



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, May 4, 2026 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Rev. Dr. Sharad Creasman, Brevard College

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. April 20, 2026 Regular Meeting

G. Certificates / Awards / Recognition

1. Proclamation No. 2026-09 Older Americans Month
2. Proclamation No. 2026-10 Historic Preservation Month
3. Proclamation No. 2026-11 National Police Week & Peace Officer's Memorial Day
4. Proclamation No. 2026-12 Mental Health Awareness Month
5. Proclamation No. 2026-13 Strive Not to Drive Week

H. Public Comments

I. Special Presentation(s)

1. FY2027 Recommended Budget Presentation and Set Date for Public Hearing

J. Public Hearing(s)

1. Proposed Amendment to the Official Zoning Map of the City of Brevard - The Hub
2. Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3 and 19 - Regulations for Data Centers

K. Consent and Information

1. Property Tax Releases - April 2026
2. Resolutions Requesting Approval from NCDOT for Public Art in Ecusta Road and Pisgah Forest Roundabouts
3. Proclamation No. 2026-14 Municipal Clerks Week
4. Proclamation No. 2026-15 Public Service Recognition Week
5. Proclamation No. 2026-16 National Bike Month
6. Parks, Trails, and Recreation Committee Meeting Minutes - March 18, 2026 Meeting
7. Finance and Human Resources Committee Meeting Minutes - February 23, 2026 Meeting
8. Finance and Human Resources Committee Meeting Minutes - March 31, 2026 Meeting
9. Public Safety Committee Meeting Session Notes - February 23, 2026 Meeting
10. Public Safety Committee Meeting Minutes - March 23, 2026 Meeting

L. Unfinished Business

1. Proposed Amendments to City of Brevard Code of Ordinances Chapters 38, 42, and 66 - Special Event Regulations

M. New Business

1. Purchasing Policy Update
2. Appointment of Alternate Member to the Board of Adjustment

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

Agenda Posted, Website, Sunshine List (April 30, 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
April 20, 2026 – 5:30 PM

The Brevard City Council met in regular session on Monday, April 20, 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 Lauren Wise, Pamela Holder and Dean Lytle

Absent – Council Member Gary Daniel

Staff Present – City Attorney Mack McKeller, City Clerk Denise Hodsdon, Assistant City Manager David Todd, Assistant City Manager/Finance Director Dean Luebbe, Assistant to the City Manager Shawnee Cummings, Communications Coordinator Becky McCann, Human Resources Director Kelley Craig, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Police Chief Christy Wentzell, Public Works Director Wesley Shook, Water Treatment Plant ORC Dennis Richardson, Wastewater Treatment Plant ORC Aaron Winans, and Community Center Director Tyree Griffin

Press – Jonathan Rich, Brevard Beagle

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

B. Invocation – Pastor Dema Barishnikov of Destiny Church offered an invocation.

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

D. Certification of Quorum – City Clerk Denise Hodsdon certified that a quorum was present. Mr. Baker moved, seconded by Mr. Lytle to excuse Council Member Daniel. The motion carried unanimously.

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

F. Approval of Minutes

F-1. March 16, 2026 Regular Meeting – Mr. Baker moved, seconded by Mr. Lytle to approve the minutes of the March 16, 2026 Regular Meeting as presented. The motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Proclamation No. 2026-07 Child Abuse Prevention Month – Mayor Copelof read the proclamation aloud and presented it to The Family Place Executive Director Erin Drew and The Children’s Center Executive Director Sherri Griffin.

Proclamation No. 2026-07
Child Abuse Prevention Month

WHEREAS, children are our state’s most vulnerable members as well as our state’s most valuable resources, helping to shape the future of North Carolina; and

WHEREAS, positive childhood experiences (PCES)—like loving caregivers and safe, stable, and nurturing relationships—can help mitigate trauma and the negative impact of adverse childhood experiences (ACES) to promote the social, emotional, and developmental well-being of children; and

WHEREAS, childhood trauma can have long-term psychological, emotional, and physical effects throughout an individual's lifetime and impact future generations of their family; and

WHEREAS, childhood trauma, including abuse and neglect, is a serious problem affecting every community, and finding solutions requires input and action from everyone; and

WHEREAS, children who live in families with access to concrete economic and social supports are less likely to experience abuse and neglect; and

WHEREAS, nurture positive childhoods and preventing child maltreatment is possible because of the partnerships created between families, prevention advocates, child welfare professionals, education, health, community, and faith-based organizations, businesses, law enforcement agencies, and local, state, and national governments; and

WHEREAS, we acknowledge that in order to solve the public health issue of abuse and neglect we must work together to change hearts and mindsets through storytelling and sharing, center the needs of families, break down bias and barriers, and inspire action from expected and unexpected partners; and

WHEREAS, we are committed to advancing equitable, responsive, and effective systems that ensure all children and families are healthy and thriving; and

WHEREAS, we recognize the need to prioritize kids and invest in more prevention initiatives like home visiting and family-strengthening policies, economic supports, and community-based child abuse prevention programs at the national, state, and local levels; and

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard do hereby proclaim April as **CHILD ABUSE PREVENTION MONTH** and urge all citizens to recognize this month by building a narrative of hope for children and families through collaboration and the creation of an ecosystem of primary prevention that does not currently exist in this country.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 20th day of April, 2026.

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

s/ Maureen Copelof, Mayor

H. Public Comments

Jon Rich informed Council that he is now the CEO of New Lightnin' Media and their new product is Brevardbeagle.com, a news, entertainment and business website updated daily. They cover Brevard and Transylvania County, and he will be covering City Council meetings.

Doug Powell commended Council for its decision last month to take a pause on data centers, considering their excessive water and energy usage and the fact that very few local jobs, if any, could come out of it. He said there is another Constitutional reason as well—the Fourth Amendment reads in part “the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated...” The Fourth Amendment was ratified so that we the people could never be accused of a crime using an open-ended search warrant. It is reasonable to assume that the Founding Fathers never imagined such an abuse as government cameras trained on American citizens 24/7. There are now more surveillance cameras per capita in the United States than there are in China. One of the primary purposes of modern data centers is to run AI technology to keep track of every citizen through facial recognition software. According to our founding documents the role of civil government and the reason you take an oath to defend the Constitution is not to provide safety to its citizens, but to protect our God-given civil rights. One of the reasons many of us moved to Brevard was the dark evening skies. Disturbingly high-intensity LED lights and cameras are appearing everywhere and will eventually provide the apparatus to coordinate with data centers, drones and AI technology to permanently surveil the citizens of Brevard. Please do not let this happen on your watch.

Gwen Gerber of Maple St. said I live in a 1000 s.f. home and the lot is so small and so sloped that you could never tear it down and build anything larger. I purchased the home in October of 2019 for \$193,000. It was revaluated in 2021 for \$173,000 and last year it was revaluated at \$381,000, a \$208,000 increase in the valuation of my property. Ageism is alive and well in Brevard. It is a two-bedroom, one bath home and there is no

opportunity for a roommate in that house. I currently work a \$19/hour job and my mortgage has gone up over \$200 as a result of the increase in taxes. I know this is small; I know it is important to you to be able to balance your budget...I simply cannot afford another increase.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed Amendment to City of Brevard Code of Ordinances Chapters 38, 42, and 66 – Special Event Regulations – Aaron Bland explained that this is a staff-initiated text amendment to review and amend the ordinance and procedures for special events in the city, in order to clarify/streamline the approval process, update the requirements, and continue to improve large-scale events. A special event is an organized gathering open to the public or with invited guests that uses public spaces and public rights-of-way, such as roads, greenways, and plazas. When an applicant applies to hold a special event, they are required to submit a permit application with a site plan and insurance that names the City as additional insured. The process is insufficient and leads to significant back-and-forth with applicants to collect the necessary information. The Code of Ordinances is not the appropriate place for procedures for review and guidance, so staff has prepared a guidebook for applicants, which is a living document that will continue to be refined and improved over time to reflect practices that work and improve the efficiency of the review process.

The largest change in the process is the establishment of a Special Event Review Committee (SERC) comprised of police, fire, public works, planning and other necessary staff persons to review proposals and coordinate across departments. SERC will hold a regular standing meeting to go over applications and will meet with the applicant directly so they can receive preliminary approval and set conditions to accomplish before final approval. The process will also include other commonly-used best practices of other cities to improve special events. Mr. Bland noted that a lot of these procedural changes are not reflected in the Code, but are included in the guidebook. Instead the Code authorizes staff to make those procedures and policies and refines the language to reflect the current process. The Public Safety Committee reviewed the proposed amendments at its March 4th meeting and unanimously recommended in favor.

At 6:02 p.m. Ms. Holder moved, seconded by Mr. Baker to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:02 p.m. Mr. Lytle moved, seconded by Mr. Baker to close the public hearing. The motion carried unanimously.

J-2. Proposed Amendment to the Official Zoning Map of the City of Brevard – Welcome Street – Aaron Bland explained that the Planning Department received an application for a zoning map amendment for 123, 133, 141, and 149 Welcome Street. The four properties are currently zoned Neighborhood Mixed Use (NMX) and the request is to rezone to Residential Mixed Use (RMX). Staff feels that RMX is appropriate for these four parcels, all of which are on the south side of Welcome Street. Rezoning to RMX would allow development of smaller single-family detached houses, which are not allowed in NMX.

Further, Staff also believes the RMX district is suited for the parcels on the north side of Welcome Street. Therefore, Staff is bringing the option to Council to include these four parcels, totaling approximately 3.5 additional acres, in the rezoning as well. These parcels are all currently zoned General Residential - 8 (GR8) and each has an existing occupied house. These houses would not become nonconforming if rezoned to RMX. In the past, Council has asked Staff to identify areas of possible up-zoning as a tool to promote an increase in housing stock. In this case, the four GR8 parcels currently

have an allowed buildout of 28 dwelling units, but an up-zoning to RMX would allow a maximum of 52.

In order to give City Council the option to rezone the enlarged area, Staff has advertised this rezoning for all eight parcels. Letters were sent to the four additional parcels on the north side of the street inviting them to the Planning Board meeting, as well as the City Council public hearing. Input from property owners on the north side of Welcome Street has been unfavorable to the proposed rezoning of their parcels, though they are not opposed to the Applicant's request to rezone the parcels on the south side of the street.

The Planning Board considered this map amendment at their April 8th meeting. After deliberation and hearing public comment from two Welcome Street residents who presented a petition against rezoning the properties on the north side, the Board recommended in favor of the Applicant's request but recommended against the additional parcels on the north side. The applicant is requesting action at this time to limit construction timing issues and delays.

At 6:09 p.m. Mr. Wise moved, seconded by Ms. Holder to open the public hearing. The motion carried unanimously.

Public Participation:

Eric LeRowe of 62 Welcome St. asked that Council follow along with the Planning Board's recommendation. He said the none of the four parcels on the north side asked for anybody to come put a sign in our yard and we didn't apply for anything. We have been living there, some of them over 50 years, almost 60 years, raised their families there. They all signed the petition to deny our side of the street. We didn't request it, we didn't ask for it. I understand this gentleman has a job to do as well, but as landowners and neighbors, we have a job to take care of each other. A lot of these people are older and I find it kind of hard that a sign can just be put in my front yard when I get home one evening; that somebody has decided that my property needs to be rezoned. Nobody ever came and talked to the neighbors; nobody ever spoke to me at all. I had to reach out and I don't understand that. The person that applied for their property, take a look at that, but I'm asking you to be in favor with what the board saw and there is not need to rezone our property. Everything behind us is residential; it is marked as residential. I feel like this is starting to encroach into the residential area on our side of the street. The one applicant asked for his property to be rezoned; nobody on the north side asked for it and they have all signed the petition. As you can see, I do have bullet points on there. Land use decisions should align with the city's long-term vision. Well, preservation of established neighborhood character, this doesn't establish that. There are so many different reasons in this petition and all I'm asking is that you go along with the board, take a review of it, go with what that person that applied, and leave us four landowners on the other side of the street. My wife was raised at the very end of that street, her family's property is there – the Goodson Lane, that's her family. We're just afraid that this is going to keep on going and none of us asked for that and I just ask that you deny the proposal.

At 6:14 p.m. Mr. Baker moved, seconded by Ms. Holder to close the public hearing. The motion carried unanimously.

During questions and comments, Council asked if there was any concern about spot-zoning of the four parcels. Attorney McKeller advised that because they are a transition from NMX and the more industrial use beside it, RMX is a step-down buffer between there and the General Residential across the street, it is actually a more appropriate use, and it comports with the plan to keep this a residential area.

Mr. Wise moved, seconded by Mr. Baker to rezone the four NMX parcels to RMX and keep the parcels on the north side of Welcome Street as presently zoned. The motion carried unanimously.

ORDINANCE NO. 2026-12
AN ORDINANCE AMENDING THE CITY OF
BREVARD OFFICIAL ZONING MAP TO REZONE
MULTIPLE PROPERTIES ON WELCOME STREET

WHEREAS, the City has initiated that the Official Zoning Map of the City of Brevard be amended by rezoning eight (8) parcels of land, identified by PINs 8597-31-3418-000, 8597-31-2468-000, 8597-31-2429-000 & 8597-31-1580-000, and hereafter referred to as the "Subject Properties," from the Neighborhood Mixed Use (NMX) and General Residential – 8 (GR8) zoning districts to the Residential Mixed Use (RMX) district; and,

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on April 8, 2026 and 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-9:** Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*

***Future Land Use Map:** the subject properties are identified as the Urban Corridor character areas, 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:

- The size and nature of the parcels, including the flat topography outside of a floodplain and access to utilities.
- There is minimal impact on surrounding landowners.
- There is a strong relationship between the currently allowed uses and the allowed uses of the proposed new district.
- The use of a mixed-use district acts as a buffer district between the Sylvan Valley Industrial Building and the residential Big Bend neighborhood.
- The rezoning is consistent with the above elements of the Comprehensive Land Use Plan.
- The rezoning is consistent with the Future Land Use Map.

WHEREAS, a public hearing was conducted on April 20, 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 Numbers 8597-31-3418-000, 8597-31-2468-000, 8597-31-2429-000 & 8597-31-1580-000 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 20th day of April 2026.

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

s/ Maureen Copelof, Mayor

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

K-1. Tax Settlement Report – March 2026

K-2. Property Tax Releases – March 2026

**RESOLUTION 2026-11
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.

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

s/ Maureen Copelof, Mayor

K-3. Ordinance Declaring Street Closures – White Squirrel Weekend and Memorial Day

**ORDINANCE NO. 2026-13
AN ORDINANCE DECLARING STREET CLOSURES
FOR THE 2026 WHITE SQUIRREL WEEKEND AND MEMORIAL DAY**

WHEREAS, Brevard City Council acknowledges a tradition of providing for festivals and special events downtown for the pleasure and enjoyment of citizens and visitors alike; and,

WHEREAS, Brevard City Council acknowledges that festivals and special events provide an opportunity for family-oriented activities that celebrate our small-town charm; and,

WHEREAS, Brevard City Council acknowledges these events require NCDOT system roads to be closed for setup, activities, and cleanup; and,

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

SECTION 1. Pursuant to authority granted by G.S. 20-169, the City of Brevard hereby declares the following temporary road closures on the following described portions of the State Highway System:

Friday, May 22nd – 6:00 AM – Midnight

Main Street (US 276) between Broad Street and Rice Street

Saturday, May 23rd – All day

Main Street (US 276) between Caldwell Street and Rice Street

Broad Street (US 64) between Probart Street and Morgan Street

Sunday, May 24th – All day

Main Street (US 276) between Caldwell Street and Rice Street

Broad Street (US 64) between Probart Street and Morgan Street

Monday, May 25th – Until 2:00 PM

Main Street (US 276) between Broad Street and Gaston Street

Broad Street (US 64) between Probart Street and Jordan Street

SECTION 2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 20th day of April 2026.

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

s/ Maureen Copelof, Mayor

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

K-4. Resolution Adopting TC Strong's "Hope Phone Booth" Installation in Clemson Plaza as Official Government Speech

RESOLUTION NO. 2026-17

RESOLUTION ADOPTING TC STRONG'S MENTAL HEALTH AWARENESS MONTH PROMOTIONS AS GOVERNMENT SPEECH

WHEREAS, the TC Strong is a local non-profit organization that seeks to ensure every youth feels confident and secure in connection, purpose, and hope. They use evidence-based programs and promising practices to improve emotional well-being and prevent suicide among youth; and

WHEREAS, in May 2026 TC Strong is undertaking a series of activities to promote May 2026 as Mental Health Awareness Month; and

WHEREAS, the City of Brevard wishes to support this endeavor by promoting Mental Health Awareness Month 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 TC Strong's recognition of 2026 Mental Health Awareness Month 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 May 31, 2026.

Adopted and approved this the 20th day of April, 2026.

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

s/ Maureen Copelof, Mayor

K-5. Designer Selection Civil Engineering Services Estatoe Trail Boardwalk Replacement

RESOLUTION NO. 2026-18

RESOLUTION TO APPROVE DESIGNER SELECTION FOR THE ESTATOE TRAIL BOARDWALK REPLACEMENT AS PER NORTH CAROLINA GENERAL STATUE G.S. 143-64.31

WHEREAS, the City Council of Brevard, NC has determined that it is in the best interests of the City to replace the deteriorated and failing Estatoe Trail Boardwalks with an on-grade trail; and

WHEREAS City Staff has obtained a Federal Lands Access Program Grant ("FLAP Grant") to replace the boardwalks with an on-grade section of trail; and

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

WHEREAS, the City Staff has issued Request for Qualifications ("RFQs") to obtain the services of qualified designers and engineering firms for the project; and

WHEREAS, the City established a Committee consisting of Aaron Baker, Council Member; David Todd, Assistant City Manager; Paul Ray, Director of Planning and Zoning; and Wesley Shook, Director of Public Works ("The Committee") that has carefully evaluated each response to the RFQ utilizing a number of criteria as specified by the North Carolina State Construction Office rules and guidelines including such elements as qualifications, prior experience with the City of Brevard, whether the design or engineering firm represents a historically underutilized business, whether the design or engineering firm represents a local business entity, and other relevant factors; and

WHEREAS, The Committee has selected and interviewed three qualified designers or engineering firms and recommends them in priority order: WSP USA, LLC. Of Asheville, NC, Kimley Horn, of Mooresville, NC, and TGS of Shelby, NC. ("Recommended Designers"); and

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

WHEREAS, The Committee recommends approval by City Council of the Recommended Designers for the Estatoe Trail Boardwalk Replacement Project.

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

Section 1. City Council hereby approves the Recommended Designers.

Section 2. The City Manager, or his designee, is authorized to select one of the Recommended Designers in priority order, and to execute a design agreement dependent on successful negotiations, for the Estatoe Trail Boardwalk Replacement Project.

Adopted and approved this 20th day of April 2026.

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

s/ Maureen Copelof, Mayor

K-6. City Manager Employment Agreement Amendments

ORDINANCE NO. 2026-14 AN ORDINANCE FIXING COMPENSATION AND OTHER TERMS FOR EMPLOYMENT FOR CITY MANAGER WILSON HOOPER

WHEREAS, in accord with Chapter 2, Article III of the Brevard City Code, the compensation of the City Manager and other terms of his employment are to be fixed by Ordinance; and,

WHEREAS, Council now desires to set forth the terms of such employment in this Ordinance.

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

SECTION 1. RATIFICATION AND CONTINUATION OF EMPLOYMENT. Mr. Wilson Hooper (herein after referred to as the "City Manager") was duly appointed to the Office and the position of City Manager of the City of Brevard and entered into a contract effective September 19, 2022 and has served since that date. City Council desires his continued service, effective January 1, 2026.

SECTION 2. SALARY. The City Manager's base salary is hereby set at \$157,326.00 retroactive to January 1, 2026.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be retroactively effective as of January 1, 2026..

Adopted and approved this the 20th day of April, 2026.

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

s/ Maureen Copelof, Mayor

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

K-7. Appointment of City Representative to Transylvania County Transportation Advisory Committee

RESOLUTION NO. 2026-19 RESOLUTION APPOINTING A CITY COUNCIL MEMBER TO THE TRANSYLVANIA COUNTY TRANSPORTATION ADVISORY COMMITTEE

WHEREAS, The Transylvania County Transportation Advisory Committee is a 9- member advisory board to the Transylvania County Board of Commissioners that focuses on transportation needs and issues throughout the county, working in close coordination with NCDOT Division 14 and the Land of Sky RPO; and

WHEREAS, the City of Brevard appoints one member to the Transportation Advisory Committee to serve a 3-year term; and

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

Section 1. The Brevard City Council does hereby appoint City Council Member Lauren Wise to the Transylvania County Transportation Advisory Committee.

Adopted and approved this the 20th day of April, 2026.

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

s/ Maureen Copelof, Mayor

K-8. Resolution Accepting State Revolving Fund Loan for Water Treatment Plant Second Intake

**RESOLUTION NO. 2026-20
RESOLUTION ACCEPTING LOAN OFFER FOR A
SECOND INTAKE AT THE WATER TREATMENT PLANT**

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 State Revolving Fund Loan Helene Funds in the amount of \$5,201,490 for the construction of a second intake at the Water Treatment Plant; and

WHEREAS, the North Carolina Department of Environmental Quality has offered principal forgiveness totaling \$5,151,118; and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Revolving Loan Amount totaling \$50,372 at 0% interest over 20 years; 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 State Revolving Fund Loan Helene Funds offer of \$5,151,118 at 100% Principal Forgiveness, and \$50,372 Loan Amount at 0% interest over 20 years.

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 20th day of April, 2026.

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

s/ Maureen Copelof, Mayor

K-9. Audit Contract for the Year Ending June 30, 2026

K-10. Proclamation No. 2026-08 Arbor Day – April 25, 2026

**NO. 2026-08
ARBOR DAY**

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community: and

WHEREAS, this is the 47th year Brevard has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

NOW THEREFORE, I, Mayor Maureen Copelof, and the Brevard City Council, do hereby proclaim **April 24, 2026**, as **Arbor Day in the City of Brevard** and we urge all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and we urge all citizens to plant trees to promote the well-being of our present and future....

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 20th day of April, 2026.

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

s/ Maureen Copelof, Mayor

K-11. Public Safety Committee Meeting Minutes – November 24, 2025

K-12. Public Safety Committee Meeting Minutes – December 22, 2025

K-13. Public Works & Utilities Committee Meeting Minutes – March 4, 2026

K-14. Parks, Trails & Recreation Committee Meeting Minutes – January 21, 2026

K-15. Parks, Trails & Recreation Committee Meeting Minutes – February 18, 2026

L. Unfinished Business

L-1. Proposed Amendment to the Building Brevard 2030 Comprehensive Land Use Plan – Adoption of City's Green Growth Audit as an Addendum – Aaron Bland recalled that Council received a briefing and held a public hearing on the draft Green Growth Audit on March 16th. If adopted, it becomes an official addendum to the Comprehensive Land Use Plan.

Mr. Baker moved, seconded by Mr. Wise to adopt the presented Green Growth Audit as an amendment to the Comprehensive Land Use Plan. During discussion, Ms. Holder noted that Silversteen Park was not included in the Managed Areas within Brevard and Mr. Bland said staff would add it to the list. Vote on the motion was unanimously in favor with the addition mentioned.

RESOLUTION NO. 2026-21

A RESOLUTION ADOPTING THE CITY OF BREVARD GREEN GROWTH AUDIT AS AN ADDENDUM TO THE BUILDING BREVARD 2030 COMPREHENSIVE LAND USE PLAN

WHEREAS, North Carolina General Statute Chapter 160D requires local governments adopt and reasonably maintain and comprehensive plan or land use plan as a condition of adopting and applying zoning regulations; and,

WHEREAS, a comprehensive land use plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs; and,

WHEREAS, the City of Brevard adopted the Building Brevard 2030 Comprehensive Land Use Plan through Resolution 2023-16 on March 20, 2023; and

WHEREAS, the City recognizes the importance of sustainable development practices that balance environmental stewardship, economic vitality, and community well-being; and

WHEREAS, the City has undertaken a Green Growth Audit to evaluate existing regulations and practices related to land use, environmental protection, and development patterns; and

WHEREAS, the Green Growth Audit identifies opportunities to reduce regulatory barriers to conservation; align ordinance requirements with best practices in conservation; enhance requirements for native

strengthen sustainable growth strategies, enhance resource efficiency, promote resilient infrastructure, and preserve natural assets; and

WHEREAS, the Planning Board unanimously recommended approval of the Green Growth Audit on February and provided recommendations regarding its consistency with the goals and objectives of the Comprehensive Land Use Plan; and

WHEREAS, the adoption of the Green Growth Audit does not amend the Comprehensive Land Use Plan's goals, policies, or future land use map, but instead supplements the Plan by providing additional analysis and recommended strategies; and

WHEREAS, the City of Brevard Planning Board unanimously recommended adoption of the Green Growth Audit on February 24, 2026; and,

WHEREAS, a public hearing was conducted on Monday, March 16, 2026, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed addendum, it is the desire of the City Council of the City of Brevard that the *Building Brevard 2030* Comprehensive Land Use Plan be amended.

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

SECTION 1. The City of Brevard adopts the attached *Green Growth Audit* as an addendum to the *Building Brevard 2030* Comprehensive Land Use Plan.

SECTION 2. City Staff is hereby directed to begin implementing the action steps as outlined in the Plan and assessing all land use and development proposals through the lens of green growth.

Approved and adopted this the 20th day of April 2026.

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

s/ Maureen Copelof, Mayor

M. New Business

M-1. Bracken Trail Names – Aaron Bland explained that the new trails in Bracken are currently under construction. At its December 1, 2025 meeting, Council named one of the trails (Section 1) after former Council Member Mac Morrow, but the other two trails still require names. Staff presented a list of potential names to the Parks, Trails & Recreation Committee for consideration at its February 18th meeting. After discussion, the committee voted to recommend Section 2 be named “Laughing Water Connector” and Section 3 be named “Laughing Water Loop”. There is a story about Laughing Water on one of the Bracken signs noting that she was a Blackfoot woman who escaped slavery and settled in the area. The committee requested that Staff do additional research on the story of Laughing Water before Council voted on the names in order to ensure historical accuracy. Mr. Bland reported that in his research he visited Laura Sperry, the Local History Librarian at the Transylvania County Library and she reported that she has never found firm documentation to verify any aspect of the story of Laughing Water. Ms. Sperry suggested that if Council is interested in basing the trail names on historical settlers of the area, they may want to consider naming them for one of the Black families that are clearly documented to have lived there, such as the Bailey family.

Mr. Baker moved, seconded by Mr. Wise to name the two trails “The Bailey Loop” and “The Bailey Connector”. The motion carried unanimously.

M-2. R-5763 Wilson Road Roundabout Sidewalk Betterments – Paul Ray explained that Staff is requesting direction from Council on choosing a sidewalk improvement option for NCDOT Project R-5763 Wilson Road Roundabout. Under the current project scope, NCDOT will construct standard 5-foot sidewalks around the roundabout. City staff asked NCDOT to consider widening the sidewalks to 8 feet to better accommodate anticipated pedestrian and bicycle activity once the Ecusta Trail is completed along the nearby rail corridor. The additional cost of widening the sidewalks would be the City's responsibility. It should be noted that portions of the roundabout and sidewalk will initially be outside the City's corporate limits, although this area will likely annex into the City over time as development occurs near the Ecusta Trail. The new sidewalk along Ecusta Road will stop approximately 400 feet short of the future Ecusta Trail. NCDOT cannot extend the sidewalk beyond its project limits, but what is built now will influence how well that future connection functions.

If the City would like the wider sidewalks, the extra width would need to be paid for by the City through an agreement with NCDOT. NCDOT has provided four options for Council's consideration:

Option 1: Construct 8-foot-wide sidewalks on all sides of the roundabout – Estimated City cost: \$20,000

Option 2: Construct 8-foot-wide sidewalks on both sides of Ecusta Road (east and west) north of the roundabout – Estimated City cost: \$15,000

Option 3: Construct an 8-foot-wide sidewalk only on the west side of Ecusta Road north of the roundabout – Estimated City cost: \$7,000

Option 4: Construct the standard 5-foot sidewalks funded entirely by NCDOT – Estimated City cost: \$0

Mr. Ray noted that no funds have been specifically budgeted for this type of improvement in either the current or upcoming fiscal years. However, payment to NCDOT would not occur immediately and would likely be several years out, with construction likely beginning sometime in 2029 or 2030.

Mr. Baker moved, seconded by Mr. Wise to move forward with Option 1. During discussion Mr. Baker said he had asked staff if they could estimate the cost of construction of 400 feet of 8-foot sidewalk to connect to the future Ecusta Trail. Mr. Ray said Public Works Director Wesley Shook has estimated the cost to be \$18,075 if it is built in-house by city staff. Following discussion, the motion carried unanimously.

CITY OF BREVARD, NORTH CAROLINA

RESOLUTION NO. 2026-22

**A RESOLUTION SUPPORTING ENHANCED SIDEWALK AND MULTI-USE PATH
IMPROVEMENTS IN NCDOT PROJECT R-5763**

WHEREAS, NCDOT Project R-5763 is a roadway improvement project in the City of Brevard and Transylvania County that focuses on upgrading Wilson Road (SR 1540) between US-276 (Greenville Highway) and Old US-64 / Old Hendersonville Highway, which includes the construction of a roundabout; and

WHEREAS, the City has a long history of entering into cost-sharing agreements with NCDOT for inclusion of expanded sidewalks and other “betterments” in the project area, consistent with the City’s Pedestrian & Bicycle Plan and Complete Streets principles; and

WHEREAS, the City Council has been presented with several sidewalk configuration options for enhanced pedestrian facilities within Project R-5763, including:

Option 1: 8-foot-wide sidewalks on all sides of the roundabout;

Option 2: 8-foot-wide sidewalks on both sides of Ecusta Road north of the roundabout;

Option 3: 8-foot-wide sidewalk on the west side of Ecusta Road north of the roundabout; and

Option 4: 5-foot-wide sidewalks on all sides of the roundabout.

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

Section 1. City Council supports Option 1 as described above in Project R-5763.

Section 2. The City Manager is authorized to coordinate with NCDOT and execute any necessary agreements to implement these improvements, including payment of the City’s cost share.

Section 3. This action is consistent with and advances the goals of the Building Brevard: 2030 Comprehensive Land Use Plan to promote safe mobility, active transportation, and a welcoming gateway to Pisgah National Forest.

ADOPTED AND APPROVED this, the 20th day of April, 2026.

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

s/ Maureen Copelof, Mayor

M-3. HCA Resolution – Mayor Copelof explained that since HCA acquired Mission Health in 2019, the hospital has been cited by the Centers for Medicare and Medicaid Services (CMS) for Immediate Jeopardy (IJ) in 2021, 2024, 2025 and 2026. Immediate Jeopardy is the most severe and serious finding that CMS can issue and means that the hospital’s noncompliance with regulations has caused, or is likely to cause, serious injury, harm, impairment or death to a patient. It is the highest level of deficiency, necessitating immediate corrective action by the hospital to prevent further harm. After each of the Immediate Jeopardy findings, Mission/HCA has submitted a plan of corrective action and CMS has lifted the IJ status. However, as can be seen by the history of 4 IJ findings in 5 years, the plans of corrective action have not fixed the problem. A review of the specific findings behind the IJ determination by CMS reveals that the problems stated are repeat findings, namely inadequate staffing levels and resources provided to staff.

On March 25th the Land of Sky Regional Council passed a resolution calling on Sam Hazen, CEO of HCA to come to Western North Carolina for a collaborative and transparent dialogue with area stakeholders to develop a plan for permanent improvement at Mission Hospital. In her capacity as Chair of the Land of Sky Board of Directors, Mayor Copelof is asking each individual municipality and county member of Land of Sky to pass a similar resolution at the local level. The local resolutions and the Land of Sky resolution will be packaged together and sent to Mr. Hazen to show the level and the widespread nature of the concerns that communities across Western North Carolina have regarding Mission Hospital.

Mr. Baker moved, seconded by Ms. Holder to approve the resolution. The motion carried unanimously.

**RESOLUTION NO. 2026-23
A RESOLUTION ASKING HCA CEO SAM HAZEN TO ENGAGE DIRECTLY
WITH STAKEHOLDERS IN WESTERN NORTH CAROLINA**

WHEREAS, Mission Health, which includes Mission Hospital in Buncombe County and five satellite hospitals in Transylvania, Macon, Jackson, Mitchell, and McDowell Counties, is the healthcare backbone of Western North Carolina; and

WHEREAS, Mission Hospital is the only Level I trauma center west of Charlotte and only tertiary care hospital in the 18 westernmost counties; and

WHEREAS, for profit, publicly-traded HCA bought nonprofit Mission Health in 2019 and quickly made significant changes, including reducing Mission Hospital staff by the hundreds, closing primary care practices, and reducing many services previously offered; and

WHEREAS, hundreds of long-serving and highly skilled nurses and physicians, as well as numerous physician practices, have left Mission Health and especially Mission Hospital; and

WHEREAS, due to these staffing reductions and other management decisions, Mission Hospital has been cited by the federal Centers for Medicare and Medicaid Services (CMS) for Immediate Jeopardy in 2021, 2024, 2025, and 2026; and

WHEREAS, Mission Hospital was found to have violated the federal Emergency Medical Treatment and Labor Act in 2024 and 2025;

WHEREAS, other hospitals in the Mission Health system have also experienced regulatory censure, including Mission McDowell Hospital and Blue Ridge Regional Hospital in Spruce Pine being cited for Immediate Jeopardy in 2021 and 2023, respectively; and

WHEREAS, HCA has failed to provide sufficient resources and support for its staff, has failed to act on recommendations from nurses, and has created a culture in which doctors, nurses and staff are hesitant to raise quality of care concerns with management; and

WHEREAS, Mr. Sam Hazen, CEO of HCA, said at the time of purchase: “We are excited that Mission Health chose to be part of the HCA Healthcare family. We look forward to investing in western North Carolina and ensuring Mission Health’s 133-year tradition of caring continues for years to come. This is a model partnership and one we hope will be replicated to benefit many similar communities.”; and

WHEREAS, due to HCA’s management, Mission Health’s tradition of caring has been severely impaired; and

WHEREAS, HCA leaders, including Mission CEO Greg Lowe, have not met with community members at public forums or meaningfully engaged community stakeholders to discuss conditions at Mission Hospital; and

WHEREAS, HCA and Mission Hospital are not transparent or accountable to our community.

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

Section 1. City Council hereby calls on Mr. Sam Hazen, as the leader of HCA, to come to Western North Carolina and meet with elected officials, healthcare advocates, and other community leaders, be accountable for HCA's decisions at Mission Health, and engage in a collaborative and transparent dialogue to develop a plan for long term, permanent improvement at Mission Hospital and throughout the Mission Health system.

Adopted and approved this the 20th day of April 2026.

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

s/ Maureen Copelof, Mayor

M-4. Appointment of Citizen Member to Transylvania Economic Alliance Board of Directors – As Chair of the Finance, Human Resources and Citizen Appointment Committee Mr. Lytle reported that at its meeting on March 31st the committee reviewed applications for the City-appointed citizen member seat on the Transylvania Economic Alliance Board of Directors and recommended the reappointment of Al Platt for a second 3-year term.

Mr. Wise moved, seconded by Ms. Holder to reappoint Al Platt to the Transylvania Economic Alliance Board of Directors. The motion carried unanimously.

RESOLUTION NO. 2026-24
A RESOLUTION APPOINTING A MEMBER TO THE
TRANSYLVANIA ECONOMIC ALLIANCE BOARD OF DIRECTORS

WHEREAS, in Fall 2022 the Brevard City Council held a work retreat to reform its committee structure; and

WHEREAS, committees were designated into one of three categories: policy committees, statutory committees, and advisory committees; and

WHEREAS, the Council initiated a new system for making appointments that would apply to every body to which the Council makes appointments; and

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee was charged with reviewing applicants for the various committees/advisory groups and making appointment recommendations to the full Council; and

WHEREAS, the City of Brevard appoints one citizen member to the Transylvania Economic Alliance Board of Directors for a 3-year term and the term of the current member expired on March 31, 2026; and

WHEREAS, under the direction of the Finance, Human Resources and Citizen Appointment Committee, city staff conducted an open recruitment for citizens interested in serving on the various policy committees; and

WHEREAS, the applications received during the recruitment period were reviewed by the Finance, Human Resources and Citizen Appointment Committee at their March 31, 2026 meeting; and

WHEREAS, at that meeting the Committee recommended that Al Platt be reappointed to serve a second term on the Transylvania Economic Alliance.

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

- 1) The Brevard City Council does hereby reappoint Al Platt to Brevard's designated seat on the Transylvania Economic Alliance Board of Directors, for a term to be effective immediately and expiring in March 2029.

Adopted and approved this the 20th day of April, 2026.

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

s/ Maureen Copelof, Mayor

N. Remarks/Future Agenda Considerations.

Mr. Wise commented that the Aging in Place seminar held a couple of weeks ago was well-attended with 76 people in attendance. He appreciated the Police and Fire Departments' recent playful back and forth on social media. He thanked Mrs. Gerber for her comments and urged her to talk with the County about the revaluation.

Ms. Holder noted that this is Child Abuse Prevention Month and sadly today we heard about eight children in Louisiana who lost their lives, seven by their dad. She prayed that Child Abuse Prevention Month will be impactful in a way that we all can celebrate children and our responsibility for our role in their lives. She mentioned that she had to visit the hospital a few weeks ago and was told that if she paid her portion of the bill that day she would save 20% and she wanted to share that information.

Mr. Baker said he was excited to see Fairhaven Meadows progressing—42 new affordable homes that the City helped make happen. He thanked all City departments that were involved in keeping people safe at the Assault on the Carolinas event. He remarked that it is budget season, but our state legislature, which is back in session today, doesn't have a budget and hasn't in two years. While we're working hard at the city and the county because we are obligated to have our budget done by June 30th, the state can just ignore it for as long as they want. But one thing they are busy working on is property taxes. Unfortunately, they have only talked about property tax rates; there has been no talk that I have heard of in terms of tax valuations and limiting how much those can go up. They want to limit what we can decide in terms of increasing the tax rate, but they don't want to talk about the tax valuation side of the ledger, which impacts peoples' tax bill just as much as the decisions we make up here. I think it is crazy that they are hyper focused on limiting local government, but they are not concerned with the skyrocketing valuations and inaccurate valuations that we've seen here and other parts of the state. He also mentioned that he recently read that data centers do not pay sales taxes, which is a big part of the revenue local government relies on. I hope the state legislature will see fit to change that soon. I'm glad we made that decision on data centers and look forward to what Planning comes up with on how we are going to move forward there.

Attorney McKeller said I would love to tout this 20% but cautioned that other bills may come in later from other doctors that will be full price. He mentioned an article in today's *Transylvania Times* about hospitals and the fact that 71.2% of hospitals in North Carolina are in monopoly or semi-monopoly networks, one of the highest in the country. He said he was proud of Council for passing the resolution tonight brought forward by the Mayor.

Mr. Todd expressed appreciation to staff for all their effort in pulling things together for this meeting.

Mayor Copelof echoed Mr. Todd's comment and thanked staff for their work over the last few weeks with all the different community events we've had. She mentioned several upcoming events happening later in the week.

O. Closed Sessions

O-1. Pending Litigation: NCGS §143 318.11(a)(3) – *In re: 1:25-cv-120-MOC-WCM, United States District Court for the Western District of North Carolina, Wilson Bunn et al v. City of Brevard et al.* – At 7:30 p.m. Mr. Baker moved, seconded by Ms. Holder to go into closed session to discuss pending litigation matter *In re: 1:25-cv-120-MOC-WCM, United States District Court for the Western District of North Carolina, Wilson Bunn et al v. City of Brevard et al.*, and to clear Council Chambers. The motion carried unanimously. Authorized to remain for the closed session with Council and the Attorney were Assistant City Manager David Todd, Human Resources Director Kelley Craig and City Clerk Denise Hodsdon.

Council Returned to Regular Session – at 7:57 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 7:58 p.m. Mr. Baker moved, seconded by Ms. Holder, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: May 4, 2026

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-09

OLDER AMERICANS MONTH

WHEREAS, May is Older Americans Month, a time for us to recognize and honor older Americans' contributions, highlight aging trends, and reaffirm commitments to serving older adults in our communities; and

WHEREAS, this year's theme, "Champion Your Health," focuses on prevention, wellness, and personal responsibility as cornerstones of healthy aging. It encourages older adults to take an active role in their health—advocating for themselves, accessing preventive care, and making informed decisions that support independence; and

WHEREAS, through their wealth of life experience and wisdom, older adults guide our younger generations and carry forward abundant cultural and historical knowledge; and

WHEREAS, older Americans improve our communities through intergenerational relationships, community service, civic engagement, and many other activities; and

WHEREAS, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

WHEREAS, we must ensure that older Americans have the resources and support needed to stay involved in our community—reflecting our commitment to inclusivity and connectedness.

NOW, THEREFORE, I, Maureen Copelof, Mayor of Brevard, do hereby proclaim May 2026 as **Older Americans Month** in the City of Brevard. We call upon all residents to join us in recognizing the contributions of our older citizens and promoting programs and activities that foster connection, inclusion, and support for older adults.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Brevard to be affixed on this 4th day of May, 2026.

ATTEST:

Denise Hodsdon

Denise Hodsdon, CMC, NCCMC
City Clerk



Maureen Copelof
Maureen Copelof
Mayor

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-10

HISTORIC PRESERVATION MONTH

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing the livability of a community; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

WHEREAS, in the City of Brevard it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the City of Brevard has two National Register Districts and 18 of 23 Locally Designated Local Landmarks for Transylvania County; and

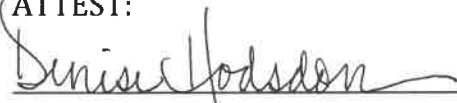
WHEREAS, May has been celebrated as National Historic Preservation Month throughout the United States of America since 1973; and

WHEREAS, This May there will be a host of events that have been prepared by local historical organizations and co-sponsored by Transylvania County Joint Historic Preservation Commission, whose mission is to help preserve the historic identity of the City of Brevard and Transylvania County.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council do hereby proclaim and recognize the month of May 2026 as **Historic Preservation Month** in the City of Brevard.

IN WITNESS WHEREOF, I here unto set my hand and Seal of the City of Brevard to be affixed this 4th day of May, 2026.

(ATTEST:



Denise Hodsdon, CMC, NCCMC
City Clerk



Maureen Copelof
Mayor



CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-11

National Police Week and Peace Officer's Memorial Day 2026

WHEREAS, the Congress and the President of the United States have designated that there be a national Law Enforcement Officers Week; and

WHEREAS, the members of the law enforcement agencies of North Carolina play an essential role in safeguarding the rights and freedom of the citizens of the State; and

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Brevard Police Department and the Transylvania County Sheriff's Office; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 38th Annual Candlelight Vigil, on the evening of Tuesday, May 13, 2026; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their law enforcement offices and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the citizens of Brevard recognize and appreciate the contributions made by law enforcement officers at all levels of government.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council, call upon all citizens to observe Thursday, **May 15, 2026**, as "**PEACE OFFICERS MEMORIAL DAY**" and **May 10-16, 2026** as "**NATIONAL POLICE WEEK**" in Brevard, North Carolina, and that all of our people join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In so doing, they have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 4th day of May, 2026.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk


Maureen Copelof
Mayor



CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-12

MENTAL HEALTH AWARENESS MONTH

WHEREAS, mental health is essential to the overall well-being of individuals, families, and the community of the City of Brevard, influencing how people think, feel, act, and connect with one another; and

WHEREAS, the City of Brevard is known for its strong sense of community, natural beauty, and quality of life, all of which contribute to the mental and emotional well-being of its citizens; and

WHEREAS, one in five individuals will experience a mental health condition in their lifetime, and stigma, lack of access to care, and social isolation continue to present challenges in communities both large and small; and

WHEREAS, Mental Health Awareness Month provides an opportunity for the City of Brevard to promote understanding, reduce stigma, and encourage residents to seek help and support when needed; and

WHEREAS, the 2026 theme, "More Good Days, Together," highlights the importance of connection, compassion, and collective responsibility in fostering mental wellness and ensuring that all residents have the opportunity to thrive; and

WHEREAS, access to mental health resources, early intervention, and community-based support systems are vital to improving outcomes and strengthening the resilience of individuals and families throughout Brevard and Transylvania County; and

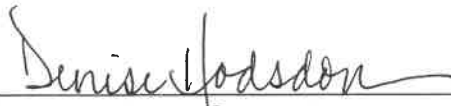
WHEREAS, local leaders, healthcare providers, educators, first responders, employers, and community organizations play a critical role in supporting mental health and creating a culture where individuals feel safe, supported, and valued; and

WHEREAS, by working together, the citizens of Brevard can continue to build a community that prioritizes well-being, encourages open conversations, and supports one another in achieving more good days;

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, North Carolina, do hereby proclaim May 2026 as **Mental Health Awareness Month** in the City of Brevard and encourage all residents to raise awareness, support one another, and take meaningful steps toward improving mental health—so that together, we may experience **More Good Days, Together**.

IN WITNESS WHEREOF, I have set my hand and executed the Great Seal of the City of Brevard on this the 4th day of May, 2026.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk




Maureen Copelof
Mayor

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-13

STRIVE NOT TO DRIVE WEEK

WHEREAS, bicycling and walking remain human-powered, energy-efficient, and environmentally sustainable forms of transportation that reduce traffic congestion, lower emissions, and promote public health through physical activity; and

WHEREAS, the City of Brevard's Bicycle & Pedestrian Master Plan adopted in 2021 envisions a city that is a premier destination for biking and walking, with a safe and expansive network of bicycle and pedestrian facilities connecting the city to the surrounding outdoor recreation and cultural destinations; and

WHEREAS, communities across the United States, including the City of Brevard, are experiencing a growing demand for safe, accessible, and connected biking and walking infrastructure as more residents and visitors choose multimodal transportation and recreation; and

WHEREAS transportation is the second largest household expense in the United States; car-dependent households spend 50% more on transportation than households with more accessible land use and multimodal transportation options; and gas prices continue to be a concern; and

WHEREAS, Transylvania in Motion provides public transit throughout the City of Brevard and Transylvania County; and

WHEREAS, the City of Brevard has made significant investments to improve multimodal infrastructure across the city including the Estatoe Trail and soon-to-be Ecusta Trail; and

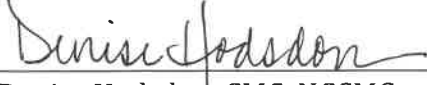
WHEREAS, Strive Not to Drive Week encourages residents and visitors to travel by walking, biking, and riding the bus when practicable; and

WHEREAS, Strive Not to Drive is a collaboration between local governments, non-profit groups, and advocates like the Brevard Bike Alliance throughout Western North Carolina.

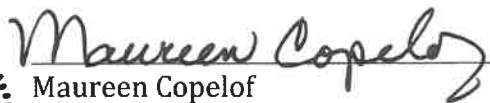
NOW, THEREFORE, I, Maureen Copelof, Mayor of Brevard, NC do hereby proclaim Friday, May 15, through Friday, May 22, 2026, as "**STRIVE NOT TO DRIVE WEEK**" and encourage the residents of our community, and communities throughout Western North Carolina, to use multimodal transportation options during Strive Not to Drive Week and throughout the year.

IN WITNESS WHEREOF, I here unto set my hand and Seal of the City of Brevard to be affixed this 4th day of May, 2026.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk




Maureen Copelof
Mayor

STAFF REPORT

City Council, Monday, May 4, 2026

Title: FY2027 Recommended Budget Presentation and Set Date for Public Hearing

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager, Dean Luebbe, Assistant City Manager/Finance Director, Shawnee Cummings, Assistant to the City Manager

Approved by: Wilson Hooper, City Manager

Background

NCGS 159-9 names city managers as his/her municipality's statutory "budget officer" and outlines his/her responsibilities regarding preparation and submission of proposed budgets. The statute requires that a document which "contain[s] a concise explanation of the governmental goals fixed by the budget for the budget year, explain[s] important features of the activities anticipated in the budget, set[s] forth the reasons for the state changes from the previous year in program goals, programs, and appropriate levels, and explain[s] any major changes in fiscal policy" be presented to the elected board no later than June 1. Brevard Code of Ordinances Sec.2-113(5) requires the city manager to "prepare and submit the annual budget and capital program to the Council."

The proposal presented this evening is the culmination of months of work by both the Brevard staff and the city's elected officials. Staff began compiling information on the costs of providing services prior to the start of the calendar year, and submitted requests for funding for new initiatives soon after that. The City Council held its strategic planning retreat in early March, identifying priorities that staff used to create the budget proposal. Council held a Budget Workshop on April 10 to review options and give preliminary approval of a spending plan.

The City Manager will give an extensive overview of the budget proposal at this evening's meeting.

Discussion

The proposed FY27 budget endows each of the city's budgetary units with resources needed to provide services, and spells out a funding strategy for each of Council's priorities. It maintains major service levels across the City of Brevard enterprise, and enhances service levels in certain areas.

The proposal includes resources for:

- A 2.7% cost of living increase for all eligible employees, keeping their compensation above inflation.

- Three new full-time positions in Public Works that will enable that department to provide its core services more efficiently, but also make progress on a backlog of voluntary projects city leaders wish to see completed.
- A switch to 96 gallon tipper carts for residential garbage collection. This switch will allow the service to be performed quicker, cleaner, and safer than it is currently.
- Enhanced staffing levels for Brevard Fire Department.

The proposal funds these expenses via:

- A proposed 2.5-cent increase in Brevard's property tax rate. The new rate equates to approximately \$87.50 more for a property with an assessed value of \$350,000.
- Increased sanitation collection fees for commercial and institutional properties. Current collections only cover about 50% of the cost of the services.
- A continuation of the city's regular 4% increases to the city's "per/1000 gallon" utility fee, and 4% increases to other utility fees including the high strength waste surcharge.

Action

Staff requests Council take action to set May 18, 2026 as the date of the statutorily required Public Hearing.

On the content of the recommendation, no action is requested at this time. Presentation is for information and discussion only.

Attachment

A copy of the FY27 recommended budget is available at the link below. Hard copies will be hand delivered to Council members Thursday afternoon/Friday morning.

[Recommended Budget FY26-27 | Brevard, NC - Official Website](#)

Attachments:

STAFF REPORT

City Council, Monday, May 4, 2026

Title: Proposed Amendment to the Official Zoning Map of the City of Brevard - The Hub

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

In November of 2025 the Board discussed and recommended favorably the rezoning of multiple parcels to the new Pisgah Gateway Mixed-Use zoning district (PGX). City Council enacted the rezoning on January 5, 2026. The Board and Council both indicated a desire for Staff to continue soliciting property owners to voluntarily rezone to PGX. Since that time, the owners of the Hub bike shop have expressed a desire to also be rezoned to PGX.

Discussion

The applicant, Ogeechee Davidson LLC, owns two parcels and has applied to rezone both to the PGX district. The 1.7 acre parcel which contains the Hub bike shop is currently zoned Downtown Mixed Use and is located at 11 Mamas Place. The adjacent 113 Mamas Place is 7.1 acres and split zoned between Residential Mixed Use and General Residential - 4; there is an old house on this property, but it is largely undeveloped. The applicant wishes to rezone the entirety of both parcels to PGX.

Policy Analysis

Due to the limitations on city-initiated downzonings found in Session Law 2024-57, the City can only move forward with applying the PGX district with explicit consent from property owners. The PGX district is supported by LUH-10 of the Building Brevard 2030 Comprehensive Land Use Plan. This rezoning is also consistent with the Future Land Use Map as these two parcels are within the Pisgah Gateway character area.

Recommendation

The Planning Board discussed this request at their April 8th meeting and unanimously recommended approval. In accordance with state law, the Planning Board also forwards the attached statement of consistency and reasonableness.

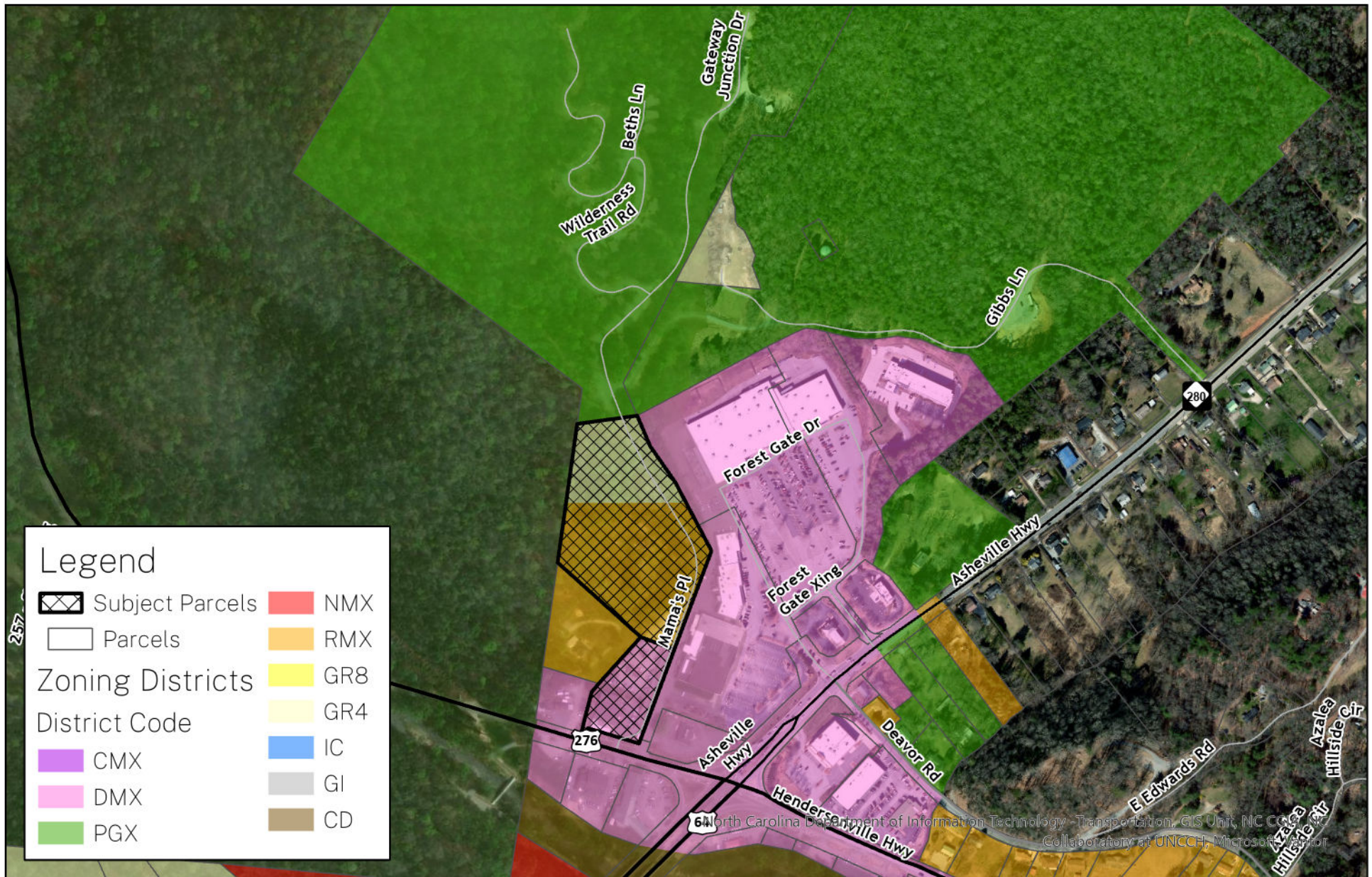
Action

No action is requested at this time. This is for public hearing purposes only.

Attachments:

1. Site Map
2. Consistency and Reasonableness Statement

Rezoning Request REZ-26-0002



1 inch = 500 feet

This map was prepared by the City of Brevard Planning Department.

Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
FOR MAP AMENDMENT #REZ-26-0002**

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

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

Comprehensive Land Use Plan

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

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:

- It is in the public interest to create a more context-sensitive zoning district for this area as it is one of the primary gateways to our community, heavily trafficked by residents and visitors alike.
- There is a strong relationship between the currently allowed uses and the allowed uses of the proposed new district.
- The new district benefits landowners by replacing multiple inappropriate districts with a more context-sensitive district.
- The rezoning will eliminate the confusion of split zoning.
- Conditions at the US64/US276/NC280 intersection will be changing due to the NCDOT R-5799 intersection improvement project.
- The rezoning is consistent with the above element of the Comprehensive Land Use Plan.
- The rezoning is consistent with the Future Land Use Map, as amended by Ordinance 2025-04.

STAFF REPORT

City Council, Monday, May 4, 2026

Title: Proposed Amendments to City of Brevard Unified Development Ordinance Chapters 2, 3 and 19 - Regulations for Data Centers

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

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 recommended updates to the code to more specifically govern the presence of data centers and similar high-intensity land uses. To provide Staff time to make these changes, City Council adopted Ordinance No. 2026-11 on March 16, 2026, enacting 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." The moratorium expires on July 2, 2026.

This is a staff-initiated text amendment that adds a new specific land use to the Brevard UDO for data centers and similar facilities.

Discussion

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.

Under the current UDO language, data centers 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 via the BOA's ability to impose conditions to SUPs. However, data centers are not mentioned specifically in the UDO, and they are not "manufacturing" in the traditional sense, creating confusion and potential shortfalls in ensuring community compatibility of these facilities. For these reasons, Staff feels that relying on the existing language is inadequate.

By adding these uses as a specific land use, the UDO will be more clear in addressing this high-impact use, and the City will have greater control in regulating them and ensuring minimal negative impacts on surrounding properties and City utilities. In the amendments, Staff is proposing a new land use definition and allowing the use only in the General Industrial zoning district as a part of a conditional zoning district (CZD). By limiting the use to a CZD, the City will have full flexibility to adequately regulate and mitigate impacts to surrounding properties on a case-by-case basis, without the potential limitations of "one size fits all" regulations.

Staff is also proposing the same treatment for the existing Utilities - Class 3 land use, which includes generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills, as they are similarly high-impact and should also be carefully considered on a case-by-case basis. Further, these amendments also tweak the definition of "heavy manufacturing" to include uses that have "excessive utility usage" in order to capture any use that puts a major strain on the City's water or wastewater treatment plants.

Policy Analysis

Any data center developments that are proposed in Brevard are likely to be large in size and impact to utilities, especially the City's water system. These amendments aim to ensure that such developments are carefully considered to balance economic development benefits with community character and resilient infrastructure concerns. These are highlighted in the following goals of the Building Brevard Comprehensive Land Use Plan:

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.

Recommendation

The Planning Board discussed these amendments at their April 8th meeting. After lengthy discussion, the Board recommended in favor by a 4-1 vote, with one modification by the Board: the removal of one line in Staff's recommended amendments, which read "As part of a conditional zoning district approval, Council shall consider the following potential negative impacts: lighting, noise, and city utility capacity."

Action

No action is requested at this time; this staff report is for public hearing purposes only.

Attachments:

1. Draft Amendments - BPB Approved
2. Consistency Statement
3. Zoning Practice: Data Centers



CHAPTER 2. DISTRICTS AND GENERAL PROVISIONS

2.2. Use categories and tables of permitted uses.

- C. *Use matrix.* The following matrix sets forth the manner by which certain uses may be permitted within the various districts set forth above.
1. "P" denotes those uses that are permitted "by right."
 2. "—" denotes those uses that are not permitted within the given district.
 3. "SUP" denotes those uses that are permitted upon issuance of a special use permit in accordance with the provisions set forth in [CHAPTER 16](#). Additional standards for certain uses requiring a special use permit are set forth in [CHAPTER 3](#) of this ordinance.
 4. "PS" denotes those uses that are permitted with additional standards, which are set forth in [CHAPTER 3](#).
 5. "MHD" denotes those uses that are permitted within a Manufactured Housing Overlay District.
 - 5-6. "CZD" denotes those uses that are permitted within a Conditional Zoning District in accordance with [CHAPTER 2](#) and [CHAPTER 16](#) of this ordinance.

TABLE 2.2-A: LAND USE MATRIX										
CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Residential										
Household Living	3.5.1	Dwelling—Single-Family	P	P	—	—	—	—	P	—
		Dwelling—Duplex	P	P	P	P	—	—	P	—
		Dwelling—Multifamily 3—4 units/bldg.	P	P	P	P	P	P	P	—
		Dwelling—Multifamily more than 4 units/bldg.	—	P	P	P	P	P	P	—
		Dwelling—Townhome	P	P	P	P	P	P	P	—
		Manufactured Home	MHD	MHD	MHD	MHD	MHD	MHD	MHD	—
		Live-Work Units	PS	PS	PS	PS	PS	—	PS	—
		Mixed-Use Residential Unit	—	—	PS	PS	PS	PS	PS	—
Group Living	3.5.2	Family Care Home	P	P	P	P	P	P	P	—
		Housing Services for the Elderly	SUP	P	P	P	P	P	P	—
		Rooming or Boarding House	P	P	P	—	P	P	P	—
Social Services	3.5.3	Group Care Facility	P	P	P	—	P	P	P	—
		Shelter	SUP	P	P	—	P	P	P	—



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Lodging										
Overnight Accommodations	3.6.1	All overnight accommodations, except as listed below	—	—	—	P	P	P	P	—
		Bed and Breakfast	PS	PS	PS	PS	PS	PS	PS	—
		Short-Term Rental (STR)	—	PS	PS	PS	PS	PS	PS	—
Camping	3.6.2	Campground/Recreational Vehicle Park	SUP	SUP	SUP	SUP	—	—	SUP	—
		Rental Cottage/Cabins	PS	PS	PS	PS	—	—	—	—
		Seasonal Camp	PS	—	—	PS	—	—	PS	—
Commercial										
Eating and Drinking Establishments	3.7.1	All restaurants and other eating and drinking establishments except as listed below	—	—	P	P	P	P	P	—
		Bar/Night Club	—	—	PS	PS	P	P	—	—
Personal Services	3.7.2	All personal services, except as listed below	—	P	P	P	P	P	P	—
		Day Care Center	PS	PS	PS	PS	PS	PS	PS	PS
Professional Services	3.7.3	All professional services, except as listed below	SUP	P	P	P	P	P	P	P
		Adult Establishment	—	—	—	—	—	—	—	SUP
		Banks, Credit Unions, Financial Services, and ATMs	—	—	P	P	P	P	P	P
		Funeral Homes and Services	—	—	P	—	P	P	P	—
		Human Crematories and Crematoriums	—	—	PS	—	PS	PS	PS	PS
		Indoor Animal Services	—	—	P	P	P	P	P	P
		Kennels and Outdoor Animal Services	—	—	SUP	—	—	PS	—	PS
		Landscaping and Contractor Services	SUP	SUP	SUP	—	—	—	—	P
		Vehicle Services—Major Repair/Body Work	—	—	—	—	—	PS	—	PS



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Vehicle Services—Minor Maintenance/Repair	—	—	SUP	—	SUP	PS	PS	PS
Retail	3.7.4	All retail and sales establishments except as listed below	—	—	P	P	P	P	P	—
		Alcoholic Beverage Sales Store	—	—	SUP	P	P	P	—	—
		Auto/Mechanical Parts Sales	—	—	—	P	P	P	—	P
		Flea market	—	SUP	SUP	SUP	SUP	SUP	—	—
		Gas Station	—	—	SUP	PS	SUP	PS	—	PS
		Gunsmiths and Weapon Sales	—	—	SUP	SUP	PS	PS	—	PS
		Civic/Institutional								
Educational	3.8.1	All educational uses except as listed below	SUP	P	P	P	P	P	P	—
		Colleges/Universities	—	—	SUP	SUP	P	P	P	—
		Schools—Vocational/Technical	—	SUP	P	P	P	P	P	P
Government	3.8.2	All government uses, except as listed below	—	P	P	P	P	P	P	P
		Correctional Facilities	—	—	SUP	—	SUP	P	P	P
		Public Safety Station	SUP	SUP	P	P	P	P	P	P
Medical	3.8.3	All medical offices and facilities except as listed below	—	P	P	P	P	P	P	—
		Hospital	—	—	—	—	—	P	P	—
Places of Worship	3.8.4	All religious institutions or places of worship	SUP	P	P	—	P	P	P	—
		Cemeteries	PS	PS	PS	—	PS	PS	PS	—
Entertainment/Recreation										
Indoor Recreation	3.9.1	All indoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P
		Cultural or Community Facility	SUP	P	P	P	P	P	P	—
		Indoor Amusements	—	—	SUP	P	P	P	SUP	P



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Indoor Firing Range	—	—	—	SUP	—	SUP	SUP	SUP
		Live Performance Theater	—	SUP	SUP	P	P	P	P	—
		Movie Theater	—	—	—	P	P	P	—	—
		Special Event Venue	SUP	SUP	PS	PS	PS	PS	PS	—
		Studios, Galleries and Workshops - High Impact	—	—	SUP	SUP	SUP	P	P	P
		Studios, Galleries and Workshops - Low Impact	—	P	P	P	P	P	P	—
Outdoor Recreation	3.9.2	All outdoor recreation facilities, except as listed below	SUP	P	P	P	P	P	P	P
		Non-Residential Swimming Pool or Pond	—	SUP	SUP	SUP	PS	PS	PS	—
		Outdoor Amusements	—	—	SUP	P	SUP	P	—	P
		Outdoor Firing Range	—	—	—	—	—	—	—	SUP
		Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P
Agriculture										
Agriculture	3.10.1	All agricultural uses	PS	—	—	—	—	PS	PS	PS
Manufacturing/Wholesale/Storage										
Light Industrial and Manufacturing	3.11.1	All light industrial and manufacturing activities, except as listed below	—	—	—	—	—	SUP	—	P
		Brewery, Distillery, Winery, Cidery - High Impact	—	—	—	SUP	—	P	—	P
		Brewery, Distillery, Winery, Cidery - Low Impact	—	—	SUP	PS	PS	PS	—	PS
		Laboratory	—	—	—	—	—	P	P	P
		Laundry, Dry Cleaning Plant	—	—	—	—	—	SUP	P	P
		Manufacturing Research and Development	—	—	—	P	—	P	P	P
		Media Production	—	—	P	P	P	P	P	P



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
Heavy Manufacturing	3.11.2	All heavy manufacturing activities, except as listed below	—	—	—	—	—	—	—	SUP
		Data centers	==	==	==	==	==	==	==	CZD
		Metal Products Fabrication, Machine or Welding Shop	—	—	SUP	SUP	SUP	P	—	P
Storage and Disposal	3.11.3	All storage and disposal uses, except as listed below	—	—	—	—	—	SUP	—	P
		Chemical Storage Facility	—	—	—	—	—	—	—	P
		Solid Waste Disposal Facilities	—	—	—	—	—	—	—	PS
		Junkyard / Salvage Yard	—	—	—	—	—	—	—	SUP
Wholesaling and Distribution	3.11.4	All wholesaling and distribution activities, except as listed below	—	—	—	—	—	P	—	P
		Equipment Rental	—	—	—	—	—	P	—	P
		Indoor Vehicle/Heavy Equipment Sales	—	—	PS	—	PS	PS	—	PS
		Outdoor Vehicle/Heavy Equipment Sales	—	—	—	—	—	PS	—	PS
Extractive Industries	3.11.5	All extractive industries, except as listed below	—	—	—	—	—	—	—	P
		Extractive industries involving blasting	—	—	—	—	—	—	—	SUP
Infrastructure										
Utilities	3.12.1	Utilities—Class 1	P	P	P	P	P	P	P	P
		Utilities—Class 2	P	P	P	P	P	P	P	P
		Utilities—Class 3	—	—	—	—	—	—	—	—
Telecommunications	3.12.2	All wireless telecommunication facilities, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Wireless Telecommunication Facility—Tower	—	—	—	—	—	SUP	—	PS
Transportation	3.12.3	Aviation Facilities	—	—	—	—	—	—	—	SUP



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Parking Lot	SUP	PS	PS	PS	PS	PS	PS	PS
		Passenger Vehicle Terminals	—	—	P	P	P	P	—	P
Accessory										
Residential Accessory	3.13.1	All residential accessory uses, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Day Care Home	PS	PS	PS	PS	PS	PS	PS	—
		Dwelling—Accessory Unit (ADU)	PS	PS	PS	PS	PS	PS	PS	—
		Home Occupation	PS	PS	PS	PS	PS	PS	PS	—
		Keeping Bees	PS	PS	PS	PS	PS	PS	PS	PS
		Keeping Domestic Fowl (Chickens)	PS	PS	PS	PS	PS	PS	PS	PS
		Swimming Pool or Pond	PS	PS	PS	PS	PS	PS	PS	—
Non-Residential Accessory	3.13.2	All non-residential accessory uses, except as listed below	—	PS	PS	PS	PS	PS	PS	PS
		Accessory Retail	—	—	PS	PS	PS	PS	PS	PS
		Drive-Thrus	—	—	SUP	SUP	—	PS	—	—
		Mobile Food Vendor Site	—	SUP	PS	PS	PS	PS	PS	PS
		Recycling - Small Collection	—	—	—	—	—	SUP	SUP	P
		Rooftop Amenity Space	—	—	SUP	PS	PS	PS	PS	PS
		Taproom / Tasting Room	—	—	SUP	P	P	P	—	P
Temporary										
Temporary	3.14.1	All temporary uses, except as listed below	PS	PS	PS	PS	PS	PS	PS	PS
		Agricultural / Produce Stand	PS	PS	PS	PS	PS	PS	PS	PS
		Construction Office	PS	PS	PS	PS	PS	PS	PS	PS
		Dwelling—Temporary	PS	PS	PS	PS	PS	PS	PS	PS
		Mobile Classroom	PS	PS	PS	PS	PS	PS	PS	PS
		Mobile Vendor	PS	PS	PS	PS	PS	PS	PS	PS
		One-Day Event	PS	PS	PS	PS	PS	PS	PS	PS
		Outdoor Event	PS	PS	PS	PS	PS	PS	PS	PS



TABLE 2.2-A: LAND USE MATRIX

CATEGORY	SECTION (a)	USE	ZONING DISTRICTS							
			GR	RMX	NMX	PGX	DMX	CMX	IC	GI
		Outdoor Seasonal Sale	PS	PS	PS	PS	PS	PS	PS	PS
		Outdoor Storage Container	PS	PS	PS	PS	PS	PS	PS	PS
(a) This column refers to the section of this ordinance that contains the use definition and additional standards.										

(Ord. No. 13-07, § 1, 9-17-07; Ord. No. 3-08, § 1, 3-17-08; Ord. No. 14-08, § 1, 11-17-08; Ord. No. 15-08, § 3, 12-5-08; Ord. No. 07-10, § 1(Exh. A, D), 4-5-10; Ord. No. 03-2011, § 1, 3-21-11; Ord. No. 19-2011, § 1(Exh. A), 8-1-11; Ord. No. 24-11, § 3(Exh. A), 9-19-11; Ord. No. 2012-25, § 1(Exh. A), 11-5-12; Ord. No. 2013-13, § 01.b)(Exh. A), 10-21-13; Ord. No. 2014-24, § 01(Exh. A), 11-17-14; Ord. No. 2017-08, § 1(Exh. A), 3-20-17; Ord. No. 2018-17, § 1(Att. B), 8-20-18; Ord. No. 2019-01, § 1(Exh. A), 2-18-19; Ord. No. 2020-17, § 1(Exh. A), 9-21-20; Ord. No. 2020-23, § 1(Exh. A), 10-19-20; Ord. No. 2020-24, § 1(Exh. A), 10-19-20; Ord. No. 2020-32, § 1(Exh. A), 12-7-20; Ord. No. 2021-16, § 1(Exh. A), 4-19-21; Ord. No. 2021-28, § 1(Exh. A), 6-21-21; Ord. No. 2022-40, § 1(Exh. A), 6-20-22; Ord. No. 2022-76, § 1(Exh. A), 12-5-22; Ord. No. [2023-17](#), § 1(Exh. A), 5-1-23; Ord. No. [2023-37](#), § 1(Exh. A), 8-21-23; Ord. No. [2023-53](#), § 1(Exh. A), 11-6-23; Ord. No. [2023-60](#), § 1(Exh. A), 12-18-23; Ord. No. [2024-23](#), § 1(Exh. A), 6-3-24; Ord. No. [2024-43](#), § 1(Exh. A), 11-18-24; Ord. No. [2025-04](#), § 1(Exh. A), 1-21-25; Ord. No. [2025-14](#), § 1(Exh. A), 4-7-25; Ord. No. [2025-19](#), § 1(Exh. A & B), 5-5-25; Ord. No. [2025-52](#), § 1(Exh. A), 11-3-25; Ord. No. [2025-59](#), § 1(Exh. A), 12-15-25)



CHAPTER 3. USE DEFINITIONS AND STANDARDS

3.11.2. Heavy manufacturing use category.

A. *Heavy manufacturing.*

1. Definition: A facility that involves dangerous, noxious, or offensive uses or a facility that has external impacts such as smoke, odor, noise, glare, fumes, gas, or vibration that are detectible from outside the building, threat of fire or explosion, emission of particular matter, or any excessive utility usage ~~other likely cause~~. Typically, this use requires an NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.
2. Additional Standards:
 - a. For a Conditional Zoning District:
 - i. Primary access to heavy manufacturing uses shall be from a street that is classified no less than a minor thoroughfare.
 - ii. A traffic impact study in accordance with Section 17.13 shall accompany the application for a permit. The improvements recommended by the study shall be constructed by the applicant as a condition of approval.

B. Data centers.

1. Definition: A facility used primarily for providing computation services such as cloud computing, data storage, artificial intelligence (AI), cryptocurrency mining, high-performance computing, and other high-impact digital infrastructure facilities involved in the general storage, management, processing, and transmission of digital data. These facilities house computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22)



3.12.1. Utilities use category.

A. *Utilities.*

1. Definition: Publicly- or privately-owned facilities or systems for the provision of public services, including, without limitation, the following: the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; and the transmission of communications.
2. Additional Standards:
 - a. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities, provided no transmitter or antenna tower exceeds 180 feet in height

B. *Utilities – class 1.*

1. Definition: Transmission lines (above and below ground) including electrical, natural, gas, and water distribution lines, pumping stations, lift stations, and telephone switching facilities (up to 200 square feet in area).

C. *Utilities – class 2.*

1. Definition: Elevated water storage tanks, package treatment plants, telephone switching facilities (over 200 square feet in area), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

D. *Utilities – class 3.*

1. Definition: Generation, production, or treatment facilities such as power plants (including solar farms and wind farms), water and sewage plants, and landfills.

(Ord. No. 2022-76, § 1(Exh. A), 12-5-22)



CHAPTER 19. DEFINITIONS

19.3. Definitions.

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

Data center: A facility used primarily for providing computation services such as cloud computing, data storage, artificial intelligence (AI), cryptocurrency mining, high-performance computing, and other high-impact digital infrastructure facilities involved in the general storage, management, processing, and transmission of digital data. These facilities house computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.

Heavy manufacturing: A facility that involves dangerous, noxious, or offensive uses or a facility that has external impacts such as smoke, odor, noise, glare, fumes, gas, or vibration that are detectible from outside the building, threat of fire or explosion, emission of particular matter, or any excessive utility usage~~other likely cause~~. Typically, this use requires an NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Utilities: Publicly- or privately-owned facilities or systems for the provision of public services, including, without limitation, the following: the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; and the transmission of communications. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities, provided no transmitter or antenna tower exceeds 180 feet in height. Utilities are divided into the following classes:

- A. Class 1. Transmission lines (above and below ground) including electrical, natural, gas, and water distribution lines, pumping stations, lift stations, and telephone switching facilities (up to 200 square feet in area).
- B. Class 2. Elevated water storage tanks, package treatment plants, telephone switching facilities (over 200 square feet in area), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.
- C. Class 3. Generation, production, or treatment facilities such as power plants (including solar farms and wind farms), water and sewage plants, and landfills.

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-26-0002**

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

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

Building Brevard Comprehensive Land Use Plan:

- **Goal 7:** Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.
- **Goal 8:** Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city.

ZONING PRACTICE

JUNE 2022



AMERICAN PLANNING ASSOCIATION

➡ ISSUE NUMBER 6

PRACTICE DATA CENTERS



Zoning for Data Centers and Cryptocurrency Mining

By David Morley, AICP

Data centers are the physical facilities where the internet lives. Fundamentally, they consist of networked computer systems used for data storage and processing, along with supporting equipment, such as batteries, back-up power generators, and cooling devices. Modern data centers are the direct descendants of the, so-called, *telecom hotels* that began springing up in downtowns in the late 1990s to accommodate the rapid expansion of the commercial internet and, before that, of automated telephone exchange facilities that made it possible to place land-line telephone calls across a city, the nation, or the world (Evans-Cowley 2002).

An emerging segment of the data center market consists of facilities dedicated in whole or part to “mining” cryptocurrency. A cryptocurrency is a decentralized digital currency that uses encrypted data strings to denote individual units, or coins, and a peer-to-peer database known as a blockchain to maintain a secure ledger of transactions. Several of the most popular cryptocurrencies, most notably Bitcoin, require extremely complex computations to verify each transaction and add a record, or block, for that transaction to the blockchain. Whoever verifies a transaction first receives a new cryptocurrency coin as a reward. While, theoretically, anyone with a computer server can “mine” new coins by helping to verify these transactions, large-scale cryptocurrency mining requires a massive amount of computing power.

This article explores the reasons why cities, towns, and counties may wish to define and regulate data centers and cryptocurrency mining as distinct uses in their zoning codes and provides a summary of contemporary approaches. It begins with a brief overview of the factors that drive demand for data centers or cryptocurrency mines in particular locations before examining the key planning issues that may merit special attention through zoning and posing a series of questions to guide code drafting.



Chad Davis / Flickr (CC BY 2.0)

➡ A hyperscale Google data center in Council Bluffs, Iowa.

The article concludes with short profiles of local zoning approaches that may serve as models for others.

DEMAND DRIVERS

Industry analysts predict sustained growth in data center construction in the coming years (Dunbar and Bonar 2021). This includes demand for larger and larger “hyperscale” data centers as well as more widely distributed “edge” data centers (Sowry et al. 2018). Data center developers (or operators) are attracted to sites with low latency to end users and dependable and affordable electricity.

While data centers have historically been clustered around major internet access points, information technology companies, and government employment centers, the proliferation of cloud computing and the internet of things is pushing demand out to network edges. This means more data centers in smaller metropolitan and nonmetropolitan areas.

Big technology companies are likely to continue looking for sites that can accommodate new, large single-story structures. But

operators that specialize in leasing space in the same facility to multiple companies (i.e., collocated data centers) may be more open to infill sites and existing structures, especially if those sites have access to fiber optic infrastructure.

Data centers use a lot of electricity (see below) to power processing and storage hardware and to keep that hardware cool. The amount of electricity (and often water) needed for cooling is higher in warm, humid climates than in cool, dry areas. Consequently, holding other factors equal, developers favor locations with low electricity rates and cooler climates. Furthermore, because these facilities operate continuously, developers are also looking for sites that are less vulnerable to natural hazards.

Cryptocurrency miners are also looking for locations with cheap electricity and low hazard risk; however, dedicated mining facilities are not concerned about proximity to customers and are less likely to invest in backup power. While there seems to be a widespread consensus that data centers are essential to global communications and the global economy, cryptocurrency miners

have a more limited “social license” to operate. Widespread concerns about the energy use of mines and the limited utility of the coins they produce has led some countries, including China, to ban Bitcoin mining. Consequently, many cryptocurrency miners are relocating to the U.S. (Obando 2022).

PLANNING ISSUES

From the exterior, data centers and cryptocurrency mining facilities may be physically indistinguishable from many commercial or light industrial uses. However, the operational characteristics of these facilities are typically quite distinct from those of surrounding land uses. From a planning perspective, the most noteworthy characteristics relate to their electricity and water use, noise production, enhanced safety and security needs, and low employment densities.

They Use a Lot of Electricity (and Water)

In 2020, data centers used between 200 and 250 terawatt hours (TWh) of electricity, accounting for approximately one percent of global consumption (IEA 2021). While the total consumption has grown steadily along with global power demand, this ratio has held relatively constant over the past 20 years as efficiency improvements have proportionally offset increased demand from data centers. However, this pattern is unlikely to hold as growth in streaming video, online gaming, cloud computing, machine learning, virtual reality, and the internet of things begins to outstrip efficiency improvements.

The figures above exclude cryptocurrency mining. Bitcoin miners alone used an estimated additional 60 to 70 TWh in 2020. According to Cambridge University, if Bitcoin was country, it’s annual electricity consumption would be slightly higher than that of Poland or Malaysia (2022).

Data center and cryptocurrency mining equipment also generates a tremendous amount of waste heat, which must be dissipated by fans or absorbed by a cooling medium to avoid hardware damage and ensure efficient operations. Many data centers and cryptocurrency mines use water as a cooling medium. Water is also necessary for most forms of electricity production. In aggregate, a medium-sized data center typically uses more water each year than two 18-hole golf courses (Mytton 2021).

They Can Be Noisy

Inside a data center or cryptocurrency mine server room, the noise can make it difficult to carry on a conversation at a normal volume. While most data centers and large cryptocurrency mines incorporate construction and soundproofing techniques that ensure this server noise isn’t audible outside of the building, air conditioner compressors mounted on the roof or on ground near these facilities can generate noise that carries across property lines.

In some contexts, vegetation or other structures may rapidly attenuate this sound. In others, the sound may travel over long distances. Obviously, the degree to which these sounds constitute nuisance “noise” depends on surrounding land uses and ambient noise levels. The problem is typically most acute when data centers or mines are near residences.

They Have Enhanced Safety and Security Needs

Data centers typically aim to run continuously, and any outage or downtime can threaten business operations. Furthermore, data centers house expensive, highly specialized hardware, and many handle sensitive data. Consequently, most data centers incorporate enhanced safety and security features, such as gated access points, fencing, or bright lighting, to prevent unauthorized access and to minimize the likelihood of disruption.

Cryptocurrency mines have similar safety and security needs, with two key distinctions. First, miners want to maintain network access, but the stakes are lower

than for data centers because an outage wouldn’t negatively affect any other services or users. Second, cryptocurrency mines generally aren’t receiving any clients and have little incentive to draw attention to themselves with fencing or lighting.

They Have a Low Employment Density

Data centers typically have far fewer workers per square foot than professional offices or light industrial facilities (Tarczynska 2016). And cryptocurrency mines generally have even lower employment densities than data centers. For some communities, data centers (and potentially cryptocurrency mines) are highly desirable from an economic development perspective because they often generate a large property tax surplus that can subsidize more service-intensive land uses, such as single-family homes. Others, however, are reluctant to devote too much commercial or light industrial space to uses that generate few jobs.

ZONING CONSIDERATIONS

Any community interested in regulating data centers and cryptocurrency mining through zoning should consider three key questions:

1. Do these uses need new use definitions?
2. Where should these uses be permitted?
3. Do these uses need special development or performance standards?

Do They Need New Use Definitions?

New land uses don’t necessarily require new use definitions in the local zoning code. It depends, in part, on whether the use fits



eBay/ink / Flickr (CC BY-NC-ND 2.0)

➡ The roof of eBay’s Topaz data center in South Jordan, Utah.

neatly under a broader use category or is substantially like another defined use. And it depends on whether treating the new use the same as this use category or other similar use would be likely to generate negative effects on nearby properties or the community as a whole.

Many communities have defined data centers (or some closely analogous term) as a distinct use in their zoning codes. These definitions typically reference the general function of the facility and the degree to which it is occupied by computer systems and related equipment. For example, Anne Arundel County, Maryland, defines *data storage center* as “a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations” (§18-1-101.(44)).

Comparatively fewer communities have defined cryptocurrency mining as a distinct use. Many of these definitions focus on the specialized purpose of the facility, often with references to other newly defined terms, such as *high density load* or *server farm*, that clarify its distinct characteristics. For example, Moses Lake, Washington, specifies that *cryptocurrency mining* often uses more than 250 kilowatt-hours per square foot each year (§18.03.040).

Where Should They Be Permitted?

Communities that choose to regulate data centers or cryptocurrency mines as distinct uses may permit these uses either by right or with a discretionary use permit (i.e., conditional, special, or special exception use permits) in one or more existing base or overlay zoning districts. Alternatively, they may elect to establish a new special-purpose base or overlay zoning district for either use.

Many communities permit data centers and cryptocurrency mines either by right or with a discretionary use permit in commercial and industrial districts. While data centers and mines can fit in a wide range of existing commercial or industrial buildings, purpose-built facilities are often single-story structures with large floorplates.

Given that they generally have few employees and visitors, these uses may not be appropriate in ground-floor street-frontage spaces in pedestrian-oriented

EXAMPLES OF DEFINED USES

Jurisdiction	Defined Uses
Alpharetta, GA	Data center (§1.4.2)
Anne Arundel County, MD	Data storage center (§18-1-101.(44))
Fairfax County, VA	Data center (§9103)
Frederick County, MD	Critical digital infrastructure facility (§1-19-11.100)
Moses Lake, WA	Cryptocurrency mining; Data center/server farm/cluster (§18.03.040)
Pitt County, NC	Data processing facility (large scale) (§15)
Plattsburgh, NY	Commercial cryptocurrency mining; Server farm; High density load service (LL 6-2018)
Prince George’s County, MD	Qualified data center (§27-2500)
Prince William County, VA	Data center (§32-100)
Somerville, MA	Data center (§9.8.b)
Vernal, UT	Data center (§16.04.173)
Wenatchee, WA	Cryptocurrency mining; Data center (§10.08)

commercial areas. Wenatchee, Washington, addresses this issue by permitting data centers and cryptocurrency mines by right in multiple pedestrian-oriented commercial districts, with a simple stipulation that they cannot occupy “grade level commercial street frontage” (§10.10.020).

A new special-purpose zoning district can help steer data centers or cryptocurrency mines toward corridors or other subareas that have suitable utility infrastructure. When adopted as floating zones, special districts can also provide an extra layer of review for large projects that may cover dozens or hundreds of acres.

Prince William County, Virginia, added a Data Center Opportunity Zone Overlay District to its zoning code in 2016 (§32-509). The county has mapped this overlay to more than 70 percent of its industrially zoned land. The overlay permits data centers and includes design standards for these facilities; however, it does not otherwise modify the existing use permissions for underlying districts.

Do They Need Special Development or Performance Standards?

Communities that decide to regulate data centers or cryptocurrency mines as distinct uses may choose to adopt use-specific standards that modify or supplement other relevant universal or district-specific development or performance standards. This approach can help communities target standards to the distinct features of these uses

to address specific community concerns. Use-specific standards can help minimize reliance on discretionary approvals and improve the consistency of local decisions. Without these standards, local officials may be more likely to require all data centers and cryptocurrency mines to obtain a discretionary use permit, and they may be more likely to adopt wildly varying conditions of approval for substantially similar proposals. Communities that have adopted use-specific standards for data centers and cryptocurrency mines often establish building design and buffering or screening requirements to minimize the visibility or improve the appearance of these facilities from public streets or nearby properties. Other common standards address environmental performance, including noise and light pollution, and evidence of electric utility approval.

POTENTIAL MODEL APPROACHES

It would be difficult to find a community with more experience with data centers than Loudon County, Virginia. And the county’s approach to zoning for data centers serves as a potential model for other communities with suitable sites and sufficient infrastructure to accommodate data center development. In contrast, Missoula County, Montana, was one of the first local jurisdictions to craft zoning regulations for cryptocurrency mining operations. And its emphasis on mitigating the potential climate impacts represents a different type of potential model.

Loudon County, Virginia

Northern Virginia's Data Center Alley, primarily clustered around Routes 7 and 267 in Loudon and Fairfax Counties is the largest data center market in the world (Fray and Koutsaris 2022). Its combined power consumption capacity is more than 1.6 gigawatts (GW), nearly twice as much as the next largest market. And within Data Center Alley, Loudon County has the highest concentration of data centers. As of October 2021, data centers occupied more than 25 million square feet, with another 4 million square feet in development (LCDED 2022).

Several important factors have driven demand for data center development in Loudon County. It is home to the Equinix internet exchange, one of the largest internet access points in the world and a successor to Metropolitan Area Exchange, East, the first

U.S. exchange. The county has abundant (and redundant) fiber optic infrastructure, relatively cheap power, and sufficient water. Additionally, it has a high concentration of skilled technology workers and businesses that support the data center industry.

By the year 2000, there was already an emerging data center cluster in Loudon County. However, the county did not define and regulate data centers as a distinct use in its zoning code until 2014 (ZOAM 2013-0003). According to Acting Planning & Zoning Director James David, prior to this, the county defined data centers as commercial offices.

The latest version of the county's zoning ordinance permits data centers by right in Planned Office Park, Research and Development Park, Industrial Park, and General Industrial districts and as a special exception use in Commercial Light Industry

districts. New data centers (without vested rights) must comply with a set of use-specific standards governing façade design, screening of mechanical equipment, exterior lighting, pedestrian and bicycle facilities, and landscaping, buffering, and screening (§5-664).

According to David, these standards are intended to improve the aesthetics of data centers, minimize visibility from nearby residential areas, and ensure continuous sidewalk and trail networks. Overall, they represent a light-touch approach that has, so far, worked well for a county with enormous demand for data centers and relatively modest competition for space from other commercial and industrial uses.

However, in February 2022, county officials directed staff to research regulatory options to prevent new data centers in the

EXAMPLES OF USE-SPECIFIC STANDARDS FOR DATA CENTERS AND CRYPTOCURRENCY MINING

Jurisdiction	Use-Specific Standards
Alpharetta, GA	Requires evidence of compliance with noise standards; specifies exterior lighting fixture design; establishes minimum building height; requires building façade design elements; establishes other fencing, screening, and landscaping requirements to minimize visibility from adjacent roads and properties (§2.7.2.1)
Anne Arundel County, MD	Establishes minimum lot size and setbacks; prohibits residences on the same lot; establishes limit on outdoor storage (§18-10-119)
Fairfax County, VA	Requires all equipment to be enclosed within a building; establishes maximum floor area by zoning district (§4102.6.A)
Frederick County, MD	Establishes criteria for reducing setbacks; specifies building design standards; specifies landscaping, screening, and buffering requirements; clarifies parking, loading, signage, and lighting standards; establishes criteria for private roads; establishes noise and vibration standards (§1-19-8.402)
Moses Lake, WA	Clarifies review process for business license; prohibits container storage; requires evidence of electrical utility approval; requires evidence of electrical permit and inspection; establishes environmental performance standards, addressing noise, heat, and electric and magnetic fields; limits amount of exposed equipment on facades (§18.74)
Pitt County, NC	Limits height; requires separation from sensitive uses; requires noise study and compliance with noise standards; requires underground wiring; requires security fencing and vegetative screening; requires evidence of electrical utility approval; clarifies signage standards; requires notification of abandonment (§8(UUUU))
Plattsburgh, NY	Requires fire suppression and mitigation techniques; limits internal ambient temperature and the direct release of heat on colder days; establishes permissible noise levels (LL 6-2018)
Prince George's County, VA	Requires building façade design elements; specifies exterior lighting fixture design; requires screening for security fencing and limits fence height; requires compliance with landscape manual; clarifies applicable off-street parking standard; clarifies signage standards; requires an acoustical study; specifies additional site, locational, and noticing requirements for facilities in rural residential districts (§27-5102(e)(4)(B))
Somerville, MA	Establishes special review criteria related to aesthetic impacts and employment opportunities (§9.8.b)
Vernal, UT	Requires fencing and structural screening for electrical generators; requires noise mitigation plan for facilities near residential zones or existing hotels or motels (§16.20.250)
Wenatchee, WA	Clarifies review process for business license; prohibits container storage; requires evidence of electrical utility approval; requires evidence of electrical permit and inspection; clarifies blank wall limitation standards; requires an affidavit verifying operating sound levels (§18.48.310)

Route 7 corridor. While data center demand remains high in this area, the county's comprehensive plan designates most of this corridor as Suburban Mixed Use, which envisions a compact, pedestrian-friendly mix of commercial, residential, cultural, and recreational uses. Furthermore, the existing electricity network infrastructure is insufficient to accommodate the existing demand for new data centers (LCDED 2022).

The county is working on its first complete overhaul of its zoning code since 1993. And it intends to incorporate any new regulations for data centers into the new code, which officials hope to adopt by the end of 2022.

Missoula County, Montana

In April 2019, Missoula County, Montana, adopted an interim zoning resolution that established a cryptocurrency mining overlay (Resolution No. 2019-026). The county had one large cryptocurrency mine already, and its low electricity rates and cool climate made it an attractive area for prospective miners. While a few other jurisdictions had already defined cryptocurrency mining in their zoning codes, Missoula County appears to be the first to explicitly position its zoning approach as a response to climate change.

According to county planner Jennie Dixon, AICP, local officials originally took an interest in regulating cryptocurrency mining as a distinct use after multiple complaints of noise from cooling fans at an existing Bitcoin mine operating out of a former sawmill in unincorporated Bonner. Soon, though, the county expanded its focus to include energy consumption and electronic waste.

Montana law only authorizes interim zoning in the case of an emergency involving "public health, safety, morals, or general welfare" (§76-2-206). Dixon says the Intergovernmental Panel on Climate Change's 2018 Special Report on *Global Warming of 1.5° C* helped justify climate change as a local emergency that warranted interim zoning to mitigate greenhouse gas emissions (and other potential environmental impacts) from cryptocurrency mining.

The interim zoning regulations defined cryptocurrency mining as a distinct use and created a Cryptocurrency Mining Overlay Zone, mapped to the entire unincorporated geographic extent of the county (which includes some un-zoned areas). The overlay



Google Earth

➡ The heart of Northern Virginia's Data Center Alley in Ashburn, Virginia.



Google Earth

➡ The former Bonner sawmill in Missoula County, Montana, was once home to the HyperBlock cryptocurrency mine.

restricted cryptocurrency mining operations to industrial districts and required operators to obtain a discretionary use permit if the mine was adjacent to a residential district or within 500 feet of a residential property boundary. These regulations also required all mining operations to verify that all electronic waste be handled by a licensed recycling firm and that all electricity use be offset by new renewable energy production.

Caroline Lauer, the county's Sustainability Program Manager, stresses the importance of this last requirement. If cryptocurrency miners purchased existing supplies of renewable energy, it could actually displace existing utility customers to dirtier sources. While most of the county's

electricity comes from hydropower, coal accounts for much of the remainder.

Missoula County's 2016 *Growth Policy* plan includes an objective to "reduce the county's contribution to climate change" (4.1) and lists policies that promote alternative energy development (4.1.3) and reduce energy use and waste generation as implementation actions (4.1.6). A day before it adopted the interim cryptocurrency mining regulations, the county further strengthened its policy rationale by adopting a joint commitment with the City of Missoula to achieve 100 percent clean electricity use by 2030.

County officials extended the interim zoning for another year in 2020 before adopting the same regulations as a permanent zoning amendment in March 2021 (§1.04

& \$5.05). According to Dixon, the Bonner mine ceased operations during the interim zoning period, but not because of the county's zoning. It declared bankruptcy two days after the "Black Thursday" Bitcoin crash in March 2020, leaving the tribal-owned independent power producer that provided its electricity with a \$3.7 million unpaid bill (Rozen 2020).

CONCLUSIONS

The rapid rise in data center development has coincided with dramatic decreases in the costs of producing solar and wind power. This, in combination with a growing trend toward clean power commitments among technology companies, has blunted some of

the climate impacts of an increased demand for data storage and processing.

The increased digitalization of life virtually guarantees that data centers will continue proliferating in strategic locations across the country (Gomez and DeAngelis 2022). Soon, communities may start seeing a sharp increase in interest in very small edge data centers that could fit in underutilized commercial spaces or even be collocated with other telecommunications infrastructure, such as small cell facilities, in public rights-of-way (Sowry et al. 2018).

The future of cryptocurrency mining facilities is less certain. Bitcoin and other energy-intensive cryptocurrencies are facing social pressure to transition to more

energy-efficient transaction verification methods, and several existing cryptocurrencies already use these methods. However, we are still at the very beginning of the cryptocurrency story. While this form of currency currently exists primarily as a speculative investment vehicle, this could change rapidly if valuations stabilize and large numbers of goods and service providers accept cryptocurrencies for payment.

Not every community will see the value in defining data centers or cryptocurrency mines as distinct uses in their zoning codes. Nevertheless, doing so can give local jurisdictions a leg up when it comes to signaling preferences to developers and operators and minimizing or mitigating potential adverse impacts.

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ABOUT THE AUTHOR

David Morley, AICP, is a research program and QA manager with the American Planning Association and editor of *Zoning Practice*.

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HOW DOES YOUR ZONING TREAT DATA CENTERS AND CRYPTOCURRENCY MINES?

6

STAFF REPORT

City Council, Monday, May 4, 2026

Title: Property Tax Releases - April 2026

Speaker:

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

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

Background

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 April 2026: \$491.73

Recommendation

Approve resolution to release values from the tax scroll.

Attachments:

1. Resolution Approving Property Tax Releases - April 2026

RESOLUTION 2026-25

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 April 2026 property values from the tax scroll in the amount of:

TAX YEAR 2025: \$ 491.73

Adopted and approved this 4th day of May 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

STAFF REPORT

City Council, Monday, May 4, 2026

Title: Resolutions Requesting Approval from NCDOT for Public Art in Ecusta Road and Pisgah Forest Roundabouts

Speaker: Paul C. Ray, Planning Director

Prepared by: Paul Ray, Planning Director

Approved by: Wilson Hooper, City Manager

Background

City Council previously approved incorporating public art into two North Carolina Department of Transportation (NCDOT) roadway projects:

1. Project R-5799 – Intersection improvements at US 64/US 276
2. Project R-5605 – Davidson River Connector Road at Ecusta Road

NCDOT requires formal approval through a City Council Resolution in order to consider public art installations within state-maintained right-of-way. These Resolutions initiate NCDOT's internal review process, including evaluation by their Public Art Committee.

Discussion

1. Project R-5799 (US 64/276 Intersection Improvements): This project includes plans for a "Welcome to Brevard" monument sign located on the southwest side of Highway 276 at the corner near Pisgah Plaza, as well as a proposed stone archway over the adjacent sidewalk. Construction of the roundabout is currently underway and is anticipated to take approximately one year to complete.
2. Project R-5605 (Davidson River Connector Road): This project includes a completed roundabout at Ecusta Road; however, no landscape or aesthetic enhancements were included as part of the original construction. Because the project was administered through NCDOT's central office rather than Division 14, the City had limited opportunity to coordinate enhancements during project development. A digester from the former Ecusta papermill was given to the City to serve as an art sculpture in the center of the roundabout.

The City retained McAdams, an engineering and planning firm, to develop corridor enhancement concepts along Asheville Highway and connecting roadways. Proposed public art elements within NCDOT right-of-way require formal approval via Resolution before advancing to NCDOT for review.

Fiscal Impact

Adoption of these Resolutions does not commit the City to construction expenditures. The Resolutions are procedural and intended to secure NCDOT approval for potential future installations. Funding for fabrication and installation has not yet been identified.

Policy Analysis

The proposed public art installations are consistent with the City's adopted 2030 Comprehensive Land Use Plan, specifically Goal #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."

Action

Staff recommends that City Council adopt separate Resolutions requesting NCDOT approval for public art installations within the right-of-way for each project location.

Attachments:

1. Resolution Requesting Public Art in ROW_Welcome Sign & Archway
2. Resolution Requesting Public Art in ROW_Ecusta
Road_Roundabout_Center_Digester_Sculpture

RESOLUTION NO. 2026-XX

A RESOLUTION REQUESTING APPROVAL FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PUBLIC ART WITHIN THE RIGHT-OF-WAY OF HIGHWAY 64/276 (PISGAH FOREST) SOUTHWEST CORNER (MONUMENT SIGN AND SIDEWALK ARCHWAY)

WHEREAS, the North Carolina Department of Transportation (NCDOT) is constructing the roundabout project (STIP Project #R-5799) at the intersection of U.S. Highway 64/276 and N.C. Highway 280 in Brevard, North Carolina; and

WHEREAS, the City of Brevard previously collaborated with NCDOT and its consultant, McAdams, to design and fund optional landscaping betterments within the project; and

WHEREAS, the City Council desires to install a “Welcome to Brevard” monument sign and a stone archway feature over the sidewalk within NCDOT right-of-way along U.S. Highway 276, located on the southwest corner of the intersection and outside of the roundabout circulatory roadway; and

WHEREAS, NCDOT’s Public Art in the Right-of-Way Policy requires that requests for artwork within the State highway right-of-way be formally initiated through a resolution of support adopted by the governing body; and

WHEREAS, in accordance with NCDOT requirements, the City shall provide an opportunity for the community to consider and comment on the proposed art project through a public meeting at a regularly scheduled City Council Meeting; and

WHEREAS, the City Council has duly considered all comments received and finds that the proposed installation will enhance the public realm and is consistent with community goals; and

WHEREAS, the City has engaged McAdams to assist in preparing necessary documentation, design, and coordination with NCDOT for the required encroachment review.

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

Section 1. The City of Brevard formally requests that the North Carolina Department of Transportation consider and approve the installation of a monument sign and stone archway within NCDOT right-of-way along U.S. Highway 276, located on the southwest corner of the intersection of U.S. Highway 64/276 (Pisgah Forest), outside of the roundabout circulatory roadway; and in accordance with the Public Art in the Right-of-Way program.

Section 2. The City acknowledges and agrees that all costs associated with the design, installation, and long-term maintenance of the proposed improvements shall be the sole responsibility of the City of Brevard, and not NCDOT.

Section 3. The City further acknowledges that the proposed installation is subject to NCDOT encroachment agreement requirements and shall be designed, constructed, and maintained in a manner that does not interfere with the safe operation, maintenance, or function of the State highway system.

Section 4. The City authorizes its staff and consultants to coordinate with NCDOT Division 14 and the Art in the Right-of-Way Committee and to submit all necessary plans, analyses, and documentation required to complete the review and approval process.

ADOPTED AND APPROVED this, the 4th day of May, 2026.

Maureen Copelof, Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

RESOLUTION NO. 2026-XX

**A RESOLUTION REQUESTING APPROVAL FROM THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION FOR PUBLIC ART WITHIN THE RIGHT-OF-WAY OF ECUSTA ROAD
(DAVIDSON RIVER CONNECTOR ROAD) – ROUNDABOUT CENTER (DIGESTER
SCULPTURE)**

WHEREAS, the North Carolina Department of Transportation (NCDOT) has completed STIP Project No. R-5605, known as the Davidson River Connector Road, including construction of a roundabout at Ecusta Road in Brevard, North Carolina; and

WHEREAS, the project was administered through NCDOT's central office, and the City of Brevard had limited opportunity to coordinate landscape or aesthetic enhancements during project development; and

WHEREAS, no landscaping or public art elements were included as part of the original construction of the roundabout; and

WHEREAS, a digester vessel from the former Ecusta Paper Mill has been donated to the City of Brevard to serve as a public art sculpture reflective of the community's industrial heritage; and

WHEREAS, the City Council desires to install the digester sculpture within the center island of the roundabout at Ecusta Road, within NCDOT right-of-way; and

WHEREAS, NCDOT's Public Art in the Right-of-Way Policy requires that requests for artwork within State-maintained right-of-way be formally initiated through a resolution of support adopted by the governing body; and

WHEREAS, in accordance with NCDOT requirements, the City has provided an opportunity for the community to consider and comment on the proposed art project at a regularly scheduled City Council meeting; and

WHEREAS, the City Council has duly considered all comments received and finds that the proposed installation will enhance the visual character of the corridor and is consistent with community goals; and

WHEREAS, the City has engaged McAdams to assist in preparing necessary documentation, design, and coordination with NCDOT for the required encroachment review.

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

Section 1. The City of Brevard formally requests that the North Carolina Department of Transportation consider and approve the installation of a digester sculpture within the center island of the roundabout at Ecusta Road (Davidson River Connector Road), within NCDOT right-of-way, in accordance with the Public Art in the Right-of-Way program.

Section 2. The City acknowledges and agrees that all costs associated with the design, installation, and long-term maintenance of the proposed sculpture shall be the sole responsibility of the City of Brevard, and not NCDOT.

Section 3. The City further acknowledges that the proposed installation is subject to NCDOT encroachment agreement requirements and shall be designed, constructed, and maintained in a manner that does not interfere with the safe operation, maintenance, or function of the State highway system, including maintaining appropriate sight distance and safety clearances within the roundabout.

Section 4. The City authorizes its staff and consultants to coordinate with NCDOT Division 14 and the Art in the Right-of-Way Committee and to submit all necessary plans, analyses, and documentation required to complete the review and approval process.

ADOPTED AND APPROVED this, the 4th day of May, 2026.

Maureen Copelof, Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-14

57th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

May 3 - May 9, 2026

WHEREAS, the Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, the Office of the Professional Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Professional Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, do recognize the week of May 3 through May 9, 2026, as the 57th Annual Professional **Municipal Clerks Week**, and further extend appreciation to our Professional Municipal Clerk, Denise Hodsdon, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 4th day of May, 2026.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk




Maureen Copelof
Mayor

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-15
PUBLIC SERVICE RECOGNITION WEEK
May 3-9, 2026

WHEREAS, Americans are served every single day by public servants at the federal, state, county and municipal levels. These unsung heroes do the work that keeps our nation working; and

WHEREAS, public employees take not only jobs, but oaths; and

WHEREAS, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States and around the world; and

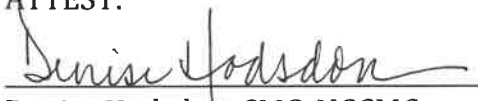
WHEREAS, public servants include teachers, doctors and nurses, scientists, social workers, train conductors and astronauts, safety inspectors, laborers, computer technicians, and countless other occupations. Day in and day out they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

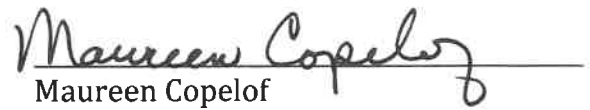
WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials.

NOW THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, do hereby announce and proclaim to all citizens, that May 3-9, 2026 is **Public Service Recognition Week** in Brevard, North Carolina. All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels – federal, state, county and municipal.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed on this 4th day of May, 2026.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk


Maureen Copelof
Mayor



CITY OF BREVARD, NORTH CAROLINA

Proclamation

**NO. 2026-16
NATIONAL BIKE MONTH**

WHEREAS, the bicycle is an economical, healthy, convenient, viable, and environmentally sound form of transportation and an excellent form of recreation and enjoyment of Brevard and Transylvania County's scenic beauty; and

WHEREAS, Brevard and Transylvania County trails and roads attract bicyclists each year from across the country and the world; and

WHEREAS, Brevard hosts several major cycling races and events, including the Assault on the Carolinas, the WNC Flyer, and the Pisgah Stage Race; and

WHEREAS, these bicycling activities and attractions have great potential to have a positive impact on Brevard's economy and tourism industry, as well as to stimulate economic development by making the city attractive to businesses and citizens who enjoy the out of doors and healthy lifestyles; and

WHEREAS, creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and

WHEREAS, May has been declared National Bike Month since 1956 and is so again in 2026; and

WHEREAS, the League of American Bicyclists, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies, and civic groups throughout North Carolina will be promoting bicycling as a leisure activity as well as an environmentally-friendly alternative to the automobile during the month of May 2026; and

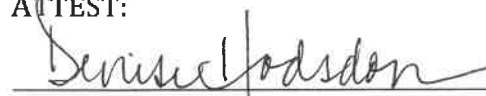
WHEREAS, the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

WHEREAS, the City of Brevard Comprehensive Plan includes several objectives and policies aimed at improving cycling as both a form of recreation and transportation.

NOW, THEREFORE, I, Mayor Maureen Copelof and the Brevard City Council do hereby proclaim and recognize the month of May 2026 as **National Bike Month** and **Bicycle Safety Month**.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brevard to be affixed this 4th day of May, 2026.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk




Maureen Copelof
Mayor

MINUTES
City Council Parks, Trails & Recreation Committee

Wednesday, March 18, 2026, at 3:30 PM
City Hall Council Chambers

Members Present: Lauren Wise, Vice Chair, Council Member
Daniel Jessee, Citizen Member
Jackson Tate, Citizen Member
Reba Osborne, Citizen Member
Maureen Copelof, Mayor, Ex-Officio

Absent: Aaron Baker, Chair, Council Member
JD Powers, Citizen Member
Howie Granat, Citizen Member

Staff Present: Wilson Hooper, City Manager
Wesley Shook, Public Works Director
Paul Ray, Planning Director
Shawnee Cummings, Assistant to the City Manager

Guests: Drake McNeary, Laurel McNeary, Gary Lowden, Heather Perkins,
Caitlin Walters

Media: David Bradley

A. Welcome and Call to Order

Committee Vice Chair Lauren Wise welcomed everyone and called the meeting to order at 3:36 PM.

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings certified that a quorum was present.

C. Approval of Agenda

J. Tate motioned to approve the agenda as presented. D. Jessee seconded, and the motion carried unanimously.

D. Approval of Minutes – February 18, 2026

D. Jessee motioned to approve the minutes, seconded by J. Tate. The motion carried unanimously.

E. Bracken Preserve

1. Bracken Trail Update

G. Lowden from Pisgah SORBA stated that they will begin clearing the corridors early next week and will start from the back and make their way in. The initial section from the parking lot that loops near the music center will be done last to keep it out of the public view. G. Lowden expects that they will start cutting trail with bigger equipment in mid-April. He has been talking with A. Bland and D. Todd about completing the trail in June, letting it simmer for a month, and opening in July. They have also been coordinating regarding the bids received for the first bridge repair in Brushy Creek and the pricing, but since A. Bland and D. Todd are out this week, they will meet next week. G. Lowden stated that one contractor has been identified for bridge #1, but they will need to bring D. Todd up to speed since it has been a while since it all started. G. Lowden said luckily where the bridge is failing, it is on grade, so there is no potential to fall through.

P. Ray stated that they asked Todd to provide an estimate for replacing the two failing retaining walls. G. Lowden said that there is continuing discussion as to whether to replace the retaining walls or to reroute the trail to include switchbacks. He added that there are 3 to 4 switchback areas they are evaluating and they plan to bring those recommendations to the Committee in April. P. Ray asked if it is possible to reroute the trail so that no retaining wall is needed. G. Lowden stated it is steep and may need multiple switchbacks, so they are looking at all options.

2. Reconsideration of E-Bike Policy in Bracken Preserve

D. McNeary stated that he did research and found that Class 1 e-bikes have no significant difference on trail impact. He also found that the average speed is similar, with e-bikes going faster uphill but the same speed downhill. D. McNeary stated that if the City moves forward with allowing Class 1 e-bikes in Bracken, the biggest challenge will be more users, which can bring economic development. He also spoke to Brevard Bike Alliance and they are willing to do educational outreach to teach bikers how to share the trail. He thinks more people using the trail is a good thing, but that the City may have to manage or respond to it in some way.

L. Wise stated that Bracken connects to Pisgah National Forest and asked if an e-biker accesses Pisgah, intentionally or not, what are the repercussions for the City? D. McNeary said that even now, people take e-bikes where they are not allowed, regardless of whether they are allowed in Bracken, so he does not see that as the City's problem. R. Osborne asked if it is obvious when you leave Bracken and enter Pisgah. D. McNeary said yes, but they can also add more signage.

L. Wise asked if anyone knows of any movement at the State or Federal level about e-bikes on public lands, such as Dupont or Pisgah. D. Jessee stated that Dupont will not allow e-bikes any time soon, as they are not ready to have that discussion due to it being too controversial. D. Jessee said that people parking in Dupont to ride their e-bikes outside of Dupont get accosted by other bikers accusing them of breaking the rules.

R. Osborne asked if the Ecusta trail allows e-bikes. D. Jessee said they allow Class 1 e-bikes and the speed limit is 15 mph. P. Ray added that the City allows Class 1 and Class 3 on the Estatoe Trail, so we may want to reconsider allowing Class 3 in the future to be consistent with the Ecusta Trail and Bracken. R. Osborne asked what class of e-bike is needed to navigate Bracken. D. Jessee stated that Class 1 is what everyone advocates for on single-track trails and that it will take a massive effort to educate the public on the differences between classes.

R. Osborne said that e-bikes would allow people with disabilities to navigate, but she is not sure how that translates to different classes. D. Jessee said his wife has a disability and her Class 1 e-bike gets her to a basic fitness level but it does not go over the top in what it allows her to do.

L. Wise said he thinks that State and Federal governments not addressing e-bikes is a mistake, but he is not sure how much the City wants to be at the forefront. D. Jessee asked about Pisgah SORBA's perspective. G. Lowden said they have taken an educate and inform perspective and are staying open-minded because of the Forest Service but have not taken a firm position. G. Lowden said that is specific to Class 1 e-bikes because most people doing single track trails on a Class 1 are bikers who have not ridden in a while or people who do not yet have the fitness or capability. G. Lowden said he personally thinks that if a Class 1 gets someone on a bicycle, that is a great thing. He added that his wife rides an e-bike and they now ride together, which was not happening anymore. He also thinks Bracken and the City should be at the forefront of this policy because e-bikes are everywhere and if you are not proactive, you are behind.

D. Jessee clarified that Dupont allows e-bikes for people with disabilities but does not advertise it.

G. Lowden added that after Hurricane Helene, Bracken and the Forest Service started allowing Pisgah SORBA to use Class 1 e-bikes for trail evaluation and maintenance. It has been a major improvement for volunteers and people who have to carry heavy equipment.

L. Wise stated some of A. Baker's concerns were things that D. McNeary's research helped disprove, such as excessive speed, increased weight of e-bikes, and wear and tear on the trail. L. Wise also stated that the Ecusta Trail will be bringing people on bikes with varying skill levels and he wants them to be able to enjoy all parts of the City, as opposed to just the paved sections. W. Hooper asked if D. McNeary would be willing to share the information discussed today, to which he said he would and that he has a study on the soil impacts. G. Lowden added that he would also share survey data from People for Bikes. He added that mitigation will come from education and teaching trail etiquette. C. Walters added that some acoustic bikes are heavier than e-bikes so weight doesn't always correlate with bike type.

D. Jessee said that if there are changes being made to the policy, it would be worth talking to the Forest Service. He asked G. Lowden if Pisgah SORBA would be willing to make connections and help facilitate collective discussions about potential violations of the border with Pisgah.

C. Walters added that she spends a lot of time in the forest and sees e-bikes on the trails, so it is happening whether it is permitted or not. She added that she thinks it will benefit the local economy and bike shop owners who will be able to give people access to Class 1 e-bikes. She stated that people want to rent e-bikes and the shops are advocates for following current policies, but it is hard when there is money walking out the door because they don't have e-bikes available. The people inquiring are usually people just looking for more accessibility.

L. Wise asked about next steps. W. Hooper said that with G. Lowden's help, Staff will meet with the Forest Service to discuss the potential policy change and see if they object. W. Hooper said Staff will compile information and bring it back to the Committee for possible action.

F. Estatoe Trail Boardwalk Replacement Designer Shortlist

P. Ray stated that the selection committee will interview design firms all day on Monday and prepare a list of their preferred firms. L. Wise asked if he knew how many interviews there are, to which P. Ray said 4. L. Wise asked if there is a timeline for the work. P. Ray stated that there is no timeline yet, as they have not signed any contracts with the Federal Highways Division.

W. Hooper stated that the City has 6 more months on its leases with the owners of the properties that the temporary trail is on. He added that we will likely have to renew the leases before we work to make the trails permanent. P. Ray stated that with the FLAP grant, it took the Federal Highways Division a long time to send over the contracts and get the money released.

G. Public Comment

Laurel McNeary said the studies on e-bikes' impact on soil have been conducted on the West Coast and in the Midwest. She asked if we have conducted any studies on the soil impacts and erosion because the weather conditions and soil are different. She added that it doesn't need to be a study but just a comparison between soil from an area that allows e-bikes and an area that does not to see if e-bikes are affecting our soil differently. W. Hooper said that is a good point and he would like to compare the report provided by D. McNeary and compare it to the report he has from the NCLWF that relates to Bracken's soil to see if there are any conclusions we can draw. W. Hooper added that conservation is the main point of having Bracken so that must be a strong consideration. He added that the NCLWF, who helped the City turn Bracken into a preserve, has strict limitations, so it is worth seeing if the rules are compatible with e-bikes.

D. Jessee thanked everyone for putting signs up to encourage drivers to look both ways, as his friend was hit by a car near Brevard College and badly injured. He stated that he knows it is related to driver habits and there are limitations on what can be done. W. Hooper offered an update stating that Staff met with the traffic engineer and asked for recommendations on how to make the crossing safer. The road belongs to NCDOT, but the traffic engineer is familiar with what the State will tolerate and will make recommendations she thinks the State will agree to.

H. Set Date for Next Meeting – April 15, 2026, at 3:30 PM

Committee members set the date for the next meeting on April 15, 2026, at 3:30 PM.

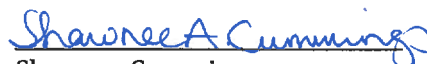
I. Adjourn

There being no further business, R. Osborne motioned to adjourn, D. Jessee seconded, the motion passed unanimously, and the meeting was adjourned at 4:12 PM.

Approved: _____ April 15, 2026



Aaron Baker, Chair, Council Member, or
Lauren Wise, Vice Chair, Council Member



Shawnee Cummings
Assistant to the City Manager

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Monday, February 23, 2026 – 11:00am
City Hall Council Chambers

Members Present: Dean Lytle, Chair
Pamela Holder, Vice-Chair, Council Member
Susan Miller, Citizen Member
Maureen Copelof, Mayor, Ex-Officio

Staff Present: Wilson Hooper, City Manager
Dean Luebbe, Assistant City Manager/Finance Director
Kelley Craig, Human Resources Director
Emily Brewer, Senior Planner
Shawnee Cummings, Assistant to the City Manager

Guests: Harvey Sankey

A. Welcome & Call to Order

Committee Chair Lytle welcomed everyone and called the meeting to order at 11:01am.

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings certified that a quorum was present.

C. Approval of Agenda

Ms. Miller moved, seconded by Ms. Holder to approve the agenda as presented. The motion carried unanimously.

D. Approval of Minutes – November 24, 2025 Meeting

Ms. Holder moved, seconded by Ms. Miller to approve the minutes of the November 24, 2025 meeting as presented. The motion carried unanimously.

E. Vendors on City Property Update

1. Follow-up from November 24, 2025 Meeting

Mr. Hooper explained that the policy recommended by the old Committee members to Council, was referred back to this Committee with recommended changes. Ms. Brewer gave a brief recap of the old Committee's proposed policy and its rationale. After

receiving inquiries from vendors, staff brought this to the Committee in September 2025 to see if the Committee was interested in exploring vendors on city property and/or public rights of way. The Committee wanted to move forward with a policy for non-motorized vendors at specific City property locations and intended to address motorized vendors, such as food trucks, and vendors on public rights of way in the future. In November, a draft policy was brought to the Committee and it was recommended that the policy be brought to the Downtown Master Plan (DTMP) Committee. In December, the DTMP Committee recommended having a higher fee to be cognizant of brick-and-mortar businesses and not give non-motorized vendors an advantage. In January, the draft policy was brought to Council and they recommended considering a lower fee, additional locations, cart size, and the permit period.

There was a typo in the policy where it stated carts could be up to 5 square feet, which should have stated 25 square feet, as it is more in line with the average pushcart size.

Specific locations were previously designated and carts would not be allowed to obstruct any vehicle or pedestrian pathways. The locations were identified as high traffic areas that are not close to places where young children could be alone, such as playgrounds, and spaces where facility rentals would not conflict. Potential locations included Clemson Plaza, Franklin Pool, the dog park, and the sports complex.

Mayor Copelof asked why Silversteen Park was not included, to which Ms. Brewer stated that it was a location where young children may be alone. Mayor Copelof stated that if the children are that young, they should not be out by themselves and she does not understand the fear of children being by themselves. Ms. Brewer responded that having adults approach young children was a concern, but the proposal could be changed if the Committee would like. Ms. Holder stated that if there are young children at Silversteen Park, a vendor may bring parents out and to the park.

Mayor Copelof stated that the Depot was not included because it can be rented, but the parking lot cannot be rented. She then asked why they did not include a space in the parking lot? Ms. Brewer said the Committee could include a space, but that the initial exclusion was based on her rationale of minimizing conflicts and the guidance from the old Committee. Ms. Brewer noted that a common policy in other municipalities is that any vendor reservation is superseded by special events and that the vendor may not operate during those events. Ms. Holder stated that instead of excluding vendors due to a conflict, vendors could be invited to participate in City events, such as the Juneteenth event at Silversteen Park. Mayor Copelof added that it makes more sense to include the vendors than to exclude a location because of once-a-year events.

Mayor Copelof requested that the Depot parking lot be added to the list. She added that a benefit of this policy is allowing food options in parts of town where there are no other options. Mr. Hooper requested that if we add the Depot as a location, that the designated location be located on a part of the parking lot that the City owns. He explained that there is an unusual arrangement with the parking lot, where David Watson owns it but he gave the City the right of way to use it in perpetuity for the public

if the City paved it. Since the City paved the parking lot, the City has the right to use it, but the reason the location was initially excluded was due to the unique arrangement.

The fee of \$400 for a 30-day permit was decided because it is comparable to reserving the Depot for a weekend. Ms. Brewer highlighted that most municipalities do not allow vending on City property outside of special events, limiting the available comparisons. For cities that do, the majority focus on public rights of way and not City property. Mayor Copelof stated that \$400 is much higher than what other cities charge, which is \$80-\$150 annually. Ms. Holder stated that a \$100 annual fee would be appropriate.

Ms. Brewer added that if we approach the permit with an annual term, it will be difficult for it to be spot-specific. If the permits were annual and spot-specific, it would allow someone to set up permanently for a year and establish a permanent land use. With an annual term, it would make more sense for the permit to be first-come-first-serve.

The Committee provided direction to make the permit \$100, annual, and first-come-first-serve. The Committee also requested the inclusion of Silversteen Park and the Depot, and to allow multiple vendors at specific locations.

2. Consideration of Food Trucks

Ms. Brewer gave some guidance as to what our current regulations are. In the UDO, private property owners can establish a food truck site if it is a certain distance from the property line and buildings and does not obstruct any vehicular or pedestrian movement. The City does not permit the actual food truck, as that is handled by the Public Health Department, but the City will permit a food truck site for property owners. There are a few locations with electrical hook-ups in the downtown area that are for use during permitted special events, as food trucks in downtown cannot have generators due to it being a fire district.

Ms. Miller expressed concern about the proliferation of food trucks, as she thinks they are a mar on the landscape and too many of them is contrary to the goals of the City, which is to have a nice living space. Ms. Holder, who used to manage the food trucks in downtown Charlotte for the Chamber of Commerce, added that if we are to be a City of inclusivity, we do not want food trucks everywhere, but a couple in designated spots would allow the City to see how the public responds. If there is a positive response, it shows that it is helping someone's business and we are helping create income and jobs.

Additional considerations for food trucks were discussed, including generator noise, larger footprints, less space for the site's intended use, parking loss, and additional trash. Mr. Hooper recommended food trucks have separate, larger fees to account for the extra regulation and administration required, wear and tear on City property, and the opportunity cost of not using the property for its intended purpose.

Mr. Lytle asked about the possibility of piloting a location, to which Ms. Holder asked if that is what we are already doing with the Creekside vendor at the Depot? Mr. Hooper said yes, we are kind of piloting a food truck with the Creekside vendor. Creekside

obtains a special event permit quarterly and pays \$200 per quarter, which is intended to cover City staff time, their use of City electricity at the Depot, and their use of the public restrooms. Their fee is a little different, but it is a pilot in the sense that they applied for a permit and are operating for a fixed period.

Mayor Copelof stated that she thinks the key locations would be at the sports complex and around Silversteen Park because of the lack of food options nearby.

Mr. Lytle asked how the days and hours would work, to which Ms. Brewer stated that currently, they can be present any day that the property owner allows and they can be there any time that the park is open. The Committee agreed that the only special events where a food truck could not be present is Juneteenth and Freedom Fest.

Mr. Hooper stated that what he is hearing is that the Committee is interested in piloting a food truck program at the sports complex and at Silversteen Park.

Ms. Miller stated that she is on board with non-motorized vendors but she does not support food trucks. If it comes back to this Committee, she will have to consider her vote. She is okay with a pilot program, as she sees it as a reasonable approach.

F. Purchasing Policy Update

The Committee reviewed and updated the City's Purchasing Policy (Attachment A) about 2 years ago and set some standards stricter than State requirements, particularly for larger projects. Staff have found a couple areas in the policy where the stricter standards require substantial amounts of staff time and inhibit efficiency. Mr. Hooper stated that staff are bringing the policy back to the Committee to reconsider some of the standards.

Mr. Luebbe explained page 5, section 2.10(B) requires recurring purchasing agreements over \$10,000 to be reviewed at least every 3 years. Staff proposed a change from \$10,000 to \$25,000, as the State has no regulation on recurring purchasing agreements under \$30,000. Mr. Luebbe stated that staff still plan to review contracts every 3 years. Mr. Luebbe also pointed out a small semantics change in 2.10(C).

The next change is to page 6, section 3.2(A), which states that for purchases between \$5,000 and \$9,999.99, it is encouraged that every attempt is made to acquire multiple quotes. The proposed change is to state that it is encouraged, but not required, to obtain multiple quotes. Mr. Luebbe said there are no State requirements for purchases under \$10,000 and explained that sometimes it isn't possible to obtain 3 quotes for small purchases, either because it isn't worth the vendor's time to provide quotes for small items or the products are so specialized that there are not 3 vendors in the area.

The next change is to page 7, section 3.4(A), which states that for construction and repair contracts less than \$29,999.99, the requester is required to receive at least 3 quotes. The proposed change is to change required to encouraged because staff have had difficulty getting quotes from 3 contractors for small projects.

The final change is to page 8, section 3.7(C), which identifies US Communities as a national program that allows local governments to piggyback on nationwide contracts. The proposed change would include Sourcewell, another national program. Mr. Hooper suggested a more general statement to encompass all other purchasing cooperatives.

Mr. Lytle asked under the current policy, if staff are unable to get 3 quotes, what is the consequence of that? Mr. Hooper answered that staff end up spending a lot of time attempting to obtain additional quotes when there may not be any, which may delay services and repairs. Staff then have to take the issue to management and show they have put in a good faith effort. Mr. Lytle stated that he has a hard time understanding the problem and asked if it is just an inconvenience for staff. Mr. Hooper stated the problem is the inconvenience and that in some markets, staff are unable to find additional quotes.

Mr. Hooper gave an example of replacing the garage doors at the public works facility. Public Works obtained a quote from a vendor and Mr. Hooper directed them to obtain additional quotes, which they struggled to find. After finally finding additional quotes, they were about 3 times as much as the first quote. Staff spent a lot of time complying with the policy and in the meantime, energy bills have been high because the doors were letting heat out and the facility was not secure because the doors did not lock.

Ms. Holder stated she does not want to remove the requirement and asked how often it occurs. Mr. Luebke stated that it does not occur often. Ms. Holder added that if the requirement is removed, she believes it will be too easy to not comply. Ms. Holder stated that the policy ensures due diligence and avoids the appearance of a conflict of interest.

Mr. Luebke asked if cases where 3 quotes could not be obtained should be brought to Council. Mr. Lytle said he does not think it needs to be brought to Council and asked why it couldn't be a management decision? Mr. Hooper responded that staff is essentially asking for it to be a management decision and that it be an encouraged guideline that allows for administrative flexibility to waive when needed. Ms. Miller stated that she supports having the requirement but staff should not have to waste time if it is impossible to comply with, especially given the dollar amount for 3.2(A). Ms. Miller said she doesn't want to remove the requirement from 3.4(A) because it's a higher amount.

The committee came to a consensus that the 3 quote requirement can be removed from 3.2(A) because of the low dollar amount, but for 3.4(A), keep the 3 quote requirement and add wording that makes it clear that management has the ability to use their discretion when there have been reasonable efforts to obtain 3 quotes. The committee also agreed with the changes to 2.10(B), 2.10(C), and 3.7(C).

G. TEA Appointment

The City has an appointment to the governing board of the Transylvania Economic Alliance (TEA) and a couple years ago, Al Platt was appointed to fill a term when someone resigned. Mr. Platt's term is coming to an end and he has expressed interest in

being reappointed. Mr. Hooper stated that it is being brought to this Committee to see if they would like to reappoint him or if they want Staff to open the position and recruit.

Mayor Copelof stated that she does not see why we would not open the position to see if anyone else is interested, as the Committee recruits for its other appointments. Ms. Miller asked if there are term limits. Mr. Hooper stated that if reappointed, this would be Mr. Platt's last term.

Mr. Lytle stated that from attending the meeting, he knows that the board is in the midst of negotiations related to economic development and that his only hesitation is because of how involved Mr. Platt is in the negotiations. Ms. Miller agreed that negotiations are tedious, time-consuming, and that it would take a lot to get a new person up to speed.

The Committee recommended opening the position to the public for anyone interested.

H. Public Comment

Harvey Sankey stated he agreed the TEA appointment should be opened up to interested applicants because it prevents people from saying that it was never opened. Related to the purchasing policy, Mr. Sankey asked if it would be beneficial to add a time limit that a person has to look for quotes? Mr. Hooper stated they already do that, but adding it to the policy would codify regular practices. Mr. Hooper stated he would think about it. Lastly, Mr. Sankey asked how the discussion on food trucks started? Mr. Hooper stated that staff received inquiries from the public and so he brought it to the Committee, as he did not know how Council felt about it.

I. Set Date for Next Meeting

The next regular meeting is scheduled for Monday, March 23, 2026 at 11am.

J. Adjourn

There being no further business, the meeting was adjourned at 12:35pm.

Minutes Approved: March 23, 2026

X



Dean Lytle, Chair, Council Member or
Pamela Holder, Vice Chair, Council Member

X



Shawnee Cummings
Assistant to the City Manager



CITY OF BREVARD

PURCHASING POLICY

Purchasing Policy
Adopted by the City Council: XXXXXXXX

I. **FORWARD**

This Purchasing policy and procedures manual is intended for use as a guide to the City of Brevard's Purchasing methods and practices. When used properly and with common sense, the policies and procedures established herein will enable the City to obtain needed materials, equipment, supplies, and services efficiently and economically.

The understanding and cooperation of all employees is essential if the City is to obtain the maximum value for each dollar spent. While this manual does not answer all questions related to Finance, it does provide the foundation for a sound purchasing and procurement system.

The goals of the City of Brevard purchasing program are as follows:

1. To comply with legal and ethical requirements of public purchasing and procurement.
2. To assure vendors and the public that impartial and equal treatment is afforded to all who wish to do business with the City.
3. To receive maximum value for each dollar spent by awarding purchase orders to the lowest responsible, responsive bidder.
4. To provide City departments with the required goods, equipment, and services at the time and place needed and in the proper quantity and quality.

If the procedures and guidelines established in this manual are followed, each department can efficiently manage, control and plan its' available resources to meet present and future department needs and help the City to meet these goals. Should you have any questions about this manual or its' procedures, please contact the Finance Department.

This manual is effective immediately upon issuance and supersedes all previous Finance instructions or directives.

II. GENERAL GUIDELINES

2.1 Incurring Obligations

No obligation may be incurred in a program, function, or activity accounted for in a fund included in the budget ordinance unless the budget ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year. No obligation may be incurred for a capital project, or a grant project authorized by a project ordinance unless that project ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay the sums obligated by the transaction as required by N.C. G.S. 159-28 (a).

2.2 Preaudit Requirement

If an obligation is reduced to a written contract or written agreement requiring the payment of money or is evidenced by a written purchase order for supplies and materials, the written contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been pre-audited and shall be signed by the Finance Director to assure compliance with N.C.G.S §159-28 (a1).

2.3 Local Buying

It is the desire of the City of Brevard to contract with vendors and contractors located within the City of Brevard and Transylvania County. The City also has a responsibility to its residents to ensure that maximum value is obtained for each dollar spent. **The City will not make purchasing decisions solely on the basis of vendor residence.**

2.4 Planning

Planning should be done to minimize small orders and last-minute purchases. Approval of purchase orders will generally be made within two business days of submission.

2.5 Buying Proper Quality

Quality and service are as important as price when considering goods for purchase; it is the duty of the requesting department to secure the most cost-effective good or service that will meet but not exceed the requirements for which the goods or services are intended. In some instances, the lowest price does not necessarily mean the lowest cost. A higher price, higher quality product may save the City from excess expenses in the future. The requesting department should take this into consideration when making a purchase. However, when making a purchase of other than the lowest cost goods or services, the purchasing department should be prepared to justify such a purchase both to City administration and to the public based on standards directly related to the quality of the goods or service to be obtained, or the terms on which such goods or services are to be provided.

2.6 Authorization

The Department Head or their designee must authorize each invoice with signature and date before forwarding to the Finance Department for payment. This authorization verifies that the goods and or services have been received, the budgeted funds are available, and the invoice has been coded to the proper account number.

2.6 Standard of Award

Vendors will be selected on a competitive basis. Bid awards, purchase orders and/ or contracts will be issued to the lowest, responsive, responsible bidder. The City of Brevard is prohibited from and will not use vendors who have been debarred by Federal, State, or Local governments. Vendor verification can be made through SAM (System for Award Management) and the NC Debarred Vendor List, and any City list maintained by the Finance Department.

2.7 Limitations of Procurement

A. E-Verification Requirement

No contract can be entered into unless the contractor has complied with NC E-Verify hiring requirements pursuant to N.C. G.S. 143-133.3. Under the law the entity must possess 25 or more employees E-Verify to be applicable.

The following exceptions apply:

1. Expenses related to travel, including transportation and lodging, for employees, officers, agents, elected officials, or members of State or local boards, commissions, committees, or councils.
2. Contracts *solely* for the purchase of goods, apparatus, supplies, materials, or equipment (contracts that involve a combination of purchase and construction, or purchase and service would not be exempt).
3. Contracts let under N.C. G.S. 143-129(e)(1), (9), or (9a) (the exceptions to competitive bidding requirements for purchases made directly from another unit of government or from a vendor under contract with the State of North Carolina or a federal agency).
4. Contracts let under N.C. G.S. 143-129(g) (the piggyback exception to competitive bidding requirements).

B. Contracts spanning more than one City Fiscal Year

Under the Local Government Budget and Fiscal Control Act, all expenditures must be supported by an appropriation. In N.C. G.S. 159-28 (b), bills, invoices, or other claims against a local government or public authority may be approved if 1) the amount is determined to be payable and 2) the budget or project ordinance includes an appropriation authorizing the expenditure and either (i) an encumbrance has been previously created for the transaction or (ii) an unencumbered balance remains in the appropriation sufficient to pay the amount to be disbursed. Contracts, including purchase orders, must include a pre-audit certificate signed by the Finance Officer. Encumbrances include all outstanding purchase orders, unpaid invoices and agreements or contracts that have not been completed for which the City has an obligation to expend funds. Encumbrances against an appropriation are a reduction in the amount available for future expenditures, and only when the encumbrances are recorded is a true report of the financial condition of a department or City evident.

2.9 Vendor Selection

A. Vendor Section Policy

Vendors will be selected on a competitive basis. Depending on the amount of the purchase, formal bids, informal bids, or other forms of price solicitation will be requested by the appropriate department. Bid awards will be awarded to the lowest responsive, responsible bidder.

B. Vendor Set Up

Vendors will complete the vendor packet prior to being entered as a City of Brevard vendor. The vendor packet includes a W-9 form, a vendor registration form, and an insurance certificate (if required).

C. Gifts and Gratuities

City employees are expressly prohibited from soliciting or accepting any rebate, money or costly entertainment, alcohol, gift, or gratuity (with the exception of mementos and novelties of nominal value) from any person, company, firm, or corporation to which the City can potentially do business with. The City of Brevard will not tolerate circumstances that produce, or reasonably appear to produce, conflicts between the personal interest of an employee and the interests of the City.

D. Selection Procedures

For the procurement of supplies, materials, services, equipment, and for construction services, the Finance Department will observe the following procedures:

1. North Carolina General Statute 143-129, states that formal bids will be used for purchases over \$90,000 and construction type services over \$500,000. NCGS 143-129 further states that informal bids to be used on purchases over \$30,000 but less than \$90,000, and for construction type services over \$30,000 but less than \$500,000.
2. **The City of Brevard wishes to enact a stricter limit to both formal and informal bid amounts than those listed by N.C. G.S. 143-129.** Formal bids will be required on purchases of over \$75,000 and construction type services of over \$250,000. Informal bids will be required on purchases over \$25,000 but less than \$75,000, and construction type services over \$30,000 but less than \$250,000.

2.10 Finance Procedures

A. Capital Project Funds

All construction contracts within Capital Projects Funds will require City Council approval. Engineering contracts that are over 5% of the project budget or \$50,000 (whichever is higher) will require City Council approval. The City Manager will notify City Council at least quarterly with a financial report concerning the status of capital projects.

B. Recurring Purchasing Agreements

Contracts and purchasing agreements of over ~~\$10,000~~ \$25,000 will be reviewed at least every three years, to ensure that the City continues to spend wisely. For contracts and purchasing agreements expected to exceed **\$100,000**, the City will perform the review annually except for insurance, information technology services, or other agreements that would guarantee long-term savings which would be reviewed every three years.

C. City Manager Authority

The City Manager will have the authority to approve change orders, as long as provided the change order amount is within the overall Project budget. For change orders that exceed the overall Project budget, City Council approval will be required. **The City Manager retains the right to deviate from this policy, particularly in those situations involving critical timing issues. Whenever the City Manager deviates from any part of the purchasing policy the City Council will be notified in a timely manner.**

III. PROCUREMENT WITH THE USE OF NON-FEDERAL FUNDS

3.1 General Procurement Standards and Procedures:

All purchases \$5000 and above require a requisition and purchase order (PO).

3.2 Purchase Procedures

A. Purchases between \$5,000 and \$9,999.99

Purchases in this price range may be obtained by the requesting department(s) through an informal quote process. No minimum number of quotes is required however, it is encouraged, but not required, that ~~every attempt is made to acquire~~ multiple quotes be obtained. The informal quotes may be received through verbal communications, email, or fax. Verbal quotes must be noted in typed or hand-written form documenting price, date quoted, name of vendor, and name of the individual representative of the vendor.

B. Purchases between \$10,000 and \$24,999.99

Purchases in this price range are obtained through the formal quote process. In the formal quote process, the requesting department is required to receive at least three (3) quotes via U.S. Mail, email, fax, or hand delivery.

C. Purchases between \$25,000 and \$74,999.99

Purchases in this range must be obtained through informal bids. Departments are responsible for sending a request for quote (RFQ) and will allow vendors sufficient time to respond to the request based on the complexity of the request. RFQs in the informal bid range may or may not be advertised to the public. A minimum of three (3) vendors, if available, will receive the RFQ. Every effort will be made to obtain at least three (3) quotes. Quotes in the informal bid range may be submitted through U.S. Mail, email, fax, or hand delivery. No verbal quotes are acceptable in the informal bid price range. The required three written informal bids are to be scanned and submitted with/ attached to the purchase requisition prior to purchase; after the purchase order is issued and approved, a purchase may be made. **Purchase orders in this range require the approval of the City Manager.**

D. Purchases \$75,000 and above

Purchases in this range must be obtained through a formal bid process in accordance with Chapter 143, Article 8 of the North Carolina General Statutes. Departments are responsible for working with the Finance Director to develop the RFQ/RFP and act (including advertisement and bid opening) in compliance with the relevant North Carolina law. **Purchases in the formal range require the approval of the City Council. Alternatively, the City Council may delegate this authority to the City Manager for each fiscal year, with the delegated authority expiring at the end of that fiscal year, at which point the authority must be renewed by the City Council.**

3.3 Special Considerations for Construction or Repair

No contract may be divided for the purpose of avoiding bidding or notice requirements with the approval of the City Council granted pursuant to N.C. G.S. 143.133.

3.4 Construction and Non-Emergency Repair Procedures

The majority of construction type contracts will occur in Capital Project Funds. All construction type contracts in Capital Project Funds are required to be approved by City Council.

A. Construction and Repair less than \$29,999.99

Construction and non-emergency repair contracts in this price range are obtained through the informal quote process. The requesting department is encouraged ~~required~~ to receive at least three (3) quotes ~~via~~

~~U.S. Mail, email, fax, or hand delivery.~~ ~~Three required three written~~ quote(s) received are to be scanned and submitted with/ attached to a proposed contract prior to the entry of the contract. ~~Entry of the contract~~ The Finance Department may request additional quotes if deemed necessary during review of the purchase requisitions. **Formal recommendation of award will be made to City Manager for approval.**

B. Construction and Repair \$30,000 to 249,999.99

For construction and non-emergency repair contracts in this price range are obtained through the informal quote process. The requesting department is required to receive at least three (3) quotes via U.S. Mail, email, fax, or hand delivery. The required three written quotes are to be scanned and submitted with/ attached to a proposed contract prior to the entry of the contract. Entry of the contract The Finance Department may request additional quotes if deemed necessary during review of the purchase requisitions. **Formal recommendation of award will be made to City Manager for approval.**

C. Construction and Repair \$250,000 and above

For construction and non-emergency repair contracts in excess of \$250,000 shall require City Manager review and assistance prior to procurement of the work or service. In order to contract for construction or non-emergency repair work in this range, formal bids must be obtained, after listing on the City's website and on appropriate project websites. A minimum of three (3) bidders, if available, will receive the request for bids in addition to the listing required above. N.C. G.S. 143-129 will be followed including advertisement and receipt of sealed bids. **Formal recommendation of award will be made to City Council for approval.**

3.5 Architectural, Engineering and Surveying Services

Procurement of architectural, engineering and surveying services shall be accomplished pursuant to Article 3D of Chapter 143 of the North Carolina General Statutes.

3.6 Services

Contracts directly authorized by the City Council through direct award or budget authorization may be executed by the City Manager. Subsequent orders changing the original contract, which do not exceed the approved cost of the contract, will be executed by the City Manager.

3.7 Special Procurement Procedures

A. Technology Goods and Services

All technology purchases require the approval of the Finance Director. This includes, but is not limited to; hardware, software, licensing, maintenance, and all technology related service contracts.

B. Items Not Requiring a Requisition or Purchase Order

1. Emergency Purchases – In cases of emergency, the City may purchase supplies or services whose immediate procurement is essential to prevent delays in work which may affect the life, health, or safety of City of Brevard employees or citizens.
2. Sole Source of Supply – In the event there is only one vendor capable of providing a product or service, the competitive pricing procedures outlined may be waived by the City Manager or Assistant City Manager/Finance Director. The requesting department will document why only one company or individual is capable of providing the good or service.
3. Purchase of Routine Services – Such as utilities, insurance, fuel, and other items that do not require the department to request this service each time it is purchased.

C. “Piggybacking” on Previously Bid Contracts:

There is a way to let other governmental units do the work for us: it is called “piggybacking” on their previously bid contracts. Many times, a vendor will sell to us under the same terms they agreed upon with another governmental unit – although this must first be confirmed. It is not necessary that the unit of government be in North Carolina or that North Carolina’s statutory requirements be exactly followed, only that a reasonably similar public competitive bid process be performed.

There are some special requirements for this form of procurement N.C. G.S. 143-129(g):

1. The original contract must have been executed within the past twelve months (does not apply to NC statewide contracts discussed above).
2. The items being purchased must be identical to as specified in the original contract – no substitutions.
3. The City must verify that it likely will not be able to secure better terms from another vendor or through another procurement method; this can be done through some informal research, documentation of which should be attached to the requisition.
4. Contracts made under this exception must be approved by the City Council at a regularly scheduled meeting; notice of intent to award the contract without bidding must be published no less than ten days prior to the meeting. (Does not apply to NC statewide contracts discussed above.)

In addition to contacting various nearby units of local government, there is also a national program to facilitate “piggybacking.” Programs such as, US Communities and Sourcewell enables us the City to piggyback on nationwide contracts for a number of goods that are commonly used by municipal governments. Because these contracts were negotiated as large-volume purchases, we gain the benefit of higher negotiating leverage than we would have on our own.

US Communities: <http://www.uscommunities.org/>

IV. PROCUREMENT WITH THE USE OF FEDERAL FUNDS

Contracts funded with federal grant or loan proceeds must be procured in a manner that conforms with all applicable Federal laws, policies, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200), to the extent the standards do not violate state law.

Further information on dollar thresholds can be found here:

<http://www.sog.unc.edu/sites/www.sog.unc.edu/files/Dollar%20Thresholds%20Chart%202013.pdf>

The State of North Carolina Interactive Purchasing System can be found on the web at

www.ips.state.nc.us/ips/Default.aspx.

The North Carolina E-Procurement System can be found on the web at

<http://eprocurement.nc.gov/>

CFR-Code of Federal Regulations

http://www.ecfr.gov/cgi-bin/text-idx?SID=889c09dd91de78500ad88b2f32662996&mc=true&node=sg2.1.200_1316.sg3&rgn=div7

Exceptions to State Competitive Bidding Requirements

https://www.sog.unc.edu/sites/www.sog.unc.edu/files/additional_files/Competitive%20bidding%20exceptions%20chart.pdf

Federal System for Award Management (SAM)

https://www.sam.gov/portal/SAM/?portal:componentId=24f38525-a064-4a77-b09f-3fa5986c2b48&interactionstate=JBPNs_r00ABXc0ABBfanNmQnJpZGdlVmllld0lkAAAAAQATL2pzZi9uYXZpZ2F0aW9uLmpzcAAHX19FT0ZfXw**&portal:type=action##11

NC Debarred Vendor List

<https://ncadmin.nc.gov/government-agencies/procurement/contracts/debarred-vendor>

MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Tuesday, March 31, 2026 – 11:00am
City Hall Council Chambers

Members Present: Dean Lytle, Chair
Pamela Holder, Vice-Chair, Council Member
Susan Miller, Citizen Member

Members Absent: Maureen Copelof, Mayor, Ex-Officio

Staff Present: Wilson Hooper, City Manager
Dean Luebbe, Assistant City Manager/Finance Director
Kelley Craig, Human Resources Director
Denise Hodsdon, City Clerk
Shawnee Cummings, Assistant to the City Manager

Guests: Harvey Sankey

A. Welcome & Call to Order

Committee Chair Lytle welcomed everyone and called the meeting to order at 11:03am.

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings certified that a quorum was present.

C. Approval of Agenda

Mr. Hooper requested to postpone the Purchasing Policy Update until the next meeting and to change the order so that the Transylvania Economic Alliance Board Member Applications comes first, followed by Nonprofit Funding Applications. Ms. Miller moved, seconded by Ms. Holder to approve the agenda as amended. The motion carried unanimously.

D. Approval of Minutes – February 23, 2026 Meeting

Ms. Holder moved, seconded by Ms. Miller to approve the minutes of the February 23, 2026 meeting as presented. The motion carried unanimously.

E. Transylvania Economic Alliance Board Member Applications

Mr. Hooper explained that the City of Brevard has two seats on the Transylvania Economic Alliance (TEA) Board, with one being an Ex-Officio seat filled by a Council

Member and the other being a citizen member appointed by the Finance and Human Resources Committee. The term for the citizen member has recently expired and the incumbent is Al Platt. At the last Committee meeting, Staff asked if the Committee wanted to reappoint Al Platt, who is interested in reappointment, or open the position to other applicants. The Committee agreed to open the position and the vacancy was posted for about a month on the City website and in the Transylvania Times.

Ms. Hodsdon stated that 3 applications were received from Tom Jordan, Ty Hendrix, and Al Platt, the incumbent. Mr. Hooper advised that this appointment does not have a residency requirement and the only requirement is that the applicant has a vested interest in the affairs of the community, which all of the applicants meet.

Mr. Lytle said he feels Mr. Platt's participation in the economic development negotiations is crucial, as it has been a long process, and Mr. Platt is directly involved. He felt that bringing in someone new could jeopardize momentum.

After further review, Ms. Miller moved, seconded by Mr. Lytle to refer reappointment of Al Platt to the TEA Board to the full Council. The vote was 3-0 (Ms. Holder abstained).

F. Nonprofit Funding Applications

Based on the guidelines established by this Committee, nonprofit funding is limited to 1% of the City's General Fund budget, less any debt obligations. The funding for FY27 is approximately \$135,000.

A couple nonprofits were changed to vendor status last year, including the Heart of Brevard, Sharing House, and the Transylvania County Farmer's Market. Therefore, requests from nonprofits with vendor status are not included in the \$135,000, unless their request exceeds the contracted amount.

The primary takeaways were:

- The priorities that came out of the Council's Priority Setting Retreat were used to guide funding decisions, with priority given to organizations supporting housing initiatives, providing basic needs, and fostering economic development.
- The Heart of Brevard requested \$58,000, but \$19,000 is part of their contract. Their additional funding request was for \$39,000, of which the Committee recommended \$31,000.
- The Chamber of Commerce is eligible to be changed to vendor status.
- Mary C. Jenkins Community Center is under non-profit funding because they want landscaping and janitorial services at the Center more frequently than the City can offer. There was discussion related to changing them to vendor status, but it requires them to carry higher liability insurance that they cannot afford. The Committee will revisit whether some landscaping can be handled by staff.
- For next year, Mr. Lytle suggested the Committee consult with Pisgah Health Foundation to compile funding requests and offer insight, as they are familiar

with local nonprofits and their work. Ms. Miller added that we could provide criteria to Pisgah Health Foundation to help guide recommendations.

Mr. Lytle moved, seconded by Ms. Holder to refer the proposed nonprofit funding amounts to the full council for approval.

Red shading = No recommended funding

Green shading = Funded

Yellow shading = Possible funding at lower level

Blue shading = Vendor (part or all of request is contractual)

	FY26 Requested	FY26 Committee Recommended	FY27 Requested	FY27 Committee Recommended
Augustine Literacy Project	\$0	\$0	\$0	\$0
Blue Ridge Community Health	\$0	\$0	\$0	\$0
Bound for Glory	\$0	\$0	\$0	\$0
Boys and Girls Club	\$5,000	\$0	\$4,000	\$0
Bread of Life	\$7,500	\$7,500	\$16,000	\$16,000
Brevard Academy	\$0	\$0	\$0	\$0
Brevard Music Center	\$10,000	\$0	\$0	\$0
Chamber of Commerce	\$4,000	\$4,000	\$4,000	\$4,000
Children's Center	\$20,000	\$5,000	\$10,000	\$5,000
Community Focus Foundation	\$0	\$0	\$3,500	\$0
Cove (The)	\$25,000	\$5,000	\$7,500	\$7,500
El Centro	\$0	\$0	\$0	\$0
Family Place	\$0	\$0	\$0	\$0
Haven (The)	\$24,132	\$5,000	\$10,000	\$10,000
Heart of Brevard	\$31,000	\$31,000	\$58,000	\$50,000
Housing Assistance Corporation	\$15,000	\$15,000	\$15,000	\$15,000
Hunger Coalition	\$7,500	\$2,000	\$5,000	\$5,000
Kids In Camp	\$1,000	\$0	\$1,000	\$0
Mary C Jenkins (suppl janitorial. Staff referred)	\$15,000	\$12,000	\$12,000	\$12,000
Meals On Wheels	\$20,000	\$5,000	\$5,000	\$5,000
Pisgah Area SORBA	\$0	\$0	\$10,000	\$0
Pisgah Conservancy	\$7,500	\$0	\$0	\$0
Rise and Shine	\$7,500	\$5,000	\$5,000	\$5,000
SAFE	\$0	\$0	\$13,500	\$0
Sharing House	\$10,000	\$10,000	\$10,000	\$10,000
Smart Start	\$65,000	\$0	\$0	\$0
Sparkpoint	\$4,000	\$0	\$0	\$0
TC Arts	\$15,000	\$0	\$10,000	\$0
TC Strong	\$0	\$0	\$0	\$0
Transylvania County Historical Society	\$15,000	\$0	\$2,500	\$0
Transylvania Habitat for Humanity	\$10,000	\$10,000	\$10,000	\$10,000
Transylvania Heritage Museum	\$1,500	\$0	\$5,000	\$0
Transylvania Economic Alliance	\$5,000	\$5,000	\$10,000	\$5,000
Transylvania Farmers Market	\$18,000	\$18,000	\$18,000	\$18,000
Veteran Museum	\$0	\$0	\$0	\$0
WNCSource	\$0	\$0	\$15,000	\$5,000
Contracted Services (subtracted out)				\$47,000
TOTAL	\$343,632	\$139,500	\$260,000	\$135,500

G. Public Comment

Harvey Sankey said that some nonprofits that applied in past years missed the deadline last year and he saw the same problem this year. He knows Staff sent emails but recommended calling organizations that typically apply before the deadline. Mr. Sankey also asked clarifying questions about the nonprofit funding policy and Heart of Brevard.

H. Set Date for Next Meeting

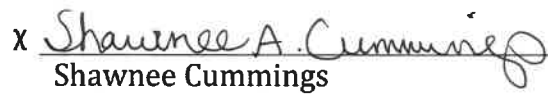
The next regular meeting is scheduled for Monday, April 27, 2026 at 11am.

I. Adjourn

There being no further business, the meeting was adjourned at 12:30pm.

Minutes Approved: April 27, 2026

x 
Dean Lytle, Chair, Council Member or
Pamela Holder, Vice Chair, Council Member

x 
Shawnee Cummings
Assistant to the City Manager

SESSION NOTES – FOR INFORMATION ONLY
(No Quorum Present, Listening Session Only)

City Council Public Safety Committee
Monday, February 23, 2026 – 3:30pm
City Hall, Council Chambers

Members Present: Aaron Baker, Chair, Council Member (via Zoom)
Dean Lytle, Vice Chair, Council Member
Mayor Maureen Copelof, Ex-Officio Member

Staff Present: Wilson Hooper, City Manager
David Todd, Assistant City Manager
Christy Wentzell, Police Chief
Chase Owen, Fire Chief
Shawnee Cummings, Assistant to the City Manager
Emily Brewer, Senior Planner

Members Absent: Kevin Gallo, Citizen Member

Guests: Harvey Sankey, Joseph Shadel, Tom Stanwood, Doug Miller

A. Welcome & Call to Order

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

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings did not certify a quorum, as there were two voting members present, but one joined remotely.

C. Pedestrian Accident on Broad St.

Chief Wentzell explained that on January 9, 2026, at 11:58am, a pedestrian indicated that he pressed the pedestrian button for the crosswalk that causes the flashing lights to turn on at the crosswalk on Broad St. near Brevard College. The pedestrian started to cross through the crosswalk and a white van, whose driver saw the flashing lights, slowed to a stop. A truck behind the van did not know why the van was slowing and went around the van in the second lane, striking the pedestrian in the crosswalk. The pedestrian sustained a head injury, was transported to Mission, and is expected to make a full recovery. The driver was charged and cited with striking a pedestrian and failing to yield to a pedestrian in a crosswalk.

Mr. Hooper discussed the accident with the City's traffic engineer and Vicki Eastland, and they identified some characteristics of the crossing that could be improved. The first suggestion was to request that DOT trim some of the tree limbs that are obstructing the flashing lights on either side of the crossing. They also suggested asking DOT to move the lines and corresponding signs back to give drivers earlier warning about the crosswalk. The last recommendation is to consider adding a supplemental flashing beacon on a pedestrian island in the center of the road. They plan to make a field visit to refine their recommendations.

Mr. Baker asked if there has been any discussion about making the median on Broad St. more permanent. Mr. Hooper recommended asking DOT about that, since the center lane is already being given up as a temporary measure to calm traffic.

Mr. Hooper stated that another alternative to explore is moving the crosswalk away from spots that are far from pedestrian infrastructure and putting it perpendicular to Methodist Dr. or the entrance to Brevard College. However, there may be some issues with spacing because pedestrian crossings must be a certain distance from signalized intersections. Moving the crossing could create better sightlines, improve visibility, and connect the crossing with more frequently used sidewalks.

Mr. Todd asked if the crosswalk is a potential site for a full stop with flashing red lights on the side and overhead that are initiated by a pedestrian pushing a button and a requirement that cars stop at the crossing. Chief Wentzell stated that the problem was the truck's inability to see the flashing lights behind the van, so an overhead light could have been helpful in this case. Mr. Todd stated that a full stop may add to congestion and would affect the timing of nearby signals, to which Mr. Baker added that the crosswalk is not frequently used, so it would only cause vehicles to stop when someone is actually crossing and may not effect traffic.

D. Update on Traffic Calming Measures

Mr. Todd reviewed the attached Traffic Calming & Safety Project Status spreadsheet (Attachment A). There was discussion regarding the following projects:

Lines 3 and 4 – Estatoe Trail Boardwalk Repairs, Sections 1 and 2 – Staff are waiting to hear back from their grant contact regarding the FLAP grant, which will be used to fund the Estatoe Trail boardwalk repairs. Staff have advertised to designers and proposals for the project are due today.

Line 6 – Carolina Ave. Traffic Calming – Planning intends to bring a budget request for the installation of speed humps on the City-owned portion of Carolina Ave.

Line 12 – Fisher Rd. – Mr. Todd stated that they are still performing data collection, but Staff did talk to DOT. Mr. Hooper explained that DOT has agreed to allow the City to take ownership of Fisher Rd., but DOT is no longer willing to swap roads with the

City. If the Council decides to take on Fisher Rd., the City will not receive anything in exchange. Mr. Hooper stated that it might be worth it to assume responsibility for the road to allow for different traffic calming measures.

Line 15 – High School/Country Club Rd. – DOT indicated that they did not want to add a speed table and that they do not use rumble strips. DOT has agreed to fund something at this location, but they are determining an appropriate traffic calming measure. DOT has a specific pool of money they use for projects with special considerations and with this section being in a school zone and having high pedestrian traffic, it meets the special considerations.

Line 19 – Number of light changes per crosswalk crossing at 276/Elm/Park View – This item was discussed with DOT, but Staff have not gotten a definitive answer. Mr. Baker stated that DOT does have the traffic lights up at the end of Gallimore Road, but the lights are not yet operational. With traffic potentially changing due to the new light, DOT may want to look at the 276/Elm/Park View intersection again.

Line 20 – Ecusta Road signage warning of trail crossings – DOT added signage on Ecusta Rd. near the parks. As part of R5800, DOT will add enhancements to increase safety and pull the bike lane away from the Ecusta Rd. traffic circle near Lowe's.

Line 23 – Deer Lake Road sidewalk extension – Public Works has estimated \$20,000 for materials and they can perform the work in house as time allows. Although, if any contribution can be obtained from the HOA, we could contract out the work for approximately double the price and it would get done sooner.

Line 26 – Excessive speed on West Main – Mr. Hooper noted that in 10 days of data collection, there were 6,614 vehicles recorded. While 83% of vehicle speeds recorded were enforceable violations, the average speed was only 25 mph in an area with a 20-mph speed limit. Mr. Hooper stated that there were a few cars that were recorded at very high speeds, with the fastest being 57 mph. Further up Main St. in the residential area, near the school building central office, only 2,200 vehicles were recorded. Therefore, it is believed that the vehicles speeding in high traffic sections of Main St. are likely part of the traffic diverted from Probart St after the installation of speed humps. Mr. Baker stated that because it is only a handful of people speeding excessively, it would be worth looking at enforcement before street design.

On Probart St., the speed humps are irregularly placed due to physical obstacles in the evenly spaced locations, such as driveways. Since installation, some vehicles have started speeding between the speed humps. Additionally, the humps have impacted the Fire Department's response time, as they have to slow significantly to avoid wear on the firetruck.

Line 27 – Excessive speed on Maple – Mr. Hooper stated that within a week of data collection, there were 2,200 vehicles recorded. There were approximately 517 enforceable violations, but the average speed recorded was lower than the posted speed limit. There is a handful of vehicles speeding excessively, with the fastest speed recorded being 40 mph. Mr. Todd asked if this item should be kept on the list. The Committee agreed to move the item to “completed” since the data collection did not yield significant concerns. The Committee will revisit this item if needed.

Line 28 – Carver St./Oakdale St./Cashiers Valley Road intersection below MJCCC – Mr. Hooper proposed tabling any work to this intersection until after the Hillview Culvert work is done, both so that work will not have to be repeated if damaged during construction and it will allow Staff to observe the traffic patterns during the associated road closures. The City is required to maintain pedestrian crosswalks during road closures, so there will be a temporary crossing created across Carver St. Mr. Todd estimated the Culvert work to be completed in July or August.

Mayor Copelof stated that she received a complaint about speeding on E. French Broad Street. Chief Wentzell advised that she has an officer collecting speed data and out of 58 vehicles, the highest speed recorded was 40 mph in a 35-mph section. Most vehicles were traveling below the speed limit, but Chief Wentzell advised that they will have the speed trailer up as soon as possible to continue collecting data.

Mr. Baker advised that there has been some discussion about one of the speed humps on Probart St. having been damaged during the snowstorm. Chief Owen confirmed one of the corners is lifted up and will require repair.

E. Special Events Policy/Code Amendment

Ms. Brewer stated that Staff have been reviewing their special events permitting procedures and policies to see if they are efficient and clear to the public. The permitting process is housed in the planning department, but they do not really have a role in the review process, so the process ends up being a lot of emailing back and forth to find the appropriate information. Additionally, multiple permits are often needed (i.e. ABC permits, closure permits, etc.) so having a space to review all associated permits would help.

Objectives of reviewing the policy were to streamline the process and set clear standards. Ms. Brewer researched other municipalities’ special event requirements and determined that the City’s requirements should also be reviewed, as the City does not require adequate insurance or enough specificity on site plans. Other municipalities also have post-event evaluation forms, which are required to have the event the following year and allows Staff to track what does and does not work.

Special events include events that close or impede public rights of way and public spaces. It does not include events on private property, unless it requires a detour or

traffic control. The proposed policy would create a monthly, internal special event review committee meeting to provide consistency, predictability, and clear direction for applicants. It will also be more efficient for Staff and eliminate back-and-forth communications. Applications would be submitted in advance of the meeting to ensure adequate review time and coordination. After committee review, a conditional approval would be issued to allow the process to move forward and copies of all documentation would be required 15 days prior to the event. This process would streamline payments and ensure staff have capacity during special events, which is difficult to account for with delayed permits or last-minute changes.

Ms. Brewer highlighted two conflicts in City ordinances that should be addressed through this policy. The first is that one section states special events are exempt from the noise ordinance and another section states an exception to the noise ordinance can be requested from the Police Chief. The second is that other cities require public notification of special events, placing the burden on the applicant to notify those affected. The City's ordinance simply states that the City Clerk *may* notify, so the City may want to adopt a policy similar to other municipalities. Additionally, if the event occurs in the HOB, applicants would be able to request that the HOB notify on their behalf.

The Committee stated that the draft policy makes sense and will make the process more efficient. They advised Staff to continue with further refinement.

Mayor Copelof stated that there is confusion related to semi-City events, separate from the HOB, such as the 4th of July fireworks, Veteran's Day Ceremony, and the Juneteenth Celebration. Mayor Copelof recommended adding a subsection in the policy for semi-City events and identifying who will complete these requirements for events that do not have a clear owner.

F. Discussion of Fire Department Funding Model

Mr. Hooper stated that Councilmember Baker recently asked Staff to discuss the Fire Department funding changes that occurred last year and what our Fire Chief foresees those changes meaning. Chief Owen stated that he talked with Fire Marshall Scott Justus about whether the County had intentions of changing the funding model in the next fiscal year, to which they stated they do not intend to make changes.

Mr. Hooper stated that the funding model with the County used to be 45%/55%, but it recently grew in our favor to 47.5%/52.5% due to an increase in tax collections in the Brevard Fire District. Mr. Hooper stated that the arrangement is mutually beneficial. The County pays about 45% of our budget when only 26% of the BFD's calls are in the Sylvan Valley 2 rural fire district. On the other hand, BFD servicing Sylvan Valley 2 prevents the County from having to build a new fire district to service that area, which would cost much more than their budget contribution.

Mr. Baker stated that his concern going forward is staffing. The County has caught up to the where the City was in terms of paid staff. The City has received requests for additional full-time personnel at the Fire Department in past years and presumably this year as well, so he is curious as to whether that percentage breakdown will hold if we add full-time staff to the budget. Chief Owen advised that currently the County has caught up with all of the fire departments' staffing in the County except for one, but that there is a major difference in the number of calls that BFD responds to. BFD responds to approximately 2,800 calls and the next closest department has less than 1,000 calls. Chief Owen stated that we really need to increase our staffing and to push for the County's share in that funding.

Mr. Baker added that when we increased our staffing in the past, it was because of medical first response and that medical first response makes up a large percentage of the total calls. He inquired as to whether BFD would have taken on medical first response at a certain point regardless of whether the County required it. Chief Owen stated that BFD was the only Fire Department in the County that did not answer medical first response calls and as part of the agreement to take it on, the County agreed to increase staff.

G. Booting v. Towing Policy

Mr. Hooper stated that staff discovered statutory requirements that the City would need to comply with, such as removing a boot or releasing an impounded vehicle within a certain time frame after payment of parking tickets, and that it would not be the best option for the City to be the party that boots or impounds vehicles. The City has since pivoted to finding a third-party service provider to do the booting and/or impounding on the City's behalf. Staff found that out of the 3-4 service providers in the area, none of the entities have the same level of base service and the service would not be performed the way that the City wants. Staff intend to draft a solicitation that specifies the services needed to see if any service providers are willing to accept the terms and meet the statutory requirements.

Mr. Lytle asked how many vehicles this would affect, to which Chief Wentzell stated that approximately 19 vehicles that would qualify to be booted or impounded based on 3 or more outstanding parking tickets. Mr. Lytle also asked about the plan to get those outstanding tickets paid to which Mr. Hooper stated that there is one more option that we are implementing, which is adding a note to the bottom of the parking tickets stating that if the ticket remains unpaid, their information will be provided to the State and the State will not renew their vehicle registration until the tickets are paid. Chief Wentzell added that letters were sent out in January (1 per outstanding citation) that contained the language regarding vehicle registration renewals and after sending those out, the City received an influx of payments for outstanding citations. Chief Wentzell added that the amount in citation payments received in January 2026 exceeded the payments received in all of 2025.

Chief Wentzell stated that if we outsource the booting and/or impounding, we also reduce liability for BPD in the event that there is any damage to a vehicle. Dean Lytle asked if the City will still receive ticket revenue to which Chief Wentzell stated that the service provider will not release the vehicle or remove the boot until they have proof of payment to the City for the outstanding citation(s). Mr. Baker stated that in December, there was about \$36,000 in outstanding parking tickets and Chief Wentzell stated that now there is only about \$19,000 unpaid.

H. Public Comment

Doug Miller, a business owner on Jordan St., stated that it may be helpful to not only see whether people are speeding but also whether speed limits are too high. He wanted to listen in on the booting/towing policy and to request further enforcement of loading zones on Jordan St. He stated that many residents live on Jordan St. and do not have parking provided, so the vehicles left on the street make it unfair for residents who do not have parking. He also stated that there are still vehicles parking on sidewalks to unload on Jordan St., even though the loading zones were moved to Broad St. He suggested additional signage before the busy season.

Tom Stanwood stated that he retired from the radio station last year and has since become the Coordinator for the Deer Track Neighborhood Watch. He wanted to make contact and express his gratitude to the Committee.

Joey Shadel continued to advocate for traffic calming on W. Main St. and asked for the speed breakdown for the residential and hill areas. Mr. Hooper stated that the average speed was acceptable, 25 mph in a 20-mph section, but the highest speed was excessive at 50 mph. Mr. Shadel stated that he disagrees that 25 mph in a 20-mph area is acceptable, as it is 25% higher than the posted speed. He encouraged consideration of both enforcement and changes to street design. He also asked about next steps. Mr. Hooper stated that the hill makes it difficult for traffic calming measures, so Staff will consult with the traffic engineer. Chief Wentzell added that BPD is getting more officers radar and lidar-certified to increase enforcement.

Harvey Sankey asked how many special events the City has during the year, to which Staff stated 25-30 events. Mr. Sankey also asked about how the dollar amount for the Police Accreditation Grant was determined and when the accreditation would be complete. Chief Wentzell stated that an extension was requested that extends the accreditation process through December. Mr. Hooper stated that the dollar amount included a few small tools for BPD, including an evidence incinerator, training for staff on accreditation to take BPD through the process and maintain the accreditation, and the accreditation itself. The grant is also intended to cover the accreditation process for a couple years. Mr. Sankey inquired about the Berry Dunn Report, to which Mr. Hooper stated the report would be presented to the Committee or full Council this spring. Mr. Sankey also asked about police staffing and Strauss Park Neighborhood Watch.

I. Set Date for Next Meeting – March 23, 2026 at 3:30pm

The next meeting was scheduled for Monday, March 23, 2026, at 3:30 pm.

J. Adjourn

There being no further business, the meeting was adjourned at 5:24 pm.

Minutes Approved: March 23, 2026

X 

Aaron Baker, Chair, Council Member or
Dean Lytle, Vice Chair, Council Member

X 

Shawnee Cummings
Assistant to the City Manager

Traffic Calming and Safety Project Status 2/23/2026

IDENTIFIER	PROJECT	DESCRIPTION	STATUS	NOTE
1	W. Probart/Railroad intersection Improvements	Move stop sign/stop bar slightly east to provide more space for traffic collection; increase SB curb radius to ease turning movements onto WB Probart, add double sided RRBCs.	RRBCs are on hand, weather and staffing allowing intersection changes should be in place by end of February, hopefully sooner personnel and weather allowing.	
2	E. Probart crossing at Broad St.	Enhanced signage to warn motorists of pedestrians	Installed pedestrian and traffic warning signs, painted the crosswalk. Waiting on McAdams review one way travel on Probart, Broad to court house parking. Traffic data has been requested from Police. Stripes have been repainted after NCDOT reexams. Also waiting on FLAP Grant has been awarded to the City, we are in the process of advertising for and hiring a designer to place this portion on grade. Proposals are due at midnight tonight. Funds are available FY 26-27.	PTR comm. has agreed that this should be staff focus for the year to come
3	Estatoe boardwalk repair Section 1, behind McDonalds	Repair/replace/reconfigure boardwalk sections of Estatoe Trail.	FLAP Grant has been awarded to the City, we are in the process of advertising for and hiring a designer to place this portion on grade. Proposals are due at midnight tonight. Funds are available FY 26-27.	PTR comm. has agreed that this should be staff focus for the year to come
4	Estatoe boardwalk repair Section 2, behind Aldi	Repair/replace/reconfigure boardwalk sections of Estatoe Trail.	FLAP Grant has been awarded to the City, we are in the process of advertising for and hiring a designer to place this portion on grade. Proposals are due at midnight tonight. Funds are available FY 26-27.	PTR comm. has agreed that this should be staff focus for the year to come
5	Estatoe temporary trail	Gravel path along old railbed	Temporary trail is largely complete pending Pender and Fisher crossings. PTR has endorsed a temp solution for Pender Ln treatments. The changes should be in place by the end of March hopefully sooner personnel and weather allowing.	
6	Carolina Ave. traffic calming	Possible traffic calming measures on Carolina Ave. north of intersection with Shipman Avenue.	Staff plans to bring a proposal to the Budget Retreat to add speed bumps on the City owned portion of Carolina Avenue.	Need to advertise traffic change and install "New Traffic Pattern" signs
7	Four-way stop near Silversteen Park	Add stop sign at Mills Ave. to create four-way stop near Silversteen Park	Final layout received from our Traffic Consultant. Signs have been ordered, hoping to have this implemented by end of February weather and staffing allowing.	Need to advertise traffic change and install "New Traffic Pattern" signs
8	Oaklawn/Main St. four-way stop	Add stop signs/stop bars on Main St. to create four-way stop	New stop signs and warning signs for the new intersection are in place. Painting of the new pedestrian island still needs to be completed, we are hoping to have this implemented by end of February weather and staffing allowing.	Need to advertise traffic change and install "New Traffic Pattern" signs

9	Oaklawn/Carver four-way stop	Add stop sign at EB Carver to create four-way stop	New stops signs and warning signs for the new intersection are in place. Warning signs will come down in about 90 days, completing this project	Need to advertise traffic change and install "New Traffic Pattern"
10	Park Ave. Park View, Elm Bend. traffic calming	Constituent request for consideration	Initial data collection complete and data review is in process. Plans are to continue data collection while school is in session as previous collection occurred during the summer.	
11	Pisgah Church Dr. traffic calming	Constituent request for consideration	Data collection scheduled	
12	Fisher Rd. traffic calming	Constituent request for consideration	Discussed with NCDOT 12/18/25. NCDOT indicates they are flexible in regards to trail crossing and willing to consider ownership swap.	State rd., traffic control measures must be approved by NCDOT
13	No Turn On Red where Bike Paths are crossed, Deer Lake Road, Jackson Court, Osbourne, temporary unit R5800 is complete.	Constituent request for consideration	Discussed with NCDOT on 12/18/25. NCDOT is reviewing mast arms to see if they can support associated signage. NCDOT said maybe to painting trail crossing with the Ecusta Trail Logo at Deer Lake, Pisgah Heights, Jackson Court	
14	Add traffic calming to Oakdale, near 228	Constituent request for consideration	Under discussion	Add to data collection schedule
15	Flashing Yellow light and enhanced crosswalk, Highschool to dirt parking across Country Club Road. Consider addition of speed bumps or rumble strips	High School has requested rumble strips	Discussed with NCDOT on 12/18/25, they are evaluating traffic calming options they deem acceptable. NCDOT indicated rumble strips and speed humps will not be considered. School claims NCDOT told us we could do what we want. This is counter to what others at NCDOT said. Trying to verify the school's claim.	
16	Can speed be reduced on shared bike lanes on French Broad	Constituent request for consideration	Under discussion	
17	Can Morgan Street be made a bike boulevard	Constituent request for consideration	Under discussion in Downtown Master Plan	
18	Can the Bike Ped Plan be reviewed for safety concerns and address those on a higher priority	Constituent request for consideration	Under discussion	
19	Can we review the number of light changes per crosswalk crossing at 276/Elm/Park View at school crossing	Constituent request for consideration	This was discussed briefly with NCDOT at last quarterly meeting on 12/18/25 but we do not have an evaluation yet.	
20	Ecusta Road signage warning of upcoming trail crossings	Constituent request for consideration - Need to verify if this has been done	To be addressed by a coming STIP Project, have asked NCDOT if signs can be added, awaiting their approval	

21	Secondary access from Cherry St area	Constituent request for consideration- Need to follow up with McGill	Public Safety agreed to review the emergency exit route versus 4 as originally proposed. Update proposal received from our designer on 11/24/25. In review now.
22	Trail crossing signs and better marking by Pisgah Heights	Constituent request for consideration	Repaint faded crosswalk add signs, waiting on NCDOT. Staff will schedule this work.
23	Deerlake Road sidewalk extension	Constituent request for consideration	Cost estimated by Public Works to be \$20k for materials, work could be done in house as time allows, double cost if contracted. Wilson to discuss with home owners association.
24	Better trail marking/ safety improvements by Deerlake Rd/AVL Highway, permanent per R5800.	Constituent request for consideration	Discussed with NCDOT on 12/18/25 but no resolution yet. DOT is considering this along with the new roundabout work.
25	Deer Lake Crossing Signal Light	Constituent request for consideration	Reviewed with NCDOT on 12/18/25, they promised to give this consideration but no promises were made.
26	Excessive speed on West Main, 200 block due to traffic on Probert rerouting around speed bumps. What traffic control measures can be put in place?	Constituent request for consideration	Just recently completed additional data collection. Need to review it.
27	Excessive speed on Maple. What traffic control measures can be put in place?	Constituent request for consideration	Data collection underway
28	Review intersection of Carver Street and Oakdale Street and Cashiers Valley Road below MUCCC	Constituent request for consideration	Alternatives under discussion with TCWT
RESOLVED OR COMPLETED ITEMS			
1	Jailhouse Hill Line Painting	Constituent request for consideration	Completed NCDOT
2	Line Painting in front of Ingles	Constituent request for consideration	Completed NCDOT
3	Railroad Avenue parking	Public hearing 8/14 for code changes prohibiting on-street parking along Railroad	Complete
4	Crosswalk indicators not working, French Broad/Caldwell	Constituent request for consideration	Complete
5	Crosswalk indicators not working, French Broad/Broad	Constituent request for consideration	Complete
6	Crosswalk indicators not working, Main/Caldwell	Constituent request for consideration	Complete NCDOT
7	Reflective Tape on Benches at Jordan Street Bump Out	Constituent request for consideration	Complete
8	Bicycle Accident Barclay Road due to ignored Road Closure Barricades	Constituent request for consideration	Complete Will be reviewed again later if deemed problematic NCDOT - Estimated Completion by 10/1/25
9	Jake Brake Signs	Constituent request for consideration	Complete
10	Railroad/McClean path crossing improvement	Replace one-sided RFBs with two-sided; create ADA accessible "landing pads" on both sides of crosswalk	Complete

MINUTES
City Council Public Safety Committee

Monday, March 23, 2026 – 3:30pm
City Hall, Council Chambers

Members Present: Aaron Baker, Chair, Council Member
Dean Lytle, Vice Chair, Council Member
Kevin Gallo, Citizen Member
Mayor Maureen Copelof, Ex-Officio Member

Staff Present: Wilson Hooper, City Manager
David Todd, Assistant City Manager
Chase Owen, Fire Chief
Christy Wentzell, Police Chief
Emily Brewer, Senior Planner
Shawnee Cummings, Assistant to the City Manager

Guests: Peter Norberg (FLOCK; via Zoom), Harvey Sankey, Linda Gallo

Media: David Bradley

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:33 pm.

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings certified that a quorum was present.

C. Approval of Agenda

Mr. Hooper requested that we switch the order of items F and G on the agenda. With that revision, Mr. Lytle moved, seconded by Mr. Gallo to approve the agenda. The motion carried unanimously.

D. Approval of Minutes – November 24, 2025; December 22, 2025; and February 23, 2026 Session Notes

Mr. Gallo stated that the February 23, 2026 Session Notes mention driver's license renewals in relation to the booting/towing policy (page 6, item G) and he thought it was vehicle registration renewals. Chief Wentzell confirmed that it is vehicle

registration renewals and Ms. Cummings stated that she would make the correction. Mr. Lytle moved, seconded by Mr. Gallo to approve the minutes with the correction. The motion carried unanimously.

E. Update on Traffic Calming Measures

Mr. Hooper said normally the Committee goes through the traffic calming spreadsheet but he hopes we can have an abbreviated discussion. Most of the work performed this month has been data collection, review, and coordination with the traffic engineer. The traffic engineer also determined that a field visit is necessary to advise on some locations, so she will be scheduling a field visit.

Related to traffic enforcement, Chief Wentzell said currently, the police department has 4 officers that are radar certified, which uses the vehicle-mounted speed detection devices on the front and rear of the vehicle. Chief Wentzell said that the City does not currently have any officers that are lidar certified, which uses a precise laser and the point-and-shoot method. One officer just got radar certified and will be attending lidar school next month. The police department plans to offer that opportunity to other officers that want to get certified. As the police department is hiring, they are also looking for laterals that already have those certifications.

Mr. Baker asked if the police vehicles are outfitted with the radar equipment, to which Chief Wentzell confirmed the vehicles have radar. The department has 1 lidar unit, so it will need to be passed along as officers switch shifts. There was not a budget request submitted for additional lidar units in the next budget cycle, but as more officers get certified, that will be considered for the following fiscal year.

Mr. Gallo mentioned that he often sees Henderson County Sheriff speed traps on NC 280 and asked if that is a County decision or related to staffing. Chief Owen advised that Henderson County Sheriff's Office has an officer assigned to the Mills River district and they also have a traffic enforcement unit. Transylvania County Sheriff's Office conducts speed enforcement but there are only 4 officers, so there is not a traffic enforcement unit. Chief Wentzell said traffic enforcement is dependent on call volume, as calls for service will take precedent over proactive traffic enforcement.

Mr. Baker said a constituent reached out about speeding on Silversteen Road, between Caldwell Street and Aiken Street. Chief Owen noted that many people think it is a one-way street because it is narrow, winding, and does not have markings to delineate lanes. Mr. Hooper said that even if speeds are reasonable, the volumes may not be, so they will keep that in mind when they get data from that section. Mr. Baker said the same constituent mentioned the lack of a crosswalk on Broad Street near the library. Mr. Baker said he knows it is an NCDOT road, but it is worth bringing up to DOT at the next meeting. Mayor Copelof said that they have brought it up to DOT multiple times, but they can ask again.

F. FLOCK Cameras Discussion

Mr. Hooper said FLOCK cameras are related to traffic but have wider law enforcement uses and introduced Peter Norberg, a representative from FLOCK attending via Zoom. Chief Wentzell submitted a budget request for FLOCK cameras for the next fiscal year and Mr. Hooper brought this to the Committee to see how they felt about the issue before it is strongly considered. He added that there may be sensitivities in relation to these cameras and how they relate to privacy.

Chief Wentzell said she was responsible for implementing the FLOCK program at the City of Apex. She explained that there are two types of FLOCK cameras, stationary and mobile. Stationary cameras are solar powered and on FLOCK poles, while the mobile units are trailer-mounted and can be moved around the City, especially during big events or large influxes of traffic. FLOCK cameras are license plate readers that take photos of license plates as vehicles pass the camera. Chief Wentzell stated when a vehicle is stolen, the vehicle information is entered into the National Crime Information Center (NCIC) and Division of Criminal Information (DCI) systems. If a police officer runs the tag, it will come up "hot," or stolen. When a stolen vehicle passes a FLOCK camera, the entity that owns it will be notified that the vehicle just passed a FLOCK camera. Chief Wentzell added that the cameras also help solve cases of missing children and dementia patients that have left in a vehicle.

Chief Wentzell said private businesses and citizens can also purchase FLOCK cameras. While citizens and businesses can share their FLOCK data with law enforcement agencies, they cannot access law enforcement FLOCK data. She stated the only business in Brevard that has FLOCK cameras is Lowe's Home Improvement.

Chief Wentzell stated that one of the concerns they had in Apex was that the data would be provided to federal agencies, such as HSI or ICE. Mr. Norberg informed her that FLOCK does not have any contracts with federal agencies and any data collected will be owned by the City. The City can determine which entities they want to share their FLOCK data with, if any. She added that in Apex, they had strict policies related to sharing data and their policy did not allow data sharing with any federal agencies.

Chief Wentzell gave a presentation on the benefits of FLOCK and its uses related to Amber Alerts, theft, missing persons, and active investigations (Attachment A). She addressed privacy concerns by stating that FLOCK does not sell data, data is automatically deleted every 30 days, data is encrypted, and FLOCK does not have access to personally identifiable information. The system has permanent audit trails and can be configured to require case numbers and reasons for all searches. She addressed common myths associated with FLOCK cameras and real impacts in North Carolina. Chief Wentzell also provided some of her personal experiences with FLOCK, including successes, policies, and safeguards. Mr. Norberg also covered the uses for traffic analytics, including identifying the busiest traffic times, traffic counts for events, and out-of-state license plate analyses (Attachment B).

Mr. Gallo asked how many vehicles the cameras can monitor at one time. Chief Wentzell stated that the camera can take the photos in quick succession and Mr. Norberg said the cameras are intended to capture two lanes of vehicle traffic traveling away from the camera. The cameras are often placed at major ingress and egress points to capture vehicles entering or leaving the City. Mr. Gallo asked if the cameras can take photos of license plates that have tinted or shaded coverings on them. Mr. Norberg said yes, the cameras can see through the shaded coverings, as they use infrared cameras. For vehicles that have had their license plates removed, the camera also captures vehicle characteristics including make, model, and color.

Mr. Lytle asked if there are false hits, where a camera reads a license plate one number/letter off. Mr. Norberg said the camera uses objective character recognition and is based on a set confidence level. When FLOCK notifies law enforcement of a hit, it provides a picture of the plate so the officer can visually confirm the accuracy.

Mr. Lytle said FLOCK does not share any data with federal agencies now, but what prevents that from happening in the future? Chief Wentzell said that she does not see that changing since it is part of their marketing. Mr. Norberg stated that the ownership of the data will always remain with the camera owner and if a federal agency signed a contract, they would be held to the same standard and not be given any special access. Chief Wentzell added that if FLOCK changed its mind and shared the data, it would be a breach of contract and the City could cancel its contract.

Mr. Lytle asked who FLOCK is owned by, how long they have been operating, where their headquarters is, and if they are affiliated with any other companies, to which Mr. Norberg stated that they are a funded startup, founded in 2017, do not have a parent company or other affiliations, and are headquartered in Atlanta, Georgia.

Mr. Lytle stated that he wants to know what challenge we are trying to solve and what return on investment we expect from FLOCK. He wants to hear about the potential increase in solved cases and/or impact on local crime rates. Chief Wentzell said she will reach out to the Sheriff, Hendersonville, and Fletcher, who all have FLOCK cameras, to find out their successes and the impact on crime rates. Mr. Baker agreed that he also wants to know what challenge we are trying to solve.

Mr. Lytle asked out of curiosity, once North Carolina allows speed cameras, could FLOCK cameras be converted or used for that purpose? Mr. Norberg stated that they recently incorporated speed analytics, which tracks the average speed of passing vehicles, but currently, the radar is only for data collection and not enforcement.

Mr. Baker gave an example of how it would help law enforcement to access someone's iPhone but Apple does not allow it for privacy reasons. He asked if there are similar cases or litigation related to FLOCK cameras. Chief Wentzell said there are not any cases on the East coast, but case law elsewhere has reaffirmed numerous times that license plates are public documents, as it is the same as

someone taking pictures of license plates on the side of the road. While an iPhone contains personal information, a license plate is a state-issued public document.

Mr. Baker asked if you are required to buy the cameras and then have an ongoing payment for the software? Chief Wentzell said it is a 3-year contract that is \$21,600 the first year and \$19,000 for each year after. The contract includes 4 stationary and 2 mobile units, site surveys, and assistance from the research team regarding placement. For locations, Chief Wentzell intends to find out where the Sheriff's cameras are to see how we can complement them and avoid duplicative efforts.

Chief Wentzell emphasized that FLOCK is a force multiplier and during a time when the department is short-staffed, it helps tell them where they need to be. Mr. Lytle asked if it would prevent the police department from needing to hire another person. Chief Wentzell said that nothing will outweigh the benefit of having a full-time employee, but in looking at the budget, this is a way to do more with less. Mr. Todd said that it is hard for him to understand why we would not pursue FLOCK cameras because it would give us the ability to solve crimes when we cannot.

Mr. Baker said that the presence of cameras will open the City to criticism. He added that constituents reach out wondering why they are being watched, even when cameras are used for non-law enforcement purposes. Chief Wentzell suggested creating fact sheets to debunk myths, highlight the benefits, and share other uses.

Mr. Lytle said that because dollars are involved and the budget is limited, there needs to be data behind the request. Mr. Baker said he still has concerns about FLOCK potentially sharing data in the future, as start-ups and case law change. He stated he wants protections in place that allow us to take down our cameras, cancel our contract, or take FLOCK to court to protect our data from being accessed.

G. Special Events/Policy Code Amendment Update

Ms. Brewer introduced the revised special event code language and a special event guidebook (Attachments C and D). The goal in making the code changes is to update the special events policies and procedures to reflect current processes, streamline review, and improve transparency. After interdepartmental coordination, planning can then move the process along to ensure the applicant meets all requirements.

The changes cover when a special event permit is required, the application filing period and extenuating circumstances, site plan requirements, interdepartmental permit review processes, insurance requirements, fees and costs incurred by the City, and public notification requirements.

Mr. Hooper suggested for the section on fees and costs, the guidebook should refer to the fee schedule and specify anything not listed will be charged at cost. He said we should also include that Staff are to give applicants timely responses to inquiries about whether there will be extra fees so applicants know early in the process. Ms.

Brewer agreed and stated she has included some guidance as to what services are needed based on event criteria, such as event size and whether alcohol is served.

Mr. Hooper asked about Section K of the code language and why the Chief of Police is specified only in that one place. Ms. Brewer stated that section pertains to a special event permit being revoked for an event that is already going on and the Chief of Police would be allowed to revoke the permit on site. Mayor Copelof asked if there is criteria for revoking a permit because if someone already paid for the permit, to suddenly have their event cancelled would be upsetting. Chief Wentzell said a permit would only be revoked on site for health and safety issues and Ms. Brewer said she would add that language to make sure it is clear.

Mayor Copelof asked about small events that do not usually require permits and asked if this policy changes anything for those events. Ms. Brewer said it does not change anything, as those events fall under temporary use regulations and do not require closing streets or impeding the flow of traffic. Mr. Hooper added that if it has to do with exercising the first amendment, they will give people the space to do so. If the event is far in advance, can be planned for, and will require road closures, extra sanitation services, etc., they would be expected to follow the outlined procedures.

Mr. Todd asked about political events that grow unexpectedly. Mayor Copelof said that if the events grow organically, all we can do is enforce the rules to ensure the normal flow of vehicle and pedestrian traffic is not impeded, as the organizer would not be able to anticipate an unexpected growth of the event 60 days in advance.

Ms. Brewer stated that they are continuing to refine the guidebook to ensure they give applicants as much information as they can up front. She said Staff does not need a recommendation on the guidebook, as it is intended to provide guidance on procedure, as opposed to containing regulations, but Staff does need a recommendation to take the revised special event code language to Council.

Mr. Baker motioned, seconded by Mr. Gallo to refer the special event code changes to the full Council. The motion carried unanimously.

H. Public Comment

Harvey Sankey asked clarifying questions related to FLOCK cameras, including about ownership of the cameras, cost, out-of-state warrants, and HOA's. Mr. Sankey also asked if we have incident reports that show what crimes occur in a given period. Chief Wentzell said she is working on implementing a model similar to Hendersonville that would release crime statistics monthly or quarterly.

Mr. Gallo asked if the traffic engineer's site visit will include West Main Street, to which Mr. Hooper confirmed it would be included due to the unique topography.

Linda Gallo thanked Staff for the speed cushions that have been installed. She also mentioned that on Broad Street, the block in front of the library has a higher speed limit than the sections before and after. Mr. Hooper said that Staff will inquire with DOT to see if they will let the City change the speed limits on State roads, as there are a couple cases of irregular speed limits. Mr. Gallo asked if it was determined whether the speed limit would be changed on the City's portion of Carolina Avenue, to which Mr. Hooper said he needs to check to see if it is in the proposal.

Ms. Gallo also asked clarifying questions regarding other agencies' access to FLOCK data and whether sharing is time-limited or indefinite. Chief Wentzell said it is indefinite unless we terminate sharing rights with the agency.

I. Set Date for Next Meeting – April 27, 2026 at 3:30pm

The next meeting was scheduled for Monday, April 27, 2026, at 3:30 pm.

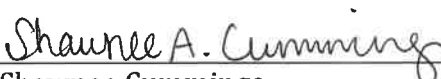
J. Adjourn

There being no further business, the meeting was adjourned at 5:39 pm.

Minutes Approved: March 23, 2026

X 

Aaron Baker, Chair, Council Member or
Dean Lytle, Vice Chair, Council Member

X 

Shawnee Cummings
Assistant to the City Manager

Shape a safer future,
together



Driven by a shared mission:
Eliminate crime and shape a
safer future, together.



1,500+ Businesses protected
by Flock

2,800+ Crimes solved per
day using Flock

15% Of reported crime in the
US solved using Flock*

6,000+ Communities protected
by Flock

*The calculation of this figure follows the methodology outlined in the TCU study, applied to continuously updated data from our customers. The statistics presented in this document are based on proprietary data and may not be fully representative of the market as a whole. Due to the confidential nature of this information, certain details have been aggregated and cannot be disclosed.



The Answer for Brevard

Collaborative Policing Technology

A force multiplier enabling agencies of all sizes to solve significantly more crime and improve quality of life without increasing staffing.



"This is the single greatest change since DNA — what this system does is a game changer."

CHIEF MURRAY | Yakima PD

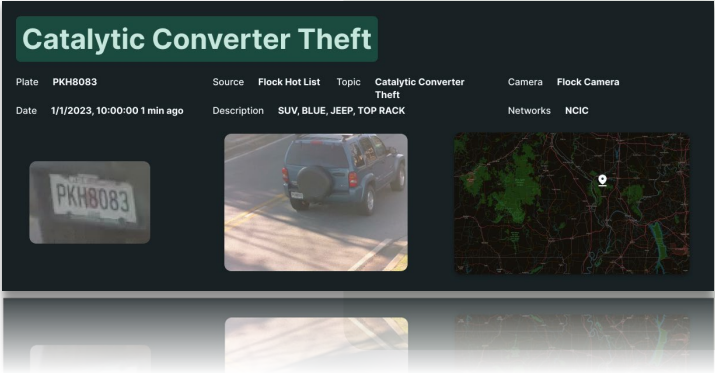
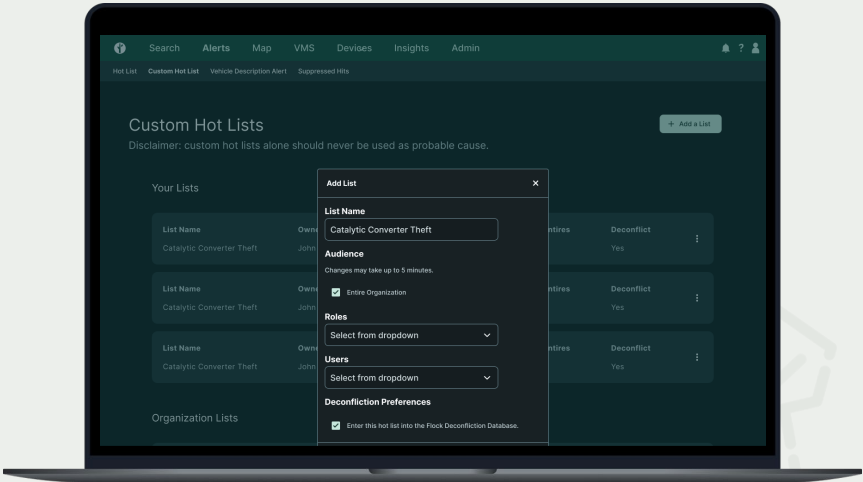


License Plate Reader Cameras (LPR)



Precision policing with real -time alerts

Your police officers can receive SMS, email, and in - app alerts when vehicles entered into NCIC, NCMEC (Amber Alerts), or custom Hot Lists pass by a Flock camera in your community.



**Catalytic Converter Theft
Hot List Alert**

Blue SUV @FlockCamera
1/1/2023 @ 10:00:00 (1min ago)

Flock Camera
Flock network



Privacy & Transparency



Built with Privacy in Mind

Protecting privacy by design

- ✓ Data is 100% owned by customers and will never be sold.
- ✓ Private customers never have access to government data or hotlists.
- ✓ Flock automatically deletes data after 30 days by default.
- ✓ Flock has no access to personally identifiable information.
- ✓ Only your agency decides who to share with, not Flock.

All data is stored with end -to-end encryption including:

- FBI (CJIS)
- NDAA
- SOC2 (Type II)
- SOC3
- ISO 27001
- Higher Education Community Vendor Assessment Tool (HECVAT)
- FERPA

We are also aligned with the security protocols established by NIST Cybersecurity as well as the Cloud Security Alliance CAIQ framework.



- Customizable for each agency
- Display technology policies
- Publish usage metrics

Every search requires a registered ID with a search reason or case number.

Search reason and user ID are saved in a permanent audit trail.

Flock encourages all agencies to have regular audits to ensure proper usage.

Coming Soon: Proactive Auditing to alert to potential misuse.

[illegible]



Doubling Down on Transparency and Accountability

Industry Leading Compliance Features



Search Filters

Prevents searches related to immigration or reproductive health.



Proactive Auditing

Immediately surfaces potential misuse such as:

- Searches possibly unrelated to crimes.
- Excessive or repeated searches.
- Off - hours activity.



Federal Limitations

No federal access to nationwide or statewide lookup. Only agencies can share their data, not Flock.



Standardized Search Reasons

Prevents vague or unacceptable entries and enables stronger enforcement of filters.

Appointed a **Chief Legal Officer** to lead compliance strategy.

Tripled Policy-team headcount.

Expanded **Trust & Safety** programs.

Revamped customer training with compliance-specific modules.

Added a **Product Compliance Manager** role.

Released new built-in compliance protections, with more in development.



Myths and Facts

MYTH

LPRs can track people and show police everywhere they go.

FACT

LPRs take a point-in-time image of the rear of vehicles on public roadways. They do not continuously track vehicles. Any images not used for an investigation are deleted. Courts have consistently found that taking images of public documents (license plates) on public roads is not a violation of privacy.

MYTH

LPRs violate the Fourth Amendment.

FACT

Appellate and federal district courts in at least fourteen states, including the 9th and 11th Circuits, have upheld using evidence from license plate readers as constitutional without requiring a warrant.



Myths and Facts

MYTH

Flock sells customer data, compiling all of it into a national database.

FACT

Your community owns 100% of your data and it will never be sold. Only your agency decides who to share your data with, not Flock, and all data is deleted after 30 days by default.

MYTH

Flock's private customers can access law enforcement data.

FACT

Flock's private customers use our services for issues like organized retail theft and can choose to share access to their cameras with explicit consent, but **they do not have access to law enforcement data.**



Myths and Facts

MYTH

Flock's LPR cameras use facial recognition.

FACT

Flock's LPR cameras **do not use facial recognition** and the Flock LPR system **cannot be searched for human characteristics** like race or gender.

MYTH

LPR cameras collect Personally Identifiable Information (PII).

FACT

Flock's LPR system **contains no PII** such as names, addresses, SSNs or DMV records. It only contains images of license plates which are government documents meant to be publicly displayed on public roadways.



Myths and Facts

MYTH

LPR cameras negatively impact communities of color.

FACT

Groups such as the historic Oakland, CA Chapter of the NAACP have endorsed Flock LPR **specifically because it reduces bias in policing**:

“These cameras are designed to detect only vehicles associated with a crime, removing the subjective judgment that too often leads to disproportionate stops and harmful interactions with Black and Brown residents.”

MYTH

LPRs don't have an impact on crime.

FACT

San Diego Mayor Todd Gloria attributed the **20% decline in auto theft** to Flock LPR. San Francisco Mayor Daniel Lurie credited Flock LPR for the **41% decrease in auto theft** while **increasing arrests for auto theft cases by 46%**.

Flock has been used to solve **30% of homicides in Oakland and San Diego**.



Real Lives, Real Impact



Taylor police: 14 child predators arrested in undercover operations this year

By David Komer | Published November 12, 2025 2:48pm EST | Crime and Public Safety | FOX 2 Detroit | [↗](#)

Police used advanced technology in the operations, including Brinc drones, Flock Safety road cameras, Axon body cameras, and StarChase GPS tracking devices to monitor and arrest suspects.

Flock cameras lead to arrest of teens for 14-year-old's shooting death in Taylor

By Camille Amiri and David Komer | Published August 8, 2025 7:33pm EDT | Crime and Public Safety | FOX 2 Detroit | [↗](#)

Suspect arrested in robbery of Troy bank

By: Sarah Wright | Troy Times | Published October 29, 2025

"Flock Safety License Plate Recognition technology was utilized effectively to aid in the investigation," read a statement by the Troy Police Department.

Two Michigan men charged, accused of sexually assaulting woman

By [DeJanay Booth-Singleton](#)

November 3, 2025 / 10:21 PM EST / CBS Detroit

Detectives executed search warrants and arrested Knapp, who identified as a homeowner. The second suspect, Mason, was identified using the FLOCK camera system and arrested in Oakland County.

Man accused of sexually assaulting two girls bound to circuit court

[Don Reid](#) Coldwater Daily Reporter

- Sturgis Police recorded the Jeep used by Hernandez on a Flock license plate reader headed east on U.S. 12 that morning at 2:49 a.m., seven miles from the trailer park east of Sturgis.

North Carolina





Flock Safety In North Carolina

130+ law enforcement agencies, including:



Roanoke Rapids PD



Garner PD



Wake Forest PD

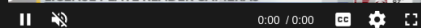


Mooresville PD

WAKE COUNTY NEWS

Technology becoming a game changer, Garner police plan to expand license plate cameras and gunshot detection

by: [Mariah Ellis](#)
Posted: Jul 31, 2023 / 05:37 PM EDT
Updated: Jul 31, 2023 / 06:30 PM EDT





North Carolina

CASE STUDY *Since 2022...*



Garner PD

256

Successful
Investigation
Utilizing LPRs

144

Stolen
Vehicles
Recovered

40

Missing
Persons
Rescued

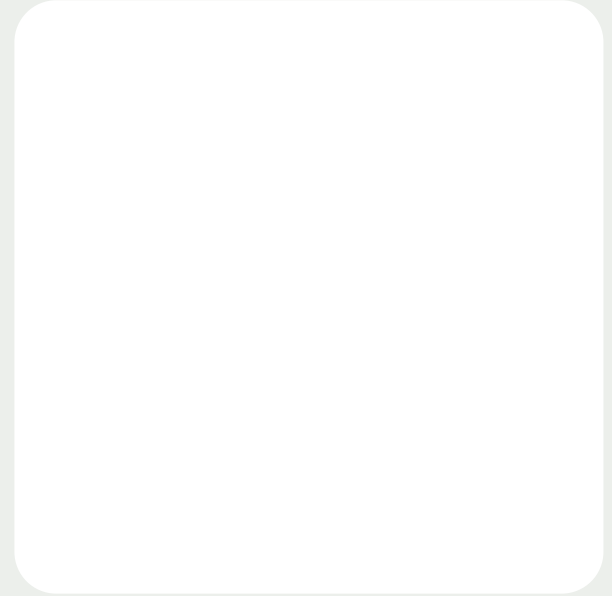


Stolen Property, Meth, Recovered After LPR-enabled Investigation



Alexander County SO - Alexander County, NC

- On March 18th, 2024, deputies responded to reports of a break-in and burglary at a local hardware store.
- Investigators reviewed surveillance footage and obtained a description of the suspect vehicle which they entered into their Flock Safety LPRs.
- They identified the vehicle and told neighboring agencies to be on the lookout.
- A short time later Catawba County deputies located the vehicle and arrested the suspect.
- A search of the vehicle yielded stolen property and methamphetamine.





Case Study - Stolen Vehicle



Roanoke Rapids PD - Roanoke Rapids, NC

- **February 23, 2023 at 10:58 am** - Officers received an alert from their Flock Safety LPRs that a vehicle stolen out of Northampton County had been detected nearby.
- Officers initiated a traffic stop, detained the three occupants, and searched the vehicle.
- The search yielded a firearm and drug paraphernalia.
- The driver was arrested and faces multiple charges.

source



“The Flock camera system has been a huge asset to the Roanoke Rapids Police Department, the cameras have given us the ability to recover more stolen vehicles, plates, arrest wanted subjects, along with recovery of drugs and guns.

- Police Chief Bobby Martin, Roanoke Rapids PD



Case Study - Serial Bank Robber



Black Mountain PD - Black Mountain, NC

- BMPD officers received an alert from their Flock Safety LPRs that a vehicle associated with a suspect wanted for a string of bank robberies.
- Officers located the vehicle and initiated a traffic stop but the suspect fled. He attempted to carjack a vehicle on the highway but was subdued.
- Officers arrested the suspect, who they discovered had placed a fake 911 call to local dispatch to create a diversion for what officers believe was an imminent robbery attempt.
- The suspect is facing multiple charges including robbery with a dangerous weapon and second-degree kidnapping.

[source](#)





Fast Results From Flock LPRs in Raleigh, NC



Raleigh PD - Raleigh, NC

→ Raleigh Police Department installed its first 25 Flock Safety LPRs in June of 2022. In only 6 months, RPD's Flock LPRs assisted in the arrests of over 40 suspects.

"They have been instrumental, when a crime happens, being able to locate the vehicle of the offender."

— Chief Estella Patterson, RPD

WRAL INVESTIGATES

License plate reading cameras help Raleigh police make 41 arrests in 6 months

Twenty-five cameras that scan license plates looking for criminal suspects have been positioned on roads throughout Raleigh, from crime hotspots to entertainment districts.

Posted 10:30 a.m. Feb 3 – Updated 11:10 p.m. Feb 6





Case study: auto theft



Chamblee PD



Chamblee, GA



Stranger on Stranger Abduction
August, 28 2020

When every second matters, Flock Safety's platform is critical

- 12:33 PM ● Amber Alert Issued
- 1:01 PM ● Search Conducted with Flock Safety
- 2:30 PM ● Suspect Vehicle Located
- 5:03 PM ● Felony Stop + Arrest
- 6:00 PM ● Baby Reunited with Mother



Proven Impact, Trusted Partner

Roads to Recovery

How One of NCMEC's New Technology Partners
is Helping Bring Missing Children Home



"By utilizing technology like Flock's License Plate Recognition (LPR) camera system, we have seen remarkable results. Over 100 missing children cases have been resolved thanks to the swift action enabled by this technology." - NCMEC

"We believe that any technology that **increases post-crash responsiveness and accountability** will help to raise awareness and change behaviors to avoid impaired driving."

f Flock Safety × **MADD** IMPAIRED DRIVING
ENDS HERE.



Protecting Vulnerable Communities

“In a moment when our communities are demanding both public safety and equitable justice, Flock Safety’s LPR technology offers a powerful tool to reduce bias in policing.

These cameras are designed to detect only vehicles associated with a crime, removing the subjective judgment that too often leads to disproportionate stops and harmful interactions with Black and Brown residents. It is a clear example of how technology can support safer, fairer policing.”





Thank You!



Traffic Insights From Your Existing LPR Network

Partner with your local department of public works or state DOT



Traffic monitoring

Dramatically expand your city's network of continuous counting stations



Resource planning

Strategically deploy safety and enforcement resources where they make the most impact



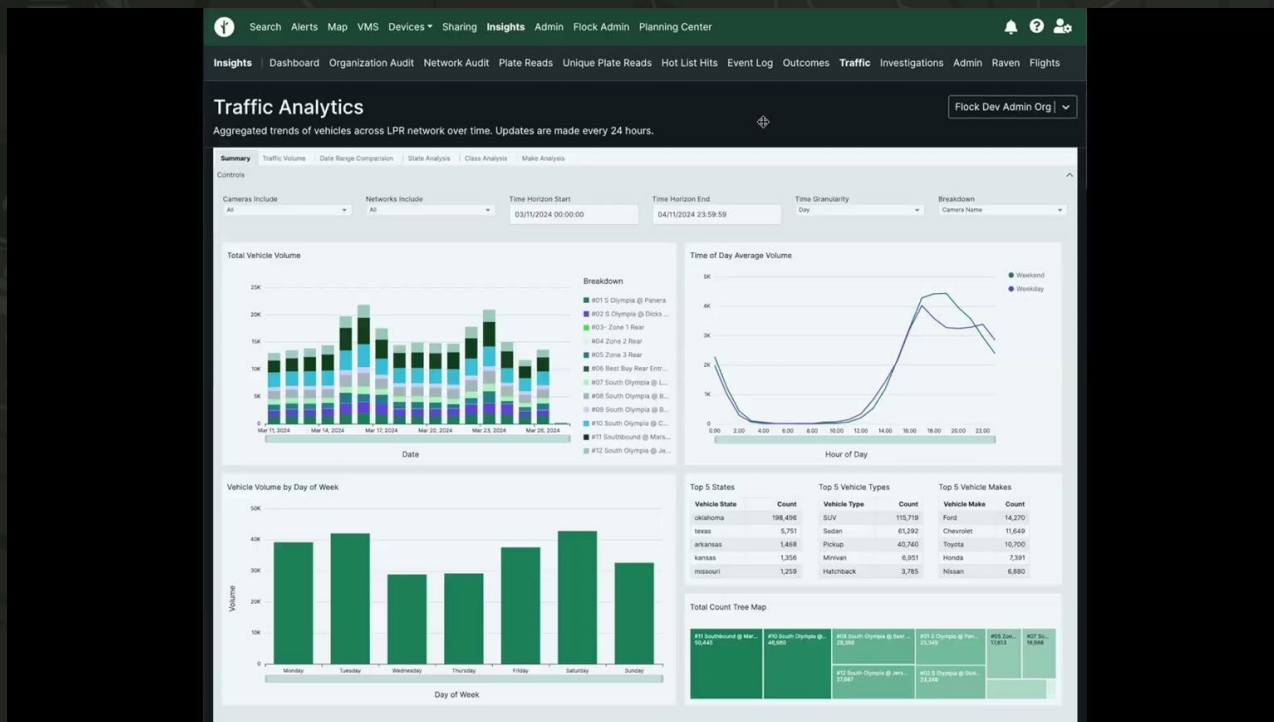
Emergency management

Use traffic data to develop evacuation and emergency response plans



Economic development

Understand economic trends and make better strategic investments



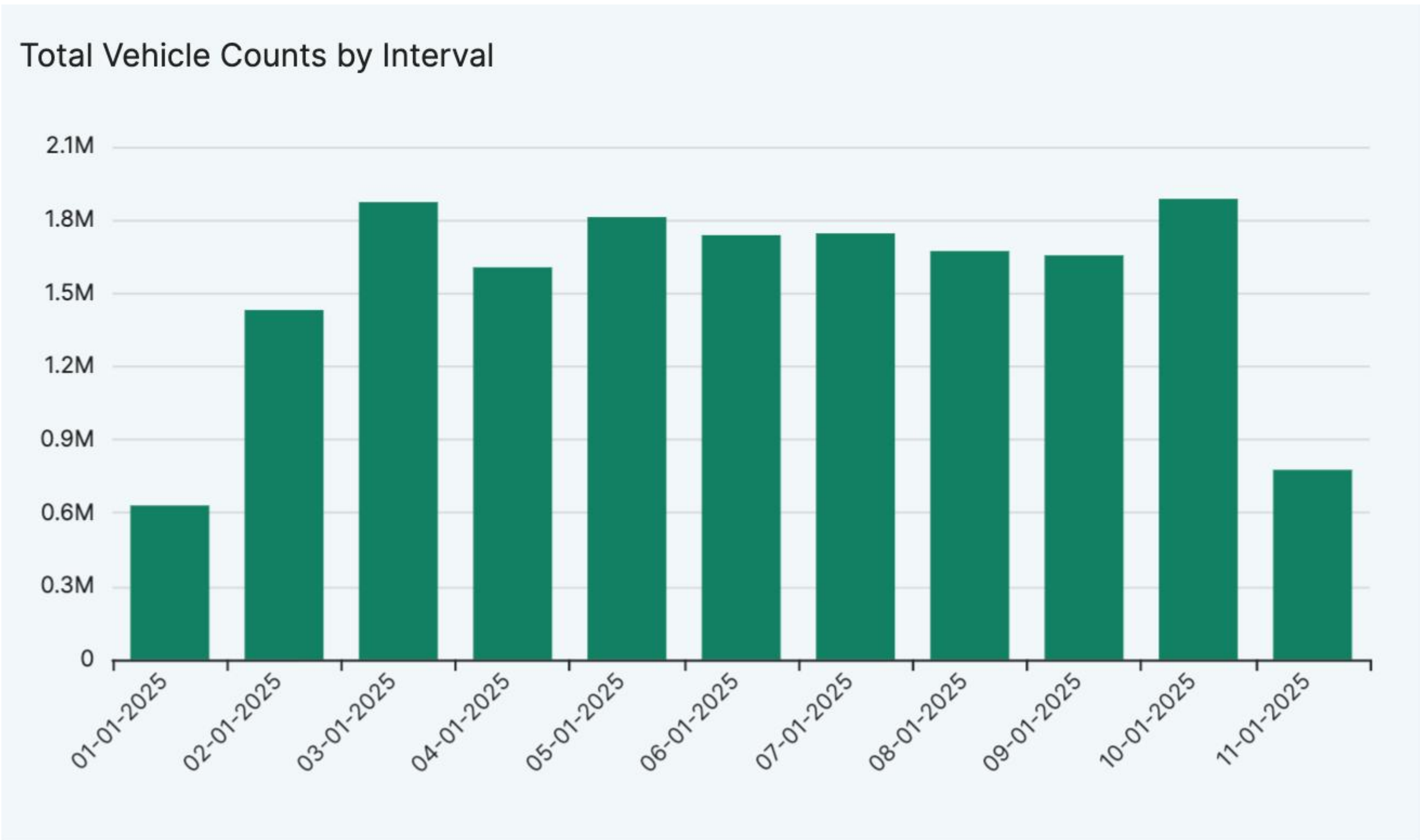
Traffic Analytics

Get actionable roadway insights to improve safety, traffic flow, and operational planning.

See What’s Happening on Your Roads

Traffic Analytics turns vehicle data into easy-to-understand insights that help you make faster, smarter decisions.

See when and where roads are busiest, spot problem areas, and use the data to plan improvements that keep your community safe and moving.



Note: Data shown is a sample from Flock Safety’s Traffic Analytics software

First Period Total Vehicle Counts	Second Period Total Vehicle Counts	Percent Change	Volume Change
5,559,270	5,049,629	+10.09%	509,641



UNDERSTAND TRAFFIC PATTERNS

See vehicle counts by hour, day, week, or month to find peak travel times and recurring congestion points.



FLEXIBLE TIME VIEWS

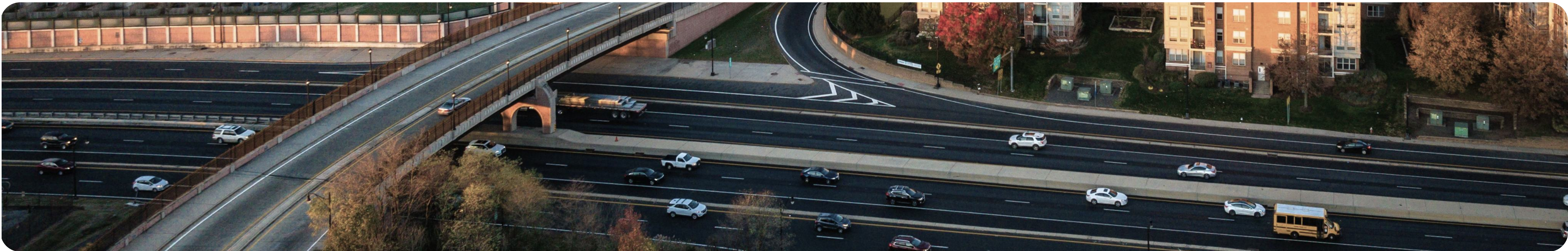
Zoom in on a single intersection for 15-minute detail or look back over the entire year to see how patterns change.



CITYWIDE PERSPECTIVE

Tap into the Flock Safety camera network by sharing traffic analytics data across agencies.





Location-Level Insights

FOCUS ON ANY CAMERA OR ROADWAY TO SEE:

- Peak AM and PM activity
- Average and maximum volumes
- The 30 busiest hours of the period

Vehicle Mix and Movement

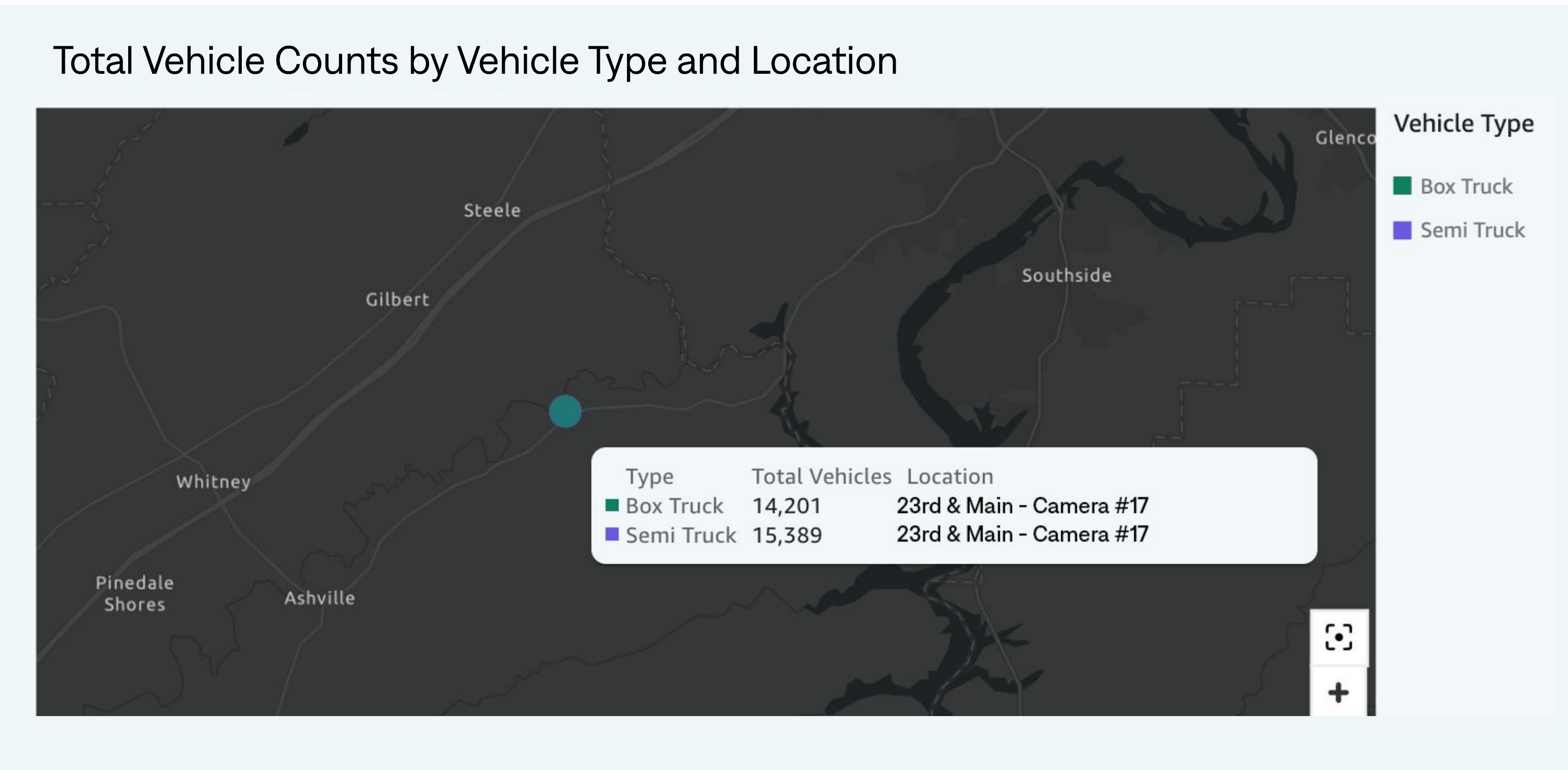
UNDERSTAND WHAT’S ON YOUR ROADS:

- Identify what kinds of vehicles visit most
- See which states visitors are coming from
- Explore patterns by make, model, and fuel type

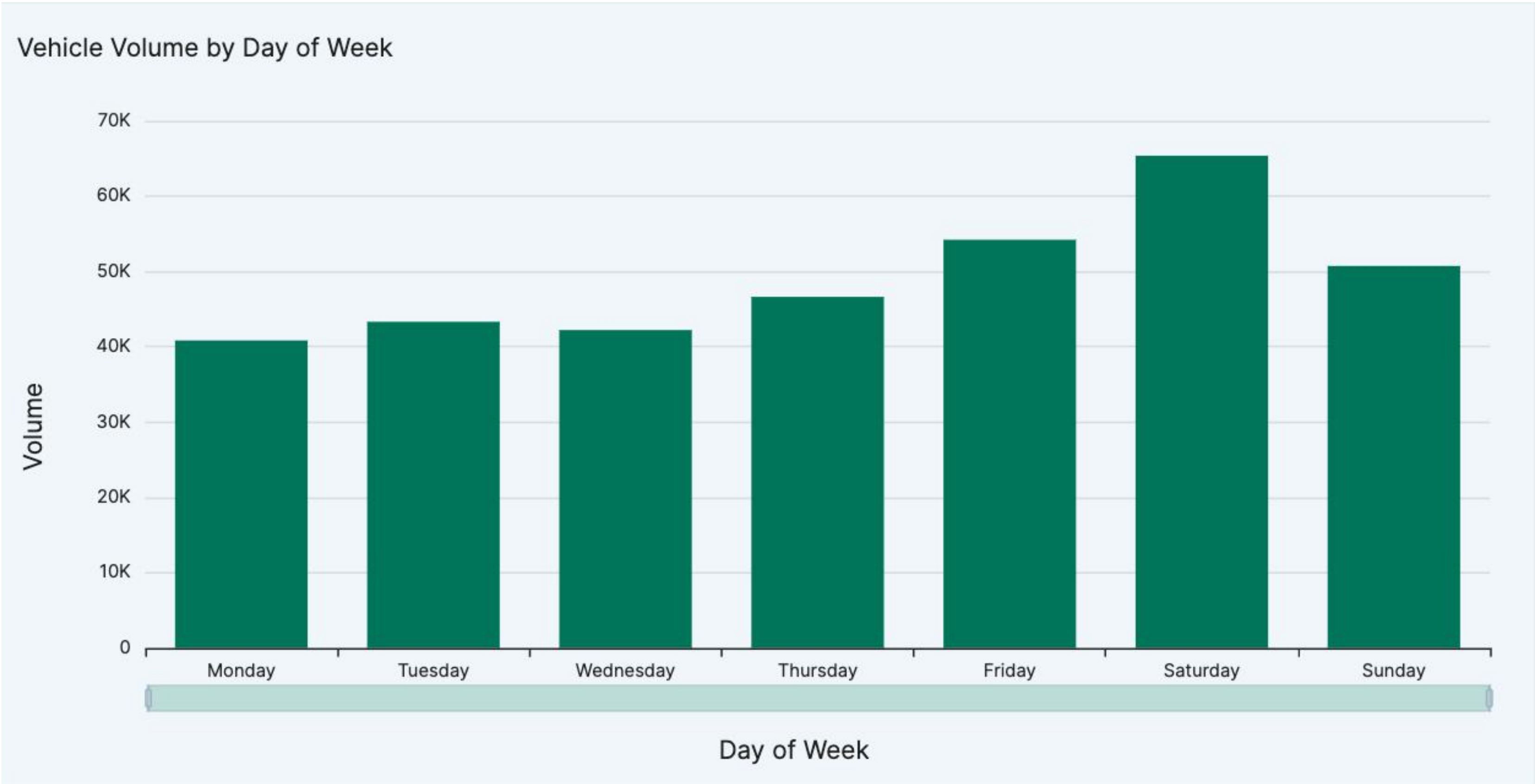
Shareable, Reliable Reporting

Create and share reports in seconds.

All data is securely stored for five years so you can track progress and show measurable results over time.



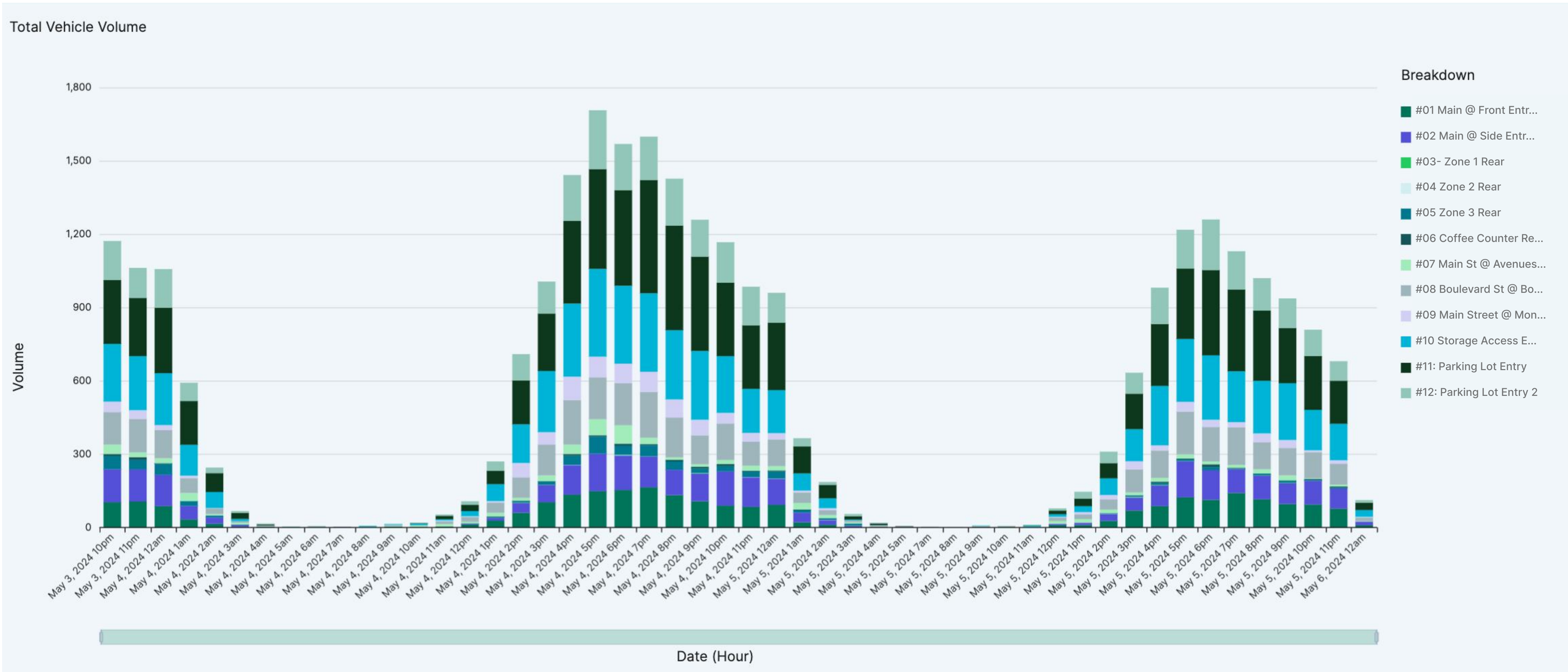
Note: Data shown is a sample from Flock Safety’s Traffic Analytics software



Note: Data shown is a sample from Flock Safety's Traffic Analytics software

Use Insights To:

- Ease congestion and improve flow on major corridors
- Plan maintenance or signal timing based on real data
- Evaluate the impact of construction or events
- Support grant applications and performance reporting
- Strengthen collaboration across departments and agencies





CODE OF ORDINANCES

66-13. Special events.

A. **Application of regulations.** This section shall apply to all organized gatherings ~~street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, and other activities~~ or public events that use or substantially hinder use of public rights-of-way or City-managed public spaces, including but not limited to streets, greenways, and plazas. ~~require the temporary closing or obstruction of or that substantially hinders or prevents the normal flow of vehicular or pedestrian traffic on all or a portion of any city-owned property, street, or other public right-of-way.~~ Any such activity covered by this chapter shall hereafter be referred to as a "special event".

B. **Purpose and intent.** The purpose of this section and its associated regulations are to:

1. Protect the public health, safety and welfare;
2. Ensure coordination of public services including police, fire, public works, and emergency medical services;
3. Minimize disruption to residents, businesses, traffic circulation, and public infrastructure; and
4. Balance community vibrancy and economic activity with neighborhood compatibility and environmental stewardship.

C. **Permit required.**

1. A permit shall be issued by the City manager or designee (hereafter referred to as "administrator") for all special events that:
 - a. Use public streets, sidewalks, greenways, city parks, or city plazas;
 - b. Requires road closures, detours or use of public rights-of-way;
 - c. Substantially hinders or prevents the normal flow of vehicular or pedestrian traffic on public rights-of-way; and/or
 - d. Requires supplemental public safety and/or sanitation services.
2. ~~No "special event" is permitted on any city-owned property, street or other public right-of-way of the city unless a permit has been issued by the city manager; however, n~~Nothing in this section shall be construed to prevent the peaceful assembly of any group for orderly expression or communication between those assembled.
 1. ~~No parade of vehicles or march of pedestrians or animals or combination thereof upon the streets or sidewalks of the city shall be allowed except as approved by the city manager. All holders of permits granted and approved by the city manager pursuant to this section shall indemnify and hold harmless the city in all respects against any and all claims and liabilities arising out of or related to the issuance of a special event permit.~~
 2. ~~Any person denied a special event permit under this section may appeal to the city council at the next regularly scheduled meeting.~~

D. **Permit application.**

1. Filing period.
 - a. Applications for a "special event" permit ~~authorized by this section that require the closure of a public street, sidewalk or other city facility~~ shall be submitted to the administrator according the



special event deadlines established annually. In the event no such deadline schedule is available, the applicant is required to submit the application no less than 60 calendar days prior to the event.
~~city manager not less than 60 days before the parade or event is proposed to commence, excluding recognized holidays, on a form provided by the office of the city manager and shall contain the following information:~~

~~B.b.~~ The administrator may consider applications with extenuating circumstances after the appropriate date. However, in no instance will an application be considered less than 15 working days before the event.

2. Contents. The application shall be signed by the applicant and shall include but not be limited to the following:

~~1.a.~~ Name, address, and telephone number of the person, organization or entity seeking to conduct or sponsor the event.

~~2.b.~~ Name, address, and telephone number of the individual contact person in charge of the event.

~~3.c.~~ The proposed date and time period when the event will be conducted.

~~4.d.~~ The estimated number of people expected to attend the event.

~~5.e.~~ A certificate of insurance as proof of liability coverage in accordance with subsection 66-13(F) below.
~~Sufficient proof of liability insurance in accordance with the city's standard requirements.~~

~~6. Any other information determined by the city manager to be necessary to insure compliance with these provisions.~~

~~7.f.~~ A detailed site plan or route map ~~sketch map~~ showing;

1. Event footprint: boundaries of events and designation of different areas (e.g., vendor areas, beer garden, stage area), if appropriate

2. Structures: layout of tents and other temporary structures (stages, vendor booths, barricades, fencing, etc.) along with dimensions

3. Traffic management: requested street closures, detours, parking, pedestrian paths, signage locations

4. Emergency access: fire lanes, ambulance access, exits

5. Sanitation/waste management: dumpsters, portable toilets, hand-wash stations

6. For races/walks: start/finish, participant staging, timing equipment, traffic control

~~a. The area where the event is to take place.~~

~~b. Names of any streets to be closed or obstructed.~~

~~c. Location of any barriers or traffic control devices that will be erected.~~

~~d. Location of any concession stand, booth, or other temporary structures or facilities.~~

~~7. Location of any proposed fences, stands, platforms, benches or bleachers.~~

g. An application fee, as set forth in the schedule of fees.

~~e.h.~~ Any other information determined by the administrator to be necessary to ensure compliance with these provisions.

~~8. The number and type of animals included as part of the event, if applicable. Approval of animals involved in any special event is subject to 66-13.M, and the animals' location must be specified on the sketch map.~~



~~Applications for a "special event" permit as authorized by this section not requiring the closure of a public street or sidewalk shall be submitted to the city manager not less than two working days before the parade or event is proposed to commence, excluding recognized holidays, on a form provided by the office of the city manager and shall contain the items listed above, excluding subsections (5), (7)b. through e., and (8).~~

~~Applications must be accompanied by an application fee, shall be set forth in the schedule of taxes, fees and charges of the annually adopted Budget Ordinance for the City of Brevard, before being reviewed and considered.~~

G.E. Permit revocation. Upon violation of the terms of a permit issued under this section by the applicant or participants the city manager, the administrator and/or the chief of police or ~~his~~ designee is authorized to revoke the permit and direct those participating to disperse.

F. Permit review procedures. ~~Staff review.~~

1. City staff are hereby authorized to implement policies and procedures for reviewing special event permit applications and ensuring public health, safety, and welfare are maintained.
2. Upon receipt of the permit application, it shall be reviewed by a special event review committee (SERC), an interdepartmental group that evaluates special event applications for feasibility, safety, code compliance and city service requirements. The SERC includes representatives from the Police Department, Fire Department, Public Works Department, and other persons as appropriate. ~~circulated to the chief of police, fire chief, public works director, and other appropriate persons for their comment.~~
3. The ~~city manager~~ administrator may also require a conference on the application between the applicant and the SERC and/or specific ~~one or more~~ department heads.

G. Insurance requirement.

1. The ~~city manager~~ administrator shall require as a condition precedent or subsequent to the issuance of the permit that the applicant obtain a comprehensive general liability insurance policy providing coverage that includes the entire area described in the permit for events ~~s requiring the closure of a public street, sidewalk or city facility. If such a policy is required, under the provisions of this section, t~~ The city shall be named as an additional insured on the policy. A certificate of insurance shall be provided to the city as proof of coverage.
2. Minimum coverage amounts:
 - a. Such policy shall conform to the minimum coverage requirements as set forth by the city manager. ~~The applicant shall obtain a comprehensive general liability insurance of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.~~
 - b. If the special event involves alcohol, an additional \$1,000,000 of liquor liability coverage is required.
 - c. If city forces are required to work during the event, workers compensation and employers' liability may be required.
 - ~~D.~~ d. The administrator may vary the required limits for lines of insurance coverage or require additional insurance coverage depending on size, location and type of event.

H. Fees; costs incurred by the city.

- ~~E.~~ 1. Additional fees may be charged for the cost of services provided by City forces in support of the special event, including but not limited to personnel, deployment of fire apparatus, solid waste removal, and provision of barricades. The need for these services will be reviewed and determined by the administrator and the Special Event Review Committee. ~~If the city is requested to provide extraordinary services or~~



~~equipment or the city manager determines that extraordinary services or equipment for reasons related to protection of the public health and safety, he/she may require the applicant to pay to the city a fee sufficient to reimburse it for the costs of any extraordinary services or equipment provided to the event unless sufficient funding has been included in the city budget as adopted by city council.~~

F.I. Standards for issuance of permit.

1. The ~~city manager~~administrator shall issue the permit authorizing the "special event" unless it is found that:
 - a. Insufficient funding and/or resources necessary to provide extraordinary services or equipment for the event are not available; or
 - b. The event will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the city; or
 - c. The applicant has failed to obtain any necessary permits or licenses, including any required building permit or privilege license; or
 - d. The applicant is in violation of any city ordinance; or
 - e. The applicant fails to obtain liability coverage and show proof of said insurance as required by the city; or
 - f. The event will create a severe hardship on persons occupying property adjacent to the site, location, or route of the event as a result of the denial of access to property; or
 - g. The event, if held at the time or at the location or along the route proposed will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or
 - h. The applicant has failed to comply with any of the provisions of the special events ordinance, including but not limited to payment of any required fees and costs; or
 - i. A special events permit has previously been applied for or issued for substantially the same location and time requested in the application.
2. In considering the matters listed above and the question of whether or not to issue the permit, the public safety and health shall be given paramount importance.

G.I. Conditions upon issuance of permit. If a permit is issued the ~~city manager~~administrator may attach any reasonable conditions that serve to promote the protection of the public safety and health. Any event held pursuant to a permit issued under this section shall be conducted within the applicable terms including any attached conditions.

H.K. Right of appeal. If the ~~city manager~~administrator or chief of police denies or revokes a special event permit this action shall be final unless the applicant or permit holder files, within three working days, a written appeal with the city clerk. Such written appeal will be placed for consideration by city council at its next regularly scheduled meeting. The city council shall review the matter and its decision shall be final.

I.L. Street closing.

1. The ~~city manager~~administrator is authorized to permit the temporary closing of a street or other public right-of-way except as otherwise provided for ~~in subsection (I) below~~herein if the provisions of the section are adequately complied with. Any temporary closing of a street or part thereof owned and/or maintained by the State of North Carolina shall require concurrence by the N.C. Department of Transportation.



2. The ~~city manager~~ administrator may only permit the temporary closing of any portion of U.S. Highway 64, US Highway 64 Business, U.S. Highway 276, SR 1349 (West Main Street) for city recognized special events. An event shall be considered to be city recognized upon the adoption of a resolution by city council making such designation. ~~In order to qualify for recognition an event must have received a commitment of funding and/or resources from the city for any necessary public safety and traffic control measures prescribed by the city manager for the special event.~~
2. ~~The city clerk shall, by any adequate means, notify persons occupying property abutting the street where the event is to take place as soon as possible once a permit is issued.~~

M. Public notification.

1. Event organizers are responsible for notifying all affected community members about their event, associated road closures, and other impacts. Any establishment that will be blocked, detours, or heavily inconvenienced must be notified.
2. Event organizers may utilize a means of notification deemed sufficient by the administrator, including but not limited to mailed notifications, individual contact, residential or business complex notification, and Heart of Brevard notification, if applicable. Proof of notification is required.

J.N. Temporary parking restrictions. The chief of police, or ~~his~~ duly appointed representative, is authorized to prohibit, on a temporary basis, the parking of vehicles under the following circumstances:

1. ~~Along permitted parade routes or o~~ On streets closed pursuant to the issuance of a special events permit for a period of two hours before any special event begins, during the entire event and up to one hour after the completion of the event.

~~**K. Permit for special events involving animals.** No special event in which animals are involved shall be conducted without a special permit from the city manager. The city manager shall require a bond in the amount of \$50.00 (where five or less animals are involved) or \$100.00 (where more than five animals are involved), which will provide that the person obtaining the special permit will be responsible for cleaning the city streets or property after the parade, exhibition, demonstration or experiment. All holders of special permits granted and approved by the city manager pursuant to this section shall indemnify and hold harmless the city in all respects against any and all claims and liabilities arising out of or related to the behavior of such animals or issuance of such a special permit.~~

~~**L. Animals prohibited.** It shall be unlawful for any person to have or keep any animal at any event requiring the issuance of a special event permit except as otherwise provided within this section.~~

M.O. Permit for special event involving the sale and consumption of alcoholic beverages. No special event in which the sale and consumption of alcoholic beverages shall be conducted without explicit authorization in the special event permit ~~a special permit from the city manager or the administrator~~, pursuant to CHAPTER 42 Article I of the Brevard City Code.

1. Special event permit holders shall submit an operational plan demonstrating the procedures and practices that will be employed to assure such compliance with all applicable regulations as set forth in Brevard City Code and the North Carolina General Statutes. Such plan shall specifically address the prevention of the sales of alcohol to minors, and the methods that will be employed to contain the consumption of alcohol within the designated area.
2. For special events, the sales and consumption of malt beverages and unfortified wine, but no other alcoholic beverages, shall be as authorized on the permit; provided, however, that no such sales shall be allowed earlier or later than during the city permitted timeframe of the festival.



3. The administrator shall have the discretion to withhold approval of permits for the sales and consumption of alcohol associated with future special events, when the permit holder has failed to demonstrate compliance with all applicable laws of the City of Brevard and the State of North Carolina pertaining to the sales and consumption of alcoholic beverages in the operation of previous events.

42-3. Consumption or possession of alcoholic beverages in public place.

- A. It shall be unlawful for any person to consume, sell, serve or drink alcoholic beverages of any kind, or to publicly display alcoholic beverages if the container has been opened or the seal broken, on any property owned, leased or controlled by the city, and any public street, alley, sidewalk or parking lot within the city limits, whether the area is open to vehicular traffic or has been closed to vehicular traffic in connection with a parade or other special event, unless a valid permit is obtained, pursuant to the subsections below:
 1. The city manager (or designee thereof, hereafter, "the administrator") is hereby authorized to ~~issue a special permit that would allow to permit~~ allow the sale and consumption of alcoholic beverages during a special event that has been s, which have been permitted pursuant to CHAPTER 66 of Brevard City Code, provided the permittee presents the City with the appropriate permit from the North Carolina Alcoholic Beverage Control Commission., and City of Brevard UNIFIED DEVELOPMENT ORDINANCE.
 2. The city manager or the administrator is hereby authorized to issue a social district participation permit that would allow the sale of alcoholic beverages for consumption in a designated social district pursuant to CHAPTER 43 of the Brevard City Code.
 3. The city manager or the administrator is hereby authorized to issue a sidewalk dining permit that would allow the sale and consumption of alcohol on public sidewalks pursuant to CHAPTER 46 Article II of the Brevard City Code.
 4. This permit shall only be valid for a designated area.
 5. The permit holder shall be solely responsible for assuring compliance with all applicable laws of the City of Brevard and the State of North Carolina pertaining to the sales and consumption of alcoholic beverages. Permit holders who demonstrate failure to assure compliance with such laws shall be subject to immediate permit revocation, and may be subject to such civil and criminal penalties as are set forth in Brevard City Code and the North Carolina General Statutes.
 6. In the issuance of a permit, the administrator shall have the authority to impose reasonable conditions to protect the public health, safety welfare.
 7. Chief of police, police department event commander on-duty, and the administrator shall have authority to immediately cause alcohol sales and consumption activities to cease and desist upon a determination that the permit holder has failed to maintain compliance with the terms and conditions of the permit or the requirements of Brevard City Code, or that continuation of alcohol sales and consumption at the event would pose an immediate threat to the public health, safety and welfare.

38-72.1. Violations; exceptions.



Notwithstanding the enumeration of prohibited noises as listed in section 38-72, whenever it is practicable to do so in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint, the following procedure shall be used to determine whether any specific noise alleged to be a violation of this noise ordinance is, in fact, a violation, at any certain time and for any given location from which a complaint arises.

A. Violations. In order to document and prove a prima facie violation of this noise ordinance:

1. The ambient noise level shall be determined, if it is reasonably practicable to do so in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint. Then, the alleged violation noise level shall be determined at the same location, both determinations to be made by the use of the same sound level meter, and using the same procedure. A violation shall have occurred if the alleged violation noise level exceeds the ambient noise level:
 - a. By ten decibels, between the hours of 9:00 p.m. and 7:00 a.m.; or
 - b. By 20 decibels, between the hours of 7:00 a.m. and 9:00 p.m.
2. If, due to the nature of the alleged violation noise level, no determination of an ambient noise level is practicable in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint, then a violation shall have occurred if the alleged violation noise level exceeds:
 - a. 60 decibels between the hours of 9:00 p.m. and 7:00 a.m.; or
 - b. 70 decibels between the hours of 7:00 a.m. and 9:00 p.m.
3. If no decibel readings or comparison between ambient noise levels and alleged violation noise levels are practicable in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint, the alleged violation is listed in section 38-72, and the violator does not voluntarily and promptly reduce the noise level when requested to do so by a law enforcement officer or code enforcement officer, so as to comply with the definitions in section 38-71, or if, having reduced the noise level to comply therewith but then within a 24-hour period again produces or allows to be produced noise at a level not in compliance with the definitions in section 38-71, the noise shall be a violation of the ordinance.

B. Exceptions. The following are excepted from this noise ordinance:

1. Any noise generated by an emergency vehicle, such as a fire truck, police car, an EMS vehicle or their sirens, or other noises generated by or at the behest of a governmental entity which is intended to immediately promote the public health, safety or welfare.
2. Any sporting event sanctioned by a school, any other government agency, or any civic group or club provided that in the latter instance, such event is properly permitted.
3. Noises caused by:
 - a. Lawn care equipment, agricultural equipment or construction equipment operated for intended and legitimate purposes between the hours of 7:00 a.m. and 9:00 p.m.;
 - b. Special events permitted pursuant to Section 66-13 ~~Properly permitted events such as parades, fairs, circuses and other entertainment events;~~
 - c. Bells, chimes and similar devices which operate from a stationary location, which were in operation before the complainant's residency was established, and which operate for no longer than five minutes in any hour;
 - d. Emergency work reasonably necessary to safeguard the public safety to person or property;



- e. Duly permitted electrical transformers and utility substations;
 - f. Traffic noises other than the unnecessary use of horns, radios or other sound amplifying or receiving equipment, intentional screeching of tires, intentional revving of motors, provided that such traffic noises emanate from a public street or right-of-way; and
 - g. Noises permitted pursuant to section 38-73.
- C. *Regulations and measurement standards promulgated by the chief of police.* The chief of police may promulgate any regulations and sound level measurement standards consistent with this noise ordinance which, in his professional opinion, will aid in the enforcement hereof.
- D. *Noises are public nuisances.* Nothing in this noise ordinance shall be construed in such manner as to prohibit the code enforcement officer, the city manager and/or the city council from following the procedure for abatement of a nuisance, enumerated in division 1 of this article, as an alternative or in addition to the prosecution of a violation of the noise ordinance as a misdemeanor with fine up to \$500.00 per G.S. 14-4(a).

38-73. Permits for exceptions.

Upon application, the city manager, chief of police, zoning administrator or code enforcement officer may approve a request for an exception to the provisions of this section. Such exceptions shall be granted only to educational institutions, bona fide non-profit organizations, governmental organizations or other public/quasi public agencies serving the entire community events. Such exceptions may be limited in a manner to provide the least possible variance from the terms of the section as may be necessary to allow the proposed event to take place. The exception shall require the applicant to agree to necessary terms and conditions and, in no case, shall it extend the time limits in section 8-40(3) to beyond midnight.

CITY OF BREVARD SPECIAL EVENT GUIDEBOOK

1. Introduction

This guidebook is intended to assist event organizers with planning, applying for, and executing a special event in public spaces and rights-of-way. It outlines the permitting process, deadlines, fees, responsibilities, and rules. Organizers should review this guide prior to submitting an application.

2. What is a Special Event?

A “special event” typically means an organized gathering open to the public or with invited guests that uses public spaces and public rights-of-way, such as roads, greenways, and plazas. Examples of a special event include parades, races/walks, festivals, block parties, concerts, exhibitions, etc.

Events contained to private property do not require a Special Event Permit, unless it is determined that the event will substantially hinder or prevent the normal flow of vehicular or pedestrian traffic (see below for more information).

3. Who Needs a Special Event Permit?

You must apply for a special event permit when the event:

- Uses public streets, sidewalks, greenways, city parks, or Clemson Plaza;
- Requires road closures, detours or use of public rights-of-way; and/or
- Requires public safety and/or sanitation services.

Special events held entirely on private property that will substantially hinder or prevent the normal flow of vehicular or pedestrian traffic are also required to secure a Special Event Permit. These are large-scale events that have:

- Attendance of 500 people or more is anticipated at any one time;
- Total attendance that averages 500 people or more per day;
- Span multiple blocks, even if the street isn’t being closed; and/or
- Other conditions that are deemed to substantially hinder or prevent the normal flow of traffic, as determined by the Brevard Police Department, Fire Department and/or Public Works Department.

Note: Events held entirely on private property must apply for a temporary use permit. For more information, please refer to Section 3.14 of the City of Brevard Unified Development Ordinance.

4. Special Event Review Committee (SERC)

The **Special Event Review Committee (SERC)** is an interdepartmental group that evaluates all special event applications for feasibility, safety, code compliance, and city service requirements.

- The SERC includes representatives from the Police Department, Fire Department, Public Works Department, Planning Department, Fire Marshal’s Office, Heart of Brevard, and other departments as appropriate.

- The SERC **meets monthly** on the **first Monday at 11:00 AM** in the Planning Department Conference Room at 95 W. Main Street (2nd floor). If the meeting time or location has changed, applicants will be notified and notice will be posted at www.cityofbrevard.com/specialevents.
- Applicants are asked to attend the assigned meeting to answer questions or clarify plans.

5. Application Submittals & Deadlines

Special event applications are accepted on the City's Permit Portal at www.cityofbrevard.com/PermitPortal. The applicant is required to submit:

- Event description with a schedule of events
- A detailed site plan or route map (see Section 8 for more information)
- Application fee (see Section 7 for more information)
- Certificate of insurance (see Section 11 for more information – *may be submitted after the SERC meeting*)

To allow sufficient time for review and coordination, all special event applications must be submitted no later than the application deadline associated with the SERC meeting two months prior to the event date. Organizers are encouraged to submit the applications early to appear at prior meetings. To be considered at a meeting, the application must be submitted at least one week prior to the SERC meeting date.

SERC Meeting Date (First Monday)	Covers Events Occurring	Application Deadline (1 week prior to meeting)
April 13, 2026	June or later	March 30, 2026
May 11, 2026	July or later	April 27, 2026
June 8, 2026	August or later	May 25, 2026
July 13, 2026	September or later	June 29, 2026
August 10, 2026	October or later	July 27, 2026
September 14, 2026	November or later	August 31, 2026
October 12, 2026	December or later	September 28, 2026
November 9, 2026	January (next year) or later	October 26, 2026
December 14, 2026	February (next year) or later	November 30, 2026

For information on future meeting dates and associated deadlines, please visit www.cityofbrevard.com/specialevents or contact the Planning Department.

6. Application Process

1. Submit Application by Deadline

Submit your complete application at www.cityofbrevard.com/permitportal **no later than the corresponding application deadline for your event's SERC meeting** (see Section 5). Incomplete or late submissions may be deferred to a later meeting or denied. As part of the application, you will be required to submit a detailed site plan or route map (see Section 8 for requirements).

2. **SERC Review (1st Monday Monthly)**

Your event will be reviewed by the SERC. You are asked to attend as additional information or revisions may be requested.

3. **Conditional Approval**

Once SERC issues conditional approval, you will receive a list of required next steps (e.g., insurance, traffic control plans, supplemental permits, fees for city services).

4. **Complete Final Requirements**

You are required to fulfill all conditions and requirements, including submitting copies of supplemental permits (e.g., ABC permit, NCDOT closure permit), **no later than 15 days before your event**.

5. **Final Approval / Permit Issuance**

After all conditions are met and applicable fees are paid, your Special Event Permit will be issued.

6. **Event Execution**

You must comply with all regulations, coordinate with City agencies, maintain safety, clean up, and submit required post-event reports (if any).

7. **Post-Event Evaluation (Required for Recurring Events)**

Recurring events are required to submit a post-event evaluation within 30 days of the final day of the event. This is required to reserve the date the following year. Non-recurring events are encouraged to complete the form for continued improvement of special event procedures.

7. Application Fees

Applications are not considered submitted until the application fee has been paid. The fees for special events are as follows:

Type of Special Event	FY 25-26 Fee ¹
City-Sponsored ²	No Fee
Not City-Sponsored	\$200 / Day

The City does not guarantee that any special event application will be reviewed or accepted if it is submitted after the deadline above. Under certain extenuating circumstances, the administrator may consider late special event applications; however, in no instance will an application be considered less than 15 working days before the event.

Additional fees may be charged for the cost of services provided by City forces (i.e., personnel, deployment of fire apparatus, solid waste removal, provision of barricades, State Fire Code inspections, etc.) in support of special events. The need for City forces will be reviewed and

¹ Fees are adopted in the Fee Schedule as part of the annual budget.

² City-sponsored events are declared by City Council in Resolution 2024-40 or any subsequent resolutions amending the official list of sponsored events. See Appendix for a complete list.

determined by the SERC based on the size, location and nature of the event (see Section 10 for baseline operational guidance).

Pricing structures of listed agencies are outlined for the convenience of the event organizer and are subject to change. This list reflects common event expenses and is not inclusive of all charges a special event may incur. Refer to the “Departmental Cost of Services” section of the adopted fee schedule for more information.

Type of Expense	Department	FY 25-26 Fee ³
Fireworks Tent Permit	Fire Department	\$300 per 30 days
Assembly Tent Permit	Fire Department	\$75 per 30 days
Firefighter	Fire Department	\$40 / hour per firefighter
Light-Duty Quick Response Vehicle	Fire Department	\$20 / hour
Police Officer	Police Department	\$35 / hour per officer
Special Dumpster Service	Public Works Department	\$50 per pickup

8. Site Plan & Route Map Requirements

Your application should include a detailed site plan (or route map, if applicable) showing:

- **Event footprint:** boundaries of events and designation of different areas (e.g., vendor areas, beer garden, stage area), if appropriate
- **Structures:** layout of tents and other temporary structures (stages, vendor booths, barricades, fencing, etc.) along with dimensions
- **Traffic management:** requested street closures, detours, parking, pedestrian paths, signage locations
- **Emergency access:** fire lanes, ambulance access, exits
- **Sanitation/waste management:** dumpsters, portable toilets, hand-wash stations
- **For races/walks:** start/finish, participant staging, timing equipment, traffic control

While site plans are not required to be professionally drawn, they must be legible, close to scale, and provide sufficient detail to convey what the event will look like. Screen shots of a map with no additional details provided are not accepted. An example site plan is included in the Appendix.

9. Closure Procedures

If your event requires the closure of streets, sidewalks / greenways, or public parking spaces, the applicant must also secure a *Street, Sidewalk, or Parking Space Closure Permit*.

Type of Closure	FY 25-26 Fee ⁴	FY 25-26 Deposit
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³ Fees are adopted in the Fee Schedule as part of the annual budget.

⁴ Fees are adopted in the Fee Schedule as part of the annual budget.

State Road	\$1,500 / Day	\$2,000
City Street	\$250 / Day	\$1,000
Public Alley	\$100 / Day	\$500
Public Sidewalk	\$500 / Day	\$500
Public Parking Space	\$100 / Day	\$500
<i>*Fees and deposits are assessed per street or per parking space.</i>		

When requesting a **State Road Closure**, the procedures vary for events depending on if they are City-sponsored.

- For City-sponsored Special Events, the City of Brevard will adopt an ordinance declaring temporary road closures on the State highway system and submit the materials to NCDOT for review.
- For special events that are not held or sponsored by the City of Brevard, the applicant must submit a formal request to the NCDOT directly. The formal request, along with the Special Event Request Form (see Appendix), must be submitted to District Engineer for Highway District 14 **at least 60 days prior to the beginning of the event**. *Approval from NCDOT must be submitted to the City prior to final permit approval.*

Events involving the closure or obstruction of a public street will require safety barricades, variable message boards, and/or hiring sworn law enforcement officers. The number and placement of barricades is determined by the Brevard Police Department. This is a critical measure and is strictly enforced to help ensure public health and safety at special events.

10. Operational Standards

All permitted special events must comply with operational standards. The following are baseline operational standards that are generally acceptable. The SERC may require more or less of any of these requirements depending on event-specific conditions to protect public health, safety, and welfare.

Sanitation / Restroom Facilities

- The organizer is responsible for ensuring adequate temporary restroom facilities for events that exceed 100 attendees, last longer than 2 hours, and/or include food and beverage service. For those events, the following restroom facilities are required:

Attendance Range	Toilets Required
0 – 250	2
251 – 500	4
501 - 1,000	1 per 250 attendees
Over 1,000	1 per 300 attendees

- The American Disability Act (ADA) requires, at a minimum, 5% and no less than 1 accessible restroom unit in each porta potty location and there must be an accessible route to each of these units.

- The temporary restroom vendor is responsible for the collection and proper removal of gray water (from hand-washing). The disposal of gray water down City storm water drains is prohibited.
- Event boundaries that include public restrooms (e.g., restrooms at City Hall, restrooms at Jimmy Harris Railroad Depot Park) may be permitted to include those restroom facilities to fulfill all or a portion of these requirements. Permission for this is at the sole discretion of the SERC and/or City Manager.

Waste Management

- The organizer is responsible for clean-up and proper disposal of all waste, trash, garbage, and other debris both during and after the event. In general, **one trash receptacle is required for every 50 attendees, minimum of four.**
- Events should provide routine trash removal services throughout the duration of the event, including the provision of trash and recycling receptacles. The Brevard Public Works Department provides routine removal of City trash receptacles – extraordinary trash services (volume or frequency) are subject to additional fees.
- Failure to comply with the requirements of the special event permit or any other applicable municipal codes may subject the organizer and sponsoring organization to fines, denial of future permits, and a bill from the City for any clean-up expenses incurred.

Crowd Management & Security

- The organizer is responsible for securing adequate crowd management and security for the event. In general, **one crowd manager or security officer is required for every [100 – 250] people in attendance.**
- Due to the availability of City of Brevard police officers, applicants may be required to provide security services primarily through a private security organization and/or other local law enforcement agency. In such instances, the organizer must provide a detailed security plan to the Brevard Police Department for verification.
- The SERC may require the use of barriers or fencing to manage crowd flow, monitored entry and exit points, and trained volunteers or staff, particularly for events serving alcohol.

Fire and Emergency Services

- The organizer is responsible for providing adequate emergency management personnel. In general, the following fire and emergency services are required:

Attendance Range	Fire/EMS Units Required (Non ABC Event)	Fire/EMS Units Required (ABC Event)
0 – 5,000	1	1 – 2
5,001 – 10,000	1 – 3	1 – 4
Over 10,000	Determined by Fire Chief	Determined by Fire Chief
<i>* Each unit consists of at least two firefighters and a light-duty quick response vehicle.</i>		

Noise & Amplified Sound

- Permitted special events are exempt from the noise regulations in Brevard City Code; however, applicants are required to submit a schedule of the event for SERC review (Section

38-72.1 of Brevard City Code). The SERC may require changes to the schedule or impose other noise restrictions based on the size and schedule of the event.

11. Insurance Requirements

Events using public property are required to secure an insurance policy for the event that includes the City of Brevard as an additional insured. If the event is held on / within any State rights-of-way, the insurance policy must also include NC Department of Transportation as additional insured.

The event organizers shall purchase and maintain this insurance, providing coverage for the event with an insurance company authorized to do business in the State of North Carolina.

The organizer must ensure all safety-sensitive contractors providing goods or services for the event maintain appropriate insurance coverage and limits. Examples of such contractors include but are not limited to inflatable companies, providers of amusement rides, vendors of all food and beverage items, etc.

Minimum Insurance Requirements

- **Commercial General Liability:** Required for all special events
 - Per Occurrence: \$1,000,000
 - Personal & Advertising Injury \$1,000,000
 - Products/Completed Ops. \$1,000,000
 - General Aggregate \$2,000,000
- **Liquor Liability:** Required for all special events that involve alcohol
 - General Liquor Liability \$1,000,000
- **Workers' Compensation and Employers Liability:** Required when the City forces (Police, Fire, etc.) are required to work during a special event
 - Bodily Injury by Accident: \$500,000 each accident
 - Bodily Injury by Disease: \$500,000 each employee
 - Bodily Injury by Disease: \$500,000 policy limit

Note: Required limits for lines of insurance coverage may vary depending on size, location and type of event. The City may also require additional insurance coverages, if appropriate.

12. Events with Food and Beverage Service

If the event involves any temporary food establishments or vendors, the organizer must notify the Transylvania County Public Health Department of the event and provide a list of all food vendors, and each food vendor must complete and submit a separate temporary food establishment application to be permitted. **Confirmation from Health Department must be submitted to the City prior to obtaining final permit approval.**

The Health Department's current deadlines require that a completed temporary food establishment application be submitted to them at least 15 days prior to the event.

For more information on the temporary food establishment permit and the associated regulations, please contact the Health Department or visit <https://transylvaniahealth.org/environment/>.

13. Events with Alcohol

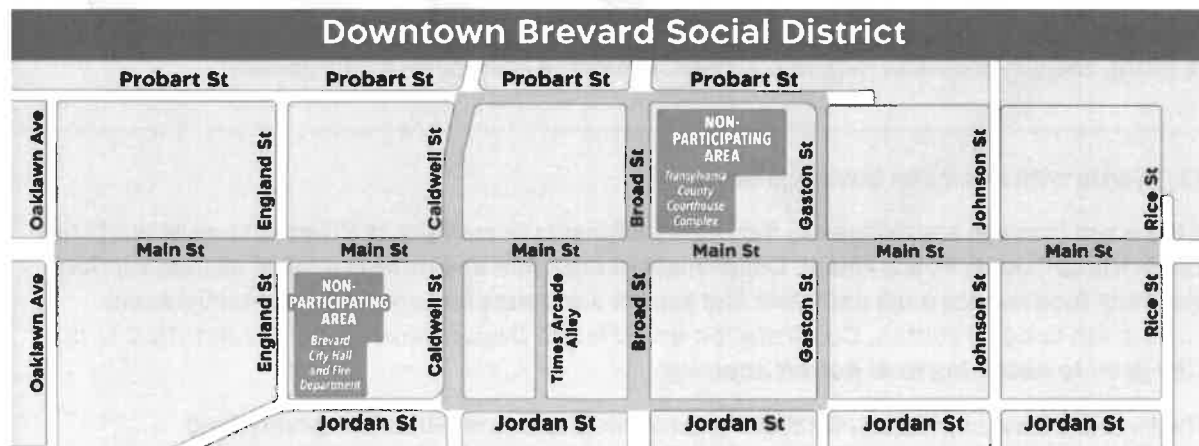
If the event involves the sale or consumption of alcohol, a permit must be obtained from the North Carolina Alcoholic Beverage Control (ABC) Commission. **Approval from NC ABC Commission must be submitted to the City prior to obtaining final permit approval.** Note that the sale of liquor will not be allowed on public streets or in any permissible City venue, and organizers and patrons must remain in compliance with all local and state laws. Having alcohol at your event may result in additional insurance and security requirements.

Alcohol permits are controlled and issued by the North Carolina ABC Commission. More information on ABC permit requirements can be found on the ABC Commission's website (www.abc.nc.gov) or by phone at 919-779-0700. Event organizers are responsible for all aspects of their alcohol permit, and they should ensure that patrons comply with relevant policies. Failure to comply can result in the revocation of the permit or the issuance of citations to the event organizer and/or patrons.

The ABC Commission's current deadlines require that a completed application be submitted to them at least 14 days prior to the event. As part of the application, the applicant is required to submit a detailed diagram and acknowledgement from the Police Department. This means that **you must secure conditional approval from the Special Event Review Committee prior to this 14-day deadline**, so that you will have the necessary materials to submit with your ABC alcohol permit application.

14. Events in the Downtown Brevard Social District

Brevard's downtown social district allows people to responsibly drink alcoholic beverages purchased from participating businesses as they walk through a defined area of downtown. This initiative enhances the energy and economic vitality of downtown Brevard, supporting local businesses and creating a more vibrant downtown experience.



North Carolina law allows a special event located within a social district to receive a permit from the NC ABC Commission for the sale of alcohol within the event area. Special events may also participate in a social district if the requirements under North Carolina law to do so are followed,

including allowing beverages with social district cups to be carried from and into the special event area.

If the event takes place within the Downtown Brevard Social District, event organizers have the choice to allow social district beverages within the event footprint or not.

- **Events WITHOUT social district alcohol:** Event organizers that do NOT want to have social district alcohol within their footprint will be responsible for posting signs at all entrances. The City can supply a few A-frame signs indicating that no alcohol is permitted, but the event organizer is responsible for printing additional signs as necessary. Security or volunteers must monitor the perimeter of the footprint.
- **Events WITH social district alcohol:** Event organizers that want to allow event alcohol to leave the event footprint will be responsible for ensuring all alcohol sold at the event meets the social district requirements, as set forth by City of Brevard and State law. The event organizer is responsible for posting signs along the boundaries of the event footprint that do not open into the social district. The City can supply a few A-frame signs indicating that alcohol is not permitted past that boundary, but the event organizer is responsible for printing additional signs as necessary.

For more information on the Downtown Brevard Social District and the associated regulations, please visit www.cityofbrevard.com/socialdistrict.

15. Fire Safety

The event organizer is responsible for meeting all fire life and safety requirements, including obtaining any additional permits if necessary. Additional permits from the Office of the Fire Marshal may be required if it involves:

- Walled tent (or a combination thereof) over 400 square feet
- Open-sided tent (or combination thereof) over 700 square feet
- Any inflatable that people will enter, such as a bouncy house, that is over 400 square feet in size or that requires constant motorized inflation
- An amusement building, such as a fun house or haunted house
- Fireworks displays
- Pyrotechnics or fire performances
- Bonfires, luminaries, or any other use of open flame

The event organizer may be required to provide proof of flame retardancy or other life and safety permits prior to final permit approval.

For more information on the fire safety permits and the associated regulations, please contact the Transylvania County Fire Marshal.

16. Public Notification

Event organizers are responsible for notifying all affected community members about their event, associated road closures, and other impacts. Any establishment that will be blocked, detours, or heavily inconvenienced must be notified. Each notification must include the following:

- Name of event
- Sponsoring organization
- Date and time frame of event
- Description of road closures (locations and times)
- Information and timeframe for noise impacts (such as music)
- Organizer's name, phone number, and email
- Website associated with event (if applicable)

Event organizers may utilize any of the notification methods listed below or any combination thereof:

- **Mailed Notifications:** Event organizers may mail flyers or postcards detailing event information to all affected community members.
- **Individualized Establishment Notification:** Event organizers may individually contact affected community members in person, over the phone, or via email and submit their tracked interactions using the Establishment Notification Form, which is included in the Appendix.
- **Residential or Business Complex Notification:** Event organizers may coordinate with property managers to alert all tenants of a large complex via the preferred communication method of the complex.
- **Heart of Brevard Notification:** For events occurring within the Heart of Brevard MSD, event organizers must notify the Heart of Brevard (nicole@brevard.org). Notification may be coordinated by the Heart of Brevard to alert all businesses and residents via the preferred communication method.

Event organizers are required to submit proof of notification types, which may include completed Establishment Notification Forms, screenshots of digital communication, receipt for mailed fliers, etc.

For the benefit of both the event organizer and community members, we encourage event organizers to use additional notification means such as social and broadcast media, local calendars, newspapers, etc.

17. Post-Event Responsibilities & Reporting

After the event:

- Ensure the site is cleaned and restored to its pre-event condition
- Submit any required post-event report
- Pay any outstanding service costs or reimbursements
- Document lessons learned and update your plan for next year.

Recurring events are required to submit a post-event evaluation within 30 days of the final day of the event (see Appendix). This is required to reserve the date the following year. The post-event

evaluations will be discussed at the next SERC meeting and reports will be kept on record for improvement of special event procedures.

Non-recurring events are encouraged to complete the form for continued improvement of special event procedures.

18. Date Reservation for Recurring Events

Dates will be reserved for special events on a first-come, first-served basis, and are subject to the policy restrictions noted herein.

Recurring events will be given first priority to reserve the same day of the same week of the following calendar year (e.g., the second Saturday of February) or to reserve the same exact date of the following calendar year (e.g. February 14th). All recurring annual events will need to receive an acceptable performance evaluation to retain first priority rights. The process serves as a reservation but will not replace an official application, which will still need to be submitted by the appropriate deadline.

19. Key Contacts

City of Brevard Planning Department	828-885-5630
City of Brevard Police Department	828-883-2212
City of Brevard Fire Department	828-883-3333
City of Brevard Public Works Department	828-884-2171
City of Brevard Community Center Director	828-376-9303
City of Brevard Communications Director	828-885-5603
Transylvania County Fire Marshal	828-884-3108
Transylvania County Public Health Department	828-884-3139
NC Alcohol Law Enforcement – Division VIII	828-670-5055
NCDOT – Highway Division 14	828-331-5200

20. Appendices

- Sample site plan / route map templates
- Post-event evaluation form
- Resolution 2024-40 - City-Sponsored events

RESOLUTION NO. 2024-40

RESOLUTION APPROVING A LIST OF CITY-SPONSORED SPECIAL EVENTS

WHEREAS, Brevard City Council acknowledges a tradition of providing for festivals and special events throughout town for the pleasure and enjoyment of citizens and visitors alike; and

WHEREAS, Brevard City Council recognizes that festivals and special events provide an opportunity for family-oriented activities that celebrate our small-town charm; and

WHEREAS, Brevard City Council acknowledges these events require NCDOT system roads to be closed for setup, activities, and cleanup; and

WHEREAS, the 2030 Comprehensive Land Use Plan recommends that the city "Invest in public infrastructure and facilities, as well as the operations and maintenance necessary to support festivals and cultural events."

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

Section 1. The Brevard City Council does hereby approve and declare the following events to be City-sponsored for NCDOT permitting purposes:

- White Squirrel Weekend
- July 4th Celebration
- Brevard En Plein Air Festival (aka Art is in the Air)
- Halloweenfest
- Light Up the Night
- Juneteenth Celebration
- Rosenwald Community Basketball Tournament
- Old Time Street Dances
- National Night Out
- Memorial Day Parade
- Christmas Parade
- Brevard High School Homecoming Parade
- Veterans Day Ceremony

Section 2. These events shall have the typical special event permit fee waived, however event bonds and fees for emergency personnel may still be charged.

Adopted and approved this the 16th day of September 2024.




Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon, CMC
City Clerk

City of Brevard Special Event Post-Event Evaluation Form

Event Information

Event Name: _____
Event Date(s): _____
Event Location(s): _____
Event Organizer/Applicant: _____
Organization Name (if applicable): _____
Permit Number: _____
Contact Email / Phone: _____

Section 1. Event Overview

Estimated Attendance (pre-event): _____
Actual Attendance (post-event): _____
Event Duration (start/end times): _____
Description of Event: _____
Admission Type: _____

Section 2. Operations & Logistics

Was the event executed as described in your permit application? Yes / No
If no, explain changes: _____
Were all required permits and inspections obtained and passed? Yes / No
(If no, explain:) _____
Law Enforcement present? Yes / No
Fire/EMS on-site? Yes / No
Any incidents requiring emergency response? Yes / No
If yes, describe: _____
Traffic & Parking Management effective? Yes / No
Waste Management & Sanitation adequate? Yes / No
Cleanup completed on schedule? Yes / No
Noise & Lighting within approved limits? Yes / No

Section 3. Community Impact

Nearby residents or businesses notified in advance? Yes / No
Number of complaints received (if any): _____
Describe any feedback from attendees or the public:

Did the event benefit the local community or economy? Yes / Somewhat / No

Explain: _____

Section 4. Lessons Learned & Future Improvements

What aspects of the event went well? _____

What challenges or issues occurred? _____

What improvements would you recommend for future events? _____

Section 5. City Department Evaluations (Completed by City Staff)

Police Department Review

Staffing adequate for event? Yes / No

Traffic control plan effective? Yes / No

Any safety or security incidents? Yes / No

If yes, describe: _____

Recommendations or concerns: _____

Reviewed by: _____ Signature: _____ Date: _____

Fire Department Review

Fire/EMS coverage adequate? Yes / No

Any medical or fire-related incidents? Yes / No

If yes, describe: _____

Access routes maintained during event? Yes / No

Recommendations or concerns: _____

Reviewed by: _____ Signature: _____ Date: _____

Fire Marshal Review

All fire safety conditions met per permit? Yes / No

Inspections completed as required? Yes / No

Any violations observed? Yes / No

If yes, describe: _____

Recommendations or concerns: _____

Reviewed by: _____ Signature: _____ Date: _____

Public Works Department Review

Street closures or barricades effective? Yes / No

Adequate signage and detours in place? Yes / No

Cleanup coordination completed successfully? Yes / No

Any damage to public property or infrastructure? Yes / No

If yes, describe: _____

Recommendations or concerns: _____

Reviewed by: _____ Signature: _____ Date: _____

Section 7. Request for Future Event Date

Would you like to request to hold this event at the same time next year? Yes / No

If yes, please indicate your requested date(s) for next year: _____

Requested Location (if different): _____

Additional comments or considerations for next year: _____

Section 7. Organizer Certification

I hereby certify that the above information is accurate to the best of my knowledge.

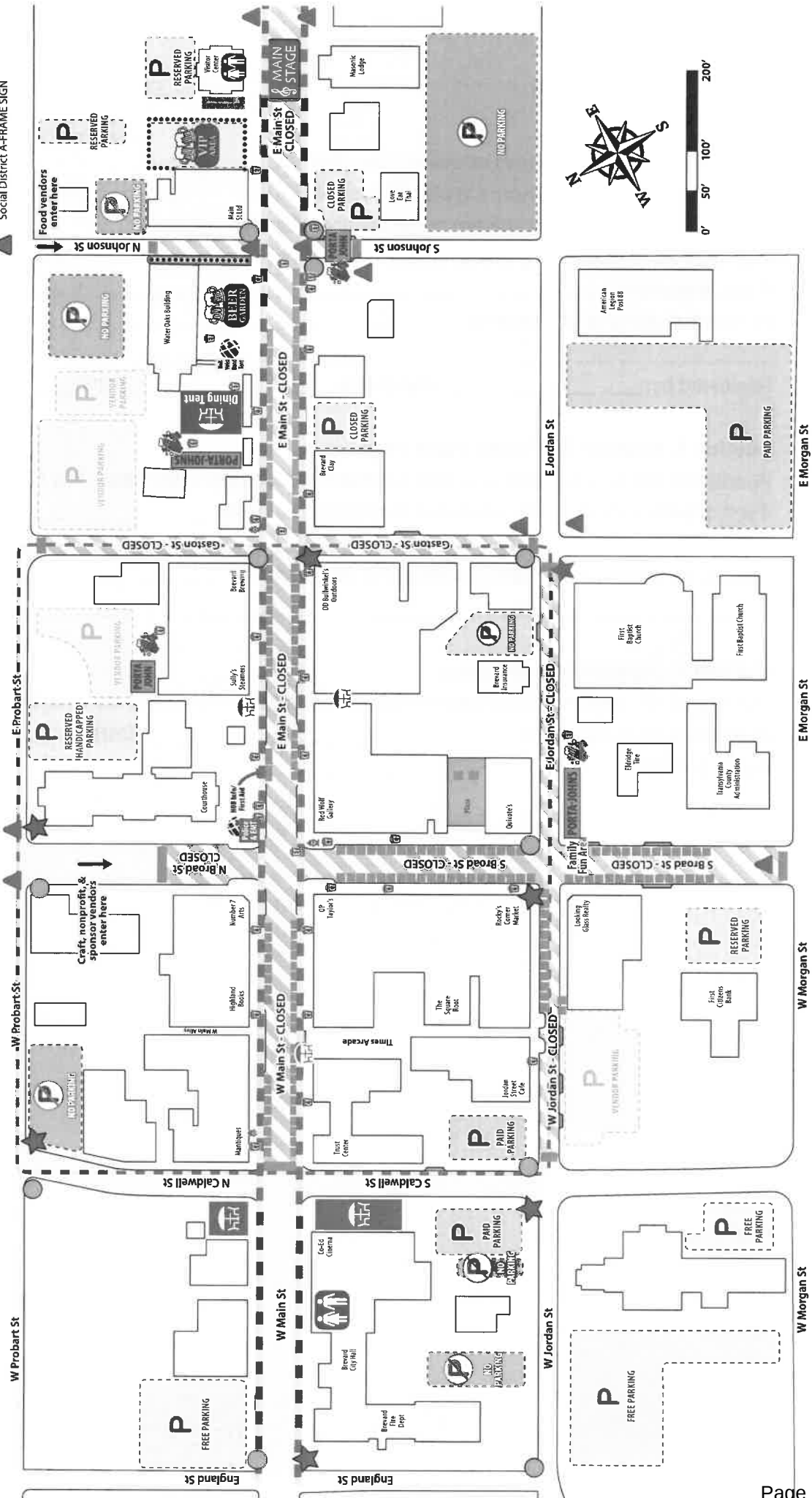
Event Organizer Signature: _____ Date: _____

Name (print): _____

Downtown Brevard Event District White Squirrel Weekend 2026 May 22 - 24, 2026



- Street Barricade
- Porta-Johns
- Food Truck / Booth
- Temporary Fence
- Normal Social District Boundary
- Social District SIGN
- Social District SIDEWALK DECAL
- Social District A-FRAME SIGN
- CITY Trash Can (Permanent)
- Handwashing Station
- Craft Vendor or Nonprofit Booth
- Fire Hydrant
- EVENT Trash Can (Temporary)
- Public Restrooms
- Public Seating



STAFF REPORT

City Council, Monday, May 4, 2026

Title: Proposed Amendments to City of Brevard Code of Ordinances Chapters 38, 42, and 66 - Special Event Regulations

Speaker: Emily Brewer, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background

A *special event* is an organized gathering open to the public or with invited guests that uses public spaces and public rights-of-way, such as roads, greenways, and plazas. Examples of a special event include parades, races/walks, festivals, block parties, concerts, exhibitions, etc. Events contained to private property do not require a Special Event Permit, unless it is determined that the event will substantially hinder or prevent the normal flow of vehicular or pedestrian traffic (see below for more information). Special events play a crucial role in the vibrancy of our community — creating a place for economic opportunity, arts, culture, and community.

Section 66-13 of the Brevard City Code of Ordinances outlines the procedures and requirements for special events to:

- Protect the public health, safety, and welfare during special events;
- Ensure adequate coordination of public services (police, fire, public works, and EMS);
- Minimize disruption to residents, businesses, traffic circulation and public infrastructure; and
- Balance community vibrancy and economic activity with neighborhood compatibility and welfare.

This is a staff-initiated text amendment to review the ordinance and procedures in order to clarify / streamline the approval process, update the requirements, and continue to improve large-scale events. The Public Safety Committee reviewed these changes on March 4, 2026, and unanimously recommended in favor of adoption.

Council held a public hearing on this matter at the April 20, 2026 meeting.

Discussion

When an applicant applies to hold a special event (like White Squirrel Weekend, Assault on the Carolinas, and Juneteenth Family Fest), they are required to submit a permit application with a site plan and insurance that names the City as additional insured. However, it does not adequately explain what information is needed, what levels of service are required, or what the liability insurance requirements are. This leads to significant

back-and-forth with applicants to try and collect the information necessary to accomplish the objectives outlined above.

The Code of Ordinances is not the appropriate place for procedures for review and guidance for applicants. Many other municipalities have a guidebook for applicants and staff to navigate the special event review process and clarify service level requirements early in the application process. The code language changes authorize staff to "implement policies and procedures for reviewing special event permit applications and ensuring public health, safety, and welfare are maintained." As part of this review, staff has prepared a guidebook which is included as Attachment 2. Staff will continue to refine and improve the guidebook to reflect practices that work and improve the efficiency of our review process.

The largest change in the process is the establishment of a Special Event Review Committee (SERC) comprised of police, fire, public works, planning, and other necessary staff persons to collectively review proposals and coordinate across departments. Staff will hold a regular, standing meeting to go over applications, propose changes and identify staffing needs early in the process. Following the meeting, the applicant can receive preliminary approval and a set of conditions to accomplish before final approval. These conditions would include items like providing the approved ABC-permit, amending plans to secure additional toilets, or paying fees associated with City personnel working the event. The City of Hendersonville, as well as other municipalities in North Carolina, utilizes a similar review process which has proven successful.

The process would also include other commonly-used best practices to improve our special events:

- Operational standards are outlined in the guidebook to inform the applicant's initial plans from the onset. The SERC has the authority to alter those requirements based on the scale, location, or type of event, but this provides a starting place for applicants and staff.
- Special event organizers would be required to notify affected residents and businesses about the special event and any associated closures. They would be required to provide evidence of notification in order to secure final approval.
- Special event organizers would be asked to submit a post-event evaluation. This would be required for recurring events. In exchange for completing the evaluation, organizers would be able to reserve the same date for the following year.

As evidenced above, most of these procedural changes are not reflected in the code language in Section 66-13. Instead, it authorizes staff to make those procedures and policies and refines the language to reflect our current process (e.g., the city manager does not approve these permits).

Policy Analysis

These amendments to the City of Brevard Code of Ordinances are consistent with the following elements of the Building Brevard 2030 Comprehensive Land Use Plan:

- *Goal 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.
- *Goal 7*: Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry
- *PNRC-25*: Create opportunities for arts and cultural programming, public art, sculptures, and mural throughout the City.

Action

Council has the options to take one of the following actions:

1. Adopt the amendments as presented;
2. Revise and adopt the amendments as revised;
3. Reject the amendments; or
4. Table the amendments for further consideration.

Attachments:

1. Proposed Amendments
2. Draft Special Event Guidebook
3. Draft Ordinance



CODE OF ORDINANCES

66-13. Special events.

- A. *Application of regulations.*** This section shall apply to all organized gatherings street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, and other activities or public events that use or substantially hinder use of public rights-of-way or City-managed public spaces, including but not limited to streets, greenways, and plazas. ~~require the temporary closing or obstruction of or that substantially hinders or prevents the normal flow of vehicular or pedestrian traffic on all or a portion of any city owned property, street, or other public right-of-way.~~ Any such activity covered by this chapter shall hereafter be referred to as a "special event".
- B. *Purpose and intent.*** The purpose of this section and its associated regulations are to:
1. Protect the public health, safety and welfare;
 2. Ensure coordination of public services including police, fire, public works, and emergency medical services;
 3. Minimize disruption to residents, businesses, traffic circulation, and public infrastructure; and
 4. Balance community vibrancy and economic activity with neighborhood compatibility and welfare.
- C. *Permit required.***
1. A permit shall be issued by the City manager or designee (hereafter referred to as "administrator") for all special events that:
 - a. Use public streets, sidewalks, greenways, city parks, or city plazas;
 - b. Requires road closures, detours or use of public rights-of-way;
 - c. Substantially hinders or prevents the normal flow of vehicular or pedestrian traffic on public rights-of-way; and/or
 - d. Requires supplemental public safety and/or sanitation services.
 2. No "special event" is permitted on any city owned property, street or other public right-of-way of the city unless a permit has been issued by the city manager; however, n~~Nothing in this section shall be construed to prevent the peaceful assembly of any group for orderly expression or communication between those assembled.~~
 - ~~1. No parade of vehicles or march of pedestrians or animals or combination thereof upon the streets or sidewalks of the city shall be allowed except as approved by the city manager. All holders of permits granted and approved by the city manager pursuant to this section shall indemnify and hold harmless the city in all respects against any and all claims and liabilities arising out of or related to the issuance of a special event permit.~~
 - ~~2. Any person denied a special event permit under this section may appeal to the city council at the next regularly scheduled meeting.~~
- D. *Permit application.***
1. *Filing period.*
 - a. Applications for a "special event" permit authorized by this section that require the closure of a public street, sidewalk or other city facility shall be submitted to the administrator according the special event deadlines established annually. In the event no such deadline schedule is available, the



~~applicant is required to submit the application no less than 60 calendar days prior to the event. city manager not less than 60 days before the parade or event is proposed to commence, excluding recognized holidays, on a form provided by the office of the city manager and shall contain the following information:~~

- ~~B.b.~~ The administrator may consider applications with extenuating circumstances after the appropriate date. However, in no instance will an application be considered less than 15 working days before the event.
2. Contents. The application shall be signed by the applicant and shall include but not be limited to the following:
- ~~1.a.~~ Name, address, and telephone number of the person, organization or entity seeking to conduct or sponsor the event.
 - ~~2.b.~~ Name, address, and telephone number of the individual contact person in charge of the event.
 - ~~3.c.~~ The proposed date and time period when the event will be conducted.
 - ~~4.d.~~ The estimated number of people expected to attend the event.
 - ~~5.e.~~ A certificate of insurance as proof of liability coverage in accordance with subsection 66-13(F) below. Sufficient proof of liability insurance in accordance with the city's standard requirements.
 - ~~6.~~ Any other information determined by the city manager to be necessary to insure compliance with these provisions.
 - ~~7.f.~~ A detailed site plan or route map sketch map showing;
 - 1. Event footprint: boundaries of events and designation of different areas (e.g., vendor areas, beer garden, stage area), if appropriate
 - 2. Structures: layout of tents and other temporary structures (stages, vendor booths, barricades, fencing, etc.) along with dimensions
 - 3. Traffic management: requested street closures, detours, parking, pedestrian paths, signage locations
 - 4. Emergency access: fire lanes, ambulance access, exits
 - 5. Sanitation/waste management: dumpsters, portable toilets, hand-wash stations
 - 6. For races/walks: start/finish, participant staging, timing equipment, traffic control
 - ~~a. The area where the event is to take place.~~
 - ~~b. Names of any streets to be closed or obstructed.~~
 - ~~c. Location of any barriers or traffic control devices that will be erected.~~
 - ~~d. Location of any concession stand, booth, or other temporary structures or facilities.~~
 - 7. Location of any proposed fences, stands, platforms, benches or bleachers.
 - g. An application fee, as set forth in the schedule of fees.
 - ~~e.h.~~ Any other information determined by the administrator to be necessary to ensure compliance with these provisions.
- ~~8.~~ The number and type of animals included as part of the event, if applicable. Approval of animals involved in any special event is subject to 66-13.M, and the animals' location must be specified on the sketch map.



~~Applications for a "special event" permit as authorized by this section not requiring the closure of a public street or sidewalk shall be submitted to the city manager not less than two working days before the parade or event is proposed to commence, excluding recognized holidays, on a form provided by the office of the city manager and shall contain the items listed above, excluding subsections (5), (7)b. through e., and (8).~~

~~Applications must be accompanied by an application fee, shall be set forth in the schedule of taxes, fees and charges of the annually adopted Budget Ordinance for the City of Brevard, before being reviewed and considered.~~

C.E. Permit revocation. Upon violation of the terms of a permit issued under this section by the applicant or participants the city manager, the administrator and/or the chief of police or ~~his~~ designee is authorized to revoke the permit and direct those participating to disperse.

F. Permit review procedures. ~~Staff review.~~

1. City staff are hereby authorized to implement policies and procedures for reviewing special event permit applications and ensuring public health, safety, and welfare are maintained.
2. Upon receipt of the permit application, it shall be reviewed by a special event review committee (SERC), an interdepartmental group that evaluates special event applications for feasibility, safety, code compliance and city service requirements. The SERC includes representatives from the Police Department, Fire Department, Public Works Department, and other persons as appropriate. ~~circulated to the chief of police, fire chief, public works director, and other appropriate persons for their comment.~~
3. The ~~city manager administrator~~ may also require a conference on the application between the applicant and the SERC and/or specific ~~one or more~~ department heads.

G. Insurance requirement.

1. The ~~city manager administrator~~ shall require as a condition precedent or subsequent to the issuance of the permit that the applicant obtain a comprehensive general liability insurance policy providing coverage that includes the entire area described in the permit for events ~~requiring the closure of a public street, sidewalk or city facility. If such a policy is required, under the provisions of this section, t~~ The city shall be named as an additional insured on the policy. A certificate of insurance shall be provided to the city as proof of coverage.
2. ~~Minimum coverage amounts:~~
 - a. ~~Such policy shall conform to the minimum coverage requirements as set forth by the city manager. The applicant shall obtain a comprehensive general liability insurance of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.~~
 - b. ~~If the special event involves alcohol, an additional \$1,000,000 of liquor liability coverage is required.~~
 - c. ~~If city forces are required to work during the event, workers compensation and employers' liability may be required.~~
 - ~~D.d.~~ The administrator may vary the required limits for lines of insurance coverage or require additional insurance coverage depending on size, location and type of event.

H. Fees; costs incurred by the city.

- E.1. Additional fees may be charged for the cost of services provided by City forces in support of the special event, including but not limited to personnel, deployment of fire apparatus, solid waste removal, and provision of barricades. The need for these services will be reviewed and determined by the administrator and the Special Event Review Committee. ~~If the city is requested to provide extraordinary services or~~



~~equipment or the city manager determines that extraordinary services or equipment for reasons related to protection of the public health and safety, he/she may require the applicant to pay to the city a fee sufficient to reimburse it for the costs of any extraordinary services or equipment provided to the event unless sufficient funding has been included in the city budget as adopted by city council.~~

F.I. Standards for issuance of permit.

1. The ~~city manager~~administrator shall issue the permit authorizing the "special event" unless it is found that:
 - a. Insufficient funding and/or resources necessary to provide extraordinary services or equipment for the event are not available; or
 - b. The event will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the city; or
 - c. The applicant has failed to obtain any necessary permits or licenses, including any required building permit or privilege license; or
 - d. The applicant is in violation of any city ordinance; or
 - e. The applicant fails to obtain liability coverage and show proof of said insurance as required by the city; or
 - f. The event will create a severe hardship on persons occupying property adjacent to the site, location, or route of the event as a result of the denial of access to property; or
 - g. The event, if held at the time or at the location or along the route proposed will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or
 - h. The applicant has failed to comply with any of the provisions of the special events ordinance, including but not limited to payment of any required fees and costs; or
 - i. A special events permit has previously been applied for or issued for substantially the same location and time requested in the application.
2. In considering the matters listed above and the question of whether or not to issue the permit, the public safety and health shall be given paramount importance.

G.J. Conditions upon issuance of permit. If a permit is issued the ~~city manager~~administrator may attach any reasonable conditions that serve to promote the protection of the public safety and health. Any event held pursuant to a permit issued under this section shall be conducted within the applicable terms including any attached conditions.

H.K. Right of appeal. If the ~~city manager~~administrator or chief of police denies or revokes a special event permit this action shall be final unless the applicant or permit holder files, within three working days, a written appeal with the city clerk. Such written appeal will be placed for consideration by city council at its next regularly scheduled meeting. The city council shall review the matter and its decision shall be final.

I.L. Street closing.

1. The ~~city manager~~administrator is authorized to permit the temporary closing of a street or other public right-of-way except as otherwise provided for ~~in subsection (I) below~~herein if the provisions of the section are adequately complied with. Any temporary closing of a street or part thereof owned and/or maintained by the State of North Carolina shall require concurrence by the N.C. Department of Transportation.



2. The ~~city manager-administrator~~ may only permit the temporary closing of any portion of U.S. Highway 64, US Highway 64 Business, U.S. Highway 276, SR 1349 (West Main Street) for city recognized special events. An event shall be considered to be city recognized upon the adoption of a resolution by city council making such designation. ~~In order to qualify for recognition an event must have received a commitment of funding and/or resources from the city for any necessary public safety and traffic control measures prescribed by the city manager for the special event.~~
2. ~~The city clerk shall, by any adequate means, notify persons occupying property abutting the street where the event is to take place as soon as possible once a permit is issued.~~

M. Public notification.

1. ~~Event organizers are responsible for notifying all affected community members about their event, associated road closures, and other impacts. Any establishment that will be blocked, detours, or heavily inconvenienced must be notified.~~
2. ~~Event organizers may utilize a means of notification deemed sufficient by the administrator, including but not limited to mailed notifications, individual contact, residential or business complex notification, and Heart of Brevard notification, if applicable. Proof of notification is required.~~

J.N. Temporary parking restrictions. The chief of police, or ~~his~~ duly appointed representative, is authorized to prohibit, on a temporary basis, the parking of vehicles under the following circumstances:

1. ~~Along-permitted-parade-routes-or-o~~On streets closed pursuant to the issuance of a special events permit for a period of two hours before any special event begins, during the entire event and up to one hour after the completion of the event.

~~**K. Permit for special events involving animals.** No special event in which animals are involved shall be conducted without a special permit from the city manager. The city manager shall require a bond in the amount of \$50.00 (where five or less animals are involved) or \$100.00 (where more than five animals are involved), which will provide that the person obtaining the special permit will be responsible for cleaning the city streets or property after the parade, exhibition, demonstration or experiment. All holders of special permits granted and approved by the city manger pursuant to this section shall indemnify and hold harmless the city in all respects against any and all claims and liabilities arising out of or related to the behavior of such animals or issuance of such a special permit.~~

~~**L. Animals prohibited.** It shall be unlawful for any person to have or keep any animal at any event requiring the issuance of a special event permit except as otherwise provided within this section.~~

M.O. Permit for special event involving the sale and consumption of alcoholic beverages. No special event in which the sale and consumption of alcoholic beverages shall be conducted without explicit authorization in the special event permit~~a special permit from the city manager or the administrator~~, pursuant to **CHAPTER 42 Article I** of the Brevard City Code.

1. Special event permit holders shall submit an operational plan demonstrating the procedures and practices that will be employed to assure such compliance with all applicable regulations as set forth in Brevard City Code and the North Carolina General Statutes. Such plan shall specifically address the prevention of the sales of alcohol to minors, and the methods that will be employed to contain the consumption of alcohol within the designated area.
2. For special events, the sales and consumption of malt beverages and unfortified wine, but no other alcoholic beverages, shall be as authorized on the permit; provided, however, that no such sales shall be allowed earlier or later than during the city permitted timeframe of the festival.



3. The administrator shall have the discretion to withhold approval of permits for the sales and consumption of alcohol associated with future special events, when the permit holder has failed to demonstrate compliance with all applicable laws of the City of Brevard and the State of North Carolina pertaining to the sales and consumption of alcoholic beverages in the operation of previous events.

42-3. Consumption or possession of alcoholic beverages in public place.

- A. It shall be unlawful for any person to consume, sell, serve or drink alcoholic beverages of any kind, or to publicly display alcoholic beverages if the container has been opened or the seal broken, on any property owned, leased or controlled by the city, and any public street, alley, sidewalk or parking lot within the city limits, whether the area is open to vehicular traffic or has been closed to vehicular traffic in connection with a parade or other special event, unless a valid permit is obtained, pursuant to the subsections below:
 1. The city manager (or designee thereof, hereafter, "the administrator") is hereby authorized to ~~issue a special permit that would allow to permit allow~~ the sale and consumption of alcoholic beverages during ~~a special event that has been s, which have been~~ permitted pursuant to ~~CHAPTER 66~~ of Brevard City Code, provided the permittee presents the City with the appropriate permit from the North Carolina Alcoholic Beverage Control Commission, and City of Brevard UNIFIED DEVELOPMENT ORDINANCE.
 2. The city manager or the administrator is hereby authorized to issue a social district participation permit that would allow the sale of alcoholic beverages for consumption in a designated social district pursuant to ~~CHAPTER 43~~ of the Brevard City Code.
 3. The city manager or the administrator is hereby authorized to issue a sidewalk dining permit that would allow the sale and consumption of alcohol on public sidewalks pursuant to ~~CHAPTER 46~~ Article II of the Brevard City Code.
 4. This permit shall only be valid for a designated area.
 5. The permit holder shall be solely responsible for assuring compliance with all applicable laws of the City of Brevard and the State of North Carolina pertaining to the sales and consumption of alcoholic beverages. Permit holders who demonstrate failure to assure compliance with such laws shall be subject to immediate permit revocation, and may be subject to such civil and criminal penalties as are set forth in Brevard City Code and the North Carolina General Statutes.
 6. In the issuance of a permit, the administrator shall have the authority to impose reasonable conditions to protect the public health, safety welfare.
 7. Chief of police, police department event commander on-duty, and the administrator shall have authority to immediately cause alcohol sales and consumption activities to cease and desist upon a determination that the permit holder has failed to maintain compliance with the terms and conditions of the permit or the requirements of Brevard City Code, or that continuation of alcohol sales and consumption at the event would pose an immediate threat to the public health, safety and welfare.

38-72.1. Violations; exceptions.



Notwithstanding the enumeration of prohibited noises as listed in section 38-72, whenever it is practicable to do so in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint, the following procedure shall be used to determine whether any specific noise alleged to be a violation of this noise ordinance is, in fact, a violation, at any certain time and for any given location from which a complaint arises.

A. Violations. In order to document and prove a prima facie violation of this noise ordinance:

1. The ambient noise level shall be determined, if it is reasonably practicable to do so in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint. Then, the alleged violation noise level shall be determined at the same location, both determinations to be made by the use of the same sound level meter, and using the same procedure. A violation shall have occurred if the alleged violation noise level exceeds the ambient noise level:
 - a. By ten decibels, between the hours of 9:00 p.m. and 7:00 a.m.; or
 - b. By 20 decibels, between the hours of 7:00 a.m. and 9:00 p.m.
2. If, due to the nature of the alleged violation noise level, no determination of an ambient noise level is practicable in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint, then a violation shall have occurred if the alleged violation noise level exceeds:
 - a. 60 decibels between the hours of 9:00 p.m. and 7:00 a.m.; or
 - b. 70 decibels between the hours of 7:00 a.m. and 9:00 p.m.
3. If no decibel readings or comparison between ambient noise levels and alleged violation noise levels are practicable in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint, the alleged violation is listed in section 38-72, and the violator does not voluntarily and promptly reduce the noise level when requested to do so by a law enforcement officer or code enforcement officer, so as to comply with the definitions in section 38-71, or if, having reduced the noise level to comply therewith but then within a 24-hour period again produces or allows to be produced noise at a level not in compliance with the definitions in section 38-71, the noise shall be a violation of the ordinance.

B. Exceptions. The following are excepted from this noise ordinance:

1. Any noise generated by an emergency vehicle, such as a fire truck, police car, an EMS vehicle or their sirens, or other noises generated by or at the behest of a governmental entity which is intended to immediately promote the public health, safety or welfare.
2. Any sporting event sanctioned by a school, any other government agency, or any civic group or club provided that in the latter instance, such event is properly permitted.
3. Noises caused by:
 - a. Lawn care equipment, agricultural equipment or construction equipment operated for intended and legitimate purposes between the hours of 7:00 a.m. and 9:00 p.m.;
 - b. Special events permitted pursuant to Section 66-13 Properly permitted events such as parades, fairs, circuses and other entertainment events;
 - c. Bells, chimes and similar devices which operate from a stationary location, which were in operation before the complainant's residency was established, and which operate for no longer than five minutes in any hour;
 - d. Emergency work reasonably necessary to safeguard the public safety to person or property;



- e. Duly permitted electrical transformers and utility substations;
 - f. Traffic noises other than the unnecessary use of horns, radios or other sound amplifying or receiving equipment, intentional screeching of tires, intentional revving of motors, provided that such traffic noises emanate from a public street or right-of-way; and
 - g. Noises permitted pursuant to section 38-73.
- C. *Regulations and measurement standards promulgated by the chief of police.* The chief of police may promulgate any regulations and sound level measurement standards consistent with this noise ordinance which, in his professional opinion, will aid in the enforcement hereof.
- D. *Noises are public nuisances.* Nothing in this noise ordinance shall be construed in such manner as to prohibit the code enforcement officer, the city manager and/or the city council from following the procedure for abatement of a nuisance, enumerated in division 1 of this article, as an alternative or in addition to the prosecution of a violation of the noise ordinance as a misdemeanor with fine up to \$500.00 per G.S. 14-4(a).

38-73. Permits for exceptions.

Upon application, the city manager, chief of police, zoning administrator or code enforcement officer may approve a request for an exception to the provisions of this section. Such exceptions shall be granted only to educational institutions, bona fide non-profit organizations, governmental organizations or other public/quasi public agencies serving the entire community events. Such exceptions may be limited in a manner to provide the least possible variance from the terms of the section as may be necessary to allow the proposed event to take place. The exception shall require the applicant to agree to necessary terms and conditions and, in no case, shall it extend the time limits in section 8-40(3) to beyond midnight.

CITY OF BREVARD SPECIAL EVENT GUIDEBOOK

1. Introduction

This guidebook is intended to assist event organizers with planning, applying for, and executing a special event in public spaces and rights-of-way. It outlines the permitting process, deadlines, fees, responsibilities, and rules. Organizers should review this guide prior to submitting an application.

2. What is a Special Event?

A “special event” typically means an organized gathering open to the public or with invited guests that uses public spaces and public rights-of-way, such as roads, greenways, and plazas. Examples of a special event include parades, races/walks, festivals, block parties, concerts, exhibitions, etc.

Events contained to private property do not require a Special Event Permit, unless it is determined that the event will substantially hinder or prevent the normal flow of vehicular or pedestrian traffic (see below for more information).

3. Who Needs a Special Event Permit?

You must apply for a special event permit when the event:

- Uses public streets, sidewalks, greenways, city parks, or Clemson Plaza;
- Requires road closures, detours or use of public rights-of-way; and/or
- Requires public safety and/or sanitation services.

Special events held entirely on private property that will substantially hinder or prevent the normal flow of vehicular or pedestrian traffic are also required to secure a Special Event Permit. These are large-scale events that have:

- Attendance of 500 people or more is anticipated at any one time;
- Total attendance that averages 500 people or more per day;
- Span multiple blocks, even if the street isn’t being closed; and/or
- Other conditions that are deemed to substantially hinder or prevent the normal flow of traffic, as determined by the Brevard Police Department, Fire Department and/or Public Works Department.

Note: Events held entirely on private property must apply for a temporary use permit. For more information, please refer to Section 3.14 of the City of Brevard Unified Development Ordinance.

4. Special Event Review Committee (SERC)

The **Special Event Review Committee (SERC)** is an interdepartmental group that evaluates all special event applications for feasibility, safety, code compliance, and city service requirements.

- The SERC includes representatives from the Police Department, Fire Department, Public Works Department, Planning Department, Fire Marshal’s Office, Heart of Brevard, and other departments as appropriate.

- The SERC **meets monthly** on the **first Monday at 11:00 AM** in the Planning Department Conference Room at 95 W. Main Street (2nd floor). If the meeting time or location has changed, applicants will be notified and notice will be posted at www.cityofbrevard.com/specialevents.
- Applicants are asked to attend the assigned meeting to answer questions or clarify plans.

5. Application Submittals & Deadlines

Special event applications are accepted on the City's Permit Portal at www.cityofbrevard.com/PermitPortal. The applicant is required to submit:

- Event description with a schedule of events
- A detailed site plan or route map (see Section 8 for more information)
- Application fee (see Section 7 for more information)
- Certificate of insurance (see Section 11 for more information – *may be submitted after the SERC meeting*)

To allow sufficient time for review and coordination, all special event applications must be submitted no later than the application deadline associated with the SERC meeting two months prior to the event date. Organizers are encouraged to submit the applications early to appear at prior meetings. To be considered at a meeting, the application must be submitted at least one week prior to the SERC meeting date.

SERC Meeting Date (First Monday)	Covers Events Occurring	Application Deadline (1 week prior to meeting)
April 13, 2026	June or later	March 30, 2026
May 11, 2026	July or later	April 27, 2026
June 8, 2026	August or later	May 25, 2026
July 13, 2026	September or later	June 29, 2026
August 10, 2026	October or later	July 27, 2026
September 14, 2026	November or later	August 31, 2026
October 12, 2026	December or later	September 28, 2026
November 9, 2026	January (next year) or later	October 26, 2026
December 14, 2026	February (next year) or later	November 30, 2026

For information on future meeting dates and associated deadlines, please visit www.cityofbrevard.com/specialevents or contact the Planning Department.

6. Application Process

1. Submit Application by Deadline

Submit your complete application at www.cityofbrevard.com/permitportal **no later than the corresponding application deadline for your event's SERC meeting** (see Section 5). Incomplete or late submissions may be deferred to a later meeting or denied. As part of the application, you will be required to submit a detailed site plan or route map (see Section 8 for requirements).

2. **SERC Review (1st Monday Monthly)**

Your event will be reviewed by the SERC. You are asked to attend as additional information or revisions may be requested.

3. **Conditional Approval**

Once SERC issues conditional approval, you will receive a list of required next steps (e.g., insurance, traffic control plans, supplemental permits, fees for city services).

4. **Complete Final Requirements**

You are required to fulfill all conditions and requirements, including submitting copies of supplemental permits (e.g., ABC permit, NCDOT closure permit), **no later than 15 days before your event**.

5. **Final Approval / Permit Issuance**

After all conditions are met and applicable fees are paid, your Special Event Permit will be issued.

6. **Event Execution**

You must comply with all regulations, coordinate with City agencies, maintain safety, clean up, and submit required post-event reports (if any).

7. **Post-Event Evaluation (Required for Recurring Events)**

Recurring events are required to submit a post-event evaluation within 30 days of the final day of the event. This is required to reserve the date the following year. Non-recurring events are encouraged to complete the form for continued improvement of special event procedures.

7. Application Fees

Applications are not considered submitted until the application fee has been paid. The fees for special events are as follows:

Type of Special Event	FY 25-26 Fee ¹
City-Sponsored ²	No Fee
Not City-Sponsored	\$200 / Day

The City does not guarantee that any special event application will be reviewed or accepted if it is submitted after the deadline above. Under certain extenuating circumstances, the administrator may consider late special event applications; however, in no instance will an application be considered less than 15 working days before the event.

Additional fees may be charged for the cost of services provided by City forces (i.e., personnel, deployment of fire apparatus, solid waste removal, provision of barricades, State Fire Code inspections, etc.) in support of special events. The need for City forces will be reviewed and

¹ Fees are adopted in the Fee Schedule as part of the annual budget.

² City-sponsored events are declared by City Council in Resolution 2024-40 or any subsequent resolutions amending the official list of sponsored events. See Appendix for a complete list.

determined by the SERC based on the size, location and nature of the event (see Section 10 for baseline operational guidance).

Pricing structures of listed agencies are outlined for the convenience of the event organizer and are subject to change. This list reflects common event expenses and is not inclusive of all charges a special event may incur. Refer to the “Departmental Cost of Services” section of the adopted fee schedule for more information.

Type of Expense	Department	FY 25-26 Fee ³
Fireworks Tent Permit	Fire Department	\$300 per 30 days
Assembly Tent Permit	Fire Department	\$75 per 30 days
Firefighter	Fire Department	\$40 / hour per firefighter
Light-Duty Quick Response Vehicle	Fire Department	\$20 / hour
Police Officer	Police Department	\$35 / hour per officer
Special Dumpster Service	Public Works Department	\$50 per pickup

8. Site Plan & Route Map Requirements

Your application should include a detailed site plan (or route map, if applicable) showing:

- **Event footprint:** boundaries of events and designation of different areas (e.g., vendor areas, beer garden, stage area), if appropriate
- **Structures:** layout of tents and other temporary structures (stages, vendor booths, barricades, fencing, etc.) along with dimensions
- **Traffic management:** requested street closures, detours, parking, pedestrian paths, signage locations
- **Emergency access:** fire lanes, ambulance access, exits
- **Sanitation/waste management:** dumpsters, portable toilets, hand-wash stations
- **For races/walks:** start/finish, participant staging, timing equipment, traffic control

While site plans are not required to be professionally drawn, they must be legible, close to scale, and provide sufficient detail to convey what the event will look like. Screen shots of a map with no additional details provided are not accepted. An example site plan is included in the Appendix.

9. Closure Procedures

If your event requires the closure of streets, sidewalks / greenways, or public parking spaces, the applicant must also secure a *Street, Sidewalk, or Parking Space Closure Permit*.

Type of Closure	FY 25-26 Fee ⁴	FY 25-26 Deposit
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³ Fees are adopted in the Fee Schedule as part of the annual budget.

⁴ Fees are adopted in the Fee Schedule as part of the annual budget.

State Road	\$1,500 / Day	\$2,000
City Street	\$250 / Day	\$1,000
Public Alley	\$100 / Day	\$500
Public Sidewalk	\$500 / Day	\$500
Public Parking Space	\$100 / Day	\$500
<i>*Fees and deposits are assessed per street or per parking space.</i>		

When requesting a **State Road Closure**, the procedures vary for events depending on if they are City-sponsored.

- For City-sponsored Special Events, the City of Brevard will adopt an ordinance declaring temporary road closures on the State highway system and submit the materials to NCDOT for review.
- For special events that are not held or sponsored by the City of Brevard, the applicant must submit a formal request to the NCDOT directly. The formal request, along with the Special Event Request Form (see Appendix), must be submitted to District Engineer for Highway District 14 **at least 60 days prior to the beginning of the event.** *Approval from NCDOT must be submitted to the City prior to final permit approval.*

Events involving the closure or obstruction of a public street will require safety barricades, variable message boards, and/or hiring sworn law enforcement officers. The number and placement of barricades is determined by the Brevard Police Department. This is a critical measure and is strictly enforced to help ensure public health and safety at special events.

10. Operational Standards

All permitted special events must comply with operational standards. The following are baseline operational standards that are generally acceptable. The SERC may require more or less of any of these requirements depending on event-specific conditions to protect public health, safety, and welfare.

Sanitation / Restroom Facilities

- The organizer is responsible for ensuring adequate temporary restroom facilities for events that exceed 100 attendees, last longer than 2 hours, and/or include food and beverage service. For those events, the following restroom facilities are required:

Attendance Range	Toilets Required
0 – 250	2
251 – 500	4
501 - 1,000	1 per 250 attendees
Over 1,000	1 per 300 attendees

- The American Disability Act (ADA) requires, at a minimum, 5% and no less than 1 accessible restroom unit in each porta potty location and there must be an accessible route to each of these units.

- The temporary restroom vendor is responsible for the collection and proper removal of gray water (from hand-washing). The disposal of gray water down City storm water drains is prohibited.
- Event boundaries that include public restrooms (e.g., restrooms at City Hall, restrooms at Jimmy Harris Railroad Depot Park) may be permitted to include those restroom facilities to fulfill all or a portion of these requirements. Permission for this is at the sole discretion of the SERC and/or City Manager.

Waste Management

- The organizer is responsible for clean-up and proper disposal of all waste, trash, garbage, and other debris both during and after the event. In general, **one trash receptable is required for every 50 attendees, minimum of four.**
- Events should provide routine trash removal services throughout the duration of the event, including the provision of trash and recycling receptacles. The Brevard Public Works Department provides routine removal of City trash receptables – extraordinary trash services (volume or frequency) are subject to additional fees.
- Failure to comply with the requirements of the special event permit or any other applicable municipal codes may subject the organizer and sponsoring organization to fines, denial of future permits, and a bill from the City for any clean-up expenses incurred.

Crowd Management & Security

- The organizer is responsible for securing adequate crowd management and security for the event. In general, **one crowd manager or security officer is required for every [100 – 250] people in attendance.**
- Due to the availability of City of Brevard police officers, applicants may be required to provide security services primarily through a private security organization and/or other local law enforcement agency. In such instances, the organizer must provide a detailed security plan to the Brevard Police Department for verification.
- The SERC may require the use of barriers or fencing to manage crowd flow, monitored entry and exit points, and trained volunteers or staff, particularly for events serving alcohol.

Fire and Emergency Services

- The organizer is responsible for providing adequate emergency management personnel. In general, the following fire and emergency services are required:

Attendance Range	Fire/EMS Units Required (Non ABC Event)	Fire/EMS Units Required (ABC Event)
0 – 5,000	1	1 – 2
5,001 – 10,000	1 – 3	1 – 4
Over 10,000	Determined by Fire Chief	Determined by Fire Chief
<i>* Each unit consists of at least two firefighters and a light-duty quick response vehicle.</i>		

Noise & Amplified Sound

- Permitted special events are exempt from the noise regulations in Brevard City Code; however, applicants are required to submit a schedule of the event for SERC review (Section

38-72.1 of Brevard City Code). The SERC may require changes to the schedule or impose other noise restrictions based on the size and schedule of the event.

11. Insurance Requirements

Events using public property are required to secure an insurance policy for the event that includes the City of Brevard as an additional insured. If the event is held on / within any State rights-of-way, the insurance policy must also include NC Department of Transportation as additional insured.

The event organizers shall purchase and maintain this insurance, providing coverage for the event with an insurance company authorized to do business in the State of North Carolina.

The organizer must ensure all safety-sensitive contractors providing goods or services for the event maintain appropriate insurance coverage and limits. Examples of such contractors include but are not limited to inflatable companies, providers of amusement rides, vendors of all food and beverage items, etc.

Minimum Insurance Requirements

- **Commercial General Liability:** Required for all special events
 - Per Occurrence: \$1,000,000
 - Personal & Advertising Injury \$1,000,000
 - Products/Completed Ops. \$1,000,000
 - General Aggregate \$2,000,000
- **Liquor Liability:** Required for all special events that involve alcohol
 - General Liquor Liability \$1,000,000
- **Workers' Compensation and Employers Liability:** Required when the City forces (Police, Fire, etc.) are required to work during a special event
 - Bodily Injury by Accident: \$500,000 each accident
 - Bodily Injury by Disease: \$500,000 each employee
 - Bodily Injury by Disease: \$500,000 policy limit

Note: Required limits for lines of insurance coverage may vary depending on size, location and type of event. The City may also require additional insurance coverages, if appropriate.

12. Events with Food and Beverage Service

If the event involves any temporary food establishments or vendors, the organizer must notify the Transylvania County Public Health Department of the event and provide a list of all food vendors, and each food vendor must complete and submit a separate temporary food establishment application to be permitted. **Confirmation from Health Department must be submitted to the City prior to obtaining final permit approval.**

The Health Department's current deadlines require that a completed temporary food establishment application be submitted to them at least 15 days prior to the event.

For more information on the temporary food establishment permit and the associated regulations, please contact the Health Department or visit <https://transylvaniahealth.org/environment/>.

13. Events with Alcohol

If the event involves the sale or consumption of alcohol, a permit must be obtained from the North Carolina Alcoholic Beverage Control (ABC) Commission. **Approval from NC ABC Commission must be submitted to the City prior to obtaining final permit approval.** Note that the sale of liquor will not be allowed on public streets or in any permissible City venue, and organizers and patrons must remain in compliance with all local and state laws. Having alcohol at your event may result in additional insurance and security requirements.

Alcohol permits are controlled and issued by the North Carolina ABC Commission. More information on ABC permit requirements can be found on the ABC Commission's website (www.abc.nc.gov) or by phone at 919-779-0700. Event organizers are responsible for all aspects of their alcohol permit, and they should ensure that patrons comply with relevant policies. Failure to comply can result in the revocation of the permit or the issuance of citations to the event organizer and/or patrons.

The ABC Commission's current deadlines require that a completed application be submitted to them at least 14 days prior to the event. As part of the application, the applicant is required to submit a detailed diagram and acknowledgement from the Police Department. This means that **you must secure conditional approval from the Special Event Review Committee prior to this 14-day deadline**, so that you will have the necessary materials to submit with your ABC alcohol permit application.

14. Events in the Downtown Brevard Social District

Brevard's downtown social district allows people to responsibly drink alcoholic beverages purchased from participating businesses as they walk through a defined area of downtown. This initiative enhances the energy and economic vitality of downtown Brevard, supporting local businesses and creating a more vibrant downtown experience.



North Carolina law allows a special event located within a social district to receive a permit from the NC ABC Commission for the sale of alcohol within the event area. Special events may also participate in a social district if the requirements under North Carolina law to do so are followed,

including allowing beverages with social district cups to be carried from and into the special event area.

If the event takes place within the Downtown Brevard Social District, event organizers have the choice to allow social district beverages within the event footprint or not.

- **Events WITHOUT social district alcohol:** Event organizers that do NOT want to have social district alcohol within their footprint will be responsible for posting signs at all entrances. The City can supply a few A-frame signs indicating that no alcohol is permitted, but the event organizer is responsible for printing additional signs as necessary. Security or volunteers must monitor the perimeter of the footprint.
- **Events WITH social district alcohol:** Event organizers that want to allow event alcohol to leave the event footprint will be responsible for ensuring all alcohol sold at the event meets the social district requirements, as set forth by City of Brevard and State law. The event organizer is responsible for posting signs along the boundaries of the event footprint that do not open into the social district. The City can supply a few A-frame signs indicating that alcohol is not permitted past that boundary, but the event organizer is responsible for printing additional signs as necessary.

For more information on the Downtown Brevard Social District and the associated regulations, please visit www.cityofbrevard.com/socialdistrict.

15. Fire Safety

The event organizer is responsible for meeting all fire life and safety requirements, including obtaining any additional permits if necessary. Additional permits from the Office of the Fire Marshal may be required if it involves:

- Walled tent (or a combination thereof) over 400 square feet
- Open-sided tent (or combination thereof) over 700 square feet
- Any inflatable that people will enter, such as a bouncy house, that is over 400 square feet in size or that requires constant motorized inflation
- An amusement building, such as a fun house or haunted house
- Fireworks displays
- Pyrotechnics or fire performances
- Bonfires, luminaries, or any other use of open flame

The event organizer may be required to provide proof of flame retardancy or other life and safety permits prior to final permit approval.

For more information on the fire safety permits and the associated regulations, please contact the Transylvania County Fire Marshal.

16. Public Notification

Event organizers are responsible for notifying all affected community members about their event, associated road closures, and other impacts. Any establishment that will be blocked, detours, or heavily inconvenienced must be notified. Each notification must include the following:

- Name of event
- Sponsoring organization
- Date and time frame of event
- Description of road closures (locations and times)
- Information and timeframe for noise impacts (such as music)
- Organizer's name, phone number, and email
- Website associated with event (if applicable)

Event organizers may utilize any of the notification methods listed below or any combination thereof:

- **Mailed Notifications:** Event organizers may mail flyers or postcards detailing event information to all affected community members.
- **Individualized Establishment Notification:** Event organizers may individually contact affected community members in person, over the phone, or via email and submit their tracked interactions using the Establishment Notification Form, which is included in the Appendix.
- **Residential or Business Complex Notification:** Event organizers may coordinate with property managers to alert all tenants of a large complex via the preferred communication method of the complex.
- **Heart of Brevard Notification:** For events occurring within the Heart of Brevard MSD, event organizers must notify the Heart of Brevard (nicole@brevard.org). Notification may be coordinated by the Heart of Brevard to alert all businesses and residents via the preferred communication method.

Event organizers are required to submit proof of notification types, which may include completed Establishment Notification Forms, screenshots of digital communication, receipt for mailed fliers, etc.

For the benefit of both the event organizer and community members, we encourage event organizers to use additional notification means such as social and broadcast media, local calendars, newspapers, etc.

17. Post-Event Responsibilities & Reporting

After the event:

- Ensure the site is cleaned and restored to its pre-event condition
- Submit any required post-event report
- Pay any outstanding service costs or reimbursements
- Document lessons learned and update your plan for next year.

Recurring events are required to submit a post-event evaluation within 30 days of the final day of the event (see Appendix). This is required to reserve the date the following year. The post-event

evaluations will be discussed at the next SERC meeting and reports will be kept on record for improvement of special event procedures.

Non-recurring events are encouraged to complete the form for continued improvement of special event procedures.

18. Date Reservation for Recurring Events

Dates will be reserved for special events on a first-come, first-served basis, and are subject to the policy restrictions noted herein.

Recurring events will be given first priority to reserve the same day of the same week of the following calendar year (e.g., the second Saturday of February) or to reserve the same exact date of the following calendar year (e.g. February 14th). All recurring annual events will need to receive an acceptable performance evaluation to retain first priority rights. The process serves as a reservation but will not replace an official application, which will still need to be submitted by the appropriate deadline.

19. Key Contacts

City of Brevard Planning Department	828-885-5630
City of Brevard Police Department	828-883-2212
City of Brevard Fire Department	828-883-3333
City of Brevard Public Works Department	828-884-2171
City of Brevard Community Center Director	828-376-9303
City of Brevard Communications Director	828-885-5603
Transylvania County Fire Marshal	828-884-3108
Transylvania County Public Health Department	828-884-3139
NC Alcohol Law Enforcement – Division VIII	828-670-5055
NCDOT – Highway Division 14	828-331-5200

20. Appendices

- Sample site plan / route map templates
- Post-event evaluation form
- Resolution 2024-40 - City-Sponsored events

RESOLUTION NO. 2024-40

RESOLUTION APPROVING A LIST OF CITY-SPONSORED SPECIAL EVENTS

WHEREAS, Brevard City Council acknowledges a tradition of providing for festivals and special events throughout town for the pleasure and enjoyment of citizens and visitors alike; and

WHEREAS, Brevard City Council recognizes that festivals and special events provide an opportunity for family-oriented activities that celebrate our small-town charm; and

WHEREAS, Brevard City Council acknowledges these events require NCDOT system roads to be closed for setup, activities, and cleanup; and

WHEREAS, the 2030 Comprehensive Land Use Plan recommends that the city "Invest in public infrastructure and facilities, as well as the operations and maintenance necessary to support festivals and cultural events."

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

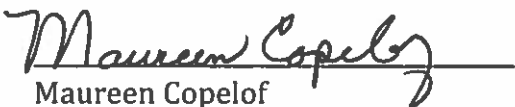
Section 1. The Brevard City Council does hereby approve and declare the following events to be City-sponsored for NCDOT permitting purposes:

- White Squirrel Weekend
- July 4th Celebration
- Brevard En Plein Air Festival (aka Art is in the Air)
- Halloweenfest
- Light Up the Night
- Juneteenth Celebration
- Rosenwald Community Basketball Tournament
- Old Time Street Dances
- National Night Out
- Memorial Day Parade
- Christmas Parade
- Brevard High School Homecoming Parade
- Veterans Day Ceremony

Section 2. These events shall have the typical special event permit fee waived, however event bonds and fees for emergency personnel may still be charged.

Adopted and approved this the 16th day of September 2024.




Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon, CMC
City Clerk

City of Brevard Special Event Post-Event Evaluation Form

Event Information

Event Name: _____
Event Date(s): _____
Event Location(s): _____
Event Organizer/Applicant: _____
Organization Name (if applicable): _____
Permit Number: _____
Contact Email / Phone: _____

Section 1. Event Overview

Estimated Attendance (pre-event): _____
Actual Attendance (post-event): _____
Event Duration (start/end times): _____
Description of Event: _____
Admission Type: _____

Section 2. Operations & Logistics

Was the event executed as described in your permit application? Yes / No
If no, explain changes: _____
Were all required permits and inspections obtained and passed? Yes / No
(If no, explain:) _____
Law Enforcement present? Yes / No
Fire/EMS on-site? Yes / No
Any incidents requiring emergency response? Yes / No
If yes, describe: _____
Traffic & Parking Management effective? Yes / No
Waste Management & Sanitation adequate? Yes / No
Cleanup completed on schedule? Yes / No
Noise & Lighting within approved limits? Yes / No

Section 3. Community Impact

Nearby residents or businesses notified in advance? Yes / No
Number of complaints received (if any): _____
Describe any feedback from attendees or the public:

Did the event benefit the local community or economy? Yes / Somewhat / No

Explain: _____

Section 4. Lessons Learned & Future Improvements

What aspects of the event went well? _____

What challenges or issues occurred? _____

What improvements would you recommend for future events? _____

Section 5. City Department Evaluations (Completed by City Staff)

Police Department Review

Staffing adequate for event? Yes / No

Traffic control plan effective? Yes / No

Any safety or security incidents? Yes / No

If yes, describe: _____

Recommendations or concerns: _____

Reviewed by: _____ Signature: _____ Date: _____

Fire Department Review

Fire/EMS coverage adequate? Yes / No

Any medical or fire-related incidents? Yes / No

If yes, describe: _____

Access routes maintained during event? Yes / No

Recommendations or concerns: _____

Reviewed by: _____ Signature: _____ Date: _____

Fire Marshal Review

All fire safety conditions met per permit? Yes / No

Inspections completed as required? Yes / No

Any violations observed? Yes / No

If yes, describe: _____

Recommendations or concerns: _____

Reviewed by: _____ Signature: _____ Date: _____

Public Works Department Review

Street closures or barricades effective? Yes / No

Adequate signage and detours in place? Yes / No

Cleanup coordination completed successfully? Yes / No

Any damage to public property or infrastructure? Yes / No

If yes, describe: _____

Recommendations or concerns: _____

Reviewed by: _____ Signature: _____ Date: _____

Section 7. Request for Future Event Date

Would you like to request to hold this event at the same time next year? Yes / No

If yes, please indicate your requested date(s) for next year: _____

Requested Location (if different): _____

Additional comments or considerations for next year: _____

Section 7. Organizer Certification

I hereby certify that the above information is accurate to the best of my knowledge.

Event Organizer Signature: _____ Date: _____

Name (print): _____

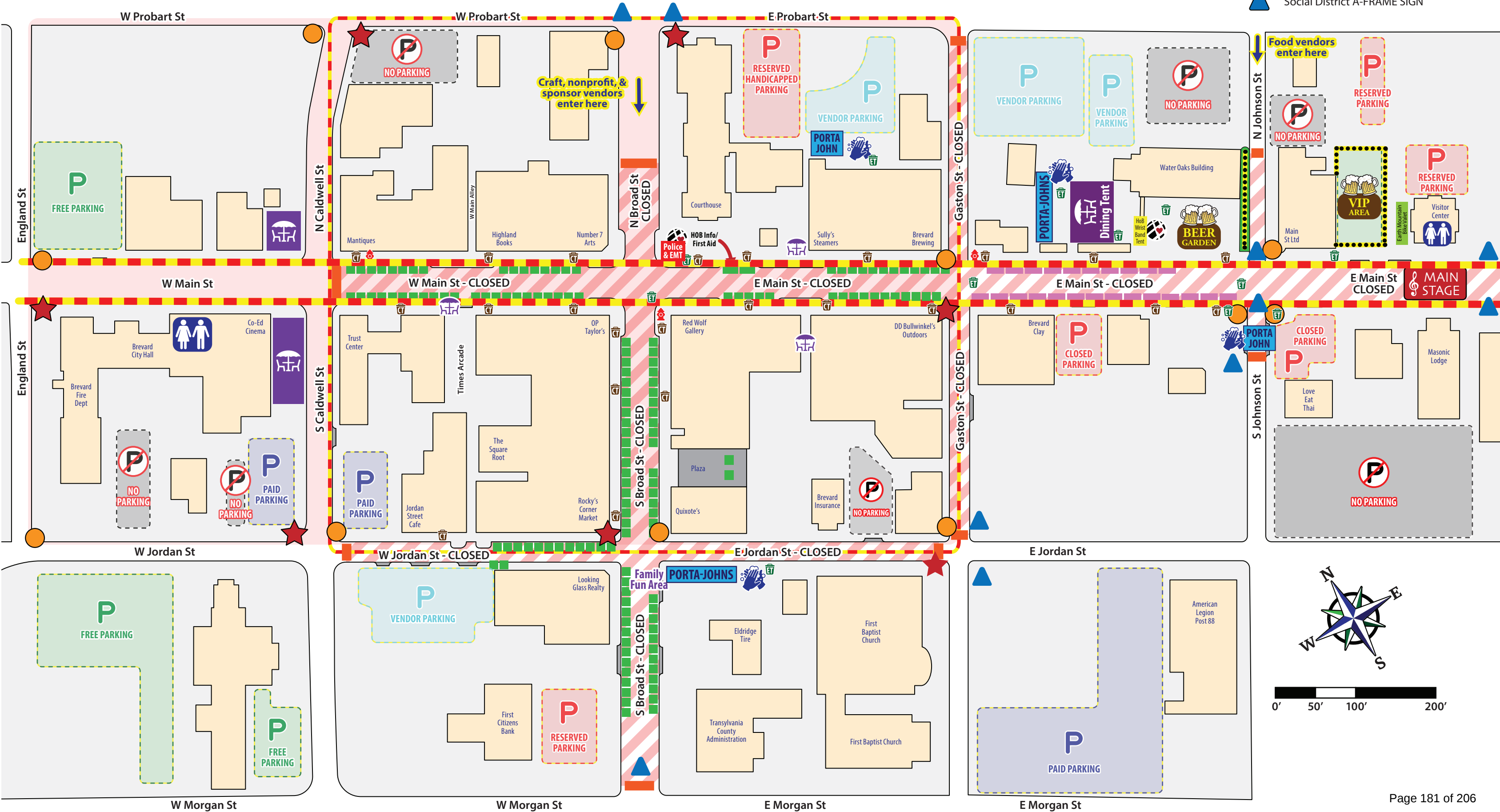


Downtown Brevard

Event District

White Squirrel Weekend 2026
May 22 - 24, 2026

- Street Barricade
- CITY Trash Can (Permanent)
- EVENT Trash Can (Temporary)
- Porta-Johns
- Handwashing Station
- Public Restrooms
- Food Truck / Booth
- Craft Vendor or Nonprofit Booth
- Public Seating
- Temporary Fence
- Fire Hydrant
- Normal Social District Boundary
- Social District SIGN
- Social District SIDEWALK DECAL
- Social District A-FRAME SIGN



ORDINANCE NO. 2026-____

**AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCE CHAPTERS
38, 42 AND 66 TO AMEND THE REGULATIONS FOR SPECIAL EVENTS**

WHEREAS, a special event is an organized gathering open to the public or with invited guests that uses public spaces and public rights-of-way, such as roads, greenways, and plazas; and

WHEREAS, the City of Brevard is home to many annual and one-time special events, including White Squirrel Weekend and Juneteenth Family Fest, that play a crucial role in the vibrancy of our community by creating a place for economic opportunity, arts, culture, and community; and

WHEREAS, it is the responsibility of the City to administer regulations for special events in order to: protect public health, safety and welfare during special events; ensure adequate coordination of public services; minimize disruption to residents, traffic circulation, and public infrastructure; and balance community vibrancy and economic activity with neighborhood compatibility and welfare; and

WHEREAS, the City of Brevard Public Safety Committee considered revisions to the special event regulations on March 4, 2026, and unanimously recommended in favor of adoption; and

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

- *Goal 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.
- *Goal 7*: Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry
- *PNRC-25*: Create opportunities for arts and cultural programming, public art, sculptures, and mural throughout the City.

WHEREAS, a public hearing was conducted on Monday, April 20, 2026, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Code of Ordinances be amended as outlined below.

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

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

SECTION 02. City Council hereby authorizes staff to implement policies and procedures for reviewing special event permit applications and ensuring public health, safety, and welfare are maintained.

SECTION 03. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

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

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

Adopted and approved this the 4th day of May, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

EXHIBIT A

38-72.1. Violations; exceptions.

Notwithstanding the enumeration of prohibited noises as listed in section 38-72, whenever it is practicable to do so in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint, the following procedure shall be used to determine whether any specific noise alleged to be a violation of this noise ordinance is, in fact, a violation, at any certain time and for any given location from which a complaint arises.

A. *Violations.* In order to document and prove a prima facie violation of this noise ordinance:

1. The ambient noise level shall be determined, if it is reasonably practicable to do so in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint. Then, the alleged violation noise level shall be determined at the same location, both determinations to be made by the use of the same sound level meter, and using the same procedure. A violation shall have occurred if the alleged violation noise level exceeds the ambient noise level:
 - a. By ten decibels, between the hours of 9:00 p.m. and 7:00 a.m.; or
 - b. By 20 decibels, between the hours of 7:00 a.m. and 9:00 p.m.
2. If, due to the nature of the alleged violation noise level, no determination of an ambient noise level is practicable in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint, then a violation shall have occurred if the alleged violation noise level exceeds:
 - a. 60 decibels between the hours of 9:00 p.m. and 7:00 a.m.; or
 - b. 70 decibels between the hours of 7:00 a.m. and 9:00 p.m.
3. If no decibel readings or comparison between ambient noise levels and alleged violation noise levels are practicable in the discretion of the law enforcement officer or officers, or code enforcement officer or officers responding to the noise complaint, the alleged violation is listed in section 38-72, and the violator does not voluntarily and promptly reduce the noise level when requested to do so by a law enforcement officer or code enforcement officer, so as to comply with the definitions in section 38-71, or if, having reduced the noise level to comply therewith but then within a 24-hour period again produces or allows to be produced noise at a level not in compliance with the definitions in section 38-71, the noise shall be a violation of the ordinance.

B. *Exceptions.* The following are excepted from this noise ordinance:

1. Any noise generated by an emergency vehicle, such as a fire truck, police car, an EMS vehicle or their sirens, or other noises generated by or at the behest of a governmental entity which is intended to immediately promote the public health, safety or welfare.
2. Any sporting event sanctioned by a school, any other government agency, or any civic group or club provided that in the latter instance, such event is properly permitted.
3. Noises caused by:
 - a. Lawn care equipment, agricultural equipment or construction equipment operated for intended and legitimate purposes between the hours of 7:00 a.m. and 9:00 p.m.;
 - b. Special events permitted pursuant to Section 66-13;
 - c. Bells, chimes and similar devices which operate from a stationary location, which were in operation before the complainant's residency was established, and which operate for no longer than five minutes in any hour;
 - d. Emergency work reasonably necessary to safeguard the public safety to person or property;
 - e. Duly permitted electrical transformers and utility substations;
 - f. Traffic noises other than the unnecessary use of horns, radios or other sound amplifying or receiving equipment, intentional screeching of tires, intentional revving of motors, provided that such traffic noises emanate from a public street or right-of-way; and
 - g. Noises permitted pursuant to section 38-73.

C. *Regulations and measurement standards promulgated by the chief of police.* The chief of police may promulgate any regulations and sound level measurement standards consistent with this noise ordinance which, in his professional opinion, will aid in the enforcement hereof.

D. *Noises are public nuisances.* Nothing in this noise ordinance shall be construed in such manner as to prohibit the code enforcement officer, the city manager and/or the city council from following the procedure for abatement of a nuisance, enumerated in division 1 of this article, as an alternative or

in addition to the prosecution of a violation of the noise ordinance as a misdemeanor with fine up to \$500.00 per G.S. 14-4(a).

42-3. Consumption or possession of alcoholic beverages in public place.

- A. It shall be unlawful for any person to consume, sell, serve or drink alcoholic beverages of any kind, or to publicly display alcoholic beverages if the container has been opened or the seal broken, on any property owned, leased or controlled by the city, and any public street, alley, sidewalk or parking lot within the city limits, whether the area is open to vehicular traffic or has been closed to vehicular traffic in connection with a parade or other special event, unless a valid permit is obtained, pursuant to the subsections below:
1. The city manager (or designee thereof, hereafter, "the administrator") is hereby authorized to allow the sale and consumption of alcoholic beverages during a special event that has been permitted pursuant to [CHAPTER 66](#) of Brevard City Code, provided the permittee presents the City with the appropriate permit from the North Carolina Alcoholic Beverage Control Commission..
 2. The city manager or the administrator is hereby authorized to issue a social district participation permit that would allow the sale of alcoholic beverages for consumption in a designated social district pursuant to [CHAPTER 43](#) of the Brevard City Code.
 3. The city manager or the administrator is hereby authorized to issue a sidewalk dining permit that would allow the sale and consumption of alcohol on public sidewalks pursuant to [CHAPTER 46](#) Article II of the Brevard City Code.
 4. This permit shall only be valid for a designated area.
 5. The permit holder shall be solely responsible for assuring compliance with all applicable laws of the City of Brevard and the State of North Carolina pertaining to the sales and consumption of alcoholic beverages. Permit holders who demonstrate failure to assure compliance with such laws shall be subject to immediate permit revocation, and may be subject to such civil and criminal penalties as are set forth in Brevard City Code and the North Carolina General Statutes.
 6. In the issuance of a permit, the administrator shall have the authority to impose reasonable conditions to protect the public health, safety welfare.
 7. Chief of police, police department event commander on-duty, and the administrator shall have authority to immediately cause alcohol sales and consumption activities to cease and desist upon a determination that the permit holder has failed to maintain compliance with the terms and conditions of the permit or the requirements of Brevard City Code, or that continuation of alcohol sales and consumption at the event would pose an immediate threat to the public health, safety and welfare.

66-13. Special events.

- A. **Application of regulations.** This section shall apply to all organized gatherings or public events that use or substantially hinder use of public rights-of-way or City-managed public spaces, including but not limited to streets, greenways, and plazas. Any such activity covered by this chapter shall hereafter be referred to as a "special event".
- B. **Purpose and intent.** The purpose of this section and its associated regulations are to:
1. Protect the public health, safety and welfare;
 2. Ensure coordination of public services including police, fire, public works, and emergency medical services;
 3. Minimize disruption to residents, businesses, traffic circulation, and public infrastructure; and
 4. Balance community vibrancy and economic activity with neighborhood compatibility and welfare.
- C. **Permit required.**
1. A permit shall be issued by the City manager or designee (hereafter referred to as "administrator") for all special events that:
 - a. Use public streets, sidewalks, greenways, city parks, or city plazas;
 - b. Requires road closures, detours or use of public rights-of-way;
 - c. Substantially hinders or prevents the normal flow of vehicular or pedestrian traffic on public rights-of-way; and/or
 - d. Requires supplemental public safety and/or sanitation services.

2. Nothing in this section shall be construed to prevent the peaceful assembly of any group for orderly expression or communication between those assembled.

D. *Permit application.*

1. *Filing period.*
 - a. Applications for a "special event" permit shall be submitted to the administrator according to the special event deadlines established annually. In the event no such deadline schedule is available, the applicant is required to submit the application no less than 60 calendar days prior to the event.
 - b. The administrator may consider applications with extenuating circumstances after the appropriate date. However, in no instance will an application be considered less than 15 working days before the event.
2. *Contents.* The application shall be signed by the applicant and shall include but not be limited to the following:
 - a. Name, address, and telephone number of the person, organization or entity seeking to conduct or sponsor the event.
 - b. Name, address, and telephone number of the individual contact person in charge of the event.
 - c. The proposed date and time period when the event will be conducted.
 - d. The estimated number of people expected to attend the event.
 - e. A certificate of insurance as proof of liability coverage in accordance with subsection 66-13(F) below.
 - f. A detailed site plan or route map showing;
 1. Event footprint: boundaries of events and designation of different areas (e.g., vendor areas, beer garden, stage area), if appropriate
 2. Structures: layout of tents and other temporary structures (stages, vendor booths, barricades, fencing, etc.) along with dimensions
 3. Traffic management: requested street closures, detours, parking, pedestrian paths, signage locations
 4. Emergency access: fire lanes, ambulance access, exits
 5. Sanitation/waste management: dumpsters, portable toilets, hand-wash stations
 6. For races/walks: start/finish, participant staging, timing equipment, traffic control
 - g. An application fee, as set forth in the schedule of fees.
 - h. Any other information determined by the administrator to be necessary to ensure compliance with these provisions.

E. *Permit revocation.* Upon violation of the terms of a permit issued under this section by the applicant or participants the city manager, the administrator and/or the chief of police or designee is authorized to revoke the permit and direct those participating to disperse.

F. *Permit review procedures.*

1. City staff are hereby authorized to implement policies and procedures for reviewing special event permit applications and ensuring public health, safety, and welfare are maintained.
2. Upon receipt of the permit application, it shall be reviewed by a special event review committee (SERC), an interdepartmental group that evaluates special event applications for feasibility, safety, code compliance and city service requirements. The SERC includes representatives from the Police Department, Fire Department, Public Works Department, and other persons as appropriate.
3. The administrator may also require a conference on the application between the applicant and the SERC and/or specific department heads.

G. *Insurance requirement.*

1. The administrator shall require as a condition precedent or subsequent to the issuance of the permit that the applicant obtain a comprehensive general liability insurance policy providing coverage that includes the entire area described in the permit for event. The city shall be named as an additional insured on the policy. A certificate of insurance shall be provided to the city as proof of coverage.
2. *Minimum coverage amounts:*
 - a. The applicant shall obtain a comprehensive general liability insurance of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.

- b. If the special event involves alcohol, an additional \$1,000,000 of liquor liability coverage is required.
- c. If city forces are required to work during the event, workers compensation and employers' liability may be required.
- d. The administrator may vary the required limits for lines of insurance coverage or require additional insurance coverage depending on size, location and type of event.

H. *Fees; costs incurred by the city.*

- 1. Additional fees may be charged for the cost of services provided by City forces in support of the special event, including but not limited to personnel, deployment of fire apparatus, solid waste removal, and provision of barricades. The need for these services will be reviewed and determined by the administrator and the Special Event Review Committee.

I. *Standards for issuance of permit.*

- 1. The administrator shall issue the permit authorizing the "special event" unless it is found that:
 - a. Insufficient funding and/or resources necessary to provide extraordinary services or equipment for the event are not available; or
 - b. The event will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the city; or
 - c. The applicant has failed to obtain any necessary permits or licenses, including any required building permit or privilege license; or
 - d. The applicant is in violation of any city ordinance; or
 - e. The applicant fails to obtain liability coverage and show proof of said insurance as required by the city; or
 - f. The event will create a severe hardship on persons occupying property adjacent to the site, location, or route of the event as a result of the denial of access to property; or
 - g. The event, if held at the time or at the location or along the route proposed will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or
 - h. The applicant has failed to comply with any of the provisions of the special events ordinance, including but not limited to payment of any required fees and costs; or
 - i. A special events permit has previously been applied for or issued for substantially the same location and time requested in the application.
- 2. In considering the matters listed above and the question of whether or not to issue the permit, the public safety and health shall be given paramount importance.

J. *Conditions upon issuance of permit.* If a permit is issued the administrator may attach any reasonable conditions that serve to promote the protection of the public safety and health. Any event held pursuant to a permit issued under this section shall be conducted within the applicable terms including any attached conditions.

K. *Right of appeal.* If the administrator or chief of police denies or revokes a special event permit this action shall be final unless the applicant or permit holder files, within three working days, a written appeal with the city clerk. Such written appeal will be placed for consideration by city council at its next regularly scheduled meeting. The city council shall review the matter and its decision shall be final.

L. *Street closing.*

- 1. The administrator is authorized to permit the temporary closing of a street or other public right-of-way except as otherwise provided for herein if the provisions of the section are adequately complied with. Any temporary closing of a street or part thereof owned and/or maintained by the State of North Carolina shall require concurrence by the N.C. Department of Transportation.
- 2. The administrator may only permit the temporary closing of any portion of U.S. Highway 64, US Highway 64 Business, U.S. Highway 276, SR 1349 (West Main Street) for city recognized special events. An event shall be considered to be city recognized upon the adoption of a resolution by city council making such designation.

M. *Public notification.*

- 1. Event organizers are responsible for notifying all affected community members about their event, associated road closures, and other impacts. Any establishment that will be blocked, detours, or heavily inconvenienced must be notified.
- 2. Event organizers may utilize a means of notification deemed sufficient by the administrator, including but not limited to mailed notifications, individual contact, residential or business complex notification, and Heart of Brevard notification, if applicable. Proof of notification is required.

- N. *Temporary parking restrictions.*** The chief of police, or duly appointed representative, is authorized to prohibit, on a temporary basis, the parking of vehicles under the following circumstances:
1. On streets closed pursuant to the issuance of a special events permit for a period of two hours before any special event begins, during the entire event and up to one hour after the completion of the event.
- O. *Permit for special event involving the sale and consumption of alcoholic beverages.*** No special event in which the sale and consumption of alcoholic beverages shall be conducted without explicit authorization in the special event permit, pursuant to [CHAPTER 42](#) Article I of the Brevard City Code.
1. Special event permit holders shall submit an operational plan demonstrating the procedures and practices that will be employed to assure such compliance with all applicable regulations as set forth in Brevard City Code and the North Carolina General Statutes. Such plan shall specifically address the prevention of the sales of alcohol to minors, and the methods that will be employed to contain the consumption of alcohol within the designated area.
 2. For special events, the sales and consumption of malt beverages and unfortified wine, but no other alcoholic beverages, shall be as authorized on the permit; provided, however, that no such sales shall be allowed earlier or later than during the city permitted timeframe of the festival.
 3. The administrator shall have the discretion to withhold approval of permits for the sales and consumption of alcohol associated with future special events, when the permit holder has failed to demonstrate compliance with all applicable laws of the City of Brevard and the State of North Carolina pertaining to the sales and consumption of alcoholic beverages in the operation of previous events.

STAFF REPORT

City Council, Monday, May 4, 2026

Title: Purchasing Policy Update

Speaker: Dean Luebbe

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

Approved by: Wilson Hooper, City Manager

Background

The City updated its purchasing policy in June 2024. Recently it has become apparent to staff that revisions to the policy are needed. The revisions can be viewed under sections 2.10 (B), 3.4 (A), 3.4 (B) and 3.7 (C).

Section 2.10 (B) raises the limit from \$10,000 to \$25,000 for the review of recurring purchase agreements, which are scheduled every three years.

Section 3.7 (C) (4) adds wording to include other national purchasing coop programs besides US Communities.

Sections 3.4 (A) and 3.4 (B) relate to Construction and Repair contracts. NCGS 143-129 states that for construction and repair contracts under \$30,000 no method of procurement is required. For contracts in the range of \$30,000 to \$500,000, informal bidding is required, with no number of bids specified. For contracts exceeding \$500,000, formal bidding is required. Virtually all North Carolina local governments precisely follow these requirements. The policy approved by City Council in 2024 was much stricter than State requirements, and staff is recommending revisions.

For contracts under \$30,000, the current policy requires three quotes, and staff has found it very difficult to find contractors willing to provide the three quotes, often times leaving necessary repairs lingering while staff complies with the quote requirement. The wording, "encouraged, but not required" has been added.

The current City of Brevard policy requires formal bidding for construction contracts over \$250,000. (Staff has found no other NC local government that has lowered their formal bidding limit below the \$500,000 State requirement). Staff is requesting that the City of Brevard formal bidding requirement be raised to \$500,000, as even receiving bids in the \$30,000 to \$500,000 has proven difficult. The word "required" is still listed in the policy, but management is allowed discretion if three bids cannot be obtained. Furthermore, on a quarterly basis, City Council will receive a listing of all construction and repair contracts entered into by the City from the previous quarter, which will include number of bids requested, number of bids received, and bids awarded.

The Finance, Human Resources and Citizen Appointment Committee has reviewed the proposed amendments and at its meeting on April 27, 2026 referred them to City Council

with a recommendation to approve.

Action

Staff requests that Council approve the committee's recommendation to update the Purchasing Policy as described above.

Attachments:

1. Brevard Purchasing Policy - updated 5-4-26
2. Resolution Amending City of Brevard Purchasing Policy



CITY OF BREVARD

PURCHASING POLICY

Purchasing Policy
Adopted by the City Council: XXXXXXXX

I. **FORWARD**

This Purchasing policy and procedures manual is intended for use as a guide to the City of Brevard's Purchasing methods and practices. When used properly and with common sense, the policies and procedures established herein will enable the City to obtain needed materials, equipment, supplies, and services efficiently and economically.

The understanding and cooperation of all employees is essential if the City is to obtain the maximum value for each dollar spent. While this manual does not answer all questions related to Finance, it does provide the foundation for a sound purchasing and procurement system.

The goals of the City of Brevard purchasing program are as follows:

1. To comply with legal and ethical requirements of public purchasing and procurement.
2. To assure vendors and the public that impartial and equal treatment is afforded to all who wish to do business with the City.
3. To receive maximum value for each dollar spent by awarding purchase orders to the lowest responsible, responsive bidder.
4. To provide City departments with the required goods, equipment, and services at the time and place needed and in the proper quantity and quality.

If the procedures and guidelines established in this manual are followed, each department can efficiently manage, control and plan its' available resources to meet present and future department needs and help the City to meet these goals. Should you have any questions about this manual or its' procedures, please contact the Finance Department.

This manual is effective immediately upon issuance and supersedes all previous Finance instructions or directives.

II. GENERAL GUIDELINES

2.1 Incurring Obligations

No obligation may be incurred in a program, function, or activity accounted for in a fund included in the budget ordinance unless the budget ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year. No obligation may be incurred for a capital project, or a grant project authorized by a project ordinance unless that project ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay the sums obligated by the transaction as required by N.C. G.S. 159-28 (a).

2.2 Preaudit Requirement

If an obligation is reduced to a written contract or written agreement requiring the payment of money or is evidenced by a written purchase order for supplies and materials, the written contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been pre-audited and shall be signed by the Finance Director to assure compliance with N.C.G.S §159-28 (a1).

2.3 Local Buying

It is the desire of the City of Brevard to contract with vendors and contractors located within the City of Brevard and Transylvania County. The City also has a responsibility to its residents to ensure that maximum value is obtained for each dollar spent. **The City will not make purchasing decisions solely on the basis of vendor residence.**

2.4 Planning

Planning should be done to minimize small orders and last-minute purchases. Approval of purchase orders will generally be made within two business days of submission.

2.5 Buying Proper Quality

Quality and service are as important as price when considering goods for purchase; it is the duty of the requesting department to secure the most cost-effective good or service that will meet but not exceed the requirements for which the goods or services are intended. In some instances, the lowest price does not necessarily mean the lowest cost. A higher price, higher quality product may save the City from excess expenses in the future. The requesting department should take this into consideration when making a purchase. However, when making a purchase of other than the lowest cost goods or services, the purchasing department should be prepared to justify such a purchase both to City administration and to the public based on standards directly related to the quality of the goods or service to be obtained, or the terms on which such goods or services are to be provided.

2.6 Authorization

The Department Head or their designee must authorize each invoice with signature and date before forwarding to the Finance Department for payment. This authorization verifies that the goods and or services have been received, the budgeted funds are available, and the invoice has been coded to the proper account number.

2.6 Standard of Award

Vendors will be selected on a competitive basis. Bid awards, purchase orders and/ or contracts will be issued to the lowest, responsive, responsible bidder. The City of Brevard is prohibited from and will not use vendors who have been debarred by Federal, State, or Local governments. Vendor verification can be made through SAM (System for Award Management) and the NC Debarred Vendor List, and any City list maintained by the Finance Department.

2.7 Limitations of Procurement

A. E-Verification Requirement

No contract can be entered into unless the contractor has complied with NC E-Verify hiring requirements pursuant to N.C. G.S. 143-133.3. Under the law the entity must possess 25 or more employees E-Verify to be applicable.

The following exceptions apply:

1. Expenses related to travel, including transportation and lodging, for employees, officers, agents, elected officials, or members of State or local boards, commissions, committees, or councils.
2. Contracts *solely* for the purchase of goods, apparatus, supplies, materials, or equipment (contracts that involve a combination of purchase and construction, or purchase and service would not be exempt).
3. Contracts let under N.C. G.S. 143–129(e)(1), (9), or (9a) (the exceptions to competitive bidding requirements for purchases made directly from another unit of government or from a vendor under contract with the State of North Carolina or a federal agency).
4. Contracts let under N.C. G.S. 143–129(g) (the piggyback exception to competitive bidding requirements).

B. Contracts spanning more than one City Fiscal Year

Under the Local Government Budget and Fiscal Control Act, all expenditures must be supported by an appropriation. In N.C. G.S. 159-28 (b), bills, invoices, or other claims against a local government or public authority may be approved if 1) the amount is determined to be payable and 2) the budget or project ordinance includes an appropriation authorizing the expenditure and either (i) an encumbrance has been previously created for the transaction or (ii) an unencumbered balance remains in the appropriation sufficient to pay the amount to be disbursed. Contracts, including purchase orders, must include a pre-audit certificate signed by the Finance Officer. Encumbrances include all outstanding purchase orders, unpaid invoices and agreements or contracts that have not been completed for which the City has an obligation to expend funds. Encumbrances against an appropriation are a reduction in the amount available for future expenditures, and only when the encumbrances are recorded is a true report of the financial condition of a department or City evident.

2.9 Vendor Selection

A. Vendor Section Policy

Vendors will be selected on a competitive basis. Depending on the amount of the purchase, formal bids, informal bids, or other forms of price solicitation will be requested by the appropriate department. Bid awards will be awarded to the lowest responsive, responsible bidder.

B. Vendor Set Up

Vendors will complete the vendor packet prior to being entered as a City of Brevard vendor. The vendor packet includes a W-9 form, a vendor registration form, and an insurance certificate (if required).

C. Gifts and Gratuities

City employees are expressly prohibited from soliciting or accepting any rebate, money or costly entertainment, alcohol, gift, or gratuity (with the exception of mementos and novelties of nominal value) from any person, company, firm, or corporation to which the City can potentially do business with. The City of Brevard will not tolerate circumstances that produce, or reasonably appear to produce, conflicts between the personal interest of an employee and the interests of the City.

D. Selection Procedures

For the procurement of supplies, materials, services, equipment, and for construction services, the Finance Department will observe the following procedures:

1. North Carolina General Statute 143-129, states that formal bids will be used for purchases over \$90,000 and construction type services over \$500,000. NCGS 143-129 further states that informal bids to be used on purchases over \$30,000 but less than \$90,000, and for construction type services over \$30,000 but less than \$500,000.
2. **The City of Brevard wishes to enact a stricter limit to both formal and informal bid amounts than those listed by N.C. G.S. 143-129.** Formal bids will be required on purchases of over \$75,000 and construction type services of over \$250,000. Informal bids will be required on purchases over \$25,000 but less than \$75,000, and construction type services over \$30,000 but less than \$250,000.

2.10 Finance Procedures

A. Capital Project Funds

All construction contracts within Capital Projects Funds will require City Council approval. Engineering contracts that are over 5% of the project budget or \$50,000 (whichever is higher) will require City Council approval. The City Manager will notify City Council at least quarterly with a financial report concerning the status of capital projects.

B. Recurring Purchasing Agreements

Contracts and purchasing agreements of over ~~\$10,000~~ **\$25,000** will be reviewed at least every three years, to ensure that the City continues to spend wisely. For contracts and purchasing agreements expected to exceed **\$100,000**, the City will perform the review annually except for insurance, information technology services, or other agreements that would guarantee long-term savings which would be reviewed every three years.

C. City Manager Authority

The City Manager will have the authority to approve change orders, as long as the change order amount is within the overall Project budget. For change orders that exceed the overall Project budget, City Council approval will be required. **The City Manager retains the right to deviate from this policy, particularly in those situations involving critical timing issues. Whenever the City Manager deviates from any part of the purchasing policy the City Council will be notified in a timely manner.**

III. PROCUREMENT WITH THE USE OF NON-FEDERAL FUNDS

3.1 General Procurement Standards and Procedures:

All purchases \$5000 and above require a requisition and purchase order (PO).

3.2 Purchase Procedures

A. Purchases below \$9,999.99

Purchases in this price range may be obtained by the requesting department(s) through an informal quote process. No minimum number of quotes is required however, it is encouraged that every attempt is made to acquire multiple quotes. The informal quotes may be received through verbal communications, email, or fax. Verbal quotes must be noted in typed or hand-written form documenting price, date quoted, name of vendor, and name of the individual representative of the vendor.

B. Purchases between \$10,000 and \$24,999.99

Purchases in this price range are obtained through the formal quote process. In the formal quote process, every effort should be made to receive at least three (3) quotes via U.S. Mail, email, fax, or hand delivery.

C. Purchases between \$25,000 and \$74,999.99

Purchases in this range must be obtained through informal bids. Departments are responsible for sending a request for quote (RFQ) and will allow vendors sufficient time to respond to the request based on the complexity of the request. RFQs in the informal bid range may or may not be advertised to the public. A minimum of three (3) vendors, if available, will receive the RFQ. Every effort will be made to obtain at least three (3) quotes. Quotes in the informal bid range may be submitted through U.S. Mail, email, fax, or hand delivery. No verbal quotes are acceptable in the informal bid price range. The required three written informal bids are to be scanned and submitted with/ attached to the purchase requisition prior to purchase; after the purchase order is issued and approved, a purchase may be made. **Purchase orders in this range require the approval of the City Manager.**

D. Purchases \$75,000 and above

Purchases in this range must be obtained through a formal bid process in accordance with Chapter 143, Article 8 of the North Carolina General Statutes. Departments are responsible for working with the Finance Director to develop the RFQ/RFP and act (including advertisement and bid opening) in compliance with the relevant North Carolina law. **Purchases in the formal range require the approval of the City Council. Alternatively, the City Council may delegate this authority to the City Manager for each fiscal year, with the delegated authority expiring at the end of that fiscal year, at which point the authority must be renewed by the City Council.**

3.3 Special Considerations for Construction or Repair

No contract may be divided for the purpose of avoiding bidding or notice requirements with the approval of the City Council granted pursuant to N.C. G.S. 143.133.

3.4 Construction and Non-Emergency Repair Procedures

The majority of construction type contracts will occur in Capital Project Funds. All construction type contracts in Capital Project Funds are required to be approved by City Council.

A. Construction and Repair less than \$29,999.99

For construction and non-emergency repair contracts in this price range are obtained through the informal quote process. The requesting department is encouraged, but not required to receive at least ~~three~~ (3 multiple) quotes via

U.S. Mail, email, fax, or hand delivery. ~~The required three written quotes are to be scanned and submitted with/ attached to a proposed contract prior to the entry of the contract. Entry of the contract- Management is allowed to use discretion regarding the three bid requirement, provided reasonable efforts have been made to obtain three bids.~~ The Finance Department may request additional quotes if deemed necessary during review of the purchase requisitions. **Formal recommendation of award will be made to City Manager for approval.**

B. Construction and Repair \$30,000 to ~~249,999.99~~ 499,999.99

For construction and non-emergency repair contracts in this price range are obtained through the informal quote process. The requesting department is required to receive at least three (3) quotes via U.S. Mail, email, fax, or hand delivery. The required three written quotes are to be scanned and submitted with/ attached to a proposed contract prior to the entry of the contract. Management is allowed to use discretion regarding the three bid requirement, provided reasonable efforts have been made to obtain three bids. If the requesting department is unable to obtain three bids, documentation should be provided showing and attempt to receive three bids. Within 30 days after the end of each quarter, the Finance Director will supply a listing to the City Manager and City Council of all construction and repair contracts in this price range from the preceding quarter, which will include the number of bids requested, number of bids received, and bids awarded. ~~Entry of the contract The Finance Department may request additional quotes if deemed necessary during review of the purchase requisitions.~~ **Formal recommendation of award will be made to City Manager for approval.**

C. Construction and Repair ~~\$250,000~~ \$500,000 and above

For construction and non-emergency repair contracts in excess of ~~\$250,000~~ \$500,000 shall require City Manager review and assistance prior to procurement of the work or service. In order to contract for construction or non-emergency repair work in this range, formal bids must be obtained, after listing on the City's website and on appropriate project websites. A minimum of three (3) bidders, if available, will receive the request for bids in addition to the listing required above. N.C. G.S. 143-129 will be followed including advertisement and receipt of sealed bids. **Formal recommendation of award will be made to City Council for approval.**

3.5 Architectural, Engineering and Surveying Services

Procurement of architectural, engineering and surveying services shall be accomplished pursuant to

Article 3D of Chapter 143 of the North Carolina General Statutes.

3.6 Services

Contracts directly authorized by the City Council through direct award or budget authorization may be executed by the City Manager. Subsequent orders changing the original contract, which do not exceed the approved cost of the contract, will be executed by the City Manager.

3.7 Special Procurement Procedures

A. Technology Goods and Services

All technology purchases require the approval of the Finance Director. This includes, but is not limited to; hardware, software, licensing, maintenance, and all technology related service contracts.

B. Items Not Requiring a Requisition or Purchase Order

1. Emergency Purchases – In cases of emergency, the City may purchase supplies or services whose immediate procurement is essential to prevent delays in work which may affect the life, health, or safety of City of Brevard employees or citizens.
2. Sole Source of Supply – In the event there is only one vendor capable of providing a product or service, the competitive pricing procedures outlined may be waived by the City Manager or Assistant City Manager/Finance Director. The requesting department will document why only one company or individual is capable of providing the good or service.
3. Purchase of Routine Services – Such as utilities, insurance, fuel, and other items that do not require the department to request this service each time it is purchased.

C. “Piggybacking” on Previously Bid Contracts:

There is a way to let other governmental units do the work for us: it is called “piggybacking” on their previously bid contracts. Many times, a vendor will sell to us under the same terms they agreed upon with another governmental unit – although this must first be confirmed. It is not necessary that the unit of government be in North Carolina or that North Carolina’s statutory requirements be exactly followed, only that a reasonably similar public competitive bid process be performed.

There are some special requirements for this form of procurement N.C. G.S. 143-129(g):

1. The original contract must have been executed within the past twelve months (does not apply to NC statewide contracts discussed above).
2. The items being purchased must be identical to as specified in the original contract – no substitutions.
3. The City must verify that it likely will not be able to secure better terms from another vendor or through another procurement method; this can be done through some informal research, documentation of which should be attached to the requisition.
4. Contracts made under this exception must be approved by the City Council at a regularly scheduled meeting; notice of intent to award the contract without bidding must be published no less than ten days prior to the meeting. (Does not apply to NC statewide contracts discussed above.)

In addition to contacting various nearby units of local government, there is also a national program to facilitate “piggybacking.” Programs such as, US Communities and Sourcewell enables us to piggyback on nationwide contracts for a number of goods that are commonly used by municipal governments. Because these contracts were negotiated as large-volume purchases, we gain the benefit of higher negotiating leverage than we would have on our own.

US Communities: <http://www.uscommunities.org/>

IV. PROCUREMENT WITH THE USE OF FEDERAL FUNDS

Contracts funded with federal grant or loan proceeds must be procured in a manner that conforms with all applicable Federal laws, policies, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200), to the extent the standards do not violate state law.

Further information on dollar thresholds can be found here:

<http://www.sog.unc.edu/sites/www.sog.unc.edu/files/Dollar%20Thresholds%20Chart%202013.pdf>

The State of North Carolina Interactive Purchasing System can be found on the web at

www.ips.state.nc.us/ips/Default.aspx.

The North Carolina E-Procurement System can be found on the web at

<http://eprocurement.nc.gov/>

CFR-Code of Federal Regulations

http://www.ecfr.gov/cgi-bin/text-idx?SID=889c09dd91de78500ad88b2f32662996&mc=true&node=sg2.1.200_1316.sg3&rgn=div7

Exceptions to State Competitive Bidding Requirements

https://www.sog.unc.edu/sites/www.sog.unc.edu/files/additional_files/Competitive%20bidding%20exceptions%20chart.pdf

Federal System for Award Management (SAM)

https://www.sam.gov/portal/SAM/?portal:componentId=24f38525-a064-4a77-b09f-3fa5986c2b48&interactionstate=JBPNS_r00ABXc0ABBfanNmQnJpZGdlVmlld0lkAAAAAQATL2pzZi9uYXZpZ2F0aW9uLmpzcAAHX19FT0ZfXw**&portal:type=action##11

NC Debarred Vendor List

<https://ncadmin.nc.gov/government-agencies/procurement/contracts/debarred-vendor>

RESOLUTION NO. 2026-XX

A RESOLUTION AMENDING THE CITY OF BREVARD PURCHASING POLICY

WHEREAS, it is the policy of the City of Brevard to maintain a responsible procurement process that obtains the best apparatus, supplies, materials, equipment, and services at the best price and in compliance with all applicable laws; and

WHEREAS, City Council adopted the City of Brevard Purchasing Policy on June 17, 2024; and

WHEREAS, Staff has drafted amendments to the adopted Purchasing Policy establishing revised guidelines for the expenditure of funds used to procure goods and services by City departments; and

WHEREAS, the City Council Finance, Human Resources and Citizen Appointment Committee has reviewed the draft amendments to the Purchasing Policy and recommends approval.

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

Section 1. The attached City of Brevard Purchasing Policy, as amended is hereby adopted.

Section 2. This resolution shall become effective upon its adoption and approval on this ____ day of May, 2026.

Adopted and approved this the ____ day of May 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

STAFF REPORT

City Council, Monday, May 4, 2026

Title: Appointment of Alternate Member to the Board of Adjustment

Speaker: Denise Hodsdon, City Clerk

Prepared by: Denise Hodsdon, City Clerk

Approved by: Wilson Hooper, City Manager

Background

The Board of Adjustment is an 8-member board with 5 members appointed by the City and 3 appointed by the County. The City appoints 3 Regular Members and 2 Alternate Members. The BOA currently has 2 City-appointed Alternate Member vacancies.

The County-appointed Alternate Member seat is also vacant, resulting in a total of 3 vacant seats for an 8-member board.

Discussion

Tad Fogel served as a Regular Member from 2013 to November 2025. Reid Wood has served as an Alternate Member since September 2024 and was moved to a Regular Member on April 20, 2026, leaving 2 Alternate Member vacancies.

Since Mr. Fogel's term expired in November, staff have published multiple notices requesting applications on the City's website and in the *Transylvania Times*. One application has been received from **Amy Kelton** on March 25, 2026. A copy of her application is attached.

Recommendation

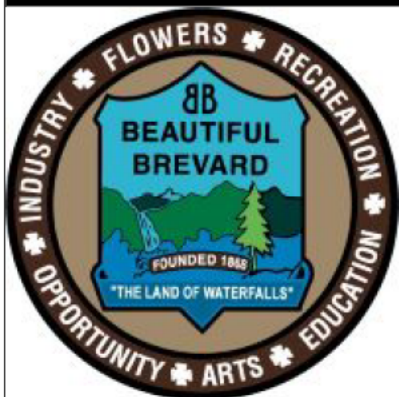
The Finance, Human Resources, and Citizen Appointment Committee reviewed the application at its April 27th meeting and unanimously recommended that Amy Kelton be appointed as an Alternate Member of the Board of Adjustment.

Action

A draft resolution appointing a member to the Board of Adjustment is attached for Council's consideration.

Attachments:

1. BOA Application - Amy Kelton
2. Resolution Appointing a Member to Board of Adjustment

EMPLOYMENT APPLICATION

CITY OF BREVARD
95 W Main St
Brevard, North Carolina 28712

<http://www.cityofbrevard.com>

Kelton, Amy
202200016 STATUTORY / CODE COMMITTEE MEMBER
BOARD OF ADJUSTMENT

Received: 3/25/26 05:45 PM

For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION**POSITION TITLE:**

STATUTORY / CODE COMMITTEE MEMBER

EXAM ID#:

202200016

NAME: (Last, First, Middle)

Kelton, Amy

SOCIAL SECURITY NUMBER:

N/A

ADDRESS: (Street, City, State/Province, Zip/Postal Code)

_____, Brevard, North Carolina 28712

EMAIL ADDRESS:**HOME PHONE:**

NOTIFICATION PREFERENCE:

Email

DRIVER'S LICENSE:

☒ Yes ☐ No

LEGAL RIGHT TO WORK IN THE UNITED STATES?

☒ Yes ☐ No

What is your highest level of education?

Master's Degree

PREFERENCES**MINIMUM COMPENSATION:**

\$0.00 per hour; \$0.00 per year

ARE YOU WILLING TO RELOCATE?

☐ Yes ☒ No ☐ Maybe

WHAT TYPE OF JOB ARE YOU LOOKING FOR?

Temporary

TYPES OF WORK YOU WILL ACCEPT:

Part Time

SHIFTS YOU WILL ACCEPT:

Day

EDUCATION

Nothing Entered For This Section

WORK EXPERIENCE

Nothing Entered For This Section

CERTIFICATES AND LICENSES

Nothing Entered For This Section

Skills

Nothing Entered For This Section

ADDITIONAL INFORMATION

Nothing Entered For This Section

REFERENCES

Nothing Entered For This Section

Agency-Wide Questions

1. **Are you a resident of the City of Brevard? A resident is defined as someone who lives in within the corporate city limits the majority of the year and claims the City of Brevard as their domicile for legal purposes.**
Yes
2. **Please list your current place of employment and your occupation.**
Retired Operations Manager
3. **Please list any other appointed positions you currently hold in Brevard or Transylvania County. If none, please type "none or n/a"**
N/a
4. **Why do you want to be a member of this Board and/or Committee?**
I recently attended a BOA meeting and found it very interesting and informative.
5. **How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard?**
I have much experience in working with complex teams, networking, and was also trained in project management, plus 1 years coursework for masters degree in Public Administration.
6. **Please briefly describe any community involvement you have that may be related and beneficial for City Council to know as they evaluate applicants to serve on this Board and/or Committee.**
Previous board member (VP) of Pisgah Area Sorba.
7. **Boards and Committees may meet in mornings, afternoons and or evening hours. What limitations do you have for attending meetings?**
None

Job Specific Supplemental Questions

- 1. Please select from the list below which Statutory / Code Committee and/or Committees you are interested in serving on.**
Board of Adjustment
-

The following terms were accepted by the applicant upon submitting the online application:

By clicking the Accept and Submit button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete information may be grounds for not employing me and for termination from employment, after employed.

- I understand that I will have to produce documentation verifying identity and eligibility to work in the United States if offered employment.
- I understand that I may required to verify any and all information on this application.
- I understand that this competed application is the property of the City of Brevard and will not be returned.
- I understand it is my responsibility to notify Human Resources of any change to my name, address and/or phone number
- I authorize my current and former employers to give any information regarding me or my employment, whether or not it is on their records. I hereby release them from any damage whatsoever for issuing same.
- I also authorize educational institutions which I attended to reveal my scholastic ratings, as well as degrees or certificates earned, to the City; and associations, registration and licensing boards and to others to furnish whatever detail is available concerning my qualifications. Notwithstanding any provision of State or Federal law, I expressly waive any right I have to review information the City receives from an employer or educational institution under a promise of confidentiality.
- I also permit the City to conduct a Police, Court, Credit and/or Motor Vehicle Records Investigation of my background where related to the job for which I am applying.
- I understand that if I apply or have applied for certain jobs, I may be tested for drug and alcohol use to determine if I am currently using or abusing these substances. I consent to the testing and understand that the results could prevent my employment.
- I understand and acknowledge that should I be employed by the City, then I serve "at will". This means that I may be terminated at any time. I further understand that this "at will" employment relationship may not be changed by any written document unless such change is specifically approved by the City Manager

This application was submitted by Amy Kelton on 03/25/26 05:45 PM

RESOLUTION NO. 2026-XX

**A RESOLUTION APPOINTING A MEMBER TO THE
BREVARD BOARD OF ADJUSTMENT**

WHEREAS, in Fall 2022 the Brevard City Council held a work retreat to reform its committee structure, and initiated a new system for making appointments that would apply to every body to which the Council makes appointments; and

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee was charged with reviewing applicants for the various committees/advisory groups and making appointment recommendations to the full Council; and

WHEREAS, the City of Brevard appoints five citizen members to the Board of Adjustment—three Regular Members and two Alternate Members—each to serve 3-year terms; and

WHEREAS, the two Alternate Member seats are currently vacant; and

WHEREAS, under the direction of the Finance, Human Resources and Citizen Appointment Committee, city staff conducted an open recruitment for citizens interested in serving the Board of Adjustment; and

WHEREAS, the applications received during the recruitment period were reviewed by the Finance, Human Resources and Citizen Appointment Committee at their April 27, 2026 meeting; and

WHEREAS, at that meeting the Committee recommended that Amy Kelton be appointed as an Alternate Member of the Brevard Board of Adjustment.

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 Amy Kelton as an Alternate Member to the Board of Adjustment, for a term to be effective immediately and expiring in May 2029.

Adopted and approved this the 4th day of May, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk