

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
March 20, 2017 – 7:00 PM**

The Brevard City Council met in regular session on Monday March 20, 2017, 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, Gary Daniel, Charlie Landreth and Ann Hollingsworth

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, City Clerk Desiree Perry, Fire Chief Craig Budzinski, Planning Director Daniel Cobb, Parks & Property Management Director Lynn Goldsmith, Staff Accountant Tom Whitlock, Public Works Director David Lutz, Human Resources Director Kelley Craig, Police Chief Phil Harris and Planner Aaron Bland.

Press – Matthew McGregor, 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 – Reverend Bill Walker, St. Philips Episcopal Church, 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. Morrow moved, seconded by Mr. Landreth, the Agenda be approved as presented. Motion carried unanimously.

F. Approval of Minutes – Mr. Landreth moved, seconded by Mr. Jones, the February 20, 2017, regular meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates / Awards / Recognition

G-1. Proclamation 2017-02 Month of the Young Child – Mayor Harris read aloud and presented the Proclamation to Ms. Deborah Tibbetts, Executive Director of Smart Start of Transylvania County.

**THE MONTH OF THE YOUNG CHILD
April 2017**

WHEREAS, Smart Start of Transylvania County, on behalf of the Early Childhood Initiative, and in conjunction with the National Association for the Education of Young Children, is celebrating the Month of the Young Child during the month of April 2017; and

WHEREAS, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in the City of Brevard, North Carolina; and

WHEREAS, childcare and preschool teachers and directors, and other early childhood professionals deserve recognition for making a difference in the lives of young children in the City of Brevard, North Carolina; and

WHEREAS, public policies that support investing in early childhood development are crucial for the success of young children in school, health, career, and life.

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, do hereby proclaim April 2017, as **The Month of the Young Child** in Brevard, North Carolina, and encourage all citizens to join us in supporting investments in early childhood education and care

Adopted and approved this the 20th day of March, 2017.

G-2. Proclamation 2017-03 Alcohol Awareness Month – Mayor Harris read aloud the Proclamation and presented it to representatives of the C.A.R.E. Coalition, Ms. Susan Matthews, Director of Sharing House Getting Ahead Program, Dr. Joe Cohen, and Professor Timothy Powers, Brevard College Criminal Justice Program.

**PROCLAMATION NO. 2017-03
ALCOHOL AWARENESS MONTH 2017**

WHEREAS, excessive drinking is responsible for more than 4,300 deaths among underage youth each year. Alcohol is the most commonly used addictive substance in the United States; and

WHEREAS, nearly 10 million young people, ages 12 to 20, report that they've consumed alcohol in the past 30 days. Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, drinking by persons under the age of 21 is illegal, yet people aged 12 to 20 drink 11% of all alcohol consumed in the United States; and

WHEREAS, the typical American will see 100,000 beer commercials before he or she turns 18; and

WHEREAS, kids who drink are more likely to be victims of violent crime, to be involved in alcohol-related traffic crashes, and to have serious school-related problems; and

WHEREAS, as supportive family environment is associated with lowered rates of alcohol use for adolescents. Kids who have conversations with their parents and learn a lot about the dangers of alcohol and drug use are 50% less likely to use alcohol and drugs than those who don't have such conversations.

NOW, THEREFORE, I, Mayor Jimmy Harris and the Brevard City Council, now join the National Council on Alcoholism and Drug Dependence, Inc. (NCADD) and do hereby proclaim April 2017 as **Alcohol Awareness Month** in Brevard, North Carolina, and encourage all to support efforts that will provide early education about alcoholism and addiction and increase support for individuals and families coping with alcoholism. Through these efforts, together, we can provide **Hope, Help and Healing** for those in our community who are facing challenges with alcohol use and abuse.

Adopted and approved this the 20th day of March, 2017.

G-3. Proclamation 2017-04 Recognition Day for National Service. Mayor Harris read aloud the Proclamation and presented it to Ms. Kathe Harris and Mr. Woodie Dyches.

**Mayor and County Recognition Day for National Service
PROCLAMATION NO. 2017-04**

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges. The nation's cities are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with county officials and mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and county officials across the country for the Mayor and County Recognition Day for National Service on April 4, 2017.

THEREFORE, BE IT RESOLVED that I, Jimmy Harris, Mayor of Brevard, do hereby proclaim April 4, 2017, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our county; to thank those who serve; and to find ways to give back to their communities.

Adopted and approved the 20th day of March, 2017.

G-4. Certificate of Appreciation to Transylvania County Sheriff's Department and Inmate Work Crew. Mayor Harris presented a Certificate of Appreciation to Sheriff David Mahoney for his service and for the Inmate Work Crew who have painted more than 500 fire hydrants throughout the City at a cost savings to the City and its citizens of more than \$4,500.

H. Public Hearing

H-1. Short Term Rentals (STR). The public hearing for the proposed text amendments was properly advertised within the Transylvania Times newspaper on March 6th and 13th, 2017.

Mayor Harris opened the public hearing at 7:31 P.M.

Mr. Cobb explained at City Council's retreat staff was directed to amend the previously proposed text to limit Short Term Rentals (STR) to only be allowed within lower density zoning districts, and prohibit STR's in districts that allow for higher density development; thus preserving areas of town zoned for higher density for affordable housing potentials. The proposed text accomplishes this, as well as, includes language and provision for a "non-conforming" STR use.

Council asked Mr. Pratt if there have been any recent changes on STR's by the legislature. Mr. Pratt explained STR in general are a source of litigation these days. In response to the challenges faced by cities and towns and their inability to require permits or registration of STR's, it has brought forth companies who are offering their services to track STR. He presented to Council an example of one such company's brochure. ("STR Helper Revenue-Compliance-Harmony" on file.)

Council express interest in allowing STR's within downtown second story levels as it seems apartments and STR's would be a good way to utilize upper levels of commercial space, and, is in keeping with the NC Main Street Program. Questioned whether having a non-conforming clause is needed.

Mr. Landreth suggested Council consider allowing STR's in new or existing structures within the GR districts, as well as, within existing structures in the RMX, DMX and NMX districts.

PH Public Participation

Ms. Karen Galloway, 465 South Caldwell Street, spoke in favor of the proposed text amendment to allow Short Term Rentals and explained she has made plans to operate a STR starting in May.

Ms. Jan Kuba, 273 West Main Street, spoke in favor of the proposed text amendment to allow Short Term Rentals. Stated Brevard is a tourist town that has a lack of hotels. STR's are a way to allow people like herself to rent out rooms or a house and get some income. If we don't allow STR's then those customers will go out of the City of Brevard, into the County or into Hendersonville for lodging, resulting in lost revenue opportunities for Brevard.

Citizen in Audience – Questioned how density and/or number of STR's allowed within any given neighborhood will be addressed.

Public Hearing Closed – There being no additional questions or comments, Mayor Harris closed the hearing at 8:03 PM.

I. Public Participation

I-1. General Public Participation

Ms. Audrey Ashburner, a Brevard College student and representative of the student body spoke on concerns with respect to community and college relations. (Prepared statement is on file.)

Ms. Kristy Lapidus, Gaia Herbs Director of Information and Technology, encouraged City Council members and City staff to participate in the UNITE WNC Summit scheduled for March 31, 2017, at the U. S. Cellular Center in Asheville.

Mr. Kevin Jones waived his opportunity to speak.

I-2. Pre-Budget Public Participation

1-2a. Transylvania Community Arts – Director Tammy Hopkins presented their Community Development report (on file), thanked Council for the \$10,000 grant given to them last year, and requested consideration for the same financial support of \$10,000 in the upcoming budget year.

1-2b. Transylvania Farmers Market – On behalf of Farmers Market Director Leslie Loggeman (who is out of town), Mr. Bart Renner, TC Extension Director presented the Community Development report (on file), thanked Council for the \$17,000 grant given to them last year, and requested consideration for the same financial support of \$17,000 in the upcoming budget year.

1-2c. Heart of Brevard – Executive Director Heath Seymore presented their Community Development report (on file), thanked Council for the \$30,000 grant given last year, and requested consideration for the same financial support of \$30,000 in the upcoming budget year.

I-2d. Bread of Life – Grant Coordinator Lee McMinn requested Council consideration for a \$5,000 grant in the upcoming budget year. (Request on file.)

~~ At 8:29 P.M. Mayor Harris called for a ten minute break. ~~

I-2e. Mary C. Jenkins Community Center Revitalization Project – Community Center Board of Directors President Randy Lytle, explained the MCJCC Board of

Directors and the Rosenwald Community are fully committed to the construction of a new Mary C. Jenkins Community Center building and requested City Council to be a partner and stakeholder with them in this effort. Through consultations with architects and other design professionals, the estimated cost to develop a site plan and construction drawings is approximately \$50,000. Through our own MCJCC fund raising efforts, the MCJCC commits to raising a minimum of \$25,000, and requests City Council to provide a matching grant in the amount of \$25,000, which will be used solely for the development of a site plan and construction drawings. (Request on file.)

In addition to Mr. Lytle, several residents of the Rosenwald Community were present in the meeting to show support for the request, with the following also speaking in favor and support of the Mary C. Jenkins Community Center project request:

Mr. Lewis Whiteside, 346 West Main Street.
 Ms. Sheila Mooney, 34 Mills Avenue.
 Ms. Lydia Odell, 330 Franklin Street.
 Ms. Kathleen Barnes, 392 Sunny Acre Lane

1-2f. WCCA Silvermont Opportunity Center – Ms. Sheila Galloway, WCCA Assistant Director, requested Council consideration of a \$8,000 grant for the Senior Center. (Request on file.)

J. Special Presentation - None

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the eleven 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 amended by adding New Business Item M-2 Board and Committee appointments, and to approve the Consent Agenda as amended and presented. Motion carried unanimously.

K-1. Staff Reports:

- a. Public Works Monthly Report, January 2017
- b. Parks and Property Management Report, February 2017
- c. Financial Report of the month ended February 28, 2017

K-2. Resolution No. 2017-05 A Resolution Approving Financing Terms

**Resolution No. 2017-05
 A Resolution Approving Financing Terms**

WHEREAS, The City of Brevard ("City") has previously determined to undertake projects for purchasing capital equipment, the ("Projects") costing \$421,234 and the Finance Officer has now presented a proposal for the financing of such Projects as listed below:

DEPARTMENT	EQUIPMENT
Parks & Property Management Department	Massey Ferguson Tractor MF1539
Public Works Department	• NuLife Brush Hawg Grapple Loader Truck Model G2224C • ODB Trailer Mounted Vacuum Debris Collector Model SCL800TM25 • Ford 550 Regular Cab Dump Truck • John Deere Backhoe Model 310SL • Fuel Site Controller & Software
Wastewater Treatment	Massey Ferguson Tractor MF1759

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

1. The City hereby determines to finance the above listed Projects through First Citizens Bank, in accordance with the proposal dated March 8, 2017. The amount financed shall not exceed \$421,234, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.96%, 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 First Citizens 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 upon adoption.

Adopted and approved this 20th day of March, 2017.

K-3. Amend Council 2017 Meeting Schedule – Council reschedule their regular April meeting from Monday, April 17th to Monday, April 24, 2017.

K-4. Ordinance No. 2017-02 An Ordinance Amending The City Of Brevard Housing Trust Fund

ORDINANCE NO. 2017-02

(Amending Ord. No. 2012-02)

AN ORDINANCE AMENDING THE CITY OF BREVARD HOUSING TRUST FUND

WHEREAS, the Brevard City Council created the Housing Trust Fund for the purposes of supporting the development of affordable and work force housing within the City of Brevard on January 23, 2012 by adopting Ordinance 2012-02; and

WHEREAS, the Housing Trust Fund Selection Committee has met since its formation to discuss the Housing Trust Fund and has identified a need to amend the existing Ordinance to better facilitate furthering the goals of the Housing Trust Fund; and

WHEREAS, City Council's adopted goals for the development of affordable and workforce housing within the City of Brevard are set forth within the City of Brevard Land Use Plan, the Focus 2020 Plan, the 2010-2015 Consolidated Strategic Housing & Community Development Plan, and the 2015 Comprehensive Plan; and,

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

SECTION 01. The City of Brevard Housing Trust Fund Ordinance (Ord. No. 2012-02) is hereby amended as set forth below, with additions shown in underline and deletions shown in ~~strikethrough~~:

The amendments are as follows:

II. Funding Sources

2) Other funding will be created through appropriations from City Council as is deemed appropriate to assist with the development of Workforce Housing in Brevard. This will allow for assistance to be provided for individuals I the 80%-120% range of area median income level, who still may not be able to afford housing near their place of work

~~30%~~ Fifty Percent (50%) of all funding received within any given fiscal year shall be held in reserve for major projects and may not be expended until such time as ~~\$100,000~~ \$150,000 have accrued. Such funds may only be expended in support of a major project(s), which is any project to which the Housing Trust Fund allocates \$25,000 - \$100,000.

VIII. Application Process

a) **Developers** will apply directly to the City of Brevard Planning and Zoning Department, with the first round of applications due on ~~February 1, 2015~~ January 1, 2019. Applications will also.....

b) Homeowners seeking assistance with housing repairs will apply to the City of Brevard Planning and Zoning Department. Applications will be accepted on an on-going basis beginning on ~~July 1, 2014~~ January 1, 2018. Applications may be

Add new text:

XII. Grant Disbursement

a) Homeowners – Contractors or homeowners will submit pay requests to City Staff. Pay requests must include any approvals from Transylvania County Building Inspections that the job requires. City Staff will then conduct an inspection of the work and verify homeowner approval. Upon verification of satisfactory work a check will be issued to the contractor or homeowner.

SECTION 02. Renumber Sections XIII through XVI.

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

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

Approved and adopted this the 20th day of March, 2017.

K-5. Ordinance No. 2017-03 An Ordinance Declaring A Road Closure For White Squirrel Festival And Memorial Day Parade

ORDINANCE NO. 2017-03 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

- Dates:** Friday, May 26 – Sunday, May 28, 2017
- Time:** 11:00AM Friday, May 26 – 8:00PM Sunday, May 28, 2017
- Route Description:** Main Street (US 276): from Broad Street (US 64) to Rice Street
- Time:** 6:00AM Saturday, May 27 – 8:00PM Sunday, May 28, 2017
- Route Description:** Main Street (US 276): from Caldwell Street to Rice Street and Broad Street (US 64): from French Broad Street to Morgan Street

Memorial Day Parade

- Date:** Saturday, May 27, 2017
- Time:** 6:00AM – 10:00AM
- 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 20th day of March, 2017.

K-6. Ordinance No. 2017-04 An Ordinance Declaring A Road Closure For The Fourth Of July Festival

**ORDINANCE NO. 2017-04
AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE FOURTH OF JULY FESTIVAL**

WHEREAS, Brevard City Council acknowledges a long tradition of providing an annual Fourth of July 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 Independence Day;

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:

Date: Tuesday, July 4, 2017
Time: 6:00AM – 7:00PM
Description: Main Street (US 276): from Caldwell Street to Johnson Street and Broad Street (US 64): from French Broad Street to Morgan Street

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

Adopted and approved this the 20th day of March, 2017.

K-7. Ordinance No. 2017-05 An Ordinance Declaring A Road Closure For National Night Out

**ORDINANCE NO. 2017-05
 AN ORDINANCE DECLARING A ROAD CLOSURE FOR NATIONAL NIGHT OUT**

WHEREAS, Brevard City Council acknowledges National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, better places to live; and,

WHEREAS, Brevard City Council acknowledges this event provides an opportunity for an evening of family-oriented activities; and,

WHEREAS, Brevard City Council acknowledges this festival requires a portion of Main Street (US Highway 276) from Broad Street (US Highway 64) to Johnson Street to be closed for setup, activities, and cleanup; and,

WHEREAS, Brevard City Council acknowledges the importance of celebrating this event for the betterment of the community;

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:

Date: Tuesday, August 1, 2017
Time: 5:00PM – 9:00PM
Route Description: Main Street (US 276) from Broad Street (US 64) to Johnson Street.

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

Adopted and approved this the 20th day of March, 2017.

K-8. Resolution No. 2017-06 Revision And Update Of The City's Signatory And Disbursement Resolution Approving Employees To Sign Checks And Disburse Funds

**RESOLUTION NO. 2017-06
 REVISION AND UPDATE OF THE CITY'S SIGNATORY AND DISBURSEMENT
 RESOLUTION APPROVING EMPLOYEES TO SIGN CHECKS AND DISBURSE FUNDS
 (Revision to Resolution No. 2015-07)**

WHEREAS, the most recent revision and update of the City's Signatory and Disbursement Resolution was enacted by the Brevard City Council on April 20, 2015, with the adoption of Resolution No. 2015-07; and,

WHEREAS, it is now necessary, for a variety of reasons and just cause, to once again revise and update the authorizations of said resolution by designating specific City officials for the purpose of signing checks and disbursement of City funds;

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

Section 1. Resolution No. 2015-07 is hereby amended by rewriting same as set forth herein. The following named persons, whose signatures are shown, are approved for the signing of checks and the disbursement of monies from all funds of the City:

NAME	SIGNATURE
James R. Fatland, City Manager and Finance Director	_____
Jill Murray, Executive Assistant to Manager/ Deputy City Clerk	_____
Daniel Cobb, Planning Director	_____
Kelley Craig, Human Resources Director	_____
John Phillip Harris, Jr., Police Chief	_____
Desiree D. Perry, City Clerk	_____

Section 2. All checks for disbursement of City funds shall bear the signature of either the City Manager or the Finance Director plus one additional signature.

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

Adopted and approved this the 20th day of March, 2017.

K-9. Resolution No. 2017-07 A Resolution Revising And Updating The Signatories Of The City Officials And Employees Authorized To Use The United Community Bank Credit Cards And Setting Forth Guidelines For The Use Of The Credit Cards By City Officials And Employees

**RESOLUTION NO. 2017-07
A RESOLUTION REVISING AND UPDATING THE SIGNATORIES OF
THE CITY OFFICIALS AND EMPLOYEES AUTHORIZED TO USE THE UNITED COMMUNITY
BANK CREDIT CARDS AND SETTING FORTH GUIDELINES FOR THE USE OF THE CREDIT
CARDS BY CITY OFFICIALS AND EMPLOYEES
(Amendment No. 6 to Resolution No. 35-2007)**

WHEREAS, upon the request of the Finance Director and, as recommended by the City Manager, the City Council of the City of Brevard authorized by Resolution No. 35-2007, dated May 21, 2007, the obtaining and use of a credit card from United Community Bank to be used for travel expenses incurred by City Officials and City employees who are on City business, and to allow them to acquire the necessary materials to conduct business and/or deliver services in a convenient and expeditious manner;

WHEREAS, the following rules and guidelines for restricted use of the credit card were set forth as follows:

- 1) The Credit Card may not be used for:
 - a. Purchases that can be made on an account or where the City has a standing purchase order on file with the store or business.
 - b. Alcoholic beverages.
 - c. Purchase(s) that exceeds the cardholder's limit.
- 2) Only purchases directly related to budgeted items are allowed.
- 3) The Department Head shall be responsible for credit card used in their department.
- 4) A receipt(s) must be kept for all credit card purchases. Employee will be personally liable for purchases not having a receipt.
- 5) All receipts will be reviewed and approved by the department head and remitted to the Finance Department in time for payment. Departments that do not have the monthly statement and receipts to the Finance Department in time for payment will be responsible for absorbing any late fee charges; and,

WHEREAS, it is now necessary, for a variety of reasons and just cause, to revise and update the names and signatories of the City Officials and employees who have been designated to use the United Community Bank credit card.

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

Section 1. The following named persons, whose signatures are shown below, are approved for making purchases utilizing a City credit card issued by United Community Bank. Eight (8) credit card accounts were issued: Finance & Human Resources Department, Parks and Property Management, City Clerk, Police Department, Planning Department, Public Works Department, Utilities (Water Plant & Wastewater Treatment Plant) and Fire Department.

- 1. James R. Fatland, City Manager and
Finance Director _____
- 2. Jill Murray, Executive Assistant to City
Manager/Deputy City Clerk _____
- 3. Desiree D. Perry, City Clerk _____
- 4. Lynn Goldsmith, Parks & Property Mgmt. _____
- 5. Kelley Craig, HR Director _____
- 6. J. Phil Harris, Chief of Police _____
- 7. Daniel Cobb, Planning Director _____
- 8. David Lutz, Public Works Director _____
- 9. Craig Budzinski, Fire Chief _____
- 10. Emory Owen, ORC Wastewater Plant _____
- 11. Dennis Richardson, ORC Water Plant _____

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

Adopted and approved the 20th day of March, 2017.

K-10. Ordinance No. 2017-06 An Ordinance Amending The FY2016-2017 Budget Amendment No. Two

**ORDINANCE NO. 2017-06
AN ORDINANCE AMENDING THE FY2016-2017 BUDGET
AMENDMENT NO. TWO**

WHEREAS, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2016-18), Budget Ordinance Amendment No. One (Ordinance No. 2016-21) 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 increased \$189,894 from \$9,310,097 to \$9,499,991 as shown as follows:

General Fund Balance Appropriated	\$ 77,794
Additional Revenue Sales Tax Revenue Received	\$100,000
Donations to Police Department	\$ 3,000
Sale of Fixed Assets	\$ 4,000
Fund Balance Appropriated Streets - Powell	<u>\$ 5,100</u>
TOTAL REVENUES	\$189,894

SECTION 02) General Fund Expenditures are hereby increased \$189,894 from \$9,310,097 to \$9,499,991 as shown as follows:

Administration Dept. (Siniard Property Purchase)	\$77,794
Finance Department	\$100,000
Police Department	\$ 7,000
Streets – Powell Contracted Services	<u>\$ 5,100</u>
TOTAL EXPENDITURES	\$189,894

SECTION 04) Water & Sewer Fund Expenditures remain constant through use of Contingency funds as shown as follows:

Water Distribution	\$100,000
Contingency	<u>\$-100,000</u>
TOTAL EXPENDITURES	\$0.00

SECTION 05) Utility Capital Project Fund Revenue is hereby increased \$175,000 from \$16,785,934 to \$16,960,934 as shown as follows:

Water and Sewer Fund Balance Appropriated	<u>\$175,000</u>
TOTAL REVENUE	\$175,000

SECTION 06) Utility Capital Project Fund Expenditures are hereby increased by \$175,000 from \$16,785,934 to \$16,960,934 as shown as follows:

WWTP Rehab Project	<u>\$175,000</u>
TOTAL EXPENDITURES	\$175,000

SECTION 25) Narcotics Task Force Fund Revenue is hereby increased \$10,000 from \$45,100 to \$55,100 as shown as follows:

Brevard ABC Board	<u>\$ 10,000</u>
TOTAL REVENUE	\$ 10,000

SECTION 25) Narcotics Task Force Fund Expenditures are hereby increased \$10,000 from \$45,100 to \$55,100 as shown as follows:

Brevard College Criminal Justice Scholarship	<u>\$ 10,000</u>
TOTAL EXPENDITURES	\$ 10,000

SECTION 29) Downtown Master Plan Revenue is hereby increased \$500,000 from \$731,000 to \$1,231,000 as shown as follows:

CDBG Grant Perkins Project	<u>\$500,000</u>
TOTAL REVENUE	\$500,000

SECTION 30) Downtown Master Plan Expenditures are hereby increased \$500,000 from \$731,000 to \$1,231,000 as shown as follows:

Perkins Project	<u>\$500,000</u>
TOTAL EXPENDITURES	\$500,000

SECTION 31) That Revenues and Expenditures Section 1 through Section 30 of the Ordinance Amendment have increased \$874,894 from \$35,737,802 to \$36,612,696 as follows:

	Budget
General Fund	\$ 9,499,991
Water & Sewer Utility Fund	\$ 5,246,699
Utility Capital Projects Fund	\$ 16,960,934
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	\$ 55,100
Rosenwald Revitalization Fund	\$ 134,000
Downtown Master Plan Fund	\$ 1,231,000
TOTAL BUDGET APPROPRIATIONS	\$ 36,612,696

Adopted and approved this 20th day of March, 2017.

K-11. Ordinance No. 2017-07 An Ordinance Amending The Brevard City Code, Chapter 14 Animals And Fowl, Article II. Dogs And Other Animals, Section 14-36 Control Of Dangerous Dogs Or Potentially Dangerous Dogs.

ORDINANCE NO. 2017-07

AN ORDINANCE AMENDING THE BREVARD CITY CODE, CHAPTER 14 ANIMALS AND FOWL, ARTICLE II. DOGS AND OTHER ANIMALS, SECTION 14-36 CONTROL OF DANGEROUS DOGS OR POTENTIALLY DANGEROUS DOGS.

WHEREAS, the Brevard Police Department Animal Control has recommended certain technical amendments to the City Code Section 14-36; and

WHEREAS, after due consideration, it is the desire of the City Council of the City of Brevard to approve the amendments as recommended.

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

SECTION 1. The City Code Chapter 14, Article II, Section 14-36 Control of Dangerous Dogs or Potentially Dangerous Dogs is hereby amended to add or amend text as shown in underline, and, by the deletion of text as shown in strikethrough:

The amendments are as follows:

Sec. 14-36 Control of dangerous dogs or potentially dangerous dogs.

(a) An owner of a dangerous or potentially dangerous dog shall take precautions against attacks by such dogs resulting in serious bodily injury to a person. Determination of a dangerous or potentially dangerous dog shall be in accordance with G.S. 67-4.1. A Dangerous Dog Review Board designated by the city council, ~~or the county commissioners when the county is contracted for animal control services,~~ shall be responsible for determining when a dog is a potentially dangerous dog. This board shall be composed of a practicing veterinarian and two public citizens as appointed by City Council.

(b) ~~The board of health will serve as the appellate board to hear any appeals. An appellate board consisting of a different members than the review board will be designated by council to hear any appeals. The Dangerous Dog Appellate Board shall be composed of a practicing veterinarian and two public citizens as appointed by City~~

Council. Appeals from the final decisions of the appellate board shall be heard in the Superior Court of the county.

SECTION 2. Renumber existing paragraph (b) to (c); no text changes.

SECTION 3. This Ordinance shall be effective immediately upon its adoption.

Approved and adopted this the 20th day of March, 2017.

K-12. Correspondence *(No Action. Offered as information only.)*

- a. City of Brevard Recognized – 2016 Tree City USA
- b. UNITE WNC Summit Promises to Energize Our Economic Future

K-13. Board and Committee Appointment(s):

- a. Dangerous Dog Appellate Board - Appointed Veterinarian Dr. Purvis James Boatwright, Jr.; term will expire March, 2020.
- b. Dangerous Dog Appellate Board – Appointed Transylvania County Health Director J. Elaine Russell; term will expire March, 2010.
- c. Dangerous Dog Appellate Board – Appointed Animal Services Director Elma Rae Greene; term will expire March, 2020.
- d. Terrell Scruggs Scholarship Committee – Appointed Ronald Bickford; term will expire July, 2020.
- e. City Council Parks, Trails and Recreation Committee – Appointed Keenan Smith filling the unexpired term of former member Mr. Jimmy Perkins; term will expire May, 2019.

L. Unfinished Business – None

M. New Business

M-1. Ordinance No. 2017-08 An Ordinance Amending The Unified Development Ordinance To Clarify Short –Term Rental Uses As Lodging Uses

Council members discussed short term rentals at length. Discussed allowing STR in the GR District by right, as well as, allowing them within existing residential structures in the DMX, NMX, and RMX Districts; desire a decline in future single-family development/construction within mixed use zoned areas as we desire multi-floor and affordable housing development in those districts; value/importance of having 2nd story living units within the DMX district; removal of the non-conforming clause; and, noted a correction is needed on line 50 of the drafted ordinance to read the number of bedrooms is to be obtained by the property tax records.

Following discussion Mr. Landreth moved, seconded by Mr. Daniels, Council adopt the drafted Short Term Rental ordinance with the following changes:

1. Amend Section 2 to read: Section 2. Short-term rental establishments are allowed in the General Residential (GR) District, as well as, in the Residential Mixed Use (RMX) District, Neighborhood Mixed Use (NMX) District and Downtown Mixed Use (DMX) District.
2. Delete drafted Section 3 and replace with: Section 3. This Ordinance shall become effective upon its adoption and approval.
3. Amend Exhibit A, Ch. 3, Section 3.34 B.1. (line 50) to read, “The number of “bedrooms” used in calculating occupancy limits shall be taken from the property tax records.”
4. Amend Exhibit A, Section 2.2C-Use Matrix (line 9) to add “P” under RMX, NMX and DMX.

Motion carried unanimously.

ORDINANCE NO. 2017-08
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
TO CLARIFY SHORT-TERM RENTAL USES AS LODGING USES

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, the City of Brevard Planning Board unanimously recommended approval of Ordinance changes on March 15, 2016 and again on October 18, 2016; and,

WHEREAS, the City of Brevard City Council have reviewed the Planning Board's draft language as amended; and,

WHEREAS, in accordance with North Carolina General Statute 160A-383, Brevard City Council finds the following:

1) That the zoning amendment is consistent with the following Economic Health Element of the City of Brevard 2015 Comprehensive Plan:

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

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

3) That the proposed amendments clarify the difference between a residential use and lodging use.

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

Section 1. The City of Brevard Unified Development Ordinance is hereby amended as described in Exhibit A.

Section 2. Short-term rental establishments are allowed in the General Residential (GR) District, as well as, in the Residential Mixed Use (RMX) District, Neighborhood Mixed Use (NMX) District and Downtown Mixed Use (DMX) District.

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

Adopted and approved this the 20th day of March, 2017.

N. Remarks by Officials / Future Agenda Considerations

Mr. Jones extended his appreciation to the Fire Department personnel for all that they do to serve us and who went above and beyond what one would expect in their efforts to rescue a man who was choking at a local restaurant.

Mr. Fatland encouraged folks to come and participate in the Brevard Cares Community Clean Up scheduled for March 25th at 8:00 AM. This year work at Franklin Park and the City's Sports Complex has been included.

O. Closed Session - Mayor Harris asked the City Attorney if it would be appropriate for Council to hold two closed sessions to discuss matters of economic development and property acquisition. City Attorney advised pursuant to **GS § 143-318.11. (a)(3) (4) (5)** it would be appropriate to convene a closed session on the matters. A closed session requires 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 9:31 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.)

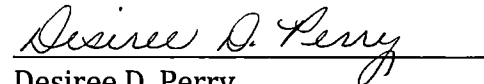
Council Returned to Regular Session – At 9:45 P.M. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

O-2. Closed Session #2 – At 9:45 P.M. Ms. Hollingsworth moved, seconded by Mr. Daniel, Council go into closed session to discuss a property acquisition matter. Motion carried unanimously.

Council Returned to Regular Session – At 10:06 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, Ms. Hollingsworth moved, seconded by Mr. Daniel, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 10:06 P.M.


 Jimmy Harris
 Mayor


 Desiree D. Perry
 City Clerk

Minutes Approved: April 24, 2017