MINUTES
BREVARD CITY COUNCIL
Regular Meeting
April 18, 2016 - 7:00 PM

The Brevard City Council met in regular session on Monday, April 18, 2016, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

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

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, City Clerk Desiree Perry, Special Project Director Josh Freeman, Planning Director Daniel Cobb, Planner Aaron Bland, HR Director Derrick Swing, Deputy Clerk Jill Murray, Public Works Director David Lutz, Fire Chief Craig Budzinski, Parks and Property Management Director Lynn Goldsmith, Finance Accountant Tom Whitlock, Police Chief Phil Harris and Police Dispatchers Debbie McCrary and Cathy Sue Guess.

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 City Clerk.

B. Invocation – Pastor Dema Barishnikov, Destiny Christian Fellowship, 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 – Mayor Harris asked that the Agenda be amended to add G-4 Proclamation-National Public Safety Telecommunicators Week. Mr. Landreth moved the Agenda be amended to add the Proclamation and to also add a Closed Session Economic Development item and the Agenda be approved as amended. Motion was seconded by Mr. Morrow and passed unanimously.

F. Approval of Minutes – Ms. Hollingsworth moved, seconded by Mr. Morrow, the March 21, 2016, meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

Proclamation 2016-03 Arbor Day. Mayor Harris read aloud and presented a Proclamation to Parks and Property Management Director Lynn Goldsmith; recognizing Arbor Day and the ceremony scheduled for April 27, 2016, and for this being the 37th year Brevard has been recognized as a Tree City USA.

Certificate of Appreciation – Mayor Harris explained Mr. Bud Holland and Ms. Reid Wood have served on the City's Community Appearance Commission; however, they are unable to attend tonight's meeting. Mr. Holland has served on the CAC for ten years and Ms. Reid has served for eight years. Their Certificates of Appreciation will be mailed to them.

Proclamation 2016-04 National Public Safety Telecommunicators Week. Mayor Harris read aloud and presented a Proclamation to Police Dispatchers Debbie McCrary and Cathy Sue Guess, recognizing Public Safety Telecommunicators Week, April 10-16, 2016, and thanked them for the service they and others provide our citizens as Police Department dispatchers.

H. Public Hearing - None

I. Public Participation

Ms. Mary Joe Welch, 189 Montview Circle, Brevard. Came to speak as one of the two representatives of "Barks and Recreation" group (many of whom were in the audience) to advocate for a dog park within the City. Brevard offers many recreational opportunities for families; however, we are missing doing so for our four-legged family members. We care for these members of our families by providing medical care, shelter and we train them. It is important they have opportunity to socialize at a dog park were they could have freedom to play, have agility classes, and could receive training with the children in order to be a good member of their family. Socialization is important for a dog. Because Brevard does not offer a dog park, she travels to Mills River to use their dog park and while there she frequents their retail shops and restaurants. If Brevard had a dog park, people would use it and would frequent our local businesses and restaurants.

Ms. Kat Now, 263 N. Caldwell Street, Brevard. One of the many benefits of a dog park is they are being provided a place to play and opportunity to socialize; this has an added benefit of reduced dog barking. A dog's behavior is improved by activity and socialization. Having a dog park would help in tourism as many individuals and families alike seek destinations that provide recreational opportunities for all members of their family, including their four-legged members. We come asking the City to provide the funding and location. We also come and offer our willingness to help by working as volunteers including our doing research, legal, labor, do fund raising events – please just let us know what we can do to help make a dog park happen.

Ms. Susan Sunflower, 102 College, Brevard. Announced and invited all to attend an Arbor Day event "Brevard Tree Walk" scheduled for April 29th at 5:30 PM in front of City Hall, and she also provided a handout of the "Master Gardeners Earth Day Plant Sale" event taking place on April 30th and encouraged folks to come out and support the event.

Mr. Scott Kuba, 273 West Main Street, Brevard. He in support of Short Term Rentals (STR) as they are a way for people to generate revenue for themselves and for the City; he questioned why SRT parking standards are being proposed that are different than the residential standards that are already in the zoning ordinance; he is not opposed to the proposed STR owner being requiring to have a permit; and, asked, if the City plans to create a data base of STR do so by allowing others (County and State) to have access to the data.

Mr. Daniel Trusler, 266 Probart Street. Spoke in support of Short Term Rentals (STR); expressed appreciation for the time and hard work Planning Staff and the Planning Board have put into the process; feels the STR are a benefit to the property owners and community and does not believe the proposed extensive regulations are necessary as over regulating could result in creating a bigger problem. Suggested consideration to remove the City's current standard of "less than 30 days" which would make it easier for Planning staff and the Board of Adjustment. There are three STR's in his neighborhood and he much prefers them to vacant homes.

Mr. Trusler requested the City consider placing a stop sign on Carver Street at the three-way intersection between Oaklawn, Morgan and Carver as he finds it to be a difficult intersection.

Mayor Harris responded City staff will look into it.

Ms. Geraldine Dinkins, 500 W Probart Street. Spoke in support of a City dog park. At present she does not own a dog; however, as a runner she sees the need for a dog park; it is likely their family will need to have a service dog for their child and having a dog park would be helpful to them. She added it's been her experience that dog parks prove to be quite entertaining and suggested the City install benches outside the park for people to sit upon to watch the dogs at play.

Ms. Elda Brown, 135 Maple Street. Spoke in favor of Short Term Rentals (SRT); she and her husband own a SRT and have attended all of the City meetings, and she thanked the Planning Staff for their work. As a SRT owner they really don't see the need for a new ordinance; however, as proposed it is a good solution that will work and they will endorse it, with the exception of the proposed language on annual renewal of permits, which they have already brought to Council's attention by sending them an email.

Ms. Julie King, 230 Burrell Mountain Road. Spoke in favor of Short Term Rentals (SRT) explaining she has a Vacation Rental by Owner (VRBO) and does not think the City needs to govern the use as strictly as proposed; questioned the need to require an owner of a STR or VRBO to pay a $200 permit or license fee. Explained they are meeting lodging needs as she recently rented to a couple who participated in the Assault on the Carolinas and while staying with her they also frequented local stores and restaurants. SRT and VRBO's provide revenue for the property owners as well as for local businesses.

J. Special Presentation(s) - None

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda.

Mayor Harris suggested consideration to move New Business Items #1, #3, #4, #%, #6 and #7 be added to the Consent Agenda. Mr. Landreth moved, seconded by Mr. Morrow, the Consent Agenda be amended to add NB Items 1, 3, 4, 5, 6 and 7 and be approved as amended.

Discussion: Ms. Hollingsworth asked if a dog park could be added to the Estatoe Trail Grant request. Mr. Freeman explained without having a site selected for a dog park and with the grant deadline timeframe, it could not be included. Perhaps a second grant could be sought.

Vote on the Motion: Motion carried unanimously. The following items were approved:

K-1. Staff Reports:

a. Public Works Department February 2016 Monthly Report
b. Finance Department March 2016 Monthly Report
c. Planning Department Quarterly Report (Jan-Mar, 2016)

K-2. Resolution No. 2016-04 A Resolution Directing The City Clerk To Investigate The Sufficiency Of A Petition For An Annexation Pursuant To NCGS 160A-58.2, As Amended

RESOLUTION NO. 2016-06

A RESOLUTION AWARDING THE CONSTRUCTION WORK FOR THE CITY OF BREVARD NEELY ROAD PUMP STATION & EQ PROJECT

WHEREAS, The City of Brevard has previously approved the City of Brevard Neely Road Pump Station and Equalization Project, herein after; "The Project"; and

WHEREAS, The Project has received approval and permits from the NCDENR – DWQ state regulating agency; and

WHEREAS, The City of Brevard has secured funding for The Project through a secured loan from NCDEQ - DWI in the amount of $6,657,500 towards The Project; and

WHEREAS, The City of Brevard has received approval from the NC Department of State Treasurer, Local Government Commission to accept the loan; and

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

WHEREAS, The City of Brevard, upon recommendation of the City's Consulting Engineers, CDM Smith desires to accept the low bid, award and construct The Project; and

WHEREAS, in accordance with G.S. 143-129, the City of Brevard received formal proposals for the Neely Road Pump Station and Equalization Project on Thursday, March 17, 2016 at Brevard Public Works Department; and,

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

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

1. A contract for the Neely Road Pump Station and Equalization Project (CWSRF Project No. CS370 476-08) is hereby awarded to Wharton-Smith, Inc., NC License #38755, 5601 Seventy Seven Center Drive, Suite 120, Charlotte, NC 28217, for the bid price of $6,657,500.00 as received in accordance with the City's bid documents for this Project.

2. The City Manager upon award approval from the NCDENR DWI, is authorized and directed to sign a contract with Wharton-Smith, Inc.

3. The City Manager is authorized and directed to take all necessary actions required by the NCDENR DWI to complete The Project, including all close out documents.

4. The City Manager is authorized and directed to process and approve any required change orders up to The Project's budget limit that may be needed to complete The Project.

5. The City Manager shall advise the Board periodically on the status of completion of The Project.

6. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of April, 2016.

K-3. Ordinance No. 2016-06 An Ordinance Declaring A Road Closure For White Squirrel Festival And Memorial Day Parade

ORDINANCE NO. 2016-06

AN ORDINANCE DECLARING A ROAD CLOSURE FOR WHITE SQUIRREL FESTIVAL AND MEMORIAL DAY PARADE

WHEREAS, Brevard City Council acknowledges a long tradition of providing an annual White Squirrel Festival for the pleasure and enjoyment of its citizens and visitors; 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; and,

WHEREAS, Brevard City Council acknowledges the importance of celebrating Memorial Day as an opportunity to remember and honor those who have died while serving in the United States Armed Forces; and,

WHEREAS, Brevard City Council acknowledges this parade requires portions of North and South Broad Street (US Highway 64) to be closed;

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 hereby declares the following temporary road closures during the days and times set forth below on the following described portion of a State Highway System route:

White Squirrel Festival

Date:	Friday, May 27 – Sunday, May 29, 2016
Time:	11:00 AM Friday, May 27 – 8:00 PM Sunday, May 29, 2016
Route Description:	Main Street (US 276) from Caldwell Street to Johnson Street, and Broad Street (US 64) from French Broad Street to Morgan Street.

Memorial Day Parade

Date:	Saturday, May 28, 2016
Time:	6:00 AM – 10:00 AM
Route Description:	South Broad Street (US 64) at the Transylvania County Library to North Broad Street (US 64) at Brevard College Drive.

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

Adopted and approved this the 18th day of April, 2016.

K-4. FEMA Fire Prevention and Safety Grant – Council granted the Brevard Fire Department the authorization to request grant funding in the amount of $25,000 for the purchase of smoke detectors to give out to residence in our community. If awarded, the local match of $1,250 would be paid from the Fire Department Special Revenue Fund.

K-5. Amend City Council 2016 Meeting Schedule – Council cancelled the April 25, 2016, joint County/City workshop. To be rescheduled to September; date not yet determined.

K-4. Correspondence - **No Action**. (*Offered to Council as information only.*)
a. March 2016 Building Activity Report.
b. Brevard Tree Walk, April 29th at 5:30 PM
c. Friends of DuPont Forest – The Little River Watermark, Spring 2016
d Brevard Music Center 2015 Economic Impact Study
e. NC Competes for Jobs, May 4, 2016
f. Kids Go Festival, South Broad Park on April 23rd from 11 AM to 3 PM
g. Arbor Day Ceremony, City Sports Complex on April 27th at 10:30 AM

K-5 (M-1). Resolution No. 2016-05 A Resolution Awarding The Construction Work For The City of Brevard Kings Creek Phase III Gravity Sewer Upgrade Project

RESOLUTION NO. 2016-05

A RESOLUTION AWARDING THE CONSTRUCTION WORK FOR THE CITY OF BREVARD KINGS CREEK PHASE III GRAVITY SEWER UPGRADE PROJECT

WHEREAS, The City of Brevard has previously approved the City of Brevard Kings Creek Phase III Gravity Sewer Upgrade Project, herein after; "The Project"; and

WHEREAS, The Project has received approval and permits from the NCDENR – DWQ state regulating agency; and

WHEREAS, The City of Brevard has secured funding for The Project through a secured loan from NCDENR - DWI in the amount of $1,484,150 towards The Project; and

WHEREAS, The City of Brevard has received approval from the NC Department of State Treasurer, Local Government Commission to accept the loan; and

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

WHEREAS, The City of Brevard, upon recommendation of the City's Consulting Engineers, Brown Consultants, PA, desires to accept the low bid, award and construct The Project; and

WHEREAS, in accordance with G.S. 143-129, the City of Brevard received formal proposals for the Kings Creek Phase III Gravity Sewer Upgrade Project at 11:00 A.M. on Thursday, March 17, 2016 at Brevard's Public Works Department; and,

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

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

1. A contract for the Kings Creek Phase III Gravity Sewer Upgrade Project (CWSRF Project No. CS370476-07) is hereby awarded to Dillard Excavating Company, Incorporated, NC License #8893, 9411 August Road, Pelzer, SC 29669, for the bid price of $1,148,075.00 as received in accordance with the City's bid documents for this Project.

2. The City Manager upon award approval from the NCDENR DWI, is authorized and directed to sign a contract with Dillard Excavating Co. Inc.

3. The City Manager is authorized and directed to take all necessary actions required by the NCDENR DWI to complete The Project, including all close out documents.

4. The City Manager is authorized and directed to process and approve any required change orders up to The Project's budget limit that may be needed to complete The Project.

5. The City Manager shall advise the Board periodically on the status of completion of The Project.

6. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of April, 2016.

K-6 (M-3). Non-Residential Building Demolition or Repair. Council directed staff to move forward in drafting an ordinance for adoption consideration that would grant a public officer (zoning administrator) the authority to cause non-residential building(s) that fail to meet minimum standards of maintenance, sanitation and safety to be repaired, closed, and/or demolished.

K-7 (M-4). Resolution No. 2016-06 A Resolution Awarding The Construction Work For The City Of Brevard Neely Road Pump Station and EQ Project

RESOLUTION NO. 2016-06

A RESOLUTION AWARDING THE CONSTRUCTION WORK FOR THE CITY OF BREVARD NEELY ROAD PUMP STATION & EQ PROJECT

WHEREAS, The City of Brevard has previously approved the City of Brevard Neely Road Pump Station and Equalization Project, herein after; "The Project"; and

WHEREAS, The Project has received approval and permits from the NCDENR – DWQ state regulating agency; and

WHEREAS, The City of Brevard has secured funding for The Project through a secured loan from NCDEQ - DWI in the amount of $6,657,500 towards The Project; and

WHEREAS, The City of Brevard has received approval from the NC Department of State Treasurer, Local Government Commission to accept the loan; and

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

WHEREAS, The City of Brevard, upon recommendation of the City's Consulting Engineers, CDM Smith desires to accept the low bid, award and construct The Project; and

WHEREAS, in accordance with G.S. 143-129, the City of Brevard received formal proposals for the Neely Road Pump Station and Equalization Project on Thursday, March 17, 2016 at Brevard Public Works Department; and,

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

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

7. A contract for the Neely Road Pump Station and Equalization Project (CWSRF Project No. CS370 476-08) is hereby awarded to Wharton-Smith, Inc., NC License #38755, 5601 Seventy Seven Center Drive, Suite 120, Charlotte, NC 28217, for the bid price of $6,657,500.00 as received in accordance with the City's bid documents for this Project.

8. The City Manager upon award approval from the NCDENR DWI, is authorized and directed to sign a contract with Wharton-Smith, Inc.

9. The City Manager is authorized and directed to take all necessary actions required by the NCDENR DWI to complete The Project, including all close out documents.

10. The City Manager is authorized and directed to process and approve any required change orders up to The Project's budget limit that may be needed to complete The Project.

11. The City Manager shall advise the Board periodically on the status of completion of The Project.

12. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of April, 2016.

K-8 (M-5). Resolution No. 2016-07 A Resolution Awarding the Construction Work For The City Of Brevard Neely Road Force Main Project.

RESOLUTION NO. 2016-07

A RESOLUTION AWARDING THE CONSTRUCTION WORK FOR THE CITY OF BREVARD NEELY ROAD FORCE MAIN PROJECT

WHEREAS, The City of Brevard has previously approved the City of Brevard Neely Road Force Main Project, herein after; "The Project"; and

WHEREAS, The Project has received approval and permits from the NCDENR – DWQ state regulating agency; and

WHEREAS, The City of Brevard has secured funding for The Project through a secured loan from NCDEQ - DWI in the amount of $4,199,825.00 towards The Project; and

WHEREAS, The City of Brevard has received approval from the NC Department of State Treasurer, Local Government Commission to accept the loan; and

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

WHEREAS, The City of Brevard, upon recommendation of the City's Consulting Engineers, CDM Smith desires to accept the low bid, award and construct The Project; and

WHEREAS, in accordance with G.S. 143-129 the City of Brevard received formal proposals for the Neely Road Force Main Project on Thursday, March 31, 2016 at Brevard Public Works Department; and,

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

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

1. A contract for the Neely Road Force Main Project (CWSRF Project No. CS370 476-08) is hereby awarded to Hall Contracting, NC License #5689, 6415 Lakeview Road, Charlotte, NC 28217, for the bid price of $4,199,825.00 as received in accordance with the City's bid documents for this Project.

2. The City Manager upon award approval from the NCDENR DWI, is authorized and directed to sign a contract with Hall Contracting Corporation.

3. The City Manager is authorized and directed to take all necessary actions required by the NCDENR DWI to complete The Project, including all close out documents.

4. The City Manager is authorized and directed to process and approve any required change orders up to The Project's budget limit that may be needed to complete The Project.

5. The City Manager shall advise the Board periodically on the status of completion of The Project.

6. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of April, 2016.

K-9 (M-6). Resolution No. 2016-08 A Resolution Authorizing The Submittal Of A North Carolina Parks and Recreation Trust Fund Grant Application To Support Improvements To The Estatoe Trail

RESOLUTION NO. 2016-08

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A NORTH CAROLINA PARKS & RECREATION TRUST FUND GRANT APPLICATION TO SUPPORT IMPROVEMENTS TO THE ESTATOE TRAIL

WHEREAS, Brevard City Council has adopted the following vision statement for the City of Brevard:

> "City of Brevard is a safe, family-oriented city with small town charm, outdoor recreation, arts and culture that bring investment opportunities, environmental consciousness, and economic diversity;"

and,

WHEREAS, Brevard City Council is committed to enhancing the quality of life in our community by bringing people of all ages together through physical connections to each other and to our cultural / historic assets of music, arts, and outdoor recreation ("Enhance Quality of Life" Strategy); and,

WHEREAS, Brevard City Council has identified the development of a robust network of trails, sidewalks and greenways as a key tactic to achieve the City's vision and implementing the quality of life strategy; and,

WHEREAS, Brevard City Council intends to submit an application to the North Carolina Parks and Recreation Trust Fund for funding to support various improvements to the Estatoe Trail.

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

SECTION 01. Staff is hereby directed to submit an application to the North Carolina Parks and Recreation Trust Fund for funding to support various improvements to the Estatoe Trail.

SECTION 02. The City Manager is hereby authorized and directed accept such funds as may be awarded by the North Carolina Parks and Recreation Trust Fund on behalf of the City of Brevard, and to execute such documents and agreements as may be necessary in order to accomplish the same.

SECTION 03. This Resolution shall be effective upon its adoption and approval.

SECTION 04. Adopted and approved this the 18th day of April, 2016.

K-10 (M-7). Ordinance No 2016-07 An Ordinance Amending The FY2015-2016 Budget, Amendment No. Three

ORDINANCE NO. 2016-07
AN ORDINANCE AMENDING THE FY2015-2016 BUDGET
AMENDMENT NO. THREE

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2015-13), Budget Ordinance Amendment No. One (Ordinance No. 2015-14); Budget Ordinance Amendment Two (Ordinance No. 2016-01) and

WHEREAS, it is necessary to make amendments to the budgets to reflect additional revenue, appropriation of fund balance, and expenditures for Fiscal Year 2015-2016.

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

SECTION 01) General Fund Expenditures are hereby increased $274,596 from $8,978,159 to $9,252,755 as shown as follows:

Parks & Property Department	$ 94,500
Police Department	$ 66,400
Transfer to Health Reserve Fund	$ 95,500
Transfer to Pedestrian Fund	$ 18,196
TOTAL EXPENDITURES	$274,596

SECTION 02) General Fund Revenues are hereby increased $274,596 from $8,978,159 to $9,252,755 as shown as follows:

Sale of Fixed Assets	$ 8,196
Police Donation	$ 2,400
Misc. Revenue 911 Funding	$ 64,000
Utilities Franchise Tax	$200,000
TOTAL REVENUE	$274,596

SECTION 03) Water & Sewer Fund Expenditures is hereby increased $174,983 from $5,103,500 to $5,278,483 as shown as follows:

Transfer to Health Insurance Fund	$ 31,000
Water Treatment Plant	$ 43,983
Sewer Treatment Plant	$100,000
TOTAL EXPENDITURES	$174,983

SECTION 04) Water & Sewer Fund Revenue is hereby increased $174,983 from $5,103,500 to $5,278,483 as shown as follows:

Utility Fund Balance Appropriated	$174,983
TOTAL REVENUE	$174,983

SECTION 05) Heart of Brevard MSD Fund Expenditures are hereby increased $10,000 from $120,700 to $130,700 as shown as follows:

Contract Services	$ 10,000
TOTAL EXPENDITURES	$ 10,000

SECTION 06) Heart of Brevard MSD Fund Revenue is hereby increased $10,000 from $120,700 to $130,700 as shown as follows:

Tax Collections	$ 10,000
TOTAL REVENUE	$ 10,000

SECTION 07) Capital Reserve Fund Revenue is hereby increased $200,000 from $445,000 to $645,000 as shown as follows:

Capital Reserve Fund Balance Appropriated	$200,000
TOTAL REVENUE	$200,000

SECTION 08) Capital Reserve Fund Expenditures are hereby increased $200,000 from $445,000 to $645,000 as shown as follows:

Transfer to Rosenwald Fund	$200,000
TOTAL EXPENDITURES	$200,000

SECTION 13) Multi-Use Paths Fund Expenditures are hereby increased $18,196 from $597,000 to $615,196 as shown as follows:

Pedestrian Path Expenditures	$ 18,196
TOTAL EXPENDITURES	$ 18,196

SECTION 14) Multi-Use Paths Fund Revenue is hereby increased $18,196 from $597,000 to $615,196 as shown as follows:

Transfer from General Fund	$ 18,196
TOTAL REVENUE	$ 18,196

SECTION 14-A) Bracken Mountain Project Expenditures are hereby increased $7,476 from $10,792 to $18,268 as shown as follows:

Trail & Design Construction	$ 7,476
TOTAL EXPENDITURES	$ 7,476

SECTION 14-B) Bracken Mountain Project Revenue is hereby increased $7,476 from $10,792 to $18,268 as shown as follows:

Bracken Mountain Fund Balance Appropriated	$ 7,476
TOTAL REVENUE	$ 7,476

SECTION 17) Downtown Master Plan Expenditures are hereby increased $300,000 from $511,167 to $811,167 as shown as follows:

Transfer to Pedestrian Fund	$300,000
TOTAL EXPENDITURES	$300,000

SECTION 18) Downtown Master Plan Revenue is hereby increased $300,000 from $511,167 to $811,167 as shown as follows:

Downtown Master Plan Fund Balance Appropriated	$300,000
TOTAL EXPENDITURES	$300,000

SECTION 19) Rosenwald Revitalization Fund Expenditures are hereby increased $200,000 from $291,674 to $491,674 as shown as follows:

Environmental Clean Up & Park Improvements	$200,000
TOTAL EXPENDITURES	$200,000

SECTION 20) Rosenwald Revitalization Fund Revenue is hereby increased $200,000 from $291,674 to $491,674 as shown as follows:

Transfer from Capital Reserve Fund	$200,000
TOTAL REVENUE	$200,000

SECTION 23) Health Insurance Fund Revenue is hereby increased $126,500 from $1,171,500 to $1,298,000 as shown as follows:

Transfer From General Fund	$ 95,500
Transfer From Utility Fund	$ 31,000
TOTAL REVENUE	$126,500

SECTION 24) Health Insurance Fund Expenditures are hereby increased $126,500 from $1,171,500 to $1,298,000 as shown as follows:

Health Insurance Claims Paid	$126,500
TOTAL EXPENDITURES	$126,500

SECTION 27) Housing Trust Fund Revenue is hereby increased $13,204 from $13,332 to $26,536 as shown as follows:

Developer Loan Payment	$ 13,204
TOTAL REVENUE	$ 13,204

SECTION 28) Housing Trust Fund Expenditures are hereby increased $13,204 from $13,332 to $26,536 as shown as follows:

Increase in Fund Balance	$ 13,204
TOTAL EXPENDITURES	$ 13,204

SECTION 31) That Revenue and Expenditures Sections 1 through Section 30 of the Ordinance Amendment have increased $1,308,563 from $25,785,838 to $27,094,401 as follows:

General Fund	$ 9,252,755
Water & Sewer Fund	$ 5,278,483
Utility Capital Projects Fund	$ 7,819,094
Capital Reserve Fund	$ 645,000
Heart of Brevard MSD Fund	$ 130,700
Bjerg Trust Fund	$ 100
Fire District Fund	$ 648,530
Multi-Use Paths Fund	$ 615,196
Narcotics Task Force Fund	$ 45,100
Downtown Master Plan Fund	$ 811,167
Other Post-Employment Benefits Fund	$ 18,750
Bracken Mountain Project Fund	$ 18,268
Health Insurance Fund	$ 1,298,000
Housing Trust Fund	$ 26,536
T.L. Scruggs Scholarship Trust Fund	$ 11,500
Rosenwald Revitalization Fund	$ 491,674
TOTAL BUDGET APPROPRIATION	$27,110,793

Adopted and approved this 18th day of April, 2016.

L. Unfinished Business - None

M. New Business

M-2. Short Term Rentals

Mr. Fatland explained Planning Staff will be making a presentation on Short Term Rentals. No action is being asked of Council at this time.

Mr. Cobb stated the purpose of tonight's presentation is to provide Council and those present with information on the subject prior to holding a public hearing. At Council's August 17, 2015, meeting the issue of short-term rentals (STRs) such as those offered on websites such as Airbnb.com and VRBO.com was brought up. At the September 21st meeting Staff presented basic information about these rentals and City Council provided Staff with direction to take the issue to the Planning Board to explore possible changes to the UDO that would allow for short-term rentals but also mitigate potential negative impacts on residential neighborhoods. The Planning Board began its discussions at their October meeting discussing the advantages and potential impacts of STRs, as well as how these accommodations related to lodging uses already in the UDO.

Two public input meetings were held in November at the County Library with a combined attendance of approximately 40 people. Additionally, an online survey was open for one month and 199 submissions were submitted. (A compilation of the input received at the input sessions, by survey and additional correspondence is included within the staff report.)

Using power point, Mr. Cobb presented the Planning Boards recommended draft language and asked Council to discuss and provide Staff with specific questions or requests for information for future discussions and/or suggested changes.

Council discussion comments:

- Parking. One parking space per bedroom. Would a 2-bedroom suite require two parking spaces?
- Bedrooms. Number is derived by information provided in County tax card.
- Downtown (Main Street) STRs. Can STRs be considered in the downtown district, and, what would the parking requirements be, or, would there be parking requirements for one located in the downtown district?
- Issue arose due to a few STRs that have had several people staying in a house and that had multiple cars parked on both the property and in the street.
- It is a difficult situation. While most intend to abide by standards, some of the proposed text is to address those who are not willing to comply.
- Special Use Permit (SUP) and Permitted with Standards (PS). As described tonight by Mr. Cobb is clearer and more easily understood than how it is written in the draft. Please revise.
- Health Codes. The Health Department regulations are state wide; asked if they also contain any local Transylvania County specific codes or regulations.
- Occupancy Tax. City staff has identified some STRs; however, cannot determine if they are paying the occupancy taxes.
- Occupancy Tax. Questioned why the City is not provided access to the State's collection of local occupancy tax information, or information as it is provided from the State to the County.
- Having occupancy tax information would also help in forecasting anticipated revenue, tourism projections, etc.
- Existing STRs. Staff would work with the City Attorney in both the drafting of text as well as an implementation process for those STRs in existence prior to the adoption of an ordinance or text amendment.
- Council Member Landreth asked if anyone in the audience was representing "cityofbrevard.org". No one responded, and several shook their head "no".
- Staff was asked to forward to Council members the information associated with the seven items discussed by the Planning Board (presented upon the last slide).
- Two big problems described are occupancy (number of people housed at one time) and parking. Citizens and Council comments alike have had a common theme of wanting the minimal way to approach and accomplish with the least level of regulation.
- Staff was requested to include a zoning map with the next presentation.

Council asked Staff to revise the draft language by incorporating comments/direction provided tonight for a second review at Council's next regular meeting in May. Desire to have a second review before calling for a public hearing. Mayor asked Council members, should they think of additional suggested modifications to forward them to the City Manager who will in turn see they are provided to Staff.

N. Remarks by Officials / Future Agenda Considerations

Mr. Jones – Rise & Shine will be holding a fund raiser this coming Saturday, April 23rd at Brevard Music Center from 6 to 9 PM. Please come out and support.

Ms. Hollingsworth – Last Tuesday she participated in the Economic Alliances bus tour of to visit different business parks in Mills River, Rock Hill and Shelby, showing examples of private/public partnerships that will hopefully result in helping us to

discover ways to develop properties and help with employment here in Brevard and Transylvania County.

Mr. Fatland – At Council's next regular meeting he will be presenting his recommended budget. Council's meeting schedule includes three budget workshops; however, at the first workshop Council can then decide if they want to hold a second.

Council affirmed they desire the Manager to proceed with the budget presentation and first budget workshop Agenda in the same format he did last year.

O. Closed Session – Mayor Harris asked the City Attorney if it would be appropriate for Council to hold four closed sessions to discuss two matters of economic development and a potential property acquisition matter. City Attorney advised pursuant to **GS § 143-318.11. (a)(3) (4) (5)** 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 8:57 p.m. Mr. Morrow moved, seconded by Mr. Daniel, Council go into closed session to discuss an economic development matter. Motion carried unanimously. (A seven minute break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session – At 9:39 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 9:39 p.m. Mr. Landreth moved, seconded by Mr. Daniel, Council go into a second closed session to discuss an economic development matter. Motion carried unanimously.

Council Returned to Regular Session – At 9:50 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 9:50 p.m. Mr. Jones moved, seconded by Mr. Landreth, Council go into a third closed session to discuss a property acquisition matter. Motion carried unanimously.

Council Returned to Regular Session – At 10:03 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, Mr. Morrow moved, seconded by Mr. Landreth, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 10:03 P.M.

Jimmy Harris
Mayor

Desiree D. Perry
City Clerk

Minutes Approved: May 16, 2016

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