

MINUTES
BREVARD BOARD OF ADJUSTMENT SPECIAL CALLED MEETING
Tuesday, October 8, 2019 – 2:00 PM – Council Chambers

The Brevard Board of Adjustment met for a special called meeting on Tuesday, October 8, 2019, at 2:00 PM in Council Chambers of City Hall.

Members Present: Judith A. Mathews, Chair
Tom Tartt, Vice Chair
Kevin Jones
Tad Fogel
Allen Delzell

Absent: Paul Welch

Staff Present: Paul Ray, Interim Planning Director
Janice H. Pinson, Board Clerk
Brian Gulden, Board Attorney

Others David Whitfield-Cargile, Attorney for Brevard Tennis and Athletic Club
James C. and Lois J. Bollini, Appellants

I. WELCOME

Chair J. Mathews called the meeting to order at 2:00 PM and welcomed those present.

II. INTRODUCTION OF BOARD MEMBERS

Board members and staff introduced themselves.

III. CERTIFICATION OF QUORUM

Chair J. Mathews certified a quorum of the Board was present.

IV. APPROVAL OF AGENDA

K. Jones moved, seconded by T. Tartt, to approve the agenda as presented. Motion carried unanimously.

V. APPROVAL OF MINUTES

K. Jones moved, seconded by T. Fogel, that the September 10, 2019, meeting minutes be approved as presented. Motion carried unanimously.

VI. NEW BUSINESS

a. Continuation Request of James C. and Lois J. Bollini for hearing on Appeal of Administrative Determination (APL-19-001) made on April 12, 2019 in reference to Special Exception Permit of Brevard Tennis and Athletic Club, SEP-00-022.

Judy Mathews, Chair explained the rules of procedure for quasi-judicial hearings.

Attorney Whitfield-Cargile presented a motion to stay the proceedings until the outcome of the Writ of Certiorari which he filed with the Transylvania County Clerk of Superior Court on October 7, 2019, File No. 2019-CVS-502.

Upon request of the board for advice from Brian Gulden, Attorney. He explained the process moving forward and made the recommendation that the board stay the hearing based on Rule 8 of the Appellate Rules of Procedure, and further for judicial economy.

Lois Bollini was allowed to address the board in response to D. Whitfield-Cargile's motion to stay.

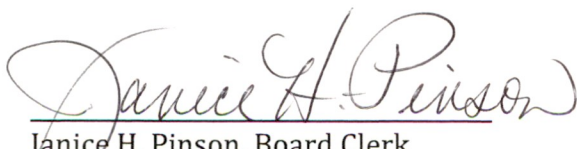
Transcript of the proceeding by Court Reporter, Elaine Groves of Huseby is attached hereto, labeled Exhibit "A" and incorporated herein by reference.

After discussion and consideration of the Brevard Tennis & Athletic Club, Inc. motion to stay until the Transylvania County Superior Court hearing on the Writ of Certiorari. K. Jones moved to stay the proceeding, seconded by T. Tartt, unanimously carried.

VIII. REMARKS – None.

IX. ADJOURN

K. Jones moved, seconded by A. Delzell the meeting be adjourned. Motion carried. Meeting adjourned at 2:30PM.


Janice H. Pinson, Board Clerk


Judith A. Mathews, Chair