



AGENDA
BREVARD CITY COUNCIL – REGULAR MEETING
Monday, November 16, 2015– 7:00 P.M.
City Council Chambers

A. Welcome and Call to Order

B. Invocation

Father Shawn O’Neal, Sacred Heart Catholic Church

C. Pledge of Allegiance

D. Certification of Quorum

E. Approval of Agenda

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O. Closed Session(s)

P. Adjourn

Approval of Minutes

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
October 19, 2015 – 7:00 PM**

The Brevard City Council met in regular session on Monday, October 19, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

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

Absent – Mayor Pro Tem Mac Morrow

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, City Clerk Desiree Perry, Interim Planning Director Daniel Cobb, Parks and Property Management Director Lynn Goldsmith, Public Works Director David Lutz 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 – Fire Department Chaplain Morris Davis (retired) 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. Pratt recommended adding the drafted Ordinance supporting Brevard Music Center, as amended, to the Consent Agenda. Mr. Landreth moved, seconded by Mr. Jones, the Agenda be amended as requested by the City Attorney and approved. Motion carried unanimously.

F. Approval of Minutes – Ms. Hollingsworth moved, seconded by Mr. Dickson, the September 21, 2105, Minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

Together, Mayor Harris, Fire Chief Craig Budzinski and Assistant Chief Bradley Elmore presented the following:

Life Saving Award was presented to Firefighter Daniel Futrelle in recognition for actions at the Full Gospel Church on October 14, 2014, resulting in saving a life.

Recognition of Achievement plaque for 23 years of service to Brevard Fire Department, with a combined 30 years of NC firefighter service, was presented to retired Firefighter Gary Keener.

Recognition of Achievement plaque for 35 years of service as Chaplain to Brevard Fire Department and its members was presented to retired Chaplain Morris Davis.

Recognition of Achievement plaque for 30 years of service to Brevard Fire Department was presented to retired Firefighter Steven Denton Gravely. Mr. Gravely thanked Council for their support of the Fire Department.

North Carolina Order of the Long Leaf Pine was presented to retired Chaplain Morris Davis and retired Firefighters Gary Keener and Steven Denton Gravely.

H. Public Hearing(s)

H-1. Annexation – Pisgah Forest Outdoors, LLC. Petition for voluntary contiguous annexation of property located on US Highway #276, 11 Mama’s Place, Suite A and Suite B, Pisgah Forest (Tract D Revised) consisting of 1.94 acres. Transylvania County Property Identification Number 8597-45-4982. Public hearing was properly noticed and advertised on Monday, October 5, 2015.

Mayor Harris opened the public hearing at 7:25 P.M.

Mr. Cobb presented his annexation staff report (on file). On June 15, 2015, Pisgah Forest Outdoors, LLC, submitted a petition for voluntary contiguous annexation of their property on US Highway #276, PIN 8597-45-4982. Council directed the Clerk to investigate the sufficiency on August 17, 2015, 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. On September 21, 2015, by Resolution No. 2015-XXXX Council directed the City Clerk to schedule tonight’s public hearing. Planning Board has reviewed and considered the request and unanimously recommends approval. Staff recommends Council take action to approve the annexation as presented.

~~ Due to technical difficulty with the Council Chamber sound and recording system, Mayor Harris called for a five minute break. ~~

Public Hearing Public Participation - None

Public Hearing Closed – There being no questions or comments, Mayor Harris closed the hearing at 7:34 P.M.

H-2. 2015 Comprehensive Plan. This public hearing was properly noticed and advertised on Monday, October 5th and October 12th, 2015.

Mayor Harris opened the public hearing at 7:34 P.M.

Mr. Cobb presented his staff report (on file). 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 Planning Board with their recommended draft completed on January 2, 2014. Council was presented the Planning Board’s recommended draft on January 31, 2014. Following a series of work sessions throughout 2014 covering the plans 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. Comprehensive land use plans are typically updated every 10 years; the last update to Brevard’s plan was in 2002.

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 code. 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.

The Comprehensive Plan will be the primary guidance document for the City’s future growth and development policies. Its 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.

Mayor Harris thanked Planning Staff for bringing the Plan forward for review and shared that he likes the changes made to the format.

Mr. Landreth noted the document describes Brevard as “above average” and “distinguished”, prefers “distinguished”. Within each section there is a set of instructions about monitoring and indicators that states we (City) will follow-up/monitor; however, some sections are not monitored by the City but by another party, when this is so it should specify who the monitoring party is. Broadband is an important infrastructure component and would like it to be included within the overview, goals and infrastructure section; broadband is also a policy issue that we need to advocate for with providers. Ms. Hollingsworth agreed broadband is important, and added she likes the documents monitoring aspect. Mr. Dickson added overall he really likes it and feels it is a well vetted plan.

Overall Council is pleased with the document and would like to see the changes described at tonight’s public hearing incorporated into the plan prior to printing and distribution.

Public Hearing Public Participation

No one signed up to speak. However, Ms. Patricia Wrinkle, asked from the audience if the comprehensive plan has anything to do with sidewalk and road repairs?

Mr. Cobb replied, “Yes”, in that infrastructure goals for the City, such as the City’s desire to be bike friendly, walkable including sidewalks are stated goals within the plan.

Ms. Wrinkle asked, “What about repairs? Our sidewalks are in terrible condition, and our streets have potholes everywhere. On Jordan Street can see paint bringing attention to repair areas; however doesn’t see repairs being made.”

Mayor Harris suggested to Ms. Wrinkle that anytime she sees potholes or something that needs the City’s attention to please call the City Public Works Department.

Public Hearing Closed – There being no questions or comments, Mayor Harris closed the hearing at 7:55 P.M.

H-3. Proposed Text Amendment – Brevard City Code, Unified Development Ordinance, Chapter 8 Tree Ordinance. Public hearing was properly noticed and advertised on Monday, October 5th and October 12th, 2015.

Mayor Harris opened the public hearing at 7:55 P.M.

Mr. Cobb presented his staff report (on file). Purpose of the proposed text amendment is to amend the UDO regarding the City’s right to cause the removal of trees on private property. Currently the Section states, *“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”* Staff somewhat frequently receives complaints from property owners asking that the City make their neighboring property owner to trim or remove a tree that they feel is too close to their property or dangerous as its branches overhang onto their property, etc. It is Staff’s opinion that the City should not be involved when citizen complaints only effect private property and not the general public.

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 however recommends approval of the amendment excluding the Planning Board’s addition. Staff recommends amendment to read: “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. The administrator will notify*”

Public Hearing Public Participation – None

Public Hearing Closed – There being no questions or comments, Mayor Harris closed the hearing at 7:59 P.M.

H-4. Proposed Text Amendment – Brevard City Code, Chapter 62 Placing Objects on Streets & Sidewalks. Public hearing was properly noticed and advertised on Monday, October 5th and October 12th, 2015.

Mayor Harris opened the public hearing at 7:59 P.M.

Mr. Cobb presented his staff report (on file). Currently property owners with frontage abutting a City sidewalk may display and sell goods, wares and merchandise from the sidewalk without need of an application and approval from the City. Recently there has been interest in converting existing alleyway space from vehicle/pedestrian into strictly pedestrian travel ways. This amendment is to exempt only those alleyways that are closed to vehicular traffic from the standard setback requirements. Regardless of the width of an alley, the proposed language would allow temporary items such as 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.

Proposed Text Amendment: Brevard City Code, Part II, Chapter 61.1

“(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.”

Public Hearing Public Participation – None

Public Hearing Closed – There being no questions or comments, Mayor Harris closed the hearing at 8:01 P.M.

H-5. Proposed Text Amendment – Brevard City Code, Part II, Chapter 34 Flood Damage Prevention Ordinance. Public hearing was properly noticed and advertised on Monday, October 5th and October 12th, 2015.

Mayor Harris opened the public hearing at 8:01 P.M.

Mr. Cobb presented his staff report (on file). Brevard has been a participating 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 City’s current flood ordinance was adopted in September 2009. During a recent discussion with NC Emergency Management 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.

The most notable change in the ordinance is an exception provided for the development of public utilities (water and wastewater systems) within Zone AE 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.

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

Mr. Jones noted the ordinance speaks to the City having a Flood Administrator and designee and asked if the City has a designee. Mr. Cobb replied, "Yes", Josh Freeman is a Certified Floodplain Manager (CFM), and new staff member Paul Ray will be working towards CFM designation.

Public Hearing Public Participation - None

Public Hearing Closed – There being no questions or comments, Mayor Harris closed the hearing at 8:09 P.M.

I. Public Participation

Mr. Scott Saulsbury, 131 Rollins Place Road, expressed his concerns with recent newspaper articles that reported that the City is polluting the French Broad River. Article said the City is trying to fix an ongoing sewer discharge problem; however, so far 800 plus thousand gallons of untreated sewage has been discharged into the river. Questioned why it is taking so long to address and fix the City's sewer system.

Ms. Pat Pettit, 17 Grove Circle, shared she came before Council a few months ago expressing her concerns with short term rentals and their impact on residential neighborhoods. She thanked Council for listening to her concerns and taking action by directing Planning Staff to research and pursue the matter. She stated it is a growing problem; recently a house had 28 people staying there over a weekend and pulled in and hooked up a RV to accommodate additional people. Other cities have had the same problem and are addressing it and she hopes Brevard will too.

Boy Scout Noah Trent, Troop 701, shared their Troop meets in the lower level of First United Methodist Church on Monday evenings. His Scout Master is Mr. Jason Trent and the Troop has about 30 members. He is currently working towards getting his badge on communication.

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, noting K-5 Ordinance Supporting Brevard Music Center that was added earlier in the meeting, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda.

Mr. Jones moved, seconded by Ms. Hollingsworth, New Business Items M-1, M-3, M-4, M-5, M-6 and M-7 be added to the Consent Agenda; adding for Item M-7 that Ms. Betty Scruggs be reappointed and Mr. Derrick Swing be appointed to the Terrell Scruggs Scholarship Committee, and that the Consent Agenda be approved as amended. Motion carried unanimously.

The following Consent Agenda items were approved:

K-1. Staff Reports

- a. Finance Report for month ended September 30, 2015
- b. Public Works Report, August 2015
- c. Planning Department Quarterly Report, July-Sept., 2015

K-2. Annexation Certificate of Sufficiency, Lastinger Properties, LLC and Resolution No. 2015-26 Fixing A Date of Public Hearing

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.

Desiree D. Perry, CMC, NCCMC
City Clerk

Insert Resolution No. 2015-26

K-3. Community Development Contracts. Council accepted the October 2015 reports submitted by: a. Transylvania Community Arts Council; b. Transylvania Farmers Market; c. Brevard/Transylvania Chamber of Commerce; and, d. Heart of Brevard

- K-4. Correspondence (No Action. Offered as information only.)**
a. Tommy Williamson awarded NC Water Operators Association C-Surface Operator of the Year
b. Ben Robinson, NC Water Operators Association Operator's Spotlight

K-5. Ordinance No. 2015-25 An Ordinance Supporting the Brevard Music Center As Amended

Insert Ordinance No. 2015-25

K-6. (M-1) Ordinance No. 2015-26 An Ordinance to Extend the Corporate Limits of the City of Brevard. Pisgah Forest Outdoors, LLC, voluntary annexation of contiguous property located on Highway #276.

Insert Ordinance No. 2015-26

K-6. (M-3) Ordinance No. 2015-27 Amending Brevard City Code, Unified Development Ordinance, Chapter 8.2.L Tree Protection and Landscaping.

Insert Ordinance No. 2015-27

K-7. (M-4) Ordinance No. 2015-28 Amending Brevard City Code, Part II, Chapter 61 Subsection 62.1 Placing Objects on Streets and Sidewalks

Insert Ordinance No. 2015-28

K-8. (M-5) Ordinance No. 2015-29 An Ordinance Amending Brevard City Code Part II, Chapter 34 Flood Damage Prevention

Insert Ordinance No. 2015-29

K-9. (M-6) Ordinance No. 2015-30 Declaring a Road Closure for Halloween Fest

Insert Ordinance No. 2015-30

K-10. (M-7) Board and Committee Appointments

Terrell Scruggs Scholarship Committee – Reappointed Betty Scruggs to a second term; term will expire July 2018. Appointed Derrick Swing, replacing Chief Phil Harris; term will expire July 2018.

M. New Business

M-2. Comprehensive Plan – Mr. Landreth moved, seconded by Mr. Dickson, Council table adoption of the 2015 Comprehensive Plan until the next regular meeting so that the changes discussed tonight can be incorporated into the plan. Motion carried unanimously.

N. Remarks By Officials / Future Agenda Considerations

Mayor Harris shared our practice is to not engage during public participation. The City's sewer system is reliable and capable, and the City has and continues to take actions to improve the system. When we receive a rain event like we've experienced over the past month, a discharge can take place. We are consulting with and implementing engineering recommendations to alleviate this situation. When a discharge takes place it is the City staff who reports the occurrence to the State.

Human Relations Study Committee

Mr. Jones presented to Council a report dated October 16, 2015, from the Human Relations Study Committee (on file). He reported that since establishing the Human Relations Study Committee, Transylvania County has disbanded their Human Relations Council. Council appointed committee member, Lynn Joyce, is not able to serve and the Committee brings recommendation to appoint Patty Stark to fill the vacancy from Ms. Joyce. Committee asks for Council's approval to post a survey (using survey monkey) on the City's website for the public to complete. (A copy of the draft survey was provided to Council members for review.) The Committee will report the results of the survey to Council.

Mr. Landreth suggested the survey options be shortened for quicker readability.

Mr. Jones moved, seconded by Ms. Hollingsworth, Council receive the Report, appoint Ms. Stark to the Committee, and approve the placing of the survey onto the City's website. Motion carried unanimously.

Mr. Landreth requested staff to provide Council with a policy on the receiving of gifts. He would like it to include how gifts can be restricted, and, that potential donors can clearly understand and evaluate their philanthropy. Wants anyone who desires to give the City a gift (money, stocks, etc.) to have a clear understanding what restrictions can or would be placed.

Mr. Pratt was asked to check to see if the State Statutes addresses the giving of gifts and restrictions or understandings of its use as described. If a Statute does, to then evaluate whether or not we need additional language (local policy) for Council.

Mr. Landreth stated he has a second item for Council's consideration. Mr. Landreth moved that the City initiate a rezoning of the property (Renova/DRV) at the proposed new roadway cut from Asheville Highway to Ecusta Road from GR to CMX. With the Public Safety Facility and the new intersection coming in just south of the Holiday Inn and Jennings, it will be an opportunity for commercial development. Motion was seconded by Mr. Jones and carried unanimously.

Amend Council 2015 Meeting Schedule - Mr. Jones moved, seconded by Mr. Landreth, Council's meeting schedule be amended to add meeting with the TC Board of Commissioners on Monday, October 26th at 7:00 p.m., to discuss the County Courthouse. Motion carried unanimously.

Mr. Fatland reported the last RBC has been installed at the Wastewater Treatment Plant and the Superintendent appreciates that the City took a less expensive route, and he has reported the Plant is working better than it has in the past thirteen years. Mr. Fatland expressed his appreciation to the Public Works Department and staff for their cross training, and for the good job they do making notifications and in documenting when overflows happen, as well as, for their continued efforts taken to address sewer overflows.

O. Closed Session – Mayor Harris asked the City Attorney if it would be appropriate for Council to hold closed sessions to discuss matters of property acquisition and economic development, 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 9:01p.m. Mr. Landreth moved, seconded by Ms. Hollingsworth, Council go into closed session to discuss a potential property acquisition matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager and Finance Director, City Clerk, Public Works Director, Interim Planning Director, and Project Development Director. (A brief break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session – At 9:29 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 9:29 p.m. Mr. Landreth moved, seconded by Ms. Hollingsworth, Council go into a second closed session to discuss a property acquisition matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager and Finance Director, City Clerk, Interim Planning Director and Project Development Director.

Council Returned to Regular Session – At 9:32 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 9:32 p.m. Mr. Landreth moved, seconded by Ms. Hollingsworth, Council go into a third closed session to discuss a property acquisition matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager and Finance Director, City Clerk, Interim Planning Director and Project Development Director.

Council Returned to Regular Session – At 10:27 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 #4 – At 10:27 p.m. Mr. Jones moved, seconded by Mr. Landreth, Council go into a fourth 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, Interim Planning Director and Project Development Director.

Council Returned to Regular Session – At 10:51 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. Dickson moved, seconded by Mr. Jones, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 10:51 P.M.

Jimmy Harris
Mayor

Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: _____

Certificates / Awards / Recognition

STAFF REPORT

Monday, November 16, 2015

Employee Achievement

Council will receive notice of employee achievements.

Speaker:

From: David Lutz, Public Works Director
Prepared by: Letha Cox, Administrative Services Manager
Approved by: Jim Fatland, City Manager

Executive Summary

Three Public Works employees recently obtained certifications from the North Carolina Water Pollution Control System Operators Certification Commission.

Background

Operators working in this field are trained through on the job work experiences, attend a certification training school, and must pass a board exam in order to hold each certification.

Information

- Chris Hall / Collections System Operator – Grade 1 Sewer Collections. Chris began employment in the Collections Division on February 16, 2015. This is his first utility certification.
- Nathaniel Littleton / Collections System Operator – Grade 3 Sewer Collections. Nathaniel has been with the City since 2006 and also holds Class C Water Distribution certification.
- Billy Dodson / Sr. Collections System Operator – Grade 4 Sewer Collections. Billy has worked with the department since June, 2000. Grade 4 in Collections is the top certification and he also holds Class B Water Distribution certification.

Staff Recommendation

Staff recommends City Council and Mayor recognize and provide recognition of each employee's educational and personal achievement.

The State of North Carolina

Water Pollution Control System Operators Certification Commission

hereby certifies that

Christopher Vann Hall

has met the requirements for certification established by the Certification Commission
pursuant to Article 3, Chapter 90A, of the North Carolina General Statutes as a

Grade 1 COLLECTIONS Operator



W. Corey Basinger, Chairman of Commission

Certificate Number 1001903

Certificate Issued September 10, 2015

The State of North Carolina

Water Pollution Control System Operators Certification Commission

hereby certifies that

William A. Dodson

has met the requirements for certification established by the Certification Commission
pursuant to Article 3, Chapter 90A, of the North Carolina General Statutes as a

Grade 4 COLLECTIONS Operator



W. Corey Basinger, Chairman of Commission

Certificate Number 1002009

Certificate Issued September 10, 2015

The State of North Carolina

Water Pollution Control System Operators Certification Commission

hereby certifies that

Nathaniel Wayne Littleton

has met the requirements for certification established by the Certification Commission
pursuant to Article 3, Chapter 90A, of the North Carolina General Statutes as a

Grade 3 COLLECTIONS Operator



W. Corey Basinger, Chairman of Commission

Certificate Number 1001980

Certificate Issued September 10, 2015



Please join us for the
Dedication of the
CORNELIUS HUNT BUILDING

The City of Brevard
Public Works Operation Center
Is being dedicated and
Named in honor
Of Former Mayor Pro Tem and
City Council Member
CORNELIUS HUNT

**Tuesday, November 24, 2015
at 11 AM**

Public Works Operation Center
400 Cashiers Valley Road
Brevard, NC

Public Hearing(s)



The City of
Brevard
North Carolina

NEW BUSINESS STAFF REPORT

November 16, 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: City Council will conduct a public hearing to consider a petition for voluntary contiguous annexation by Lastinger Properties, LLC.

BACKGROUND: On August 26, 2015, Lastinger Properties, LLC, submitted a petition for voluntary contiguous annexation of their property located off US Highway #276, 113 Mama's Place, Pisgah Forest, NC 28768, consisting of 64.54 acres. Transylvania County Property Identification Number: 8597-47-3949-000.

DISCUSSION: Lane Lastinger of Lastinger LLC was previously granted a Special Use Permit (SUP# 15-119) by the Board of Adjustment for campground on the above referenced property. In order to receive City services Mr. Lastinger's property, which is currently located in the City's extra-territorial jurisdiction (ETJ), must be annexed into the corporate limits.

POLICY ANALYSIS: The property in question is currently within the City's ETJ. The approved use of a campground has been reviewed and approved by the Board of Adjustment which deemed the use to be in harmony with the purpose and intent of the City's land use development regulations and adopted plans.

STAFF RECOMMENDATION: Staff recommends approval of the petition for contiguous annexation.

The Planning Board met on October 20, 2015 and unanimously recommended approval of the annexation request as presented.

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

**ANNEXATION REPORT
Lastinger Properties, LLC
US Highway 276 / Pisgah Highway**

Date: November 16, 2015

Property Description:

Owner: Lastinger Properties, LLC
1804 Cross Creek Farm Rd.
Fletcher, NC 28732

Plat Book: 16

Page: 443

PIN: 8597-47-3949-000

BACKGROUND:

Lastinger Properties, 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 applicant plans on contracting with a private company for solid waste removal.

Street & Sidewalk Maintenance:

NA.

Street Lighting:

NA.

Water Production & Distribution:

Production and distribution totals depend upon final build-out, however capacity exists for the production and distribution of water at maximum buildout.

Waste Water Collections and Treatment:

Collection and treatment totals depend upon final build-out, however capacity exists for the collection and treatment of wastewater at maximum buildout.

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	\$5,499.29 ¹
Water Collections	\$163.80 ²
Sewer Collections	\$163.80 ²
Garbage Collections & Disposal	\$0.00 ⁵
Recycling Collections	\$120.00
Powell Bill Revenues	\$0.00

Total Estimated Annual General Fund Revenues:

\$5,499.29³

Total Estimated Annual Utility Fund Revenues:

\$447.60⁴

(1) Based upon a tax rate of \$0.4725 and an assessed value of 1,163,870.00.

(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.

(5) Assuming private collection, City fee = \$204.00

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	\$1,500*
Wastewater Collection	\$0
Water Plant	\$0
Wastewater Plant	\$0
Buildings & Grounds / Parks &	\$0
Recreation	\$0
Planning / Zoning / Code Enforcement	\$0
Total	\$1,500

*The campground requires a public waterline connection which will be owned and maintained by the City of Brevard.

received
9-1-2015

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



PETITION REQUESTING A CONTIGUOUS ANNEXATION

G.S. 160A-31 (As Amended)

Date: 8/26/2015

To the City Council of the City of Brevard:

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

Transylvania County Property Identification Number(s): 8597-47-3949-000

Street Address: 113 Mama's Place, Pisgah Forest, NC 28732 68

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

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

Property Owner(s) Do you declare vested rights? Yes ___ No X

a. Name LASTINGER PROPERTIES LLC
 Address 180A Cross Creek Farm Rd
Fletcher, NC 28732
 Telephone 727-641-5263 Email lane@stinger@hotmail.com
 Signature [Signature] Registered Agent/manager

Exhibit: A

Legal Description
For
Annexation of the
Pilot Cove Campground
Ordinance #: _____

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.



2015003014

TRANSLYVANIA CO. NC FEE \$26 00
STATE OF NC REAL ESTATE EXT
\$1400.00

PRESENTED & RECORDED
06-26-2015 08:57:30 AM

CINDY M OWNBEY
REGISTER OF DEEDS

BY: D REE M POWELL
DEPUTY REGISTER OF DEEDS

BK: DOC 730

PG: 412-415

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 1400.00

Parcel Identifier No. _____ Verified by Transylvania County on the 26 day of June, 2015
By: _____

Mail/Box to: Ramsey & Pratt, P.A., 35 N. Gaston Street, Brevard, NC 28712

This instrument was prepared by: Michael K. Pratt

Brief description for the Index: _____

THIS DEED made this 16th day of June, 2015, by and between

GRANTOR

GRANTEE

WILLIAM P. BRYSON, JR., and wife,
LUCY W. BRYSON; NANCY B. HUGHES and husband,
HOWARD T. HUGHES; BRYSON DEVELOPMENT
AND MANAGEMENT LIMITED PARTNERSHIP a/k/a
The Bryson Development and Management Limited
Partnership

LASTINGER PROPERTIES, LLC

PO Box 461
Pisgah Forest, NC 28768

180A Cross Creek Farm Road
Fletcher, NC 28732

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

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

BEING ALL OF THE SAME LAND DESCRIBED ON THE PAGE WHICH IS ATTACHED HERETO, DESIGNATED AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

All or a portion of the property herein conveyed X does _____ does not include the primary residence of the William P. Bryson, Jr., and wife, Lucy W. Bryson.

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

State of North Carolina,
County of Transylvania.

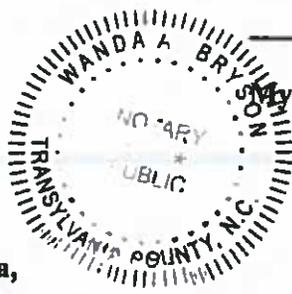
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: William P. Bryson, Jr., and wife, Lucy W. Bryson

Date: 6-24-15

Wanda A Bryson
Signature of Notary Public

Wanda A. Bryson
Printed or typed name of Notary

My commission expires: 9-29-18



State of North Carolina,
County of Transylvania.

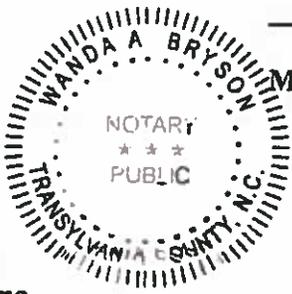
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Nancy B. Hughes and husband, Howard T. Hughes

Date: 6-24-15

Wanda A Bryson
Signature of Notary Public

Wanda A. Bryson
Printed or typed name of Notary

My commission expires: 9-29-18



State of North Carolina,
County of Transylvania.

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

Date: 6-24-15

Wanda A Bryson
Signature of Notary Public

Wanda A. Bryson
Printed or typed name of Notary

My commission expires: 9-29-18



EXHIBIT "A" TO A DEED FROM BRYSON, ET AL, TO LASTINGER

Being all of that certain tract of land containing 64.54 acres, more or less, as shown on a plat thereof recorded in Plat File 16, Slide 443, Records of Plats for Transylvania County.

Together with a right of way to US Highway 276 over and along the existing driveway which extends from the land hereinabove described to said highway, said right of way and the rights of obligations of each of the property owners served by said right of way being more specifically defined in an agreement recorded in the office of the Register of Deeds for Transylvania County in Document Book 721, page 367.

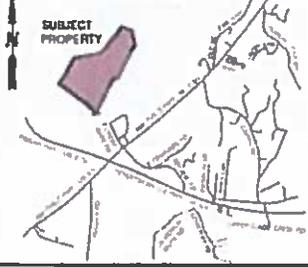
The property hereinabove described was acquired by the Grantor by instruments recorded in the office of the Register of Deeds for Transylvania County in Deed Book 404, page 175, Document Book 210, page 125, and Document Book 210, page 133.

William P. Bryson, Jr., and Nancy B. Hughes, as the last partners of Bryson Family of Transylvania County Limited Partnership, join in the execution of this deed for the additional purpose of conveying that fractional interest in former Tract A containing 7.11 acres, more or less, as shown on a plat thereof recorded in Plat File 6, Slide 434, Records of Plats for Transylvania County, which was mistakenly conveyed to the said partnership by a deed recorded in the office of the Register of Deeds for Transylvania County in Document Book 137, page 780, as corrected and rerecorded in Document Book 140, page 132.

The Bryson Family of Transylvania County Limited Partnership has been dissolved by a Cancellation of Certificate of Domestic Partnership filed with the North Carolina Secretary of State on December 31, 2008.

wanda/exhibits/bryson.william

VICINITY MAP
(NOT TO SCALE)



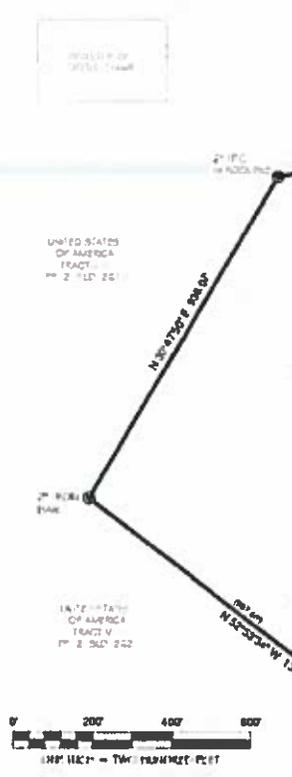
OWNER CERTIFICATION-ANNEXATION: I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT (WE) HEREBY ADOPT THIS PLAT OF ANNEXATION WITH MY (OUR) FREE CONSENT.

LASTAKER PROPERTIES, LLC
BY: _____ DATE _____
BY: _____ DATE _____

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

REVIEW OFFICER FOR TRANSYLVANIA COUNTY: CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS ATTACHED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER: _____ DATE _____



- LEGEND:**
- ⊙ EXISTING 80% PIPE (AS NOTED)
 - ⊙ EXISTING 5/8" REBAR W/ KEE CAP (GPS CONTROL POINT)
 - ▭ CONCRETE MONUMENT
 - ⊕ WELL
 - ⊕ TRANSFORMER
 - NOT TO SCALE (N/S)
 - BOUNDARY LINE
 - TC LINE ONLY
 - RIGHT-OF-WAY (R/W)
 - ADJOINING DEED LINES
 - FENCE LINE
 - GRAVEL ROADED
 - SOIL ROADED
 - STREAMS
 - REBAR W/ CAP
 - IRON PIPE
 - 80% PIPE W/ CAP
 - NORTH AMERICAN DATUM 1885
 - STATE PLANE COORDINATES
 - DEED BOOK
 - PAGE
 - PLAT FILE
 - SLIDE
 - CONTROL CORNER
 - COMBINED FACTOR

- SURVEYOR'S NOTES:**
1. ALL DISTANCES ARE GROUND MEASUREMENTS IN US SURVEY FEET UNLESS OTHERWISE NOTED.
 2. AREAS CALCULATED BY THE COORDINATE METHOD.
 3. PROPERTY SUBJECT TO A DUKE POWER UTILITY EASEMENT FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF BOTH ABOVE AND UNDERGROUND ELECTRICAL LINES FOR DB 235 PG 636 IN ADDITION TO ALL RIGHT OF WAYS AND RESTRICTIONS THAT ARE RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN.
 4. TRANSYLVANIA COUNTY GIS WERE USED TO IDENTIFY ADJOINING PROPERTY OWNERS.
 5. THE PROFESSIONAL SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, RIGHT OF WAYS, ENCUMBRANCES, RESTRICTIVE COVENANTS, CORRECT OWNERSHIP OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH SHOULD REVEAL. A NC LICENSED ATTORNEY SHOULD BE CONSULTED.
 6. BY GRAPHIC DETERMINATION, NO PORTION OF THE SUBJECT PROPERTY APPEARS TO BE WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) ZONE AS AS DETERMINED BY THE FEMA MAP 37000810M DATED 10/02/09.
 7. UTILITIES WERE LOCATED BASED ON VISUAL ABOVE GROUND STRUCTURES. THEREFORE, THE LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. ER MAY BE PRESENT AND NOT SHOWN HEREON. CALL 1-800-632-4848 BEFORE DIGGING.
 8. STREAMS WERE TAKEN FROM GIS SHAPFILES AND LEAD DATA PROVIDED BY THE NC FLOOD MAPPING PROGRAM EXCEPT FOR AREAS WHERE THEY ARE DRAINAGE BOUNDS AND BOUNDARY LINES IN THESE AREAS STREAMS WERE SURVEYED.
 9. FOR LAND RECORDS, PROPERTY IS ZONED GENERAL RESIDENTIAL (A3) REFER TO THE CITY OF BREVARD NC CODE OF ORDINANCES.

LINE TABLE

LINE	BEARING	DISTANCE
1	S 89° 51' 34" W	280.13
2	N 08° 09' 34" E	131.17
3	S 79° 53' 55" E	129.07
4	S 89° 51' 34" W	147.37
5	S 36° 33' 57" E	146.29
6	N 81° 51' 07" E	126.37
7	S 77° 07' 57" E	129.89
8	S 83° 07' 57" E	136.45
9	S 32° 41' 07" E	136.45
10	S 27° 12' 57" E	123.46
11	S 24° 42' 57" E	61.84
12	S 81° 08' 57" W	122.19

GRID TIE INFORMATION

GPS #1
5/8" REBAR 1/2" KEE CAP
MAD AS 280 13000
EPOCH DATE: 2010 02 28
GSD: 2A
N: 379488.338 FEET
E: 884643.328 FEET
Z: 2142.36 FEET
EPOCH 99977490

GPS #2
5/8" REBAR 1/2" KEE CAP
MAD AS 1301 13000
EPOCH DATE: 2010 02 28
GSD: 2A
N: 373444.627 FEET
E: 884336.190 FEET
Z: 2134.30 FEET
EPOCH 99977320

ANNEXATION PLAT FOR PILOT COVE CAMPGROUND
ORDINANCE # _____

PARCEL IDENTIFICATION # 8897-47-3849
SITE ADDRESS: 72 PISGAH HWY, PISGAH FOREST, NC 28768

CURRENT OWNERS LISTED AS LASTAKER PROPERTIES, LLC
MAILING ADDRESS: 1804 CROSS GREEN FARM ROAD, FLETCHER, NC 28732

DEED REFERENCE: DB 730 PG 412 / PLAT REFERENCE: PL 16 SLIDE 443
BREVARD TOWNSHIP, TRANSYLVANIA COUNTY, NORTH CAROLINA

SURVEY CREW: CALABRY, DRAWN BY: EC, CHECKED BY: PER
SURVEY DATES: 01/24/13-02/07/13 JOB #1508132

SHEET SIZE: 18"X24" SHEET # 1 OF 1 SCALE: 1"=300'

TOTAL AREA: 64.54 ACRES
BEING ALL OF A TRACT OF LAND AS DESCRIBED IN DB 730 PG 412 OF THE TRANSYLVANIA COUNTY RECORDS

CREDENTIALS OF SURVEY AND ACCURACY

I, **DAVID B. JEFF**, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION(S) RECORDED IN DB: 730 PG: 412 AND PLAT FILE: 16 PG: 443. THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DASH FROM INFORMATION AS REFERENCED. THAT THE RATE OF PRECISION AS CALCULATED DOES NOT EXCEED 1/10000. THAT THE GPS PORTION OF THIS PROJECT WAS TO PERFORM A GRID TIE TO THE NC STATE PLANT COORDINATE SYSTEM AND INFORMATION USED IS SHOWN & NOTED HEREON THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

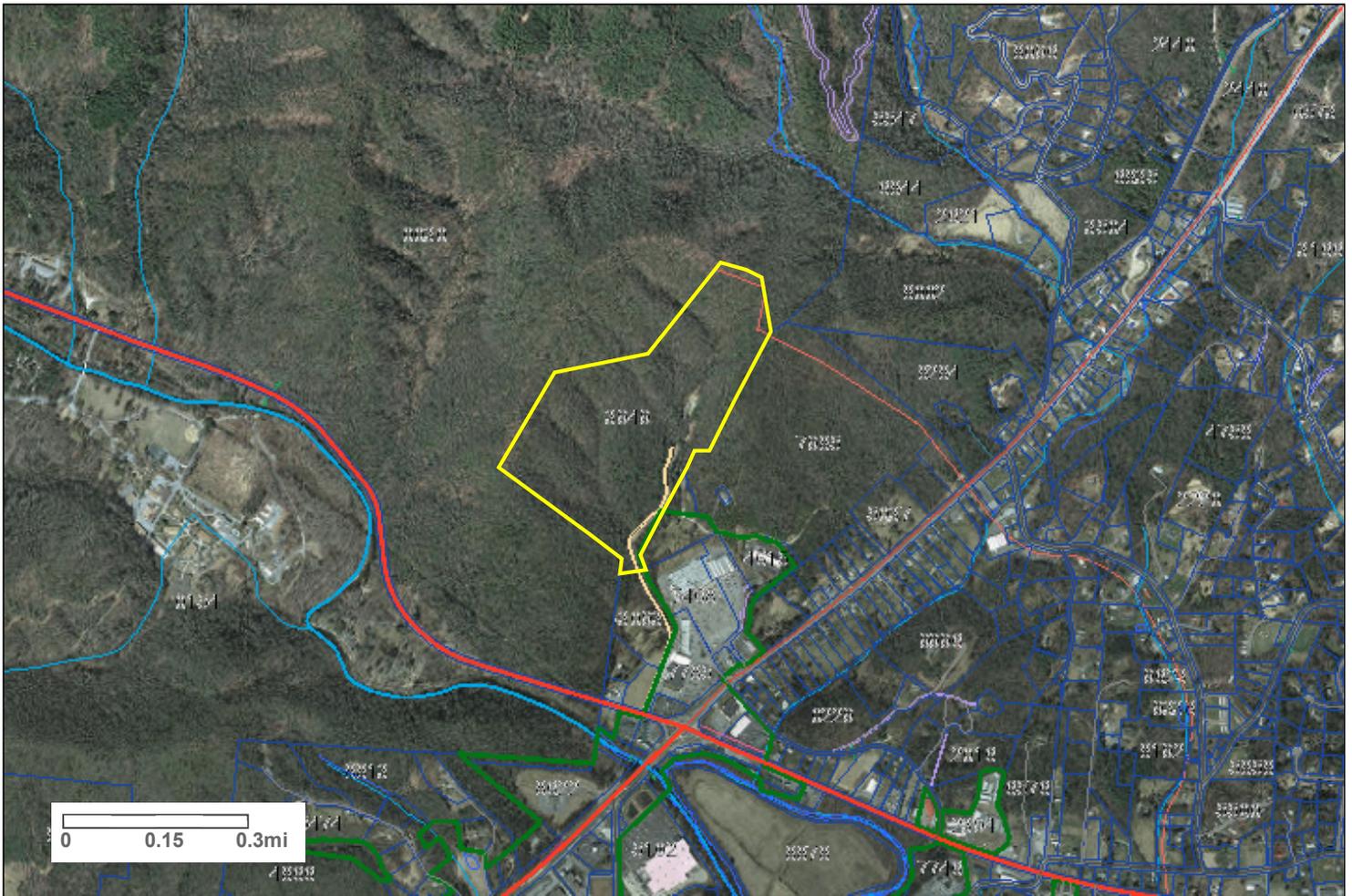
I ALSO HEREBY CERTIFY THAT THIS PLAT IS OF ONE OF THE FOLLOWING: (a) 1/3" (1:11) (1:1) THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

GPS METADATA
CLASS OF SURVEY: HORIZONTAL & VERTICAL
FIELD PROCEDURE: GPS
DATE(S): 01/23/13
DATUM: NAD83(2011) NAVD 83
EPOCH: 2010
GSD: 13A
AVERAGE COMBINED FACTOR: 1.5
POSITIONAL ACCURACY: HORIZONTAL: ±15 METERS (50')
GPS USED: DINO74, UN700, ZENITH, DC3111
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL, THIS _____ DAY OF _____ 2013, A.D.



THIS DOCUMENT IS NOT VALID UNLESS SIGNED AND SEALED.

PRELIMINARY-FOR REVIEW ONLY (08/31/15)
NOT FOR CONVEYANCE, SALE OR RESALE-ALL AREAS, BEARINGS AND DISTANCES ARE APPROXIMATE



Transylvania County, NC

Disclaimer: The information contained on this page is taken from aerial mapping, tax mapping, and public records and is NOT to be construed or used as a survey or 'legal description'. Only a licensed professional land surveyor can legally determine precise locations, elevations, length and direction of a line, and areas.

Parcels

PIN: 8597-47-3949-000
Owner Name: Lastinger Properties LLC
Owner Address: 180A Cross Creek Farm Rd
City: Fletcher
State: NC
Zip: 28732

COUNTY_ID: T401 00295 A 02
FIREDIST: FR02
Acres: 64.898
Waterfront: N
Land Area: 64.54
Land Units: AC
TWSP: 02

Land Value: 1103630
Assessed Value: 1163870
Building Value: 60240
ACCOUNT_NO: 70429980
Legal Address: off Hwy 276

Attributes at point: N: 577892, E: 894330

Fire Districts Fire District: FR02	Voting Tabulation Districts (VTD) Name: Pisgah Forest	Precincts Description: PF_PISGAH FOREST
Brevard Zoning District: General Residential (4)		

<http://www.webqis.net> Anderson & Associates, Inc. <http://www.andassoc.com>

NEW BUSINESS STAFF REPORT

November 16, 2015

TITLE: Sign Amendments: Corridor Overlay District, Murals, & Vintage Signs
SPEAKER: Daniel Cobb AICP, Planning Director
PREPARED BY: Daniel Cobb AICP, Planning Director
Aaron Bland AICP, Planner & Asst. Zoning Administrator
APPROVED BY: Jim Fatland, City Manager

EXECUTIVE SUMMARY: Council will hear proposed amendments to the City of Brevard Unified Development Ordinance and Official Zoning Map regarding signage including 1) a modification and expansion of the Asheville Highway Sign Overlay District, and 2) creating definitions and allowances for murals and vintage signs.

BACKGROUND:

Corridor Overlay District

The Asheville Highway Sign Overlay District was adopted and enacted by City Council on April 20, 2015 in order to provide standard signage requirements for the commercial corridor along Asheville Highway. The overlay allows for signs along the specified portion of Asheville Highway, regardless of zoning, to be up to 85 square feet in surface area per side, which is the largest sign allowable by the Unified Development Ordinance.

At the September 15, 2015 Planning Board meeting, the Board unanimously recommended an expansion of the Asheville Highway Sign Overlay District that would expand the same overlay district provisions to the commercial corridor along Rosman Highway to the south of downtown. Attachment A shows maps of the existing overlay on Asheville Highway and the proposed expansion on Rosman Highway.

While preparing the necessary documents for this expansion to be approved by City Council, Staff discovered some minor mapping irregularities with the existing overlay along Asheville Highway as was adopted by Council in April. Attachment B shows an example of the difference between the original irregular overlay, which was subsequently adopted by Council, and the proposed uniform amended overlay.

To be properly amended, the new adjusted map of the overlay area was required to be reviewed by Planning Board. In order to simplify the process, Staff postponed presenting the Rosman Highway expansion of the overlay to City Council during their October meeting and included it with the corrections to the existing Asheville Highway section in order to package both sections into one unified amendment; this was presented to the Planning Board at their October meeting and was unanimously recommended for approval. The Planning Board also recommended renaming the overlay district the "Highway 64 Corridor Sign Overlay District." This name change is reflected in the proposed changes to the UDO shown in Attachment C.

Murals and Vintage Signs

Currently there is no clear distinction between what the administrator may consider art and what may be considered a sign. The standard practice has been to consider an image or painting as art (thus, not subject to

wall sign requirements) if it is purely decoration or embellishment of a structure or façade and not related to the use of the building. The UDO defines a sign as:

“Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, graphic depiction of a product and/or process, trade names or trademarks by which anything is known, including any surface fabric or other material or structure designed to carry such devices, such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit.”

The proposed definition of *murals* is included in Attachment D. The intent is to allow business to include murals on their buildings without the issuance of a sign permit. However, if a business would like to include their logo in al, they may do so as long as the logo is less than 8% of the murals total surface area.

The intent is similar with *vintage* signs, allowing establishments to decorate their building without directly advertising their business. Businesses and property owners have requested in the past to hang old service station and Coca-Cola signs on their buildings simply to break up and dress up large expanses of blank walls. According to the definition above, currently any sign is considered a *sign* for permitting purposes.

DISCUSSION:

Corridor Overlay District

Justification for creating the overlay district was based on the Planning Board’s discussion that signage along the automobile-oriented “commercial strip” could be consistent in size throughout changing zoning districts without harming the aesthetics of the City as a whole, so long as residential areas are not included in the overlay.

The proposed Rosman Highway expansion is drawn to include the primary highway corridor, starting with the transition from Downtown Mixed Use, as was the case with the existing overlay, and stopping at the transition to General Residential zoning. The modifications to the original Asheville Highway overlay revolve around mapping inconsistencies discovered after it was originally created. Staff initiated these changes to present a consistent final overlay.

Planning Board recommended changing the official name of the modified and expanded overlay to reflect its new geographic scope.

Murals and Vintage Signs

The intent for allowing murals and vintage signs is to allow businesses and property owners greater flexibility in how they can decorate and beautify their buildings, facades, and signage. The amended UDO language is reflected in Attachment D. Creating these additional standards provides clear distinction between what is art or decoration and what is a sign, as defined by ordinance.

POLICY ANALYSIS: The changes to the overlay district represent minor corrections to a previously approved ordinance and map amendment. Justification for modifying the existing overlay district was based on the Planning Board’s discussion that signage along the automobile-oriented “commercial strip” could be consistent in size without harming the aesthetics of the City as a whole. Staff believes that extending this same consideration to the equally automobile-oriented corridor to the south is a rational action to provide business owners along that stretch of highway the same opportunities now granted to those within the existing overlay.

STAFF RECOMMENDATION: Staff recommends approval of the amendments and ordinance as presented. Planning Board met on October 20, 2015 and unanimously recommended approval of all amendments.

Council's options are as follows:

1. Approval of the amendments as presented.
2. Approval of the amendments, with modifications.
3. Denial of the amendments as presented.

FISCAL IMPACT: None.

EXHIBITS:

- A. Adoption Ordinance

ATTACHMENTS:

- A. Map of existing and proposed sign overlay district areas.
- B. Example illustrating difference between existing and proposed Asheville Highway section of overlay.
- C. Proposed amendments to Unified Development Ordinance, Chapters 2 & 12
- D. Proposed amendments to Unified Development Ordinance, Chapters 12 & 19
- E. Proposed amended Official Zoning Map

ORDINANCE NO. 2015-__

**AN ORDINANCE AMENDING THE CITY OF BREVARD
UNIFIED DEVELOPMENT ORDINANCE
AND THE OFFICIAL ZONING MAP
TO EXPAND, RENAME, AND AMEND THE
ASHEVILLE HIGHWAY CORRIDOR SIGN OVERLAY DISTRICT**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 2, 12, 19 be amended to establish standards for murals and vintage signs, and to amend the Asheville Highway Corridor Sign Overlay District; and,

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that the Official Zoning Map of the City of Brevard, be amended to establish the Asheville Highway Corridor Sign Overlay District; 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, November 16, 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, and the Official Zoning Map of the City of Brevard, 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 2.1.D.2 is hereby amended and shall read as follows:

Highway 64 Corridor Sign Overlay District. The purpose of the Highway 64 Corridor Sign Overlay District is to provide standard signage requirements for the commercial corridor along the Asheville and Rosman Highway commercial corridors of US Highway 64.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.8.N is hereby amended and shall read as follows:

N. Murals

1. A mural, as defined herein, is any image painted, applied, or affixed directly on to a privately owned, non-residential building wall, retaining and screening wall, or other large existing outdoor surface in non-residential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image.
2. Murals may be permanent, or temporary and shall be maintained in good condition by the property owner.
3. The Administrator will issue a Letter of Zoning Compliance to Owners seeking to create murals on their property.
4. Murals do not require a sign permit if they adhere to the following:
 - i. If media other than, or in addition to, paint are used in a mural such media shall not extend more than 12" above the surface on which the mural is applied, or affixed and may not extend into a right-of-way.
 - ii. The Mural does not extend beyond the existing dimensions of the building wall, retaining/screening wall, or other outdoor surface on which it is applied.

iii. The Mural may incorporate advertising logo, symbols, pictures, devices and copy within the image, however such elements combined shall not exceed 8% of the mural's total surface area.

iv. The following shall be used for purposes of measuring surface area:

a. The area of a the mural shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or paint or other media, together with any material or color forming an integral part of the background of the display or used to differentiate the mural from the backdrop or structure against which it is placed.

b. Architectural elements on building walls such as windows, doors, and awnings that are harmoniously incorporated into the mural's design shall be counted in the overall square footage of the mural.

5. Murals that do not adhere to section 12.8.N.4 above, and its subsections, shall be considered wall sign in accordance with section 12.9 of this ordinance and shall adhere to all provisions therein and require the issuance of a sign permit.

SECTION 03. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.8.0 is hereby amended and shall read as follows:

O. Vintage Signs

1. Vintage sign, as defined herein, is any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs may be incorporated into murals, or placed on building walls, or on roofs of privately owned, non-residential buildings, and retaining/screening walls in a nonresidential zoning districts.

2. Vintage signs are not allowed in residential zoning districts.

3. Vintage signs shall require only a Letter of Compliance before placement if they adhere to the following:

i. If used by a property Owner with no affiliation to the active, or closed business, Vintage signs may be placed or incorporated:

a. On a building wall as long as no more than 40% of the wall face is covered,

b. On a pitched or flat roof as long as no more than 20% of the area of the surface plane on which the vintage sign is placed is covered,

c. Within Murals as long as all provisions for Murals (see section 12.8.N) are met in addition to those for Vintage signs provided herein.

4. Vintage signs shall require a sign permit if used by an operational business in place of its current advertising signage. In such instances the vintage sign shall be considered wall signage in accordance with section 12.9 of this ordinance and shall adhere to all provisions therein and require the issuance of a sign permit.

SECTION 04. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.9.B.1.v is hereby amended and shall read as follows:

Highway 64 Corridor Sign Overlay District: 85 square feet in surface area per side of sign up to a maximum of 170 square feet aggregate surface area for the entire sign.

SECTION 05. Brevard City Code, Unified Development Ordinance, Chapter 19, Section 19.3 is hereby amended to insert definitions as follows:

Mural: Any image painted, applied, or affixed directly on to a privately owned, non-residential building wall, retaining and screening wall, or other large existing outdoor surface in non-residential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image.

Vintage Sign: Any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs are considered a sub-type of wall signs as defined by this chapter.

SECTION 06. The Official Zoning Map of the City of Brevard is hereby amended to establish the Asheville Highway Corridor Sign Overlay District as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 07. As to any conflict between this ordinance and any parts of existing ordinances, the provisions of this ordinance shall control.

SECTION 08. 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 09. 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 10. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 16th day of November, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

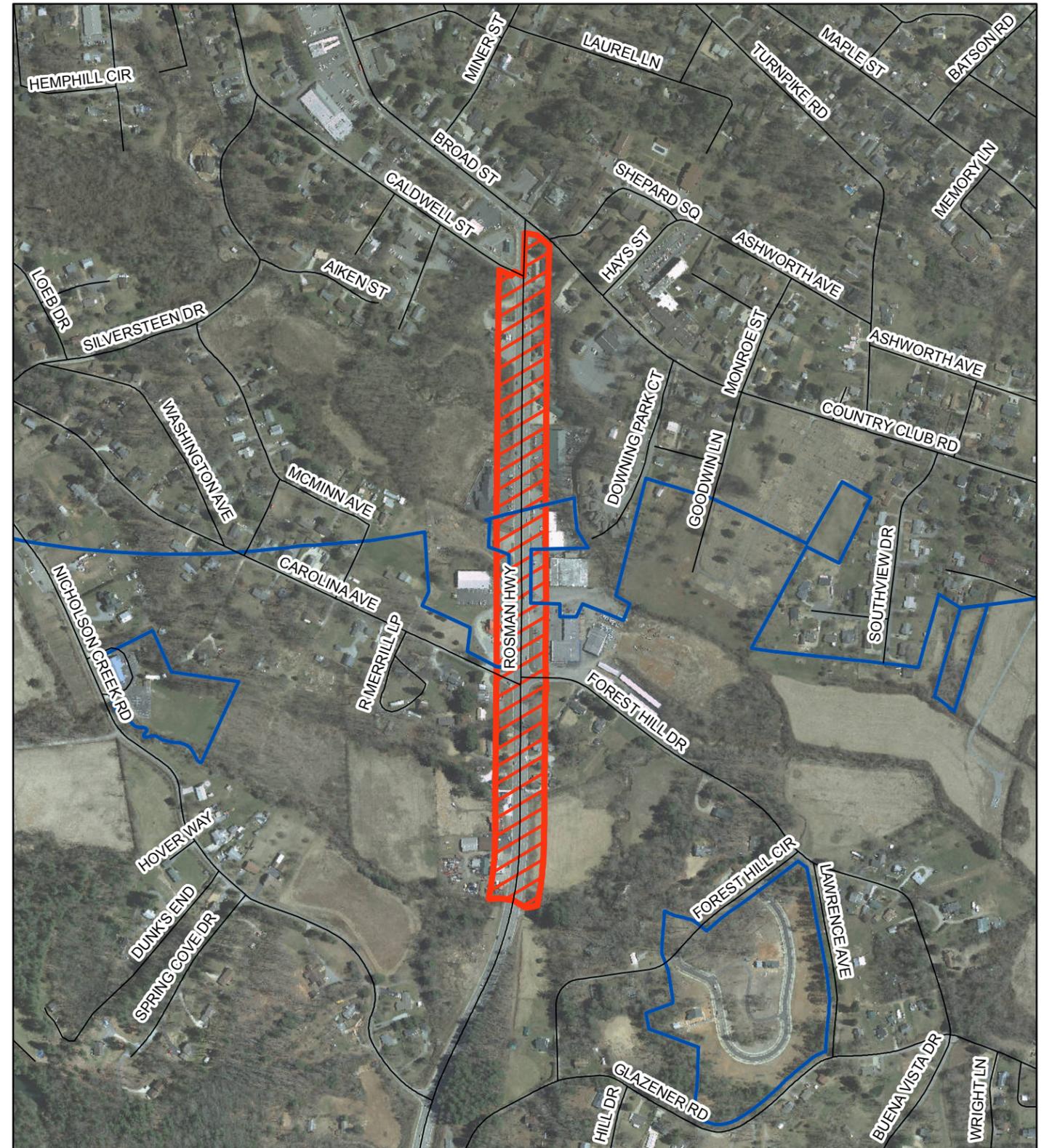
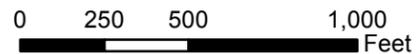
Michael K. Pratt
City Attorney



Current Overlay District

Legend

- City Limits
- Extra Territorial Jurisdiction
- Streets
- Sign Overlay District



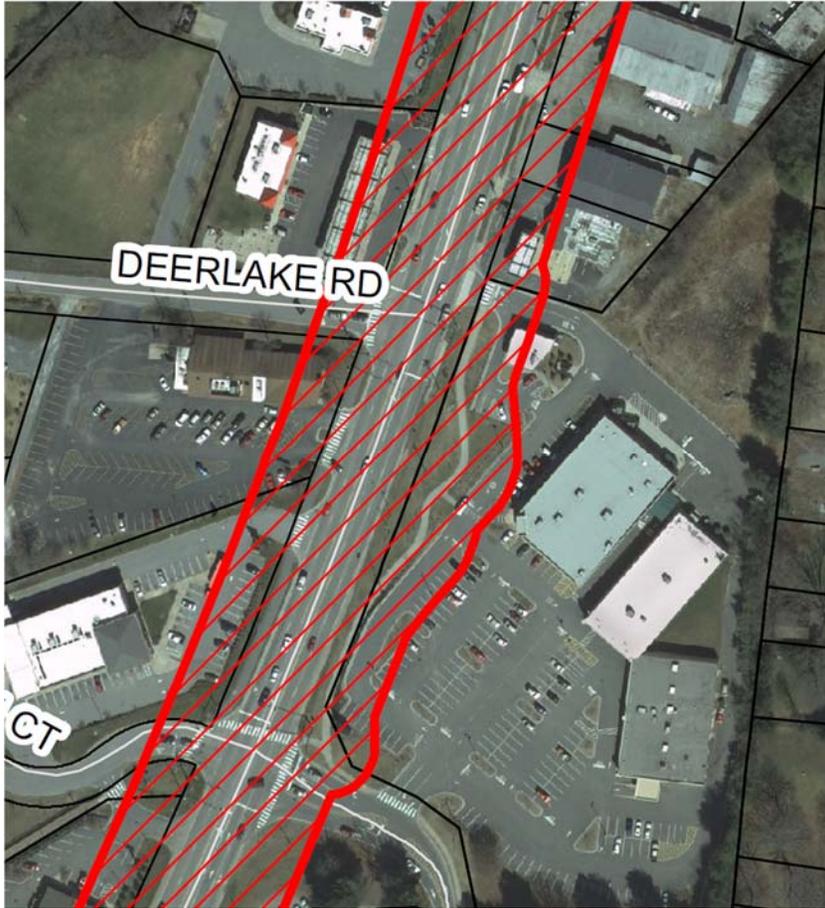
Proposed Expansion to Overlay District

Legend

- City Limits
- Extra Territorial Jurisdiction
- Streets
- Sign Overlay District



Original



Proposed



This example depicts one area of mapping irregularities in the adopted overlay that are corrected in this proposed amended overlay.

2.1. - General intent and establishment of districts.

A. Base districts.

1. In accordance with North Carolina General Statute 160A-382 that sets forth the establishment of zoning regulation by district, the City of Brevard and its extra-territorial jurisdiction (hereafter, the "regulatory jurisdiction"), as indicated on the official zoning map is hereby divided into various districts that set forth uniform regulations for the development of land within each district.
2. The purpose of these district regulations is to provide a comprehensive plan for the use of land and buildings in conditions of good health and safety and in conditions of orderly community development. These regulations shall apply to all land and structures within the respective zoning district.

B. Establishment of base districts, and purpose statements. This ordinance establishes the following base districts for use as zoning categories

1. General Residential (GR4 and GR6). The General Residential District is intended for the city's existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with this pattern. These districts are differentiated only by the density of the overall development relative to the planning goals of the city as set forth in the Land-Use Plan.
2. Residential Mixed-Use (RMX). The Residential Mixed-Use District is intended to provide for areas of higher density residential development in close proximity (within ½—¼ mile) to existing and planned commercial centers such as the Downtown Mixed Use District. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles are encouraged.
3. Neighborhood Mixed-Use (NMX). The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.
4. Downtown Mixed-Use (DMX). The Downtown Mixed-Use District is coded for the traditional downtown area. Individual buildings are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and residential. Higher densities of residential development are encouraged. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through auto-dominated or non-pedestrian oriented design or uses.
5. Corridor Mixed-Use (CMX). The Corridor Mixed-Use District is coded to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the city's major thoroughfares. In addition, this district is established to assure the continuation of the natural beauty and green appearance of the major thoroughfares leading into the city, for enhancement of the appearance of newly developed and redeveloped properties, and for the promotion of public safety by limiting the number and location of access points.
6. Institutional Campus (IC). The Institutional Campus District is coded to allow for the continued and future use, expansion, and new development of academic and religious campuses, as well as government and health-care facilities. Unlike regular buildings which are oriented towards public streets, campus buildings are introverted towards spaces within the campus such as quadrangles.
7. General Industrial (GI). This district is primarily for general industrial land uses and a broader variety of operations, including manufacturing, processing, and assembling of parts and products and distribution of products at wholesale or retail. The standards established for general industrial areas are designed to promote sound permanent industrial development.

- C. Establishment of conditional zoning districts. In addition to the base districts established above, and as authorized under G.S. 160A-382 and G.S. 153A-342 the following conditional districts are established which correspond to the above-referenced districts but which require the submission of a master plan as a prerequisite to any development. These districts are intended to allow for the establishment of specific land uses not otherwise permitted in the underlying base district, subject to applicable conditions of the approving authority, while insuring compliance with all other applicable provisions of this ordinance. These districts are not intended to relieve hardships that should be resolved by means of a variance, or to provide the design and dimensional flexibility of development overlay districts listed in Section 2.1(D), below. The procedure for the establishment of these districts is found in Chapter 16 of this ordinance.
1. General Residential Conditional Zoning District 10 (GR 10 CD).
 2. Residential Mixed-Use Conditional Zoning District (RMX CD).
 3. Neighborhood Mixed Use Conditional Zoning District (NMX CD).
 4. Corridor Mixed Use Conditional Zoning District (CMX CD).
 5. Central Business District Conditional Zoning District (CBD CD).
 6. General Industrial Conditional Zoning District (GI CD).
- D. Overlay districts. In accordance with North Carolina General Statute 160A-382, the following overlay districts are established. These overlay districts impose additional requirements on properties within one or more underlying base or conditional districts.
1. Manufactured Home Overlay District (MHD). The purpose of the MHD is to allow for the continued placement of manufactured homes "by right" in areas where manufactured housing is a historical housing form. Manufactured homes shall be subject to the design requirements of Chapter 5 as well as other provisions of this ordinance. Manufactured home parks shall require a special use permit in all parts of the city in which they are permitted.
 2. ~~Asheville Highway Sign Overlay District.~~ [Highway 64 Corridor Sign Overlay District.](#) The purpose of the ~~AHSOD~~ [Highway 64 Corridor Sign Overlay District](#) is to provide standard signage requirements for the commercial corridor along ~~Asheville Highway~~ [the Asheville and Rosman Highway commercial corridors of US Highway 64.](#)
- E. Planned Development (PD). A Planned Development (PD) is a base zoning district classification which may only be assigned by means of conditional zoning pursuant to the procedures and criteria set forth in Section 16.8. This zoning classification is intended to provide an effective means for the city to manage the impacts of large-scale developments or developments in sensitive contexts and to provide developers with the flexibility for creative design approaches. The following developments may only be authorized for development in a Planned Development (PD) zoning district:
- ◆ Any development where the total ground floor area of all principal structures equals or exceeds 100,000 square feet;
 - ◆ Any group development containing 25 or more structures or units;
 - ◆ Any subdivision of land proposing 50 or more lots or condominium units;
 - ◆ Any development for which the developed area is proposed to include ten or more acres of land (inclusive of required recreation and open spaces).

Finally, inasmuch as planned developments allow for flexibility in building location and proximity, thus allowing appropriate densities while protecting sensitive areas, they are encouraged in steep slope and flood plain areas where site conditions limit the development area.

1. General intent/purpose of planned developments. The planned development zoning district classification allows projects of innovative design and layout that would not otherwise be

permitted under this ordinance because of the strict application of zoning district or general development standards. Planned development zoning encourages innovative land planning and design concepts by:

- ◆ Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots;
- ◆ Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
- ◆ Allowing greater freedom in providing a mix of land uses in the same development, including a mix of housing types, housing prices, lot sizes, densities, and non-residential uses in a planned development;
- ◆ Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
- ◆ Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities when such increases can be justified by superior design or the provision of additional amenities such as public and/or private open space.

In return for greater flexibility in site design requirements, planned developments are expected to deliver exceptional quality community designs that preserve critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. Planned development districts shall not be used as a means of circumventing the city's adopted land development regulations for routine developments.

2. Designation procedure. A Planned Development (PD) District shall only be created by means of conditional zoning pursuant to the procedure set forth in Section 16.8, which shall include submission, review, and approval of a planned development master plan or preliminary master plan as defined in Section 16.7. Simultaneous submission of a site and/or subdivision plan is optional.
3. General use and development standards for PD Districts.
 - (a) Uses allowed. A planned development may contain only those uses specified in the ordinance creating the PD district. Such uses may include any of the uses indicated in the use matrix contained in Section 2.C, provided such uses are consistent with the Land Use Plan.
 - (b) Mixed uses encouraged.
 - (1) Mixed use developments are strongly encouraged in PD zoning districts, including the mixing of principal residential uses with principal non-residential uses. Mixed use development may occur by having two or more principal uses located in the same building (e.g., retail on ground floor, office space above) or by having two or more principal uses located in different buildings sited on the same lot or parcel (e.g., freestanding child day care center located on the same parcel as an office building). Unless otherwise provided in the ordinance creating a planned development district, mixed use developments shall comply with the Traditional Neighborhood Development specific standards contained in Section 2.E.8, below.
 - (2) Planned developments containing both residential and non-residential uses shall be designed, located, and oriented on the site so that non-residential uses are directly accessible to residents of the development. For the purposes of this section, "directly accessible" shall mean pedestrian and vehicular access by way of improved sidewalks or paths and streets that do not involve leaving the planned development or using a

major thoroughfare. "Directly accessible" does not necessarily mean that non-residential uses need to be located in a particular location, but that the siting of such uses considers the accessibility of the residential component of the development to the non-residential use.

(c) Applicable standards.

- (1) Development in a PD district shall comply with the standards contained in the following chapters of the Unified Development Ordinance: Chapter 4, General Lot and Structure Provisions; Chapter 6, Environmental Protection; Chapter 9, Circulation and Connectivity; Chapter 11, Lighting; Chapter 13, Infrastructure Improvement Requirements. Provided, however, the General Lot and Structure Provisions in Section 4.4.D, whereby all subdivisions of land are required to front on a public street, may be modified by means of the ordinance creating a planned development district.
 - (2) The ordinance creating a PD district shall establish the following standards for development which may vary from applicable standards contained in the Unified Development Ordinance. If the ordinance creating a PD district fails to provide any of the standards required by this paragraph, any development in the district shall comply with the applicable standards contained in Brevard City Code.
 - a. Density and dimensional requirements (Section 2.3).
 - b. Additional use standards (Chapter 3).
 - c. Building types and architectural standards (Chapter 5).
 - d. Open space (Chapter 7), which shall be adequate to meet the needs of the proposed development.
 - e. Tree protection and landscaping (Chapter 8).
 - f. Parking standards (Chapter 10).
 - g. Signs (Chapter 12).
 - (3) Development and land use in a PD district shall comply with the requirements of Chapters 14 through 19 of the UDO.
 - (4) The ordinance creating the PD district shall specify whether phasing is proposed as well as the process, if applicable, for the review and approval of such phases, including any future subdivision of the property. Any references to final master plan in this section may apply to the entire planned development or an individual phase of such development.
4. Transportation and circulation system. The planned development's master plan shall demonstrate a safe and adequate on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation. The on-site transportation system shall be integrated with the off-site transportation circulation system of the city. If a preliminary master plan has been utilized in establishing a planned development district, final approval of the transportation and circulation system may be deferred to review of a final master plan for the entire development or any individual phase thereof. In such event, the planning board may condition final master plan approval on the developer's agreement to fund transportation and circulation improvements identified in a traffic impact analysis or other submittal or reasonably related thereto. Failure by the developer to agree to such conditions shall constitute a major modification pursuant to Section 16.8.E.4(b).
5. Off-street parking and loading. The planned development's master plan shall comply with the off-street parking and loading requirements of Chapter 10, below, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the development is submitted as part of the master plan that is suitable for the development and consistent with the intent and purpose of the off-street parking and loading standards of this ordinance. If a

preliminary master plan has been utilized in establishing a planned development district, final approval of the off-street parking and loading requirements may be deferred to review of a final master plan for the entire development or any individual phase thereof.

6. Landscaping. Landscaping shall comply with the standards of Chapter 8, below, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas, and is consistent with the urban design objectives and/or character of the area. Notwithstanding the foregoing, no variations from Section 6.7 shall be permitted.
7. Open space. Each planned development shall provide open space adequate to meet the needs of its residents, employees, and/or invitees. Such open space shall, at a minimum, comply with the requirements of Chapter 7, below.
8. Traditional neighborhood development. Unless the ordinance creating a PD district specifies otherwise, PD districts which contain residential uses to shall incorporate the following traditional neighborhood development design principles:
 - (a) All neighborhoods shall have identifiable centers and edges.
 - (b) Edge lots shall be readily accessible to retail and/or recreation by non-vehicular means (a distance not greater than ¼—½ mile).
 - (c) Uses and housing types shall be mixed and in close proximity to one another.
 - (d) Street networks shall be interconnected and blocks small.
 - (e) Sidewalks and other pedestrian infrastructure shall be interconnected and comprehensive.
 - (f) Civic uses shall be given prominent sites throughout the neighborhood.
 - (g) The entire land area of the development shall be divided into blocks, streets, lots and open space areas.
 - (h) Similar land categories shall generally front across streets. Dissimilar categories should abut at rear lot lines. Corner lots which front on streets of dissimilar use should be set back the same as the adjacent use with the lesser setback.
 - (i) The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.
 - (j) Open space shall be centrally located so that it is within walking distance from all locations within the planned development. No portion of the planned development shall be further than 760 feet (1/8 mile) from a public open space as defined in Chapter 7.
 - (k) Dimensional standards shall be established in accordance with neighborhood design but shall be generally consistent with those found in the RMX, NMX and DMX Districts.
9. Land use allocations. The applicant shall specify the land use allocation in a planned development incorporating residential uses. Unless a different land use allocation is approved in the ordinance creating the PD district, land use allocation for such development shall be required to comply with the following table.

Land Use	Minimum	Maximum
Single-Family	15%	75%
Multi-Family	10%	40%

Lodging/Office/Retail	2%	40%
Civic	2%	None

(Note: The figures in the table above are to be calculated as the net development area, excluding street rights-of-way.)

- Land use areas. If a preliminary master plan has been utilized in establishing a planned development district, said plan may divide the district into land use areas and specify use and other development standards which shall apply to such land use area. The preliminary master plan may also depict transition zones between any such land use areas which shall permit deferring the determination of the precise boundaries between land use areas until final master plan review.

(Ord. No. 15-08, §§ 1, 2, 12-5-08; Ord. No. 20-09, § 4(Exh. B(2)), 9-21-09)

12.9. - Signs allowed with permits.

The following types of signs shall be allowed within the City of Brevard upon the issuance of a sign permit for each proposed sign and subject to the regulations set forth below:

- A. Signs allowed in GR districts: The following types of signs shall be allowed in all of the residential districts subject to the accompanying restrictions and the issuance of a sign permit:
 1. Nameplate signs:
 - i. Home occupations shall be allowed one nameplate sign for purposes of identification.
 - ii. Signs shall not exceed four square feet of surface area and shall be attached to the residence.
 - iii. Signs shall not be illuminated.
 2. Ground signs at neighborhood entrances: Distinct neighborhoods, residential subdivisions, residential group developments, residential planned development districts, and manufactured home parks are permitted one ground sign at each entrance.
 - i. Such communities may include those older existing communities that may not have been permitted as unified projects (e.g., "Welcome to the Rosenwald Community", "Maple Street Community"). However, such signs shall be of a uniform design to be approved by the city. Designs and locations shall be approved by the administrator in consultation with the public works director and the community appearance commission.
 - ii. Signs shall be no larger than 32 square feet of surface area per side of sign up to a maximum of 64 square feet of aggregate surface area per sign.
 - iii. Signs shall not exceed five in height and may be indirectly illuminated in accordance with Chapter 11 of this ordinance.
 - iv. Such signs may be located within the center median of boulevard streets at neighborhood entrances. Such placement shall require an encroachment agreement from the North Carolina Department of Transportation or the City of Brevard, as applicable.
 3. Nonresidential uses: Nonresidential uses permitted in residential districts shall be allowed one ground or wall identification sign per street fronted on by the permitted use. Said sign shall be no larger than 32 square feet of surface area per side of sign up to a maximum of 64 square feet of aggregate surface area for said sign. Signs shall not exceed five feet in height and shall not be illuminated.
- B. Ground signs (non-residential): The following standards shall apply to individual businesses on individual parcels. Non-residential group developments, non-residential planned development districts, and institutional campuses shall be subject to the same dimensional requirements, but the number of allowable ground signs in such developments is set forth in Section 12.11, below.
 1. One ground sign not to exceed the following surface area limitations:
 - i. DMX, NMX, and RMX districts: 32 square feet in surface area per side of sign, up to a maximum of 64 square feet of aggregate surface area for the entire sign;
 - ii. CMX districts: 85 square feet in surface area per side of sign up to a maximum of 170 square feet aggregate surface area for the entire sign;
 - iii. IC district: 24 square feet per side of sign up to a maximum of 48 square feet of aggregate surface area for the entire sign;
 - iv. GI district: 50 square feet per side of sign up to a maximum of 100 square feet of aggregate surface area for the entire sign;

- v. ~~Asheville Highway Sign Overlay District~~ [Highway 64 Corridor Sign Overlay District](#): 85 square feet in surface area per side of sign up to a maximum of 170 square feet aggregate surface area for the entire sign.
 - vi. Signs shall not exceed 25 feet in height in any district.
- C. [Reader boards:] Reader boards are allowed on ground signs provided that the total area of the sign, including the reader board, does not exceed the area allowed by this subsection.
- D. Electronic display signs: Electronic display signs may be permitted as ground or wall signs, subject to the following additional requirements:
 - 1. Only one electronic display sign shall be permitted per parcel.
 - 2. Only one electronic display sign shall be permitted within any group development, planned development, or institutional campus.
 - 3. Electronic display signs shall display only non-moving text and images with changes alternating on not less than a five-second level, and shall display no scrolling, flashing, blinking, or otherwise moving message.
 - 4. Electronic display signs shall adhere to all other applicable wall or ground sign requirements of this chapter, as well as the lighting standards of Chapter 11 of this ordinance.
- E. [Canopy signs:] Signs may be attached to a canopy provided that the total area of both the ground signs and all canopy signs does not exceed the amount described in this subsection.
- F. [Sandwich board signs:] In lieu of ground signs, business establishments within DMX, NMX, and RMX districts may instead be permitted a single sandwich board sign to be placed on the sidewalk adjacent to the front of the individual business or on the brick paved area providing such a location does not pose a safety hazard. A sandwich board sign is an A-frame or inverted V-shape sign which is portable and usually double-sided. This sign must comply with Section 46-1 of the City Code and must not exceed four feet in height or eight square feet in area per side of sign. Business establishments located in the Times Arcade Alley may also be permitted to collectively place one such sign near the West Main Street alleyway entrance in the brick paved area, providing such a location does not pose a safety hazard and providing further that the sign is removed at the end of each day when the last business in the Times Arcade Alley closes.
- G. Wall signs: Each establishment located in CMX, DMX, NMX, RMX, IC, and GI districts shall be allowed wall signs in accordance with the following provisions:
 - 1. Wall sign: One wall sign located on the street frontage side of the building.
 - 2. Projection sign: One suspended or projection identification sign per business establishment, not to exceed eight square feet per side of sign up to a maximum of 16 square feet of aggregate surface area for the entire sign. Suspended or projection identification signs shall be located at the main entrance of the business.
 - 3. Identification sign: Each establishment located in one of the above-mentioned districts shall be allowed one small business identification sign not to exceed 16 square feet in surface area. That sign may be located on the rear or side of the business.
 - 4. Marquee signs allowed in all commercial districts: Theaters located within commercial districts shall be allowed a marquee with one or two copy sign surfaces. Total copy area allowance, for all sign surfaces, shall not exceed five square feet per linear foot of canopy with a maximum total height limit of no more than five feet at any point. A marquee shall not extend more than ten feet from the building nor be less than nine feet above the ground or sidewalk at the lowest point.
 - 5. Menu reader board: Each drive-through restaurant establishment shall be allowed one menu reader board. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.

6. [Aggregate of wall signs:] The aggregate of all wall signs, including building identification signs, business identification signs, suspended signs, projection signs, marquee signs, and product information signs, shall not exceed 25 percent of the total surface area of the front wall space of the building (surface area of said wall shall be computed excluding windows and doors).
- H. Building identification signs:
1. Each building located in non-residential districts shall be permitted one building identification sign in lieu of allowable ground sign attached to the front of said building, or to the side of the building if the side faces on a street, alley, or other public right-of-way.
 2. Such building identification signs shall not exceed 32 square feet of aggregate surface area.
- I. Temporary banners or A-frame signs:
1. Temporary banners or A-frame signs may be allowed in CMX, DMX, NMX, RMX, GI, and IC districts, subject to the following requirements:
 - i. Temporary banners or A-frame signs advertising the initial openings of business establishments, special events, or special sales may be permitted provided the location of such signs is approved by the administrator and meets all other requirements.
 - ii. Banners shall be attached to any part of the building wall.
 - iii. Said signs shall not exceed 32 square feet of total aggregate surface area; A-frame signs shall not exceed 16 square feet per side of sign.
 - iv. Said signs may be installed ten days prior to the initial opening, special event, or special sale and may remain ten days after completion of the promotion.
 - v. Permits for these on-premises signs shall be obtained on an annual basis.
- J. Decorative flags, banners and other moving devices: Decorative flags, banners, pennants, and other moving devices (balloons, windsocks, etc.) may be allowed in all districts except GR, subject to the following requirements
1. A plan for all banners, flags, pennants, and devices indicating locations must be submitted to the administrator. An annual permit is required showing location, size, style, copy, and manner of installation of said banners, flags, pennants, and devices.
 2. Manner of installation must be based on established safety standards.
 3. No banner, flag, pennant, or moving device shall obstruct any fire escape, window, or door, or be placed in such a manner so as to interfere with any openings required for ventilation, nor offer hindrance to fire department equipment or personnel.
 4. All banners, flags, pennants, or moving devices shall be constructed of a fire-retardant material or be treated to be fire retardant.
 5. All banner, flag, pennant, or moving devices must be well-maintained; frayed, faded, or worn banners constitute illegal moving devices.
 6. No advertising message from any off-premise business may be contained on the face of any banner, flag, pennant, or moving device.
 7. No banner, flag, pennant, or moving device may overhang any portion of a vehicular travelway, except as otherwise allowed by this ordinance.
 8. No illuminated, electric, or motor-powered devices may be allowed; glare cannot pose a problem to passing motorists.
 9. No banner, flag, pennant, or moving device shall be secured to the wall in such a manner that the bottom portion is at least seven feet from the sidewalk or does not interfere in any manner with pedestrian traffic.,

10. Banners or flags cannot exceed a width of four feet and a length of six feet.
 11. Banners, flags and other devices cannot exceed one per every 20 linear feet of storefront.
 12. If, in the opinion of the administrator, said devices cause a nuisance or safety problem, the owner of said devices must relocate or remove them to the satisfaction of the code [enforcement] officer.
 13. Banners, flags or pennants must be properly designed and engineered to withstand the average prevailing winds and to meet the minimum wind load requirement of the North Carolina Building Code.
 14. This provision is subject to annual review by the planning board.
- K. Political signs:
1. No political sign shall be permitted in the corporate limits or one-mile extraterritorial boundary of the City of Brevard unless a candidate for a political office, or the candidate's designee, first deposits \$500.00 to insure the removal of such signs.
 2. Ten days after the election, the \$500.00 deposit will be refunded to the candidate or candidate's designee if all the candidate's political signs have been removed.
 3. If the signs have not been removed, the \$500.00 deposit will be forfeited to the city.
 4. Candidates who have made a deposit and are nominated in a primary election may keep their political signs up until ten days after the general election.
 5. Any political signs of candidates who have not complied with this section shall be removed subject to the terms of this article.
 6. All political signs must comply with the following standards:
 - i. Ground signs may not exceed 16 square feet per side of sign. Maximum height of sign from grade to top of sign shall be six feet.
 - ii. Political signs may not be posted more than 90 days prior to an election or primary.
 - iii. Candidates must remove their signs within ten days after the election or primary, in compliance with Section 12.9(K).
 - iv. Location. All signs must comply with Section 12.6.
- L. Festivals and special events sponsored by government, educational, religious, charitable, civic, fraternal, or political organizations and institutions: Signs, banners, balloons, decorative flags and windsocks (hereafter, "special event signage") may be displayed during festivals and special events by permit during the day(s) of the event, subject to the following requirements:
1. Special event signage shall comply with all provisions of Section 12.9(J) except where modified herein.
 2. Special event signage shall be approved by the administrator before being displayed. A plan showing the location, type and amount of all decorative signage and devices, along with the duration of the event, must be submitted to the administrator for review and approval.
 3. A \$200.00 deposit, per event, must be given to the city insuring removal of all special event signage.
 4. If the special event signage has not been removed, the \$200.00 deposit will be forfeited to the City of Brevard.
 5. Any signs or other devices which have not complied with this section shall be removed subject to the terms of Section 12.2(C).
 6. All special event signage must be firmly secured and well maintained.

7. No special event signage shall create a traffic hazard or obstruction to motorists or pedestrians.
8. The size of the overall special event signage shall not exceed 32 square feet of total aggregate surface area. However, if said special event signage is located in the DMX District, the width cannot exceed four feet and the length cannot exceed six feet.
9. With single sponsorship, the proportion of a sponsor's logo or name shall not exceed 25 percent of the overall area for any face of special event signage.
10. No more than three sponsor logos or names may be listed on special event signage. Sponsors logos or names shall not exceed when added together, 30 percent of the overall area for any face of special event signage.
11. Special event signage may not be illuminated, moving, or otherwise constitute a vehicular or pedestrian safety hazard.
12. Special event banners may be placed in or along the right-of-way of public streets in any district subject to the following requirements:
 - i. All other provisions of Section 12.9(J) are met; and
 - ii. A letter of permission from the proper utility company and/or property owner, holding the city harmless, must be submitted if a banner, flag or pennant is to be attached to or erected from any pole owned by the utility company.
 - iii. Banners shall contain no commercial advertisement copy or business logos.
 - iv. The size of an overhead banner crossing the road shall not exceed 30 feet in length and four feet in height. All overhead banners crossing the road will be composed of no more than two dimensions.
 - v. Overhead street banners and other banners within a right-of-way may not be displayed earlier than ten days prior to the event and must be removed within ten days after the event.
 - vi. Fees for the installation of overhead street banners shall be established by city council.

(Ord. No. 15-08, §§ 29—31, 12-5-08)

12.8. - Signs permitted without a permit.

The following types of signs shall be permitted in any use district without the issuance of a sign permit provided they meet the stated requirements:

- A. *Temporary real estate signs*: Temporary real estate signs advertising a specific piece of property for sale, lease, rent, or development, located on said property, provided such signs shall not exceed eight square feet in surface area per side of sign up to a maximum of 16 square feet of aggregate surface area. Signs shall not be illuminated and shall not exceed one per parcel of land unless such land is located at an intersection of two streets; in such case, two signs shall be allowed, one facing each street.
- B. *Signs on window glass*: Signs on window glass, regardless of size.
- C. *Private traffic signs*: Private, unofficial traffic signs not exceeding two square feet in surface area per side of sign up to a maximum of four square feet of aggregate surface area per sign, which indicate directions, entrances, and exits. Such signs are to be located entirely on the property to which they pertain, and shall not contain any advertising message.
- D. *Organization signs*: Any flag, badge, insignia, or design customarily displayed by any governmental agency or government, or any charitable, civic, fraternal, patriotic, religious, or similar organization.
- E. *Political party headquarters signs*: Signs for political party headquarters shall meet the requirements set forth for the district in which they are located.
- F. *Service station signs*: Gasoline service stations or any businesses selling gasoline are allowed, in addition to other provisions of this ordinance, the following signs:
 - 1. *Price and self-service signs attached to gasoline pumps*: Gasoline price/self-service signs located at and secured to each pump island and not exceeding nine square feet per side of sign. One gasoline price/self-service sign may be freestanding and located at a place other than the pump island, but must be on the business site and meet all other sign regulations. If such signs are freestanding signs, they shall not exceed 40 inches in height.
 - 2. *Brand name and grade signs*: Each brand sign, emblem of the gasoline sold, the grade of gasoline and any other related signs shall not exceed nine square feet in total aggregate surface area for each pump island.
 - 3. *North Carolina inspections sign*: A North Carolina inspections sign at any location on the business premises as long as said sign is not placed in any right-of-way. Said sign shall not exceed 40 inches in height.
- G. *Numbers and nameplates*: House numbers and nameplates are permitted in accordance with Brevard City Code, Chapter 62, Article VII, Property Addressing and Road Naming.
- H. *Construction signs*: One construction sign per construction project not exceeding 32 square feet of sign area in residential districts or 64 square feet in commercial or industrial districts, provided that such signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five days after completion of construction and prior to occupancy.
- I. *Public notice*: Official notices posted by public officers or employees in the performance of their duties.
- J. *Commemorative plaques*: Commemorative plaques of recognized historic agencies or identification emblems of such agencies, provided that no plaque or emblem seal exceeds four square feet in area.
- K. *Nonprofit organization signs*: Any sign erected by city personnel on behalf of a nonprofit organization sponsoring a one-time or annual event.
- L. *Public-owned ball field fence signs*: Nonprofit organizations, i.e., local ball leagues, may sell advertising signage to merchants for attachment to ball field fences providing the following requirements are met:

1. Sign panels must be of uniform size and weather durable material and cannot exceed three feet by five feet in dimension.
2. Signage must be attached to the interior (ball field) of the chain link fencing, have advertising copy on only the interior (ball field) side of fencing and cannot be self-illuminated.
3. The back (exterior) side of the sign must be a dark solid green color and be uniform in color with all the other signs. All signs must be kept clean and in good repair.
4. Signage cannot exceed one per fence panel. Sign must be uniform in height.
5. Signage can be erected two weeks prior to the beginning of the ball season and must be taken down within two weeks from the conclusion of the season.
6. The city/county/state agency (owner) or tenant leasing the property will be responsible for installing and removing the signs.

M. *Automobile and motorized vehicle dealer signs:*

1. Automobile dealers and motorized vehicle dealers within commercial districts are allowed to attach to vehicles for sale small pennants, flags or balloons on antennas and/or twirl-ads on hoods/roofs.
2. Said devices shall not exceed two per vehicle; devices are less than three square feet in size; and devices are maintained and secured in a proper manner.
3. If a device is not secured or maintained to the satisfaction of the administrator such device shall be deemed a prohibited moving device and be immediately removed.

N. Murals

1. A mural, as defined herein, is any image painted, applied, or affixed directly on to a privately owned, non-residential building wall, retaining and screening wall, or other large existing outdoor surface in non-residential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image.
2. Murals may be permanent, or temporary and shall be maintained in good condition by the property owner.
3. The Administrator will issue a Letter of Zoning Compliance to Owners seeking to create murals on their property.
4. Murals do not require a sign permit if they adhere to the following:
 - i. If media other than, or in addition to, paint are used in a mural such media shall not extend more than 12" above the surface on which the mural is applied, or affixed and may not extend into a right-of-way.
 - ii. The Mural does not extend beyond the existing dimensions of the building wall, retaining/screening wall, or other outdoor surface on which it is applied.
 - iii. The Mural may incorporate advertising logo, symbols, pictures, devices and copy within the image, however such elements combined shall not exceed 8% of the mural's total surface area.
 - iv. The following shall be used for purposes of measuring surface area:
 - a. The area of a the mural shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or paint or other media, together with any material or color forming an integral part of the background of the display or used to differentiate the mural from the backdrop or structure against which it is placed.
 - b. Architectural elements on building walls such as windows, doors, and awnings that are harmoniously incorporated into the mural's design shall be counted in the overall square footage of the mural.

5. Murals that do not adhere to section 12.8.N.4 above, and its subsections, shall be considered wall sign in accordance with section 12.9 of this ordinance and shall adhere to all provisions therein and require the issuance of a sign permit.
- O. Vintage Signs
1. Vintage sign, as defined herein, is any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs may be incorporated into murals, or placed on building walls, or on roofs of privately owned, non-residential buildings, and retaining/screening walls in a non-residential zoning districts.
 2. Vintage signs are not allowed in residential zoning districts.
 3. Vintage signs shall require only a Letter of Compliance before placement if they adhere to the following:
 - i. If used by a property Owner with no affiliation to the active, or closed business, Vintage signs may be placed or incorporated:
 - a. On a building wall as long as no more than 40% of the wall face is covered,
 - b. On a pitched or flat roof as long as no more than 20% of the area of the surface plane on which the vintage sign is placed is covered,
 - c. Within Murals as long as all provisions for Murals (see section 12.8.N) are met in addition to those for Vintage signs provided herein.
 4. Vintage signs shall require a sign permit if used by an operational business in place of its current advertising signage. In such instances the vintage sign shall be considered wall signage in accordance with section 12.9 of this ordinance and shall adhere to all provisions therein and require the issuance of a sign permit.

19.3. - Definitions.

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

Abandoned vehicle: See Motor Vehicle.

Abut: To reach; to touch. To touch at one end or side of something; to be contiguous; join at a border or boundary; terminate on; end at; border on; reach or touch with an end.

Accessory retail: The on-premises, retail sale of products directly to customers, where the retail use is incidental to a primary use conducted upon the same premises. Examples include but are not limited to the following: a furniture manufacturer who operates a show floor for the display and sales of furniture produced by the manufacturer; a bicycle manufacturer who operates a floor for the display and sales of bicycles produced by the manufacturer; a brewery or distillery who operates a tasting room for the sampling and sales of beer or spirituous liquors produced within the brewer or distillery.

Accessory structure or use: A structure or a portion of a principal structure or use, which is subordinate to a principal structure or use, on the same lot, and is used for purposes customarily incidental to the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building. Also see the definition of concomitant structure.

Addition (to an existing building): An extension or increase in the floor area or height of a building or structure.

Advertising sign: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, manufactured, or offered. Such signs are further classified according to location, as follows:

- (a) On the same premises as the business, commodity, service, or entertainment advertised by the sign;
- (b) Remote from the business, commodity, service, or entertainment advertised by the sign (see Billboard).

Adult establishment: Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as defined in N.C. General Statute, § 14.210.10 (or any successor thereto).

Agriculture: These establishments grow crops, raise animals, harvest timber, and harvest fish and other animals from a farm, ranch, or their natural habitats. They may be described as farms, ranches, dairies, greenhouses, nurseries, orchards, or hatcheries. A farm, as an establishment, may be one or more tracts of land, which may be owned, leased, or rented by the farm operator. Farms may hire employees for a variety of tasks in the production process. Subcategories in this dimension differentiate establishments involved in production versus those that support agricultural production. For agricultural research establishments administering programs for regulating and conserving land, mineral, wildlife, and forest use, apply the relevant institutional or research and development categories. (LBCS F9000 and S8000)

Air lot: A condominium unit or lot containing both horizontal and vertical dimensions. The air lot generally extends to the inner faces of the walls, floors and ceiling of the condominium unit.

Alcoholic beverage sales store: The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use. (LBCS F2155)

Amusements, indoor: Establishments that provide commercial recreation activities completely within an enclosed structure such as pool halls, arcades, movie theaters, skating rinks, roller rinks, and bowling alleys. (LBCS F5320, F5380, F5390 and S3200)

Amusements, outdoor: Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments, go-cart facilities, theme parks, carnivals, fairgrounds and midways, paintball parks, and water rides. (LBCS F5310 and S4440)

Animal services: Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals, boarding services for pets, and grooming. This term does not include outdoor "kennels." (LBCS F2418 and F2720)

Appeal: A request for a review of any action of the administrator or any interpretation by the administrator of any provision of this ordinance.

Area of special flood hazard: See "Special Flood Hazard Area (SFHA)"

Artist workshop: A building room, area, or small establishment where artists such as painters, sculptors, craft-persons, musicians, writers, and others gather to create works of aesthetic value. Artist Workshops may accommodate multiple artists. Artist workshops are differentiated from galleries in that public access for viewing and retail activity is limited and incidental to the primary function of the use as a workshop.

Assembly/meeting facilities: Meeting/conference facilities that include room(s) or space(s) used for assembly purposes by 50 or more persons, including fraternal halls (VFW lodges, etc) and banquet facilities. (LBCS S3800)

Assessed and appraised value: The value of a structure prior to being damaged or, in the absence of damage, prior to any proposed modification or improvement. Assessed value is determined by the most recent tax evaluation of the structure by the Transylvania County Tax Assessor, prior to damage or improvement. Appraised or market value is determined by an appraisal submitted by a qualified appraiser. The administrator shall utilize the assessed value of any structure in the administration of this ordinance unless a more accurate appraisal is provided by the property owner. The administrator shall have the authority to request that the property owner provide additional independent appraisals if the administrator feels that a submitted appraisal may be in error or otherwise questionable.

Automated teller machines (ATM): Computerized, self-service machines used by banking customers for financial institutions without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

Auto/mechanical parts sales: Establishments selling new, used, or rebuilt automotive or mechanical parts and accessories. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, tires and tube shops, and similar shops for other types of motorized or mechanical equipment. (LBCS F2115)

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

Awning signs: A sign constructed of a fabric-like nonrigid material which is part of a fabric or plastic awning. Awning signs constructed of a flammable substance are prohibited in the fire district.

Banks, credit unions, financial services institutions: Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies. (LBCS F2200 and F2210)

Banner: Any sign made of flexible fabric-like material except an awning sign.

Bar/tavern/nightclub: A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. This term includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. It may also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

Basement: Any area of a building having its floor subgrade (below ground level) on all sides.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): A determination of the water surface elevations of the base flood as published in the flood insurance study. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal or state or other source using FEMA approved engineering methodologies. This elevation, when combined with the freeboard, establishes the "Regulatory Flood Protection Elevation."

Bay window: A window assembly whose maximum horizontal projection is not more than two feet from the plane of an exterior wall and is elevated above the floor level of the home.

Bed and breakfast establishments: Establishments primarily engaged in providing short-term lodging in facilities known as bed and breakfast inns. These establishments provide short-term lodging in private homes or small buildings converted for this purpose. Bed and breakfast establishments are characterized by a highly personalized service and meet the following requirements:

1. They do not serve food or drink to the general public for pay;
2. They serve only the breakfast meal, and that meal is served only to overnight guests of the business;
3. They include the price of breakfast in the room rate; and
4. They serve as the permanent residence of the owner or the manager of the business.

Bed and breakfast establishments are separated into two distinct categories: "Bed and breakfast home," and "Bed and breakfast inn."

1. "Bed and breakfast home" means a private home offering bed and breakfast accommodations to eight or less persons per night for a typical period of less than one week, that does not serve food or drink to the general public for pay, and which is the permanent residence of the owner or manager of the business
2. "Bed and breakfast inn" means a business offering bed and breakfast accommodations to not more than 24 persons for a typical period of less than one week and that does not serve food or drink to the general public for pay.

(LBCS F1310)

Billboard: An advertising sign used as an outdoor display for the purpose of directing attention to a business, commodity, service, or entertainment conducted, sold, manufactured, or offered at a location other than the location of said sign.

Building: See Structure.

Buildable area: That portion of any lot which may be used or building [built] upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side, and rear yard requirements for the district have been subtracted from the total area. The required front, side and rear yards shall be measured inward toward the center of said lot from all points along the respective property lines or street right-of-way as appropriate. Buildable area shall be computed by measuring the allotted distances, perpendicular from each property line.

Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels, and including tents, lunch wagons, dining cars, trailers, freestanding billboards and signs, fences, and similar structures whether stationary or movable. The term "building" shall be construed as if followed by the words "or parts thereof." Each portion of a building separated by division walls from [the] ground up without openings shall be considered a separate building.

Building line: That line determined by meeting respective front, side, [and] rear yard requirements. The required side and rear yards for individual lots shall be measured inward toward the center of the lot from all points along the respective property lines. The required front yard shall be measured inward toward the center of the lot from all points on the street right-of-way line.

Business support services: Establishments primarily engaged in rendering services to businesses. Examples of services provided include, without limitation, the following: document preparation, telephone

answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. These establishments may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may also provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site PC rental, and office product sales. (LBCS 2424)

Campground/artist colony: Establishments accommodating campers and/or artists and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles. Facilities and services include cabins, washrooms, food services, recreational facilities and equipment, and organized recreational activities.

Canopy: Any shelter or shelter-like structure, freestanding or attached to a building, and projecting over public or private property.

Cemetery: A parcel of land used for interment of the dead in the ground or in mausoleums. (LBCS S4700)

Chemical storage facility: A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Child day care home: Supervision or care provided on a regular basis, as an accessory use within a principal residential dwelling unit, by a resident of the dwelling for less than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Child day care center: An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults. Child day care centers are designed and approved to accommodate six or more children at a time and are not an accessory to residential use.

City Code: The Code of Ordinances of the City of Brevard, adopted by the Brevard City Council, and any subsequent amendments.

Colleges/universities: Establishments which furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels. Examples include junior colleges, colleges, universities and professional schools. (LBCS F6130)

Community service organization: A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special assistance. This term includes counseling centers, welfare offices, job counseling and training centers, vocational rehabilitation agencies, and community improvement and neighborhood redevelopment but does not include any services providing on-site residential or accommodation services. (LBCS F6560)

Compensatory storage: Replacement of storage volume that is hydrologically equivalent to lost storage when encroachment occurs in the floodplain or a flood prone area.

Concomitant structure: A structure, or a portion of a principal structure, which is subordinate to the principal structure, is situated on the same lot, and is used for purposes that are integral to the use of the principal structure. Examples include gasoline pump canopies associated with service stations, sheds for the storage of lumber associated with a lumber yard, and other similar structures. Concomitant structures are characterized by their virtual necessity in order to facilitate the permissible use of the principal structure, as opposed to accessory structures, which are clearly incidental.

Condominium structure or building:

- (a) A building or complex in which units of property, such as apartments, are owned by individuals and common parts of the property, such as the grounds and building structure, are owned jointly by the unit owners.
- (b) A unit in such a complex, including air lots.

Condominium lot: The form of ownership of real property, and any interests therein in which individual owners own or lease separate units but together, or through an owners' association, own the common areas appurtenant to the units.

Conservation parcel: A parcel of land that is shown on a recordable subdivision plat that is generally not intended for building and that is intended for a conservation purpose, including but not limited to the protection of sensitive natural areas, water quality, scenic views, working forest or farm lands, wildlife habitat, recreation and open spaces, and which property is subject to limitations upon development by conservation easement, deed, contract or other binding agreement with the United States of America or any agency or subdivision thereof, the State of North Carolina or any agency or subdivision thereof, or with a not-for-profit entity that is authorized to hold conservation easements within the United States of America and the State of North Carolina.

Copy (as used in conjunction with signs): The wording on a sign surface either in permanent or removable letter form.

Cremation: The technical process, using intense heat and flame that reduces human remains to bone fragments. Cremation includes the processing and may include the pulverization of the bone fragments.

Critical facility: A structure used to house a function that is especially vulnerable or essential to the community. Uses include but are not limited to child and adult daycare facilities, nursing homes, schools, hospitals, fire, police and medic facilities and other uses as determined by the administrator.

Cultural or community facility: Facilities designed to promote cultural advancement and serve the community. Examples include the following: live theater; dance or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums; exhibition or similar facilities; libraries; and community centers, such as the YMCA and YWCA. (LBCS S3800, S4400, F5110, F5210, and FS6830)

Dedication: The reservation for public use of an area of land, usually a strip of land, a street right-of-way or utilities easement, within which there is to be or may be located streets, sidewalks, utility systems and drainage structures, or a lot intended to be used for a public purpose such as a park, playground, or other public facility.

Default: Default shall be defined as it is specifically defined in an infrastructure improvement agreement executed pursuant to Chapter 16, Section 16.17.A of this ordinance. If there is no such definition, then the term "default" shall mean failure on the part of the developer to complete improvements in the time allotted, or improvements made that do not meet the city's standards, or improvements made that do not comply with approved development plans, or the ownership of property upon which the improvements are to be made changes without the new owner assuming the obligation to install the required improvements and providing acceptable security to the city.

Density: The number of dwelling units per acre or [of] land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this ordinance are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, schoolgrounds, or other public uses.

Development: Any man-made use of, or change to, improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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

Drive-thru retail/restaurants: A facility where food and other products may be purchased by motorists without leaving their vehicles. Examples include fast-food restaurants, drive-through coffee, dairy products, photo stores, pharmacies, etc.

Drive-thru service: A facility where services may be obtained by motorists without leaving their vehicles. This term includes drive-through bank teller windows, dry cleaners, etc., but do not include automated teller machines (ATMs), gas stations or other vehicle services, which are separately defined.

Directional sign: A sign which carries no advertising message or information, but simply the name or the logo of an establishment and information directing persons to the location of said establishment.

Dwelling: A building or portion of building arranged to provide living quarters for one or more families.

Dwelling—Duplex: A building containing two residential dwelling units that is typically divided horizontally, each unit having a separate entrance from the outside or through a common vestibule. Buildings are typically under one ownership. (LBCS F 1100 and S1121)

Dwelling—Multifamily (less than four units/building): A building containing more than one but less than four residential dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings may include duplexes and triplexes (buildings under one ownership with two or three dwelling units in the same structure), as well as town houses (a type of structure that has at least three or more separate dwelling units divided vertically, each unit having separate entrances to a front and rear yard). (LBCS S1121 and S1140)

Dwelling—Multifamily (more than four units/building): A building containing more than four residential dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. These structure may include fourplexes (buildings under one ownership with four dwelling units in the same structure), apartments (five or more units under one ownership in a single building), and townhouses (a type of structure that has at least three or more separate dwelling units divided vertically, each unit having separate entrances to a front and rear yard). (LBCS S1121 and S1140)

Dwelling—Secondary: A dwelling unit designed for occupancy by one or two persons, not exceeding 800 square feet of gross floor space and located on a lot with an existing single-family dwelling. No more than one such dwelling shall be situated on any lot.

Dwelling—Single-family: A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or owned by rental or management companies. Single-family dwellings are typically site-built structures that comply with the North Carolina Residential Code, current edition, but also include factory-built, modular home units. (LBCS F1100 and S1100)

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Elevated building: A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment: Means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain (including floodway) or surface water protection area (including floodway), which may impede or alter the storage capacity or flow capacity of a floodplain.

Environmental containment parcel: A parcel land that is shown on a recordable subdivision plat that is not intended for a building as a result of environmental constraints, and which is subject to limitations upon development by deed, contract or other binding agreement with the United States of America or any agency or subdivision thereof, or the State of North Carolina or any agency or subdivision thereof.

Equipment rental: Establishments renting or leasing equipment such as the following: a) office machinery and equipment, such as computers, office furniture, copiers, or fax machines; b) heavy machinery (without operators) used for construction, mining, or forestry, such as bulldozers, earthmoving equipment, etc.; c) other non-consumer machinery and equipment, such as manufacturing equipment and metalworking; d) telecommunications, motion picture, or theatrical equipment; e) institutional (i.e. public building) furniture; and f) agricultural equipment without operators. (LBCS F2334)

Family: One or more persons occupying a single dwelling unit, provided that, unless all members are related by blood or marriage, no such family shall contain over six persons, but further provided that domestic servants employed on the premises may be housed in the principal building, not to exceed two domestic servants.

Family care home: A home with support and supervisory personnel providing room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons. (NCGS 168-21)

Farmers markets: Venues wherein multiple vendors sell or offer for sale, seasonal products directly to consumers on a non-wholesale basis. Farmers markets shall be accessible to the general public and managed by public or non-profit entities. Farmers markets are a form of temporary use.

Fence: A barrier intended to prevent escape or intrusion or to mark a boundary.

Fence, closed: A fence in which the openings through which clear vision is possible from one side to the other on a horizontal plane comprise 30 percent or less of the total side area of the fence.

Fence, open: A fence in which the openings through which clear vision is possible from one side to the other on a horizontal plane comprise 70 percent or more of the total side area of the fence.

Freestanding sign: A sign that is not attached to any building structure. Such signs shall include, but not be limited to, signs mounted on poles and A-frame signs.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood boundary and floodway map (FBFM): An official map issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways of the City of Brevard and Transylvania County are delineated. This official map is a supplement to, and shall be used in conjunction with, the Flood Insurance Rate Map (FIRM).

Flood hazard boundary map (FHBM): An official map issued by the Federal Emergency Management Agency where the boundaries of the special flood hazard areas have been defined as Zone A.

Flood insurance: The insurance coverage provided under the National Flood Insurance Program (NFIP).

Flood insurance rate map (FIRM): An official map of the City of Brevard and/or Transylvania County, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Flood insurance study (FIS): An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in the City of Brevard and/or Transylvania County, issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood prone area: See Floodplain.

Floodplain: Any land area susceptible to being inundated by water from any source.

Floodplain administrator: The individual(s) appointed to administer and enforce the floodplain management regulations in accordance with Chapter 34 of Brevard City Code.

Floodplain development permit: Any type of permit that is required in conformance with the provisions of this ordinance prior to the commencement of any development activity within a floodplain. For the purposes of this ordinance, "flood plain development permit" shall be synonymous with "land development permit."

Floodplain management: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain. Such program may include, without limitation, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations: This ordinance and other building codes, health regulations, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Regulatory floodways are delineated upon the most recently published Flood Boundary and Floodway Map (FBFM) and/or Flood Insurance Rate Map (FIRM).

Flood zone: A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Freeboard: The height added to the base flood elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. Base flood elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation". Two feet of freeboard shall be required for all residential development within the special flood hazard area, and one foot of freeboard shall be required for all non-residential development within the special flood hazard area, except that in special flood hazard areas where no BFE has been established, three feet of freeboard above the highest adjacent grade shall be required for all development.

Functionally dependent facility: A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

Funeral homes and services: Establishments for preparing the dead for burial or interment and for conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise). (LBCS F6700-6702)

Garage, private: An accessory building or portion of a principal building used for the storage of private motor vehicles and in which no business, occupation, or service for profit is in any way connected. The term "garage" shall include the term "carport."

Gas station: An establishment that primarily retails automotive fuels. These establishments may also provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included. (LBCS F2116 and S2270)

General retail: A use category allowing premises to be available for the commercial sale of merchandise and prepared foods. Such use category does not include manufacturing. (LBCS F2100)

Ground water: As opposed to surface water, this term refers to water that does not run off, and is not taken up by plants, but soaks beneath the surface of the earth and forms a natural reservoir in soils and geologic formations.

Group care facilities: A facility that provides resident services to more than six individuals, at least one of whom is unrelated to the others. These individuals are handicapped, aged, or disabled, [or] are undergoing rehabilitation, and are being provided services in the group care facility to meet their needs. This category includes uses licensed or supervised by any federal, state, or county health/welfare agency, such as group dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes. (LBCS F6520)

Group development:

- [1.] Groupings of two or more principal structures or principal uses built on a single lot, tract or parcel of land (or grouping thereof) not subdivided into the customary streets and lots and designed for occupancy by separate families, businesses or other enterprises normally permitted within the underlying district (Examples may include, but are not limited to, summer camps, school campuses and hospitals, shopping centers, industrial parks, and apartment complexes, or any other combination of primary structures).

[2.] Individual structures designed to accommodate a variety of distinct uses may be considered as a group development at the discretion of the administrator.

Government services: This term includes federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and judicial authority. (LBCS F6200)

Hazardous waste facility: As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest adjacent grade (HAG): The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic structure: Any structure that meets one or more of the following criteria:

1. Is listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
2. Has been certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Is individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program;" or
4. Has been certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the U.S. Department of the Interior in cooperation with the North Carolina Department of Cultural Resources pursuant to the National Historic Preservation Act.

Home occupation: An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home occupations are small and quiet non-retail businesses which generally cannot be discerned from the frontage, are seldom visited by clients, require little parking, little or no signage, have only one or two employees and provide services such as professional services, music instruction, and hair styling. Home occupations include child day care homes as defined herein.

Hospital: A health care facility the purpose of which is to provide for care, treatment and testing for physical, emotional, and/or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis. This term does not include group homes. (LBCS F6530 and S4110)

Hotels/motels/inns: Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. (LBCS F1300 and F1330)

Housing services for the elderly: Establishments which offer a wide range of housing services for those, such as the elderly, who cannot care for themselves. This term includes uses such as retirement housing, congregate living services, assisted living services, continuing care retirement centers, and skilled nursing services. (LBCS F1200)

Human crematory or human crematorium: The building or buildings or portion of a building on a single site that houses the cremation equipment, the holding and processing facilities, the business office, and other parts of the crematory business. A crematory must comply with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the standards set by the North Carolina Board of Funeral Service and the North Carolina Cremation Authority.

Impervious area: Any man-made surface which restricts the percolation of rain water into the soil including, but not limited to, areas covered by roofs, roof extensions, patios, porches, driveways, sidewalks, parking areas and athletic courts.

Inherited property:

1. An inherited property is defined for this ordinance specifically, as a zoned parcel to be subdivided per the terms of a document described in (2), following the death of the owner or person who executed the document, and which is to be divided by the terms of such document into two or more separate tracts, to the end that each heir or devisee is to receive a separate tract.
2. Documents requiring the division of inherited properties include wills, trusts, deeds subject to life estates, deeds with rights of survivorship, or other documents requiring that the property be divided upon the death of the owner or person who executed the document. Such documents shall have been executed on or before July 16, 2013.

Identification sign: A sign which carries no advertising message and is used to identify only the following:

1. The name of an institutional use or organization occupying the premises on which the sign is located;
2. The name, title and/or occupation or profession of the occupant of the premises on which the sign is located;
3. The name and the type of nonretail business occupying the premises on which the sign is located; or
4. The name of the building on which the sign is located, including names and types of firms occupying the building.

Illuminated sign: A sign that is illuminated by electric or other devices mainly for clear visibility at night.

Illumination of signs: The lighting of a sign or exposing of a sign to artificial light either from within or without. In no instance shall the illumination of a sign interfere with adjacent traffic or disturb residential neighborhoods.

Incidental sign: A sign which carries no advertising message, and is clearly incidental to other major advertising signs on-site, and which is used to do one or more of the following:

1. Direct traffic flow, either vehicular or pedestrian;
2. Indicates clearly the location of ingress or egress points;
3. Direct certain activities to certain areas (i.e., parking, waiting, etc.);
4. Provide other incidental information.

Junk: The term "junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Junked motor vehicle: See "Motor Vehicle."

Kennels: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale, training, or overnight boarding for persons other than the owner of the lot. This term does not include veterinary clinics or other "animal services" in which the overnight boarding of animals is necessary for, or accessory to, the testing and medical treatment of the physical disorders of animals. (LBCS F2700)

Laboratory—Medical, analytical, research, and development: A facility for testing, analysis, and/or research. Examples include medical labs, soils and materials testing labs, and forensic labs.

Laundry, dry cleaning plant: A service establishment engaged primarily in high volume laundry and garment services, including, without limitation, carpet and upholstery cleaners, diaper services, dry-

cleaning and garment pressing, commercial laundries and linen supply. These facilities may include customer pick-up but do not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment.

Letter of map change (LOMC): A determination document issued by FEMA that officially revises the FIRM based on updated information, which may include improved data or topography changes created by fill placement. The term LOMC includes Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), and Letters of Map Revision based on Fill (LOMR-F).

Live-work unit: An attached residential building type with a non-residential enterprise on the ground floor and a residential unit above or behind.

Loading space, off-street: Space conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles even when required off-street parking spaces are filled.

Lot width: The distance between side lot lines.

Lowest adjacent grade (LAG): The elevation of the ground, sidewalk or patio slab immediately next to the building or deck support after completion of the building.

Major subdivision: The division of an established parcel of land into more than 25 parcels of land. This term includes the establishment of condominium lots.

Manufactured home: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly on the building site which also meets the following requirements:

1. It is at least eight feet in width and 32 feet in length;
2. It bears a seal certifying that it was built to the standards adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. Sec. 5401, et seq.;
3. It is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance;
4. It is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site; and
5. It does not have any wheels or axles permanently attached to its body or frame.

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

Manufactured home park: The location of two or more manufactured homes or manufactured home spaces on a single parcel of land, or a grouping of two or more manufactured homes on at least two contiguous parcels when such parcels are under common ownership and/or management as a park for the rental of manufactured homes or manufactured home spaces.

Manufactured home subdivision: A parcel (or contiguous parcels) of land divided into two or more parcels and intended for the placement of manufactured homes for rent or sale.

Manufacturing, heavy: A nonresidential use that requires an NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically the largest facilities in a community which have complex operations, some of which may be continuous (24 hours a day/seven days per week). (LBCS S2620)

Manufacturing, light: A non-residential use that requires a NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or

commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. (LBCS S2613)

Manufacturing, neighborhood: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of a building which is visually undifferentiated from an office building. This term includes medical and testing laboratories but does not include more intensive uses that require frequent deliveries by trucks with more than one axle. (LBCS S2610))

Market value: The value of a building, not including the land value or the value of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal, by replacement cost depreciated for age of building and cost of construction (Actual Cash Value), or by adjusted tax assessed values.

Marquee signs: A sign affixed to a hood, canopy, or projecting roof structure over the entrance to a building, store, or place of public assembly.

Media production: Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types:

1. Back lots/outdoor facilities;
2. Indoor support facilities; and
3. Soundstages-warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

Medical clinic: Facilities that provide ambulatory or outpatient health care such as physician offices, dentist offices, emergency medical clinics, outpatient family planning services, and blood and organ banks. (LBCS F6510, F6512, and F6514)

Metal products fabrication, machine or welding shop: An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these include, without limitation, the following: blacksmith and welding shops; plating, stripping, and coating shops; sheet metal shops; machine shops; and boiler shops.

Mini-warehouses: A building containing separate enclosed storage spaces the sizes of which may vary, which are leased or rented on an individual basis.

Minor subdivision: The division of an established parcel of land into 25 or fewer parcels of land. This term shall also include the establishment of condominiums, townhomes, and any other subdivision proposing common area, condominium space, or zero-lot line development that, when completed, would result in less than 100,000square feet of combined ground floor surface area, that would not require the issuance of any special use permit.

Modular home: A factory-built dwelling unit, other than a manufactured home, that is labeled as a North Carolina Modular Home and built and set up in accordance with the North Carolina Residential Code, current edition. Such structures include varieties commonly delivered onsite in modules, as well as "on-frame" structures delivered completely pre-assembled.

Moped: North Carolina law (G.S. 105-3.22) defines a moped as a vehicle with two or three wheels with a motor of no more than 50 cubic centimeters of piston displacement and no external shifting device, not to exceed 30 mph.

Motor vehicles: All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Motor vehicle, abandoned: A motor vehicle that meets one or more of the following criteria:

1. It has been left upon a street or highway in violation of a law or ordinance prohibiting parking;

2. It has been left on property owned or operated by the city for longer than 24 hours;
3. It has been left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or
4. It has been left on any public street or highway for longer than seven days.

Motor vehicle, junked: An abandoned motor vehicle which also meets one or more of the following criteria:

1. It is partially dismantled or wrecked;
2. It cannot be self-propelled or moved in the manner in which it was originally intended to move;
3. It is more than five years old and worth less than \$100.00; or
4. It does not display a current license plate.

Mural: Any image painted, applied, or affixed directly on to a privately owned, non-residential building wall, retaining and screening wall, or other large existing outdoor surface in non-residential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image.

Nuisance vehicle: A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and/or unlawful. Without limitation, this term includes a vehicle found to meet one or more of the following criteria:

1. It is a breeding ground or harbor for mosquitoes, other insects, rats or other pests;
2. It is a point of heavy growth of weeds or other noxious vegetation over eight inches in height;
3. It is a point of collection of pools or ponds of water;
4. It is a point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
5. It is one which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.;
6. It is so situated or located that there is a danger of it falling or turning over;
7. It is one which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
8. It is one which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
9. It is a vehicle no longer commonly being used for personal or commercial transportation or conveyance of goods, but is stationary, either temporarily or permanently, and being utilized as an advertising platform, storage facility, dwelling, animal shelter or other use not of it's original primary design; or
10. Any other vehicle specifically declared a health and safety hazard and a public nuisance by the city council.

Recreational vehicle: A vehicular-type unit meeting the following criteria:

1. It is primarily designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, or travel use;
2. It either has its own motive power or is mounted on or drawn by another vehicle;
3. It is built upon a single chassis; and
4. It is 400 square feet or less when measured at the largest horizontal projection.

The basic types of recreational vehicles are travel trailers, camping trailers, truck campers, and motor homes.

1. A park trailer (park model) is a unit that is (a) built upon a single chassis mounted on wheels and, (b) has a gross trailer area not exceeding 400 square feet in the set-up mode.
2. A park model recreational vehicle is a small mobile home, typically built in accordance with the construction requirements of the HUD Manufactured Housing Code which, because of their limited size (400 square feet or less of living space), are neither labeled nor regulated under the jurisdiction of the HUD program but are typically built, labeled, and sold as a recreational vehicle.

In no case shall any type of recreational vehicle as defined above be classified as any other type of structure except as follows:

1. Park model recreational vehicles that are built and labeled in accordance with the HUD National Manufactured Housing Construction and Safety Standards Act of 1974 shall be considered a manufactured home.
2. Park model recreational vehicles that are built in accordance with the North Carolina Regulations for Modular Construction and labeled as a North Carolina Modular Home shall be considered a modular home.

Nameplate sign: A sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. When nameplates are used to identify more than one occupant, each nameplate shall be attached to one freestanding master identification sign.

Natural grade: The highest elevation where the base of a sign and the ground meet.

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

Nonconformities: A lot, structure, use of land, or condition, which existed lawfully and was created in good faith prior to the adoption, revision, or amendment to this ordinance, and which conformed to applicable regulations in affect prior to the adoption, revision, or amendment to this ordinance in terms of size, area, dimension, location, intensity of use, or other condition, but which now fails to conform to the requirements of this ordinance by reason of such adoption, revision, or amendment. Nonconformities include, but are not limited to, the following:

1. Non-conforming lots: lots of improper size, shape, or structural density; or lots lacking frontage upon a public street.
2. Non-conforming structures: structures located within a right-of-way, or that exceed height or setback limitations, or that are located within setback areas, floodways, or streamside protection areas.
3. Non-conforming uses of land: industrial activity within residentially zoned areas, hazardous chemical storage in flood-prone areas, open storage in a improperly zoned area.
4. Non-conforming conditions: insufficient parking, landscaping, or buffering for an otherwise conforming use or structure; cleared vegetation in a streamside protection area; inadequate stormwater control measures.

Non-encroachment area: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the flood insurance study report.

Non-substantial or significant improvement: Any improvement that does not meet the definition of substantial or significant improvement, as defined in this section.

Nuisance vehicle: See "Motor Vehicle."

Opaque: The characteristic of not being able to be seen through or not allowing light to show through.

Out-parcel: A parcel within a group development, institutional campus, or planned development district (hereafter, "development") that is separate and distinct from the main portion of the development due to separation by a public street or major topographical feature, such that it cannot reasonably be considered

to be part of the same development. A parcel or parcels subject to the same conditions imposed and/or benefits granted by the approving authority of the City of Brevard by means of the same development approval as contiguous parcel or parcels, shall not be considered an out-parcel.

Off-premises sign: A sign that advertises goods, products, services, or facilities, or directs persons to a different location from where the sign is installed.

Open storage: The placement or storage of materials or products (such as construction materials or raw materials or products of a manufacturing process) on a lot, outside of a structure which is enclosed by walls and a roof.

Outdoor advertising device: A device consisting of twirlings, balloons, flags, flashing lights and other similar materials used to attract attention.

Parcel: An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Transylvania County, as maintained in the Transylvania County courthouse. The terms "lot," "lot record," "lot of record," "plot," "parcel," "property," or "tract," whenever used in this ordinance, are interchangeable.

Park: A public facility for recreation, which may have commercial activities for recreational uses only.

Parking lot: Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exemption of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot or an accessory use to the principal use on a given lot.

Personal services: An establishment primarily engaged in providing services that are generally related to the care of a person. Such personal services include, but are not limited to, the following: hair salons and barbershops, massage and bodywork therapists, spas, and tanning salons. Personal services shall not include any use which may be defined as an adult establishment.

Political sign: A sign attracting attention to political candidates or issues.

Portable sign: A sign which rests on the ground or other surface, and is not directly attached to such surface, and which is designed and/or constructed to be mobile or movable.

Poster: Any sign made of a rigid or semirigid, nondurable material, such as paper or cardboard, other than advertising copy applied to a permanent sign structure.

Post-FIRM: Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

Post office: Establishments conducting operations of the National Postal Service. (LBCS F4170).

Pre-existing lot: Any parcel of land, the boundaries of which were on record within the Transylvania County Register of Deeds prior to the date of the enactment of this ordinance.

Pre-existing (or "existing") manufactured home park or manufactured home subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of this ordinance.

Pre-FIRM: Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

Principally above ground: This term signifies that at least 51 percent of the actual cash value of a structure is above ground.

Principal building or structure: A building in which is conducted the principal use of the parcel on which it is situated.

Product information sign: An on-premises, advertising sign which denotes a particular commodity, service, or entertainment offered by said establishment. Identification signs and reader boards shall not be construed as product information signs.

Professional services: Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others. Such services include, without limitation, the following: legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages and insurance-related services; and medical services such as physician's and dentist's offices. (LBCS F2230, F2240, F2300, F2410-2417, and F6511)

Projection sign: A sign projecting out from and attached to the exterior wall of any building, and forming an angle of 30 degrees or more to said wall.

Property line: The legally established boundary of a lot, which boundary shall be considered coincident with any abutting public street right-of-way line unless the metes and bounds description contained in.

Public safety [contrary to] and/or nuisance: Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any street, sidewalk, or other public travel way, navigable lake, or river, bay, stream, canal, or basin.

Public safety facility: A facility operated by a public agency the purpose of which is public safety. This term includes, without limitation, fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including incarceration facilities.

Reader boards: A permanent sign, affixed either to the wall of a structure or to an existing freestanding identification sign, which is comprised of a surface to which letters may be attached on a temporary basis thereby forming messages advertising special sales or services offered. Reader boards may not serve in substitution for identification signs.

Recreation facilities, indoor: Uses or structures for active recreation including, without limitation, gymnasiums, natatoriums, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

Recreation facilities, outdoor: Parks and other open space used for active or passive recreation such as ball fields, playgrounds, greenway trails, tennis courts, riding stables, campgrounds, and golf courses, and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses, pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

Recreation, public: All recreational facilities including parks and ballfields which are open to the public at large without membership fees and are funded by nonprofit organizations or government entities.

Recycling—Small collection facility: A center where the public may donate, redeem or sell recyclable materials, which occupies an area of 350 square feet or less. Such facility may include the following: a mobile unit; bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and kiosk-type units that may include permanent structures.

Regulatory jurisdiction: The geographic area encompassed by the City of Brevard, North Carolina, and its extra-territorial jurisdiction.

Real estate sign: Any sign pertaining to the sale, lease, or rental of land or buildings.

Religious institution: Any facility such as a church, temple, monastery, synagogue, or mosque used by a non-profit organization for worship and, if applicable customary related uses such as education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, soup kitchens, and bookstores. (LBCS F6600 and S3500)

Remedy a violation: To bring a structure or other development into compliance with applicable regulations. For the purposes of floodplain regulations, to remedy a violation may mean to reduce the impacts of noncompliance if compliance is not possible due to pre-existing conditions. Ways that impacts may be reduced include protecting the structure or other affected development from flood damage, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Research and development (R&D): A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, and computer and telecommunications components in advance of product manufacturing. Such facility may include the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical, and biotechnology research and development.

Restaurant: A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant), at their tables (full-service restaurant), and at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). (LBCS F2510, F2520, and F2530)

Right-of-way: A dedicated strip of land reserved for a specific use, such as for a street, pedestrian, or utility easement.

Riverine: Relating to, formed by, or resembling a river. This term includes tributaries of a river, such as streams, brooks, branches, etc.

Roof sign: A sign erected, constructed, or maintained upon the roof of the building.

Rooming or boarding house: Short or long-term accommodations that serve a specific group or membership such as a dormitory, fraternity or sorority house, youth or adult hostel, or similar tourist accommodations, or single room occupancy units that provide a number of related services including, but not limited to housekeeping, meals, and laundry services. (LBCS F1320, S1320, and S1340)

Salvage yard: Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, including but not limited to vehicles, appliances and related machinery.

School, elementary and secondary: A public or private institution for education or learning which does not include lodging. This term includes any school licensed by the state and that meets the state requirements for elementary and secondary education and also includes any accessory athletic, recreational or other facilities. (LBCS F6100)

School, vocational/technical: A public or private institution for education or learning of a vocational or technical nature which does not include lodging. This term includes any accessory athletic, recreational or other facilities. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification. (LBCS F6100 and F6140)

Sedimentation pollution: Any movement of earth (sand, silt, stone, debris, etc.) from one point to another where the potential exists for moving earth to enter surface water, to move in an uncontrolled or uncontained manner within a property or from one property to another, or otherwise be discharged or deposited in a manner that is unnatural. Sedimentation pollution is considered a nuisance and a hazard to life, property, and the environment. Sedimentation pollution is generated by land disturbance activity such as agriculture, unsurfaced driveways and parking lots, grading, excavation, improperly stabilized cut or fill slopes and road shoulders, and other activities. Natural levels of earth discharged from undisturbed land in a naturally vegetated state shall not be considered sedimentation pollution. Sedimentation pollution is moved by means of mechanical action, as well as by gravity, wind, water, and other forces of nature.

Setback: The distance from the street right-of-way to the closest edge of a structure or sign.

Shelter: A temporary residence operated by a nonprofit organization meeting the needs of citizens temporarily in crisis such as: family violence, natural disaster, fire, economic distress, neighborhood violence, homelessness, and unwed pregnant teens.

Shopping—Neighborhood center: A form of non-residential or mixed use development which typically serves immediate neighborhoods (a three-mile primary trade area radius) with convenience shopping and

which is often anchored by a supermarket or drugstore. Neighborhood centers shall have a maximum combined ground floor area of less than 100,000 square feet.

Shopping center—Community center: A shopping center serving a wider market with a wider range of goods than a neighborhood center, and serving a primary trade area radius of three or more miles. Community shopping centers may have a combined ground floor area equal to or exceeding 100,000 square feet. Anchors include supermarkets, super drug stores, and discount department stores. Some centers may also contain off-price retail stores selling toys, electronics, sporting goods, and home improvements and furnishings. Community centers shall be considered as a planned development.

Sign: Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, graphic depiction of a product and/or process, trade names or trademarks by which anything is known, including any surface fabric or other material or structure designed to carry such devices, such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit.

Significant damage: Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 25 percent of the market value of the structure before the damage occurred. In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure. See definition of significant improvement.

Significant improvement: Any combination of repairs, reconstruction, rehabilitation, addition, or other modification or improvement of a structure, taking place during any one-year period, for which the cost equals or exceeds 25 percent of the market value of the structure as of the date the improvement was permitted (or, in the absence of any permit, as of the date of start of construction of the improvement). In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure. This term includes structures which have incurred significant damage regardless of the actual repair work performed. The term does not, however, include either of the following:

1. Any correction of existing violations of state, city, or county health, sanitary, or safety code specifications which have been identified by the administrator or other authorized official of the State of North Carolina or Transylvania County, and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure provided that: such alteration is necessary to maintain retain or restore historically significant characteristic; the alteration will not preclude the structure's continued designation as a historic structure; and the alteration does not result in the expansion of a non-conforming condition.

Solid waste disposal facility: Any facility meeting the definition of NCGS 130A-290(a)(35), as well as any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

Solid waste disposal site: As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special flood hazard area (SFHA): The land in the floodplain subject to a one percent or greater chance of being flooded in any given year, as determined in Section 6.8(B) of this ordinance.

Start of construction: The date of issuance of a building permit, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement occurred within 180 days of the permit date. The actual start of construction means either (1) the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or (2) the placement of a manufactured home on a foundation. Permanent construction does not include any of the following: land

preparation, such as clearing, grading, and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement (as distinguished from new construction), the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Stealth: Equipment that is unobtrusive in its appearance such as the co-location of antennas on existing tower facilities, and the placement of equipment on flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

Storage—Storage yard: The open storage of various materials outside of a structure as a principal use.

Storage—Warehouse, indoor storage: Facilities for the storage of furniture, household goods, or other commercial goods of any nature. This term includes cold storage but does not include the following: warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

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

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

Street: Any alley, avenue, circle, highway, lane, road, street, or other way, whether public or private.

Street, public: Any street situated within a dedicated public right-of-way and which has been accepted by the appropriate governmental agency for continuing maintenance and upkeep.

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

Studio—Art, dance, martial arts, music, etc.: Small facilities which provide individual and/or group instruction and training in the arts, including the martial arts. This term also includes the processing of photographs produced only by users of the studio facilities, yoga and similar instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also see "Artist Workshop."

Subdivision: All divisions of a tract or parcel of land or building into two or more lots, building sites, or other divisions for the purposes of sale or building development (whether immediate or future) and shall include the following:

1. All divisions of land involving the dedication of a new streets, infrastructure or easements, or a change in existing streets, infrastructure or easements;
2. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the city as shown in the subdivision regulations;

3. The division of land into parcels greater than ten acres where no new street right-of-way dedication is involved;
4. The public acquisition by purchase of strips of land for the widening and opening of streets and pedestrian ways; and
5. The establishment of condominium buildings or lots, or the creation of condominium spaces within existing buildings or parcels.

Substantial damage: Any damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to the before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of substantial improvement. Single-family residential structures not located in the special flood hazard area and not otherwise subject to the flood hazard prevention requirements of this ordinance shall only be considered substantially damaged if the cost of restoring the structure to its before damaged condition would equal or exceed 75 percent of the market value of the structure before the damage occurred. In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure.

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

1. Any correction of existing violations of state, city, or county health, sanitary, or safety code specifications which have been identified by the administrator or other authorized official of the State of North Carolina or Transylvania County, and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure provided it meets the following criteria: such alteration is necessary to maintain, retain or restore historically significant characteristics; the alteration will not preclude the structure's continued designation as a historic structure; and the alteration does not result in the expansion of a non-conforming condition.

Single-family residential structures shall only be considered substantially improved if the cost of such improvement(s) equals or exceeds 75 percent of the market value of the structure as of the date the improvement was permitted or, in the absence of a permit, as of the date construction commenced. In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure.

Surface area: The entire area of a sign as measured by the square, rectangle, semicircle, or parallelogram thereof, and comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding the base or apron, supports and other structural members. In the case of three-dimensional letters or painted letters directly on the wall surface, the surface area shall be defined as the area encompassing the individual letters themselves including any trim or border and excluding the background that supports the three-dimensional letters.

Surface water: Any body of water, perennial or intermittent stream (including any "blue line stream" as indicated on a United States Geological Survey Topographical Map), river, brook, wetland as identified by means of the Cowardin wetland classification system or other appropriate classification system as employed by agencies of the United States or the State of North Carolina), swamp, pond, lake, branch, creek, reservoir, waterway, or other body or accumulation of water, whether surface or temporarily underground by means of a man-made conveyance, public or private, permanent or intermittent, or natural or artificial, that is contained in, flows through, or borders upon any portion of the City of Brevard and its Extra-Territorial Jurisdiction.

Suspended sign: A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surface.

Temporary structure: A structure intended to serve a specific event and to be removed upon the completion of that event. This term includes, but is not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, and other impermanent devices, which do not involve grading or landform alteration for installation, and which are not permanently affixed to the ground.

Temporary sign: A banner or A-frame sign used for advertising purposes as set forth in Section 1105.6 of this ordinance.

Temporary use: An activity or use of land which, having met certain requirements and conditions, may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event.

Theater, live performance: A building or space in which plays and other dramatic performances are given. This term includes concert halls and other structures with fixed seats arranged on a sloped or stepped floor; may seat 300 to 3,000 people. (LBCS S3110)

Theater, movie: A specialized theater for showing movies or motion pictures on a projection screen. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance. (LBCS S3120)

Total suspended solids: A measure of the amount of small, particulate solid pollutants that are suspended in wastewater or stormwater. Suspended solids in water reduce light penetration in the water column, can clog the gills of fish and invertebrates, and are often associated with toxic contaminants because organics and metals tend to bind to such particles.

Tower: Any tower or structure, including those erected for the purpose of transmitting or receiving signals (i.e., telephonic, radio, television or microwave), and including the including the construction of new free-standing facilities or facilities that extend more than 20 feet above the normal height of the building or structure on which they are placed. The following shall not be included in this definition:

1. Amateur radio facilities with antennas mounted on supporting structures less than 100 feet in height;
2. Residential antennas for receiving television or AM/FM radio broadcasts;
3. Residential satellite dishes; and
4. Commercial or industrial satellite dishes that are less than 20 feet in height.

Traffic sign: A sign indicating federal, state, or city regulations for automobile, truck, bicycle, and pedestrian traffic.

Trailer: Any vehicle or structure capable of moving or being moved over streets and highways on its own wheels or on flatbeds or other carriers, which is designed to be utilized to:

1. Provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation;
2. Serve as a carrier of people, new or used goods, products, or equipment;
3. Be used as a selling, advertising, or display device.

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

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

Class 2. Elevated water storage tanks, package treatment plants, telephone switching facilities (over 200 square feet in area), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

Class 3. Generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills.

Variance: A grant of relief from the requirements of this ordinance.

Vehicle/heavy equipment sales—Indoor: Establishments which may have indoor showrooms for selling vehicles or heavy equipment. This term includes, without limitation, dealers for compact automobiles and light trucks, buses, trucks, bicycles, motorcycles, mopeds, ATV's and boat and marine craft.

Vehicle/heavy equipment sales—Outdoor: Establishments which may have indoor showrooms or open lots for selling vehicles or heavy equipment. This term includes, without limitation, dealers for compact automobiles and light trucks, buses, trucks, mobile homes, bicycles, motorcycles, mopeds, ATV's and boat and marine craft.

Vehicle services—Major repair/body work: The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Major repair and body work encompasses towing, collision repair, other body work vehicle painting services, and tire recapping.

Vehicle services—Minor maintenance and repair: The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor maintenance and repair facilities provide limited repair and maintenance services. Examples include, but are not limited to, car washes (attended and self-service), car stereo and alarm system installers, detailing services, muffler and radiator shops, quick-lube services, and tire and battery sales and installation (not including recapping).

Vending pushcart: Any self-contained, wheeled vehicle used for displaying, keeping or storing any article by a vendor or peddler (other than a motor vehicle, bicycle or trailer) which may be moved without the assistance of a motor and does not require registration by the state department of motor vehicles. Vending pushcarts are a form of temporary use.

[Vintage Sign: Any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs are considered a sub-type of wall signs as defined by this chapter.](#)

Violation: The failure of a structure, use, or other development to be fully compliant with this ordinance, other applicable provisions of the Brevard City Code, other applicable laws and regulations, or any conditions attached to any permit or approval issued by the City of Brevard or Transylvania County. A structure, use, or other development without a valid and current land development permit, zoning permit, floodplain development permit, elevation certificate or other certification, zoning permit, subdivision approval, or any other form of approval as required by this ordinance, the Brevard City Code, and other applicable state and federal regulations.

Visible: Capable of being seen without visual aid by a person of normal visual acuity.

Wall sign: A sign affixed to the surface of, and whose plane is parallel to, the exterior wall of a building, or which forms an angle of less than 30 degrees with said wall and does not project out from the wall more than 24 inches from said wall. No wall sign shall extend above the roofline of the building upon which it is located. In cases of flat roofs, no sign shall extend above the parapets. Mansard roofs with an angle of 60 degrees or more from horizontal shall be considered as wall space for the placement of signs.

Water surface elevation (WSE): The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Wetland: Areas that are inundated or saturated by an accumulation of surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Window sign: Any sign oriented toward and visible from the exterior of a building which is placed directly on a glass window.

Wireless telecommunication facility: Equipment constructed in accordance with Section 332(c)(7) of the Telecommunications Act at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes one or more of the following: antennas or antenna arrays, wireless telecommunication towers, support structures, transmitters, receivers, base stations, combiners, amplifiers, repeaters, filters, or other electronic equipment; together with all associated cabling, wiring, equipment enclosures, and other improvements.

Wholesaling and distribution: Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include, without limitation, the following:

1. Agents, merchandise or commodity brokers, and commission merchants;
2. Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
3. Merchant wholesalers; and
4. Stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

Yard: A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

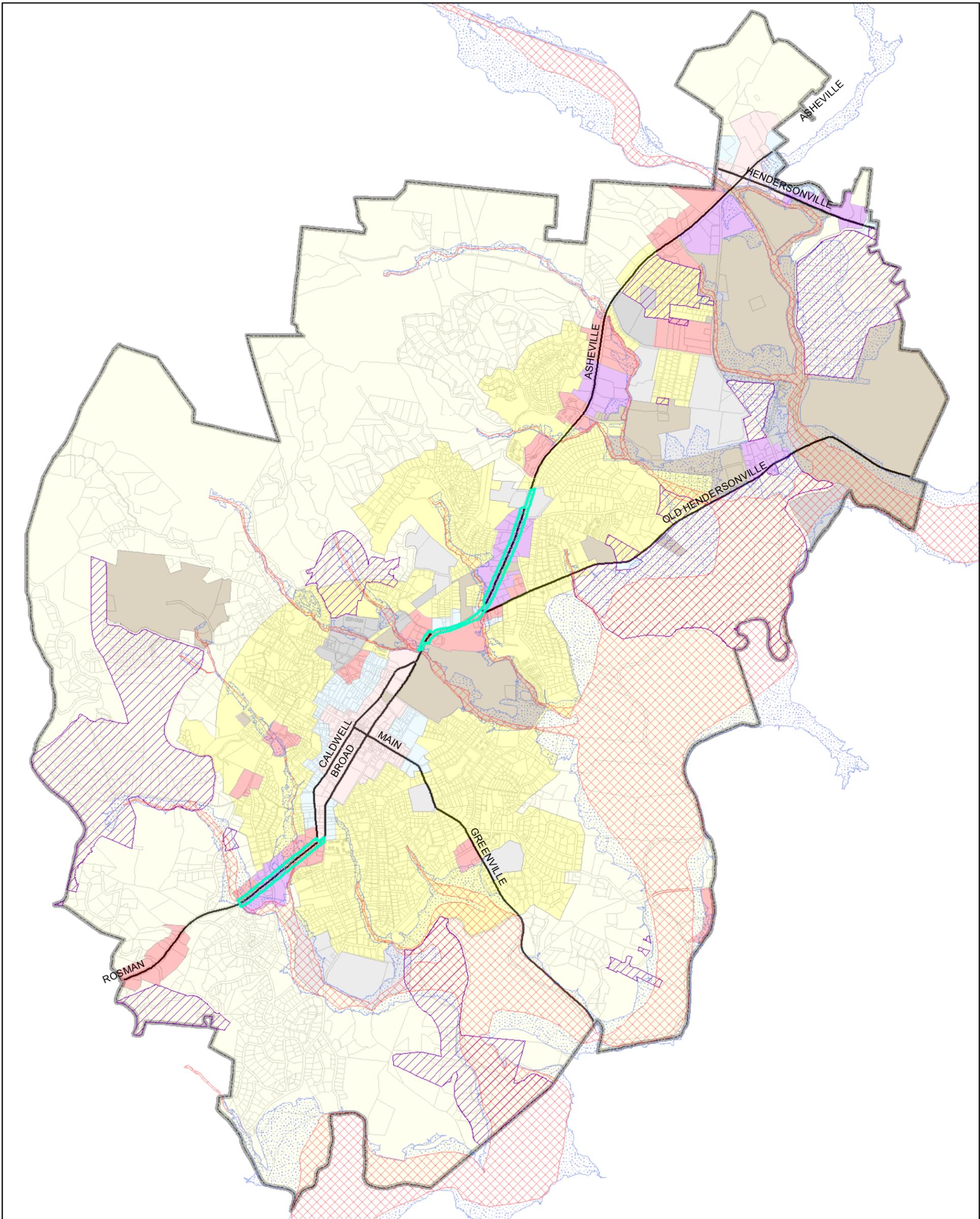
Yard, front: A yard situated between the front building line and the front lot line extending the full width of the lot.

Yard, rear: A yard situated between the rear building line and the rear lot line extending the full width of the lot.

Yard, side: A yard situated between a side building line and side lot line and extending from the required front yard to the required rear yard. In determining the situation of accessory structures, the side yard shall be assumed to extend through the rear yard to the rear lot line.

Zoning district: The term applied to various geographical areas of the City of Brevard for the purpose of interpreting the provisions of the ordinance. The districts are designated with the use of symbols on the official zoning map. Regulations controlling land use in the various districts within the City of Brevard are set forth in article VII of this ordinance. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this ordinance.

(Ord. No. 3-07, § 10, 2-5-07; Ord. No. 3-08, § 1, 3-17-08; Ord. No. 14-08, § 3, 11-17-08; Ord. No. 15-08, § 51, 12-5-08; Ord. No. 20-09, § 4(Exh. B(14), (15)), 9-21-09; Ord. No. 03-10, § 3(Exh. C), 2-15-10; Ord. No. 07-10, § 3(Exh. C), 4-5-10; Ord. No. 19-2011, § 1(Exh. A), 8-1-11; Ord. No. 24-2011, § 3(Exh. A), 9-19-11; Ord. No. 2012-21, §§ 1-d(Exh. A), 2-c(Exh. B), 7-16-12; Ord. No. 2012-25, § 1(Exh. A), 11-5-12; Ord. No. 2014-24, § 05(Exh. E), 11-17-14)



List of Map Amendments

April 03, 2006, Ordinance 08-06, Effective Date
 May 07, 2007, Ordinance 05-07, French Broad Place
 May 21, 2007, Ordinance 07-07, Gravely
 September 17, 2007, Ordinance 12-07, Cowart / Conley
 October 05, 2007, Ordinance 14-07, Brevard Community Church
 December 03, 2007, Ordinance 20-07, Morris Road
 March 17, 2008, Ordinance 04-08, Bridges
 February 02, 2009, Ordinance 03-09, Davidson River Village
 June 15, 2009, Ordinance 11-09, Brevard Music Center
 June 15, 2009, Ordinance 12-09, Transylvania Regional Hospital
 June 15, 2009, Ordinance 13-09, Broad River Terrace
 July 06, 2009, Ordinance 16-09, Duvall
 May 17, 2010, Ordinance 09-10, ETJ Extension
 January 24, 2011, Ordinance 08-2011, Habitat for Humanity
 March 07, 2011, Ordinance 09-2011, Gardens at English Village
 April 18, 2011, Ordinance 10-2011, Cottages at Brevard
 June 20, 2011, Ordinance 13-2011, The Family Place at Transylvania County
 February 20, 2012, Ordinance 2012-05, SAFE, Inc.
 March 18, 2013, Ordinance 2013-02, Jennings Industrial Park
 May 20, 2013, Ordinance 2013-05, Brenton

*Note: The Special Flood Hazard Area is shown for informational purposes only. Please refer to the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM's) for Transylvania County, NC and the Flood Hazard Areas dated October 2, 2009 for site-specific flood hazard information.

Official Zoning Map
of the
City of Brevard
North Carolina



May 30, 2013
 City of Brevard Planning Department
 95 West Main Street
 Brevard NC 28712

Zoning Districts Effective April 18, 2011

- District
- General Industrial
- Corridor Mixed Use
- Downtown Mixed Use
- Neighborhood Mixed Use
- Residential Mixed Use
- Institutional Campus
- General Residential (6)
- General Residential (4)
- Special District
- 77 of 247
Manufactured Home Overlay District Effective April 15, 2010

- City of Brevard Regulatory Jurisdiction
- Parcels
- Major Roads
- Special Flood Hazard Area**
- Floodway & Zone AE
- Zone AE
- PROPOSED HIGHWAY SIGN OVERLAY DISTRICT



The City of Brevard North Carolina

NEW BUSINESS STAFF REPORT

November 16, 2015

Title: Request for Rezoning – Martin Bawden RZ15-000003
Speaker: Daniel Cobb AICP, Planning Director
Prepared by: Daniel Cobb AICP, Planning Director
Approve by: Jim Fatland, City Manager

EXECUTIVE SUMMARY: City Council will conduct a public hearing and consider a proposed change of zoning on the Rosman Highway.

BACKGROUND: Staff received the application for rezoning on October 8, 2015 from Mr. Martin Bawden (hereafter, “applicant”) to rezone a portion of his property from General Residential (GR) to Corridor Mixed-Use (CMX). Please see the attached map entitled “Applicant Rezoning Request” for reference. For consistency within the vicinity of the subject parcel and surround zoning districts Staff has recommended rezoning a larger area than originally proposed by the applicant, this map version can be seen on the attachment “Site Map – Staff Recommendation.”

See the attached current zoning map for existing conditions. If approved the rezoning would expand the area zoned CMX by approximately 1 acre. The proposed rezoning is inconsistent with the City of Brevard’s adopted Land Use Plan, which recommends the area to be developed for low-density residential purposes. See the attached Land Use Plan excerpt for more information.

DISCUSSION: In considering a change of zoning, Council should consider the following factors and Staff comments:

Is the request consistent with adopted land use plans? The proposed rezoning is not consistent with the adopted Land Use Plan. If City Council elects to approve the rezoning, then it must acknowledge this discrepancy and provide a basis for its decision.

What is the relationship between the range of proposed uses and existing uses within the vicinity of the Subject Parcel? The range of existing land uses in the vicinity of the proposed rezoning appears to be consistent with the range of allowable uses permitted in the proposed CMX zoning district.

Is the size of the tract “reasonable” within the context of the proposed zoning district, the configuration of adjacent zoning districts, and surrounding land uses? Allowable uses within the CMX district zoning appear to be consistent with adjacent land uses; for example a stone yard and landscaping supply company is located approximately 100 feet from the subject parcel on the same side of the road, an auto service center and an outdoor storage area for a grading company are directly across the road. The size of the proposed CMX zoning district is sufficient to accommodate land uses and forms of

development that are permitted within CMX zoning, and the proposed rezoning is an expansion of existing CMX zoning district located on the same side of the road.

What is the balance of benefits and detriments to both the Applicant / property owner and the public at large? The proposed rezoning will introduce uses of land that are consistent with existing land uses within its vicinity; the land within the proposed rezoning appears suitable for land uses and forms of development that are permitted within CMX zoning; future development upon the subject parcel will result in patterns that are generally consistent with, or an enhancement to, other properties in the vicinity. While the area proposed for rezoning directly abuts a GR district, which could present conflicts with neighboring residential uses, the topography, existing buffering, setback, and lighting requirements already addressed within the City's land development regulations should mitigate any negative impacts created by the rezoning.

POLICY ANALYSIS: The proposed rezoning is not consistent with the adopted Land Use Plan. If the Planning Board elects to recommend in favor of the proposed rezoning, then the Board must, in its motion, acknowledge this discrepancy and provide a basis for its recommendation. Refer to Staff comments within the "Discussion" and "Staff Recommendation" sections of this staff report for assistance.

While the proposed rezoning is inconsistent with the Future Land Use Plan, it is Staff's position that it will result in a more rational and consistent pattern of land uses upon the subject parcel and its immediate vicinity. Further, it will enhance development potential in a manner that is compatible with surrounding land uses. It is Staff's position that the proposed rezoning is of sufficient size and configuration given the proposed district, and is appropriate in its geographic location, and therefore does not constitute spot zoning. Finally, it is Staff's position that any potentially negative impacts of future development upon the subject parcel, which would derive from the proposed rezoning, are sufficiently addressed in the City's current development regulations and review procedures.

STAFF RECOMMENDATION: Staff recommends Council proceed with option 1 below, grant the rezoning request as requested (as depicted upon Attachment F).

The Planning Board met on October 20, 2015 and unanimously recommended approval of the rezoning as depicted upon Attachment F – *proposed future zoning map*. It should be noted that the Board Chair, Kimsey Jackson, was recused from the decision because he recently sold the property to the applicant and did not feel comfortable being part of the discussion.

City Council's options are as follows:

1. Grant the rezoning as requested.
2. Grant the rezoning with a reduction in the area requested.
3. Grant the rezoning to a more restrictive general zoning district.
4. Grant the rezoning with a combination of (1) and (2) above.
5. Deny the application.

FISCAL IMPACT: None at this time. Future development upon the subject parcel will require Staff time for review of CMX uses which is generally more complicated than uses allowed in GR districts. Impacts are deemed to be negligible.

EXHIBITS:

- A. Adopting Ordinance

ATTACHMENTS:

- A. Application materials
- B. Vicinity map
- C. Applicant rezoning request
- D. Staff-recommended rezoning map
- E. Current zoning map
- F. Proposed future zoning map
- G. Future Land Use Plan Excerpt
- H. Allowable uses comparison table

ORDINANCE NO. 2015-____

**AN ORDINANCE AMENDING THE
OFFICIAL ZONING MAP OF THE CITY OF BREVARD
BY REZONING PROPERTY OWNED BY MARTIN BAWDEN TO
CORRIDOR MIXED USE ZONING DISTRICT**

WHEREAS, whereas, a public hearing was conducted on November 16, 2015 upon a request from Martin Bawden, to rezone a portion of property located along US Highway 64 (Rosman Highway), from a General Residential zoning district to a Corridor Mixed Use District; and,

WHEREAS, the property proposed for rezoning is known by Transylvania PIN No. 8585-16-8412-000, described in Deed Book 00733 Page 0598, and owned by Martin Bawden; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed rezoning is inconsistent with the City of Brevard Land Use Plan Future Land Use Map, but finds that the proposed rezoning will result in a more rational and consistent pattern of land uses upon the subject parcel and its immediate vicinity; that the proposed rezoning will enhance development potential in a manner that is compatible with surrounding land uses; that the proposed rezoning is of sufficient size and configuration given the proposed district and is appropriate in terms of its geographic location; and that the proposed rezoning does not constitute "Spot Zoning;" and,

WHEREAS, the City Council of the City of Brevard, after hearing all persons wishing to comment on the rezoning, desires to approve the request and amend the City's Official Zoning Map accordingly.

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

Section 1. In accordance with N.C.G.S 160A-364, as amended and Brevard City Code, the Official Zoning Map of the City of Brevard is hereby amended to rezone the property described herein from a General Residential zoning district to a Corridor Mixed Use District.

Section 2. The Downtown Mixed Use Zoning District, which is established by this Ordinance, is depicted upon Attachment A to this Ordinance, which is attached hereto and incorporated herein by reference.

Section 3. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 16TH day of November, 2015.

Jimmy Harris
Mayor

ATTEST:

Town Clerk

Approved as to form:

City Attorney

RZ15-000003



REQUEST FOR REZONING
City of Brevard, North Carolina

Name, Address & Telephone Number of Applicant:

MARTIN BANDEN
352. S. CALDWELL STR
BREVARD, NC 28712
(623) 203-0465

Name, Address & Telephone Number of Property Owner (if different than applicant):

Location of Property:

545 ROSMAN HIGHWAY (U.S. 64) — LOT NO. 1-A
BREVARD, NC 28712.

PIN: 8585-16-8412-000 Present Zoning Classification: GR4
Corridor general Residential 4
Request Property Be Rezoned To CMX mixed Use District.

Proposed Use of the Property: OFFICE - FLY FISHING BUSINESS - NON-RETAIL

Existing Use of Adjacent Properties:
North JACKSON AUTO SERVICES South RESIDENTIAL
West RESIDENTIAL. East FRENCH BROAD STONE SUPPLY.

MBal. 10-8-2015
Signature of Applicant Date

Planning Department to receive the following prior to placement on BPB agenda:

- Completed Application
- Survey of Property Site Plan (optional)
- Metes and Bounds Description of Property
- List of Property Owners' names & addresses within 200' of subject property.
- Review Fee Paid - Receipt # 328797, Date Paid 10/8/15

Request to be heard by BPB on: October 20, 2015

Planning Board's Recommendation: _____ Approve _____ Deny

City Council Action: _____ Approve _____ Deny
Ordinance Number _____ Effective Date _____

1-9-11 11:00-11:30 1500

Prepared by: The Neumann Law Firm, PLLC
David C. Neumann, Attorney
File#15-711

**Metes and Bounds Description of Lot No. 1-A of the Subdivision of Lot No. 1 of the
Helen Meece Subdivision for Martin Bawden**

EXHIBIT "A"

BEGINNING at an 5/8 inch rod set buried two inches said, beginning point being located South of the control corner, NCGS Monument "George" N: 556, 738.13', E: 882, 107.13', NAD 83 (2001), 51 deg. 57 min. 04 sec. West 269.13 feet, the beginning point having NC GRID coordinates of N: 556, 572.256', E: 881, 895.194', NAD 83 (2001) and from said beginning point running South 55 deg. 36 min. 53 sec. West 202.00 feet to an 5/8 iron rod set; thence South 30 deg. 36 min. 57 sec. East 182.91 feet to a 5/8 inch iron rod found; thence along a convex curve having a radius of 40.00 feet, a length of 68.41 feet with a cord bearing of North 64 deg. 41 min. 55 sec. East and a cord distance of 60.37 feet to a 5/8 inch rod found; thence North 15 deg. 43 min. 02 sec. East 140.12 feet to a 5/8 inch iron rod found; thence along a convex curve having a radius of 130.85 feet, a length of 116.19 feet with a cord bearing of North 09 deg. 43 min. 25 sec. West and a cord distance of 112.42 feet to the point of BEGINNING. Being a 0.684 acre lot, plus or minus (29,802 square feet, plus or minus) and designated LOT NO. 1-A, as surveyed by E. Roger Raxter, PLS, as shown on a survey dated October 07, 2015 and being Drawing Number 15063A.

CITY OF BREVARD

STATEMENT OF FEES

CUSTOMER INFORMATION

Customer name: Martin Bowden Telephone: 623-203-0465
 Contractor name: _____ Telephone: _____
 Development Permit Number: _____
 Location (911 Property Address): 545 Rosman Highway - Rezoning
 Billing address: _____
 Tax ID or Fed. #: _____

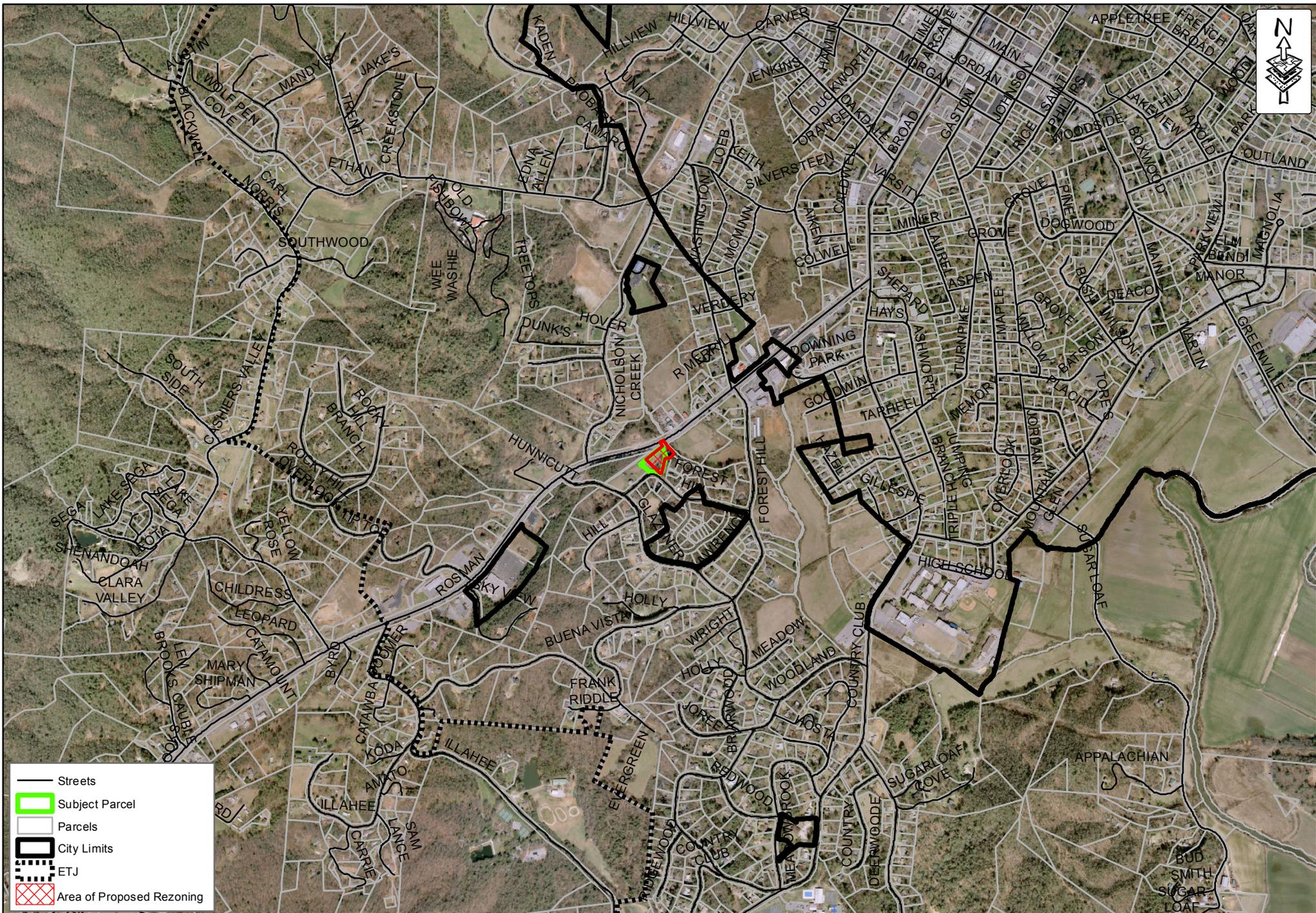
FEES

Category	Fee	Account Code	By
Business License		10-1260-0300	
Utility Account Deposit		30-2360-0200	
Water Tap Fee		30-3730-0100	
Sewer Tap Fee		30-3730-0200	
Water Impact Fee ¹		35-3730-0100	
Sewer Impact Fee ¹		35-3730-0200	
Zoning Permit	<u>500.⁰⁰</u>	10-3350-0200	<u>50/0</u>
Stormwater Fee-In-Lieu		35-1010-0480	
Parking Fee-In-Lieu		10-3350-0600	
Sidewalk Fee-In-Lieu		35-1010-0460	
Sign Permit Fee		10-3350-0200	
Miscellaneous Bonds		10-2010-1000	
Other (Describe)			
Total Fee ²	<u>500.⁰⁰</u>	Receipt Number: <u>328797</u>	Date: <u>10/8/15</u>

*Note to Planning Staff: Knox Box fees should be collected separately and forwarded to the vendor.

Please bring this form with you to the Water Dept to pay fees and we will be happy to give you a receipt for necessary permits.

Day meter to be set (if applicable): _____

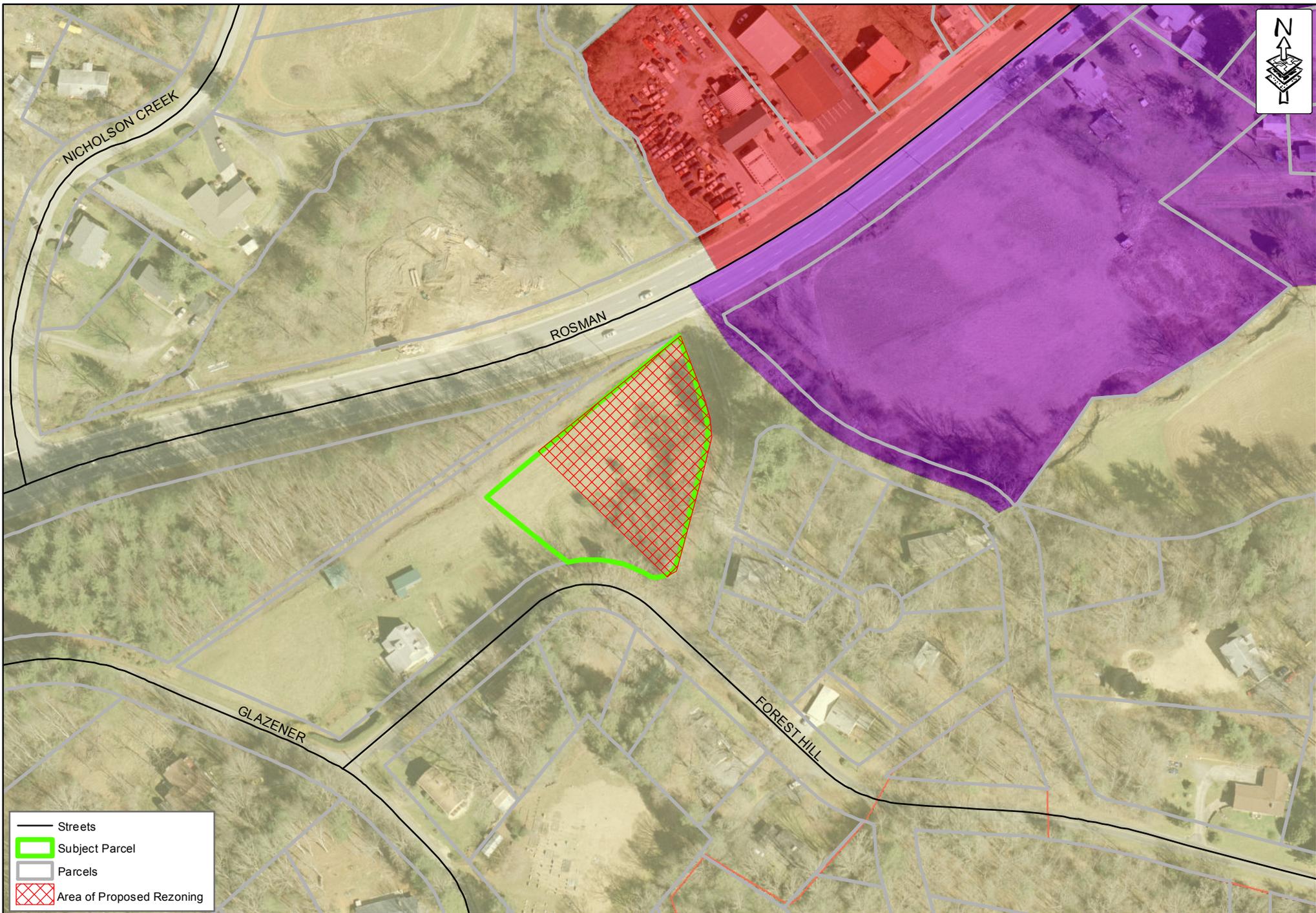


-  Streets
-  Subject Parcel
-  Parcels
-  City Limits
-  ETJ
-  Area of Proposed Rezoning

1 inch = .250 miles

Vicinity Map





1 inch = 150 feet

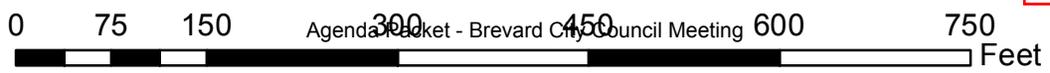


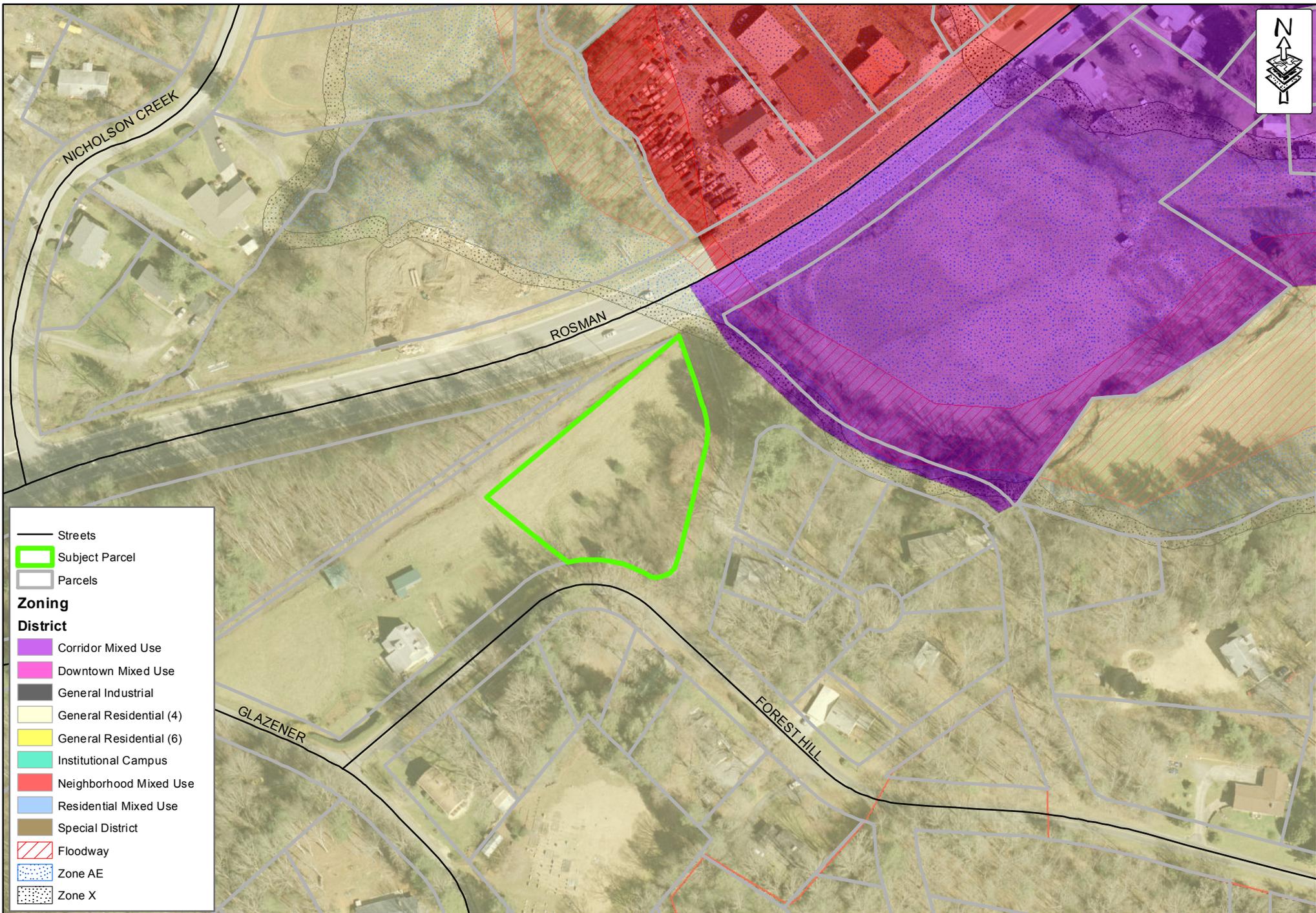


-  Streets
-  Subject Parcel
-  Parcels
-  City Limits
-  ETJ
-  Area of Proposed Rezoning

1 inch = 150 feet

Site Map - Staff Recommendation



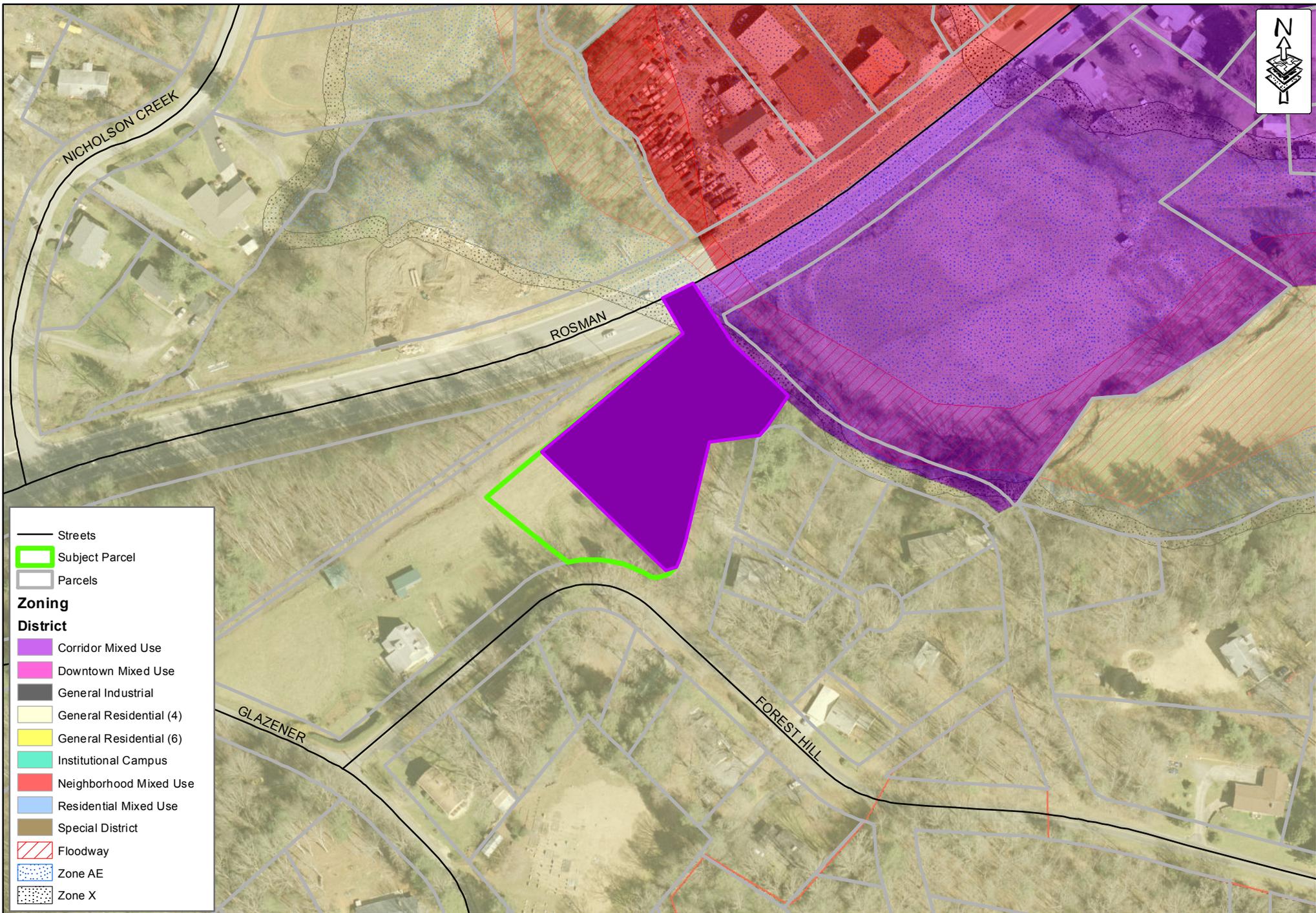


- Streets
- ▭ Subject Parcel
- ▭ Parcels
- Zoning District**
- ▭ Corridor Mixed Use
- ▭ Downtown Mixed Use
- ▭ General Industrial
- ▭ General Residential (4)
- ▭ General Residential (6)
- ▭ Institutional Campus
- ▭ Neighborhood Mixed Use
- ▭ Residential Mixed Use
- ▭ Special District
- ▨ Floodway
- ▨ Zone AE
- ▨ Zone X

1 inch = 150 feet

Current Zoning Map





- Streets
- ▭ Subject Parcel
- ▭ Parcels
- Zoning District**
- ▭ Corridor Mixed Use
- ▭ Downtown Mixed Use
- ▭ General Industrial
- ▭ General Residential (4)
- ▭ General Residential (6)
- ▭ Institutional Campus
- ▭ Neighborhood Mixed Use
- ▭ Residential Mixed Use
- ▭ Special District
- ▨ Floodway
- ▨ Zone AE
- ▨ Zone X

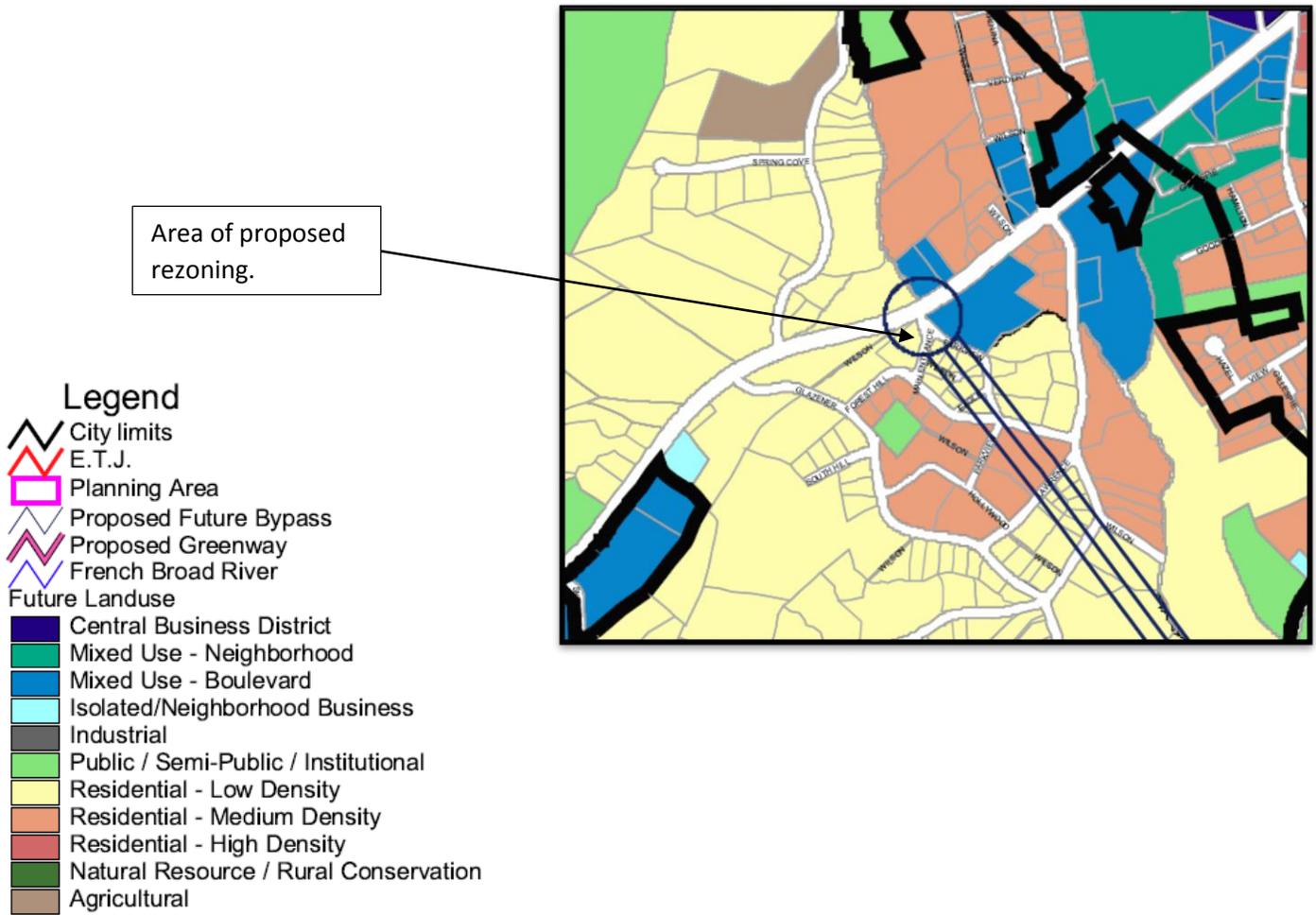
1 inch = 150 feet

Proposed Zoning Map



City of Brevard Land Use Plan (Excerpt)

Adopted August 19, 2002



RESIDENTIAL – LOW DENSITY

These areas contain mostly one-family dwellings at an average density of not more than three dwelling units per acre and are mostly zoned R-1. Much of this land may not be served by public water and sewer and lot sizes should be adequate for an individual water supply and on-site sewage disposal. Typical lot sizes are 10,000 square feet or more. Agriculture occurs here and should continue to be allowed. Within this category opportunities for traditional, compact, rural commercial/community centers should be allowed to serve the daily needs of the surrounding community. Some of these areas, with their low-density development are prime candidates for conservation easements or the purchase/transfer of development rights to maintain their rural character.

Comparison of Allowable Uses

The following table, which is an excerpt of the use matrix shown in Chapter 2 of the Brevard Unified Development Ordinance, provides a comparison of uses permitted in the General Residential (GR) and Corridor Mixed-Use (CMX) districts.

1. “P” denotes those uses that are permitted “by right”.
2. “—” denotes those uses that are not permitted within the given district.
3. “SUP” denotes those uses that are permitted upon issuance of a Special Use Permit in accordance with the provisions set forth in Chapter 16. Additional standards for certain uses requiring a Special Use Permit are set forth in Chapters 3 and 5 of this Ordinance.
4. “PS” denotes those uses that are permitted with additional standards, which are set forth in Chapter 3.
5. “GD” denotes those uses may be permitted as a Group Development in accordance with the provisions set forth in Chapter 16.
6. “MHD” denotes those uses that are permitted within a Manufactured Housing Overlay District.

BASE DISTRICT	GR	CMX
Residential	GR	CMX
Dwelling-Single Family (Site-built) (a)	P	—
Dwelling-Duplex	P	—
Dwelling-Town Home or Condominium Structure	GD	P
Dwelling-Multifamily 3-4 units/bldg, not including Condominium Buildings or multiple structures	SUP	P
Dwelling-Multifamily more than 4 units/bldg	—	P
Dwelling-Secondary	PS	P
Family Care Home (Less than 6 residents)	P	P
Home Occupation	PS	P
Housing Service for the Elderly	SUP	P
Live-Work Units	P	P
Manufactured Home (single unit) (b)	MHD	MHD
Manufactured Home Park	SUP	—

Recreational Vehicle	—	—
Lodging	GR	CMX
Bed and Breakfast Home	PS	PS
Bed and Breakfast Inns	SUP	PS
Accessory Rental cottage / cabins (c)	PS	—
Hotels/Motels/Inns	—	P
Rooming or Boarding House	—	P
Recreational Vehicle Park	—	—
Office/Service	GR	CMX
Animal Services	—	P
Artist Workshop	—	P
ATM	—	P
Banks, Credit Unions, Financial Services	—	P
Business Support Services	—	P
Adult / Child Day Care Home (Less than 6)	PS	PS
Adult / Child Day Care Center (6 or more)	—	PS
Community Service Organization	—	P
Drive Thru Service	—	P
Equipment Rental	—	P
Funeral Homes	—	P
Group Care Facility (6 or more residents)	—	P
Government Services	—	P
Medical Services - Clinic, Urgent Care Center	—	P
Medical Services – Doctor office	—	P
Kennels	—	PS
Post Office	—	P
Professional Services	SUP	P
Personal Services	—	P
Studio – Art, dance, martial arts, music	—	P
Vehicle Services – Major Repair/Body Work	—	PS
Vehicle Services – Minor Maintenance/Repair (d)	—	PS
Retail/Restaurants	GR	CMX
Alcoholic Beverage Sales Store	—	P
Auto / Mechanical Parts Sales	—	P
Bar/Tavern/Night Club	—	P
Drive-Thru Retail/Restaurants	—	PS

Gas Station	—	PS
General Retail	—	P
Restaurant	—	P
Shopping Center – Neighborhood Center	—	GD
Shopping Center – Community Center	—	GD
Vehicle/Heavy Equipment Sales - Outdoor	—	PS
Vehicle/Heavy Equipment Sales – Indoor	—	PS
Entertainment/Recreation	GR	CMX
Amusements, Indoor	—	P
Amusements, Outdoor	—	P
Cultural or Community Facility	SUP	P
Meeting Facilities	—	P
Recreation Facilities, Indoor	SUP	P
Recreation Facilities, Outdoor	SUP	P
Theater, Movie	—	P
Theater, Live Performance	—	P
Manufacturing/Wholesale/Storage	GR	CMX
Inert Debris Storage or Disposal Facilities	—	—
Junkyard	—	—
Laboratory - Medical, analytical, research & development	—	SUP
Laundry, dry cleaning plant	—	SUP
Manufacturing, Light	—	SUP
Manufacturing, Neighborhood	—	P
Manufacturing, Heavy	—	—
Media production	—	P
Metal products fabrication, machine or welding shop	—	P
Mini-Warehouses	—	SUP
Recycling - Small collection facility	—	SUP
Research and development	—	P
Storage - Outdoor storage yard as a primary use	—	SUP
Storage - Warehouse, indoor storage	—	SUP
Wholesaling and distribution	—	P
Civic/Institutional	GR	CMX
Campground/Artist Colony/Summer Camp	SUP	—
Cemeteries	PS	PS
Colleges/Universities	—	P

Hospital	—	P
Jail	—	P
Public Safety Station	SUP	P
Religious Institutions	SUP	P
Schools – Elementary & Secondary	SUP	P
Schools – Vocational/Technical	SUP	P
Infrastructure	GR	CMX
Wireless Telecommunication Facility-Stealth	P	P
Wireless Telecommunication Facility-Tower	—	SUP
Utilities-Class 1 & 2	P	P
Utilities-Class 3	—	—
Miscellaneous Uses	GR	CMX
Adult Establishment	—	—
Outdoor Firing Range	—	—
Indoor Firing Range	—	SUP
Agriculture	P	P
Parking	PS	P
Swimming Pool – Residential Accessory Use	PS	PS
Swimming Pool – Primary Use	—	PS
Fences	PS	PS
Temporary Uses	GR	CMX
Carnivals or Circus	—	PS
Farmers Market	—	PS
Religious Meeting	PS	PS
Contractor’s Office and Equipment Shed	PS	PS
Seasonal Structures	PS	PS
Satellite real estate sales office	PS	PS
Special event	PS	PS
Temporary Vendors	—	PS
Vending Pushcarts	—	—

Public Participation

Special Presentation(s)

Consent and Information

STAFF REPORT – Information Only

Monday, November 16, 2015

Public Works Monthly Staff Report

Council will receive the attached report as information for November 16, 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 September, 2015.

Information

Notable points of interest for September, 2015 include:

- **Dillard Excavation completed 660' of 6" sewer pipe upgrades on White Oak Lane between W. Probart Street and Short Street.**
- **Inflow site elimination by Collections Division included:**
 - **28' of 10" sewer pipe replaced in McCrary Acres subdivision**
 - **212' of 8" sewer pipe replaced on Montview Circle**
 - **48' of 8" sewer pipe replaced between Railroad Avenue and Whitmire Street**
- **Collapsed catch basins were replaced on Oak Park Drive.**
- **Two commercial businesses requested recycle carts.**
- **The 14" force main ruptured on Old Highway 64 and resulted in SSO Event #293 at the Neely Road Lift Station.**
- **The reservoir tank #2 dome top is now installed.**
- **Distribution ORC Ben Robinson was featured in NC Waterworks Operations Association periodical "Go With The Flow".**
- **Three Collections Division operators received utility certifications.**



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 September; 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 September:
 - The 6" City Wide Upgrade Project continued with sewer main replacements by Dillard Excavating.
 - 660' of 6" pipe was upgraded to 8" on White Oak Lane between W. Probart Street and Short Street.

- Water Distribution personnel assisted Dillard Excavating completing work in the Franklin Street area by repairing a 3/4" water line damaged during excavation. A 50' service line was replaced at a Franklin Street residence.
- Collections personnel plugged an abandoned 6" sewer tap to correct an inflow location on Turnpike Road; and another 6" sewer main inside manhole #KC-051 on Lakeview Avenue.
- Inflow elimination continued in the McCrary Acres Subdivision with an additional 28' of 10" sewer pipe recently installed and connected to manhole #EB-018.
- Additional discovered I&I locations were remedied with Collections personnel making the following improvements:
 - 42' of 8" deteriorated clay sewer pipe with 8" PVC pipe near Whitmire Street and Railroad Avenue.
 - 212' of 8" clay pipe was replaced on Montview Circle at a location where storm water was found flowing directly into the sewer. Three service connections were replaced for residences along the pipe line installation. Manhole #KC-169 was sealed to correct inflow.



Section of 8" PVC pipe installed on Montview Circle.



Depth of pipe replacement required steel trench box for safety of employee.



Ditch line filled and compacted with stone when pipe installation complete.

2. We foster economic development by ensuring our infrastructure is constantly maintained and replaced to serve existing and future business.

- **Street infrastructure improvements during September included:**
 - **A storm drain blockage was cleared on Silversteen Drive. Stone was replaced at a drive entrance below the clogged pipe where storm water had washed out along the pavement edge.**
 - **A clogged catch basin was cleaned out on North Lane Street near the intersection of Brown Lane.**
 - **Inspected a drain pipe in a yard at a S. Johnson Street residence. The discovered pipe was not a part of city storm water infrastructure and the customer was informed reference proposed shrubbery plantings by the owner.**
 - **A collapsed catch basin box was discovered and replaced on Oak Park Drive. Work included a 2'x2'x3' precast box installed and connected to an 18" storm water pipe. Two additional catch basins were repaired on Oak Park Drive.**



Oak Park Drive catch basin replacement.

- **Culvert blockages were cleared in pipes along Burrell Avenue and Turnpike Road to improve storm water drainage.**

- Installed 16.5' of pedestrian drain, sidewalk grates and 3" PVC drainage pipe beneath a W. Main Street sidewalk adjacent to the parking lot across the street from City Hall.



W. Main Street drain installation adjacent to W. Main Street parking lot.

- A 6' x 10' section of sidewalk was removed on N. Caldwell Street beside Rice Furniture to assist NC D.O.T. with the installation of a ground water contamination monitoring well in the sidewalk. The sidewalk was replaced when the work was completed.



Personnel cutting section of N. Caldwell Street sidewalk for removal.

- A section of brick sidewalk was leveled as Streets personnel removed and replaced 120 brick in front of a residence on King Street.

- A 5' section of concrete sidewalk was replaced on Cambridge Drive where a utility repair was completed.
- A 4' section of concrete curb was replaced on Fox Cross Drive.
- Removed 6' of curb at a lot on Maple Street and installed a new drive ramp and curb.
- Site preparation was performed at property between Allison Road and a section of the bike path near Transylvania Regional Hospital. This work precludes a proposed access bridge to the pathway from Pisgah Heights.
- Downtown sidewalk trash receptacles and benches were cleaned on Broad Street and Main Street.
- Routine mowing of utility strips and street edges was performed.
- Ran the street sweeper along streets and curb edges.
- Utility cuts and potholes were patched or leveled on Big Bend Road, Chickadee Lane, Grove Street, Mills Avenue, Miner Street and Summit Avenue.
- Sign repair during the month included:
 - A *no outlet* sign was repaired on Chipmunk Court.
 - A damaged *speed limit* sign post was replaced on E. Main Street.
 - Repaired a leaning *stop* sign post on Burrell Avenue and West Lane Street.
 - Missing *street name* signs were replaced at the intersection of Turnpike Road and Country Club Road.



Fox Cross Drive curb repair.



Bike path site preparation between Allison Road and hospital.



Burrell Avenue stop sign repair.

- Bushes and tree limbs were trimmed to improve visibility at the intersections of Temple Church Road at Morris Road; Salem Street at W. French Broad Street, and at Fisher Road and Montview Circle.
- The Sanitation Division collected garbage, commercial recycling, brush and bagged yard waste during September.
 - Two (2) new commercial businesses began participating in the recycle program. Carts were provided for:
 - Maya's Grill (2 Carts)
 - Straus Park Lake House

September Sanitation Activities

- 13 Special trash pickups
- 1 Single item special trash pickup
- 5 Small electronic items collected
- 5 Large televisions collected
- 7 Residential recycle bins delivered
- 14 Residential recycle carts delivered
- 3 Commercial recycle carts delivered

- Personnel used a probe to obtain three continuous day temperatures of the mulch stored on the lower yard at the Public Works Facility.
- Emptied flower bins at Gillespie-Evergreen Cemetery.
- Collections System infrastructure maintenance consisted of the following noted items during September:
 - Video inspection of sewer mains and service lines were performed on a total of 4,535' 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 1,900’.
- Replacement 4” sewer taps were made on Boxwood Lane, Montview Circle and Turnpike Road.
- Manhole #JB-030 on S. Caldwell Street was raised level with street pavement near the intersection of W. Morgan Street.
- System personnel responded to six (6) reported sewer line blockages during the month; three (3) of which were actual blockages and were cleared on McMinn Avenue, N. Country Club Road, and W. Probart Street.
- Assisted maintenance personnel with replacing 2 check valves at the Job Corp lift station.
- A 4’ section of 14” ductile iron force main pipe was replaced on Old Highway 64 to correct a pipe rupture between Azalea Avenue and Osborne Road. Pumps at the Neely Road lift station were cut off in order to complete the repair and this resulted in SSO Event #293 for the Collections System.
 - A pump crew captured and hauled 6 loads / 15,000 gallons of sewer from the lift station manhole to the Waste Treatment Plant.
 - Required report and public notices were issued.
 - Site remediation included soil and asphalt removal; and the utility cut was patched.



14” Ductile iron pipe is cut to fit replacement pipe section to repair force main pipe rupture.

- The Water Distribution maintenance and repair of the water system infrastructure included the following items in September:
 - There were eighteen (18) inspections for reported water leaks during September; eleven (11) of which were actual water leaks and were repaired on Chickadee Lane, Cedar Crest Drive, Ducks Drive, Mills Avenue, W. Probart Street, Tinsley Road, Spring House Trail, Tinsley Road, Turnpike Road, Unity Drive and Willow Drive.
 - The water leak repair on Turnpike Road included 20' of 3/4" water service line replaced.
 - The water leak on Mills Avenue required 40' of 3/4" service line replaced.
 - The leak repairs on Turnpike Road and Tinsley Road required 20' of 3/4" service line replaced for each location.



Discovered Turnpike Road water leak prior to repair.



Installing a bell clamp to stop water leak.



Water leak repair on W. Probart Street.

- **Meter and meter box maintenance included:**
 - **3 Boxes & lids replaced on Mills Avenue, Turnpike Road and Summit Avenue.**
 - **1 Box was lowered level with a customer's yard on Gillespie Circle.**
 - **7 Backflow preventers were installed or replaced on Country Club Road, McMinn Avenue, Montview Circle, Oak Park Drive, Unity Drive and W. Main Street.**
 - **Water pressure was inspected at meters on Ecusta View, Franklin Street, Morris Road, Rivermoor Road and Yongue Street.**
 - **2 Seasonal use meters at Brevard Music Center were turned off.**
- **A water quality issue was remedied at an East View Drive residence by replacing two water meter washers at the service connection.**
- **A water post hydrant was repaired at the Waste Treatment Facility and a routine monthly flushing was performed on a Cardinal Drive post hydrant.**
- **Additional water post hydrants were flushed and chlorine content checked on Camp-town Road, Upper Camptown Road and Springhouse Trail.**
- **Routine monthly housekeeping and safety equipment was inspected at system lift station facilities. A dead bolt door lock was replaced at Straus Park pump station #2.**
- **The water reservoir replacement project continued and the following items were noted for work progressing through September:**
 - **Sprayed final coat of shotcrete on interior tank wall and broom finished.**
 - **Concrete was cured for seven (7) days.**



Broom finished interior tank wall.

Photo provided by High Country Engineering, PC.

- Plywood form boards were placed on tank dome.
- Concrete dome was poured and cured for seven (7) days.
- Installed pre-stressing wires around exterior wall and shotcrete layer of concrete over each layer of wires.

*Photos provided
by High Country
Engineering, PC*



Pouring and finishing tank dome concrete.



Installing re-stressing wires around tank exterior.

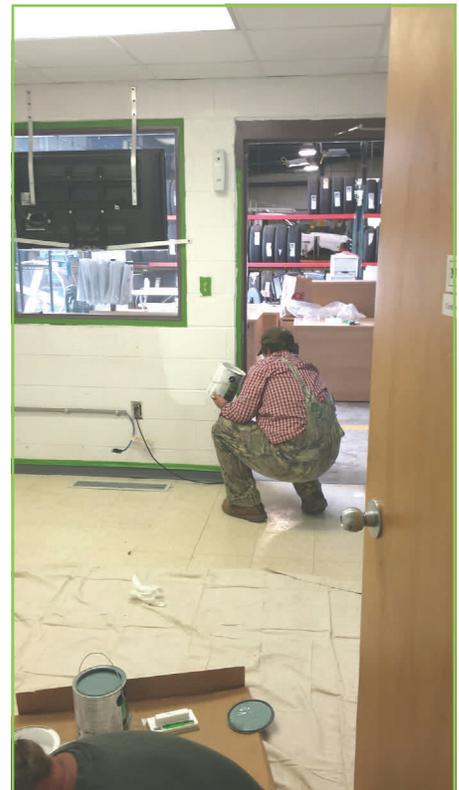
3. We encourage investment when we appear well-run and well planned.

- Public Works Facility and Operations Center maintenance included the following items during September:
 - Grass was cut at the facility and along Cashiers Valley Road property.
 - One office space in the Public Works building was cleaned and painted.
 - Cleaned and organized an upstairs storage area.
 - Began painting interior walls, hallway and garage floor.
 - Trucks and equipment were washed and cleaned as needed.

- Shelton Signs made and erected a new sign for the Operations Center building. A formal building dedication will be scheduled in the near future.
- Relocated a fire extinguisher on exterior of Operations Center building.



Operations Center Sign



Painting Public Works office.



Truck washing at garage.

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.

- The director attended meetings regarding various Public Works issues, a few of which included:
 - 6" Sewer Upgrade Project Monthly Meeting.
 - Andre' Babin reference Turnpike Road storm water.
 - Brevard Academy service availability meeting with Planning.
 - Brevard Middle School Career Day Planning Meeting.
 - Brown Consultants reference City Wide 6" Sewer Line Upgrade Project.
 - City Council Meeting.
 - Dennis Richardson reference a proposed sidewalk installation at the Water Treatment Facility.
 - Jim Fatland reference uniforms and other personnel items.
 - Post-Accident Review Meeting.
 - Procedures for Permitting Meeting.
 - Radio Read Meter Project Kickoff Meeting.
 - Weekly Staff Meetings.
- Twenty (20) 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.



A pipe horn tool is used to locate underground utility lines.

Utility Locates

- Al Mercer (1)
- Bill Edmonds (1)
- Carolina Mountain Surveying (1)
- Charlie Landreth (1)
- Comporium (8)
- Dillard Excavating (1)
- Duke Energy (1)
- Jason Shepherd (1)
- Newman Plumbing (1)
- PSNC Gas Company (1)
- Sam Johnson (1)
- Sumter Utilities (1)
- Sylvia Ronneberger (1)

- Distribution staff relocated two (2) water meters on S. Caldwell Street in preparation of a NC D.O.T. street widening project.
- Assistance was provided to the Water Treatment Plant with hauling dirt to fill a trench after chemical lines were replaced at the facility.
- Assistance was provided to the Waste Treatment Plant with personnel working on the RBC draw down and video inspecting 20' of an 18" pipe. The vac truck was used to clean the pipe for video inspecting.

2. We encourage and embrace our family friendly and small town charm by bringing people together through personal connection with each other.

- Streets were swept and utility cuts were trimmed for Brevard High School's Homecoming Parade along Country Club Road, S. Broad Street and E. Main Street.
- Community events were promoted by the following groups with Streets Division personnel erecting banners for:
 - Halloweenfest at Silvermont
 - Mountain Sun TAG Event
 - National Hunting and Fishing Day
 - Smithsonian Exhibition
 - Transylvania Handcrafters Craft Show and Sale
 - Waterfall Crafters Craft Show and Sale

3. A safe community is one where residents know the city provides reliable and consistent service.

- Notices were issued regarding sanitation services and leaf collection start date.
- Employee activities and opportunities during September included:
 - Annual Safety Training Classes.
 - Post-Accident Review Meeting.
 - Safety Committee Meeting.
 - Target Care Wellness Appointments.

- **Distribution ORC Ben Robinson was featured in the North Carolina Waterworks Operations Association periodical "Go With The Flow". Ben was one of two North Carolina distribution technicians who were featured in the Operator's Spotlight section in the August, 2015 edition which highlighted Ben's dedication to service, education and community dedication. We are very proud of Ben and appreciate his hard work for the City of Brevard and our community.**

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.



- **AWWA Utility Certification Exams were held in Morganton, NC and three employees attended and later received approved certification in their respective field of training.**



**Billy Dodson - Grade 4
Sewer Collections Operator**



**Chris Hall - Grade 1
Sewer Collections Operator**



**Nathaniel Littleton - Grade 3
Sewer Collections Operator**

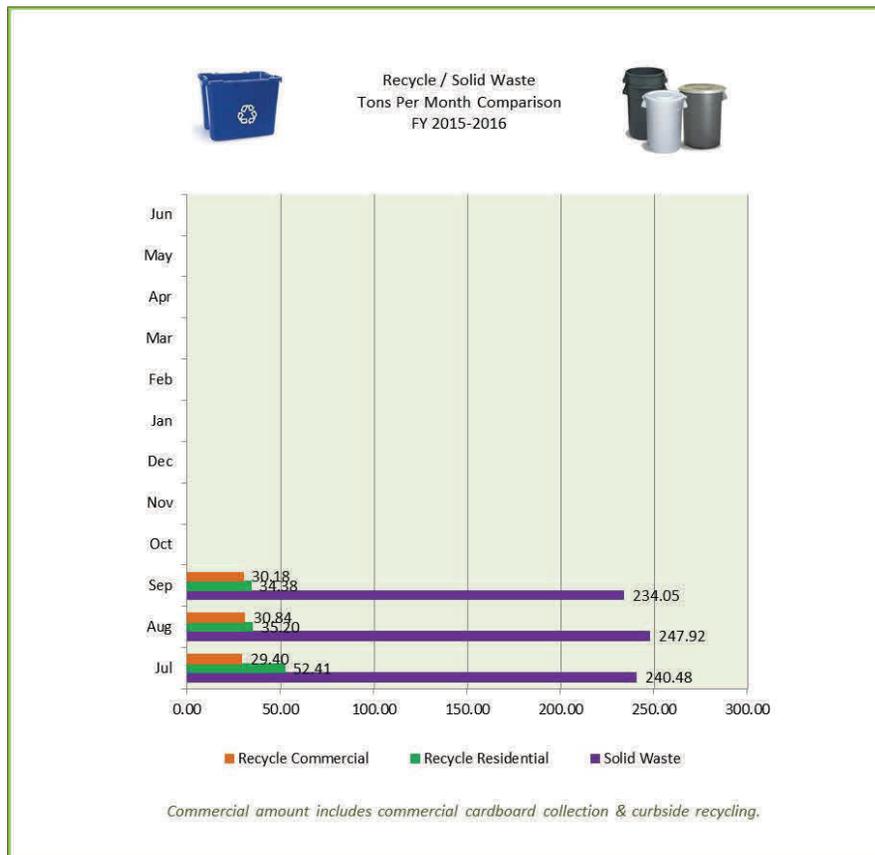
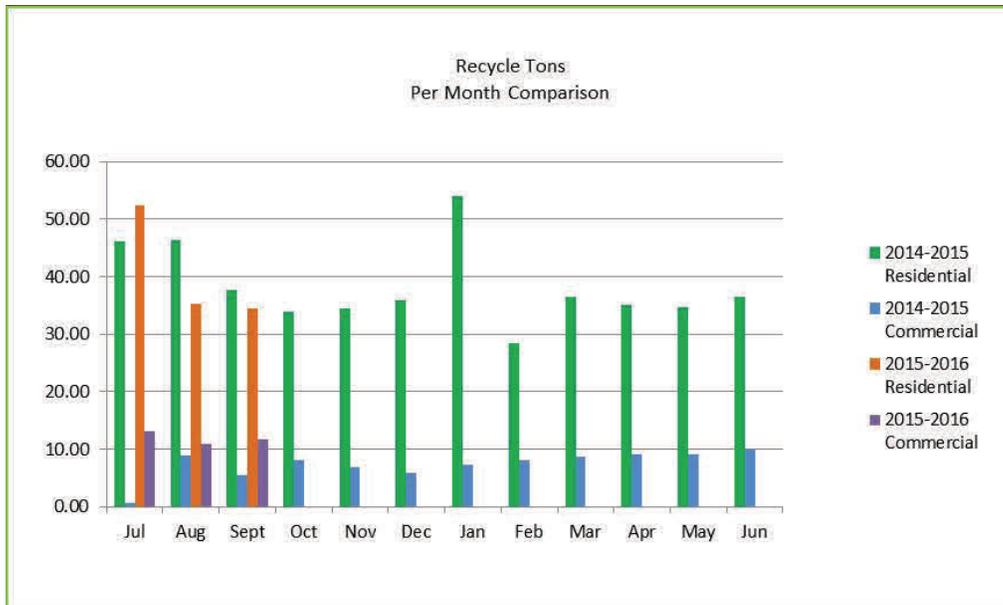
APPENDIX I: September Departmental Statistics

Service statistics are provided as indicators for Public Works performance and budgetary trends.

Item	Previous Month (August)	Current Month (September)	Year To Date (July - September)	Previous FY Year Total 2014-15
Commercial Cardboard	20.03	18.54	54.79	192.21
Electronics	0	5	8	69
Recycle Bin Delivery Residential	1	7	13	61
Recycle Bin Delivery Commercial	0	0	2	29
Recycle Cart Delivery Residential	14	14	46	257
Recycle Cart Delivery Commercial	9	3	15	157
Commercial Recycling	10.81	11.64	24.82	100.10
Residential Recycling	35.20	34.38	86.79	459.35
Solid Waste Collection	247.92	234.05	722.45	2,820.80
Special Collections	13	13	37	142
Special Collection - Single Item	0	1	6	20
Television - Large (\$10)	1	5	9	37
Television - Small (\$5)	0	0	0	6
Barricade / Event Item Delivery	1	1	4	21
Street Banners	9	12	30	57
Potholes	7	0	15	95
Sidewalk Footage (Length)	0.00	21.00	146.00	422.90
Utility Cuts	10	6	26	75
Fleet Service - City	137	119	380	1,498
Fleet Service - County	64	70	203	908
I&I Video Inspection (Length)	1,178	4,535	10,015	24,107
Sewer Blockages	3	6	14	79
Sewer Tap New Commercial	0	0	0	4
Sewer Tap New Residential	2	0	4	8
Sewer Taps Repaired	3	6	13	27
Utility Locates	27	20	60	189
Water Leaks	14	18	43	175
Water Meter Boxes	5	6	14	60
Water Meters New	2	0	5	11
Water Meters Other	9	16	34	131
Water Tap New Commercial	0	0	0	6
Water Tap New Residential	2	0	4	10
Water Taps Repaired	11	4	15	6

APPENDIX II: September Sanitation Statistics

Sanitation statistics are provided as indicators for solid waste and recycling performance.



APPENDIX III: September Sanitation Statistics

Sanitation 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	\$7,132.75
Expense	\$4,169.27
Net Profit or Loss	\$2,963.49

APPENDIX IV: September Fuel Use Statistics

Fuel Use Statistics are provided as indicators for vehicle and equipment fleet fuel use by the city and county vehicle fleet.

- September fuel use increased by 1.9% over the previous month of August in gallons; and decreased by -9.9% in expense due the drop in fuel price per gallon.
- Current Unleaded Fuel Price: **\$1.545**
- Current Diesel Fuel Price: **\$1.495**

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	5,483.90	5,322.40	161.50	\$8,568.69	\$9,555.05	-\$986.36	3.0	-10.3
County Vehicles	9,547.91	9,396.40	151.51	\$14,883.69	\$16,437.18	-\$1,553.49	1.6	-9.5
Narcotics Task Force	0.00	26.50	-26.50	\$0.00	\$44.76	-\$44.76	-100.0	-100.0
Totals	15,031.81	14,745.30	286.51	\$23,452.38	\$26,036.99	-\$2,584.61	1.9	-9.9

The Brevard Police Department

Quarterly Report for July 1st thru September 30, 2015

Special events and Community contacts:

- Conducted traffic control and security at numerous community events including Mountain Song Festival, 5K Walk/Run to Fight Human Trafficking, Boys & Girls Club One Mile Race, July 4th festival.
- Assisted State Employees Credit Union with their “Member Appreciation Day”.
- Assisted with the Brevard College Volunteer Fair for the students to become better acquainted with the city.
- BPD and TCSO met twice with citizens to discuss police procedures, problem solving, and ways to improve communication.
- Several members and their families attended the “Wilds Law Enforcement Day” celebration.
- The Police Department’s second “National Night Out” to promote crime prevention in the community was held on West Main and was a huge success with approximately 800 people in attendance.
- Security checks on Transylvania Regional Hospital night employees during late pm and early am during the time they have been without paid security personnel.
- Assisted a local citizen with removal of five cats from her property.
- Welcomed new hires to the department Dispatcher LaKoy Knox and Reserve Officer Timothy Rhinehart.
- Staff met with the North Carolina 911 Board to ask for legislation to improve secondary PSAP centers. The Board accepted the desires of the group in attendance.
- Chief Harris attended the Joint In-Service Training Board meeting to plan training for NC law enforcement for 2017.
- Chief Harris was appointed by State legislators to the Child Fatality Task Force.
- Police staff assisted with the Special Olympics dunking booth to raise money at the Fourth of July festival.
- Chief Harris attended the NCPEA conference in Wilmington in July.
- Staff assisted with the T.L. Scruggs Golf Tournament. The event raised over \$11,000 for scholarships.
- Staff attended the GHSP Regional training in Franklin.
- Staff spoke to several Brevard College classes during the first month of this semester.

Training:

- Members of the department spent 444 hours in training.
- Employees attended the City’s yearly Safety In-Service training, and the Police Department’s yearly In-Service and firearms training.
- Sgt. Aaron Thompson enrolled in “Vision Transylvania Leadership Development Program”.

Uniform Crime Report:

DATES	MURDER	RAPE	ROBBERY	AGG. ASSAULT	BURGLARY	LARCENY	MV THEFT	ARSON	TOTAL
June – Apr ‘14				4	7	58			69
July – Sept ‘15		1		2	11	51	2	1	68
% CHANGE		+100%		-50%	+57%	-12%	+200%	+100%	-1%

Year to date:

DATES	MURDER	RAPE	ROBBERY	AGG. ASSAULT	BURGLARY	LARCENY	MV THEFT	ARSON	TOTAL
Jan-Sept ‘11	0	4	5	16	63	123	2	0	216
Jan-Sept ‘12	0	1	4	9	26	152	4	0	196
Jan-Sept ‘13	0	1	0	7	50	167	9	0	234
Jan-Sept ‘14	0	0	1	6	35	164	4	2	212
Jan-Sept ‘15	0	2	2	6	24	133	5	2	174
% CHANGE from 2014 to 2015	0%	+200%	-50%	0%	-31%	-19%	+25%	0%	-18%

Crimes and Arrests:

Arrest made on home arson case.

Suspect arrested and sent to prison for B&E of 100 vehicles.

Arrest made for aggravated assault inflicting serious injury with deadly weapon.

Amber Alert sent out to locate a four year old child with child located and returned home to parent.

Solved case of stolen motorcycle and arrest made.

B&E & Safe Cracking with an arrest.

Arrest made in case of First Degree Home Burglary.

Several B&E of vehicles solved.

Solved case of felony larceny from a local restaurant with arrest made.



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.

Finance Department
(828) 885-5600

FINANCE REPORT FOR MONTH ENDED OCTOBER 31, 2015

JIM FATLAND, CPFO, CITY MANAGER

CITY OF BREVARD			
GENERAL FUND			
FY15 APPROVED BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	OCTOBER 31	TO DATE
EXPENDITURES			
Governing Board	\$413,268	\$334,444	80.9%
Administration	\$607,656	\$208,225	34.3%
Finance	\$689,998	\$239,366	34.7%
Legal	\$63,000	\$18,625	29.6%
Planning	\$696,276	\$212,011	30.4%
Buildings & Grounds	\$550,497	\$179,258	32.6%
Police	\$2,538,171	\$880,403	34.7%
Public Services Administration	\$320,938	\$108,544	33.8%
Public Works Garage	\$571,461	\$157,280	27.5%
Streets-Local	\$659,217	\$216,556	32.9%
Streets-Powell	\$222,000	\$6,813	3.1%
Sanitation	\$722,024	\$224,883	31.1%
Recreation	\$98,316	\$33,555	34.1%
Non Departmental (Debt)	\$746,628	\$335,953	45.0%
Economic Development	\$69,000	\$40,141	58.2%
Contingency	\$0		
TOTAL EXPENDITURES	\$8,968,450	\$3,196,057	35.6%
ENDING FUND BALANCE		\$2,334,099	

CITY OF BREVARD			
UTILITY FUND			
FY16 APPROVED BUDGET			
REVENUE & EXPENDITURES REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	OCT. 31	TO DATE
BEGINNING FUND BALANCE		\$1,426,117	
REVENUE			
Miscellaneous Utility Fees	\$0	\$500	0.00%
Water Charges	\$2,350,000	\$822,518	35.0%
Sewer Charges	\$2,120,000	\$696,935	32.9%
Meter Charges	\$136,000	\$45,282	33.3%
Tap & Connection Fees-Water	\$10,000	\$15,200	152.0%
Tap & Connection Fees-Sewer	\$2,500	\$4,500	180.0%
Reconnection Fees	\$40,000	\$18,420	46.1%
Septage Pretreatment Facility	\$20,000	\$12,075	60.4%
Fund Balance Appropriated	\$0	\$0	
Loan Proceeds--New Equipment	\$0	\$0	
TOTAL REVENUE	\$4,678,500	\$1,615,429	34.5%
EXPENDITURES			
On Line/Credit Card Fees	\$20,000	\$5,195	26.0%
Reimbursement to General Fund	\$575,000	\$287,500	50.0%
Debt Service Payments	\$513,457	\$27,069	5.3%
OPEB Transfer	\$6,750	\$6,750	100.0%
Transfer to Utility Capital Projects Fund	\$0	\$0	
Water Treatment Plant	\$894,422	\$223,223	25.0%
Water Distribution	\$492,974	\$153,451	31.1%
Wastewater Treatment Plant	\$1,244,896	\$623,422	50.1%
Wastewater Collection System	\$771,332	\$226,380	29.3%
Transfer to Water & Sewer Capital Projects			
Contingency	\$159,669		
TOTAL EXPENDITURES	\$4,678,500	\$1,552,989	33.2%
ENDING FUND BALANCE		\$1,488,557	

CITY OF BREVARD				
UTILITY FUND				
FY16 APPROVED BUDGET				
REVENUE & EXPENDITURES REPORT				
FOR MONTH ENDED OCTOBER 31, 2015				
		APPROVED		
		FY16	THRU	PERCENT
		BUDGET	OCT. 31	TO DATE
BEGINNING FUND BALANCE			\$1,426,117	
REVENUE				
Miscellaneous Utility Fees		\$0	\$500	0.00%
Water Charges		\$2,350,000	\$822,518	35.0%
Sewer Charges		\$2,120,000	\$696,935	32.9%
Meter Charges		\$136,000	\$45,282	33.3%
Tap & Connection Fees-Water		\$10,000	\$15,200	152.0%
Tap & Connection Fees-Sewer		\$2,500	\$4,500	180.0%
Reconnection Fees		\$40,000	\$18,420	46.1%
Septage Pretreatment Facility		\$20,000	\$12,075	60.4%
Fund Balance Appropriated		\$0	\$0	
Loan Proceeds--New Equipment		\$0	\$0	
TOTAL REVENUE		\$4,678,500	\$1,615,429	34.5%
EXPENDITURES				
On Line/Credit Card Fees		\$20,000	\$5,195	26.0%
Reimbursement to General Fund		\$575,000	\$287,500	50.0%
Debt Service Payments		\$513,457	\$27,069	5.3%
OPEB Transfer		\$6,750	\$6,750	100.0%
Transfer to Utility Capital Projects Fund		\$0	\$0	
Water Treatment Plant		\$894,422	\$223,223	25.0%
Water Distribution		\$492,974	\$153,451	31.1%
Wastewater Treatment Plant		\$1,244,896	\$623,422	50.1%
Wastewater Collection System		\$771,332	\$226,380	29.3%
Transfer to Water & Sewer Capital Projects				
Contingency		\$159,669		
TOTAL EXPENDITURES		\$4,678,500	\$1,552,989	33.2%
ENDING FUND BALANCE			\$1,488,557	

CITY OF BREVARD			
WATER & SEWER CAPITAL PROJECTS FUND (31)			
FY16 APPROVED BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	OCT. 31	TO DATE
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	\$240,410	40.1%
Kings Creek Sewer Project Phase 2	\$1,435,784	\$7,085	0.5%
Kings Creek Sewer Project Phase 3	\$1,484,150	\$63,090	4.3%
Sewer Upgrade 6 Inch to 8 Inch	\$1,738,600	\$357,930	20.6%
AMR Purchase & Installation	\$1,360,500	\$62,350	4.6%
Neely Rd. PS/FM/EQ/ TANK Loan	\$1,200,000	\$181,595	15.1%
TOTAL EXPENDITURES	\$7,819,034	\$912,460	11.7%
ENDING FUND BALANCE		-\$912,460	

CITY OF BREVARD			
CAPITAL RESERVE FUND (FUND 35)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED		
	FY15	THRU	PERCENT
	BUDGET	OCT. 31	TO DATE
BEGINNING FUND BALANCE		\$1,082,248	
REVENUE			
Transfer From Utility Fund	\$0	\$0	0.0%
Interest on Investments		\$17	
Impact Fees--Water	\$10,000	\$8,678	86.8%
Impact Fees--Sewer	\$10,000	\$7,803	78.0%
Sidewalks In-Lieu	\$0	\$0	
Fees In Lieu of Infrastructure		\$0	
Contribution from Developer	\$0		
Fund Balance Appropriated	\$0		
TOTAL REVENUE	\$20,000	\$16,498	82.5%
EXPENDITURES			
Increase in Fund Balance	\$20,000		
TOTAL EXPENDITURES	\$20,000	\$0	0.0%
ENDING FUND BALANCE		\$1,098,746	

CITY OF BREVARD			
FIRE DISTRICT FUND (FUND 40)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED		
	FY16	THRU	PERCENT
	BUDGET	OCT 31	TO DATE
BEGINNING FUND BALANCE		\$42,984	
REVENUE			
Fire District Taxes--County	\$308,700	\$192,901	62.5%
Transfer from City General Fund	\$339,830	\$169,915	50.0%
Sale of Fixed Assets	\$0	\$0	
Grant Revenue	\$0	\$0	
Fund Balance Appropriated	\$0	\$0	
Misc. Revenue	\$0	\$0	
TOTAL REVENUE	\$648,530	\$362,816	55.9%
EXPENDITURES			
Fire Department Operations & Debt	\$648,530	\$249,285	38.4%
TOTAL EXPENDITURES	\$648,530	\$249,285	38.4%
ENDING FUND BALANCE		\$156,514	

CITY OF BREVARD			
T.L. SCRUGGS SCHOLARSHIP FUND (FUND 50)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED	THRU	
	FY16	OCT 31	PERCENT
	BUDGET		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	\$6,434	107.2%
TOTAL EXPENDITURES	\$11,500	\$6,434	55.9%
ENDING FUND BALANCE		\$21,998	

CITY OF BREVARD			
BJERG TRUST FUND (FUND 51)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED FY16 BUDGET	THRU OCT. 31	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 OCTOBER 31, 2015			
	APPROVED FY16 BUDGET	THRU OCT. 31	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 OCTOBER 31, 2015			
	APPROVED		
	BUDGET	THRU	PERCENT
		OCT. 31	TO DATE
BEGINNING FUND BALANCE		\$280,833	
REVENUE			
Fund Balance Appropriated	\$90,000		
Dependent Dental & Retiree Premiums	\$67,000	\$22,658	33.8%
Department Charges for Group Medical	\$1,014,500	\$507,214	50.0%
Transfer from General Fund	\$0	\$0	
Transfer from Other Funds	\$0	\$0	
TOTAL REVENUE	\$1,171,500	\$529,872	45.2%
EXPENDITURES			
Third Party Administrator	\$20,000	\$10,419	52.1%
Medical Insurance Broker	\$21,000	\$7,334	34.9%
Cobra Administrator	\$1,600	\$0	0.0%
Med Cost UR/PPO	\$6,800	\$7,199	105.9%
Aggregate Insurance Premiums	\$191,400	\$72,313	37.8%
Claims Paid	\$825,000	\$364,858	44.2%
Employee Assistance Program	\$3,500	\$3,880	110.8%
Wellness Programs	\$75,000	\$20,924	27.9%
Life AD & D	\$14,500	\$5,039	34.8%
Life Dependents	\$700	\$247	35.3%
Short Term Disability	\$12,000	\$4,248	35.4%
TOTAL EXPENDITURES	\$1,171,500	\$496,460	42.4%
ENDING FUND BALANCE		\$314,246	

CITY OF BREVARD			
HEART OF BREVARD (FUND 70)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED	THRU	
	FY16	OCT. 31	PERCENT
	BUDGET		TO DATE
BEGINNING FUND BALANCE		\$0	
REVENUE			
Tax Penalties	\$0		
District Tax Collections	\$120,700	\$30,288	25.1%
Fund Balance Appropriation	\$0		
TOTAL REVENUE	\$120,700	\$30,288	25.1%
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		\$6,641	

CITY OF BREVARD			
HOUSING TRUST FUND (FUND 76)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED FY16 BUDGET	THRU OCT. 31	PERCENT 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 OCTOBER 31, 2015			
	APPROVED FY16 BUDGET	THRU OCT. 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$18,268	
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	\$10,792	
TOTAL EXPENDITURES	\$0	\$10,792	
ENDING FUND BALANCE		\$7,476	

CITY OF BREVARD			
MULTI USE PATHS (FUND 78)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURES REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED FY16 BUDGET	THRU OCT. 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$209,735	
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	\$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	\$390,000	
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		
Design & Construction			
TOTAL ELM BEND SIDEWALK	\$90,000		
Allison Pedestrian / Bike Bridge			
Easement			
Engineering		\$1,800	
Construction/Material		\$5,331	
Consultants		\$5,240	
TOTAL ALLISON PED./BIKE BRIDGE		\$12,371	
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	\$312,371	
ENDING FUND BALANCE		\$287,364	

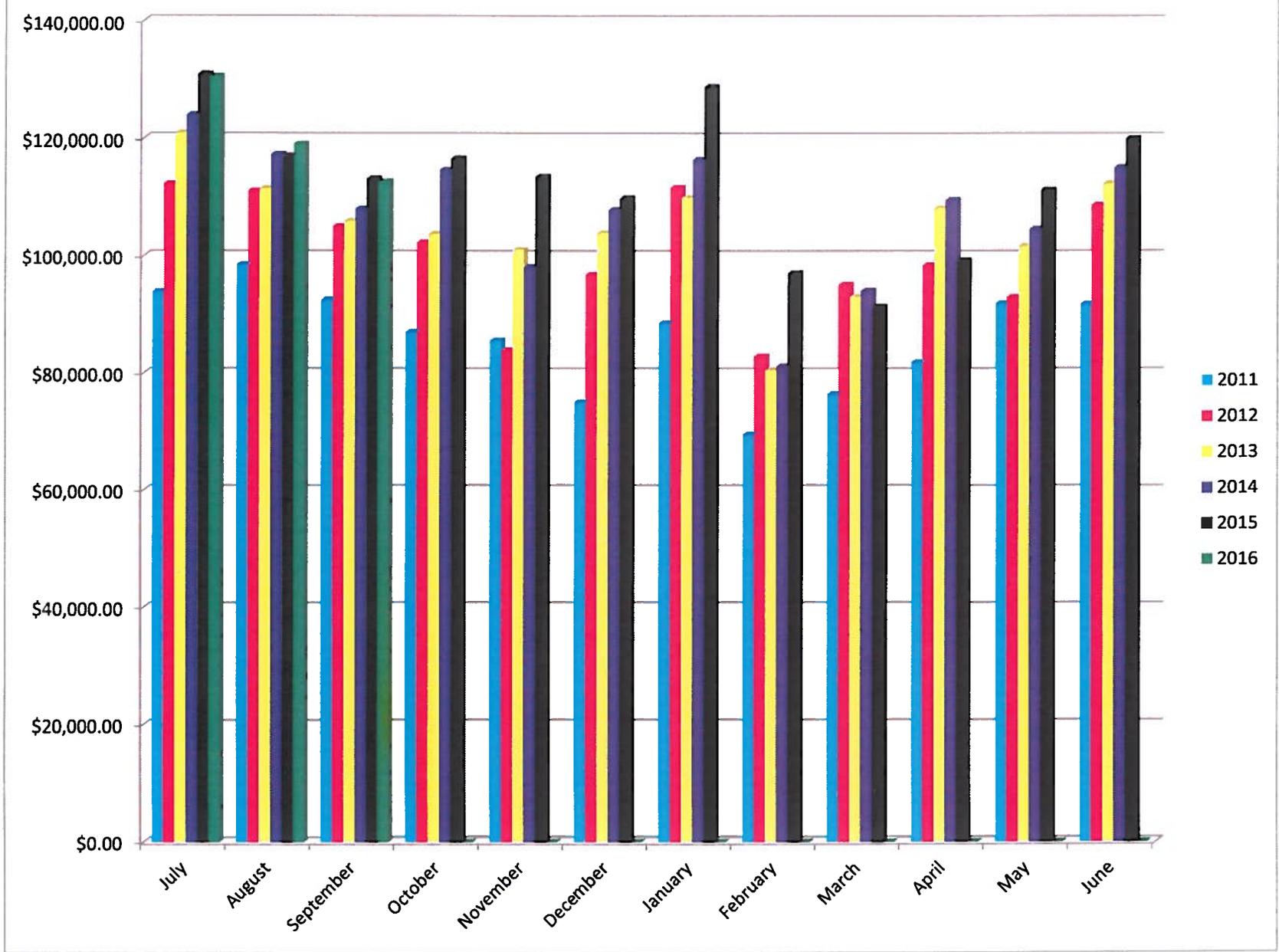
CITY OF BREVARD			
NARCOTICS TASK FORCE (FUND 81)			
FY16 APPROVED BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED FY16 BUDGET	THRU OCT. 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$151,664	
REVENUE			
Interest on investments	\$100	\$35	35.1%
Received from Transylvania County	\$15,000	\$7,000	46.7%
Received from Brevard Police Department	\$15,000	\$7,000	46.7%
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	\$15,124	33.5%
EXPENDITURES			
Expenditures	\$40,100	\$5,668	14.1%
DEA Fed Fund BPD	\$5,000	\$0	0.0%
TOTAL EXPENDITURES	\$45,100	\$5,668	12.6%
ENDING FUND BALANCE		\$161,120	

CITY OF BREVARD			
ROSENWALD REVITALIZATION (FUND 82)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED FY16 BUDGET	THRU OCT. 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$86,037	
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	\$256,355	106.8%
TOTAL EXPENDITURES	\$240,000	\$256,355	106.8%
ENDING FUND BALANCE		-\$170,318	

CITY OF BREVARD			
DOWNTOWN MASTER PLAN (FUND 83)			
APPROVED FY16 BUDGET			
REVENUE & EXPENDITURE REPORT			
FOR MONTH ENDED OCTOBER 31, 2015			
	APPROVED FY16 BUDGET	THRU OCT. 31	PERCENT TO DATE
BEGINNING FUND BALANCE		\$799,784	
REVENUE			
Interest on Investments			
HOB	\$11,000	\$2,750	25.0%
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	\$2,750	0.3%
EXPENDITURES			
DTMP Design	\$511,167	\$58,460	11.4%
Clemson Park & Downtown Improvements	\$0	\$2,214	
Transfer to Pedestrian Fund	\$300,000	\$300,000	
Caldwell Street	\$0		
TOTAL EXPENDITURES	\$811,167	\$360,674	44.5%
ENDING FUND BALANCE		\$441,860	

CITY OF BREVARD						
FY16 APPROVED BUDGET						
ALL FUNDS SUMMARY						
REVENUE & EXPENDITURE REPORT						
FOR MONTH ENDED OCTOBER 31, 2015						
	BEGINNING	APPROVED	ACTUAL	APPROVED	ACTUAL	ENDING
	FUND	BUDGET	REVENUE	BUDGET	EXPENSES	FUND
	BALANCE	REVENUE	OCTOBER 31	EXPENSES	OCTOBER 31	BALANCE
GENERAL FUND	\$3,366,739	\$8,968,450	\$2,163,417	\$8,968,450	\$3,196,057	\$2,334,099
UTILITY FUND	\$1,426,117	\$4,678,500	\$1,615,429	\$4,678,500	\$1,552,989	\$1,488,557
UTILITY PROJECTS FUND	\$0	\$7,819,034	\$0	\$7,819,034	\$912,460	-\$912,460
CAPTIAL RESERVE FUND	\$1,082,248	\$20,000	\$16,498	\$20,000	\$0	\$1,098,746
FIRE DEPARTMENT FUND	\$42,984	\$648,530	\$362,816	\$648,530	\$249,285	\$156,514
T.L.SCRUGGS SCHOLARSHIP FUND	\$11,546	\$11,500	\$16,886	\$11,500	\$6,434	\$21,998
BJERG TRUST FUND	\$60,143	\$100	\$0	\$100	\$0	\$60,143
OPEB TRUST FUND	\$156,485	\$18,750	\$18,750	\$18,750	\$0	\$175,235
HEALTH INSURANCE RESERVE FUND	\$280,833	\$1,171,500	\$529,872	\$1,171,500	\$496,460	\$314,246
HEART OF BREVARD	\$0	\$120,700	\$30,288	\$120,700	\$23,648	\$6,641
HOUSING TRUST FUND	\$53,522	\$13,332	\$0	\$13,332	\$0	\$53,522
BRACKEN MTN PROJECT FUND	\$18,268	\$0	\$0	\$0	\$10,792	\$7,476
MULTI USE PATHS PROJECT FUND	\$209,735	\$597,000	\$390,000	\$597,000	\$312,371	\$287,364
NARCOTICS TASK FORCE FUND	\$151,664	\$45,100	\$15,124	\$45,100	\$5,668	\$161,120
ROSENWALD REVITALIZATION FUND	\$86,037	\$240,000	\$0	\$240,000	\$256,355	-\$170,318
DOWNTOWN MASTER PLAN FUND	\$799,784	\$811,167	\$2,750	\$811,167	\$360,674	\$441,860
CDBG COTTAGES FUND	\$0	\$0	\$0	\$0	\$0	\$0
WAYFINDING FUND	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL ALL FUNDS	\$7,746,105	\$25,163,663	\$5,161,830	\$25,163,663	\$7,383,192	\$5,524,742

FY 2011 - 2016 Monthly Sales Tax Comparison



From: Jim Fatland
Sent: Wednesday, November 04, 2015 8:51 AM
To: Desiree Perry
Subject: FW: Oskar Blues

Please add to correspondence portion of the agenda

From: David Lutz
Sent: Wednesday, November 04, 2015 5:33 AM
To: Emory Owen <Emory.Owen@cityofbrevard.com>
Cc: Tom Williams <tom.williams@cityofbrevard.com>; Jim Fatland <jim.fatland@cityofbrevard.com>
Subject: Oskar Blues

Emory –

Nice Story....

From: David Lutz [<mailto:dlutz@citcom.net>]
Sent: Tuesday, November 03, 2015 9:13 PM
To: David Lutz
Subject: OB

Oskar Blues looks to more than double output

New wastewater treatment system required to accommodate growth



Oskar Blues spokesman Aaron Baker talks about recent upgrades and future expansion at the Brevard facility.

Photo by Patrick Sullivan/Times-News

By GARY GLANCY
Times-News Correspondent

Published: Tuesday, November 3, 2015 at 4:30 a.m.

Last Modified: Monday, November 2, 2015 at 7:25 p.m.

BREVARD — One of the stumbling blocks to a major expansion at Oskar Blues Brewery is about to be removed.

The Brevard beer producer is about two weeks away from launching phase one of a brand new, onsite wastewater treatment system that the company expects will take a significant load off the city's overburdened treatment facility.

The ability to treat more wastewater is essential to the company's growth as construction is underway on a new adjoining building in the complex on Mountain Industrial Road that will house several fermentation tanks even larger than the ones packed into the existing 30,000 square-foot warehouse.

The 17,000 square-foot addition will help bump Oskar Blues' annual capacity up to 210,000 barrels in the next two to three years, a number that would rank the Brevard brewery among the 15 largest craft breweries in the U.S.

“We're growing very, very fast,” said Noah Tuttle, general manager of the Oskar Blues Brevard plant.

Wastewater management

Tuttle said Oskar Blues is investing \$4 million for phases one and two of its new wastewater treatment facility. That includes a 9,000 square-foot expanded wastewater treatment system building and a pair of 24,000 gallon-capacity holding tanks for the brewery's liquid waste.

Oskar Blues spokesman Aaron Baker said phase one will involve an “equalization process,” in which wastewater will be pumped into the two holding tanks and treated to balance pH and temperature and “even the strength” of its wastewater. He added that Oskar Blues had been sending “one big mass of waste all at once,” thus overwhelming the city treatment system.

“They had challenges handling what we were sending them,” Baker said, “so (phase one) goes a long way toward equaling out what we're sending, and allows the city to better handle it.”

Tom Williams, lab manager of the city's wastewater treatment plant, said the cleaning chemicals used by Oskar Blues cause the brewery's wastewater to be either very acidic, with a pH less than 6, or very caustic, with a pH greater than 9, which at times impacted the city's wastewater plant.

“By neutralizing the pH between 6 and 9,” Williams said, “there is less impact on the sewer pipes from corrosion and on the plant's ability to treat the wastewater. (Oskar Blues') equalization basins will help control their flow, preventing accidental discharges and 'slug' loads of high BOD (biochemical oxygen demand) that impact the ability of the (city's) wastewater treatment plant to treat the wastewater effectively.”

Brevard City Manager Jim Fatland added that Oskar Blues' new treatment facility will allow the brewery to discharge to the city wastewater plant at “optimum times to do treatment,” namely during daytime hours when overall concentrations of wastewater aren't so high, “which will make it so much easier for us to handle at our facility.”

Fatland said that through phase one of the project, Oskar Blues is working toward fulfilling city requirements for pre-treatment of wastewater, while also helping the city meet standards for its own permit with the N.C. Department of Environment and Natural Resources.

”The city is very pleased with the progress they're making on phase one,” Fatland said.

Tuttle said Oskar Blues will be monitoring its new facility's success to get a better picture of phase one before determining exactly what phase two — which is expected to be implemented by the end of 2016 — will look like.

In the meantime, “Phase one will be hugely beneficial for them, and us,” Tuttle said. “The city needs upgrades on their system, and we needed upgrades on what we were sending them, so between the two upgrades, I think we'll be in a good place.”

More improvements

The wastewater treatment facility isn't the only improvement or addition taking place at the brewery.

Oskar Blues recently installed a second 50-barrel mash tun — the vessel that helps convert starches in the malted barley to fermentable sugars, resulting in the hot, sweet liquid known as wort.

That will facilitate the increased production once Oskar Blues begins utilizing the 6 to 8 new 300-barrel fermentation tanks it expects to receive in 2016. Oskar Blues just announced the addition of two more states, Mississippi and Utah, to its distribution footprint, and by next spring expects to have all 50 states covered, with the Brevard plant serving nearly 30 of them — mostly in the eastern half of the country — in addition to three countries in Europe.

“The East Coast is booming,” Baker said of the craft-beer market. “We're getting a lot of beer orders.”

Oskar Blues estimates production for 2015 in Brevard alone will be about 80,000 to 85,000 barrels. Once that number reaches 200,000 and beyond in a couple of years, Tuttle said, employment will likely nearly double from the 47 current workers to about 80.

Meanwhile, Oskar Blues also is about to receive two new huge grain silos, each with a capacity of 80,000 pounds.

A new spent-grain silo was installed this summer that allows the large daily amount of barley husks to be hauled off-site and delivered to local farmers for cattle feed. Baker said the brewery worked with the city to allow the painting of the silo to look like a massive Oskar Blues beer can soaring into the sky.

In addition, Oskar Blues recently installed a new 14-goot-tall hops cooler, an energy-efficient lighting system throughout the plant that will also help reduce mold, and an automated case palletizer like the one at its brewery in Longmont, Colo., which alleviates the previously backbreaking labor for its employees on the packaging line.

“That was a huge investment for us,” Tuttle said, “not in terms of financial return but in terms of the well-being of our team.”

David Lutz
Public Service Director
City of Brevard

From: Jim Fatland
Sent: Monday, November 02, 2015 4:13 PM
To: Desiree Perry
Subject: FW: Brevard Public Works and Utility Staff

Please add this email to November 16 City Council Agenda-correspondence received

From: Jim Fatland
Sent: Monday, November 02, 2015 1:48 PM
To: 'psdir@cityofbrevard.com' <psdir@cityofbrevard.com>
Subject: FW: Brevard Public Works and Utility Staff

From: Clay Sykes [<mailto:csykes@esginc.net>]
Sent: Thursday, October 29, 2015 5:18 PM
To: Jimmy Harris <Jimmy.Harris@cityofbrevard.com>; Mac Morrow <Mac.Morrow@cityofbrevard.com>; Maurice Jones <Maurice.Jones@cityofbrevard.com>; Charlie Landreth <Charlie.Landreth@cityofbrevard.com>; Ann Hollingsworth <ann.hollingsworth@cityofbrevard.com>; Wes Dickson <Wes.Dickson@cityofbrevard.com>
Cc: Jim Fatland <jim.fatland@cityofbrevard.com>
Subject: Brevard Public Works and Utility Staff

I just wanted to shoot you guys a quick note regarding my impression of the public works and utilities crews. As you know, I work with cities, counties and industries across the Southeast US and thus have a pretty good perspective on utility operations. I recently sat through a presentation from Mr. David Lutz, Public Works Director, regarding the steps that his team has taken to mitigate infiltration and inflow within the City's sewer system. I was nearly taken off guard by the depth of work that Mr. Lutz has put into implementing **a systematic approach** to attack this challenge. His efforts result in a leveraged effect on available funds, whereby he's truly created a significant "return on investment". Under his leadership, he's implemented cross-training such that he can move his staff around to match up manpower against immediate needs – moving public works staff over to assist C&D crews and even at the WWTP. I've been just as impressed with the leadership and teamwork at the water and wastewater plants themselves. While we've got a number of daunting challenges, the City has the right folks "on the ground" to attack these problems. Emory and his team have rehabilitated the WWTP for a FRACTION of the costs of converting to an activated sludge plant. Perhaps the best "metric" that I can give you is that when I meet with people in the utility industry, I can't help but make a mental note regarding "is this guy someone I want to hire for ESG". I can tell you that I'd hire any of these guys! I would also like to complement Mr. Fatland. While he's obviously had limited exposure to the technical side of utility operations, he's pulled a good team together of both in-house staff and outside consultants and is able to provide the overall leadership and comprehensive perspective to keep things balanced and heading in a positive direction. Common sense goes a long, long ways towards problem-solving even in the most complex engineering challenges; and Mr. Fatland is just blessed with darn good "common sense".

Several months ago, I took a stack of newspapers to my vacation house down on Sapelo Island. What I read regarding the direction Brevard was headed with the massive expenditure plans on both water and wastewater practically ruined my vacation. There was something ironic about the fact that my "adopted hometown" was headed down an unsustainable path regarding infrastructure investment ... something that I've built a career around helping other communities avoid. I want you guys to know that now 6 or 8 months later, I feel really good about both the direction Brevard is headed, and the team of dedicated City staff that I've had the pleasure to interact with. I think it also starts

with exemplary elected officials ... because you guys threw the brakes on the direction we were headed by simply asking, "what will this do to the rates".

Seems like citizens love to "engage their elected officials" when they've got some complaining and criticism to dish out. I wanted to take a few minutes and just pass along the good news regarding my perceptions of Brevard's dedicated staff and the progress they are making with our infrastructure challenges.

Best Regards,

J. Clay Sykes, P.E.
404-395-4508 (cell)

Association of State Floodplain Managers

Dedicated to reducing flood losses & protecting floodplain resources

INSIDE

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NEWS & VIEWS

Vol. 28, No. 5

October 2015

Boiling down 175 pages on the Final Guidelines for Implementing EO 13690 and the Federal Flood Risk Management Standard

Written by ASFPM Executive Director Chad Berginnis

After hundreds of public comments and nine listening sessions, the [final guidelines](#) and [appendices](#) for federal agencies to use when implementing Executive Order 13690 and the Federal Flood Risk Management Standard were approved by the Water Resources Council Oct. 8. The purpose of EO 13690 and the FFRMS is to improve the nation's resilience to current and future flood risks. EO 13690 and FFRMS expand on concepts introduced in EO 11988 by calling for agencies to use a higher vertical flood elevation and corresponding horizontal floodplain than the base flood for federally-funded projects to address current and future flood risk and ensure that projects last as long as intended. Because EO 13690 amended EO 11988, and did not repeal or replace it, the approach in the final guidelines sets up a system where older standards under EO 11988 and the new FFRMS apply, depending on the situation.

The final guidelines emphasize that the new FFRMS is a resiliency standard, not necessarily an elevation standard. The vertical flood elevation and corresponding horizontal floodplain determined using the approaches in the FFRMS establish the level to which a structure or facility must be resilient. This may include using structural or nonstructural methods to reduce or prevent damage, elevating a structure, or, where appropriate, designing it to adapt to, withstand and rapidly recover from a flood event. In particular the following note is included in the final guidelines: "As such, neither EO 11988 nor the FFRMS should be construed to establish a required size, crest elevation, or scale for levees, floodwalls, dunes, or other infrastructure features of flood risk management systems." It will be interesting to see how agencies interpret this as they update their own regulations and procedures.

Another important element is the applicability of the new FFRMS. A major change from the draft guidelines that were first released this past January is that there is now a distinction between federally-funded projects and federal actions. Federally-funded projects are subject to the new FFRMS while any other federal actions must meet the old flood standard under EO 11988 (the old flood standard is the base flood elevation for non-critical actions and the .2 percent chance flood for critical actions). So what is a

federally-funded project? It's a type of federal action where federal funds are used for new construction, substantial improvement or to address substantial damage to structures and facilities. A facility is further defined as any man-made or man-placed item other than a structure (examples include but are not limited to bridges and roads). In other words, most if not all federally-funded infrastructure should be subject to the FFRMS.

The new guidelines did add exceptions to using the FFRMS for actions in the interest of national security, where application to a federal facility or structure is demonstrably inappropriate, or where the agency action is a mission-critical requirement related to a national security interest or an emergency action. However, such excepted activities must still meet the requirements of the decision making process (i.e., the requirement for the consideration of nature-based approaches when considering alternatives). These are in addition to the emergency work exemption provided previously in EO 11988 and continued in EO 13690.

Another important element of the guidelines is the definition of the FFRMS floodplain. The final guidelines use the term *FFRMS floodplain* to distinguish between the 1 percent chance floodplain (or base floodplain) and the .2 percent chance floodplain commonly used by floodplain managers, because it not only includes the vertical flood elevation but also the corresponding horizontal floodplain (a new concept to many floodplain managers) as the area subject to flooding. The FFRMS floodplain can be determined by one of the following approaches:

- *Climate-informed Science Approach (CISA)* – The elevation and flood hazard area that result from using a CISA that uses the best-available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding based on climate science. This approach will also include an emphasis on whether the action is a critical action as one of the factors to be considered when conducting the analysis.
- *Freeboard Value Approach (FVA)* – The elevation and flood hazard area that result from using the freeboard value, reached by adding an additional 2 feet to the base flood elevation for non-critical actions and from adding an additional 3 feet to the base flood elevation for critical actions.
- *0.2-percent-annual-chance Flood Approach (0.2PFA)* – The area subject to flooding by the 0.2-percent-annual-chance flood.

The final guidelines emphasize that CISA is preferred, however, they also acknowledge that in riverine areas in particular, the science is immature and evolving. Consistent with previous guidance for EO 11988, the final guidelines emphasize that the FEMA-identified floodplain on Flood Insurance Rate Maps should only be considered a starting point and that other data sources should be used, including developing flood data when necessary. New in the final guidelines is the recommendation to use preliminary FIRMS and Advisory Base Flood Elevations as best available data, especially when flood elevations are higher.

WHAT IS EO 11988 IN A NUTSHELL?

EO 11988 was issued by President Jimmy Carter in 1977 and directed federal agencies to reduce flood losses and impacts, and preserve the natural and beneficial functions of floodplains when undertaking nearly any federal action. It led to the establishment of an eight-step decision making process to ensure this goal was being met:

1. Determine if a proposed action is in the base floodplain
2. Provide for public review
3. Identify and evaluate practicable alternatives to locating in the base floodplain
4. Identify the impacts of the proposed action
5. Minimize threats to life and property and to natural and beneficial floodplain values
6. Reevaluate alternatives
7. Issue findings and a public explanation
8. Implement the action

Additionally, EO 11988 established the original federal flood risk standard, which was equivalent to the NFIP minimum standards and required agencies to conspicuously post past and probable future flood heights on structures and other places used by the general public.

During the public comment period, a frequent question related to multiple agencies being involved in a federally-funded project – which method is to be used? The final guidelines indicate where more than one federal agency is engaged in a federally-funded project, they should begin to coordinate early in the process to select the most appropriate approach for determining the floodplain. They further explain that the processes for coordination are typically determined on a project-specific basis and/or will be described in an agency’s implementing procedures. What is unknown at this time is how agencies will approach selecting among the three FFRMS alternatives, whether it will be one approach for an entire agency, one approach for a particular program, or one approach for a particular project type.

The final guidelines elaborate on one of the new significant requirements of EO 13690, which requires, where possible, the use of natural systems, ecosystem processes and nature-based approaches when developing alternatives for consideration. First, this requirement applies to all federal actions, not just federal projects. Second, natural systems can include natural and engineered features, which could mean that there is an opportunity to build in natural systems into many if not all of the alternatives considered. Sometimes, a nature-based or nonstructural alternative could appropriately be used in lieu of action proposed in a floodplain. For example, a stand-alone nature-based alternative to construction of a sea wall for shoreline stabilization could be the creation of a “living shoreline” using strategic placement of habitat components to accomplish the same purpose. When a nature-based approach is implemented in lieu of or to complement a proposed action in a floodplain, there may be reduced flood risk as well as less potential for degradation to the natural and beneficial floodplain values.

Unfortunately, the final guidelines do not generally mandate the use of higher state and local standards flood risk reduction standards. There are two exceptions. The first is in coastal states where National Oceanic and Atmospheric Administration has approved such standards as part of the state’s coastal management program. Generally, federal consistency requires that federal actions, within and outside of the coastal zone that have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone, be consistent with the enforceable policies of a state’s federally-approved coastal management program. The second is where higher state and local standards are used to establish a more restrictive floodway rise as recognized by the National Flood Insurance Program itself through the production of FIRMs and Flood Insurance Studies that are based on this more restrictive standard. The final guidelines direct federal agencies to consider higher state, tribal, territorial and local standards and even recommends their use if the federal agency determines the application of such standards is “reasonable in light of the goals of EO 11988,” but falls short of requiring them. As part of its public notice requirements, the only requirement of the federal agency is to include a statement indicating whether the actions conform to applicable state or local floodplain protection standards.

Where do we go from here?

Beginning now and lasting over the next several years, agencies will be identifying their regulations and procedures that need updated to comply with the new EO and FFRMS and will begin working on them. FEMA will continue to serve in its traditional role as a technical advisor, assisting other federal agencies seeking to update its regulations and procedures and ensuring that they are consistent with the NFIP. Agencies will also have to consult with the President’s Council on Environmental Quality. In the interim, it is important to keep the following in mind:

- Even though they are final, the guidelines continue to be advisory. This will give agencies some flexibility in implementation. ASFPM has reviewed several agency’s compliance procedures with EO 11988 and found they are quite varied. For example, HUD’s most recent compliance procedures for EO 11988 (updated in 2013) creates a streamlined five-step process for certain categories of actions, and exempts other actions from the entire eight-step process. ASFPM be on the lookout for and carefully comment on each agency’s draft compliance procedures as they become publically available.

- Unfortunately, the new guidelines did not create any type of oversight or enforcement mechanism. Traditionally, community and state officials having issues with a particular federal agency reach out to their FEMA regional office for someone who can at least consult with the other agency. However, FEMA does not have any enforcement authority over the other federal agency. Still, this will remain the best approach for dealing with such situations.
- The new FFRMS does not go into effect until an agency has completed the update of their compliance procedures.

WHY I LOVE BEING AN ASFPM MEMBER?

“What’s not to LOVE about being @FloodsOrg member? Access to experts, education community, resources, knowledge share, GREAT people,” said John A. Miller, a water resources engineer and legislative chair of New Jersey Association for Floodplain Management.

Renew your membership [here](#).



Great Resource: Floodplain Management Videos

Steve Samuelson, a CFM and NFIP specialist with the Kansas Department of Agriculture, alerted us through his October floodplain management tips bulletin of a series of 20 videos that explain everything from the NFIP to floodplain mapping and regulation to the CRS.

Floodplain Management and Dam Safety Program of the Iowa Department of Natural Resources partnered with Iowa State University Extension and Outreach to create the videos.

While one set of videos are Iowa-centric, a [second set of the videos](#) were created that have been scrubbed of any Iowa reference so that everyone can use them no matter where they live.

“Each topic is broken up in to a few short videos,” Samuelson wrote. “Most of the videos are about five minutes long...You can easily watch a short video in your spare time at your desk in this way. Come back and watch more videos as you have time...Each video has excellent information that is well presented. These videos are an excellent way for people to learn about floodplain management without leaving their office and at a time that they can set for themselves. Some of the videos on flood mapping would be good to use in a community that is getting a new flood map. Video 20 is about the Community Rating System and would be a good video to have linked on a community website when the community has applied for CRS. The videos discuss the basic requirements for floodplain management that apply anywhere.”

Video 1: The NFIP: History and Goals	Video 11: Changing Floodplain Maps: Letters of Map Changes
Video 2: History and Purpose of the NFIP	Video 12: Floodplain Maps: Accessing Maps, Creating FIRMettes
Video 3: The NFIP: How do we join? What are the benefits?	Video 13: What is Development? When is a Permit Required?
Video 4: The NFIP: Community Responsibilities	Video 14: Local Floodplain Development Regulations
Video 5: Watersheds, Rivers and Floodplains	Video 15: Substantial Damages & Substantial Improvements
Video 6: Types of Flooding	Video 16: Local Floodplain Regulation: Variances
Video 7: Factors affecting Flooding	Video 17: Beyond Fed and State Minimum Standards
Video 8: Intro to Floodplain Maps: Understanding Floodplain Maps and Flood Risk	Video 18: Flood Insurance: Is Purchase Required? What can be Insured?
Video 9: Floodplain Maps: Understanding the Features of a Floodplain Map	Video 19: Flood Insurance: Premiums, Purchasing, and Other Benefits
Video 10: Floodplain Maps: Understanding Flood Zones	Video 20: The Community Rating System

Historic Buildings in the SFHA: Tools for Floodplain Managers

Written by Rod Scott, CFM, of L&R Resources, LLC in Mandeville, Louisiana

Rod Scott will be writing a series of columns on the issue of historic buildings and the challenges when attempting to mitigate them.

Does your work involve floodplain leadership activities in a coastal or riverine community? As leaders in managing flood risk, we are not only faced with regulatory and mitigation activities, we are also more engaged in helping citizens who own pre-Flood Insurance Rate Map buildings get them mitigated.

These Pre-FIRM historic buildings are more at risk from flooding due to being built before we had flood mapping, local flood ordinances, civil engineering design standards and building codes that reduce flood risk. Many of these buildings are designated historic and many have not been evaluated for historic designation, especially in the higher density, new development pressure areas of the coast or older historic manufacturing/housing areas of our communities. For more than 40 years these buildings have benefitted from a discounted flood policy rate that was artificially low compared to the actual cost of the risk should they be flooded. These older historic buildings are now going to pay much higher actuarial-based premiums for flood insurance. The rise in premiums for these pre-FIRM buildings is going to encourage many property owners to mitigate their buildings, driving a substantial increase in flood hazard mitigation projects.

So where are the historic buildings in relation to the Special Flood Hazard Area? Recently the [National Park Service](#) and [National Trust for Historic Preservation](#) partnered with FEMA GIS flood map information and have released a [GIS mapping web tool](#) that identifies historic buildings located in the SFHA at various levels of historic designation under the National Register program. This new web-based tool is going to be very helpful for state and local governments, as well as non-profit historic preservation organizations, in identifying where their historic buildings are in the SFHA. Locating the historic buildings in the floodplain is a valuable tool for flood hazard mitigation planning. Say you have 100 historic buildings in the SFHA. Now your community can identify the properties and provide education outreach to those property owners about flood hazard mitigation. Additionally, elected officials can benefit from understanding the significance of these properties and the impacts to the community if they are not mitigated. Currently this tool is only available for federally-designated historic buildings. State and local historic designation lists are not yet available for the GIS floodplain mapping.

Many historic communities are now integrating historic resources into their multi-hazard mitigation plans. Traditionally flood mitigation of historic resources/buildings have not been identified in multi-hazard mitigation plans. Several states are now utilizing the FEMA P386-6 manual, "[Integrating historic property and cultural resource considerations into hazard mitigation planning.](#)" This manual has been embraced by multiple historic



Above left, is an unmitigated 1840 National Register listed home in Mandeville, Louisiana, named Little Flower. The home on the right is also an 1840 historic home in Mandeville, but it is mitigated. Photos by Rod Scott.

communities like Annapolis, Maryland, Philadelphia, Pennsylvania and Fernandina Beach, Florida.

Mitigating historic properties identified in mitigation plans are the next step. First we need to make sure all pre-FIRM buildings are architectural/historical surveyed and combined with traditional land surveying/elevation certificates to provide critical planning data. This data can be used to map previously undesignated historic areas of the community and new historic designations can be completed. Two coastal/riverine states that received FEMA mitigation funding post Hurricane Sandy (Pennsylvania and Maryland) are currently undertaking this type of project. From this information, preservationists, communities and building owners will be able to develop mitigation projects for inclusion into local hazard mitigation plans and start to look at group or individual flood mitigation projects. [FEMA publication P 467-2](#) addresses flood mitigation projects for historic buildings, but will require updating since it outlines on page 8 how the flood ordinance variance process doesn't impact the subsidized rates for the National Flood Insurance Program, which is no longer the case. It is a whole new world out there. Another opportunity for mitigation planning/project identification is the USACE "Silver Jackets Program." This valuable program can identify mitigation treatments and benefit cost analysis of those proposed mitigation actions. More about this program can be found at: <http://silverjackets.nfrmp.us/>.

Historic preservation as a movement has been delayed in getting into the flood hazard mitigation business. Flood mitigation projects like elevation and dry flood proofing can make substantial changes in the historic exterior of a building, especially if done without regard to the intent of preserving as much original materials, or how the building sits in relationship to its neighbors or street level elevation, and utilizing compatible building materials. Flood ordinances have allowed a variance for elevation requirements, which many building owners have taken advantage of in substantial damage and substantial improvement situations. This has allowed many buildings to avoid the activities involved with either elevation or dry flood proofing, and as a result, those buildings are still at a higher risk of flood damage. Those of us in floodplain leadership need to educate the historic preservation field about the adverse financial ramifications to the building owners if the floodplain ordinance variance process is being requested and flood insurance is going to be carried by the current or future owners. Flood insurance premium rates on these old historic buildings are going up.

In each State Historic Preservation office is the conduit to financial incentives for historic rehabilitation, and also for "[Protecting Historic Properties: A Citizen's Guide to Section 106 Review](#)." Grants and income tax credit programs are the most common programs administered by these state offices. You can find your state office at the [National Conference of State Historic Preservation Officers](#). Currently I am not aware of any flood mitigation orientation/awareness training programs for the staff of these offices regarding flood hazard mitigation and how



Above left is a historic 1890 Owego, New York home that was not mitigated when it suffered flood damage in October 2011. The right photo show an 1850 National Register home, also in Owego, during a mitigation project this September. Photos by Rod Scott.

it works. We need to understand the reluctance of these state government offices and local government offices involved in managing historic resources to endorsing or encouraging changes to historic buildings that could alter them or cause them to not be designated historic. The state preservation offices often work closely with the local government historic preservation commissions, which review permitted activities within the boundaries of a historic district. The [National Alliance of Preservation Commissions](#) work closely with federal agencies funding or permitting projects in or around historic buildings. Currently most historic preservation flood mitigation in coastal communities is primarily focused on sea level rise planning, and not on the coming rapid increases in flood policy rates for these buildings and the real need to get flood mitigation projects going now.

There are a couple FEMA mitigation publications for historic properties, which have been published or are in the process of publishing, relating to the elevation of historic buildings for flood hazard mitigation. These are good first attempts at the issue. The one everyone in preservation is making reference to is "[Elevation Design Guidelines for Historic Homes in the Mississippi Gulf Coast Region](#)." Some of the drawbacks to this publication that have surfaced in subsequent discussions is the lack of building science/codes and flood ordinance requirements in the front of this publication. That information is at the back of the document and is now seriously out of date due to changes in NFIP policy premiums. The document also encourages lots of site fill to enable the relative distance between the ground and the structure to remain as close as possible without regard to adverse impact. There is also very little discussion about freeboard and the multiple benefits derived from the additional height required above the flood map minimum elevation. Historic preservation is at the core of community resiliency. In 2003, the United Nations issued a global report, "[Heritage and Resilience: Issues and Opportunities for Reducing Disaster Risks](#)." It noted the connection between physical and social resilience. "The symbolism inherent in heritage is a powerful means to help victims recover from the psychological impact of disasters. In such situations, people search desperately for identity and 'self-esteem,' and find it in reclaiming their heritage and historic places...Heritage contributes to social cohesion, sustainable development and psychological well-being. Protecting heritage promotes resilience."

In the next article, I will examine the actual implementation/construction activities for these important older historic buildings in the US.

Administration released a new memorandum directing federal agencies to factor the value of ecosystem services into federal planning and decision-making



Written by Tamara Dickinson, Principal Assistant Director for Environment & Energy at the White House Office of Science and Technology Policy; Timothy Male, Associate Director for Conservation and Wildlife at the Council on Environmental Quality; and Ali Zaidi, Associate Director for Natural Resources, Energy, and Science at the White House Office of Management and Budget.

Our natural world provides critical contributions that support and protect our communities and economy. For instance, Louisiana's coastal wetlands provide [billions of dollars worth of flood protection](#) and other benefits. [Preserving and restoring forests](#) in the Catskill Mountains enables New York City to access clean water at a cost several times less than the cost of building a new water-filtration plant. And [current efforts to plant trees](#) along Oregon's salmon-rich rivers will improve local water quality – saving costs associated with installing expensive machinery to achieve the same purpose.

But these "ecosystem services" are often overlooked. Integrating ecosystem services into planning and decision-making can lead to better outcomes, fewer unintended consequences, and more efficient use of taxpayer dollars and other resources.

That is why President Obama Oct. 7 issued a [memorandum](#) directing all federal agencies to incorporate the value of natural, or "green," infrastructure and ecosystem services into federal planning and decision making. The memorandum directs agencies to develop and institutionalize policies that promote consideration of ecosystem services, where appropriate and practicable, in planning, investment and regulatory contexts. It also establishes a process for the federal government to develop a more detailed guidance on integrating ecosystem-service assessments into relevant programs and projects to help maintain ecosystem and community resilience, sustainable use of natural resources, and the recreational value of the nation's unique landscapes.



From the Chair

Ceil C. Strauss, CFM

As we move toward the year's end, it will soon be time to renew our ASFPM memberships. So it's a good time to reflect on why I became an ASFPM member in the first place, how my view of ASFPM and the benefits of being a CFM and member has changed over the years.

Not unlike many ASFPM members, I became one when I decided to take the CFM exam. I had some involvement with floodplain management in earlier positions with the Minnesota DNR, but when I started with the state floodplain program in 2002 I became fully immersed in all aspects of floodplain management. That's when it really hit home that the more I learned, the more I realized how much I didn't know! The Minnesota Association of Floodplain Managers was brand new, and the inaugural annual conference was being organized. The CFM exam was to be offered (for the first time in the state, I believe). My coworker, Suzanne Jiwani, and I decided we should learn more about the national program, so we took (and passed) the exam.

The first couple years as an ASFPM member I didn't realize many of the benefits. My focus was more at the state level as I got involved with the MnAFPM chapter and helping plan for those early annual conferences. At the state conference level we had speakers and workshop trainers with national and regional perspectives who encouraged us to look at topics like No Adverse Impact and legal issues in addition to the new technical and regulatory approaches.

My first real exposure to the full breadth of what ASFPM has to offer was when I attend my first national conference in Madison, Wisconsin in 2005. Eight tracks of sessions with way too many topics of interest, the policy and agency updates, and a chance to sit in on policy committees and hear about the broad range of issues and efforts drawing upon the expertise of local officials and others from around the country (and world).

In addition to those great annual conferences, most members know about benefits such as the informative *Insider* and *News&Views* newsletters. But recently, ASFPM has been able to provide even more benefits to members than in the past, like email alerts on emerging policies and law changes, quarterly webinar calls to provide a forum to support chapters and states, discounted educational webinars, and support for field deploying the Emergency Management Institute's 273 class to many more places around the country.

Behind the scenes, ASFPM staff provide benefits such as: supporting our chapters, monitoring the latest significant law proposals, policies and projects of Congress and federal agencies that affect us as floodplain managers and providing comments and reviews to agencies and congressional staff based on the input from our members across the county. Input from ASFPM is respected since it is recognized the issues and recommendations are coming from our members, those with "boots on the ground."

Another area where ASFPM is supporting members is in the great work the Science Services staff are doing. An example from a few years ago is the "[Flood Mapping the Nation](#)" paper frequently used for educating decision makers on the direction needed for mapping flood risks, and the level of funding that represents. More recent projects underway include: the [Great Lakes Coastal Resilience Planning Guide](#), Community Floodplain Management Survey (based on the past state program surveys), [NOAA Digital Coast Partnership](#), [No Adverse Impact](#) workshops, mentoring program for state floodplain management programs, and many more. See more on the website at [Current Projects and On-Going Programs](#).

Over the years, as I've gotten more involved with ASFPM, I've become much more aware and appreciative of what we do as an association. ASFPM was doing a lot when I first became a member, but we are doing even more now. Evolving technology, many committed and knowledgeable members, and a larger professional staff have allowed for many opportunities to be involved, learn and share. As an ASFPM member, you not only grow with the association, you help shape it.

In Memory of Gregory Alan Main—Jan. 6, 1964-Oct. 22, 2015



Chair Greg Main at 2010 Oklahoma City conference. Photo by Dan Sherwood.

We are very sad to report that on Oct. 22, Greg Main succumbed quietly to the illness that plagued him this past year, surrounded by his family at home. ASFPM has lost one of our own, the first chair to pass. He will be sorely missed and long remembered. Greg was a true floodplain management leader, dedicated ASFPM member, wonderful father to two sons and loving husband to wife Melanie, consummate hunter and fisher, and a great friend to many.

Greg served in numerous ASFPM leadership roles, including chair, vice chair, treasurer, Region 5 board director, 2001 conference program chair, CRS Task Force state representative and ASFPM Awards Committee member.

He received our prestigious “Jerry Louthain Service to Members Award” this year in Atlanta for helping promote effective national and state policy and practice in floodplain management. He also received numerous awards from Indiana and FEMA Region V for his long-time work as the Indiana NFIP state coordinator and co-founder of the Indiana Association for Floodplain and Stormwater Management. Greg not only brought practical on-the-ground experience, but also a sense of practicality to get things done and help communities and people be safer and think about how they could reduce their risk of flooding.



Greg Main's ASFPM Service to Members Award on display at the visitation Oct. 26 in Indiana. Photo by Diane Brown.

Not one to seek or revel in the limelight, he led ASFPM and thousands of professionals with honor and dignity. He was deeply admired by his colleagues for his quiet but strong leadership, perennial positive outlook and grace under pressure. We'll never forget Greg's humanity, humor, laugh and ability and willingness to work with everyone to accomplish our mission. Rest in peace, dear friend.

This [PowerPoint tribute](#) was developed by several of our leaders to honor Greg and his time with ASFPM. We hope you enjoy it even if you did not know Greg personally. The visitation and service were held Oct. 26-27 in Parker City, Indiana. Your thoughts and memories can be shared with his wife Melanie and his sons James and Zach at 123 E. Central Way, Pendleton IN 46064.

Contributions to the [ASFPM Foundation](#) in Greg's memory can be sent to:

ASFPM Foundation
575 D'Onofrio Drive, Suite 200
Madison, Wisconsin 53719
608-828-3000

Policy Matters!

Larry Larson, PE, CFM
Director Emeritus – Senior Policy Advisor, ASFPM

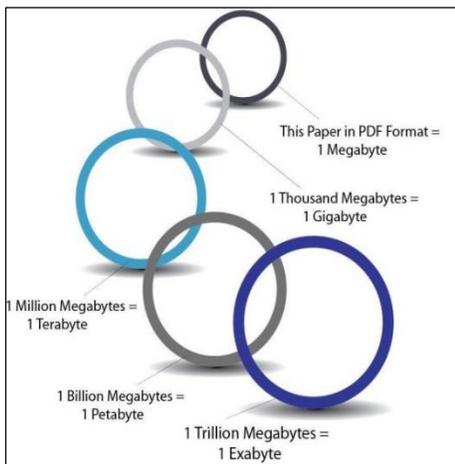


I just read “[Understanding the Intersection of Resilience, Big Data and the Internet of Things in the Changing Insurance Marketplace](#),” written by FLASH’s Leslie Chapman-Henderson, and a senior policy analyst Audrey K Rierson. Afterwards, I reflected on how the explosion of data has changed what we do as flood risk managers. This column will look at how our efforts to map, manage, insure and mitigate flood risks are all entwined with big data. Challenges include efforts to collect, standardize, store and provide practitioners user-friendly data access.

How Managing Flood Risk relates to Big Data

Think about how your job in managing flood risk has changed in the last five years (or for some of us over a much longer period of time). Think about how we do flood mapping now compared to 15 years ago when so many flood maps were created. Contour mapping with LiDAR, engineering models that can be done with or without field data, digital maps, the ability to produce depth grids showing variable flood risk instead of just a shaded area where it appears all properties are at the same risk of flooding even though we know they are not.

Then consider how we can use data to produce better mitigation plans and options. Using GIS combined with flood mapping, we can determine the average annual damage for each structure, helping us do Benefit Cost Analysis and Return of Investment for mitigation. A huge amount of data is collected by various entities on buildings, including their elevation compared to flood levels, structure type, age, building materials and flood damage history. Not all of this is organized, standardized, archived or made accessible to those who need the information to manage the flood risk, such as the building owner, the community and state officials, etc.



The big data movement is driven by increased data—largely unstructured. Currently an estimated 80 percent of existing data is unstructured. In 2005 there were 150 Exabytes of available digital data at the global level, and in 2010 that number grew to 1,200 Exabytes. As illustrated in the graphic at left from Chapman-Henderson’s article, an Exabyte equals 1 trillion Megabytes.

This number is projected to increase 40 percent every year for the next several years—approximately 40 times the growth of the world’s population. It’s been said that 90 percent of the world’s data was created in the last two years, but that makes it more difficult for us to get through the noise to data that is useful.

Chapman-Henderson stated that the National Academies of Science report [Facing Hazards and Disasters](#) identifies that standardization and data archiving together pose potentially the most consequential challenge to social science hazards and disaster research.

She went on to explain that there are global efforts underway that should help all of us in our duties, such as the [United Nations’ Global Pulse](#), a focus on the intersection of big data, sustainable development and humanitarian action. It’s a network of innovation labs where big data for development research is conceived and coordinated, in partnership with UN agencies, governments, academia and the private sector. Objectives of Global Pulse include: “(1) Achieve a critical mass of implemented innovations; (2) Lower systemic barriers to adoption and

scaling; and, (3) Strengthen the big data innovation ecosystem.” The vision of Global Pulse is the safe and responsible leveraging of big data *as a public good*. In this spirit, Global Pulse addresses the advancement of the conversation around [Data Philanthropy](#), or the partnership among private sector companies sharing data for public benefit.

ASFPM has long supported open source data, especially any data developed using public money. In addition to the above movement on data sharing, we see others promoting that theme. In August 2013 the Rockefeller Foundation’s Bellagio Center wrote “[Big Data, Communities and Ethical Resilience: A Framework for Action](#),” and developed a draft “[Code of Conduct](#)” regarding resilience building projects integrating big data and advanced computing, which identified seven core principles: (1) Open Source Data Tools; (2) Transparent Data Infrastructure; (3) Develop and Maintain Local Skills; (4) Local Data Ownership; (5) Ethical Data Sharing; (6) Right Not To Be Sensed; and (7) Learning from Mistakes. Again, these are principles ASFPM espouses.

As with everything in society, the changes we have seen in data with regards to our profession will happen even more rapidly in the next decades. That doesn’t mean this nation or others will reduce the costs or exposure to flood risk, mostly because people often make decisions on reducing flood risk based on financial costs rather than safety. It is our challenge as flood risk management professionals to use all this data in a way that helps communities and citizens be more safe and resilient to floods and other natural hazards.

“I am a part of ASFPM’s work to reduce suffering,” said Janet Thigpen, a CFM in New York and ASFPM’s district 1 chapter director.

Why I love being an ASFPM member?

#ASFPM2015

Learn how you can become an ASFPM member [here](#).

No Adverse Impact – Focus on Implementation

Written by ASFPM Science Services Program Director Alan Lulloff

ASFPM provided a [No Adverse Impact](#) workshop at the [Northwest Regional Floodplain Management Association](#) conference in Post Falls, Idaho Sept. 24. The Idaho Department of Natural Resources requested us to present specifically on NAI implementation. I conducted the workshop with assistance from David Miles with the city of Meridian, Idaho, and Angela Gilman with Ada County, Idaho. I provided highlights of each of the NAI tools, associated best practices and then focused heavily on how to ensure new proposed encroachments into the floodplain do not adversely impact existing development.



From left: David Miles, city of Meridian, Idaho; Alan Lulloff, ASFPM; and Angela Gilman, Ada County, Idaho.

Mapping full-conveyance (zero-rise) floodways—During mapping projects, FEMA narrows the natural floodway, allowing new development to cause up to 1 foot of increased flooding. [ASFPM research](#) has documented that on average this causes the natural, full-conveyance floodway to be reduced in width by one-half; flood flow velocities to be increased by one-third; and the area inundated to be increased by 10 percent. Due to the requirement that when issuing building permits for new construction, communities must certify that it is reasonably safe from flooding, ASFPM suggests that communities officially request full conveyance floodways for FEMA mapping projects to avoid this increase in flood heights in their community.

Analyzing Proposed Encroachments into the Floodway—Once floodways are mapped, communities should ensure new floodway development proposals do not have adverse impacts by requiring a No Adverse Impact certification in addition to a No Rise certification. Sometimes engineers will show an encroachment will not cause a rise simply by cutting trees to reduce the roughness coefficient in the engineering model or making a portion of the floodway deeper to offset fill. Not only is this condition temporary, it can result in residential buildings in the floodway turning into an island during flood events, which puts emergency response personnel at risk should these homeowners need to be rescued or evacuated during a flood.

A Best Practice Highlighted—To prevent inappropriate development in the floodway, Brevard, North Carolina requires engineers to provide a “No Adverse Impact” certification showing that proposed encroachments not only will cause No Rise in flood elevations, but also, no increase in flood flow velocity and will not reduce the effective base flood storage volume of the floodplain. View the ordinance language [here](#).

Attendees were also provided guidance FEMA has developed showing how the cumulative impacts of encroachments can be addressed by requiring an [equal degree of encroachment analysis](#) be conducted. Finally attendees were provided [sample language associated with requirements for dry land access](#) so that people can safely evacuate during a flood event and a [sample form that can be used for new development to obtain easements](#) from existing development if adverse impacts are identified.

The objective of the workshop was to provide tools and sample ordinance language that local officials can use to minimize adverse impacts of new development on existing residents in their community. If other chapters or organizations are interested in a similar No Adverse Impact Implementation workshop, email me at alan@floods.org.

Job Corner

North Carolina State University is hiring an assistant professor of hydrology and water resources. A policy director is needed at the Massachusetts River Alliance and CH2M is looking for an intermediate geologist/environmental engineer. These are just a handful of jobs being offered on [ASFPM’s Job Corner](#). Check it out for more information and the most up-to-date job listings. Or post your own job opening. It’s completely free!



What's the ASFPM Foundation been up to?

Reflection's on the ASFPM Foundation Forum on Climate-Informed Science

Written by Foundation President Doug Plasencia

The ASFPM Foundation hosted the 5th Gilbert F. White Flood Policy Forum Sept. 17 in Washington D.C. The Forum was titled Climate-Informed Science and Flood Risk Management: Opportunities and Challenges. The topic was chosen due to the release of the Federal Flood Risk Management Standard via executive order and the intriguing introduction of the use of climate-informed science as being the preferred method to estimate hydrologic and hydraulic conditions for the future. This event was attended by nearly 100 of the nation's leading experts in floodplain management, flood insurance, hydrologic and climate sciences, and the environmental community. Representatives included federal, state and local agencies in addition to non-government policy organizations and the private sector. The entire event was underwritten by generous corporate donations and significant volunteer time. This rich cross section of perspectives contributed to a successful day.

The following are my personal observations from the forum:

1. The decisions we are making today on housing and infrastructure will impact that next five or more generations. A straw poll of the participants indicate that the vast majority live in homes that are more than 20 years old. Approximately 10 percent of the participants live in homes more than 70 years old.
2. Nearly 1/3 of the participants can point to unusual and extreme rainfall events in their communities beginning in the past several years. While clearly anecdotal, this group is in-tune with what is normal vs. extreme.
3. The disaster damage exposure to the federal taxpayer is getting worse and will accelerate due to climate change.
4. As engineers and scientists, our predecessors have been at this point before, providing estimates for design with limited and incomplete data. We can do it again.
5. Climate-informed science does not change the underlying rainfall runoff models used by engineering and hydrologists today. What we do need to change are the rainfall and land cover assumptions to reflect a changing climate.
6. Assumptions in the hydrologic and hydraulic sciences are not new, and our current approaches are based on a number of simplifying assumptions.

If I were to chart a direction for implementing climate-informed science, it would include the following elements:

WHAT IS THE ASFPM FOUNDATION?

In 1996, ASFPM established a non-profit, tax exempt foundation, which serves as an advocate for the profession and as a voice for you, the practitioner, supplier or service provider.

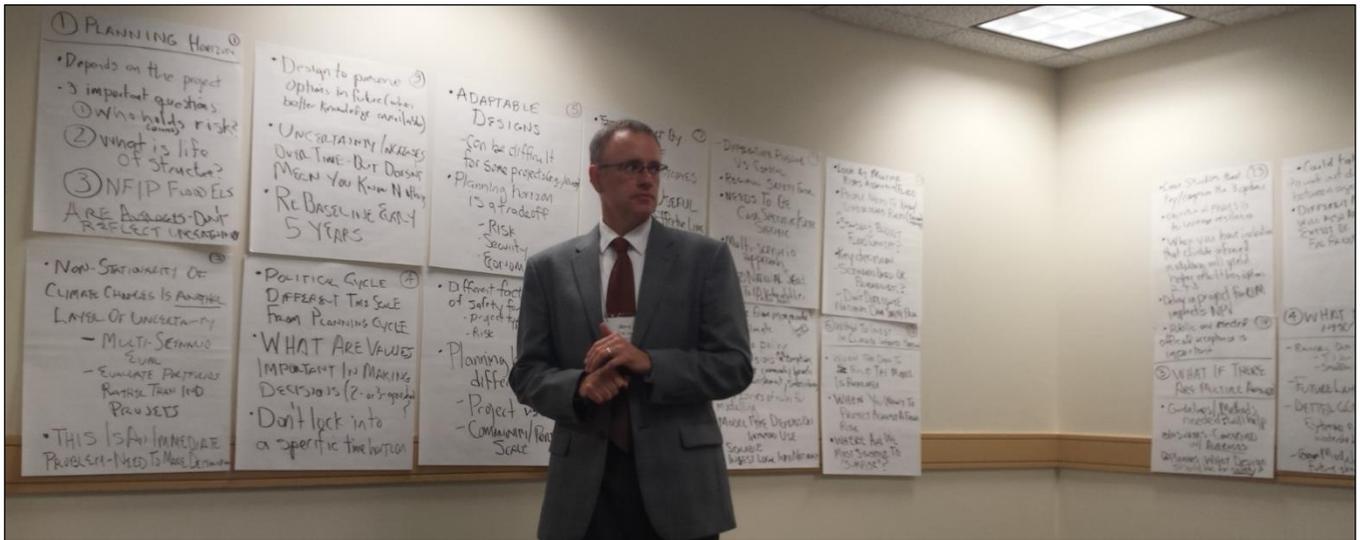
The foundation seeks and directs funds to help ASFPM meet its goals and support floodplain management activities that originate outside of ASFPM.

Foundation donations have supported development of the [CFM](#) program, [No Adverse Impact](#) publications, [college student paper competitions](#), [higher education opportunities](#) in FPM, and specialty think tank meetings, including the [Gilbert F. White National Flood Policy Forums](#).

ASFPM Foundation promotes public policy through select strategic initiatives and serves as an incubator for long-term policy development that promotes sustainable floodplain and watershed management. If you'd like to learn more or donate to the foundation, click [here](#).

1. Bring together experts on a regional or sub-regional basis to develop the input assumptions to be used in current tool sets. For those who doubt it can be done, I will merely add we have done it before.
2. Invest in data to allow us to fine tune our approaches and course, and adjust with time.
3. The FFRMS approach, while focused on federal investment, should be evaluated for use in non-federal investments.

Currently the Forum planning team is working towards preparation of a formal document capturing the discussion and ideas from the Forum and shaping these into recommendations. We will share it with you as soon as it's available.



Above: Foundation Trustee Jerry Sparks of Dewberry takes a break from notetaking during one of three breakout sessions at the 5th Gilbert White National Flood Policy Forum, held Sept. 17 in D.C. Photo by Michele Mihalovich.

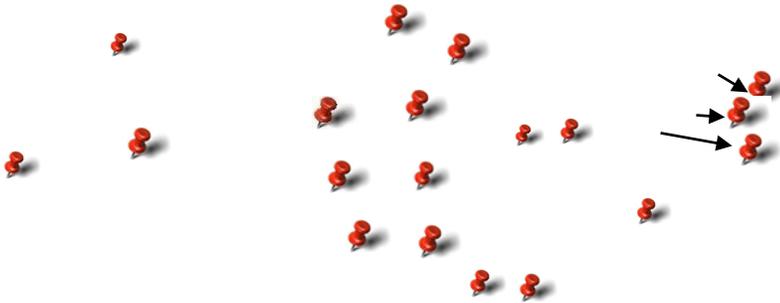
Gilbert White National Flood Policy Forum 2015—By the Numbers

Attendees	Sponsors: 9
Academia: 6	AECOM
Federal Agencies: 28	Atkins Global
Local & State Governments: 8	Booz Allen Hamilton
NGO (Non-ASFPM): 12	CDM Smith
Private Industry: 41	Dewberry
	ESP Associates
<u>Papers Written</u>: 14	H2O Partners
	Ideation, Inc.
	Michael Baker International

ASFPM Foundation Outreach Committee has been BUSY, Spreading the Word of Foundation Activities

In the last column, the committee asked state chapters to contact them if they were interested in a trustee stopping by an annual chapter conference to explain what the foundation is all about, and what the foundation could do to assist chapters and its members to better manage flood risk. As you can see from the graphic below, foundation trustees spoke from one end of the U.S. to the other. But there are still plenty of state chapter conferences happening. So if you'd like to hear about the foundation first hand, contact Sonja Wood (sonja@h2opartnersusa.com) or Maribel Marquez (mmarquez@essassociates.com).

Foundation presentations to ASFPM state chapters in 2015



Would you like to donate to the ASFPM Foundation so that it can continue to promote public policy through strategic initiatives and serve as an incubator for long-term policy development that promotes sustainable floodplain and watershed management? Click [here](#) to donate.

Why I love being an ASFPM member?

#ASFPM2015

Learn how you can become an ASFPM member [here](#).

“The hundreds of resources readily available, the people and contacts, and of course—the amazing conference,” said Kara Moree, a CFM in Louisiana and Louisiana Floodplain Management Association secretary.

What's happening around the world?

A collection of the most viewed stories on our [Facebook](#) page

Pennsylvania

Fran McJunkin, the deputy director of planning for Lycoming County, Pennsylvania, thinks these changes are serving as a long-overdue wake-up call. For her, flood insurance isn't the problem...living or having a business in the floodplain is the problem. Because, she says, "nobody recovers from a flood. Flood insurance does not make a person whole after a flood." Read ["Wake-up call or washout: flood insurance reform threatens PA river towns."](#)



United States



Before clicking on the link for ["Top 10 states for National Flood Insurance Program payouts in 2014,"](#) guess which state you think received the most payouts. Photo at left shows flood waters filled the streets in the Meadows section of Boynton Beach, Florida, Jan. 10, 2014, trapping cars. Boynton Beach got nearly two feet of rain in a 24-hour period. (AP Photo/J Pat Carter).

Why don't property owners have flood insurance? Benjamin Franklin said it best. "By failing to prepare, you are preparing to fail." This [article](#) from Property Casualty 360° takes an in-depth look at this perplexing issue.

Japan

Within hours of the levee breach in Japan, about 2,500 people had been taken to shelters, but the high volume of water flooded two of those shelters. The Japan Times reports in the article, ["Japanese River Levee Fails; Flooding Spurs Evacuation Order for 130,000."](#) Photo at right shows floodwaters from the burst Kinugawa River (left) flow into a residential area (right) in Joso, Ibaraki Prefecture Sept. 10. Jiji Press/AFP/Getty Images.

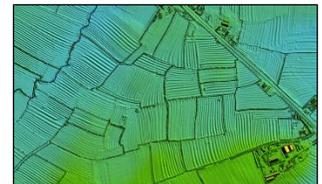


The World



[Animated map](#) of what Earth would look like if all the ice melted. It is NOT looking good for Florida, folks. At left is a screenshot from the video showing New Orleans and Miami under water.

Laser scanning has helped England do everything from discovering new things about Stonehenge to planning better flood infrastructure. Now, the country has made the entirety of its massive trove of scans available for free—in part because of requests from everyone from researchers to Minecraft players. Read the Gizmodo.com article [here](#).

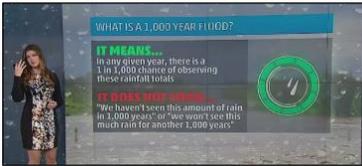


North Carolina

This op-ed piece comes from *The News&Observer*, and highlights why the ["North Topsail Beach debacle is no way for NC to management its coasts."](#) Photo at right shows North Topsail Beach got permission to build a sandbag seawall in the ocean that required a special variance from the Coastal Resources Commission. Photo by Todd Miller.



South Carolina...kind of



FINALLY! The next time you hear someone say something crazy, like "this is a once in a 1000 year flood event," send them this [link](#). PLEASE!!!

We need to do a better job as CFMs, emergency managers, firefighters and risk communicators, during emergencies. Using words and phrases that are common in our industries, means nothing to the general public. Walk up to any person you see on the street right now and ask them what "shelter in place" means. All those blank stares should be a pretty good indicator that "shelter in place" should NOT be used, especially in emergency alerts. This [article](#) from Project Literacy explains more.



South Carolina for sure



"Long before the historic floods of the past week, crumbling roads, bridges and dams and aging drinking water systems plagued South Carolina — a poor state that didn't spend much on them in the first place and has been loath to raise taxes for upkeep. Now the state faces hundreds of millions if not billions of dollars' worth of additional bills to fix or replace key pieces of its devastated infrastructure." Read this ABC News article [here](#). At left is an AP photo by Mic Smith showing some of the road damage on Oct. 6.

In Charleston, South Carolina, alone, census data records nearly 144,000 households, but the NFIP reports that it has only 24,000 policies in the area. Statewide, South Carolina holds nearly 2.2 million housing units, yet fewer than 200,000 flood insurance policies. Read the full article from CNBC [here](#). AP photo at right by Gerry Broome shows a vehicle and home swamped with floodwater from nearby Black Creek in Florence, South Carolina Oct. 5, 2015.



Florida



Sen. Jeff Brandes is looking to help Florida communities address the effects of coastal flooding. On Oct. 20, the St. Petersburg Republican filed SB 584, a bill to create a statewide flood mitigation and assistance program, providing up to \$50 million per year in matching grant money. The money would help reduce the risk and severity of coastal flooding. Read the article [here](#).

California

Nice seeing this trend in California, which is a big about face from a month ago when we read that lots of Californians were canceling their flood insurance because of the four-year drought. According to this Southern California Public Radio [piece](#), Farmers Insurance has seen a 152 percent increase in flood insurance sales in California versus the same period last year, according to Jeff Hinesly, the National Flood Insurance Program Director for Farmers Insurance Group. Nationwide sales have been flat. "I would say it's definitely El Niño related," said Hinesly. Photo above, taken by Benjamin Brayfield from KPCC, shows a home that had been inundated with mud and debris after an August 2014 mudslide.





FEMA News you can use...

Rachel Sears named as new Branch Chief for the Floodplain Management Branch Oct. 7.

“Rachel is returning to the Floodplain Management Branch after a five-year hiatus, during which time she served on the NFIP Reform and Reauthorization teams and subsequently was selected as the Senior Policy Advisor for FIMA,” said Michael M. Grimm, assistant administrator for mitigation at FEMA. “During Rachel’s term as the Senior Policy Advisor she helped to establish an integrated approach to policy development and review across the insurance and mitigation enterprise, led the development of insurance and mitigation strategies for input into the 2014-2018 FEMA Strategic Plan, worked with FIMA components to articulate how our programs collectively advance climate adaptation, created and managed the Resilience Fellowship as a way to provide an internal professional development opportunity, and led the interagency efforts to advance the Federal Flood Risk Management Standard.”



“Rachel’s previous experiences and floodplain management expertise will serve the Floodplain Management Branch well as we continue to advance floodplain management in communities across the nation through the NFIP and CRS, implement the revised Executive Order on Floodplain Management with federal partners, and better establish the value floodplain management creates for policyholders and taxpayers,” Grimm said.

Sears assumed her new duties Oct. 13.

New and updated FloodSmart tools and resources for agents

FloodSmart, the marketing and education campaign of the National Flood Insurance Program, recently developed [new resources for insurance agents](#), such as webinars now being available on [Agents.FloodSmart.gov](#), public service announcement materials with the message: Protect What Matters. Get Flood Insurance, and social media messages that promote flood insurance and flood safety.

FEMA to Assess Future Over-the-Air Broadcast Alerting Technology

FEMA’s National Continuity Programs Integrated Public Alert and Warning System Division has begun to assess the feasibility of a public alert and warning capability that is being developed in the private sector.

New technologies could deliver detailed emergency information to the public with pictures and videos of evacuation routes, storm tracks, and shelter information “increasing community preparedness before, during, and after a disaster. The media alerts will be able to include multilingual and multi-format information to warn non-English speaking populations and people with access and functional needs.

“FEMA is committed to working with the private sector to examine and improve future alerts and warnings,” said Roger Stone, acting assistant administrator for NCF. “New systems could someday include pictures and video as part of the advanced alert and warning information provided to the general public.” Learn more [here](#).



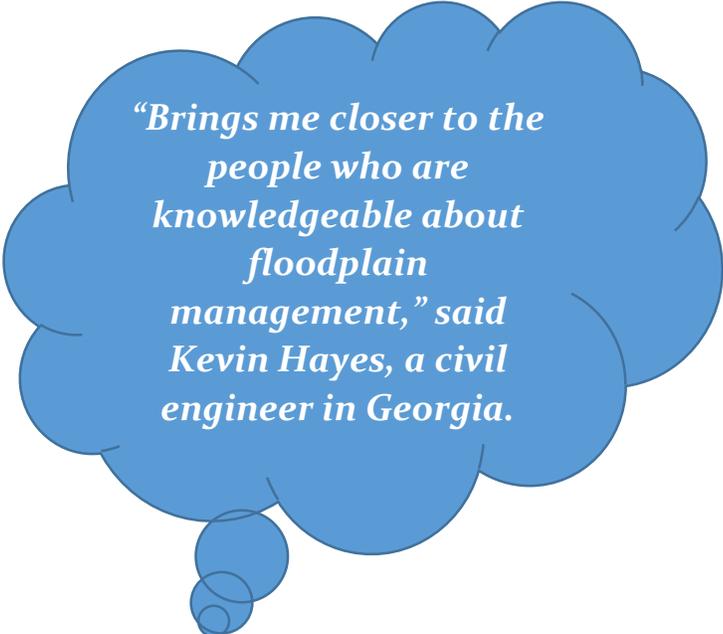
MASTER OF INFRASTRUCTURE PLANNING & MANAGEMENT
UNIVERSITY of WASHINGTON
Offered by the Department of Urban Design & Planning

No need to put your career on hold while you earn your master degree. UW is offering a mostly online Master of Infrastructure Planning and Management, with two summer classes lasting only two weeks each. Check out the curriculum [here](#). Classes set to start next summer. Western Kentucky University offers a Bachelors of Interdisciplinary Studies degree with a concentration in floodplain management. For information on that program, contact Warren Campbell at warren.campbell@wku.edu.

Why I love being an ASFPM member?

#ASFPM2015

Learn how you can
become an
ASFPM member [here](#).



“Brings me closer to the people who are knowledgeable about floodplain management,” said Kevin Hayes, a civil engineer in Georgia.

It’s that time of year again. Time to renew your ASFPM membership

ASFPM is recognized worldwide as a leader in floodplain management. With floods happening more frequently and severely today, your role as a floodplain manager and ASFPM member is crucial and more important than ever.

ASFPM membership means:

- Continually helping you stay on top of industry trends,
- Earning professional credibility through our [Certified Floodplain Manager](#) program at a discounted price,
- Contributing to the tools and resources we create to make your job easier, like the [No Adverse Impact how-to guides](#), [Flood Mapping for the Nation](#) report, legal research/guidance and technical papers,
- Knowing your voice will be heard on The Hill, especially with national policies that could impact your community,
- Receiving email blasts explaining complicated issues, like EO 13690 and Federal Flood Risk Management Standard,
- Attending [webinars](#) critical for your day-to-day activities, at a discounted rate,
- Getting the members-only newsletter, *“The Insider,”* packed with information you need to be an effective floodplain manager,
- Contributing your perspective through our 14 policy committees, and
- Discounted rates to ASFPM’s [annual national conference](#) and specialty workshops.

Be sure to renew your membership by **Dec. 31** and help ASFPM keep doing great work—nationally and locally!

Click [here](#) to renew your ASFPM 2016 membership.

If you have any questions about your membership, please email memberhelp@floods.org.

Remember, as an ASFPM member, you not only grow with the association, you help shape it.

From the Director's Desk

Chad Berginnis, CFM
Executive Director, ASFPM



The Danger of Calling Major Floods Extreme Events

As I sit down and write this, Hurricane Patricia is bearing down on Mexico's Pacific Coast and is being called by CNN the "most dangerous storm in history," and on NPR, "the most powerful storm ever." No doubt it is big and dangerous and I can only pray that folks will heed warnings and get out of harm's way. However, a Category 5 hurricane is going to cause extensive damage whenever and wherever it makes landfall. Similarly, the large flooding event that hit South Carolina in early October caused dam failures, widespread infrastructure damage, property damage and death. Unfortunately, the categorization of this event was as hyperbolic—called by some a 1,000-year storm/flood or the worst flood in history.

Except that these events are not.

And worse, by talking about events in this way, we are preprogramming the human psyche to accept such events as so extreme that there may be nothing we can do, nor nothing we should do differently during rebuilding. I am already hearing about communities in South Carolina considering repealing parts of their floodplain regulations like cumulative substantial damage that lead to better community resiliency over time so folks can quickly get back to normal. After all, these were historic events, right? So there is no chance that it could happen again? Wrong.

So what really happened in South Carolina? Well, as some folks have attempted to explain, it is much more complicated than to say the flood was a 1,000-year event. On some small watersheds that received 15+ inches of rain over the entire watershed, yes, a person could say that statistically, it saw a 1,000-year precipitation event. However, does that translate into a 1,000-year flood? Maybe, but usually not. In fact, ASFPM developed a short resource [guide](#) to explain the difference. During the South Carolina event, I examined some of the resources available over the web to get a sense of what was going on. I looked at the USGS streamgage on the Congaree River at Columbia (the Congaree and Saluda Rivers are the major flooding source in Columbia). Then I compared that data to the FEMA FIRM and FIS data. Luckily, the FIS contained discharge values at the gaging station in the summary of discharges table. I was mentally preparing myself to be blown away by the values.

However, based on discharge, it appeared this event was between a 10-year and 50-year flood. Based on stage, it appears that the Congaree peaked at around 146 feet Mean Sea Level and the 100-year elevation on the FIRM is 153 feet. Further, thanks to a well-developed FIS, it appears that the three worst floods on the Congaree River in Columbia occurred in 1908, 1928 and 1929 and had discharges of 364,000 cubic feet per second, 311,000 cfs and 303,000 cfs, respectively. The most recent event had an estimated peak discharge around 200,000 cfs! I have not heard any media coverage or politicians able to justify calling the recent event the worst flood in history or the 1,000-year flood with historical fact.

It is a disservice to the public, businesses and local officials to make such claims when describing floods or hurricanes. Instead, I personally prefer the National Weather Service's categorization of floods when they hit various stages: action, minor, moderate and major. I think calling an event a major flood aptly describes an event like the one that happened this month in South Carolina without implying that it might not happen again in a very long time. The same problem exists with our flood maps. Might we be better served if our flood zones shown on those maps were simply labeled as minor, moderate and major?

What happened in South Carolina was a major flood event over a large area of the state, however, such a major flood event could happen again next year or the year after that. It is not to imply that it wasn't devastating to

some property owners and families. Rather, in communities where flooding is a perennial threat, a major flood just seems like it could happen again and again. But I am very concerned that as individuals and local elected officials reflect on the event and what they should do next, they will do much less about a 1,000 year event versus a major flood.

By the way, on Oct. 17, a 1,000-year storm hit the Antelope Valley in southern California. And I bet it won't be the last 1,000-year storm this year in the US. Isn't calling these events "major floods" enough?

Your partner in loss reduction,

Chad

*Great Lakes—Grand Partners
ASFPM's 40th Annual National Conference
June 19-24, 2016*



Our 2016 conference, which will be held in Grand Rapids, Michigan, focuses on **partnerships**. Partner is defined as a person (or entity) who engages in an undertaking with another or others, especially in a business or company with shared risks and profits; being united with others in an activity or sphere of common interest. Michigan has long been a strong partner and leader in the Midwest with innovative mitigation tools and regulations to protect its people and environment.

Time is running out if you plan to submit an abstract for a presentation at the conference. **Deadline is Oct. 31.** Go to the conference [website](#) and follow directions to submit online.

Conference registration doesn't open until February, but that doesn't mean you can't book your hotel now. The conference takes place at the [DeVos Place Convention Center](#). ASFPM has contracted with three conference hotels within easy walking distance to DeVos Place. Click [here](#) for hotel and booking information, and click [here](#) to find out all the great attractions available in Grand Rapids and the state itself. Remember that staying at the conference hotels helps ASFPM meet its obligations, avoid penalties and keep registration prices lower. And besides, there are more networking opportunities!

Ethics in Floodplain Management

*Written by John Ivey, CFM, retired PE from Halff Associates,
and instructor on "Ethics in Floodplain Management"*



ASFPM's Certification Board of Regents thought a "Code of Ethics" in the floodplain management field was so important, that signing it is a requirement when applying to take the CFM® exam.

The role of today's floodplain managers is expanding due to increases in disaster losses; the emphasis on mitigation to alleviate the cycle of damage-rebuild-damage; and a recognized need for professionals to adequately address these issues. And occasionally, ethical dilemmas could result from political pressure; project deadlines; supervisor or peer pressures; company, agency or community policy; unclear standards or regulations; and possible financial impacts.

In the coming articles, I will be highlighting a "CFM ethics" situation and possible outcomes. But first, let's review the tenets of the CFM "Code of Ethics."

As a CFM, you agree to:

- Protect the health, safety, property and welfare of the public in the practice of your profession;
- Establish and maintain a high standard of integrity and practice;
- Practice honesty and integrity in all of your professional relationships with the public, peers and employer;
- Be truthful and accurate in your professional communications;
- Not express a professional opinion in deposition or before a court, administrative agency or other public forum, which may be contrary to generally-accepted scientific and floodplain management principle, without fully disclosing the basis and rationale for such an opinion;
- Foster excellence in floodplain management by staying abreast of pertinent issues;
- Enhance individual performance by attention to continuing education and technology;
- Avoid conflicts of interest resulting in personal gain or advantage;
- Be economical in the utilization of the nation's resources through the effective use of funds, accurate assessment of flood-related hazards, and timely decision-making;
- Maintain the confidentiality of privileged information;
- Promote public awareness and understanding of flood-related hazards, floodplain resources and flood hazard response; and
- Be dedicated to serving the profession of floodplain management and to improving the quality of life

But in reality, you can melt down floodplain management ethics into a simple checklist:

- Is the action legal?
- Does it comply with FPM values and ethics?
- If you do it, will you feel bad?
- How would it look in the newspaper?

I look forward to sharing some CFM ethics dilemmas in the coming months.



National Wildlife Federation and ASFPM looking for climate change adaptation case studies

The National Wildlife Federation, in cooperation with ASFPM, is putting out a call for climate change adaptation case studies to highlight in a national report on ecological approaches to natural hazard risk reduction to human communities. We're particularly interested in hearing about innovative uses of natural and nature-based features to reduce impacts from floods, heavy precipitation and storms, sea level rise, erosion and related hydro-meteorological hazards to human communities. For this project, NWF is specifically interested in hearing about projects that reduce risks to human communities while generating co-benefits to ecosystems and fish and wildlife habitat. Potential areas of focus for the case studies include, but are not limited to:

- **Conservation of existing natural systems**
- **Restoration or management of ecological processes (e.g. water or sediment flow, plant community succession)**
- **Ecosystem restoration**
- **Risk reduction measures that include nature-based features that mimic natural processes**
- **Hybrid gray-green infrastructure for stormwater management and flood risk reduction**
- **Living shorelines projects that incorporate ecological processes and use site-appropriate biological materials**
- **Community relocation efforts, moving people out of harm's way**
- **Community efforts to prevent at-risk development in floodplains**
- **Policy innovations that preserve, promote and protect natural systems for flood risk reduction**
- **Local zoning and land use policy that intentionally incorporates natural buffers to flood hazards**
- **Managing fish, plant or wildlife species in ways that increase ecological and community resilience**

If you are interested in seeing a particular project highlighted, please send a brief (500 word limit) summary to Nicole Holstein at holsteinn@nwf.org and alan@floods.org. Inquiries may be directed to Karl Schrass at schrassk@nwf.org, Stacy Small-Lorenz at smalls@nwf.org or Alan Lulloff at alan@floods.org. The deadline for submissions is **Nov. 30**.

ASFPM Editorial Guidelines

ASFPM accepts and welcomes articles from our members and partners. "The Insider" and "News & Views" have a style format, and if necessary, we reserve the right to edit submitted articles for space, grammar, punctuation, spelling, potential libel and clarity. If we make substantive changes, we will email the article back to you for your approval before using. We encourage you to include art with your article in the form of photos, illustrations, charts and graphs. Please include a description of the art, along with the full name of who created the art. If the art is not yours originally, you must include expressed, written consent granting ASFPM permission to use the art in our publications. If you have any questions, please contact Michele Mihalovich at editor@floods.org.



Association of State Floodplain Managers
575 D'Onofrio Drive, Suite 200
Madison, WI 53719
Phone: (608) 828-3000 fax: (608) 828-6319
editor@floods.org
<http://www.floods.org>

ASSOCIATION OF STATE FLOODPLAIN MANAGERS OFFICERS

CHAIR

Ceil Strauss, CFM
MN Dept. Natural Resources
St. Paul, MN
(619) 259-5713
ceil.strauss@state.mn.us

VICE CHAIR

Maria Cox Lamm, CFM
SC Department of Natural Resources
Columbia, SC
(803) 734-3672
cox@dnr.sc.gov

SECRETARY

Leslie Durham, P.E.
AL Water Resources
Montgomery, AL
(334) 242-5506
leslie.durham@adeca.alabama.gov

TREASURER

Karen McHugh, CFM
MO Emergency Mgmt. Agency
Jefferson City, MO
(573) 526-9129
karen.mchugh@sema.dps.mo.gov

From: Jim Fatland
Sent: Wednesday, November 04, 2015 8:53 AM
To: Desiree Perry
Subject: FW: Special Event Notification - Twilight Tour

Please attach HOB flyer to correspondence item on agenda

From: Aaron Bland
Sent: Tuesday, November 03, 2015 3:25 PM
To: Aaron Bland <Aaron.Bland@cityofbrevard.com>
Subject: Special Event Notification - Twilight Tour

Greetings –

This email is to notify you of an upcoming special event:

Name: Twilight Tour
When: Saturday, December 5, 2015
Hours: Festival 4:00pm to 8:00pm
Where: Main and Broad Streets
What: Festival
Estimated Attendance: 5000
Alcohol Sales: No
Noise Ordinance Variance: No
Food Sales: Yes
Changes to Traffic Patterns: Yes: Main Street (US 276) closed between Caldwell Street and Johnson Street & Broad Street (US 64) closed from Probart Street to Morgan Street
Animals: No
City Permit #: SE15-000021
City Permit Date: 11/3/2015
Police/Fire Staffing Required: Yes
Emergency Services: On call as needed
Other Conditions of Approval: None.
City Permit Officer: Aaron Bland, AICP - (828) 885-5630
Responsible Person in Charge: Nancy Coleman, 884-3278

Also, please note and review the revised North Carolina Department of Transportation guidelines on special events by [clicking here](#).

Best,

Aaron N. Bland, AICP
Planner & Assistant Zoning Administrator
City of Brevard Planning Department
95 West Main Street
Brevard, NC 28712
Phone: 828-885-5630

aaron.bland@cityofbrevard.com

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.

Unfinished Business



The City of Brevard North Carolina

OLD BUSINESS STAFF REPORT

November 16, 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 consider adoption of the latest draft of the update to the City's Comprehensive Plan.

BACKGROUND: Council was presented a final draft at their meeting on September 21, 2015. At the October 19, 2015 meeting Council held a public hearing on the adoption of the plan and provided Staff with some minor changes to be made, the most notable of which was the inclusion of high-speed internet in the Infrastructure element. An updated final draft with these changes incorporated is included as Attachment A.

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.

A 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 to Council at the November 16, 2015 Council meeting 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 16th day of November, 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 outstanding 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 comprises 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
- Asheville 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, high-speed internet access, 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. Reliable broadband internet availability is important both in terms of quality of place for residents, and also as an economic amenity that will allow people who can pick where to locate and run their business to choose Brevard.

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
- Broadband internet access and speeds

PARTNER ORGANIZATIONS

- North Carolina Department of Transportation
- Transylvania County
- Buncombe County
- Henderson County
- Land of Sky Regional Council & RPO
- Comporium
- 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.
- Foster economic opportunities and capacity by ensuring availability of broadband internet.

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.

OBJECTIVE 5.4: Work with internet service providers to ensure quality high-speed internet throughout Brevard for residents, businesses, and visitors.

POLICY 5.4.A: Advocate for improved access to high-speed internet for businesses and citizens.

POLICY 5.4.B: Expand wireless access currently available only on Main Street to additional areas of town.

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. 2015-24 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. 2015-26 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 16th day of November, 2015, after due notice by publication on the 2nd of November, 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 Lastinger Properties, LLC, as shown and being all of that property conveyed to Lastinger Properties, LLC by a deed from The Bryson Development and Management Limited Partnership as recorded in Document Book 730 Page 412 of the Transylvania County Register of Deeds (Transylvania County Property Identification Number: 8597-47-3949) 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 16th day of November, 2015.

Said property is more fully 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 2. Upon and after the 16th day of November, 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 16th day of November, 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 THE CITY OF BREVARD
UNIFIED DEVELOPMENT ORDINANCE
AND THE OFFICIAL ZONING MAP
TO EXPAND, RENAME, AND AMEND THE
ASHEVILLE HIGHWAY CORRIDOR SIGN OVERLAY DISTRICT**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 2, 12, 19 be amended to establish standards for murals and vintage signs, and to amend the Asheville Highway Corridor Sign Overlay District; and,

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that the Official Zoning Map of the City of Brevard, be amended to establish the Asheville Highway Corridor Sign Overlay District; 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, November 16, 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, and the Official Zoning Map of the City of Brevard, 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 2.1.D.2 is hereby amended and shall read as follows:

Highway 64 Corridor Sign Overlay District. The purpose of the Highway 64 Corridor Sign Overlay District is to provide standard signage requirements for the commercial corridor along the Asheville and Rosman Highway commercial corridors of US Highway 64.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.8.N is hereby amended and shall read as follows:

N. Murals

1. A mural, as defined herein, is any image painted, applied, or affixed directly on to a privately owned, non-residential building wall, retaining and screening wall, or other large existing outdoor surface in non-residential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image.
2. Murals may be permanent, or temporary and shall be maintained in good condition by the property owner.
3. The Administrator will issue a Letter of Zoning Compliance to Owners seeking to create murals on their property.
4. Murals do not require a sign permit if they adhere to the following:
 - i. If media other than, or in addition to, paint are used in a mural such media shall not extend more than 12" above the surface on which the mural is applied, or affixed and may not extend into a right-of-way.
 - ii. The Mural does not extend beyond the existing dimensions of the building wall, retaining/screening wall, or other outdoor surface on which it is applied.

iii. The Mural may incorporate advertising logo, symbols, pictures, devices and copy within the image, however such elements combined shall not exceed 8% of the mural's total surface area.

iv. The following shall be used for purposes of measuring surface area:

a. The area of a the mural shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or paint or other media, together with any material or color forming an integral part of the background of the display or used to differentiate the mural from the backdrop or structure against which it is placed.

b. Architectural elements on building walls such as windows, doors, and awnings that are harmoniously incorporated into the mural's design shall be counted in the overall square footage of the mural.

5. Murals that do not adhere to section 12.8.N.4 above, and its subsections, shall be considered wall sign in accordance with section 12.9 of this ordinance and shall adhere to all provisions therein and require the issuance of a sign permit.

SECTION 03. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.8.0 is hereby amended and shall read as follows:

O. Vintage Signs

1. Vintage sign, as defined herein, is any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs may be incorporated into murals, or placed on building walls, or on roofs of privately owned, non-residential buildings, and retaining/screening walls in a nonresidential zoning districts.

2. Vintage signs are not allowed in residential zoning districts.

3. Vintage signs shall require only a Letter of Compliance before placement if they adhere to the following:

i. If used by a property Owner with no affiliation to the active, or closed business, Vintage signs may be placed or incorporated:

a. On a building wall as long as no more than 40% of the wall face is covered,

b. On a pitched or flat roof as long as no more than 20% of the area of the surface plane on which the vintage sign is placed is covered,

c. Within Murals as long as all provisions for Murals (see section 12.8.N) are met in addition to those for Vintage signs provided herein.

4. Vintage signs shall require a sign permit if used by an operational business in place of its current advertising signage. In such instances the vintage sign shall be considered wall signage in accordance with section 12.9 of this ordinance and shall adhere to all provisions therein and require the issuance of a sign permit.

SECTION 04. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.9.B.1.v is hereby amended and shall read as follows:

Highway 64 Corridor Sign Overlay District: 85 square feet in surface area per side of sign up to a maximum of 170 square feet aggregate surface area for the entire sign.

SECTION 05. Brevard City Code, Unified Development Ordinance, Chapter 19, Section 19.3 is hereby amended to insert definitions as follows:

Mural: Any image painted, applied, or affixed directly on to a privately owned, non-residential building wall, retaining and screening wall, or other large existing outdoor surface in non-residential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic of a mural is that the architectural elements of the given surface are often harmoniously incorporated into the depicted image.

Vintage Sign: Any logo, photo, text, or image that is the copyrighted advertising for a business, whether active, or closed, that is no longer used by the business for marketing purposes. Vintage signs are considered a sub-type of wall signs as defined by this chapter.

SECTION 06. The Official Zoning Map of the City of Brevard is hereby amended to establish the Asheville Highway Corridor Sign Overlay District as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 07. As to any conflict between this Ordinance and any parts of existing Ordinances, the provisions of this Ordinance shall control.

SECTION 08. 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 09. 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 10. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the _____ day of _____, 2015.

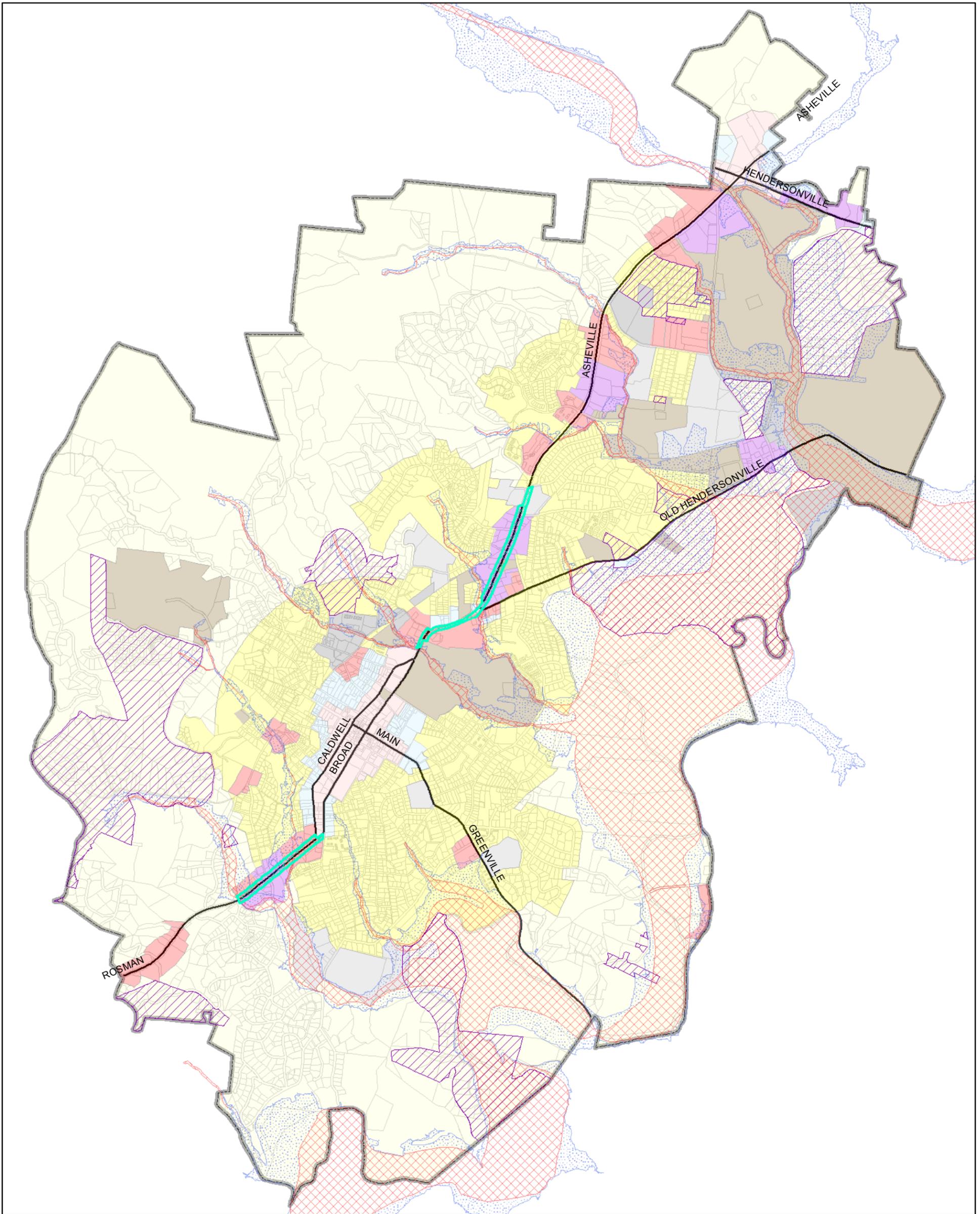
Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney



List of Map Amendments

April 03, 2006, Ordinance 08-06, Effective Date
 May 07, 2007, Ordinance 05-07, French Broad Place
 May 21, 2007, Ordinance 07-07, Gravely
 September 17, 2007, Ordinance 12-07, Cowart / Conley
 October 05, 2007, Ordinance 14-07, Brevard Community Church
 December 03, 2007, Ordinance 20-07, Morris Road
 March 17, 2008, Ordinance 04-08, Bridges
 February 02, 2009, Ordinance 03-09, Davidson River Village
 June 15, 2009, Ordinance 11-09, Brevard Music Center
 June 15, 2009, Ordinance 12-09, Transylvania Regional Hospital
 June 15, 2009, Ordinance 13-09, Broad River Terrace
 July 06, 2009, Ordinance 16-09, Duvall
 May 17, 2010, Ordinance 09-10, ETJ Extension
 January 24, 2011, Ordinance 08-2011, Habitat for Humanity
 March 07, 2011, Ordinance 09-2011, Gardens at English Village
 April 18, 2011, Ordinance 10-2011, Cottages at Brevard
 June 20, 2011, Ordinance 13-2011, The Family Place at Transylvania County
 February 20, 2012, Ordinance 2012-05, SAFE, Inc.
 March 18, 2013, Ordinance 2013-02, Jennings Industrial Park
 May 20, 2013, Ordinance 2013-05, Brenton

*Note: The Special Flood Hazard Area is shown for informational purposes only. Please refer to the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM's) for Transylvania County, NC and the Flood Hazard Areas dated October 2, 2009 for site-specific flood hazard information.

Official Zoning Map
of the
City of Brevard
North Carolina



May 30, 2013
 City of Brevard Planning Department
 95 West Main Street
 Brevard NC 28712

Zoning Districts Effective April 18, 2011

- District
- General Industrial
- Corridor Mixed Use
- Downtown Mixed Use
- Neighborhood Mixed Use
- Residential Mixed Use
- Institutional Campus
- General Residential (6)
- General Residential (4)
- Special District
- 200 of 247
Manufactured Home Overlay District Effective April 15, 2010

- City of Brevard Regulatory Jurisdiction
- Parcels
- Major Roads
- Special Flood Hazard Area**
- Floodway & Zone AE
- Zone AE
- PROPOSED HIGHWAY SIGN OVERLAY DISTRICT

ORDINANCE NO. 2015-____

**AN ORDINANCE AMENDING THE
OFFICIAL ZONING MAP OF THE CITY OF BREVARD
BY REZONING PROPERTY OWNED BY MARTIN BAWDEN TO
CORRIDOR MIXED USE ZONING DISTRICT**

WHEREAS, whereas, a public hearing was conducted on November 16, 2015, upon a request from Martin Bawden, to rezone a portion of property located along US Highway 64 (Rosman Highway), from a General Residential zoning district to a Corridor Mixed Use District; and,

WHEREAS, the property proposed for rezoning is known by Transylvania PIN No. 8585-16-8412-000, described in Deed Book 00733 Page 0598, and owned by Martin Bawden; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed rezoning is inconsistent with the City of Brevard Land Use Plan Future Land Use Map, but finds that the proposed rezoning will result in a more rational and consistent pattern of land uses upon the subject parcel and its immediate vicinity; that the proposed rezoning will enhance development potential in a manner that is compatible with surrounding land uses; that the proposed rezoning is of sufficient size and configuration given the proposed district and is appropriate in terms of its geographic location; and that the proposed rezoning does not constitute "Spot Zoning;" and,

WHEREAS, the City Council of the City of Brevard, after hearing all persons wishing to comment on the rezoning, desires to approve the request and amend the City's Official Zoning Map accordingly.

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

Section 1. In accordance with N.C.G.S 160A-364, as amended and Brevard City Code, the Official Zoning Map of the City of Brevard is hereby amended to rezone the property described herein from a General Residential zoning district to a Corridor Mixed Use District.

Section 2. The Corridor Mixed Use Zoning District, which is established by this Ordinance, is depicted upon Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference.

Section 3. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 16TH day of November, 2015.

Jimmy Harris
Mayor

ATTEST:

Town Clerk

Approved as to form:

City Attorney

NEW BUSINESS AGENDA ITEM

NOVEMBER 16, 2015

Title: Davidson River Village Connector Road Sidewalk
Speaker: Jim Fatland, City Manager
Prepared By: Joshua Freeman, AICP, CFM
Approved By: Jim Fatland, City Manager

Executive Summary: City Council will consider a resolution endorsing project to extend a new sidewalk across the Davidson River.

Background: The North Carolina Department of Transportation (NCDOT) intends to construct a new road that will connect Asheville Highway near Jennings Building Supply, through Davidson River Village, to US Highway 64 near Riverside Grocery (see Project Location map, attached). The total estimated project cost is \$10,900,000, with funding provided by NCDOT. Construction is expected to begin in the first quarter of 2016. The current roadway design calls for a four-lane, divided highway with four-foot wide, on road bicycle lanes on both sides of the highway. At the present time, the roadway design does not include pedestrian infrastructure (see Typical Cross Section 01).

Discussion: At the request of the Parks, Trails and Recreation Committee, Staff successfully negotiated with NCDOT to include one, five-foot wide sidewalk along the entire length of the project (see Municipal Agreement with Betterments, attached).

Fiscal Impact: The estimated total cost of the sidewalk is \$84,794; this is an estimated cost that is subject to change. In accordance with NCDOT's Pedestrian Policy Guidelines, the City must reimburse NCDOT for 20% of the project cost upon completion of the project. The estimated cost to the City is \$16,958.80. Funding is not required at the present time; Staff will propose project funding in the FY 2016-2017 budget.

Policy Analysis: The extension of bicycle and pedestrian infrastructure across the Davidson River into the Pisgah Forest commercial area would be a significant advancement of City Council's bicycle and pedestrian connectivity goals as outlined in Council's vision statement and strategies, the Comprehensive Transportation Plan, the Comprehensive Pedestrian Plan, the Land Use Plan, and the draft Comprehensive Plan.

Staff Comments / Recommendation: Staff recommends that Council adopt the RESOLUTION ENDORSING A SIDEWALK ALONG THE DAVIDSON RIVER CONNECTOR ROAD.

Attachments:

- 1) Project Summary
- 2) Municipal Agreement with Betterments
- 3) RESOLUTION ENDORSING A SIDEWALK ALONG THE DAVIDSON RIVER CONNECTOR ROAD



NCDOT Prioritization 3.0 Project Summary

SPOT ID: H090791

Mode: Highway

Status: Submitted

(New Route - Davidson River Village)

From/Cross Street: US 64

Specific Improvement Type: 5 - Construct Roadway on New Location

To: US 64/276 in Pisgah Forest

Project Category: Division Needs

Length: 0.75

TIP#: R-5605

Fully Funded in Draft STIP? No

Cost to NCDOT: \$10,900,000

Description:

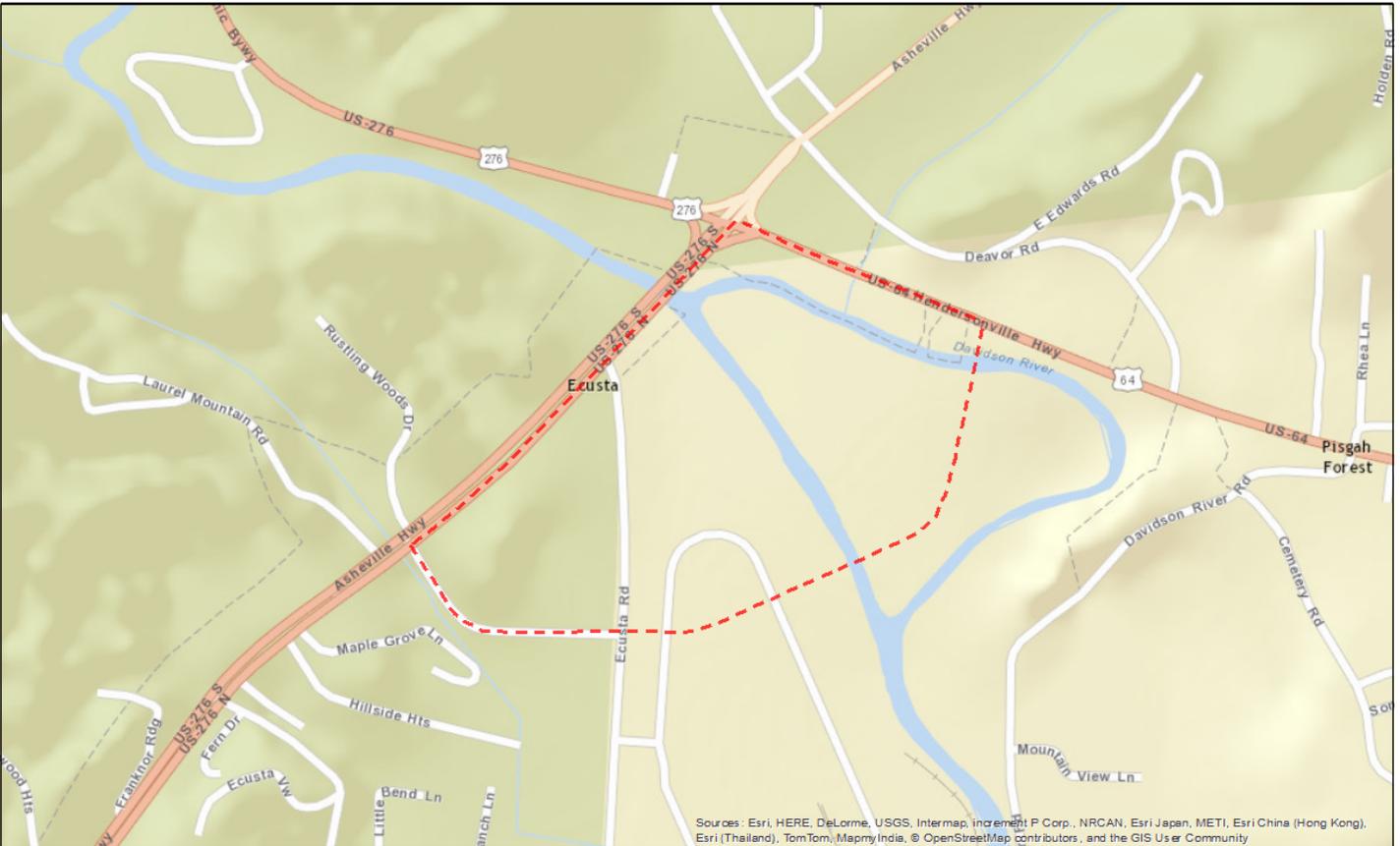
Construct Multi-Lanes on New Location

Division(s): Division 14

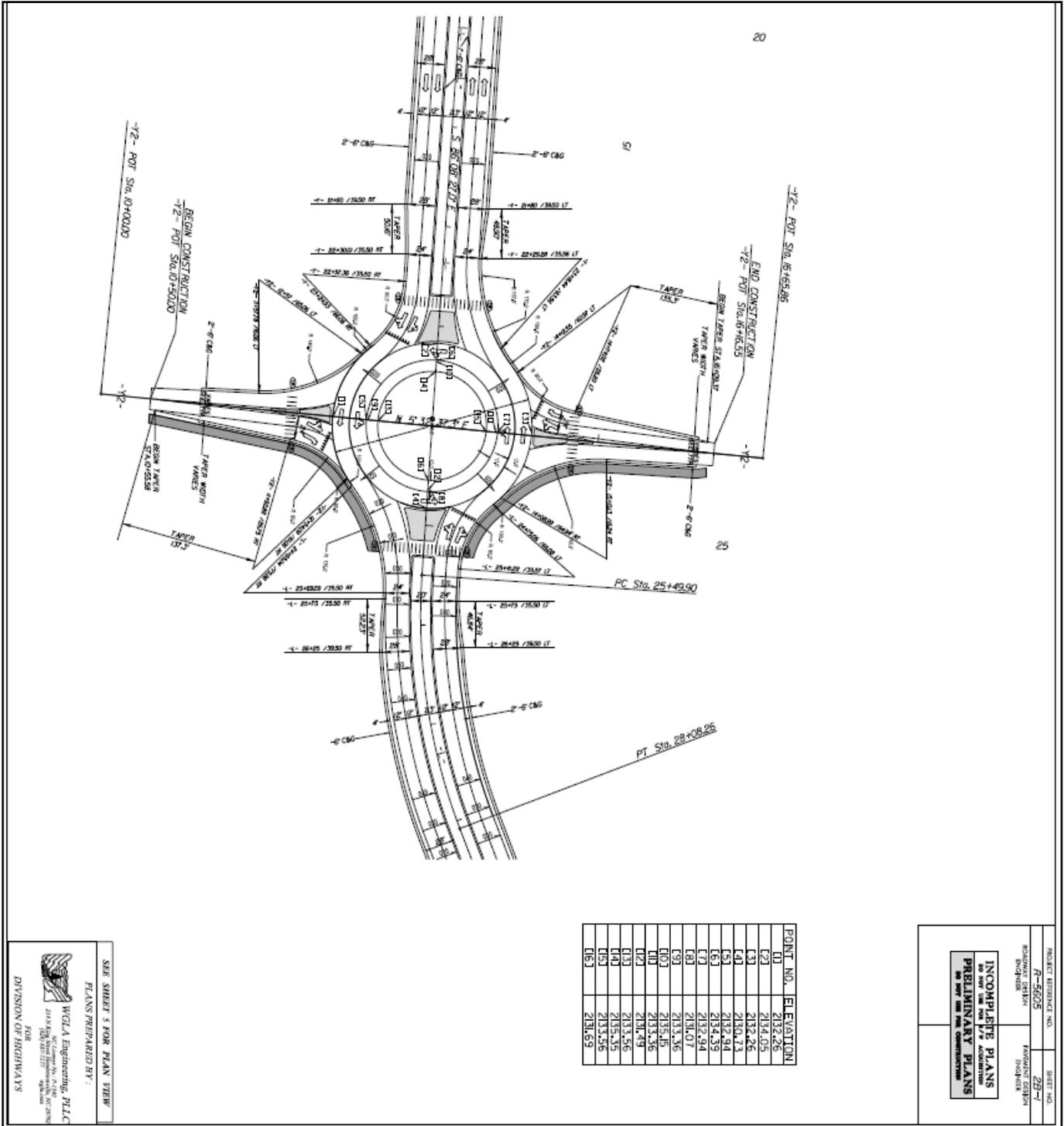
County(s): TRANSYLVANIA

MPOS(s)/RPO(s): Land-of-Sky RPO

Project Location



ROUNDBOUT SCHEMATIC



POINT NO.	ELEVATION
01	2132.26
02	2134.05
03	2132.26
04	2130.73
05	2132.94
06	2134.39
07	2132.94
08	2131.07
09	2133.56
00	2135.15
01	2133.56
02	2131.99
03	2133.56
04	2135.35
05	2133.56
06	2131.59

PROJECT REFERENCE NO.	28-1	SHEET NO.
PROJECT NAME	INTERSTATE 75	
DATE	11/16/15	
INCOMPLETE PLANS DO NOT USE FOR CONSTRUCTION PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION		

SEE SHEET 3 FOR PLAN VIEW
 PLANS PREPARED BY:
WELA Engineering, PLLC
 3144 Cass Street, Tallahassee, FL 32309
 904.933.1111
 DIVISION OF HIGHWAYS

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –
MUNICIPAL AGREEMENT WITH BETTERMENTS**

TRANSYLVANIA COUNTY

DATE: 11/4/2015

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: R-5605

AND

WBS Elements: 43587.3.1

CITY OF BREVARD

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the “Department” and the City of Brevard, a local government entity, hereinafter referred to as the “Municipality”.

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under Project 43587.3.1, in Transylvania County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following legislation: General Statutes of North Carolina (NCGS), Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of construction of the Davidson River Village Connector from US 64 to US 276/US 64 in Pisgah Forest.

2. At the request of the Municipality, and in accordance with the Department's *Pedestrian Policy Guidelines*, the Department shall include provisions in its construction contract for construction of a 5 ft. sidewalk on one side of the new roadway from US 64 to US 276 for a length of 1.3 miles

PLANNING AND DESIGN

3. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.

RIGHT OF WAY

4. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.
5. It is understood by both parties that all work for the betterments shall be performed within the existing right of way. However, should it become necessary, the Municipality, at no expense or liability whatsoever to the Department, shall provide any needed right of way and or construction easements for the construction of the betterments, and remove from said rights of way all obstructions and encroachments of any kind or character. Acquisition of any needed right of way shall be performed in accordance with the following state and federal policies and procedures, "Right of Way Acquisition Policy and Land Acquisition Policy, contained in the Federal-Aid Policy Guide, Part 712, Subpart B", and the North Carolina Right of Way Manual (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The Department shall be indemnified and held harmless from any and all damages and claims for damages associated with the acquisition of any construction easements and/or right of way.

UTILITIES

6. It is understood that there are no municipally-owned water and sewer lines to be adjusted or relocated at this time. If during the project it becomes necessary to adjust or relocate municipally-owned water and/or sewer lines a separate Utility Agreement will be prepared at the appropriate time.

CONSTRUCTION

7. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.

MAINTENANCE

8. Upon completion of the Project:
 - A. The Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and departmental criteria.
 - B. The improvement(s) shall be a part of the State Highway System and owned and maintained by the Department.
9. The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for the betterment and release the Department from all liability relating to such maintenance.

BETTERMENT COSTS AND FUNDING

10. The Municipality shall participate in the Betterment costs of the Project as follows:
 - A. In accordance with the *Pedestrian Policy Guidelines*, the Municipality shall reimburse the Department twenty percent (20%), of the actual cost, including administrative costs, of the work associated with the construction of the pedestrian facilities. The Department shall participate in eighty percent (80%) of the actual cost of the pedestrian facilities for that portion of the project within the corporate limits, where new pedestrian facilities are to be installed. The estimated total cost of the pedestrian facilities is \$84,794.00. The estimated cost to the Municipality is \$16,958.80. Both parties understand that this is an estimated cost and is subject to change.
 - B. Upon completion of the Project, the Department will invoice the Municipality for their share of the actual costs of the Betterments. Reimbursement to the Department shall be made in one final payment within sixty days of invoicing by the Department. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS § 147-86.23.

- C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, NCGS § 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by NCGS § 136-41.1 until such time as the Department has received payment in full under the reimbursement terms set forth in this Agreement

ADDITIONAL PROVISIONS

11. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.
12. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
13. All terms of this Agreement are subject to available departmental funding and fiscal constraints.
14. This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.
15. The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.
16. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.
17. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and

Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST: CITY OF BREVARD

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by the local governing body of the City of Brevard as attested to by the signature of Clerk of said governing body on _____(Date)

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

BY: _____
(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Brevard

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

RESOLUTION NO. 2015-__

**A RESOLUTION ENDORSING A SIDEWALK
ALONG THE DAVIDSON RIVER CONNECTOR ROAD**

WHEREAS, the North Carolina Department of Transportation (“NCDOT”) intends to construct the Davidson River Connector Road, also known as NCDOT project R-5605, which will be a new roadway connecting Asheville Highway to US Highway 64 ; and,

WHEREAS, The extension of bicycle and pedestrain infrastructure across the Davidson River into the Pisgah Forest commercial area would be a significant advancement of City Council’s bicycle and pedestrian connectivity goals as outlined in Council’s vision statement and strategies, the Comprehensive Transportation Plan, the Comprehensive Pedestrian Plan, the Land Use Plan, and the draft Comprehensive Plan; and,

WHEREAS, the City of Brevard has requested, and NCDOT has agreed, to include a five foot wide sidewalk along the new roadway.

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

Section 1. Brevard City Council hereby endorses and supports the inclusion of a sidewalk along the Davidson River Connector Road, and hereby expresses its gratitude for NCDOT’s ongoing efforts to improve bicycle and pedestrian transportation in Brevard and Transylvania County.

Section 2. Brevard City Council hereby approves an agreement between the City of Brevard and NCDOT entitled “Municipal Agreement with Betterments,” dated November 4, 2015. The City Manager of the City of Brevard is authorized and directed to execute such agreement.

Section 3. Brevard City Council acknowledges and agrees that the City of Brevard is responsible for 20% of the cost of the new sidewalk, which is estimated to be \$16,958.80. The City Manager is hereby directed to include funds to cover this cost in the Fiscal Year 2016-2017 Operating Budget.

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

Adopted and approved the 16th day of November, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

STAFF REPORT: New Business

Date: November 16, 2015

Title: Application to FEMA's Assistance to Firefighters Grant

Speaker: Craig Budzinski, Fire Chief

From: Craig F. Budzinski, Fire Chief

Prepared by: Craig F. Budzinski

Approved by: Jim Fatland, City Manager

Executive Summary:

Council will consider applying for a 2015 FEMA Assistance to Firefighters Grant Program.

Background:

The City of Brevard Fire Department requests authorization to apply for the 2015 FEMA Assistance to Firefighters Grant Program to replace firefighter self-contained breathing apparatus (SCBA) and air compressor. The SCBA's are approximately 12 years old and out of compliance with the 2013 National Fire Protection Association standards. The compressor is over 20 years old and at the end of its useful life cycle. The SCBA's are used daily on any incident that may have the potential to produce an atmosphere dangerous to life or health. The SCBA's give us the ability to effectively protect the safety of our firefighters on the fireground.

The City received this competitive grant in 2012 to upgrade radios in the fire department.

Fiscal Impact:

The grant application is for \$500,000. If awarded, the City's match of \$25,000 will come from the Fire Department Special Revenue Fund Balance.

Policy Impact:

The SCBA's are an operational requirement to fulfill the creation and purpose of the City of Brevard's Fire Department as codified in the Sec.50-31 of the Brevard Code of Ordinances.

Staff Recommendation:

Allow the City of Brevard Fire Department to request grant funding in the amount of \$500,000. If the grant is awarded, City staff will prepare a budget amendment ordinance.

NEW BUSINESS STAFF REPORT

November 16, 2015

Title: Special Event Road Closure – Twilight Tour
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 Twilight Tour.

BACKGROUND: The North Carolina Department of Transportation (NCDOT) 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 Twilight Tour. Council previously passed an ordinance for Halloween Fest. Subsequent ordinances will be presented to Council as applications are received for the 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 TWILIGHT TOUR

WHEREAS, Brevard City Council acknowledges a long tradition of providing an annual Twilight Tour 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 (US Highway 276) and Broad Street (US Highway 64) 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, December 5, 2015
- Time:** 12:30PM – 9:00PM
- Route Description:** Main Street (US 276) between Caldwell Street and Johnson Street and Broad Street (US 64) from Probart Street to Morgan 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 16TH day of November, 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.)

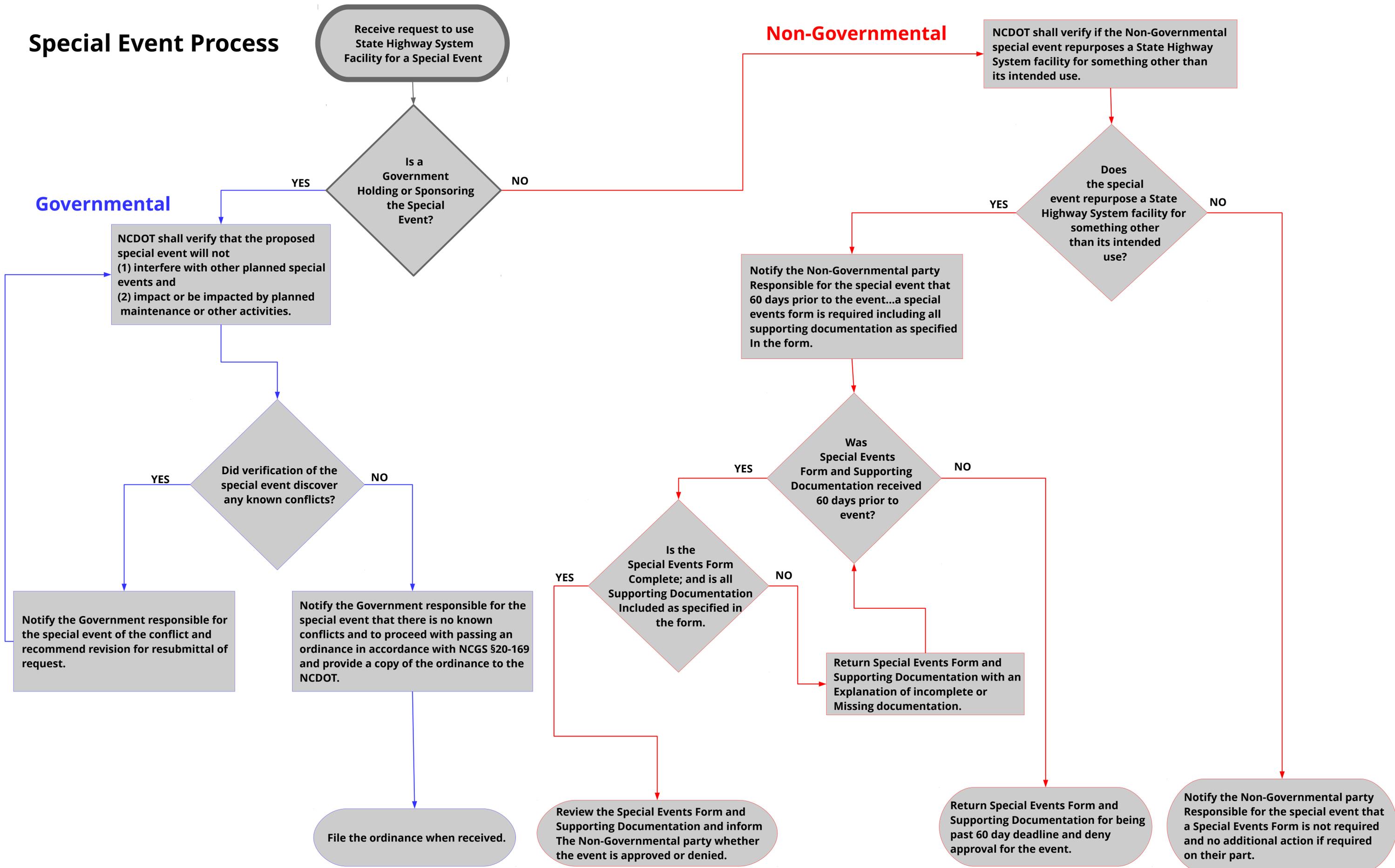
§ 20-171.2. Bicycle racing.

(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





DATE: November 16, 2015

TITLE: SEWER INFRASTRUCTURE REHABILITATION PROJECTS

SPEAKERS: Jim Fatland, CPFO, City Manager
David Lutz, Public Works Director

EXECUTIVE SUMMARY: The City Council will consider action on Kings Creek Sewer Phase II, Kings Creek Sewer Phase III and Neely Road Sewer Force Main, Pump Station and Equalization Tank

BACKGROUND: The North Carolina Clean Water Act was passed in 1999 and subsequent sewer collection system operating permits were issued in the state beginning in 2001. Compliance ensures the system operations, maintenance, and the protection of North Carolina's natural resources.

The City of Brevard continues to focus emphasis on protecting our natural resources by annually dedicating \$100,000 towards an ongoing Inflow / Infiltration Reduction Program to eliminate rain-attributed sanitary sewer overflows (SSO's) from broken or improperly attached sewer lines, cleanouts, roof drains, and sump pumps through repair and public education, and additionally through capital improvement projects.

A system flow study was conducted by CDM Smith in 2013. Review of the study provided data and recommendations to upgrade basin infrastructure in the top three rainfall weighted areas of rain attributed inflow. These areas included Jumping Branch, Singing Branch and Brushy Creek 2; with projects and funding sought from the data and recommendations for these areas first.

The following sewer projects are scheduled to be completed or have been completed with a total project investment of \$19,318,937:

- Kings Creek Sewer Phase I – Includes 4,810 feet of pipe upgrades
 - \$749,375/ Construction completed
 - Engineering by Brown Consultants

- Collections Systems Analysis/Capital Improvement Plan
 - \$229,945/Analysis and Capital Improvement Plan completed
 - Engineering by CDM Smith

- **6" Sewer Line Upgrade Project – Includes 8,000 feet of pipe upgrades**
 - \$1,680,000 / Construction began June, 2015
 - Engineering by Brown Consultants

- **Kings Creek Phase II – Includes 8,000 feet of pipe upgrades**
 - \$1,435,784 / Construction to begin February, 2016
 - Engineering by Brown Consultants

- **Kings Creek Phase III – 8,000' of pipe upgrades**
 - \$1,513,833 / Construction to begin June, 2016 – NCDENR Loan Offer Received
 - Engineering by Brown Consultants

- **Neely Road Force Main Replacement Project – Includes 12,000' of 20" Force Main, Pump Station and 3.2 Million Gallon Equalization Tank**
 - \$13,660,000 / Project Approved – NCDENR Loan Offer Received
 - Engineering by CDM Smith

- **TAG Grant – Thermographic Survey of the collections system to identify leak with infrared technology**
 - \$50,000 / Fall, 2015
 - Engineering by Brown Consultants

RECOMMENDATION: Sewer Infrastructure Rehabilitation Projects

- Authorization to advertise for bids for Neely Road Force Main, Pump Station, and 3.2 million gallon EQ Tank contingent upon City Attorney Approval

- Authorization to advertise for bids for Kings Creek Sewer Project Phase II contingent upon City Attorney Approval

- Resolution Accepting Loan Offer from NCDENR for Kings Creek Sewer Project Phase III

- Resolution Accepting Loan Offer from NCDENR for Neely Road Sewer Force Main, Pump Station and Equalization Tank

FISCAL IMPACT: The above mentioned loans have been included in the water and sewer rates in the development of long range financial forecast for the Water & Sewer Fund

KINGS CREEK SEWER PROJECT PHASE III

LOAN OFFER FROM NCDENR

RESOLUTION NO. 2015-_____

RESOLUTION ACCEPTING LOAN OFFER FOR KINGS CREEK PHASE III

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of grants and loans to aid eligible units of government in financing the cost of construction wastewater collection system; and

WHEREAS, the City of Brevard has need for and intends to construct Kings Creek Phase III; and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of \$1,484,150 for 20-years at 0% interest rate.

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

Section 1. That the City of Brevard does hereby accept the State Revolving Loan Offer of \$1,484,150 for 20-years at 0% interest rate; and

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

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

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

Adopted and approved this the _____ day of _____, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

North Carolina Department of Environmental Quality

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

October 8, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jim Fatland, Interim City Manager
City of Brevard
95 West Main Street
Brevard, NC 28712

**SUBJECT: Offer and Acceptance for a State Loan
Project No. CS370476-07
Kings Creek Phase III Sewer Rehabilitation and
Replacement**

Dear Mr. Fatland:

The City of Brevard has been approved for loan assistance from the Clean Water State Revolving Fund. Enclosed are two (2) copies of an Offer and Acceptance Document extending a State Revolving loan in the amount of **\$1,484,150**. This offer is made subject to the assurances and conditions set forth in the Offer and Acceptance Document.

Please submit the following items to the Division of Water Infrastructure, 1633 Mail Service Center, Raleigh, North Carolina 27699-1633.

1. A resolution adopted by the governing body accepting the loan offer and making the applicable assurances contained therein. (Sample copy attached)
2. One (1) copy of the original Offer and Acceptance Document executed by the authorized representative for the project, along with the signed "Standard Conditions for the Federal SRF loans". **Retain the other copy for your files.**
3. Federal Identification Number and DUNS # of the Recipient (Memo attached)
4. Sales Tax Certification(attached)

Reimbursement requests (printed form attached to this letter) should be sent to Pam Haven at the address noted.

1633 Mail Service Center, Raleigh, North Carolina 27699-1633
Phone: 919-707-9160 \ Internet: www.ncdenr.gov

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On behalf of the Department of Environment and Natural Resources, I am pleased to make this offer of State Revolving Loan funds made available by North Carolina Water Infrastructure Fund and the Federal Clean Water Act Amendments of 1987.

Sincerely,



Kim H. Colson, P.E., Director
Division of Water Infrastructure, NCDENR

Enclosures:

- Resolution to accept Loan offer (suggested format)
- Loan Offer and Acceptance Document (2 copies)
- Fed ID and DUNS Request Form
- Sales Tax Certification Form
- Guidance Document
- Reimbursement Request form

- c: David Lutz, Public Works Director
Jeffrey Brown, PE, Brown Consultants, PA
SRF

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER INFRASTRUCTURE**

Funding Award Offer and Acceptance

Legal Name and Address of Award Recipient

City of Brevard
95 West Main Street
Brevard, NC 28712

Account

- Drinking Water State Revolving Fund (SRF)
- Clean Water State Revolving Fund (SRF)
- State General Loan (SRL)
- State Emergency Loan (SEL)
- High Unit Cost Grant (HUC)
- Technical Assistance Grant (TAG)

State Project Number: E-SRF-T-16-0420
Federal Project Number: CS370476-07
CFDA Number: 66.458

Amendment	Date	Additional Amount
Original		
1		
2		

Project Description:

Kings Creek Phase III Sewer Rehabilitation and Replacement

Total Financial Assistance Offer: **\$1,484,150**
Principal Forgiveness: **\$0**
Total Project Cost: **\$1,513,833**
Interest Rate: **0 % Per Annum**
Maximum Loan Term: **20 Years**
Estimated 2% or 1.5% Closing Fee: **\$29,683**

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environment and Natural Resources as having sufficient priority to receive financial assistance,

The Department of Environment and Natural Resources, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

**Kim H. Colson, P.E., Director, Division of Water Infrastructure
North Carolina Department of Environment & Natural Resources**

Signature:  Date: 10/9/15

On Behalf of:

City of Brevard

Name of Representative in Resolution:

Title (Type or Print):

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and make the Assurances and accept the Standard Conditions.

Signature: _____ Date: _____

STANDARD CONDITIONS FOR FEDERAL SRF LOANS

1. The following “super cross cutters” apply to SRF projects and may be found in the Public Policy Requirements section of the EPA General Terms and Conditions for each year’s appropriation. This document can be found at www.epa.gov/ogd/tc.htm. Please note that nothing is submitted to the State’s SRF program offices regarding compliance with these items.
 - (a) Title VI of the Civil Rights Act of 1964
 - (b) Section 504 of the Rehabilitation Act of 1973
 - (c) The Age Discrimination Act of 1975
 - (d) Section 13 of the Federal Water Pollution Control Act Amendments of 1972
2. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The applicant shall certify that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project using a certification from provided by DENR.
3. Specific MBE/WBE (DBE) forms and instructions are provided that are to be included in the contract specifications. These forms will assist with documenting positive efforts made by recipients, their consultants and contractors to utilize disadvantaged businesses enterprises. Such efforts should allow DBEs the maximum feasible opportunity to compete for subagreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by all recipients, and construction contractors, and made available upon request.
4. Recipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, “Responsibilities of Participants Regarding Transactions Doing Business with Other Persons,” as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled “Covered Transactions,” includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment. Recipients may access suspension and debarment information at: <http://www.sam.gov>. This system allows recipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.
5. The construction contract(s) requires the contractor to adhere to Davis Bacon and Related Acts Provisions and Procedures as listed in the Code of Federal Regulations Chapter 29 Part 5 Section 5 (29 CFR 5.5). Public Law pertaining to this is also enacted in Title 40, United States Code, Subtitle II Section 3141 through Section 3148.
6. As required by H.R. 3547, “Consolidated Appropriations Act, 2014” Section 436, Division G, Title IV, this project is subject to American Iron and Steel provisions. The State provides detailed requirements to be included in the construction contract specifications.

ASSURANCES

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division.
The recipient acknowledges that in the event a milestone contained in the most recent Clean Water State Revolving Fund Intended Use Plan and/or the Letter of Intent to Fund will cause the Department of Environment and Natural Resources to rescind this Funding Offer.
2. The Applicant is responsible for paying for the costs ineligible for SRF funding.
3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
4. As of the acceptance of this Funding Award Offer, steps A-D in the SRF Guidance will be complete. These Assurances, likewise, incorporate the most recent version of the SRF Guidance, and the Applicant hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the SRF Guidance document. The remaining steps generally govern project design, bidding, contracting, inspection, reimbursements, closeout and repayment.
5. The Applicant will provide and maintain adequate engineering supervision and inspection.
6. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
7. All SRF funds loaned shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
8. The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.

Acknowledgement of Standard Conditions and Assurances

The Applicant hereby gives assurance to the Department of Environment and Natural Resources that the declarations, assurances, representations, and statements made by the Applicant in the Application; and all documents, amendments, and communications filed with the Department of Environment and Natural Resources by the Applicant in support of its request for financial assistance will be fulfilled.

.....
Signature

.....
Date

NEELY ROAD SEWER FORCE MAIN, PUMP STATION AND EQUALIZATION TANK

LOAN OFFER FROM NCDENR

RESOLUTION NO. 2015-_____

**RESOLUTION ACCEPTING LOAN OFFER FOR
NEELY ROAD SEWER FORCE MAIN,
PUMP STATION AND EQUALIZATION TANK**

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of grants and loans to aid eligible units of government in financing the cost of construction wastewater collection system; and

WHEREAS, the City of Brevard has need for and intends to construct Neely Road Sewer Force Main, Pump Station and Equalization Tank; and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of \$13,660,000 for 20-years at 1.84% interest rate.

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

Section 1. The City of Brevard does hereby accept the State Revolving Loan Offer of \$13,660,000 for 20-years at 1.84% interest rate; and

Section 2. The City of Brevard does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II-Assurances will be adhered to; and

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

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

Adopted and approved this the _____ day of _____, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

North Carolina Department of Environmental Quality

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

October 7, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jim Fatland, Interim City Manager
City of Brevard
232 Cashiers Valley Road
Brevard, NC 28712

**SUBJECT: Offer and Acceptance for a State Loan
Project No. CS370476-08
Neely Road Pump Station and Force Main
Rehabilitation**

Dear Mr. Fatland:

The City of Brevard has been approved for loan assistance from the Clean Water State Revolving Fund. Enclosed are two (2) copies of an Offer and Acceptance Document extending a State Revolving loan in the amount of **\$13,660,000**. This offer is made subject to the assurances and conditions set forth in the Offer and Acceptance Document.

Please submit the following items to the Division of Water Infrastructure, 1633 Mail Service Center, Raleigh, North Carolina 27699-1633.

1. A resolution adopted by the governing body accepting the loan offer and making the applicable assurances contained therein. (Sample copy attached)
2. One (1) copy of the original Offer and Acceptance Document executed by the authorized representative for the project, along with the signed "Standard Conditions for the Federal SRF loans". **Retain the other copy for your files.**
3. Federal Identification Number and DUNS # of the Recipient (Memo attached)
4. Sales Tax Certification(attached)

Reimbursement requests (printed form attached to this letter) should be sent to Pam Haven at the address noted.

1633 Mail Service Center, Raleigh, North Carolina 27699-1633
Phone: 919-707-9160 \ Internet: www.ncdenr.gov

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On behalf of the Department of Environment and Natural Resources, I am pleased to make this offer of State Revolving Loan funds made available by North Carolina Water Infrastructure Fund and the Federal Clean Water Act Amendments of 1987.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim H. Colson".

Kim H. Colson, P.E., Director
Division of Water Infrastructure, NCDENR

Enclosures:

- Resolution to accept Loan offer (suggested format)**
- Loan Offer and Acceptance Document (2 copies)**
- Fed ID and DUNS Request Form**
- Sales Tax Certification Form**
- Guidance Document**
- Reimbursement Request form**

c: **David Lutz, Public Works Director**
Michael K. Sloop, PE, CDM Smith, Raleigh NC
SRF

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER INFRASTRUCTURE**

Funding Award Offer and Acceptance

Legal Name and Address of Award Recipient

City of Brevard
232 Cashiers Valley Road
Brevard, NC 28712

Account

- Drinking Water State Revolving Fund (SRF)
- Clean Water State Revolving Fund (SRF)
- State General Loan (SRL)
- State Emergency Loan (SEL)
- High Unit Cost Grant (HUC)
- Technical Assistance Grant (TAG)

State Project Number: E-SRF-T-16-0416
Federal Project Number: CS370476-08
CFDA Number: 66.458

Amendment	Date	Additional Amount
Original		
1		
2		

Project Description:

Neely Road Pump Station and Force Main
Rehabilitation

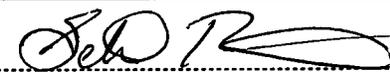
Total Financial Assistance Offer: **\$13,660,000**
Principal Forgiveness: **\$0**
Total Project Cost: **\$13,660,000**
Interest Rate: **1.84% Per Annum**
Maximum Loan Term: **20 Years**
Estimated 2% or 1.5% Closing Fee: **\$273,200**

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environment and Natural Resources as having sufficient priority to receive financial assistance,

The Department of Environment and Natural Resources, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:  **Kim H. Colson, P.E., Director, Division of Water Infrastructure
North Carolina Department of Environment & Natural Resources**

 Signature	10/6/15 Date
--	-----------------

On Behalf of: City of Brevard
Name of Representative in Resolution: _____
Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and make the Assurances and accept the Standard Conditions.

_____ Signature	_____ Date
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STANDARD CONDITIONS FOR FEDERAL SRF LOANS

1. The following “super cross cutters” apply to SRF projects and may be found in the Public Policy Requirements section of the EPA General Terms and Conditions for each year’s appropriation. This document can be found at www.epa.gov/ogd/tc.htm. Please note that nothing is submitted to the State’s SRF program offices regarding compliance with these items.
 - (a) Title VI of the Civil Rights Act of 1964
 - (b) Section 504 of the Rehabilitation Act of 1973
 - (c) The Age Discrimination Act of 1975
 - (d) Section 13 of the Federal Water Pollution Control Act Amendments of 1972
2. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The applicant shall certify that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project using a certification from provided by DENR.
3. Specific MBE/WBE (DBE) forms and instructions are provided that are to be included in the contract specifications. These forms will assist with documenting positive efforts made by recipients, their consultants and contractors to utilize disadvantaged businesses enterprises. Such efforts should allow DBEs the maximum feasible opportunity to compete for subagreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by all recipients, and construction contractors, and made available upon request.
4. Recipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, “Responsibilities of Participants Regarding Transactions Doing Business with Other Persons,” as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled “Covered Transactions,” includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment. Recipients may access suspension and debarment information at: <http://www.sam.gov>. This system allows recipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.
5. The construction contract(s) requires the contractor to adhere to Davis Bacon and Related Acts Provisions and Procedures as listed in the Code of Federal Regulations Chapter 29 Part 5 Section 5 (29 CFR 5.5). Public Law pertaining to this is also enacted in Title 40, United States Code, Subtitle II Section 3141 through Section 3148.
6. As required by H.R. 3547, “Consolidated Appropriations Act, 2014” Section 436, Division G, Title IV, this project is subject to American Iron and Steel provisions. The State provides detailed requirements to be included in the construction contract specifications.

ASSURANCES

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division.
The recipient acknowledges that in the event a milestone contained in the most recent Clean Water State Revolving Fund Intended Use Plan and/or the Letter of Intent to Fund will cause the Department of Environment and Natural Resources to rescind this Funding Offer.
2. The Applicant is responsible for paying for the costs ineligible for SRF funding.
3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
4. As of the acceptance of this Funding Award Offer, steps A-D in the SRF Guidance will be complete. These Assurances, likewise, incorporate the most recent version of the SRF Guidance, and the Applicant hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the SRF Guidance document. The remaining steps generally govern project design, bidding, contracting, inspection, reimbursements, closeout and repayment.
5. The Applicant will provide and maintain adequate engineering supervision and inspection.
6. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
7. All SRF funds loaned shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
8. The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.

Acknowledgement of Standard Conditions and Assurances

The Applicant hereby gives assurance to the Department of Environment and Natural Resources that the declarations, assurances, representations, and statements made by the Applicant in the Application; and all documents, amendments, and communications filed with the Department of Environment and Natural Resources by the Applicant in support of its request for financial assistance will be fulfilled.

.....
Signature

.....
Date

STAFF REPORT – November 16, 2015 Council Meeting

Date: November 12, 2015
Title: Board Appointments – Firefighter’s Relief Fund Board of Directors
Prepared by: Desiree Perry, City Clerk
Approved by: Jim Fatland, City Manager/Finance Director

Executive Summary: Council will consider making a re-appointment to the Brevard Firefighter’s Relief Fund Board of Directors.

Background: Board member Meredith Baldrige was first appointed in December 2011, and was reappointed to a second term that will expire January 2015. (No term limits.)

Brevard Firefighter's Relief Fund Board - "The mayor, board of aldermen or other local governing body shall appoint, in January 1950, two representatives to above board, one to hold office for two years and one to hold office for one year, and each year in January thereafter they shall appoint only one representative and his term of office shall be for two years."

<u>Firefighter's Relief Fund</u>	<u>Term Expires</u>
Meredith Baldrige, Chair	Jan 2015 (Appointed by City Council)
Jim Fatland	No Expire (Appointed by NC Insurance Commissioner)
Wesley Rogers	Jan 2016 (Appointed by Fire Dept.)
Mark Norton	Jan 2015 (Appointed by Fire Dept.)
Kirk Hooper (expired)	Jan 2017 (Appointed by City Council)

Discussion: Ms. Baldrige is a member in good standing and is interested and willing to serve a third term. Brevard Fire Department recommends her reappointment. If re-appointed the term would expire January 2017.

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.

NEW BUSINESS AGENDA ITEM

NOVEMBER 16, 2015

Title: Appointment to the Downtown Master Plan Committee
Speaker: Jim Fatland, City Manager
Prepared By: Desiree Perry, CMC, NCCMC, City Clerk
Joshua Freeman, AICP, CFM
Approved By: Jim Fatland, City Manager

Executive Summary: City Council will consider an appointment to the Downtown Master Plan Committee.

Background: Brevard City Council established the Downtown Master Plan Committee at its April 20, 2015 meeting (Res. No. 2015-16), to operate as policy review and discussion arm of City Council as it relates to issues within the downtown area, providing an opportunity to explore implications of policy alternatives and the policy development process while serving in an advisory capacity to Council as a whole.

At its August 17, 2015 meeting, Brevard City Council amended the structure of the Downtown Master Plan Committee (Res. No. 2015-21) to clarify that the Heart of Brevard representatives to the Downtown Master Plan Committee are the Heart of Brevard President (*or designee thereof*) and the Heart of Brevard Executive Director.

Discussion: Heart of Brevard President Richard Coadwell has appointed local architect and Heart of Brevard board member Melanie Spreen to serve as his designee to the Downtown Master Plan Committee (see attached email). Mrs. Spreen has agreed to serve and has submitted a boards and committees membership application.

Fiscal Impact: NA.

Policy Analysis: Continuation of the mission of the Downtown Master Plan Committee requires the appointment of a new member in order to maintain a functioning quorum.

Staff Comments / Recommendation: Note that enabling Resolutions 2015-16 and 2015-21 authorize the Heart of Brevard Board President to appoint his or her designated representative.

Attachments:

- 1) Richard Coadwell Resignation Email, October 28, 2015
- 2) Melanie Spreen Application Materials

Josh Freeman

From: Heather Layton <kiwigelato@comporium.net>
Sent: Wednesday, October 28, 2015 10:07 AM
To: Josh Freeman
Subject: DTMP Committee

Josh

It seems best to me to have Melanie take the HOB seat on the DTMP committee as her skill set is I feel much better suited to this committee than mine. It also will give this committee some continuity as Melanie is next in line to be HOB Chairman next year and would be our representative from that point anyway.

Trust this meets with you approval

Richard
Coadwell



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: _____

** List only one per Appointment Application form.*

Date _____

Name _____

Home Address _____

Phone (home) _____ (work) _____

Occupation _____ E-Mail _____

May you be contacted at work? _____ Do you live within the corporate City Limits? _____

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:

Educational background, special qualifications (i.e., civic memberships, related work experience, etc.). (Use back of sheet if additional space is needed.)

Based on your qualifications and experiences, briefly describe why your services on this board/committee would be beneficial to the City of Brevard:

**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.*

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

RESOLUTION NO. 2015-_____

**RESOLUTION AMENDING THE MEMBERSHIP
OF THE DOWNTOWN MASTER PLAN COMMITTEE**

WHEREAS, Brevard City Council established the Downtown Master Plan Committee at its April 20, 2015 meeting (Res. No. 2015-16), to operate as policy review and discussion arm of City Council as it relates to issues within the downtown area, providing an opportunity to explore implications of policy alternatives and the policy development process while serving in an advisory capacity to Council as a whole; and

WHEREAS, at its August 17, 2015 meeting, Brevard City Council amended the structure of the Downtown Master Plan Committee (Res. No. 2015-21) to clarify that the that the Heart of Brevard representatives to the Downtown Master Plan Committee shall be the Heart of Brevard President (or designee thereof) and the Heart of Brevard Executive Director.

WHEREAS, Heart of Brevard President Richard Coadwell has appointed local architect and Heart of Brevard board member Melanie Spreen to serve as his designee to the Downtown Master Plan Committee.

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

Section 1. Melanie Spreen is hereby appointed to serve as the Heart of Brevard President's designee appointment to the Downtown Master Plan Committee until such time as a new Heart of Brevard President is elected, or a new designee is appointed by the current Heart of Brevard President.

Approved and adopted this the 16th day of November, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

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.