financed in whole or in part with the proceeds of such bonds.” **G.S. 157-14**.

Read together, these statutes permit municipal and county housing authorities to act as “conduit issuers” of debt for private developers of affordable housing. In a “conduit issuance,” a housing authority (1) “borrows” money and issues a bond evidencing the debt, and (2) loans that money to a private developer (most commonly a special purpose entity created solely for the purpose of owning the financed housing project) to construct or rehabilitate affordable rental housing. In turn, the private developer repays principal and interest on the loan, which corresponds to and equals the principal and interest owed on the housing authority’s bonds.

In a conduit financing, neither the county nor municipality that creates the housing authority assumes any obligation to repay the debt. See **G.S. 157-14**. And if a bond is payable from and secured exclusively by the income and revenues of the financed project, a housing authority will

not assume any credit risk by engaging in a conduit financing. A bondholder's sole recourse in a conduit financing is to obtain payments from the borrower from revenues that the financed affordable housing project generates. If those payments are insufficient to cover debt service, bondholders—not the issuing authority—will suffer a loss.

Selected Steps and Approvals to Issue Tax-Exempt Bonds for a Qualified Residential Rental Project

To close a successful issuance of tax-exempt bonds for a qualified residential rental project, the Code and North Carolina law require certain approvals. Bond counsel—a private law firm retained by the issuer to provide a legal opinion that bonds have been issued in accordance with state law and qualify for tax-exempt status under the Code—typically assists in guiding transaction participants through required approvals at the local and state levels and preparing related documentation.

1. Issuer Adoption of “Inducement” / “Reimbursement” Resolution

The Code and IRS regulations generally limit the extent to which the proceeds of tax-exempt bonds—including qualified residential rental bonds—can be used to reimburse expenditures made prior to the date that a bond is issued. See generally **Treas. Reg. § 1.150-2**. An issuer that adopts a declaration of “official intent”—typically in the form of a resolution adopted by its governing board—can reimburse itself for capital expenditures occurring up to 60 days prior to the adoption of that declaration. See **Treas. Reg. § 1.150-2(e)**. Because this “declaration” is usually in the form of a governing board resolution and occurs prior to the issuance of any bonds, it is commonly referred to as either an “inducement” resolution or a “reimbursement” resolution.^[7]

In a transaction in which a county or municipal housing authority will act as a conduit issuer of tax-exempt bonds, the authority (not the private borrower or the county or municipality that created the authority) will adopt such a reimbursement resolution. Adoption of a reimbursement resolution does not obligate the authority to take any additional actions in a particular financing, but it is an important step to preserve tax-exempt financing eligibility for expenditures made early in a project.^[8]

2. “TEFRA” Public Hearing and Approval (26 U.S.C. § 147(f); Treas. Reg. § 1.147(f)-1)

Since the adoption of the Tax Equity and Fiscal Responsibility Act of 1982—also known as “TEFRA”—the Code has generally afforded tax-exempt status to “private activity bonds” only if an “applicable elected representative” of a governmental unit “having jurisdiction over the area” containing the financed facility approve the issuance of the bond after (1) a public hearing, (2) following “reasonable” public notice. **Pub. L. No. 97-248, § 215, 96 Stat. 468; 26 U.S.C. § 147(f)**. To satisfy this provision, municipal and county governing boards are commonly called upon to “approve” a housing authority’s issuance of tax-exempt bonds.

Because the governing boards of municipal and county housing authorities in North Carolina are not elected, these entities do not have an “applicable elected representative” under the Code. See **G.S. 157-5(a)** (providing for appointment of municipal housing authority governing board members by mayor); **G.S. 157-34** (providing for appointment of county housing authority governing board members by board of county commissioners). In this situation, the Code and associated IRS regulations provide that the “applicable elected representative” for approval purposes is the “applicable elected representative” of the governmental unit from which these housing authorities “derive” their authority. **26 U.S.C. 147(f)(2)(E)(ii); Treas. Reg. § 1.147(f)-1(e)(2)(i)**. Municipal and county housing authorities derive their authority from, respectively, the municipality or county that

they serve. Therefore, the governing board of a county or municipality is eligible to provide the required “TEFRA” approval after a public hearing.

The public hearing that the Code requires need not necessarily occur before the governing board of a municipality or county, but it must provide a “reasonable opportunity for interested individuals to express their views, orally or in writing, on the proposed issue of bonds and the nature of the proposed project to be financed.” **Treas. Reg. § 1.147(f)-1(d)(1)**. Often, these public hearings are held before an official of the housing authority, with the comments (if any) being reported to the board that will approve the issuance.

Bond counsel typically assists in preparing the public notice required under the Code (see **Treas. Reg. § 1.147(f)-1(d)(4)**) and an approving “TEFRA” resolution. For an example of a “TEFRA” approval resolution, see **City Council of the City of Charlotte Resolution Book 53, Page 683 (Mar. 13, 2023)**. Although a governing board is not obligated to approve a “TEFRA” resolution, approving a financing for purposes of the Code does not subject the approving municipality or county to any liability for repayment of the bonds if issued.

Ultimately, the governing board of an issuer (e.g., housing authority)—in a separate authorizing resolution—decides whether to authorize a particular transaction.

3. **State Approvals**

A conduit issuance of tax-exempt bonds by a county or municipal housing authority cannot occur without the involvement of at least one, and sometimes two, bodies at the state level.

- ***North Carolina Federal Tax Reform Allocation Committee / North Carolina Housing Finance Agency – Award of Volume Cap***

In the early 1980s, Congress began to cap the aggregate volume of certain tax-exempt private activity bonds that could be issued annually in each state. See **Dennis Zimmerman, The Volume Cap for Tax-Exempt Private-Activity Bonds: State and Local Experience in 1989 (Advisory Commission on Intergovernmental Relations, July 1990), at 4-5**. In passing the Tax Reform Act of 1986, Congress capped the aggregate volume of tax-exempt private activity bonds that, in particular, could be issued to finance qualified residential rental projects in each state. See **Pub. L. No. 99-514, § 1301, 100 Stat. 2603**. That limitation has continued into the present day—and the Code only affords tax-exempt status to private activity bonds issued for qualified residential rental projects if an issuance has received an allocation of a state’s “volume cap.” See **26 U.S.C. § 146**.

The North Carolina Federal Tax Reform Allocation Committee—also known as “TRAC”—is a state-level body that is empowered to allocate North Carolina’s annual volume (**approximately \$1.283 billion in 2023**) to certain projects. See **G.S. Chapter 143, art. 51B; S.L. 1987, c. 588**. The **North Carolina Housing Finance Agency** (“NCHFA”)—another state agency—serves as TRAC’s agent in evaluating applications to receive a portion of North Carolina’s tax-exempt bond volume for qualified residential rental bonds.

Each year, NCHFA releases a Qualified Allocation Plan (“QAP”) that details how affordable housing developers may apply for and obtain allocations of North Carolina’s tax-exempt bond volume for qualified residential rental projects. The QAP sets out in significant detail the requirements that a developer must meet and how applications for volume cap will be evaluated. See, e.g., **The 2023 Low-Income Housing Tax Credit Qualified Allocation Plan For the State of North Carolina, Section V (Allocation of Bond Cap)**. Although NCHFA does not technically approve or authorize a local housing authority to participate in a conduit issuance, its award of “volume cap” for a

particular residential housing project is necessary to secure the tax-exempt status of any bond issued to finance that housing project.^[9]

- ***The Critical Advantage of Qualified Residential Rental Bonds = Eligibility for “4% Tax Credits”***

Since 1986, the Code has permitted developers to claim two types of “low-income housing tax credits” when construction or rehabilitating affordable housing projects: (1) a “9% credit”, and (2) a “4% credit.” A full discussion of low-income housing tax credits is beyond the scope of this post, but these programs serve as the one of the most vital sources of capital for the construction and rehabilitation of affordable housing in the United States. Developers—or, more commonly, institutional investors who purchase these tax-credits in exchange for equity financing in a project—claim low-income housing tax credits over a ten-year period.

The availability of the “9% credit” is restricted to projects that are not otherwise federally subsidized, meaning that the use of other federal subsidies (e.g., tax-exempt bond financing) makes a project ineligible to generate 9% credits. The 9% credit is intended to deliver up to a 70% subsidy of the qualified basis (i.e., the construction cost) of a low-income housing development. Congress has capped the amount of 9% credits that can be awarded in each state—and as it does for tax-exempt bonds for affordable housing, NCHFA serves as the entity that allocates our state’s low-income housing tax credits. It **conducts a competitive allocation process** to award these credits each year.

One fundamental reason that developers are interested in the conduit issuance of tax-exempt bonds for qualified residential rental projects is the **availability of “non-competitive “4%” low-income housing tax credits under Section 42 of the Code**. Unlike the other “9%” low-income housing tax credits, these tax credits are not subject to a competitive allocation process. Instead, these credits are automatically available as long as a borrower (1) obtains an allocation of volume cap from NCHFA for a conduit issuance of bonds to finance a qualified residential rental project, and (2) finances 50 percent or more of the project using the proceeds of those bonds. See **26 U.S.C. § 42(h)(4)(B)**. 4% credits—**originally intended to subsidize 30% of the qualified costs of a project**—can still be a critical financing source for affordable housing when paired with tax-exempt bonds.

- ***Local Government Commission Approval***

Based upon the specific financing terms of a conduit bond issuance, state law might require the Local Government Commission (“LGC”)—a nine-member body contained within the Department of the State Treasurer—to approve the issuance of the debt. Generally speaking, the LGC must approve the issuance if the term of the bond extends for five years or more. See **G.S. 159-148(a)**. An issuer (e.g., a housing authority) must make certain findings about a proposed financing and provide information about the transaction to the LGC for its consideration. See **G.S. 159-153(d)/(e)**, and bond counsel typically assists the issuer and other transaction participants in navigating this approval process.

Financing Structures

Conduit issuances involve complex webs of contractual relationships between public and private entities, require the preparation of a variety of technical legal documents, and entail collaboration between a large number of parties. For example, a single transaction might entail—at a minimum—an issuer (e.g., a housing authority), a borrower (i.e., private developer), a purchasing underwriter or other financial institution, a governmental entity providing other gap financing, a tax-credit investor, and counsel for each of these entities.

Financing structures also can vary substantially—some might include short-term bonds (e.g., bonds outstanding only for a construction term) or long-term bonds (e.g., bonds outstanding for a full-tax credit period). Each transaction is unique and its form will be determined by the sources of capital involved.

[1] The Code generally subjects “gross income” to federal income tax. “Gross income” includes, among other things, “interest.” See **26 U.S.C. § 61(a)**. But the Code also contains a critical exception to that general rule: “gross income does not include interest on any *State or local bond*.” **26 U.S.C. § 103(a)** (emphasis added). Interest paid to a holder of a debt instrument that qualifies as a “State or local bond” is exempt from federal income tax. Certain bonds issued to finance “qualified residential rental projects” can qualify as State or local bonds under the Code.

[2] North Carolina law permits municipalities and counties to issue debt to finance certain projects. At present, these local governments may issue general obligation bonds, limited obligation bonds (also known as installment financings), revenue bonds, special obligation bonds, and engage in project development financings. See **G.S. Chapter 159, Article 4** (general obligation bonds); **G.S. 160A-20** (installment financings / limited obligation bonds or certificates of participation); **G.S. Chapter 159, Article 5** (revenue bonds); **G.S. Chapter 159, Article 7A** (special obligation bonds); **G.S. Chapter 159, Article 6** (project development financing).

[3] In North Carolina, conduit issuers other than housing authorities include, among others, the **North Carolina Capital Facilities Finance Agency**, the **North Carolina Agricultural Finance Agency**, the **North Carolina Medical Care Commission**, and **local industrial and pollution control facilities finance agencies**.

[4] The Code imposes these restrictions for the “qualified project period,” which begins when 10% of the residential units in the financed project are occupied and ends on the later of (1) 15 years following the date upon which 50% of the residential units are occupied, (2) the date upon which no tax-exempt private activity bond issued to support the project is outstanding, and (3) the date upon which Section 8 assistance from HUD ends. See **26 U.S.C. § 142(d)(2)(A)**.

[5] North Carolina’s local governments derive all of their powers from delegations of authority made by the General Assembly. See **N.C. Const. art. VII, § 1**.

[6] North Carolina law permits the governing boards of cities and counties to directly exercise the powers of local government housing authorities. They may do so even if a local housing authority already exists in their jurisdiction. See **G.S. 160D-131(b)**. For example, the **City of Goldsboro** issued bonds for the benefit of a privately owned affordable housing development in 2021. North Carolina law also permits the governing boards of two or more contiguous counties having an aggregate population of more than 60,000 to create a regional housing authority for all such counties. See **G.S. 157-35, -36, -37**. A regional housing authority generally may issue bonds on the same basis as a municipal or county housing authority. See **G.S. 157-37**. Regional housing authorities in North Carolina include, among others, the Eastern Carolina Regional Housing Authority, Northwestern Regional Housing Authority, and Mid East Regional Housing Authority.

[7] Among other things, a “declaration” must describe the project for which the original expenditure is paid, the maximum principal amount expected to be issued for the project. See **Treas. Reg. § 1.150-2(e)(2)**.

[8] If a developer is interested in using tax-exempt bonds to finance a qualified residential rental project, it should approach a prospective issuer to discuss a potential adoption of a reimbursement resolution.

[9] **NCHFA allocated \$303 million in tax-exempt bond volume cap in 2023 to projects in Buncombe, Catawba, Cumberland, Durham, Forsyth, Gaston, Mecklenburg, New Hanover, and Wake counties.**

STAFF REPORT

City Council, Monday, March 16, 2026

Title: Ordinance - Voluntary Contiguous Annexation - City-owned
Parcels on Azalea Ave and Old Hendersonville Hwy PIN
#8596-05-5338, #8596-05-8315, and #8596-05-6391

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background & Discussion

In June 2025, the City of Brevard acquired approximately 3.7 acres on Azalea Avenue and Old Hendersonville Highway to pursue a City-supported affordable housing development (PINs 8596-05-5538-000, 8596-05-6391-000, and 8596-05-8315-000). The City has entered into an agreement with Fitch Irick Corporation to submit the project for a Low-Income Housing Tax Credit award. To facilitate the development, the City needs to annex the property prior to the final application deadline in May in order to show the project is able to connect to sewer. While not currently available, the City is actively pursuing funding from Transylvania County to extend sewer infrastructure to the Azalea / Rhododendron neighborhood, which would bring the utility line to the project.

The project is immediately adjacent to the corporate limits. City Council approved a resolution of intent to annex the municipally-owned property on February 16th (included for reference). Voluntary, contiguous annexations are governed by North Carolina General Statute §160A-31. The subject property qualifies for annexation under this statute.

Action

The Planning Board considered this request at their February 24th meeting and recommended in favor. Staff is requesting Council take action on this matter tonight by approving the annexation of these three City-owned parcels to provide Fitch Irick with ample time to prepare the application.

Attachments:

1. Res 2026-09 Declaring Intent to Annex City-Owned Property and Fix Date of Public Hearing-Azalea Ave and Old Hvl Hwy
2. GIS Map
3. Deed from Hooper to COB - PIN 8596-05-5538 and 8596-05-8315
4. Deed from Scott to COB - PIN 8596-05-6391
5. Annexation Plat
6. Ordinance Extending Corporate Limits

RESOLUTION NO. 2026-09

**A RESOLUTION DECLARING THE INTENT OF THE BREVARD CITY COUNCIL
TO CONSIDER ANNEXING CITY-OWNED PROPERTY LOCATED ON AZALEA AVENUE
AND OLD HENDERSONVILLE HIGHWAY AND FIXING THE DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO NCGS 160A-31, AS AMENDED**

WHEREAS, North Carolina General Statute §160A-31 authorizes the City Council to initiate annexation of contiguous property owned by the municipality, provided that certain procedures are followed, including the adoption of a resolution declaring the City's intent to do so and the scheduling of a public hearing; and

WHEREAS, the City of Brevard owns three parcels located on Azalea Avenue and Old Hendersonville Highway, Brevard, NC 28712, consisting of 3.669 acres, more or less (Tax Property Identification Numbers: 8596-05-5538; 8596-05-8315; and 8596-05-6391); and

WHEREAS, the City Council desires to initiate the process required by State law in order to consider annexation of the parcels described herein.

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

1. Intent Declared. It is the intent of the City Council to consider annexing the following described properties:

TRACT 1 – PIN: 8596-05-5538-000

BEGINNING at an iron pin near the eastern edge of Azalea Avenue in the line of Mills, and running thence with said line, N 70 deg. 11 min. E 98.01 ft.; thence S 25 deg. E 4.0 feet to an iron pin, corner of Green; thence with Green's line, N 67 deg. 29 min. E 99.54 ft. to an iron pin, corner of a 9.11 acre tract; thence with the line of said tract, N 25 deg. W 513.64 ft. to an iron pin in the line of Morris; thence with said line, S 64 deg. 07 min. W 141.30 ft. to an iron pin, corner of Hunnicut; thence with the line of Hunnicut, two calls as follows: S 25 deg. 46 min. E 101.71 ft. to an iron pin, and S 63 deg. 14 min. W 143.73 ft. to a stake at the edge of the pavement of Azalea Avenue; thence along said edge, S 25 deg. 29 min. E 377.25 ft. to a stake; thence N. 70 deg. 11 min. E 7.5 ft. to the point of BEGINNING. Containing 2.87 acres, more or less.

Being all the property described in Deed Book 191, Page 536, Transylvania County.

TOGETHER WITH AND SUBJECT TO those rights of way, easements and restrictive covenants as recorded in the Transylvania County, North Carolina Register's Office; reference to which is hereby made and incorporated herein.

Being that property described in Deed Book 277, at Page 443 of the Transylvania County, NC Register's Office; reference to which is hereby made and incorporated for a more particular description of said property.

TRACT 2 – PIN: 8596-05-8315-000

Being all of Lot 1, 0.463 acres, more or less, as shown on a survey entitled Martha Lyday Dobbins et al dated November 9, 2009 and recorded in Plat File 13 at Slide 339, Transylvania County Registry.

This conveyance is made subject to the rights-of-way of all roads which may presently traverse the property, to all road rights-of-way which may presently appear of record, to the rights-of-way of all utility lines which may presently traverse the property and to all rights-of-way for public utilities which may presently appear of record.

Tract 1 and Tract 2 being the same property described in a deed from Kirk Davis Hooper and wife, Sharon Vance Hooper to The City of Brevard, dated June 9, 2025,

and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 1152, Pages 647-649.

TRACT 3 – PIN: 8596-05-6391

Being all of the same land described in a deed from Gregory Cochran and wife, Martha Cochran, to Thomas Fulcher dated January 12, 1996, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 396, Page 801, said land being more particularly described in said deed as follows:

BEGINNING at an iron pipe found in the north margin of the right of way of Old US Highway 64, said iron pipe being located in the property line of a tract of land described in a deed to Miller recorded in Book 278, Page 450, Records of Deeds for Transylvania County, and runs thence leaving said margin of the right of way of said highway and along the property line of Miller, North 25 deg. 00 min. 00 sec. West 150.19 feet to an iron pipe found just south of a fence line in the property line of a tract of land described in a deed to Cain recorded in Book 277, Page 443, Records of Deeds for Transylvania County; thence leaving the property line of Miller and along the property line of Cain, North 68 deg. 10 min. 09 sec. East 99.96 feet to an iron pipe found in the property line of a tract of land conveyed to Lyday in a deed recorded in Book 222, Page 258, Records of Deeds for Transylvania County; thence leaving the property line of Cain and along the property line of Lyday, South 24 deg. 59 min. 29 sec. East 142.82 feet to an iron pipe found in the north margin of the right of way of Old US Highway 64; thence leaving the property line of Lyday and along said margin of the right of way of said highway, South 63 deg. 56 min. 25 sec. West 99.80 feet to the BEGINNING. Containing 0.336 acres, more or less, as surveyed and platted by Robert L. Haller, RLS, on October 31, 1990, and updated on January 8, 1996, designated as Drawing Number 95135.

This conveyance is made subject to the right of way of all roads which may presently traverse the property, to all road rights of way which may presently appear of record, to the rights of way of all utility lines which may presently traverse the property and to all rights of way for utility lines which may presently appear of record.

Tract 3 being the same property described in a deed from Patrick Brian Scott and wife, Amber Hooper Scott to The City of Brevard, dated June 9, 2025, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 1152, Pages 644-646.

2. Public Hearing Scheduled. A public hearing on the question of annexation will be held at Brevard City Hall at 5:30 P.M. on the 16th day of March, 2026, at which time all interested persons will be given an opportunity to be heard.
3. Notice Requirements. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.
4. This Resolution shall become effective upon its adoption and approval.

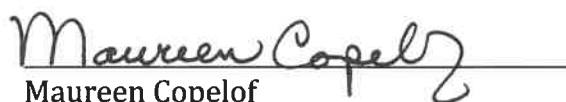
Adopted and approved this, the 16th day of February, 2026.

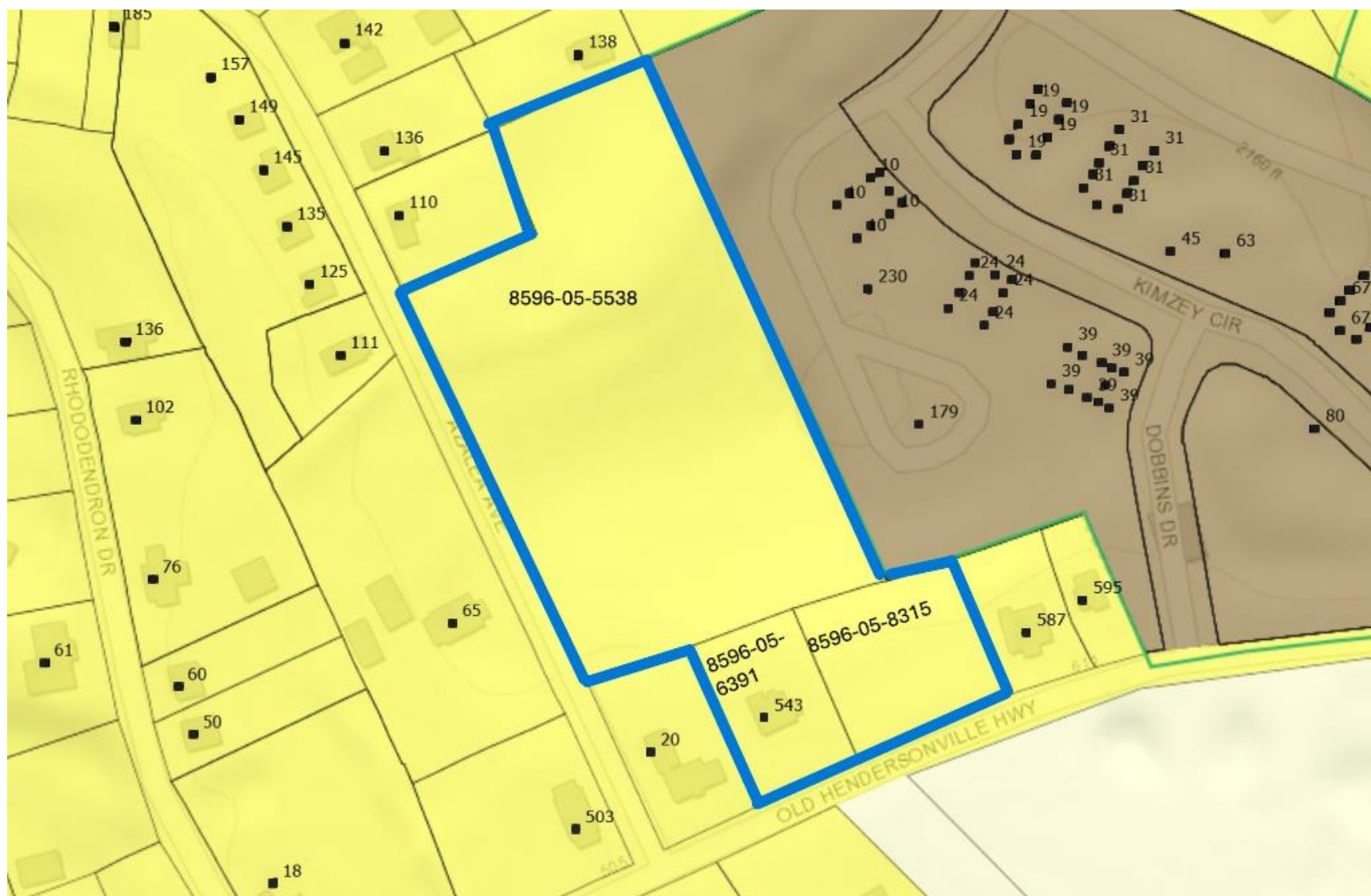


ATTEST:



Denise Hodsdon, CMC, NCCMC
City Clerk


Maureen Copelof
Mayor





2025002678

TRANSYLVANIA CO, NC FEE \$26.00

STATE OF NC REAL ESTATE EXTX

\$630.00

PRESENTED & RECORDED:

06-10-2025 03:07:00 PM

BETH C LANDRETH

REGISTER OF DEEDS

BY: REBECCA EATMON
DEPUTY REGISTER OF DEEDS

BK: DOC 1152

PG: 647-649

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: **\$630.00**

Parcel Identifier No. 8596-05-5538-000 & 8596-05-8315-000 Verified by Transylvania County on the _____ day of _____, 2025.

By _____

Mail/Box to:

Jordan Law, PC, 4 West Main Street, Suite 5, Brevard, NC 28712

This instrument was prepared by:

Shelton Jones, Attorney, Straus Park, 5 Park Place East, Suite 201, Brevard, NC 28712 (WITHOUT TITLE EXAM)

Brief description for the Index:

THIS DEED made this 9 day of June, 2025, by and between

GRANTOR

Kirk Davis Hooper and wife,

Sharon Vance Hooper

261 Eastview Drive

Brevard, NC 28712

GRANTEE

The City of Brevard

95 W. Main Street

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:

See Exhibit "A" attached hereto and made a part hereof by reference. This property does () or does not (X) include the primary residence of the Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 951, Page 99 and Book 934, Page 555.**

A map showing the above described property is recorded in **Plat File _____, Slide _____.**

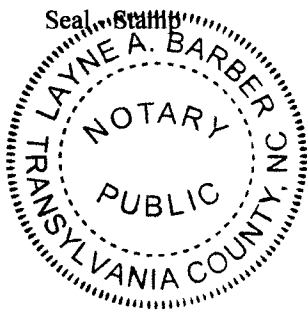
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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: This conveyance is made subject to easements and rights of way of record, to any recorded restrictions and covenants, and to real property taxes for the current year.

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

Kirk Davis Hooper (SEAL)
Kirk Davis Hooper

Sharon Vance Hooper (SEAL)
Sharon Vance Hooper



State of NC - County of Transylvania

I, the undersigned Notary Public of the County and State aforesaid, certify that **Kirk Davis Hooper and wife, Sharon Vance Hooper** personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 9 day of **June, 2025**.

My Commission Expires:

12/9/25

Layne A. Barber
Notary Public

EXHIBIT "A"

TRACT 1

BEGINNING at an iron pin near the eastern edge of Azalea Avenue in the line of Mills, and running thence with said line, N 70 deg. 11 min. E 98.01 ft.; thence S 2S deg. E 4.0 feet to an iron pin, corner of Green; thence with Green's line, N 67 Deg. 29 min. E 99.54 ft. to an iron pin, corner of a 9.11 acre tract; thence with the line of said tract, N 25 deg. W 513.64 ft. to an iron pin in the line of Morris; thence with said line, S 64 deg. 07 min. W 141.30 ft. to an iron pin, corner of Hunnicut; thence with the line of Hunnicut, two calls as follows; S 25 deg. 46 min. E 101.71 ft. to an iron pin, and S 63 deg. 14 min. W 143.73 ft, to a stake at the edge of the pavement of Azalea Avenue; thence along said edge, S 25 deg. 29 min. E 377.225 ft. to a stake; thence N. 70 deg. 11 min. E 7.5 ft. to the point of BEGINNING. Containing 2.87 acres, more or less.

Being all the property described in Deed Book 191, Page 536, Transylvania County.

TOGETHER WITH AND SUBJECT TO those rights of way, easements and restrictive covenants as recorded in the Transylvania County, North Carolina Register's Office; reference to which is hereby made and incorporated herein.

Being that property described in Deed Book 277, at Page 443 of the Transylvania County, NC Register's office; reference to which is hereby made and incorporated for a more particular description of said property.

PIN: 8596-05-5538-000

TRACT 2

Being all of Lot 1, 0.463 acres, more or less, as shown on a survey entitled Martha Lyday Dobbins et al dated November 9, 2009 and recorded in Plat File 13 at Slide 339, Transylvania County Registry.

This conveyance is made subject to all roads rights-of-way of all roads which may presently traverse the property, to all road rights of way which may presently appear of record, to the rights- of-way of all utility lines which may presently traverse the property to all rights of way for public utilities which may presently appear of record.

PIN: 8596-05-8315-000



2025002677

TRANSYLVANIA CO, NC FEE \$26.00

STATE OF NC REAL ESTATE EXT

\$1570.00

PRESENTED & RECORDED:

06-10-2025 03:06:59 PM

BETH C LANDRETH

REGISTER OF DEEDS

BY: REBECCA EATMON

DEPUTY REGISTER OF DEEDS

BK: DOC 1152

PG: 644-646

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: **\$1,570.00**

Parcel Identifier No. 8596-05-6391-000 Verified by Transylvania County on the _____ day of _____, 2025.

By _____

Mail/Box to:

Jordan Law, PC, 4 West Main Street, Suite 5, Brevard, NC 28712

This instrument was prepared by:

Shelton Jones, Attorney, Straus Park, 5 Park Place East, Suite 201, Brevard, NC 28712 (WITHOUT TITLE EXAM)

Brief description for the Index:

THIS DEED made this 09 day of June, 2025, by and between

GRANTOR

Patrick Brian Scott and wife,

Amber Hooper Scott

543 Old Hendersonville Hwy.

Brevard, NC 28712

GRANTEE

The City of Brevard

95 W. Main Street

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:

See Exhibit "A" attached hereto and made a part hereof by reference. This property does (X) or does not () include the primary residence of the Grantor.

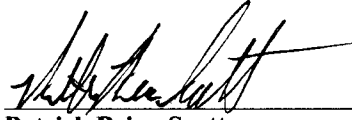
The property hereinabove described was acquired by Grantor by instrument recorded in **Book 930, Page 14**.

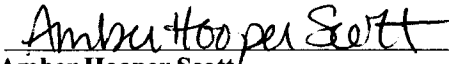
A map showing the above described property is recorded in **Plat File _____, Slide _____**.

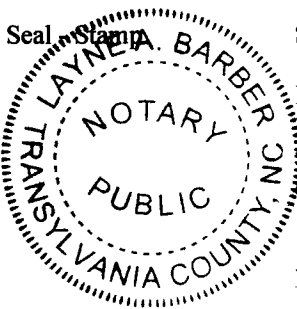
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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: This conveyance is made subject to easements and rights of way of record, to any recorded restrictions and covenants, and to real property taxes for the current year.

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

 (SEAL)
Patrick Brian Scott

 (SEAL)
Amber Hooper Scott



State of NC - County of Transylvania

I, the undersigned Notary Public of the County and State aforesaid, certify that **Patrick Brian Scott and wife, Amber Hooper Scott** personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 9 day of **June, 2025**.

My Commission Expires:

12/9/25

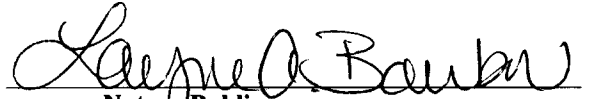

Notary Public

EXHIBIT "A"

Being all of the same land described in a deed from Gregory Cochran and wife, Martha Cochran, to Thomas Fulcher dated January 12, 1996, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 396, page 801, said land being more particularly described in said deed as follows:

BEGINNING at an iron pipe found in the north margin of the right of way of Old US Highway 64, said iron pipe being located in the property line of a tract of land described in a deed to Miller recorded in Book 278, Page 450, Records of Deeds for Transylvania County, and runs thence leaving said margin of the right of way of said highway and along the property line of Miller, North 25 deg. 00 min. 00 sec. West 150.19 feet to an iron pipe found just south of a fence line in the property line of a tract of land described in a deed to Cain recorded in Book 277, Page 443, Records of Deeds for Transylvania County; thence leaving the property line of Miller and along the property line of Cain, North 68 deg. 10 min. 09 sec. East 99.96 feet to an iron pipe found in the property line of a tract of land conveyed to Lyday in a deed recorded in Book 222, Page 258, Records of Deeds for Transylvania County; thence leaving the property line of Cain and along the property line of Lyday, South 24 deg. 59 min. 29 sec. East 142.82 feet to an iron pipe found in the north margin of the right of way of Old US Highway 64; thence leaving the property line of Lyday and along said margin of the right of way of said highway, South 63 deg. 56 min. 25 sec. West 99.80 feet to the BEGINNING. Containing 0.336 acres, more or less, as surveyed and platted by Robert L. Haller, RLS, on October 31, 1990, and updated on January 8, 1996, designated as Drawing Number 95135.

This conveyance is made subject to the right of way of all roads which may presently traverse the property, to all road rights of way which may presently appear of record, to the rights of way of all utility lines which may presently traverse the property and to all rights of way for utility lines which may presently appear of record.

PIN: 8596-05-6391-000

LEGEND:

- CALCULATED DEED/PLAT CORNER
- DEED/PLAT LINE FOR PARCEL OF ANNEXATION (NOT SURVEYED)
- AREA OF ANNEXATION
- ADJOINERS DEED LINE (NOT SURVEYED)
- BREVARD CITY LIMITS (PER TRANSYLVANIA COUNTY GIS)

ABBREVIATIONS:

NTS...NOT TO SCALE
(T)...TOTAL
DB...DEED OR DOCUMENT BOOK
PF...PLAT FILE
PG...PAGE
PIN...PARCEL IDENTIFICATION NUMBER

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, _____, 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

OWNER CERTIFICATION - ANNEXATION

I (WE) HEREBY CERTIFY 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) _____
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 ____ DAY OF _____, 2026.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____.

BILLY J. & SANDRA C. MURDOCK
JAMES R. ELDRIDGE
DB 851 PG 468
PF 7 PG 432
PIN 8596-05-5015

BILLY J. & SANDRA C. MURDOCK
DB 771 PG 610
PIN 8596-05-5901

BILLY MURDOCK
DB 774 PG 801
PIN 8596-05-3884

BILLY J. & SANDRA C. MURDOCK
DB 809 PG 450
PIN 8596-05-4707

BROAD RIVER TERRACE, LLC
DB 542 PG 115
DB 542 PG 118
DB 566 PG 264 (ANNEXATION)
PF 14 PG 49
PF 14 PG 350 (ANNEXATION)
PIN 8596-15-0655

CITY OF BREVARD
DB 1152 PG 647, TRACT 1
2.88± ACRES
PIN 8596-05-5538

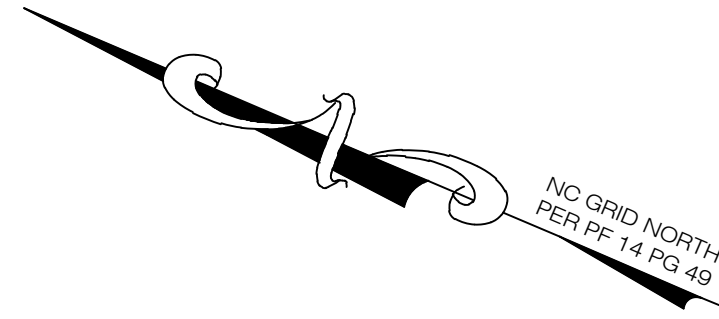
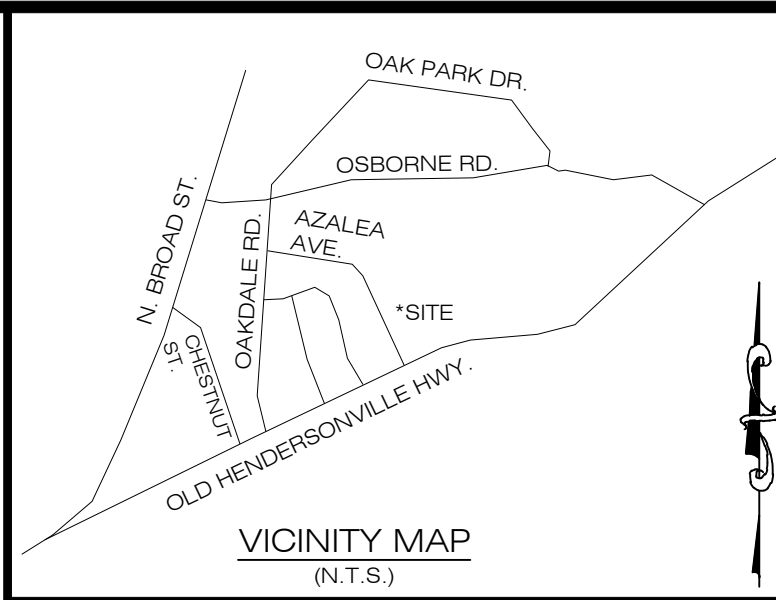
CAMERON H. SCHUMANN
DB 846 PG 757
PF 18 PG 48, LOT B
PIN 8596-05-9480

ASHEVILLE MOUNTAIN ESCAPE, LLC
DB 820 PG 652
PF 18 PG 48, LOT A
PIN 8596-05-9339

CITY OF BREVARD
DB 1152 PG 647, TRACT 2
PB 13 PG 339, LOT 1
0.46± ACRES
PIN 8596-05-8315

CITY OF BREVARD
DB 1152 PG 644
0.34± ACRES
PIN 8596-05-6391

JOAN E. MCALONAN &
JOHN D. SCHOONMAKER
DB 905 PG 319
PIN 8596-05-5297



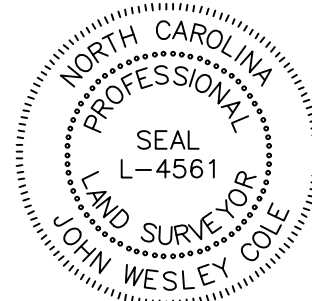
NOTES

1. A FIELD SURVEY HAS NOT BEEN PERFORMED. BOUNDARY LINES DISPLAYED HEREON ARE BASED SOLE UPON INFORMATION TAKEN FROM DEEDS AND PLATS REFERENCED HEREON.
2. PROPERTY SHOWN IS SUBJECT TO EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS, WRITTEN OR UN-WRITTEN.
3. ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE TRANSYLVANIA COUNTY GIS WEBSITE AND DEEDS AND PLATS OF RECORD AS NOTED.
4. AREA SHOWN HEREON CALCULATED BY THE COORDINATE METHOD.
5. BY GRAPHICAL LOCATION, PROPERTY IS SHOWN AS LYING OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN PER FEMA FIRM MAP NO. 3700859600J, EFFECTIVE DATE 10/2/2009.
6. THIS PLAT IS EXEMPT FROM REQUIREMENTS OF G.S. 47-30 PER G.S. 47-30J.
7. TOTAL AREA OF NEW ANNEXATION: 3.88± ACRES.

OLD US 64
OLD HENDERSONVILLE HWY
S.R. 1504
MAINTAINED BY NCDOT
(ASPHALT - DRAWN PER AERIAL IMAGERY)

NOTE:

BOUNDARY LINES DISPLAYED
HEREON ARE BASED SOLEY UPON
INFORMATION TAKEN FROM DEEDS
& PLATS AS NOTED; A FIELD SURVEY
HAS NOT BEEN PERFORMED.



STATE OF NORTH CAROLINA

COUNTY OF TRANSYLVANIA

I, JOHN WESLEY COLE, CERTIFY THAT THIS PLAT WAS DRAWN
UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED
ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN
DEED BOOK 1152 PAGE 647, PLAT FILE 13 SLIDE 339, & DEED BOOK
1152 PAGE 644; THAT THIS PLAT IS EXEMPT FROM THE PROVISIONS
OF G.S. 47-30 PER G.S. 47-30J; AND THAT THIS MAP MEETS THE
REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND
SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). MY ORIGINAL
SIGNATURE, REGISTRATION NUMBER AND SEAL ON THIS THIS 19th
DAY OF FEBRUARY, A.D., 2026.

Signed by: John Wesley Cole
CREATED/DATE: _____
JOHN WESLEY COLE, P.L.S. L-4561

REFERENCES:

DB 1152 PG 647
DB 1152 PG 644
PB 13 PG 339



ANNEXATION MAP FOR:
CITY OF BREVARD

(OWNER OF RECORD)
BREVARD TOWNSHIP, TRANSYLVANIA COUNTY, NC



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

ORDINANCE NO. 2026-XX

**AN ORDINANCE TO EXTEND THE CORPORATE
LIMITS OF THE CITY OF BREVARD, NORTH CAROLINA**

WHEREAS, the City of Brevard owns three parcels located on Azalea Avenue and Old Hendersonville Highway, Brevard, NC 28712, consisting of 3.669 acres, more or less (Tax Property Identification Numbers: 8596-05-5538; 8596-05-8315; and 8596-05-6391); and

WHEREAS, by virtue of the authority granted by North Carolina G.S. 160A-31, on February 16, 2026 the Brevard City Council adopted Resolution No. 2026-09 declaring the intent to consider annexation of City-owned property located on Azalea Avenue and Old Hendersonville Highway and fixing the date of public hearing; and

WHEREAS, the Brevard Planning Board reviewed the proposed annexation at their meeting held on February 24, 2026 and recommended approval of the contiguous annexation; and

WHEREAS, by authority granted by G.S. 160A-31, a public hearing on the question of this annexation was held at the City Council Chambers at 5:30 P.M. on the 16th day of March, 2026, after due notice by publication on the 2nd day of March, 2026; and

WHEREAS, the City Council desires to annex the City-owned parcels described herein.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by the City of Brevard, as shown and being that property described in the deed recorded in Document Book 1152, Pages 647-649; and in Book 1152, Pages 644-646, in the Transylvania County Register of Deeds, and that certain plat to be duly recorded upon annexation, is hereby annexed and made a part of the City of Brevard as of the 16th day of March, 2026.

Said property is more fully described as follows:

Location: Azalea Avenue and Old Hendersonville Highway, Brevard, NC 28712.
Transylvania County Tax Property Identification Numbers: 8596-05-5538; 8596-05-8315; and 8596-05-6391

Property Description:

TRACT 1 – PIN: 8596-05-5538-000

BEGINNING at an iron pin near the eastern edge of Azalea Avenue in the line of Mills, and running thence with said line, N 70 deg. 11 min. E 98.01 ft.; thence S 25 deg. E 4.0 feet to an iron pin, corner of Green; thence with Green's line, N 67 deg. 29 min. E 99.54 ft. to an iron pin, corner of a 9.11 acre tract; thence with the line of said tract, N 25 deg. W 513.64 ft. to an iron pin in the line of Morris; thence with said line, S 64 deg. 07 min. W 141.30 ft. to an iron pin, corner of Hunnicut; thence with the line of Hunnicut, two calls as follows: S 25 deg. 46 min. E 101.71 ft. to an iron pin, and S 63 deg. 14 min. W 143.73 ft. to a stake at the edge of the pavement of Azalea Avenue; thence along said edge, S 25 deg. 29 min. E 377.25 ft. to a stake; thence N. 70 deg. 11 min. E 7.5 ft. to the point of BEGINNING.
Containing 2.87 acres, more or less.

Being all the property described in Deed Book 191, Page 536, Transylvania County.

TOGETHER WITH AND SUBJECT TO those rights of way, easements and restrictive covenants as recorded in the Transylvania County, North Carolina Register's Office; reference to which is hereby made and incorporated herein.

Being that property described in Deed Book 277, at Page 443 of the Transylvania County, NC Register's Office; reference to which is hereby made and incorporated for a more particular description of said property.

TRACT 2 – PIN: 8596-05-8315-000

Being all of Lot 1, 0.463 acres, more or less, as shown on a survey entitled Martha Lyday Dobbins et al dated November 9, 2009 and recorded in Plat File 13 at Slide 339, Transylvania County Registry.

This conveyance is made subject to the rights-of-way of all roads which may presently traverse the property, to all road rights-of-way which may presently appear of record, to the rights-of-way of all utility lines which may presently traverse the property and to all rights-of-way for public utilities which may presently appear of record.

Tract 1 and Tract 2 being the same property described in a deed from Kirk Davis Hooper and wife, Sharon Vance Hooper to The City of Brevard, dated June 9, 2025, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 1152, Pages 647-649.

TRACT 3 – PIN: 8596-05-6391

Being all of the same land described in a deed from Gregory Cochran and wife, Martha Cochran, to Thomas Fulcher dated January 12, 1996, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 396, Page 801, said land being more particularly described in said deed as follows:

BEGINNING at an iron pipe found in the north margin of the right of way of Old US Highway 64, said iron pipe being located in the property line of a tract of land described in a deed to Miller recorded in Book 278, Page 450, Records of Deeds for Transylvania County, and runs thence leaving said margin of the right of way of said highway and along the property line of Miller, North 25 deg. 00 min. 00 sec. West 150.19 feet to an iron pipe found just south of a fence line in the property line of a tract of land described in a deed to Cain recorded in Book 277, Page 443, Records of Deeds for Transylvania County; thence leaving the property line of Miller and along the property line of Cain, North 68 deg. 10 min. 09 sec. East 99.96 feet to an iron pipe found in the property line of a tract of land conveyed to Lyday in a deed recorded in Book 222, Page 258, Records of Deeds for Transylvania County; thence leaving the property line of Cain and along the property line of Lyday, South 24 deg. 59 min. 29 sec. East 142.82 feet to an iron pipe found in the north margin of the right of way of Old US Highway 64; thence leaving the property line of Lyday and along said margin of the right of way of said highway, South 63 deg. 56 min. 25 sec. West 99.80 feet to the BEGINNING. Containing 0.336 acres, more or less, as surveyed and platted by Robert L. Haller, RLS, on October 31, 1990, and updated on January 8, 1996, designated as Drawing Number 95135.

This conveyance is made subject to the right of way of all roads which may presently traverse the property, to all road rights of way which may presently appear of record, to the rights of way of all utility lines which may presently traverse the property and to all rights of way for utility lines which may presently appear of record.

Tract 3 being the same property described in a deed from Patrick Brian Scott and wife, Amber Hooper Scott to The City of Brevard, dated June 9, 2025, and recorded in the office of the Register of Deeds for Transylvania County in Deed Book 1152, Pages 644-646.

Section 2. Upon and after the 16th day of March, 2026 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-31.

Also being all of that property described in a plat prepared by Cole Surveying & Design, PA for the City of Brevard, dated February 19, 2026 and recorded in Plat File _____, Slide _____, of the Transylvania County Registry.

Section 3. Pursuant to 160A-29 it shall be the duty of the Mayor of the City of Brevard to cause an accurate map of the annexed territory as described in Section 1 hereof, together with a duly certified copy of this Ordinance, to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

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

Adopted and approved this the 16th day of March, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, March 16, 2026

Title: Proposed Amendment to the Official Zoning Map of the City of Brevard - City-owned Parcels on Azalea Ave and Old Hendersonville Hwy PIN #8596-05-5338, #8596-05-8315, and #8596-05-6391

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background

In June 2025, the City of Brevard acquired approximately 3.7 acres on Azalea Avenue and Old Hendersonville Highway to pursue a City-supported affordable housing development (PINs 8596-05-5538-000, 8596-05-6391-000, and 8596-05-8315-000). The City entered into an agreement with Fitch Irick Corporation to submit the project for a Low-Income Housing Tax Credit award. To facilitate the development, the City needs to rezone the property prior to the final application deadline in May in order to show the project is feasible. The project is also the subject of a pending annexation request.

This proposal is for a Conditional Zoning District. A conditional zoning district is a special district, where the developer and the City negotiate site-specific development standards for a particular project. These standards are codified in a custom ordinance working in conjunction with the Unified Development Ordinance. Conditional Zoning Districts are meant to be flexible, particularly in the areas of density, architectural design, and the mixing of land uses. With added flexibility comes an expectation that the developer will offer a high-quality project which goes “above and beyond” the baseline ordinance requirements. In these rezonings, the City has considerable authority to negotiate with the applicant and impose such conditions as necessary to protect the public interest and ensure high-quality development.

This is a staff-initiated rezoning of City-owned property to accommodate a potential affordable housing project developed by Fitch Irick Corporation. On January 20th, City Council endorsed the proposed development plan as part of Fitch Irick's proposal. Staff worked with Fitch Irick to prepare the appropriate conditions to accommodate that development. The details of which are discussed below.

Discussion

The proposed project, called Azalea Place, is an affordable multifamily housing development with up to 60 units. The project consists of 3 buildings — two larger buildings that are 2 to 3 stories terraced to match the contour of the topography and a smaller 2-story building facing Old Hendersonville Highway. The project will have a community space in the small building, as well as a playground and protected green space on the northern end with an ephemeral stream. The project will also have space reserved

for a future sewer pump station that is necessary to provide wastewater service to the greater Azalea / Rhododendron neighborhood.

This project comes following a pre-development process with two phases of community engagement conducted by the UNC School of Government Development Finance Initiative. The first phase focused on soliciting community input on the public interests for development of the site. The second phase, following the feasibility study, asked the public to provide feedback on multiple options for development and inform the City's selection of a preferred development program. Summaries of each round of DFI's engagement are included for reference.

The guiding public interests are the fundamental priorities for the site that were vetted by the community and endorsed by City Council. These guiding public interests are:

Affordable housing development on the Azalea Avenue site should:

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

The development concept and master plan prepared by Fitch Irick used the guiding public interests, preliminary development concepts, and their LIHTC expertise. Staff worked with Fitch Irick to translate this plan into a conditional zoning district. The proposed base zoning district is Residential Mixed-Use (RMX). Though the property is not adjacent to RMX, the area is identified as the "Traditional Neighborhood" character area on the Future Land Use Map, RMX is identified as an appropriate zoning district for that character area. The proposed conditions beyond the RMX base zoning district are as follows:

Name	Section	Base District Requirement (RMX)	Proposed Requirement in CZD
Density	2.6.1	15 du/acre <i>(57 du allowed on site)</i>	18 du/acre <i>(69 du allowed on site)</i>
Retaining Walls	2.8(E)	Maximum retaining wall height of 5 feet, unless necessary for engineering purposes	Maximum retaining wall height of 10 feet
Architectural Building Type	5.7.12	Stacked Flats <i>(two large buildings)</i>	Stacked Flats <i>(two large buildings)</i>
		• 150' max building width • 70' max building depth	• 175' max building width • 80' max building depth

Ground Floor Finishing Height	5.6.7	Minimum finishing height for residential ground floor use is 24 inches along front façade	No required minimum finishing height
Landscape Buffer	8.4	Type B buffer yard (20 feet wide, semi-opaque screening from 0 to 6 feet)	Type A buffer (10 feet wide, semi-opaque screening 0 to 6 ft) along property lines abutting General Residential
Parking Area Landscaping	8.7	All spaces must be within 50 ft of canopy tree	All spaces will be within 80 ft of a canopy tree.
Off-Street Loading Spaces	10.4	Required based on square footage of building	No off-street loading spaces required
Street Frontage Elements	13.6	Sidewalks are required on all road frontages	Sidewalk only required on Old Hendersonville Hwy frontage

Policy Analysis

This rezoning aligns with the identified character area of "Traditional Neighborhood." In addition, this affordable housing project also furthers many of the goals and actions of the Comprehensive Land Use Plan.

- **Goal 1.** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 2.** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **Action LUH-2:** Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.
- **Action LUH-9:** Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.
- **Action LUH-11:** Identify and address dimensional requirements that may serve as obstacles to housing development.
- **Action LUH-14:** Seek developer agreements for divestment of City properties that guarantee affordable and workforce housing units for a defined period of time.
- **Action LUH-18:** Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.
- **Action ATCH-12:** Ensure site plans include safe pedestrian access between public right-of-way and building entrance.
- **Action PNRC-5:** Require conservation design in areas with sensitive natural resources
- **Action EDIR-2:** Pursue upgrades to the public water and sewer system

Action

Planning Board considered this proposal at their February 24th meeting. The Board recommended in favor of the rezoning as presented and forwards a statement of reasonableness and consistency for Council's consideration.

Staff is requesting that Council take action on this request tonight, in order to provide Fitch Irick with ample time to prepare their LIHTC application which is due May 15th. The following options are available to Council:

- Adopt the rezoning as presented;
- Amend and adopt the amended rezoning;
- Reject the rezoning; or
- Table the rezoning for further consideration.

Attachments:

1. Current Zoning
2. Azalea Place Master Plan
3. Phase 1 Engagement Summary
4. Phase 2 Engagement Summary
5. Fitch Irick Proposal - January 2026
6. Consistency and Reasonableness Statement BPB
7. Draft Ordinance





STATUS: 2026 NCHFA
PRELIMINARY LIHTC APP

Azalea Place

Old Hendersonville Highway
Brevard, NC 28712

©2026 Steele Group Architects

[illegible]

DATE:
2026-01-23

PROJECT NUMBER:
2026 NC

SHEET TITLE:
PRELIMINARY SITE PLAN

SHEET

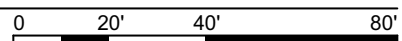
AS-101



TOTAL UNIT COUNT:	
ONE-BEDROOM	09
TWO-BEDROOM	36
THREE-BEDROOM	15

A1 ARCHITECTURAL SITE PLAN

SCALE: 1" = 40'





SCHOOL OF GOVERNMENT

Development Finance Initiative

To: Brevard City Council

From: Sara VanLear, Project Manager, Development Finance Initiative

Date: January 10, 2025

Re: Overview of community engagement feedback regarding the guiding public interests for affordable housing on the Azalea Avenue site

The City of Brevard engaged the Development Finance Initiative (DFI) in March 2023 to assess affordable housing development opportunities. Our scope of work included conducting a housing needs assessment and analyzing multiple sites that could support the City's affordable housing priorities. Based on DFI's preliminary analyses, the City elected to pursue site control of three parcels on Azalea Avenue and Old Hendersonville Highway ("Azalea Avenue" site) for affordable housing development for low-to-moderate income (LMI) households. See Appendix 1 for a visual outline of the site.

In October 2024, the City executed an option to purchase agreement to facilitate the development of affordable housing. Prior to closing on the property, DFI will conduct a pre-development process that includes several components: community engagement, financial feasibility analysis, and site analysis in partnership with a third-party architecture firm. The process will result in multiple options for affordable housing development on the Azalea Avenue site that are both feasible for the private sector to execute and meet the City's goals for the site. Ultimately, the City will select a qualified development partner through a competitive solicitation process to finance, construct, and manage the development as envisioned through this process.

The pre-development process described above incorporates two phases of community engagement. The first phase is focused on soliciting community input on the public interests for development of this site. The second phase, following the feasibility study, will ask the public to provide feedback on multiple options for development and inform the City's selection of a preferred development program. This memo outlines the results of the first phase of DFI's community engagement efforts to gather feedback on the public interests for the Azalea Avenue site.

What are Public Interests?

Guiding public interests site-specific goal statements that are directly shaped by community input. Within DFI's pre-development process, public interests accomplish the following:

1. **Define project values:** public interests create a clear set of project values that inform development programs that will best meet residents' and the City's affordable housing goals.
2. **Set site-specific parameters:** public interests are rooted in the City's overall affordable housing goals but focus on what can be achieved through the development of this specific site.
3. **Represent a range of public opinion:** public interests capture the range of opinions and ideas expressed by the public regarding development on the site.
4. **Inform actionable development trade-offs:** public interests are criteria on which development options are created and assessed. The conceptual plans developed through the DFI-led site analysis are directly informed by the public interests. During the second phase of community engagement, the public will be asked to weigh which conceptual plans best meet the public interests. Finally, as noted above, the City will conduct a competitive solicitation process to find a qualified partner for the development of the Azalea Avenue site. All solicitation responses will be reviewed based on the degree to which the public interests are met. Note, not all interests may be met to the same degree.

The proposed public interests for the Azalea Avenue site are detailed in the next section. These current interests were informed and refined through conversations with Council members, City staff, and residents via community engagement sessions and an online survey. Engagement sessions and the online survey were open to the public. Phase one of DFI's community engagement effort included:

Engagement Opportunity	Date/Time/Location	# of Attendees or Respondents
Online survey	Open to the public December 2-20, 2024	18 responses recorded
In-person engagement session	December 3, 2024 at 2:00pm Calvary Baptist Church (133 Osborne Road, Brevard)	9 attendees
In-person engagement session	December 3, 2024 at 5:30pm Calvary Baptist Church (133 Osborne Road, Brevard)	10 attendees
Virtual Session	December 9, 2024 at 5:30pm Via Zoom	3 attendees

The engagement sessions included a total of 22 attendees and the City received 18 survey responses.

Proposed Guiding Public Interests

Based on the community input received, the following are refined guiding public interests for the Azalea Avenue site.

Affordable housing development on the Azalea Avenue site should:

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

Summary of Community Input

Feedback was gathered by asking for input on draft public interest statements, as well as for comments on any missing elements. Below are summary takeaways for each draft public interest statement based on engagement session input and survey responses. The summaries are not exhaustive but are representative of the most frequent input heard. See Appendix 2 for complete online survey responses. See Appendix 3 for photos of the engagement session notes captured during the in-person facilitated discussions on December 3, 2024.

Public Interest #1:

<i>Draft public interest statement presented to engagement session participants and via the online survey.</i>	<i>Refined public interest statement based on engagement session and survey feedback.</i>
Affordable housing development on the Azalea Avenue site should maximize the number of new affordable rental units for Brevard’s low-to-moderate income households and support the local workforce.	Affordable housing on the Azalea Avenue site should optimize the number of new, quality rental units affordable to Brevard’s low-to-moderate income households and the local workforce.

Feedback:

The majority of participants agreed regarding the need for additional affordable housing and were in favor of new affordable housing units on the Azalea Avenue site. Many participants noted increases in housing cost and housing shortages, and shared a

desire for the local workforce and LMI households to access quality, affordable places to live in Brevard.

Most participants, however, did not agree with the word “maximize” in the public interest statement. Many participants worried that “maximizing” the site could detract from building quality homes for low-to-moderate income households. A few participants asked questions about the density of the future development, and one participant summarized this discussion point by saying that the site should prioritize “quality built homes with elbow room.” Another participant added that the site should be used to “increase the number of units, but increase with a goal.”

As a result, strong participant support existed for replacing “maximize” with a word that better communicates the need for quality units and a site plan that avoids overcrowding. As noted above, public interest #1 was refined by replacing the word “maximize” with “optimize,” and adding the word “quality” to describe the new rental units.

Lastly, a few participants also noted a desire for the future development to serve a mix of residents including the local workforce, and people who are not in the workforce such as disabled individuals and senior residents. There were several questions about who would be eligible to live in the future development, and how tenants would be chosen.

Public Interest #2

<i>Draft public interest statement presented to engagement session participants and via the online survey.</i>	<i>New public interest statement based on engagement session and survey feedback.</i>
No public interest related to green space or amenities was presented to participants.	Affordable housing on the Azalea Avenue site should include access to green space and community amenities for residents.

Feedback:

Many participants and survey respondents highlighted the desire for site design elements that would support future residents’ quality of life such as green space and shared community amenities. Several questions were asked about a gathering space for residents and outdoor recreation areas, including a playground for families to use. One participant noted that the site should “include quality green space and preserve as many trees on the property as possible.” As a result of this input, a public interest was added to ensure that green space and community amenities are an explicit goal for a future development on this site.

Public Interest #3:

<i>Draft public interest statement presented to engagement session participants and via the online survey.</i>	<i>Refined public interest statement based on engagement session and survey feedback.</i>
Affordable housing development on the Azalea Avenue site should attract as much private investment as possible to effectively leverage the City's support of affordable housing development.	Affordable housing on the Azalea Avenue site should attract as much private investment as possible to maximize the impact of public investment in affordable housing.

Feedback:

Most participants agreed that private investment should align with the City's affordable housing goals. Additionally, several participants noted the appropriateness of the City leveraging private investment to reach those goals.

Several participants also expressed distrust in private developers' commitment to quality affordable housing and stated a desire to ensure that private investment would not compromise the development of quality places to live and the long-term affordability for Brevard residents. Many participants questioned how a private investor would be held accountable and expressed concern about both the construction and the property management and ongoing operations: "too many private companies cut corners." A few participants also discussed their confusion about the type of private investment and noted that public and charitable resources may be better suited to pursue affordable housing goals. Another participant reiterated an overall agreement with utilizing private investment "as long as it doesn't compromise the ultimate goal of quality new homes" for low-to-moderate income households.

As a result of this input, the DFI team clarified the definition of "private investment" as all funds not provided by a public entity such as a local or state government. The next phase of this process will detail tools to hold private development partner(s) accountable.

Public Interest #4:

<i>Draft public interest statement presented to engagement session participants and via the online survey.</i>	<i>Refined public interest statement based on engagement session and survey feedback.</i>
Affordable housing development on the Azalea Avenue site should catalyze additional infrastructure investment to support housing quality and affordability in the Azalea/Rhododendron neighborhood.	Affordable housing on the Azalea Avenue site should accommodate the City's sewer infrastructure extension into the Azalea/Rhododendron neighborhood.

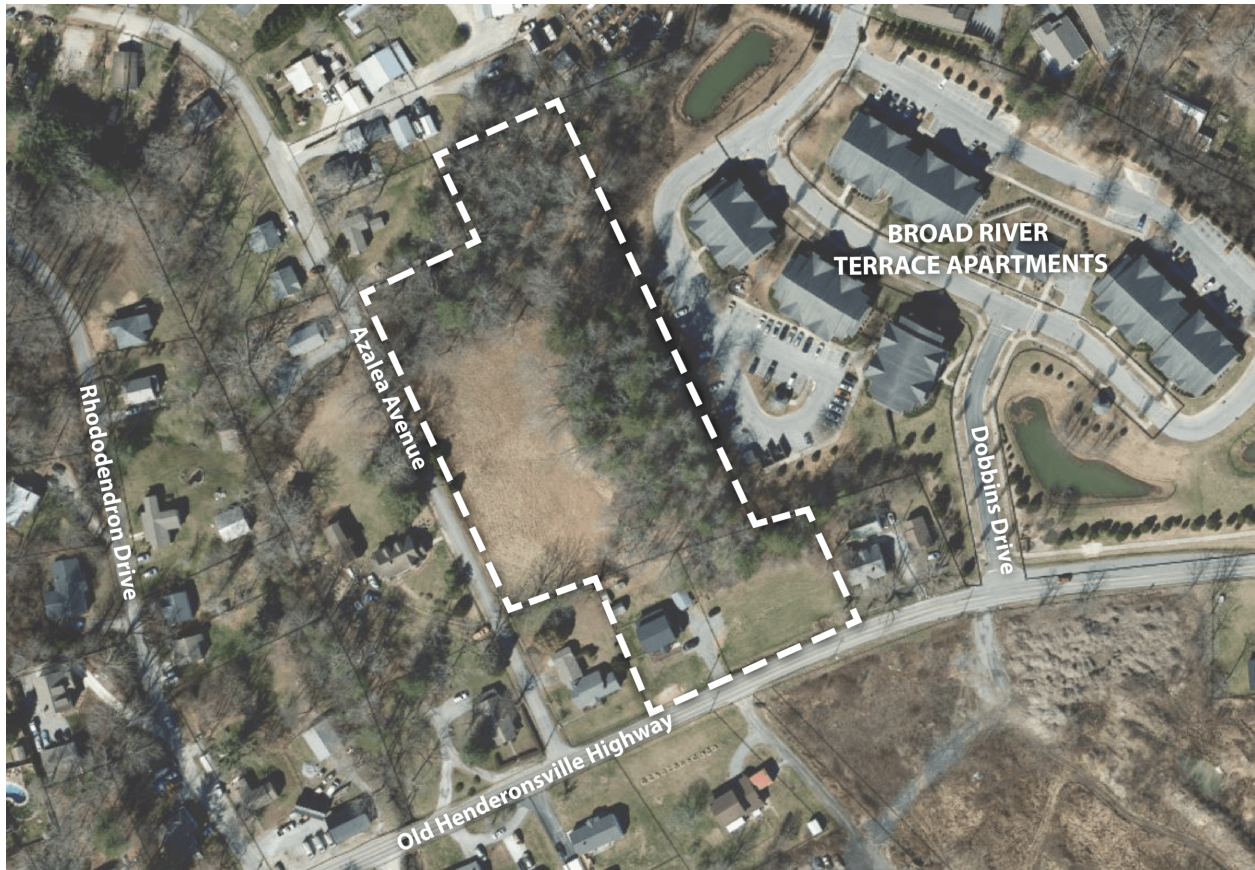
Feedback:

The majority of participants agreed with this public interest, however requested clarification regarding the type of infrastructure. The drafted public interest was too broad and most participants asked if the word infrastructure referred to water, sewer, sidewalks, road improvement, stormwater drainage, or other utilities. Upon clarification about the intended sewer infrastructure, many participants agreed with the need for sewer infrastructure. One participant noted that “until there is sewer on Azalea Avenue, none of this building is feasible or sensible.” Because most participants shared overall agreement with the public interest, but requested clarification, the public interest was refined to specify the sewer infrastructure extension that the City is currently pursuing.

What’s missing and/or additional comments:

Several participants had questions or concerns about potential traffic associated with this future development and the limited transportation options in this neighborhood. Several participants expressed concern about the current capacity of Azalea Avenue. In addition, many participants noted the need for sidewalks, bike lanes, and improved public transportation options in the neighborhood. This input was noted; however these questions and concerns relate to North Carolina Department of Transportation as well as the City’s comprehensive transportation and land use planning efforts, and therefore cannot be addressed through this site-specific effort. The Azalea Avenue site would be unable to directly impact these broader neighborhood-wide considerations. The questions and concerns are outlined here, though, to record and communicate this input for the City’s consideration in their future planning efforts.

Appendix 1: Outline of the Azalea Avenue Site



Appendix 2: Online Survey Responses

The following survey responses were received via the Qualtrics input form released to the public on December 2, 2024 and closed on December 20, 2024. The survey included five questions. Each question and anonymized survey responses are included below (verbatim, with no spelling or grammar edits). The order of survey responses is based on the order in which the response was received (first to last).

Survey Question #1:

Public Interest Statement #1:

Affordable housing development on the Azalea Avenue site should maximize the number of new affordable rental units for Brevard's low-to-moderate income households and support the local workforce.

Do you agree with this statement? Why or why not?

Survey Responses to Question #1:

1	Yes, we need all the dense affordable housing we can get.
2	Agree! We should be maximizing any infill development within the city to increase both housing density and quantity.
3	Yes. We must capitalize on any available land so housing in town will attract teachers, police, and other critical HR needs.
4	Yes. Affordable housing is hard to find in Transylvania Co., especially in Brevard
5	Yes. We have a huge need for affordable housing in this county.
6	Yes, due to general shortage of affordable housing.
7	Yes - we need as much affordable housing as possible for low income households!
8	No. Maximizing number of units will bring too many people to an area that cannot manage the 1. Infrastructure and 2. Traffic. Hendersonville Hwy is too busy and Osborne road does not need to become a main thoroughfare.
9	Yes, we have none now.
10	Yes, transylvania county is one of the most expensive counties in the state to live in. Growing and supporting the local workforce is so important, but we need more affordable housing options for those workers.
11	Agree
12	Agree, affordable housing has declined in the last 20 years to a point where businesses can't find workers
13	No. It should seek to maximize the number of units while also providing adequate parking and outdoor areas.
14	No. Stop taking away trees. When will people learn you cannot breath money?
15	Yes - there is a strong need for workforce housing, and pay has not kept up with the rising cost of housing in the area.

16	No, we need to stop attracting out of town people
17	Agree. Housing prices are too high
18	Yes. There is a critical lack of units available to those at/below median income.

Survey Question #2:

Public Interest Statement #2:

Affordable housing development on the Azalea Avenue site should attract as much private investment as possible to effectively leverage the City's support of affordable housing development.

Do you agree with this statement? Why or why not?

Survey Responses to Question #2:

1	Yes and no. Where private investment is accepting of affordable housing returns, it can work. Where they demand higher returns, it can risk becoming unaffordable. Plus private investors may demand private management which can become exploitative.
2	Agree.
3	Maybe. If it can be done with city funds, so be it.
4	Yes. Private investment needs to have a reason to choose this project over their other choices. How will DFI & City of Brevard make this project more attractive to private investment????
5	Not entirely. Attracting private investment is good, but if the housing really is going to be affordable, it is not a great investment. Instead it is better to attract as many private and public donations of funds (grants, gifts) to leverage the City's support.
6	I'm not sure what private investment means in this case.
7	Not entirely - private investors are usually motivated by growing their own wealth, and the burden of that has a tendency to "trickle down" to low income households themselves.
8	Any build needs to be high quality to provide sustainable housing for many years. Too many private companies cut corners.
9	You can try but we seem to have problems getting private to put money into anything but high end properties. Don't wait for it. Move fast and let them participate.
10	Yes, attracting private investment for this project would help ensure that the city can complete this project as well as retain funds for other community endeavors.
11	Agree
12	As long as the private investment has the same goals.
13	Yes, as long as there are strict limits on rent increases.

14	No. We don't need anything else. Why don't you fix what's already in the county and make those into affordable housing?
15	Relying on private investment makes me nervous, because it opens the door for potential financial abuse in the future - raising rents, focusing more on profits than the experience of the people living in the housing, etc. I want as much housing to be built as possible, but not at the expense of the people who will live there.
16	No, this project doesn't need to happen
17	Not agree. Private investors will not keep the prices of the housing affordable.
18	generally agree in order to limit use of public funds, but the terms of private investment are critical consideration--must support the intent of the development and benefit the community in general.

Survey Question #3:

Public Interest Statement #3:

Affordable housing development on the Azalea Avenue site should catalyze additional infrastructure investment to support housing quality and affordability in the Azalea/Rhododendron neighborhood.

Do you agree with this statement? Why or Why not?

Survey Responses to Question #3:

1	Yes. In addition to water/sewer hookups to form a node for expansion into the neighborhood, the city should examine zoning changes that permit local neighborhood retail accessible on foot to local residents, including Broad River Terrace residents, to increase local convenience and reduce vehicle traffic created for shopping trips further into town.
2	agree.
3	Definitely
4	Possibly. There is existing housing surrounding the site. Not sure that this project would make the surrounding area any more likely to receive additional infrastructure investment unless the infrastructure supporting this project is designed to allow infrastructure expansion tying into this project's infrastructure (sewer, water, power, roads?)
5	Yes. Until there is city sewer on Azalea Avenue none of this building is feasible or sensible.
6	Yes, because bike and bus routes that reach this neighborhood would be valuable improvements in Brevard.
7	Sure... we want the public to continue to support future affordable housing initiatives.

8	Infrastructure must be addressed first. The area around Wilson road and up to azalea ave smell of sewer too often. We cannot as a city add more housing unless this is addressed.
9	The other facility nearby didn't catalyze additional investments. An additional project that should be done are individual units affordable south towards Rosman. Prove that a house can actually be built with quality but not premium level additions.
10	(no response)
11	Agree
12	Hopefully it will open up other areas for development
13	Yes
14	No. If questions 1 - 2 did not get my point across, maybe this will...NO ONE WANTS GARBAGE HOUSING DEVELOPMENTS!!! It destroys our beautiful town.
15	Yes - stronger housing infrastructure will be a benefit to the entire Brevard economy.
16	No, this project doesn't need to happen
17	Agree.
18	Agree. Well built and maintained units will serve as a catalyst IF viable property is available.

Survey Question #4:

What is missing from the public interest statements? If a public interest (goal) is missing, please complete the following statement.

Affordable housing development on Azalea Avenue should...

Survey Responses to Question #4:

1	be at parity in quality and amenities with market-rate residences; include utilities in fees/rents; have a transit stop attached to it; have sidewalks throughout and to it from town; include some rent-to-own programs for low-income residents; include a playground; include a community vegetable garden space; privilege beds over parking spaces (offset by transit connection and sidewalks); include a bike repair station; feature rent control. Include resources to help people apply for and access SNAP benefits, Medicare/Medicaid, and other public welfare resources to simplify the process to improve their lives and get by more easily.
2	Create additional footpaths, sidewalks and safe road crossings.
3	Be in keeping with the scale and style of the neighborhood while enabling affordable housing opportunities for the local workforce

4	Be a catalyst for more of the same in the vicinity. Property has several adjacent lots of 1-2 acres that may be suitable for expansion w/adjacent infrastructure improvements in place for this project
5	-Happen as quickly and efficiently as possible, so that it can also help with the post-Helene displacement problem. -Include units of different sizes and price points. -have a mix of purchase and rental units
6	Be accessible by bike and bus
7	(no response)
8	Blend in esthetically with the single homes in the surrounding neighborhoods. An affordable housing unit cannot diminish the values of area privately owned properties.
9	provide a home for an individual or family that works in any job that assists or supports this community on a single salary.
10	(no response)
11	(no response)
12	It needs to be walkable. While it's close to stores and businesses there are no sidewalks in that area
13	Previously stated.
14	Not exist.
15	provide stable, clean, and safe housing for low income individuals and families in Transylvania County, and should account for long-term maintenance and affordability/inflation mitigation.
16	Not happen
17	(no response)
18	(no response)

Survey Question #5:

Is there anything else you would like to share related to the Azalea Avenue site?

Survey Responses to Question #5:

1	House the poor and working class as a function of human rights to shelter. Convene public funds to do this, private funds where they will tolerate below-market returns, and prioritize this project for public sector workers like teachers, nurses, firemen; college students and recent graduates; Section 8 residents; and service industry workers.
2	(no response)
3	(no response)
4	No
5	Extending sewer lines in that whole area will open up other possible building sites for affordable housing. Working in cooperation with Habitat for Humanity will expand options for everyone.

6	It sounds like a great opportunity to create much needed housing that is affordable in Brevard. Thanks!
7	(no response)
8	(no response)
9	We can't wait another year. If you want to be a catalyst, now is the time to grab attention.
10	(no response)
11	Is there consideration/plans to alleviate/offset the significant traffic increase this would bring to that section of Old Hendersonville Highway?
12	Good location, hopefully we can get something similar closer to the, center of town
13	Great idea, just don't create so much density that it adds to the already problematic traffic situation with how far the road at Neely gets backed up.
14	Keep it full of trees and make it more beautiful with flowers or other greenery.
15	(no response)
16	This project shouldn't happen. We have enough housing already
17	(no response)
18	(no response)

Appendix 3: Photos of Engagement Session Notes

The following photos are of the notes taken by DFI staff to document the input gathered during the two in-person engagement sessions on December 3, 2024.

1.) MAXIMIZE # OF ^{NEW} RENTAL UNITS
FOR LMI HH'S

• LMI ^{HH'S} IS VERY IMPORTANT
★ ★ EMPHASIS ON LOCAL WORKFORCE

[LATER IN INFRA.]
• INCREASED TRAFFIC FROM MAX. UNIT
SCENARIO. WALKABILITY?!

• COULD PRESERVATION OF NATURAL SPACE
ON SITE HAPPEN?

• PUBLIC INVESTMENT COMING INTO THIS
AREA SO SITE SHOULD DEVELOP TO
MAX. POTENTIAL

★ ★ OPTIMIZE RATHER THAN MAXIMIZE / INCREASE w/ ★
A GOAL

1) MAXIMIZE AFFORD. HOUSING UNITS FOR LMI HH'S

CONCERNS: COSTS ~~OF~~ OF DEVELOP. +
EFFICIENT USE OF FUNDS BY PUBLIC

~~CHALLENGES TO DEVELOP~~

SUBSIDIZED HOUSING + RESIDENTS
SAFETY + THEFT + SECURITY +

CHALLENGES TO DEVELOP
SITE

• DOES THIS SUPPORT THE
WORKFORCE

• EXPANSION OF INFRASTRUCTURE
COULD SUPPORT BETTER
SITES

1
? - How will the volume of units impact the neighborhood?

- Homes on this site should have stable/long-term residents

- Concerns about traffic

- No thru traffic to adjacent neighborhoods

- Homes should be safe & attractive

- Concern about "maximize"

- include green space

↑
quality.

preserving trees that are there

1

- appropriate turn lanes and maybe a stop light is needed
- density of neighboring apartment complex is good
- don't like the word "maximize". Use "provide". Quality is very important.
- Needs to serve a mix of household types.
- Quality built homes with elbow room
- define "maximize". Could apply to accessibility
- Sidewalks to be able to walk to job opportunities

2) ATTRACT AS MUCH PRIVATE INVESTMENT TO LEVERAGE PUBLIC INVESTMENT

★ • NOT CLEAR ★

• PRIVATE DEV. MORE EFFICIENT

➤ CONCERNS OVER REG. + CONTROL OF PUBLIC
ON THIS PROJECT

• CITY INVESTING UP FRONT ALLOWS LARGER
POOL OF DEV. PARTNERS

• LEVERAGE CITY RESOURCES TO ATTRACT
PRIVATE INVESTMENT

• CONCERN OF MANAGE. + ACCOUNTABILITY

➤ NOT JUST SECURE ~~INVEST~~ ^{INVEST} BUT
ALSO LONG TERM OPERATIONS.

2) LEVERAGE PUBLIC INVESTMENT ON SITE

- CONCERNS ON PUBLIC OWNED + MANAGED +
⇒ COST OVERRUNS w/ PUBLIC INVOLVEMENT

- CONCERNS OVER ADJ. PROPERTY
VALUES LOWERING

- HOW TO HOLD PRIVATE DEV.
ACCOUNTABLE TO AGREEMENT?

2

- good to attract private investment, but we don't want the project to fail

- pursue unlocking private investment to support high quality green space

? - Will this project use local construction workers?

2

- appropriate for city to leverage private \$ for affordable housing ✓✓

- In public interests, use "homes" more often

3) CATALYZE ADD. INFRASTRUCTURE IN NEIGHBORHOOD.

- ENOUGH IS ENOUGH IN THIS NEIGHBORHOOD.
- OK W/ LOWER DENSITY ON SITE
- INFRASTRUCTURE WOULD PROMOTE DEV. ACTIVITY IN THE NEIGHBORHOOD

3) CATALYZE ADD. INFRASTRUCTURE INVESTMENTS IN NEIGHBORHOOD

- WHO PAYS FOR THE ADD. INFRASTRUCTURE?
CITY? DEVELOPER?

- SIDEWALKS / SEWERS

→ COMBINED TO SAVE MONEY?

- ★ ★ CONNECTION TO ESTATE TRAIL

- WHAT DOES QUALITY MEAN?

→ PROMOTE INVESTORS LONG TERM INTERESTS IN NEIGH.

- ★ NEIGHBORHOOD GETS LOST IN THE STATEMENT

→ FOCUS ON 'RESIDENTS OF NEIGH.'
THE BENEFITS TO THE

2

- Sidewalks on Old Hendersonville Highway
- ? - Could a private investor accomplish these infrastructure improvements?
- Stormwater management is important / should be factored into development
- Existing erosion issue with adjacent site impacting ~~past~~ development site
- Specify how ~~infra~~ infrastructure investment will happen

3

- ? - What will be the impact on schools?
- agree with interest ✓✓

4) WHAT'S MISSING

- CONNECT THIS PROJECT TO CITY PLANS
 - BIKE/PEDESTALIAN & OPEN SPACE
- EMPHASIZE ~~CONNECTION~~ CONNECTION TO NATURE / KEEP TREES
- NOT TOWERING, NOT CONCRETE CITY

4

- important to provide more housing options ~~out~~ within the city, rather than out in the county / region
- not going to get cheaper later
- define workforce. Are you excluding ~~seniors~~ seniors, disabled individuals, or other people not in the workforce?
- ~~Inter~~ Interests should reflect a mix
- Add public transit stop
- Private outdoor space is very important (porch, yard, balcony, etc)
↳ covered

4) WHATS MISSING?

- ~~ARE~~ DO ALTERNATIVES EXIST
IN NEIGHBORHOOD?

- MAKE SITE LOWER DENSITY (CONSISTENT W/
NEIGHBORHOOD)
6-8 UNITS
or 4 UNITS

→ HOMEOWNERSHIP PREFERRED TO
RENTAL.

- CONCERNS OVER AZALEA AVE
TRAFFIC CAPACITY.

- INTERESTED IN ENSURING HOUSING
SUPPORTS ^{LOCAL} WORKFORCE.
FAMILY + NOT DEEP AFFORDABILITY

4

- ? - How are residents chosen?
What is the application process?
- Consideration for units for people who are maintaining the ~~units~~ property
- on site manager?
- Traffic study
- One way in / one way out property?
- "general" support for development on the ^{site}
- "Let's do it right"



To: Brevard City Council

From: Sara VanLear, Project Manager, Development Finance Initiative

Date: April 3, 2025

Re: Overview of community engagement feedback regarding the development options for affordable housing on the Azalea Avenue site

In October 2024, the City executed an option to purchase agreement to facilitate the development of affordable housing on three parcels on Azalea Avenue and Old Hendersonville Highway ("Azalea Avenue" site). DFI then conducted a pre-development process that included several components: community engagement, financial feasibility analysis, and site analysis in partnership with a third-party architecture firm (Rowhouse Architects). The process resulted in multiple options for affordable housing development on the Azalea Avenue site that are feasible for the private sector to execute and meet the City's goals for the site.

DFI's pre-development process described above incorporates two phases of community engagement. The first phase was facilitated by DFI in December 2024 and focused on establishing public interests for development of this site. See this [linked memo](#) for more information on that first phase of engagement. The second phase, facilitated in March 2025, asked the public for feedback on two development options. This memo outlines the results of the second phase of DFI's community engagement efforts.

Engagement sessions and the online survey were open to the public. The second phase of DFI's community engagement effort included:

Engagement Opportunity	Date/Time/Location	# of Attendees or Respondents
Online survey	Open to the public March 12-26, 2025	29 responses recorded
In-person engagement session	March 12, 2025 at 2:00pm Calvary Baptist Church (133 Osborne Road, Brevard)	2 attendees
In-person engagement session	March 12, 2025 at 5:30pm Calvary Baptist Church (133 Osborne Road, Brevard)	7 attendees

Virtual engagement session	March 13, 2025 at 5:30pm Via Zoom	2 attendees
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The engagement sessions drew a total of 11 attendees and the City received 29 survey responses. Please see Appendix 1 for an overview of the development options discussed during each session and outlined in the online survey.

Summary of Community Input

Below are summary takeaways organized by public interest based on the public feedback received. The summaries are not exhaustive but are representative of the most frequent input heard. See Appendix 2 for complete online survey responses. See Appendix 3 for photos of the engagement session notes captured during the in-person facilitated discussions on March 12, 2025.

For each public interest, respondents were asked the following:

- Do the development options meet this guiding public interest: Yes/No? Why/why not?
- Which development option (if any) meets the public interest better?

Public Interest #1: Affordable housing development on the Azalea Avenue site should optimize the number of new, quality rental units affordable to Brevard’s low-to-moderate income households and the local workforce.

Feedback:

Participants said both development options meet public interest #1. Participants discussed positive attributes of both options, including optimizing the site for new affordable housing. Most agreed that “either would be a much-needed asset to the City.” Overall, a majority communicated that Development Option 2 meets public interest #1 better, primarily due to its look and feel.

Those who prefer Development Option 1 discussed the ways in which they believe the design allows for the greatest number of new units and an efficient use of the site. One participant detailed how Option 1 has more units while offering the same level of green space, amenities, and a greater overall green buffer. Another participant focused on the fixed land cost, making Option 1 “the most economical” choice due to lower per unit costs. One participant detailed how “Option 1 provides a larger number of units, at a lower price per unit, with minimal difference in the City’s/public’s investment.” Several others summarized the growing need for affordable housing options in an area with limited developable land and preferred how Option 1 would enable the greatest number of units on the site.

Participants who prefer Development Option 2 appreciated the minimal difference in overall unit count alongside a design that “blends into the rest of the neighborhood.”

Multiple participants noted how the dispersed buildings are appropriate in this area of Brevard, and how Option 2 “looks more like a community.” Many who preferred Option 2 described the lower unit count as an appropriate trade-off for the difference in overall aesthetics. A few participants felt that the design is more likely to promote resident interactions and therefore may reduce tenant turnover. Additional comments included how Option 2 preserves more views and seems easier to maintain.

Public Interest #2: Affordable housing development on the Azalea Avenue site should include access to green space and community amenities for residents.

Feedback:

The majority of participants agreed that both development options meet this public interest, and did not note major differences between the options. Additionally, participants appreciated the amount of green space reserved within both site designs.

Along with their general agreement, many participants provided detailed feedback about how to “activate” the green space and include community amenities. Most people agreed that the intended amenities would only be useful if programmed and well maintained to encourage regular use and resident interactions. One participant detailed the need for “green space [to have] some trails around the creek so people will feel encouraged to use it. If it’s just woods people may not feel like it’s truly for them to enjoy.” Specific input from several participants included green space that incorporates:

- gathering spaces such as picnic tables,
- a playground,
- walking paths, and
- safety features such as lighting.

Lastly, a couple of participants commented on the concentration of green space on the northern side of the site and noted a desire to see amenities on the southern side of the site as well.

Public Interest #3: Affordable housing development on the Azalea Avenue site should attract as much private investment as possible to maximize the impact of public investment in affordable housing.

Feedback:

Most engagement session participants (in-person and virtual) stated that both options meet this public interest, and did not identify a significant difference between Development Option 1 and Development Option 2.

Half of survey participants expressed one of two primary sentiments:

1. agreement that the development options meet public interest #3, or

2. unsure due to limited information about the public and private investments related to the development options.

Most other survey participants left this question unanswered.

Overall, a majority of participants agreed that the development options met public interest #3.

Public Interest #4: Affordable housing development on the Azalea Avenue site should accommodate the City's sewer infrastructure extension into the Azalea/Rhododendron neighborhood.

Feedback:

The majority of participants agreed that both development options meet public interest #4, and did not identify a significant difference between Development Option 1 and Development Option 2.

Additional comments:

Similar to the first phase of community engagement, DFI asked participants to share additional ideas, comments, and questions that were not covered by the public interests.

Several participants discussed concerns about traffic. With an expected 48 to 58 new households on this site, many participants had questions about how to plan for the anticipated increase in traffic. They noted the limited capacity of Azalea Avenue and traffic congestion that currently exists on Old Hendersonville Highway. A few participants tied their traffic concerns to safety concerns for residents who walk and/or bike in this neighborhood. They noted how pedestrian safety is already a concern in this area due to limited pedestrian- and bike-friendly infrastructure, and expressed worry for future residents on the Azalea Avenue site. Some participants noted a need to upgrade the road capacity of Azalea Avenue, and one participant suggested preventing through traffic on Azalea Avenue to reduce the future traffic anticipated as a result of this development.

In addition to traffic, several participants described concerns about stormwater management. A few people discussed the undersized culvert on Azalea Avenue that overflows with heavy rains, and expressed concern about the impact of development on this site related to this current issue.

A few attendees expressed overall disagreement with affordable housing development on this site, noting concerns about property values, future tax assessments, and the impact of the sewer extension into the neighborhood.

Overall summary:

The majority of people who engaged in the sessions and the survey expressed agreement that the presented development options meet the established public interests for the affordable housing development on the Azalea Avenue site. Based primarily on look and feel, a majority of participants preferred Development Option 2.

Appendix 1: Development Options Discussed for the Azalea Avenue Site

Development options included were designed by Rowhouse Architects.

Development Option 1:

- Two 3-story buildings that total 58 new affordable rental units.
- This option includes an indoor community amenity space and approximately 1 acre of green space.
- Development Option 1 would cost an estimated \$17.2M to construct.
 - The estimated public investment for Option 1 is \$1.9M (approximately \$33,000 per unit). This public investment estimate includes land acquisition costs.

Development Option 2:

- Six buildings that range from 1-story to 3-stories that total 48 new affordable rental units.
- This option includes an indoor community amenity space and approximately 1 acre of green space.
- Development Option 2 would cost an estimated \$16.5M to construct.
 - The estimated public investment for Option 2 is \$1.8M (approximately \$38,000 per unit). This public investment estimate includes land acquisition costs.

Development Option 1



Development Option 2



Appendix 2: Online Survey Responses

The following survey responses were received via the Qualtrics input form released to the public on March 12, 2025 and closed on March 26, 2025. The survey included nine questions related to two development options. Each question and anonymized survey responses are included below (verbatim, with no spelling or grammar edits). The order of survey responses is based on the order in which the response was received (first to last).

Survey Question #1:

Public Interest #1:

Affordable housing development of the Azalea Avenue site should optimize the number of new, quality rental units affordable to Brevard's low-to-moderate income households and the local workforce.

Do the development options meet this guiding public interests: Yes/No? Why or why not?

Survey Responses to Question #1:

1	Ask again later
2	No! Not low cost housing!
3	Yes, although I would question whether a third building of the same size could be added to the site to increase the number of units.
4	Yes. If it is affordable
5	No the congestion to old 64 and the intersection cannot handle such traffic especially during school hours as both directions are already congested to both elementary schools
6	No response
7	No response
8	Yes
9	Yes
10	No. No pricing is included in this survey. How are we to determine if something is affordable without knowing the cost?
11	Yes!
12	Yes. We need more affordable rental housing
13	Yes
14	Sure, but not all local workforce would like to rent to be in an apartment. What about single family homes?
15	Yes
16	Yes
17	Yes
18	Yes. Many units available close to local businesses.
19	Yes
20	Yes. Attractive, well designed housing for many families.

21	Yes, although I think this project is only a start and there is a significant need for continued investment in affordable housing in Brevard/TC
22	Y
23	N, it's optimized sure but that a lot of units on that space!
24	No response
25	Yes
26	Yes
27	Yes
28	Yes
29	Yes. It will provide needed housing for workforce.

Survey Question #2:

Which development option meets Public Interest #1 better: Option 1 or Option 2? Why?

Survey Responses to Question #2:

1	Option 0
2	Neither
3	Option 1 -- fewer buildings yet more units with the same amount of green space and indoor community space
4	2. Looks more like a community versus just an apartment that was put up
5	Neither
6	No response
7	Number 2 seems like a better fit. Bigger buildings mar the beauty of the area.
8	1. If the goal is to optimize the number, then more units meets that goal.
9	Option 2
10	Again, without knowing the proposed or projected rental prices it's impossible to say. Option 1 would appear, on paper, to provide the higher density and as such would be most economical since, presumably, the land cost is fixed and as noted the cost of development is lower per unit.
11	Option 1. More units. Bottom line this is what is most important- more units.
12	Option 1. 2 story buildings are more appropriate for this area.
13	2. Less steps - looking at future, easier to maintain
14	2
15	1
16	Option 1 provides more units, so at least on its face, that seems to better satisfy the "optimization" goal.
17	1
18	2. More and smaller buildings seems less intrusive.
19	I think either would be great. I kind of like the look of option #2 best, but I would be thrilled if either one comes about.
20	Either would be a much needed asset to the city.

21	Option 1. It provides a larger number of units, at a lower price per unit, with minimal difference in the city's/public's investment.
22	#2. Still creates a lot of housing but has a better feel to it. Both will greatly increase traffic on Azalea Ave. I would like to see entrance/exit on Old Hendersonville Hwy only, NOT onto Azalea
23	2, still a lot of housing but the number is better suited. 30 would be more ideal
24	Option 2 - saves the views, more visually appealing, more likely to create community among the folks living there (more like a neighborhood)
25	Option one, as it provides more volume which is sorely needed
26	2
27	2. I think there should be less density per building if possible. Smaller, less dense buildings are preferable for most in shared building spaces.
28	Option 1
29	2. It is more neighborhood feeling versus having 1 really large building. Also cheaper. It would be more aesthetic

Survey Question #3:

Public Interest #2: Affordable housing development of the Azalea Avenue site should include access to green space and community amenities for residents.

Do the development options meet this guiding public interests: Yes/No? Why or why not?

Survey Responses to Question #3:

1	Signs point to yes
2	No.
3	Yes, but I haven't seen any information about how these spaces will be activated.
4	I believe it is better to have the outside green space for kids and community amenities to bring people together
5	Same answer as above
6	No response
7	I'm conflicted. I realize we need more affordable housing in this area, but I don't like to see this area become over-developed and lose more natural spaces.
8	Yes
9	Yes
10	Yes.
11	Yes! Both do (if the green space has some trails around that creek so people will feel encouraged to use it— if it's just woods people may not feel like it's truly for them to enjoy.)

12	No response
13	Yes
14	Yes, green space looks fine
15	Yes housing needs in an appropriate area
16	Yes
17	Yes
18	Yes, 1 acre is a substantial amount of uninterrupted green space.
19	Yes
20	Yes.
21	Yes.
22	N, the green space included isn't really usable. Connecting to the greenway or having a garden space or playground would be better use
23	Sort of. The green space included is mostly inaccessible woods.
24	Yes
25	No response
26	Yes
27	Yes -- there will be green space. I can't speak to the quality of this space since I did not see details.
28	Yes
29	Yes. It would provide needed housing for the workforce.

Survey Question #4:

Which development option meets Public Interest #2 better: Option 1 or Option 2? Why?

Survey Responses to Question #4:

1	Option 3
2	Neither
3	No difference between the options as far as I can tell on this survey's description
4	2. Looks like community
5	Neither
6	No response
7	2 for the same reason cited previously.
8	I think option one serves the Azalea St neighborhood better because at least a few trees screen it on the left side.
9	Option 2
10	Option 2. Quality of life will be greater with less units per building.
11	Yes! Both meet this with the green space in the back, and the proximity to town. I hope that it will have some little trails in it so that people are encouraged to use the green space. I also think planting trees in/near the parking area is important. I like option 1 because I don't think the additional

	buildings of option two enhance green space or amenities any more than option one and option one is 10 more units!
12	No response
13	2
14	Both
15	Option one More units
16	I think either would be fine, but, having lived in a number of apartment complexes, the small grassy areas between buildings tend just to get trampled on, so Option 2 seems preferable.
17	2
18	2. Parking lots seem more spread out leading to more options for additional green space.
19	Either
20	I like both
21	Option 1: both provide Equal amounts of green space, though option 1 provides this to more people via a larger number of units
22	No response
23	#2 is better with more plantings included in the living spaces as opposed to just the edges and borders. Please plant natives for healthier lower maintaince plantings
24	Option 2
25	No response
26	Option 2
27	Both are the same.
28	1
29	Option 2. More aesthetic. Neighborhood feeling versus 1 huge building. And cheaper.

Survey Question #5:

Public Interest #3: Affordable housing development of the Azalea Avenue site should attract as much private investment as possible to maximize the impact of public investment in affordable housing.

Do the development options meet this guiding public interests: Yes/No? Why or why not?

Survey Responses to Question #5:

1	Yes definitely
2	No
3	I can't speak to this because I'm unaware of what (or how much) was done to attract the private investment portion.
4	No response

5	Any purchaser should be restricted to the number of dwellings per sq ft of that land it cannot take such housing as city sewer isnt available and would cost current residents sewer costs if enforced on them
6	No response
7	No response
8	We were not given information on how this is done
9	Yes
10	I have seen nothing that indicates anything about attracting private investment.
11	Yes, seems like it. I hope we don't have to wait a million years on a wish and a prayer for a developer who will be willing to do it.
12	Don't know
13	No response
14	No response
15	Yes. Employment for people to do the construction.
16	Yes
17	Yes
18	Large projects like this will require significant private investment.
19	No response
20	No response
21	Unknown
22	Not enough info. Public investment is low in both scenarios but how are the private investors held to guidelines that the the town wants.
23	Y
24	Yes
25	No response
26	No response
27	Not certain-- I'm not seeing details about potential for private investment. Did not attend meetings.
28	No response
29	No response

Survey Question #6:

Which development option meets Public Interest #3 better: Option 1 or Option 2? Why?

Survey Responses to Question #6:

1	Option 107
2	Neither
3	Both options seem similar.
4	No response
5	None
6	No response

7	No response
8	No response
9	Option 2
10	Impossible to say with the information provided.
11	I like option 1.
12	Option 1
13	No response
14	No response
15	Either. Employment for people to do construction.
16	I don't know that there's a big difference between the options for this question. Maybe Option 1 since it has more units?
17	1
18	They seem equal to me.
19	No response
20	No response
21	No response
22	No response
23	2. Lower input over all. Please be very clear about expectations from the community and the town for how the development is completed and then sold. The ensuing ownership should be required to follow all original guidelines. I think at the first meetings it was said they had a 30 yr clause to keep housing affordable?
24	Option 2
25	No response
26	No response
27	No opinion on this since I don't have information specific to investment potential.
28	No response
29	No response

Survey Question #7:

Public Interest #4: Affordable housing development of the Azalea Avenue site should accommodate the City's sewer infrastructure extension into the Azalea/Rhododendron neighborhood.

Do the development options meet this guiding public interests: Yes/No? Why or why not?

Survey Responses to Question #7:

1	Without a doubt
2	No response
3	Apparently yes.

4	No response
5	Raises the cost of living for those who do not have to pay for city sewer as is not all have city water in that neighborhood either none have city trash pick up
6	No response
7	No response
8	Yes if it supplies sewer facilities to the rest of the area.
9	Yes
10	Yes.
11	Yes
12	Yes. This should be mandatory.
13	No response
14	No response
15	Yes. I may be wrong, but I don't think this area has municipal sewer and water.
16	Yes
17	Yes
18	Yes, new buildings in this area can be incorporated into new sewer infrastructure.
19	I truly don't know from looking at the drawings.
20	Yes
21	Unknown
22	Y, it appears so.
23	Y
24	Yes
25	No response
26	No response
27	No response
28	No response
29	No response

Survey Question #8:

Which development option meets Public Interest #4 better: Option 1 or Option 2? Why?

Survey Responses to Question #8:

1	Option 0
2	No response
3	No difference as far as I can tell.
4	No response
5	None
6	No response
7	No response

8	Either
9	Option 2
10	Option two. Lower density.
11	Either?
12	Don't know
13	No response
14	No response
15	Either. I may be wrong, but I don't think this area has municipal sewer and water
16	Option 1 would reduce the number of new taps that need to be installed since there are fewer stand-alone buildings, right?
17	No response
18	They seem equal to me.
19	See above
20	Both
21	No response
22	No response
23	2
24	Option 2
25	No response
26	No response
27	No response
28	No response
29	No response

Survey Question #9:

Is there anything else you would like to share regarding future affordable housing development on the Azalea Avenue site?

Survey Responses to Question #9:

1	Nice parking lot!
2	No response
3	Affordable housing is very much needed. I would like to see future developments that combine affordable and market rate renters in the same buildings as a way to reduce stigma, increase social capital, and attract developers.
4	No response
5	The street itself would need widened the main highway backs up at the red light as is
6	I'm not in favor of more affordable housing being located on these proposed parcels. Please show the data to support the need for more affordable housing in the area.

7	The intersections at Wilson and Ecusta are already very clogged up throughout the day. This might be a perfect opportunity for another roundabout. If not, the offset of Wilson and Ecusta needs to be addressed forming one intersection rather than two so close in proximity.
8	People are going to complain about traffic as a future issue at the Neely, Park, Old Hville Hwy intersection. Make this issue part of your early planning and get the information out.
9	3 story buildings are unacceptable in a residential area devoted to homes.
10	Both plans have inadequate parking in the renderings. While there may be a formula that is being used. Anyone with real world experience of rental and multi family housing knows that there should be at least two spots per unit, minimum, plus one guest spot per two units (whether designated or not). Traffic is already a nightmare on that section of road. Adding an additional, possible, 100 cars entering and exiting is going to create an even larger issue. Investment should also be made into timing the lights better during times of high traffic volume to prioritize and clear Old Hendersonville Road faster. The may include a realignment of Wilson and Ecusta since that is where the bottle neck starts.
11	If a developer doesn't commit within a year, I think that a small portion of the land should be parceled off for smaller building companies (or nonprofit builders) to develop so that the land does not sit unused. We need affordable housing NOW, so little pieces of land might not be the most efficient building practice, but if more people are housed right away while we wait for a willing developer, then that's still a good thing.
12	It will be a welcome improvement to the area.
13	No
14	Single family homes. Affordable living for the workforce and providing choices-as some families prefer rentals or apartments, while others prefer to own a home.
15	There will be a lot of negativity on Facebook ' you are brevard' for any change in this community. Don't let that noise overwhelm positivity of the community as a whole.
16	N/a
17	No response
18	No response
19	Let's make this happen!!!!!!
20	No response
21	Consider public transit, sidewalks, bike lanes, etc. - how will these families commute to/from work & school safely.
22	Im still concerned about stormwater management and traffic on azalea avenue. Also, even 48 units is ALOT of units on that small lot.
23	Please consider traffic implications on Azalea Ave. it is already a cut through, there are a lot of kids and pets on that street.

	Stormwater will. Red to be managed, during heavy rains, water already crossed the road at the undersized culvert and is washing out the driveway of one of the residents
24	No response
25	No response
26	No response
27	No response
28	No response
29	No response

Appendix 3: Photos of Engagement Session Notes

DFI staff documented the input gathered during the two in-person engagement sessions on March 12, 2025. The notes are organized by small group discussion and in order of public interest discussed.

1 OPTIMIZE NEW UNITS

★ PREFER NO ENT./EXIT ON OLD

HENDERSONVILLE RD.

→ COULD SECOND POINT HAVE GATE

★ MORE GREEN SPACE TOWARDS S.

END OF SITE

★ PREFER #2 FOR LOOK + FEEL BUT LIKE #1
FOR MAXIMIZING UNITS

→ NATURAL (TREES, VEGETATIVE)

→ NOT A SOLID WALL

→ INTEGRATED INTO NEIGHBORHOOD

A GREEN SPACE SHOULD HAVE FUNCTION

→ COMM. GATHERING → PLANT TREES + PLAYGROUND

#2 GREEN SPACE

- * BALANCE ACROSS THE SITE
 - ABILITY TO BRING SOME SOUTH
- * MAKE SURE STORMWATER MOVES AWAY FROM SITE
- * MAKE SURE OPEN SPACE FEELS SAFE
 - ↳ LIGHTING
- * HOW IS PROPERTY DELINEATED FROM NEIGHBORS?
 - NATURAL (TREES, VEGETATIVE)
 - NOT A SOLID WALL
 - INTEGRATED INTO NEIGHBORHOOD
- * GREEN SPACE SHOULD HAVE FUNCTION
 - COMM. GATHERING. → PICNIC TABLES + PLAYGROUND

P1
#2 OTHER

* #2 FEELS MORE LIKE NEIGHBORHOOD vs. #1

* #2 GET TO KNOW YOUR NEIGHBORS BETTER

→ DESIGN SITE TO MAXIMIZE NEIGHBOR
INTERACTION (BALCONIES FACING ~~EACH OTHER~~)
OUTWARD

* 3 STORY BLDGS CONFLICT w/
NEIGHBORHOOD

* #2 BLENDS IN BETTER

* HOW DOES SITE CONNECT TO CITY
SIDEWALK NETWORK?

#3 MAXIMIZE PRIVATE INVEST.
→ MIN. PUBLIC INV.

- * NOT OBVIOUS DIFFERENCE BETWEEN SCEN.
- * #2 MAY PROMOTE LOWER TURNOVER
- * SEWER LINE ADDS TAX BASE TO CITY

#4 SEWER INF. EXPANSION

#2 FITS MORE INTO NEIGHBORHOOD

* BOTH SERVE SAME PURPOSE

* ONLY IF COST IS DIFF. FOR SEWER

#5 OTHER

- ★ EV PARKING IN SITE
- ★ VALUE OF HOMES NOT JUST MAX. UNIT COUNTS
- ★ PREFER EXTERNAL CORRIDORS
→ MORE NEIGHBOR INTERACTION
- ★ 3 STORY BLDGS CONFLICT W/
NEIGHBORHOOD
- ★ #2 BUENDS IN BETTER
- ★ HOW DOES SITE CONNECT TO CITY
SIDEWALK NETWORK?

PI1 Optimize # of new units affd.

- Eligibility limits outside LIHTC (e.g. ^{local} occupation)
- Neither option prefer ~20 units

Green Concerns

- impact on prop. values
↳ tax assessments

- target > 60% AMT

Broad River Terrace Res. ←

- Safety concerns ^{behavior}
- Traffic impacts

- Affd. v. workforce — use of language w/ public

- Azalea — access management

↳ Broad river traffic

↳ eliminate through traffic

↳ Connect to adj. MF prop.

Qs re: LIHTC & DFI exp.

Q re: HCV

change in comm. character

↳ over reliance on Gov't.

PI2 Access to Green Space
and Comm. amenities

- Stormwater detention Feeds
H₂O conveyance → inappropriate green space
- ~~Maintenance~~ Maintenance of green space area

(PI3) Maximize private investment

• No significant diff. b/n options

(P14) Sewer extension

- Neither option: Sewer connection
will impact Cost to Neighbors
↳ concern about compulsory connection
to sewer.

Option 1

①

Optimize # & quality of units

• Parking: 1.5 space/unit "not very generous." (both options)

• Young people can't afford housing
↳ multi-gen households → Glendon example
↳ problem not unique to Blevard.
↳ Mass. examples

• Goal should be "living wages" as well as aff. housing

• Cost of living high for what region has to offer

↳ tourists & transplants impact housing costs for locals.

↳ Can not afford to replace

~~Option 1~~

(PI 1)

Optimize Site

Teachers/Firefighters/HH w/ children
→ should be a safe place for families

Tradeoff of Safety/access on Old. Miller Rd.

Option 2 optimizes site w/ lowest #
of units

Parking lot

• Compatibility
• lesser of two evils
• Convenience of
infrastructure
improvements.

• Safety
• good neighbors

• road
inadequate
for access
on Arceata

(PI 2)

Max Green Space

• Option 2 preserves trees/green space

(PI3) Max. Private Investment

• Option 2 is a long-term better investment for the town. Will be better maintained.

(PI4) Sewer Extension

- Neighborhood residents (retirees) may not pay to connect.
↳ Can town defer cost of connections?

Azalea Avenue Development Proposal

Presented by Anderea Gonzalez, Vice President of Development
Fitch Irick Corporation



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

Mayor Copelof and Mr. Hooper,

On behalf of myself and the rest of the Fitch Irick Development team, we thank the City of Brevard for this opportunity to share our vision for the future of Azalea Avenue. At Fitch Irick, we offer unmatched site familiarity, proven experience in securing and implementing infrastructure financing, and the North Carolina LIHTC expertise that can help us secure and deploy both LIHTC and CDBG-DR funding during this pivotal window of availability.

As the developer of the adjacent Broad River Terrace community, we bring first-hand knowledge of site conditions, regulatory requirements, infrastructure constraints, and stakeholder expectations, reducing entitlement and execution risk.

Fitch Irick has a proven record of securing and administering CDBG-DR and other public infrastructure funds in Brevard, including successful coordination with the City and Land of Sky to deliver critical wastewater and lift station improvements at Broad River Terrace. Since 2014, we have developed, owned, and managed more than 14,000 affordable units across the Southeast using 9% and 4% LIHTC and complex, layered capital structures.

Once again, thank you for this opportunity. We're confident that the development approach outlined here advances the City's interests at the Azalea Avenue site and we look forward to renewing our partnership with Brevard.

Sincerely,



Andrea Gonzalez, Vice President of Development

Fitch Irick Corporation



Type text here

Development Concept

Fitch Irick Corporation proposes an affordable rental development consisting of 60 units distributed across three buildings, including nine one-bedroom units, 36 two-bedroom units, and 15 three-bedroom units to support a range of household incomes (40-60% of the Area Median Income) and sizes. The site concept is designed to complement the proportions and rhythm of the surrounding natural and built environments. This is achieved in a three-building footprint:

1 The largest of which is closest to the eastern property boundary with Fitch Irick's existing, Broad River Apartments community, and will incorporate thirty units across three stories.

2 On a second smaller footprint at the western boundary of the site with Azalea Avenue is a two-three split building that takes advantage of the site's sloping grade and complements the massing and scale of the single-family properties across Azalea.

3 Finally, a third two-story quadruplex building will welcome residents and visitors along the Old Hendersonville Highway entrance and will house both residential, leasing, community and shared amenity space.

This 60-unit configuration optimizes the site's development potential while preserving meaningful access to green space and community-oriented amenities. It also facilitates multiple, competitive financial executions – allowing the team to remain nimble and position the project for a 9% or 4% LIHTC award in 2026 – in ultimate pursuit of invaluable CDBG-DR funds to extend public wastewater infrastructure to the Azalea and Rhododendron neighborhoods.

Building 03

3-Stories
30 units
9 One-Beds
15 Two-Beds
6 Three-Beds

BUILDING 03
3 STORIES
30 UNITS
9 One-Beds
15 Two-Beds
6 Three-Beds

BUILDING 02
2/3 STORIES
25 UNITS
18 Two-Beds
7 Three-Beds

Building 02

2/3 Split
25 units
18 Two-Beds
7 Three-Beds

Building 01

2-Stories
5 units
3 Two-Beds
2 Three-Beds

Amenities: Central laundry; leasing office;
playground; community space

BUILDING 01
2-STORIES
5 UNITS
& AMENITIES
3 Two-Beds
2 Three-Beds

90 Parking
Spaces

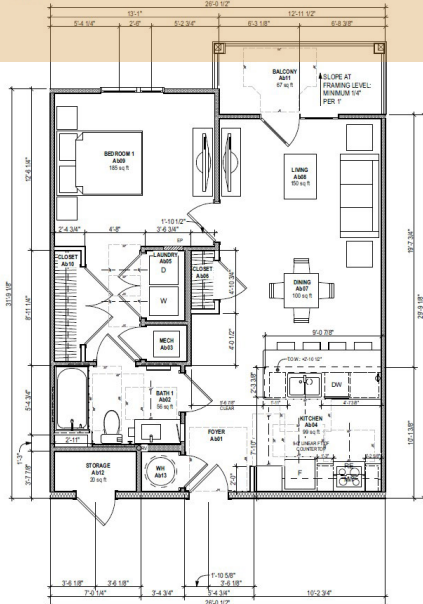
AZALEA AVENUE

OLD HENDERSONVILLE HIGHWAY

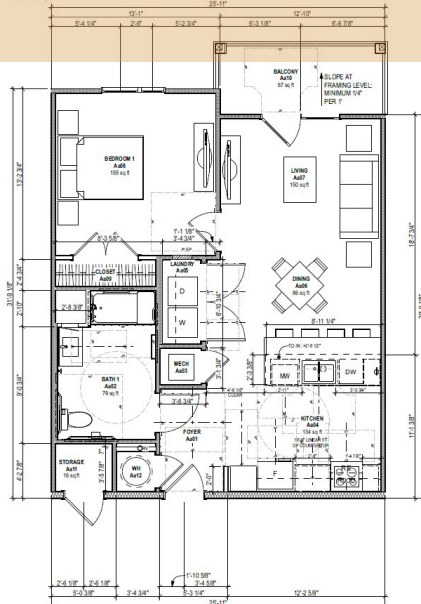


One Bedroom Plans

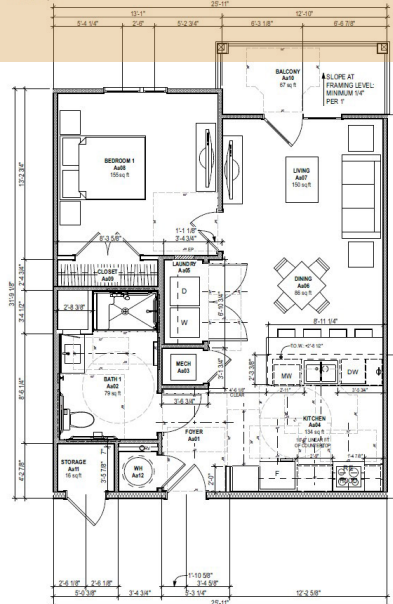
Unit A1(b) - Type B
1 Bedroom / 1 Bathroom w/ Tub-Shower
Net/Square Footage: 773 sq ft
Gross Square Footage: 881 sq ft



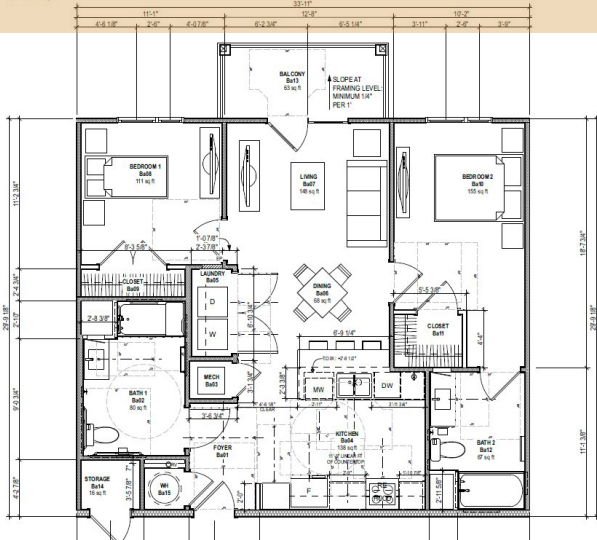
Unit A1(a) - Type A
1 Bedroom / 1 Bathroom Accessible w/ Tub-Shower
Net/Square Footage: 733 sq ft
Gross Square Footage: 877 sq ft



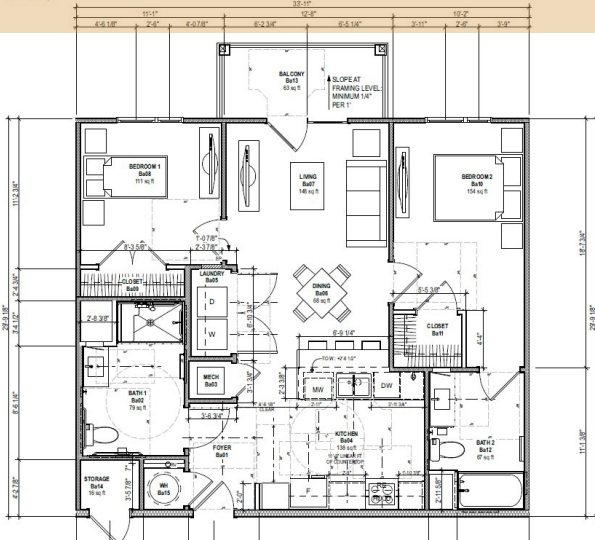
Unit A1(a) - Type A
1 Bedroom / 1 Bathroom Accessible w/ Roll-In Shower
Net/Square Footage: 733 sq ft
Gross Square Footage: 877 sq ft



Unit B1(a) - Type A
2 Bedroom / 2 Bathroom Accessible w/ Tub-Shower
Net/Square Footage: 960 sq ft
Gross Square Footage: 1087 sq ft



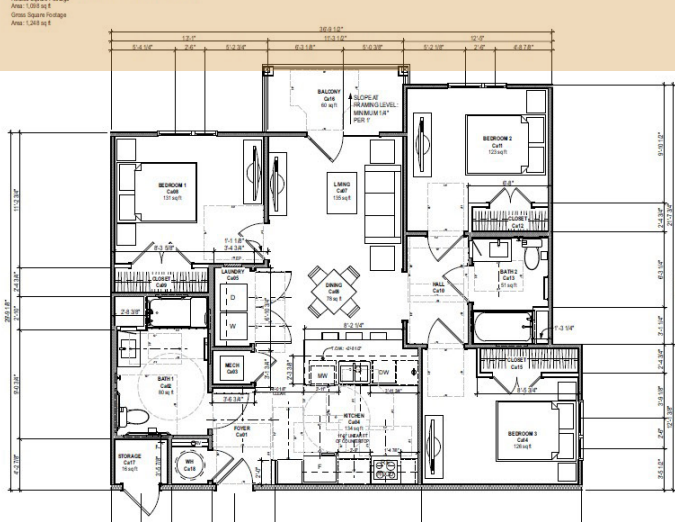
Unit B1(a) - Type A
2 Bedroom / 2 Bathroom Accessible w/ Roll-In Shower
Net/Square Footage: 960 sq ft
Gross Square Footage: 1087 sq ft



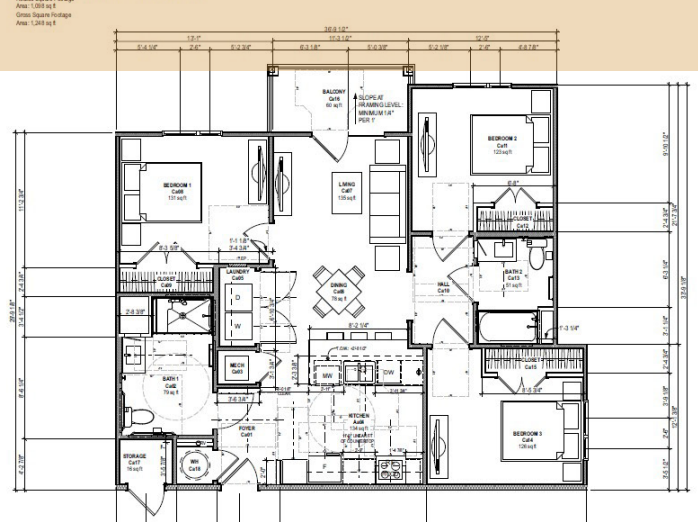
Two Bedroom Plans

Three Bedroom Plans

Unit C1(a) - Type A
3 Bedroom / 2 Bathroom Accessible w/ Tub-Shower
Net/Square Footage: 1203 sq ft
Gross Square Footage: 1349 sq ft



Unit C1(a) - Type A
3 Bedroom / 2 Bathroom Accessible w/ Roll-In Shower
Net/Square Footage: 1203 sq ft
Gross Square Footage: 1349 sq ft



2026 NCHFA QAP Site Score

SITE SCORE CRITERIA	CHAR. OR DISTANCE TO AMENITY	POINTS	NOTES
Neighborhood Characteristics	Good	10 of 10	
Primary Amenities		26 of 26	Maximum of 26 points - Max Points if less or equal to 2.0 miles from project site
Grocery	.8 miles	12 of 12	Ingles Market
Shopping	.6 miles	7 of 7	Dollar Tree
Pharmacy	.6 miles	7 of 7	CVS Pharmacy
Secondary Amenities		22 of 20	Maximum of 20 points - Max Points if less than or equal to 2.0 miles from project site
Other Primary Amenity	.7 miles	5 of 5	Second grocery, shopping, or pharmacy - Walgreens
Service	.8 miles	3 of 3	Fifth Third Bank and ATM
Healthcare	1.7 miles	3 of 3	Transylvania Regional Hospital
Public Facility	2.0 miles	3 of 3	Silversteen Park
Public Schools	1.4 miles	5 of 5	Pisgah Forest Elementary
Other Retail	.7 miles	3 of 3	Aldi
TOTAL AMENITIES POINTS		46 of 46	Maximum of 46 points available
Site Suitability		12 of 12	
Incompatible Use Within .5 miles of site?	No	3	Incompatible Uses: Airports; Chemical or Hazardous Materials Storage/Disposal; Industrial or Agricultural Activities with Environmental Concerns; Commercial Junk or Salvage Yards; Landfills Currently in Operation; Sources of Excessive Noise; Wastewater Treatment Facilities
Parcel or Right of Way within 500 Feet?	No		Adult Entertainment Establishment; Distribution Facility; Factory or Similar Operation; Jail or Prison; Large Swamp
Within 250 feet of a proposed project building?	No		Electrical Utility Substation; Frequently Used Railroad Track (not including passenger light rail); Roads with posted speed limit of 55 mph or greater (500 feet of an interstate); Power Transmission Lines or Tower
Negative Features?	No	3	There are no negative features, design challenges, physical barriers, or other unusual and problematic circumstances that would impede project construction or adversely affect future tenants, including but not limited to: power transmission lines and towers, flood hazards, steep slopes, large boulders, ravines, year-round streams, wetlands, and other similar features (for adaptive re-use projects: suitability for residential use and difficulties posed by the building(s), such as limited parking, environmental problems or the need for excessive demolition)
Project Visibility?	Yes	3	The project would be visible to potential tenants using normal travel patterns and is within 500 feet of a building that is currently in use for residential, commercial, educational, or governmental purposes (excluding Blighted structures or Incompatible Uses)
Traffic Control?	Yes	3	Traffic controls allow for safe access to the site; for example limited sight distance (blind curve) or having to cross three or more lanes of traffic going the same direction when exiting the site would not receive points.
Negative Features?	No	-	Negative three points if a site is not suitable for housing regardless of zoning or local government support
TOTAL SITE SCORE		68 of 68	

Alignment with Guiding Public Interests

Optimize the number of new, quality rental units affordable to Brevard's low-to-moderate income households and local workforce

This proposal truly optimizes the development potential of the Azalea Avenue site both physically and financially. The design incorporates building massing and a site layout that blends seamlessly with the existing fit and form of the surrounding community, and at sixty units, the concept is strategically positioned to attract either 4% or 9% LIHTC equity and CDBG-DR funds to finance key public infrastructure – extending the parcel's benefits well beyond its 3.8 acres.

With this design, sixty of Brevard's hardest working low- and moderate-income households will remain a crucial part of the Brevard community fabric for decades to come.

Include Access to Green Space and Community Amenities for Residents

The development plan, in keeping with Brevard and DFI's recommendations, is intentionally designed to maximize tree preservation by clustering buildings and infrastructure in a manner that minimizes site disturbance, allowing more than one-third of the parcel to remain undisturbed.

By conserving these undeveloped areas, the project maintains existing tree canopy and enhances the site's natural character. The plan also provides 90 parking spaces, or 1.5 spaces per unit, which will require an NCHFA waiver but reflects, based on our experience, the appropriate balance of meeting resident parking needs while minimizing impervious coverage.

In addition, the development integrates a playground and other community-oriented amenities that are thoughtfully located to encourage interaction and shared use, with programming intended to convene residents and foster a strong sense of community.

Alignment with Guiding Public Interests (Cont.)

Attract as much private investment as possible to maximize the impact of public investment in affordable housing

To best position this opportunity amid tight timelines and heavy demand for LIHTC and CDBG-DR resources in Hurricane Helene-impacted areas, Fitch Irick is presenting two financial executions, both structured under a nominal land lease and requiring no additional outlay of funds from the City of Brevard. Each execution, one utilizing a 4%/PAB and the other a 9% LIHTC structure, is focused on fiscal responsibility and maximizing Brevard's public resources, attracting upwards of \$12 million in private equity and leveraging as much as \$9 million in CDBG-DR funding.

Accommodate the City's Sewer infrastructure extension into Azalea/Rhododendron neighborhood

Fitch Irick in developing the neighboring Broad River Terrace community assisted Brevard in accessing CDGB funding to finance necessary infrastructure improvements – including a lift station – to support that development. Given this and comparable experience in structuring applications, scope development and contract management of CDBG-funded infrastructure we are modeling \$2m in costs to extend sewer infrastructure to the Azalea/Rhododendron neighborhood.

Development Financing

Assumptions - 9%

Pros

We believe the 9% competition offers the strongest opportunity to secure CDBG-DR funding in 2026, notwithstanding the project's relative disadvantage under the QAP tiebreakers.

Appendix L of the 2026 QAP ranks North Carolina counties by the number of cost-burdened, low-income renter households per 9% tax credit unit funded over the past five years. Transylvania County ranks last (100 of 100) with a ratio of 5.51 (540 households to 98 funded units). Because Appendix L serves as the first tiebreaker in the 9% award process, this ranking places Azalea at a material competitive disadvantage.

To mitigate this tiebreaker risk, the current 9% underwriting limits the annual credit request to \$1.3 million, despite a \$1.5 million per-project cap in 2026. Given the high likelihood that the Western pool will exhaust its 9% credit capacity before CDBG-DR funds are fully allocated, this reduced credit request materially improves Azalea's competitiveness—most importantly, its ability to secure the time-sensitive CDBG-DR resources.

If Azalea is the sole project competing in Transylvania County, and assuming that only 12 of the 16 Western pool counties can realistically support affordable housing development, the reduced credit request further enhances the probability of a CDBG-DR commitment, even if Azalea ultimately scores in the lower quartile of 9% applications.

Cons

The biggest factor working against Azalea's competitiveness in the 9% competition is Transylvania's place on the Appendix L tiebreaker.

COST CATEGORY	TOTAL COST	PER UNIT
Acquisition	\$1	\$0.02
Hard Costs	\$14,361,000	\$239,350
Site Work	\$2,000,000	\$33,333
Construction Costs	\$10,036,000	\$167,267
Permits/Taps and Impact	\$325,000	\$5,417
Other - Sewer Infrastructure	\$2,000,000	\$33,333
Soft Costs	\$1,246,241	\$20,771
A&E - Design	\$292,000	\$4,867
A&E - Inspection	\$50,000	\$833
Survey, Appraisal, Market Study, Environmental, Geotechnical	\$82,000	\$1,367
Tax Credit Fees	\$243,361	\$4,056
Taxes and Insurance	\$145,000	\$2,417
Title/Recording, RE Legal, Org. Costs	\$120,000	\$2,000
Other: SMT, Green Bldg. Tax Opinion, SWPP	\$121,000	\$2,016
UNC-DFI Fee	\$192,880	\$3,215
Contingency	\$742,800	\$12,380
Interim Financing Costs	\$1,075,000	\$17,917
Construction Loan Origination	\$175,000	\$2,917
Construction Interest Reserve	\$840,000	\$14,000
Construction Loan Legal	\$20,000	\$333
Construction Loan Inspection	\$30,000	\$500
Construction Loan Appraisal	\$10,000	\$167
Permanent Financing Costs	\$69,500	\$1,158
Perm Loan Origination	\$29,500	\$492
Perm Loan Legal	\$25,000	\$416
Perm Loan Appraisal	\$15,000	\$250
Reserves	\$360,116	\$6,002
Developer Fee and Overhead	\$1,448,000	\$24,133
PROJECTED TOTAL DEVELOPMENT COSTS	\$19,302,658	\$321,711

FINANCING SOURCE	TOTAL
9% LIHTC Equity	\$10,996,400
Permanent Debt	\$2,950,000
Deferred Developer Fee	\$356,258
CDBG-DR Hurricane Helene Relief	\$3,000,000
NCHFA - Workforce Housing Loan Program (WHLF)	\$2,000,000
TOTAL SOURCES	\$19,302,658

Area Median Income (AMI)	BEDROOMS	# OF UNITS	SQUARE FOOTAGE	UTILITY ALLOWANCE	RENT
40% AMI	1-Bed	4	733 sq. ft.	\$90	\$540
40% AMI	2-Bed	9	940 sq. ft.	\$115	\$641
40% AMI	3-Bed	2	1,098 sq. ft.	\$141	\$733
60% AMI	1-Bed	5	733 sq. ft.	\$90	\$855
60% AMI	2-Bed	27	940 sq. ft.	\$115	\$1,019
60% AMI	3-Bed	13	1,098 sq. ft.	\$141	\$1,272

\$19,302,658

\$321,711 per unit

Development Financing Assumptions - 4%

COST CATEGORY	TOTAL COST	PER UNIT
Acquisition	\$1	\$.02
Hard Costs	\$14,361,000	\$239,350
Site Work	\$2,000,000	\$33,333
Construction Costs	\$10,036,000	\$167,267
Permits/Taps and Impact	\$325,000	\$5,417
Other - Sewer Infrastructure	\$2,000,000	\$33,333
Soft Costs	\$1,262,032	\$21,034
A&E - Design	\$292,000	\$4,867
A&E - Inspection	\$50,000	\$833
Survey, Appraisal, Market Study, Environmental, Geotechnical	\$82,000	\$1,367
Tax Credit Fees	\$252,810	\$4,214
Taxes and Insurance	\$145,000	\$2,417
Title/Recording, RE Legal, Org. Costs	\$120,000	\$2,000
Other: SMT, Green Bldg. Tax Opinion, SWPP	\$121,000	\$2,016
UNC-DFI Fee	\$199,222	\$3,320
Contingency	\$742,800	\$12,380
Interim Financing Costs	\$1,849,200	\$30,820
Construction Loan Origination	\$180,000	\$3,000
Construction Interest Reserve	\$859,200	\$14,320
Construction Loan Legal	\$20,000	\$333
Construction Loan Inspection	\$30,000	\$500
Construction Loan Appraisal	\$10,000	\$167
Bond Costs: Issue Fee; Bond Counsel Fees; Trustee Fees; Compliance/Dissemination, Verif Agent, Admin Exp.	\$750,000	\$12,500
Permanent Financing Costs	\$75,000	\$1,250
Perm Loan Origination	\$35,000	\$429
Perm Loan Legal	\$25,000	\$417
Perm Loan Appraisal	\$15,000	\$250
Reserves	\$383,395	\$6,390
Developer Fee and Overhead	\$1,448,000	\$24,133
PROJECTED TOTAL DEVELOPMENT COSTS	\$20,121,428	\$335,357

Pros

The major benefit to the 4%/Private Activity Bond (PAB) program is that it is non-competitive and historically North Carolina has had adequate annual PAB capacity to meet all project demands. As long as the project is financially feasible and meets all NCHFA design standards, it will receive an allocation 4% credits and necessary PAB capacity.

NCHFA also offers three underwriting and review periods throughout the program year as opposed to the single 9% competition.

Cons

There are, however, significant downsides to a 4%/PAB execution on this project:

In order to maximize perm debt principal, the project set asides don't allow for as deep of affordability targeting as the 9% execution - all 60% units as opposed to 25% set aside for 40% AMI households.

Finally, feasibility hinges on a high leverage of soft financing, in this case, an award of \$9m+ in CDBG-DR dollars. Although 4% projects are eligible to request up to \$15m in CDBG-DR financing, our preliminary assumptions of total available CDBG-DR funds against the likely number of qualifying 4% projects leads us to believe that the project will likely only be able to access roughly \$7.5m in CDBG-DR - creating a sizeable gap that will be difficult to fill without access to the other NCHFA soft funding programs.

At this time, a 4% execution is second in priority to 9%

FINANCING SOURCE	TOTAL
4% LIHTC Equity	\$7,390,842
Permanent Debt	\$3,500,000
CDBG-DR Hurricane Helene Relief	\$9,230,586
TOTAL SOURCES	\$20,121,428

Area Median Income (AMI)	BEDROOMS	# OF UNITS	SQUARE FOOTAGE	UTILITY ALLOWANCE	RENT
60% AMI	1-Bed	9	733 sq. ft.	\$90	\$855
60% AMI	2-Bed	36	940 sq. ft.	\$115	\$1,019
60% AMI	3-Bed	115	1,098 sq. ft.	\$141	\$1,170

Key Team Members



Tom Anderson

Chief Development Officer

Tom is a mission-driven executive bringing 30+ years of development, financing and affordable housing experience. He has overseen \$300M+ development pipeline, scaled operations from 3 to 12 states, staffed 4 regional offices and led a 12-member cross-functional team from deal sourcing through handoff to property management. Prior to Fitch Irick, Tom was at Penrose and Cohen-Esrey where he aligned operations and capital partners; structured debt & equity; mitigated risk and managed compliance; and represented developers before housing authorities and state agencies



Anderea Gonzalez

Vice President of Development

Anderea leads Fitch Irick's development department, overseeing strategy, execution, and team performance from project inception through stabilization. She has played a central role in shaping the company's growth, guiding the development and rehabilitation of more than 5,000 housing units across the Southeast, representing over \$1 billion in investments. Anderea's leadership ensures projects meet financial and regulatory benchmarks. Her comprehensive understanding of financing structures, construction, and compliance enables her to position the company for long-term success while cultivating strong public and private partnerships.



Tom Barry

Vice President of Finance

Tom identifies, negotiates, and secures funding sources for construction and permanent financing as well as tax credit equity. He manages the relationships with our financing partners and provides creative solutions to finance our most difficult transactions. Prior to Tom joining Fitch Irick in 2021, he was a relationship manager with Bank of America where he provided developers a variety of funding sources totaling of \$650 million in bank products and services.



Hunter Snellings

Director of Development

Hunter plays a critical role in advancing the company's affordable housing mission by leading projects from predevelopment through closing with a focus on quality, strategic execution, and community impact. He cultivates strong public- and private-sector partnerships, negotiates complex development agreements, and manages financing strategies that leverage local, state, and federal resources to bring high-quality housing to market. With a proven ability to secure major municipal investment, coordinate multidisciplinary teams, and navigate entitlement and regulatory processes, he ensures that each development meets community needs, remains financially viable, and stays on schedule

Broad River Terrace

51 Kimzey Circle, Brevard NC

Constructed in 2011 and located off Route 64 & Old Hendersonville Highway in Brevard, NC, our apartments are not only accessible to multiple dining and retail options but are minutes away from Blue Ridge Community College and Transylvania Regional Hospital. Our 1, 2, and 3 bedroom apartment homes have fully furnished, washer and dryer connections, generous walk-in closets and private patios.

Fitch Irick's team partnered with Brevard, NC to help the city access CDBG funds through Land of Sky to help improve infrastructure, including the offsite lift station.

Fitch Irick Development - Hollis Fitch
Architect: Martin Riley Associates
GC: Creative Builders
Property Management: Fitch Irick Property Management

Equity Source: 9% LIHTC (CAHEC)
Permanent Loan: CAHEC
Construction Loan: CAHEC



62 Units

Family

100% Affordable

Total Development Cost: \$8,318,849

Acquisition: \$791,000

Tax Credit Fees: \$102,591

Hard Costs: \$5,512,700

Reserves: \$149,300

Design: \$205,000

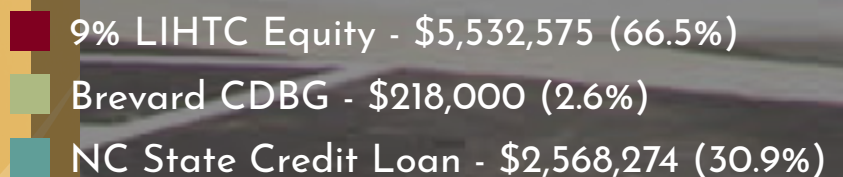
Developer Fees: \$651,000

Soft Costs: \$237,750

Contingency: \$300,000

Construction Financing Costs: \$351,508

Permanent Financing Costs: \$18,000



Love Mill Apartments

104 Bermuda Crossing,
Whiteville, NC

Love Mill Apartments, completed in 2024, is a modern 60-unit multifamily development located in Whiteville, NC. It addresses an urgent need for affordable housing while enhancing community life. This development features a thoughtful mix of 1-, 2-, and 3-bedroom units, each outfitted with luxury vinyl tiles in the living spaces, ENERGY STAR-rated fans in bedrooms and living rooms, storage closets, and in-unit laundry hook-ups, blending comfort and sustainability.

Fitch Irick partnered with the City of Whiteville to help fund an upgraded lift station that services the site as well as the neighboring community.

Fitch Irick Development

- Charlie Irick, Developer
- Anderea Gonzalez, VP Development

Architect: Martin Riley Associates

GC: FEMCO Construction

Property Management: Fitch Irick
Property Management

Equity Source: 9% LIHTC (Stratford Capital)

Soft Sources: CDBG-DR and NCHFA RPP

Construction Loan: First Bank

Permanent Loan: Lument

60 Units

Family

100% Affordable

Total Development Cost: \$14,070,827

Acquisition: \$253,323

Tax Credit Fees: \$187,476

Hard Costs: \$10,625,059

Reserves: \$268,000

Design: \$312,645

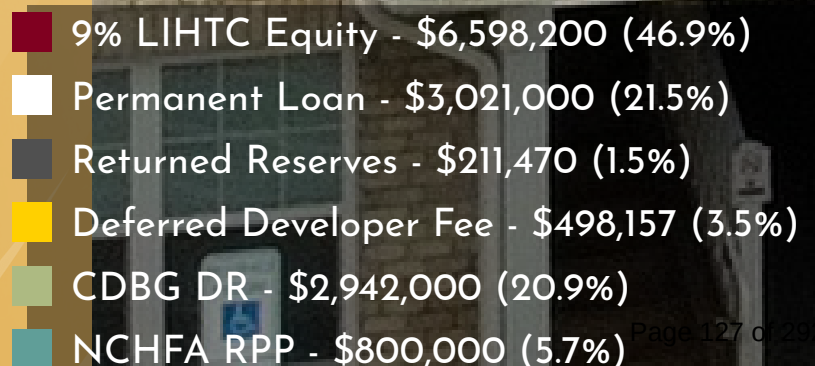
Developer Fees: \$810,000

Soft Costs: \$155,750

Contingency: \$585,900

Construction Financing Costs: \$587,000

Permanent Financing Costs: \$285,674



Woodford Trace Apartments

720 Coralberry Pk SW, Aiken, SC

Woodford Trace, the first of three phases in Aiken, SC, features 2 buildings with (30) 2 bedroom/2bath units and (18) 3 bedroom, 2 bath units. Woodford Trace is centrally located off one of the main arteries in the city of Aiken. With close proximity to a well-recognized big box store, multiple grocery store options, the area mall, pharmacies, schools and multiple restaurants, we are excited to provide safe and affordable housing where people want to work and live.

Fitch Irick partnered with The City of Aiken to help construct roads and a lift station to help with the city's infrastructure and connectivity.

Fitch Irick Development

- Charlie Irick, Developer
- Anderea Gonzalez, VP Development

Architect: Steele Group Architects

GC: Southern Pointe Construction

Property Management: Fitch Irick

Property Management

Equity Source: 9% LIHTC (CAHEC)
and State Credit (Sugar Creek Capital)

Construction and Permanent Loan:
Churchill Stateside Group

48 Units

Family

100% Affordable

Total Development Cost: \$10,144,527

Acquisition: \$1,241,961

Tax Credit Fees: \$118,877

Hard Costs: \$6,505,276

Reserves: \$149,532

Design: \$216,200

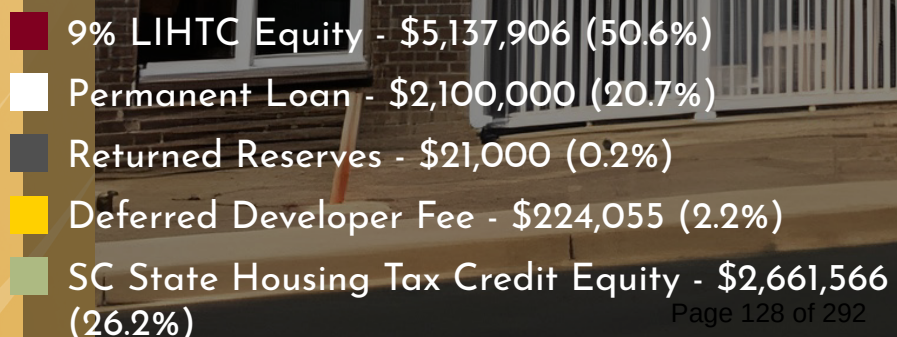
Developer Fees: \$912,001

Soft Costs: \$108,440

Contingency: \$321,129

Construction Financing Costs: \$464,000

Permanent Financing Costs: 107,111



**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
CZD-26-0001**

NCGS 160D-604 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

The Brevard Planning Board forwards this recommendation of a conditional zoning district with a base district of **Residential Mixed-Use (RMX)** 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:

Comprehensive Land Use Plan

- **Goal 1.** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 2.** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **Action LUH-2:** Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.
- **Action LUH-9:** Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.
- **Action LUH-11:** Identify and address dimensional requirements that may serve as obstacles to housing development.
- **Action LUH-14:** Seek developer agreements for divestment of City properties that guarantee affordable and workforce housing units for a defined period of time.
- **Action LUH-18:** Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.
- **Action ATCH-12:** Ensure site plans include safe pedestrian access between public right-of-way and building entrance.
- **Action PNRC-5:** Require conservation design in areas with sensitive natural resources
- **Action EDIR-2:** Pursue upgrades to the public water and sewer system

Future Land Use Map

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

NCGS 160D-605 requires the Governing Board to approve a statement analyzing the reasonableness of a proposed rezoning. The statement of reasonableness and the statement of consistency may be approved as a single statement.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is in the public interest and **reasonable** due to the following factors:

- The base zoning district aligns with the Future Land Use Map.
- The size and alignment with the future land use map of the proposed rezoning diminishes spot zoning concerns.
- There is strong relationship between the currently allowed uses and the allowed uses of the proposed new district.
- The rezoning is consistent with the above elements of the Comprehensive Land Use Plan.

ORDINANCE NO. 2026-XX

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD CREATING THE AZALEA PLACE CONDITIONAL ZONING DISTRICT

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

WHEREAS, the City of Brevard owns three properties on Azalea Avenue and Old Hendersonville Highway (described as PINs 8596-05-5538-000, 8596-05-6391-000, and 8596-05-8315-000) and seeks to rezone these properties to a Residential Mixed Use Conditional Zoning District; and

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

WHEREAS, the City of Brevard Planning Board considered CZD-26-0001 on February 24, 2026, and recommended approval by City Council; and

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

- **Goal 1.** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
- **Goal 2.** Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
- **Action LUH-2:** Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.
- **Action LUH-9:** Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.
- **Action LUH-11:** Identify and address dimensional requirements that may serve as obstacles to housing development.
- **Action LUH-14:** Seek developer agreements for divestment of City properties that guarantee affordable and workforce housing units for a defined period of time.
- **Action LUH-18:** Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.
- **Action ATCH-12:** Ensure site plans include safe pedestrian access between public right-of-way and building entrance.
- **Action PNRC-5:** Require conservation design in areas with sensitive natural resources
- **Action EDIR-2:** Pursue upgrades to the public water and sewer system; and

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

- This property is located in the Traditional Neighborhood character area in the Future Land Use Map, for which RMX is an applicable zoning district
- The size and alignment with the future land use map of the proposed rezoning diminishes spot zoning concerns.
- There is strong relationship between the currently allowed uses and the allowed uses of the proposed new district.

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

WHEREAS, a public hearing was conducted by Council on March 16, 2026; and

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

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

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

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

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

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

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

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

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

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

Adopted this the 16th day of March, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

EXHIBIT A
Ordinance Number 2026-XX

AZALEA PLACE CONDITIONAL ZONING DISTRICT: LOCATION MAP

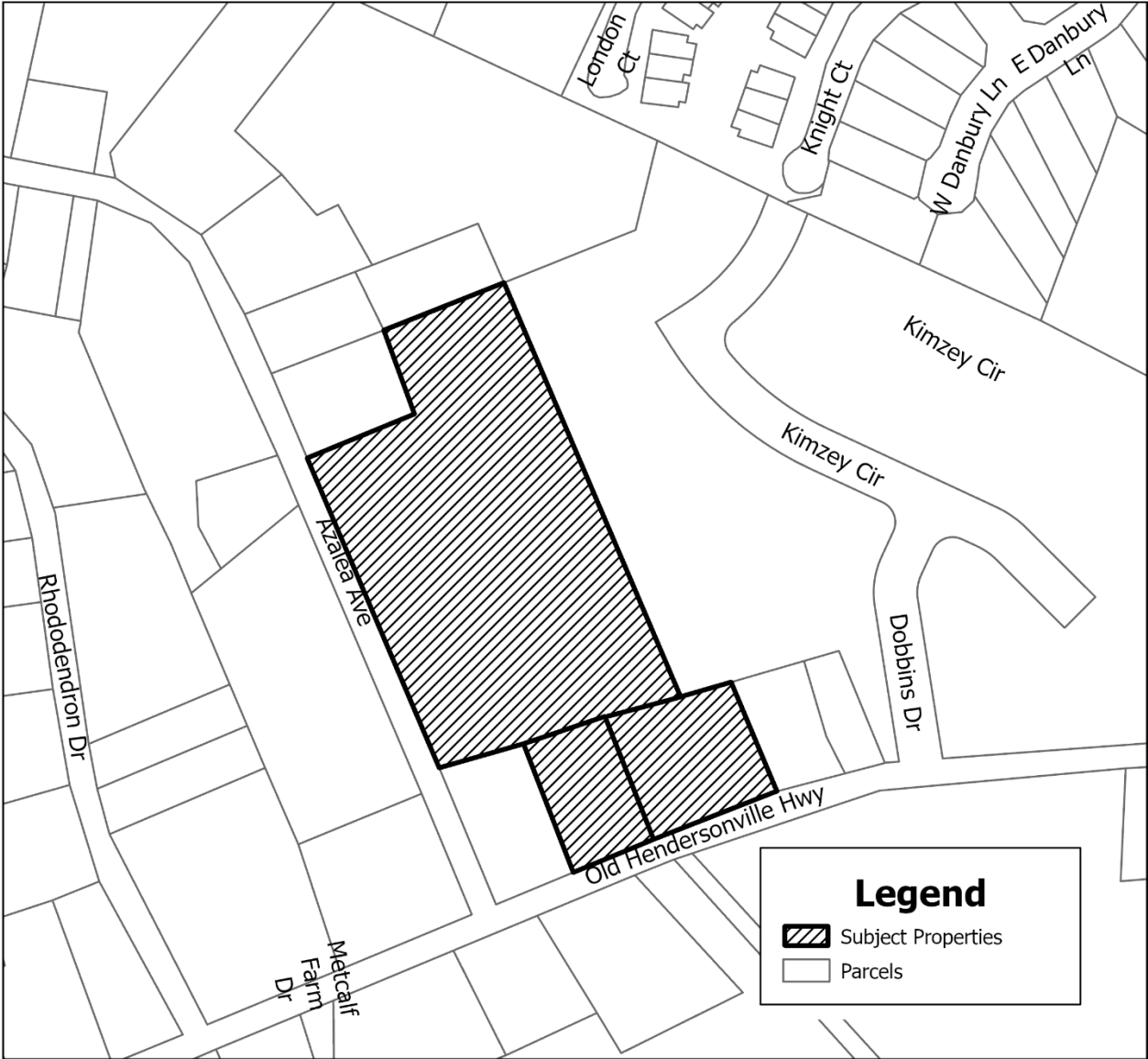


EXHIBIT B
Ordinance Number 2028-XX

AZALEA PLACE CONDITIONAL ZONING DISTRICT: LIST OF CONDITIONS

- 1. Definitions.** Within this List of Conditions, the following terms shall have the meanings articulated:
 - a. “District” refers to the Azalea Place Conditional Zoning District.
 - b. “UDO” refers to the City of Brevard Unified Development Ordinance.
- 2. Future Development.**
 - a. Compliance with Final Master Plan.
 - i. Development on the subject parcel shall be in accordance with the attached Final Master Plan.
 - ii. Modifications to the Final Master Plan shall be considered in accordance with Chapter 16 of the UDO.
 - iii. In the absence of site-specific standards codified in this ordinance or the Final Master Plan, development on the site shall follow typical UDO requirements for the Residential Mixed Use district.
- 3. Land Use.**
 - a. Allowable land uses shall comply with RMX standards of Chapter 2 of the UDO.
- 4. Dimensional Requirements.**
 - a. The maximum allowable density shall be 18 dwelling units per acre.
 - b. Setbacks shall comply with RMX standards of Chapters 2 of the UDO.
 - c. Maximum Ground Floor Area for each principal structure shall not exceed those as depicted on the Master Plan.
 - d. Retaining wall shall be no higher than 10 feet, unless otherwise required for engineering.
- 5. Architectural Standards.**
 - a. Structures within the Project Area shall be designed and constructed in a manner that is generally consistent with structures as shown on the Master Plan with respect to location, area, height, bulk, and mass.
 - b. The maximum dimensions of the “Stacked Flats” building type shall be 175 feet in width and 80 feet in depth.
 - c. There shall be no minimum ground floor finishing height required.
- 6. Tree Protection and Landscaping.**
 - a. A 10-foot landscaping buffer shall be planted along boundaries of the parcel adjacent to the General Residential zoning district for screening.
 - b. All parking spaces shall be within 80 feet of a canopy tree.
- 7. Parking.**
 - a. Parking shall comply with off-street standards of Chapter 10 of the UDO to the greatest extent possible as depicted on the Master Plan.
 - b. No off-street loading spaces shall be required.
- 8. Infrastructure Improvements.**
 - a. Sidewalk shall only be required along the street frontage along Old Hendersonville Highway.

AZALEA PLACE CONDITIONAL ZONING DISTRICT: FINAL MASTER PLAN



 STEELE GROUP ARCHITECTS		STUDIO: 2026 NORTH PRELIMINARY LIT/CAPP		DATE: 02/26/2025 PROJECT: AS-101 SHEET: 2026 NC PRELIMINARY SITE PLAN	
Azalea Place Old Hendersonville Highway Brevard, NC 28712		02026 Steele Group Architects		DATE: 02/26/2025 PROJECT: AS-101 SHEET: 2026 NC PRELIMINARY SITE PLAN	
AS-101		02026 Steele Group Architects		DATE: 02/26/2025 PROJECT: AS-101 SHEET: 2026 NC PRELIMINARY SITE PLAN	

STAFF REPORT

City Council, Monday, March 16, 2026

Title: Proposed Amendment to the Building Brevard 2030 Comprehensive Land Use Plan - Adoption of City's Green Growth Audit as an Addendum

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background

In 2023, the City of Brevard requested technical and financial support from the North Carolina Wildlife Resource Commission (NCWRC) as part of their Partners for Green Growth program to audit the City's Unified Development Ordinance (UDO) and provide recommendations for how to better align development regulations with green growth principles. In collaboration with NCWRC, the City has completed a comprehensive review of the UDO to identify opportunities to reduce regulatory barriers to conservation and update regulations to reflect best practices in conservation design.

Conducting this Green Growth Audit of the UDO serves as a critical step in ensuring that urban development aligns with sustainability, environmental preservation, and climate resilience goals. The UDO is the foundational regulatory framework that governs land use, building design, infrastructure, and environmental protections within the city. By auditing these standards, we can assess how well they promote sustainable growth, reduce environmental impacts, and improve the quality of life for all residents.

Building off the existing goals and recommendations from the City's Comprehensive Land Use Plan, this plan seeks to accomplish the following objectives:

- Analyze the UDO's effectiveness in promoting sustainable development, reducing environmental impact, and enhancing resilience to climate change.
- Identify opportunities to reduce regulatory barriers to conservation; align ordinance requirements with best practices in conservation design and sustainability goals; enhance requirements for native plantings and vegetation preservation; and incentivize greater wildlife habitat protections in sensitive areas.
- Develop actionable recommendations to strengthen the UDO's alignment with green growth principles and ensure that future growth does not compromise environmental health or exacerbate inequities.

Planning Board has reviewed the draft of the Green Growth Audit many times over the last year. At their February 24th meeting, the Board unanimously recommended in favor of its adoption.

Discussion

"Green growth" means conserving wildlife, habitat, and other valuable natural resources as communities continue to grow. This principle strives to balance new development and economic opportunity with environmental goals, proving development can be both environmentally sustainable and economically beneficial by integrating conservation practices into planning and zoning.

The Green Growth Audit provides updated environmental context and analysis; identifies key strategies and recommended actions for the City to improve green growth practices in its development regulations; and outlines an implementation guide with next steps.

1. **Conservation** of land with efficient development strategies
2. **Mitigation** of negative impacts of development
3. **Preservation** of sensitive areas
4. **Restoration** of natural ecosystems and wildlife habitats

Planning staff will share a presentation with some of the key findings and recommendations with Council at the meeting.

Policy Analysis

The Green Growth Audit is intended to be an addendum to the Building Brevard 2030 Comprehensive Land Use Plan. It builds on many of the goals and actions in the Plan, including:

- *Goal 2:* Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities
- *Goal 4:* Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness
- *Goal 5:* Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.
- *Goal 8:* Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city

In adopting this addendum, the City's official comprehensive land use plan is officially updated to include the strategies and recommended actions. This document will then be used to guide planning and zoning decisions (e.g., rezoning, text amendments).

Action

This staff report is for public hearing purposes only. At Council's next business meeting, Staff will ask that Council take one of the following actions:

- Adopt the presented Green Growth Audit as an amendment to the *Building Brevard 2030 Comprehensive Land Use Plan*;

- Revise and adopt the revised Green Growth Audit as an amendment to the *Building Brevard 2030 Comprehensive Land Use Plan*;
- Reject the Green Growth Audit as an amendment to the *Building Brevard 2030 Comprehensive Land Use Plan*;
- Table the matter for further discussion.

Attachments:

1. Green Growth Audit - Final Draft



City of Brevard Green Growth Audit

Building Brevard 2030 Comprehensive Land Use Plan
Addendum DRAFT MARCH 2026





SECTION 01

INTRODUCTION

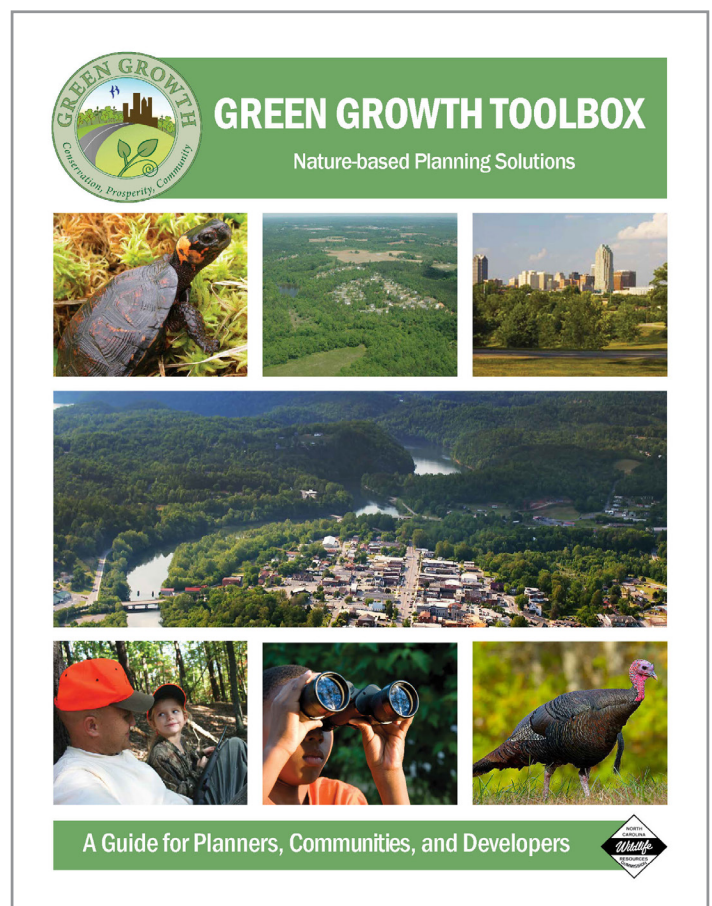
Background & Purpose

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

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

"Green growth" means conserving wildlife, habitat, and other valuable natural resources as communities continue to grow. This principle strives to balance new development and economic opportunity with environmental goals, proving development can be both environmentally sustainable and economically beneficial by integrating conservation practices into planning and zoning. In 2023, the City of Brevard requested technical and financial support from the North Carolina Wildlife Resource Commission (NCWRC) as part of their

Partners for Green Growth program to audit the City's Unified Development Ordinance (UDO) and provide recommendations for how to better align development regulations with green growth principles. In collaboration with NCWRC, the City has completed a comprehensive review of the UDO to identify opportunities to reduce regulatory barriers to conservation and update regulations to reflect best practices in conservation design.



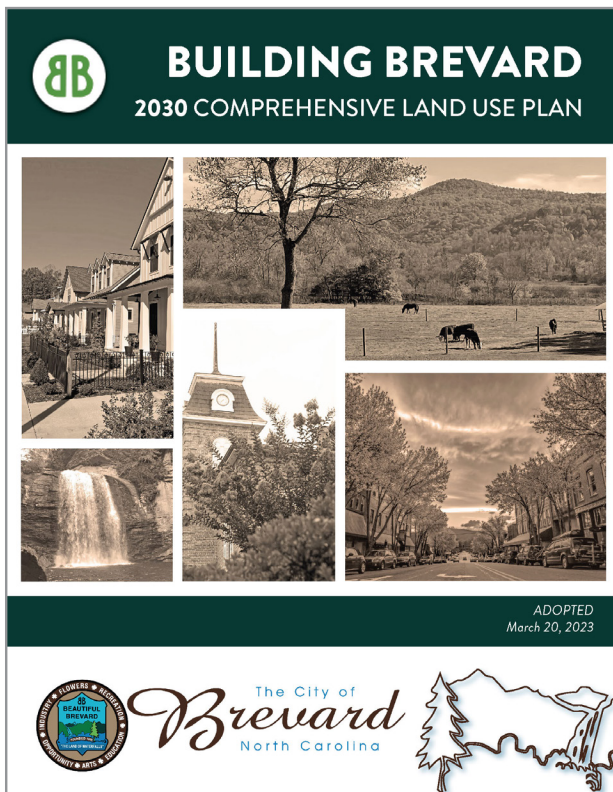
This work was supported by the North Carolina Wildlife Resource Commission as part of the Green Growth Toolbox program.

Policy Analysis

On March 20, 2023, Brevard City Council adopted a new Comprehensive Land Use Plan, **Building Brevard 2030**. The Plan, which can be found at www.cityofbrevard.com/clup, will be used to guide all planning and development decisions over the next decade. The Plan enumerates eight goals for the future of Brevard – many of which are directly related to ensuring the City continues to grow and develop, but in a manner that respects the natural environment and preserve's Brevard's character.

In adopting the Comprehensive Land Use Plan, City Council has effectively charged the Planning staff with seeking out best practices in conservation design and land use planning. These goals are then followed with recommendations, an entire section of which is centered around Parks, Natural Resources & Cultural Resources (PNRC). These include:

- PNRC-5: Require conservation design in areas with sensitive cultural resources.
- PNRC-6: Encourage natural amenities to be preserved as open space in new development.
- PNRC-10: Preserve steep slopes and natural areas adjacent to Pisgah Forest.



BUILDING BREVARD 2030 GOALS

1. Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
2. Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.
3. Ensure fairness and equity in providing for the health, safety, and welfare of all citizens and groups.
4. Create a built environment that prioritizes a safe, active, multi-modal transportation system and community health and wellness.
5. Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.
6. Integrate arts, culture, diversity, and history into everyday life and build on Brevard's identity as a dynamic community to live, work, play, and create.
7. Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.
8. Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.

- PNRC-11: Preserve and restore natural areas adjacent to the French Broad River.
- PNRC-13: Encourage the use of native species in public projects and private development.
- PNRC-16: Maintain and improve diversity (age and species) of the urban tree canopy.

Upon formal adoption, this document shall serve as an addendum to the Building Brevard 2030 Comprehensive Land Use Plan, providing updated guidance, technical analysis, and recommended regulatory strategies that support green growth.

Purpose and Objectives

Conducting a Green Growth Audit of Brevard's Unified Development Ordinance (UDO) serves as a critical step in ensuring that urban development aligns with sustainability, environmental preservation, and climate resilience goals. The UDO is the foundational regulatory framework that governs land use, building design, infrastructure, and environmental protections within the city. By auditing these standards, we can assess how well they promote sustainable growth, reduce environmental impacts, and improve the quality of life for all residents.

Building off the existing goals and recommendations from the City's Comprehensive Land Use Plan, this plan seeks to accomplish the following objectives:

- Analyze the UDO's effectiveness in promoting sustainable development, reducing environmental impact, and enhancing resilience to climate change.
- Identify opportunities to reduce regulatory barriers to conservation; align ordinance requirements with best practices in conservation design and sustainability goals; enhance requirements for native plantings and vegetation preservation; and incentivize greater wildlife habitat protections in sensitive areas.
- Develop actionable recommendations to strengthen the UDO's alignment with green growth principles and ensure that future growth does not compromise environmental health or exacerbate inequities.



Pedestrian bridge over Davidson River. Image Source: City of Brevard

Environmental Context

Nestled amongst thousands of acres of pristine forests and iconic natural vistas, Brevard occupies a unique geographical position that makes it both ecologically rich and sensitive to environmental changes. Transylvania County's landscape is a dynamic mix of dense forests, luscious native vegetation, and picturesque mountain streams, all of which support a wide variety of wildlife and plant species. These natural habitats provide essential ecosystem services, including clean water filtration, carbon sequestration, and soil stabilization. However, the region's environmental diversity also means it is particularly vulnerable to disruptions caused by climate change, deforestation, and urban expansion. Rising temperatures, changing precipitation patterns, and increased human activity put pressure on these delicate ecosystems, creating an urgent need for responsible stewardship.

Biodiversity and Wildlife Habitats

Transylvania County is home to a diverse range of habitats, from lush hardwood forests and rolling hills to pristine streams and waterfalls, creating an ideal environment for numerous plant and animal species. It is part of the Southern Appalachian biozone, which supports unique species of flora and fauna. The region boasts an array of bird species, including the peregrine falcon and Carolina chickadee, while also providing shelter for mammals like black bears, deer, squirrels, and foxes. The rich variety of wildflowers, such as trillium and mountain laurel, further emphasizes the area's ecological significance. This extensive biodiversity is nurtured by the area's diverse elevation changes, climate, and preservation efforts, making Transylvania County a vital part of North Carolina's natural heritage.

The Biodiversity and Wildlife Habitat Assessment, developed by the North Carolina Natural Heritage Program (NCNHP) represents the highest priority areas for conservation of wildlife habitat and biodiversity within the state. The assessment concluded that much of

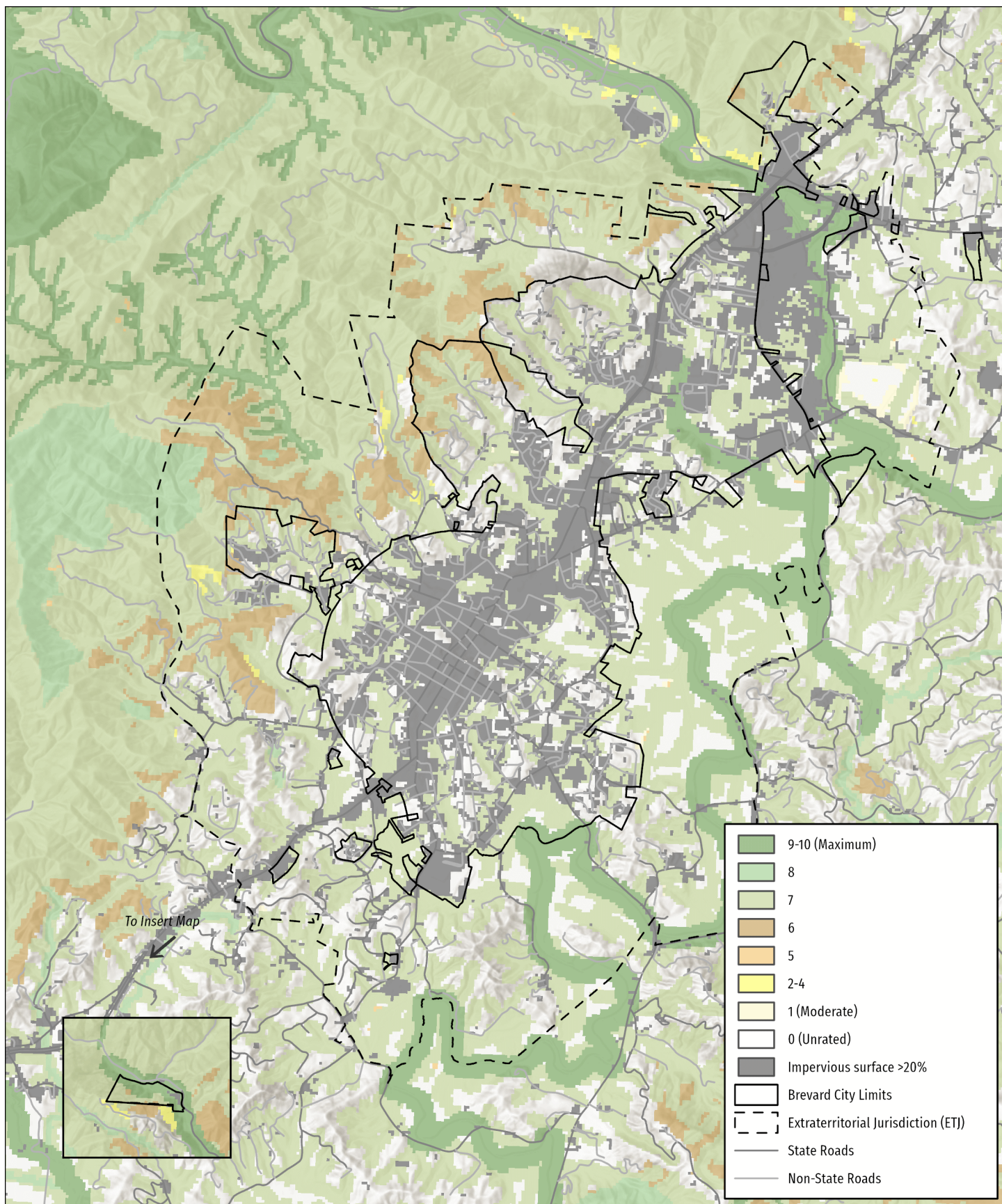
the City's jurisdiction is highly prioritized for conservation (ranked 7 to 10 in the BWhA) and are home to the rarest species and habitats. These high-priority areas are concentrated on the outer edges of the City's corporate limits and within the extraterritorial jurisdiction (ETJ). A large portion of the City's corporate limits appear as grey within the assessment as they are deemed to be developed areas with an impervious surface coverage greater than 20%. Concentrating development in and around already developed areas will preserve the environmentally sensitive areas and wildlife habitat connections that exist on the outer edges of the city limits.

Many of the species that make up the diverse ecosystem of Transylvania County are rare, threatened, or endangered. These species are at risk of becoming extinct due to factors such as habitat loss, climate change, and pollution. The area is known to have several federally protected wildlife and plant species, including the Bog Turtle, along with other state protected flora and fauna. Conservation efforts are crucial to protect these species. If these species are not preserved, it can lead to the loss of biodiversity, disrupting ecosystems and affecting the balance of nature. A full list of the rare, threatened and endangered species found within a one-mile radius of Brevard is included in the Appendix.



Bog turtle. Image Source: Jeff Hall via North Carolina Wildlife Resource Commission

Biodiversity and Wildlife Habitat Assessment



Data Sources: North Carolina Natural Heritage Program

Managed and Natural Areas

Brevard has multiple Managed Areas and Natural Areas, as identified by North Carolina Natural Heritage Program (NCNHP), within the City's planning Jurisdiction:

- **Natural Areas** are terrestrial and aquatic sites that are of special biodiversity significance. The significance may be due to the presence of rare species, high-quality natural communities, or important animal assemblages, or other ecological features. These areas were identified by NCNHP staff based on field survey and ecological characteristics.

- **Managed Areas** are properties and easements where natural resource conservation is one of the primary management goals. It also includes some areas that have value as conserved lands because it could support rare species and protect intact, high-quality natural areas where open space is scarce. Over half of Transylvania County is designated as public land that is protected from development and preserved for recreation. Brevard's jurisdiction abuts Pisgah National Forest, but the County is also home to Dupont State Recreational Forest, Gorges State Park, Headwaters State Forest, and the Blue Ridge Parkway. [See list on following page]

Natural Areas within Brevard's Jurisdiction

Name	Owner	Rating
French Broad River / Upper French Broad Aquatic Habitat	Public Waters	Exceptional
Bracken Mountain / Wolfpen Cove	City of Brevard / Private	High

Source: North Carolina Natural Heritage Program

Topography

Brevard's topography is defined by its location within the foothills of the Blue Ridge Mountains, where steep slopes, narrow floodplain valleys, and abrupt elevation changes strongly influence land use patterns. Hillsides and sloping terrain surround much of the city, creating natural limits on where development can safely occur. These steep slope areas are prone to erosion, soil movement and landslide activity when disturbed, particularly during heavy rainfall events that are common in Western North



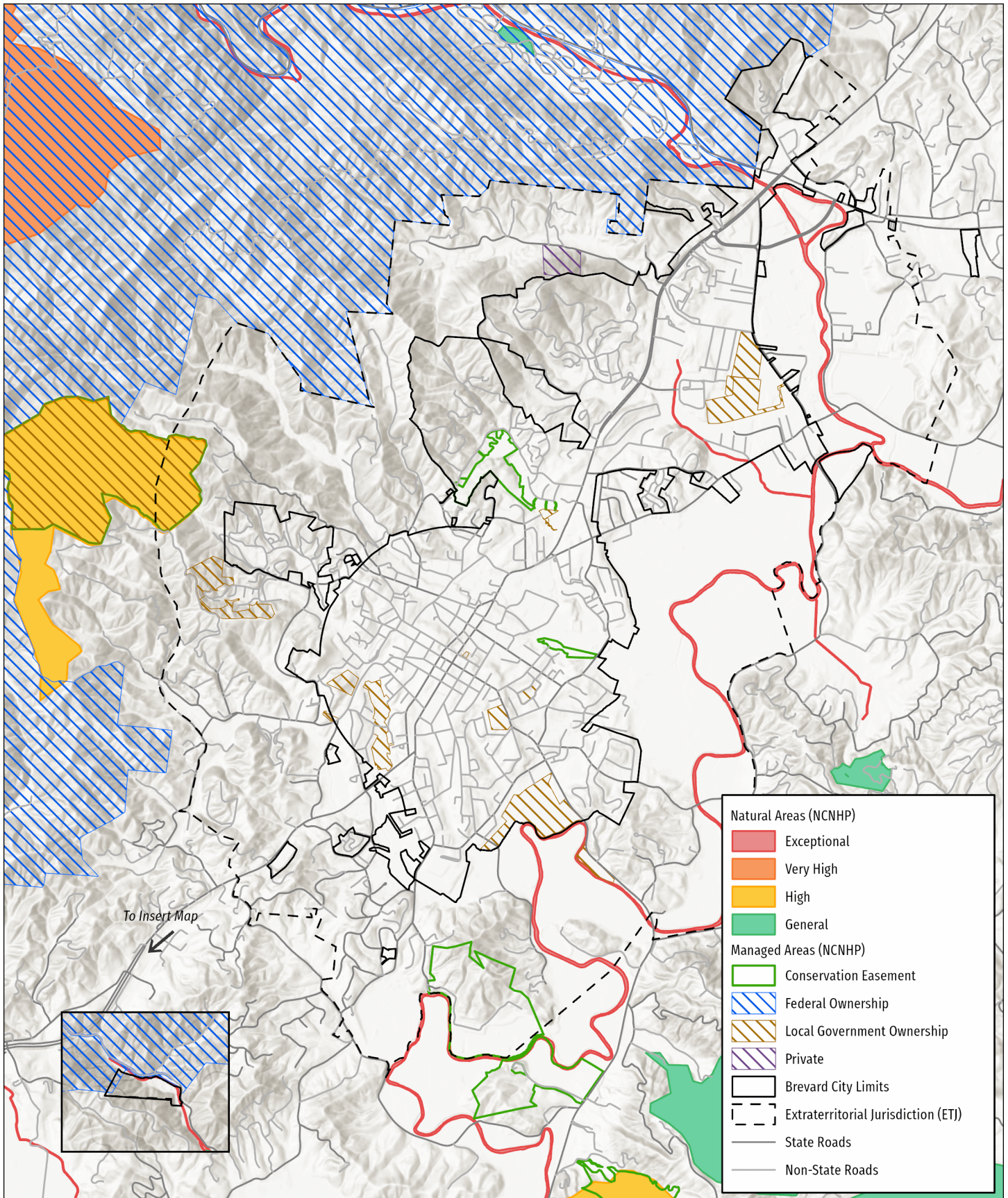
Bracken Preserve trail.
Image Source: Conserving Carolina.

Managed Areas within Brevard's Jurisdiction

Name	Owner	Acres	Category	Status / Use
Bracken Preserve	City of Brevard	399.45	Fee Simple Ownership / NC Land and Water Fund Agreement	Managed Open Space
Bracken Preserve Extension	City of Brevard	33.27	Fee simple Ownership	Managed Open Space
Brevard Sports Complex	City of Brevard	19.88	Fee Simple Ownership	Managed Open Space
Tannery Park – North	City of Brevard	12.84	Fee Simple Ownership	Managed Open Space
Tannery Park – South	City of Brevard	12.19	Fee Simple Ownership	Managed Open Space
Hap Simpson Park	City of Brevard	8.8	Fee Simple Ownership	Managed Open Space, Floodway
Franklin Park	City of Brevard	4.22	Fee Simple Ownership	Managed Open Space
Dog Park	City of Brevard	2.64	Fee Simple Ownership	Managed Open Space
Poplar Street Extension	City of Brevard	2.5	Fee Simple Ownership	Managed Open Space, Floodway
Deerwoode Reserve	Conserving Carolina	166.65	Easement	Managed for biodiversity, Disturbance events suppressed
Deerlake Village Lake and Conservation Area	Conserving Carolina	40.38	Easement	Managed for biodiversity, Disturbance events suppressed
Elk Lodge Mountain	Conserving Carolina	20.3	Fee Simple Ownership	Managed for biodiversity, Disturbance events suppressed
Conserving Carolina Easement	Conserving Carolina	0.82	Easement	Managed for biodiversity, Disturbance events suppressed
Kings Creek	NCDEQ Stewardship Program	7.08	Easement	Managed for biodiversity, Disturbance events suppressed
Transylvania County Sports Complex	Transylvania County	35.67	Fee Simple Ownership	Managed Open Space
Silvermont Park	Transylvania County	8.27	Fee Simple Ownership	Managed Open Space
East Probart Street Property	Transylvania County	0.46	Fee Simple Ownership	Unmanaged Vacant Land, Available for Disposition / Development

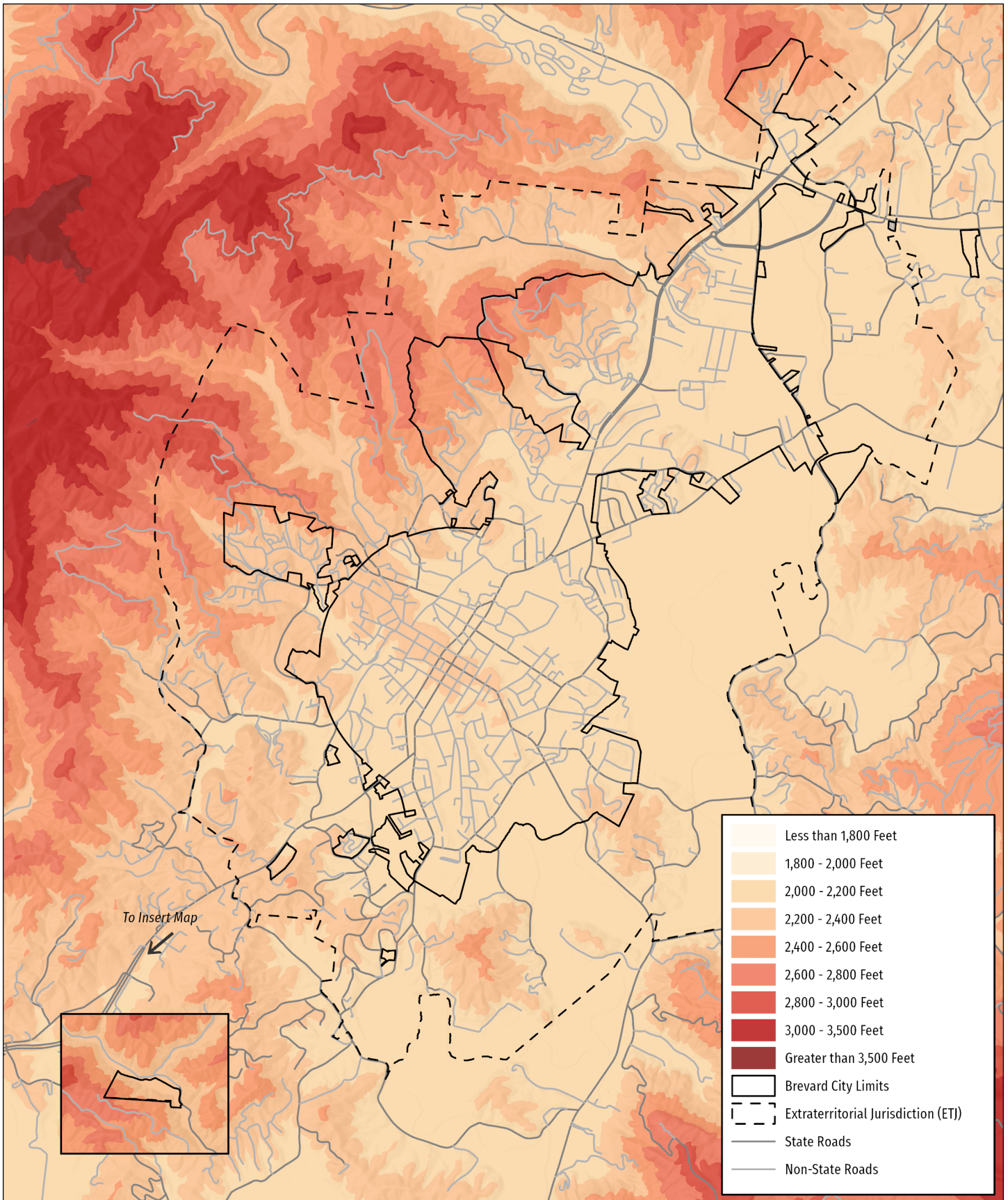
Source: North Carolina Natural Heritage Program

Natural and Managed Areas



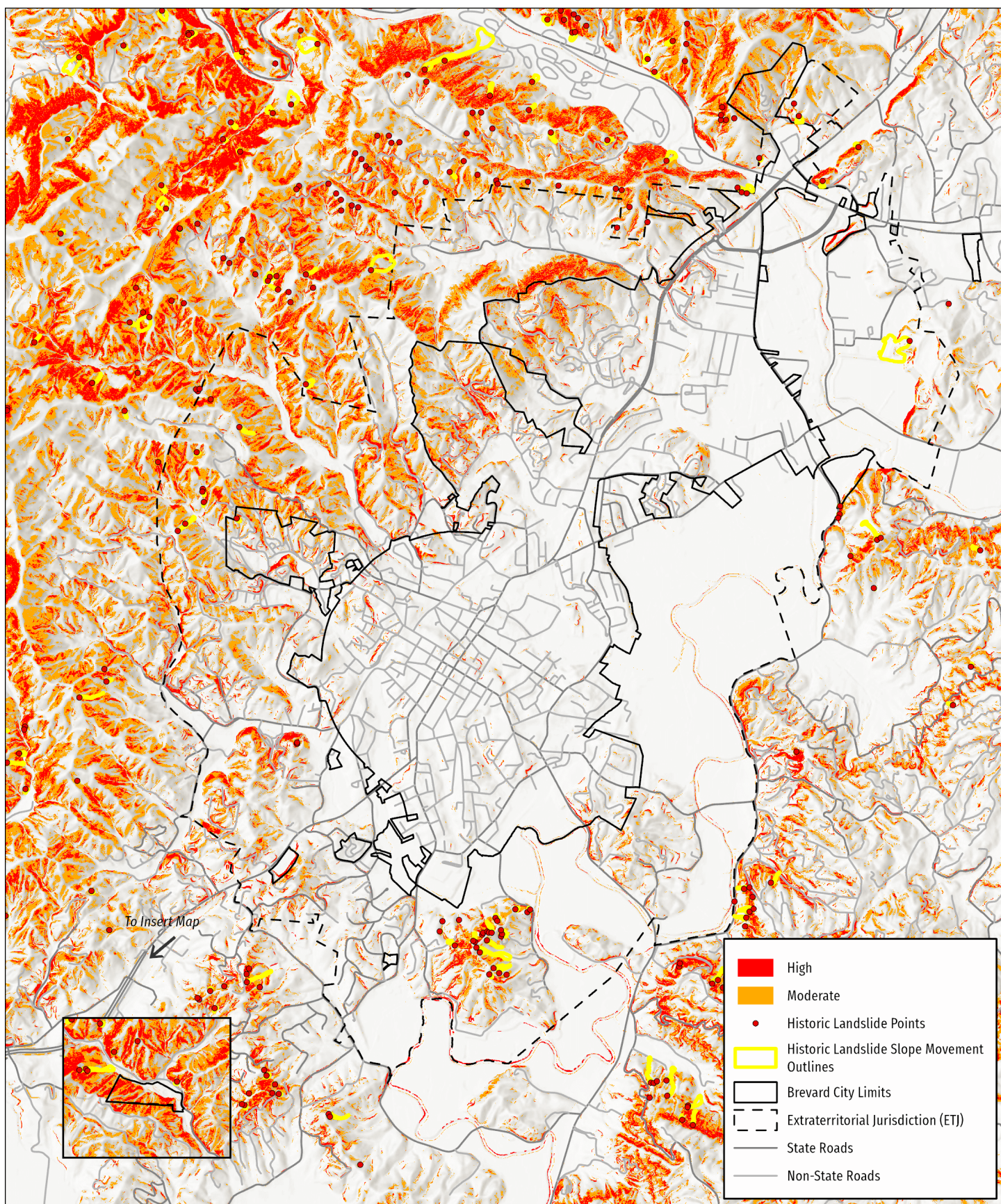
Data Sources: North Carolina Natural Heritage Program

Elevation



Data Source: NC OneMap

Landslide Susceptibility



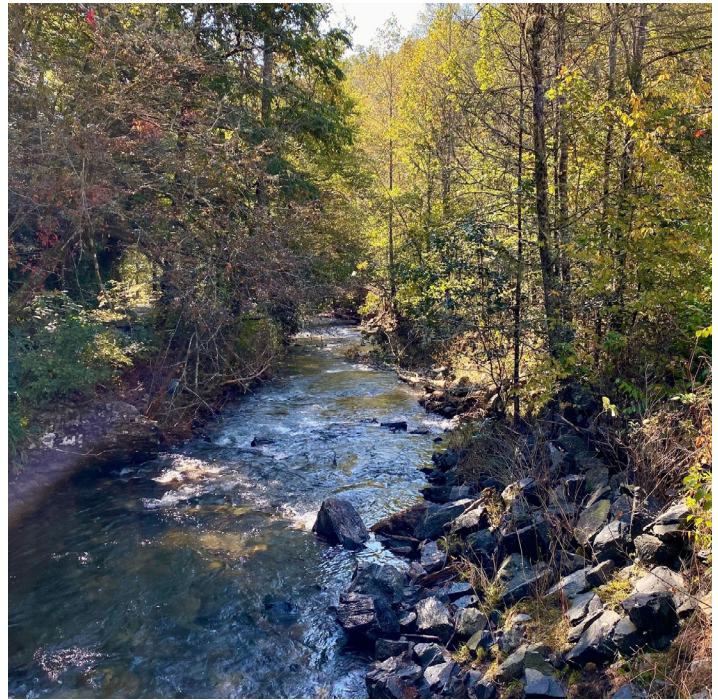
Data Sources: North Carolina Department of Environmental Quality and North Carolina Geological Survey

Carolina. Much of the area has moderate to high landslide susceptibility, especially on steep hillsides with shallow soils or where vegetation has been removed. Excessive grading or vegetation removal can destabilize slopes, damage downstream waterways through sedimentation, and increase the likelihood of slope failures and localized flooding in lower elevations.

The presence of steep slopes and landslide-prone terrain also affects infrastructure and long-term resilience. Road construction, utility installation, and building foundations become more complex and costly on sloping land, often requiring retaining walls, specialized drainage systems, geotechnical analysis, and enhanced erosion control measures. Stormwater moves rapidly downhill, increasing runoff volumes and velocities that can overwhelm drainage systems and further destabilize slopes if not carefully designed. For these reasons, protecting steep slopes and landslide-susceptible areas through development limits, slope-based standards, and preservation of natural vegetation is critical to reducing hazards, maintaining water quality, and preserving the scenic mountain character that defines Brevard.

Hydrology

Brevard is located within the French Broad River Basin, near the river's headwaters, , and experiences some of the highest rainfall totals in North Carolina due to its position along the eastern escarpment of the Blue Ridge Mountains. This high rainfall, combined with Brevard's hydric and saturated soils pose a significant challenge for denser forms of development due to their limited bearing capacity and persistently high groundwater levels. These soils are commonly found in floodplain and valley areas and often remain wet for extended periods, especially during the region's frequent and intense rainfall events. Prolonged soil saturation reduces soil stability, complicates building foundations, and limits on-site stormwater infiltration, increasing the risk of flooding, erosion, and structural damage when development intensity increases. As density rises, these constraints become more pronounced, making site design more complex and costly and often necessitating additional

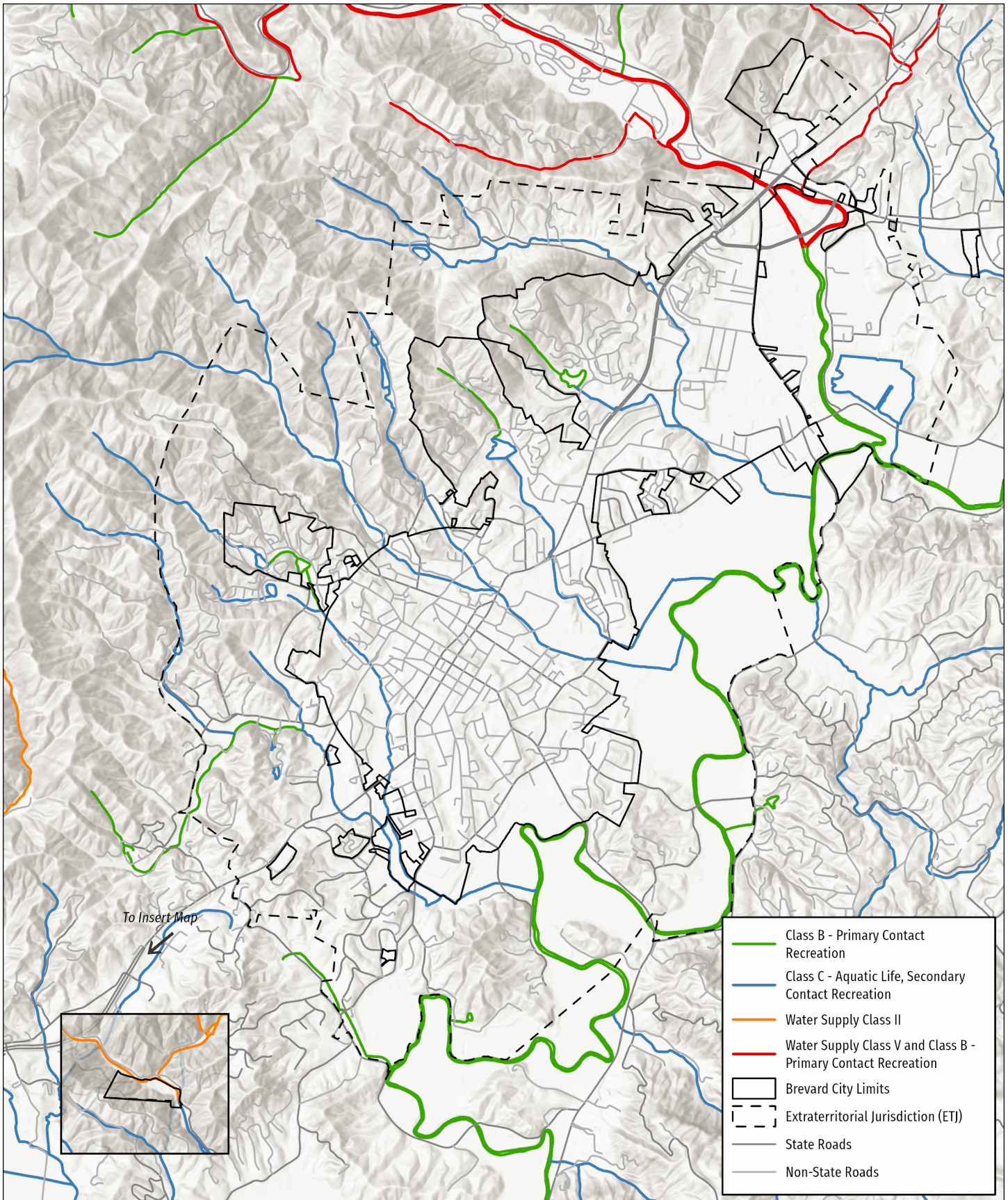


*Cathey's Creek, the City of Brevard's municipal water intake.
Image Source: City of Brevard.*

engineering measures to ensure safe, resilient development while protecting surrounding properties and natural hydrologic functions. The high water tables also impact buried infrastructure by causing that infrastructure to move or degrade faster than in unsaturated soils, adding to the long-term maintenance costs borne by both the property owner and the City.

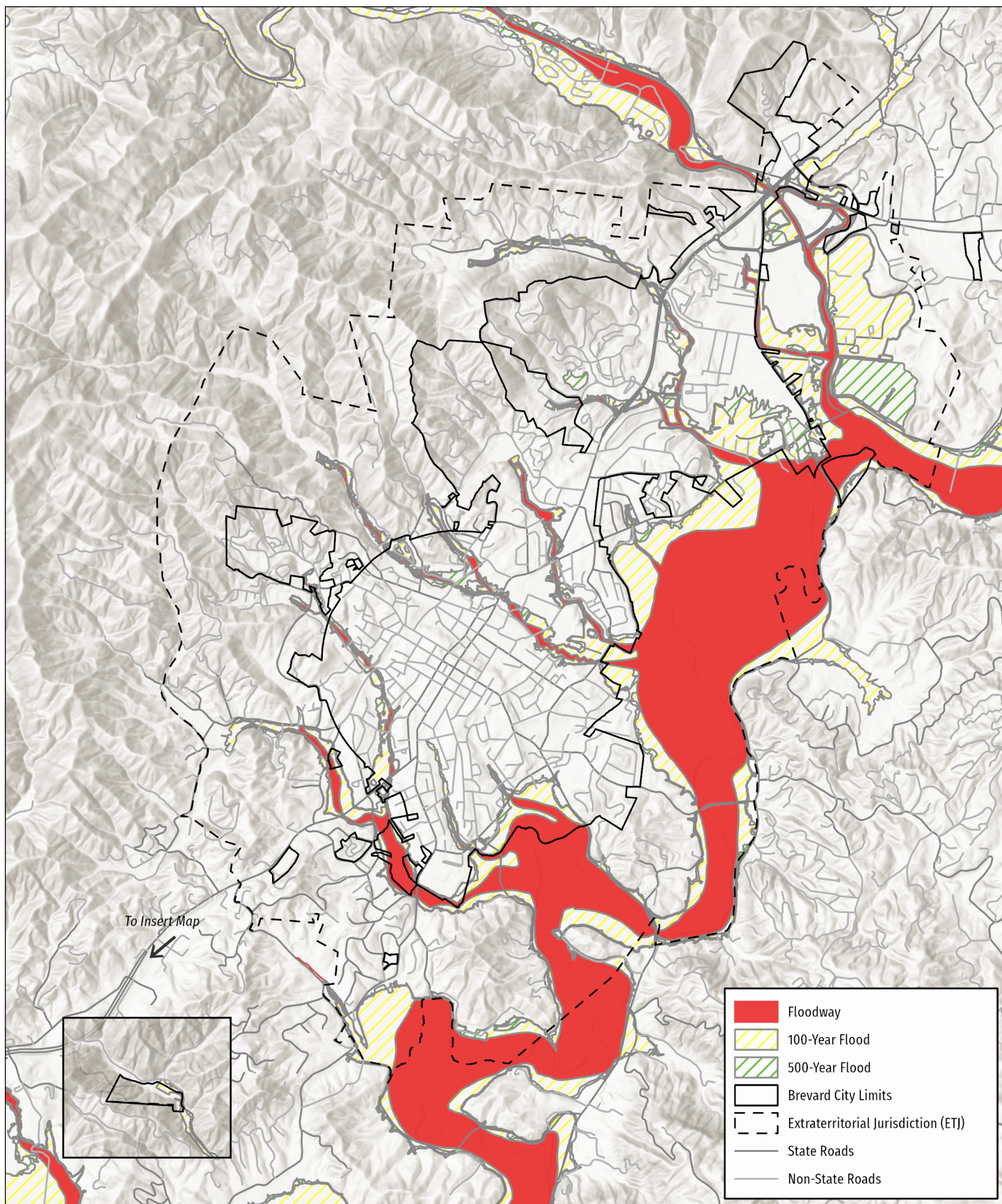
In and around Brevard, small creeks play important roles in local water supply and ecosystem function, especially in the context for high rainfall and rapid runoff. Cathey's Creek, a tributary of the French Broad, has been the focus of restoration efforts to stabilize streambanks and reduce sedimentation that can impact water quality and municipal intake structures. These surface waters also support a network of wetlands and riparian habitats that provide critical ecological services — from slowing and filtering runoff to sustaining fish and wildlife — while helping alleviate downstream impacts during heavy rainfall events, even as they face pressures from development and changing land use. Rehabilitation, stabilization, and restoration are essential for Brevard's streams because these practices directly protect sensitive riparian habitats, create accessible corridors

Surface Waters



Data Source: North Carolina Department of Environmental Quality Division of Water Resources

Flood Hazard Areas



Data Source: FEMA Flood Risk Information System

for Brevard's keystone species along restored waterways, and re-establish native plant and aquatic communities that form the foundation of Brevard's natural ecosystems.

The City and its extraterritorial jurisdiction have many flood hazard areas which is primarily associated with the city's proximity to the French Broad River and numerous local creeks that flow from the surrounding Blue Ridge Mountains. These waterways can overflow their banks during periods of heavy rainfall creating zones that are prone to inundation. The Federal Emergency Management Agency (FEMA) designates certain lands around these water bodies as Special Flood Hazard Areas, which are depicted on the community's Flood Insurance Rate Maps (FIRMs). Properties within these high-risk flood zones face a 1% or greater annual chance of flooding (often referred to as the 100-year floodplain) and are subject to strict development standards and, in many cases, higher flood insurance requirements. Even outside designated special flood hazard areas, localized flash flooding can occur due to the steep terrain and high annual precipitation typical of the region, making awareness of flood risk important for all residents.

Recent flooding events associated with Tropical Storm Fred (2021) and Tropical Storm Helene (2024) have underscored the vulnerability of Brevard and Transylvania County to extreme rainfall and flood hazards. When Fred moved through the region in August 2021, heavy, prolonged rains fell over the headwaters of several Western North Carolina rivers, including those feeding into the French Broad. Near Brevard, radar estimates showed more than ten inches of rain over several days. The saturated soils and mountainous terrain contributed to rapid runoff and elevated river levels, leading to localized flooding, washed-out roads, and damaged infrastructure across the area.

In late September 2024, Tropical Storm Helene brought an even more dramatic flooding event to Western North Carolina. Before Helene arrived, a stationary front had already saturated soils and raised stream levels, setting the stage for disaster. As Helene passed over the Blue Ridge Mountains, extraordinary rainfall totals, with measurements above 18 inches in parts



Barn on Old Hendersonville Highway during Tropical Storm Helene. Image Source: Nick Haseloff, Transylvania Times.

of Transylvania County, led to historic flooding and flash flood emergencies across the region, with life-threatening water rises and widespread inundation. The storm's impacts included flooded homes, road washouts, downed trees and power lines, and extensive community disruption. In Transylvania County, rainfall totals exceeded previous records, and river gauges in the broader region recorded crest levels well above historic marks.

Trees and Green Infrastructure

The urban environment is made up of both the built and natural elements that shape people's daily surroundings. Trees and vegetation planted throughout cities (whether in forested parks, private yards, or along public rights-of-way) collectively form the urban forest that envelops a community. This urban forest and its tree canopy provide essential cooling and environmental services in developed areas. Trees function as natural shade structures that block solar radiation, filter and absorb air pollutants, reduce heat through evapotranspiration, and capture and store carbon. Beyond these environmental benefits, access to trees and green spaces offers



Children plant trees with the City's Public Works Department at 2025 Arbor Day Celebration. Image Source: City of Brevard

significant physical and mental health benefits for people who spend time in nature.

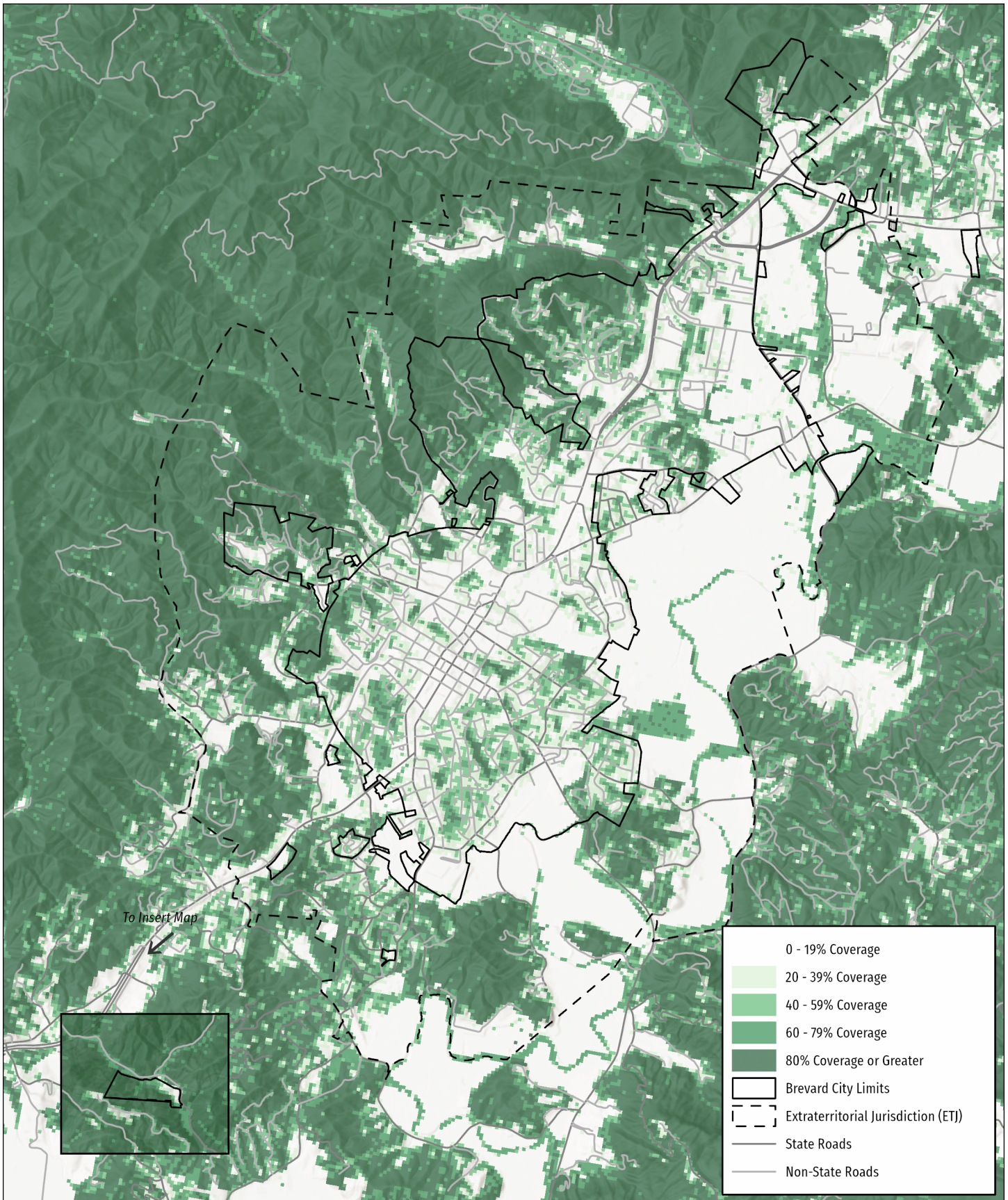
A growing body of scholarly research demonstrates a strong connection between exposure to nature and improved human health. A landmark 1984 study by Roger Ulrich and colleagues at the University of Delaware found that hospital patients recovering from surgery experienced measurably better outcomes when they had views of natural landscapes rather than built environments. Patients with views of nature had shorter hospital stays, required fewer pain medications, and received fewer

negative evaluations in clinical notes. Since that time, numerous studies have confirmed that time spent in natural environments can reduce stress, enhance cognitive function, lower blood pressure, improve respiratory and immune function, and support healthy childhood development.

Despite these well-documented benefits, urban areas often lose trees and green space as development intensifies. Expanding and maintaining green infrastructure, including the urban forest, helps restore natural processes that are essential for creating healthier, more resilient cities. However, trees are not always treated as critical urban infrastructure. Like roads, utilities, and stormwater systems, the urban forest requires deliberate planning, regulation, monitoring, and ongoing maintenance to preserve and maximize its long-term benefits for the community.

The City of Brevard has been recognized as a Tree City USA by the Arbor Day Foundation for more than 45 years. Being recognized as a Tree City USA means that a community has demonstrated a strong and ongoing commitment to responsible urban forestry management, and Brevard exemplifies this commitment through its day-to-day practices. To earn and maintain this designation, a city must meet four core standards: establish a tree board or department, adopt a public tree care ordinance, maintain a community forestry program with an annual budget of at least \$2 per capita, and celebrate Arbor Day each year. Together, these efforts show that Brevard invests meaningfully in the health, safety, and sustainability of its urban forest, strengthening neighborhood character and improving environmental resilience.

Tree Canopy Cover



Data Source: National Land Cover Database



SECTION 02

GREEN GROWTH

AUDIT

Strategy 1: Conservation of Land with Efficient Development Strategies

Land use patterns play a critical role in conservation efforts by regulating how land is developed and utilized, ensuring that areas that are important for wildlife, natural resources, and ecosystems are protected. However, many conventional development practices – such as minimum lot sizes, predominately single-family zoning districts, and excessive parking requirements – separate land uses, extend infrastructure outward, and alter natural landscapes in ways that break up habitat, reduce ecological connectivity, and induce sprawling patterns.

Sustainable development code regulations ultimately strike a balance between accommodating growth and preserving the natural assets that make communities healthy, livable, and resilient. By applying certain lower-density zoning districts in sensitive areas, local governments can limit the amount and type of

development that occurs. Conversely, increasing density and encouraging development in already established areas can limit sprawl, offer cost savings for developers, and preserve undisturbed natural land.

Strategy 1.1: Limit Development in Sensitive Areas

Conservation design is a type of development that clusters structures and site improvements together on a portion of a site while reserving the remainder of the site for open space. Smaller lots are typically used in the developed portion of the site and density transfers from constrained areas of the site are encouraged in zoning regulations. This alternative type of neighborhood design provides flexibility, particularly in areas with challenging topography. There are also cost savings in

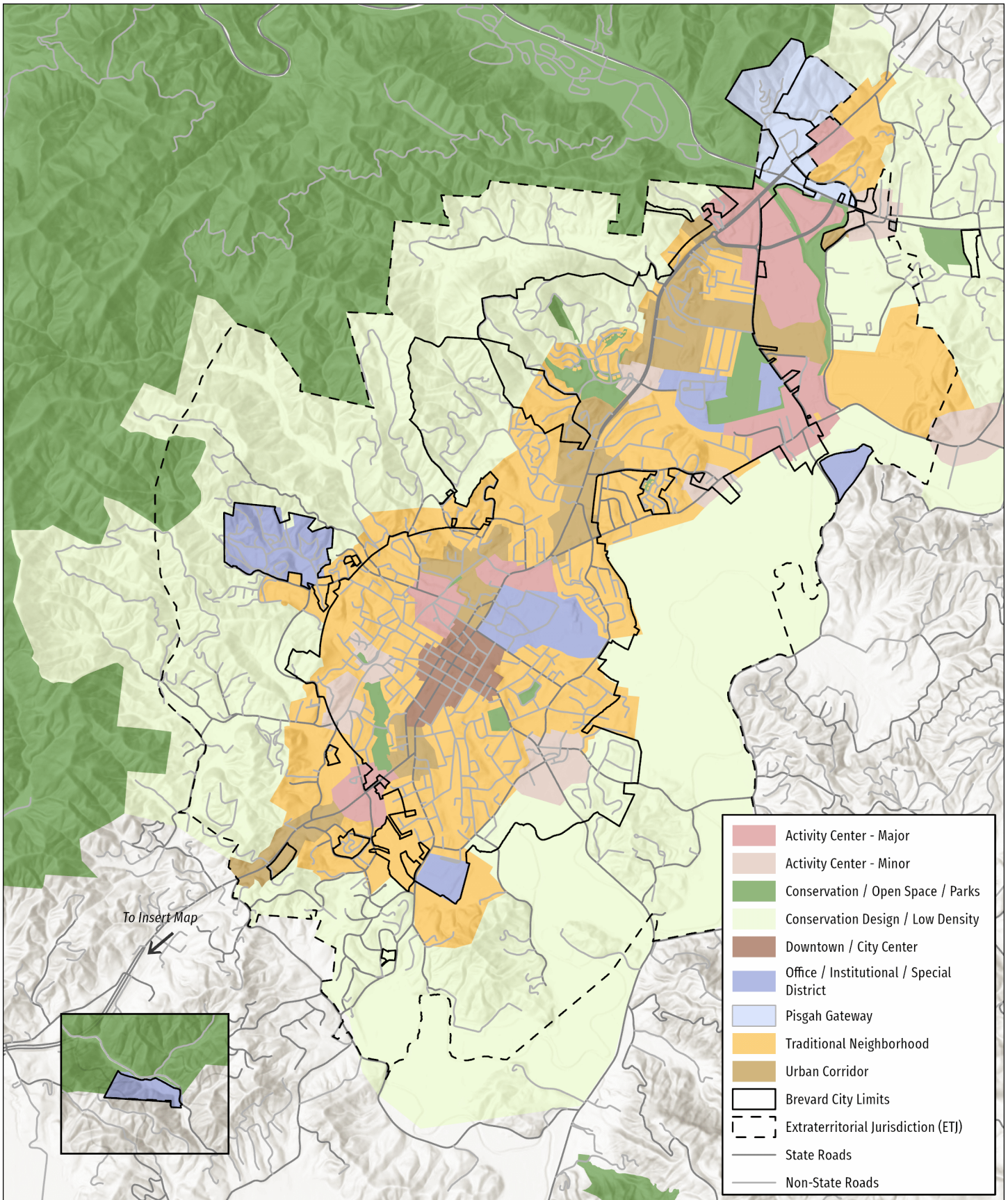
POLICY ANALYSIS DEEP DIVE: CITY OF BREVARD FUTURE LAND USE MAP

As part of the Building Brevard 2030 Comprehensive Land Use Plan, the City reviewed development patterns and identified areas for future development. The Future Land Use Map shows the intended land use pattern in Brevard. It is intended to guide development, manage growth, and inform land use decision-making. Character areas identify the anticipated development intensity and variation of land uses. The majority of the City's jurisdiction that is restricted by steep slopes or flood hazard areas were identified as "Conservation Design / Low Density." The typical uses for this character areas are single-family and low-density multi-family residential, agriculture, outdoor recreation, and lodging. Other character areas, such as the Downtown / City Center, Urban Corridor, and Activity Centers, are identified as much higher density and are typically clustered around major transportation thoroughfares, infrastructure, and/or public facilities. Many of the

recommendations encourage a growth pattern that takes advantage of existing infrastructure, redevelopment of underutilized parcels, and preservation of existing lower density areas.

- LUH-4: Identify areas across the City that are best positioned to accommodate future growth.
- LUH-5: Consider adjustments to the development approval process and other incentives that meet defined criteria in growth opportunity areas.
- LUH-9: Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.
- LUH-24: Refine zoning districts and slope regulations in constrained areas.
- LUH-25: Limit the scale and footprint of new development in Conservation Design / Low Density areas identified on the Future Land Use Map.

Future Land Use Map



Data Source: Building Brevard 2030: Comprehensive Land Use Plan, City of Brevard



Equipment before construction. Image Source: City of Brevard

development costs due to less road surface, shorter utility runs, and reduced grading and site preparation. The preserved land may be owned and managed by a homeowner's association or a land trust.

The City considered the creation of a conservation subdivision type as part of a recent amendment to the subdivision and lot requirements (Chapter 4); however, the ordinance already allows for the flexibility that is typically offered in exchange for environmental conservation – no minimum lot size, variety in types of residential development (townhomes, quadraplexes, etc.), and reduced road frontages.

“There is no minimum lot size for any newly established lots... no subdivision (exempt, minor, or major) of land shall create more lots than the underlying zoning district's residential density... Additional lots may be created above this threshold, provided they are protected from any future development, such as lots reserved for the provision of open space, shared infrastructure, or conservation of environmentally sensitive areas.” (UDO Section 4.2.2)

Instead, the amendment increased options for development options that allow for a more creative site design by allowing developments with more than one principal building by-right (“group developments”).

The Future Land Use Map identifies the areas on the outer edges of Brevard's jurisdiction, that are characterized by higher elevation areas with

steep slopes and low-lying flood hazard areas, as “Conservation Design / Low-Density.” Much of these areas are zoned General Residential-4 (GR4), a low-density, predominately residential district. This zoning district could be reframed as a “Conservation Zoning District” with the stated purpose of the district being to conserve sensitive areas and limit sprawled development. The new “Conservation Zoning District” would incorporate stricter setback requirements, restrict allowed uses, require extra environmental review, and implement other recommendations from this document.

RECOMMENDATIONS:

- A. Maintain the City's no minimum lot size and associated flexibility in calculating development density on the parent parcel, allowing the clustering of development in less sensitive areas and accommodating unique environmental conditions (UDO Section 4.2.2)
- B. Reframe the General Residential-4 (GR-4) zoning district as a “Conservation Zoning District” with the stated purpose of the zoning district being to conserve sensitive areas and limit sprawled development

CASE STUDY: CHAPEL HILL, NC RESOURCE CONSERVATION DISTRICT

Chapel Hill's Resource Conservation District (RCD) is an overlay zoning district established to protect environmentally sensitive features – specifically stream corridors, waterbodies, and associated floodplains – by placing additional development restrictions on top of the underlying zoning. The RCD is intended to preserve water quality, reduce flood risk and property damage, prevent erosion and sedimentation, and maintain wildlife habitat and vegetated corridors along perennial and intermittent streams. Within RCD, limits are placed on impervious surfaces, land disturbance, and allowable development to ensure that natural hydrology and ecological integrity are conserved; many structures and significant land disturbances simply are not permitted without special review or exemptions.

Strategy 1.2: Prioritize Infill Development in Regulations

Infill development is a crucial strategy for fostering sustainable urban growth. By focusing on underutilized or vacant land within existing city boundaries, infill development helps minimize urban sprawl and reduces the need to expand infrastructure into rural areas. This approach makes better use of existing resources, such as roads, utilities, and public transit systems, which are already in place, thus decreasing costs and environmental impact. Additionally, infill development can revitalize neighborhoods, bringing in new housing, businesses, and amenities, while preserving green spaces and promoting walkability. Ultimately, it contributes to building more resilient, vibrant cities with reduced ecological footprints.

The City of Brevard's zoning regulations lay the groundwork for denser development to occur as infill. At a foundational level, the higher density zoning districts, such as Downtown Mixed-Use and Corridor Mixed-Use, are concentrated around existing infrastructure and away from sensitive areas. Furthermore, changes to the development ordinance in recent years have focused on removing the regulatory barriers to infill development. This includes:

- Accessory dwelling units allowed by-right on residential parcels;
- Missing middle housing types, such as triplexes and quadraplexes, allowed by-right in all residential zoning districts, provided the number of dwelling units complies with the density restrictions; and
- Irregular (also known as "flag") lots allowed with reduced road frontage to facilitate better utilization of land.

In addition to the cost savings associated with utilizing existing infrastructure, the current development regulations offer some incentives for developers that pursue infill development, including:

- Residential infill development and redevelopment that results in no net increase of impervious surface area on a property are exempt from stormwater management requirements (see Strategy 2.3);

- Variations in setbacks are permitted for infill developments (average setback on already-built-upon lots fronting on the same street); and
- Reduced parking requirements in certain zoning districts (denser, mixed-use), near on-street and/or public parking options.

A common way for municipalities in other states to incentivize infill development is to offer waivers or reductions of permitting fees or impact fees. In North Carolina, municipalities are not allowed to offer fee waivers or reductions to certain types of developments. Instead, any incentives will likely need to be regulatory in nature like adding height allowances, decreasing dimensional requirements (i.e., setbacks), and establishing density bonuses.

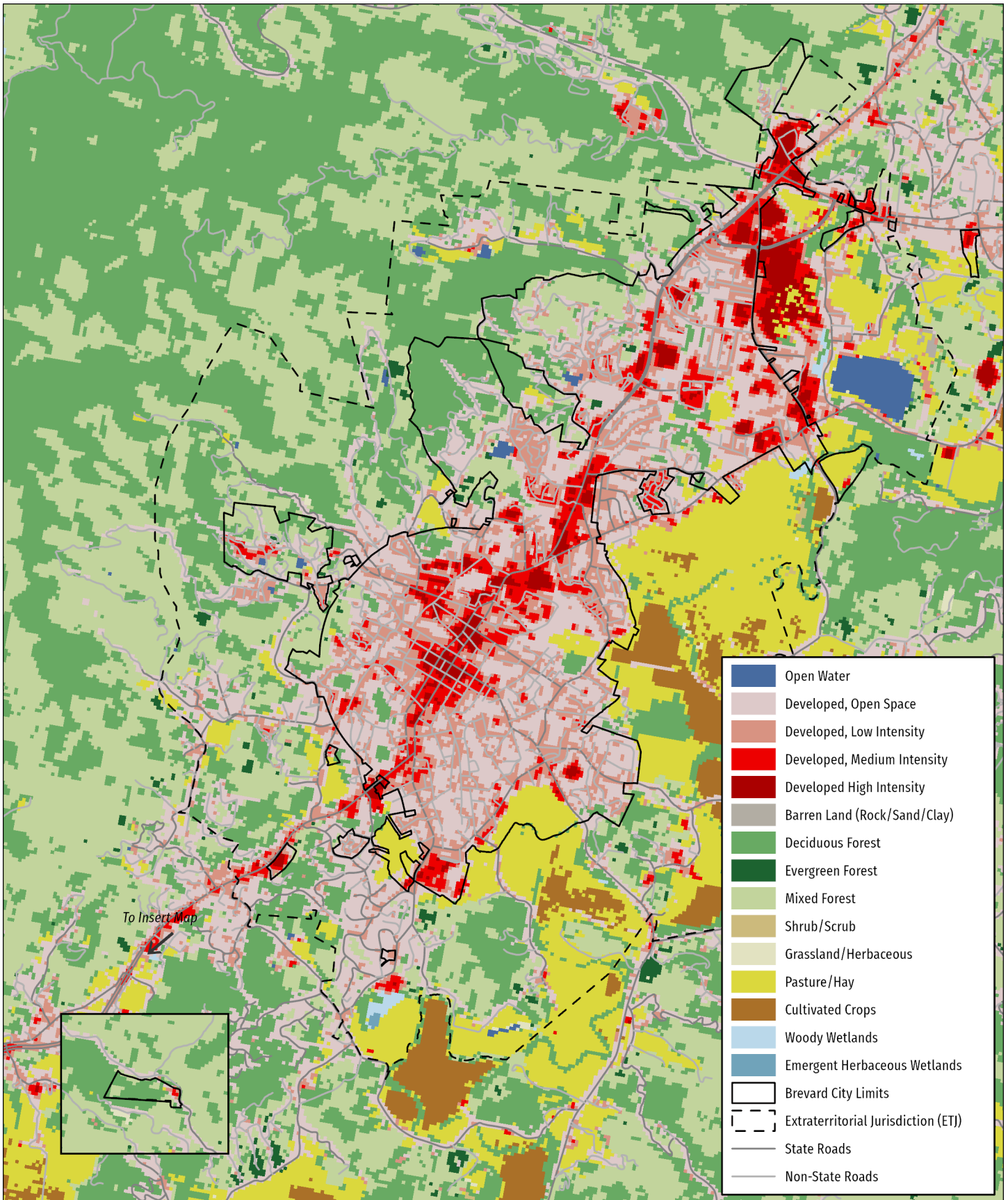
RECOMMENDATIONS:

- A. Consider additional incentives for infill development, such as adding height allowances, decreasing dimensional requirements (i.e., setbacks), and establishing density bonuses.
- B. Upzone any areas of the existing GR-4 that are suitable for development and do not require additional environmental protections (consider as part of Action 1.1(B))



Infill development near Downtown Brevard. Image Source: City of Brevard.

Land Cover



Data Sources: National Land Cover Database

Strategy 2: Mitigation of the Negative Impacts of Development

The mitigation of negative impacts of development is essential for green growth as it ensures that economic expansion does not come at the expense of environmental health. By implementing effective mitigation strategies, such as protecting green spaces and reducing pollution, we can create a growth model that supports long-term prosperity without compromising natural resources. Ultimately, it demonstrates that a thriving economy and a healthy environment are not mutually exclusive, but rather, they can be mutually reinforcing.

Strategy 2.1: Require Environmental Assessments Prior to Large-Scale Construction

Including environmental assessments early in the development review process provides significant value by informing site design before major investments are made. Early identification of natural features (such as streams, wetlands, steep slopes, flood hazard areas, tree canopy, sensitive habitats, and wildlife corridors)

POLICY ANALYSIS DEEP DIVE: SOUTH MOUNTAINS REGIONAL HAZARD MITIGATION PLAN

Initially adopted in 2014 and most recently amended in 2025, the South Mountains Regional Hazard Mitigation Plan is a multi-county effort developed by Henderson, Polk, Rutherford, and Transylvania Counties — along with their municipalities — to reduce long-term risks from natural hazards. Updated on a five-year cycle in coordination with FEMA and North Carolina Emergency Management, the plan provides a detailed assessment of regional vulnerabilities, including flooding, landslides, winter storms, severe thunderstorms, drought, extreme heat, and wildfires. It analyzes past hazard events, maps areas of high exposure, and evaluates future risk trends, such as the increasing likelihood of drought and heat events. This risk assessment forms the foundation for identifying which communities, infrastructure, and environmental resources require the greatest protection. Building on that analysis, the plan outlines a comprehensive strategy for mitigation, emphasizing prevention, property protection, resource conservation, public education, emergency preparedness, and targeted capital improvements. The plan also calls for local governments to integrate mitigation principles

into zoning, land-use planning, building codes, and green infrastructure development.

By adopting and implementing the plan, participating jurisdictions remain eligible for federal mitigation grants and position themselves to reduce disaster impacts, protect lives and property, and strengthen long-term community resilience. The City of Brevard adopted the updated plan in June 2025 and, with it, the following steps in the Mitigation Action Plan:

- Update components of existing stormwater management plan
- Seek grant funding for mitigation opportunities eligible under the UHMA Guidance and Public Assistance 406 mitigation Guidance at the time of the application
- Provide new home and property buyers with information on quality redevelopment, safe housing development, and FireWise Communities
- Publish the Multi-Jurisdictional Hazard Mitigation Plan for Transylvania County and promote relevant mitigation measures that the public can take.

POLICY ANALYSIS DEEP DIVE: FRENCH BROAD MPO & LAND OF SKY RPO REPORT ON POTENTIAL WILDLIFE CROSSINGS

In 2023, the French Broad Metropolitan Planning Organization (MPO) and the Land of Sky Rural Planning Organization (RPO) conducted a study of potential wildlife crossings across Madison, Buncombe, Henderson, Transylvania and Haywood Counties. The report identifies and maps 67 potential wildlife crossing locations to improve habitat connectivity and reduce wildlife–vehicle collisions. The study evaluated animal crash data, traffic volumes, transportation plans, and priority wildlife corridors to recommend specific crossing types—like underpasses, overpasses, deflection fencing, and signage—to fit landscape conditions and key species needs. It outlines top priority crossing recommendations (e.g., overpasses and larger culverts on Interstate 40) and

additional county-level suggestions, with information on existing conditions, alternative scenarios, and target species at each site. The goal is to integrate wildlife considerations early into transportation planning and investment processes so that transportation projects better support ecological connectivity and safety outcomes.

The study identified 10 locations for Transylvania County; however, none of them were within Brevard’s jurisdiction. Regardless, the report identifies various types of wildlife crossings and provides alternatives based on the type of road. This report provides important guidance in how crossings in Western North Carolina can be designed to protect wildlife and allow for safe passage across thoroughfares.

allows development to be shaped around environmental constraints rather than forcing costly mitigation later. Proactive environmental review reduces project delays, minimizes redesign, and improves environmental outcomes. From a community perspective, early assessments help to align private development decisions with broader public goals for resilience, sustainability, and quality of life.

Section 17.3 of the City’s UDO grants the administrator the ability to require an environmental survey as part of the overall development plan submission.

“This requirement provides the city and the applicant the ability to evaluate the proposed development in order to preserve vegetation, to improve the appearance of the development proposed and to encourage the use of the existing forest and tree canopy, specimen trees, and significant vegetation to satisfy the requirements of this chapter” (UDO Section 17.3)

This survey must identify existing natural features such as trees and understory vegetation, known endangered species, sensitive habitats, wetlands, perennial streams,

and other critical environmental resources on a site, along with existing topography and finish grading, typically shown with detailed contours. The purpose of this requirement is to ensure that the developers and planning staff understand the ecological and physical context of a property before design and construction decisions are finalized, helping to minimize impacts to sensitive areas and guide more informed site layout and mitigation decisions.



Development in Brevard. Image Source: City of Brevard.



Native eastern box turtle. Image Source: City of Brevard.

While early awareness of environmental sensitivities is valuable, the ordinance does not ensure that information is used to improve environmental outcomes. The effectiveness of these assessments in driving meaningful environmental outcomes is limited without performance-based standards or benchmarks (e.g., required percentages of canopy retained, maximum amount of land disturbance, protection of high-value habitat, or wildlife crossing interventions) tied to the survey results.

Environmental surveys can vary widely in quality and scope depending on who conducts them and the required level of detail. Detailed environmental surveys can be costly, which may pose barriers for small-scale developments. Clear criteria and scalable requirements based on project size or type will ensure the broadest application without overly onerous requirements.

In short, Section 17.3’s environmental survey requirement is a valuable procedural tool that promotes early identification of natural

features in development review and supports environmentally informed decisions, but its effectiveness depends on how the data is applied, the presence of clear performance expectations, and consistent administrative review and enforcement.

RECOMMENDATIONS:

- A. Maintain procedures for a sketch plan review and environmental assessments for commercial development projects and major subdivisions prior to the development of detailed, expensive design plans
- B. Introduce scalable submittal requirements based on project size and scope (e.g., small projects required to inventory large trees and identify streams, while large projects require a full assessment of habitats, etc.)
- C. Prepare guidance for environmental assessments that outlines the information needed to fulfill this requirement and additional sources
- D. Establish performance-based standards (e.g., required percentages of canopy retained, wildlife crossing interventions or specific outcomes for habitat protection) tied to the survey results

Strategy 2.2: Control Sedimentation and Erosion from Development

In North Carolina, the Sedimentation Pollution Control Act (SPCA) is the governing law that regulates and aims to prevent pollution from sedimentation, primarily through regulations on land-disturbing activities. The responsibilities of enforcing the regulations falls to NC Department of Environmental Quality (NCDEQ) under the Land Quality Section (LQS) and overseen by the Sedimentation Control Commission (SCC). The SCC may delegate this authority to individual cities and counties that adopt a local erosion and sediment control ordinance in compliance with North Carolina state requirements. Some large Western North Carolina jurisdictions, such as the City of Asheville, Buncombe County, and Henderson County, have chosen this alternative.

In accordance with the SPCA, the City of Brevard requires that all land-disturbing activities proposing to disturb more than one acre submit

Landslide on Becky Mountain Road outside of Brevard following Tropical Storm Helene. Image Source: City of Brevard



a sedimentation and erosion control plan to NCDEQ for review. No permit shall be issued for any project that cannot provide a final copy of this plan as approved by NCDEQ. The City of Brevard does not have the Staff capacity or expertise to adequately administer a local erosion and sediment control ordinance without NCDEQ assistance. The procedure of working with NCDEQ ensures that all development is in full compliance with these vital regulations, protecting our natural resources and ensuring safe development.

To improve efficiency and streamline procedures, amendments should be made to Section 6.5 of the City's UDO to more closely align with state requirements. For example, state law requires that any slope generated or disturbed may not be so steep that it is impossible to prevent erosion by providing natural groundcover or other adequate erosion-control devices and that these measures must be in place within 21 calendar day after completion of any phase of grading. Section 6.5 states that slopes shall be stabilized at all times and shall have a grade of no greater than 40%. The exposed slopes shall be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion within 30 calendar days. These discrepancies create

challenges in review and administration of regulations.

For all land-disturbing activities, regardless of size, the City requires sedimentation and erosion control precautions be taken. This includes installing erosion control measures and stabilizing slopes. However, the City's development review procedure does not include an assessment of these measures and precautions during the review process.

RECOMMENDATIONS:

- A. Maintain the City's existing procedure to delegate the sedimentation and erosion control elements to NCDEQ
- B. Grant the administrator the authority to require an NCDEQ-approved erosion and sedimentation control plan for projects disturbing less than one acre but are within sensitive areas (e.g., development subject to steep slope requirements)
- C. Bolster procedures for the review of sedimentation and erosion control measures for smaller projects (e.g., formal review of the control measures during the preliminary inspection process)
- D. Update UDO Section 6.5 to more closely match the language in state law

Strategy 2.3: Improve Stormwater Management

Effective stormwater management is essential for mitigating the environmental impacts of development. As land is cleared and replaced with roads, rooftops, and other impervious surfaces, the natural ability of soil and vegetation to absorb rainfall is lost. This leads to increased runoff volumes and higher flow speeds, which can quickly overwhelm drainage systems, damage properties, cause infrastructure failures, erode streambanks, deteriorate water quality, and reduce groundwater storage. Without proper stormwater controls, debris, sediment, trash, and other pollutants are washed into neighboring properties and nearby waterways. By requiring thoughtful stormwater design, communities can reduce peak flows, slow down runoff, and preserve more natural hydrologic functions even as development expands.



Permeable pavers in Clemson Plaza in Downtown Brevard. Image Source: City of Brevard.

Brevard's stormwater infrastructure is aging, and the terrain often makes it challenging for curbing and gutters to be installed, especially for infill projects. The City is undergoing a comprehensive inventory of the stormwater infrastructure inventory project that seeks to identify vulnerable areas and preventative measures to address them. A recently adopted annual stormwater fee based on the impervious surface coverage of existing developments will help facilitate drainage system maintenance, but new developments are required to comply with stormwater management standards.

Section 6.6 establishes the City's stormwater requirements to protect life and property from flooding, improve water quality by filtering pollutants, and limit additional impervious surface. Currently, the standards apply to new large non-residential or mixed-use projects, residential developments with 8 or more dwelling units, and any project where stormwater controls are required by a review board. Smaller residential projects, bona fide agriculture, redevelopment with no increase in impervious area, small accessory structures, and development in the Heart of Brevard Municipal Services District (MSD) are exempt. These exemptions should be granted sparingly and strategically. Amendments are likely necessary to ensure environmental outcomes are achieved and certain types of development are incentivized.

A recommended revision is to restructure the applicability standards so that stormwater requirements are triggered by the amount of built-upon area or new impervious surface created, rather than by the number of residential dwelling units. An area-based approach is a more equitable and effective regulatory tool because stormwater impacts are directly related to the extent of disturbed soil and impervious coverage – not the number of units constructed. For example, a single large home with extensive driveway and patio coverage may generate significantly more runoff than a multifamily structure on a smaller footprint. A disturbance-based trigger better aligns with regulatory oversight with actual hydrologic impact, ensures proportional mitigation, and closes gaps where smaller-scale projects cumulatively contribute to runoff and

water quality degradation. It also creates a clearer, more objective standards that are easier to administer and defend.

In addition, development in environmentally sensitive areas — such as sites with steep slopes, proximity to surface waters, or flood hazard areas — could be required to manage stormwater regardless of project size. Steep slopes in particular increase runoff velocity, erosion potential, and downstream sedimentation, compounding flood and water quality impacts. Requiring stormwater controls in these areas ensures that risk is addressed at its source and reflects Brevard’s mountainous topography and associated landslide susceptibility. A sensitive-area trigger would provide an added layer of protection where the consequences of unmanaged runoff are greatest.

With respect to the Heart of Brevard MSD, all development in this area is currently exempt because it is not feasible for individual properties to install on-site stormwater infrastructure. Instead, the City has invested millions of dollars in centralized stormwater improvements (e.g., the Times Arcade Alley stormwater management project and Main Street streetscape improvement project). Rather than maintaining a blanket exemption, the UDO could be revised to require developments in the MSD that exceed the disturbance threshold to pay the necessary stormwater fee-in-lieu. This approach would maintain flexibility where



Alternative curbing that directs runoff water to a bioretention landscape. Image Source: Center for Neighborhood Technology

on-site stormwater management controls are impractical while ensuring that redevelopment contributes proportionately to the City’s capital improvements. The fee-in-lieu would support continued investment in area-wide infrastructure, align cost responsibility with impact, and strengthen the long-term financial sustainability of the City’s stormwater program.

The current ordinance requires affected projects to manage stormwater using best practices that mimic natural hydrology and prioritize low-impact development (LID). Instead of channeling all rainwater into pipes, LID encourages infiltration, filtration, and evaporation through practices like bioretention cells, permeable pavers, and green roofs, which manage stormwater close to its source. The ordinance does not define, or even provide examples, for what does or does not qualify.

Furthermore, structural methods for stormwater management are to be used “only when it is absolutely necessary.” Additional guidelines for what constitutes “necessary” and which methods are allowable would remove the subjectivity and ambiguity for these regulations.

Given Brevard’s high frequency and volume of rain events, LID practices are likely most effective when used in conjunction with engineered stormwater management systems that are designed to meet defined treatment, storage, or peak flow reduction criteria. The ordinance can allow for specific LID techniques that have measurable stormwater performance

KEY TERMS

Gray infrastructure uses conventional, human-engineered systems to move and manage stormwater. Examples include gutters, drains, pipes, culverts, retention basins, and stormwater ponds designed to contain large values of water.

Green infrastructure or **Low-Impact Development** mimics natural processes by using vegetation and soil to manage stormwater where it falls. Examples include rain gardens, green roofs, permeable pavements, bioswales, rainwater cisterns, and stormwater ponds that feature natural vegetation and soil.

CASE STUDY: HUNTERSVILLE HYBRID LID APPROACH

The Town of Huntersville's stormwater regulations and Water Quality Design Manual implement what the town calls a hybrid Low Impact Development (LID) approach — a framework that blends natural site planning techniques with engineered stormwater controls to protect water quality and replicate pre-development hydrology. At its core, the hybrid approach shifts the focus from traditional detention to managing stormwater where it falls through a combination of decentralized LID practices and conventional best management practices when necessary. This means designers must integrate stormwater solutions early in the site planning process rather than as an afterthought.

Under the ordinance, development and redevelopment projects must meet specific performance targets established in the Water Quality Design Manual. Key requirements include treating the first inch of rainfall, achieving an average annual 85 % total suspended solids (TSS) reduction, and controlling post-development peak discharge rates. The standards require the use of approved LID stormwater control measures or a combination of approved LID and conventional stormwater control measures. If a combination is used, then at a minimum the first 50% of the runoff from the one-inch storm event must be treated using LID measures. The remaining 50% shall be treated using conventional measures that are capability of achieving the required pollutant removal efficiency. The Manual supports

the requirements with technical criteria and design guidance for a range of approved practices (e.g., infiltration systems, bioretention cells, permeable pavements) and points to the specifications of the NCDEQ Stormwater Design Manual. It also includes guidance for non-structural site planning measures — preserving natural drainage, minimizing impervious surfaces, and maintaining pre-development soil and vegetation conditions — that can maintain the pre-development runoff characteristics and minimize the need for structural stormwater control measures.

Furthermore, a “buy-down LID mitigation” option is available for certain developments that wish to only use conventional stormwater control measures. The cost is estimated based on the cost for construction, maintenance, and administration of the most costly LID measure (a bioretention system) over its anticipated 20-year life space that meets the requirements set forth in the ordinance based on land use type. Projects in the Town Center zoning district are allowed to forego the stormwater requirements, provided the mitigation requirements are fulfilled.

By embedding detailed criteria into both the ordinance and the Manual, Huntersville's hybrid LID approach provides a comprehensive, performance-based framework that guides designers and developers toward sustainable stormwater solutions tailored to local conditions.

standards. The NCDEQ Stormwater Design Manual provides detailed design standards and volume estimates for engineered bioretention cells, infiltration systems, permeable pavement, and sand filters. These stormwater control measures could be required in addition to conventional methods for high-volume projects or projects in environmentally sensitive areas. In areas where traditional stormwater facilities are determined to be impractical due to site constraints, such as within the Heart of Brevard MSD or in dense urban redevelopment contexts, LID measures may also be required as part

of a broader compliance approach. In such cases, these practices could be implemented alongside a stormwater fee-in-lieu program to ensure that overall watershed-level stormwater management objectives are still achieved. This approach maintains flexibility while preserving accountability for measurable stormwater outcomes.

Beyond management, the ordinance should encourage stormwater volume reduction prior to detention measures. This approach addresses runoff at the source rather than simply slowing

it downstream. Ordinances can facilitate this by requiring the developer to demonstrate how volume reduction has been maximized with site design, limiting the amount of impervious surface coverage, and encouraging pervious materials whenever possible. The UDO does allow for the use of porous or semi-porous paving materials in parking areas, but the rest of the ordinance (including the street design, driveways, and stormwater management requirements) are silent on this topic. Though developers are allowed to utilize these materials, it should be explicitly stated and encouraged throughout the ordinance.

RECOMMENDATIONS:

- A. Review and revise the City's stormwater management requirements to align with modern best practices
- B. Add definitions and illustrations of low-impact development techniques (such as green roofs, vegetated swales, rain gardens, bioretention landscapes and cisterns) to ensure it is clear that they are allowed and encouraged (see also Strategy 4.3)
- C. Refine the types of development activities that are required to comply with the stormwater management provisions, including instituting an impervious surface

or built-upon area threshold and all development in sensitive areas (likely as part of a conservation zoning district - see Strategy 1.1)

- D. Consider amendments to the types of development activities that are exempt from stormwater management provisions.
- E. Establish incentives for small developments that are exempt from stormwater management requirements to implement low-impact development techniques
- F. Allow for and encourage the use of porous and semi-porous materials throughout the ordinance (e.g., street design, driveway materials, roof design standards)
- G. Provide guidance and incentives for developers to use LID and site design to supplement stormwater management requirements by reducing stormwater runoff close to the source, requiring less structured treatment
- H. Amend the infrastructure and street design standards to utilize existing curb and gutter systems where available, and establish alternative street designs that reduce stormwater channelization
- I. Consider allowing variation to certain architectural standards for green infrastructure and LID techniques (e.g., alternative roof pitches to allow for green roofs or rain cisterns)



American Sycamore Tree. Image Source: City of Brevard.

Strategy 2.4: Preserve and Expand Tree Canopy and Conservation Landscaping

Tree protection and landscaping requirements are essential elements of a development ordinance because they support the ecological and aesthetic goals of the community. Mature trees and thoughtfully designed landscaping provide shade, reduce urban heat, filter air pollutants, and manage stormwater. Preserving trees during development maintains wildlife habitat, supports biodiversity, and strengthens the community's overall green infrastructure. Landscaping requirements further ensure that new developments contribute to visual quality, neighborhood character, and a sense of place, enhancing both property values and community livability.

Best practices in tree protection include requiring pre-development tree surveys, establishing minimum preservation thresholds, and safeguarding significant trees through protective fencing and careful grading around critical root zones (see also Strategy 2.1). Ordinances, including Brevard's, often give additional protection to certain species, specimen trees, or large-caliper trees, and limit removal to situations where trees pose safety hazards or conflict with essential infrastructure. Developers should provide replacement plantings or mitigation with native species when trees are removed. Integrating tree protection with grading, stormwater management, and erosion control plans ensures the long-term survival of both preserved and newly planted trees. Additional best practices include requiring performance bonds or warranties to guarantee tree survival after construction and limiting tree removal to defined building envelopes, driveways, and utility routes. Ordinances

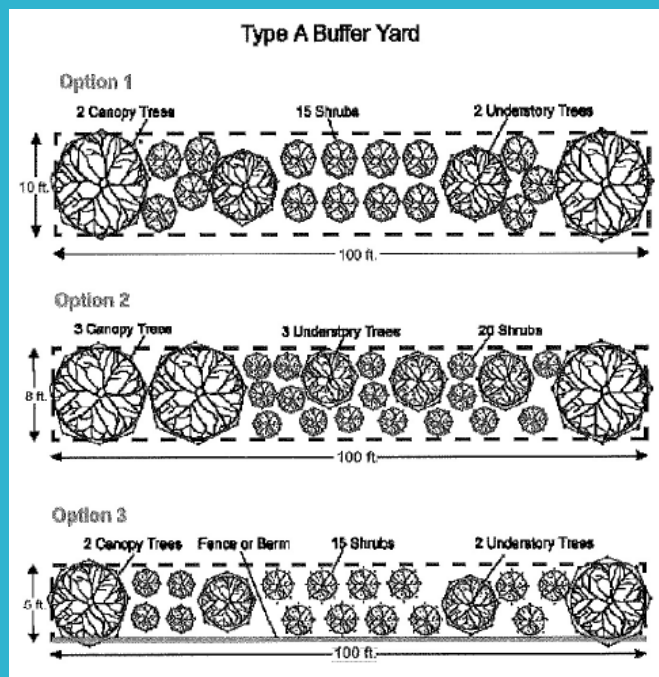
can further strengthen sustainability by incorporating tree canopy coverage targets, soil volume standards, and long-term maintenance requirements to ensure trees reach maturity.

Relatedly, the regulations need to establish clear, measurable, and consistently applied standards for when tree removal is appropriate. Objective thresholds—such as documented health or hazard assessments, canopy coverage metrics, or preservation percentages—would reduce subjectivity in determining whether removal is necessary or based primarily on aesthetic preference. Clear standards can better balance private property rights with environmental protection by distinguishing between reasonable site development needs and avoidable tree loss. Transparent decision-making criteria, written findings, and documented review procedures would ensure that permit decisions are defensible, predictable, and equitable for applicants, while

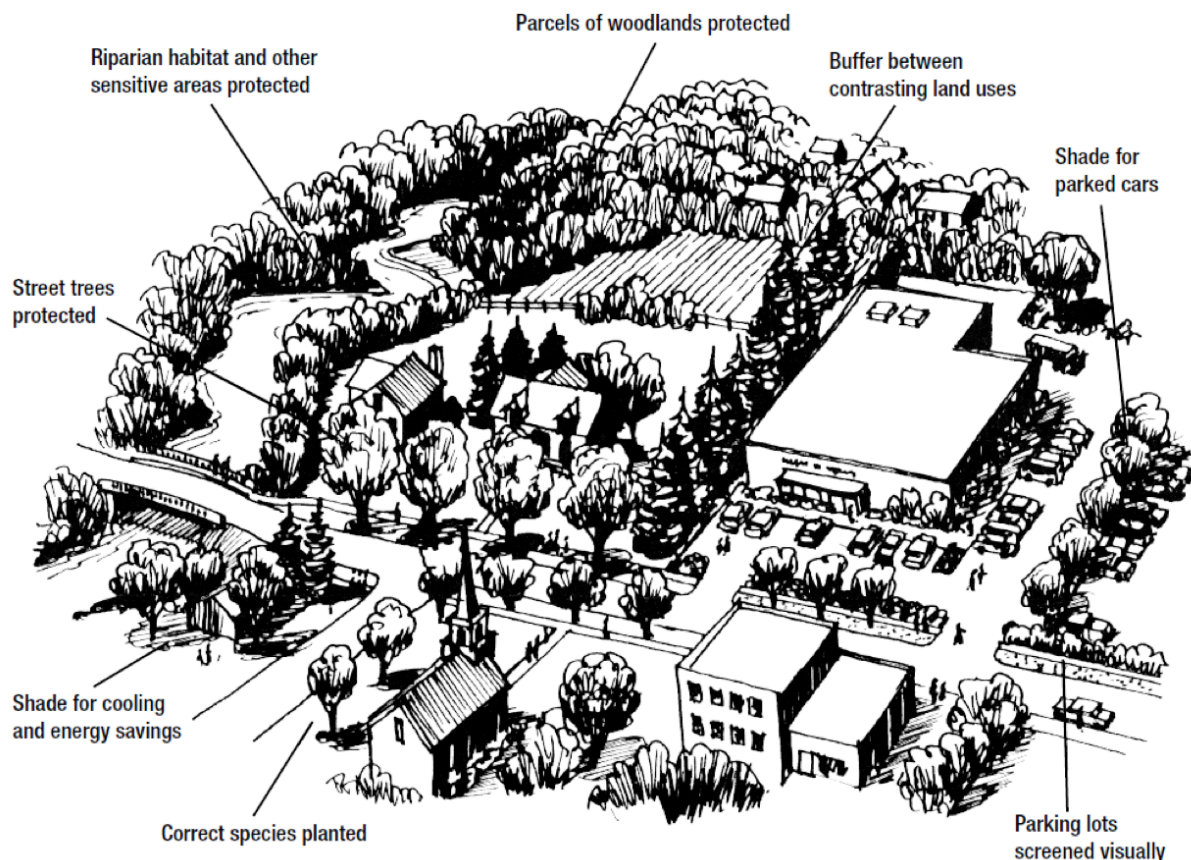
CASE STUDY: MOUNT HOLLY LANDSCAPING AND BUFFER YARDS

Mount Holly's Chapter 10 – Landscaping and Tree Protection – incorporates many best practices in conservation landscaping. The ordinance provides clear definitions for key terminology and adopts lists of species by reference to the NC Forest Service's Piedmont region resources. The required landscaping buffers have options for developers to select, ranging from a large buffer with less vegetation to a small buffer with denser vegetation and/or a fence or berm. These requirements are applied on a per 100 linear feet basis to ensure the desired density and variety is achieved. The ordinance also requires that 50% or more of the new trees be native species, and sites with more than required 20 trees must install multiple species to achieve biodiversity goals. Finally, all new plant material must meet the standards set forth in the American National Standards Institute (ANSI) A300 and must be warranted for one year from the time of installation. While the details of Mount Holly's tree and landscaping requirements have not been significantly updated since its adoption in 1996, the structure of the chapter exemplifies how regulations can allow for

flexibility of design, provide clear guidance for implementation, and promote long-term viability.



Example variation in buffer yard composition and width.
Image Source: Mount Holly Unified Development Ordinance



Elements of a tree protection ordinance. Image Source: Arbor Day Foundation.

also reinforcing the City's environmental goals.

For landscaping, effective ordinances define minimum landscape area ratios, require native and drought-tolerant species, and establish screening or buffer standards for sensitive edges, such as parking lots, roads, or industrial areas. Policies can also promote species diversity, and encourage connectivity between green spaces to enhance ecological and recreational benefits. Professional design review by a landscape architect or certified arborist helps ensure plantings are viable, functional, and complementary to the natural and built environment.

Chapter 8 of Brevard's UDO provides a solid foundation for supporting greener, more sustainable development through tree protection and landscaping. However, compared to best practices, it functions more like a traditional landscaping ordinance than a comprehensive green growth tool. The chapter could be improved by incorporating canopy-based metrics and performance standards, differentiating between ornamental and ecological/conservation landscaping, and

providing flexibility to support innovative designs. Because neither the City of Brevard nor Transylvania County currently has an arborist or forester on staff, the need for clear, objective standards and defined review procedures is particularly important to ensure consistent application, reduce administrative burden, and achieve long-term environmental sustainability.

RECOMMENDATIONS:

- A. Clarify eligibility criteria, standards, and submittal requirements for landscaping and tree protection plans
- B. Differentiate between ornamental landscaping and ecological / conservation landscaping to ensure standards are applied appropriately in certain areas and to allow for flexibility when achieving other green development goals
- C. Integrate stormwater and performance standards to link vegetation with environmental outcomes
- D. Incorporate canopy-based metrics based on zoning district and/or land use to strengthen tree protection as a green growth tool
- E. Revise screening and buffer standards to

mitigate the impact of high-intensity areas (e.g., parking lots, roads, industrial uses) but prioritizing environmental function (see also Strategy 4.3)

- F. Require all landscaping plans be sealed by a qualified design professional
- G. Include guidance for long-term maintenance and monitoring of trees and landscaping
- H. Require bonds for certain types of developments (e.g., major subdivisions, development in the conservation zoning district) to guarantee the protected trees will remain after construction is completed and the guaranteed survival of new trees within a given period
- I. Limit removal of trees to a defined building envelope, driveways and utility routes in conservation zoning district
- J. Grant administrators the ability to require staked markings of preservation areas and/or limits to the area of disturbance on sites
- K. Refine the tree removal permit provisions to establish clear, measurable and consistently applied standards



In the spring of 2024, the City of Brevard - along with volunteers from Conserving Carolina and help from the American Chestnut Foundation - planted over 100 chestnut trees in Bracken Preserve as part of a native ecosystem restoration project. The chestnut trees will help protect genetic diversity and preserve this species into the future. Image Source: City of Brevard.

Strategy 2.5: Manage Urban Heat

The urban heat island (UHI) effect occurs when developed areas become significantly warmer than nearby rural or natural landscapes. This temperature difference is primarily caused by large expanses of dark, impervious surfaces (i.e., pavement, rooftops, and parking lots) that have a high capacity for storing heat during the day, increasing surface temperatures. After the sun goes down, the heat is released, increasing surface temperatures at night. Reduced tree canopy, loss of natural vegetation, and heat from vehicles and buildings further intensify the problem. As a result, UHIs contribute to higher energy consumption, poorer air quality, and increased heat-related illnesses. The effect also exacerbates stormwater runoff and degrades environmental quality by altering local microclimates.

Local governments can use development regulations to manage urban heat by focusing on reducing heat absorption and increasing shade across both public and private sites. Ordinances can require or strongly incentivize tree canopy preservation and expansion. Requirements for shade in pedestrian areas

(sidewalks, plazas, parking lots, etc.) are especially effective, whether provided by trees, shade structures, or building overhangs. In addition, development codes can limit large expanses of dark, heat-absorbing materials by setting maximum percentages for impervious surfaces, encouraging pervious pavements, and requiring high-albedo or “cool” roofing and paving materials that reflect rather than absorb solar radiation. Ordinances should coordinate urban heat mitigation with stormwater, open space, and environmental protection provisions by prioritizing green infrastructure such as bioswales, rain gardens, and connected open spaces that provide both cooling and water management benefits.

The City of Brevard’s ordinance includes some of these best practices but can make changes to improve their effectiveness in reducing urban

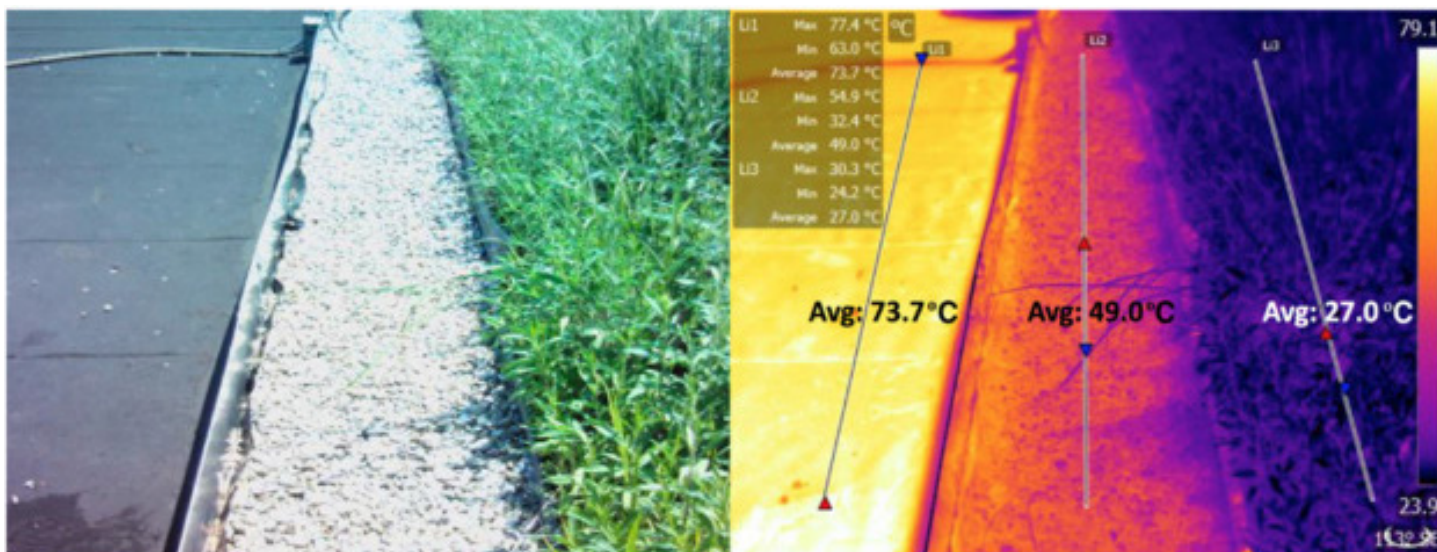
heat. Section 5.6.8 has some requirements for very large buildings (100,000 square feet in gross floor area or greater) to utilize “cool roofs” or “green roofs,” but this should be applied to and/or incentivized for smaller buildings or certain roof types. Other successes include the provision of street trees and canopy coverage for parking areas – both of which provide vital shade for vehicular and pedestrian areas. The parking area landscaping (Section 8.7) goes further by establishing performance standards for the plantings. Additionally, the parking standards were recently amended to establish a maximum number of parking spaces in dense areas, allowing for shared parking agreements, and establishing more compact design standards, among other things. These improvements strive to allow for more efficient usage of land and limit expansive paved areas.

By integrating additional UHI mitigation into development projects and continuing to limit

impervious surfaces, Brevard can create more resilient, livable environments that protect public health and reduce the long-term impacts of rising urban temperatures.

RECOMMENDATIONS:

- A. Update urban heat island code language to reflect modern terminology and best practices
- B. Amend the applicability of the heat island effect mitigation requirements to include smaller buildings and/or any flat roof building types
- C. Set performance measures for tree canopy coverage of sidewalks and other pedestrian areas (similar to the existing parking area canopy coverage requirements in Section 8.7)
- D. Allow for and incentivize cool pavements (light-colored pavements, permeable paving, or reflective coatings) for interior sidewalks and plazas



Standard (left) and Infra-red (right) photographs of an NYC rooftop comprising black, white and green surfaces. Image source: Stuart Gaffin, Columbia University

Strategy 3: Preservation of Sensitive Areas

Preserving sensitive areas within development regulations is essential for protecting the ecological systems that sustain clean water, healthy soils, and biodiversity. Wetlands, floodplains, steep slopes, riparian buffers, and habitat corridors perform vital natural functions that built infrastructure cannot easily replicate. When these areas are disturbed or fragmented, communities face increased flooding, erosion, water quality degradation, and the loss of native species. These consequences often require costly engineered solutions that typically fail to fully restore the ecological services these natural areas. By identifying and safeguarding sensitive natural features, local governments can maintain the ecological integrity of their landscapes while reducing long-term public costs associated with stormwater management and environmental remediation.

Strategy 3.1: Protect Steep Slopes

Protecting steep slopes is crucial for maintaining environmental stability and preventing erosion, landslides, and habitat destruction. Steep slopes are particularly vulnerable to soil degradation because the natural vegetation that helps anchor the soil can be disturbed by construction or development activities. Development regulations around steep slopes generally strive to be related to safety and aesthetics that provide economic value and promote quality of life.

Over the course of many years, the City of Brevard contemplated changes to the steep slope development regulations, especially as land becomes scarce and construction costs become more expensive. In 2023, City Council adopted amendments to the UDO that



Buildings in Brevard Music Center along the Brushy Creek swimming pond. Image Source: Brevard Music Center.



Development on sloped terrain in Brevard. Image Source: Pilot Cove.

overhauled the steep slope regulations. The purpose of these amendments was to:

- Protect the natural land conditions and respecting existing topography
- Prevent inappropriate and/or unsafe development
- Preserve the aesthetic and scenic qualities
- Ensure development doesn't lead to extensive grading and disturbance while still allowing reasonable use of a property owner's land
- Ensure consistent and fair application that is easier to administer

Staff conducted a thorough review of the slope regulations throughout Western North Carolina and in other mountainous areas of the country. Many other jurisdictions use an elevation trigger in order to protect slopes that are most sensitive. The City's new regulations amend the applicability of steep slope regulations to pertain to only properties located at or above 2,250 feet in elevation. By applying this elevation condition in Brevard, the parcels with significant slope, more sensitive habitats and more scenic viewsheds have higher protections and regulations and allowing more activity in lower-lying areas that are more equipped for denser, infill development.

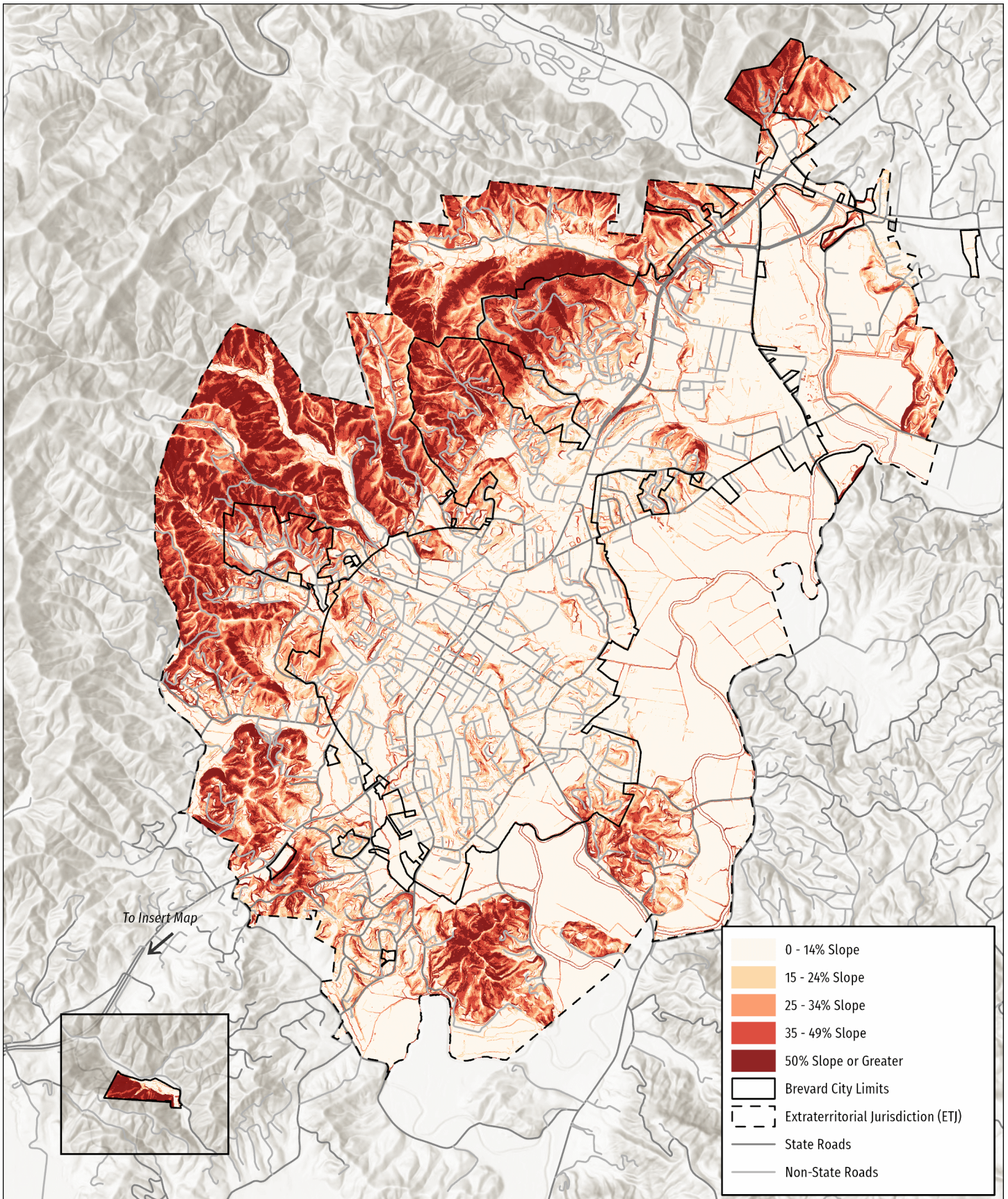
Furthermore, all of the jurisdictions reviewed vary regulations at different slope percentages. However, Brevard's ordinance at the time did not impose regulations, but rather granted

the administrator the authority to impose conditions on development that is moderately steep and outright prohibits any development on slopes greater than 25% on average. Very few other jurisdictions strictly prohibit development because it precludes property owners from reasonable use of their land, which is necessitated by North Carolina law. Instead, jurisdictions typically impose regulations that increase in severity as the slope increases, with most of these requirements becoming stricter at 35% or greater. This tiered model was used in the new regulations, with additional restrictions on the height, bulk, density, and amount of site work that can be done. The new regulations also incentivize properties to put permanent protections on the steepest and most sensitive areas through a conservation easement, restrictive covenants, public dedication, or otherwise permanently protected in a natural state with prohibition on vegetation removal and land disturbing activities. In exchange for doing so, property owners are able to recalculate the slope for the parcel without that area and follow the regulations are the lower percentage.

Lastly, the previous regulations did not require any kind of engineering or technical specifications to ensure that the development is safe and does not contribute to further erosion and sedimentation. Many other municipalities require geotechnical engineering be completed prior to issuance of a permit. Requiring geotechnical assessments for development on steep or unstable slopes can further ensure that site design accounts for underlying soil and slope conditions. The ordinance now requires geotechnical analysis prepared by a registered, professional engineer to determine the stability of the underlying geology and soils to support the proposed project. The zoning administrator can review the results and recommendations of the report and impose additional conditions on the project as appropriate.

To date, the steep slope regulations have successfully protected the more sensitive slopes by steering development towards infill opportunities and ensured that development that does occur has the appropriate geotechnical analysis to ensure it is safe and does not further compromise the land.

Percent Slope



Data Source: City of Brevard Analysis of digital elevation models



Panoramic view of a flooded Wilson Road. Image Source: City of Brevard.

RECOMMENDATIONS:

- A. Maintain the City's recently amended steep slope regulations and monitor its effectiveness
- B. Consider adding other provisions to the steep slope regulations pertaining to higher erosion control and stormwater measures (see also Strategy 2.2 and Strategy 2.3)

Strategy 3.2: Prevent Flood Damage

Flood damage prevention regulations are intended to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions within flood prone areas. Chapter 34 of the City's Code of Ordinances pertains to the flood damage prevention within the corporate limits and its ETJ. The Planning Director, or his designee, is the Floodplain Manager for the City responsible for enforcing these provisions and maintaining the City's participation in the National Flood Insurance Program (NFIP). Staff coordinates with the North Carolina Department of Public Services Emergency Management (NCEM) on floodplain regulations and our participation in NFIP.

The City of Brevard has higher standards that exceed the minimum requirements of NFIP. The Community Rating System (CRS) is a voluntary program that incentivizes communities to have higher standards in exchange for a reducing of insurance premiums for residents. The City of Brevard is classified as a Level 8 Community where citizens who need flood insurance are eligible to purchase it for a 10% discount on their premium.

With help from NCEM, the flood development regulations were recently amended in its entirety to:

- Better align our ordinance with the model ordinance provided by NCEM and reflect best practices in floodplain management;
- Improve the usability of the floodplain management regulations;
- Consolidate all floodplain enforcement and variance procedures to the Code of Ordinances (instead of the Unified Development Ordinance); and
- Ensure we retain our CRS rating and achieve additional points where possible.

In September 2024, Western North Carolina was hit by Tropical Storm Helene. Soon thereafter, President Biden approved a major disaster declaration for many Western North Carolina counties, including Transylvania County. The full extent of the damage is still unknown, but the County experienced flash flooding, high winds, landslides, fallen trees, and debris flow. Communications and power outages were widespread across the County. Dozens of roads were impassable due to high waters, fallen trees, landslides, and other hazardous conditions. Weeks after the storm thousands of households and businesses remained without power or reliable cell service, and hundreds of structures were damaged.

Following Tropical Storm Helene, 39 homes in the flood hazard area were substantially damaged (repairs would exceed 50% of the value of the structure). Only one home that complied with the current elevation requirements was substantially damaged, despite historic flooding. The City is working with the property owners to return the property to safe, habitable conditions and to elevate the homes to two feet above base flood elevation. However, the historic flooding had a profound impact on the course of the French Broad River and other waterways in the area. These alterations will have lasting effects on local

ecosystems, infrastructure, and recreational activities. It is likely that the properties most susceptible to flood damage have changed, as well. Following Helene, the Federal Emergency Management Agency (FEMA) is scheduled to update the Flood Insurance Rate Maps (FIRMs) which use geotechnical modeling to determine the flood hazard areas within the community. The City will need to codify the amended FIRMs for the area and work to educate property owners about their flood damage risk.

RECOMMENDATIONS:

- A. Maintain the City's high standards for flood damage prevention and retain (or improve) the standing as a Level 8 community in the CRS program
- B. Codify incentives to set aside the floodplain as preserved open space, similar to the steep slope ordinance
- C. Monitor the remapping process being undertaken by FEMA to update the FIRMs in the wake of Tropical Storm Helene and proactively educate community members about their flood damage risk

Strategy 3.3: Enhance Surface Water Protection

The City of Brevard's surface water protection requirements in Section 6.7 of the Unified Development Ordinance are designed to safeguard water quality, natural stream functions, and associated ecosystems by establishing protection areas around streams, lakes, floodways, wetlands, and other surface waters. These protections apply to all surface waters and floodway/non-encroachment areas within the city's planning jurisdiction. Protection areas are determined based on distances from stream banks or water bodies and must generally be maintained in a naturally vegetated state. New development within these areas is highly restricted, and activities such as grading, excavation, installation of impervious surfaces, and channel modification are prohibited unless specifically allowed (e.g., utility crossings or minimal public infrastructure), with concentrated runoff required to be converted to diffuse flow before entering the protection area to reduce erosion and pollutant transport.

In practice, Brevard's surface water protection regulations have helped limit harmful development practices, such as channelization and unrestricted land disturbance, that can degrade stream systems and increase stormwater impacts. By requiring preservation of vegetated buffers and managing runoff, the city aligns local regulations with broader water quality goals and state riparian buffer protections. The emphasis on diffuse flow and minimal disturbance helps maintain natural hydrology and reduces erosion, which benefits aquatic habitats, reduces sediment and pollutants from entering waterways, and furthers the city's green growth priorities.

However, improvements could be made to increase effectiveness and clarity. The City requires a 30-foot buffer of land protected as natural vegetation. Other ordinances, however, utilize a two-zone approach for protection. For example, some municipalities require a 50-foot riparian buffer, measured from the top of the stream bank, with an inner undisturbed zone closest to the water (30 feet) and an outer zone that allows limited, low-impact uses, managed vegetation and/or stormwater management (20 feet). An alternative approach is to increase the buffer requirements for different stream classifications or types (e.g., perennial streams require 50 feet buffer and intermittent streams require 30 feet). Determination of flow frequency for stream types will require additional research and assessment.



Stream in Bracken Preserve. Image source: City of Brevard

Relatedly, the City’s ordinance is silent on streambank restoration efforts. Well-designed streambank restoration projects not only stabilize erosion but also help meet broader goals for water quality protection, flood resilience, and habitat restoration, making them a valuable tool for both municipalities and private landowners. While the ordinance does not need to impose requirements for these efforts, as they require close coordination with NCDEQ Division of Water Resources, incentives to encourage streambank enhancement and procedural guidance would clarify and encourage these activities.

RECOMMENDATIONS:

- A. Assess surface waters to determine type (perennial, intermittent, or ephemeral) for greatest protection
- B. Apply surface water protection regulations to identified wetlands
- C. Consider requiring an additional buffer for low-impact use / managed vegetation beyond the 30-foot protected riparian buffer for perennial streams and incentivize for others
- D. Codify procedures for permitting streambank restoration efforts
- E. Adopt incentives to encourage streambank restoration, particularly for perennial streams and floodplains



Native Red Eft (red-spotted newt). Image Source: City of Brevard.

Strategy 4: Restoration of Natural Ecosystems & Wildlife Habitats

Restoring natural ecosystems and wildlife habitats within development regulations is essential for repairing the ecological functions that have been lost through decades of conventional land use practices. Many development sites contain degraded streams, compacted soils, invasive species, or fragmented habitat networks that no longer support healthy ecological processes. Integrating restoration requirements helps rebuild these systems so they can once again filter pollutants, moderate stormwater flows, and support diverse plant and animal communities. By embedding restoration in development standards, communities ensure that growth does not merely minimize harm but actively contributes to the long-term health and resilience of their natural resources.

Restoration-oriented regulations also enhance community livability, climate resilience, and economic value. Revitalized habitats create functional green infrastructure that reduces flooding, improves water quality, and moderates extreme temperatures. They provide essential wildlife corridors that allow species to move, adapt, and thrive even as development occurs. Restored natural areas also produce social benefits—such as improved aesthetics, recreational opportunities, and increased property values near high-quality open space. By requiring restoration as part of the development process, local governments can transform degraded lands into assets that strengthen environmental health, support biodiversity, and create more attractive and sustainable places to live.



Grape hyacinths and other early spring bulbs support native pollinators. Image Source: City of Brevard

Strategy 4.1: Integrate Restorative Open Spaces in Development

Not all open spaces are created equal, and development regulations should recognize the substantial difference between functional natural open space and purely ornamental or residual areas. Natural open spaces provide far greater benefits for water quality, air quality, wildlife habitat, and climate resilience than manicured lawns or fragmented green strips. These landscapes function as green infrastructure, slowing and filtering stormwater, reducing heat, sequestering carbon, and maintaining ecological connectivity. When ordinances focus only on meeting acreage requirements without regard to function, developments can technically comply while failing to deliver meaningful environmental or public benefits.

Best practices in open space regulation therefore prioritize quality and function over quantity by establishing purpose-based categories such as conservation areas, passive recreation, active recreation, stormwater management, and greenways. Developers

should explain how each open space area supports both the project and broader public objectives. To avoid “leftover” or unusable spaces, ordinances should define minimum standards for size, shape, slope, access, and usability, require that a significant portion of required open space be contiguous, and prioritize areas that are visible and accessible rather than hidden behind lots or infrastructure. Aligning open space with natural features such as streams, ridgelines, scenic views, and existing greenway corridors further enhances ecological function and community value.

Clear eligibility and non-eligibility criteria are essential to prevent gaming the system and to ensure consistency in implementation. Eligible open space typically includes parks and playgrounds, greenways and trails, conservation lands, naturalized stormwater features, and historic or cultural landscapes. In contrast, road rights-of-way, utility easements, conventional stormwater basins without naturalized vegetation, private yards, impervious-dominated areas, and areas with slopes greater than 25 percent (unless specifically preserved for conservation) should generally not count. Requiring site-level open spaces to connect to adjacent developments or planned municipal greenway networks further ensures that individual projects contribute to a coherent, community-wide open space system.

Brevard’s open space requirements in Chapter 7 of the UDO could be improved by more explicitly incorporating these best practices. While the chapter establishes minimum open space percentages, it would benefit from clearer distinctions between functional and non-functional open space and from adding purpose-based categories tied to conservation, recreation, and stormwater outcomes. Strengthening standards for contiguity, usability, and ecological alignment would reduce fragmented or residual open space and encourage designs that reinforce Brevard’s environmental and greenway goals. Additionally, clearer eligibility criteria and enhanced submittal requirements (such as a detailed open space plan, natural resources inventory, connectivity map, and long-term management agreements) would give staff and decision-makers better tools to ensure that required



Open spaces in private development can augment the existing green network by connecting to existing parks and greenways, such as the Estaoe Trail. Image Source: City of Brevard

open space delivers lasting environmental, recreational, and community benefits rather than simply meeting minimum acreage thresholds.

RECOMMENDATIONS:

- A. Establish purpose-based open space categories (e.g., conservation areas, passive recreation, active recreation, stormwater management, greenways)
- B. Refine minimum design standards (e.g., size, shape, slope, access and usability)
- C. Require a significant portion of open space to be contiguous
- D. Set clear eligibility and non-eligibility criteria for fulfilling the open space requirements
- E. Enhance submittal requirements to ensure compliance with environmental goals and community benefit



Transylvania County is home to the Pisgah Astronomical Research Institute (PARI), an official Dark Sky Park certified by the International Dark Sky Association. Image Source: PARI.

Strategy 4.2: Reduce Light Pollution

Dark sky protections and the reduction of light pollution are important for preserving the natural night-time environment and supporting the area’s ecological health. Excessive or poorly directed artificial light disrupts natural circadian rhythms for both humans and wildlife, affecting sleep patterns, migration, reproduction, and overall ecosystem stability. Many species (such

as birds, bats, insects, and amphibians) rely on natural darkness to navigate, forage, and avoid predators. By implementing lighting standards that minimize glare, limit blue-rich light, and direct illumination downward where it is needed, communities can protect sensitive habitats and maintain the integrity of local biodiversity.

In addition to ecological benefits, dark sky protections offer practical and economic advantages. Reducing unnecessary lighting lowers energy consumption and utility costs, helping communities advance sustainability and carbon-reduction goals. Properly designed lighting also improves public safety by reducing glare, increasing visibility, and preventing over-illumination that can create deep shadows. Communities that embrace dark sky principles can enhance their rural character, preserve views of the night sky, and support tourism. By adopting thoughtful lighting regulations, Brevard can balance safety, functionality, and environmental stewardship. The current lighting provisions (Chapter 11 of the UDO) include dark-sky-friendly elements (like full cutoff fixtures, required light shielding, and lumen limits for signs) to limit nuisances like glare and excessive brightness, but it does not yet include comprehensive metrics like lumen limits for different uses or zones, color temperature limits (to remove blue-rich lighting) or maximum light spillover at property lines.

CASE STUDY: MOAB, UTAH OUTDOOR LIGHTING ORDINANCE

Recognizing the ecological, scenic, and economic value of its night skies, the City of Moab, Utah, adopted a comprehensive outdoor lighting ordinance in 2019, later strengthened in 2023, that requires fully shielded fixtures, limits light output, and favors warm-color lighting to minimize glare and sky glow. The City paired these regulatory changes with municipal leadership by retrofitting streetlights, public outreach to educate residents and businesses, and incentive programs to encourage early voluntary compliance. These efforts demonstrated that updated lighting can maintain safety and visibility by keeping

light focused on the streets and sidewalks rather than spilling into the night sky. Moab balanced environmental protection with practical implementation by requiring all new lighting to comply and all preexisting lighting is required to be brought into compliance by 2029. These efforts culminated in Moab’s designation as an International Dark Sky Community in 2024, demonstrating measurable reductions in uplight and increased visibility of the night sky while maintaining public safety and reinforcing Moab’s identity as a gateway to dark-sky landscapes.

RECOMMENDATIONS:

- A. Update lighting code language to reflect modern terminology and best practices
- B. Establish a dark sky zone with higher requirements or lighting zones that vary regulations based on nighttime activity (likely as part of a conservation zoning district - see Strategy 1.1)
- C. Incorporate illustrations and examples of the types of light fixtures that would be prohibited versus allowed
- D. Require downward-aiming, shields, louvers, and glare reduction techniques for all fixtures on certain projects or in certain zoning districts
- E. Require photometric plans for certain types of projects (commercial new construction, etc.) and clarify submittal requirements for smaller projects (likely to include a review of fixture types)
- F. Prepare guidance that outline the lighting requirements and direct applicants to resources (DarkSky International, Illuminating Engineering Society of North America, etc.) and pre-approved products

Strategy 4.3: Incorporate Native Species in Landscaping

The provision of native landscaping in new development provides a wide range of ecological, economic, and community benefits. Native plants are adapted to local soil, climate, and rainfall patterns, which means they generally require less irrigation, fertilizer, and maintenance than non-native species. This reduces long-term infrastructure strain and maintenance costs for both the city and property owners. Native vegetation also supports local biodiversity by providing habitat for pollinators, birds, and other wildlife that depend on region-specific plant communities. Additionally, native landscapes improve stormwater management by enhancing soil infiltration and reducing erosion. Inclusion of native vegetation can also strengthen a community's sense of place by preserving the natural character of the region and creating cohesive, attractive streetscapes and developments.

The City of Brevard utilizes native species in landscaping projects – most recently in the landscaping plans for the new NCDOT roundabouts and the completed Main Street improvements. This practice provides significant environmental, economic, and community benefits. A native-only landscaping policy can lower municipal maintenance costs, improve urban biodiversity, and reinforce a city's commitment to sustainable land stewardship and environmental leadership. Formally codifying this practice will memorialize the City's commitment to its environmental goals and set a precedence for other developments to do the same.

For other developments, there is no requirement or incentive to incorporate native species into landscaping in the City's UDO. Section 8.2 encourages the inclusion of the native vegetation that complements existing native habitats and prohibits invasive species in required landscaping and buffers.



Native Redmond American Linden tree planted in the City's new streetscape vegetation on Main St. Image Source: City of Brevard



Native plantings along the bike path at Jimmy Harris Railroad Depot Park. Image Source: Transylvania County Tourism Development Authority.

*“New plant material should complement existing vegetation native to the site... The use of indigenous, native and/or regionally grown species of trees, shrubs, vines, groundcovers and perennials is **encouraged** in order to make planted areas compatible with existing native habitats.” (UDO Section 8.2)*

While some developers choose to incorporate native species for the cost-efficiency benefits described above, many do not. Other municipalities require native species in landscaping and open space development standards, but it is virtually impossible to identify all possible native plants suitable for planting in residential landscapes in Brevard and to maintain its accuracy in the text of the ordinance. Similarly, the non-native and invasive species list in the ordinance has not been updated since 2015. Many cities will refer to lists of suitable plants provided by a research institution or allied organization (e.g., North Carolina State Extension, North Carolina Native Plant Society, North Carolina Forest Service, USDA Plants Database).

Effective ordinances allow flexibility and alternatives, rather than mandating 100 percent native plantings, such as requiring a minimum percentage of native species by plant count, allowing preservation of existing native vegetation in lieu of new plantings, or using biodiversity targets (for example, a minimum number of native tree and shrub species) instead of rigid ratios. Native vegetation requirements are most successful when they are aligned with related environmental regulations, including erosion and sedimentation control, stormwater management, and steep slope development standards. Finally, well-crafted policies outline reasonable exemptions to avoid unnecessary impacts on existing vegetation (e.g., single-family lots or undisturbed landscaped areas) and require landscape plans to be prepared or certified by a qualified professional, such as a landscape architect or arborist, to ensure proper species selection and long-term success.

Lastly, the City’s Code of Ordinances regulates nuisance grass and vegetation within the corporate; however, it does not clearly



Native southern lady ferns. Image Source: City of Brevard.

distinguish nuisance vegetation from “natural area lots” which are exempt. In order to balance neighborhood aesthetics, public safety, and environmental sustainability, the exemption should only apply intentional native plantings, gardens, or managed natural landscapes. Nuisance vegetation would apply to unmanaged grass exceeding 18 inches in height, noxious weeds that harbor pests, and vegetation that obstructs public infrastructure.

RECOMMENDATIONS:

- A. Memorialize the City’s usage of native vegetation in public landscaping projects through an adopted City policy
- B. Add definitions of native vegetation and other key terminology
- C. Adopt official lists of native and non-native species by reference and allow the list to be updated administratively
- D. Amend regulations in the Code for nuisance grass and clearly define exemptions for intentional natural areas



SECTION 03

IMPLEMENTATION

GUIDE

Implementation Considerations

This implementation section provides a suggested roadmap for revising the Unified Development Ordinance, establishing clear priorities and realistic timelines for integrating sustainable development practices. By clearly outlining potential policy adjustments and how they can be executed, the guide ensures that the green growth principles are not only conceptualized but effectively put into practice, fostering long-term sustainability, resilience, and quality of life. Ultimately, City Council will thoughtfully consider each recommended action prior to adoption, grounding decisions in a clear understanding of community impacts, environmental outcomes, and the city's shared goals for the future.

Implementing the recommendations of this green growth audit is an intentional and incremental process that reflects the complexity of aligning development regulations with

environmental stewardship. “Greening” the UDO will take time, coordination, and sustained commitment. These recommendations are intended as guidance for staff, Planning Board, and City Council to consider, not a list of required actions. Furthermore, not every improvement must be comprehensive or immediate to be meaningful. Even modest updates, like clarifying standards and introducing performance-based measures, can move the ordinance closer to supporting long-term environmental goals and community resilience. This implementation section recognizes local capacity and legal constraints and that progress toward green growth will occur in phases. Any step that reduces environmental impacts, protects sensitive areas, or integrates natural systems more effectively into development review represents a tangible improvement and builds momentum for future, more transformative changes.



The City of Brevard is designated as a sanctuary for all species of squirrels, and in particular the Brevard White Squirrel. According to the White Squirrel Institute, these white squirrels are a leucistic color variant of the native Eastern Gray Squirrel. Image Source: Transylvania County Tourism Development Authority

Legislative Authority

On December 11, 2024, the North Carolina General Assembly amended state law to significantly restrict local governments' ability to modify zoning ordinances. Enacted through the Disaster Recovery Act of 2024 – Part III, Session Law 2024-57 (S.B. 382), the legislation sharply broadens the definition of “down-zoning” and now prohibits any local government from adopting a down-zoning without the written consent of all affected property owners. While North Carolina has long barred third parties from requesting down-zonings that would reduce development rights on another person's property, local governments themselves historically retained the authority to rezone land or adjust zoning standards in response to community priorities. Session Law 2024-57 removes that authority by prohibiting municipalities and counties from initiating any action that would reduce permitted uses, decrease allowable density, or otherwise impose more restrictive standards without unanimous owner approval.

The new statute also expands the concept of down-zoning beyond traditional reductions in intensity or density. Whereas down-zoning was once understood as shifting from a more intense to a less intense district, Session Law 2024-57 now defines a down-zoning to include any amendment that creates any form of nonconformity on land outside residential zoning districts. This sweeping definition dramatically broadens the reach of the law, and, as a result, many routine ordinance updates that previously would not have been considered down-zonings may now qualify, triggering the requirement for unanimous owner consent. In effect, these changes make proactive land use planning far more difficult, and in some cases impossible, for municipalities.

The implementation matrix includes a column assessing the feasibility of recommendation under the current legislation:

- **“Possible”** – allowable under current legislative authority
- **“Proceed with caution”** – possibly allowable under current legislative authority if implemented strategically (e.g., only in certain zoning districts, only to new development projects) but the full impact will not be achieved
- **“Impossible”** – not allowable under current legislative authority or the limitations significantly hinder the action’s ability to achieve green growth objectives

Time Frame

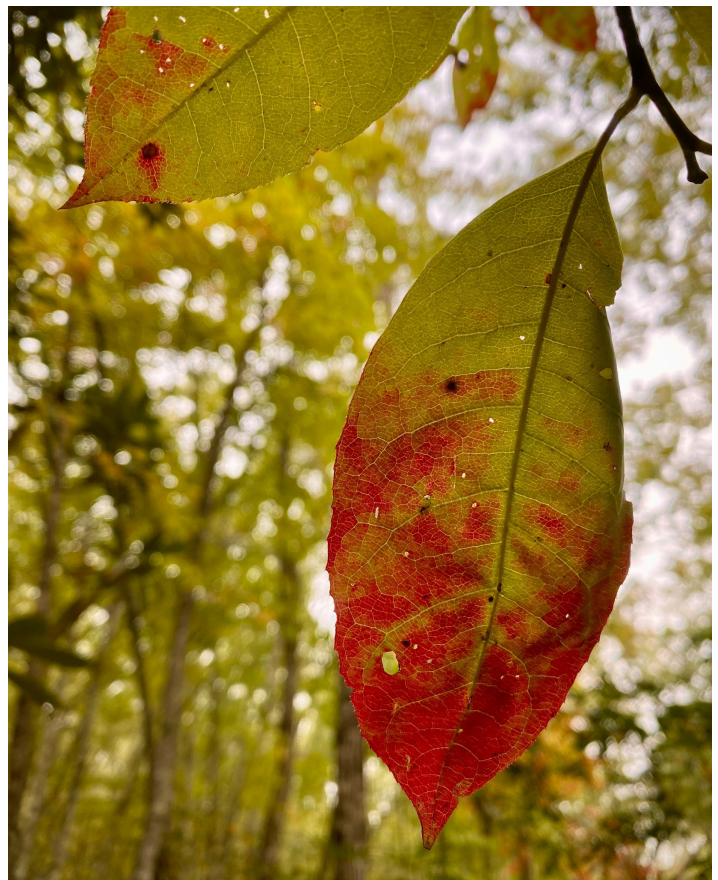
The scope of these actions can require varying amounts of staff time. Each action is categorized by the amount of time it would take for staff to implement the changes, given the amount of research required or engagement necessary for effectiveness.

- **“Short-term”** – can be completed with minor changes (potentially 6 months or less)
- **“Medium-term”** – requires higher levels of research and potentially input from other experts (approximately one year)
- **“Long-term”** – requires more significant research, analysis, vetting, and engagement (likely more than one year)
- **“Ongoing”** – maintaining existing regulations and/or continuing efforts already underway

Resources

The recommended actions in this document are intended to be completed in-house using staff resources. Some items require supplemental require additional assessments from an outside expert to assess and prepare recommendations beyond City Staff expertise.

- **“Staff time”** – can be completed in-house using staff resources
- **“Staff time with outside consultant”** – requires expertise from outside engineers or other consultants to complete (*note: these actions will likely require additional funding to hire engineers or other consultants*)
- **“Staff time with outside experts”** – can be completed in-house using staff resources and guidance from other expert organizations (e.g., NCDEQ, Brevard Sustainability Council, International DarkSky Association)



Leaves of a black gum tree, a native deciduous tree. Image Source: City of Brevard.

Implementation Matrix

STRATEGY	ACTION	IMPACT	TIME FRAME	RESOURCES	VIABILITY
1. Conservation of Land with Efficient Development Strategies					
1.1 Limit development in sensitive areas	A. Maintain the City's no minimum lot size and associated flexibility in calculating development density on the parent parcel, allowing the clustering of development in less sensitive areas and accommodating unique environmental conditions	Low	Ongoing	Staff time	Possible
	B. Reframe the General Residential-4 (GR-4) zoning district as a "Conservation Zoning District" with the stated purpose of the zoning district being to conserve sensitive areas and limit sprawled development	High	Long-Term	Staff time	Impossible with associated regulations
1.2 Prioritize infill development in regulations	A. Consider additional incentives for infill development, such as adding height allowances, decreasing dimensional requirements (i.e., setbacks), and establishing density bonuses	Moderate	Medium-Term	Staff time	Possible
	B. Upzone any areas of the existing GR-4 that are suitable for development and do not require additional environmental protections	High	Medium-Term	Staff time	Possible
2. Mitigation of Negative Impacts of Development					
2.1 Require environmental assessments prior to large-scale construction	A. Maintain procedures for a sketch plan review and environmental assessments for commercial development projects and major subdivisions prior to detailed design plans	Low	Ongoing	Staff time	Possible
	B. Introduce scalable submittal requirements based on project size and scope (e.g., small projects required to inventory large trees and identify streams, while large projects require a full assessment of habitats, etc.)	Moderate	Medium-Term	Staff time	Proceed with caution
	C. Prepare guidance for environmental assessments that outlines the information needed to fulfill this requirement and additional sources	High	Medium-Term	Staff time with outside experts	Possible
	D. Establish performance-based standards (e.g., required percentages of canopy retained or specific outcomes for habitat protection) tied to the survey results	High	Medium-Term	Staff time	Proceed with caution
2.2 Control sedimentation and erosion from development	A. Maintain the City's existing procedure to delegate the sedimentation and erosion control elements to NCDEQ	Low	Ongoing	Staff time	Possible
	B. Grant the administrator the authority to require an NCDEQ-approved erosion and sedimentation control plan for projects disturbing less than one acre but are within sensitive areas (e.g., development subject to steep slope requirements)	Low	Short-Term	Staff time	Possible
	C. Bolster procedures for the review of sedimentation and erosion control measures for smaller projects (e.g., formal review of the control measures during the preliminary inspection process)	Moderate	Medium-Term	Staff time	Possible

STRATEGY	ACTION	IMPACT	TIME FRAME	RESOURCES	VIABILITY
(continued)	D. Update UDO Section 6.5 to more closely match the language in state law	Low	Short-Term	Staff time	Possible
2.3. Improve stormwater management	A. Review and revise the City's stormwater management requirements to align with modern best practices	High	Long-Term	Staff time with outside consultant	Proceed with caution
	B. Add definitions and illustrations of low-impact development techniques (such as green roofs, vegetated swales, rain gardens, bioretention landscapes and cisterns) to ensure it is clear that they are allowed and encouraged	Low	Short-Term	Staff time	Possible
	C. Refine the types of development activities that are required to comply with the stormwater management provisions, including instituting an impervious surface-based threshold and all development in sensitive areas	High	Medium-Term	Staff time	Proceed with caution
	D. Consider amendments to the types of development activities that are exempt from stormwater management provisions	High	Medium-Term	Staff time	Possible
	E. Establish incentives for small developments that are exempt from stormwater management requirements to implement low-impact development techniques	Low	Medium-Term	Staff time	Possible
	F. Allow for and encourage the use of porous and semi-porous materials throughout the ordinance (e.g., street design, driveways materials, roof design standards)	Moderate	Short-Term	Staff time	Possible
	G. Provide guidance and incentives for developers to use LID and site design to supplement stormwater management requirements by reducing stormwater runoff close to the source, requiring less structured treatment	Moderate	Medium-Term	Staff time	Possible
	G. Amend the infrastructure and street design standards to utilize existing curb and gutter systems where available, and establish alternative street designs that reduce stormwater channelization	High	Long-Term	Staff time with outside consultant	Proceed with caution
	H. Consider allowing variation to certain architectural standards for green infrastructure and LID techniques (e.g., alternative roof pitches to allow for green roofs or rain cisterns)	Low	Medium-Term	Staff time with outside experts	Possible
2.4 Preserve and expand tree canopy and conservation landscaping	A. Clarify eligibility criteria, standards, and submittal requirements for landscaping and tree protection plans	Moderate	Medium-Term	Staff time	Proceed with caution
	B. Differentiate between ornamental landscaping and ecological / conservation landscaping to ensure standards are applied appropriately in certain areas and to allow for flexibility when achieving other green development goals	Moderate	Medium-Term	Staff time	Proceed with caution
	C. Incorporate canopy-based metrics based on zoning district and/or land use to strengthen tree protection as a green growth tool	Moderate	Long-Term	Staff time	Proceed with caution

STRATEGY	ACTION	IMPACT	TIME FRAME	RESOURCES	VIABILITY
(continued)	D. Integrate stormwater and performance standards to link vegetation with environmental outcomes	Moderate	Long-Term	Staff time with outside consultant	Proceed with caution
	E. Revise screening and buffer standards to mitigate the impact of high-intensity areas (e.g., parking lots, roads, industrial uses) but prioritizing environmental function	High	Long-Term	Staff time	Proceed with caution
	F. Require all landscaping plans be sealed by a qualified design professional	High	Short-Term	Staff time	Possible
	G. Include guidance for long-term maintenance and monitoring of trees and landscaping	Low	Medium-Term	Staff time	Possible
	H. Require bonds for certain types of developments (e.g., major subdivisions, development in the conservation zoning district) to guarantee the protected trees will remain after construction is completed and the guaranteed survival of new trees within a given period	High	Short-Term	Staff time	Possible
	I. Limit removal of trees to a defined building envelope, driveways and utility routes in conservation zoning district	Moderate	Short-Term	Staff time	Proceed with caution
	J. Grant administrators the ability to require staked markings of preservation areas and/or limits to the area of disturbance on sites	Low	Short-Term	Staff time	Possible
	K. Refine the tree removal permit provisions to establish clear, measurable and consistently applied standards to reduce subjectivity in determine necessity and aesthetic values, balance private property rights with environmental protection, and ensure decisions are transparent, defensible and predictable for applicants	Moderate	Medium-Term	Staff time with outside experts	Possible
2.5 Manage urban heat	A. Update urban heat island code language to reflect modern terminology and best practices	Low	Short-Term	Staff time	Proceed with caution
	B. Amend the applicability of the heat island effect mitigation requirements to include smaller buildings and/or any flat roof building types	Low	Medium-Term	Staff time	Proceed with caution
	C. Set performance measures for tree canopy coverage of sidewalks and other pedestrian areas (similar to the existing parking area canopy coverage requirements)	High	Medium-Term	Staff time	Proceed with caution
	D. Allow for cool pavements (light-colored pavements, permeable paving, or reflective coatings) for interior sidewalks and plazas	Low	Short-Term	Staff time	Possible
3. Preservation of Sensitive Areas					
3.1. Protect steep slopes	A. Maintain the City's recently amended steep slope regulations and monitor its effectiveness	Low	Ongoing	Staff time	Possible
	B. Consider adding other provisions to the steep slope regulations pertaining to higher erosion control and stormwater measures	Moderate	Medium-Term	Staff time	Proceed with caution

STRATEGY	ACTION	IMPACT	TIME FRAME	RESOURCES	VIABILITY
3.2 Prevent flood damage	A. Maintain the City's high standards for flood damage prevention and retain (or improve) the standing as a Level 8 community in the CRS program	Low - High	Ongoing	Staff time	Possible
	B. Codify incentives to set aside the floodplain as preserved open space, similar to the steep slope ordinance	Moderate	Medium-Term	Staff time	Possible
	C. Monitor the remapping process being undertaken by FEMA to update the FIRMs in the wake of Tropical Storm Helene and proactively educate community members about their flood damage risk	Low	Ongoing	Staff time	Possible
3.3 Enhance surface water protection	A. Assess surface waters to determine type (perennial, intermittent, or ephemeral) for greatest protection	Low	Medium-Term	Staff time with outside experts	Possible
	B. Apply surface water protection regulations to identified wetlands	Low	Short-Term	Staff time	Proceed with caution
	B. Consider requiring an additional buffer for low-impact use / managed vegetation beyond the 30-foot protected riparian buffer for perennial streams and incentivize for others	High	Short-Term	Staff time	Impossible
	C. Codify procedures for permitting streambank restoration efforts	High	Medium-Term	Staff time	Possible
	D. Adopt incentives to encourage streambank restoration, particularly for perennial streams and floodplains	Moderate	Medium-Term	Staff time	Possible
4. Restoration of Natural Ecosystems and Wildlife Habitats					
4.1 Integrate restorative open spaces in development	A. Establish purpose-based open space categories (e.g., conservation areas, passive recreation, active recreation, stormwater management, greenways)	Low	Medium-Term	Staff time	Possible
	B. Refine minimum design standards (e.g., size, shape, slope, access and usability)	Moderate	Medium-Term	Staff time	Proceed with caution
	C. Require a significant portion of open space to be contiguous	Moderate	Medium-Term	Staff time	Proceed with caution
	D. Set clear eligibility and non-eligibility criteria for fulfilling the open space requirements	Moderate	Medium-Term	Staff time	Proceed with caution
	E. Enhance submittal requirements to ensure compliance with environmental goals and community benefit	Low	Short-Term	Staff time	Possible
4.2 Reduce light pollution	A. Update lighting code language to reflect modern terminology and best practices	Low	Short-Term	Staff time	Proceed with caution
	B. Establish a dark sky zone with higher requirements or lighting zones that vary regulations based on nighttime activity (likely as part of the conservation district)	High	Long-Term	Staff time	Proceed with caution
	C. Incorporate illustrations and examples of the types of light fixtures that would be prohibited versus allowed	Moderate	Medium-Term	Staff time	Possible

STRATEGY	ACTION	IMPACT	TIME FRAME	RESOURCES	VIABILITY
(continued)	D. Require downward-aiming, shields, louvers, and glare reduction techniques for all fixtures on certain projects or in certain zoning districts	High	Medium-Term	Staff time	Proceed with caution
	E. Require photometric plans for certain types of projects (commercial new construction, etc.) and clarify submittal requirements for smaller projects (likely including a review of fixture types)	Low	Short-Term	Staff time	Possible
	F. Prepare guidance that outline the lighting requirements and direct applicants to resources (DarkSky International, Illuminating Engineering Society of North America, etc.) and pre-approved products	Low	Medium-Term	Staff time with outside experts	Possible
4.3 Incorporate native species in landscaping	A. Memorialize the City's usage of native vegetation in public landscaping projects through an adopted City policy	Low	Short-Term	Staff time	Possible
	B. Add definitions of native vegetation and other key terminology	Low	Short-Term	Staff time	Possible
	C. Adopt official lists of native and non-native species by reference and allow the list to be updated administratively	Moderate	Short-Term	Staff time with outside experts	Possible
	D. Require landscape plans for projects of a certain size to be stamped by a qualified profession (e.g., landscape architect, arborist)	High	Short-Term	Staff time	Possible
	E. Amend regulations in the Code for nuisance grass and clearly define exemptions for intentional natural areas	Low	Short-Term	Staff time	Possible



Fawn Lake in DuPont State Forest. Image Source: Transylvania County Tourism Development Authority.

Next Steps

The next steps of the green growth audit should focus on an incremental, legally defensible strategy that aligns near-term ordinance refinements with longer-term policy goals. This includes advocating for targeted legislative changes to expand the City’s zoning authority, while concurrently advancing modest amendments with clearly “possible” changes that can be adopted under current law.

As part of this approach, changes can also be made to position the ordinance for large-scale changes in the future. For example, the GR-4 zoning district could be renamed as a conservation district, with the express limitation that no changes create nonconformities, impose stricter standards, or result in downzoning. In parallel, the City could evaluate opportunities to upzone portions of the existing GR-4 area that are not environmentally sensitive and are well suited for development, thereby maintaining development capacity while reinforcing conservation priorities. If and when state law is amended to allow greater local authority, the conservation zoning district can then serve as the framework for implementing more robust environmental standards, including enhanced requirements for lighting, tree preservation, landscaping, open space, and related green growth objectives.



Honey Fungus, common around the base of trees in Western North Carolina. Image Source: City of Brevard.



SECTION 04

APPENDIX

Rare, Threatened and Endangered Species

TAXONOMIC GROUP	SCIENTIFIC NAME	COMMON NAME	STATUS	HABITAT
Amphibian	Necturus maculosus	Mudpuppy	Special Concern	rivers and large streams in New, French Broad, and Little Tennessee drainages
Amphibian	Cryptobranchus alleganiensis alleganiensis	Eastern Hellbender	Special Concern and Federal Proposal as Endangered	large and clear fast-flowing streams
Bird	Haliaeetus leucocephalus	Bald Eagle	State Threatened and Federal Bald and Golden Eagle Protection Act	mature forests near large bodies of water (nesting); rivers, lakes, and sounds (foraging)
Butterfly	Satyrrium edwardsii	Edwards' Hairstreak	Significantly Rare	scrubby or xeric oak woods; host plants -- mainly oaks
Crustacean	Cambarus reburus	French Broad Crayfish	State Threatened	streams in the French Broad, Little Tennessee, and Savannah drainages (endemic to North Carolina)
Freshwater Bivalve	Alasmodonta raveneliana	Appalachian Elktoe	State and Federal Endangered	Tennessee drainages
Freshwater Bivalve	Strophitus undulatus	Creeper	State Threatened	Roanoke, Tar, Neuse, Cape Fear, Yadkin-Pee Dee, Catawba, Broad, and French Broad drainages
Freshwater Fish	Polyodon spathula	Paddlefish	State Endangered	French Broad River
Freshwater Fish	Cottus carolinae	Banded Sculpin	Special Concern	French Broad and Pigeon drainages
Freshwater Fish	Salvelinus fontinalis	Brook Trout	Significantly Rare	isolated, high-elevation headwater streams
Freshwater Fish	Erimystax insignis	Blotched Chub	State Threatened	primarily French Broad drainage
Mammal	Microtus chrotorrhinus carolinensis	Southern Rock Vole	Special Concern	rocky areas at high elevations, forests or fields
Mammal	Spilogale putorius	Eastern Spotted Skunk	Significantly Rare	forests with rocks, cliffs, and other den sites
Reptile	Crotalus horridus	Timber Rattlesnake	Special Concern	wetland forests in the Coastal Plain; rocky, upland forests elsewhere

Found within a one-mile radius of Brevard. Source: North Carolina Natural Heritage Program

TAXONOMIC GROUP	SCIENTIFIC NAME	COMMON NAME	STATUS	HABITAT
Reptile	Plestiodon anthracinus	Coal Skink	Significantly Rare	rocky slopes, wooded hillsides, roadbanks
Reptile	Glyptemys muhlenbergii	Bog Turtle	State and Federal Threatened	bogs, wet pastures, wet thickets
Sawfly, Wasp, Bee, or Ant	Bombus affinis	Rusty-patched Bumble Bee	Federal Endangered	nests in abandoned mammal burrows, gathers nectar and pollen from a variety of flowering plants found in or near woodlands
Vascular Plant	Hasteola suaveolens	Sweet Indian-plantain	State Endangered	bottomlands
Vascular Plant	Liparis loeselii	Fen Orchid	State Endangered	seeps, bay swamps
Vascular Plant	Phegopteris connectilis	Northern Beech Fern	State Endangered	spray zone of waterfalls, spruce-fir forests, high elevation seepage bogs
Vascular Plant	Shortia galacifolia	Oconee Bells	Special Concern	moist slopes, creekbanks, and rock outcrops in humid escarpment gorges
Vascular Plant	Hexastylis rhombiformis	French Broad Heartleaf	Significantly Rare	cove forests
Vascular Plant	Aconitum reclinatum	Trailing Wolfsbane	Significantly Rare	rich coves, seepage slopes, boulderfields, rocky stream banks, mainly associated with mafic rocks
Vascular Plant	Spiraea virginiana	Virginia Spiraea	State and Federal Threatened	riverbanks

Found within a one-mile radius of Brevard. Source: North Carolina Natural Heritage Program

Acknowledgements

This report was prepared by the City of Brevard Planning Department with input and guidance from Brevard officials, citizen representatives, and subject-matter experts.

The Brevard Planning Department would like to offer special thanks to the North Carolina Wildlife Resource Commission for providing funding and technical assistance in preparing this report.

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Sunrise over the Blue Ridge Mountains. Image Source: City of Brevard.

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STAFF REPORT

City Council, Monday, March 16, 2026

Title: Proposed Moratorium on Data Centers and Similar High-Intensity Land Uses

Speaker: Wilson Hooper, City Manager
Paul Ray, Planning Director
Mack McKellar, City Attorney

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

Approved by: Wilson Hooper, City Manager

Background

Data centers are physical facilities or buildings that house critical computing and networking infrastructure, including servers, storage systems, and related equipment, to store process, and manage data and applications. They are typically large square footage and involve significant demands on electrical and water infrastructure. They are a relatively new type of land use.

At the February 16, 2026 City Council meeting, Council asked staff to look into the adequacy of the city's zoning regulations regarding data centers. If inadequate, they also asked staff to look into the legal steps necessary to impose a moratorium on data center development.

After considering the current text of the Unified Development Ordinance (UDO), staff recommend updates to the code to more specifically govern the presence of data centers and similar high-intensity land uses. The General Statute governing moratoria requires a Public Hearing be held prior to their imposition.

Discussion

Staff have not had any contact with or inquiries from data center developers. But if one were to develop here under the UDO as written, it would be considered a "Heavy Manufacturing" facility and subject to the rules governing such uses. Heavy Manufacturing is permitted only in General Industrial and requires a Special Use Permit granted by the Board of Adjustment. Staff believe that the UDO as written provides *some* safeguards against the negative aspects of data centers.

However, data centers are not mentioned specifically in the UDO, and they are not "manufacturing" in the traditional sense. It is staff's opinion that one or the other of these deficiencies needs to be cured in order for the UDO to most effectively regulate data centers and similar uses. Therefore, staff plans to bring text amendment options to the Planning Board at its next meeting, and hopefully to Council shortly thereafter. The moratorium under consideration tonight will be set at 90 days in order for the matter to work its way through the text amendment process.

Moratoria are governed by NCGS 160D-107, which sets the conditions under which they can be legally imposed. As alluded to above, one requirement is that a public hearing be held. A second procedural requirement is that the imposing body adopt certain "required statements". They are...

(1) A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.

(2) A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

(3) A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.

(4) A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

The city's responses are codified in the attached resolution.

Action

If Council wishes to move forward, staff request that they approve the attached resolution imposing the moratorium and directing staff to intimate the process of updating the Unified Development Ordinance.

Attachments:

1. Res_2026-XX_Data Center Moratorium

RESOLUTION NO. 2026-XX

RESOLUTION OF REQUIRED STATEMENTS AND AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON DATA CENTER, CRYPTOMINING, AND SIMILAR FACILITIES

WHEREAS, North Carolina General Statute 160D-107 outlines the legal conditions under which local governments can declare moratoria on development approvals; and

WHEREAS, data centers, cryptomining facilities and similar facilities typically involve significant demands on electrical and water infrastructure, generate noise and heat, and may have land use impacts that are not adequately addressed by the City of Brevard's Unified Development Ordinance (UDO); and

WHEREAS, western North Carolina is already home to three large data centers—Apple in Maiden, Meta in Forest City, and Google in Lenoir; and

WHEREAS, at their February 16, 2026 meeting, Brevard City Council directed City staff to investigate the adequacy of Brevard's Unified Development Ordinance and, if necessary, bring options for updating it; and

WHEREAS, City staff recommend that Brevard Planning Board and City Council consider text amendments to clarify the conditions under which data centers, cryptomining facilities, and similar facilities can locate within the City's zoning jurisdiction; and

WHEREAS, City staff also recommend that City Council declare a temporary pause on new data center development, per the provisions of NCGS 160D-107, to protect the public health, safety, and welfare while the City evaluates appropriate zoning and regulatory updates; and

WHEREAS, the NCGS 160D-107 requires that "any development regulation establishing a development moratorium must include, at the time of adoption," the statements proclaimed below.

NOW, THEREFORE, THE CITY COUNCIL OF BREVARD, NORTH CAROLINA FINDS THAT:

Statement 1. Data centers/cryptomining facilities are not specifically addressed in Brevard's Unified Development Ordinance, and therefore City Council believe that the ordinance as written does not adequately evaluate and regulate such high-intensity land uses. The City considered continuing to regulate potential data center developments under the existing "heavy manufacturing" provisions, but concluded that the rules for that land use do not adequately consider the heavy utility impacts typical of data center-type uses.

Statement 2. The moratorium applies to the acceptance, processing, and approval of development approvals for data centers, cryptomining facilities, server farms, and other high-impact digital infrastructure facilities, including but not limited to zoning permits, special use permits, site plan approvals, building permits, and other development approvals required under the City of Brevard Unified Development Ordinance. Temporarily suspending these approvals will prevent the establishment or expansion of such facilities under regulatory provisions that do not adequately address their infrastructure demands, noise, heat generation, and utility consumption while the City evaluates and adopts appropriate zoning and development standards.

Statement 3. The moratorium shall expire July 2, 2026 unless earlier ended by act of City Council. This date gives the City of Brevard adequate time to consider text amendments to its Unified Development Ordinance, have them approved by its Planning Board and City Council, and comply with the notice and public hearing requirements that text amendments before those two boards must follow.

Statement 4. The City of Brevard will present text amendment options to the City's Planning Board in late April 2026, advertise that board's proposed updates to the Unified Development Ordinance in May 2026, hold a Public Hearing on the proposed changes at a City Council meeting in late May or early June 2026, and consider approval of the proposed changes at a City Council meeting in June 2026.

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

The City hereby imposes a temporary moratorium on the acceptance, processing, and approval of any application for data centers, cryptomining facilities, server farms or other high-impact digital infrastructure facilities.

Adopted and approved this 16th day of March 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk



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, 2026

Tina Tanner
Certified Tax Collector

CITY OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING FEBRUARY 28, 2026

UPDATED: 03.04.2026

YEAR	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER				
2025	\$ -	\$ 4,581,126.39	\$ 427,280.33	\$ 195,358.15	\$ 164,976.55	\$ 707,473.79				
2024-2014	\$ 11,986.29	\$ 6,246.25	\$ 3,664.91	\$ 9,827.00	\$ 451.75	\$ 326.18				
2013- PRIOR	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
TOTAL:	\$ 11,986.29	\$ 4,587,372.64	\$ 430,945.24	\$ 205,185.15	\$ 165,428.30	\$ 707,799.97				
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL			
2025	\$ 368,774.87	\$ 50,506.58					\$	6,495,496.66		
2024-2014	\$ 2,962.61	\$ 303.69					\$	35,768.68		
2013-PRIOR	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$	-		
TOTAL:	\$ 371,737.48	\$ 50,810.27	\$ -	\$ -	\$ -	\$ -	\$	6,531,265.34		

HEART OF BREVARD TAX SETTLEMENT REPORT
MONTH ENDING FEBRUARY 28, 2026

UPDATED: 03.04.2026

YEAR	JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER		
2025	\$	-	\$	78,787.77	\$	14,235.31	\$	7,200.76	\$	1,907.35	\$	20,757.82	
2024-2014	\$	-	\$	62.00	\$	1.48	\$	-			\$	5.45	
2013-PRIOR	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
TOTAL:	\$	-	\$	78,849.77	\$	14,236.79	\$	7,200.76	\$	1,907.35	\$	20,763.27	
	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE		TOTAL
2025	\$	7,653.10	\$	2,591.55									\$ 133,133.66
2024-2014	\$	106.50					\$	-					\$ 175.43
2013-PRIOR	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -
TOTAL:	\$	7,759.60	\$	2,591.55	\$	-	\$	-	\$	-	\$	-	\$ 133,309.09

STAFF REPORT

City Council, Monday, March 16, 2026

Title: Property Tax Releases - February 2026

Speaker:

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

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

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

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

General Statute 105-381

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

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

Release Amount for February 2026: \$297.24_

Recommendation:

Approve resolution to release values from the tax scroll.

Attachments:

1. Resolution Approving Property Tax Releases-For March 16, 2026

RESOLUTION 2025-XX

A RESOLUTION APPROVING PROPERTY TAX RELEASES

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

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

The Tax Collector is hereby authorized to remove February 2026 property values from the tax scroll in the amount of:

TAX YEAR 2025: \$ 297.24

Adopted and approved this 16th day of March 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, March 16, 2026

Title: Silversteen Park Pavilion Capital Project Fund Establishment

Speaker: Dean Luebbe

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

Approved by: Wilson Hooper, City Manager

Background

On February 24, 2026, the City received a donation of \$45,800 from Clay and Lisa Sykes to cover the expected engineering and architectural costs for the Silversteen Park Pavilion on Hillview Street. The City wishes to establish a new Capital Projects Fund to account for the revenues and expenditures associated with the project, which will permit us to discretely track these dollars as well as any additional project funding.

Action

Staff request Council approve the establishment of the Capital Project Fund as submitted.

Attachments:

1. CPO Establishment - Silversteen Park Pavilion
2. Silversteen Park Pavilion design agreement

ORDINANCE NO. 2026-XX

CAPITAL PROJECT ORDINANCE TO ESTABLISH SILVERSTEEN PARK PAVILION
CAPITAL PROJECT FUND

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

Section 1: In February of 2026, the City received a donation of \$45,800 from Clay and Lisa Sykes to cover the expected architectural and engineering costs for the Silversteen Park Pavilion located on Hillview Street. The preliminary concept is to construct a 30 by 40 foot pavilion with toilets and a storage/mechanical room on PIN # 586-21-4208.

Section 2: This Project will be recorded in the newly established Silversteen Park Pavilion Capital Projects Fund. The City is expecting that the initial project budget of \$45,800 will be increased as the specifics of the Project become known.

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

Account Number	Account Name	Budget Amount
60-6200-0925	Prof Serv – Silversteen Pavilion	\$45,800
TOTAL PROJECT APPROPRIATION		\$45,800

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

Account Number	Account Name	Budget Amount
60-3750-0250	Silversteen Pavilion Contribution	\$45,800
TOTAL PROJECT REVENUE		\$45,800

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

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

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

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

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 16th day of March, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

Design Letter of Agreement City of Brevard

Silversteen Park Pavilion, Hillview Street, May Collaborative, PLLC

This Agreement is made this 27th day of February 2026, by and between the City of Brevard hereinafter referred to as City, and May Collaborative, PLLC hereinafter referred to in this document as Designer.

Whereas City needs the services of a designer/planner for the **Silversteen Park Pavilion, located on Hillview Street.**

The designer/planner shall provide professional services for the project in accordance with the terms and conditions of this agreement.

Now, therefore, City and Designer, for the consideration hereinafter set forth, agree as follows:

- A) The Designer will perform the tasks as outlined in the proposal letters dated December 18, 2025, for the **Silversteen Park Pavilion, Hillview Street** attached hereto as **Attachment A**.
- B) Deliverables are to be, as described in the proposal included here as **Attachment A**.
- C) The City will compensate the Designer in the amount of \$42,700.000 for completion of the scope of work as defined in the proposal plus a Reimbursable Allowance of \$1,000.00 for a total Design Agreement amount of **forty-three thousand seven hundred dollars (\$43,700.00)** payable in mutually agreeable increments as the work progresses. Payments are not to exceed the stated values.
- D) This work will be completed on or before 7/1/2026.
- E) Records of the Designer's personnel, consultants, additional services, and reimbursable expenses pertaining to the project, and records of accounts between the City and the designer, shall be kept on a generally recognized accounting basis, and all such records shall be available to the City or his authorized representative at mutually convenient times.
- F) All notes and other works developed in the performance of this agreement shall become the sole property of the City of Brevard. Any drawings developed as a result of this proposal shall become the property of the City of Brevard and shall be provided in both (.dwg) and (.pdf) formats.
- G) The City may terminate this agreement for any reason upon ten (10) calendar days' written notice (delivered by certified mail, return receipt requested). This agreement may be terminated by either party upon seven (7) calendar days' written notice (delivered by certified mail, return receipt requested) should one party fail to perform in accordance with its terms through no fault of the other. In event of termination, the

Designer shall receive payment for services rendered prior to the receipt of written termination notice from the City. Any work done by the Designer prior to termination shall become the property of the City and payment will be made commensurate with the level of work completed.

- H) The City and the Designer each binds himself, his partners, successors, legal representatives and assigns to the other party to this agreement and to the partners, successors, legal representatives and assigns of such other party in respect to all covenants of this agreement. Neither the City nor the Designer shall assign, sublet, or transfer his interest in this agreement without the written consent of the other.
- I) This Agreement represents the entire and integrated agreement between City and Designer and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written consent.
- J) The work under this agreement shall not commence until the designer has obtained all required insurance and verifying certificates of insurance have been approved in writing by the City. The City shall be named as additional insured for its interest on all policies of insurance except Worker's Compensation as regards ongoing operations, products and completed operations and this shall be noted on the face of the Certificate of Insurance. Certificates for all such policies shall be provided by the Firms' insurance agent or broker to City within 15 (fifteen) working days from the date of award. These certificates shall document that coverages afforded under the policies will not be cancelled, reduced in amount or coverages eliminated until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the insured and the City of such alteration or cancellation. If endorsements are needed to comply with the notification or other requirements of this article copies of the endorsements shall be submitted with the certificates. Firms agree to maintain and keep in force during the life of this Agreement, with a company or companies authorized to do business in North Carolina for the following insurance policies:

Worker's Compensation – State of North Carolina Statutory
Employers Liability – \$500k/\$500k

Automobile Liability

\$ 5,000,000 Per Accident - Combined Single Limit

Coverage shall include bodily injury and property damage and cover all vehicles including owned, non- owned and hired.

Commercial General Liability

\$ 5,000,000 Per Occurrence

(Including products and completed operations liability)

Or \$1,000,000 on each of the above policies and a \$4,000,000 Umbrella Policy

Errors and Omissions Liability

\$5,000,000

a. Deductible

Any deductible, if applicable to loss covered by insurance provided, is to be borne by the Designer.

b. Proof of Coverage

The designer shall furnish the City with satisfactory proof of coverage of the insurance required before written approval is granted by the City in the form of a Certificate of Insurance with the City of Brevard listed as additional insured.

Designer:

Witness: _____

By: _____

Date: _____

City: City of Brevard

Witness: _____

By: _____
(Name and Title)

Date: _____

ATTACHMENT A



Outline of Services: Silversteen Park Pavilion, Hillview Street Professional Design Services

David Todd
Assistant City Manager
City of Brevard
95 West Main Street
Brevard, NC 28712
e: David.Todd@cityofbrevard.com

December 18, 2025

Dear Mr. Todd,

Thank you for the opportunity to provide professional architectural and engineering design services for the Silversteen Park Pavilion. May Collaborative will provide schematic design through Permitting Services in support of the design based on the preliminary concept provided by the City of Brevard for an approximately 30'x40' pavilion with toilets and storage/mechanical room to be located on parcel PIN# 586-21-4208, approximately 0.240 acres, adjacent to the existing playground, on Hillview Street.

We understand the City is in the process of updating zoning regulations for Institutional Campus (IC) in regard to setbacks so that the proposed project is allowable by right per the City's Unified Development Ordinance. Since the proposed project area is located within the floodplain, the enclosed restrooms/storage area and all utilities will be flood-proofed or elevated a minimum of 2 feet above the base flood elevation. Our proposal includes scope of work for as-built/record drawings and surveying to obtain floodplain permit and no rise certification. The proposed timber and/or steel structural system will be designed to address resiliency and floodplain considerations. The Consultant will utilize an existing topographic survey completed by Cole Surveying & Design and prior soils report provided by S&ME, Inc. Procurement of the structure will be determined after completion of design and Opinion of Probable Construction Cost.

Sub-consultants to provide services as part of this contract include:

Civil Engineering:	High Country Engineering, PC
Surveying:	Cole Surveying & Design, PA
Floodplain:	Headwaters Engineering
Preconstruction Services/Budget:	Wheelhouse Builders
Structural Engineering:	Tamarack Grove Engineering
Electrical, Mechanical, Plumbing:	Bettac Engineering PLLC

May Collaborative PLLC offers the following scope of work as a means to capture the project goals.

A. Existing Conditions and Schematic Design Phase:

1. Visit site and document existing conditions.
2. Review zoning and other areas of regulations (floodplain, NCDOT, erosion control, etc.) Understand site constraints, consider accessibility, and serviceability in site/building layout. Review ordinances and building codes in relation to floodproofing requirements.
3. Prepare schematic design of site and building, including plan and elevations.
4. Develop a preliminary Opinion of Probable Construction Cost.
5. Design Review Meeting with City of Brevard staff and Rosenwald Committee.

B. Design Development Phase:

1. Prepare site plan, grading and stormwater drainage plan, and erosion control plan meeting regulatory requirements.
2. Coordinate floodplain design.
3. Define structural, mechanical, electrical and plumbing systems and required areas to accommodate equipment.
4. Refinement of building plans, elevations, and sections. Preliminary interior and exterior building materials to be defined.
5. Refine Opinion of Probable Construction Cost based on approved DD phase drawings.
6. Design Review Meeting with City of Brevard staff and Rosenwald Committee.

C. Construction Documents Phase:

1. Design Development Phase documents will be refined to provide the necessary drawings and details required for permitting and construction.
2. Construction drawings to include:
 - a. Site and utility plan
 - b. Grading and stormwater plan
 - c. Appendix B and life safety plan
 - d. Architectural plan, elevations, roof plan, interior elevations, sections, details and schedules
 - e. Structural foundation, timber framing plans, details, and sections.
 - f. Electrical power plans to include: electrical single line and panel schedules, conduit and cable sizing, and load calculations.

- g. Electrical site/floor plan detailing receptacle placement, electrical service entrance panel and electrical disconnect locations.
 - h. Plumbing/mechanical plans and details
 - i. Specifications to be provided on drawing sheets
3. Update Opinion of Probable Construction Cost based on final design.
 4. Attend City Council Meeting to present Final Plan and Budget.

D. Permitting Assistance:

1. Prepare and coordinate required permit applications and design manuals as required by permitting authorities listed below.
2. Submit plans and permit applications to the following permitting authorities:
 - a. City of Brevard Zoning Review
 - b. City of Brevard Floodplain Review
 - c. Transylvania County Building and Enforcement (preliminary review only, Permits to be obtained by selected General Contractor)
3. Address comments from each permit authority and obtain permits.

E. Construction Observation (Civil):

1. Perform several required inspections of site, stormwater and erosion control construction to verify compliance with permit and design plans.
2. Incidental field data collection for verification of existing utility information, topographic information, and existing project features.
3. Meetings (in excess of those listed above) and other requests will be billed as time and materials expense (T&M expense).

F. As-built / Record Drawings

1. Prepare Record Drawings or closeout forms of City of Brevard Floodplain Review
2. Coordinate Headwaters & Cole Surveying for elevation certificates and floodplain permit.
3. Submit and obtain approval for required record drawings.
4. Provide Operations plan, Inspections and Maintenance plan for flood-proofed facilities as required per City of Brevard Flood Ordinance.

Exclusions to the above scope of work:

1. Permit fees
2. Reproduction costs
3. No rezoning, TRC, special use permit, conditional use permit or Planning Board hearings are included for the completion of the proposed project.
4. Assistance with bidding, evaluation of bids, contractor selection, or review & approval of alternate items. Procurement method assume to be informal bidding by City of Brevard.
5. Construction Administration Services other than those required for site and floodplain compliance. These may be added as required by procurement method.

To be provided by Client:

1. City of Brevard to authorize Cole Surveying & Design to release CAD survey files.
2. Special equipment, furnishings specifications and details, if required
3. Other programmatic requirements and details not currently identified in this scope of work.

FEE SCHEDULE

Description		Fee
A. Existing Conditions and Schematic Design Phase		\$7,300.00
B. Design Development Phase		\$12,200.00
C. Construction Documents		\$12,300.00
D. Permitting Assistance		\$2,900.00
E. As-Built/Record Drawings		\$8,000.00
Total (Fixed Fee)		\$42,700.00
<i>Construction Observation (Civil – required) Serviced to be billed T&M)</i>	\$2,100	
<i>Reimbursable Expenses (allowance)</i>	\$1,000	

COMPENSATION

Compensation for Basic Services for this project shall be a stipulated fixed sum of **Forty-two Thousand Seven Hundred Dollars** based on the project Scope of Service outlined herein.

Reimbursable costs include, but are not limited to large prints, copies, additional consultant fees, etc. Reimbursable Expenses identified in proposal are estimations. Actual costs to be billed at time and rate as incurred plus ten percent.

TERMS OF SERVICE

The following items are the basic conditions under which the Consultant will contract the services outlined in this proposal. The scope of work has been developed based on previous discussions and understanding of the project needs but may be modified at the request of the Client.

Schedule

The Consultant is available to begin work within two weeks of acceptance of the proposal. This proposal is valid for 30 days from date of preparation. Completion of Construction Documents is estimated to be within 16 weeks, dependent upon responsiveness of City of Brevard staff approval at each phase, Rosenwald Committee meeting schedule, and City Council meeting agenda and schedule.

Payments

Invoices for Consultant's services will be submitted on a monthly basis or at completion of project phases and forwarded to the Client for payment. Payment on all invoices is due upon receipt and subject to a one percent (1%) service charge per month for all balances unpaid after thirty (30) days.

Instruments of Service

All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Architect as instruments of service shall remain the property of the Architect. The Architect shall retain all common law, statutory and other reserved rights, including, without limitation, the copyrights thereto.

Except for any use associated with this project, the Client agrees, to the fullest extent permitted by law, to defend, indemnify and hold harmless the Architect, its officers, directors, employees and sub Architects (collectively, Architect) against any damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising from or allegedly arising from or in any way connected with the reuse or modification of the Documents by the Client or any person or entity that acquires or obtains Documents from or through the Client without the written authorization of the Architect.

May Collaborative will retain electronic records of Instruments of Service for a period not to exceed six years from the date of completion of the project. Instruments of Service include proposals, contracts, feasibility studies, preliminary design, construction documents, and technical specifications.

Other Services / Changes in Services

Services in addition to those outlined in this proposal and changes to the initial scope of work requested by the Client will be considered Additional Services and billed at the Consultant's standard hourly rate or as negotiated for specific scope of work with the Client.

If there are questions about the proposal, please ask. The purpose of this is to capture as much of our understanding of the project prior to its development. You may contact me by phone, 828.866.3104 or email, melanie@designwithmay.com.

Sincerely,



Melanie Spreen, RA

This proposal shall serve as the Agreement for Services between the Client and Consultant.

Proposal by:	Consultant:	May Collaborative PLLC
	Date:	December 18, 2025
	Address:	170 South Broad Street, Suite #2B Brevard, NC 28712

Accepted by:

Client - Signature

Client - Printed Name

Organization

Address

Date

STAFF REPORT

City Council, Monday, March 16, 2026

Title: Capital Project Amendment - Bracken Expansion - \$32,973

Speaker: Dean Luebbe

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

Approved by: Wilson Hooper, City Manager

Background/Discussion

The Bracken Preserve Enhancement Capital Project requires an amendment of \$32,973 to account for a recently signed contract with Long Cane Trails in the amount of \$39,688. The Project has been carrying a fund balance of \$9,999 related to the initial General Fund transfer of \$70,000 back in August of 2023. The City has also received a total of \$32,973 from outside organizations to fund the work. The City wishes to thank the Jason and Jamie Ramsey Family, Conserving Carolina, and Pisgah SORBA for their contributions to this project.

Action

Staff request Council approve the attached Capital Project Amendment

Attachments:

1. CPO Amendment Bracken Preserve Enhancement \$32,973

ORDINANCE NO. 2025-XX

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE
NO. 2023-32 BRACKEN PRESERVE ENHANCEMENT PROJECT

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

Section 1: The budgeted expenditures and revenues listed under the ordinance 2023-32 will be increased by \$32,973. In January of 2026, the City signed a contract with Long Cane Trails in the amount of \$39,688 to provide services to construct approximately 1.8 miles of new beginner/intermediate skill and fitness level hiking and biking natural surface trails. The new trails will connect the existing Bracken Preserve trail system with the newly acquired expansion property, providing a greater option of trail experience to a wider range of trail users.

Section 2: At 7/1/2025 the Bracken Preserve Enhancement Capital Project Fund had a fund balance of \$9,999. Since that time, the City has received the following outside contributions:

- A. Jason and Jamie Ramsey Family \$10,000.
- B. Conserving Carolina \$19,940
- C. Pisgah SORBA \$3,033

These contributions, along with the initial fund balance will allow the City to complete the project.

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

Account Number	Account Name	Budget Amount
78-6200-4000	Bracken Preserve Enhancement	\$70,000
78-6200-4000	Bracken Preserve Enhancement	\$32,973
TOTAL PROJECT APPROPRIATION		\$102,973

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

Account Number	Account Name	Budget Amount
78-3750-0220	Transfer from GF – Bracken	\$70,000
78-3750-0240	Bracken Contribution	\$32,973
TOTAL PROJECT REVENUE		\$102,973

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

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

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

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

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 16th day of March, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, March 16, 2026

Title: Resolution in Support of the Addition of Mars Hill and Marshall to the Asheville Regional Housing Consortium

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background & Discussion

The Asheville Regional Housing Consortium (ARHC) consists of contiguous units of general local governments that come together to qualify for a direct allocation of HOME funds from the US Department of Housing and Urban Development (HUD). This creates an opportunity for these jurisdictions to take a more regional, collaborative approach to meeting their affordable housing needs. The Consortium region consists of the jurisdictions in Buncombe County, Henderson County, Transylvania County, and Madison County. The ARHC chose the City of Asheville, the participating jurisdiction "PJ", as the "lead entity." The lead entity retains primary responsibility for ensuring consortium compliance with all HOME Program rules and reporting to HUD. A representative from the City of Brevard sits on the board of the Consortium and participates in all funding decisions.

In order to carry out HOME activities and meet all HOME requirements, the consortium operates as one entity that is able to operate efficiently and effectively to assess affordable housing needs, develop a plan to address those needs, make funding decisions, carry out complex housing activities, self-monitor progress, account for expenditures, and report to HUD.

The Consortium board recently voted to formally add the Town of Mars Hill and the Town of Marshall to the consortium. While these municipalities have historically operated as members, the City of Asheville never fully completed the process of adding them with full recognition by the Department of Housing and Urban Development. Both Mars Hill and Marshall have indicated their desire to formally join the consortium and are proceeding with securing authorizations from their governing bodies.

Action

Staff is requesting that Council adopt the attached resolution authorizing the Mayor to execute an amendment to the Joint Cooperative Agreement adding the Town of Mars Hill and the Town of Marshall to the Asheville Regional Housing Consortium.

Attachments:

1. Draft Resolution
2. Asheville Consortium Joint Cooperation Agreement - 2026

RESOLUTION NO. 2026-____

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF BREVARD TO EXECUTE
AN AMENDED JOINT COOPERATION AGREEMENT TO ADD THE TOWN OF MARS HILL
AND THE TOWN OF MARSHALL TO THE ASHEVILLE REGIONAL HOUSING
CONSORTIUM**

WHEREAS, affordable, safe, and sanitary housing is essential to the health, safety, and general welfare of the residents of the City of Brevard; and,

WHEREAS, the provision of affordable, safe and sanitary housing will benefit work force productivity and area economic development; and

WHEREAS, a cooperative approach to providing housing in the Asheville Regional area will avoid duplication of effort and promote more effective delivery of housing services; and

WHEREAS, a consortium of local governments is entitled to receive funds from the U.S. Department of Housing and Urban Development that they would otherwise be unqualified to receive individually; and

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, makes provisions whereby units of general local government may enter into cooperation agreements and form Consortia to undertake or assist in undertaking affordable housing pursuant to the HOME Investment Partnerships Program; and

WHEREAS, the City of Brevard is a current member of and, along with the other regional units of general local government members, desires to continue the Asheville Regional Housing Consortium to undertake or assist in undertaking affordable housing under the Cranston-Gonzalez National Affordable Housing Act of 1990; and

WHEREAS, the Town of Mars Hill and the Town of Marshall each wish to join the Asheville Regional Housing Consortium; and

WHEREAS, it is the desire of the City of Brevard to admit the Town of Mars Hill and the Town of Marshall as members of the Asheville Regional Housing Consortium; and

WHEREAS, Article 20 Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute any undertaking.

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

SECTION 01. The City of Brevard hereby supports the addition of Mars Hill and Marshall to the Asheville Regional Housing Consortium; and

SECTION 02. The Mayor of the City of is authorized to execute an amended Joint Cooperation Agreement with the other member governments of the Asheville Regional Housing Consortium; and

SECTION 03. The Mayor of the City of Brevard is further authorized to sign all contracts, approved by the Brevard City Attorney, with other Governmental Agencies as may be required to carry out activities of the Cooperation Agreement.

Adopted and approved this the 16th day of March 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

**ASHEVILLE REGIONAL HOUSING CONSORTIUM
JOINT COOPERATION AGREEMENT**

THIS AGREEMENT, entered into this _____ day of _____, 2026, by and between geographically contiguous units of general local government as shown on the signature pages attached hereto and herein listed in Exhibit A, which may include Buncombe, Henderson, Madison and Transylvania Counties, and governmental units located within said counties, (herein called "Cooperating Units") and City of Asheville (herein called "Lead Entity"), all of which are general local governmental units of the State of North Carolina, is made pursuant to Chapter 160A, Article 20 of the North Carolina General Statutes.

WITNESSETH THAT:

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended (herein called the "Act") makes provisions whereby units of general local government may enter into cooperation agreements and form a Consortium to undertake or assist in undertaking affordable housing pursuant to the HOME Investment Partnerships Program (Home Program); and

WHEREAS, it is the desire of the parties that the Lead Entity continue to act in a representative capacity for the Cooperating Units as well as itself. The Cooperating Units desire that the Lead Entity assume overall responsibility for ensuring that the Consortium, established below, is carried out in compliance with the requirements of the Act, state and federal regulations program requirements and the Consolidated Plan for the Consortium.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. To continue the Asheville Regional Housing Consortium (the Consortium) established in 1992 as a joint agency, pursuant to N.C. General Statute 160A-462, for the purposes of cooperatively providing safe, affordable and standard housing, promoting economic development and alleviating housing problems in the counties of Buncombe, Madison, Henderson and Transylvania and the participating municipalities located in those counties.

2. The Asheville Regional Housing Consortium Board of Directors (the Board) will continue to provide policy direction for the operations of the Consortium. The Board will meet at least quarterly or as often as considered necessary by the Lead Entity or by a majority of the members of the Consortium. The membership of the Board shall be comprised of one member from each Cooperating Unit, except that Cooperating Units with population over 35,000 shall have two members. For the purposes of this section, the County population shall consist of residents of unincorporated areas. The Board shall provide an Annual Report summarizing the status and accomplishments of the consortium to the Governing Body of each member. The Board shall establish policy and administrative arrangements to carry out the functions of the Consortium including, but not limited to, approving proposals for funding submitted by the Consortium, distributing funds awarded to the Consortium and recommending contracts for carrying out the functions of the Consortium. With respect to the financial and legal obligations undertaken by the Lead Entity with HUD, no action shall be taken by the Consortium without the concurrence of the

Lead Entity. The Consortium is designated as a participating jurisdiction under the HOME Program, and Cooperating Units shall continue to appoint members to serve on the Board. In the event the Board consists of more than 9 representatives, an executive committee will continue consisting of 5 members representing one each from the four County Governments and one from the Lead Entity. The Lead Entity shall designate one of its representatives to serve as Chairman of the Board and the Executive Committee.

3. The Lead Entity and each Cooperating Unit shall be responsible for providing matching funds required by federal regulations for any funds allocated for that jurisdiction. No Cooperating Unit shall refuse to provide matching funds required by its projects for the period of time that the participation of that Cooperating Unit is required in the Consortium by HUD regulations and this Agreement. Each Cooperating Unit shall reimburse the Lead Entity immediately and in full for any and all expenses incurred by the Lead Entity as a result of the failure of any Cooperating Unit to provide the matching funds. Matching funds will not be required when the Cooperating Unit does not have a project within its jurisdiction.

4. The Cooperating Units hereby authorize the Lead Entity to submit, request and receive HOME funding from the United States Department of Housing and Urban Development on behalf of the Consortium and to otherwise act on behalf of the Consortium as authorized by the Board.

5. The Cooperating Units hereby authorize the Lead Entity to establish and maintain a local HOME Investment Trust Fund for receipt of HOME funds and repayments as required by 24 CFR Part 92.500.

6. The Lead Entity and Cooperating Units shall cooperate in the implementation of the HOME Program and shall cooperate in the preparation of the Consolidated Plan by providing to the Lead Entity that information needed.

7. The Lead Entity and Cooperating Units shall be entitled to a pro rata portion of the HOME Program funding for eligible uses under the Act and each shall be responsible for meeting their pro rata portion of the matching fund requirements. If no amounts are established by the Federal government for the Lead Entity and Cooperating Units in the Consortium, funds for the Lead Entity and Cooperating Units shall be allocated by the Board.

8. The Consortium agrees that at least 15% of all HOME Program funds received will be subcontracted for projects administered by Community Housing Development Organizations (CHDOs) as defined in the Act which have 501(c) tax status as required by federal law.

9. The Board shall have the right to reallocate HOME Program funding to the Consortium to be used by other Consortium members when a Cooperating Unit is unable to use the funding due to lack of eligible projects or matching resources. A schedule for reallocation shall be determined by the Board to allow HOME Program funding to be used by the Consortium before reallocation by the U.S. Department of Housing and Urban Development to jurisdictions outside the Consortium. The reallocation of funds that are unable to be used shall be consistent with the Consortium's adopted Consolidated Plan.

10. With reference to any program income and repayments generated from the HOME funds, federal regulations shall govern placement of program income generated from HOME funds and repayments into the local trust fund. The Lead Entity shall, if requested and to the extent possible, separately account for program income and repayments on each Cooperating Unit's projects. Program Income and repayments on projects shall only be available to the Cooperating Unit for use on activities that are consistent with the Act and the approved Consolidated Plan.

11. The Cooperating Units and Lead Entity shall affirmatively further fair housing.

12. The Lead Entity and Cooperating Units, as parties to the Consortium, shall direct all activities, with respect to the Consortium, to the alleviation of housing problems in the State of North Carolina.

13. The Cooperating Units and Lead Entity agree that each will save the other harmless due to the negligent acts of its employees, officers or agents, including volunteers, or due to any negligent operation of equipment. This section shall not be construed as waiving any defense or limitation which either party may have against any claim or cause of action by any person not a party to this agreement. The Cooperating Units shall not be held harmless for liability that may result from failure to provide proper accounting or otherwise comply with State and Federal regulations. Each Cooperating Unit shall immediately reimburse the Lead Entity in full for any and all expense for which the Lead Entity shall become responsible in its role as Lead Entity. To the extent that such expense is incurred by the acts or omissions of a single Cooperating Unit, that Cooperating Unit shall make such reimbursement in full. To the extent that such expense is incurred by acts or omissions of two or more Cooperating Units, said reimbursement shall be shared proportionately by those Cooperating Units.

14. The Lead Entity and the Cooperating Units agree to remain in the Consortium at least through September 30, 2028. Thereafter, each party shall continue to participate in the Consortium to the extent required by HUD regulations or other applicable law. The obligations of each of the parties as set forth herein and as required by HUD regulations and other applicable law shall remain effective for the duration of any responsibility of the Consortium or Lead Entity to HUD. The Lead Entity and cooperating units agree not to withdraw from the Agreement prior to September 30, 2028.

15. Should disputes arise between any participants in the Consortium resulting in legal action, such actions shall be filed in the appropriate courts of Buncombe County. All parties hereto located in Counties outside Buncombe County specifically waive any alternate venue.

16. The program year start date for the Consortium shall be July 1, 2026. The Lead Entity and Cooperating Units agree to have the same program year for CDBG and HOME.

17. Unless otherwise terminated by agreement in writing of all parties hereto or by termination of the HOME program by HUD, this agreement shall automatically be renewed for successive three-year qualification periods under the same terms and conditions. The parties agree that this agreement shall be amended to incorporate any changes necessary to meet the

requirements for consortia agreements set forth in the Consortia Qualification Notice for any subsequent three-year qualification period. Any Cooperating Unit shall have the right to withdraw from the consortium at the beginning of any renewal period by giving notice in writing to the City of Asheville. For each renewal period, the City of Asheville shall, by the date specified in HUD's consortia designation notices, notify each of the Participating Units in writing of its right not to participate for that renewal period and shall provide copies of all such notifications to HUD.

IN WITNESS WHEREOF, the lead entity and the Cooperating Units have caused this Agreement to be executed by a duly authorized officer of each party.

Attest to:

City of Brevard

City Clerk
(Corporate Seal)

By: _____
Mayor

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, Notary Public of the County and State aforesaid certify that _____,
personally came before me this day and acknowledged that they are the Clerk of the City of
Brevard, a body politic and corporate, and that by authority duly given and as the act of the
corporation the foregoing instrument was signed in its name by its Mayor and attested by them as
its City Clerk.

Witness my hand and notarial seal this _____ day of _____, 2026.

Notary Public
My Commission Expires: _____

Certification that each party does hereby state that this joint Cooperation Agreement is fully
authorized and is in accordance with State and local law and provides full legal authority for the
member to undertake or to assist in undertaking housing assistance activities under the HOME
Investment Partnership program authorized under the National Affordable Housing Act of 1990, as
amended.

City Attorney
City of Asheville

EXHIBIT A
ASHEVILLE REGIONAL HOUSING CONSORTIUM
LIST OF COOPERATING UNITS

Cooperating Unit	Type
City of Asheville	Lead Entity/Participating Jurisdiction (PJ)
Buncombe County	Unincorporated Part of Non-CDBG County
Black Mountain Town	Place within Buncombe County
Montreat Town	Place within Buncombe County
Woodfin Town	Place within Buncombe County
Henderson County	Unincorporated Part of Non-CDBG County
Fletcher Town	Place within Henderson County
Hendersonville City	Place within Henderson County
Madison County	Unincorporated Part of Non-CDBG County
Mars Hill Town (NEW)	Place within Madison County
Marshall Town (NEW)	Place within Madison County
Transylvania County	Unincorporated Part of Non-CDBG County
Brevard City	Place within Transylvania County

STAFF REPORT

City Council, Monday, March 16, 2026

Title: Resolution Adopting Brevard Music Center's 90th Anniversary Promotions as Government Speech

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

The Brevard Music Center is celebrating its 90th anniversary in 2026, and they have approached the City for support promoting the milestone. In particular, they have asked to advertise the anniversary on city properties including light poles, kiosks and other billboards at city parks, bulletin boards at public facilities, etc.

Discussion

The First Amendment compels public agencies to remain content neutral on speech conducted in spaces considered to be "public forums". This is why local governments cannot censor or remove comments posted on their social media sites, for example, or deny an otherwise lawful parade permit to a group with an offensive message. Without the action described below, the installation of the promotional content in the areas described above would create a public forum and limit the city's ability to control the messages that are posted there.

A legal doctrine known as the "Government Speech Doctrine" posits that when a government speaks for itself, content neutrality does not apply and the government is allowed to communicate one message and not another. The Supreme Court has upheld this doctrine, though in a 2022 case they established a number of legal tests that must be met to ensure speech is truly government speech.

The Court's most notable test is whether the government exercises actual control over the message. In Brevard's case, it is staff's belief that a formal act by the organization's governing body -as opposed to a symbolic proclamation by the Mayor alone- is needed to clearly designate the speech as government speech.

Action

Council is asked to consider the attached resolution designating promotion of the Brevard Music Center's 90th anniversary as government speech and approving its posting on city properties approved by the city manager.

Attachments:

1. Res_2026-XX_BMC Government Speech Designation

RESOLUTION NO. 2026-XX

**RESOLUTION ADOPTING BREVARD MUSIC CENTER 90th ANNIVERSARY CELEBRATION
CONTENT AS GOVERNMENT SPEECH**

WHEREAS, the Brevard Music Center is a well-known cultural institution located in the City of Brevard, North Carolina, that contributes significantly to the area’s culture, economy, and reputation; and

WHEREAS, in 2026 the Brevard Music Center is celebrating its 90th anniversary; and

WHEREAS, the City of Brevard wishes to support this milestone by promoting the anniversary and related activities on public properties around the city.

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

Section 1. The Brevard City Council adopts non-commercial content related to the Brevard Music Center 90th anniversary as official government speech.

Section 2. The Brevard City Council approves the installation and posting of items containing this content on public properties approved by the City Manager until October 31, 2026.

Adopted and approved this the ____th day of March, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-06

**Month of the Young Child &
Child Abuse Prevention Month**

WHEREAS, the youth-serving agencies of Transylvania County come together to celebrate The Month of the Young Child during the month of April 2026 to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs; and

WHEREAS, children's cognitive, physical, social and emotional, and language and literacy development are built on a foundation of children's positive, safe, and nurturing interactions with adults, peers, and their environment; and

WHEREAS, youth-serving agencies of Transylvania County are collaborating to raise awareness and prevent child abuse in our community; and

WHEREAS, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development; and

WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; and

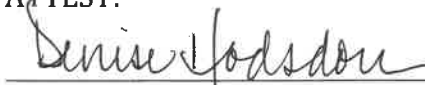
WHEREAS, communities that provide parents with the social support, knowledge of parenting and child development, and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential; and

WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim April as the **Month of the Young Child and Child Abuse Prevention Month** and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders, and businesses to increase their participation in our efforts to support families, thereby supporting early childhood programs and preventing child abuse and strengthening the communities in which we live.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 16th day of March, 2026.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk




Maureen Copelof
Mayor

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, November 24, 2025 – 1:00pm
City Hall Council Chambers

Members Present: Lauren Wise, Chair
Gary Daniel, Vice-Chair, Council Member
Susan Miller, Citizen Member

Staff Present: Dean Luebbe, Assistant City Manager/Finance Director
Kelley Craig, Human Resources Director
Emily Brewer, Senior Planner
Becky McCann, Communications Coordinator
Denise Hodsdon, City Clerk

Members of Public: Harvey Sankey

A. Welcome & Call to Order

Committee Chair Wise welcomed everyone and called the meeting to order at 1:03pm.

B. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

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

D. Approval of Minutes – September 22, 2025 Meeting

Mr. Daniel moved, seconded by Ms. Miller to approve the minutes of the September 22, 2025 meeting as presented. The motion carried unanimously.

E. Vendors on City Property

Emily Brewer explained that this has been part of a much larger effort to update temporary uses, special events and vendors on city property, and the goal is to separate those three things and outline policies and procedures for all of them. Temporary uses are meant to be those on private property entirely, and special events are those that are

within public rights-of-way and impact vehicle and pedestrian traffic. There has been more interest regarding vendors on city property, specifically from vendors who want to set up at Clemson Plaza or in the food truck site at the Depot. Ms. Brewer said we really don't have a place to put these requests, as they are not a temporary use because they are not on private property, nor do they fall under special events. She recalled that the committee discussed this at the September meeting and identified some possible areas to allow vendors and asked her to bring back a full policy.

Ms. Brewer presented the attached draft policy for the committee's review and discussion. She explained that the draft policy includes only non-motorized pushcarts, with proposed locations at Clemson Plaza (2), Franklin Pool, Dog Park, and Sports Complex (Soccer Field and Skate Park). The one spot at the Depot would require permission from the parking lot property owner before including it in the policy. She noted that the reservation requirements are similar to those of other municipalities, where vendor reservations would be for a period not to exceed 30 days, and the vendor would not be allowed to reserve the same space for another 30 days. Operating requirements mimic those in the temporary use ordinance that has gone to City Council.

During discussion, Mr. Daniel suggested that the policy state that vendors must remove the cart after the allowed operating hours. Mr. Wise asked if the Franklin Pool location would include Franklin Park in general, or just the pool. Ms. Brewer said Staff has had a lot of discussion about that and felt it was not a good idea to put vendor spots near a playground where there may not be frequent traffic, so the intention was to have it by the pool entrance. There was discussion about proposing two vendor spots in Clemson Plaza, and because Clemson has been proposed for a bike depot location, there was consensus that it may appear to be over commercialized with two vendor spots, and to reduce it to one spot.

Ms. Miller moved, seconded by Mr. Daniel to approve the draft policy as amended and forward to Council with a recommendation to approve. The motion carried unanimously. The proposed policy will also be shared with the Downtown Master Plan Committee as information only.

F. Policy Committee Applications – Review & Recommendation

The committee reviewed applications and made recommendations for the following policy committees:

- Finance, Human Resources & Citizen Appointment Committee
- Housing Committee
- Public Safety Committee
- Public Works & Utilities Committee

Mr. Daniel moved, seconded by Mr. Wise to recommend the reappointment of Susan Miller to the Finance, Human Resources & Citizen Appointment Committee. Ms. Miller recused herself. The motion carried 2-0.

Mr. Daniel moved, seconded by Ms. Miller to recommend the reappointment of Victor Foster to the Housing Committee. The motion carried unanimously.

Mr. Daniel moved, seconded by Ms. Miller to recommend the reappointment of Kevin Gallo to the Public Safety Committee. The motion carried unanimously.

Ms. Miller moved, seconded by Mr. Daniel to recommend the reappointment of Owen Carson to the Public Works & Utility Committee. The motion carried unanimously.

G. Draft Procurement Card (P-Card) Policy & Procedures

Mr. Luebbe explained that currently the City uses credit cards that are issued to the departments which individuals in the specific department use for purchases. He said we have a good control system in place, but it takes a lot of time for each department and the Finance Department to reconcile the accounts on a monthly basis. The best policy is to have cards issued to individuals so that each individual is the only one responsible for purchases on the card. Each individual would have a daily/monthly limit, and purchases would flow to their supervisor for approval and then to the Finance Dept.

He presented the attached draft Procurement (P-Card) Policy for the committee's review and noted that he is currently talking with United Community Bank and Bank of America about their P-Card programs and procedures. He is looking at working with United Community Bank to do a test with just one or two cards to see how it works out.

During discussion, Ms. Miller suggested looking at Wells Fargo's Basic Business Card that offers 2% cash back on purchases. Mr. Luebbe will contact them to inquire about their program. Ms. Miller also asked if there was any concern about employees using their personal phones to upload copies of receipts and that being subject to public records requests. Mr. Luebbe said employees could choose to scan the receipt from a printer rather than using their phone, and he could get all that information from the bank's website, but he will do some research on that.

There was consensus that the policy would be an uptick in efficiency. Mr. Luebbe noted that it might be a couple of months before he decides which bank to use and the policy is fully in place.

H. Public Comment

Harvey Sankey asked some clarifying questions regarding the Vendors on City Property policy and the P-Card policy, which committee members and staff answered.

I. Set Date for Next Meeting

The December meeting was canceled. The next regular meeting is scheduled for Monday, January 26, 2026 at 11am.

J. Adjourn

There being no further business, the meeting was adjourned at 2:00pm.

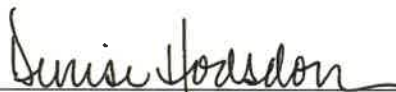
Minutes Approved: February 23, 2026

X



Dean Lytle, Chair, Council Member or
Pamela Holder, Vice Chair, Council Member

X



Denise Hodson
City Clerk

VENDORS ON CITY PROPERTY POLICY DRAFT 11/24

1. Purpose

The City of Brevard allows vendors to non-motorized pushcarts that are designed and equipped to sell food, beverages, or other goods directly to consumers at certain locations on public property.

The purpose of this policy is to regulate the operation of non-motorized pushcarts at designated locations on city-owned property to promote local entrepreneurship, enhance public space use, and ensure safety, accessibility, and cleanliness in public areas.

Note: This does not apply to vendors included as part of a permitted special event on public rights-of-way or a permitted temporary use on private property.

2. Locations

Vendors with non-motorized push carts are only allowed at the following locations:

- Clemson Plaza (2)
- Franklin Pool (1)
- Dog Park (1)
- City Sports Complex (1 – Soccer Field, 1 – Skate Park)

Mobile vendors with a truck or trailer are only allowed at the following locations:

- Jimmy Harris Railroad Depot Park (1)

Commented [EB1]: Need to get permission from the property owner before including this in the policy.

3. Reservation Requirements

When requesting a reservation, the applicant is required to provide , which includes:

- Completed application form
- Detailed cart design and dimensions (if non-motorized pushcart)
- Proof of insurance (see Section 7)
- Applicable business licenses and sales tax registration
- Health Department permit (if vending food or beverages)
- Payment of applicable fees
- Any other information required by the administrator

Mobile vendor reservations are limited to a period not to exceed 30 consecutive days at one location. After the reservation expires, the vendor shall not be allowed to reserve the same space for another 30 days.

3. Operating Requirements

- The dimensions of any outdoor mobile vending cart may not exceed the following:
 - 5 square feet in area
 - A maximum length or width of 10 feet.

- A maximum height of 8 feet, including any umbrellas or protective coverings attached to the cart.
- No temporary structure, tables, etc. are permitted with a temporary mobile vendor. Umbrellas or protective coverings may be permitted if attached to the cart.
- Mobile vendors may only operate during park hours. Vendors in Clemson Plaza may only operate between 9:00 AM to 10:00 PM.
- No audio amplification is allowed as part of the outdoor mobile vending operations.
- The outdoor mobile vending cart must be located so the cart is:
 - At least 5 feet from the edge of any driveway, traffic lane, handicapped ramp, building entrance, exit or emergency exit;
 - At least 15 feet from any fire hydrant; and
 - Does not impede, endanger or interfere with pedestrian or vehicular traffic.
- The mobile vending cart operator or their designee must be present at all times, except in cases of an emergency.
- Each mobile vendor shall supply at least one waste receptacle which must be removed at the end of each day. All waste receptacles must be emptied at the end of each day and as necessary during the day. City trash receptacles shall not be used for the vendor's waste.
- Vendors must maintain professional behavior. No harassment of passersby or aggressive solicitation will be tolerated.

4. Assumption of Liability

For and in consideration of the use of any Vendor Location, the Responsible Party/Organization agrees to indemnify and hold harmless the City of Brevard, a local government entity, from and against any and all loss, damage, claim, demand, liability, or expense by reason of any damage or injury to property or person which may be claimed to have arisen as a result of or in connection with my/our organization's occupancy or use of said premises. Furthermore, I and/or our organization hereby agree to reimburse the City of Brevard for any and all costs to repair any and all damage that may be caused directly or indirectly to the facility during the time period of occupancy and/or use of said premises.

Failure to follow the rules and regulations as described in this Vendor Use Policy and Rental Agreement will result in forfeiture of deposit. Applicant will be responsible for all costs associated with damage incurred to the facility and grounds in excess of the security deposit.

5. Prohibited Activities

- Use of motorized equipment
- Sale of alcohol, tobacco, cannabis, hemp products, or controlled substances
- Sale of counterfeit goods or prohibited items
- Operation in non-designated areas or during prohibited hours

6. Cleanliness & Waste Disposal

Vendors are responsible for:

- Keeping their area clean during and after operation
- Proper disposal of trash and food waste
- Not dumping waste in public trash bins beyond reasonable use

Failure to maintain cleanliness may result in fines or permit revocation.

7. Insurance Requirements

Vendors must carry the following insurance:

- **General Liability Insurance:** Minimum of \$1,000,000 per occurrence
- City of Brevard must be named as an additional insured
- Proof of insurance must be submitted with the application

8. Enforcement & Penalties

Violations of this policy may result in:

- Written warnings
- Fines up to \$500 per violation
- Suspension or revocation of permit
- Confiscation of cart if operating without a valid permit



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.

CITY OF BREVARD PROCUREMENT (P-CARD) POLICY

1.0 Purpose

To establish a methodology for and to define the appropriate use of the City of Brevard's Procurement Cards (P-Cards) provided to authorized personnel to purchase non-restricted goods and/or services for official use by the City of Brevard.

2.0 Overview of P-Card Program

2.1 The goal of this program is to provide a more rapid turnaround of requisitions for low dollar goods and to reduce paperwork and handling costs.

2.2 Department Directors may request that permanent City personnel be issued a P-Card. All requests are subject to approval by the Finance Department.

2.3 All approved Cardholders must attend (view) a P-Card training class prior to receiving their card and must sign a cardholder agreement indicating that the employee understands these policies and procedures.

2.4 Changes may be made to a P-Card account according to the process outlined in the Procurement Card Procedures. If a Cardholder separates from the City, transfers departments, or their P-Card account is closed for any other reason, it is the issuing department's responsibility to collect and return the P-Card to the Finance Department.

2.5. Budget/Pre Audit:

2.5.1. Cardholders shall follow all procedures set forth by the City for the pre audit of procurement card transactions in accordance with North Carolina Administrative Code (20 NCAC 03.0409 and 0410).

*Ensures there is an appropriate budget ordinance or project ordinance appropriation authorizing the obligation.

*Ensure that sufficient monies remain in the appropriation to cover the amount that is expected to be paid out in the current fiscal year or the entire amount.

2.6 Authorized P-Card Use

2.6.1. It is the responsibility of the issuing department to communicate to the Cardholder what constitutes authorized use of the P-Card beyond compliance with this P-Card policy.

2.6.2. No person other than the Cardholder is authorized to make purchases on the P-Card. While the Cardholder may make transactions on behalf of others in their department/division, they remain responsible for all purchases charged to their account.

2.6.3. Any unauthorized use of a P-Card will result in violations for the P-Card user. Violations include, but are not limited to:

- *Personal purchases

- *Items shipped to the Cardholder's home or other non City of Brevard addresses.

- *Purchases in excess of Cardholder's purchase limits.

- *Meals except as specifically pre-authorized by the Department Director.

 - Meal receipts must be accompanied by a list of benefitting employees and other guests.

 - Tips charged to a P-Card shall not be in excess of 20% of the pre-tax total.

- *Gift cards, unless approved by City Manager AND Finance Director.

- *Cash Advances.

- *Parking Tickets.

- *Alcoholic beverages.

2.6.4 Accidental personal charges should be reported immediately to the Finance Department and reimbursed to the City according to the

Procurement Card Procedures. The intentional use of a City P-Card for other than official use of the City is fraudulent and may result in dismissal and/or legal action.

3.0 Card Security

3.1 It is the Cardholder's responsibility to safeguard their P-Card, review posted transactions for fraudulent activity, and to report any suspicious charges to the Bank and to the P-Card Administrator. Lost or stolen P-Cards must be reported to the Bank and the P-Card Administrator.

4.0 Deadlines and Compliance

4.1 P-Card transactions shall be imported by the Finance Department on a monthly basis, and the Cardholder shall attach receipts and input General Ledger codes as outlined in the Procurement Card Procedures.

4.2 Once released into workflow, P-Card transactions must be approved by the Approver on a timely basis.

4.3 Finance staff will conduct audits of P-Card transactions, both randomly and selectively to ensure purchases are made in accordance with this policy.

4.4 Failure to comply with this policy or with the Procurement Card Procedures may result in the suspension or revocation of P-Card privileges, as well as disciplinary action up to and including dismissal.

5.0 Exceptions

These general policies are not expected to address every issue, exception, or contingency that may arise in the use of City P-Cards. Accordingly, the basic standard that should always prevail in dealing with exceptions is the exercise of good judgement in the use and stewardship of the City's resources. Unless specified herein, exceptions will require the approval of the Finance Director.

MINUTES
City Council Downtown Master Plan Committee

Wednesday, December 10, 2025 – 4:00pm
City Hall Council Chambers

Members Present: Gary Daniel, Chair Council Member
Lauren Wise, Vice Chair, Council Member
Nicole Bentley, Heart of Brevard Executive Director
Dee Dee Perkins, Heart of Brevard Representative
Parker Platt, Citizen Member
Dakota Chapman, Citizen Member
Mayor Maureen Copelof, Ex-Officio Member

Staff Present: Wilson Hooper, City Manager
David Todd, Assistant City Manager
Paul Ray, Planning Director
Emily Brewer, Senior Planner
Becky McCann, Communications Coordinator
Denise Hodsdon, City Clerk

Guests: Melanie Spreen and John Koury of May Collaborative

A. Welcome & Call to Order

Chairman Daniel called the meeting to order at 4:00pm.

B. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

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

D. Approval of Minutes

1. October 24, 2025 Special Meeting

Ms. Bentley moved, seconded by Mr. Chapman to approve the minutes of the October 24, 2025 Special Meeting as presented. The motion carried unanimously.

2. November 12, 2025 Regular Meeting

Mr. Wise moved, seconded by Ms. Perkins to approve the minutes of the November 12, 2025 meeting as presented. The motion carried unanimously.

E. Public Comment – None.

F. Downtown Master Plan Update

David Todd explained that the implementation plan from the Downtown Master Plan was used in preparing this update regarding the status of the various projects within the Plan and what it may cost to take them forward, in hopes of getting feedback from the Committee on how to approach projects as we further develop the Plan. He introduced Melanie Spreen and John Koury of May Collaborative.

Melanie Spreen gave an overview of what has been accomplished to date and noted that the Plan adopted in 2021 was a response to a plan previously developed, with a big focus on implementation plans in small projects that can be done incrementally. A copy of her PowerPoint presentation is attached.

She also handed out the attached Implementation Plan spreadsheet. She explained that they will put an estimated budget to all of these projects, which will be set out in a more detailed spreadsheet as shown on the last slide of her presentation. This is meant to be a tool for the committee to use to help make decisions moving forward. Mr. Todd added that the detailed spreadsheet will include a best guess of the estimated construction cost and soft cost for each project, a contingency, and an escalation chart to estimate cost in future years. He also noted that the West Main St. Bike Lane items are newly added components not part of the original plan.

Mr. Daniel said this committee and the City Council adopted the Downtown Master Plan in its entirety with the understanding at that time that we were applying for a RAISE grant, which set the tone for this plan. I think our request has always been to have some understanding of what the staff is doing to implement this plan—what grants are we looking for; what efforts are being made to complete this? I think we have come to an understanding that we're not going to get the \$20M that it is going to take. That brings me to the question of what is our ultimate goal here? If we're doing it piecemeal...we chunked it up once already and this is like dividing it into little splinters. If that's the way it's got to be, that's okay, but I would like to have a better understanding of the question of what is being done to implement the plan as it was originally envisioned. If we can't do that, I want to know that.

Mr. Todd explained that the primary thing we are going to do is to identify what it would cost to implement these projects and then look to the committee for guidance on where the priorities are. Once we develop those priorities, I think that helps staff

know what we're trying to seek. Are we looking for a \$1M grant or are we looking for a \$10M grant.

Ms. Perkins asked if we know of any grant opportunities that exist for the city in 2026 or even beyond that—what they be, and are we able to move forward and apply for those grants? As it stands now we've spent a good chunk of the money that is in the budget for Downtown Master Plan on the crosswalks, which was a good decision. But that's such a small and incremental part of all of this, and there are not a lot of city dollars nor Master Plan dollars, and at the rate we're going, based on the commitment right now, it's going to be a slow walk. Grants seem to be the element to move forward on.

Mr. Hooper said the grants that I know about and the grant environment that I'm familiar with are smaller grants that would give us enough money to maybe do one of these projects or jumpstart one of the more substantial physical reconfiguration projects. I don't think there is the type of money out there that would enable us to do all of these at once, or even the remaining significant physical reconfiguration projects. I think by circumstance, we are going to have to do this as a slow walk incrementally. Input from the committee on which of these are your high priorities would be helpful to us for that reason. I think that's the approach that the environment is going to force us to have to take on this.

Ms. Perkins noted that the Ecusta Trail Advisory Board has asked the Friends of Ecusta Trail to start putting forth a real push on fundraising, and maybe we could identify the terminus project as a grant need now with them and perhaps that additional element for the Main Street park could also be something they could raise money for. If they did that, focusing particularly within Transylvania County and the Brevard community, they may be able to raise money specifically out of this community for that because of its benefit to this town.

Mr. Todd noted that we need to get an estimate for the Main St. bike path and we are going to bring the designer in and do a walking tour, hopefully in January or February. He wondered if there would be an opportunity to go after economic revitalization special appropriation if we put an accessibility element to it. He said I really want to see the bottom dollar on this because it's very difficult for me to look at this right now and hang a dollar on it. There are so many different numbers, but knowing that is going to be a big first step in helping us know what we're looking for.

Mayor Copelof said from what I hear about the grant situation now in Washington, the things they are looking for in grant applications are infrastructure and safety for families and children. I think that's what we need to look at with grants, a shift in philosophy—accessibility and safety, which our representatives in Washington are saying they can try to push and sell.

Mr. Hooper said the Times Arcade Alley project is a good example of what I think all the remaining big ticket projects are going to look like. That was a project that had a funding stack. It wasn't a project that fit neatly into one category so we could use different sources of funds to fund it, but not one of them was sufficient to do the whole thing. I agree that there is a larger pool of dollars out there that we can compete for if we pivot and talk about safety and so forth, but even then, I don't think you are going to find one that covers the entire cost of a project.

Mr. Platt asked if we should look at these individual projects in terms of what is the stack of grants you go after to try to get the six dollar signs? It seems like that might be another category to look at and add to the spreadsheet, if that's a strategy for the larger fundraising and grants.

Ms. Bentley mentioned that we have talked about, at least at the Ecusta Advisory group that I do think there are probably some Main Street funds that could be helpful in implementation of that particular project. It's just going to be about making sure we've got all the pieces in place to align with the grant cycle. We're looking at about \$1M unless we can tie job creation to that. I think the same is true for any other economic development grants at the state level.

Mr. Wise agreed with Mr. Daniel about looking at our original scope and understanding it. He liked Mr. Platt's suggestion of trying to find out where our funding stacks are and how to apply them. That may be a great column to start looking at.

Mr. Hooper noted that the circulation study that is underway at NCDOT, which we will hopefully start to see some initial data from in the spring, whatever projects that study recommends will be eligible for STIP dollars, and that could be a funding source that we could incorporate into the pool of dollars to be used on some of these projects. Secondly, he said the City's needs are substantial enough that I think we're going to have to join the bond market. That would be a way to raise money to pay for some of these significant projects as well.

G. Update re Vendors on City Property

Emily Brewer updated the committee on the draft Vendors on City Property Policy that was discussed by the Finance, Human Resources & Citizen Appointment Committee in November. The committee identified and recommended several areas to allow vendors with non-motorized push carts, one of which is Clemson Plaza. The vendors would be allowed to reserve the space for up to 30 days at one location, and after that reservation expires, that vendor would have to wait 30 days before reserving the same space again. The vendors would be required to provide adequate liability coverage, remove all of their items at the end of the day, provide an additional waste receptacle, and no temporary structures, tents, tables, or audio amplification would be allowed. In Clemson Plaza they would be allowed to operate from 9am to 10pm. The draft policy will go to Council in January.

During discussion, the committee felt there should be a fee for reserving the space to be fair to brick and mortar shops, and to consider adding a provision for when somebody reserves the space for 30 days but never uses it during that time.

H. Set Date for Next Meeting

The Committee decided to cancel the January regular meeting and to change its regular meeting time to 3:30 pm going forward. The next meeting was scheduled for February 11, 2026 at 3:30 pm.

I. Adjourn

There being no further business, the meeting was adjourned at 5:06 pm.

Minutes Approved: February 11, 2026

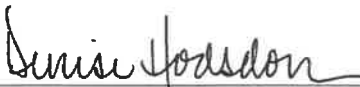
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Gary Daniel, Committee Chair

Lauren Wise, Committee Vice Chair

X



Denise Hodsdon

City Clerk

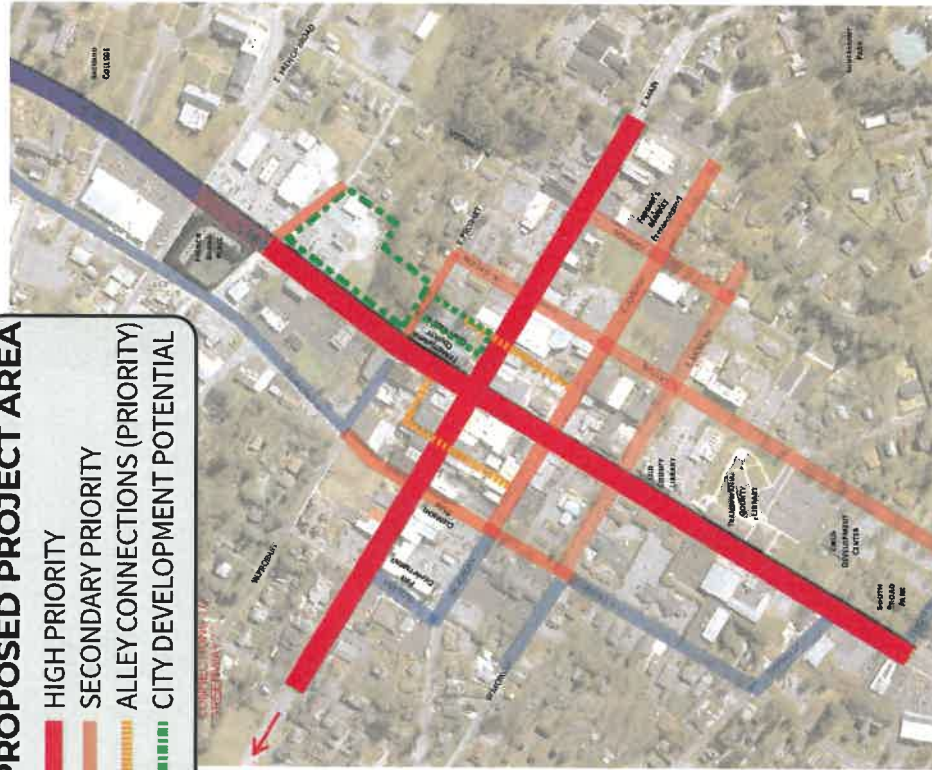
Brevard Downtown Master Plan Implementation Updates

December 10, 2025



PROPOSED PROJECT AREA

- HIGH PRIORITY
- SECONDARY PRIORITY
- ALLEY CONNECTIONS (PRIORITY)
- CITY DEVELOPMENT POTENTIAL



2021 DOWNTOWN MASTER PLAN

Master Plan Core Principles

- Reinforce downtown's identity and unique sense of place
- Enhancing mobility, accessibility, and safety in downtown
- Creating an attractive and engaging pedestrian experience
- Promote economic vitality and future development
- Feasible implementation plan with incremental projects

Gateways

- Additional crosswalks on Broad Street and Caldwell Street
- Speed limit reductions
- Engine Breaking Ordinance



Broad Street - Brevard College

Caldwell Street - King Street



Main Street / Times Arcade Alley



Main Street E/W - Striping only

Primary Streets

- Intersection bump-outs
- Stamped Crosswalks
- Landscaping
- Stormwater
- Electrical / Food truck

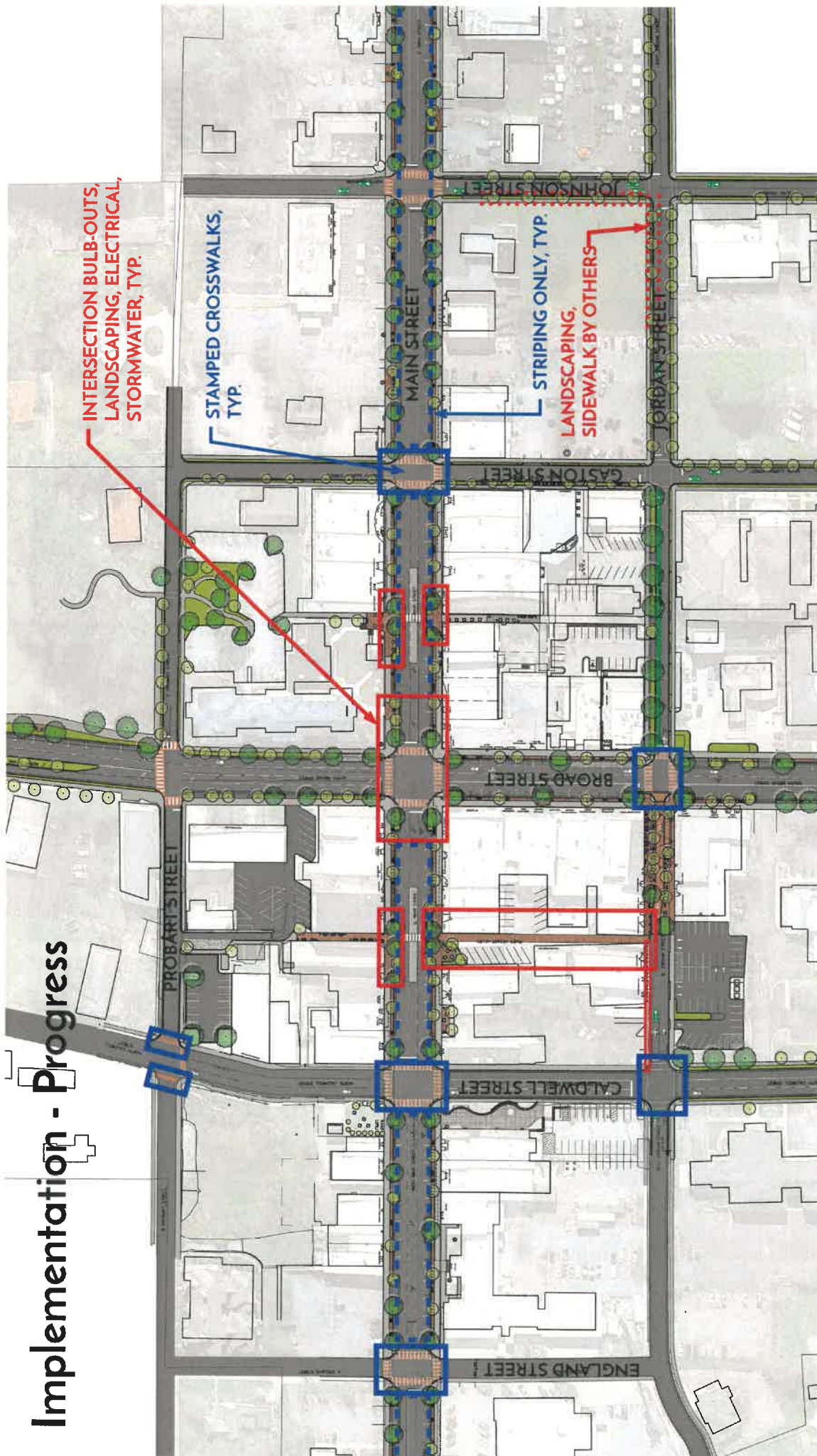


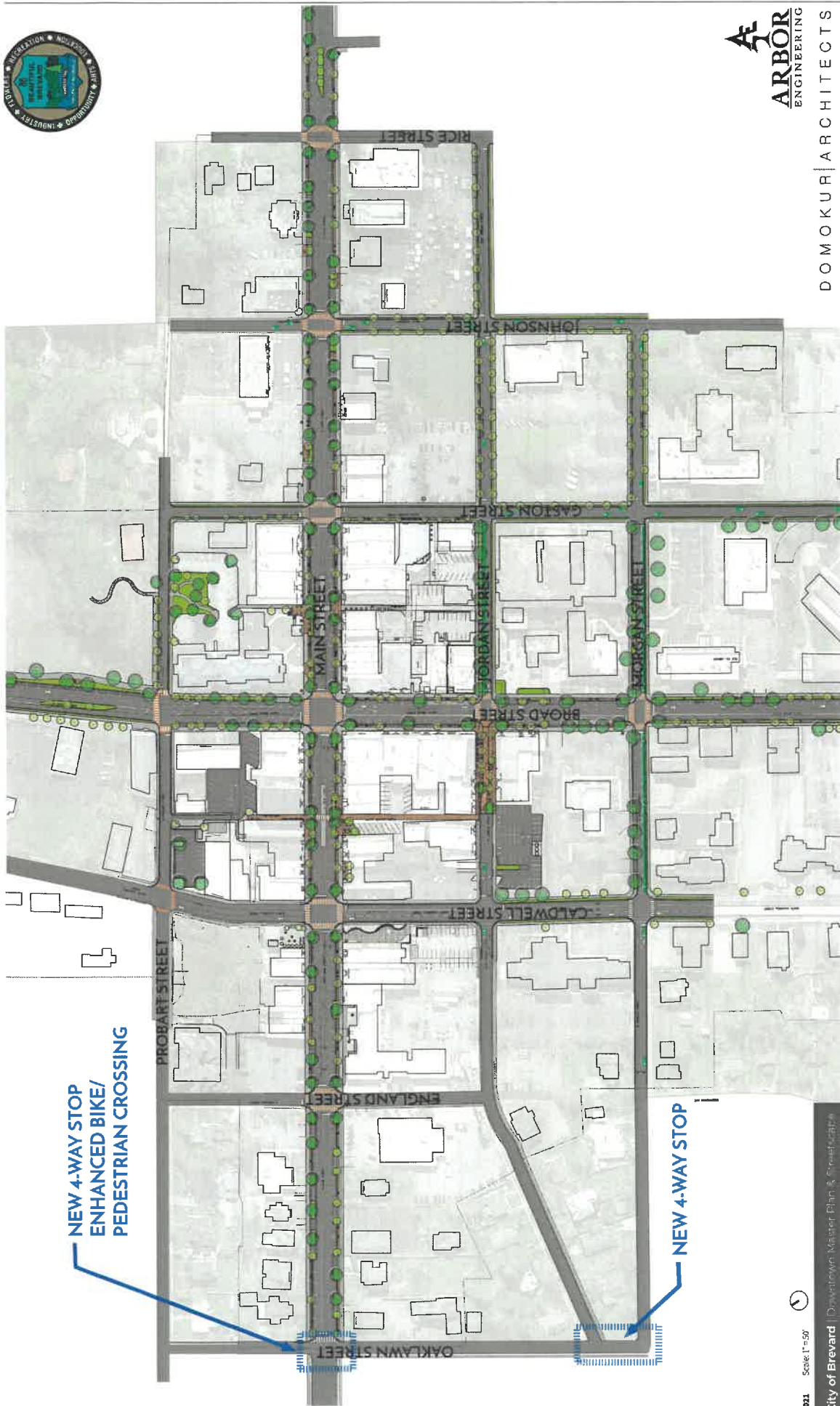
Alleys / Connectors

- Sidewalk extensions
- Resurfacing
- Underground utilities
- Landscaping / seating
- Stormwater
- Electrical -Lighting/
food truck



Implementation - Progress





NEW 4-WAY STOP
ENHANCED BIKE/
PEDESTRIAN CROSSING

NEW 4-WAY STOP

Brevard Downtown Master Plan and Streetscape Implementation Plan

ID	Project/Scope	Status	Priority	Project Budget (magnitude)	Project Budget (estimated)	Notes
Gateways						
1	North Broad/Caldwell Street Gateway Signage and Landscaping		High	\$\$\$\$		R5800 delayed to 2029
2	North Broad new painted crosswalks	Partially Complete	High	\$		2 crosswalks complete - Caldwell/King and Caldwell/French Broad
3	North Broad Stamped and signalized crosswalks, sidewalk extension, and landscaped medians		Medium	\$\$\$\$	\$140,000	5 crosswalks remaining, Requires NCDOT approval
4A	South Broad Gateway: Signage, painted crosswalks, painted sharrows, re-striping the street		Medium	\$\$\$		
4B	South Broad Gateway: Stamped and signalized crosswalks, sidewalk extension, landscaped median, stormwater, and bury overhead utilities		Medium	\$\$\$\$\$		
5	East Main Gateway: Signage and painted sharrows		High	\$		
6	East Main Gateway: Stamped and signalized crosswalks, landscaped median, sidewalk repairs, stormwater, and bury overhead utilities		Medium	\$\$\$\$\$		
Bike Boulevards						
7	Morgan Street: Restriping with bike lane/sharrows and adding signage		High	\$\$\$\$	\$105,000	potential net increase in onstreet parking
8	Morgan Street: Sidewalk extensions, greening, stormwater, and bury overhead utilities		Medium	\$\$\$\$\$		
9	East Jordan Street: Restriping with bike lane/sharrows and adding signage		High	\$\$\$\$		potential net increase in onstreet parking
10	East Jordan Street: Sidewalk extensions, greening, stormwater, and bury overhead utilities		Low	\$\$\$\$\$		
11	West Jordan Shared Street: Restriping with 2-way traffic to parking lot and bike lane/sharrows, paint parklet, outdoor seating, planters/signage to restrict eastbound traffic		High	\$\$\$\$		
12	West Jordan Shared Street: Permanent curbless street constructed, street lighting, landscaping, stormwater, and bury overhead utilities		Medium	\$\$\$\$\$		
Connector Streets/Alleys						
13	Times Arcade Alley: Signage to limit thru traffic	Complete	High			
14	Times Arcade Alley: Change the surface of the alley (concrete); stormwater; lighting; remove 2 parking spaces to add outdoor seating and create safer pedestrian environment	Complete	High			
	Decorative Features, Controlled entry mechanism	Is this still valid		\$\$\$		Eliminate decorative features?

PROJECT NAME:		(21) West Main Street		CREATION DATE:		10/27/2025	
PROJECT LOCATION:		Oaklawn to Caldwell Street		05-16-2025			
CITY OF BREVARD, NC				BIENNIAL:		2025-2026	
PROJECT DESCRIPTION: (Written description of project scope, scale, and schedule including the current status as of this OC-25, i.e. pre-funding, funded, advance planning, design phase, etc.) West Main Street: Oaklawn to Caldwell Demolition of existing streetscape and new construction including intersection bump-outs; sidewalk extensions; landscaping; lighting; site furniture. Stormwater work includes one curb inlet per bumpout and the associated storm drain pipe assuming there is an existing connection point within the project area that is adequately sized to receive new drain pipe. Excludes milling, paving and restriping (no longer NCDOT r-o-w)							
ESTIMATED PROGRAM CONSTRUCTION COST ON CREATION DATE (Match Project Description)							
ITEM	DESCRIPTION	QTY	UNIT	COST PER UNIT	TOTAL		
SITE CONSTRUCTION-NEW (Insert Additional Rows as Required)							
West Main Street Complete Streetscape		1	LS	\$ 1,904,000	\$ 1,904,000		
Contingency		20.00%	%	\$ 380,800	\$ 380,800		
ADDITIONAL COSTS (Insert Additional Rows as Required)							
Mobilization/Staking/Traffic Control/ Administration		25.00%	%		\$ 476,000		
Erosion Control		5.00%	%		\$ 95,200		
Affected Utility Work		10.00%	%		\$ 190,400		
CONSTRUCTION-ALTERNATES (Insert Additional Rows as Required)							
Undergrounding Overhead Utilities	MAY BE EXCLUDED FROM SCOPE OF WORK	600	LF	\$ 400	\$ 240,000		
ESTIMATED PROGRAM CONSTRUCTION COST:				(Total Hard Cost)	\$ 3,286,400		
OWNER'S ESTIMATED SOFT COSTS (Percentage of 'A' Above or Lump Sum)							
ITEM	% or LS	DESCRIPTION			TOTAL		
ADVANCE PLANNING	3.00%	(% of 'A' Above-Includes programming, survey/topo/utilities, cost estimate)			\$ 98,592		
DESIGN FEE	10.00%	(% of 'A' Above)			\$ 328,640		
PRECONSTRUCTION SERVICES	1.00%	(1% of 'A' Above for CM@Risk)			\$ 32,864		
COMMISSIONING CONSULTANT	0.50%	(0.5% simple; 1.0% moderate; 1.5% complex)			\$ 16,432		
SPECIAL INSPECTIONS & TESTING CONSULTANT	1.00%	(0.5% simple; 1.0% moderate; 1.5% complex)			\$ 32,864		
CONSTRUCTION PHASE CONTINGENCY	5.00%	(% of Estimated Construction Costs [3% New or 5% R&R])			\$ 164,320		
OWNER RESERVE FUNDS	10.0%				\$ 328,640		
ESCALATION ANALYSIS:							
Funding Process		Project Schedule Milestones			Months		
Designer Selection		1. OC-25 Creation Until Project Funded			0		
Design Phases		2. Designer RFQ/Interview/Selection			0		
Construction		3. Design Phases Duration			0		
		4. Bid Advertisement to Midpoint of Construction			0		
ESCALATION: BLS PPI ANNUAL INFLATION RATE	8.00%	Total Months of Escalation:			Monthly Escalation 0.67%		
MISCELLANEOUS		Permits, Fees, Printing, Legal					
LEGAL FEES		Closing Cost, Easements					
LAND REQUIREMENT		Acquisition Cost					
B. SUB-TOTAL OWNER'S ESTIMATED SOFT COST:				(Total Soft Cost)	\$ 1,002,352		
C. ESTIMATED TOTAL PROJECT COSTS (A + B):				Year of Initial Estimate:	2025		
					\$ 4,288,752		
				2026	2027	2028	2029
				8.00%	8.00%	8.00%	8.00%
				\$ 4,631,852	\$ 5,002,400	\$ 5,402,592	\$ 5,834,800
Automatic Escalation Will Occur Annually on October 1 With No Program Changes							

Indicates a Required Field to be Completed by Estimator

Brevard Downtown Master Plan and Streetscape Implementation Plan

ID	Project/Scope	Status	Priority	Project Budget (magnitude)	Project Budget (estimated)	Notes
Gateways						
1	North Broad/Coldwell Street Gateway Signage and Landscaping		High	\$\$\$\$		R5800 delayed to 2029
2	North Broad new painted crosswalks	Partially Complete				2 crosswalks complete - Caldwell/King and Caldwell/French Broad
3	North Broad new painted crosswalks		High	\$		5 crosswalks remaining. Requires NCDOT approval
	North Broad Stamped and signalized crosswalks, sidewalk extension, and landscaped medians		Medium	\$\$\$\$	\$140,000	\$70,000 each if completed by NCDOT
4A	South Broad Gateway: Signage, painted crosswalks, painted sharrows, re-striping the street		Medium	\$\$\$		
4B	South Broad Gateway: Stamped and signalized crosswalks, sidewalk extension, landscaped median, stormwater, and bury overhead utilities		Medium	\$\$\$\$\$		
5	East Main Gateway: Signage and painted sharrows		High	\$		
6	East Main Gateway: Stamped and signalized crosswalks, landscaped median, sidewalk repairs, stormwater, and bury overhead utilities		Medium	\$\$\$\$\$		

Bike Boulevards						
7	Morgan Street: Restriping with bike lane/sharrows and adding signage		High	\$\$\$\$	\$105,000	potential net increase in onstreet parking
8	Morgan Street: Sidewalk extensions, greening, stormwater, and bury overhead utilities		Medium	\$\$\$\$\$		
9	East Jordan Street: Restriping with bike lane/sharrows and adding signage		High	\$\$\$\$		potential net increase in onstreet parking
10	East Jordan Street: Sidewalk extensions, greening, stormwater, and bury overhead utilities		Low	\$\$\$\$\$		
11	West Jordan Shared Street: Restriping with 2-way traffic to parking lot and bike lane/sharrows, paint parklet, outdoor seating, planters/signage to restrict eastbound traffic		High	\$\$\$\$		
12	West Jordan Shared Street: Permanent curbless street constructed, street lighting, landscaping, stormwater, and bury overhead utilities		Medium	\$\$\$\$\$		

Connector Streets/Alleys					
		Complete	High		
13	Times Arcade Alley: Signage to limit thru traffic				
14	Times Arcade Alley: Change the surface of the alley (concrete); stormwater; lighting; remove 2 parking spaces to add outdoor seating and create safer pedestrian environment	Complete	High		
	Decorative Features: Controlled entry mechanism	Is this still valid		\$\$\$	Eliminate decorative features?
15	North Alley: Change the surface of the alley with stamping, painting, or new pavers; lighting; decorations; smaller tables/mounted tables		High	\$\$\$\$\$	includes pedestrian and vehicular area
16	Probart Street Parking Lot: Paving, bury overhead utilities, stormwater, loading area, covered bike storage, and pathways from parking to North Alley	Is this still valid	High	\$\$\$\$\$	Improvements on private property
17	South Alley: Change the surface of the alley with stamping, painting, or new pavers; lighted bollards; decorations; landscape clean up; screening; bike racks/planters		Medium	\$\$\$\$\$	
18	Gaston Street: Mural wall and signage to parking		Medium	\$	new mural near Main St created by others
19	Gaston Street: Sidewalk extension and greening, corner bump-outs, covered bike storage area/rack; bury overhead utility lines		Medium	\$\$\$\$\$	

Primary Streets						
20	West Main Street: Restriping the road with proposed bump outs, closed curb cut, crosswalks, lane widths, and sharrows; temporary barriers and planters; and parking signage	Partially Complete	High			
	Temporary barriers/planters			\$\$		
	Painted sharrows			\$		
	Parking signage			\$		
21	West Main Street: Intersection bump-outs (Broad Street only); sidewalk extensions; landscaping; stormwater; loading zones	Partially Complete	High			
	Stamped crosswalk (England, Caldwell, Broad)	Complete				
	Street lighting					
	Sidewalks between bumpouts			\$\$\$\$		
	Midblock Crossing			\$\$\$		Approved by NCDOT pending established loading zone
	Tree replacement/enlarged wells			\$		Budget per tree well
22	Streetscape Complete Blocks from Oaklawn to Caldwell			\$\$\$\$\$	\$4,300,000	
	East Main Street: Restriping the road with proposed bump-outs, bus stop, crosswalks, lane widths, and sharrows; temporary barriers and planters; and parking signage	Partially Complete	High			
	Temporary barriers/planters			\$\$		
	Painted sharrows			\$		
23	Parking signage			\$		
	East Main Street: Intersection bumpouts (Broad Street only); sidewalk extensions; landscaping; stormwater; Electrical/Food truck power, mid-block crossings and loading zones	Partially Complete				
	Stamped crosswalk (Broad, Gaston)	Complete				
	Intersection bumpouts additional blocks/stormwater			\$\$\$\$\$		
	Mid-block crossing			\$\$\$		Approved by NCDOT pending established loading zone
	Sidewalks between bumpouts			\$\$\$\$		
24	Tree replacement/enlarged wells			\$		
	Stamped crosswalk (Johnson and Rice)			\$\$\$\$	\$140,000	\$70,000 each if completed by NCDOT
	Streetscape Complete Blocks from Gaston to Rica			\$\$\$\$\$		
	South Broad Street: Restriping the road with proposed bump-outs, loading zones, crosswalks, lane widths, and sharrows; temporary barriers and planters; and parking signage		High	\$\$\$\$		
25	South Broad Street: Intersection bump-outs; sidewalk extensions; landscaping; stormwater		High	\$\$\$\$\$		rebuild, does not include gateway signage
26A	West Main Street Bike Lane-Paint only	NEW				multiple options in consideration - no longer NCDOT
26B	West Main Street Bike Lane - Remove/paint	NEW				multiple options in consideration - no longer NCDOT

Miscellaneous				
	Speed limit reductions		High	potential for additional speed limit reductions with new signalized crosswalk
27	Speed reduced by Brevard College/Plaza	Complete		
28	Improve the existing pedestrian signals at intersections		High	
29	Smart Zones loading zone pilot program/data gathering study		Medium	
30	Other loading zone strategies	In Progress	Medium	
31	Surface parking lot agreements and coordination	In Progress	High	HOB Pilot program in process
32	On-going tree replacement		High	
	Speed/Noise enforcement	In Progress	High	
33	Engine brake ordinance established	Complete		
	More visible Engine Brake signage to be installed	Complete		
34	Parking enforcement		High	

ORDER OF MAGNITUDE BUDGETS/SCHEDULE PROVIDED FOR PLANNING PURPOSES ONLY.

LEGEND

Indicates partial scope of work completed

Indicates completed work

Indicates project scope that may be broken out as separate projects

BUDGET	
\$	\$25,000 or less
\$	\$25,001-\$50,000
\$\$\$	\$50,001-\$100,000
\$\$\$\$	\$100,001-\$500,000
\$\$\$\$\$	\$500,001-\$1,000,000
\$\$\$\$\$\$	\$1,000,000+

MINUTES

City Council Public Works & Utilities Committee

Wednesday, February 4, 2026 – 3:30 p.m.
City Council Chambers

Members Present: Lauren Wise, 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
Aaron Winans, Wastewater Treatment Plant Superintendent
Shawnee Cummings, Assistant to the City Manager

Guests: Harvey Sankey

Media: n/a

A. Welcome and Call to Order

Committee Chair Lauren Wise called the meeting to order at 3:34 p.m.

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings certified that a quorum was present.

C. Approval of Agenda

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

D. Approval of Minutes – January 7, 2026 Meeting

Mr. Carson moved, seconded by Mr. Wise to approve the minutes of the January 7, 2026 meeting as presented. The motion carried unanimously.

E. Norton Creek Restoration Phases 2 and 3

After additional discussion, this item was removed from the agenda and will be discussed at the next Committee meeting.

F. Project Updates – Mr. Todd presented the following updates:

1. Public Works Update

Mr. Todd compiled a list of updates on work performed by Public Works employees in the past 30 days, outside of their normal scope of work and day-to-day responsibilities.

Water and Sewer

Fixed 21 water leaks
Repaired/Unstopped 12 sewer lines
Made 6 water and sewer taps
Assisted with plowing and salting roads

Streets

Poured 5 yards of concrete for sidewalk repairs
Installed 6 new stop signs
Installed 6 new traffic pattern ahead signs
Installed 3 stop sign ahead signs
Installed 6 yellow flashing lights
Installed 9 red flashing lights
Repainted two stop bars
Collected 30 small dump truckloads of brush
Collected 20 large brush truckloads of brush
Used 10 yards of cold patch in Straus Park on edge of roads and potholes
Used 5 yards of cold patch for potholes and utility cuts
Cleaned up storm debris on roads from ice storm
Chainsaw/tree cutting safety class, Tannery North Trail Construction
Formed 80 ft of concrete for curb on Railroad Avenue
Plowed snow for snowstorm
Put 10 buckets of ice melt on handicap ramps for ice storm
Put 15 buckets of ice melt on handicap ramps for snowstorm
Prepared trucks and equipment for ice and snowstorm
Assisted with water leaks and sewer blockages

Building and Grounds

Completed 25 Non-Routine Work Orders
Installed signs and lights at McLean and Railroad trail crossing, truncated domes yet to be installed

Fleet Maintenance

Completed 246 Work Orders

2. Stormwater Master Plan

McAdams is contracted for the Citywide Stormwater Master Plan and is currently advancing Phase 1 of the project, mainly focusing on Existing Conditions Analysis. This effort is supported by desktop analysis, geodatabase development and management, analysis of existing stormwater systems, and preliminary CIP prioritization planning.

The field data collection task is approximately 95% complete, with activities concluded on January 8, 2026. Additional field data collection may be required after CCTV and analysis of existing stormwater systems is completed. CCTV services will begin on February 9, 2026 and will conclude in late March.

4. Water Treatment Plant Renovation

Work to date:

1. New Clearwell top completed, poured. Waiting on concrete testing reports.
2. Starting installation(s) of the new actuators.
3. Old (blue) control panel – removed, fabrication of new desktop for that old location.
4. Working on final approval for new pumps in pump room. There were specific design loads to consider for a new connection to existing concrete flooring.
5. Generator Pad is under construction, formwork to start and concrete poured.
6. New Generator is arriving at the end of February.

Upcoming work: Work over the next couple of months

1. Complete Clearwell work and tank testing.
2. Estimated delivery time for Back Up Power generator is 2/27/2026.
3. Estimated delivery time for automatic transfer switch is 3/12/2026.
4. Continued work on changing out the actuators.
5. New Filter Media is on for the first week of March.
6. Clean flocculators week of February 16th so that the metal fabricators can start installation work.

City of Brevard - Water Treatment Plant Improvements :

NCDEQ SRP-D-ARP-0222
Brown PA - 20042

Task	2025												2026											
	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec
Project Advertise																								
Bid March 25, 2025																								
RE-Bid April 15, 2025																								
4/29/2025 - NCDEQ BID package for Approval																								
May 29, 2025 NCDEQ ATA letter received																								
May 30, 2025 Notice of Award received																								
June 10, 2025 Execute Contract - Notice to Proceed																								
Construction 365 Days																								

5. Water and Sewer Asset Inventory Assessment

a. Water System Asset Inventory & Assessment

Field Work to Date:

- Completed with the exception of the missing items to be located by City Staff

Current Status:

- Model has been constructed and items identified
- Awaiting PRV information from the City
- Flow tests have been completed

- System partially calibrated
- Awaiting future demand (upcoming development) information
- Completed recommended improvements based on failing infrastructure
- On-site inspection and assessment of the existing pump stations completed
- Demand projections based on information provided Planning Department completed
- Preparation of a proposed improvements program based on future demand

Next Steps:

- Finalize Report.

Schedule of Remaining Tasks:

Task	Completion Date
Field Work (not including missing items)	completed
Initial Model (for calibration)	completed
Flow Tests (by City of Brevard)	completed
Analysis of Ex. Water System	completed
Update Demand Projections with regard to TAZ data	completed
Demand Projections based on upcoming development	completed
Capital Improvements Program & Financial Impact	completed
Project Close out	February 13, 2026 – mailing deliverables next week

b. Sewer System Asset Inventory & Assessment

Current Status:

- Fieldwork is 100% complete
- Sewer mapping is 100% complete
- Preparing an infrastructure replacement program
- Demand projections based on NCDOT TAZ
- Demand projections based on information provided by Planning Department completed

Next Steps:

- Identify and rate critical infrastructure
- Preparation of a proposed improvements program based on demand projections

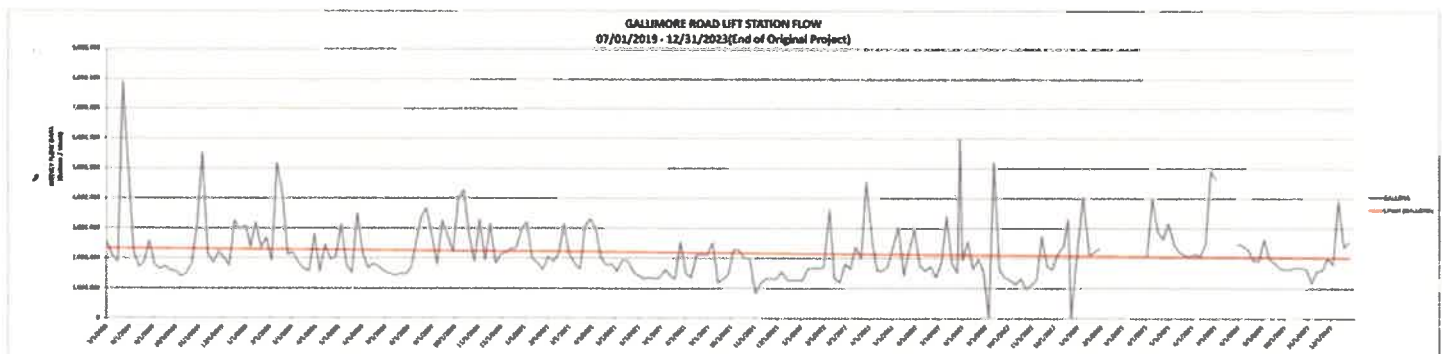
Schedule of Remaining Tasks:

Task	Completion Date
Field Work (not including missing items)	Completed – additional manhole being located
Smoke Testing of Kings Creek Basin	completed
Identify and Rate Critical Infrastructure	TBD
Update Demand Projections	completed
Identify Areas Needing Sewer with Planning Dept.	completed
Update Existing Infrastructure Assessment	completed
Capital Improvements Program – Failing Infrastructure	completed
Capital Improvements Program – Future Development	completed
Financial Impact	completed
Present to City of Brevard	TBD
Project Close-out	Completed – Deliverables shall be delivered Feb. 5, 2026

6. Gallimore Sewer Rehab Update

Gallimore Basin Sewer Rehab Change Order #2

- The pipe lining along County Club Road and Caldwell Street is complete.
- The manholes along Country Club Road and Caldwell Street are complete.
- BLD has lined the service laterals along Caldwell and Country Club Rd.
- The Contractor is currently negotiating with a Sub to perform point repairs along England St and install cleanouts.
- Contractor is overdue in providing an updated schedule.
- ***Contractor expected to be on site to line England St the week of February 9, 2026.***



7. Sewer Lift Station Rehabilitation Project

The Pump Station Rehab and Replacement project Contract has been executed, and a preconstruction meeting was held on 6/30/25.

TP Howard is currently mobilized at the Gallimore Pump Station.

- Slide rail system has been installed, and the contractor has started to install the pump station wet well.

Shop drawings and submittals are continuing to be reviewed.

Change Order No. 1 (Grinder Vault)

- Contractor has been sent final Change Order and received approval for associated grinder vault shop drawing.

Progress has been made on both the Fish Camp and Gallimore Road easements. Terms have been reached and staff are currently finalizing paperwork.

Sewer Pump Station Rehab Project

Task	2025						2026												2027		
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Gallimore Pump Station (12/5/25-7/3/26)																					
Fish Camp Pump Station (5/14/26-8/28/26)																					
Wilson Pump Station (3/26 - 5/26)																					
Punch Out & Cleanup (8/14/26-10/2/26)																					
ARPA Funding Deadline (December 31, 2026)																			★		
CO#1 - Final Completion Date (2/2/27)																				★	

8. WWTP Renovation and Upgrade Project

The City is still waiting on the Letter of Intent to Fund for the funding the City received after Hurricane Helene, which will outline the next steps required for this funding. We anticipate that next steps will include an Engineer's Report and Plan and Bidding document approval.

KCI was able to determine that the HMGP advanced assistance program, which does not allow for partial funding of a project, would not be able to fund the design and construction of the Phase 2 improvements based upon the preliminary BCA prepared by ICF. KCI will continue to evaluate other alternatives for funding the Phase 2 improvements.

KCI is continuing to work on the 60% design of Phase 1 and PER. Over the coming weeks KCI will be onsite with a potential contractor to review the site and discuss the site plans for the Phase 1 design with the WWTP staff. We also anticipate scheduling a funding meeting to discuss alternatives for funding Phase 2.

ITEM #	DESCRIPTION	Duration	2026												2027												2028												2029											
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec												
1	Proposed Schedule																																																	
2	Phase I - Headworks and Aqua Prime																																																	
3	60% Design	2 Mon																																																
4	90% Design	2 Mon																																																
5	Helene Funding Engineering Report & Approval	3 Mon																																																
6	Permitting	4 Mon																																																
7	Bidding Thru NTP	3 Mon																																																
8	Construction	12 Mon																																																
9	Phase II - Initial Upgrade																																																	
10	PER (Full Plant Upgrade Deliverable)	1 Mon																																																
11	HAQF Funding Application	2 Mon																																																
12	Preliminary Design (Start Date TBD)	6 Mon																																																
13	Final Design	10 Mon																																																
14	Bidding & Construction	26 Mon																																																
15	Phase III - Future Upgrade (TBD)																																																	
16	Funding Evaluation																																																	

BREVARD WWTP PER/PHASE 1 & 2 UPGRADE DESIGN - ESTIMATED PROJECT SCHEDULE

ITEM #	DESCRIPTION	Duration	2026												2027								
			Jan.	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1	Proposed Schedule																						
2	Phase I - Headworks and Aqua Prime																						
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16	Funding Evaluation																						

9. Public Comment

Harvey Sankey asked if enough overtime was budgeted to cover the Public Works employees who worked during Winter Storms Fern and Gianna. Mr. Richardson stated that the City does include sufficient overtime in its budget.

Harvey Sankey also inquired as to communications and how to best highlight the information in the Public Works Update. Mayor Copelof stated that the City has been consistently sharing information on social media and has posts dedicated to Public Works. Councilmember Wise stated that between the Public Works & Utilities Committee meetings, Committee meeting minutes, City Council meetings, City Council meeting minutes, social media, a communications coordinator, newsletters, Meet the Mayor events, and making staff and elected officials available to constituents, there are ten different ways to obtain this information. Councilmember Wise added that he agrees that communication related to the City's work is important, but that the information is available. Mr. Carson added that most people get their information and/or news from Facebook and that maybe placing a link to the minutes and information for the next Committee meeting on the bottom of Public Works posts would help direct citizens to the available information.

Harvey Sankey asked if he missed an update on the Brushy Creek Sewer Rehab project, to which Mr. Todd stated that he did not include an update in his presentation, but that we are waiting for the next steps for the grant to start design work.

Harvey Sankey also inquired about the grant for the WWTP, to which Mr. Todd stated that we were not successful in obtaining the HMGP grant. Mr. Todd added that we

believe we have been awarded a State Revolving Fund loan that is a principal forgiveness loan for \$5 million. The \$5 million loan in combination with \$8 million left of State Appropriation funds, leaves us with \$13 million to cover the estimated construction costs for Phase 1. Design for Phase 1 has already been paid for.

10. Set Next Meeting – March 4, 2026 at 3:30pm

The next regular meeting of the committee will be on March 4, 2026 at 3:30pm.

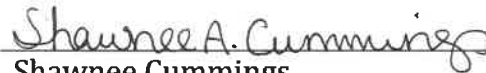
11. Adjourn

There being no further business, the meeting was adjourned at 5:01 p.m.

Minutes Approved: March 4, 2026



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



Shawnee Cummings
Assistant to the City Manager

STAFF REPORT

City Council, Monday, March 16, 2026

Title: Proposed Amendment to the Official Zoning Map of the City of Brevard - The Family Place

Speaker: Emily Brewer, Senior Planner

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

The Family Place of Transylvania County has applied for a rezoning for their property at 970 Old Hendersonville Highway (PIN 8596-25-8855-000). The request is to remove the existing conditional zoning district and apply the base district of Residential Mixed Use.

Council held a public hearing on this matter at the February 16, 2026 meeting.

Discussion

The property's current conditional zoning district was enacted in June of 2011 by Ordinance No. 13-2011 (attached). The chief condition of the CZD was to allow the "Community Service Organization" land use, which was not allowed in the General Residential zoning district, so that the Family Place could operate on the parcel. The Community Service Organization land use is no longer listed in the UDO's use matrix. The best match in the current use matrix is "Cultural or Community Facility," which is allowed by right in RMX. Therefore, the requested rezoning would maintain the Family Place as a legal conforming use. Future use and development of the site would follow RMX regulations.

Policy Analysis

The Future Land Use Map identifies this parcel as in the Activity Center - Minor character area, for which RMX is an applicable zoning district. This rezoning is therefore consistent with the FLUM, as well as items LUH-2 and LUH-6 of the Building Brevard Comprehensive Land Use Plan:

LUH- 2: Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.

LUH- 6: Encourage rezonings to allow for a mix of uses in Activity Centers.

There is a substantial area of RMX zoning across Old Hendersonville Highway, generally centered at the intersection with Osborne Road, adjacent to the subject property; this eliminates any spot zoning concerns.

Recommendation

The Planning Board discussed this request at their January 27th meeting and unanimously recommended approval as presented. In accordance with NC General Statutes, the Planning Board also submits the attached statement of consistency and reasonableness.

Action

Council's options for a petition for a zoning map amendment are:

- Grant the zoning map amendment as requested;
- Grant the zoning map amendment with a reduction in the area requested;
- Grant the zoning map amendment to a more restrictive general zoning district;
- Grant the zoning map amendment with a combination of (ii) and (iii) above;
- Deny the application;
- Send the application back to the BPB for further study and consideration; or
- Call for additional legislative hearings on petitions brought before them.

Attachments:

1. Ord 2011-13 Family Place of TC Conditional Zoning District
2. #REZ-25-0003 - Record Report
3. Site Map
4. Consistency and Reasonableness Statement
5. Enacting Ordinance

ORDINANCE NO. 13-2011

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD; CREATING THE FAMILY PLACE OF TRANSYLVANIA COUNTY CONDITIONAL ZONING DISTRICT

WHEREAS, the City of Brevard has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, this Ordinance is generally consistent with the City's 2002 Land Use Plan and other official plans; and

WHEREAS, the City of Brevard Planning Board has reviewed the proposed ordinance and recommends its enactment by City Council,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BREVARD, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, HEREBY ORDAINS THE FOLLOWING:

Section One. Upon petition of The Family Place of Transylvania County (hereafter, "Developer"), the Official Zoning Map of the City of Brevard is hereby amended to create The Family Place of Transylvania County Conditional Zoning District (hereafter, "District") as more particularly set forth herein.

Section Two. The zoning classification of that certain real property identified on Transylvania County tax maps by the following PIN number and deed book / page number, is hereby zoned as The Family Place of Transylvania County Conditional Zoning District, said zoning district being further depicted in Exhibit A, attached hereto and made a part hereof:

PIN 8596-25-8855-000; Document Book 571 Page 332-336.

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

Section Four. Future development and use of lands situated within the District, and the processing of applications to develop and use such lands, shall comply with all applicable provisions of Brevard City Code and the final master plan, which is attached to this ordinance as Exhibit B and incorporated herein. This Ordinance and its exhibits shall run with the land and shall be binding on the Developer, its heirs and assigns.

Section Five. The Developer is hereby granted vested rights for a period of five (5) years to complete the project in accordance with the final master plan and the terms and conditions of this ordinance.

Section Six. Conditions.

a. Except as set forth in this section and Exhibit B, Final Master Plan, development within the District shall comply with all applicable provisions of Brevard City Code, including but not limited to,

1. Unified Development Ordinance
2. Chapter 62. Streets, Sidewalks, and Other Public Ways
3. Chapter 70. Utilities

b. The Planning Director, or designee thereof (hereafter, "Administrator") may approve minor modifications to the final master plan. Major modifications to the master plan shall be considered as a new Conditional Zoning District proposal in accordance with the procedures set forth in Chapters 2 and 16 of the Unified Development Ordinance.

c. The Developer shall render all applicable fees to the Administrator prior to receiving final zoning approval for any structure from the City of Brevard, and prior to receiving a Certificate of Occupancy for any structure from Transylvania County.

e. Land Uses.

1. All uses permitted in Chapter 2, Section 2.C, *Use Matrix* under the Zoning District designation of General Residential may be permitted with the addition of the following use: Community Service Organization, which may be permitted by right.

2. All permissible uses shall comply with any applicable condition or standard as set forth in the Unified Development Ordinance.

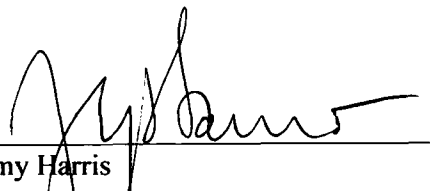
Section Seven. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map consistent with this Ordinance.

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

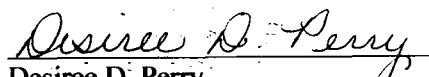
Section Nine. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

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

Adopted and approved this the 20th day of June, 2011.


Jimmy Harris
Mayor

ATTEST:


Desiree D. Perry
City Clerk

Approved as to form:


Michael K. Pratt
City Attorney

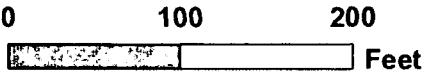
Ordinance No. 13-2011, Exhibit A

OFFICIAL ZONING MAP
-Excerpt-



Legend

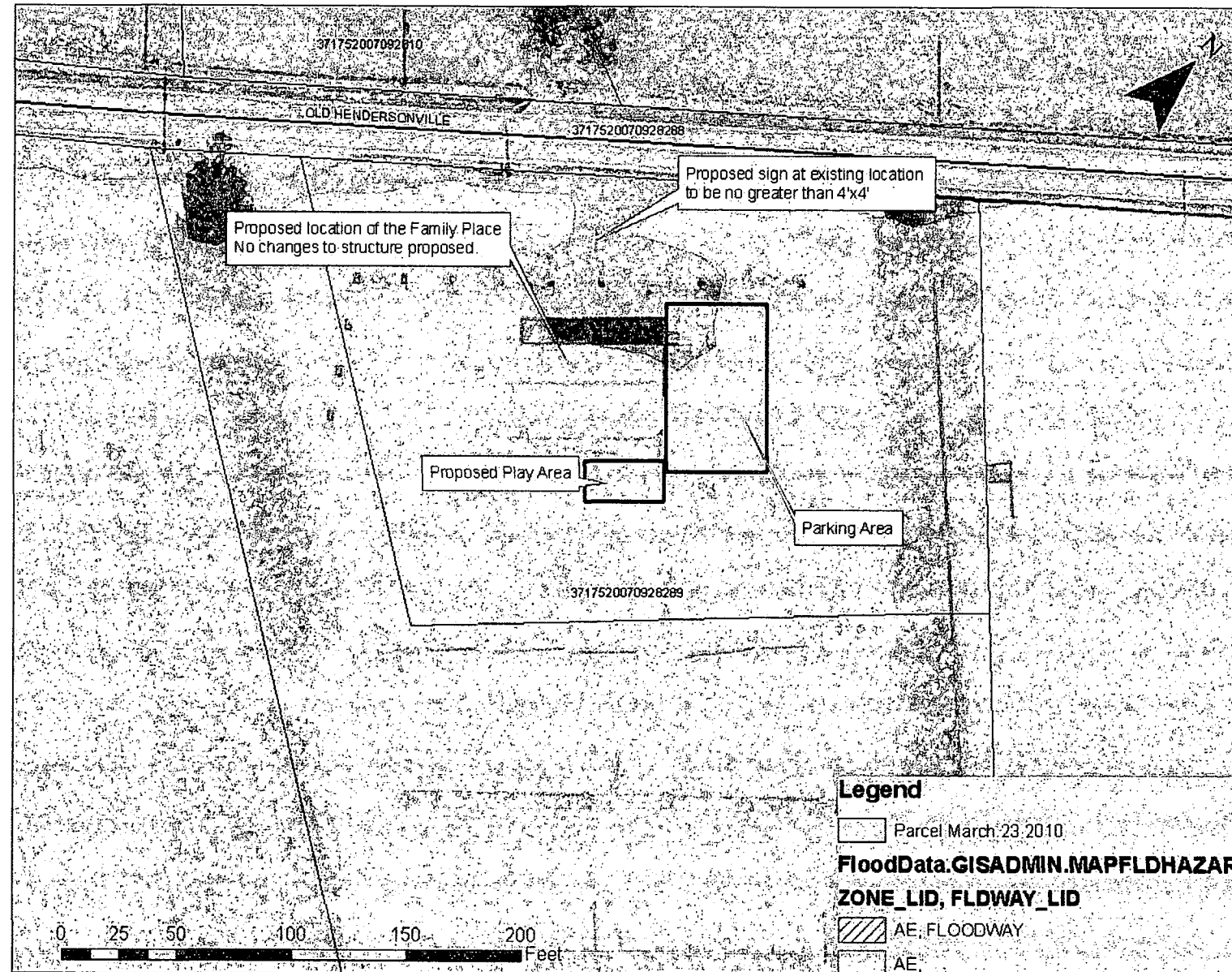
- Parcels
- Zoning District
 - General Residential (6)
- Special Flood Hazard Areas
 - Flood Hazard Areas
 - Floodway, Zone AE
 - Zone AE



2

Ordinance No. 13-2011, Exhibit B

MASTER PLAN





Record Report for Map Amendment - Base District Rezoning #REZ-25-0003

Record Overview

Record Number:	REZ-25-0003
Record Type:	Map Amendment - Base District Rezoning
Record Status:	In Progress
Record Submitted At:	Wednesday December 17, 2025
Record Address:	970 Old Hendersonville Highway
Record Owner:	Aaron Bland
Record Applicant User:	officemanager@thefamilyplacenc.com
Record Applicant Company:	The Family Place of Transylvania County

Form Submission

Applicant:

Trudy McCall

officemanager@thefamilyplacenc.com, (828) 883-4877

Property Owner (if different):

The Family Place of Transylvania County

Property Address:

970 Old Hendersonville Highway

Parcel Identification Number (PIN):

8596-25-8855-000

Current Zoning District(s):

Conditional District (CD)

Current Overlay District(s):

None

Requested Zoning District(s):

Residential Mixed Use (RMX)

Existing Zoning of Adjacent Properties:

Residential Mixed Use (RMX)

Explanation (if necessary):

The Family Place of Transylvania County is requesting an amendment to the 2011 ordinance establishing our Conditional Zoning District. Specifically, we are seeking approval for rezoning to Residential Mixed Use (RMX) that will allow us to increase our allowable ground sign size from 16 sq. ft. to 24 sq. ft. as permitted in the RMX District.

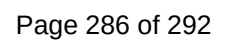
I Acknowledge:

Yes

Signature:

A handwritten signature in cursive script, appearing to read "Troy Miller", written in black ink.

Signed in GovWell: Wednesday December 17, 2025, 4:02pm



**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
REZ-25-XXX**

NCGS 160D-604 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

The Brevard Planning Board forwards this recommendation of the NMZ zoning district 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:

Comprehensive Land Use Plan

- **LUH-2:** Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.
- **LUH-6:** Encourage rezonings to allow for a mix of uses in Activity Centers.
- **Future Land Use Map:** the subject parcel is identified as an Activity Center - Minor character area, for which RMZ is an applicable zoning district

NCGS 160D-605 requires the Governing Board to approve a statement analyzing the reasonableness of a proposed rezoning. The statement of reasonableness and the statement of consistency may be approved as a single statement.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is in the public interest and **reasonable** due to the following factors:

- This property is located in the *Activity Center – Minor* character area in the Future Land Use Map, for which RMZ is an applicable zoning district.
- The location of the proposed rezoning to existing RMZ diminishes spot zoning concerns.
- There is significant overlap between the currently allowed uses and the allowed uses of the proposed new district.
- The rezoning is consistent with the above elements of the Comprehensive Land Use Plan.

ORDINANCE NO. 2026-____

**AN ORDINANCE AMENDING THE CITY OF
BREVARD OFFICIAL ZONING MAP TO REZONE
970 OLD HENDERSONVILLE HIGHWAY**

WHEREAS, the City has initiated that the Official Zoning Map of the City of Brevard be amended by rezoning one parcel of land, identified by PIN 8596-25-8855-000 and hereafter referred to as the “Subject Property,” the Family Place of Transylvania County Conditional Zoning District to Residential Mixed Use (RMX); and,

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on January 27, 2026 and has recommended approval; and,

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

***LUH-2:** Evaluate rezoning requests based on the Future Land Use Map and character area descriptions.*

***LUH-6:** Encourage rezonings to allow for a mix of uses in Activity Centers.*

***Future Land Use Map:** the subject parcel is identified as an Activity Center - Minor character area, for which RMX is an applicable zoning district*

and,

WHEREAS, in accordance with North Carolina General Statute 160D-605, the Brevard City Council finds that this proposed zoning map amendment is reasonable due to the following factors:

- This property is located in the *Activity Center – Minor* character area in the Future Land Use Map, for which RMX is an applicable zoning district.
- The location of the proposed rezoning to existing RMX diminishes spot zoning concerns.
- There is significant overlap between the currently allowed uses and the allowed uses of the proposed new district.
- The rezoning is consistent with the above elements of the Comprehensive Land Use Plan.

WHEREAS, a public hearing was conducted on February 16, 2026, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendment, it is the desire of the City Council of the City of Brevard Official Zoning Map be amended as outlined below.

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

SECTION 1. The zoning classification of the parcels identified by the Parcel Identification Number 8596-25-8855-000 is hereby rezoned to Residential Mixed Use, as depicted in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference.

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

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

SECTION 4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of

competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

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

Adopted and approved this the 16th day of February 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, March 16, 2026

Title: Consider Offer of County Funding for Azalea Ave. Sewer Extension Project and Identify Source for City Contribution

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

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

Approved by: Wilson Hooper, City Manager

Background

In June 2025 the City purchased 3.7 acres off Old Hendersonville Highway near Azalea Avenue after the site was deemed by staff and the City's partners at the UNC Development Finance Initiative (DFI) to be competitive for low-income housing tax credits (LIHTC). After a series of community input sessions, Council approved a strategy to partner with a qualified development firm to use LIHTC and other funding sources to build a multi-family, low-to-moderate income housing development of approximately 60 units. At their January 20, 2026 meeting, Council chose Fitch Irick as its qualified development partner, and endorsed the firm's plan for seeking the LIHTC credits.

However, underlying this strategy was the fact that the site was not connected to City utilities. Without utility access, it was concluded that the site would not be economically viable for development. So while the City was planning and executing its qualified development partner strategy, it was concurrently seeking funding from other sources for utilities.

What's more, since around 2002 it has been publicly known that the nearby unincorporated residential neighborhood has been beset by failing septic systems. These failing septic systems have prevented significant renovation or redevelopment in the neighborhood and, in some cases, created public health risks. On several occasions, the city has pursued grant funding to help connect the properties to city sewer without success.

In 2024 Transylvania County received a \$10M earmark from the North Carolina General Assembly for utility projects. The county made requests of both the City of Brevard and Town of Rosman for potential projects that could benefit from that funding. Brevard submitted "Azela/Rhododendron Sewer Extension" for consideration. It was the City's position that the project could both support the city's housing strategy, and the county's public health risk in the unincorporated neighborhood.

In late 2025, Transylvania County Commissioners agreed to use another funding source to fund the design/permitting/soft costs for the project, but held off on funding the \$4.5M construction costs pending additional action and information from the city. In response, Brevard staff provided additional info and Brevard City Council created an exemption to its normal policy of requiring annexation prior to tapping on to city sewer for certain parcels

within the unincorporated neighborhood.

Last week, the Transylvania County Commissioners agreed to fund \$3.55M of the approximately \$4.5M construction costs. They also agreed to help the City find funding for the approximately \$600,000 in costs they deemed ineligible for the earmark funds. That left a funding gap of between \$535,000 and \$910,000--depending on which voluntary expenses are left in the project budget--for the City to fund.

Discussion

As alluded to above, the City's contribution will depend on which, if any, voluntary costs are left in the budget. The voluntary costs in question are all related to subsidizing the cost of connecting the private properties to the public pipe, a cost which is typically born by the property owner. It was the City's opinion when originally scoping the project that if the purpose of the project was to support the preservation of affordable housing within the neighborhood, then subsidizing these costs was appropriate. It is possible, however, to have the project be construction only, in which case the funding gap would be approximately \$535,000.

If the tap fees are left in as-is, the funding gap will be approximately \$910,000. Council may wish to consider tweaking the number of properties eligible for tap fee reimbursement from 125 to a lower number, which would also lower the funding gap. Staff estimate that lowering the number of eligible properties to 50 would put the funding gap at \$695,000, and lowering it to 25 would put the funding gap at \$615,000.

Along with their financial gift, the County has agreed to support Brevard's pursuit of additional grant funds to cover the tap costs and, perhaps, some of the remaining construction costs. However, staff don't know much about the other grants at this time. Staff will learn more and bring information back to Council in the weeks to come.

Fiscal Impact

Since this is a utility project, it may be paid for with Water/Sewer Fund dollars. The Water/Sewer Fund is an enterprise fund, meaning its revenue comes from rates and fees paid by system users rather than taxpayers. Approximately 1.2% of Brevard's sewer customers lie outside the city limits.

As of early March, staff are projecting the Water/Sewer Fund to run a \$750,000 surplus for FY27. What's more, the water/sewer Capital Reserve Fund currently has a spendable balance balance \$405,798. Both of these sources may be tapped for this purpose. On Monday evening the City Manager will bring information on what projects may need to be deferred if Council wishes to utilize these funds.

Action

In order to lock-in the County's funding and give Fitch Irick the certainty they need to move forward with the City's May LIHTC application, staff recommend the Council approve "up-to" \$535,000 from FY27 surplus funds to fill the "construction-only" funding gap. The

tap fees can be added in at a later date if an additional funding source is found.

Attachments: