



AGENDA
BREVARD CITY COUNCIL - REGULAR MEETING
Monday, August 3, 2026 - 5:30 PM
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Associate Pastor Victor Foster, Glade Creek Baptist Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes

1. April 10, 2026 Budget Workshop
2. July 20, 2026 Regular Meeting

G. Certificates / Awards / Recognition

1. Proclamation No. 2026-20 and Presentation of Key to the City to Carolyn Lemmond Winchester
2. Certificate of Appreciation - Parks, Trails & Recreation Committee Member Howie Granat
3. Oath of Office - Police Officer Joshua Norton

H. Public Comments

I. Special Presentation(s)

J. Public Hearing(s)

K. Consent and Information

1. Property Tax Releases - July 2026
2. Public Safety Committee Meeting Minutes - June 22, 2026 Meeting
3. Finance and Human Resources Committee Meeting Minutes - June 22, 2026 Meeting

4. Finance and Human Resources Committee Meeting Minutes - July 14, 2026 Meeting

L. Unfinished Business

1. Proposed Amendment to the City of Brevard Unified Development Ordinance Chapters 9 and 19, and the Code of Ordinances Chapter 38 - Sight Triangle Regulations
2. Proposed Amendments to City of Brevard Unified Development Ordinance, Chapters 6, 17 and 19; and the Code of Ordinances Chapter 38 - Stormwater Management Development Regulations
3. Proposed Amendments to the City of Brevard Code of Ordinances Chapter 42 - Loitering, Trespassing, Public Intoxication, and Hours of Operation

M. New Business

1. Municipal Service District (MSD) Task Force Proposal
2. Letter of Interest to County re Old Courthouse
3. Appointment of Member to Parks, Trails and Recreation Committee

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

P. Adjourn

Agenda Posted, Website, Sunshine List (July 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
Budget Workshop
April 10, 2026**

The Brevard City Council met for a Budget Workshop on Friday, April 10, 2026, at 8:30 a.m. in the Council Chambers at City Hall, with Mayor Maureen Copelof presiding.

Present - Mayor Maureen Copelof, Mayor Pro Aaron Baker, and Council Members Pamela Holder, Lauren Wise and Dean Lytle

Absent – Council Member Gary Daniel

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

Press – David Bradley, Transylvania Times

A. Welcome and Call to Order – Mayor Copelof called the meeting to order at 8:30 a.m. and welcomed those present.

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

C. Approval of Agenda – Mr. Baker moved, seconded by Ms. Holder to approve the agenda as presented. The motion carried unanimously. A copy of all workshop materials is on file in the Clerk's Office.

D. Regular New Business

D-1. Award of Hillview Culvert Construction Contract – David Todd explained that the City received four bids to replace the culvert on Hillview Street that was damaged during Tropical Storm/Hurricane Helene. Bids were opened on March 24, 2026 and the lowest bid was from Hyatt Pipeline in the amount of \$1,108,748. Based on an analysis of the bids received, and of the qualifications required, the City's engineer WSP USA, Inc. recommends award of the project to the low bidder Hyatt Pipeline, LLC. This amount is less than the most recent construction estimate provided by WSP, which is \$1,302,304 of a total Estimated Project Budget of \$1,741,823.

Mr. Baker moved, seconded by Mr. Wise to approve the Resolution Awarding the Construction Work for the Hillview Street Culvert Replacement Project. The motion carried unanimously.

**RESOLUTION NO. 2026-15
A RESOLUTION AWARDING THE CONSTRUCTION WORK FOR THE
CITY OF BREVARD HILLVIEW STREET CULVERT REPLACEMENT PROJECT**

WHEREAS, in September of 2024, the City of Brevard was struck by Tropical Storm/Hurricane Helene. The storm caused significant damage throughout the city and surrounding county. The storm damage impacted the Hillview Street Culvert and created a sinkhole in the road, sidewalk, and ground adjacent to the culvert caused by the storm eroding the bottom of the culvert. The damage was reported to FEMA and has been identified as FEMA Project Number 815595 (The Project); and

WHEREAS, the City of Brevard has worked with WSP USA, LLC, the engineer of record, for The Project, and has determined that the estimated total project cost, revised to reflect actual construction bids and including a 10% contingency, is \$1,306,759.30; and

WHEREAS, the Project has received approval and permits from the North Carolina Department of Environmental Quality (NCDEQ), state regulating agency and from the U.S. Army Corps of Engineers, federal regulating agency; and

WHEREAS, The Project has followed the required FEMA processes, and FEMA's total project cost estimate is \$1,359,098.27, and FEMA has committed to fully funding the project based on "Actual Costs" versus the FEMA estimate or the City's estimate; and

WHEREAS, the City of Brevard has placed The Project out to public bid under state requirements, and has received bids that are within the established budget for The Project; and

WHEREAS, in accordance with G.S. 143-129 and FEMA requirements, the City of Brevard received formal bids for the Hillview Street Replacement Culvert Project at 1:00 PM on Tuesday, March 24, 2026 at Brevard City Hall; and

WHEREAS, the City of Brevard, upon recommendation of the City's Consulting Engineers, WSP USA, LLC., desires to accept the low bid, award and construct The Project; and

WHEREAS, after receiving the Bid Tabulation from this bid opening for the proposed project, the Brevard City Council now desires to approve an award of contract.

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

1. A construction contract for Hillview Street Culvert Replacement Project is hereby awarded to Hyatt Pipeline, LLC of Canton, NC for the bid price of **\$1,018,748.00** as received at 1:00 P.M., on Tuesday, March 24, 2026, in accordance with the City's bid documents, produced by the designer of record WSP USA, LLC. for this Project.
2. The City Manager is authorized and directed to sign a construction contract with Hyatt Pipeline, LLC.
3. The City Manager is authorized and directed to take all necessary actions required to complete The Project, including all close out documents.
4. The City Manager is authorized and directed to process and approve any required change orders up to The Project's budget limit that may be needed to complete The Project.
5. The City Manager shall advise the Council periodically on the status of The Project.
6. This Resolution shall become effective upon its adoption and approval.

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

s/ Maureen Copelof, Mayor

E. Introductory Matters

E-1. Proposed Dependent Coverage Subsidy Cap – Kelley Craig reviewed Staff's proposal to cap the amount of subsidy offered to employees who opt for dependent health coverage. She explained that this year there will be a 2% increase in health insurance premiums, which equates to approximately \$75,000. The City spends between \$1.5M to \$2.5M per year on healthcare costs. In looking for ways to continue to make the plan feasible and maintain the level of benefits offered to employees, staff are recommending that Brevard adopt an approach to dependent coverage more in line with our peer agencies by capping the city's subsidy. Staff proposes a gradual decrease in subsidy over the next four fiscal years capping the subsidy at 75% in FY30. For FY27, the subsidy would change from 86% to 83%. In FY27, this proposal would yield approximately \$25,426 in additional premium collections, mitigating the strain to the budget caused by the ever-increasing cost of healthcare. Staff have performed additional analysis and concluded that as long as Council approves the 2.7% cost of living adjustment (COLA) proposed in the budget, no employee will see a lower paycheck in FY27 because of this action. Under this plan, the subsidy would cap at 80% in FY28, 77% in FY29, and 75% in FY30.

Mr. Hooper noted that in recent years the City has subsidized the cost of health insurance for its workforce via a surplus in the Health Insurance Reserve Fund. The balance has dwindled down to approximately \$40,000, so the full cost of insurance for employees must be borne by the budget. The recommended budget includes \$17,000 per employee budgeted for FY27. This increase is needed to account for increased health insurance costs even with the subsidy cap factored in.

E-2. Budget Workshop Stage-Setting Remarks – Mr. Hooper noted that as presented, the budget is not balanced. There is a \$1.38M gap between where we want to be and where we can be with the projected revenues. There are two significant pieces of information that staff need before we can make a productive attempt to balance:

- Whether Transylvania County will fund its portion of proposed enhancements to Fire staffing
 - If they agree, it will reduce the City's budget by approximately \$160,000
- Whether we receive funding from the State's Helene Recovery Recycling Infrastructure (HRRI) grant for
 - Purchase of 98-gallon tipper carts for residential garbage collection, increasing the efficiency of that service and decreasing the number of manhours needed
 - The need for a new garbage truck would be eliminated, thus reducing the budget gap by \$62,500

The budget proposal scenario is built with the following assumptions factored in:

- No decreases to external service levels
- Transylvania County *does not* fund 48% of 3 new FT Fire positions; *nor do* they fund 48% of the proposed increase to PT staffing increases
- Brevard does not receive the HRRI grant
- The proposed FY26 Supplemental Spending Plan is adopted
- A 2.7% COLA is adopted for all full-time employees
- The cap on dependent health care coverage subsidy is adopted
- All proposed General Fund capital purchases are financed
- Staff -implemented operational savings
- The following revenue increases move forward:
 - Regular 4% increase in both water and sewer consumption rates
 - Proposed 4% increase in High Strength Waste Surcharge and Septage/Digested fees is approved
 - Franklin Pool entrance fee increase from \$2 to \$3/day
- There are no legislative changes from Raleigh regarding property taxes; no unfunded mandates are added
- There are no shocks to world economy
- The City's Cashiers Valley Rd. property sells before the end of FY27 for at least \$50,000
- All expected FEMA reimbursements are received

Additional data points:

- One penny on the tax rate equates to \$202,800
- One penny on Heart of Brevard tax rate equates to \$8,150

F. General Fund

F-1. Revenue Review - Mr. Hooper reviewed FY27 revenue projections for all funds and noted that overall, the assumption is that General Fund revenues are flat. Sales tax revenue is still growing, but at a slower rate than in the past few years.

FY27 City of Brevard Revenue Projections

Major Revenues			
General Fund			
Source	FY25 Actual	FY26 Projected	FY27 Projected
Prop Tax	\$6,121,275	\$6,516,000	\$6,991,000 ¹
Vehicle Tax	\$362,948	\$325,000	\$325,000
Interest Income	\$485,241	\$450,000	\$400,000 ²
Franchise Tax	\$712,784	\$700,000	\$666,500
Powell Bill	\$283,149	\$283,000	\$283,000
Sales Tax	\$2,462,936	\$2,604,000	\$2,675,000
ABC	\$243,313	\$188,000	\$251,000
Reimb from W/S	\$661,000	\$750,000	\$750,000
County Vehicle	\$328,361	\$264,000	\$264,000
Sanitation Fees	\$1,198,723	\$1,207,100	\$1,232,000
Other	\$373,462	\$1,146,800 ³	\$222,700
GF Subtotal	\$13,233,192	\$14,758,900	\$14,060,200
Stormwater Fund			
Tier 1-2-3 Rev.	\$209,376	\$208,000	\$209,000
Water and Sewer			
Water Charge	\$3,464,570	\$3,600,000	\$3,700,000 ⁴
Sewer Charge	\$3,230,808	\$3,300,000	\$3,375,000 ⁵
Other	\$468,276	\$1,394,200 ⁶	\$707,900 ⁷
W/S Subtotal	\$7,164,104	\$8,294,200	\$7,782,900
Fire Fund ⁸			
Transfer from GF	\$789,745	\$858,905	\$1,195,182
Transylvania County	\$536,359	\$775,624	\$762,618
Other	\$77,342	\$232,500	\$10,000
Fire Subtotal	\$1,403,446	\$1,867,029	\$1,967,800

Covers 100% of the cost of three addl. FT salaries + funding for addl. PT hours. If county agrees to fund, the number could reduce between \$27,670-\$130,784

¹ Assumes no change to tax rate and 2.2% natural growth factor
² Assumes predictability in interest rates (i.e., no artificial rate adjustments from Washington)
³ Includes \$425,000 in debt proceeds and projected \$500k FEMA reimbursement
⁴ Assumes continuation of annual 4% consumption rate increase and maintenance of current fixed rate.
⁵ Assumes continuation of annual 4% consumption rate increase and maintenance of current fixed rate.
⁶ Includes \$540,000 in debt proceeds and projected \$76,200 FEMA reimbursement
⁷ Assumes 4% increase in High Strength Waste Surcharge and Septage Fees
⁸ Assumes no change in funding model re: city/county split.

F-2. GF Requests for Additional Funding/Notable Service Level Change Requests (includes Fire) – Mr. Hooper reviewed requests for service level changes (SLCs) and changes to current level (CCLs):

GF Service Level Change Requests

Department	Project	Est. \$	Priorit y	Amt. In
Fire	Three full-time engineers (100% share)	\$276,500	Red	\$276,500
Fire	ALT 1 SAFER grant for six FT engineers	\$138,000 ¹	Green	\$0
Fire	ALT 2 One full-time engineer (100% share)	\$92,600	Red	\$0
Fire	ALT 3 SAFER grant for three FT engineers	\$69,450 ²	Red	\$0
Fire	ALT 4 Fully staff overnight with PT (100% share)	\$58,500	Yellow	\$58,500
Fire	Compensation adjustments for "officer plan"	\$21,000	Green	\$0
Fire	Rescue boat and equipment	\$20,000*	Green	\$0
PW/SW	Tipper carts for regular garbage	\$175,000*	Green	\$0
PW/BG & Street	Four new full-time crew	\$270,000	Green	\$270,000
PW/SW	One man leaf machine	\$250,000*	Green	\$0
PW/BG	Buildings/Ground reclass scheme	\$30,000	Green	\$30,000
Admin/Comm.	Better streaming equipment for Chamber	\$90,000*	Purple	\$10,000
HR	HR Specialist Reclass	\$7,500	Green	\$7,500
Admin/Finance	GF portion financial planning model/bond prep ³	\$20,000	Green	Net \$0 ⁴
Admin/HR	NeoGov appraisal module	\$6,200	Green	\$0
Admin/Eng	GF portion of CIP software ⁵	\$75,000*	Green	\$0
Various	GF portion of full-time grant writer ⁶	\$72,000	Green	\$0
Planning	UDO Ch 13 Street and Infrastructure Standards Update	\$25,000*	Purple	\$0
PSC	Speed humps on Carolina Ave	\$14,000*	Purple	\$0
Planning	Local Match for Estatoe Trail Wayfinding signs	\$25,000*	Blue	\$0
Police	Security Cameras (FLOCK) ⁷	\$21,600	Green	\$0
Various	Security Cameras (SCW)	\$60,200*	Green	\$60,200
PTR Comm.	Sports complex masterplan/redesign/bathrooms (design)	\$60,000*	Purple	\$0
DMPC/ETAB	Ecusta Trail/Main St. connection	\$230,000*	Blue	\$0
DMPC	Grant firm to write BUILD application for DMP	\$75,000*	Purple	\$0
Police	Training Increase	\$5,000	Green	\$5,000
Police	Automatic Vehicle Location Devices for CID vehicles	\$3,900*	Green	\$0
DTMP/Planning	Updated Downtown wayfinding/signage	\$45,000*	Purple	\$0
DTMP/Planning	Updated parking wayfinding	\$15,000*	Purple	\$0
Police	Police K-9 ⁸	\$15,000	Green	\$0

¹ First year cost only. \$144,000 in year two, \$358,000 in year three; \$600,000 in year four and beyond

² \$69,450 in year one, \$72,000 in year two, \$189,711 in year three, \$300,000 in year four.

³ 50% GF; 50% W/S

⁴ GF portion redirected from Planning budget

⁵ 25% GF; 75% W/S

⁶ 75% GF; 25% W/S

⁷ First year cost includes subscription and startup cost. Years two and three \$19,000 each.

⁸ Pisgah Forest Rotary Club has offered to fund the majority of the cost, with an annual recurring cost of ~\$15k

GF Significant Changes to Current Level

Department	Project	Est. \$	Priority	Amt. In
All	<i>CPI-based compensation adjustment (2.7% COLA)</i>	\$184,680	N/A	\$184,680
All	<i>Health insurance increase (w/new positions)</i>	\$262,000	N/A	\$242,000 ⁹
All	<i>ALT 1 Health insurance inc. (current staffing level)</i>	\$141,000	N/A	\$0
Planning	New vehicle	\$35,000*	Green	\$0
Planning	Improvements to Jordan St. parking lot	\$20,000*	Purple	FY26 SSP
Police	<i>Body cam update¹⁰</i>	\$25,000	Red	\$25,000
Police	<i>Firearms update⁹</i>	\$25,000	Red	\$25,000
Police	<i>Tazer update⁹</i>	\$25,000	Red	\$25,000
Fire	<i>Increase for phase-in of dual band radios</i>	\$30,000*	Green	\$30,000
Solid Waste	Replacement truck	\$250,000*	Yellow	\$62,500
Admin/HR	GF portion of compensation study ¹¹	\$6,000*	Green	\$6,000
Admin/Eng	<i>GF portion of City Hall deferred maintenance¹²</i>	\$300,000*	Red	\$225,000
Police	Ammunition increase	\$2,000	Red	\$2,000

GF Significant Carry-Over Expenses

Department	Expense	FY26 amt.	FY 27 Amt.
Non-Departmental	Pennies for Rosenwald	\$182,900	\$186,300
Non-Departmental	GF contrib to Fund 70 (Housing Trust)	\$198,000	\$235,000 ¹³
Non-Departmental	GF contrib to Fund 83 (Downtown master plan)	\$95,000	\$47,500
Non-Departmental	GF contrib to Fund 78 (Estatoe fund)	\$95,000	\$47,500

Key

*Asterisks denotes one-time cost

Italics denotes no accompanying write-up

“Keep the Lights On” priority level
“Comply with the Big Guy” priority level
“Efficiency” and “Risk mitigation” priority level
“Voluntary service enhancement” priority level
“Blue sky ideas” priority level

⁹ Net \$27,000 (\$20,000 in GF, \$7,000 in W/S) in new premiums derived from cap on dependent subsidy.

¹⁰ Comply with the big guy, but don’t need to do all of them at once.

¹¹ 66% GF; 33% W/S

¹² 80% GF; 20% W/S

¹³ Number is higher than \$210,000 needed for Azalea Ave debt service to make up for missing out on rental revenue from Old HVL Hwy house. This amount will keep HTF in the black assuming Cashiers Valley Rd. property is sold for >\$50k prior to end of FY27.

Mr. Hooper noted that there are a couple of changes to the SLC’s and CCL’s. Chief Wentzell has dropped her request for Flock cameras and instead is asking to redirect that money to body cams and tasers, which would bump both of those numbers up from \$25,000 each to \$45,000 each.

F. 3. Operating Units Line Item Detail – Individual operating unit budgets were reviewed:

- a. **Governing Board (including non-profit contributions)** – Total recommended is \$282,000, including \$135,500 for non-profit contributions.
- b. **Administration (including HR and Communications)** – Total recommended is \$1,192,800.
- c. **Finance** – Total recommended is \$844,200.
- d. **Planning** – Total recommended is \$1,012,900.
- e. **Community Centers** – Total recommended is \$186,300.

- f. **Police Department** – Total recommended is \$4,559,600. Chief Wentzell reviewed her SLC's and noted that the Department is using the leftover funds allocated for the Berry Dunn study to develop an immediate strategic plan, and she does not recommend moving forward with the second phase of the Berry Dunn study. She is requesting to increase the budget for the Axon tasers and body cams as the costs have come back almost double of what was originally projected. She is also removing the \$25,000 request for firearms update. Mr. Hooper noted that two previously frozen positions have been unfrozen in this budget to help with reorganization of the Department.
- g. **Public Works – Administration** – Total recommended is \$744,300.
- h. **Public Works – Buildings and Grounds** – Total recommended is \$1,025,850. Mr. Hooper explained that the requests for increases include two new staff members and to reclassify two current staff members to match their level of responsibilities. The proposed budget also includes funding for City Hall deferred maintenance and city-wide security cameras.
- i. **Public Works – Garage** – Total recommended is \$535,300.
- j. **Public Works – Streets** – Total recommended is \$1,073,225. The increase includes two new staff members.
- k. **Public Works – Powell Bill** – Total recommended is \$268,000
- l. **Public Works – Recreation** – Total recommended is \$297,700.
- m. **Public Works – Sanitation** – Total recommended is \$1,560,200.
Supplementary Sanitation Information/Data – Mr. Hooper noted that the proposal includes some large expenses, that if funded, he believes would relieve some of the pressure on other operating units in Public Works, and thus all four new Public Works positions may not be needed. Tipper carts would make the sanitation service more efficient and cut down on the need to borrow staff from the Buildings and Grounds and Streets divisions. He recommended that even if we don't get the HRRI grant, it would still be worth doing and the tipper carts could be financed for \$50,000 per year. Later in the meeting, Staff received word that the City was not awarded the HRRI grant.

Mr. Hooper discussed a proposal to change the commercial recycling collection schedule in an attempt to reduce the requested Public Works positions. He asked Council to consider dialing back commercial cardboard collection from 5 days a week to 3. Following discussion, there was consensus to look at increasing the fee for commercial recycling and developing a tier system for service and fees for commercial cardboard collection.

F-4. General Fund Non-Departmental – Total recommended is \$2,163,907.

~~ At 12:10 pm Council and Staff took a 35-minute break for lunch~~

G. Fire Department Fund

G-1. Revenue Review – Total projected revenue is \$1,967,800, including a \$1,195,182 transfer from the General Fund.

G-2. Operating Line Item Detail – Total recommended is \$1,618,400. Mr. Hooper noted that the SLC's include a series of options for Fire Dept. staffing that would each accomplish the goal of hiring at least 3 new full-time people, but in a different way. The draft budget includes paying it 100% by the City. However, there are some

alternatives and the possibility that the County funds their 48%. There are alternatives of applying for SAFER grants to fund three or six new positions, which looks good in the first year, but costs would increase every year, and by year four and beyond the commitment would be \$600,000 more in personnel cost. There is also an alternative of hiring one new full-time engineer at a 100% share. ALT 4 would fund the part-time salary line item adequately enough to have at least two people on every shift.

a. Supplementary Fire Department Information/Data – Chief Owen reviewed NFPA standards and Brevard’s response data. He noted that as the call numbers increase the Department’s response time will continue to get higher if we don’t have the people to back that up. He discussed the current staffing model with only three full-time engineers, noting that the remainder are part-time, and they have the option to come or not unless they are working a shift. The Department responded to 3000 calls last year and the big issue is overlapping calls. Chief Owen said that the part-time budget hours are a necessity, but three full-time people would allow him to keep a second truck up all the time. Chief Owen reviewed the remainder of his SLC’s and CCL’s. He has requested \$21,000 for compensation adjustments to create a ranked structure within the department. Mr. Hooper noted that this request is not included in the proposed budget.

G-3. Fire Fund Non-Departmental – Total recommended is 349,400.

H. Stormwater Fund – Mr. Hooper noted that there are no recommended changes this year. There is one more year to go with the master plan process. When that master plan is completed, there will be some recommendations regarding the fee structure next year.

H-1. Revenue Review – Total projected is \$209,000.

H-2. Operating Line Item Detail – Total recommended is \$209,000.

H. Water/Sewer Fund

I-1. Revenue Review – Mr. Hooper noted that the projected revenue includes the regular 4% increase to the consumption fee. Total projected revenue is \$7,782,900.

I-2. Water/Sewer Fund Requests for Additional Funding

Water/Sewer Fund Requests for Addl. Funding

W/S Service Level Change Requests				
Department	Project	Est. \$	Priority	Amt. In
WWTP	Reorg./reclass for dedicated FOG enforcer	\$20,000	Red	
Maint.	Non-revenue water measures	\$300,000*	Red	\$300,000
All	W/S portion of full-time grant writer	\$24,000 ⁵	Green	\$0
All	W/S portion of CIP software	\$225,000 ⁵ *	Green	\$0
WTP	Security Cameras (SCW)	\$40,000*	Green	FY26 SSP

W/S Significant Changes to Current Level				
Division	Project	Est. \$	Priority	Amt. In
All	CPI-based compensation adjustment (2.7% COLA)	\$45,090	N/A	\$45,090
All	Health insurance increase	\$23,000	N/A	\$16,000 ⁹
All	Accelerated light duty truck replacement	\$200,000*	Green	\$100,000
All	W/S portion of compensation study ¹¹	\$3,000*	Green	\$3,000
Admin/Eng	W/S portion of City Hall deferred maint. ¹²	\$100,000*	Red	\$75,000
Admin/Finance	W/S portion of financial planning model/ bond prep ³	\$10,000	Green	\$10,000

Key

*Asterisks denotes one-time cost

Italics denotes no accompanying write-up

"Keep the Lights On" priority level
"Comply with the Big Guy" priority level
"Efficiency" and "Risk mitigation" priority level
"Voluntary service enhancement" priority level
"Blue sky ideas" priority level

Mr. Hooper noted even with all of these requests, there will still be a surplus of approximately \$100,000.

I-3. Operating Units Line-Item Detail

- a. **Water Treatment Plant** – Total recommended is \$1,223,700.
- b. **Wastewater Treatment Plant** – Total recommended is \$1,518,300.
- c. **Utility Maintenance** – Total recommended is \$2,390,200.
- d. **Non-Departmental** – Total recommended is \$2,650,700.

J. FY26 Supplemental Spending Plan (SSP) as of April 2026 – Mr. Hooper presented his recommended FY26 Supplemental Spending Plan:

FY26 Supplemental Spending Plan
(April 2026 Draft)

PROJECT	FUND	AMOUNT	SOURCE	STATUS	FISCAL YEAR	ACTION	NOTE
Jordan St. parking lot enhancement w/Pisgah Health	GF	\$20,000 est	Fund 83 and operating savings	Pending	Current	Depends on total cost	Total cost unknown. Using \$20k as a target number
Tannery North remediation (smokestack and vault removal)	GF	\$400,000 est	Fund 78, operating savings, and unassigned fund balance	Pending	Current	Council action needed to reappropriate FB if needed.	
Azalea Ave. sewer extension contribution	W/S	\$525,000	FY26 budget surplus ¹	Council approved	Current	Council approved at 3/16/26 meeting	
Water Treatment Plant Security Camera	W/S	\$45,000	FY26 budget surplus ¹	Staff proposed	Current		Staff intend to piggyback off TCSO contract with vendor Security Camera Warehouse

¹ This surplus was intentional.

Mr. Hooper asked Paul Ray to explain the proposed Jordan St. parking lot enhancement agreement with Pisgah Health. Mr. Ray explained that Pisgah Health would give the lot to the City to create additional parking spaces in return for the City repaving their parking lot behind their building at an estimated cost of \$12,000. The City would also install a 4' privacy fence for headlight mitigation. Mr. Hooper clarified that this amount does not include paving our parking lot. There was consensus to reduce the amount from \$20,000 to \$12,000, and to use the savings to fund audio visual equipment in the Council Chambers.

There was also consensus to approve the security cameras for the Water Treatment Plant.

Mr. Hooper noted staff is working on the bid documents for the Tannery North smokestack and vault removal. He is waiting to get that number before bringing a funding plan to Council at a later time.

Mr. Hooper then reviewed Reserve Account balances:

FUND	Acct. Bal. as of 03/31/26	Encumbrances/Commitments	Q4 Activity	
			Q4 Activity	Avail 7/1 ¹
Housing Trust Fund (76) --Azalea Ave. --Fairhaven Mdws --Other	\$196,484	(\$484,875) --Azalea Ave. debt service (\$210,000) --Fairhaven loan tranche 2 (\$262,500) --Habitat tap fee reimb (\$12,375)	(\$2,880) --Q4 FY26 transfer \$49,500 --Azalea debt svc (\$52,380)	(\$291,271)
Rosenwald (82) --Norton Crk Streambank	\$81,213	(\$44,242) --Streambank design/engineering (\$14,730) --Construction (\$29,512)	\$62,000 --DEQ grant \$62,000	\$98,971
Roundabouts (75) --Roundabouts --R5800 improve.	\$133,092	(\$250,287) --NCDOT betterments (\$113,727) --NCDOT landscaping (\$53,900) --Forest entrance sidewalk (\$27,000) --Bear Statue (\$19,660) --Various McAdams prof. services (\$36,000)	\$28,250 --Q4 FY26 transfer \$18,750 --Bear Statue (CFF) \$9,500	(\$88,945)
Multi-Use Path (78) --Bracken Preserve --Estatoe Trl	\$646,979 --\$42,973 --\$604,006	(\$454,055) --Long Cane contract (\$39,688) --30% design (\$27,256) --100% design trail match (\$168,500) --Tannery North environmental (\$3,650) --path from David River bridge to 276 (\$48,411) --Tannery North match (\$112,000) --BLE-Eng Smokestack (\$23,000) --TAPCO RFB (\$10,758) --Traffic Control Rosman Hwy (\$12,242) --Tree Removal-Smokestack (\$8,550)	\$136,083 --Q4 FY26 transfer \$23,750 --Great State Trail grant revenue \$112,333	\$329,007
Downtown Master Plan Fund (83) --Times Arcade --Streetscape Improve	\$45,488	(\$95,096) --Remaining construction (\$20,870) --Remaining design (\$1,226) --Jordan and Broad stamped xwalks (\$73,000)	\$64,750 --Q4 FY26 transfer \$23,750 --Platt reimb \$41,000	\$15,142
Capital Reserve Fund (35) --Utilities	\$505,036	(\$130,738) --Fairhaven Meadows Loan Tranche 2 (\$130,738) ²	\$30,000 --Q4 sys dev fee collections est. 30,000	\$404,298 ³
FUND	Acct. Bal. as of 3/31/26			
Unassigned Fund Balance	\$4,400,000	(\$3,425,000) --Council's policy of retaining 25% of GF budgeted expenditures minus transfers (\$3,425,000)		

There was some discussion regarding the Rosenwald Fund. Mr. Hooper noted that it is Staff's understanding that the available \$98,971 is for construction of the Norton Creek Streambank enhancement in the years to come. Mayor Copelof asked whether Council could decide to do something else with those funds and move the money out of that fund to another fund. Mr. Hooper and Mr. Luebbe confirmed that that could be done.

Mr. Hooper noted that the City's policy regarding Unassigned Fund Balance requires maintaining an amount equivalent to 25% of the last General Fund expense. Currently the estimated usable balance is \$975,000 or approximately 31%. He said he will ask Council to use a portion of that for the smokestack demolition but noted that Council could dip into this fund to balance the budget.

K. Straw Votes

K-1. Review Adds and Deletes – Mayor Copelof asked that Council have a discussion about what it thinks is an acceptable tax rate for the coming year. Staff prepared an updated spreadsheet reconciling the adds and deletes that have been discussed so far. Mr. Hooper noted that this new proposal keeps one of the Police Department's positions frozen, which takes the total deficit to \$1,136,205.10. There was considerable discussion regarding ways to increase revenue and make cuts to SLC's

and CCL's. During discussion, there was consensus to look at increasing the Heart of Brevard MSD tax rate by 2 cents in order to reduce the amount of the contribution to the Heart of Brevard. Council asked for clarity on the balance in the Rosenwald Fund and whether it is restricted for Norton Creek restoration. Mr. Baker expressed concern that the Sports Complex parking lot and bathroom design was not included in the budget, which led to discussion about the need for a master plan for all parks and recreational facilities.

K-2. Conduct Straw Vote – There was consensus to accept the following adds/deletes, resulting in a tax increase of 2.5 cents.

Department	GENERAL FUND	Currently Included	Not Included
All	Salary, cola, 1% = 68,400, currently at 2.7	\$ 184,680.00	\$ -
All	Health Insurance increase	\$ 85,800.00	\$ -
Admin	Compensation Study (GF share 66%)	\$ 6,000.00	\$ -
Admin	Performance Appraisal Module	\$ -	\$ 6,200.00
Admin	Audio Visual Upgrade for Council Chambers	\$ 10,000.00	\$ 80,000.00
Admin	Reclassification for HR Specialist	\$ 3,750.00	\$ -
Finance	50% of grant writer/finance analyst	\$ -	\$ 48,000.00
Finance	Government Financial Software Increase CCL	\$ 10,000.00	\$ -
Planning	25% of grant writer/finance analyst	\$ -	\$ 24,000.00
Planning	UDO Ch 13 street/infrastructure standards update	\$ -	\$ 25,000.00
Planning	Downtown Wayfinding signage (parking)	\$ -	\$ 15,000.00
Planning	Downtown Wayfinding signage (General)	\$ -	\$ 45,000.00
Planning	Local match for Estatoe Trail wayfinding	\$ -	\$ 25,000.00
Planning	Grant consultant to apply for BUILD grant	\$ -	\$ 75,000.00
Planning	AWD Pickup truck	\$ -	\$ 35,000.00
Police	Berry Dunn Phase 2	\$ -	\$ 35,000.00
Police	Training Increase (5K increase from 15K to 20K)	\$ 5,000.00	\$ -
Police	Automatic Vehicle locator for CID vehicles	\$ -	\$ 3,900.00
Police	Ammunition Increase	\$ 2,000.00	\$ -
Police	Body camera (phase-in)	\$ 36,000.00	\$ -
Police	Taser rental (phase-in)	\$ 36,000.00	\$ -
Police	FLOCK Cameras	\$ -	\$ 21,600.00
Police	Police K9	\$ -	\$ 15,000.00
Police	Firearm Increase (19k increase from 6K to 25K)	\$ -	\$ -
Police	2 Police Vehicles	\$ 26,250.00	\$ -
Police	Frozen Position	\$ (200,000.00)	
B&G	2 New Employees	\$ 68,000.00	\$ -
B&G	Reclassification for 2 employees	\$ 30,000.00	\$ -
B&G	Security Cameras (GF share 60%)	\$ 40,000.00	\$ -
B&G	Jordan St parking lot improvement	\$ -	\$ 20,000.00
B&G	City Hall Deferred Maintenance (GF share 75%)	\$ 150,000.00	\$ 75,000.00
PW Admin	CIP software (GF share 25%)	\$ -	\$ 75,000.00
Streets	2 New Employees	\$ 136,000.00	
Streets	Speed humps on Carolina Ave	\$ -	\$ 14,000.00
Sanitation	Garbage Truck (financed)	\$ -	\$ -
Sanitation	Tipper carts (possibly grant funded; can be financed)	\$ 35,000.00	\$ 175,000.00
Sanitation	One man leaf machine	\$ -	\$ 250,000.00
Non-dept	Estatoe Trail - Main street connection 230K	\$ -	\$ 230,000.00
Non-dept	Housing Trust (increase from 198K to 235,000 for Azaela debt service)	\$ 37,000.00	\$ -
Non-dept	Sports Complex Redesign (pave parking lot, bathrooms)	\$ -	\$ 60,000.00
Non-dept	Fire contribution (3 FT engineers & PT hours)	\$ 156,782.00	\$ -
Roundabout Fund	Eliminate roundabout transfer for FY27	\$ (75,000.00)	
Fire	Remove 2 VIPER radios	\$ (10,000.00)	
DTMP	Remove downtown planters	\$ (27,000.00)	
DTMP	HOB MSD Tax Increase	\$ (16,000.00)	
TOTAL of Requests		\$ 730,262.00	\$ 1,352,700.00
Over Budget		\$ 701,162.10	
After Additional Sanitation Revenues		\$ 533,162.10	2.5
Cents on the tax rate		\$ 507,000.00	
Gap after tax increase		\$ 26,162.10	

Department	FIRE	Currently Included	Not Included
Fire	Three Full-time Engineers (100% share)	\$ 276,500.00	\$ -
Fire	Alternative 1: SAFER Grant for 6 Employees (increases annually)	\$ -	\$ 138,000.00
Fire	Alternative 2: One FT engineer (100% share)	\$ -	\$ 92,600.00
Fire	Alternative 3: SAFER Grant for 3 Employees (increases annually)	\$ -	\$ 69,450.00
Fire	Alternative 4: Fully staff overnight shifts with PT hours (100% share)		\$ -
Fire	Compensation Adjustments for "Officer Plan"	\$ 21,000.00	
Fire	Rescue Boat and Equipment		\$ 8,000.00
TOTAL (100% share)		\$ 297,500.00	\$ 308,050.00
TOTAL with County Contribution		\$ 156,782.50	\$ 162,342.35

Department	WATER/SEWER	Currently Included	Not Included
WWTP	Reclassification Request for FOG position	\$ -	\$ -
Water	Non-revenue water measures	\$ 300,000.00	\$ -
All	25% of grant writer/finance analyst	\$ -	\$ 24,000.00
All	CIP software (W/S share 75%)	\$ -	\$ 225,000.00
WTP	Security Cameras (W/S share 40%)	\$ -	\$ 40,000.00
All	Salary, cola, currently at 2.7	\$ 45,090.00	\$ -
All	Health Insurance increase	\$ 16,000.00	\$ 7,000.00
All	Accelerated Light Duty Truck Replacement	\$ 100,000.00	\$ 100,000.00
All	Compensation Study (W/S share 33%)	\$ 3,000.00	\$ -
Admin/Eng	City Hall Deferred Maintenance (W/S share 25%)	\$ 75,000.00	\$ 25,000.00
Admin/Finance	Financial planning model/bond prep (W/S share)	\$ 10,000.00	\$ -
TOTAL		\$ 549,090.00	\$ 421,000.00

L. Adjourn – There being no further business, at 4:42 p.m. Ms. Holder moved, seconded by Mr. Baker, to adjourn the workshop. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: June 1, 2026

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
July 20, 2026 – 5:30 PM

The Brevard City Council met in regular session on Monday, July 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 Gary Daniel, Pamela Holder, Lauren Wise and Dean Lytle

Staff Present – City Attorney Mack McKeller, City Manager Wilson Hooper, City Clerk Denise Hodsdon, Assistant City Manager/Finance Director Dean Luebbe, Assistant to the City Manager Shawnee Cummings, Human Resources Director Kelley Craig, Communications Coordinator Becky McCann, Planning Director Paul Ray, Assistant Planning Director Aaron Bland, Senior Planner Emily Brewer, Police Chief Christy Wentzell, Deputy Police Chief Alan Bonanno, Police Sergeant Tanner Green, Public Works Operations Manager Cliff Justus, Water Treatment Plant ORC Dennis Richardson, and Wastewater Treatment Plant ORC Aaron Winans

Press – David Bradley, *Transylvania Times* and Jonathan Rich, *Brevard Beagle*

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

B. Invocation – Rev. Dr. Keith Thompson of Brevard-Davidson River Presbyterian Church offered an invocation.

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

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

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

F. Approval of Minutes

F-1. June 15, 2026 Regular Meeting – Ms. Holder moved, seconded by Mr. Baker to approve the minutes of the June 15, 2026 Regular Meeting as presented. The motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Oath of Office – Deputy Chief of Police Alan Bonanno – City Clerk Denise Hodsdon administered the Oath of Office to Deputy Chief of Police Alan Bonanno. Deputy Chief Bonanno was accompanied by his father Joe, wife Katie, daughter Mia, mother Linda, and other family members.

City of Brevard, North Carolina
Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

I, Alan Bonanno, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with

the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as Deputy Chief of Police for the City of Brevard, so help me God.

Oath Administered by: s/ Denise Hodsdon, CMC, NCCMC

s/ Alan Bonanno

G-2. Oath of Office – Police Sergeant Tanner Green – Tanner Green was sworn in as a Law Enforcement Officer by City Clerk Denise Hodsdon. Sergeant Green was accompanied by his wife Katie, daughter Dianna, sons Jed and Johnny, and his parents Sondra and Ken.

*City of Brevard, North Carolina
Oath of Office*

State of North Carolina
County of Transylvania
City of Brevard

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

Oath Administered by: s/ Denise Hodsdon, CMC, NCCMC

s/ Tanner Green

H. Public Comments

Doug Powell said I trust everyone enjoyed celebrating their God-given civil and religious liberties during our historic semiquincentennial anniversary of independence. I would like to publicly commend those on the dais who participated in the reading of the Declaration of Independence on the Main Street stage on July 4th. You all did a great job honoring the sacrifice of the 56 men who risked so much, and you embodied the true spirit of the occasion. I know it's against the rules to single anyone out, so I will refrain. Let's just say I felt transported into Independence Hall during those very hot summer days of 1776 and was reminded of many of the signers who were present. Right from the get-go it seemed like I was watching the primary author of the Declaration himself, Thomas Jefferson, with his flowing red hair, read this remarkable document which transformed the world and shifted the balance of power from kings and queens to the consent of the governed. And soon after, I was reminded of Samuel Adams, the Father of the Revolution. Today many associate the name Samuel Adams with a micro-brewery, but what I heard on July 4th was the rallying cry of freedom and liberty in each syllable, where every word imbibed the spirit of the occasion. And then there was the voice of someone well-versed in the Bible and accustomed to thundering from the pulpit. This reading made me think of signer John Witherspoon who was the President of Princeton University and the only active clergyman at the time of the signing. Minister Witherspoon had a direct and positive influence on dozens of future congressmen, senators, and federal judges, and even a future president and Father of the Constitution James Madison. Then the elder statesman of this group spoke with eloquence and wisdom just like Benjamin Franklin, showing that he clearly understood why we had all gathered at this moment in time. Franklin was one of only six Founding Fathers who signed both the Declaration and the United States Constitution eleven years later. Franklin rarely spoke during these occasions, but when he did his words carried much weight and respect. And speaking of being wise, the last speaker of the group reminded me of another architect of our new nation, Richard Henry Lee. Mr. Lee was the Founding Father who made the motion to declare independence from Great Britain, stating in part that these united colonies are, and of right, ought to be free and independent states. The reading of the Declaration firmly and clearly reminds us all of our civil and religious liberties that were established by God. The fact that our rights do come from God actually protect even those who do not believe in God. Why? Because if our rights come from the hand of man or from our local, state, or national government, then these rights may be quickly removed or rescinded. But if we declare and affirm that our rights are endowed by our Creator and the purpose of government is to protect these natural rights, then our civil and religious liberties are permanent and

unimpeachable. Thank you again for doing such a nice job of reminding us all of these foundational principles.

Rodney Locks said I only have 3 minutes so I'm not going to talk about the property tax referendum that is on the November ballot. If approved, it would require state legislators to enact an official cap on the annual revenue a city and county can collect from property taxes. I'm not going to talk about SB 50, a measure to enact a freedom to carry law allowing concealed carry without a permit across the state. I'm not going to talk about HB 437, the anti-homeless initiative banning unauthorized camping, which the Governor vetoed, but the legislature still has the votes to override it. I'm not going to talk about the state budget that abolishes one office that supports minority-owned businesses and folds another focus on health disparities in the broader Public Health Division. The budget abolished the Office of Historically Underutilized Businesses. The bill also repeals several state laws intended to increase opportunities for businesses owned by minority groups to win government contracts. I'm not going to talk about the threats to the judiciary and state and local offices that are taking place and the many rule changes that make access to voting more difficult. But, I am going to ask Council to develop a plan of action to ensure citizens who want to vote, that it is safe to vote and go to the polls in Brevard and Transylvania County.

I. Special Presentations – None.

J. Public Hearing(s)

J-1. Proposed Amendment to the City of Brevard Unified Development Ordinance Chapters 9 and 19; and the Code of Ordinances Chapter 38 – Sight Triangles – Aaron Bland explained that this is a staff-initiated text amendment to both the Unified Development Ordinance (UDO) and the Code of Ordinances to clarify and unify the requirements for what are known as "sight triangles", defined as an area that establishes a clear line of sight for vehicles at intersections and places where cars make turning movements into or off of a street or driveway. Currently, the UDO and Code language about sight triangles do not match, creating confusion for both property owners and City staff. Additionally, the graphics are inconsistent and not to scale, creating further confusion. These amendments look to clear up these issues and create more nuanced sight triangle requirements that are a better fit for Brevard.

Regulating sight triangles at street intersections and driveways is essential to ensure that all road users, including drivers, pedestrians, and bicyclists, can see and anticipate one another in time to make safe movements onto and off of streets and driveways. Clear sight lines reduce the likelihood of crashes by allowing drivers to judge gaps, identify potential conflicts, and respond in time to avoid collisions. Establishing and maintaining clear sight triangles provides a predictable, enforceable standard that supports safe access to property and protects all road users.

One of the key aspects of these amendments is to make clear that there are two types of sight triangles: one for street intersections and one for driveways. Driveways and street-street intersections are regulated differently because they function very differently in how conflicts occur and how drivers make decisions.

The proposed amendment changes the driveway sight triangle from the current 10'x70' to 15'x50' for driveways connecting to a public street. Staff is proposing that the minimum standard for street intersection sight triangles be 25'x25', but on roads with a speed limit of 40MPH or higher that the distance be increased to 35'.

Currently there is a 10' tall clear zone starting at 2.5' above ground to 12.5' and the proposal maintains that sight distances for driveway connections along state-maintained roadways shall be approved by NCDOT but adds a new provision that allows staff to require a larger sight triangle on any street where traffic volumes are high, there is a documented history of crashes, and if a traffic engineer deems additional sight distance warranted. Additionally, Staff is proposing new graphics that match other

new graphics found throughout the UDO, which will be used in both the UDO and the Code for consistency.

The Planning Board discussed these amendments at their May 26th meeting and unanimously recommended approval as written.

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

Public Participation – None.

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

J-2. Proposed Amendments to City of Brevard Unified Development Ordinance, Chapters 6, 17 and 19; and the Code of Ordinances Chapter 38 – Stormwater Management Development Regulations – Mr. Hooper recalled that two years ago Council set up the City's first Stormwater Enterprise Fund and established a 3-tiered impervious surface fee to fund it. Since then, some of those funds were used to finish the Times Arcade Alley stormwater project, however the majority of those funds were used to pay engineering firm McAdams to update the City's 20-year old Stormwater Master Plan. When their work is done, it will have identified the most critical deficiencies in our existing system and what needs to be done to correct them. A stormwater system works best when both public and private infrastructure are up to snuff. A thoughtful stormwater plan has to include a look at rules governing private stormwater features. He reminded everyone that stormwater systems are a hodgepodge of public and private infrastructure and that the private owners of private infrastructure are responsible for the upkeep of their infrastructure even if those pipes and drains transmit water from public streets and other public properties.

Emily Brewer explained that this is a staff-initiated text amendment to improve the stormwater management requirements within the Unified Development Ordinance as it pertains to new development and to existing development that is redeveloped. The goal is to be more equitable, effective, and for it to be easier to administer. Effective stormwater management is essential for mitigating the environmental impacts of development in Brevard's sensitive terrain and topography. Without proper stormwater controls, debris, sediment, trash, and other pollutants are washed into neighboring properties and nearby waterways. By requiring thoughtful stormwater design, communities can reduce peak flows, slow down runoff, and preserve more natural hydrologic functions even as development expands.

Section 6.6 establishes the City's stormwater requirements for development. The major changes to the section are summarized below:

- *Applicability:* Currently, the standards apply to new large non-residential or mixed-use projects, residential developments with 8 or more dwelling units, and any project where stormwater controls are required by a review board. Smaller residential projects, redevelopment that doesn't have an increase in impervious surfaces, and development in the Heart of Brevard are all exempt from stormwater requirements. These exemptions should be granted sparingly and strategically to ensure environmental outcomes are achieved and certain types of development are incentivized. The proposed amendments restructure the applicability standards so that stormwater requirements are triggered by the amount of new built-upon area or area of disturbance, rather than by the number of residential dwelling units. This area-based approach is a more equitable and effective regulatory tool because stormwater impacts are directly related to the extent of disturbed soil and impervious coverage. The new applicability section also includes all development in steep slope areas regardless of project size.

- *General Design Standards:* The amendments also include general design standards to encourage stormwater volume reduction prior to detention measures, including minimizing built-upon area by clustering buildings, reducing road widths and parking areas, and using permeable materials and releasing stormwater runoff.
- *Stormwater Treatment Requirements:* The stormwater treatment requirements remain the same with two notable exceptions:
 - The existing ordinance includes a requirement to remove 85% of the total suspended solids (TSS) from the first inch of any rain event. This requirement is outdated and cannot be accomplished with many of the approved stormwater control measures. Instead, the amendment requires that the first inch of a rain event is to be treated in accordance with the North Carolina Minimum Design Criteria.
 - The new ordinance regulations include an incentive for projects to use low-impact development (LID) techniques. LID are stormwater control measures that are designed to mimic natural hydrology, such as permeable pavers, green roofs, and bioretention cells. Instead of designing for the two- and ten-year storm event, projects that utilize LID will be allowed to control for the 5-year storm, incentivizing more environmentally-conscious and more green infrastructure practices instead of relying on large structural measures like retention ponds.
- *Maintenance Requirements:* The new amendments include the requirement of an operation and maintenance agreement that is the responsibility of the owner. These agreements are to be recorded at the Transylvania County Register of Deeds to ensure any subsequent owner is aware of their ongoing responsibilities. It also requires inspection reports to ensure that they are appropriately maintained and functioning as intended and the administrator will have the authority to demand an inspection report at any time —particularly if there is a reasonable belief that the structure is not working properly or if there is any proposed redevelopment on the site.
- *Fee-in-Lieu:* This option has been removed as an option for most projects and is instead reserved for projects where it is impossible to meet the requirements.

The Planning Board reviewed the draft amendments at its May 26th meeting and recommended in favor of its adoption. Planning Board members discussed the potential impact on single-family homeowners at length. The proposed development thresholds are designed so that the vast majority of routine improvements to existing single-family homes are not subject to the ordinance. The ordinance is intended to apply to larger-scale development and redevelopment projects that have the potential to significantly increase stormwater runoff.

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

Public Participation – None.

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

J-3. Proposed Amendments to the City of Brevard Code of Ordinances Chapter 42 – Loitering, Trespassing, Public Intoxication, and Hours of Operation – Mr. Hooper explained that the offenses under discussion were either listed as civil offenses in the Code, or were intended to be misdemeanors, but didn't contain the required legal language for them to be enforceable as such. The offenses are:

- Consumption or possession of alcoholic beverages in a public place (not including Social District participation)

- Trespassing on public property
- Loitering in general
- Loitering for the purposes of engaging in drug-related activity
- Assemblages obstructing streets
- Carrying concealed weapons on or near city property, adding City facilities that did not exist when the Code was last updated
- Failing to vacate city property when properly notified by a city agent

Chief Wentzell added that the proposal is more about addressing behavior and applies equally to everyone. She said whether it is someone who is trespassing on closed business properties, if they are remaining in a city park after hours, obstructing sidewalks, violating the alcohol restrictions outside of the Social District, or refusing to leave city property after being lawfully asked to do so, the Police Department's response is based on the behavior, not the individual. If somebody chooses not to comply after being given a reasonable opportunity to do so, the officers need appropriate enforcement options to resolve the situation. Currently these proposed changes do not require officers to make arrests. They do not change the overall philosophy of policing or of the Brevard Police Department. It simply restores an effective enforcement option when education, warnings, and repeated efforts to gain voluntary compliance have been unsuccessful. Right now, Police Officers have been responding to a multitude of complaints or calls for service over these underlying issues, and by restoring these ordinances under NCGS §14-4, it will provide the officers with a legally recognized enforcement option when it is appropriate. Ultimately, this proposal is not about making more arrests; it is about giving the police officers the ability to effectively resolve recurring problems, protect our businesses and public spaces, and ensuring those who visit and live and work in Brevard remain safe and welcomed.

At 6:27 p.m. Mr. Baker moved, seconded by Mr. Wise to open the public hearing. The motion carried unanimously.

Public Participation:

Doug Powell said I would like to speak tonight on compassion and fairness. I believe everyone in this room has deep compassion and empathy for any of our fellow citizens who are faced with life on the streets. For most of us, this kind of life is unimaginable and completely foreign to our experience. A reasonable response is to do something to help. For many years, before arriving in Brevard, I did just that. Whether you call these dear people homeless or unhoused or any other terms, they have names and often horrific stories. In my many years of ministry work with these children of God I learned a lot. One of the most distressing lessons that I learned was this is not at its core a housing issue. Homelessness is the effect, not the cause of the situation. The fact is in almost every single case there is a mighty struggle of addiction and mental health going on, which can stem from a myriad of reasons. I remember vividly in several cities, including the 50-plus blocks of LA Skid Row where on any given night there were plenty of empty and safe beds available at the Midnight Mission if only one decided to get clean and sober. Yet, thousands decided to live in their own filth and drug-induced haze. And, the more services a city or town provides, the more people flock to that locale. Many confided in me that as long as there were free meals available and the police left them alone, there was no real reason to change. So, what I saw was the subsidizing of these homeless communities that helped slowly and surely allow them to commit suicide, since there was no incentive to change their destructive behavior—this is not compassion. I'm sure everyone in this room would agree that we should lift those up who have fallen on hard times, that grew up in Brevard or Transylvania County, but I'm puzzled why the good citizens of Brevard are responsible for those flocking here from other cities, counties, and states. We need to make that distinction and focus on helping our own. This is where fairness comes in. Throughout the country the unhoused often account for well below one percent of the population, yet in almost every case they constitute anywhere from 20 to 50% of the emergency calls from police, fire and EMT. I do not believe it is fair for a person in Brevard, who pays generously in property taxes to not have those life-saving emergency services

available to them in their urgent time of need because a transient person arrived here a few weeks ago from Tennessee or South Carolina. I am not Carnac the Magnificent, but I do know how this all ends in Brevard if we continue to subsidize this community's drug habit and they pay no price for their lawlessness in the form of public urination, defecation, drug use, theft, vagrancy, and littering. I have seen it all firsthand several times over. You do not want to see this. The good news is that I've also witnessed many success stories of those who sincerely wanted to get their life back on track, but this took a willingness to get clean and sober and become a productive member of society, including seeking employment. There is no other way. The successes that I have witnessed are always predicated on good citizens deciding to make it uncomfortable for their fellow man to not make a change of behavior in their life. This is true compassion and fairness.

At 6:32 p.m. Mr. Wise moved, seconded by Mr. Baker to close the public hearing. The motion carried unanimously.

During Council comments and questions Ms. Holder asked for data on the true extent of the problem, and if they are in the Social District, how do you determine to navigate that? Chief Wentzell will compile the data and bring that back at a later date.

Mr. Baker appreciated Chief Wentzell's comment that this is not about making more arrests. He noted that when talking about things like loitering, it's a fact that that potential is there because it is hard to make that a black and white issue. We do our best with the language we've got, but it can be awfully gray. With any sort of gray issue like that the potential for over-policing exists. I think we could implement some additional reporting on a quarterly basis at the Public Safety Committee level so that we hear if there is an overwhelming number of loitering arrests happening. Chief Wentzell agreed with quarterly reporting and said as we look to implement changes in ordinances and having that level of oversight, it allows us a greater snapshot of what the underlying issues are, and whether it is a seasonal thing.

Mr. Wise emphasized that this is not a response to the homeless issue, and he also felt that more data would be helpful in making a decision.

Mr. Daniel expressed concern that the list of city-owned properties was incomplete as it does not include the leased picnic area beside the barber shop, the parklets or the public alleyways. He said we could just say "all city properties", but I think it is important to know what those city properties are.

Mr. Lytle said when we do speak of unhoused, we have to make sure we don't make the issue too small. We'll have to attack the issue from many different aspects, and some could be punitive remedies, and some could be just more larger societal issues that we have to attack. When we speak of that overall issue, let's make sure we keep it large enough for the actual problem that it is. In saying that, I think that this doesn't just speak to those folks, it speaks to anyone that is in violation. I think that the reporting was a good suggestion to determine whether it has had the intended consequence—what does enforcement look like now as compared to what it exactly looks like after if this passes? If it doesn't work, maybe there are other ways that we need to address some of the issues; and if it does, we need to be able to tell that story to the public.

J-4. Pathways to Removing Obstacles to Housing (PRO Housing) Federal Grant Application – Emily Brewer explained that the U.S. Department of Housing and Urban Development's (HUD) 2026 Pathways to Removing Obstacles to Housing (PRO Housing) grant program will provide \$50 million in competitive funding to help state and local governments remove barriers to housing production and preservation. Grant amounts are expected to range from \$5 million to \$10 million. This round of funding emphasizes implementation and prioritizes communities that have already taken steps to adopt housing-supportive policies and practices. The program would support a wide range of eligible housing activities, but emphasis is on the creation of for-sale affordable housing units. Communities that can demonstrate recent regulatory reforms and

measurable housing outcomes will be the most competitive applicants. And further, Transylvania County is identified as a priority geography for this round of funding and additional preference points are given to "rural" areas.

The City is submitting an application in partnership with Housing Assistance Corporation (HAC) for approximately \$10M to support the development of their affordable homeownership community on Cashiers Valley Rd. The project proposes the construction of 26 affordable homes, including 10 single-family homes and 16 townhomes, and includes funding for the infrastructure and site improvements necessary to facilitate development. The proposed grant application will also include approximately \$400,000 for affordable housing preservation activities in the Rosenwald Community, with funding to be used to provide home repair assistance for an estimated six to eight low-income owner-occupied homes. The application deadline is August 3rd, and awards are expected to be announced in November.

PRO Housing program does not require matching funds, but the project leverages significant local investment and partnerships. Last year, the City transferred the property to HAC as an in-kind donation, valued at approximately \$600,000, to support the project. The City will also provide staff time to support project implementation and coordination and extend sewer along Cashiers Valley Rd. to serve the site. The County agreed to fund the utility extension into the neighborhood through a Dogwood Health Trust grant of approximately \$400,000.

The proposed project aligns closely with the goals of the PRO Housing program by removing barriers to affordable housing development, increasing the supply of affordable homeownership opportunities, preserving existing affordable housing, and leveraging public investment to address local housing needs. Ms. Brewer highlighted some of the steps Brevard has taken to remove barriers to affordable housing creation over the last three years.

At 6:51 p.m. Mr. Baker moved, seconded by Ms. Holder to open the public hearing. The motion carried unanimously.

Public Participation – None.

At 6:51 p.m. Mr. Baker moved, seconded by Ms. Holder to close the public hearing. The motion carried unanimously.

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

K-1. Tax Settlement Report – June 2026

K-2. City of Brevard Annual Tax Collection Settlement Report

K-3. Capital Project Amendment – Wastewater Treatment Plant Upgrade - \$8,575,000

ORDINANCE NO. 2026-32

CAPITAL PROJECT ORDINANCE TO AMEND ORDINANCE NO. 2025-40 WASTEWATER TREATMENT PLANT UPGRADE PROJECT

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

Section 1: The budgeted expenditures and revenues listed under the ordinance 2025-40 will be increased by \$8,575,000.

Section 2: In late June of 2026 the City finalized the NCDEQ requirements on additional funding for the Wastewater Treatment Plant Upgrade Project. The amount approved was \$8,575,000 and originated from the \$13,000,000 earmark from Session Law 2023-134. The City had previously requested and received permission to utilize \$1,230,000 of this funding for this project. The City expects to finalize the paperwork on an additional 5M for this project shortly.

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

Account Number	Account Name	Budget Amount
31-8220-0925	Professional Services	\$1,230,000
31-8220-0925	Professional Services	\$575,000
31-8220-7400	Capital Outlay	\$8,000,000
TOTAL PROJECT APPROPRIATION		\$9,805,000

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

Account Number	Account Name	Budget Amount
31-3970-0800	NCDEQ SRP-W-134-0175	\$1,230,000
31-3970-0800	NCDEQ SRP-W-134-0175	\$8,575,000
TOTAL PROJECT REVENUE		\$9,805,000

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

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

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

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

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

ADOPTED by the City Council of the City of Brevard, North Carolina, on this 20th day of July, 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC

s/ Maureen Copelof, Mayor

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

K-4. Downtown Master Plan Committee Meeting Minutes – February 11, 2026

K-5. Parks, Trails and Recreation Committee Meeting Minutes – May 20, 2026

K-6. Public Safety Committee Meeting Minutes – May 28, 2026

K-7. Public Works and Utilities Committee Meeting Minutes – June 3, 2026

K-8. Finance, Human Resources and Citizen Appointment Committee Meeting Minutes – June 4, 2026

K-9. Housing Committee Meeting Minutes – June 9, 2026

K-10. Parks, Trails & Recreation Committee Meeting Minutes – June 17, 2026

~~ At 6:59 p.m. Mayor Copelof called for a 5-minute break. ~~

L. Unfinished Business

L-1. Proposed Amendment to the Official Zoning Map of the City of Brevard – 2 Parcels on Deavor Road to PGX – Aaron Bland recalled that Council held a public hearing on the proposed Zoning Map amendment at its June 15th meeting.

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

ORDINANCE NO. 2026-33 AN ORDINANCE AMENDING THE CITY OF BREVARD OFFICIAL ZONING MAP TO REZONE LAND IN THE VICINITY OF 240 DEAVOR ROAD

WHEREAS, the City has received a request from representatives of CDP Aloe Properties LLC that the Official Zoning Map of the City of Brevard be amended by rezoning two (2) parcels of land, identified by PINs 8597-64-1942-000 and 8597-64-2864-000, and hereafter referred to as the “Subject Properties,” from the Residential Mixed Use (RMX) district to the Pisgah Gateway Mixed Use (PGX) district; and,

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on May 26, 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:

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

- 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 the existing district 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.
- and,

WHEREAS, a public hearing was conducted on June 15, 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 8597-64-1942-000 and 8597-64-2864-000 is hereby rezoned to Pisgah Gateway 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.

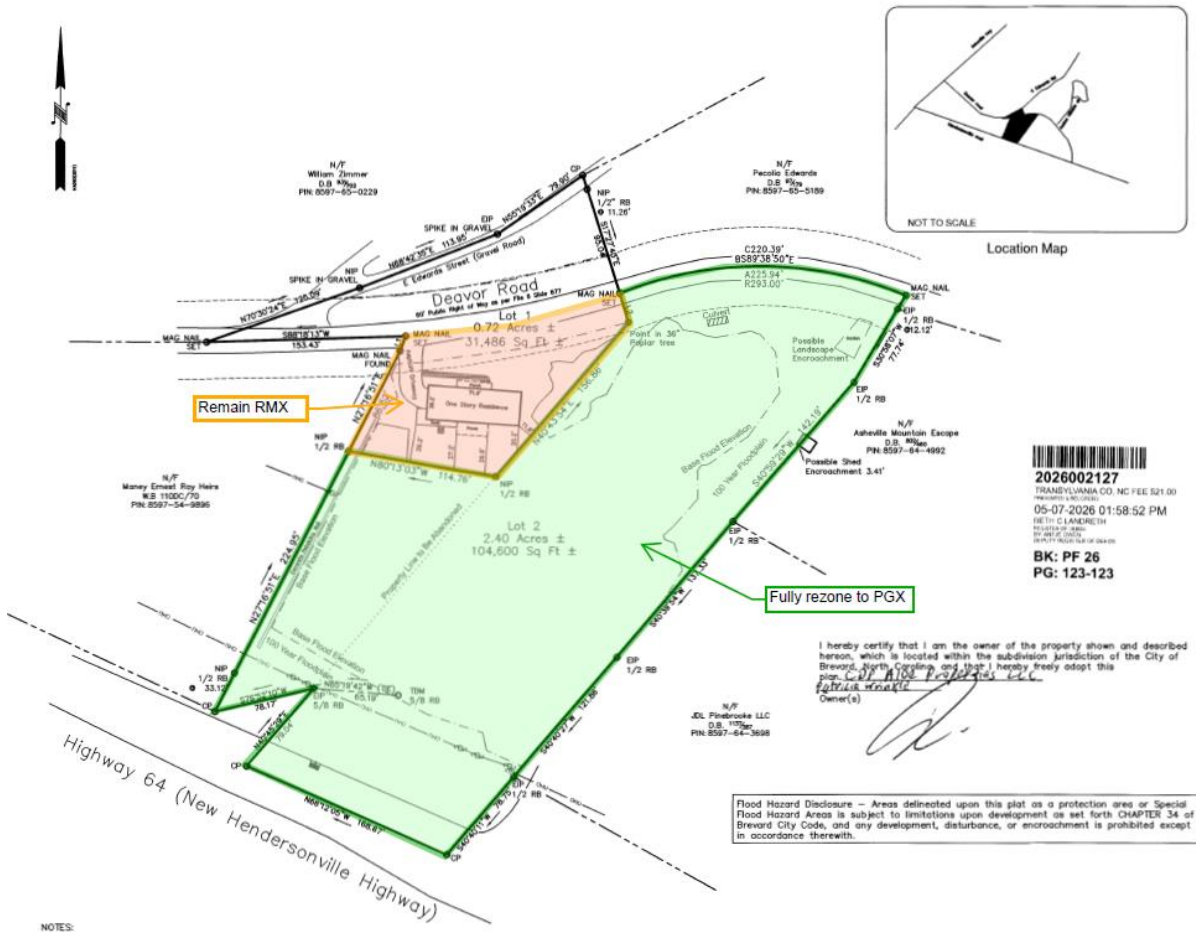
SECTION 05. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

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

Attest: s/ Denise Hodsdon, CMC, NCCMC

s/ Maureen Copelof, Mayor

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



M. New Business

M-1. Proposed Bracken Trail Name – Aaron Bland explained that a fourth trail has been added to the Bracken Preserve extension and that trail now needs an official name. The Parks, Trails and Recreation Committee discussed this at their June 17th meeting and voted to recommend the name “Mountain Rush Trail”. Mountain rush is a rare plant found in Bracken’s seep complexes.

Mr. Baker moved, seconded by Mr. Wise to approve the Parks, Trails, and Recreation Committee’s recommendation and name the trail “Mountain Rush”. The motion carried unanimously.

M-2. Food Vendor Pilot Program – Emily Brewer presented the proposed Food Vendor Pilot Program. Currently the City accommodates mobile food vendors through permitted special events, temporary uses on private property, and permanent mobile food vendor sites located on private property. However, there is currently no process that allows food vendors to operate on City-owned property outside of those circumstances.

The Finance, Human Resources and Citizen Appointment Committee has considered allowing food vendors on City property for nearly a year. A previous program to allow non-motorized vendors was brought before City Council upon its recommendation. City Council referred it back to the Committee for further consideration. The Committee then directed staff to revise the policy to include

motorized food trucks. Staff brought the Food Vendor Pilot Program to the Committee in June, where the Committee unanimously recommended in favor of its adoption.

Rather than establishing a permanent program without operational experience, staff is proposing a five-month pilot program that will allow the City to evaluate the benefits and potential impacts of mobile food vending on public property before considering long-term policy changes. The goal of the pilot program is to activate public spaces, provide additional food options for residents and visitors, and support local business opportunities while maintaining appropriate operational standards to protect public facilities and surrounding neighborhoods. The pilot program would apply to both motorized mobile food vendors (food trucks, trailers, and similar vehicles) and non-motorized vendors (pushcarts and similar equipment). Vendors would be required to obtain a City permit (proposed \$100) prior to operating and provide documentation demonstrating compliance with applicable Health Department regulations, business licensing requirements, and insurance standards. The pilot program would operate from August 1 through December 31, 2026, with vendors permitted to operate only on Fridays, Saturdays, and Sundays between 11:00 a.m. and 9:00 p.m. Vendors would be required to remove all equipment and vacate City property at the end of each operating day.

To minimize conflicts with existing public uses, staff have identified several City-owned locations that can reasonably accommodate food vendors while maintaining adequate parking, pedestrian circulation, and park operations.

Motorized vendors would be permitted at:

- Jordan Street parking lot (with an electrical hook-up),
- Sports Complex parking lot (with a generator),
- Silversteen parking lot beginning in October following completion of nearby construction (with a generator).

Non-motorized vendors would be permitted at:

- Clemson Plaza
- Dog Park
- Franklin Pool
- Silversteen Park
- Skate Park
- Soccer Field.

Vendor locations would operate on a first-come, first-served basis, with only one vendor allowed per designated location. City-sponsored events, special event permits, and facility reservations would take precedence over vendor use. Operational standards have been developed to minimize impacts on surrounding properties and ensure public safety. Vendors would be required to maintain a minimum of \$1M in liability insurance naming the City as an additional insured.

Ms. Holder moved, seconded by Mr. Lytle to adopt the Food Vendor Pilot Program as presented.

During discussion, Mr. Daniel expressed concern about allowing a business in the Jordan St. parking lot, which is in the MSD, and that business would not be paying the MSD tax. He also noted that there are two brick-and-mortar restaurants across the street from that site and that would be in direct competition with those businesses. Both of those businesses will have increased taxes and fees for recycling, which mobile food vendors would not be paying. He said I find that location questionable and I'm not sure I agree with that.

Mr. Baker said I think that activating public spaces is a great idea, but I can understand the concerns. Mr. Wise was also sensitive to Mr. Daniel's concerns but felt

that a pilot program would allow the opportunity to get feedback from the local businesses as to what they feel the impacts are. Mr. Daniel agreed that because this is a pilot program, he will wait to hear the reaction from the business owners, and if that location becomes an issue, we can remove it.

Vote on the motion was unanimously in favor.

**RESOLUTION NO. 2026-38
A RESOLUTION ADOPTING A FOOD VENDOR PILOT PROGRAM FOR
MOBILE FOOD VENDING ON DESIGNATED CITY-OWNED PROPERTY**

WHEREAS, the City Council of the City of Brevard recognizes that mobile food vendors can contribute to the vitality of public spaces, support local entrepreneurship, expand dining opportunities for residents and visitors, and enhance the community experience; and

WHEREAS, the City Council desires to evaluate the feasibility of allowing mobile food vendors to operate on designated City-owned property under controlled conditions before considering the establishment of a permanent program; and

WHEREAS, City staff has developed a Food Vendor Pilot Program that establishes designated vending locations, operating days and hours, permitting requirements, operational standards, and enforcement procedures intended to protect the public health, safety, and welfare while allowing mobile food vending in appropriate locations; and

WHEREAS, the pilot program shall commence on August 1, 2026, and conclude on December 31, 2026, unless modified, extended, or terminated earlier by action of the City Council; and

WHEREAS, the Finance, Human Resources, and Citizen Appointment Committee reviewed the proposed pilot program and unanimously recommended in favor of its implementation; and

WHEREAS, the City of Brevard does not regulate food preparation or food safety and requires participating vendors to maintain all applicable permits issued by the Transylvania County Health Department or other applicable health authority; and

WHEREAS, the City Council finds that implementing a limited-duration pilot program will provide valuable information regarding vendor participation, operational impacts, public demand, enforcement needs, and overall program effectiveness.

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

SECTION 1. The City of Brevard hereby adopts the Food Vendor Pilot Program, as presented by staff and adopted hereto as Exhibit A.

SECTION 2. The \$100 permit fee for participation in the Food Vendor Pilot Program is hereby established.

SECTION 3. City Staff is hereby directed to administer the Food Vendor Pilot Program and monitor implementation throughout its duration.

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

Attest: s/ Denise Hodsdon, CMC, NCCMC

s/ Maureen Copelof, Mayor

M-3. Appointment of ABC Board Member – Finance, Human Resources and Citizen Appointment Committee Chair Dean Lytle reported that the committee interviewed three applicants for two open positions on the ABC Board. Following the interviews the committee recommended that Lisa Conner be reappointed for another 3-year term. The committee also directed Staff to recruit an individual with retail, restaurant, or advisory board experience for the second appointment in order to bring a strategic thought to the board in order to maximize revenue and make sure service is up to par.

Ms. Holder moved, seconded by Mr. Wise to approve the resolution reappointing Ms. Conner and directing Staff to readvertise and extend the recruitment of another member with specific experience as mentioned. The motion carried unanimously.

RESOLUTION NO. 2026-39
RESOLUTION APPOINTING A MEMBER TO THE BREVARD ABC BOARD

WHEREAS, pursuant to NC G.S. § 18B-700(a) Local ABC Board members are appointed by the City Council as the appointing authority; and

WHEREAS, Brevard ABC Board members serve staggered three-year terms, and the terms of two members expire in July, 2026; and

WHEREAS, city staff, with the oversight of the Finance, Human Resources and Citizen Appointment Committee, conducted an open recruitment for citizens interested in serving on the ABC Board; and

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee considered applications at its June 22, 2026 meeting and chose to interview the applicants at a specially-called meeting on July 14, 2026; and

WHEREAS, following interviews, the Finance, Human Resources and Citizen Appointment Committee recommended that Lisa Conner be reappointed to the Brevard ABC Board; and

WHEREAS, the Finance, Human Resources and Citizen Appointment Committee agreed to extend the recruitment period to recruit an individual with retail, restaurant, or advisory board experience for the second appointment.

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 Lisa Conner to the Brevard ABC Board effective August 2026 and expiring in July, 2029.

Adopted and approved this 20th day of July, 2026.

Attest: s/ Denise Hodsdon, CMC, NCCMC

s/ Maureen Copelof, Mayor

N. Remarks/Future Agenda Considerations.

Mr. Daniel said I attended the opening of the Mac Morrow Trail on Friday, and it was quite an impressive turnout. It was great seeing folks come down the trail while the ceremony was going on. One of the things that I took a lot of satisfaction in is the recognition that Aaron Bland received in comments. He got a lot of recognition, and I would like to commend him in this moment as well. Thanks to all our staff for the great work that they do.

Mr. Baker said it was a great day on Friday, and it was great to see the turnout. Bracken, as a City project, might get some people questioning why we need Bracken when we're surrounded by a national forest. But I rode up there from my house, and just the fact that you can access it that way straight from people's houses or straight from downtown, it's a very unique thing about Brevard that I think took vision and follow-through from a lot of people—Mac Morrow obviously prime among them, as well as a lot of City Staff hours and time as well. I was thinking about once the Ecusta Trail is finished and that heads downtown and we've got this great natural amenity downtown, everything is centered around the Heart of Brevard and it's a great vision to see come to life. It was validating to see so many people show up on a Friday to celebrate that. To see a project like that that takes a lot of people a lot of years of service and dedication, it's exciting to cut a ribbon. Thanks to everyone who participated.

Ms. Holder said this is our first meeting since Juneteenth and July 4th, so I want to publicly thank everyone who attended those two events. There was very impressive attendance for both, and I was proud to be a part of both activities. Regarding Bracken Trail, I thought who would ride their bike up here and there were a lot of bikes there and our City Manager rode his bike up there. It was impressive that people would do that, and I felt really good riding up in the van. You guys did a great job and handled it well. Thank you so much.

Mr. Hooper yielded his time to Chief Wentzell to inform everyone that the Battle

of the Badges blood drive will be held on July 22nd. It includes the Brevard Police Dept., Fire Dept, Transylvania County Sheriff's Dept. and EMS and when you donate you can vote for one of those departments.

Mayor Copelof encouraged everyone to sign up for the blood drive as there is an extreme shortage of blood right now. She said the ceremony in Bracken on Friday was incredible. I think Aaron said he started working on trying to get the additional 34 acres in 2018—that's 8 years from the concept, the vision, to actually making it complete. It was wonderful to see so many people up there who had worked on this for so long. It's a great amenity for our community and it's two more miles of easier trails. About 20 years ago the mayor and council had the vision to put it in a conservation easement so that this precious natural resource would be available not only for us, but for all future generations. I was able to visit former Mayor Jimmy Harris to tell him that part of the vision and part of what he started 20 years ago we were able to build and to complete and to open those trails. I am proud to be able to continue to build on a legacy that our predecessors have put in place. She mentioned that the next Meet the Mayor will be on Thursday at MCJCCC, and the Age-Friendly working group is sponsoring a Fall Prevention Seminar on August 13th at the Rogow Room.

O. Closed Sessions

O-1. Economic Development: NCGS 143-318.11(a)(4) – At 7:46 p.m. Mr. Baker moved, seconded by Ms. Holder to go into closed session to discuss an economic development matter, and to clear Council Chambers. The motion carried unanimously. City Manager Wilson Hooper and City Clerk Denise Hodsdon were authorized to remain for the closed session with Council and Attorney McKeller.

Council Returned to Regular Session – at 8:28 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

O-2. Property Acquisition: NCGS 143-318.11(a)(5)(i) – At 8:29 p.m. Mr. Baker moved, seconded by Mr. Lytle to go into closed session to discuss a property acquisition matter. The motion carried unanimously. City Manager Wilson Hooper and City Clerk Denise Hodsdon were authorized to remain for the closed session with Council and Attorney McKeller.

Council Returned to Regular Session – at 8:45 p.m. Council resumed the meeting in regular session. No official action was taken in closed session, and the minutes of the closed session are authorized to be sealed.

O-3. Pending Litigation: NCGS 143-318.11(a)(3) Veal vs. City of Brevard – At 8:45 p.m. Ms. Holder moved, seconded by Mr. Baker to go into closed session to discuss pending litigation matter Veal et al vs. City of Brevard. The motion carried unanimously. City Manager Wilson Hooper and City Clerk Denise Hodsdon were authorized to remain for the closed session with Council and Attorney McKeller.

Council Returned to Regular Session – at 9:03 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 9:04 p.m. Ms. Holder moved, seconded by Mr. Lytle, to adjourn the meeting. The motion carried unanimously.

Maureen Copelof
Mayor

Denise Hodsdon, CMC
City Clerk

Minutes Approved: August 3, 2026

CITY OF BREVARD, NORTH CAROLINA

Proclamation

NO. 2026-20

**HONORING CAROLYN LEMMOND WINCHESTER ON HER 100TH BIRTHDAY,
DECLARING AUGUST 9, 2026 AS "CAROLYN LEMMOND WINCHESTER DAY",
AND BESTOWING CAROLYN LEMMOND WINCHESTER A KEY TO THE CITY**

WHEREAS, Carolyn Lemmond Winchester is celebrating a monumental milestone, reaching the extraordinary age of 100 years on August 9, 2026; and

WHEREAS, throughout a remarkable century of life, Carolyn Lemmond Winchester has witnessed profound changes in the world and has been a cornerstone of the Brevard community, embodying the values of resilience, wisdom, and grace; and

WHEREAS, Carolyn Lemmond Winchester has dedicated over 40 years of her life to serving the Transylvania County Schools system as a Biology and Spanish Teacher at Brevard High School, and after retirement she developed a Spanish Program for the County's elementary schools, and served as a member of the Transylvania County School Board, leaving a lasting, positive legacy in our community; and

WHEREAS, for the past 13 years Carolyn Lemmond Winchester has been honored by her family with the Carolyn Lemmond Winchester Scholarship which is awarded annually to deserving students of Brevard High School and Rosman High School, based on need and academic performance; and

WHEREAS, Carolyn Lemmond Winchester joined the Brevard-Davidson River Presbyterian Church in 1950 and has served in many leadership roles during the last 76 years, serving as the first director of the Church's Preschool in 1957 and served on its Board for many years; and

WHEREAS, Carolyn Lemmond Winchester was elected as the Worthy Grand Matron of the North Carolina Order of the Eastern Star by its 40,000-plus membership from 1983-1984 and has continued to be active for 80 years; and

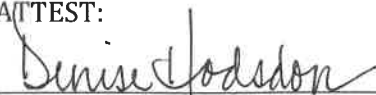
WHEREAS, in recognition of her enduring contributions to the City of Brevard and Transylvania County, it is fitting and proper that the City honors this cherished resident.

NOW, THEREFORE, I, Maureen Copelof, Mayor of the City of Brevard, on behalf of the City Council and the residents of Brevard, do hereby proclaim August 9, 2026 as "**CAROLYN LEMMOND WINCHESTER DAY**" in the City of Brevard, North Carolina, and commend its observance to all its residents.

AND FURTHERMORE, as a symbol of our city's highest esteem, admiration, and affection, I am proud to present Carolyn Lemmond Winchester with the **KEY TO THE CITY**. May your 100th birthday be filled with the same love, warmth, and happiness you have so generously shared with us all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Brevard to be affixed on this 3rd day of August, 2026.

ATTEST:


Denise Hodsdon, CMC, NCCMC
City Clerk




Maureen Copelof
Mayor



CITY *of* BREVARD

Certificate of Appreciation

Presented to

Howie Granat

*In recognition of dedicated service to the
City of Brevard as a member of the
Parks, Trails and Recreation Committee
from January 2020 to July 2026*

Presented August 3, 2026


Maureen Copelof
Mayor



City of Brevard, North Carolina

Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

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

Joshua Norton

Oath Administered By:

Denise Hodsdon
Deputy City Clerk

August 3, 2026

Date



City of Brevard, North Carolina

Oath of Office

State of North Carolina
County of Transylvania
City of Brevard

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

Joshua Norton

Oath Administered By:

Denise Hodsdon
City Clerk

August 3, 2026
Date

STAFF REPORT

City Council, Monday, August 3, 2026

Title: Property Tax Releases - July 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 August 2026: \$ 820.46

Recommendation:

Approve resolution to release values from the tax scroll.

Attachments:

1. Resolution Approving Property Tax Releases-For August 3 2026

RESOLUTION 2026-XX

A RESOLUTION APPROVING PROPERTY TAX RELEASES

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

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

The Tax Collector is hereby authorized to remove July 2025 property values from the tax scroll in the amount of:

TAX YEAR 2025: \$ 820.46

Adopted and approved this 3rd day of August 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

MINUTES
City Council Public Safety Committee

Monday, June 22, 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
Christy Wentzell, Police Chief
Chase Owen, Fire Chief
Mack McKeller, City Attorney
Shawnee Cummings, Assistant to the City Manager

Guests: Harvey Sankey, Rodney Locks

Media: David Bradley, Jonathan Rich

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 certified that a quorum was present.

C. Approval of Agenda

Mr. Lytle moved, seconded by Mr. Gallo to approve the agenda. The motion carried unanimously.

D. Approval of Minutes – May 28, 2026 Meeting

Mr. Lytle moved, seconded by Mr. Gallo to approve the minutes from the May 28, 2026 meeting. The motion carried unanimously.

E. Traffic Calming Measures

Mr. Hooper said there are not many updates, but he was expecting to have the results of the traffic engineer's field visit. Unfortunately, she broke her collarbone the week she was scheduled to visit, so her visit has been postponed. Mr. Hooper reviewed what the traffic engineer will look at when she is able to make her visit.

The first intersection is Oakdale St. and Carver St., which has unique geometry, 2 different sight line issues and misaligned sidewalks. The sidewalk ends abruptly because the right-of-way is not wide enough and ownership of the adjacent home is unknown. The traffic engineer will advise on improvements to make it safer.

The next intersection is W. Main St., Thomas St., James St., and North Ln., which also has geometry issues and steep hills on either side. Mr. Hooper said Staff heard and verified that people are speeding in this section, but options are limited by the topography. The traffic engineer will advise on improvements given the hills.

The last intersection, added at the request of the Public Works and Utilities Committee, is Railroad Ave., King St., French Broad St., and Whitmire St. There is a lot of car, pedestrian, and bicycle traffic in that area and it will only grow as the trail gets more users and the area redevelops. The traffic engineer will look to improve safety for all users. Mr. Baker said particularly, it will look at a pedestrian crossing on Railroad Ave. because there is currently no official way to get from the trail across Railroad Ave. Mr. Hooper said they added parking on Railroad Ave. a couple years ago, which helped calm speeds a little, but the lines painted in the intersection have faded. Before repainting with more permanent paint, he wants to make sure they get the geometry of the intersection right.

Chief Owen said he approached Mr. Hooper about asking NCDOT about the Morris Rd. intersection on Asheville Hwy. He said the accidents in that intersection are always major and the sign does not offer enough warning to motorists. He wanted to see if DOT would be willing to move the flashing sign back or do something else to help minimize severe accidents. Mr. Hooper said the intersection is a proposed project in the Comprehensive Transportation Plan that Council just approved. He added that unfortunately, the more accidents it has, the more likely it is to move up the funding priority list. Land of Sky will pull the crash data and run it through their formula to see how it will score before bringing it back to the local transportation group to decide where it should be placed in terms of prioritization. Mr. Baker said with the new Courthouse being built, traffic is not going to get any lighter.

Mayor Copelof asked if the traffic engineer looked at the intersection of Park Ave., Parkview Dr., and Outland Ave. A bicyclist who rides over there told her that they have had a lot of close calls. Mr. Hooper said they added more visible signage and repainted the crosswalk. They were looking at doing a neighborhood roundabout, but there is a historic stone wall that would factor into the formula and cause it to score very low, so it was dropped. Mayor Copelof said she is concerned about the sight lines, street misalignment, and lack of flashing lights to alert motorists. She

asked if the traffic engineer could look at the intersection to identify potential improvements. Mr. Hooper said he would inquire.

F. Ordinance Changes re: Loitering, Trespassing, Public Intoxication, and Hours of Operation

Mr. Hooper provided the red-lined proposal to the Committee (Attachment A) and advised that the changes are minimal. About 6 years ago, the General Assembly passed a law that decriminalized local ordinances and made them only enforceable with civil penalties. As the bill was debated, one of the compromises was that local governments could keep certain ordinances outlined in the bill as misdemeanor offenses. There were spoken and unspoken expectations when it came to saving certain ordinances. A spoken expectation was that every offense you wish to save must have the misdemeanor penalty and the corresponding statutory reference codified in that section of the code. It cannot refer to another section of the code that outlines the penalty. An unspoken expectation was that local governments would save ordinances judiciously and would not return to having every ordinance be a criminal penalty. At that time, City Council saved a number of ordinances, some of which will be discussed today, but not all of those discussed today were saved.

Mr. Hooper said Chief Wentzell will go over how changing these ordinances back to misdemeanors will give her officers more tools and the ability to keep the area free of these offenses. He noted that the code sections being discussed today are:

- Consumption and possession of alcohol in public places (excl. social district);
- Trespassing on posted property;
- Loitering in a way that obstructs the free passage into a business;
- Loitering for the purpose of engaging in drug-related activity;
- Obstructing a sidewalk, street, or other public way;
- Carrying a concealed weapon on City property; and
- Failure to vacate City-owned property at the expiration of the notification period that is outlined in our administrative encampment policy.

Mr. Hooper asked the Committee to add the language as described by the statute to each of the sections so that they would be considered punishable as a misdemeanor with up to a \$500 fine. He also requested the Committee add certain City facilities to the list of areas that concealed weapons are prohibited in, including the police department, Mary C. Jenkins Community Center, Silversteen Park, and the dog park. He believes those were intended to be on the list but were not because they did not exist when that section was written. Mr. Baker suggested adding the Depot and tannery skate park, and Mayor Copelof suggested adding the community garden.

Chief Wentzell said changing these ordinances is not about any particular group of individuals and from a law enforcement standpoint, adding the misdemeanor penalties and fine is something that will apply to everyone equally. She said BPD looks at it in terms of creating a safe environment for the City and giving officers

more tools in their toolbox. She added that officers have discretion and just because they are adding the misdemeanor penalty, it does not remove officers' discretion. Their goal is not to arrest everyone that violates an ordinance and they would like voluntary compliance, but this gives them recourse for individuals that consistently ignore those requests. She said it will help protect City facilities and give officers a little more authority with repeat offenders that choose not to listen to warnings.

Mr. Baker asked regarding consumption of alcoholic beverages, if the section stating "unless a valid permit is obtained" covers the social district. Mr. Hooper said yes.

Mr. Lytle asked about the term in the ordinance "known drug user" and if that is based on the officer's memory or personal knowledge. Chief Wentzell said it is based on the officer's personal experience with the individual, documentation in CAD, and active warrants for drug offenses. Mr. Lytle asked if an officer saw 3 people congregating, could the officer stop them, ask for ID, and look them up. Chief Wentzell said they can approach voluntarily, but they are usually looking for characteristics of illegal behavior, such as high amounts of traffic or exchange of hands. Officers can then articulate using their training, knowledge, and experience that those characteristics are typically indicative of criminal activity and use that as reasonable suspicion to make initial contact.

Mr. Lytle asked if Chief Wentzell could explain number 9 on page 4 of the proposed changes, which states "uses or associates with the user of any vehicle which is registered to a known unlawful drug user, possessor, or seller, or is known to be or have been involved in drug-related activities." Chief Wentzell said it will come back to the officer's training, knowledge, and experience with folks that are in that area. She added that it will be incumbent upon the officer's ability to articulate how or why they know that vehicle has been involved in illicit drug activity in the past. Mr. Lytle asked if he was in a family member's car, who is a drug seller, and they were pulled over, would he be charged with a misdemeanor? Chief Wentzell said no, but she would defer to Mr. McKeller. Mr. McKeller said as a former defense attorney, it would be hard to make that stick, but it would allow law enforcement to have a misdemeanor through which they can investigate to see whether criminal activity is occurring. He added that it comes back to trusting the officer not to charge the offense unless it is clear. Mr. McKeller said it would need to be a lot more than riding around with someone, as individuals have the right to free association.

Mr. Lytle asked if these changes would allow a problem officer without experience to increase undue harassment. Chief Wentzell said that will come down to the training they put their officers through, expectations set, and supervision. She said if an officer stopped someone without reasonable suspicion, she would expect the supervisor to intervene and correct that behavior. Chief Owen said often that behavior is caught in field training because that behavior does not appear overnight. Chief Wentzell said officers are also put through scenario-based training because Brevard has a low crime rate and officers may not encounter certain situations.

Mr. Lytle asked if someone is publicly intoxicated and sleeping on a bench, we currently talk to that individual and tell them to sit up, but with these changes, it would allow law enforcement to say that the person has to come with them and be removed from that area. Chief Wentzell confirmed but said officers still have discretion and the majority of her officers will try to find other means to assist.

Mr. Gallo asked regarding the trespassing on posted property and loitering, the ordinance mentions private property and asked about public property. Mr. McKeller said public property is addressed in section 42-17 on page 7.

Mr. Baker said he has a more specific question on that because he knows we have gone back and forth on Clemson Plaza and whether we can officially close it or not. Mr. Hooper said NCDOT has shown willingness to give the property back to the City as a park that we can assign hours to, but they also said the City would need to reestablish the pedestrian right of way. Mr. Hooper inquired as to what that meant and he is awaiting an answer from DOT. If it means maintaining a 5-foot section in Clemson Plaza, then they could give the property back pretty quickly, but if it means building a new sidewalk along the side of the road, then it gets more complicated.

Mr. Baker said he knows the police department has policies on how they interact with individuals. He added that when this is presented to the full Council, he suggests that we also review those policies, not to change them but to help the public understand how situations are actually handled. He knows we are not trying to arrest hundreds of people for loitering because he has been in these meetings, but it would be valuable for the public. Chief Wentzell said one thing the department is looking at doing as part of the accreditation process is to have a public facing dashboard with the department's policies that are available for public consumption. She added that there are some policies that deal with police tactics that will not be available to the public, as it could affect officer safety and police response.

Mr. Lytle motioned, seconded by Mr. Gallo to recommend that the full Council approve the changes to the ordinance as expressed in the provided document and add the Depot, community garden, and tannery skate park to the list of areas where concealed weapons are prohibited, and when presenting to the full Council, Chief Wentzell cover the departmental policies on interacting with individuals.

Chief Wentzell clarified that the police department does not have a policy on interacting with the unhoused and she would be opposed to having one. When it comes to industry standards and her expectations, it does not matter whether you are housed or unhoused, everyone should be treated the same. She said BPD has a bias-free policy that explains how the officers are supposed to interact with every member, regardless of socioeconomic status, and she thinks that would be good to share. Mr. Baker agreed. Chief Wentzell added that they provide information on resources to the unhoused and she is working to build up their toolbox of resources.

G. ALPR Camera Usage Policies

Mr. Hooper said Staff will ask the Committee to focus on the internal policy, which includes our guidelines on how the license plate readers will be used. Staff will need to come back to the Committee with Mr. McKeller's review of the Axon contract and examples of how the ALPR cameras were helpful in cities of a similar size.

Chief Wentzell said they created a draft policy for BPD that will hopefully address some concerns up front, demonstrate the safeguards that would be in place, and address NC General Statute requirements. Chief Wentzell said they looked at local and regional policies to identify the best practices from agencies that are North Carolina accredited and nationally accredited through CALEA. Chief Wentzell read through the policy line-by-line and addressed questions as they arose.

The policy's purpose is to guide the use, storage, and retention of data captured by ALPR cameras by BPD. Definitions were provided for terms related to ALPR cameras, such as alert, ALPR system, ALPR operators, hit, and hot list.

The Support Services Lieutenant will oversee the ALPR program and the CID Sergeant will be the ALPR Coordinator. The coordinator will be responsible for system maintenance, proper data collection and deletion, and hot list verification.

ALPR cameras may only be used in accordance with NC General Statute and BPD policy. Every query in the ALPR system will require a documented incident report or call for service number, the officer's name, date, and reason. Additionally, when submitting a query, officers will be required to use a form that will keep all queries standardized. When officers receive an alert, they will be required to use the appropriate database to confirm the hot list hit and should not act solely based on the alert. Chief Wentzell said verification is critical, as receiving an alert does not mean it is valid, and they need to vet the information received.

When requesting information be added to the hot list, the officer will submit a request to their direct supervisor that includes the license plate, the incident report/call for service number, the officer's name, date, and a clearly articulated reason for adding the entry. The supervisor will be responsible for reviewing the request to ensure there is a documented nexus between the plate and a legitimate law enforcement purpose before forwarding the request to the ALPR Coordinator. Hot list entries must be tied to legitimate law enforcement purposes, such as a stolen vehicle, missing person, public safety threats, or other situations authorized by State law. The ALPR Coordinator will confirm the request meets policy guidelines prior to entry. The policy will require multiple levels of authentication before entry.

Under NCGS § 20-183.32, the ALPR Coordinator will confirm all entries on the hot list are valid every 24 hours and remove entries that are no longer valid or needed. Chief Wentzell said they do not want their officers operating on stale information.

ALPR operators, including sworn officers and non-sworn telecommunicators, will receive training and must acknowledge the department's order prior to use.

ALPR data will be collected and maintained on Axon and FUSUS's cloud-based servers and in accordance with NCGS § 20-183.32, data will not be retained for longer than 90 days from the date of capture unless:

- A search warrant is issued pursuant to Article 11 of Chapter 15A of the General Statutes; or
- A federal search warrant is issued in compliance with the Federal Rules of Criminal Procedure; or
- A written preservation request is prepared and submitted that meets specified criteria.

If a preservation request is submitted, it is valid for 1 year from the date submitted and after that, an additional preservation request must be submitted or the data will be destroyed in accordance with records retention laws. BPD policy will require data to be purged after 30 days unless pertinent to an active investigation.

ALPR data will only be accessible through a password-protected system capable of documenting access to information by name, date, and reason with a corresponding CFS/incident report number. Personnel approved to access ALPR data are only permitted to access data for legitimate law enforcement or public safety purposes.

The database will be subject to routine and random audits. Queries that do not contain the required information or unauthorized use of the system may result in remedial training, suspension, restriction of ALPR access privileges, or disciplinary action up to and including termination and if necessary, criminal prosecution.

ALPR data may be shared with other law enforcement prosecutorial agencies for law enforcement purposes after a written request is received. The request must contain the camera location, specific license plate to be preserved, date and time frame, specific and articulable facts for why the plate data is relevant and material to an investigation, the case, and identity of the parties involved. Chief Wentzell reiterated that if anything is given out, there needs to be an audit trail. Non-law enforcement or non-prosecutorial requests will be processed in accordance with NCGS § 20-183.32. If a law enforcement agency advises that sharing captured ALPR data will impede an investigation, the data will be kept private pursuant to NCGS § 20-183.32 (e). ALPR data will not be sold for any purpose.

The ALPR Coordinator will analyze data collected by ALPR systems and review procedures to identify:

- Any trends or patterns
- Program effectiveness
- The need for changes in policy or procedure
- Potential training needs

- Any issues found during random queries

The analysis will be submitted to the Chief of Police for review annually by February 25th. Chief Wentzell added that as part of accreditation, there are several reports that must be submitted to the Chief's Office by February 25th, so this will as well.

Chief Wentzell said an additional safeguard she would like to implement would be an annual report presented to the Committee that would include number of plates read, number of stolen vehicles recovered, how many missing persons cases BPD assisted on, etc. The report would provide the data over the course of the year to show how the ALPR cameras assisted the City.

Mr. Lytle asked about a section that states "the license plate or identifying information" and asked what other information is available aside from the license plate. Chief Wentzell explained that there is no artificial intelligence or facial recognition, so the identifying information would relate to the color, make, and model of the vehicle. If you do not know the license plate, the system can pull all captured license plates that are registered to a certain make, model, and/or color.

Mr. Lytle asked what agencies would be non-prosecutorial agencies, to which Chief Wentzell said it would include the media, HOA's, and concerned citizen groups. She added that they can submit a request, but those requests would be denied. Mayor Copelof asked if Immigration would fall under that term. Chief Wentzell said they would be considered federal and Mr. McKeller said they would need to have a federal search warrant according to the general statute. Chief Wentzell said they would also need to submit the written request per BPD policy and provide a copy of the search warrant, which will state specific and articulable facts about a specific person for a specific reason. She added that the data will be purged every 30 days, so they only have 30 days and more than likely it will not be retained.

Mr. Hooper asked about preservation requests and whether those are only available to law enforcement agencies, or if requests can be made by the media or a law firm in anticipation of litigation. Chief Wentzell said it is for law enforcement and prosecutorial purposes only, so she will need to articulate that. Mr. McKeller said under the statute, it can be preserved for law enforcement purposes only.

Mr. Baker said he is comfortable with the internal policies and safeguards that Chief Wentzell intends to put in place. He added that he is still uncomfortable with what is outside the City's control. He gave the hypothetical example of not knowing whether an Axon partner or subsidiary would have access and if they did, the system would not have an audit trail and the City cannot fire someone at their organization.

Mr. Baker said in the reporting section where it states, "trends or patterns," he suggested changing the language because it will likely cause concern.

Mr. Lytle asked if the Axon cameras also have traffic analytics like the FLOCK cameras, to which Chief Wentzell said she is not sure, but will check.

Mr. Gallo asked about the timeline between getting an alert and verifying if the tag is valid. Chief Wentzell said the situations are very fluid with a lot of multitasking, so officers would be in route to the area while dispatch is running the tag.

H. Public Comment

Donna Lynn Owens Duckworth Bentley discussed a declaration of governed assets and estate benchmarks, which mentioned ancestral lands, water, minerals, oil, and gas. She was the declarant in the document and the document pertained to North Carolina and Texas. After reading excerpts, she stated that Brevard is her Brevard and stated that she had the land grant original papers in her hand. She added that the secret service, the CIA, and CISI are coming to Transylvania County. She said there are dams on top of the mountain that are clogged up with debris and that the money was used on roundabouts and bike trails. She said she is bringing many lawsuits and has rights to the Courthouse. She stated that us homeless people are not going to be homeless because this is her land. She pointed to Chief Wentzell and said she is an angel that fell out of heaven and she loves her. She said the new courthouse will not be built and will be a state-of-the-art Boys and Girls Club. She finished by saying we are going to beat the government y'all.

Mr. Locks asked about the system misreading a tag and referenced the automated systems at tolls. Chief Wentzell said it will be on the officers to verify the hit after receiving an alert and toll systems are largely automated so it will not encounter the same issue. She added that in order to get an alert, it has to be tied to a law enforcement purpose rather than a traffic violation. Mr. McKeller added that the Axon system cannot be used for traffic control.

Doug Tanton said he lives in Deerlake and asked if the proposed changes to the ordinance regarding loitering will displace folks who are currently in Clemson Plaza. Chief Wentzell said it will not affect them directly unless the hours of operation are changed or unless there has been any other behavior that is criminal outside of loitering. She added that some individuals have been trespassed but stated that that is a separate violation from using Clemson Plaza recreationally. Mr. Tanton asked if individuals could sit in Clemson Plaza and talk as long as they want to if it is within the hours of operation. Chief Wentzell said as long as they have not been trespassed from the property for any other reason, then yes. Mr. Tanton said he would like to see some clear guidelines and specifics on what loitering is and what is allowed. He does not want any ordinance to displace anyone, housed or unhoused.

A gentleman identified himself as a volunteer with Sharing House and thanked everyone for the dialogue on the ordinance changes. He said he does not speak for Sharing House but he can attest to the concern that we share when we hear about creating a more criminalized outcome. He said it is hard being without shelter. All he

requests is that they remember that the unhoused are not offenses, they are people and they may not have other alternatives in their day. He said the public is concerned that the changes are not going to be good for the unhoused, so making it known that the Committee is engaging in thoughtful discussion is important.

Harvey Sankey said with regard to traffic calming, there is another part of Park Ave. that has a problem and mentioned the E. Main St., Wilson Dr., and Greenville Hwy intersection. He said there is a wall on the right side that requires you to creep up. Mr. Hooper said DOT had an improvement planned but it was cost prohibitive, as it would cost the City around \$100,000.

Mr. Sankey thanked Chief Wentzell for an extended tour of the Police Department. He said his concern is that the space is a lease and asked what would happen if the owner decides to sell the building. Mr. McKeller said they would sue him violation of the lease. Mr. Sankey asked about when the lease ends, to which Mr. McKeller said that is years down the road and there are options. Mr. Hooper added that the owner can sell the building but whoever buys it will have to honor the lease.

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

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

J. Adjourn

There being no further business, the meeting was adjourned at 5:05 pm.

Minutes Approved: July 27, 2026

X 

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

X 

Shawnee Cummings
Assistant to the City Manager



CITY CODE OF ORDINANCES

PART II: CODE OF ORDINANCES

CHAPTER 42. OFFENSES AND MISCELLANEOUS PROVISIONS

State law reference(s)—Criminal law, G.S. ch. 14.

ARTICLE I. IN GENERAL

Contents:

- 42-1. Advertisements.
- 42-2. Unauthorized use of police or fire signals.
- 42-3. Consumption or possession of alcoholic beverages in public place.
- 42-4. Reserved.
- 42-5. Trespass on posted property; loitering generally.
- 42-6. Loitering for purpose of engaging in drug-related activity.
- 42-7. Assemblages obstructing street.
- 42-8. Refusal to pay taxicab fare.
- 42-9. Damaging fire hydrant, traffic signal, or police or fire alarm system.
- 42-10. Damaging bridges or culverts; obstruction of drains.
- 42-11. Damaging streetlights, signs or other fixtures on streets or sidewalks.
- 42-12. Interfering with students.
- 42-13. Shooting firearms.
- 42-14. Carrying concealed weapon on or near city property.
- 42-15. Firing projectiles or arrows.
- 42-16. Public art.
- 42-17. Hours of Operation
- 42-18. Enforcement and Administration
- 42-19—42-40. Reserved.



42-1. Advertisements.

- A. *Posting generally.* It shall be unlawful for any person to post any bills, signs or advertisements on any building, fence or other property belonging to another without the consent of the owner thereof. Such consent shall be secured in writing, and such written consent shall be exhibited by the person having the consent to any police officer of the city on demand.
- B. *Posting on poles.* It shall be unlawful for any person to post any bills, posters, signs or advertisements on any telegraph, telephone, electric light or other pole along any of the streets of the city; provided that this section shall not be construed to include street signs placed on the poles by the city for designating names of streets. Each sign, poster, bill or advertisement posted in violation of this subsection shall constitute a separate offense.
- C. *Placing in or on motor vehicles.* It shall be unlawful for any person to distribute advertising or printed matter of any kind by placing the advertising or printed matter in or on a motor vehicle that is parked on any street or other public place.
- D. *Scattering handbills.* It shall be unlawful for any person to throw or cast any handbills, posters, circulars, programs, cards, placards, pamphlets or other printed, typed, stenciled or written matter, or other advertising matter, on any street, avenue or other public place, or in any yard or stoop in the city; provided this shall not apply to magazines and newspapers that are sold and distributed by carriers.
- E. *Defacing or destroying advertisements or notices.* It shall be unlawful for any person to tear, deface, mutilate, take down or destroy any advertisement, legal, public or private notice legally posted for public view within the city, except for the owner of the private property or the officials in charge of the public property upon which it may be posted. (Code 1980, §§ 10-7—10-11)

Cross reference(s)—Advertising on or in vehicles for hire restricted, § 78-1.

42-2. Unauthorized use of police or fire signals.

It shall be unlawful for any person, without special authority from the police department or fire department, to carry or use any whistle, bell, horn or siren similar in appearance or sound to the whistles, horns or sirens used by the police department or fire department. (Code 1980, § 10-12)

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 and 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.

B. Penalty. Violation punishable as a misdemeanor or infraction with fine up to \$500 per G.S. 14-4.

(Code 1980, § 10-13; Ord. No. 6-08, § 1, 4-7-08; Ord. No. 2012-04, § 1, 2-20-12; Ord. No. 2017-16, § 2, 8-22-17, Ord. No. 2021-02, § 1(Exh. A), 1-25-21; Ord. No. [2023-36](#), § 1(Exh. A), 8-21-23; Ord. No. [2026-15](#), § 1(Exh. A), 5-426)

Cross reference(s)—Sale of intoxicating beverages by taxicab drivers, § 78-37.

State law reference(s)—Similar provisions, G.S. 18B-300(c).

Effective on: 5/4/2026

42-4. Reserved.

Editor's note(s)—Ord. No. 6-04, § 1, adopted March 15, 2004, repealed § 42-4 in its entirety. Former § 42-4 pertained to the sale of beer or wine on Sunday and derived from Code 1980, § 10-14.

42-5. Trespass on posted property; loitering generally.

- A. It shall be unlawful for any person to loiter in or upon, or to drive any vehicle upon, any private property on any day between the hours of 12:00 midnight and 6:00 a.m. when signs have been posted by the owner or his employee or agent prohibiting such acts.
- B. It shall be unlawful for any person to loiter in or upon, or to drive any vehicle upon, any private business property parking lot or area at any time such business is not open to the public, when signs have been posted by the owner or his employee or agent stating that such loitering or driving of vehicles is prohibited at or during certain designated times.
- C. It shall be unlawful for any person to habitually loaf or loiter on the streets, or to congregate on the streets or sidewalks of the city in such a way as to obstruct or interfere with the free passage into or out of any public business or private property.

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Code of Ordinances and UDO

D. It shall be the duty of the police officer who observes a violation of this section first to warn the offender, and upon his failure to heed the warning to arrest him.

D.E. Violation of this section punishable as a misdemeanor or infraction with fine up to \$500 per G.S. 14-4

(Code 1980, § 10-15)

42-6. Loitering for purpose of engaging in drug-related activity.

A. Violations. It shall be unlawful for a person to loiter, remain or wander about in a public place in a manner and under circumstances manifesting the purpose of engaging in a violation of any subdivision of the North Carolina Controlled Substances Act, G.S. 90-89 et seq. A prima facie showing of a violation of this section is made by proof that a person, while in a public place, loiters and commits any of the following acts or courses of conduct:

1. Repeatedly beckons to, stops or attempts to stop passersby, or repeatedly attempts to engage passersby in conversation;
2. Repeatedly stops or attempts to stop motor vehicles;
3. Repeatedly interferes with the free passage of motor vehicles or other persons;
4. Associates at such location with one or more persons who are known unlawful drug users, possessors and sellers;
5. Behaves in such a manner as to raise a reasonable suspicion that he is about to engage in, or is engaged in, an unlawful drug-related activity;
6. Repeatedly passes to or receives from passersby, whether on foot or in a vehicle, money or objects;
7. Takes flight upon the approach or appearance of a police officer;
8. Is at a location frequented by persons who use, possess or sell drugs; or
9. Uses or associates with the user of any vehicle which is registered to a known unlawful drug user, possessor or seller, or is known to be or have been involved in drug-related activities.

B. Penalty. ~~A violation of any provision of this section is a misdemeanor and shall subject the offender to punishment in accordance with Section 1-8.~~ Violation punishable as a misdemeanor or infraction with fine up to \$500 per G.S. 14-4

(Code 1980, § 10-15.1; Ord. No. 2023-43, § 1(Exh. A), 9-5-23)

Editor's Note—Ordinance 2023-43 transferred the definitions previously found in this section to City Code § 1-2.

Effective on: 9/5/2023

42-7. Assemblages obstructing street.

A. It shall be unlawful for persons to assemble or collect and stand so as to obstruct any sidewalk, street or other public way, except an authorized parade. All persons so collecting and standing shall disperse and move upon the demand of any police officer.

B. Penalty. Violation punishable as a misdemeanor or infraction with fine up to \$500 per G.S. 14-4

(Code 1980, § 10-17)

Cross reference(s)—Streets, sidewalks and other public ways, CHAPTER 62.

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Code of Ordinances and UDO

42-8. Refusal to pay taxicab fare.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the taxicab, and it shall be unlawful for any person to hire any vehicle defined in this section with the intent to defraud the person from whom it is hired of the value of such service.

(Code 1980, § 10-18)

Cross reference(s)—Taxicabs, § 78-31 et seq.

42-9. Damaging fire hydrant, traffic signal, or police or fire alarm system.

It shall be unlawful for any person willfully or negligently to damage or interfere with any fire hydrant, police or fire alarm box, traffic signal or other property used in the city's police or fire alarm systems.

(Code 1980, § 10-19)

State law reference(s)—Damaging fire alarm systems, G.S. 14-286.

42-10. Damaging bridges or culverts; obstruction of drains.

It shall be unlawful for any person to damage or displace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the city, or place any obstruction in any culvert, ditch or drain so as to prevent or impede the free flow of water through the culvert, ditch or drain. (Code 1980, § 10-20)

42-11. Damaging streetlights, signs or other fixtures on streets or sidewalks.

It shall be unlawful for any person to damage, tamper with, remove or paint upon or deface any sign, sign post, streetlight, traffic signal or bulletin board or other municipal property upon the streets and sidewalks, except employees of the city in performance of their official duties. (Code 1980, § 10-21)

42-12. Interfering with students.

It shall be unlawful for any person wantonly to molest, disturb or interfere with any student of any school while such student is en route to or from any school, church or other place where such student has a right to be. (Code 1980, § 10-22)

42-13. Shooting firearms.

It shall be unlawful for any person other than duly sworn peace officers to fire or shoot any gun or pistol or other firearm within the city except in duly licensed shooting galleries; provided, this section shall not be construed to prevent the protection of one's self, family or property from harmful or hostile attack or injury. This section shall not apply to the discharge of blank ammunition for ceremonial purposes.

(Code 1980, § 10-23)

State law reference(s)—Authority to regulate, G.S. 160A-189.

42-14. Carrying concealed weapon on or near city property.



Code of Ordinances and UDO

A. It shall be unlawful for any person, willfully and intentionally, to carry concealed about his person any Bowie knife, dirk, dagger, switchblade, slingshot, loaded cane, metallic knuckles, razor, stun gun, pistol, gun or other deadly weapon of any kind, when in, on or about the city-owned property listed in 42-14.D.

B. This section shall not apply to:

1. Any ordinary pocket knife carried in the closed position. As used in this section, the term "ordinary pocket knife" means a small knife, designed for carrying in a pocket or purse, which has its cutting edge and point entirely enclosed by its handle, and that may not be opened by a throwing, explosive or spring action.
2. Law enforcement officers and military personnel when acting in the line of duty, and full-time law enforcement officers when off duty, provided that they are otherwise authorized to carry such weapon.
3. Any individual legally carrying a concealed handgun, as identified in North Carolina General Statutes, unless prohibition is specifically identified or is allowed by North Carolina General Statute.

C. Provided that the weapon is not a firearm, it shall be a defense to prosecution under this section that the defendant was engaged in, or on the way to or from, an activity in which he lawfully used the weapon, he possessed the weapon specifically for that lawful use, and he did not use, threaten or attempt to use the weapon for any illegal purpose. The defendant shall have the burden of proof with regard to such defense.

D. This section will apply to and with respect to the following properties only:

1. The interior of all city-owned buildings, namely, city hall, the city ~~volunteer~~ fire department building, police department headquarters, ~~the~~ public works buildings, the wastewater treatment buildings, the water treatment buildings, ~~and~~ the French Broad community center, and the Mary C Jenkins Community Center when properly posted with signs prohibiting concealed weapons. In this event, those with the legal right to carry concealed weapons may lock their firearms in their vehicles on city-owned parking lots.
 2. The confines of the following city-owned public recreation facilities, including, but not limited to, buildings located thereon: Hap Simpson Park, Franklin Park, Silversteen Park, the Brevard Dog Park and "Clemson" Park located at the corner of Main and Caldwell Streets.
 3. City and county athletic fields when city or county scheduled events are taking place.
- E. This section will not apply to: City owned greenways, bike/hike paths, Bracken Preserve and Estatoe Trail, and athletic fields when no scheduled event is taking place.
- F. This section will not apply to the section of the bike/hike path that runs through city and county athletic fields, even when scheduled events are taking place.
- G. Any person violating the provisions of this section shall be guilty of a misdemeanor with a fine up to \$500 per G.S. 14-4-

(Code 1980, § 10-23.1; Ord. No. 2013-18, § 1, 12-16-13) **42-15.**

Firing projectiles or arrows.

It shall be unlawful for any person to shoot or project any stone, rock, shot or other hard substance by mean of a slingshot, bean shooter, air rifle, pop gun, bow or other similar contrivance; provided that archery shooting may be engaged in on such grounds as may be set aside and approved therefor by the city council.

(Code 1980, § 10-24)



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State law reference(s)—Authority to regulate pellet guns, G.S. 160A-190.

42-16. Public art.

- A. It shall be unlawful for any person to install art in publicly-visible spaces without receiving city council approval. City council shall issue a resolution stating its approval or denial of the installation request based on adopted policies.
- B. Public art includes but is not limited to murals, sculptures, memorials, and community art designed and/or built by an artist. Public art may be attached to a building or be a free-standing installation.
- C. For the purposes of this section, a publicly-visible space is defined as publicly- or privately-owned, nonresidential property that is visible from public streets and pedestrian walkways.
- ~~C.D.~~ D. Installed artwork may be subject to abatement pursuant to Section 38-35.

(Ord. No. 2021-06 , § 1(Exh. A), 2-22-21; Ord. No. 2021-48 , § 2(Exh. B), 11-15-21)

42-17. Hours of Operation

- A. ~~All city-owned property shall be open only from 6 AM to 10 PM unless otherwise posted.~~
- B. ~~The city manager may appoint agents who may enact such administrative rules and procedures, and issue such orders as are necessary to effectuate the purpose of this article and to protect the general health, safety, and welfare of the public.~~
- C. ~~Designated agents and sworn law enforcement may enforce this article.~~
- D. ~~An administrative encampment policy which aims to connect residents of encampments who may be experiencing homelessness with housing and other resources shall govern City interaction with such campers. At the expiration of the notification period as defined in the encampment policy, campers shall be subject to the remaining provisions of this ordinance.~~
- E. ~~Failure to vacate city-owned property at the expiration of the notice period defined in 42-18-C when properly notified by an appointed agent may be enforced as a misdemeanor or infraction with fine up to \$500 per G.S. 14-4.~~

(Ord. No. 2023-16, § 1, 5-1-23)

Effective on: 5/1/2023

42-18. Enforcement and Administration

- A. ~~The city manager may appoint agents who may enact such administrative rules and procedures, and issue such orders as are necessary to effectuate the purpose of this article and to protect the general health, safety, and welfare of the public.~~
- B. ~~Designated agents and sworn law enforcement may enforce this article.~~
- C. ~~An administrative encampment policy which aims to connect residents of encampments who may be experiencing homelessness with housing and other resources shall govern City interaction with such campers. At the expiration of the notification period as defined in the encampment policy, campers shall be subject to the remaining provisions of this ordinance.~~

Brevard, NC

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Code of Ordinances and UDO

D. Failure to vacate city-owned property at the expiration of the notice period defined in 42-18.C may be enforced as a misdemeanor per G.S. 14-4.

{Ord. No. 2023-16, § 1, 5-1-23}

Effective on: 5/1/2023

42-~~1918~~—42-40. Reserved.

MINUTES
COUNCIL FINANCE, HUMAN RESOURCES and
CITIZEN APPOINTMENT COMMITTEE

Monday, June 22, 2026 – 11:00am
City Hall Council Chambers

Members Present: Dean Lytle, Chair, Council Member
Pamela Holder, Vice-Chair, Council Member
Susan Miller, Citizen Member (left at 12:25pm)

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 (left at 11:15am)
Emily Brewer, Senior Planner
Shawnee Cummings, Assistant to the City Manager

Guests: Harvey Sankey

Media: David Bradley; Jonathan Rich

A. Welcome & Call to Order

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

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. The motion carried unanimously.

D. Approval of Minutes – June 4, 2026 Meeting

Ms. Holder moved, seconded by Ms. Miller to approve the minutes of the June 4, 2026 meeting as presented. The motion carried unanimously.

E. ABC Board Applications Review and Recommendations

Ms. Hodsdon said there are two members of the ABC Board, Ron Brewer and Lisa Connor, whose terms expire at the end of July. Ms. Connor is currently the board chair and has served one full 3-year term. Mr. Brewer was initially appointed to fill a vacancy and has since served one full 3-year term. Both Ms. Connor and Mr. Brewer are eligible to serve one more term and both applied for reappointment. One additional application was received from Paige Wingate. Staff are looking for a recommendation so that the full Council can appoint two applicants to serve 3-year terms beginning August 1st.

Mr. Lytle said his first reaction is that with Ms. Connor having been the board chair for the last 2 years, she is a valuable member who is willing to return. He asked how many members are on the board, to which Ms. Hodsdon said 5 members, and Ms. Miller is 1 of the 5 members. Ms. Miller asked if she needed to recuse herself due to the conflict. The Committee agreed that she can participate in the discussion but she cannot vote.

Ms. Miller said her observation is that Ms. Connor works hard as chair and spends time outside of meetings to make sure the new general manager has guidance and support. She said Ms. Connor's background in her former career helped bring needed change.

Mr. Hooper offered another possibility given the importance of the appointment. He said the ABC Board is very autonomous and the only way the City can influence the ABC Board is through its appointments. Mr. Hooper proposed that the Committee hold off on making an appointment today and either the Committee or designated Staff interview the candidates and make a recommendation, rather than appointing someone based on very little information. It would allow the Committee to get a sense of the applicants' strengths and weaknesses, and their hopes for the board to help make their decision. The Committee expressed full support for Mr. Hooper's suggestion.

Ms. Miller said the board does have autonomy and it can be good, but there have been issues in the past. She added that there are critical issues coming up that the board will need to address, such as the lease hold. The board currently has 2 ABC stores, of which 1 is likely to close, and there are discussions with the landlord about taking over the whole building once the bicycle store closes in July. The lease will be a big hit to the ABC Board's budget and will impact the proceeds the City depends on in its budget. She added that the City has a financial interest in making sure those resources are allocated. The ABC store sold over \$6 million this year and the majority goes to the State, followed by the cost of goods, which can only be purchased through State providers. Those allocations are paid out before any of the proceeds go to education, the County, or the City. Ms. Miller said interviewing board applicants may not be the norm, but she likes the idea given the pertinent issues in the near future.

Ms. Holder asked why the ABC Board is autonomous. Mr. Hooper said the State statutes give them a lot of autonomy. He added that the Code of Conduct for Committee members that the City went over last year does not apply to the ABC Board because the statutes give them their own Code of Conduct. Ms. Miller asked if there was flexibility under the statutes to hold individual interviews with board applicants. Mr. Hooper said

he thinks the statutes are silent on the issue and only give the City the ability to appoint, so how the appointment is made is up to us.

Mr. Lytle motioned, seconded by Ms. Holder to have Mr. Hooper set up panel interviews with the 3 applicants, with the panel consisting of Mr. Hooper, Councilmember Lytle, and Councilmember Holder, and bring back a recommendation for the next meeting. The vote was 3-0 (Ms. Miller abstained).

Mr. Hooper said Ms. Cummings will try to find a time that works for everyone's calendar in the next week or two. Ms. Holder said while we are discussing voting at the next meeting, she will be out of town for the next regular meeting on July 27th. With Ms. Holder absent and Ms. Miller unable to vote on the issue, it would leave only Mr. Lytle as a voting member. Mr. Hooper suggested making the interviews a special-called meeting, conducting the interviews in closed session, and making the recommendation of the candidates in open session. With two Committee members present, we will have a quorum and they will be able to vote to refer the recommendation to Council that day.

F. Food Truck Pilot Program

Ms. Brewer presented the policy that the Committee discussed at the last meeting (Attachment A) and compiled a list of potential locations. She added that because the non-motorized vendor policy has not been brought to Council yet, both vendor types could be included in the pilot, as it would be easier to coordinate administratively.

There are 5 sites with electrical hookups in downtown, but only 2 are feasible. One site is in Times Arcade Alley, which is a working alley, and is technically owned by Platt. Ms. Brewer said the site was created for food vendors during special events but was not intended for a food truck when the roads are open. There are 2 sites on the south side of Main St., 1 in front of OP Taylor's and 1 in front of Red Wolf Gallery; however, the hookups at each would require vendors to park in handicapped spots. The 2 feasible sites with hookups are a spot in front of the White Squirrel Shoppe on Main St. and the Jordan St. parking lot near Times Arcade Alley, but both sites will take up parking spots.

The next site is the parking lot at the corner of Jordan St. and England St., but it requires a generator. This site is just outside of the downtown fire district, which allows for a generator, but is also closer to residential properties.

The other potential locations for food trucks are Silversteen Park, Franklin Park, and the Sports Complex. The parking lot across from Silversteen Park could accommodate a food truck but it will take at least 2 parking spots and will be close to a residence. Mr. Lytle said his concern would be parking spots if there is a special event and asked if there would be a way to tell a vendor that they are not allowed to be in the parking lot on certain dates. Ms. Brewer said it would be an administratively difficult because she would need to know about all of the events and anticipate whether there will be a full parking lot. Ms. Holder suggested having Tyree Griffin provide a calendar of the events to provide to the food truck, but Mr. Lytle said he would not recommend it because if a

date gets missed, it could create a conflict. Ms. Miller added that it would also limit Mr. Griffin's ability to add special events after he has produced the calendar.

If a food truck was permitted at Franklin Pool, it would take up 2-3 parking spaces due to the lot's configuration, would require a generator, and would be on the opposite side of the street due to handicapped spaces, making it closer to residences. Ms. Brewer said this site seems to be less feasible due to the high demand for parking in the summer.

The last potential sites include the Sports Complex and the dog park. Ms. Brewer said there is a pavilion area for a push cart vendor at the dog park, but she does not know if it will get utilized. Push cart vendors were also discussed for the skate park and the soccer fields. If a food truck location is designated at the sports complex, it will take up parking spaces and the truck will need a generator. Mr. Hooper said if the Sports Complex is selected as a location, there will need to be a couple different sites because the truck can only be there Friday-Sunday from 11am-9pm, but there will be limited parking, if any, by 11am. One striping scenario for the parking lot could have a food truck site next to the digester, which would help prevent patrons from parking there.

Ms. Miller asked if little league has a concession stand. Mr. Hooper said yes. Ms. Miller asked if they have a well-rounded menu. Mr. Hooper said no, it is mostly drinks, chips, and similar items. Mr. Lytle said the concession stand will have convenience items, but the food truck will likely have heartier meals. Mr. Lytle said the sports complex would be a great area to test if it can be done safely and with minimal impact on parking.

Ms. Holder asked what the purpose of the striping is. Mr. Hooper stated that it is to help organize the parking lot so people do not park in a way that inhibits emergency vehicles, blocks sight lines, or creates dangerous conditions. Ms. Holder asked if the suggested location for the food truck would impede traffic. Mr. Hooper said one of the possible striping scenarios would stop people from parking to the left of the trail alignment so that you would not have cars crossing where there are pedestrians and bicyclists. He said that one vehicle on the left side could probably be done safely.

Mr. Lytle suggested the Jordan St. parking lot and the Sports Complex as 2 locations for the pilot program. Ms. Holder asked if there are any restaurants in close proximity to the Jordan St. parking lot. Ms. Brewer said The Square Root is down the alley and Jordan St. Café is across the street but has irregular hours. Mr. Hooper said some Jordan St. property owners have said they wished the City would activate that street more, so there will be competing opinions about the impact of a food truck on that street.

Ms. Holder said she would like there to be a food truck at Silversteen Park as part of the pilot, even with potential parking issues. Mr. Hooper said for the next 8 weeks, there will be construction related to Hillview Culvert and he would prefer to not have commerce taking place during construction. He said if Silversteen is added as a location, he hopes it is after construction is complete. Ms. Holder said she could agree to that.

Ms. Brewer said the pilot program will start August 1st and end December 31st for a total of 5 months. The days and hours are Friday through Sunday from 11am to 9pm, with 20 minutes on either end for set-up and break down. Mr. Lytle asked if that applies to motorized and non-motorized vendors, to which Ms. Brewer confirmed.

There was discussion about whether a food truck downtown could provide lunch options during the week and whether weeknight activities at the sports complex warrant additional hours. The Committee agreed to reevaluate at the end of the pilot.

The Committee also reaffirmed that a \$100 fee was appropriate for the pilot program.

Mr. Hooper asked if the location on Main St. in front of the White Squirrel Shoppe was eliminated. Mr. Lytle said a more accurate answer is that they are not approving it yet.

The Committee agreed to the following as part of the Food Truck Pilot Program:

- Food Trucks with Electrical Hookups
 - Jordan St. Parking Lot near Times Arcade Alley with electrical hookups
- Food Trucks with Generators
 - Sports Complex Parking Lot
 - Silversteen Park Parking Lot (after completion of construction)
- Push Cart Vendors
 - Clemson Plaza (inadvertently omitted from Attachment A)
 - Dog park
 - Franklin Pool
 - Silversteen Park
 - Sports Complex (2) (Skate Park and Soccer Fields)

Mr. Lytle motioned, seconded by Ms. Miller to refer the pilot program to the full Council using Staff's recommended dates and times, the agreed upon permit fee, and at the locations listed above and prior to the end of the pilot, Staff will bring the item back to the Committee for further consideration. The motion carried unanimously.

G. Staff Merit Increase Program Discussion

Mr. Hooper said this item should be called Staff Evaluation Program, as it will cover evaluating employees and rewarding high performers. He will hand the discussion over to Ms. Craig with one note. He would like there to be some corporate-wide goals that everyone shares regardless of department and role. He wants to hear the Committee's thoughts on what those should be and gave examples of customer service or efficiency.

Ms. Craig said they are developing a formal performance management system and she will provide an update on its status. There have not been performance evaluations in 5-6 years and it will not be as easy as just dusting off the old form. To be effective, there will be an investment in the tools, training, communication with employees, and establishing cultural change related to performance management. The goal is to have a system where employees and supervisors have a clear understanding of what is

expected, what performance means, and how it looks to be measured using these tools. There will be 5-7 core competencies that apply across the organization and then a competency library will be developed and used to tailor competencies for each role.

Supervisors are going to require training and support to ensure they can have meaningful performance conversations with their employees. Some supervisors do that really well now, but supervisors will still need training on conducting performance reviews and setting goals, especially if increases are tied to those reviews. Ms. Craig noted that we do not want to demotivate employees that are not meeting a high standard. If the employee knows the expectations and the communication exists, then the employee should not be shocked if they do not get an increase tied to exceeding expectations. Supervisors will also need to learn how to deliver performance reviews fairly and consistently. There will be a calibration process across the organization to ensure rating scales are consistent. Using the tool, goals can be set for departments, individuals, and for the organization, in addition to the organization-wide competencies.

Ms. Craig aims to develop and implement the system by January 1, 2027. While it is a short timeline, Ms. Craig placed an emphasis on making sure the tools and training are created thoughtfully and deliberately. She added that it will also need to be justifiable so that it can stand up against any legal challenges or grievances that may come from employees. Ms. Craig said they are in the beginning phases of creating this system and much of it is up in the air, so it will all be evaluated. She is also researching whether it makes sense to bring in an external trainer or if the training can be done in-house.

Staff are seeking the Committee's input on the behaviors and attributes employees should demonstrate to be considered high performers. Ms. Craig said a few that come to mind for her are customer-focused, quality of work, and accountability. She said it is hard to narrow it down, but if you want to reward high performers, then you need to determine what that means and what attributes set the high level of performance.

Mr. Lytle said first, he has a few questions. He asked why there have not been any performance reviews for 5-6 years. Ms. Craig said performance reviews stopped when COVID-19 hit because everyone was scrambling to figure out how to maintain being in the workplace. She added that they looked at reinstating performance reviews a couple years later, but there was no money tied to the evaluations and leadership at the time said why are we going to invest in this. With Council's interest in rewarding high performers, the administration supports that and is ready to get it moving forward.

Mr. Lytle asked how the calibrations are envisioned and if all management will go through the same calibration. Ms. Craig said that is how she envisions it, but the City has never done a calibration before. She added that the former City Manager used to review evaluations and calibrate them to some extent, but it never impacted the outcome as she thought it should. She envisions department heads coming together as a team and calibrating those. Ms. Craig said she will run reports to show if certain groups of employees are rated a lot higher than others, which will indicate that they need to look at the outliers. Those employees may be exceeding expectations, but upon hearing the

supervisor's justification, others may or may not agree that that exceeds expectations across the organization. She intends to pull those outliers and then facilitate a discussion to calibrate those. She added that calibration would be done before the reviews go back to the supervisors to give to the employees.

Mr. Lytle asked if there will be a cap on the percentage of people that "exceed expectations," because in a prior meeting, he loved that someone said "meets expectations" is positive. He said people tend to think it is negative, but if you are doing your job and doing it well, those are expectations you meet. Mr. Hooper said he would like to have 1-2 years of pilot evaluations to see how it works because it should be a bell curve and he hopes that happens naturally, as it seems fairer and more genuine. He added that if it does not, then perhaps you could implement caps or quotas. Ms. Craig said she thinks that should be at the outset, as it will be part of preparing for roll out, being deliberate, and communicating with supervisors and employees. She added that it will include a culture change to see "meets expectations" as a good thing, as most employees will fall there. If a supervisor is rating someone "exceeds expectations," there should be clear documentation about why that is happening.

Mr. Lytle asked if managers will have quarterly or mid-year check-ins with their employees. Employees could say well you did not tell me all year that I was meeting expectations and I thought I was exceeding expectations. Mr. Hooper said they will probably encourage it but not require it because it may be case-by-case. For example, some employees do not need a lot of feedback and they self-regulate to figure out where they stand, while others need reminders from their supervisor that they have certain expectations to work towards. He said it will be something he looks at during the first year of the program. Mr. Lytle said he would strongly encourage it, and it can be more of a check-in to say at this time, you are at "meets expectations." He said some employees may not see their supervisors often due to differing schedules, so they should hear from their manager at least once a year. Ms. Craig said employees and supervisors can enter notes into the system during the year and they discussed requiring supervisors to enter quarterly notes. She added that if a supervisor is noting that they have a concern, they need to have a conversation with the employee. Ms. Craig said hopefully the goal-setting component will help make it an ongoing conversation. Mr. Lytle said his fear is that some managers will think they are giving enough feedback when they are not.

Ms. Miller said for new employees, this will begin when they are hired and during their probationary period, but what about employees who have worked for the City for a long time and think they are meeting expectations but find out they are not under the new system. She is concerned it will create morale issues if they did not know they were not meeting expectations. Ms. Craig said the goal is to roll this out on January 1st, but employees will not be evaluated on January 1st. After the tool is rolled out, it will be communicated that these are the expectations moving forward and we are going to start measuring that now. The first review period will be in September 2027 and will evaluate performance from January to September. Ms. Craig said there are self-evaluation tools that give employees the ability to evaluate themselves prior to their supervisor's evaluation and she has found versions that are effective.

Ms. Miller said at one organization she worked at, employees evaluated supervisors, and it generated good feedback, but was clumsy to administer. Ms. Craig said she thinks 360 degree or peer reviews will be evaluated in the future, as the system has the capability for it, but they are focusing on performance management first. Ms. Craig also suggested a review for new employees as they come in to see if they are aware of their job responsibilities and if they have what they need to be successful.

Ms. Holder asked if increases will start in September 2027. Mr. Hooper said if merit increases are funded in the next budget, then yes. Ms. Craig said increases would be effective the first pay period in October. Ms. Miller asked if it will be in addition to any cost-of-living adjustment that might be given. Mr. Hooper said yes, and there will be performance evaluations regardless of whether there is a merit increase attached to it.

Ms. Holder asked if there is a way to evaluate based on facts, as opposed to perception. Ms. Craig said supervisors can add notes, as well as employees to ensure their successes are documented. Mr. Lytle asked if there will be strict scoring or if it will be dependent on notes. Ms. Craig said she thinks it will be strict scoring with comments required. Mr. Lytle said his opinion is strict scoring, to which Ms. Craig said she thinks strict scoring is good from a defensible standpoint but they need comments to justify the ratings.

Mr. Lytle said he does not know if he can give organization-wide attributes because part of it is determining the kind of staff you want. He said there may be things you want your staff to focus on in terms of how they approach their work. Mr. Lytle said as a city, it would be very high-level things, so he will need to sit with it and think about it more.

Ms. Craig said she will bring back the tool to next month's Committee meeting once it is more developed to show the Committee what it looks like.

Mr. Lytle offered suggestions. He suggested tying the amount of money available for merit increases to the City's revenue to ensure the merit program is funded. He added that a year that we lose revenue, which hopefully does not happen, we would not be able to afford the merit increase. He said there should be a provision for economic downturn and expectations set with Staff so Staff will know ahead of time if merit increases are not funded. He also suggested looking at pay grades to see if merit increases will push people over their pay grades. Ms. Craig said there may be a couple people that top out, but the City's policy addresses it by giving them a lump sum. She added that because they have not done merit increases in so long, most people are at the lower end, and they are still deciding whether increases should be based on current salaries or the midpoint. He also suggested making sure folks know that not everyone is getting the same and that "exceeds" means you are going beyond your job description.

H. Public Comment

Harvey Sankey asked if we have a financial obligation to the ABC Board, to which Mr. Hooper said no, the ABC Board has a financial obligation to us. Mr. Sankey then asked clarifying questions about the number of board members, terms, and store locations.

Mr. Sankey asked if there is a plan for how the food truck pilot will be implemented. Ms. Brewer said it is just her, and the document provided to the Committee has basic information and details how the program will operate. Permit applicants will apply in the City's portal, so she will be able to track the information that way.

Mr. Sankey said he is not in favor of merit increases and he is in favor of giving money out to individuals in a salary. He said instead of \$20 an hour, it would be \$21 an hour, rather than waiting all year to decide if you get "X" amount. He said people will be waiting to get this money and some may get nothing, while others get a lot. He added that there will be an impact on morale and he has seen it across organizations. He said there is a job description for each position, so employees know what they are supposed to do. He would rather employees have money in their pocket every 2 weeks.

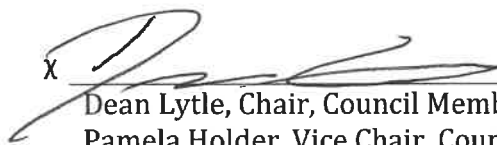
I. Set Date for Next Meeting

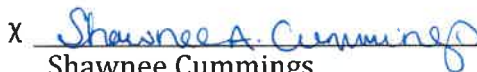
The next regular meeting is scheduled for Monday, July 27, 2026, at 11am.

J. Adjourn

There being no further business, the meeting was adjourned at 12:37pm.

Minutes Approved: July 27, 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

FOOD VENDOR PILOT PROGRAM

Draft for Discussion 6/22/26

PROGRAM OVERVIEW

The proposed Food Vendor Pilot Program would allow food trucks to operate at designated City-owned locations on Fridays, Saturdays, and Sundays for a five-month trial period. The program is intended to activate public spaces, support local entrepreneurs, expand dining options for residents and visitors, and inform future policy decisions regarding mobile food vending on public property.

Under the pilot, participating vendors would be required to obtain a Food Vendor Pilot Program permit, maintain appropriate insurance coverage, comply with all health and safety regulations, and operate only within approved locations and hours. City staff would monitor participation, public feedback, operational impacts, and enforcement needs throughout the pilot period.

At the conclusion of the program, staff would provide City Council with an evaluation of the pilot's effectiveness and recommendations regarding whether the program should be continued, modified, expanded, or discontinued.

APPLICABILITY

This pilot program shall apply to all fully permitted motorized (food trucks, air streams, trailers, etc.) and non-motorized (pushcarts, etc.) mobile food vendors wishing to locate in the public designated locations.

The City of Brevard does not permit the food vendor or review any health or safety requirements. To participate in this pilot program, vendors are required to provide a copy of their approved permit from the Transylvania Health Department (or other county if applicable).

Note: This program does not apply to mobile food vendors included as part of a permitted special event on public rights-of-way, a permitted temporary use on private property, or a permanently established mobile food vendor site on private property.

PILOT PERIOD

The Food Vendor Pilot Program shall operate for a period of five months beginning on **August 1, 2026 and ending on December 31, 2026**. City Council may extend, modify, or terminate the pilot program based on staff recommendations and program performance.

DESIGNATED LOCATIONS

As part of the program, mobile food vendors would be allowed to set up at the following locations during the designated times:

POTENTIAL LOCATIONS

- Food Trucks with Electrical Hookup
 - Jordan Street parking lot near Times Arcade Alley
 - W Main Street in front of White Squirrel Shoppe
- Food Trucks with Generator
 - Jordan Street parking lot near England Street
 - Franklin Pool parking lot
 - Silversteen parking lot
 - Sports Complex parking lot
- Non-Motorized Vendors
 - Dog Park
 - Franklin Pool
 - Silversteen Park
 - Skate Park
 - Soccer Field

Use of a vendor spot is on a first-come, first-served basis. Only one vendor is permitted on each site. Use of the vendor site is superseded by special event permits or facility reservations approved by the City of Brevard.

DAYS AND HOURS OF OPERATION

Mobile vendors may only operate on **Fridays, Saturdays, and Sundays from 11:00 AM to 9:00 PM.**

Vendors may occupy the spot up to 20 minutes before and up to 20 minutes after the hours of operation. The vendor must vacate the spot at the end of the day's operation and remove all associated equipment, signage, trash and debris.

PERMITTING REQUIREMENTS

All participating vendors must secure a Food Vendor Pilot Program Permit from the City prior to operating. The permit application shall include:

- Business name and contact information
- Cart or vehicle dimensions
- Certificate of liability insurance (*\$1,000,000 aggregate with City listed as additional insured*)
- Applicable business licenses and sales tax registration
- Health Department permit (if vending food or beverages)
- Payment of permit fee (**\$100**, non-refundable)
- Any other information required by the administrator to demonstrate compliance with this program

OPERATIONAL STANDARDS

All vendors shall comply with the following standards:

- No mobile food vendor shall take up more than one designated parking space or a 10-foot by 10-foot area. Vehicles used to tow mobile vending units shall be moved to a secondary location prior to operation in order to maintain adequate public parking.

- No temporary structures, tents, tables, etc. are permitted with the mobile vendor. Umbrellas or protective coverings may be permitted if attached to the vendor cart or truck.
- If permitted as a non-motorized vendor cart (also known as a pushcart), it cannot be connected to power. Any food preparation, if applicable, must take off-site.
- Each vendor is allowed one A-frame / sandwich board sign with a maximum display area of eight square feet per side and a maximum height of four feet (measured from the ground).
- No audio amplification is allowed as part of the mobile vending operations.
- The operator or their designee must be present at all times, except in cases of an emergency.
- The vendor shall comply with all federal, state and local laws when operating the unit. The approved pilot program permit shall be visible at all times, along with any other permits required to be displayed by Transylvania County or the State of North Carolina.
- Vendors are responsible for keeping the area clean during and after operation. Each mobile vendor shall supply at least one waste receptacle which must be removed at the end of each day. All waste receptacles must be emptied at the end of each day and as necessary during the day. City trash receptacles shall not be used for the vendor's waste.
- Vendors must maintain professional behavior. No harassment of passersby or aggressive solicitation will be tolerated.
- The sale of alcohol, tobacco, cannabis, hemp products, or other controlled substances or prohibited items is strictly prohibited.

VIOLATION AND ENFORCEMENT

Violations of this pilot program may result in:

- Written warnings
- Fines up to \$500 per violation
- Suspension or revocation of permit
- Confiscation of vending unit or equipment that remains in the designated location after operating hours and/or if the operator is not present

MINUTES
COUNCIL FINANCE, HUMAN RESOURCES and
CITIZEN APPOINTMENT COMMITTEE

Tuesday, July 14, 2026 - 11:00am
Closed Session
City Hall Council Chambers

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

Staff Present: Wilson Hooper, City Manager
Shawnee Cummings, Assistant to the City Manager

A. Welcome & Call to Order

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

B. Certification of Quorum

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

C. Approval of Agenda

Mr. Hooper noted that any referrals to the full Council must be made in open session, and therefore, added item E. Referral to Full Council. Ms. Holder moved, seconded by Mr. Lytle to approve the agenda as amended. The motion carried unanimously.

D. Closed Session - Personnel and/or Employment: GS § 143 318.11. (a)(5)(6)

At 11:02am, Mr. Lytle moved, seconded by Ms. Holder to enter into closed session to discuss a personnel matter pursuant to GS § 143 318.11. (a)(5)(6). The motion carried unanimously. City Manager Wilson Hooper, and Assistant to the City Manager, Shawnee Cummings were authorized to remain for the closed session.

Return to Open Session: At 12:35pm, Mr. Lytle moved, seconded by Ms. Holder to come out of closed session and resume the meeting in open session. The motion carried unanimously.

E. Referral to Full Council

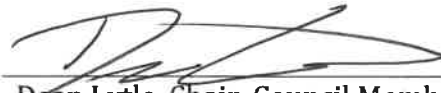
Mr. Lytle moved, seconded by Ms. Holder to refer the reappointment of Lisa Conner to the ABC Board for a second term to the full Council and direct Staff to recruit an

individual with retail, restaurant, or advisory board experience for the second appointment. The motion carried unanimously.

F. Adjourn

There being no further business, the meeting was adjourned at 12:36pm.

Minutes Approved: July 27, 2026

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

x 
Shawnee Cummings
Assistant to the City Manager

STAFF REPORT

City Council, Monday, August 3, 2026

Title: Proposed Amendment to the City of Brevard Unified Development Ordinance Chapters 9 and 19, and the Code of Ordinances Chapter 38 - Sight Triangle Regulations

Speaker: Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Wilson Hooper, City Manager

Background

This is a staff-initiated text amendment to both the Unified Development Ordinance (UDO) and the Code of Ordinances to clarify and unify the requirements for what are known as "sight triangles." A sight triangle is defined as "The area that establishes a clear line of sight for a waiting vehicle to see oncoming traffic and make turning movements into or out of a street or driveway connection safely or for traffic to see entering or waiting vehicles."

Currently, the UDO and Code language about sight triangles do not match, creating confusion for both property owners and City staff. Additionally, the graphics are inconsistent and not to scale, creating further confusion. These amendments look to clear up these issues and create more nuanced sight triangle requirements that are a better fit for Brevard.

Council held a public hearing regarding these amendments at their July 20th meeting.

Discussion

Regulating sight triangles at street intersections and driveways is essential to ensure that all road users, including drivers, pedestrians, and bicyclists, can see and anticipate one another in time to make safe movements and decisions. Clear sight lines reduce the likelihood of crashes by allowing drivers to judge gaps, identify conflicts, and respond appropriately before entering or crossing a roadway. Without consistent sight triangle requirements, objects such as landscaping, fencing, parked vehicles, or other obstructions can unintentionally block visibility, increasing crash risk even at locations that are otherwise well-designed. Establishing and maintaining clear sight triangles provides a predictable, enforceable standard that supports safe access to property, protects the public, and helps reduce preventable collisions.

One of the key aspects of these amendments is to make clear that there are two types of sight triangles: one for street intersections and one for driveways. Driveways and street-street intersections are regulated differently because they function very differently in how conflicts occur and how drivers make decisions.

A driveway is a minor access point where a driver is typically stopped, starting from a low-speed or zero-speed position, and must judge gaps in moving traffic before entering a

roadway. This requires longer, directional sight distance along the roadway, so drivers can see approaching vehicles early enough to accelerate and merge safely. As a result, driveway sight triangles are often longer and narrower, and responsibility for maintaining them is clearly assigned to the adjacent property owner. Staff's research shows that typical driveway sight triangles in North Carolina are asymmetrical, measuring 10'-15' into the driveway and 50'-70' along the road.

An intersection of two streets is a shared public decision space where movements are more predictable and traffic is almost always controlled in some way by stop signs, signals, or geometric design that moderates speeds. Drivers approaching a street intersection generally expect the possibility of cross traffic, are already slowing (e.g. for a stop sign), and have multiple visual cues that shape their own behavior and also allow them to anticipate what other drivers will do. Sight needs are therefore more balanced, and as such, sight triangles for intersections are often regulated using smaller, symmetrical triangles. Staff's research showed a variety of intersection sight triangles in North Carolina, ranging from 20'x20' to 35'x35' with almost all being symmetrical.

Policy Analysis

Proposed Amendments Staff is proposing changing the driveway sight triangle from 10'x70' 15'x50' for driveways connecting to a public street. This allows for enough distance to adequately see oncoming traffic for the driver entering the road, and allows for the entirety of most typical vehicles to be seen approaching the road by drivers already on the road.

Staff is proposing that the minimum standard for street intersection sight triangles be 25'x25', but on roads with a speed limit of 40MPH or higher that the distance be increased to 35'. Currently, the dimensions are based on the width of the street right-of-way. However, Staff believes that basing the dimensions on the speed limit of the road is a better option because vehicle speed directly determines how much time and distance a driver needs to perceive a conflict, react, and stop safely. Speed-based sight triangles better reflect actual operating conditions, not just roadway geometry, and the posted speed limit is a better proxy for how fast drivers are expected to travel and the level of risk the roadway is designed to accommodate.

In all sight triangles, the vertical clearance zone is 2.5' to 12.5' above the grade of the adjacent roadway, leaving a 10' tall clear zone but allowing for low-lying landscaping or fencing that allows through-visibility. There are also exceptions for infrastructure such as fire hydrants, streetlights, and traffic control devices.

The amendments maintain that sight distances for driveway connections along state-maintained roadways shall be approved by NCDOT but add a new provision that allows staff to require a larger sight triangle on any street where traffic volumes are high, there is a documented history of crashes, and if a traffic engineer deems additional sight distance warranted. Additionally, Staff is proposing new graphics that match other new graphics found throughout the UDO, which will be used in both the UDO and the Code for

consistency.

Recommendation

The Planning Board discussed these amendments at their May 26th meeting and unanimously recommended approval as written. The Board also submits to City Council the attached consistency statement, in accordance with state law.

Action

Council's options concerning a proposal to amend the text of the UDO are:

1. Adoption of the amendment as written
2. Adoption of the amendment as revised by Council
3. Rejection of the amendment
4. Send the application back to the Planning Board for further study and consideration
5. Call for additional public hearings

Attachments:

1. Draft Amendments
2. Consistency Statement
3. Enacting Ordinance

9.5. Visibility at street intersections and driveways; sight triangle.

A. Purpose and Applicability:

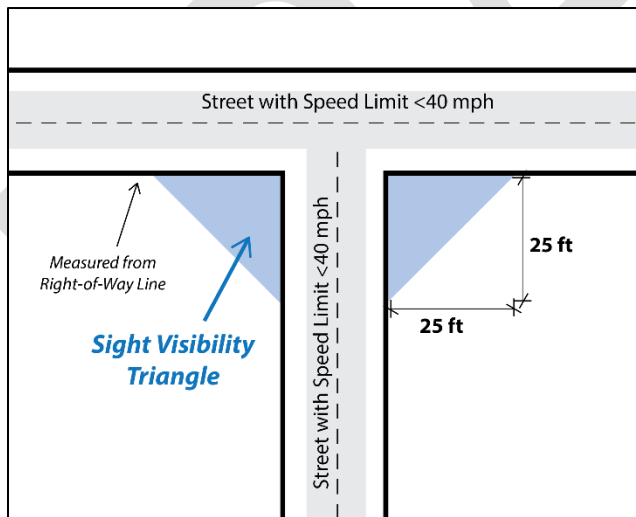
1. To ensure adequate visibility at street intersections and driveway connections, clear sight triangles shall be required at the following locations in all zoning districts:
 - a. Intersections of two or more public or private streets; and
 - b. Driveways or other vehicular access points connecting to public or private streets.
2. The provisions of this section shall apply to:
 - a. New development and redevelopment;
 - b. Expansions to existing access drives; and
 - c. Installation or modification of landscaping, fencing, parking, signage, or any other structures that may affect visibility within the sight triangle area.

B. Measurement of Sight Triangles:

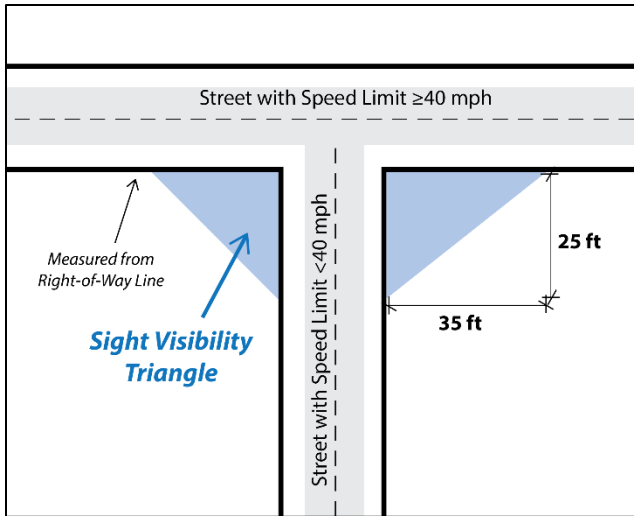
1. Street intersection sight triangles shall be measured from the point of intersection of the right-of-way lines, or when no ROW exists, from the point of intersection of the pavement or road edges.
2. Driveway sight triangles shall be measured from the point where the driveway edge intersects the street edge.
3. Sight triangles shall be formed by connecting points measured along each intersecting leg as specified in subsections C and D below.

C. Street Intersection Sight Triangles:

1. Minimum Required Dimensions: A clear sight triangle with legs measuring twenty-five (25) feet along each intersecting street shall be provided at all street intersections.



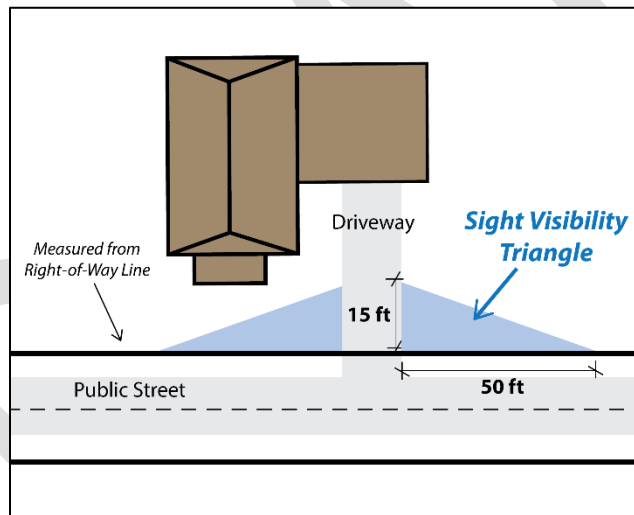
2. Increased Requirements: For roads with a speed limit of 40 MPH or higher, the minimum shall be increased to thirty-five (35) feet along each intersecting street with such a speed limit.



D. Driveway Sight Triangles:

1. Minimum Required Dimensions

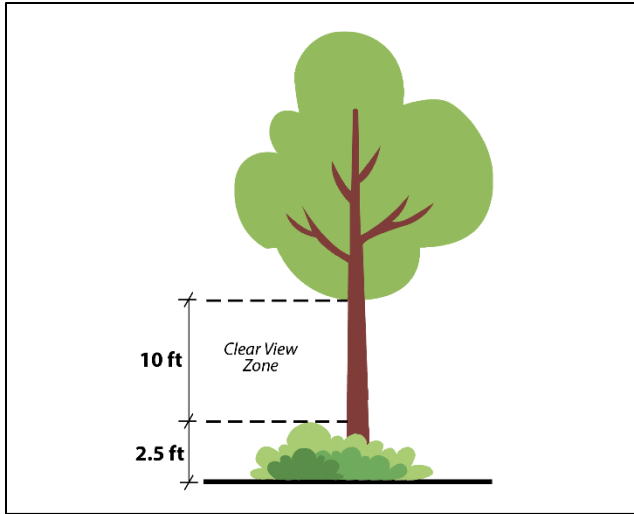
- a. A clear sight triangle shall be provided at each driveway connection as follows:
 - i. When connecting to public streets: fifteen (15) feet by fifty (50) feet.



2. State-Maintained Roadways: Required sight distances for driveway connections along state-maintained roadways shall be approved by NCDOT. Where the NCDOT Driveway Manual conflicts with these standards, the stricter of the two standards shall prevail.

E. Vertical Clearance Within Sight Triangles:

1. Within all required sight triangle areas as defined above, no planting shall be placed or maintained and no closed fence, building, wall, sign or other structure shall be constructed if such planting or structure thereby obstructs visibility between two and one-half (2.5) feet and twelve and one-half (12.5) feet above the grade of the adjacent roadway.



2. The following are exempt from the height limitations of this section, provided they do not materially obstruct visibility:
 - a. Traffic control devices;
 - b. Utility poles and utility cabinets;
 - c. Fire hydrants; and
 - d. Streetlights and public safety infrastructure.

F. Engineering Determination and Adjustment:

1. On streets with a speed limit of forty (40) MPH or higher, the Administrator may require a larger sight triangle than the minimum specified in this section where:
 - a. Traffic volumes are unusually high;
 - b. Documented crash history indicates a visibility concern; or
 - c. In the opinion of a professional traffic engineer unique site conditions or topography warrant additional sight distance.
2. Engineering determinations shall be based on accepted transportation engineering practices, including applicable AASHTO and NCDOT guidance.

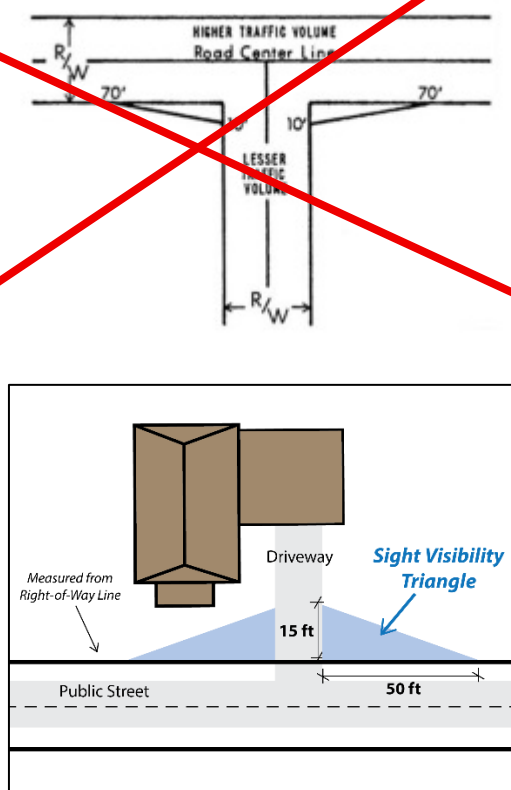
G. Maintenance Responsibility:

1. Property owners shall be responsible for maintaining required sight triangles free of obstructions.
2. Failure to maintain a required sight triangle in compliance with this section shall constitute a violation of this ordinance.

Chapter 38 – Health and Sanitation; Article II. Nuisances; Section 38-32. Enumeration

- I. Any and all trees or bushes dead, diseased or not properly trimmed, or any object or growth within ~~the~~ all required sight triangles ~~distance~~, on private property adjacent to city street rights-of-way that constitute a hazard to city property or to the health or safety of motorists or pedestrians. ~~"Sight distance"~~ Sight triangles shall be defined as the area required to provide a ~~ten-foot-by-70-foot-unobstructed~~ clear view ~~across property primarily located~~ at street intersections, driveways, and along sharp horizontal curves in the roadway as required by Chapter 9 of the City of Brevard Unified Development Ordinance. No owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any lot or land in the city, regardless of whether the lot is occupied or not, shall permit or maintain on such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for ten feet outside the property line if there is no curb, any of the conditions described in this subsection. It shall be the joint and several duty of any owner, lessee and occupant of any lot or land to cut and/or remove or cause to be cut and/or removed all causes of such conditions as often as may be necessary to comply with the provisions of this chapter.

FIGURE 38-32A: SIGHT DISTANCES



**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-26-0001**

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

ORDINANCE NO. 2026-____

**AN ORDINANCE AMENDING CHAPTERS 9 AND 19 OF THE
CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE AND
CHAPTER 38 OF THE CITY OF BREVARD CODE OF ORDINANCES TO
AMEND AND CLARIFY REGULATIONS FOR SIGHT TRIANGLES**

WHEREAS, the City of Brevard Planning Board has recommended that the City of Brevard Unified Development Ordinance Chapter 9 – Circulation and Connectivity and Chapter 19 – Definitions, and the City of Brevard Code of Ordinances Chapter 38 – Health and Sanitation be amended; and,

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

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

WHEREAS, a public hearing was conducted on Monday, July 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 Unified Development Ordinance and 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. The City of Brevard Unified Development Ordinance and Code of Ordinances are hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

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

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

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

Adopted and approved this the 3rd day of August 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, August 3, 2026

Title: Proposed Amendments to City of Brevard Unified Development Ordinance, Chapters 6, 17 and 19; and the Code of Ordinances Chapter 38 - Stormwater Management Development Regulations

Speaker: Emily Brewer, AICP, Senior Planner

Prepared by: Emily Brewer, Senior Planner

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

Background

Brevard is located within the French Broad River Basin, near the river's headwaters, and experiences some of the highest rainfall totals in North Carolina due to its position along the eastern escarpment of the Blue Ridge Mountains. Effective stormwater management is essential for mitigating the environmental impacts of development in sensitive terrain. As land is cleared and replaced with roads, rooftops, and other impervious surfaces, the natural ability of soil and vegetation to absorb rainfall is lost. This leads to increased runoff volumes and higher flow speeds, which can quickly overwhelm drainage systems, damage properties, cause infrastructure failures, erode streambanks, deteriorate water quality, and reduce groundwater storage. Without proper stormwater controls, debris, sediment, trash, and other pollutants are washed into neighboring properties and nearby waterways. By requiring thoughtful stormwater design, communities can reduce peak flows, slow down runoff, and preserve more natural hydrologic functions even as development expands.

This is a staff-initiated text amendment to improve the stormwater management requirements to be more equitable, effective, and easier to administer. This amendment will also augment the ongoing stormwater master plan project to assess and evaluate the conditions of community storm drainage infrastructure. Staff worked closely with McAdams, the firm conducting the stormwater master plan, over the last few months to understand the complexities of stormwater management in Western North Carolina, review best practices in other communities, and address the short-comings in the current ordinance. Staff also reviewed this ordinance with Planning Board at their May 26th meeting, who recommended in favor of its adoption. City Council held a public hearing on this item on July 20, 2026.

Discussion

Section 6.6 establishes the City's stormwater requirements to protect life and property from flooding, improve water quality by filtering pollutants, and limit additional impervious surface. The major changes to the section are summarized below:

- **Applicability:** Currently, the standards apply to new large non-residential or mixed-use projects, residential developments with 8 or more dwelling units, and any

project where stormwater controls are required by a review board. Smaller residential projects, bona fide agriculture, redevelopment with no increase in impervious area, small accessory structures, and development in the Heart of Brevard Municipal Services District are exempt. These exemptions should be granted sparingly and strategically to ensure environmental outcomes are achieved and certain types of development are incentivized. The proposed amendments restructure the applicability standards so that stormwater requirements are triggered by the amount of new built-upon area or area of disturbance, rather than by the number of residential dwelling units. This area-based approach is a more equitable and effective regulatory tool because stormwater impacts are directly related to the extent of disturbed soil and impervious coverage. For example, a single large home with extensive driveway and patio coverage may generate significantly more runoff than a multifamily structure on a smaller footprint. A disturbance-based trigger better aligns with regulatory oversight with actual hydrologic impact, ensures proportional mitigation, and closes gaps where smaller-scale projects cumulatively contribute to runoff and water quality degradation. It also creates clearer, more objective standards that are easier to administer and defend. The new applicability section also includes all development in steep slope areas regardless of project size. Steep slopes in particular increase runoff velocity, erosion potential, and downstream sedimentation, compounding flood and water quality impacts. Requiring stormwater controls in these areas ensures that risk is addressed at its source and reflects Brevard's mountainous topography and associated landslide susceptibility.

- **General Design Standards:** The amendments also include general design standards to encourage stormwater volume reduction prior to detention measures, including minimizing built-upon area by clustering buildings, reducing road widths and parking areas, and using permeable materials and releasing stormwater runoff as sheet flow through vegetated areas.
- **Stormwater treatment requirements:** The stormwater treatment requirements remain the same with two notable exceptions:
 - The existing ordinance includes a requirement to remove 85% of the total suspended solids (TSS) from the first inch of any rain event. This requirement is outdated and cannot be accomplished with many of the approved stormwater control measures. Instead, the amendment requires that the first inch of a rain event is to be treated in accordance with the North Carolina Minimum Design Criteria.
 - The new ordinance regulations include an incentive for projects to use low-impact development (LID) techniques. LID are stormwater control measures that are designed to mimic natural hydrology (e.g., stormwater wetlands, bioretention cells, infiltration systems, permeable pavement, green roofs, Silva cells). Instead of designing for the two- and ten-year storm event, they will be allowed to control for the five-year storm. City staff were advised that designing LID at the size necessary for the 10-year storm is not feasible; McAdams recommended the 5-year storm design, as it will be more practicable and will manage the majority of the stormwater needs for the 10-

year (see precipitation volume chart below for reference). Staff believes that this will encourage developers to utilize LID techniques instead of relying on large structural measure, like retention ponds.

Point Precipitation Frequency Estimates at 95 W Main Street (inches)

	<i>2-Year</i>	<i>5-Year</i>	<i>10-Year</i>
<i>24-hour Event</i>	<i>4.64</i>	<i>5.70</i>	<i>6.54</i>

- ***Stormwater Management Plans:*** The requirements for a stormwater management plan were moved from Chapter 17 and amended to be more clear.
- ***Maintenance Requirements:*** The weakest section of our existing stormwater ordinance is the lack of maintenance requirements and enforcement procedures. The new amendments include the requirement of an operation and maintenance agreement that is the responsibility of the owner. These agreements are to be recorded at the Transylvania County Register of Deeds to ensure any subsequent owner is aware of their ongoing responsibilities. Additionally, inspection reports can ensure the stormwater measures are appropriately maintained and functioning as intended. Larger cities that have a stormwater engineer on staff sometimes require annual inspection reports and ongoing compliance management. That is not feasible for the Brevard planning staff, so, instead, the amendments allow the administrator to have the authority to demand an inspection report at any time — particularly if there is a reasonable belief that the structure is not working properly or if there is any proposed redevelopment on the site.
- ***Fee-in-Lieu:*** The fee-in-lieu option has been removed as an option for most projects. It is, instead, reserved for projects where it is impossible to meet the requirements. The administrator will also require the project to comply with the stormwater chapter to the greatest extent possible.
- ***Illicit Stormwater Usage:*** The amendment also moves the illicit stormwater discharge and connection requirements to the Code of Ordinances, as it pertains to the usage of the city's public infrastructure.

Planning Board Discussion

At the May 26th meeting, Planning Board members discussed the potential impact on single-family homeowners at length. The proposed development thresholds are designed so that the vast majority of routine improvements to existing single-family homes are not subject to the ordinance. Typical residential projects (building a single-family home, constructing a deck, or adding a garage) would not disturb one acre of land or add 20,000 square feet of built-upon area, triggering the stormwater management requirements. Instead, the ordinance is intended to apply to larger-scale development and redevelopment projects that have the potential to significantly increase stormwater runoff

and affect downstream properties, public infrastructure, and water quality. A single-family homeowner would typically only become subject to these requirements when undertaking an unusually large project that exceeds the minimum land disturbance or impervious surface thresholds, when developing property subject to the City's steep slope regulations, or when stormwater management is required as a condition of approval by City Council or the Board of Adjustment.

To put the 20,000-square-foot built-upon area threshold into perspective, it represents a significant amount of development that is much larger than a typical residential property. It is approximately equivalent to the entire Franklin Park pool complex, including the main pool, baby pool, surrounding concrete deck, picnic shelter, pool pump building, and roughly half of the bathhouse. It is also comparable to the entire fenced area containing the three tennis courts at Silvermont Park, the Silvermont Mansion and its surrounding driveway, or nearly the entire Transylvania County Library building (excluding the Rogow Room). For commercial comparison, a typical Walgreens store is approximately 15,000 square feet, while the Food Lion grocery store is about 34,000 square feet. Even the largest residential property in the city, including the home, long driveway, a large detached garage, and numerous other accessory structures, totals only about 37,000 square feet. These comparisons demonstrate that the ordinance is intended to regulate projects of a substantial scale rather than single-family homes, thereby minimizing regulatory burdens on homeowners while ensuring that developments with the greatest potential to impact drainage patterns and watershed health appropriately manage stormwater runoff.

Policy Analysis

Revisions to the City's stormwater ordinance align with multiple aspects of the City of Brevard Comprehensive Plan and the recently adopted Green Growth Audit addendum. This includes the strategies and actions below:

City of Brevard Building Brevard 2030 Comprehensive Land Use Plan

- Goal 5: Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.
- PNRC-5: Require conservation design in areas with sensitive natural resources
- EDIR-7: Update City's stormwater management plan.
- EDIR-8: Encourage and incentivize the use of low-impact development and free stormwater infrastructure techniques to manage stormwater.
- EDIR-10: Consider/evaluate built-upon regulations to allow for adequate infiltration in different zoning districts.
- EDIR-11: Continue investment in upgrades to stormwater infrastructure downtown and in strategic growth areas.
- EDIR-18: Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather.

City of Brevard Green Growth Audit

- Action 2.3.A: Review and revise the City's stormwater management requirements to align with modern best practices.
- Action 2.3.B: Add definitions and illustrations of low impact development techniques to ensure it is clear they are allowed and encouraged.
- Action 2.3.C: Refine the types of development activities that are required to comply with the stormwater management provisions, including instituting an impervious surface-based threshold and all development in sensitive areas.
- Action 2.3.D: Consider amendments to the types of development activities that are exempt from stormwater management provisions.
- Action 2.3.F: Allow for and encourage the use of porous and semi-porous materials throughout the ordinance
- Action 2.3.G: Provide guidance and incentives for developers to use LID and site design to supplement stormwater management requirements by reducing stormwater runoff close to the source, requiring less structured treatment
- Action 2.3.H: Consider allowing variation to certain architectural standards for green infrastructure and LID techniques (e.g., alternative roof pitches to allow for green roofs or rain cisterns)

What's more, City Council identified stormwater management as an organizational priority in FY25 when it created a stormwater enterprise fund and established a dedicated revenue source for stormwater projects.

Action

Staff requests that Council take one of the following actions:

- Adopt the amendment as written;
- Adopt the amendment as revised by the Board;
- Reject the amendment; or
- Table the matter for further consideration.

In accordance with North Carolina General Statutes, the Planning Board submits a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard. The Statement of Consistency and Reasonableness is included for your review.

Attachments:

1. Proposed Amendments
2. Consistency Statement BPB
3. Draft Ordinance



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 6. ENVIRONMENTAL PROTECTION

6.6. Stormwater runoff provisions.

A. Purpose. The purpose this section is to:

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

B. Applicability.

~~2-1.~~ Minimum development thresholds: This section shall apply to all new development and redevelopment projects, including but not limited to site plans, subdivision applications, and demolition activities, that does any of the following: ~~Affected property:~~ The requirements of this section shall apply to the following activities:

- a. Cumulatively disturb one acre of land or more; ~~Any new non-residential or mixed-use development that disturbs more than one acre of land, or will have an impervious surface area more than 50 percent of the total acreage of the site.~~
- b. Cumulatively add 20,000 square feet or more of built-upon area; ~~Any new residential development or subdivision of eight or more dwelling units.~~
- c. Are subject to the steep slope area requirements in Section 6.4; or
- ~~c.d.~~ Are required to comply with the provisions of this section as a condition of approval by the Board of Adjustment or City Council. ~~Any project for which stormwater management is required as a condition of approval by the planning board, board of adjustment, or city council.~~

~~3.~~ In the event of redevelopment that results in increased impervious area, only the new impervious areas are subject to the standards in subsection 6.6.C.

~~4-2.~~ Exemptions: activities: The following activities are exempt from ~~the stormwater management~~ provisions of this section:

- a. Projects that do not meet the minimum development thresholds above; and
- ~~a.b.~~ Existing b Bona fide agricultural structures used exclusively for agricultural purposes.
- b. ~~Development or redevelopment of a single one or two family dwelling unit that disturbs less than one acre and will have an impervious surface area less than 20,000 square feet.~~
- c. ~~Redevelopment that results in no net increase of impervious surface area on a property.~~
- d. ~~Development or redevelopment of parcels located within the Heart of Brevard Municipal Service District.~~
- e. ~~Small accessory buildings or structures, or additions less than 400 square feet.~~



~~f. Residential infill development as defined in CHAPTER 19 of this ordinance.~~

3. Changes to stormwater measures: Any alterations to stormwater measures shall be made in accordance with this section.

C. General design standards.

1. All development subject to this section shall take the following actions to the maximum extent practicable:

- a. Minimize built-upon area by clustering buildings, reducing road widths and parking areas, and using permeable materials for walkways, patios, and overflow parking;
- b. Release stormwater runoff as sheet flow through vegetated areas;
- c. Prevent stormwater runoff from discharging onto adjacent properties; and
- d. Maintain pre-development drainage patterns and preserve natural drainageways and swales.

2. All development shall prevent erosion and sedimentation during and after construction (see also Section 6.7).

3. The administrator may require evidence from the applicant to demonstrate compliance with these standards.

~~**B.D. Requirements for stormwater treatment. Stormwater management requirements: The following requirements shall apply to all impervious surface areas of affected properties.**~~

1. The runoff from all built-upon areas on the project shall be treated in a primary stormwater control measures (SCM) that is designed, constructed and maintained in accordance with the relevant North Carolina Minimum Design Criteria (MDC) set forth in 15A NCAC 02H .1050 through .1062 (see NCDEQ Stormwater Design Manual).

~~1.2.~~ Stormwater measures shall be designed by a certified design professional in the State of North Carolina, and shall be constructed and maintained in accordance with commonly accepted best practices.

~~2.3.~~ Minimum design standards:

~~a. Runoff volume shall be calculated with the use of the Soil Conservation System (SCS) method.~~

~~b.a.~~ SCMs shall be designed to provide treatment for the runoff from the one-inch storm event. At a minimum, stormwater measure shall be designed to remove 85 percent of the Total Suspended Solids (TSS) from the first inch of any rain event.

~~c.b.~~ The stormwater run-off generated by a two-year and ten-year, 24-hour rain event, shall be limited at a rate equal to or less than the pre-development discharge rates.

~~d.c.~~ Stormwater measure shall have a drawdown of 48 hours, but not more than 120 hours.

4. Low-impact development credit.

a. Projects are encouraged to utilize low-impact development (LID) techniques to control stormwater runoff in a way that uses or mimics natural process in order to reduce the necessary structured treatments. Small scale Stormwater management practices, non-structural techniques, low-impact designs (LID), and site planning designed to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources must be implemented. Only when it is absolutely necessary is the use of a structural BMP warranted.

b. Minimum design standards for LID stormwater management measures shall be to control stormwater runoff for a five-year, 24 hour rain event.

~~e. Structural treatment devices used as an alternative to, or in conjunction with LID techniques are acceptable only when practically necessary.~~



5. Off-site SCMs: Stormwater measures may be located off-site provided that:

- a. Such measures are located within a parcel of land under the same ownership as the affected property or within a common area under the management of a property owners' association or similar entity; and
- ~~f.b. When stormwater measures are located off-site, d~~Deeds of both the affected property and the property containing the stormwater measure shall be provided and shall clearly reference an access easement and the right and responsibility of the owner of the affected property to access and maintain such measure.

~~3. In all instances stormwater measures shall be designed to complement a development and surrounding community and to minimize any threat to public health. If ponds or lakes are used, such areas shall be landscaped as amenities or hidden from view. This provision applies regardless whether the pond or lake typically contains water or may be dry for periods of time.~~

E. Stormwater management plan.

~~4. Permit requirements: The administrator shall review all stormwater plans required by this ordinance to ensure compliance therewith. In making this determination, the administrator shall use the Stormwater Best Management Practices Design Manual published by the North Carolina Department of Environmental Quality or other commonly accepted information and engineering data.~~

1. Timing of stormwater management plan submittal: The applicant shall submit a stormwater management plan with the full set of site construction documents, in accordance with Chapter 17, to be reviewed and approved by the administrator to ensure compliance with this section.

2. Required items: The stormwater management plan shall include the following items in sufficient detail to facilitate plan review and construction:

- a. A narrative description of the proposed site improvements, the stormwater treatment system, and any low impact design elements.
- b. The existing and proposed site contours and drainage patterns.
- c. Engineering drawings showing plan, profile, and details of the existing and proposed drainage system, including, but not limited to, piping, drainage structures, swales, and channels tying into a network of pre-existing manmade or natural channels.
- d. Site layout showing all existing and proposed stormwater control measures and built-upon areas, except for built-upon areas associated with single family residential lots and outparcels on commercial developments that are undetermined at the time of project submittal.
- e. Subdivision lot lines, maintenance access routes and easements, utility and drainage easements, public rights of way, and SCMs.
- f. Signed, sealed, and dated plan details of each SCM in plan view at a scale such that all details are legible on a copy. The plan details shall include dimensions, side slopes, and elevations, inlet and outlet devices, bypass structures, pretreatment area,
- g. Signed, sealed, and dated planting plans for each SCM that requires a planting plan per the Minimum Design Criteria. The planting plan shall include plant layout with species names and locations and total number and sizes of all plant species.
- h. Proposed drainage easements shown on the plans, and a signed agreement to provide final recorded drainage easements if recorded documents are not available at the time of submittal.



- i. Calculations and engineering specifications relevant to the design of the stormwater conveyance and treatment system.
- j. Location of floodplain/floodway limits and proposed stream channel modifications, such as bridge or culvert crossings.
- k. Relationship of the site to upstream and downstream properties and drainages.
- a. ~~Stormwater management system concept plan. When required as part of any project, a written or graphic concept plan of the proposed post-development stormwater management system shall be submitted along with other application materials and shall include the following: preliminary selection and location of proposed structural stormwater controls; low impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.~~
3. If, following commencement of land disturbing activity pursuant to an approved plan it is determined that the plan is inadequate to meet the requirements of this ordinance, the administrator may require any revision of the plan that is necessary to comply with this ordinance.

F. As-built plans and final approval.

1. Timing of as-built plan submittal: ~~As-built plans and final approval.~~ Upon completion of a project, and before final zoning approval or a certificate of occupancy may be granted, the applicant shall certify that the completed project has been built in accordance with the approved stormwater management plans and designs. A final inspection and approval by the administrator are necessary prior to the issuance of any certificate of occupancy, release of improvement guarantee, or other final approval.
- 5-2. Required items: ~~The applicant shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed.~~ shall include the following items:
 - a. ~~The plans shall show the~~ final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed.
 - a-b. A signed and sealed designer's certification ~~The designer of the stormwater management measures and plans shall certify, under seal,~~ that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance.
6. ~~A final inspection and approval by the administrator is necessary prior to the issuance of any certificate of occupancy, release of performance guarantee, or other final approval.~~
- ~~C. Inspection of measures: The Administrator may, from time to time, inspect approved stormwater measures for compliance with this section and approved plans. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater measures; and evaluating the condition of stormwater measures. No person shall obstruct, hamper or interfere with the Administrator while carrying out his or her official duties. If the owner or occupant of any affected property refuses to allow such inspection, the Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor.~~

D-G. Maintenance of stormwater measures:

1. General standards for maintenance:



- a. The owner of any stormwater measure installed pursuant to this section shall maintain and operate ~~such measure~~ it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the stormwater measure were ~~was~~ designed.
- b. Furthermore, stormwater measures installed prior to the enactment of this ordinance as a requirement of the issuance of any permit shall be subject to the maintenance requirements herein.
- c. The owner of each stormwater measure, whether structural or non-structural in design, shall maintain it so as not to create or permit a nuisance condition.

2. Inspection reports:

- a. The administrator shall have the right to demand an inspection report at any time should there be:
 - i. a reasonable belief that any stormwater structure or feature is constructed or being maintained in violation of this ordinance; or
 - ii. proposed redevelopment activity on the site.
- b. Such inspection report shall be prepared by a registered North Carolina professional engineer, surveyor, or landscape architect performing services only in their area of competence.
- c. The report shall contain the following:
 - i. The name and address of the landowner.
 - ii. The recorded Plat book and page number of a lot of each stormwater control.
 - iii. A statement that an inspection was made of all stormwater controls and features.
 - iv. The date the inspection was made.
 - v. A statement regarding the performance status and compliance of all inspected controls and features with the terms and conditions of the approved maintenance agreement required by this ordinance.
 - vi. The signature and seal of the engineer, surveyor, or landscape architect.
- d. Should the stormwater inspection reveal substantial maintenance or repair recommendations, it shall be the owner's responsibility to retain certified design professional to develop plans and specifications for such repairs within 30 days from finding that substantial maintenance or repair recommendations are necessary. Maintenance or repair work must commence within 60 days and be completed within a reasonable amount of time, from finding that substantial maintenance or repair recommendations are necessary.
- ~~c.~~e. Nothing in this section negates any requirements for the inspection of stormwater measures as set forth by any state or federal agency.

H. Operations and maintenance agreement.

1. Requirement to have an agreement: The applicant or owner of a site that is required to have a SCM pursuant to this section must execute an operation and maintenance agreement prior to final zoning approval or issuance of a certificate of occupancy for development or redevelopment. The responsibility for complying with the operation and maintenance agreement rests on the property owner.
2. Content of agreement. The operation and maintenance agreement shall include the following:
 - a. A requirement for the property owner to maintain, repair, and, if necessary, reconstruct the SCM, and shall state the terms, conditions, and a schedule of maintenance of at least once every two years for the SCM.



- b. A statement granting the city a right of entry in the event the stormwater administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the SCM. In no case, however, shall the right of entry confer an obligation on the city to assume responsibility for the SCM.
- c. Language to bind the parties thereto and all subsequent owners, successors and assigns, of the site, portions of the site, and lots or parcels served by the SCM.
- 3. Recordation: The operation and maintenance agreement shall be referenced on the final plat; and if there is no final plat, then the agreement shall be referenced on an as-built record drawing and also recorded in the Transylvania County Register of Deeds, so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. A copy of the recorded maintenance agreement shall be given to the administrator prior to final zoning approval.

~~E. Reserved.~~

~~F. Illicit discharges: Except as provided herein, no person shall cause or allow the discharge, emission, disposal, pouring, or pumping, whether directly or indirectly, of any liquid, solid, gas, or other substance, other than stormwater, into any surface water, ground water, or stormwater conveyance. This prohibition applies to any substance deposited upon the land in manner and amount that the substance is likely to reach a stormwater conveyance, surface or ground water.~~

- 1. ~~The following discharges shall not be deemed illicit and shall be permitted under the terms stated:~~
 - a. ~~Water line flushing, except any anti-freezing agent;~~
 - b. ~~Landscape irrigation;~~
 - c. ~~Diverted stream flows;~~
 - d. ~~Rising ground waters;~~
 - e. ~~Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));~~
 - f. ~~Uncontaminated pumped ground water;~~
 - g. ~~Discharges from potable water sources;~~
 - h. ~~Foundation drains;~~
 - i. ~~Air conditioning condensation;~~
 - j. ~~Irrigation water;~~
 - k. ~~Springs;~~
 - l. ~~Water from crawl space pumps;~~
 - m. ~~Footing drains;~~
 - n. ~~Lawn watering;~~
 - o. ~~Individual residential car washing;~~
 - p. ~~Flows from riparian habitats and wetlands;~~
 - q. ~~Dechlorinated swimming pool discharges;~~
 - r. ~~Street wash water; and~~
 - s. ~~Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina.~~
- 2. ~~Prohibited discharges include but are not limited to the following:~~



- a. ~~Discharges of oil, anti-freeze, chemicals, paints, garbage, litter;~~
- b. ~~Raw sewage discharges or overflows;~~
- c. ~~Discharges of wash water resulting from the hosing or cleaning of gasoline stations, auto repair garages, or other types of automotive service facilities;~~
- d. ~~Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility (including motor vehicles, cement related construction equipment, port-a-potty servicing, etc.);~~
- e. ~~Discharges of wash water from mobile operations such as steam cleaning, power washing, pressure washing, carpet cleaning, and mobile carwash facilities; discharges of wash water from the cleaning or hosing of impervious surfaces in industrial and commercial areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards, and outdoor eating or drinking areas;~~
- f. ~~Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil or hazardous materials or chemicals;~~
- g. ~~Discharges of pool or fountain water containing chlorine, biocides or other chemicals, and also discharges of pool or fountain filter backwash water;~~
- h. ~~Discharges of water containing sediment or construction-related wastes; and~~
- i. ~~Discharges of food related wastes such as grease, oil, fish processing water, kitchen mat wash water, trash bin wash water, pouring liquids into dumpsters.~~

~~G. **Illicit connections:** Other than those exceptions listed in Section 6.6.H.1, above, it shall be unlawful to cause or permit any connection to a surface water or stormwater conveyance or stormwater conveyance system that allows the discharge of anything other than stormwater.~~

- 1. ~~Prohibited connections include, but are not limited to the following: floor drains, wastewater from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and wastewater from septic systems.~~
- 2. ~~Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this ordinance. Provided, however, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.~~
- 3. ~~Upon determining that an illicit connection may result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat or that a connection was made in violation of any applicable regulation or ordinance, other than this section the administrator shall designate the time limit within which the connection shall be removed. In setting the time limit for compliance, the administrator shall take these matters into consideration:~~
 - a. ~~The quantity and complexity of the work;~~
 - b. ~~The consequences of delay;~~
 - c. ~~The potential harm to the environment, to the public health, and to public and private property; and~~
 - d. ~~The cost of remedying the damage.~~



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

~~1. When the administrator may allow a fee-in-lieu:~~ If existing site conditions make compliance with the requirements of this section impractical or impossible, the administrator, in consultation with the Technical Review Committee, may, at its discretion, allow the applicant to pay a fee-in-lieu of compliance.

~~a. The administrative may determine that additional review is required and request review and/or a recommendation by the Board of Adjustment prior to allowing this alternative.~~

~~2. How the fee may be implemented:~~ Prior to the approval of a fee-in-lieu, the development shall come into compliance to the greatest extent possible. This may include, but is not limited to, the following:

~~a. Construction of a smaller SCM and a fee-in-lieu for the difference between the cost of the smaller SCM compared to the larger SCM;~~

~~b. Changes to the site design to reduce stormwater volume; and/or~~

~~c. The provision of low-impact development stormwater management treatments.~~

~~4.3. Basis for determining the fee-in-lieu:~~ Fees shall be based upon the actual cost of construction of a structural stormwater measure to control and treat stormwater runoff from the total impervious surface area of the affected property.

~~5.4.~~ Payment may be made in the form of contribution of funds, contribution of land, contribution of engineered stormwater control construction work, or a combination of these.

~~6.5.~~ Fee-in-lieu contributions shall be set aside in a dedicated fund, and applied to stormwater management and other water quality improvement projects.

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

~~a. The acquisition, design, or construction of stormwater control and treatment measures.~~

~~b. Stream bank, wetland, or other surface water protection and restoration projects that enhance stormwater management goals, reduce erosion, and enhance water quality.~~

~~c. The elimination of illicit or inappropriate connections to stormwater conveyances.~~

~~d. Other activities identified by the city manager, provided that such activities are for the sole purpose of improving water quality.~~

~~e. Matching funds for grants to fund any of the aforementioned types of activities.~~

~~f. Matching funds for participation in any water quality improvement program funded by the Transylvania County Soil and Water Conservation Service, the North Carolina Department of Environmental Quality, the USDA Natural Resources Conservation Service, or other local, regional, state or federal agencies.~~

~~7. The expenditure of stormwater contributions is limited as follows:~~

~~a. To the extent practical, contributions shall be applied to activities that will result in water quality benefits comparable to the benefits of controlling and treating stormwater on the contributing property.~~



- ~~b. Contributions shall not be applied to the stormwater management requirements of other affected properties, or to the same affected property to satisfy the stormwater management requirements of future site plan approvals.~~
- ~~c. Contributions shall not be applied to any other purpose or activity of the city not directly related to stormwater management and water quality improvement.~~

CHAPTER 17. DEVELOPMENT PLAN REQUIREMENTS

17.5. Master plan requirements.

When required, the master plan shall be drawn to the following specifications and must contain or be accompanied by the information listed below. This section defines both preliminary and final master plans. A preliminary master plan may only be submitted as part of an application for a conditional zoning district. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the administrator.

- A. Processing or review of a preliminary or final master plan may not proceed without all of the following information:
 - 1. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements or other significant features of the tract.
 - 2. Scale denoted both graphically and numerically with north arrow.
 - 3. A vicinity map at a scale no smaller than one inch equals 1,200 feet showing the location of the development with respect to adjacent streets and properties.
 - 4. The proposed name of the development, street names, the owner's name and address, the names of adjoining property owners, the name of the city, county, and state in which the development is located, the date of plan preparation, and the zoning classification of the tract to be developed, and of adjoining properties.
 - 5. Corporate limits and extraterritorial jurisdiction boundaries (where applicable).
 - 6. A timetable for estimated project completion for each phase proposed.
 - 7. Original contours at intervals of not greater than five feet for the entire area to be subdivided or developed and extending into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property and 50 feet at all other points of common project boundaries. Transylvania County or City of Brevard digital topography may be used to satisfy this requirement but should be field-verified to ensure accuracy. This requirement may be waived for developments smaller than one acre or where insufficient topographic changes warrant such information.
 - 8. The location of any building restriction areas (i.e. flood hazard areas, buffer locations, watershed protection districts, and/or jurisdictional wetlands), where applicable.
 - 9. Site calculations shall include total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, and the total number of housing units.
 - 10. The following statement shall be placed upon all master plan documents, as applicable:



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

B. Requirements for preliminary master plans. A preliminary master plan may only be submitted as part of an application for a conditional zoning district. A preliminary master plan may be more conceptual in nature than a final master plan, and shall be sufficient to demonstrate deviations from the base zoning district and the scope of the project.

1. At a minimum, a preliminary master plan shall show the conditions both requested and offered that deviate from the base zoning district.
2. A preliminary master plan may divide the district into land use areas and specify proposed uses and other development standards which shall apply to such land use area. The preliminary master plan may also depict transition zones between any such land use areas which shall permit deferring the determination of the precise boundaries between land use areas until final master plan review.
3. Additional submittal requirements for the preliminary master plan shall be determined by the administrator in the pre-application meeting or during review. The approving authority may require additional submittals as deemed necessary due to the particulars of the project. A preliminary master plan may include the following information, as applicable:
 - a. The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, site reservations (i.e. school sites), property lines and building setback lines with street dimensions, and tentative lot dimensions.
 - b. The traffic and circulation system demonstrating a safe and adequate on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation. The on-site transportation system shall be integrated with the off-site transportation circulation system of the city.
 - c. The proposed limits of construction for all proposed development activity, including all required protected areas and open space.
 - d. Landscaping plan and/or vegetation preservation plan in accordance with [Section 17.9](#).
 - e. Lighting plan in accordance with [Section 17.10](#).
 - f. Architectural plans in accordance with [Section 17.11](#).
 - g. Traffic impact analysis (if required) in accordance with [Section 17.12](#).
 - h. Stormwater management ~~concept~~ plan in accordance with [Section 17.13](#) [6.6](#).
 - i. Conceptual utilities plan. Conceptual plans for utilities to serve the development, including sanitary sewers, storm sewers and water lines.
 - j. Environmental impact statement, pursuant to Article 113A of the North Carolina General Statutes, if: the development exceeds two acres in area, and; if the BPB deems it necessary due to the nature of the land or peculiarities in the proposed design.
 - k. Development permit and certification application with supporting documentation as required by the flood hazard prevention requirements of [CHAPTER 6](#) of this ordinance.

C. Requirements for final master plans.

1. A final master plan shall include all of the following information, as applicable:
 - a. The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, site reservations (i.e. school sites), property lines and building setback lines with street dimensions, and tentative lot dimensions.



- b. The transportation and circulation system showing typical cross-sections of proposed streets. Where a proposed street is an extension of an existing street, the profile of the street shall include 300 feet of the existing roadway, with a cross section of the existing street. Where a proposed street within the development abuts a tract of land that adjoins the development and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
 - c. The proposed limits of construction for all proposed development activity, including all required protected areas and open space.
 2. Additional submittal requirements for the final master plan shall be determined by the administrator in the pre-application meeting or during review. The approving authority may require additional submittals as deemed necessary due to the particulars of the project. A final master plan may include the following information and supplemental plans, as applicable.
 - a. Landscaping plan and/or vegetation preservation plan in accordance with Section 17.9.
 - b. Lighting plan in accordance with Section 17.10.
 - c. Architectural plans in accordance with Section 17.11.
 - d. Traffic impact analysis (if required) in accordance with Section 17.12.
 - e. Stormwater management ~~concept~~ plan in accordance with Section ~~17.13~~ 6.6.
 - f. Conceptual utilities plan. Conceptual plans for utilities to serve the development, including sanitary sewers, storm sewers and water lines.
 - g. Environmental impact statement, pursuant to Article 113A of the North Carolina General Statutes, if: the development exceeds two acres in area, and; if the BPB deems it necessary due to the nature of the land or peculiarities in the proposed design.
 - h. Development permit and certification application with supporting documentation as required by the flood hazard prevention requirements of CHAPTER 6 of this ordinance.

17.6. Construction document requirements.

The construction documents for site plans, conditional rezoning plans, special use plans, major subdivisions, vested rights, and master plans shall be submitted in accordance with the specifications of this section except where specifically noted. Construction documents shall constitute the complete submittal requirements for site plans and preliminary plats required prior to construction.

The size and number of completed application submittal copies required shall be set by the administrator. No certifications other than the certificate of survey and accuracy as in Section 17.7.J and the seal of the professional designer must be provided in connection with the submission.

Construction drawings must be drawn to the following specifications and must contain or be accompanied by the applicable information listed below. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the administrator. No processing or review of construction documents will proceed without all of the following information:

- A. The boundary, as determined by survey, of the area to be subdivided with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements, bridges, floodplains, or other significant features of the tract.
- B. Scale in feet denoted both graphically and numerically with north arrow and declination.



- C. A sketch vicinity map at a scale no smaller than one inch equals 1,200 feet showing the relationship between the proposed subdivision and surrounding area.
- D. Environmental survey in accordance with Section 17.3.
- E. Existing topography and finish grading with contours drawn at two foot intervals. This requirement may be waived for developments smaller than one acre or where insufficient topographic changes warrant such information.
- F. Corporate limits and extraterritorial jurisdiction boundaries (where applicable).
- G. The proposed names of the development and streets, the owner's name and address, signature of the owner or owner's duly authorized agent, the surveyor's name, the names of existing and proposed adjoining subdivisions or property owners, the names of the city, county, and state in which the development is located, the date of preparation, and the zoning classification of the tract to be developed and of adjoining properties.
- H. Proposed lot lines, lot and block numbers, and exact dimensions.
- I. The future ownership (dedication or reservation for public use to a governmental body; for owners to duly constituted home owners' associated, for tenant's remaining in subdivider's ownership of recreation and open space lands).
- J. A statement from the City of Brevard regarding the availability of adequate water and sewer capacity for the proposed development.
- K. The plans for utility layouts, including sanitary sewers, storm sewers, and water lines, illustrating connections to existing systems. All systems shall conform to current city standards.
- L. The location and size of all utility lines, easements, and rights-of-way. Easements shall be provided on all construction documents as follows:
 - 1. *Utility easements:* Easements for underground or above ground utilities shall be provided for and centered along rear or side lot lines, and shall be a minimum of ten feet in width. Easements for water lines, sanitary sewers, and storm drains shall be centered on the pipe and a minimum of 20 feet in width or as required by design manual.
 - 2. *Drainage easements:* Where a development is crossed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as shall be adequate to maintain the overall integrity of the drainage area and provide for its periodic maintenance.
 - 3. *Landscape easements:* Landscape easements along streets should be designed in accordance with the provisions of CHAPTER 6 and CHAPTER 8. The city may require landscape easements for developments where industrial or commercial uses abut residential uses.
 - 4. *Public access easements:* Public access easements shall be provided for sidewalks, trails, greenways, and other pedestrian and bicycle facilities that provide connections other than within public rights-of-way.
- M. The location of proposed buildings, parking and loading areas, streets, alleys, lots, parks or other open spaces, reservations (i.e. school sites), property lines and building setback lines with street dimensions, tentative lot dimensions, and the location of any building restriction areas (i.e. flood hazard areas, watershed protection districts, and/or jurisdictional wetlands. Buildings shown for the purpose of measuring setbacks must reflect these elements when applicable.
- N. Site calculations shall include total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, the total number of housing units, area of all mixed-use and non-residential buildings, gross project density per acre, linear feet of streets, and the accurate locations and descriptions of all monuments, markers, and control points.



- O. The location and dimensions of all off-street parking and loading spaces, and walkways indicating the type of surfacing, size, angle of stalls, width of aisles, and a specific.
- P. Development permit and certification application with supporting documentation as required by the flood hazard prevention requirements of [CHAPTER 34](#) of Brevard City Code.
- Q. The location and dimensions of any sidewalks, curb cuts, curb and gutters to be installed along public street frontages, and other required street improvements designated in [CHAPTER 11](#) of this ordinance, or as called for in the Brevard Transportation Plan, the Rural Planning Organization Thoroughfare Plan or Transportation Improvement Program, or other plan or policy of the city. Required right-of-way shall be drawn in the location shown on any official plan at the width specified in this ordinance.
- R. Typical cross sections of proposed streets showing rights-of-way, pavement widths, grades, and design engineering data for all corners and curves. Where a proposed street is an extension of an existing street the profile of the street shall include 300 feet of the existing roadway, with a cross section of the existing street. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
- S. The location of any existing or proposed demolition landfills in the site. Such sites shall not be used for building.
- T. A copy of the full soil erosion and sedimentation permit application including forms, plans, and calculations to be submitted to the North Carolina Department of Environmental Quality-Erosion and Sediment Control Office, and a copy of the approval letter prior to site plan or preliminary plat approval.
- U. Final proposed elevations of all non-single family and duplex buildings proposed for construction as part of this site plan approval. Subsequent buildings within the development may be handled as separate site plans. Such elevations shall include all facades visible from public streets.
- V. Supplemental plans as applicable:
 - 1. Landscape plan in accordance with Section [17.9](#).
 - 2. Tree preservation plan in accordance with Section [17.9](#).
 - 3. Lighting plan in accordance with Section [17.10](#).
 - 4. Architectural plans in accordance with Section [17.11](#).
 - 5. Traffic impact analysis (if required) in accordance with Section [17.12](#).
 - 6. Floodplain development information (if required) in accordance with ~~Section 17.13~~[Chapter 34 of the Brevard City Code or Ordinances](#).
 - 7. Stormwater management ~~concept~~ plan in accordance with Section ~~17.13~~[6.6](#).
- W. The following statement shall be placed upon all final construction documents, as applicable:

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

In addition to the above required information, the following additional information may be necessary for specific sites as determined by the administrator:
- X. Where a proposed water and sewer system does not contemplate the use of facilities owned and operated by the city, the proposed facility plans as approved by the appropriate agency, shall be submitted with the construction documents.



- Y. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Transylvania County Health Department shall be submitted with the construction documents indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.

17.13. Stormwater management plan requirements. Reserved.

~~A. Stormwater management system concept plan:~~

- ~~1. When required as part of any project, a written or graphic concept plan of the proposed post-development stormwater management system shall be submitted along with other application materials and shall include: preliminary selection and location of proposed structural stormwater controls; low impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.~~

~~B. As-built plans and final approval:~~

- ~~1. Upon completion of a project, and before final zoning approval or a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed.~~
- ~~2. The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance.~~
- ~~3. A final inspection and approval by the administrator shall occur before the release of any performance securities.~~



CHAPTER 19. DEFINITIONS

19.3. Definitions.

Built-upon area (BUA): The portion of a development or redevelopment that is covered by impervious surfaces. Also referred to as impervious surface coverage.

Disturbed area: All lands that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Disturbed areas include redevelopment and new impervious surface areas. Also referred to as area of disturbance.

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

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

Low-impact development (LID): Stormwater control measures designed to mimic natural hydrology. For the purposes of this ordinance, LID includes stormwater wetlands, bioretention cells, infiltrations systems, permeable pavement, green roofs, Silva Cells and Filterra systems. Other LID stormwater management technology that is designed, constructed and maintained in accordance with the North Carolina Minimum Design Criteria (MDC) may be considered on a case by case basis.

Primary Stormwater Control Measure (SCM): A wet pond, stormwater wetland, infiltration system, sand filter, bioretention cell, permeable pavement, green roof, or an approved new stormwater technology that is designed, constructed and maintained in accordance with the relevant North Carolina Minimum Design Criteria (MDC) set forth in 15A NCAC 02H .1050 through .1062 (see NCDEQ Stormwater Design Manual).

Stormwater: Runoff generated by rain, melting snow, and other precipitation events. Stormwater is that portion of precipitation that flows across a surface to down-slope properties, the storm drain system, or receiving waters. Stormwater often carries pollutants and can cause damage to property and stream channels and can impair natural aquatic systems.



Stormwater control and treatment measure: A physical device designed to accomplish one or more of the following: trap, settle out, or filter pollutants from stormwater runoff; alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; approximate the pre-development hydrology on a developed site. ~~Structural best management practices (BMPs) include physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Stormwater control and treatment measure" is synonymous with "stormwater bmp," "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," "low impact design," and similar terms used in this ordinance.~~

CODE OF ORDINANCES

CHAPTER 38. HEALTH AND SANITATION

ARTICLE II. NUISANCES

DIVISION 1. GENERALLY

30-50. Illicit stormwater usage.

A. Illicit discharges:

1. No person shall cause or allow the discharge, emission, disposal, pouring, or pumping, whether directly or indirectly, of any liquid, solid, gas, or other substance, other than stormwater, into any surface water, ground water, or stormwater conveyance, except as provided herein.
2. This prohibition applies to any substance deposited upon the land in manner and amount that the substance is likely to reach a stormwater conveyance, surface or ground water.
3. The following discharges shall not be deemed illicit and shall be permitted under the terms stated:
 - a. Water line flushing, except any anti-freezing agent;
 - b. Landscape irrigation;
 - c. Diverted stream flows;
 - d. Rising ground waters;
 - e. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
 - f. Uncontaminated pumped ground water;
 - g. Discharges from potable water sources;
 - h. Foundation drains;
 - i. Air conditioning condensation;
 - j. Irrigation water;
 - k. Springs;
 - l. Water from crawl space pumps;
 - m. Footing drains;



- n. Lawn watering;
 - o. Individual residential car washing;
 - p. Flows from riparian habitats and wetlands;
 - q. Dechlorinated swimming pool discharges;
 - r. Street wash water; and
 - s. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina.
4. Prohibited discharges include but are not limited to the following:
- a. Discharges of oil, anti-freeze, chemicals, paints, garbage, litter;
 - b. Raw sewage discharges or overflows;
 - c. Discharges of wash water resulting from the hosing or cleaning of gasoline stations, auto repair garages, or other types of automotive service facilities;
 - d. Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility (including motor vehicles, cement-related construction equipment, port-a-potty servicing, etc.);
 - e. Discharges of wash water from mobile operations such as steam cleaning, power washing, pressure washing, carpet cleaning, and mobile carwash facilities; discharges of wash water from the cleaning or hosing of impervious surfaces in industrial and commercial areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards, and outdoor eating or drinking areas;
 - f. Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil or hazardous materials or chemicals;
 - g. Discharges of pool or fountain water containing chlorine, biocides or other chemicals, and also discharges of pool or fountain filter backwash water;
 - h. Discharges of water containing sediment or construction-related wastes; and
 - i. Discharges of food-related wastes such as grease, oil, fish processing water, kitchen mat wash water, trash bin wash water, pouring liquids into dumpsters.

B. Illicit connections:

- 1. Other than those exceptions listed above, it shall be unlawful to cause or permit any connection to a surface water or stormwater conveyance or stormwater conveyance system that allows the discharge of anything other than stormwater.
- 2. Prohibited connections include, but are not limited to the following: floor drains, wastewater from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and wastewater from septic systems.
- 3. Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this ordinance. Provided, however, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.



4. Upon determining that an illicit connection may result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat or that a connection was made in violation of any applicable regulation or ordinance, other than this section the administrator shall designate the time limit within which the connection shall be removed. In setting the time limit for compliance, the administrator shall take these matters into consideration:
 - a. The quantity and complexity of the work;
 - b. The consequences of delay;
 - c. The potential harm to the environment, to the public health, and to public and private property; and
 - d. The cost of remedying the damage.

38-510—38-70. Reserved.

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-26-0005**

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 amendment is **consistent** with the City's adopted plans and policies.

City of Brevard Building Brevard 2030 Comprehensive Land Use Plan

- Goal 5: Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.
- PNRC-5: Require conservation design in areas with sensitive natural resources
- EDIR-7: Update City's stormwater management plan.
- EDIR-8: Encourage and incentivize the use of low-impact development and free stormwater infrastructure techniques to manage stormwater.
- EDIR-10: Consider/evaluate built-upon regulations to allow for adequate infiltration in different zoning districts.
- EDIR-11: Continue investment in upgrades to stormwater infrastructure downtown and in strategic growth areas.
- EDIR-18: Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather.

City of Brevard Green Growth Audit

- Action 2.3.A: Review and revise the City's stormwater management requirements to align with modern best practices.
- Action 2.3.B: Add definitions and illustrations of low impact development techniques to ensure it is clear they are allowed and encouraged.
- Action 2.3.C: Refine the types of development activities that are required to comply with the stormwater management provisions, including instituting an impervious surface-based threshold and all development in sensitive areas.
- Action 2.3.D: Consider amendments to the types of development activities that are exempt from stormwater management provisions.
- Action 2.3.F: Allow for and encourage the use of porous and semi-porous materials throughout the ordinance

- Action 2.3.G: Provide guidance and incentives for developers to use LID and site design to supplement stormwater management requirements by reducing stormwater runoff close to the source, requiring less structured treatment
- Action 2.3.H: Consider allowing variation to certain architectural standards for green infrastructure and LID techniques (e.g., alternative roof pitches to allow for green roofs or rain cisterns)

ORDINANCE NO. 2026-____

**AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF CITY OF BREVARD UNIFIED
DEVELOPMENT ORDINANCE TO REVISE THE STORMWATER MANAGEMENT
REQUIREMENTS**

WHEREAS, the City of Brevard has stormwater runoff requirements for development occurring within its Planning Jurisdiction in order to: (1) protect life and property and minimize nuisances by limiting destructive runoff and flooding generated by impervious surface areas; (2) to protect water quality and natural ecosystems by filtering sediments and pollutants such as nitrogen, phosphorus, trace metals, and hydrocarbons; and (3) limit additional impervious surface areas to the greatest extent possible; and,

WHEREAS, the Brevard Planning Board considered revisions to City of Brevard Unified Development Ordinance Chapter 6 – Environmental Protection, Chapter 17 – Development Plan Requirements, and Chapter 19 – Definitions & the City of Brevard Code of Ordinances Chapter 38 – Health and Sanitation on April 8, 2026, and recommended in favor; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent nor inconsistent with the elements of adopted plans;

City of Brevard Building Brevard 2030 Comprehensive Land Use Plan

- **Goal 5:** Celebrate Brevard's natural resources through conservation of environmentally sensitive areas, improving access to recreation, and restoration of native ecosystems.
- **PNRC-5:** Require conservation design in areas with sensitive natural resources
- **EDIR-7:** Update City's stormwater management plan.
- **EDIR-8:** Encourage and incentivize the use of low-impact development and free stormwater infrastructure techniques to manage stormwater.
- **EDIR-10:** Consider/evaluate built-upon regulations to allow for adequate infiltration in different zoning districts.
- **EDIR-11:** Continue investment in upgrades to stormwater infrastructure downtown and in strategic growth areas.
- **EDIR-18:** Incorporate climate resiliency considerations into City strategic planning initiatives and investments with a focus on vulnerability to flooding, landslides, and extreme weather.

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- **Action 2.3.B:** Add definitions and illustrations of low impact development techniques to ensure it is clear they are allowed and encouraged.
- **Action 2.3.C:** Refine the types of development activities that are required to comply with the stormwater management provisions, including instituting an impervious surface-based threshold and all development in sensitive areas.
- **Action 2.3.D:** Consider amendments to the types of development activities that are exempt from stormwater management provisions.
- **Action 2.3.F:** Allow for and encourage the use of porous and semi-porous materials throughout the ordinance
- **Action 2.3.G:** Provide guidance and incentives for developers to use LID and site design to supplement stormwater management requirements by reducing stormwater runoff close to the source, requiring less structured treatment
- **Action 2.3.H:** Consider allowing variation to certain architectural standards for green infrastructure and LID techniques (e.g., alternative roof pitches to allow for green roofs or rain cisterns)

and,

WHEREAS, a public hearing was conducted on Monday, July 18, 2026, by the Brevard City Council.

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

SECTION 1. Brevard City Code, Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

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

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

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

Adopted and approved this the 3rd day of August 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, August 3, 2026

Title: Proposed Amendments to the City of Brevard Code of Ordinances Chapter 42 - Loitering, Trespassing, Public Intoxication, and Hours of Operation

Speaker: Christy Wentzell, Chief of Police
Wilson Hooper, City Manager

Prepared by: Christy Wentzell; Wilson Hooper

Approved by: Wilson Hooper, City Manager

Background

At its June 22, 2026 meeting, the Public Safety Committee considered staff's recommendation to update the code of ordinances to affix misdemeanor penalties to certain offenses. This recommendation was motivated by a noticeable uptick in those types of offenses in the downtown area. As currently written, some of the offenses in this report are only punishable with civil penalties, which local law enforcement find to be ineffectual.

The proposed changes also update the wording of chapters of the code that affix a misdemeanor penalty to offenses, but with wording that does not comply with the requirements of NC General Statutes. The proposed changes also assign operating hours to certain city properties that didn't previously have them, which gives law enforcement the ability to remove individuals who are camping or using the properties for other than their intended purpose. Finally, the proposed changes add city properties that did not exist at the time of the code's enactment to the list of city facilities where concealed carry is prohibited.

A public hearing on these proposed changes was held at the July 20, 2026 City Council meeting. At the same meeting, Chief Wentzell was asked to bring data on the number of recent incidents involving the offenses at issue here. She will present that data at this evening's meeting.

Discussion

In 2021, the North Carolina General Assembly passed S.L. 2021-138 which decriminalized local ordinances. Municipalities were given an opportunity to "save" certain rules by following an exemption procedure prescribed in the statute, but the clear expectation from Raleigh was the exemption be used sparingly. This proposal would add certain offenses to the list of exempted ordinances, and correct some of the wording on ordinances that Council attempted to "save" in 2021/2022 but did not adopt the correct legal language.

If the proposed changes are approved, the following offenses will now be considered a misdemeanor or infraction with a fine up to \$500 per NCGS 14-4:

- Consumption of possession of alcoholic beverages in public place (Code of Ordinance Chapter 42.3)
- Trespassing on posted property; loitering in general (Chapter 42.5)
- Loitering for the purposes of engaging in drug-related activity (Chapter 42.6)
- Assemblages obstructing street (Chapter 42.7)
- Carry concealed weapons on or near city property (Chapter 42.13)
 - Proposed changes to this chapter also include adding 132 Commerce St., Mary C Jenkins Community Center, Jimmy Harris Railroad Depot Park, Silversteen Park, the Dog Park, Silversteen Skate Park, the Brevard Sports Complex, and the Community Garden to the list of facilities where concealed carry is prohibited.
- Failing to vacate city-owned property when properly notified by a city agent (Chapter 42.17)
 - Reference to the city's "administrative encampment policy" is relocated to this section.

From the law enforcement perspective, these proposed updates provide officers with clearer legal authority and practical enforcement tools to address recurring quality-of-life and public safety concerns. BPD officers are trained to resolve situations through communication, education, and voluntary compliance. And, in most cases, that approach is successful. But by restoring the criminal penalties authorized under North Carolina General Statute 14-4, officers will have additional clear and legally recognized enforcement option when reasonable efforts to gain voluntary compliance are unsuccessful.

The changes will allow for more consistent enforcement, provide greater accountability for repeat violations, and reduce situations where officers are repeatedly responding to the same issue without an effective legal remedy. They also provide officers with the legal authority to take appropriate enforcement action, when necessary, while still allowing them to exercise sound judgment and discretion based on the circumstances of each encounter.

Staff believe effective policing is about having the right tool for the right situation. These changes do not require officers to make arrests, nor do they change Brevard's philosophy of policing. They simply restore an enforcement option when education, warnings, and other reasonable efforts have been exhausted. Ultimately, these updates help us better protect businesses, public spaces, residents, and visitors while promoting fair, consistent, and professional enforcement throughout the community.

Fiscal Impact

These changes are expected to have little to no fiscal impact to the City.

Action

Council is asked to take one of the following actions:

1. Approve the amendments as proposed
2. Revise the proposed amendments and adopt as revised by Council
3. Table the item for further discussion/public hearings
4. Reject the amendments

If Council elects option 3 or 4, staff request they provide guidance as to this matter's next steps.

Attachments:

1. Chapter 42 recommended updates
2. Draft Ordinance



CITY CODE OF ORDINANCES

PART II: CODE OF ORDINANCES

CHAPTER 42. OFFENSES AND MISCELLANEOUS PROVISIONS

State law reference(s)—Criminal law, G.S. ch. 14.

ARTICLE I. IN GENERAL

Contents:

- 42-1. Advertisements.
- 42-2. Unauthorized use of police or fire signals.
- 42-3. Consumption or possession of alcoholic beverages in public place.
- 42-4. Reserved.
- 42-5. Trespass on posted property; loitering generally.
- 42-6. Loitering for purpose of engaging in drug-related activity.
- 42-7. Assemblages obstructing street.
- 42-8. Refusal to pay taxicab fare.
- 42-9. Damaging fire hydrant, traffic signal, or police or fire alarm system.
- 42-10. Damaging bridges or culverts; obstruction of drains.
- 42-11. Damaging streetlights, signs or other fixtures on streets or sidewalks.
- 42-12. Interfering with students.
- 42-13. Shooting firearms.
- 42-14. Carrying concealed weapon on or near city property.
- 42-15. Firing projectiles or arrows.
- 42-16. Public art.
- 42-17. Hours of Operation
- 42-18. Enforcement and Administration
- 42-19—42-40. Reserved.



42-1. Advertisements.

- A. *Posting generally.* It shall be unlawful for any person to post any bills, signs or advertisements on any building, fence or other property belonging to another without the consent of the owner thereof. Such consent shall be secured in writing, and such written consent shall be exhibited by the person having the consent to any police officer of the city on demand.
- B. *Posting on poles.* It shall be unlawful for any person to post any bills, posters, signs or advertisements on any telegraph, telephone, electric light or other pole along any of the streets of the city; provided that this section shall not be construed to include street signs placed on the poles by the city for designating names of streets. Each sign, poster, bill or advertisement posted in violation of this subsection shall constitute a separate offense.
- C. *Placing in or on motor vehicles.* It shall be unlawful for any person to distribute advertising or printed matter of any kind by placing the advertising or printed matter in or on a motor vehicle that is parked on any street or other public place.
- D. *Scattering handbills.* It shall be unlawful for any person to throw or cast any handbills, posters, circulars, programs, cards, placards, pamphlets or other printed, typed, stenciled or written matter, or other advertising matter, on any street, avenue or other public place, or in any yard or stoop in the city; provided this shall not apply to magazines and newspapers that are sold and distributed by carriers.
- E. *Defacing or destroying advertisements or notices.* It shall be unlawful for any person to tear, deface, mutilate, take down or destroy any advertisement, legal, public or private notice legally posted for public view within the city, except for the owner of the private property or the officials in charge of the public property upon which it may be posted. (Code 1980, §§ 10-7—10-11)

Cross reference(s)—Advertising on or in vehicles for hire restricted, § 78-1.

42-2. Unauthorized use of police or fire signals.

It shall be unlawful for any person, without special authority from the police department or fire department, to carry or use any whistle, bell, horn or siren similar in appearance or sound to the whistles, horns or sirens used by the police department or fire department. (Code 1980, § 10-12)

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 and 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.

B. *Penalty. Violation punishable as a misdemeanor or infraction with fine up to \$500 per G.S. 14-4.*

(Code 1980, § 10-13; Ord. No. 6-08, § 1, 4-7-08; Ord. No. 2012-04, § 1, 2-20-12; Ord. No. 2017-16, § 2, 8-22-17, Ord. No. 2021-02, § 1(Exh. A), 1-25-21; Ord. No. [2023-36](#), § 1(Exh. A), 8-21-23; Ord. No. [2026-15](#), § 1(Exh. A), 5-426)

Cross reference(s)—Sale of intoxicating beverages by taxicab drivers, § [78-37](#).

State law reference(s)—Similar provisions, G.S. 18B-300(c).

Effective on: 5/4/2026

42-4. Reserved.

Editor's note(s)—Ord. No. 6-04, § 1, adopted March 15, 2004, repealed § 42-4 in its entirety. Former § 42-4 pertained to the sale of beer or wine on Sunday and derived from Code 1980, § 10-14.

42-5. Trespass on posted property; loitering generally.

- A. It shall be unlawful for any person to loiter in or upon, or to drive any vehicle upon, any private property on any day between the hours of 12:00 midnight and 6:00 a.m. when signs have been posted by the owner or his employee or agent prohibiting such acts.
- B. It shall be unlawful for any person to loiter in or upon, or to drive any vehicle upon, any private business property parking lot or area at any time such business is not open to the public, when signs have been posted by the owner or his employee or agent stating that such loitering or driving of vehicles is prohibited at or during certain designated times.
- C. It shall be unlawful for any person to habitually loaf or loiter on the streets, or to congregate on the streets or sidewalks of the city in such a way as to obstruct or interfere with the free passage into or out of any public business or private property.



D. It shall be the duty of the police officer who observes a violation of this section first to warn the offender, and upon his failure to heed the warning to arrest him.

D.E. Violation of this section punishable as a misdemeanor or infraction with fine up to \$500 per G.S. 14-4

(Code 1980, § 10-15)

42-6. Loitering for purpose of engaging in drug-related activity.

A. Violations. It shall be unlawful for a person to loiter, remain or wander about in a public place in a manner and under circumstances manifesting the purpose of engaging in a violation of any subdivision of the North Carolina Controlled Substances Act, G.S. 90-89 et seq. A prima facie showing of a violation of this section is made by proof that a person, while in a public place, loiters and commits any of the following acts or courses of conduct:

1. Repeatedly beckons to, stops or attempts to stop passersby, or repeatedly attempts to engage passersby in conversation;
2. Repeatedly stops or attempts to stop motor vehicles;
3. Repeatedly interferes with the free passage of motor vehicles or other persons;
4. Associates at such location with one or more persons who are known unlawful drug users, possessors and sellers;
5. Behaves in such a manner as to raise a reasonable suspicion that he is about to engage in, or is engaged in, an unlawful drug-related activity;
6. Repeatedly passes to or receives from passersby, whether on foot or in a vehicle, money or objects;
7. Takes flight upon the approach or appearance of a police officer;
8. Is at a location frequented by persons who use, possess or sell drugs; or
9. Uses or associates with the user of any vehicle which is registered to a known unlawful drug user, possessor or seller, or is known to be or have been involved in drug-related activities.

B. Penalty. ~~A violation of any provision of this section is a misdemeanor and shall subject the offender to punishment in accordance with Section 1-8.~~ Violation punishable as a misdemeanor or infraction with fine up to \$500 per G.S. 14-4

(Code 1980, § 10-15.1; Ord. No. [2023-43](#), § 1(Exh. A), 9-5-23)

Editor's Note—Ordinance 2023-43 transferred the definitions previously found in this section to City Code § 1-2.

Effective on: 9/5/2023

42-7. Assemblages obstructing street.

A. It shall be unlawful for persons to assemble or collect and stand so as to obstruct any sidewalk, street or other public way, except an authorized parade. All persons so collecting and standing shall disperse and move upon the demand of any police officer.

B. Penalty. Violation punishable as a misdemeanor or infraction with fine up to \$500 per G.S. 14-4

(Code 1980, § 10-17)

Cross reference(s)—Streets, sidewalks and other public ways, [CHAPTER 62](#).



42-8. Refusal to pay taxicab fare.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the taxicab, and it shall be unlawful for any person to hire any vehicle defined in this section with the intent to defraud the person from whom it is hired of the value of such service.

(Code 1980, § 10-18)

Cross reference(s)—Taxicabs, § 78-31 et seq.

42-9. Damaging fire hydrant, traffic signal, or police or fire alarm system.

It shall be unlawful for any person willfully or negligently to damage or interfere with any fire hydrant, police or fire alarm box, traffic signal or other property used in the city's police or fire alarm systems.

(Code 1980, § 10-19)

State law reference(s)—Damaging fire alarm systems, G.S. 14-286.

42-10. Damaging bridges or culverts; obstruction of drains.

It shall be unlawful for any person to damage or displace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the city, or place any obstruction in any culvert, ditch or drain so as to prevent or impede the free flow of water through the culvert, ditch or drain. (Code 1980, § 10-20)

42-11. Damaging streetlights, signs or other fixtures on streets or sidewalks.

It shall be unlawful for any person to damage, tamper with, remove or paint upon or deface any sign, sign post, streetlight, traffic signal or bulletin board or other municipal property upon the streets and sidewalks, except employees of the city in performance of their official duties. (Code 1980, § 10-21)

42-12. Interfering with students.

It shall be unlawful for any person wantonly to molest, disturb or interfere with any student of any school while such student is en route to or from any school, church or other place where such student has a right to be. (Code 1980, § 10-22)

42-13. Shooting firearms.

It shall be unlawful for any person other than duly sworn peace officers to fire or shoot any gun or pistol or other firearm within the city except in duly licensed shooting galleries; provided, this section shall not be construed to prevent the protection of one's self, family or property from harmful or hostile attack or injury. This section shall not apply to the discharge of blank ammunition for ceremonial purposes.

(Code 1980, § 10-23)

State law reference(s)—Authority to regulate, G.S. 160A-189.

42-14. Carrying concealed weapon on or near city property.



A. It shall be unlawful for any person, willfully and intentionally, to carry concealed about his person any Bowie knife, dirk, dagger, switchblade, slingshot, loaded cane, metallic knuckles, razor, stun gun, pistol, gun or other deadly weapon of any kind, when in, on or about the city-owned property listed in 42-14.D.

B. This section shall not apply to:

1. Any ordinary pocket knife carried in the closed position. As used in this section, the term "ordinary pocket knife" means a small knife, designed for carrying in a pocket or purse, which has its cutting edge and point entirely enclosed by its handle, and that may not be opened by a throwing, explosive or spring action.
2. Law enforcement officers and military personnel when acting in the line of duty, and full-time law enforcement officers when off duty, provided that they are otherwise authorized to carry such weapon.
3. Any individual legally carrying a concealed handgun, as identified in North Carolina General Statutes, unless prohibition is specifically identified or is allowed by North Carolina General Statute.

C. Provided that the weapon is not a firearm, it shall be a defense to prosecution under this section that the defendant was engaged in, or on the way to or from, an activity in which he lawfully used the weapon, he possessed the weapon specifically for that lawful use, and he did not use, threaten or attempt to use the weapon for any illegal purpose. The defendant shall have the burden of proof with regard to such defense.

D. This section will apply to and with respect to the following properties only:

1. The interior of all city-owned buildings, namely, city hall, the city ~~volunteer~~ fire department building, police department headquarters, ~~the~~ public works buildings, the wastewater treatment buildings, the water treatment buildings, ~~and~~ the French Broad community center, Jimmy Harris Railroad Depot Park, and the Mary C Jenkins Community Center when properly posted with signs prohibiting concealed weapons. In this event, those with the legal right to carry concealed weapons may lock their firearms in their vehicles on city-owned parking lots.
2. The confines of the following city-owned public recreation facilities, including, but not limited to, buildings located thereon: Hap Simpson Park, Franklin Park, Silversteen Park, the Brevard Dog Park, Jimmy Harris Railroad Depot Park, the City Sports Complex, Silversteen Skate Park, Tannery property trails, Brevard Community Garden and "Clemson" Park located at the corner of Main and Caldwell Streets.
3. City and county athletic fields when city or county scheduled events are taking place.

E. This section will not apply to: City owned greenways, bike/hike paths, Bracken Preserve and Estatoe Trail, and athletic fields when no scheduled event is taking place.

F. This section will not apply to the section of the bike/hike path that runs through city and county athletic fields, even when scheduled events are taking place.

G. Any person violating the provisions of this section shall be guilty of a misdemeanor with a fine up to \$500 per G.S. 14-4.

(Code 1980, § 10-23.1; Ord. No. 2013-18, § 1, 12-16-13)



42-15. Firing projectiles or arrows.

It shall be unlawful for any person to shoot or project any stone, rock, shot or other hard substance by mean of a slingshot, bean shooter, air rifle, pop gun, bow or other similar contrivance; provided that archery shooting may be engaged in on such grounds as may be set aside and approved therefor by the city council.

(Code 1980, § 10-24)

State law reference(s)—Authority to regulate pellet guns, G.S. 160A-190.

42-16. Public art.

- A. It shall be unlawful for any person to install art in publicly-visible spaces without receiving city council approval. City council shall issue a resolution stating its approval or denial of the installation request based on adopted policies.
- B. Public art includes but is not limited to murals, sculptures, memorials, and community art designed and/or built by an artist. Public art may be attached to a building or be a free-standing installation.
- C. For the purposes of this section, a publicly-visible space is defined as publicly- or privately-owned, nonresidential property that is visible from public streets and pedestrian walkways.

~~C.D.~~ D. Installed artwork may be subject to abatement pursuant to Section 38-35.

(Ord. No. 2021-06 , § 1(Exh. A), 2-22-21; Ord. No. 2021-48 , § 2(Exh. B), 11-15-21)

42-17. Hours of Operation

- ~~A.~~ A. All city-owned property shall be open only from 6 AM to 10 PM unless otherwise posted.
- ~~B.~~ The city manager may appoint agents who may enact such administrative rules and procedures, and issue such orders as are necessary to effectuate the purpose of this article and to protect the general health, safety, and welfare of the public.
- ~~C.~~ Designated agents and sworn law enforcement may enforce this article.
- ~~D.~~ An administrative encampment policy which aims to connect residents of encampments who may be experiencing homelessness with housing and other resources shall govern City interaction with such campers. At the expiration of the notification period as defined in the encampment policy, campers shall be subject to the remaining provisions of this ordinance.
- ~~E.~~ Failure to vacate city-owned property at the expiration of the notice period defined in 42-18.C when properly notified by an appointed agent may be enforced as a misdemeanor or infraction with fine up to \$500 per G.S. 14-4.

(Ord. No. 2023-16, § 1, 5-1-23)

Effective on: 5/1/2023



~~42-18. Enforcement and Administration~~

- ~~A. The city manager may appoint agents who may enact such administrative rules and procedures, and issue such orders as are necessary to effectuate the purpose of this article and to protect the general health, safety, and welfare of the public.~~
- ~~B. Designated agents and sworn law enforcement may enforce this article.~~
- ~~C. An administrative encampment policy which aims to connect residents of encampments who may be experiencing homelessness with housing and other resources shall govern City interaction with such campers. At the expiration of the notification period as defined in the encampment policy, campers shall be subject to the remaining provisions of this ordinance.~~
- ~~D. Failure to vacate city-owned property at the expiration of the notice period defined in 42-18.C may be enforced as a misdemeanor per G.S. 14-4.~~

~~{Ord. No. 2023-16, § 1, 5-1-23}~~

~~Effective on: 5/1/2023~~

42-1918—42-40. Reserved.

ORDINANCE NO. 2026-XX

**AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES
CHAPTER 42 – OFFENSES AND MISCELLANEOUS PROVISIONS**

WHEREAS, due to an uptick in certain types of offenses, the City of Brevard wishes to amend its Code of Ordinances to affix misdemeanor penalties to the following offenses:

- Consumption or possession of alcoholic beverages in public place;
- Trespassing on posted property; loitering in general;
- Loitering for the purposes of engaging in drug-related activity;
- Assemblages obstructing street;
- Carrying concealed weapons on or near city property;
- Failing to vacate City-owned property when properly notified by a city agent;

and

WHEREAS, the amendment also updates the list of City-owned properties where the carrying of concealed weapons is prohibited; and

WHEREAS, a public hearing was conducted on July 20, 2026, by Brevard City Council, and after review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Section 42 – Offenses and Miscellaneous Provisions, of the Brevard City Code of Ordinance be amended as outlined below; and

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

SECTION 01. Chapter 42 of the City of Brevard Code of Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. 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 03. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved on the 3rd day of August, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
City Attorney

STAFF REPORT

City Council, Monday, August 3, 2026

Title: Municipal Service District (MSD) Task Force Proposal

Speaker: Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager, Shawnee Cummings, Assistant to the City Manager

Approved by: Wilson Hooper, City Manager

Background

In June 2022 the City entered into a five-year contract with Heart of Brevard (HoB), an independent 501(c)(3) organization, to provide certain services to the special taxing district of downtown known as The Heart of Brevard. This special taxing district - technically a Municipal Services District (MSD)- is used to provide extra services or undertake capital projects that more directly benefit the properties within the district by levying an extra property tax upon them. Nearly all of the revenue collected from the MSD tax goes to pay Heart of Brevard's contract. When the portion of the contract paid with General Fund dollars is factored in, the contract has a five-year value of \$974,811.

In June 2024 the City Council approved an update to the Purchasing Policy which includes a clause directing recurring purchasing agreements over \$25,000 to be reviewed every 3 years. Staff interpret this direction to mean that large professional services contracts such as this one not be renewed without review. Furthermore, NCGS 160A Article 23, the statute governing MSDs, limits contracts of this type to five years and requires a competitive solicitation prior to each contract. Because this contract is so large and its services so visible, staff would like Council input on the path forward. This evening, staff will present its recommended strategy for reviewing MSD services and recommending next steps for FY28 and beyond.

Discussion

Staff propose forming an ad hoc committee to consider this matter and make a recommendation to Council. Known as the Municipal Service District Task Force, it is hoped that the group would meet semi monthly beginning later this month and conclude its work by the end of the calendar year. It would be asked to review the current contract and program of services, review survey results and other feedback from downtown constituents, consider which services are most beneficial, and review various governance models. If the task force concludes that the current third-party model should remain in place, it will be asked to help draft a competitive solicitation document, selection criteria, the chosen vendor's scope of work, and draft contract terms.

Staff recommend that the committee be made up of two Council members (specifically the two elected members of the Downtown Master Plan Committee), Mayor Copelof, a representative from the North Carolina Department of Commerce's Main St. program, and Tameka Hunter from the Brevard Chamber of Commerce. Since HoB holds two seats on the

Downtown Master Plan Committee, staff do not recommend assigning this matter to that committee due to the potential for conflicts of interest.

It is staff's hope that the task force's recommendation be delivered around the turn of the calendar year so that any changes can be folded into Council's FY28 priority setting and budget discussions.

Fiscal Impact

Staff recommend that the task force consider the fiscal impact of various governance models as part of their deliberation. Under the current model, the City pays HOB around \$190,000 annually. Most of this is a pass through of MSD tax collections, but those dollars are supplemented by an approximately \$40,000 contribution from the General Fund.

Action

Staff requests Council take one of the following actions:

1. Approve the attached resolution establishing the Municipal Service District Task Force, outlining its charge, and appointing its members.
2. Amend the resolution and approve as amended
3. Table the resolution for further discussion
4. Reject the resolution.

If Council elects option 3 or 4, staff request they provide guidance as to this matter's next steps.

Attachments:

1. Res_2026-XX_MSD Task Force Charter

RESOLUTION NO. 2026-XX

**RESOLUTION ESTABLISHING MUNICIPAL SERVICE DISTRICT TASK FORCE AND
APPOINTING ITS MEMBERS**

WHEREAS, in June 2022 the Brevard City Council approved a contract with Heart of Brevard, a private 501(c)(3), to provide certain community development services for the city's downtown Municipal Service District (MSD); and

WHEREAS, the contract began July 1, 2022 and, in accordance with North Carolina general statute, its length was five years, expiring June 30, 2027; and

WHEREAS, as the contract for MSD services nears its expiration, the City Council is statutorily required to take certain steps prior to a new contract being executed; and

WHEREAS, in December 2022 the Brevard City Council approved resolution 2022-40 updating its committee structure. The resolution permitted the establishment of both standing committees and time limited committees to consider a specialized topic; and

WHEREAS, Council wishes to establish a new ad hoc committee to oversee this process, consider MSD governance, and make a strategy recommendation to City Council for FY28 and beyond.

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

Section 1. The time-limited Municipal Service District Task Force (MSD Task Force) is hereby established.

Section 2. The following individuals are hereby appointed to serve as its members:

- Mayor Maureen Copelof
- Council member Gary Daniel
- Council member Lauren Wise
- Liz Parham, NC Department of Commerce (or her designee)
- Tameka Hunter, Brevard/Transylvania Chamber of Commerce

Section 3. The MSD Task Force's work shall include:

- A solicitation of input from the residents and property owners as to the needs of the service district, per N.C.G.S 160A-536(d1)(1)
- A review of the current service model and contract
- A review of alternate governance models
- A recommendation to Council as to which governance model to pursue for FY28.
- If private party contract model, determine criteria for selection of a private partner and select a private partner in accordance with those criteria, per N.C.G.S 160A-536(d1)(2)
- If private party contract model, a recommendation to Council as to the scope of work, and terms and provisions of the contract.

Adopted and approved this the _____ day of _____, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC
City Clerk

STAFF REPORT

City Council, Monday, August 3, 2026

Title: Letter of Interest to County re Old Courthouse

Speaker: Maureen Copelof, Mayor
Wilson Hooper, City Manager

Prepared by: Wilson Hooper, City Manager

Approved by: Wilson Hooper, City Manager

Background

Transylvania County has submitted construction plans for its proposed new courthouse facility on Morris Rd. near the existing public safety facility. The plans are currently under review by the City Planning Department. Once the plans have been revised as necessary and are found to comply with all applicable City development standards, the City will issue the required zoning permit. It is staff's understanding that the County intends to begin construction in fall 2026, with the project expected to take approximately two years to complete.

City staff anticipate that once construction of the new facility begins, Transylvania County will turn in earnest to the fate of the old Courthouse. Their most recent public comments regarding this topic came at their June 22, 2026 meeting when County Manager Laughter gave a presentation on the facility's ten-year capital needs, its operating costs, and the amount of rent revenue the county would need to earn to break even if it maintained ownership. Staff understand that the county is considering forming a public committee to evaluate the future of the facility. This evening, Council will be asked to publicly express its interest in exploring one future-use scenario.

Discussion

The City of Brevard is also pondering the fate of its facility. Brevard City Hall was opened in 1970 (with additions in 1986 and 2001) and is in poor condition. Water intrusion in the below-grade lower level of the circa 1970 structure formerly occupied by Brevard Police Department has rendered that part of the building unhealthy for habitation. The main floor of the circa 1970 structure has aging HVAC, plumbing and mechanical systems, and its square footage is inadequate for staff's needs. The staff functions located in the circa 1986 and 2001 wings are also pressed for space.

The old Courthouse's size, configuration, state of repair and location make it an intriguing replacement option for Brevard City Hall.

What's more, it is staff's impression that there is strong Council and community support for keeping the courthouse a civic building so that its architectural prominence, its historical significance, and its role as a public gathering place can be maintained.

Tonight's discussion will center around whether the Council would like to make a formal,

public request to Transylvania County work with the City to analyze the feasibility of converting the old courthouse into City Hall.

Fiscal Impact

The most notable element of County Manager Laughter's June 22 presentation was the delivery of the results of a 2025 condition assessment report by the firm Axias. The report outlines the condition of the facility as of March 2025, the timing and cost of capital/maintenance expenditures required over the next decade, the failure probability of the various systems and components, and the criticality of system and component failure.

The report concludes that the facility (excluding the Veteran's Museum) is currently in "good condition", but will need \$2.3M in maintenance over the next decade. If no capital maintenance is performed, the building's condition is expected to fall to "below average" by the end of that period.

The property's tax value is \$4.47M. No fair market value has been established by an appraiser, but staff project the building's fair market sales price to be between \$4.5M-\$6M. With that said, the county has not agreed to sell the property, and therefore hasn't set a sales price.

City staff have also not set a firm estimate of tertiary costs. These are likely to include voluntary upgrades of certain spaces (for example, the courtroom into a Council chamber, upgrades to restrooms, the installation of a publicly accessible payment window), updates necessary for operations (the installation of an emergency generator, the creation of an evidence room), and furnishing the building. These costs could be as much as the purchase itself.

All told, staff's "back of the napkin math" put the cost to the City at \$13M-\$18M. One of the driving factors behind this partnership request is getting better access to the building and its stewards so that staff can refine these estimates.

Action

Council is asked to endorse the content of the attached letter to Chairperson Teresa McCall, and instruct Mayor Copelof to sign and send it on the City's behalf.

Attachments:

1. July '26 Courthouse letter (DRAFT)



CITY of BREVARD

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

August 4, 2026

Chairperson Teresa McCall
Transylvania County Board of Commissioners
101 South Broad Street
Brevard, North Carolina 28712

Dear Chairperson McCall,

At its August 3, 2026, meeting, the Brevard City Council endorsed the transmission of this letter expressing its interest in the possibility of the City of Brevard occupying the old Transylvania County courthouse upon completion of the new courthouse facility.

It is the Council's hope that Transylvania County will partner with us to explore the possibility of making this historic building Brevard's "new" City Hall, thus maintaining the county's most notable building as a civic space. It is important that this iconic architectural gem remains active and open to the community and we believe that under our stewardship it can continue to breathe life into the heart of the county seat by serving as the functional, well-preserved home of our municipal operations.

Our request is also a practical one; the City organization has immediate space needs. Our intention is to relocate the City of Brevard's governing board, administrative, finance, and planning functions to the circa 1886 and circa 1900 portions of the building. This entails the need for a public meeting chamber, conference rooms, space for records storage, a publicly accessible payment window, and workspace and related amenities for up to forty staff people.

In addition, we wish to explore the circa 1910 portion of the courthouse as a home for our law enforcement agency. The Brevard Police Department currently occupies leased space at 132 Commerce St. Though this space is adequate, the City wishes to have all its services in City-controlled spaces. We also believe there are community benefits to having municipal law enforcement centrally located in the downtown core. Finally, the lease for BPD's current space expires in June 2029, with a large rent increase expected if it's renewed beyond that date, so a relocation could help that agency's bottom line.

There is a significant amount of interest—from us and, we believe, from members of the public—in repurposing the courthouse as Brevard's City Hall. What's more, we believe repurposing represents significant value for both City and County taxpayers, as Transylvania County could receive cash in-hand to offset costs of the new courthouse, and Brevard would certainly pay less for this facility than it would to construct new.

We are open to exploring all manner of conveyances up to and including an as-is fair market value purchase. The City has engaged First Tryon Advisors, a firm you're familiar with, to assess our borrowing capacity, and we should have the results of their work by the end of CY 2026.

To inform the conversation, we offer to underwrite the cost of an appraisal to establish the building's fair market value. We ask only for your assistance in arranging access to the building's interior for the appraiser, as well as help arranging access for an architectural firm contracted by the City to estimate the cost of necessary interior updates.

The City of Brevard thanks Transylvania County for a century of stewardship to the courthouse building, and we pledge to maintain the same level of respect and care for this treasured symbol of our community.

Best regards,

Maureen Copelof
Mayor

Cc: Jaime Laughter, County Manager
Brevard City Council
Wilson Hooper, City Manager
Mack McKeller, City Attorney

STAFF REPORT

City Council, Monday, August 3, 2026

Title: Appointment of Member to Parks, Trails and Recreation Committee

Speaker: Denise Hodsdon, City Clerk

Prepared by: Denise Hodsdon, City Clerk

Approved by: Wilson Hooper, City Manager

Background

The Parks, Trails and Recreation Committee is a 7-member advisory committee with five Citizen Members who serve 2-year terms that expire at the end of May of odd-numbered years. Citizen member Howie Granat resigned from the committee on June 17, 2026, leaving a vacancy until May 2027.

Discussion

Staff published notice requesting applications on the City's website on June 18, 2026 and in the Transylvania Times on July 2, 2026. The application deadline was July 17, 2026.

The following applications were forwarded to the Finance, Human Resources, and Citizen Appointment Committee for review and recommendation on July 27, 2026:

- Mary Kathryn Craft — Application was received on September 26, 2025, and was held on file as there were no vacancies at the time of receipt. On July 22nd, staff attempted to contact Ms. Craft via telephone and left a voicemail message inquiring whether she wished to still be considered. She had not responded prior to the committee meeting. However, she did respond on July 28th saying that she still wished to be considered.
- Shanna D. Powell — Application was received on April 1, 2026, and held on file as there were no vacancies at the time of receipt. When contacted by staff, Ms. Powell indicated that she still wished to be considered.
- Ryan A. Olson — Application was received June 24, 2026

Recommendation

The Finance, Human Resources, and Citizen Appointment Committee reviewed the applications at its July 27th meeting and unanimously recommended that Shanna Powell be appointed as a Member of the Parks, Trails and Recreation Committee.

Action

A draft resolution appointing a member to the Parks, Trails and Recreation Committee is

attached for Council's consideration.

Attachments:

1. M. Craft Application
2. S. Powell Application
3. R. Olson Application
4. Draft Resolution

EMPLOYMENT APPLICATION



CITY OF BREVARD
95 W Main St
Brevard, North Carolina 28712
<http://www.cityofbrevard.com>

Craft, Mary Kathryn
202200015 ADVISORY COMMITTEE MEMBER
PARKS, TRAILS & RECREATION COMMITTEE

Received: 9/16/25 1:58 PM

For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION

POSITION TITLE: ADVISORY COMMITTEE MEMBER	EXAM ID#: 202200015
NAME: (Last, First, Middle) Craft, Mary Kathryn	SOCIAL SECURITY NUMBER: N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED]	EMAIL ADDRESS: [REDACTED]
HOME PHONE: [REDACTED]	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? Bachelor's Degree	

PREFERENCES

MINIMUM COMPENSATION: \$50,000.00 per year	ARE YOU WILLING TO RELOCATE? ☐ Yes ☐ No ☐ Maybe
WHAT TYPE OF JOB ARE YOU LOOKING FOR? Regular	
TYPES OF WORK YOU WILL ACCEPT: Full Time	
SHIFTS YOU WILL ACCEPT: Day, Night	

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.
Gwynn Valley Camp
3. Please list any other appointed positions you currently hold in Brevard or Transylvania County. If none, please type "none or n/a"
Board Member and Secretary for the Center for Spiritual Wisdom
4. Why do you want to be a member of this Board and/or Committee?
To bring insights and productive construction to an evolving city of which I feel connected and passionate about
5. How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard?
I bring respect and care to the board or committee through my varied work experiences, my connections to people and the nature world
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.
NA
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 Advisory Committee and/or Committees you are interested in serving on.
City Council Parks, Trails and Recreation Committee
-

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 Mary Kathryn Craft on 9/16/25 1:58 PM

EMPLOYMENT APPLICATION

CITY OF BREVARD
95 W Main St
Brevard, North Carolina 28712

<http://www.cityofbrevard.com>

Powell, Shanna D
202200015 ADVISORY COMMITTEE MEMBER
PARKS, TRAILS & RECREATION COMMITTEE

Received: 4/1/26 10:28 AM

For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION**POSITION TITLE:**

ADVISORY COMMITTEE MEMBER

EXAM ID#:

202200015

NAME: (Last, First, Middle)

Powell, Shanna D

SOCIAL SECURITY NUMBER:

N/A

ADDRESS: (Street, City, State/Province, Zip/Postal Code)**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?

Bachelor's Degree

PREFERENCES**ARE YOU WILLING TO RELOCATE?**

☐ Yes ☒ No ☐ Maybe

WHAT TYPE OF JOB ARE YOU LOOKING FOR?

Regular

TYPES OF WORK YOU WILL ACCEPT:

Part Time

SHIFTS YOU WILL ACCEPT:

Rotating

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.**
Self Employed- Owner and head coach EndlessBikeGirl MTB Skills LLC
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 have a degree in Recreation and Parks management and the future of Brevard's outdoor spaces and recreation is important to me.
5. **How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard?**
I would be able to add a perspective from both my educational degree as well as my personal occupation that would potentially be different from others in the community. I'm a lifelong outdoor educator trained in Leave No Trace as well as other outdoor pursuits
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.**
I attend community events but have not yet contributed to any committees or boards.
7. **Boards and Committees may meet in mornings, afternoons and or evening hours. What limitations do you have for attending meetings?**
I just need to know a few months in advance and can adjust my schedule as needed.

Job Specific Supplemental Questions**1. Please select from the list below which Advisory Committee and/or Committees you are interested in serving on.****City Council Parks, Trails and Recreation Committee**

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 be required to verify any and all information on this application.
- I understand that this completed 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 Shanna D Powell on 04/01/26 10:28 AM

EMPLOYMENT APPLICATION

CITY OF BREVARD
95 W Main St
Brevard, North Carolina 28712

<http://www.cityofbrevard.com>

Olson, Ryan A
202600015 ADVISORY COMMITTEE MEMBER
PARKS, TRAILS & RECREATION COMMITTEE

Received: 6/24/26 03:48 PM

For Official Use Only:

QUAL: _____

DNQ: _____

☐ Experience

☐ Training

☐ Other: _____

PERSONAL INFORMATION**POSITION TITLE:**

ADVISORY COMMITTEE MEMBER

EXAM ID#:

202600015

NAME: (Last, First, Middle)

Olson, Ryan A

SOCIAL SECURITY NUMBER:

N/A

ADDRESS: (Street, City, State/Province, Zip/Postal Code)**EMAIL ADDRESS:****HOME PHONE:****NOTIFICATION PREFERENCE:**

Email

DRIVER'S LICENSE:

☒ Yes ☐ No

LEGAL RIGHT TO WORK IN THE UNITED STATES?

☒ Yes ☐ No

PREFERENCES**WHAT TYPE OF JOB ARE YOU LOOKING FOR?**

Regular, Temporary

TYPES OF WORK YOU WILL ACCEPT:

Part Time

SHIFTS YOU WILL ACCEPT:

Day, Evening, Rotating, Weekends

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.**

Trust for Public Land (PT) And FGC Realty (PT)

3. **Please list any other appointed positions you currently hold in Brevard or Transylvania County. If none, please type "none or n/a"**

None

4. **Why do you want to be a member of this Board and/or Committee?**

I previously served on the City's Parks, Trails, and Rec committee and feel like I have adequate time now to rejoin if the committee is interested in having me.

5. **How would your experience, education and/or occupation be a benefit to this board or committee and the City of Brevard?**

My professional background includes a Jose degree, years working in and around the outdoors and on behalf of the environmental, over a decade, running a Brevard-founded outdoor science education program for public elementary students called Muddy Sneakers, and many years working in land conservation for both the Nature Conservancy and most recently Trust for Public Land where I focus specifically on conservation finance and work closely with counties and municipalities across the southern Appalachian region. I have also spent many years working in the outdoor recreation economy space both in the WNC region and across North Carolina more broadly. I have been a resident of Brevard for almost 15 years and during my last stint on this committee, was one of the primary fundraisers for private donations needed to secure the land acquisition of the Bracken Mountain preserve expansion.

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.**

In addition to serving on this committee, previously, I served many terms on the Heart of Brevard board and continue to serve as a community advisor to their events committee.

7. **Boards and Committees may meet in mornings, afternoons and or evening hours. What limitations do you have for attending meetings?**

I have work and a family but no clear limitations for afternoon or evening meetings and will work hard to schedule around this committee.

Job Specific Supplemental Questions

- 1. Please select from the list below which Advisory Committee and/or Committees you are interested in serving on.**
City Council Parks, Trails and Recreation Committee

RESOLUTION NO. 2026-XX

**A RESOLUTION APPOINTING A MEMBER TO THE
PARKS, TRAILS AND RECREATION COMMITTEE**

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 terms of citizen members appointed to advisory committees were set at two years with all terms expiring on May 31st of odd-numbered years; 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, City Council appoints five Citizen Members to the Parks, Trails and Recreation Committee, and there is currently one vacancy until May 31, 2027; 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 Parks, Trails and Recreation Committee; and

WHEREAS, the applications received during the recruitment period were reviewed by the Finance, Human Resources and Citizen Appointment Committee at their July 27, 2026 meeting; and

WHEREAS, at that meeting the Committee recommended that Shanna Powell be appointed as a member of the Parks, Trails and Recreation Committee.

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 Shanna Powell as a Member to the Parks, Trails and Recreation Committee, for a term to be effective immediately and expiring in May 2027.

Adopted and approved this the 3rd day of August, 2026.

Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon, CMC, NCCMC
City Clerk