



AGENDA
BREVARD CITY COUNCIL – REGULAR MEETING
Monday, October 19, 2015 – 7:00 P.M.
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Chaplain Morris Davis (Retired), Brevard Fire Department

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

F. Approval of Minutes - September 21, 20154

G. Certificates / Awards / Recognition

1. Fire Department – Life Saving Award to Firefighter Daniel Futrelle 22
2. Fire Department – Achievement Awards and the State of North Carolina Order of the Long Leaf Pine to Retired Chaplain Morris Davis and Retired Firefighters Steven Denton Gravely and Gary Keener 25

H. Public Hearing(s)

1. Annexation – Pisgah Forest Outdoors, LLC 27
2. 2015 Comprehensive Plan 36
3. Proposed Text Amendment, Tree Ordinance 55
4. Proposed Text Amendment, Sidewalk/Alleyway 65
5. Proposed Text Amendment, Flood Damage Prevention Ordinance 71

I. Public Participation

J. Special Presentation(s) - None

K. Consent and Information

1. Staff Reports:
 - a. Finance Report for month ended September 30, 2015 119

b. Public Works Report, August 2015	138
c. Planning Department Quarterly Report, July-Sept. 2015	156
2. Annexation Certificate of Sufficiency, Lastinger Properties, LLC, and Resolution No. 2015-XX Fixing Date for Public Hearing	158
3. Community Development Contracts, October 2015 Reporting:	
a. Transylvania Community Arts Council	162
b. Transylvania Farmers Market	178
c. Brevard/Transylvania Chamber of Commerce	182
d. Heart of Brevard	188
4. Correspondence (<i>No Action. Offered as information only.</i>)	
a. Tommy Williamson awarded NC Water Operators Association C-Surface Operator of the Year	194
b. Ben Robinson, NC Water Operators Association Operator's Spotlight.....	196

L. Unfinished Business - None

M. New Business

1. Ord. No. 2015-XX Annexation, Pisgah Forest Outdoors	201
2. Ord. No. 2015-XX Adoption of 2015 Comprehensive Plan	203
3. Ord. No. 2015-XX Text Amendment, Tree Ordinance	205
4. Ord. No. 2015-XX Text Amendment, Sidewalk/Alley	210
5. Ord. No. 2015-XX Text Amendment, Flood Damage Prevention	213
6. Ord. No. 2015-XX Closure of State Roads for City Sponsored Event(s)	215
7. Board and Committee Appointments:	
Terrell Scruggs Scholarship Committee	224

N. Remarks / Future Agenda Considerations

O. Closed Session(s)

1. Economic Development - GS § 143-318.11. (a)(3)(4)
2. Property Acquisition - GS § 143-318.11. (a)(3)(5)

P. Adjourn

Agenda Posted: October 13, 2015
Website: October 13, 2015
Media & Sunshine List: October 13, 2015
D Perry, City Clerk

Approval of Minutes

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
September 21, 2015 – 7:00 PM

The Brevard City Council met in regular session on Monday, September 21, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present - Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Maurice Jones, Ann Hollingsworth, Wes Dickson and Charlie Landreth.

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, City Clerk Desiree Perry, HR Director Derrick Swing, Planning Director Daniel Cobb, Planner Aaron Bland, Sr. Code Enforcement Officer Paul Ray, Specialist/Deputy Clerk Jill Murray, Public Works Director David Lutz, Parks & Property Mgmt. Director Lynn Goldsmith, Project Development Director Josh Freeman and Police Chief Phil Harris.

Press – Kevin Fuller, Transylvania Times

A. Welcome and Call to Order – Mayor Harris called the meeting to order, welcomed those present and introduced Council members, Manager, Attorney and Clerk.

B. Invocation – Pastor Mary Hinkle Shore, Lutheran Church Of The Good Shepherd, offered an Invocation.

C. Pledge of Allegiance – Mayor Harris led in the Pledge of Allegiance.

D. Certification of Quorum - The City Clerk certified a quorum present.

E. Approval of Agenda – Mr. Landreth moved, seconded by Mr. Morrow, the Agenda be approved as presented. Motion carried unanimously.

F. Approval of Minutes – Ms. Hollingsworth moved, seconded by Mr. Landreth, the August 17th Minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

Certificate of Appreciation was presented to Mr. Seyl Park for his seven years of service on the Planning Board.

Introduction – The City's new Planning Department staff member, Senior Code Enforcement Officer Mr. Paul Ray, was introduced and welcomed. Mr. Ray's ten year old son, Mason, was also introduced.

H. Public Hearing(s)

H-1. Proposed Text Amendments to City Code, Unified Development Ordinance (UDO) Chapter 2 and 5, Setbacks. This public hearing was properly noticed and advertised on Monday, September 7th and 14th, 2015.

Mayor Harris opened the public hearing at 7:18 P.M.

Mr. Cobb presented his staff report (on file). In July Planning Staff received an application for text amendment from Mr. Doug Harris of Harris Architects. The request is to allow additional encroachments into setback areas including roof overhangs, gutters, uncovered porches, stoops, stairs, patios, balconies, bay windows and chimneys. Planning Board meet on August 18th to review the request and formulate a recommendation. Following Planning Board's discussion and modifications to the text

as originally presented, the Board unanimously recommended approval of the text amendment as presented in the drafted Ordinance. Staff recommends approval of the drafted text amendment.

Mr. Doug Harris, Applicant, offered the proposed amendment would allow more possibilities and greater flexibility for a property owner to build out their property. He presented a few power point slides illustrating structures with a minimal overhang and with a standard overhang. Text amendment would allow a setback to be measured from the structures main wall rather than from the structures overhang. Setbacks are designed to provide space between buildings; if adopted, space will continue to be provided between buildings. He concluded by stating adoption of the changes would result in a property owner's ability to have more design flexibility, interest and character into their building, and, that some of the City's larger goals, economic development, supporting sustainable design, affordable housing, etc., would be strengthened.

Public Hearing Public Participation

Ms. Patricia Wrinkle, 39 Apple Tree Street, asked if the amendment would allow the possibility of an encroachment to fall into an adjoining neighboring property.

Mr. Cobb answered, "No". An overhang would be limited to two feet, and porches would be limited to only encroach into one-third of the setback area. No encroachment(s) onto an adjoining property would be permitted.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:33 P.M.

H-2. Proposed Text Amendments to City Code, Unified Development Ordinance (UDO) Chapter 10, Off-Street Parking. This public hearing was properly noticed and advertised on Monday, September 7th and 14th, 2015.

Mayor Harris opened the public hearing at 7:33 P.M.

Mr. Cobb presented his staff report (on file). Proposed amendment would allow off-street parking within a front yard of commercial properties within a corridor/highway commercial district, as was previously discussed at the August 3rd meeting.

Ms. Hollingsworth stated she is in favor of the proposed amendment; however, also feels that the City's landscaping requirements should be revised to require more mature plantings along the highway between the roadway and parking allowed in the front of the businesses.

Public Hearing Public Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:39 P.M.

I. Public Participation

Mr. Richard Caldwell, 4192 Island Ford Road, stated he is a NC Licensed Architect, and spoke in favor of the City's decision to adopt a Form Base Code. He stated that several citizens are expressing concerns with the Caldwell Street widening project on Facebook, and suggested the City have Mr. Baches (Form Base Code consultant) to take a look at Caldwell Street properties in order to get quality development/re-development in order to reduce the risk of blight taking place.

Mr. Kent Heuser, 31 Ridgetop Circle, Unit #102, stated he represents "Friends of Doggy Park", citizens who feel a dog park is needed for City and County residents, and offered they desire to work in cooperation and collaboration with the City and County

to help make one happen. Their group consists of people who have experience in fund raising as well as other skills that could be utilized. Understands the City is in the process of closing on some land that will be used for parks and recreation and hopes that a portion could be designated for a dog park.

Mr. Nick Friedman, 15 Falls Creek Road, expressed concerns with the Caldwell Street widening project as it may actually hurt aesthetics along Caldwell Street and negatively impact our downtown. Seems there are competing objectives – we are trying to craft a nice downtown, while NC DOT wants to get cars through town – we don't have the same objective.

Mr. Jacob Dinkins, 500 West Probart Street, asked for a quick update on the Probart Street project.

Mr. Freeman offered the Council Parks, Trails and Recreation Committee has recommended that travel lanes be narrowed to two ten-foot lanes with a sidewalk constructed within the right-of-way. High Country Engineering is currently working on cost estimates for the design. A budget will be developed and expect final engineering to be completed in the next two or three months. Project will then come before City Council for approval before proceeding further.

J. Special Presentation(s) - None

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda. Mayor suggested New Business Items M-1, M-2, M-3, M-4 and M-5 be added to the Consent Agenda, and he further recommended Josh Freeman to serve on the County Transportation Advisory Committee, replacing Daniel Cobb who has served two terms.

Mr. Pratt noted Consent Agenda Item K-8 donation amounts have been changed since the Ordinances were originally drafted and as such a motion would be in order for the revisions.

Motion: Mr. Jones moved, seconded by Mr. Morrow, the drafted Ordinance dollar amount of the Patton donation funds to be given to Brevard College be changed to \$250,000. Motion carried unanimously.

Motion: Ms. Hollingsworth moved, seconded by Mr. Jones, the drafted Ordinance dollar amount of the Patton donation funds to be given to Brevard Music Center be changed to \$50,000. Motion carried unanimously.

Motion: Mr. Landreth moved, seconded by Mr. Morrow, the Consent Agenda be amended to include New Business Items M-1, M-2, M-3, M-4 and M-5, and the Consent Agenda be approved as amended. The motion carried unanimously.

The following Consent Agenda items were approved:

K-1. Staff Reports:

- a. Parks and Property Management Quarterly Report
- b. Public Works Staff Report, July 2015
- c. Finance Report, August 2015

K-2. Annexation Certificate of Sufficiency, and, **Resolution No. 2015-22 A Resolution Fixing a Date of Public Hearing on the Question of Annexation**

Certificate of Sufficiency

I, Desiree D. Perry, City Clerk, do hereby certify that I have investigated the petition submitted by **Pisgah Forest Outdoors, LLC**, PIN 8597-45-4982 containing 1.94 acres more or less, and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with NCGS 160-A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Brevard this 21st day of September, 2015.

Desiree D. Perry, CMC, NCCMC
City Clerk

RESOLUTION NO. 2015-22

**A RESOLUTION FIXING A DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition regarding annexation of the contiguous area described herein has been received; and,

WHEREAS, the Brevard City Council has by Resolution No. 2015-19 directed the City Clerk to investigate the sufficiency thereof; and,

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by Pisgah Forest Outdoors, LLC, will be held at Brevard City Hall at 7:00 P.M. on the 19th day of October, 2015.

Section 2. The area proposed for annexation is described as follows:

Metes and Bounds Property Description:

Being all of Tract D (Revised) as shown on Plat File 16, Slide 396 and beginning on a 5/8 inch found rebar, the southwest property corner of Lot 2 of the Forest Gate Shopping Center as recorded in Plat File 4, Slide 410 in the Transylvania County Registry.

THENCE South 20 degrees 36 minutes 22 seconds West for a total distance of 50.35 feet (passing a 5/8 inch set rebar, 0.3 feet above grade, at 20.29 feet in the northern margin of the 60 foot right of way of U.S. Highway #276) to an unmarked point in the centerline of U.S. Highway 276;

THENCE North 73 degrees 04 minutes 53 seconds West for a distance of 212.31 feet along the centerline of U.S. Highway 276 to an unmarked point in the centerline of U.S. Highway 276, the southeast corner of Big Inc. as recorded in Document Book 591, Page 491 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE following the property line of Big Inc, paralleling more or less an existing barbed wire fence North 14 degrees 47 minutes 53 seconds East for a total distance of 181.70 feet (passing a set 5/8 inch rebar, 0.6 feet above grade, at 30.02 feet in the northern margin of the 60 foot right of way of U.S. Highway #276) to a leaning found concrete monument 0.4 feet above grade at the base of a wooden fence post at the angle point of the barbed wire fence;

THENCE following the property line of Big Inc. North 42 degrees 07 minutes 20 seconds East for a distance of 273.48 feet, paralleling more or less the barbed wire fence to a 1 inch found iron pipe 3.0 feet above grade, a corner of Marvin L. Scott and others as recorded in Document Book 107, Page 197 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE a new line South 69 degrees 23 minutes 38 seconds East for a total distance of 129.95 feet (passing a 5/8 inch set rebar, set at grade, at 99.96 feet in the western margin of a 30 foot wide right of way) to a set 5/8 inch rebar, 0.4 feet above grade, in the line of the Forest Gate Shopping Center as shown on Plat File 4, Slide 410;

THENCE with the line of the Forest Gate Shopping Center South 20 degrees 36 minutes 22 seconds West for a distance of 371.19 feet to a 5/8 inch found rebar the point and place of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.94 acres more or less.

Section 3. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.

Section 4. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 21st day of September, 2015.

K-3. Year Ending June 30, 2015, Audit Contract. Council approved an Audit Contract with Gould Killian CPA Group, P. A., in the amount of \$29,000. Following execution, the contract will be filed with the City’s Contracts and Agreements records.

K-4. Railroad Avenue Small Area Plan Update. Council accepted Mr. Cobb’s staff report and recommendation that Council postpone any further action on the Railroad Avenue Small Area Plan until the completion and adoption of the Comprehensive Plan.

K-5. Ordinance No. 2015-19 FY 2014-2015 Budget Ordinance Amendment No. Three

ORDINANCE NO. 2015-19

**FY2014-2015 BUDGET ORDINANCE
AMENDMENT NO. THREE**

Whereas, the City Council of the City of Brevard previously approved the Annual Budget Ordinance No. 2014-13, Budget Ordinance Amendment No. One (Ordinance No. 2015-14) and Budget Ordinance Amendment No. Two (Ordinance No. 2015-15); and

Whereas, Duke Energy Carolinas, LLC notified the City of Brevard that it would be selling their maintenance facility located on Cashiers Valley Road. The asking price was \$525,000. City staff retained Wilson Co. Appraisals who valued the property at \$426,000. The property consists of 1.97 acres, 4,631 square feet of which 2,746 square feet is finished office space and 1,885 square feet is warehouse space. The building also has 1,610 square feet of covered loading dock. The building was constructed in 1990 and is 24 years old. According to the appraiser the building is heated, wired, insulated, plumbed and in good working condition; and

Whereas, the Duke Energy property would be used by the Public Services Department for its Streets Division, Water Distribution Division and Sewer Collections Division; and

Whereas, Duke Energy Carolinas, LLC has accepted the City’s offer of \$426,000 subject to environmental assessment.

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

Section 1. General Fund Expenditures are hereby increased \$ 142,000 from \$8,742,145 to \$8,884,145 as shown below:

CAPITAL EXPENITURES (Real Property, P.W. Operations Center)	<u>\$142,000</u>
TOTAL EXPENDITURES	\$142,000

Section 2. General Fund Revenue is hereby increased \$142,000 from \$8,742,145 to \$8,884,145 as shown below:

LOAN PROCEEDS (Real Property, P.W. Operations Center)	<u>\$142,000</u>
TOTAL REVENUE	\$142,000

Section 3. Water and Sewer Utility Expense Fund is hereby increased \$284,000 from \$4,672,500 to 4,956,500 as shown below:

CAPITAL EXPENDITURES (Real Property, P.W. Operations Center)	<u>\$284,000</u>
TOTAL EXPENSE	\$284,000

Section 4. Water and Sewer Utility Revenue Fund is hereby increased \$284,000 from \$4,672,500 to \$4,956,500 as shown below:

LOAN PROCEEDS (Real Property, P.W. Operations Center)	<u>\$284,000</u>
TOTAL REVENUE	\$284,000

Section 5. That Revenue and Expenditures set forth below in Sections 1 through Section 34 of the Ordinance Amendment have increased \$426,000 from \$24,912,576 to \$25,338,576 as follows:

General Fund	\$8,884,145
Water & Sewer Fund	4,956,500
Utility Capital Projects Fund	7,234,884
Capital Reserve Fund	436,368
Heart of Brevard MSD Fund	130,415
Bjerg Trust Fund	100
Fire District Fund	630,058
Multi-Use Paths Fund	299,000
Narcotics Task Force Fund	67,857
Downtown Master Plan Fund	882,167
Other Post-Employment Benefits Fund	18,750
Bracken Mountain Project Fund	30,000
Health Insurance Fund	1,291,500
Housing Trust Fund	13,332
T.L. Scruggs Scholarship Trust Fund	16,500
Rosenwald Revitalization Fund	447,000

TOTAL BUDGET APPROPRIATION	\$25,338,576

Adopted and approved by City Council this the 21st day of September, 2015.

K-6. Resolution No. 2015-23 A Resolution Amending the Brevard OPEB Trust, Amendment No. Two

RESOLUTION NO. 2015-23

A RESOLUTION AMENDING THE BREVARD OPEB TRUST

Amendment No. Two

{Resolution No. 2011-12; Amendment #1 Res. No. 2012-06}

WHEREAS, the City of Brevard participates in a post-employment benefit related program called the OTHER POST-EMPLOYMENT BENEFITS TRUST (OPEB), which allows certain assets to be invested in an Irrevocable Trust; and

WHEREAS, The purpose of the Trust is to hold assets from which to satisfy the Employer's commitment to provide post-employment benefits (other than pension benefits), as offered by the Employer to its employees in accordance with the Employer's policies and/or applicable collective bargaining agreements; and

WHEREAS, City Council has determined the need to amend the Brevard OPEB Trust by updating the OPEB Co-trustees.

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

1. The co-trustees shall be and are hereby designated as James R. Fatland, City Manager/Finance Director and Derrick Swing, Human Resources Director; and
2. The said Trust is tax exempt and separate from the City of Brevard with its own Employer Identification Number (EIN #45-6335061).
3. This Resolution shall be effective upon adoption by City Council.

Adopted this the 21st day of September, 2015.

K-7. Caldwell Street Widening Project Update (NCDOT Project #U5104). Council accepted Mr. Freeman's staff report. City Staff is collaborating with NCDOT to disseminate public information regarding the status of the project. Staff has been soliciting email addresses which will be used to deliver project updates and notify citizens of any impending lane closures or other traffic disruptions. Citizens may sign up for updates at the following URL: <https://www.surveymonkey.com/r/caldwellwidening>

K-8. Ordinance No. 2015-20 An Ordinance Supporting Public and Secondary School Track and Field Athletics in Brevard, and, **Ordinance No. 2015-21** An Ordinance Supporting the Brevard Music Center.

ORDINANCE NUMBER 2015-20

AN ORDINANCE SUPPORTING PUBLIC AND SECONDARY SCHOOL TRACK AND FIELD ATHLETICS IN BREVARD

Whereas, the City Council notes as a result of certain eleemosynary donations made by Frank and Donna Patton, Brevard College has a new track in place, and fully operational, and Brevard High School has new artificial turf on its football field, in place and in use; and

Whereas, due to such efforts on behalf of the Pattons, Brevard College Corporation and the Transylvania County Board of Education have entered into an inter local agreement whereby each has agreed to allow the other to use its respective (track and football stadium) facilities; and

Whereas, it has come to the attention of City Council that neither the Brevard College Corporation nor the Transylvania County Board of Education has adequate track and field facilities or equipment; and

Whereas, it has also come to the attention of the City of Brevard that neither entity presently has funds or a means of fundraising to come up with the monies necessary for the procurement of such facilities and equipment; and

Whereas, City Council is also aware that the Brevard College Corporation and the Transylvania County Board of Education have approached the County Commissioners with a request for funds to use to procure the needed equipment and facilities, but that the County Commissioners have denied the joint request; and

Whereas, City Council is very much aware of the positive impact that student athletics, including track and field, have on young people in our community, as well as on the economic strength of our community; and

Whereas, it is the City Council's understanding that Transylvania County Schools have not been able to host a "home" track meet in more than ten years; and

Whereas, City Council believes that it is consistent with the highest and best use of certain funds presently held for Pedestrian and Bike Path Capital Improvements, that they be transferred to the General Fund, and then immediately placed into the Trust Account of the City Attorney, to be held by the City Attorney until such time as (1) specific plans for the equipment to be purchased and for the facilities to be constructed are approved by both Brevard College Corporation and the Board of Education; and (2) appropriate amendment to the agreement referred to herein above is made and approved by both Brevard College Corporation and the Board of Education, for a sharing of such equipment and facilities by both entities, for the benefit of their respective student athletes.

NOW, THEREFORE, CITY COUNCIL HEREBY ENACTS THE FOLLOWING ORDINANCE:

Section 1. The sum of two hundred fifty thousand (\$250,000.00), is hereby transferred from the Pedestrian and Bike Path Fund, to the General Fund, and to be immediately disbursed therefrom to the Trust Account of City Attorney Michael K. Pratt.

Section 2. The City Attorney is instructed to monitor and assist the Brevard College Corporation and the Transylvania County School Board in complying with the two conditions set forth herein above, and to then disburse those funds from his trust account, for the uses described herein above, all at the earliest time that those two conditions are, in his opinion after review, met (all of which, it is noted, the City Attorney has agreed to do without charge).

Section 3. This Ordinance shall be effective upon its adoption and approval by City Council.

Adopted and approved by City Council this the 21st day of September, 2015.

ORDINANCE NUMBER 2015-21

AN ORDINANCE SUPPORTING THE BREVARD MUSIC CENTER

Whereas, the City Council notes that this is the eightieth (80th) anniversary of the Brevard Music Center; and

Whereas, City Council is very much aware of the positive cultural and economic impact of the Brevard Music Center on the community; and

Whereas, City Council thinks it fitting and appropriate to support the Brevard Music Center in celebration of its eightieth (80th) anniversary; and

Whereas, City Council is also aware of the need of the Brevard Music Center for the construction of new dormitories; and

Whereas, City Council believes that it is consistent with the highest and best use of certain funds presently held for Pedestrian and Bike Path Capital Improvements, that they be transferred to the General Fund, to in turn be immediately disbursed to the Brevard Music Center, Inc., for construction of new dormitory facilities at the earliest time that the said Brevard Music Center, Inc., is able to make such use of these monies.

NOW, THEREFORE, CITY COUNCIL HEREBY ENACTS THE FOLLOWING ORDINANCE:

Section 1. The sum of fifty thousand dollars (\$50,000.00) is hereby transferred from the Pedestrian and Bike Path Fund, to the General Fund, and to be immediately disbursed therefrom to the Brevard Music Center, Inc., for the uses described herein above.

Section 2. This Ordinance shall be effective upon its adoption and approval by City Council.

Adopted and approved by City Council this the 21st day of September, 2015.

K-9. Correspondence - No Action. *(Offered to Council as information only.)*

- a. NC League of Municipalities 2015 Conference, October 10-13, 2015
- b. Old City Hall Loan Pay Off
- c. NC Main Street Correspondence

K-10. (M-1) Board and Committee Appointments - Appointed Josh Freeman to serve on the Transylvania County Transportation Advisory Committee, replacing Daniel Cobb; term will expire May 2018.

K-11. (M-2) Ordinance No. 2015-22 An Ordinance to Repeal Brevard Code of Ordinances Chapter 22 Businesses Article II Privilege License Tax and Article IV Massage and Body Work Therapists.

ORDINANCE NO. 2015-22

**AN ORDINANCE TO REPEAL BREVARD CODE OF ORDINANCES
CHAPTER 22 BUSINESSES
ARTICLE II PRIVILEGE LICENSE TAX AND
ARTICLE IV MASSAGE AND BODYWORK THERAPISTS**

WHEREAS, North Carolina General Statute §160-194 authorizes the governing body of any county or municipality by ordinance, subject to the general law of the State, regulate and license occupations, businesses, trades, professions, and forms of amusement or entertainment and prohibit those that may be inimical to the public health, welfare, safety, order, or convenience. In licensing trades, occupations, and professions, the city may, consistent with the general law of the State, require applicants for licenses to be examined and charge a reasonable fee therefor. Nothing in this section shall impair the city's power to levy privilege license taxes on occupations, businesses, trades, professions, and other activities pursuant to G.S. §160A-211; and

WHEREAS, North Carolina General Statute §160-211(a) Authority – Except as otherwise provided by law, a city shall have power to levy privilege license taxes on all trades, occupations, professions, businesses, and franchise carried on within the city. A city may levy privilege license taxes on the businesses that were formally taxed by the State under certain sections of Article 2 of Chapter 105 of the General Statutes only to the extent the sections authorized cities to tax the businesses before the sections were repealed; and

WHEREAS, Brevard City Code, Chapter 22 Businesses, Article II. Privilege License Tax, §22-23 Levy of tax and §22-27 License period. An annual privilege license tax is hereby levied on each business conducted within the city, in the amounts set forth in this article. Any person engaged in business shall be responsible for ensuring that the applicable license tax is paid. Unless otherwise specified, the license issued pursuant to this article is valid for the 12-month period beginning October 1 and ending September 30; and

WHEREAS, On May 28, 2014 Governor Pat McCrory signed HB 1050 into law eliminating the City's authority to levy privilege license taxes effective July 01, 2015; and

WHEREAS, in an effort to comply with HB 1050, the Brevard City Council desires to repeal Chapter 22 Businesses, Article II. Privilege License Tax, §22-20 – §22-31; Division 1 Duties, Enforcement and Collections, §22-40 – §22-47; Division II Privilege License Tax and Fee Schedules, §22-50 - §22-52; and, Article III. Massage and Bodywork Therapists §22-111.

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

Section 1. Effective Date. Effective July 01, 2015, Chapter 22 Businesses, Article II. Privilege License Tax, §22-20 – §22-31; Division 1 Duties, Enforcement and Collections, §22-40 – §22-47; Division II Privilege License Tax and Fee Schedules, §22-50 - §22-52; and, Article III. Massage and Bodywork Therapists §22-111 of the City of Brevard Code of Ordinances are repealed in its entirety.

Section 2. Amend Text. Replace existing §22-53 text with the following:

Chapter 22 Businesses, **Article II. ABC LICENSE AND FEE SCHEDULE**

ABC License. Each person who receives a State of North Carolina ABC Commission permit shall obtain the corresponding local license. All licenses issued under this section are annual licenses for the period from May 1 to April 30. A license may not be transferred from one person to another or from one location to another. License is not to be pro-rated. Must provide copy of valid NC State ABC Commission permit before issuance of local license. (NCGS §105-113.70)

Fee Schedule: See adopted City of Brevard Budget, Schedule of Taxes, Fees and Charges. (NCGS §105-113.77)

Section 3. Codification. The provisions of Section I and 2 of this Ordinance shall be published as appropriate in the City of Brevard Code of Ordinances as soon as practicable.

Section 4. Severability Clause. 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 5. Publication and Effective Date. This Ordinance shall take effect July 01, 2015, according to law and for subsequent years unless rescinded or modified in accordance with law.

Adopted and approved this the 21st day of September, 2015.

K-12. (M-3) Ordinance No. 2015-23 An Ordinance Amending Brevard City Code Unified Development Ordinance Chapter 2 District Provisions and Chapter 5 Building Types and Architectural Standards (Setbacks / Encroachments)

ORDINANCE NO. 2015-23

**AN ORDINANCE AMENDING THE CITY OF BREVARD
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 2 DISTRICT PROVISIONS AND
CHAPTER 5 BUILDING TYPES AND ARCHITECTURAL STANDARDS**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 2 and 5, be amended to permit additional encroachments into a setback area; and,

WHEREAS, Brevard City Council finds that these proposed amendments are neither consistent nor inconsistent with the City of Brevard Land Use Plan and other plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, September 21, 2015, by 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 that Brevard City Code, Unified Development Ordinance be amended as outlined below.

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

SECTION 01. Brevard City Code, Unified Development Ordinance, Chapter 2, Section 2.3.E is hereby amended to include the following language:

Note: Existing #5 to be renumbered to #9.

5. Roof overhangs and gutters may encroach into front, rear, or side yard setbacks by up to two feet (2').

6. Uncovered porches, stoops, and stairs, intended primarily for means of ingress and egress, nominally in line with the first floor above grade or any floor below that, may encroach into front, or rear yard setbacks up to one-third (1/3) of the required setback dimension up to a height of four feet (4') above the elevation of the floor being served. The area of each porch not including landings between runs of stairs, shall be no greater than fifty square feet (50sf).
7. Covered or uncovered balconies and bay windows may encroach into front or rear setbacks up to three feet (3') into the required setback dimension. Balconies or bay windows may not exceed ten feet (10') in width. Cumulative total of balconies and bay windows projecting into the setback shall not exceed thirty three percent (33%) of the total width of each elevation.
8. Chimneys may encroach into front, rear, or side setbacks by up to two feet (2'). Width of the chimney encroachment shall not exceed that necessary for the fireplace, flue, and the typical building walls enclosing the fireplace or flue.
9. No structure or land use shall encroach upon any public or private easement or public or private right-of-way or easement unless otherwise provided for by this Ordinance.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 5, Section 5.17 is hereby amended to include the following language:

- C. Roof overhangs & gutters:
 1. Roof overhangs and gutters may encroach into front, rear, or side yard setbacks by up to two feet (2').
- D. Uncovered porches, stoops, and stairs:
 1. Uncovered porches, stoops, and stairs, intended primarily for means of ingress and egress, nominally in line with the first floor above grade or any floor below that, may encroach into front, or rear yard setbacks up to one-third (1/3) of the required setback dimension up to a height of four feet (4') above the elevation of the floor being served. The area of each porch not including landings between runs of stairs, shall be no greater than fifty square feet (50sf).
- E. Balconies and bay windows:
 1. Covered or uncovered balconies and bay windows may encroach into front or rear setbacks up to three feet (3') into the required setback dimension. Balconies or bay windows may not exceed ten feet (10') in width. Cumulative total of balconies and bay windows projecting into the setback shall not exceed thirty three percent (33%) of the total width of each elevation.
- F. Chimneys:
 1. Chimneys may encroach into front, rear, or side setbacks by up to two feet (2'). Width of the chimney encroachment shall not exceed that necessary for the fireplace, flue, and the typical building walls enclosing the fireplace or flue.
- G. No such eve, bay window, balcony, stairs, stoop, porch, chimney shall encroach into a public or private right-of-way or easement, regulatory floodplain, or surface water protection area.

SECTION 03. As to any conflict between this Ordinance and any parts of existing Ordinances, the provisions of this Ordinance shall control.

SECTION 04. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 05. The enactment of this Ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 06. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 21st day of September, 2015.

K-13. (M-4) Ordinance No. 2015-24 An Ordinance Amending Brevard City Code Unified Development Ordinance Chapter 10 Parking Standards

ORDINANCE NO. 2015-24

**AN ORDINANCE AMENDING THE CITY OF BREVARD
UNIFIED DEVELOPMENT ORDINANCE
CHAPTER 10 PARKING STANDARDS**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapter 10, be amended to create an exemption for certain properties zoned corridor mixed-use; and,

WHEREAS, Brevard City Council finds that while these proposed amendments are inconsistent with the City of Brevard Land Use Plan and other plans and policies of the City of Brevard, this change is the first step in an evolution of those plans and policies with the forthcoming form-based codes; and,

WHEREAS, a public hearing was conducted on Monday, September 21, 2015, by 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 that Brevard City Code, Unified Development Ordinance be amended as outlined below.

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

SECTION 01. Brevard City Code, Unified Development Ordinance, Chapter 10, Section 10.5.G is hereby amended to include the following language:

- G. *Location of off-street parking:*
1. Off-street parking shall not be permitted within any public right-of-way.
 2. Off-street parking shall not be permitted within any front yard setback area.
 3. Except for properties located in the Corridor Mixed Use (CMX) zoning district, off-street parking shall not be permitted between any principal structure and the street upon which such structure fronts. Where a structure fronts upon two or more streets, parking may be permitted between the principal structure and the adjacent street of lesser classification when parking cannot reasonably be placed in another location.
 4. The following uses and parking types shall be exempt from Sections 10.5(G.2) and 10.5(G.3) above:
 - a. Single-family and duplex residential structures in GR, RMX and NMX districts, except those which are subject to Chapter 2, Section 2.3(E.2).
 - b. Handicapped parking spaces as required by the North Carolina Accessibility Code or other federal, state, or local regulations.
 - c. Bicycle parking spaces required by this Ordinance.
 - d. Existing non-residential and multi-family development undergoing significant or substantial improvement or change of use as defined in Chapter 19 of this Ordinance, provided that all newly created parking spaces associated with such redevelopment shall conform with Sections 10.5(G.2) and 10.5(G.3) unless the approving authority deems that compliance would be impractical due to existing site constraints.

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. The enactment of this Ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

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

Adopted and approved this the 21st day of September, 2015.

K-14. (M-5) Resolution No. 2015-24 A Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition for an Annexation (Lastinger Properties, LLC)

RESOLUTION NO. 2015-24

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

WHEREAS, a petition was received on September 1, 2015, requesting the annexation of a contiguous area described in said Petition as the Lastinger Properties, LLC, property located off of US Highway #276, at a newly established address of 113 Mama's Place, Pisgah Forest, NC, 28768, consisting of 64.54 acres, be annexed into the City of Brevard. (Tax Property Identification Number: 8597-47-3949)

Metes and Bounds Property Description:

The following parcel of land is located off of Pisgah Highway (U.S. HWY 276) in the Brevard Township, Transylvania County, North Carolina. Being all of that property conveyed to Lastinger Properties, LLC by a deed from The Bryson Development and Management Limited Partnership on the 16th day of June 2015 as recorded in Document Book 730 Page 412 of the Transylvania County Register of Deeds and being more particularly described as follows:

BEGINNING AT A 5/8" REBAR, said rebar being a common corner of Document Book 730 Page 412, Document Book 721 Page 395, Document Book 721 Page 398 and United States of America Tract V-1 as shown in Plat File: 2 Slide: 262 of the Transylvania County Registry and located N 16°53'46" W a horizontal ground distance of 912.15 feet from a 5/8" rebar set with a "Kee" cap and having North Carolina State Plane Coordinates(2011) of Northing: 575682.339 feet and Easting: 894465.203 feet;

Thence with the common line of Document Book 730 Page 412 and United States of America Tract V-1 the following (9) courses and distances:

- (1) N 08°01'54" E a distance of 131.17 feet to an existing 2" iron pipe with cap;
- (2) N 52°53'34" W a distance of 341.44 feet to an existing 5/8" rebar with "Raxter" cap;
- (3) N 52°53'34" W a distance of 987.60 feet to an existing 2" iron bar;
- (4) N 30°47'50" E a distance of 938.07 feet to an existing 2" iron pipe with cap in a rock pile;
- (5) N 79°13'50" E a distance of 810.59 feet to an existing 2" iron pipe with cap in a rock pile;
- (6) N 38°50'06" E a distance of 1011.06 feet to an existing 4" steel rail;
- (7) S 76°03'55" E a distance of 225.00 feet to an existing 2" iron pipe with cap in a rock pile;
- (8) S 60°41'56" E a distance of 147.37 feet to an existing 2" iron pipe with cap;
- (9) S 09°23'51" E a distance of 477.17 feet to an existing 4" steel rail; said steel rail being a common corner of Document Book 730 Page 412, United States of America Tract V-1 and Deed Book 221 Page 462 of the Transylvania County Registry and located S 58°33'15" W a distance of 148.29 feet from an existing 5/8" rebar;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 221 Page 462 of the Transylvania County Registry the following (4) courses and distances:

- (1) S 27°40'58" W a distance of 642.12 feet to an existing 1" iron rod;
- (2) S 27°42'51" W a distance of 518.37 feet to an existing 5/8" iron pipe;
- (3) N 87°51'02" W a distance of 120.52 feet to an existing 1" axle;
- (4) S 27°09'27" W a distance of 159.89 feet to an existing 5/8" rebar in a branch; said rebar being a common corner of Document Book 730 Page 412, Deed Book 221 Page 462 and Deed Book 431 Page 479 of the Transylvania county Registry;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 431 Page 479 of the Transylvania County Registry S 27°10'09" W a distance of 439.08 feet to an existing concrete monument with a "Raxter" cap; said concrete monument being a common corner of Document Book 730 Page 412, Deed Book 221 Page 462 and Deed Book 363 Page 53 of the Transylvania County Registry; and located N 83°09'22" W a distance of 305.69 feet from an existing 1/2" rebar;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 363 Page 53 of the Transylvania County Registry the following (2) courses and distances:

- (1) S 27°10'42" W a distance of 420.04 feet to an existing 1 1/4" iron pipe;
- (2) S 23°14'13" E a distance of 130.46 feet to an existing 5/8" rebar; said rebar being a common corner of Document Book 730 Page 412, Deed Book 363 Page 53, Document Book 560 Page 344 and Document Book 721 Page 395 of the Transylvania County Registry; and located N 23°11'23" W a distance of 123.61 feet from an existing 5/8" rebar set with a "Raxter" cap;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Document Book 721 Page 395 of the Transylvania County Registry S 82°14'09" W a distance of 222.19 feet TO THE TRUE POINT OF BEGINNING.

Being all of a tract of land containing 64.54 Acres, being the same more or less, according to a Plat of survey recorded in Plat File 16 Page 443 of the Transylvania County Register of Deeds by Kee Mapping and Surveying, PA (License # C-3039) on and between the dates of 01/26/15-02/06/15 and under the supervision of Nolan R Carmack, NC PLS (License # L-5076) and should be referenced for a more complete description.

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

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

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

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

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

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

Adopted and approved this the 21st day of September, 2015.

L. Unfinished Business

L-1. Resolution No. 2015-XX Adding Assault On The Carolinas to City Sponsored Special Events.

Council members agree the Assault On The Carolinas is a good event that helps brand the community at large and provides assistance to many local non-profit organizations. Mr. Jones stated the City could consider a partnership of providing City services such as police and fire staffing assistance and the waiving of permit fees rather than dollars from the City.

Mr. Landreth moved, seconded by Ms. Hollingsworth, the Pisgah Forest Rotary be invited to present a case for partnership to be a City sponsored event at their earliest convenience.

Discussion: Council's policy has been to have non-profits come to the March Budget Input meeting to make a sponsorship request. In keeping with the policy it would be best to encourage the Rotary representative(s) to come at that time.

Vote on the Motion:

Aye: Ms. Hollingsworth, Mr. Dickson

Nay: Mr. Landreth, Mr. Morrow and Mr. Jones

Motion failed.

Mr. Morrow moved, seconded by Mr. Jones, to invite Pisgah Forest Rotary to present their case to Council in March. Motion carried unanimously.

M. New Business

M-6. Comprehensive Plan Update – Mr. Cobb presented his staff report (on file). Using power point slides he provided an outline and overview of the status of the draft Plan. Work began on updating the City's Comprehensive Plan in December of 2012. Public input sessions focused on a variety of topics were held January through May 2013. Staff and Planning Board took the input and crafted the draft plan throughout the latter half of 2013 with the Planning Board's draft completed and recommended for Council's approval consideration in January 2014. Council was presented this version

at their January 2014 annual retreat. A series of work sessions throughout 2014 were held with Council in order to review and make recommended changes to the draft Plan.

The Comprehensive Plan is the primary guidance document for the City's future growth and development policies. The Plan's primary function is to outline in writing the policy the community intends to pursue with respect to growth and development, and to determine steps necessary to put the policy into effect. There has been consensus among Council that the Comprehensive Plan be completed and adopted before Staff proceeds with small area plans, including the Railroad Avenue Small Area Plan, as the Comprehensive Plan will shape how the City develops and implements small-area plans.

Staff recommends Council review the latest draft of the Comprehensive Plan and set the public hearing for the October 19th Council meeting. The draft Plan will be placed upon the City's website for public review prior to the public hearing.

Mr. Jones moved, seconded by Ms. Hollingsworth, that Council accept the Staff recommendation and to schedule a public hearing on the Comprehensive Plan for Council's October 19th meeting. Motion carried unanimously.

~~ At 8:54 PM Mayor Harris called for a ten minute break. ~~

M-7. Short-Term Rentals.

Mr. Fatland stated at Council's August meeting a citizen expressed concerns at Brevard having short-term rentals and their impact upon residential neighborhoods. In response, Council directed staff to review the situation and to report to Council. Staff has done so and Mr. Bland is prepared to report his findings.

Mr. Bland presented his staff report (on file). Short-term rental units, such as those that appear on the websites AirBnB.com and VRBO.com are a form of lodging where a property owner (called the "host") rents out a room, bed, or entire house for a stay of less than one month for a fee; the host may or may not live in the unit. A quick search of four of the most popular online rental sites returns approximately 100 listings within Brevard's jurisdiction. Proponents argue that short-term rentals contribute to the local economy, especially in high tourism areas, by encouraging more visitors and allowing homeowners to make extra income. Critics say short-term rentals erode the character of residential areas, bring problems like noise and traffic, unfairly compete with hotels and traditional B&B's that pay taxes and are regulated by a variety of agencies, and take units out of available housing stock thereby adding to affordable housing problems.

Currently, no specific land use in the UDO is listed for these types of short-term rentals. The closest existing use listed in the UDO is the lodging use of "rooming or boarding house" which is permitted by right in the NMX, DMX, CMX and IC zoning districts, and is prohibited in the GR district. Staff believes existing regulations are inadequate to address the unique issues of short-term rentals, and that new language should be adopted to fill this gap. It is Staff's opinion short-term rentals should be allowed in appropriate zoning districts with standards to address potential negative impacts on neighborhoods such as increased traffic, parking and noise.

Mayor Harris stated recently three citizens have approached him expressing their concerns that: (1) Credentials (drivers license) is required when staying at a hotel but not likely so when staying at a short-term rental. Could a sexual predator more easily stay without detection?; (2) Short-term rentals make it hard to find year-round housing rentals as owners receive more dollars with short-term rentals vs long term rental; and, (3) Short-term rentals disturb the peace and tranquility of their neighborhood.

Council discussed while those living in a residential neighborhood have a reasonable expectation to not have a home that's operating more like a hotel next door

to them, there may also be an issue of a lack of lodging available; It would be interesting to get feedback from folks who are currently renting out their houses and/or operating cottages; interested in getting occupancy rates from TDA; not interested in squashing the idea or market as short-term rentals could work well provided some guidelines are established.

Mayor stated that based upon Council's discussion and interest, consensus is for staff to pursue the subject further.

M-8. Pedestrian/Bike Trail System.

Mr. Fatland stated the Council Bike, Trails and Recreation Committee has met on the subject and Mr. Freeman is prepared to report the Committee's recommendations.

Mr. Freeman report the draft of the Bicycle and Pedestrian Plan, as provided in the agenda packet, has been completed. In the process of developing the Plan the Committee felt it important to establish a name that represents the entire network of the trail system, while still allowing for segments of the system, like Estatoe Trail, to be named. A "Name Our Trail System Contest" was promoted and the Committee received about seventy suggested names for the trail system. Committee unanimously agreed the chosen name should be a name that is memorable and easy to recall. The unanimous recommendation was, "Brevard Area Trail System", the "B.A.T." "Get on the BAT", "Visit the BAT", "While on the BAT I walked the Estatoe Trail", can easily be remembered and associated. The name coming in second was "Estatoe" as it speaks to our history, culture and natural resources.

Following a brief discussion, Mr. Landreth moved, seconded by Ms. Hollingsworth, Council approve the Resolution naming the trail system "Brevard Area Trail System" as recommended by the Committee. Motion carried unanimously.

RESOLUTION NO. 2015-25

A RESOLUTION NAMING THE CITY OF BREVARD'S NETWORK OF GREENWAYS, BIKE / HIKE PATHS, BIKE LANES, SIDEWALKS AND TRAILS

WHEREAS, Brevard City Council desires to establish a name for the City of Brevard's network of greenways, bike / hike paths, bike lanes, sidewalks and trails; and,

WHEREAS, the City of Brevard Parks, Trails & Recreation Committee unanimously recommended that Brevard City Council adopt "Brevard Area Trails" as the official name for the City of Brevard's network of greenways, bike / hike paths, bike lanes, sidewalks and trails.

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

Section 1. Brevard City Council hereby adopts "Brevard Area Trails" as the official name for the City of Brevard's network of greenways, bike / hike paths, bike lanes, sidewalks and trails.

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

Adopted and approved this 21st day of September, 2015.

N. Remarks By Officials / Future Agenda Considerations

Mayor Harris shared a bronze plaque for the naming of the Public Works facility in honor of former Mayor Pro Tem Cornelius Hunt has arrived, and asked the Manager if a date for the dedication has been set.

Mr. Fatland responded we are waiting on signage and will soon coordinate with the family a date for a dedication service.

Mr. Morrow shared he attended the candidates forum and appreciates the comments offered by Council Members Jones and Landreth. The City is in good hands.

Ms. Hollingsworth expressed concern with the recent news of the County's consideration of building a new courthouse on Morris Road, with the Commissioners to make a decision as early as this coming November. It is important for all to understand the full impact of such a move and to have an open dialog on the issue as it affects our entire community. It would be good to discuss together, perhaps a workshop with the County Commissioners and City Council would be good.

Ms. Hollingsworth moved, seconded by Mr. Morrow, the Manager request a meeting with the Board of Commissioners to discuss and fully understand the impact of such a move.

Discussion: Mr. Landreth asked if the motion would include requesting from the Commissioners their plan for the reuse of the courthouse.

Ms. Hollingsworth amended the motion, seconded by Mr. Morrow, to include when requesting a meeting or workshop to also request the Commissioners to share their plan for the reuse of the courthouse. Motion carried unanimously.

O. Closed Session – Mayor Harris asked the City Attorney if it would be appropriate for Council to hold closed sessions to discuss matters of economic development and potential litigation. City Attorney advised pursuant to **GS § 143-318.11. (a)(3) (4)** it would be appropriate to convene provided separate closed sessions on the matters are held. Each closed session will require a separate motion, second and vote to discuss the matter. Council will enter and exit regular session for each closed session.

Closed Session #1 - At 9:58 p.m. Ms. Hollingsworth moved, seconded by Mr. Jones, Council go into closed session to discuss an economic development matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager and Finance Director, City Clerk, Planning Director, Project Development Director, and Mr. Josh Hallingse, Transylvania Partnership for Economic Development. (A brief break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session – At 10:45 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.

Closed Session #2 – At 10:45 p.m. Mr. Landreth moved, seconded by Mr. Jones, Council go into a second closed session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager and Finance Director, City Clerk and Planning Director.

Council Returned to Regular Session – At 11:02 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.

Closed Session #3 – At 11:02 p.m. Ms. Hollingsworth moved, seconded by Mr. Landreth, Council go into a third closed session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager and Finance Director, City Clerk and Planning Director.

Council Returned to Regular Session – At 11:11 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, Mr. Morrow moved, seconded by Mr. Dickson, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 11:11 P.M.

Jimmy Harris
Mayor

Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: _____

Certificates / Awards / Recognition

STAFF REPORT

Date: October 19, 2015

Title: Life Safety Award

From: Craig F. Budzinski
Approved by: Jim Fatland, City Manager

Executive Summary:

The Life Safety Award will be presented to Daniel Futrelle.

Background:

Dan saved a life by his quick actions on October 14, 2014, at Full Gospel Church.

Fiscal Impact:

None

Policy Impact:

None

Staff Recommendation:

Present Life Safety Award to Daniel Futrelle



CITY of BREVARD

95 West Main Street
Brevard, North Carolina 28712

October 19, 2015

Firefighter Daniel Futrelle
City of Brevard Fire Department
Post Office Box 208
Brevard, NC 28712

RE: Life Saving Award

Dear Daniel:

On behalf of the members of the Brevard City Council, all City employees, and all residents of our community, I commend you for your quick action in saving a life.

The incident occurred October 14, 2014, at the Full Gospel Church in Brevard and this prompt action, which successfully revived the patient who had no respirations, shows your dedication, training and professionalism. Your action and presence among us brings credit upon your fellow firefighters, the fire department and the City of Brevard.

My compliments and that of the entire City Council to you and the Brevard Fire Department on a job well done. Because of you and others like you in the Fire Department, the whole City can rest in the confidence of your readiness to serve and protect our community.

Sincerely yours,

Jimmy Harris
Mayor

The City of Brevard

Life Saving Award

Daniel Futrelle

In Recognition for Actions at the Full Gospel Church on October 14, 2014.
Saving a Life through your quick actions.

October 19, 2015

Fire Chief, Craig F. Budzinski

Mayor, Jimmy Harris

STAFF REPORT

Date: October 19, 2015

Title: Recognition Of Achievement

From: Chief Craig F. Budzinski
Approved by: Jim Fatland, City Manager

Executive Summary:

The Recognition of Achievement for years of service will be awarded to City of Brevard Firefighters and Chaplain

Background:

Fire Department Chaplain Morris Davis has retired with 35 years of service. Steven Denton Gravely has retired with 30 years and Gary Keener with 23 years. All three will be presented with a plaque from the City and the State of North Carolina Order of the Long Leaf Pine Certificate.

Fiscal Impact:

None

Policy Impact:

None

Staff Recommendation:

Present Achievement Awards to Brevard Firefighters and Chaplin

Public Hearing(s)



The City of
Brevard
North Carolina

NEW BUSINESS STAFF REPORT

October 19, 2015

Title: Petition for Voluntary Contiguous Annexation
Speaker: Daniel Cobb AICP, Planning Director
Prepared by: Daniel Cobb AICP, Planning Director
Approved by: Jim Fatland, City Manager

EXECUTIVE SUMMARY: Council will conduct a public hearing to consider a Petition for voluntary contiguous annexation by Pisgah Forest Outdoors, LLC.

BACKGROUND: On June 15, 2015, Pisgah Forest Outdoors, LLC, submitted a petition for voluntary contiguous annexation of their property located on US Highway #276, 11 Mama's Place, Suite A and Suite B, Pisgah Forest, NC 28768, (Tract D Revised), consisting of 1.94 acres. Transylvania County Property Identification Number: 8597-45-4982

DISCUSSION: Council directed the Clerk to investigate the sufficiency on August 17, 2015, by Resolution No. 2015-19. The City Clerk has investigated, and consulted with the City Attorney, and found the Petition is signed by all owners of real property lying in the area described therein, in accordance with NCGS 160A-31. Council directed the City Clerk to schedule a public hearing at its meeting on September 21, 2015.

Planning Board unanimously recommended approval of the annexation as presented.

POLICY ANALYSIS: None.

STAFF RECOMMENDATION: Staff recommends Council take action to approve the annexation as presented.

FISCAL IMPACT: Please refer to the attached annexation report for a financial and service impact analysis of the proposed annexation.

**ANNEXATION REPORT
Pisgah Forest Outdoors, LLC
US Highway 276 / Pisgah Highway**

Date: October 19, 2015

Property Description:

PIN: 8597-45-4982-000

Owner: Pisgah Forest Outdoors, LLC

340 Maple St.

Brevard, NC 28712

Plat File: 16

Slide: 396

PIN: 8597-45-4982-000

BACKGROUND:

Pisgah Forest LLC requests voluntary contiguous annexation of the subject properties described herein.

GOVERNING STATUTES:

Voluntary annexations are governed by North Carolina General Statute 160A-31. The subject property qualifies for annexation under NCGS 160A-31.

SERVICE DELIVERY IMPACT ANALYSIS:

Administration / Finance / Human Resources:

Future development upon the subject properties will be connected to City water and waste water. This will result in additional meter reading and billing duties for the Finance Department. Impact is deemed to be negligible.

Law Enforcement Services:

The proposed annexation will bring the subject properties within the law enforcement jurisdiction of the Brevard Police Department. At the present time, this will result in no measurable impact. Future impacts will be dependent upon the form of future development upon the subject properties.

Fire Services:

The proposed annexation will have no immediate impact upon the Fire Department as the subject parcel is already within the Fire Department's service area. Future impacts will be dependent upon the form of future development upon the subject properties.

Solid Waste Collection & Recycling:

The proposed annexation will result additional solid waste collection points and revenues. Impact is deemed to be negligible.

Street & Sidewalk Maintenance:

Approximately 190 feet of new sidewalk will be dedicated to the City once the development of The Hub at Backcountry Outdoors is complete. Impact is deemed to be negligible.

Street Lighting:

NA.

Water Production & Distribution:

The proposed annexation will result in an estimated additional 1,465 gallons per day of water and wastewater treatment and collection. Capacity exists for this additional flow.

Waste Water Collections and Treatment:

The proposed annexation will result in an estimated additional 1,465 gallons per day of water and wastewater treatment and collection. Capacity exists for this additional flow.

Buildings & Grounds / Parks & Recreation Services:

NA.

Planning Services:

Future impacts will be dependent upon the form of future development upon the subject properties.

Financial Summary:

REVENUE SOURCE ANNUAL FISCAL IMPACT / REVENUE

Estimated Future Tax Revenues	\$2,835 ¹
Water Collections	\$163.80 ²
Sewer Collections	\$163.80 ²
Garbage Collections & Disposal	\$204.00
Recycling Collections	\$168.00
Powell Bill Revenues	\$0.00

Total Estimated Annual General Fund

Revenues:

\$2,835.00³

Total Estimated Annual Utility Fund

Revenues:

\$699.60⁴

- (1) Based upon a tax rate of \$0.4725 and an assessed value of 600,000.
- (2) Based on \$13.65/month minimum water charge, \$13.65/month sewer charge
- (3) General Fund estimates do not include miscellaneous revenue streams that could be impacted by the proposed annexation, such as Utility Franchise Taxes and etc.
- (4) Utility Fund estimates do not include one-time impact fees.

SERVICE AREA	ANNUAL FISCAL IMPACT / EXPENDITURE
Administration / Finance / Human Resources	\$0
Law Enforcement	\$0
Fire Protection	\$0
Solid Waste & Recycling	\$0
Street & Sidewalk Maintenance	\$0
Street Lighting	\$0
Water Distribution	\$0
Wastewater Collection	\$0
Water Plant	\$0
Wastewater Plant	\$0
Buildings & Grounds / Parks &	\$0
Recreation	\$0
Planning / Zoning / Code Enforcement	\$0
Total	\$0*

*The property in question is currently located in the City's ETJ, thus many of the services included above are already provided. Additional costs of maintaining new sidewalks is negligible, as is collection and treatment of the expected water and wastewater.

received
6-15-2015

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD

PETITION REQUESTING A CONTIGUOUS ANNEXATION
G.S. 160A-31

Date: 6/15/15

To the City Council of the City of Brevard:

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

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

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

NAME	ADDRESS	Do you Declare Vested Rights? (Yes or No)	SIGNATURE
Pisgah Forest Outdoors LLC			
1. By: Sam Salman	340 Maple St.		
2. <u>[Signature]</u>	Brevard, NC 28712		
	Member Manager		
3. Pisgah Forest Outdoors LLC			
4. By: Jordan Salman - Member Manager			
<u>[Signature]</u>			

Petition should be returned to: City Clerk, City of Brevard, 151 West Main St., Brevard, NC 28712

Attachment "A"

L E G A L D E S C R I P T I O N
TRACT D (Revised) of Plat File 16, Slide 396

Being all of Tract D (Revised) as shown on Plat File 16, Slide 396 and beginning on a 5/8 inch found rebar, the southwest property corner of Lot 2 of the Forest Gate Shopping Center as recorded in Plat File 4, Slide 410 in the Transylvania County Registry

THENCE South 20 degrees 36 minutes 22 seconds West for a total distance of 50.35 feet (passing a 5/8 inch set rebar, 0.3 feet above grade, at 20.29 feet in the northern margin of the 60 foot right of way of U.S. Highway #276) to an unmarked point in the centerline of U.S. Highway 276;

THENCE North 73 degrees 04 minutes 53 seconds West for a distance of 212.31 feet along the centerline of U.S. Highway 276 to an unmarked point in the centerline of U.S. Highway 276, the southeast corner of Big Inc. as recorded in Document Book 591, Page 491 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE following the property line of Big Inc, paralleling more or less an existing barbed wire fence North 14 degrees 47 minutes 53 seconds East for a total distance of 181.70 feet (passing a set 5/8 inch rebar, 0.6 feet above grade, at 30.02 feet in the northern margin of the 60 foot right of way of U.S. Highway #276) to a leaning found concrete monument 0.4 feet above grade at the base of a wooden fence post at the angle point of the barbed wire fence;

THENCE following the property line of Big Inc. North 42 degrees 07 minutes 20 seconds East for a distance of 273.48 feet, paralleling more or less the barbed wire fence to a 1 inch found iron pipe 3.0 feet above grade, a corner of Marvin L. Scott and others as recorded in Document Book 107, Page 197 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE a new line South 69 degrees 23 minutes 38 seconds East for a total distance of 129.95 feet (passing a 5/8 inch set rebar, set at grade, at 99.96 feet in the western margin of a 30 foot wide right of way) to a set 5/8 inch rebar, 0.4 feet above grade, in the line of the Forest Gate Shopping Center as shown on Plat file 4, Slide 410;

THENCE with the line of the Forest Gate Shopping Center South 20 degrees 36 minutes 22 seconds West for a distance of 371.19 feet to a 5/8 inch found rebar the point and place of beginning

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.94 acres more or less.

LEGEND

- PAV. THE PAVEL IDENTIFICATION MARKED WITH RED ON WITH PLASTIC IS CAP
- P.F. PL. PLAT FILE SLICE
- CP CALCULATED POINT
- FP FOUND POINT
- FM FOUND MARK
- FR FOUND REBAR
- CO CONTOUR LINE
- ROB OF TRV FOUND CONCRETE REBAR
- REB ROD, PAKE
- DOC. BK., PG. DOCUMENT BOOK, PAGE
- ABD ABOVE GRADE
- ORSHALL
- AND OFFICE
- SMILE TV BOX
- UTILITY POLE
- TELEPHONE BOX
- CATCH BASIN
- ELECTRIC TRANSFORMER
- SURVEY SEWER MANHOLE
- ASPHALT
- CEL. ROAD

OWNER CERTIFICATION-ANNEXATION

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

DATE _____ OWNER(S) _____

DATE _____ OWNER(S) _____

**STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA**

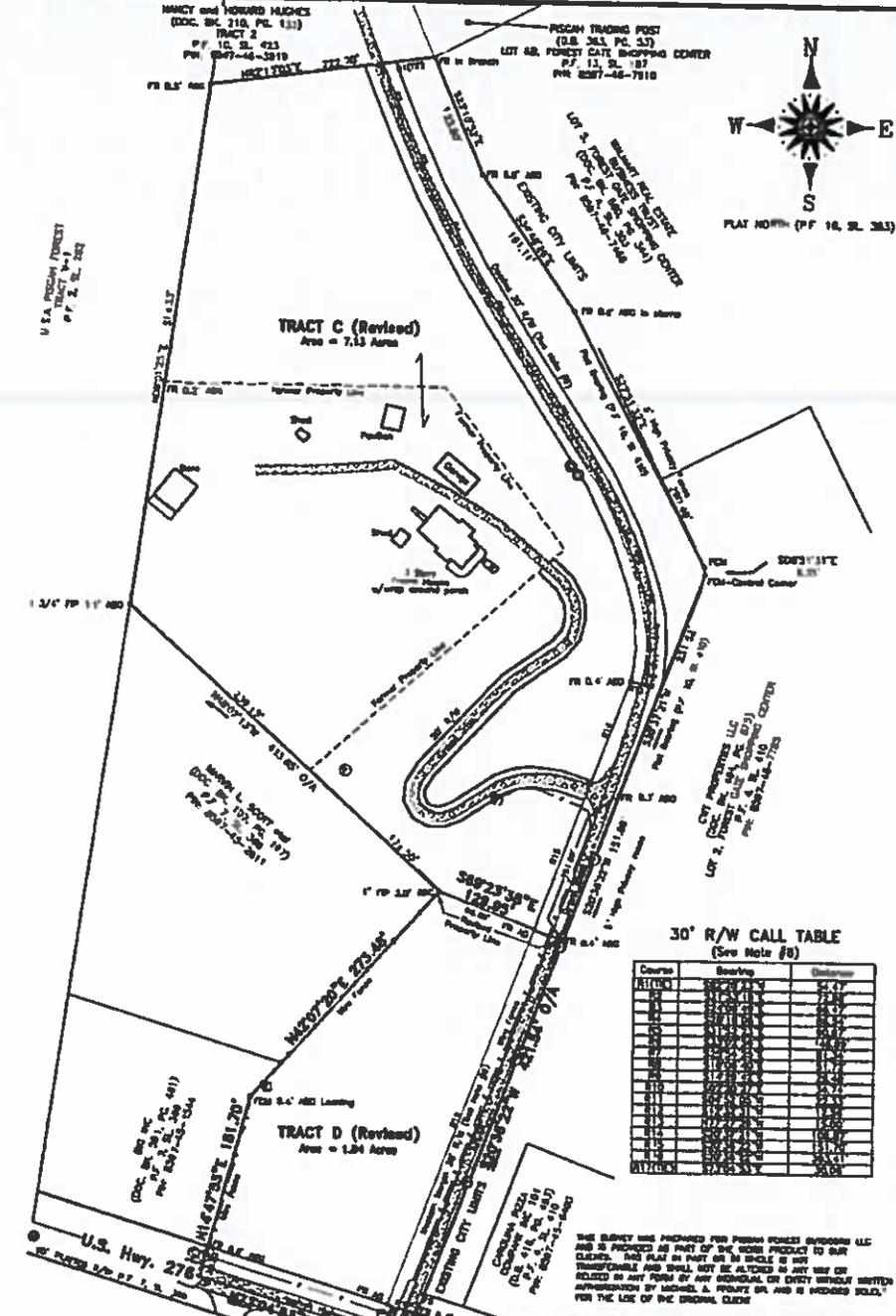
I, _____ REVENUE OFFICER OF TRANSYLVANIA COUNTY, CITY OF BREVARD, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS ATTACHED MEETS ALL STATUTORY REQUIREMENTS FOR ACCORDANCE.

REVENUE OFFICER _____ DATE _____

NOTES:

- 1) SURVEYED ON DECEMBER 2014 AND APRIL, 2011
- 2) AREA OF ANNEXATION TRACT D (Revised) = 1.24 ACRES (SURVEY)
- 3) AREA IS CALCULATED BY COORDINATE COMPUTATION
- 4) THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THIS PROPERTY IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS OF RECORD BOTH SHOWN AND NOT SHOWN HEREON.
- 5) PLAT REFERENCE: P.F. 1, SL. 302; P.F. 8, SL. 434; P.F. 1, SL. 300; P.F. 10, SL. 418; P.F. 10, SL. 423; P.F. 10, SL. 342; P.F. 16, SL. 300; D.O.C. BK. 181, PG. 112; D.O.C. BK. 481, PG. 482; D.O.C. BK. 310, PG. 123; D.O.C. BK. 481, PG. 434; D.O.C. BK. 731, PG. 289; D.O.C. BK. 731, PG. 283
- 6) DEED REFERENCE: D.O.C. BK. 181, PG. 112; D.O.C. BK. 481, PG. 482; D.O.C. BK. 310, PG. 123; D.O.C. BK. 481, PG. 434; D.O.C. BK. 731, PG. 289; D.O.C. BK. 731, PG. 283
- 7) THE PARCEL IDENTIFICATION NUMBER TRACT D IS 2047-45-4822. PLAT FILE 10, SLICE 343 SHOWED A 30' R/W OF 30 FEET ALONG THE EASTERN PROPERTY LINE OF TRACT D ENCUMBRING THE EXISTING CANAL ROAD. D.O.C. BK. 371, PG. 357 HAS RECORDED THAT R/W AS BEING 30 FEET WIDE. BECAUSE OF THE PROXIMITY OF THE CANAL TO THE EASTERN PROPERTY LINE THERE IS INSUFFICIENT WIDTH FOR A 30 FOOT WIDE 30' R/W (15 FEET) ON EACH SIDE OF THE EXISTING CANAL ROAD THEREFORE THE 30 FOOT WIDE 30' R/W IS BEING REDUCED AS BEING 30 FEET TO THE WEST OF THE EXISTING EASTERN PROPERTY LINE FROM ITS PROXIMITY WITH THE 30 FOOT WIDE 30' R/W OF U.S. HIGHWAY 276. HENCE TO A POINT (AS SHOWN HEREON BY BEARING AND DISTANCE) WHERE THERE IS SUFFICIENT WIDTH FOR A 30 FOOT WIDE 30' R/W (15 FEET) ON EACH SIDE OF THE EXISTING CANAL TO BE ADJACENT WITH THE ORIGINAL CONTIGUOUS PLAT CALLS. ALL C/P, D/LLS IN THE ACCOMPANYING CALL TABLE ARE TO CALCULATED POINTS. THE CALLS ARE TAKEN FROM P.F. 8, SL. 434. THE METHOD OF THE CALLS GIVEN IS TO SUCCESSFULLY FOLLOW THE CONTIGUOUS OF THE EXISTING CANAL BY PLAT (SEE ADJ) AND ARE CONTROLLED BY THE LOCATION OF THE MARK BY SURVEY. THE 30 FOOT 30' R/W FOR THE CANAL CANAL IS AN EFFECT FOR TO DEFINE LENGTH THROUGH TRACT C (Revised) & D (Revised) AS SHOWN HEREON.

G.S. 47-30 (11) a.1.
I, MICHAEL A. FROST, JR., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
I, MICHAEL A. FROST, JR., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION FROM INFORMATION FOUND IN PLAT FILE 10, SLICE 343 AND THAT THE BELIEVED NOT SURVEYED ARE CLEARLY INDICATED AS SHOWN FROM INFORMATION REFERENCED HEREON THAT THE BOUND OF PROVISION AS CALCULATED BY LATITUDE AND DISTANCES BEFORE ADJUSTMENT IS NOT LESS THAN 1' THEREON AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.



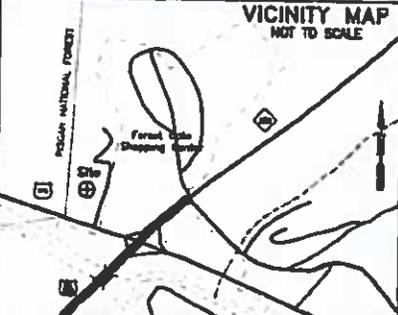
30' R/W CALL TABLE
(See Note #8)

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CITY OF BREVARD-ANNEXATION

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

CITY CLERK _____



PREPARED BY
CAROLINA MOUNTAIN SURVEYING
PURN LICENSE NUMBER 87-1206
157 NORTH BROAD STREET, SUITE 2
BREVARD, NORTH CAROLINA 27812
(828) 893-2970
CMSURVEYING@COMCAST.NET

ANNEXATION PLAT-ORDINANCE No. _____
PREPARED FOR
PISGAH FOREST OUTDOORS LLC
ADDRESS _____
TAX PARCEL IDENTIFICATION NUMBER 8597-45-4982
OF PROPERTY SITUATE IN
**BREVARD TOWNSHIP
TRANSYLVANIA COUNTY, NORTH CAROLINA**

DATE: **JUNE 01, 2015**

FIELD RECORD: **DATA COLLECTOR**

OWNER NUMBER: **CMS14109-ANNEX**

COORDINATE FILE: **CMS14109.CRD**

PROJECT NUMBER: **CMS14109**

GRAPHIC SCALE - FEET WRITTEN SCALE 1"=80'

- NOTES:**
- 1) SURVEYED IN DECEMBER 2014 AND APRIL 2015.
 - 2) AREA OF ANNEXATION TRACT D (Revised) = 1.94 ACRES (SURFET)
 - 3) AREA IS CALCULATED BY COORDINATE COMPUTATION
 - 4) THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THUS THIS PROPERTY IS SUBJECT TO ALL RIGHT-OF-WAYS, COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD BOTH SHOWN AND NOT SHOWN HEREOF.
 - 5) PLAT REFERENCE: P.F. 2, SL. 262; P.F. 9, SL. 434; P.F. 7, SL. 368; P.F. 10, SL. 410; P.F. 10, SL. 423; P.F. 18, SL. 383; P.F. 14, SL. 396; P.F. 10, SL. 410; P.F. 10, SL. 423; P.F. 18, SL. 383; P.F. 14, SL. 396; DOC. BK. 210, PG. 125; DOC. BK. 481, PG. 634; DOC. BK. 721, PG. 387; DOC. BK. 721, PG. 389
 - 6) DEED REFERENCE: D.B. 104, PG. 101; DOC. BK. 115, PG. 492; DOC. BK. 210, PG. 125; DOC. BK. 481, PG. 634; DOC. BK. 721, PG. 387; DOC. BK. 721, PG. 389
 - 7) TAX PARCEL IDENTIFICATION NUMBER TRACT D: 8997-45-4982
 - 8) BECAUSE OF THE PROXIMITY OF THE GRAVEL DRIVE TO THE EXISTING PROPERTY LINE THERE IS INSUFFICIENT WIDTH FOR A 30 FOOT WIDE R/W (15 FEET) ON EACH SIDE OF THE EXISTING GRAVEL ROAD THEREFORE THE 30 FOOT WIDE R/W IS BEING DENIED AS BEING 30 FEET TO THE WEST OF THE EXISTING EASTERN PROPERTY LINE FROM ITS INTERSECTION WITH THE 60 FOOT WIDE R/W OF U.S. HIGHWAY 276 TO A POINT (AS SHOWN HEREOF BY BEARING AND DISTANCE) WHERE THERE IS SUFFICIENT WIDTH FOR A 30 FOOT WIDE R/W (15 FEET) ON EACH SIDE OF THE EXISTING GRAVEL DRIVE TO RESUME WITH THE ORIGINAL CENTERLINE PLAT CALLS. ALL C/A CALLS ARE TAKEN FROM THE ORIGINAL CENTERLINE PLAT CALLS. THE CALLS ARE TAKEN FROM P.F. 9, SL. 434. THE INTENT OF THE CALLS GIVEN IS TO GENERALLY FOLLOW THE CENTERLINE OF THE EXISTING DRIVE BY PLAT (SEE NOTE #3 IN P.F. 9, SL. 434) AND ARE CONTROLLED BY THE LOCATION OF THE DRIVE BY SURVEY. THE 30 FOOT R/W WIDTH FOR THE GRAVEL DRIVE IS IN EFFECT FOR ITS ENTIRE LENGTH THROUGH TRACTS C (Revised) & D (Revised) AS SHOWN HEREOF.

G.S. 47-30 (11) c.1.
 I, MICHAEL A. PROUTZ Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAN IS OF AN EXISTING PARCEL, OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 I, MICHAEL A. PROUTZ Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY PARTICIPATION FROM INFORMATION FOUND IN PLAT FILE 18, SLIDE 388, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION REFERENCED HEREOF, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES BEFORE ADJUSTMENT IS NOT LESS THAN 1 : 10,000; AND THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, ADDRESS, NUMBER, AND SEAL THIS THE TENTH DAY OF JUNE 2015, A.D.
 MICHAEL A. PROUTZ Sr.
 SUPERVISOR L-4458



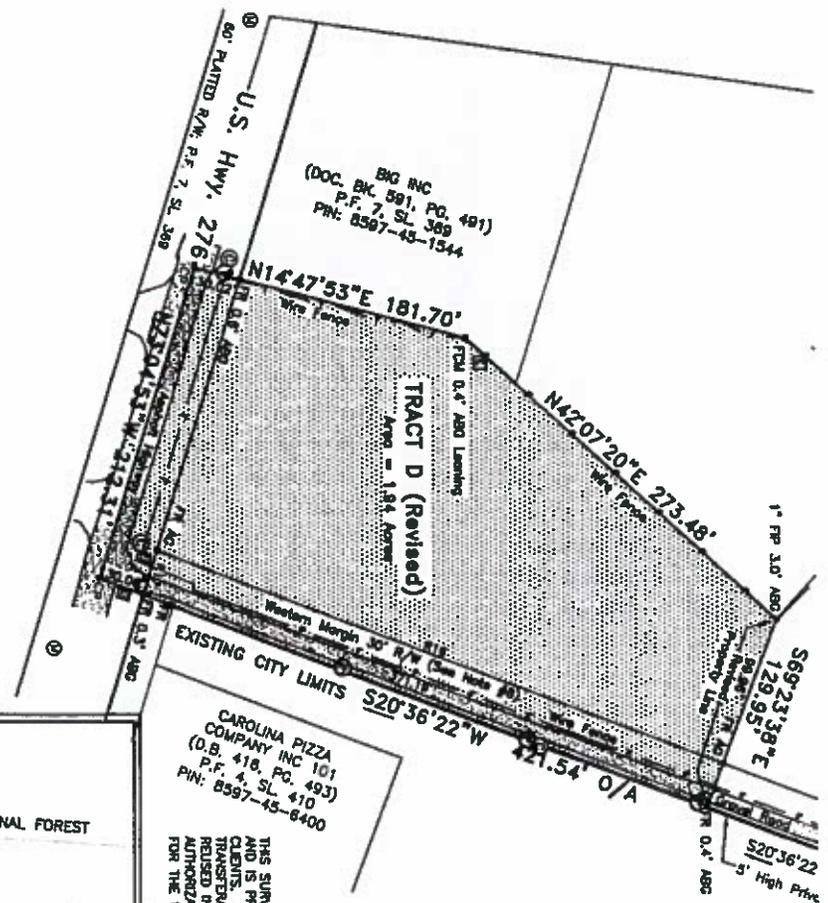
PREPARED BY
CAROLINA MOUNTAIN SURVEYING
 FIRM LICENSE NUMBER #P-1206
 137 NORTH BROAD STREET, SUITE 2
 BREVARD, NORTH CAROLINA 28712
 (828) 888-2870
 CMSURVEYING@COMPTONUM.NET

PREPARED FOR
ANNEXATION PLAN-ORDINANCE No. _____
PISGAH FOREST OUTDOORS LLC
 340 MAPLE STREET, BREVARD, NC 28712
 TAX PARCEL IDENTIFICATION NUMBER: 8597-45-4982
 OF PROPERTY SITUATE IN
 BREVARD TOWNSHIP
 TRANSYLVANIA COUNTY, NORTH CAROLINA

DATE: JUNE 10, 2015
 FIELD RECORDS: DATA COLLECTOR
 DRAWING NUMBER: CMS1 810
 COORDINATE SYSTEM: CMS1 41
 PROJECT NUMBER: CMS1
 SCALE: GRAPHIC SCALE - FEET WRITTEN SCALE: 1"=60'

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

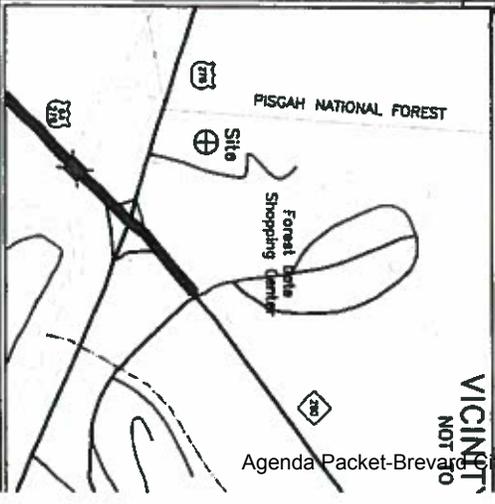
CITY CLERK



30' R/W CALL TABLE
 (See Note #8)

Course	Bearing	Dist
R1(TIE)	S89°28'23\"/>	

THIS SURVEY WAS PREPARED FOR PISGAH FOREST OUTDOORS LLC AND IS PROVIDED AS PART OF THE WORK PRODUCT OF THIS FIRM. THIS PLAN IN PART OR IN WHOLE IS NOT TRANSMITTABLE AND SHALL NOT BE ALTERED IN ANY MANNER WITHOUT THE WRITTEN AUTHORIZATION OF MICHAEL A. PROUTZ Sr. AND HIS FIRM FOR THE USE OF THE ORIGINAL CLIENT.



This plan Michael A. Proutz Sr. 8597-45-4982



The City of *Brevard* North Carolina

PUBLIC HEARING STAFF REPORT

October 19, 2015

Title: 2015 Comprehensive Plan Adoption
Speaker: Daniel Cobb AICP, Planning Director
Prepared by: Daniel Cobb AICP, Planning Director
Aaron Bland AICP, Planner & Assistant
Zoning Administrator
Approved by: Jim Fatland, City Manager

EXECUTIVE SUMMARY: Council will conduct a public hearing and consider adoption of the latest draft of the update to the City's Comprehensive Plan.

BACKGROUND: Work officially began on updating the City's Comprehensive Plan in December of 2012 and public input sessions were held January through May of 2013. The Plan was then crafted by the Brevard Planning Board and the Board's official recommended draft was approved on January 2, 2014. Council was presented this version on January 31, 2014 at their Annual Retreat.

Following a series of work sessions throughout 2014 to cover the plan's various key topic areas, Council discussed the comprehensive plan update at their January 8, 2015 work session. Following this meeting Staff incorporated feedback, including modifying the design of the document for a more simple, reader-friendly appearance.

Council was presented the final version at their meeting on September 21, 2015.

DISCUSSION: Once adopted, the Comprehensive Plan will help guide the completion of several small area plans throughout the City, as well as the forthcoming form-based codes. This will allow those plans and codes to be crafted in such a way that they help the City achieve the goals as presented in the Comprehensive Plan.

An resolution adopting the 2015 Comprehensive Plan is included with this Staff report as Exhibit A.

POLICY ANALYSIS: The Comprehensive Plan is the primary guidance document for the City's future growth and development policies. The plan's primary function is to outline in writing the policy the community intends to pursue with respect to growth and development, and to determine steps necessary to put the policy into effect. As a tool for city staff and elected officials, the plan enables the City to anticipate changes and to guide those changes in an effective, efficient, and orderly manner that is consistent with the desires of the community.

In addition to being a part of sensible growth management, the City must have a current plan in place to receive certain state funds. Comprehensive land use plans are typically updated every 10 years; the last update to Brevard's plan was in 2002.

STAFF RECOMMENDATION: Staff recommends approval of the plan as presented.

FISCAL IMPACT: None at this time. As small area plans are developed in the coming months they will include recommended action steps that may have fiscal impact on the City. As those plans are being drafted fiscal analysis will be conducted and presented to Council.

Attachments:

- Exhibit A – Resolution
- Attachment A – Comprehensive Plan document

RESOLUTION NO. 2015-____
A RESOLUTION ADOPTING THE
2015 COMPREHENSIVE PLAN

WHEREAS, the City of Brevard's Comprehensive Plan contains the general policy of the City Council to be used as a guide for development, the scheduling of capital improvements, preparation of budgets and ordinances, and operating procedures to implement the plan; and,

WHEREAS, it is the intent of the City Council to maintain and amend this Comprehensive Plan as the official statement of City Council concerning the future development of the City of Brevard; and,

WHEREAS, the City has devoted considerable time and attention to the development of the Comprehensive Plan; and,

WHEREAS, the City has solicited public comment and input on the content of this plan including informal public meetings, Planning Board review, and a formal public hearing held October 19, 2015; and,

WHEREAS, after review and consideration of the Comprehensive Plan, it is the desire of the City Council of the City of Brevard to approve the plan as presented.

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

SECTION 01. That the 2015 Comprehensive Plan as presented at the October 19, 2015 public hearing be approved and adopted as the comprehensive plan for the City of Brevard.

SECTION 02. This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 19th day of October, 2015

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

City of Brevard 2015 Comprehensive Plan

Plan Functional Elements

Arts & Culture



Brevard enjoys a rich mix of artistic and cultural resources, from music venues to historic sites to multi-day festivals. These valuable cultural resources provide opportunities for residents and visitors to experience a wide array of cultural programs. This wealth of resources lends greatly to Brevard's exceptional sense of place and quality of life.

Economic Health



As Brevard looks to further existing efforts to foster entrepreneurship, retain and attract employers, remain an attractive retirement and tourism destination, and support and strengthen existing businesses, it also must continue to grow its tax base in order to continue to provide essential municipal services.

Environmental Health



Brevard's exceptional quality of life is sustained in large part by the sense of community encouraged by our small-town atmosphere in a beautiful natural setting. A key challenge for Brevard will be balancing development demand with environmental sustainability.

Livable Community



As the City continues to strive to be an above average place to live, work, and play, Brevard must find ways to maintain, enhance, and build upon its distinctive small-town charm, and remain a livable community for everyone.

Infrastructure



Brevard must plan for efficient and equitable infrastructure investments to continue to be a distinguished and attractive community. The form and function of all infrastructure – transportation, amenities, and utility systems – plays a significant role in defining Brevard's ability to take on new growth and development, as well as maintaining its quality of place.

Direction-Setting Framework

This plan includes the direction-setting framework for each of the five functional elements. The purpose of direction-setting framework is to provide a clear, relevant basis for the City's growth and development over the next several years, organized into three components: goals, objectives, and policies:

- **Goals** – ideal future conditions to which the community aspires; aims to be pursued over time
- **Objectives** – measureable outcomes which gauge achievement towards reaching the goals
- **Policies** – actions or requirements necessary to achieve the goals and objectives; guidelines for day-to-day (present) and planning (future) decisions

Element 1: Arts & Culture 🎨



OVERVIEW

A community’s arts and culture is the product of shared experience through its traditions, customs, values, heritage, and history. It is comprised of musical, artistic, religious, and historical institutions, as well as the skills and practices that provide a depth and richness that creates opportunities to build connections between people through shared values and common experiences.

Brevard celebrates its artistic, cultural, and musical heritage and recreational opportunities through a number of high-quality public festivals, multiple music, film, and theatre venues, a multitude of art studios and galleries, historic museums and sites, and much more.

Blessed with such a wealth of artistic and cultural assets, Brevard is the center of religion, arts, and culture in Transylvania County. Brevard is home to a number of important institutions and organizations, whose mission is to preserve, celebrate, and share Brevard’s world-class arts and culture amenities. Arts and culture have always been an important part of Brevard’s character, and will continue to be a vital part of Brevard’s future.

MONITORING & INDICATORS

In order to be effective, the City must continually monitor its progress towards achieving the vision and goals laid out in this plan. The following indicators could be used to monitor and track progress related to arts and culture:

- Attendance estimates for major downtown festivals
- Amount of public art visible from public streets and places
- Investment in festival-supporting infrastructure improvements in the downtown
- Sales revenues at art galleries and box offices

PARTNER ORGANIZATIONS

- Brevard Music Center
- Brevard College
- Transylvania Community Arts Council
- Heart of Brevard
- Tourism Development Authority
- Brevard Philharmonic
- Allison-Deaver House
- Joint Historic Preservation Commission
- Silvermont
- Transylvania Heritage Museum
- Brevard Little Theatre
- Co-Ed Cinema
- Cradle of Forestry
- Pisgah National Forest

DIRECTION-SETTING FRAMEWORK

GOALS

With a diverse range of physical and programmatic cultural resources available to residents and visitors year-round, Brevard will:

- Have arts, culture, and creativity integrated into community life.
- Be a nationally recognized destination for arts, music, and cultural events.

OBJECTIVE 1.1: Brevard will initiate infrastructure investments and improvements in the downtown area that facilitate the use of downtown for festivals, concerts, gatherings, and other cultural events.

POLICY 1.1.A: The City of Brevard will invest in maintaining and improving the physical infrastructure necessary to support festivals and other cultural events within the downtown area.

OBJECTIVE 1.2: Identify areas within the City but outside of downtown that may be improved to support festivals and other types of cultural events.

POLICY 1.2.A: Pursue opportunities to more fully integrate Brevard College into the city by connecting the campus physically to downtown and partnering to utilize the campus' cultural assets

OBJECTIVE 1.3: Increased participation and patronage of existing arts and culture activity centers and events.

POLICY 1.3.A: Support the establishment of a permanent Farmer's Market that is walkable from downtown and utilize it as an anchor of economic and cultural vibrancy.

POLICY 1.3.B: Develop a walking and cycling connection between downtown and Brevard Music Center.

POLICY 1.3.C: Work with neighborhood organizations to develop and operate publicly accessible community centers.

POLICY 1.3.D: Promote and increase visibility of the arts and culture activities to reach a national audience.

OBJECTIVE 1.4: Increased public art throughout the City.

POLICY 1.4.A: Collaborate with partners to expand its existing public sculpture program into a broader public art program including various media types.

POLICY 1.4.B: Create flexibility within development ordinances to allow for murals and other forms of public art.

OBJECTIVE 1.5: Additional partnerships with Brevard's music, arts, culture, and outdoor recreation groups and organizations.

POLICY 1.5.A: Prioritize financial support to organizations and events that celebrate Brevard and Transylvania County's artistic and musical heritage, and natural and recreational assets.

POLICY 1.5.B: Advocate for the retention of public and civic institutions within the City's corporate limits, primarily concentrated within the central business district, to maintain Brevard as the County Seat.

POLICY 1.5.C: Establishing working partnership with Handmade in America.

Element 2: Economic Health



OVERVIEW

As Brevard continues to recover from both the closing of the Ecusta and DuPont plants and the Great Recession, the development of a sustainable economy in Brevard, and Transylvania County, has become the leading issue for many residents. A sustainable economy is a place where residents can find jobs and afford to live in the community, where businesses are able and encouraged to open, remain, and grow in the community, and where everyone can expect quality City services and infrastructure.

The objectives and policies in this element aim to further existing efforts to foster entrepreneurship, retain and attract employers, remain an attractive retirement and tourism destination, and support and strengthen existing businesses. To continue to provide the public services necessary to achieve these goals, the City's tax revenues need to keep pace with increasing costs of providing those services.

This element builds on the City's past efforts in being welcoming and conducive to an array of businesses that contribute to the overall character and sense of community. Carrying forward these ongoing economic health efforts will require the City to partner and collaborate with various organizations.

MONITORING & INDICATORS

In order to be effective, the City must continually monitor its progress towards achieving the vision and goals laid out in this plan. The following indicators could be used to monitor and track progress related to economic health:

- Tax base and revenue
- Number of new businesses
- Sales tax collections
- Property values
- Investment into real property
- Number of new utility connections
- City's debt and bond rating

PARTNER ORGANIZATIONS

- North Carolina Main Street Program & NC Department of Commerce
- Transylvania County
- Transylvania Economic Alliance
- Brevard College
- Blue Ridge Community College
- Heart of Brevard
- Asheville Regional Housing Consortium
- Land of Sky Regional Council
- Advantage West

DIRECTION-SETTING FRAMEWORK

GOALS

With an environment that encourages private and public investment built through strategic partnerships and cultivation, Brevard will:

- Be an economically viable community.
- Expand and strengthen its tax base.
- Support reinvestment in existing businesses as well as the establishment of new businesses.

OBJECTIVE 2.1: Expanded tax base. As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.

POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

POLICY 2.1.B: Collaborate with partner organizations and developers to financially support the City's goals for infill development and redevelopment.

POLICY 2.1.C: Prioritize transportation and utility investments within corporate limits to support infill development. This includes evaluating the City's current water and sewer systems to identify gaps in service and under-served areas within the City, prioritizing these areas based upon their potential for supporting new development, and marketing these investments as incentives to attract new development.

POLICY 2.1.D: Strengthen relationship and collaboration with the North Carolina Main Street Program to sustain downtown Brevard as a strong economic and cultural center.

POLICY 2.1.E: Engage with State legislators to develop new revenue mechanisms for local government.

POLICY 2.1.F: Continue to evaluate the Fee Schedule, including utility rates, with each budget cycle to ensure Brevard is an attractive place to locate, expand, and conduct business.

OBJECTIVE 2.2: Increased collaboration and advocacy to encourage and increase investments in both the public and private sectors.

POLICY 2.2.A: Advocate for the establishment of a county-wide investment pool to be used to provide local financing for small business development within Transylvania County.

POLICY 2.2.B: Collaborate with Transylvania County and the Transylvania Economic Alliance to find applications for New Market Tax Credits.

POLICY 2.2.C: Find applications for historic preservation tax credits, and use the credits to encourage private investment.

POLICY 2.2.D: Employ new and creative financing mechanisms, such as special assessments, tax increment financing tools, and others, to support investments in infrastructure.

POLICY 2.2.E: Maintain the City's debt capacity and strong credit rating.

POLICY 2.2.F: Develop a capital improvement plan to plan, schedule, fund, and implement capital investments.

POLICY 2.2.G: Pursue grant resources to support both public capital improvements and private development and redevelopment.

POLICY 2.2.H: Provide financial incentives to encourage additional affordable and workforce housing development.

POLICY 2.2.I: Aggressively pursue funds through the Asheville Regional Housing Consortium to assist in private development of new affordable and workforce housing.

OBJECTIVE 2.3: Retention and expansion of institutions, programs, and services that expand the knowledge, skills, and abilities of our citizens.

POLICY 2.3.A: Advocate for the retention and expansion of the existing small-business incubator at Blue Ridge community College.

POLICY 2.3.B: Support the establishment of an arts-based business incubator within the city.

POLICY 2.3.C: Engage schools, colleges, and area non-profit entrepreneurial support services to explore ways in which the City can assist in their efforts to foster entrepreneurialism and develop an adaptable and technologically proficient workforce.

POLICY 2.3.D: Support Brevard College as a year-round community asset and resource.

Element 3: Environmental Health



OVERVIEW

Brevard and Transylvania County are blessed with an incredible wealth of natural resources that provide scenic views, recreation opportunities, clean air and water, wildlife habitat, and economic development opportunities, all of which contribute to the high quality of life Brevard enjoys.

As pressure increases to develop more and more land, Brevard will be faced with difficult decisions regarding how to best find a balance between the demand for additional urbanized land for homes, roads, stores, and services, with issues of public safety, environmental sustainability, and community character. Striking this balance is critical to protecting the high quality of life our residents expect.

The French Broad and Davidson Rivers, and their various tributaries, create expansive floodplains to the south, east, and north of Brevard, while steep slopes (those with a grade greater than 25%) of the Blue Ridge Mountains of Pisgah National Forest rise to the north and west. These floodplains and steep slopes are sensitive lands, largely unsuitable for development. Preservation of these areas is important most obviously for public safety concerns, as well as viewshed and habitat protection. As suitable land becomes more and more scarce, pressure to develop in these sensitive areas will only increase, prompting greater concerns about aesthetics and public safety.

MONITORING & INDICATORS

In order to be effective, the City must continually monitor its progress towards achieving the vision and goals laid out in this plan. The following indicators could be used to monitor and track progress related to environmental health:

- Farmland acreage
- Amount of development in sensitive areas
- Water quality of urban creeks and the French Broad River
- Soil quality of agricultural land
- Biodiversity of surrounding ecosystems
- Bicycle Friendly Community award level

PARTNER ORGANIZATIONS

- USDA Natural Resources Conservation Service
- US Forest Service
- North Carolina Cooperative Extension Service
- North Carolina Department of Environmental Quality

- Transylvania County Soil and Water Conservation Service
- Transylvania County
- Tourism Development Authority
- Transylvania Economic Alliance
- Carolina Mountain Land Conservancy

DIRECTION-SETTING FRAMEWORK

GOALS

Through appropriate conservation and preservation measures that protect the health and sustainability of the environment and our abundant natural resources, Brevard will:

- Successfully preserve our woods and water for future generations.
- Promote our world-class natural resources as an asset.
- Prevent development in environmentally sensitive and critical areas.
- Preserve farmland.

OBJECTIVE 3.1: Preservation of surrounding natural assets of mountains, farmlands, woods, and water for future generations.

POLICY 3.1.A: Continue using land development regulations and incentives to steer future development away from environmentally sensitive areas such as steep slopes and floodplains.

POLICY 3.1.B: Connect landowners and developers with local conservation organizations and encourage the permanent protection of farmlands, steep slopes, floodplains and other sensitive natural areas.

POLICY 3.1.C: Enforce stream buffer requirements for new development in order to protect the quality of water in our streams and rivers.

POLICY 3.1.D: Seek out and develop innovative solutions to protect water quality while reducing the cost of stormwater management to private developers.

POLICY 3.1.E: Revise development regulations to encourage and incentivize the use of Low Impact Design techniques to manage stormwater.

POLICY 3.1.F: Maintain and update as necessary dark skies protections within the City's development regulations.

POLICY 3.1.G: Nurture and build institutional relationships with public, private, and nonprofit organizations to work effectively in partnership to achieve the City's goals for protecting the natural environment and sensitive natural areas.

OBJECTIVE 3.2: Reduction of the City's carbon and ecological footprint.

POLICY 3.2.A: Ensure development regulations continue to allow for homeowners, builders, and developers to incorporate wind and solar technology into development projects.

POLICY 3.2.B: Continue meeting the Arbor Day Foundation's Tree City USA standards.

POLICY 3.2.C: Continue requiring landscaping in new development projects.

POLICY 3.2.D: Evaluate options for incentivizing energy-saving building practices.

POLICY 3.2.E: Become a certified Bicycle Friendly Community by the League of American Bicyclists.

POLICY 3.2.F: Continue to improve the City's residential and commercial recycling programs.

Element 4: Livable Communities 🍷



OVERVIEW

A livable community is a place for everyone, whether young or old, motorist or cyclist, walker or wheelchair user, business owner or telecommuter. It is a place where neighborhoods, streets, parks, centers of commerce, and infrastructure work concurrently to form a cohesive, organized, and distinctive place to live, work, and play. While Brevard is already a community for everyone with many of these characteristics, the City continues to strive to be an above average community, built around its distinctive small-town charm.

Given the importance of Brevard's tax base, as described in the Economic Health element, and the unlikelihood of significant expansion of the City's corporate limits, this plan puts a large emphasis on infill development and redevelopment of properties already within the City. Promoting new development in vacant or underutilized lands in the City will increase the tax base while having a limited impact on the cost of providing services, as roads, water and sewer lines, and other infrastructure are already in place.

Another key component of the livability element is having cohesive yet distinct neighborhoods, with an array of housing options. Brevard has many established residential neighborhoods throughout the city, the character and charm of which contribute greatly to Brevard's quality of place. These neighborhoods, which were developed at different points in Brevard's history, should, in time, develop a common set of key elements of livability, while retaining the underlying characteristics that make them unique.

The City of Brevard will work to foster a system of "complete neighborhoods" throughout Brevard with the following key components:

- Planned and built to uphold a high quality of place through interaction between people, promotion of healthy lifestyles, and meeting the needs of residents of all ages and abilities.
- Connected internally and externally by a safe, robust, and efficient transportation network of sidewalks, greenways, and bicycle-friendly streets.
- A diversity of housing choices, including affordable housing.
- Close proximity to stores, restaurants, schools, churches, and other amenities and services.
- Connected to recreational opportunities and natural spaces.
- Open and accessible to all citizens, without physical or cultural barriers that create exclusivity.

To do all of these things, the City must rely on partnerships and collaboration with the many productive community organizations in Brevard, Transylvania County, and the Western North Carolina region.

MONITORING & INDICATORS

In order to be effective, the City must continually monitor its progress towards achieving the vision and goals laid out in this plan. The following indicators could be used to monitor and track progress related to livable communities:

- Health Outcomes Ranking
- AARP Livability Index
- Connectivity index of neighborhoods
- Land use patterns
- Owner-occupied dwelling units
- Population within ¼ mile of recreation

PARTNER ORGANIZATIONS

- Transylvania County
- Transylvania County Farmer's Market
- Transylvania County Cooperative Extension
- Ashville Regional Housing Consortium
- Habitat for Humanity
- Western Carolina Community Action
- Community Land Trust
- Heart of Brevard

DIRECTION-SETTING FRAMEWORK

GOALS

With a strong sense of community that supports livability for all, Brevard will:

- Foster efficient land use, support a mix of housing types, increase efficiency of public utilities and services, and accommodate multiple modes of transportation.
- Enjoy a network of complete neighborhoods that provide for all types of residents.
- Provide the services and amenities that allow residents to live happy, healthy, productive lives.

OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.

POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.

POLICY 4.1.B: Continue to utilize Community Development Block Grants and other resources that can be applied to housing projects and programs.

POLICY 4.1.C: Create a comprehensive inventory of dilapidated, distressed, underutilized, or abandoned structures, and vacant parcels for targeted infill and adaptive reuse.

POLICY 4.1.D: Inventory and perform Phase I and Phase II environmental assessments on environmentally distressed properties and develop strategies to return these properties to productive use.

POLICY 4.1.E: Collaborate with property owners to enter environmentally-distressed properties into the North Carolina Brownfields Program and seek funding for property remediation.

POLICY 4.1.F: Establish a redevelopment utility fund to support site-specific utility improvements necessary for adaptive reuse, rehabilitation, or redevelopment.

POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character while allowing greater residential density and intensity of nonresidential development within mixed use zoning areas.

POLICY 4.1.H: Encourage residential development on upper floors within mixed use zoning areas, particularly the Central Business District.

POLICY 4.1.I: Evaluate the City of Brevard’s current design review process to streamline procedures; clarify roles, responsibilities, and authorities of the various review boards; and improve the overall quality of new development.

POLICY 4.1.J: Engage with State legislators to seek legislation authorizing cities to establish locally designated districts wherein property owners can receive income tax credits for redevelopment investments.

OBJECTIVE 4.2: Develop a system of “complete neighborhoods” throughout Brevard. (This is a multi-faceted objective that will rely on objectives and policies from other elements as well.)

POLICY 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

POLICY 4.2.B: Connect neighborhoods to the greenway system with spur connections.

POLICY 4.2.C: Invest in new sidewalk construction and existing sidewalk repair within neighborhoods.

POLICY 4.2.D: Prohibit gated communities to foster community and maintain connectivity between neighborhoods.

POLICY 4.2.E: Collaborate with partners to increase the amount of available affordable and workforce housing, and to combat homelessness.

POLICY 4.2.F: Combat deteriorating property conditions through proactive code enforcement efforts

POLICY 4.2.G: Update the Minimum Housing Code to help ensure equity and quality of all housing options in Brevard.

POLICY 4.2.H: Promote and encourage renovation of existing housing stock to reduce utility and maintenance costs for owners and occupants, conserve energy, and reduce pollution.

POLICY 4.2.I: Develop recreational amenities at the neighborhood level, such as pocket parks.

POLICY 4.2.J: Collaborate with the Transylvania County Farmer’s Market and Cooperative Extension to promote and encourage urban agriculture within the City.

OBJECTIVE 4.3: Creation of new opportunities for citizens and visitors to experience recreation and nature.

POLICY 4.3.A: Expand the City’s greenway system to connect with the French Broad River, Davidson River, King’s Creek, and other mountain streams that travel through Brevard.

POLICY 4.3.B: Rehabilitate the Wilson Road French Broad River access.

POLICY 4.3.C: Collaborate with future developers at Davidson River Village to create a public access point along the Davidson River.

POLICY 4.3.D: Construct additional trails within Bracken Preserve.

POLICY 4.3.E: Develop Rosenwald Community Park on the old Transylvania Tannery property.

POLICY 4.3.F: Seek opportunities to create additional connections with Pisgah National Forest.

POLICY 4.3.G: Create small parks within neighborhoods that provide all citizens opportunities to connect with and experience the natural world.

OBJECTIVE 4.4: Enhanced connections, relationships, and collaborations between the City and its citizens and community organizations.

POLICY 4.4.A: Continue to support the VISION and VIZ programs.

POLICY 4.4.B: Foster institutional relationships by reaching out to civic organizations and identifying opportunities for collaboration.

POLICY 4.4.C: Promote a politically empowered and engaged community by educating citizens regarding the mission, objectives, and capacities of the City of Brevard.

POLICY 4.4.D: Empower Brevard's citizens to play an active and constructive role in community decision-making through public outreach and citizen engagement, small area planning processes, and strategic relationships with neighborhood organizations.

POLICY 4.4.E: Establish a community volunteer program to support the delivery of City services and programs.

Element 5: Infrastructure



OVERVIEW

Investments in transportation and other infrastructure are critical for Brevard to remain a desirable and competitive community of choice. The major component of this element is the system of highways, streets, sidewalks, and greenways that allow traffic of people and goods to move through Brevard by vehicle, bike, or on foot. Transportation systems affect not only the ability to get from one place to another, but also impact land use decisions, economic development initiatives, housing choices, air and water quality, and much more. Brevard is served by two federal highways, US 64 and US 276, and one state highway, NC 280. The nearest interstate is I-26, located 20 miles northeast of downtown. Brevard currently has 5.8 miles of multi-use greenway built, with plans to add more in the future.

In order to accommodate anticipated growth in population, it must be recognized that Brevard needs a balanced transportation system that not only moves vehicles, but people and goods, and ensures that the City's residents and visitors have the opportunity to conveniently and safely use a variety of transportation choices.

Due to its surrounding geography, the City of Brevard is subject to unique transportation issues. The City is bordered by Pisgah National Forest to the north and west, and the French Broad River to the south and east. These natural features have limited the development of the City's transportation network. The main transportation artery is the corridor made up of Rosman Highway in the south, Broad Street through downtown, and Asheville Highway in the north. This system is set up to serve regional traffic bound to or through to the central business district, with a lack of alternative routes around downtown, resulting in heavy traffic on the main corridor.

This element also includes other infrastructure such as amenities like bike racks, and water and wastewater treatment plants and distribution/collection systems, all of which play a significant role in enhancing Brevard's quality of place. Water and wastewater treatment enables Brevard to be the economic and cultural hub of Transylvania County, and without sufficient capacity to handle future demand, the City cannot foster new opportunities for its citizens.

MONITORING & INDICATORS

In order to be effective, the City must continually monitor its progress towards achieving the vision and goals laid out in this plan. The following indicators could be used to monitor and track progress related to infrastructure:

- NCDOT annual average daily traffic counts
- NCDOT & Land of Sky RPO accident data and statistics

- Linear feet of new sidewalks and greenways constructed and/or repaired
- Number of non-automobile trips made to employment and shopping destinations
- Millions of gallons of water and wastewater treated per day
- Number of sanitary sewer overflow events
- Water and wastewater plant violations

PARTNER ORGANIZATIONS

- North Carolina Department of Transportation
- Transylvania County
- Buncombe County
- Henderson County
- Land of Sky Regional Council & RPO
- French Broad River MPO
- Local bicycling clubs:
 - Pisgah Cycling
 - Pisgah Area SORBA
 - Blue Ridge Bike Club
- Friends of the Ecusta Trail

DIRECTION-SETTING FRAMEWORK

GOALS

With a robust and balanced transportation system, Brevard will:

- Have interconnected neighborhoods with access to services and amenities via multiple modes of transportation.
- Enjoy safe and efficient travel around and through the City.

With modern and capable infrastructure, Brevard will:

- Be poised to support growth of both population and economic activity well into the future.

OBJECTIVE 5.1: Increased safety and efficiency of vehicular traffic within and passing through Brevard.

POLICY 5.1.A: Collaborate with NCDOT and Land-of-Sky RPO to update and implement the Comprehensive Transportation Plan.

POLICY 5.1.B: Collaborate with NCDOT and the Land-of-Sky RPO to design and implement traffic flow and safety improvements along Asheville Highway and at major intersections.

POLICY 5.1.C: Maintain development regulations that require interconnected street systems between and within neighborhoods as part of new development.

POLICY 5.1.D: Make long-term investments in parking infrastructure, particularly within the central business district, including additional City-owned off-street parking lots.

POLICY 5.1.E: Evaluate the feasibility of establishing regional transit connections between Rosman and Brevard, and transit systems in Henderson and Buncombe counties.

POLICY 5.1.F: Partner with Transylvania County to evaluate the feasibility of establishing a local transit system that connects key destinations.

POLICY 5.1.G: Collaborate with NCDOT to connect Brevard to job centers both within and outside Transylvania County by establishing ride-share and park-and-ride facilities and programs and connecting to regional transit options.

OBJECTIVE 5.2: Increased connectivity of neighborhoods and key destinations through investments in cycling and pedestrian infrastructure and programs.

POLICY 5.2.A: Update and implement the City's Bicycle and Pedestrian Plan, which prioritizes new sidewalk projects, new greenway projects, and facility maintenance.

POLICY 5.2.B: Provide bicycle racks at key destinations.

POLICY 5.2.C: Continue to require new sidewalks and parking for bicycles and motorcycles with new development.

POLICY 5.2.D: Incorporate on-street bike lanes as part of new street construction and street maintenance, wherever possible.

POLICY 5.2.E: Support the implementation of the Ecusta Trail.

POLICY 5.2.F: Look for opportunities to connect greenways to neighborhoods.

POLICY 5.2.G: Continue working with Transylvania County Schools to continue and expand the Safe Routes to School program.

OBJECTIVE 5.3: Develop sufficient potable water and wastewater production, treatment, and distribution capacity to accommodate anticipated future growth.

POLICY 5.3.A: Invest in water and wastewater plants to ensure adequate production capacity to meet future demands.

POLICY 5.3.B: Collaborate with the Town of Rosman and Transylvania County to develop a shared plan for the protection and management of future drinking water supply sources.

POLICY 5.3.C: Continue Inflow & Infiltration reduction measures.

POLICY 5.3.D: Recognize Brevard's role and be a willing partner in distribution of potable water.

POLICY 5.3.E: Identify and prioritize distribution gaps within the City's current service delivery area, and fund improvements to eliminate such gaps.

POLICY 5.3.F: Evaluate the feasibility of establishing a stormwater utility enterprise fund to finance stormwater infrastructure investments and improvements to protect water quality while reducing costs to the private sector.



The City of Brevard North Carolina

NEW BUSINESS STAFF REPORT

October 19, 2015

Title: Tree Removal on Private Property Text Amendment
Speaker: Daniel Cobb AICP, Planning Director
Prepared by: Daniel Cobb AICP, Planning Director
Approved by: Jim Fatland, City Manager

EXECUTIVE SUMMARY City Council will hear a proposed text amendment to amend a paragraph of the Unified Development Ordinance regarding the City's right to cause the removal of trees on private property.

BACKGROUND: The language in question, *Unified Development Ordinance Chapter 8.2.L – Tree removal on private property*, currently reads as follows:

“Tree removal on private property: The city shall have the right to cause the removal of any dead or diseased trees on private property when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees in the city. The administrator will notify in writing the owner(s) of such trees. Removal shall be done at the owner(s) expense within 60 days after the date of service of notice. In the event of failure of the owner(s) to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal as a lien on the owner's property taxes.”

Staff has received complaints over the last two months that relate directly to this text, which has brought this language to Staff's attention. It is Staff's opinion that the City should not be involved such matters when they only effect private property and not the general public.

DISCUSSION: Staff's recommended amendment is attached hereto as Attachment 1, with language suggested from Planning Board in [brackets]. This amendment attempts to clarify the City's position and it's authority as it relates to tree removal on private property. Specifically when the City may step in to protect public property.

POLICY ANALYSIS: The provision as it is shown above may expose the City to liability and unnecessarily involve the City in private property matters. The proposed changes provide some separation between what is clearly the City's responsibility and what should be left to the private property owners.

The Planning Board met on September 15, 2015 and unanimously recommended approval of the amendment with the addition of the following language *“or the health, safety, or general welfare of the public.”*

STAFF RECOMMENDATION: Staff recommends approval of the amendment excluding additions as shown by the Planning Board. The current ordinance language in Chapter 8 already includes text protecting the general public, as indicated by the following language *“...Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public...”*.

City Council's options are as follows:

1. Approve the text amendments as presented.
2. Approve text amendments with modifications.
3. Deny text amendments as presented.
4. Table the discussion until a later date, with follow up information as necessary, provided by City Staff.

FISCAL IMPACT: None.

Attachments

- Attachment 1 – Proposed revisions to Chapter 8
- Exhibit A – Ordinance approving changes to Chapter 8

1 **CHAPTER 8 – TREE PROTECTION AND LANDSCAPING**

2
3 **8.2. - General provisions.**

- 4
- 5 A. Maintenance of existing built and vacant lots: Every owner, occupant, agent or person in control of
6 property shall cut down and remove from the property all weeds, grass, vines and other growth
7 which endangers the property or any other property, or which is likely to burn. This requirement
8 shall not require the clearance of surface water protection areas or the removal of significant or
9 protected tree and shrub species.
- 10
- 11 B. Pre-construction conference: Prior to the commencement of any new development activities an on-
12 site pre-construction conference shall take place with the developer and the administrator to review
13 procedures for the protection and management of all protected landscape elements identified on
14 the landscape protection plan.
- 15
- 16 C. Existing vegetation, fences, walls, and berms: The use of existing trees or shrubs to satisfy the
17 landscaping requirements of this section is strongly encouraged. Existing significant vegetation
18 within the landscaped area shall be preserved and credited toward standards for the type of
19 perimeter landscaping required, unless otherwise approved by the City of Brevard at the time of site
20 plan approval. Existing berms, walls, or fences within the landscaped area but not including chain
21 link fencing, may be used to fulfill the standards for the type of perimeter landscaping required,
22 provided that these elements are healthy and/or in a condition of good repair. Other existing site
23 features within the required perimeter landscaped area which do not otherwise function to meet
24 the standards for the required landscaping shall be screened from the view of other properties or
25 removed, as determined during review and approval of the site plan.
- 26
- 27 D. Installation of new vegetation and other features: New plant material should complement existing
28 vegetation native to the site. If existing significant vegetation and other site features do not fully
29 meet the standards for the type of landscaping required, then additional vegetation and/or site
30 features (including fences) shall be planted or installed within the required landscaping area. The
31 use of indigenous, native and/or regionally grown species of trees, shrubs, vines, groundcovers and
32 perennials is encouraged in order to make planted areas compatible with existing native habitats.
- 33
- 34 E. Grading and development in required landscape areas: The required landscaping shall not contain
35 any development, impervious surfaces, or site features that do not function to meet these standards
36 or that require removal of existing significant vegetation. No grading, development, or land-
37 disturbing activities shall occur within this area if forest canopy, specimen trees, or significant
38 vegetation exists within the buffer yard, unless approved by the administrator. If grading within a
39 buffer yard is proposed, slopes of 3:1 or less are encouraged to ensure the proper transition of
40 grades to the adjacent property and to facilitate landscaping and maintenance.
- 41
- 42 F. Easements and rights-of-way: Nothing shall be planted or installed within an underground or
43 overhead utility easement or a drainage easement without the consent of the city and the easement
44 holder at the time of site plan approval.
- 45
- 46 G. Protection during surveying: No tree greater than 12 inches in diameter at breast height (DBH)
47 located on public property or within a required tree protection area shall be removed for the
48 purpose of surveying without an approval from the administrator.

- 49
- 50 H. Tree trimming: Every owner of any tree overhanging any street or right-of-way within the city shall
- 51 trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct
- 52 the view of any street intersection and so that there shall be a clear space of eight feet above the
- 53 surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or
- 54 broken or decayed limbs which constitute a menace to the safety of the public. The public works
- 55 director and utilities director are authorized to remove and/or trim trees and shrubs from public
- 56 properties and public rights-of-way. North Carolina Department of Transportation is authorized to
- 57 remove and or trim trees and shrubs in the public rights-of-way owned by the State of North
- 58 Carolina. Approval is required to trim a tree in a tree protection area, required landscaping area, or
- 59 buffer yard more than 25 percent of its overall canopy.
- 60
- 61 I. Trimming and removal by utility companies: Trees to be removed from the public right-of-way by
- 62 electric utilities and other overhead utilities must be replaced by such entity in equal quantity and
- 63 minimum caliper size with an approved species.
- 64
- 65 J. Tree topping: Tree topping shall be prohibited on all trees on public property, designated rights-of-
- 66 way, required tree protection areas, landscaping, and buffer yards unless otherwise approved by the
- 67 administrator. Trees severely damaged by storms or other causes, or certain trees under utility lines
- 68 or other obstructions where other pruning practices are impractical may be exempted from this
- 69 article at the determination of the administrator.
- 70
- 71 K. Removal of dead trees on public property: Approval by the administrator shall be issued for trees
- 72 that are dead, infected by disease, or determined to be a hazard to public safety and welfare. Should
- 73 any tree designated in a tree protection area, required landscaping area, or buffer yard die, the
- 74 agency shall replace it within 180 days with a tree(s) equal size.
- 75
- 76 L. Tree removal on private property: The eCity ~~shall have the right to cause the~~ may require removal of
- 77 any dead or diseased trees or trees harboring insects, on private property when such trees
- 78 constitute ~~a hazard to life and property, or harbor insects or disease which constitutes a potential~~
- 79 ~~threat to other trees in the city~~ a threat to public property [or the health, safety, or general welfare
- 80 of the public]. The administrator will notify in writing the owner(s) of such trees. Removal shall be
- 81 done at the owner(s) expense within 60 days after the date of service of notice. In the event of
- 82 failure of the owner(s) to comply with such provisions, the city shall have the authority to remove
- 83 such trees and charge the cost of removal as a lien on the owner's property taxes.
- 84
- 85 M. Stumps: All stumps of trees and park trees shall be removed so that the top of the stump does not
- 86 project above the surface of the ground.
- 87
- 88 N. Use of off-site landscape easements: Permanent off-site landscape easements may be used to meet
- 89 required buffer yards provided that the size or shape of the parcel significantly restricts the ability to
- 90 reasonably use the property and meet the buffer yard requirements. These easements must be
- 91 recorded prior to or in conjunction with the approval of the site or subdivision plan.
- 92
- 93 O. Protective measures during construction: Protective barricades shall be placed around all protected
- 94 trees designated to be saved prior to the start of development activities or grading. Barricades shall
- 95 be erected five feet past the drip line for any tree to be saved or tree save areas. Protective
- 96 barricades shall remain in place until development activities are completed. The area within the

97 protective barricade shall remain free of all building materials, dirt or other construction debris,
98 construction traffic, storage of vehicles and materials, and grading shall not take place within five
99 feet of the drip line of the existing trees to be protected.

100

101 Except for driveway access points, sidewalks, curb and gutter; no paving with concrete or other
102 impervious materials within five feet of a tree drip line shall be allowed unless otherwise approved.

ORDINANCE NO. 2015-__

**AN ORDINANCE AMENDING BREVARD CITY CODE,
UNIFIED DEVELOPMENT ORDINANCE – CHAPTER 8.2.L – TREE
PROTECTION AND LANDSCAPING**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapter 8, be amended to modify the City’s role in the removal of trees on private property; and,

WHEREAS, a public hearing was conducted on Monday, October 19, 2015, by Brevard City Council; and,

WHEREAS, 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 that Brevard City Code, Unified Development Ordinance Chapter 8, be amended as outlined below.

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

SECTION 01. Brevard City Code, Unified Development Ordinance, Chapter 8.2.L is hereby amended to read as follows:

8.2. - General provisions.

- A. Maintenance of existing built and vacant lots: Every owner, occupant, agent or person in control of property shall cut down and remove from the property all weeds, grass, vines and other growth which endangers the property or any other property, or which is likely to burn. This requirement shall not require the clearance of surface water protection areas or the removal of significant or protected tree and shrub species.
- B. Pre-construction conference: Prior to the commencement of any new development activities an on-site pre-construction conference shall take place with the developer and the administrator to review procedures for the protection and management of all protected landscape elements identified on the landscape protection plan.
- C. Existing vegetation, fences, walls, and berms: The use of existing trees or shrubs to satisfy the landscaping requirements of this section is strongly encouraged. Existing significant vegetation within the landscaped area shall be preserved and credited toward standards for the type of perimeter landscaping required, unless

Ordinance No. 2015-__
October 19, 2015
Page 1 of 5

otherwise approved by the City of Brevard at the time of site plan approval. Existing berms, walls, or fences within the landscaped area but not including chain link fencing, may be used to fulfill the standards for the type of perimeter landscaping required, provided that these elements are healthy and/or in a condition of good repair. Other existing site features within the required perimeter landscaped area which do not otherwise function to meet the standards for the required landscaping shall be screened from the view of other properties or removed, as determined during review and approval of the site plan.

- D. Installation of new vegetation and other features: New plant material should complement existing vegetation native to the site. If existing significant vegetation and other site features do not fully meet the standards for the type of landscaping required, then additional vegetation and/or site features (including fences) shall be planted or installed within the required landscaping area. The use of indigenous, native and/or regionally grown species of trees, shrubs, vines, groundcovers and perennials is encouraged in order to make planted areas compatible with existing native habitats.
- E. Grading and development in required landscape areas: The required landscaping shall not contain any development, impervious surfaces, or site features that do not function to meet these standards or that require removal of existing significant vegetation. No grading, development, or land-disturbing activities shall occur within this area if forest canopy, specimen trees, or significant vegetation exists within the buffer yard, unless approved by the administrator. If grading within a buffer yard is proposed, slopes of 3:1 or less are encouraged to ensure the proper transition of grades to the adjacent property and to facilitate landscaping and maintenance.
- F. Easements and rights-of-way: Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the city and the easement holder at the time of site plan approval.
- G. Protection during surveying: No tree greater than 12 inches in diameter at breast height (DBH) located on public property or within a required tree protection area shall be removed for the purpose of surveying without an approval from the administrator.
- H. Tree trimming: Every owner of any tree overhanging any street or right-of-way within the city shall trim the branches so that such branches shall not obstruct

the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The public works director and utilities director are authorized to remove and/or trim trees and shrubs from public properties and public rights-of-way. North Carolina Department of Transportation is authorized to remove and or trim trees and shrubs in the public rights-of-way owned by the State of North Carolina. Approval is required to trim a tree in a tree protection area, required landscaping area, or buffer yard more than 25 percent of its overall canopy.

- I. Trimming and removal by utility companies: Trees to be removed from the public right-of-way by electric utilities and other overhead utilities must be replaced by such entity in equal quantity and minimum caliper size with an approved species.
- J. Tree topping: Tree topping shall be prohibited on all trees on public property, designated rights-of-way, required tree protection areas, landscaping, and buffer yards unless otherwise approved by the administrator. Trees severely damaged by storms or other causes, or certain trees under utility lines or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the administrator.
- K. Removal of dead trees on public property: Approval by the administrator shall be issued for trees that are dead, infected by disease, or determined to be a hazard to public safety and welfare. Should any tree designated in a tree protection area, required landscaping area, or buffer yard die, the agency shall replace it within 180 days with a tree(s) equal size.
- L. [Tree removal on private property: The City may require removal of any dead or diseased trees or trees harboring insects, on private property when such trees constitute a threat to public property \[or the health, safety, or general welfare of the public\]. The administrator will notify in writing the owner\(s\) of such trees. Removal shall be done at the owner\(s\) expense within 60 days after the date of service of notice. In the event of failure of the owner\(s\) to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal as a lien on the owner's property taxes.](#)
- M. Stumps: All stumps of trees and park trees shall be removed so that the top of the stump does not project above the surface of the ground.

- N. Use of off-site landscape easements: Permanent off-site landscape easements may be used to meet required buffer yards provided that the size or shape of the parcel significantly restricts the ability to reasonably use the property and meet the buffer yard requirements. These easements must be recorded prior to or in conjunction with the approval of the site or subdivision plan.

- O. Protective measures during construction: Protective barricades shall be placed around all protected trees designated to be saved prior to the start of development activities or grading. Barricades shall be erected five feet past the drip line for any tree to be saved or tree save areas. Protective barricades shall remain in place until development activities are completed. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, construction traffic, storage of vehicles and materials, and grading shall not take place within five feet of the drip line of the existing trees to be protected.

Except for driveway access points, sidewalks, curb and gutter; no paving with concrete or other impervious materials within five feet of a tree drip line shall be allowed unless otherwise approved.

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. The enactment of this ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

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

Adopted and approved this the 19th day of October, 2015

Ordinance No. 2015-__
October 21, 2015
Page 4 of 5

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

Ordinance No. 2015-__
October 21, 2015
Page 5 of 5



The City of Brevard North Carolina

NEW BUSINESS STAFF REPORT

October 19, 2015

Title: Placing Objects on Streets & Sidewalks Text Amendment
Speaker: Daniel Cobb AICP, Planning Director
Prepared by: Daniel Cobb AICP, Planning Director
Approved by: Jim Fatland, City Manager

EXECUTIVE SUMMARY: City Council will hear a proposed text amendment to Brevard City Code, Chapter 62, streets, sidewalks, and other public ways.

BACKGROUND: Currently property owners with frontage abutting a City sidewalk may display and sell goods, wares and merchandise from the sidewalk without need of application and approval from the city. However, that merchandise, along with all racks, display cases and other accessories thereto, must be removed from all public sidewalks at the end of every business day. Permissible items include but are not limited to temporary A-frame signs, tables, chairs, etc. The amount of space available for display of such items depends upon the width of the sidewalk; sidewalks 12 feet wide and greater allow for 36 inches of space from the face of the building, sidewalks less than 12 but at least 7 feet wide allow for 24 inches of usable space. If the sidewalk is less than 7 feet wide no goods or wares may be placed on the sidewalk.

Recently there has been interest in converting existing alley space (traditionally utilized for pedestrians and vehicles) into strictly pedestrian travel ways. Doing so would allow additional use of existing areas of downtown that are currently underutilized.

This specific amendment is to exempt alleyways that are closed to vehicular traffic from the standard setback requirements described above. Regardless of the width of an alley, the proposed language would allow temporary items; tables, chairs, benches, etc. to be placed in the alley. There would remain at least 36 inches of clear travel way for ADA access and pedestrian movement.

DISCUSSION: Staff's recommended amendment is attached hereto as Exhibit A. It is important to remember that this amendment applies only to alleyways that are closed to vehicular usage. Additionally existing City Code includes requirements for placing objects in public ways including the temporary nature of the displays, the types of displays, and who may place objects on sidewalks or alleyways.

POLICY ANALYSIS: Current City plans and policies encourage dense, pedestrian-oriented development within the downtown area. Approving this amendment will further those goals by inviting use of otherwise underutilized public spaces, thus increasing the walkability and vibrancy of downtown. The forthcoming form-based code project will explore additional possibilities for maximizing the use of the public realm.

The Planning Board met on September 15, 2015 and unanimously recommended approval of the amendment as presented.

STAFF RECOMMENDATION: Staff recommends approval of the amendment as presented.

City Council's options are as follows:

1. Approve the text amendments as presented.
2. Approve text amendments with modifications.
3. Deny text amendments as presented.
4. Table the discussion until a later date, with follow up information as necessary, provided by City Staff.

FISCAL IMPACT: None.

Attachments:

- Attachment A – Ordinance amending Chapter 62.1
- Exhibit A – Proposed changes to chapter 62.1

ORDINANCE NO. 2015-__

**AN ORDINANCE AMENDING BREVARD CITY CODE
PART II - CHAPTER 61 SUBSECTION 62.1 –
PLACING OBJECTS ON STREETS AND SIDEWALKS**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Chapter 62.1, be amended to allow placement of items in non-vehicular alleyways; and,

WHEREAS, Brevard City Council finds that while these proposed amendments are consistent with the City of Brevard Land Use Plan and other plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, October 19, 2015, by 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 that Brevard City Code, Part II, Chapter 62.1 be amended as outlined below.

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

SECTION 01. Brevard City Code, Part II, Chapter 62.1 is hereby amended to read as follows:

- c) An elevated pedestrian boardwalk may be placed within the northeastern portion of south alley, subject to the following provisions:
 - 1) Such boardwalk shall be handicapped accessible and compliant with all applicable provisions of the Americans with Disabilities Act, the North Carolina Accessibility Code, and the North Carolina Building Code.
 - 2) Such boardwalk may be permitted at the discretion of the city manager, and may be removed at the discretion of the city manager.
 - 3) Such boardwalk is a public way, and shall remain open to the general public at all times.
 - 4) Such boardwalk may extend along the northeastern portion of south alley, and may extend in a southwestern direction for a distance not to exceed the length of the building located at 36 East Main Street.
 - 5) Such boardwalk shall be constructed at the expense of one or more adjacent property owners and shall be warranted by the same for a period not less than three years; such warranty shall be provided in a manner that is approved by the city manager.

Ordinance No. 2015-__
October 19, 2015
Page 1 of 3

- d) Alleyways closed to vehicular traffic shall not be subject to the sidewalk setback requirements as defined in section 46-1.b, as a minimum at least 36 inches of unobstructed travel way must remain open and clear.

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. The enactment of this ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 08. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 19th day of October, 2015

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Ordinance No. 2015-__
October 19, 2015
Page 2 of 3

Michael K. Pratt
City Attorney

Ordinance No. 2015-__
October 19, 2015
Page 3 of 3

Sec. 62-1. - Placing objects on streets and sidewalks.

- a) No brick, stone or wood or other substance obstructing the free passage of persons or vehicles shall be placed or allowed to lie in any of the alleys, streets, sidewalks or other public ways of the city except as permitted by the provisions of subsection 62-1(c), nor, except as permitted in this chapter or by the provisions of section 46-1, shall any person place or allow to lie on or in any of the streets, sidewalks, alleys or other public ways of the city any boxes, crates, casks or barrels of any description, or any other obstruction of any kind; provided, any person erecting a building may, with the permission of the city manager, place building materials for immediate use on the streets or sidewalks in such a way as to not unduly interfere with vehicular or pedestrian traffic.
- b) Any existing door which opens outward over a public sidewalk may remain in place so long as the building owner executes an agreement acknowledging that the door could present a safety hazard to pedestrians and holding the city harmless for any and all costs to the city, including attorney's fees, court costs and all damages suffered by any pedestrian claiming injury from such door, provided that (1) no such door shall occupy more than 24 inches of space over the public sidewalk and (2) the city manager reviews, approves and accepts the specific provisions contained in the hold harmless agreement. Should no such agreement be made within 30 days' notice to the building owner, then all doors on such building which open over the public sidewalk shall be removed by the building owner.
- c) An elevated pedestrian boardwalk may be placed within the northeastern portion of south alley, subject to the following provisions:
 - 1) Such boardwalk shall be handicapped accessible and compliant with all applicable provisions of the Americans with Disabilities Act, the North Carolina Accessibility Code, and the North Carolina Building Code.
 - 2) Such boardwalk may be permitted at the discretion of the city manager, and may be removed at the discretion of the city manager.
 - 3) Such boardwalk is a public way, and shall remain open to the general public at all times.
 - ~~4) Such boardwalk shall be managed as a public sidewalk in compliance with section 46-1.~~
 - 5) Such boardwalk may extend along the northeastern portion of south alley, and may extend in a southwestern direction for a distance not to exceed the length of the building located at 36 East Main Street.
 - 6) Such boardwalk shall be constructed at the expense of one or more adjacent property owners and shall be warranted by the same for a period not less than three years; such warranty shall be provided in a manner that is approved by the city manager.
- d) Alleyways closed to vehicular traffic shall not be subject to the sidewalk setback requirements as defined in section 46-1.b, a minimum 36 inches of unobstructed travel way must remain open and clear.



The City of Brevard North Carolina

NEW BUSINESS STAFF REPORT

October 19, 2015

Title: Flood Damage Prevention Ordinance Amendments
Speaker: Daniel Cobb AICP, Planning Director
Prepared by: Daniel Cobb AICP, Planning Director
Approved by: Jim Fatland, City Manager

EXECUTIVE SUMMARY: City Council will hear proposed text amendments to Brevard City Code, Chapter 34, Flood Damage Prevention.

BACKGROUND: Brevard has been a participating community in the National Flood Insurance Program (NFIP) since 1978. Since that time the City has received flood insurance rate maps (FIRM) approximately every 12 years. With each new set of maps the flood damage prevention ordinance is updated with references and new information not included in the previous version. The flood damage prevention ordinance in its current form was approved and adopted by City Council in September of 2009, along with the most recent version of the flood insurance rate maps, and is based on the state model ordinance as provided by North Carolina Emergency Management (NCEM).

DISCUSSION: During recent discussions with NCEM staff it came to light that the City's ordinance, as adopted in 2009 is outdated, due to changes at the Federal level. The state released a revised version of the model ordinance during the fall of 2013. In an effort to keep the City's ordinance current and up to date (thus, in compliance with NFIP standards) Staff is presenting a revised version of the City's ordinance which incorporates updated references, previously omitted language and definitions, and minor modifications regarding the development of public utilities. NCEM is in the process of performing engineering analysis of Transylvania County to provide updated maps, anticipated completion is late 2017. An additional review of this ordinance will be conducted at that time.

Please see the attached ordinance, Exhibit A, for proposed changes. Text shown in blue and underlined is new, text in ~~red~~ with a strikethrough is proposed for deletion. The majority of changes are updates to references to FEMA documents and minor grammatical changes, line 586 on page 14 and line 753 on page 18 are examples of these changes.

There are additional definitions added as well, including Floodway Encroachment Analysis (pg. 5, line 203) and Letter of Map Change (pg. 6, line 254). The deletion beginning on line 1078 of page 25 removes an incorrect reference to line 975 on page 23.

The only notable change in the ordinance begins on line 1309 of page 31 wherein an exception is provided for the development of public utilities (water and wastewater systems) within Zone AE (1% annual chance) of the special flood hazard area. Currently any development within Zone AE must demonstrate a "no rise" and no adverse impact, this requirement is not part of the model ordinance but is one characteristic of the City's ordinance that provides additional protection of the natural floodplain not found in many ordinances. Creating

this exemption allows public utility projects creating a rise of 0.05' (0.6 inches) or less to satisfy the "no rise" requirement of the chapter. This does not have any bearing on development within the floodway or non-encroachment areas which requires a "no rise" of 0.00'. However, construction of new public utilities must still satisfy the certification of no adverse impact. It should be noted that the City's flood standards are significantly more strict than the state model ordinance as well as other ordinances within Western North Carolina, and this exemption only applies to public utilities.

POLICY ANALYSIS: When considering previous updates and changes to the flood damage prevention ordinance City Council has made the judgment that due to its geographic location, topography and the extensive riverine floodplain systems within its jurisdiction that the minimum standards of the National Flood Insurance Program are not wholly sufficient to protect its citizens and their properties from the effects of flooding. This is especially true in situations where flooding possibly could be exacerbated by development that would otherwise be allowable under the minimum standards of the National Flood Insurance Program. Additional protections must be employed to protect the lives and property within the jurisdiction of the City of Brevard. The City of Brevard has maintained higher standards than those of FEMA, NCEM, and the NFIP, and the proposed changes will not affect these higher standards.

The Planning Board met on September 15, 2015 and unanimously recommended approval of the ordinance as presented.

STAFF RECOMMENDATION: Staff recommends approval of the amendments as presented.

City Council's options are as follows:

1. Approve the text amendments as presented.
2. Approve text amendments with modifications.
3. Deny text amendments as presented.
4. Table the discussion until a later date, with follow up information as necessary, provided by City Staff.

FISCAL IMPACT: None.

Attachments

- Exhibit A – Revised Flood Damage Prevention Ordinance
- Attachment 1 – Revisions to Chapter 34

ORDINANCE NO. 2015-__

**AN ORDINANCE AMENDING BREVARD CITY CODE
PART II – CHAPTER 34 – FLOOD DAMAGE PREVENTION**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Part II, Chapter 34, be amended to update references and create exemption for public utilities; and,

WHEREAS, Brevard City Council finds that while these proposed amendments are consistent with the City of Brevard Land Use Plan and other plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, October 19, 2015, by 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 that Brevard City Code, Part II, Chapter 34 be amended as outlined in Attachment 1 which is included with this ordinance.

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

SECTION 01. Brevard City Code, Part II, Chapter 34 is hereby amended as depicted in Attachment 1.

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. The enactment of this ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 08. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 19th day of October, 2015

Ordinance No. 2015-__
October 19, 2015
Page 1 of 2

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

Ordinance No. 2015-__
October 19, 2015
Page 2 of 2

1
2 **Chapter 34. Flood Damage Prevention Ordinance**
3

4
5 **ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND**
6 **OBJECTIVES.**
7

8 **SECTION A. STATUTORY AUTHORIZATION.**
9

10 The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5,
11 and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina
12 General Statutes, delegated to local governmental units the responsibility to adopt regulations
13 designed to promote the public health, safety, and general welfare.
14

15 Therefore, the City Council of The City of Brevard North Carolina, does ordain as follows:
16

17 **SECTION B. FINDINGS OF FACT.**
18

- 19 (1) The flood prone areas within the jurisdiction of The City of Brevard are subject to periodic
20 inundation which results in loss of life, property, health and safety hazards, disruption of
21 commerce and governmental services, extraordinary public expenditures of flood
22 protection and relief, and impairment of the tax base, all of which adversely affect the
23 public health, safety, and general welfare.
24
25 (2) These flood losses are caused by the cumulative effect of obstructions in floodplains
26 causing increases in flood heights and velocities and by the occupancy in flood prone
27 areas of uses vulnerable to floods or other hazards.
28

29 **SECTION C. STATEMENT OF PURPOSE.**
30

31 It is the purpose of this ordinance to promote public health, safety, and general welfare and to
32 minimize public and private losses due to flood conditions within flood prone areas by
33 provisions designed to:
34

- 35 (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or
36 erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
37
38 (2) require that uses vulnerable to floods, including facilities that serve such uses, be
39 protected against flood damage at the time of initial construction;
40
41 (3) control the alteration of natural floodplains, stream channels, and natural protective
42 barriers, which are involved in the accommodation of floodwaters;
43
44 (4) control filling, grading, dredging, and all other development that may increase erosion or

45 flood damage; and

46

47 (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood
48 waters or which may increase flood hazards to other lands.

49

50 **SECTION D. OBJECTIVES.**

51

52 The objectives of this ordinance are to:

53

54 (1) protect human life, safety, and health;

55

56 (2) minimize expenditure of public money for costly flood control projects;

57

58 (3) minimize the need for rescue and relief efforts associated with flooding and generally
59 undertaken at the expense of the general public;

60

61 (4) minimize prolonged business losses and interruptions;

62

63 (5) minimize damage to public facilities and utilities (i.e. water and gas mains, electric,
64 telephone, cable and sewer lines, streets, and bridges) that are located in flood prone
65 areas;

66

67 (6) help maintain a stable tax base by providing for the sound use and development of flood
68 prone areas; and

69

70 (7) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

71

72

73 **ARTICLE 2. DEFINITIONS.**

74

75 Unless specifically defined below, words or phrases used in this ordinance shall be interpreted
76 so as to give them the meaning they have in common usage and to give this ordinance its most
77 reasonable application.

78

79 "Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of
80 property as the principal structure and the use of which is incidental to the use of the principal
81 structure. Garages, carports and storage sheds are common urban accessory structures. Pole
82 barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be
83 located on the same parcel as the farm dwelling or shop building.

84

85 "Addition (to an existing building)" means an extension or increase in the floor area or height of
86 a building or structure.

87

88 "Appeal" means a request for a review of the Administrator's interpretation of any provision of

89 this ordinance.

90

91 “Area of Shallow Flooding” means a designated Zone AO on a community's Flood Insurance
92 Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These
93 areas are located where a clearly defined channel does not exist, where the path of flooding is
94 unpredictable and indeterminate, and where velocity flow may be evident.

95

96 “Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

97

98 “Basement” means any area of the building having its floor subgrade (below ground level) on all
99 sides.

100

101 “Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in
102 any given year.

103

104 “Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base
105 flood as published in the Flood Insurance Study. When the BFE has not been provided in a
106 “Special Flood Hazard Area”, it may be obtained from engineering studies available from a
107 Federal, State, or other source using FEMA approved engineering methodologies. This
108 elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection
109 Elevation”.

110

111 “Building” see “Structure”.

112

113 “Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to
114 a building used for the storage of any chemical or chemically reactive products.

115

116 “Critical Facility” means a structure used to house a function that is especially vulnerable or
117 essential to the community. Uses include but are not limited to: child and adult daycare
118 facilities, nursing homes, schools, hospitals, fire, police and medic facilities and other uses as
119 determined by the Administrator.

120

121 “Development” means any man-made change to improved or unimproved real estate,
122 including, but not limited to, buildings or other structures, mining, dredging, filling, grading,
123 paving, excavation or drilling operations, or storage of equipment or materials.

124

125 “Development Activity” means any activity defined as Development which will necessitate a
126 Floodplain Development Permit.

127

128 “Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection,
129 dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the
130 solid waste or any constituent part of the solid waste may enter the environment or be emitted
131 into the air or discharged into any waters, including groundwaters.

132

133 “Elevated Building” means a non-basement building which has its lowest elevated floor raised
134 above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

135
136 “Encroachment” means the advance or infringement of uses, fill, excavation, buildings,
137 structures or development into a floodplain, which may impede or alter the flow capacity of a
138 floodplain.

139
140 “Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured
141 home park or subdivision for which the construction of facilities for servicing the lots on which
142 the manufactured homes are to be affixed (including, at a minimum, the installation of utilities,
143 the construction of streets, and either final site grading or the pouring of concrete pads) was
144 completed before the initial effective date of the floodplain management regulations adopted
145 by the community.

146
147 “Flood” or “Flooding” means a general and temporary condition of partial or complete
148 inundation of normally dry land areas from:

- 149 (1) the overflow of inland or tidal waters; and/or
150 (2) the unusual and rapid accumulation of runoff of surface waters from any source.

151
152 “Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by
153 the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the
154 floodways are delineated. This official map is a supplement to and shall be used in conjunction
155 with the Flood Insurance Rate Map (FIRM).

156
157 “Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the
158 Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard
159 Areas have been defined as Zone A.

160
161 “Flood Insurance” means the insurance coverage provided under the National Flood Insurance
162 Program.

163
164 “Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the
165 Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and
166 the risk premium zones applicable to the community are delineated.

167
168 “Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood
169 hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and
170 other flood data in a community issued by the Federal Emergency Management Agency. The
171 Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary
172 and Floodway Maps (FBFMs), if published.

173
174 “Flood Prone Area” see “Floodplain”

175
176 “Floodplain” means any land area susceptible to being inundated by water from any source.

177
178 “Floodplain Administrator” is the individual appointed to administer and enforce the floodplain
179 management regulations.

180
181 “Floodplain Development Permit” means any type of permit that is required in conformance
182 with the provisions of this ordinance, prior to the commencement of any development activity.

183
184 “Floodplain Management” means the operation of an overall program of corrective and
185 preventive measures for reducing flood damage and preserving and enhancing, where possible,
186 natural resources in the floodplain, including, but not limited to, emergency preparedness
187 plans, flood control works, floodplain management regulations, and open space plans.

188
189 “Floodplain Management Regulations” means this ordinance and other zoning ordinances,
190 subdivision regulations, building codes, health regulations, special purpose ordinances, and
191 other applications of police power. This term describes Federal, State or local regulations, in
192 any combination thereof, which provide standards for preventing and reducing flood loss and
193 damage.

194
195 “Floodproofing” means any combination of structural and nonstructural additions, changes, or
196 adjustments to structures which reduce or eliminate flood damage to real estate or improved
197 real property, water and sanitation facilities, structures, and their contents.

198
199 “Floodway” means the channel of a river or other watercourse and the adjacent land areas that
200 must be reserved in order to discharge the base flood without cumulatively increasing the
201 water surface elevation more than one (1) foot.

202
203 “Floodway Encroachment Analysis” means an engineering analysis of the impact a proposed
204 encroachment into a floodway or non-encroachment area is expected to have on the floodway
205 boundaries, base flood elevations, and floodway surcharge elevations. The evaluation shall be
206 prepared by a qualified North Carolina licensed engineer using standard engineering methods
207 and models.

208
209 “Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood
210 Insurance Rate Map that reflects the severity or type of flooding in the area.

211
212 “Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many
213 unknown factors that could contribute to flood heights greater than the height calculated for a
214 selected size flood and floodway conditions, such as wave action, blockage of bridge openings,
215 and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the
216 freeboard establishes the “Regulatory Flood Protection Elevation”.

217
218 “Functionally Dependent Facility” means a facility which cannot be used for its intended
219 purpose unless it is located in close proximity to water, limited to a docking or port facility
220 necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair.

221 The term does not include long-term storage, manufacture, sales, or service facilities.

222

223 "Hazardous Waste Management Facility" means, as defined in NCGS 130A, Article 9, a facility
224 for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous
225 waste.

226

227 "Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface,
228 prior to construction, immediately next to the proposed walls of the structure.

229

230 "Historic Structure" means any structure that is:

231

232 (a) listed individually in the National Register of Historic Places (a listing maintained by
233 the US Department of Interior) or preliminarily determined by the Secretary of
234 Interior as meeting the requirements for individual listing on the National Register;

235 (b) certified or preliminarily determined by the Secretary of Interior as contributing to
236 the historical significance of a registered historic district or a district preliminarily
237 determined by the Secretary to qualify as a registered historic district;

238 (c) individually listed on a local inventory of historic landmarks in communities with a
239 "Certified Local Government (CLG) Program"; or

240 (d) certified as contributing to the historical significance of a historic district designated
241 by a community with a "Certified Local Government (CLG) Program".

242

243 Certified Local Government (CLG) Programs are approved by the US Department of the
244 Interior in cooperation with the North Carolina Department of Cultural Resources through
245 the State Historic Preservation Officer as having met the requirements of the National
246 Historic Preservation Act of 1966 as amended in 1980.

247

248 "Income Capitalization" means a valuation method appraisers and real estate investors use to
249 estimate the value of income producing real estate. It is based upon the premise of anticipation
250 i.e., the expectation of future benefits. This method of valuation relates value to two things: [1]
251 the "market rent" that a property can be expected to earn and, [2] the "reversion" (resale)
252 when a property is sold.

253

254 "Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends
255 or revised an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map
256 Change include:

257

258 (a) Letter of Map Amendment (LOMA): An amendment based on technical data showing
259 that a property was incorrectly included in a designated special flood hazard area. A
260 LOMA amends the current effective Flood Insurance Rate Map and establishes that a
261 specific property, portion of a property, or structure is not located in a special flood
262 hazard area.

263

264 (b) Letter of Map Revision (LOMR): A revision based on technical data that may show

265 [changes to flood zones, flood elevations, special flood hazard area boundaries and](#)
266 [floodway delineations, and other planimetric features.](#)

267
268 [\(c\) Letter of Map Revision Based on Fill \(LOMR-F\): A determination that a structure or](#)
269 [parcel of land has been elevated by fill above the base flood elevation and is,](#)
270 [therefore, no longer located within the special flood hazard area. In order to qualify](#)
271 [for this determination, the fill must have been permitted and placed in accordance](#)
272 [with the community’s floodplain management regulations.](#)

273
274 [\(d\) Conditional Letter of Map Revision \(CLOMR\): A formal review and comment as to](#)
275 [whether a proposed flood protection project or other project complies with the](#)
276 [minimum NFIP requirements for such projects with respect to delineation of special](#)
277 [flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map](#)
278 [or Flood Insurance Study; upon submission and approval of certified as-built](#)
279 [documentation, a Letter of Map Revision may be issued by FEMA to revise the](#)
280 [effective FIRM.](#)

281
282 **“Lowest Adjacent Grade (LAG)”** means the elevation of the ground, sidewalk or patio slab
283 immediately next to the building, or deck support, after completion of the building.

284
285 **“Lowest Floor”** means lowest floor of the lowest enclosed area (including basement). An
286 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or
287 limited storage in an area other than a basement area is not considered a building's lowest
288 floor, provided that such an enclosure is not built so as to render the structure in violation of
289 the applicable non-elevation design requirements of this ordinance.

290
291 **“Manufactured Home”** means a structure, transportable in one or more sections, which is built
292 on a permanent chassis and designed to be used with or without a permanent foundation when
293 connected to the required utilities. The term “manufactured home” does not include a
294 “recreational vehicle”.

295
296 **“Manufactured Home Park or Subdivision”** means a parcel (or contiguous parcels) of land
297 divided into two or more manufactured home lots for rent or sale.

298
299 **“Market Value”** means the building value, not including the land value and that of any
300 accessory structures or other improvements on the lot. Market value may be established by
301 independent certified appraisal; replacement cost depreciated for age of building and quality of
302 construction (Actual Cash Value); or adjusted tax assessed values. The Income Capitalization
303 Approach of appraisal shall not be utilized to determine Market Value.

304
305 **“North American Vertical Datum of 1988 (NAVD 88)”** means the vertical control datum
306 established in 1991 by the minimum-constraint adjustment of the Canadian-Mexican-U.S.
307 leveling observations. It held fixed the height of the primary tidal bench mark, referenced to the
308 new International Great Lakes Datum of 1985 local mean sea level height value, at Father

309 Point/Rimouski, Quebec, Canada. Additional tidal bench mark elevations were not used due to
310 the demonstrated variations in sea surface topography, i.e., the fact that mean sea level is not
311 the same equipotential surface at all tidal bench marks.

312

313 “New Construction” means structures for which the “start of construction” commenced on or
314 after the effective date of the initial floodplain management regulations and includes any
315 subsequent improvements to such structures.

316

317 “No Adverse Impact Floodplain Management” means providing appropriate regulatory
318 oversight that the action of one property owner or community does not adversely affect the
319 flood risks for other properties or communities as measured by increased flood stages,
320 increased flood velocity, increased flows, or the increased potential for erosion and
321 sedimentation, or any other impact deemed important by the City of Brevard, unless the impact
322 is mitigated as provided for in a community or watershed based plan.

323

324 “Non-Encroachment Area” means the channel of a river or other watercourse and the adjacent
325 land areas that must be reserved in order to discharge the base flood without cumulatively
326 increasing the water surface elevation more than one (1) foot as designated in the Flood
327 Insurance Study report.

328

329 “No Rise Requirement” means that, prior to undertaking any development or other activity
330 within the special flood hazard area or floodway, the person desiring to do so shall demonstrate
331 through an engineering study that such activity will cause no increase in the base flood
332 elevation of the base flood. "No rise" shall also mean an increase in the base flood elevation
333 due to development in the special flood hazard area where such rise and any change in the
334 geographic extent of the special flood hazard area or floodway is strictly confined within
335 property or properties upon which the project creating the rise is located or the property of a
336 consenting owner, where such property is protected from future development by means of a
337 conservation easement or other, similar restriction that is acceptable to the Administrator. The
338 “no rise requirement” as a standard for development efforts shall not be varied as per Article 4,
339 Section E of this Ordinance.

340

341 “Post-FIRM” means construction or other development for which the “start of construction”
342 occurred on or after the effective date of the initial Flood Insurance Rate Map.

343

344 “Pre-FIRM” means construction or other development for which the “start of construction”
345 occurred before the effective date of the initial Flood Insurance Rate Map.

346

347 “Principally Above Ground” means that at least 51% of the actual cash value of the structure is
348 above ground.

349

350 “Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of
351 an entire community or neighborhood, or any considerable number of persons, or unlawfully
352 obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay,

353 stream, canal, or basin.

354

355 “Recreational Vehicle (RV)” means a vehicle, which is:

356

- 357 (a) built on a single chassis;
 - 358 (b) 400 square feet or less when measured at the largest horizontal projection;
 - 359 (c) designed to be self-propelled or permanently towable by a light duty truck; and
 - 360 (d) designed primarily not for use as a permanent dwelling, but as temporary living
- 361 quarters for recreational, camping, travel, or seasonal use.

362

363 “Reference Level” means the bottom of the lowest horizontal structural member of the lowest
364 floor and any ductwork, excluding the foundation system, for structures within all special flood
365 hazard areas

366

367 “Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the
368 “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been
369 determined, this elevation shall be the BFE plus 2 (two) feet of freeboard. In “Special Flood
370 Hazard Areas” where no BFE has been established, this elevation shall be at least 3 (three) feet
371 above the highest adjacent grade.

372

373 “Remedy a Violation” means to bring the structure or other development into compliance with
374 State and community floodplain management regulations, or, if this is not possible, to reduce
375 the impacts of its noncompliance. Ways that impacts may be reduced include protecting the
376 structure or other affected development from flood damages, implementing the enforcement
377 provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal
378 financial exposure with regard to the structure or other development.

379

380 “Riverine” means relating to, formed by, or resembling a river (including tributaries), stream,
381 brook, etc.

382

383 “Salvage Yard” means any non-residential property used for the storage, collection, and/or
384 recycling of any type of equipment, and including but not limited to vehicles, appliances and
385 related machinery.

386

387 “Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as
388 defined in NCGS 130A-290(a)(35).

389

390 “Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which
391 solid wastes are disposed of by incineration, sanitary landfill, or any other method.

392

393 “Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent
394 (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B
395 of this ordinance.

396

397 “Start of Construction” includes substantial improvement, and means the date the building
398 permit was issued, provided the actual start of construction, repair, reconstruction,
399 rehabilitation, addition placement, or other improvement was within 180 days of the permit
400 date. The actual start means either the first placement of permanent construction of a
401 structure on a site, such as the pouring of slab or footings, the installation of piles, the
402 construction of columns, or any work beyond the stage of excavation; or the placement of a
403 manufactured home on a foundation. Permanent construction does not include land
404 preparation, such as clearing, grading, and filling; nor does it include the installation of streets
405 and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations
406 or the erection of temporary forms; nor does it include the installation on the property of
407 accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the
408 main structure. For a substantial improvement, the actual start of construction means the first
409 alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that
410 alteration affects the external dimensions of the building.

411
412 “Structure” means any walled and roofed building or other physical object, whether temporary
413 or permanent, that is deigned for human habitation or to uphold, house, contain, or bear other
414 objects or materials. Examples of structures include but are not limited to permanently affixed
415 signs, swimming pools, houses, telecommunication towers, manufactured homes, or a gas,
416 liquid, or liquefied gas storage tank that is principally above ground.

417
418 “Substantial Damage” means damage of any origin sustained by a structure during any one-year
419 period whereby the cost of restoring the structure to the before damaged condition would
420 equal or exceed 50 percent of the market value of the structure before the damage occurred.
421 See definition of substantial improvement. Substantial damage also means flood-related
422 damage sustained by a structure on two separate occasions during a 10-year period for which
423 the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25
424 percent of the market value of the structure before the damage occurred.

425
426 “Substantial Improvement”: Any combination of repairs, reconstruction, rehabilitation,
427 addition, or other modification or improvement of a structure taking place during any one-year
428 period for which the cost equals or exceeds 50 percent of the market value of the structure as
429 of the date the improvement was permitted (or, in the absence of any permit, before the date
430 of start of construction of the improvement). In the absence of any information pertaining to
431 market value, the Administrator shall utilize the assessed value of the structure. This term
432 includes structures which have incurred substantial damage, regardless of the actual repair
433 work performed. The term does not, however, include either of the following:

- 434
- 435 1. Any correction of existing violations of State, City, or County health, sanitary, or safety code
436 specifications which have been identified by the Administrator or other authorized official
437 of the State of North Carolina or Transylvania County, and which are the minimum
438 necessary to assure safe living conditions; or
 - 439
440 2. Any alteration of a historic structure provided it meets the following criteria: such

441 alteration is necessary to maintain, retain or restore historically significant characteristics;
442 the alteration will not preclude the structure's continued designation as a historic structure;
443 and the alteration does not result in the expansion of a non-conforming condition.

444
445 "Variance" is a grant of relief from the requirements of this ordinance.

446
447 "Violation" means the failure of a structure or other development to be fully compliant with the
448 community's floodplain management regulations. A structure or other development without
449 the elevation certificate, other certifications, or other evidence of compliance required in
450 Articles 4 and 5 is presumed to be in violation until such time as that documentation is
451 provided.

452
453 "Water Surface Elevation (WSE)" means the height, in relation to NAVD 88, of floods of various
454 magnitudes and frequencies in the floodplains of coastal or riverine areas.

455
456 "Watercourse" means a lake, river, creek, stream, wash, channel or other topographic feature
457 on or over which waters flow at least periodically. Watercourse includes specifically designated
458 areas in which substantial flood damage may occur.

459
460
461 **ARTICLE 3. GENERAL PROVISIONS.**

462
463 **SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.**

464
465 This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including
466 Extra-Territorial Jurisdictions (ETJs) if applicable, of The City of Brevard *and* within the
467 jurisdiction of any other community whose governing body agrees, by resolution, to such
468 applicability.

469
470 **SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

471
472 The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS)
473 agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and
474 its accompanying Flood Insurance Rate Maps (FIRM), for Transylvania County dated October 2,
475 2009, which are adopted by reference and declared to be a part of this ordinance. It should be
476 noted that the initial Flood Insurance Rate Maps for the City of Brevard were adopted by
477 Brevard City Council on September 29, 1978. The Initial Flood Insurance Rate Maps for
478 Transylvania County, of which the City of Brevard is the County Seat, were adopted by the
479 Transylvania County Board of Commissioners on January 2, 1980.

480
481
482 **SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.**

483
484 A Floodplain Development Permit shall be required in conformance with the provisions of this

485 ordinance prior to the commencement of any development activities within Special Flood
486 Hazard Areas determined in accordance with the provisions of Article 3, Section B of this
487 ordinance.

488
489 **SECTION D. COMPLIANCE.**

490
491 No structure or land shall hereafter be located, extended, converted, altered, or developed in
492 any way without full compliance with the terms of this ordinance and other applicable
493 regulations.

494
495 **SECTION E. ABROGATION AND GREATER RESTRICTIONS.**

496
497 This ordinance is not intended to repeal, abrogate, or impair any existing easements,
498 covenants, or deed restrictions. However, where this ordinance and another conflict or
499 overlap, whichever imposes the more stringent restrictions shall prevail.

500
501 **SECTION F. INTERPRETATION.**

502
503 In the interpretation and application of this ordinance, all provisions shall be:

- 504
505 (a) considered as minimum requirements;
506 (b) liberally construed in favor of the governing body; and
507 (c) deemed neither to limit nor repeal any other powers granted under State statutes.

508
509 **SECTION G. WARNING AND DISCLAIMER OF LIABILITY.**

510
511 The degree of flood protection required by this ordinance is considered reasonable for
512 regulatory purposes and is based on scientific and engineering consideration. Larger floods can
513 and will occur. Actual flood heights may be increased by man-made or natural causes. This
514 ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted
515 within such areas will be free from flooding or flood damages. This ordinance shall not create
516 liability on the part of The City of Brevard or by any officer or employee thereof for any flood
517 damages that result from reliance on this ordinance or any administrative decision lawfully
518 made hereunder.

519
520 **SECTION H. PENALTIES FOR VIOLATION.**

521
522 Penalties and remedies for violations of the provisions of this ordinance or failure to comply
523 with any of its requirements, including violation of conditions and safeguards established in
524 connection with grants of variance or floodplain development permits are contained in Chapter
525 18 of the City of Brevard Unified Development Ordinance. Further, nothing therein contained
526 shall prevent The City of Brevard from taking any other such lawful action as is necessary to
527 prevent or remedy any violation.

528

529 **ARTICLE 4. ADMINISTRATION.**

530

531 **SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

532

533 The City of Brevard Planning Director, or his / her designee, [shall serve as the Floodplain](#)
534 [Administrator](#), hereinafter referred to as the “Administrator”, [and](#) is hereby appointed to
535 administer and implement the provisions of this ordinance.

536

537 **SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION**
538 **REQUIREMENTS.**

539

540 (1) **Application Requirements.** Application for a Floodplain Development Permit shall be
541 made to the Administrator prior to any development activities located within Special
542 Flood Hazard Areas. The following items shall be presented to the Administrator to apply
543 for a floodplain development permit:

544

545 (a) A plot plan drawn to scale which shall include, but shall not be limited to, the
546 following specific details of the proposed floodplain development:

547

548 (i) the nature, location, dimensions, and elevations of the area of
549 development/disturbance; existing and proposed structures, utility systems,
550 grading/pavement areas, fill materials, storage areas, drainage facilities, and
551 other development;

552

553 (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or
554 other flood map as determined in Article 3, Section B, or a statement that the
555 entire lot is within the Special Flood Hazard Area;

556

557 (iii) flood zone(s) designation of the proposed development area as determined on
558 the FIRM or other flood map as determined in Article 3, Section B;

559

560 (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined
561 in Article 3, Section B;

562

563 (v) the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section
564 B; Article 4, Section C; or Article 5, Section D;

565

566 (vi) the old and new location of any watercourse that will be altered or relocated
567 as a result of proposed development;

568

569 (vii) the certification of the plot plan by a registered land surveyor or professional
570 engineer if required by the Administrator or this Ordinance;

571

572 (viii) other information as may be required by the Administrator.

- 573
- 574 (b) Proposed elevation, and method thereof, of all development within a Special Flood
- 575 Hazard Area including but not limited to:
- 576
- 577 (i) Elevation in relation to NAVD 88 of the proposed reference level (including
- 578 basement) of all structures;
- 579
- 580 (ii) Elevation in relation to NAVD 88 to which any non-residential structure in Zone
- 581 AE, A or AO will be flood-proofed; and
- 582
- 583 (iii) Elevation in relation to NAVD 88 to which any proposed utility systems will be
- 584 elevated or floodproofed;
- 585
- 586 (c) If floodproofing, a Floodproofing Certificate (FEMA Form [086-0-34 \(07/12\)](#)~~81-65~~)
- 587 with supporting data, ~~and~~ an operational plan, [and an inspection and maintenance](#)
- 588 [plan](#) that includes, but is not limited to, installation, exercise, and maintenance of
- 589 floodproofing measures.
- 590
- 591 (d) A Foundation Plan, drawn to scale,, which shall include details of the proposed
- 592 foundation system to ensure all provisions of this ordinance are met. These details
- 593 include but are not limited to:
- 594
- 595 (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation
- 596 perimeter wall, solid backfilled foundation, open foundation on
- 597 columns/posts/piers/piles/shear walls);
- 598
- 599 (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on
- 600 walls in accordance with Article 5, Section B(4)(c) when solid foundation
- 601 perimeter walls are used in Zones A, AO, AE, and A1-30;
- 602
- 603 (e) Usage details of any enclosed areas below the lowest floor.
- 604
- 605 (f) Plans and/or details for the protection of public utilities and facilities such as sewer,
- 606 gas, electrical, and water systems to be located and constructed to minimize flood
- 607 damage;
- 608
- 609 (g) Certification that all other Local, State and Federal permits required prior to
- 610 floodplain development permit issuance have been received.
- 611
- 612 (h) Documentation for placement of Recreational Vehicles and/or Temporary
- 613 Structures, when applicable, to ensure that the provisions of Article 5, Section B,
- 614 subsections (6) and (7) of this ordinance are met.
- 615
- 616 (i) A description of proposed watercourse alteration or relocation, when applicable,

617 including an engineering report on the effects of the proposed project on the
618 flood-carrying capacity of the watercourse and the effects to properties located
619 both upstream and downstream; and a map (if not shown on plot plan) showing
620 the location of the proposed watercourse alteration or relocation.

621

622 (2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be
623 limited to:

624

625 (a) A description of the development to be permitted under the floodplain
626 development permit.

627

628 (b) The Special Flood Hazard Area determination for the proposed development in
629 accordance with available data specified in Article 3, Section B.

630

631 (c) The regulatory Fflood Protection Eelevation required for the reference level and all
632 attendant utilities.

633

634 (d) The Regulatory Fflood Protection Eelevation required for the protection of all
635 public utilities.

636

637 (e) All certification submittal requirements with timelines.

638

639 (f) A statement that no fill material or other development shall encroach into the
640 floodway or non-encroachment area of any watercourse, as applicable.

641

642 (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.

643

644 (h) A statement by the property owner that no uses below BFE other than parking and
645 storage shall be employed.

646

647 (i) Other information as may be required by the Administrator.

648

649 (3) **Certification Requirements.**

650

651 (a) Elevation Certificates

652

653 (i) An Elevation Certificate (FEMA Form [086-0-33 \(7/12\)](#)~~81-31~~) is required prior to
654 the actual start of any new construction. It shall be the duty of the permit
655 holder to submit to the Administrator a certification of the elevation of the
656 reference level, in relation to NAVD 88. The Administrator shall review the
657 certificate data submitted. Deficiencies detected by such review shall be
658 corrected by the permit holder prior to the beginning of construction. Failure
659 to submit the certification or failure to make required corrections shall be
660 cause to deny a floodplain development permit.

65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 88. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (d) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).
- (e) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (f) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - (iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

SECTION C. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR.

The Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this

- 750 ordinance have been satisfied.
- 751
- 752 (2) Review all proposed development within Special Flood Hazard Areas to assure that all
753 necessary Local, State and Federal permits have been received, [including Section 404 of](#)
754 [the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.](#)
- 755
- 756 (3) Notify adjacent communities and the North Carolina Department of Crime Control and
757 Public Safety, Division of Emergency Management, State Coordinator for the National
758 Flood Insurance Program prior to any alteration or relocation of a watercourse, and
759 submit evidence of such notification to the Federal Emergency Management Agency
760 (FEMA).
- 761
- 762 (4) Assure that maintenance is provided within the altered or relocated portion of said
763 watercourse so that the flood-carrying capacity is maintained.
- 764
- 765 (5) Prevent encroachments into floodways and non-encroachment areas unless the
766 certification and flood hazard reduction provisions of Article 5, Section F are met.
- 767
- 768 (6) Obtain actual elevation (in relation to NAVD 88) of the reference level (including
769 basement) and all attendant utilities of all new and substantially improved structures, in
770 accordance with Article 4, Section B(3).
- 771
- 772 (7) Obtain actual elevation (in relation to NAVD 88) to which all new and substantially
773 improved structures and utilities have been floodproofed, in accordance with the
774 provisions of Article 4, Section B(3).
- 775
- 776 (8) Obtain actual elevation (in relation to NAVD 88) of all public utilities in accordance with
777 the provisions of Article 4, Section B(3).
- 778
- 779 (9) When floodproofing is utilized for a particular structure, obtain certifications from a
780 registered professional engineer or architect in accordance with the provisions of Article
781 4, Section B(3) and Article 5, Section B(2).
- 782
- 783 (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood
784 Hazard Areas, floodways, or non-encroachment areas (for example, where there appears
785 to be a conflict between a mapped boundary and actual field conditions), make the
786 necessary interpretation. The person contesting the location of the boundary shall be
787 given a reasonable opportunity to appeal the interpretation as provided in this article
- 788

- 789 (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3,
790 Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data,
791 along with floodway data or non-encroachment area data available from a Federal, State,
792 or other source, including data developed pursuant to Article 5, Section D(2)(b), in order
793 to administer the provisions of this ordinance.
- 794
- 795 (12) When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment
796 area data has been provided in accordance with Article 3, Section B, obtain, review, and
797 reasonably utilize any floodway data or non-encroachment area data available from a
798 Federal, State, or other source in order to administer the provisions of this ordinance.
799
- 800 (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground
801 elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation,
802 advise the property owner of the option to apply for a Letter of Map Amendment (LOMA)
803 from FEMA, and maintain a copy of all Letter of Map Amendment (LOMA) issued by FEMA
804 in the floodplain development permit file.
805
- 806 (14) Permanently ~~M~~aintain, ~~in-perpetuity~~, all records that pertain to the administration of
807 this ordinance and make these records available for public inspection, recognizing that
808 such information may be subject to the Privacy Act of 1974, as amended.
809
- 810 (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain
811 development permit progresses, the Administrator shall make as many inspections of the
812 work as may be necessary to ensure that the work is being done according to the
813 provisions of the local ordinance and the terms of the permit. In exercising this power,
814 the Administrator has a right, upon presentation of proper credentials, to enter on any
815 premises within the jurisdiction of the community at any reasonable hour for the
816 purposes of inspection or other enforcement action.
817
- 818 (16) Issue stop-work orders as required. Whenever a building or part thereof is being
819 constructed, reconstructed, altered, or repaired in violation of this ordinance, the
820 Administrator may order the work to be immediately stopped. The stop-work order shall
821 be in writing and directed to the person doing or in charge of the work. The stop-work
822 order shall state the specific work to be stopped, the specific reason(s) for the stoppage,
823 and the condition(s) under which the work may be resumed. Penalties for the violation of
824 a stop-work order are provided in Chapter 18 of the City of Brevard Unified Development
825 Ordinance. Further, nothing therein contained shall prevent The City of Brevard from
826 taking any other such lawful action as is necessary to prevent or remedy any violation
827
- 828 (17) Revoke floodplain development permits as required. The Administrator may revoke and
829 require the return of the floodplain development permit by notifying the permit holder in
830 writing stating the reason(s) for the revocation. Permits shall be revoked for any
831 substantial departure from the approved application, plans, and specifications; for refusal
832 or failure to comply with the requirements of State or local laws; or for false statements

833 or misrepresentations made in securing the permit. Any floodplain development permit
834 mistakenly issued in violation of an applicable State or local law may also be revoked.

- 835
- 836 (18) Make periodic inspections throughout the ~~s~~Special ~~f~~Flood ~~h~~Hazard ~~a~~Areas within the
837 jurisdiction of the community. The Administrator and each member of his or her
838 inspections department shall have a right, upon presentation of proper credentials, to
839 enter on any premises within the territorial jurisdiction of the department at any
840 reasonable hour for the purposes of inspection or other enforcement action.
841
- 842 (19) Follow through with corrective procedures of Article 4, Section D.
843
- 844 (20) Review, provide input, and make recommendations for variance requests.
845
- 846 (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and
847 other official flood maps and studies adopted in accordance with Article 3, Section B of
848 this ordinance, including any revisions thereto including Letters of Map Change, issued by
849 FEMA. Notify State and FEMA of mapping needs.
850
- 851 (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on
852 Fill (LOMR-F) and Letters of Map Revision (LOMR).
853
- 854 (23) All costs associated with the administration of this ordinance, including but not limited to
855 the review of engineering analysis for the benefit of the City and the costs associated with
856 map revisions, shall be borne by the applicant, developer or property owner, as
857 appropriate.
858

859 **SECTION D. CORRECTIVE PROCEDURES.**
860

- 861 (1) Violations to be corrected: When the Administrator finds violations of applicable State
862 and local laws, it shall be his or her duty to notify the owner or occupant of the building of
863 the violation. The owner or occupant shall immediately remedy each of the violations of
864 law cited in such notification.
865
- 866 (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or
867 property shall fail to take prompt corrective action, the Administrator shall give the owner
868 written notice, by certified or registered mail to the owner's last known address or by
869 personal service, stating:
870
- 871 (a) that the building or property is in violation of the floodplain management
872 regulations;
873
- 874 (b) that a hearing will be held before the Administrator at a designated place and time,
875 not later than ten (10) days after the date of the notice, at which time the owner
876 shall be entitled to be heard in person or by counsel and to present arguments and

877 evidence pertaining to the matter; and

878

879 (c) that following the hearing, the Administrator may issue an order to alter, vacate, or
880 demolish the building; or to remove fill as applicable.

881

882 (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed
883 above, the Administrator shall find that the building or development is in violation of the
884 Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner,
885 requiring the owner to remedy the violation within a specified time period, not less than
886 sixty (60) calendar days, nor more than one-hundred eighty (180) calendar days. Where
887 the Administrator finds that there is imminent danger to life or other property, they may
888 order that corrective action be taken in such lesser period as may be feasible.

889

890 (4) Appeal: Any owner who has received an order to take corrective action may appeal the
891 order to the local elected governing body by giving notice of appeal in writing to the
892 Administrator and the clerk within ten (10) days following issuance of the final order. In
893 the absence of an appeal, the order of the Administrator shall be final. The City of
894 Brevard Board of Adjustment shall hear an appeal within a reasonable time and as
895 provided in Chapter 16, Section 16.12 of the City of Brevard Unified Development
896 Ordinance.

897

898 (5) Failure to Comply with Order: If the owner of a building or property fails to comply with
899 an order to take corrective action for which no appeal has been made or fails to comply
900 with an order of the governing body following an appeal, the owner shall be subject to
901 remedies and penalties as provided for in Chapter 18 of the City of Brevard Unified
902 Development Ordinance.

903

904 **SECTION E. VARIANCE PROCEDURES.**

905

906 (1) The Board of Adjustment as for the City of Brevard shall hear and decide requests for
907 variances from the requirements of this ordinance.

908

909 (2) Any person aggrieved by the decision of the Board of Adjustment may appeal such
910 decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

911

912 (3) Variances from this Ordinance shall be considered under the variance procedures of
913 Chapter 16 of the City of Brevard Unified Development Ordinance, as well as the
914 requirements of this Ordinance. In addition to the required public hearing notification
915 procedures for variances, the Administrator shall provide notification of a public hearing
916 by means of first class mail to the owners of all properties lying within or adjacent to the
917 ~~s~~Special ~~f~~Flood ~~h~~Hazard ~~a~~Area within the same cross section area (as indicated in the
918 Flood Insurance Study), as well as the owners of all properties lying within or adjacent to
919 the ~~s~~Special ~~f~~Flood ~~h~~Hazard ~~a~~Area within each cross section area located immediately
920 upstream and downstream of the cross section area in which the proposed development

921 is located. If such variance is granted, the Administrator shall provide the same property
922 owners with notification that a variance has been granted that may cause adverse impact
923 deriving from increased flood velocities, a rise in the base flood elevation, or other
924 impacts.

925
926 (4) Provided the requirements of this chapter have been satisfied and such facilities are
927 protected by methods that minimize flood damages, a variance may be granted to
928 facilitate the construction of functionally dependant facilities.

929
930 (5) In passing upon variances, the Board of Adjustment shall consider all technical
931 evaluations, all relevant factors, all standards specified in other sections of this ordinance,
932 and:

933
934 (a) the danger that materials may be swept onto other lands to the injury of others;

935
936 (b) the danger to life and property due to flooding or erosion damage;

937
938 (c) the susceptibility of the proposed facility and its contents to flood damage and the
939 effect of such damage on the individual owner;

940
941 (d) the importance of the services provided by the proposed facility to the community;

942
943 (e) the necessity to the facility of a waterfront location as defined under Article 2 of this
944 ordinance as a functionally dependent facility, where applicable;

945
946 (f) the availability of alternative locations, not subject to flooding or erosion damage,
947 for the proposed use;

948
949 (g) the compatibility of the proposed use with existing and anticipated development;

950
951 (h) the relationship of the proposed use to the comprehensive plan and floodplain
952 management program for that area;

953
954 (i) the safety of access to the property in times of flood for ordinary and emergency
955 vehicles;

956
957 (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the
958 floodwaters and the effects of wave action, if applicable, expected at the site; and

959
960 (k) the costs of providing governmental services during and after flood conditions
961 including maintenance and repair of public utilities and facilities such as sewer, gas,
962 electrical and water systems, and streets and bridges.

963

964 (6) Conditions for Variances:

965

966 (a) Variances shall not be issued when the variance will make the structure in violation
967 of other Federal, State, or local laws, regulations, or ordinances.

968

969 (b) The “no rise” and “no adverse impact” requirements of this ordinance shall not be
970 varied.

971

972 (c) A variance shall not be issued that would permit an encroachment within any
973 floodway or other non-encroachment area.

974

975 (d) A variance shall not be issued that would permit the establishment, expansion, or
976 continuation of a use or structure within a special flood hazard area, floodway, non-
977 encroachment area, or other surface water protection area that is prohibited by this
978 Ordinance. A variance shall not be issued for solid waste disposal facilities, hazardous
979 waste management facilities, salvage yards, chemical storage facilities, junkyards, and
980 critical facilities.

981

982 (e) A variance shall not be issued that would vary any requirement of this Ordinance
983 pertaining to the flood proofing or elevation of any structure, or the prevention of
984 floatation or lateral movement of any structure.

985

986 (f) A variance shall not be issued that would permit the channelization, straightening of
987 a stream or other water body channel, or the establishment of a levy, dyke, berm or other
988 similar structure, or the clearance of protected vegetation for any purpose other than to
989 permit reasonable use of the property.

990

991 (g) Variances shall only be issued upon a determination that the variance is the
992 minimum necessary, considering the flood hazard, to afford relief.

993

994 (h) Variances shall only be issued prior to development permit approval.

995

996 (i) Variances shall only be issued upon:

997

998 (i) a showing of good and sufficient cause;

999

1000 (ii) a determination that failure to grant the variance would result in exceptional
1001 hardship; and

1002

1003 (iii) a determination that the granting of a variance will not result in increased
1004 flood heights, additional threats to public safety, or extraordinary public expense, create
1005 nuisance, cause fraud on or victimization of the public, or conflict with existing local laws
1006 or ordinances.

- 1007
1008 (7) A written report addressing each of the above factors shall be submitted with the
1009 application for a variance.
1010
1011 (8) Upon consideration of the factors listed above and the purposes of this ordinance, the
1012 Board of Adjustment may attach such conditions to the granting of variances as it deems
1013 necessary to further the purposes and objectives of this ordinance.
1014
1015 (9) Any applicant to whom a variance is granted shall be given written notice specifying the
1016 difference between the Base Flood Elevation (BFE) and the elevation to which the
1017 structure is to be built and that such construction below the Base Flood Elevation
1018 increases risks to life and property, and that the issuance of a variance to construct a
1019 structure below the Base Flood Elevation will result in increased premium rates for flood
1020 insurance up to \$25 per \$100 of insurance coverage. Such notification shall be
1021 maintained with a record of all variance actions, including justification for their issuance.
1022
1023 (10) The Board of Adjustment shall notify the Secretary of the North Carolina Department of
1024 Crime Control and Public Safety and the property owners who received notification of the
1025 hearing of its intention to grant a variance at least thirty (30) calendar days prior to
1026 granting the variance. The notification shall contain evidence, presented at the hearing
1027 that addresses the factors listed in subsections 8 and 9, above as well as the findings and
1028 considerations listed in Chapter 16 of the UDO.
1029
1030 (11) The Administrator shall maintain the records of all variances and appeal actions and
1031 report any variances to the Federal Emergency Management Agency and the State of
1032 North Carolina upon request.
1033

1034 **ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.**

1035
1036 **SECTION A. GENERAL STANDARDS.**

1037
1038 In all Special Flood Hazard Areas the following provisions are required:
1039

- 1040 (1) All new construction and substantial improvements shall be designed (or modified) and
1041 adequately anchored to prevent flotation, collapse, and lateral movement of the
1042 structure.
1043
1044 (2) All new construction and substantial improvements shall be constructed with materials
1045 and utility equipment resistant to flood damage.
1046
1047 (3) All new construction and substantial improvements shall be constructed by methods and
1048 practices that minimize flood damages.
1049
1050 (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service

1051 facilities shall be designed and/or located so as to prevent water from entering or
1052 accumulating within the components during conditions of flooding to the Regulatory
1053 Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water
1054 softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes,
1055 utility/cable boxes, hot water heaters, and electric outlets/switches.

1056
1057 (5) All new and replacement water supply systems shall be designed to minimize or eliminate
1058 infiltration of floodwaters into the system.

1059
1060 (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate
1061 infiltration of floodwaters into the systems and discharges from the systems into flood
1062 waters.

1063
1064 (7) On-site waste disposal systems shall be located and constructed to avoid impairment to
1065 them or contamination from them during flooding.

1066
1067 (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in
1068 compliance with the provisions of this ordinance, shall meet the requirements of “new
1069 construction” as contained in this ordinance.

1070
1071 (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a
1072 building or structure existing on the effective date of this ordinance and located totally or
1073 partially within the floodway, non-encroachment area, or stream setback, provided there
1074 is no additional encroachment below the ~~Regulatory Flood Protection~~ Elevation in the
1075 floodway, non-encroachment area, or stream setback, and provided that such repair,
1076 reconstruction, or replacement meets all of the other requirements of this ordinance.

1077
1078 (10) ~~New solid waste disposal facilities and sites, hazardous waste management facilities,~~
1079 ~~salvage yards, and chemical storage facilities shall not be permitted, except by variance as~~
1080 ~~specified in Article 4, Section E(10).~~ A structure or tank for chemical or fuel storage
1081 incidental to an allowed use or to the operation of a water treatment plant or wastewater
1082 treatment facility may be located in a Special Flood Hazard Area only if the structure or
1083 tank is either elevated or floodproofed to at least the ~~Regulatory Flood Protection~~
1084 Elevation and certified in accordance with the provisions of Article 4, Section B(3).

1085
1086 (11) All subdivision proposals and other development proposals shall be consistent with the
1087 need to minimize flood damage.

1088
1089 (12) All subdivision proposals and other development proposals shall have public utilities and
1090 facilities such as sewer, gas, electrical, and water systems located and constructed to
1091 minimize flood damage.

1092

1093 (13) All subdivision proposals and other development proposals shall have adequate drainage
1094 provided to reduce exposure to flood hazards.

1095
1096 (14) All subdivision proposals and other development proposals shall have received all
1097 necessary permits from those governmental agencies for which approval is required by
1098 Federal or State law, including Section 404 of the Federal Water Pollution Control Act
1099 Amendments of 1972, 33 U.S.C. 1334.

1100
1101 (15) Newly created parcels of land shall have adequate developable area outside of the special
1102 flood hazard area, except parcels created and restricted for the purpose of recreation,
1103 agriculture, conservation or open space protection. Fill and other encroachments shall
1104 not be permitted within the SFHA of any parcel created after the date of enactment of
1105 this Ordinance, except upon successful demonstration of no rise and no adverse impact.

1106
1107 (16) When a structure is partially located in a special flood hazard area, the entire structure
1108 shall meet the requirements for new construction and substantial improvements.

1109
1110 (17) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone
1111 with multiple base flood elevations, the provisions for the more restrictive flood hazard
1112 risk zone and the highest ~~b~~Base ~~f~~Flood ~~e~~Elevation shall apply.

1113

1114 **SECTION B. SPECIFIC STANDARDS.**

1115

1116 In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as
1117 set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to
1118 the provisions of Article 5, Section A, are required:

1119

1120 (1) Residential Construction. New construction and substantial improvement of any
1121 residential structure (including manufactured homes) shall have the reference level,
1122 including basement, elevated no lower than the regulatory flood protection elevation, as
1123 defined in Article 2 of this ordinance.

1124

1125 (2) Non-Residential Construction. New construction and substantial improvement of any
1126 commercial, industrial, or other non-residential structure shall have the reference level,
1127 including basement, elevated no lower than the ~~r~~Regulatory ~~f~~Flood ~~p~~Protection ~~e~~Elevation,
1128 as defined in Article 2 of this ordinance. Structures located in A, AE, AO, and A1-30 Zones
1129 may be floodproofed to the ~~r~~Regulatory ~~f~~Flood ~~p~~Protection ~~e~~Elevation in lieu of elevation
1130 provided that all areas of the structure, together with attendant utility and sanitary
1131 facilities, below the ~~r~~Regulatory ~~f~~Flood ~~p~~Protection ~~e~~Elevation are watertight with walls
1132 substantially impermeable to the passage of water, using structural components having
1133 the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
1134 For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section
1135 G(2). A registered professional engineer or architect shall certify that the standards of this
1136 subsection are satisfied. Such certification shall be provided to the Administrator as set

137 forth in Article 4, Section B(3), along with the operational, ~~and~~ maintenance and
138 inspections plans..

139
140 (3) Manufactured Homes.

141
142 (a) New and replacement manufactured homes shall be elevated so that the reference
143 level of the manufactured home is no lower than the ~~R~~egulatory ~~F~~lood ~~P~~rotection
144 ~~e~~levation, as defined in Article 2 of this ordinance.

145
146 (b) Manufactured homes shall be securely anchored to an adequately anchored
147 foundation to resist flotation, collapse, and lateral movement, either by certified
148 engineered foundation system, or in accordance with the most current edition of
149 the State of North Carolina Regulations for Manufactured Homes adopted by the
150 Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the
151 elevation would be met by an elevation of the chassis thirty-six (36) inches or less
152 above the grade at the site, the chassis shall be supported by reinforced piers or
153 engineered foundation. When the elevation of the chassis is above thirty-six (36)
154 inches in height, an engineering certification is required.

155
156 (c) All enclosures or skirting below the lowest floor shall meet the requirements of
157 Article 5, Section B(4).

158
159 (d) An evacuation plan must be developed for evacuation of all residents of all new,
160 substantially improved or substantially damaged manufactured home parks or
161 subdivisions located within flood prone areas. This plan shall be filed with and
162 approved by the Administrator and the local Emergency Management coordinator.

163
164 (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved
165 structures, which is below the lowest floor:

166
167 (a) shall not be designed or used for human habitation, but shall only be used for
168 parking of vehicles, building access, or limited storage of maintenance equipment
169 used in connection with the premises. Access to the enclosed area shall be the
170 minimum necessary to allow for parking of vehicles (garage door) or limited storage
171 of maintenance equipment (standard exterior door), or entry to the living area
172 (stairway or elevator). The interior portion of such enclosed area shall not be
173 finished or partitioned into separate rooms, except to enclose storage areas;

174
175 (b) shall be constructed entirely of flood resistant materials at least to the regulatory
176 flood protection elevation;

177
178 (c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically
179 equalize hydrostatic flood forces on walls by allowing for the entry and exit of
180 floodwaters. To meet this requirement, the openings must either be certified by a

1181 professional engineer or architect or meet or exceed the following minimum design
1182 criteria:

- 1183
- 1184 (i) A minimum of two flood openings on different sides of each enclosed area
1185 subject to flooding;
- 1186
- 1187 (ii) The total net area of all flood openings must be at least one (1) square inch for
1188 each square foot of enclosed area subject to flooding;
- 1189
- 1190 (iii) If a building has more than one enclosed area, each enclosed area must have
1191 flood openings to allow floodwaters to automatically enter and exit;
- 1192
- 1193 (iv) The bottom of all required flood openings shall be no higher than one (1) foot
1194 above the adjacent grade;
- 1195
- 1196 (v) Flood openings may be equipped with screens, louvers, or other coverings or
1197 devices, provided they permit the automatic flow of floodwaters in both
1198 directions; and
- 1199
- 1200 (vi) Enclosures made of flexible skirting are not considered enclosures for
1201 regulatory purposes, and, therefore, do not require flood openings. Masonry
1202 or wood underpinning, regardless of structural status, is considered an
1203 enclosure and requires flood openings as outlined above.
- 1204

1205 (5) Additions/Improvements.

- 1206
- 1207 (a) Additions and/or improvements to pre-FIRM structures when the addition and/or
1208 improvements in combination with any interior modifications to the existing structure
1209 are:
 - 1210
 - 1211 (i) not a substantial improvement, the addition and/or improvements must be
1212 designed to minimize flood damages and must not be any more non-
1213 conforming than the existing structure.
 - 1214
 - 1215 (ii) a substantial improvement, both the existing structure and the addition and/or
1216 improvements must comply with the standards for new construction.
 - 1217
- 1218 (b) Additions to post-FIRM structures [that are a substantial improvement](#) with no
1219 modifications to the existing structure other than a standard door in the common
1220 wall shall require only the addition to comply with the standards for new
1221 construction.
- 1222
- 1223 (c) Additions and/or improvements to post-FIRM structures when the addition and/or
1224 improvements in combination with any interior modifications to the existing

1225 structure are:

1226

1227 (i) not a substantial improvement, the addition and/or improvements only must
1228 comply with the standards for new construction.

1229

1230 (ii) a substantial improvement, both the existing structure and the addition and/or
1231 improvements must comply with the standards for new construction.

1232

1233 (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement
1234 of a building or structure taking place during a one (1) year period, the cumulative
1235 cost of which equals or exceeds 50 percent of the market value of the structure
1236 before the improvement or repair is started must comply with the standards for
1237 new construction. For each building or structure, the one (1) year period begins on
1238 the date of the first improvement or repair of that building or structure subsequent
1239 to the effective date of this ordinance. If the structure has sustained substantial
1240 damage, any repairs are considered substantial improvement regardless of the
1241 actual repair work performed. The requirement does not, however, include either:

1242

1243 (i) any project for improvement of a building required to correct existing health,
1244 sanitary or safety code violations identified by the building official and that are
1245 the minimum necessary to assume safe living conditions.

1246

1247 (ii) any alteration of a historic structure provided that the alteration will not
1248 preclude the structure's continued designation as a historic structure.

1249

1250 (6) Recreational Vehicles. Recreational vehicles shall either:

1251

1252 (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for
1253 highway use (a recreational vehicle is ready for highway use if it is on its wheels or
1254 jacking system, is attached to the site only by quick disconnect type utilities, and has
1255 no permanently attached additions); or

1256

1257 (b) meet all the requirements for new construction.

1258

1259 (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development
1260 permit for a temporary structure, the applicant must submit to the Administrator a plan
1261 for the removal of such structure(s) in the event of a hurricane, flash flood or other type
1262 of flood warning notification. The following information shall be submitted in writing to
1263 the Administrator for review and written approval:

1264

1265 (a) a specified time period for which the temporary use will be permitted. Time
1266 specified may not exceed three (3) months, renewable up to one (1) year;

1267

1268 (b) the name, address, and phone number of the individual responsible for the removal

- 1269 of the temporary structure;
1270
- 1271 (c) the time frame prior to the event at which a structure will be removed (i.e.,
1272 minimum of 72 hours before landfall of a hurricane or immediately upon flood
1273 warning notification);
1274
 - 1275 (d) a copy of the contract or other suitable instrument with the entity responsible for
1276 physical removal of the structure; and
1277
 - 1278 (e) designation, accompanied by documentation, of a location outside the Special Flood
1279 Hazard Area, to which the temporary structure will be moved.
1280
- 1281 (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to
1282 be placed within a Special Flood Hazard Area, the following criteria shall be met:
1283
- 1284 (a) Accessory structures shall not be used for human habitation (including working,
1285 sleeping, living, cooking or restroom areas);
1286
 - 1287 (b) Accessory structures shall not be temperature-controlled;
1288
 - 1289 (c) Accessory structures shall be designed to have low flood damage potential;
1290
 - 1291 (d) Accessory structures shall be constructed and placed on the building site so as to
1292 offer the minimum resistance to the flow of floodwaters;
1293
 - 1294 (e) Accessory structures shall be firmly anchored in accordance with the provisions of
1295 Article 5, Section A(1);
1296
 - 1297 (f) All service facilities such as electrical shall be installed in accordance with the
1298 provisions of Article 5, Section A(4); and
1299
 - 1300 (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall
1301 be provided below ~~r~~Regulatory ~~f~~Flood ~~p~~Protection ~~e~~Elevation in conformance with
1302 the provisions of Article 5, Section B(4)(c).
1303

1304 (h) An accessory structure with a footprint less than 150 square feet, or that is a minimal
1305 investment (\$1,500) or less that satisfies the criteria outlined above does not require
1306 an elevation or floodproofing certificate. Elevation or floodproofing certifications are
1307 required for all other accessory structures in accordance with Article 4, Section B(3).
1308

1309 (g) Public Utilities. For development of such utilities as necessary for the collection, treatment,
1310 and distribution of public water and wastewater within the special flood hazard area (Zone
1311 AE) the following criteria shall apply:

1312
1313 (a) The “no rise” requirement of this chapter shall be considered satisfied if the
1314 development demonstrates an increase in the base flood elevation of 0.05’ or less.

1315
1316 (b) This does not exempt such development from complying with the “no rise”
1317 requirement as it relates to development within the floodway or non-encroachment
1318 area which requires demonstration that development would not result in any
1319 increase in the flood levels during the occurrence of the base flood, based on
1320 hydrologic and hydraulic analyses performed in accordance with standard
1321 engineering practice and presented to the Administrator prior to issuance of
1322 floodplain development permit.

1323
1324 ~~(a)~~ (c) Such development must certify a determination of no adverse impact as
1325 defined below.

1326
1327 **SECTION C. NO ADVERSE IMPACT DETERMINATION.**

- 1328
- 1329 1) After examination of the National Flood Insurance Program standards for floodplain
1330 development, the City Council of the City of Brevard has made the judgment that due to its
1331 geographic location, topography and the extensive riverine floodplain systems within its
1332 jurisdiction that the minimum standards of the National Flood Insurance Program are not
1333 wholly sufficient to protect its citizens and their properties from the effects of flooding,
1334 especially in situations where flooding possibly could be exacerbated by development that
1335 would otherwise be allowable under the minimum standards of the National Flood
1336 Insurance Program, and that additional protections must be employed to protect the lives
1337 and property within the jurisdiction of the City of Brevard.
1338
 - 1339 2) No structure or land shall be located, extended, converted, altered, or developed in any way
1340 within the Special Flood Hazard Area, nor shall any floodplain development permit be
1341 issued except as otherwise provided in this ordinance, until the Administrator makes a
1342 determination that the project would not increase danger to life or property and would
1343 have no adverse impact based upon the affirmative findings that:
1344
 - 1345 a) The granting of the floodplain development permit will not create a danger that fill,
1346 construction materials or other debris or construction spoils may be swept onto

- 1347 properties upstream from, downstream from, or adjacent to the project area, or
1348 increase erosion and sedimentation; and
1349
- 1350 b) The granting of the floodplain development permit will result in no rise in the base
1351 flood elevation as defined by this ordinance; and
1352
- 1353 c) The granting of the floodplain development permit will not result in increased flood
1354 peaks, increased flood stages, or increased flood velocities during the base flood
1355 discharge; and
1356
- 1357 d) The granting of the floodplain development permit will not increase or alter the
1358 width or extent of the floodway or special flood hazard area except within the
1359 property or properties upon which the floodplain development is located or the
1360 property of a consenting owner, where such property is protected from future
1361 development by means of a conservation easement or other, similar restriction that
1362 is acceptable to the Administrator; and
1363
- 1364 e) The granting of the floodplain development permit will not increase the
1365 susceptibility of any property to flooding during the base flood except the property
1366 or properties upon which the floodplain development is located or the property of a
1367 consenting owner, where such property is protected from future development by
1368 means of a conservation easement or other, similar restriction that is acceptable to
1369 the Administrator; and
1370
- 1371 f) The granting of the floodplain development permit will not increase the
1372 susceptibility of existing or proposed structure to flooding during the base flood; and
1373
- 1374 g) The granting of the floodplain development permit will not detrimentally impact the
1375 functionality or level of service of any street, bridge or culvert, or public utility
1376 during the base flood; and
1377
- 1378 h) The granting of the floodplain development permit will not reduce the effective base
1379 flood storage volume of the floodplain.
1380
- 1381 i) The granting of the floodplain development permit will not increase the
1382 susceptibility of any critical facility to flooding, nor detrimentally impact access
1383 thereto during the base flood; and
1384
- 1385 j) The granting of the floodplain development permit will not otherwise increase the
1386 probability of flooding or property damage and thereby create a danger to life and
1387 property, or otherwise create conditions that are injurious to the public health,
1388 safety, and welfare, or detrimental to the value of adjoining property and associated
1389 uses; and
1390

1391 k) The use, structure, or other activity that is the subject of the floodplain development
1392 permit will comply with all other requirements and specifications of Brevard City
1393 Code.

- 1394 3) The burden of proof shall lie with the applicant, who shall be required to present evidence
1395 to substantiate any affirmative finding. The Administrator shall maintain records containing
1396 specific evidence to substantiate any affirmative finding.
1397
- 1398 4) Property owners and any tenant or lessee thereof, who may be adversely impacted by the
1399 proposed floodplain development, shall be provided an opportunity to comment, in writing,
1400 upon such development or to provide information or evidence pertaining to a potential
1401 adverse impact. The Administrator shall provide notification of the proposed floodplain
1402 development by means of first class mail to the owners of all properties lying within or
1403 adjacent to the special flood hazard area whose properties lie within the geographic scope
1404 of the hydraulic and hydrologic evaluation that is required by subsection 5(e), below, or
1405 Article 4 Section B, subsection (3)(b). The applicant shall be required to respond, in writing,
1406 to any claim of adverse impact by an affected property owner or tenant or lessee thereof.
1407
- 1408 5) In order to evaluate development proposals in the context of the required findings, the
1409 following, minimum information is required for presentation to the Administrator:
1410
- 1411 a) A narrative, written in non-technical language, which explains how no adverse impact is
1412 being accomplished with respect to the proposed project.
1413
- 1414 b) No rise certification documentation by a professional engineer is required to show that
1415 proposed encroachment into the special flood hazard area will cause no rise in the
1416 water surface elevation of the 100-year base flood as defined in this Ordinance.
1417
- 1418 c) No adverse impact certification documentation by a professional engineer is required to
1419 show that the proposed encroachment into the special flood hazard area will create no
1420 adverse impact upon any other property owner.
1421
- 1422 d) Other information as may be required by the Administrator in order to evaluate the
1423 proposed floodplain development permit in the context of the required findings that are
1424 set forth in Article 5, Section C, Subsection 2, above.
1425
- 1426 e) All data and conclusions shall be demonstrated using the most current hydraulic and
1427 hydrological models employed by the Federal Emergency Management Agency
1428 (hereafter, FEMA) or North Carolina Emergency Management's Office of Geospatial and
1429 Technology Management (hereafter, NCEM GTMO) for the purposes of flood risk
1430 assessment and mapping. If there is no model available for the basin or watercourse
1431 affected by proposed development, a full hydraulic and hydrological model shall be
1432 developed by a professional engineer and approved by the administrator and / or FEMA
1433 / NCEM GTMO as appropriate.
1434
- 1435 f) Hydraulic and hydrologic conditions shall be evaluated within the project area, as well as
1436 upstream and downstream of the project area along the channel to the point where
1437 water surface profiles consistently meet the existing conditions as defined in the

1438 effective model. The Administrator shall have the authority to determine the reach and
1439 scope of any hydraulic and hydrologic evaluation.

1440
1441 g) The developer or property owner of any development project that causes an increase in
1442 the base flood elevation or a change in the geographic extent of the special flood hazard
1443 area or floodway shall be responsible for revisions to the Flood Insurance Rate Maps,
1444 which shall be approved by FEMA, in accordance with 44 CFR 70. The developer or
1445 property owner shall be responsible for preparing and recording appropriate legal
1446 documents in which all property owners affected by the increased flood elevations or
1447 change to the geographic extent of the special flood hazard area or floodway have
1448 consented to the impacts upon their property, including development restrictions
1449 approved by the Administrator. Prior to approval of any project, the developer shall
1450 Conditional Letter of Map Revision (CLOMR) first to the City of Brevard for review and
1451 approval and then to North Carolina Emergency Management for review. A Letter of
1452 Map Revision (LOMR) must be obtained and new Flood Insurance Rate Maps produced
1453 and presented to the Administrator within 6 months of completion of the proposed
1454 encroachment. The applicant shall enter into a written agreement with the City and
1455 provide financial security that is sufficient to cover all costs associated with completion
1456 of the LOMR and FIRMs. Such agreement and security shall be provided in accordance
1457 with the Improvement Guarantee requirements and procedures which are set forth in
1458 Chapter 16 of the City of Brevard Unified Development Ordinance.

1459
1460 6) The Administrator, for the further protection of the neighboring properties and the public
1461 welfare, may impose appropriate conditions and safeguards upon any floodplain
1462 development permit which it may grant pursuant to the provisions of this subsection. Any
1463 floodplain development permit granted may be revoked by the Administrator should any
1464 conditions and safeguards imposed be violated.

1465
1466 7) Exemptions. The following projects are potentially exempt, as determined by the
1467 Administrator, from the specific requirements of subsection C.2, above:

1468
1469 a) Agricultural structures such as barns, feed-waste storage structures, greenhouses, and
1470 similar structures that are not insurable through the National Flood Insurance Program,
1471 provided that such structures comply with Article 5, Section B, Subsection 8 of this
1472 Ordinance.

1473
1474 b) Non-substantial improvements as defined in this ordinance.

1475
1476 c) Minor projects clearly having negligible impact, such as street resurfacing and
1477 rehabilitation, certain utility infrastructure and appurtenances (e.g. hydrants, poles,
1478 manholes, underground pipes), and minor water quality features.

1479
1480 d) Development pursuant to approved site-specific development plans and floodplain

1481 development permits which are still in force on the effective date of this ordinance are
1482 not required to meet no rise criteria unless such was previously a requirement of the
1483 approving authority.

1484
1485 e) Fill sufficient to permit the establishment of no more than one single family dwelling
1486 unit on parcels the boundaries of which were on record in the Transylvania County
1487 Register of Deeds prior to the enactment of this ordinance. The approving authority
1488 shall have the right to impose such conditions and make such allowances as are
1489 necessary to limit the volume of fill placed for this purpose, including but not limited to
1490 modifications to required setbacks, which are set forth in Chapter 2 of the City of
1491 Brevard Unified Development Ordinance, by as much as 20 percent in order to minimize
1492 necessary fill.

1493
1494 f) Stream bank, stream channel, wetland restoration, soil stabilization, or other surface
1495 water protection and restoration projects of the North Carolina Cooperative Extension
1496 Service, Transylvania County Soil and Water Conservation Service, USDA Natural
1497 Resources Conservation Service, Transylvania County, the City of Brevard, the North
1498 Carolina Forest Service, or a cooperating organization or entity. This exemption does
1499 not include the impoundment, levying, straightening or channelization of any
1500 watercourse.

1501
1502 8) The Administrator shall have the right to require any proposed development project or
1503 other activity to which these exemptions may apply to provide adequate engineering to
1504 assure the goals of Section C of this Ordinance are met, up to and including if necessary
1505 demonstration of no adverse impact as in outlined in subsection C.2.

1506
1507
1508 **SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD**
1509 **ELEVATIONS.**

1510
1511 Within the Special Flood Hazard Areas designated as Approximate Zone A and established in
1512 Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the
1513 following provisions, in addition to the provisions of Article 5, Section A, shall apply:

1514
1515 (1) No encroachments, including fill, new construction, substantial improvements or new
1516 development shall be permitted within a distance of fifty (50) feet each side from top of
1517 bank or five times the width of the stream, whichever is greater, unless certification with
1518 supporting technical data by a registered professional engineer is provided demonstrating
1519 that such encroachments shall not result in any increase in flood levels during the
1520 occurrence of the base flood discharge.

1521

- 1522 (2) The BFE used in determining the regulatory flood protection elevation shall be
1523 determined based on the following criteria:
1524
- 1525 (a) When Base Flood Elevation (BFE) data is available from other sources, all new
1526 construction and substantial improvements within such areas shall also comply with
1527 all applicable provisions of this ordinance and shall be elevated or floodproofed in
1528 accordance with standards in Article 5, Sections A and B, and shall comply with all
1529 other applicable requirements of this ordinance.
1530
- 1531 (b) When floodway or non-encroachment area data is available from a Federal, State, or
1532 other source, all new construction and substantial improvements within floodway
1533 areas shall also comply with the requirements of Article 5, Sections B and F, and
1534 shall comply with all other applicable requirements of this ordinance.
1535
- 1536 (c) All subdivision, manufactured home park and other development proposals shall
1537 provide Base Flood Elevation (BFE) data if development is greater than five (5) acres
1538 or has more than fifty (50) lots/manufactured home sites. Such Base Flood
1539 Elevation (BFE) data shall be adopted by reference in accordance with Article 3,
1540 Section B and utilized in implementing this ordinance, and shall comply with all
1541 other applicable requirements of this ordinance.
1542
- 1543 (d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other
1544 source as outlined above, the reference level shall be elevated or floodproofed
1545 (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in
1546 Article 2. All other applicable provisions of Article 5, Section B shall also apply.
1547

1548 **SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT**
1549 **ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.**
1550

1551 Along rivers and streams where BFE data is provided by FEMA or is available from another
1552 source but neither floodway nor non-encroachment areas are identified for a Special Flood
1553 Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all
1554 development within such areas:
1555

- 1556 (1) Standards of Article 5, Sections A and B; and
1557
- 1558 (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments,
1559 including fill, new construction, substantial improvements, or other development, shall be
1560 permitted unless certification with supporting technical data by a registered professional
1561 engineer is provided demonstrating that the cumulative effect of the proposed
1562 development, when combined with all other existing and anticipated development, will
1563 not increase the water surface elevation of the base flood at any point within the
1564 community; and
1565

1566 (3) All other applicable requirements of this ordinance.

1567

1568 **SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.**

1569

1570 Areas designated as floodways or non-encroachment areas are located within the Special Flood
1571 Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas
1572 are extremely hazardous areas due to the velocity of floodwaters that have erosion potential
1573 and carry debris and potential projectiles. The following provisions, in addition to standards
1574 outlined in Article 5, Sections A and B, shall apply to all development within such areas:

1575

1576 (1) No encroachments, including fill, new construction, substantial improvements and other
1577 developments shall be permitted unless:

1578 a) It is demonstrated that the proposed encroachment would not result in any increase
1579 (“no rise” as defined in this ordinance) in the flood levels during the occurrence of the
1580 base flood, based on hydrologic and hydraulic analyses performed in accordance with
1581 standard engineering practice and presented to the Administrator prior to issuance of
1582 floodplain development permit, and

1583 b) A No Adverse Impact Certification can be attained pursuant to Article 5, Section C of
1584 this Ordinance; and

1585 c) The developer or property owner of any development project that causes an increase
1586 in the base flood elevation or a change in the geographic extent of the special flood
1587 hazard area or floodway shall be responsible for revisions to the Flood Insurance Rate
1588 Maps, which shall be approved by FEMA, in accordance with 44 CFR 70. The
1589 developer or property owner shall be responsible for preparing and recording
1590 appropriate legal documents in which all property owners affected by the increased
1591 flood elevations or change to the geographic extent of the special flood hazard area or
1592 floodway have consented to the impacts upon their property, including development
1593 restrictions approved by the Administrator. Prior to approval of any project, the
1594 developer shall Conditional Letter of Map Revision (CLOMR) first to the City of Brevard
1595 for review and approval and then to North Carolina Emergency Management for
1596 review. A Letter of Map Revision (LOMR) must be obtained and new Flood Insurance
1597 Rate Maps produced and presented to the Administrator within 6 months of
1598 completion of the proposed encroachment. The applicant shall enter into a written
1599 agreement with the City and provide financial security that is sufficient to cover all
1600 costs associated with completion of the LOMR and FIRMs. Such agreement and
1601 security shall be provided in accordance with the Improvement Guarantee
1602 requirements and procedures which are set forth in Chapter 16 of the City of Brevard
1603 Unified Development Ordinance.

1604

1605 (2) Floodway development activities shall be limited to critical transportation or pedestrian
1606 infrastructure for which there is no other feasible location, utility installations or other

1607 public improvements for which there is no other feasible location, channel crossings
1608 necessary for property access for which there is no other feasible location, and stream
1609 bank, stream channel, or wetland restoration, soil stabilization, or other surface water
1610 protection and restoration projects of the North Carolina Cooperative Extension Service,
1611 Transylvania County Soil and Water Conservation Service, USDA Natural Resources
1612 Conservation Service, Transylvania County, the City of Brevard, the North Carolina Forest
1613 Service, or a cooperating organization or entity approved by the Administrator. No fill or
1614 other development activity shall be permitted within the Floodway.

1615

1616 (3) If Article 5, Section F(1) is satisfied, all development shall comply with all other applicable
1617 provisions of this ordinance.

1618

1619 (4) No manufactured homes shall be permitted, except replacement manufactured homes in
1620 an existing manufactured home park or subdivision, provided the following provisions are
1621 met:

1622

1623 (a) the anchoring and the elevation standards of Article 5, Section B(3); and

1624

1625 (b) the no encroachment standard of Article 5, Section F(1).

1626

1627 **SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)1**

1628

1629 Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas
1630 designated as shallow flooding areas. These areas have special flood hazards associated with
1631 base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and
1632 where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Section
1633 A, all new construction and substantial improvements of all structures shall have the reference
1634 level elevated to:

1635
1636 (1) at least as high as the depth number specified on the Flood Insurance Rate Map
1637 (FIRM), in feet, plus a freeboard of three (3) feet, above the highest adjacent grade; or

1638
1639 (2) at least two feet above the highest adjacent grade plus a freeboard of three (3) feet if
1640 no depth number is specified.

1641
1642 All new construction and substantial improvements of all non-residential structures may, in lieu
1643 of elevation, floodproof to the same depths as listed above so that any space below that level
1644 shall be watertight with walls substantially impermeable to the passage of water and with
1645 structural components having the capability of resisting hydrostatic and hydrodynamic loads
1646 and effects of buoyancy. Certification is required as per Article 4, Section B(3) and Article 5,
1647 Section B(2).

1648
1649 **ARTICLE 6. LEGAL STATUS PROVISIONS.**

1650
1651 **SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD**
1652 **DAMAGE PREVENTION ORDINANCE.**

1653
1654 This ordinance in part comes forward by re-enactment of some of the provisions of the flood
1655 damage prevention ordinance enacted September 17, 1978 as amended, and it is not the
1656 intention to repeal but rather to re-enact and continue to enforce without interruption of such
1657 existing provisions, so that all rights and liabilities that have accrued thereunder are reserved
1658 and may be enforced. The enactment of this ordinance shall not affect any enforcement action,
1659 or any suit or proceeding instituted or pending, or otherwise cure any existing violations. All
1660 provisions of the flood damage prevention ordinance of The City of Brevard enacted on
1661 September 17, 1978, as amended, which are not reenacted herein are repealed. The date of the
1662 initial Flood Damage Prevention Ordinance for Transylvania County is January 2, 1980.

1663
1664 **SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.**

1665
1666 Nothing herein contained shall require any change in the plans, construction, size, or
1667 designated use of any development or any part thereof for which a floodplain development
1668 permit has been granted by the Administrator or his or her authorized agents before the time
1669 of passage of this ordinance; provided, however, that when construction is not begun under
1670 such outstanding permit within a period of six (6) months subsequent to the date of issuance of
1671 the outstanding permit, construction or use shall be in conformity with the provisions of this
1672 ordinance.

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SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION D. EFFECTIVE DATE.

This ordinance shall become effective ~~October 2, 2009~~October 19, 2015.

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Brevard City Council, State of North Carolina, on this the ~~21st day of September, 2009~~19th day of October, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree Perry, City Clerk
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

Public Participation

Special Presentation(s)

Consent and Information



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.

Office of City Manager
(828) 885-5601

FINANCE REPORT

FOR MONTH ENDED

SEPTEMBER 30, 2015

JIM FATLAND, CPFO, CITY MANAGER

CITY OF BREVARD			
GENERAL FUND			
FY15 APPROVED BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	SEPTEMBER 30	TO DATE
EXPENDITURES			
Governing Board	\$413,268	\$328,140	79.4%
Administration	\$607,656	\$155,763	25.6%
Finance	\$689,998	\$161,299	23.4%
Legal	\$63,000	\$14,625	23.2%
Planning	\$696,276	\$151,560	21.8%
Buildings & Grounds	\$550,497	\$127,068	23.1%
Police	\$2,538,171	\$616,744	24.3%
Public Services Administration	\$320,938	\$78,634	24.5%
Public Works Garage	\$571,461	\$98,858	17.3%
Streets-Local	\$659,217	\$143,912	21.8%
Streets-Powell	\$222,000	\$5,231	2.4%
Sanitation	\$722,024	\$161,071	22.3%
Recreation	\$98,316	\$31,244	31.8%
Non Departmental (Debt)	\$746,628	\$154,539	20.7%
Economic Development	\$69,000	\$16,750	24.3%
Contingency	\$0		
TOTAL EXPENDITURES	\$8,968,450	\$2,245,439	25.0%
ENDING FUND BALANCE		\$2,667,376	

CITY OF BREVARD			
UTILITY FUND			
FY16 APPROVED BUDGET			
REVENUE & EXPENDITURES REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	SEPT. 30	TO DATE
BEGINNING FUND BALANCE		\$1,099,879	
REVENUE			
Miscellaneous Utility Fees	\$0	\$250	0.00%
Water Charges	\$2,350,000	\$600,682	25.6%
Sewer Charges	\$2,120,000	\$527,898	24.9%
Meter Charges	\$136,000	\$33,980	25.0%
Tap & Connection Fees-Water	\$10,000	\$12,200	122.0%
Tap & Connection Fees-Sewer	\$2,500	\$3,500	140.0%
Reconnection Fees	\$40,000	\$14,400	36.0%
Septage Pretreatment Facility	\$20,000	\$6,600	33.0%
Fund Balance Appropriated	\$0	\$0	
Loan Proceeds--New Equipment	\$0	\$0	
TOTAL REVENUE	\$4,678,500	\$1,199,509	25.6%
EXPENDITURES			
On Line/Credit Card Fees	\$20,000	\$4,356	21.8%
Reimbursement to General Fund	\$575,000	\$143,750	25.0%
Debt Service Payments	\$513,457	\$20,301	4.0%
OPEB Transfer	\$6,750	\$6,750	100.0%
Transfer to Utility Capital Projects Fund	\$0	\$0	
Water Treatment Plant	\$894,422	\$156,933	17.5%
Water Distribution	\$492,974	\$111,234	22.6%
Wastewater Treatment Plant	\$1,244,896	\$457,214	36.7%
Wastewater Collection System	\$771,332	\$136,743	17.7%
Transfer to Water & Sewer Capital Projects			
Contingency	\$159,669		
TOTAL EXPENDITURES	\$4,678,500	\$1,037,280	22.2%
ENDING FUND BALANCE		\$1,262,107	

CITY OF BREVARD				
WATER & SEWER CAPITAL PROJECTS FUND (31)				
FY16 APPROVED BUDGET				
REVENUE & EXPENDITURE REPORT				
FOR MONTH ENDED SEPTEMBER 30, 2015				
	APPROVED	THRU	PERCENT	
	FY16	SEPT. 30	TO DATE	
	BUDGET			
BEGINNING FUND BALANCE	\$0	\$0		
REVENUE				
Transfer from Utility Fund				
Transfer from Capital Reserve Fund	\$0			
CG & Loan Burrell Mountain Water Tank	\$600,000	\$0	0.0%	
Sewer 6 Inch Upgrade Loan	\$1,738,600			
King Creek Sewer PH II Loan	\$1,435,784			
King Creek Sewer PH III Loan	\$1,484,150			
Radio Read Meter Loan	\$1,360,500			
Neely Rd. PS/FM/EQ TANK Loan	\$1,200,000			
TOTAL REVENUE	\$7,819,034	\$0	0.0%	
EXPENDITURES				
Water Tank Burrell Mountain	\$600,000	\$0	0.0%	
Kings Creek Sewer Project Phase 2	\$1,435,784	\$5,720	0.4%	
Kings Creek Sewer Project Phase 3	\$1,484,150	\$46,330	3.1%	
Sewer Upgrade 6 Inch to 8 Inch	\$1,738,600	\$260,269	15.0%	
AMR Purchase & Installation	\$1,360,500	\$5,600	0.4%	
Neely Rd. PS/FM/EQ/ TANK Loan	\$1,200,000	\$93,868	7.8%	
TOTAL EXPENDITURES	\$7,819,034	\$411,787	5.3%	
ENDING FUND BALANCE		-\$411,787		

CITY OF BREVARD			
CAPITAL RESERVE FUND (FUND 35)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED		
	FY15	THRU	PERCENT
	BUDGET	SEPT. 30	TO DATE
BEGINNING FUND BALANCE		\$1,117,572	
REVENUE			
Transfer From Utility Fund	\$0	\$0	0.0%
Interest on Investments		\$11	
Impact Fees--Water	\$10,000	\$6,827	68.3%
Impact Fees--Sewer	\$10,000	\$5,952	59.5%
Sidewalks In-Lieu	\$0	\$0	
Fees In Lieu of Infrastructure		\$0	
Contribution from Developer	\$0		
Fund Balance Appropriated	\$0		
TOTAL REVENUE	\$20,000	\$12,790	64.0%
EXPENDITURES			
Increase in Fund Balance	\$20,000		
TOTAL EXPENDITURES	\$20,000	\$0	0.0%
ENDING FUND BALANCE		\$1,130,362	

CITY OF BREVARD			
FIRE DISTRICT FUND (FUND 40)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	SEPT. 30	TO DATE
BEGINNING FUND BALANCE		\$42,984	
REVENUE			
Fire District Taxes--County	\$308,700	\$96,450	31.2%
Transfer from City General Fund	\$339,830	\$84,958	25.0%
Sale of Fixed Assets	\$0	\$0	
Grant Revenue	\$0	\$0	
Fund Balance Appropriated	\$0	\$0	
Misc. Revenue	\$0	\$0	
TOTAL REVENUE	\$648,530	\$181,408	28.0%
EXPENDITURES			
Fire Department Operations & Debt	\$648,530	\$210,990	32.5%
TOTAL EXPENDITURES	\$648,530	\$210,990	32.5%
ENDING FUND BALANCE		\$13,402	

CITY OF BREVARD			
T.L. SCRUGGS SCHOLARSHIP FUND (FUND 50)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED FY16 BUDGET	THRU SEPT. 30	PERCENT TO DATE
BEGINNING FUND BALANCE		\$11,546	
REVENUE			
Fund Balance Appropriated			
Interest Earned on Investments			
Donations	\$11,500	\$16,886	146.8%
TOTAL REVENUE	\$11,500	\$16,886	146.8%
EXPENDITURES			
Scholarships Awarded	\$5,500		
Fund Raising Expenses	\$6,000	\$6,231	103.9%
TOTAL EXPENDITURES	\$11,500	\$6,231	54.2%
ENDING FUND BALANCE		\$22,201	

CITY OF BREVARD			
BJERG TRUST FUND (FUND 51)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED FY16 BUDGET	THRU SEPT. 30	PERCENT TO DATE
BEGINNING FUND BALANCE		\$60,143	
REVENUE			
Interest on Investments	\$100	\$0	0.00%
TOTAL REVENUE	\$100	\$0	0.00%
EXPENDITURES			
Transfer to General Fund	\$100		0.00%
TOTAL EXPENDITURES	\$100	\$0	0.00%
ENDING FUND BALANCE		\$60,143	

CITY OF BREVARD			
RESERVE FOR OPEB (FUND 52)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED FY16 BUDGET	THRU SEPT. 30	PERCENT TO DATE
BEGINNING FUND BALANCE		\$156,485	
REVENUE			
Transfer from Other Funds	\$18,750	\$18,750	100.00%
Interest on Investments	\$0	\$0	0.00%
TOTAL REVENUE	\$18,750	\$18,750	100.00%
EXPENDITURES			
Increase in fund balance	\$18,750		
TOTAL EXPENDITURES	\$18,750		
ENDING FUND BALANCE		\$175,235	

CITY OF BREVARD			
HEALTH INSURANCE RESERVE (FUND 53)			
APPROVED FY16 BUDGET			
REVENUE & EXPENITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED		
	BUDGET	THRU	PERCENT
		SEPT. 30	TO DATE
BEGINNING FUND BALANCE		\$280,833	
REVENUE			
Fund Balance Appropriated	\$90,000		
Dependent Dental & Retiree Premiums	\$67,000	\$14,549	21.7%
Department Charges for Group Medical	\$1,014,500	\$253,607	25.0%
Transfer from General Fund	\$0	\$0	
Transfer from Other Funds	\$0	\$0	
TOTAL REVENUE	\$1,171,500	\$268,156	22.9%
EXPENDITURES			
Third Party Administrator	\$20,000	\$8,301	41.5%
Medical Insurance Broker	\$21,000	\$0	0.0%
Cobra Administrator	\$1,600	\$0	0.0%
Med Cost UR/PPO	\$6,800	\$5,736	84.4%
Aggregate Insurance Premiums	\$191,400	\$57,566	30.1%
Claims Paid	\$825,000	\$289,541	35.1%
Employee Assistance Program	\$3,500	\$3,880	110.8%
Wellness Programs	\$75,000	\$12,950	17.3%
Life AD & D	\$14,500	\$3,772	26.0%
Life Dependents	\$700	\$186	26.5%
Short Term Disability	\$12,000	\$3,180	26.5%
TOTAL EXPENDITURES	\$1,171,500	\$385,111	32.9%
ENDING FUND BALANCE		\$163,878	

CITY OF BREVARD			
HEART OF BREVARD (FUND 70)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED	THRU	
	FY16	SEPT. 30	PERCENT
	BUDGET		TO DATE
BEGINNING FUND BALANCE		\$0	
REVENUE			
Tax Penalties	\$0		
District Tax Collections	\$120,700	\$23,648	19.6%
Fund Balance Appropriation	\$0		
TOTAL REVENUE	\$120,700	\$23,648	19.6%
EXPENDITURES			
Contracted Services	\$120,700	\$23,648	19.6%
Transfer To General Fund	\$0	\$0	
TOTAL EXPENDITURES	\$120,700	\$23,648	19.6%
ENDING FUND BALANCE		\$0	

CITY OF BREVARD			
HOUSING TRUST FUND (FUND 76)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	SEPT. 30	TO DATE
BEGINNING FUND BALANCE		\$53,522	
REVENUE			
Interest on Investments			0.0%
Developer Loan Payment	\$13,332	\$0	0.0%
TOTAL REVENUE	\$13,332	\$0	0.0%
EXPENDITURES			
Increase in Fund Balance	\$13,332		
TOTAL EXPENDITURES	\$13,332		
ENDING FUND BALANCE		\$53,522	

CITY OF BREVARD			
BRACKEN MTN PROJECT (FUND 77)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURES REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED FY16 BUDGET	THRU SEPT. 30	PERCENT TO DATE
BEGINNING FUND BALANCE		\$18,267	
	NO BUDGET		
REVENUE			
Interest on Investments	\$0		
NCDENR	\$0		
Transfer from General Fund	\$0		
Fund Balance Appropriated	\$0		
TOTAL REVENUE	\$0		
EXPENDITURES			
Start-up Costs	\$0		
Trail Design & Construction	\$0		
TOTAL EXPENDITURES	\$0		
ENDING FUND BALANCE		\$18,267	

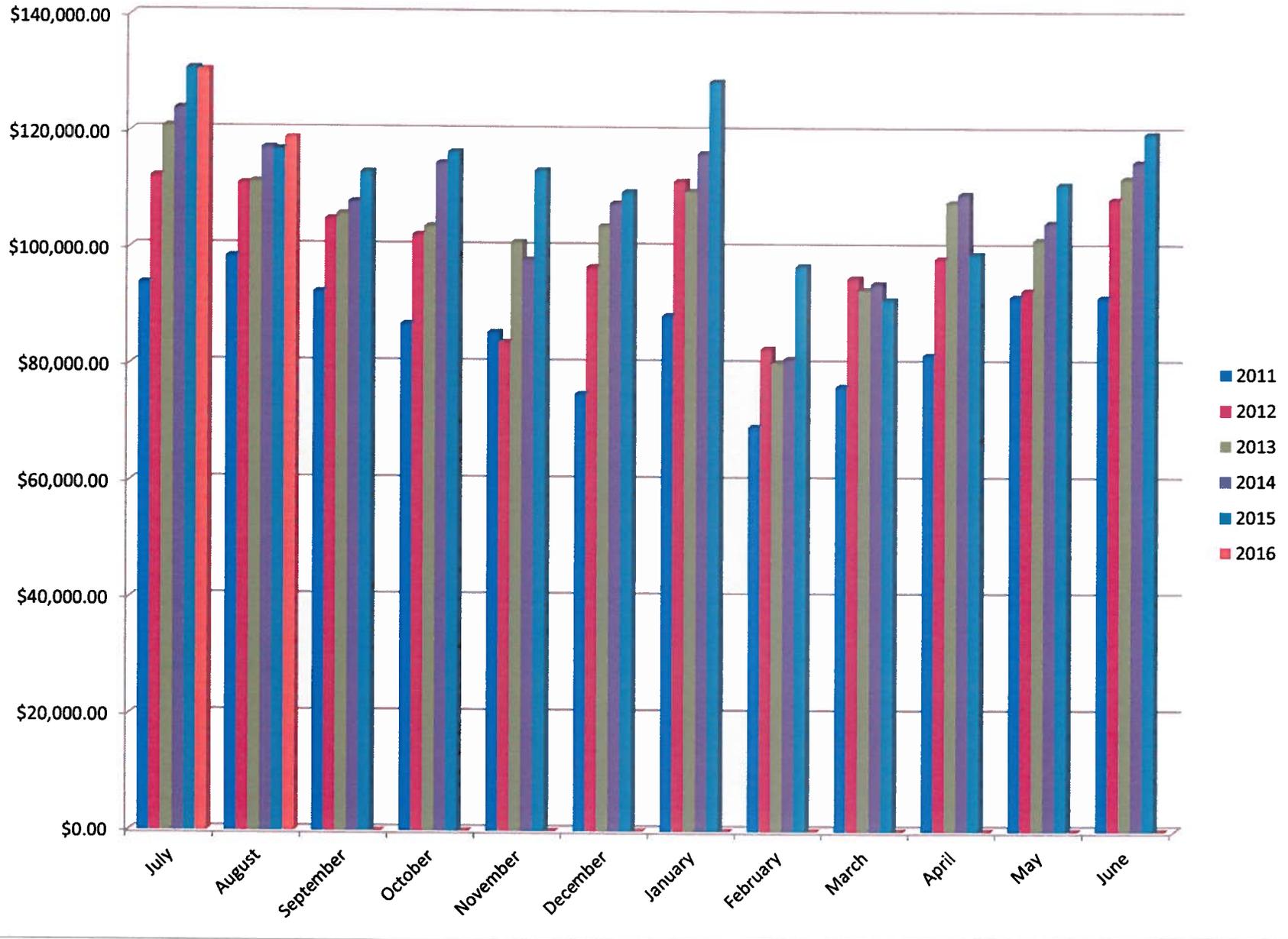
CITY OF BREVARD			
MULTI USE PATHS (FUND 78)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURES REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	SEPT. 30	TO DATE
BEGINNING FUND BALANCE		\$209,736	
REVENUE			
SRTS Grant Reimbursement			
Transfer from Planning Department			
Transfer from Powell Bill			
Transfer from Capital Reserve Donation			
Transfer Fees in Lieu C Reserve			
Transylvania County & Tourism--Cherry St.	\$0		
Transfer from General Fund	\$90,000		
Transfer Cap Reserve Fees In Lieu DRT			
Recreation Trails Grant			
Transfer Cap Reserve			
Transfer from DTMP	\$300,000	\$300,000	
Fund Balance Appropriated	\$207,000		
TOTAL REVENUE	\$597,000	\$300,000	
EXPENDITURES			
GR Recreation			
ROW			
Contracted Services			
Engineering			
Park Acquisition & Design			
Park Construction			
SRTS Non Infrastructure			
TOTAL GR RECREATION			
Davidson River Trail			
Trail Construction			
TOTAL DAVIDSON RIVER TRAIL			
Elm Bend Sidewalk	\$90,000	\$431	0%
Design & Construction			
TOTAL ELM BEND SIDEWALK	\$90,000	\$431	
West Loop Phase I	\$0		
Design & Construction	\$107,000		
TOTAL WEST LOOP	\$107,000		
Railroad Avenue Project Area	\$100,000		
TOTAL RAILROAD PROJECT AREA	\$100,000		
Cherry Street Pedestrian Bike Path	\$0		
TOTAL CHERRY ST PED BIKE PATH	\$0		
Transfer to General Fund	\$300,000	\$300,000	
TOTAL EXPENDITURES	\$597,000	\$300,431	
ENDING FUND BALANCE		\$209,305	

CITY OF BREVARD			
NARCOTICS TASK FORCE (FUND 81)			
FY16 APPROVED BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	SEPT. 30	TO DATE
BEGINNING FUND BALANCE		\$151,664	
REVENUE			
Interest on investments	\$100	\$35	35.1%
Received from Transylvania County	\$15,000	\$3,000	20.0%
Received from Brevard Police Department	\$15,000	\$0	0.0%
Clerk of Court Funds		\$0	0.0%
Miscellaneous Revenue		\$0	0.0%
Federal Asset Funds-Police	\$5,000	\$0	0.0%
Federal Asset Funds-Sheriff	\$0	\$0	
State Controller Payments	\$10,000	\$1,088	10.9%
Fund Balance Appropriated	\$0		
TOTAL REVENUE	\$45,100	\$4,124	9.1%
EXPENDITURES			
Expenditures	\$40,100	\$4,911	12.2%
DEA Fed Fund BPD	\$5,000	\$0	0.0%
TOTAL EXPENDITURES	\$45,100	\$4,911	10.9%
ENDING FUND BALANCE		\$150,876	

CITY OF BREVARD			
ROSENWALD REVITALIZATION (FUND 82)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED FY16 BUDGET	THRU SEPT. 30	PERCENT TO DATE
BEGINNING FUND BALANCE		\$11,037	
REVENUE			
Fund Balance Appropriated	\$16,500		
PARTF Grant	\$223,500		
Transfer from General Fund (Local Match)	\$0	\$0	
TOTAL REVENUE	\$240,000	\$0	0.0%
EXPENDITURES			
Land Acquisition	\$240,000	\$939	0.4%
TOTAL EXPENDITURES	\$240,000	\$939	0.4%
ENDING FUND BALANCE		\$10,098	

CITY OF BREVARD			
DOWNTOWN MASTER PLAN (FUND 83)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED SEPTEMBER 30, 2015			
	APPROVED FY16 BUDGET	THRU SEPT. 30	PERCENT TO DATE
BEGINNING FUND BALANCE		\$799,784	
REVENUE			
Interest on Investments			
HOB	\$11,000	\$0	0.0%
Appropriated Fund Balance	\$620,167	\$0	0.0%
Transfer from Capital Reserve Fund	\$0	\$0	
Transfer from General Fund	\$180,000	\$0	0.0%
NCDOT - Caldwell	\$0	\$0	
Patton Donation	\$0	\$0	
TOTAL REVENUE	\$811,167	\$0	0.0%
EXPENDITURES			
DTMP Design	\$511,167	\$55,050	10.8%
Clemson Park & Downtown Improvements	\$0		
Transfer to Pedestrian Fund	\$300,000	\$300,000	
Caldwell Street	\$0		
TOTAL EXPENDITURES	\$811,167	\$355,050	43.8%
ENDING FUND BALANCE		\$444,734	

FY 2011 - 2016 Monthly Sales Tax Comparison



STAFF REPORT – Information Only

Monday, October 19, 2015

Public Works Monthly Staff Report

Council will receive the attached report as information for October 19, 2015.

From: David Lutz, Public Works Director
Prepared by: Letha Cox, Administrative Services Manager
Approved by: Jim Fatland, City Manager

Executive Summary

Attached is a summary of departmental activities organized by their connection to the City's Community Development Vision of Fostering Economic Development and Enhancing Quality of Life during the month of August, 2015.

Information

Notable points of interest for August, 2015 include:

- **Dillard Excavation completed a total of 1,750' of 6" sewer pipe upgrades:**
 - **Appletree Street – 550'**
 - **Franklin Street – 450'**
 - **Turnpike Road – 750'**

- **McCrary Acres inflow remediation continued with 28' of 10" sewer pipe replaced.**
- **The 14" sewer force main ruptured 3 times during August.**
- **There were 3 sewer overflow events during August; 1 due to the force main repairs and 2 additional due to heavy rain.**
- **Storm water improvements were made on Appletree Street and S. Rice Street.**
- **Reservoir Tank 2 flooring and concrete wall installation progresses.**
- **8 Commercial businesses requested recycle containers.**
- **New residential water and sewer taps were installed for locations on Summit Avenue and Azalea Avenue.**



TO: Mayor Harris and City Council Members
FROM: Public Works Department
APPROVED: Jim Fatland, City Manager

Projects, services provided, and community assistance included a variety of work performed by the department during the month of August; and reflects departmental implementation of the City's vision as a "safe, friendly, family oriented city with small town charm, outdoor recreation, arts, and culture that bring investment opportunities, environmental consciousness and economic diversity."

Strategy: Foster Economic Development

Foster economic diversity while enhancing the quality of life in an environmentally friendly way by creating an environment that promotes and encourages businesses, and business owners, attracted to and utilizing our natural assets of woods and water and our cultural / historical assets of music, arts, and outdoor recreation.

1. We foster economic development by protecting our natural assets of woods and water that uniquely define Brevard.
 - Continued Sewer Collections System inflow and infiltration elimination work included the following locations during August:
 - The 6" City Wide Upgrade Project continued with the completion of Appletree Street improvements:
 - A total of 550' of 6" pipe was replaced with 8" pipe and residential connections were relocated to the new pipe installation.

- The upgrade project continued with the contractor moving on to Franklin Street and then Turnpike Road between Maple Street and Ashworth Avenue.
 - Franklin Street upgrades included 450' of pipe replaced between Franklin Street and an area behind the Davidson-River Presbyterian Church off E. Main Street.



An old fabricated manhole discovered during upgrade project made out of concrete culvert pipe and brick.

- Turnpike Road upgrades included 750' of pipe replaced between Maple Street and the bridge near Ashworth Avenue.
- Collections personnel assisted the contractor during each upgrade with repair of 3/4" water service lines that were damaged during excavations. This included approximately 90' of 3/4" service line pipe.



Dillard Excavating crew exposing existing sewer main for replacement.

- Collections personnel continued inflow remediation on Quinn Drive with 28' of 10" sewer pipe replaced and connected into manhole #EB-018.
- Smoke testing was performed for 6" and 8" sewer mains between Probart Street and Times Arcade Alley.
 - Discovered smoke points were corrected with 5' of 8" pipe replaced and 1 abandoned service removed from the system near the Professional Plaza at smoke point #KC-S-056.
 - An additional 13' section of 8" pipe was replaced to correct smoke point #KC-S-057.



Smoke rises from a Times Arcade Alley storm drain grate and reveals a sewer line infiltration site.

- Smoke testing was performed on a 10" sewer main along Asheville Highway property between TD Bank, Auto Zone and McDonald's.
- A discovered inflow site was eliminated on Old Highway 64. A 4" service connection was plugged to an abandoned structure.
- A suspected inflow site was located on Elm Bend Road. A hole had developed in a section of 8" sewer pipe and allowed storm water inflow from a nearby ditch. This was corrected by tightening bands on 8" fernco couplings on sections of the pipe that had loosened.
- Several holes discovered were dyed to determine if there were inflow areas for repair on Greenville Highway, Deerlake Road and N. Broad Street. No areas of concern were found. The holes were filled with dirt or stone.

- The 14" sewer force main along Old Highway 64 experienced three ruptures during August.
 - The pipe ruptures resulted in sewer overflow events at the Neely Road and Gallimore Road lift stations.
 - Three sections of 14" ductile iron pipe totaling 10' were replaced.
 - Pump and haul personnel were able to capture approximately 40,000 gallons of waste from the Neely Road lift station during the overflow events, and this amount was disposed of at the Waste Treatment Plant.
 - Restoration of the work sites included soil and debris removed, lime was spread and the utility cuts were asphalt patched.



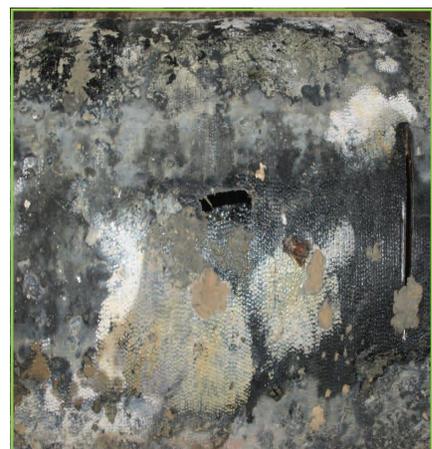
Excavation reveals leaking section of 14" ductile iron sewer main pipe.



Section of leaking force main pipe removed during repair.



Hydraulic saws are used to cut section of deteriorated pipe for replacement.



Section of deteriorated force main pipe.

- The collections system experienced two additional sewer system overflow events on August 19, 2015 due to heavy rain received in the city.
 - The Neely Road lift station overflowed with an estimated volume of 167,580 gallons. Pump & haul personnel captured some 40,000 gallons from a lift station manhole and disposed this amount at the Waste Treatment Facility.
 - The Gallimore Road lift station overflowed with an estimated volume of 94,805 gallons.
 - Both events ended as rainfall and flow subsided; required reports were submitted to NCDENR, and public notices were issued for each event.
 - The Tennessee Valley Authority reported 2.5" of rain was received in the Brevard area on August 19, 2015.

2. We foster economic development by ensuring our infrastructure is constantly maintained and replaced to serve existing and future business.

- **August street infrastructure maintenance included:**

- Replaced a 17'x8' concrete driveway, a 20' section of curb and gutter, and a spillway for a catch basin on Green Acres Avenue. This work was part of the street restoration after a sewer main replacement project in the area was completed.
- A storm drain was raised with concrete mix in front of a residence on S. Rice Street. This work included 2' of 6" curb repaired adjacent to the drain.
- A catch basin was installed at the end of Appletree Street. An existing 8" corrugated drain pipe was connected to the new basin.



Appletree Street catch basin installation.

- Ten (10) utility cuts and six (6) potholes were patched or leveled with stone until asphalt patching could be completed.
- Several sinking areas of pavement were leveled with asphalt along Big Bend Road.
- Sections of sinking asphalt were inspected on Dogwood Drive and Times Arcade Alley. No utility issues were found and each site was filled with cold patch mix.
- The edge of McLean Road was restored with dirt, grass seed and straw where a culvert was replaced in July.
- Scraped Woodlawn Avenue off E. French Broad Street and a section of Hampton Road.



Asphalt roller prepares to compact asphalt in utility cut.



Scraping section of Hampton Road to correct heavy rain damage.

- A bush was trimmed at the intersection of Temple Church Road and Morris Road.
- A hedge was trimmed along Kilpatrick Street that had overgrown into the street.
- Trimmed overgrown bushes along a section of sidewalk on Franklin Street.
- Grass was cut along street edges and utility strips.
- Debris were removed catch basins and drains.
- Cleared a clogged culvert on Batson Road.

- Replaced two *15 MPH speed limit* signs on Resada Drive.
 - Replaced a *no skateboarding* sign on E. Main Street.
 - Replaced a *stop* sign at on Franklin Street.
 - Erected 1 new *stop* sign and 2 *road closed ahead* signs at the intersection of Jordan Street and S. Gaston Street. Designated a section of Jordan Street a 2-way street reference the construction project between S. Broad Street and S. Gaston Street.
 - Ran the street sweeper along curb and gutters.
- The Sanitation Division collected garbage, commercial recycling, brush and bagged yard waste during August.
 - Eight (8) new commercial businesses began participating in the recycle program. Bins and carts were provided for:
 - A&D Maintenance
 - Area 22 Guitars
 - Brevard Moose Lodge
 - Brevard Davidson River Presbyterian Church
 - Classic Laundry (2 Carts)
 - Pisgah Forest Post Office
 - Wine Down On Main
- August Sanitation Activities**

 - 13 special trash pickups
 - 1 large televisions collected
 - 1 Residential recycle bin delivered
 - 14 Residential recycle carts delivered
 - 9 Commercial recycle cart delivered
- Personnel used a probe to obtain the temperature of the mulch stored on the lower yard at the Public Works Facility. This is routinely performed and is a NC Division of Waste Management permit compliance item.
 - The Sanitation Supervisor met with a representative of The Haven reference placement of a proposed garbage dumpster for the facility.
- Collections System infrastructure maintenance consisted of the following noted items during August:
 - Video inspection of sewer mains and service lines were performed on a total of 1,178' to determine condition, verify location or depth, or in search of suspected inflow and infiltration sites.
 - Sewer mains were cleaned throughout the system totaling approximately 2,512'.

- Visually inspected an 8" high priority sewer main along a section of Burrell Avenue and Railroad Avenue. High priority lines are inspected quarterly and fulfill system compliance regulations.
- Three (3) system manholes were raised to street level:
 - N. Caldwell Street—Manhole #KC-093
 - Old Highway 64—Manhole #LO-104
 - Times Arcade Alley—Manhole #KC-089



Times Arcade Alley manhole rehabilitation included concrete added to walls to seal inflow holes.



Manhole ring and lid were sealed and asphalt was placed level with alley.

- A manhole on Broadview Circle was inspected. A sink hole had developed beside the manhole; however was found in good condition and the hole was filled with cold patch mix.
- Relocated a 4" sewer service connection to correct tree root damage at a Cambridge Drive residence. This relocation included 20' of 4" service line pipe replaced.
- Replaced 2 broken cleanout caps near Auto Zone on the Asheville Highway; and another at a residence on Wilson Road.
- Three manholes near the end of Hilt Street Ext. were inspected for reported overflows during a heavy rain event. No issues were found and the manholes were found in good condition. The ground surrounding the manholes was cleaned and lime was spread on the ground .
- Assisted maintenance personnel with pump repair at the Gallimore Road lift station.

- The Neely Road and Job Corp lift stations were cleaned.
 - Collections spare part inventory was recorded for compliance documentation.
 - System personnel responded to three (3) reported sewer line blockages during the month; one (1) of which was an actual blockage and was cleared at the Waste Treatment Facility.
 - Three air relief valves on the 14" force main were inspected along Old Highway 64, Neely Road and Wilson Road.
- The Water Distribution maintenance and repair of the water system infrastructure included the following items in August:
 - There were fourteen (14) inspections for reported water leaks during August; six (6) of which were actual water leaks on Hilt Street, Jordan Road, N. Broad Street, Oakdale Road, Summit Avenue and Willow Drive.
 - Twenty feet of 3/4" service line was replaced during the Jordan Road water leak repair.
 - Meter box maintenance included lid repair or replacement on Asheville Highway and Cemetery Road.
 - One meter box on Bracken Lane was raised.
 - One 2" water meter box was replaced off Morris Road at The Oaks.
 - A backflow preventer was repaired on a Turnpike Road water meter.
 - A hole was filled with stone beside a Davidson River Road fire hydrant. The area had washed during heavy rain received during a thunderstorm.
 - A fire line valve was turned for a E. Jordan Street contractor working at the Athelwold Project.
 - Flow tested a post hydrant located at the Waste Treatment Facility and another behind Bilo Grocery Store in the Forest Gate Plaza.
 - Monthly flushing of a post hydrant on Cardinal Drive was performed.
 - All distribution pump stations were cleaned and safety equipment inspected.
 - Flow tested a fire hydrant for Brevard College.

- The water reservoir replacement project progressed and the photos below show:
 - New tank concrete floor installation.
 - Scaffolding and sheer curtain steel was installed around the perimeter of the tank.
 - Interior scaffolding was installed.
 - Concrete was sprayed in layers on the wall of the new tank.



Water Tank replacement project photos provided by High Country Engineering, PC



3. We encourage investment when we appear well-run and well planned.

- **Public Works Facility and Operations Center maintenance included the following items during August:**
 - **Erected three *facility evacuation route* signs in the Operations Center.**
 - **Replaced a revised Powell Bill Streets Map in office area.**
 - **Hauled collected 15 televisions and 36 scrap tires form the vehicle maintenance garage to the landfill for disposal.**
 - **Utility stock was received and shelved in storage areas.**
 - **Organized a sign storage area.**
 - **Routine facility housekeeping and mowing grass on grounds.**

Strategy: Enhance Quality of Life

Encourage and enhance our family friendly and small town charm by bringing people of all ages together through physical connections within our community and to our natural assets of woods and water and personal connections to each other and to our cultural / historic assets of music, arts, and outdoor recreation.

1. We encourage and enhance our family friendly and small town charm by bringing people together through physical connections within our community.

- **New service connections were made for proposed residential sites on Summit Avenue and Fortune Square.**



Pavement is cut on Summit Avenue in preparation of new service installations.



Personnel working to install new water service connections.

- One new 3/4" water tap was installed for an existing residence on Azalea Avenue. This work included 30' of 3/4" service line installed, and verification of a well line disconnect prior to meter installation.
- Distribution staff relocated eight (8) water meters on S. Caldwell Street in preparation of a NC D.O.T. street widening project.
 - The meter relocations included a total 65' of service lines also relocated and reconnected for customers at each location.
 - An additional water meter was relocated on S. Broad Street and included 25' of 3/4" service line replaced.
- Twenty-seven (27) utility locates for water and sewer lines in proposed excavation sites or other requirements were marked with flags or marking paint for other utility companies, building contractors or citizens.
- The director attended meetings regarding various public works issues, a few of which included:
 - Allison Road—Hospital Property proposed bridge access to bike path.
 - Brown Consultants reference 6" City Wide Gravity Sewer Upgrade Project.
 - Brevard College reference campus infrastructure improvements.
 - Cantrell Construction reference a proposed storm drain repair.
 - City Council Meeting.
 - City Manager reference upcoming uniform contract renewal.
 - Jet-Vac Equipment Technician reference proposed service and repair of the sewer jetting machine and vac truck equipment.
 - Public Works Committee Meeting.
 - Weekly Staff Meetings.

Utility Locates

- College Walk (1)
- Comporium (11)
- Dillard Excavating (5)
- NC D.O.T. (3)
- Nichole Ramirez (1)
- PSNC Gas Company (3)
- Sumter Utilities (3)

2. We encourage and embrace our family friendly and small town charm by bringing people together through personal connection with each other.
 - A garbage dumpster was provided for a *Relay for Life* event held at Brevard High School.
 - Erected American Flags for Labor Day.

- **Community events were promoted by the following groups with Streets Division personnel erecting banners for:**
 - **Hoedown For The Haven**
 - **Mountain Song Festival**
 - **Smithsonian Exhibition**
 - **Transylvania Handcrafters Show and Sale**

3. A safe community is one where residents know the city provides reliable and consistent service.

- **Collections personnel delivered door hangers to businesses along W. Main Street between Caldwell and Broad Streets announcing proposed smoke testing.**
- **Reminders were published regarding residential recycling dates.**
- **Notices for electronics collection were advertised.**
- **Employee activities and opportunities during August included:**
 - **Annual Safety Training Classes**
 - **Employee Appreciation Luncheon**
 - **Doctor Care Appointments with Dr. Ward**

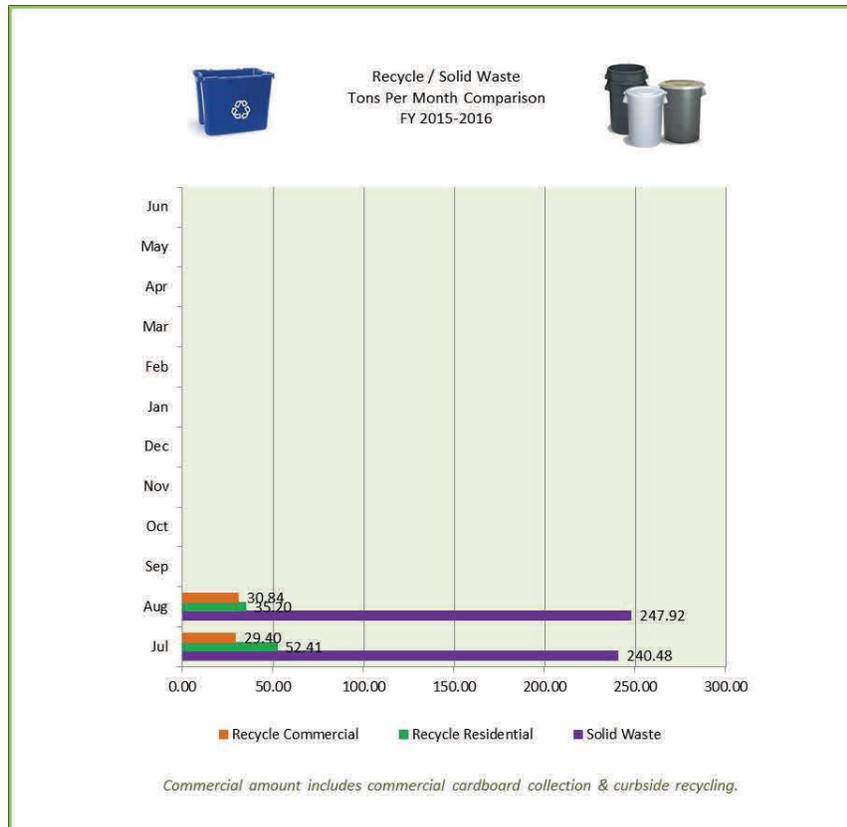
APPENDIX I: August Departmental Statistics

Service statistics are provided as indicators for Public Works performance and budgetary trends.

Item	Previous Month (July)	Current Month (August)	Year To Date (July - August)	Previous FY Year Total 2014-15
Commercial Cardboard	16.22	20.03	36.25	192.21
Electronics	3	0	3	69
Recycle Bin Delivery Residential	5	1	6	61
Recycle Bin Delivery Commercial	2	0	2	29
Recycle Cart Delivery Residential	18	14	32	257
Recycle Cart Delivery Commercial	4	9	12	157
Commercial Recycling	13.18	10.81	13.18	100.10
Residential Recycling	52.41	35.20	52.41	459.35
Solid Waste Collection	240.48	247.92	488.40	2,820.80
Special Collections	11	13	24	142
Special Collection - Single Item	5	0	5	20
Television - Large (\$10)	3	1	4	37
Television - Small (\$5)	0	0	0	6
Barricade / Event Item Delivery	2	1	3	21
Street Banners	9	9	18	57
Potholes	8	7	15	95
Sidewalk Footage (Length)	107.00	0.00	125.00	422.90
Utility Cuts	10	10	20	75
Fleet Service - City	124	137	261	1,498
Fleet Service - County	69	64	133	908
I&I Video Inspection (Length)	4,302	1,178	5,480	24,107
Sewer Blockages	5	3	8	79
Sewer Tap New Commercial	0	0	0	4
Sewer Tap New Residential	2	2	4	8
Sewer Taps Repaired	4	3	7	27
Utility Locates	16	27	40	189
Water Leaks	11	14	25	175
Water Meter Boxes	3	5	8	60
Water Meters New	3	2	5	11
Water Meters Other	9	9	18	131
Water Tap New Commercial	0	0	0	6
Water Tap New Residential	2	2	4	10
Water Taps Repaired	0	11	11	6

APPENDIX II: August Sanitation Statistics

Sanitation statistics are provided as indicators for solid waste and recycling performance.



APPENDIX III: August Cardboard Statistics

Cardboard statistics are provided as indicators for city commercial cardboard collection performance.

- Revenue includes customer fees collected plus sale of cardboard to American Recycling of Candler, NC.
- Expense includes collection of commercial cardboard labor, fuel and vehicle maintenance during the month.

Revenue	\$7,272.25
Expense	\$4,604.69
Net Profit or Loss	\$2,667.57

APPENDIX IV: August Fuel Use Statistics

Fuel Use Statistics are provided as indicators for vehicle and equipment fuel use by the city and county vehicle fleet.

- August fuel use decreased by a total of 2.6% from the month of July in gallons; and there was a decrease in expense of 16.8% due to the drop in fuel price per gallon.
- Current Unleaded Fuel Price: **\$1.701**
- Current Diesel Fuel Price: **\$1.635**

Entity Comparison	Current Month Gallons	Previous Month Gallons	Monthly Gallons Difference	Current Month Expense	Previous Month Expense	Monthly Expense Difference	% of Gallons Difference	% of \$ Difference
City Vehicles	5,322.40	5,293.90	28.50	\$9,555.05	\$10,918.19	-\$1,363.14	0.5	-12.5
County Vehicles	9,396.40	9,840.90	-444.50	\$16,437.18	\$20,354.69	-\$3,917.51	-4.5	-19.2
Narcotics Task Force	26.50	6.10	20.40	\$44.76	\$12.18	\$32.58	334.4	267.5
Totals	14,745.30	15,140.90	-395.60	\$26,036.99	\$31,285.06	-\$5,248.07	-2.6	-16.8

CONSENT AGENDA STAFF REPORT

October 19, 2015

Title: Planning Department Update
Speaker: Daniel Cobb AICP, Planning Director
Prepared by: Daniel Cobb AICP, Planning Director
Approved by: Jim Fatland, City Manager

EXECUTIVE SUMMARY: This report summarizes the Planning Department’s permitting and code enforcement activities for the period July 1 – September 30, 2015. This report does not include long-term planning projects such as the form-based code development. Such projects are updated individually as they progress.

A detailed breakdown of permitting activities is shown below.

Change of Use	7
Floodplain Development	1
Signs	25
Special Events	9
Special Use Permit	2
Temporary Use	7
Consistency Determination	5
Commercial Development	12
Residential Development	22

Total Permits Reviewed: 90
Total Permit Fees collected: \$8,800

- Average review times for sign permits was five days
- Average review times for residential zoning permits was five days
- Average review times for commercial zoning permits was 10 days
- Average review times for change of use permits was same day

Project cost for development projects (new buildings, additions, alterations, etc.) is tracked with each permit that is issued. Staff has reviewed and approved \$9,480,000 worth of investment since July 1, 2015. A portion of that investment was done by Transylvania County and other non-taxable entities so this figure does not translate directly into additional tax revenue for the City. However, it does represent a desire to improve buildings within the community and reinvestment in the local economy.

In addition to daily permitting activities, Planning Staff routinely meets with potential developers, those interested in expanding their business, homeowners planning a remodel, and many others. In order to simplify the permitting process if one of these discussions goes beyond the planning stage and into development, these

meetings are logged and noted in a file specific to a property. Doing so allows anyone on staff to look up the property and review the discussions that have already taken place. Staff has logged over 50 such interactions ranging from new commercial buildings to multi-unit residential subdivisions.

There are a number of noteworthy development projects underway at the moment, including:

- The Hub at Backcountry Outdoors – constructing a new facility on Highway 276
- Brevard Place – revised plans for Phase II are under review
- Dunkin Donuts – plans are under review for new facility
- Forestgate Storage – storage center on Ecusta Road is nearing completion
- Transylvania Board of Elections – remodel of former jail on Gaston Street
- First Baptist Church – addition of welcome center and sanctuary remodel
- 43 South Broad – new three-story mixed-use building on South Broad
- Brevard College Dorm – construction of a new dorm near Kings Creek
- Center for Perfect Balance – new physical therapy studio on South Caldwell Street

Code Enforcement

There have been a total of 31 complaints received, 21 have been abated, and 6 have either received a notice of violation or have worked out a timeline with staff for compliance. The remaining 4 are in process of inspection and initial contact. Over 30% of complaints were related to tall grass, overgrown lots, or other vegetation-related issues. Vegetation complaints are common throughout the spring and summer months. Staff anticipates a reduction in these types of complaints as fall and winter approach.

A detailed breakdown of complaints is shown below.

Appliances	1
Combustible Items	4
Development	4
Drainage	1
Garbage/Waste	4
Minimum Housing	1
Motor Vehicle	1
Nuisance	3
Vegetation	12

STAFF REPORT – October 19, 2015, Council Meeting

Date: October 8, 2015

Title: Certificate of Sufficiency and Resolution Fixing A Date of Public Hearing
Lastinger Properties, LLC, Petition for Voluntary Annexation

Prepared by: Desiree Perry, City Clerk

Approved by: Jim Fatland, City Manager and Finance Director

Executive Summary: Council will consider accepting a Certificate of Sufficiency on the voluntary contiguous annexation Petition submitted by Lastinger Properties, LLC, and, adoption of Resolution No. 2015-XX Fixing A Date of Public Hearing on the Question of Annexation.

Background: On September 1, 2015, Lastinger Properties, LLC, submitted a Petition for voluntary contiguous annexation of their property located on US Highway #276, 13 Mama's Place, Pisgah Forest, NC 28768, consisting of 64.54 acres. Transylvania County Property Identification Number: 8597-47-3949

Discussion: Council directed the Clerk to investigate the sufficiency on September 21, 2015, by Resolution No. 2015-24. The City Clerk has investigated, and consulted with the City Attorney, and found the Petition is signed by all owners of real property lying in the area described therein, in accordance with NCGS 160A-31.

Fiscal Impact: None

Policy Analysis: None

Staff Recommendation: Staff recommends Council take action by motion to: (a) Accept the Certificate of Sufficiency; and, (b) Adopt the drafted Resolution No. 2015-XX Fixing A Date of (November 16, 2015) for the Public Hearing on the Question of Annexation; and, (c) direct the City Clerk to forward the Petition to the Brevard Planning Board for review and recommendation to Council.



CITY *of* BREVARD

Office of City Clerk
(828) 885-5614

Certificate of Sufficiency

I, Desiree D. Perry, City Clerk, do hereby certify that I have investigated the petition submitted by **Lastinger Properties, LLC**, PIN 8597-47-3949 containing 64.54 acres more or less, and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with NCGS 160-A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Brevard this 19th day of September, 2015.

(Seal)

Desiree D. Perry, CMC, NCCMC
City Clerk

RESOLUTION NO. 2015-_____

**A RESOLUTION FIXING A DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition regarding annexation of the contiguous area described herein has been received; and,

WHEREAS, the Brevard City Council has by Resolution No. 2015-24 directed the City Clerk to investigate the sufficiency thereof; and,

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made.

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

Section 1. That a public hearing on the question of annexation of the contiguous area described below as requested by Lastinger Properties, LLC, will be held at Brevard City Hall at 7:00 P.M. on the 16th day of November, 2015.

Section 2. The area proposed for annexation is described as follows:

Location: Off of US Highway #276, 113 Mama's Place, Pisgah Forest, NC. Tax Property Identification Number 8597-47-3949

Metes and Bounds Property Description:

The following parcel of land is located off of Pisgah Highway (U.S. HWY 276) in the Brevard Township, Transylvania County, North Carolina. Being all of that property conveyed to Lastinger Properties, LLC by a deed from The Bryson Development and Management Limited Partnership on the 16th day of June 2015 as recorded in Document Book 730 Page 412 of the Transylvania County Register of Deeds and being more particularly described as follows:

BEGINNING AT A 5/8" REBAR, said rebar being a common corner of Document Book 730 Page 412, Document Book 721 Page 395, Document Book 721 Page 398 and United States of America Tract V-1 as shown in Plat File: 2 Slide: 262 of the Transylvania County Registry and located N 16°53'46" W a horizontal ground distance of 912.15 feet from a 5/8" rebar set with a "Kee" cap and having North Carolina State Plane Coordinates(2011) of Northing: 575682.339 feet and Easting: 894465.203 feet;

Thence with the common line of Document Book 730 Page 412 and United States of America Tract V-1 the following (9) courses and distances:

- (1) N 08°01'54" E a distance of 131.17 feet to an existing 2" iron pipe with cap;
- (2) N 52°53'34" W a distance of 341.44 feet to an existing 5/8" rebar with "Raxter" cap;
- (3) N 52°53'34" W a distance of 987.60 feet to an existing 2" iron bar;
- (4) N 30°47'50" E a distance of 938.07 feet to an existing 2" iron pipe with cap in a rock pile;
- (5) N 79°13'50" E a distance of 810.59 feet to an existing 2" iron pipe with cap in a rock pile;
- (6) N 38°50'06" E a distance of 1011.06 feet to an existing 4" steel rail;
- (7) S 76°03'55" E a distance of 225.00 feet to an existing 2" iron pipe with cap in a rock pile;
- (8) S 60°41'56" E a distance of 147.37 feet to an existing 2" iron pipe with cap;
- (9) S 09°23'51" E a distance of 477.17 feet to an existing 4" steel rail; said steel rail being a common corner of Document Book 730 Page 412, United States of America Tract V-1 and Deed Book 221 Page 462 of the Transylvania County Registry and located S 58°33'15" W a distance of 148.29 feet from an existing 5/8" rebar;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 221 Page 462 of the Transylvania County Registry the following (4) courses and distances:

- (1) S 27°40'58" W a distance of 642.12 feet to an existing 1" iron rod;
- (2) S 27°42'51" W a distance of 518.37 feet to an existing 5/8" iron pipe;
- (3) N 87°51'02" W a distance of 120.52 feet to an existing 1" axle;
- (4) S 27°09'27" W a distance of 159.89 feet to an existing 5/8" rebar in a branch; said rebar being a common corner of Document Book 730 Page 412, Deed Book 221 Page 462 and Deed Book 431 Page 479 of the Transylvania county Registry;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 431 Page 479 of the Transylvania County Registry S 27°10'09" W a distance of 439.08 feet to an existing concrete monument with a "Raxter" cap; said concrete monument being a common corner of Document Book 730 Page 412, Deed Book 221 Page 462 and Deed Book 363 Page 53 of the Transylvania County Registry; and located N 83°09'22" W a distance of 305.69 feet from an existing 1/2" rebar;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Deed Book 363 Page 53 of the Transylvania County Registry the following (2) courses and distances:

- (1) S 27°10'42" W a distance of 420.04 feet to an existing 1 1/4" iron pipe;
- (2) S 23°14'13" E a distance of 130.46 feet to an existing 5/8" rebar; said rebar being a common corner of Document Book 730 Page 412, Deed Book 363 Page 53, Document Book 560 Page 344 and Document Book 721 Page 395 of the Transylvania County Registry; and located N 23°11'23" W a distance of 123.61 feet from an existing 5/8" rebar set with a "Raxter" cap;

Thence leaving the aforementioned common line and with the common line of Document Book 730 Page 412 and Document Book 721 Page 395 of the Transylvania County Registry S 82°14'09" W a distance of 222.19 feet TO THE TRUE POINT OF BEGINNING.

Being all of a tract of land containing 64.54 Acres, being the same more or less, according to a Plat of survey recorded in Plat File 16 Page 443 of the Transylvania County Register of Deeds by Kee Mapping and Surveying, PA (License # C-3039) on and between the dates of 01/26/15-02/06/15 and under the supervision of Nolan R Carmack, NC PLS (License # L-5076) and should be referenced for a more complete description.

Section 3. Notice of said public hearing shall be published in the Transylvania Times, a newspaper having general circulation in the City of Brevard, at least ten (10) days prior to the date of said public hearing.

Section 4. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the _____ day of _____, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

Transylvania Community Arts Council

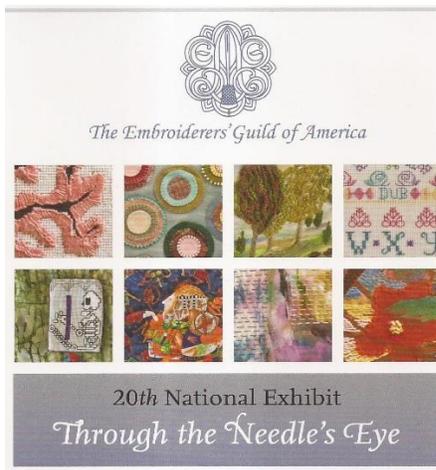
City Grant Update October 2015

- The TC Arts Council was selected as a **Main Street Champion** at the 2015 North Carolina Main Street Conference.



Tammy Hopkins – TC Arts and Heath Seymour –
Heart of Brevard at the NC Main Street Conference.

- **TC Arts Council was selected to host a National Exhibit in 2017** by the Embroiderers' Guild of America. The exhibit is entitled THROUGH THE NEEDLES' EYE. It will open at the same time as the conference being held in Asheville, NC. This exhibit will open as part of a National Tour. TC Arts and Brevard, NC will get National PR for this event in 2016 – 2017.



- This Summer TC Arts **partnered with HandMade In America** to offer **training workshops** to local artists. The workshops focused on “*Pricing Your Work*” & “*The Artist Portfolio, Digital and Print.*”



HANDMADE
in AMERICA

- The TC Arts Council just **nominated** the well-known Brevard vocalist/opera singer **Sidney Outlaw** for the **National Marion Anderson Vocal Award**.



- TC Arts is working with the nine public schools to book **Arts In Schools** programming. TC Arts works with each Art teacher to bring in an Artist In Residence to each school. TC Arts also partners with the Transylvania County Library, the Brevard Philharmonic and the Porter Center to help arrange field trips for Arts In Schools and Music In Schools programming.



- So far in 2015 the TC Arts Council Gallery has hosted 12 art exhibits.



2015 Exhibits at the TC Arts Council Gallery

Art with Heart – partnered with Transylvania Vocational Services giving 32 adults with disabilities the opportunity to showcase and sell their work.

Faces of Freedom – partnered with the Black/African American & Latino Community to put on art exhibit and performances. 20 artists participated and 125 people attended the performances.

Wood, Wind & Water – partnered with 56 local artists to showcase and sell their work.

Of the Earth: An Organic Exhibit – partnered with 31 local artists to showcase and sell their work.

Exhibit in Honor of Bonne Jean Bertlshofer – now has Alzheimer's – past member of Number 7 Arts Gallery.

Transylvania County Student Art Exhibit – partnered with nine public schools to showcase 208 students artwork.

Land of Waterfalls Camera Club – partnered with 18 members of the camera club to showcase and sell their work.

Tim Murray Retrospective Exhibit – partnered with Mary Murray & Gordon Murray and Platt Architecture after Tim passed away to present this exhibit in his honor. 200+ members of the community came to this exhibit.

Transylvania Art Guild's Summer Arts Showcase – partnered with 25 members of the Art Guild to present this exhibit.

Art Spark Preview Exhibit - partnered with 48 local artists for this show.

Crosscurrents of Art: Invitational exhibit featuring well-known international painter Barbara Nerenz Kelley with Brevard College's Kyle Lusk

Our current exhibit is **A Walk in the Woods:** Invitational exhibit featuring the paintings of local artist Ray Byram and the wood work of Mark Gardner

*Late October/early Nov exhibit will feature work by 25+ members of the **Connestee Art League.**

*Late Nov/Dec the exhibit will be called **IN THE BELLY OF THE CLOUDS** - Invitational exhibit featuring Brevard's Becky Young - photography with Julie Bowland's paintings and Peter Bateman Mockridge working in wood.

*The one exhibit we do that is downtown - **July 4th Fine Arts & Crafts Showcase on Main Street** - partnered with 48 artists from the southeast and the Heart of Brevard to present this street show.





- **Number 7 Fine Arts & Crafts Cooperative** on Main Street is run by 28 local artists. They celebrated their 16th Anniversary in March. This gallery is a program of the TC Arts Council.
- At the beginning of this year there was 29 members.
- Doc Welty left to start his own gallery.
- Dian Maggie left to branch out into commercial pottery sales.
- Two other artists left - they stated that they did not have enough inventory to keep the gallery stocked and wanted to travel, so it would be hard for them to cover their shifts in the gallery.
- Members of Number 7 Arts held a jury for new artist/members and are currently at 28 members.

- **#7 Arts Weekly Sales**
 - **July1-Oct 3, 2015**

June 28-July 4	1933
July 5-July 11	2635
July 12-July 18	3631
July 19-July 25	3112
July 26-August 1	1843
August 2-August 8	4915
August 9-August 15	1586
August 16-August 22	5051
August 23-August 29	1219
August 30-September 5	3849
September 6-September 12	3465
September 13-September 19	2291
September 20-September 26	1149
September 27-October 3	1945
TOTAL	38624

- **TC Arts Special Events Presented in 2015**

Performing Arts Talent Competition – 22 Transylvania County students performed singing, instrumentals, dance and acting skits. Each performer had the chance to work with professional judges before the final performance.

Arts & Culture Week – this was the 10th anniversary of Arts & Culture Week sponsored by the TC Arts Council and Jerome & Summey Insurance. This year there was more than 125 art events in a two week period put on by 20 art and historic groups/organizations.

Fine Arts & Crafts Showcase - TC Arts presents the ART BLOCK at the July 4th Street Festival.

Duck Race for Kreative Kids - more than 600 Ducks raced down the creek at Brevard College to raise scholarship money for kids in Transylvania County to go to art camps and pottery camps.



Summer Art Camp – 51 kids between the ages of 5 – 12 attended the TC Arts Summer Art Camp taking classes like dance and movement, music, pottery and visual arts – drawing and painting. 12 of these kids were on scholarship from Rise and Shine and Boys & Girls Club.

Pottery Camp - There were 28 kids in the pottery camp this summer with another 6 kids attending on scholarship. Scholarship kids were from El Centro and Rise and Shine.

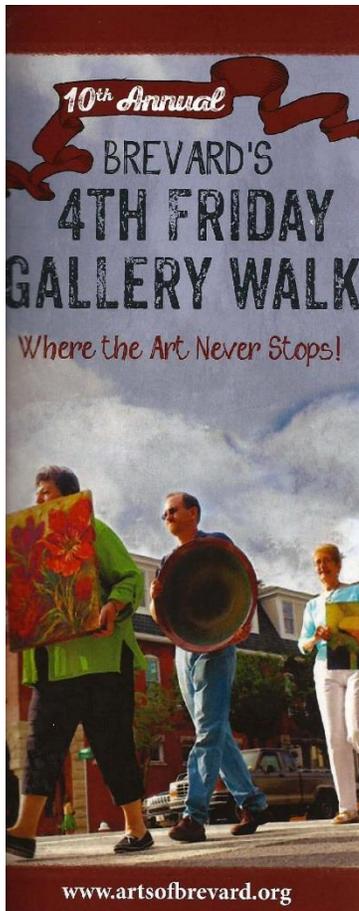
ART SPARK 2015 - TC Arts partnered with 48 local artists and 30 businesses to host this ART Fundraiser and to raise awareness of the importance of arts and culture in our community.

10th Anniversary of Brevard 4th Friday Gallery Walks

TC Arts Council is the co-creator of this event and continues 10 years later to spearhead the event and do the marketing and PR for it each year and each month before the actual event.

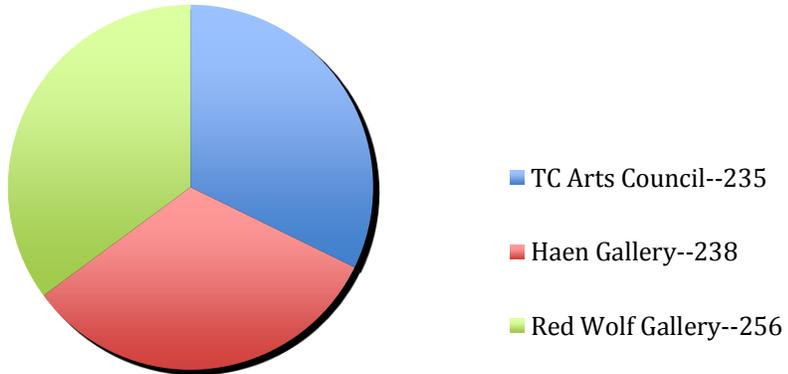
To pull off Gallery Walk, we partner with:

- 12 Downtown Galleries
- 7 Downtown Retail Stores
- 2 Music Venues
- 6 Restaurants
- 2 Wine Shops
- Oskar Blues Brewery for use of the Trolley
- Free Media Partners – WSQL Radio, Transylvania Times, WHKP Radio & WTZQ Radio in Hendersonville

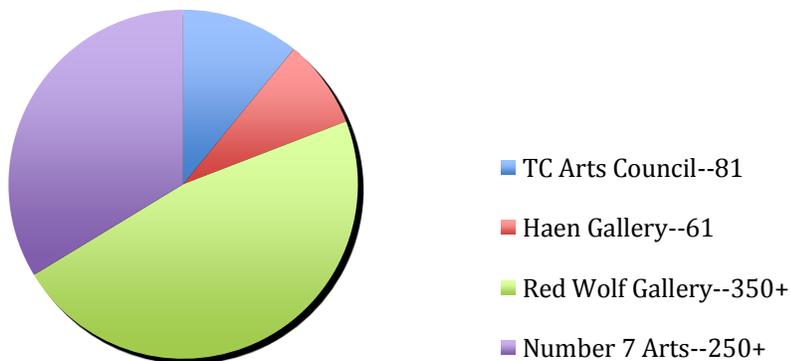


GALLERY WALK ATTENDANCE IN 2015 so far . . .

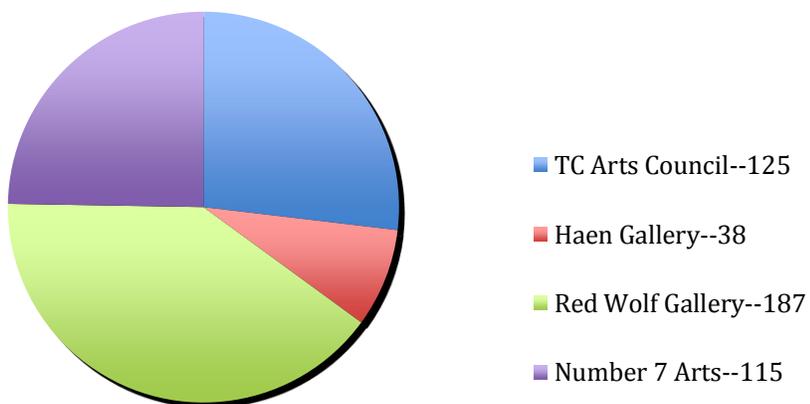
April 24, 2015



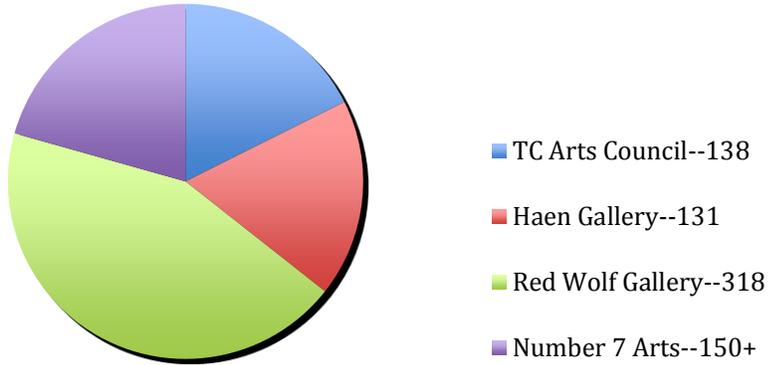
May 22, 2015



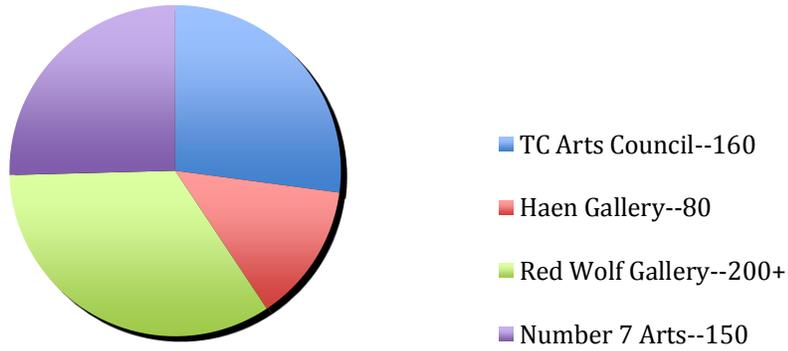
June 26, 2015



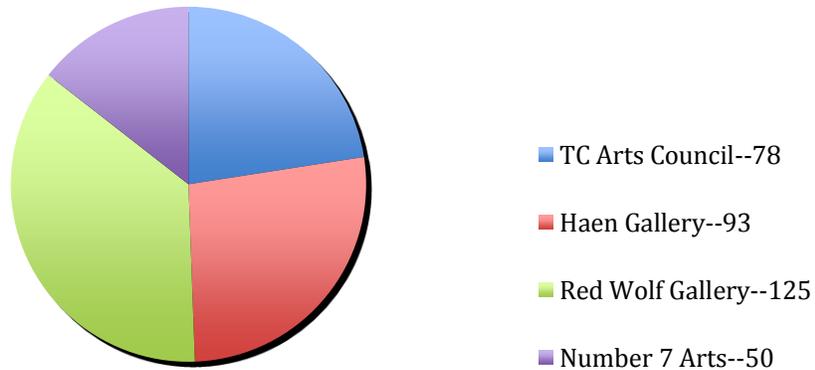
July 24, 2015



August 28, 2015



September 25, 2015



- **The City wanted to know “Overnight Stays” from Gallery Walk**

When we interviewed lodging owners and workers, they said across the board that their clients were going to Gallery Walk, but that also they were here in Brevard and Transylvania County as part of the *overall attraction* of Brevard: Gallery Walks, Brevard Music Center, shopping, street festivals and the outdoors. No one ever says we are here for one thing. This is what makes our community special! Tourists know they can come and have a variety of arts and cultural activities, as well as enjoy the great outdoors.

- **Payroll at Each Gallery Walk**

Per gallery walk, most businesses that stay open have two employees working and are paying on average \$8 - \$10 an hour. Gallery Walk runs 5 – 8 pm. Musical entertainment is running from \$100 - \$300 per venue. Then there is the cost of wine, punch and food at each venue. Restaurants have to have more staff on this night due to the increased traffic (4 – 6 waiters and 1 -2 bartenders). Some of the restaurants hire music as well. A lot of participants were reluctant to share “personal financial info” – how much they pay employees . . . ” We are working on this for the next report.

Here is an example of costs for Gallery Walk at the TC Arts Council

2 employees at \$10 an hour for 3 hours = \$60 in salaries

Food and Drink bought at local venues = \$70

We open a new exhibit for every gallery walk – cost for PR = \$125

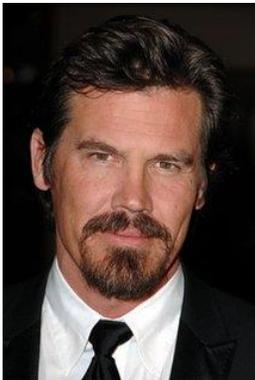
Average cost for GW @ TC Arts \$255 per month x 9 months = \$2295.00

**This does not include Tammy’s time each month at TC Arts for gathering PR info from each participant in gallery walks and working on the press release and getting PR out to media.

FILM BREVARD

NORTH CAROLINA

- The feature film *The Legacy of the White Tail Deer Hunter* will begin filming in late October and shoot thru December. This film stars Josh Brolin and Danny McBride. It will shoot in Transylvania County and in WNC. Tammy with TC Arts has worked with the location scouts and with putting casting and crew announcements out to the public.

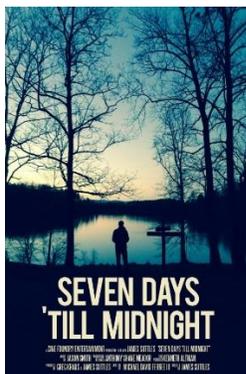


Josh Brolin



Danny McBride

- Tammy is working with filmmaker James Suttles to help find permits and locations for his feature film *Seven Days till Midnight*. James shot the trailer for this project earlier this year and now plans to shoot the feature film in January and February of 2016. Several name actors are in talks to play the lead. When this feature shoots in January and February – ten crew members and 3 – 4 actors will need to be housed. Other crew and actors will be hired



locally.

- **Good Morning America** shot a Hunger Games Locations segment here in DuPont in July.



Tammy Hopkins and Hunger Games Fan Tours staff being interviewed by Good Morning America – July 2015.

- Tammy/FilmBrevardNC partnered with the TDA to give a tour to a journalist from **HBO Canada**. – Journalist story on film locations and family activities in Brevard & TC (July 2015)
- **Cabela Outdoor Sporting Equipment** held a photo shoot here and spent 27 nights in Transylvania County.
- **LL Bean** shot a photo shoot here and housed crew and models locally. We were told they spent 6 - 8 nights in the county.



- **Restoration Wild** (cable TV show) spent several nights at the Holiday Inn in Brevard.
- **American Pickers** returned and said they stayed locally 3 nights at the Hampton Inn.



American Pickers Crew explore a Barn in Transylvania County

Other projects that were here this summer:

HGTV House Hunters (August 2015)

UNC TV Gorges State Park (Summer 2015)

UNC TV earthshine Discovery Center (Summer 2015)

Tiny House – Cable TV show (scouting here now)

Dirty Dancing – TV Remake - scouted by Lionsgate –project is now on hold

**Recently found out from sources at the State level that DuPont turned away two commercials and a film in the last 2-3 months.

TC Arts Partnerships

- Number 7 Arts Gallery
- Brevard 4th Friday Gallery Walks – we work with 12 downtown galleries, the retail shops, restaurants and Oskar Blues to pull off this event every month from April thru Dec.
- City of Brevard - we partner with the City to promote all arts, culture and film.
- Transylvania County – promoting the county as an arts destination.
- Chamber of Commerce – Tammy with TC Arts serves on the chamber board of directors and works with the chamber to PR the area and include arts in all pr.
- TDA – Tourism Development Authority – Tammy of TC Arts leads private tours for media- journalist etc . . .to showcase the arts, film and outdoor rec opportunities in the city and county.
- Heart of Brevard - we help with the White Squirrel Festival by hosting the White Squirrel Photo Contest each year. At July 4th we jury and host the Fine Arts & Crafts Showcase on Main Street. That night we host the Duck Race at the college. We work with the Heart of Brevard on PRing the downtown district.
- Transylvania School District – we partner with the nine public schools to offer Arts In Schools Programming.

- Brevard Philharmonic, The Transylvania County Library and the Porter Center – we partner with these groups to offer field trips with Arts In Schools.

- High Schools - we partner with Brevard High School to provide funding for the choreographer each year for the Spring Musical. We also work with both high schools on senior projects. We also provide judges each year for the High School Sidewalk Chalk Competition.

- Taiko Drumming – we partner with Davidson River School to make sure the Taiko Program continues each year and help book their performances in the community.

- Mountain Roots, Inc and Mud Dabbers Pottery – we partner with these businesses to offer pottery classes to kids, adults, locals and tourists.

- Rise and Shine - partner with Rise and Shine on scholarships, art projects and grants.

- MEDIA - We partner with and work with Media from all WNC to keep the ARTS in the news.

- We work hard to promote all ARTS, artists, arts organizations, art businesses and historic sites in the area.

- Farmers Market – we partner with them on PR sharing. We help spread the word about musicians, artists and special events at the Farmers Market each week.

October 2015

TRANSYLVANIA FARMERS' MARKET REPORT



2015

The Transylvania Farmers' Market's 2015 season opened in April and we have had an amazing season thus far. We have a great group of vendors selling local products (all within 100 miles), our customer base is growing with record crowds, and we are continuing to grow and develop the market in a continued effort to be an integral part of the community.

THE NUMBERS

Vendors - 72 registered in 2015 (40-50+ in attendance each Saturday)

This is an increase from 2014 and most importantly, we have been working to cultivate the right vendors, adding new vendors in areas that customers have requested. More breakfast options came in the form of two food trucks (for which we invested in additional infrastructure by adding dedicated electricity to our lot), and we have also added more prepared foods and more produce. By customer request, we also now set up a larger covered eating area each week with tables and seating for more than 60.

Sales Revenue – Over \$250,000 in 2014

While we won't collect sales revenue for 2015 until the end of the calendar year, in 2014, our vendors had an estimated combined revenue of over a quarter of a million dollars.

Customers – growing, growing, growing!

In 2015, we are having our best year ever. Each Saturday brings an estimated **600-800** customers with events drawing over **1,000** attendees. Our Annual Farm Fair is estimated to have drawn at least **2,000** people from not just Transylvania County but also the surrounding counties.

12 Events

We have 12 events scheduled for 2015, with 3 events remaining. They have been an important part of our market, drawing crowds with live music, activities for the whole family, healthy cooking demos, exercise classes, and more.

Sponsorships & Donations – \$8,400 in 2015

In addition to the generous grant we receive from the City of Brevard and the vendor fees that we collect, as a 501(c)3, we actively solicit for business and personal sponsorships and donations. In 2015, we have received \$8,400 to date, which is an **18% increase** to 2014.

Now 52 Saturdays Per Year

For the first time, the Farmers' Market will not end in December but will continue with a smaller winter market that will run from December – April, open on Saturdays from 10am to 12pm. The success of our Market has allowed our vendors to expand, with one farmer in particular having added a hoop house so that they can grow vegetables year-round.

NEW PROGRAMS & AFFILIATIONS

Hunger Coalition of Transylvania County

In 2015, we started a new program with the Hunger Coalition of Transylvania County. Each Saturday morning, this organization drops off boxes and a cooler and our customers can buy and donate produce and eggs. At the end of the morning, any vendor with excess produce can also donate. The Coalition picks up these donations at the end of Market and delivers them to one of 13 food pantries across our county.

This program has been very successful with many mornings providing numerous boxes and a very full cooler, stuffed full of produce and eggs, all going to feed our hungry neighbors.

PEAK Program with Boys & Girls Club

With a grant from Mountainwise, the Boys & Girls Club is currently providing a healthy eating program to local residents. Ten families can sign up for each cycle and the program provides them with healthy eating classes, outings for physical exercise, resources and perks for attending sessions, and also \$10 in coupons to spend at our market each Saturday during each 6 week program.

We are hopeful that this program will introduce healthy and fresh, local food options to members of our community that might not previously have thought the farmers' market is an affordable option.

"Growing Minds @ Market" Kids Corner

With support materials supplied through a grant from ASAP (Appalachian Sustainable Agriculture Project), for the first time we had a dedicated kids' corner at our Market this summer. Held during the months of June, July, and August, this booth provided kids with fun craft projects and activities that taught them something about food and nature -- What does a yellow cucumber taste like? Why are caterpillars important? What is exciting about a dragonfly? When are different types of produce in season in our area?

The booth was very successful and we plan to continue this project next year, with the hope of partnering with a variety of local organizations and nonprofits that might like to host the event and activity each week.

Master Gardeners

While the Transylvania Cooperative Extension Office has been one of our biggest supporters and often supplies staffing and activities for our events, for the first year, the Master Gardeners group has joined our Market. Twice a month they set up a booth to provide our residents with free information on gardening, plants, soil testing, identifying problems with vegetation, and so much more.

CONTINUING PROGRAMS & AFFILIATIONS

United Way's Stuff The Bus

Again this August we were proud to host United Way one Saturday as they stuffed a bus with school supplies for Transylvania County school children.

Blue Ridge Electronic Vehicle Club

For the second year, the Blue Ridge Electronic Vehicle Club has participated in our Farm Fair event over Labor Day weekend. And, for the second year in a row, that participation has

resulted in a Transylvania County resident purchasing an electronic vehicle after seeing one featured at our Market!

FFA (Future Farmers of America)

Both local chapters of FFA (Brevard and Rosman) continue to be vendors at our Market and we thoroughly enjoy watching these high school students learn about not only the business of agriculture but the business of selling and customer service. This fall, two of our vendors are even donating their time and talents to hold a fundraiser for both FFA Chapters as BusyBee Farm hosts a Farm to Fork Dinner that Wild Indigo Catering cooks.

Additional Organizations and Programs

From Brevard Ballet and the Earthshine Nature Program to a variety of businesses and nonprofits that participate in our events and support our efforts, we feel that we are truly building a Market that is an integral part of our community. We have great relationships with the Chamber of Commerce and the Heart of Brevard as well as TCARTS and we appreciate the cross marketing and promotions these organizations do for us.

PLANNING FOR THE FUTURE

2016 Fundraiser and Capital Campaign

We are in the process of planning a 2016 fundraiser as well as a capital campaign that we hope will help us continue to grow and become more self-sufficient in the future. With the addition of a volunteer that has made a career of guiding nonprofits in this arena, we are feeling confident about future grant writing and fundraising.

Volunteers and Employees

Our volunteer base continues to grow in 2015 and we are also hoping to add a couple of part time employees in 2016. As we grow, manpower -- staffing the market, special events, and coordinating projects -- is our biggest challenge and we are hoping to raise the amount of our donations and sponsorships to allow us to add paid employees in the future.

THANK YOU!

We are incredibly thankful for the support the City of Brevard has shown our organization. If there are any questions or if you would like any additional information, please don't hesitate to contact Leslie Logemann, Market Manager at (828) 548-0660 or transylvaniafarmersmarket@gmail.com.



Brevard/Transylvania Chamber of Commerce Semi-Annual Update (October 19, 2015)

Current Member Stats

Chamber Members:	491
New Members:	48

Current Visitor Center Stats

Visitor:	13,918 (6% increase over prior year)
Relocation Information Requests:	450

Educational Workshops

- This year the Chamber created a 2015 Seminar Series with four seminars throughout the year. Topics were based primarily on a member survey conducted at the end of 2014.
 - **May 7 – Lifestyle Entrepreneurs (50 attendees).** Through a partnership with Truventure and Blue Ridge Community College, this class covered ways to build on the incredible quality of life found here in Transylvania County by learning of ways to grow our “solopreneur” and small business entrepreneurs who can essentially live anywhere they choose.
 - **June 2 – A Fresh Update on Email and Social Media Marketing (35 attendees).** This focused on up-to-date email and social media marketing trends and tips, particularly for smaller businesses without their own marketing department.
 - **August 19 – Blow the Lid Off Your Business (13 attendees).** This was designed for business owners and key managers and showed ways to identify one’s leadership traits to maximize one’s ability as a leader.
 - **September 29 – Personalized 2016 Marketing Plan (30 attendees).** This class was designed to teach smaller businesses how to create their own specialized and actionable marketing plan with limited resources.

Business Expansion/Retention

- **Networking Opportunities**
 - ***Business After Hours*** - 5:30pm – 7:00pm. This is a monthly event that occurs on-site at a member host location so attendees may explore the business. It is a social setting with food and beverage, door prizes, etc. Typical attendance is 100+ attendees.
 - ***Coffee Connections*** - 8:15am – 9:00am. This is a monthly event held at the Visitor Center. It is a professional setting and includes a guest speaker designed to keep the business community informed on relevant topics. This is a new program in 2015. Attendance was at or close to the max capacity of 50 guests at most events. Guest speakers included:
 - Jimmy Harris, Mayor of Brevard
 - David Mahoney, Transylvania County Sheriff
 - Josh Hallingse, Transylvania Economic Alliance
 - Jeff McDaris, Superintendent of Transylvania County Schools
 - Phil Harris, Chief of Brevard Police Department
 - Mike Hawkins, Chairmen of Transylvania County Board of Commissioners
 - Michael Murphy, Director of North Carolina State Parks and Recreation
 - ***Joint Networking Event*** – 5:30pm – 7:00pm on April 2, at Oskar Blues. This joint event with the Henderson County Chamber was designed to create opportunities for Transylvania County business owners and key employees to interact with their counterparts from Henderson County to learn, acquire new business, develop leads, and more. There were approximately 250 attendees. Both Chambers plan on continuing to work together in ways that enhance both business communities.
 - ***Mega-networking Event*** – 5:30pm – 7:30pm on October 20 at Brevard Little Theatre. This event can best be described as “speed dating for businesses” and allows business owners and key employees to interact personally and directly with a room full of peers in a brief period of time. The event will begin with an informal reception and move to a formal program immediately following.
- **Leads Group** – This referral based program allows business owners and key managers to build relationships and network with other businesses through regularly scheduled gatherings among a specific group of individuals, typically with one member per key industry. Over the last few months the Chamber staff has researched this with other local Chambers, attended other area leads groups, and secured a member to lead the first group. This new program will be unveiled in the near future.
- **Member/Business Retention** - The Chamber is focused on increasing member/business retention through a meaningful engagement plan and mentoring opportunities via strategic partnerships.
 - ***Engagement Plan*** - A “new member plan” was initiated, which included direct contact from the Member Services Coordinator, Executive Director, and President in the first 30 days of membership, plus a new member reception on August 20, which allowed new members (often new business owners) to meet and establish relationships with other new members and the Chamber Board of Directors.
 - ***Mentoring Opportunities*** – The partnership between the Chamber and SCORE was enhanced this year due to regular and proactive communication between the leaders of both entities. New promotion in the Chamber newsletter and new information provided to new members has led to an increase in local individuals and/or businesses assisted.

- **Business Community Promotion**
 - *Spreading the News* – The Chamber is the leading local voice promoting the Transylvania business community. This includes a weekly newsletter, social media, website, multiple press releases, ribbon cutting and ground breaking coordination, assisting visitors and locals via the Visitor Center, and more.
 - *“Spend it Local. Keep it Local.” Program* – Last December’s Holiday Promotion included 37 participating businesses, over 3,000 entries, and \$1,250 Transylvania Bucks awarded for local spending. This year’s will be coordinated with a long-term local spending campaign that was identified at the Chamber’s Board Retreat as a top priority. A committee has been formed and has been conducting interviews, researched other communities and met numerous times. This plan will be unveiled in connection with the upcoming Holiday Promotion.
 - *Brevard Christmas Parade* – Planning is in full swing for this community event coordinated by the Chamber. It will continue to be coordinated with the Heart of Brevard’s Twilight Tour efforts.
- **Economic Development** – The Chamber considers economic development a key issue for the community and has always had a focus in that arena. In fact, it was a Chamber committee years ago whose recommendation eventually led to the creation of an organization specifically dedicated to all aspects of economic development in Transylvania County. Since the forming of Transylvania Economic Alliance, the Chamber’s focus shifted to one of close partnership and support. Within the past year the Chamber has provided housing for this new organization, sent multiple new business leads, participated in hosting/meeting with potential new businesses, attended numerous meetings and focus groups, and regularly met with the Executive Director.

Inter-City Program

- This program is designed to provide opportunities for leaders in the business community, local government, and community organizations to experience other communities in a coordinated setting to allow them to learn and bring back new ideas, perspectives, and lessons that will enhance their organizations and Brevard/Transylvania. The Planning Committee includes Chamber staff (Clark Lovelace), Chamber Board (Frank Porter and Tad Fogel), City representation (City Manager Joe Moore, then City Council Member Ann Hollingsworth), who met regularly, and an advisory committee with 30 key leaders from throughout the community who were consulted via an input session. Based on the results, the following has occurred in 2015:
 - *Traveler’s Rest, SC* – It was determined that based on the current local conversation about the Ecusta Trail it would be prudent to take advantage of the close example of the Swamp Rabbit Trail in Traveler’s Rest to provide an opportunity for any interested parties to learn more about the pros and cons of a rails to trails conversion. On May 1, roughly 25 individuals from Transylvania County spent a planned day including an opportunity to ride the trail, a lunch presentation with community speakers, and interaction on the transportation to/from Brevard.
 - *Belmont, NC Reciprocal Trip* – On May 19, roughly 20 representatives from Belmont, NC toured Brevard/Transylvania and met with 25 representatives from our area. Feedback from Assistant City Manager of Belmont, Adrian Miller, and many other Belmont representatives was incredibly positive. Consensus on the Brevard side was that while hosting a group is not as beneficial as making a visit ourselves, it was still extremely worthwhile to interact with the group.

- ***What's Next?*** – After a lengthy debate and conversation, which followed an investigation into more than a dozen possibilities, it was determined that Dahlonega, GA would be the best opportunity for the next trip. Conversation with their Chamber of Commerce has been initiated to schedule this in the Winter or early Spring. This location was selected for the following reasons:
 - Similar population - 6,000 city / 30,000 county
 - Similar rural setting
 - Strong outdoor amenities/activities - Chattahoochee National Forest, significant road/mtn biking including Six Gap Century Bike Ride w/3,000 cyclists, and 120 waterfalls.
 - Success in stretching the busier season - From the Dahlonega Trail Fest in March to the Old Fashioned Christmas celebration in December, they host more than a dozen fun-filled festivals throughout the year. Plus, it has a vibrant downtown with music/arts scene, music dinner theatre, day spas, museums, etc. all of which are year-round.

Liaison Between Business Community and Government

- **Western North Carolina Chamber Executives (WNCCE) Governmental Affairs Program:**
 - ***WNCCE Raleigh Visit with Legislators***
 - April 21-22, 2015
 - Full and coordinated agenda of meetings with elected officials, relevant lobby groups, and administrative staff. See attached for detail.
 - Brevard/Transylvania attendees were Tad Fogel (Board Member), Ann Hollingsworth (City Council / Business Owner), Chad Merrill (Board Member / BRCC), Clark Lovelace (Chamber Director)
 - ***End of Session Lunch*** – WNCCE is hosting regional representatives in the House and Senate to a lunch in October or November with invites extended to each Chamber's Board of Directors, as well as City and County officials and staff.
- **Candidates Forum** – On September 17 hosted a public forum for candidates for Brevard City Council, Rosman Mayor, and Rosman Aldermen.
- **Informational Opportunities**
 - ***January 28 – Discussion with the Governor's Office.*** The Chamber hosted a gathering with April Riddle, Western Regional Director for Governor Pat McCrory, and a number of members of the business community.
 - ***March 24 - Governmental Affairs Forum.*** A dozen members discussed potential concerns at the local and state level. Input was obtained from City and County officials, as well as our state representative.
 - ***August 6 - The 2016 Elections in North Carolina: Updates, Insights, and What's Likely to Happen in our Battleground State.*** Speaker Joe Stewart with the North Carolina Free Enterprise Foundation (NCFEF), a nonprofit nonpartisan organization that conducts objective research and analysis on candidates, campaigns and voter attitudes to help business leaders, essentially covered “all you need to know about North Carolina politics in less than 60 minutes”.
 - ***Coffee Connections / Chamber Board Meetings.*** Throughout the year numerous elected officials, staff, and government related individuals have spoken to our membership at Coffee Connections or our Board of Directors at a Board meeting.

- **Miscellaneous**
 - Executive Director met with Robin Ramsey, Western Field Representative for Senator Richard Burr.
 - Executive Director attended Governor’s Conference on Tourism, including a workshop on state tourism legislative issues.
 - There is City representation on our Board with an Ex-Officio position as well as City Council Member Mac Morrow.

Engagement With Schools

- **Blue Ridge Community College:**
 - Workshop Partnerships – Continue to partner with BRCC on at least one workshop annually.
 - Curriculum input – Had numerous meetings on continuing education and regular curriculum, including serving on the Outdoor Leadership Advisory Board.
 - Miscellaneous – Participated in Professional Development Institute project.
- **Brevard College:**
 - Executive Director participated in a number of ways with the businesses students, from a “Shark Tank” competition to serving as a guest speaker.
 - Executive Director is serving as a mentor to an upcoming graduate.
 - Working with school to have students assigned to the visitor center in the spring of 2016 semester.
- **VISION**
 - Chamber has an annual scholarship for staff to complete the course. Visitor Services Coordinator Prentiss Brewer graduated this past year and Executive Director Clark Lovelace is currently enrolled.
 - Chamber provides location for Executive Committee meetings and participates in a presentation for each class.
 - Chamber promotes class annually to help enrollment.
- **Miscellaneous:**
 - Currently working with Transylvania County Schools, BRCC, and United Way regarding partnering on a “Students@Work” program that focuses on teaching upcoming graduates the soft skills they need to be successful in the workforce.



WNC Chambers Raleigh Legislative Visit 2015

Tuesday, April 21

Meeting with NC Department of Transportation 1100 New Bern Ave., Raleigh, NC 2760 (We will convene in lobby of NCDOT)	3:00PM- 4:00 PM
NCGA briefing with NC Chamber Holiday Inn Hotel 320 Hillsborough St., Raleigh, NC 27603	4:00 PM- 5:00 PM
WNC Region Legislative Reception with WNC Delegation Second Empire 330 Hillsborough St, Raleigh, NC 27603 / (919) 829-3663	5:00 PM-7:00 PM
Brevard/Transylvania & Henderson Chamber Dinner Second Empire	7:00 PM-9:00 PM

Wednesday, June 4

Meeting with NC Free Enterprise Foundation Legislative Office Building (300 N. Salisbury St) / Room 421	9:00 AM- 10:00 AM
Speaker Tim Moore and WNC Representatives Legislative Office Building (300 N. Salisbury St.) / Room 421	10:30 AM – 11:30 AM
Meeting with NC Hospital Association Legislative Office Building (300 N. Salisbury St.) / Room 421 *Lunch Provided	11:45 AM – 12:30 PM
Senate President Pro Tem Berger and WNC Senators* Legislative Office Building (300 N. Salisbury St.) / Room 423	1:30 PM-2:30 PM
Meeting with NC Department of Commerce 301 N. Wilmington St., Raleigh, NC 27601 4 th Floor Boardroom	3:00 PM – 4:00PM

*Tad Fogel and Clark Lovelace broke away during this time with members of the Henderson County delegation for a scheduled meeting with NC Department of Transportation to discuss the Ecusta Trail.



October 7, 2015

HOB Board

To the Brevard City Council,

Elected:

Toby Brown
Martha Carlton
Richard Coadwell
Ea Dossey
Connie Edmands
Tyler Hall
Jaime Hernandez
Ann Hollingsworth
Tracey Love
Ryan Olson
Jimmy Perkins
Katy Rosenberg
Melanie Spreen
Paul Wilander
Elizabeth Williams

We would like to thank you once again for your continued support for Heart of Brevard (HOB). As you know, we follow the national Main Street model for downtown economic development and revitalization. This is a long-term approach that works incrementally through four committees: Design, Economic Restructuring, Promotions, and Organization.

Each year we work to improve the business climate, and overall vitality, in the HOB district and our efforts are renewed each year with an annual retreat. We have recently completed our annual retreat for the 2015-16 year and there is a one page document that shows some of the specific interests we are pursuing this year. However, there are many regular ongoing projects, and other projects, that require a great deal of time, and comments on these are included as well.

This year we have several new board members that have never participated with the HOB Board and they have brought a lot of energy and a new perspective. Our festivals and events are still an important part of what we do, and they have the potential to attract nearly as many people in a week of activity, as one of our main natural attractions (Sliding Rock) does in a year. The community festivals we produce not only cost a lot financially, but they also consume a great deal of our time. We continue to spread out our workload with events so we can have more time for involvement in other important areas, and a few of those areas are also included on the next page.

Appointed:

Mandi Bentley
Jimmy Harris

Ex Officio:

Mark Burrows
Josh Freeman
Clark Lovelace

Thank you,

Staff:

Nancy Coleman
Heath Seymour

Heath Seymour
Executive Director
Heart of Brevard



Promotions

Festivals & Events:

Our festivals have been the center of our efforts for many years now. However, there are other tasks we should be attending to. We did not want to abruptly end any of our events, but we have cut back on our involvement in certain parts of each event. For instance, we decided to pull out of the Squirrel Box Derby and other time consuming aspects of the events in order to focus more broadly on the overall event. The hope was that others could pick up these various activities, and this has begun to happen, with Transylvania Schools planning to pick up the Derby, and other organizations taking on other aspects of these events.

One of our sponsors, Comporium, has placed free public Wi-Fi throughout the downtown. This alone is great for the downtown, and Brevard, but it has also proven helpful for our crowd estimates at events. These units count unique wireless devices throughout each day, and we can use this to compare events, and find out which part of each day had the largest crowd. This is extremely important because at events like White Squirrel Festival, we can spend a great deal of money on certain elements, like late night music, and now we will be able to determine where we need to spend our time and money to be as effective as possible.

Late Hours:

There are other events we do, such as our Late Hours programs. Heading up to Christmas, and in the summer, our shops are staying open late until at least 8pm. They are sharing in costs for advertising this, but most important, they are all cooperating and working together – and neighboring towns like Hendersonville and Waynesville have not been able to get the same amount of participation from this sort of program.

New Events:

We are also looking at adding to existing events like the downtown street dances and other events by looking for possible ways to combine these events so they line up on the same day, and possibly even add a new monthly event similar to the art walk. This is a new idea, but it is on our list to look into it further this year.

Marketing:

Lastly, we are creating on a more complete & comprehensive marketing plan which has not been in place for at least many years, if ever. This should help to better guide our advertising efforts going forward.



Design

Flowers:

Flowers may not seem at first to be at the center of design in the downtown. The sidewalks, alleys, even public artwork may seem higher on a list of priorities. However, flowers are mentioned directly on the City's seal, and poorly attended plantings can send the really send the wrong signal. HOB and 35 Degree North split the costs on 8 very nice planters this year at the main intersection of Broad & Main. They looked great, but many tree wells and other planters still look bad right now. We hope we can use these examples to continue improving our downtown plantings next season.

Downtown Master Plan:

We have representatives that are meeting with the City's Downtown Master Plan Committee and together we will work on the future streetscape plans, along with other plans for alleys, open spaces, tree wells, and other issues.

Seasonal Decorations:

We work with High Country Tree Service to make sure the Christmas lights are up every year in the downtown. This year our design committee is looking at our wreaths and making plans to improve them, and maybe extend Christmas decorations further down West Main Street if possible. We think we can do this in an affordable and attractive way starting this year.

Alley Improvements:

HOB had conversations with business and property owners in advance of changes to the alley across from the courthouse. This year we have begun to talk with businesses and property owners about the alley between Hunters and Gatherers and Proper Pot to judge the interest and concerns for a similar project in that alley. Though the Alleys are owned by the City, we help provide information from property & business owners to the City, and from the City to the business and property owners – on this, and other issues.

Kiosk:

We have been working closely with the TDA on a downtown directional kiosk. This will include information about how to get around the county, and information about how to walk to our different downtown businesses. It should be up this year on the Broad St. side of O.P. Taylors.



Economic Restructuring

Business Retention, Expansion, and Recruitment:

During the past two years there have been approximately 40 businesses expansions, or openings in the HOB district. There are others on the way, and we hope that this continues for many years, but we are now running low on available properties in HOB. Now that we are running low, when we don't have space that seems to fit, we have been guiding potential businesses toward other areas in town, like the Lumber Arts District.

Main Street Solutions Grant:

We worked with the City to acquire a Main Street Solutions Grant of \$200,000 for the project at the corner of Broad and Jordan. This is the first of these grants Brevard has ever received, though they have been available for many years. Related to this, we are trying to help the property owner recruit the right sort of business for the ground floor of the building.

Trail System Connections:

Though it may be difficult to get a solid connection from the trails straight into the HOB district, we hope to find creative ways to better connect with this nearby trail system. We are communicating with the planning department about the upcoming connection from the existing trails to an area of West Main Street just outside the HOB district. We are also trying to find other methods to help the downtown live up to the outdoor reputation, and to our own vision statement. This can involve our helping new or existing businesses that support the outdoor industry and by better communicating how to get from HOB to the nearby trails system and forest.

Courthouse:

We are currently gathering research to report to the county commissioners so they can include this information when making their decision about the courthouse location. This sort of project can take a lot of time, and the results of that time are not very visible, but still important.

<p>Historic, walkable & safe downtown, the center of our community</p> <p>Goal: Preserve our historical & architectural character that makes us unique.</p> <p>Measureable Objective: Establish local historic designation for 1 property by June 2016.</p> <p>Design Committee.</p>	<p>Measurable Actions:</p> <p>Partner with JHPC, building department, and City planning by November 2015</p> <p>Establish meeting schedule by October 2015</p>	<p>Measurable Actions:</p> <p>Hold meeting for downtown eligible historic property owners to educate and identify optional properties</p>	<p>Measurable Actions:</p> <p>Actively participate w/DTMP committee for streetscape improvements – immediately.</p> <p>Distribute Federal guidelines to appropriate parties – starting in September.</p>	<p>Measurable Actions:</p> <p>Allow grant money to be used to assist owners with local designation, and public space improvements in DTMP – by January 2016</p>
<p>Streets lined with diverse independent businesses</p> <p>Goal: Connect HOB to Brevard Area Trail System to further strengthen our brand.</p> <p>Measureable Objective: March 2016</p> <p>Economic Restructuring Comm.</p>	<p>Measurable Actions:</p> <p>Lead conversations with strategic partners – immediately</p>	<p>Measurable Actions:</p> <p>Create a brochure that outlines temporary & finalized plans. - January 2015</p>	<p>Measurable Actions:</p> <p>Signage & markers to temporarily mark direction to trail, until further trail development into HOB area - March 2016</p>	<p>Measurable Actions:</p> <p>Drive more people downtown and to lumberyard?? This one needs some work.</p>

<p>The crossroads to exceptional outdoor recreation</p> <p>Goal: Support year round vitality & drive economic growth downtown</p> <p>Measureable Objective: Fill 3 empty spaces with long-term viable businesses by June 2016</p> <p>Economic Restructuring Comm.</p>	<p>Measurable Actions:</p> <p>Partner with local real estate firms to disseminate info about available properties & possible uses by end of 2015</p>	<p>Measurable Actions:</p> <p>Promote HOB to WNC area residents & visitors through brochure distribution in hotels, restaurants, and other areas. By April 2016</p>	<p>Measurable Actions:</p> <p>Educate realtors & HOB members about monetary incentives through historic designation & grants programs ongoing, starting in September 2015</p>	<p>Measurable Actions:</p> <p>Identify potential gaps in our commercial mix. - November 2015</p> <p>Use gap information to determine existing or new businesses which may be able to fill these gaps. May 2016</p>
<p>Thriving hub for the arts</p> <p>Goal: promote awareness of, and environment for, the arts in HOB</p> <p>Measureable Objective: Create new monthly weekly art event in HOB by March 2016</p> <p>Promotions Committee.</p>	<p>Measurable Actions:</p> <p>Increase partnership with TCARTS by end of September 2015</p> <p>Create committee to organize / manage event using HOB to spearhead, and community to run. - October 2015</p>	<p>Measurable Actions:</p> <p>Produce marketing plan with participating businesses, to include social, physical, & radio ads. – October 2015</p> <p>Create a list of possible themes, such as progressive dinners, and family nights. - October 2015</p>	<p>Measurable Actions:</p> <p>Make alleys, and other public more conducive for use by various artists, musicians, etc... – ongoing process</p> <p>Promote an environment that pushes the creativity of children. – April 2016</p>	<p>Measurable Actions:</p> <p>Improve donations program to help support event</p> <p>Event should be financed mainly by participating businesses.</p> <p>Work to increase HOB sponsorships to help with this and other HOB endeavors.</p> <p>- Ongoing</p>

STAFF REPORT

Date: October 19, 2015

Title: North Carolina Water Operator Association C-Surface Operator of the Year Award

From: NCWOA

Approved by: Jim Fatland; Dennis Richardson & Ray McCall

Executive Summary: The award was presented to Tommy Williamson on Oct. 1 during a NCWOA section meeting at New River State park. Below is what was said while presenting Tommy with the award:

This year's awardee is an 18 year veteran working for a small city in the southern Appalachian Mountains of our state with the last 6 of those years working in maintenance and operations at the water treatment plant. Prior to working at the WTP, he was first a sanitation worker who worked his way up to be the foreman of the sanitation department. He is currently working to obtain his B-Surface license.

He is a longtime member of his City Fire Department as a certified Fireman, serving in that capacity for 12 years. He is described by his nominator as a hardworking man who never complains but works each day with a smile and a very positive attitude. He not only performs his normal operator duties well, but is the first to volunteer to work on special projects or to fill in for other operators when they are out sick or on leave. He frequently does most of the routine and unscheduled maintenance at his water plant. Most of the time without being ask to do it. He is a top notch individual as described by his supervisor.

I am happy to announce that this year's C-Surface Operator of the Year is Tommy Lee Williamson of Brevard, North Carolina.

Background: Tommy was nominated for the award due to his cheerful personality, ability to operate well, and mainly his willingness to always help in projects.

Fiscal Impact: None

Policy Impact: None

Staff Recommendation: Recognize that Tommy Williamson has received the award.



Jim Fatland

From: Jim Fatland
Sent: Friday, October 09, 2015 11:23 AM
To: 'jimmyharris@cityofbrevard.com'; 'mac.morrow@cityofbrevard.com'; Maurice.Jones@cityofbrevard.com; 'csykes@esginc.net'; 'psdir@cityofbrevard.com'; 'Emory Owen'; Dennis Richardson
Cc: 'mccalljr@comporium.net'; 'Harlow Brown'; 'Jeffrey T Brown'
Subject: FW: Ben
Attachments: Ben Go with the Flow.pdf

Members of Public Works and Utilities Committee:

Attached is a great article on public works employee Ben Robinson. Ben oversees the water distribution system. I strongly agree with David Lutz's comment that Ben does his job with enthusiasm and truly is a dedicated public servant for the City of Brevard.

Jim

From: David Lutz
Sent: Friday, October 09, 2015 9:40 AM
To: Jim Fatland <jim.fatland@cityofbrevard.com>
Subject: Ben

Hello Mr. Fatland,

Please read page two " A Conversation with Ben Robinson, the Mayor might like it...it is a pretty big deal for the operators.

David Lutz
Public Works Director
City of Brevard

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized City or Law Enforcement official.



GO WITH THE FLOW

The purpose of GO WITH THE FLOW is to keep you, the operator, informed of some of the training opportunities that are available for your certification needs (new and renewal). The Training/Meetings calendar will be updated quarterly as information about new training opportunities becomes available. Events may be scheduled by: NCWOA, Public Water Supply Section, State Laboratory of Public Health, and other sources. This newsletter may also contain information on new regulations, news from the Certification Board, and important need-to-know resource contacts.

Inside This Issue ...

Operator's Spotlight: Jason Green	1-2
Operator's Spotlight: Ben Robinson	2
Operator's Spotlight: Ron Reid	3
Alum vs. Ferric	4-5
NCWOA Seminars	6-7
Sponsors	8
Update from Certification Board	8
Seminar Registration Form	9
Membership Application	10
Committee Members	11
Section Meetings	11
Important Phone Numbers	12

Operator's Spotlight

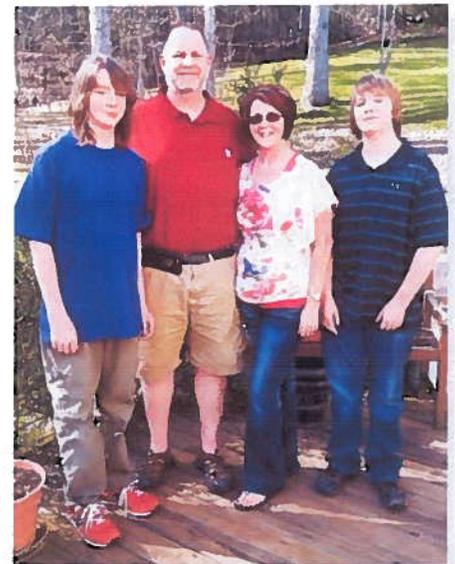
A Conversation with Jason Green

Fourteen years ago, Jason Green decided it was time for a change. His lead technician job at Broughton Hospital had become very stressful. He applied for a job at the water treatment plant with the City of Morganton and was hired as a nightshift operator. Green worked his way up to his current position with Morganton as its Water Treatment Superintendent, a position he has held for the last nine years. Morganton services roughly 26,000 customers, three wholesalers and is an 18 million gallon surface water treatment plant.

"I supervise 10 employees; six operators, two maintenance employees, and one lab supervisor," Green says. "That seems to take up a majority of my time, supervising employees. I have 12 distribution tanks, 11 stand pipes, and a total of eight booster pump stations that I supervise and maintain. I also have budgeting and business stuff."

Green really enjoys the business end of his job. He has a great sense of satisfaction that over the last eight years Morganton has managed to cut its budget back several times and stay in the black. "How thin can you spread peanut butter and still call it peanut butter," he says. "It's kind of a challenge and it's rewarding when you stay in the black."

Green explains that Morganton used to be very heavy in the textile industry and when that industry moved out of North Carolina, it hurt to the point that one of Morganton's water plants closed. "We have gained some industrial users back, but we'll never be back to a place where we'll be operating two water treatment plants," he says.



Green says that his job as superintendent can be very stressful, dealing with customer complaints and staying well within state and federal guidelines can make for long days.

"When you're an operator you have full control of everything you are doing, it's black and white, no gray area," he explains. "When you get into the personnel and financial area, that's where the stress creeps in. When I first took over we had a lot of complaints and we have incorporated better customer outreach to help with that and meeting state and federal guidelines is priority one. If we don't meet that, we don't have a job."

Green is very involved with the North Carolina Waterworks Operators Association's Morganton School. He teaches anywhere from 8-10 classes on operations, plant chemistry, and taste/odor. He loves teaching because it gives him an opportunity to meet the new people coming into the water industry.

"I tell my guys in class and my employees that there are very few positions that come into

contact with as many people as we do in any given shift," Green says. "Every time someone takes a drink of water, or turns on the faucet, a firefighter hooks a hose up to save somebody's house, we are directly involved with that. On any given day we come into contact with some 30,000 people. It's an important responsibility."

Green and his family love to travel to find the best barbecue. They have traveled to Texas to try its barbecue, as well as St. Louis and Kansas City. However, with all his travels he says the best barbecue is just a few miles down the road from his house. Green says the water industry was not on his radar for a career option, but the last 14 years have been good to him.

"I always wanted to be rich and beautiful, but I gave up on those," he laughs. He says he has about 15 years to go before he can retire. During his remaining years he wants to get his distribution certification to go with his A Surface Certification. He wants to travel to Europe to see the homeland and to Austin, Texas for its barbecue.

Operator's Spotlight

A Conversation with Ben Robinson

Ben Robinson has been with the City of Brevard for 15 years, working his way up from the trash truck to the current water distribution division supervisor. Robinson said when he graduated from high school his mama gave him two choices, college or a job.

"I chose the job option and have been here ever since," he says. "I've had a lot of opportunities and been lucky to get where I am."

Robinson has his Grade IV in sewer collections, Grade A in water distribution, and his backflow cross-connection certifications. His primary role with Brevard is maintenance and maintaining the water system. Robinson and one other employee handle the water department but they can pull from public services as a whole if the need arises. Brevard services roughly 6,000 customers, a mix of residential and businesses. Robinson maintains service taps, repairs leaks, main breaks, service lines, installs fire hydrants,

changes out meters, checks for leaks and pressure for customers, flushes for water quality, and oversees installations in new subdivisions and for new businesses. Because of his Grade IV in wastewater, Robinson also helps the sewer crews of Brevard.

"I help with video camera inspections, helping the streets crew, pour asphalt, and operate the street sweeper," he says. "I like the ability to be outside. I am not an office person."

Robinson likes the fact that the job presents something different, every day, every time. He says that a six inch main break always requires a different fix. He also likes the camaraderie the water industry has across the state of North Carolina. He says the North Carolina Waterworks Operators Association (NCWOA) has a lot to do with this networking spirit. He has been a member of NCWOA for roughly 10 years and says he has learned a lot from its membership.

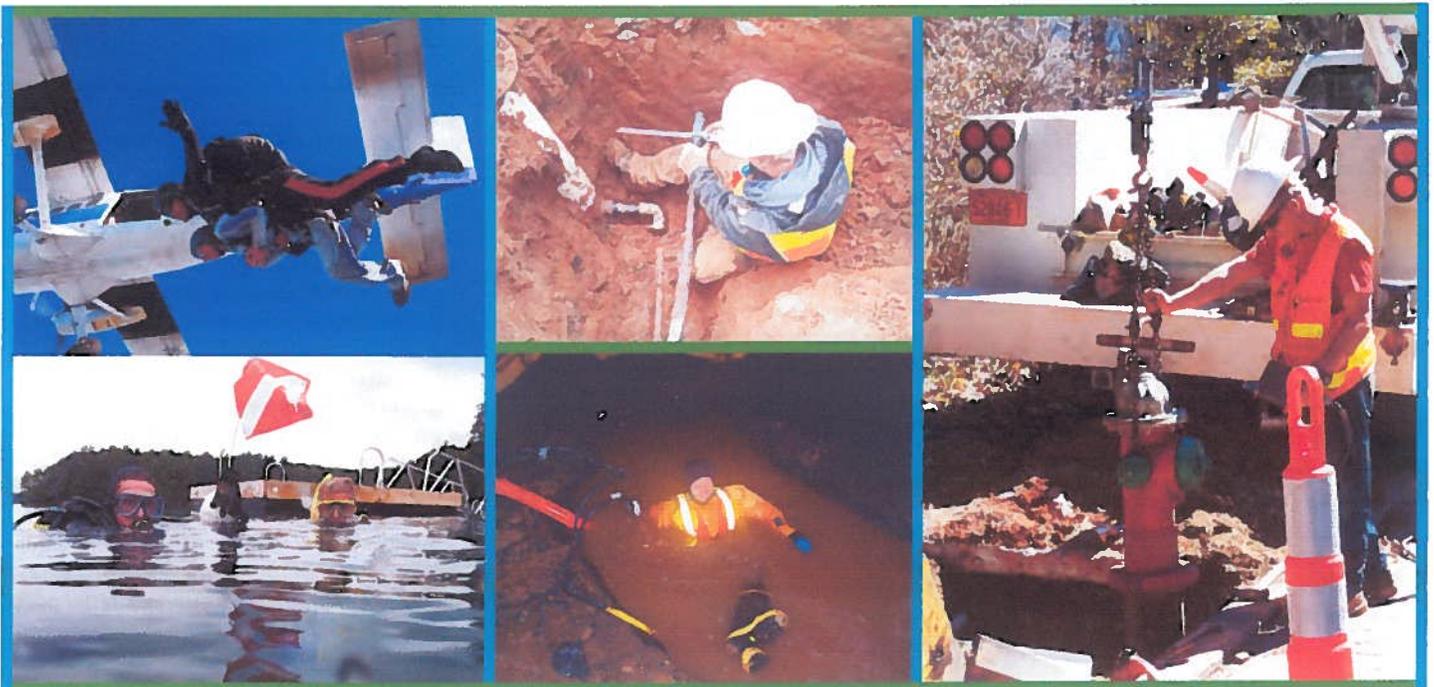
"I have learned from other systems how they handle leaks or main breaks," Robinson says. "A lot of places shut down when working on a main break and we have learned how to work on things live. We pride ourselves in that. May

turn a valve down, but it insures customer satisfaction because they still have water. Sometimes it's necessary to shut down, but 95% of the time, we don't."

When Robinson is not overseeing the distribution for Brevard, he's out being a daredevil, propelling off rocks or waterfalls, skydiving, scuba diving, or rock climbing. He has a photo album on Facebook titled, Jumping Out of a Perfectly Good Airplane at 14,000 feet.

"A lot of people think it's crazy," he laughs. "I try not to do anything stupid. It may be crazy, but it's a reasonable crazy."

Robinson has a lot of energy. He is a highly trained responder for the Transylvania County Rescue Squad and holds numerous certifications and awards in emergency rescue, wilderness rescue, dive and swift water rescue, and firefighting. The City of Brevard's Public Works Director David Lutz says of Robinson, "I commend him as an enthusiastic employee and a dedicated public servant." Lutz recognizes Robinson's commitment and work ethic and says the City of Brevard highly values him as an employee.



Unfinished Business

New Business

ORDINANCE NO. 2015-_____

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

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein, and,

WHEREAS, the City Council has by Resolution No. 2015-19 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2015-22 fixing a date of public hearing. A public hearing on the question of this annexation was held at the Brevard City Hall at 7:00 o'clock, P.M. on the 19th day of October, 2015, after due notice by publication on the 5th of October, 2015;

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by Pisgah Forest Outdoors, LLC, as shown and recorded on Plat File 16, Slide 396 and Plat File 4, Slide 410 in the Transylvania County Registry (Transylvania County Property Identification Number 8597-45-4982) and that certain annexation plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as of the 19th day of October, 2015.

Said property is more fully described as follows:

Metes and Bounds Property Description:

Being all of Tract D (Revised) as shown on Plat File 16, Slide 396 and beginning on a 5/8 inch found rebar, the southwest property corner of Lot 2 of the Forest Gate Shopping Center as recorded in Plat File 4, Slide 410 in the Transylvania County Registry.

THENCE South 20 degrees 36 minutes 22 seconds West for a total distance of 50.35 feet (passing a 5/8 inch set rebar, 0.3 feet above grade, at 20.29 feet in the northern margin of the 60 foot right of way of U.S. Highway #276) to an unmarked point in the centerline of U.S. Highway 276;

THENCE North 73 degrees 04 minutes 53 seconds West for a distance of 212.31 feet along the centerline of U.S. Highway 276 to an unmarked point in the centerline of U.S. Highway 276, the southeast corner of Big Inc. as recorded in Document Book 591, Page 491 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE following the property line of Big Inc, paralleling more or less an existing barbed wire fence North 14 degrees 47 minutes 53 seconds East for a total distance of 181.70 feet (passing a set 5/8 inch rebar, 0.6 feet above grade, at 30.02 feet in the northern margin of

the 60 foot right of way of U.S. Highway #276) to a leaning found concrete monument 0.4 feet above grade at the base of a wooden fence post at the angle point of the barbed wire fence;

THENCE following the property line of Big Inc. North 42 degrees 07 minutes 20 seconds East for a distance of 273.48 feet, paralleling more or less the barbed wire fence to a 1 inch found iron pipe 3.0 feet above grade, a corner of Marvin L. Scott and others as recorded in Document Book 107, Page 197 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE a new line South 69 degrees 23 minutes 38 seconds East for a total distance of 129.95 feet (passing a 5/8 inch set rebar, set at grade, at 99.96 feet in the western margin of a 30 foot wide right of way) to a set 5/8 inch rebar, 0.4 feet above grade, in the line of the Forest Gate Shopping Center as shown on Plat File 4, Slide 410;

THENCE with the line of the Forest Gate Shopping Center South 20 degrees 36 minutes 22 seconds West for a distance of 371.19 feet to a 5/8 inch found rebar the point and place of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.94 acres more or less.

Section 2. Upon and after the 19th day of October 2015, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-58.10.

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

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

Adopted and approved the _____ day of _____, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

RESOLUTION NO. 2015-____
A RESOLUTION ADOPTING THE
2015 COMPREHENSIVE PLAN

WHEREAS, the City of Brevard's Comprehensive Plan contains the general policy of the City Council to be used as a guide for development, the scheduling of capital improvements, preparation of budgets and ordinances, and operating procedures to implement the plan; and,

WHEREAS, it is the intent of the City Council to maintain and amend this Comprehensive Plan as the official statement of City Council concerning the future development of the City of Brevard; and,

WHEREAS, the City has devoted considerable time and attention to the development of the Comprehensive Plan; and,

WHEREAS, the City has solicited public comment and input on the content of this plan including informal public meetings, Planning Board review, and a formal public hearing held October 19, 2015; and,

WHEREAS, after review and consideration of the Comprehensive Plan, it is the desire of the City Council of the City of Brevard to approve the plan as presented.

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

SECTION 01. That the 2015 Comprehensive Plan as presented at the October 19, 2015 public hearing be approved and adopted as the comprehensive plan for the City of Brevard.

SECTION 02. This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 19th day of October, 2015

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

ORDINANCE NO. 2015-__

**AN ORDINANCE AMENDING BREVARD CITY CODE,
UNIFIED DEVELOPMENT ORDINANCE – CHAPTER 8.2.L – TREE
PROTECTION AND LANDSCAPING**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapter 8, be amended to modify the City's role in the removal of trees on private property; and,

WHEREAS, a public hearing was conducted on Monday, October 19, 2015, by Brevard City Council; and,

WHEREAS, 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 that Brevard City Code, Unified Development Ordinance Chapter 8, be amended as outlined below.

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

SECTION 01. Brevard City Code, Unified Development Ordinance, Chapter 8.2.L is hereby amended to read as follows:

8.2. - General provisions.

- A. Maintenance of existing built and vacant lots: Every owner, occupant, agent or person in control of property shall cut down and remove from the property all weeds, grass, vines and other growth which endangers the property or any other property, or which is likely to burn. This requirement shall not require the clearance of surface water protection areas or the removal of significant or protected tree and shrub species.
- B. Pre-construction conference: Prior to the commencement of any new development activities an on-site pre-construction conference shall take place with the developer and the administrator to review procedures for the protection and management of all protected landscape elements identified on the landscape protection plan.
- C. Existing vegetation, fences, walls, and berms: The use of existing trees or shrubs to satisfy the landscaping requirements of this section is strongly encouraged. Existing significant vegetation within the landscaped area shall be preserved and credited toward standards for the type of perimeter landscaping required, unless

otherwise approved by the City of Brevard at the time of site plan approval. Existing berms, walls, or fences within the landscaped area but not including chain link fencing, may be used to fulfill the standards for the type of perimeter landscaping required, provided that these elements are healthy and/or in a condition of good repair. Other existing site features within the required perimeter landscaped area which do not otherwise function to meet the standards for the required landscaping shall be screened from the view of other properties or removed, as determined during review and approval of the site plan.

- D. Installation of new vegetation and other features: New plant material should complement existing vegetation native to the site. If existing significant vegetation and other site features do not fully meet the standards for the type of landscaping required, then additional vegetation and/or site features (including fences) shall be planted or installed within the required landscaping area. The use of indigenous, native and/or regionally grown species of trees, shrubs, vines, groundcovers and perennials is encouraged in order to make planted areas compatible with existing native habitats.
- E. Grading and development in required landscape areas: The required landscaping shall not contain any development, impervious surfaces, or site features that do not function to meet these standards or that require removal of existing significant vegetation. No grading, development, or land-disturbing activities shall occur within this area if forest canopy, specimen trees, or significant vegetation exists within the buffer yard, unless approved by the administrator. If grading within a buffer yard is proposed, slopes of 3:1 or less are encouraged to ensure the proper transition of grades to the adjacent property and to facilitate landscaping and maintenance.
- F. Easements and rights-of-way: Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the city and the easement holder at the time of site plan approval.
- G. Protection during surveying: No tree greater than 12 inches in diameter at breast height (DBH) located on public property or within a required tree protection area shall be removed for the purpose of surveying without an approval from the administrator.
- H. Tree trimming: Every owner of any tree overhanging any street or right-of-way within the city shall trim the branches so that such branches shall not obstruct

the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The public works director and utilities director are authorized to remove and/or trim trees and shrubs from public properties and public rights-of-way. North Carolina Department of Transportation is authorized to remove and or trim trees and shrubs in the public rights-of-way owned by the State of North Carolina. Approval is required to trim a tree in a tree protection area, required landscaping area, or buffer yard more than 25 percent of its overall canopy.

- I. Trimming and removal by utility companies: Trees to be removed from the public right-of-way by electric utilities and other overhead utilities must be replaced by such entity in equal quantity and minimum caliper size with an approved species.
- J. Tree topping: Tree topping shall be prohibited on all trees on public property, designated rights-of-way, required tree protection areas, landscaping, and buffer yards unless otherwise approved by the administrator. Trees severely damaged by storms or other causes, or certain trees under utility lines or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the administrator.
- K. Removal of dead trees on public property: Approval by the administrator shall be issued for trees that are dead, infected by disease, or determined to be a hazard to public safety and welfare. Should any tree designated in a tree protection area, required landscaping area, or buffer yard die, the agency shall replace it within 180 days with a tree(s) equal size.
- L. Tree removal on private property: The City may require removal of any dead or diseased trees or trees harboring insects, on private property when such trees constitute a threat to public property [or the health, safety, or general welfare of the public]. The administrator will notify in writing the owner(s) of such trees. Removal shall be done at the owner(s) expense within 60 days after the date of service of notice. In the event of failure of the owner(s) to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal as a lien on the owner's property taxes.
- M. Stumps: All stumps of trees and park trees shall be removed so that the top of the stump does not project above the surface of the ground.

- N. Use of off-site landscape easements: Permanent off-site landscape easements may be used to meet required buffer yards provided that the size or shape of the parcel significantly restricts the ability to reasonably use the property and meet the buffer yard requirements. These easements must be recorded prior to or in conjunction with the approval of the site or subdivision plan.
- O. Protective measures during construction: Protective barricades shall be placed around all protected trees designated to be saved prior to the start of development activities or grading. Barricades shall be erected five feet past the drip line for any tree to be saved or tree save areas. Protective barricades shall remain in place until development activities are completed. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, construction traffic, storage of vehicles and materials, and grading shall not take place within five feet of the drip line of the existing trees to be protected.

Except for driveway access points, sidewalks, curb and gutter; no paving with concrete or other impervious materials within five feet of a tree drip line shall be allowed unless otherwise approved.

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. The enactment of this ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

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

Adopted and approved this the 19th day of October, 2015

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

ORDINANCE NO. 2015-__

**AN ORDINANCE AMENDING BREVARD CITY CODE
PART II - CHAPTER 61 SUBSECTION 62.1 –
PLACING OBJECTS ON STREETS AND SIDEWALKS**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Chapter 62.1, be amended to allow placement of items in non-vehicular alleyways; and,

WHEREAS, Brevard City Council finds that while these proposed amendments are consistent with the City of Brevard Land Use Plan and other plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, October 19, 2015, by 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 that Brevard City Code, Part II, Chapter 62.1 be amended as outlined below.

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

SECTION 01. Brevard City Code, Part II, Chapter 62.1 is hereby amended to read as follows:

- c) An elevated pedestrian boardwalk may be placed within the northeastern portion of south alley, subject to the following provisions:
 - 1) Such boardwalk shall be handicapped accessible and compliant with all applicable provisions of the Americans with Disabilities Act, the North Carolina Accessibility Code, and the North Carolina Building Code.
 - 2) Such boardwalk may be permitted at the discretion of the city manager, and may be removed at the discretion of the city manager.
 - 3) Such boardwalk is a public way, and shall remain open to the general public at all times.
 - 4) Such boardwalk may extend along the northeastern portion of south alley, and may extend in a southwestern direction for a distance not to exceed the length of the building located at 36 East Main Street.
 - 5) Such boardwalk shall be constructed at the expense of one or more adjacent property owners and shall be warranted by the same for a period not less than three years; such warranty shall be provided in a manner that is approved by the city manager.

- d) Alleyways closed to vehicular traffic shall not be subject to the sidewalk setback requirements as defined in section 46-1.b, as a minimum at least 36 inches of unobstructed travel way must remain open and clear.

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. The enactment of this ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 08. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 19th day of October, 2015

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

ORDINANCE NO. 2015-__

**AN ORDINANCE AMENDING BREVARD CITY CODE
PART II – CHAPTER 34 – FLOOD DAMAGE PREVENTION**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Part II, Chapter 34, be amended to update references and create exemption for public utilities; and,

WHEREAS, Brevard City Council finds that while these proposed amendments are consistent with the City of Brevard Land Use Plan and other plans and policies of the City of Brevard; and,

WHEREAS, a public hearing was conducted on Monday, October 19, 2015, by 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 that Brevard City Code, Part II, Chapter 34 be amended as outlined in Attachment 1 which is included with this ordinance.

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

SECTION 01. Brevard City Code, Part II, Chapter 34 is hereby amended as depicted in Attachment 1.

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. The enactment of this ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 08. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 19th day of October, 2015

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney



The City of *Brevard* North Carolina

NEW BUSINESS STAFF REPORT

October 19, 2015

Title: Special Event Road Closure – Halloween Fest
Speaker: Daniel Cobb AICP, Planning Director
Prepared by: Daniel Cobb AICP, Planning Director
Approved by: Jim Fatland, City Manager

EXECUTIVE SUMMARY: City Council will consider an ordinance declaring a road closure for this year's 33rd annual Halloween Fest.

BACKGROUND: The North Carolina Department of Transportation issued new guidelines earlier this year (July) modifying the process and procedures for the closing or repurposing of state-owned highways for special events.

DISCUSSION: Prior to these changes Staff would work directly with local NCDOT staff to complete an application for a street closure. The new guidelines state the local municipality must pass an ordinance for each street closure of City-sponsored events. The State will neither approve nor deny such requests for closures, they will however, recommend alternative routes should they have a project scheduled for the same day as a special event. The attached ordinance is for this year's annual Halloween Fest. Subsequent ordinances will be presented to Council as applications are received for the Twilight Tour, White Squirrel Festival, and the 4th of July Festival.

POLICY ANALYSIS: The City has been sponsoring and permitting special events for several years. These changes have no bearing on the events themselves, they only address the process by which the streets are closed. Passing of an ordinance only applies to special events on state roads that are sponsored by the City. Permits sponsored by individuals or non-profits are permitted slightly differently and do not require an ordinance.

Additional background information on these changes and required procedures is attached as attachment A.

STAFF RECOMMENDATION: Staff recommends approval of the ordinance as presented.

City Council's options are as follows:

1. Approve the ordinance as presented.
2. Approve the ordinance with modifications.
3. Deny the ordinance as presented.

FISCAL IMPACT: None.

Attachments:

- Exhibit A – Adoption Ordinance
- Attachment A – Special event guidelines and flowchart

ORDINANCE NO. 2015-__

AN ORDINANCE DECALRING A ROAD CLOSURE FOR HALLOWEEN FEST

WHEREAS, Brevard City Council acknowledges a long tradition of providing an annual Halloween Fest for the pleasure and enjoyment of its citizens; and,

WHEREAS, Brevard City Council acknowledges this festival provides an opportunity for day-long, family-oriented activities; and,

WHEREAS, Brevard City Council acknowledges this festival requires a portion of Main Street (Highway 276) to be closed for setup, activities, and cleanup;

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

SECTION 01. Pursuant to authority granted by G.S. 20-169 the City of Brevard herby declares a temporary road closure during the day and times set forth below on the following described portion of a State Highway System route:

- Date:** Saturday, October 31, 2015
- Time:** 7:00AM – 10:00PM
- Route Description:** Main Street (US 276) between Gaston Street and Johnson Street

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

Adopted and approved this the 19TH day of October, 2015.

Jimmy Harris
Mayor

ATTEST:

Ordinance No. 2015-__
October 19, 2015
Page 1 of 2

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

Ordinance No. 2015-__
October 19, 2015
Page 2 of 2

Special Event Guidelines

July 25, 2014

The following guidelines apply to all special events (including, but not limited to, parades, festivals, bicycle rides or races, marathons, 5K walks/runs, concerts, etc.) being held on highways under the jurisdiction of the North Carolina Department of Transportation that involve a road closure, lane closure, or repurpose the highway (travel lanes or shoulders) for something other than their intended use. However, the following are not eligible for special events under these guidelines:

- State Highway System roads that have full access control
- Bridges that have limited alternative routes
- Segments of State Highway System roads with bridges that have limited alternative routes

I. Special Events held by Counties and/or Municipalities, or Sponsored by Counties and/or Municipalities (“Special Events Request Form” not required)

The North Carolina Department of Transportation is only reviewing for conflicts and concerns, and is neither approving nor denying these events.

- Counties and/or municipalities may approve the use of a highway or highways within their jurisdiction by processions, assemblages, or anything that may be construed as a procession or assemblage, in accordance with [§20-169](#). For bicycle races, see [§20-171.2](#) for additional information.
- Counties and/or municipalities should consult with their local Highway Division or District office to verify that the proposed special event will not (1) interfere with other planned special events and (2) impact, or be impacted by, planned maintenance or other activities. No other action by the North Carolina Department of Transportation shall be necessary.
- Counties and/or municipalities shall pass an ordinance approving or the special event, and place signs giving notice of the special event, in accordance with [§20-169](#). This ordinance is evidence that the county and/or municipality accept full responsibility for, and all liability related to, the special event. A copy of the ordinance should be forwarded to the local Highway Division office for their records. For bicycle races, see [§20-171.2](#) for additional information.
- The North Carolina Department of Transportation considers these events official actions of the county and/or municipality and they will be responsible for safety, traffic flow, traffic control, appropriate signing, and ensuring that all debris, litter, decorations, and other items associated with the event are removed following the event.

II. Special Events held by Non-Government Entities not Sponsored by Counties and/or Municipalities (“Special Events Request Form” required)

- Non-government entities desiring to hold a special event shall submit a formal request to the local Highway Division office where the event is planned.
- Non-government entities shall attach a completed “Special Events Request Form” to their formal request(s). The purpose of the form is to primarily collect information on the event itself and identify the responsible parties.

III. Examples (not all inclusive)

A. Bicycle Ride

- A non-government sponsored road rally is planned to ride bicycles between New Bern and Morehead City.
- The special events form is not required because the ride is not changing the use of the highway and the expectation is that the riders will follow the rules of the road and obey all traffic control devices.
- However, if there is an expectation that the event would re-purpose or close any part of the highway, including shoulders, then the form would be required.
- An example of re-purposing the highway would be to have hydration stations on the shoulder at regular intervals to provide water and sports drinks to the riders.

B. Municipal Christmas Parade

- A Christmas parade is planned by a municipality for a section of US 99 (Main Street).
- The "Special Events Request Form" is not required.
- However, the municipality shall consult with the local Highway Division notifying the Division of the date, times, and locations.
- After receiving notification from the Division that there are no known conflicts, the municipality shall pass an ordinance in accordance with [§20-169](#), place signs, and provide a copy of the ordinance to the Division.

C. Municipal Sponsored Festival

- A municipality is sponsoring a festival for a section of US 99 (Main Street) and several other adjoining secondary roads.
- The "Special Events Request Form" is not required.
- However, the municipality shall consult with the local Highway Division notifying the Division of the date, times, and locations.
- After receiving notification from the Division that there are no known conflicts, the municipality shall pass an ordinance in accordance with [§20-169](#), place signs, and provide a copy of the ordinance to the Division.

D. Local Club Triathlon

- A local club wants to close a portion of Lake Street (SR 9988) to hold a triathlon and have hydration stations on the shoulder at regular intervals to provide water and sports drinks.
- The "Special Events Request Form" is required identifying all State Highway System facilities affected by the event.

E. Bicycle Race

- A local club wants to close a portion of several State Highway System facilities to hold a bicycle race and does not expect racers to obey traffic control devices.
- The "Special Events Request Form" is required identifying all State Highway System facilities affected by the event.
- The local club must also follow all safety, traffic flow, and traffic control requirements in accordance with [§20-171.2](#).

§ 20-169. Powers of local authorities.

Local authorities, except as expressly authorized by G.S. 20-141 and 20-158, shall have no power or authority to alter any speed limitations declared in this Article or to enact or enforce any rules or regulations contrary to the provisions of this Article, except that local authorities shall have power to provide by ordinances for any of the following:

- (1) Regulating traffic by means of traffic or semaphores or other signaling devices on any portion of the highway where traffic is heavy or continuous.
- (2) Prohibiting other than one-way traffic upon certain highways.
- (3) Regulating the use of the highways by processions or assemblages.
- (4) Regulating the speed of vehicles on highways in public parks.
- (5) Authorizing law enforcement or fire department vehicles, ambulances, and rescue squad emergency service vehicles, equipped with a siren to preempt any traffic signals upon city streets within local authority boundaries or, with the approval of the Department of Transportation, on State highways within the boundaries of local authorities. The Department of Transportation shall respond to requests for approval within 60 days of receipt of a request.

Signs shall be erected giving notices of the special limits and regulations under subdivisions (1) through (4) of this section. (1937, c. 407, s. 131; 1949, c. 947, s. 2; 1955, c. 384, s. 2; 1963, c. 559; 1973, c. 507, s. 5; 1979, c. 298, s. 2; 1991, c. 530, s. 5; 1999-310, s. 1.)

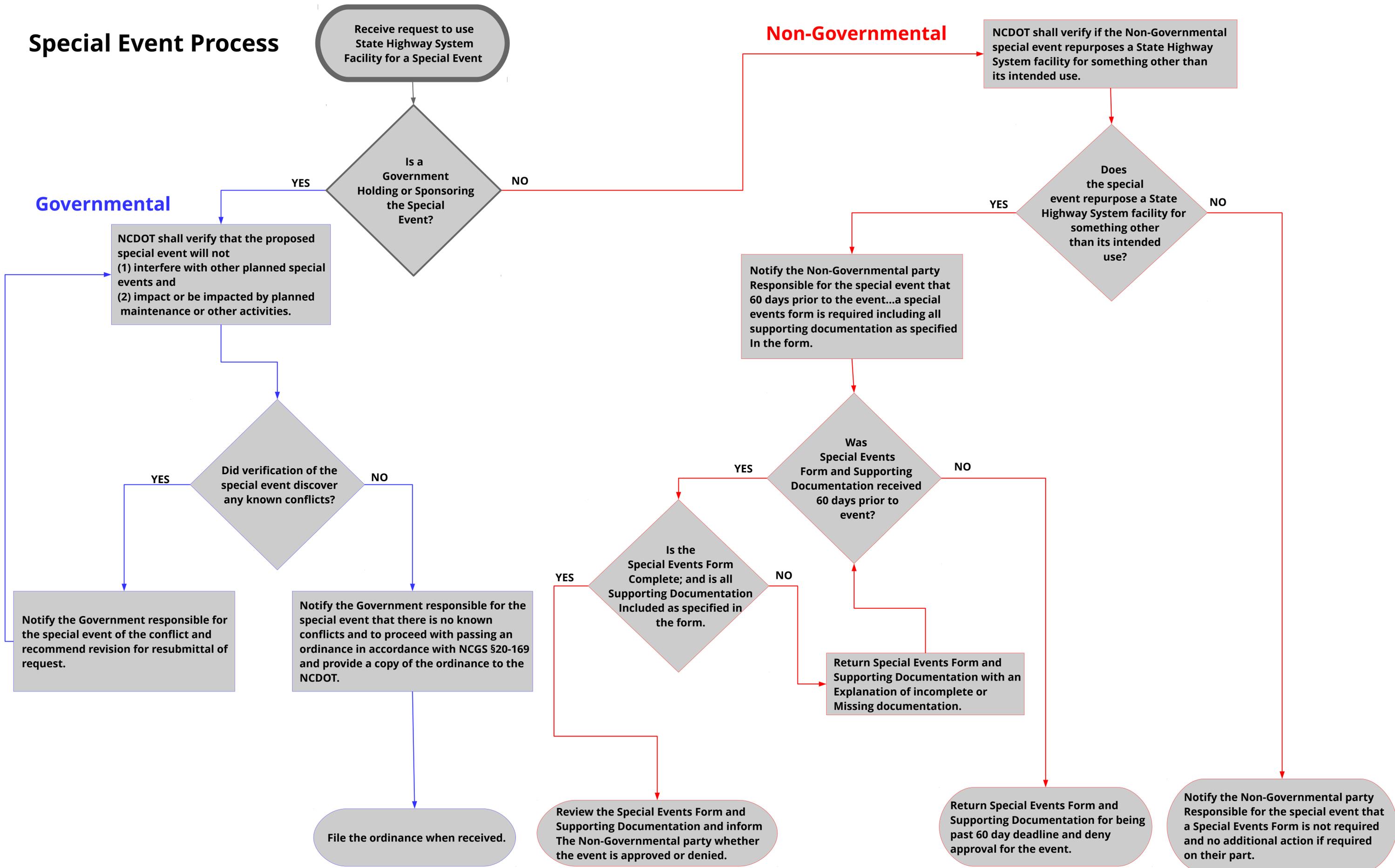
§ 20-171.2. Bicycle racing.

(a) Bicycle racing on the highways is prohibited except as authorized in this section.

(b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by State or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(c) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users. (1977, c. 1123, s. 1.)

Special Event Process



STAFF REPORT – October 19, 2015 Council Meeting

Date: October 7, 2015

Title: Board Appointments - Terrell Scruggs Scholarship Committee

Prepared by: Desiree Perry, City Clerk

Approved by: Jim Fatland, City Manager/Finance Director

Executive Summary: Council will consider making an appointment and a re-appointment to the Terrell Scruggs Scholarship Committee.

Background: Board member Chief Phil Harris was appointed in July 2012, served as Chair, and his term expired in July. Chief Harris is not interested in re-appointment. City HR Director Derrick Swing has applied to serve on the Committee. If appointed to replace Chief Harris, the term will expire July 2018.

Betty Scruggs was appointed in July 2012 to the newly established Committee, with the first three-year term expiring in July 2015; if re-appointed, the second full-term would expire July 2018.

Terrell Scruggs Scholarship Committee – The Terrell Scruggs Scholarship Fund was created in honor and memory of Terrell Scruggs, who loyally served the City of Brevard with integrity and enthusiasm in the Office of Finance Director, from September 26, 1994, through September 13, 2011. The purpose of the Scholarship Fund is to receive, invest and manage donations and other income, and for the Scholarship Committee to award such scholarships as it sees fit, all in honor and memory of Terrell Scruggs, and with grateful appreciation for his service to the City of Brevard and the community. Committee consists of six members appointed by City Council, and they meet on an as-needed basis. Two term membership limit. Meetings are held in the City Administrative Conference Room and are open to the public.

Discussion: Mr. Swing's application is provided for appointment consideration. Ms. Scruggs is a member in good standing and has expressed willingness to serve a second term. If re-appointed the term would expire July 2018.

Fiscal Impact: None

Policy Impact: None

Staff Recommendation: Staff does not make recommendations on any citizen advisory board appointments or reappointments. Council options are: (a) Re-appointment; (b) Table to make a decision at a later date; or, (c) Appoint another citizen to serve.



CITY OF BREVARD

Board/Committee Appointment Application

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board of Directors • Board of Adjustment • Brevard Housing Authority Board of Directors
- Community Appearance Commission • City Council Downtown Master Plan Committee
- City Council Parks, Trails and Recreation Committee • City Council Public Works & Utilities Committee
- Planning and Zoning Board • Terrell Scruggs Scholarship Committee
- Western Carolina Community Action Board

Name of Board or Committee Interested In: Terrell Scruggs Scholarship Committee

** List only one per Appointment Application form.*

Date 9/15/15

Name Derrick Swing

Home Address 68 Bear Creek Hills Dr, Leicester, NC 28748

Phone (home) 828-423-2384 (work) 828-885-5608

Occupation HR Director E-Mail derrick.swing@cityofbrevard.com

May you be contacted at work? yes Do you live within the corporate City Limits? no

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:
None appointed, however I hold the position of Human Resources Director for the City of Brevard

Educational background, special qualifications (i.e., civic memberships, related work experience, etc.). (Use back of sheet if additional space is needed.)

Masters in HR from Appalachian State University, Mentor for five years with Big Brothers/Big Sisters of Buncombe County, see other side

Based on your qualifications and experiences, briefly describe why your services on this board/committee would be beneficial to the City of Brevard:

Public employee for 5 1/2 years; HR experience could be helpful in application process and selection. I have been Chair and member of various work committees, volunteer experience with BBBS and WNC Nature Center, etc.

**Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.*

Derrick Swing Digitally signed by Derrick Swing
 Date: 2015.09.15 10:40:30 -04'00'

Signature of Applicant

Please return this application to: City of Brevard Attn: Desiree D. Perry, City Clerk
 95 W Main Street, Brevard, NC 28712
 Phone: 828-885-5614 - Fax: 828-883-2853 - Email: dperry@cityofbrevard.com

- 17 years professional HR experience -
- Chairperson for Grove Park Inn's Culture Committee - an employee group responsible for planning special events + fundraisers
- volunteered as docent @ WNC Nature Center
- member of numerous work committees
- ability to lead + interact in group settings with diverse individuals

Remarks / Future Agenda Considerations

Closed Session(s)

North Carolina General Statute 143-318.11 Closed Sessions.

(a) Permitted Purposes. – It is the Policy of the State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required.