

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
August 15, 2016 – 7:00 PM**

The Brevard City Council met in regular session on Monday, August 15, 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, Accounting Clerk Tom Whitlock, Parks & Property Mgmt. Director Lynn Goldsmith, HR Director Derrick Swing, HR Specialist & Deputy Clerk Jill Murray, Fire Chief Craig Budzinski, Planner Aaron Bland, Planning Director Daniel Cobb, Deputy Chief Shawn Miller, Public Works Director David Lutz and Water Plant ORC Dennis Richardson.

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 Mary Hinkle Shore, Lutheran Church of the Good Shepherd, offered an invocation.

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

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

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

F. Approval of Minutes – Ms. Hollingsworth moved, seconded by Mr. Morrow, the June 20, 2016, meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

G-1. Proclamation 2016-09 Constitution Week, September 17-23, 2016, was presented to DAR representatives Ms. Dianne Dickerson and Ms. Mary King Auman. They thanked the Mayor and Council for the Proclamation and presented Mayor Harris with a "Constitution Week" banner for his office.

**Proclamation No. 2016-09
Constitution Week
September 17 – 23, 2016**

Whereas, September 17, 2016 marks the two hundred and twenty-ninth anniversary of the signing of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, I, Mayor Jimmy Harris, and Brevard City Council of the City of Brevard, North Carolina do hereby proclaim September 17 through 23, 2016 to be

CONSTITUTION WEEK

in the City of Brevard, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Brevard on this 15th day of August of the year of our Lord two thousand sixteen.

G-2. Certificate of Appreciation - Mayor Harris explained Mr. Brian Philips served on the City's ABC Board of Directors for four years; however, he was unable to attend tonight's meeting therefore his Certificate will be mailed to him.

G-3. Certificate of Appreciation - Mayor Harris and Council expressed their appreciation to Carol Dillingham for her serving on the Brevard Board of Adjustment for three years and presented to her a Certificate of Appreciation.

H. Public Hearing(s)

H-1. Short Term Rentals. (Public Hearing continued from June 20, 2016, Meeting).

Mayor Harris opened the public hearing at 7:20 P.M.

Mr. Cobb explained the draft ordinance provided to Council and placed upon the City's website for review in advance of tonight's meeting does not contain any changes but rather is a clean version of the previously discussed ordinance.

Mr. Pratt stated Short Term Rentals is a complex issue and obviously one that many have strong feelings about on both sides. Lots of work and legal issues are to be considered by Council. There is some pending legislation being considered by the State that may have an impact on this matter. Council could hear from all who are here tonight, close the hearing, and not render a decision but rather do so at Council's next regular meeting (as was Council's past practice), which would also allow opportunity for staff and legal counsel to offer additional information on the pending legislation at the next meeting; or, could continue the public hearing; or, could close the hearing and render a decision tonight.

Public Hearing Public Participation

Mr. Pete Kuehne, 46 McLean Road, spoke in favor of allowing short term rentals (STR). He is owner of Pete Kuehne Properties and specializes in management of vacation rentals. Good management of STR is key. Management includes limits on the number of people that can stay at the STR. He has some concerns with some areas of the proposed regulations as they seem to be arbitrary and urged Council and City Attorney to look closely at the proposed ordinance. In general he is in favor regulations as a way to define what the rules are, what one has to do to be issued approval of a STR and renewal, and, so that everyone is playing by the same rules. Deny permits to the few that are causing problems.

Ms. Ame Sanders, 54 Miner Street. She read aloud her prepared statement in support of short term rentals and presented a copy for the record. (Exhibit A) She spoke in favor of the proposed ordinance and allowing short term rentals (STR); explained she and her partner, Mike Peduzzi, own a STR property on Miner Street, and that they have their property managed by a professional property management firm

and remain committed to maintaining the house inside and out to a high standard, which is necessary to be successful in the competitive Brevard market. Renters are required to sign a contract, protecting both us and our neighbors. STR revenue is funneled back into the community.

Ms. Tracie Trusler, 266 West Probart Street, spoke in favor of short term rentals (STR). She was born and raised in Brevard. She and her husband opened the Red House Inn B&B in 2007, and, in 2010 their long-term renter moved out from their rental house and so they choose to convert it to a STR and it has proved to be a good fit for elderly guests as it's all on one floor, and, is also popular for families. Guests can walk to the downtown to shop, eat, purchase goods, etc. Over 50% of their STR guests are repeat guests. Since 2010 they have added a handful of STR houses to offer as an extension of their B&B. Feel fortunate to live in Brevard and desires to continue to use their STR properties.

Mr. Daniel Trusler, 266 West Probart Street, spoke in favor of short term rentals (STR). He shared according to the County Tax Assessor's office there are 3,000 residential properties in the County; 50 are STR which equals only about 2% of the County's housing stock. Usually two or three guests (may be up to 6) on average stay per night in a STR, which equals to about 32,000 people visiting per year. STR generate revenue for the owners as well as for the community at large. Guests spend money at restaurants, shopping, etc., and, STR owners provide revenue by hiring local cleaning services, maintenance for yards, and, revenue is provided to City/County by occupancy taxes. Ordinance as written does what you want it to do - it provides control for people that may not be managing their property.

Mr. Bill Christie, 8 Pintail Court. He read aloud his prepared statement and presented a copy for the record. (Exhibit B). He requested the previously offered text specific to parking requirements, as originally recommended by the Planning Board, be reinstated. The present (revised) language in the draft ordinance is contradictory and confusing. Draft ordinance states STR are to comply with UDO Chapter 10; however, proposed amendment Section 10.5.G.4 then exempts short term rentals (STR) from the rules. Believe people who operate a STR and bring extra traffic into a neighborhood should be required to provide off-street parking for their guests in conformity with Chapter 10. Asked Council consideration to amend the proposed ordinance by amending line 86 (10.5.G.4a) to read, "...except those used for Short Term Rental and Homestay uses, and those which are subject to...." In doing so would accomplish most of what the Planning Board attempted to provide, and, will help maintain some control over the appearance of our residential neighborhoods.

Mr. Richard Fallis, 25 Pintail Court, requested the draft ordinance to be changed specific to parking. The language as proposed makes no additional parking regulations for short term rentals (STR), which on some streets that may not be a problem; however, on other streets it will be a problem. The Planning Board's recommendation was reasonable. At a minimum he hopes Council will consider Mr. Christie's recommended change. Asked Council to consider setting a density so that a neighborhood will not have 6 out of 8 houses to be a STR, and, asked Council to fund Code Enforcement. They filed a complaint with the City back in October 2015 on a STR in their neighborhood; however, to date no action has taken place.

Mr. Mike Butrum, Government Affairs Director for the Asheville Board of Realtors, spoke in favor of short term rentals (STR). Property owners have right to purchase, own and rent. Shared he's read the drafted ordinance and feels that it's a pretty common sense approach. Would not want to pit neighbor against neighbor on the issue. When Asheville addressed this issue, at first they thought there were 400 STR's in their community when in fact there were about 1,000 STR's.

President Jeremy Owen, Land of Sky Association of Realtors, spoke in favor of short term rentals (STR). Shared he understands regulations are needed, especially when there are a lot of different arguments. The reason we are dealing with this issue is because Brevard is a place that people desire to be, to live and visit. STR is not just a

local issue, communities throughout the nation are also addressing this issue. As Mr. Butrum shared, we do not want neighbors pitted against neighbors. Appreciates how this issue has been handled by City Staff who have been informative and have included interested parties into the process. He supports the drafted ordinance as it is a pretty common sense approach.

Ms. Jan Kuba, 273 West Main Street, spoke in favor of short term rentals (STR). She explained she is an owner of two STR's and that they and homestays can be a very positive addition to a neighborhood. She contracted with local contractors for repairs to the structures, yard service, tree removal, painting, etc. She, like most STR owners, have guidelines for their guests; her guests have never had more than 2 cars. The concerns of trash, debris, cars parked in the yards, etc., is a more frequent problem with long-term rentals, not short term rentals. With industries closed in our County, the economic vacuum is being filled by Brevard becoming a vacation destination.

Ms. Elda Brown, 135 Maple Street, spoke in favor of short term rentals (STR). She stated she's been attending meetings on the subject since November 2015 and is ready for this issue to be resolved. She began coming to Brevard 15 years ago and as the industries were closing, tourism was beginning to be pushed by local government, but, housing for these guests was not being addressed. The local folks addressed the needs by opening and operating STR's. There was and is a demand for them, and people stepped up and have fixed up houses to be used as STR. She and her husband own two STR's that are located closed to their home on Maple Street. Her guests view the STR as "their house" and they frequently have repeat guests. She supports the ordinance as presented and wants Council to move forward and adopt it and address any problems as they arrive.

Ms. Corey Gafnea, 361 Maple Street, spoke in favor of short term rentals (STR). She stated she is a STR owner and it has been a positive experience, it's had a positive impact upon the neighborhood, and it has provided housing for parents who come to watch children perform at Brevard Music Center, attend weddings, Brevard College move in's, and, for local families who needed housing for guests, or to stay in while repairs are being made to their home. STR's provide housing for out of town guests, revenue for property owners, and revenue for the State through occupancy taxes. Asked Council to pass the ordinance.

Mayor Harris called upon Michael and Margarite Williamson, who had signed up to speak. A citizen in the audience stated they had left the meeting. Mayor then called upon the next person who had signed up, Mr. Scott Kuba.

Mr. Scott Kuba, 273 West Main Street, spoke in favor of short term rentals (STR). He owns four properties in Brevard, two of them are STR. He, like most STR owners, know their neighbors and are a part of the neighborhood that their STR is located within. Frequently, places that have been purchased and remodeled as a STR were previously run down and dirty and not a good impact upon the neighborhood. State he is not opposed to regulations – just please don't regulate us out of business. Think of us STR owners as an economic partner.

Ms. Dee Dee Perkins, 251 Park Avenue. Former City Council Member Perkins stated she is on the Tourism Development Marketing Committee, Transylvania County Economic Alliance, and Blue Ridge Community College Board of Trustees, and is a downtown business owner – a business that is highly dependent on tourism. She has some concerns and asked Council to please be very careful, deliberate and patient with their decision on the ordinance. Look at the future impact as the tonight's stated 2% STR's can become 20%, or 25%. If that were to happen it would speak to the fabric of our community. Balance is needed. The proposed ordinance could be in conflict with the current ordinances addressing not having a business in a residential area because of its impact upon the neighborhood. STR is a business. Also, as the City moves forward on a Form Base Code, suggested having the consultant, Mr. Demetri Baches, Metrocology, to comment on the issue. The other side of the coin is STR's have an impact on affordable housing; working folks cannot find affordable housing here in

Brevard. The Tourism Development Authority has been promoting Brevard and helping get people here, and as the City moves forward STR's should be listed and occupancy taxes paid.

Mr. Mike Carrick, 46 Lingerlong Lane, spoke in favor of short term rentals (STR). He stated he is a local broker and contractor and that the biggest thing to talk about is we have ruled ourselves to the point that folks don't want to do business with Brevard. He has been involved in the issue since its beginning. He purchased the Feaster property and turned it into a STR. Proposed ordinance requires one to go to the Board of Adjustment for SRT approval. Most folks don't know what's involved in applying through the Board of Adjustment. It takes six weeks to wait for a hearing and for the committee members review. However, if you want to operate a food truck you can get a permit from Staff. Of all the STR's in Brevard, only four have generated complaints. The drafted ordinance needs to be less subjective. Suggested City start with a simple ordinance and to let Staff perform the review and approval rather than by the Board of Adjustment.

~~ At 8:33 PM Mayor Harris called for a ten minute break; the hearing resumed at 8:47 PM. ~~

Ms. Lori Roberts, Chairperson of Tourism Development Authority and owner of Sunset Motel, spoke. As a hotel owner she is not opposed to short term rentals. There are not enough hotel rooms to accommodate visitors, which is not the fault of the City. A five months of the year season cannot support hotels and staff. She has worked hard to be a good neighbor and believes that is also key for a STR owner. Should one have complaint about the way guests are using a STR, they should call the police and call the STR owner.

Mr. Kevin Jones, 135 Maple Street, spoke in favor of short term rentals (STR). He is the owner of STR's and questioned why STR's are being discussed as a "business" when long-term rentals are not also considered a business. As a STR owner he pays his state and county taxes and believes most other STR owners do too. STR is not creating the tourism - what we have is a housing shortage for vacationers, and STR owners are filling the gap.

Public Participation Closed - At 8:54 PM Mayor Harris announced all who signed up to speak at this public hearing have done so.

Mr. Landreth moved, seconded by Mr. Morrow, Council continue the public hearing to their September 19th meeting in order to allow Staff and Counsel to provide more information on the matter. Motion carried unanimously.

H-2. Proposed Asheville Highway Rezoning (Morris Road to future Davidson River Village Road) from NMX and GR to CMX. The public hearing was properly advertised on August 1st and 8th, 2016.

Mayor Harris opened the public hearing at 8:55 P.M.

Mr. Cobb presented the staff report. Last Fall Council directed Staff to initiate rezoning along a portion of the Asheville Highway with the thought being the new road will bring opportunity for more commercial development in the area. Council had suggested CMX district; however, when considering topography, available utilities and the City's Land Use Plan, the Planning Board and Staff feel CMX is not the best district to consider, but rather the Board has forwarded a unanimous recommendation to rezone some properties to NMX, and for some to remain as they currently are zoned GR or NMX. Maps detailing the Planning Board's recommendation was included in the Agenda packet materials and was projected for viewing by those present at the meeting.

Public Hearing Public Participation

Mr. Mike Zerressen, 129 Hillside Heights, spoke in favor of the rezoning as recommended by the Planning Board. As a property owner in the subject neighborhood

he feels the Planning Board's recommended NMX is more in keeping with the neighborhood while allowing some commercial development rather than the original proposal of CMX. Opposed to rezoning to CMX.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 9:13 PM.

H-3. Proposed Rezoning of 600 Ecusta Road (former driver training facility) from NMX to GI-CD. The public hearing was properly advertised on August 1st and 8th, 2016.

Mayor Harris opened the public hearing at 9:13 P.M.

Mr. Cobb presented the staff report. Rezoning would designate the property General Industrial Conditional District (GI-CD). Council has been working over the last several years to identify sites for product development to encourage economic development within the City. "Product" in this case refers to land, with the appropriate zoning and utilities, to facilitate more traditional manufacture-based economic growth. A conditional zoning district is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not possible when rezoning to a base district. Additional standards and regulations may be attached to a proposed development to ensure compatibility with the surrounding uses and with applicable adopted plans. Planning Board and Staff recommend approval of the rezoning as described in the draft ordinance.

Public Hearing Public Participation

Mr. Mike Carrick asked from the audience why the City did not include the small portion of the area fronting upon Ecusta Road (Siniard property) as part of the rezoning.

Mr. Cobb explained the City does not own that property and property owners consent is required to consider conditional rezoning.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 9:21 P.M.

I. Public Participation

Mr. Jacob Dinkins, 500 West Probart Street, complimented the City's HR Director Derrick Swing for his prompt attention to an issue at Franklin Park swimming pool, and, complimented the City Clerk Desiree Perry for her prompt attention to his request for background information on the proposed West Loop Project. He asked Council why the West Loop is being talked about now in 2016. He does not like the West Loop proposal and feels to spend that much money will not address the issues. Requested Council make known to NCDOT that the project enjoys very little public support.

Mr. Chuck Baxter, 520 Probart Street, thanked Council for their pursuing having a sidewalk constructed along Probart, and is pleased to see that the traffic cones are placed and the project has begun. An adjoining property owner has trash and debris on their property; he's contacted the City's Planning and Code Enforcement Department and anticipates their soon assistance.

Mr. Daniel Tressler, 266 West Probart Street, asked if the City has looked into his concern/request for a stop sign being placed on Oaklawn Street, and, requested City look into the old apartment building on Oaklawn that is falling apart and is an eyesore.

Mr. Ken Kolb, 238 Fox Cross Drive, spoke in opposition to the proposed West Loop. He explained several other people were present earlier in the meeting to also share their opposition to the West Loop; however, due to the late hour they needed to

leave the meeting. Letters have been written to City Director Josh Freeman, elected officials and state officials describing their concerns. Recognize it is in the preliminary process and therefore feel important to share that there is very little if any public support for the West Loop. Asked Council to consider holding a public hearing to discuss this matter this fall or early winter.

Ms. Stephanieanne Smith, Carolina Pediatric Therapy, 159-B King Street. Stated she is a speech therapist and came before Council in June and has returned tonight to again express her concerns with the lack of parking available on King Street for their business. Since coming in June the problem has grown. Asked consideration for the City to designate a few spaces on King Street in front of their business for their use as many of their clients are children with disabilities and maneuvering along the street with traffic is difficult for them. Ms. Smith presented for the record pictures and log of concerns about parking from Carolina Pediatric Therapy. (Exhibit C)

J. Special Presentation

City Council accepted the Transylvania County 2015 Tax Collectors Settlement Report, dated July 7, 2016, as presented. Once again the Tax Office has done an excellent job with the Report showing a 99.92% collection rate. Mayor and Council commended the Tax Office Staff for their excellent work and service to the City and County.

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.

Mr. Jones moved, seconded by Ms. Hollingsworth, the Consent Agenda be approved as presented. Motion carried unanimously.

K-1. Staff Reports:

- a. Planning & Code Enforcement Quarterly Report (April-July 2016)
- b. Public Works Department, May 2016 Report
- c. Public Works Department, June 2016 Report
- d. Form Base Code Status Report
- e. Affordable & Workforce Housing Trust Fund Status Report
- f. Probart Street Project Status Report
- g. Recreation Master Plan Project Status Report
- h. Wastewater System Performance Annual Report, July 1, 2015-June 30, 2016

K-2. Community Development Contracts – Approved Community Development Contracts for Transylvania Community Arts Council (\$10,000), Transylvania Farmers Market (\$17,000) and Heart of Brevard (\$32,500). Manager is authorized to execute contracts.

K-3. Brevard Water Plant Awarded Certificate of Excellence – The City of Brevard received a "Certificate of Excellence in recognition of the quality of your laboratory in proficiency testing for WP-255. City of Brevard Water Plant is issued this certificate of achievement by ERA. This laboratory has been recognized as a Laboratory of Excellence for achieving 100% acceptable data in this study which included 929 participating laboratories. This achievement is a demonstration of the superior quality of the laboratory in evaluation of the standards listed below. Low-Level Total Residual and Chlorine"

K-4. Year End Financial Report (Unaudited), June 30, 2016 – Accepted report.

K-5. Amend City Council 2016 Meeting Schedule – Council scheduled a meeting for Wednesday, September 21, 2016 at 8:30 AM with the Transylvania County

Board of Commissioners to tour City and County Recreational Facilities. Will meet at City Hall and then depart to view facilities.

K-6. Ordinance No. 2016-19 FY 2015-2016 Budget Ordinance Amendment No. Five

**ORDINANCE NO. 2016-19
FY 2015-2016 BUDGET ORDINANCE
AMENDMENT NO. FIVE**

WHEREAS, the City Council of the City of Brevard has previously approved the annual budget (Ordinance No. 2015-13), Budget Ordinance Amendment No. One (Ordinance No. 2015-14), Budget Ordinance Amendment No. Two (Ordinance No. 2016-01), Budget Ordinance Amendment No. Three (Ordinance No. 2016-07), and Budget Ordinance Amendment No. Four (Ordinance No. 2016-16); and

WHEREAS, the FY2015-2016 Budget Ordinance Section 35 authorizes the Budget Officer to effect interdepartmental transfers, in the same fund, provided that no department budget shall be reduced by more than ten percent without prior approval of the City Council. Any such transfer shall be reported to the City Council at its next regular meeting and shall be entered into the minutes.

NOW, THEREFORE BE IT RESOLVED THAT THE FOLLOWING INTERDEPARTMENTAL TRANSFERS BE MADE WITHIN THE GENERAL FUND. THE TOTAL GENERAL FUND EXPENDITURES REMAIN UNCHANGED.

SECTION 01) General Fund Expenditures by department are increased or decreased resulting in no increase to the total budget as shown below:

Administration Department	\$10,000
Legal Department	\$5,000
Public Services Administration	\$10,000
Streets-Local	\$10,000
Garage	<u>-\$35,000</u>
TOTAL EXPENDITURES	\$0

SECTION 03) Water and Sewer Utility Fund Expenditures by department are increased or decreased resulting in no increase to the total budget as show below:

Non Departmental	-\$80,000
Wastewater Treatment Plant	<u>\$80,000</u>
TOTAL EXPENDITURES	\$0

SECTION 31) That Revenue and Expenditures set forth below remain unchanged as a result of inter departmental transfers:

General Fund	\$10,183,183
Water & Sewer Fund	5,278,483
Utility Capital Projects Fund	7,819,034
Capital Reserve Fund	645,000
Heart of Brevard MSD Fund	130,700
Bjerg Trust Fund	100
Fire District Fund	668,530
Multi-Use Paths Fund	1,415,196
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	1,523,000
Housing Trust Fund	26,536
T. L. Scruggs Scholarship Trust Fund	19,500
Rosenwald Revitalization Fund	<u>491,674</u>
TOTAL BUDGET APPROPRIATION	\$29,094,221

Approved on this the 30th day of June, 2016.

James R. Fatland, CPFO, NCCLGFO
City Manager and Finance Director

Ordinance No. 2015-19 was reported to City Council at their August 15, 2016, meeting and approved by City Council as Consent Agenda Item K-6.

K-7. Ordinance No. 2016-20 An Ordinance Amending the FY2015-2016 Budget, Amendment No. Six

**ORDINANCE NO. 2016-20
AN ORDINANCE AMENDING THE FY2015-2016 BUDGET
AMENDMENT NO. SIX**

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); Budget Ordinance Amendment Three (Ordinance No. 2016-07); Budget Ordinance Amendment Four (Ordinance No. 2016-16); Budget Ordinance Amendment Five (Ordinance No. 2016-19) and

WHEREAS, it is necessary to make amendments to the budgets to reflect the following departmental transfers 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 decreased \$64,000 from \$10,183,183 to \$10,119,183 as shown as follows:

911 Communications Expenditures	<u>(\$ 64,000)</u>
TOTAL EXPENDITURES	(\$ 64,000)

SECTION 02) General Fund Revenue is hereby decreased \$64,000 from \$10,183,183 to \$10,119,183 as shown as follows:

Misc. Revenue 911 Funding	<u>(\$ 64,000)</u>
TOTAL REVENUE	(\$ 64,000)

SECTION 15-A.) 911 Communications Fund Expenditures are hereby increased from \$0.00 to \$64,000 as shown as follows:

911 Communications Expenditures	<u>\$ 64,000</u>
TOTAL EXPENDITURES	\$ 64,000

SECTION 15-B.) 911 Communications Fund Revenue is hereby increased from \$0.00 to \$64,000 as shown as follows:

911 Communications Funding	<u>\$ 64,000</u>
TOTAL REVENUE	\$ 64,000

SECTION 31) That Revenue and Expenditures Sections 1 through Section 30 of the Ordinance Amendment reflect \$64,000 of departmental transfers:

General Fund	\$10,119,183
Water & Sewer Fund	\$ 5,278,483
Utility Capital Projects Fund	\$ 7,819,034
Capital Reserve Fund	\$ 645,000
Heart of Brevard MSD Fund	\$ 130,700
Bjerg Trust Fund	\$ 100
Fire District Fund	\$ 668,530
Multi-Use Paths Fund	\$ 1,415,196
911 Communications Fund	\$ 64,000
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	\$ 1,523,000

Housing Trust Fund	\$ 26,536
T.L. Scruggs Scholarship Trust Fund	\$ 19,500
Rosenwald Revitalization Fund	\$ 491,674
TOTAL BUDGET APPROPRIATION	\$29,094,221

Adopted and approved this 15th day of August, 2016.

K-8. Ordinance No. 2016-21 An Ordinance Amending the FY2016-2017 Budget Amendment No. One

ORDINANCE NO. 2016-21
AN ORDINANCE AMENDING THE FY2016-2017 BUDGET
AMENDMENT NO. ONE

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2016-18) and

WHEREAS, it is necessary to make amendments to the budgets to reflect additional revenue, appropriation of fund balance, and expenditures for Fiscal Year 2016-2017.

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

SECTION 01) General Fund Revenue is hereby reduced \$64,000 from \$9,374,097 to \$9,310,097 as shown as follows:

911 REVENUE FUNDING	<u>(\$ 64,000)</u>
TOTAL REVENUE	<u>(\$ 64,000)</u>

SECTION 02) General Fund Expenditures are hereby reduced \$64,000 from \$9,374,097 to \$9,310,097 as shown as follows:

Police Department	<u>(\$ 64,000)</u>
TOTAL EXPENDITURES	<u>(\$ 64,000)</u>

SECTION 03) Water & Sewer Fund Revenue is hereby increased \$124,000 from \$5,122,699 to \$5,246,699 as shown as follows:

Water & Sewer Fund Balance Appropriated	<u>\$124,000</u>
TOTAL REVENUE	<u>\$124,000</u>

SECTION 04) Water & Sewer Fund Expenditures are hereby increased \$124,000 from \$5,122,699 to \$5,246,699 as shown as follows:

Water Treatment	<u>\$ 55,000</u>
Sewer Collections	<u>\$ 69,000</u>
TOTAL EXPENDITURES	<u>\$124,000</u>

SECTION 23) Multi-Use Paths Fund Revenue is hereby increased \$800,000 from \$303,000 to \$1,103,000 as shown as follows:

Multi-Use Paths Fund Balance Appropriated	<u>\$800,000</u>
TOTAL REVENUE	<u>\$800,000</u>

SECTION 24) Multi-Use Paths Fund Expenditures are hereby increased \$800,000 from \$303,000 to \$1,103,000 as shown as follows:

Paths, Sidewalks, & Signage	<u>\$800,000</u>
TOTAL EXPENDITURES	<u>\$800,000</u>

SECTION 25 A.) 911 Communications Fund Revenue is hereby increased from \$0.00 to \$64,000 as shown as follows:

911 Revenue Funding	<u>\$ 64,000</u>
TOTAL REVENUE	<u>\$ 64,000</u>

SECTION 25 B.) 911 Communications Fund Expenditures are hereby increased from \$0.00 to \$64,000 as shown as follows:

911 Communications Expenditures	\$ 64,000
TOTAL EXPENDITURES	\$ 64,000

SECTION 31) That Revenues and Expenditures Section 1 through Section 30 of the Ordinance Amendment have increased \$924,000 from \$34,813,802 to \$35,737,802 as follows:

	Budget
General Fund	\$ 9,310,097
Water & Sewer Utility Fund	\$ 5,246,699
Utility Capital Projects Fund	\$ 16,785,934
Capital Reserve Fund	\$ 58,000
Fire District Fund	\$ 879,272
Terrell L. Scruggs Scholarship Fund	\$ 15,000
Bjerg Fund	\$ 100
Other Post-Employment Benefits Fund	\$ 18,750
Health Insurance Fund	\$ 1,195,250
Heart of Brevard MSD Fund	\$ 125,000
Housing Trust Fund	\$ 26,600
Multi-use Paths Fund	\$ 1,103,000
911 Communications Fund	\$ 64,000
Narcotics Task Force Fund	\$ 45,100
Rosenwald Revitalization Fund	\$ 134,000
Downtown Master Plan Fund	\$ 731,000
TOTAL BUDGET APPROPRIATIONS	\$ 35,737,802

Adopted and approved this 15th day of August, 2016.

K-9. Sign Ordinance Free Speech Protections Update – Accepted as information staff report on Supreme Court decisions impact on municipal sign regulations (Reed v Town of Gilbert).

K-10. Bike Friendly Community Application – Accepted as information staff report that outlined progress in the City's application to the League of American Bicyclists Bicycle Friendly Communities rating program.

K-11. Fire Department Oct/Nov Evening Fire Service Pilot Program – Council approved the Fire Department to do the trial evening shift for two months.

K-12. Resolution No. 2016-15 – A Resolution Approving Financing Terms For Extrication Equipment

RESOLUTION NO. 2016-15
A Resolution Approving Financing Terms
For Extrication Equipment

WHEREAS: The City of Brevard ("City") has previously determined to undertake a project for Fire Department extrication equipment (the "Project") costing \$122,000 and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through United Community Bank, in accordance with the proposal dated August 10, 2016. The amount financed shall not exceed \$122,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.74%, and the financing term shall not exceed five (5) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this Resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the United Community Bank financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this Resolution are hereby ratified, approved and confirmed. All other Resolutions (or parts thereof) in conflict with this Resolution are hereby repealed, to the extent of the conflict. This Resolution shall take effect immediately.

Adopted and approved this 15th day of August, 2016.

K-13. Removal of North Broad Street Banner Site – Council accepted the Council Public Works and Utilities Committee recommendation that the North Broad Street banner location no longer be used to display community banners as the location is both a difficult and dangerous site to hang banners.

K-14. Water Affordability Report – Council accepted the Council Public Works and Utilities Committee recommendation to provide the Sharing House \$5,000 to help individuals pay for City utility bills. Committee will further research the situation, evaluate annual increases and impact to external agencies, and submit further options to address this on a community level.

K-15. Resolution No. 2016-16 A Resolution Authorizing The Submittal Of A NC Department of Environmental Quality Grant Application For An Asset Inventory And Assessment (AIA) Grant For The Water System

RESOLUTION NO. 2016-16
A RESOLUTION AUTHORIZING THE SUBMITTAL OF A NC DEPT OF ENVIRONMENTAL
QUALITY GRANT APPLICATION FOR AN ASSET INVENTORY AND
ASSESSMENT (AIA) GRANT FOR THE WATER SYSTEM

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 loans and grants to aid eligible units of government in financing the cost of Asset Inventory and Assessment Grants, and

WHEREAS, The City of Brevard has need for and intends to perform and Asset Inventory and Assessment; project described as an asset inventory and assessment for the City of Brevard sewer system, using a cloud database, and

WHEREAS, The City of Brevard intends to request state grant assistance for the Project.

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

1. That the City of Brevard, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State grant award. That the City of Brevard is desirous to apply for a \$150,000 grant.
2. That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Brevard to make scheduled repayment of the loan, to withhold from the City of Brevard any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. That City Manager Jim Fatland, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the completion of the project described above.
6. That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the Applicant 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 15th day of August, 2016.

K-16. Resolution No. 2016-17 A Resolution Authorizing The Submittal Of A NC Department Of Environmental Quality Grant Application For An Asset Inventory And Assessment (AIA) Grant For The Sewer System

RESOLUTION NO. 2016-17
A RESOLUTION AUTHORIZING THE SUBMITTAL OF A NC DEPT OF ENVIRONMENTAL
QUALITY GRANT APPLICATION FOR AN ASSET INVENTORY AND
ASSESSMENT (AIA) GRANT FOR THE SEWER SYSTEM

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 loans and grants to aid eligible units of government in financing the cost of Asset Inventory and Assessment Grants, and

WHEREAS, The City of Brevard has need for and intends to perform and Asset Inventory and Assessment; project described as an asset inventory and assessment for the City of Brevard sewer system, using a cloud database, and

WHEREAS, The City of Brevard intends to request state grant assistance for the Project.

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

8. That the City of Brevard, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State grant award. That the City of Brevard is desirous to apply for a \$150,000 grant.
9. That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
10. That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Brevard to make scheduled repayment of the loan, to withhold from the City of Brevard any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

11. That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.
12. That City Manager Jim Fatland, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the completion of the project described above.
13. That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
14. That the Applicant 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 15th day of August, 2016.

K-17. Correspondence (No Action. Offered as information only.)

- a. ABC Board FY2016-17 Adopted Budget
- b. 2016 Transylvania Sheriff's Office Citizen's Academy
- c. COB Employee Picnic, August 24th at Brevard Music Center
- d. July 2016 Building Activity Report
- e. Family Splash Day, Letter of Appreciation to City of Brevard
- f. Plant Natives First – Bloom Sequence Charts
- g. North Carolina Justice Academy

L. Unfinished Business - None

M. New Business

M-1. Ordinance – Short Term Rentals.

Mr. Landreth moved, seconded by Mr. Morrow, Council table action on the Short Term Rental matter to the September 19, 2016, meeting. Motion carried unanimously.

M-2. Ordinance No. 2016-22 An Ordinance Amending The Official Zoning Map Of The City Of Brevard To Rezone Properties Along The Asheville Highway From GR To NMX

Mr. Landreth moved, seconded by Ms. Hollingsworth, Council approve the rezoning of properties along the Asheville Highway to NMX as recommended by the Planning Board. Motion carried unanimously.

**ORDINANCE NO. 2016-22
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF BREVARD TO REZONE PROPERTIES
ALONG THE ASHEVILLE HIGHWAY FROM GR TO NMX**

WHEREAS, the purpose of zoning 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; and,

WHEREAS, Brevard City Council requests that the Official Zoning Map of the City of Brevard be amended to rezone properties along the Asheville Highway from the intersection of said highway and Morris Road, north to the new Davidson River Village connector road, specifically the following PIN's;

8597-12-8355-000, 8597-22-1603-000, 8597-22-1851-000,
8597-22-3867-000, 8597-23-3082-000, 8597-23-4170-000,
8597-23-5158-000

and,

WHEREAS, the City of Brevard Planning Board unanimously recommended approval on June 21, 2016; and,

WHEREAS, in accordance with North Carolina General Statute 160A-384, Brevard City Council finds the following:

1) That the rezoning is consistent with the following policies of the City of Brevard 2015 Comprehensive Plan:

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

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

2) That the rezoning is consistent with the following Community Development Strategy of the City of Brevard Vision, which was adopted in February, 2012:

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/historic assets of music, arts, and outdoor recreation

3) That the rezoning is inconsistent with the Future Land Use Map of the 2002 City of Brevard Land Use Plan, which prescribes "Mixed Use-Boulevard" future land uses:

MIXED USE – BOULEVARD: A thoroughfare is defined as "a major road or highway; a passage or way through." In contrast, a boulevard is "a broad avenue in a city, often landscaped or lined with trees." This Plan recommends that the City embark on a new way of looking at street design and the transport of people, goods and services along its existing major roads, specifically Asheville Highway to the north and Broad St./Rosman Highway to the south. A mixed use-boulevard designation is envisioned with: more transportation choices; better access management; more efficient use of land; landscaping; improved appearance; and design standards which encourage buildings to be close to the street, with parking to the side or rear. Development should be encouraged toward "nodes," typically at main intersections (see map) while leaving some green/undeveloped areas. Standard strip commercial centers should be discouraged.

4) That the size of the tracts and the proposed uses are reasonable and appropriate within the context of the existing and proposed zoning districts and the prevalence of uses in the vicinity of the subject parcels.

5) That the proposed rezoning fully conforms to all applicable requirements of Brevard City Code.

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

Section 1. The Official Zoning Map of the City of Brevard is hereby amended to rezone the properties described above and specifically listed below from GR to NMX:

8597-12-8355-000, 8597-22-1603-000, 8597-22-1851-000,
8597-22-3867-000, 8597-23-3082-000, 8597-23-4170-000,
8597-23-5158-000

Map of Rezoned Area: Exhibit A

Section 2. Future development upon the subject properties shall be subject to current development standards.

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

Adopted and approved this the 15th day of August, 2016.

M-3. Ordinance No. 2016-23 An Ordinance Amending The Official Zoning Map Of The City Of Brevard To Establish A General Industrial Conditional District RZ16-000001

Mr. Landreth moved, seconded by Mr. Daniel, Council approve rezoning the property at 600 Ecusta Drive to General Industrial Conditional District. Motion carried unanimously.

**ORDINANCE NO. 2016-23
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF BREVARD TO ESTABLISH
A GENERAL INDUSTRIAL CONDITIONAL DISTRICT RZ16-000001**

WHEREAS, conditional zoning is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses; and,

WHEREAS, Brevard City Council requests that the Official Zoning Map of the City of Brevard be amended to establish a General Industrial Conditional Zoning District on property owned by the City of Brevard, which is described below, and which is hereafter referred to as the "Subject Property":

Subject Property Description:
Property Identification Number: 8597-31-5264-000
Deed Book / Page Reference: DB 395 PG 378
Plat Reference: Plat Cabinet 6 Slide 240
Owner: City of Brevard
Property Address: 600 Ecusta Road, Brevard, NC
Location: Off Ecusta Road
Current Zoning: Neighborhood Mixed Use

and,

WHEREAS, the City of Brevard Planning Board considered RZ16-000001 on June 21, 2016 and unanimously recommended approval of this request subject to the conditions below; and,

WHEREAS, in accordance with North Carolina General Statute 160A-382(b), Brevard City Council finds the following:

1) That RZ16-000001 is consistent with the following polices and goals of the City of Brevard 2015 Comprehensive Plan:

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

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

2) That RZ16-000001 is consistent with the following Community Development Strategy of the City of Brevard Vision, which was adopted in February, 2012:

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/historic assets of music, arts, and outdoor recreation

3) That RZ16-000001 is inconsistent with the Future Land Use Map of the 2002 City of Brevard Land Use Plan, which prescribes "Mixed Use-Boulevard" future land uses:

MIXED USE – BOULEVARD: A thoroughfare is defined as "a major road or highway; a passage or way through." In contrast, a boulevard is "a broad avenue in a city, often landscaped or lined with trees." This Plan recommends that the City embark on a new way of looking at street design and the transport of people, goods and services along its existing major roads, specifically Asheville Highway to the north and Broad St./Rosman Highway to the south. A mixed use-boulevard designation is envisioned with: more transportation choices; better access management; more efficient use of land; landscaping; improved appearance; and design standards which encourage buildings to be close to the street, with parking to the side or rear. Development should be encouraged toward "nodes," typically at main intersections (see map) while leaving some green/undeveloped areas. Standard strip commercial centers should be discouraged.

4) That the size of the tract and the proposed uses are reasonable and appropriate within the context of the existing and proposed zoning districts and the prevalence of uses in the vicinity of the Subject Parcel.

5) That the proposed rezoning fully conforms to all applicable requirements of Brevard City Code.

WHEREAS, Brevard City Council desires to approve RZ16-000001 subject to certain conditions, which are set forth, below.

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

Section 1. The Official Zoning Map of the City of Brevard is hereby amended to establish General Industrial Conditional Zoning District RZ16-000001 on the Subject Property. (Exhibit A-Map)

Section 2. Future development upon the Subject Property shall be subject to the following development regulations:

- 1) The Subject Property shall be developed in accordance with all applicable provisions of Brevard City Code, except as modified herein.
- 2) Uses of the Subject Property shall be limited to the following list of land uses:
 - a. "P" denotes those uses that are permitted "by right."
 - b. "SUP" denotes those uses that are permitted upon issuance of a special use permit in accordance with the provisions set forth in Chapter 16 of the City of Brevard Unified Development Ordinance. Additional standards for certain uses requiring a special use permit are set forth in Chapters 3 and 5 of the City of Brevard Unified Development Ordinance.

c. "PS" denotes those uses that are permitted with additional standards, which are set forth in Chapter 3 of the City of Brevard Unified Development Ordinance.

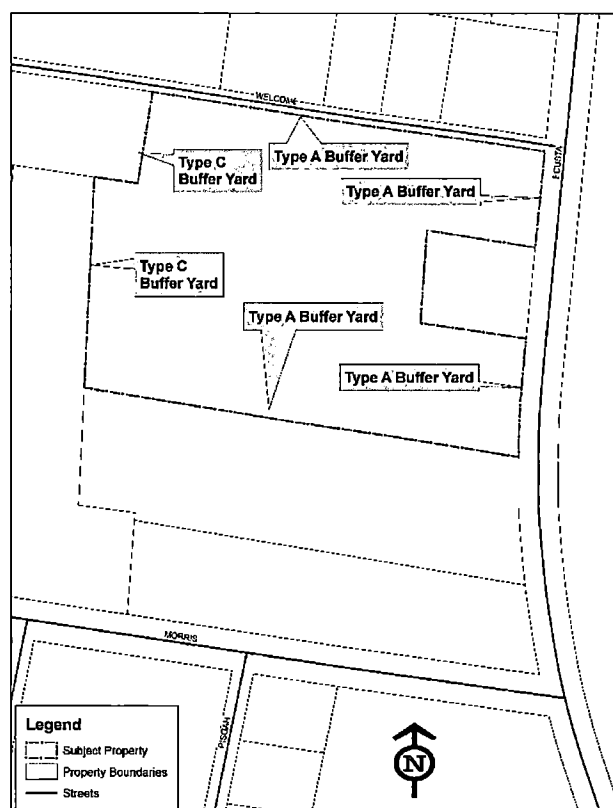
d. List of Allowable Land Uses:

BASE DISTRICT	GI CD
Residential	
Dwelling—Single Family (Site-built) ^(a)	—
Dwelling—Duplex	—
Dwelling—Town Home or Condominium Structure	—
Dwelling—Multifamily 3—4 units/bldg, not including Condominium Buildings or multiple structures	—
Dwelling—Multifamily more than 4 units/bldg	—
Dwelling—Secondary	—
Family Care Home (Less than 6 residents)	—
Home Occupation	—
Housing Service for the Elderly	—
Live-Work Units	—
Manufactured Home (single unit) ^(b)	—
Manufactured Home Park	—
Recreational Vehicle	—
Lodging	GI CD
Bed and Breakfast Home	—
Bed and Breakfast Inns	—
Accessory Rental Cottage/Cabins ^(c)	—
Hotels/Motels/Inns	—
Rooming or Boarding House	—
Recreational Vehicle Park	—
Office/Service	GI CD
Animal Services	—
Artist Workshop	—
ATM	—
Banks, Credit Unions, Financial Services	—
Business Support Services	—
Adult/Child Day Care Home (Less than 6)	—
Adult/Child Day Care Center (6 or more)	—
Community Service Organization	—
Drive Thru Service	—
Equipment Rental	—
Funeral Homes	—
Group Care Facility (6 or more residents)	—
Government Services	—
Kennels	—
Medical Services—Clinic, Urgent Care Center	—
Medical Services—Doctor office	—
Post Office	—

Professional Services	—
Personal Services	—
Studio—Art, Dance, Martial Arts, Music	—
Vehicle Services—Major Repair/Body Work	PS
Vehicle Services—Minor Maintenance/Repair ^(d)	PS
Retail/Restaurants	GI CD
Accessory Retail	PS
Alcoholic Beverage Sales Store	—
Auto / Mechanical Parts Sales	P
Bar/Tavern/Night Club	—
Drive-Thru Retail/Restaurants	—
Gas Station	SUP
General Retail	—
Restaurant	—
Shopping Center - Neighborhood Center	—
Shopping Center - Community Center	—
Vehicle/Heavy Equipment Sales - Outdoor	PS
Vehicle/Heavy Equipment Sales - Indoor	PS
Entertainment/Recreation	GI CD
Amusements, Indoor	—
Amusements, Outdoor	—
Cultural or Community Facility	—
Meeting Facilities	—
Recreation Facilities, Indoor	—
Recreation Facilities, Outdoor	—
Theater, Movie	—
Theater, Live Performance	—
Manufacturing/Wholesale/Storage	GI CD
Inert Debris Storage or Disposal Facilities	—
Junkyard	—
Laboratory—Medical, Analytical, Research and Development	P
Laundry, Dry Cleaning Plant	P
Manufacturing, Light	P
Manufacturing, Neighborhood	P
Manufacturing, Heavy	P
Media Production	P
Metal Products Fabrication, Machine or Welding Shop	P
Mini-Warehouses	P
Recycling—Small Collection Facility	—
Research and Development	P
Storage—Outdoor Storage Yard as a Primary Use	P
Storage—Warehouse, Indoor Storage	P
Wholesaling and Distribution	P
Civic/Institutional	GI CD
Campground/Artist Colony/Summer Camp	—
Cemeteries	—

Colleges/Universities	—
Hospital	—
Jail	—
Public Safety Station	—
Religious Institutions	—
Schools—Elementary and Secondary	—
Schools—Vocational/Technical	P
Infrastructure	GI CD
Wireless Telecommunication Facility—Stealth	P
Wireless Telecommunication Facility—Tower	PS
Utilities—Class 1 and 2	P
Utilities—Class 3	—
Miscellaneous Uses	GI CD
Adult Establishment	—
Outdoor Firing Range	—
Indoor Firing Range	—
Agriculture	—
Parking	P
Swimming Pool—Residential Accessory Use	—
Swimming Pool—Primary Use	—
Fences	PS
Human Crematories	—
Temporary Uses and Structures	GI CD
Carnivals or Circus	—
Farmers Market	—
Religious Meeting	—
Contractor's Office and Equipment Shed	—
Seasonal Structures	—
Satellite Real Estate Sales Office	—
Special Event	PS
Temporary Vendors	PS
Vending Pushcarts	—
Mobile Food Vendors	PS

- 3) Maximum building height: 50 feet.
- 4) Maximum ground floor area of the principal structure: 100,000 square feet.
- 5) Building design and architecture standards shall be consistent with industrial design requirements as set forth in Chapter 5 of the Unified Development Ordinance.
- 6) Environmental protection standards shall be consistent with Chapter 6 of the Unified Development Ordinance.
- 7) Buffer Yards, which are described in Chapter 8 of the City of Brevard Unified Development Ordinance, shall be provided along each boundary of the Subject Property as illustrated below:



- 8) Parking standards shall be consistent with Chapter 10 of the Unified Development Ordinance.
- 9) Exterior lighting shall be restricted to the minimum necessary to provide safe vehicular and pedestrian access to the approved structure.
- 10) Commercial deliveries shall take place within normal business hours, Monday – Friday.

Section 3. Violations of this Ordinance or other provisions of Brevard City Code may result in the revocation of this conditional rezoning. The Zoning Administrator shall abate violations of this Ordinance or Brevard City Code in accordance with Chapter 18 of the City of Brevard Unified Development Ordinance, and may refer violations to Brevard City Council who may revoke this conditional rezoning upon determination that a violation of this Ordinance or Brevard City Code has occurred.

Section 4. Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 15th day of August, 2016.

M-4. Board and Committee Appointment(s) – Mr. Morrow moved, seconded by Mr. Jones, Council move Mr. Paul Welch from alternate Board of Adjustment member to regular member with the term expiring Nov. 2016, and, to appoint Dr. Allen Delzell as a new alternate member to the Board of Adjustment with the term expiring Nov. 2018. Motion carried unanimously.

N. Remarks by Officials / Future Agenda Considerations

Mayor Harris thanked the citizens for coming and for their participation in tonight's meeting. Thanked Josh Freeman and Derrick Swing for their work on the Terry Scruggs Scholarship Golf Tournament that will be held this coming Saturday.

Mr. Jones reported the Human Relations Study Committee met on June 23rd and they have found there is strong community interest in having a Human Relations Council of some kind. More input and research is needed in order to determine the Committee's purpose, how it should be structured, and how to motivate before making a formal presentation to Council.

Ms. Hollingsworth explained parking spaces are not painted upon King Street and requested the Manager to check into having Staff to do so as a means to help with the parking situation.

Mr. Daniel explained he is a business owner on King Street and can attest that the parking situation is quite bad. Trucks occasionally park in the middle of the road preventing others to pass. While he's glad the businesses are doing well, he's also seeing the lack of parking has become a serious issue. Also, along the corridor when development screening is required he wants the City to be sure that the ordinance intent of trees, not saplings, are being planted. He is looking forward to when the City receives the Bike Friendly Community certification.

Mr. Morrow requested when the Council meeting Agenda packets are placed upon the City's website and the Agenda is sent out to those upon the Sunshine List that they are also provided the website link to the Council meeting agenda packet.

O. Closed Session – Mayor Harris asked the City Attorney if it would be appropriate for Council to hold closed sessions to discuss matters of economic development and a personnel matter. City Attorney advised pursuant to **GS § 143-318.11. (a)(3) (4) (5) (6)** it would be appropriate to convene provided separate closed sessions on the matters are held. Closed sessions will require a separate motion, second and vote to discuss the matter. Council will enter and exit regular session for each closed session.

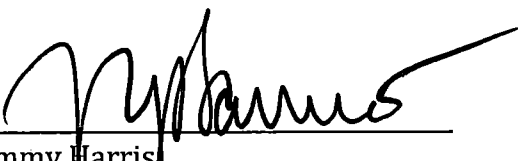
O-1. Closed Session #1 - At 9:55 p.m. Mr. Landreth moved, seconded by Mr. Jones, Council go into closed session to discuss an economic development matter. Motion carried unanimously. (A five minute break was taken to allow Council Chambers to be cleared.)

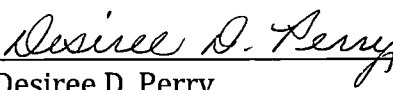
Council Returned to Regular Session – At 10:20 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

O-2. Closed Session #2 – At 10:20 p.m. Council dismissed the City Clerk to hold a closed session to discuss a personnel matter. City Attorney will provide Minutes of the closed session, and will provide to the Clerk the record of Council's return to regular session and actions taken (if any) and adjournment.

Council Returned to Regular Session – At 12:10 a.m. Council resumed the meeting in regular session. Minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, Mr. Jones moved, seconded by Ms. Hollingsworth, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 12:10 A.M.


Jimmy Harris
Mayor


Desiree D. Perry
City Clerk

Minutes Approved: September 19, 2016

Thank you for the opportunity to address the council. My name is Ame Sanders. My partner, Mike, and I own a Short Term Rental Property on Miner St.

We love Brevard and care deeply about our beautiful small city. It is a testament to the community and the quality of our neighborhoods that I would say I know my neighbors better here than I do at my full-time residence in Greenville. We are committed to fostering that spirit.

During the off-season, we spend our weekends visiting Brevard and enjoying our home here as a personal get-away. We then share our home with Short Term Renters during the high season and holidays. This income has allowed us to be able to afford our get-away and make improvements to the house and landscape, increasing our property value and the property values of our neighbors, as well. It has also given the opportunity for our renters to enjoy Brevard, like multi-week renters who come each year for the Music Center Season and families with children who will long remember Brevard as a special vacation spot.

We have our property managed by a professional property management firm and remain committed to maintaining our house inside and out to a high standard, which is necessary to be successful in the competitive Brevard market. Our renters are required to sign a contract, protecting our neighbors and us.

We love being within walking distance of downtown, and we know that our renters do, too. You could consider each of these short term rental properties as a small, local economic engine. If we could keep track of frequent flyer type points for all that is purchased downtown attributed to our home, we might all be surprised. Even though we have only spent 12 weekends at our house this year, we have personally spent over \$2,000 on restaurants, food, and purchases –nearly all in the off-season. We have a serious weakness for The Square Root and Downtown Chocolates. We also make it a personal commitment to buy many of our Christmas gifts here, favoring our very own Opie Taylor's for the kids. Our renters shop and dine, too.

All of that is in addition to our cost of utilities, property management commissions, cleaning service, lawn maintenance, and house maintenance with local contractors. For example, this year we've already spent approximately \$11,000 with local contractors on repair and improvement projects. Since owning the home, we have spent more on the home than we have made in rental revenue. We've done this because we consider this an investment and our home, too.

As Short Term Rental owners, we would just like to say that we are in full agreement and support of the recommended ordinance, as proposed. We agree that we would all benefit from some formal recognition of this type of establishment and believe that the proposed ordinance reaches an acceptable level of compromise regarding addressing key issues and concerns, while still not being overly restrictive or complex.

We would also like to thank Daniel and the Brevard Planning team for their work on this new ordinance. They have done a thorough job of considering many different options, keeping the community informed and being accessible for questions and calls related to this important change.

We believe that the proposed ordinance will help maintain the residential feel of our neighborhoods (that we all want) while still supporting economic health, encouraging entrepreneurship, strengthening local businesses and keeping Brevard an attractive tourist destination.

Thank You.

Comments Regarding Short Term Rental Ordinance, City Council, 15 August
Ame Sanders and Mike Peduzzi
Address: 54 Miner St., Phone: 864-630-8540

EXHIBIT A
August 15, 2016 Minutes
Brevard City Council Meeting

EXHIBIT B
August 15, 2016 Minutes
Brevard City Council Meeting

My Name is Bill Christie, and I live at 8 Pintail Court.

I want to speak to the parking provisions in the proposed UDO amendments. The staff recommendation has removed the language on parking that was proposed by the Planning Board. Instead, if you will look at 3.34.B.3 on the first page of the proposed text, they have said simply, "Parking requirements shall be provided for the type of dwelling unit, per Chapter 10 of this ordinance." Well what does Chapter 10 say? Look at section 10.5.G on the third page of the proposal. This section regulates the location of off-street parking. But look at the fine print in section 10.5.G.4: **These structures are exempt from the rules:** "Single -family and duplex residential structures in GR, RMX and NMX districts, including those used for Short-Term Rental purposes." In other words, the rules require you to conform to Chapter 10, but Chapter 10 exempts you from the rules. Oh, and if you're wondering about Section 2.3(E.2), that just deals with setback requirements for construction. It has nothing to do with parking.

This kind of double talk makes no sense whatever unless it is an attempt to hide the fact that the parking rules are being written so that they are no rules at all. Want to line up cars in your front yard and make it look like a used car lot? Go right ahead. Want to spoil the appearance of your neighborhood for your own financial gain? Go right ahead. And if you think no one would take advantage of their neighbors that way, come visit me.

In the past I have spoken several times, urging you to instruct staff to restore the language recommended by the Planning Board. But there is an even easier fix that would be almost as good. **Simply amend line 86 (10.5.G.4.a) to read "except those used for Short-Term Rental and Homestay uses, and those which are subject to . . ."** That would accomplish most of what the Planning Board attempted and provide some controls to maintain neighborhood appearance. People who simply live in their homes with their families would still be exempt from those regulatory provisions. People who bring extra traffic into the neighborhoods would have to provide parking for them in conformity with Chapter 10. This amendment would also clarify an ambiguity in the proposal since the current text does not mention homestays.

So when you take up this proposal later in the meeting, I hope that some member of the Council will move to amend the proposal as I just suggested and help us maintain some control over the appearance of our residential neighborhoods.

08/15/16

EXHIBIT C
August 15, 2016 Minutes
Brevard City Council Meeting

For consideration of the Brevard City Council:
Pictures and log of concerns about parking from
Carolina Pediatric Therapy.

Date	Parent Name	Concern
7/5/16	Carrie Balow	No Parking anywhere
7/12/16	Brittnee Daves	There isn't a parking space anywhere on this street. Today where there was a open spot a 18 wheeler pulled in to drop off stuff for Mappie.
7/13/16	Jessica Scott	Absolutely no parking besides handicap!
7/13/16	Jennifer Mills	No parking spaces which made me late for App.
7/13/16	Sabrina Shook	There are no parking spaces. It is unsafe to have my child with special needs have to walk all the way down a crowded street w/ weaving speeding cars competing for parking spaces. Not to mention the fact I am late for therapy to find parking spaces! Therapy time is critical!!! Children should come first!
7/13/16	Elizabeth Sivore (nurse of client)	no parking is available. There was a large beer truck blocking several parking spaces & the road if makes it unsafe for children especially with special needs.
		It is difficult to walk long periods with children who are coming to a clinic for OT/PT they are in need of assistance with ADL so why should they be required to walk long distances?

Date	Parent Name	Concern
7-13	Jennie VanDyke	Beer truck blocking parking in front of clinic. Often <u>no</u> parking spaces and traffic is a concern.
7-13	Lisa Fisher	no parking spots - dangerous with dealing with special needs children.
7-13	Callie Armstrong	When dealing w/special need kids parking is scary!
7-13	Lisa Fisher Thank you!	No sidewalk @ end road @ poles in way to open car doors. ^{Lunch time - had to} Spec. Needs } parked @ end of road - no spots avail w/ sidewalk - long distance to walk w/ children no park except at the A/c place. Had to walk in the rain with special needs child that doesn't like being wet.
7-19	Willow Clark	
7-19	Mary Baughn	no parking Stormy Day had to park half way up the block and lots of trucks moving very fast it was not safe
7-20	Jonathan Lendrecht	- while picking up child with cp & there was an 18 wheeler truck using this road - Extremely dangerous with amount of traffic - on this road. Very dangerous kids with gait issues. As an

20yr ex nurse - a child will be hurt
 - this is not addressed!

Date	Parent Name	Concern
7/21/16	Therapist Alisha Weaver	No place to park. Had to park a ways down the road.
7/24/16	Carrie Ballew	No Place to Park. Drove up & down the Rd for 30min to finally get a place to park. People sitting in middle of Rd to get out of cars.
7/27/16	Jennifer Mills	No place to park, shouldn't have to park on the next street for my son to go to speech.
7/27/16	Leah Bush	NO Have to park way down the street or streets over. This is an issue during bad weather. My son is ^{often} unable to walk long distances so parking that far away to run my daughter into her appt is difficult.
8/2/16	Willow	No place to park. Finally got parking 20min later at A/C place had to Carrie Willow in the rain. up the road. She has issues when she gets wet.
8/5/16	Chrissie Schuch Therapist	Parking is extremely difficult + creates a hazard for our families & children with special needs.
8/9/16	Carrie Ballew	No parking any where had to park Down By the laundry mat. Never any parking on Tuesdays
8/10/16	Jill Findlay	no parking on the street on either side; had to turn around and drive back toward Caldwell to find a space.



June, 22 2016 12:53pm

Truck is blocking parking in front of
Carolina Pediatric and next building.



July, 12 2016 4:25pm

Truck is unloading into a Handicap parking spot as well as blocking additional parking and access to a side drive between buildings.



July, 15 2016 1:04pm

A typical picture of number of cars on King St. during lunch. The cars parked in front of Carolina Pediatric are not that of clients.



August, 10 2016 11:57am

Truck is blocking two parking spots.
Due to heavy traffic and lack of
parking street is often crowded with
large trucks passing.